

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1229 Session of
1984

INTRODUCED BY STREET, JANUARY 30, 1984

REFERRED TO URBAN AFFAIRS AND HOUSING, JANUARY 30, 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 further providing for hours of sale in cities of the first
18 and second class.

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

21 Section 1. Section 406(a)(2), (4) and (6) of the act of
22 April 12, 1951 (P.L.90, No.21), known as the Liquor Code,
23 reenacted and amended September 2, 1971 (P.L.429, No.103) and
24 amended December 17, 1982 (P.L.1390, No.319), are amended to
25 read:

1 Section 406. Sales by Liquor Licensees; Restrictions.--(a)

2 * * *

3 (2) Hotel and restaurant liquor licensees, airport
4 restaurant liquor licensees, municipal golf course restaurant
5 liquor licensees and privately-owned public golf course
6 restaurant licensees, except such licensees located in cities of
7 the first and second class, may sell liquor and malt or brewed
8 beverages only after seven o'clock antemeridian of any day until
9 two o'clock antemeridian of the following day, except Sunday,
10 and except as hereinafter provided, may sell liquor and malt or
11 brewed beverages on Sunday between the hours of twelve o'clock
12 midnight and two o'clock antemeridian. In cities of the first
13 and second class such licensees may sell liquor and malt or
14 brewed beverages only after seven o'clock antemeridian of any
15 day until six o'clock antemeridian of the following day, except
16 Sunday, and except as hereinafter provided, may sell liquor and
17 malt or brewed beverages on Sunday between the hours of twelve
18 o'clock midnight and six o'clock antemeridian.

19 * * *

20 (4) Hotel and restaurant liquor licensees, airport
21 restaurant liquor licensees, municipal golf course restaurant
22 liquor licensees and privately-owned public golf course
23 restaurant licensees which do not qualify for and purchase such
24 annual special permit, their servants, agents or employes,
25 except such licensees located in cities of the first and second
26 class, may sell liquor and malt or brewed beverages only after
27 seven o'clock antemeridian of any day and until two o'clock
28 antemeridian of the following day, and shall not sell after two
29 o'clock antemeridian on Sunday. In cities of the first and
30 second class such licensees, their servants, agents or employes

1 may sell liquor and malt or brewed beverages only after seven
2 o'clock antemeridian of any day and until six o'clock
3 antemeridian of the following day, and shall not sell after six
4 o'clock antemeridian on Sunday. No hotel, restaurant and public
5 service liquor licensee which does not have the special annual
6 permit for Sunday sales shall sell liquor and malt or brewed
7 beverages after two o'clock antemeridian, as to such licensees
8 located outside cities of the first and second class and after
9 six o'clock antemeridian as to such licensees located in cities
10 of the first and second class, on any day on which a general,
11 municipal, special or primary election is being held until one
12 hour after the time fixed by law for closing the polls, except,
13 that, in the case of a special election for members of the
14 General Assembly or members of the Congress of the United
15 States, when such special election is held on other than a
16 primary, municipal or general election day, licensees in those
17 Legislative or Congressional Districts may make such sales, as
18 though the day were not a special election day. No club licensee
19 or its servants, agents or employes may sell liquor or malt or
20 brewed beverages between the hours of three o'clock antemeridian
21 and seven o'clock antemeridian on any day. No public service
22 liquor licensee or its servants, agents, or employes may sell
23 liquor or malt or brewed beverages between the hours of two
24 o'clock antemeridian and seven o'clock antemeridian on any day.

25 * * *

26 (6) Notwithstanding any provisions to the contrary, whenever
27 the thirty-first day of December falls on a Sunday, every hotel
28 or restaurant liquor licensee, their servants, agents or
29 employes, except such licensees located in cities of the first
30 and second class, may sell liquor and malt or brewed beverages

1 on any such day after one o'clock postmeridian and until two
2 o'clock antemeridian of the following day. In cities of the
3 first and second class whenever the thirty-first day of December
4 falls on a Sunday, such licensees, their servants, agents or
5 employes may sell liquor and malt or brewed beverages on any
6 such day after one o'clock postmeridian and until six o'clock
7 antemeridian of the following day.

8 * * *

9 Section 2. The first paragraph of clause (5) and clause (6)
10 of section 492 of the act, amended June 24, 1982 (P.L.624,
11 No.176), are amended to read:

12 Section 492. Unlawful Acts Relative to Malt or Brewed
13 Beverages and Licensees.--

14 It shall be unlawful--

15 * * *

16 (5) Sales of Malt or Brewed Beverages by Hotels, Eating
17 Places or Public Service Licensees During Prohibited Hours.--For
18 any hotel or eating place holding a retail dispenser's license,
19 or the servants, agents or employes of such licensees, except
20 such licensees located in cities of the first and second class,
21 to sell, trade or barter in malt or brewed beverages between the
22 hours of two o'clock antemeridian Sunday and seven o'clock in
23 the forenoon of the following Monday, or between the hours of
24 two o'clock antemeridian and seven o'clock antemeridian of any
25 week day and for such licensees in cities of the first and
26 second class to sell, trade or barter in malt or brewed
27 beverages between the hours of six o'clock antemeridian Sunday
28 and seven o'clock in the forenoon of the following Monday, or
29 between the hours of six o'clock antemeridian and seven o'clock
30 antemeridian of any week day: Provided, That notwithstanding any

1 provision to the contrary, whenever the thirty-first day of
2 December falls on a Sunday such sales of malt or brewed
3 beverages may be made on such day after one o'clock postmeridian
4 and until two o'clock antemeridian of the following day as to
5 such licensees located outside cities of the first and second
6 class and until six o'clock antemeridian as to such licensees
7 located in cities of the first and second class. For any public
8 service licensee authorized to sell malt or brewed beverages or
9 the servants, agents or employes of such licensees to sell,
10 trade or barter in malt or brewed beverages between the hours of
11 two o'clock antemeridian and seven o'clock antemeridian on any
12 day.

13 * * *

14 (6) Sales of Malt or Brewed Beverages on Election Day by
15 Hotels, Eating Places or Public Service Licensees. [For] Except
16 for licensees located in cities of the first and second class,
17 for any hotel or eating place holding a retail dispenser's
18 license, or any malt or brewed beverage public service licensee,
19 or his servants, agents or employes, to sell, furnish or give
20 any malt or brewed beverages to any person after two o'clock
21 antemeridian, or until one hour after the time fixed by law for
22 the closing of polling places on days on which a general,
23 municipal, special or primary election is being held except as
24 permitted by subsection (f) of section 432. In cities of the
25 first and second class for any hotel or eating place holding a
26 retail dispenser's license, or any malt or brewed beverage
27 public service licensee, or his servants, agents or employes, to
28 sell, furnish or give any malt or brewed beverages to any person
29 after six o'clock antemeridian, or until one hour after the time
30 fixed by law for the closing of polling places on days on which

1 a general, municipal, special or primary election is being held
2 except as permitted by subsection (f) of section 432.

3 * * *

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