

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2722 Session of
2000

INTRODUCED BY REINARD, DONATUCCI, L. I. COHEN, CORRIGAN,
McNAUGHTON, STEVENSON, McILHINNEY AND STEIL,
SEPTEMBER 14, 2000

REFERRED TO COMMITTEE ON LIQUOR CONTROL, SEPTEMBER 14, 2000

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 providing for public venue licenses.

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

20 Section 1. The definition of "Performing arts facilities" in
21 section 102 of the act of April 12, 1951 (P.L.90, No.21), known
22 as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32,
23 No.14), is amended and the section is amended by adding a
24 definition to read:

25 Section 102. Definitions.--The following words or phrases,

1 unless the context clearly indicates otherwise, shall have the
2 meanings ascribed to them in this section:

3 * * *

4 "Performing arts facilities" shall mean those halls or
5 theaters in which live musical, concert, dance, ballet and
6 legitimate play book-length productions are performed. The
7 facility must have seating for at least five hundred people.

8 * * *

9 "Public venue" shall mean any stadium, arena, convention
10 center, performing arts facility, museum, amphitheater or
11 similar structure with seating for at least one thousand people
12 that is owned by a municipality or county or owned by an
13 authority created under the act of July 29, 1953 (P.L.1034,
14 No.270), known as the "Public Auditorium Authorities Law," or an
15 art museum established under the authority of the act of April
16 6, 1971 (3 Sm.L.20, No.1536) entitled, "An act to confer on
17 certain associations of the citizens of this Commonwealth the
18 powers and immunities of corporations, or bodies politic in
19 law." It shall also mean any such structure that has seating for
20 at least five thousand people, regardless of owner or any
21 regional history center, multipurpose cultural and science
22 facility or museum, regardless of owner, that has a floor area
23 of at least one hundred thousand square feet in one building.

24 * * *

25 Section 2. Section 402 of the act is amended by adding a
26 subsection to read:

27 Section 402. License Districts; License Period; Hearings.--*

28 * *

29 (c) This section shall not be construed to grant standing to
30 residents residing within five hundred feet of a public venue or

1 performing arts facility.

2 Section 3. Section 403(g) of the act is amended to read:

3 Section 403. Applications for Hotel, Restaurant and Club
4 Liquor Licenses.--* * *

5 (g) Every applicant for a new license or for the transfer of
6 an existing license, except applicants for public venue
7 licenses, shall post, for a period of a least fifteen days
8 beginning with the day the application is filed with the board,
9 in a conspicuous place on the outside of the premises or at the
10 proposed new location for which the license is applied, a notice
11 of such application, in such form, of such size, and containing
12 such provisions as the board may require by its regulations.
13 Proof of the posting of such notice shall be filed with the
14 board.

15 * * *

16 Section 4. Section 404 of the act, amended December 21, 1998
17 (P.L.1202, No.155), is amended to read:

18 Section 404. Issuance of Hotel, Restaurant and Club Liquor
19 Licenses.--Upon receipt of the application and the proper fees,
20 and upon being satisfied of the truth of the statements in the
21 application that the applicant is the only person in any manner
22 pecuniarily interested in the business so asked to be licensed
23 and that no other person will be in any manner pecuniarily
24 interested therein during the continuance of the license, except
25 as hereinafter permitted, and that the applicant is a person of
26 good repute, that the premises applied for meet all the
27 requirements of this act and the regulations of the board, that
28 the applicant seeks a license for a hotel, restaurant or club,
29 as defined in this act, and that the issuance of such license is
30 not prohibited by any of the provisions of this act, the board

1 shall, in the case of a hotel or restaurant, grant and issue to
2 the applicant a liquor license, and in the case of a club may,
3 in its discretion, issue or refuse a license: Provided, however,
4 That in the case of any new license or the transfer of any
5 license to a new location the board may, in its discretion,
6 grant or refuse such new license or transfer if such place
7 proposed to be licensed is within three hundred feet of any
8 church, hospital, charitable institution, school, or public
9 playground, or if such new license or transfer is applied for a
10 place which is within two hundred feet of any other premises
11 which is licensed by the board: And provided further, That the
12 board's authority to refuse to grant a license because of its
13 proximity to a church, hospital, charitable institution, public
14 playground or other licensed premises shall not be applicable to
15 license applications submitted for public venues or performing
16 arts facilities: And provided further, That the board shall
17 refuse any application for a new license or the transfer of any
18 license to a new location if, in the board's opinion, such new
19 license or transfer would be detrimental to the welfare, health,
20 peace and morals of the inhabitants of the neighborhood within a
21 radius of five hundred feet of the place proposed to be
22 licensed: And provided further, That prior to July 1, 1996, in
23 any license district in a city of the first class, the board
24 may, in its opinion, refuse any application for a new license or
25 for any person-to-person transfer which shall include a change
26 in stockholders involving ten per centum or more of all
27 outstanding voting stock and/or less than ten per centum of all
28 outstanding voting stock when such change involves a majority or
29 controlling interest, of any license if the licensed premises is
30 or would be within three hundred feet of any church, hospital,

1 charitable institution, school or public playground or within
2 two hundred feet of any other premises licensed by the board and
3 if, in the opinion of the board, the licensed premises is or
4 would be detrimental to the welfare, health, peace and morals of
5 such church, hospital, school, public playground and/or the
6 inhabitants of the neighborhood within a radius of five hundred
7 feet of the licensed premises. This authority to refuse a
8 person-to-person transfer in a city of the first class is in
9 addition to and not in derogation of the authority of the board
10 generally stated for all areas of this Commonwealth: And
11 provided further, That the board shall have the discretion to
12 refuse a license to any person or to any corporation,
13 partnership or association if such person, or any officer or
14 director of such corporation, or any member or partner of such
15 partnership or association shall have been convicted or found
16 guilty of a felony within a period of five years immediately
17 preceding the date of application for the said license. The
18 board shall refuse any application for a new license or the
19 transfer of any license to a location where the sale of liquid
20 fuels or oil is conducted. Upon any opening in any quota, an
21 application for a new license shall only be filed with the board
22 for a period of six months following said opening.

23 Section 5. Section 406 of the act is amended by adding
24 subsections to read:

25 Section 406. Sales by Liquor Licensees; Restrictions.--* * *

26 (c) Pursuant to section 412, licensed public venues may sell
27 liquor and malt or brewed beverages on Sundays after eleven
28 o'clock antemeridian and until ten o'clock postmeridian, without
29 the need to acquire a special permit.

30 (d) Pursuant to section 413, licensed performing arts

1 facilities may sell liquor and malt or brewed beverages on
2 Sundays after one o'clock postmeridian and until ten o'clock
3 postmeridian without the need to acquire a special permit.

4 (e) Licensed public venues and licensed performing arts
5 facilities are not subject to any provisions of the Liquor Code
6 dealing with sales on election days; sales on election days may
7 occur in the same manner as if no election were being conducted
8 on that day.

9 Section 6. Sections 408.1 and 408.2 of the act, amended
10 April 24, 1994 (P.L.212, No.30) and December 21, 1998 (P.L.1202,
11 No.155), are amended to read:

12 [Section 408.1. Trade Show and Convention Licenses.--(a)
13 The board is authorized to issue a license in any city of the
14 first or second class for the retail sale of liquor and malt or
15 brewed beverages by the glass, open bottles or other container
16 or in any mixture for consumption in any restaurant or other
17 appropriate location on city-owned premises or on premises of an
18 authority created under the act of July 29, 1953 (P.L.1034),
19 known as the "Public Auditorium Authorities Law" customarily
20 used or available for use for trade shows and conventions. Any
21 concessionaire selected and certified by the city or its
22 authorized agency or by the authority may apply for a license.

23 (b) The application for a trade show and convention license
24 may be filed at any time and shall conform with all requirements
25 for restaurant liquor license applications except as may be
26 otherwise provided herein. The applicant shall submit such other
27 information as the board may require. Application shall be in
28 writing on forms prescribed by the board and shall be signed and
29 submitted to the board by the applicant. The filing fee which
30 shall accompany the trade show and convention license

1 application shall be as prescribed in section 614-A of the act
2 of April 9, 1929 (P.L.177, No.175), known as "The Administrative
3 Code of 1929."

4 (c) Upon receipt of the application in proper form and the
5 application fee, and upon being satisfied that the applicant is
6 of good repute and financially responsible and that the proposed
7 place of business is proper, the board shall issue a license to
8 the applicant.

9 (d) The license shall be issued for the same period as
10 provided for restaurant licenses and shall be renewed as in
11 section 402. The license shall terminate upon revocation by the
12 board or upon termination of the contract between the
13 concessionaire and the city or authority and shall not be
14 validated if the annual fee is not timely paid.

15 (e) The annual fee for a trade show and convention license
16 shall be as prescribed in section 614-A of "The Administrative
17 Code of 1929." Whenever a concessionaire's contract terminates
18 the license shall be returned to the board for cancellation and
19 a new license shall be issued to a new applicant.

20 (g) Sales by the holder of a trade show and convention
21 license may be made except to those persons prohibited under
22 clause (1) of section 493 of this act on city-owned or
23 authority-owned, leased or operated premises customarily used or
24 available for use for trade shows and conventions during the
25 hours in which the convention or trade show is being held and up
26 to one hour after the scheduled closing, and at functions which
27 are incidental to or a part of the trade show or convention, but
28 such sales may not be made beyond the hours expressed in the act
29 for the sale of liquor by restaurant licensees: Provided,
30 however, That during the hours expressed in this act for the

1 sale of liquor by hotel licensees, sales of such liquor or malt
2 or brewed beverages may be made by said licensee at banquets,
3 not incidental to trade shows or conventions, at which more than
4 two thousand persons are scheduled to attend, and at functions
5 irrespective of attendance, which are directly related to the
6 Philadelphia Commercial Museum or the Center for International
7 Visitors: And provided further, That no such sale shall be made
8 at any sporting, athletic or theatrical event.

9 (h) Whenever a contract is terminated prior to the
10 expiration date provided in the contract between the city or
11 authority and the concessionaire, the city or authority may
12 select and certify to the board a different concessionaire which
13 concessionaire shall apply to the board for a new license. If
14 the applicant meets the requirements of the board as herein
15 provided a new license shall thereupon be issued.

