

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 1306 Session of  
1985

INTRODUCED BY LESCOVITZ, MAY 29, 1985

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, NOVEMBER 24, 1986

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 ~~PROVIDING FOR WINE BASED AND MALT BASED BEVERAGES; AND~~ <—  
18 ~~FURTHER PROVIDING FOR THE POWERS AND DUTIES OF THE~~ <—  
19 ~~PENNSYLVANIA LIQUOR CONTROL BOARD, THE OFFICE OF ATTORNEY~~  
20 ~~GENERAL; CREATING THE OFFICE OF ADMINISTRATIVE LAW JUDGE;~~  
21 ~~TRANSFERRING ENFORCEMENT POWERS TO THE OFFICE OF ATTORNEY~~  
22 ~~GENERAL AND DEFINING ITS POWERS AND DUTIES; ADDING PROVISIONS~~  
23 ~~RELATING TO PAYMENT OF STATE TAXES; FURTHER PROVIDING FOR~~  
24 ~~PENALTIES; TRANSFERRING PERSONNEL, EQUIPMENT AND~~  
25 ~~APPROPRIATIONS; exempting ceramic commemorative bottle~~  
26 ~~collections from certain provisions of this act; INCREASING~~ <—  
27 ~~FEES; CREATING A WINE DISTRIBUTOR LICENSE; AND CREATING A~~  
28 ~~SPECIAL ACCOUNT.~~  
29 CONTINUING EXISTENCE OF THE PENNSYLVANIA LIQUOR CONTROL BOARD <—  
30 SCHEDULED FOR TERMINATION UNDER SUNSET ACT.

31 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 ~~SECTION 1. SECTION 102 OF THE ACT OF APRIL 12, 1951 (P.L.90, <—~~  
3 ~~NO.21), KNOWN AS THE LIQUOR CODE, IS AMENDED BY ADDING~~  
4 ~~DEFINITIONS TO READ:~~

5 ~~SECTION 102. DEFINITIONS. THE FOLLOWING WORDS OR PHRASES,~~  
6 ~~UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, SHALL HAVE THE~~  
7 ~~MEANINGS ASCRIBED TO THEM IN THIS SECTION:~~

8 ~~\* \* \*~~

9 ~~"MALT COOLERS" SHALL MEAN A MALT OR BREWED BEVERAGE WITH AN~~  
10 ~~ALCOHOL CONTENT OF LESS THAN EIGHT PER CENTUM BY VOLUME~~  
11 ~~CONSISTING OF A BLEND OF A BARLEY BASED MALT OR BREWED BEVERAGE,~~  
12 ~~FRUIT PULP AND/OR FRUIT JUICES AND OTHER INGREDIENTS.~~

13 ~~\* \* \*~~

14 ~~"WINE COOLERS" SHALL MEAN A WINE BASED BEVERAGE WITH AN~~  
15 ~~ALCOHOL CONTENT OF LESS THAN EIGHT PER CENTUM BY VOLUME~~  
16 ~~CONSISTING OF A BLEND OF WINE, FRUIT PULP AND/OR FRUIT JUICES~~  
17 ~~AND OTHER INGREDIENTS.~~

18 ~~\* \* \*~~

19 ~~SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:~~  
20 ~~SECTION 208.1. MALT COOLERS. IN ADDITION TO ANY OTHER~~  
21 ~~POWER, DUTY OR AUTHORITY CONTAINED IN THIS ACT, THE BOARD MAY~~  
22 ~~PURCHASE FROM THE MANUFACTURER AND OFFER MALT COOLERS FOR SALE~~  
23 ~~IN THE STATE STORES.~~

24 ~~SECTION 3. SECTION 407 OF THE ACT IS AMENDED TO READ:~~

25 ~~SECTION 407. SALE OF MALT OR BREWED BEVERAGES AND WINE~~  
26 ~~COOLERS BY LIQUOR LICENSEES. EVERY LIQUOR LICENSE ISSUED TO A~~  
27 ~~HOTEL, RESTAURANT, CLUB, OR A RAILROAD, PULLMAN OR STEAMSHIP~~  
28 ~~COMPANY UNDER THIS SUBDIVISION (A) FOR THE SALE OF LIQUOR SHALL~~  
29 ~~AUTHORIZE THE LICENSEE TO SELL MALT OR BREWED BEVERAGES AND WINE~~  
30 ~~COOLERS AT THE SAME PLACES BUT SUBJECT TO THE SAME RESTRICTIONS~~

1 ~~AND PENALTIES AS APPLY TO SALES OF LIQUOR, EXCEPT THAT LICENSEES~~  
2 ~~OTHER THAN CLUBS MAY SELL MALT OR BREWED BEVERAGES AND WINE~~  
3 ~~COOLERS FOR CONSUMPTION OFF THE PREMISES WHERE SOLD IN~~  
4 ~~QUANTITIES OF NOT MORE THAN ONE HUNDRED FORTY FOUR FLUID OUNCES~~  
5 ~~IN A SINGLE SALE TO ONE PERSON. NO LICENSEE UNDER THIS~~  
6 ~~SUBDIVISION (A) SHALL AT THE SAME TIME BE THE HOLDER OF ANY~~  
7 ~~OTHER CLASS OF LICENSE, EXCEPT A RETAIL DISPENSER'S LICENSE~~  
8 ~~AUTHORIZING THE SALE OF MALT OR BREWED BEVERAGES AND WINE~~  
9 ~~COOLERS ONLY.~~

10 ~~SECTION 4. SECTION 431(A) AND (B) OF THE ACT, AMENDED AUGUST~~  
11 ~~17, 1965 (P.L.346, NO.182) AND OCTOBER 9, 1967 (P.L.395,~~  
12 ~~NO.179), ARE AMENDED TO READ:~~

13 ~~SECTION 431. MALT AND BREWED BEVERAGES MANUFACTURERS',~~  
14 ~~DISTRIBUTORS' AND IMPORTING DISTRIBUTORS' LICENSES. (A) THE~~  
15 ~~BOARD SHALL ISSUE TO ANY PERSON A RESIDENT OF THIS COMMONWEALTH~~  
16 ~~OF GOOD REPUTE WHO APPLIES THEREFOR, PAYS THE LICENSE FEE~~  
17 ~~HEREINAFTER PRESCRIBED, AND FILES THE BOND HEREINAFTER REQUIRED,~~  
18 ~~A MANUFACTURER'S LICENSE TO PRODUCE AND MANUFACTURE MALT OR~~  
19 ~~BREWED BEVERAGES, AND TO TRANSPORT, SELL AND DELIVER MALT OR~~  
20 ~~BREWED BEVERAGES AND WINE COOLERS AT OR FROM ONE OR MORE PLACES~~  
21 ~~OF MANUFACTURE OR STORAGE, ONLY IN ORIGINAL CONTAINERS, IN~~  
22 ~~QUANTITIES OF NOT LESS THAN A CASE OF TWENTY FOUR CONTAINERS,~~  
23 ~~EACH CONTAINER HOLDING SEVEN FLUID OUNCES OR MORE, OR A CASE OF~~  
24 ~~TWELVE CONTAINERS, EACH CONTAINER HOLDING TWENTY FOUR FLUID~~  
25 ~~OUNCES OR MORE, EXCEPT ORIGINAL CONTAINERS CONTAINING ONE~~  
26 ~~HUNDRED TWENTY EIGHT OUNCES OR MORE WHICH MAY BE SOLD SEPARATELY~~  
27 ~~ANYWHERE WITHIN THE COMMONWEALTH. LICENSES FOR PLACES OF STORAGE~~  
28 ~~SHALL BE LIMITED TO THOSE MAINTAINED BY MANUFACTURERS ON JULY~~  
29 ~~EIGHTEENTH, ONE THOUSAND NINE HUNDRED THIRTY FIVE, AND THE BOARD~~  
30 ~~SHALL ISSUE NO LICENSES FOR PLACES OF STORAGE IN ADDITION TO~~

1 ~~THOSE MAINTAINED ON JULY EIGHTEENTH, ONE THOUSAND NINE HUNDRED~~  
2 ~~THIRTY FIVE. THE APPLICATION FOR SUCH LICENSE SHALL BE IN SUCH~~  
3 ~~FORM AND CONTAIN SUCH INFORMATION AS THE BOARD SHALL REQUIRE.~~  
4 ~~ALL SUCH LICENSES SHALL BE GRANTED FOR THE CALENDAR YEAR. EVERY~~  
5 ~~MANUFACTURER SHALL KEEP AT HIS OR ITS PRINCIPAL PLACE OF~~  
6 ~~BUSINESS, WITHIN THE COMMONWEALTH DAILY PERMANENT RECORDS WHICH~~  
7 ~~SHALL SHOW, (1) THE QUANTITIES OF RAW MATERIALS RECEIVED AND~~  
8 ~~USED IN THE MANUFACTURE OF MALT OR BREWED BEVERAGES AND WINE~~  
9 ~~COOLERS AND THE QUANTITIES OF MALT OR BREWED BEVERAGES AND WINE~~  
10 ~~COOLERS MANUFACTURED AND STORED, (2) THE SALES OF MALT OR BREWED~~  
11 ~~BEVERAGES AND WINE COOLERS, (3) THE QUANTITIES OF MALT OR BREWED~~  
12 ~~BEVERAGES AND WINE COOLERS STORED FOR HIRE OR TRANSPORTED FOR~~  
13 ~~HIRE BY OR FOR THE LICENSEE, AND (4) THE NAMES AND ADDRESSES OF~~  
14 ~~THE PURCHASERS OR OTHER RECIPIENTS THEREOF. EVERY PLACE LICENSED~~  
15 ~~AS A MANUFACTURER SHALL BE SUBJECT TO INSPECTION BY MEMBERS OF~~  
16 ~~THE BOARD OR BY PERSONS DULY AUTHORIZED AND DESIGNATED BY THE~~  
17 ~~BOARD, AT ANY AND ALL TIMES OF THE DAY OR NIGHT, AS THEY MAY~~  
18 ~~DEEM NECESSARY, FOR THE DETECTION OF VIOLATIONS OF THIS ACT OR~~  
19 ~~OF THE RULES AND REGULATIONS OF THE BOARD, OR FOR THE PURPOSE OF~~  
20 ~~ASCERTAINING THE CORRECTNESS OF THE RECORDS REQUIRED TO BE KEPT~~  
21 ~~BY LICENSEES. THE BOOKS AND RECORDS OF SUCH LICENSEES SHALL AT~~  
22 ~~ALL TIMES BE OPEN TO INSPECTION BY MEMBERS OF THE BOARD OR BY~~  
23 ~~PERSONS DULY AUTHORIZED AND DESIGNATED BY THE BOARD. MEMBERS OF~~  
24 ~~THE BOARD AND ITS DULY AUTHORIZED AGENTS SHALL HAVE THE RIGHT,~~  
25 ~~WITHOUT HINDRANCE, TO ENTER ANY PLACE WHICH IS SUBJECT TO~~  
26 ~~INSPECTION HEREUNDER OR ANY PLACE WHERE SUCH RECORDS ARE KEPT~~  
27 ~~FOR THE PURPOSE OF MAKING SUCH INSPECTIONS AND MAKING~~  
28 ~~TRANSCRIPTS THEREOF.~~

29 ~~(B) THE BOARD SHALL ISSUE TO ANY REPUTABLE PERSON WHO~~  
30 ~~APPLIES THEREFOR, PAYS THE LICENSE FEE HEREINAFTER PRESCRIBED,~~

1 ~~AND FILES THE BOND HEREINAFTER REQUIRED, A DISTRIBUTOR'S OR~~  
2 ~~IMPORTING DISTRIBUTOR'S LICENSE FOR THE PLACE WHICH SUCH PERSON~~  
3 ~~DESIRES TO MAINTAIN FOR THE SALE OF MALT OR BREWED BEVERAGES AND~~  
4 ~~WINE COOLERS, NOT FOR CONSUMPTION ON THE PREMISES WHERE SOLD,~~  
5 ~~AND IN QUANTITIES OF NOT LESS THAN TWENTY FOUR CONTAINERS, EACH~~  
6 ~~CONTAINER HOLDING SEVEN FLUID OUNCES OR MORE, OR TWELVE~~  
7 ~~CONTAINERS, EACH CONTAINER HOLDING TWENTY FOUR FLUID OUNCES OR~~  
8 ~~MORE, EXCEPT ORIGINAL CONTAINERS CONTAINING ONE HUNDRED TWENTY-~~  
9 ~~EIGHT OUNCES OR MORE WHICH MAY BE SOLD SEPARATELY AND SUCH~~  
10 ~~CONTAINERS TO BE THE ORIGINAL CONTAINERS AS PREPARED FOR THE~~  
11 ~~MARKET BY THE MANUFACTURER AT THE PLACE OF MANUFACTURE: AND~~  
12 ~~PROVIDED FURTHER, THAT THE BOARD SHALL HAVE THE DISCRETION TO~~  
13 ~~REFUSE A LICENSE TO ANY PERSON OR TO ANY CORPORATION,~~  
14 ~~PARTNERSHIP OR ASSOCIATION IF SUCH PERSON, OR ANY OFFICER OR~~  
15 ~~DIRECTOR OF SUCH CORPORATION, OR ANY MEMBER OR PARTNER OF SUCH~~  
16 ~~PARTNERSHIP OR ASSOCIATION SHALL HAVE BEEN CONVICTED OR FOUND~~  
17 ~~GUILTY OF A FELONY WITHIN A PERIOD OF FIVE YEARS IMMEDIATELY~~  
18 ~~PRECEDING THE DATE OF APPLICATION FOR THE SAID LICENSE.~~

19 ~~EXCEPT AS HEREINAFTER PROVIDED, SUCH LICENSE SHALL AUTHORIZE~~  
20 ~~THE HOLDER THEREOF TO SELL OR DELIVER MALT OR BREWED BEVERAGES~~  
21 ~~AND WINE COOLERS IN QUANTITIES ABOVE SPECIFIED ANYWHERE WITHIN~~  
22 ~~THE COMMONWEALTH OF PENNSYLVANIA, WHICH, IN THE CASE OF~~  
23 ~~DISTRIBUTORS, HAVE BEEN PURCHASED ONLY FROM PERSONS LICENSED~~  
24 ~~UNDER THIS ACT AS MANUFACTURERS OR IMPORTING DISTRIBUTORS, AND~~  
25 ~~IN THE CASE OF IMPORTING DISTRIBUTORS, HAVE BEEN PURCHASED FROM~~  
26 ~~MANUFACTURERS OR PERSONS OUTSIDE THIS COMMONWEALTH ENGAGED IN~~  
27 ~~THE LEGAL SALE OF MALT OR BREWED BEVERAGES AND WINE COOLERS OR~~  
28 ~~FROM MANUFACTURERS OR IMPORTING DISTRIBUTORS LICENSED UNDER THIS~~  
29 ~~ARTICLE.~~

30 ~~EACH OUT OF STATE MANUFACTURER OF MALT OR BREWED BEVERAGES~~

1 ~~AND WINE COOLERS WHOSE PRODUCTS ARE SOLD AND DELIVERED IN THIS~~  
2 ~~COMMONWEALTH SHALL GIVE DISTRIBUTING RIGHTS FOR SUCH PRODUCTS IN~~  
3 ~~DESIGNATED GEOGRAPHICAL AREAS TO SPECIFIC IMPORTING~~  
4 ~~DISTRIBUTORS, AND SUCH IMPORTING DISTRIBUTOR SHALL NOT SELL OR~~  
5 ~~DELIVER MALT OR BREWED BEVERAGES AND WINE COOLERS MANUFACTURED~~  
6 ~~BY THE OUT OF STATE MANUFACTURER TO ANY PERSON ISSUED A LICENSE~~  
7 ~~UNDER THE PROVISIONS OF THIS ACT WHOSE LICENSED PREMISES ARE NOT~~  
8 ~~LOCATED WITHIN THE GEOGRAPHICAL AREA FOR WHICH HE HAS BEEN GIVEN~~  
9 ~~DISTRIBUTING RIGHTS BY SUCH MANUFACTURER: PROVIDED, THAT THE~~  
10 ~~IMPORTING DISTRIBUTOR HOLDING SUCH DISTRIBUTING RIGHTS FOR SUCH~~  
11 ~~PRODUCT SHALL NOT SELL OR DELIVER THE SAME TO ANOTHER IMPORTING~~  
12 ~~DISTRIBUTOR WITHOUT FIRST HAVING ENTERED INTO A WRITTEN~~  
13 ~~AGREEMENT WITH THE SAID SECONDARY IMPORTING DISTRIBUTOR SETTING~~  
14 ~~FORTH THE TERMS AND CONDITIONS UNDER WHICH SUCH PRODUCTS ARE TO~~  
15 ~~BE RESOLD WITHIN THE TERRITORY GRANTED TO THE PRIMARY IMPORTING~~  
16 ~~DISTRIBUTOR BY THE MANUFACTURER.~~

17 ~~WHEN A PENNSYLVANIA MANUFACTURER OF MALT OR BREWED BEVERAGES~~  
18 ~~AND WINE COOLERS LICENSED UNDER THIS ARTICLE NAMES OR~~  
19 ~~CONSTITUTES A DISTRIBUTOR OR IMPORTING DISTRIBUTOR AS THE~~  
20 ~~PRIMARY OR ORIGINAL SUPPLIER OF HIS PRODUCT, HE SHALL ALSO~~  
21 ~~DESIGNATE THE SPECIFIC GEOGRAPHICAL AREA FOR WHICH THE SAID~~  
22 ~~DISTRIBUTOR OR IMPORTING DISTRIBUTOR IS GIVEN DISTRIBUTING~~  
23 ~~RIGHTS, AND SUCH DISTRIBUTOR OR IMPORTING DISTRIBUTOR SHALL NOT~~  
24 ~~SELL OR DELIVER THE PRODUCTS OF SUCH MANUFACTURER TO ANY PERSON~~  
25 ~~ISSUED A LICENSE UNDER THE PROVISIONS OF THIS ACT WHOSE LICENSED~~  
26 ~~PREMISES ARE NOT LOCATED WITHIN THE GEOGRAPHICAL AREA FOR WHICH~~  
27 ~~DISTRIBUTING RIGHTS HAVE BEEN GIVEN TO THE DISTRIBUTOR AND~~  
28 ~~IMPORTING DISTRIBUTOR BY THE SAID MANUFACTURER: PROVIDED, THAT~~  
29 ~~THE IMPORTING DISTRIBUTOR HOLDING SUCH DISTRIBUTING RIGHTS FOR~~  
30 ~~SUCH PRODUCT SHALL NOT SELL OR DELIVER THE SAME TO ANOTHER~~

1 ~~IMPORTING DISTRIBUTOR WITHOUT FIRST HAVING ENTERED INTO A~~  
2 ~~WRITTEN AGREEMENT WITH THE SAID SECONDARY IMPORTING DISTRIBUTOR~~  
3 ~~SETTING FORTH THE TERMS AND CONDITIONS UNDER WHICH SUCH PRODUCTS~~  
4 ~~ARE TO BE RESOLD WITHIN THE TERRITORY GRANTED TO THE PRIMARY~~  
5 ~~IMPORTING DISTRIBUTOR BY THE MANUFACTURER. NOTHING HEREIN~~  
6 ~~CONTAINED SHALL BE CONSTRUED TO PREVENT ANY MANUFACTURER FROM~~  
7 ~~AUTHORIZING THE IMPORTING DISTRIBUTOR HOLDING THE DISTRIBUTING~~  
8 ~~RIGHTS FOR A DESIGNATED GEOGRAPHICAL AREA FROM SELLING THE~~  
9 ~~PRODUCTS OF SUCH MANUFACTURER TO ANOTHER IMPORTING DISTRIBUTOR~~  
10 ~~ALSO HOLDING DISTRIBUTING RIGHTS FROM THE SAME MANUFACTURER FOR~~  
11 ~~ANOTHER GEOGRAPHICAL AREA, PROVIDING SUCH AUTHORITY BE CONTAINED~~  
12 ~~IN WRITING AND A COPY THEREOF BE GIVEN TO EACH OF THE IMPORTING~~  
13 ~~DISTRIBUTORS SO AFFECTED. ALL WINE COOLERS SHALL REMAIN SUBJECT~~  
14 ~~TO THE ACT OF JUNE 9, 1936 (1ST SP.SESS., P.L.13, NO.4),~~  
15 ~~ENTITLED, AS REENACTED AND AMENDED, "AN ACT IMPOSING AN~~  
16 ~~EMERGENCY STATE TAX ON LIQUOR, AS HEREIN DEFINED, SOLD BY THE~~  
17 ~~PENNSYLVANIA LIQUOR CONTROL BOARD; PROVIDING FOR THE COLLECTION~~  
18 ~~AND PAYMENT OF SUCH TAX; AND IMPOSING DUTIES UPON THE DEPARTMENT~~  
19 ~~OF REVENUE AND THE PENNSYLVANIA LIQUOR CONTROL BOARD," AND~~  
20 ~~ARTICLE II OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS~~  
21 ~~THE "TAX REFORM CODE OF 1971."~~

22 \* \* \*

23 ~~SECTION 5. THE HEADING AND SECTION 432(F) OF THE ACT,~~  
24 ~~AMENDED MAY 9, 1984 (P.L.246, NO.54), ARE AMENDED TO READ:~~

25 ~~SECTION 432. MALT AND BREWED BEVERAGES AND WINE COOLERS~~  
26 ~~RETAIL LICENSES. \* \* \*~~

27 ~~(F) HOTEL, EATING PLACES, OR MUNICIPAL GOLF COURSE RETAIL~~  
28 ~~DISPENSER LICENSEES WHOSE SALES OF FOOD AND NONALCOHOLIC~~  
29 ~~BEVERAGES ARE EQUAL TO FORTY PER CENTUM (40%) OR MORE OF THE~~  
30 ~~COMBINED GROSS SALES OF BOTH FOOD AND MALT OR BREWED BEVERAGES~~

1 ~~AND WINE COOLERS MAY SELL MALT OR BREWED BEVERAGES AND WINE~~  
2 ~~COOLERS BETWEEN THE HOURS OF ELEVEN O'CLOCK ANTEMERIDIAN ON~~  
3 ~~SUNDAY AND TWO O'CLOCK ANTEMERIDIAN ON MONDAY UPON PURCHASE OF A~~  
4 ~~SPECIAL ANNUAL PERMIT FROM THE BOARD AT A FEE OF TWO HUNDRED~~  
5 ~~DOLLARS (\$200.00) PER YEAR, WHICH SHALL BE IN ADDITION TO ANY~~  
6 ~~OTHER LICENSE FEES. PROVIDED FURTHER, THE HOLDER OF SUCH SPECIAL~~  
7 ~~ANNUAL PERMIT MAY SELL MALT OR BREWED BEVERAGES AND WINE COOLERS~~  
8 ~~AFTER SEVEN O'CLOCK ANTEMERIDIAN AND UNTIL TWO O'CLOCK~~  
9 ~~ANTEMERIDIAN OF THE FOLLOWING DAY, ON ANY DAY ON WHICH A~~  
10 ~~GENERAL, MUNICIPAL, SPECIAL OR PRIMARY ELECTION IS BEING HELD.~~

11 ~~SECTION 6. SECTION 438(A) OF THE ACT IS AMENDED TO READ:~~

12 ~~SECTION 438. NUMBER AND KINDS OF LICENSES ALLOWED SAME~~  
13 ~~LICENSEE. (A) ANY RETAIL DISPENSER MAY BE GRANTED LICENSES TO~~  
14 ~~MAINTAIN, OPERATE OR CONDUCT ANY NUMBER OF PLACES FOR THE SALE~~  
15 ~~OF MALT OR BREWED BEVERAGES AND WINE COOLERS, BUT A SEPARATE~~  
16 ~~LICENSE MUST BE SECURED FOR EACH PLACE WHERE MALT OR BREWED~~  
17 ~~BEVERAGES ARE SOLD.~~

18 ~~\* \* \*~~

19 ~~SECTION 7. SECTION 442(A) AND (B) OF THE ACT, AMENDED~~  
20 ~~OCTOBER 9, 1967 (P.L.413, NO.183) AND MAY 9, 1984 (P.L.246,~~  
21 ~~NO.54), ARE AMENDED TO READ:~~

22 ~~SECTION 442. RETAIL DISPENSERS' RESTRICTIONS ON PURCHASES~~  
23 ~~AND SALES. (A) NO RETAIL DISPENSER SHALL PURCHASE OR RECEIVE~~  
24 ~~ANY MALT OR BREWED BEVERAGES AND WINE COOLERS EXCEPT IN ORIGINAL~~  
25 ~~CONTAINERS AS PREPARED FOR THE MARKET BY THE MANUFACTURER AT THE~~  
26 ~~PLACE OF MANUFACTURE. THE RETAIL DISPENSER MAY THEREAFTER BREAK~~  
27 ~~THE BULK UPON THE LICENSED PREMISES AND SELL OR DISPENSE THE~~  
28 ~~SAME FOR CONSUMPTION ON OR OFF THE PREMISES SO LICENSED:~~  
29 ~~PROVIDED, HOWEVER, THAT NO RETAIL DISPENSER MAY SELL MALT OR~~  
30 ~~BREWED BEVERAGES AND WINE COOLERS FOR CONSUMPTION OFF THE~~



1 ~~PREMISES IN QUANTITIES IN EXCESS OF ONE HUNDRED FORTY FOUR FLUID~~  
2 ~~OUNCES: PROVIDED, FURTHER, THAT NO CLUB LICENSEE MAY SELL ANY~~  
3 ~~MALT OR BREWED BEVERAGES AND WINE COOLERS FOR CONSUMPTION OFF~~  
4 ~~THE PREMISES WHERE SOLD OR TO PERSONS NOT MEMBERS OF THE CLUB.~~

