

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1818 Session of
1997

INTRODUCED BY NICKOL, McNAUGHTON, HALUSKA, WAUGH, HENNESSEY,
PLATTS, SAYLOR, ROSS, ITKIN, BOSCOLA, BENNINGHOFF, PRESTON
AND BELARDI, SEPTEMBER 30, 1997

REFERRED TO COMMITTEE ON LIQUOR CONTROL, SEPTEMBER 30, 1997

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as
2 reenacted, "An act relating to alcoholic liquors, alcohol and
3 malt and brewed beverages; amending, revising, consolidating
4 and 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 local option.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 Section 1. Section 472(a) of the act of April 12, 1951
21 (P.L.90, No.21), known as the Liquor Code, reenacted and amended
22 June 29, 1987 (P.L.32, No.14) and amended May 31, 1996 (P.L.312,
23 No.49), is amended to read:

24 Section 472. Local Option.--(a) In any municipality or any
25 part of a municipality where such municipality is split so that

1 each part thereof is separated by another municipality, an
2 election may be held, subject to subsection (c), on the date of
3 the primary election immediately preceding any municipal
4 election, but not oftener than once in four years, to determine
5 the will of the electors with respect to the granting of liquor
6 licenses to hotels, restaurants and clubs, not oftener than once
7 in four years, to determine the will of the electors with
8 respect to the granting of liquor licenses to privately-owned
9 private golf courses or to privately-owned public golf courses,
10 not oftener than once in four years, to determine the will of
11 the electors with respect to the granting of licenses to retail
12 dispensers of malt and brewed beverages, not oftener than once
13 in four years, to determine the will of the electors with
14 respect to granting of licenses to wholesale distributors and
15 importing distributors, not more than once in two years, to
16 determine the will of the electors with respect to the granting
17 of club liquor licenses or club retail dispenser licenses to
18 incorporated units of national veterans' organizations, not
19 oftener than once in two years to determine the will of the
20 electors with respect to the granting of special occasion
21 permits to qualified organizations, or not more than once in
22 four years, to determine the will of the electors with respect
23 to the establishment, operation and maintenance by the board of
24 Pennsylvania liquor stores, within the limits of such
25 municipality or part of a split municipality, under the
26 provisions of this act: Provided, however, Where an election
27 shall have been held at the primary preceding a municipal
28 election in any year, another election may be held under the
29 provisions of this act at the primary occurring the fourth year
30 after such prior election: And provided further, That an

1 election on the question of establishing and operating a State
2 liquor store shall be initiated only in those municipalities, or
3 that part of a split municipality that shall have voted against
4 the granting of liquor licenses; and that an election on the
5 question of granting wholesale distributor and importing
6 distributor licenses shall be initiated only in those
7 municipalities or parts of split municipalities that shall have
8 at a previous election voted against the granting of dispenser's
9 licenses. Whenever electors equal to at least twenty-five per
10 centum of the highest vote cast for any office in the
11 municipality or part of a split municipality at the last
12 preceding general election shall file a petition with the county
13 board of elections of the county for a referendum on the
14 question of granting any of said classes of licenses or the
15 establishment of Pennsylvania liquor stores, the said county
16 board of elections shall cause a question to be placed on the
17 ballots or on the voting machine board and submitted at the
18 primary immediately preceding the municipal election. Separate
19 petitions must be filed for each question to be voted on. Said
20 proceedings shall be in the manner and subject to the provisions
21 of the election laws which relate to the signing, filing and
22 adjudication of nomination petitions, insofar as such provisions
23 are applicable.

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

26 Do you favor the granting of liquor licenses
27 for the sale of liquor in..... Yes
28 of.....? No

29 When the question is in respect to the granting of liquor
30 licenses, for privately-owned private golf courses, it shall be

1 in the following form:

2 Do you favor the granting of liquor licenses for
3 privately-owned private golf courses for the sale
4 of liquor in.....by..... Yes
5 of.....? No

6 When the question is in respect to the granting of liquor
7 licenses, for privately-owned public golf courses, it shall be
8 in the following form:

9 Do you favor the granting of liquor licenses for
10 privately-owned public golf courses for the sale
11 of liquor in.....by..... Yes
12 of.....? No

13 When the question is in respect to the granting of licenses
14 to retail dispensers of malt and brewed beverages, it shall be
15 in the following form:

16 Do you favor the granting of malt and brewed
17 beverage retail dispenser licenses for
18 consumption on premises where sold in the..... Yes
19 of.....? No

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

23 Do you favor the granting of malt and brewed
24 beverage wholesale distributor's and importing
25 distributor's licenses not for consumption on
26 premises where sold in the..... Yes
27 of.....? No

28 When the question is in respect to the granting of club
29 liquor licenses to incorporated units of national veterans'
30 organizations, it shall be in the following form:

1 Do you favor the granting of club liquor licenses
2 to incorporated units of national veterans' organizations
3 in the..... Yes
4 of.....? No

5 When the question is in respect to the granting of club
6 retail dispenser licenses to incorporated units of national
7 veterans' organizations, it shall be in the following form:

8 Do you favor the granting of club retail dispenser
9 licenses to incorporated units of national veterans'
10 organizations in the..... Yes
11 of.....? No

12 When the question is in respect to the granting of special
13 occasion permits to qualified organizations, it shall be in the
14 following form:

15 Do you favor the granting of special occasion permits
16 to qualified organizations in the..... Yes
17 of.....? No

18 When the question is in respect to the establishment,
19 operation and maintenance of Pennsylvania liquor stores it shall
20 be in the following form:

21 Do you favor the establishment, operation
22 and maintenance of Pennsylvania liquor
23 stores in the..... Yes
24 of.....? No

25 In case of a tie vote, the status quo shall obtain. If a
26 majority of the voting electors on any such question vote "yes,"
27 then liquor licenses shall be granted by the board to hotels,
28 restaurants and clubs, or liquor licenses shall be granted by
29 the board to privately-owned private golf courses or to
30 privately-owned public golf courses, or malt and brewed beverage

1 retail dispenser licenses or wholesale distributor's and
2 importing distributor's license for the sale of malt or brewed
3 beverages shall be granted by the board, or club liquor licenses
4 or club retail dispenser licenses shall be granted by the board
5 to incorporated units of national veterans' organizations, or
6 special occasion permits may be issued to qualified
7 organizations, or the board may establish, operate and maintain
8 Pennsylvania liquor stores, as the case may be, in such
9 municipality or part of a split municipality, as provided by
10 this act; but if a majority of the electors voting on any such
11 question vote "no," then the board shall have no power to grant
12 or to renew upon their expiration any licenses of the class so
13 voted upon in such municipality or part of a split municipality;
14 or if the negative vote is on the question in respect to the
15 establishment, operation and maintenance of Pennsylvania liquor
16 stores, the board shall not open and operate a Pennsylvania
17 liquor store in such municipality or part of a split
18 municipality, nor continue to operate a then existing
19 Pennsylvania liquor store in the municipality or part of a split
20 municipality for more than two years thereafter or after the
21 expiration of the term of the lease on the premises occupied by
22 such store, whichever period is less, unless and until at a
23 later election a majority of the voting electors vote "yes" on
24 such question.

25 Section 2. This act shall take effect in 60 days.