

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 1306 Session of  
1985

INTRODUCED BY LESCOVITZ, MAY 29, 1985

SENATOR SHUMAKER, LAW AND JUSTICE, IN SENATE, RE-REPORTED AS  
AMENDED, NOVEMBER 20, 1986

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 ~~PROVIDING FOR WINE BASED AND MALT BASED BEVERAGES; AND~~ <—  
18 FURTHER PROVIDING FOR THE POWERS AND DUTIES OF THE <—  
19 PENNSYLVANIA LIQUOR CONTROL BOARD, THE OFFICE OF ATTORNEY  
20 GENERAL; CREATING THE OFFICE OF ADMINISTRATIVE LAW JUDGE;  
21 TRANSFERRING ENFORCEMENT POWERS TO THE OFFICE OF ATTORNEY  
22 GENERAL AND DEFINING ITS POWERS AND DUTIES; ADDING PROVISIONS  
23 RELATING TO PAYMENT OF STATE TAXES; FURTHER PROVIDING FOR  
24 PENALTIES; TRANSFERRING PERSONNEL, EQUIPMENT AND  
25 APPROPRIATIONS; exempting ceramic commemorative bottle  
26 collections from certain provisions of this act; INCREASING <—  
27 FEES; CREATING A WINE DISTRIBUTOR LICENSE; AND CREATING A  
28 SPECIAL ACCOUNT.

29 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 ~~SECTION 1. SECTION 102 OF THE ACT OF APRIL 12, 1951 (P.L.90, <—~~  
3 ~~NO.21), KNOWN AS THE LIQUOR CODE, IS AMENDED BY ADDING~~  
4 ~~DEFINITIONS TO READ:~~

5 ~~SECTION 102. DEFINITIONS. THE FOLLOWING WORDS OR PHRASES,~~  
6 ~~UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, SHALL HAVE THE~~  
7 ~~MEANINGS ASCRIBED TO THEM IN THIS SECTION:~~

8 ~~\* \* \*~~

9 ~~"MALT COOLERS" SHALL MEAN A MALT OR BREWED BEVERAGE WITH AN~~  
10 ~~ALCOHOL CONTENT OF LESS THAN EIGHT PER CENTUM BY VOLUME~~  
11 ~~CONSISTING OF A BLEND OF A BARLEY BASED MALT OR BREWED BEVERAGE,~~  
12 ~~FRUIT PULP AND/OR FRUIT JUICES AND OTHER INGREDIENTS.~~

13 ~~\* \* \*~~

14 ~~"WINE COOLERS" SHALL MEAN A WINE BASED BEVERAGE WITH AN~~  
15 ~~ALCOHOL CONTENT OF LESS THAN EIGHT PER CENTUM BY VOLUME~~  
16 ~~CONSISTING OF A BLEND OF WINE, FRUIT PULP AND/OR FRUIT JUICES~~  
17 ~~AND OTHER INGREDIENTS.~~

18 ~~\* \* \*~~

19 ~~SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:~~  
20 ~~SECTION 208.1. MALT COOLERS. IN ADDITION TO ANY OTHER~~  
21 ~~POWER, DUTY OR AUTHORITY CONTAINED IN THIS ACT, THE BOARD MAY~~  
22 ~~PURCHASE FROM THE MANUFACTURER AND OFFER MALT COOLERS FOR SALE~~  
23 ~~IN THE STATE STORES.~~

24 ~~SECTION 3. SECTION 407 OF THE ACT IS AMENDED TO READ:~~

25 ~~SECTION 407. SALE OF MALT OR BREWED BEVERAGES AND WINE~~  
26 ~~COOLERS BY LIQUOR LICENSEES. EVERY LIQUOR LICENSE ISSUED TO A~~  
27 ~~HOTEL, RESTAURANT, CLUB, OR A RAILROAD, PULLMAN OR STEAMSHIP~~  
28 ~~COMPANY UNDER THIS SUBDIVISION (A) FOR THE SALE OF LIQUOR SHALL~~  
29 ~~AUTHORIZE THE LICENSEE TO SELL MALT OR BREWED BEVERAGES AND WINE~~  
30 ~~COOLERS AT THE SAME PLACES BUT SUBJECT TO THE SAME RESTRICTIONS~~

1 ~~AND PENALTIES AS APPLY TO SALES OF LIQUOR, EXCEPT THAT LICENSEES~~  
2 ~~OTHER THAN CLUBS MAY SELL MALT OR BREWED BEVERAGES AND WINE~~  
3 ~~COOLERS FOR CONSUMPTION OFF THE PREMISES WHERE SOLD IN~~  
4 ~~QUANTITIES OF NOT MORE THAN ONE HUNDRED FORTY FOUR FLUID OUNCES~~  
5 ~~IN A SINGLE SALE TO ONE PERSON. NO LICENSEE UNDER THIS~~  
6 ~~SUBDIVISION (A) SHALL AT THE SAME TIME BE THE HOLDER OF ANY~~  
7 ~~OTHER CLASS OF LICENSE, EXCEPT A RETAIL DISPENSER'S LICENSE~~  
8 ~~AUTHORIZING THE SALE OF MALT OR BREWED BEVERAGES AND WINE~~  
9 ~~COOLERS ONLY.~~

10 ~~SECTION 4. SECTION 431(A) AND (B) OF THE ACT, AMENDED AUGUST~~  
11 ~~17, 1965 (P.L.346, NO.182) AND OCTOBER 9, 1967 (P.L.395,~~  
12 ~~NO.179), ARE AMENDED TO READ:~~

13 ~~SECTION 431. MALT AND BREWED BEVERAGES MANUFACTURERS',~~  
14 ~~DISTRIBUTORS' AND IMPORTING DISTRIBUTORS' LICENSES. (A) THE~~  
15 ~~BOARD SHALL ISSUE TO ANY PERSON A RESIDENT OF THIS COMMONWEALTH~~  
16 ~~OF GOOD REPUTE WHO APPLIES THEREFOR, PAYS THE LICENSE FEE~~  
17 ~~HEREINAFTER PRESCRIBED, AND FILES THE BOND HEREINAFTER REQUIRED,~~  
18 ~~A MANUFACTURER'S LICENSE TO PRODUCE AND MANUFACTURE MALT OR~~  
19 ~~BREWED BEVERAGES, AND TO TRANSPORT, SELL AND DELIVER MALT OR~~  
20 ~~BREWED BEVERAGES AND WINE COOLERS AT OR FROM ONE OR MORE PLACES~~  
21 ~~OF MANUFACTURE OR STORAGE, ONLY IN ORIGINAL CONTAINERS, IN~~  
22 ~~QUANTITIES OF NOT LESS THAN A CASE OF TWENTY FOUR CONTAINERS,~~  
23 ~~EACH CONTAINER HOLDING SEVEN FLUID OUNCES OR MORE, OR A CASE OF~~  
24 ~~TWELVE CONTAINERS, EACH CONTAINER HOLDING TWENTY FOUR FLUID~~  
25 ~~OUNCES OR MORE, EXCEPT ORIGINAL CONTAINERS CONTAINING ONE~~  
26 ~~HUNDRED TWENTY EIGHT OUNCES OR MORE WHICH MAY BE SOLD SEPARATELY~~  
27 ~~ANYWHERE WITHIN THE COMMONWEALTH. LICENSES FOR PLACES OF STORAGE~~  
28 ~~SHALL BE LIMITED TO THOSE MAINTAINED BY MANUFACTURERS ON JULY~~  
29 ~~EIGHTEENTH, ONE THOUSAND NINE HUNDRED THIRTY FIVE, AND THE BOARD~~  
30 ~~SHALL ISSUE NO LICENSES FOR PLACES OF STORAGE IN ADDITION TO~~

1 ~~THOSE MAINTAINED ON JULY EIGHTEENTH, ONE THOUSAND NINE HUNDRED~~  
2 ~~THIRTY FIVE. THE APPLICATION FOR SUCH LICENSE SHALL BE IN SUCH~~  
3 ~~FORM AND CONTAIN SUCH INFORMATION AS THE BOARD SHALL REQUIRE.~~  
4 ~~ALL SUCH LICENSES SHALL BE GRANTED FOR THE CALENDAR YEAR. EVERY~~  
5 ~~MANUFACTURER SHALL KEEP AT HIS OR ITS PRINCIPAL PLACE OF~~  
6 ~~BUSINESS, WITHIN THE COMMONWEALTH DAILY PERMANENT RECORDS WHICH~~  
7 ~~SHALL SHOW, (1) THE QUANTITIES OF RAW MATERIALS RECEIVED AND~~  
8 ~~USED IN THE MANUFACTURE OF MALT OR BREWED BEVERAGES AND WINE~~  
9 ~~COOLERS AND THE QUANTITIES OF MALT OR BREWED BEVERAGES AND WINE~~  
10 ~~COOLERS MANUFACTURED AND STORED, (2) THE SALES OF MALT OR BREWED~~  
11 ~~BEVERAGES AND WINE COOLERS, (3) THE QUANTITIES OF MALT OR BREWED~~  
12 ~~BEVERAGES AND WINE COOLERS STORED FOR HIRE OR TRANSPORTED FOR~~  
13 ~~HIRE BY OR FOR THE LICENSEE, AND (4) THE NAMES AND ADDRESSES OF~~  
14 ~~THE PURCHASERS OR OTHER RECIPIENTS THEREOF. EVERY PLACE LICENSED~~  
15 ~~AS A MANUFACTURER SHALL BE SUBJECT TO INSPECTION BY MEMBERS OF~~  
16 ~~THE BOARD OR BY PERSONS DULY AUTHORIZED AND DESIGNATED BY THE~~  
17 ~~BOARD, AT ANY AND ALL TIMES OF THE DAY OR NIGHT, AS THEY MAY~~  
18 ~~DEEM NECESSARY, FOR THE DETECTION OF VIOLATIONS OF THIS ACT OR~~  
19 ~~OF THE RULES AND REGULATIONS OF THE BOARD, OR FOR THE PURPOSE OF~~  
20 ~~ASCERTAINING THE CORRECTNESS OF THE RECORDS REQUIRED TO BE KEPT~~  
21 ~~BY LICENSEES. THE BOOKS AND RECORDS OF SUCH LICENSEES SHALL AT~~  
22 ~~ALL TIMES BE OPEN TO INSPECTION BY MEMBERS OF THE BOARD OR BY~~  
23 ~~PERSONS DULY AUTHORIZED AND DESIGNATED BY THE BOARD. MEMBERS OF~~  
24 ~~THE BOARD AND ITS DULY AUTHORIZED AGENTS SHALL HAVE THE RIGHT,~~  
25 ~~WITHOUT HINDRANCE, TO ENTER ANY PLACE WHICH IS SUBJECT TO~~  
26 ~~INSPECTION HEREUNDER OR ANY PLACE WHERE SUCH RECORDS ARE KEPT~~  
27 ~~FOR THE PURPOSE OF MAKING SUCH INSPECTIONS AND MAKING~~  
28 ~~TRANSCRIPTS THEREOF.~~

29 ~~(B) THE BOARD SHALL ISSUE TO ANY REPUTABLE PERSON WHO~~  
30 ~~APPLIES THEREFOR, PAYS THE LICENSE FEE HEREINAFTER PRESCRIBED,~~

1 ~~AND FILES THE BOND HEREINAFTER REQUIRED, A DISTRIBUTOR'S OR~~  
2 ~~IMPORTING DISTRIBUTOR'S LICENSE FOR THE PLACE WHICH SUCH PERSON~~  
3 ~~DESIRES TO MAINTAIN FOR THE SALE OF MALT OR BREWED BEVERAGES AND~~  
4 ~~WINE COOLERS, NOT FOR CONSUMPTION ON THE PREMISES WHERE SOLD,~~  
5 ~~AND IN QUANTITIES OF NOT LESS THAN TWENTY FOUR CONTAINERS, EACH~~  
6 ~~CONTAINER HOLDING SEVEN FLUID OUNCES OR MORE, OR TWELVE~~  
7 ~~CONTAINERS, EACH CONTAINER HOLDING TWENTY FOUR FLUID OUNCES OR~~  
8 ~~MORE, EXCEPT ORIGINAL CONTAINERS CONTAINING ONE HUNDRED TWENTY-~~  
9 ~~EIGHT OUNCES OR MORE WHICH MAY BE SOLD SEPARATELY AND SUCH~~  
10 ~~CONTAINERS TO BE THE ORIGINAL CONTAINERS AS PREPARED FOR THE~~  
11 ~~MARKET BY THE MANUFACTURER AT THE PLACE OF MANUFACTURE: AND~~  
12 ~~PROVIDED FURTHER, THAT THE BOARD SHALL HAVE THE DISCRETION TO~~  
13 ~~REFUSE A LICENSE TO ANY PERSON OR TO ANY CORPORATION,~~  
14 ~~PARTNERSHIP OR ASSOCIATION IF SUCH PERSON, OR ANY OFFICER OR~~  
15 ~~DIRECTOR OF SUCH CORPORATION, OR ANY MEMBER OR PARTNER OF SUCH~~  
16 ~~PARTNERSHIP OR ASSOCIATION SHALL HAVE BEEN CONVICTED OR FOUND~~  
17 ~~GUILTY OF A FELONY WITHIN A PERIOD OF FIVE YEARS IMMEDIATELY~~  
18 ~~PRECEDING THE DATE OF APPLICATION FOR THE SAID LICENSE.~~

19 ~~EXCEPT AS HEREINAFTER PROVIDED, SUCH LICENSE SHALL AUTHORIZE~~  
20 ~~THE HOLDER THEREOF TO SELL OR DELIVER MALT OR BREWED BEVERAGES~~  
21 ~~AND WINE COOLERS IN QUANTITIES ABOVE SPECIFIED ANYWHERE WITHIN~~  
22 ~~THE COMMONWEALTH OF PENNSYLVANIA, WHICH, IN THE CASE OF~~  
23 ~~DISTRIBUTORS, HAVE BEEN PURCHASED ONLY FROM PERSONS LICENSED~~  
24 ~~UNDER THIS ACT AS MANUFACTURERS OR IMPORTING DISTRIBUTORS, AND~~  
25 ~~IN THE CASE OF IMPORTING DISTRIBUTORS, HAVE BEEN PURCHASED FROM~~  
26 ~~MANUFACTURERS OR PERSONS OUTSIDE THIS COMMONWEALTH ENGAGED IN~~  
27 ~~THE LEGAL SALE OF MALT OR BREWED BEVERAGES AND WINE COOLERS OR~~  
28 ~~FROM MANUFACTURERS OR IMPORTING DISTRIBUTORS LICENSED UNDER THIS~~  
29 ~~ARTICLE.~~

30 ~~EACH OUT OF STATE MANUFACTURER OF MALT OR BREWED BEVERAGES~~

1 ~~AND WINE COOLERS WHOSE PRODUCTS ARE SOLD AND DELIVERED IN THIS~~  
2 ~~COMMONWEALTH SHALL GIVE DISTRIBUTING RIGHTS FOR SUCH PRODUCTS IN~~  
3 ~~DESIGNATED GEOGRAPHICAL AREAS TO SPECIFIC IMPORTING~~  
4 ~~DISTRIBUTORS, AND SUCH IMPORTING DISTRIBUTOR SHALL NOT SELL OR~~  
5 ~~DELIVER MALT OR BREWED BEVERAGES AND WINE COOLERS MANUFACTURED~~  
6 ~~BY THE OUT OF STATE MANUFACTURER TO ANY PERSON ISSUED A LICENSE~~  
7 ~~UNDER THE PROVISIONS OF THIS ACT WHOSE LICENSED PREMISES ARE NOT~~  
8 ~~LOCATED WITHIN THE GEOGRAPHICAL AREA FOR WHICH HE HAS BEEN GIVEN~~  
9 ~~DISTRIBUTING RIGHTS BY SUCH MANUFACTURER: PROVIDED, THAT THE~~  
10 ~~IMPORTING DISTRIBUTOR HOLDING SUCH DISTRIBUTING RIGHTS FOR SUCH~~  
11 ~~PRODUCT SHALL NOT SELL OR DELIVER THE SAME TO ANOTHER IMPORTING~~  
12 ~~DISTRIBUTOR WITHOUT FIRST HAVING ENTERED INTO A WRITTEN~~  
13 ~~AGREEMENT WITH THE SAID SECONDARY IMPORTING DISTRIBUTOR SETTING~~  
14 ~~FORTH THE TERMS AND CONDITIONS UNDER WHICH SUCH PRODUCTS ARE TO~~  
15 ~~BE RESOLD WITHIN THE TERRITORY GRANTED TO THE PRIMARY IMPORTING~~  
16 ~~DISTRIBUTOR BY THE MANUFACTURER.~~

17 ~~WHEN A PENNSYLVANIA MANUFACTURER OF MALT OR BREWED BEVERAGES~~  
18 ~~AND WINE COOLERS LICENSED UNDER THIS ARTICLE NAMES OR~~  
19 ~~CONSTITUTES A DISTRIBUTOR OR IMPORTING DISTRIBUTOR AS THE~~  
20 ~~PRIMARY OR ORIGINAL SUPPLIER OF HIS PRODUCT, HE SHALL ALSO~~  
21 ~~DESIGNATE THE SPECIFIC GEOGRAPHICAL AREA FOR WHICH THE SAID~~  
22 ~~DISTRIBUTOR OR IMPORTING DISTRIBUTOR IS GIVEN DISTRIBUTING~~  
23 ~~RIGHTS, AND SUCH DISTRIBUTOR OR IMPORTING DISTRIBUTOR SHALL NOT~~  
24 ~~SELL OR DELIVER THE PRODUCTS OF SUCH MANUFACTURER TO ANY PERSON~~  
25 ~~ISSUED A LICENSE UNDER THE PROVISIONS OF THIS ACT WHOSE LICENSED~~  
26 ~~PREMISES ARE NOT LOCATED WITHIN THE GEOGRAPHICAL AREA FOR WHICH~~  
27 ~~DISTRIBUTING RIGHTS HAVE BEEN GIVEN TO THE DISTRIBUTOR AND~~  
28 ~~IMPORTING DISTRIBUTOR BY THE SAID MANUFACTURER: PROVIDED, THAT~~  
29 ~~THE IMPORTING DISTRIBUTOR HOLDING SUCH DISTRIBUTING RIGHTS FOR~~  
30 ~~SUCH PRODUCT SHALL NOT SELL OR DELIVER THE SAME TO ANOTHER~~

~~IMPORTING DISTRIBUTOR WITHOUT FIRST HAVING ENTERED INTO A  
WRITTEN AGREEMENT WITH THE SAID SECONDARY IMPORTING DISTRIBUTOR  
SETTING FORTH THE TERMS AND CONDITIONS UNDER WHICH SUCH PRODUCTS  
ARE TO BE RESOLD WITHIN THE TERRITORY GRANTED TO THE PRIMARY  
IMPORTING DISTRIBUTOR BY THE MANUFACTURER. NOTHING HEREIN  
CONTAINED SHALL BE CONSTRUED TO PREVENT ANY MANUFACTURER FROM  
AUTHORIZING THE IMPORTING DISTRIBUTOR HOLDING THE DISTRIBUTING  
RIGHTS FOR A DESIGNATED GEOGRAPHICAL AREA FROM SELLING THE  
PRODUCTS OF SUCH MANUFACTURER TO ANOTHER IMPORTING DISTRIBUTOR  
ALSO HOLDING DISTRIBUTING RIGHTS FROM THE SAME MANUFACTURER FOR  
ANOTHER GEOGRAPHICAL AREA, PROVIDING SUCH AUTHORITY BE CONTAINED  
IN WRITING AND A COPY THEREOF BE GIVEN TO EACH OF THE IMPORTING  
DISTRIBUTORS SO AFFECTED. ALL WINE COOLERS SHALL REMAIN SUBJECT  
TO THE ACT OF JUNE 9, 1936 (1ST SP.SESS., P.L.13, NO.4),  
ENTITLED, AS REENACTED AND AMENDED, "AN ACT IMPOSING AN  
EMERGENCY STATE TAX ON LIQUOR, AS HEREIN DEFINED, SOLD BY THE  
PENNSYLVANIA LIQUOR CONTROL BOARD; PROVIDING FOR THE COLLECTION  
AND PAYMENT OF SUCH TAX; AND IMPOSING DUTIES UPON THE DEPARTMENT  
OF REVENUE AND THE PENNSYLVANIA LIQUOR CONTROL BOARD," AND  
ARTICLE II OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS  
THE "TAX REFORM CODE OF 1971."~~

~~\* \* \*~~

~~SECTION 5. THE HEADING AND SECTION 432(F) OF THE ACT,  
AMENDED MAY 9, 1984 (P.L.246, NO.54), ARE AMENDED TO READ:~~

~~SECTION 432. MALT AND BREWED BEVERAGES AND WINE COOLERS  
RETAIL LICENSES. \* \* \*~~

~~(F) HOTEL, EATING PLACES, OR MUNICIPAL GOLF COURSE RETAIL  
DISPENSER LICENSEES WHOSE SALES OF FOOD AND NONALCOHOLIC  
BEVERAGES ARE EQUAL TO FORTY PER CENTUM (40%) OR MORE OF THE  
COMBINED GROSS SALES OF BOTH FOOD AND MALT OR BREWED BEVERAGES~~

1 ~~AND WINE COOLERS MAY SELL MALT OR BREWED BEVERAGES AND WINE~~  
2 ~~COOLERS BETWEEN THE HOURS OF ELEVEN O'CLOCK ANTEMERIDIAN ON~~  
3 ~~SUNDAY AND TWO O'CLOCK ANTEMERIDIAN ON MONDAY UPON PURCHASE OF A~~  
4 ~~SPECIAL ANNUAL PERMIT FROM THE BOARD AT A FEE OF TWO HUNDRED~~  
5 ~~DOLLARS (\$200.00) PER YEAR, WHICH SHALL BE IN ADDITION TO ANY~~  
6 ~~OTHER LICENSE FEES. PROVIDED FURTHER, THE HOLDER OF SUCH SPECIAL~~  
7 ~~ANNUAL PERMIT MAY SELL MALT OR BREWED BEVERAGES AND WINE COOLERS~~  
8 ~~AFTER SEVEN O'CLOCK ANTEMERIDIAN AND UNTIL TWO O'CLOCK~~  
9 ~~ANTEMERIDIAN OF THE FOLLOWING DAY, ON ANY DAY ON WHICH A~~  
10 ~~GENERAL, MUNICIPAL, SPECIAL OR PRIMARY ELECTION IS BEING HELD.~~

11 ~~SECTION 6. SECTION 438(A) OF THE ACT IS AMENDED TO READ:~~

12 ~~SECTION 438. NUMBER AND KINDS OF LICENSES ALLOWED SAME~~  
13 ~~LICENSEE. (A) ANY RETAIL DISPENSER MAY BE GRANTED LICENSES TO~~  
14 ~~MAINTAIN, OPERATE OR CONDUCT ANY NUMBER OF PLACES FOR THE SALE~~  
15 ~~OF MALT OR BREWED BEVERAGES AND WINE COOLERS, BUT A SEPARATE~~  
16 ~~LICENSE MUST BE SECURED FOR EACH PLACE WHERE MALT OR BREWED~~  
17 ~~BEVERAGES ARE SOLD.~~

18 ~~\* \* \*~~

19 ~~SECTION 7. SECTION 442(A) AND (B) OF THE ACT, AMENDED~~  
20 ~~OCTOBER 9, 1967 (P.L.413, NO.183) AND MAY 9, 1984 (P.L.246,~~  
21 ~~NO.54), ARE AMENDED TO READ:~~

22 ~~SECTION 442. RETAIL DISPENSERS' RESTRICTIONS ON PURCHASES~~  
23 ~~AND SALES. (A) NO RETAIL DISPENSER SHALL PURCHASE OR RECEIVE~~  
24 ~~ANY MALT OR BREWED BEVERAGES AND WINE COOLERS EXCEPT IN ORIGINAL~~  
25 ~~CONTAINERS AS PREPARED FOR THE MARKET BY THE MANUFACTURER AT THE~~  
26 ~~PLACE OF MANUFACTURE. THE RETAIL DISPENSER MAY THEREAFTER BREAK~~  
27 ~~THE BULK UPON THE LICENSED PREMISES AND SELL OR DISPENSE THE~~  
28 ~~SAME FOR CONSUMPTION ON OR OFF THE PREMISES SO LICENSED:~~  
29 ~~PROVIDED, HOWEVER, THAT NO RETAIL DISPENSER MAY SELL MALT OR~~  
30 ~~BREWED BEVERAGES AND WINE COOLERS FOR CONSUMPTION OFF THE~~



1 ~~PREMISES IN QUANTITIES IN EXCESS OF ONE HUNDRED FORTY FOUR FLUID~~  
2 ~~OUNCES: PROVIDED, FURTHER, THAT NO CLUB LICENSEE MAY SELL ANY~~  
3 ~~MALT OR BREWED BEVERAGES AND WINE COOLERS FOR CONSUMPTION OFF~~  
4 ~~THE PREMISES WHERE SOLD OR TO PERSONS NOT MEMBERS OF THE CLUB.~~

5 ~~(B) NO RETAIL DISPENSER SHALL SELL ANY MALT OR BREWED~~  
6 ~~BEVERAGES AND WINE COOLERS FOR CONSUMPTION ON THE LICENSED~~  
7 ~~PREMISES EXCEPT IN A ROOM OR ROOMS OR PLACE ON THE LICENSED~~  
8 ~~PREMISES AT ALL TIMES ACCESSIBLE TO THE USE AND ACCOMMODATION OF~~  
9 ~~THE GENERAL PUBLIC, BUT THIS SECTION SHALL NOT BE INTERPRETED TO~~  
10 ~~PROHIBIT A RETAIL DISPENSER FROM SELLING MALT OR BREWED~~  
11 ~~BEVERAGES AND WINE COOLERS IN A HOTEL OR CLUB HOUSE IN ANY ROOM~~  
12 ~~OF SUCH HOTEL OR CLUB HOUSE OCCUPIED BY A BONA FIDE REGISTERED~~  
13 ~~GUEST OR MEMBER ENTITLED TO PURCHASE THE SAME OR TO PROHIBIT A~~  
14 ~~RETAIL DISPENSER FROM SELLING MALT OR BREWED BEVERAGES AND WINE~~  
15 ~~COOLERS IN A BOWLING ALLEY WHEN NO MINORS ARE PRESENT, UNLESS~~  
16 ~~MINORS WHO ARE PRESENT ARE UNDER PROPER SUPERVISION AS DEFINED~~  
17 ~~IN SECTION 493, WHERE THE LICENSED PREMISES AND BOWLING ALLEY~~  
18 ~~ARE IMMEDIATELY ADJACENT AND UNDER THE SAME ROOF.~~

19 \* \* \*

20 ~~Section 1 8. The act of April 12, 1951 (P.L.90, No.21),~~ <—  
21 ~~known as the Liquor Code, is amended by adding a section to~~  
22 ~~read:~~

23 ~~Section 498. Exemptions for Collectors. The provisions of~~  
24 ~~sections 491 (1), (2), (3) and (11) and 493(4) and any other~~  
25 ~~provisions relating to individuals selling, purchasing, trading~~  
26 ~~or exchanging liquor shall not apply to any person who is~~  
27 ~~twenty one years of age or older who collects ceramic~~  
28 ~~commemorative bottles or packages which contain liquor and who~~  
29 ~~sells, trades or exchanges the ceramic commemorative bottles or~~  
30 ~~packages with other collectors. This exemption shall apply only~~

1 ~~if:~~

2 ~~(1) The ceramic commemorative bottle or package has an~~  
3 ~~unbroken Federal tax stamp attached.~~

4 ~~(2) The bottle or package was purchased at retail from a~~  
5 ~~State Store or lawfully imported pursuant to the regulations of~~  
6 ~~the board.~~

7 ~~(3) The sale, purchase, trade or exchange does not occur on~~  
8 ~~the premises of any licensee.~~

9 ~~(4) The sale, purchase, trade or exchange is not made for~~  
10 ~~the purpose of using the liquor for personal consumption.~~

11 ~~(5) The sale, purchase, trade or exchange is only for the~~  
12 ~~purpose of transferring ceramic commemorative bottles or~~  
13 ~~packages between private collectors.~~

14 ~~Section 2 9. This act shall take effect in 60 days.~~ <—

15 SECTION 1. THE TITLE AND TABLE OF CONTENTS OF THE ACT OF <—  
16 APRIL 12, 1951 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, ARE  
17 AMENDED TO READ:

18 AN ACT

19 RELATING TO ALCOHOLIC LIQUORS, ALCOHOL AND MALT AND BREWED

20 BEVERAGES; AMENDING, REVISING, CONSOLIDATING AND CHANGING THE

21 LAWS RELATING THERETO; REGULATING AND RESTRICTING THE

22 MANUFACTURE, PURCHASE, SALE, POSSESSION, CONSUMPTION,

23 IMPORTATION, TRANSPORTATION, FURNISHING, HOLDING IN BOND,

24 HOLDING IN STORAGE, TRAFFIC IN AND USE OF ALCOHOLIC LIQUORS,

25 ALCOHOL AND MALT AND BREWED BEVERAGES AND THE PERSONS ENGAGED

26 OR EMPLOYED THEREIN; DEFINING THE POWERS AND DUTIES OF THE

27 PENNSYLVANIA LIQUOR CONTROL BOARD, THE OFFICE OF

28 ADMINISTRATIVE LAW JUDGE, THE OFFICE OF ATTORNEY GENERAL AND

29 LAW ENFORCEMENT AGENCIES; PROVIDING FOR THE ESTABLISHMENT AND

30 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  
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14                                RESTAURANTS AND CLUBS.

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8 WITHOUT REGISTRATION.

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12 CARD.

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15 REGISTRATIONS.

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17 (D) EXEMPTIONS.

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19 SECTION 732. DISTILLERS, RECTIFIERS AND IMPORTERS.

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26 OF ACT.

27 SECTION 801. MONEYS PAID INTO LIQUOR LICENSE FUND AND  
28 RETURNED TO MUNICIPALITIES.

29 SECTION 802. MONEYS PAID INTO THE STATE STORES FUND FOR USE  
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SECTION 902. GENERAL REPEAL CLAUSE.

SECTION 2. SECTION 102 OF THE ACT, AMENDED JULY 10, 1957 (P.L.638, NO.346), AUGUST 17, 1965 (P.L.346, NO.182), DECEMBER 2, 1970 (P.L.825, NO.271), OCTOBER 11, 1972 (P.L.906, NO.215), DECEMBER 12, 1980 (P.L.1195, NO.221), DECEMBER 17, 1982 (P.L.1390, NO.319) AND MAY 2, 1986 (P.L.141, NO.44), IS AMENDED TO READ:

SECTION 102. DEFINITIONS.--THE FOLLOWING WORDS OR PHRASES, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN THIS SECTION:

"ALCOHOL" SHALL MEAN ETHYL ALCOHOL OF ANY DEGREE OF PROOF ORIGINALLY PRODUCED BY THE DISTILLATION OF ANY FERMENTED LIQUID, WHETHER RECTIFIED OR DILUTED WITH OR WITHOUT WATER, WHATEVER MAY BE THE ORIGIN THEREOF, AND SHALL INCLUDE SYNTHETIC ETHYL ALCOHOL, BUT SHALL NOT MEAN OR INCLUDE ETHYL ALCOHOL, WHETHER OR NOT DILUTED, THAT HAS BEEN DENATURED OR OTHERWISE RENDERED UNFIT FOR BEVERAGE PURPOSES.

"ASSOCIATION" SHALL MEAN A PARTNERSHIP, LIMITED PARTNERSHIP OR ANY FORM OF UNINCORPORATED ENTERPRISE OWNED BY TWO OR MORE PERSONS.

"BOARD" SHALL MEAN THE PENNSYLVANIA LIQUOR CONTROL BOARD.

"BONDED WAREHOUSE" SHALL MEAN AND INCLUDE ALL PLACES AND WAREHOUSES LEGALLY ESTABLISHED UNDER THE PROVISIONS OF THE ACTS OF CONGRESS AND THE ADMINISTRATIVE PROVISIONS OF THE INTERNAL

1 REVENUE LAWS OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA,  
2 FOR THE STORAGE, CONCENTRATION, DISTRIBUTION AND HOLDING IN  
3 BOND, (A) OF WHISKEY AND ANY OTHER POTABLE DISTILLED SPIRITS,  
4 EXCEPT ETHYL ALCOHOL, WHEN USED IN ARTICLE VII ENTITLED  
5 "DISTILLERY BONDED WAREHOUSE CERTIFICATES" AND, (B) OF ALCOHOL  
6 OR LIQUOR WHEN OTHERWISE USED.

7 "CLUB" SHALL MEAN ANY REPUTABLE GROUP OF INDIVIDUALS  
8 ASSOCIATED TOGETHER NOT FOR PROFIT FOR LEGITIMATE PURPOSES OF  
9 MUTUAL BENEFIT, ENTERTAINMENT, FELLOWSHIP OR LAWFUL CONVENIENCE,  
10 HAVING SOME PRIMARY INTEREST AND ACTIVITY TO WHICH THE SALE OF  
11 LIQUOR OR MALT AND BREWED BEVERAGES SHALL BE ONLY SECONDARY,  
12 WHICH, IF INCORPORATED, HAS BEEN IN CONTINUOUS EXISTENCE AND  
13 OPERATION FOR AT LEAST ONE YEAR, AND IF FIRST LICENSED AFTER  
14 JUNE SIXTEENTH, ONE THOUSAND NINE HUNDRED THIRTY-SEVEN, SHALL  
15 HAVE BEEN INCORPORATED IN THIS COMMONWEALTH, AND, IF  
16 UNINCORPORATED, FOR AT LEAST TEN YEARS, IMMEDIATELY PRECEDING  
17 THE DATE OF ITS APPLICATION FOR A LICENSE UNDER THIS ACT, AND  
18 WHICH REGULARLY OCCUPIES, AS OWNER OR LESSEE, A CLUBHOUSE OR  
19 QUARTERS FOR THE USE OF ITS MEMBERS. CONTINUOUS EXISTENCE MUST  
20 BE PROVEN BY SATISFACTORY EVIDENCE. THE BOARD SHALL REFUSE TO  
21 ISSUE A LICENSE IF IT APPEARS THAT THE CHARTER IS NOT IN  
22 POSSESSION OF THE ORIGINAL INCORPORATORS OR THEIR DIRECT OR  
23 LEGITIMATE SUCCESSORS. THE CLUB SHALL HOLD REGULAR MEETINGS,  
24 CONDUCT ITS BUSINESS THROUGH OFFICERS REGULARLY ELECTED, ADMIT  
25 MEMBERS BY WRITTEN APPLICATION, INVESTIGATION AND BALLOT, AND  
26 CHARGE AND COLLECT DUES FROM ELECTED MEMBERS, AND MAINTAIN SUCH  
27 RECORDS AS THE BOARD SHALL FROM TIME TO TIME PRESCRIBE, BUT ANY  
28 SUCH CLUB MAY WAIVE OR REDUCE IN AMOUNT, OR PAY FROM ITS CLUB  
29 FUNDS, THE DUES OF ANY PERSON WHO WAS A MEMBER AT THE TIME HE  
30 WAS INDUCTED INTO THE MILITARY SERVICE OF THE UNITED STATES OR

1 WAS ENROLLED IN THE ARMED FORCES OF THE UNITED STATES PURSUANT  
2 TO ANY SELECTIVE SERVICE ACT DURING THE TIME OF THE MEMBER'S  
3 ACTUAL SERVICE OR ENROLLMENT. THE TERM INCLUDES A PRIVATELY-  
4 OWNED PRIVATE GOLF COURSE.

5 "CONTAINER" SHALL MEAN AND INCLUDE ANY RECEPTACLE, VESSEL OR  
6 FORM OF PACKAGE, TANK, VAT, CASK, BARREL, DRUM, KEG, CAN, BOTTLE  
7 OR CONDUIT USED OR CAPABLE OF USE FOR HOLDING, STORING,  
8 TRANSFERRING OR SHIPMENT OF ALCOHOL LIQUOR OR MALT OR BREWED  
9 BEVERAGES.

10 "CORPORATION" SHALL MEAN A CORPORATION OR JOINT-STOCK  
11 ASSOCIATION ORGANIZED UNDER THE LAWS OF THIS COMMONWEALTH, THE  
12 UNITED STATES, OR ANY OTHER STATE, TERRITORY, OR FOREIGN COUNTRY  
13 OR DEPENDENCY.

14 "DENATURED ALCOHOL" SHALL MEAN AND INCLUDE ALL ALCOHOL OR ANY  
15 COMPOUND THEREOF WHICH BY THE ADMIXTURE OF SUCH DENATURING  
16 MATERIAL OR MATERIALS IS RENDERED UNFIT FOR USE AS A BEVERAGE.

17 "DENATURING PLANT" SHALL MEAN AND INCLUDE THE PREMISES OF A  
18 DISTILLERY USED EXCLUSIVELY FOR THE DENATURIZATION OF ALCOHOL,  
19 EITHER SPECIALLY OR COMPLETELY, BY THE ADMIXTURE OF SUCH  
20 DENATURING MATERIALS AS SHALL RENDER THE ALCOHOL OR ANY COMPOUND  
21 IN WHICH IT IS AUTHORIZED TO BE USED UNFIT FOR USE AS A  
22 BEVERAGE.

23 "DISTILLERY" SHALL MEAN AND INCLUDE ANY PREMISES OR PLANT  
24 WHEREIN ALCOHOL OR LIQUOR IS MANUFACTURED, MADE AND DISTILLED  
25 FROM RAW MATERIALS, BLENDED OR RECTIFIED, OR ANY PLACE WHEREIN  
26 ALCOHOL OR LIQUOR IS PRODUCED BY ANY METHOD SUITABLE FOR THE  
27 PRODUCTION OF ALCOHOL. THE TERM SHALL NOT INCLUDE A "WINERY"  
28 WHERE ALCOHOL IS DERIVED FROM BY-PRODUCTS OF WINE PRODUCTION BY  
29 DISTILLATION FOR THE SOLE PURPOSE OF ADDING TO THE FERMENTED  
30 PRODUCTS TO FORTIFY THE SAME.

1 "DISTILLERY BONDED WAREHOUSE CERTIFICATE" SHALL MEAN A  
2 CERTIFICATE, RECEIPT, CONTRACT OR OTHER DOCUMENT GIVEN UPON THE  
3 STORAGE OF WHISKEY OR ANY OTHER POTABLE DISTILLED SPIRITS,  
4 EXCEPT ETHYL ALCOHOL, IN A BONDED WAREHOUSE, AND EVIDENCING THE  
5 OWNERSHIP OF SUCH WHISKEY OR OTHER POTABLE DISTILLED SPIRITS.

6 "DISTILLERY CERTIFICATE BROKER" SHALL MEAN AND INCLUDE EVERY  
7 PERSON WHO ENGAGES DIRECTLY OR THROUGH AN AGENT IN SELLING,  
8 PURCHASING, EXCHANGING, OFFERING FOR SALE OR DELIVERY, OR  
9 ENTERING INTO AGREEMENTS FOR THE PURCHASE, SALE OR EXCHANGE, OR  
10 SOLICITING SUBSCRIPTIONS TO OR ORDERS FOR, OR UNDERTAKING TO  
11 DISPOSE OF, OR DEALING IN ANY MANNER IN, DISTILLERY BONDED  
12 WAREHOUSE CERTIFICATES.

13 "DISTRIBUTOR" SHALL MEAN ANY PERSON LICENSED BY THE BOARD TO:

14 (1) ENGAGE IN THE PURCHASE ONLY FROM PENNSYLVANIA  
15 MANUFACTURERS AND FROM IMPORTING DISTRIBUTORS AND THE RESALE OF  
16 MALT OR BREWED BEVERAGES, EXCEPT TO IMPORTING DISTRIBUTORS AND  
17 DISTRIBUTORS, IN THE ORIGINAL SEALED CONTAINERS AS PREPARED FOR  
18 THE MARKET BY THE MANUFACTURER AT THE PLACE OF MANUFACTURE, BUT  
19 NOT FOR CONSUMPTION ON THE PREMISES WHERE SOLD, AND IN  
20 QUANTITIES OF NOT LESS THAN A CASE OF TWENTY-FOUR CONTAINERS,  
21 EACH CONTAINER HOLDING SEVEN FLUID OUNCES OR MORE, OR A CASE OF  
22 TWELVE CONTAINERS, EACH CONTAINER HOLDING TWENTY-FOUR FLUID  
23 OUNCES OR MORE, EXCEPT ORIGINAL CONTAINERS CONTAINING ONE  
24 HUNDRED TWENTY-EIGHT OUNCES OR MORE WHICH MAY BE SOLD  
25 SEPARATELY[.]; OR

26 (2) ENGAGE IN THE PURCHASE OF WINE FROM WINERIES, LICENSED  
27 IMPORTERS OF WINE, IMPORTING DISTRIBUTORS, MASTER WINE  
28 DISTRIBUTORS OR THE BOARD FOR RESALE, EXCEPT TO IMPORTING  
29 DISTRIBUTORS AND DISTRIBUTORS, BUT NOT FOR CONSUMPTION ON THE  
30 PREMISES WHERE SOLD.

1       "DIVISION" SHALL MEAN THE LIQUOR CODE ENFORCEMENT DIVISION OF  
2       THE OFFICE OF ATTORNEY GENERAL.

3       "EATING PLACE" SHALL MEAN A PREMISE WHERE FOOD IS REGULARLY  
4       AND CUSTOMARILY PREPARED AND SOLD, HAVING A TOTAL AREA OF NOT  
5       LESS THAN THREE HUNDRED SQUARE FEET AVAILABLE TO THE PUBLIC IN  
6       ONE OR MORE ROOMS, OTHER THAN LIVING QUARTERS, AND EQUIPPED WITH  
7       TABLES AND CHAIRS ACCOMMODATING THIRTY PERSONS AT ONE TIME.

8       "GOLF COURSE" SHALL MEAN A COURSE HAVING A MINIMUM OF NINE  
9       HOLES AND A TOTAL LENGTH OF AT LEAST TWENTY-FIVE HUNDRED YARDS.  
10      THE TERM INCLUDES A PRIVATELY-OWNED PRIVATE GOLF COURSE.

11      "HOTEL" SHALL MEAN ANY REPUTABLE PLACE OPERATED BY  
12      RESPONSIBLE PERSONS OF GOOD REPUTATION WHERE THE PUBLIC MAY, FOR  
13      A CONSIDERATION, OBTAIN SLEEPING ACCOMMODATIONS AND MEALS AND  
14      WHICH, IN A CITY, HAS AT LEAST TEN, AND IN ANY OTHER PLACE AT  
15      LEAST SIX, PERMANENT BEDROOMS FOR THE USE OF GUESTS, A PUBLIC  
16      DINING ROOM OR ROOMS OPERATED BY THE SAME MANAGEMENT  
17      ACCOMMODATING AT LEAST THIRTY PERSONS AT ONE TIME, AND A  
18      KITCHEN, APART FROM THE PUBLIC DINING ROOM OR ROOMS, IN WHICH  
19      FOOD IS REGULARLY PREPARED FOR THE PUBLIC.

