

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

AS RE-REPORTED FROM COMMITTEE ON RULES, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 30, 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) and (f) of the act, amended or
9 added December 17, 1982 (P.L.1390, No.319) and February 21, 2002
10 (P.L.103, No.10), are amended to read:

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



1 ~~(1) the proposed premises are located in a second class~~
2 ~~township in a county of the fifth class; and~~
3 ~~(2) the same entity owns both the privately owned public~~
4 ~~golf course and the privately owned ski resort.~~ In addition, the
5 board may issue an eating place retail dispenser license for on-
6 premises sales only to the owner or operator of a facility
7 having a minimum of a one-half mile asphalt track and having a
8 permanent seating capacity of at least six thousand people used
9 principally for holding automobile races, regardless of the
10 number of restaurant and eating place retail dispenser licenses
11 already issued in that county. When determining the number of
12 restaurant and eating place retail dispenser licenses issued in
13 a county for the purposes of this section, licenses exempted
14 from this limitation and club licenses shall not be considered.
15 Inhabitants of dry municipalities shall be considered when
16 determining the population in a county. Licenses shall not be
17 issued or transferred into municipalities where such licenses
18 are prohibited pursuant to local referendum in accordance with
19 section 472. Licenses approved for intermunicipal transfer may
20 not be transferred from the receiving municipality for a period
21 of five years after the date that the licensed premises are
22 operational in the receiving municipality.

23 * * *

24 (f) The provisions of subsection (a) which apply to
25 privately-owned public golf courses or privately-owned ski
26 resorts shall not apply to the owner of such course or resort
27 who has, within three years prior to the effective date of this
28 amendatory act or at any time after the effective date of this
29 amendatory act, sold or transferred a regularly issued license
30 for such course or resort.

1 * * *

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