16 (i) If any trade show and convention license is suspended,
17 the offer in compromise shall be accepted at the same rate as
18 provided for existing restaurant liquor licenses not in excess
19 of one hundred days. If any trade show and convention license is
20 revoked, the board shall issue a new license to any qualified
21 applicant without regard to the prohibition in section 471
22 against the grant of license at the same premises for a period
23 of at least one year.

24 Section 408.2. City-Owned Stadia.--(a) The board is
25 authorized to issue a license in any city of the first class for
26 the retail sale of liquor and malt or brewed beverages by the
27 glass, open bottles or other container or in any mixture for
28 consumption in any restaurant on city-owned premises principally
29 utilized for competition of professional and amateur athletes
30 and other types of entertainment where there is an available

1 seating capacity within the premises of twelve thousand or more.

2 (b) The application for a city-owned stadium license may be
3 filed by a concessionaire selected and certified by the city or
4 its authorized agency and shall conform with all requirements
5 for restaurant-liquor licenses and applications except as may
6 otherwise be provided herein. Applicant shall submit such other
7 information as the board may require. Applications shall be in
8 writing on forms prescribed by the board and shall be signed and
9 submitted to the board by the applicant. The filing fee shall be
10 as prescribed in section 614-A of the act of April 9, 1929

11 (P.L.177, No.175), known as "The Administrative Code of 1929."

12 (c) Upon receipt of the application in proper form and the
13 application fee and upon being satisfied that the applicant is
14 of good repute and financially responsible and that the proposed
15 place of business is proper, the board shall issue a license to
16 the applicant.

17 (d) The license shall be issued for the same period of time
18 as provided for restaurant licenses and shall be renewed as
19 provided in section 402. The license shall terminate upon
20 revocation by the board or upon termination of the contract
21 between the concessionaire and the city and shall not be
22 validated if the annual fee is not timely paid.

23 (e) The annual fee for a stadium license shall be as
24 prescribed in section 614-A of "The Administrative Code of
25 1929." Whenever a concessionaire's contract terminates the
26 license shall be returned to the board for cancellation and a
27 new license shall be issued to a new applicant.

28 (g) Sales by the holder of a stadium license may be made
29 except to those persons prohibited under clause (1) of section
30 493 of this act on city-owned premises customarily used or

1 available for use for competition of professional and amateur
2 athletes and other types of entertainment during the hours in
3 which the entertainment is being held and up to one hour after
4 the scheduled closing, and at functions which are incidental to
5 or part of the stadium activities, but such sales may not be
6 made beyond the hours expressed in the code for the sale of
7 liquor by restaurant licensees: Provided, however, That such
8 sales may be made on Sunday between the hours of twelve o'clock
9 noon and ten o'clock postmeridian: And provided further, That
10 during the hours expressed in this act for the sale of liquor by
11 hotel licensees, sales of such liquor or malt or brewed
12 beverages may be made by said licensee at banquets, not
13 incidental to stadium activities, at which more than two
14 thousand persons are scheduled to attend, and at functions
15 irrespective of attendance, which are directly related to stadia
16 purposes.

17 (h) Whenever a contract is terminated prior to the
18 expiration date provided in the contract between the city and
19 the concessionaire, the city may select and certify to the board
20 a different concessionaire which concessionaire shall apply to
21 the board for a new license. If the applicant meets the
22 requirements of the board as herein provided a new license shall
23 thereupon be issued. If any stadium license is revoked, the
24 board shall issue a new license to any qualified applicant
25 without regard to the prohibition in section 471, against the
26 grant of a license at the same premises for a period of at least
27 one year.]

28 Section 7. Section 408.3 of the act, amended May 31, 1990
29 (P.L.224, No.48) and April 29, 1994 (P.L.212, No.30), is amended
30 to read:

1 [Section 408.3. Performing Arts Facilities.--(a) The board
2 is authorized to issue a license to one nonprofit corporation
3 operating a theater for the performing arts in each city of the
4 first or second class which has seating accommodations for at
5 least twenty-seven hundred persons except where prohibited by
6 local option for the retail sale of liquor and malt or brewed
7 beverages by the glass, open bottle or other container or in any
8 mixture for consumption in any such theater for the performing
9 arts.

10 (a.1) The board is authorized to issue licenses to operators
11 of theaters for the performing arts, other than a theater
12 qualifying under subsection (a), which are permanently located
13 at a single site and which have seating accommodations, affixed
14 to the theater structure, for at least one thousand persons
15 except where prohibited by local option for the retail sale of
16 liquor and malt or brewed beverages by the glass, open bottle,
17 or other container or in any mixture for consumption in any such
18 theater for the performing arts.

19 (a.2) The board is authorized to approve the transfer of a
20 restaurant license to one nonprofit corporation operating a
21 theater for the performing arts in each city and borough which
22 has a seating capacity of at least two hundred fifty (250)
23 persons, except where prohibited by local option, for the retail
24 sale of liquor and malt or brewed beverages by the glass, open
25 bottle or other container or in any mixture for consumption in
26 any such theater for the performing arts.

27 (b) The application for a performing arts facility license
28 may be filed at any time by a nonprofit corporation operating
29 such a theater for the performing arts or by a concessionaire
30 selected by such nonprofit corporation and shall conform with

1 all requirements for restaurant liquor licenses and applications
2 except as may otherwise be provided herein. Applicant shall
3 submit such other information as the board may require.
4 Applications shall be in writing on forms prescribed by the
5 board and shall be signed and submitted to the board by the
6 applicant. The filing fee shall accompany the license
7 application.

8 (b.1) A performing arts facility referred to in subsection
9 (a.1) must be in operation for a period of one (1) year and a
10 performing arts facility referred to in subsection (a.2) must be
11 in operation for a period of two (2) years before it may file an
12 application for a license. The application for a performing arts
13 facility license may be filed at any time thereafter by the
14 operator or a concessionaire selected by the operator of such
15 theater for the performing arts and shall conform with all
16 requirements for restaurant liquor licenses and applications
17 except as may be otherwise provided herein. Applicants shall
18 submit such other information as the board may require.
19 Applications shall be in writing on forms prescribed by the
20 board and shall be signed and submitted to the board by the
21 applicant. The filing fee shall accompany the license
22 application.

23 (b.2) The filing fee which is prescribed in clause (19) of
24 section 614-A of the act of April 9, 1929 (P.L.177, No.175),
25 known as "The Administrative Code of 1929," shall accompany the
26 license application filed under subsection (b) or (b.1).

27 (c) Upon receipt of the application in proper form and the
28 application fee and upon being satisfied that the applicant is
29 of good reputation and financially responsible and that the proposed
30 place of business is proper, the board shall issue a license to

1 the applicant.

2 (d) The license shall be issued for the same period of time
3 as provided for restaurant licenses and shall be renewed as
4 provided in section 402. The license shall terminate upon
5 revocation by the board or upon termination of the contract
6 between the concessionaire and the operator of such theater for
7 the performing arts and shall not be validated if the annual fee
8 is not timely paid.

9 (e) The annual fee for a performing arts facility shall be
10 as prescribed in clause (19) of section 614-A of "The
11 Administrative Code of 1929." Whenever and if a concessionaire's
12 contract terminates the license shall be returned to the board
13 for cancellation and a new license shall be issued to a new
14 applicant.

15 (g) Sales by the holder of a performing arts facility
16 license may be made except to those persons prohibited under
17 clause (1) of section 493 of this act on the premises of such a
18 theater for the performing arts during the hours expressed in
19 the code for the sale of liquor and malt and brewed beverages by
20 restaurant licensees, and the license may be used for such sales
21 on Sundays between the hours of 1:00 P.M. and 10:00 P.M.,
22 irrespective of the volume of food sales.

23 (g.1) Sales by the holder of a performing arts facility
24 license referred to in subsection (a.1) shall be further
25 restricted to the period of time beginning one (1) hour before
26 and ending one (1) hour after any presentation at the performing
27 arts facility.

28 (h) Whenever a contract with a concessionaire is terminated
29 prior to the expiration date provided in the contract between
30 such operator and the concessionaire, operator may select and

1 certify to the board a different concessionaire which
2 concessionaire shall apply to the board for a new license. If
3 the applicant meets the requirements of the board as herein
4 provided a new license shall thereupon be issued. If any such
5 performing arts facility license is revoked, the board shall
6 issue a new license to any qualified applicant without regard to
7 the prohibition in section 471, against the grant of a license
8 at the same premises for a period of at least one (1) year.

9 (i) Licenses issued under the provisions of this section
10 shall not be subject to the quota restrictions of section 461 of
11 this act.

12 (j) Performing arts facility licenses referred to in
13 subsection (a) shall not be subject to the provisions of section
14 404 except in so far as they relate to the reputation of the
15 applicant nor to the provisions of sections 461 and 463 nor to
16 the provisions of clause (10) of section 493 of the "Liquor
17 Code."

18 (j.1) Performing arts facilities referred to in subsection
19 (a.1) shall not be subject to the provisions of section 463 nor
20 to the provision requiring a special permit for dancing,
21 theatricals or floor shows of any sort, or moving pictures other
22 than television in clause (10) of section 493 of the "Liquor
23 Code."

24 (j.2) Performing arts theaters referred to in subsection
25 (a.2) shall not be subject to the provisions of section 463, nor
26 to the provision requiring a special permit for dancing,
27 theatricals or floor shows of any sort, or moving pictures other
28 than television in clause (10) of section 493, nor to provisions
29 defining "restaurant" in section 102.

30 (k) Sales under such licenses (including food sales) may be

1 limited by the licensee to patrons of the events scheduled in
2 the theater of the performing arts. Provided food is offered for
3 sale when sales are made under the license, such food may be
4 catered from off the premises.]