20      "IMPORTING DISTRIBUTOR" SHALL MEAN ANY PERSON LICENSED BY THE  
21      BOARD TO:

22      (1) ENGAGE IN THE PURCHASE FROM MANUFACTURERS AND OTHER  
23      PERSONS LOCATED OUTSIDE THIS COMMONWEALTH AND FROM PERSONS  
24      LICENSED AS MANUFACTURERS OF MALT OR BREWED BEVERAGES AND  
25      IMPORTING DISTRIBUTORS UNDER THIS ACT, AND THE RESALE OF MALT OR  
26      BREWED BEVERAGES IN THE ORIGINAL SEALED CONTAINERS AS PREPARED  
27      FOR THE MARKET BY THE MANUFACTURER AT THE PLACE OF MANUFACTURE,  
28      BUT NOT FOR CONSUMPTION ON THE PREMISES WHERE SOLD, AND IN  
29      QUANTITIES OF NOT LESS THAN A CASE OF TWENTY-FOUR CONTAINERS,  
30      EACH CONTAINER HOLDING SEVEN FLUID OUNCES OR MORE, OR A CASE OF

1 TWELVE CONTAINERS, EACH CONTAINER HOLDING TWENTY-FOUR FLUID  
2 OUNCES OR MORE, EXCEPT ORIGINAL CONTAINERS CONTAINING ONE  
3 HUNDRED TWENTY-EIGHT OUNCES OR MORE WHICH MAY BE SOLD  
4 SEPARATELY[.]; OR

5 (2) ENGAGE IN THE PURCHASE OF WINE FROM MASTER WINE  
6 DISTRIBUTORS, WINERIES, LICENSED IMPORTERS OF WINE, IMPORTING  
7 DISTRIBUTORS OR THE BOARD FOR RESALE BUT NOT FOR CONSUMPTION ON  
8 THE PREMISES.

9 "LAW ENFORCEMENT AGENCY" SHALL INCLUDE, BUT NOT BE LIMITED  
10 TO, COUNTY DETECTIVES, THE LIQUOR CODE ENFORCEMENT DIVISION OF  
11 THE OFFICE OF ATTORNEY GENERAL, THE BUREAU OF CRIMINAL  
12 INVESTIGATIONS OF THE OFFICE OF ATTORNEY GENERAL AND THE  
13 PENNSYLVANIA STATE POLICE.

14 "LIMITED WINERY" SHALL MEAN A WINERY WITH A MAXIMUM OUTPUT OF  
15 [ONE HUNDRED THOUSAND (100,000)] FIVE HUNDRED THOUSAND (500,000)  
16 GALLONS PER YEAR.

17 "LIQUOR" SHALL MEAN AND INCLUDE ANY ALCOHOLIC, SPIRITUOUS,  
18 VINOUS, FERMENTED OR OTHER ALCOHOLIC BEVERAGE, OR COMBINATION OF  
19 LIQUORS 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 ONE-HALF OF ONE PER  
24 CENT OF ALCOHOL BY VOLUME, EXCEPT PURE ETHYL ALCOHOL AND MALT OR  
25 BREWED BEVERAGES.

26 "MALT OR BREWED BEVERAGES" MEANS ANY BEER, LAGER BEER, ALE,  
27 PORTER OR SIMILAR FERMENTED MALT BEVERAGE CONTAINING ONE-HALF OF  
28 ONE PER CENTUM OR MORE OF ALCOHOL BY VOLUME, BY WHATEVER NAME  
29 SUCH BEVERAGE MAY BE CALLED.

30 "MANUFACTURE", WHEN THE TERM IS APPLIED TO MALT OR BREWED



1 BEVERAGES, SHALL MEAN AND INCLUDE ALL MEANS, METHODS AND  
2 PROCESSES USED, EMPLOYED AND MADE USE OF, TO PRODUCE, MAKE AND  
3 MANUFACTURE FOR COMMERCIAL PURPOSES, MALT OR BREWED BEVERAGES  
4 FROM RAW MATERIALS; WHEN APPLIED OTHERWISE, IT SHALL MEAN AND  
5 INCLUDE ALL MEANS, METHODS AND PROCESSES USED, EMPLOYED AND MADE  
6 USE OF, TO PRODUCE AND MAKE ALCOHOL OR LIQUOR FROM RAW  
7 MATERIALS, AND SHALL MEAN AND INCLUDE RECTIFICATION AND BLENDING  
8 OF ALCOHOL AND LIQUOR, THE PRODUCTION, RECOVERY OR REUSE OF  
9 ALCOHOL IN THE MAKING, DEVELOPING, USING IN THE PROCESS OF  
10 MANUFACTURE, DENATURING, REDISTILLING OR RECOVERING OF ANY  
11 ALCOHOL OR LIQUOR IN DISTILLERIES, DENATURING PLANTS AND  
12 WINERIES.

13 "MANUFACTURER" SHALL MEAN ANY PERSON, ASSOCIATION OR  
14 CORPORATION ENGAGED IN THE PRODUCING, MANUFACTURING, DISTILLING,  
15 RECTIFYING OR COMPOUNDING OF LIQUOR, ALCOHOL OR MALT OR BREWED  
16 BEVERAGES IN THIS COMMONWEALTH OR ELSEWHERE.

17 "MANUFACTURER OF MALT OR BREWED BEVERAGES" SHALL MEAN ANY  
18 PERSON HOLDING A LICENSE ISSUED BY THE BOARD TO ENGAGE IN THE  
19 MANUFACTURE, TRANSPORTATION AND SALE OF MALT OR BREWED  
20 BEVERAGES; ALSO, ANY PERSON ENGAGED IN THE LEGAL MANUFACTURE OF  
21 MALT OR BREWED BEVERAGES WITHIN THE TERRITORIAL LIMITS OF THE  
22 UNITED STATES, OUTSIDE THE COMMONWEALTH OF PENNSYLVANIA.

23 "MASTER WINE DISTRIBUTOR" SHALL MEAN ANY IMPORTING  
24 DISTRIBUTOR, LICENSED WINE IMPORTER OR LIMITED WINERY WHO  
25 SECURES, IN WRITING, FROM THE MANUFACTURER AN EXCLUSIVE  
26 GEOGRAPHICAL TERRITORY TO MARKET AND DISTRIBUTE THAT  
27 MANUFACTURER'S WINE PRODUCTS.

28 "MUNICIPALITY" SHALL MEAN ANY CITY, BOROUGH, INCORPORATED  
29 TOWN, OR TOWNSHIP OF THIS COMMONWEALTH.

30 "ORIGINAL CONTAINER" SHALL MEAN ALL BOTTLES, CASKS, KEGS OR

1 OTHER SUITABLE CONTAINERS THAT HAVE BEEN SECURELY CAPPED, SEALED  
2 OR CORKED BY THE MANUFACTURER OF MALT OR BREWED BEVERAGES AT THE  
3 PLACE OF MANUFACTURE, WITH THE NAME AND ADDRESS OF THE  
4 MANUFACTURER OF THE MALT OR BREWED BEVERAGES CONTAINED OR TO BE  
5 CONTAINED THEREIN PERMANENTLY AFFIXED TO THE BOTTLE, CASK, KEG  
6 OR OTHER CONTAINER, OR IN THE CASE OF A BOTTLE OR CAN, TO THE  
7 CAP OR CORK USED IN SEALING THE SAME OR TO A LABEL SECURELY  
8 AFFIXED TO A BOTTLE OR CAN.

9 "PACKAGE" SHALL MEAN ANY CONTAINER OR CONTAINERS OR  
10 RECEPTACLE OR RECEPTACLES USED FOR HOLDING LIQUOR OR ALCOHOL AS  
11 MARKETING BY THE MANUFACTURER.

12 "PERFORMING ARTS FACILITIES" SHALL MEAN THOSE HALLS OR  
13 THEATERS IN WHICH LIVE MUSICAL, CONCERT, DANCE, BALLET AND  
14 LEGITIMATE PLAY BOOK-LENGTH PRODUCTIONS ARE PERFORMED.  
15 PERFORMING ARTS FACILITIES SHALL NOT MEAN THOSE HALLS OR  
16 THEATERS IN WHICH BURLESQUE SHOWS OR REVIEWS ARE PERFORMED.

17 "PERSON" SHALL MEAN A NATURAL PERSON, ASSOCIATION OR  
18 CORPORATION. WHENEVER USED IN A CLAUSE PRESCRIBING OR IMPOSING A  
19 FINE OR IMPRISONMENT OR BOTH, THE TERM "PERSON", AS APPLIED TO  
20 "ASSOCIATION", SHALL MEAN THE PARTNERS OR MEMBERS THEREOF, AND  
21 AS APPLIED TO "CORPORATION", SHALL MEAN THE OFFICERS THEREOF,  
22 EXCEPT, AS TO INCORPORATED CLUBS, THE TERM "PERSON" SHALL MEAN  
23 SUCH INDIVIDUAL OR INDIVIDUALS WHO, UNDER THE BY-LAWS OF SUCH  
24 CLUB, SHALL HAVE JURISDICTION OVER THE POSSESSION AND SALE OF  
25 LIQUOR THEREIN.

26 "POPULATION" SHALL MEAN THE NUMBER OF INHABITANTS AS  
27 DETERMINED BY THE LAST PRECEDING DECENNIAL CENSUS OF THE UNITED  
28 STATES, OR BY ANY OTHER CENSUS SUBSEQUENTLY TAKEN BY THE CENSUS  
29 BUREAU OF THE UNITED STATES AND SO CERTIFIED BY IT: PROVIDED,  
30 HOWEVER, THAT SUCH OTHER CENSUS SHALL NOT BE A BASIS FOR THE

1   FIXING OF LICENSE FEES AS PROVIDED IN ARTICLE IV. SECTIONS 405  
2   AND 439.

3       "POTABLE DISTILLED SPIRITS" SHALL MEAN AND INCLUDE ANY  
4   DISTILLATE FROM GRAINS, WINE, FRUITS, VEGETABLES OR MOLASSES,  
5   EXCEPT ETHYL ALCOHOL, CAPABLE OF BEING USED FOR BEVERAGE  
6   PURPOSES.

7       "REGULATION" SHALL MEAN ANY REGULATION PRESCRIBED BY THE  
8   BOARD OR THE ATTORNEY GENERAL FOR CARRYING OUT THE PROVISIONS OF  
9   THIS ACT.

10      "RESTAURANT" SHALL MEAN A REPUTABLE PLACE OPERATED BY  
11   RESPONSIBLE PERSONS OF GOOD REPUTATION AND HABITUALLY AND  
12   PRINCIPALLY USED FOR THE PURPOSE OF PROVIDING FOOD FOR THE  
13   PUBLIC, THE PLACE TO HAVE AN AREA WITHIN A BUILDING OF NOT LESS  
14   THAN FOUR HUNDRED SQUARE FEET, EQUIPPED WITH TABLES AND CHAIRS  
15   ACCOMMODATING AT LEAST THIRTY PERSONS AT ONE TIME.

16      "RETAIL DISPENSER" SHALL MEAN ANY PERSON LICENSED TO ENGAGE  
17   IN THE RETAIL SALE OF MALT OR BREWED BEVERAGES AND WINE FOR  
18   CONSUMPTION ON THE PREMISES OF SUCH LICENSEE, WITH THE PRIVILEGE  
19   OF SELLING MALT OR BREWED BEVERAGES AND WINE COOLERS IN  
20   QUANTITIES NOT IN EXCESS OF ONE HUNDRED FORTY-FOUR FLUID OUNCES  
21   IN A SINGLE SALE TO ONE PERSON OR WINE IN QUANTITIES OF NOT MORE  
22   THAN TWO AND TWENTY-FIVE HUNDREDTHS LITERS IN A SINGLE SALE TO  
23   ONE PERSON, TO BE CARRIED FROM THE PREMISES BY THE PURCHASER  
24   THEREOF.

25      "SALE" OR "SELL" SHALL INCLUDE ANY TRANSFER OF LIQUOR,  
26   ALCOHOL OR MALT OR BREWED BEVERAGES FOR A CONSIDERATION.

27      "WHISKEY" SHALL MEAN AND INCLUDE ANY ALCOHOLIC DISTILLATE  
28   FROM A FERMENTED MASH OF GRAIN, CAPABLE OF BEING USED FOR  
29   BEVERAGE PURPOSES.

30      "WINE" SHALL MEAN ANY BEVERAGE CONTAINING MORE THAN ONE-HALF

OF ONE PER CENTUM AND NOT MORE THAN TWENTY-FOUR PER CENTUM  
ABSOLUTE ALCOHOL BY VOLUME OBTAINED BY THE FERMENTATION OF THE  
NATURAL SUGAR CONTENTS OF FRUITS OR OTHER AGRICULTURAL PRODUCTS  
CONTAINING SUGAR, INCLUDING ALL NATURAL WINES AND FORTIFIED  
WINES WITHIN THE ABOVE LIMITS, BUT NOT INCLUDING ANY BEVERAGE  
KNOWN AS BEER, LAGER BEER, ALE, PORTER OR SIMILAR FERMENTED MALT  
LIQUOR OBTAINED BY ALCOHOLIC FERMENTATION OF AN INFUSION OR  
DECOCTION OF BARLEY, MALT AND HOPS IN WATER.

"WINERY" SHALL MEAN AND INCLUDE ANY PREMISES AND PLANTS WHERE  
ANY ALCOHOL OR LIQUOR IS PRODUCED BY THE PROCESS BY WHICH WINE  
IS PRODUCED, OR PREMISES AND PLANTS WHEREIN LIQUID SUCH AS WINE  
IS PRODUCED; AND SHALL INCLUDE THE MANUFACTURE BY DISTILLATION  
OF ALCOHOL FROM THE BY-PRODUCTS OF WINE FERMENTATION WHEN THE  
ALCOHOL SO DERIVED IS USED SOLELY TO FORTIFY THE FERMENTED  
PRODUCTS, UNDER SUCH REGULATIONS AS ARE OR MAY BE PROMULGATED BY  
THE PROPER AGENCY OF THE UNITED STATES GOVERNMENT, AND SUCH  
ALCOHOL, FOR THAT PURPOSE ONLY, MAY BE SOLD OR EXCHANGED BETWEEN  
WINERIES HOLDING PERMITS IN THIS COMMONWEALTH, WITHOUT  
RESTRICTION.

"WINE COOLERS" SHALL MEAN A WINE-BASED BEVERAGE WITH AN  
ALCOHOL CONTENT OF LESS THAN EIGHT PER CENTUM CONSISTING OF A  
BLEND OF WINE, FRUIT PULP AND/OR FRUIT JUICES AND OTHER  
INGREDIENTS.

"WINE DISTRIBUTOR" SHALL MEAN ANY PERSON LICENSED BY THE  
BOARD TO:

(1) ENGAGE IN THE PURCHASE ONLY FROM PENNSYLVANIA  
MANUFACTURERS, MASTER WINE DISTRIBUTORS OR IMPORTING  
DISTRIBUTORS AND IN THE RESALE OF WINE, EXCEPT TO IMPORTING  
DISTRIBUTORS AND DISTRIBUTORS, IN THE ORIGINAL SEALED CONTAINERS  
AS PREPARED FOR THE MARKET BY THE MANUFACTURER AT THE PLACE OF

1 MANUFACTURE, BUT NOT FOR CONSUMPTION ON THE PREMISES WHERE SOLD;  
2 OR  
3 (2) ENGAGE IN THE PURCHASE OF WINE FROM MASTER WINE  
4 DISTRIBUTORS, WINERIES, LICENSED IMPORTERS OF WINE, IMPORTING  
5 DISTRIBUTORS OR THE BOARD FOR RESALE EXCEPT TO IMPORTING  
6 DISTRIBUTORS, WINE DISTRIBUTORS AND DISTRIBUTORS, BUT NOT FOR  
7 CONSUMPTION ON THE PREMISES WHERE SOLD.

8 SECTION 3. SECTION 104 OF THE ACT IS AMENDED TO READ:

9 SECTION 104. INTERPRETATION OF ACT.--(A) THIS ACT SHALL BE  
10 DEEMED AN EXERCISE OF THE POLICE POWER OF THE COMMONWEALTH FOR  
11 THE PROTECTION OF THE PUBLIC WELFARE, HEALTH, PEACE AND MORALS  
12 OF THE PEOPLE OF THE COMMONWEALTH AND TO PROHIBIT FOREVER THE  
13 OPEN SALOON, AND ALL OF THE PROVISIONS OF THIS ACT SHALL BE  
14 LIBERALLY CONSTRUED FOR THE ACCOMPLISHMENT OF THIS PURPOSE.

15 (B) THE PROVISIONS OF THIS ACT ARE SEVERABLE AND IF ANY OF  
16 ITS PROVISIONS SHALL BE HELD UNCONSTITUTIONAL THE DECISION OF  
17 THE COURT SHALL NOT AFFECT OR IMPAIR ANY OF THE REMAINING  
18 PROVISIONS OF THIS ACT. IT IS HEREBY DECLARED TO BE THE  
19 LEGISLATIVE INTENT THAT THIS ACT WOULD HAVE BEEN ADOPTED HAD  
20 SUCH UNCONSTITUTIONAL PROVISIONS NOT BEEN INCLUDED HEREIN.

21 (C) EXCEPT AS OTHERWISE EXPRESSLY PROVIDED, THE PURPOSE OF  
22 THIS ACT IS TO PROHIBIT THE MANUFACTURE OF AND TRANSACTIONS IN  
23 LIQUOR, ALCOHOL AND MALT OR BREWED BEVERAGES WHICH TAKE PLACE IN  
24 THIS COMMONWEALTH, EXCEPT BY AND UNDER THE CONTROL OF THE BOARD  
25 OR THE DIVISION, AS HEREIN SPECIFICALLY PROVIDED, AND EVERY  
26 SECTION AND PROVISION OF THE ACT SHALL BE CONSTRUED ACCORDINGLY.  
27 THE PROVISIONS OF THIS ACT DEALING WITH THE MANUFACTURE,  
28 IMPORTATION, SALE AND DISPOSITION OF LIQUOR, ALCOHOL AND MALT OR  
29 BREWED BEVERAGES WITHIN THE COMMONWEALTH THROUGH THE  
30 INSTRUMENTALITY OF THE BOARD, THE DIVISION AND OTHERWISE,

1 PROVIDE THE MEANS BY WHICH SUCH CONTROL SHALL BE MADE EFFECTIVE.  
2 THIS ACT SHALL NOT BE CONSTRUED AS FORBIDDING, AFFECTING OR  
3 REGULATING ANY TRANSACTION WHICH IS NOT SUBJECT TO THE  
4 LEGISLATIVE AUTHORITY OF THIS COMMONWEALTH.

5 (D) ANY REFERENCE IN THIS ACT TO THE PROVISIONS OF LAW ON  
6 ANY SUBJECT SHALL APPLY TO STATUTES BECOMING EFFECTIVE AFTER THE  
7 EFFECTIVE DATE OF THIS ACT AS WELL AS TO THOSE THEN IN  
8 EXISTENCE.

9 (E) SECTION HEADINGS SHALL NOT BE TAKEN TO GOVERN OR LIMIT  
10 THE SCOPE OF THE SECTIONS OF THIS ACT. THE SINGULAR SHALL  
11 INCLUDE THE PLURAL AND THE MASCULINE SHALL INCLUDE THE FEMININE  
12 AND THE NEUTER.

13 SECTION 4. THE HEADING OF ARTICLE II OF THE ACT IS AMENDED  
14 TO READ:

15 ARTICLE II.

16 [PENNSYLVANIA LIQUOR CONTROL BOARD.]

17 ADMINISTRATION AND ENFORCEMENT.

18 SECTION 5. SECTION 201 OF THE ACT, AMENDED NOVEMBER 23, 1976  
19 (P.L.1123, NO.235), IS AMENDED TO READ:

20 SECTION 201. APPOINTMENT OF MEMBERS; TERMS; SALARIES.--AN  
21 INDEPENDENT ADMINISTRATIVE BOARD TO BE KNOWN AS THE  
22 "PENNSYLVANIA LIQUOR CONTROL BOARD" IS HEREBY CREATED. THE BOARD  
23 SHALL CONSIST OF THREE MEMBERS TO BE APPOINTED BY THE GOVERNOR  
24 BY AND WITH THE ADVICE AND CONSENT OF [TWO-THIRDS] A MAJORITY OF  
25 ALL THE MEMBERS OF THE SENATE. [OF THE ORIGINAL MEMBERS, ONE  
26 SHALL BE APPOINTED FOR A TERM OF TWO YEARS, ONE FOR A TERM OF  
27 FOUR YEARS, AND ONE FOR A TERM OF SIX YEARS FROM THE DATE OF HIS  
28 APPOINTMENT AND UNTIL HIS SUCCESSOR SHALL HAVE BEEN APPOINTED  
29 AND QUALIFIED. THEREAFTER, ALL] EXCEPT WHEN A MEMBER IS  
30 APPOINTED TO FILL AN UNEXPIRED TERM ALL APPOINTMENTS SHALL BE

1 FOR TERMS OF SIX YEARS OR UNTIL SUCCESSORS ARE APPOINTED AND  
2 QUALIFIED. NO MEMBER SHALL SERVE MORE THAN NINETY (90) DAYS  
3 BEYOND THE EXPIRATION OF HIS TERM. EACH OF THE MEMBERS SHALL  
4 RECEIVE AN ANNUAL SALARY OF TWENTY-FOUR THOUSAND DOLLARS  
5 (\$24,000), EXCEPT THE CHAIRMAN, WHO SHALL RECEIVE AN ANNUAL  
6 SALARY OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000).

7 SECTION 6. SECTION 205 OF THE ACT IS AMENDED TO READ:

8 SECTION 205. BONDS REQUIRED OF MEMBERS AND SECRETARY.--  
9 BEFORE ENTERING UPON THE DUTIES OF THEIR RESPECTIVE OFFICES OR  
10 POSITIONS, EACH MEMBER OF THE BOARD AND THE SECRETARY SHALL  
11 EXECUTE AND FILE WITH THE STATE TREASURER A BOND IN SUCH PENAL  
12 SUM AS SHALL BE FIXED BY THE EXECUTIVE BOARD OF THIS  
13 COMMONWEALTH UPON RECOMMENDATION OF THE GOVERNOR, BUT THE AMOUNT  
14 OF ANY SUCH BOND SHALL NOT BE LESS THAN TEN THOUSAND DOLLARS  
15 (\$10,000). BONDS IN SUCH PENAL SUMS AS SHALL BE FIXED BY THE  
16 EXECUTIVE BOARD LIKEWISE SHALL BE EXECUTED AND FILED WITH THE  
17 STATE TREASURER BY SUCH EMPLOYEES OF THE PENNSYLVANIA LIQUOR  
18 CONTROL BOARD AS THE HEAD OF SUCH BOARD SHALL, WITH THE APPROVAL  
19 OF THE EXECUTIVE BOARD, PRESCRIBE. SUCH BONDS SHALL BE PAYABLE  
20 TO THE COMMONWEALTH OF PENNSYLVANIA AND SHALL BE CONDITIONED FOR  
21 THE FAITHFUL PERFORMANCE OF THE MEMBERS', SECRETARY'S OR  
22 EMPLOYEES' DUTIES IMPOSED BY LAW OR BY LAWFUL AUTHORITY AND THAT  
23 THE PERSON BONDED WILL NOT KNOWINGLY VIOLATE THE PROVISIONS OF  
24 THIS ACT. ALL BONDS REQUIRED TO BE GIVEN UNDER THIS SECTION  
25 SHALL, BEFORE BEING ACCEPTED BY THE STATE TREASURER, BE APPROVED  
26 BY THE [DEPARTMENT OF JUSTICE] OFFICE OF ATTORNEY GENERAL, AND  
27 UNLESS THE COMMONWEALTH SHALL ESTABLISH ITS OWN INDEMNITY FUND,  
28 ALL SUCH BONDS SHALL BE GIVEN WITH SECURITY APPROVED BY THE  
29 [DEPARTMENT OF JUSTICE] OFFICE OF ATTORNEY GENERAL. IF THE  
30 COMMONWEALTH SHALL ESTABLISH ITS OWN INDEMNITY FUND, THE

1 EXECUTIVE BOARD MAY, NEVERTHELESS, REQUIRE ANY BOND GIVEN  
2 HEREUNDER TO BE EXECUTED BY A SURETY OR SURETIES SATISFACTORY TO  
3 THE [DEPARTMENT OF JUSTICE] OFFICE OF ATTORNEY GENERAL. THE COST  
4 OF SUCH BONDS REQUIRED TO BE EXECUTED BY A SURETY OR SURETIES  
5 SHALL BE BORNE BY THE BOARD AS PART OF ITS OPERATING EXPENSE.

6 SECTION 7. SECTION 207 OF THE ACT, AMENDED MAY 25, 1956  
7 (1955 P.L.1743, NO.583), JANUARY 13, 1966 (1965 P.L.1301,  
8 NO.518), JUNE 17, 1971 (P.L.180, NO.22) AND JULY 27, 1973  
9 (P.L.247, NO.70), IS AMENDED TO READ:

10 SECTION 207. GENERAL POWERS OF BOARD.--UNDER THIS ACT, THE  
11 BOARD SHALL HAVE THE POWER AND ITS DUTY SHALL BE:

12 (A) TO BUY, IMPORT OR HAVE IN ITS POSSESSION FOR SALE, AND  
13 SELL LIQUOR AND ALCOHOL IN THE MANNER SET FORTH IN THIS ACT:  
14 PROVIDED, HOWEVER, THAT ALL PURCHASES SHALL BE MADE SUBJECT TO  
15 THE APPROVAL OF THE STATE TREASURER, OR HIS DESIGNATED DEPUTY.

16 (B) TO CONTROL THE MANUFACTURE, POSSESSION, SALE,  
17 CONSUMPTION, IMPORTATION, USE, STORAGE, TRANSPORTATION AND  
18 DELIVERY OF LIQUOR, ALCOHOL AND MALT OR BREWED BEVERAGES IN  
19 ACCORDANCE WITH THE PROVISIONS OF THIS ACT, AND TO FIX THE  
20 WHOLESALE AND RETAIL PRICES AT WHICH LIQUORS AND ALCOHOL SHALL  
21 BE SOLD AT PENNSYLVANIA LIQUOR STORES: PROVIDED, THAT IN FIXING  
22 THE [SALE] RETAIL PRICES, THE BOARD SHALL NOT GIVE ANY  
23 PREFERENCE OR MAKE ANY DISCRIMINATION AS TO CLASSES, BRANDS OR  
24 OTHERWISE, EXCEPT TO THE EXTENT AND FOR THE LENGTH OF TIME  
25 NECESSARY TO SELL SUCH CLASSES OR BRANDS IN COMPLIANCE WITH ANY  
26 FEDERAL ACTION FREEZING OR OTHERWISE CONTROLLING THE PRICE OF  
27 SAID CLASSES OR BRANDS, OR EXCEPT WHERE SPECIAL SALES ARE DEEMED  
28 NECESSARY TO MOVE UNSALEABLE MERCHANDISE, OR EXCEPT WHERE THE  
29 ADDITION OF A SERVICE OR HANDLING CHARGE TO THE FIXED SALES  
30 PRICE OF ANY MERCHANDISE IN THE SAME COMPARABLE PRICE BRACKET,



1 REGARDLESS OF CLASS, BRAND OR OTHERWISE, IS, IN THE OPINION OF  
2 THE BOARD, REQUIRED FOR THE EFFICIENT OPERATION OF THE STATE  
3 STORE SYSTEM. THE BOARD SHALL REQUIRE EACH PENNSYLVANIA  
4 MANUFACTURER AND EACH NONRESIDENT MANUFACTURER OF LIQUORS, OTHER  
5 THAN WINE, SELLING SUCH LIQUORS TO THE BOARD, WHICH ARE NOT  
6 MANUFACTURED IN THIS COMMONWEALTH, TO MAKE APPLICATION FOR AND  
7 BE GRANTED A PERMIT BY THE BOARD BEFORE SUCH LIQUORS NOT  
8 MANUFACTURED IN THIS COMMONWEALTH SHALL BE PURCHASED FROM SUCH  
9 MANUFACTURER. EACH SUCH MANUFACTURER SHALL PAY FOR SUCH PERMIT A  
10 FEE WHICH, IN THE CASE OF A MANUFACTURER OF THIS COMMONWEALTH,  
11 SHALL BE EQUAL TO THAT REQUIRED TO BE PAID, IF ANY, BY A  
12 MANUFACTURER OR WHOLESALER OF THE STATE, TERRITORY OR COUNTRY OF  
13 ORIGIN OF THE LIQUORS, FOR SELLING LIQUORS MANUFACTURED IN  
14 PENNSYLVANIA, AND IN THE CASE OF A NONRESIDENT MANUFACTURER,  
15 SHALL BE EQUAL TO THAT REQUIRED TO BE PAID, IF ANY, IN SUCH  
16 STATE, TERRITORY OR COUNTRY BY PENNSYLVANIA MANUFACTURERS DOING  
17 BUSINESS IN SUCH STATE, TERRITORY OR COUNTRY. IN THE EVENT THAT  
18 ANY SUCH MANUFACTURER SHALL, IN THE OPINION OF THE BOARD, SELL  
19 OR ATTEMPT TO SELL LIQUORS TO THE BOARD THROUGH ANOTHER PERSON  
20 FOR THE PURPOSE OF EVADING THIS PROVISION RELATING TO PERMITS,  
21 THE BOARD SHALL REQUIRE SUCH PERSON, BEFORE PURCHASING LIQUORS  
22 FROM HIM OR IT, TO TAKE OUT A PERMIT AND PAY THE SAME FEE AS  
23 HEREINBEFORE REQUIRED TO BE PAID BY SUCH MANUFACTURER. ALL  
24 PERMIT FEES SO COLLECTED SHALL BE PAID INTO THE STATE STORES  
25 FUND. THE BOARD SHALL NOT PURCHASE ANY ALCOHOL OR LIQUOR  
26 FERMENTED, DISTILLED, RECTIFIED, COMPOUNDED OR BOTTLED IN ANY  
27 STATE, TERRITORY OR COUNTRY, THE LAWS OF WHICH RESULT IN  
28 PROHIBITING THE IMPORTATION THEREIN OF ALCOHOL OR LIQUOR,  
29 FERMENTED, DISTILLED, RECTIFIED, COMPOUNDED OR BOTTLED IN  
30 PENNSYLVANIA.

1 (C) TO DETERMINE THE MUNICIPALITIES WITHIN WHICH  
2 PENNSYLVANIA LIQUOR STORES SHALL BE ESTABLISHED AND THE  
3 LOCATIONS OF THE STORES WITHIN SUCH MUNICIPALITIES.

4 (D) TO GRANT, ISSUE, SUSPEND AND REVOKE ALL LICENSES AND  
5 PERMITS AUTHORIZED TO BE ISSUED UNDER THIS ACT AND THE  
6 REGULATIONS OF THE BOARD AND IMPOSE FINES ON LICENSEES LICENSED  
7 UNDER THIS ACT.

8 (E) THROUGH THE DEPARTMENT OF [PROPERTY AND SUPPLIES]  
9 GENERAL SERVICES AS AGENT, TO LEASE AND FURNISH AND EQUIP SUCH  
10 BUILDINGS, ROOMS AND OTHER ACCOMMODATIONS AS SHALL BE REQUIRED  
11 FOR THE OPERATION OF THIS ACT.

12 (F) TO APPOINT, FIX THE COMPENSATION AND DEFINE THE POWERS  
13 AND DUTIES OF SUCH MANAGERS, [OFFICERS,] INSPECTORS, EXAMINERS,  
14 CLERKS AND OTHER EMPLOYEES AS SHALL BE REQUIRED FOR THE OPERATION  
15 OF THIS ACT, SUBJECT TO THE PROVISIONS OF THE ADMINISTRATIVE  
16 CODE OF 1929 AND THE CIVIL SERVICE ACT.

17 (G) TO DETERMINE THE NATURE, FORM AND CAPACITY OF ALL  
18 PACKAGES AND ORIGINAL CONTAINERS TO BE USED FOR CONTAINING  
19 LIQUOR, ALCOHOL OR MALT OR BREWED BEVERAGES.

20 (H) WITHOUT IN ANY WAY LIMITING OR BEING LIMITED BY THE  
21 FOREGOING, TO DO ALL SUCH THINGS AND PERFORM ALL SUCH ACTS AS  
22 ARE DEEMED NECESSARY OR ADVISABLE FOR THE PURPOSE OF CARRYING  
23 INTO EFFECT THE PROVISIONS OF THIS ACT AND THE REGULATIONS MADE  
24 THEREUNDER.

25 (I) FROM TIME TO TIME, TO MAKE SUCH REGULATIONS NOT  
26 INCONSISTENT WITH THIS ACT AS IT MAY DEEM NECESSARY FOR THE  
27 EFFICIENT ADMINISTRATION OF THIS ACT. THE BOARD SHALL CAUSE SUCH  
28 REGULATIONS TO BE PUBLISHED AND DISSEMINATED THROUGHOUT THE  
29 COMMONWEALTH IN SUCH MANNER AS IT SHALL DEEM NECESSARY AND  
30 ADVISABLE OR AS MAY BE PROVIDED BY LAW. SUCH REGULATIONS ADOPTED

1 BY THE BOARD SHALL HAVE THE SAME FORCE AS IF THEY FORMED A PART  
2 OF THIS ACT.

3 [(J) TO INVESTIGATE, WHENEVER ANY PERSON COMPLAINS, OR WHEN  
4 THE BOARD IS AWARE THAT THERE IS REASONABLE GROUNDS TO BELIEVE  
5 LIQUOR OR MALT OR BREWED BEVERAGE IS BEING SOLD ON PREMISES NOT  
6 LICENSED UNDER THE PROVISIONS OF THIS ACT. IF THE INVESTIGATION  
7 PRODUCES EVIDENCE OF THE UNLAWFUL SALE OF LIQUOR OR MALT OR  
8 BREWED BEVERAGE OR OF ANY OTHER VIOLATION OF THE PROVISIONS OF  
9 THIS ACT, THE BOARD SHALL CAUSE THE PROSECUTION OF THE PERSON OR  
10 PERSONS BELIEVED TO HAVE BEEN CRIMINALLY LIABLE FOR THE UNLAWFUL  
11 ACTS. ANY EQUIPMENT OR APPURTENANCES ACTUALLY USED IN THE  
12 COMMISSION OF THE UNLAWFUL ACTS MAY BE CONFISCATED UPON  
13 DIRECTION OF THE BOARD. THE CONFISCATION BY OR UNDER THE  
14 DIRECTION OF THE BOARD SHALL NOT, IN ANY MANNER, DIVEST OR  
15 IMPAIR THE RIGHTS OR INTEREST OF ANY BONA FIDE LIEN HOLDER IN  
16 THE EQUIPMENT OR APPURTENANCES, WHO HAD NO KNOWLEDGE THAT THE  
17 SAME WAS BEING USED IN VIOLATION OF THIS ACT.]

18 SECTION 8. SECTION 209 OF THE ACT, AMENDED JULY 31, 1968  
19 (P.L.799, NO.243), IS AMENDED TO READ:

20 [SECTION 209. OFFICERS AND INVESTIGATORS OF THE BOARD TO BE  
21 PEACE OFFICERS; POWERS.--SUCH EMPLOYES OF THE BOARD AS ARE  
22 DESIGNATED "ENFORCEMENT OFFICERS" OR "INVESTIGATORS" ARE HEREBY  
23 DECLARED TO BE PEACE OFFICERS AND ARE HEREBY GIVEN POLICE POWER  
24 AND AUTHORITY THROUGHOUT THE COMMONWEALTH TO ARREST ON VIEW,  
25 EXCEPT IN PRIVATE HOMES, WITHOUT WARRANT, ANY PERSON ACTUALLY  
26 ENGAGED IN THE UNLAWFUL SALE, IMPORTATION, MANUFACTURE OR  
27 TRANSPORTATION, OR HAVING UNLAWFUL POSSESSION OF LIQUOR, ALCOHOL  
28 OR MALT OR BREWED BEVERAGES, CONTRARY TO THE PROVISIONS OF THIS  
29 ACT OR ANY OTHER LAW OF THIS COMMONWEALTH. SUCH OFFICERS AND  
30 INVESTIGATORS SHALL HAVE POWER AND AUTHORITY, UPON REASONABLE

1 AND PROBABLE CAUSE, TO SEARCH FOR AND TO SEIZE WITHOUT WARRANT  
2 OR PROCESS, EXCEPT IN PRIVATE HOMES, ANY LIQUOR, ALCOHOL AND  
3 MALT OR BREWED BEVERAGES UNLAWFULLY POSSESSED, MANUFACTURED,  
4 SOLD, IMPORTED OR TRANSPORTED, AND ANY STILLS, EQUIPMENT,  
5 MATERIALS, UTENSILS, VEHICLES, BOATS, VESSELS, ANIMALS,  
6 AIRCRAFT, OR ANY OF THEM, WHICH ARE OR HAVE BEEN USED IN THE  
7 UNLAWFUL MANUFACTURE, SALE, IMPORTATION OR TRANSPORTATION OF THE  
8 SAME. SUCH LIQUOR, ALCOHOL, MALT OR BREWED BEVERAGES, STILLS,  
9 EQUIPMENT, MATERIALS, UTENSILS, VEHICLES, BOATS, VESSELS,  
10 ANIMALS OR AIRCRAFT SO SEIZED SHALL BE DISPOSED OF AS  
11 HEREINAFTER PROVIDED.

12 ENFORCEMENT OFFICERS OR INVESTIGATORS MAY BE RETIRED UPON  
13 REACHING AGE SIXTY-FIVE.]

14 SECTION 9. SECTION 210 OF THE ACT IS AMENDED TO READ:

15 [SECTION 210. RESTRICTIONS ON MEMBERS OF THE BOARD AND  
16 EMPLOYEES OF COMMONWEALTH.--(A) A MEMBER OR EMPLOYEE OF THE BOARD  
17 SHALL NOT BE DIRECTLY OR INDIRECTLY INTERESTED OR ENGAGED IN ANY  
18 OTHER BUSINESS OR UNDERTAKING DEALING IN LIQUOR, ALCOHOL, OR  
19 MALT OR BREWED BEVERAGES, WHETHER AS OWNER, PART OWNER, PARTNER,  
20 MEMBER OF SYNDICATE, SHAREHOLDER, AGENT OR EMPLOYEE, AND WHETHER  
21 FOR HIS OWN BENEFIT OR IN A FIDUCIARY CAPACITY FOR SOME OTHER  
22 PERSON.

23 (B) NO MEMBER OR EMPLOYEE OF THE BOARD NOR ANY EMPLOYEE OF THE  
24 COMMONWEALTH SHALL SOLICIT OR RECEIVE, DIRECTLY OR INDIRECTLY,  
25 ANY COMMISSION, REMUNERATION OR GIFT WHATSOEVER, FROM ANY PERSON  
26 HAVING SOLD, SELLING OR OFFERING LIQUOR OR ALCOHOL FOR SALE TO  
27 THE BOARD FOR USE IN PENNSYLVANIA LIQUOR STORES.]

28 SECTION 10. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

29 SECTION 211. OFFICE OF ADMINISTRATIVE LAW JUDGE.--(A) THERE  
30 IS HEREBY CREATED WITHIN THE BOARD AN AUTONOMOUS OFFICE TO BE

1 KNOWN AS THE OFFICE OF ADMINISTRATIVE LAW JUDGE.

2 (B) THE GOVERNOR SHALL APPOINT A CHIEF ADMINISTRATIVE LAW  
3 JUDGE AND AS MANY ADMINISTRATIVE LAW JUDGES AS MAY FROM TIME TO  
4 TIME BE NECESSARY FOR THE HOLDING OF HEARINGS REQUIRED OR  
5 PERMITTED UNDER THIS ACT.

6 (C) ADMINISTRATIVE LAW JUDGES SHALL PRESIDE AT ALL CITATION  
7 AND OTHER ENFORCEMENT HEARINGS REQUIRED OR PERMITTED UNDER THIS  
8 ACT.

9 (D) ADMINISTRATIVE LAW JUDGES APPOINTED PURSUANT TO THIS  
10 SECTION SHALL BE LEARNED IN THE LAW AND SHALL BE MEMBERS IN GOOD  
11 STANDING OF THE BAR OF THE SUPREME COURT OF PENNSYLVANIA.

12 (E) ADMINISTRATIVE LAW JUDGES APPOINTED PURSUANT TO THIS  
13 SECTION SHALL BE AFFORDED EMPLOYMENT SECURITY AS PROVIDED BY THE  
14 ACT OF AUGUST 5, 1941 (P.L.752, NO.286), KNOWN AS THE "CIVIL  
15 SERVICE ACT."

16 (F) COMPENSATION FOR THE ADMINISTRATIVE LAW JUDGES SHALL BE  
17 ESTABLISHED BY THE EXECUTIVE BOARD.

18 (G) ADMINISTRATIVE LAW JUDGES SHALL DEVOTE FULL TIME TO  
19 THEIR OFFICIAL DUTIES AND SHALL PERFORM NO DUTIES INCONSISTENT  
20 WITH THEIR DUTIES AND RESPONSIBILITIES AS ADMINISTRATIVE LAW  
21 JUDGES.

22 SECTION 212. POWERS OF THE LIQUOR CODE ENFORCEMENT  
23 DIVISION.--(A) THERE IS HEREBY CREATED WITHIN THE OFFICE OF  
24 ATTORNEY GENERAL THE LIQUOR CODE ENFORCEMENT DIVISION WHICH  
25 SHALL BE RESPONSIBLE FOR ENFORCING THIS ACT AND THE REGULATIONS  
26 PROMULGATED PURSUANT THERETO.

27 (B) THE ATTORNEY GENERAL SHALL APPOINT AN EXECUTIVE DIRECTOR  
28 OF THE DIVISION AND SHALL FIX HIS COMPENSATION.

29 (C) THE EMPLOYES OF THE DIVISION WHO ARE DESIGNATED BY THE  
30 EXECUTIVE DIRECTOR OF THE DIVISION AS LAW ENFORCEMENT OFFICERS

1 ARE HEREBY DECLARED TO BE PEACE OFFICERS AND ARE HEREBY GIVEN  
2 POLICE POWER THROUGHOUT THE COMMONWEALTH:

3 (1) TO INVESTIGATE WHENEVER THERE ARE REASONABLE GROUNDS TO  
4 BELIEVE LIQUOR OR MALT OR BREWED BEVERAGE IS BEING SOLD ON  
5 PREMISES NOT LICENSED UNDER THE PROVISIONS OF THIS ACT. IF THE  
6 INVESTIGATION PRODUCES EVIDENCE OF THE UNLAWFUL SALE OF LIQUOR  
7 OR MALT OR BREWED BEVERAGE OR ANY OTHER VIOLATION OF THE  
8 PROVISIONS OF THIS ACT, THE EMPLOYEE OF THE LIQUOR CODE  
9 ENFORCEMENT DIVISION INVOLVED IN THE INVESTIGATION SHALL  
10 INSTITUTE CRIMINAL PROCEEDINGS AGAINST THE PERSON OR PERSONS  
11 BELIEVED TO HAVE BEEN CRIMINALLY LIABLE, AS OTHERWISE PROVIDED  
12 BY LAW OR RULE OF COURT.

