

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 49

Session of
1989

INTRODUCED BY DEMPSEY, PERZEL, DISTLER, ITKIN, TIGUE, J. TAYLOR,
B. SMITH, BURD, DIETTERICK, PETRARCA, ANGSTADT, GEIST,
D. W. SNYDER, LASHINGER, COLAFELLA, BUSH, WOZNIAK, BUNT AND
BELARDI, JANUARY 18, 1989

AS REPORTED FROM COMMITTEE ON LIQUOR CONTROL, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 3, 1989

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as
2 reenacted, "An act relating to alcoholic liquors, alcohol and
3 malt and brewed beverages; amending, revising, consolidating
4 and 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 stadium or arena permits.

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

20 Section 1. Section 433.1(a) AND (B) of the act of April 12, <—
21 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and
22 amended June 29, 1987 (P.L.32, No.14), ~~is~~ ARE amended to read: <—

23 Section 433.1. Stadium or Arena Permits.--(a) The board is
24 hereby authorized to issue, in cities of the first, second and

1 third class, in counties of the third class and in school
2 districts in counties of the third class, special permits
3 allowing the holders thereof to make retail sales of malt or
4 brewed beverages in shatterproof containers at all events on
5 premises principally utilized for competition of professional
6 and amateur athletes and other types of entertainment having an
7 available seating capacity of twelve thousand or more in cities
8 of the first and second class and [seven thousand] four thousand
9 or more and owned by the city in cities of the third class and
10 four thousand two hundred or more and owned by counties of the
11 third class and two thousand five hundred or more in school
12 districts in counties of the third class: Provided, however,
13 That in cities of the second class this section shall be
14 applicable only to premises owned, leased or operated by any
15 authority created under the act of July 29, 1953 (P.L.1034,
16 No.270), known as the "Public Auditorium Authorities Law." Such
17 sales may be made only to adults and only on days when the
18 premises are so used and only during the period from one hour
19 before the start of and ending one-half hour after the close of
20 the event on the premises: Provided, however, That in school
21 districts in counties of the third class sales may be made only
22 during professional athletic competition.

23 (B) THE OWNER OR LESSEE OR A CONCESSIONAIRE OF ANY SUCH
24 PREMISES MAY MAKE APPLICATION FOR A PERMIT. THE AFORESAID
25 PERMITS SHALL BE ISSUED ONLY TO REPUTABLE INDIVIDUALS,
26 PARTNERSHIPS AND ASSOCIATIONS, WHO ARE OR WHOSE MEMBERS ARE
27 CITIZENS OF THE UNITED STATES AND HAVE FOR TWO YEARS PRIOR TO
28 THE DATE OF THEIR APPLICATIONS BEEN RESIDENTS OF THE
29 COMMONWEALTH OF PENNSYLVANIA, OR TO REPUTABLE CORPORATIONS
30 ORGANIZED OR DULY REGISTERED UNDER THE LAWS OF THE COMMONWEALTH

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1 OF PENNSYLVANIA, ALL OF WHOSE OFFICERS AND DIRECTORS ARE
2 CITIZENS OF THE UNITED STATES. EACH APPLICANT SHALL FURNISH
3 PROOF SATISFACTORY TO THE BOARD THAT HE IS OF GOOD REPUTE AND
4 FINANCIALLY RESPONSIBLE AND THAT THE PREMISES UPON WHICH HE
5 PROPOSES TO DO BUSINESS IS A PROPER PLACE. THE APPLICANT SHALL
6 DESIGNATE ONE OR MORE AREAS OF THE LICENSED PREMISES COMPRISING
7 NOT LESS THAN FIFTEEN PERCENT (15%) OF ITS SEATING CAPACITY IN
8 WHICH THE SALE OF MALT AND BREWED BEVERAGES SHALL NOT BE
9 AUTHORIZED. THE APPLICANT SHALL SUBMIT SUCH OTHER INFORMATION AS
10 THE BOARD MAY REQUIRE. APPLICATIONS SHALL BE, IN WRITING ON
11 FORMS PRESCRIBED BY THE BOARD, AND SIGNED AND SWORN TO BY THE
12 APPLICANT. EVERY APPLICATION SHALL BE ACCOMPANIED BY AN
13 APPLICATION FEE OF TWENTY-FIVE DOLLARS (\$25), A PERMIT FEE OF
14 ONE HUNDRED DOLLARS (\$100) AND A SURETY BOND IN THE AMOUNT OF
15 ONE THOUSAND DOLLARS (\$1000) CONDITIONED THE SAME AS THE LICENSE
16 BONDS REQUIRED BY THIS ACT FOR RETAIL DISPENSER LICENSES.

17 * * *

18 Section 2. This act shall take effect immediately.