

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 103

Session of
1979

INTRODUCED BY FISHER, RHODES, GAMBLE, POLITE, GLADECK, ZORD,
SIEMINSKI, HOFFEL, MICHLOVIC, BURNS, POTT, MILLER AND
HELFRICK, FEBRUARY 6, 1979

REFERRED TO COMMITTEE ON LIQUOR CONTROL, FEBRUARY 6, 1979

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 repealing the Pennsylvania State Store system, providing for
18 a package store system for the sale of liquor and alcohol,
19 and making certain other changes in connection therewith.

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

22 Section 1. Section 102, act of April 12, 1951 (P.L.90,
23 No.21), known as the "Liquor Code," is amended by adding a
24 definition to read:

25 Section 102. Definitions.--The following words or phrases,
26 unless the context clearly indicates otherwise, shall have the

1 meanings ascribed to them in this section:

2 * * *

3 "Package store" shall mean a store licensed to sell liquor
4 and alcohol including wine, in packages prepared by the
5 manufacturer, for consumption off of the premises.

6 * * *

7 Section 2. Clauses (a), (b) and (c) of section 207 of the
8 act, (a) amended June 17, 1971 (P.L.180, No.22), and (b) amended
9 July 27, 1973 (P.L.247, No.70), are 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 prices, the board shall not give any preference or make
23 any discrimination as to classes, brands or otherwise, except to
24 the extent and for the length of time necessary to sell such
25 classes or brands in compliance with any Federal action freezing
26 or otherwise controlling the price of said classes or brands, or
27 except where special sales are deemed necessary to move
28 unsaleable merchandise, or except where the addition of a
29 service or handling charge to the fixed sales price of any
30 merchandise in the same comparable price bracket, regardless of

1 class, brand or otherwise, is, in the opinion of the board,
2 required for the efficient operation of the State store system.]
3 The board shall require each Pennsylvania manufacturer and each
4 nonresident manufacturer of liquors, other than wine, selling
5 such liquors [to the board] in the Commonwealth, 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] in the Commonwealth
20 through another person for the purpose of evading this provision
21 relating to permits, the board shall require such person,
22 [before purchasing liquors from him or it,] to take out a permit
23 and pay the same fee as hereinbefore required to be paid by such
24 manufacturer. All permit fees so collected shall be paid into
25 the State [Stores] Liquor and Alcohol Fund. [The board shall not
26 purchase] No package store shall purchase any alcohol or liquor
27 fermented, distilled, rectified, compounded or bottled in any
28 state, territory or country, the laws of which result in
29 prohibiting the importation therein of alcohol or liquor,
30 fermented, distilled, rectified, compounded or bottled in

1 Pennsylvania.

2 (c) To determine the municipalities within which
3 [Pennsylvania Liquor Stores shall] package stores may be
4 established and the locations of the stores within such
5 municipalities.

6 * * *

7 Section 3. Section 208 of the act, clause (d) amended July
8 22, 1970 (P.L.539, No.182) and clause (f) amended October 11,
9 1972 (P.L.906, No.215), is amended to read:

10 Section 208. Specific Subjects on Which Board May Adopt
11 Regulations.--Subject to the provisions of this act and without
12 limiting the general power conferred by the preceding section,
13 the board may make regulations regarding:

14 (a) The [equipment and management of Pennsylvania Liquor
15 Stores] stores and warehouses in which liquor and alcohol are
16 kept or sold, and the books and records to be kept therein.

17 (b) The duties and conduct of the officers and employes of
18 the board.

19 (c) The purchase, as provided in this act, of liquor and
20 alcohol. [and its supply to Pennsylvania Liquor Stores.

21 (d) The classes, varieties and brands of liquor and alcohol
22 to be kept and sold in Pennsylvania Liquor Stores. In making
23 this determination the board shall meet not less than twice a
24 year.

25 (e) The issuing and distribution of price lists for the
26 various classes, varieties or brands of liquor and alcohol kept
27 for sale by the board under this act.]

28 (f) The labeling of liquor and alcohol sold under this act
29 and of liquor and alcohol lawfully acquired by any person prior
30 to January first, one thousand nine hundred thirty-four.

(g) Forms to be used for the purposes of this act.

(h) The issuance of licenses and permits and the conduct, management, sanitation and equipment of places licensed or included in permits.

(i) [The place and manner of depositing the receipts of Pennsylvania Liquor Stores and the transmission of balances to the Treasury Department through the Department of Revenue.

(j) The solicitation by resident or nonresident vendors of liquor from Pennsylvania licensees and other persons of orders for liquor to be sold through the Pennsylvania Liquor Stores and, in the case of nonresident vendors, the collection therefrom of license fees for such privilege at the same rate as provided herein for importers' licenses.] Package store districts.

Section 4. Section 210 of the act is amended to read:

Section 210. Restrictions on Members of the Board and Employees of Commonwealth.--(a) A member or employe of the board shall not be directly or indirectly interested or engaged in any other business or undertaking dealing in liquor, alcohol, or malt or brewed beverages, whether as owner, part owner, partner, member of syndicate, shareholder, agent or employe, and whether for his own benefit or in a fiduciary capacity for some other person.

(b) No member or employe of the board nor any employe of the Commonwealth shall solicit or receive, directly or indirectly, any commission, remuneration or gift whatsoever, from any person having sold, selling or offering liquor or alcohol for sale [to the board for use in Pennsylvania Liquor Stores.] in the Commonwealth.

Section 5. Article III of the act is hereby repealed.

1 Section 6. The act is amended by adding an article to read:

2 Article III-A.

3 Package Stores

4 Section 301-A. Establishment of Package Stores.--(a)

5 Package stores for the sale of liquor and alcohol may be
6 established throughout the Commonwealth in accordance with the
7 provisions and regulations made under this act.

8 (b) Subject to the provisions of this act and regulations
9 promulgated thereunder, the board shall have authority to issue
10 a package store license to purchase liquor and alcohol and to
11 keep on the premises such liquor and alcohol and to sell the
12 same for consumption off the premises.

13 (c) The aforesaid license shall be issued only to reputable
14 individuals, partnerships, and associations and for two years
15 prior to the date of their application have been residents of
16 the Commonwealth of Pennsylvania, or to reputable corporations
17 duly organized or duly registered by the laws of the
18 Commonwealth of Pennsylvania whose officers, directors and
19 owners of fifty-one per centum of the corporate stock are
20 residents of the Commonwealth of Pennsylvania at least two years
21 prior to application.

