

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1175 Session of  
1985

INTRODUCED BY BOYES, PISTELLA, NOYE, ANGSTADT, FARGO, VROON,  
JOHNSON, ROBBINS, SEMMEL AND MICOZZIE, MAY 13, 1985

REFERRED TO COMMITTEE ON LIQUOR CONTROL, MAY 13, 1985

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An  
2 act relating to alcoholic liquors, alcohol and malt and  
3 brewed beverages; amending, revising, consolidating and  
4 changing the laws relating thereto; regulating and  
5 restricting the manufacture, purchase, sale, possession,  
6 consumption, importation, transportation, furnishing, holding  
7 in bond, holding in storage, traffic in and use of alcoholic  
8 liquors, alcohol and malt and brewed beverages and the  
9 persons engaged or employed therein; defining the powers and  
10 duties of the Pennsylvania Liquor Control Board; providing  
11 for the establishment and operation of State liquor stores,  
12 for the payment of certain license fees to the respective  
13 municipalities and townships, for the abatement of certain  
14 nuisances and, in certain cases, for search and seizure  
15 without warrant; prescribing penalties and forfeitures;  
16 providing for local option, and repealing existing laws,"  
17 further providing for license transfers.

18 The General Assembly of the Commonwealth of Pennsylvania  
19 hereby enacts as follows:

20 Section 1. Section 461(a) of the act of April 12, 1951  
21 (P.L.90, No.21), known as the Liquor Code, amended December 17,  
22 1982 (P.L.1390, No.319), is amended to read:

23 Section 461. Limiting Number of Retail Licenses To Be Issued  
24 In Each Municipality.--(a) No licenses shall hereafter be  
25 granted by the board for the retail sale of malt or brewed

1 beverages or the retail sale of liquor and malt or brewed  
2 beverages in excess of one of such licenses of any class for  
3 each two thousand inhabitants in any municipality, exclusive of  
4 licenses granted to airport restaurants, municipal golf courses,  
5 hotels, privately-owned public golf courses, as defined in this  
6 section, and clubs; but at least one such license may be granted  
7 in each municipality and in each part of a municipality where  
8 such municipality is split so that each part thereof is  
9 separated by another municipality, except in municipalities  
10 where the electors have voted against the granting of any retail  
11 licenses and except in that part of a split municipality where  
12 the electors have voted against the granting of any retail  
13 licenses. Nothing contained in this section shall be construed  
14 as denying the right to the board to renew or to transfer  
15 existing retail licenses of any class notwithstanding that the  
16 number of such licensed places in a municipality shall exceed  
17 the limitation hereinbefore prescribed; but where such number  
18 exceeds the limitation prescribed by this section, no new  
19 license, except for hotels, municipal golf courses, airport  
20 restaurants, privately-owned public golf courses and privately-  
21 owned private golf course licensees, as defined in this section,  
22 shall be granted so long as said limitation is exceeded; and in  
23 the case of transfers, no license shall be transferred from one  
24 municipality to another municipality in which the number of  
25 licenses of the class proposed to be transferred exceeds the  
26 license quota for such municipality by more than twenty per  
27 centum.

28 \* \* \*

29 Section 2. This act shall take effect in 60 days.