5 Section 8. Section 408.5 of the act, amended May 31, 1996
6 (P.L.312, No.49) and December 20, 1996 (P.L.1523, No.199), is
7 amended to read:

8 [Section 408.5. Licenses for City-owned Art Museums, Cities
9 First Class; Art Museums Maintained by Certain Non-profit
10 Corporations in Cities of the Second Class; Non-profit Science
11 and Technology Museums in Cities of the First Class and in
12 Cities of the Second Class; and Regional History Centers in
13 Cities of the Second Class.--(a) The board is authorized to
14 issue a license in any city of the first class for the retail
15 sale of liquor and malt or brewed beverages by the glass, open
16 bottles or other container, and in any mixture, for consumption
17 in any State-chartered or city-owned art museum, in any art
18 museum maintained by a non-profit corporation in cities of the
19 second class or any non-profit science and technology museum in
20 cities of the first class or in cities of the second class, or
21 any regional history center having a floor area of not less than
22 one hundred thousand square feet in one building in cities of
23 the second class. For the purpose of this section "non-profit
24 corporation" shall mean a corporation organized under the non-
25 profit corporation laws for the benefit of the public and not
26 for the mutual benefit of its members, and which maintains an
27 art museum or a science and technology museum having a floor
28 area of not less than one hundred thousand square feet in one
29 building.

30 (b) The application for a license may be filed by the State-

1 chartered art museum, the city, the non-profit corporation or
2 lessee. The application may also be filed by a concessionaire
3 selected and certified by the State-chartered art museum, the
4 city or the non-profit corporation. The application shall
5 conform with all requirements for restaurant liquor licenses and
6 applications except as may otherwise be provided herein.
7 Applicant shall submit such other information as the board may
8 require. The application shall be in writing on forms prescribed
9 by the board and shall be signed and submitted to the board by
10 the applicant. A filing fee as prescribed in section 614-A of
11 the act of April 9, 1929 (P.L.177, No.175), known as "The
12 Administrative Code of 1929," shall accompany the license
13 application.

14 (c) Upon receipt of the application in proper form with the
15 application fee and upon being satisfied that the applicant is
16 of good reputation and financially responsible and that the proposed
17 place of business is proper, the board shall issue a license to
18 the applicant.

19 (d) The license shall be issued for the same period of time
20 as provided for restaurant licensees and shall be renewed as
21 provided in section 402. The license shall terminate upon
22 revocation by the board or upon termination of the lease or upon
23 termination of the contract between the concessionaire and the
24 State-chartered art museum, the city or the non-profit
25 corporation and shall not be validated if the annual fee is not
26 timely paid.

27 (g) Sales by the holder of an art museum license or science
28 and technology license or any regional history center license
29 may be made except to those persons prohibited by this act on
30 premises used for art museum or science and technology purposes

1 or regional history center purposes, but such sales may not be
2 made beyond the hours expressed in this act for the sale of
3 liquor by restaurant licenses. However, sales of liquor or malt
4 or brewed beverages may be made by an art museum or science and
5 technology or regional history center licensee at banquets at
6 which more than five hundred persons are scheduled to attend and
7 at any other function which is directly related to art museum or
8 science and technology purposes or a regional history center's
9 purposes.

10 (h) Whenever a lease or a concession contract is terminated
11 prior to the expiration date provided in the lease or contract
12 between the State-chartered art museum, the city or the non-
13 profit corporation and the tenant or concessionaire, the State-
14 chartered art museum, the city or the non-profit corporation may
15 select and certify to the board a different licensee or
16 concessionaire who may then apply to the board for a new
17 license. If the applicant meets the requirements of the board as
18 herein provided a new license shall thereupon be issued.

19 (i) If the board shall revoke any art museum license or
20 science and technology license or regional history museum
21 license, the board shall issue a new license to any qualified
22 applicant without regard to the prohibition in section 471
23 against the grant of a license at the same premises for a period
24 of at least one year.

25 (i.1) Any renewal of a license presently held by a city-
26 owned art museum in a city of the first class shall be
27 accomplished by the purchase of a license from an existing
28 licensee.

29 (i.2) An art museum maintained by a non-profit corporation
30 or corporations in a city of the second class which obtains

1 approval of its application for a license from the board shall
2 purchase a license from an existing licensee.

3 (i.3) A license issued to a State-chartered art museum shall
4 not be subject to the quota restrictions of section 461 nor to
5 the provisions of section 404.

6 (j) The provisions of this act shall supersede or exempt any
7 provision of the Liquor Code which would prevent the issuance of
8 a license for the retail sale of liquor and malt or brewed
9 beverages upon any premises owned by a State-chartered art
10 museum, the city of the first class or by a non-profit
11 corporation in a city of the second class used for art museum
12 purposes.

13 (k) For purposes of this section, "State-chartered art
14 museum" shall mean an art museum established under the authority
15 of the act of April 6, 1791 (3 Sm.L.20, No.1536), entitled "An
16 act to confer on certain associations of the citizens of this
17 commonwealth the powers and immunities of corporations, or
18 bodies politic in law."]

19 Section 9. Section 408.6 of the act, amended or added May
20 31, 1990 (P.L.224, No.48), April 29, 1994 (P.L.212, No.30),
21 February 18, 1998 (P.L.162, No.25), June 18, 1998 (P.L.664,
22 No.86), December 21, 1998 (P.L.1202, No.155) and November 10,
23 1999 (P.L.514, No.43), is amended to read:

24 [Section 408.6. Performing Arts Facilities in Certain
25 Municipalities.--(a) The board is authorized to issue a
26 restaurant liquor license to a nonprofit corporation or to a
27 concessionaire selected by such nonprofit corporation in any
28 city of the second class A, any city of the third class or any
29 borough for the retail sale of liquor and malt or brewed
30 beverages by the glass, open bottles or other container or in

1 any mixture for consumption on any city-owned premises utilized
2 as a nonprofit performing arts facility or any other premises
3 utilized as a nonprofit performing arts facility where there is
4 an available seating capacity within the premises of five
5 hundred or more: Provided, however, That no sale or consumption
6 of such beverages shall take place on any portions of such
7 premises other than service areas approved by the board.

8 (a.1) The board is authorized to issue licenses to operators
9 of theaters for the performing arts in townships of the second
10 class located in fourth class counties which are permanently
11 located at a single site and which have seating accommodations
12 affixed to the theater structure for at least seven thousand
13 persons, except where prohibited by local option for the retail
14 sale of liquor and malt or brewed beverages by the glass, open
15 bottles or other container or in any mixture for consumption in
16 any such theater for the performing arts.

17 (a.2) The board is authorized to issue licenses to operators
18 of theaters for the performing arts in townships of the first
19 class located in a county of the second class A and cities of
20 the second class in counties of the second class which are
21 permanently located at a single site and which have seating
22 accommodations for at least two hundred fifty persons, except
23 where prohibited by local option for the retail sale of liquor
24 and malt or brewed beverages by the glass, open bottle or other
25 container or in any mixture for consumption in any such theater
26 for the performing arts. Notwithstanding any other provision of
27 this section, licenses issued under this subsection may not be
28 issued to concessionaires.

29 (b) An application for the issuance may be filed at any
30 time. Any such license granted under these provisions need not

1 conform to the requirements of the act relating to restaurant
2 liquor licenses, except as provided herein. Applicants shall
3 submit such other information as the board may require.
4 Applications shall be in writing on forms prescribed by the
5 board and shall be signed and submitted to the board by the
6 applicant. The filing fee which shall accompany the license
7 application shall be thirty dollars (\$30).

8 (c) Upon receipt of the application in proper form and the
9 application fee and upon being satisfied that the applicant is
10 of good repute and financially responsible and that the proposed
11 place of business is proper, the board shall issue the
12 restaurant liquor license for the performing arts facility.

13 (d) The license shall be issued for the same period of time
14 as provided for restaurant licenses and shall be renewed as
15 provided in section 402. The license shall terminate upon
16 revocation by the board or upon termination and nonrenewal of
17 the contract between the concessionaire and such nonprofit
18 corporation and shall not be validated if the annual fee is not
19 timely paid.

20 (e) The annual fee for a performing arts facility shall be
21 as provided in section 614-A of the act of April 9, 1929
22 (P.L.177, No.175), known as "The Administrative Code of 1929."
23 Whenever and if a concessionaire's contract terminates and is
24 not renewed the license shall be returned to the board for
25 cancellation but the board may issue a restaurant liquor license
26 to a subsequent applicant.

27 (g) Sales by the holder of a performing arts facility
28 license may be made except to those persons prohibited under
29 clause (1) of section 493 on board-approved service areas of the
30 premises of such a facility for the performing arts during the

1 hours in which the performance is being held and up to two hours
2 before the scheduled opening and one hour after the scheduled
3 closing, but such sales may not be made beyond the hours
4 expressed in the code for the sale of liquor and malt or brewed
5 beverages by restaurant licensees: Provided, however, That such
6 sales may be made on Sunday between the hours of one o'clock
7 postmeridian and ten o'clock postmeridian, irrespective of the
8 volume of food sales.

9 (h) Whenever a contract with a concessionaire is terminated
10 prior to the expiration date provided in the contract between
11 such nonprofit corporation and the concessionaire and is not
12 renewed, such nonprofit corporation may apply to the board for
13 the issuance of a restaurant liquor license or may select and
14 certify to the board a different concessionaire which
15 concessionaire shall apply to the board for the issuance of a
16 restaurant liquor license. If the applicant meets the
17 requirements of the board as herein provided, the issuance shall
18 thereupon occur. If any such performing arts facility license is
19 revoked, the board shall issue a new license to any qualified
20 applicant without regard to the prohibition in section 471,
21 against the grant of a license at the same premises for a period
22 of at least one year.

23 (i) Licenses issued under the provisions of this section
24 shall not be subject to the quota restrictions of section 461.

25 (j) Performing arts licenses under subsections (a) and (a.1)
26 shall not be subject to the provisions of section 404 except
27 insofar as they relate to the reputation of the applicant nor to
28 the provisions of sections 461 and 463 nor to the provisions of
29 clause (10) of section 493.

30 (k) Sales under such licenses (including food sales) may be

1 limited by the licensee to patrons of the events scheduled in
2 the facility of the performing arts. Provided food is offered
3 for sale when sales are made under the license, such food may be
4 catered from off the premises.]