22 Section 302-A. Application for Package Store License.--

23 Application for package store license shall contain and have
24 attached thereto the following information and statements:

25 (1) The name and residence of the applicant and how long he
26 has resided there, and if an association, partnership or
27 corporation, the residences of members, officers, and directors
28 for the period of two years next preceding the date of such
29 application.

30 (2) The particular place for which the license is desired

1 and a detailed description thereof.

2 (3) Place of birth of applicant, and if a naturalized
3 citizen, where and when naturalized and if a corporation
4 organized or registered under the laws of the Commonwealth, when
5 and where incorporated, with the names and addresses of each
6 officer and director, all of whom shall be citizens of the
7 United States.

8 (4) Name of the owner of the premises and his residence.

9 (5) That the applicant is not, or in the case of a
10 partnership or association, that the partners or members are
11 not, and in the case of a corporation, that the officers and
12 directors are not in any way pecuniarily interested, either
13 directly or indirectly, in the profits of any other class of
14 business regulated under this act; except that a licensed
15 distributor may apply for a package store license on premises
16 contiguous to the premises where the distributor's business is
17 operated.

18 (6) That the applicant is not, or in the case of a
19 partnership or association, that the partners or members are
20 not, and in the case of a corporation, that the officers and
21 directors are not in any way pecuniarily interested, either
22 directly or indirectly, in any existing package store or package
23 store licensee, nor in any applicant for a package store
24 license.

25 (7) That the applicant is the only person in any manner
26 pecuniarily interested in the business asked to be licensed and
27 that no other person shall be in any manner pecuniarily
28 interested therein during the continuance of the license, except
29 as hereinafter permitted.

30 (8) Whether the applicant, or in the case of a partnership

1 or association, any partner or member thereof, or in the case of
2 a corporation, any officer or director thereof, has had a
3 license issued by the board anytime in the past or has been
4 convicted of any misdemeanor or felony, and if so a detailed
5 history thereof.

6 (9) A full description of that portion of the premises for
7 which the license is asked, and if any other business is to be
8 conducted by the licensee concurrently with the package store
9 within the same building, a full history of such business as may
10 be required by the board.

11 (10) The application must be verified by affidavit of
12 applicant, and if any false statement is intentionally made in
13 any part of the application, the affiant shall be deemed guilty
14 of a misdemeanor.

15 Section 303-A. Filing of Application for Package Store
16 Licenses; Filing Fee.--Every person intending to apply for a
17 package store license in any municipality in this Commonwealth,
18 shall file with the board his or its application. All
19 applications shall be filed at a time to be fixed by the board
20 for the particular license district as set up by the board under
21 the provisions of this act. The applicant shall, at the time of
22 filing the application required, pay the board the filing fee of
23 one thousand dollars (\$1,000), the prescribed license fee and a
24 surety bond in the amount of one hundred thousand dollars
25 (\$100,000).

26 Section 304-A. Posting Notice of Filing of Application.--
27 Every applicant for new license or for the transfer of an
28 existing license to another premises not then licensed shall
29 post, for a period of at least fifteen days beginning with the
30 day the application is filed with the board, in a conspicuous

1 place on the outside of the premises for which the license is
2 applied, a notice of such application in such form and size
3 approved by the board. Proof of posting of such notice shall be
4 filed with the board.

5 Section 305-A. Issuance of Package Store License.--Upon
6 receipt of the application, the proper fees and bond, and upon
7 being satisfied of the truth of the statements in the
8 application that the applicant is the only person in any name
9 pecuniarily interested in the business so asked to be licensed
10 and that no other person will be in any manner pecuniarily
11 interested therein during the continuance of the license, except
12 as hereinafter permitted, and that the applicant is a person of
13 good repute, that the premises applied for meet all the
14 requirements of this act and the regulations of the board, and
15 that the issuance of such license is not prohibited by any of
16 the provisions of this act, the board shall issue such license.

17 Section 306-A. Prohibitions on Issuance of Package Store
18 License.--(a) The board may refuse to grant a new package store
19 license or transfer any package store license to a new location
20 if such place proposed to be licensed is within three hundred
21 feet of any church, hospital, charitable institution, school or
22 public playground.

23 (b) No person who holds, either by appointment or election,
24 any public office which involves the duty to enforce any of the
25 penal laws of the United States of America or any of the penal
26 laws of this Commonwealth or any penal ordinance or resolution
27 of any political subdivision shall be issued a package store
28 license.

29 Section 307-A. Package Store License Fee.--The license fee
30 for a package store license shall be three thousand dollars

1 (\$3,000) and shall be paid to the board at the time application
2 is made and prior to the issuance or renewal of said license.

3 (a) Said license fee shall be an annual fee paid at the time
4 of each renewal application.

5 (b) All license fees authorized under this section shall be
6 collected by the board and be for the use of the municipality in
7 which the package store is located.

8 Section 308-A. Package Store Employees.--Any applicant
9 granted a package store license shall be required to hire
10 employees, other than officers, directors, managers or, if the
11 applicant is an individual, himself or members of his immediate
12 family, from the list of employees of the State Liquor Store
13 Employees Union interested in employment in package stores.

14 Section 309-A. Sales by Package Stores.--(a) Every package
15 store may keep in stock for sale such classes, varieties and
16 brands of liquor it so desires if purchased from importers
17 licensed from the board.

18 (b) All package stores shall purchase, receive and resell
19 liquor in the original containers and labels as prepared for the
20 market by the manufacturer at the place of manufacture.

21 (c) Every package store shall sell liquors at wholesale to
22 licensees, airlines, railroad, pullman and steamship companies
23 licensed under this act and to pharmacists, manufacturing
24 pharmacists, reputable hospitals or chemists approved by the
25 board.

26 (d) All sales to others may be at prices determined by the
27 licensee.

28 (e) No liquor sold in a package store may be consumed on the
29 premises, nor may the licensee allow any other liquor or alcohol
30 to be consumed on the premises.

