

*Every "yield right-of-way" sign shall be located at or near the entrance to the intersection where motorists are required to yield the right-of-way.*

APPROVED—The 7th day of January, A. D. 1960.

DAVID L. LAWRENCE

No. 781

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 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 the sale of liquor and malt or brewed beverages during certain hours on Sunday, in hotels, in cities of the first and second class, under certain conditions.

**Liquor Code.**

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

Section 406, act of April 12, 1951, P. L. 90, amended May 27, 1957, P. L. 201, further amended.

Section 1. Section 406, act of April 12, 1951 (P. L. 90), known as the "Liquor Code," amended May 27, 1957 (P. L. 201), is amended to read:

Section 406. Sales by Liquor Licensees; Restrictions.—(a) Every hotel, restaurant or club liquor licensee may sell liquor and malt or brewed beverages by the glass, open bottle or other container, and in any mixture, for consumption only in that part of the hotel or restaurant habitually used for the serving of food to guests or patrons, and in the case of hotels, to guests, and in the case of clubs, to members, in their private rooms in the hotel or club. No club licensee nor its officers, servants, agents or employes, other than one holding a catering license, shall sell any liquor or malt or brewed beverages to any person except a member of the club. No club holding a catering license nor its officers, servants, agents or employes shall sell on Sunday to non-members any liquor or malt or brewed beverages. In the case of a restaurant located in a hotel which is not operated by the owner of the hotel and which is licensed to sell liquor under this act, liquor and malt or brewed

beverages may be sold for consumption in that part of the restaurant habitually used for the serving of meals to patrons and also to guests in private guests rooms in the hotel.

*Hotel liquor licensees and restaurant liquor licensees located in hotels in cities of the first and second class may sell liquor and malt or brewed beverages only after seven o'clock antemeridian of any week day until two o'clock antemeridian of the following day, except Sunday, and may sell liquor and malt or brewed beverages on Sunday between the hours of one o'clock postmeridian and ten o'clock postmeridian. Such Sunday sales shall be made subject to the restrictions imposed by the act on sales by hotels and restaurants in hotels for sales on week days as well as this section.*

Hotel [, restaurant] and restaurant liquor licensees, other than those located in hotels in cities of the first and second class, and public service liquor licensees, their servants, agents or employes may sell liquor and malt or brewed beverages only after seven o'clock antemeridian of any week day and until two o'clock antemeridian of the following day, and shall not sell on Sunday [or]. *No hotel, restaurant and public service liquor licensee shall sell liquor and malt or brewed beverages after two o'clock antemeridian on any day on which a general, municipal, special or primary election is being held until one hour after the time fixed by law for closing the polls. No club licensee or its servants, agents or employes may sell liquor or malt or brewed beverages between the hours of three o'clock antemeridian and seven o'clock antemeridian on any day.*

Any hotel, restaurant, club or public service liquor licensee may, by given notice to the board, advance by one hour the hours herein prescribed as those during which liquor and malt or brewed beverages may be sold during such part of the year when daylight saving time is being observed generally in the municipality in which the place of business of such licensee is located. Any licensee who elects to operate his place of business in accordance with daylight saving time shall post a conspicuous notice in his place of business that he is operating in accordance with daylight saving time.

*(b) Whenever electors equal to at least twenty-five per centum of the highest vote cast for any office in any city of the first or second class at the last preceding general election shall file a petition with the county board of elections of the county for a referendum on the question of determining the will of the electors with respect to the authorization of the sale of liquor and malt or brewed beverages during certain hours on Sunday in hotels, the county board of elections shall cause a ques-*

tion to be placed on the ballots or on the voting machine board and submitted at the primary immediately preceding the municipal election. Said proceedings shall be in the manner and subject to the provisions of the election laws which relate to the signing, filing and adjudication of nomination petitions in so far as such provisions are applicable. Such question shall be in the following form:

<i>Do you favor the authorization of the sale of liquor and malt or brewed beverages on Sunday in hotels between the hours of one o'clock postmeridian and ten o'clock *postmeridian?</i>	Yes	
	No	

The said question shall be printed on separate official ballots in bound form by the county commissioners of each county in which cities of the first and second class are established. A sufficient number of ballots shall be furnished to the election officers in each election district of such counties so that one ballot may be supplied to each voter at such election. In districts where voting machines are used, such question shall appear on the face of the machine where the machine is properly equipped for such purposes.

(c) The votes cast on such question shall be counted by the election officers and returns thereof made by them, and by election officers where voting machines are used, to the prothonotary of the county, who shall lay the same before the return board for computation at the same time and in the same manner as other returns. The return board shall compute the said returns by municipalities and certify the results of the vote cast on the question to the Pennsylvania Liquor Control Board.

(d) In any city of the first or second class, the will of the electors with respect to the authorization of the sale of liquor and malt or brewed beverages during certain hours on Sunday in hotels may, after the year 1960, but not oftener than once in four years, be ascertained and the question as provided in this act shall be submitted to the electors of any city of the first or second class, upon demand in writing of petitioners equal to at least twenty-five per centum of the highest vote cast for any office in the city of the first or second class at the last preceding general or municipal election. Such petition shall be filed with the corporate authorities

\* "postmeridan" in original.

at least sixty days before the day of any election at which the question is to be submitted, and, if the petition is sufficiently signed, shall thereupon be certified to the county commissioners who shall cause such question to be submitted in the same manner as is provided in this act for the election in the year \*1961. If a majority of the electors voting in any city of the first or second class vote "yes," authorization of the sale of liquor and malt or brewed beverages during certain hours on Sunday in hotels shall be granted by the Pennsylvania Liquor Control Board, but if a majority of the electors voting on such question vote "no," then the authorization shall be withdrawn.

(e) It is the intent of this act to provide a method whereby the will of the electors of each city, with respect to the authorization of the sale of liquor and malt or brewed beverages during certain hours on Sunday in hotels, may be ascertained, and it shall be the duty of the Pennsylvania Liquor Control Board to grant such authorization in accordance with the will of the electors as ascertained at said election. In case of failure of the board to do so, the duty herein imposed upon the board may be enforced by mandamus.

(f) The provisions of this section shall be applicable only to those hotels whose sales of food and nonalcoholic beverages are equal to fifty-five per centum or more of the combined gross sales of both food and alcoholic beverages.

(g) The provisions of this section shall be applicable only to those rooms in hotels customarily used for the serving of food.

(h) The board is specifically given power, without limiting the power conferred by other sections, to make such rules and regulations as it deems necessary to insure compliance with and the enforcement of the provisions of this section.

Section 2. This act shall take effect immediately, but the sale of liquor and malt or brewed beverages on Sunday in hotels in cities of the first and second class shall not be permitted in any city until after a majority of electors voting in such city of the first or second class vote in favor of such sale under the referendum provisions of section 406.

Effective date  
immediate but  
sale requires  
affirmative ref-  
erendum result.

APPROVED—The 7th day of January, A. D. 1960.

DAVID L. LAWRENCE

\* "1960" in original.