

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 878 Session of
2007

INTRODUCED BY KASUNIC, RAFFERTY, TARTAGLIONE, LAVALLE, COSTA AND
WASHINGTON, MAY 18, 2007

REFERRED TO LAW AND JUSTICE, MAY 18, 2007

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as
2 reenacted, "An act relating to alcoholic liquors, alcohol and
3 malt and brewed beverages; amending, revising, consolidating
4 and changing the laws relating thereto; regulating and
5 restricting the manufacture, purchase, sale, possession,
6 consumption, importation, transportation, furnishing, holding
7 in bond, holding in storage, traffic in and use of alcoholic
8 liquors, alcohol and malt and brewed beverages and the
9 persons engaged or employed therein; defining the powers and
10 duties of the Pennsylvania Liquor Control Board; providing
11 for the establishment and operation of State liquor stores,
12 for the payment of certain license fees to the respective
13 municipalities and townships, for the abatement of certain
14 nuisances and, in certain cases, for search and seizure
15 without warrant; prescribing penalties and forfeitures;
16 providing for local option, and repealing existing laws,"
17 further providing for limiting number of retail licenses
18 issued in each county.

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

21 Section 1. The definition of "hotel" in section 461(c) of
22 act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code,
23 reenacted and amended June 29, 1987 (P.L.32, No.14) and amended
24 February 21, 2006 (P.L.42, No.15), is amended to read:

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

1 In Each County.--* * *

2 (c) The word "hotel" as used in this section shall mean any
3 reputable place operated by a responsible person of good
4 reputation where the public may, for a consideration, obtain
5 sleeping accommodations, and which shall have the following
6 number of bedrooms and requirements in each case--at least one-
7 half of the required number of bedrooms shall be regularly
8 available to transient guests seven days weekly, except in
9 resort areas; at least one-third of such bedrooms shall be
10 equipped with hot and cold water, a lavatory, commode, bathtub
11 or shower and a clothes closet; and an additional one-third of
12 the total of such required rooms shall be equipped with lavatory
13 and commode:

14 (1) In municipalities having a population of less than three
15 thousand, at least twelve permanent bedrooms for the use of
16 guests.

17 (2) In municipalities having a population of three thousand
18 and more but less than ten thousand inhabitants, at least
19 sixteen permanent bedrooms for the use of guests.

20 (3) In municipalities having a population of ten thousand
21 and more but less than twenty-five thousand inhabitants, at
22 least thirty permanent bedrooms for the use of guests.

23 (4) In municipalities having a population of twenty-five
24 thousand and more but less than one hundred thousand
25 inhabitants, at least forty permanent bedrooms for the use of
26 guests.

27 (5) In municipalities having a population of one hundred
28 thousand and more inhabitants, at least fifty permanent bedrooms
29 for the use of guests.

30 (6) A public dining room or rooms operated by the same

1 management accommodating at least thirty persons at one time and
2 a kitchen, apart from the dining room or rooms, in which food is
3 regularly prepared for the public.

4 (7) Each room to be considered a bedroom under the
5 requirements of this section shall have an area of not less than
6 eighty square feet and an outside window.

7 (8) The provisions of this subsection (c) shall not apply to
8 hotel licenses granted prior to the first day of September, one
9 thousand nine hundred forty-nine, or that have been granted on
10 any application made and pending prior to said date, nor to any
11 renewal or transfer thereof, or hotels under construction or for
12 which a bona fide contract had been entered into for
13 construction prior to said date. In such cases, the provisions
14 of section one of the act, approved the twenty-fourth day of
15 June, one thousand nine hundred thirty-nine (Pamphlet Laws 806),
16 shall continue to apply.

17 (9) Upon application to and subject to inspection by the
18 board, hotel licensees under clause (8) of this subsection shall
19 no longer be required to maintain bedrooms for public
20 accommodation. However, areas required and designated as
21 bedrooms for public accommodation prior to the effective date of
22 this clause may not subsequently be used as licensed serving
23 area. Such area may be used as licensed storage area consistent
24 with this act and existing regulations.

25 (10) Clauses (8) and (9) of this subsection shall apply to a
26 hotel that was granted a hotel license prior to the first day of
27 September, one thousand nine hundred forty-nine and that allowed
28 the hotel license to lapse not more than once provided that the
29 board issued the hotel a new hotel license prior to the first
30 day of January, one thousand nine hundred seventy-one.

1 * * *

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