

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 422 Session of
1981

INTRODUCED BY GALLEN, SIEMINSKI, CALTAGIRONE AND CORNELL,
FEBRUARY 9, 1981

REFERRED TO COMMITTEE ON LIQUOR CONTROL, FEBRUARY 9, 1981

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 on election days.

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
22 December 12, 1980 (No.221), 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, or in a bowling alley that is
4 immediately adjacent to and under the same roof as a restaurant
5 when no minors are present in the bowling alley, and in the case
6 of hotels, to guests, and in the case of clubs, to members, in
7 their private rooms in the hotel or club. No club licensee nor
8 its officers, servants, agents or employes, other than one
9 holding a catering license, shall sell any liquor or malt or
10 brewed beverages to any person except a member of the club. In
11 the case of a restaurant located in a hotel which is not
12 operated by the owner of the hotel and which is licensed to sell
13 liquor under this act, liquor and malt or brewed beverages may
14 be sold for consumption in that part of the restaurant
15 habitually used for the serving of meals to patrons and also to
16 guests in private guest rooms in the hotel. For the purpose of
17 this paragraph, any person who is an active member of another
18 club which is chartered by the same state or national
19 organization shall have the same rights and privileges as
20 members of the particular club. For the purpose of this
21 paragraph, any person who is an active member of any volunteer
22 firefighting company, association or group of this Commonwealth,
23 whether incorporated or unincorporated, shall upon the approval
24 of any club composed of volunteer firemen licensed under this
25 act, have the same social rights and privileges as members of
26 such licensed club. For the purposes of this paragraph, the term
27 "active member" shall not include a social members.

28 Hotel and restaurant liquor licensees, airport restaurant
29 liquor licensees and municipal golf course restaurant liquor
30 licensees may sell liquor and malt or brewed beverages only

1 after seven o'clock antemeridian of any day until two o'clock
2 antemeridian of the following day, except Sunday, and except as
3 hereinafter provided, may sell liquor and malt or brewed
4 beverages on Sunday between the hours of twelve o'clock midnight
5 and two o'clock antemeridian.

6 Hotel and restaurant liquor licensees, airport restaurant
7 liquor licensees and municipal golf course restaurant liquor
8 licensees whose sales of food and nonalcoholic beverages are
9 equal to forty per centum or more of the combined gross sales of
10 both food and alcoholic beverages may sell liquor and malt or
11 brewed beverages on Sunday between the hours of one o'clock
12 postmeridian and two o'clock antemeridian Monday upon purchase
13 of a special annual permit from the board at a fee of two
14 hundred dollars (\$200.00) per year, which shall be in addition
15 to any other license fees.

16 Hotel and restaurant liquor licensees, airport restaurant
17 liquor licensees and municipal golf course restaurant liquor
18 licensees which do not qualify for and purchase such annual
19 special permit, their servants, agents or employes may sell
20 liquor and malt or brewed beverages only after seven o'clock
21 antemeridian of any day and until two o'clock antemeridian of
22 the following day, and shall not sell after two o'clock
23 antemeridian on Sunday. No hotel, restaurant and public service
24 liquor licensee shall sell liquor and malt or brewed beverages
25 after two o'clock antemeridian on any day on which a general,
26 municipal, special or primary election is being held until one
27 [hour] minute after the time fixed by law for closing the polls,
28 except, that, in the case of a special election for members of
29 the General Assembly or members of the Congress of the United
30 States, when such special election is held on other than a

1 primary, municipal or general election day, licensees in those
2 Legislative or Congressional Districts may make such sales, as
3 though the day were not a special election day. No club licensee
4 or its servants, agents or employes may sell liquor or malt or
5 brewed beverages between the hours of three o'clock antemeridian
6 and seven o'clock antemeridian on any day. No public service
7 liquor licensee or its servants, agents, or employes may sell
8 liquor or malt or brewed beverages between the hours of two
9 o'clock antemeridian and seven o'clock antemeridian on any day.

10 Any hotel, restaurant, club or public service liquor licensee
11 may, by giving notice to the board, advance by one hour the
12 hours herein prescribed as those during which liquor and malt or
13 brewed beverages may be sold during such part of the year when
14 daylight saving time is being observed generally in the
15 municipality in which the place of business of such licensee is
16 located. Any licensee who elects to operate his place of
17 business in accordance with daylight saving time shall post a
18 conspicuous notice in his place of business that he is operating
19 in accordance with daylight saving time.

20 Notwithstanding any provisions to the contrary, whenever the
21 thirty-first day of December falls on a Sunday, every hotel or
22 restaurant liquor licensee, their servants, agents or employes
23 may sell liquor and malt or brewed beverages on any such day
24 after one o'clock postmeridian and until two o'clock
25 antemeridian of the following day.

26 * * *

27 Section 2. Clause (6) of section 492 of the act, amended
28 March 5, 1973 (P.L.1, No.1), is amended to read:

29 Section 492. Unlawful Acts Relative to Malt or Brewed
30 Beverages and Licensees.--

1 It shall be unlawful--

2 * * *

3 (6) Sales of Malt or Brewed Beverages on Election Day by
4 Hotels, Eating Places or Public Service Licensees. For any hotel
5 or eating place holding a retail dispenser's license, or any
6 malt or brewed beverage public service licensee, or his
7 servants, agents or employes, to sell, furnish or give any malt
8 or brewed beverages to any person after two o'clock
9 antemeridian, or until one [hour] minute after the time fixed by
10 law for the closing of polling places on days on which a
11 general, municipal, special or primary election is being held
12 except as permitted by subsection (a) of section 406.

13 * * *

14 Section 3. This act shall take effect in 60 days.