

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1478 Session of
1979

INTRODUCED BY DeMEDIO, CESSAR, MANDERINO, BRUNNER, PETRARCA,
DOMBROWSKI, SIEMINSKI, BURNS, J. L. WRIGHT, JR., SWEET,
YAHNER, SHUPNIK, MUSTO, STEWART, GOEBEL, MACKOWSKI, TRELLO,
SEVENTY, KNIGHT, COCHRAN, DUFFY, F. TAYLOR, AUSTIN, MRKONIC,
KUKOVICH, LIVENGOD, KOLTER, A. K. HUTCHINSON, B. D. CLARK,
NOVAK, KOWALYSHYN, GIAMMARCO, MICHLOVIC AND GAMBLE,
JUNE 11, 1979

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JUNE 11, 1979

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 permitting recognized subordinate lodges or chapters of
18 fraternal benefit societies to make application for special
19 occasion permits for the sale of liquor and/or malt or brewed
20 beverages.

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

23 Section 1. Section 408.4, act of April 12, 1951 (P.L.90,
24 No.21), known as the "Liquor Code," amended July 9, 1976

1 (P.L.978, No.196), and October 7, 1976 (P.L.1095, No.220), is
2 amended to read:

3 Section 408.4. Special Occasion Permits.--(a) Upon
4 application of any hospital, church, synagogue, volunteer fire
5 company, bona fide sportsmen's club in existence for at least
6 ten years or local Bicentennial committee recognized by the
7 American Revolution Bicentennial Administration and so
8 designated prior to June 1, 1976 or recognized subordinate lodge
9 or chapter of a fraternal benefit society and upon payment of a
10 fee of fifteen dollars (\$15) per day, the board shall issue a
11 special occasion permit good for a period of not more than three
12 consecutive days. The provisions of this subsection relating to
13 the issuance of permits for Bicentennial units shall expire
14 December 31, 1976.

15 (b) In any city, borough, incorporated town or township in
16 which the sale of liquor and/or malt or brewed beverages has
17 been approved by the electorate, such special occasion permit
18 shall authorize the hospital, church, synagogue, volunteer fire
19 company, bona fide sportsmen's club in existence for at least
20 ten years or local Bicentennial committee recognized by the
21 American Revolution Bicentennial Administration and so
22 designated prior to June 1, 1976, or recognized subordinate
23 lodge or chapter of a fraternal benefit society to sell liquor
24 and/or malt or brewed beverages as the case may be to any adult
25 person on any day for which the permit is issued. The provisions
26 of this subsection relating to the issuance of permits for
27 Bicentennial units shall expire December 31, 1976.

28 (c) Such special occasion permit shall only be valid for the
29 number of days stated in the permit. Only one permit may be
30 issued to any hospital, church, synagogue, volunteer fire

1 company, including their auxiliaries or affiliates, bona fide
2 sportsmen's club in existence for at least ten years or local
3 Bicentennial committee recognized by the American Revolution
4 Bicentennial Administration and so designated prior to June 1,
5 1976, or recognized subordinate lodge or chapter of a fraternal
6 benefit society during the year. The provisions of this
7 subsection relating to the issuance of permits for Bicentennial
8 units shall expire December 31, 1976.

9 (d) Such permits shall only be issued for use at a special
10 event including, but not limited to bazaars, picnics and
11 clambakes. The special event must be one which is used by the
12 hospital, church, synagogue, volunteer fire company, bona fide
13 sportsmen's club in existence for at least ten years or local
14 Bicentennial committee recognized by the American Revolution
15 Bicentennial Administration and so designated prior to June 1,
16 1976, or recognized subordinate lodge or chapter of a fraternal
17 benefit society as a means of raising funds for itself. The
18 provisions of this subsection relating to the issuance of
19 permits for Bicentennial units shall expire December 31, 1976.

20 (e) The provisions of this section shall not be applicable
21 to any licensee now or hereafter possessing a caterer's license,
22 nor to any professional fund raiser.

23 (f) Any person selling liquor or malt or brewed beverages in
24 violation of this section shall, upon summary conviction, be
25 sentenced to pay a fine of two hundred fifty dollars (\$250) for
26 the first offense and a fine of five hundred dollars (\$500) for
27 each subsequent offense. This fine shall be in addition to any
28 other penalty imposed by law for the illegal sale of malt or
29 brewed beverages.

30 (g) For purposes of this section, a fraternal benefit

1 society is that which the Insurance Department defines as such
2 in accordance with the laws relating to that department or grand
3 or subordinate lodges of societies, orders or associations now
4 doing business in the Commonwealth which provide benefits
5 exclusively through local or subordinate lodges.

6 Section 2. This act shall take effect immediately.