
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1946 Session of
1989

INTRODUCED BY SALOOM, MOWERY, J. L. WRIGHT, CAPPABIANCA,
STABACK, HOWLETT, MICOZZIE, CIVERA, CORRIGAN AND ACOSTA,
OCTOBER 4, 1989

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
OCTOBER 2, 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 quota on the issuance of
18 distributors licenses and retail licenses; FURTHER PROVIDING <—
19 FOR PRIVATELY-OWNED PUBLIC GOLF COURSES; PROVIDING THAT
20 PATRONS BE REQUIRED TO LEAVE LICENSED PREMISES AT A CERTAIN
21 TIME; AUTHORIZING THE SERVING OF FOOD AFTER THE HOUR TO CEASE
22 SERVING LIQUOR OR MALT OR BREWED BEVERAGES HAS ARRIVED; AND
23 PROHIBITING THE CONSUMPTION OF LIQUOR OR MALT OR BREWED
24 BEVERAGES WHILE TENDING BAR OR OTHERWISE SERVING SUCH
25 BEVERAGES.

26 The General Assembly of the Commonwealth of Pennsylvania
27 hereby enacts as follows:

28 Section 1. Sections 437(f) and 461(a) of the act of April

1 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted
2 and amended June 29, 1987 (P.L.32, No.14), are amended to read:

3 Section 437. Prohibitions Against the Grant of Licenses.--*

4 * *

5 (f) No new distributor's or importing distributor's license
6 shall hereafter be granted by the board in any county of the
7 Commonwealth where the combined number of distributor and
8 importing distributor licenses exceeds one license for each
9 [fifteen] thirty thousand inhabitants of the county in which the
10 license is to be issued: Provided, That a combined total of five
11 such licenses may be granted in any county of the Commonwealth.

12 Nothing in this subsection shall be construed as denying the
13 right of the board to renew or to transfer existing
14 distributors' or importing distributors' licenses or to exchange
15 a distributor's license for an importing distributor's license
16 or to exchange an importing distributor's license for a
17 distributor's license, upon adjustment of the applicable fee,
18 notwithstanding that the number of such licensed places in the
19 county shall exceed the limitation hereinbefore prescribed:
20 Provided, That no distributor's license or importing
21 distributor's license shall be transferred from one county to
22 another county so long as the quota is filled in the county to
23 which the license is proposed to be transferred.

24 Section 461. Limiting Number of Retail Licenses To Be Issued
25 In Each Municipality.--(a) No licenses shall hereafter be
26 granted by the board for the retail sale of malt or brewed
27 beverages or the retail sale of liquor and malt or brewed
28 beverages in excess of one of such licenses of any class for
29 each [two thousand] three thousand inhabitants in any
30 municipality, exclusive of licenses granted to airport

1 restaurants, municipal golf courses, hotels, privately-owned
2 public golf courses, as defined in this section, and clubs; but
3 at least one such license may be granted in each municipality
4 and in each part of a municipality where such municipality is
5 split so that each part thereof is separated by another
6 municipality, except in municipalities where the electors have
7 voted against the granting of any retail licenses and except in
8 that part of a split municipality where the electors have voted
9 against the granting of any retail licenses. Nothing contained
10 in this section shall be construed as denying the right to the
11 board to renew or to transfer existing retail licenses of any
12 class notwithstanding that the number of such licensed places in
13 a municipality shall exceed the limitation hereinbefore
14 prescribed; but where such number exceeds the limitation
15 prescribed by this section, no new license, except for hotels,
16 municipal golf courses, airport restaurants, privately-owned
17 public golf courses and privately-owned private golf course
18 licensees, as defined in this section, shall be granted so long
19 as said limitation is exceeded.

20 * * *

21 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

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22 SECTION 472.4. PRIVATELY-OWNED PUBLIC GOLF COURSES.--(A)
23 ANY PRIVATELY-OWNED PUBLIC GOLF COURSE LICENSEE MAY, UPON
24 APPLICATION TO AND THE APPROVAL OF THE BOARD, CONTRACT WITH A
25 CONCESSIONAIRE TO OPERATE A RESTAURANT OR PROVIDE FOOD SERVICE
26 AND, IN THE CASE OF A RESTAURANT LIQUOR LICENSEE, SELL LIQUOR
27 AND MALT AND BREWED BEVERAGES OR, IN THE CASE OF A MALT AND
28 BREWED BEVERAGE DISPENSER LICENSEE, SELL MALT AND BREWED
29 BEVERAGES PURSUANT TO THE PROVISIONS OF THIS ACT PERTAINING TO
30 SUCH LICENSEES.

