

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 608 Session of
1995

INTRODUCED BY BOYES, THOMAS, EGOLF, PETRONE, HENNESSEY, TRELLO,
YOUNGBLOOD, MICHLOVIC, JOSEPHS AND DALEY, FEBRUARY 7, 1995

REFERRED TO COMMITTEE ON LIQUOR CONTROL, FEBRUARY 7, 1995

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 license transfers.

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

20 Section 1. Section 461(a) of the act of April 12, 1951
21 (P.L.90, No.21), known as the Liquor Code, reenacted and amended
22 June 29, 1987 (P.L.32, No.14) and amended October 5, 1994
23 (P.L.522, No.77), is amended to read:

24 Section 461. Limiting Number of Retail Licenses To Be Issued
25 In Each Municipality.--(a) No licenses shall hereafter be

1 granted by the board for the retail sale of malt or brewed
2 beverages or the retail sale of liquor and malt or brewed
3 beverages in excess of one of such licenses of any class for
4 each three thousand inhabitants in any municipality, exclusive
5 of licenses granted to airport restaurants, municipal golf
6 courses, hotels, privately-owned public golf courses and units
7 of nonprofit nationally chartered clubs, as defined in this
8 section, whose applications are filed on or before December 31,
9 1994, and except those units falling under section 461.1, and
10 clubs; but at least one such license may be granted in each
11 municipality and in each part of a municipality where such
12 municipality is split so that each part thereof is separated by
13 another municipality, except in municipalities where the
14 electors have voted against the granting of any retail licenses
15 and except in that part of a split municipality where the
16 electors have voted against the granting of any retail licenses.
17 Nothing contained in this section shall be construed as denying
18 the right to the board to renew or to transfer existing retail
19 licenses of any class notwithstanding that the number of such
20 licensed places in a municipality shall exceed the limitation
21 hereinbefore prescribed; but where such number exceeds the
22 limitation prescribed by this section, no new license, except
23 for hotels, municipal golf courses, airport restaurants,
24 privately-owned public golf courses, privately-owned private
25 golf course licensees and units of nonprofit nationally
26 chartered clubs, as defined in this section, whose applications
27 are filed on or before December 31, 1994, and except those units
28 falling under section 461.1, shall be granted so long as said
29 limitation is exceeded; and in the case of transfers, no license
30 shall be transferred from one municipality to another

1 municipality in which the number of licenses of the class
2 proposed to be transferred exceeds the license quota for such
3 municipality by more than twenty per centum.

4 * * *

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