

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1070 Session of
1987

INTRODUCED BY WILSON, APRIL 8, 1987

REFERRED TO COMMITTEE ON LIQUOR CONTROL, APRIL 8, 1987

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 limiting the issuance of retail licenses; further
18 providing for the issuance of licenses in resort areas; and
19 further providing for the surrender of licenses for the
20 benefit of licensees.

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

23 Section 1. Section 461(a) and (b) of the act of April 12,
24 1951 (P.L.90, No.21), known as the Liquor Code, amended December
25 17, 1982 (P.L.1390, No.319), are amended to read:

26 Section 461. Limiting Number of Retail Licenses To Be Issued

1 In Each Municipality.--(a) No licenses shall hereafter be
2 granted by the board for the retail sale of malt or brewed
3 beverages or the retail sale of liquor and malt or brewed
4 beverages in excess of one of such licenses of any class for
5 each [two] three thousand inhabitants in any municipality,
6 exclusive of licenses granted to airport restaurants, municipal
7 golf courses, hotels, privately-owned public golf courses, as
8 defined in this section, and clubs; but at least one such
9 license may be granted in each municipality and in each part of
10 a municipality where such municipality is split so that each
11 part thereof is separated by another municipality, except in
12 municipalities where the electors have voted against the
13 granting of any retail licenses and except in that part of a
14 split municipality where the electors have voted against the
15 granting of any retail licenses. Nothing contained in this
16 section shall be construed as denying the right to the board to
17 renew or to transfer existing retail licenses of any class
18 notwithstanding that the number of such licensed places in a
19 municipality shall exceed the limitation hereinbefore
20 prescribed; but where such number exceeds the limitation
21 prescribed by this section, no new license, except for hotels,
22 municipal golf courses, airport restaurants, privately-owned
23 public golf courses and privately-owned private golf course
24 licensees, as defined in this section, shall be granted so long
25 as said limitation is exceeded.

26 (b) The board shall have the power to increase the number of
27 licenses in any such municipality which [in the opinion of the
28 board] is located within a resort area. As used in this
29 subsection the term "resort area" shall mean an area which
30 experiences a seasonal influx of persons for the area's

1 attractions, contributing to a substantial disparity between the
2 area's population and patronage figures and causing the seasonal
3 population to increase to the extent that the existing licensees
4 cannot provide adequate service; and the area shall contain
5 those recreational facilities commonly associated with tourism
6 and vacation, including, but not limited to, substantial
7 transient living and eating accommodations.

8 * * *

9 Section 2. Section 474 of the act, added July 20, 1968
10 (P.L.429, No.201), is amended to read:

11 Section 474. Surrender of [Club] Licenses for Benefit of
12 Licensees.--Whenever a [club] license has been returned to the
13 board for the benefit of the licensee due to the licensed
14 establishment not having been in operation for any reason
15 whatsoever for a period of time not exceeding fifteen days, the
16 license shall be held by the board for the benefit of the
17 licensee for a period of time not exceeding one year, or, upon
18 proper application to the board, for an additional [year] two
19 years, and the license shall be revoked at the termination of
20 the period, and transfer of the license shall not be permitted
21 after the termination of the period.

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