

No. 1999-47

AN ACT

HB 1692

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 sales by liquor licensees, for special occasion permits, for performing arts facilities and for wine auction permits; authorizing a multipurpose county-owned arena and convention center license and a national event permit; and further providing for breweries, for limiting number of retail licenses in each municipality, for transfer of licenses, for local option relating to special occasion permits, for granting of liquor licenses in certain municipalities, for unlawful acts relative to malt or brewed beverages and licenses, for employment of minors, for penalties for the sale of liquor or malt or brewed beverage without being licensed, for limited wineries and for nuisances.

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

Section 1. Section 406(a)(1) 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), is amended to read:

Section 406. Sales by Liquor Licensees; Restrictions.—(a) (1) 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, or in a bowling alley that is immediately adjacent to and under the same roof as a restaurant when no minors are present, unless minors who are present are under proper supervision as defined in section 493, in the bowling alley, 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. 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 guest rooms in the hotel. For the purpose of this paragraph, any person who is an active member of another club which is chartered by the same state or national organization shall have the same rights and privileges as members of the particular club. For the purpose of this paragraph, any person who is an active member of any volunteer firefighting company, association or group of this Commonwealth, whether incorporated or unincorporated, shall upon the approval of any club composed of volunteer firemen licensed under this act, have the same social rights and privileges as members of such licensed club. For the purposes of this paragraph, the term "active member" shall not include a social member. ***Any club licensee which is either an incorporated unit of a national veterans' organization or an affiliated organization as defined in section 461.1 shall be permitted to sell liquor or malt or brewed beverages to any active member of another unit which is chartered by the same national veterans' organization or to any member of a nationally chartered auxiliary associated with the same national veterans' organization.***

* * *

Section 2. Section 408.4(a) and (e.1) of the act, amended December 20, 1996 (P.L.1523, No.199), February 18, 1998 (P.L.162, No.25), June 18, 1998 (P.L.664, No.86) and December 21, 1998 (P.L.1202, No.155), is amended and the section is amended by adding a subsection to read:

Section 408.4. Special Occasion Permits.—(a) Upon application of any hospital, church, synagogue, volunteer fire company, volunteer ambulance company, volunteer rescue squad, ***unit of a nationally chartered club which has been issued a club liquor license***, nonprofit agricultural association in existence for at least ten years, bona fide sportsmen's club in existence for at least ten years, nationally chartered veterans' organization and any affiliated lodge or subdivision of such organization, fraternal benefit society that is licensed to do business in this Commonwealth and any affiliated lodge or subdivision of such fraternal benefit society, or one auxiliary of any of the foregoing, and upon payment of the prescribed fee for special occasion permits under section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," the board shall issue a special occasion permit good for a period of not more than six consecutive or nonconsecutive days during a calendar year. Special occasion permits may also be issued to a museum operated by a nonprofit corporation in a city of the third class or township of the first class or a nonprofit corporation engaged in the performing arts in a city of the third class or in an incorporated town or to ***[an arts facility or museum operated by an arts council or a nonprofit corporation in a city of the third class in a county of the fourth class] an arts council or to a nonprofit corporation that operates an arts facility or museum in a city of the third class in a county of the fourth class*** for a period of not more than six nonconsecutive or ten

consecutive days at the prescribed fee for special occasion permits under section 614-A of "The Administrative Code of 1929."

(a.1) Upon application by a nationally accredited Pennsylvania nonprofit zoological institution licensed by the United States Department of Agriculture, the board shall issue a special occasion permit in accordance with subsection (a) for six nonconsecutive days or ten consecutive days in a calendar year.

* * *

(e.1) Notwithstanding any provisions of law to the contrary, a permittee who is a nonprofit organization as defined under section 501(c)(4) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(4)) may do any of the following:

(1) If the permittee is conducting a regatta, sell for consumption liquor and malt or brewed beverages in or on the grounds of a State park located within a city of the second class for a period not to exceed ten consecutive days per calendar year.

