

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 277

Session of
1981

INTRODUCED BY GREENLEAF, FEBRUARY 3, 1981

SENATOR GREENLEAF, LAW AND JUSTICE, AS AMENDED, APRIL 21, 1981

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 DEFINING AND exempting privately-owned public golf courses <—
18 from licensing quota AND REGULATING SALES BY SUCH GOLF <—
19 COURSES.

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

22 Section 1. Subsection (a) of section ~~461~~ 406, act of April <—
23 12, 1951 (P.L.90, No.21), known as the "Liquor Code," amended
24 December 12, 1980 (P.L.1195, No.221), is amended to read: <—

25 SECTION 406. SALES BY LIQUOR LICENSEES; RESTRICTIONS.--(A) <—

26 (1) EVERY HOTEL, RESTAURANT OR CLUB LIQUOR LICENSEE MAY SELL

1 LIQUOR AND MALT OR BREWED BEVERAGES BY THE GLASS, OPEN BOTTLE OR
2 OTHER CONTAINER, AND IN ANY MIXTURE, FOR CONSUMPTION ONLY IN
3 THAT PART OF THE HOTEL OR RESTAURANT HABITUALLY USED FOR THE
4 SERVING OF FOOD TO GUESTS OR PATRONS, OR IN A BOWLING ALLEY THAT
5 IS IMMEDIATELY ADJACENT TO AND UNDER THE SAME ROOF AS A
6 RESTAURANT WHEN NO MINORS ARE PRESENT IN THE BOWLING ALLEY, AND
7 IN THE CASE OF HOTELS, TO GUESTS, AND IN THE CASE OF CLUBS, TO
8 MEMBERS, IN THEIR PRIVATE ROOMS IN THE HOTEL OR CLUB. PRIVATELY
9 OWNED PUBLIC GOLF COURSE RESTAURANT LIQUOR LICENSEES MAY ALSO
10 SELL LIQUOR OR MALT AND BREWED BEVERAGES AS ABOVE PROVIDED IN A
11 SECONDARY BUILDING OTHER THAN THE RESTAURANT SO LONG AS SUCH
12 SECONDARY BUILDING IS ON THE GOLF COURSE PREMISES. NO CLUB
13 LICENSEE NOR ITS OFFICERS, SERVANTS, AGENTS OR EMPLOYES, OTHER
14 THAN ONE HOLDING A CATERING LICENSE, SHALL SELL ANY LIQUOR OR
15 MALT OR BREWED BEVERAGES TO ANY PERSON EXCEPT A MEMBER OF THE
16 CLUB. IN THE CASE OF A RESTAURANT LOCATED IN A HOTEL WHICH IS
17 NOT OPERATED BY THE OWNER OF THE HOTEL AND WHICH IS LICENSED TO
18 SELL LIQUOR UNDER THIS ACT, LIQUOR AND MALT OR BREWED BEVERAGES
19 MAY BE SOLD FOR CONSUMPTION IN THAT PART OF THE RESTAURANT
20 HABITUALLY USED FOR THE SERVING OF MEALS TO PATRONS AND ALSO TO
21 GUESTS IN PRIVATE GUEST ROOMS IN THE HOTEL. FOR THE PURPOSE OF
22 THIS PARAGRAPH, ANY PERSON WHO IS AN ACTIVE MEMBER OF ANOTHER
23 CLUB WHICH IS CHARTERED BY THE SAME STATE OR NATIONAL
24 ORGANIZATION SHALL HAVE THE SAME RIGHTS AND PRIVILEGES AS
25 MEMBERS OF THE PARTICULAR CLUB. FOR THE PURPOSE OF THIS
26 PARAGRAPH, ANY PERSON WHO IS AN ACTIVE MEMBER OF ANY VOLUNTEER
27 FIREFIGHTING COMPANY, ASSOCIATION OR GROUP OF THIS COMMONWEALTH,
28 WHETHER INCORPORATED OR UNINCORPORATED, SHALL UPON THE APPROVAL
29 OF ANY CLUB COMPOSED OF VOLUNTEER FIREMEN LICENSED UNDER THIS
30 ACT, HAVE THE SAME SOCIAL RIGHTS AND PRIVILEGES AS MEMBERS OF

SUCH LICENSED CLUB. FOR THE PURPOSES OF THIS PARAGRAPH, THE TERM "ACTIVE MEMBER" SHALL NOT INCLUDE A SOCIAL MEMBER.