5 Section 10. Sections 408.7 and 408.8 of the act, amended
6 April 29, 1994 (P.L.212, No.30) and December 21, 1998 (P.L.1202,
7 No.155), are amended to read:

8 [Section 408.7. Performing Arts Facilities in First and
9 Second Class Cities.--(a) The board is authorized to transfer a
10 restaurant liquor license purchased by any person or by a
11 concessionaire selected by such person in any city of the first
12 or second class for the retail sale of liquor and malt or brewed
13 beverages by the glass, open bottles or other container or in
14 any mixture for consumption on any city-owned premises utilized
15 as a performing arts facility or any other premise utilized as a
16 performing arts facility where there is an available seating
17 capacity within the premises of one thousand or more: Provided,
18 however, That no sale or consumption of such beverages shall
19 take place on any portions of such premises other than service
20 areas approved by the board.

21 (b) An application for transfer may be filed at any time by
22 a person operating such a theater for the performing arts or by
23 a concessionaire selected by such person. Any such license
24 granted under these provisions need not conform to the
25 requirements of the act relating to restaurant liquor licenses,
26 except as provided herein. Applicant shall submit such other
27 information as the board may require. Applications shall be in
28 writing on forms prescribed by the board and shall be signed and
29 submitted to the board by the applicant. The filing fee which
30 shall accompany the license transfer application shall be thirty

1 dollars (\$30).

2 (c) Upon receipt of the application in proper form and the
3 application fee and upon being satisfied that the applicant is
4 of good repute and financially responsible and that the proposed
5 place of business is proper, the board shall transfer the
6 restaurant liquor license for the performing arts facility.

7 (d) The license shall be transferred for the same period of
8 time as provided for restaurant licenses and shall be renewed as
9 provided in section 402. The license shall terminate upon
10 revocation by the board or upon termination and nonrenewal of
11 the contract between the concessionaire and such person and
12 shall not be validated if the annual fee is not timely paid.

13 (e) The annual fee for a performing arts facility shall be
14 as provided in section 614-A of the act of April 9, 1929
15 (P.L.177, No.175), known as "The Administrative Code of 1929."
16 Whenever and if a concessionaire's contract terminates and is
17 not renewed the license shall be returned to the board for
18 cancellation and the board may transfer a restaurant liquor
19 license purchased by a subsequent applicant.

20 (g) Sales by the holder of a performing arts facility
21 license may be made except to those persons prohibited under
22 clause (1) of section 493 on board-approved service areas of the
23 premises of such a facility for the performing arts during the
24 hours in which the performance is being held and up to one hour
25 before the scheduled opening and one hour after the scheduled
26 closing, but such sales may not be made beyond the hours
27 expressed in the code for the sale of liquor and malt or brewed
28 beverages by restaurant licensees: Provided, however, That such
29 sales may be made on Sunday between the hours of one o'clock
30 postmeridian and ten o'clock postmeridian, irrespective of the

1 volume of food sales.

2 (h) Whenever a contract with a concessionaire is terminated
3 prior to the expiration date provided in the contract between
4 such person and the concessionaire and is not renewed, such
5 person may apply to the board for the transfer of a restaurant
6 liquor license purchased by such person, or may select and
7 certify to the board a different concessionaire which
8 concessionaire shall apply to the board for the transfer of a
9 restaurant liquor license purchased by such concessionaire. If
10 the applicant meets the requirements of the board as herein
11 provided, a transfer shall thereupon occur. If any such
12 performing arts facility license is revoked, the board shall
13 transfer a license for any qualified applicant who has purchased
14 a restaurant liquor license without regard to the prohibition in
15 section 471, against the grant of a license at the same premises
16 for a period of at least one year.

17 (i) Performing arts licenses shall not be subject to the
18 provisions of section 404 except insofar as they relate to the
19 reputation of the applicant nor to the provisions of section
20 463, nor to the provisions of clause (10) of section 493.

21 (j) Sales under such licenses (including food sales) may be
22 limited by the licensee to portions of the events scheduled in
23 the facility of the performing arts. Provided food is offered
24 for sale when sales are made under the license, such food may be
25 catered from off the premises.

26 Section 408.8. Trade Shows and Convention Licenses; Cities
27 of the Third Class.--(a) The board is authorized to issue a
28 restaurant liquor license to a nonprofit corporation or to a
29 concessionaire selected by such nonprofit corporation in any
30 city of the third class for the retail sale of liquor and malt

1 or brewed beverages by the glass, open bottles or other
2 container or in any mixture for consumption on any city-owned
3 premises customarily used or available for use for trade shows
4 and conventions with a capacity within the premises for one
5 thousand people or more: Provided, however, That no sale or
6 consumption of such beverages shall take place on any portions
7 of such premises other than service areas approved by the board.

8 (b) An application for the issuance may be filed at any time
9 by a nonprofit corporation operating such a facility for trade
10 shows or conventions or by a concessionaire selected by such
11 nonprofit corporation. Any such license granted under these
12 provisions need not conform to the requirements of the act
13 relating to restaurant liquor licenses, except as provided
14 herein. Applicant shall submit such other information as the
15 board may require. Applications shall be in writing on forms
16 prescribed by the board and shall be signed and submitted to the
17 board by the applicant. The filing fee which shall accompany the
18 license application shall be thirty dollars (\$30).

19 (c) Upon receipt of the application in proper form and the
20 application fee, and upon being satisfied that the applicant is
21 of good repute and financially responsible and that the proposed
22 place of business is proper, the board shall issue the
23 restaurant liquor license for the trade show or convention
24 facility.

25 (d) The license shall be issued for the same period of time
26 as provided for restaurant licenses and shall be renewed as
27 provided in section 402. The license shall terminate upon
28 revocation by the board or upon termination and nonrenewal of
29 the contract between the concessionaire and such nonprofit
30 corporation and shall not be validated if the annual fee is not

1 timely paid.

2 (e) The annual fee for a trade show or convention facility
3 shall be as provided in section 614-A of the act of April 9,
4 1929 (P.L.177, No.175), known as "The Administrative Code of
5 1929." Whenever and if a concessionaire's contract terminates
6 and is not renewed, the license shall be returned to the board
7 for cancellation but the board may issue a restaurant liquor
8 license to a subsequent application.

9 (g) Sales by the holder of a trade show or convention
10 facility license may be made except to those persons prohibited
11 under clause (1) of section 493 on board-approved service areas
12 of the premises of such a facility for trade shows or
13 conventions during the hours in which the trade show or
14 convention is being held and up to one hour before the scheduled
15 opening and one hour after the scheduled closing, but such sales
16 may not be made beyond the hours expressed in the code for the
17 sale of liquor and malt or brewed beverages by restaurant
18 licensees: Provided, however, That such sales may be made on
19 Sunday between the hours of one o'clock postmeridian and ten
20 o'clock postmeridian, irrespective of the volume of food sales.

21 (h) Whenever a contract with a concessionaire is terminated
22 prior to the expiration date provided in the contract between
23 such nonprofit corporation and the concessionaire and is not
24 renewed, such nonprofit corporation may apply to the board for
25 the issuance of a restaurant liquor license or may select and
26 certify to the board a different concessionaire which
27 concessionaire shall apply to the board for issuance of a
28 restaurant liquor license. If the applicant meets the
29 requirements of the board as herein provided, the issuance shall
30 thereupon occur. If any such trade show or convention license is

1 revoked, the board shall issue a new license to any qualified
2 applicant without regard to the prohibition in section 471
3 against the grant of a license at the same premises for a period
4 of at least one year.

5 (i) Licenses issued under the provisions of this section
6 shall not be subject to the quota restrictions of section 461.

7 (j) Trade show or convention licenses shall not be subject
8 to the provisions of section 404 except insofar as they relate
9 to the reputation of the applicant nor to the provisions of
10 sections 461 and 463 nor to the provisions of clause (10) of
11 section 493.

12 (k) Sales under such licenses (including food sales) may be
13 limited by the licensee to patrons of the events scheduled in
14 the facility for trade shows or conventions. Provided food is
15 offered for sale when sales are made under the license, such
16 food may be catered from off the premises.]

17 Section 11. Section 408.9 of the act, amended May 31, 1996
18 (P.L.312, No.49), is amended to read:

19 [Section 408.9. Stadium and Restaurant Licenses in Third
20 Class Cities.--The board is authorized to issue one restaurant
21 license in any city of the third class for the retail sale of
22 liquor and malt or brewed beverages by the glass, open bottles
23 or other containers, and in any mixture, for consumption in any
24 restaurant which is located not more than one thousand feet from
25 a stadium which has a seating capacity of four thousand five
26 hundred persons, situate on the same lot or parcel of land not
27 less than four acres in size with no intervening public
28 thoroughfare between the restaurant and the stadium.]

29 Section 12. Section 408.10 of the act, amended or added June
30 30, 1992 (P.L.327, No.66), April 29, 1994 (P.L.212, No.30) and

1 December 21, 1998 (P.L.1202, No.155), is amended to read:

2 [Section 408.10. Recreation Facilities.--(a) The board is
3 authorized to issue a license in any city of the second class A
4 for the retail sale of liquor and malt or brewed beverages by
5 the glass, open bottles or other container or in any mixture for
6 consumption in any recreation facility on premises owned by the
7 city, the county or a county authority.

8 (b) The application for a license under this section may be
9 filed at any time by a concessionaire selected and certified by
10 the city, county or authority and shall conform with all
11 requirements for restaurant-liquor licenses and applications
12 except as may otherwise be provided herein. 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 shall be signed and submitted to the board by the
16 applicant. The filing fee which shall accompany the license
17 application shall be twenty dollars (\$20).

18 (c) Upon receipt of the application in proper form and the
19 application fee and upon being satisfied that the applicant is
20 of good repute and financially responsible and that the proposed
21 place of business is proper, the board shall issue a license to
22 the applicant.

23 (d) The license shall be issued for the same period of time
24 as provided for restaurant licenses and shall be renewed as
25 provided in section 402. The license shall terminate upon
26 revocation by the board or upon termination of the contract
27 between the concessionaire and the city, county or authority and
28 shall not be validated if the annual fee is not timely paid.

