
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. **435** Session of
1961

MESSRS. MULLIN AND McCREESH, IN PLACE,
MARCH 21, 1961.

AS REPORTED FROM COMMITTEE ON LIQUOR CONTROL,
AS AMENDED, IN HOUSE OF REPRESENTATIVES,
AUGUST 15, 1961.

AN ACT

Amending the act of April 12 1951 (P L 90) entitled "An act relating to alcoholic liquors alcohol and malt and brewed beverages amending revising consolidating and changing the laws relating thereto regulating and restricting the manufacture purchase sale possession consumption importation transportation furnishing holding in bond holding in storage traffic in and use of alcoholic liquors alcohol and malt and brewed beverages and the persons engaged or employed therein defining the powers and duties of

EXPLANATION—CAPITAL LETTERS indicate new matter added to bill. Matter stricken through is to be omitted from bill. Underscoring indicates new matter added to existing law. [Brackets] indicate matter stricken from existing law.

the Pennsylvania Liquor Control Board providing for the establishment and operation of State liquor stores for the payment of certain license fees to the respective municipalities and townships for the abatement of certain nuisances and in certain cases for search and seizure without warrant prescribing penalties and forfeitures providing for local option and repealing existing laws" authorizing issuance of liquor licenses in lieu of retail dispenser's licenses to clubs AND AUTHORIZING THE TRANSFER OF HOTEL RESTAURANT AND EATING PLACE LICENSES TO CLUBS WITHOUT AFFECTING THE NUMBER OF LICENSES THEREAFTER GRANTABLE IN ANY MUNICIPALITY

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

1 Section 1 Subsection (a) of section 461 act of April 12 1951
2 (P L 90) known as the "Liquor Code" amended August 11 1959 (P L
3 670) and December 17 1959 (P L 1032) is amended to read

4 Section 461 Limiting Number of Retail Licenses To Be Issued
5 In Each Municipality (a) No licenses shall hereafter be granted by the
6 board for the retail sale of malt or brewed beverages or the retail sale

1 of liquor and malt or brewed beverages in excess of one of such licenses
2 of any class for each one thousand five hundred inhabitants in any
3 municipality exclusive of licenses granted to airport restaurants and
4 hotels as defined in this section and clubs but at least one such license
5 may be granted in each municipality except in municipalities where the
6 electors have voted against the granting of any retail licenses Nothing
7 contained in this section shall be construed as denying the right to the
8 board to renew or to transfer existing retail licenses of any class not-
9 withstanding that the number of such licensed places in a municipality
10 shall exceed the limitation hereinbefore prescribed or to deny the right
11 to the board to issue a retail license to a club in lieu of a retail dis-
12 penser's license previously issued to the club but where such number
13 exceeds the limitation prescribed by this section no new license except
14 for hotels and airport restaurants as defined in this section shall be
15 granted so long as said limitation is exceeded

16 * * *

17 SECTION 2 SUBSECTION (a) SECTION 468 OF THE ACT
18 AMENDED JANUARY 26 1956 (P L 966) IS AMENDED TO READ
19 SECTION 468 LICENSES NOT ASSIGNABLE TRANSFERS

1 (A) LICENSES ISSUED UNDER THIS ARTICLE MAY NOT BE
2 ASSIGNED THE BOARD UPON PAYMENT OF THE TRANSFER
3 FILING FEE AND THE EXECUTION OF A NEW BOND IS
4 HEREBY AUTHORIZED TO TRANSFER ANY LICENSE ISSUED
5 BY IT UNDER THE PROVISIONS OF THIS ARTICLE FROM
6 ONE PERSON TO ANOTHER OR FROM ONE PLACE TO AN-
7 OTHER OR BOTH WITHIN THE SAME MUNICIPALITY AS
8 THE BOARD MAY DETERMINE [PROVIDED HOWEVER THAT
9 IN] IT SHALL BE LAWFUL FOR THE HOLDER OF A HOTEL
10 OR RESTAURANT LICENSE TO TRANSFER SUCH LICENSE TO
11 A CLUB AS DEFINED IN THIS ACT AND FOR THE BOARD
12 UPON PROPER APPLICATION AND UPON SURRENDER OF
13 SUCH LICENSE TO ISSUE A CLUB LICENSE TO THE CLUB
14 IF IT IS LAWFULLY QUALIFIED UNDER THIS ACT TO RE-
15 CEIVE THE SAME REGARDLESS OF THE QUOTA LIMITA-
16 TION PROVISIONS OF THIS ACT IN SUCH EVENT THE
17 BOARD SHALL RECEIVE THE APPROPRIATE CLUB APPLI-
18 CATION AND LICENSE FEE AND BOND AND SHALL NOT
19 REFUND ANY PORTION OF THE LICENSE FEE PAID FOR
20 THE EXISTING LICENSE SO TRANSFERRED THE EFFECTING

