
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 553 Session of
1993

INTRODUCED BY ROEBUCK, D. W. SNYDER, KELLER, RAYMOND, PRESTON,
BISHOP, WILLIAMS, TRELLO, STABACK, STURLA, CIVERA, PESCI,
MELIO, GIGLIOTTI, DALEY, CARN, CALTAGIRONE, ROBINSON, JAROLIN
AND LINTON, MARCH 15, 1993

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, JUNE 15, 1994

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as
2 reenacted, "An act relating to alcoholic liquors, alcohol and
3 malt and brewed beverages; amending, revising, consolidating
4 and changing the laws relating thereto; regulating and
5 restricting the manufacture, purchase, sale, possession,
6 consumption, importation, transportation, furnishing, holding
7 in bond, holding in storage, traffic in and use of alcoholic
8 liquors, alcohol and malt and brewed beverages and the
9 persons engaged or employed therein; defining the powers and
10 duties of the Pennsylvania Liquor Control Board; providing
11 for the establishment and operation of State liquor stores,
12 for the payment of certain license fees to the respective
13 municipalities and townships, for the abatement of certain
14 nuisances and, in certain cases, for search and seizure
15 without warrant; prescribing penalties and forfeitures;
16 providing for local option, and repealing existing laws,"
17 extending enforcement powers of liquor control enforcement
18 officers; AUTHORIZING A VOTER REFERENDUM TO CONSIDER ISSUING <—
19 LIQUOR LICENSES TO CERTAIN CLUBS IN DRY MUNICIPALITIES; AND <—
20 FURTHER PROVIDING FOR UNLAWFUL ACTS.

21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

23 Section 1. Section 211 of the act of April 12, 1951 (P.L.90,
24 No.21), known as the Liquor Code, reenacted and amended June 29,
25 1987 (P.L.32, No.14), is amended to read:

1 Section 211. Enforcement.--(a) There is created within the
2 Pennsylvania State Police a Bureau of Liquor Control Enforcement
3 which shall be responsible for enforcing this act and any
4 regulations promulgated pursuant thereto. Officers and
5 investigators assigned to the bureau shall have the power and
6 their duty shall be:

7 (1) To investigate whenever there are reasonable grounds to
8 believe liquor, alcohol or malt or brewed beverages are being
9 sold on premises not licensed under the provisions of this act.
10 If the investigation produces evidence of the unlawful sale of
11 liquor or malt or brewed beverages or any other violation of the
12 provisions of this act, the officer involved in the
13 investigation shall institute criminal proceedings against the
14 person or persons believed to have been criminally liable, as
15 otherwise provided by law or rule of court.

16 [(2) To arrest on view, except in private homes, without
17 warrant, any person actually engaged in the unlawful sale,
18 importation, manufacture or transportation or having unlawful
19 possession of liquor, alcohol or malt or brewed beverages
20 contrary to the provisions of this act or any other law of this
21 Commonwealth.]

22 (2) To arrest on view, except in private homes, without
23 warrant, any person actually engaged in the unlawful sale,
24 importation, manufacture or transportation or having unlawful
25 possession of liquor, alcohol or malt or brewed beverages
26 contrary to the provisions of this act or any other law of this
27 Commonwealth or any person whom the officer/investigator, while
28 in the performance of his assigned duties under and pursuant to
29 this act and any regulations promulgated under this act,
30 observes to be in violation of any of the following provisions:

1 18 Pa.C.S. § 3302 (relating to causing or risking
2 catastrophe).

3 18 Pa.C.S. § 3304 (relating to criminal mischief).

4 18 Pa.C.S. § 4101 (relating to forgery).

5 18 Pa.C.S. § 5503 (relating to disorderly conduct).

6 18 Pa.C.S. § 5505 (relating to public drunkenness).

7 18 Pa.C.S. § 5512 (relating to lotteries, etc.).

8 18 Pa.C.S. § 5513 (relating to gambling devices,
9 gambling, etc.).

10 18 Pa.C.S. § 5514 (relating to pool selling and
11 bookmaking).

12 18 Pa.C.S. § 6307 (relating to misrepresentations of age
13 to secure liquor or malt or brewed beverages).

14 18 Pa.C.S. § 6308 (relating to purchase, consumption,
15 possession or transportation of liquor or malt or brewed
16 beverages).

17 18 Pa.C.S. § 6309 (relating to representing that minor is
18 of age).

19 18 Pa.C.S. § 6310.1 (relating to selling or furnishing
20 liquor or malt or brewed beverages to minors).

21 18 Pa.C.S. § 6310.3 (relating to carrying a false
22 identification card).