29 (e) The annual fee for a license issued under this section
30 shall be six hundred dollars (\$600) and shall accompany the

1 application for the license. Whenever a concessionaire's
2 contract terminates, the license shall be returned to the board
3 for cancellation, and a new license shall be issued to a new
4 applicant.

5 (g) Sales by the holder of a license issued under this
6 section may be made, except to those persons prohibited under
7 clause (1) of section 493, on premises owned by the city, county
8 or authority and available for use for recreation during the
9 hours in which the recreation activity is being held and up to
10 one hour after the scheduled closing, and at functions which are
11 incidental to or part of the recreation activities, but such
12 sales may not be made beyond the hours expressed in the code for
13 the sale of liquor by restaurant licensees: Provided, however,
14 That such sales may be made on Sunday between the hours of
15 twelve o'clock noon and ten o'clock postmeridian: And, provided
16 further, That during the hours expressed in this act for the
17 sale of liquor by hotel licensees, sales of such liquor or malt
18 or brewed beverages may be made by said licensee at banquets,
19 not incidental to recreation activities, at which more than two
20 thousand persons are scheduled to attend, and at functions
21 irrespective of attendance, which are directly related to
22 recreation activities.

23 (h) Whenever a contract is terminated prior to the
24 expiration date provided in the contract between the city,
25 county or authority and the concessionaire, the city, county or
26 authority may select and certify to the board a different
27 concessionaire which concessionaire shall apply to the board for
28 a new license. If the applicant meets the requirements of the
29 board as herein provided, a new license shall thereupon be
30 issued. If any license issued under this subsection is revoked,

1 the board shall issue a new license to any qualified applicant
2 without regard to the prohibition in section 471 against the
3 grant of a license at the same premises for a period of at least
4 one (1) year.]

5 Section 13. Section 408.11 of the act, amended or added
6 April 29, 1994 (P.L.212, No.30) and December 21, 1998 (P.L.1202,
7 No.155), is amended to read:

8 [Section 408.11. Seasonal Outdoor Cafe.--(a) The board is
9 authorized to issue one restricted restaurant license in a city
10 of the first class for the retail sale of liquor and malt or
11 brewed beverages by the glass, open bottle or other container or
12 in any mixture for consumption in a seasonal, temporary outdoor
13 cafe located on premises owned by a city of the first class.

14 (b) The application for a license under this section may be
15 filed at any time by a concessionaire selected and certified by
16 the city of the first class and shall conform with all
17 requirements for restaurant liquor licenses and applications,
18 except as may otherwise be provided herein. The applicant shall
19 submit such other information as the board may require. An
20 application shall be in writing on forms prescribed by the board
21 and shall be signed and submitted to the board by the applicant.
22 The filing fee shall be as prescribed by law for restaurant
23 licenses.

24 (c) Upon receipt of the application in proper form and the
25 application fee and upon being satisfied that the applicant is
26 of good repute and financially responsible, the board shall
27 issue a license to the applicant.

28 (d) The license shall be issued for the same period of time
29 as provided for restaurant licenses and shall be renewed as
30 provided in section 402. The license shall terminate upon

1 revocation by the board or upon termination of the contract
2 between the concessionaire and the city of the first class.

3 (e) The characteristics of a restaurant set forth in section
4 102 shall not apply to the seasonal, temporary outdoor cafe
5 licensed under this section. The seasonal, temporary outdoor
6 cafe shall be an open-air facility with tables and chairs
7 sufficient to seat at least thirty persons. The seasonal,
8 temporary outdoor cafe will consist of a temporary structure
9 measuring not less than fourteen feet by ten feet by ten feet
10 with a twenty feet by twenty feet tent adjacent to or connected
11 to this structure over a twenty-four feet by twenty-four feet
12 deck and located on property owned by a city of the first class.

13 (g) Sales by the holder of a license issued under this
14 section may be made, except to those persons prohibited under
15 clause (1) of section 493, on premises owned by the city of the
16 first class and available for use during the hours in which the
17 seasonal, temporary cafe is operated and up to one hour after
18 the scheduled closing and at functions which are incidental to
19 the seasonal, temporary cafe, but such sales may not be made
20 beyond the hours expressed in this act for the sale of liquor by
21 restaurant licensees, provided, however, that such sales may be
22 made on Sunday between the hours of twelve o'clock noon and
23 eight o'clock postmeridian.

24 (h) Whenever a contract is terminated prior to the
25 expiration date provided in the contract between the city of the
26 first class and the concessionaire, the city of the first class
27 may select and certify to the board a different concessionaire
28 and the board shall transfer that license to the new
29 concessionaire. A license issued under this section shall not be
30 transferred to any other location. If the license issued under

1 this section is revoked, the board shall issue a new license to
2 a qualified applicant without regard to the prohibition in
3 section 471 against the grant of a license at the same premises
4 for a period of at least one year.]

5 Section 14. Section 408.14 of the act, added December 20,
6 1996 (P.L.1523, No.199), is amended to read:

7 [Section 408.14. Multipurpose Cultural and Science
8 Facilities Licenses.--(a) The board is authorized to issue a
9 restaurant liquor license to a nonprofit corporation or to a
10 concessionaire selected by such nonprofit corporation for the
11 retail sale of liquor and malt or brewed beverages by the glass,
12 open bottles or other container or in any mixture for
13 consumption in any nonprofit multipurpose cultural and science
14 facility. For the purpose of this section, "nonprofit
15 multipurpose cultural and science facility" shall be a
16 corporation organized under the nonprofit corporation laws for
17 the benefit of the public and not for the mutual benefit of its
18 members, and which maintains in one building, constructed after
19 January 1, 1997, with a minimum square footage of one hundred
20 thousand square feet, a performing arts facility with a seating
21 capacity of not less than three hundred seats and a science and
22 technology center: Provided, however, That no sale or
23 consumption of such beverages shall take place on any portion of
24 such premises other than service areas approved by the board.

25 (b) An application for the license may be filed at any time
26 by a nonprofit corporation operating a multipurpose cultural and
27 science facility or by a concessionaire selected by such
28 nonprofit corporation. Any such license granted under these
29 provisions need not conform to the requirements of this act
30 relating to restaurant liquor licenses except as provided

1 herein. An applicant shall submit such other information as the
2 board may require. Applications shall be in writing on forms
3 prescribed by the board and shall be signed and submitted to the
4 board by the applicant. The filing fee which shall accompany the
5 license application shall be thirty dollars (\$30).

6 (c) Upon receipt of the application in proper form and the
7 application fee and upon being satisfied that the applicant is
8 of good repute and financially responsible and that the proposed
9 place of business is proper, the board shall issue the
10 restaurant liquor license for the multipurpose cultural and
11 science facility.

12 (d) The license shall be issued for the same period of time
13 as provided for restaurant licenses and shall be renewed as
14 provided in section 402. The license shall terminate upon
15 revocation by the administrative law judge or upon termination
16 or nonrenewal of the contract between the concessionaire and
17 such nonprofit corporation and shall not be validated if the
18 annual fee is not timely paid.

19 (e) Fees for a multipurpose cultural and science facility
20 shall be as provided in clause (19) of section 614-A of the act
21 of April 9, 1929 (P.L.177, No.175), known as "The Administrative
22 Code of 1929." Whenever and if a concessionaire's contract
23 terminates and is not renewed, the license shall be returned to
24 the board for cancellation, but the board may issue a restaurant
25 liquor license to a subsequent application.

26 (f) Sales by the holder of a multipurpose cultural and
27 science facility license may be made except to those persons
28 prohibited under clause (1) of section 493 on board-approved
29 service areas of the premises of such a facility during the
30 hours expressed in the code for the sale of liquor and malt or

1 brewed beverages by restaurant licensees: Provided, however,
2 That such sales may be made on Sunday between the hours of one
3 o'clock postmeridian and ten o'clock postmeridian, irrespective
4 of the volume of food sales.

5 (g) Whenever a contract with a concessionaire is terminated
6 prior to the expiration date provided in the contract between
7 such nonprofit corporation and the concessionaire and is not
8 renewed, such nonprofit corporation may apply to the board for
9 the issuance of a restaurant liquor license or may select and
10 certify to the board a different concessionaire, which
11 concessionaire shall apply to the board for issuance of a
12 restaurant liquor license. If the applicant meets the
13 requirements of the board as herein provided, the issuance shall
14 thereupon occur. If any license issued to such multipurpose
15 cultural and science facility is revoked, the board shall issue
16 a new license to any qualified applicant without regard to the
17 prohibition in section 471 against the grant of a license at the
18 same premises for a period of at least one year.

19 (h) Licenses issued under the provisions of this section
20 shall not be subject to the quota restrictions of section 461.

21 (i) These licenses shall not be subject to the provisions of
22 section 404 except insofar as they relate to the reputation of
23 the applicant nor to the provisions of sections 461 and 463 nor
24 to the provisions of clause (10) of section 493.

25 (j) Sales under such licenses, including food sales, may be
26 limited by the licensee to patrons of the events scheduled in
27 the multipurpose cultural and science facility. Provided food is
28 offered for sale when sales are made under the license, such
29 food may be catered from off the premises.]

30 Section 15. Section 408.15 of the act, added November 10,

1 1999 (P.L.514, No.47), is amended to read:

2 [Section 408.15. Multipurpose County-owned Arena and
3 Convention Center License.--(a) The board is authorized to
4 issue a restaurant liquor license in any township of the first
5 class located in a county of the third class for the retail sale
6 of liquor and malt or brewed beverages to any multipurpose arena
7 and convention center owned by the county or a county authority
8 created under the act of May 2, 1945 (P.L.382, No.164), known as
9 the "Municipality Authorities Act of 1945," with an available
10 seating capacity within the premises of 8,000 or more.

11 (b) The application for multipurpose arena and convention
12 center license under this section may be filed by the county,
13 the county authority or by a concessionaire designated by the
14 governing body of the county or by the county authority and
15 shall conform with all requirements for restaurant liquor
16 license applications, except as may otherwise be provided in
17 this section. Applications shall be in writing on forms
18 prescribed by the board and shall be signed and submitted to the
19 board by the applicant. The application filing fee shall be
20 prescribed in section 614-A(25) of the act of April 9, 1929
21 (P.L.177, No.175), known as "The Administrative Code of 1929."

