

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 532

Session of
1975

INTRODUCED BY MUSTO, WARGO, SHUPNIK, LaMARCA, O'CONNELL,
BELLOMINI, DiCARLO, JOHNSON, GALLEN AND McGINNIS,
FEBRUARY 19, 1975

REFERRED TO COMMITTEE ON LIQUOR CONTROL, FEBRUARY 19, 1975

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 further providing for hours of sale.

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

20 Section 1. Subsection (a) of section 406, act of April 12,
21 1951 (P.L.90, No.21), known as the "Liquor Code," amended March
22 5, 1973 (No.1), is amended to read:

23 Section 406. Sales by Liquor Licensees; Restrictions.--(a)
24 Every hotel, restaurant or club liquor licensee may sell liquor
25 and malt or brewed beverages by the glass, open bottle or other

1 container, and in any mixture, for consumption only in that part
2 of the hotel or restaurant habitually used for the serving of
3 food to guests or patrons, and in the case of hotels, to guests,
4 and in the case of clubs, to members, in their private rooms in
5 the hotel or club. No club licensee nor its officers, servants,
6 agents or employes, other than one holding a catering license,
7 shall sell any liquor or malt or brewed beverages to any person
8 except a member of the club. In the case of a restaurant located
9 in a hotel which is not operated by the owner of the hotel and
10 which is licensed to sell liquor under this act, liquor and malt
11 or brewed beverages may be sold for consumption in that part of
12 the restaurant habitually used for the serving of meals to
13 patrons and also to guests in private guest rooms in the hotel.
14 For the purpose of this paragraph, any person who is an active
15 member of another club which is chartered by the same state or
16 national organization shall have the same rights and privileges
17 as members of the particular club.

18 Hotel and restaurant liquor licensees, airport restaurant
19 liquor licensees and municipal golf course restaurant liquor
20 licensees may sell liquor and malt or brewed beverages only
21 after seven o'clock antemeridian of any day until [two] four
22 o'clock antemeridian of the following day, except Sunday, and
23 except as hereinafter provided, may sell liquor and malt or
24 brewed beverages on Sunday between the hours of twelve o'clock
25 midnight and [two] four o'clock antemeridian.

26 Hotel and restaurant liquor licensees, airport restaurant
27 liquor licensees and municipal golf course restaurant liquor
28 licensees whose sales of food and nonalcoholic beverages are
29 equal to forty per centum or more of the combined gross sales of
30 both food and alcoholic beverages may sell liquor and malt or

1 brewed beverages on Sunday between the hours of one o'clock
2 postmeridian and ten o'clock postmeridian upon purchase of a
3 special annual permit from the board at a fee of two hundred
4 dollars (\$200.00) per year, which shall be in addition to any
5 other license fees.

6 Hotel and restaurant liquor licensees, airport restaurant
7 liquor licensees and municipal golf course restaurant liquor
8 licensees which do not qualify for and purchase such annual
9 special permit, their servants, agents or employes may sell
10 liquor and malt or brewed beverages only after seven o'clock
11 antemeridian of any day and until [two] four o'clock
12 antemeridian of the following day, and shall not sell after
13 [two] four o'clock antemeridian on Sunday. No hotel, restaurant
14 and public service liquor licensee shall sell liquor and malt or
15 brewed beverages after [two] four o'clock antemeridian on any
16 day on which a general, municipal, special or primary election
17 is being held until one hour after the time fixed by law for
18 closing the polls, except, that, in the case of a special
19 election for members of the General Assembly or members of the
20 Congress of the United States, when such special election is
21 held on other than a primary, municipal or general election day,
22 licensees in those Legislative or Congressional Districts may
23 make such sales, as though the day were not a special election
24 day. No club licensee or its servants, agents or employes may
25 sell liquor or malt or brewed beverages between the hours of
26 [three] five o'clock antemeridian and seven o'clock antemeridian
27 on any day. No public service liquor licensee or its servants,
28 agents, or employes may sell liquor or malt or brewed beverages
29 between the hours of [two] four o'clock antemeridian and seven
30 o'clock antemeridian on any day.

