

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 695 Session of
1991

INTRODUCED BY TIGUE, SALOOM, CAWLEY, STISH, STUBAN, STABACK,
PESCI, DALEY, KENNEY, CAPPABIANCA, HASAY, JAROLIN,
KRUSZEWSKI, HALUSKA, WOZNIAK, STEIGHNER, BELARDI, McCALL,
SERAFINI, VEON, TRELLO, MELIO AND RICHARDSON, MARCH 12, 1991

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
FEBRUARY 5, 1992

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as
2 reenacted, "An act relating to alcoholic liquors, alcohol and
3 malt and brewed beverages; amending, revising, consolidating
4 and 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 sales by licensees, FOR PREMISES TO BE <—
18 VACATED BY PATRONS AND FOR UNLAWFUL ACTS.

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

21 Section 1. Section 406(a) of the act of April 12, 1951
22 (P.L.90, No.21), known as the Liquor Code, reenacted and amended
23 June 29, 1987 (P.L.32, No.14), is amended by adding a paragraph
24 to read:

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

2 * * *

3 (7) Notwithstanding any provisions to the contrary, on the
4 Sunday on which the sporting event commonly referred to as the
5 "Super Bowl" is conducted, licensees, who do not possess the
6 special annual permit provided for in paragraph (3), their
7 servants, agents or employes may sell liquor and malt or brewed
8 beverages on such Sunday after one o'clock postmeridian and
9 until two o'clock antemeridian of the following day upon
10 purchase of a special permit from the board at a fee of twenty-
11 five dollars (\$25) which shall be in addition to any other
12 license fees.

13 * * *

14 SECTION 2. SECTION 491(5) OF THE ACT IS AMENDED TO READ: <—

15 SECTION 491. UNLAWFUL ACTS RELATIVE TO LIQUOR, ALCOHOL AND
16 LIQUOR LICENSEES.--

17 IT SHALL BE UNLAWFUL--

18 * * *

19 (5) FAILURE TO [BREAK] PROPERLY DISPOSE OF EMPTY LIQUOR
20 CONTAINERS. FOR ANY RESTAURANT, HOTEL OR CLUB LICENSEE, HIS
21 SERVANTS, AGENTS OR EMPLOYES, TO FAIL TO BREAK ANY PACKAGE IN
22 WHICH LIQUORS WERE CONTAINED, EXCEPT THOSE DECANTER PACKAGES
23 THAT THE BOARD DETERMINES TO BE DECORATIVE, WITHIN TWENTY-FOUR
24 HOURS AFTER THE ORIGINAL CONTENTS WERE REMOVED THEREFROM[.] OR
25 TO FAIL TO PARTICIPATE IN EITHER A MUNICIPAL RECYCLING PROGRAM,
26 IN ACCORDANCE WITH THE ACT OF JULY 28, 1988 (P.L.556, NO.101),
27 KNOWN AS THE "MUNICIPAL WASTE PLANNING, RECYCLING AND WASTE
28 REDUCTION ACT," OR A VOLUNTARY RECYCLING PROGRAM. THE LICENSEE
29 MUST BE ABLE TO PROVIDE PROOF, IN WRITING, THAT IT IS A
30 PARTICIPANT IN A RECYCLING PROGRAM UPON THE DEMAND OF THE

1 ENFORCING AGENCY.

2 * * *

3 SECTION 3. SECTION 499 OF THE ACT, ADDED DECEMBER 7, 1990
4 (P.L.622, NO.160), IS AMENDED TO READ:

5 SECTION 499. PREMISES TO BE VACATED BY PATRONS.--(A) EXCEPT
6 AS PROVIDED FOR [IN SUBSECTION (B)] ELSEWHERE IN THIS SECTION,
7 ALL PATRONS OF A LICENSEE SHALL BE REQUIRED TO LEAVE THAT PART
8 OF THE PREMISES HABITUALLY USED FOR THE SERVING OF LIQUOR OR
9 MALT OR BREWED BEVERAGES TO GUESTS OR PATRONS NOT LATER THAN
10 ONE-HALF HOUR AFTER THE TIME THE LICENSEE IS REQUIRED BY THIS
11 ACT TO CEASE SERVING LIQUOR OR MALT OR BREWED BEVERAGES AND
12 SHALL NOT BE PERMITTED TO HAVE ANY PREVIOUSLY SERVED LIQUOR OR
13 MALT OR BREWED BEVERAGES IN THEIR POSSESSION, NOR SHALL THEY BE
14 PERMITTED TO REMOVE ANY PREVIOUSLY SERVED LIQUOR OR MALT OR
15 BREWED BEVERAGES FROM THAT PART OF THE PREMISES.

