

AN ACT

Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," defining and exempting privately-owned public golf courses from licensing quota, further regulating sales by such golf courses and certain other liquor licensees, further providing for retail outlets for limited wineries and appropriating funds to the Department of Health for the study of problems and promotion of programs relating to alcoholism and the rehabilitation and treatment of alcoholics.

The General Assembly of the Commonwealth of Pennsylvania

hereby enacts as follows:

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

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

* * *

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

* * *

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

Section 406. Sales by Liquor Licensees; Restrictions.--(a)
(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. Any liquor
9 licensee which operates a golf course on the same property as
10 the licensed premises may also sell liquor or malt and brewed
11 beverages as above provided in not more than one detached
12 building of any size other than the licensed premises so long as
13 such secondary building is on the golf course premises. The
14 secondary building shall be without ingress or egress directly
15 from a public road and no parking area shall be established for
16 such secondary building. No club licensee nor its officers,
17 servants, agents or employes, other than one holding a catering
18 license, shall sell any liquor or malt or brewed beverages to
19 any person except a member of the club. In the case of a
20 restaurant located in a hotel which is not operated by the owner
21 of the hotel and which is licensed to sell liquor under this
22 act, liquor and malt or brewed beverages may be sold for
23 consumption in that part of the restaurant habitually used for
24 the serving of meals to patrons and also to guests in private
25 guest rooms in the hotel. For the purpose of this paragraph, any
26 person who is an active member of another club which is
27 chartered by the same state or national organization shall have
28 the same rights and privileges as members of the particular
29 club. For the purpose of this paragraph, any person who is an
30 active member of any volunteer firefighting company, association

1 or group of this Commonwealth, whether incorporated or
2 unincorporated, shall upon the approval of any club composed of
3 volunteer firemen licensed under this act, have the same social
4 rights and privileges as members of such licensed club. For the
5 purposes of this paragraph, the term "active member" shall not
6 include a social member.

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

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

29 (4) Hotel and restaurant liquor licensees, airport
30 restaurant liquor licensees [and], municipal golf course

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

25 (5) Any hotel, restaurant, club or public service liquor
26 licensee may, by giving notice to the board, advance by one hour
27 the hours herein prescribed as those during which liquor and
28 malt or brewed beverages may be sold during such part of the
29 year when daylight saving time is being observed generally in
30 the municipality in which the place of business of such licensee

1 is located. Any licensee who elects to operate his place of
2 business in accordance with daylight saving time shall post a
3 conspicuous notice in his place of business that he is operating
4 in accordance with daylight saving time.

5 (6) Notwithstanding any provisions to the contrary, whenever
6 the thirty-first day of December falls on a Sunday, every hotel
7 or restaurant liquor licensee, their servants, agents or
8 employes may sell liquor and malt or brewed beverages on any
9 such day after one o'clock postmeridian and until two o'clock
10 antemeridian of the following day.

11 * * *

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

15 Section 461. Limiting Number of Retail Licenses To Be Issued
16 In Each Municipality.--(a) No licenses shall hereafter be
17 granted by the board for the retail sale of malt or brewed
18 beverages or the retail sale of liquor and malt or brewed
19 beverages in excess of one of such licenses of any class for
20 each two thousand inhabitants in any municipality, exclusive of
21 licenses granted to airport restaurants, municipal golf courses,
22 [and] hotels, privately-owned public golf courses and privately-
23 owned private golf course licensees, as defined in this section,
24 and clubs; but at least one such license may be granted in each
25 municipality and in each part of a municipality where such
26 municipality is split so that each part thereof is separated by
27 another municipality, except in municipalities where the
28 electors have voted against the granting of any retail licenses
29 and except in that part of a split municipality where the
30 electors have voted against the granting of any retail licenses.

1 Nothing contained in this section shall be construed as denying
2 the right to the board to renew or to transfer existing retail
3 licenses of any class notwithstanding that the number of such
4 licensed places in a municipality shall exceed the limitation
5 hereinbefore prescribed; but where such number exceeds the
6 limitation prescribed by this section, no new license, except
7 for hotels, municipal golf courses, [and] airport restaurants,
8 privately-owned public golf courses and privately-owned private
9 golf course licensees, as defined in this section, shall be
10 granted so long as said limitation is exceeded.

11 * * *

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

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

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

21 Section 472. Local Option.--In any municipality or any part
22 of a municipality where such municipality is split so that each
23 part thereof is separated by another municipality, an election
24 may be held on the date of the primary election immediately
25 preceding any municipal election, but not oftener than once in
26 four years, to determine the will of the electors with respect
27 to the granting of liquor licenses to hotels, restaurants [and],
28 clubs and privately-owned private golf courses, not oftener than
29 once in four years, with respect to the granting of licenses to
30 retail dispensers of malt and brewed beverages, not oftener than

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

1 and subject to the provisions of the election laws which relate
2 to the signing, filing and adjudication of nomination petitions,
3 insofar as such provisions are applicable.

