

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1579 Session of
1977

INTRODUCED BY MR. CAPUTO, AUGUST 5, 1977

SENATOR KELLEY, LAW AND JUSTICE, IN SENATE, AS AMENDED,
APRIL 11, 1978

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An
2 act relating to alcoholic liquors, alcohol and malt and
3 brewed beverages; amending, revising, consolidating and
4 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 one half fee for permits to sell on Sunday when~~ <—
18 ~~ninety days or less remain in the license year, further~~
19 ~~providing for special occasion permits, harmonizing language~~
20 ~~of existing amendments, exempting certain units of national~~
21 ~~veterans' organizations from licensing quota. prohibiting the~~ <—
22 ~~licensure of establishments within three hundred feet of a~~
23 ~~ramp of an interstate limited access highway and authorizing~~
24 ~~the use of driver's licenses as a means of identification.~~

25 The General Assembly of the Commonwealth of Pennsylvania
26 hereby enacts as follows:

27 ~~Section 1. Subsection (a) of section 406, act of April 12,~~ <—
28 ~~1951 (P.L.90, No.21), known as the "Liquor Code," reenacted and~~

~~amended September 2, 1971 (P.L.429, No.103), and amended June 16, 1975 (P.L.14, No.5), is amended to read:~~

~~Section 406. Sales by Liquor Licensees; Restrictions. (a) Every hotel, restaurant or club liquor licensee may sell liquor and malt or brewed beverages by the glass, open bottle or other container, and in any mixture, for consumption only in that part of the hotel or restaurant habitually used for the serving of food to guests or patrons, and in the case of hotels, to guests, and in the case of clubs, to members, in their private rooms in the hotel or club. No club licensee nor its officers, servants, agents or employes, other than one holding a catering license, shall sell any liquor or malt or brewed beverages to any person except a member of the club. In the case of a restaurant located in a hotel which is not operated by the owner of the hotel and which is licensed to sell liquor under this act, liquor and malt or brewed beverages may be sold for consumption in that part of the restaurant habitually used for the serving of meals to patrons and also to guests in private guest rooms in the hotel. For the purpose of this paragraph, any person who is an active member of another club which is chartered by the same state or national organization shall have the same rights and privileges as members of the particular club.~~

~~Hotel and restaurant liquor licensees, airport restaurant liquor licensees and municipal golf course restaurant liquor licensees may sell liquor and malt or brewed beverages only after seven o'clock antemeridian of any day until two o'clock antemeridian of the following day, except Sunday, and except as hereinafter provided, may sell liquor and malt or brewed beverages on Sunday between the hours of twelve o'clock midnight and two o'clock antemeridian.~~

1 ~~Hotel and restaurant liquor licensees, airport restaurant~~
2 ~~liquor licensees and municipal golf course restaurant liquor~~
3 ~~licensees whose sales of food and nonalcoholic beverages are~~
4 ~~equal to forty per centum or more of the combined gross sales of~~
5 ~~both food and alcoholic beverages may sell liquor and malt or~~
6 ~~brewed beverages on Sunday between the hours of one o'clock~~
7 ~~postmeridian and two o'clock antemeridian Monday upon purchase~~
8 ~~of a special annual permit from the board at a fee of two~~
9 ~~hundred dollars (\$200.00) per year, which shall be in addition~~
10 ~~to any other license fees: Provided, however, That the fee shall~~
11 ~~be one hundred dollars (\$100) when ninety (90) days or less~~
12 ~~remain in the license year.~~

13 ~~Hotel and restaurant liquor licensees, airport restaurant~~
14 ~~liquor licensees and municipal golf course restaurant liquor~~
15 ~~licensees which do not qualify for and purchase such annual~~
16 ~~special permit, their servants, agents or employes may sell~~
17 ~~liquor and malt or brewed beverages only after seven o'clock~~
18 ~~antemeridian of any day and until two o'clock antemeridian of~~
19 ~~the following day, and shall not sell after two o'clock~~
20 ~~antemeridian on Sunday. No hotel, restaurant and public service~~
21 ~~liquor licensee shall sell liquor and malt or brewed beverages~~
22 ~~after two o'clock antemeridian on any day on which a general,~~
23 ~~municipal, special or primary election is being held until one~~
24 ~~hour after the time fixed by law for closing the polls, except,~~
25 ~~that, in the case of a special election for members of the~~
26 ~~General Assembly or members of the Congress of the United~~
27 ~~States, when such special election is held on other than a~~
28 ~~primary, municipal or general election day, licensees in those~~
29 ~~Legislative or Congressional Districts may make such sales, as~~
30 ~~though the day were not a special election day. No club licensee~~

