

No. 259

AN ACT

HB 1940

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 licenses under certain terms and conditions for city-owned art museums in cities of the first class.

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

Section 1. The act of April 12, 1951 (P.L.90), known as the "Liquor Code," is amended by adding a section to read:

**Section 1408.5. Licenses for City-owned Art Museums, Cities First Class.—(a) The board is authorized to issue a license in any city of the first class for the retail sale of liquor and malt or brewed beverages by the glass, open bottles or other container, and in any mixture, for consumption in any city-owned art museum.**

**(b) The application for a license may be filed at any time by the city or lessee. The application may also be filed by a concessionaire selected and certified by the city. The application shall conform with all requirements for restaurant liquor licenses and applications except as may otherwise be provided herein. Applicant shall submit such other information as the board may require. The application shall be in writing on forms prescribed by the board and shall be signed and submitted to the board by the applicant. A filing fee of twenty dollars (\$20) shall accompany the license application.**

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

**(d) The license shall be issued for the same period of time as provided for restaurant licensees and shall be renewed as provided in section 402. The license shall terminate upon revocation by the board or upon termination of the lease or upon termination of the contract between the concessionaire and the city.**

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<sup>1</sup>"408.3." in original.

*(e) The annual fee for an art museum license shall be two hundred dollars (\$200) and shall accompany the application for the license. Whenever a lease terminates or whenever a concessionaire's contract terminates, the license shall be returned to the board for cancellation and a new license shall be issued to a new applicant.*

*(f) The penal sum of the bond which shall be filed by an applicant for an art museum license under section 465 of this act shall be one thousand dollars (\$1,000) and in addition thereto he shall file an additional bond in a sum to assure payment of any fine imposed by the board up to five hundred dollars (\$500).*

*(g) Sales by the holder of an art museum license may be made except to those persons prohibited by this act on city-owned premises used for art museum purposes, but such sales may not be made beyond the hours expressed in this act for the sale of liquor by restaurant licensees. However, sales of liquor or malt or brewed beverages may be made by an art museum licensee at banquets at which more than five hundred persons are scheduled to attend and at any other function which is directly related to art museum purposes.*

*(h) Whenever a lease or a concession contract is terminated prior to the expiration date provided in the lease or contract between the city and the tenant or concessionaire, the city may select and certify to the board a different licensee or concessionaire who may then apply to the board for a new license. If the applicant meets the requirements of the board as herein provided a new license shall thereupon be issued.*

*(i) If the board shall revoke any art museum license, the board shall issue a new license to any qualified applicant 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.*

*(j) The provisions of this act shall supersede or exempt any provision of the Liquor Code which would prevent the issuance of a license for the retail sale of liquor and malt or brewed beverages upon any premises owned by the city of the first class used for art museum purposes.*

Section 2. This act shall take effect immediately.

APPROVED—The 26th day of October, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly  
No. 259.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large initial "C" and a prominent "T".

*Secretary of the Commonwealth*