

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1310 Session of  
2011

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

SENATOR PIPPY, LAW AND JUSTICE, IN SENATE, AS AMENDED, JUNE 26,  
2012

## 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,

1 unless the context clearly indicates otherwise, shall have the  
2 meanings ascribed to them in this section:

3 \* \* \*

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

7 \* \* \*

8 ~~Section 2. Section 461(a) of the act, amended February 21,~~ ←  
9 ~~2002 (P.L.103, No.10), is amended to read:~~

10 SECTION 2. SECTION 461(A) AND (F) OF THE ACT, AMENDED OR ←  
11 ADDED DECEMBER 17, 1982 (P.L.1390, NO.319) AND FEBRUARY 21, 2002  
12 (P.L.103, NO.10), ARE AMENDED TO READ:

13 Section 461. Limiting Number of Retail Licenses To Be Issued  
14 In Each County.--(a) No additional restaurant, eating place  
15 retail dispenser or club licenses shall be issued within a  
16 county if the total number of restaurant and eating place retail  
17 dispenser licenses is greater than one license for each three  
18 thousand inhabitants in the county, except the board may issue  
19 licenses to public venues, performing arts facilities,  
20 continuing care retirement communities, airport restaurants,  
21 municipal golf courses, hotels, privately-owned private golf  
22 courses, privately-owned public golf courses, racetracks,  
23 automobile racetracks, nonprimary pari-mutuel wagering  
24 locations, privately-owned ski resorts and to any other entity  
25 which this act specifically exempts from the limitations  
26 provided in this section, and the board may issue a license to a  
27 club situated in a borough having a population less than eight  
28 thousand inhabitants which is located in a county of the second  
29 class A whose application is filed on or before February 28,  
30 2001. THE BOARD MAY ALSO ISSUE LICENSES TO PRIVATELY-OWNED ←

1 PUBLIC GOLF COURSES AND TO PRIVATELY-OWNED SKI RESORTS IN A DRY  
2 MUNICIPALITY, IF THE FOLLOWING APPLY:

3 (1) THE PROPOSED PREMISES ARE LOCATED IN A SECOND CLASS  
4 TOWNSHIP IN A COUNTY OF THE FIFTH CLASS; AND

5 (2) THE SAME ENTITY OWNS BOTH THE PRIVATELY-OWNED PUBLIC  
6 GOLF COURSE AND THE PRIVATELY-OWNED SKI RESORT. In addition, the

7 board may issue an eating place retail dispenser license for on-  
8 premises sales only to the owner or operator of a facility

9 having a minimum of a one-half mile asphalt track and having a  
10 permanent seating capacity of at least six thousand people used

11 principally for holding automobile races, regardless of the  
12 number of restaurant and eating place retail dispenser licenses

13 already issued in that county. When determining the number of  
14 restaurant and eating place retail dispenser licenses issued in

15 a county for the purposes of this section, licenses exempted  
16 from this limitation and club licenses shall not be considered.

17 Inhabitants of dry municipalities shall be considered when  
18 determining the population in a county. Licenses shall not be

19 issued or transferred into municipalities where such licenses  
20 are prohibited pursuant to local referendum in accordance with

21 section 472. Licenses approved for intermunicipal transfer may  
22 not be transferred from the receiving municipality for a period

23 of five years after the date that the licensed premises are  
24 operational in the receiving municipality.

25 \* \* \*

26 (F) THE PROVISIONS OF SUBSECTION (A) WHICH APPLY TO  
27 PRIVATELY-OWNED PUBLIC GOLF COURSES OR PRIVATELY-OWNED SKI

28 RESORTS SHALL NOT APPLY TO THE OWNER OF SUCH COURSE OR RESORT  
29 WHO HAS, WITHIN THREE YEARS PRIOR TO THE EFFECTIVE DATE OF THIS

30 AMENDATORY ACT OR AT ANY TIME AFTER THE EFFECTIVE DATE OF THIS



1 AMENDATORY ACT, SOLD OR TRANSFERRED A REGULARLY ISSUED LICENSE  
2 FOR SUCH COURSE OR RESORT.

3 \* \* \*

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