1 ~~or its servants, agents or employes may sell liquor or malt or~~
2 ~~brewed beverages between the hours of three o'clock antemeridian~~
3 ~~and seven o'clock antemeridian on any day. No public service~~
4 ~~liquor licensee or its servants, agents, or employes may sell~~
5 ~~liquor or malt or brewed beverages between the hours of two~~
6 ~~o'clock antemeridian and seven o'clock antemeridian on any day.~~

7 ~~Any hotel, restaurant, club or public service liquor licensee~~
8 ~~may, by given notice to the board, advance by one hour the hours~~
9 ~~herein prescribed as those during which liquor and malt or~~
10 ~~brewed beverages may be sold during such part of the year when~~
11 ~~daylight saving time is being observed generally in the~~
12 ~~municipality in which the place of business of such licensee is~~
13 ~~located. Any licensee who elects to operate his place of~~
14 ~~business in accordance with daylight saving time shall post a~~
15 ~~conspicuous notice in his place of business that he is operating~~
16 ~~in accordance with daylight saving time.~~

17 ~~Notwithstanding any provisions to the contrary, whenever the~~
18 ~~thirty first day of December falls on a Sunday, every hotel or~~
19 ~~restaurant liquor licensee, their servants, agents or employes~~
20 ~~may sell liquor and malt or brewed beverages on any such day~~
21 ~~after one o'clock postmeridian and until two o'clock~~
22 ~~antemeridian of the following day.~~

23 ~~* * *~~

24 ~~Section 2. Section 408.4 of the act, amended July 9, 1976~~
25 ~~(P.L.978, No.196), and October 7, 1976 (P.L.1095, No.220), is~~
26 ~~amended to read:~~

27 ~~Section 408.4. Special Occasion Permits. (a) Upon~~
28 ~~application of any hospital, church, synagogue, volunteer fire~~
29 ~~company, bona fide sportsmen's [clubs] club in existence for at~~
30 ~~least ten years, [or] local Bicentennial committee recognized by~~

~~the American Revolution Bicentennial Administration and so designated prior to June 1, 1976 or any incorporated unit of a national veterans' organization having been in existence at least ten years and upon payment of a fee of fifteen dollars (\$15) per day, the board shall issue a special occasion permit good for a period of not more than three [consecutive] days during any twelve month period. The provisions of this subsection relating to the issuance of permits for Bicentennial units shall expire December 31, 1976.~~

~~(b) In any city, borough, incorporated town or township in which the sale of liquor and/or malt or brewed beverages has been approved by the electorate, such special occasion permit shall authorize the hospital, church, synagogue, volunteer fire company, bona fide sportsmen's [clubs] club in existence for at least ten years or local Bicentennial committee recognized by the American Revolution Bicentennial Administration and so designated prior to June 1, 1976 to sell liquor and/or malt or brewed beverages as the case may be to any adult person on any day for which the permit is issued. The provisions of this subsection relating to the issuance of permits for Bicentennial units shall expire December 31, 1976.~~

~~(c) Such special occasion permit shall only be valid for the number of days stated in the permit. The board may issue another permit to any permittee if due to adverse weather conditions the occasion for which the permit was issued was cancelled or postponed. Only one permit may be issued to any hospital, church, synagogue, volunteer fire company, including their auxiliaries or affiliates, bona fide sportsmen's [clubs] club in existence for at least ten years or local Bicentennial committee recognized by the American Revolution Bicentennial~~

1 ~~Administration and so designated prior to June 1, 1976 during~~
2 ~~the year. The provisions of this subsection relating to the~~
3 ~~issuance of permits for Bicentennial units shall expire December~~
4 ~~31, 1976.~~

5 ~~(d) Such permits shall only be issued for use at a special~~
6 ~~event including, but not limited to bazaars, picnics and~~
7 ~~clambakes. The special event must be one which is used by the~~
8 ~~hospital, church, synagogue, volunteer fire company, bona fide~~
9 ~~sportsmen's [clubs] club in existence for at least ten years or~~
10 ~~local Bicentennial committee recognized by the American~~
11 ~~Revolution Bicentennial Administration and so designated prior~~
12 ~~to June 1, 1976 as a means of raising funds for itself. The~~
13 ~~provisions of this subsection relating to the issuance of~~
14 ~~permits for Bicentennial units shall expire December 31, 1976.~~

15 ~~(e) The provisions of this section shall not be applicable~~
16 ~~to any licensee now or hereafter possessing a caterer's license,~~
17 ~~nor to any professional fund raiser.~~