22 (c) Upon receipt of the application in proper form and the
23 application fee and upon being satisfied that the applicant is
24 of good repute and financially responsible and the proposed
25 place of business is proper, the board shall issue a license
26 under this section to the applicant.

27 (d) The multipurpose arena and convention center license
28 shall be issued for the same period of time as provided for
29 restaurant licenses and shall be renewed as provided in section
30 470. The license, if held by the concessionaire, shall terminate

1 upon revocation or upon termination of the contract between the
2 concessionaire and the county or county authority. In addition,
3 the license shall not be validated unless the annual fee is
4 timely paid.

5 (e) The renewal filing fee and annual license fee for this
6 multipurpose arena and convention center license shall be
7 prescribed in section 614-A(25) of "The Administrative Code of
8 1929."

9 (f) Whenever a contract between a county or county authority
10 and the concessionaire is terminated or a license is revoked,
11 the county or county authority may select a new concessionaire.
12 The new concessionaire shall apply to the board for a new
13 license, and, if qualified, the board shall issue a new license
14 to the new concessionaire without regard to the prohibition in
15 section 471 against the grant of a license at the same premises
16 for a period of at least one year.

17 (g) Sales may be made one hour before, during and one hour
18 after any athletic performance, performing arts event, trade
19 show, convention or any other performance at the facility;
20 however, sales may not be made from two o'clock antemeridian to
21 seven o'clock antemeridian. Sales may also be made during a
22 private banquet held at the premises except from two o'clock
23 antemeridian to seven o'clock antemeridian. In addition to all
24 the restrictions set forth in this subsection, sales on Sunday
25 may only occur between eleven o'clock antemeridian and ten
26 o'clock postmeridian. A licensee shall not be required to obtain
27 a Sunday sales permit.

28 (h) Sales of alcoholic beverages during all professional and
29 amateur athletic events on the premises shall be limited to
30 sales of malt or brewed beverages in shatterproof containers.

1 Sales of alcoholic beverages during performing arts events or
2 other entertainment may consist of liquor or malt or brewed
3 beverages in shatterproof containers: Provided, however, sales
4 of liquor may only occur at events and in areas that the board
5 in its discretion has approved. Sales at all other times or
6 sales made at any time in a suite may consist of liquor or malt
7 or brewed beverages in any type of container. For purposes of
8 this section, a suite is any seating located on the designated
9 suite level and portioned from the general bleacher-style
10 seating by a wall, divider, partial wall or railing. The suite
11 level must not be accessible by the general public.

12 (i) Licenses issued under this section shall not be subject
13 to the following:

14 (1) the proximity provisions of section 404;

15 (2) the quota restrictions of section 461;

16 (3) the provisions of section 463;

17 (4) the provisions of section 493(10) except as it related
18 to lewd, immoral or improper entertainment; and

19 (5) prohibitions against minors frequenting as described in
20 section 493(14).

21 (j) Licenses issued under this section shall not be subject
22 to the provisions defining "restaurant" in section 102.]

23 Section 16. The act is amended by adding sections to read:

24 Section 412. Public Venue License.--(a) The board is
25 authorized to issue a restaurant liquor license to public
26 venues. Any facility which previously had been licensed under
27 sections 408.1, 408.2, 408.5, 408.8, 408.9, 408.10, 408.11,
28 408.14, 408.15 and 433.1 as well as any facility that meets the
29 definition of a public venue as set forth in section 102 may
30 apply for and receive a restaurant liquor license under this

1 section. Facilities used primarily for interscholastic athletic
2 events, racetracks or premises used primarily for holding
3 automobile races shall not be eligible for a license under this
4 section.

5 (b) An application for a restaurant liquor license under
6 this section may be made by the owner of the public venue, a
7 nonprofit corporation operating the venue, or by a
8 concessionaire designated by the governing body of either the
9 owner of the public venue or the nonprofit corporation. The
10 application and issuance of the license is subject to sections
11 403 and 404 of this act unless otherwise stated. The licensing
12 period shall be as set forth by the board under section 402. The
13 application, renewal and filing fees shall be as prescribed in
14 section 614-A(25) of "The Administrative Code of 1929." For the
15 purposes of this section, a nonprofit corporation is an entity
16 incorporated under the nonprofit corporation laws for the
17 purpose of benefiting the public and not for the purpose of
18 benefiting its members.

19 (c) Licenses issued this section are non-transferable.

20 (d) Licenses issued under this section shall expire upon:
21 (1) revocation by an administrative law judge under section
22 471; (2) nonrenewal by the board under section 470; (3)
23 nonrenewal of the license by the license holder; (4)
24 termination of the contract between the owner of the public
25 venue and its concessionaire; or (5) termination of the
26 contract between a nonprofit corporation and its concessionaire.

27 (e) The board may issue a license under this section at any
28 time to a new applicant even if the previous license had: (1)
29 been revoked by an administrative law judge under section 471;
30 (2) not been renewed by the board under section 470; (3) not

1 been renewed by the license holder; (4) expired because of the
2 termination of the contract between the owner of the public
3 venue and its concessionaire; or (5) expired because of the
4 termination of the contract between the nonprofit corporation
5 and its concessionaire.

6 (f) Licenses issued under this section are to be considered
7 restaurant liquor licenses. The following additional
8 restrictions and privileges shall also apply to licenses issued
9 under this section:

10 (1) Sales may only be made one hour before, during and one
11 hour after any athletic performance, performing arts event,
12 trade show, convention, banquet or any other performance at the
13 facility; however, sales may not be made from two o'clock
14 antemeridian to seven o'clock antemeridian. Sales may not occur
15 prior to eleven o'clock antemeridian or after ten o'clock
16 postmeridian on Sundays. Notwithstanding this section,
17 facilities that had been licensed under sections 408.9 and
18 408.14 may sell liquor and/or malt or brewed beverages anytime
19 except from two o'clock antemeridian to seven o'clock
20 antemeridian or prior to eleven o'clock antemeridian or after
21 ten o'clock postmeridian on Sundays, regardless of whether there
22 is a performance at the facility.

23 (2) Sales of alcoholic beverages before, during and after
24 all professional and amateur athletic events on the premises
25 shall be limited to sales of malt or brewed beverages in
26 shatterproof containers. Sales of alcoholic beverages before,
27 during and after performing arts events or other entertainment
28 events may consist of liquor or malt or brewed beverages in
29 shatterproof containers. Sales during trade shows, conventions,
30 banquets or at other events, or sales made in the club seats or

1 at a restaurant facility, may consist of liquor or malt or
2 brewed beverages in any type of container; however, any liquor
3 or malt or brewed beverages sold in the club seats or restaurant
4 facility must remain in the club seat level or restaurant
5 facility. For purposes of this section, a club seat is any
6 seating located on the designated club seating level not
7 accessible by the general public and partitioned from the
8 general seating by a wall, divider, partial wall or railing. The
9 board's records shall clearly delineate where the sale of liquor
10 or malt or brewed beverages in any type of container may occur.

11 (3) Sales of malt or brewed beverages for off-premises
12 consumption are prohibited.

13 (4) Licenses issued under this section shall not be subject
14 to: (i) the proximity provisions of sections 402 and 404; (ii)
15 the quota restrictions of section 461; (iii) the provisions of
16 section 463; (iv) the provisions of section 493(10) except as
17 it relates to lewd, immoral or improper entertainment; (v) the
18 prohibition against minors frequenting as described in section
19 493(14); and (vi) the provisions defining "restaurant" in
20 section 102.

21 (5) Public venues owned by a city of the third class with
22 seating of at least four thousand persons but less than six
23 thousand five hundred persons must designate at least fifteen
24 per centum of its seating capacity as an area in which the sale
25 of alcohol is prohibited.

26 (6) Public venues located in school districts and counties
27 of the third class may not sell alcohol during high school and
28 intercollegiate athletic competitions.

29 Section 413. Performing Arts Facility License.--(a) The
30 board is authorized to issue a restaurant liquor license to

1 performing arts facilities. Any facility which previously had
2 been licensed under sections 408.3, 408.6 and 408.7 as well as
3 any facility that meets the definition of a performing arts
4 facility as set forth in section 102 may apply for and receive a
5 restaurant liquor license under this section. Facilities
6 eligible to be licensed under section 412 and which are used
7 primarily for athletic events shall not be eligible for a
8 license under this section unless those facilities had
9 previously been licensed under sections 408.3, 408.6 and 408.7.
10 Facilities used primarily for interscholastic athletic events
11 shall not be eligible for a license under this section.

12 (b) An application for a restaurant liquor license under
13 this section may be made by the nonprofit operator of the
14 performing arts facility, or by a concessionaire designated by
15 the governing body of the nonprofit operator of the performing
16 arts facility. The licensing period shall be as set forth by the
17 board under section 402. The application and issuance of the
18 license is subject to sections 403 and 404 of this act unless
19 otherwise stated. The application, renewal and filing fees shall
20 be as prescribed in section 614-A(19) of "The Administrative
21 Code of 1929."

22 (c) Licenses issued under this section are non-transferable.

23 (d) Licenses under this section shall expire upon: (1)
24 revocation by an administrative law judge under section 471; (2)
25 nonrenewal by the board under section 470; (3) nonrenewal of
26 the license by the license holder; (4) termination of the
27 contract between the owner of the public venue and its
28 concessionaire; or (5) termination of the contract between a
29 nonprofit corporation and its concessionaire.

30 (e) The board may issue a license under this section at any

time to a new applicant even if the previous license had: (1) been revoked by an administrative law judge under section 471; (2) not been renewed by the board under section 470; (3) not been renewed by the license holder; (4) expired because of the termination of the contract between the owner of the public venue and its concessionaire; or (5) expired because of the termination of the contract between the nonprofit corporation and its concessionaire.

