

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 623 Session of 2013

INTRODUCED BY PETRI, DELUCA, EVERETT, GABLER, GINGRICH, HARHART, HARKINS, HENNESSEY, KNOWLES, KORTZ, O'NEILL AND READSHAW, FEBRUARY 8, 2013

REFERRED TO COMMITTEE ON LIQUOR CONTROL, FEBRUARY 8, 2013

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

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

21 Section 1. Section 461(a) 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) and amended October 24, 2012  
24 (P.L.1203, No.149), is amended to read:

25 Section 461. Limiting Number of Retail Licenses To Be Issued

1 In Each County.--(a) No additional restaurant, eating place  
2 retail dispenser or club licenses shall be issued within a  
3 county if the total number of restaurant and eating place retail  
4 dispenser licenses is greater than one license for each three  
5 thousand inhabitants in the county, except the board may issue  
6 licenses to public venues, performing arts facilities,  
7 continuing care retirement communities, airport restaurants,  
8 municipal golf courses, hotels, privately-owned private golf  
9 courses, privately-owned public golf courses, racetracks,  
10 automobile racetracks, nonprimary pari-mutuel wagering  
11 locations, privately-owned ski resorts and to any other entity  
12 which this act specifically exempts from the limitations  
13 provided in this section, and the board may issue a license to a  
14 club situated in a borough having a population less than eight  
15 thousand inhabitants which is located in a county of the second  
16 class A whose application is filed on or before February 28,  
17 2001. Furthermore, the board may issue a club license to a  
18 volunteer fire company regardless of the number of restaurant  
19 and eating place retail dispenser licenses already issued in  
20 that county. In addition, the board may issue an eating place  
21 retail dispenser license for on-premises sales only to the owner  
22 or operator of a facility having a minimum of a one-half mile  
23 asphalt track and having a permanent seating capacity of at  
24 least six thousand people used principally for holding  
25 automobile races, regardless of the number of restaurant and  
26 eating place retail dispenser licenses already issued in that  
27 county. When determining the number of restaurant and eating  
28 place retail dispenser licenses issued in a county for the  
29 purposes of this section, licenses exempted from this limitation  
30 and club licenses shall not be considered. Inhabitants of dry

1 municipalities shall be considered when determining the  
2 population in a county. Licenses shall not be issued or  
3 transferred into municipalities where such licenses are  
4 prohibited pursuant to local referendum in accordance with  
5 section 472. Licenses approved for intermunicipal transfer may  
6 not be transferred from the receiving municipality for a period  
7 of five years after the date that the licensed premises are  
8 operational in the receiving municipality.

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