13 (2) TO ARREST ON VIEW, EXCEPT IN PRIVATE HOMES, WITHOUT  
14 WARRANT, ANY PERSON ACTUALLY ENGAGED IN THE UNLAWFUL SALE,  
15 IMPORTATION, MANUFACTURE OR TRANSPORTATION OR HAVING UNLAWFUL  
16 POSSESSION OF LIQUOR, ALCOHOL OR MALT OR BREWED BEVERAGES  
17 CONTRARY TO THE PROVISIONS OF THIS ACT OR ANY OTHER LAW OF THIS  
18 COMMONWEALTH.

19 (3) UPON REASONABLE AND PROBABLE CAUSE, TO SEARCH FOR AND TO  
20 SEIZE, WITHOUT WARRANT OR PROCESS, EXCEPT IN PRIVATE HOMES, ANY  
21 LIQUOR, ALCOHOL AND MALT OR BREWED BEVERAGES UNLAWFULLY  
22 POSSESSED, MANUFACTURED, SOLD, IMPORTED OR TRANSPORTED AND ANY  
23 STILLS, EQUIPMENT, MATERIALS, UTENSILS, VEHICLES, BOATS,  
24 VESSELS, ANIMALS, AIRCRAFT, OR ANY OF THEM, WHICH ARE OR HAVE  
25 BEEN USED IN THE UNLAWFUL MANUFACTURE, SALE, IMPORTATION OR  
26 TRANSPORTATION OF THE SAME. SUCH LIQUOR, ALCOHOL, MALT OR BREWED  
27 BEVERAGES, STILLS, EQUIPMENT, MATERIALS, UTENSILS, VEHICLES,  
28 BOATS, VESSELS, ANIMALS OR AIRCRAFT SO SEIZED SHALL BE DISPOSED  
29 OF AS HEREINAFTER PROVIDED.

30 (4) TO INVESTIGATE, ISSUE CITATIONS FOR, AND PROSECUTE SAID

1 CITATIONS FOR ANY VIOLATIONS OF THIS ACT OR ANY LAWS OF THIS  
2 COMMONWEALTH RELATING TO LIQUOR, ALCOHOL OR MALT OR BREWED  
3 BEVERAGES, OR ANY REGULATIONS OF THE BOARD ADOPTED PURSUANT TO  
4 SUCH LAWS, OF ANY VIOLATION OF ANY LAWS OF THIS COMMONWEALTH OR  
5 OF THE UNITED STATES OF AMERICA, RELATING TO THE PAYMENT OF  
6 TAXES ON LIQUOR, ALCOHOL OR MALT OR BREWED BEVERAGES BY ANY  
7 LICENSEE, HIS OFFICERS, SERVANTS, AGENTS OR EMPLOYES.

8 (D) ANY EQUIPMENT OR APPURTENANCE ACTUALLY USED IN THE  
9 COMMISSION OF THE UNLAWFUL ACTS MAY BE CONFISCATED. THE  
10 CONFISCATION SHALL NOT, IN ANY MANNER, DIVEST OR IMPAIR THE  
11 RIGHTS OR INTEREST OF ANY BONA FIDE LIENHOLDER IN THE EQUIPMENT  
12 OR APPURTENANCE.

13 (E) THE AUTHORITY GIVEN THE LIQUOR CODE ENFORCEMENT DIVISION  
14 PURSUANT TO THIS SECTION SHALL NOT BE EXCLUSIVE.

15 SECTION 213. RESTRICTIONS ON MEMBERS OF THE BOARD, THE  
16 ATTORNEY GENERAL AND CERTAIN EMPLOYES.--(A) NEITHER A MEMBER  
17 NOR EMPLOYE OF THE BOARD, NOR AN EMPLOYE OF THE OFFICE OF  
18 ADMINISTRATIVE LAW JUDGE, NOR THE ATTORNEY GENERAL, NOR AN  
19 EMPLOYE OF THE DIVISION SHALL BE DIRECTLY OR INDIRECTLY  
20 INTERESTED OR ENGAGED IN ANY OTHER BUSINESS OR UNDERTAKING  
21 DEALING IN LIQUOR, ALCOHOL OR MALT OR BREWED BEVERAGES, WHETHER  
22 AS OWNER, PART OWNER, PARTNER, MEMBER OF SYNDICATE, SHAREHOLDER,  
23 AGENT OR EMPLOYE AND WHETHER FOR HIS OWN BENEFIT OR IN A  
24 FIDUCIARY CAPACITY FOR SOME OTHER PERSON.

25 (B) NEITHER A MEMBER OF THE BOARD, NOR THE ATTORNEY GENERAL,  
26 NOR ANY EMPLOYE THEREOF, NOR ANY EMPLOYE OF ANY LAW ENFORCEMENT  
27 AGENCY SHALL SOLICIT OR RECEIVE DIRECTLY OR INDIRECTLY, ANY  
28 COMMISSION, REMUNERATION OR GIFT WHATSOEVER, FROM ANY PERSON  
29 HAVING SOLD, SELLING OR OFFERING LIQUOR OR ALCOHOL FOR SALE TO  
30 THE BOARD FOR USE IN PENNSYLVANIA LIQUOR STORES, OR FROM ANY

1 PERSON HOLDING OR SEEKING A LICENSE UNDER THE PROVISIONS OF THIS  
2 ACT.

3 SECTION 214. FEES FOR LICENSES AND PERMITS.--UNLESS  
4 SPECIFICALLY SET FORTH IN THIS ACT, ALL FEES FOR PERMITS AND  
5 LICENSES OR APPLICATIONS, RENEWALS OR TRANSFERS SHALL BE AS  
6 ESTABLISHED IN SECTION 614-A OF THE ACT OF APRIL 9, 1929  
7 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929."

8 SECTION 11. SECTION 305(B) OF THE ACT, AMENDED OCTOBER 2,  
9 1974 (P.L.668, NO.222), IS AMENDED TO READ:

10 SECTION 305. SALES BY PENNSYLVANIA LIQUOR STORES.--\* \* \*

11 (B) EVERY PENNSYLVANIA LIQUOR STORE SHALL SELL LIQUORS AT  
12 WHOLESALE TO HOTELS, RESTAURANTS, CLUBS, AND RAILROAD, PULLMAN  
13 AND STEAMSHIP COMPANIES LICENSED UNDER THIS ACT AND SHALL SELL  
14 WINE AT WHOLESALE TO DISTRIBUTORS, IMPORTING DISTRIBUTORS, WINE  
15 DISTRIBUTORS AND RETAIL DISPENSERS; AND, UNDER THE REGULATIONS  
16 OF THE BOARD, TO PHARMACISTS DULY LICENSED AND REGISTERED UNDER  
17 THE LAWS OF THE COMMONWEALTH, AND TO MANUFACTURING PHARMACISTS,  
18 AND TO REPUTABLE HOSPITALS APPROVED BY THE BOARD, OR CHEMISTS.  
19 THE BOARD MAY SELL TO REGISTERED PHARMACISTS ONLY SUCH LIQUORS  
20 AS CONFORM TO THE PHARMACOPOEIA OF THE UNITED STATES, THE  
21 NATIONAL FORMULARY, OR THE AMERICAN HOMEOPATHIC PHARMACOPOEIA.  
22 THE BOARD MAY SELL AT SPECIAL PRICES UNDER THE REGULATIONS OF  
23 THE BOARD, TO UNITED STATES ARMED FORCES FACILITIES WHICH ARE  
24 LOCATED ON UNITED STATES ARMED FORCES INSTALLATIONS AND ARE  
25 CONDUCTED PURSUANT TO THE AUTHORITY AND REGULATIONS OF THE  
26 UNITED STATES ARMED FORCES. ALL OTHER SALES BY SUCH STORES SHALL  
27 BE AT RETAIL. NO LIQUOR SHALL BE SOLD EXCEPT FOR CASH, EXCEPT  
28 THAT THE BOARD MAY, BY REGULATION, AUTHORIZE THE ACCEPTANCE OF  
29 CHECKS FOR LIQUOR SOLD AT WHOLESALE. THE BOARD SHALL HAVE POWER  
30 TO DESIGNATE CERTAIN STORES FOR WHOLESALE OR RETAIL SALES



1 EXCLUSIVELY.

2 \* \* \*

3 SECTION 12. SECTIONS 401(A) AND 407 OF THE ACT ARE AMENDED  
4 TO READ:

5 SECTION 401. AUTHORITY TO ISSUE LIQUOR LICENSES TO HOTELS,  
6 RESTAURANTS AND CLUBS.--(A) SUBJECT TO THE PROVISIONS OF THIS  
7 ACT AND REGULATIONS PROMULGATED UNDER THIS ACT, THE BOARD SHALL  
8 HAVE AUTHORITY TO ISSUE A RETAIL LIQUOR LICENSE FOR ANY PREMISES  
9 KEPT OR OPERATED BY A HOTEL, RESTAURANT OR CLUB AND SPECIFIED IN  
10 THE LICENSE ENTITLING THE HOTEL, RESTAURANT OR CLUB TO PURCHASE  
11 LIQUOR FROM A PENNSYLVANIA LIQUOR STORE, DISTRIBUTOR, IMPORTING  
12 DISTRIBUTOR, WINE DISTRIBUTOR, MASTER WINE DISTRIBUTOR OR  
13 LICENSED WINE IMPORTER AND TO KEEP ON THE PREMISES SUCH LIQUOR  
14 AND, SUBJECT TO THE PROVISIONS OF THIS ACT AND THE REGULATIONS  
15 MADE THEREUNDER, TO SELL THE SAME AND ALSO MALT OR BREWED  
16 BEVERAGES TO GUESTS, PATRONS OR MEMBERS FOR CONSUMPTION ON THE  
17 HOTEL, RESTAURANT OR CLUB PREMISES. SUCH LICENSEES, OTHER THAN  
18 CLUBS, SHALL BE PERMITTED TO SELL MALT OR BREWED BEVERAGES AND  
19 WINE COOLERS FOR CONSUMPTION OFF THE PREMISES WHERE SOLD IN  
20 QUANTITIES OF NOT MORE THAN ONE HUNDRED FORTY-FOUR FLUID OUNCES  
21 IN A SINGLE SALE TO ONE PERSON AND SHALL BE PERMITTED TO SELL  
22 WINE FOR CONSUMPTION OFF THE PREMISES WHERE SOLD IN QUANTITIES  
23 OF NOT MORE THAN 2.25 LITERS IN A SINGLE SALE TO ONE PERSON.  
24 SUCH LICENSES SHALL BE KNOWN AS HOTEL LIQUOR LICENSES,  
25 RESTAURANT LIQUOR LICENSES AND CLUB LIQUOR LICENSES,  
26 RESPECTIVELY. NO PERSON WHO HOLDS, EITHER BY APPOINTMENT OR  
27 ELECTION, ANY PUBLIC OFFICE WHICH INVOLVES THE DUTY TO ENFORCE  
28 ANY OF THE PENAL LAWS OF THE UNITED STATES OF AMERICA OR THE  
29 PENAL LAWS OF THE COMMONWEALTH OF PENNSYLVANIA OR ANY PENAL  
30 ORDINANCE OR RESOLUTION OF ANY POLITICAL SUBDIVISION OF THIS

1 COMMONWEALTH SHALL BE ISSUED ANY HOTEL OR RESTAURANT LIQUOR  
2 LICENSE, NOR SHALL SUCH A PERSON HAVE ANY INTEREST, DIRECTLY OR  
3 INDIRECTLY, IN ANY SUCH LICENSE.

4 \* \* \*

5 SECTION 407. SALE OF MALT OR BREWED BEVERAGES BY LIQUOR  
6 LICENSEES.--EVERY LIQUOR LICENSE ISSUED TO A HOTEL, RESTAURANT,  
7 CLUB, OR A RAILROAD, PULLMAN OR STEAMSHIP COMPANY UNDER THIS  
8 SUBDIVISION (A) FOR THE SALE OF LIQUOR SHALL AUTHORIZE THE  
9 LICENSEE TO SELL MALT OR BREWED BEVERAGES AT THE SAME PLACES BUT  
10 SUBJECT TO THE SAME RESTRICTIONS AND PENALTIES AS APPLY TO SALES  
11 OF LIQUOR, EXCEPT THAT LICENSEES OTHER THAN CLUBS MAY SELL MALT  
12 OR BREWED BEVERAGES AND WINE COOLERS FOR CONSUMPTION OFF THE  
13 PREMISES WHERE SOLD IN QUANTITIES OF NOT MORE THAN ONE HUNDRED  
14 FORTY-FOUR FLUID OUNCES IN A SINGLE SALE TO ONE PERSON AND MAY  
15 SELL WINE FOR CONSUMPTION OFF THE PREMISES WHERE SOLD IN  
16 QUANTITIES OF NOT MORE THAN 2.25 LITERS IN A SINGLE SALE TO ONE  
17 PERSON. NO LICENSEE UNDER THIS SUBDIVISION (A) SHALL AT THE SAME  
18 TIME BE THE HOLDER OF ANY OTHER CLASS OF LICENSE, EXCEPT A  
19 RETAIL DISPENSER'S LICENSE AUTHORIZING THE SALE OF MALT OR  
20 BREWED BEVERAGES ONLY.

21 SECTION 13. SECTIONS 410(A) AND (E) OF THE ACT ARE AMENDED  
22 TO READ:

23 SECTION 410. LIQUOR IMPORTERS' LICENSES; FEES; PRIVILEGES;  
24 RESTRICTIONS.--(A) SUBJECT TO THE PROVISIONS OF THIS ACT IN  
25 GENERAL AND MORE PARTICULARLY TO THE FOLLOWING PROVISIONS OF  
26 THIS SECTION, THE BOARD SHALL ISSUE LIQUOR IMPORTERS' OR WINE  
27 IMPORTERS' LICENSES TO QUALIFIED APPLICANTS.

28 \* \* \*

29 (E) IMPORTERS' LICENSES SHALL PERMIT THE HOLDERS THEREOF TO  
30 BRING OR IMPORT LIQUOR FROM OTHER STATES, FOREIGN COUNTRIES, OR

1 INSULAR POSSESSIONS OF THE UNITED STATES, AND PURCHASE LIQUOR  
2 FROM MANUFACTURERS LOCATED WITHIN THIS COMMONWEALTH, TO BE SOLD  
3 OUTSIDE OF THIS COMMONWEALTH OR TO PENNSYLVANIA LIQUOR STORES  
4 WITHIN THIS COMMONWEALTH, OR WHEN IN ORIGINAL CONTAINERS OF TEN  
5 GALLONS OR GREATER CAPACITY, TO LICENSED MANUFACTURERS WITHIN  
6 THIS COMMONWEALTH AND TO SELL WINE TO DISTRIBUTORS, IMPORTING  
7 DISTRIBUTORS, WINE DISTRIBUTORS, ENTITIES ISSUED RETAIL LIQUOR  
8 LICENSES PURSUANT TO SUBDIVISION (A) OF THIS ARTICLE AND RETAIL  
9 DISPENSERS.

10 \* \* \*

11 SECTION 14. SECTION 431(B) OF THE ACT, AMENDED OCTOBER 9,  
12 1967 (P.L.395, NO.179), IS AMENDED TO READ:

13 SECTION 431. MALT AND BREWED BEVERAGES MANUFACTURERS',  
14 DISTRIBUTORS' AND IMPORTING DISTRIBUTORS' LICENSES.--\* \* \*

15 (B) THE BOARD SHALL ISSUE TO ANY REPUTABLE PERSON WHO  
16 APPLIES THEREFOR, PAYS THE LICENSE FEE HEREINAFTER PRESCRIBED,  
17 AND FILES THE BOND HEREINAFTER REQUIRED, A DISTRIBUTOR'S OR  
18 IMPORTING DISTRIBUTOR'S LICENSE FOR THE PLACE WHICH SUCH PERSON  
19 DESIRES TO MAINTAIN (I) FOR THE SALE OF MALT OR BREWED  
20 BEVERAGES, NOT FOR CONSUMPTION ON THE PREMISES WHERE SOLD, AND  
21 IN QUANTITIES OF NOT LESS THAN TWENTY-FOUR CONTAINERS, EACH  
22 CONTAINER HOLDING SEVEN FLUID OUNCES OR MORE, OR TWELVE  
23 CONTAINERS, EACH CONTAINER HOLDING TWENTY-FOUR FLUID OUNCES OR  
24 MORE, EXCEPT ORIGINAL CONTAINERS CONTAINING ONE HUNDRED TWENTY-  
25 EIGHT OUNCES OR MORE WHICH MAY BE SOLD SEPARATELY AND SUCH  
26 CONTAINERS TO BE THE ORIGINAL CONTAINERS AS PREPARED FOR THE  
27 MARKET BY THE MANUFACTURER AT THE PLACE OF MANUFACTURE AND (II)  
28 FOR THE SALE OF WINE NOT FOR CONSUMPTION ON THE PREMISES WHERE  
29 SOLD: AND PROVIDED FURTHER, THAT THE BOARD SHALL HAVE THE  
30 DISCRETION TO REFUSE A LICENSE TO ANY PERSON OR TO ANY

1 CORPORATION, PARTNERSHIP OR ASSOCIATION IF SUCH PERSON, OR ANY  
2 OFFICER OR DIRECTOR OF SUCH CORPORATION, OR ANY MEMBER OR  
3 PARTNER OF SUCH PARTNERSHIP OR ASSOCIATION SHALL HAVE BEEN  
4 CONVICTED OR FOUND GUILTY OF A FELONY WITHIN A PERIOD OF FIVE  
5 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION FOR THE SAID  
6 LICENSE.

7 EXCEPT AS HEREINAFTER PROVIDED, SUCH LICENSE SHALL AUTHORIZE  
8 THE HOLDER THEREOF TO SELL OR DELIVER MALT OR BREWED BEVERAGES  
9 IN QUANTITIES ABOVE SPECIFIED AND WINE ANYWHERE WITHIN THE  
10 COMMONWEALTH OF PENNSYLVANIA, WHICH, IN THE CASE OF  
11 DISTRIBUTORS, HAVE BEEN PURCHASED ONLY FROM PERSONS LICENSED  
12 UNDER THIS ACT AS MANUFACTURERS [OR], IMPORTING DISTRIBUTORS,  
13 LICENSED WINE IMPORTERS, MASTER WINE DISTRIBUTORS AND WINERIES  
14 AND IN THE CASE OF IMPORTING DISTRIBUTORS, HAVE BEEN PURCHASED  
15 FROM MANUFACTURERS OR PERSONS OUTSIDE THIS COMMONWEALTH ENGAGED  
16 IN THE LEGAL SALE OF MALT OR BREWED BEVERAGES OR FROM  
17 MANUFACTURERS OR IMPORTING DISTRIBUTORS LICENSED UNDER THIS  
18 ARTICLE OR FROM WINERIES, MASTER WINE DISTRIBUTORS OR LICENSED  
19 WINE IMPORTERS.

20 EACH OUT OF STATE MANUFACTURER OF MALT OR BREWED BEVERAGES  
21 WHOSE PRODUCTS ARE SOLD AND DELIVERED IN THIS COMMONWEALTH SHALL  
22 GIVE DISTRIBUTING RIGHTS FOR SUCH PRODUCTS IN DESIGNATED  
23 GEOGRAPHICAL AREAS TO SPECIFIC IMPORTING DISTRIBUTORS, AND SUCH  
24 IMPORTING DISTRIBUTOR SHALL NOT SELL OR DELIVER MALT OR BREWED  
25 BEVERAGES MANUFACTURED BY THE OUT OF STATE MANUFACTURER TO ANY  
26 PERSON ISSUED A LICENSE UNDER THE PROVISIONS OF THIS ACT WHOSE  
27 LICENSED PREMISES ARE NOT LOCATED WITHIN THE GEOGRAPHICAL AREA  
28 FOR WHICH HE HAS BEEN GIVEN DISTRIBUTING RIGHTS BY SUCH  
29 MANUFACTURER: PROVIDED, THAT THE IMPORTING DISTRIBUTOR HOLDING  
30 SUCH DISTRIBUTING RIGHTS FOR SUCH PRODUCT SHALL NOT SELL OR

1 DELIVER THE SAME TO ANOTHER IMPORTING DISTRIBUTOR WITHOUT FIRST  
2 HAVING ENTERED INTO A WRITTEN AGREEMENT WITH THE SAID SECONDARY  
3 IMPORTING DISTRIBUTOR SETTING FORTH THE TERMS AND CONDITIONS  
4 UNDER WHICH SUCH PRODUCTS ARE TO BE RESOLD WITHIN THE TERRITORY  
5 GRANTED TO THE PRIMARY IMPORTING DISTRIBUTOR BY THE  
6 MANUFACTURER.

7 WHEN A PENNSYLVANIA MANUFACTURER OF MALT OR BREWED BEVERAGES  
8 LICENSED UNDER THIS ARTICLE NAMES OR CONSTITUTES A DISTRIBUTOR  
9 OR IMPORTING DISTRIBUTOR AS THE PRIMARY OR ORIGINAL SUPPLIER OF  
10 HIS PRODUCT, HE SHALL ALSO DESIGNATE THE SPECIFIC GEOGRAPHICAL  
11 AREA FOR WHICH THE SAID DISTRIBUTOR OR IMPORTING DISTRIBUTOR IS  
12 GIVEN DISTRIBUTING RIGHTS, AND SUCH DISTRIBUTOR OR IMPORTING  
13 DISTRIBUTOR SHALL NOT SELL OR DELIVER THE PRODUCTS OF SUCH  
14 MANUFACTURER TO ANY PERSON ISSUED A LICENSE UNDER THE PROVISIONS  
15 OF THIS ACT WHOSE LICENSED PREMISES ARE NOT LOCATED WITHIN THE  
16 GEOGRAPHICAL AREA FOR WHICH DISTRIBUTING RIGHTS HAVE BEEN GIVEN  
17 TO THE DISTRIBUTOR AND IMPORTING DISTRIBUTOR BY THE SAID  
18 MANUFACTURER: PROVIDED, THAT THE IMPORTING DISTRIBUTOR HOLDING  
19 SUCH DISTRIBUTING RIGHTS FOR SUCH PRODUCT SHALL NOT SELL OR  
20 DELIVER THE SAME TO ANOTHER IMPORTING DISTRIBUTOR WITHOUT FIRST  
21 HAVING ENTERED INTO A WRITTEN AGREEMENT WITH THE SAID SECONDARY  
22 IMPORTING DISTRIBUTOR SETTING FORTH THE TERMS AND CONDITIONS  
23 UNDER WHICH SUCH PRODUCTS ARE TO BE RESOLD WITHIN THE TERRITORY  
24 GRANTED TO THE PRIMARY IMPORTING DISTRIBUTOR BY THE  
25 MANUFACTURER. NOTHING HEREIN CONTAINED SHALL BE CONSTRUED TO  
26 PREVENT ANY MANUFACTURER FROM AUTHORIZING THE IMPORTING  
27 DISTRIBUTOR HOLDING THE DISTRIBUTING RIGHTS FOR A DESIGNATED  
28 GEOGRAPHICAL AREA FROM SELLING THE PRODUCTS OF SUCH MANUFACTURER  
29 TO ANOTHER IMPORTING DISTRIBUTOR ALSO HOLDING DISTRIBUTING  
30 RIGHTS FROM THE SAME MANUFACTURER FOR ANOTHER GEOGRAPHICAL AREA,

1 PROVIDING SUCH AUTHORITY BE CONTAINED IN WRITING AND A COPY  
2 THEREOF BE GIVEN TO EACH OF THE IMPORTING DISTRIBUTORS SO  
3 AFFECTED.

4 \* \* \*

5 SECTION 15. THE HEADING AND SUBSECTIONS (C) AND (F) OF  
6 SECTION 432 OF THE ACT, AMENDED JANUARY 19, 1952 (1951 P.L.2170,  
7 NO.619) AND MAY 9, 1984 (P.L.246, NO.54), ARE AMENDED TO READ:

8 SECTION 432. MALT [AND], BREWED AND WINE BEVERAGES RETAIL  
9 LICENSES.--\* \* \*

10 (C) NO RETAIL DISPENSER'S LICENSES SHALL BE GRANTED OR  
11 RENEWED UPON THEIR EXPIRATION IN ANY MUNICIPALITY IN WHICH THE  
12 ELECTORS SHALL VOTE, AS HEREINAFTER PROVIDED, AGAINST THE  
13 LICENSING THEREIN OF PLACES WHERE MALT OR BREWED BEVERAGES OR  
14 WINE MAY BE SOLD FOR CONSUMPTION ON THE PREMISES WHERE SOLD.

15 \* \* \*

16 (F) HOTEL, EATING PLACES, OR MUNICIPAL GOLF COURSE RETAIL  
17 DISPENSER LICENSEES WHOSE SALES OF FOOD AND NONALCOHOLIC  
18 BEVERAGES ARE EQUAL TO FORTY PER CENTUM (40%) OR MORE OF THE  
19 COMBINED GROSS SALES OF BOTH FOOD AND MALT OR BREWED BEVERAGES  
20 OR WINE MAY SELL MALT OR BREWED BEVERAGES OR WINE BETWEEN THE  
21 HOURS OF ELEVEN O'CLOCK ANTEMERIDIAN ON SUNDAY AND TWO O'CLOCK  
22 ANTEMERIDIAN ON MONDAY UPON PURCHASE OF A SPECIAL ANNUAL PERMIT  
23 FROM THE BOARD AT A FEE OF TWO HUNDRED DOLLARS (\$200.00) PER  
24 YEAR, WHICH SHALL BE IN ADDITION TO ANY OTHER LICENSE FEES.  
25 PROVIDED FURTHER, THE HOLDER OF SUCH SPECIAL ANNUAL PERMIT MAY  
26 SELL MALT OR BREWED BEVERAGES OR WINE AFTER SEVEN O'CLOCK  
27 ANTEMERIDIAN AND UNTIL TWO O'CLOCK ANTEMERIDIAN OF THE FOLLOWING  
28 DAY, ON ANY DAY ON WHICH A GENERAL, MUNICIPAL, SPECIAL OR  
29 PRIMARY ELECTION IS BEING HELD.

30 SECTION 16. SECTION 436(H) OF THE ACT IS AMENDED TO READ:

SECTION 436. APPLICATION FOR DISTRIBUTORS', IMPORTING  
DISTRIBUTORS' AND RETAIL DISPENSERS' LICENSES.--APPLICATION FOR  
DISTRIBUTORS', IMPORTING DISTRIBUTORS' AND RETAIL DISPENSERS'  
LICENSES, OR FOR THE TRANSFER OF AN EXISTING LICENSE TO ANOTHER  
PREMISES NOT THEN LICENSED, SHALL CONTAIN OR HAVE ATTACHED  
THERE TO THE FOLLOWING INFORMATION AND STATEMENTS:

\* \* \*

(H) A FULL DESCRIPTION OF THAT PORTION OF THE PREMISES FOR  
WHICH LICENSE IS ASKED, AND IF ANY OTHER BUSINESS IS TO BE  
CONDUCTED CONCURRENTLY WITH THE SALE AND DISTRIBUTION OF MALT OR  
BREWED BEVERAGES AND WINE, A FULL HISTORY OF SUCH BUSINESS,  
RELATING THE NATURE THEREOF, THE LENGTH OF TIME IT HAS SO  
PREVIOUSLY BEEN CONDUCTED BY THE APPLICANT OR HIS PREDECESSOR AT  
SUCH LOCATION, AND SUCH ADDITIONAL INFORMATION AS THE BOARD MAY  
REQUIRE.

\* \* \*

SECTION 17. SECTIONS 437(E) AND (F) OF THE ACT, AMENDED  
DECEMBER 22, 1965 (P.L.1149, NO.445), ARE AMENDED TO READ:

SECTION 437. PROHIBITIONS AGAINST THE GRANT OF LICENSES.--\*

\* \*

(E) NO DISTRIBUTOR'S OR IMPORTING DISTRIBUTOR'S LICENSE  
SHALL BE ISSUED FOR ANY PREMISES IN ANY PART OF WHICH THERE IS  
OPERATED ANY RETAIL LICENSE FOR THE SALE FOR THE CONSUMPTION ON  
THE PREMISES OF LIQUOR OR MALT OR BREWED BEVERAGES.

(F) [NO] EXCEPT FOR NEW LICENSES AUTHORIZED PURSUANT TO  
SUBDIVISION (C.1) OF THIS ARTICLE NO NEW DISTRIBUTOR'S OR  
IMPORTING DISTRIBUTOR'S LICENSE SHALL HEREAFTER BE GRANTED BY  
THE BOARD IN ANY COUNTY OF THE COMMONWEALTH WHERE THE COMBINED  
NUMBER OF DISTRIBUTOR AND IMPORTING DISTRIBUTOR LICENSES EXCEEDS  
ONE LICENSE FOR EACH FIFTEEN THOUSAND INHABITANTS OF THE COUNTY

1 IN WHICH THE LICENSE IS TO BE ISSUED: PROVIDED, THAT A COMBINED  
2 TOTAL OF FIVE SUCH LICENSES MAY BE GRANTED IN ANY COUNTY OF THE  
3 COMMONWEALTH.

4 NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED AS DENYING THE  
5 RIGHT OF THE BOARD TO RENEW OR TO TRANSFER EXISTING  
6 DISTRIBUTORS' OR IMPORTING DISTRIBUTORS' LICENSES OR TO EXCHANGE  
7 A DISTRIBUTOR'S LICENSE FOR AN IMPORTING DISTRIBUTOR'S LICENSE  
8 OR TO EXCHANGE AN IMPORTING DISTRIBUTOR'S LICENSE FOR A  
9 DISTRIBUTOR'S LICENSE, UPON ADJUSTMENT OF THE APPLICABLE FEE,  
10 NOTWITHSTANDING THAT THE NUMBER OF SUCH LICENSED PLACES IN THE  
11 COUNTY SHALL EXCEED THE LIMITATION HEREINBEFORE PRESCRIBED:  
12 PROVIDED, THAT NO DISTRIBUTOR'S LICENSE OR IMPORTING  
13 DISTRIBUTOR'S LICENSE SHALL BE TRANSFERRED FROM ONE COUNTY TO  
14 ANOTHER COUNTY SO LONG AS THE QUOTA IS FILLED IN THE COUNTY TO  
15 WHICH THE LICENSE IS PROPOSED TO BE TRANSFERRED.

16 SECTION 18. SECTION 438 OF THE ACT IS AMENDED TO READ:

17 SECTION 438. NUMBER AND KINDS OF LICENSES ALLOWED SAME  
18 LICENSEE.--(A) ANY RETAIL DISPENSER MAY BE GRANTED LICENSES TO  
19 MAINTAIN, OPERATE OR CONDUCT ANY NUMBER OF PLACES FOR THE SALE  
20 OF MALT OR BREWED BEVERAGES OR WINE, BUT A SEPARATE LICENSE MUST  
21 BE SECURED FOR EACH PLACE WHERE MALT OR BREWED BEVERAGES OR WINE  
22 ARE SOLD.

23 (B) NO PERSON SHALL POSSESS OR BE ISSUED MORE THAN ONE  
24 DISTRIBUTOR'S OR IMPORTING DISTRIBUTOR'S LICENSE.

25 (C) NO PERSON SHALL POSSESS MORE THAN ONE CLASS OF LICENSE,  
26 EXCEPT THAT A HOLDER OF A RETAIL DISPENSER'S LICENSE MAY ALSO BE  
27 A HOLDER OF A RETAIL LIQUOR LICENSE.

28 SECTION 19. SECTION 442(A) AND (B) OF THE ACT, AMENDED  
29 OCTOBER 9, 1967 (P.L.413, NO.183) AND MAY 9, 1984 (P.L.246,  
30 NO.54), ARE AMENDED TO READ:



1       SECTION 442.   RETAIL DISPENSERS' RESTRICTIONS ON PURCHASES  
2   AND SALES.--(A)   NO RETAIL DISPENSER SHALL PURCHASE OR RECEIVE  
3   ANY MALT OR BREWED BEVERAGES OR WINE EXCEPT IN ORIGINAL  
4   CONTAINERS AS PREPARED FOR THE MARKET BY THE MANUFACTURER AT THE  
5   PLACE OF MANUFACTURE. THE RETAIL DISPENSER MAY THEREAFTER BREAK  
6   THE BULK UPON THE LICENSED PREMISES AND SELL OR DISPENSE THE  
7   SAME FOR CONSUMPTION ON OR OFF THE PREMISES SO LICENSED:  
8   PROVIDED, HOWEVER, THAT NO RETAIL DISPENSER MAY SELL MALT OR  
9   BREWED BEVERAGES OR WINE COOLERS FOR CONSUMPTION OFF THE  
10  PREMISES IN QUANTITIES IN EXCESS OF ONE HUNDRED FORTY-FOUR FLUID  
11  OUNCES OR WINE FOR CONSUMPTION OFF THE PREMISES IN QUANTITIES IN  
12 EXCESS OF TWO AND TWENTY-FIVE HUNDREDTHS LITERS IN A SINGLE SALE  
13 TO ONE PERSON: PROVIDED, FURTHER, THAT NO CLUB LICENSEE MAY SELL  
14 ANY MALT OR BREWED BEVERAGES OR WINE FOR CONSUMPTION OFF THE  
15 PREMISES WHERE SOLD OR TO PERSONS NOT MEMBERS OF THE CLUB.

16       (B)   NO RETAIL DISPENSER SHALL SELL ANY MALT OR BREWED  
17 BEVERAGES OR WINE FOR CONSUMPTION ON THE LICENSED PREMISES  
18 EXCEPT IN A ROOM OR ROOMS OR PLACE ON THE LICENSED PREMISES AT  
19 ALL TIMES ACCESSIBLE TO THE USE AND ACCOMMODATION OF THE GENERAL  
20 PUBLIC, BUT THIS SECTION SHALL NOT BE INTERPRETED TO PROHIBIT A  
21 RETAIL DISPENSER FROM SELLING MALT OR BREWED BEVERAGES OR WINE  
22 IN A HOTEL OR CLUB HOUSE IN ANY ROOM OF SUCH HOTEL OR CLUB HOUSE  
23 OCCUPIED BY A BONA FIDE REGISTERED GUEST OR MEMBER ENTITLED TO  
24 PURCHASE THE SAME OR TO PROHIBIT A RETAIL DISPENSER FROM SELLING  
25 MALT OR BREWED BEVERAGES OR WINE IN A BOWLING ALLEY WHEN NO  
26 MINORS ARE PRESENT, UNLESS MINORS WHO ARE PRESENT ARE UNDER  
27 PROPER SUPERVISION AS DEFINED IN SECTION 493, WHERE THE LICENSED  
28 PREMISES AND BOWLING ALLEY ARE IMMEDIATELY ADJACENT AND UNDER  
29 THE SAME ROOF.

30       \* \* \*

SECTION 20. SECTION 461(A) OF THE ACT, AMENDED DECEMBER 17,  
1982 (P.L.1390, NO.319), IS AMENDED TO READ:

SECTION 461. LIMITING NUMBER OF RETAIL LICENSES TO BE ISSUED  
IN EACH MUNICIPALITY.--(A) NO LICENSES SHALL HEREAFTER BE  
GRANTED BY THE BOARD FOR THE RETAIL SALE OF MALT OR BREWED  
BEVERAGES OR WINE OR THE RETAIL SALE OF LIQUOR AND MALT OR  
BREWED BEVERAGES IN EXCESS OF ONE OF SUCH LICENSES OF ANY CLASS  
FOR EACH TWO THOUSAND INHABITANTS IN ANY MUNICIPALITY, EXCLUSIVE  
OF LICENSES GRANTED TO AIRPORT RESTAURANTS, MUNICIPAL GOLF  
COURSES, HOTELS, PRIVATELY-OWNED PUBLIC GOLF COURSES, AS DEFINED  
IN THIS SECTION, AND CLUBS; BUT AT LEAST ONE SUCH LICENSE MAY BE  
GRANTED IN EACH MUNICIPALITY AND IN EACH PART OF A MUNICIPALITY  
WHERE SUCH MUNICIPALITY IS SPLIT SO THAT EACH PART THEREOF IS  
SEPARATED BY ANOTHER MUNICIPALITY, EXCEPT IN MUNICIPALITIES  
WHERE THE ELECTORS HAVE VOTED AGAINST THE GRANTING OF ANY RETAIL  
LICENSES AND EXCEPT IN THAT PART OF A SPLIT MUNICIPALITY WHERE  
THE ELECTORS HAVE VOTED AGAINST THE GRANTING OF ANY RETAIL  
LICENSES. NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED  
AS DENYING THE RIGHT TO THE BOARD TO RENEW OR TO TRANSFER  
EXISTING RETAIL LICENSES OF ANY CLASS NOTWITHSTANDING THAT THE  
NUMBER OF SUCH LICENSED PLACES IN A MUNICIPALITY SHALL EXCEED  
THE LIMITATION HEREINBEFORE PRESCRIBED; BUT WHERE SUCH NUMBER  
EXCEEDS THE LIMITATION PRESCRIBED BY THIS SECTION, NO NEW  
LICENSE, EXCEPT FOR HOTELS, MUNICIPAL GOLF COURSES, AIRPORT  
RESTAURANTS, PRIVATELY-OWNED PUBLIC GOLF COURSES AND PRIVATELY-  
OWNED PRIVATE GOLF COURSE LICENSEES, AS DEFINED IN THIS SECTION,  
SHALL BE GRANTED SO LONG AS SAID LIMITATION IS EXCEEDED.

\* \* \*

SECTION 21. SECTION 463(A), (A.1) AND (A.2) OF THE ACT,  
AMENDED NOVEMBER 17, 1967 (P.L.510, NO.247), MARCH 23, 1972

1 (P.L.122, NO.46) AND MAY 9, 1984 (P.L.246, NO.54), ARE AMENDED  
2 TO READ:

3 SECTION 463. PLACES OF AMUSEMENT NOT TO BE LICENSED;  
4 PENALTY.--(A) NO LICENSE FOR THE SALE OF LIQUOR OR MALT OR  
5 BREWED BEVERAGES OR WINE IN ANY QUANTITY SHALL BE GRANTED TO THE  
6 PROPRIETORS, LESSEES, KEEPERS OR MANAGERS OF ANY THEATER,  
7 CIRCUS, MUSEUM OR OTHER PLACE OF AMUSEMENT, NOR SHALL ANY HOUSE  
8 BE LICENSED FOR THE SALE OF LIQUOR OR MALT OR BREWED BEVERAGES  
9 WHICH HAS PASSAGE OR COMMUNICATION TO OR WITH ANY THEATER,  
10 CIRCUS, MUSEUM OR OTHER PLACE OF AMUSEMENT, AND ANY LICENSE  
11 GRANTED CONTRARY TO THIS ACT SHALL BE NULL AND VOID. NOTHING  
12 CONTAINED IN THIS SECTION SHALL BE CONSTRUED AS DENYING TO THE  
13 BOARD THE RIGHT TO GRANT A RESTAURANT LIQUOR LICENSE REGARDLESS  
14 OF QUOTA RESTRICTIONS TO THE OWNER OR OPERATOR OF A RESTAURANT  
15 IN A BUILDING ON A PLOT OF GROUND OWNED OR POSSESSED UNDER LEASE  
16 BY A CORPORATION INCORPORATED UNDER THE LAWS OF THIS  
17 COMMONWEALTH AND USED PRINCIPALLY BY SUCH CORPORATION FOR  
18 HOLDING OUTDOOR SPORT EVENTS WHEREIN SUCH EVENTS ARE HELD UNDER  
19 A LICENSE ISSUED AS PROVIDED BY LAW TO SUCH CORPORATION BY A  
20 DEPARTMENT, BOARD OR COMMISSION OF THE COMMONWEALTH OF  
21 PENNSYLVANIA. THE RESTAURANT LIQUOR LICENSE AFOREMENTIONED SHALL  
22 BE SUBJECT TO ALL THE CONDITIONS AND RESTRICTIONS HEREIN  
23 APPLICABLE TO RESTAURANT LIQUOR LICENSES, EXCEPT THE ABOVE  
24 PROHIBITION AGAINST ANY PASSAGEWAY OR COMMUNICATION BETWEEN SUCH  
25 LICENSED PREMISES AND THE PLACE OF AMUSEMENT.

26 NOTHING CONTAINED IN THIS ACT SHALL BE CONSTRUED AS DENYING  
27 TO THE BOARD THE RIGHT TO GRANT A NEW RESTAURANT LIQUOR LICENSE,  
28 REGARDLESS OF QUOTA RESTRICTIONS, AT ANY TIME, TO THE OWNER OR  
29 OPERATOR OF A RESTAURANT IN A BUILDING OR PLOT OF GROUND HAVING  
30 A SEATING CAPACITY IN EXCESS OF TWENTY-FIVE THOUSAND, USED

1 PRINCIPALLY FOR HOLDING AUTOMOBILE RACES.

2 (A.1) NOTHING CONTAINED IN SUBSECTION (A) OF THIS SECTION OR  
3 IN SECTION 102 OF THIS ACT SHALL BE CONSTRUED AS DENYING TO THE  
4 BOARD THE RIGHT TO GRANT A CLUB OR RESTAURANT LIQUOR OR MALT AND  
5 BREWED BEVERAGE AND WINE LICENSE TO A CLUB INCORPORATED IN THIS  
6 COMMONWEALTH WHICH HAS BEEN IN EXISTENCE LESS THAN ONE YEAR  
7 PRIOR TO MAKING APPLICATION UNDER THIS SECTION OR TO A  
8 RESTAURANT EITHER OF WHICH HAS A CLUBHOUSE OR RESTAURANT LOCATED  
9 IN A STADIUM OR ARENA HAVING AN AVAILABLE SEATING CAPACITY OF  
10 TWELVE THOUSAND OR MORE AND OWNED AND OPERATED BY OR PURSUANT TO  
11 AN AGREEMENT WITH ANY CITY OF THE FIRST CLASS OR CREATED AND  
12 OPERATED UNDER AND IN COMPLIANCE WITH THE ACT OF JULY 29, 1953  
13 (P.L.1034), KNOWN AS THE "PUBLIC AUDITORIUM AUTHORITIES LAW,"  
14 AND USED PRINCIPALLY FOR EVENTS AT WHICH ATHLETES COMPETE OR  
15 OTHER TYPES OF PERFORMERS ENTERTAIN. THE CLUB OR RESTAURANT  
16 LIQUOR OR MALT AND BREWED BEVERAGE AND WINE LICENSE  
17 AFOREMENTIONED SHALL BE SUBJECT TO ALL THE CONDITIONS AND  
18 RESTRICTIONS APPLICABLE TO SUCH LICENSES AND LICENSES FOR PLACES  
19 OF AMUSEMENT, EXCEPT THE ABOVE PROHIBITION AGAINST ANY  
20 PASSAGEWAY OR COMMUNICATION BETWEEN SUCH LICENSED PREMISES AND  
21 THE PLACE OF AMUSEMENT.

