

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 1965** Session of  
1979

INTRODUCED BY LEHR, E. H. SMITH, D. M. O'BRIEN, PERZEL,  
F. TAYLOR AND CALTAGIRONE, NOVEMBER 14, 1979

REFERRED TO COMMITTEE ON LIQUOR CONTROL, NOVEMBER 14, 1979

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 abolishing subwarehouses for the storage and distribution of  
18 liquor and alcohol.

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

21 Section 1. Section 301, act of April 12, 1951 (P.L.90,  
22 No.21), known as the "Liquor Code," amended July 9, 1976  
23 (P.L.527, No.125), is amended to read:

24 Section 301. Board to Establish State Liquor Stores.--The  
25 board shall establish, operate and maintain at such places

1 throughout the Commonwealth as it shall deem essential and  
2 advisable, stores to be known as "Pennsylvania Liquor Stores,"  
3 for the sale of liquor and alcohol in accordance with the  
4 provisions of and the regulations made under this act; except  
5 that no store not so already located shall be located within  
6 three hundred feet of any elementary or secondary school, nor  
7 within a dry municipality without there first having been a  
8 referendum approving such location. When the board shall have  
9 determined upon the location of a liquor store in any  
10 municipality, it shall give notice of such location by public  
11 advertisement in two newspapers of general circulation. In  
12 cities of the first class, the location shall also be posted for  
13 a period of at least fifteen days following its determination by  
14 the board as required in section 403(g) of this act. The notice  
15 shall be posted in a conspicuous place on the outside of the  
16 premises in which the proposed store is to operate or, in the  
17 event that a new structure is to be built in a similarly visible  
18 location. If, within five days after the appearance of such  
19 advertisement, or of the last day upon which the notice was  
20 posted, fifteen or more taxpayers residing within a quarter of a  
21 mile of such location, or the City Solicitor of the city of the  
22 first class, shall file a protest with the court of common pleas  
23 of the county averring that the location is objectionable  
24 because of its proximity to a church, a school, or to private  
25 residences, the court shall forthwith hold a hearing affording  
26 an opportunity to the protestants and to the board to present  
27 evidence. The court shall render its decision immediately upon  
28 the conclusion of the testimony and from the decision there  
29 shall be no appeal. If the court shall determine that the  
30 proposed location is undesirable for the reasons set forth in

1 the protest, the board shall abandon it and find another  
2 location. The board may establish, operate and maintain such  
3 establishments for storing and testing liquors as it shall deem  
4 expedient to carry out its powers and duties under this act:  
5 Provided, however, That the board shall not maintain or  
6 establish subwarehouses for the storage and distribution of  
7 liquor and alcohol.

8 The board may lease the necessary premises for such stores or  
9 establishments, but all such leases shall be made through the  
10 Department of General Services as agent of the board. The board,  
11 through the Department of General Services, shall have authority  
12 to purchase such equipment and appointments as may be required  
13 in the operation of such stores or establishments.

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