1 (B) THE BOARD SHALL APPROVE THE APPLICATION OF ANY
2 PRIVATELY-OWNED PUBLIC GOLF COURSE LICENSEE TO CONTRACT WITH A
3 CONCESSIONAIRE PURSUANT TO SUBSECTION (A) UPON BEING SATISFIED
4 THAT THE CONCESSIONAIRE IS OF GOOD REPUTE AND FINANCIALLY
5 RESPONSIBLE.

6 SECTION 3. SECTION 493 OF THE ACT IS AMENDED BY ADDING A
7 CLAUSE TO READ:

8 SECTION 493. UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND
9 BREWED BEVERAGES AND LICENSEES.--THE TERM "LICENSEE," WHEN USED
10 IN THIS SECTION, SHALL MEAN THOSE PERSONS LICENSED UNDER THE
11 PROVISIONS OF ARTICLE IV, UNLESS THE CONTEXT CLEARLY INDICATES
12 OTHERWISE.

13 IT SHALL BE UNLAWFUL--

14 * * *

15 (28) CONSUMPTION OF LIQUOR OR MALT OR BREWED BEVERAGES WHILE
16 TENDING BAR. FOR ANY LICENSEE, HIS SERVANTS, AGENTS OR EMPLOYES,
17 TO CONSUME LIQUOR OR MALT OR BREWED BEVERAGES WHILE TENDING BAR
18 OR OTHERWISE SERVING LIQUOR OR MALT OR BREWED BEVERAGES. NO
19 ACTION SHALL BE TAKEN AGAINST A LICENSEE UNDER THIS CLAUSE
20 UNLESS THE LICENSEE IS THE INDIVIDUAL CONSUMING LIQUOR OR MALT
21 OR BREWED BEVERAGES IN VIOLATION OF THIS CLAUSE.

22 SECTION 4. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

23 SECTION 499. PREMISES TO BE VACATED BY PATRONS.--(A) EXCEPT
24 AS PROVIDED FOR IN SUBSECTION (B), ALL PATRONS OF A LICENSEE
25 SHALL BE REQUIRED TO LEAVE THAT PART OF THE PREMISES HABITUALLY
26 USED FOR THE SERVING OF FOOD TO GUESTS OR PATRONS NOT LATER THAN
27 ONE-HALF HOUR AFTER THE TIME THE LICENSEE IS REQUIRED BY THIS
28 ACT TO CEASE SERVING LIQUOR OR MALT OR BREWED BEVERAGES, AND
29 SHALL NOT BE PERMITTED TO HAVE ANY PREVIOUSLY SERVED LIQUOR OR
30 MALT OR BREWED BEVERAGES IN THEIR POSSESSION, NOR SHALL THEY BE

1 PERMITTED TO REMOVE ANY PREVIOUSLY SERVED LIQUOR OR MALT OR
2 BREWED BEVERAGES FROM THAT PART OF THE PREMISES.

3 (B) A LICENSEE MAY SERVE FOOD BETWEEN THE HOURS OF TWO
4 O'CLOCK ANTEMERIDIAN AND SEVEN O'CLOCK ANTEMERIDIAN ON ANY DAY
5 IF SUCH LICENSEE EITHER POSSESSES OR IS ELIGIBLE TO PURCHASE A
6 SUNDAY SALES PERMIT IN ACCORDANCE WITH SECTION 406 (RELATING TO
7 SALES BY LIQUOR LICENSEES, RESTRICTIONS), AND RECEIVES AN
8 EXTENDED HOURS FOOD LICENSE. THE BOARD SHALL ESTABLISH AN ANNUAL
9 FEE FOR THE EXTENDED HOURS FOOD LICENSE WHICH SHALL NOT EXCEED
10 \$50.

11 (C) ANY OWNER OF LICENSED PREMISES WHO VIOLATES THIS SECTION
12 FOR THE FIRST OFFENSE COMMITS A SUMMARY OFFENSE AND SHALL, UPON
13 CONVICTION, BE SENTENCED TO PAY A FINE OF NOT MORE THAN THREE
14 HUNDRED DOLLARS (\$300) OR TO IMPRISONMENT FOR NOT MORE THAN
15 NINETY (90) DAYS, OR BOTH, AND FOR THE SECOND OR ANY SUBSEQUENT
16 OFFENSE COMMITS A MISDEMEANOR OF THE THIRD DEGREE AND SHALL,
17 UPON CONVICTION, BE SENTENCED TO PAY A FINE OF NOT MORE THAN TWO
18 THOUSAND FIVE HUNDRED DOLLARS (\$2,500) OR TO IMPRISONMENT FOR
19 NOT MORE THAN ONE (1) YEAR, OR BOTH.

20 Section 2 5. This act shall take effect in 60 days.

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