(f) Licenses issued under this section are to be considered restaurant liquor licenses. The following additional restrictions and privileges shall also apply to licenses issued under this section:

(1) Sales of liquor and malt or brewed beverages may be made two hours before, during and one hour after any performance at the facility; however, sales may not be made from two o'clock antemeridian to seven o'clock antemeridian. Sales may not occur prior to one o'clock postmeridian or after ten o'clock postmeridian on Sundays. Notwithstanding this section, facilities that had been licensed under section 408.3(a) and 408.3(a.2) may sell liquor and malt or brewed beverages anytime except from two o'clock antemeridian to seven o'clock antemeridian or prior to one o'clock postmeridian or after ten o'clock postmeridian on Sundays, regardless of whether there is a performance at the facility.

(2) Sales of malt or brewed beverages for off-premises consumption are prohibited.

(g) Licenses issued under this section shall not be subject to the proximity provisions of sections 402 and 404, the quota restrictions of section 461, the provisions of section 463, the provisions of section 493(10), except as it related to lewd,

immoral or improper entertainment and prohibitions against minors frequenting as described in section 493(14) or the provisions defining "restaurant" in section 102.

(h) For the purpose of this section, a facility is used primarily for athletic events if the majority of the events that occur at the facility are athletic events or if the facility is the home facility of a professional sports team.

Section 17. Section 433.1 of the act, amended April 29, 1994 (P.L.212, No.30), June 18, 1998 (P.L.664, No.86) and December 21, 1998 (P.L.1202, No.155), is amended to read:

[Section 433.1. Stadium or Arena Permits.--(a) The board is hereby authorized to issue, in cities of the first, second and third class, in counties of the third class, in school districts in counties of the third class and in townships of the second class in counties of the fifth class, special permits allowing the holders thereof to make retail sales of malt or brewed beverages in shatterproof containers at all events on premises principally utilized for competition of professional and amateur athletes and other types of entertainment having an available seating capacity of; (1) twelve thousand or more in cities of the first and second class; (2) four thousand or more and owned by the county or the city in cities of the third class; (3) four thousand two hundred or more and owned by counties of the third class; (4) two thousand five hundred or more in school districts in counties of the third class; and (5) five thousand or more in townships of the second class in counties of the fifth class:

Provided, however, That in cities of the second class this section shall be applicable only to premises owned, leased or operated by any authority created under the act of July 29, 1953 (P.L.1034, No.270), known as the "Public Auditorium Authorities

1 Law." Such sales may be made only to adults and only on days
2 when the premises are so used and only during the period from
3 one hour before the start of and ending one-half hour after the
4 close of the event on the premises: Provided, however, That in
5 school districts in counties of the third class sales may not be
6 made during high school and intercollegiate athletic
7 competition.

8 (b) The owner or lessee or a concessionaire of any such
9 premises may make application for a permit. The aforesaid
10 permits shall be issued only to reputable individuals,
11 partnerships and associations, who are or whose members are
12 citizens of the United States and have for two years prior to
13 the date of their applications been residents of the
14 Commonwealth of Pennsylvania, or to reputable corporations
15 organized or duly registered under the laws of the Commonwealth
16 of Pennsylvania, all of whose officers and directors are
17 citizens of the United States. Each applicant shall furnish
18 proof satisfactory to the board that he is of good repute and
19 financially responsible and that the premises upon which he
20 proposes to do business is a proper place. An applicant under
21 subsection (a)(2) for a permit for a stadium or arena owned by
22 the city in a city of the third class which shall have a seating
23 capacity of at least four thousand but less than six thousand
24 five hundred shall designate one or more areas of the licensed
25 premises comprising not less than fifteen percent (15%) of its
26 seating capacity in which the sale of malt and brewed beverages
27 shall not be authorized. The applicant shall submit such other
28 information as the board may require. Applications shall be, in
29 writing on forms prescribed by the board, and signed and sworn
30 to by the applicant. The application and permit fees shall be as

1 prescribed in section 614-A of the act of April 9, 1929
2 (P.L.177, No.175), known as "The Administrative Code of 1929."

3 (c) Upon receipt of the application in proper form, the
4 application fee, the permit fee and bond, and upon being
5 satisfied that the applicant is of good repute and financially
6 responsible and that the proposed place of business is proper,
7 the board shall issue a special permit to the applicant. Only
8 one permit issued under this section shall be in effect on any
9 such premises at any time.

10 (d) No permit shall be transferable or assignable. The board
11 may by regulation fix the permit period and provide for the
12 renewal of such permits. Whenever a permit is revoked, another
13 may be issued for the same premises to another applicant upon
14 compliance with the provisions of this section.

15 (e) The board shall have the power to refuse the issuance of
16 any permit for cause, and to revoke or suspend any permit for
17 cause or for any violation of the liquor or malt and brewed
18 beverage laws. Any applicant or holder of a permit aggrieved by
19 any ruling of the board or by its refusal to issue a permit, or
20 by its suspension or revocation thereof, shall have the right to
21 a hearing and appeal therefrom in the same manner as provided in
22 sections 464 and 471 of this act authorizing appeals from orders
23 of the board or an administrative law judge.]

24 Section 18. Section 461(a) of the act, amended November 10,
25 1999 (P.L.514, No.47), is amended to read:

26 Section 461. Limiting Number of Retail Licenses To Be Issued
27 In Each Municipality.--(a) No licenses shall hereafter be
28 granted by the board for the retail sale of malt or brewed
29 beverages or the retail sale of liquor and malt or brewed
30 beverages in excess of one of such licenses of any class for

1 each three thousand inhabitants in any municipality, exclusive
2 of licenses granted to public venue restaurants, performing arts
3 facility restaurants, airport restaurants, municipal golf
4 courses, hotels, privately-owned public golf courses and units
5 of nonprofit nationally chartered clubs, as defined in this
6 section, whose applications are filed on or before June 30,
7 2000, and except those units falling under section 461.1, and
8 clubs; but at least one such license may be granted in each
9 municipality and in each part of a municipality where such
10 municipality is split so that each part thereof is separated by
11 another municipality, except in municipalities where the
12 electors have voted against the granting of any retail licenses
13 and except in that part of a split municipality where the
14 electors have voted against the granting of any retail licenses.
15 Nothing contained in this section shall be construed as denying
16 the right to the board to renew or to transfer existing retail
17 licenses of any class notwithstanding that the number of such
18 licensed places in a municipality shall exceed the limitation
19 hereinbefore prescribed; but where such number exceeds the
20 limitation prescribed by this section, no new license, except
21 for hotels, municipal golf courses, public venue restaurants,
22 performing arts facility restaurants, airport restaurants,
23 privately-owned public golf courses, privately-owned private
24 golf course licensees and units of nonprofit nationally
25 chartered clubs, as defined in this section, whose applications
26 are filed on or before June 30, 2000, and except those units
27 falling under section 461.1, shall be granted so long as said
28 limitation is exceeded.

29 * * *

30 Section 19. Section 463 and 470 of the act are amended by

1 adding subsections to read:

2 Section 463. Places of Amusement Not To Be Licensed;

3 Penalty.--* * *

4 (c) This section is not applicable to public venues or
5 performing arts facilities licensed under sections 412 and 413.

6 Section 470. Renewal of Licenses; Temporary Provisions for
7 Licensees in Armed Service.--* * *

8 (c) If the application for renewal of a license is for a
9 license or permit issued under sections 408.1, 408.2, 408.3,
10 408.5, 408.6, 408.7, 408.8, 408.9, 408.10, 408.11, 408.14,
11 408.15 or 433.1 and if the applicant has met all requirements
12 that would have been necessary to renew the license or permit,
13 the board shall issue either a public venue restaurant liquor
14 license or a performing arts facility restaurant liquor license
15 to replace the expired license or permit.

16 Section 20. Section 472 of the act, amended May 31, 1996
17 (P.L.312, No.49) and November 10, 1999 (P.L.514, No.47), is
18 amended to read:

19 Section 472. Local Option.--(a) In any municipality or any
20 part of a municipality where such municipality is split so that
21 each part thereof is separated by another municipality, an
22 election may be held, subject to subsection (c), on the date of
23 the primary election immediately preceding any municipal
24 election, but not oftener than once in four years, to determine
25 the will of the electors with respect to the granting of liquor
26 licenses to hotels, restaurants and clubs, not oftener than once
27 in four years, to determine the will of the electors with
28 respect to the granting of liquor licenses to public venues,
29 performing arts facilities, privately-owned private golf courses
30 or to privately-owned public golf courses, not oftener than once

1 in four years, to determine the will of the electors with
2 respect to the granting of licenses to retail dispensers of malt
3 and brewed beverages, not oftener than once in four years, to
4 determine the will of the electors with respect to granting of
5 licenses to wholesale distributors and importing distributors,
6 not more than once in two years, to determine the will of the
7 electors with respect to the granting of club liquor licenses or
8 club retail dispenser licenses to incorporated units of national
9 veterans' organizations, not oftener than once in two years to
10 determine the will of the electors with respect to the granting
11 of special occasion permits to qualified organizations, or not
12 more than once in four years, to determine the will of the
13 electors with respect to the establishment, operation and
14 maintenance by the board of Pennsylvania liquor stores, within
15 the limits of such municipality or part of a split municipality,
16 under the provisions of this act: Provided, however, Where an
17 election shall have been held at the primary preceding a
18 municipal election in any year, another election may be held
19 under the provisions of this act at the primary occurring the
20 fourth year after such prior election: And provided further,
21 That an election on the question of establishing and operating a
22 State liquor store shall be initiated only in those
23 municipalities, or that part of a split municipality that shall
24 have voted against the granting of liquor licenses; and that an
25 election on the question of granting wholesale distributor and
26 importing distributor licenses shall be initiated only in those
27 municipalities or parts of split municipalities that shall have
28 at a previous election voted against the granting of dispenser's
29 licenses. Whenever electors equal to at least twenty-five per
30 centum of the highest vote cast for any office in the

1 municipality or part of a split municipality at the last
2 preceding general election shall file a petition with the county
3 board of elections of the county for a referendum on the
4 question of granting any of said classes of licenses or the
5 establishment of Pennsylvania liquor stores, the said county
6 board of elections shall cause a question to be placed on the
7 ballots or on the voting machine board and submitted at the
8 primary immediately preceding the municipal election. Separate
9 petitions must be filed for each question to be voted on. Said
10 proceedings shall be in the manner and subject to the provisions
11 of the election laws which relate to the signing, filing and
12 adjudication of nomination petitions, insofar as such provisions
13 are applicable.