18 ~~(f) Any person selling liquor or malt or brewed beverages in~~
19 ~~violation of this section shall, upon summary conviction, be~~
20 ~~sentenced to pay a fine of two hundred fifty dollars (\$250) for~~
21 ~~the first offense and a fine of five hundred dollars (\$500) for~~
22 ~~each subsequent offense. This fine shall be in addition to any~~
23 ~~other penalty imposed by law for the illegal sale of malt or~~
24 ~~brewed beverages.~~

25 Section 3- 1. Subsection (a) of section 461 ~~of the act, ACT~~ <—
26 OF APRIL 12, 1951 (P.L.90, NO.21), KNOWN AS THE "LIQUOR CODE,"
27 amended June 9, 1972 (P.L.379, No.108), is amended and the
28 section is amended by adding a subsection to read:

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

1 granted by the board for the retail sale of malt or brewed
2 beverages or the retail sale of liquor and malt or brewed
3 beverages in excess of one of such licenses of any class for
4 each two thousand inhabitants in any municipality, exclusive of
5 licenses granted to airport restaurants, municipal golf courses,
6 [and] hotels and incorporated units of national veterans'
7 organizations, as defined in this section, and clubs; but at
8 least one such license may be granted in each municipality and
9 in each part of a municipality where such municipality is split
10 so that each part thereof is separated by another municipality,
11 except in municipalities where the electors have voted against
12 the granting of any retail licenses. Nothing contained in this
13 section shall be construed as denying the right to the board to
14 renew or to transfer existing retail licenses of any class
15 notwithstanding that the number of such licensed places in a
16 municipality shall exceed the limitation hereinbefore
17 prescribed; but where such number exceeds the limitation
18 prescribed by this section, no new license, except for hotels,
19 municipal golf courses, [and] airport restaurants and
20 incorporated units of national veterans' organizations, as
21 defined in this section, shall be granted so long as said
22 limitation is exceeded. ~~Upon termination of operations of an~~ <—
23 ~~incorporated unit of a national veterans' organization, their~~
24 ~~license shall revert to the board and may be reissued to a new~~
25 ~~veterans' organization of the same type.~~

26 * * *

27 (f) The term "national veterans' organization" shall mean
28 any veterans' organization having a national charter.

29 The term "incorporated unit of a national veterans'
30 organization" shall mean any incorporated post, branch, camp,

detachment, lodge or other subordinate unit of a national
veterans' organization having one hundred or more paid up
members AS OF, and organized prior to, January 1, 1975.

<—

~~Section 4. The act is amended by adding a section to read:~~

<—

~~Section 475. Establishments Proximate to Interstate Highways~~
~~Not to be Licensed. (a) No license for the sale of liquor or~~
~~malt or brewed beverages in any quantity shall be granted to the~~
~~proprietor, lessee, keeper or manager of an establishment any~~
~~part of which is located within three hundred feet of any part~~
~~of a ramp of an interstate limited access highway.~~

~~(b) This section shall not apply to existing licenses, nor~~
~~be deemed to affect the right of an existing licensee to~~
~~reinstatement or renewal of his license.~~

~~Section 5. Section 495 of the act, amended August 21, 1961~~
~~(P.L.1015, No.456) and subsection (a) amended December 10, 1974~~
~~(P.L.912, No.301), is amended to read:~~

~~Section 495. Identification Cards; Licensees and State~~
~~Liquor Store Employees Saved From Prosecution. (a) The board~~
~~shall issue, to any person who shall have attained the age of~~
~~twenty one years, an identification card bearing said person's~~
~~date of birth, physical description, photograph, signature, and~~
~~such other information, as the board by regulation may~~
~~determine, attesting to the age of the applicant, upon~~
~~application therefor by said person, filed no earlier than~~
~~fifteen days prior to attaining the age of twenty one. Such~~
~~cards shall be numbered and a record thereof maintained by the~~
~~board for a period of five years. The board may, in its~~
~~discretion, impose a charge for such cards in an amount to be~~
~~determined by it, and it may, upon proof of loss of such~~
~~identification card by and upon application of anyone to whom~~

1 such card may have been issued, issue a duplicate thereof and
2 impose a charge therefor in an amount as it may by regulation
3 prescribe. The board shall have the power to make such
4 regulations as it shall, from time to time, deem proper
5 regarding the size, style and additional content of the
6 identification card, the form and content of any application
7 therefor, the type, style and quantity of proof required to
8 verify the applicant's age, the procedure for receiving and
9 processing such application, the distribution of said card, the
10 charge to be imposed for any card more than one that it shall
11 issue to the same applicant, and all other matters the board
12 shall deem necessary or advisable for the purpose of carrying
13 into effect the provisions of this section.