22 (A.2) NOTHING CONTAINED IN THIS ACT SHALL BE CONSTRUED TO  
23 PREVENT THE HOLDER OF A HOTEL, RESTAURANT LIQUOR OR MALT AND  
24 BREWED BEVERAGE AND WINE LICENSE FROM SELLING LIQUOR AND MALT OR  
25 BREWED BEVERAGES IN A BOWLING ALLEY, OR OTHER RECREATIONAL AREAS  
26 INCLUDING, BUT NO LIMITED TO, GAME ROOMS AND VIDEO ARCADE AREAS  
27 OF HOTELS, WHEN NO MINORS ARE PRESENT, UNLESS MINORS WHO ARE  
28 PRESENT ARE UNDER PROPER SUPERVISION AS DEFINED IN SECTION 493,  
29 WHERE THE RESTAURANT, BOWLING ALLEY, OR OTHER RECREATIONAL AREAS  
30 INCLUDING, BUT NOT LIMITED TO, GAME ROOMS AND VIDEO ARCADE AREAS

1 OF HOTELS ARE IMMEDIATELY ADJACENT AND UNDER THE SAME ROOF. THE  
2 RESTAURANT LIQUOR OR MALT AND BREWED BEVERAGE AND WINE LICENSEE  
3 AFOREMENTIONED SHALL BE SUBJECT TO ALL THE CONDITIONS AND  
4 RESTRICTIONS APPLICABLE TO SUCH RESTAURANT LICENSES EXCEPT THE  
5 ABOVE PROHIBITION AGAINST ANY PASSAGEWAY OR COMMUNICATION  
6 BETWEEN A LICENSED PREMISE AND A PLACE OF AMUSEMENT.

7 \* \* \*

8 SECTION 22. SECTION 464 OF THE ACT, REPEALED IN PART JUNE 3,  
9 1971 (P.L.118, NO.6), IS AMENDED TO READ:

10 SECTION 464. HEARINGS UPON [REFUSAL OF] APPLICATIONS FOR  
11 LICENSES, RENEWALS OR TRANSFERS AND REFUSALS OF APPLICATIONS;  
12 APPEALS.--(A) THE BOARD MAY OF ITS OWN MOTION, AND SHALL UPON  
13 THE WRITTEN REQUEST OF THE DIVISION OR OF ANY APPLICANT FOR  
14 CLUB, HOTEL OR RESTAURANT LIQUOR LICENSE, OR ANY APPLICANT FOR  
15 ANY MALT OR BREWED BEVERAGE LICENSE OTHER THAN A PUBLIC SERVICE  
16 LICENSE, OR FOR RENEWAL OR TRANSFER THEREOF, WHOSE APPLICATION  
17 FOR SUCH LICENSE, RENEWAL OR TRANSFER HAS BEEN REFUSED, FIX A  
18 TIME AND PLACE FOR HEARING OF SUCH APPLICATION FOR LICENSE OR  
19 FOR RENEWAL OR TRANSFER THEREOF, NOTICE OF WHICH HEARING SHALL  
20 BE MAILED TO THE APPLICANT AT THE ADDRESS GIVEN IN HIS  
21 APPLICATION.

22 (B) SUCH HEARING SHALL BE BEFORE THE BOARD, A MEMBER  
23 THEREOF, OR AN EXAMINER DESIGNATED BY THE BOARD.

24 (C) AT SUCH HEARING, THE BOARD SHALL PRESENT ITS REASONS FOR  
25 ITS REFUSAL OR WITHHOLDING OF LICENSE, RENEWAL OR TRANSFER  
26 THEREOF OR THE DIVISION SHALL PRESENT ITS REASONS FOR ITS  
27 OBJECTIONS TO THE GRANTING OR ISSUING OF LICENSE, RENEWAL OR  
28 TRANSFER THEREOF, AS APPROPRIATE. THE APPLICANT MAY APPEAR IN  
29 PERSON OR BY COUNSEL, MAY CROSS-EXAMINE THE WITNESSES FOR THE  
30 BOARD OR THE DIVISION AND MAY PRESENT EVIDENCE WHICH SHALL

1    LIKEWISE BE SUBJECT TO CROSS-EXAMINATION BY THE BOARD OR THE  
2    DIVISION, OR BOTH. SUCH HEARING SHALL BE STENOGRAPHICALLY  
3    RECORDED. THE EXAMINER SHALL THEREAFTER REPORT TO THE BOARD UPON  
4    SUCH HEARING. THE BOARD SHALL THEREUPON GRANT OR REFUSE THE  
5    LICENSE, RENEWAL OR TRANSFER THEREOF. [IN CONSIDERING THE  
6    RENEWAL OF A LICENSE, THE BOARD SHALL NOT REFUSE ANY SUCH  
7    RENEWAL ON THE BASIS OF THE PROPRIETY OF THE ORIGINAL ISSUANCE  
8    OR ANY PRIOR RENEWAL OF SUCH LICENSE. IF THE BOARD SHALL REFUSE  
9    SUCH LICENSE, RENEWAL OR TRANSFER FOLLOWING SUCH HEARING, NOTICE  
10  IN WRITING OF SUCH REFUSAL SHALL BE MAILED TO THE APPLICANT AT  
11  THE ADDRESS GIVEN IN HIS APPLICATION. IN ALL SUCH CASES, THE  
12  BOARD SHALL FILE OF RECORD AT LEAST A BRIEF STATEMENT IN THE  
13  FORM OF AN OPINION OF THE REASONS FOR THE RULING OR ORDER AND  
14  FURNISH A COPY THEREOF TO THE APPLICANT. ANY APPLICANT WHO HAS  
15  APPEARED BEFORE THE BOARD OR ANY AGENT THEREOF AT ANY HEARING,  
16  AS ABOVE PROVIDED, WHO IS AGGRIEVED BY THE REFUSAL OF THE BOARD  
17  TO ISSUE ANY SUCH LICENSE OR TO RENEW OR TRANSFER ANY SUCH  
18  LICENSE MAY APPEAL, OR ANY CHURCH, HOSPITAL, CHARITABLE  
19  INSTITUTION, SCHOOL OR PUBLIC PLAYGROUND LOCATED WITHIN THREE  
20  HUNDRED FEET OF THE PREMISES APPLIED FOR, AGGRIEVED BY THE  
21  ACTION OF THE BOARD IN GRANTING THE ISSUANCE OF ANY SUCH LICENSE  
22  OR THE TRANSFER OF ANY SUCH LICENSE, MAY TAKE AN APPEAL LIMITED  
23  TO THE QUESTION OF SUCH GRIEVANCE, WITHIN TWENTY DAYS FROM DATE  
24  OF REFUSAL OR GRANT, TO THE COURT OF QUARTER SESSIONS OF THE  
25  COUNTY IN WHICH THE PREMISES APPLIED FOR IS LOCATED OR THE  
26  COUNTY COURT OF ALLEGHENY COUNTY. SUCH APPEAL SHALL BE UPON  
27  PETITION OF THE AGGRIEVED PARTY, WHO SHALL SERVE A COPY THEREOF  
28  UPON THE BOARD, WHEREUPON A HEARING SHALL BE HELD UPON THE  
29  PETITION BY THE COURT UPON TEN DAYS' NOTICE TO THE BOARD, WHICH  
30  SHALL BE REPRESENTED IN THE PROCEEDING BY THE DEPARTMENT OF

1 JUSTICE. THE SAID APPEAL SHALL ACT AS A SUPERSEDEAS UNLESS UPON  
2 SUFFICIENT CAUSE SHOWN THE COURT SHALL DETERMINE OTHERWISE. THE  
3 COURT SHALL HEAR THE APPLICATION DE NOVO ON QUESTIONS OF FACT,  
4 ADMINISTRATIVE DISCRETION AND SUCH OTHER MATTERS AS ARE  
5 INVOLVED, AT SUCH TIME AS IT SHALL FIX, OF WHICH NOTICE SHALL BE  
6 GIVEN TO THE BOARD. THE COURT SHALL EITHER SUSTAIN OR OVER-RULE  
7 THE ACTION OF THE BOARD AND EITHER ORDER OR DENY THE ISSUANCE  
8 OF A NEW LICENSE OR THE RENEWAL OR TRANSFER OF THE LICENSE TO  
9 THE APPLICANT.

10 THE JURISDICTION OF THE COUNTY COURT OF ALLEGHENY COUNTY  
11 CONFERRED HEREBY SHALL BE EXCLUSIVE WITHIN THE TERRITORIAL  
12 LIMITS OF ITS JURISDICTION.]

13 (D) AT ANY HEARING HELD ON THE REQUEST OF THE DIVISION, THE  
14 DIVISION SHALL BE REPRESENTED BY ITS CHIEF PROSECUTING COUNSEL  
15 OR AN ASSISTANT PROSECUTING COUNSEL.

16 (E) SUCH HEARING SHALL BE IN ACCORDANCE WITH 2 PA.C.S. CH. 5  
17 SUBCH. A (RELATING TO PRACTICE AND PROCEDURE OF COMMONWEALTH  
18 AGENCIES).

19 (F) THE BOARD OR THE DIVISION OR ANY APPLICANT OR ANY  
20 CHURCH, SCHOOL, HOSPITAL, CHARITABLE INSTITUTION OR PUBLIC  
21 PLAYGROUND LOCATED WITHIN THREE HUNDRED FEET OF THE PREMISES  
22 APPLIED FOR WHO IS AGGRIEVED BY THE ADJUDICATION MAY TAKE AN  
23 APPEAL WITHIN THIRTY DAYS FROM THE DATE OF THE ADJUDICATION TO  
24 THE COURT OF COMMON PLEAS OF THE COUNTY IN WHICH THE PREMISES  
25 APPLIED FOR IS LOCATED. ANY SUCH APPEAL SHALL BE IN ACCORDANCE  
26 WITH 2 PA.C.S. CH. 7 SUBCH. A (RELATING TO JUDICIAL REVIEW OF  
27 COMMONWEALTH AGENCY ACTION).

28 SECTION 23. SECTION 465(D) OF THE ACT IS AMENDED TO READ:

29 SECTION 465. ALL LICENSEES TO FURNISH BOND.--\* \* \*

30 (D) THE PENAL SUM OF THE RESPECTIVE BONDS FILED UNDER THE

1 PROVISIONS OF THIS SECTION SHALL BE AS FOLLOWS:

2 (1) MANUFACTURERS OF MALT OR BREWED BEVERAGES, TEN THOUSAND  
3 DOLLARS (\$10,000.00) FOR EACH PLACE AT WHICH THE LICENSEE IS  
4 AUTHORIZED TO MANUFACTURE.

5 (2) LIQUOR IMPORTERS, TEN THOUSAND DOLLARS (\$10,000.00) FOR  
6 EACH LICENSE.

7 (3) SACRAMENTAL WINE LICENSEES, TEN THOUSAND DOLLARS  
8 (\$10,000.00).

9 (4) IMPORTING DISTRIBUTORS OF MALT OR BREWED BEVERAGES AND  
10 WINE, TWO THOUSAND DOLLARS (\$2,000.00).

11 (5) HOTEL, RESTAURANT, CLUB AND PUBLIC SERVICE LIQUOR  
12 LICENSEES, TWO THOUSAND DOLLARS (\$2,000.00), BUT IN THE CASE OF  
13 A RAILROAD OR PULLMAN COMPANY, SUCH PENAL SUM SHALL COVER EVERY  
14 DINING, CLUB OR BUFFET CAR OF SUCH COMPANY OPERATED UNDER SUCH  
15 LICENSE.

16 (6) DISTRIBUTORS OF MALT OR BREWED BEVERAGES AND WINE, ONE  
17 THOUSAND DOLLARS (\$1,000.00).

18 (7) RETAIL DISPENSERS OF MALT OR BREWED BEVERAGES AND WINE  
19 AND PUBLIC SERVICE MALT OR BREWED BEVERAGE LICENSEES, ONE  
20 THOUSAND DOLLARS (\$1,000.00) FOR EACH PLACE AT WHICH THE  
21 LICENSEE IS AUTHORIZED TO SELL MALT OR BREWED BEVERAGES OR WINE,  
22 EXCEPT THAT IN THE CASE OF RAILROAD OR PULLMAN COMPANIES, SAID  
23 PENAL SUM SHALL BE ONE THOUSAND DOLLARS (\$1,000.00),  
24 IRRESPECTIVE OF THE NUMBER OF LICENSED CARS OPERATED BY THE  
25 COMPANY.

26 (8) DISTRIBUTORS OF WINE, ONE THOUSAND DOLLARS (\$1,000.00).

27 (9) MASTER DISTRIBUTORS OF WINE, TWO THOUSAND DOLLARS  
28 (\$2,000.00).

29 SECTION 24. SECTION 468 OF THE ACT IS AMENDED BY ADDING A  
30 SUBSECTION TO READ:



SECTION 468. LICENSES NOT ASSIGNABLE; TRANSFERS.--\* \* \*

(D) THE LICENSE SHALL CONSTITUTE A PRIVILEGE BETWEEN THE BOARD AND THE LICENSEE. AS BETWEEN THE LICENSEE AND THIRD PARTIES THE LICENSE SHALL CONSTITUTE PROPERTY.

SECTION 25. SECTION 471 OF THE ACT, AMENDED JANUARY 13, 1966 (1965 P.L.1301, NO.518) AND REPEALED IN PART JUNE 3, 1971 (P.L.118, NO.6), IS AMENDED TO READ:

SECTION 471. REVOCATION AND SUSPENSION OF LICENSES; FINES.--

[UPON LEARNING OF ANY VIOLATION OF THIS ACT OR ANY LAWS OF THIS COMMONWEALTH RELATING TO LIQUOR, ALCOHOL OR MALT OR BREWED BEVERAGES, OR OF ANY REGULATIONS OF THE BOARD ADOPTED PURSUANT TO SUCH LAWS, OF ANY VIOLATION OF ANY LAWS OF THIS COMMONWEALTH OR OF THE UNITED STATES OF AMERICA RELATING TO THE TAX-PAYMENT OF LIQUOR OR MALT OR BREWED BEVERAGES BY ANY LICENSEE WITHIN THE SCOPE OF THIS ARTICLE, HIS OFFICERS, SERVANTS, AGENTS OR EMPLOYES, OR UPON ANY OTHER SUFFICIENT CAUSE SHOWN, THE BOARD MAY, WITHIN ONE YEAR FROM THE DATE OF SUCH VIOLATION OR CAUSE APPEARING, CITE SUCH LICENSEE TO APPEAR BEFORE IT OR ITS EXAMINER, NOT LESS THAN TEN NOR MORE THAN SIXTY DAYS FROM THE DATE OF SENDING SUCH LICENSEE, BY REGISTERED MAIL, A NOTICE ADDRESSED TO HIM AT HIS LICENSED PREMISES, TO SHOW CAUSE WHY SUCH LICENSE SHOULD NOT BE SUSPENDED OR REVOKED OR A FINE IMPOSED. HEARINGS ON SUCH CITATIONS SHALL BE HELD IN THE SAME MANNER AS PROVIDED HEREIN FOR HEARINGS ON APPLICATIONS FOR LICENSE. UPON SUCH HEARING, IF SATISFIED THAT ANY SUCH VIOLATION HAS OCCURRED OR FOR OTHER SUFFICIENT CAUSE, THE BOARD SHALL IMMEDIATELY SUSPEND OR REVOKE THE LICENSE, OR IMPOSE A FINE OF NOT LESS THAN FIFTY DOLLARS (\$50) NOR MORE THAN ONE THOUSAND DOLLARS (\$1,000), NOTIFYING THE LICENSEE BY REGISTERED LETTER ADDRESSED TO HIS LICENSED PREMISES. IN THE EVENT THE FINE IS NOT

1 PAID WITHIN TWENTY DAYS OF THE ORDER THE BOARD SHALL SUSPEND OR  
2 REVOKE THE LICENSE, NOTIFYING THE LICENSEE BY REGISTERED MAIL  
3 ADDRESSED TO HIS LICENSED PREMISES. SUSPENSIONS AND REVOCATIONS  
4 SHALL NOT GO INTO EFFECT UNTIL TWENTY DAYS HAVE ELAPSED FROM THE  
5 DATE OF NOTICE OF ISSUANCE OF THE BOARD'S ORDER, DURING WHICH  
6 TIME THE LICENSEE MAY TAKE AN APPEAL AS PROVIDED FOR IN THIS  
7 ACT. WHEN A LICENSE IS REVOKED, THE LICENSEE'S BOND MAY BE  
8 FORFEITED BY THE BOARD. ANY LICENSEE WHOSE LICENSE IS REVOKED  
9 SHALL BE INELIGIBLE TO HAVE A LICENSE UNDER THIS ACT UNTIL THE  
10 EXPIRATION OF THREE YEARS FROM THE DATE SUCH LICENSE WAS  
11 REVOKED. IN THE EVENT THE BOARD SHALL REVOKE A LICENSE, NO  
12 LICENSE SHALL BE GRANTED FOR THE PREMISES OR TRANSFERRED TO THE  
13 PREMISES IN WHICH THE SAID LICENSE WAS CONDUCTED FOR A PERIOD OF  
14 AT LEAST ONE YEAR AFTER THE DATE OF THE REVOCATION OF THE  
15 LICENSE CONDUCTED IN THE SAID PREMISES, EXCEPT IN CASES WHERE  
16 THE LICENSEE OR A MEMBER OF HIS IMMEDIATE FAMILY IS NOT THE  
17 OWNER OF THE PREMISES, IN WHICH CASE THE BOARD MAY, IN ITS  
18 DISCRETION, ISSUE OR TRANSFER A LICENSE WITHIN THE SAID YEAR. IN  
19 ALL SUCH CASES, THE BOARD SHALL FILE OF RECORD AT LEAST A BRIEF  
20 STATEMENT IN THE FORM OF AN OPINION OF THE REASONS FOR THE  
21 RULING OR ORDER. IN THE EVENT THE PERSON WHO WAS FINED OR WHOSE  
22 LICENSE WAS SUSPENDED OR REVOKED BY THE BOARD SHALL FEEL  
23 AGGRIEVED BY THE ACTION OF THE BOARD, HE SHALL HAVE THE RIGHT TO  
24 APPEAL TO THE COURT OF QUARTER SESSIONS OR THE COUNTY COURT OF  
25 ALLEGHENY COUNTY IN THE SAME MANNER AS HEREIN PROVIDED FOR  
26 APPEALS FROM REFUSALS TO GRANT LICENSES. UPON APPEAL, THE COURT  
27 SO APPEALED TO SHALL, IN THE EXERCISE OF ITS DISCRETION,  
28 SUSTAIN, REJECT, ALTER OR MODIFY THE FINDINGS, CONCLUSIONS AND  
29 PENALTIES OF THE BOARD, BASED ON THE FINDINGS OF FACT AND  
30 CONCLUSIONS OF LAW AS FOUND BY THE COURT. THE AFORESAID APPEAL

1 SHALL ACT AS A SUPERSEDEAS UNLESS UPON SUFFICIENT CAUSE SHOWN  
2 THE COURT SHALL DETERMINE OTHERWISE. NO PENALTY PROVIDED BY THIS  
3 SECTION SHALL BE IMPOSED BY THE BOARD OR ANY COURT FOR ANY  
4 VIOLATIONS PROVIDED FOR IN THIS ACT UNLESS THE ENFORCEMENT  
5 OFFICER OR THE BOARD NOTIFIES THE LICENSEE OF ITS NATURE AND OF  
6 THE DATE OF THE ALLEGED VIOLATION WITHIN TEN DAYS OF THE  
7 COMPLETION OF THE INVESTIGATION WHICH IN NO EVENT SHALL EXCEED  
8 NINETY DAYS.] (A) UPON LEARNING OF ANY VIOLATION OF THIS ACT OR  
9 ANY LAWS OF THIS COMMONWEALTH RELATING TO LIQUOR, ALCOHOL OR  
10 MALT OR BREWED BEVERAGES, OR OF ANY REGULATIONS OF THE BOARD  
11 ADOPTED PURSUANT TO SUCH LAWS, OR ANY VIOLATION OF ANY LAWS OF  
12 THIS COMMONWEALTH OR OF THE FEDERAL GOVERNMENT RELATING TO THE  
13 PAYMENT OF TAXES ON LIQUOR OR MALT OR BREWED BEVERAGES BY ANY  
14 LICENSEE WITHIN THE SCOPE OF THIS ARTICLE, HIS OFFICERS,  
15 SERVANTS, AGENTS OR EMPLOYES, OR UPON ANY OTHER SUFFICIENT CAUSE  
16 SHOWN, THE DIVISION MAY, WITHIN ONE YEAR FROM THE DATE OF SUCH  
17 VIOLATION OR CAUSE APPEARING, CITE SUCH LICENSEE TO APPEAR  
18 BEFORE AN ADMINISTRATIVE LAW JUDGE, NOT LESS THAN TEN NOR MORE  
19 THAN SIXTY DAYS FROM THE DATE OF SENDING SUCH LICENSEE, BY  
20 REGISTERED MAIL, A NOTICE ADDRESSED TO HIM AT HIS LICENSED  
21 PREMISES, TO SHOW CAUSE WHY SUCH LICENSE SHOULD NOT BE SUSPENDED  
22 OR REVOKED OR A FINE IMPOSED, OR BOTH. THE DIVISION SHALL ALSO  
23 SEND A COPY OF THE HEARING NOTICE TO THE MUNICIPALITY IN WHICH  
24 THE PREMISES IS LOCATED.

25 (B) HEARING ON SUCH CITATIONS SHALL BE HELD IN THE SAME  
26 MANNER AS PROVIDED HEREIN FOR HEARINGS ON APPLICATIONS FOR  
27 LICENSE. UPON SUCH HEARING, IF SATISFIED THAT ANY SUCH VIOLATION  
28 HAS OCCURRED OR FOR OTHER SUFFICIENT CAUSE, THE ADMINISTRATIVE  
29 LAW JUDGE SHALL IMMEDIATELY SUSPEND OR REVOKE THE LICENSE, OR  
30 IMPOSE A FINE OF NOT LESS THAN FIFTY DOLLARS (\$50) NOR MORE THAN

1 ONE THOUSAND DOLLARS (\$1,000), OR BOTH, NOTIFYING THE LICENSEE  
2 BY REGISTERED LETTER ADDRESSED TO HIS LICENSED PREMISES. IF THE  
3 LICENSEE HAS BEEN CITED AND FOUND TO HAVE VIOLATED CLAUSE (1) OF  
4 SECTION 493 INsofar AS IT RELATES TO SALES TO MINORS, CLAUSE  
5 (10) INsofar AS IT RELATES TO LEWD, IMMORAL OR IMPROPER  
6 ENTERTAINMENT, OR CLAUSE (14), (16) OR (21) OF THIS ACT OR HAS  
7 BEEN FOUND TO BE A PUBLIC NUISANCE PURSUANT TO SECTION 611, OR  
8 IF THE OWNER OR OPERATOR OF THE LICENSED PREMISES OR ANY  
9 AUTHORIZED AGENT OF THE OWNER OR OPERATOR HAS BEEN CONVICTED OF  
10 ANY VIOLATION OF THE ACT OF APRIL 14, 1972 (P.L.233, NO.64),  
11 KNOWN AS "THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC  
12 ACT," OR OF 18 PA.C.S. § 5902 (RELATING TO PROSTITUTION AND  
13 RELATED OFFENSES) OR 6301 (RELATING TO CORRUPTION OF MINORS), AT  
14 OR RELATING TO THE LICENSED PREMISES, THE ADMINISTRATIVE LAW  
15 JUDGE SHALL IMMEDIATELY SUSPEND OR REVOKE THE LICENSE, OR IMPOSE  
16 A FINE NOT TO EXCEED FIVE THOUSAND DOLLARS (\$5,000) OR BOTH. THE  
17 ADMINISTRATIVE LAW JUDGE SHALL NOTIFY THE LICENSEE BY REGISTERED  
18 MAIL, ADDRESSED TO THE LICENSED PREMISES, OF SUCH SUSPENSION,  
19 REVOCATION OR FINE. THE INCREASED CIVIL PENALTY IMPOSED BY THIS  
20 SUBSECTION SHALL NOT BE USED TO REQUIRE ANY LICENSEE TO INCREASE  
21 THE AMOUNT OF THE BOND REQUIRED BY THIS ACT. IN THE EVENT THE  
22 FINE IS NOT PAID WITHIN TWENTY DAYS OF THE ADJUDICATION THE  
23 ADMINISTRATIVE LAW JUDGE SHALL SUSPEND OR REVOKE THE LICENSE,  
24 NOTIFYING THE LICENSEE BY REGISTERED MAIL ADDRESSED TO THE  
25 LICENSED PREMISES. SUSPENSIONS AND REVOCATIONS SHALL NOT GO INTO  
26 EFFECT UNTIL THIRTY DAYS HAVE ELAPSED FROM THE DATE OF THE  
27 ADJUDICATION DURING WHICH TIME THE LICENSEE MAY TAKE AN APPEAL  
28 AS PROVIDED FOR IN THIS ACT. WHEN A LICENSE IS REVOKED, THE  
29 LICENSEE'S BOND MAY BE FORFEITED. ANY LICENSEE WHOSE LICENSE IS  
30 REVOKED SHALL BE INELIGIBLE TO HAVE A LICENSE UNDER THIS ACT

1 UNTIL THE EXPIRATION OF THREE YEARS FROM THE DATE SUCH LICENSE  
2 WAS REVOKED. IN THE EVENT A LICENSE IS REVOKED, NO LICENSE SHALL  
3 BE GRANTED FOR THE PREMISES OR TRANSFERRED TO THE PREMISES IN  
4 WHICH THE SAID LICENSE WAS CONDUCTED FOR A PERIOD OF AT LEAST  
5 ONE YEAR AFTER THE DATE OF THE REVOCATION OF THE LICENSE  
6 CONDUCTED IN THE SAID PREMISES, EXCEPT IN CASES WHERE THE  
7 LICENSEE OR A MEMBER OF HIS IMMEDIATE FAMILY IS NOT THE OWNER OF  
8 THE PREMISES, IN WHICH CASE THE BOARD MAY, IN ITS DISCRETION,  
9 ISSUE OR TRANSFER A LICENSE WITHIN THE SAID YEAR. IN THE EVENT  
10 THE DIVISION OR THE PERSON WHO WAS FINED OR WHOSE LICENSE WAS  
11 SUSPENDED OR REVOKED SHALL FEEL AGGRIEVED BY THE ADJUDICATION OF  
12 THE ADMINISTRATIVE LAW JUDGE, THERE SHALL BE A RIGHT TO APPEAL  
13 TO THE COURT OF COMMON PLEAS IN THE SAME MANNER AS HEREIN  
14 PROVIDED FOR APPEALS FROM REFUSALS TO GRANT LICENSES. THE  
15 AFORESAID APPEAL SHALL ACT AS A SUPERSEDEAS UNLESS UPON  
16 SUFFICIENT CAUSE SHOWN THE COURT SHALL DETERMINE OTHERWISE;  
17 HOWEVER, IF THE LICENSEE HAS BEEN CITED AND FOUND TO HAVE  
18 VIOLATED CLAUSE (1) OF SECTION 493 INsofar AS IT RELATES TO  
19 SALES TO MINORS, CLAUSE (10) INsofar AS IT RELATES TO LEWD,  
20 IMMORAL OR IMPROPER ENTERTAINMENT, OR CLAUSE (14), (16) OR (21)  
21 OR HAS BEEN FOUND TO BE A PUBLIC NUISANCE PURSUANT TO SECTION  
22 611, OR IF THE OWNER OR OPERATOR OF THE LICENSED PREMISES OR ANY  
23 AUTHORIZED AGENT OF THE OWNER OR OPERATOR HAS BEEN CONVICTED OF  
24 ANY VIOLATION OF THE ACT OF APRIL 14, 1972 (P.L.233, NO.64),  
25 KNOWN AS "THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC  
26 ACT," OR OF 18 PA.C.S. § 5902 (RELATING TO PROSTITUTION AND  
27 RELATED OFFENSES) OR 6301 (RELATING TO CORRUPTION OF MINORS), AT  
28 OR RELATING TO THE LICENSED PREMISES, ITS APPEAL SHALL NOT ACT  
29 AS A SUPERSEDEAS UNLESS THE COURT DETERMINES OTHERWISE UPON  
30 SUFFICIENT CAUSE SHOWN. IN ANY HEARING ON AN APPLICATION FOR A

1 SUPERSEDEAS UNDER THIS SECTION THE COURT MAY CONSIDER, IN  
2 ADDITION TO OTHER RELEVANT EVIDENCE, DOCUMENTARY EVIDENCE,  
3 INCLUDING RECORDS OF THE DIVISION, SHOWING THE PRIOR HISTORY OF  
4 CITATIONS, FINES, SUSPENSIONS OR REVOCATIONS AGAINST THE  
5 LICENSEE; AND THE COURT MAY ALSO CONSIDER, IN ADDITION TO OTHER  
6 RELEVANT EVIDENCE, EVIDENCE OF ANY RECURRENCE OF THE UNLAWFUL  
7 ACTIVITY OCCURRING BETWEEN THE DATE OF THE CITATION WHICH IS THE  
8 SUBJECT OF THE APPEAL AND THE DATE OF THE HEARING BY THE COURT.  
9 NO PENALTY PROVIDED BY THIS SECTION SHALL BE IMPOSED FOR ANY  
10 VIOLATIONS PROVIDED FOR IN THIS ACT UNLESS THE DIVISION NOTIFIES  
11 THE LICENSEE OF ITS NATURE WITHIN THIRTY DAYS OF THE COMPLETION  
12 OF THE INVESTIGATION.

13 (C) (1) UPON REASONABLE CAUSE, ANY LAW ENFORCEMENT AGENCY  
14 MAY CITE A LICENSEE WITHIN THE SCOPE OF THIS ARTICLE FOR ANY  
15 VIOLATION OF THIS ACT OR OF ANY LAWS OF THIS COMMONWEALTH  
16 RELATING TO LIQUOR, ALCOHOL OR MALT OR BREWED BEVERAGES, OR OF  
17 ANY REGULATION ADOPTED PURSUANT TO SUCH LAWS, OF ANY VIOLATION  
18 OF ANY LAWS OF THIS COMMONWEALTH OR OF THE UNITED STATES OF  
19 AMERICA RELATING TO THE PAYMENT OF TAXES ON LIQUOR OR MALT OR  
20 BREWED BEVERAGES BY ANY LICENSEE WITHIN THE SCOPE OF THIS ACT,  
21 HIS OFFICERS, SERVANTS, AGENTS OR EMPLOYES, OR UPON ANY OTHER  
22 SUFFICIENT CAUSE SHOWN. UPON REASONABLE CAUSE ANY POLICE OFFICER  
23 OF ANY MUNICIPALITY MAY CITE A LICENSEE WITHIN THE SCOPE OF THIS  
24 ARTICLE FOR ANY VIOLATIONS OF CLAUSE (1) OF SECTION 493 INsofar  
25 AS IT RELATES TO SALES TO MINORS, CLAUSE (10) INsofar AS IT  
26 RELATES TO LEWD, IMMORAL OR IMPROPER ENTERTAINMENT, CLAUSE (14),  
27 (16), OR (21), OR ANY VIOLATION OF THE ACT OF APRIL 14, 1972  
28 (P.L.233, NO.64), KNOWN AS "THE CONTROLLED SUBSTANCE, DRUG,  
29 DEVICE AND COSMETIC ACT," OR OF 18 PA.C.S. § 5902 (RELATING TO  
30 PROSTITUTION AND RELATED OFFENSES) OR 6301 (RELATING TO

CORRUPTION OF MINORS) OR OF ANY VIOLATIONS OF ANY LAWS OF THIS  
COMMONWEALTH RELATING TO THE PAYMENT OF TAXES ON LIQUOR,  
ALCOHOL, OR MALT OR BREWED BEVERAGES.

(2) THE CITATIONS ALLOWED BY CLAUSE (1) SHALL BE ON FORMS  
DESIGNED AND PROVIDED BY THE DIVISION.

(3) ANY CITATION ISSUED BY A LAW ENFORCEMENT AGENCY PURSUANT  
TO THIS SECTION SHALL IDENTIFY THE ALLEGED VIOLATION AND SHALL  
INCLUDE THE DATE OF SAID VIOLATION. A COPY OF SAID CITATION  
SHALL BE SERVED BY THE LAW ENFORCEMENT AGENCY BY DELIVERING THE  
CITATION TO THE LICENSED PREMISES AND LEAVING IT WITH THE  
LICENSEE OR ANY OFFICER, SERVANT, AGENT OR EMPLOYE OF THE  
LICENSEE FOUND ON THE PREMISES. IF NEITHER THE LICENSEE NOR ANY  
OFFICER, SERVANT, AGENT OR EMPLOYE OF THE LICENSEE IS FOUND ON  
THE PREMISES, THE CITATION MAY BE SERVED BY LEAVING A COPY  
THEREOF AT THE LICENSED PREMISES. A COPY OF THE CITATION MAY BE  
DELIVERED AS PROVIDED IN THIS SUBSECTION AT THE TIME THAT THE  
VIOLATION IS OBSERVED OR DETECTED BY THE LAW ENFORCEMENT AGENCY  
OR WITHIN THIRTY DAYS FOLLOWING THE LATER OF EITHER:

(I) THE OBSERVANCE OR DETECTION OF THE VIOLATION; OR

(II) THE COMPLETION OF THE INVESTIGATION DISCLOSING THE  
VIOLATION.

(4) UPON ISSUING ANY CITATION AS HEREIN PROVIDED, THE LAW  
ENFORCEMENT AGENCY ISSUING THE CITATION SHALL PROMPTLY PROVIDE A  
COPY OF THE CITATION TO THE DIVISION. UPON RECEIPT OF SUCH A  
CITATION, THE DIVISION SHALL SCHEDULE A HEARING ON THE CITATION  
NOT LESS THAN TEN NOR MORE THAN SIXTY DAYS AFTER A COPY OF THE  
CITATION WAS SERVED AS PROVIDED IN CLAUSE (3). ANY SUCH HEARING  
SHALL BE BEFORE AN ADMINISTRATIVE LAW JUDGE. AT THE HEARING, THE  
LICENSEE WILL BE REQUIRED TO SHOW CAUSE WHY THE LICENSE SHOULD  
NOT BE SUSPENDED OR REVOKED OR A FINE IMPOSED, OR BOTH. THE

1 HEARING PROVIDED FOR BY THIS SUBSECTION SHALL BE IDENTICAL IN  
2 FORM AND SUBSTANCE TO A HEARING ON A CITATION ISSUED PURSUANT TO  
3 SUBSECTION (A). THE DIVISION SHALL, BY REGISTERED MAIL, NOTIFY  
4 THE LICENSEE AND THE LAW ENFORCEMENT AGENCY ISSUING THE CITATION  
5 OF THE DATE, TIME AND PLACE FOR THE HEARING.

6 (5) UPON PROVIDING A COPY OF THE CITATION TO THE DIVISION AS  
7 PROVIDED IN CLAUSE (4), THE LAW ENFORCEMENT AGENCY SHALL, IN  
8 ADDITION, SUPPLY THE DIVISION WITH THE NAMES AND ADDRESSES OF  
9 ALL WITNESSES KNOWN TO THE LAW ENFORCEMENT AGENCY THAT MAY BE  
10 REQUIRED TO PROSECUTE THE CITATION. THE DIVISION SHALL COMMAND  
11 THE APPEARANCE AT THE SCHEDULED HEARING OF THOSE PERSONS,  
12 INCLUDING MEMBERS OF THE LAW ENFORCEMENT AGENCY, NECESSARY TO  
13 PROSECUTE THE CITATION.

14 (6) THE AUTHORITY GIVEN TO LAW ENFORCEMENT AGENCIES UNDER  
15 THIS SUBSECTION SHALL BE IN ADDITION TO ANY OTHER AUTHORITY  
16 WHICH SAID AGENCIES POSSESS.

17 (D) IF THE VIOLATION IN QUESTION IS A THIRD OR SUBSEQUENT  
18 VIOLATION OF THIS ACT OR [THE ACT OF JUNE 24, 1939 (P.L.872),  
19 KNOWN AS "THE PENAL CODE,"] TITLE 18 OF THE PENNSYLVANIA  
20 CONSOLIDATED STATUTES (RELATING TO CRIMES AND OFFENSES),  
21 OCCURRING WITHIN A PERIOD OF FOUR YEARS THE [BOARD]  
22 ADMINISTRATIVE LAW JUDGE SHALL IMPOSE A SUSPENSION OR  
23 REVOCATION.

24 [THE JURISDICTION OF THE COUNTY COURT OF ALLEGHENY COUNTY  
25 CONFERRED HEREBY SHALL BE EXCLUSIVE WITHIN THE TERRITORIAL  
26 LIMITS OF ITS JURISDICTION.]

27 (E) AT ALL HEARINGS HELD TO ADJUDICATE CITATIONS ISSUED BY A  
28 LAW ENFORCEMENT AGENCY PURSUANT TO THIS SECTION, THE LAW  
29 ENFORCEMENT AGENCY SHALL BE REPRESENTED BY THE CHIEF PROSECUTING  
30 ATTORNEY OF THE DIVISION OR AN ASSISTANT PROSECUTING ATTORNEY.



1 THE ATTORNEY GENERAL SHALL APPOINT A CHIEF PROSECUTING ATTORNEY  
2 AND SO MANY ASSISTANT PROSECUTING ATTORNEYS AS HE DEEMS  
3 NECESSARY AND APPROPRIATE. IN ADDITION TO REPRESENTING THE LAW  
4 ENFORCEMENT AGENCIES AT CITATION HEARINGS OR OTHER HEARINGS  
5 BEFORE ADMINISTRATIVE LAW JUDGES, THE CHIEF PROSECUTING ATTORNEY  
6 AND THE ASSISTANT PROSECUTING ATTORNEYS SHALL REPRESENT THE LAW  
7 ENFORCEMENT AGENCIES DURING ALL APPEALS IN THE COURTS AND SHALL  
8 RENDER ADVICE AND LEGAL ASSISTANCE TO LAW ENFORCEMENT AGENCIES  
9 IN MATTERS ARISING UNDER THIS ACT.

10 SECTION 26. SECTION 472 OF THE ACT, AMENDED MAY 2, 1986  
11 (P.L.141, NO.44), IS AMENDED TO READ:

12 SECTION 472. LOCAL OPTION.--IN ANY MUNICIPALITY OR ANY PART  
13 OF A MUNICIPALITY WHERE SUCH MUNICIPALITY IS SPLIT SO THAT EACH  
14 PART THEREOF IS SEPARATED BY ANOTHER MUNICIPALITY, AN ELECTION  
15 MAY BE HELD ON THE DATE OF THE PRIMARY ELECTION IMMEDIATELY  
16 PRECEDING ANY MUNICIPAL ELECTION, BUT NOT OFTENER THAN ONCE IN  
17 FOUR YEARS, TO DETERMINE THE WILL OF THE ELECTORS WITH RESPECT  
18 TO THE GRANTING OF LIQUOR LICENSES TO HOTELS, RESTAURANTS AND  
19 CLUBS, NOT OFTENER THAN ONCE IN FOUR YEARS, TO DETERMINE THE  
20 WILL OF THE ELECTORS WITH RESPECT TO THE GRANTING OF LIQUOR  
21 LICENSES TO PRIVATELY-OWNED PRIVATE GOLF COURSES, NOT OFTENER  
22 THAN ONCE IN FOUR YEARS, TO DETERMINE THE WILL OF THE ELECTORS  
23 WITH RESPECT TO THE GRANTING OF LICENSES TO RETAIL DISPENSERS OF  
24 MALT AND BREWED BEVERAGES, NOT OFTENER THAN ONCE IN FOUR YEARS,  
25 TO DETERMINE THE WILL OF THE ELECTORS WITH RESPECT TO GRANTING  
26 OF LICENSES TO WHOLESALE DISTRIBUTORS AND IMPORTING  
27 DISTRIBUTORS, OR NOT MORE THAN ONCE IN FOUR YEARS, TO DETERMINE  
28 THE WILL OF THE ELECTORS WITH RESPECT TO THE ESTABLISHMENT,  
29 OPERATION AND MAINTENANCE BY THE BOARD OF PENNSYLVANIA LIQUOR  
30 STORES, WITHIN THE LIMITS OF SUCH MUNICIPALITY OR PART OF A

1 SPLIT MUNICIPALITY, UNDER THE PROVISIONS OF THIS ACT: PROVIDED,  
2 HOWEVER, WHERE AN ELECTION SHALL HAVE BEEN HELD AT THE PRIMARY  
3 PRECEDING A MUNICIPAL ELECTION IN ANY YEAR, ANOTHER ELECTION MAY  
4 BE HELD UNDER THE PROVISIONS OF THIS ACT AT THE PRIMARY  
5 OCCURRING THE FOURTH YEAR AFTER SUCH PRIOR ELECTION: AND  
6 PROVIDED FURTHER, THAT AN ELECTION ON THE QUESTION OF  
7 ESTABLISHING AND OPERATING A STATE LIQUOR STORE SHALL BE  
8 INITIATED ONLY IN THOSE MUNICIPALITIES, OR THAT PART OF A SPLIT  
9 MUNICIPALITY THAT SHALL HAVE VOTED AGAINST THE GRANTING OF  
10 LIQUOR LICENSES; AND THAT AN ELECTION ON THE QUESTION OF  
11 GRANTING WHOLESALE DISTRIBUTOR AND IMPORTING DISTRIBUTOR  
12 LICENSES SHALL BE INITIATED ONLY IN THOSE MUNICIPALITIES OR  
13 PARTS OF SPLIT MUNICIPALITIES THAT SHALL HAVE AT A PREVIOUS  
14 ELECTION VOTED AGAINST THE GRANTING OF DISPENSER'S LICENSES.  
15 WHENEVER ELECTORS EQUAL TO AT LEAST TWENTY-FIVE PER CENTUM OF  
16 THE HIGHEST VOTE CAST FOR ANY OFFICE IN THE MUNICIPALITY OR PART  
17 OF A SPLIT MUNICIPALITY AT THE LAST PRECEDING GENERAL ELECTION  
18 SHALL FILE A PETITION WITH THE COUNTY BOARD OF ELECTIONS OF THE  
19 COUNTY FOR A REFERENDUM ON THE QUESTION OF GRANTING ANY OF SAID  
20 CLASSES OF LICENSES OR THE ESTABLISHMENT OF PENNSYLVANIA LIQUOR  
21 STORES, THE SAID COUNTY BOARD OF ELECTIONS SHALL CAUSE A  
22 QUESTION TO BE PLACED ON THE BALLOTS OR ON THE VOTING MACHINE  
23 BOARD AND SUBMITTED AT THE PRIMARY IMMEDIATELY PRECEDING THE  
24 MUNICIPAL ELECTION. SEPARATE PETITIONS MUST BE FILED FOR EACH  
25 QUESTION TO BE VOTED ON. SAID PROCEEDINGS SHALL BE IN THE MANNER  
26 AND SUBJECT TO THE PROVISIONS OF THE ELECTION LAWS WHICH RELATE  
27 TO THE SIGNING, FILING AND ADJUDICATION OF NOMINATION PETITIONS,  
28 INsofar AS SUCH PROVISIONS ARE APPLICABLE.

