

No. 1989-5

AN ACT

HB 49

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 providing for stadium or arena permits.

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

Section 1. Section 433.1(a) and (b) 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), are amended to read:

Section 433.1. Stadium or Arena Permits.—(a) The board is hereby authorized to issue, in cities of the first, second and third class, in counties of the third class and in school districts in counties of the third class, special permits allowing the holders thereof to make retail sales of malt or brewed beverages in shatterproof containers at all events on premises principally utilized for competition of professional and amateur athletes and other types of entertainment having an available seating capacity of: *(1)* twelve thousand or more in cities of the first and second class **[and seven thousand]**; *(2)* **four thousand** or more and owned by the city in cities of the third class **[and]**; *(3)* four thousand two hundred or more and owned by counties of the third class; and *(4)* two thousand five hundred or more in school districts in counties of the third class: Provided, however, That in cities of the second class this section shall be applicable only to premises owned, leased or operated by any authority created under the act of July 29, 1953 (P.L.1034, No.270), known as the "Public Auditorium Authorities Law." Such sales may be made only to adults and only on days when the premises are so used and only during the period from one hour before the start of and ending one-half hour after the close of the event on the premises: Provided, however, That in school districts in counties of the third class sales may be made only during professional athletic competition.

(b) The owner or lessee or a concessionaire of any such premises may make application for a permit. The aforesaid permits shall be issued only to reputable individuals, partnerships and associations, who are or whose members are citizens of the United States and have for two years prior to the

date of their applications been residents of the Commonwealth of Pennsylvania, or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania, all of whose officers and directors are citizens of the United States. Each applicant shall furnish proof satisfactory to the board that he is of good repute and financially responsible and that the premises upon which he proposes to do business is a proper place. *An applicant under subsection (a)(2) for a permit for a stadium or arena owned by the city in a city of the third class which shall have a seating capacity of at least four thousand but less than six thousand five hundred shall designate one or more areas of the licensed premises comprising not less than fifteen percent (15%) of its seating capacity in which the sale of malt and brewed beverages shall not be authorized.* The applicant shall submit such other information as the board may require. Applications shall be, in writing on forms prescribed by the board, and signed and sworn to by the applicant. Every application shall be accompanied by an application fee of twenty-five dollars (\$25), a permit fee of one hundred dollars (\$100) and a surety bond in the amount of one thousand dollars (\$1000) conditioned the same as the license bonds required by this act for retail dispenser licenses.

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Section 2. This act shall take effect immediately.

APPROVED—The 4th day of May, A. D. 1989.

ROBERT P. CASEY