(2) If the permittee is conducting a family-oriented celebration as part of Welcome America in a city of the first class on property leased from that city for a period of more than fifty years, sell for consumption liquor and malt or brewed beverages on such leased property for a period not to exceed ten consecutive days per calendar year.

(3) If the permittee is a nonprofit corporation designated by a city of the first class to conduct a millennium celebration on behalf of the city on property located at four sites approved by the board, sell for consumption champagne for a period not to exceed two consecutive days between December 31, 1999, and January 1, 2000.

* * *

Section 3. Section 408.6(a.2) of the act, added December 21, 1998 (P.L.1202, No.155), is amended to read:

Section 408.6. Performing Arts Facilities in Certain Municipalities.—* * *

(a.2) The board is authorized to issue licenses to operators of theaters for the performing arts in townships of the first class located in a county of the second class ***and cities of the second class in counties of the second class*** which are permanently located at a single site and which have seating accommodations for at least two hundred fifty persons, except where prohibited by local option for the retail sale of liquor and malt or brewed beverages by the glass, open bottle or other container or in any mixture for consumption in any such theater for the performing arts. Notwithstanding any other provision of this section, licenses issued under this subsection may not be issued to concessionaires.

* * *

Section 4. Section 408.12(a) of the act, amended June 18, 1998 (P.L.664, No.86), is amended to read:

Section 408.12. Wine Auction Permits.—(a) Upon application of any *nonprofit hospital, any* nonprofit public television station which is a member of the Pennsylvania Public Television Network, any orchestra located in a county of the first [or], second *or third* class which is operated by a nonprofit corporation, any museum located in a county of the first [or], second *or third* class which is operated by a nonprofit corporation or any nonprofit corporation located in any county of the third class which trains and places dogs for people who are physically handicapped and upon payment of a fee of thirty dollars (\$30) per day, the board shall issue a wine auction permit good for a period of not more than four consecutive or nonconsecutive days per calendar year.

* * *

Section 5. The act is amended by adding sections to read:

Section 408.15. Multipurpose County-owned Arena and Convention Center License.—(a) The board is authorized to issue a restaurant liquor license in any township of the first class located in a county of the third class for the retail sale of liquor and malt or brewed beverages to any multipurpose arena and convention center owned by the county or a county authority created under the act of May 2, 1945 (P.L.382, No.164), known as the “Municipality Authorities Act of 1945,” with an available seating capacity within the premises of 8,000 or more.

(b) The application for multipurpose arena and convention center license under this section may be filed by the county, the county authority or by a concessionaire designated by the governing body of the county or by the county authority and shall conform with all requirements for restaurant liquor license applications, except as may otherwise be provided in this section. Applications shall be in writing on forms prescribed by the board and shall be signed and submitted to the board by the applicant. The application filing fee shall be prescribed in section 614-A(25) of the act of April 9, 1929 (P.L.177, No.175), known as “The Administrative Code of 1929.”

(c) Upon receipt of the application in proper form and the application fee and upon being satisfied that the applicant is of good repute and financially responsible and the proposed place of business is proper, the board shall issue a license under this section to the applicant.

(d) The multipurpose arena and convention center license shall be issued for the same period of time as provided for restaurant licenses and shall be renewed as provided in section 470. The license, if held by the concessionaire, shall terminate upon revocation or upon termination of the contract between the concessionaire and the county or county authority. In addition, the license shall not be validated unless the annual fee is timely paid.

(e) The renewal filing fee and annual license fee for this multipurpose arena and convention center license shall be prescribed in section 614-A(25) of “The Administrative Code of 1929.”

(f) Whenever a contract between a county or county authority and the concessionaire is terminated or a license is revoked, the county or county authority may select a new concessionaire. The new concessionaire shall apply to the board for a new license, and, if qualified, the board shall issue a new license to the new concessionaire without regard to the prohibition in section 471 against the grant of a license at the same premises for a period of at least one year.

