
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 843

Session of
1985

INTRODUCED BY BLAUM, CIVERA, JAROLIN, TIGUE, CAPPABIANCA,
LINTON, AFFLERBACH, ARTY, BALDWIN, BARLEY, BELARDI, BELFANTI,
BOOK, BOYES, CLYMER, COHEN, CORDISCO, COY, DALEY, DAWIDA,
DeLUCA, DIETZ, DORR, DUFFY, FARGO, FISCHER, FLICK, FREIND,
GANNON, GEIST, GRUPPO, HERMAN, HERSHEY, JOHNSON, LUCYK,
MARKOSEK, MERRY, MICOZZIE, MRKONIC, NAHILL, NOYE, OLASZ,
PITTS, PRATT, PRESSMANN, PUNT, RYBAK, SAURMAN, SCHEETZ,
J. L. WRIGHT, SCHULER, SIRIANNI, B. SMITH, D. W. SNYDER,
STABACK, F. E. TAYLOR, VROON AND WASS, APRIL 10, 1985

REFERRED TO COMMITTEE ON LIQUOR CONTROL, APRIL 10, 1985

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for offenses
3 relating to alcohol; and making a repeal.

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

6 Section 1. Sections 1101, 6307, 6308, 6309 and 6310 of Title
7 18 of the Pennsylvania Consolidated Statutes are amended to
8 read:

9 § 1101. Fines.

10 A person who has been convicted of an offense may be
11 sentenced to pay a fine not exceeding:

12 (1) \$25,000, when the conviction is of a felony of the
13 first or second degree.

14 (2) \$15,000, when the conviction is of a felony of the
15 third degree.

1 (3) \$10,000, when the conviction is of a misdemeanor of
2 the first degree.

3 (4) \$5,000, when the conviction is of a misdemeanor of
4 the second degree.

5 (5) \$2,500, when the conviction is of a misdemeanor of
6 the third degree.

7 (6) \$300, when the conviction is of a summary offense
8 for which no higher fine is established.

9 (7) Any higher amount equal to double the pecuniary gain
10 derived from the offense by the offender.

11 (8) Any higher or lower amount specifically authorized
12 by statute.

13 § 6307. Misrepresentation of age to secure liquor or malt or
14 brewed beverages.

15 (a) Offense defined.--A person is guilty of a misdemeanor of
16 the third degree if he, being under the age of 21 years,
17 knowingly and falsely represents himself to be 21 years of age
18 to any licensed dealer, distributor or other person, for the
19 purpose of procuring or having furnished to him, any
20 [intoxicating liquors.] liquor or malt or brewed beverages.

21 (b) Minimum penalty.--In addition to any other penalty
22 imposed pursuant to section 6310.4 (relating to restriction of
23 operating privileges) or this title or other statute, a person
24 who is convicted of violating subsection (a) shall be sentenced
25 to pay a fine of not less than \$500 for the first violation and
26 a fine of not less than \$1,000 for each subsequent violation.
27 There shall be no authority in any court to impose on an
28 offender any lesser sentence than the minimum sentence mandated
29 by this subsection. In no case shall the sentence exceed the
30 maximum sentence prescribed by law.

1 (c) Adjudication of delinquency.--In addition to any other
2 disposition authorized by law, a person adjudicated delinquent
3 under subsection (a) shall be ordered to pay a fine of \$500 for
4 the first adjudication of delinquency and a fine of \$1,000 for
5 each subsequent adjudication of delinquency.

6 § 6308. Purchase, consumption, possession or transportation of
7 [intoxicating beverages] liquor or malt or brewed
8 beverages.

9 (a) Offense defined.--A person commits a summary offense if
10 he, being less than 21 years of age, attempts to purchase,
11 purchases, consumes, possesses or transports any [alcohol,]
12 liquor or malt or brewed beverages.

13 (b) Penalty.--In addition to the penalty imposed pursuant to
14 section 6310.4 (relating to restriction of operating
15 privileges), a person convicted of violating subsection (a)
16 shall be sentenced to pay a fine of \$500.

17 § 6309. Representing [to liquor dealers] that minor is of age.

