

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1479 Session of
2003

INTRODUCED BY GODSHALL, BARRAR, BUNT, CRAHALLA, DAILEY, FRANKEL,
HARPER, JAMES, LEDERER, SCHRODER, T. STEVENSON, THOMAS,
TURZAI AND WILT, JUNE 2, 2003

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JUNE 2, 2003

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as
2 reenacted, "An act relating to alcoholic liquors, alcohol and
3 malt and brewed beverages; amending, revising, consolidating
4 and changing the laws relating thereto; regulating and
5 restricting the manufacture, purchase, sale, possession,
6 consumption, importation, transportation, furnishing, holding
7 in bond, holding in storage, traffic in and use of alcoholic
8 liquors, alcohol and malt and brewed beverages and the
9 persons engaged or employed therein; defining the powers and
10 duties of the Pennsylvania Liquor Control Board; providing
11 for the establishment and operation of State liquor stores,
12 for the payment of certain license fees to the respective
13 municipalities and townships, for the abatement of certain
14 nuisances and, in certain cases, for search and seizure
15 without warrant; prescribing penalties and forfeitures;
16 providing for local option, and repealing existing laws,"
17 providing for direct shipment of wine to certain consumers.

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

20 Section 1. The act of April 12, 1951 (P.L.90, No.21), known
21 as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32,
22 No.14), is amended by adding a section to read:

23 Section 489. Direct Shipments of Wine.--(a) Notwithstanding
24 any other provision of this act or law to the contrary, a person
25 licensed by another state as a producer, supplier, importer,

wholesaler, distributor or retailer of wine and who obtains an
out-of-State shipper's license as provided for in this section
may ship up to twenty-four bottles per month of any wine
directly to a resident of this Commonwealth who is at least
twenty-one (21) years of age for such resident's personal use
and not for resale. Before sending any shipment to a resident of
this Commonwealth the out-of-State shipper must first:

(1) File an application with the board.

(2) Pay a one hundred dollar (\$100) registration fee.

(3) Provide to the board a true copy of its current
alcoholic beverage license issued in another state.

(4) Obtain from the board an out-of-State shipper's license.

(b) An out-of-State wine shipper shall:

(1) Not ship more than twenty-four bottles per month to any
person.

(2) Not ship to any address in an area identified by the
board as a "dry" or local option area.

(3) Ensure that all containers of wine shipped directly to a
resident in this Commonwealth are conspicuously labeled with the
words "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER
REQUIRED FOR DELIVERY."

(4) Report to the board annually the total of wine, by type,
shipped into this Commonwealth the preceding calendar year.

(5) Annually pay to the Department of Revenue all taxes due
on sales to residents of this Commonwealth in the preceding
calendar year, the amount of such taxes to be calculated as if
the sale were in this Commonwealth at the location where
delivery is made.

(6) Permit the board or the Secretary of Revenue, or their
designated representatives, to perform an audit of the out-of-

1 State wine shipper's records upon request.

2 (7) Be deemed to have submitted to the jurisdiction of the
3 board, any other State agency and the courts of this
4 Commonwealth for purposes of enforcement of this section and any
5 related laws, rules or regulations.

6 (c) An out-of-State shipper may annually review its license
7 with the board by paying a renewal fee, as established by the
8 board, and providing the board a true copy of its current
9 alcoholic beverage license issued in another state.

10 (d) The board and the Department of Revenue may promulgate
11 rules and regulations to effectuate the purposes of this act.

12 (e) The board may enforce the requirements of this section
13 by administrative proceedings to suspend or revoke an out-of-
14 State shipper's license, and the board may accept payment of an
15 offer in compromise in lieu of suspension, such payments to be
16 determined by rule promulgated by the board.

17 (f) Shipments of wine from out-of-State direct to consumers
18 in this Commonwealth from persons who do not possess a current
19 out-of-State shipper's license or other permit or license from
20 the board are prohibited. Any person who knowingly makes,
21 participates in, transports, imports or receives such a shipment
22 from out-of-State is guilty of a misdemeanor. Without limitation
23 on any punishment or remedy, criminal or civil, any person who
24 knowingly makes, participates in, transports, imports or
25 receives such a shipment from out-of-State commits an unfair
26 trade practice.

27 Section 2. This act shall take effect in 60 days.