

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 48 Session of  
2009

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

SENATOR RAFFERTY, LAW AND JUSTICE, IN SENATE, AS AMENDED, JUNE  
10, 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, ~~for special occasion~~  
18 ~~permits~~ and for limited number of retail licenses to be  
19 issued in each county.

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

22 Section 1. The definitions of "eligible entity" and "public  
23 venue" in section 102 of the act of April 12, 1951 (P.L.90,  
24 No.21), known as the Liquor Code, reenacted and amended June 29,  
25 1987 (P.L.32, No.14) and amended November 29, 2006 (P.L.1421,  
26 No. 155) and July 16, 2007 (P.L.107, No.34), are amended to

1 read:

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

5 \* \* \*

6 "Eligible entity" shall mean a city of the third class, a  
7 hospital, a church, a synagogue, a volunteer fire company, a  
8 volunteer ambulance company, a volunteer rescue squad, a unit of  
9 a nationally chartered club which has been issued a club liquor  
10 license, a club in a city of the third class which has been  
11 issued a club liquor license and which, as of December 31, 2002,  
12 has been in existence for at least 100 years, a library, a  
13 nationally accredited Pennsylvania nonprofit zoological  
14 institution licensed by the United States Department of  
15 Agriculture, a nonprofit agricultural association in existence  
16 for at least ten years, a bona fide sportsmen's club in  
17 existence for at least ten years, a nationally chartered  
18 veterans' organization and any affiliated lodge or subdivision  
19 of such organization, a fraternal benefit society that is  
20 licensed to do business in this Commonwealth and any affiliated  
21 lodge or subdivision of such fraternal benefit society, a museum  
22 operated by a nonprofit corporation in a city of the third class  
23 or township of the first class, a nonprofit corporation engaged  
24 in the performing arts in a city of the third class, borough or  
25 in an incorporated town, an arts council, a nonprofit  
26 corporation that operates an arts facility or museum in a city  
27 of the third class in the county of the fourth class, a  
28 nonprofit organization as defined under section 501(c)(3) of the  
29 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §  
30 501(c)(3)) whose purpose is to protect the architectural

1 heritage of boroughs and which has been recognized as such by a  
2 municipal resolution, a nonprofit organization as defined under  
3 section 501(c)(3) of the Internal Revenue Code of 1986 (Public  
4 Law 99-514, 26 U.S.C. § 501(c)(3)) conducting a regatta in a  
5 city of the second class with the permit to be used on State  
6 park grounds or conducting a family-oriented celebration as part  
7 of Welcome America in a city of the first class on property  
8 leased from that city for more than fifty years, a nonprofit  
9 organization as defined under section 501(c)(3) of the Internal  
10 Revenue Code of 1986 (26 U.S.C. § 501(c)(3)) whose purpose is to  
11 raise funds for the research and treatment of cystic fibrosis, a  
12 nonprofit organization as defined under section 501(c)(3) of the  
13 Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3)) whose  
14 purpose is to educate the public on issues dealing with  
15 watershed conservation, a nonprofit organization as defined  
16 under section 501(c)(3) of the Internal Revenue Code of 1986  
17 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) whose purpose is to  
18 provide equine assisted activities for children and adults with  
19 special needs, a nonprofit economic development agency in a city  
20 of the second class with the primary function to serve as an  
21 economic generator for the greater southwestern Pennsylvania  
22 region by attracting and supporting film, television and related  
23 media industry projects and coordinating government and business  
24 offices in support of a production, a county tourist promotion  
25 agency as defined in section 3(1) of the act of April 28, 1961  
26 (P.L.111, No.50), known as the "Tourist Promotion Law," and  
27 located in a city of the third class in a county of the fourth  
28 class or located in a township of the second class in a county  
29 of the fifth class, a junior league in a third class county that  
30 is a nonprofit organization as defined under section 501(c)(3)

1 of the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3))  
2 that is comprised of women whose purpose is exclusively  
3 educational and charitable in promoting the volunteerism of  
4 women and developing and participating in community projects and  
5 that has been in existence for over seventy years [or], a  
6 nonprofit organization as defined under section 501(C)(6) of the  
7 Internal Revenue Code of 1986 which is located in a city of the  
8 third class in a county of the third class and whose purpose is  
9 to support business and industry or a club recognized by Rotary  
10 International WHICH IS LOCATED IN A COUNTY OF THE FOURTH CLASS ←  
11 AND whose purpose is to provide service to others, to promote  
12 high ethical standards and to advance world understanding,  
13 goodwill and peace through its fellowship of business,  
14 professional and community leaders OR A NONPROFIT ORGANIZATION ←  
15 AS DEFINED UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE  
16 OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. § 501(C)(3)) WHICH IS  
17 LOCATED IN A BOROUGH IN A COUNTY OF THE THIRD CLASS AND WHOSE  
18 PURPOSE IS TO PROMOTE MUSHROOMS WHILE SUPPORTING LOCAL AND  
19 REGIONAL CHARITIES.