16 (A.1) SUBSECTION (A) SHALL NOT APPLY TO SALES OF MALT AND
17 BREWED BEVERAGES: PROVIDED, HOWEVER, THAT NO RETAIL DISPENSER
18 MAY SELL MALT OR BREWED BEVERAGES FOR CONSUMPTION OFF THE
19 PREMISES IN QUANTITIES IN EXCESS OF ONE HUNDRED NINETY-TWO (192)
20 FLUID OUNCES, AND THAT NO CLUB LICENSEE MAY SELL ANY MALT OR
21 BREWED BEVERAGES FOR CONSUMPTION OFF THE PREMISES WHERE SOLD OR
22 TO PERSONS NOT MEMBERS OF THE CLUB.

23 (B) A LICENSEE MAY [SERVE FOOD] REMAIN OPEN BETWEEN THE
24 HOURS OF TWO O'CLOCK ANTEMERIDIAN AND SEVEN O'CLOCK ANTEMERIDIAN
25 FOR THE PURPOSE OF SERVING FOOD ON ANY DAY IF SUCH LICENSEE
26 EITHER POSSESSES OR IS ELIGIBLE TO PURCHASE A SUNDAY SALES
27 PERMIT [IN ACCORDANCE WITH SECTION 406] AND RECEIVES AN EXTENDED
28 HOURS FOOD LICENSE. THE BOARD SHALL ESTABLISH AN ANNUAL FEE FOR
29 THE EXTENDED HOURS FOOD LICENSE WHICH SHALL NOT EXCEED FIFTY
30 DOLLARS (\$50).

1 (B.1) UPON APPLICATION OF ANY CLUB, THE BOARD SHALL ISSUE A
2 CLUB EXTENDED HOURS FOOD PERMIT GOOD FOR A PERIOD OF SIX (6)
3 DAYS DURING THE TERM OF ITS LICENSE. THE BOARD SHALL ISSUE
4 REGULATIONS GOVERNING TERMS OF SUCH AN APPLICATION THEREFOR.
5 SUCH PERMITS SHALL BE USED SOLELY FOR THE PURPOSE OF SERVING
6 FOOD BETWEEN THE HOURS OF THREE O'CLOCK ANTEMERIDIAN AND SEVEN
7 O'CLOCK ANTEMERIDIAN. IN ADDITION TO THE PENALTIES SET FORTH IN
8 SUBSECTION (C), VIOLATORS OF THIS SECTION SHALL ALSO BE DEEMED
9 INELIGIBLE FOR RENEWAL OF THIS PERMIT FOR A PERIOD OF ONE (1)
10 YEAR. ALL PATRONS OF A LICENSEE SHALL BE REQUIRED TO LEAVE THAT
11 PART OF THE PREMISES HABITUALLY USED FOR THE SERVING OF LIQUOR
12 OR MALT OR BREWED BEVERAGES TO GUESTS OR PATRONS NOT LATER THAN
13 ONE-HALF (1/2) HOUR AFTER THE TIME THE LICENSEE IS REQUIRED BY
14 THIS ACT TO CEASE SERVING LIQUOR OR MALT OR BREWED BEVERAGES AND
15 SHALL NOT BE PERMITTED TO HAVE ANY PREVIOUSLY SERVED LIQUOR OR
16 MALT OR BREWED BEVERAGES IN THEIR POSSESSION, NOR SHALL THEY BE
17 PERMITTED TO REMOVE ANY PREVIOUSLY SERVED LIQUOR OR MALT OR
18 BREWED BEVERAGES FROM THAT PART OF THE PREMISES.

19 (C) ANY [OWNER OF LICENSED PREMISES] LICENSEE WHO VIOLATES
20 THIS SECTION FOR THE FIRST OFFENSE COMMITS A SUMMARY OFFENSE AND
21 SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF NOT MORE
22 THAN THREE HUNDRED DOLLARS (\$300) OR TO IMPRISONMENT FOR NOT
23 MORE THAN NINETY (90) DAYS, OR BOTH, AND FOR THE SECOND OR ANY
24 SUBSEQUENT OFFENSE COMMITS A MISDEMEANOR OF THE THIRD DEGREE AND
25 SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF NOT MORE
26 THAN TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500) OR TO
27 IMPRISONMENT FOR NOT MORE THAN ONE (1) YEAR, OR BOTH.

28 Section ~~2~~ 4. This act shall take effect in 60 days.

<—