

No. 2006-26

AN ACT

SB 969

Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as reenacted, "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," further defining "eligible entity"; and further providing for responsible alcohol management remediation for licensees and for rights of municipalities preserved.

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

Section 1. The definition of "eligible entity" in section 102 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14) and amended January 6, 2006 (P.L.1, No.1), is amended to read:

Section 102. Definitions.—The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

* * *

"Eligible entity" shall mean a city of the third class, a hospital, a church, a synagogue, a volunteer fire company, a volunteer ambulance company, a volunteer rescue squad, a unit of a nationally chartered club which has been issued a club liquor license, a club in a city of the third class which has been issued a club liquor license and which, as of December 31, 2002, has been in existence for at least 100 years, a library, a nationally accredited Pennsylvania nonprofit zoological institution licensed by the United States Department of Agriculture, a nonprofit agricultural association in existence for at least ten years, a bona fide sportsmen's club in existence for at least ten years, a nationally chartered veterans' organization and any affiliated lodge or subdivision of such organization, a fraternal benefit society that is licensed to do business in this Commonwealth and any affiliated lodge or subdivision of such fraternal benefit society, a museum operated by a nonprofit corporation in a city of the third class or township of the first class, a nonprofit corporation engaged in the performing arts in a city of the third class, borough or in an incorporated town, an arts council, a nonprofit corporation that operates an arts facility or museum in a city of the third class

in the county of the fourth class, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) whose purpose is to protect the architectural heritage of boroughs and which has been recognized as such by a municipal resolution, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) conducting a regatta in a city of the second class with the permit to be used on State park grounds or conducting a family-oriented celebration as part of Welcome America in a city of the first class on property leased from that city for more than fifty years, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3)) whose purpose is to raise funds for the research and treatment of cystic fibrosis, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3)) whose purpose is to educate the public on issues dealing with watershed conservation, *a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) whose purpose is to provide equine assisted activities for children and adults with special needs*, a nonprofit economic development agency in a city of the second class with the primary function to serve as an economic generator for the greater southwestern Pennsylvania region by attracting and supporting film, television and related media industry projects and coordinating government and business offices in support of a production [or], *a county tourist promotion agency as defined in section 3(1) of the act of April 28, 1961 (P.L.111, No.50), known as the "Tourist Promotion Law," and located in a city of the third class in a county of the fourth class*, a junior league in a third class county that is a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. § 501 (c)(3)) that is comprised of women whose purpose is exclusively educational and charitable in promoting the volunteerism of women and developing and participating in community projects and that has been in existence for over seventy years[,] *or a nonprofit organization as defined under section 501(C)(6) of the Internal Revenue Code of 1986 which is located in a city of the third class in a county of the third class and whose purpose is to support business and industry.*

* * *

Section 2. Section 471(d) of the act, added December 20, 2000 (P.L.992, No.141), is amended and the section is amended by adding a subsection to read:

Section 471. Revocation and Suspension of Licenses; Fines.— * * *

(d) If a licensee has been cited and found to have violated section 493(1) *as a first offense* as it relates to sales to minors or sales to a visibly intoxicated person, the administrative law judge, in addition to the penalties set forth in subsection (b), [may] *shall* require the licensee to comply with the requirements set forth in section 471.1 pertaining to responsible alcohol

management. Such compliance may be required for a period of up to one year. Failure to adhere with such an order is sufficient cause for the issuance of a citation under subsection (a).

(e) If a licensee has been cited and found to have violated section 493(1) for a second or subsequent offense as it relates to sales to minors or sales to a visibly intoxicated person, the administrative law judge, in addition to the penalties set forth in subsection (b), may require the licensee to comply with the requirements set forth in section 471.1 pertaining to responsible alcohol management. Such compliance may be required for a period of up to one year. Failure to adhere with such an order is sufficient cause for the issuance of a citation under subsection (a).

Section 3. Section 493.1 of the act is amended by adding a subsection to read:

Section 493.1. Rights of Municipalities Preserved.—* * *

(d) Notwithstanding any other provision of law to the contrary, a restaurant liquor license located on premises owned by a city of the first class, listed on the National Register of Historic Places and which contains a structure that is at least one hundred (100) years old shall not be subject to the board's regulations regarding amplified music.

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

APPROVED—The 13th day of April, A.D. 2006.

EDWARD G. RENDELL