

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 45

Session of  
1987

INTRODUCED BY LAUGHLIN, STEIGHNER, OLASZ, GRUITZA, McCALL, NOYE, TRELLO, HALUSKA, TIGUE, BELFANTI, STABACK, LUCYK, PISTELLA, BOYES, BUNT, FOX, JACKSON, D. W. SNYDER, CAPPABIANCA, MORRIS, DISTLER, COLAFELLA, PRESTON, GRUPPO, HERMAN, KUKOVICH, WOZNIAK, SEVENTY, CLARK, BURD, FARGO, LINTON, MICOZZIE AND REBER, JANUARY 28, 1987

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JANUARY 28, 1987

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An  
2 act relating to alcoholic liquors, alcohol and malt and  
3 brewed beverages; amending, revising, consolidating and  
4 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 relieving officers of club licensees from liability on  
18 account of damages inflicted upon third persons off the  
19 licensed premises by customers of the licensee, with certain  
20 limitations.

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

23 Section 1. Section 497 of the act of April 12, 1951 (P.L.90,  
24 No.21), known as the Liquor Code, added December 22, 1965  
25 (P.L.1144, No.441), is amended to read:

1       Section 497. Liability of Licensees.--(a) No licensee shall  
2 be liable to third persons on account of damages inflicted upon  
3 them off of the licensed premises by customers of the licensee  
4 unless the customer who inflicts the damages was sold, furnished  
5 or given liquor or malt or brewed beverages by the said licensee  
6 or his agent, servant or employe when the said customer was  
7 visibly intoxicated.

8       **(b) No officer, director or trustee of a club which has been**  
9 **issued a license under this act shall be liable to third persons**  
10 **on account of damages inflicted upon them off the licensed**  
11 **premises by customers of the licensee unless the customer who**  
12 **inflicted the damages was sold, furnished or given liquor or**  
13 **malt or brewed beverages personally by said club officer,**  
14 **director or trustee when the customer was visibly intoxicated.**

15       **(c) Except as provided otherwise in this section, no person**  
16 **who serves without compensation, other than reimbursement for**  
17 **actual expenses, as an officer, director or trustee of any**  
18 **nonprofit organization which has a club license shall be liable**  
19 **for any civil damages as a result of any acts or omissions**  
20 **relating solely to the performance of his duties as an officer,**  
21 **director or trustee unless the conduct of the person falls**  
22 **substantially below the standards generally practiced and**  
23 **accepted in like circumstances by similar persons performing the**  
24 **same or similar duties and unless it is shown that the person**  
25 **did an act or omitted the doing of an act which the person was**  
26 **under a recognized duty to another to do, knowing or having**  
27 **reason to know that the act or omission created a substantial**  
28 **risk of actual harm to the person or property of another. It**  
29 **shall be insufficient to impose liability to establish only that**  
30 **the conduct of the person fell below ordinary standards of care.**

1        (d) Nothing in this section shall be construed as affecting  
2   or modifying any existing legal basis for determining the  
3   liability, or any defense thereto, of any nonprofit association.

4        Section 2. This act shall take effect immediately.