

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1281 Session of
1993

INTRODUCED BY MIHALICH, PESCI, WOZNIAK, TIGUE, VAN HORNE,
MICHLOVIC, MILLER, LEVDANSKY, KUKOVICH, TULLI, TANGRETTI,
PETRONE, CESSAR, ROONEY, MELIO, PISTELLA, TRELLO, STABACK,
BELARDI, PRESTON, FAJT, BELFANTI AND GIGLIOTTI,
APRIL 21, 1993

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 15, 1993

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 providing special occasion permits for fraternal benefit
18 societies; AND PROVIDING FOR LEGAL OPINIONS. <—

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

21 Section 1. Section 102 of the act of April 12, 1951 (P.L.90,
22 No.21), known as the Liquor Code, reenacted and amended June 29,
23 1987 (P.L.32, No.14), is amended by adding a definition to read:

24 Section 102. Definitions.--The following words or phrases,

1 unless the context clearly indicates otherwise, shall have the
2 meanings ascribed to them in this section:

3 * * *

4 "Fraternal benefit society" shall mean a society as defined
5 in the act of December 14, 1992 (P.L.835, No.134), known as the
6 "Fraternal Benefit Societies Code."

7 * * *

8 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—

9 SECTION 211.1. LEGAL OPINIONS.--UPON WRITTEN REQUEST BY A
10 LICENSEE, THE BOARD OR ITS COUNSEL SHALL ISSUE A LEGAL OPINION
11 REGARDING ANY SUBJECT MATTER RELATING TO THIS ACT OR ANY
12 REGULATION PROMULGATED PURSUANT TO IT. THIS LEGAL OPINION SHALL
13 BE BINDING ON THE ENFORCEMENT BUREAU.

14 Section ~~2~~ 3. Section 408.4(a) of the act is amended to read: <—

15 Section 408.4. Special Occasion Permits.--(a) Upon
16 application of any hospital, church, synagogue, volunteer fire
17 company, volunteer ambulance company, volunteer rescue squad,
18 bona fide sportsmen's club in existence for at least ten years,
19 NATIONALLY CHARTERED VETERANS' ORGANIZATION AND ANY AFFILIATED <—
20 LODGE OR SUBDIVISION OF SUCH ORGANIZATION, fraternal benefit
21 society that is licensed to do business in this Commonwealth and
22 any affiliated lodge or subdivision of such fraternal benefit
23 society, or the auxiliary of any of the foregoing, and upon
24 payment of [a fee of fifteen dollars (\$15) per day,] the
25 prescribed fee for special occasion permits under section 614-A
26 of the act of April 9, 1929 (P.L.177, No.175), known as "The
27 Administrative Code of 1929," the board shall issue a special
28 occasion permit good for a period of not more than five
29 consecutive or nonconsecutive days: Provided, however, That the
30 five nonconsecutive days shall be used in a three-month period

1 measured from the date of the first day. Special occasion
2 permits may also be issued to a museum operated by a nonprofit
3 corporation in a city of the third class or a nonprofit
4 corporation engaged in the performing arts in a city of the
5 third class for a period of not more than six nonconsecutive or
6 ten consecutive days at [a fee of fifteen dollars (\$15) per
7 day.] the prescribed fee for special occasion permits under
8 section 614-A of "The Administrative Code of 1929."

9 * * *

10 Section 3 4. This act shall take effect immediately.

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