(g) Sales may be made one hour before, during and one hour after any athletic performance, performing arts event, trade show, convention or any other performance at the facility; however, sales may not be made from two o'clock antemeridian to seven o'clock antemeridian. Sales may also be made during a private banquet held at the premises except from two o'clock antemeridian to seven o'clock antemeridian. In addition to all the restrictions set forth in this subsection, sales on Sunday may only occur between eleven o'clock antemeridian and ten o'clock postmeridian. A licensee shall not be required to obtain a Sunday sales permit.

(h) Sales of alcoholic beverages during all professional and amateur athletic events on the premises shall be limited to sales of malt or brewed beverages in shatterproof containers. Sales of alcoholic beverages during performing arts events or other entertainment may consist of liquor or malt or brewed beverages in shatterproof containers: Provided, however, sales of liquor may only occur at events and in areas that the board in its discretion has approved. Sales at all other times or sales made at any time in a suite may consist of liquor or malt or brewed beverages in any type of container. For purposes of this section, a suite is any seating located on the designated suite level and portioned from the general bleacher-style seating by a wall, divider, partial wall or railing. The suite level must not be accessible by the general public.

(i) Licenses issued under this section shall not be subject to the following:

- (1) the proximity provisions of section 404;*
- (2) the quota restrictions of section 461;*
- (3) the provisions of section 463;*
- (4) the provisions of section 493(10) except as it related to lewd, immoral or improper entertainment; and*
- (5) prohibitions against minors frequenting as described in section 493(14).*

(j) Licenses issued under this section shall not be subject to the provisions defining "restaurant" in section 102.

Section 408.16. National Event Permit.—(a) Upon the application of the chief executive of a national political party, or its designee, conducting its national convention in this Commonwealth, or the official host committee of the national convention, the board may issue a national event permit for events directly related to the convention.

(b) In any city, borough, incorporated town or township in which the sale of liquor or malt or brewed beverages has been approved by the electorate, a national event permit shall authorize the sale of liquor and/or malt or brewed beverages on any day for which the permit is issued to a licensed or unlicensed premises.

(c) A permit under this section shall be subject to the provisions of this act, except that:

(1) The board may determine the duration of the event held pursuant to the permit, including the hours, dates and locations. The board shall include the specific hour, date and location in a memorandum which shall be available for public inspection.

(2) An event held pursuant to a permit issued under this section shall not be subject to section 493(10) except as it relates to lewd, immoral or improper entertainment.

(d) The board shall consider the other provisions of this act and related regulations, in particular the health, safety, convenience and welfare of the community, when granting permission to conduct an event under this section.

(e) This section shall expire August 31, 2000.

Section 6. Section 446(2) of the act, amended February 18, 1998 (P.L.162, No.25), is amended to read:

Section 446. Breweries.—Holders of a brewery license may:

* * *

*(2) Operate a restaurant or brewery pub on the licensed premises under such conditions and regulations as the board may enforce: Provided, however, That sales on Sunday may be made irrespective of the volume of food sales if the licensed premises are at a stadium or arena location. **The holder of a brewery license may sell at its brewery pub premises Pennsylvania wines it has purchased from either the holder of a Pennsylvania limited winery license or from the board: Provided, however, That said wines must be consumed at the licensed brewery pub premises.***

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Section 7. Section 461(a) of the act, amended June 18, 1998 (P.L.664, No.86), is amended to read:

Section 461. Limiting Number of Retail Licenses To Be Issued In Each Municipality.—(a) No licenses shall hereafter be granted by the board for the retail sale of malt or brewed beverages or the retail sale of liquor and malt or brewed beverages in excess of one of such licenses of any class for each three thousand inhabitants in any municipality, exclusive of licenses granted to airport restaurants, municipal golf courses, hotels, privately-owned public golf courses and units of nonprofit nationally chartered clubs, as defined in this section, whose applications are filed on or before [**December 31, 1998**] **June 30, 2000**, and except those units falling under section 461.1, and clubs; but at least one such license may be granted in each municipality and in each part of a municipality where such municipality is split so that each part

thereof is separated by another municipality, except in municipalities where the electors have voted against the granting of any retail licenses and except in that part of a split municipality where the electors have voted against the granting of any retail licenses. Nothing contained in this section shall be construed as denying the right to the board to renew or to transfer existing retail licenses of any class notwithstanding that the number of such licensed places in a municipality shall exceed the limitation hereinbefore prescribed; but where such number exceeds the limitation prescribed by this section, no new license, except for hotels, municipal golf courses, airport restaurants, privately-owned public golf courses, privately-owned private golf course licensees and units of nonprofit nationally chartered clubs, as defined in this section, whose applications are filed on or before [December 31, 1998] *June 30, 2000*, and except those units falling under section 461.1, shall be granted so long as said limitation is exceeded.

* * *

Section 8. Section 468(a)(1) and (c) of the act, amended or added June 18, 1998 (P.L.664, No.86) and December 21, 1998 (P.L.1202, No.155), is amended to read:

Section 468. Licenses Not Assignable; Transfers.—(a) (1) Licenses issued under this article may not be assigned. The board, upon payment of the transfer filing fee, is hereby authorized to transfer any license issued by it under the provisions of this article from one person to another or from one place to another, or both, within the same municipality, and if the applicant is a unit of a nonprofit nationally chartered club *or a volunteer fire company or an affiliated organization of a volunteer fire company*, the board is hereby authorized to transfer such license to a place in any other municipality within the same county if the sale of liquor or malt and brewed beverages are legal in such other municipality as the board may determine. Prior to the approval of an application for transfer by a unit of a nonprofit nationally chartered club the board shall make an affirmative finding, upon proof submitted by the applicant, and after investigation by the board, that at the time the application for transfer is made the club continues to hold a valid national charter and continues to function in fact as a club as defined in section 102. The board, in its discretion, may transfer an existing restaurant retail dispenser or club license from one municipality to another in the same county regardless of the quota limitations provided for in this act, if sales of liquor or malt and brewed beverages are legal in such other municipality and if the restaurant retail dispenser or club lost the use of the building in which it was located due to governmental exercise of the right of eminent domain and no other suitable building can be found in the first municipality.

* * *

(c) (1) The term “nonprofit nationally chartered club” shall mean any club which does not contemplate pecuniary gain or profit, incidental or otherwise, having a national charter.

(2) The term "unit of a nonprofit nationally chartered club" shall mean any post, branch, lodge or other subordinate unit of a nonprofit nationally chartered club.

(3) The term "indoor bowling center" shall mean an enclosed facility of at least twelve thousand square feet with a minimum of [~~eighteen~~] *sixteen* bowling lanes and which has as its primary focus the offering of bowling as a recreational activity to the general public.

* * *

Section 9. Section 472(a) of the act, amended February 18, 1998 (P.L.162, No.25), is amended to read:

Section 472. Local Option.—(a) In any municipality or any part of a municipality where such municipality is split so that each part thereof is separated by another municipality, an election may be held, subject to subsection (c), on the date of the primary election immediately preceding any municipal election, but not oftener than once in four years, to determine the will of the electors with respect to the granting of liquor licenses to hotels, restaurants and clubs, not oftener than once in four years, to determine the will of the electors with respect to the granting of liquor licenses to privately-owned private golf courses or to privately-owned public golf courses, not oftener than once in four years, to determine the will of the electors with respect to the granting of licenses to retail dispensers of malt and brewed beverages, not oftener than once in four years, to determine the will of the electors with respect to granting of licenses to wholesale distributors and importing distributors, not more than once in two years, to determine the will of the electors with respect to the granting of club liquor licenses or club retail dispenser licenses to incorporated units of national veterans' organizations, not oftener than once in two years to determine the will of the electors with respect to the granting of special occasion permits to qualified organizations, or not more than once in four years, to determine the will of the electors with respect to the establishment, operation and maintenance by the board of Pennsylvania liquor stores, within the limits of such municipality or part of a split municipality, under the provisions of this act: Provided, however, Where an election shall have been held at the primary preceding a municipal election in any year, another election may be held under the provisions of this act at the primary occurring the fourth year after such prior election: And provided further, That an election on the question of establishing and operating a State liquor store shall be initiated only in those municipalities, or that part of a split municipality that shall have voted against the granting of liquor licenses; and that an election on the question of granting wholesale distributor and importing distributor licenses shall be initiated only in those municipalities or parts of split municipalities that shall have at a previous election voted against the granting of dispenser's licenses. Whenever electors equal to at least twenty-five per centum of the highest vote cast for any office in the municipality or part of a split municipality 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 granting any of said classes of licenses or the establishment of Pennsylvania liquor stores, the said county board of elections shall cause a question to be placed on the ballots or on the voting machine board and submitted at the primary immediately preceding the municipal election. Separate petitions must be filed for each question to be voted on. 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, insofar as such provisions are applicable.

When the question is in respect to the granting of liquor licenses, it shall be in the following form:

Do you favor the granting of liquor licenses for the sale of liquor in..... Yes of.....? No

When the question is in respect to the granting of liquor licenses, for privately-owned private golf courses, it shall be in the following form:

Do you favor the granting of liquor licenses for privately-owned private golf courses for the sale of liquor in.....by..... Yes of.....? No

When the question is in respect to the granting of liquor licenses, for privately-owned public golf courses, it shall be in the following form:

Do you favor the granting of liquor licenses for privately-owned public golf courses for the sale of liquor in.....by..... Yes of.....? No

When the question is in respect to the granting of licenses to retail dispensers of malt and brewed beverages, it shall be in the following form:

Do you favor the granting of malt and brewed beverage retail dispenser licenses for consumption on premises where sold in the..... Yes of.....? No

When the question is in respect to the granting of licenses to wholesale distributors of malt or brewed beverages and importing distributors, it shall be in the following form:

Do you favor the granting of malt and brewed beverage wholesale distributor's and importing distributor's licenses not for consumption on premises where sold in the..... Yes of.....? No

When the question is in respect to the granting of club liquor licenses to incorporated units of national veterans' organizations, it shall be in the following form:

Do you favor the granting of club liquor licenses to incorporated units of national veterans' organizations

in the..... Yes
of.....? No

When the question is in respect to the granting of club retail dispenser licenses to incorporated units of national veterans' organizations, it shall be in the following form:

Do you favor the granting of club retail dispenser licenses to incorporated units of national veterans' organizations in the..... Yes
of.....? No

[When the question is in respect to the granting of special occasion permits to qualified organizations, it shall be in the following form:

Do you favor the granting of special occasion permits to qualified organizations in the..... Yes
of.....? No]

When the question is in respect to the granting of special occasion permits allowing the sale of liquor by qualified organizations in municipalities that do not already allow the retail sale of liquor, it shall be in the following form:

*Do you favor the granting of special occasion permits to allow the sale of liquor by qualified organizations in the..... Yes
of.....? No*

When the question is in respect to the granting of special occasion permits allowing the sale of malt or brewed beverages only by qualified organizations in municipalities that do not already allow the retail sale of malt or brewed beverages, it shall be in the following form:

*Do you favor the granting of special occasion permits to allow the sale of malt or brewed beverages only by qualified organizations in the..... Yes
of.....? No*

When the question is in respect to the establishment, operation and maintenance of Pennsylvania liquor stores it shall be in the following form:

Do you favor the establishment, operation and maintenance of Pennsylvania liquor stores in the..... Yes
of.....? No