20 \* \* \*

21 "Public venue" shall mean a stadium, arena, convention  
22 center, museum, amphitheater or similar structure. If the public  
23 venue is a cruise terminal owned or leased by a port authority  
24 created under the act of June 12, 1931 (P.L.575, No.200),  
25 entitled "An act providing for joint action by Pennsylvania and  
26 New Jersey in the development of the ports on the lower Delaware  
27 River, and the improvement of the facilities for transportation  
28 across the river; authorizing the Governor, for these purposes,  
29 to enter into an agreement with New Jersey; creating The  
30 Delaware River Joint Commission and specifying the powers and

1 duties thereof, including the power to finance projects by the  
2 issuance of revenue bonds; transferring to the new commission  
3 all the powers of the Delaware River Bridge Joint Commission;  
4 and making an appropriation," it shall have no permanent seating  
5 requirement. If the public venue is an open-air amphitheater  
6 owned by a port authority created under the act of December 6,  
7 1972 (P.L.1392, No.298), known as the "Third Class City Port  
8 Authority Act," it shall have no permanent seating requirement.  
9 If the public venue is owned by a political subdivision, a  
10 municipal authority, the Commonwealth, an authority created  
11 under the act of July 29, 1953 (P.L.1034, No.270), known as the  
12 "Public Auditorium Authorities Law," an authority created under  
13 Article XXV-A of the act of July 28, 1953 (P.L.723, No.230),  
14 known as the "Second Class County Code," an art museum  
15 established under the authority of the act of April 6, 1791 (3  
16 Sm.L.20, No.1536), entitled "An act to confer on certain  
17 associations of the citizens of this commonwealth the powers and  
18 immunities of corporations, or bodies politic in law," or an  
19 authority created under Article XXIII (n) or (o) of the act of  
20 August 9, 1955 (P.L.323, No.130), known as "The County Code," it  
21 shall have permanent seating for at least one thousand (1,000)  
22 people; otherwise, it shall have permanent seating for at least  
23 two thousand (2,000) people. The term shall also mean any  
24 regional history center, multipurpose cultural and science  
25 facility, museum or convention or trade show center, regardless  
26 of owner and seating capacity, that has a floor area of at least  
27 sixty thousand (60,000) square feet in one building. The term  
28 shall also mean a convention or conference center owned by a  
29 city of the third class or a university which is a member of the  
30 Pennsylvania State System of Higher Education which is operated

1 by a university foundation or alumni association, regardless of  
2 seating capacity, that has a floor area of at least fifteen  
3 thousand (15,000) square feet in one building. The term shall  
4 shall also mean a visitor center, regardless of floor area or ←  
5 seating capacity, that was established under the authority of  
6 the Gateway Visitor Center Authorization Act of 1999 (Public Law  
7 106-131, 113 Stat. 1678; 16 USCA 1678, 16 U.S.C. § 407m)). ←

8 \* \* \*

9 ~~Section 2. Section 408.4(h) and (j) of the act, amended~~ ←  
10 ~~December 9, 2002 (P.L.1653, No.212), are amended to read:~~

11 ~~Section 408.4. Special Occasion Permits.—~~

12 ~~(h) The board may issue a special occasion permit to an~~  
13 ~~eligible entity. The board may also issue a special occasion~~  
14 ~~permit to one auxiliary of any eligible entity. Any eligible~~  
15 ~~entity that wishes to acquire a special occasion permit must~~  
16 ~~submit [a] an original written application to the board in such~~  
17 ~~form and containing such information as the board shall from~~  
18 ~~time to time prescribe. The application shall include a~~  
19 ~~resolution by the eligible entity setting forth its current~~  
20 ~~officers and approving the application. Upon approval of the~~  
21 ~~application by the board, the special occasion permit shall be~~  
22 ~~sent to the eligible entity only. The fee for special occasion~~  
23 ~~permits shall be as set forth under section 614 A(24) of the act~~  
24 ~~of April 9, 1929 (P.L.177, No.175), known as "The Administrative~~  
25 ~~Code of 1929."~~

26 \* \* \*

27 ~~(j) The eligible entity shall give the local police~~  
28 ~~department or the Pennsylvania State Police if there is no local~~  
29 ~~police department written notice at least forty eight hours~~  
30 ~~prior to each use of the special occasion permit. Written notice~~

1 ~~consists of notifying the police of the date, time and place of~~  
2 ~~the impending sale of alcoholic beverages. Prior to use of the~~  
3 ~~special occasion permit, the eligible entity shall submit to the~~  
4 ~~board written proof of notification of the police.~~

5 \* \* \*

6 Section 3 2. Section 461(c) (9) of the act, amended July 16, ←  
7 2007 (P.L.107, No.34), is amended to read:

8 Section 461. Limiting Number of Retail Licenses To Be Issued  
9 In Each County.--\* \* \*

10 (c) The word "hotel" as used in this section shall mean any  
11 reputable place operated by a responsible person of good  
12 reputation where the public may, for a consideration, obtain  
13 sleeping accommodations, and which shall have the following  
14 number of bedrooms and requirements in each case--at least one-  
15 half of the required number of bedrooms shall be regularly  
16 available to transient guests seven days weekly, except in  
17 resort areas; at least one-third of such bedrooms shall be  
18 equipped with hot and cold water, a lavatory, commode, bathtub  
19 or shower and a clothes closet; and an additional one-third of  
20 the total of such required rooms shall be equipped with lavatory  
21 and commode:

22 \* \* \*

23 (9) Upon application to and subject to inspection by the  
24 board, hotel licensees under clause (8) of this subsection shall  
25 no longer be required to maintain bedrooms for public  
26 accommodation. [However, areas required and designated as  
27 bedrooms for public accommodation prior to the effective date of  
28 this clause may not subsequently be used as licensed serving  
29 area.] Such area may be used as licensed storage area or serving  
30 area consistent with this act and existing regulations.

1 \* \* \*

2 Section 4 3. This act shall take effect in 60 days.

