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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1310 Session of  
2011

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INTRODUCED BY TOEPEL, BRADFORD, CALTAGIRONE, CARROLL, COHEN,  
D. COSTA, DONATUCCI, FABRIZIO, FARRY, GODSHALL, GROVE,  
HARPER, JOSEPHS, MICCARELLI, MILLARD, MOUL, REICHLEY,  
STEPHENS, VEREB, VULAKOVICH AND GINGRICH, APRIL 7, 2011

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REFERRED TO COMMITTEE ON LIQUOR CONTROL, APRIL 7, 2011

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

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

21 Section 1. Section 102 of the act of April 12, 1951 (P.L.90,  
22 No.21), known as the Liquor Code, reenacted and amended June 29,  
23 1987 (P.L.32, No.14), is amended by adding a definition to read:

24 Section 102. Definitions.--The following words or phrases,  
25 unless the context clearly indicates otherwise, shall have the

1 meanings ascribed to them in this section:

2 \* \* \*

3 "Ski resort" shall mean a resort where downhill skiing  
4 occurs, having a minimum of six ski trails and an elevation of  
5 at least four hundred feet.

6 \* \* \*

7 Section 2. Section 461(a) of the act, amended February 21,  
8 2002 (P.L.103, No.10), is amended to read:

9 Section 461. Limiting Number of Retail Licenses To Be Issued  
10 In Each County.--(a) No additional restaurant, eating place  
11 retail dispenser or club licenses shall be issued within a  
12 county if the total number of restaurant and eating place retail  
13 dispenser licenses is greater than one license for each three  
14 thousand inhabitants in the county, except the board may issue  
15 licenses to public venues, performing arts facilities,  
16 continuing care retirement communities, airport restaurants,  
17 municipal golf courses, hotels, privately-owned private golf  
18 courses, privately-owned public golf courses, racetracks,  
19 automobile racetracks, nonprimary pari-mutuel wagering  
20 locations, privately-owned ski resorts and to any other entity  
21 which this act specifically exempts from the limitations  
22 provided in this section, and the board may issue a license to a  
23 club situated in a borough having a population less than eight  
24 thousand inhabitants which is located in a county of the second  
25 class A whose application is filed on or before February 28,  
26 2001. In addition, the board may issue an eating place retail  
27 dispenser license for on-premises sales only to the owner or  
28 operator of a facility having a minimum of a one-half mile  
29 asphalt track and having a permanent seating capacity of at  
30 least six thousand people used principally for holding

1 automobile races, regardless of the number of restaurant and  
2 eating place retail dispenser licenses already issued in that  
3 county. When determining the number of restaurant and eating  
4 place retail dispenser licenses issued in a county for the  
5 purposes of this section, licenses exempted from this limitation  
6 and club licenses shall not be considered. Inhabitants of dry  
7 municipalities shall be considered when determining the  
8 population in a county. Licenses shall not be issued or  
9 transferred into municipalities where such licenses are  
10 prohibited pursuant to local referendum in accordance with  
11 section 472. Licenses approved for intermunicipal transfer may  
12 not be transferred from the receiving municipality for a period  
13 of five years after the date that the licensed premises are  
14 operational in the receiving municipality.

15 \* \* \*

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