

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 48

Session of  
2009

INTRODUCED BY M. O'BRIEN, JANUARY 26, 2009

AS REPORTED FROM COMMITTEE ON LIQUOR CONTROL, HOUSE OF  
REPRESENTATIVES, AS AMENDED, APRIL 1, 2009

## 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 definitions AND FOR LIMITED NUMBER OF  
18 RETAIL LICENSES TO BE ISSUED IN EACH COUNTY. ←

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

21 Section 1. ~~The definition of~~ DEFINITIONS OF "ELIGIBLE ←  
22 ENTITY" AND "public venue" in section 102 of the act of April  
23 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted  
24 and amended June 29, 1987 (P.L.32, No.14) and amended NOVEMBER  
25 29, 2006 (P.L.1421, NO. 155) AND July 16, 2007 (P.L.107, No.34), ←  
26 ~~is~~ ARE amended to read: ←

1 Section 102. Definitions.--The following words or phrases,  
2 unless the context clearly indicates otherwise, shall have the  
3 meanings ascribed to them in this section:

4 \* \* \*

5 "ELIGIBLE ENTITY" SHALL MEAN A CITY OF THE THIRD CLASS, A  
6 HOSPITAL, A CHURCH, A SYNAGOGUE, A VOLUNTEER FIRE COMPANY, A  
7 VOLUNTEER AMBULANCE COMPANY, A VOLUNTEER RESCUE SQUAD, A UNIT OF  
8 A NATIONALLY CHARTERED CLUB WHICH HAS BEEN ISSUED A CLUB LIQUOR  
9 LICENSE, A CLUB IN A CITY OF THE THIRD CLASS WHICH HAS BEEN  
10 ISSUED A CLUB LIQUOR LICENSE AND WHICH, AS OF DECEMBER 31, 2002,  
11 HAS BEEN IN EXISTENCE FOR AT LEAST 100 YEARS, A LIBRARY, A  
12 NATIONALLY ACCREDITED PENNSYLVANIA NONPROFIT ZOOLOGICAL  
13 INSTITUTION LICENSED BY THE UNITED STATES DEPARTMENT OF  
14 AGRICULTURE, A NONPROFIT AGRICULTURAL ASSOCIATION IN EXISTENCE  
15 FOR AT LEAST TEN YEARS, A BONA FIDE SPORTSMEN'S CLUB IN  
16 EXISTENCE FOR AT LEAST TEN YEARS, A NATIONALLY CHARTERED  
17 VETERANS' ORGANIZATION AND ANY AFFILIATED LODGE OR SUBDIVISION  
18 OF SUCH ORGANIZATION, A FRATERNAL BENEFIT SOCIETY THAT IS  
19 LICENSED TO DO BUSINESS IN THIS COMMONWEALTH AND ANY AFFILIATED  
20 LODGE OR SUBDIVISION OF SUCH FRATERNAL BENEFIT SOCIETY, A MUSEUM  
21 OPERATED BY A NONPROFIT CORPORATION IN A CITY OF THE THIRD CLASS  
22 OR TOWNSHIP OF THE FIRST CLASS, A NONPROFIT CORPORATION ENGAGED  
23 IN THE PERFORMING ARTS IN A CITY OF THE THIRD CLASS, BOROUGH OR  
24 IN AN INCORPORATED TOWN, AN ARTS COUNCIL, A NONPROFIT  
25 CORPORATION THAT OPERATES AN ARTS FACILITY OR MUSEUM IN A CITY  
26 OF THE THIRD CLASS IN THE COUNTY OF THE FOURTH CLASS, A  
27 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF THE  
28 INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. §  
29 501(C)(3)) WHOSE PURPOSE IS TO PROTECT THE ARCHITECTURAL  
30 HERITAGE OF BOROUGHES AND WHICH HAS BEEN RECOGNIZED AS SUCH BY A