1 Any hotel, restaurant, club or public service liquor licensee
2 may, by given notice to the board, advance by one hour the hours
3 herein prescribed as those during which liquor and malt or
4 brewed beverages may be sold during such part of the year when
5 daylight saving time is being observed generally in the
6 municipality in which the place of business of such licensee is
7 located. Any licensee who elects to operate his place of
8 business in accordance with daylight saving time shall post a
9 conspicuous notice in his place of business that he is operating
10 in accordance with daylight saving time.

11 Notwithstanding any provisions to the contrary, whenever the
12 thirty-first day of December falls on a Sunday, every hotel or
13 restaurant liquor licensee, their servants, agents or employes
14 may sell liquor and malt or brewed beverages on any such day
15 after one o'clock postmeridian and until [two] four o'clock
16 antemeridian of the following day.

17 * * *

18 Section 2. Clauses (5), (6) and (7) of section 492 of the
19 act, clause (5) amended or reenacted and amended July 7, 1971
20 (P.L.191, No.27) and September 2, 1971 (P.L.429, No.103), and
21 clause (6) amended March 5, 1973 (No.1), are amended to read:

22 Section 492. Unlawful Acts Relative to Malt or Brewed
23 Beverages and Licensees.--

24 It shall be unlawful--

25 * * *

26 (5) Sales of Malt or Brewed Beverages by Hotels, Eating
27 Places or Public Service Licensees During Prohibited Hours. For
28 any hotel or eating place holding a retail dispenser's license,
29 or the servants, agents or employes of such licensees, to sell,
30 trade or barter in malt or brewed beverages between the hours of

1 [two] four o'clock antemeridian Sunday and seven o'clock in the
2 forenoon of the following Monday, or between the hours of [two]
3 four o'clock antemeridian and seven o'clock antemeridian of any
4 week day: Provided, That notwithstanding any provision to the
5 contrary, whenever the thirty-first day of December falls on a
6 Sunday such sales of malt or brewed beverages may be made on
7 such day after one o'clock postmeridian and until [two] four
8 o'clock antemeridian of the following day: And provided further,
9 That any hotel or eating place holding a retail dispenser's
10 license which has sales of food and nonalcoholic beverages equal
11 to forty per cent or more of the combined gross sales of both
12 food and malt or brewed beverages may sell malt or brewed
13 beverages between the hours of one o'clock postmeridian and ten
14 o'clock postmeridian on Sunday upon purchase of a special annual
15 permit from the board at a fee of one hundred dollars (\$100.00)
16 per year, which shall be in addition to any other license fees.
17 For any public service licensee authorized to sell malt or
18 brewed beverages or the servants, agents or employes of such
19 licensees to sell, trade or barter in malt or brewed beverages
20 between the hours of two o'clock antemeridian and seven o'clock
21 antemeridian on any day.

22 (6) Sales of Malt or Brewed Beverages on Election Day by
23 Hotels, Eating Places or Public Service Licensees. For any hotel
24 or eating place holding a retail dispenser's license, or any
25 malt or brewed beverage public service licensee, or his
26 servants, agents or employes, to sell, furnish or give any malt
27 or brewed beverages to any person after [two] four o'clock
28 antemeridian, or until one hour after the time fixed by law for
29 the closing of polling places on days on which a general,
30 municipal, special or primary election is being held except as

1 permitted by subsection (a) of section 406.

2 (7) Clubs Selling Between Three O'Clock Antemeridian and
3 Seven O'Clock Antemeridian. For any club retail dispenser, or
4 its servants, agents or employes, to sell malt or brewed
5 beverages between the hours of [three] five o'clock antemeridian
6 and seven o'clock antemeridian on any day.

7 * * *

8 Section 3. This act shall take effect immediately.