1 (f) A package store shall sell tax exempt alcohol to the
2 Commonwealth of Pennsylvania and to persons to whom the board
3 shall by regulation issue special permits for purchase of such
4 tax exempt alcohol. Such permits may be issued to the United
5 States or any governmental agency thereof, to any university or
6 college of learning, any laboratory for use exclusively in
7 scientific research, any hospital, sanitarium, eleemosynary
8 institution or dispensary, to physicians, dentists,
9 veterinarians and pharmacists duly licensed and registered under
10 the laws of the Commonwealth, to manufacturing chemists and
11 pharmacists or other persons for use in the manufacture or
12 compounding of preparations unfit for beverage purposes.

13 (g) Every purchaser of liquor and alcohol from a package
14 store shall receive a numbered receipt which shall indicate the
15 brand of liquor and alcohol and the price paid therefore.

16 (h) All sales by package store licensees shall be made on
17 the premises licensed.

18 (i) No licensee shall maintain any place for storage of
19 liquor or alcohol except in the same municipality in which the
20 licensed premises is located and unless the same has been
21 approved by the board.

22 Section 310-A. License Year.--Package store licenses issued
23 under this article shall, unless revoked in the manner provided,
24 be valid for the license year which shall be established by the
25 board.

26 Section 7. Subsection (a) of section 401 and subsection (e)
27 of section 410 of the act are amended to read:

28 Section 401. Authority to Issue Liquor Licenses to Hotels,
29 Restaurants and Clubs.--(a) Subject to the provisions of this
30 act and regulations promulgated under this act, the board shall

1 have authority to issue a retail liquor license for any premises
2 kept or operated by a hotel, restaurant or club and specified in
3 the license entitling the hotel, restaurant or club to purchase
4 liquor from a [Pennsylvania Liquor Store] licensed package store
5 at wholesale and to keep on the premises such liquor and,
6 subject to the provisions of this act and the regulations made
7 thereunder, to sell the same and also malt or brewed beverages
8 to guests, patrons or members for consumption on the hotel,
9 restaurant or club premises. Such licensees, other than clubs,
10 shall be permitted to sell malt or brewed beverages for
11 consumption off the premises where sold in quantities of not
12 more than one hundred forty-four fluid ounces in a single sale
13 to one person. Such licenses shall be known as hotel liquor
14 licenses, restaurant liquor licenses and club liquor licenses,
15 respectively. No person who holds, either by appointment or
16 election, any public office which involves the duty to enforce
17 any of the penal laws of the United States of America or the
18 penal laws of the Commonwealth of Pennsylvania or any penal
19 ordinance or resolution of any political subdivision of this
20 Commonwealth shall be issued any hotel or restaurant liquor
21 license, nor shall such a person have any interest, directly or
22 indirectly, in any such license.

23 * * *

24 Section 410. Liquor Importers' Licenses; Fees; Privileges;
25 Restrictions.--* * *

26 (e) Importers' licenses shall permit the holders thereof to
27 bring or import liquor from other states, foreign countries, or
28 insular possessions of the United States, and purchase liquor
29 from manufacturers located within this Commonwealth, to be sold
30 outside of this Commonwealth or to [Pennsylvania Liquor Stores]

1 licensed package stores within this Commonwealth, or when in
2 original containers of ten gallons or greater capacity, to
3 licensed manufacturers within this Commonwealth.

4 All importations of liquor into Pennsylvania by the licensed
5 importer shall be consigned to the Pennsylvania Liquor Control
6 Board a licensed package store or the principal place of
7 business or authorized place of storage maintained by the
8 licensee.

9 * * *

10 Section 8. Subsections (a) and (b) of section 443 of the act
11 is amended to read:

12 Section 443. Interlocking Business Prohibited.--(a) No
13 manufacturer of malt or brewed beverages and no officer or
14 director of any such manufacturer shall at the same time be a
15 distributor importing distributor or retail dispenser, or an
16 officer, director or stockholder or creditor of any distributor,
17 importing distributor or retail dispenser, nor, except as
18 hereinafter provided, be the owner, proprietor or lessor of any
19 place for which a license has been issued for any importing
20 distributor, distributor or retail dispenser, or for which a
21 package store, hotel, restaurant or club liquor license has been
22 issued.

23 (b) No distributor or importing distributor and no officer
24 or director of any distributor or importing distributor shall at
25 the same time be a manufacturer, a retail dispenser, a package
26 store licensee or a liquor licensee, or be an officer, director,
27 stockholder or creditor of a manufacturer, a retail dispenser, a
28 package store licensee or a liquor licensee, or, directly or
29 indirectly, own any stock of, or have any financial interest in,
30 or be the owner, proprietor or lessor of, any place covered by

1 any other malt or brewed beverage, package store or liquor
2 license. The provisions of this subsection shall not apply to
3 distributor and package store licensees otherwise allowed
4 interlocking businesses under this act.

5 * * *

6 Section 9. The act is amended by adding a section to read:

7 Section 443.1. Interlocking package store business
8 prohibited.--(a) No package store licensee and no officer,
9 director, stockholder, agent or employee of such licensee shall,
10 either directly or indirectly, own any stock of, or have any
11 financial interest in, or be the owner, proprietor or lessor of
12 any other package store or of any other package store licensee.

13 (b) No package store licensee and no officer, director,
14 stockholder, agent or employee of such licensee shall in any
15 wise be interested, either directly or indirectly, in the
16 ownership or leasehold of any property or the equipment of any
17 property or any mortgage lien against the same, of any other
18 package store or of any other package store licensee.

19 (c) No package store licensee and no officer, director,
20 stockholder, agent or employee of such licensee shall in any
21 wise, either directly or indirectly, lend any moneys, credit, or
22 give anything of value or the equivalent thereof, or guarantee
23 the payment of any bond mortgage note or other obligation of any
24 other package store or of any other package store licensee.

25 Section 10. Section 461 of the act is amended by adding a
26 subsection to read:

27 Section 461. Limiting Number of Retail Licenses To Be Issued
28 In Each Municipality.--* * *

29 (a.1) Package store licenses shall be granted by the board
30 on a basis of one per each five thousand inhabitants in each

1 municipality, but at least one such license in each
2 municipality, except in municipalities where the electors have
3 voted against granting of any retail licenses.