5 ~~(B) NO RETAIL DISPENSER SHALL SELL ANY MALT OR BREWED~~  
6 ~~BEVERAGES AND WINE COOLERS FOR CONSUMPTION ON THE LICENSED~~  
7 ~~PREMISES EXCEPT IN A ROOM OR ROOMS OR PLACE ON THE LICENSED~~  
8 ~~PREMISES AT ALL TIMES ACCESSIBLE TO THE USE AND ACCOMMODATION OF~~  
9 ~~THE GENERAL PUBLIC, BUT THIS SECTION SHALL NOT BE INTERPRETED TO~~  
10 ~~PROHIBIT A RETAIL DISPENSER FROM SELLING MALT OR BREWED~~  
11 ~~BEVERAGES AND WINE COOLERS IN A HOTEL OR CLUB HOUSE IN ANY ROOM~~  
12 ~~OF SUCH HOTEL OR CLUB HOUSE OCCUPIED BY A BONA FIDE REGISTERED~~  
13 ~~GUEST OR MEMBER ENTITLED TO PURCHASE THE SAME OR TO PROHIBIT A~~  
14 ~~RETAIL DISPENSER FROM SELLING MALT OR BREWED BEVERAGES AND WINE~~  
15 ~~COOLERS IN A BOWLING ALLEY WHEN NO MINORS ARE PRESENT, UNLESS~~  
16 ~~MINORS WHO ARE PRESENT ARE UNDER PROPER SUPERVISION AS DEFINED~~  
17 ~~IN SECTION 493, WHERE THE LICENSED PREMISES AND BOWLING ALLEY~~  
18 ~~ARE IMMEDIATELY ADJACENT AND UNDER THE SAME ROOF.~~

19 \* \* \*

20 ~~Section 1 8. The act of April 12, 1951 (P.L.90, No.21),~~ <—  
21 ~~known as the Liquor Code, is amended by adding a section to~~  
22 ~~read:~~

23 ~~Section 498. Exemptions for Collectors. The provisions of~~  
24 ~~sections 491 (1), (2), (3) and (11) and 493(4) and any other~~  
25 ~~provisions relating to individuals selling, purchasing, trading~~  
26 ~~or exchanging liquor shall not apply to any person who is~~  
27 ~~twenty one years of age or older who collects ceramic~~  
28 ~~commemorative bottles or packages which contain liquor and who~~  
29 ~~sells, trades or exchanges the ceramic commemorative bottles or~~  
30 ~~packages with other collectors. This exemption shall apply only~~

1 ~~if:~~

2 ~~(1) The ceramic commemorative bottle or package has an~~  
3 ~~unbroken Federal tax stamp attached.~~

4 ~~(2) The bottle or package was purchased at retail from a~~  
5 ~~State Store or lawfully imported pursuant to the regulations of~~  
6 ~~the board.~~

7 ~~(3) The sale, purchase, trade or exchange does not occur on~~  
8 ~~the premises of any licensee.~~

9 ~~(4) The sale, purchase, trade or exchange is not made for~~  
10 ~~the purpose of using the liquor for personal consumption.~~

11 ~~(5) The sale, purchase, trade or exchange is only for the~~  
12 ~~purpose of transferring ceramic commemorative bottles or~~  
13 ~~packages between private collectors.~~

14 ~~Section 2 9. This act shall take effect in 60 days.~~ <—

15 ~~SECTION 1. THE TITLE AND TABLE OF CONTENTS OF THE ACT OF~~ <—  
16 ~~APRIL 12, 1951 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, ARE~~  
17 ~~AMENDED TO READ:~~

18 ~~AN ACT~~

19 ~~RELATING TO ALCOHOLIC LIQUORS, ALCOHOL AND MALT AND BREWED~~

20 ~~BEVERAGES; AMENDING, REVISING, CONSOLIDATING AND CHANGING THE~~

21 ~~LAWS RELATING THERETO; REGULATING AND RESTRICTING THE~~

22 ~~MANUFACTURE, PURCHASE, SALE, POSSESSION, CONSUMPTION,~~

23 ~~IMPORTATION, TRANSPORTATION, FURNISHING, HOLDING IN BOND,~~

24 ~~HOLDING IN STORAGE, TRAFFIC IN AND USE OF ALCOHOLIC LIQUORS,~~

25 ~~ALCOHOL AND MALT AND BREWED BEVERAGES AND THE PERSONS ENGAGED~~

26 ~~OR EMPLOYED THEREIN; DEFINING THE POWERS AND DUTIES OF THE~~

27 ~~PENNSYLVANIA LIQUOR CONTROL BOARD, THE OFFICE OF~~

28 ~~ADMINISTRATIVE LAW JUDGE, THE OFFICE OF ATTORNEY GENERAL AND~~

29 ~~LAW ENFORCEMENT AGENCIES; PROVIDING FOR THE ESTABLISHMENT AND~~

30 ~~OPERATION OF STATE LIQUOR STORES, FOR THE PAYMENT OF CERTAIN~~

~~LICENSE FEES TO THE RESPECTIVE MUNICIPALITIES AND TOWNSHIPS,  
FOR THE ABATEMENT OF CERTAIN NUISANCES AND, IN CERTAIN CASES,  
FOR SEARCH AND SEIZURE WITHOUT WARRANT; PRESCRIBING  
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4     ~~SECTION 441. DISTRIBUTORS' AND IMPORTING DISTRIBUTORS'~~  
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9     ~~SECTION 444. MALT OR BREWED BEVERAGES MANUFACTURED OUTSIDE~~  
10         ~~THIS COMMONWEALTH.~~

11         ~~(C) GENERAL PROVISIONS APPLYING TO BOTH LIQUOR AND MALT~~  
12         ~~AND BREWED BEVERAGES.~~

13     ~~SECTION 461. LIMITING NUMBER OF RETAIL LICENSES TO BE ISSUED~~  
14         ~~IN EACH MUNICIPALITY.~~

15     ~~SECTION 461.1. INCORPORATED UNITS OF NATIONAL VETERANS'~~  
16         ~~ORGANIZATIONS.~~

17     ~~SECTION 462. LICENSED PLACES MAY BE CLOSED DURING PERIOD OF~~  
18         ~~EMERGENCY.~~

19     ~~SECTION 463. PLACES OF AMUSEMENT NOT TO BE LICENSED;~~  
20         ~~PENALTY.~~

21     ~~SECTION 464. HEARINGS UPON [REFUSAL OF] APPLICATIONS FOR~~  
22         ~~LICENSES, RENEWALS OR TRANSFERS AND~~  
23         ~~REFUSALS OF APPLICATIONS; APPEALS.~~

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25     ~~SECTION 466. DISPOSITION OF CASH AND SECURITIES UPON~~  
26         ~~FORFEITURE OF BOND.~~

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~~1                   — LICENSEES IN ARMED SERVICE.~~

~~2   SECTION 470.1. RENEWAL OF HOTEL LIQUOR LICENSES; SPECIAL~~

~~3                   — PROVISIONS.~~

~~4   SECTION 471. — REVOCATION AND SUSPENSION OF LICENSES; FINES.~~

~~5   SECTION 472. — LOCAL OPTION.~~

~~6   SECTION 472.1. CLUBS.~~

~~7   SECTION 472.2. GRANTING OF LIQUOR LICENSES IN CERTAIN~~

~~8                   — MUNICIPALITIES.~~

~~9   SECTION 472.3. EXCHANGE OF CERTAIN LICENSES.~~

~~10   SECTION 473. — PUBLIC RECORD.~~

~~11   SECTION 474. — SURRENDER OF CLUB LICENSES FOR BENEFIT OF~~

~~12                   — LICENSEES.~~

~~13   SECTION 475. — ESTABLISHMENTS PROXIMATE TO INTERSTATE HIGHWAYS~~

~~14                   — NOT TO BE LICENSED.~~

~~15   SECTION 477. — APPLICANTS TO PROVIDE STATE TAX IDENTIFICATION~~

~~16                   — NUMBERS AND STATEMENT OF STATE TAX STATUS;~~

~~17                   — WAIVER OF CONFIDENTIALITY OF INFORMATION IN THE~~

~~18                   — POSSESSION OF THE DEPARTMENT OF REVENUE~~

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~~21   (D) — UNLAWFUL ACTS; PENALTIES.~~

~~22   SECTION 491. — UNLAWFUL ACTS RELATIVE TO LIQUOR, ALCOHOL AND~~

~~23                   — LIQUOR LICENSEES.~~

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~~25                   — BEVERAGES AND LICENSEES.~~

~~26   SECTION 493. — UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND~~

~~27                   — BREWED BEVERAGES AND LICENSEES.~~

~~28   SECTION 494. — PENALTIES.~~

~~29   SECTION 495. — IDENTIFICATION CARDS; LICENSEES AND STATE~~

~~30                   — LIQUOR STORE EMPLOYEES SAVED FROM PROSECUTION.~~

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~~— RESTRICTIONS.~~

~~SECTION 505.2. LIMITED WINERIES.~~

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~~SECTION 510. CONTAINERS TO BE LABELED.~~

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18 ~~— BROKER OR TO BUY OR SELL DISTILLERY BONDED~~  
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20 ~~SECTION 703. — AUTHORITY TO ISSUE PERMITS TO DISTILLERY~~  
21 ~~— CERTIFICATE BROKERS.~~

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23 ~~SECTION 705. — ISSUANCE OF PERMITS.~~

24 ~~SECTION 706. — OFFICE OR PLACE OF BUSINESS TO BE MAINTAINED.~~

25 ~~SECTION 707. — PERMIT FEE; PERMITS NOT ASSIGNABLE OR~~  
26 ~~— TRANSFERABLE; DISPLAY OF PERMIT; TERM OF~~  
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28 ~~SECTION 708. — RECORDS TO BE KEPT.~~

29 ~~SECTION 709. — RENEWAL OF PERMITS.~~

30 ~~SECTION 710. — PERMIT HEARINGS; APPEALS FROM REFUSAL OF THE~~

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~~2 [SECTION 711. PROCEDURE OF APPEAL; RECORD TO BE CERTIFIED;~~

~~3 COST OF PREPARING RECORD; APPEAL TO SUPREME~~

~~4 COURT.]~~

~~5 SECTION 712. REVOCATION AND SUSPENSION OF PERMIT.~~

~~6 (C) PERMITTEES' REGISTERED AGENTS.~~

~~7 SECTION 721. UNLAWFUL TO ACT AS AGENT OR TO EMPLOY AGENTS~~

~~8 WITHOUT REGISTRATION.~~

~~9 SECTION 722. REGISTERED AGENTS.~~

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~~11 SECTION 724. REGISTRATION AND ISSUANCE OF IDENTIFICATION~~

~~12 CARD.~~

~~13 SECTION 725. HEARINGS UPON REFUSAL OF THE BOARD; APPEALS.~~

~~14 SECTION 726. REVOCATION AND SUSPENSION OF AGENTS'~~

~~15 REGISTRATIONS.~~

~~16 SECTION 727. IDENTIFICATION CARDS.~~

~~17 (D) EXEMPTIONS.~~

~~18 SECTION 731. BANK AND TRUST COMPANIES AND OTHER PERSONS.~~

~~19 SECTION 732. DISTILLERS, RECTIFIERS AND IMPORTERS.~~

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~~24 SECTION 751. PENALTIES.~~

~~25 ARTICLE VIII. DISPOSITION OF MONEYS COLLECTED UNDER PROVISIONS~~

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~~28 RETURNED TO MUNICIPALITIES.~~

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~~30 OF THE COMMONWEALTH.~~

~~SECTION 803. ALCOHOL TAX MONEYS PAID INTO GENERAL FUND.~~

~~SECTION 804. FUNDING FOR ENFORCEMENT.~~

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~~ARTICLE IX. REPEALS.~~

~~SECTION 901. ACTS AND PARTS OF ACTS REPEALED.~~

~~SECTION 902. GENERAL REPEAL CLAUSE.~~

~~SECTION 2. SECTION 102 OF THE ACT, AMENDED JULY 10, 1957  
(P.L.638, NO.346), AUGUST 17, 1965 (P.L.346, NO.182), DECEMBER  
2, 1970 (P.L.825, NO.271), OCTOBER 11, 1972 (P.L.906, NO.215),  
DECEMBER 12, 1980 (P.L.1195, NO.221), DECEMBER 17, 1982  
(P.L.1390, NO.319) AND MAY 2, 1986 (P.L.141, NO.44), IS AMENDED  
TO READ:~~

~~SECTION 102. DEFINITIONS. THE FOLLOWING WORDS OR PHRASES,  
UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, SHALL HAVE THE  
MEANINGS ASCRIBED TO THEM IN THIS SECTION:~~

~~"ALCOHOL" SHALL MEAN ETHYL ALCOHOL OF ANY DEGREE OF PROOF  
ORIGINALLY PRODUCED BY THE DISTILLATION OF ANY FERMENTED LIQUID,  
WHETHER RECTIFIED OR DILUTED WITH OR WITHOUT WATER, WHATEVER MAY  
BE THE ORIGIN THEREOF, AND SHALL INCLUDE SYNTHETIC ETHYL  
ALCOHOL, BUT SHALL NOT MEAN OR INCLUDE ETHYL ALCOHOL, WHETHER OR  
NOT DILUTED, THAT HAS BEEN DENATURED OR OTHERWISE RENDERED UNFIT  
FOR BEVERAGE PURPOSES.~~

~~"ASSOCIATION" SHALL MEAN A PARTNERSHIP, LIMITED PARTNERSHIP  
OR ANY FORM OF UNINCORPORATED ENTERPRISE OWNED BY TWO OR MORE  
PERSONS.~~

~~"BOARD" SHALL MEAN THE PENNSYLVANIA LIQUOR CONTROL BOARD.~~

~~"BONDED WAREHOUSE" SHALL MEAN AND INCLUDE ALL PLACES AND  
WAREHOUSES LEGALLY ESTABLISHED UNDER THE PROVISIONS OF THE ACTS  
OF CONGRESS AND THE ADMINISTRATIVE PROVISIONS OF THE INTERNAL~~

1 ~~REVENUE LAWS OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA,~~  
2 ~~FOR THE STORAGE, CONCENTRATION, DISTRIBUTION AND HOLDING IN~~  
3 ~~BOND, (A) OF WHISKEY AND ANY OTHER POTABLE DISTILLED SPIRITS,~~  
4 ~~EXCEPT ETHYL ALCOHOL, WHEN USED IN ARTICLE VII ENTITLED~~  
5 ~~"DISTILLERY BONDED WAREHOUSE CERTIFICATES" AND, (B) OF ALCOHOL~~  
6 ~~OR LIQUOR WHEN OTHERWISE USED.~~

7 ~~"CLUB" SHALL MEAN ANY REPUTABLE GROUP OF INDIVIDUALS~~  
8 ~~ASSOCIATED TOGETHER NOT FOR PROFIT FOR LEGITIMATE PURPOSES OF~~  
9 ~~MUTUAL BENEFIT, ENTERTAINMENT, FELLOWSHIP OR LAWFUL CONVENIENCE,~~  
10 ~~HAVING SOME PRIMARY INTEREST AND ACTIVITY TO WHICH THE SALE OF~~  
11 ~~LIQUOR OR MALT AND BREWED BEVERAGES SHALL BE ONLY SECONDARY,~~  
12 ~~WHICH, IF INCORPORATED, HAS BEEN IN CONTINUOUS EXISTENCE AND~~  
13 ~~OPERATION FOR AT LEAST ONE YEAR, AND IF FIRST LICENSED AFTER~~  
14 ~~JUNE SIXTEENTH, ONE THOUSAND NINE HUNDRED THIRTY SEVEN, SHALL~~  
15 ~~HAVE BEEN INCORPORATED IN THIS COMMONWEALTH, AND, IF~~  
16 ~~UNINCORPORATED, FOR AT LEAST TEN YEARS, IMMEDIATELY PRECEDING~~  
17 ~~THE DATE OF ITS APPLICATION FOR A LICENSE UNDER THIS ACT, AND~~  
18 ~~WHICH REGULARLY OCCUPIES, AS OWNER OR LESSEE, A CLUBHOUSE OR~~  
19 ~~QUARTERS FOR THE USE OF ITS MEMBERS. CONTINUOUS EXISTENCE MUST~~  
20 ~~BE PROVEN BY SATISFACTORY EVIDENCE. THE BOARD SHALL REFUSE TO~~  
21 ~~ISSUE A LICENSE IF IT APPEARS THAT THE CHARTER IS NOT IN~~  
22 ~~POSSESSION OF THE ORIGINAL INCORPORATORS OR THEIR DIRECT OR~~  
23 ~~LEGITIMATE SUCCESSORS. THE CLUB SHALL HOLD REGULAR MEETINGS,~~  
24 ~~CONDUCT ITS BUSINESS THROUGH OFFICERS REGULARLY ELECTED, ADMIT~~  
25 ~~MEMBERS BY WRITTEN APPLICATION, INVESTIGATION AND BALLOT, AND~~  
26 ~~CHARGE AND COLLECT DUES FROM ELECTED MEMBERS, AND MAINTAIN SUCH~~  
27 ~~RECORDS AS THE BOARD SHALL FROM TIME TO TIME PRESCRIBE, BUT ANY~~  
28 ~~SUCH CLUB MAY WAIVE OR REDUCE IN AMOUNT, OR PAY FROM ITS CLUB~~  
29 ~~FUNDS, THE DUES OF ANY PERSON WHO WAS A MEMBER AT THE TIME HE~~  
30 ~~WAS INDUCTED INTO THE MILITARY SERVICE OF THE UNITED STATES OR~~

~~WAS ENROLLED IN THE ARMED FORCES OF THE UNITED STATES PURSUANT TO ANY SELECTIVE SERVICE ACT DURING THE TIME OF THE MEMBER'S ACTUAL SERVICE OR ENROLLMENT. THE TERM INCLUDES A PRIVATELY OWNED PRIVATE GOLF COURSE.~~

~~"CONTAINER" SHALL MEAN AND INCLUDE ANY RECEPTACLE, VESSEL OR FORM OF PACKAGE, TANK, VAT, CASK, BARREL, DRUM, KEG, CAN, BOTTLE OR CONDUIT USED OR CAPABLE OF USE FOR HOLDING, STORING, TRANSFERRING OR SHIPMENT OF ALCOHOL LIQUOR OR MALT OR BREWED BEVERAGES.~~

~~"CORPORATION" SHALL MEAN A CORPORATION OR JOINT STOCK ASSOCIATION ORGANIZED UNDER THE LAWS OF THIS COMMONWEALTH, THE UNITED STATES, OR ANY OTHER STATE, TERRITORY, OR FOREIGN COUNTRY OR DEPENDENCY.~~

~~"DENATURED ALCOHOL" SHALL MEAN AND INCLUDE ALL ALCOHOL OR ANY COMPOUND THEREOF WHICH BY THE ADMIXTURE OF SUCH DENATURING MATERIAL OR MATERIALS IS RENDERED UNFIT FOR USE AS A BEVERAGE.~~

~~"DENATURING PLANT" SHALL MEAN AND INCLUDE THE PREMISES OF A DISTILLERY USED EXCLUSIVELY FOR THE DENATURIZATION OF ALCOHOL, EITHER SPECIALLY OR COMPLETELY, BY THE ADMIXTURE OF SUCH DENATURING MATERIALS AS SHALL RENDER THE ALCOHOL OR ANY COMPOUND IN WHICH IT IS AUTHORIZED TO BE USED UNFIT FOR USE AS A BEVERAGE.~~

~~"DISTILLERY" SHALL MEAN AND INCLUDE ANY PREMISES OR PLANT WHEREIN ALCOHOL OR LIQUOR IS MANUFACTURED, MADE AND DISTILLED FROM RAW MATERIALS, BLENDED OR RECTIFIED, OR ANY PLACE WHEREIN ALCOHOL OR LIQUOR IS PRODUCED BY ANY METHOD SUITABLE FOR THE PRODUCTION OF ALCOHOL. THE TERM SHALL NOT INCLUDE A "WINERY" WHERE ALCOHOL IS DERIVED FROM BY PRODUCTS OF WINE PRODUCTION BY DISTILLATION FOR THE SOLE PURPOSE OF ADDING TO THE FERMENTED PRODUCTS TO FORTIFY THE SAME.~~

~~"DISTILLERY BONDED WAREHOUSE CERTIFICATE" SHALL MEAN A  
CERTIFICATE, RECEIPT, CONTRACT OR OTHER DOCUMENT GIVEN UPON THE  
STORAGE OF WHISKEY OR ANY OTHER POTABLE DISTILLED SPIRITS,  
EXCEPT ETHYL ALCOHOL, IN A BONDED WAREHOUSE, AND EVIDENCING THE  
OWNERSHIP OF SUCH WHISKEY OR OTHER POTABLE DISTILLED SPIRITS.~~

~~"DISTILLERY CERTIFICATE BROKER" SHALL MEAN AND INCLUDE EVERY  
PERSON WHO ENGAGES DIRECTLY OR THROUGH AN AGENT IN SELLING,  
PURCHASING, EXCHANGING, OFFERING FOR SALE OR DELIVERY, OR  
ENTERING INTO AGREEMENTS FOR THE PURCHASE, SALE OR EXCHANGE, OR  
SOLICITING SUBSCRIPTIONS TO OR ORDERS FOR, OR UNDERTAKING TO  
DISPOSE OF, OR DEALING IN ANY MANNER IN, DISTILLERY BONDED  
WAREHOUSE CERTIFICATES.~~

~~"DISTRIBUTOR" SHALL MEAN ANY PERSON LICENSED BY THE BOARD TO:~~

~~(1) ENGAGE IN THE PURCHASE ONLY FROM PENNSYLVANIA  
MANUFACTURERS AND FROM IMPORTING DISTRIBUTORS AND THE RESALE OF  
MALT OR BREWED BEVERAGES, EXCEPT TO IMPORTING DISTRIBUTORS AND  
DISTRIBUTORS, IN THE ORIGINAL SEALED CONTAINERS AS PREPARED FOR  
THE MARKET BY THE MANUFACTURER AT THE PLACE OF MANUFACTURE, BUT  
NOT FOR CONSUMPTION ON THE PREMISES WHERE SOLD, AND IN  
QUANTITIES OF NOT LESS THAN A CASE OF TWENTY FOUR CONTAINERS,  
EACH CONTAINER HOLDING SEVEN FLUID OUNCES OR MORE, OR A CASE OF  
TWELVE CONTAINERS, EACH CONTAINER HOLDING TWENTY FOUR FLUID  
OUNCES OR MORE, EXCEPT ORIGINAL CONTAINERS CONTAINING ONE  
HUNDRED TWENTY EIGHT OUNCES OR MORE WHICH MAY BE SOLD  
SEPARATELY[.]; OR~~

~~(2) ENGAGE IN THE PURCHASE OF WINE FROM WINERIES, LICENSED  
IMPORTERS OF WINE, IMPORTING DISTRIBUTORS, MASTER WINE  
DISTRIBUTORS OR THE BOARD FOR RESALE, EXCEPT TO IMPORTING  
DISTRIBUTORS AND DISTRIBUTORS, BUT NOT FOR CONSUMPTION ON THE  
PREMISES WHERE SOLD.~~

~~"DIVISION" SHALL MEAN THE LIQUOR CODE ENFORCEMENT DIVISION OF  
THE OFFICE OF ATTORNEY GENERAL.~~

~~"EATING PLACE" SHALL MEAN A PREMISE WHERE FOOD IS REGULARLY  
AND CUSTOMARILY PREPARED AND SOLD, HAVING A TOTAL AREA OF NOT  
LESS THAN THREE HUNDRED SQUARE FEET AVAILABLE TO THE PUBLIC IN  
ONE OR MORE ROOMS, OTHER THAN LIVING QUARTERS, AND EQUIPPED WITH  
TABLES AND CHAIRS ACCOMMODATING THIRTY PERSONS AT ONE TIME.~~

~~"GOLF COURSE" SHALL MEAN A COURSE HAVING A MINIMUM OF NINE  
HOLES AND A TOTAL LENGTH OF AT LEAST TWENTY FIVE HUNDRED YARDS.  
THE TERM INCLUDES A PRIVATELY OWNED PRIVATE GOLF COURSE.~~

~~"HOTEL" SHALL MEAN ANY REPUTABLE PLACE OPERATED BY  
RESPONSIBLE PERSONS OF GOOD REPUTATION WHERE THE PUBLIC MAY, FOR  
A CONSIDERATION, OBTAIN SLEEPING ACCOMMODATIONS AND MEALS AND  
WHICH, IN A CITY, HAS AT LEAST TEN, AND IN ANY OTHER PLACE AT  
LEAST SIX, PERMANENT BEDROOMS FOR THE USE OF GUESTS, A PUBLIC  
DINING ROOM OR ROOMS OPERATED BY THE SAME MANAGEMENT  
ACCOMMODATING AT LEAST THIRTY PERSONS AT ONE TIME, AND A  
KITCHEN, APART FROM THE PUBLIC DINING ROOM OR ROOMS, IN WHICH  
FOOD IS REGULARLY PREPARED FOR THE PUBLIC.~~

