

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 48

Session of
2009

INTRODUCED BY M. O'BRIEN, JANUARY 26, 2009

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
APRIL 21, 2009

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 definitions, FOR SPECIAL OCCASION
18 PERMITS AND for limited number of retail licenses to be
19 issued in each county.



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

22 Section 1. The definitions of "eligible entity" and "public
23 venue" in section 102 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) and amended November 29, 2006 (P.L.1421,
26 No. 155) and July 16, 2007 (P.L.107, No.34), are amended to

1 read:

2 Section 102. Definitions.--The following words or phrases,
3 unless the context clearly indicates otherwise, shall have the
4 meanings ascribed to them in this section:

5 * * *

6 "Eligible entity" shall mean a city of the third class, a
7 hospital, a church, a synagogue, a volunteer fire company, a
8 volunteer ambulance company, a volunteer rescue squad, a unit of
9 a nationally chartered club which has been issued a club liquor
10 license, a club in a city of the third class which has been
11 issued a club liquor license and which, as of December 31, 2002,
12 has been in existence for at least 100 years, a library, a
13 nationally accredited Pennsylvania nonprofit zoological
14 institution licensed by the United States Department of
15 Agriculture, a nonprofit agricultural association in existence
16 for at least ten years, a bona fide sportsmen's club in
17 existence for at least ten years, a nationally chartered
18 veterans' organization and any affiliated lodge or subdivision
19 of such organization, a fraternal benefit society that is
20 licensed to do business in this Commonwealth and any affiliated
21 lodge or subdivision of such fraternal benefit society, a museum
22 operated by a nonprofit corporation in a city of the third class
23 or township of the first class, a nonprofit corporation engaged
24 in the performing arts in a city of the third class, borough or
25 in an incorporated town, an arts council, a nonprofit
26 corporation that operates an arts facility or museum in a city
27 of the third class in the county of the fourth class, a
28 nonprofit organization as defined under section 501(c)(3) of the
29 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §
30 501(c)(3)) whose purpose is to protect the architectural

1 heritage of boroughs and which has been recognized as such by a
2 municipal resolution, a nonprofit organization as defined under
3 section 501(c)(3) of the Internal Revenue Code of 1986 (Public
4 Law 99-514, 26 U.S.C. § 501(c)(3)) conducting a regatta in a
5 city of the second class with the permit to be used on State
6 park grounds or conducting a family-oriented celebration as part
7 of Welcome America in a city of the first class on property
8 leased from that city for more than fifty years, a nonprofit
9 organization as defined under section 501(c)(3) of the Internal
10 Revenue Code of 1986 (26 U.S.C. § 501(c)(3)) whose purpose is to
11 raise funds for the research and treatment of cystic fibrosis, a
12 nonprofit organization as defined under section 501(c)(3) of the
13 Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3)) whose
14 purpose is to educate the public on issues dealing with
15 watershed conservation, a nonprofit organization as defined
16 under section 501(c)(3) of the Internal Revenue Code of 1986
17 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) whose purpose is to
18 provide equine assisted activities for children and adults with
19 special needs, a nonprofit economic development agency in a city
20 of the second class with the primary function to serve as an
21 economic generator for the greater southwestern Pennsylvania
22 region by attracting and supporting film, television and related
23 media industry projects and coordinating government and business
24 offices in support of a production, a county tourist promotion
25 agency as defined in section 3(1) of the act of April 28, 1961
26 (P.L.111, No.50), known as the "Tourist Promotion Law," and
27 located in a city of the third class in a county of the fourth
28 class or located in a township of the second class in a county
29 of the fifth class, a junior league in a third class county that
30 is a nonprofit organization as defined under section 501(c)(3)

1 of the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3))
2 that is comprised of women whose purpose is exclusively
3 educational and charitable in promoting the volunteerism of
4 women and developing and participating in community projects and
5 that has been in existence for over seventy years [or], a
6 nonprofit organization as defined under section 501(C)(6) of the
7 Internal Revenue Code of 1986 which is located in a city of the
8 third class in a county of the third class and whose purpose is
9 to support business and industry or a club recognized by Rotary
10 International whose purpose is to provide service to others, to
11 promote high ethical standards and to advance world
12 understanding, goodwill and peace through its fellowship of
13 business, professional and community leaders.

