

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 680 Session of
2001

INTRODUCED BY WILT, BARRAR, BELFANTI, CAPPELLI, L. I. COHEN,
COLAFELLA, COSTA, DALLY, J. EVANS, HORSEY, LAUGHLIN,
R. MILLER, PISTELLA, RUBLEY, SAINATO, STABACK, T. STEVENSON,
TIGUE, TRELLO, TULLI, WASHINGTON, YOUNGBLOOD AND YUDICHAK,
FEBRUARY 13, 2001

AS REPORTED FROM COMMITTEE ON LIQUOR CONTROL, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 12, 2001

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 DEFINING "PUBLIC VENUE"; AND further providing for
18 special occasion permits. <—

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

21 ~~Section 1. Section 408.4(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) and amended November 10, 1999~~
24 ~~(P.L.514, No.47), is amended to read:~~

SECTION 1. THE DEFINITION OF "PUBLIC VENUE" IN SECTION 102 OF THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, REENACTED AND AMENDED JUNE 29, 1987 (P.L.32, NO.14) AND ADDED DECEMBER 20, 2000 (P.L.992, NO.141), IS AMENDED TO READ:

SECTION 102. DEFINITIONS.--THE FOLLOWING WORDS OR PHRASES, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN THIS SECTION:

* * *

"PUBLIC VENUE" SHALL MEAN A STADIUM, ARENA, CONVENTION CENTER, MUSEUM, AMPHITHEATER OR SIMILAR STRUCTURE. IF THE PUBLIC VENUE IS AN OPEN-AIR AMPHITHEATER OWNED BY A PORT AUTHORITY CREATED UNDER THE ACT OF DECEMBER 6, 1972 (P.L.1392, NO.298), KNOWN AS THE "THIRD CLASS CITY PORT AUTHORITY ACT," IT SHALL HAVE NO PERMANENT SEATING REQUIREMENT. IF THE PUBLIC VENUE IS OWNED BY A POLITICAL SUBDIVISION, A MUNICIPAL AUTHORITY, THE COMMONWEALTH, AN AUTHORITY CREATED UNDER THE ACT OF JULY 29, 1953 (P.L.1034, NO.270), KNOWN AS THE "PUBLIC AUDITORIUM AUTHORITIES LAW," AN AUTHORITY CREATED UNDER ARTICLE XXV-A OF THE ACT OF JULY 28, 1953 (P.L.723, NO.230), KNOWN AS THE "SECOND CLASS COUNTY CODE," AN ART MUSEUM ESTABLISHED UNDER THE AUTHORITY OF THE ACT OF APRIL 6, 1791 (3 SM.L.20, NO.1536), ENTITLED "AN ACT TO CONFER ON CERTAIN ASSOCIATIONS OF THE CITIZENS OF THIS COMMONWEALTH THE POWERS AND IMMUNITIES OF CORPORATIONS, OR BODIES POLITIC IN LAW," OR AN AUTHORITY CREATED UNDER ARTICLE XXIII (N) OR (O) OF THE ACT OF AUGUST 9, 1955 (P.L.323, NO.130), KNOWN AS "THE COUNTY CODE," IT SHALL HAVE PERMANENT SEATING FOR AT LEAST ONE THOUSAND (1,000) PEOPLE; OTHERWISE, IT SHALL HAVE PERMANENT SEATING FOR AT LEAST FIVE THOUSAND (5,000) PEOPLE. THE TERM SHALL ALSO MEAN ANY REGIONAL

1 HISTORY CENTER, MULTIPURPOSE CULTURAL AND SCIENCE FACILITY OR
2 MUSEUM, REGARDLESS OF OWNER AND SEATING CAPACITY, THAT HAS A
3 FLOOR AREA OF AT LEAST SIXTY THOUSAND (60,000) SQUARE FEET IN
4 ONE BUILDING.

5 * * *

6 SECTION 2. SECTION 408.4(A) AND (G) OF THE ACT, AMENDED OR
7 ADDED JUNE 18, 1998 (P.L.664, NO.86) AND NOVEMBER 10, 1999
8 (P.L.514, NO.47), ARE AMENDED TO READ:

9 Section 408.4. Special Occasion Permits.--(a) Upon
10 application of any hospital, church, synagogue, volunteer fire
11 company, volunteer ambulance company, volunteer rescue squad,
12 unit of a nationally chartered club which has been issued a club
13 liquor license, nonprofit agricultural association in existence
14 for at least ten years, bona fide sportsmen's club in existence
15 for at least ten years, nationally chartered veterans'
16 organization and any affiliated lodge or subdivision of such
17 organization, ~~alumni association of an accredited college or~~
18 ~~university in this Commonwealth which alumni association has~~
19 ~~been in existence for at least ten years,~~ fraternal benefit
20 society that is licensed to do business in this Commonwealth and
21 any affiliated lodge or subdivision of such fraternal benefit
22 society, or one auxiliary of any of the foregoing, and upon
23 payment of the prescribed fee for special occasion permits under
24 section 614-A of the act of April 9, 1929 (P.L.177, No.175),
25 known as "The Administrative Code of 1929," the board shall
26 issue a special occasion permit good for a period of not more
27 than six consecutive or nonconsecutive days during a calendar
28 year. Special occasion permits may also be issued to a museum
29 operated by a nonprofit corporation in a city of the third class
30 or township of the first class or a nonprofit corporation

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1 engaged in the performing arts in a city of the third class or
2 in an incorporated town or to an arts council or to a nonprofit
3 corporation that operates an arts facility or museum in a city
4 of the third class in a county of the fourth class for a period
5 of not more than six nonconsecutive or ten consecutive days at
6 the prescribed fee for special occasion permits under section
7 614-A of "The Administrative Code of 1929."

8 * * *

9 (G) [FOR THE PURPOSES OF THIS SECTION, "ARTS] AS USED IN THIS <—
10 SECTION, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS
11 GIVEN TO THEM IN THIS SUBSECTION:

12 "ALUMNI ASSOCIATION" MEANS AN ALUMNI ASSOCIATION OF AN
13 ACCREDITED COLLEGE OR UNIVERSITY LOCATED IN THIS COMMONWEALTH.

14 "ARTS COUNCIL" MEANS A TAX-EXEMPT ORGANIZATION WHICH PROMOTES
15 THE VISUAL ARTS, PERFORMING ARTS, OR BOTH, AND WHICH RECEIVES
16 FUNDING UNDER THE LOCAL ARTS SERVICES PROGRAM ADMINISTERED BY
17 THE PENNSYLVANIA COUNCIL ON THE ARTS.

18 Section ~~2~~ 3. This act shall take effect in 60 days. <—