1 MUNICIPAL RESOLUTION, A NONPROFIT ORGANIZATION AS DEFINED UNDER  
2 SECTION 501(C) (3) OF THE INTERNAL REVENUE CODE OF 1986 (PUBLIC  
3 LAW 99-514, 26 U.S.C. § 501(C) (3)) CONDUCTING A REGATTA IN A  
4 CITY OF THE SECOND CLASS WITH THE PERMIT TO BE USED ON STATE  
5 PARK GROUNDS OR CONDUCTING A FAMILY-ORIENTED CELEBRATION AS PART  
6 OF WELCOME AMERICA IN A CITY OF THE FIRST CLASS ON PROPERTY  
7 LEASED FROM THAT CITY FOR MORE THAN FIFTY YEARS, A NONPROFIT  
8 ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE INTERNAL  
9 REVENUE CODE OF 1986 (26 U.S.C. § 501(C) (3)) WHOSE PURPOSE IS TO  
10 RAISE FUNDS FOR THE RESEARCH AND TREATMENT OF CYSTIC FIBROSIS, A  
11 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3) OF THE  
12 INTERNAL REVENUE CODE OF 1986 (26 U.S.C. § 501(C) (3)) WHOSE  
13 PURPOSE IS TO EDUCATE THE PUBLIC ON ISSUES DEALING WITH  
14 WATERSHED CONSERVATION, A NONPROFIT ORGANIZATION AS DEFINED  
15 UNDER SECTION 501(C) (3) OF THE INTERNAL REVENUE CODE OF 1986  
16 (PUBLIC LAW 99-514, 26 U.S.C. § 501(C) (3)) WHOSE PURPOSE IS TO  
17 PROVIDE EQUINE ASSISTED ACTIVITIES FOR CHILDREN AND ADULTS WITH  
18 SPECIAL NEEDS, A NONPROFIT ECONOMIC DEVELOPMENT AGENCY IN A CITY  
19 OF THE SECOND CLASS WITH THE PRIMARY FUNCTION TO SERVE AS AN  
20 ECONOMIC GENERATOR FOR THE GREATER SOUTHWESTERN PENNSYLVANIA  
21 REGION BY ATTRACTING AND SUPPORTING FILM, TELEVISION AND RELATED  
22 MEDIA INDUSTRY PROJECTS AND COORDINATING GOVERNMENT AND BUSINESS  
23 OFFICES IN SUPPORT OF A PRODUCTION, A COUNTY TOURIST PROMOTION  
24 AGENCY AS DEFINED IN SECTION 3(1) OF THE ACT OF APRIL 28, 1961  
25 (P.L.111, NO.50), KNOWN AS THE "TOURIST PROMOTION LAW," AND  
26 LOCATED IN A CITY OF THE THIRD CLASS IN A COUNTY OF THE FOURTH  
27 CLASS OR LOCATED IN A TOWNSHIP OF THE SECOND CLASS IN A COUNTY  
28 OF THE FIFTH CLASS, A JUNIOR LEAGUE IN A THIRD CLASS COUNTY THAT  
29 IS A NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C) (3)  
30 OF THE INTERNAL REVENUE CODE OF 1986 (26 U.S.C. § 501(C) (3))

1 THAT IS COMPRISED OF WOMEN WHOSE PURPOSE IS EXCLUSIVELY  
2 EDUCATIONAL AND CHARITABLE IN PROMOTING THE VOLUNTEERISM OF  
3 WOMEN AND DEVELOPING AND PARTICIPATING IN COMMUNITY PROJECTS AND  
4 THAT HAS BEEN IN EXISTENCE FOR OVER SEVENTY YEARS [OR], A  
5 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(6) OF THE  
6 INTERNAL REVENUE CODE OF 1986 WHICH IS LOCATED IN A CITY OF THE  
7 THIRD CLASS IN A COUNTY OF THE THIRD CLASS AND WHOSE PURPOSE IS  
8 TO SUPPORT BUSINESS AND INDUSTRY OR A CLUB RECOGNIZED BY ROTARY  
9 INTERNATIONAL WHOSE PURPOSE IS TO PROVIDE SERVICE TO OTHERS, TO  
10 PROMOTE HIGH ETHICAL STANDARDS AND TO ADVANCE WORLD  
11 UNDERSTANDING, GOODWILL AND PEACE THROUGH ITS FELLOWSHIP OF  
12 BUSINESS, PROFESSIONAL AND COMMUNITY LEADERS.

13 \* \* \*

14 "Public venue" shall mean a stadium, arena, convention  
15 center, museum, amphitheater or similar structure. If the public  
16 venue is a cruise terminal owned or leased by a port authority  
17 created under the act of June 12, 1931 (P.L.575, No.200),  
18 entitled "An act providing for joint action by Pennsylvania and  
19 New Jersey in the development of the ports on the lower Delaware  
20 River, and the improvement of the facilities for transportation  
21 across the river; authorizing the Governor, for these purposes,  
22 to enter into an agreement with New Jersey; creating The  
23 Delaware River Joint Commission and specifying the powers and  
24 duties thereof, including the power to finance projects by the  
25 issuance of revenue bonds; transferring to the new commission  
26 all the powers of the Delaware River Bridge Joint Commission;  
27 and making an appropriation," it shall have no permanent seating  
28 requirement. If the public venue is an open-air amphitheater  
29 owned by a port authority created under the act of December 6,  
30 1972 (P.L.1392, No.298), known as the "Third Class City Port