14 When the question is in respect to the granting of liquor
15 licenses, it shall be in the following form:

16 Do you favor the granting of liquor licenses
17 for the sale of liquor in..... Yes
18 of.....? No

19 When the question is in respect to the granting of restaurant
20 liquor licenses for use at public venues in those municipalities
21 that do not already allow the retail sale of liquor, it shall be
22 in the following form:

23 Do you favor the granting of liquor licenses to
24 public venues for the sale of liquor in the Yes
25 of.....? No

26 When the question is in respect to the granting of restaurant
27 liquor licenses for use at performing arts facilities in those
28 municipalities that do not already allow the retail sale of
29 alcohol, it shall be in the following form:

30 Do you favor the granting of liquor licenses to performing arts

1 facilities for the sale of liquor in the..... Yes
2 of.....? No

3 When the question is in respect to the granting of liquor
4 licenses, for privately-owned private golf courses, it shall be
5 in the following form:

6 Do you favor the granting of liquor licenses for
7 privately-owned private golf courses for the sale
8 of liquor in.....by..... Yes
9 of.....? No

10 When the question is in respect to the granting of liquor
11 licenses, for privately-owned public golf courses, it shall be
12 in the following form:

13 Do you favor the granting of liquor licenses for
14 privately-owned public golf courses for the sale
15 of liquor in.....by..... Yes
16 of.....? No

17 When the question is in respect to the granting of licenses
18 to retail dispensers of malt and brewed beverages, it shall be
19 in the following form:

20 Do you favor the granting of malt and brewed
21 beverage retail dispenser licenses for
22 consumption on premises where sold in the..... Yes
23 of.....? No

24 When the question is in respect to the granting of licenses
25 to wholesale distributors of malt or brewed beverages and
26 importing distributors, it shall be in the following form:

27 Do you favor the granting of malt and brewed
28 beverage wholesale distributor's and importing
29 distributor's licenses not for consumption on
30 premises where sold in the..... Yes

1 of.....? No

2 When the question is in respect to the granting of club
3 liquor licenses to incorporated units of national veterans'
4 organizations, it shall be in the following form:

5 Do you favor the granting of club liquor licenses
6 to incorporated units of national veterans' organizations
7 in the..... Yes

8 of.....? No

9 When the question is in respect to the granting of club
10 retail dispenser licenses to incorporated units of national
11 veterans' organizations, it shall be in the following form:

12 Do you favor the granting of club retail dispenser
13 licenses to incorporated units of national veterans'
14 organizations in the..... Yes

15 of.....? No

16 When the question is in respect to the granting of special
17 occasion permits allowing the sale of liquor by qualified
18 organizations in municipalities that do not already allow the
19 retail sale of liquor, it shall be in the following form:

20 Do you favor the granting of special occasion permits to
21 allow the sale of liquor by qualified organizations in
22 the..... Yes

23 of.....? No

24 When the question is in respect to the granting of special
25 occasion permits allowing the sale of malt or brewed beverages
26 only by qualified organizations in municipalities that do not
27 already allow the retail sale of malt or brewed beverages, it
28 shall be in the following form:

29 Do you favor the granting of special occasion permits to
30 allow the sale of malt or brewed beverages only by qualified

1 organizations in the..... Yes
2 of.....? No

3 When the question is in respect to the establishment,
4 operation and maintenance of Pennsylvania liquor stores it shall
5 be in the following form:

6 Do you favor the establishment, operation
7 and maintenance of Pennsylvania liquor
8 stores in the..... Yes
9 of.....? No

10 In case of a tie vote, the status quo shall obtain. If a
11 majority of the voting electors on any such question vote "yes,"
12 then liquor licenses shall be granted by the board to hotels,
13 restaurants and clubs, or liquor licenses shall be granted by
14 the board to public venues, performing arts facilities,
15 privately-owned private golf courses or to privately-owned
16 public golf courses, or malt and brewed beverage retail
17 dispenser licenses or wholesale distributor's and importing
18 distributor's license for the sale of malt or brewed beverages
19 shall be granted by the board, or club liquor licenses or club
20 retail dispenser licenses shall be granted by the board to
21 incorporated units of national veterans' organizations, or
22 special occasion permits may be issued to qualified
23 organizations, or the board may establish, operate and maintain
24 Pennsylvania liquor stores, as the case may be, in such
25 municipality or part of a split municipality, as provided by
26 this act; but if a majority of the electors voting on any such
27 question vote "no," then the board shall have no power to grant
28 or to renew upon their expiration any licenses of the class so
29 voted upon in such municipality or part of a split municipality;
30 or if the negative vote is on the question in respect to the

1 establishment, operation and maintenance of Pennsylvania liquor
2 stores, the board shall not open and operate a Pennsylvania
3 liquor store in such municipality or part of a split
4 municipality, nor continue to operate a then existing
5 Pennsylvania liquor store in the municipality or part of a split
6 municipality for more than two years thereafter or after the
7 expiration of the term of the lease on the premises occupied by
8 such store, whichever period is less, unless and until at a
9 later election a majority of the voting electors vote "yes" on
10 such question.

11 (b) To be eligible for the local option under this section,
12 the incorporated unit of a national veterans' organization must
13 have been incorporated on or before a date ten years prior to
14 the filing of its application after authorization under local
15 option. In each municipality, licenses approved under the local
16 option for incorporated units of national veterans'
17 organizations may not exceed four.

18 (c) For the first year that the local option is authorized
19 for the incorporated units of national veterans' organizations,
20 the local option election for the incorporated units of national
21 veterans' organizations may be held at the primary election
22 preceding any election.

23 Section 21. Section 493(10) and (14) of the act, amended
24 February 18, 1998 (P.L.162, No.25) and March 9, 1982 (P.L.174,
25 No.55), are amended to read:

26 Section 493. Unlawful Acts Relative to Liquor, Malt and
27 Brewed Beverages and Licensees.--The term "licensee," when used
28 in this section, shall mean those persons licensed under the
29 provisions of Article IV, unless the context clearly indicates
30 otherwise.

1 It shall be unlawful--

2 * * *

3 (10) Entertainment on Licensed Premises (Except Clubs);

4 Permits; Fees. For any licensee, his servants, agents or
5 employes, except club licensees, public venue licensees or
6 performing arts facility licensees, to permit in any licensed
7 premises or in any place operated in connection therewith,
8 dancing, theatricals or floor shows of any sort, or moving
9 pictures other than television, or such as are exhibited through
10 machines operated by patrons by the deposit of coins, which
11 project pictures on a screen not exceeding in size twenty-four
12 by thirty inches and which forms part of the machine, unless the
13 licensee shall first have obtained from the board a special
14 permit to provide such entertainment, or for any licensee, under
15 any circumstances, to permit in any licensed premises or in any
16 place operated in connection with a licensed premises any lewd,
17 immoral or improper entertainment, regardless of whether a
18 permit to provide entertainment has been obtained or not. The
19 special permit may be used only during the hours when the sale
20 of liquor or malt or brewed beverages is permitted, and between
21 eleven o'clock antemeridian on Sunday and two o'clock
22 antemeridian on the following Monday, regardless of whether the
23 licensee possesses a Sunday sales permit. The board shall have
24 power to provide for the issue of such special permits, and to
25 collect an annual fee for such permits as prescribed in section
26 614-A of the act of April 9, 1929 (P.L.177, No.175), known as
27 "The Administrative Code of 1929." All such fees shall be paid
28 into the State Stores Fund. No such permit shall be issued in
29 any municipality which, by ordinance, prohibits amusements in
30 licensed places. Any violation of this clause shall, in addition

1 to the penalty herein provided, subject the licensee to
2 suspension or revocation of his permit and his license.

3 * * *

4 (14) Permitting Undesirable Persons or Minors to Frequent
5 Premises. For any hotel, restaurant or club liquor licensee, or
6 any retail dispenser, his servants, agents or employes, to
7 permit persons of ill repute, known criminals, prostitutes or
8 minors to frequent his licensed premises or any premises
9 operated in connection therewith, except minors accompanied by
10 parents, guardians, or under proper supervision or except minors
11 who frequent any restaurant or retail dispensing licensee whose
12 sales of food and non-alcoholic beverages are equal to seventy
13 per centum or more of the combined gross sales of both food and
14 alcoholic beverages on the condition that alcoholic beverages
15 may not be served at the table or booth at which the said minor
16 is seated at the time (unless said minor is under proper
17 supervision as hereinafter defined) and on the further condition
18 that only table service of alcoholic beverages or take-out
19 service of beer shall be permitted in the room wherein the minor
20 is located: Provided, however, That it shall not be unlawful for
21 any hotel, restaurant or club liquor licensee or any retail
22 dispenser to permit minors under proper supervision upon the
23 licensed premises or any premises operated in connection
24 therewith for the purpose of a social gathering, even if such
25 gathering is exclusively for minors: And provided further, That
26 no liquor shall be sold, furnished or given to such minors nor
27 shall the licensee knowingly permit any liquor or malt or brewed
28 beverages to be sold, furnished or given to or be consumed by
29 any minor, and the area of such gathering shall be segregated
30 from the remainder of the licensed premises. In the event the

1 area of such gathering cannot be segregated from the remainder
2 of the licensed premises, all alcoholic beverages must be either
3 removed from the licensed premises or placed under lock and key
4 during the time the gathering is taking place. Notice of such
5 gathering shall be given the board as it may, by regulation,
6 require. Any licensee violating the provisions of this clause
7 shall be subject to the provisions of section 471. Nothing in
8 the subsection shall be construed to make it unlawful for minors
9 to frequent public venues or performing arts facilities.

10 "Proper supervision," as used in this clause, means the
11 presence, on that portion of the licensed premises where a minor
12 or minors are present, of one person twenty-five years of age or
13 older for every fifty minors or part thereof who is directly
14 responsible for the care and conduct of such minor or minors
15 while on the licensed premises and in such proximity that the
16 minor or minors are constantly within his sight or hearing. The
17 presence of the licensee or any employe or security officer of
18 the licensee shall not constitute proper supervision.

19 * * *

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