29 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR  
30 LICENSES, IT SHALL BE IN THE FOLLOWING FORM:

1 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES  
2 FOR THE SALE OF LIQUOR IN..... YES  
3 OF.....? NO  
4 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR  
5 LICENSES, FOR PRIVATELY-OWNED PRIVATE GOLF COURSES, IT SHALL BE  
6 IN THE FOLLOWING FORM:

7 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES FOR  
8 PRIVATELY-OWNED PRIVATE GOLF COURSES FOR THE SALE  
9 OF LIQUOR IN.....BY..... YES  
10 OF.....? NO

11 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LICENSES  
12 TO RETAIL DISPENSERS OF MALT AND BREWED BEVERAGES AND WINE, IT  
13 SHALL BE IN THE FOLLOWING FORM:

14 DO YOU FAVOR THE GRANTING OF MALT AND BREWED  
15 BEVERAGE AND WINE RETAIL DISPENSER LICENSES FOR  
16 CONSUMPTION ON PREMISES WHERE SOLD IN THE..... YES  
17 OF.....? NO

18 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LICENSES  
19 TO WHOLESALE DISTRIBUTORS OF MALT OR BREWED BEVERAGES AND WINE,  
20 IMPORTING DISTRIBUTORS AND MASTER WINE DISTRIBUTORS, IT SHALL BE  
21 IN THE FOLLOWING FORM:

22 DO YOU FAVOR THE GRANTING OF MALT AND BREWED  
23 BEVERAGE AND WINE WHOLESALE DISTRIBUTOR'S AND  
24 IMPORTING DISTRIBUTOR'S LICENSES NOT FOR  
25 CONSUMPTION ON PREMISES WHERE SOLD IN THE..... YES  
26 OF.....? NO

27 WHEN THE QUESTION IS IN RESPECT TO THE ESTABLISHMENT,  
28 OPERATION AND MAINTENANCE OF PENNSYLVANIA LIQUOR STORES IT SHALL  
29 BE IN THE FOLLOWING FORM:

30 DO YOU FAVOR THE ESTABLISHMENT, OPERATION

1       AND MAINTENANCE OF PENNSYLVANIA LIQUOR  
2       STORES IN THE..... YES  
3       OF.....? NO  
4       WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LICENSES  
5 TO WINE DISTRIBUTORS, IT SHALL BE IN THE FOLLOWING FORM:  
6       DO YOU FAVOR THE GRANTING OF WINE DISTRIBUTOR'S  
7 LICENSES NOT FOR CONSUMPTION ON PREMISES WHERE  
8 SOLD IN THE..... YES  
9 OF..... NO

10       IN CASE OF A TIE VOTE, THE STATUS QUO SHALL OBTAIN. IF A  
11 MAJORITY OF THE VOTING ELECTORS ON ANY SUCH QUESTION VOTE "YES,"  
12 THEN LIQUOR LICENSES SHALL BE GRANTED BY THE BOARD TO HOTELS,  
13 RESTAURANTS AND CLUBS, OR LIQUOR LICENSES SHALL BE GRANTED BY  
14 THE BOARD TO PRIVATELY-OWNED PRIVATE GOLF COURSES, OR MALT AND  
15 BREWED BEVERAGE RETAIL DISPENSER LICENSES OR WHOLESALE  
16 DISTRIBUTOR'S AND IMPORTING DISTRIBUTOR'S LICENSE FOR THE SALE  
17 OF MALT OR BREWED BEVERAGES SHALL BE GRANTED BY THE BOARD, OR  
18 THE BOARD MAY ESTABLISH, OPERATE AND MAINTAIN PENNSYLVANIA  
19 LIQUOR STORES, AS THE CASE MAY BE, IN SUCH MUNICIPALITY OR PART  
20 OF A SPLIT MUNICIPALITY, AS PROVIDED BY THIS ACT; BUT IF A  
21 MAJORITY OF THE ELECTORS VOTING ON ANY SUCH QUESTION VOTE "NO,"  
22 THEN THE BOARD SHALL HAVE NO POWER TO GRANT OR TO RENEW UPON  
23 THEIR EXPIRATION ANY LICENSES OF THE CLASS SO VOTED UPON IN SUCH  
24 MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY; OR IF THE NEGATIVE  
25 VOTE IS ON THE QUESTION IN RESPECT TO THE ESTABLISHMENT,  
26 OPERATION AND MAINTENANCE OF PENNSYLVANIA LIQUOR STORES, THE  
27 BOARD SHALL NOT OPEN AND OPERATE A PENNSYLVANIA LIQUOR STORE IN  
28 SUCH MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY, NOR CONTINUE  
29 TO OPERATE A THEN EXISTING PENNSYLVANIA LIQUOR STORE IN THE  
30 MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY FOR MORE THAN TWO

1 YEARS THEREAFTER OR AFTER THE EXPIRATION OF THE TERM OF THE  
2 LEASE ON THE PREMISES OCCUPIED BY SUCH STORE, WHICHEVER PERIOD  
3 IS LESS, UNLESS AND UNTIL AT A LATER ELECTION A MAJORITY OF THE  
4 VOTING ELECTORS VOTE "YES" ON SUCH QUESTION.

5 SECTION 27. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

6 SECTION 477. APPLICANTS TO PROVIDE STATE TAX IDENTIFICATION  
7 NUMBERS AND STATEMENT OF STATE TAX STATUS; WAIVER OF  
8 CONFIDENTIALITY OF INFORMATION IN THE POSSESSION OF THE  
9 DEPARTMENT OF REVENUE AND OTHER DEPARTMENTS; REVIEW OF STATE TAX  
10 STATUS.--(A) AN APPLICANT FOR THE GRANT, RENEWAL OR TRANSFER OF  
11 ANY LICENSE ISSUED PURSUANT TO THIS ARTICLE SHALL PROVIDE TO THE  
12 BOARD, UPON FORMS APPROVED BY THE DEPARTMENT OF REVENUE, THE  
13 FOLLOWING:

14 (1) THE APPLICANT'S STATE PERSONAL INCOME TAX IDENTIFICATION  
15 NUMBER;

16 (2) THE APPLICANT'S STATE SALES TAX NUMBER;

17 (3) THE APPLICANT'S STATE CORPORATION TAX NUMBER;

18 (4) THE APPLICANT'S STATE EMPLOYER WITHHOLDING TAX NUMBER;

19 (5) THE APPLICANT'S UNEMPLOYMENT COMPENSATION ACCOUNT  
20 NUMBER; AND

21 (6) A STATEMENT THAT:

22 (I) ALL STATE TAX REPORTS HAVE BEEN FILED AND ALL STATE  
23 TAXES PAID; OR

24 (II) ALL STATE TAXES ARE SUBJECT TO A TIMELY ADMINISTRATIVE  
25 OR JUDICIAL APPEAL; OR

26 (III) ALL STATE TAXES ARE SUBJECT TO A DULY APPROVED  
27 DEFERRED PAYMENT PLAN.

28 (B) AN APPLICANT FOR THE GRANT, RENEWAL OR TRANSFER OF ANY  
29 LICENSE ISSUED PURSUANT TO THIS ARTICLE SHALL, BY THE FILING OF  
30 AN APPLICATION INsofar AS IT RELATES TO THE BOARD, WAIVE ANY

1 CONFIDENTIALITY WITH RESPECT TO STATE TAX INFORMATION REGARDING  
2 SAID APPLICANT IN THE POSSESSION OF THE DEPARTMENT OF REVENUE,  
3 THE OFFICE OF ATTORNEY GENERAL OR THE DEPARTMENT OF LABOR AND  
4 INDUSTRY, REGARDLESS OF THE SOURCE OF THAT INFORMATION AND SHALL  
5 CONSENT TO THE PROVIDING OF THAT INFORMATION TO THE BOARD BY THE  
6 DEPARTMENT OF REVENUE, THE OFFICE OF ATTORNEY GENERAL OR THE  
7 DEPARTMENT OF LABOR AND INDUSTRY.

8 (C) UPON RECEIPT OF ANY APPLICATION FOR THE GRANT, RENEWAL  
9 OR TRANSFER OF ANY LICENSE ISSUED PURSUANT TO THIS ARTICLE, THE  
10 BOARD SHALL REVIEW THE STATE TAX STATUS OF THE APPLICANT. THE  
11 BOARD SHALL REQUEST STATE TAX INFORMATION REGARDING THE  
12 APPLICANT FROM THE DEPARTMENT OF REVENUE, THE OFFICE OF ATTORNEY  
13 GENERAL OR THE DEPARTMENT OF LABOR AND INDUSTRY AND SAID  
14 INFORMATION SHALL BE PROVIDED.

15 (D) THE BOARD SHALL NOT APPROVE ANY APPLICATION FOR THE  
16 GRANT, RENEWAL OR TRANSFER OF ANY LICENSE ISSUED PURSUANT TO  
17 THIS ARTICLE WHERE THE APPLICANT HAS FAILED TO:

18 (1) PROVIDE ANY OF THE INFORMATION REQUIRED BY SUBSECTION  
19 (A); OR

20 (2) FILE REQUIRED STATE TAX REPORTS; OR

21 (3) PAY ANY STATE TAXES NOT SUBJECT TO A TIMELY  
22 ADMINISTRATIVE OR JUDICIAL APPEAL OR SUBJECT TO A DULY  
23 AUTHORIZED DEFERRED PAYMENT PLAN.

24 (E) FOR THE PURPOSE OF THIS SECTION THE TERM "APPLICANT"  
25 SHALL INCLUDE THE TRANSFEROR AND TRANSFEREE OF ANY LICENSE  
26 ISSUED UNDER THIS ACT.

27 SECTION 28. ARTICLE IV OF THE ACT IS AMENDED BY ADDING A  
28 SUBDIVISION TO READ:

29 ARTICLE IV.

30 LICENSES AND REGULATIONS; LIQUOR, ALCOHOL

1 AND MALT AND BREWED BEVERAGES.

2 \* \* \*

3 (C.1) WINE SALES AND DISTRIBUTION.

4 SECTION 480. AUTHORIZED ACTIVITIES.--NOTWITHSTANDING ANY  
5 OTHER PROVISIONS OF THIS ACT TO THE CONTRARY, THE FOLLOWING  
6 SALES AND TRANSACTIONS INVOLVING WINE, WINE BY-PRODUCTS AND WINE  
7 COOLERS ARE AUTHORIZED ON MARCH 1, 1987, AND THEREAFTER:

8 (1) UPON THE ISSUANCE OF A PERMIT BY THE BOARD, WINE MAY BE  
9 PURCHASED FOR RESALE FOR CONSUMPTION OFF THE PREMISES WHERE SOLD  
10 BY RESTAURANT, GOLF COURSE, HOTEL LIQUOR LICENSEES AND RETAIL  
11 DISPENSERS IN QUANTITIES AS PERMITTED BY SECTIONS 401 AND 407 OF  
12 THIS ACT BUT MAY NOT BE SOLD TO DISTRIBUTORS, IMPORTING  
13 DISTRIBUTORS, LICENSED LIQUOR IMPORTERS, LICENSED WINE  
14 IMPORTERS, DISTILLERIES AND WINERIES.

15 (2) UPON THE ISSUANCE OF A PERMIT BY THE BOARD, WINE MAY BE  
16 PURCHASED BY DISTRIBUTORS FOR RESALE FOR CONSUMPTION OFF THE  
17 PREMISES WHERE SOLD. PERMITTEES SHALL NOT SELL WINE TO  
18 DISTRIBUTORS, IMPORTING DISTRIBUTORS, LICENSED LIQUOR IMPORTERS,  
19 LICENSED WINE IMPORTERS, DISTILLERS AND WINERIES. DISTRIBUTORS  
20 ISSUED PERMITS PURSUANT TO THIS SUBSECTION MAY SELL WINE IN THE  
21 SAME LOCATION FOR WHICH THE LICENSEE IS AUTHORIZED TO SELL MALT  
22 AND BREWED BEVERAGES BUT SHALL NOT ENGAGE IN ANY UNRELATED  
23 BUSINESS ACTIVITIES EXCEPT AS AUTHORIZED BY REGULATIONS OF THE  
24 BOARD AS OF NOVEMBER 1, 1986, AND SHALL NOT CONDUCT WINE SALES  
25 IN ANY FACILITY WHICH IS PART OF OR HAS ANY INTERNAL PASSAGEWAY  
26 DIRECTLY INTO ANY OTHER RETAIL BUSINESS ESTABLISHMENT.

27 (3) UPON THE ISSUANCE OF A PERMIT BY THE BOARD, WINE MAY BE  
28 PURCHASED FOR RESALE TO THE BOARD, DISTRIBUTORS, IMPORTING  
29 DISTRIBUTORS, ENTITIES ISSUED LIQUOR LICENSES PURSUANT TO  
30 SUBDIVISION (A) OF THIS ARTICLE AND RETAIL DISPENSERS BY

IMPORTING DISTRIBUTORS, LICENSED LIQUOR IMPORTERS, LICENSED WINE IMPORTERS AND WINERIES. IMPORTING DISTRIBUTORS ISSUED PERMITS PURSUANT TO THIS CLAUSE MAY SELL WINE IN THE SAME LOCATION FOR WHICH THE LICENSEE IS AUTHORIZED TO SELL MALT AND BREWED BEVERAGES BUT SHALL NOT ENGAGE IN ANY UNRELATED BUSINESS ACTIVITIES EXCEPT AS AUTHORIZED BY REGULATIONS OF THE BOARD AS OF THE FIRST DAY OF NOVEMBER 1986, AND SHALL NOT CONDUCT WINE SALES IN ANY FACILITY WHICH IS PART OF OR HAS ANY INTERNAL PASSAGEWAY DIRECTLY INTO ANY OTHER RETAIL BUSINESS ESTABLISHMENT.

(4) THE BOARD SHALL ISSUE PERMITS TO QUALIFIED APPLICANTS PURSUANT TO THIS SECTION UPON A DEMONSTRATION BY THE APPLICANTS THAT WINE SALES AND DISTRIBUTION WILL BE CONDUCTED IN COMPLIANCE WITH THE REQUIREMENTS OF THIS ACT AND ANY RULES AND REGULATIONS OF THE BOARD AND UPON THE PAYMENT OF AN INITIAL PERMIT FEE OF TWO HUNDRED FIFTY DOLLARS (\$250.00) AND AN ANNUAL RENEWAL FEE OF SIXTY-TWO DOLLARS AND FIFTY CENTS (\$62.50) FOR A PERMIT ISSUED PURSUANT TO CLAUSE (1) OF THIS SECTION AND TEN THOUSAND DOLLARS (\$10,000.00) AND AN ANNUAL RENEWAL FEE OF THREE THOUSAND ONE HUNDRED TWENTY-FIVE DOLLARS (\$3,125.00) FOR A PERMIT ISSUED PURSUANT TO CLAUSE (2) OR (3) OF THIS SECTION.

SECTION 481. ISSUANCE OF ADDITIONAL DISTRIBUTOR AND RETAIL DISTRIBUTOR LICENSES.--(A) ON OR AFTER THE FIRST DAY OF JANUARY 1987, THE BOARD SHALL ISSUE WITHIN EACH COUNTY A NUMBER OF WINE DISTRIBUTOR LICENSES EQUAL TO ONE LICENSE FOR EVERY THIRTY THOUSAND INHABITANTS OF THE COUNTY BASED UPON THE POPULATION OF THE COUNTY ON THE FIRST DAY OF JANUARY 1987, OR A MINIMUM OF TWO ADDITIONAL LICENSES. LICENSES ISSUED PURSUANT TO THIS SECTION SHALL AUTHORIZE THE SALE OF WINE COMMENCING NOT SOONER THAN THE FIRST DAY OF MARCH 1987, AND SHALL BE NONTRANSFERABLE FOR FIVE



1 (5) YEARS FROM THE DATE OF AWARD OF THE LICENSE. ALL NEW  
2 LICENSES SHALL COMMENCE ACTUAL COMMERCIAL ACTIVITIES WITHIN ONE  
3 HUNDRED TWENTY (120) DAYS OF THE ISSUANCE OF A LICENSE OR SHALL  
4 FORFEIT IRREVOCABLY THE LICENSE ISSUED PURSUANT TO THIS SECTION.

5 (B) ANY NEW WINE DISTRIBUTOR'S LICENSES ISSUED BY THE BOARD  
6 PURSUANT TO THIS SECTION ON OR AFTER THE FIRST DAY OF JANUARY  
7 1987, SHALL BE ISSUED BY AN ANNUAL RANDOM LOTTERY CONDUCTED  
8 WITHIN EACH COUNTY AMONG ALL QUALIFIED AND FINANCIALLY  
9 RESPONSIBLE APPLICANTS FOR SUCH LICENSES. ANY APPLICANT FOR A  
10 LICENSE SHALL, PRIOR TO THE LOTTERY, PAY A NONREFUNDABLE FIVE  
11 HUNDRED DOLLAR (\$500.00) APPLICATION FEE. NOTWITHSTANDING THE  
12 PROVISIONS OF SECTION 614-A OF THE ACT OF APRIL 9, 1929  
13 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929,"  
14 THE PERMIT FEE FOR THE ISSUANCE OF ANY NEW DISTRIBUTOR'S LICENSE  
15 ISSUED ON OR AFTER THE FIRST DAY OF JANUARY 1987, WHICH FEE  
16 SHALL INCLUDE THE FEE FOR WINE SALES AND DISTRIBUTION PERMIT,  
17 SHALL BE TWENTY THOUSAND DOLLARS (\$20,000.00) AND THE ANNUAL  
18 RENEWAL FEE FOR A PERMIT TO CONDUCT WINE SALES AND DISTRIBUTION  
19 SHALL BE THREE THOUSAND ONE HUNDRED TWENTY-FIVE DOLLARS  
20 (\$3,125.00).

21 (C) ON OR AFTER THE FIRST DAY OF MARCH 1987, THE BOARD SHALL  
22 PERMIT ANY MASTER WINE DISTRIBUTOR THE OPTION TO PURCHASE A WINE  
23 WHOLESALE LICENSE. ANY SUCH LICENSE SHALL AUTHORIZE THE  
24 WHOLESALE SALE OF WINE COMMENCING NOT SOONER THAN THE FIRST DAY  
25 OF MARCH 1987, AND SHALL BE NONTRANSFERABLE FOR FIVE (5) YEARS  
26 FROM THE DATE OF AWARD OF THE LICENSE. ALL NEW LICENSES SHALL  
27 COMMENCE ACTUAL COMMERCIAL ACTIVITIES WITHIN ONE HUNDRED TWENTY  
28 (120) DAYS OF THE ISSUANCE OF A LICENSE OR SHALL FORFEIT  
29 IRREVOCABLY THE LICENSE ISSUED PURSUANT TO THIS SECTION. THE  
30 PERMIT FEE FOR THE ISSUANCE OF ANY MASTER WINE DISTRIBUTOR'S

1 LICENSE ISSUED ON OR AFTER THE FIRST DAY OF MARCH 1987, WHICH  
2 FEE SHALL INCLUDE THE FEE FOR A WINE SALES AND DISTRIBUTION  
3 PERMIT SHALL BE FIFTY THOUSAND DOLLARS (\$50,000.00) AND AN  
4 ANNUAL RENEWAL FEE FOR A PERMIT TO CONDUCT WINE SALES AND  
5 DISTRIBUTION SHALL BE FIVE THOUSAND FIVE HUNDRED DOLLARS  
6 (\$5,500.00). MASTER WINE DISTRIBUTORS MAY ONLY ENGAGE IN THE  
7 WHOLESALE SALE OF WINE PRODUCTS.

8 (D) NO PERSON MAY HOLD MORE THAN ONE LICENSE AUTHORIZED  
9 PURSUANT TO THIS SECTION AND NO INDIVIDUAL, PARTNERSHIP,  
10 CORPORATION OR OTHER ORGANIZATION MAY HAVE ANY DIRECT OR  
11 INDIRECT LEGAL OR EQUITABLE OWNERSHIP INTEREST IN MORE THAN  
12 THREE LICENSES ISSUED PURSUANT TO THIS SECTION.

13 SECTION 482. TAX COLLECTION.--(A) NOTWITHSTANDING ANY OTHER  
14 PROVISIONS OF LAW TO THE CONTRARY, EFFECTIVE THE FIRST DAY OF  
15 MARCH 1987, AND THEREAFTER, DISTRIBUTORS, IMPORTING  
16 DISTRIBUTORS, WINE DISTRIBUTORS AND RESTAURANT, GOLF COURSE,  
17 HOTEL AND CLUB LIQUOR LICENSEES AND RETAIL DISPENSERS SELLING  
18 WINE FOR CONSUMPTION OFF THE PREMISES WHERE SOLD AND NOT FOR  
19 RESALE BY THE BOARD, A LICENSED LIQUOR IMPORTER, WINE IMPORTER,  
20 WINERY, DISTRIBUTOR, WINE DISTRIBUTOR OR IMPORTING DISTRIBUTOR,  
21 SHALL COLLECT AND REMIT TO THE DEPARTMENT OF REVENUE THE TAX  
22 IMPOSED PURSUANT TO THE ACT OF JUNE 9, 1936 (SP.SESS., P.L.13,  
23 NO.4), ENTITLED, AS REENACTED AND AMENDED, "AN ACT IMPOSING AN  
24 EMERGENCY STATE TAX ON LIQUOR, AS HEREIN DEFINED, SOLD BY THE  
25 PENNSYLVANIA LIQUOR CONTROL BOARD; PROVIDING FOR THE COLLECTION  
26 AND PAYMENT OF SUCH TAX; AND IMPOSING DUTIES UPON THE DEPARTMENT  
27 OF REVENUE AND THE PENNSYLVANIA LIQUOR CONTROL BOARD," AND THE  
28 SALES AND USE TAX IMPOSED BY ARTICLE II OF THE ACT OF MARCH 4,  
29 1971 (P.L.6, NO.2), KNOWN AS THE "TAX REFORM CODE OF 1971." THE  
30 DEPARTMENT OF REVENUE MAY ISSUE LICENSES, FORMS, INSTRUCTIONS,

1 RULES AND REGULATIONS NECESSARY TO IMPLEMENT THIS SUBSECTION.

2 (B) ANY IMPORTING DISTRIBUTOR, LICENSED WINE IMPORTER OR  
3 MASTER WINE DISTRIBUTOR IMPORTING WINE INTO THIS COMMONWEALTH  
4 SHALL BE SUBJECT TO THE ACT OF DECEMBER 5, 1933 (SP.SESS.,  
5 P.L.38, NO.6), KNOWN AS THE "SPIRITOUS AND VINOUS LIQUOR TAX  
6 LAW."

7 SECTION 483. DISTRIBUTION OF CERTAIN FEE REVENUES.--  
8 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ALL  
9 FEES RECEIVED FROM LICENSES ISSUED PURSUANT TO THIS SUBDIVISION  
10 (C.1) AND TWENTY-FIVE PER CENTUM OF ALL LICENSE RENEWAL FEES  
11 RECEIVED ON OR AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION  
12 (C.1) SHALL BE PLACED IN A REVOLVING FUND MAINTAINED BY THE  
13 BOARD. THE INTEREST ACCRUED IN THIS FUND SHALL BE DISTRIBUTED AS  
14 FOLLOWS:

15 (1) AN AMOUNT EQUAL TO TWENTY-FIVE PER CENTUM OF THE TOTAL  
16 FEES COLLECTED WITHIN EACH COUNTY SHALL BE PROVIDED TO THE  
17 COUNTY FOR ENHANCED DRUG AND ALCOHOL ABUSE TREATMENT ACTIVITIES.

18 (2) AN AMOUNT EQUAL TO TWENTY-FIVE PER CENTUM OF THE TOTAL  
19 FEES COLLECTED WITHIN EACH COUNTY SHALL BE PROVIDED TO THE  
20 SCHOOL DISTRICTS WITHIN WHICH LICENSED ACTIVITIES ARE CONDUCTED  
21 OR PROPOSED FOR ENHANCED HEALTH EDUCATION REGARDING SUBSTANCE  
22 ABUSE.

23 (3) AN AMOUNT EQUAL TO TWENTY-FIVE PER CENTUM OF THE TOTAL  
24 FEES COLLECTED WITHIN EACH COUNTY SHALL BE PROVIDED FOR CAPITAL  
25 PROJECTS FOR FOOD BANKS RECOGNIZED BY THE DEPARTMENT OF  
26 AGRICULTURE.

27 (4) AN AMOUNT EQUAL TO TWENTY-FIVE PER CENTUM OF THE TOTAL  
28 FEES COLLECTED WITHIN EACH COUNTY SHALL BE PROVIDED FOR SHELTER  
29 PROGRAMS FOR ABUSED AND BATTERED WOMEN.

30 SECTION 29. SECTION 491 OF THE ACT, AMENDED JULY 18, 1961

1 (P.L.789, NO.347), MAY 5, 1970 (P.L.342, NO.110), OCTOBER 11,  
2 1972 (P.L.906, NO.215), OCTOBER 2, 1974 (P.L.665, NO.220),  
3 OCTOBER 10, 1974 (P.L.692, NO.231), DECEMBER 12, 1980 (P.L.1195,  
4 NO.221) AND FEBRUARY 9, 1984 (P.L.21, NO.8), IS AMENDED TO READ:

5 SECTION 491. UNLAWFUL ACTS RELATIVE TO LIQUOR, ALCOHOL AND  
6 LIQUOR LICENSEES.--

7 IT SHALL BE UNLAWFUL--

8 (1) SALES OF LIQUOR. FOR ANY PERSON, BY HIMSELF OR BY AN  
9 EMPLOYE OR AGENT, TO EXPOSE OR KEEP FOR SALE, OR DIRECTLY OR  
10 INDIRECTLY, OR UPON ANY PRETENSE OR UPON ANY DEVICE, TO SELL OR  
11 OFFER TO SELL ANY LIQUOR WITHIN THIS COMMONWEALTH, EXCEPT IN  
12 ACCORDANCE WITH THE PROVISIONS OF THIS ACT AND THE REGULATIONS  
13 OF THE BOARD. THIS CLAUSE SHALL NOT BE CONSTRUED TO PROHIBIT  
14 HOSPITALS, PHYSICIANS, DENTISTS OR VETERINARIANS WHO ARE  
15 LICENSED AND REGISTERED UNDER THE LAWS OF THIS COMMONWEALTH FROM  
16 ADMINISTERING LIQUOR IN THE REGULAR COURSE OF THEIR PROFESSIONAL  
17 WORK AND TAKING INTO ACCOUNT THE COST OF THE LIQUOR SO  
18 ADMINISTERED IN MAKING CHARGES FOR THEIR PROFESSIONAL SERVICE,  
19 OR A PHARMACIST DULY LICENSED AND REGISTERED UNDER THE LAWS OF  
20 THIS COMMONWEALTH FROM DISPENSING LIQUOR ON A PRESCRIPTION OF A  
21 DULY LICENSED PHYSICIAN, DENTIST OR VETERINARIAN, OR SELLING  
22 MEDICAL PREPARATIONS CONTAINING ALCOHOL, OR USING LIQUOR IN  
23 COMPOUNDING PRESCRIPTIONS OR MEDICINES AND MAKING A CHARGE FOR  
24 THE LIQUOR USED IN SUCH MEDICINES, OR A MANUFACTURING PHARMACIST  
25 OR CHEMIST FROM USING LIQUOR IN MANUFACTURING PREPARATIONS UNFIT  
26 FOR BEVERAGE PURPOSES AND MAKING A CHARGE FOR THE LIQUOR SO  
27 USED. ALL SUCH LIQUORS SO ADMINISTERED OR SOLD BY HOSPITALS,  
28 PHYSICIANS, DENTISTS, VETERINARIANS, PHARMACISTS OR CHEMISTS  
29 SHALL CONFORM TO THE PHARMACOPOEIA OF THE UNITED STATES, THE  
30 NATIONAL FORMULARY, OR THE AMERICAN HOMEOPATHIC PHARMACOPOEIA.

1 THIS CLAUSE SHALL NOT BE CONSTRUED TO PROHIBIT AN EXECUTOR OR AN  
2 ADMINISTRATOR OF A DECEDENT'S ESTATE FROM SELLING PRIVATELY OR  
3 AT PUBLIC AUCTION LIQUOR WHICH WAS AN ASSET OF THE DECEDENT. THE  
4 BOARD SHALL ESTABLISH REGULATIONS TO ENSURE THAT STATE TAXES  
5 FROM THE SALES WILL BE PAID BY THE ESTATE FROM THE PROCEEDS OF  
6 THE SALE. THE BOARD MAY NOT PROHIBIT A SALE OF LIQUOR FOR THE  
7 REASON THAT IT WAS NOT LAWFULLY ACQUIRED PRIOR TO JANUARY 1,  
8 1934 OR HAS NOT BEEN PURCHASED FROM A PENNSYLVANIA LIQUOR STORE  
9 OR IN COMPLIANCE WITH PENNSYLVANIA LAW.

10 (2) POSSESSION OR TRANSPORTATION OF LIQUOR OR ALCOHOL. FOR  
11 ANY PERSON, EXCEPT A MANUFACTURER OR THE BOARD OR THE HOLDER OF  
12 A SACRAMENTAL WINE LICENSE OR OF AN IMPORTER'S LICENSE, TO  
13 POSSESS OR TRANSPORT ANY LIQUOR OR ALCOHOL WITHIN THIS  
14 COMMONWEALTH WHICH WAS NOT LAWFULLY ACQUIRED PRIOR TO JANUARY  
15 FIRST, ONE THOUSAND NINE HUNDRED AND THIRTY-FOUR, OR HAS NOT  
16 BEEN PURCHASED FROM A PENNSYLVANIA LIQUOR STORE [OR], A LICENSED  
17 LIMITED WINERY IN PENNSYLVANIA, A LICENSED LIQUOR OR WINE  
18 IMPORTER, A WINERY, A DISTRIBUTOR, AN IMPORTING DISTRIBUTOR, A  
19 MASTER WINE DISTRIBUTOR OR A WINE DISTRIBUTOR, EXCEPT MINIATURES  
20 TALLING LESS THAN ONE GALLON PURCHASED BY A COLLECTOR OF THE  
21 SAME IN ANOTHER STATE OR FOREIGN COUNTRY, OR IN ACCORDANCE WITH  
22 THE BOARD'S REGULATIONS. THE BURDEN SHALL BE UPON THE PERSON  
23 POSSESSING OR TRANSPORTING SUCH LIQUOR OR ALCOHOL TO PROVE THAT  
24 IT WAS SO ACQUIRED. BUT NOTHING HEREIN CONTAINED SHALL PROHIBIT  
25 THE MANUFACTURE OR POSSESSION OF WINE BY ANY PERSON IN HIS HOME  
26 FOR CONSUMPTION OF HIMSELF, HIS FAMILY AND GUESTS AND NOT FOR  
27 SALE, NOT EXCEEDING, DURING ANY ONE CALENDAR YEAR, TWO HUNDRED  
28 GALLONS, ANY OTHER LAW TO THE CONTRARY NOTWITHSTANDING. SUCH  
29 WINE SHALL NOT BE MANUFACTURED, POSSESSED, OFFERED FOR SALE OR  
30 SOLD ON ANY LICENSED PREMISES.

1       NONE OF THE PROVISIONS HEREIN CONTAINED SHALL PROHIBIT NOR  
2       SHALL IT BE UNLAWFUL FOR ANY PERSON TO IMPORT INTO PENNSYLVANIA,  
3       TRANSPORT OR HAVE IN HIS POSSESSION, AN AMOUNT OF LIQUOR NOT  
4       EXCEEDING ONE GALLON IN VOLUME UPON WHICH A STATE TAX HAS NOT  
5       BEEN PAID, IF IT CAN BE SHOWN TO THE SATISFACTION OF THE BOARD  
6       THAT SUCH PERSON PURCHASED THE LIQUOR IN A FOREIGN COUNTRY OR  
7       UNITED STATES TERRITORY AND WAS ALLOWED TO BRING IT INTO THE  
8       UNITED STATES. NEITHER SHALL THE PROVISIONS CONTAINED HEREIN  
9       PROHIBIT NOR MAKE IT UNLAWFUL FOR (I) ANY MEMBER OF THE ARMED  
10      FORCES ON ACTIVE DUTY, OR (II) ANY RETIRED MEMBER OF THE ARMED  
11      FORCES, OR (III) ANY TOTALLY DISABLED VETERAN, OR (IV) THE  
12      SPOUSE OF ANY PERSON INCLUDED IN THE FOREGOING CLASSES OF  
13      PERSONS TO IMPORT INTO PENNSYLVANIA, TRANSPORT OR HAVE IN HIS  
14      POSSESSION AN AMOUNT OF LIQUOR NOT EXCEEDING ONE GALLON PER  
15      MONTH IN VOLUME UPON WHICH THE STATE TAX HAS NOT BEEN PAID, SO  
16      LONG AS SUCH LIQUOR HAS BEEN LAWFULLY PURCHASED FROM A PACKAGE  
17      STORE ESTABLISHED AND MAINTAINED UNDER THE AUTHORITY OF THE  
18      UNITED STATES AND IS IN CONTAINERS IDENTIFIED IN ACCORDANCE WITH  
19      REGULATIONS ISSUED BY THE DEPARTMENT OF DEFENSE. SUCH LIQUOR  
20      SHALL NOT BE POSSESSED, OFFERED FOR SALE OR SOLD ON ANY LICENSED  
21      PREMISES.

22      NONE OF THE PROVISIONS HEREIN CONTAINED SHALL PROHIBIT NOR  
23      SHALL IT BE UNLAWFUL FOR ANY CONSUL GENERAL, CONSUL OR OTHER  
24      DIPLOMATIC OFFICER OF A FOREIGN GOVERNMENT TO IMPORT INTO  
25      PENNSYLVANIA, TRANSPORT OR HAVE IN HIS POSSESSION LIQUOR UPON  
26      WHICH A STATE TAX HAS NOT BEEN PAID, IF IT CAN BE SHOWN TO THE  
27      SATISFACTION OF THE BOARD THAT SUCH PERSON ACQUIRED THE LIQUOR  
28      IN A FOREIGN COUNTRY AND WAS ALLOWED TO BRING IT INTO THE UNITED  
29      STATES. SUCH LIQUOR SHALL NOT BE POSSESSED, OFFERED FOR SALE OR  
30      SOLD ON ANY LICENSED PREMISES.

1 ANY PERSON VIOLATING THE PROVISIONS OF THIS CLAUSE FOR A  
2 FIRST OFFENSE INVOLVING THE POSSESSION OR TRANSPORTATION IN  
3 PENNSYLVANIA OF ANY LIQUOR IN A PACKAGE (BOTTLE OR OTHER  
4 RECEPTACLE) OR WINE NOT PURCHASED FROM A PENNSYLVANIA LIQUOR  
5 STORE [OR FROM], A LICENSED LIMITED WINERY IN PENNSYLVANIA, A  
6 LICENSED LIQUOR OR WINE IMPORTER, A WINERY, A DISTRIBUTOR, AN  
7 IMPORTING DISTRIBUTOR, A MASTER WINE DISTRIBUTOR OR A WINE  
8 DISTRIBUTOR, WITH RESPECT TO WHICH SATISFACTORY PROOF IS  
9 PRODUCED THAT THE REQUIRED FEDERAL TAX HAS BEEN PAID AND WHICH  
10 WAS PURCHASED, PROCURED OR ACQUIRED LEGALLY OUTSIDE OF  
11 PENNSYLVANIA SHALL UPON CONVICTION THEREOF IN A SUMMARY  
12 PROCEEDING BE SENTENCED TO PAY A FINE OF TWENTY-FIVE DOLLARS  
13 (\$25) FOR EACH SUCH PACKAGE, PLUS COSTS OF PROSECUTION, OR  
14 UNDERGO IMPRISONMENT FOR A TERM NOT EXCEEDING NINETY (90) DAYS.  
15 EACH FULL QUART OR MAJOR FRACTION THEREOF SHALL BE CONSIDERED A  
16 SEPARATE PACKAGE (BOTTLE OR OTHER RECEPTACLE) FOR THE PURPOSES  
17 OF THIS CLAUSE. SUCH PACKAGES OF LIQUOR SHALL BE FORFEITED TO  
18 THE COMMONWEALTH IN THE MANNER PRESCRIBED IN ARTICLE VI OF THIS  
19 ACT BUT THE VEHICLE, BOAT, VESSEL, ANIMAL OR AIRCRAFT USED IN  
20 THE ILLEGAL TRANSPORTATION OF SUCH PACKAGES SHALL NOT BE SUBJECT  
21 TO FORFEITURE: PROVIDED, HOWEVER, THAT IF IT IS A SECOND OR  
22 SUBSEQUENT OFFENSE OR IF IT IS ESTABLISHED THAT THE ILLEGAL  
23 POSSESSION OR TRANSPORTATION WAS IN CONNECTION WITH A COMMERCIAL  
24 TRANSACTION, THEN THE OTHER PROVISIONS OF THIS ACT PROVIDING FOR  
25 PROSECUTION AS A MISDEMEANOR AND FOR THE FORFEITURE OF THE  
26 VEHICLE, BOAT, VESSEL, ANIMAL OR AIRCRAFT SHALL APPLY.

27 (3) PURCHASE OF LIQUOR OR ALCOHOL. FOR ANY PERSON WITHIN  
28 THIS COMMONWEALTH, BY HIMSELF OR BY AN EMPLOYEE OR AGENT, TO  
29 ATTEMPT TO PURCHASE, OR DIRECTLY OR INDIRECTLY, OR UPON ANY  
30 PRETENSE OR DEVICE WHATSOEVER, TO PURCHASE ANY LIQUOR OR ALCOHOL

1 FROM ANY PERSON OR SOURCE OTHER THAN A PENNSYLVANIA LIQUOR  
2 STORE, OR WINE FROM A RESTAURANT, GOLF COURSE, HOTEL OR CLUB  
3 LIQUOR LICENSEE OR A RETAIL DISPENSER, EXCEPT IN ACCORDANCE WITH  
4 THE PROVISIONS OF THIS ACT OR THE REGULATIONS OF THE BOARD.

5 (4) POSSESSION AND USE OF DECANTERS. FOR ANY PERSON TO USE  
6 DECANTERS OF ALCOHOLIC BEVERAGES EXCEPT THAT THE USE OF  
7 DECANTERS OR OTHER SIMILAR RECEPTACLES BY LICENSEES SHALL BE  
8 PERMITTED IN THE CASE OF WINES AND THEN ONLY IN ACCORDANCE WITH  
9 THE REGULATIONS OF THE BOARD, BUT NOTHING HEREIN CONTAINED SHALL  
10 PROHIBIT THE MANUFACTURE AND POSSESSION OF WINE AS PROVIDED IN  
11 CLAUSE (2) OF THIS SECTION.

12 (5) FAILURE TO BREAK EMPTY LIQUOR CONTAINERS. FOR ANY  
13 RESTAURANT, HOTEL OR CLUB LICENSEE, HIS SERVANTS, AGENTS OR  
14 EMPLOYES, TO FAIL TO BREAK ANY PACKAGE IN WHICH LIQUORS WERE  
15 CONTAINED, EXCEPT THOSE DECANTER PACKAGES THAT THE BOARD  
16 DETERMINES TO BE DECORATIVE, WITHIN TWENTY-FOUR HOURS AFTER THE  
17 ORIGINAL CONTENTS WERE REMOVED THEREFROM.

18 (6) SALES BY RESTAURANT AND HOTEL LIQUOR LICENSEES. FOR ANY  
19 RESTAURANT OR HOTEL LICENSEE, HIS SERVANTS, AGENTS OR EMPLOYES,  
20 TO SELL ANY LIQUOR OR MALT OR BREWED BEVERAGES FOR CONSUMPTION  
21 ON THE LICENSED PREMISES EXCEPT IN A ROOM OR ROOMS OR PLACE ON  
22 THE LICENSED PREMISES AT ALL TIMES ACCESSIBLE TO THE USE AND  
23 ACCOMMODATION OF THE GENERAL PUBLIC, BUT THIS SECTION SHALL NOT  
24 BE INTERPRETED TO PROHIBIT A HOTEL LICENSEE, OR A RESTAURANT  
25 LICENSEE WHEN THE RESTAURANT IS LOCATED IN A HOTEL, FROM SELLING  
26 LIQUOR OR MALT OR BREWED BEVERAGES IN ANY ROOM OF SUCH HOTEL  
27 OCCUPIED BY A BONA FIDE GUEST OR TO PROHIBIT A RESTAURANT  
28 LICENSEE FROM SELLING LIQUOR OR MALT OR BREWED BEVERAGES IN A  
29 BOWLING ALLEY WHEN NO MINORS ARE PRESENT WHERE THE RESTAURANT  
30 AND BOWLING ALLEY ARE IMMEDIATELY ADJACENT AND UNDER THE SAME



1 ROOF.

2 (7) SALES OF LIQUOR BY MANUFACTURERS AND LICENSED IMPORTERS.  
3 FOR ANY MANUFACTURER OR LICENSED IMPORTER OF LIQUOR IN THIS  
4 COMMONWEALTH, HIS AGENTS, SERVANTS OR EMPLOYEES, TO SELL OR OFFER  
5 TO SELL ANY LIQUOR IN THIS COMMONWEALTH EXCEPT TO THE BOARD FOR  
6 USE IN PENNSYLVANIA LIQUOR STORES, AND IN THE CASE OF A  
7 MANUFACTURER, TO THE HOLDER OF A SACRAMENTAL WINE LICENSE OR AN  
8 IMPORTER'S LICENSE, BUT A MANUFACTURER OR LICENSED IMPORTER MAY  
9 SELL OR OFFER TO SELL LIQUOR TO PERSONS OUTSIDE OF THIS  
10 COMMONWEALTH AND MAY SELL WINE TO A LICENSED IMPORTER, MASTER  
11 WINE DISTRIBUTOR, DISTRIBUTOR, IMPORTING DISTRIBUTOR OR WINE  
12 DISTRIBUTOR.

13 (8) IMPORTATION AND SALES OF ALCOHOL. FOR ANY PERSON, TO  
14 IMPORT ALCOHOL INTO THIS COMMONWEALTH, OR TO SELL ALCOHOL TO ANY  
15 PERSON, EXCEPT IN ACCORDANCE WITH THE REGULATIONS OF THE BOARD.

16 (9) POSSESSION OF ALCOHOL. FOR ANY PERSON, TO HAVE ALCOHOL  
17 IN HIS POSSESSION, EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF  
18 THIS ACT AND THE REGULATIONS OF THE BOARD.

