

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 2340** Session of  
1986

INTRODUCED BY WILSON, MANMILLER AND SALOOM, APRIL 9, 1986

REFERRED TO COMMITTEE ON LIQUOR CONTROL, APRIL 9, 1986

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 further providing for the number of retail licenses issued in  
18 each municipality; further providing for licenses in resort  
19 areas; and providing for the surrender of licenses for the  
20 benefit of licensees.

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

23 Section 1. Section 461(a) and (b) of the act of April 12,  
24 1951 (P.L.90, No.21), known as the Liquor Code, amended December  
25 17, 1982 (P.L.1390, No.319), are amended to read:

26 Section 461. Limiting Number of Retail Licenses To Be Issued

1 In Each Municipality.--(a) No licenses shall hereafter be  
2 granted by the board for the retail sale of malt or brewed  
3 beverages or the retail sale of liquor and malt or brewed  
4 beverages in excess of one of such licenses of any class for  
5 each [two] three thousand inhabitants in any municipality,  
6 exclusive of licenses granted to airport restaurants, municipal  
7 golf courses, hotels, privately-owned public golf courses, as  
8 defined in this section, and clubs; but at least one such  
9 license may be granted in each municipality and in each part of  
10 a municipality where such municipality is split so that each  
11 part thereof is separated by another municipality, except in  
12 municipalities where the electors have voted against the  
13 granting of any retail licenses and except in that part of a  
14 split municipality where the electors have voted against the  
15 granting of any retail licenses. Nothing contained in this  
16 section shall be construed as denying the right to the board to  
17 renew or to transfer existing retail licenses of any class  
18 notwithstanding that the number of such licensed places in a  
19 municipality shall exceed the limitation hereinbefore  
20 prescribed; but where such number exceeds the limitation  
21 prescribed by this section, no new license, except for hotels,  
22 municipal golf courses, airport restaurants, privately-owned  
23 public golf courses and privately-owned private golf course  
24 licensees, as defined in this section, shall be granted so long  
25 as said limitation is exceeded.

26 (b) The board shall have the power to increase the number of  
27 licenses in any such municipality which [in the opinion of the  
28 board] is located within a resort area. The term "resort area"  
29 as used in this subsection shall mean an area which experiences  
30 a seasonal influx of persons for the area's attractions.

1 contributing to a substantial disparity between the area's  
2 population and patronage figures and causing the seasonal  
3 population to increase to the extent that the existing licensees  
4 cannot provide adequate service; and the area shall contain  
5 those recreational facilities commonly associated with tourism  
6 and vacation, including, but not limited to, substantial  
7 transient living and eating accommodations.

8 \* \* \*

9 Section 2. Section 474 of the act, added July 20, 1968  
10 (P.L.429, No.201), is amended to read:

11 Section 474. Surrender of [Club] Licenses for Benefit of  
12 Licensees.--Whenever a [club] license has been returned to the  
13 board for the benefit of the licensee due to the licensed  
14 establishment not having been in operation for any reason  
15 whatsoever for a period of time not exceeding fifteen days, the  
16 license shall be held by the board for the benefit of the  
17 licensee for a period of time not exceeding one year, or, upon  
18 proper application to the board, for an additional year, and the  
19 license shall be revoked at the termination of the period, and  
20 transfer of the license shall not be permitted after the  
21 termination of the period.

22 Section 3. This act shall take effect in 60 days.