4 * * *

5 Section 11. Section 464 of the act, repealed in part June 3,
6 1971 (P.L.118, No.6), is amended to read:

7 Section 464. Hearings Upon Refusal of Licenses, Renewals or
8 Transfers; Appeals.--The board may of its own motion, and shall
9 upon the written request of any applicant for any package store,
10 club, hotel or restaurant liquor license, or any applicant for
11 any malt or brewed beverage license other than a public service
12 license, or for renewal or transfer thereof, whose application
13 for such license, renewal or transfer has been refused, fix a
14 time and place for hearing of such application for license or
15 for renewal or transfer thereof, notice of which hearing shall
16 be mailed to the applicant at the address given in his
17 application. Such hearing shall be before the board, a member
18 thereof, or an examiner designated by the board. At such
19 hearing, the board shall present its reasons for its refusal or
20 withholding of license, renewal or transfer thereof. The
21 applicant may appear in person or by counsel, may cross-examine
22 the witnesses for the board and may present evidence which shall
23 likewise be subject to cross-examination by the board. Such
24 hearing shall be stenographically recorded. The examiner shall
25 thereafter report to the board upon such hearing. The board
26 shall thereupon grant or refuse the license, renewal or transfer
27 thereof. In considering the renewal of a license, the board
28 shall not refuse any such renewal on the basis of the propriety
29 of the original issuance or any prior renewal of such license.
30 If the board shall refuse such license, renewal or transfer

1 following such hearing, notice in writing of such refusal shall
2 be mailed to the applicant at the address given in his
3 application. In all such cases, the board shall file of record
4 at least a brief statement in the form of an opinion of the
5 reasons for the ruling or order and furnish a copy thereof to
6 the applicant. Any applicant who has appeared before the board
7 or any agent thereof at any hearing, as above provided, who is
8 aggrieved by the refusal of the board to issue any such license
9 or to renew or transfer any such license may appeal, or any
10 church, hospital, charitable institution, school or public
11 playground located within three hundred feet of the premises
12 applied for, aggrieved by the action of the board in granting
13 the issuance of any such license or the transfer of any such
14 license, may take an appeal limited to the question of such
15 grievance, within twenty days from date of refusal or grant, to
16 the court of [quarter sessions] common pleas of the county in
17 which the premises applied for is located or the county court of
18 Allegheny County. Such appeal shall be upon petition of the
19 aggrieved party, who shall serve a copy thereof upon the board,
20 whereupon a hearing shall be held upon the petition by the court
21 upon ten days' notice to the board, which shall be represented
22 in the proceeding by the Department of Justice. The said appeal
23 shall act as a supersedeas unless upon sufficient cause shown
24 the court shall determine otherwise. The court shall hear the
25 application de novo on questions of fact, administrative
26 discretion and such other matters as are involved, at such time
27 as it shall fix, of which notice shall be given to the board.
28 The court shall either sustain or over-rule the action of the
29 board and either order or deny the issuance of a new license or
30 the renewal or transfer of the license to the applicant.

1 The jurisdiction of the county court of Allegheny County
2 conferred hereby shall be exclusive within the territorial
3 limits of its jurisdiction.

4 Section 12. Subsection (d) of section 465 and section 467 of
5 the act are amended to read:

6 Section 465. All Licensees to Furnish Bond.--* * *

7 (d) The penal sum of the respective bonds filed under the
8 provisions of this section shall be as follows:

9 (1) Manufacturers of malt or brewed beverages, ten thousand
10 dollars (\$10,000.00) for each place at which the licensee is
11 authorized to manufacture.

12 (2) Liquor importers, ten thousand dollars (\$10,000.00) for
13 each license.

14 (3) Sacramental wine licensees, ten thousand dollars
15 (\$10,000.00).

16 (4) Importing distributors of malt or brewed beverages, two
17 thousand dollars (\$2,000.00).

18 (5) Hotel, restaurant, club and public service liquor
19 licensees, two thousand dollars (\$2,000.00), but in the case of
20 a railroad or pullman company, such penal sum shall cover every
21 dining, club or buffet car of such company operated under such
22 license.

23 (6) Distributors of malt or brewed beverages, one thousand
24 dollars (\$1,000.00).

25 (7) Retail dispensers and public service malt or brewed
26 beverage licensees, one thousand dollars (\$1,000.00) for each
27 place at which the licensee is authorized to sell malt or brewed
28 beverages, except that in the case of railroad or pullman
29 companies, said penal sum shall be one thousand dollars
30 (\$1,000.00), irrespective of the number of licensed cars

1 operated by the company.

2 (8) Package store licensees, one hundred thousand dollars
3 (\$100,000.00).

4 * * *

5 Section 467. Display of License.--Every license issued under
6 this [article] act shall be constantly and conspicuously exposed
7 under transparent substance on the licensed premises and no
8 license shall authorize sales until this section has been
9 complied with.

10 Section 13. Section 468 of the act, subsection (a) repealed
11 in part June 3, 1971 (P.L.118, No.6) and amended June 17, 1971
12 (P.L.166, No.13) and subsection (b.1) added November 26, 1978
13 (No.326), is amended to read:

14 Section 468. Licenses Not Assignable; Transfers.--(a)
15 Licenses issued under this [article] act may not be assigned.
16 The board, upon payment of the transfer filing fee and the
17 execution of a new bond, is hereby authorized to transfer any
18 license issued by it under the provisions of this [article] act
19 from one person to another or from one place to another, or
20 both, within the same municipality, as the board may determine.
21 The board, in its discretion, may transfer an existing
22 restaurant retail dispenser, or club license from one
23 municipality to another in the same county regardless of the
24 quota limitations provided for in this act, if sales of liquor
25 or malt and brewed beverages are legal in such other
26 municipality and if the restaurant retail dispenser, or club
27 lost the use of the building in which it was located due to
28 governmental exercise of the right of eminent domain and no
29 other suitable building can be found in the first municipality.
30 In the case of distributor, package store and importing

