

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 1268 Session of  
1981

INTRODUCED BY ANDERSON, CESSAR, F. E. TAYLOR, McCALL, LETTERMAN  
AND PRATT, APRIL 22, 1981

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, JUNE 2, 1982

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 ~~authorizing special occasion permits for political~~ <—  
18 ~~organizations;~~ providing for countywide transfers of licenses  
19 and adding definitions; FURTHER PROVIDING FOR SUNDAY SALES <—  
20 PERMITS; PERMITTING CERTAIN LICENSEES TO BE OPEN FOR BUSINESS  
21 ON ELECTION DAYS; AND FURTHER PROVIDING FOR THE LICENSING OF  
22 ESTABLISHMENTS NEAR INTERSTATE HIGHWAYS.

23 The General Assembly of the Commonwealth of Pennsylvania  
24 hereby enacts as follows:

25 ~~Section 1. Subsection (a) of section 408.4, act of April 12,~~ <—  
26 ~~1951 (P.L.90, No.21), known as the "Liquor Code," amended July~~  
27 ~~11, 1980 (P.L.558, 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 and upon payment of a fee [of fifteen dollars (\$15)~~  
5 ~~per day] as provided by law, the board shall issue a special~~  
6 ~~occasion permit good for a period of not more than three~~  
7 ~~consecutive days. Special occasion permits may also be issued to~~  
8 ~~a museum operated by a nonprofit corporation in a city of the~~  
9 ~~third class or a nonprofit corporation engaged in the performing~~  
10 ~~arts in a city of the third class for a period of not more than~~  
11 ~~six nonconsecutive days at a fee [of fifteen dollars (\$15) per~~  
12 ~~day.] as provided by law. Special occasion permits may also be~~  
13 ~~issued to any political organization for a period of not more~~  
14 ~~than three nonconsecutive days at a fee as provided by law.~~

15       \* \* \*

16       SECTION 1.   SECTION 432, ACT OF APRIL 12, 1951 (P.L.90,  
17 NO.21), KNOWN AS THE "LIQUOR CODE," IS AMENDED BY ADDING A  
18 SUBSECTION TO READ:

19       SECTION 432.   MALT AND BREWED BEVERAGES RETAIL  
20 LICENSES.--\* \* \*

21       (F) HOTEL, EATING PLACES, OR MUNICIPAL GOLF COURSE RETAIL  
22 DISPENSER LICENSEES WHOSE SALES OF FOOD AND NONALCOHOLIC  
23 BEVERAGES ARE EQUAL TO FORTY PER CENTUM (40%) OR MORE OF THE  
24 COMBINED GROSS SALES OF BOTH FOOD AND MALT OR BREWED BEVERAGES  
25 MAY SELL MALT OR BREWED BEVERAGES BETWEEN THE HOURS OF ONE  
26 O'CLOCK POSTMERIDIAN ON SUNDAY AND TWO O'CLOCK ANTEMERIDIAN ON  
27 MONDAY UPON PURCHASE OF A SPECIAL ANNUAL PERMIT FROM THE BOARD  
28 AT A FEE OF TWO HUNDRED DOLLARS (\$200.00) PER YEAR, WHICH SHALL  
29 BE IN ADDITION TO ANY OTHER LICENSE FEES. PROVIDED FURTHER; THE  
30 HOLDER OF SUCH SPECIAL ANNUAL PERMIT MAY SELL MALT OR BREWED

BEVERAGES AFTER SEVEN O'CLOCK ANTEMERIDIAN AND UNTIL TWO O'CLOCK  
ANTEMERIDIAN OF THE FOLLOWING DAY, ON ANY DAY ON WHICH A  
GENERAL, MUNICIPAL, SPECIAL OR PRIMARY ELECTION IS BEING HELD.

Section ~~2-1~~ 2. Subsection (a) of section 468 ~~of the act,,~~ <—  
~~ACT OF APRIL 12, 1951 (P.L.90, NO.21), KNOWN AS THE "LIQUOR~~  
~~CODE,"~~ OF THE ACT, amended June 17, 1971 (P.L.166, No.13), is  
amended and a subsection is added to read:

Section 468. Licenses Not Assignable; Transfers.--(a)  
Licenses issued under this article may not be assigned. The  
board, upon payment of the transfer filing fee and the execution  
of a new bond, is hereby authorized to transfer any license  
issued by it under the provisions of this article from one  
person to another or from one place to another, or both, within  
the same municipality, and if the applicant is a unit of a  
nonprofit nationally chartered club, the board is hereby  
authorized to transfer such license to a place in any other  
municipality within the same county if the sale of liquor or  
malt and brewed beverages are legal in such other municipality  
as the board may determine. PRIOR TO THE APPROVAL OF AN <—

