

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 523 Session of  
1993

INTRODUCED BY BOYES, LINTON, SAURMAN, FARGO, JOSEPHS, STAIRS,  
SCHEETZ AND JAROLIN, MARCH 16, 1993

REFERRED TO COMMITTEE ON LIQUOR CONTROL, MARCH 16, 1993

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 license transfers.

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

20 Section 1. Section 461(a) of the act of April 12, 1951  
21 (P.L.90, No.21), known as the Liquor Code, reenacted and amended  
22 June 29, 1987 (P.L.32, No.14) and amended December 7, 1990  
23 (P.L.622, No.160), is amended to read:

24 Section 461. Limiting Number of Retail Licenses To Be Issued  
25 In Each Municipality.--(a) No licenses shall hereafter be

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

29 \* \* \*

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