1 distributor licenses, the board may transfer any such license
2 from its place in a municipality to a place in any other
3 municipality within the same county, or from one place to
4 another place within the same municipality, or exchange a
5 distributor license for an importing distributor license or an
6 importing distributor license for a distributor license, if the
7 building for which the license is to be issued has, in the case
8 of an importing distributor license, an area under one roof of
9 two thousand five hundred square feet and, in the case of a
10 distributor license, an area under one roof of one thousand
11 square feet: And provided, That, in the case of all transfers of
12 distributor or importing distributor licenses, whether from a
13 place within the same municipality to another place within the
14 same municipality or from a place in a municipality to a place
15 in any other municipality within the same county, and, in the
16 case of an exchange of a distributor license for an importing
17 distributor license or an importing distributor license for a
18 distributor license, the premises to be affected by the transfer
19 or exchange shall contain an office separate and apart from the
20 remainder of the premises to be licensed for the purpose of
21 keeping records, required by the board, adequate toilet
22 facilities for employes of the licensee and an entrance on a
23 public thoroughfare: Provided, however, That in the event that
24 the majority of the voting electors of a municipality, at an
25 election held under the provisions of any law so empowering them
26 to do, shall vote against the issuance of distributor or
27 importing distributor licenses in such municipality, the board
28 is hereby authorized to transfer any such distributor or
29 importing distributor license from its place in such
30 municipality to a place in any other municipality within the

1 same county, upon application prior to the expiration of any
2 such license and upon payment of the transfer filing fee and the
3 execution of a new bond; but no transfer shall be made to a
4 person who would not have been eligible to receive the license
5 originally nor for the transaction of business at a place for
6 which the license could not lawfully have been issued
7 originally, nor, except as herein provided, to a place as to
8 which a license has been revoked. No license shall be
9 transferred to any place or property upon which is located as a
10 business the sale of liquid fuels and oil. Except in cases of
11 emergency such as death, serious illness, or circumstances
12 beyond the control of the licensee, as the board may determine
13 such circumstances to justify its action, transfers of licenses
14 may be made only at times fixed by the board. In the case of the
15 death of a licensee, the board may transfer the license to the
16 surviving spouse or personal representative or to a person
17 designated by him. From any refusal to grant a transfer or upon
18 the grant of any transfer, the party aggrieved shall have the
19 right of appeal to the proper court in the manner hereinbefore
20 provided.

21 (b.1) In the event that any person to whom a license shall
22 have been issued under the provisions of this [article] act
23 shall become insolvent, make an assignment for the benefit of
24 creditors, become bankrupt by either voluntary or involuntary
25 action, the license of such person shall be immediately placed
26 in safekeeping with the board for the balance of the term of the
27 license and for an additional period of one year upon
28 application to the board by the trustee, receiver, or assignee.
29 The trustee, receiver, or assignee shall have, during said
30 period of safekeeping, the same rights, benefits and obligations

1 as to the license as the person to whom the license had been
2 issued, including the right to transfer the license subject to
3 the approval of the board. The license shall continue as a
4 personal privilege granted by the board and nothing herein shall
5 constitute the license as property.

6 Section 14. Section 469 of the act, amended September 28,
7 1961 (P.L.1728, No.702), is amended to read:

8 Section 469. Applications for Transfers; Fees.--Every
9 applicant for a transfer of a license under the provisions of
10 this [article] act shall file a written application with the
11 board, together with a filing fee of thirty dollars (\$30) if the
12 license to be transferred is a liquor license , one thousand
13 dollars (\$1,000) if the license to be transferred is a package
14 store licensee, and twenty dollars (\$20) if the license is a
15 malt or brewed beverage license. Such application shall be in
16 such form and shall be filed at such times as the board shall in
17 its regulations prescribe. Each such applicant shall also file
18 an approved bond as required on original applications for such
19 licenses.

20 Whenever any license is transferred, no license or other fees
21 shall be required from the persons to whom such transfer is made
22 for the balance of the then current license year, except the
23 filing fee as herein provided.

24 Section 15. Subsection (a) of section 470 of the act,
25 amended August 1, 1969 (P.L.219, No.87), is amended to read:

26 Section 470. Renewal of Licenses; Temporary Provisions for
27 Licensees in Armed Service.--(a) All applications for renewal
28 of licenses under the provisions of this [article] act shall be
29 filed with a new bond, requisite license and filing fees at
30 least sixty days before the expiration date of same: Provided,

1 however, That the board, in its discretion, may accept a renewal
2 application filed less than sixty days before the expiration
3 date of the license with the required bond and fees, upon
4 reasonable cause shown and the payment of an additional filing
5 fee of one hundred dollars (\$100.00) for late filing: And
6 provided further, That except where the failure to file a
7 renewal application on or before the expiration date has created
8 a license quota vacancy after said expiration date which has
9 been filled by the issuance of a new license, after such
10 expiration date, but before the board has received a renewal
11 application within the time prescribed herein the board, in its
12 discretion, may, after hearing, accept a renewal application
13 filed within ten months after the expiration date of the license
14 with the required bond and fees upon the payment of an
15 additional filing fee of two hundred fifty dollars (\$250.00) for
16 late filing. Where any such renewal application is filed less
17 than sixty days before the expiration date, or subsequent to the
18 expiration date, no license shall issue upon the filing of the
19 renewal application until the matter is finally determined by
20 the board and if an appeal is taken from the board's action the
21 courts shall not order the issuance of the renewal license until
22 final determination of the matter by the courts. A renewal
23 application will not be considered filed unless accompanied by a
24 new bond and the requisite filing and license fees and any
25 additional filing fee required by this section. Unless the board
26 shall have given ten days' previous notice to the applicant of
27 objections to the renewal of his license, based upon violation
28 by the licensee or his servants, agents or employees of any of
29 the laws of the Commonwealth or regulations of the board
30 relating to the manufacture, transportation, use, storage,

1 importation, possession or sale of liquors, alcohol or malt or
2 brewed beverages, or the conduct of a licensed establishment, or
3 unless the applicant has by his own act become a person of ill
4 repute, or unless the premises do not meet the requirements of
5 this act or the regulations of the board, the license of a
6 licensee shall be renewed.

