

AMENDMENTS TO HOUSE BILL NO. 131

Sponsor: SENATOR DiSANTO

Printer's No. 857

1 Amend Bill, page 1, line 20, by inserting after "PROVIDING"
2 for wine and spirits auction permits,

3 Amend Bill, page 1, line 21, by striking out "AND" where it
4 occurs the second time and inserting a comma

5 Amend Bill, page 1, line 22, by inserting after "BREWERIES"
6 and for rights of municipalities preserved

7 Amend Bill, page 1, line 24, by striking out "AND" where it
8 occurs the first time and inserting a comma

9 Amend Bill, page 1, line 24, by inserting after
10 "DISTILLERIES"

11 and for records to be kept

12 Amend Bill, page 1, line 24, by striking out "AND,"

13 Amend Bill, page 1, line 26, by inserting after
14 "APPLICABILITY"

15 ; and abrogating regulations

16 Amend Bill, page 3, by inserting between lines 2 and 3

17 Section 2. Section 408.12(g) and (i) of the act are amended
18 to read:

19 Section 408.12. Wine and Spirits Auction Permits.--* * *

20 (g) Any wine and spirits sold under this section shall be
21 purchased from a Pennsylvania Liquor Store, a Pennsylvania
22 limited winery, limited distillery or any seller authorized to
23 sell wine or spirits by the bottle or case in this Commonwealth
24 or shall be donated by a person [who is neither a licensee nor a
25 permittee] who has legally acquired the wine or spirits and
26 legally possesses it in this Commonwealth. If the donated wine
27 or spirits is from a location outside of this Commonwealth, the

1 wine or spirits may be imported as a gift and subject to the
2 procedures and fees imposed by the board.

3 * * *

4 (i) [The] If the wine or spirits is purchased from an entity
5 other than the board, the permittee shall be responsible for
6 paying to the board an amount equal to all taxes which would
7 have been paid on such wine or spirits if it had been purchased
8 from a Pennsylvania Liquor Store, together with a processing fee
9 to be determined by the board.

10 * * *

11 Amend Bill, page 3, line 3, by striking out "2" and inserting

12 3

13 Amend Bill, page 3, lines 19 through 21, by striking out all
14 of said lines and inserting

15 Section 4. Section 446(a)(2) of the act is amended to read:

16 Amend Bill, page 4, by inserting between lines 17 and 18

17 Section 5. Section 493.1 of the act is amended by adding a
18 subsection to read:

19 Section 493.1 Rights of Municipalities Preserved.--* * *

20 (e) (1) Notwithstanding any other provision of law to the
21 contrary, the holder of a limited winery license that is located
22 in a class 2A through 8 county may use or permit to be used
23 inside or outside of the licensed premises a loudspeaker or
24 similar device whereby the sound of music or other
25 entertainment, or the advertisement thereof, does not exceed 75
26 decibels beyond the licensee's property line.

27 (2) The provisions of subsection (a) shall only apply:

28 (i) From ten o'clock antemeridian until eight o'clock
29 postmeridian on every day except Fridays and Saturdays; and

30 (ii) From ten o'clock antemeridian until ten o'clock
31 postmeridian on Fridays or Saturdays.

32 (3) Nothing in this section may be construed to limit the
33 rights of a municipality under subsection (a).

34 Section 6. Sections 505.2(a) and (b), 505.4 heading, (b)(1)
35 and (8) and (c)(1), 512 and 1001 of the act are amended to read:

36 Amend Bill, page 14, by inserting between lines 8 and 9

37 Section 512. Records To Be Kept.--Every person holding a
38 license issued under the provisions of this article shall keep
39 on the licensed premises daily permanent records which shall
40 show, (a) the quantities of any alcohol or liquor manufactured,
41 produced, distilled, developed, denatured, redistilled,
42 recovered, reused, stored in bond, stored as bailee for hire,
43 received or used in the process of manufacture by him, and of
44 all other material used in manufacturing or developing any
45 alcohol or liquor; (b) the sales or other disposition of any

1 alcohol, liquor or malt or brewed beverages if covered by said
2 license; (c) the quantities thereof, if any, stored in bond,
3 stored for hire, or transported for hire by or for the licensee;
4 and (d) the names and addresses of the purchasers or other
5 recipients thereof: Provided, however, That persons holding
6 licenses issued under the provisions of this article for the
7 transportation for hire of any alcohol, liquor or malt or brewed
8 beverages shall not be required to keep the above records, but
9 shall keep daily permanent records showing the names and
10 addresses of the persons from whom any alcohol, liquor or malt
11 or brewed beverage was received and to whom delivered, and such
12 other permanent records as the board shall prescribe[.]:
13 Provided, however, That a sales invoice may not be required for
14 purchases made at a limited winery by a private individual
15 unless the purchase is for greater than 16 liters in a single
16 transaction.

17 Amend Bill, page 14, by inserting between lines 26 and 27

18 Section 7. The provisions of 40 Pa. Code § 5.103(b) are
19 abrogated insofar as they are inconsistent with the amendment of
20 section 512 of the act.

21 Amend Bill, page 14, line 27, by striking out "4" and
22 inserting

23 8

24 Amend Bill, page 14, line 27, by striking out "in 60 days."
25 and inserting

26 as follows:

27 (1) The amendment or addition of sections 493.1(e) and
28 512 shall take effect immediately.

29 (2) This section shall take effect immediately.

30 (3) The remainder of this act shall take effect in 60
31 days.