

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1525 Session of  
2005

INTRODUCED BY HARHART, SCAVELLO, CAPPELLI, CALTAGIRONE,  
CRAHALLA, DALLY, FREEMAN, GEIST, GERGELY, GODSHALL, KILLION,  
MANN, MUSTIO, PHILLIPS, B. SMITH AND R. STEVENSON,  
MAY 3, 2005

REFERRED TO COMMITTEE ON LIQUOR CONTROL, MAY 3, 2005

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 limiting the number of retail licenses  
18 to be issued in each county.

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

21 Section 1. Section 461(c) 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 to read:

24 Section 461. Limiting Number of Retail Licenses To Be Issued  
25 In Each County.--\* \* \*

1 (c) The word "hotel" as used in this section shall mean any  
2 reputable place operated by a responsible person of good  
3 reputation where the public may, for a consideration, obtain  
4 sleeping accommodations, and which shall have the following  
5 number of bedrooms and requirements in each case--at least one-  
6 half of the required number of bedrooms shall be regularly  
7 available to transient guests seven days weekly, except in  
8 resort areas; at least one-third of such bedrooms shall be  
9 equipped with hot and cold water, a lavatory, commode, bathtub  
10 or shower and a clothes closet; and an additional one-third of  
11 the total of such required rooms shall be equipped with lavatory  
12 and commode:

13 (1) In municipalities having a population of less than three  
14 thousand, at least twelve permanent bedrooms for the use of  
15 guests.

16 (2) In municipalities having a population of three thousand  
17 and more but less than ten thousand inhabitants, at least  
18 sixteen permanent bedrooms for the use of guests.

19 (3) In municipalities having a population of ten thousand  
20 and more but less than twenty-five thousand inhabitants, at  
21 least thirty permanent bedrooms for the use of guests.

22 (4) In municipalities having a population of twenty-five  
23 thousand and more but less than one hundred thousand  
24 inhabitants, at least forty permanent bedrooms for the use of  
25 guests.

26 (5) In municipalities having a population of one hundred  
27 thousand and more inhabitants, at least fifty permanent bedrooms  
28 for the use of guests.

29 (6) A public dining room or rooms operated by the same  
30 management accommodating at least thirty persons at one time and

1 a kitchen, apart from the dining room or rooms, in which food is  
2 regularly prepared for the public.

3 (7) Each room to be considered a bedroom under the  
4 requirements of this section shall have an area of not less than  
5 eighty square feet and an outside window.

6 (8) The provisions of this subsection (c) shall not apply to  
7 hotel licenses granted prior to the first day of September, one  
8 thousand nine hundred forty-nine, or that have been granted on  
9 any application made and pending prior to said date, nor to any  
10 renewal or transfer thereof, or hotels under construction or for  
11 which a bona fide contract had been entered into for  
12 construction prior to said date. In such cases, the provisions  
13 of section one of the act, approved the twenty-fourth day of  
14 June, one thousand nine hundred thirty-nine (Pamphlet Laws 806),  
15 shall continue to apply.

16 (9) Upon application to and subject to inspection by the  
17 board, hotel licensees under clause (8) of this subsection shall  
18 no longer be required to maintain bedrooms for public  
19 accommodation. However, areas required and designated as  
20 bedrooms for public accommodation prior to the effective date of  
21 this clause may not subsequently be used as licensed serving  
22 area. Such area may be used as licensed storage area consistent  
23 with this code and existing regulations.

24 \* \* \*

25 Section 2. All applications filed under section 461(c)(9)  
26 must be filed within one year of the effective date of this  
27 section.

28 Section 3. This act shall take effect in 60 days.