~~"IMPORTING DISTRIBUTOR" SHALL MEAN ANY PERSON LICENSED BY THE  
BOARD TO:~~

~~(1) ENGAGE IN THE PURCHASE FROM MANUFACTURERS AND OTHER  
PERSONS LOCATED OUTSIDE THIS COMMONWEALTH AND FROM PERSONS  
LICENSED AS MANUFACTURERS OF MALT OR BREWED BEVERAGES AND  
IMPORTING DISTRIBUTORS UNDER THIS ACT, AND THE RESALE OF MALT OR  
BREWED BEVERAGES IN THE ORIGINAL SEALED CONTAINERS AS PREPARED  
FOR THE MARKET BY THE MANUFACTURER AT THE PLACE OF MANUFACTURE,  
BUT NOT FOR CONSUMPTION ON THE PREMISES WHERE SOLD, AND IN  
QUANTITIES OF NOT LESS THAN A CASE OF TWENTY FOUR CONTAINERS,  
EACH CONTAINER HOLDING SEVEN FLUID OUNCES OR MORE, OR A CASE OF~~

~~TWELVE CONTAINERS, EACH CONTAINER HOLDING TWENTY FOUR FLUID  
OUNCES OR MORE, EXCEPT ORIGINAL CONTAINERS CONTAINING ONE  
HUNDRED TWENTY EIGHT OUNCES OR MORE WHICH MAY BE SOLD  
SEPARATELY[.]; OR~~

~~(2) ENGAGE IN THE PURCHASE OF WINE FROM MASTER WINE  
DISTRIBUTORS, WINERIES, LICENSED IMPORTERS OF WINE, IMPORTING  
DISTRIBUTORS OR THE BOARD FOR RESALE BUT NOT FOR CONSUMPTION ON  
THE PREMISES.~~

~~"LAW ENFORCEMENT AGENCY" SHALL INCLUDE, BUT NOT BE LIMITED  
TO, COUNTY DETECTIVES, THE LIQUOR CODE ENFORCEMENT DIVISION OF  
THE OFFICE OF ATTORNEY GENERAL, THE BUREAU OF CRIMINAL  
INVESTIGATIONS OF THE OFFICE OF ATTORNEY GENERAL AND THE  
PENNSYLVANIA STATE POLICE.~~

~~"LIMITED WINERY" SHALL MEAN A WINERY WITH A MAXIMUM OUTPUT OF  
{ONE HUNDRED THOUSAND (100,000)} FIVE HUNDRED THOUSAND (500,000)  
GALLONS PER YEAR.~~

~~"LIQUOR" SHALL MEAN AND INCLUDE ANY ALCOHOLIC, SPIRITUOUS,  
VINOUS, FERMENTED OR OTHER ALCOHOLIC BEVERAGE, OR COMBINATION OF  
LIQUORS AND MIXED LIQUOR A PART OF WHICH IS SPIRITUOUS, VINOUS,  
FERMENTED OR OTHERWISE ALCOHOLIC, INCLUDING ALL DRINKS OR  
DRINKABLE LIQUIDS, PREPARATIONS OR MIXTURES, AND REUSED,  
RECOVERED OR REDISTILLED DENATURED ALCOHOL USABLE OR TAXABLE FOR  
BEVERAGE PURPOSES WHICH CONTAIN MORE THAN ONE HALF OF ONE PER  
CENT OF ALCOHOL BY VOLUME, EXCEPT PURE ETHYL ALCOHOL AND MALT OR  
BREWED BEVERAGES.~~

~~"MALT OR BREWED BEVERAGES" MEANS ANY BEER, LAGER BEER, ALE,  
PORTER OR SIMILAR FERMENTED MALT BEVERAGE CONTAINING ONE HALF OF  
ONE PER CENTUM OR MORE OF ALCOHOL BY VOLUME, BY WHATEVER NAME  
SUCH BEVERAGE MAY BE CALLED.~~

~~"MANUFACTURE", WHEN THE TERM IS APPLIED TO MALT OR BREWED~~



1 ~~BEVERAGES, SHALL MEAN AND INCLUDE ALL MEANS, METHODS AND~~  
2 ~~PROCESSES USED, EMPLOYED AND MADE USE OF, TO PRODUCE, MAKE AND~~  
3 ~~MANUFACTURE FOR COMMERCIAL PURPOSES, MALT OR BREWED BEVERAGES~~  
4 ~~FROM RAW MATERIALS; WHEN APPLIED OTHERWISE, IT SHALL MEAN AND~~  
5 ~~INCLUDE ALL MEANS, METHODS AND PROCESSES USED, EMPLOYED AND MADE~~  
6 ~~USE OF, TO PRODUCE AND MAKE ALCOHOL OR LIQUOR FROM RAW~~  
7 ~~MATERIALS, AND SHALL MEAN AND INCLUDE RECTIFICATION AND BLENDING~~  
8 ~~OF ALCOHOL AND LIQUOR, THE PRODUCTION, RECOVERY OR REUSE OF~~  
9 ~~ALCOHOL IN THE MAKING, DEVELOPING, USING IN THE PROCESS OF~~  
10 ~~MANUFACTURE, DENATURING, REDISTILLING OR RECOVERING OF ANY~~  
11 ~~ALCOHOL OR LIQUOR IN DISTILLERIES, DENATURING PLANTS AND~~  
12 ~~WINERIES.~~

13 ~~"MANUFACTURER" SHALL MEAN ANY PERSON, ASSOCIATION OR~~  
14 ~~CORPORATION ENGAGED IN THE PRODUCING, MANUFACTURING, DISTILLING,~~  
15 ~~RECTIFYING OR COMPOUNDING OF LIQUOR, ALCOHOL OR MALT OR BREWED~~  
16 ~~BEVERAGES IN THIS COMMONWEALTH OR ELSEWHERE.~~

17 ~~"MANUFACTURER OF MALT OR BREWED BEVERAGES" SHALL MEAN ANY~~  
18 ~~PERSON HOLDING A LICENSE ISSUED BY THE BOARD TO ENGAGE IN THE~~  
19 ~~MANUFACTURE, TRANSPORTATION AND SALE OF MALT OR BREWED~~  
20 ~~BEVERAGES; ALSO, ANY PERSON ENGAGED IN THE LEGAL MANUFACTURE OF~~  
21 ~~MALT OR BREWED BEVERAGES WITHIN THE TERRITORIAL LIMITS OF THE~~  
22 ~~UNITED STATES, OUTSIDE THE COMMONWEALTH OF PENNSYLVANIA.~~

23 ~~"MASTER WINE DISTRIBUTOR" SHALL MEAN ANY IMPORTING~~  
24 ~~DISTRIBUTOR, LICENSED WINE IMPORTER OR LIMITED WINERY WHO~~  
25 ~~SECURES, IN WRITING, FROM THE MANUFACTURER AN EXCLUSIVE~~  
26 ~~GEOGRAPHICAL TERRITORY TO MARKET AND DISTRIBUTE THAT~~  
27 ~~MANUFACTURER'S WINE PRODUCTS.~~

28 ~~"MUNICIPALITY" SHALL MEAN ANY CITY, BOROUGH, INCORPORATED~~  
29 ~~TOWN, OR TOWNSHIP OF THIS COMMONWEALTH.~~

30 ~~"ORIGINAL CONTAINER" SHALL MEAN ALL BOTTLES, CASKS, KEGS OR~~

1 ~~OTHER SUITABLE CONTAINERS THAT HAVE BEEN SECURELY CAPPED, SEALED~~  
2 ~~OR CORKED BY THE MANUFACTURER OF MALT OR BREWED BEVERAGES AT THE~~  
3 ~~PLACE OF MANUFACTURE, WITH THE NAME AND ADDRESS OF THE~~  
4 ~~MANUFACTURER OF THE MALT OR BREWED BEVERAGES CONTAINED OR TO BE~~  
5 ~~CONTAINED THEREIN PERMANENTLY AFFIXED TO THE BOTTLE, CASK, KEG~~  
6 ~~OR OTHER CONTAINER, OR IN THE CASE OF A BOTTLE OR CAN, TO THE~~  
7 ~~CAP OR CORK USED IN SEALING THE SAME OR TO A LABEL SECURELY~~  
8 ~~AFFIXED TO A BOTTLE OR CAN.~~

9 ~~"PACKAGE" SHALL MEAN ANY CONTAINER OR CONTAINERS OR~~  
10 ~~RECEPTACLE OR RECEPTACLES USED FOR HOLDING LIQUOR OR ALCOHOL AS~~  
11 ~~MARKETED BY THE MANUFACTURER.~~

12 ~~"PERFORMING ARTS FACILITIES" SHALL MEAN THOSE HALLS OR~~  
13 ~~THEATERS IN WHICH LIVE MUSICAL, CONCERT, DANCE, BALLET AND~~  
14 ~~LEGITIMATE PLAY BOOK LENGTH PRODUCTIONS ARE PERFORMED.~~  
15 ~~PERFORMING ARTS FACILITIES SHALL NOT MEAN THOSE HALLS OR~~  
16 ~~THEATERS IN WHICH BURLESQUE SHOWS OR REVIEWS ARE PERFORMED.~~

17 ~~"PERSON" SHALL MEAN A NATURAL PERSON, ASSOCIATION OR~~  
18 ~~CORPORATION. WHENEVER USED IN A CLAUSE PRESCRIBING OR IMPOSING A~~  
19 ~~FINE OR IMPRISONMENT OR BOTH, THE TERM "PERSON", AS APPLIED TO~~  
20 ~~"ASSOCIATION", SHALL MEAN THE PARTNERS OR MEMBERS THEREOF, AND~~  
21 ~~AS APPLIED TO "CORPORATION", SHALL MEAN THE OFFICERS THEREOF,~~  
22 ~~EXCEPT, AS TO INCORPORATED CLUBS, THE TERM "PERSON" SHALL MEAN~~  
23 ~~SUCH INDIVIDUAL OR INDIVIDUALS WHO, UNDER THE BY LAWS OF SUCH~~  
24 ~~CLUB, SHALL HAVE JURISDICTION OVER THE POSSESSION AND SALE OF~~  
25 ~~LIQUOR THEREIN.~~

26 ~~"POPULATION" SHALL MEAN THE NUMBER OF INHABITANTS AS~~  
27 ~~DETERMINED BY THE LAST PRECEDING DECENNIAL CENSUS OF THE UNITED~~  
28 ~~STATES, OR BY ANY OTHER CENSUS SUBSEQUENTLY TAKEN BY THE CENSUS~~  
29 ~~BUREAU OF THE UNITED STATES AND SO CERTIFIED BY IT: PROVIDED,~~  
30 ~~HOWEVER, THAT SUCH OTHER CENSUS SHALL NOT BE A BASIS FOR THE~~

1 ~~FIXING OF LICENSE FEES AS PROVIDED IN ARTICLE IV. SECTIONS 405~~  
2 ~~AND 439.~~

3 ~~"POTABLE DISTILLED SPIRITS" SHALL MEAN AND INCLUDE ANY~~  
4 ~~DISTILLATE FROM GRAINS, WINE, FRUITS, VEGETABLES OR MOLASSES,~~  
5 ~~EXCEPT ETHYL ALCOHOL, CAPABLE OF BEING USED FOR BEVERAGE~~  
6 ~~PURPOSES.~~

7 ~~"REGULATION" SHALL MEAN ANY REGULATION PRESCRIBED BY THE~~  
8 ~~BOARD OR THE ATTORNEY GENERAL FOR CARRYING OUT THE PROVISIONS OF~~  
9 ~~THIS ACT.~~

10 ~~"RESTAURANT" SHALL MEAN A REPUTABLE PLACE OPERATED BY~~  
11 ~~RESPONSIBLE PERSONS OF GOOD REPUTATION AND HABITUALLY AND~~  
12 ~~PRINCIPALLY USED FOR THE PURPOSE OF PROVIDING FOOD FOR THE~~  
13 ~~PUBLIC, THE PLACE TO HAVE AN AREA WITHIN A BUILDING OF NOT LESS~~  
14 ~~THAN FOUR HUNDRED SQUARE FEET, EQUIPPED WITH TABLES AND CHAIRS~~  
15 ~~ACCOMMODATING AT LEAST THIRTY PERSONS AT ONE TIME.~~

16 ~~"RETAIL DISPENSER" SHALL MEAN ANY PERSON LICENSED TO ENGAGE~~  
17 ~~IN THE RETAIL SALE OF MALT OR BREWED BEVERAGES AND WINE FOR~~  
18 ~~CONSUMPTION ON THE PREMISES OF SUCH LICENSEE, WITH THE PRIVILEGE~~  
19 ~~OF SELLING MALT OR BREWED BEVERAGES AND WINE COOLERS IN~~  
20 ~~QUANTITIES NOT IN EXCESS OF ONE HUNDRED FORTY FOUR FLUID OUNCES~~  
21 ~~IN A SINGLE SALE TO ONE PERSON OR WINE IN QUANTITIES OF NOT MORE~~  
22 ~~THAN TWO AND TWENTY FIVE HUNDREDTHS LITERS IN A SINGLE SALE TO~~  
23 ~~ONE PERSON, TO BE CARRIED FROM THE PREMISES BY THE PURCHASER~~  
24 ~~THEREOF.~~

25 ~~"SALE" OR "SELL" SHALL INCLUDE ANY TRANSFER OF LIQUOR,~~  
26 ~~ALCOHOL OR MALT OR BREWED BEVERAGES FOR A CONSIDERATION.~~

27 ~~"WHISKEY" SHALL MEAN AND INCLUDE ANY ALCOHOLIC DISTILLATE~~  
28 ~~FROM A FERMENTED MASH OF GRAIN, CAPABLE OF BEING USED FOR~~  
29 ~~BEVERAGE PURPOSES.~~

30 ~~"WINE" SHALL MEAN ANY BEVERAGE CONTAINING MORE THAN ONE HALF~~

~~OF ONE PER CENTUM AND NOT MORE THAN TWENTY FOUR PER CENTUM  
ABSOLUTE ALCOHOL BY VOLUME OBTAINED BY THE FERMENTATION OF THE  
NATURAL SUGAR CONTENTS OF FRUITS OR OTHER AGRICULTURAL PRODUCTS  
CONTAINING SUGAR, INCLUDING ALL NATURAL WINES AND FORTIFIED  
WINES WITHIN THE ABOVE LIMITS, BUT NOT INCLUDING ANY BEVERAGE  
KNOWN AS BEER, LAGER BEER, ALE, PORTER OR SIMILAR FERMENTED MALT  
LIQUOR OBTAINED BY ALCOHOLIC FERMENTATION OF AN INFUSION OR  
DECOCTION OF BARLEY, MALT AND HOPS IN WATER.~~

~~"WINERY" SHALL MEAN AND INCLUDE ANY PREMISES AND PLANTS WHERE  
ANY ALCOHOL OR LIQUOR IS PRODUCED BY THE PROCESS BY WHICH WINE  
IS PRODUCED, OR PREMISES AND PLANTS WHEREIN LIQUID SUCH AS WINE  
IS PRODUCED; AND SHALL INCLUDE THE MANUFACTURE BY DISTILLATION  
OF ALCOHOL FROM THE BY PRODUCTS OF WINE FERMENTATION WHEN THE  
ALCOHOL SO DERIVED IS USED SOLELY TO FORTIFY THE FERMENTED  
PRODUCTS, UNDER SUCH REGULATIONS AS ARE OR MAY BE PROMULGATED BY  
THE PROPER AGENCY OF THE UNITED STATES GOVERNMENT, AND SUCH  
ALCOHOL, FOR THAT PURPOSE ONLY, MAY BE SOLD OR EXCHANGED BETWEEN  
WINERIES HOLDING PERMITS IN THIS COMMONWEALTH, WITHOUT  
RESTRICTION.~~

~~"WINE COOLERS" SHALL MEAN A WINE BASED BEVERAGE WITH AN  
ALCOHOL CONTENT OF LESS THAN EIGHT PER CENTUM CONSISTING OF A  
BLEND OF WINE, FRUIT PULP AND/OR FRUIT JUICES AND OTHER  
INGREDIENTS.~~

~~"WINE DISTRIBUTOR" SHALL MEAN ANY PERSON LICENSED BY THE  
BOARD TO:~~

~~(1) ENGAGE IN THE PURCHASE ONLY FROM PENNSYLVANIA  
MANUFACTURERS, MASTER WINE DISTRIBUTORS OR IMPORTING  
DISTRIBUTORS AND IN THE RESALE OF WINE, EXCEPT TO IMPORTING  
DISTRIBUTORS AND DISTRIBUTORS, IN THE ORIGINAL SEALED CONTAINERS  
AS PREPARED FOR THE MARKET BY THE MANUFACTURER AT THE PLACE OF~~

1 ~~MANUFACTURE, BUT NOT FOR CONSUMPTION ON THE PREMISES WHERE SOLD;~~

2 ~~OR~~

3 ~~(2) ENGAGE IN THE PURCHASE OF WINE FROM MASTER WINE~~  
4 ~~DISTRIBUTORS, WINERIES, LICENSED IMPORTERS OF WINE, IMPORTING~~  
5 ~~DISTRIBUTORS OR THE BOARD FOR RESALE EXCEPT TO IMPORTING~~  
6 ~~DISTRIBUTORS, WINE DISTRIBUTORS AND DISTRIBUTORS, BUT NOT FOR~~  
7 ~~CONSUMPTION ON THE PREMISES WHERE SOLD.~~

8 ~~SECTION 3. SECTION 104 OF THE ACT IS AMENDED TO READ:~~

9 ~~SECTION 104. INTERPRETATION OF ACT. (A) THIS ACT SHALL BE~~  
10 ~~DEEMED AN EXERCISE OF THE POLICE POWER OF THE COMMONWEALTH FOR~~  
11 ~~THE PROTECTION OF THE PUBLIC WELFARE, HEALTH, PEACE AND MORALS~~  
12 ~~OF THE PEOPLE OF THE COMMONWEALTH AND TO PROHIBIT FOREVER THE~~  
13 ~~OPEN SALOON, AND ALL OF THE PROVISIONS OF THIS ACT SHALL BE~~  
14 ~~LIBERALLY CONSTRUED FOR THE ACCOMPLISHMENT OF THIS PURPOSE.~~

15 ~~(B) THE PROVISIONS OF THIS ACT ARE SEVERABLE AND IF ANY OF~~  
16 ~~ITS PROVISIONS SHALL BE HELD UNCONSTITUTIONAL THE DECISION OF~~  
17 ~~THE COURT SHALL NOT AFFECT OR IMPAIR ANY OF THE REMAINING~~  
18 ~~PROVISIONS OF THIS ACT. IT IS HEREBY DECLARED TO BE THE~~  
19 ~~LEGISLATIVE INTENT THAT THIS ACT WOULD HAVE BEEN ADOPTED HAD~~  
20 ~~SUCH UNCONSTITUTIONAL PROVISIONS NOT BEEN INCLUDED HEREIN.~~

21 ~~(C) EXCEPT AS OTHERWISE EXPRESSLY PROVIDED, THE PURPOSE OF~~  
22 ~~THIS ACT IS TO PROHIBIT THE MANUFACTURE OF AND TRANSACTIONS IN~~  
23 ~~LIQUOR, ALCOHOL AND MALT OR BREWED BEVERAGES WHICH TAKE PLACE IN~~  
24 ~~THIS COMMONWEALTH, EXCEPT BY AND UNDER THE CONTROL OF THE BOARD~~  
25 ~~OR THE DIVISION, AS HEREIN SPECIFICALLY PROVIDED, AND EVERY~~  
26 ~~SECTION AND PROVISION OF THE ACT SHALL BE CONSTRUED ACCORDINGLY.~~  
27 ~~THE PROVISIONS OF THIS ACT DEALING WITH THE MANUFACTURE,~~  
28 ~~IMPORTATION, SALE AND DISPOSITION OF LIQUOR, ALCOHOL AND MALT OR~~  
29 ~~BREWED BEVERAGES WITHIN THE COMMONWEALTH THROUGH THE~~  
30 ~~INSTRUMENTALITY OF THE BOARD, THE DIVISION AND OTHERWISE,~~

1 ~~PROVIDE THE MEANS BY WHICH SUCH CONTROL SHALL BE MADE EFFECTIVE.~~  
2 ~~THIS ACT SHALL NOT BE CONSTRUED AS FORBIDDING, AFFECTING OR~~  
3 ~~REGULATING ANY TRANSACTION WHICH IS NOT SUBJECT TO THE~~  
4 ~~LEGISLATIVE AUTHORITY OF THIS COMMONWEALTH.~~

5 ~~(D) ANY REFERENCE IN THIS ACT TO THE PROVISIONS OF LAW ON~~  
6 ~~ANY SUBJECT SHALL APPLY TO STATUTES BECOMING EFFECTIVE AFTER THE~~  
7 ~~EFFECTIVE DATE OF THIS ACT AS WELL AS TO THOSE THEN IN~~  
8 ~~EXISTENCE.~~

9 ~~(E) SECTION HEADINGS SHALL NOT BE TAKEN TO GOVERN OR LIMIT~~  
10 ~~THE SCOPE OF THE SECTIONS OF THIS ACT. THE SINGULAR SHALL~~  
11 ~~INCLUDE THE PLURAL AND THE MASCULINE SHALL INCLUDE THE FEMININE~~  
12 ~~AND THE NEUTER.~~

13 ~~SECTION 4. THE HEADING OF ARTICLE II OF THE ACT IS AMENDED~~  
14 ~~TO READ:~~

15 ~~ARTICLE II.~~

16 ~~{PENNSYLVANIA LIQUOR CONTROL BOARD.}~~

17 ~~ADMINISTRATION AND ENFORCEMENT.~~

18 ~~SECTION 5. SECTION 201 OF THE ACT, AMENDED NOVEMBER 23, 1976~~  
19 ~~(P.L.1123, NO.235), IS AMENDED TO READ:~~

20 ~~SECTION 201. APPOINTMENT OF MEMBERS; TERMS; SALARIES. AN~~  
21 ~~INDEPENDENT ADMINISTRATIVE BOARD TO BE KNOWN AS THE~~  
22 ~~"PENNSYLVANIA LIQUOR CONTROL BOARD" IS HEREBY CREATED. THE BOARD~~  
23 ~~SHALL CONSIST OF THREE MEMBERS TO BE APPOINTED BY THE GOVERNOR~~  
24 ~~BY AND WITH THE ADVICE AND CONSENT OF [TWO THIRDS] A MAJORITY OF~~  
25 ~~ALL THE MEMBERS OF THE SENATE. [OF THE ORIGINAL MEMBERS, ONE~~  
26 ~~SHALL BE APPOINTED FOR A TERM OF TWO YEARS, ONE FOR A TERM OF~~  
27 ~~FOUR YEARS, AND ONE FOR A TERM OF SIX YEARS FROM THE DATE OF HIS~~  
28 ~~APPOINTMENT AND UNTIL HIS SUCCESSOR SHALL HAVE BEEN APPOINTED~~  
29 ~~AND QUALIFIED. THEREAFTER, ALL] EXCEPT WHEN A MEMBER IS~~  
30 ~~APPOINTED TO FILL AN UNEXPIRED TERM ALL APPOINTMENTS SHALL BE~~

FOR TERMS OF SIX YEARS OR UNTIL SUCCESSORS ARE APPOINTED AND  
QUALIFIED. NO MEMBER SHALL SERVE MORE THAN NINETY (90) DAYS  
BEYOND THE EXPIRATION OF HIS TERM. EACH OF THE MEMBERS SHALL  
RECEIVE AN ANNUAL SALARY OF TWENTY FOUR THOUSAND DOLLARS  
(\$24,000), EXCEPT THE CHAIRMAN, WHO SHALL RECEIVE AN ANNUAL  
SALARY OF TWENTY FIVE THOUSAND DOLLARS (\$25,000).

SECTION 6. SECTION 205 OF THE ACT IS AMENDED TO READ:

SECTION 205. BONDS REQUIRED OF MEMBERS AND SECRETARY.  
BEFORE ENTERING UPON THE DUTIES OF THEIR RESPECTIVE OFFICES OR  
POSITIONS, EACH MEMBER OF THE BOARD AND THE SECRETARY SHALL  
EXECUTE AND FILE WITH THE STATE TREASURER A BOND IN SUCH PENAL  
SUM AS SHALL BE FIXED BY THE EXECUTIVE BOARD OF THIS  
COMMONWEALTH UPON RECOMMENDATION OF THE GOVERNOR, BUT THE AMOUNT  
OF ANY SUCH BOND SHALL NOT BE LESS THAN TEN THOUSAND DOLLARS  
(\$10,000). BONDS IN SUCH PENAL SUMS AS SHALL BE FIXED BY THE  
EXECUTIVE BOARD LIKEWISE SHALL BE EXECUTED AND FILED WITH THE  
STATE TREASURER BY SUCH EMPLOYEES OF THE PENNSYLVANIA LIQUOR  
CONTROL BOARD AS THE HEAD OF SUCH BOARD SHALL, WITH THE APPROVAL  
OF THE EXECUTIVE BOARD, PRESCRIBE. SUCH BONDS SHALL BE PAYABLE  
TO THE COMMONWEALTH OF PENNSYLVANIA AND SHALL BE CONDITIONED FOR  
THE FAITHFUL PERFORMANCE OF THE MEMBERS', SECRETARY'S OR  
EMPLOYEES' DUTIES IMPOSED BY LAW OR BY LAWFUL AUTHORITY AND THAT  
THE PERSON BONDED WILL NOT KNOWINGLY VIOLATE THE PROVISIONS OF  
THIS ACT. ALL BONDS REQUIRED TO BE GIVEN UNDER THIS SECTION  
SHALL, BEFORE BEING ACCEPTED BY THE STATE TREASURER, BE APPROVED  
BY THE [DEPARTMENT OF JUSTICE] OFFICE OF ATTORNEY GENERAL, AND  
UNLESS THE COMMONWEALTH SHALL ESTABLISH ITS OWN INDEMNITY FUND,  
ALL SUCH BONDS SHALL BE GIVEN WITH SECURITY APPROVED BY THE  
[DEPARTMENT OF JUSTICE] OFFICE OF ATTORNEY GENERAL. IF THE  
COMMONWEALTH SHALL ESTABLISH ITS OWN INDEMNITY FUND, THE

1 EXECUTIVE BOARD MAY, NEVERTHELESS, REQUIRE ANY BOND GIVEN  
2 HEREUNDER TO BE EXECUTED BY A SURETY OR SURETIES SATISFACTORY TO  
3 THE [DEPARTMENT OF JUSTICE] OFFICE OF ATTORNEY GENERAL. THE COST  
4 OF SUCH BONDS REQUIRED TO BE EXECUTED BY A SURETY OR SURETIES  
5 SHALL BE BORNE BY THE BOARD AS PART OF ITS OPERATING EXPENSE.

