

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 58

Session of
1975

INTRODUCED BY MYERS, RIEGER, SULLIVAN, TAYOUN, VANN, GIAMMARCO,
MUSTO, DiDONATO, PIEVSKY, LETTERMAN, SHELTON, RITTER AND
LEDERER, JANUARY 27, 1975

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JANUARY 27, 1975

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 lowering certain age requirements from twenty-one to
18 eighteen.

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

21 Section 1. Clauses (1) and (14) of section 493, act of April
22 12, 1951 (P.L.90, No.21), known as the "Liquor Code," are
23 amended to read:

24 Section 493. Unlawful Acts Relative to Liquor, Malt and
25 Brewed Beverages and Licensees.--The term "licensee," when used

1 in this section, shall mean those persons licensed under the
2 provisions of Article IV, unless the context clearly indicates
3 otherwise.

4 It shall be unlawful--

5 (1) Furnishing Liquor or Malt or Brewed Beverages to Certain
6 Persons. For any licensee or the board, or any employe, servant
7 or agent of such licensee or of the board, or any other person,
8 to sell, furnish or give any liquor or malt or brewed beverages,
9 or to permit any liquor or malt or brewed beverages to be sold,
10 furnished or given, to any person visibly intoxicated, or to any
11 insane person, or to any [minor] person under eighteen years of
12 age, or to habitual drunkards, or persons of known intemperate
13 habits.

14 * * *

15 (14) Permitting Undesirable Persons or [Minors] Persons
16 under Eighteen to Frequent Premises. For any hotel, restaurant
17 or club liquor licensee, or any retail dispenser, his servants,
18 agents or employes, to permit persons of ill repute, known
19 criminals, prostitutes or [minors] persons under eighteen years
20 of age to frequent his licensed premises or any premises
21 operated in connection therewith, except [minors] persons under
22 eighteen years of age accompanied by parents, guardians, or
23 under proper supervision.

24 * * *

25 Section 2. Section 495 of the act, amended August 21, 1961
26 (P.L.1015, No.456), and December 10, 1974 (No.301), is amended
27 to read:

28 Section 495. Identification Cards; Licensees and State
29 Liquor Store Employes Saved From Prosecution.--(a) The board
30 shall issue to any person who shall have attained the age of

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

25 (b) Such identification card shall be presented by the
26 holder thereof upon request of any State Liquor Store or any
27 licensee, or the servant, agent or employe thereof, for the
28 purpose of aiding such store licensee or the servant, agent or
29 employe to determine whether or not such person is [twenty-one]
30 eighteen years of age and upwards, when such person desires

1 alcoholic beverage at a State Liquor Store or licensed
2 establishment.

3 (c) In addition to the presentation of such identification
4 card, the agent of the State Liquor Store or the licensee or his
5 servant, agent or employe, shall require the person whose age
6 may be in question to fill in and sign a card in the following
7 form:

8 19

9 I,..... hereby represent
10 to....., a State Store or
11 licensee of the Pennsylvania Liquor Control Board, that I am
12 [of full age and discretion and over the age of 21 years]
13 18 years of age or older, having been born on.....

14 19..... at..... This statement is
15 made to induce said store or licensee above named to sell or
16 otherwise furnish alcoholic beverages to the undersigned.

17 Serial Number of Identification Card:

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

20

21 (Name)

22

23 (Address)

24 Witness:

25 Name.....

26 Address.....

27 Such statement shall be printed upon a 3 inch by 5 inch or 4
28 inch by 5 inch file card, which card shall be filed
29 alphabetically by the State Liquor Store or licensee, at or
30 before the close of business on the day of which said

1 certificate is executed, in a file box containing a suitable
2 alphabetical index, and which card shall be subject to
3 examination by any officer, agent or employe of the Liquor
4 Control Board at any and all times.

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

21 (e) The signed statement in the possession of a licensee or
22 an employe of a State Liquor Store may be offered as a defense
23 in all civil and criminal prosecutions for serving a [minor]
24 person under eighteen years of age, and no penalty shall be
25 imposed if the Liquor Control Board or the courts are satisfied
26 that the licensee or State Liquor Store employe acted in good
27 faith.

28 Section 3. This act shall take effect January 1, 1976.