23 (3) Upon reasonable and probable cause, to search for and to
24 seize, without warrant or process, except in private homes, any
25 liquor, alcohol or malt or brewed beverages unlawfully
26 possessed, manufactured, sold, imported or transported and any
27 stills, equipment, materials, utensils, vehicles, boats,
28 vessels, animals, aircraft, or any of them, which are or have
29 been used in the unlawful manufacture, sale, importation or
30 transportation of the same. Such liquor, alcohol, malt or brewed

1 beverages, stills, equipment, materials, utensils, vehicles,
2 boats, vessels, animals or aircraft so seized shall be disposed
3 of as hereinafter provided.

4 (4) To investigate and issue citations for any violations of
5 this act or any laws of this Commonwealth relating to liquor,
6 alcohol or malt or brewed beverages, or any regulations of the
7 board adopted pursuant to such laws or any violation of any laws
8 of this Commonwealth or of the Federal Government, relating to
9 the payment of taxes on liquor, alcohol or malt or brewed
10 beverages by any licensee, his officers, servants, agents or
11 employes.

12 (5) To arrest any person who engages in the following
13 offenses when the said offenses are committed against the
14 officer/investigator, or any person accompanying and assisting
15 the officer/investigator, while the said officer/investigator is
16 performing assigned duties under and pursuant to this act and
17 any regulations promulgated under this act:

18 18 Pa.C.S. § 2701 (relating to simple assault).

19 18 Pa.C.S. § 2702 (relating to aggravated assault).

20 18 Pa.C.S. § 2705 (relating to recklessly endangering
21 another person).

22 18 Pa.C.S. § 2706 (relating to terroristic threats).

23 18 Pa.C.S. § 2709 (relating to harassment).

24 18 Pa.C.S. § 5104 (relating to resisting arrest or other
25 law enforcement).

26 18 Pa.C.S. § 5507 (relating to riot).

27 (6) To serve and execute warrants issued by the proper
28 authorities for offenses referred to in this subsection and to
29 serve subpoenas.

30 (7) To arrange for the administration of chemical tests of

1 breath, blood or urine, including preliminary breath tests, to
2 persons for the purpose of determining the alcoholic content of
3 blood or the presence of a controlled substance by qualified
4 personnel of a State or local police department or qualified
5 personnel of a clinical laboratory licensed and approved by the
6 Department of Health.

7 (b) Any equipment or appurtenance actually used in the
8 commission of the unlawful acts may be confiscated. The
9 confiscation shall not, in any manner, divest or impair the
10 rights or interest of any bona fide lienholder in the equipment
11 or appurtenance.

12 (c) The Pennsylvania State Police Commissioner shall assign
13 State Police Officers to such supervisory and other capacities
14 in the enforcement bureau as he deems necessary. All other
15 personnel of the enforcement bureau shall be civilians.

16 (d) The Office of Chief Counsel for the Pennsylvania State
17 Police shall represent the enforcement bureau in all enforcement
18 proceedings brought before the Office of Administrative Law
19 Judge or any other adjudicatory body.

20 (e) Nothing in this act shall be construed to change the
21 status of civilian enforcement agents for the purposes of the
22 act of July 23, 1970 (P.L.563, No.195), known as the "Public
23 Employe Relations Act," or cause civilian enforcement agents to
24 be considered policemen for the purposes of the act of June 24,
25 1968 (P.L.237, No.111), referred to as the Policemen and Firemen
26 Collective Bargaining Act.

27 ~~Section 2. The act is amended by adding a section to read:~~ <—

28 ~~Section 211.2. Enforcement Personnel in Cities of the First~~
29 ~~Class. Notwithstanding any provision of this act to the~~
30 ~~contrary, the Pennsylvania State Police Commissioner shall~~

~~assign no less than forty liquor control enforcement agents to enforce this act and any regulations promulgated pursuant thereto in cities of the first class. The number of liquor enforcement agents in cities of the first class shall never be less than a number equal to twenty five percent (25%) of the total number of liquor control enforcement agents Statewide.~~