19 (10) FORTIFYING, ADULTERATING OR CONTAMINATING LIQUOR. FOR  
20 ANY LICENSEE OR ANY EMPLOYEE OR AGENT OF A LICENSEE OR OF THE  
21 BOARD, TO FORTIFY, ADULTERATE OR CONTAMINATE ANY LIQUOR, EXCEPT  
22 AS PERMITTED BY THE REGULATIONS OF THE BOARD, OR TO REFILL  
23 WHOLLY OR IN PART, WITH ANY LIQUID OR SUBSTANCE WHATSOEVER, ANY  
24 LIQUOR BOTTLE OR OTHER LIQUOR CONTAINER.

25 (11) IMPORTATION OF LIQUOR. FOR ANY PERSON, OTHER THAN THE  
26 BOARD OR THE HOLDER OF A SACRAMENTAL WINE LICENSE [OR OF], AN  
27 IMPORTER'S LICENSE, A WINERY, A MASTER WINE DISTRIBUTOR OR AN  
28 IMPORTING DISTRIBUTOR TO IMPORT ANY LIQUOR WHATSOEVER INTO THIS  
29 COMMONWEALTH, BUT THIS SECTION SHALL NOT BE CONSTRUCTED TO  
30 PROHIBIT RAILROAD AND PULLMAN COMPANIES FROM SELLING LIQUORS

1 PURCHASED OUTSIDE THE COMMONWEALTH IN THEIR DINING, CLUB AND  
2 BUFFET CARS WHICH ARE COVERED BY PUBLIC SERVICE LIQUOR LICENSES  
3 AND WHICH ARE OPERATED IN THIS COMMONWEALTH.

4 (12) DELIVERY OF LIQUOR BY CERTAIN LICENSEES. FOR A LIQUOR  
5 LICENSEE PERMITTED TO DELIVER LIQUOR, TO MAKE ANY DELIVERIES  
6 EXCEPT IN HIS OWN VEHICLES BEARING HIS NAME, ADDRESS AND LICENSE  
7 NUMBER ON EACH SIDE IN LETTERS NOT SMALLER THAN FOUR INCHES IN  
8 HEIGHT, OR IN THE VEHICLE OF ANOTHER PERSON DULY AUTHORIZED TO  
9 TRANSPORT LIQUOR WITHIN THIS COMMONWEALTH.

10 (13) VIOLATION OF CERTAIN RULES AND REGULATIONS OF BOARD.  
11 FOR ANY PERSON, TO VIOLATE ANY RULES AND REGULATIONS ADOPTED BY  
12 THE BOARD TO INSURE THE EQUITABLE WHOLESALE AND RETAIL SALE AND  
13 DISTRIBUTION OF LIQUOR AND ALCOHOL THROUGH THE PENNSYLVANIA  
14 LIQUOR STORES.

15 (14) OFFERING COMMISSION OR GIFT TO MEMBERS OF BOARD [OR  
16 STATE EMPLOYE], THE ATTORNEY GENERAL OR CERTAIN EMPLOYEES. FOR  
17 ANY PERSON SELLING OR OFFERING TO SELL LIQUOR OR ALCOHOL TO, OR  
18 PURCHASING AT WHOLESALE LIQUOR OR ALCOHOL FROM, THE BOARD,  
19 EITHER DIRECTLY OR INDIRECTLY, TO PAY OR OFFER TO PAY ANY  
20 COMMISSION, PROFIT OR REMUNERATION, OR TO MAKE OR OFFER TO MAKE  
21 ANY GIFT TO ANY MEMBER OR EMPLOYE OF THE BOARD [OR OTHER EMPLOYE  
22 OF THE COMMONWEALTH OR TO ANYONE ON BEHALF OF SUCH MEMBER OR  
23 EMPLOYE], THE ATTORNEY GENERAL, ANY EMPLOYE THEREOF OR ANY  
24 EMPLOYE OF A LAW ENFORCEMENT AGENCY OR ANYONE ON BEHALF OF SUCH  
25 PERSONS.

26 SECTION 30. SECTION 492 OF THE ACT, AMENDED OR ADDED JULY 3,  
27 1957 (P.L.475, NO.268), JUNE 22, 1980 (P.L.253, NO.73) AND JUNE  
28 24, 1982 (P.L.624, NO.176), IS AMENDED TO READ:

29 SECTION 492. UNLAWFUL ACTS RELATIVE TO MALT OR BREWED  
30 BEVERAGES AND WINE AND LICENSEES.--

1 IT SHALL BE UNLAWFUL--

2 (1) MANUFACTURING WITHOUT LICENSE. FOR ANY PERSON, TO  
3 MANUFACTURE MALT OR BREWED BEVERAGES, UNLESS SUCH PERSON HOLDS A  
4 VALID MANUFACTURER'S LICENSE FOR SUCH PURPOSE ISSUED BY THE  
5 BOARD.

6 (2) SALES OF MALT OR BREWED BEVERAGES OR WINE FOR  
7 CONSUMPTION ON THE PREMISES. FOR ANY PERSON, TO SELL TO ANOTHER  
8 FOR CONSUMPTION UPON THE PREMISES WHERE SOLD OR TO PERMIT  
9 ANOTHER TO CONSUME UPON THE PREMISES WHERE SOLD, ANY MALT OR  
10 BREWED BEVERAGES OR WINE, UNLESS SUCH PERSON HOLDS A VALID  
11 RETAIL DISPENSER LICENSE OR A VALID LIQUOR LICENSE ISSUED BY THE  
12 BOARD AUTHORIZING THE SALE OF MALT OR BREWED BEVERAGES OR WINE  
13 FOR CONSUMPTION UPON SUCH PREMISES.

14 (3) SALES OF MALT OR BREWED BEVERAGES NOT FOR CONSUMPTION ON  
15 THE PREMISES. FOR ANY PERSON, TO SELL TO ANOTHER ANY MALT OR  
16 BREWED BEVERAGES OR WINE NOT FOR CONSUMPTION UPON THE PREMISES  
17 WHERE SOLD, UNLESS SUCH PERSON HOLDS A VALID LICENSE PERMITTING  
18 SUCH SALE.

19 (4) SUNDAY SALES OF MALT OR BREWED BEVERAGES BY  
20 MANUFACTURERS, IMPORTING DISTRIBUTORS OR DISTRIBUTORS. FOR ANY  
21 MANUFACTURER OF MALT OR BREWED BEVERAGES OR WINE, IMPORTING  
22 DISTRIBUTOR OR DISTRIBUTOR, OR THE SERVANTS, AGENTS OR EMPLOYES  
23 OF THE SAME, TO SELL, TRADE OR BARTER IN MALT OR BREWED  
24 BEVERAGES OR WINE BETWEEN THE HOURS OF TWELVE O'CLOCK MIDNIGHT  
25 OF ANY SATURDAY AND TWO O'CLOCK IN THE FORENOON OF THE FOLLOWING  
26 MONDAY.

27 (5) SALES OF MALT OR BREWED BEVERAGES OR WINE BY HOTELS,  
28 EATING PLACES OR PUBLIC SERVICE LICENSEES DURING PROHIBITED  
29 HOURS.--FOR ANY HOTEL OR EATING PLACE HOLDING A RETAIL  
30 DISPENSER'S LICENSE, OR THE SERVANTS, AGENTS OR EMPLOYES OF SUCH

1 LICENSEES, TO SELL, TRADE OR BARTER IN MALT OR BREWED BEVERAGES  
2 OR WINE BETWEEN THE HOURS OF TWO O'CLOCK ANTEMERIDIAN SUNDAY AND  
3 SEVEN O'CLOCK IN THE FORENOON OF THE FOLLOWING MONDAY, OR  
4 BETWEEN THE HOURS OF TWO O'CLOCK ANTEMERIDIAN AND SEVEN O'CLOCK  
5 ANTEMERIDIAN OF ANY WEEK DAY: PROVIDED, THAT NOTWITHSTANDING ANY  
6 PROVISION TO THE CONTRARY, WHENEVER THE THIRTY-FIRST DAY OF  
7 DECEMBER FALLS ON A SUNDAY SUCH SALES OF MALT OR BREWED  
8 BEVERAGES OR WINE MAY BE MADE ON SUCH DAY AFTER ONE O'CLOCK  
9 POSTMERIDIAN AND UNTIL TWO O'CLOCK ANTEMERIDIAN OF THE FOLLOWING  
10 DAY. FOR ANY PUBLIC SERVICE LICENSEE AUTHORIZED TO SELL MALT OR  
11 BREWED BEVERAGES OR WINE OR THE SERVANTS, AGENTS OR EMPLOYES OF  
12 SUCH LICENSEES TO SELL, TRADE OR BARTER IN MALT OR BREWED  
13 BEVERAGES OR WINE BETWEEN THE HOURS OF TWO O'CLOCK ANTEMERIDIAN  
14 AND SEVEN O'CLOCK ANTEMERIDIAN ON ANY DAY.

15 ANY LICENSEE HOLDING A RETAIL DISPENSER LICENSE OR A MALT OR  
16 BREWED BEVERAGE PUBLIC SERVICE LICENSE MAY, BY GIVING NOTICE TO  
17 THE BOARD, ADVANCE BY ONE HOUR THE HOURS HEREIN PRESCRIBED AS  
18 THOSE DURING WHICH MALT OR BREWED BEVERAGES OR WINE MAY BE SOLD  
19 DURING SUCH PART OF THE YEAR WHEN DAYLIGHT SAVING TIME IS BEING  
20 OBSERVED GENERALLY IN THE MUNICIPALITY IN WHICH THE PLACE OF  
21 BUSINESS IS LOCATED. ANY LICENSEE WHO ELECTS TO OPERATE HIS  
22 PLACE OF BUSINESS IN ACCORDANCE WITH DAYLIGHT SAVING TIME SHALL  
23 POST A CONSPICUOUS NOTICE IN HIS PLACE OF BUSINESS THAT HE IS  
24 OPERATING IN ACCORDANCE WITH DAYLIGHT SAVING TIME.

25 (6) SALES OF MALT OR BREWED BEVERAGES OR WINES ON ELECTION  
26 DAY BY HOTELS, EATING PLACES OR PUBLIC SERVICE LICENSEES. FOR  
27 ANY HOTEL OR EATING PLACE HOLDING A RETAIL DISPENSER'S LICENSE,  
28 OR ANY MALT OR BREWED BEVERAGE PUBLIC SERVICE LICENSEE, OR HIS  
29 SERVANTS, AGENTS OR EMPLOYES, TO SELL, FURNISH OR GIVE ANY MALT  
30 OR BREWED BEVERAGES OR WINE TO ANY PERSON AFTER TWO O'CLOCK

1 ANTEMERIDIAN, OR UNTIL ONE HOUR AFTER THE TIME FIXED BY LAW FOR  
2 THE CLOSING OF POLLING PLACES ON DAYS ON WHICH A GENERAL,  
3 MUNICIPAL, SPECIAL OR PRIMARY ELECTION IS BEING HELD EXCEPT AS  
4 PERMITTED BY SUBSECTION (F) OF SECTION 432.

5 (7) CLUBS SELLING BETWEEN THREE O'CLOCK ANTEMERIDIAN AND  
6 SEVEN O'CLOCK ANTEMERIDIAN. FOR ANY CLUB RETAIL DISPENSER, OR  
7 ITS SERVANTS, AGENTS OR EMPLOYES, TO SELL MALT OR BREWED  
8 BEVERAGES OR WINE BETWEEN THE HOURS OF THREE O'CLOCK  
9 ANTEMERIDIAN AND SEVEN O'CLOCK ANTEMERIDIAN ON ANY DAY.

10 (8) TRANSPORTATION OF MALT OR BREWED BEVERAGES AND WINE. FOR  
11 ANY PERSON, TO TRANSPORT MALT OR BREWED BEVERAGES EXCEPT IN THE  
12 ORIGINAL CONTAINERS, OR TO TRANSPORT MALT OR BREWED BEVERAGES OR  
13 WINE FOR ANOTHER WHO IS ENGAGED IN SELLING EITHER LIQUOR OR MALT  
14 OR BREWED BEVERAGES, UNLESS SUCH PERSON SHALL HOLD (A) A LICENSE  
15 TO TRANSPORT FOR HIRE, ALCOHOL, LIQUOR AND MALT OR BREWED  
16 BEVERAGES, AS HEREINAFTER PROVIDED IN THIS ACT, OR (B) SHALL  
17 HOLD A PERMIT ISSUED BY THE BOARD AND SHALL HAVE PAID TO THE  
18 BOARD SUCH PERMIT FEE, NOT EXCEEDING ONE HUNDRED DOLLARS (\$100),  
19 AND SHALL HAVE FILED WITH THE BOARD A BOND IN THE PENAL SUM OF  
20 NOT MORE THAN TWO THOUSAND DOLLARS (\$2000), AS MAY BE FIXED BY  
21 THE RULES AND REGULATIONS OF THE BOARD, ANY OTHER LAW TO THE  
22 CONTRARY NOTWITHSTANDING.

23 (9) TRANSPORTATION OF MALT OR BREWED BEVERAGES OR WINE BY  
24 LICENSEE. FOR A MALT OR BREWED BEVERAGE AND WINE LICENSEE, TO  
25 DELIVER OR TRANSPORT ANY MALT OR BREWED BEVERAGES OR WINE,  
26 EXCEPTING IN VEHICLES BEARING THE NAME AND ADDRESS AND LICENSE  
27 NUMBER OF SUCH LICENSEE PAINTED OR AFFIXED ON EACH SIDE OF SUCH  
28 VEHICLE IN LETTERS NO SMALLER THAN FOUR INCHES IN HEIGHT.

29 (10) IMPORTING OR TRANSPORTING MALT OR BREWED BEVERAGES OR  
30 WINE WITHOUT TAX STAMPS. FOR ANY PERSON, TO TRANSPORT WITHIN OR

1 IMPORT ANY MALT OR BREWED BEVERAGES OR WINE INTO THIS  
2 COMMONWEALTH, EXCEPT IN ACCORDANCE WITH THE RULES AND  
3 REGULATIONS OF THE BOARD, OR FOR ANY PERSON TO TRANSPORT MALT OR  
4 BREWED BEVERAGES OR WINE INTO OR WITHIN THIS COMMONWEALTH,  
5 UNLESS THERE SHALL BE AFFIXED TO THE ORIGINAL CONTAINERS IN  
6 WHICH SUCH MALT OR BREWED BEVERAGES OR WINE ARE TRANSPORTED,  
7 STAMPS OR CROWNS EVIDENCING THE PAYMENT OF THE MALT LIQUOR OR  
8 VINOUS LIQUOR TAX TO THE COMMONWEALTH: PROVIDED, HOWEVER, THAT  
9 THIS CLAUSE SHALL NOT BE CONSTRUED TO PROHIBIT TRANSPORTATION OF  
10 MALT OR BREWED BEVERAGES OR WINE THROUGH THIS COMMONWEALTH AND  
11 NOT FOR DELIVERY THEREIN, IF SUCH TRANSPORTING IS DONE IN  
12 ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD.

13 (11) DELIVERY OF MALT OR BREWED BEVERAGES OR WINE WITH OTHER  
14 COMMODITIES. FOR ANY MANUFACTURER, IMPORTING DISTRIBUTOR OR  
15 DISTRIBUTOR, OR HIS SERVANTS, AGENTS OR EMPLOYES, EXCEPT WITH  
16 BOARD APPROVAL, TO DELIVER OR TRANSPORT ANY MALT OR BREWED  
17 BEVERAGES OR WINE IN ANY VEHICLE IN WHICH ANY OTHER COMMODITY IS  
18 BEING TRANSPORTED.

19 (12) DISTRIBUTORS AND IMPORTING DISTRIBUTORS ENGAGING IN  
20 OTHER BUSINESS. FOR ANY DISTRIBUTOR OR IMPORTING DISTRIBUTOR, OR  
21 HIS SERVANTS, AGENTS OR EMPLOYES, WITHOUT THE APPROVAL OF THE  
22 BOARD, AND THEN ONLY IN ACCORDANCE WITH BOARD REGULATIONS, TO  
23 ENGAGE IN ANY OTHER BUSINESS WHATSOEVER, EXCEPT THE BUSINESS OF  
24 DISTRIBUTING MALT OR BREWED BEVERAGES AND WINE.

25 (13) POSSESSION OR STORAGE OF LIQUOR OR ALCOHOL BY CERTAIN  
26 LICENSEES. FOR ANY DISTRIBUTOR, IMPORTING DISTRIBUTOR OR RETAIL  
27 DISPENSER, OR HIS SERVANTS, AGENTS OR EMPLOYES, TO HAVE IN HIS  
28 POSSESSION, OR TO PERMIT THE STORAGE OF ON THE LICENSED PREMISES  
29 OR IN ANY PLACE CONTIGUOUS OR ADJACENT THERETO ACCESSIBLE TO THE  
30 PUBLIC OR USED IN CONNECTION WITH THE OPERATION OF THE LICENSED

1 PREMISES, ANY ALCOHOL OR LIQUOR EXCEPT FOR WINE.

2 (14) MALT OR BREWED BEVERAGE LICENSEES DEALING IN LIQUOR OR  
3 ALCOHOL. FOR ANY MALT OR BREWED BEVERAGE LICENSEE, OTHER THAN A  
4 MANUFACTURER, OR THE SERVANTS, AGENTS OR EMPLOYES THEREOF, TO  
5 MANUFACTURE, IMPORT, SELL, TRANSPORT, STORE, TRADE OR BARTER IN  
6 ANY LIQUOR OR ALCOHOL EXCEPT FOR WINE.

7 (15) SELLING TO PERSONS DOING ILLEGAL BUSINESS. FOR ANY MALT  
8 OR BREWED BEVERAGE LICENSEE, OR HIS SERVANTS, AGENTS OR  
9 EMPLOYES, TO KNOWINGLY SELL ANY MALT OR BREWED BEVERAGES OR WINE  
10 TO ANY PERSON ENGAGED IN THE BUSINESS OF ILLEGALLY SELLING  
11 LIQUOR OR MALT OR BREWED BEVERAGES.

12 (16) DISTRIBUTORS AND IMPORTING DISTRIBUTORS FAILING TO KEEP  
13 RECORDS. FOR ANY IMPORTING DISTRIBUTOR OR DISTRIBUTOR ENGAGED IN  
14 THE SALE OF PRODUCTS, OTHER THAN MALT OR BREWED BEVERAGES AND  
15 WINE, TO FAIL TO KEEP SUCH COMPLETE SEPARATE RECORDS COVERING IN  
16 EVERY RESPECT HIS TRANSACTIONS IN MALT OR BREWED BEVERAGES AND  
17 WINE AS THE BOARD SHALL BY REGULATION REQUIRE.

18 (17) FORTIFYING, ADULTERATING OR CONTAMINATING MALT OR  
19 BREWED BEVERAGES. FOR ANY PERSON, TO FORTIFY, ADULTERATE,  
20 CONTAMINATE, OR IN ANY WISE TO CHANGE THE CHARACTER OR PURITY  
21 OF, THE MALT OR BREWED BEVERAGES FROM THAT AS ORIGINALLY  
22 MARKETING BY THE MANUFACTURER AT THE PLACE OF MANUFACTURE.

23 (18) COERCING DISTRIBUTORS AND IMPORTING DISTRIBUTORS. FOR  
24 ANY MANUFACTURER OR ANY OFFICER, AGENT OR REPRESENTATIVE OF ANY  
25 MANUFACTURER TO COERCE OR PERSUADE OR ATTEMPT TO COERCE OR  
26 PERSUADE ANY PERSON LICENSED TO SELL OR DISTRIBUTE MALT OR  
27 BREWED BEVERAGES AT WHOLESALE OR RETAIL TO ESTABLISH SELLING  
28 PRICES FOR ITS PRODUCTS OR TO ENTER INTO ANY CONTRACTS OR  
29 AGREEMENTS, WHETHER WRITTEN OR ORAL, OR TAKE ANY ACTION WHICH  
30 WILL VIOLATE OR TEND TO VIOLATE ANY PROVISIONS OF THIS ACT OR

1 ANY OF THE RULES OR REGULATIONS PROMULGATED BY THE BOARD  
2 PURSUANT THERETO.

3 (19) MODIFYING OR TERMINATING DISTRIBUTING RIGHTS AGREEMENT.  
4 FOR ANY MANUFACTURER OR ANY OFFICER, AGENT OR REPRESENTATIVE OF  
5 ANY MANUFACTURER TO MODIFY, CANCEL, TERMINATE, RESCIND OR NOT  
6 RENEW, WITHOUT GOOD CAUSE, ANY DISTRIBUTING RIGHTS AGREEMENT,  
7 AND IN NO EVENT SHALL ANY MODIFICATION, CANCELLATION,  
8 TERMINATION, RESCISSION OR NONRENEWAL OF ANY DISTRIBUTING RIGHTS  
9 AGREEMENT BECOME EFFECTIVE FOR AT LEAST NINETY (90) DAYS AFTER  
10 WRITTEN NOTICE OF SUCH MODIFICATION, CANCELLATION, TERMINATION,  
11 RESCISSION OR INTENTION NOT TO RENEW HAS BEEN SERVED ON THE  
12 AFFECTED PARTY AND BOARD BY CERTIFIED MAIL, RETURN RECEIPT  
13 REQUESTED, EXCEPT BY WRITTEN CONSENT OF THE PARTIES TO THE  
14 AGREEMENT. THE NOTICE SHALL STATE ALL THE REASONS FOR THE  
15 INTENDED MODIFICATION, TERMINATION, CANCELLATION, RESCISSION OR  
16 NONRENEWAL. THE DISTRIBUTOR OR IMPORTING DISTRIBUTOR HOLDING  
17 SUCH AGREEMENT SHALL HAVE NINETY (90) DAYS IN WHICH TO RECTIFY  
18 ANY CLAIMED DEFICIENCY, OR CHALLENGE THE ALLEGED CAUSE.

19 IF THE DEFICIENCY SHALL BE RECTIFIED WITHIN NINETY (90) DAYS  
20 OF NOTICE, THEN THE PROPOSED MODIFICATION, TERMINATION,  
21 CANCELLATION, RESCISSION OR NONRENEWAL SHALL BE NULL AND VOID  
22 AND WITHOUT LEGAL EFFECT.

23 IF THE NOTICE STATES AS ONE OF THE REASONS FOR THE INTENDED  
24 MODIFICATION, CANCELLATION, TERMINATION, RESCISSION OR RENEWAL  
25 THAT THE IMPORTING DISTRIBUTOR OR DISTRIBUTOR'S EQUIPMENT OR  
26 WAREHOUSE REQUIRES MAJOR CHANGES OR ADDITIONS, THEN IF THE  
27 DISTRIBUTOR OR IMPORTING DISTRIBUTOR SHALL HAVE TAKEN SOME  
28 POSITIVE ACTION TO COMPLY WITH THE REQUIRED CHANGES OR  
29 ADDITIONS, THE DISTRIBUTOR OR IMPORTING DISTRIBUTOR SHALL HAVE  
30 DEEMED TO HAVE COMPLIED WITH THE DEFICIENCY AS SET FORTH IN THE



1 NOTICE. THE NOTICE PROVISIONS OF THIS SECTION SHALL NOT APPLY IF  
2 THE REASON FOR TERMINATION, CANCELLATION OR NONRENEWAL IS  
3 INSOLVENCY, ASSIGNMENT FOR THE BENEFIT OF CREDITORS, BANKRUPTCY,  
4 LIQUIDATION, FRAUDULENT CONDUCT IN ITS DEALINGS WITH THE  
5 MANUFACTURER, REVOCATION OR SUSPENSION FOR MORE THAN A THIRTY  
6 (30) DAY PERIOD OF THE IMPORTING DISTRIBUTOR OR DISTRIBUTOR  
7 LICENSE.

8 (20) INTERFERENCE WITH TRANSFER OF LICENSE, BUSINESS OR  
9 FRANCHISE. (I) FOR ANY MANUFACTURER TO INTERFERE WITH OR PREVENT  
10 ANY DISTRIBUTOR OR IMPORTING DISTRIBUTOR FROM SELLING OR  
11 TRANSFERRING HIS LICENSE, BUSINESS OR FRANCHISE, WHETHER BEFORE  
12 OR AFTER NOTICE OF MODIFICATION, CANCELLATION, TERMINATION,  
13 RESCISSION OR NONRENEWAL HAS BEEN GIVEN, PROVIDED THE PROPOSED  
14 PURCHASER OF THE BUSINESS OF THE DISTRIBUTOR OR IMPORTING  
15 DISTRIBUTOR MEETS THE MATERIAL QUALIFICATIONS AND STANDARDS  
16 REQUIRED OF THE MANUFACTURERS OTHER DISTRIBUTORS OR IMPORTING  
17 DISTRIBUTORS; (II) IF THE PROPOSED TRANSFER OF THE DISTRIBUTOR  
18 OR IMPORTING DISTRIBUTOR'S BUSINESS IS TO A SURVIVING SPOUSE OR  
19 ADULT CHILD, THE MANUFACTURER SHALL NOT, FOR ANY REASON,  
20 INTERFERE WITH, OR PREVENT, THE TRANSFER OF THE DISTRIBUTOR OR  
21 IMPORTING DISTRIBUTOR'S LICENSE, BUSINESS OR FRANCHISE. ANY  
22 SUBSEQUENT TRANSFER BY SURVIVING SPOUSE OR ADULT CHILD SHALL  
23 THEREAFTER BE SUBJECT TO THE PROVISIONS OF SUBCLAUSE (I) ABOVE.

24 (21) INDUCING OR COERCING DISTRIBUTORS OR IMPORTING  
25 DISTRIBUTORS TO ACCEPT UNORDERED PRODUCTS OR COMMIT ILLEGAL  
26 ACTS. FOR ANY MANUFACTURER TO COMPEL OR ATTEMPT TO COMPEL ANY  
27 DISTRIBUTOR OR IMPORTING DISTRIBUTOR TO ACCEPT DELIVERY OF ANY  
28 MALT OR BREWED BEVERAGES OR ANY OTHER COMMODITY WHICH SHALL NOT  
29 HAVE BEEN ORDERED BY THE DISTRIBUTOR OR IMPORTING DISTRIBUTOR,  
30 OR TO DO ANY ILLEGAL ACT BY ANY MEANS WHATSOEVER INCLUDING, BUT

1 NOT LIMITED TO, THREATENING TO AMEND, CANCEL, TERMINATE, RESCIND  
2 OR REFUSE TO RENEW ANY AGREEMENT EXISTING BETWEEN MANUFACTURER  
3 AND THE DISTRIBUTOR OR IMPORTING DISTRIBUTOR, OR TO REQUIRE A  
4 DISTRIBUTOR OR IMPORTING DISTRIBUTOR TO ASSENT TO ANY CONDITION,  
5 STIPULATION OR PROVISION LIMITING THE DISTRIBUTOR OR IMPORTING  
6 DISTRIBUTOR IN HIS RIGHT TO SELL THE PRODUCTS OF ANY OTHER  
7 MANUFACTURER.

8 SECTION 31. SECTION 493 OF THE ACT, AMENDED JUNE 14, 1957  
9 (P.L.322, NO.170), JUNE 15, 1961 (P.L.423, NO.211), SEPTEMBER  
10 25, 1967 (P.L.307, NO.135), MARCH 5, 1970 (P.L.137, NO.55),  
11 AUGUST 1, 1975 (P.L.161, NO.83), JUNE 15, 1977 (P.L.12, NO.9),  
12 MARCH 9, 1982 (P.L.174, NO.55) AND MAY 9, 1984 (P.L.246, NO.54),  
13 IS AMENDED TO READ:

14 SECTION 493. UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND  
15 BREWED BEVERAGES AND LICENSEES.--THE TERM "LICENSEE," WHEN USED  
16 IN THIS SECTION, SHALL MEAN THOSE PERSONS LICENSED UNDER THE  
17 PROVISIONS OF ARTICLE IV, UNLESS THE CONTEXT CLEARLY INDICATES  
18 OTHERWISE.

19 IT SHALL BE UNLAWFUL--

20 (1) FURNISHING LIQUOR OR MALT OR BREWED BEVERAGES TO CERTAIN  
21 PERSONS. FOR ANY LICENSEE OR THE BOARD, OR ANY EMPLOYE, SERVANT  
22 OR AGENT OF SUCH LICENSEE OR OF THE BOARD, OR ANY OTHER PERSON,  
23 TO SELL, FURNISH OR GIVE ANY LIQUOR OR MALT OR BREWED BEVERAGES,  
24 OR TO PERMIT ANY LIQUOR OR MALT OR BREWED BEVERAGES TO BE SOLD,  
25 FURNISHED OR GIVEN, TO ANY PERSON VISIBLY INTOXICATED, OR TO ANY  
26 INSANE PERSON, OR TO ANY MINOR, OR TO HABITUAL DRUNKARDS, OR  
27 PERSONS OF KNOWN INTEMPERATE HABITS.

28 (2) PURCHASE OR SALE OF LIQUOR OR MALT OR BREWED BEVERAGES  
29 ON CREDIT. FOR ANY LICENSEE, HIS AGENT, SERVANT OR EMPLOYE, TO  
30 SELL OR OFFER TO SELL OR PURCHASE OR RECEIVE ANY LIQUOR OR MALT

1 OR BREWED BEVERAGES EXCEPT FOR CASH, EXCEPTING CREDIT EXTENDED  
2 BY A HOTEL OR CLUB TO A BONA FIDE GUEST OR MEMBER, OR BY  
3 RAILROAD OR PULLMAN COMPANIES IN DINING, CLUB OR BUFFET CARS TO  
4 PASSENGERS, FOR CONSUMPTION WHILE ENROUTE, HOLDING AUTHORIZED  
5 CREDIT CARDS ISSUED BY RAILROAD OR RAILROAD CREDIT BUREAUS OR BY  
6 HOTEL, RESTAURANT AND PUBLIC SERVICE LICENSEES TO CUSTOMERS  
7 HOLDING CREDIT CARDS ISSUED IN ACCORDANCE WITH REGULATIONS OF  
8 THE BOARD OR CREDIT CARDS ISSUED BY BANKING INSTITUTIONS SUBJECT  
9 TO STATE OR FEDERAL REGULATION: PROVIDED FURTHER, THAT NOTHING  
10 HEREIN CONTAINED SHALL BE CONSTRUED TO PROHIBIT THE USE OF  
11 CHECKS OR DRAFTS DRAWN ON A BANK, BANKING INSTITUTION, TRUST  
12 COMPANY OR SIMILAR DEPOSITORY, ORGANIZED AND EXISTING UNDER THE  
13 LAWS OF THE UNITED STATES OF AMERICA OR THE LAWS OF ANY STATE,  
14 TERRITORY OR POSSESSION THEREOF, IN PAYMENT FOR ANY LIQUOR OR  
15 MALT OR BREWED BEVERAGES IF THE PURCHASER IS THE PAYOR OF THE  
16 CHECK OR DRAFT AND THE LICENSEE IS THE PAYEE. NO RIGHT OF ACTION  
17 SHALL EXIST TO COLLECT ANY CLAIM FOR CREDIT EXTENDED CONTRARY TO  
18 THE PROVISIONS OF THIS CLAUSE. NOTHING HEREIN CONTAINED SHALL  
19 PROHIBIT A LICENSEE FROM CREDITING TO A PURCHASER THE ACTUAL  
20 PRICE CHARGED FOR ORIGINAL CONTAINERS RETURNED BY THE ORIGINAL  
21 PURCHASER AS A CREDIT ON ANY SALE, OR FROM REFUNDING TO ANY  
22 PURCHASER THE AMOUNT PAID BY SUCH PURCHASER FOR SUCH CONTAINERS  
23 OR AS A DEPOSIT ON CONTAINERS WHEN TITLE IS RETAINED BY THE  
24 VENDOR, IF SUCH ORIGINAL CONTAINERS HAVE BEEN RETURNED TO THE  
25 LICENSEE. NOTHING HEREIN CONTAINED SHALL PROHIBIT A MANUFACTURER  
26 FROM EXTENDING USUAL AND CUSTOMARY CREDIT FOR LIQUOR OR MALT OR  
27 BREWED BEVERAGES SOLD TO CUSTOMERS OR PURCHASERS WHO LIVE OR  
28 MAINTAIN PLACES OF BUSINESS OUTSIDE OF THE COMMONWEALTH OF  
29 PENNSYLVANIA, WHEN THE LIQUOR OR MALT OR BREWED BEVERAGES SO  
30 SOLD ARE ACTUALLY TRANSPORTED AND DELIVERED TO POINTS OUTSIDE OF

1 THE COMMONWEALTH: PROVIDED, HOWEVER, THAT AS TO ALL TRANSACTIONS  
2 AFFECTING MALT OR BREWED BEVERAGES TO BE RESOLD OR CONSUMED  
3 WITHIN THIS COMMONWEALTH, EVERY LICENSEE SHALL PAY AND SHALL  
4 REQUIRE CASH DEPOSITS ON ALL RETURNABLE ORIGINAL CONTAINERS AND  
5 ALL SUCH CASH DEPOSITS SHALL BE REFUNDED UPON RETURN OF THE  
6 ORIGINAL CONTAINERS.

7 (3) EXCHANGE OF LIQUOR OR MALT OR BREWED BEVERAGES FOR  
8 MERCHANDISE, ETC. FOR ANY LICENSEE OR THE BOARD, OR ANY EMPLOYE,  
9 SERVANT OR AGENT OF A LICENSEE OR OF THE BOARD, TO SELL, OFFER  
10 TO SELL OR FURNISH ANY LIQUOR OR MALT OR BREWED BEVERAGES TO ANY  
11 PERSON ON A PASS BOOK OR STORE ORDER, OR TO RECEIVE FROM ANY  
12 PERSON ANY GOODS, WARES, MERCHANDISE OR OTHER ARTICLES IN  
13 EXCHANGE FOR LIQUOR OR MALT OR BREWED BEVERAGES.

14 (4) PEDDLING LIQUOR OR MALT OR BREWED BEVERAGES. FOR ANY  
15 PERSON, TO HAWK OR PEDDLE ANY LIQUOR OR MALT OR BREWED BEVERAGES  
16 IN THIS COMMONWEALTH.

17 (5) FAILURE TO HAVE BRANDS AS ADVERTISED. FOR ANY LICENSEE,  
18 HIS SERVANTS, AGENTS OR EMPLOYES, TO ADVERTISE OR HOLD OUT FOR  
19 SALE ANY LIQUOR OR MALT OR BREWED BEVERAGES BY TRADE NAME OR  
20 OTHER DESIGNATION WHICH WOULD INDICATE THE MANUFACTURER OR PLACE  
21 OF PRODUCTION OF THE SAID LIQUOR OR MALT OR BREWED BEVERAGES,  
22 UNLESS HE SHALL ACTUALLY HAVE ON HAND AND FOR SALE A SUFFICIENT  
23 QUANTITY OF THE PARTICULAR LIQUOR OR MALT OR BREWED BEVERAGES SO  
24 ADVERTISED TO MEET REQUIREMENTS TO BE NORMALLY EXPECTED AS A  
25 RESULT OF SUCH ADVERTISEMENT OR OFFER.

26 (6) BRAND OR TRADE NAME ON SPIGOT. FOR ANY LICENSEE, HIS  
27 AGENTS, SERVANTS OR EMPLOYES, TO FURNISH OR SERVE ANY MALT OR  
28 BREWED BEVERAGES FROM ANY FAUCET, SPIGOT OR OTHER DISPENSING  
29 APPARATUS, UNLESS THE TRADE NAME OR BRAND OF THE PRODUCT SERVED  
30 SHALL APPEAR IN FULL SIGHT OF THE CUSTOMER AND IN LEGIBLE

1 LETTERING UPON SUCH FAUCET, SPIGOT OR DISPENSING APPARATUS.

2 (7) ALCOHOLIC STRENGTH ON LABEL OF MALT OR BREWED BEVERAGES.  
3 FOR ANY LICENSEE, OR HIS SERVANTS, AGENTS OR EMPLOYES, TO  
4 TRANSPORT, SELL, DELIVER OR PURCHASE ANY MALT OR BREWED  
5 BEVERAGES UPON WHICH THERE SHALL APPEAR A LABEL OR OTHER  
6 INFORMATIVE DATA WHICH IN ANY MANNER REFERS TO THE ALCOHOLIC  
7 CONTENTS OF THE MALT OR BREWED BEVERAGE, OR WHICH REFERS IN ANY  
8 MANNER TO THE ORIGINAL ALCOHOLIC STRENGTH, EXTRACT OR BALLING  
9 PROOF FROM WHICH SUCH MALT OR BREWED BEVERAGE WAS PRODUCED. THIS  
10 CLAUSE SHALL NOT BE CONSTRUED TO PROHIBIT A MANUFACTURER FROM  
11 DESIGNATING UPON THE LABEL OR DESCRIPTIVE DATA THE ALCOHOLIC  
12 CONTENT OF MALT OR BREWED BEVERAGES INTENDED FOR SHIPMENT INTO  
13 ANOTHER STATE OR TERRITORY, WHEN THE LAWS OF SUCH STATE OR  
14 TERRITORY REQUIRE THAT THE ALCOHOLIC CONTENT OF THE MALT OR  
15 BREWED BEVERAGE MUST BE STATED UPON THE PACKAGE.

16 (8) ADVERTISEMENTS ON LABELS GIVING ALCOHOLIC CONTENT OF  
17 MALT OR BREWED BEVERAGES. FOR ANY MANUFACTURER OR OTHER  
18 LICENSEE, OR HIS SERVANTS, AGENTS OR EMPLOYES, TO ISSUE, PUBLISH  
19 OR POST, OR CAUSE TO BE ISSUED, PUBLISHED OR POSTED, ANY  
20 ADVERTISEMENT OF ANY MALT OR BREWED BEVERAGE INCLUDING A LABEL  
21 WHICH SHALL REFER IN ANY MANNER TO THE ALCOHOLIC STRENGTH OF THE  
22 MALT OR BREWED BEVERAGE MANUFACTURED, SOLD OR DISTRIBUTED BY  
23 SUCH LICENSEES, OR TO USE IN ANY ADVERTISEMENT OR LABEL SUCH  
24 WORDS AS "FULL STRENGTH," "EXTRA STRENGTH," "HIGH TEST," "HIGH  
25 PROOF," "PRE-WAR STRENGTH," OR SIMILAR WORDS OR PHRASES, WHICH  
26 WOULD LEAD OR INDUCE A CONSUMER TO PURCHASE A BRAND OF MALT OR  
27 BREWED BEVERAGE ON THE BASIS OF ITS ALCOHOLIC CONTENT, OR TO USE  
28 IN OR ON ANY ADVERTISEMENT OR LABEL ANY NUMERAL, UNLESS  
29 ADEQUATELY EXPLAINED IN TYPE OF THE SAME SIZE, PROMINENCE AND  
30 COLOR, OR FOR ANY LICENSEE TO PURCHASE, TRANSPORT, SELL OR

1 DISTRIBUTE ANY MALT OR BREWED BEVERAGE ADVERTISED OR LABELED  
2 CONTRARY TO THE PROVISIONS OF THIS CLAUSE.

3 (9) RETAIL LICENSEES FURNISHING FREE LUNCH, ETC. FOR ANY  
4 RETAIL LIQUOR LICENSEE OR ANY RETAIL DISPENSER, HIS AGENTS,  
5 SERVANTS OR EMPLOYES, TO FURNISH, GIVE OR SELL BELOW A FAIR COST  
6 ANY LUNCH TO ANY CONSUMER, EXCEPT SUCH ARTICLES OF FOOD AS THE  
7 BOARD MAY AUTHORIZE AND APPROVE.

8 (10) ENTERTAINMENT ON LICENSED PREMISES (EXCEPT CLUBS);  
9 PERMITS; FEES. FOR ANY LICENSEE, HIS SERVANTS, AGENTS OR  
10 EMPLOYES, EXCEPT CLUB LICENSEES, TO PERMIT IN ANY LICENSED  
11 PREMISES OR IN ANY PLACE OPERATED IN CONNECTION THEREWITH,  
12 DANCING, THEATRICALS OR FLOOR SHOWS OF ANY SORT, OR MOVING  
13 PICTURES OTHER THAN TELEVISION, OR SUCH AS ARE EXHIBITED THROUGH  
14 MACHINES OPERATED BY PATRONS BY THE DEPOSIT OF COINS, WHICH  
15 PROJECT PICTURES ON A SCREEN NOT EXCEEDING IN SIZE TWENTY-FOUR  
16 BY THIRTY INCHES AND WHICH FORMS PART OF THE MACHINE, UNLESS THE  
17 LICENSEE SHALL FIRST HAVE OBTAINED FROM THE BOARD A SPECIAL  
18 PERMIT TO PROVIDE SUCH ENTERTAINMENT, OR FOR ANY LICENSEE, UNDER  
19 ANY CIRCUMSTANCES, TO PERMIT IN ANY LICENSED PREMISES ANY LEWD,  
20 IMMORAL OR IMPROPER ENTERTAINMENT, REGARDLESS OF WHETHER A  
21 PERMIT TO PROVIDE ENTERTAINMENT HAS BEEN OBTAINED OR NOT. THE  
22 BOARD SHALL HAVE POWER TO PROVIDE FOR THE ISSUE OF SUCH SPECIAL  
23 PERMITS, AND TO COLLECT A FEE FOR SUCH PERMITS EQUAL TO ONE-  
24 FIFTH OF THE ANNUAL LICENSE FEE [BUT NOT LESS THAN TWENTY-FIVE  
25 DOLLARS (\$25)]. ALL SUCH FEES SHALL BE PAID INTO THE STATE  
26 STORES FUND. NO SUCH PERMIT SHALL BE ISSUED IN ANY MUNICIPALITY  
27 WHICH, BY ORDINANCE, PROHIBITS AMUSEMENTS IN LICENSED PLACES.  
28 ANY VIOLATION OF THIS CLAUSE SHALL, IN ADDITION TO THE PENALTY  
29 HEREIN PROVIDED, SUBJECT THE LICENSEE TO SUSPENSION OR  
30 REVOCATION OF HIS PERMIT AND HIS LICENSE.

1       (11)   LICENSEES EMPLOYED BY OTHERS. FOR ANY HOTEL, RESTAURANT  
2 OR CLUB LIQUOR LICENSEE, OR ANY MALT OR BREWED BEVERAGE  
3 LICENSEE, OR ANY SERVANT, AGENT OR EMPLOYE OF SUCH LICENSEE, TO  
4 BE AT THE SAME TIME EMPLOYED, DIRECTLY OR INDIRECTLY, BY ANY  
5 OTHER PERSON ENGAGED IN THE MANUFACTURE, SALE, TRANSPORTATION OR  
6 STORAGE OF LIQUOR, MALT OR BREWED BEVERAGES OR ALCOHOL:  
7 PROVIDED, THAT ANY PERSON (EXCEPT A LICENSEE OR THE MANAGER,  
8 OFFICER OR DIRECTOR OF A LICENSEE) WHO IS EMPLOYED BY A RETAIL  
9 LICENSEE TO PREPARE OR SERVE FOOD AND BEVERAGES MAY BE EMPLOYED  
10 IN THE SAME CAPACITY BY ANOTHER RETAIL LICENSEE DURING OTHER  
11 HOURS OR ON OTHER DAYS.