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

6 Do you favor the granting of liquor licenses
7 for the sale of liquor in..... Yes
8 of.....? No

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

12 Do you favor the granting of liquor licenses,
13 for privately-owned private golf courses for the
14 sale of liquor in.....by..... Yes
15 of.....? No

16 When the question is in respect to the granting of licenses
17 to retail dispensers of malt and brewed beverages, it shall be
18 in the following form:

19 Do you favor the granting of malt and brewed
20 beverage retail dispenser licenses for
21 consumption on premises where sold in
22 the..... Yes
23 of.....? No

24 When the question is in respect to the granting of licenses
25 to wholesale distributors of malt or brewed beverages and
26 importing distributors, it shall be in the following form:

27 Do you favor the granting of malt and brewed
28 beverage wholesale distributor's and importing
29 distributor's licenses not for consumption on
30 premises where sold in the..... Yes

1 of.....? No

2 When the question is in respect to the establishment,
3 operation and maintenance of Pennsylvania liquor stores it shall
4 be in the following form:

5 Do you favor the establishment, operation
6 and maintenance of Pennsylvania liquor
7 stores in the..... Yes
8 of.....? No

9 In case of a tie vote, the status quo shall obtain. If a
10 majority of the voting electors on any such question vote "yes,"
11 then liquor licenses shall be granted by the board to hotels,
12 restaurants [and] clubs and privately-owned private golf courses
13 or malt and brewed beverage retail dispenser licenses or
14 wholesale distributor's and importing distributor's license for
15 the sale of malt or brewed beverages shall be granted by the
16 board, or the board may establish, operate and maintain
17 Pennsylvania liquor stores, as the case may be, in such
18 municipality or part of a split municipality, as provided by
19 this act; but if a majority of the electors voting on any such
20 question vote "no," then the board shall have no power to grant
21 or to renew upon their expiration any licenses of the class so
22 voted upon in such municipality or part of a split municipality;
23 or if the negative vote is on the question in respect to the
24 establishment, operation and maintenance of Pennsylvania liquor
25 stores, the board shall not open and operate a Pennsylvania
26 liquor store in such municipality or part of a split
27 municipality, nor continue to operate a then existing
28 Pennsylvania liquor store in the municipality or part of a split
29 municipality for more than two years thereafter or after the
30 expiration of the term of the lease on the premises occupied by

1 such store, whichever period is less, unless and until at a
2 later election a majority of the voting electors vote "yes" on
3 such question.

4 Section 5. Section 505.2 of the act, amended March 27, 1972
5 (P.L.153, No.57), is amended to read:

6 Section 505.2. Limited Wineries.--Holders of a limited
7 winery license may:

8 (1) Produce wines only from fruits grown in Pennsylvania in
9 an amount not to exceed one hundred thousand (100,000) gallons
10 per year.

11 (2) Sell wine produced by the limited winery on the licensed
12 premises, under such conditions and regulations as the board may
13 enforce, to the Liquor Control Board, to individuals and to
14 hotel, restaurant, club and public service liquor licensees.

15 (3) Sell wine produced by the limited winery on no more than
16 three board-approved locations other than the licensed premises,
17 with no bottling or production requirement at those additional
18 board-approved locations and under such conditions and
19 regulations as the board may enforce, to the Liquor Control
20 Board, to individuals and to hotel, restaurant, club and public
21 service liquor licensees.

22 Section 6. Section 802 of the act, amended September 28,
23 1961 (P.L.1728, No.702), is amended to read:

24 Section 802. Moneys Paid Into The State Stores Fund for Use
25 of the Commonwealth.--(a) All moneys, except fees to be paid
26 into the Liquor License Fund as provided by the preceding
27 section, collected, received or recovered under the provisions
28 of this act for license fees, permit fees, filing fees and
29 registration fees, from forfeitures, sales of forfeited
30 property, compromise penalties and sales of liquor and alcohol

1 at the Pennsylvania Liquor Stores, shall be paid into the State
2 Treasury through the Department of Revenue into a special fund
3 to be known as "The State Stores Fund."

4 (b) One-half of all application, filing and transfer fees
5 shall be credited to a special account designated as the
6 Enforcement Officers' Retirement Account. The moneys credited to
7 this account shall be paid, annually, by the board to the State
8 [Employees'] Employees' Retirement Board to be paid into the
9 State [Employees'] Employees' Retirement Fund and credited to the
10 Enforcement Officers' Benefit Account.

11 (c) Two per centum of the net revenue of the Pennsylvania
12 Liquor Control Board as shown on the operating statement in its
13 annual report is hereby appropriated to the Department of Health
14 for the Council on Drug and Alcohol Abuse to be used for the:

- 15 (1) study of the problem of alcoholism;
16 (2) treatment and rehabilitation of persons addicted to the
17 excessive use of alcoholic beverages; and
18 (3) promotion of preventive and educational programs
19 designed to eliminate alcoholism.

20 (d) All other moneys in such fund shall be available for the
21 purposes for which they are appropriated by law.

22 Section 7. (a) Sections 1, 2, 3, 4 and 6 of this act shall
23 take effect in 60 days.

24 (b) Sections 5 and 7 of this act shall take effect
25 immediately.