~~Section 3. This act shall take effect as follows:~~

~~(1) The addition of section 211.2 of the act shall take effect July 1, 1994.~~

~~(2) The remainder of this act shall take effect in 60 days.~~

SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—

SECTION 472.6. ADDITIONAL LOCAL OPTION.--IN ANY MUNICIPALITY THAT HAS PREVIOUSLY VOTED NOT TO PERMIT THE GRANTING OF LIQUOR LICENSES, AN ELECTION MAY BE HELD ON THE DATE OF THE PRIMARY ELECTION IMMEDIATELY PRECEDING ANY NOVEMBER OR GENERAL ELECTION, BUT NOT MORE OFTEN THAN ONCE EVERY YEAR, TO DETERMINE THE WILL OF THE ELECTORS WITH RESPECT TO THE GRANTING OF LIQUOR LICENSES TO INCORPORATED UNITS OF NATIONAL VETERANS' ORGANIZATIONS. WHENEVER ELECTORS EQUAL TO AT LEAST TWENTY-FIVE PER CENTUM OF THE HIGHEST VOTE CAST FOR ANY OFFICE IN THE MUNICIPALITY AT THE LAST PRECEDING GENERAL ELECTION SHALL FILE A PETITION WITH THE COUNTY BOARD OF ELECTIONS OF THE COUNTY FOR A REFERENDUM ON THE QUESTION OF GRANTING ANY OF THE CLASSES OF LICENSES, THE COUNTY BOARD OF ELECTIONS SHALL CAUSE A QUESTION TO BE PLACED ON THE BALLOTS OR ON THE VOTING MACHINE BOARD AND SUBMITTED AT THE PRIMARY IMMEDIATELY PRECEDING THE NOVEMBER OR GENERAL ELECTION. THE PROCEEDINGS SHALL BE IN THE MANNER AND SUBJECT TO THE PROVISIONS OF THE ELECTION LAWS WHICH RELATE TO THE SIGNING, FILING AND ADJUDICATION OF NOMINATION PETITIONS, INSOFAR AS

1 THESE PROVISIONS ARE APPLICABLE.

2 SECTION ~~2~~ 3. SECTION 493(7) OF THE ACT IS AMENDED TO READ: <—

3 SECTION 493. UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND
4 BREWED BEVERAGES AND LICENSEES.--THE TERM "LICENSEE," WHEN USED
5 IN THIS SECTION, SHALL MEAN THOSE PERSONS LICENSED UNDER THE
6 PROVISIONS OF ARTICLE IV, UNLESS THE CONTEXT CLEARLY INDICATES
7 OTHERWISE.

8 IT SHALL BE UNLAWFUL--

9 * * *

10 (7) ALCOHOLIC STRENGTH ON LABEL OF MALT OR BREWED BEVERAGES.
11 FOR ANY LICENSEE, OR HIS SERVANTS, AGENTS OR EMPLOYES, TO
12 TRANSPORT, SELL, DELIVER OR PURCHASE ANY MALT OR BREWED
13 BEVERAGES UPON WHICH THERE SHALL APPEAR A LABEL OR OTHER
14 INFORMATIVE DATA WHICH [IN ANY MANNER] REFERS TO THE ALCOHOLIC
15 CONTENTS OF THE MALT OR BREWED BEVERAGE[, OR WHICH REFERS IN ANY
16 MANNER TO THE ORIGINAL ALCOHOLIC STRENGTH, EXTRACT OR BALLING
17 PROOF FROM WHICH SUCH MALT OR BREWED BEVERAGE WAS PRODUCED.] IN
18 ANY TERMS OTHER THAN AS A PERCENTAGE OF ALCOHOL BY VOLUME. THIS
19 CLAUSE SHALL BE CONSTRUED TO PERMIT, BUT NOT TO REQUIRE, A
20 MANUFACTURER TO DESIGNATE UPON THE LABEL OR DESCRIPTIVE DATA THE
21 ALCOHOLIC CONTENT OF MALT OR BREWED BEVERAGES IN PERCENTAGE OF
22 ALCOHOL BY VOLUME. THIS CLAUSE SHALL NOT BE CONSTRUED TO
23 PROHIBIT A MANUFACTURER FROM DESIGNATING UPON THE LABEL OR
24 DESCRIPTIVE DATA THE ALCOHOLIC CONTENT OF MALT OR BREWED
25 BEVERAGES INTENDED FOR SHIPMENT INTO ANOTHER STATE OR TERRITORY,
26 WHEN THE LAWS OF SUCH STATE OR TERRITORY REQUIRE THAT THE
27 ALCOHOLIC CONTENT OF THE MALT OR BREWED BEVERAGE MUST BE STATED
28 UPON THE PACKAGE.

29 * * *

30 SECTION ~~3~~ 4. THIS ACT SHALL TAKE EFFECT ~~IN 60 DAYS.~~ AS <—

1 FOLLOWS:

2 (1) THE AMENDMENT OF SECTION 493(7) OF THE ACT SHALL
3 TAKE EFFECT IMMEDIATELY.

4 (2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

5 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
6 DAYS.