APPLICATION FOR TRANSFER BY A UNIT OF A NONPROFIT NATIONALLY  
CHARTERED CLUB THE BOARD SHALL MAKE AN AFFIRMATIVE FINDING, UPON  
PROOF SUBMITTED BY THE APPLICANT, AND AFTER INVESTIGATION BY THE  
BOARD, THAT AT THE TIME THE APPLICATION FOR TRANSFER IS MADE THE  
CLUB CONTINUES TO HOLD A VALID NATIONAL CHARTER AND CONTINUES TO  
FUNCTION IN FACT AS A CLUB AS DEFINED IN SECTION 102. The board,  
in its discretion, may transfer an existing restaurant retail  
dispenser or club license from one municipality to another in  
the same county regardless of the quota limitations provided for  
in this act, if sales of liquor or malt and brewed beverages are  
legal in such other municipality and if the restaurant retail

1 dispenser or club lost the use of the building in which it was  
2 located due to governmental exercise of the right of eminent  
3 domain and no other suitable building can be found in the first  
4 municipality. In the case of distributor and importing  
5 distributor licenses, the board may transfer any such license  
6 from its place in a municipality to a place in any other  
7 municipality within the same county, or from one place to  
8 another place within the same municipality, or exchange a  
9 distributor license for an importing distributor license or an  
10 importing distributor license for a distributor license, if the  
11 building for which the license is to be issued has, in the case  
12 of an importing distributor license, an area under one roof of  
13 two thousand five hundred square feet and, in the case of a  
14 distributor license, an area under one roof of one thousand  
15 square feet: And provided, That, in the case of all transfers of  
16 distributor or importing distributor licenses, whether from a  
17 place within the same municipality to another place within the  
18 same municipality or from a place in a municipality to a place  
19 in any other municipality within the same county, and, in the  
20 case of an exchange of a distributor license for an importing  
21 distributor license or an importing distributor license for a  
22 distributor license, the premises to be affected by the transfer  
23 or exchange shall contain an office separate and apart from the  
24 remainder of the premises to be licensed for the purpose of  
25 keeping records, required by the board, adequate toilet  
26 facilities for employes of the licensee and an entrance on a  
27 public thoroughfare: Provided, however, That in the event that  
28 the majority of the voting electors of a municipality, at an  
29 election held under the provisions of any law so empowering them  
30 to do, shall vote against the issuance of distributor or

1 importing distributor licenses in such municipality, the board  
2 is hereby authorized to transfer any such distributor or  
3 importing distributor license from its place in such  
4 municipality to a place in any other municipality within the  
5 same county, upon application prior to the expiration of any  
6 such license and upon payment of the transfer filing fee and the  
7 execution of a new bond; but no transfer shall be made to a  
8 person who would not have been eligible to receive the license  
9 originally nor for the transaction of business at a place for  
10 which the license could not lawfully have been issued  
11 originally, nor, except as herein provided, to a place as to  
12 which a license has been revoked. No license shall be  
13 transferred to any place or property upon which is located as a  
14 business the sale of liquid fuels and oil. Except in cases of  
15 emergency such as death, serious illness, or circumstances  
16 beyond the control of the licensee, as the board may determine  
17 such circumstances to justify its action, transfers of licenses  
18 may be made only at times fixed by the board. In the case of the  
19 death of a licensee, the board may transfer the license to the  
20 surviving spouse or personal representative or to a person  
21 designated by him. From any refusal to grant a transfer or upon  
22 the grant of any transfer, the party aggrieved shall have the  
23 right of appeal to the proper court in the manner hereinbefore  
24 provided.

25 \* \* \*

26 (c) (1) The term "nonprofit nationally chartered club" <—  
27 shall mean any club which does not contemplate pecuniary gain or  
28 profit, incidental or otherwise, having a national charter.

29 (2) The term "unit of a nonprofit nationally chartered club" <—  
30 shall mean any post, branch, lodge or other subordinate unit of

1 a nonprofit nationally chartered club.

2 SECTION ~~2~~ 3. SUBSECTION (A) OF SECTION 475 OF THE ACT, <—  
3 AMENDED DECEMBER 12, 1980 (P.L.1195, NO.221), IS AMENDED TO  
4 READ:

5 SECTION 475. ESTABLISHMENTS PROXIMATE TO INTERSTATE HIGHWAYS  
6 NOT TO BE LICENSED.--(A) NO LICENSE FOR THE SALE OF LIQUOR OR  
7 MALT OR BREWED BEVERAGES IN ANY QUANTITY SHALL BE GRANTED TO THE  
8 PROPRIETOR, LESSEE, KEEPER OR MANAGER OF AN ESTABLISHMENT THE  
9 BUILDING ENTRANCE TO WHICH IS LOCATED WITHIN THREE HUNDRED FEET  
10 OF [ANY PART OF A RAMP OF] THE ENTRANCE OR EXIT OF AN INTERSTATE  
11 LIMITED ACCESS HIGHWAY.

