

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 383

Session of
1985INTRODUCED BY FUMO, LYNCH, ANDREZESKI, GREENLEAF AND SHUMAKER,
FEBRUARY 20, 1985

AS AMENDED ON THIRD CONSIDERATION, JUNE 27, 1985

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 certain performing arts
18 facilities; AND ADDING SPECIAL PROVISIONS FOR HOTEL LIQUOR
19 LICENSES. <—

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

22 Section 1. Section 408.3(g.1) of the act of April 12, 1951
23 (P.L.90, No.21), known as the Liquor Code, amended December 16,
24 1982 (P.L.1359, No.311), is amended and the section is amended
25 by adding subsections to read:

26 Section 408.3. Performing Arts Facilities.--* * *

1 (a.2) The board is authorized to approve the transfer of a
2 restaurant license to one nonprofit corporation operating a
3 theater for the performing arts in each city of the first class
4 and in each township of the first class which has a seating
5 capacity of at least two hundred fifty persons and which has
6 operated continuously for a minimum of twenty-five years as a
7 commercial or nonprofit theater, except where prohibited by
8 local option, for the retail sale of liquor and malt or brewed
9 beverages by the glass, open bottle or other container or in any
10 mixture for consumption in any such theater for the performing
11 arts.

12 * * *

13 (g.1) Sales by the holder of a performing arts facility
14 license referred to in subsection (a.1) or (a.2) shall be
15 further restricted to the period of time beginning one (1) hour
16 before and ending one (1) hour after any presentation at the
17 performing arts facility.

18 * * *

19 (j.2) Performing arts facilities referred to in subsection
20 (a.2) shall not be subject to the provisions of section 463 nor
21 to the provision requiring a special permit for dancing,
22 theatricals or floor shows of any sort, or moving pictures other
23 than television in clause (10) of section 493 nor to provisions
24 defining "restaurant" in section 102.

25 * * *

26 ~~Section 2. This act shall take effect in 60 days.~~

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

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28 SECTION 470.2. EXCHANGE OF HOTEL LIQUOR LICENSE; SPECIAL
29 PROVISIONS.--IN ANY CASE WHERE THE BOARD FINDS THAT THE HOLDER
30 OF A HOTEL LIQUOR LICENSE CANNOT COMPLY WITH THE PROVISIONS OF

1 SECTION 461(C) BECAUSE DURING 1985 THE PREMISES FOR WHICH SAID
2 LICENSE WAS ISSUED WAS DESTROYED OR SUBSTANTIALLY DAMAGED BY A
3 NATURAL DISASTER, THE BOARD SHALL, NOTWITHSTANDING THE QUOTA
4 PROVISIONS OF THIS ACT, UPON RECEIPT OF AN APPLICATION FOR A
5 RESTAURANT LIQUOR LICENSE TOGETHER WITH APPROPRIATE FEES AND
6 BOND, RECEIVE THE HOTEL LIQUOR LICENSE AND ISSUE IN EXCHANGE FOR
7 SAID LICENSE A RESTAURANT LIQUOR LICENSE.

8 SECTION 3. ALL ACTS AND PARTS OF ACTS ARE REPEALED INsofar
9 AS THEY ARE INCONSISTENT WITH THIS ACT.

10 SECTION 4. (A) SECTION 1 OF THIS ACT SHALL TAKE EFFECT IN
11 60 DAYS.

12 (B) THE REMAINING PROVISIONS OF THIS ACT SHALL TAKE EFFECT
13 IMMEDIATELY.