7 * * *

8 Section 16. Section 472 of the act, amended June 28, 1957
9 (P.L.419, No.231), is amended to read:

10 Section 472. Local Option.--In any municipality, an election
11 may be held on the date of the primary election immediately
12 preceding any municipal election, but not oftener than once in
13 four years, to determine the will of the electors with respect
14 to the granting of liquor licenses to hotels, restaurants and
15 clubs, not oftener than once in four years, with respect to the
16 granting of licenses to retail dispensers of malt and brewed
17 beverages, not oftener than once in four years with respect to
18 granting of licenses to wholesale distributors and importing
19 distributors, or not more than once in four years with respect
20 to the [establishment, operation and maintenance by the board of
21 Pennsylvania liquor stores] granting of licenses to package
22 stores within the limits of such municipality, under the
23 provisions of this act: Provided, however, Where an election
24 shall have been held at the primary preceding a municipal
25 election in any year, another election may be held under the
26 provisions of this act at the primary occurring the fourth year
27 after such prior election: And provided further, That an
28 election on the question of [establishing and operating a State
29 liquor store shall be initiated only in those municipalities
30 that shall have voted against the granting of liquor licenses]

1 granting licenses to package stores; and that an election on the
2 question of granting wholesale distributor and importing
3 distributor licenses shall be initiated only in those
4 municipalities that shall have at a previous election voted
5 against the granting of dispenser's licenses. Whenever electors
6 equal to at least twenty-five per centum of the highest vote
7 cast for any office in the municipality at the last preceding
8 general election shall file a petition with the county board of
9 elections of the county for a referendum on the question of
10 granting any of said classes of licenses [or the establishment
11 of Pennsylvania liquor stores], the said county board of
12 elections shall cause a question to be placed on the ballots or
13 on the voting machine board and submitted at the primary
14 immediately preceding the municipal election. Separate petitions
15 must be filed for each question to be voted on. Said proceedings
16 shall be in the manner and subject to the provisions of the
17 election laws which relate to the signing, filing and
18 adjudication of nomination petitions, insofar as such provisions
19 are applicable.

20 When the question is in respect to the granting of liquor
21 licenses, it shall be in the following form:

22 Do you favor the granting of liquor licenses
23 for the sale of liquor in Yes
24 of? No

25 When the question is in respect to the granting of licenses
26 to retail dispensers of malt and brewed beverages, it shall be
27 in the following form:

28 Do you favor the granting of malt and
29 brewed beverage retail dispenser licenses
30 for consumption on premises where sold

1 in the Yes
2 of? No

3 When the question is in respect to the granting of licenses
4 to wholesale distributors of malt or brewed beverages and
5 importing distributors, it shall be in the following form:

6 Do you favor the granting of malt and
7 brewed beverage wholesale distributor's
8 and importing distributor's licenses not
9 for consumption on premises where sold

10 in the Yes
11 of? No

12 When the question is in respect to the [establishment,
13 operation and maintenance of Pennsylvania liquor stores]
14 granting of licenses to package stores it shall be in the
15 following form:

16 Do you favor the [establishment, operation and
17 maintenance of Pennsylvania liquor stores]
18 granting of licenses to packages stores in

19 the Yes
20 of? No

21 In case of a tie vote, the status quo shall obtain. If a
22 majority of the voting electors on any such question vote "yes,"
23 then liquor licenses shall be granted by the board to hotels,
24 restaurants, package stores and clubs, or malt and brewed
25 beverage retail dispenser licenses or wholesale distributor's
26 and importing distributor's license for the sale of malt or
27 brewed beverages shall be granted by the board, [or the board
28 may establish, operate and maintain Pennsylvania liquor stores,
29 as the case may be,] in such municipality, as provided by this
30 act; but if a majority of the electors voting on any such

1 question vote "no," then the board shall have no power to grant
2 or to renew upon their expiration any licenses of the class so
3 voted upon in such municipality; [or if the negative vote is on
4 the question in respect to the establishment, operation and
5 maintenance of Pennsylvania liquor stores, the board shall not
6 open and operate a Pennsylvania liquor store in such
7 municipality, nor continue to operate a then existing
8 Pennsylvania liquor store in the municipality for more than two
9 years thereafter or after the expiration of the term of the
10 lease on the premises occupied by such store, whichever period
11 is less,] unless and until at a later election a majority of the
12 voting electors vote "yes" on such question.

13 Section 17. The section heading and clauses (2), (3), (7),
14 (13) and (14) of section 491 of the act, (2) amended October 2,
15 1974 (P.L.665, No.220) and October 10, 1974 (P.L.692, No.231),
16 are amended to read:

17 Section 491. Unlawful Acts Relative to Liquor, Alcohol and
18 Liquor or Package Store Licensees.--

19 It shall be unlawful--

20 * * *

21 (2) Possession or Transportation of Liquor or Alcohol. For
22 any person, except a manufacturer or the board or the holder of
23 a package store license or the holder of a sacramental wine
24 license or of an importer's license, to possess or transport any
25 liquor or alcohol within this Commonwealth which was not
26 lawfully acquired prior to January first, one thousand nine
27 hundred and thirty-four, or has not been purchased from a
28 Pennsylvania Liquor Store or a licensed limited winery in
29 Pennsylvania, except miniatures totalling less than one gallon
30 purchased by a collector of the same in another state or foreign

1 country, or a package store, or in accordance with the board's
2 regulations. The burden shall be upon the person possessing or
3 transporting such liquor or alcohol to prove that it was so
4 acquired. But nothing herein contained shall prohibit the
5 manufacture or possession of wine by any person in his home for
6 consumption of himself, his family and guests and not for sale,
7 not exceeding, during any one calendar year, two hundred
8 gallons, any other law to the contrary notwithstanding. Such
9 wine shall not be manufactured, possessed, offered for sale or
10 sold on any licensed premises.

11 None of the provisions herein contained shall prohibit nor
12 shall it be unlawful for any person to import into Pennsylvania,
13 transport or have in his possession, an amount of liquor not
14 exceeding one gallon in volume upon which a State tax has not
15 been paid, if it can be shown to the satisfaction of the board
16 that such person purchased the liquor in a foreign country or
17 United States territory and was allowed to bring it into the
18 United States. Neither shall the provisions contained herein
19 prohibit nor make it unlawful for (i) any member of the armed
20 forces on active duty, or (ii) any retired member of the armed
21 forces, or (iii) any totally disabled veteran, or (iv) the
22 spouse of any person included in the foregoing classes of
23 persons to import into Pennsylvania, transport or have in his
24 possession an amount of liquor not exceeding one gallon per
25 month in volume upon which the State tax has not been paid, so
26 long as such liquor has been lawfully purchased from a package
27 store established and maintained under the authority of the
28 United States and is in containers identified in accordance with
29 regulations issued by the Department of Defense. Such liquor
30 shall not be possessed, offered for sale or sold on any licensed

1 premises.