1 Authority Act," it shall have no permanent seating requirement.  
2 If the public venue is owned by a political subdivision, a  
3 municipal authority, the Commonwealth, an authority created  
4 under the act of July 29, 1953 (P.L.1034, No.270), known as the  
5 "Public Auditorium Authorities Law," an authority created under  
6 Article XXV-A of the act of July 28, 1953 (P.L.723, No.230),  
7 known as the "Second Class County Code," an art museum  
8 established under the authority of the act of April 6, 1791 (3  
9 Sm.L.20, No.1536), entitled "An act to confer on certain  
10 associations of the citizens of this commonwealth the powers and  
11 immunities of corporations, or bodies politic in law," or an  
12 authority created under Article XXIII (n) or (o) of the act of  
13 August 9, 1955 (P.L.323, No.130), known as "The County Code," it  
14 shall have permanent seating for at least one thousand (1,000)  
15 people; otherwise, it shall have permanent seating for at least  
16 two thousand (2,000) people. The term shall also mean any  
17 regional history center, multipurpose cultural and science  
18 facility, museum or convention or trade show center, regardless  
19 of owner and seating capacity, that has a floor area of at least  
20 sixty thousand (60,000) square feet in one building. The term  
21 shall also mean a convention or conference center owned by a  
22 city of the third class or a university which is a member of the  
23 Pennsylvania State System of Higher Education which is operated  
24 by a university foundation or alumni association, regardless of  
25 seating capacity, that has a floor area of at least fifteen  
26 thousand (15,000) square feet in one building. The term shall  
27 shall also mean a visitor center, regardless of floor area or  
28 seating capacity, that was established under the authority of  
29 the Gateway Visitor Center Authorization Act of 1999 (Public Law  
30 106-131, 113 Stat. 1678; 16 USCA § 407m).

\* \* \*

SECTION 2. SECTION 461(C) (9) OF THE ACT, AMENDED JULY 16,  
2007 (P.L.107, NO.34), IS AMENDED TO READ:

SECTION 461. LIMITING NUMBER OF RETAIL LICENSES TO BE ISSUED  
IN EACH COUNTY.--\* \* \*

(C) THE WORD "HOTEL" AS USED IN THIS SECTION SHALL MEAN ANY  
REPUTABLE PLACE OPERATED BY A RESPONSIBLE PERSON OF GOOD  
REPUTATION WHERE THE PUBLIC MAY, FOR A CONSIDERATION, OBTAIN  
SLEEPING ACCOMMODATIONS, AND WHICH SHALL HAVE THE FOLLOWING  
NUMBER OF BEDROOMS AND REQUIREMENTS IN EACH CASE--AT LEAST ONE-  
HALF OF THE REQUIRED NUMBER OF BEDROOMS SHALL BE REGULARLY  
AVAILABLE TO TRANSIENT GUESTS SEVEN DAYS WEEKLY, EXCEPT IN  
RESORT AREAS; AT LEAST ONE-THIRD OF SUCH BEDROOMS SHALL BE  
EQUIPPED WITH HOT AND COLD WATER, A LAVATORY, COMMODE, BATHTUB  
OR SHOWER AND A CLOTHES CLOSET; AND AN ADDITIONAL ONE-THIRD OF  
THE TOTAL OF SUCH REQUIRED ROOMS SHALL BE EQUIPPED WITH LAVATORY  
AND COMMODE:

\* \* \*

(9) UPON APPLICATION TO AND SUBJECT TO INSPECTION BY THE  
BOARD, HOTEL LICENSEES UNDER CLAUSE (8) OF THIS SUBSECTION SHALL  
NO LONGER BE REQUIRED TO MAINTAIN BEDROOMS FOR PUBLIC  
ACCOMMODATION. [HOWEVER, AREAS REQUIRED AND DESIGNATED AS  
BEDROOMS FOR PUBLIC ACCOMMODATION PRIOR TO THE EFFECTIVE DATE OF  
THIS CLAUSE MAY NOT SUBSEQUENTLY BE USED AS LICENSED SERVING  
AREA.] SUCH AREA MAY BE USED AS LICENSED STORAGE AREA OR SERVING  
AREA CONSISTENT WITH THIS ACT AND EXISTING REGULATIONS.

\* \* \*

Section ~~2~~ 3. This act shall take effect in 60 days.