

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 613 Session of
1997

INTRODUCED BY M. N. WRIGHT, GEIST, ALLEN, ITKIN, LAUGHLIN,
READSHAW, THOMAS, HALUSKA, SCRIMENTI, CAWLEY, CORRIGAN,
TRELLO, MELIO AND HENNESSEY, FEBRUARY 14, 1997

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, FEBRUARY 9, 1998

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 defining "catering hall"; ~~and~~ providing for the issuance of <—
18 restaurant liquor licenses to catering halls; AND FURTHER <—
19 PROVIDING FOR TRANSFERS OF CERTAIN LICENSES.

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

22 Section 1. Section 102 of the act of April 12, 1951 (P.L.90,
23 No.21), known as the Liquor Code, reenacted and amended June 29,
24 1987 (P.L.32, No.14), is amended by adding a definition to read:

25 Section 102. Definitions.--The following words or phrases,

1 unless the context clearly indicates otherwise, shall have the
2 meanings ascribed to them in this section:

3 * * *

4 "Catering hall" shall mean a reputable place operated by
5 responsible persons of good reputation and exclusively used to
6 serve food prepared on the premises for the accommodation of
7 groups who are using the facility by prior arrangement, made at
8 least twenty-four hours in advance of an event, and which is
9 paid for by such groups.

10 * * *

11 Section 2. Section 401 of the act is amended by adding a
12 subsection to read:

13 Section 401. Authority to Issue Liquor Licenses to Hotels,
14 Restaurants and Clubs.--* * *

15 (c) Except as otherwise provided in this section, a catering
16 hall as defined in this article shall be treated as a restaurant
17 for all purposes of this act, except that a catering hall shall
18 not be required to be accessible to the general public and shall
19 not be authorized to sell any malt or brewed beverages for
20 consumption off the premises.

21 SECTION 3. SECTION 468(A) AND (C) OF THE ACT ARE AMENDED TO <—
22 READ:

23 SECTION 468. LICENSES NOT ASSIGNABLE; TRANSFERS.--(A) (1)
24 LICENSES ISSUED UNDER THIS ARTICLE MAY NOT BE ASSIGNED. THE
25 BOARD, UPON PAYMENT OF THE TRANSFER FILING FEE [AND THE
26 EXECUTION OF A NEW BOND], IS HEREBY AUTHORIZED TO TRANSFER ANY
27 LICENSE ISSUED BY IT UNDER THE PROVISIONS OF THIS ARTICLE FROM
28 ONE PERSON TO ANOTHER OR FROM ONE PLACE TO ANOTHER, OR BOTH,
29 WITHIN THE SAME MUNICIPALITY, AND IF THE APPLICANT IS A UNIT OF
30 A NONPROFIT NATIONALLY CHARTERED CLUB, THE BOARD IS HEREBY

1 AUTHORIZED TO TRANSFER SUCH LICENSE TO A PLACE IN ANY OTHER
2 MUNICIPALITY WITHIN THE SAME COUNTY IF THE SALE OF LIQUOR OR
3 MALT AND BREWED BEVERAGES ARE LEGAL IN SUCH OTHER MUNICIPALITY
4 AS THE BOARD MAY DETERMINE. PRIOR TO THE APPROVAL OF AN
5 APPLICATION FOR TRANSFER BY A UNIT OF A NONPROFIT NATIONALLY
6 CHARTERED CLUB THE BOARD SHALL MAKE AN AFFIRMATIVE FINDING, UPON
7 PROOF SUBMITTED BY THE APPLICANT, AND AFTER INVESTIGATION BY THE
8 BOARD, THAT AT THE TIME THE APPLICATION FOR TRANSFER IS MADE THE
9 CLUB CONTINUES TO HOLD A VALID NATIONAL CHARTER AND CONTINUES TO
10 FUNCTION IN FACT AS A CLUB AS DEFINED IN SECTION 102. THE BOARD,
11 IN ITS DISCRETION, MAY TRANSFER AN EXISTING RESTAURANT RETAIL
12 DISPENSER OR CLUB LICENSE FROM ONE MUNICIPALITY TO ANOTHER IN
13 THE SAME COUNTY REGARDLESS OF THE QUOTA LIMITATIONS PROVIDED FOR
14 IN THIS ACT, IF SALES OF LIQUOR OR MALT AND BREWED BEVERAGES ARE
15 LEGAL IN SUCH OTHER MUNICIPALITY AND IF THE RESTAURANT RETAIL
16 DISPENSER OR CLUB LOST THE USE OF THE BUILDING IN WHICH IT WAS
17 LOCATED DUE TO GOVERNMENTAL EXERCISE OF THE RIGHT OF EMINENT
18 DOMAIN AND NO OTHER SUITABLE BUILDING CAN BE FOUND IN THE FIRST
19 MUNICIPALITY.