2 None of the provisions herein contained shall prohibit nor
3 shall it be unlawful for any consul general, consul or other
4 diplomatic officer of a foreign government to import into
5 Pennsylvania, transport or have in his possession liquor upon
6 which a State tax has not been paid, if it can be shown to the
7 satisfaction of the board that such person acquired the liquor
8 in a foreign country and was allowed to bring it into the United
9 States. Such liquor shall not be possessed, offered for sale or
10 sold on any licensed premises.

11 Any person violating the provisions of this clause for a
12 first offense involving the possession or transportation in
13 Pennsylvania of any liquor in a package (bottle or other
14 receptacle) or wine not purchased from a [Pennsylvania Liquor
15 Store] licensed package store or from a licensed limited winery
16 in Pennsylvania, with respect to which satisfactory proof is
17 produced that the required Federal tax has been paid and which
18 was purchased, procured or acquired legally outside of
19 Pennsylvania shall upon conviction thereof in a summary
20 proceeding be sentenced to pay a fine of twenty-five dollars
21 (\$25) for each such package, plus costs of prosecution, or
22 undergo imprisonment for a term not exceeding ninety (90) days.
23 Each full quart or major fraction thereof shall be considered a
24 separate package (bottle or other receptacle) for the purposes
25 of this clause. Such packages of liquor shall be forfeited to
26 the Commonwealth in the manner prescribed in Article VI of this
27 act but the vehicle, boat, vessel, animal or aircraft used in
28 the illegal transportation of such packages shall not be subject
29 to forfeiture: Provided, however, That if it is a second or
30 subsequent offense or if it is established that the illegal

1 possession or transportation was in connection with a commercial
2 transaction, then the other provisions of this act providing for
3 prosecution as a misdemeanor and for the forfeiture of the
4 vehicle, boat, vessel, animal or aircraft shall apply.

5 (3) Purchase of Liquor or Alcohol. For any person within
6 this Commonwealth, by himself or by an employe or agent, to
7 attempt to purchase, or directly or indirectly, or upon any
8 pretense or device whatsoever, to purchase any liquor or alcohol
9 from any person or source other than a [Pennsylvania Liquor
10 Store] package store, except in accordance with the provisions
11 of this act or the regulations of the board.

12 * * *

13 (7) Sales of Liquor by Manufacturers and Licensed Importers.
14 For any manufacturer or licensed importer of liquor in this
15 Commonwealth, his agents, servants or employes, to sell or offer
16 to sell any liquor in this Commonwealth except to the board [for
17 use in Pennsylvania Liquor Stores] or to licensed package
18 stores, and in the case of a manufacturer, to the holder of a
19 sacramental wine license or an importer's license, but a
20 manufacturer or licensed importer may sell or offer to sell
21 liquor to persons outside of this Commonwealth.

22 * * *

23 (13) Violation of Certain Rules and Regulations of Board.
24 For any person, to violate any rules and regulations adopted by
25 the board to insure the equitable wholesale and retail sale and
26 distribution of liquor and alcohol [through the Pennsylvania
27 Liquor Stores].

28 (14) Offering Commission or Gift to Members of Board or
29 State Employe. For any person selling or offering to sell liquor
30 or alcohol [to, or purchasing at wholesale liquor or alcohol

1 from, the board, either directly or indirectly,] to pay or offer
2 to pay any commission, profit or remuneration, or to make or
3 offer to make any gift to any member or employe of the board or
4 other employe of the Commonwealth or to anyone on behalf of such
5 member or employe.

6 Section 18. Clause (13) of section 492 of the act is amended
7 to read:

8 Section 492. Unlawful Acts Relative to Malt or Brewed
9 Beverages and Licensees.--

10 It shall be unlawful--

11 * * *

12 (13) Possession or Storage of Liquor or Alcohol by Certain
13 Licensees. For any distributor, importing distributor or retail
14 dispenser, except a distributor who holds a package store
15 license, or his servants, agents or employes, to have in his
16 possession, or to permit the storage of on the licensed premises
17 or in any place contiguous or adjacent thereto accessible to the
18 public or used in connection with the operation of the licensed
19 premises, any alcohol or liquor.

20 * * *

21 Section 19. Section 495 of the act, subsection (a) amended
22 December 10, 1974 (P.L.912, No.301), and entire section amended
23 August 21, 1961 (P.L.1015, No.456), is amended to read:

24 Section 495. Identification Cards; Licenses [and State
25 Liquor Stores Employes] Saved From Prosecution.--(a) The board
26 shall issue to any person who shall have attained the age of
27 twenty-one years, an identification card bearing said person's
28 date of birth, physical description, photograph, signature, and
29 such other information, as the board by regulation may
30 determine, attesting to the age of the applicant, upon

1 application therefor by said person, filed no earlier than
2 fifteen days prior to attaining the age of twenty-one. Such
3 cards shall be numbered and a record thereof maintained by the
4 board for a period of five years. The board may, in its
5 discretion, impose a charge for such cards in an amount to be
6 determined by it, and it may, upon proof of loss of such
7 identification card by and upon application of anyone to whom
8 such card may have been issued, issue a duplicate thereof and
9 impose a charge therefor in an amount as it may by regulation
10 prescribe. The board shall have the power to make such
11 regulations as it shall, from time to time, deem proper
12 regarding the size, style and additional content of the
13 identification card, the form and content of any application
14 therefor, the type, style and quantity of proof required to
15 verify the applicant's age, the procedure for receiving and
16 processing such application, the distribution of said card, the
17 charge to be imposed for any card more than one that it shall
18 issue to the same applicant, and all other matters the board
19 shall deem necessary or advisable for the purpose of carrying
20 into effect the provisions of this section.

21 (b) Such identification card shall be presented by the
22 holder thereof upon request of [any State Liquor Store or] any
23 licensee, or the servant, agent or employe thereof, for the
24 purpose of aiding such store, licensee or the servant, agent or
25 employe to determine whether or not such person is twenty-one
26 years of age and upwards, when such person desires alcoholic
27 beverage at a [State Liquor Store or] licensed establishment.

28 (c) In addition to the presentation of such identification
29 card, [the agent of the State Liquor Store or] the licensee or
30 his servant, agent or employe, shall require the person whose

1 age may be in question to fill in and sign a card in the
2 following form:

319...

4 I,, hereby represent
5 to, a [State Store or] licensee
6 of the Pennsylvania Liquor Control Board, that I am of full age
7 and discretion and over the age of 21 years, having been born
8 on..... 19..., at

9 This statement is made to induce said [store or] licensee
10 above named to sell or otherwise furnish alcoholic beverages to
11 the undersigned.

