

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 540

Session of  
1977

INTRODUCED BY PIEVSKY, GREENFIELD, RIEGER, SHELTON, MEBUS,  
WAGNER, MILANOVICH, GATSKI, MOEHLMANN AND HASAY,  
MARCH 7, 1977

REFERRED TO COMMITTEE ON LIQUOR CONTROL, MARCH 7, 1977

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An  
2 act relating to alcoholic liquors, alcohol and malt and  
3 brewed beverages; amending, revising, consolidating and  
4 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 requiring deposits on all returnable original containers.

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

20 Section 1. Clause (2) of section 493, act of April 12, 1951  
21 (P.L.90, No.21), known as the "Liquor Code," amended February  
22 16, 1970 (P.L.20, No.11), is amended to read:

23 Section 493. Unlawful Acts Relative to Liquor, Malt and  
24 Brewed Beverages and Licensees.--The term "licensee," when used  
25 in this section, shall mean those persons licensed under the

1 provisions of Article IV, unless the context clearly indicates  
2 otherwise.

3 It shall be unlawful--

4 \* \* \*

5 (2) For any licensee, his agent, servant or employe, to sell  
6 or offer to sell or purchase or receive any liquor or malt or  
7 brewed beverages except for cash, excepting credit extended by a  
8 hotel or club to a bona fide guest or member, or by railroad or  
9 pullman companies in dining, club or buffet cars to passengers,  
10 for consumption while enroute, holding authorized credit cards  
11 issued by railroad or railroad credit bureaus or by hotel,  
12 restaurant and public service licensees to customers holding  
13 credit cards issued in accordance with regulations of the board  
14 or credit cards issued by banking institutions subject to State  
15 or Federal regulation: Provided further, That nothing herein  
16 contained shall be construed to prohibit the use of checks or  
17 drafts drawn on a bank, banking institution, trust company or  
18 similar depository, organized and existing under the laws of the  
19 United States of America or the laws of any state, territory or  
20 possession thereof, in payment for any liquor or malt or brewed  
21 beverages if the purchaser is the payor of the check or draft  
22 and the licensee is the payee. No right of action shall exist to  
23 collect any claim for credit extended contrary to the provisions  
24 of this clause. Nothing herein contained shall prohibit a  
25 licensee from crediting to a purchaser the actual price charged  
26 for original containers returned by the original purchaser as a  
27 credit on any sale, or from refunding to any purchaser the  
28 amount paid by such purchaser for such containers or as a  
29 deposit on containers when title is retained by the vendor, if  
30 such original containers have been returned to the licensee.

1 Nothing herein contained shall prohibit a manufacturer from  
2 extending usual and customary credit for liquor or malt or  
3 brewed beverages sold to customers or purchasers who live or  
4 maintain places of business outside of the Commonwealth of  
5 Pennsylvania, when the liquor or malt or brewed beverages so  
6 sold are actually transported and delivered to points outside of  
7 the Commonwealth: Provided, however, That as to all transactions  
8 affecting malt or brewed beverages to be resold or consumed  
9 within this Commonwealth, every licensee shall pay and shall  
10 require cash deposits on all returnable original containers  
11 [which contain not more than one hundred twenty-eight fluid  
12 ounces] and all such cash deposits shall be refunded upon return  
13 of the original containers.

14 \* \* \*

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