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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 277 Session of  
1981

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Report of the Committee of Conference

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To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 277, entitled:  
"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; \* \* \* providing for local option, and repealing existing laws,' defining and exempting privately-owned public golf courses from licensing quota ~~and~~, 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,"

respectfully submit the following bill as our report:

STEWART J. GREENLEAF

D. MICHAEL FISHER

JAMES R. KELLEY

(Committee on the part of the Senate.)

STANFORD I. LEHR

DONALD W. DORR

RAPLPH D. PRATT

(Committee on the part of the House of Representatives.)

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, further regulating sales by such golf  
19 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. The  
12 secondary building shall be without ingress or egress directly  
13 from a public road and no parking area shall be established for  
14 such secondary building. No club licensee nor its officers,  
15 servants, agents or employes, other than one holding a catering  
16 license, shall sell any liquor or malt or brewed beverages to  
17 any person except a member of the club. In the case of a  
18 restaurant located in a hotel which is not operated by the owner  
19 of the hotel and which is licensed to sell liquor under this  
20 act, liquor and malt or brewed beverages may be sold for  
21 consumption in that part of the restaurant habitually used for  
22 the serving of meals to patrons and also to guests in private  
23 guest rooms in the hotel. For the purpose of this paragraph, any  
24 person who is an active member of another club which is  
25 chartered by the same state or national organization shall have  
26 the same rights and privileges as members of the particular  
27 club. For the purpose of this paragraph, any person who is an  
28 active member of any volunteer firefighting company, association  
29 or group of this Commonwealth, whether incorporated or  
30 unincorporated, shall upon the approval of any club composed of

1 volunteer firemen licensed under this act, have the same social  
2 rights and privileges as members of such licensed club. For the  
3 purposes of this paragraph, the term "active member" shall not  
4 include a social member.

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

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

27     (4) Hotel and restaurant liquor licensees, airport  
28 restaurant liquor licensees [and], municipal golf course  
29 restaurant liquor licensees, privately-owned public golf course  
30 restaurant licensees and privately-owned private golf course

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

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

1 conspicuous notice in his place of business that he is operating  
2 in accordance with daylight saving time.

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

9     \* \* \*

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

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

1 licenses of any class notwithstanding that the number of such  
2 licensed places in a municipality shall exceed the limitation  
3 hereinbefore prescribed; but where such number exceeds the  
4 limitation prescribed by this section, no new license, except  
5 for hotels, municipal golf courses, [and] airport restaurants,  
6 privately-owned public golf courses and privately-owned private  
7 golf course licensees, as defined in this section, shall be  
8 granted so long as said limitation is exceeded.

9 \* \* \*

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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