

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 49

Session of
1989

INTRODUCED BY DEMPSEY, PERZEL, DISTLER, ITKIN, TIGUE, J. TAYLOR,
B. SMITH, BURD, DIETTERICK, PETRARCA, ANGSTADT, GEIST,
D. W. SNYDER, LASHINGER, COLAFELLA, BUSH, WOZNIAK, BUNT AND
BELARDI, JANUARY 18, 1989

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, APRIL 17, 1989

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as
2 reenacted, "An act relating to alcoholic liquors, alcohol and
3 malt and brewed beverages; amending, revising, consolidating
4 and 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 stadium or arena permits.

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

20 Section 1. Section 433.1(a) and (b) of the act of April 12,
21 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and
22 amended June 29, 1987 (P.L.32, No.14), are amended to read:

23 Section 433.1. Stadium or Arena Permits.--(a) The board is
24 hereby authorized to issue, in cities of the first, second and

1 third class, in counties of the third class and in school
2 districts in counties of the third class, special permits
3 allowing the holders thereof to make retail sales of malt or
4 brewed beverages in shatterproof containers at all events on
5 premises principally utilized for competition of professional
6 and amateur athletes and other types of entertainment having an
7 available seating capacity of: (1) twelve thousand or more in <—
8 cities of the first and second class and [seven thousand]; (2) <—
9 four thousand or more and owned by the city in cities of the
10 third class [and]; (3) four thousand two hundred or more and <—
11 owned by counties of the third class; and (4) two thousand five <—
12 hundred or more in school districts in counties of the third
13 class: Provided, however, That in cities of the second class
14 this section shall be applicable only to premises owned, leased
15 or operated by any authority created under the act of July 29,
16 1953 (P.L.1034, No.270), known as the "Public Auditorium
17 Authorities Law." Such sales may be made only to adults and only
18 on days when the premises are so used and only during the period
19 from one hour before the start of and ending one-half hour after
20 the close of the event on the premises: Provided, however, That
21 in school districts in counties of the third class sales may be
22 made only during professional athletic competition.

23 (b) The owner or lessee or a concessionaire of any such
24 premises may make application for a permit. The aforesaid
25 permits shall be issued only to reputable individuals,
26 partnerships and associations, who are or whose members are
27 citizens of the United States and have for two years prior to
28 the date of their applications been residents of the
29 Commonwealth of Pennsylvania, or to reputable corporations
30 organized or duly registered under the laws of the Commonwealth

1 of Pennsylvania, all of whose officers and directors are
2 citizens of the United States. Each applicant shall furnish
3 proof satisfactory to the board that he is of good repute and
4 financially responsible and that the premises upon which he
5 proposes to do business is a proper place. ~~The applicant AN~~ <—
6 APPLICANT UNDER SUBSECTION (A)(2) FOR A PERMIT FOR A STADIUM OR
7 ARENA OWNED BY THE CITY IN A CITY OF THE THIRD CLASS WHICH SHALL
8 HAVE A SEATING CAPACITY OF AT LEAST FOUR THOUSAND BUT LESS THAN
9 SIX THOUSAND FIVE HUNDRED shall designate one or more areas of
10 the licensed premises comprising not less than fifteen percent
11 (15%) of its seating capacity in which the sale of malt and
12 brewed beverages shall not be authorized. The applicant shall
13 submit such other information as the board may require.
14 Applications shall be, in writing on forms prescribed by the
15 board, and signed and sworn to by the applicant. Every
16 application shall be accompanied by an application fee of
17 twenty-five dollars (\$25), a permit fee of one hundred dollars
18 (\$100) and a surety bond in the amount of one thousand dollars
19 (\$1000) conditioned the same as the license bonds required by
20 this act for retail dispenser licenses.

21 * * *

22 Section 2. This act shall take effect immediately.