

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2463 Session of
1978

INTRODUCED BY IRVIS AND CAPUTO, MAY 22, 1978

REFERRED TO COMMITTEE ON LIQUOR CONTROL, MAY 22, 1978

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 licenses for administrators of cities
18 or non-profit corporations which maintain art museums.

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

21 Section 1. Section 408.5, act of April 12, 1951 (P.L.90,
22 No.21), known as the "Liquor Code," amended July 9, 1976
23 (P.L.527, No.125), is amended to read:

24 Section 408.5. Licenses for City-owned Art Museums, Cities
25 First Class and Art Museums Maintained by Certain Non-profit
26 Corporations in Cities of the Second Class.--(a) The board is

1 authorized to issue a license in any city of the first class for
2 the retail sale of liquor and malt or brewed beverages by the
3 glass, open bottles or other container, and in any mixture, for
4 consumption in any city-owned art museum or in any art museum
5 maintained by a non-profit corporation in cities of the second
6 class. For the purpose of this section "non-profit corporation"
7 shall mean a corporation organized under the non-profit
8 corporation laws for the benefit of the public and not for the
9 mutual benefit of its members, and which maintains an art museum
10 having a floor area of not less than one hundred thousand square
11 feet in one building. For the purposes of this section,
12 "administrator" shall mean a person duly appointed or employed
13 by a non-profit, incorporated art museum in cities of the second
14 class.

15 (b) The application for a license may be filed at any time
16 by the city, the non-profit corporation or lessee. The
17 application may also be filed by a concessionaire or an
18 administrator selected and certified by the city or the non-
19 profit corporation. The application shall conform with all
20 requirements for restaurant liquor licenses and applications
21 except as may otherwise be provided herein. Applicant shall
22 submit such other information as the board may require. The
23 application shall be in writing on forms prescribed by the board
24 and shall be signed and submitted to the board by the applicant.
25 A filing fee of twenty dollars (\$20) shall accompany the license
26 application.

27 (c) Upon receipt of the application in proper form with the
28 application fee and upon being satisfied that the applicant is
29 of good repute and financially responsible and that the proposed
30 place of business is proper, the board shall issue a license to

1 the applicant.

2 (d) The license shall be issued for the same period of time
3 as provided for restaurant licensees and shall be renewed as
4 provided in section 402. The license shall terminate upon
5 revocation by the board or upon termination of the
6 administrator's appointment of the lease or upon termination of
7 the contract between the concessionaire and the city or the non-
8 profit corporation.

9 (g) Sales by the holder of an art museum license may be made
10 except to those persons prohibited by this act on premises used
11 for art museum purposes, but such sales may not be made beyond
12 the hours expressed in this act for the sale of liquor by
13 restaurant licensees. However, sales of liquor or malt or brewed
14 beverages may be made by an art museum licensee at banquets at
15 which more than five hundred persons are scheduled to attend and
16 at any other function which is directly related to art museum
17 purposes.

18 (h) Whenever a lease or a concession contract or an
19 administrator's appointment is terminated prior to the
20 expiration date provided in the lease or contract between the
21 city or the non-profit corporation and the tenant or
22 concessionaire, or administrator, the city or the non-profit
23 corporation whichever is the effected parent body may select and
24 certify to the board a different licensee or concessionaire or
25 administrator who may then apply to the board for a new license.
26 If the applicant meets the requirements of the board as herein
27 provided a new license shall thereupon be issued.

28 (i) If the board shall revoke any art museum license, the
29 board shall issue a new license to any qualified applicant
30 without regard to the prohibition in section 471 against the

1 grant of a license at the same premises for a period of at least
2 one year.

3 [(i.1) Any renewal of a license presently held by a city-
4 owned art museum in a city of the first class shall be
5 accomplished by the purchase of a license from an existing
6 licensee.

7 (i.2) An art museum maintained by a non-profit corporation
8 or corporations in a city of the second class which obtains
9 approval of its application for a license from the board shall
10 purchase a license from an existing licensee.]

11 (j) The provisions of this act shall supersede or exempt any
12 provision of the Liquor Code which would prevent the issuance of
13 a license for the retail sale of liquor and malt or brewed
14 beverages upon any premises owned by the city of the first class
15 or by a non-profit corporation in a city of the second class
16 used for art museum purposes.

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