In case of a tie vote, the status quo shall obtain. If a majority of the voting electors on any such question vote "yes," then liquor licenses shall be granted by the board to hotels, restaurants and clubs, or liquor licenses shall be granted by the board to privately-owned private golf courses or to privately-owned public golf courses, or malt and brewed beverage retail dispenser licenses or wholesale distributor's and importing distributor's license for the sale of malt or brewed beverages shall be granted by the board, or club liquor licenses or club retail dispenser licenses shall be granted by the board to

incorporated units of national veterans' organizations, or special occasion permits may be issued to qualified organizations, or the board may establish, operate and maintain Pennsylvania liquor stores, as the case may be, in such municipality or part of a split municipality, as provided by this act; but if a majority of the electors voting on any such question vote "no," then the board shall have no power to grant or to renew upon their expiration any licenses of the class so voted upon in such municipality or part of a split municipality; or if the negative vote is on the question in respect to the establishment, operation and maintenance of Pennsylvania liquor stores, the board shall not open and operate a Pennsylvania liquor store in such municipality or part of a split municipality, nor continue to operate a then existing Pennsylvania liquor store in the municipality or part of a split municipality for more than two years thereafter or after the expiration of the term of the lease on the premises occupied by such store, whichever period is less, unless and until at a later election a majority of the voting electors vote "yes" on such question.

* * *

Section 10. Sections 472.2, 492(5) and 493(13) of the act are amended to read:

Section 472.2. Granting of Liquor Licenses in Certain Municipalities.—(a) In any municipality which has[, **prior to January 1, 1967,**] by referendum approved the granting of malt and brewed beverage retail dispensers' licenses and has also thereafter, in a separate and subsequent referendum approved the granting of liquor licenses [**prior to the effective date of this amendment**], the board may issue to an applicant holding a malt and brewed beverage retail dispenser's license, a liquor license: Provided, That the applicant surrenders for cancellation the malt and brewed beverage retail dispenser's license. The board shall not issue such a liquor license in excess of one for each [**one thousand five hundred**] *three thousand* residents in said municipality [**and any application for said license shall be filed within two years from the effective date of this amendment**].

(b) Nothing in this section shall otherwise affect any existing malt and brewed beverage retail dispenser's license.

(c) The board may not accept, act upon, or grant an application for a liquor license under this section, when such application, if granted, would cause an excess in the aforesaid quota of one liquor license for each [**one thousand five hundred**] *three thousand* residents in said municipality. Nor shall an applicant under this section be required to surrender his malt and brewed beverage retail dispenser's license until and unless the board has granted his application for a liquor license.

Section 492. Unlawful Acts Relative to Malt or Brewed Beverages and Licenses.—

It shall be unlawful—

* * *

(5) Sales of Malt or Brewed Beverages by Hotels, Eating Places or Public Service Licensees During Prohibited Hours.—For any hotel or eating place holding a retail dispenser's license, or the servants, agents or employes of such licensees, to sell, trade or barter in malt or brewed beverages between the hours of two o'clock antemeridian Sunday and seven o'clock in the forenoon of the following Monday, or between the hours of two o'clock antemeridian and seven o'clock antemeridian of any week day: Provided, That notwithstanding any provision to the contrary, whenever the thirty-first day of December falls on a Sunday such sales of malt or brewed beverages may be made on such day after one o'clock postmeridian and until two o'clock antemeridian of the following day. For any public service licensee authorized to sell malt or brewed beverages or the servants, agents or employes of such licensees to sell, trade or barter in malt or brewed beverages between the hours of two o'clock antemeridian and seven o'clock antemeridian on any day.

[Any licensee holding a retail dispenser license or a malt or brewed beverage public service license may, by giving notice to the board, advance by one hour the hours herein prescribed as those during which 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 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.]

* * *

Section 493. Unlawful Acts Relative to Liquor, Malt and Brewed Beverages and Licensees.—The term "licensee," when used in this section, shall mean those persons licensed under the provisions of Article IV, unless the context clearly indicates otherwise.