12       (12)   FAILURE TO HAVE RECORDS ON PREMISES. FOR ANY LIQUOR  
13 LICENSEE, OR ANY IMPORTING DISTRIBUTOR, DISTRIBUTOR OR RETAIL  
14 DISPENSER, TO FAIL TO KEEP ON THE LICENSED PREMISES FOR A PERIOD  
15 OF AT LEAST TWO YEARS COMPLETE AND TRUTHFUL RECORDS COVERING THE  
16 OPERATION OF HIS LICENSED BUSINESS, PARTICULARLY SHOWING THE  
17 DATE OF ALL PURCHASES OF LIQUOR AND MALT OR BREWED BEVERAGES,  
18 THE ACTUAL PRICE PAID THEREFOR, AND THE NAME OF THE VENDOR,  
19 INCLUDING STATE STORE RECEIPTS, OR FOR ANY LICENSEE, HIS  
20 SERVANTS, AGENTS OR EMPLOYES, TO REFUSE THE BOARD OR THE  
21 DIVISION OR AN AUTHORIZED EMPLOYE OR AGENT OF THE BOARD OR THE  
22 DIVISION ACCESS THERETO OR THE OPPORTUNITY TO MAKE COPIES OF THE  
23 SAME WHEN THE REQUEST IS MADE DURING BUSINESS HOURS.

24       (13)   RETAIL LICENSEES EMPLOYING MINORS. FOR ANY HOTEL,  
25 RESTAURANT OR CLUB LIQUOR LICENSEE, OR ANY RETAIL DISPENSER, TO  
26 EMPLOY OR TO PERMIT ANY MINOR UNDER THE AGE OF EIGHTEEN TO SERVE  
27 ANY ALCOHOLIC BEVERAGES OR TO EMPLOY OR PERMIT ANY MINOR UNDER  
28 THE AGE OF SIXTEEN TO RENDER ANY SERVICE WHATEVER IN OR ABOUT  
29 THE LICENSED PREMISES, NOR SHALL ANY ENTERTAINER UNDER THE AGE  
30 OF EIGHTEEN BE EMPLOYED OR PERMITTED TO PERFORM IN ANY LICENSED

1 PREMISES IN VIOLATION OF THE LABOR LAWS OF THIS COMMONWEALTH:  
2 PROVIDED, THAT IN ACCORDANCE WITH BOARD REGULATIONS MINORS  
3 BETWEEN THE AGES OF SIXTEEN AND EIGHTEEN MAY BE EMPLOYED TO  
4 SERVE FOOD, CLEAR TABLES AND PERFORM OTHER SIMILAR DUTIES, NOT  
5 TO INCLUDE THE DISPENSING OR SERVING OF ALCOHOLIC BEVERAGES.

6 (14) PERMITTING UNDESIRABLE PERSONS OR MINORS TO FREQUENT  
7 PREMISES. FOR ANY HOTEL, RESTAURANT OR CLUB LIQUOR LICENSEE, OR  
8 ANY RETAIL DISPENSER, HIS SERVANTS, AGENTS OR EMPLOYES, TO  
9 PERMIT PERSONS OF ILL REPUTE, KNOWN CRIMINALS, PROSTITUTES OR  
10 MINORS TO FREQUENT HIS LICENSED PREMISES OR ANY PREMISES  
11 OPERATED IN CONNECTION THEREWITH, EXCEPT MINORS ACCOMPANIED BY  
12 PARENTS, GUARDIANS, OR UNDER PROPER SUPERVISION OR EXCEPT MINORS  
13 WHO FREQUENT ANY RESTAURANT OR RETAIL DISPENSING LICENSEE WHOSE  
14 SALES OF FOOD AND NON-ALCOHOLIC BEVERAGES ARE EQUAL TO SEVENTY  
15 PER CENTUM OR MORE OF THE COMBINED GROSS SALES OF BOTH FOOD AND  
16 ALCOHOLIC BEVERAGES ON THE CONDITION THAT ALCOHOLIC BEVERAGES  
17 MAY NOT BE SERVED AT THE TABLE OR BOOTH AT WHICH THE SAID MINOR  
18 IS SEATED AT THE TIME (UNLESS SAID MINOR IS UNDER PROPER  
19 SUPERVISION AS HEREINAFTER DEFINED) AND ON THE FURTHER CONDITION  
20 THAT ONLY TABLE SERVICE OF ALCOHOLIC BEVERAGES OR TAKE-OUT  
21 SERVICE OF BEER AND WINE SHALL BE PERMITTED IN THE ROOM WHEREIN  
22 THE MINOR IS LOCATED: PROVIDED, HOWEVER, THAT IT SHALL NOT BE  
23 UNLAWFUL FOR ANY HOTEL, RESTAURANT OR CLUB LIQUOR LICENSEE OR  
24 ANY RETAIL DISPENSER TO PERMIT MINORS UNDER PROPER SUPERVISION  
25 UPON THE LICENSED PREMISES OR ANY PREMISES OPERATED IN  
26 CONNECTION THEREWITH FOR THE PURPOSE OF A SOCIAL GATHERING, EVEN  
27 IF SUCH GATHERING IS EXCLUSIVELY FOR MINORS: AND PROVIDED  
28 FURTHER, THAT NO LIQUOR SHALL BE SOLD, FURNISHED OR GIVEN TO  
29 SUCH MINORS NOR SHALL THE LICENSEE KNOWINGLY PERMIT ANY LIQUOR  
30 OR MALT OR BREWED BEVERAGES TO BE SOLD, FURNISHED OR GIVEN TO OR



1 BE CONSUMED BY ANY MINOR, AND THE AREA OF SUCH GATHERING SHALL  
2 BE SEGREGATED FROM THE REMAINDER OF THE LICENSED PREMISES. IN  
3 THE EVENT THE AREA OF SUCH GATHERING CANNOT BE SEGREGATED FROM  
4 THE REMAINDER OF THE LICENSED PREMISES, ALL ALCOHOLIC BEVERAGES  
5 MUST BE EITHER REMOVED FROM THE LICENSED PREMISES OR PLACED  
6 UNDER LOCK AND KEY DURING THE TIME THE GATHERING IS TAKING  
7 PLACE. NOTICE OF SUCH GATHERING SHALL BE GIVEN THE [LIQUOR  
8 CONTROL BOARD] BOARD AS IT MAY, BY REGULATION, REQUIRE. ANY  
9 LICENSEE VIOLATING THE PROVISIONS OF THIS CLAUSE SHALL BE  
10 SUBJECT TO THE PROVISIONS OF SECTION 471.

11 "PROPER SUPERVISION," AS USED IN THIS CLAUSE, MEANS THE  
12 PRESENCE, ON THAT PORTION OF THE LICENSED PREMISES WHERE A MINOR  
13 OR MINORS ARE PRESENT, OF ONE PERSON TWENTY-FIVE YEARS OF AGE OR  
14 OLDER FOR EVERY FIFTY MINORS OR PART THEREOF WHO IS DIRECTLY  
15 RESPONSIBLE FOR THE CARE AND CONDUCT OF SUCH MINOR OR MINORS  
16 WHILE ON THE LICENSED PREMISES AND IN SUCH PROXIMITY THAT THE  
17 MINOR OR MINORS ARE CONSTANTLY WITHIN HIS SIGHT OR HEARING. THE  
18 PRESENCE OF THE LICENSEE OR ANY EMPLOYEE OR SECURITY OFFICER OF  
19 THE LICENSEE SHALL NOT CONSTITUTE PROPER SUPERVISION.

20 (15) CASHING PAY ROLL, PUBLIC ASSISTANCE, UNEMPLOYMENT  
21 COMPENSATION OR ANY OTHER RELIEF CHECKS. FOR ANY LICENSEE OR HIS  
22 SERVANTS, AGENTS OR EMPLOYEES TO CASH PAY ROLL CHECKS OR TO CASH,  
23 RECEIVE, HANDLE OR NEGOTIATE IN ANY WAY PUBLIC ASSISTANCE,  
24 UNEMPLOYMENT COMPENSATION OR ANY OTHER RELIEF CHECKS.

25 (16) FURNISHING OR DELIVERING LIQUOR OR MALT OR BREWED  
26 BEVERAGES AT UNLAWFUL HOURS. FOR ANY LICENSEE, HIS SERVANTS,  
27 AGENTS OR EMPLOYEES, TO GIVE, FURNISH, TRADE, BARTER, SERVE OR  
28 DELIVER ANY LIQUOR OR MALT OR BREWED BEVERAGES TO ANY PERSON  
29 DURING HOURS OR ON DAYS WHEN THE LICENSEE IS PROHIBITED BY THIS  
30 ACT FROM SELLING LIQUOR OR MALT OR BREWED BEVERAGES.

1       (17) LICENSEES, ETC., INTERESTED OR EMPLOYED IN  
2 MANUFACTURING OR SALE OF EQUIPMENT OR FIXTURES. FOR ANY  
3 LICENSEE, OR ANY OFFICER, DIRECTOR, STOCKHOLDER, SERVANT, AGENT  
4 OR EMPLOYE OF ANY LICENSEE, TO OWN ANY INTEREST, DIRECTLY OR  
5 INDIRECTLY, IN OR BE EMPLOYED OR ENGAGED IN ANY BUSINESS WHICH  
6 INVOLVES THE MANUFACTURE OR SALE OF ANY EQUIPMENT, FURNISHINGS  
7 OR FIXTURES TO ANY HOTEL, RESTAURANT OR CLUB LICENSEES, OR TO  
8 ANY IMPORTING DISTRIBUTORS, DISTRIBUTORS OR RETAIL DISPENSERS:  
9 PROVIDED, HOWEVER, THAT AS TO MALT OR BREWED BEVERAGE LICENSEES,  
10 THE PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY TO SUCH A  
11 CONFLICTING INTEREST IF IT HAS EXISTED FOR A PERIOD OF NOT LESS  
12 THAN THREE YEARS PRIOR TO THE FIRST DAY OF JANUARY, ONE THOUSAND  
13 NINE HUNDRED THIRTY-SEVEN, AND THE BOARD SHALL APPROVE.

14       (18) DISPLAYING PRICE OF LIQUOR OR MALT OR BREWED BEVERAGES.  
15 FOR ANY RESTAURANT, HOTEL OR CLUB LIQUOR LICENSEE, OR ANY  
16 IMPORTING DISTRIBUTOR, DISTRIBUTOR OR RETAIL DISPENSER, OR THE  
17 SERVANTS, AGENTS OR EMPLOYES OF SUCH LICENSEES, TO DISPLAY ON  
18 THE OUTSIDE OF ANY LICENSED PREMISES OR TO DISPLAY ANY PLACE  
19 WITHIN THE LICENSED PREMISES WHERE IT CAN BE SEEN FROM THE  
20 OUTSIDE, ANY ADVERTISEMENT WHATSOEVER REFERRING, DIRECTLY OR  
21 INDIRECTLY, TO THE PRICE AT WHICH THE LICENSEE WILL SELL LIQUOR  
22 OR MALT OR BREWED BEVERAGES.

23       (19) LICENSEE'S OUTSIDE ADVERTISEMENTS. FOR ANY RETAIL  
24 LIQUOR LICENSEE OR ANY RETAIL DISPENSER, DISTRIBUTOR OR  
25 IMPORTING DISTRIBUTOR, TO DISPLAY IN ANY MANNER WHATSOEVER ON  
26 THE OUTSIDE OF HIS LICENSED PREMISES, OR ON ANY LOT OF GROUND ON  
27 WHICH THE LICENSED PREMISES ARE SITUATE, OR ON ANY BUILDING OF  
28 WHICH THE LICENSED PREMISES ARE A PART, A SIGN OF ANY KIND,  
29 PRINTED, PAINTED OR ELECTRIC, ADVERTISING ANY BRAND OF LIQUOR OR  
30 MALT OR BREWED BEVERAGE, AND IT SHALL BE LIKEWISE UNLAWFUL FOR

1 ANY MANUFACTURER, DISTRIBUTOR OR IMPORTING DISTRIBUTOR, TO  
2 PERMIT THE DISPLAY OF ANY SIGN WHICH ADVERTISES EITHER HIS  
3 PRODUCTS OR HIMSELF ON ANY LOT OF GROUND ON WHICH SUCH LICENSED  
4 PREMISES ARE SITUATE, OR ON ANY BUILDING OF WHICH SUCH LICENSED  
5 PREMISES ARE A PART.

6 (20) (I) RETAIL LIQUOR AND RETAIL MALT OR BREWED BEVERAGES  
7 LICENSEE'S INSIDE ADVERTISEMENTS. FOR ANY RETAIL LIQUOR OR  
8 RETAIL MALT OR BREWED BEVERAGES LICENSEE, TO DISPLAY OR PERMIT  
9 THE DISPLAY IN THE SHOW WINDOW OR DOORWAYS OF HIS LICENSED  
10 PREMISES, ANY PLACARD OR SIGN ADVERTISING THE BRANDS OF LIQUOR  
11 OR MALT OR BREWED BEVERAGES PRODUCED BY ANY ONE MANUFACTURER, IF  
12 THE TOTAL DISPLAY AREA OF ANY SUCH PLACARD OR SIGN ADVERTISING  
13 THE PRODUCTS OF ANY ONE MANUFACTURER EXCEEDS THREE HUNDRED  
14 SQUARE INCHES. NOTHING HEREIN SHALL PROHIBIT A LICENSEE FROM  
15 DISPLAYING INSIDE HIS LICENSED PREMISES POINT OF SALE DISPLAYS  
16 ADVERTISING BRAND NAMES OF PRODUCTS SOLD BY HIM, OTHER THAN A  
17 WINDOW OR DOOR DISPLAY: PROVIDED, THAT THE TOTAL COST OF ALL  
18 SUCH POINT OF SALE ADVERTISING MATTER RELATING TO ANY ONE BRAND  
19 OF ANY ONE MANUFACTURER SHALL NOT EXCEED THE SUM OF SEVENTY  
20 DOLLARS (\$70) AT ANY ONE TIME, AND NO SINGLE PIECE OF  
21 ADVERTISING SHALL EXCEED A COST OF THIRTY-FIVE DOLLARS (\$35) OR  
22 SUCH HIGHER DOLLAR AMOUNT AS MAY BE PROVIDED IN 27 CFR § 6.85B.  
23 ALL SUCH ADVERTISING MATERIAL, INCLUDING THE WINDOW AND DOOR  
24 SIGNS, MAY BE FURNISHED BY A MANUFACTURER, DISTRIBUTOR OR  
25 IMPORTING DISTRIBUTOR. THE RESTRICTIONS ON ADVERTISING SET FORTH  
26 IN SUBCLAUSE (II) AND IN CLAUSES (20.1) AND (20.2) SHALL ALSO  
27 APPLY TO THIS SUBCLAUSE.

28 (II) COOPERATIVE ADVERTISING. NO DISTRIBUTOR OR IMPORTING  
29 DISTRIBUTOR, DIRECTLY OR INDIRECTLY, INDEPENDENT OR OTHERWISE,  
30 SHALL, EXCEPT BY PRIOR WRITTEN AGREEMENT, BE REQUIRED TO

1 PARTICIPATE WITH A MANUFACTURER IN THE PURCHASE OF ANY  
2 ADVERTISING OF A BRAND NAME PRODUCT IN ANY NAME, IN ANY FORM,  
3 WHETHER IT BE RADIO, TELEVISION, NEWSPAPER, MAGAZINE OR  
4 OTHERWISE.

5 (20.1) MANUFACTURER SHALL NOT REQUIRE ADVERTISING. FOR A  
6 MANUFACTURER TO REQUIRE A DISTRIBUTOR OR IMPORTING DISTRIBUTOR  
7 TO PURCHASE ANY TYPE OF ADVERTISING.

8 (20.2) ADVERTISING SHALL BE ORDERED AND AUTHORIZED IN  
9 ADVANCE. FOR ANY ADVERTISING TO BE DONE ON BEHALF OF A  
10 DISTRIBUTOR OR IMPORTING DISTRIBUTOR WHICH WAS NOT ORDERED AND  
11 AUTHORIZED IN ADVANCE BY THE DISTRIBUTOR OR IMPORTING  
12 DISTRIBUTOR.

13 (21) REFUSING THE RIGHT OF INSPECTION. FOR ANY LICENSEE, OR  
14 HIS SERVANTS, AGENTS OR EMPLOYES, TO REFUSE THE BOARD OR THE  
15 DIVISION OR ANY OF [ITS] THEIR AUTHORIZED EMPLOYES OR AGENTS THE  
16 RIGHT TO INSPECT COMPLETELY THE ENTIRE LICENSED PREMISES AT ANY  
17 TIME DURING WHICH THE PREMISES ARE OPEN FOR THE TRANSACTION OF  
18 BUSINESS, OR WHEN PATRONS, GUESTS OR MEMBERS ARE IN THAT PORTION  
19 OF THE LICENSED PREMISES WHEREIN EITHER LIQUOR OR MALT OR BREWED  
20 BEVERAGES ARE SOLD.

21 (22) ALLOWANCE OR REBATE TO INDUCE PURCHASES. FOR ANY  
22 LICENSEE, OR HIS SERVANTS, AGENTS OR EMPLOYES, TO OFFER, PAY,  
23 MAKE OR ALLOW, OR FOR ANY LICENSEE, OR HIS SERVANTS, AGENTS OR  
24 EMPLOYES, TO SOLICIT OR RECEIVE ANY ALLOWANCE OR REBATE, REFUNDS  
25 OR CONCESSIONS, WHETHER IN THE FORM OF MONEY OR OTHERWISE, TO  
26 INDUCE DIRECTLY THE PURCHASE OF LIQUOR OR MALT OR BREWED  
27 BEVERAGES.

28 (23) MONEY OR VALUABLES GIVEN TO EMPLOYES TO INFLUENCE  
29 ACTIONS OF THEIR EMPLOYERS. FOR ANY LICENSEE, OR ANY AGENT,  
30 EMPLOYEE OR REPRESENTATIVE OF ANY LICENSEE, TO GIVE OR PERMIT TO

1 BE GIVEN, DIRECTLY OR INDIRECTLY, MONEY OR ANYTHING OF  
2 SUBSTANTIAL VALUE, IN AN EFFORT TO INDUCE AGENTS, EMPLOYES OR  
3 REPRESENTATIVES OF CUSTOMERS OR PROSPECTIVE CUSTOMERS TO  
4 INFLUENCE THEIR EMPLOYER OR PRINCIPAL TO PURCHASE OR CONTRACT TO  
5 PURCHASE LIQUOR OR MALT OR BREWED BEVERAGES FROM THE DONOR OF  
6 SUCH GIFT, OR TO INFLUENCE SUCH EMPLOYERS OR PRINCIPALS TO  
7 REFRAIN FROM DEALING OR CONTRACTING TO DEAL WITH OTHER  
8 LICENSEES.

9 (24) THINGS OF VALUE OFFERED AS INDUCEMENT. FOR ANY LICENSEE  
10 UNDER THE PROVISIONS OF THIS ARTICLE, OR THE BOARD OR ANY  
11 MANUFACTURER, OR ANY EMPLOYE OR AGENT OF A MANUFACTURER,  
12 LICENSEE OR OF THE BOARD, TO OFFER TO GIVE ANYTHING OF VALUE OR  
13 TO SOLICIT OR RECEIVE ANYTHING OF VALUE AS A PREMIUM FOR THE  
14 RETURN OF CAPS, STOPPERS, CORKS, STAMPS OR LABELS TAKEN FROM ANY  
15 BOTTLE, CASE, BARREL OR PACKAGE CONTAINING LIQUOR OR MALT OR  
16 BREWED BEVERAGE, OR TO OFFER OR GIVE OR SOLICIT OR RECEIVE  
17 ANYTHING OF VALUE AS A PREMIUM OR PRESENT TO INDUCE DIRECTLY THE  
18 PURCHASE OF LIQUOR OR MALT OR BREWED BEVERAGE, OR FOR ANY  
19 LICENSEE, MANUFACTURER OR OTHER PERSON TO OFFER OR GIVE TO TRADE  
20 OR CONSUMER BUYERS ANY PRIZE, PREMIUM, GIFT OR OTHER INDUCEMENT  
21 TO PURCHASE LIQUOR OR MALT OR BREWED BEVERAGES, EXCEPT  
22 ADVERTISING NOVELTIES OF NOMINAL VALUE WHICH THE BOARD SHALL  
23 DEFINE: PROVIDED, HOWEVER, THAT THIS SECTION SHALL NOT APPLY TO  
24 THE RETURN OF ANY MONIES SPECIFICALLY DEPOSITED FOR THE RETURN  
25 OF THE ORIGINAL CONTAINER TO THE OWNERS THEREOF.

26 (25) EMPLOYMENT [OF FEMALES] IN LICENSED PLACES. FOR ANY  
27 LICENSEE OR HIS AGENT, TO EMPLOY OR PERMIT THE EMPLOYMENT OF ANY  
28 [FEMALE] PERSON AT HIS LICENSED HOTEL, RESTAURANT OR EATING  
29 PLACE FOR THE PURPOSE OF ENTICING CUSTOMERS, OR TO ENCOURAGE  
30 THEM TO DRINK LIQUOR, OR MAKE ASSIGNATIONS FOR IMPROPER

1 PURPOSES: PROVIDED, THAT NOTHING IN THIS SECTION SHALL BE  
2 CONSTRUED TO PREVENT THE EMPLOYMENT OF ANY [FEMALE WAITRESS]  
3 PERSON WHO REGULARLY TAKES ORDERS FOR FOOD FROM SERVING FOOD,  
4 LIQUOR OR MALT OR BREWED BEVERAGES AT TABLES; ALSO, THAT NOTHING  
5 SHALL PREVENT ANY SUCH LICENSEES FROM EMPLOYING ANY [FEMALE]  
6 PERSON AS STENOGRAPHER, HOTEL SECRETARY, CLERK OR OTHER EMPLOYE  
7 FOR THEIR RESPECTIVE POSITIONS: PROVIDED FURTHER, THAT NOTHING  
8 IN THIS SECTION SHALL BE SO CONSTRUED AS TO PREVENT THE [WIFE]  
9 SPOUSE OF ANY SUCH LICENSEE OR AGENT OR ANY EMPLOYED [FEMALE]  
10 PERSON FROM MIXING OR SERVING LIQUOR OR MALT OR BREWED BEVERAGES  
11 BEHIND THE BAR OF ANY SUCH LICENSED PLACE.

12 ANY PERSON VIOLATING THE PROVISIONS OF THIS CLAUSE SHALL BE  
13 GUILTY OF A MISDEMEANOR AND, UPON CONVICTION OF THE SAME, SHALL  
14 BE SENTENCED TO PAY A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS  
15 (\$100), NOR MORE THAN FIVE HUNDRED DOLLARS (\$500), FOR EACH AND  
16 EVERY [FEMALE] PERSON SO EMPLOYED, OR UNDERGO AN IMPRISONMENT OF  
17 NOT LESS THAN THREE (3) MONTHS, NOR MORE THAN ONE (1) YEAR, OR  
18 EITHER OR BOTH, AT THE DISCRETION OF THE COURT HAVING  
19 JURISDICTION OF THE CASE. THE [BOARD] ADMINISTRATIVE LAW JUDGE  
20 SHALL HAVE THE POWER TO REVOKE OR REFUSE LICENSES FOR VIOLATION  
21 OF THIS CLAUSE.

22 (26) WORTHLESS CHECKS. FOR ANY RETAIL LIQUOR LICENSEE OR ANY  
23 RETAIL DISPENSER, DISTRIBUTOR OR IMPORTING DISTRIBUTOR, TO MAKE,  
24 DRAW, UTTER, ISSUE OR DELIVER, OR CAUSE TO BE MADE, DRAWN,  
25 UTTERED, ISSUED OR DELIVERED, ANY CHECK, DRAFT OR SIMILAR ORDER,  
26 FOR THE PAYMENT OF MONEY IN PAYMENT FOR ANY PURCHASE OF MALT OR  
27 BREWED BEVERAGES, WHEN SUCH RETAIL LIQUOR LICENSEE, RETAIL  
28 DISPENSER, DISTRIBUTOR OR IMPORTING DISTRIBUTOR, HAS NOT  
29 SUFFICIENT FUNDS IN, OR CREDIT WITH, SUCH BANK, BANKING  
30 INSTITUTION, TRUST COMPANY OR OTHER DEPOSITORY, FOR THE PAYMENT

1 OF SUCH CHECK. ANY PERSON WHO IS A LICENSEE UNDER THE PROVISIONS  
2 OF THIS ARTICLE, WHO SHALL RECEIVE IN PAYMENT FOR MALT OR BREWED  
3 BEVERAGES SOLD BY HIM ANY CHECK, DRAFT OR SIMILAR ORDER FOR THE  
4 PAYMENT OF MONEY, WHICH IS SUBSEQUENTLY DISHONORED BY THE BANK,  
5 BANKING INSTITUTION, TRUST COMPANY OR OTHER DEPOSITORY, UPON  
6 WHICH DRAWN, FOR ANY REASON WHATSOEVER, SHALL, WITHIN FIVE DAYS  
7 OF RECEIPT OF NOTICE OF SUCH DISHONOR, NOTIFY BY CERTIFIED MAIL  
8 THE PERSON WHO PRESENTED THE SAID WORTHLESS CHECK, DRAFT OR  
9 SIMILAR ORDER.

10 (27) DISTRIBUTORS, WINE DISTRIBUTORS, MASTER WINE  
11 DISTRIBUTORS AND IMPORTING DISTRIBUTORS EMPLOYING MINORS. FOR  
12 ANY DISTRIBUTOR, WINE DISTRIBUTOR OR IMPORTING DISTRIBUTOR TO  
13 EMPLOY MINORS UNDER THE AGE OF EIGHTEEN BUT PERSONS EIGHTEEN AND  
14 OVER MAY BE EMPLOYED TO SELL AND DELIVER MALT AND BREWED  
15 BEVERAGES OR WINE.

16 SECTION 32. SECTION 494 OF THE ACT, AMENDED MAY 25, 1956  
17 (1955 P.L.1743, NO.583), IS AMENDED TO READ:

18 SECTION 494. PENALTIES.--(A) ANY PERSON WHO SHALL VIOLATE  
19 ANY OF THE PROVISIONS OF THIS ARTICLE, EXCEPT AS OTHERWISE  
20 SPECIFICALLY PROVIDED, SHALL BE GUILTY OF A MISDEMEANOR AND,  
21 UPON CONVICTION THEREOF, SHALL BE SENTENCED TO PAY A FINE OF NOT  
22 LESS THAN ONE HUNDRED DOLLARS (\$100), NOR MORE THAN FIVE HUNDRED  
23 DOLLARS (\$500), AND ON FAILURE TO PAY SUCH FINE, TO IMPRISONMENT  
24 FOR NOT LESS THAN ONE MONTH, NOR MORE THAN THREE MONTHS, AND FOR  
25 ANY SUBSEQUENT OFFENSE, SHALL BE SENTENCED TO PAY A FINE NOT  
26 LESS THAN THREE HUNDRED DOLLARS (\$300), NOR MORE THAN FIVE  
27 HUNDRED DOLLARS (\$500), [AND] OR TO UNDERGO IMPRISONMENT FOR A  
28 PERIOD NOT LESS THAN THREE MONTHS, NOR MORE THAN ONE YEAR, OR  
29 BOTH. IF THE PERSON, AT OR RELATING TO THE LICENSED PREMISES,  
30 VIOLATES CLAUSES (1), (10), (14), (16) OR (21) OF SECTION 493,

1 OR IF THE OWNER OR OPERATOR OF THE LICENSED PREMISES OR ANY  
2 AUTHORIZED AGENT OF THE OWNER OR OPERATOR VIOLATES THE ACT OF  
3 APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS "THE CONTROLLED  
4 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT," OR 18 PA.C.S. § 5902  
5 (RELATING TO PROSTITUTION AND RELATED OFFENSES) OR 6301  
6 (RELATING TO CORRUPTION OF MINORS), HE SHALL BE SENTENCED TO PAY  
7 A FINE NOT EXCEEDING FIVE THOUSAND DOLLARS (\$5,000) OR TO  
8 UNDERGO IMPRISONMENT FOR A PERIOD NOT LESS THAN THREE MONTHS,  
9 NOR MORE THAN ONE YEAR, OR BOTH.

10 (B) THE RIGHT [OF THE BOARD] TO SUSPEND AND REVOKE LICENSES  
11 GRANTED UNDER THIS ARTICLE SHALL BE IN ADDITION TO THE PENALTY  
12 SET FORTH IN THIS SECTION.

13 SECTION 33. SECTION 495 OF THE ACT, AMENDED JUNE 22, 1980  
14 (P.L.262, NO.76), IS AMENDED TO READ:

15 SECTION 495. IDENTIFICATION CARDS; LICENSEES AND STATE  
16 LIQUOR STORE EMPLOYEES SAVED FROM PROSECUTION.--(A) THE BOARD  
17 SHALL ISSUE, TO ANY PERSON WHO SHALL HAVE ATTAINED THE AGE OF  
18 TWENTY-ONE YEARS, AN IDENTIFICATION CARD BEARING SAID PERSON'S  
19 DATE OF BIRTH, PHYSICAL DESCRIPTION, PHOTOGRAPH, SIGNATURE, AND  
20 SUCH OTHER INFORMATION, AS THE BOARD BY REGULATION MAY  
21 DETERMINE, ATTESTING TO THE AGE OF THE APPLICANT, UPON  
22 APPLICATION THEREFOR BY SAID PERSON, FILED NO EARLIER THAN  
23 FIFTEEN DAYS PRIOR TO ATTAINING THE AGE OF TWENTY-ONE. SUCH  
24 CARDS SHALL BE NUMBERED AND A RECORD THEREOF MAINTAINED BY THE  
25 BOARD FOR A PERIOD OF FIVE YEARS. THE BOARD MAY, IN ITS  
26 DISCRETION, IMPOSE A CHARGE FOR SUCH CARDS IN AN AMOUNT TO BE  
27 DETERMINED BY IT, AND IT MAY, UPON PROOF OF LOSS OF SUCH  
28 IDENTIFICATION CARD BY AND UPON APPLICATION OF ANYONE TO WHOM  
29 SUCH CARD MAY HAVE BEEN ISSUED, ISSUE A DUPLICATE THEREOF AND  
30 IMPOSE A CHARGE THEREFOR IN AN AMOUNT AS IT MAY BY REGULATION



1 PRESCRIBE. THE BOARD SHALL HAVE THE POWER TO MAKE SUCH  
2 REGULATIONS AS IT SHALL, FROM TIME TO TIME, DEEM PROPER  
3 REGARDING THE SIZE, STYLE AND ADDITIONAL CONTENT OF THE  
4 IDENTIFICATION CARD, THE FORM AND CONTENT OF ANY APPLICATION  
5 THEREFOR, THE TYPE, STYLE AND QUANTITY OF PROOF REQUIRED TO  
6 VERIFY THE APPLICANT'S AGE, THE PROCEDURE FOR RECEIVING AND  
7 PROCESSING SUCH APPLICATION, THE DISTRIBUTION OF SAID CARD, THE  
8 CHARGE TO BE IMPOSED FOR ANY CARD MORE THAN ONE THAT IT SHALL  
9 ISSUE TO THE SAME APPLICANT, AND ALL OTHER MATTERS THE BOARD  
10 SHALL DEEM NECESSARY OR ADVISABLE FOR THE PURPOSE OF CARRYING  
11 INTO EFFECT THE PROVISIONS OF THIS SECTION.

12 (A.1) THE PHOTO DRIVERS' LICENSE OR IDENTIFICATION CARD  
13 ISSUED BY THE DEPARTMENT OF TRANSPORTATION SHALL, FOR THE  
14 PURPOSE OF THIS ACT, BE ACCEPTED AS AN IDENTIFICATION CARD.

15 (A.2) FOR THE PURPOSES OF THIS SECTION, THE TERM  
16 IDENTIFICATION CARD MEANS A CARD WHICH COMPLIES WITH EITHER  
17 SUBSECTION (A) OR (A.1).

18 (B) SUCH IDENTIFICATION CARD SHALL BE PRESENTED BY THE  
19 HOLDER THEREOF UPON REQUEST OF ANY STATE LIQUOR STORE OR ANY  
20 LICENSEE, OR THE SERVANT, AGENT OR EMPLOYE THEREOF, FOR THE  
21 PURPOSE OF AIDING SUCH STORE, LICENSEE, OR THE SERVANT, AGENT OR  
22 EMPLOYE TO DETERMINE WHETHER OR NOT SUCH PERSON IS TWENTY-ONE  
23 YEARS OF AGE AND UPWARDS, WHEN SUCH PERSON DESIRES ALCOHOLIC  
24 BEVERAGE AT A STATE LIQUOR STORE OR LICENSED ESTABLISHMENT.

25 (C) IN ADDITION TO THE PRESENTATION OF SUCH IDENTIFICATION  
26 CARD, THE AGENT OF THE STATE LIQUOR STORE OR THE LICENSEE, OR  
27 HIS SERVANT, AGENT OR EMPLOYE, SHALL REQUIRE THE PERSON WHOSE  
28 AGE MAY BE IN QUESTION TO FILL IN AND SIGN A CARD IN THE  
29 FOLLOWING FORM:

30 ..... 19

1 I,....., HEREBY REPRESENT  
2 TO ....., A STATE STORE OR  
3 LICENSEE OF THE PENNSYLVANIA LIQUOR [CONTROL] BOARD  
4 THAT I AM OF FULL AGE AND DISCRETION AND OVER THE AGE  
5 OF 21 YEARS, HAVING BEEN BORN ON ..... 19.....  
6 AT .....

7 THIS STATEMENT IS MADE TO INDUCE SAID STORE OR LICENSEE ABOVE  
8 NAMED TO SELL OR OTHERWISE FURNISH ALCOHOLIC BEVERAGES TO THE  
9 UNDERSIGNED.

10 SERIAL NUMBER OF IDENTIFICATION CARD:

11 I UNDERSTAND THAT I AM SUBJECT TO A FINE OF  
12 \$300.00 AND SIXTY DAYS IMPRISONMENT FOR ANY  
13 MISREPRESENTATION HEREIN.

14 .....  
15 (NAME)  
16 .....  
17 (ADDRESS)

18 WITNESS:

19 NAME.....  
20 ADDRESS.....

21 SUCH STATEMENT SHALL BE PRINTED UPON A 3 INCH BY 5 INCH OR 4  
22 INCH BY 5 INCH FILE CARD, WHICH CARD SHALL BE FILED  
23 ALPHABETICALLY BY THE STATE LIQUOR STORE OR LICENSEE, AT OR  
24 BEFORE THE CLOSE OF BUSINESS ON THE DAY OF WHICH SAID  
25 CERTIFICATE IS EXECUTED, IN A FILE BOX CONTAINING A SUITABLE  
26 ALPHABETICAL INDEX, AND WHICH CARD SHALL BE SUBJECT TO  
27 EXAMINATION BY ANY OFFICER, AGENT OR EMPLOYEE OF THE [LIQUOR  
28 CONTROL BOARD] BOARD OR THE DIVISION AT ANY AND ALL TIMES.

29 (D) IT SHALL BE UNLAWFUL FOR THE OWNER OF AN IDENTIFICATION  
30 CARD, AS DEFINED BY THIS ACT, TO TRANSFER SAID CARD TO ANY OTHER

1 PERSON FOR THE PURPOSE OF AIDING SUCH PERSON TO SECURE ALCOHOLIC  
2 BEVERAGE. ANY PERSON WHO SHALL TRANSFER SUCH IDENTIFICATION CARD  
3 FOR THE PURPOSE OF AIDING SUCH TRANSFEREE TO OBTAIN ALCOHOLIC  
4 BEVERAGE SHALL BE GUILTY OF A MISDEMEANOR AND, UPON CONVICTION  
5 THEREOF, SHALL BE SENTENCED TO PAY A FINE OF NOT MORE THAN THREE  
6 HUNDRED DOLLARS (\$300), OR UNDERGO IMPRISONMENT FOR NOT MORE  
7 THAN SIXTY (60) DAYS. ANY PERSON NOT ENTITLED THERETO WHO SHALL  
8 HAVE UNLAWFULLY PROCURED OR HAVE ISSUED OR TRANSFERRED TO HIM,  
9 AS AFORESAID, IDENTIFICATION CARD OR ANY PERSON WHO SHALL MAKE  
10 ANY FALSE STATEMENT ON ANY CARD REQUIRED BY SUBSECTION (C)  
11 HEREOF TO BE SIGNED BY HIM SHALL BE GUILTY OF A MISDEMEANOR AND,  
12 UPON CONVICTION THEREOF, SHALL BE SENTENCED TO PAY A FINE OF NOT  
13 MORE THAN THREE HUNDRED DOLLARS (\$300), OR UNDERGO IMPRISONMENT  
14 FOR NOT MORE THAN SIXTY (60) DAYS.

15 (E) THE SIGNED STATEMENT IN THE POSSESSION OF A LICENSEE OR  
16 AN EMPLOYE OF A STATE LIQUOR STORE MAY BE OFFERED AS A DEFENSE  
17 IN ALL CIVIL AND CRIMINAL PROSECUTIONS FOR SERVING A MINOR, AND  
18 NO PENALTY SHALL BE IMPOSED IF THE [LIQUOR CONTROL BOARD]  
19 ADMINISTRATIVE LAW JUDGE OR THE COURTS ARE SATISFIED THAT THE  
20 LICENSEE OR STATE LIQUOR STORE EMPLOYE ACTED IN GOOD FAITH.

21 SECTION 34. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

22 SECTION 498. EXEMPTIONS FOR COLLECTORS.--THE PROVISIONS OF  
23 CLAUSES (1), (2), (3) AND (11) OF SECTION 491 AND CLAUSE (4) OF  
24 SECTION 493 AND ANY OTHER PROVISIONS RELATING TO INDIVIDUALS  
25 SELLING, PURCHASING, TRADING OR EXCHANGING LIQUOR SHALL NOT  
26 APPLY TO ANY PERSON WHO IS TWENTY-ONE YEARS OF AGE OR OLDER WHO  
27 COLLECTS CERAMIC COMMEMORATIVE BOTTLES OR PACKAGES WHICH CONTAIN  
28 LIQUOR AND WHO SELLS, TRADES OR EXCHANGES THE CERAMIC  
29 COMMEMORATIVE BOTTLES OR PACKAGES WITH OTHER COLLECTORS. THIS  
30 EXEMPTION SHALL APPLY ONLY IF:

1       (1) THE CERAMIC COMMEMORATIVE BOTTLE OR PACKAGE HAS AN  
2       UNBROKEN FEDERAL TAX STAMP ATTACHED.

3       (2) THE BOTTLE OR PACKAGE WAS PURCHASED AT RETAIL FROM A  
4       STATE STORE OR LAWFULLY IMPORTED PURSUANT TO THE REGULATIONS OF  
5       THE BOARD.

6       (3) THE SALE, PURCHASE, TRADE OR EXCHANGE DOES NOT OCCUR ON  
7       THE PREMISES OF ANY LICENSEE.

8       (4) THE SALE, PURCHASE, TRADE OR EXCHANGE IS NOT MADE FOR  
9       THE PURPOSE OF USING THE LIQUOR FOR PERSONAL CONSUMPTION.

10       (5) THE SALE, PURCHASE, TRADE OR EXCHANGE IS ONLY FOR THE  
11       PURPOSE OF TRANSFERRING CERAMIC COMMEMORATIVE BOTTLES OR  
12       PACKAGES BETWEEN PRIVATE COLLECTORS.

13       SECTION 35. SECTION 505.2 OF THE ACT, AMENDED NOVEMBER 1,  
14       1981 (P.L.329, NO.119) AND DECEMBER 17, 1982 (P.L.1390, NO.319),  
15       IS AMENDED TO READ:

16       SECTION 505.2. LIMITED WINERIES.--HOLDERS OF A LIMITED  
17       WINERY LICENSE MAY:

18       (1) PRODUCE WINES ONLY FROM FRUITS GROWN IN PENNSYLVANIA IN  
19       AN AMOUNT NOT TO EXCEED [ONE HUNDRED THOUSAND (100,000)] FIVE  
20       HUNDRED THOUSAND (500,000) GALLONS PER YEAR.

21       (2) SELL WINE PRODUCED BY THE LIMITED WINERY OR PURCHASED IN  
22       BULK IN BOND FROM ANOTHER PENNSYLVANIA LIMITED WINERY ON THE  
23       LICENSED PREMISES, UNDER SUCH CONDITIONS AND REGULATIONS AS THE  
24       BOARD MAY ENFORCE, TO THE LIQUOR CONTROL BOARD, TO INDIVIDUALS  
25       AND TO HOTEL, RESTAURANT, CLUB AND PUBLIC SERVICE LIQUOR  
26       LICENSEES, RETAIL DISPENSERS, DISTRIBUTORS, IMPORTING  
27       DISTRIBUTORS, WINE DISTRIBUTORS AND TO PENNSYLVANIA WINERY  
28       LICENSEES: PROVIDED, THAT A LIMITED WINERY SHALL NOT, IN ANY  
29       CALENDAR YEAR, PURCHASE WINE PRODUCED BY OTHER LIMITED WINERIES  
30       IN AN AMOUNT IN EXCESS OF FIFTY PER CENTUM OF THE WINE PRODUCED

1 BY THE PURCHASING LIMITED WINERY IN THE PRECEDING CALENDAR YEAR.

2 (3) SELL WINE PRODUCED BY THE LIMITED WINERY ON NO MORE THAN  
3 THREE BOARD-APPROVED LOCATIONS OTHER THAN THE LICENSED PREMISES,  
4 WITH NO BOTTLING OR PRODUCTION REQUIREMENT AT THOSE ADDITIONAL  
5 BOARD-APPROVED LOCATIONS AND UNDER SUCH CONDITIONS AND  
6 REGULATIONS AS THE BOARD MAY ENFORCE, TO THE LIQUOR CONTROL  
7 BOARD, TO INDIVIDUALS AND TO HOTEL, RESTAURANT, CLUB AND PUBLIC  
8 SERVICE LIQUOR LICENSEES, RETAIL DISPENSERS, DISTRIBUTORS,  
9 IMPORTING DISTRIBUTORS AND WINE DISTRIBUTORS.