6 SECTION 7. ~~SECTION 207 OF THE ACT, AMENDED MAY 25, 1956~~  
7 ~~(1955 P.L.1743, NO.583), JANUARY 13, 1966 (1965 P.L.1301,~~  
8 ~~NO.518), JUNE 17, 1971 (P.L.180, NO.22) AND JULY 27, 1973~~  
9 ~~(P.L.247, NO.70), IS 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] RETAIL PRICES, THE BOARD SHALL NOT GIVE ANY~~  
23 ~~PREFERENCE OR MAKE ANY DISCRIMINATION AS TO CLASSES, BRANDS OR~~  
24 ~~OTHERWISE, EXCEPT TO THE EXTENT AND FOR THE LENGTH OF TIME~~  
25 ~~NECESSARY TO SELL SUCH CLASSES OR BRANDS IN COMPLIANCE WITH ANY~~  
26 ~~FEDERAL ACTION FREEZING OR OTHERWISE CONTROLLING THE PRICE OF~~  
27 ~~SAID CLASSES OR BRANDS, OR EXCEPT WHERE SPECIAL SALES ARE DEEMED~~  
28 ~~NECESSARY TO MOVE UNSALEABLE MERCHANDISE, OR EXCEPT WHERE THE~~  
29 ~~ADDITION OF A SERVICE OR HANDLING CHARGE TO THE FIXED SALES~~  
30 ~~PRICE OF ANY MERCHANDISE IN THE SAME COMPARABLE PRICE BRACKET,~~



1 ~~REGARDLESS OF CLASS, BRAND OR OTHERWISE, IS, IN THE OPINION OF~~  
2 ~~THE BOARD, REQUIRED FOR THE EFFICIENT OPERATION OF THE STATE~~  
3 ~~STORE SYSTEM. THE BOARD SHALL REQUIRE EACH PENNSYLVANIA~~  
4 ~~MANUFACTURER AND EACH NONRESIDENT MANUFACTURER OF LIQUORS, OTHER~~  
5 ~~THAN WINE, SELLING SUCH LIQUORS TO THE BOARD, 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 THROUGH ANOTHER PERSON~~  
20 ~~FOR THE PURPOSE OF EVADING THIS PROVISION RELATING TO PERMITS,~~  
21 ~~THE BOARD SHALL REQUIRE SUCH PERSON, BEFORE PURCHASING LIQUORS~~  
22 ~~FROM HIM OR IT, TO TAKE OUT A PERMIT AND PAY THE SAME FEE AS~~  
23 ~~HEREINBEFORE REQUIRED TO BE PAID BY SUCH MANUFACTURER. ALL~~  
24 ~~PERMIT FEES SO COLLECTED SHALL BE PAID INTO THE STATE STORES~~  
25 ~~FUND. THE BOARD SHALL NOT PURCHASE ANY ALCOHOL OR LIQUOR~~  
26 ~~FERMENTED, DISTILLED, RECTIFIED, COMPOUNDED OR BOTTLED IN ANY~~  
27 ~~STATE, TERRITORY OR COUNTRY, THE LAWS OF WHICH RESULT IN~~  
28 ~~PROHIBITING THE IMPORTATION THEREIN OF ALCOHOL OR LIQUOR,~~  
29 ~~FERMENTED, DISTILLED, RECTIFIED, COMPOUNDED OR BOTTLED IN~~  
30 ~~PENNSYLVANIA.~~

1       ~~(C) TO DETERMINE THE MUNICIPALITIES WITHIN WHICH~~  
2       ~~PENNSYLVANIA LIQUOR STORES SHALL BE ESTABLISHED AND THE~~  
3       ~~LOCATIONS OF THE STORES WITHIN SUCH MUNICIPALITIES.~~

4       ~~(D) TO GRANT, ISSUE, SUSPEND AND REVOKE ALL LICENSES AND~~  
5       ~~PERMITS AUTHORIZED TO BE ISSUED UNDER THIS ACT AND THE~~  
6       ~~REGULATIONS OF THE BOARD AND IMPOSE FINES ON LICENSEES LICENSED~~  
7       ~~UNDER THIS ACT.~~

8       ~~(E) THROUGH THE DEPARTMENT OF [PROPERTY AND SUPPLIES]~~  
9       ~~GENERAL SERVICES AS AGENT, TO LEASE AND FURNISH AND EQUIP SUCH~~  
10       ~~BUILDINGS, ROOMS AND OTHER ACCOMMODATIONS AS SHALL BE REQUIRED~~  
11       ~~FOR THE OPERATION OF THIS ACT.~~

12       ~~(F) TO APPOINT, FIX THE COMPENSATION AND DEFINE THE POWERS~~  
13       ~~AND DUTIES OF SUCH MANAGERS, [OFFICERS,] INSPECTORS, EXAMINERS,~~  
14       ~~CLERKS AND OTHER EMPLOYEES AS SHALL BE REQUIRED FOR THE OPERATION~~  
15       ~~OF THIS ACT, SUBJECT TO THE PROVISIONS OF THE ADMINISTRATIVE~~  
16       ~~CODE OF 1929 AND THE CIVIL SERVICE ACT.~~

17       ~~(G) TO DETERMINE THE NATURE, FORM AND CAPACITY OF ALL~~  
18       ~~PACKAGES AND ORIGINAL CONTAINERS TO BE USED FOR CONTAINING~~  
19       ~~LIQUOR, ALCOHOL OR MALT OR BREWED BEVERAGES.~~

20       ~~(H) WITHOUT IN ANY WAY LIMITING OR BEING LIMITED BY THE~~  
21       ~~FOREGOING, TO DO ALL SUCH THINGS AND PERFORM ALL SUCH ACTS AS~~  
22       ~~ARE DEEMED NECESSARY OR ADVISABLE FOR THE PURPOSE OF CARRYING~~  
23       ~~INTO EFFECT THE PROVISIONS OF THIS ACT AND THE REGULATIONS MADE~~  
24       ~~THEREUNDER.~~

25       ~~(I) FROM TIME TO TIME, TO MAKE SUCH REGULATIONS NOT~~  
26       ~~INCONSISTENT WITH THIS ACT AS IT MAY DEEM NECESSARY FOR THE~~  
27       ~~EFFICIENT ADMINISTRATION OF THIS ACT. THE BOARD SHALL CAUSE SUCH~~  
28       ~~REGULATIONS TO BE PUBLISHED AND DISSEMINATED THROUGHOUT THE~~  
29       ~~COMMONWEALTH IN SUCH MANNER AS IT SHALL DEEM NECESSARY AND~~  
30       ~~ADVISABLE OR AS MAY BE PROVIDED BY LAW. SUCH REGULATIONS ADOPTED~~

1 BY THE BOARD SHALL HAVE THE SAME FORCE AS IF THEY FORMED A PART  
2 OF THIS ACT.

3 ~~[(J) TO INVESTIGATE, WHENEVER ANY PERSON COMPLAINS, OR WHEN~~  
4 ~~THE BOARD IS AWARE THAT THERE IS REASONABLE GROUNDS TO BELIEVE~~  
5 ~~LIQUOR OR MALT OR BREWED BEVERAGE IS BEING SOLD ON PREMISES NOT~~  
6 ~~LICENSED UNDER THE PROVISIONS OF THIS ACT. IF THE INVESTIGATION~~  
7 ~~PRODUCES EVIDENCE OF THE UNLAWFUL SALE OF LIQUOR OR MALT OR~~  
8 ~~BREWED BEVERAGE OR OF ANY OTHER VIOLATION OF THE PROVISIONS OF~~  
9 ~~THIS ACT, THE BOARD SHALL CAUSE THE PROSECUTION OF THE PERSON OR~~  
10 ~~PERSONS BELIEVED TO HAVE BEEN CRIMINALLY LIABLE FOR THE UNLAWFUL~~  
11 ~~ACTS. ANY EQUIPMENT OR APPURTENANCES ACTUALLY USED IN THE~~  
12 ~~COMMISSION OF THE UNLAWFUL ACTS MAY BE CONFISCATED UPON~~  
13 ~~DIRECTION OF THE BOARD. THE CONFISCATION BY OR UNDER THE~~  
14 ~~DIRECTION OF THE BOARD SHALL NOT, IN ANY MANNER, DIVEST OR~~  
15 ~~IMPAIR THE RIGHTS OR INTEREST OF ANY BONA FIDE LIEN HOLDER IN~~  
16 ~~THE EQUIPMENT OR APPURTENANCES, WHO HAD NO KNOWLEDGE THAT THE~~  
17 ~~SAME WAS BEING USED IN VIOLATION OF THIS ACT.]~~

18 SECTION 8. ~~SECTION 209 OF THE ACT, AMENDED JULY 31, 1968~~  
19 ~~(P.L.799, NO.243), IS AMENDED TO READ:~~

20 ~~[(SECTION 209. OFFICERS AND INVESTIGATORS OF THE BOARD TO BE~~  
21 ~~PEACE OFFICERS; POWERS. SUCH EMPLOYES OF THE BOARD AS ARE~~  
22 ~~DESIGNATED "ENFORCEMENT OFFICERS" OR "INVESTIGATORS" ARE HEREBY~~  
23 ~~DECLARED TO BE PEACE OFFICERS AND ARE HEREBY GIVEN POLICE POWER~~  
24 ~~AND AUTHORITY THROUGHOUT THE COMMONWEALTH TO ARREST ON VIEW,~~  
25 ~~EXCEPT IN PRIVATE HOMES, WITHOUT WARRANT, ANY PERSON ACTUALLY~~  
26 ~~ENGAGED IN THE UNLAWFUL SALE, IMPORTATION, MANUFACTURE OR~~  
27 ~~TRANSPORTATION, OR HAVING UNLAWFUL POSSESSION OF LIQUOR, ALCOHOL~~  
28 ~~OR MALT OR BREWED BEVERAGES, CONTRARY TO THE PROVISIONS OF THIS~~  
29 ~~ACT OR ANY OTHER LAW OF THIS COMMONWEALTH. SUCH OFFICERS AND~~  
30 ~~INVESTIGATORS SHALL HAVE POWER AND AUTHORITY, UPON REASONABLE~~

1 ~~AND PROBABLE CAUSE, TO SEARCH FOR AND TO SEIZE WITHOUT WARRANT~~  
2 ~~OR PROCESS, EXCEPT IN PRIVATE HOMES, ANY LIQUOR, ALCOHOL AND~~  
3 ~~MALT OR BREWED BEVERAGES UNLAWFULLY POSSESSED, MANUFACTURED,~~  
4 ~~SOLD, IMPORTED OR TRANSPORTED, AND ANY STILLS, EQUIPMENT,~~  
5 ~~MATERIALS, UTENSILS, VEHICLES, BOATS, VESSELS, ANIMALS,~~  
6 ~~AIRCRAFT, OR ANY OF THEM, WHICH ARE OR HAVE BEEN USED IN THE~~  
7 ~~UNLAWFUL MANUFACTURE, SALE, IMPORTATION OR TRANSPORTATION OF THE~~  
8 ~~SAME. SUCH LIQUOR, ALCOHOL, MALT OR BREWED BEVERAGES, STILLs,~~  
9 ~~EQUIPMENT, MATERIALS, UTENSILS, VEHICLES, BOATS, VESSELS,~~  
10 ~~ANIMALS OR AIRCRAFT SO SEIZED SHALL BE DISPOSED OF AS~~  
11 ~~HEREINAFTER PROVIDED.~~

12 ~~ENFORCEMENT OFFICERS OR INVESTIGATORS MAY BE RETIRED UPON~~  
13 ~~REACHING AGE SIXTY FIVE.]~~

14 ~~SECTION 9. SECTION 210 OF THE ACT IS AMENDED TO READ:~~

15 ~~[SECTION 210. RESTRICTIONS ON MEMBERS OF THE BOARD AND~~  
16 ~~EMPLOYES OF COMMONWEALTH. (A) A MEMBER OR EMPLOYEE OF THE BOARD~~  
17 ~~SHALL NOT BE DIRECTLY OR INDIRECTLY INTERESTED OR ENGAGED IN ANY~~  
18 ~~OTHER BUSINESS OR UNDERTAKING DEALING IN LIQUOR, ALCOHOL, OR~~  
19 ~~MALT OR BREWED BEVERAGES, WHETHER AS OWNER, PART OWNER, PARTNER,~~  
20 ~~MEMBER OF SYNDICATE, SHAREHOLDER, AGENT OR EMPLOYEE, AND WHETHER~~  
21 ~~FOR HIS OWN BENEFIT OR IN A FIDUCIARY CAPACITY FOR SOME OTHER~~  
22 ~~PERSON.~~

23 ~~(B) NO MEMBER OR EMPLOYEE OF THE BOARD NOR ANY EMPLOYEE OF THE~~  
24 ~~COMMONWEALTH SHALL SOLICIT OR RECEIVE, DIRECTLY OR INDIRECTLY,~~  
25 ~~ANY COMMISSION, REMUNERATION OR GIFT WHATSOEVER, FROM ANY PERSON~~  
26 ~~HAVING SOLD, SELLING OR OFFERING LIQUOR OR ALCOHOL FOR SALE TO~~  
27 ~~THE BOARD FOR USE IN PENNSYLVANIA LIQUOR STORES.]~~

28 ~~SECTION 10. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:~~

29 ~~SECTION 211. OFFICE OF ADMINISTRATIVE LAW JUDGE. (A) THERE~~  
30 ~~IS HEREBY CREATED WITHIN THE BOARD AN AUTONOMOUS OFFICE TO BE~~

1 ~~KNOWN AS THE OFFICE OF ADMINISTRATIVE LAW JUDGE.~~

2 ~~(B) THE GOVERNOR SHALL APPOINT A CHIEF ADMINISTRATIVE LAW~~  
3 ~~JUDGE AND AS MANY ADMINISTRATIVE LAW JUDGES AS MAY FROM TIME TO~~  
4 ~~TIME BE NECESSARY FOR THE HOLDING OF HEARINGS REQUIRED OR~~  
5 ~~PERMITTED UNDER THIS ACT.~~

6 ~~(C) ADMINISTRATIVE LAW JUDGES SHALL PRESIDE AT ALL CITATION~~  
7 ~~AND OTHER ENFORCEMENT HEARINGS REQUIRED OR PERMITTED UNDER THIS~~  
8 ~~ACT.~~

9 ~~(D) ADMINISTRATIVE LAW JUDGES APPOINTED PURSUANT TO THIS~~  
10 ~~SECTION SHALL BE LEARNED IN THE LAW AND SHALL BE MEMBERS IN GOOD~~  
11 ~~STANDING OF THE BAR OF THE SUPREME COURT OF PENNSYLVANIA.~~

12 ~~(E) ADMINISTRATIVE LAW JUDGES APPOINTED PURSUANT TO THIS~~  
13 ~~SECTION SHALL BE AFFORDED EMPLOYMENT SECURITY AS PROVIDED BY THE~~  
14 ~~ACT OF AUGUST 5, 1941 (P.L.752, NO.286), KNOWN AS THE "CIVIL~~  
15 ~~SERVICE ACT."~~

16 ~~(F) COMPENSATION FOR THE ADMINISTRATIVE LAW JUDGES SHALL BE~~  
17 ~~ESTABLISHED BY THE EXECUTIVE BOARD.~~

18 ~~(G) ADMINISTRATIVE LAW JUDGES SHALL DEVOTE FULL TIME TO~~  
19 ~~THEIR OFFICIAL DUTIES AND SHALL PERFORM NO DUTIES INCONSISTENT~~  
20 ~~WITH THEIR DUTIES AND RESPONSIBILITIES AS ADMINISTRATIVE LAW~~  
21 ~~JUDGES.~~

22 ~~SECTION 212. POWERS OF THE LIQUOR CODE ENFORCEMENT~~  
23 ~~DIVISION. (A) THERE IS HEREBY CREATED WITHIN THE OFFICE OF~~  
24 ~~ATTORNEY GENERAL THE LIQUOR CODE ENFORCEMENT DIVISION WHICH~~  
25 ~~SHALL BE RESPONSIBLE FOR ENFORCING THIS ACT AND THE REGULATIONS~~  
26 ~~PROMULGATED PURSUANT THERETO.~~

27 ~~(B) THE ATTORNEY GENERAL SHALL APPOINT AN EXECUTIVE DIRECTOR~~  
28 ~~OF THE DIVISION AND SHALL FIX HIS COMPENSATION.~~

29 ~~(C) THE EMPLOYEES OF THE DIVISION WHO ARE DESIGNATED BY THE~~  
30 ~~EXECUTIVE DIRECTOR OF THE DIVISION AS LAW ENFORCEMENT OFFICERS~~

~~ARE HEREBY DECLARED TO BE PEACE OFFICERS AND ARE HEREBY GIVEN  
POLICE POWER THROUGHOUT THE COMMONWEALTH:~~

~~(1) TO INVESTIGATE WHENEVER THERE ARE REASONABLE GROUNDS TO  
BELIEVE LIQUOR OR MALT OR BREWED BEVERAGE IS BEING SOLD ON  
PREMISES NOT LICENSED UNDER THE PROVISIONS OF THIS ACT. IF THE  
INVESTIGATION PRODUCES EVIDENCE OF THE UNLAWFUL SALE OF LIQUOR  
OR MALT OR BREWED BEVERAGE OR ANY OTHER VIOLATION OF THE  
PROVISIONS OF THIS ACT, THE EMPLOYE OF THE LIQUOR CODE  
ENFORCEMENT DIVISION INVOLVED IN THE INVESTIGATION SHALL  
INSTITUTE CRIMINAL PROCEEDINGS AGAINST THE PERSON OR PERSONS  
BELIEVED TO HAVE BEEN CRIMINALLY LIABLE, AS OTHERWISE PROVIDED  
BY LAW OR RULE OF COURT.~~

~~(2) TO ARREST ON VIEW, EXCEPT IN PRIVATE HOMES, WITHOUT  
WARRANT, ANY PERSON ACTUALLY ENGAGED IN THE UNLAWFUL SALE,  
IMPORTATION, MANUFACTURE OR TRANSPORTATION OR HAVING UNLAWFUL  
POSSESSION OF LIQUOR, ALCOHOL OR MALT OR BREWED BEVERAGES  
CONTRARY TO THE PROVISIONS OF THIS ACT OR ANY OTHER LAW OF THIS  
COMMONWEALTH.~~

~~(3) UPON REASONABLE AND PROBABLE CAUSE, TO SEARCH FOR AND TO  
SEIZE, WITHOUT WARRANT OR PROCESS, EXCEPT IN PRIVATE HOMES, ANY  
LIQUOR, ALCOHOL AND MALT OR BREWED BEVERAGES UNLAWFULLY  
POSSESSED, MANUFACTURED, SOLD, IMPORTED OR TRANSPORTED AND ANY  
STILLS, EQUIPMENT, MATERIALS, UTENSILS, VEHICLES, BOATS,  
VESSELS, ANIMALS, AIRCRAFT, OR ANY OF THEM, WHICH ARE OR HAVE  
BEEN USED IN THE UNLAWFUL MANUFACTURE, SALE, IMPORTATION OR  
TRANSPORTATION OF THE SAME. SUCH LIQUOR, ALCOHOL, MALT OR BREWED  
BEVERAGES, STILLS, EQUIPMENT, MATERIALS, UTENSILS, VEHICLES,  
BOATS, VESSELS, ANIMALS OR AIRCRAFT SO SEIZED SHALL BE DISPOSED  
OF AS HEREINAFTER PROVIDED.~~

~~(4) TO INVESTIGATE, ISSUE CITATIONS FOR, AND PROSECUTE SAID~~

~~CITATIONS FOR ANY VIOLATIONS OF THIS ACT OR ANY LAWS OF THIS  
COMMONWEALTH RELATING TO LIQUOR, ALCOHOL OR MALT OR BREWED  
BEVERAGES, OR ANY REGULATIONS OF THE BOARD ADOPTED PURSUANT TO  
SUCH LAWS, OF ANY VIOLATION OF ANY LAWS OF THIS COMMONWEALTH OR  
OF THE UNITED STATES OF AMERICA, RELATING TO THE PAYMENT OF  
TAXES ON LIQUOR, ALCOHOL OR MALT OR BREWED BEVERAGES BY ANY  
LICENSEE, HIS OFFICERS, SERVANTS, AGENTS OR EMPLOYES.~~

~~(D) ANY EQUIPMENT OR APPURTENANCE ACTUALLY USED IN THE  
COMMISSION OF THE UNLAWFUL ACTS MAY BE CONFISCATED. THE  
CONFISCATION SHALL NOT, IN ANY MANNER, DIVEST OR IMPAIR THE  
RIGHTS OR INTEREST OF ANY BONA FIDE LIENHOLDER IN THE EQUIPMENT  
OR APPURTENANCE.~~

~~(E) THE AUTHORITY GIVEN THE LIQUOR CODE ENFORCEMENT DIVISION  
PURSUANT TO THIS SECTION SHALL NOT BE EXCLUSIVE.~~

~~SECTION 213. RESTRICTIONS ON MEMBERS OF THE BOARD, THE  
ATTORNEY GENERAL AND CERTAIN EMPLOYES. (A) NEITHER A MEMBER  
NOR EMPLOYE OF THE BOARD, NOR AN EMPLOYE OF THE OFFICE OF  
ADMINISTRATIVE LAW JUDGE, NOR THE ATTORNEY GENERAL, NOR AN  
EMPLOYE OF THE DIVISION SHALL 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) NEITHER A MEMBER OF THE BOARD, NOR THE ATTORNEY GENERAL,  
NOR ANY EMPLOYE THEREOF, NOR ANY EMPLOYE OF ANY LAW ENFORCEMENT  
AGENCY 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, OR FROM ANY~~

~~PERSON HOLDING OR SEEKING A LICENSE UNDER THE PROVISIONS OF THIS  
ACT.~~

~~SECTION 214. FEES FOR LICENSES AND PERMITS. UNLESS  
SPECIFICALLY SET FORTH IN THIS ACT, ALL FEES FOR PERMITS AND  
LICENSES OR APPLICATIONS, RENEWALS OR TRANSFERS SHALL BE AS  
ESTABLISHED IN SECTION 614 A OF THE ACT OF APRIL 9, 1929  
(P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929."~~

~~SECTION 11. SECTION 305(B) OF THE ACT, AMENDED OCTOBER 2,  
1974 (P.L.668, NO.222), IS AMENDED TO READ:~~

~~SECTION 305. SALES BY PENNSYLVANIA LIQUOR STORES. \* \* \*~~

~~(B) EVERY PENNSYLVANIA LIQUOR STORE SHALL SELL LIQUORS AT  
WHOLESALE TO HOTELS, RESTAURANTS, CLUBS, AND RAILROAD, PULLMAN  
AND STEAMSHIP COMPANIES LICENSED UNDER THIS ACT AND SHALL SELL  
WINE AT WHOLESALE TO DISTRIBUTORS, IMPORTING DISTRIBUTORS, WINE  
DISTRIBUTORS AND RETAIL DISPENSERS; AND, UNDER THE REGULATIONS  
OF THE BOARD, TO PHARMACISTS DULY LICENSED AND REGISTERED UNDER  
THE LAWS OF THE COMMONWEALTH, AND TO MANUFACTURING PHARMACISTS,  
AND TO REPUTABLE HOSPITALS APPROVED BY THE BOARD, OR CHEMISTS.  
THE BOARD MAY SELL TO REGISTERED PHARMACISTS ONLY SUCH LIQUORS  
AS CONFORM TO THE PHARMACOPOEIA OF THE UNITED STATES, THE  
NATIONAL FORMULARY, OR THE AMERICAN HOMEOPATHIC PHARMACOPOEIA.  
THE BOARD MAY SELL AT SPECIAL PRICES UNDER THE REGULATIONS OF  
THE BOARD, TO UNITED STATES ARMED FORCES FACILITIES WHICH ARE  
LOCATED ON UNITED STATES ARMED FORCES INSTALLATIONS AND ARE  
CONDUCTED PURSUANT TO THE AUTHORITY AND REGULATIONS OF THE  
UNITED STATES ARMED FORCES. ALL OTHER SALES BY SUCH STORES SHALL  
BE AT RETAIL. NO LIQUOR SHALL BE SOLD EXCEPT FOR CASH, EXCEPT  
THAT THE BOARD MAY, BY REGULATION, AUTHORIZE THE ACCEPTANCE OF  
CHECKS FOR LIQUOR SOLD AT WHOLESALE. THE BOARD SHALL HAVE POWER  
TO DESIGNATE CERTAIN STORES FOR WHOLESALE OR RETAIL SALES~~



