

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 452

Session of  
1983

INTRODUCED BY JAROLIN, WARGO, D. R. WRIGHT, KOSINSKI,  
AFFLERBACH, JOHNSON, DALEY, PERZEL, COY, HERMAN, PISTELLA,  
STEIGHNER, LINTON, ALDERETTE, F. E. TAYLOR, BALDWIN, TIGUE,  
BLAUM, McCALL, COSLETT, TELEK, KASUNIC, CAWLEY, TRUMAN,  
OLIVER, WILLIAMS, CARN, HASAY, FATTAH, SPITZ, WAMBACH,  
STEVENS AND DeLUCA, MARCH 15, 1983

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
MARCH 13, 1984

## 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 PROVIDING FOR THE SALE OF LICENSES IN CERTAIN CIRCUMSTANCES; <—  
18 FURTHER PROVIDING FOR SPECIAL OCCASION PERMITS; AND  
19 increasing certain penalties.

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

22 SECTION 1. SECTION 408.4 OF THE ACT OF APRIL 12, 1951 <—  
23 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, AMENDED JULY 11, 1980  
24 (P.L.588, NO.117), IS AMENDED TO READ:

1 SECTION 408.4. SPECIAL OCCASION PERMITS.--(A) UPON  
2 APPLICATION OF ANY HOSPITAL, CHURCH, SYNAGOGUE, VOLUNTEER FIRE  
3 COMPANY, BONA FIDE SPORTSMEN'S CLUB IN EXISTENCE FOR AT LEAST  
4 TEN YEARS, VOLUNTEER AMBULANCE COMPANY OR ASSOCIATION, OR THE <—  
5 LADIES AUXILIARY OF A VOLUNTEER FIRE COMPANY AND UPON PAYMENT OF  
6 A FEE OF FIFTEEN DOLLARS (\$15) PER DAY, THE BOARD SHALL ISSUE A  
7 SPECIAL OCCASION PERMIT GOOD FOR A PERIOD OF NOT MORE THAN THREE  
8 CONSECUTIVE DAYS. SPECIAL OCCASION PERMITS MAY ALSO BE ISSUED TO  
9 A MUSEUM OPERATED BY A NONPROFIT CORPORATION IN A CITY OF THE  
10 THIRD CLASS OR A NONPROFIT CORPORATION ENGAGED IN THE PERFORMING  
11 ARTS IN A CITY OF THE THIRD CLASS FOR A PERIOD OF NOT MORE THAN  
12 SIX NONCONSECUTIVE DAYS AT A FEE OF FIFTEEN DOLLARS (\$15) PER  
13 DAY.

14 (B) IN ANY CITY, BOROUGH, INCORPORATED TOWN OR TOWNSHIP IN  
15 WHICH THE SALE OF LIQUOR AND/OR MALT OR BREWED BEVERAGES HAS  
16 BEEN APPROVED BY THE ELECTORATE, SUCH SPECIAL OCCASION PERMIT  
17 SHALL AUTHORIZE THE PERMITTEE TO SELL LIQUOR AND/OR MALT OR  
18 BREWED BEVERAGES AS THE CASE MAY BE TO ANY ADULT PERSON ON ANY  
19 DAY FOR WHICH THE PERMIT IS ISSUED.

20 (C) SUCH SPECIAL OCCASION PERMIT SHALL ONLY BE VALID FOR THE  
21 NUMBER OF DAYS STATED IN THE PERMIT. ONLY ONE PERMIT MAY BE  
22 ISSUED TO ANY PERMITTEE DURING THE YEAR, EXCEPT AS TO VOLUNTEER  
23 FIRE COMPANIES AND THE LADIES AUXILIARIES OF VOLUNTEER FIRE  
24 COMPANIES WHICH MAY BE ISSUED TWO PERMITS DURING THE YEAR.

