

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1306 Session of
2000

INTRODUCED BY GREENLEAF, THOMPSON AND EARLL, FEBRUARY 23, 2000

REFERRED TO LAW AND JUSTICE, FEBRUARY 23, 2000

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 when sales may be made at Pennsylvania
18 liquor stores, for sales by liquor licensees, for malt and
19 brewed beverage retail licenses and for unlawful acts
20 relative to malt or brewed beverages and licensees.

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

23 Section 1. Section 304 of the act of April 12, 1951 (P.L.90,
24 No.21), known as the Liquor Code, reenacted and amended June 29,
25 1987 (P.L.32, No.14), is amended to read:

26 Section 304. When Sales May Be Made at Pennsylvania Liquor
27 Stores.--Every Pennsylvania Liquor Store shall be open for

1 business week days, except legal holidays [or any day on which a
2 general, municipal, special or primary election is being held,]
3 during such hours as the board, in its discretion, shall
4 determine[: Provided, That the Pennsylvania Liquor Stores in the
5 case of a special election for members of the General Assembly
6 or members of the Congress of the United States, when such
7 special election is held on other than a primary, municipal or
8 general election day, shall be open in those Legislative or
9 Congressional Districts as though the day were not a special
10 election day]. The board may, with the approval of the Governor,
11 temporarily close any store in any municipality.

12 Section 2. Section 406(a)(4) of the act, amended April 29,
13 1994 (P.L.212, No.30), is amended to read:

14 Section 406. Sales by Liquor Licensees; Restrictions.--(a)
15 * * *

16 (4) Hotel and restaurant liquor licensees, airport
17 restaurant liquor licensees, municipal golf course restaurant
18 liquor licensees and privately-owned public golf course
19 restaurant licensees which do not qualify for and purchase such
20 special permit, their servants, agents or employes may sell
21 liquor and malt or brewed beverages only after seven o'clock
22 antemeridian of any day and until two o'clock antemeridian of
23 the following day, and shall not sell after two o'clock
24 antemeridian on Sunday. [No hotel, restaurant and public service
25 liquor licensee which does not have the special permit for
26 Sunday sales shall sell liquor and malt or brewed beverages
27 after two o'clock antemeridian on any day on which a general,
28 municipal, special or primary election is being held until one
29 hour after the time fixed by law for closing the polls, except,
30 that, in the case of a special election for members of the

1 General Assembly or members of the Congress of the United
2 States, when such special election is held on other than a
3 primary, municipal or general election day, licensees in those
4 Legislative or Congressional Districts may make such sales, as
5 though the day were not a special election day.] No club
6 licensee or its servants, agents or employes may sell liquor or
7 malt or brewed beverages between the hours of three o'clock
8 antemeridian and seven o'clock antemeridian on any day. No
9 public service liquor licensee or its servants, agents, or
10 employes may sell liquor or malt or brewed beverages between the
11 hours of two o'clock antemeridian and seven o'clock antemeridian
12 on any day.

13 * * *

14 Section 3. Section 432(f) of the act, amended May 31, 1996
15 (P.L.312, No.49), is amended to read:

16 Section 432. Malt and Brewed Beverages Retail Licenses.--* *
17 *

18 (f) Hotel, eating places, or municipal golf course retail
19 dispenser licensees whose sales of food and nonalcoholic
20 beverages are equal to thirty per centum (30%) or more of the
21 combined gross sales of both food and malt or brewed beverages
22 may sell malt or brewed beverages between the hours of eleven
23 o'clock antemeridian on Sunday and two o'clock antemeridian on
24 Monday upon purchase of a special permit from the board at an
25 annual fee as prescribed in section 614-A of the act of April 9,
26 1929 (P.L.177, No.175), known as "The Administrative Code of
27 1929," which shall be in addition to any other license fees.
28 [Provided further, the holder of such special permit may sell
29 malt or brewed beverages after seven o'clock antemeridian and
30 until two o'clock antemeridian of the following day, on any day

1 on which a general, municipal, special or primary election is
2 being held.]

3 Section 4. Section 492(6) of the act is amended to read:

4 Section 492. Unlawful Acts Relative to Malt or Brewed
5 Beverages and Licensees.--

6 It shall be unlawful--

7 * * *

8 [(6) Sales of Malt or Brewed Beverages on Election Day by
9 Hotels, Eating Places or Public Service Licensees. For any hotel
10 or eating place holding a retail dispenser's license, or any
11 malt or brewed beverage public service licensee, or his
12 servants, agents or employes, to sell, furnish or give any malt
13 or brewed beverages to any person after two o'clock
14 antemeridian, or until one hour after the time fixed by law for
15 the closing of polling places on days on which a general,
16 municipal, special or primary election is being held except as
17 permitted by subsection (f) of section 432.]

18 * * *

19 Section 5. This act shall take effect in 60 days.