18 (a) Offense defined.--A person is guilty of a misdemeanor of
19 the third degree if he knowingly, willfully, and falsely
20 represents to any licensed dealer, or other person, any minor to
21 be of full age, for the purpose of inducing any such licensed
22 dealer or other person, to sell or furnish any [intoxicating
23 liquors] liquor or malt or brewed beverages to the minor.

24 (b) Minimum penalty.--In addition to any other penalty
25 imposed pursuant to this title or other statute, a person
26 committing an offense under this section shall be sentenced to
27 pay a fine of not less than \$300. There shall be no authority in
28 any court to impose on an offender any lesser sentence than the
29 minimum sentence mandated by this subsection. In no case shall
30 the sentence exceed the maximum sentence prescribed by law.

1 § 6310. Inducement of minors to buy liquor or malt or brewed
2 beverages.

3 (a) Offense defined.--A person is guilty of a misdemeanor of
4 the third degree if he hires or requests or induces any minor to
5 purchase, or offer to purchase, [spirituous, vinous or brewed
6 and malt liquors] liquor or malt or brewed beverages from a duly
7 licensed dealer for any purpose.

8 (b) Minimum penalty.--In addition to any other penalty
9 imposed pursuant to this title or other statute, a person
10 convicted of an offense under this section shall be sentenced to
11 pay a fine of not less than \$300. There shall be no authority in
12 any court to impose on an offender any lesser sentence than the
13 minimum sentence mandated by this subsection. Nothing in this
14 section shall prevent the sentencing court from imposing a
15 sentence greater than the minimum sentence mandated in this
16 subsection. In no case shall the sentence exceed the maximum
17 sentence prescribed by law.

18 Section 2. Title 18 is amended by adding sections to read:

19 § 6310.1. Selling or furnishing liquor or malt or brewed
20 beverages to minors.

21 (a) Offense defined.--A person commits a misdemeanor of the
22 third degree if he intentionally and knowingly sells or
23 furnishes, or purchases with the intent to sell or furnish, any
24 liquor or malt or brewed beverages to a person who is less than
25 21 years of age.

26 (b) Minimum penalty.--In addition to any other penalty
27 imposed pursuant to this title or other statute, a person who is
28 convicted of violating subsection (a) shall be sentenced to pay
29 a fine of not less than \$1,000 for the first violation and a
30 fine of \$2,500 for each subsequent violation. There shall be no

1 authority in any court to impose on an offender any lesser
2 sentence than the minimum sentence mandated by this subsection.
3 Nothing in this section shall prevent the sentencing court from
4 imposing a sentence greater than the minimum sentence mandated
5 in this subsection. In no case shall the sentence exceed the
6 maximum sentence prescribed by law.

7 § 6310.2. Manufacture or sale of false identification card.

8 (a) Offense defined.--A person commits a misdemeanor of the
9 second degree if he intentionally, knowingly or recklessly
10 manufactures, makes, alters, sells or attempts to sell an
11 identification card falsely representing the identity, birth
12 date or age of another.

13 (b) Minimum penalty.--In addition to any other penalty
14 imposed pursuant to this title or any other statute, a person
15 who is convicted of violating subsection (a) shall be sentenced
16 to pay a fine of not less than \$1,000 for the first violation
17 and a fine of not less than \$2,500 for each subsequent
18 violation. There shall be no authority in any court to impose on
19 an offender any lesser sentence than the minimum sentence
20 mandated by this subsection. In no case shall the sentence
21 exceed the maximum sentence prescribed by law.

22 (c) Adjudication of delinquency.--In addition to any other
23 disposition authorized by law, a person adjudicated delinquent
24 under subsection (a) shall be ordered to pay a fine of \$500 for
25 the first adjudication of delinquency and a fine of \$1,000 for
26 each subsequent adjudication of delinquency.

27 § 6310.3. Carrying a false identification card.

28 (a) Offense defined.--A person commits a misdemeanor of the
29 third degree if he, being under 21 years of age, possesses an
30 identification card falsely identifying that person by name, age

1 or photograph as being 21 years of age or older or obtains or
2 attempts to obtain liquor or malt or brewed beverages by using
3 the identification card of another or by using an identification
4 card that has not been lawfully issued to or in the name of that
5 person.