1 ~~EXCLUSIVELY.~~

2       ~~\* \* \*~~

3       ~~SECTION 12. SECTIONS 401(A) AND 407 OF THE ACT ARE AMENDED~~  
4 ~~TO READ:~~

5       ~~SECTION 401. AUTHORITY TO ISSUE LIQUOR LICENSES TO HOTELS,~~  
6 ~~RESTAURANTS AND CLUBS. (A) SUBJECT TO THE PROVISIONS OF THIS~~  
7 ~~ACT AND REGULATIONS PROMULGATED UNDER THIS ACT, THE BOARD SHALL~~  
8 ~~HAVE AUTHORITY TO ISSUE A RETAIL LIQUOR LICENSE FOR ANY PREMISES~~  
9 ~~KEPT OR OPERATED BY A HOTEL, RESTAURANT OR CLUB AND SPECIFIED IN~~  
10 ~~THE LICENSE ENTITLING THE HOTEL, RESTAURANT OR CLUB TO PURCHASE~~  
11 ~~LIQUOR FROM A PENNSYLVANIA LIQUOR STORE, DISTRIBUTOR, IMPORTING~~  
12 ~~DISTRIBUTOR, WINE DISTRIBUTOR, MASTER WINE DISTRIBUTOR OR~~  
13 ~~LICENSED WINE IMPORTER AND TO KEEP ON THE PREMISES SUCH LIQUOR~~  
14 ~~AND, SUBJECT TO THE PROVISIONS OF THIS ACT AND THE REGULATIONS~~  
15 ~~MADE THEREUNDER, TO SELL THE SAME AND ALSO MALT OR BREWED~~  
16 ~~BEVERAGES TO GUESTS, PATRONS OR MEMBERS FOR CONSUMPTION ON THE~~  
17 ~~HOTEL, RESTAURANT OR CLUB PREMISES. SUCH LICENSEES, OTHER THAN~~  
18 ~~CLUBS, SHALL BE PERMITTED TO SELL MALT OR BREWED BEVERAGES AND~~  
19 ~~WINE COOLERS FOR CONSUMPTION OFF THE PREMISES WHERE SOLD IN~~  
20 ~~QUANTITIES OF NOT MORE THAN ONE HUNDRED FORTY FOUR FLUID OUNCES~~  
21 ~~IN A SINGLE SALE TO ONE PERSON AND SHALL BE PERMITTED TO SELL~~  
22 ~~WINE FOR CONSUMPTION OFF THE PREMISES WHERE SOLD IN QUANTITIES~~  
23 ~~OF NOT MORE THAN 2.25 LITERS IN A SINGLE SALE TO ONE PERSON.~~

24 ~~SUCH LICENSES SHALL BE KNOWN AS HOTEL LIQUOR LICENSES,~~  
25 ~~RESTAURANT LIQUOR LICENSES AND CLUB LIQUOR LICENSES,~~  
26 ~~RESPECTIVELY. NO PERSON WHO HOLDS, EITHER BY APPOINTMENT OR~~  
27 ~~ELECTION, ANY PUBLIC OFFICE WHICH INVOLVES THE DUTY TO ENFORCE~~  
28 ~~ANY OF THE PENAL LAWS OF THE UNITED STATES OF AMERICA OR THE~~  
29 ~~PENAL LAWS OF THE COMMONWEALTH OF PENNSYLVANIA OR ANY PENAL~~  
30 ~~ORDINANCE OR RESOLUTION OF ANY POLITICAL SUBDIVISION OF THIS~~

1 ~~COMMONWEALTH SHALL BE ISSUED ANY HOTEL OR RESTAURANT LIQUOR~~  
2 ~~LICENSE, NOR SHALL SUCH A PERSON HAVE ANY INTEREST, DIRECTLY OR~~  
3 ~~INDIRECTLY, IN ANY SUCH LICENSE.~~

4       ~~\* \* \*~~

5       ~~SECTION 407. SALE OF MALT OR BREWED BEVERAGES BY LIQUOR~~  
6 ~~LICENSEES. EVERY LIQUOR LICENSE ISSUED TO A HOTEL, RESTAURANT,~~  
7 ~~CLUB, OR A RAILROAD, PULLMAN OR STEAMSHIP COMPANY UNDER THIS~~  
8 ~~SUBDIVISION (A) FOR THE SALE OF LIQUOR SHALL AUTHORIZE THE~~  
9 ~~LICENSEE TO SELL MALT OR BREWED BEVERAGES AT THE SAME PLACES BUT~~  
10 ~~SUBJECT TO THE SAME RESTRICTIONS AND PENALTIES AS APPLY TO SALES~~  
11 ~~OF LIQUOR, EXCEPT THAT LICENSEES OTHER THAN CLUBS MAY SELL MALT~~  
12 ~~OR BREWED BEVERAGES AND WINE COOLERS FOR CONSUMPTION OFF THE~~  
13 ~~PREMISES WHERE SOLD IN QUANTITIES OF NOT MORE THAN ONE HUNDRED~~  
14 ~~FORTY FOUR FLUID OUNCES IN A SINGLE SALE TO ONE PERSON AND MAY~~  
15 ~~SELL WINE FOR CONSUMPTION OFF THE PREMISES WHERE SOLD IN~~  
16 ~~QUANTITIES OF NOT MORE THAN 2.25 LITERS IN A SINGLE SALE TO ONE~~  
17 ~~PERSON. NO LICENSEE UNDER THIS SUBDIVISION (A) SHALL AT THE SAME~~  
18 ~~TIME BE THE HOLDER OF ANY OTHER CLASS OF LICENSE, EXCEPT A~~  
19 ~~RETAIL DISPENSER'S LICENSE AUTHORIZING THE SALE OF MALT OR~~  
20 ~~BREWED BEVERAGES ONLY.~~

21       ~~SECTION 13. SECTIONS 410(A) AND (E) OF THE ACT ARE AMENDED~~  
22 ~~TO READ:~~

23       ~~SECTION 410. LIQUOR IMPORTERS' LICENSES; FEES; PRIVILEGES;~~  
24 ~~RESTRICTIONS. (A) SUBJECT TO THE PROVISIONS OF THIS ACT IN~~  
25 ~~GENERAL AND MORE PARTICULARLY TO THE FOLLOWING PROVISIONS OF~~  
26 ~~THIS SECTION, THE BOARD SHALL ISSUE LIQUOR IMPORTERS' OR WINE~~  
27 ~~IMPORTERS' LICENSES TO QUALIFIED APPLICANTS.~~

28       ~~\* \* \*~~

29       ~~(E) IMPORTERS' LICENSES SHALL PERMIT THE HOLDERS THEREOF TO~~  
30 ~~BRING OR IMPORT LIQUOR FROM OTHER STATES, FOREIGN COUNTRIES, OR~~

~~INSULAR POSSESSIONS OF THE UNITED STATES, AND PURCHASE LIQUOR  
FROM MANUFACTURERS LOCATED WITHIN THIS COMMONWEALTH, TO BE SOLD  
OUTSIDE OF THIS COMMONWEALTH OR TO PENNSYLVANIA LIQUOR STORES  
WITHIN THIS COMMONWEALTH, OR WHEN IN ORIGINAL CONTAINERS OF TEN  
GALLONS OR GREATER CAPACITY, TO LICENSED MANUFACTURERS WITHIN  
THIS COMMONWEALTH AND TO SELL WINE TO DISTRIBUTORS, IMPORTING  
DISTRIBUTORS, WINE DISTRIBUTORS, ENTITIES ISSUED RETAIL LIQUOR  
LICENSES PURSUANT TO SUBDIVISION (A) OF THIS ARTICLE AND RETAIL  
DISPENSERS.~~

~~\* \* \*~~

~~SECTION 14. SECTION 431(B) OF THE ACT, AMENDED OCTOBER 9,  
1967 (P.L.395, NO.179), IS AMENDED TO READ:~~

~~SECTION 431. MALT AND BREWED BEVERAGES MANUFACTURERS',  
DISTRIBUTORS' AND IMPORTING DISTRIBUTORS' LICENSES. \* \* \*~~

~~(B) THE BOARD SHALL ISSUE TO ANY REPUTABLE PERSON WHO  
APPLIES THEREFOR, PAYS THE LICENSE FEE HEREINAFTER PRESCRIBED,  
AND FILES THE BOND HEREINAFTER REQUIRED, A DISTRIBUTOR'S OR  
IMPORTING DISTRIBUTOR'S LICENSE FOR THE PLACE WHICH SUCH PERSON  
DESIRES TO MAINTAIN (I) FOR THE SALE OF MALT OR BREWED  
BEVERAGES, NOT FOR CONSUMPTION ON THE PREMISES WHERE SOLD, AND  
IN QUANTITIES OF NOT LESS THAN TWENTY FOUR CONTAINERS, EACH  
CONTAINER HOLDING SEVEN FLUID OUNCES OR MORE, OR TWELVE  
CONTAINERS, EACH CONTAINER HOLDING TWENTY FOUR FLUID OUNCES OR  
MORE, EXCEPT ORIGINAL CONTAINERS CONTAINING ONE HUNDRED TWENTY-  
EIGHT OUNCES OR MORE WHICH MAY BE SOLD SEPARATELY AND SUCH  
CONTAINERS TO BE THE ORIGINAL CONTAINERS AS PREPARED FOR THE  
MARKET BY THE MANUFACTURER AT THE PLACE OF MANUFACTURE AND (II)  
FOR THE SALE OF WINE NOT FOR CONSUMPTION ON THE PREMISES WHERE  
SOLD: AND PROVIDED FURTHER, THAT THE BOARD SHALL HAVE THE  
DISCRETION TO REFUSE A LICENSE TO ANY PERSON OR TO ANY~~

1 CORPORATION, PARTNERSHIP OR ASSOCIATION IF SUCH PERSON, OR ANY  
2 OFFICER OR DIRECTOR OF SUCH CORPORATION, OR ANY MEMBER OR  
3 PARTNER OF SUCH PARTNERSHIP OR ASSOCIATION SHALL HAVE BEEN  
4 CONVICTED OR FOUND GUILTY OF A FELONY WITHIN A PERIOD OF FIVE  
5 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION FOR THE SAID  
6 LICENSE.

7 EXCEPT AS HEREINAFTER PROVIDED, SUCH LICENSE SHALL AUTHORIZE  
8 THE HOLDER THEREOF TO SELL OR DELIVER MALT OR BREWED BEVERAGES  
9 IN QUANTITIES ABOVE SPECIFIED AND WINE ANYWHERE WITHIN THE  
10 COMMONWEALTH OF PENNSYLVANIA, WHICH, IN THE CASE OF  
11 DISTRIBUTORS, HAVE BEEN PURCHASED ONLY FROM PERSONS LICENSED  
12 UNDER THIS ACT AS MANUFACTURERS [OR] IMPORTING DISTRIBUTORS,  
13 LICENSED WINE IMPORTERS, MASTER WINE DISTRIBUTORS AND WINERIES  
14 AND IN THE CASE OF IMPORTING DISTRIBUTORS, HAVE BEEN PURCHASED  
15 FROM MANUFACTURERS OR PERSONS OUTSIDE THIS COMMONWEALTH ENGAGED  
16 IN THE LEGAL SALE OF MALT OR BREWED BEVERAGES OR FROM  
17 MANUFACTURERS OR IMPORTING DISTRIBUTORS LICENSED UNDER THIS  
18 ARTICLE OR FROM WINERIES, MASTER WINE DISTRIBUTORS OR LICENSED  
19 WINE IMPORTERS.

20 EACH OUT OF STATE MANUFACTURER OF MALT OR BREWED BEVERAGES  
21 WHOSE PRODUCTS ARE SOLD AND DELIVERED IN THIS COMMONWEALTH SHALL  
22 GIVE DISTRIBUTING RIGHTS FOR SUCH PRODUCTS IN DESIGNATED  
23 GEOGRAPHICAL AREAS TO SPECIFIC IMPORTING DISTRIBUTORS, AND SUCH  
24 IMPORTING DISTRIBUTOR SHALL NOT SELL OR DELIVER MALT OR BREWED  
25 BEVERAGES MANUFACTURED BY THE OUT OF STATE MANUFACTURER TO ANY  
26 PERSON ISSUED A LICENSE UNDER THE PROVISIONS OF THIS ACT WHOSE  
27 LICENSED PREMISES ARE NOT LOCATED WITHIN THE GEOGRAPHICAL AREA  
28 FOR WHICH HE HAS BEEN GIVEN DISTRIBUTING RIGHTS BY SUCH  
29 MANUFACTURER: PROVIDED, THAT THE IMPORTING DISTRIBUTOR HOLDING  
30 SUCH DISTRIBUTING RIGHTS FOR SUCH PRODUCT SHALL NOT SELL OR

1 ~~DELIVER THE SAME TO ANOTHER IMPORTING DISTRIBUTOR WITHOUT FIRST~~  
2 ~~HAVING ENTERED INTO A WRITTEN AGREEMENT WITH THE SAID SECONDARY~~  
3 ~~IMPORTING DISTRIBUTOR SETTING FORTH THE TERMS AND CONDITIONS~~  
4 ~~UNDER WHICH SUCH PRODUCTS ARE TO BE RESOLD WITHIN THE TERRITORY~~  
5 ~~GRANTED TO THE PRIMARY IMPORTING DISTRIBUTOR BY THE~~  
6 ~~MANUFACTURER.~~

7 ~~WHEN A PENNSYLVANIA MANUFACTURER OF MALT OR BREWED BEVERAGES~~  
8 ~~LICENSED UNDER THIS ARTICLE NAMES OR CONSTITUTES A DISTRIBUTOR~~  
9 ~~OR IMPORTING DISTRIBUTOR AS THE PRIMARY OR ORIGINAL SUPPLIER OF~~  
10 ~~HIS PRODUCT, HE SHALL ALSO DESIGNATE THE SPECIFIC GEOGRAPHICAL~~  
11 ~~AREA FOR WHICH THE SAID DISTRIBUTOR OR IMPORTING DISTRIBUTOR IS~~  
12 ~~GIVEN DISTRIBUTING RIGHTS, AND SUCH DISTRIBUTOR OR IMPORTING~~  
13 ~~DISTRIBUTOR SHALL NOT SELL OR DELIVER THE PRODUCTS OF SUCH~~  
14 ~~MANUFACTURER TO ANY PERSON ISSUED A LICENSE UNDER THE PROVISIONS~~  
15 ~~OF THIS ACT WHOSE LICENSED PREMISES ARE NOT LOCATED WITHIN THE~~  
16 ~~GEOGRAPHICAL AREA FOR WHICH DISTRIBUTING RIGHTS HAVE BEEN GIVEN~~  
17 ~~TO THE DISTRIBUTOR AND IMPORTING DISTRIBUTOR BY THE SAID~~  
18 ~~MANUFACTURER: PROVIDED, THAT THE IMPORTING DISTRIBUTOR HOLDING~~  
19 ~~SUCH DISTRIBUTING RIGHTS FOR SUCH PRODUCT SHALL NOT SELL OR~~  
20 ~~DELIVER THE SAME TO ANOTHER IMPORTING DISTRIBUTOR WITHOUT FIRST~~  
21 ~~HAVING ENTERED INTO A WRITTEN AGREEMENT WITH THE SAID SECONDARY~~  
22 ~~IMPORTING DISTRIBUTOR SETTING FORTH THE TERMS AND CONDITIONS~~  
23 ~~UNDER WHICH SUCH PRODUCTS ARE TO BE RESOLD WITHIN THE TERRITORY~~  
24 ~~GRANTED TO THE PRIMARY IMPORTING DISTRIBUTOR BY THE~~  
25 ~~MANUFACTURER. NOTHING HEREIN CONTAINED SHALL BE CONSTRUED TO~~  
26 ~~PREVENT ANY MANUFACTURER FROM AUTHORIZING THE IMPORTING~~  
27 ~~DISTRIBUTOR HOLDING THE DISTRIBUTING RIGHTS FOR A DESIGNATED~~  
28 ~~GEOGRAPHICAL AREA FROM SELLING THE PRODUCTS OF SUCH MANUFACTURER~~  
29 ~~TO ANOTHER IMPORTING DISTRIBUTOR ALSO HOLDING DISTRIBUTING~~  
30 ~~RIGHTS FROM THE SAME MANUFACTURER FOR ANOTHER GEOGRAPHICAL AREA,~~

1 ~~PROVIDING SUCH AUTHORITY BE CONTAINED IN WRITING AND A COPY~~  
2 ~~THEREOF BE GIVEN TO EACH OF THE IMPORTING DISTRIBUTORS SO~~  
3 ~~AFFECTED.~~

4     ~~\* \* \*~~

5     ~~SECTION 15. THE HEADING AND SUBSECTIONS (C) AND (F) OF~~  
6 ~~SECTION 432 OF THE ACT, AMENDED JANUARY 19, 1952 (1951 P.L.2170,~~  
7 ~~NO.619) AND MAY 9, 1984 (P.L.246, NO.54), ARE AMENDED TO READ:~~

8     ~~SECTION 432. MALT [AND], BREWED AND WINE BEVERAGES RETAIL~~  
9 ~~LICENSES. \* \* \*~~

10     ~~(C) NO RETAIL DISPENSER'S LICENSES SHALL BE GRANTED OR~~  
11 ~~RENEWED UPON THEIR EXPIRATION IN ANY MUNICIPALITY IN WHICH THE~~  
12 ~~ELECTORS SHALL VOTE, AS HEREINAFTER PROVIDED, AGAINST THE~~  
13 ~~LICENSING THEREIN OF PLACES WHERE MALT OR BREWED BEVERAGES OR~~  
14 ~~WINE MAY BE SOLD FOR CONSUMPTION ON THE PREMISES WHERE SOLD.~~

15     ~~\* \* \*~~

16     ~~(F) HOTEL, EATING PLACES, OR MUNICIPAL GOLF COURSE RETAIL~~  
17 ~~DISPENSER LICENSEES WHOSE SALES OF FOOD AND NONALCOHOLIC~~  
18 ~~BEVERAGES ARE EQUAL TO FORTY PER CENTUM (40%) OR MORE OF THE~~  
19 ~~COMBINED GROSS SALES OF BOTH FOOD AND MALT OR BREWED BEVERAGES~~  
20 ~~OR WINE MAY SELL MALT OR BREWED BEVERAGES OR WINE BETWEEN THE~~  
21 ~~HOURS OF ELEVEN O'CLOCK ANTEMERIDIAN ON SUNDAY AND TWO O'CLOCK~~  
22 ~~ANTEMERIDIAN ON MONDAY UPON PURCHASE OF A SPECIAL ANNUAL PERMIT~~  
23 ~~FROM THE BOARD AT A FEE OF TWO HUNDRED DOLLARS (\$200.00) PER~~  
24 ~~YEAR, WHICH SHALL BE IN ADDITION TO ANY OTHER LICENSE FEES.~~  
25 ~~PROVIDED FURTHER, THE HOLDER OF SUCH SPECIAL ANNUAL PERMIT MAY~~  
26 ~~SELL MALT OR BREWED BEVERAGES OR WINE AFTER SEVEN O'CLOCK~~  
27 ~~ANTEMERIDIAN AND UNTIL TWO O'CLOCK ANTEMERIDIAN OF THE FOLLOWING~~  
28 ~~DAY, ON ANY DAY ON WHICH A GENERAL, MUNICIPAL, SPECIAL OR~~  
29 ~~PRIMARY ELECTION IS BEING HELD.~~

30     ~~SECTION 16. SECTION 436(H) OF THE ACT IS AMENDED TO READ:~~

1       ~~SECTION 436. APPLICATION FOR DISTRIBUTORS', IMPORTING~~  
2 ~~DISTRIBUTORS' AND RETAIL DISPENSERS' LICENSES. APPLICATION FOR~~  
3 ~~DISTRIBUTORS', IMPORTING DISTRIBUTORS' AND RETAIL DISPENSERS'~~  
4 ~~LICENSES, OR FOR THE TRANSFER OF AN EXISTING LICENSE TO ANOTHER~~  
5 ~~PREMISES NOT THEN LICENSED, SHALL CONTAIN OR HAVE ATTACHED~~  
6 ~~THERE TO THE FOLLOWING INFORMATION AND STATEMENTS:~~

7       ~~\* \* \*~~

8       ~~(H) A FULL DESCRIPTION OF THAT PORTION OF THE PREMISES FOR~~  
9 ~~WHICH LICENSE IS ASKED, AND IF ANY OTHER BUSINESS IS TO BE~~  
10 ~~CONDUCTED CONCURRENTLY WITH THE SALE AND DISTRIBUTION OF MALT OR~~  
11 ~~BREWED BEVERAGES AND WINE, A FULL HISTORY OF SUCH BUSINESS,~~  
12 ~~RELATING THE NATURE THEREOF, THE LENGTH OF TIME IT HAS SO~~  
13 ~~PREVIOUSLY BEEN CONDUCTED BY THE APPLICANT OR HIS PREDECESSOR AT~~  
14 ~~SUCH LOCATION, AND SUCH ADDITIONAL INFORMATION AS THE BOARD MAY~~  
15 ~~REQUIRE.~~

16       ~~\* \* \*~~

17       ~~SECTION 17. SECTIONS 437(E) AND (F) OF THE ACT, AMENDED~~  
18 ~~DECEMBER 22, 1965 (P.L.1149, NO.445), ARE AMENDED TO READ:~~

19       ~~SECTION 437. PROHIBITIONS AGAINST THE GRANT OF LICENSES. \*~~

20       ~~\* \*~~

21       ~~(E) NO DISTRIBUTOR'S OR IMPORTING DISTRIBUTOR'S LICENSE~~  
22 ~~SHALL BE ISSUED FOR ANY PREMISES IN ANY PART OF WHICH THERE IS~~  
23 ~~OPERATED ANY RETAIL LICENSE FOR THE SALE FOR THE CONSUMPTION ON~~  
24 ~~THE PREMISES OF LIQUOR OR MALT OR BREWED BEVERAGES.~~

25       ~~(F) [NO] EXCEPT FOR NEW LICENSES AUTHORIZED PURSUANT TO~~  
26 ~~SUBDIVISION (C.1) OF THIS ARTICLE NO NEW DISTRIBUTOR'S OR~~  
27 ~~IMPORTING DISTRIBUTOR'S LICENSE SHALL HEREAFTER BE GRANTED BY~~  
28 ~~THE BOARD IN ANY COUNTY OF THE COMMONWEALTH WHERE THE COMBINED~~  
29 ~~NUMBER OF DISTRIBUTOR AND IMPORTING DISTRIBUTOR LICENSES EXCEEDS~~  
30 ~~ONE LICENSE FOR EACH FIFTEEN THOUSAND INHABITANTS OF THE COUNTY~~

~~IN WHICH THE LICENSE IS TO BE ISSUED; PROVIDED, THAT A COMBINED  
TOTAL OF FIVE SUCH LICENSES MAY BE GRANTED IN ANY COUNTY OF THE  
COMMONWEALTH.~~

~~NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED AS DENYING THE  
RIGHT OF THE BOARD TO RENEW OR TO TRANSFER EXISTING  
DISTRIBUTORS' OR IMPORTING DISTRIBUTORS' LICENSES OR TO EXCHANGE  
A DISTRIBUTOR'S LICENSE FOR AN IMPORTING DISTRIBUTOR'S LICENSE  
OR TO EXCHANGE AN IMPORTING DISTRIBUTOR'S LICENSE FOR A  
DISTRIBUTOR'S LICENSE, UPON ADJUSTMENT OF THE APPLICABLE FEE,  
NOTWITHSTANDING THAT THE NUMBER OF SUCH LICENSED PLACES IN THE  
COUNTY SHALL EXCEED THE LIMITATION HEREINBEFORE PRESCRIBED;  
PROVIDED, THAT NO DISTRIBUTOR'S LICENSE OR IMPORTING  
DISTRIBUTOR'S LICENSE SHALL BE TRANSFERRED FROM ONE COUNTY TO  
ANOTHER COUNTY SO LONG AS THE QUOTA IS FILLED IN THE COUNTY TO  
WHICH THE LICENSE IS PROPOSED TO BE TRANSFERRED.~~

~~SECTION 18. SECTION 438 OF THE ACT IS AMENDED TO READ:~~

~~SECTION 438. NUMBER AND KINDS OF LICENSES ALLOWED SAME  
LICENSEE. (A) ANY RETAIL DISPENSER MAY BE GRANTED LICENSES TO  
MAINTAIN, OPERATE OR CONDUCT ANY NUMBER OF PLACES FOR THE SALE  
OF MALT OR BREWED BEVERAGES OR WINE, BUT A SEPARATE LICENSE MUST  
BE SECURED FOR EACH PLACE WHERE MALT OR BREWED BEVERAGES OR WINE  
ARE SOLD.~~

~~(B) NO PERSON SHALL POSSESS OR BE ISSUED MORE THAN ONE  
DISTRIBUTOR'S OR IMPORTING DISTRIBUTOR'S LICENSE.~~

~~(C) NO PERSON SHALL POSSESS MORE THAN ONE CLASS OF LICENSE,  
EXCEPT THAT A HOLDER OF A RETAIL DISPENSER'S LICENSE MAY ALSO BE  
A HOLDER OF A RETAIL LIQUOR LICENSE.~~

~~SECTION 19. SECTION 442(A) AND (B) OF THE ACT, AMENDED  
OCTOBER 9, 1967 (P.L.413, NO.183) AND MAY 9, 1984 (P.L.246,  
NO.54), ARE AMENDED TO READ:~~