12 Serial Number of Identification Card:

13 I understand that I am subject to a fine of \$300.00 and sixty
14 days imprisonment for any misrepresentation herein.

15

16 (Name)

17

18 (Address)

19 Witness:

20 Name

21 Address

22 Such statement shall be printed upon a 3 inch by 5 inch or 4
23 inch by 5 inch file card, which card shall be filed
24 alphabetically by the [State Liquor Store or] licensee, at or
25 before the close of business on the day of which said
26 certificate is executed, in a file box containing a suitable
27 alphabetical index, and which card shall be subject to
28 examination by any officer, agent or employe of the Liquor
29 Control Board at any and all times.

30 (d) It shall be unlawful for the owner of an identification

1 card, as defined by this act, to transfer said card to any other
2 person for the purpose of aiding such person to secure alcoholic
3 beverage. Any person who shall transfer such identification card
4 for the purpose of aiding such transferee to obtain alcoholic
5 beverage shall be guilty of a misdemeanor and, upon conviction
6 thereof, shall be sentenced to pay a fine of not more than three
7 hundred dollars (\$300), or undergo imprisonment for not more
8 than sixty (60) days. Any person not entitled thereto who shall
9 have unlawfully procured or have issued or transferred to him,
10 as aforesaid, identification card or any person who shall make
11 any false statement on any card required by subsection (c)
12 hereof to be signed by him shall be guilty of a misdemeanor and,
13 upon conviction thereof, shall be sentenced to pay a fine of not
14 more than three hundred dollars (\$300), or undergo imprisonment
15 for not more than sixty (60) days.

16 (e) The signed statement in the possession of a licensee [or
17 an employe of a State Liquor Store] may be offered as a defense
18 in all civil and criminal prosecutions for serving a minor, and
19 no penalty shall be imposed if the Liquor Control Board or the
20 courts are satisfied that the licensee [or State Liquor Store
21 employe] acted in good faith.

22 Section 20. Section 496 of the act, added June 15, 1961
23 (P.L.423, No.211), is amended to read:

24 Section 496. Reporting of Worthless Checks.--Any person who
25 is a licensee under the provisions of this [article] act, who
26 shall receive in payment for malt or brewed beverages or liquor
27 or alcohol sold by him any check, draft or similar order, for
28 the payment of money, which is subsequently dishonored by the
29 bank, banking institution, trust company or other depository,
30 upon which drawn, for any reason whatsoever, shall, within

1 twenty days of receipt of notice of such dishonor, notify the
2 board thereof. Such notification to the board shall be in such
3 manner and form as the board shall direct.

4 Section 21. Section 505.2 of the act, amended March 27, 1972
5 (P.L.153, No.57), is amended to read:

6 Section 505.2. Limited Wineries.--Holders of a limited
7 winery license may:

8 (1) Produce wines only from fruits grown in Pennsylvania in
9 an amount not to exceed one hundred thousand (100,000) gallons
10 per year.

11 (2) Sell wine produced by the limited winery on the licensed
12 premises, under such conditions and regulations as the board may
13 enforce, to the Liquor Control Board, to individuals and to
14 hotel, package store, restaurant, club and public service liquor
15 licensees.

16 Section 22. Subsection (a) of section 801 of the act is
17 amended by adding a clause to read:

18 Section 801. Moneys Paid Into Liquor License Fund and
19 Returned to Municipalities.--(a) The following fees collected
20 by the board under the provisions of this act shall be paid into
21 the State Treasury through the Department of Revenue into a
22 special fund to be known as the "Liquor License Fund":

23 * * *

24 (3) License fees for package stores.

25 * * *

26 Section 23. Section 802 of the act, amended September 28,
27 1961 (P.L.1728, No.702), is amended to read:

28 Section 802. Moneys Paid Into The State [Stores] Liquor and
29 Alcohol Fund for Use of the Commonwealth.--All moneys, except
30 fees to be paid into the Liquor License Fund as provided by the

1 preceding section, collected, received or recovered under the
2 provisions of this act for license fees, permit fees, filing
3 fees and registration fees, from forfeitures, sales of forfeited
4 property, and compromise penalties [and sales of liquor and
5 alcohol at the Pennsylvania Liquor Stores], shall be paid into
6 the State Treasury through the Department of Revenue into a
7 special fund to be known as "The State [Stores] Liquor and
8 Alcohol Fund."

9 One-half of all application filing and transfer fees shall be
10 credited to a special account designated as the Enforcement
11 Officers' Retirement Account. The moneys credited to this
12 account shall be paid, annually, by the board to the State
13 [Employees'] Employees' Retirement Board to be paid into the
14 State [Employees'] Employees' Retirement Fund and credited to the
15 Enforcement Officers' Benefit Account. All other moneys in such
16 fund shall be available for the purposes for which they are
17 appropriated by law.

18 Section 24. All acts or parts of acts inconsistent with the
19 provisions of this act are hereby repealed.

20 Section 25. The Liquor Control Board shall dispose of its
21 inventory of liquor and alcohol within six months of the
22 effective date of this act, either through sales by the
23 Pennsylvania State Stores prior to the effective date, or by
24 sales to package store licensees.

25 Section 26. After its date of enactment but prior to its
26 effective date, the Liquor Control Board shall begin to issue
27 package store licenses as provided for in this act. These
28 licenses shall not become effective until the effective date of
29 this act, but shall authorize said licensees to purchase liquor
30 and alcohol prior to the effective date for the purpose of

1 establishing an inventory.

2 Section 27. For a period of three years following the date
3 of final enactment, the board shall give preference in issuing
4 package store licenses to persons holding a valid restaurant
5 liquor license at the time the application is made. Upon
6 issuance of a package store license the restaurant liquor
7 license of such person shall be cancelled. The board may adopt
8 regulations to carry out the intent of this section.

9 Section 28. Any municipality that has authorized by
10 referendum the establishment of Pennsylvania State Liquor Stores
11 shall be deemed to have authorized the operation of licensed
12 package stores until otherwise determined by referendum as
13 provided by this act.

14 Section 29. All references in this or other acts to "The
15 State Stores Fund" shall henceforth be construed to mean "The
16 State Liquor and Alcohol Fund."

17 Section 30. This act shall take effect in one year, except
18 as heretofore provided.