12 \* \* \*

13 SECTION 4. CLAUSES (5) AND (6) OF SECTION 492 OF THE ACT,  
14 FIRST PARAGRAPH OF CLAUSE (5) AMENDED JUNE 16, 1975 (P.L.14,  
15 NO.5), AND CLAUSE 6 AMENDED MARCH 5, 1973 (P.L.1, NO.1), ARE  
16 AMENDED TO READ:

17 SECTION 492. UNLAWFUL ACTS RELATIVE TO MALT OR BREWED  
18 BEVERAGES AND LICENSEES.--

19 IT SHALL BE UNLAWFUL--

20 \* \* \*

21 (5) SALES OF MALT OR BREWED BEVERAGES BY HOTELS, EATING  
22 PLACES OR PUBLIC SERVICE LICENSEES DURING PROHIBITED HOURS.--FOR  
23 ANY HOTEL OR EATING PLACE HOLDING A RETAIL DISPENSER'S LICENSE,  
24 OR THE SERVANTS, AGENTS OR EMPLOYEES OF SUCH LICENSEES, TO SELL,  
25 TRADE OR BARTER IN MALT OR BREWED BEVERAGES BETWEEN THE HOURS OF  
26 TWO O'CLOCK ANTEMERIDIAN SUNDAY AND SEVEN O'CLOCK IN THE  
27 FORENOON OF THE FOLLOWING MONDAY, OR BETWEEN THE HOURS OF TWO  
28 O'CLOCK ANTEMERIDIAN AND SEVEN O'CLOCK ANTEMERIDIAN OF ANY WEEK  
29 DAY: PROVIDED, THAT NOTWITHSTANDING ANY PROVISION TO THE  
30 CONTRARY, WHENEVER THE THIRTY-FIRST DAY OF DECEMBER FALLS ON A

1 SUNDAY SUCH SALES OF MALT OR BREWED BEVERAGES MAY BE MADE ON  
2 SUCH DAY AFTER ONE O'CLOCK POSTMERIDIAN AND UNTIL TWO O'CLOCK  
3 ANTEMERIDIAN OF THE FOLLOWING DAY[: AND PROVIDED FURTHER, THAT  
4 ANY HOTEL OR EATING PLACE HOLDING A RETAIL DISPENSER'S LICENSE  
5 WHICH HAS SALES OF FOOD AND NONALCOHOLIC BEVERAGES EQUAL TO  
6 FORTY PER CENT OR MORE OF THE COMBINED GROSS SALES OF BOTH FOOD  
7 AND MALT OR BREWED BEVERAGES MAY SELL MALT OR BREWED BEVERAGES  
8 BETWEEN THE HOURS OF ONE O'CLOCK POSTMERIDIAN ON SUNDAY AND TWO  
9 O'CLOCK ANTEMERIDIAN ON MONDAY UPON PURCHASE OF A SPECIAL ANNUAL  
10 PERMIT FROM THE BOARD AT A FEE OF ONE HUNDRED DOLLARS (\$100.00)  
11 PER YEAR, WHICH SHALL BE IN ADDITION TO ANY OTHER LICENSE FEES].  
12 FOR ANY PUBLIC SERVICE LICENSEE AUTHORIZED TO SELL MALT OR  
13 BREWED BEVERAGES OR THE SERVANTS, AGENTS OR EMPLOYES OF SUCH  
14 LICENSEES TO SELL, TRADE OR BARTER IN MALT OR BREWED BEVERAGES  
15 BETWEEN THE HOURS OF TWO O'CLOCK ANTEMERIDIAN AND SEVEN O'CLOCK  
16 ANTEMERIDIAN ON ANY DAY.

17 \* \* \*

18 (6) SALES OF MALT OR BREWED BEVERAGES ON ELECTION DAY BY  
19 HOTELS, EATING PLACES OR PUBLIC SERVICE LICENSEES. FOR ANY HOTEL  
20 OR EATING PLACE HOLDING A RETAIL DISPENSER'S LICENSE, OR ANY  
21 MALT OR BREWED BEVERAGE PUBLIC SERVICE LICENSEE, OR HIS  
22 SERVANTS, AGENTS OR EMPLOYES, TO SELL, FURNISH OR GIVE ANY MALT  
23 OR BREWED BEVERAGES TO ANY PERSON AFTER TWO O'CLOCK  
24 ANTEMERIDIAN, OR UNTIL ONE HOUR AFTER THE TIME FIXED BY LAW FOR  
25 THE CLOSING OF POLLING PLACES ON DAYS ON WHICH A GENERAL,  
26 MUNICIPAL, SPECIAL OR PRIMARY ELECTION IS BEING HELD EXCEPT AS  
27 PERMITTED BY [SUBSECTION (A) OF SECTION 406] SUBSECTION (F) OF  
28 SECTION 432.

29 \* \* \*

30 Section 3 5. This act shall take effect in 60 days.

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