20 (2) (1) THE BOARD, IN ITS DISCRETION, MAY TRANSFER AN
21 EXISTING RESTAURANT LIQUOR LICENSE OR A RETAIL DISPENSER LICENSE
22 FROM ONE MUNICIPALITY TO ANOTHER MUNICIPALITY OF THE SAME COUNTY
23 OR IN A CONTIGUOUS COUNTY REGARDLESS OF THE QUOTA LIMITATIONS
24 PROVIDED FOR IN THIS ACT, IF:

25 (A) SALES OF LIQUOR OR MALT AND BREWED BEVERAGES ARE LEGAL
26 IN SUCH OTHER MUNICIPALITY;

27 (B) THE LOCATION IN THE SAME COUNTY OR A CONTIGUOUS COUNTY
28 IS AN INDOOR BOWLING CENTER; AND

29 (C) THE RESTAURANT LIQUOR LICENSE OR A RETAIL DISPENSER
30 LICENSE IS CURRENTLY LOCATED IN AN AREA WHICH HAS BEEN

1 DESIGNATED AS BLIGHTED.

2 (II) FOR PURPOSES OF THIS SUBSECTION, A PROPERTY SHALL BE
3 DETERMINED TO BE BLIGHTED IF IT IS ANY OF THE FOLLOWING:

4 (A) REAL PROPERTY WITHIN OR OUTSIDE A CERTIFIED
5 REDEVELOPMENT AREA DETERMINED TO BE BLIGHTED PROPERTY UNDER THE
6 ACT OF MAY 24, 1945 (P.L.991, NO.385), KNOWN AS THE "URBAN
7 REDEVELOPMENT LAW";

8 (B) ANY PROPERTY DECLARED TO BE BLIGHTED BY A PENNSYLVANIA
9 LOCAL GOVERNMENT OR ITS AGENCY; OR

10 (C) ANY PROPERTY WHICH IS LOCATED WITHIN A REDEVELOPMENT
11 AREA, WHEN ONE OF THE STATED PURPOSES OF DESIGNATION AS A
12 REDEVELOPMENT AREA IS TO REMOVE BLIGHT, DESIGNATED BY A LOCAL
13 GOVERNMENT OR ITS AGENCIES UNDER THE "URBAN REDEVELOPMENT LAW."

14 (III) A RESTAURANT LIQUOR LICENSE OR A RETAIL DISPENSER
15 LICENSE WHICH IS TRANSFERRED TO AN INDOOR BOWLING CENTER MAY NOT
16 BE TRANSFERRED AGAIN FOR FIVE YEARS UNLESS THAT TRANSFER IS IN
17 CONJUNCTION WITH THE SALE OF THE BOWLING BUSINESS. IN THE CASE
18 OF DISTRIBUTOR AND IMPORTING DISTRIBUTOR LICENSES, THE BOARD MAY
19 TRANSFER ANY SUCH LICENSE FROM ITS PLACE IN A MUNICIPALITY TO A
20 PLACE IN ANY OTHER MUNICIPALITY WITHIN THE SAME COUNTY, OR FROM
21 ONE PLACE TO ANOTHER PLACE WITHIN THE SAME MUNICIPALITY, OR
22 EXCHANGE A DISTRIBUTOR LICENSE FOR AN IMPORTING DISTRIBUTOR
23 LICENSE OR AN IMPORTING DISTRIBUTOR LICENSE FOR A DISTRIBUTOR
24 LICENSE, IF THE BUILDING FOR WHICH THE LICENSE IS TO BE ISSUED
25 HAS, IN THE CASE OF AN IMPORTING DISTRIBUTOR LICENSE, AN AREA
26 UNDER ONE ROOF OF TWO THOUSAND FIVE HUNDRED SQUARE FEET AND, IN
27 THE CASE OF A DISTRIBUTOR LICENSE, AN AREA UNDER ONE ROOF OF ONE
28 THOUSAND SQUARE FEET: AND PROVIDED, THAT, IN THE CASE OF ALL
29 TRANSFERS OF DISTRIBUTOR OR IMPORTING DISTRIBUTOR LICENSES,
30 WHETHER FROM A PLACE WITHIN THE SAME MUNICIPALITY TO ANOTHER

