

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 further regulating sales by such
19 golf courses and certain other liquor licensees.
20 The General Assembly of the Commonwealth of Pennsylvania

21 hereby enacts as follows:

22 Section 1. Section 102, act of April 12, 1951 (P.L.90,
23 No.21), known as the "Liquor Code," is amended by adding a
24 definition to read:

25 Section 102. Definitions.--The following words or phrases,
26 unless the context clearly indicates otherwise, shall have the
27 meanings ascribed to them in this section:

28 * * *

29 "Golf course" shall mean a course having a minimum of nine
30 holes and a total length of at least twenty-five hundred yards.

31 * * *

32 Section 2. Subsection (a) of section 406 of the act, amended
33 December 12, 1980 (P.L.1195, No.221), is amended to read:

34 Section 406. Sales by Liquor Licensees; Restrictions.--(a)

35 (1) Every hotel, restaurant or club liquor licensee may sell
36 liquor and malt or brewed beverages by the glass, open bottle or
37 other container, and in any mixture, for consumption only in

1 that part of the hotel or restaurant habitually used for the
2 serving of food to guests or patrons, or in a bowling alley that
3 is immediately adjacent to and under the same roof as a
4 restaurant when no minors are present in the bowling alley, and
5 in the case of hotels, to guests, and in the case of clubs, to
6 members, in their private rooms in the hotel or club. Any liquor
7 licensee which operates a golf course on the same property as
8 the licensed premises may also sell liquor or malt and brewed
9 beverages as above provided in not more than one detached
10 building of any size other than the licensed premises so long as
11 such secondary building is on the golf course premises. No club
12 licensee nor its officers, servants, agents or employes, other
13 than one holding a catering license, shall sell any liquor or
14 malt or brewed beverages to any person except a member of the
15 club. In the case of a restaurant located in a hotel which is
16 not operated by the owner of the hotel and which is licensed to
17 sell liquor under this act, liquor and malt or brewed beverages
18 may be sold for consumption in that part of the restaurant
19 habitually used for the serving of meals to patrons and also to
20 guests in private guest rooms in the hotel. For the purpose of
21 this paragraph, any person who is an active member of another
22 club which is chartered by the same state or national
23 organization shall have the same rights and privileges as
24 members of the particular club. For the purpose of this
25 paragraph, any person who is an active member of any volunteer
26 firefighting company, association or group of this Commonwealth,
27 whether incorporated or unincorporated, shall upon the approval
28 of any club composed of volunteer firemen licensed under this
29 act, have the same social rights and privileges as members of
30 such licensed club. For the purposes of this paragraph, the term

1 "active member" shall not include a social member.

2 (2) Hotel and restaurant liquor licensees, airport
3 restaurant liquor licensees [and], municipal golf course
4 restaurant liquor licensees, privately-owned public golf course
5 restaurant licensees and privately-owned private golf course
6 licensees may sell liquor and malt or brewed beverages only
7 after seven o'clock antemeridian of any day until two o'clock
8 antemeridian of the following day, except Sunday, and except as
9 hereinafter provided, may sell liquor and malt or brewed
10 beverages on Sunday between the hours of twelve o'clock midnight
11 and two o'clock antemeridian.

12 (3) Hotel and restaurant liquor licensees, airport
13 restaurant liquor licensees [and], municipal golf course
14 restaurant liquor licensees, privately-owned public golf course
15 restaurant licensees and privately-owned private golf course
16 licensees whose sales of food and nonalcoholic beverages are
17 equal to forty per centum or more of the combined gross sales of
18 both food and alcoholic beverages may sell liquor and malt or
19 brewed beverages on Sunday between the hours of one o'clock
20 postmeridian and two o'clock antemeridian Monday upon purchase
21 of a special annual permit from the board at a fee of two
22 hundred dollars (\$200.00) per year, which shall be in addition
23 to any other license fees.

24 (4) Hotel and restaurant liquor licensees, airport
25 restaurant liquor licensees [and], municipal golf course
26 restaurant liquor licensees, privately-owned public golf course
27 restaurant licensees and privately-owned private golf course
28 licensees which do not qualify for and purchase such annual
29 special permit, their servants, agents or employes may sell
30 liquor and malt or brewed beverages only after seven o'clock

1 antemeridian of any day and until two o'clock antemeridian of
2 the following day, and shall not sell after two o'clock
3 antemeridian on Sunday. No hotel, restaurant and public service
4 liquor licensee shall sell liquor and malt or brewed beverages
5 after two o'clock antemeridian on any day on which a general,
6 municipal, special or primary election is being held until one
7 hour after the time fixed by law for closing the polls, except,
8 that, in the case of a special election for members of the
9 General Assembly or members of the Congress of the United
10 States, when such special election is held on other than a
11 primary, municipal or general election day, licensees in those
12 Legislative or Congressional Districts may make such sales, as
13 though the day were not a special election day. No club licensee
14 or its servants, agents or employes may sell liquor or malt or
15 brewed beverages between the hours of three o'clock antemeridian
16 and seven o'clock antemeridian on any day. No public service
17 liquor licensee or its servants, agents, or employes may sell
18 liquor or malt or brewed beverages between the hours of two
19 o'clock antemeridian and seven o'clock antemeridian on any day.

