

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2259 Session of
1976

INTRODUCED BY BRUNNER, DeMEDIO AND PRENDERGAST, MARCH 24, 1976

REFERRED TO COMMITTEE ON LIQUOR CONTROL, MARCH 24, 1976

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 exempting certain units of national veterans' organizations
18 from the licensing quota.

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

21 Section 1. Subsection (a) of section 461, act of April 12,
22 1951 (P.L.90, No.21), known as the "Liquor Code," amended June
23 9, 1972 (P.L.379, No.108), is amended and the section is amended
24 to add subsections to read:

25 Section 461. Limiting Number of Retail Licenses To Be Issued
26 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 two thousand inhabitants in any municipality, exclusive of
5 licenses granted to airport restaurants, municipal golf courses,
6 [and] hotels and incorporated units of national veterans'
7 organizations, as defined in this section, and clubs; but at
8 least one such license may be granted in each municipality and
9 in each part of a municipality where such municipality is split
10 so that each part thereof is separated by another municipality,
11 except in municipalities where the electors have voted against
12 the granting of any retail licenses. Nothing contained in this
13 section shall be construed as denying the right to the board to
14 renew or to transfer existing retail licenses of any class
15 notwithstanding that the number of such licensed places in a
16 municipality shall exceed the limitation hereinbefore
17 prescribed; but where such number exceeds the limitation
18 prescribed by this section, no new license, except for hotels,
19 municipal golf courses, [and] airport restaurants and
20 incorporated units of national veterans' organizations, as
21 defined in this section, shall be granted so long as said
22 limitation is exceeded.

23 * * * *

24 (f) The term "national veterans' organization" shall mean
25 any veterans' organization having a national charter.

26 The term "incorporated unit of a national veterans'
27 organization" shall mean any incorporated post, branch, camp,
28 detachment, lodge or other subordinate unit of a national
29 veterans' organization having one hundred or more paid up
30 members and in existence for a period of at least five years

1 prior to the filing of an application for a license.

2 (g) Upon termination of operations of an incorporated unit
3 of a national veterans' organization, their license shall revert
4 to the board and may be reissued to a new veterans' organization
5 of the same type.

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