1       ~~SECTION 442. RETAIL DISPENSERS' RESTRICTIONS ON PURCHASES~~  
2 ~~AND SALES. (A) NO RETAIL DISPENSER SHALL PURCHASE OR RECEIVE~~  
3 ~~ANY MALT OR BREWED BEVERAGES OR WINE EXCEPT IN ORIGINAL~~  
4 ~~CONTAINERS AS PREPARED FOR THE MARKET BY THE MANUFACTURER AT THE~~  
5 ~~PLACE OF MANUFACTURE. THE RETAIL DISPENSER MAY THEREAFTER BREAK~~  
6 ~~THE BULK UPON THE LICENSED PREMISES AND SELL OR DISPENSE THE~~  
7 ~~SAME FOR CONSUMPTION ON OR OFF THE PREMISES SO LICENSED:~~  
8 ~~PROVIDED, HOWEVER, THAT NO RETAIL DISPENSER MAY SELL MALT OR~~  
9 ~~BREWED BEVERAGES OR WINE COOLERS FOR CONSUMPTION OFF THE~~  
10 ~~PREMISES IN QUANTITIES IN EXCESS OF ONE HUNDRED FORTY FOUR FLUID~~  
11 ~~OUNCES OR WINE FOR CONSUMPTION OFF THE PREMISES IN QUANTITIES IN~~  
12 ~~EXCESS OF TWO AND TWENTY FIVE HUNDREDTHS LITERS IN A SINGLE SALE~~  
13 ~~TO ONE PERSON: PROVIDED, FURTHER, THAT NO CLUB LICENSEE MAY SELL~~  
14 ~~ANY MALT OR BREWED BEVERAGES OR WINE FOR CONSUMPTION OFF THE~~  
15 ~~PREMISES WHERE SOLD OR TO PERSONS NOT MEMBERS OF THE CLUB.~~

16       ~~(B) NO RETAIL DISPENSER SHALL SELL ANY MALT OR BREWED~~  
17 ~~BEVERAGES OR WINE FOR CONSUMPTION ON THE LICENSED PREMISES~~  
18 ~~EXCEPT IN A ROOM OR ROOMS OR PLACE ON THE LICENSED PREMISES AT~~  
19 ~~ALL TIMES ACCESSIBLE TO THE USE AND ACCOMMODATION OF THE GENERAL~~  
20 ~~PUBLIC, BUT THIS SECTION SHALL NOT BE INTERPRETED TO PROHIBIT A~~  
21 ~~RETAIL DISPENSER FROM SELLING MALT OR BREWED BEVERAGES OR WINE~~  
22 ~~IN A HOTEL OR CLUB HOUSE IN ANY ROOM OF SUCH HOTEL OR CLUB HOUSE~~  
23 ~~OCCUPIED BY A BONA FIDE REGISTERED GUEST OR MEMBER ENTITLED TO~~  
24 ~~PURCHASE THE SAME OR TO PROHIBIT A RETAIL DISPENSER FROM SELLING~~  
25 ~~MALT OR BREWED BEVERAGES OR WINE IN A BOWLING ALLEY WHEN NO~~  
26 ~~MINORS ARE PRESENT, UNLESS MINORS WHO ARE PRESENT ARE UNDER~~  
27 ~~PROPER SUPERVISION AS DEFINED IN SECTION 493, WHERE THE LICENSED~~  
28 ~~PREMISES AND BOWLING ALLEY ARE IMMEDIATELY ADJACENT AND UNDER~~  
29 ~~THE SAME ROOF.~~

30       ~~\* \* \*~~

1       ~~SECTION 20. SECTION 461(A) OF THE ACT, AMENDED DECEMBER 17,~~  
2       ~~1982 (P.L.1390, NO.319), IS AMENDED TO READ:~~

3       ~~SECTION 461. LIMITING NUMBER OF RETAIL LICENSES TO BE ISSUED~~  
4       ~~IN EACH MUNICIPALITY. (A) NO LICENSES SHALL HEREAFTER BE~~  
5       ~~GRANTED BY THE BOARD FOR THE RETAIL SALE OF MALT OR BREWED~~  
6       ~~BEVERAGES OR WINE OR THE RETAIL SALE OF LIQUOR AND MALT OR~~  
7       ~~BREWED BEVERAGES IN EXCESS OF ONE OF SUCH LICENSES OF ANY CLASS~~  
8       ~~FOR EACH TWO THOUSAND INHABITANTS IN ANY MUNICIPALITY, EXCLUSIVE~~  
9       ~~OF LICENSES GRANTED TO AIRPORT RESTAURANTS, MUNICIPAL GOLF~~  
10       ~~COURSES, HOTELS, PRIVATELY OWNED PUBLIC GOLF COURSES, AS DEFINED~~  
11       ~~IN THIS SECTION, AND CLUBS; BUT AT LEAST ONE SUCH LICENSE MAY BE~~  
12       ~~GRANTED IN EACH MUNICIPALITY AND IN EACH PART OF A MUNICIPALITY~~  
13       ~~WHERE SUCH MUNICIPALITY IS SPLIT SO THAT EACH PART THEREOF IS~~  
14       ~~SEPARATED BY ANOTHER MUNICIPALITY, EXCEPT IN MUNICIPALITIES~~  
15       ~~WHERE THE ELECTORS HAVE VOTED AGAINST THE GRANTING OF ANY RETAIL~~  
16       ~~LICENSES AND EXCEPT IN THAT PART OF A SPLIT MUNICIPALITY WHERE~~  
17       ~~THE ELECTORS HAVE VOTED AGAINST THE GRANTING OF ANY RETAIL~~  
18       ~~LICENSES. NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED~~  
19       ~~AS DENYING THE RIGHT TO THE BOARD TO RENEW OR TO TRANSFER~~  
20       ~~EXISTING RETAIL LICENSES OF ANY CLASS NOTWITHSTANDING THAT THE~~  
21       ~~NUMBER OF SUCH LICENSED PLACES IN A MUNICIPALITY SHALL EXCEED~~  
22       ~~THE LIMITATION HEREINBEFORE PRESCRIBED; BUT WHERE SUCH NUMBER~~  
23       ~~EXCEEDS THE LIMITATION PRESCRIBED BY THIS SECTION, NO NEW~~  
24       ~~LICENSE, EXCEPT FOR HOTELS, MUNICIPAL GOLF COURSES, AIRPORT~~  
25       ~~RESTAURANTS, PRIVATELY OWNED PUBLIC GOLF COURSES AND PRIVATELY~~  
26       ~~OWNED PRIVATE GOLF COURSE LICENSEES, AS DEFINED IN THIS SECTION,~~  
27       ~~SHALL BE GRANTED SO LONG AS SAID LIMITATION IS EXCEEDED.~~

28       ~~\* \* \*~~

29       ~~SECTION 21. SECTION 463(A), (A.1) AND (A.2) OF THE ACT,~~  
30       ~~AMENDED NOVEMBER 17, 1967 (P.L.510, NO.247), MARCH 23, 1972~~

~~(P.L.122, NO.46) AND MAY 9, 1984 (P.L.246, NO.54), ARE AMENDED  
TO READ:~~

~~SECTION 463. PLACES OF AMUSEMENT NOT TO BE LICENSED;  
PENALTY. (A) NO LICENSE FOR THE SALE OF LIQUOR OR MALT OR  
BREWED BEVERAGES OR WINE IN ANY QUANTITY SHALL BE GRANTED TO THE  
PROPRIETORS, LESSEES, KEEPERS OR MANAGERS OF ANY THEATER,  
CIRCUS, MUSEUM OR OTHER PLACE OF AMUSEMENT, NOR SHALL ANY HOUSE  
BE LICENSED FOR THE SALE OF LIQUOR OR MALT OR BREWED BEVERAGES  
WHICH HAS PASSAGE OR COMMUNICATION TO OR WITH ANY THEATER,  
CIRCUS, MUSEUM OR OTHER PLACE OF AMUSEMENT, AND ANY LICENSE  
GRANTED CONTRARY TO THIS ACT SHALL BE NULL AND VOID. NOTHING  
CONTAINED IN THIS SECTION SHALL BE CONSTRUED AS DENYING TO THE  
BOARD THE RIGHT TO GRANT A RESTAURANT LIQUOR LICENSE REGARDLESS  
OF QUOTA RESTRICTIONS TO THE OWNER OR OPERATOR OF A RESTAURANT  
IN A BUILDING ON A PLOT OF GROUND OWNED OR POSSESSED UNDER LEASE  
BY A CORPORATION INCORPORATED UNDER THE LAWS OF THIS  
COMMONWEALTH AND USED PRINCIPALLY BY SUCH CORPORATION FOR  
HOLDING OUTDOOR SPORT EVENTS WHEREIN SUCH EVENTS ARE HELD UNDER  
A LICENSE ISSUED AS PROVIDED BY LAW TO SUCH CORPORATION BY A  
DEPARTMENT, BOARD OR COMMISSION OF THE COMMONWEALTH OF  
PENNSYLVANIA. THE RESTAURANT LIQUOR LICENSE AFOREMENTIONED SHALL  
BE SUBJECT TO ALL THE CONDITIONS AND RESTRICTIONS HEREIN  
APPLICABLE TO RESTAURANT LIQUOR LICENSES, EXCEPT THE ABOVE  
PROHIBITION AGAINST ANY PASSAGEWAY OR COMMUNICATION BETWEEN SUCH  
LICENSED PREMISES AND THE PLACE OF AMUSEMENT.~~

~~NOTHING CONTAINED IN THIS ACT SHALL BE CONSTRUED AS DENYING  
TO THE BOARD THE RIGHT TO GRANT A NEW RESTAURANT LIQUOR LICENSE,  
REGARDLESS OF QUOTA RESTRICTIONS, AT ANY TIME, TO THE OWNER OR  
OPERATOR OF A RESTAURANT IN A BUILDING OR PLOT OF GROUND HAVING  
A SEATING CAPACITY IN EXCESS OF TWENTY FIVE THOUSAND, USED~~

1 ~~PRINCIPALLY FOR HOLDING AUTOMOBILE RACES.~~

2 ~~(A.1) NOTHING CONTAINED IN SUBSECTION (A) OF THIS SECTION OR~~  
3 ~~IN SECTION 102 OF THIS ACT SHALL BE CONSTRUED AS DENYING TO THE~~  
4 ~~BOARD THE RIGHT TO GRANT A CLUB OR RESTAURANT LIQUOR OR MALT AND~~  
5 ~~BREWED BEVERAGE AND WINE LICENSE TO A CLUB INCORPORATED IN THIS~~  
6 ~~COMMONWEALTH WHICH HAS BEEN IN EXISTENCE LESS THAN ONE YEAR~~  
7 ~~PRIOR TO MAKING APPLICATION UNDER THIS SECTION OR TO A~~  
8 ~~RESTAURANT EITHER OF WHICH HAS A CLUBHOUSE OR RESTAURANT LOCATED~~  
9 ~~IN A STADIUM OR ARENA HAVING AN AVAILABLE SEATING CAPACITY OF~~  
10 ~~TWELVE THOUSAND OR MORE AND OWNED AND OPERATED BY OR PURSUANT TO~~  
11 ~~AN AGREEMENT WITH ANY CITY OF THE FIRST CLASS OR CREATED AND~~  
12 ~~OPERATED UNDER AND IN COMPLIANCE WITH THE ACT OF JULY 29, 1953~~  
13 ~~(P.L.1034), KNOWN AS THE "PUBLIC AUDITORIUM AUTHORITIES LAW,"~~  
14 ~~AND USED PRINCIPALLY FOR EVENTS AT WHICH ATHLETES COMPETE OR~~  
15 ~~OTHER TYPES OF PERFORMERS ENTERTAIN. THE CLUB OR RESTAURANT~~  
16 ~~LIQUOR OR MALT AND BREWED BEVERAGE AND WINE LICENSE~~  
17 ~~AFOREMENTIONED SHALL BE SUBJECT TO ALL THE CONDITIONS AND~~  
18 ~~RESTRICTIONS APPLICABLE TO SUCH LICENSES AND LICENSES FOR PLACES~~  
19 ~~OF AMUSEMENT, EXCEPT THE ABOVE PROHIBITION AGAINST ANY~~  
20 ~~PASSAGEWAY OR COMMUNICATION BETWEEN SUCH LICENSED PREMISES AND~~  
21 ~~THE PLACE OF AMUSEMENT.~~

22 ~~(A.2) NOTHING CONTAINED IN THIS ACT SHALL BE CONSTRUED TO~~  
23 ~~PREVENT THE HOLDER OF A HOTEL, RESTAURANT LIQUOR OR MALT AND~~  
24 ~~BREWED BEVERAGE AND WINE LICENSE FROM SELLING LIQUOR AND MALT OR~~  
25 ~~BREWED BEVERAGES IN A BOWLING ALLEY, OR OTHER RECREATIONAL AREAS~~  
26 ~~INCLUDING, BUT NOT LIMITED TO, GAME ROOMS AND VIDEO ARCADE AREAS~~  
27 ~~OF HOTELS, WHEN NO MINORS ARE PRESENT, UNLESS MINORS WHO ARE~~  
28 ~~PRESENT ARE UNDER PROPER SUPERVISION AS DEFINED IN SECTION 493,~~  
29 ~~WHERE THE RESTAURANT, BOWLING ALLEY, OR OTHER RECREATIONAL AREAS~~  
30 ~~INCLUDING, BUT NOT LIMITED TO, GAME ROOMS AND VIDEO ARCADE AREAS~~

~~OF HOTELS ARE IMMEDIATELY ADJACENT AND UNDER THE SAME ROOF. THE  
RESTAURANT LIQUOR OR MALT AND BREWED BEVERAGE AND WINE LICENSEE  
AFOREMENTIONED SHALL BE SUBJECT TO ALL THE CONDITIONS AND  
RESTRICTIONS APPLICABLE TO SUCH RESTAURANT LICENSES EXCEPT THE  
ABOVE PROHIBITION AGAINST ANY PASSAGEWAY OR COMMUNICATION  
BETWEEN A LICENSED PREMISE AND A PLACE OF AMUSEMENT.~~

~~\* \* \*~~

~~SECTION 22. SECTION 464 OF THE ACT, REPEALED IN PART JUNE 3,  
1971 (P.L.118, NO.6), IS AMENDED TO READ:~~

~~SECTION 464. HEARINGS UPON [REFUSAL OF] APPLICATIONS FOR  
LICENSES, RENEWALS OR TRANSFERS AND REFUSALS OF APPLICATIONS;  
APPEALS. (A) THE BOARD MAY OF ITS OWN MOTION, AND SHALL UPON  
THE WRITTEN REQUEST OF THE DIVISION OR OF ANY APPLICANT FOR  
CLUB, HOTEL OR RESTAURANT LIQUOR LICENSE, OR ANY APPLICANT FOR  
ANY MALT OR BREWED BEVERAGE LICENSE OTHER THAN A PUBLIC SERVICE  
LICENSE, OR FOR RENEWAL OR TRANSFER THEREOF, WHOSE APPLICATION  
FOR SUCH LICENSE, RENEWAL OR TRANSFER HAS BEEN REFUSED, FIX A  
TIME AND PLACE FOR HEARING OF SUCH APPLICATION FOR LICENSE OR  
FOR RENEWAL OR TRANSFER THEREOF, NOTICE OF WHICH HEARING SHALL  
BE MAILED TO THE APPLICANT AT THE ADDRESS GIVEN IN HIS  
APPLICATION.~~

~~(B) SUCH HEARING SHALL BE BEFORE THE BOARD, A MEMBER  
THEREOF, OR AN EXAMINER DESIGNATED BY THE BOARD.~~

~~(C) AT SUCH HEARING, THE BOARD SHALL PRESENT ITS REASONS FOR  
ITS REFUSAL OR WITHHOLDING OF LICENSE, RENEWAL OR TRANSFER  
THEREOF OR THE DIVISION SHALL PRESENT ITS REASONS FOR ITS  
OBJECTIONS TO THE GRANTING OR ISSUING OF LICENSE, RENEWAL OR  
TRANSFER THEREOF, AS APPROPRIATE. THE APPLICANT MAY APPEAR IN  
PERSON OR BY COUNSEL, MAY CROSS EXAMINE THE WITNESSES FOR THE  
BOARD OR THE DIVISION AND MAY PRESENT EVIDENCE WHICH SHALL~~

1 ~~LIKEWISE BE SUBJECT TO CROSS EXAMINATION BY THE BOARD OR THE~~  
2 ~~DIVISION, OR BOTH. SUCH HEARING SHALL BE STENOGRAPHICALLY~~  
3 ~~RECORDED. THE EXAMINER SHALL THEREAFTER REPORT TO THE BOARD UPON~~  
4 ~~SUCH HEARING. THE BOARD SHALL THEREUPON GRANT OR REFUSE THE~~  
5 ~~LICENSE, RENEWAL OR TRANSFER THEREOF. [IN CONSIDERING THE~~  
6 ~~RENEWAL OF A LICENSE, THE BOARD SHALL NOT REFUSE ANY SUCH~~  
7 ~~RENEWAL ON THE BASIS OF THE PROPRIETY OF THE ORIGINAL ISSUANCE~~  
8 ~~OR ANY PRIOR RENEWAL OF SUCH LICENSE. IF THE BOARD SHALL REFUSE~~  
9 ~~SUCH LICENSE, RENEWAL OR TRANSFER FOLLOWING SUCH HEARING, NOTICE~~  
10 ~~IN WRITING OF SUCH REFUSAL SHALL BE MAILED TO THE APPLICANT AT~~  
11 ~~THE ADDRESS GIVEN IN HIS APPLICATION. IN ALL SUCH CASES, THE~~  
12 ~~BOARD SHALL FILE OF RECORD AT LEAST A BRIEF STATEMENT IN THE~~  
13 ~~FORM OF AN OPINION OF THE REASONS FOR THE RULING OR ORDER AND~~  
14 ~~FURNISH A COPY THEREOF TO THE APPLICANT. ANY APPLICANT WHO HAS~~  
15 ~~APPEARED BEFORE THE BOARD OR ANY AGENT THEREOF AT ANY HEARING,~~  
16 ~~AS ABOVE PROVIDED, WHO IS AGGRIEVED BY THE REFUSAL OF THE BOARD~~  
17 ~~TO ISSUE ANY SUCH LICENSE OR TO RENEW OR TRANSFER ANY SUCH~~  
18 ~~LICENSE MAY APPEAL, OR ANY CHURCH, HOSPITAL, CHARITABLE~~  
19 ~~INSTITUTION, SCHOOL OR PUBLIC PLAYGROUND LOCATED WITHIN THREE~~  
20 ~~HUNDRED FEET OF THE PREMISES APPLIED FOR, AGGRIEVED BY THE~~  
21 ~~ACTION OF THE BOARD IN GRANTING THE ISSUANCE OF ANY SUCH LICENSE~~  
22 ~~OR THE TRANSFER OF ANY SUCH LICENSE, MAY TAKE AN APPEAL LIMITED~~  
23 ~~TO THE QUESTION OF SUCH GRIEVANCE, WITHIN TWENTY DAYS FROM DATE~~  
24 ~~OF REFUSAL OR GRANT, TO THE COURT OF QUARTER SESSIONS OF THE~~  
25 ~~COUNTY IN WHICH THE PREMISES APPLIED FOR IS LOCATED OR THE~~  
26 ~~COUNTY COURT OF ALLEGHENY COUNTY. SUCH APPEAL SHALL BE UPON~~  
27 ~~PETITION OF THE AGGRIEVED PARTY, WHO SHALL SERVE A COPY THEREOF~~  
28 ~~UPON THE BOARD, WHEREUPON A HEARING SHALL BE HELD UPON THE~~  
29 ~~PETITION BY THE COURT UPON TEN DAYS' NOTICE TO THE BOARD, WHICH~~  
30 ~~SHALL BE REPRESENTED IN THE PROCEEDING BY THE DEPARTMENT OF~~

1 ~~JUSTICE. THE SAID APPEAL SHALL ACT AS A SUPERSEDEAS UNLESS UPON~~  
2 ~~SUFFICIENT CAUSE SHOWN THE COURT SHALL DETERMINE OTHERWISE. THE~~  
3 ~~COURT SHALL HEAR THE APPLICATION DE NOVO ON QUESTIONS OF FACT,~~  
4 ~~ADMINISTRATIVE DISCRETION AND SUCH OTHER MATTERS AS ARE~~  
5 ~~INVOLVED, AT SUCH TIME AS IT SHALL FIX, OF WHICH NOTICE SHALL BE~~  
6 ~~GIVEN TO THE BOARD. THE COURT SHALL EITHER SUSTAIN OR OVER RULE~~  
7 ~~THE ACTION OF THE BOARD AND EITHER ORDER OR DENY THE ISSUANCE~~  
8 ~~OF A NEW LICENSE OR THE RENEWAL OR TRANSFER OF THE LICENSE TO~~  
9 ~~THE APPLICANT.~~

10 ~~THE JURISDICTION OF THE COUNTY COURT OF ALLEGHENY COUNTY~~  
11 ~~CONFERRED HEREBY SHALL BE EXCLUSIVE WITHIN THE TERRITORIAL~~  
12 ~~LIMITS OF ITS JURISDICTION.}~~

13 ~~(D) AT ANY HEARING HELD ON THE REQUEST OF THE DIVISION, THE~~  
14 ~~DIVISION SHALL BE REPRESENTED BY ITS CHIEF PROSECUTING COUNSEL~~  
15 ~~OR AN ASSISTANT PROSECUTING COUNSEL.~~

16 ~~(E) SUCH HEARING SHALL BE IN ACCORDANCE WITH 2 PA.C.S. CH. 5~~  
17 ~~SUBCH. A (RELATING TO PRACTICE AND PROCEDURE OF COMMONWEALTH~~  
18 ~~AGENCIES).~~

19 ~~(F) THE BOARD OR THE DIVISION OR ANY APPLICANT OR ANY~~  
20 ~~CHURCH, SCHOOL, HOSPITAL, CHARITABLE INSTITUTION OR PUBLIC~~  
21 ~~PLAYGROUND LOCATED WITHIN THREE HUNDRED FEET OF THE PREMISES~~  
22 ~~APPLIED FOR WHO IS AGGRIEVED BY THE ADJUDICATION MAY TAKE AN~~  
23 ~~APPEAL WITHIN THIRTY DAYS FROM THE DATE OF THE ADJUDICATION TO~~  
24 ~~THE COURT OF COMMON PLEAS OF THE COUNTY IN WHICH THE PREMISES~~  
25 ~~APPLIED FOR IS LOCATED. ANY SUCH APPEAL SHALL BE IN ACCORDANCE~~  
26 ~~WITH 2 PA.C.S. CH. 7 SUBCH. A (RELATING TO JUDICIAL REVIEW OF~~  
27 ~~COMMONWEALTH AGENCY ACTION).~~

28 ~~SECTION 23. SECTION 465(D) OF THE ACT IS AMENDED TO READ:~~

29 ~~SECTION 465. ALL LICENSEES TO FURNISH BOND. \* \* \*~~

30 ~~(D) THE PENAL SUM OF THE RESPECTIVE BONDS FILED UNDER THE~~

1 ~~PROVISIONS OF THIS SECTION SHALL BE AS FOLLOWS:~~

2 ~~(1) MANUFACTURERS OF MALT OR BREWED BEVERAGES, TEN THOUSAND~~  
3 ~~DOLLARS (\$10,000.00) FOR EACH PLACE AT WHICH THE LICENSEE IS~~  
4 ~~AUTHORIZED TO MANUFACTURE.~~

5 ~~(2) LIQUOR IMPORTERS, TEN THOUSAND DOLLARS (\$10,000.00) FOR~~  
6 ~~EACH LICENSE.~~

7 ~~(3) SACRAMENTAL WINE LICENSEES, TEN THOUSAND DOLLARS~~  
8 ~~(\$10,000.00).~~

9 ~~(4) IMPORTING DISTRIBUTORS OF MALT OR BREWED BEVERAGES AND~~  
10 ~~WINE, TWO THOUSAND DOLLARS (\$2,000.00).~~

11 ~~(5) HOTEL, RESTAURANT, CLUB AND PUBLIC SERVICE LIQUOR~~  
12 ~~LICENSEES, TWO THOUSAND DOLLARS (\$2,000.00), BUT IN THE CASE OF~~  
13 ~~A RAILROAD OR PULLMAN COMPANY, SUCH PENAL SUM SHALL COVER EVERY~~  
14 ~~DINING, CLUB OR BUFFET CAR OF SUCH COMPANY OPERATED UNDER SUCH~~  
15 ~~LICENSE.~~

16 ~~(6) DISTRIBUTORS OF MALT OR BREWED BEVERAGES AND WINE, ONE~~  
17 ~~THOUSAND DOLLARS (\$1,000.00).~~

18 ~~(7) RETAIL DISPENSERS OF MALT OR BREWED BEVERAGES AND WINE~~  
19 ~~AND PUBLIC SERVICE MALT OR BREWED BEVERAGE LICENSEES, ONE~~  
20 ~~THOUSAND DOLLARS (\$1,000.00) FOR EACH PLACE AT WHICH THE~~  
21 ~~LICENSEE IS AUTHORIZED TO SELL MALT OR BREWED BEVERAGES OR WINE,~~  
22 ~~EXCEPT THAT IN THE CASE OF RAILROAD OR PULLMAN COMPANIES, SAID~~  
23 ~~PENAL SUM SHALL BE ONE THOUSAND DOLLARS (\$1,000.00),~~  
24 ~~IRRESPECTIVE OF THE NUMBER OF LICENSED CARS OPERATED BY THE~~  
25 ~~COMPANY.~~

26 ~~(8) DISTRIBUTORS OF WINE, ONE THOUSAND DOLLARS (\$1,000.00).~~

27 ~~(9) MASTER DISTRIBUTORS OF WINE, TWO THOUSAND DOLLARS~~  
28 ~~(\$2,000.00).~~

29 ~~SECTION 24. SECTION 468 OF THE ACT IS AMENDED BY ADDING A~~  
30 ~~SUBSECTION TO READ:~~



1       ~~SECTION 468. LICENSES NOT ASSIGNABLE; TRANSFERS. \* \* \*~~

2       ~~(D) THE LICENSE SHALL CONSTITUTE A PRIVILEGE BETWEEN THE~~  
3 ~~BOARD AND THE LICENSEE. AS BETWEEN THE LICENSEE AND THIRD~~  
4 ~~PARTIES THE LICENSE SHALL CONSTITUTE PROPERTY.~~