(2) HOTEL AND RESTAURANT LIQUOR LICENSEES, AIRPORT RESTAURANT LIQUOR LICENSEES [AND], MUNICIPAL GOLF COURSE RESTAURANT LIQUOR LICENSEES AND PRIVATELY OWNED PUBLIC GOLF COURSE RESTAURANT 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.

(3) HOTEL AND RESTAURANT LIQUOR LICENSEES, AIRPORT RESTAURANT LIQUOR LICENSEES [AND], MUNICIPAL GOLF COURSE RESTAURANT LIQUOR LICENSEES AND PRIVATELY OWNED PUBLIC GOLF COURSE RESTAURANT LICENSEES WHOSE SALES OF FOOD AND NONALCOHOLIC BEVERAGES ARE EQUAL TO FORTY PER CENTUM OR MORE OF THE COMBINED GROSS SALES OF BOTH FOOD AND ALCOHOLIC BEVERAGES MAY SELL LIQUOR AND MALT OR BREWED BEVERAGES ON SUNDAY BETWEEN THE HOURS OF ONE O'CLOCK POSTMERIDIAN AND TWO O'CLOCK ANTEMERIDIAN MONDAY UPON PURCHASE OF A SPECIAL ANNUAL PERMIT FROM THE BOARD AT A FEE OF TWO HUNDRED DOLLARS (\$200.00) PER YEAR, WHICH SHALL BE IN ADDITION TO ANY OTHER LICENSE FEES.

(4) HOTEL AND RESTAURANT LIQUOR LICENSEES, AIRPORT RESTAURANT LIQUOR LICENSEES [AND], MUNICIPAL GOLF COURSE RESTAURANT LIQUOR LICENSEES AND PRIVATELY OWNED PUBLIC GOLF COURSE RESTAURANT LICENSEES WHICH DO NOT QUALIFY FOR AND PURCHASE SUCH ANNUAL SPECIAL PERMIT, THEIR SERVANTS, AGENTS OR EMPLOYES MAY SELL LIQUOR AND MALT OR BREWED BEVERAGES ONLY AFTER SEVEN O'CLOCK ANTEMERIDIAN OF ANY DAY AND UNTIL TWO O'CLOCK ANTEMERIDIAN OF THE FOLLOWING DAY, AND SHALL NOT SELL AFTER TWO

1 O'CLOCK ANTEMERIDIAN ON SUNDAY. NO HOTEL, RESTAURANT AND PUBLIC
2 SERVICE LIQUOR LICENSEE SHALL SELL LIQUOR AND MALT OR BREWED
3 BEVERAGES AFTER TWO O'CLOCK ANTEMERIDIAN ON ANY DAY ON WHICH A
4 GENERAL, MUNICIPAL, SPECIAL OR PRIMARY ELECTION IS BEING HELD
5 UNTIL ONE HOUR AFTER THE TIME FIXED BY LAW FOR CLOSING THE
6 POLLS, EXCEPT, THAT, IN THE CASE OF A SPECIAL ELECTION FOR
7 MEMBERS OF THE GENERAL ASSEMBLY OR MEMBERS OF THE CONGRESS OF
8 THE UNITED STATES, WHEN SUCH SPECIAL ELECTION IS HELD ON OTHER
9 THAN A PRIMARY, MUNICIPAL OR GENERAL ELECTION DAY, LICENSEES IN
10 THOSE LEGISLATIVE OR CONGRESSIONAL DISTRICTS MAY MAKE SUCH
11 SALES, AS THOUGH THE DAY WERE NOT A SPECIAL ELECTION DAY. NO
12 CLUB LICENSEE OR ITS SERVANTS, AGENTS OR EMPLOYES MAY SELL
13 LIQUOR OR MALT OR BREWED BEVERAGES BETWEEN THE HOURS OF THREE
14 O'CLOCK ANTEMERIDIAN AND SEVEN O'CLOCK ANTEMERIDIAN ON ANY DAY.
15 NO PUBLIC SERVICE LIQUOR LICENSEE OR ITS SERVANTS, AGENTS, OR
16 EMPLOYES MAY SELL LIQUOR OR MALT OR BREWED BEVERAGES BETWEEN THE
17 HOURS OF TWO O'CLOCK ANTEMERIDIAN AND SEVEN O'CLOCK ANTEMERIDIAN
18 ON ANY DAY.