10 (4) ENGAGE IN THE PURCHASE ONLY FROM PENNSYLVANIA  
11 MANUFACTURERS AND FROM IMPORTING DISTRIBUTORS AND IN THE RESALE,  
12 EXCEPT TO IMPORTING DISTRIBUTORS AND DISTRIBUTORS, OF MALT OR  
13 BREWED BEVERAGES IN THE ORIGINAL SEALED CONTAINERS, AS PREPARED  
14 FOR THE MARKET BY THE MANUFACTURER AT THE PLACE OF MANUFACTURE,  
15 IN SINGLE CONTAINERS, CONTAINING ONE HUNDRED AND TWENTY-EIGHT  
16 (128) OUNCES OR MORE OR IN QUANTITIES OF NOT LESS THAN A CASE OF  
17 TWENTY-FOUR (24) CONTAINERS, EACH CONTAINER HOLDING SEVEN (7)  
18 FLUID OUNCES OR MORE, OR OF NOT LESS THAN A CASE OF TWELVE (12)  
19 CONTAINERS, EACH CONTAINER HOLDING TWENTY-FOUR (24) FLUID OUNCES  
20 OR MORE: PROVIDED, THAT A LIMITED WINERY MAY NOT ENGAGE IN THE  
21 RESALE OF MALT OR BREWED BEVERAGES FOR CONSUMPTION ON THE  
22 PREMISES WHERE THEY ARE SOLD.

23 SECTION 36. SECTIONS 506(F), 507 AND 514 OF THE ACT ARE  
24 AMENDED TO READ:

25 SECTION 506. BONDS REQUIRED.--\* \* \*

26 (F) EVERY SUCH BOND SHALL BE TURNED OVER TO THE [DEPARTMENT  
27 OF JUSTICE] OFFICE OF ATTORNEY GENERAL TO BE COLLECTED IF AND  
28 WHEN THE LICENSEE'S LICENSE SHALL HAVE BEEN REVOKED AND HIS BOND  
29 FORFEITED AS PROVIDED IN THIS ACT.

30 SECTION 507. HEARINGS [UPON REFUSAL OF LICENSES] ON LICENSES

1 AND REFUSALS.--(A) THE BOARD MAY OF ITS OWN MOTION, AND SHALL  
2 UPON THE WRITTEN REQUEST OF THE DIVISION OR OF ANY APPLICANT FOR  
3 LICENSE OR FOR RENEWAL THEREOF WHOSE APPLICATION FOR SUCH  
4 LICENSE OR RENEWAL HAS BEEN REFUSED, FIX A TIME AND PLACE FOR  
5 HEARING OF SUCH APPLICATION OR RENEWAL, NOTICE OF WHICH HEARING  
6 SHALL BE SENT TO THE DIVISION AND TO THE APPLICANT, BY  
7 REGISTERED MAIL, AT THE ADDRESS GIVEN IN HIS APPLICATION. SUCH  
8 HEARING SHALL BE BEFORE THE BOARD, A MEMBER THEREOF, OR AN  
9 EXAMINER DESIGNATED BY THE BOARD.

10 (B) AT SUCH HEARING, THE BOARD SHALL PRESENT ITS REASONS FOR  
11 ITS REFUSAL OR WITHHOLDING OF SUCH LICENSE OR RENEWAL THEREOF OR  
12 THE DIVISION SHALL PRESENT ITS OBJECTIONS TO THE GRANTING OR  
13 RENEWAL OF THE LICENSE, AS THE CASE MAY BE. THE APPLICANT MAY  
14 APPEAR IN PERSON OR BY COUNSEL, MAY CROSS-EXAMINE THE WITNESSES  
15 FOR THE BOARD OR THE DIVISION, AND MAY PRESENT EVIDENCE WHICH  
16 SHALL LIKEWISE BE SUBJECT TO CROSS-EXAMINATION BY THE BOARD OR  
17 THE DIVISION. SUCH HEARING SHALL BE STENOGRAPHICALLY RECORDED.  
18 THE EXAMINER SHALL THEREAFTER REPORT TO THE BOARD. THE BOARD  
19 SHALL THEREAFTER GRANT OR REFUSE THE LICENSE OR RENEWAL THEREOF.  
20 [IF THE BOARD SHALL REFUSE SUCH LICENSE OR RENEWAL FOLLOWING  
21 SUCH HEARING, NOTICE IN WRITING OF SUCH REFUSAL SHALL BE MAILED  
22 TO THE APPLICANT AT THE ADDRESS GIVEN IN HIS APPLICATION. IN ALL  
23 CASES, THE BOARD SHALL FILE OF RECORD AT LEAST A BRIEF STATEMENT  
24 IN THE FORM OF AN OPINION OF THE REASONS FOR THE RULING OR  
25 ORDER.]

26 (C) HEARINGS AND ADJUDICATIONS PURSUANT TO THIS SECTION  
27 SHALL BE IN ACCORDANCE WITH 2 PA.C.S. CH. 5 SUBCH. A (RELATING  
28 TO PRACTICE AND PROCEDURE OF COMMONWEALTH AGENCIES).

29 SECTION 514. SUSPENSION AND REVOCATION OF LICENSES.--(A)  
30 UPON LEARNING OF ANY VIOLATION OF THIS ACT OR OF ANY RULE OR

1 REGULATION PROMULGATED BY THE BOARD UNDER THE AUTHORITY OF THIS  
2 ACT, OR ANY VIOLATION OF ANY LAWS OF THE COMMONWEALTH OR OF THE  
3 UNITED STATES OF AMERICA RELATING TO THE TAX PAYMENT OF ALCOHOL,  
4 LIQUOR OR MALT OR BREWED BEVERAGES BY THE HOLDER OF A LICENSE  
5 ISSUED UNDER THE PROVISIONS OF THIS ARTICLE, OR UPON OTHER  
6 SUFFICIENT CAUSE, THE [BOARD] DIVISION MAY, WITHIN ONE YEAR FROM  
7 THE DATE OF SUCH VIOLATION OR CAUSE APPEARING, CITE SUCH  
8 LICENSEE TO APPEAR BEFORE [IT OR ITS EXAMINER] AN ADMINISTRATIVE  
9 LAW JUDGE NOT LESS THAN TEN (10) NOR MORE THAN [FIFTEEN (15)]  
10 SIXTY (60) DAYS FROM THE DATE OF SENDING SUCH LICENSEE, BY  
11 REGISTERED MAIL, A NOTICE ADDRESSED TO HIS LICENSED PREMISES, TO  
12 SHOW CAUSE WHY THE LICENSE SHOULD NOT BE SUSPENDED OR REVOKED.  
13 HEARINGS ON SUCH CITATIONS SHALL BE HELD IN THE SAME MANNER AS  
14 PROVIDED HEREIN FOR HEARINGS ON APPLICATIONS FOR LICENSE. AND  
15 UPON SUCH HEARING, IF SATISFIED THAT ANY SUCH VIOLATION HAS  
16 OCCURRED OR FOR OTHER SUFFICIENT CAUSE, THE [BOARD]  
17 ADMINISTRATIVE LAW JUDGE SHALL IMMEDIATELY SUSPEND OR REVOKE  
18 SUCH LICENSE, NOTIFYING THE LICENSEE THEREOF BY REGISTERED  
19 LETTER ADDRESSED TO HIS LICENSED PREMISES, OR TO THE ADDRESS  
20 GIVEN IN HIS APPLICATION WHERE NO LICENSED PREMISES IS  
21 MAINTAINED IN PENNSYLVANIA.

22 (B) WHEN A LICENSE IS REVOKED, THE LICENSEE'S BOND MAY BE  
23 FORFEITED [BY THE BOARD]. ANY LICENSEE WHOSE LICENSE IS REVOKED  
24 SHALL BE INELIGIBLE TO HAVE A LICENSE UNDER THIS ACT OR UNDER  
25 ANY OTHER ACT RELATING TO ALCOHOL, LIQUOR OR MALT OR BREWED  
26 BEVERAGES UNTIL THE EXPIRATION OF THREE (3) YEARS FROM THE DATE  
27 SUCH LICENSE WAS REVOKED. IN THE EVENT [THE BOARD SHALL REVOKE A  
28 LICENSE] OF A REVOCATION, NO LICENSE SHALL BE GRANTED FOR THE  
29 PREMISES OR TRANSFERRED TO THE PREMISES IN WHICH SAID LICENSE  
30 WAS CONDUCTED FOR A PERIOD OF AT LEAST ONE (1) YEAR AFTER THE

1 DATE OF THE REVOCATION OF THE LICENSE CONDUCTED IN THE SAID  
2 PREMISES, EXCEPT IN CASES WHERE THE LICENSEE OR A MEMBER OF HIS  
3 IMMEDIATE FAMILY IS NOT THE OWNER OF THE PREMISES, IN WHICH CASE  
4 THE BOARD MAY, IN ITS DISCRETION, ISSUE OR TRANSFER A LICENSE  
5 WITHIN SAID YEAR. [IN ALL SUCH CASES, THE BOARD SHALL FILE OF  
6 RECORD AT LEAST A BRIEF STATEMENT IN THE FORM OF AN OPINION OF  
7 THE REASONS FOR THE RULING OR ORDER.] SUCH HEARING BEFORE AND  
8 ADJUDICATION BY AN ADMINISTRATIVE LAW JUDGE SHALL BE IN  
9 ACCORDANCE WITH 2 PA.C.S. CH. 5 SUBCH. A (RELATING TO PRACTICE  
10 AND PROCEDURE OF COMMONWEALTH AGENCIES).

11 SECTION 37. SECTION 515 OF THE ACT, REPEALED IN PART JUNE 3,  
12 1971 (P.L.118, NO.6) AND APRIL 28, 1978 (P.L.202, NO.53), IS  
13 AMENDED TO READ:

14 SECTION 515. APPEALS.--[ANY] THE BOARD, THE DIVISION OR ANY  
15 APPLICANT OR ANY LICENSEE AGGRIEVED BY ANY DECISION [OF THE  
16 BOARD] REFUSING, SUSPENDING OR REVOKING A LICENSE UNDER THE  
17 PROVISIONS OF THIS ARTICLE MAY APPEAL TO THE COURT OF THE COUNTY  
18 IN WHICH THE LICENSED PREMISES OR THE PREMISES TO BE LICENSED  
19 ARE LOCATED. IN THE EVENT AN APPLICANT OR A LICENSEE SHALL HAVE  
20 NO PLACE OF BUSINESS ESTABLISHED WITHIN THE COMMONWEALTH, HIS  
21 APPEAL SHALL BE TO THE [COURT OF DAUPHIN COUNTY] COMMONWEALTH  
22 COURT. SUCH APPEAL SHALL BE [UPON PETITION OF THE APPLICANT OR  
23 LICENSEE, AS THE CASE MAY BE, WHO SHALL SERVE A COPY THEREOF  
24 UPON THE BOARD. THE SAID APPEAL SHALL ACT AS A SUPERSEDEAS,  
25 UNLESS UPON SUFFICIENT CAUSE SHOWN THE COURT SHALL DETERMINE  
26 OTHERWISE. THE COURT SHALL HEAR THE APPLICATION DE NOVO AT SUCH  
27 TIME AS IT SHALL FIX, OF WHICH NOTICE SHALL BE GIVEN TO THE  
28 BOARD. THE COURT SHALL, IN THE CASE OF A REFUSAL BY THE BOARD,  
29 EITHER SUSTAIN SUCH REFUSAL OR ORDER THE ISSUANCE OF THE LICENSE  
30 TO THE APPLICANT] IN ACCORDANCE WITH 2 PA.C.S. CH. 7 SUBCH. A



1 (RELATING TO JUDICIAL REVIEW OF COMMONWEALTH AGENCY ACTION).

2 SECTION 38. SECTIONS 516 AND 519 OF THE ACT ARE AMENDED TO  
3 READ:

4 SECTION 516. COMPROMISE PENALTY IN LIEU OF SUSPENSION.--IN  
5 THOSE CASES WHERE THE [BOARD] ADMINISTRATIVE LAW JUDGE SHALL  
6 SUSPEND A LICENSE, THE [BOARD] ADMINISTRATIVE LAW JUDGE MAY  
7 ACCEPT FROM THE LICENSEE AN OFFER IN COMPROMISE AS A PENALTY IN  
8 LIEU OF SUCH SUSPENSION AND SHALL THEREUPON RESCIND ITS ORDER OF  
9 SUSPENSION. IN THE CASE OF A DISTILLERY LICENSEE, THE OFFER IN  
10 COMPROMISE SHALL BE AT THE RATE OF ONE HUNDRED DOLLARS (\$100)  
11 FOR EACH DAY OF SUSPENSION; IN THE CASE OF A BONDED WAREHOUSE,  
12 BAILEE FOR HIRE AND TRANSPORTER FOR HIRE LICENSEES, TWENTY-FIVE  
13 DOLLARS (\$25) FOR EACH DAY; AND IN THE CASE OF A WINERY  
14 LICENSEE, FIFTY DOLLARS (\$50) FOR EACH DAY. NO OFFER IN  
15 COMPROMISE MAY BE ACCEPTED [BY THE BOARD] IN THOSE CASES WHERE  
16 THE SUSPENSION IS FOR A PERIOD IN EXCESS OF ONE HUNDRED (100)  
17 DAYS.

18 SECTION 519. PENALTIES.--ANY PERSON OR PERSONS WHO KNOWINGLY  
19 VIOLATE ANY OF THE PROVISIONS OF THIS ARTICLE, OR ANY PERSON WHO  
20 SHALL VIOLATE ANY OF THE CONDITIONS OF ANY LICENSE ISSUED UNDER  
21 THE PROVISIONS OF THIS ARTICLE, OR WHO SHALL FALSIFY ANY RECORD  
22 OR REPORT REQUIRED BY THIS ARTICLE TO BE KEPT, OR WHO SHALL  
23 VIOLATE ANY RULE OR REGULATION OF THE BOARD, OR WHO SHALL  
24 INTERFERE WITH, HINDER OR OBSTRUCT ANY INSPECTION AUTHORIZED BY  
25 THIS ARTICLE, OR PREVENT ANY MEMBER OF THE BOARD OR THE DIVISION  
26 OR ANY PERSON DULY AUTHORIZED AND DESIGNATED BY THE BOARD OR THE  
27 DIVISION FROM ENTERING ANY PLACE WHICH SUCH MEMBER OF THE BOARD  
28 OR THE DIVISION OR SUCH PERSON IS AUTHORIZED BY THIS ARTICLE TO  
29 ENTER FOR THE PURPOSE OF MAKING AN INSPECTION, OR WHO SHALL  
30 VIOLATE ANY OTHER PROVISION OF THIS ARTICLE, SHALL BE GUILTY OF

1 A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE SENTENCED  
2 TO PAY A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS (\$100), NOR  
3 MORE THAN FIVE THOUSAND DOLLARS (\$5000), OR UNDERGO IMPRISONMENT  
4 OF NOT MORE THAN THREE (3) YEARS, OR BOTH, AT THE DISCRETION OF  
5 THE COURT.

6 SECTION 39. SECTIONS 601, 602 AND 603(C) OF THE ACT, AMENDED  
7 APRIL 20, 1956 (1955 P.L.1508, NO.499), ARE AMENDED TO READ:

8 SECTION 601. FORFEITURE OF PROPERTY ILLEGALLY POSSESSED OR  
9 USED.--NO PROPERTY RIGHTS SHALL EXIST IN ANY LIQUOR, ALCOHOL OR  
10 MALT OR BREWED BEVERAGE ILLEGALLY MANUFACTURED OR POSSESSED, OR  
11 IN ANY STILL, EQUIPMENT, MATERIAL, UTENSIL, VEHICLE, BOAT,  
12 VESSEL, ANIMALS OR AIRCRAFT USED IN THE ILLEGAL MANUFACTURE OR  
13 ILLEGAL TRANSPORTATION OF LIQUOR, ALCOHOL OR MALT OR BREWED  
14 BEVERAGES, AND THE SAME SHALL BE DEEMED CONTRABAND AND  
15 PROCEEDINGS FOR ITS FORFEITURE TO THE COMMONWEALTH MAY[, AT THE  
16 DISCRETION OF THE BOARD,] BE INSTITUTED IN THE MANNER  
17 HEREINAFTER PROVIDED. NO SUCH PROPERTY WHEN IN THE CUSTODY OF  
18 THE LAW SHALL BE SEIZED OR TAKEN THEREFROM ON ANY WRIT OF  
19 REPLEVIN OR LIKE PROCESS.

20 SECTION 602. FORFEITURE PROCEEDINGS.--(A) THE PROCEEDINGS  
21 FOR THE FORFEITURE OR CONDEMNATION OF ALL PROPERTY SHALL BE IN  
22 REM, IN WHICH THE COMMONWEALTH SHALL BE THE PLAINTIFF AND THE  
23 PROPERTY THE DEFENDANT. A PETITION SHALL BE FILED IN THE COURT  
24 OF [QUARTER SESSIONS] COMMON PLEAS, VERIFIED BY OATH OR  
25 AFFIRMATION OF ANY OFFICER OR CITIZEN, CONTAINING THE FOLLOWING:  
26 (1) A DESCRIPTION OF THE PROPERTY SO SEIZED; (2) A STATEMENT OF  
27 THE TIME AND PLACE WHERE SEIZED; (3) THE OWNER, IF KNOWN; (4)  
28 THE PERSON OR PERSONS IN POSSESSION, IF KNOWN; (5) AN ALLEGATION  
29 THAT THE SAME HAD BEEN POSSESSED OR USED OR WAS INTENDED FOR USE  
30 IN VIOLATION OF THIS ACT; (6) AND, A PRAYER FOR AN ORDER OF

1 FORFEITURE THAT THE SAME BE ADJUDGED FORFEITED TO THE  
2 COMMONWEALTH, UNLESS CAUSE BE SHOWN TO THE CONTRARY.

3 (B) A COPY OF SAID PETITION SHALL BE SERVED PERSONALLY ON  
4 SAID OWNER IF HE CAN BE FOUND WITHIN THE JURISDICTION OF THE  
5 COURT, OR UPON THE PERSON OR PERSONS IN POSSESSION AT THE TIME  
6 OF THE SEIZURE THEREOF. SAID COPY SHALL HAVE ENDORSED THEREON A  
7 NOTICE AS FOLLOWS:

8 "TO THE CLAIMANT OF WITHIN DESCRIBED PROPERTY: YOU ARE  
9 REQUIRED TO FILE AN ANSWER TO THIS PETITION, SETTING FORTH YOUR  
10 TITLE IN AND RIGHT TO POSSESSION OF SAID PROPERTY, WITHIN  
11 FIFTEEN (15) DAYS FROM THE SERVICE HEREOF; AND YOU ARE ALSO  
12 NOTIFIED THAT IF YOU FAIL TO FILE SAID ANSWER, A DECREE OF  
13 FORFEITURE AND CONDEMNATION WILL BE ENTERED AGAINST SAID  
14 PROPERTY."

15 SAID NOTICE SHALL BE SIGNED BY PETITIONER OR HIS ATTORNEY, OR  
16 THE DISTRICT ATTORNEY OR THE ATTORNEY GENERAL.

17 (C) IF THE OWNER OF SAID PROPERTY IS UNKNOWN OR OUTSIDE THE  
18 JURISDICTION OF THE COURT AND THERE WAS NO PERSON IN POSSESSION  
19 OF SAID PROPERTY WHEN SEIZED, OR SUCH PERSON SO IN POSSESSION  
20 CANNOT BE FOUND WITHIN THE JURISDICTION OF THE COURT, NOTICE OF  
21 SAID PETITION SHALL BE GIVEN BY AN ADVERTISEMENT IN ONLY ONE  
22 NEWSPAPER OF GENERAL CIRCULATION PUBLISHED IN THE COUNTY WHERE  
23 SUCH PROPERTY SHALL HAVE BEEN SEIZED, ONCE A WEEK FOR TWO (2)  
24 SUCCESSIVE WEEKS. NO OTHER ADVERTISEMENT OF ANY SORT SHALL BE  
25 NECESSARY, ANY OTHER LAW TO THE CONTRARY NOTWITHSTANDING. SAID  
26 NOTICE SHALL CONTAIN A STATEMENT OF THE SEIZURE OF SAID  
27 PROPERTY, WITH A DESCRIPTION THEREOF, THE PLACE AND DATE OF  
28 SEIZURE, AND SHALL DIRECT ANY CLAIMANTS THEREOF TO FILE A CLAIM  
29 THEREFOR ON OR BEFORE A DATE GIVEN IN SAID NOTICE, WHICH DATE  
30 SHALL NOT BE LESS THAN TEN (10) DAYS FROM THE DATE OF THE LAST

1 PUBLICATION.

2 (D) UPON THE FILING OF ANY CLAIM FOR SAID PROPERTY, SETTING  
3 FORTH A RIGHT OF POSSESSION THEREOF, THE CASE SHALL BE DEEMED AT  
4 ISSUE AND A TIME BE FIXED FOR THE HEARING THEREOF.

5 (E) AT THE TIME OF SAID HEARING, IF THE COMMONWEALTH SHALL  
6 PRODUCE EVIDENCE THAT THE PROPERTY IN QUESTION WAS UNLAWFULLY  
7 POSSESSED OR USED, THE BURDEN SHALL BE UPON THE CLAIMANT TO SHOW  
8 (1) THAT HE IS THE OWNER OF SAID PROPERTY, (2) THAT HE LAWFULLY  
9 ACQUIRED THE SAME, AND (3) THAT IT WAS NOT UNLAWFULLY USED OR  
10 POSSESSED.

11 IN THE EVENT SUCH CLAIMANT SHALL PROVE BY COMPETENT EVIDENCE  
12 TO THE SATISFACTION OF THE COURT THAT SAID LIQUOR, ALCOHOL OR  
13 MALT OR BREWED BEVERAGE, OR STILL, EQUIPMENT, MATERIAL, UTENSIL,  
14 VEHICLE, BOAT, VESSEL, CONTAINER, ANIMAL OR AIRCRAFT WAS  
15 LAWFULLY ACQUIRED, POSSESSED AND USED, THEN THE COURT MAY ORDER  
16 THE SAME RETURNED OR DELIVERED TO THE CLAIMANT; BUT IF IT  
17 APPEARS THAT SAID LIQUOR, ALCOHOL OR MALT OR BREWED BEVERAGE OR  
18 STILL, EQUIPMENT, MATERIAL OR UTENSIL WAS UNLAWFULLY POSSESSED  
19 OR USED, THE COURT SHALL ORDER THE SAME DESTROYED, DELIVERED TO  
20 A HOSPITAL, OR TURNED OVER TO THE BOARD OR DIVISION, AS  
21 HEREINAFTER PROVIDED, OR IF IT APPEARS THAT SAID VEHICLE, BOAT,  
22 VESSEL, CONTAINER, ANIMAL OR AIRCRAFT WAS UNLAWFULLY POSSESSED  
23 OR USED, THE COURT MAY, IN ITS DISCRETION, ADJUDGE SAME  
24 FORFEITED AND CONDEMNED AS HEREINAFTER PROVIDED.

25 SECTION 603. DISPOSITION OF FORFEITED PROPERTY.--IF, UPON  
26 PETITION AS HEREINBEFORE PROVIDED AND HEARING BEFORE THE COURT  
27 OF [QUARTER SESSIONS] COMMON PLEAS, IT APPEARS THAT ANY LIQUOR,  
28 ALCOHOL, OR MALT OR BREWED BEVERAGE OR STILL, EQUIPMENT,  
29 MATERIAL OR UTENSIL WAS SO ILLEGALLY POSSESSED, OR USED, SUCH  
30 LIQUOR, ALCOHOL OR MALT OR BREWED BEVERAGE OR STILL, EQUIPMENT,

1 MATERIAL OR UTENSIL SHALL BE ADJUDGED FORFEITED AND CONDEMNED,  
2 OR IF IT APPEARS THAT ANY VEHICLE, BOAT, VESSEL, CONTAINER,  
3 ANIMAL OR AIRCRAFT WAS SO USED IN THE ILLEGAL MANUFACTURE OR  
4 TRANSPORTATION OF LIQUOR, ALCOHOL OR MALT OR BREWED BEVERAGE,  
5 SUCH PROPERTY MAY, IN THE DISCRETION OF THE COURT, BE ADJUDGED  
6 FORFEITED AND CONDEMNED AND IN SUCH CASE SHALL BE DISPOSED OF AS  
7 FOLLOWS:

8 \* \* \*

9 (C) IN THE CASE OF ANY VEHICLE, BOAT, VESSEL, CONTAINER,  
10 ANIMAL OR AIRCRAFT SEIZED UNDER THE PROVISIONS OF THIS ACT AND  
11 CONDEMNED, THE COURT SHALL ORDER THE SAME TO BE DELIVERED TO THE  
12 [BOARD] DIVISION FOR ITS USE OR FOR SALE OR DISPOSITION BY THE  
13 [BOARD] DIVISION, IN ITS DISCRETION. NOTICE OF SUCH SALE SHALL  
14 BE GIVEN IN SUCH MANNER AS THE [BOARD] DIVISION MAY PRESCRIBE.  
15 THE PROCEEDS OF SUCH SALE SHALL BE PAID INTO THE STATE STORES  
16 FUND.

17 SECTION 40. SECTIONS 604 AND 611(B) OF THE ACT ARE AMENDED  
18 TO READ:

19 SECTION 604. MOTOR VEHICLE LICENSES TO BE REVOKED.--IN  
20 ADDITION TO THE FOREGOING PROVISIONS, THE COURT MAY, IN ITS  
21 ORDER OF CONDEMNATION, AND IN EVERY CONVICTION UNDER THIS ACT  
22 WHERE IT SHALL APPEAR THAT LIQUOR, ALCOHOL OR MALT OR BREWED  
23 BEVERAGES WERE UNLAWFULLY TRANSPORTED IN A MOTOR VEHICLE,  
24 DECLARE THAT THE LICENSE ISSUED BY THE DEPARTMENT OF [REVENUE]  
25 TRANSPORTATION FOR ANY MOTOR VEHICLE SO FORFEITED AND CONDEMNED,  
26 OR ISSUED TO ANY DEFENDANT CONVICTED OF TRANSPORTING LIQUOR,  
27 ALCOHOL OR MALT OR BREWED BEVERAGES IN ANY MOTOR VEHICLE, SHALL  
28 BE FORFEITED AND REVOKED, AND IT SHALL BE THE DUTY OF THE CLERK  
29 OF THE COURT IN WHICH SUCH CONVICTION IS HAD AND ORDER OF  
30 CONDEMNATION MADE TO CERTIFY SUCH CONVICTION TO THE SECRETARY OF

1 [REVENUE] TRANSPORTATION, WHO SHALL SUSPEND OR REVOKE THE  
2 LICENSE ISSUED FOR SUCH MOTOR VEHICLES: PROVIDED, THAT A LICENSE  
3 MAY BE ISSUED FOR SUCH MOTOR VEHICLE TO THE BOARD OR THE  
4 DIVISION OR TO ANY PURCHASER OF THE VEHICLE AFTER THE SALE  
5 THEREOF, AS ABOVE PROVIDED.

6 SECTION 611. NUISANCES; ACTIONS TO ENJOIN.--\* \* \*

7 (B) AN ACTION TO ENJOIN ANY NUISANCE DEFINED IN THIS ACT MAY  
8 BE BROUGHT IN THE NAME OF THE COMMONWEALTH OF PENNSYLVANIA BY  
9 THE ATTORNEY GENERAL [OR] BY THE DISTRICT ATTORNEY OF THE  
10 PROPER COUNTY OR BY A PERSON WHO RESIDES OR HAS A PLACE OF  
11 BUSINESS WITHIN FIVE HUNDRED FEET OF THE LOCATION OF THE ALLEGED  
12 NUISANCE. SUCH ACTION SHALL BE BROUGHT AND TRIED AS AN ACTION IN  
13 EQUITY AND MAY BE BROUGHT IN ANY COURT HAVING JURISDICTION TO  
14 HEAR AND DETERMINE EQUITY CASES WITHIN THE COUNTY IN WHICH THE  
15 OFFENSE OCCURS. IF IT IS MADE TO APPEAR, BY AFFIDAVIT OR  
16 OTHERWISE, TO THE SATISFACTION OF THE COURT THAT SUCH NUISANCE  
17 EXISTS, A TEMPORARY WRIT OF INJUNCTION SHALL FORTHWITH ISSUE,  
18 RESTRAINING THE DEFENDANT FROM CONDUCTING OR PERMITTING THE  
19 CONTINUANCE OF SUCH NUISANCE UNTIL THE CONCLUSION OF THE  
20 PROCEEDINGS. IF A TEMPORARY INJUNCTION IS PRAYED FOR, THE COURT  
21 MAY ISSUE AN ORDER RESTRAINING THE DEFENDANT AND ALL OTHER  
22 PERSONS FROM REMOVING OR IN ANY WAY INTERFERING WITH THE  
23 LIQUIDS, BEVERAGES OR OTHER THINGS USED IN CONNECTION WITH THE  
24 VIOLATION OF THIS ACT CONSTITUTING SUCH NUISANCE. NO BOND SHALL  
25 BE REQUIRED IN INSTITUTING SUCH PROCEEDINGS BROUGHT IN THE NAME  
26 OF THE COMMONWEALTH BY THE ATTORNEY GENERAL OR THE DISTRICT  
27 ATTORNEY. WHERE SUCH PROCEEDINGS ARE BROUGHT BY A PERSON, THE  
28 COURT, UPON APPLICATION OF THE DEFENDANT AND PRIOR TO ANY  
29 INJUNCTION BEING ISSUED, MAY DIRECT THE PLAINTIFF TO POST BOND  
30 IN SUCH AMOUNT AS THE COURT MAY FIND TO BE REASONABLE AND

1 SUFFICIENT. IT SHALL NOT BE NECESSARY FOR THE COURT TO FIND THE  
2 PROPERTY INVOLVED WAS BEING UNLAWFULLY USED, AS AFORESAID, AT  
3 THE TIME OF THE HEARING, BUT ON FINDING THAT THE MATERIAL  
4 ALLEGATIONS OF THE PETITION ARE TRUE, THE COURT SHALL ORDER THAT  
5 NO LIQUOR, ALCOHOL OR MALT OR BREWED BEVERAGE SHALL BE  
6 MANUFACTURED, SOLD, OFFERED FOR SALE, TRANSPORTED, BARTERED OR  
7 FURNISHED, OR STORED IN BOND, OR STORED FOR HIRE IN SUCH ROOM,  
8 HOUSE, BUILDING, STRUCTURE, BOAT, VEHICLE, OR PLACE, OR ANY PART  
9 THEREOF.

10 \* \* \*

11 SECTION 41. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

12 SECTION 804. FUNDING FOR ENFORCEMENT.--(A) THE COSTS OF ALL  
13 ACTIVITIES OF THE ENFORCEMENT DIVISION OF THE OFFICE OF ATTORNEY  
14 GENERAL SHALL BE APPROPRIATED FROM THE STATE STORES FUND.

15 (B) ANNUALLY, AT THE TIME AND IN ACCORD WITH THE PROCEDURES  
16 OTHERWISE ESTABLISHED BY LAW FOR THE GENERAL FUND, THE ATTORNEY  
17 GENERAL SHALL SUBMIT A PROPOSED BUDGET FOR THE OPERATION OF THE  
18 DIVISION. SUCH PROPOSED BUDGET SHALL BE SUBMITTED TO THE  
19 GOVERNOR AND THE GENERAL ASSEMBLY FOR CONSIDERATION IN  
20 ACCORDANCE WITH THE PROCEDURES FOR APPROPRIATIONS FROM THE  
21 GENERAL FUND AS PROVIDED IN SECTIONS 610 THROUGH 620 OF THE ACT  
22 OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE  
23 CODE OF 1929." IT SHALL BE UNLAWFUL FOR THE STATE TREASURER TO  
24 HONOR ANY REQUISITION FOR THE EXPENDITURE OF ANY MONEYS OUT OF  
25 THE STATE STORES FUND BY THE ATTORNEY GENERAL FOR ANY PURPOSE IN  
26 EXCESS OF THE AMOUNTS APPROPRIATED BY THE GENERAL ASSEMBLY.

27 (C) MONEYS APPROPRIATED FROM THE STATE STORES FUND SHALL BE  
28 PAID OUT OF THE FUND UPON WARRANT OF THE STATE TREASURER DRAWN  
29 AFTER REQUISITION BY THE ATTORNEY GENERAL.

30 SECTION 805. FUNDING FOR OFFICE OF ADMINISTRATIVE LAW

1 JUDGE.--(A) THE COSTS OF ALL ACTIVITIES OF THE OFFICE OF  
2 ADMINISTRATIVE LAW JUDGE SHALL BE APPROPRIATED FROM THE STATE  
3 STORES FUND.

4 (B) ANNUALLY, AT THE TIME AND IN ACCORD WITH THE PROCEDURES  
5 OTHERWISE ESTABLISHED BY LAW FOR THE GENERAL FUND, THE CHIEF  
6 ADMINISTRATIVE LAW JUDGE SHALL SUBMIT A PROPOSED BUDGET FOR THE  
7 OPERATION OF THE OFFICE. SUCH PROPOSED BUDGET SHALL BE SUBMITTED  
8 TO THE GOVERNOR AND THE GENERAL ASSEMBLY FOR CONSIDERATION IN  
9 ACCORDANCE WITH THE PROCEDURES FOR APPROPRIATIONS FROM THE  
10 GENERAL FUND AS PROVIDED IN SECTIONS 610 THROUGH 620 OF THE ACT  
11 OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE  
12 CODE OF 1929." IT SHALL BE UNLAWFUL FOR THE STATE TREASURER TO  
13 HONOR ANY REQUISITION FOR THE EXPENDITURE OF ANY MONEYS OUT OF  
14 THE STATE STORES FUND BY THE CHIEF ADMINISTRATIVE LAW JUDGE FOR  
15 ANY PURPOSE IN EXCESS OF THE AMOUNTS APPROPRIATED BY THE GENERAL  
16 ASSEMBLY.

17 (C) MONEYS APPROPRIATED FROM THE STATE STORES FUND SHALL BE  
18 PAID OUT OF THE FUND UPON WARRANT OF THE STATE TREASURER DRAWN  
19 AFTER REQUISITION BY THE CHIEF ADMINISTRATIVE LAW JUDGE.

20 SECTION 42. (A) ALL PERSONNEL, ALLOCATIONS, APPROPRIATIONS,  
21 EQUIPMENT, FILES, RECORDS, CONTRACTS, AGREEMENTS, OBLIGATIONS  
22 AND OTHER MATERIALS WHICH ARE USED, EMPLOYED OR EXPENDED IN  
23 CONNECTION WITH THE POWERS, DUTIES OR FUNCTIONS TRANSFERRED BY  
24 THIS ACT TO THE OFFICE OF ADMINISTRATIVE LAW JUDGE ARE HEREBY  
25 TRANSFERRED TO THE OFFICE OF ADMINISTRATIVE LAW JUDGE WITH THE  
26 SAME FORCE AND EFFECT AS IF THE ALLOCATIONS AND APPROPRIATIONS  
27 HAD BEEN MADE TO AND SAID ITEMS HAD BEEN THE PERSONNEL AND  
28 PROPERTY OF THE OFFICE IN THE FIRST INSTANCE AND IF THE  
29 CONTRACTS, AGREEMENTS AND OBLIGATIONS HAD BEEN INCURRED OR  
30 ENTERED INTO BY THE OFFICE.



1 (B) ALL PERSONNEL, ALLOCATIONS, APPROPRIATIONS, EQUIPMENT,  
2 FILES, RECORDS, CONTRACTS, AGREEMENTS, OBLIGATIONS AND OTHER  
3 MATERIALS WHICH ARE USED, EMPLOYED OR EXPENDED IN CONNECTION  
4 WITH THE POWERS, DUTIES OR FUNCTIONS TRANSFERRED BY THIS ACT TO  
5 THE DIVISION ARE HEREBY TRANSFERRED TO THE OFFICE OF ATTORNEY  
6 GENERAL WITH THE SAME FORCE AND EFFECT AS IF THE ALLOCATIONS AND  
7 APPROPRIATIONS HAD BEEN MADE TO AND SAID ITEMS HAD BEEN THE  
8 PERSONNEL AND PROPERTY OF THE DIVISION IN THE FIRST INSTANCE AND  
9 IF THE CONTRACTS, AGREEMENTS AND OBLIGATIONS HAD BEEN INCURRED  
10 OR ENTERED INTO BY THE OFFICE OF ATTORNEY GENERAL.

11 (C) ALL PRESENT EMPLOYEES OF THE PENNSYLVANIA LIQUOR CONTROL  
12 BOARD WHOSE POWERS, DUTIES OR FUNCTIONS ARE TRANSFERRED UNDER  
13 SUBSECTIONS (A) AND (B) SHALL BE TRANSFERRED TO THE OFFICE OF  
14 ADMINISTRATIVE LAW JUDGE OR THE DIVISION AS APPROPRIATE. ALL  
15 SUCH EMPLOYEES ARE TO CONTINUE IN THEIR EMPLOYMENT WITH EITHER  
16 THE BOARD, THE OFFICE OF ADMINISTRATIVE LAW JUDGE OR THE  
17 DIVISION WITH THE SAME PAY SCALES, SALARIES, WAGES, SENIORITY  
18 BENEFITS, PENSION RIGHTS AND OTHER INCIDENTS OF EMPLOYMENT,  
19 INCLUDING, BUT NOT LIMITED TO, CIVIL SERVICE STATUS, AS IF THIS  
20 ACT HAD NOT BEEN EFFECTIVE.

21 (D) AS MUCH OF THE MONEYS AS MAY BE NECESSARY ARE  
22 APPROPRIATED TO BE USED FOR THE COSTS OF ALL ENFORCEMENT  
23 ACTIVITIES OF THE OFFICE OF ATTORNEY GENERAL. ESTIMATES OF THE  
24 AMOUNTS TO BE EXPENDED FROM THE STATE STORES FUND UNDER THIS  
25 ACT, FROM TIME TO TIME, BY THE ATTORNEY GENERAL FOR THE  
26 OPERATION OF THE DIVISION, SHALL BE SUBMITTED TO THE GOVERNOR  
27 AND THE GENERAL ASSEMBLY FOR APPROVAL OR DISAPPROVAL AS IN THE  
28 CASE OF OTHER APPROPRIATIONS MADE TO ADMINISTRATIVE DEPARTMENTS,  
29 BOARDS AND COMMISSIONS; AND IT SHALL BE UNLAWFUL FOR THE  
30 TREASURER TO HONOR ANY REQUISITION FOR THE EXPENDITURE OF ANY

1   MONEYS WHATSOEVER OUT OF THE STATE STORES FUND BY THE ATTORNEY  
2   GENERAL FOR ANY PURPOSE IN EXCESS OF THE AMOUNTS APPROPRIATED BY  
3   THE GENERAL ASSEMBLY.

4       (E)   THE MONEYS IN THE STATE STORES FUND SHALL BE PAID OUT OF  
5   THE FUND UPON WARRANT OF THE TREASURER DRAWN AFTER REQUISITION  
6   BY THE ATTORNEY GENERAL.

7       SECTION 43.   THE CHIEF ADMINISTRATIVE LAW JUDGE AND THE  
8   ATTORNEY GENERAL SHALL SEPARATELY BY REGULATION PROVIDE FOR  
9   APPROPRIATE TRAINING OF PERSONNEL TO CARRY OUT THE  
10  RESPONSIBILITIES IMPOSED BY THIS ACT UPON EMPLOYEES OF THEIR  
11  RESPECTIVE AGENCIES.

12       SECTION 44.   THIS ACT, WITH RESPECT TO THE LIQUOR CONTROL  
13  BOARD, SHALL CONSTITUTE THE LEGISLATION REQUIRED TO REESTABLISH  
14  AN AGENCY UNDER THE ACT OF DECEMBER 22, 1981 (P.L.508, NO.142),  
15  KNOWN AS THE SUNSET ACT.

16       SECTION 45.   THE AGENCY KNOWN AS THE LIQUOR CONTROL BOARD  
17  SHALL BE SUBJECT TO EVALUATION AND REVIEW AND SHALL TERMINATE ON  
18  DECEMBER 31, 1990, IN THE MANNER PROVIDED FOR IN THE ACT OF  
19  DECEMBER 22, 1981 (P.L.508, NO.142), KNOWN AS THE SUNSET ACT.

20       SECTION 46.   THE PRESENTLY CONFIRMED MEMBERS OF THE EXISTING  
21  LIQUOR CONTROL BOARD AS OF DECEMBER 31, 1985, SHALL CONTINUE TO  
22  SERVE AS BOARD MEMBERS UNTIL THEIR SUCCESSORS ARE APPOINTED AND  
23  QUALIFIED.

24       SECTION 47.   EACH REGULATION OF THE BOARD IN EFFECT ON  
25  DECEMBER 31, 1985, SHALL REMAIN IN EFFECT AFTER SUCH DATE UNTIL  
26  REPEALED OR AMENDED BY THE BOARD.

27       SECTION 48.   ON OR BEFORE APRIL 1, 1987 THE LIQUOR CONTROL  
28  BOARD SHALL PRESENT A REPORT TO THE GENERAL ASSEMBLY CONCERNING  
29  THE COST INCURRED IN THE LICENSING PROCESS AND MAY MAKE  
30  RECOMMENDATIONS FOR INCREASED LICENSE FEES TO COVER THE COST OF

1 THE LICENSING PROCESS.

2 SECTION 49. THE PROVISIONS OF THIS ACT ARE SEVERABLE AND IF  
3 ANY OF ITS PROVISIONS SHALL BE HELD UNCONSTITUTIONAL, THE  
4 DECISION OF THE COURT SHALL NOT AFFECT OR IMPAIR ANY OF THE  
5 REMAINING PROVISIONS OF THIS ACT.

6 SECTION 50. (A) SECTION 207.1(C)(2) OF THE ACT OF APRIL 9,  
7 1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF  
8 1929, IS REPEALED TO THE EXTENT THAT IT REQUIRES A VOTE OF TWO-  
9 THIRDS OF THE MEMBERS ELECTED TO THE SENATE TO CONFIRM  
10 APPOINTMENTS TO THE LIQUOR CONTROL BOARD.

11 (B) SECTION 207(L) OF THE ADMINISTRATIVE CODE OF 1929 IS  
12 REPEALED UPON THE EFFECTIVE DATE OF ANY ACT WHICH TRANSFERS ALL  
13 ENFORCEMENT DUTIES FROM THE BOARD TO ANY OTHER AGENCY OR  
14 DEPARTMENT OF THE COMMONWEALTH.

15 (C) SECTION 1 OF THE ACT OF MAY 25, 1939 (P.L.191, NO.99),  
16 ENTITLED "AN ACT AUTHORIZING TRANSFERS OF SUMS OF MONEY FROM THE  
17 GENERAL FUND TO THE STATE STORES FUND UNDER CERTAIN CONDITIONS;  
18 PROVIDING FOR SUBSEQUENT TRANSFERS OF EQUAL SUMS FROM THE STATE  
19 STORES FUND TO THE GENERAL FUND; AND MAKING APPROPRIATIONS  
20 NECESSARY TO EFFECT SUCH TRANSFERS," IS REPEALED.

21 (D) ALL OTHER ACTS OR PARTS OF ACTS ARE REPEALED INsofar AS  
22 THEY ARE INCONSISTENT WITH THIS ACT.

23 SECTION 51. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

24 (1) SECTION 25 OF THIS ACT, RELATING TO WINE SALES AND  
25 DISTRIBUTION, SHALL TAKE EFFECT MARCH 1, 1987.

26 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT  
27 IMMEDIATELY.