14 ~~(b) Such identification card, as described in subsection~~
15 ~~(a), or a driver's license, which contains a color photograph,~~
16 ~~issued by the Department of Transportation of the Commonwealth~~
17 ~~of Pennsylvania pursuant to 75 Pa.C.S. § 1510(a) (relating to~~
18 ~~issuance and content of driver's license), to a person twenty~~
19 ~~one years of age or over, shall be presented by the holder~~
20 ~~thereof upon request of any State Liquor Store or any licensee,~~
21 ~~or the servant, agent or employe thereof, for the purpose of~~
22 ~~aiding such store licensee or the servant, agent or employe to~~
23 ~~determine whether or not such person is twenty one years of age~~
24 ~~and upwards, when such person desires alcoholic beverage at a~~
25 ~~State Liquor Store or licensed establishment.~~

26 ~~(c) In addition to the presentation of such identification~~
27 ~~card or driver's license,, the agent of the State Liquor Store~~
28 ~~or the licensee or his servant, agent or employe, shall require~~
29 ~~the person whose age may be in question to fill in and sign a~~
30 ~~card in the following form:~~

1 _____ 19

2 I, _____, hereby represent
3 to _____, a State Store or
4 licensee of the Pennsylvania Liquor Control Board, that I am of
5 full age and discretion and over the age of 21 years, having
6 been born on _____ 19..... at _____.

7 This statement is made to induce said store or licensee above-
8 named to sell or otherwise furnish alcoholic beverages to the
9 undersigned.

10 ~~Serial Number of Identification Card:~~

11 ~~Driver's License Number:~~

12 I understand that I am subject to a fine of
13 \$300.00 and sixty days imprisonment for any
14 misrepresentation herein.

15 _____
16 _____ (Name)

17 _____
18 _____ (Address)

19 Witness:

20 Name.....

21 Address.....

22 Such statement shall be printed upon a 3 inch by 5 inch or 4
23 inch by 5 inch file card, which card shall be filed
24 alphabetically by the State Liquor Store or licensee, at or
25 before the close of business on the day of which said
26 certificate is executed, in a file box containing a suitable
27 alphabetical index, and which card shall be subject to
28 examination by any officer, agent or employe of the Liquor
29 Control Board at any and all times.

1 ~~(d) It shall be unlawful for the owner of an identification~~
2 ~~card, as defined by this act, or a driver's license, as defined~~
3 ~~in 75 Pa.C.S. § 1510(a), to transfer said card or license to any~~
4 ~~other person for the purpose of aiding such person to secure~~
5 ~~alcoholic beverage. Any person who shall transfer such~~
6 ~~identification card or driver's license for the purpose of~~
7 ~~aiding such transferee to obtain alcoholic beverage shall be~~
8 ~~guilty of a misdemeanor and, upon conviction thereof, shall be~~
9 ~~sentenced to pay a fine of not more than three hundred dollars~~
10 ~~(\$300), or undergo imprisonment for not more than sixty (60)~~
11 ~~days. Any person not entitled thereto who shall have unlawfully~~
12 ~~procured or have issued or transferred to him, as aforesaid,~~
13 ~~such identification card or unlawfully procured or have~~
14 ~~transferred to him such driver's license or any person who shall~~
15 ~~make any false statement on any card required by subsection (c)~~
16 ~~hereof to be signed by him shall be guilty of a misdemeanor and,~~
17 ~~upon conviction thereof, shall be sentenced to pay a fine of not~~
18 ~~more than three hundred dollars (\$300), or undergo imprisonment~~
19 ~~for not more than sixty (60) days.~~

20 ~~(e) The signed statement in the possession of a licensee or~~
21 ~~an employe of a State Liquor Store may be offered as a defense~~
22 ~~in all civil and criminal prosecutions for serving a minor, and~~
23 ~~no penalty shall be imposed if the Liquor Control Board or the~~
24 ~~courts are satisfied that the licensee or State Liquor Store~~
25 ~~employe acted in good faith.~~

26 Section ~~6-~~ 2. The provisions of section 3 1 of this <—
27 amendatory act relating to the exemption to the quota system for
28 incorporated units of national veterans' organizations shall be
29 effective only for a period of 12 months from the effective date
30 of this act.

1 Section 7. 3. ~~Except for section 5, this~~ THIS act shall take <—
2 effect in 60 days. ~~Section 5 shall take effect July 1, 1978.~~ <—