

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1139 Session of
1989

INTRODUCED BY MILLER, APRIL 11, 1989

SENATOR SHUMAKER, LAW AND JUSTICE, IN SENATE, AS AMENDED,
APRIL 24, 1990

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 the issuance of licenses for sales at
18 performing arts facilities ~~in third class cities.~~ <—

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

21 Section 1. ~~Section~~ SECTIONS 408.3(A.1) AND (B.1) AND <—
22 408.6(a) of the act of April 12, 1951 (P.L.90, No.21), known as
23 the Liquor Code, reenacted and amended June 29, 1987 (P.L.32,
24 No.14), ~~is~~ ARE amended to read: <—

1 SECTION 408.3. PERFORMING ARTS FACILITIES.--* * *

<—

2 (A.1) THE BOARD IS AUTHORIZED TO ISSUE LICENSES TO OPERATORS
3 OF THEATERS FOR THE PERFORMING ARTS, OTHER THAN A THEATER
4 QUALIFYING UNDER SUBSECTION (A), WHICH ARE PERMANENTLY LOCATED
5 AT A SINGLE SITE AND WHICH HAVE SEATING ACCOMMODATIONS, AFFIXED
6 TO THE THEATER STRUCTURE, FOR AT LEAST [TWENTY-EIGHT HUNDRED]
7 ONE THOUSAND PERSONS EXCEPT WHERE PROHIBITED BY LOCAL OPTION FOR
8 THE RETAIL SALE OF LIQUOR AND MALT OR BREWED BEVERAGES BY THE
9 GLASS, OPEN BOTTLE, OR OTHER CONTAINER OR IN ANY MIXTURE FOR
10 CONSUMPTION IN ANY SUCH THEATER FOR THE PERFORMING ARTS.

11 * * *

12 (B.1) A PERFORMING ARTS FACILITY REFERRED TO IN SUBSECTION
13 (A.1) [OR] MUST BE IN OPERATION FOR A PERIOD OF ONE (1) YEAR AND
14 A PERFORMING ARTS FACILITY REFERRED TO IN SUBSECTION (A.2) MUST
15 BE IN OPERATION FOR A PERIOD OF TWO (2) YEARS BEFORE IT MAY FILE
16 AN APPLICATION FOR A LICENSE. THE APPLICATION FOR A PERFORMING
17 ARTS FACILITY LICENSE MAY BE FILED AT ANY TIME THEREAFTER BY THE
18 OPERATOR OR A CONCESSIONAIRE SELECTED BY THE OPERATOR OF SUCH
19 THEATER FOR THE PERFORMING ARTS AND SHALL CONFORM WITH ALL
20 REQUIREMENTS FOR RESTAURANT LIQUOR LICENSES AND APPLICATIONS
21 EXCEPT AS MAY BE OTHERWISE PROVIDED HEREIN. APPLICANTS SHALL
22 SUBMIT SUCH OTHER INFORMATION AS THE BOARD MAY REQUIRE.
23 APPLICATIONS SHALL BE IN WRITING ON FORMS PRESCRIBED BY THE
24 BOARD AND SHALL BE SIGNED AND SUBMITTED TO THE BOARD BY THE
25 APPLICANT. THE FILING FEE SHALL ACCOMPANY THE LICENSE
26 APPLICATION.

27 * * *

28 Section 408.6. Performing Arts Facilities in Third Class
29 Cities.--(a) The board is authorized to issue a restaurant
30 liquor license to a nonprofit corporation or to a concessionaire

1 selected by such nonprofit corporation in any city of the third
2 class for the retail sale of liquor and malt or brewed beverages
3 by the glass, open bottles or other container or in any mixture
4 for consumption on any city-owned premises utilized as a
5 nonprofit performing arts facility or any other premises
6 utilized as a nonprofit performing arts facility where there is
7 an available seating capacity within the premises of [one
8 thousand] six hundred fifty or more: Provided, however, That no
9 sale or consumption of such beverages shall take place on any
10 portions of such premises other than service areas approved by
11 the board.

12 * * *

13 Section 2. This act shall take effect immediately.