14 * * *

15 "Public venue" shall mean a stadium, arena, convention
16 center, museum, amphitheater or similar structure. If the public
17 venue is a cruise terminal owned or leased by a port authority
18 created under the act of June 12, 1931 (P.L.575, No.200),
19 entitled "An act providing for joint action by Pennsylvania and
20 New Jersey in the development of the ports on the lower Delaware
21 River, and the improvement of the facilities for transportation
22 across the river; authorizing the Governor, for these purposes,
23 to enter into an agreement with New Jersey; creating The
24 Delaware River Joint Commission and specifying the powers and
25 duties thereof, including the power to finance projects by the
26 issuance of revenue bonds; transferring to the new commission
27 all the powers of the Delaware River Bridge Joint Commission;
28 and making an appropriation," it shall have no permanent seating
29 requirement. If the public venue is an open-air amphitheater
30 owned by a port authority created under the act of December 6,

1 1972 (P.L.1392, No.298), known as the "Third Class City Port
2 Authority Act," it shall have no permanent seating requirement.
3 If the public venue is owned by a political subdivision, a
4 municipal authority, the Commonwealth, an authority created
5 under the act of July 29, 1953 (P.L.1034, No.270), known as the
6 "Public Auditorium Authorities Law," an authority created under
7 Article XXV-A of the act of July 28, 1953 (P.L.723, No.230),
8 known as the "Second Class County Code," an art museum
9 established under the authority of the act of April 6, 1791 (3
10 Sm.L.20, No.1536), entitled "An act to confer on certain
11 associations of the citizens of this commonwealth the powers and
12 immunities of corporations, or bodies politic in law," or an
13 authority created under Article XXIII (n) or (o) of the act of
14 August 9, 1955 (P.L.323, No.130), known as "The County Code," it
15 shall have permanent seating for at least one thousand (1,000)
16 people; otherwise, it shall have permanent seating for at least
17 two thousand (2,000) people. The term shall also mean any
18 regional history center, multipurpose cultural and science
19 facility, museum or convention or trade show center, regardless
20 of owner and seating capacity, that has a floor area of at least
21 sixty thousand (60,000) square feet in one building. The term
22 shall also mean a convention or conference center owned by a
23 city of the third class or a university which is a member of the
24 Pennsylvania State System of Higher Education which is operated
25 by a university foundation or alumni association, regardless of
26 seating capacity, that has a floor area of at least fifteen
27 thousand (15,000) square feet in one building. The term shall
28 shall also mean a visitor center, regardless of floor area or
29 seating capacity, that was established under the authority of
30 the Gateway Visitor Center Authorization Act of 1999 (Public Law

1 106-131, 113 Stat. 1678; 16 USCA § 407m).

2 * * *

3 SECTION 2. SECTION 408.4(H) AND (J) OF THE ACT, AMENDED
4 DECEMBER 9, 2002 (P.L.1653, NO.212), ARE AMENDED TO READ:

5 SECTION 408.4. SPECIAL OCCASION PERMITS.--

6 (H) THE BOARD MAY ISSUE A SPECIAL OCCASION PERMIT TO AN
7 ELIGIBLE ENTITY. THE BOARD MAY ALSO ISSUE A SPECIAL OCCASION
8 PERMIT TO ONE AUXILIARY OF ANY ELIGIBLE ENTITY. ANY ELIGIBLE
9 ENTITY THAT WISHES TO ACQUIRE A SPECIAL OCCASION PERMIT MUST
10 SUBMIT [A] AN ORIGINAL WRITTEN APPLICATION TO THE BOARD IN SUCH
11 FORM AND CONTAINING SUCH INFORMATION AS THE BOARD SHALL FROM
12 TIME TO TIME PRESCRIBE. THE APPLICATION SHALL INCLUDE A
13 RESOLUTION BY THE ELIGIBLE ENTITY SETTING FORTH ITS CURRENT
14 OFFICERS AND APPROVING THE APPLICATION. UPON APPROVAL OF THE
15 APPLICATION BY THE BOARD, THE SPECIAL OCCASION PERMIT SHALL BE
16 SENT TO THE ELIGIBLE ENTITY ONLY. THE FEE FOR SPECIAL OCCASION
17 PERMITS SHALL BE AS SET FORTH UNDER SECTION 614-A(24) OF THE ACT
18 OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE
19 CODE OF 1929."

20 * * *

21 (J) THE ELIGIBLE ENTITY SHALL GIVE THE LOCAL POLICE
22 DEPARTMENT OR THE PENNSYLVANIA STATE POLICE IF THERE IS NO LOCAL
23 POLICE DEPARTMENT WRITTEN NOTICE AT LEAST FORTY-EIGHT HOURS
24 PRIOR TO EACH USE OF THE SPECIAL OCCASION PERMIT. WRITTEN NOTICE
25 CONSISTS OF NOTIFYING THE POLICE OF THE DATE, TIME AND PLACE OF
26 THE IMPENDING SALE OF ALCOHOLIC BEVERAGES. PRIOR TO USE OF THE
27 SPECIAL OCCASION PERMIT, THE ELIGIBLE ENTITY SHALL SUBMIT TO THE
28 BOARD WRITTEN PROOF OF NOTIFICATION OF THE POLICE.

29 * * *

30 Section 2 3. Section 461(c)(9) of the act, amended July 16,

1 2007 (P.L.107, No.34), is amended to read:

2 Section 461. Limiting Number of Retail Licenses To Be Issued
3 In Each County.--* * *

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

16 * * *

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

25 * * *

26 Section 3 4. This act shall take effect in 60 days.

