

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2872

 Session of 1992

INTRODUCED BY CORRIGAN, MICOZZIE, JAROLIN AND KRUSZEWSKI,
JUNE 24, 1992

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
NOVEMBER 17, 1992

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 ~~reducing the amount of gross sales of food~~ ADDING <—
18 DEFINITIONS; AND FURTHER PROVIDING for Sunday sales permit, <—
19 FOR THE PROPER DISPOSAL OF EMPTY LIQUOR CONTAINERS AND FOR
20 THE VACATION OF PREMISES BY PATRONS.

21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

23 ~~Section 1. Section 406(a)(3) of the act of April 12, 1951~~ <—
24 ~~(P.L.90, No.21), known as the Liquor Code, reenacted and amended~~
25 ~~June 29, 1987 (P.L.32, No.14), is amended to read:~~

26 SECTION 1. SECTION 102 OF THE ACT OF APRIL 12, 1951 (P.L.90, <—

1 NO.21), KNOWN AS THE LIQUOR CODE, REENACTED AND AMENDED JUNE 29,
2 1987 (P.L.32, NO.14), IS AMENDED BY ADDING DEFINITIONS TO READ:

3 SECTION 102. DEFINITIONS.--THE FOLLOWING WORDS OR PHRASES,
4 UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, SHALL HAVE THE
5 MEANINGS ASCRIBED TO THEM IN THIS SECTION:

6 * * *

7 "PATRON" SHALL MEAN AN INDIVIDUAL WHO PURCHASES FOOD,
8 NONALCOHOLIC BEVERAGES, LIQUOR, ALCOHOL OR MALT OR BREWED
9 BEVERAGES FOR A CONSIDERATION FROM A LICENSEE.

10 * * *

11 "PURCHASE" SHALL MEAN OBTAINING FOOD, NONALCOHOLIC BEVERAGES,
12 LIQUOR, ALCOHOL OR MALT OR BREWED BEVERAGES FOR A CONSIDERATION.

13 * * *

14 "SERVICE" SHALL MEAN THE ACT OF PROVIDING FOOD, NONALCOHOLIC
15 BEVERAGES, LIQUOR, ALCOHOL OR MALT OR BREWED BEVERAGES TO A
16 PATRON.

17 "VACATE" SHALL MEAN TO PHYSICALLY LEAVE A LICENSED PREMISES.

18 * * *

19 SECTION 2. SECTIONS 406(A)(3) AND 491(5) OF THE ACT ARE
20 AMENDED TO READ:

21 Section 406. Sales by Liquor Licensees; Restrictions.--(a)

22 * * *

23 (3) (I) Hotel and restaurant liquor licensees, airport <—
24 restaurant liquor licensees, municipal golf course restaurant
25 liquor licensees and privately-owned public golf course
26 restaurant licensees whose sales of food and nonalcoholic
27 beverages are equal to [forty] twenty per centum or more of the
28 combined gross sales of both food and alcoholic beverages may
29 sell liquor and malt or brewed beverages on Sunday between the
30 hours of eleven o'clock antemeridian and two o'clock

1 antemeridian Monday upon purchase of a special annual permit
2 from the board at a fee [of two hundred dollars (\$200.00)] per
3 year as prescribed by law, which shall be in addition to any
4 other license fees. AN APPLICANT FOR THE SPECIAL ANNUAL PERMIT <—
5 IN A CITY OF THE FIRST CLASS SHALL SOLICIT SIGNATURES OF SUPPORT
6 FOR THE APPLICATION FROM RESIDENTS, CIVIC ORGANIZATIONS AND
7 CHURCH GROUPS LOCATED WITHIN THREE HUNDRED FEET OF THE PREMISES
8 WHERE THE LICENSE IS TO BE LOCATED, AND THE APPLICANT SHALL
9 SUBMIT THESE SIGNATURES TO THE BOARD ALONG WITH ITS APPLICATION
10 AND FEE. THOSE WHO WANT TO SIGNIFY THEIR OPPOSITION TO THE
11 SPECIAL ANNUAL PERMIT SHALL DO SO IN A TIMELY MANNER BY
12 SUBMITTING A PETITION TO THE BOARD SIGNED BY THOSE IN
13 OPPOSITION.

