

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1834 Session of
1991

INTRODUCED BY MCGEEHAN, CARN, JOSEPHS, KOSINSKI, OLIVER,
BUTKOVITZ, ROEBUCK, WILLIAMS, RICHARDSON, RIEGER, BISHOP,
ACOSTA, HUGHES, LINTON, JAMES, COHEN, EVANS AND O'DONNELL,
JULY 1, 1991

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JULY 1, 1991

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 the authority to issue liquor licenses.

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

20 Section 1. Section 401 of the act of April 12, 1951 (P.L.90,
21 No.21), known as the Liquor Code, reenacted and amended June 29,
22 1987 (P.L.32, No.14), is amended to read:

23 Section 401. Authority to Issue Liquor Licenses to Hotels,
24 Restaurants and Clubs.--(a) Subject to the provisions of this

1 act and regulations promulgated under this act, the board shall
2 have authority to issue a retail liquor license for any premises
3 kept or operated by a hotel, restaurant or club and specified in
4 the license entitling the hotel, restaurant or club to purchase
5 liquor from a Pennsylvania Liquor Store and to keep on the
6 premises such liquor and, subject to the provisions of this act
7 and the regulations made thereunder, to sell the same and also
8 malt or brewed beverages to guests, patrons or members for
9 consumption on the hotel, restaurant or club premises. Such
10 licensees, other than clubs, shall be permitted to sell malt or
11 brewed beverages for consumption off the premises where sold in
12 quantities of not more than one hundred ninety-two fluid ounces
13 in a single sale to one person. Such licenses shall be known as
14 hotel liquor licenses, restaurant liquor licenses and club
15 liquor licenses, respectively. No person who holds, either by
16 appointment or election, any public office which involves the
17 duty to enforce any of the penal laws of the United States of
18 America or the penal laws of the Commonwealth of Pennsylvania or
19 any penal ordinance or resolution of any political subdivision
20 of this Commonwealth shall be issued any hotel or restaurant
21 liquor license, nor shall such a person have any interest,
22 directly or indirectly, in any such license.

23 (b) The board may issue to any club which caters to groups
24 of non-members, either privately or for functions, a catering
25 license, and the board shall, by its rules and regulations,
26 define what constitutes catering under this subsection except
27 that any club which is issued a catering license shall not be
28 prohibited from catering on Sundays during the hours which the
29 club may lawfully serve liquor, malt or brewed beverages.

30 (c) The administrative law judge shall revoke the license of

1 a licensee holding a license on an establishment in a first
2 class city if the licensee has more than three violations on the
3 license. The board shall not issue another license to that
4 licensee for a period of five years. The licensee has the right
5 to a hearing and appeals.

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