5       ~~SECTION 25. SECTION 471 OF THE ACT, AMENDED JANUARY 13, 1966~~  
6 ~~(1965 P.L.1301, NO.518) AND REPEALED IN PART JUNE 3, 1971~~  
7 ~~(P.L.118, NO.6), IS AMENDED TO READ:~~

8       ~~SECTION 471. REVOCATION AND SUSPENSION OF LICENSES; FINES.~~  
9 ~~{UPON LEARNING OF ANY VIOLATION OF THIS ACT OR ANY LAWS OF THIS~~  
10 ~~COMMONWEALTH RELATING TO LIQUOR, ALCOHOL OR MALT OR BREWED~~  
11 ~~BEVERAGES, OR OF ANY REGULATIONS OF THE BOARD ADOPTED PURSUANT~~  
12 ~~TO SUCH LAWS, OF ANY VIOLATION OF ANY LAWS OF THIS COMMONWEALTH~~  
13 ~~OR OF THE UNITED STATES OF AMERICA RELATING TO THE TAX PAYMENT~~  
14 ~~OF LIQUOR OR MALT OR BREWED BEVERAGES BY ANY LICENSEE WITHIN THE~~  
15 ~~SCOPE OF THIS ARTICLE, HIS OFFICERS, SERVANTS, AGENTS OR~~  
16 ~~EMPLOYES, OR UPON ANY OTHER SUFFICIENT CAUSE SHOWN, THE BOARD~~  
17 ~~MAY, WITHIN ONE YEAR FROM THE DATE OF SUCH VIOLATION OR CAUSE~~  
18 ~~APPEARING, CITE SUCH LICENSEE TO APPEAR BEFORE IT OR ITS~~  
19 ~~EXAMINER, NOT LESS THAN TEN NOR MORE THAN SIXTY DAYS FROM THE~~  
20 ~~DATE OF SENDING SUCH LICENSEE, BY REGISTERED MAIL, A NOTICE~~  
21 ~~ADDRESSED TO HIM AT HIS LICENSED PREMISES, TO SHOW CAUSE WHY~~  
22 ~~SUCH LICENSE SHOULD NOT BE SUSPENDED OR REVOKED OR A FINE~~  
23 ~~IMPOSED. HEARINGS ON SUCH CITATIONS SHALL BE HELD IN THE SAME~~  
24 ~~MANNER AS PROVIDED HEREIN FOR HEARINGS ON APPLICATIONS FOR~~  
25 ~~LICENSE. UPON SUCH HEARING, IF SATISFIED THAT ANY SUCH VIOLATION~~  
26 ~~HAS OCCURRED OR FOR OTHER SUFFICIENT CAUSE, THE BOARD SHALL~~  
27 ~~IMMEDIATELY SUSPEND OR REVOKE THE LICENSE, OR IMPOSE A FINE OF~~  
28 ~~NOT LESS THAN FIFTY DOLLARS (\$50) NOR MORE THAN ONE THOUSAND~~  
29 ~~DOLLARS (\$1,000), NOTIFYING THE LICENSEE BY REGISTERED LETTER~~  
30 ~~ADDRESSED TO HIS LICENSED PREMISES. IN THE EVENT THE FINE IS NOT~~

1 ~~PAID WITHIN TWENTY DAYS OF THE ORDER THE BOARD SHALL SUSPEND OR~~  
2 ~~REVOKE THE LICENSE, NOTIFYING THE LICENSEE BY REGISTERED MAIL~~  
3 ~~ADDRESSED TO HIS LICENSED PREMISES. SUSPENSIONS AND REVOCATIONS~~  
4 ~~SHALL NOT GO INTO EFFECT UNTIL TWENTY DAYS HAVE ELAPSED FROM THE~~  
5 ~~DATE OF NOTICE OF ISSUANCE OF THE BOARD'S ORDER, DURING WHICH~~  
6 ~~TIME THE LICENSEE MAY TAKE AN APPEAL AS PROVIDED FOR IN THIS~~  
7 ~~ACT. WHEN A LICENSE IS REVOKED, THE LICENSEE'S BOND MAY BE~~  
8 ~~FORFEITED BY THE BOARD. ANY LICENSEE WHOSE LICENSE IS REVOKED~~  
9 ~~SHALL BE INELIGIBLE TO HAVE A LICENSE UNDER THIS ACT UNTIL THE~~  
10 ~~EXPIRATION OF THREE YEARS FROM THE DATE SUCH LICENSE WAS~~  
11 ~~REVOKED. IN THE EVENT THE BOARD SHALL REVOKE A LICENSE, NO~~  
12 ~~LICENSE SHALL BE GRANTED FOR THE PREMISES OR TRANSFERRED TO THE~~  
13 ~~PREMISES IN WHICH THE SAID LICENSE WAS CONDUCTED FOR A PERIOD OF~~  
14 ~~AT LEAST ONE YEAR AFTER THE DATE OF THE REVOCATION OF THE~~  
15 ~~LICENSE CONDUCTED IN THE SAID PREMISES, EXCEPT IN CASES WHERE~~  
16 ~~THE LICENSEE OR A MEMBER OF HIS IMMEDIATE FAMILY IS NOT THE~~  
17 ~~OWNER OF THE PREMISES, IN WHICH CASE THE BOARD MAY, IN ITS~~  
18 ~~DISCRETION, ISSUE OR TRANSFER A LICENSE WITHIN THE SAID YEAR. IN~~  
19 ~~ALL SUCH CASES, THE BOARD SHALL FILE OF RECORD AT LEAST A BRIEF~~  
20 ~~STATEMENT IN THE FORM OF AN OPINION OF THE REASONS FOR THE~~  
21 ~~RULING OR ORDER. IN THE EVENT THE PERSON WHO WAS FINED OR WHOSE~~  
22 ~~LICENSE WAS SUSPENDED OR REVOKED BY THE BOARD SHALL FEEL~~  
23 ~~AGGRIEVED BY THE ACTION OF THE BOARD, HE SHALL HAVE THE RIGHT TO~~  
24 ~~APPEAL TO THE COURT OF QUARTER SESSIONS OR THE COUNTY COURT OF~~  
25 ~~ALLEGHENY COUNTY IN THE SAME MANNER AS HEREIN PROVIDED FOR~~  
26 ~~APPEALS FROM REFUSALS TO GRANT LICENSES. UPON APPEAL, THE COURT~~  
27 ~~SO APPEALED TO SHALL, IN THE EXERCISE OF ITS DISCRETION,~~  
28 ~~SUSTAIN, REJECT, ALTER OR MODIFY THE FINDINGS, CONCLUSIONS AND~~  
29 ~~PENALTIES OF THE BOARD, BASED ON THE FINDINGS OF FACT AND~~  
30 ~~CONCLUSIONS OF LAW AS FOUND BY THE COURT. THE AFORESAID APPEAL~~

~~SHALL ACT AS A SUPERSEDEAS UNLESS UPON SUFFICIENT CAUSE SHOWN  
THE COURT SHALL DETERMINE OTHERWISE. NO PENALTY PROVIDED BY THIS  
SECTION SHALL BE IMPOSED BY THE BOARD OR ANY COURT FOR ANY  
VIOLATIONS PROVIDED FOR IN THIS ACT UNLESS THE ENFORCEMENT  
OFFICER OR THE BOARD NOTIFIES THE LICENSEE OF ITS NATURE AND OF  
THE DATE OF THE ALLEGED VIOLATION WITHIN TEN DAYS OF THE  
COMPLETION OF THE INVESTIGATION WHICH IN NO EVENT SHALL EXCEED  
NINETY DAYS.] (A) UPON LEARNING OF ANY VIOLATION OF THIS ACT OR  
ANY LAWS OF THIS COMMONWEALTH RELATING TO LIQUOR, ALCOHOL OR  
MALT OR BREWED BEVERAGES, OR OF ANY REGULATIONS OF THE BOARD  
ADOPTED PURSUANT TO SUCH LAWS, OR ANY VIOLATION OF ANY LAWS OF  
THIS COMMONWEALTH OR OF THE FEDERAL GOVERNMENT RELATING TO THE  
PAYMENT OF TAXES ON LIQUOR OR MALT OR BREWED BEVERAGES BY ANY  
LICENSEE WITHIN THE SCOPE OF THIS ARTICLE, HIS OFFICERS,  
SERVANTS, AGENTS OR EMPLOYES, OR UPON ANY OTHER SUFFICIENT CAUSE  
SHOWN, THE DIVISION MAY, WITHIN ONE YEAR FROM THE DATE OF SUCH  
VIOLATION OR CAUSE APPEARING, CITE SUCH LICENSEE TO APPEAR  
BEFORE AN ADMINISTRATIVE LAW JUDGE, NOT LESS THAN TEN NOR MORE  
THAN SIXTY DAYS FROM THE DATE OF SENDING SUCH LICENSEE, BY  
REGISTERED MAIL, A NOTICE ADDRESSED TO HIM AT HIS LICENSED  
PREMISES, TO SHOW CAUSE WHY SUCH LICENSE SHOULD NOT BE SUSPENDED  
OR REVOKED OR A FINE IMPOSED, OR BOTH. THE DIVISION SHALL ALSO  
SEND A COPY OF THE HEARING NOTICE TO THE MUNICIPALITY IN WHICH  
THE PREMISES IS LOCATED.~~

~~(B) HEARING ON SUCH CITATIONS SHALL BE HELD IN THE SAME  
MANNER AS PROVIDED HEREIN FOR HEARINGS ON APPLICATIONS FOR  
LICENSE. UPON SUCH HEARING, IF SATISFIED THAT ANY SUCH VIOLATION  
HAS OCCURRED OR FOR OTHER SUFFICIENT CAUSE, THE ADMINISTRATIVE  
LAW JUDGE SHALL IMMEDIATELY SUSPEND OR REVOKE THE LICENSE, OR  
IMPOSE A FINE OF NOT LESS THAN FIFTY DOLLARS (\$50) NOR MORE THAN~~

1 ~~ONE THOUSAND DOLLARS (\$1,000), OR BOTH, NOTIFYING THE LICENSEE~~  
2 ~~BY REGISTERED LETTER ADDRESSED TO HIS LICENSED PREMISES. IF THE~~  
3 ~~LICENSEE HAS BEEN CITED AND FOUND TO HAVE VIOLATED CLAUSE (1) OF~~  
4 ~~SECTION 493 INsofar AS IT RELATES TO SALES TO MINORS, CLAUSE~~  
5 ~~(10) INsofar AS IT RELATES TO LEWD, IMMORAL OR IMPROPER~~  
6 ~~ENTERTAINMENT, OR CLAUSE (14), (16) OR (21) OF THIS ACT OR HAS~~  
7 ~~BEEN FOUND TO BE A PUBLIC NUISANCE PURSUANT TO SECTION 611, OR~~  
8 ~~IF THE OWNER OR OPERATOR OF THE LICENSED PREMISES OR ANY~~  
9 ~~AUTHORIZED AGENT OF THE OWNER OR OPERATOR HAS BEEN CONVICTED OF~~  
10 ~~ANY VIOLATION OF THE ACT OF APRIL 14, 1972 (P.L.233, NO.64),~~  
11 ~~KNOWN AS "THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC~~  
12 ~~ACT," OR OF 18 PA.C.S. § 5902 (RELATING TO PROSTITUTION AND~~  
13 ~~RELATED OFFENSES) OR 6301 (RELATING TO CORRUPTION OF MINORS), AT~~  
14 ~~OR RELATING TO THE LICENSED PREMISES, THE ADMINISTRATIVE LAW~~  
15 ~~JUDGE SHALL IMMEDIATELY SUSPEND OR REVOKE THE LICENSE, OR IMPOSE~~  
16 ~~A FINE NOT TO EXCEED FIVE THOUSAND DOLLARS (\$5,000) OR BOTH. THE~~  
17 ~~ADMINISTRATIVE LAW JUDGE SHALL NOTIFY THE LICENSEE BY REGISTERED~~  
18 ~~MAIL, ADDRESSED TO THE LICENSED PREMISES, OF SUCH SUSPENSION,~~  
19 ~~REVOCATION OR FINE. THE INCREASED CIVIL PENALTY IMPOSED BY THIS~~  
20 ~~SUBSECTION SHALL NOT BE USED TO REQUIRE ANY LICENSEE TO INCREASE~~  
21 ~~THE AMOUNT OF THE BOND REQUIRED BY THIS ACT. IN THE EVENT THE~~  
22 ~~FINE IS NOT PAID WITHIN TWENTY DAYS OF THE ADJUDICATION THE~~  
23 ~~ADMINISTRATIVE LAW JUDGE SHALL SUSPEND OR REVOKE THE LICENSE,~~  
24 ~~NOTIFYING THE LICENSEE BY REGISTERED MAIL ADDRESSED TO THE~~  
25 ~~LICENSED PREMISES. SUSPENSIONS AND REVOCATIONS SHALL NOT GO INTO~~  
26 ~~EFFECT UNTIL THIRTY DAYS HAVE ELAPSED FROM THE DATE OF THE~~  
27 ~~ADJUDICATION DURING WHICH TIME THE LICENSEE MAY TAKE AN APPEAL~~  
28 ~~AS PROVIDED FOR IN THIS ACT. WHEN A LICENSE IS REVOKED, THE~~  
29 ~~LICENSEE'S BOND MAY BE FORFEITED. ANY LICENSEE WHOSE LICENSE IS~~  
30 ~~REVOKED SHALL BE INELIGIBLE TO HAVE A LICENSE UNDER THIS ACT~~

1 ~~UNTIL THE EXPIRATION OF THREE YEARS FROM THE DATE SUCH LICENSE~~  
2 ~~WAS REVOKED. IN THE EVENT A LICENSE IS REVOKED, NO LICENSE SHALL~~  
3 ~~BE GRANTED FOR THE PREMISES OR TRANSFERRED TO THE PREMISES IN~~  
4 ~~WHICH THE SAID LICENSE WAS CONDUCTED FOR A PERIOD OF AT LEAST~~  
5 ~~ONE YEAR AFTER THE DATE OF THE REVOCATION OF THE LICENSE~~  
6 ~~CONDUCTED IN THE SAID PREMISES, EXCEPT IN CASES WHERE THE~~  
7 ~~LICENSEE OR A MEMBER OF HIS IMMEDIATE FAMILY IS NOT THE OWNER OF~~  
8 ~~THE PREMISES, IN WHICH CASE THE BOARD MAY, IN ITS DISCRETION,~~  
9 ~~ISSUE OR TRANSFER A LICENSE WITHIN THE SAID YEAR. IN THE EVENT~~  
10 ~~THE DIVISION OR THE PERSON WHO WAS FINED OR WHOSE LICENSE WAS~~  
11 ~~SUSPENDED OR REVOKED SHALL FEEL AGGRIEVED BY THE ADJUDICATION OF~~  
12 ~~THE ADMINISTRATIVE LAW JUDGE, THERE SHALL BE A RIGHT TO APPEAL~~  
13 ~~TO THE COURT OF COMMON PLEAS IN THE SAME MANNER AS HEREIN~~  
14 ~~PROVIDED FOR APPEALS FROM REFUSALS TO GRANT LICENSES. THE~~  
15 ~~AFORESAID APPEAL SHALL ACT AS A SUPERSEDEAS UNLESS UPON~~  
16 ~~SUFFICIENT CAUSE SHOWN THE COURT SHALL DETERMINE OTHERWISE;~~  
17 ~~HOWEVER, IF THE LICENSEE HAS BEEN CITED AND FOUND TO HAVE~~  
18 ~~VIOLATED CLAUSE (1) OF SECTION 493 INsofar AS IT RELATES TO~~  
19 ~~SALES TO MINORS, CLAUSE (10) INsofar AS IT RELATES TO LEWD,~~  
20 ~~IMMORAL OR IMPROPER ENTERTAINMENT, OR CLAUSE (14), (16) OR (21)~~  
21 ~~OR HAS BEEN FOUND TO BE A PUBLIC NUISANCE PURSUANT TO SECTION~~  
22 ~~611, OR IF THE OWNER OR OPERATOR OF THE LICENSED PREMISES OR ANY~~  
23 ~~AUTHORIZED AGENT OF THE OWNER OR OPERATOR HAS BEEN CONVICTED OF~~  
24 ~~ANY VIOLATION OF THE ACT OF APRIL 14, 1972 (P.L.233, NO.64),~~  
25 ~~KNOWN AS "THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC~~  
26 ~~ACT," OR OF 18 PA.C.S. § 5902 (RELATING TO PROSTITUTION AND~~  
27 ~~RELATED OFFENSES) OR 6301 (RELATING TO CORRUPTION OF MINORS), AT~~  
28 ~~OR RELATING TO THE LICENSED PREMISES, ITS APPEAL SHALL NOT ACT~~  
29 ~~AS A SUPERSEDEAS UNLESS THE COURT DETERMINES OTHERWISE UPON~~  
30 ~~SUFFICIENT CAUSE SHOWN. IN ANY HEARING ON AN APPLICATION FOR A~~

~~SUPERSEDEAS UNDER THIS SECTION THE COURT MAY CONSIDER, IN  
ADDITION TO OTHER RELEVANT EVIDENCE, DOCUMENTARY EVIDENCE,  
INCLUDING RECORDS OF THE DIVISION, SHOWING THE PRIOR HISTORY OF  
CITATIONS, FINES, SUSPENSIONS OR REVOCATIONS AGAINST THE  
LICENSEE; AND THE COURT MAY ALSO CONSIDER, IN ADDITION TO OTHER  
RELEVANT EVIDENCE, EVIDENCE OF ANY RECURRENCE OF THE UNLAWFUL  
ACTIVITY OCCURRING BETWEEN THE DATE OF THE CITATION WHICH IS THE  
SUBJECT OF THE APPEAL AND THE DATE OF THE HEARING BY THE COURT.  
NO PENALTY PROVIDED BY THIS SECTION SHALL BE IMPOSED FOR ANY  
VIOLATIONS PROVIDED FOR IN THIS ACT UNLESS THE DIVISION NOTIFIES  
THE LICENSEE OF ITS NATURE WITHIN THIRTY DAYS OF THE COMPLETION  
OF THE INVESTIGATION.~~

~~(C) (1) UPON REASONABLE CAUSE, ANY LAW ENFORCEMENT AGENCY  
MAY CITE A LICENSEE WITHIN THE SCOPE OF THIS ARTICLE FOR ANY  
VIOLATION OF THIS ACT OR OF ANY LAWS OF THIS COMMONWEALTH  
RELATING TO LIQUOR, ALCOHOL OR MALT OR BREWED BEVERAGES, OR OF  
ANY REGULATION ADOPTED PURSUANT TO SUCH LAWS, OF ANY VIOLATION  
OF ANY LAWS OF THIS COMMONWEALTH OR OF THE UNITED STATES OF  
AMERICA RELATING TO THE PAYMENT OF TAXES ON LIQUOR OR MALT OR  
BREWED BEVERAGES BY ANY LICENSEE WITHIN THE SCOPE OF THIS ACT,  
HIS OFFICERS, SERVANTS, AGENTS OR EMPLOYES, OR UPON ANY OTHER  
SUFFICIENT CAUSE SHOWN. UPON REASONABLE CAUSE ANY POLICE OFFICER  
OF ANY MUNICIPALITY MAY CITE A LICENSEE WITHIN THE SCOPE OF THIS  
ARTICLE FOR ANY VIOLATIONS OF CLAUSE (1) OF SECTION 493 INsofar  
AS IT RELATES TO SALES TO MINORS, CLAUSE (10) INsofar AS IT  
RELATES TO LEWD, IMMORAL OR IMPROPER ENTERTAINMENT, CLAUSE (14),  
(16), OR (21), OR ANY VIOLATION OF THE ACT OF APRIL 14, 1972  
(P.L.233, NO.64), KNOWN AS "THE CONTROLLED SUBSTANCE, DRUG,  
DEVICE AND COSMETIC ACT," OR OF 18 PA.C.S. § 5902 (RELATING TO  
PROSTITUTION AND RELATED OFFENSES) OR 6301 (RELATING TO~~

~~CORRUPTION OF MINORS) OR OF ANY VIOLATIONS OF ANY LAWS OF THIS  
COMMONWEALTH RELATING TO THE PAYMENT OF TAXES ON LIQUOR,  
ALCOHOL, OR MALT OR BREWED BEVERAGES.~~

~~(2) THE CITATIONS ALLOWED BY CLAUSE (1) SHALL BE ON FORMS  
DESIGNED AND PROVIDED BY THE DIVISION.~~

~~(3) ANY CITATION ISSUED BY A LAW ENFORCEMENT AGENCY PURSUANT  
TO THIS SECTION SHALL IDENTIFY THE ALLEGED VIOLATION AND SHALL  
INCLUDE THE DATE OF SAID VIOLATION. A COPY OF SAID CITATION  
SHALL BE SERVED BY THE LAW ENFORCEMENT AGENCY BY DELIVERING THE  
CITATION TO THE LICENSED PREMISES AND LEAVING IT WITH THE  
LICENSEE OR ANY OFFICER, SERVANT, AGENT OR EMPLOYE OF THE  
LICENSEE FOUND ON THE PREMISES. IF NEITHER THE LICENSEE NOR ANY  
OFFICER, SERVANT, AGENT OR EMPLOYE OF THE LICENSEE IS FOUND ON  
THE PREMISES, THE CITATION MAY BE SERVED BY LEAVING A COPY  
THEREOF AT THE LICENSED PREMISES. A COPY OF THE CITATION MAY BE  
DELIVERED AS PROVIDED IN THIS SUBSECTION AT THE TIME THAT THE  
VIOLATION IS OBSERVED OR DETECTED BY THE LAW ENFORCEMENT AGENCY  
OR WITHIN THIRTY DAYS FOLLOWING THE LATER OF EITHER:~~

~~(I) THE OBSERVANCE OR DETECTION OF THE VIOLATION; OR~~

~~(II) THE COMPLETION OF THE INVESTIGATION DISCLOSING THE  
VIOLATION.~~

~~(4) UPON ISSUING ANY CITATION AS HEREIN PROVIDED, THE LAW  
ENFORCEMENT AGENCY ISSUING THE CITATION SHALL PROMPTLY PROVIDE A  
COPY OF THE CITATION TO THE DIVISION. UPON RECEIPT OF SUCH A  
CITATION, THE DIVISION SHALL SCHEDULE A HEARING ON THE CITATION  
NOT LESS THAN TEN NOR MORE THAN SIXTY DAYS AFTER A COPY OF THE  
CITATION WAS SERVED AS PROVIDED IN CLAUSE (3). ANY SUCH HEARING  
SHALL BE BEFORE AN ADMINISTRATIVE LAW JUDGE. AT THE HEARING, THE  
LICENSEE WILL BE REQUIRED TO SHOW CAUSE WHY THE LICENSE SHOULD  
NOT BE SUSPENDED OR REVOKED OR A FINE IMPOSED, OR BOTH. THE~~

~~HEARING PROVIDED FOR BY THIS SUBSECTION SHALL BE IDENTICAL IN  
FORM AND SUBSTANCE TO A HEARING ON A CITATION ISSUED PURSUANT TO  
SUBSECTION (A). THE DIVISION SHALL, BY REGISTERED MAIL, NOTIFY  
THE LICENSEE AND THE LAW ENFORCEMENT AGENCY ISSUING THE CITATION  
OF THE DATE, TIME AND PLACE FOR THE HEARING.~~

~~(5) UPON PROVIDING A COPY OF THE CITATION TO THE DIVISION AS  
PROVIDED IN CLAUSE (4), THE LAW ENFORCEMENT AGENCY SHALL, IN  
ADDITION, SUPPLY THE DIVISION WITH THE NAMES AND ADDRESSES OF  
ALL WITNESSES KNOWN TO THE LAW ENFORCEMENT AGENCY THAT MAY BE  
REQUIRED TO PROSECUTE THE CITATION. THE DIVISION SHALL COMMAND  
THE APPEARANCE AT THE SCHEDULED HEARING OF THOSE PERSONS,  
INCLUDING MEMBERS OF THE LAW ENFORCEMENT AGENCY, NECESSARY TO  
PROSECUTE THE CITATION.~~

~~(6) THE AUTHORITY GIVEN TO LAW ENFORCEMENT AGENCIES UNDER  
THIS SUBSECTION SHALL BE IN ADDITION TO ANY OTHER AUTHORITY  
WHICH SAID AGENCIES POSSESS.~~

~~(D) IF THE VIOLATION IN QUESTION IS A THIRD OR SUBSEQUENT  
VIOLATION OF THIS ACT OR [THE ACT OF JUNE 24, 1939 (P.L.872),  
KNOWN AS "THE PENAL CODE,"] TITLE 18 OF THE PENNSYLVANIA  
CONSOLIDATED STATUTES (RELATING TO CRIMES AND OFFENSES),  
OCCURRING WITHIN A PERIOD OF FOUR YEARS THE [BOARD]  
ADMINISTRATIVE LAW JUDGE SHALL IMPOSE A SUSPENSION OR  
REVOCATION.~~

~~[THE JURISDICTION OF THE COUNTY COURT OF ALLEGHENY COUNTY  
CONFERRED HEREBY SHALL BE EXCLUSIVE WITHIN THE TERRITORIAL  
LIMITS OF ITS JURISDICTION.]~~

