

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 445 Session of
2005

INTRODUCED BY PETRI, BLACKWELL, BUNT, CALTAGIRONE, FABRIZIO,
FRANKEL, GODSHALL, W. KELLER, KILLION, MCGILL, MILLARD,
MUSTIO, PAYNE, REICHLEY, THOMAS, YOUNGBLOOD, YUDICHAK AND
MAHER, FEBRUARY 14, 2005

REFERRED TO COMMITTEE ON LIQUOR CONTROL, FEBRUARY 14, 2005

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 further providing for liquor importers' licenses.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 Section 1. Section 410 of the act of April 12, 1951 (P.L.90,
21 No.21), known as the Liquor Code, reenacted and amended June 29,
22 1987 (P.L.32, No.14), and amended December 21, 1998 (P.L.1202,
23 No.155) and December 9, 2002 (P.L.1653, No.212), is amended to
24 read:

1 Section 410. Liquor Importers' Licenses; Fees; Privileges;
2 Restrictions.--(a) Subject to the provisions of this act in
3 general and more particularly to the following provisions of
4 this section, the board shall issue liquor importers' licenses
5 to qualified applicants.

6 (b) Every applicant for an importer's license shall file a
7 written application with the board in such form as the board
8 shall from time to time prescribe. The filing and license fees
9 shall be as prescribed in section 614-A of the act of April 9,
10 1929 (P.L.177, No.175), known as "The Administrative Code of
11 1929." Every such application shall contain a description of the
12 principal place of business for which the applicant desires a
13 license and shall set forth such other material information as
14 may be required by the board.

15 (c) The holder of an importer's license may have included in
16 such license one warehouse wherein only his liquor may be kept
17 and stored, located in the same municipality in which his
18 licensed premises is situate, and not elsewhere, unless such
19 licensee secures from the board a license for each additional
20 storage warehouse desired. The board is authorized and empowered
21 to issue to a holder of an importer's license a license for an
22 additional storage warehouse or warehouses located in this
23 Commonwealth, provided such licensed importer files with the
24 board a separate application for each warehouse in such form and
25 containing such information as the board may from time to time
26 require. The filing and license fees shall be as prescribed in
27 section 614-A of "The Administrative Code of 1929."

28 (d) If the applicant is a natural person, his application
29 must show that he is a citizen of the United States or a
30 resident alien and a resident of this Commonwealth. If the

1 applicant is an association or partnership, each and every
2 member of the association or partnership must be a citizen of
3 the United States or a resident alien and a resident of this
4 Commonwealth. If the applicant is a corporation, the application
5 must show that the corporation was created under the laws of
6 Pennsylvania or holds a certificate of authority to transact
7 business in Pennsylvania, and that all officers, directors and
8 stockholders are citizens of the United States or resident
9 aliens.

10 (e) Importers' licenses shall permit the holders thereof to
11 bring or import liquor from other states, foreign countries, or
12 insular possessions of the United States, and purchase liquor
13 from manufacturers located within this Commonwealth, to be sold
14 outside of this Commonwealth or to Pennsylvania Liquor Stores
15 within this Commonwealth, or when in original containers of ten
16 gallons or greater capacity, to licensed manufacturers within
17 this Commonwealth. Importing distributors that import liquor
18 from a foreign country through a port located in this
19 Commonwealth shall receive from Pennsylvania Liquor Stores a
20 bonus of two per centum of the wholesale price of the imported
21 liquor sold to Pennsylvania Liquor Stores.

22 All importations of liquor into Pennsylvania by the licensed
23 importer shall be consigned to the board or the principal place
24 of business or authorized place of storage maintained by the
25 licensee.

26 (f) Every importer shall maintain on the licensed premises
27 such records as the board may prescribe. Any such license may be
28 suspended or revoked by the board upon proof satisfactory to it
29 that the licensee has violated any law of this Commonwealth or
30 any regulation of the board relating to liquor and alcohol. The

1 procedure in such cases shall be the same as for the revocation
2 and suspension of hotel, restaurant and club licenses.
3 Section 2. This act shall take effect in 60 days.