

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1435 Session of  
2000

INTRODUCED BY MELLOW, MUSTO AND WAGNER, APRIL 20, 2000

REFERRED TO LAW AND JUSTICE, APRIL 20, 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 providing special licenses for third class county performing  
18 arts facilities.

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

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

24 Section 408.17. Third Class County Performing Arts  
25 Facilities.--(a) The board is authorized to issue a restaurant

1 liquor license to a third class county, to a municipal authority  
2 created under the act of May 2, 1945 (P.L.382, No.164), known as  
3 the "Municipality Authorities Act of 1945," or to a  
4 concessionaire selected by such county or municipal authority  
5 for the retail sale of liquor and malt and brewed beverages by  
6 the glass, open bottle or other container or in any mixture for  
7 consumption in a performing arts facility which is owned or  
8 operated by such third class county or municipal authority,  
9 which is permanently located at a single site and which has a  
10 seating capacity of at least three thousand, except that no sale  
11 or consumption of such beverages shall take place on any portion  
12 of such premises other than service areas approved by the board.

13 (b) An application for a license under this section may be  
14 filed by the county, by the municipal authority or by a  
15 concessionaire designated by the county or the municipal  
16 authority and shall conform with all requirements for restaurant  
17 liquor license applications, except as otherwise provided in  
18 this section. Applications shall be in writing on forms  
19 prescribed by the board and shall be signed and submitted to the  
20 board by the applicant. The application filing fee shall be as  
21 prescribed by section 614-A(19) of the act of April 9, 1929  
22 (P.L.177, No.175), known as "The Administrative Code of 1929."

23 (c) Upon receipt of an application in proper form and the  
24 correct application fee, and upon being satisfied that the  
25 applicant is of good repute and financially responsible and that  
26 the proposed place of business is proper, the board shall issue  
27 a license to the applicant under this section.

28 (d) The license issued under this section shall be issued  
29 for the same period of time as provided for a restaurant license  
30 and shall be renewed as provided in section 470. The license, if

1 held by the concessionaire, shall terminate upon revocation by  
2 the board or upon termination of the contract between the  
3 concessionaire and the county or municipal authority. The  
4 license shall not be validated unless the annual fee is timely  
5 paid.

6 (e) The renewal filing fee and annual license fee for a  
7 county-owned performing arts facility shall be as provided by  
8 section 614-A(19) of "The Administrative Code of 1929."

9 (f) Whenever a contract between the county or municipal  
10 authority and the concessionaire is terminated or a license is  
11 revoked by the board, the county or municipal authority may  
12 designate a new concessionaire. The new concessionaire shall  
13 apply to the board for a new license and, if qualified, the  
14 board shall issue a new license to the new concessionaire  
15 without regard to the prohibition in section 417 against the  
16 grant of a license at the same premises for a period of one  
17 year.

18 (g) Sales of liquor or malt or brewed beverages by the  
19 holder of a license issued under this section shall be made  
20 during the hours in which a performance is being held, up to two  
21 hours before the scheduled opening of the performance and up to  
22 one hour after the scheduled conclusion of a performance, except  
23 that sales may not be made beyond the hours set elsewhere in  
24 this act for the sale of liquor and malt or brewed beverages by  
25 restaurant licensees. In addition to all of the restrictions set  
26 forth in this subsection, Sunday sales may only occur between  
27 the hours of one o'clock postmeridian and ten o'clock  
28 postmeridian, except that a licensee shall not be required to  
29 obtain a Sunday sales permit. Sales under a license issued  
30 pursuant to this section may also be made during a private

banquet held on the premises on a day other than Sunday, except from two o'clock antemeridian to seven o'clock postmeridian.

(h) Licenses issued under this section shall not be subject to the following:

(1) The proximity provisions of section 404.

(2) The quota restrictions of section 461.

(3) The provisions of section 463.

(4) The provisions of section 493(10), except as it relates to lewd, immoral or improper entertainment.

(5) The provisions against minors frequenting as set forth in section 493(14).

(6) The provisions defining restaurant in section 102.

(i) Licenses issued under the provisions of this section shall not be subject to the quota restrictions of section 461.

(j) Sales under licenses issued pursuant to this section, including food sales, may be limited by the licensee to patrons of the events scheduled in the performing arts facility. If food is offered for sale, it may be prepared off the premises by a caterer other than the licensee.

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