19 (5) ANY HOTEL, RESTAURANT, CLUB OR PUBLIC SERVICE LIQUOR
20 LICENSEE MAY, BY GIVING NOTICE TO THE BOARD, ADVANCE BY ONE HOUR
21 THE HOURS HEREIN PRESCRIBED AS THOSE DURING WHICH LIQUOR AND
22 MALT OR BREWED BEVERAGES MAY BE SOLD DURING SUCH PART OF THE
23 YEAR WHEN DAYLIGHT SAVING TIME IS BEING OBSERVED GENERALLY IN
24 THE MUNICIPALITY IN WHICH THE PLACE OF BUSINESS OF SUCH LICENSEE
25 IS LOCATED. ANY LICENSEE WHO ELECTS TO OPERATE HIS PLACE OF
26 BUSINESS IN ACCORDANCE WITH DAYLIGHT SAVING TIME SHALL POST A
27 CONSPICUOUS NOTICE IN HIS PLACE OF BUSINESS THAT HE IS OPERATING
28 IN ACCORDANCE WITH DAYLIGHT SAVING TIME.

29 (6) NOTWITHSTANDING ANY PROVISIONS TO THE CONTRARY, WHENEVER
30 THE THIRTY-FIRST DAY OF DECEMBER FALLS ON A SUNDAY, EVERY HOTEL

1 OR RESTAURANT LIQUOR LICENSEE, THEIR SERVANTS, AGENTS OR
2 EMPLOYES MAY SELL LIQUOR AND MALT OR BREWED BEVERAGES ON ANY
3 SUCH DAY AFTER ONE O'CLOCK POSTMERIDIAN AND UNTIL TWO O'CLOCK
4 ANTEMERIDIAN OF THE FOLLOWING DAY.

5 * * *

6 SECTION 2. SUBSECTION (A) OF SECTION 461 OF THE ACT, AMENDED
7 DECEMBER 12, 1980 (P.L.1195, NO.221), IS AMENDED AND A
8 SUBSECTION IS ADDED TO READ:

9 Section 461. Limiting Number of Retail Licenses To Be Issued
10 In Each Municipality.--(a) No licenses shall hereafter be
11 granted by the board for the retail sale of malt or brewed
12 beverages or the retail sale of liquor and malt or brewed
13 beverages in excess of one of such licenses of any class for
14 each two thousand inhabitants in any municipality, exclusive of
15 licenses granted to airport restaurants, municipal golf courses,
16 [and] hotels and privately owned public golf courses, as defined
17 in this section, and clubs; but at least one such license may be
18 granted in each municipality and in each part of a municipality
19 where such municipality is split so that each part thereof is
20 separated by another municipality, except in municipalities
21 where the electors have voted against the granting of any retail
22 licenses and except in that part of a split municipality where
23 the electors have voted against the granting of any retail
24 licenses. Nothing contained in this section shall be construed
25 as denying the right to the board to renew or to transfer
26 existing retail licenses of any class notwithstanding that the
27 number of such licensed places in a municipality shall exceed
28 the limitation hereinbefore prescribed; but where such number
29 exceeds the limitation prescribed by this section, no new
30 license, except for hotels, municipal golf courses, [and]

1 airport restaurants and privately-owned public golf courses, as
2 defined in this section, shall be granted so long as said
3 limitation is exceeded.

4 * * *

5 (E.1) "PRIVATELY OWNED PUBLIC GOLF COURSE," AS USED IN THIS <—
6 SECTION SHALL MEAN THE RESTAURANT FACILITIES AT ANY PRIVATELY
7 OWNED GOLF COURSE OPEN FOR PUBLIC ACCOMMODATION, INCLUDING ANY
8 SUCH RESTAURANT FACILITIES AT ANY PRIVATELY OWNED GOLF COURSE
9 SITUATE IN A MUNICIPALITY WHERE BY VOTE OF THE ELECTORS THE
10 RETAIL SALE OF LIQUOR AND MALT AND BREWED BEVERAGES IS NOT
11 PERMITTED.

12 Section ~~2-~~ 3. This act shall take effect in 60 days. <—