20 (5) Any hotel, restaurant, club or public service liquor
21 licensee may, by giving notice to the board, advance by one hour
22 the hours herein prescribed as those during which liquor and
23 malt or brewed beverages may be sold during such part of the
24 year when daylight saving time is being observed generally in
25 the municipality in which the place of business of such licensee
26 is located. Any licensee who elects to operate his place of
27 business in accordance with daylight saving time shall post a
28 conspicuous notice in his place of business that he is operating
29 in accordance with daylight saving time.

30 (6) Notwithstanding any provisions to the contrary, whenever

1 the thirty-first day of December falls on a Sunday, every hotel
2 or restaurant liquor licensee, their servants, agents or
3 employes may sell liquor and malt or brewed beverages on any
4 such day after one o'clock postmeridian and until two o'clock
5 antemeridian of the following day.

6 * * *

7 Section 3. Subsection (a) of section 461 of the act, amended
8 December 12, 1980 (P.L.1195, No.221), is amended and subsections
9 are added to read:

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

1 limitation prescribed by this section, no new license, except
2 for hotels, municipal golf courses, [and] airport restaurants,
3 privately-owned public golf courses and privately-owned private
4 golf course licensees, as defined in this section, shall be
5 granted so long as said limitation is exceeded. Any license
6 issued to a privately-owned public golf course or to a
7 privately-owned private golf course shall not be sold or
8 transferred but shall, upon any change of status, be returned to
9 the board.

10 * * *

11 (e.1) "Privately-owned public golf course," as used in this
12 section shall mean the restaurant facilities at any privately-
13 owned golf course open for public accommodation.

14 (e.2) "Privately-owned private golf course" as used in this
15 section shall mean the restaurant facilities at any privately-
16 owned golf course open for private membership accommodations
17 only.

18 (f) The provisions of subsection (a) which apply to
19 privately-owned public golf courses shall not apply to the owner
20 of such course who has within three years prior to the effective
21 date of this amendatory act or at any time after the effective
22 date of this amendatory act sold or transferred a regularly
23 issued license for such course.

24 Section 4. Section 472 of the act, amended July 11, 1980
25 (P.L.558, No.117), is amended to read:

26 Section 472. Local Option.--In any municipality or any part
27 of a municipality where such municipality is split so that each
28 part thereof is separated by another municipality, an election
29 may be held on the date of the primary election immediately
30 preceding any municipal election, but not oftener than once in

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

1 stores, the said county board of elections shall cause a
2 question to be placed on the ballots or on the voting machine
3 board and submitted at the primary immediately preceding the
4 municipal election. Separate petitions must be filed for each
5 question to be voted on. Said proceedings shall be in the manner
6 and subject to the provisions of the election laws which relate
7 to the signing, filing and adjudication of nomination petitions,
8 insofar as such provisions are applicable.

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

11 Do you favor the granting of liquor licenses
12 for the sale of liquor in..... Yes
13 of.....? No

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

17 Do you favor the granting of liquor licenses,
18 for privately-owned private golf courses for the
19 sale of liquor in.....by..... Yes
20 of.....? No

21 When the question is in respect to the granting of licenses
22 to retail dispensers of malt and brewed beverages, it shall be
23 in the following form:

24 Do you favor the granting of malt and brewed
25 beverage retail dispenser licenses for
26 consumption on premises where sold in
27 the..... Yes
28 of.....? No

29 When the question is in respect to the granting of licenses
30 to wholesale distributors of malt or brewed beverages and

1 importing distributors, it shall be in the following form:

2 Do you favor the granting of malt and brewed
3 beverage wholesale distributor's and importing
4 distributor's licenses not for consumption on
5 premises where sold in the..... Yes
6 of.....? No

7 When the question is in respect to the establishment,
8 operation and maintenance of Pennsylvania liquor stores it shall
9 be in the following form:

10 Do you favor the establishment, operation
11 and maintenance of Pennsylvania liquor
12 stores in the..... Yes
13 of.....? No

14 In case of a tie vote, the status quo shall obtain. If a
15 majority of the voting electors on any such question vote "yes,"
16 then liquor licenses shall be granted by the board to hotels,
17 restaurants [and] clubs and privately-owned private golf courses
18 or malt and brewed beverage retail dispenser licenses or
19 wholesale distributor's and importing distributor's license for
20 the sale of malt or brewed beverages shall be granted by the
21 board, or the board may establish, operate and maintain
22 Pennsylvania liquor stores, as the case may be, in such
23 municipality or part of a split municipality, as provided by
24 this act; but if a majority of the electors voting on any such
25 question vote "no," then the board shall have no power to grant
26 or to renew upon their expiration any licenses of the class so
27 voted upon in such municipality or part of a split municipality;
28 or if the negative vote is on the question in respect to the
29 establishment, operation and maintenance of Pennsylvania liquor
30 stores, the board shall not open and operate a Pennsylvania

1 liquor store in such municipality or part of a split
2 municipality, nor continue to operate a then existing
3 Pennsylvania liquor store in the municipality or part of a split
4 municipality for more than two years thereafter or after the
5 expiration of the term of the lease on the premises occupied by
6 such store, whichever period is less, unless and until at a
7 later election a majority of the voting electors vote "yes" on
8 such question.

9 Section 5. This act shall take effect in 60 days.