14 (II) THE BOARD SHALL POST NOTICE AND HOLD HEARINGS ON
15 APPLICATIONS FOR SPECIAL ANNUAL PERMITS TO SELL LIQUOR AND MALT
16 OR BREWED BEVERAGES ON SUNDAY IN CITIES OF THE FIRST CLASS FOR
17 THE PURPOSE OF HEARING TESTIMONY FOR AND AGAINST APPLICATIONS
18 FOR SPECIAL ANNUAL PERMITS. NO PERMIT SHALL BE GRANTED TO A
19 LICENSEE FOUND TO BE A PUBLIC NUISANCE PURSUANT TO SECTION 611
20 OF THIS ACT.

21 * * *

22 SECTION 491. UNLAWFUL ACTS RELATIVE TO LIQUOR, ALCOHOL AND <—
23 LIQUOR LICENSEES.--

24 IT SHALL BE UNLAWFUL--

25 * * *

26 (5) FAILURE TO [BREAK] PROPERLY DISPOSE OF EMPTY LIQUOR
27 CONTAINERS. FOR ANY RESTAURANT, HOTEL OR CLUB LICENSEE, HIS
28 SERVANTS, AGENTS OR EMPLOYES, TO FAIL TO BREAK ANY PACKAGE IN
29 WHICH LIQUORS WERE CONTAINED, EXCEPT THOSE DECANTER PACKAGES
30 THAT THE BOARD DETERMINES TO BE DECORATIVE, WITHIN TWENTY-FOUR

1 HOURS AFTER THE ORIGINAL CONTENTS WERE REMOVED THEREFROM OR TO
2 FAIL TO PARTICIPATE IN EITHER A MUNICIPAL RECYCLING PROGRAM, IN
3 ACCORDANCE WITH THE ACT OF JULY 28, 1988 (P.L.556, NO.101),
4 KNOWN AS THE "MUNICIPAL WASTE PLANNING, RECYCLING AND WASTE
5 REDUCTION ACT," OR A VOLUNTARY RECYCLING PROGRAM. THE LICENSEE
6 SHALL PROVIDE PROOF, IN WRITING, THAT IT IS A PARTICIPANT IN A
7 RECYCLING PROGRAM UPON THE DEMAND OF THE ENFORCING AGENCY.

8 * * *

9 SECTION 3. SECTION 499 OF THE ACT, ADDED DECEMBER 7, 1990
10 (P.L.622, NO.160), IS AMENDED TO READ:

11 SECTION 499. PREMISES TO BE VACATED BY PATRONS.--(A) EXCEPT
12 AS PROVIDED FOR [IN SUBSECTION (B)] ELSEWHERE IN THIS SECTION,
13 ALL PATRONS OF A LICENSEE SHALL BE REQUIRED TO LEAVE THAT PART
14 OF THE PREMISES HABITUALLY USED FOR THE SERVING OF LIQUOR OR
15 MALT OR BREWED BEVERAGES TO GUESTS OR PATRONS NOT LATER THAN
16 ONE-HALF HOUR AFTER THE TIME THE LICENSEE IS REQUIRED BY THIS
17 ACT TO CEASE SERVING LIQUOR OR MALT OR BREWED BEVERAGES AND
18 SHALL NOT BE PERMITTED TO HAVE ANY PREVIOUSLY SERVED LIQUOR OR
19 MALT OR BREWED BEVERAGES IN THEIR POSSESSION, NOR SHALL THEY BE
20 PERMITTED TO REMOVE ANY PREVIOUSLY SERVED LIQUOR OR MALT OR
21 BREWED BEVERAGES FROM THAT PART OF THE PREMISES. PATRONS OF A
22 LICENSEE SHALL NOT BE PERMITTED TO REENTER THAT PORTION OF THE
23 PREMISES HABITUALLY USED FOR THE SERVING OF LIQUOR OR MALT OR
24 BREWED BEVERAGES BETWEEN THE HOUR DESIGNATED BY THIS ACT FOR
25 PATRONS TO VACATE THE LICENSED PREMISES AND THE HOUR DESIGNATED
26 BY THIS ACT WHEN THE SERVING OF LIQUOR OR MALT OR BREWED
27 BEVERAGES IS ALLOWED TO BEGIN, UNLESS THE LICENSEE HAS BEEN
28 GRANTED A PERMIT FOR EXTENDED HOURS FOOD SERVICE.

