

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 881

Session of  
1983

INTRODUCED BY CIVERA, MAIALE, MICOZZIE, FREIND, ARTY, DURHAM,  
FLICK, SPITZ, PITTS, SAURMAN, MARMION AND O'DONNELL,  
APRIL 27, 1983

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 27, 1983

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of  
2 the Pennsylvania Consolidated Statutes, further providing for  
3 offenses relating to alcoholic beverages; and making  
4 editorial changes.

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

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

9 § 6307. Misrepresentation of age to secure liquor or malt or  
10 brewed beverages.

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

17 (b) Penalty.--In addition to any other penalty imposed under  
18 this title, a person who is convicted of violating subsection

1 (a) shall be sentenced to pay a fine of not less than \$500 for  
2 the first violation and a fine of not less than \$1,000 for each  
3 subsequent violation.

4 (c) Definitions.--As used in this section and sections 6308  
5 (relating to purchase, consumption, possession or transportation  
6 of intoxicating beverages) through 6310.3 (relating to carrying  
7 a false identification card) the following words and phrases  
8 shall have the meanings given to them in this subsection:

9 "Liquor." Any alcoholic, spirituous, vinous, fermented or  
10 other alcoholic beverage, or combination of liquors and mixed  
11 liquor a part of which is spirituous, vinous, fermented or  
12 otherwise alcoholic, including all drinks or drinkable liquids,  
13 preparations or mixtures and reused, recovered or redistilled  
14 denatured alcohol usable or taxable for beverage purposes which  
15 contain more than 0.50% of alcohol by volume, except pure ethyl  
16 alcohol or malt or brewed beverages.

17 "Malt or brewed beverage." Any beer, lager beer, ale, porter  
18 or similar fermented malt beverage containing 0.50% or more of  
19 alcohol by volume, by whatever name the beverage may be called.

20 § 6308. Purchase, consumption, possession or transportation of  
21 [intoxicating beverages] liquor or malt or brewed  
22 beverages.

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

27 (b) Grading and penalty.--

28 (1) A first offense under this section is a summary  
29 offense punishable, in addition to any other penalty imposed  
30 under to this title, by a fine of not less than \$500.

1       (2) A second or subsequent offense under this section is  
2       a misdemeanor of the third degree punishable, in addition to  
3       any other penalty imposed under this title, by a fine of not  
4       less than \$1,000.

5   § 6309. Representing [to liquor dealers] that minor is of age.

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

12      (b) Penalty.--A person committing any offense under this  
13      section shall, in addition to any other penalty imposed under  
14      this title, be sentenced to pay a fine of not less than \$300.

15   § 6310. Inducement of minors to buy liquor or malt or brewed  
16              beverages.

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

22      (b) Penalty.--A person convicted of an offense under this  
23      section shall, in addition to any other penalty imposed under  
24      this title, be sentenced to pay a fine of not less than \$300.

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

26   § 6310.1. Selling or furnishing liquor or malt or brewed  
27              beverages to minors.

28      (a) Offense defined.--A person commits a misdemeanor of the  
29      third degree if he, being 21 years of age or older,  
30      intentionally and knowingly sells, or furnishes or purchases

1 with the intent to sell or furnish, any liquor or malt or brewed  
2 beverages to a person who is less than 21 years of age.

3 (b) Penalty.--In addition to any other penalty imposed under  
4 this title, a person who is convicted of violating subsection  
5 (a) shall be sentenced to pay a fine of not less than \$1,000 for  
6 the first violation and a fine of not less than \$2,500 for each  
7 subsequent violation.

8 § 6310.2. Manufacture or sale of false identification card.

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

13 (b) Definition.--The term "identification card" means a  
14 driver's license, a Department of Transportation nondriver's  
15 identification card or a card issued by the Liquor Control Board  
16 for the purpose of identifying a person desiring liquor or malt  
17 or brewed beverages.

18 (c) Penalty.--In addition to any other penalty imposed under  
19 this title, a person who is convicted of violating subsection  
20 (a) shall be sentenced to pay a fine of not less than \$1,000 for  
21 the first violation and a fine of not less than \$2,500 for each  
22 subsequent violation.

23 § 6310.3. Carrying a false identification card.

24 (a) Offense defined.--A person commits a misdemeanor of the  
25 third degree if he, being under 21 years of age, possesses an  
26 identification card falsely stating the date of his birth or  
27 obtains or attempts to obtain liquor or malt or brewed beverages  
28 by using the identification card of another person who is 21  
29 years of age or older.

30 (b) Definition.--The term "identification card" means a

1 driver's license, a Department of Transportation nondriver's  
2 identification card or a card issued by the Liquor Control Board  
3 for the purpose of identifying a person desiring liquor or malt  
4 or brewed beverages.

5 (c) Penalty.--In addition to any other penalty imposed under  
6 this title, a person who is convicted of violating subsection  
7 (a) shall be sentenced to pay a fine of not less than \$500 for  
8 the first violation and a fine of not less than \$1,000 for each  
9 subsequent violation.

10 Section 3. Title 75 is amended by adding a section to read:  
11 § 1532.1. Revocation of operating privileges for use of false  
12 identification card.

13 The department shall revoke the operating privileges of any  
14 driver convicted of violating 18 Pa.C.S. § 6310.3 (relating to  
15 carrying a false identification card) for three years or until  
16 the person is 21 years of age, whichever is longer. If the  
17 person is not licensed to drive a motor vehicle at the time he  
18 is convicted, he shall be ineligible to apply for a driver's  
19 license for three years or until the person is 21 years of age,  
20 whichever is longer.

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