

No. 1978-326

AN ACT

SB 1220

Amending the act of April 12, 1951 (P.L.90, No.21), 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 licenses for airline companies, further providing for provisions relating to insolvency of licensees and prohibiting the licensure of establishments within three hundred feet of a ramp of an interstate limited access highway.

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

Section 1. Subsections (a), (b) and (c) of section 408, act of April 12, 1951 (P.L.90, No.21), known as the "Liquor Code," are amended to read:

Section 408. Public Service Liquor Licenses.—(a) Subject to the provisions of this act and regulations promulgated under this act, the board, upon application, shall issue retail liquor licenses to railroad or pullman companies permitting liquor and malt or brewed beverages to be sold in dining, club or buffet cars to passengers for consumption while enroute on such railroad, and may issue retail liquor licenses to steamship companies permitting liquor or malt or brewed beverages to be sold in the dining compartments of steamships or vessels wherever operated in the Commonwealth, except when standing or moored in stations, terminals or docks within a municipality wherein sales of liquor for consumption on the premises are prohibited, ***and may further issue retail liquor licenses to airline companies permitting liquor or malt or brewed beverages to be sold to passengers for consumption while enroute on such airline.*** Such licenses shall be known as public service liquor licenses. The board may issue a master license to railroad or pullman companies to cover the maximum number of cars which the company shall estimate that it will operate within the Commonwealth on any one day. Such licensees shall file monthly reports with the board showing the maximum number of cars operated in any one day during the preceding month, and if it appears that more cars have been operated than covered by its license it shall forthwith remit to the board the sum of twenty dollars for each extra car so operated.

(b) For the purpose of considering an application by a steamship ***or airline*** company for a public service liquor license, the board may cause an inspection of the steamship or vessel ***or aircraft*** for which a license is

desired. The board may, in its discretion, grant or refuse the license applied for and there shall be no appeal from its decision, except that an action of mandamus may be brought against the board in the manner provided by law.

(c) Every applicant for a public service liquor license shall, before receiving such license, file with the board a surety bond as hereinafter prescribed, pay to the board for each of the maximum number of dining, club or buffet cars which the applicant estimates it will have in operation on any one day an annual fee of twenty dollars (\$20.00), and for each steamship or vessel *or aircraft* for which a license is desired an annual fee of one hundred dollars (\$100.00).

* * *

Section 2. Subsection (b) of section 468 of the act is repealed and a subsection is added to read:

Section 468. Licenses Not Assignable; Transfers.—* * *

(b.1) In the event that any person to whom a license shall have been issued under the provisions of this article shall become insolvent, make an assignment for the benefit of creditors, become bankrupt by either voluntary or involuntary action, the license of such person shall be immediately placed in safekeeping with the board for the balance of the term of the license and for an additional period of one year upon application to the board by the trustee, receiver, or assignee. The trustee, receiver, or assignee shall have, during said period of safekeeping, the same rights, benefits and obligations as to the license as the person to whom the license had been issued, including the right to transfer the license subject to the approval of the board. The license shall continue as a personal privilege granted by the board and nothing herein shall constitute the license as property.

Section 3. The act is amended by adding a section to read:

Section 475. Establishments Proximate to Interstate Highways Not To Be Licensed.—(a) No license for the sale of liquor or malt or brewed beverages in any quantity shall be granted to the proprietor, lessee, keeper or manager of an establishment any part of which is located within three hundred feet of any part of a ramp of an interstate limited access highway.

(b) This section shall not apply to existing licenses, nor be deemed to affect the right of an existing licensee to reinstatement or renewal of his license.

Section 4. This act shall take effect immediately.

APPROVED—The 26th day of November, A. D. 1978.

MILTON J. SHAPP