25 PROVIDED, THAT A MUSEUM OPERATED BY A NONPROFIT CORPORATION IN A  
26 CITY OF THE THIRD CLASS AND A NONPROFIT CORPORATION ENGAGED IN  
27 THE PERFORMING ARTS IN A CITY OF THE THIRD CLASS MAY BE ISSUED  
28 NO MORE THAN SIX PERMITS DURING THE YEAR, EACH PERMIT BEING  
29 VALID FOR ONLY ONE DAY. THE PROVISIONS OF THIS SUBSECTION  
30 RELATING TO THE ISSUANCE OF PERMITS FOR BICENTENNIAL UNITS SHALL

1 EXPIRE DECEMBER 31, 1976.

2 (D) SUCH PERMITS SHALL ONLY BE ISSUED FOR USE AT A SPECIAL  
3 EVENT INCLUDING, BUT NOT LIMITED TO BAZAARS, PICNICS AND  
4 CLAMBAKES. THE SPECIAL EVENT MUST BE ONE WHICH IS USED BY THE  
5 PERMITTEE AS A MEANS OF RAISING FUNDS FOR ITSELF.

6 (E) THE PROVISIONS OF THIS SECTION SHALL NOT BE APPLICABLE  
7 TO ANY LICENSEE NOW OR HEREAFTER POSSESSING A CATERER'S LICENSE,  
8 NOR TO ANY PROFESSIONAL FUND RAISER.

9 (F) ANY PERSON SELLING LIQUOR OR MALT OR BREWED BEVERAGES IN  
10 VIOLATION OF THIS SECTION SHALL, UPON SUMMARY CONVICTION, BE  
11 SENTENCED TO PAY A FINE OF TWO HUNDRED FIFTY DOLLARS (\$250) FOR  
12 THE FIRST OFFENSE AND A FINE OF FIVE HUNDRED DOLLARS (\$500) FOR  
13 EACH SUBSEQUENT OFFENSE. THIS FINE SHALL BE IN ADDITION TO ANY  
14 OTHER PENALTY IMPOSED BY LAW FOR THE ILLEGAL SALE OF MALT OR  
15 BREWED BEVERAGES.

16 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

17 SECTION 412. SALE OF LICENSES.--THE OWNER OF AN  
18 ESTABLISHMENT WHO IS THE HOLDER OF A LICENSE MAY SELL SUCH  
19 LICENSE IN CASES WHERE, THROUGH LOCAL OPTION, THE POLITICAL  
20 SUBDIVISION VOTES TO PROHIBIT OR RESTRICT THE SALE OF LIQUOR.  
21 SUCH SALES SHALL BE PERMISSIBLE WHERE THE LICENSE IS SOLD TO THE  
22 OWNER OF AN ESTABLISHMENT WITHIN THE NEAREST CONTIGUOUS  
23 POLITICAL SUBDIVISION WHICH PERMITS THE SALE OF LIQUOR.

24 Section ~~±~~ 3. Section 494 of the act of ~~April 12, 1951~~ <—  
25 ~~(P.L.90, No.21), known as the Liquor Code,~~ amended May 25, 1956  
26 (1955 P.L.1743, No.583), is amended to read:

27 Section 494. Penalties.--(a) Any person who shall violate  
28 any of the provisions of this article, except as otherwise  
29 specifically provided, shall be guilty of a misdemeanor and,  
30 upon conviction thereof, shall be sentenced to pay a fine of not

1 less than one hundred dollars (\$100), nor more than five hundred  
2 dollars (\$500), and on failure to pay such fine, to imprisonment  
3 for not less than one month, nor more than three months, and for  
4 any subsequent offense, shall be sentenced to pay a fine not  
5 less than three hundred dollars (\$300), nor more than five  
6 hundred dollars (\$500), and to undergo imprisonment for a period  
7 not less than three months, nor more than one year.

8 (a.1) Any person who furnished intoxicating beverages to a  
9 minor in violation of section 493(1) shall be guilty of a  
10 misdemeanor and upon conviction shall be sentenced to pay a fine  
11 of not less than five hundred dollars (\$500), nor more than one  
12 thousand dollars (\$1,000), and for any subsequent offense, shall  
13 be sentenced to pay a fine of not less than seven hundred fifty  
14 dollars (\$750), nor more than one thousand five hundred dollars  
15 (\$1,500). If, for any reason, a person who has been convicted  
16 fails to pay the fine, such person shall be sentenced to a term  
17 of imprisonment of not less than two months, or greater than  
18 nine months.

19 (b) The right of the board to suspend and revoke licenses  
20 granted under this article shall be in addition to the penalty  
21 set forth in this section.

22 Section ~~2~~ 4. This act shall take effect immediately.

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