It shall be unlawful—

* * *

(13) Retail Licensees Employing Minors. For any hotel, restaurant or club liquor licensee, or any retail dispenser, to employ or to permit any minor under the age of eighteen to serve any alcoholic beverages or to employ or permit any minor under the age of sixteen to render any service whatever in [or about] the licensed premises, nor shall any entertainer under the age of eighteen be employed or permitted to perform in any licensed premises in violation of the labor laws of this Commonwealth: Provided, That in accordance with board regulations minors between the ages of sixteen and eighteen may be employed to serve food, clear tables and perform other similar duties, not to include the dispensing or serving of alcoholic beverages. *Notwithstanding any provision of this act to the contrary, it shall be lawful for any ski resort, golf course or amusement park licensee to employ minors fourteen and fifteen years of age to perform duties only in rooms or areas of the licensed premises where alcoholic beverages are not*

dispensed, served or stored during the time in which the minor is performing such duties.

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Section 11. Section 494(c) of the act, amended April 29, 1994 (P.L.212, No.30), is amended to read:

Section 494. Penalties.—* * *

(c) A person convicted of selling or offering to sell any liquor or malt or brewed beverage without being licensed is in violation of this article and shall, in addition to any other penalty prescribed by law, be sentenced to pay a fine of [~~twenty-five dollars (\$25) for each bottle of beer~~] *two dollars (\$2) per fluid ounce for each container of malt or brewed beverages* and [~~one hundred dollars (\$100)~~] *four dollars (\$4) per fluid ounce* for each [~~bottle~~] *container* of wine or liquor found on the premises where the sale was made or attempted. *The amount of fine per container will be based upon the capacity of the container when full, whether or not it is full at the time of the sale or attempted sale.* In addition, all [~~beer~~] *malt or brewed beverages*, wine and liquor found on the premises shall be confiscated. If a person fails to pay the full amount of the fine levied under this subsection, the premises on which the [~~beer~~] *malt or brewed beverages*, wine or liquor was found shall be subject to a lien in the amount of the unpaid fine if the premises are owned by the person against whom the fine was levied or by any other person who had knowledge of the proscribed activity. The lien shall be superior to any other liens on the premises other than a duly recorded mortgage.

Section 12. Section 505.2 of the act, amended June 18, 1998 (P.L.664, No.86) and December 21, 1998 (P.L.1202, No.155), is amended to read:

Section 505.2. Limited Wineries.—In the interest of promoting tourism and recreational development in Pennsylvania, holders of a limited winery license may:

(1) Produce alcoholic ciders, wines and wine coolers, *subject to the exceptions provided under this section*, only from fruits grown in Pennsylvania [~~in an amount not to exceed two hundred thousand (200,000) gallons per year~~].

(2) Sell alcoholic cider, wine and wine coolers produced by the limited winery or purchased in bulk in bond from another Pennsylvania limited winery on the licensed premises, under such conditions and regulations as the board may enforce, to the board, to individuals and to *brewery*, hotel, restaurant, club and public service liquor licensees, and to Pennsylvania winery licensees: Provided, That a limited winery shall not, in any calendar year, purchase alcoholic cider or wine produced by other limited wineries in an amount in excess of fifty per centum of the alcoholic cider or wine produced by the purchasing limited winery in the preceding calendar year.

(3) Separately or in conjunction with other limited wineries, sell alcoholic cider, wine and wine coolers produced by the limited winery on no more than five (5) board-approved locations other than the licensed premises, with no

bottling or production requirement at those additional board-approved locations and under such conditions and regulations as the board may enforce, to the board, to individuals and to *brewery*, hotel, restaurant, club and public service liquor licensees.