6 (b) Minimum penalty.--In addition to any other penalty
7 imposed pursuant to section 6310.4 (relating to restriction of
8 operating privileges) or this title or any other statute, a
9 person who is convicted of violating subsection (a) shall be
10 sentenced to pay a fine of not less than \$500 for the first
11 violation and a fine of not less than \$1,000 for each subsequent
12 violation. There shall be no authority in any court to impose on
13 an offender any lesser sentence than the minimum sentence
14 mandated by this subsection. In no case shall the sentence
15 exceed the maximum sentence prescribed by law.

16 (c) Adjudication of delinquency.--In addition to any other
17 disposition authorized by law, a person adjudicated delinquent
18 under subsection (a) shall be ordered to pay a fine of \$500 for
19 the first adjudication of delinquency and a fine of \$1,000 for
20 each subsequent adjudication of delinquency.

21 § 6310.4. Restriction of operating privileges.

22 (a) General rule.--Whenever a person is convicted or is
23 adjudicated delinquent of a violation of section 6307 (relating
24 to misrepresentation of age to secure liquor or malt or brewed
25 beverages), 6308 (relating to purchase, consumption, possession
26 or transportation of liquor or malt or brewed beverages), or
27 6310.3 (relating to carrying a false identification card), the
28 court, including a court not of record if it is exercising
29 jurisdiction pursuant to 42 Pa.C.S. § 1515(a)(6) (relating to
30 jurisdiction and venue), shall require the person to immediately

surrender any driver's license issued to that person pursuant to
75 Pa.C.S. § 1510 (relating to issuance and content of driver's
license). The court shall forward the surrendered license with
the date of surrender clearly noted and, in all cases, a record
of the judgment of conviction or adjudication of delinquency to
the Department of Transportation. Acceptance of Accelerated
Rehabilitative Disposition shall be considered a conviction or
an adjudication for purposes of this section.

(b) Duration of surrender.--A driver's license surrendered
under subsection (a) shall be retained by the department for the
time specified in the following schedule:

(1) For a first offense, a period of six months from the
date of surrender.

(2) For a second offense, a period of one year from the
date of surrender.

(3) For a third offense, a period of two years from the
date of surrender.

(4) For a fourth offense, the duration of time until the
person reaches 21 years of age.

Return of surrendered licenses shall be governed by the
provisions of Title 75 (relating to vehicles), concerning the
return of a suspended license.

(c) Nondrivers.--Any person whose record is received by the
department under subsection (a) and who does not have a driver's
license shall be ineligible to apply for a learner's permit
under 75 Pa.C.S. §§ 1505 (relating to learners' permits) and
1507 (relating to application for driver's license or learner's
permit by minor) for the time periods specified in subsection
(b).

§ 6310.5. Definitions.

1 The following words and phrases when used in sections 6307
2 (relating to misrepresentation of age to secure liquor or malt
3 or brewed beverages) through 6310.3 (relating to carrying a
4 false identification card) shall have the meanings given to them
5 in this section unless the context clearly indicates otherwise:

6 "Furnish." To supply, give or provide to, or allow a minor
7 to possess on premises or property owned or controlled by the
8 person charged.

9 "Identification card." A driver's license, a Department of
10 Transportation nondriver's identification card or a card issued
11 by the Pennsylvania Liquor Control Board for the purpose of
12 identifying a person desiring liquor or malt or brewed
13 beverages, a card which falsely purports to be any of the
14 foregoing, or any card, paper or document which falsely
15 identifies the person by name, photograph, age or date of birth
16 as being 21 years of age or older.

17 "Liquor." Includes any alcoholic, spirituous, vinous,
18 fermented or other alcoholic beverage, or combination of liquors
19 and mixed liquor a part of which is spirituous, vinous,
20 fermented or otherwise alcoholic, including all drinks or
21 drinkable liquids, preparations or mixtures and reused,
22 recovered or redistilled denatured alcohol usable or taxable for
23 beverage purposes which contain more than 0.50% of alcohol by
24 volume, except pure ethyl alcohol and malt or brewed beverages.

25 "Malt or brewed beverages." Any beer, lager beer, ale,
26 porter or similar fermented malt beverage containing 0.50% or
27 more of alcohol by volume, by whatever name such beverage may be
28 called.

29 Section 3. Section 495(d) of the act of April 12, 1951
30 (P.L.90, No.21), known as the Liquor Code, is repealed.

1 Section 4. This act shall take effect in 60 days.