1 PLACE WITHIN THE SAME MUNICIPALITY OR FROM A PLACE IN A
2 MUNICIPALITY TO A PLACE IN ANY OTHER MUNICIPALITY WITHIN THE
3 SAME COUNTY, AND, IN THE CASE OF AN EXCHANGE OF A DISTRIBUTOR
4 LICENSE FOR AN IMPORTING DISTRIBUTOR LICENSE OR AN IMPORTING
5 DISTRIBUTOR LICENSE FOR A DISTRIBUTOR LICENSE, THE PREMISES TO
6 BE AFFECTED BY THE TRANSFER OR EXCHANGE SHALL CONTAIN AN OFFICE
7 SEPARATE AND APART FROM THE REMAINDER OF THE PREMISES TO BE
8 LICENSED FOR THE PURPOSE OF KEEPING RECORDS, REQUIRED BY THE
9 BOARD, ADEQUATE TOILET FACILITIES FOR EMPLOYES OF THE LICENSEE
10 AND AN ENTRANCE ON A PUBLIC THOROUGHFARE: PROVIDED, HOWEVER,
11 THAT IN THE EVENT THAT THE MAJORITY OF THE VOTING ELECTORS OF A
12 MUNICIPALITY, AT AN ELECTION HELD UNDER THE PROVISIONS OF ANY
13 LAW SO EMPOWERING THEM TO DO, SHALL VOTE AGAINST THE ISSUANCE OF
14 DISTRIBUTOR OR IMPORTING DISTRIBUTOR LICENSES IN SUCH
15 MUNICIPALITY, THE BOARD IS HEREBY AUTHORIZED TO TRANSFER ANY
16 SUCH DISTRIBUTOR OR IMPORTING DISTRIBUTOR LICENSE FROM ITS PLACE
17 IN SUCH MUNICIPALITY TO A PLACE IN ANY OTHER MUNICIPALITY WITHIN
18 THE SAME COUNTY, UPON APPLICATION PRIOR TO THE EXPIRATION OF ANY
19 SUCH LICENSE AND UPON PAYMENT OF THE TRANSFER FILING FEE [AND
20 THE EXECUTION OF A NEW BOND]; BUT NO TRANSFER SHALL BE MADE TO A
21 PERSON WHO WOULD NOT HAVE BEEN ELIGIBLE TO RECEIVE THE LICENSE
22 ORIGINALLY NOR FOR THE TRANSACTION OF BUSINESS AT A PLACE FOR
23 WHICH THE LICENSE COULD NOT LAWFULLY HAVE BEEN ISSUED
24 ORIGINALLY, NOR, EXCEPT AS HEREIN PROVIDED, TO A PLACE AS TO
25 WHICH A LICENSE HAS BEEN REVOKED.

26 (3) NO LICENSE SHALL BE TRANSFERRED TO ANY PLACE OR PROPERTY
27 UPON WHICH IS LOCATED AS A BUSINESS THE SALE OF LIQUID FUELS AND
28 OIL. EXCEPT IN CASES OF EMERGENCY SUCH AS DEATH, SERIOUS
29 ILLNESS, OR CIRCUMSTANCES BEYOND THE CONTROL OF THE LICENSEE, AS
30 THE BOARD MAY DETERMINE SUCH CIRCUMSTANCES TO JUSTIFY ITS

1 ACTION, TRANSFERS OF LICENSES MAY BE MADE ONLY AT TIMES FIXED BY
2 THE BOARD. IN THE CASE OF THE DEATH OF A LICENSEE, THE BOARD MAY
3 TRANSFER THE LICENSE TO THE SURVIVING SPOUSE OR PERSONAL
4 REPRESENTATIVE OR TO A PERSON DESIGNATED BY HIM. FROM ANY
5 REFUSAL TO GRANT A TRANSFER OR UPON THE GRANT OF ANY TRANSFER,
6 THE PARTY AGGRIEVED SHALL HAVE THE RIGHT OF APPEAL TO THE PROPER
7 COURT IN THE MANNER HEREINBEFORE PROVIDED.

8 * * *

9 (C) (1) THE TERM "NONPROFIT NATIONALLY CHARTERED CLUB" SHALL
10 MEAN ANY CLUB WHICH DOES NOT CONTEMPLATE PECUNIARY GAIN OR
11 PROFIT, INCIDENTAL OR OTHERWISE, HAVING A NATIONAL CHARTER.

12 (2) THE TERM "UNIT OF A NONPROFIT NATIONALLY CHARTERED CLUB"
13 SHALL MEAN ANY POST, BRANCH, LODGE OR OTHER SUBORDINATE UNIT OF
14 A NONPROFIT NATIONALLY CHARTERED CLUB.

15 (3) THE TERM "INDOOR BOWLING CENTER" SHALL MEAN AN ENCLOSED
16 FACILITY OF AT LEAST FOURTEEN THOUSAND SQUARE FEET WITH A
17 MINIMUM OF EIGHTEEN BOWLING LANES AND WHICH HAS AS ITS PRIMARY
18 FOCUS THE OFFERING OF BOWLING AS A RECREATIONAL ACTIVITY TO THE
19 GENERAL PUBLIC.

20 * * *

21 Section 3 4. This act shall take effect immediately.

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