

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 48 Session of 2009

INTRODUCED BY M. O'BRIEN, JANUARY 26, 2009

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JANUARY 26, 2009

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 definitions.

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

20 Section 1. The definition of "public venue" in section 102
 21 of the act of April 12, 1951 (P.L.90, No.21), known as the
 22 Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14)
 23 and amended July 16, 2007 (P.L.107, No.34), is amended to read:

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

1 * * *

2 "Public venue" shall mean a stadium, arena, convention
3 center, museum, amphitheater or similar structure. If the public
4 venue is a cruise terminal owned or leased by a port authority
5 created under the act of June 12, 1931 (P.L.575, No.200),
6 entitled "An act providing for joint action by Pennsylvania and
7 New Jersey in the development of the ports on the lower Delaware
8 River, and the improvement of the facilities for transportation
9 across the river; authorizing the Governor, for these purposes,
10 to enter into an agreement with New Jersey; creating The
11 Delaware River Joint Commission and specifying the powers and
12 duties thereof, including the power to finance projects by the
13 issuance of revenue bonds; transferring to the new commission
14 all the powers of the Delaware River Bridge Joint Commission;
15 and making an appropriation," it shall have no permanent seating
16 requirement. If the public venue is an open-air amphitheater
17 owned by a port authority created under the act of December 6,
18 1972 (P.L.1392, No.298), known as the "Third Class City Port
19 Authority Act," it shall have no permanent seating requirement.
20 If the public venue is owned by a political subdivision, a
21 municipal authority, the Commonwealth, an authority created
22 under the act of July 29, 1953 (P.L.1034, No.270), known as the
23 "Public Auditorium Authorities Law," an authority created under
24 Article XXV-A of the act of July 28, 1953 (P.L.723, No.230),
25 known as the "Second Class County Code," an art museum
26 established under the authority of the act of April 6, 1791 (3
27 Sm.L.20, No.1536), entitled "An act to confer on certain
28 associations of the citizens of this commonwealth the powers and
29 immunities of corporations, or bodies politic in law," or an
30 authority created under Article XXIII (n) or (o) of the act of

1 August 9, 1955 (P.L.323, No.130), known as "The County Code," it
2 shall have permanent seating for at least one thousand (1,000)
3 people; otherwise, it shall have permanent seating for at least
4 two thousand (2,000) people. The term shall also mean any
5 regional history center, multipurpose cultural and science
6 facility, museum or convention or trade show center, regardless
7 of owner and seating capacity, that has a floor area of at least
8 sixty thousand (60,000) square feet in one building. The term
9 shall also mean a convention or conference center owned by a
10 city of the third class or a university which is a member of the
11 Pennsylvania State System of Higher Education which is operated
12 by a university foundation or alumni association, regardless of
13 seating capacity, that has a floor area of at least fifteen
14 thousand (15,000) square feet in one building. The term shall
15 shall also mean a visitor center, regardless of floor area or
16 seating capacity, that was established under the authority of
17 the Gateway Visitor Center Authorization Act of 1999 (Public Law
18 106-131, 113 Stat. 1678; 16 USCA § 407m).

19 * * *

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