1 OF SUCH A TRANSFER AND GRANT OF LICENSE SHALL
2 NOT AFFECT THE NUMBER OF LICENSES THEREAFTER
3 GRANTABLE IN THE MUNICIPALITY IN THE CASE OF DIS-
4 TRIBUTOR AND IMPORTING DISTRIBUTOR LICENSES THE
5 BOARD MAY TRANSFER ANY SUCH LICENSE FROM ITS
6 PLACE IN A MUNICIPALITY TO A PLACE IN ANY OTHER
7 MUNICIPALITY WITHIN THE SAME COUNTY OR FROM ONE
8 PLACE TO ANOTHER PLACE WITHIN THE SAME MUNI-
9 CIPALITY OR EXCHANGE A DISTRIBUTOR LICENSE FOR AN
10 IMPORTING DISTRIBUTOR LICENSE OR AN IMPORTING DIS-
11 TRIBUTOR LICENSE FOR A DISTRIBUTOR LICENSE IF THE
12 BUILDING FOR WHICH THE LICENSE IS TO BE ISSUED HAS
13 IN THE CASE OF AN IMPORTING DISTRIBUTOR LICENSE
14 AN AREA UNDER ONE ROOF OF TWO THOUSAND FIVE
15 HUNDRED SQUARE FEET AND IN THE CASE OF A DIS-
16 TRIBUTOR LICENSE AN AREA UNDER ONE ROOF OF ONE
17 THOUSAND SQUARE FEET AND PROVIDED THAT IN THE
18 CASE OF ALL TRANSFERS OF DISTRIBUTOR OR IMPORTING
19 DISTRIBUTOR LICENSES WHETHER FROM A PLACE WITH-

1 IN THE SAME MUNICIPALITY TO ANOTHER PLACE WITH-
2 IN THE SAME MUNICIPALITY OR FROM A PLACE IN A
3 MUNICIPALITY TO A PLACE IN ANY OTHER MUNICIPALITY
4 WITHIN THE SAME COUNTY AND IN THE CASE OF AN EX-
5 CHANGE OF A DISTRIBUTOR LICENSE FOR AN IMPORTING
6 DISTRIBUTOR LICENSE OR AN IMPORTING DISTRIBUTOR
7 LICENSE FOR A DISTRIBUTOR LICENSE THE PREMISES TO
8 BE AFFECTED BY THE TRANSFER OR EXCHANGE SHALL
9 CONTAIN AN OFFICE SEPARATE AND APART FROM THE
10 REMAINDER OF THE PREMISES TO BE LICENSED FOR THE
11 PURPOSE OF KEEPING RECORDS REQUIRED BY THE BOARD
12 ADEQUATE TOILET FACILITIES FOR EMPLOYES OF THE
13 LICENSEE AND AN ENTRANCE ON A PUBLIC THOROUGH-
14 FARE PROVIDED HOWEVER THAT IN THE EVENT THAT
15 THE MAJORITY OF THE VOTING ELECTORS OF A MUNI-
16 CIPALITY AT AN ELECTION HELD UNDER THE PROVISIONS
17 OF ANY LAW SO EMPOWERING THEM TO DO SHALL VOTE
18 AGAINST THE ISSUANCE OF DISTRIBUTOR OR IMPORTING
19 DISTRIBUTOR LICENSES IN SUCH MUNICIPALITY THE
20 BOARD IS HEREBY AUTHORIZED TO TRANSFER ANY SUCH

1 DISTRIBUTOR OR IMPORTING DISTRIBUTOR LICENSE FROM
2 ITS PLACE IN SUCH MUNICIPALITY TO A PLACE IN ANY
3 OTHER MUNICIPALITY WITHIN THE SAME COUNTY UPON
4 APPLICATION PRIOR TO THE EXPIRATION OF ANY SUCH
5 LICENSE AND UPON PAYMENT OF THE TRANSFER FILING
6 FEE AND THE EXECUTION OF A NEW BOND BUT NO TRANS-
7 FER SHALL BE MADE TO A PERSON WHO WOULD NOT
8 HAVE BEEN ELIGIBLE TO RECEIVE THE LICENSE ORIGI-
9 NALLY NOR FOR THE TRANSACTION OF BUSINESS AT A
10 PLACE FOR WHICH THE LICENSE COULD NOT LAWFULLY
11 HAVE BEEN ISSUED ORIGINALLY NOR EXCEPT AS HERE-
12 IN PROVIDED TO A PLACE AS TO WHICH A LICENSE HAS
13 BEEN REVOKED NO LICENSE SHALL BE TRANSFERRED
14 TO ANY PLACE OR PROPERTY UPON WHICH IS LOCATED
15 AS A BUSINESS THE SALE OF LIQUID FUELS AND OIL
16 EXCEPT IN CASES OF EMERGENCY SUCH AS DEATH SERI-
17 OUS ILLNESS OR CIRCUMSTANCES BEYOND THE CONTROL
18 OF THE LICENSEE AS THE BOARD MAY DETERMINE SUCH
19 CIRCUMSTANCES TO JUSTIFY ITS ACTION TRANSFERS OF

1 LICENSES MAY BE MADE ONLY AT TIMES FIXED BY THE
2 BOARD IN THE CASE OF THE DEATH OF A LICENSEE THE
3 BOARD MAY TRANSFER THE LICENSE TO THE SURVIVING
4 SPOUSE OR PERSONAL REPRESENTATIVE OR TO A PERSON
5 DESIGNATED BY HIM FROM ANY REFUSAL TO GRANT A
6 TRANSFER OR UPON THE GRANT OF ANY TRANSFER THE
7 PARTY AGGRIEVED SHALL HAVE THE RIGHT OF APPEAL
8 TO THE PROPER COURT AND THEREFROM TO THE SU-
9 PERIOR COURT IN THE MANNER HEREBEFORE PRO-
10 VIDED

11 * * *

12 SECTION 3 THIS ACT SHALL TAKE EFFECT IM-
13 MEDIATELY

We certify that this bill has passed the Senate and the House of Representatives.

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Chief Clerk, Senate

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President pro tempore, Senate

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Speaker, House of Representatives

Approved The day of A. D. 1961.

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Governor