(4) At the discretion of the board, obtain a special permit to participate in alcoholic cider, wine and food expositions off the licensed premises. A special permit shall be issued upon proper application and payment of a fee of thirty dollars (\$30) per day for each day of permitted use, not to exceed five (5) consecutive days. [**A limited winery may not obtain more than five special permits in any calendar year.**] The total number of days for all the special permits may not exceed twenty (20) days in any calendar year. A special permit shall entitle the holder to engage in the sale of alcoholic cider or wine produced by the bottle or in case lots by the permittee under the authority of a limited winery license. Holders of special permits may provide tasting samples of wines in individual portions not to exceed one fluid ounce. Samples at alcoholic cider, wine and food expositions may be sold or offered free of charge. Except as provided herein, limited wineries utilizing special permits shall be governed by all applicable provisions of this act as well as by all applicable regulations or conditions adopted by the board.

For the purposes of this clause, "alcoholic cider, wine and food expositions" are defined as affairs held indoors or outdoors with the primary intent of educating those in attendance of the availability, nature and quality of Pennsylvania-produced alcoholic ciders and wines in conjunction with suitable food displays, demonstrations and sales. Alcoholic cider, wine and food expositions may also include activities other than alcoholic cider, wine and food displays, including arts and crafts, musical activities, cultural exhibits, agricultural exhibits and similar activities.

(5) Apply for and hold a hotel liquor license, a restaurant liquor license or a malt and brewed beverages retail license to sell for consumption at the restaurant or limited winery on the licensed winery premises, liquor, wine and malt or brewed beverages regardless of the place of manufacture under the same conditions and regulations as any other hotel liquor license, restaurant liquor license or malt and brewed beverages retail license.

(6) (i) *Secure a permit from the board to allow the holder of a limited winery license to use up to twenty-five per centum permitted fruit, not wine, in the current year's production. Each permit is valid only for the calendar year in which it is issued.*

(ii) *The fee for a permit to import and use permitted fruit shall be in an amount to be determined by the board.*

(iii) *The purpose of this section is to increase the productivity of limited wineries while at the same time protecting the integrity and unique characteristics of wine produced from fruit primarily grown in this Commonwealth. Prevailing climatic conditions have a significant impact on the character of the fruit. Accordingly, "permitted fruit" shall mean fruit*

grown or juice derived from fruit grown within three hundred fifty (350) miles of the winery.

(iv) The department is authorized to promulgate regulations requiring the filing of periodic reports by limited wineries to ensure compliance with the provisions of this section.

(v) This clause shall expire on December 31, 2004.

(7) The total production of alcoholic ciders, wine and wine coolers by a limited winery may not exceed two hundred thousand (200,000) gallons per year.

Section 13. Section 611(c) of the act is amended to read:

Section 611. Nuisances; Actions To Enjoin.—* * *

(c) Upon the decree of the court ordering such nuisance to be abated, the court may, upon proper cause shown, order that the room, house, building, structure, boat, vehicle or place shall not be occupied or used for one year thereafter, but the court may, in its discretion, permit it to be occupied or used if the owner, lessee, tenant or occupant thereof shall give bond with sufficient surety to be approved by the court making the order in the penal and liquidated sum of not less than **[five hundred dollars (\$500.00)] five thousand dollars (\$5,000.00)**, payable to the Commonwealth of Pennsylvania, for use of the county in which said proceedings are instituted, and conditioned that neither liquor, alcohol, nor malt or brewed beverages will thereafter be manufactured, sold, transported, offered for sale, bartered or furnished, or stored in bond, or stored for hire therein or thereon in violation of this act, and that he will pay all fines, costs and damages that may be assessed for any violation of this act upon said property.

Section 14. This act shall take effect as follows:

(1) The addition of section 408.16 of the act shall take effect May 1, 2000.

(2) The addition of section 505.2(6) of the act shall take effect January 1, 2000.

(3) The remainder of this act shall take effect immediately.

APPROVED—The 10th day of November, A.D. 1999.

THOMAS J. RIDGE