29 (A.1) SUBSECTION (A) SHALL NOT APPLY TO SALES OF MALT AND
30 BREWED BEVERAGES FOR CONSUMPTION OFF THE PREMISES WHEN THE

1 FOLLOWING CONDITIONS ARE MET:

2 (1) NO LICENSEE MAY SELL MALT OR BREWED BEVERAGES IN EXCESS
3 OF ONE HUNDRED NINETY-TWO FLUID OUNCES FOR CONSUMPTION OFF THE
4 PREMISES;

5 (2) SALES AND SERVICE OF MALT AND BREWED BEVERAGES FOR
6 CONSUMPTION OFF THE PREMISES ARE MADE PRIOR TO THE DESIGNATED
7 HOUR THE LICENSEE IS REQUIRED BY THIS ACT TO CEASE SERVING
8 LIQUOR, MALT OR BREWED BEVERAGES;

9 (3) PERSONS WHO HAVE PURCHASED MALT AND BREWED BEVERAGES FOR
10 CONSUMPTION OFF THE PREMISES SHALL REMOVE THE MALT AND BREWED
11 BEVERAGES FROM THE PREMISES PRIOR TO THE DESIGNATED HOUR AS
12 CONTAINED IN THIS ACT THAT PATRONS ARE REQUIRED TO VACATE THE
13 PREMISES;

14 (4) NO CLUB LICENSEE MAY SELL ANY MALT OR BREWED BEVERAGE
15 FOR CONSUMPTION OFF THE PREMISES WHERE SOLD OR TO ANY PERSONS
16 WHO ARE NOT MEMBERS OF THE CLUB.

17 (B) A LICENSEE MAY [SERVE FOOD] REMAIN OPEN BETWEEN THE
18 HOURS OF TWO O'CLOCK ANTEMERIDIAN AND SEVEN O'CLOCK ANTEMERIDIAN
19 FOR THE PURPOSE OF SERVING FOOD ON ANY DAY IF SUCH LICENSEE
20 EITHER POSSESSES OR IS ELIGIBLE TO PURCHASE A SUNDAY SALES
21 PERMIT [IN ACCORDANCE WITH SECTION 406] AND RECEIVES AN EXTENDED
22 HOURS FOOD LICENSE. THE BOARD SHALL ESTABLISH AN ANNUAL FEE FOR
23 THE EXTENDED HOURS FOOD LICENSE WHICH SHALL NOT EXCEED FIFTY
24 DOLLARS (\$50).

25 (B.1) UPON APPLICATION OF ANY CLUB, THE BOARD SHALL ISSUE A
26 CLUB EXTENDED HOURS FOOD PERMIT FOR A PERIOD OF SIX DAYS DURING
27 THE TERM OF ITS LICENSE. THE BOARD SHALL ISSUE REGULATIONS
28 GOVERNING TERMS OF THE APPLICATION. THE PERMITS SHALL BE USED
29 SOLELY FOR THE PURPOSE OF SERVING FOOD BETWEEN THE HOURS OF
30 THREE O'CLOCK ANTEMERIDIAN AND SEVEN O'CLOCK ANTEMERIDIAN. ALL

1 PATRONS OF A LICENSEE SHALL BE REQUIRED TO LEAVE THAT PART OF
2 THE PREMISES HABITUALLY USED FOR THE SERVING OF LIQUOR OR MALT
3 OR BREWED BEVERAGES TO GUESTS OR PATRONS NOT LATER THAN ONE-HALF
4 HOOR AFTER THE TIME THE LICENSEE IS REQUIRED BY THIS ACT TO
5 CEASE SERVING LIQUOR OR MALT OR BREWED BEVERAGES AND SHALL NOT
6 BE PERMITTED TO HAVE ANY PREVIOUSLY SERVED LIQUOR OR MALT OR
7 BREWED BEVERAGES IN THEIR POSSESSION, NOR SHALL THEY BE
8 PERMITTED TO REMOVE ANY PREVIOUSLY SERVED LIQUOR OR MALT OR
9 BREWED BEVERAGES FROM THAT PART OF THE PREMISES.

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

19 Section ~~2~~ 4. This act shall take effect immediately.

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