~~(E) AT ALL HEARINGS HELD TO ADJUDICATE CITATIONS ISSUED BY A  
LAW ENFORCEMENT AGENCY PURSUANT TO THIS SECTION, THE LAW  
ENFORCEMENT AGENCY SHALL BE REPRESENTED BY THE CHIEF PROSECUTING  
ATTORNEY OF THE DIVISION OR AN ASSISTANT PROSECUTING ATTORNEY.~~



~~THE ATTORNEY GENERAL SHALL APPOINT A CHIEF PROSECUTING ATTORNEY  
AND SO MANY ASSISTANT PROSECUTING ATTORNEYS AS HE DEEMS  
NECESSARY AND APPROPRIATE. IN ADDITION TO REPRESENTING THE LAW  
ENFORCEMENT AGENCIES AT CITATION HEARINGS OR OTHER HEARINGS  
BEFORE ADMINISTRATIVE LAW JUDGES, THE CHIEF PROSECUTING ATTORNEY  
AND THE ASSISTANT PROSECUTING ATTORNEYS SHALL REPRESENT THE LAW  
ENFORCEMENT AGENCIES DURING ALL APPEALS IN THE COURTS AND SHALL  
RENDER ADVICE AND LEGAL ASSISTANCE TO LAW ENFORCEMENT AGENCIES  
IN MATTERS ARISING UNDER THIS ACT.~~

~~SECTION 26. SECTION 472 OF THE ACT, AMENDED MAY 2, 1986  
(P.L.141, NO.44), IS AMENDED TO READ:~~

~~SECTION 472. LOCAL OPTION. IN ANY MUNICIPALITY OR ANY PART  
OF A MUNICIPALITY WHERE SUCH MUNICIPALITY IS SPLIT SO THAT EACH  
PART THEREOF IS SEPARATED BY ANOTHER MUNICIPALITY, AN ELECTION  
MAY BE HELD ON THE DATE OF THE PRIMARY ELECTION IMMEDIATELY  
PRECEDING ANY MUNICIPAL ELECTION, BUT NOT OFTENER THAN ONCE IN  
FOUR YEARS, TO DETERMINE THE WILL OF THE ELECTORS WITH RESPECT  
TO THE GRANTING OF LIQUOR LICENSES TO HOTELS, RESTAURANTS AND  
CLUBS, NOT OFTENER THAN ONCE IN FOUR YEARS, TO DETERMINE THE  
WILL OF THE ELECTORS WITH RESPECT TO THE GRANTING OF LIQUOR  
LICENSES TO PRIVATELY OWNED PRIVATE GOLF COURSES, NOT OFTENER  
THAN ONCE IN FOUR YEARS, TO DETERMINE THE WILL OF THE ELECTORS  
WITH RESPECT TO THE GRANTING OF LICENSES TO RETAIL DISPENSERS OF  
MALT AND BREWED BEVERAGES, NOT OFTENER THAN ONCE IN FOUR YEARS,  
TO DETERMINE THE WILL OF THE ELECTORS WITH RESPECT TO GRANTING  
OF LICENSES TO WHOLESALE DISTRIBUTORS AND IMPORTING  
DISTRIBUTORS, OR NOT MORE THAN ONCE IN FOUR YEARS, TO DETERMINE  
THE WILL OF THE ELECTORS WITH RESPECT TO THE ESTABLISHMENT,  
OPERATION AND MAINTENANCE BY THE BOARD OF PENNSYLVANIA LIQUOR  
STORES, WITHIN THE LIMITS OF SUCH MUNICIPALITY OR PART OF A~~

1 ~~SPLIT MUNICIPALITY, UNDER THE PROVISIONS OF THIS ACT: PROVIDED,~~  
2 ~~HOWEVER, WHERE AN ELECTION SHALL HAVE BEEN HELD AT THE PRIMARY~~  
3 ~~PRECEDING A MUNICIPAL ELECTION IN ANY YEAR, ANOTHER ELECTION MAY~~  
4 ~~BE HELD UNDER THE PROVISIONS OF THIS ACT AT THE PRIMARY~~  
5 ~~OCCURRING THE FOURTH YEAR AFTER SUCH PRIOR ELECTION: AND~~  
6 ~~PROVIDED FURTHER, THAT AN ELECTION ON THE QUESTION OF~~  
7 ~~ESTABLISHING AND OPERATING A STATE LIQUOR STORE SHALL BE~~  
8 ~~INITIATED ONLY IN THOSE MUNICIPALITIES, OR THAT PART OF A SPLIT~~  
9 ~~MUNICIPALITY THAT SHALL HAVE VOTED AGAINST THE GRANTING OF~~  
10 ~~LIQUOR LICENSES; AND THAT AN ELECTION ON THE QUESTION OF~~  
11 ~~GRANTING WHOLESALE DISTRIBUTOR AND IMPORTING DISTRIBUTOR~~  
12 ~~LICENSES SHALL BE INITIATED ONLY IN THOSE MUNICIPALITIES OR~~  
13 ~~PARTS OF SPLIT MUNICIPALITIES THAT SHALL HAVE AT A PREVIOUS~~  
14 ~~ELECTION VOTED AGAINST THE GRANTING OF DISPENSER'S LICENSES.~~  
15 ~~WHENEVER ELECTORS EQUAL TO AT LEAST TWENTY FIVE PER CENTUM OF~~  
16 ~~THE HIGHEST VOTE CAST FOR ANY OFFICE IN THE MUNICIPALITY OR PART~~  
17 ~~OF A SPLIT MUNICIPALITY AT THE LAST PRECEDING GENERAL ELECTION~~  
18 ~~SHALL FILE A PETITION WITH THE COUNTY BOARD OF ELECTIONS OF THE~~  
19 ~~COUNTY FOR A REFERENDUM ON THE QUESTION OF GRANTING ANY OF SAID~~  
20 ~~CLASSES OF LICENSES OR THE ESTABLISHMENT OF PENNSYLVANIA LIQUOR~~  
21 ~~STORES, THE SAID COUNTY BOARD OF ELECTIONS SHALL CAUSE A~~  
22 ~~QUESTION TO BE PLACED ON THE BALLOTS OR ON THE VOTING MACHINE~~  
23 ~~BOARD AND SUBMITTED AT THE PRIMARY IMMEDIATELY PRECEDING THE~~  
24 ~~MUNICIPAL ELECTION. SEPARATE PETITIONS MUST BE FILED FOR EACH~~  
25 ~~QUESTION TO BE VOTED ON. SAID PROCEEDINGS SHALL BE IN THE MANNER~~  
26 ~~AND SUBJECT TO THE PROVISIONS OF THE ELECTION LAWS WHICH RELATE~~  
27 ~~TO THE SIGNING, FILING AND ADJUDICATION OF NOMINATION PETITIONS,~~  
28 ~~INSOFAR AS SUCH PROVISIONS ARE APPLICABLE.~~

29 ~~WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR~~  
30 ~~LICENSES, IT SHALL BE IN THE FOLLOWING FORM:~~

1       ~~DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES~~  
2       ~~FOR THE SALE OF LIQUOR IN..... YES~~  
3       ~~OF.....? NO~~  
4       ~~WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR~~  
5       ~~LICENSES, FOR PRIVATELY OWNED PRIVATE GOLF COURSES, IT SHALL BE~~  
6       ~~IN THE FOLLOWING FORM:~~

7       ~~DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES FOR~~  
8       ~~PRIVATELY OWNED PRIVATE GOLF COURSES FOR THE SALE~~  
9       ~~OF LIQUOR IN.....BY..... YES~~  
10       ~~OF.....? NO~~

11       ~~WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LICENSES~~  
12       ~~TO RETAIL DISPENSERS OF MALT AND BREWED BEVERAGES AND WINE, IT~~  
13       ~~SHALL BE IN THE FOLLOWING FORM:~~

14       ~~DO YOU FAVOR THE GRANTING OF MALT AND BREWED~~  
15       ~~BEVERAGE AND WINE RETAIL DISPENSER LICENSES FOR~~  
16       ~~CONSUMPTION ON PREMISES WHERE SOLD IN THE..... YES~~  
17       ~~OF.....? NO~~

18       ~~WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LICENSES~~  
19       ~~TO WHOLESALE DISTRIBUTORS OF MALT OR BREWED BEVERAGES AND WINE,~~  
20       ~~IMPORTING DISTRIBUTORS AND MASTER WINE DISTRIBUTORS, IT SHALL BE~~  
21       ~~IN THE FOLLOWING FORM:~~

22       ~~DO YOU FAVOR THE GRANTING OF MALT AND BREWED~~  
23       ~~BEVERAGE AND WINE WHOLESALE DISTRIBUTOR'S AND~~  
24       ~~IMPORTING DISTRIBUTOR'S LICENSES NOT FOR~~  
25       ~~CONSUMPTION ON PREMISES WHERE SOLD IN THE..... YES~~  
26       ~~OF.....? NO~~

27       ~~WHEN THE QUESTION IS IN RESPECT TO THE ESTABLISHMENT,~~  
28       ~~OPERATION AND MAINTENANCE OF PENNSYLVANIA LIQUOR STORES IT SHALL~~  
29       ~~BE IN THE FOLLOWING FORM:~~

30       ~~DO YOU FAVOR THE ESTABLISHMENT, OPERATION~~

1       ~~AND MAINTENANCE OF PENNSYLVANIA LIQUOR~~  
2       ~~STORES IN THE..... YES~~  
3       ~~OF.....? NO~~  
4       ~~WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LICENSES~~  
5 ~~TO WINE DISTRIBUTORS, IT SHALL BE IN THE FOLLOWING FORM:~~  
6       ~~DO YOU FAVOR THE GRANTING OF WINE DISTRIBUTOR'S~~  
7       ~~LICENSES NOT FOR CONSUMPTION ON PREMISES WHERE~~  
8       ~~SOLD IN THE..... YES~~  
9       ~~OF..... NO~~  
10       ~~IN CASE OF A TIE VOTE, THE STATUS QUO SHALL OBTAIN. IF A~~  
11 ~~MAJORITY OF THE VOTING ELECTORS ON ANY SUCH QUESTION VOTE "YES,"~~  
12 ~~THEN LIQUOR LICENSES SHALL BE GRANTED BY THE BOARD TO HOTELS,~~  
13 ~~RESTAURANTS AND CLUBS, OR LIQUOR LICENSES SHALL BE GRANTED BY~~  
14 ~~THE BOARD TO PRIVATELY OWNED PRIVATE GOLF COURSES, OR MALT AND~~  
15 ~~BREWED BEVERAGE RETAIL DISPENSER LICENSES OR WHOLESALE~~  
16 ~~DISTRIBUTOR'S AND IMPORTING DISTRIBUTOR'S LICENSE FOR THE SALE~~  
17 ~~OF MALT OR BREWED BEVERAGES SHALL BE GRANTED BY THE BOARD, OR~~  
18 ~~THE BOARD MAY ESTABLISH, OPERATE AND MAINTAIN PENNSYLVANIA~~  
19 ~~LIQUOR STORES, AS THE CASE MAY BE, IN SUCH MUNICIPALITY OR PART~~  
20 ~~OF A SPLIT MUNICIPALITY, AS PROVIDED BY THIS ACT; BUT IF A~~  
21 ~~MAJORITY OF THE ELECTORS VOTING ON ANY SUCH QUESTION VOTE "NO,"~~  
22 ~~THEN THE BOARD SHALL HAVE NO POWER TO GRANT OR TO RENEW UPON~~  
23 ~~THEIR EXPIRATION ANY LICENSES OF THE CLASS SO VOTED UPON IN SUCH~~  
24 ~~MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY; OR IF THE NEGATIVE~~  
25 ~~VOTE IS ON THE QUESTION IN RESPECT TO THE ESTABLISHMENT,~~  
26 ~~OPERATION AND MAINTENANCE OF PENNSYLVANIA LIQUOR STORES, THE~~  
27 ~~BOARD SHALL NOT OPEN AND OPERATE A PENNSYLVANIA LIQUOR STORE IN~~  
28 ~~SUCH MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY, NOR CONTINUE~~  
29 ~~TO OPERATE A THEN EXISTING PENNSYLVANIA LIQUOR STORE IN THE~~  
30 ~~MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY FOR MORE THAN TWO~~

~~YEARS THEREAFTER OR AFTER THE EXPIRATION OF THE TERM OF THE  
LEASE ON THE PREMISES OCCUPIED BY SUCH STORE, WHICHEVER PERIOD  
IS LESS, UNLESS AND UNTIL AT A LATER ELECTION A MAJORITY OF THE  
VOTING ELECTORS VOTE "YES" ON SUCH QUESTION.~~

~~SECTION 27. THE ACT IS AMENDED BY ADDING A SECTION TO READ:~~

~~SECTION 477. APPLICANTS TO PROVIDE STATE TAX IDENTIFICATION  
NUMBERS AND STATEMENT OF STATE TAX STATUS; WAIVER OF  
CONFIDENTIALITY OF INFORMATION IN THE POSSESSION OF THE  
DEPARTMENT OF REVENUE AND OTHER DEPARTMENTS; REVIEW OF STATE TAX  
STATUS. (A) AN APPLICANT FOR THE GRANT, RENEWAL OR TRANSFER OF  
ANY LICENSE ISSUED PURSUANT TO THIS ARTICLE SHALL PROVIDE TO THE  
BOARD, UPON FORMS APPROVED BY THE DEPARTMENT OF REVENUE, THE  
FOLLOWING:~~

~~(1) THE APPLICANT'S STATE PERSONAL INCOME TAX IDENTIFICATION  
NUMBER;~~

~~(2) THE APPLICANT'S STATE SALES TAX NUMBER;~~

~~(3) THE APPLICANT'S STATE CORPORATION TAX NUMBER;~~

~~(4) THE APPLICANT'S STATE EMPLOYER WITHHOLDING TAX NUMBER;~~

~~(5) THE APPLICANT'S UNEMPLOYMENT COMPENSATION ACCOUNT  
NUMBER; AND~~

~~(6) A STATEMENT THAT:~~

~~(I) ALL STATE TAX REPORTS HAVE BEEN FILED AND ALL STATE  
TAXES PAID; OR~~

~~(II) ALL STATE TAXES ARE SUBJECT TO A TIMELY ADMINISTRATIVE  
OR JUDICIAL APPEAL; OR~~

~~(III) ALL STATE TAXES ARE SUBJECT TO A DULY APPROVED  
DEFERRED PAYMENT PLAN.~~

~~(B) AN APPLICANT FOR THE GRANT, RENEWAL OR TRANSFER OF ANY  
LICENSE ISSUED PURSUANT TO THIS ARTICLE SHALL, BY THE FILING OF  
AN APPLICATION INSOFAR AS IT RELATES TO THE BOARD, WAIVE ANY~~

~~CONFIDENTIALITY WITH RESPECT TO STATE TAX INFORMATION REGARDING  
SAID APPLICANT IN THE POSSESSION OF THE DEPARTMENT OF REVENUE,  
THE OFFICE OF ATTORNEY GENERAL OR THE DEPARTMENT OF LABOR AND  
INDUSTRY, REGARDLESS OF THE SOURCE OF THAT INFORMATION AND SHALL  
CONSENT TO THE PROVIDING OF THAT INFORMATION TO THE BOARD BY THE  
DEPARTMENT OF REVENUE, THE OFFICE OF ATTORNEY GENERAL OR THE  
DEPARTMENT OF LABOR AND INDUSTRY.~~

~~(C) UPON RECEIPT OF ANY APPLICATION FOR THE GRANT, RENEWAL  
OR TRANSFER OF ANY LICENSE ISSUED PURSUANT TO THIS ARTICLE, THE  
BOARD SHALL REVIEW THE STATE TAX STATUS OF THE APPLICANT. THE  
BOARD SHALL REQUEST STATE TAX INFORMATION REGARDING THE  
APPLICANT FROM THE DEPARTMENT OF REVENUE, THE OFFICE OF ATTORNEY  
GENERAL OR THE DEPARTMENT OF LABOR AND INDUSTRY AND SAID  
INFORMATION SHALL BE PROVIDED.~~

~~(D) THE BOARD SHALL NOT APPROVE ANY APPLICATION FOR THE  
GRANT, RENEWAL OR TRANSFER OF ANY LICENSE ISSUED PURSUANT TO  
THIS ARTICLE WHERE THE APPLICANT HAS FAILED TO:~~

~~(1) PROVIDE ANY OF THE INFORMATION REQUIRED BY SUBSECTION  
(A); OR  
(2) FILE REQUIRED STATE TAX REPORTS; OR  
(3) PAY ANY STATE TAXES NOT SUBJECT TO A TIMELY  
ADMINISTRATIVE OR JUDICIAL APPEAL OR SUBJECT TO A DULY  
AUTHORIZED DEFERRED PAYMENT PLAN.~~

~~(E) FOR THE PURPOSE OF THIS SECTION THE TERM "APPLICANT"  
SHALL INCLUDE THE TRANSFEROR AND TRANSFEREE OF ANY LICENSE  
ISSUED UNDER THIS ACT.~~

~~SECTION 28. ARTICLE IV OF THE ACT IS AMENDED BY ADDING A  
SUBDIVISION TO READ:~~

~~ARTICLE IV.~~

~~LICENSES AND REGULATIONS; LIQUOR, ALCOHOL~~

1                   ~~AND MALT AND BREWED BEVERAGES.~~

2                                   ~~\* \* \*~~

3                   ~~(C.1) WINE SALES AND DISTRIBUTION.~~

4       ~~SECTION 480. AUTHORIZED ACTIVITIES. NOTWITHSTANDING ANY~~  
5 ~~OTHER PROVISIONS OF THIS ACT TO THE CONTRARY, THE FOLLOWING~~  
6 ~~SALES AND TRANSACTIONS INVOLVING WINE, WINE BY PRODUCTS AND WINE~~  
7 ~~COOLERS ARE AUTHORIZED ON MARCH 1, 1987, AND THEREAFTER:~~

8       ~~(1) UPON THE ISSUANCE OF A PERMIT BY THE BOARD, WINE MAY BE~~  
9 ~~PURCHASED FOR RESALE FOR CONSUMPTION OFF THE PREMISES WHERE SOLD~~  
10 ~~BY RESTAURANT, GOLF COURSE, HOTEL LIQUOR LICENSEES AND RETAIL~~  
11 ~~DISPENSERS IN QUANTITIES AS PERMITTED BY SECTIONS 401 AND 407 OF~~  
12 ~~THIS ACT BUT MAY NOT BE SOLD TO DISTRIBUTORS, IMPORTING~~  
13 ~~DISTRIBUTORS, LICENSED LIQUOR IMPORTERS, LICENSED WINE~~  
14 ~~IMPORTERS, DISTILLERIES AND WINERIES.~~

15       ~~(2) UPON THE ISSUANCE OF A PERMIT BY THE BOARD, WINE MAY BE~~  
16 ~~PURCHASED BY DISTRIBUTORS FOR RESALE FOR CONSUMPTION OFF THE~~  
17 ~~PREMISES WHERE SOLD. PERMITTEES SHALL NOT SELL WINE TO~~  
18 ~~DISTRIBUTORS, IMPORTING DISTRIBUTORS, LICENSED LIQUOR IMPORTERS,~~  
19 ~~LICENSED WINE IMPORTERS, DISTILLERS AND WINERIES. DISTRIBUTORS~~  
20 ~~ISSUED PERMITS PURSUANT TO THIS SUBSECTION MAY SELL WINE IN THE~~  
21 ~~SAME LOCATION FOR WHICH THE LICENSEE IS AUTHORIZED TO SELL MALT~~  
22 ~~AND BREWED BEVERAGES BUT SHALL NOT ENGAGE IN ANY UNRELATED~~  
23 ~~BUSINESS ACTIVITIES EXCEPT AS AUTHORIZED BY REGULATIONS OF THE~~  
24 ~~BOARD AS OF NOVEMBER 1, 1986, AND SHALL NOT CONDUCT WINE SALES~~  
25 ~~IN ANY FACILITY WHICH IS PART OF OR HAS ANY INTERNAL PASSAGEWAY~~  
26 ~~DIRECTLY INTO ANY OTHER RETAIL BUSINESS ESTABLISHMENT.~~

27       ~~(3) UPON THE ISSUANCE OF A PERMIT BY THE BOARD, WINE MAY BE~~  
28 ~~PURCHASED FOR RESALE TO THE BOARD, DISTRIBUTORS, IMPORTING~~  
29 ~~DISTRIBUTORS, ENTITIES ISSUED LIQUOR LICENSES PURSUANT TO~~  
30 ~~SUBDIVISION (A) OF THIS ARTICLE AND RETAIL DISPENSERS BY~~

~~IMPORTING DISTRIBUTORS, LICENSED LIQUOR IMPORTERS, LICENSED WINE  
IMPORTERS AND WINERIES. IMPORTING DISTRIBUTORS ISSUED PERMITS  
PURSUANT TO THIS CLAUSE MAY SELL WINE IN THE SAME LOCATION FOR  
WHICH THE LICENSEE IS AUTHORIZED TO SELL MALT AND BREWED  
BEVERAGES BUT SHALL NOT ENGAGE IN ANY UNRELATED BUSINESS  
ACTIVITIES EXCEPT AS AUTHORIZED BY REGULATIONS OF THE BOARD AS  
OF THE FIRST DAY OF NOVEMBER 1986, AND SHALL NOT CONDUCT WINE  
SALES IN ANY FACILITY WHICH IS PART OF OR HAS ANY INTERNAL  
PASSAGEWAY DIRECTLY INTO ANY OTHER RETAIL BUSINESS  
ESTABLISHMENT.~~

~~(4) THE BOARD SHALL ISSUE PERMITS TO QUALIFIED APPLICANTS  
PURSUANT TO THIS SECTION UPON A DEMONSTRATION BY THE APPLICANTS  
THAT WINE SALES AND DISTRIBUTION WILL BE CONDUCTED IN COMPLIANCE  
WITH THE REQUIREMENTS OF THIS ACT AND ANY RULES AND REGULATIONS  
OF THE BOARD AND UPON THE PAYMENT OF AN INITIAL PERMIT FEE OF  
TWO HUNDRED FIFTY DOLLARS (\$250.00) AND AN ANNUAL RENEWAL FEE OF  
SIXTY TWO DOLLARS AND FIFTY CENTS (\$62.50) FOR A PERMIT ISSUED  
PURSUANT TO CLAUSE (1) OF THIS SECTION AND TEN THOUSAND DOLLARS  
(\$10,000.00) AND AN ANNUAL RENEWAL FEE OF THREE THOUSAND ONE  
HUNDRED TWENTY FIVE DOLLARS (\$3,125.00) FOR A PERMIT ISSUED  
PURSUANT TO CLAUSE (2) OR (3) OF THIS SECTION.~~

~~SECTION 481. ISSUANCE OF ADDITIONAL DISTRIBUTOR AND RETAIL  
DISTRIBUTOR LICENSES. (A) ON OR AFTER THE FIRST DAY OF JANUARY  
1987, THE BOARD SHALL ISSUE WITHIN EACH COUNTY A NUMBER OF WINE  
DISTRIBUTOR LICENSES EQUAL TO ONE LICENSE FOR EVERY THIRTY  
THOUSAND INHABITANTS OF THE COUNTY BASED UPON THE POPULATION OF  
THE COUNTY ON THE FIRST DAY OF JANUARY 1987, OR A MINIMUM OF TWO  
ADDITIONAL LICENSES. LICENSES ISSUED PURSUANT TO THIS SECTION  
SHALL AUTHORIZE THE SALE OF WINE COMMENCING NOT SOONER THAN THE  
FIRST DAY OF MARCH 1987, AND SHALL BE NONTRANSFERABLE FOR FIVE~~



~~(5) YEARS FROM THE DATE OF AWARD OF THE LICENSE. ALL NEW  
LICENSES SHALL COMMENCE ACTUAL COMMERCIAL ACTIVITIES WITHIN ONE  
HUNDRED TWENTY (120) DAYS OF THE ISSUANCE OF A LICENSE OR SHALL  
FORFEIT IRREVOCABLY THE LICENSE ISSUED PURSUANT TO THIS SECTION.~~

~~(B) ANY NEW WINE DISTRIBUTOR'S LICENSES ISSUED BY THE BOARD  
PURSUANT TO THIS SECTION ON OR AFTER THE FIRST DAY OF JANUARY  
1987, SHALL BE ISSUED BY AN ANNUAL RANDOM LOTTERY CONDUCTED  
WITHIN EACH COUNTY AMONG ALL QUALIFIED AND FINANCIALLY  
RESPONSIBLE APPLICANTS FOR SUCH LICENSES. ANY APPLICANT FOR A  
LICENSE SHALL, PRIOR TO THE LOTTERY, PAY A NONREFUNDABLE FIVE  
HUNDRED DOLLAR (\$500.00) APPLICATION FEE. NOTWITHSTANDING THE  
PROVISIONS OF SECTION 614 A OF THE ACT OF APRIL 9, 1929  
(P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929,"  
THE PERMIT FEE FOR THE ISSUANCE OF ANY NEW DISTRIBUTOR'S LICENSE  
ISSUED ON OR AFTER THE FIRST DAY OF JANUARY 1987, WHICH FEE  
SHALL INCLUDE THE FEE FOR WINE SALES AND DISTRIBUTION PERMIT,  
SHALL BE TWENTY THOUSAND DOLLARS (\$20,000.00) AND THE ANNUAL  
RENEWAL FEE FOR A PERMIT TO CONDUCT WINE SALES AND DISTRIBUTION  
SHALL BE THREE THOUSAND ONE HUNDRED TWENTY FIVE DOLLARS  
(\$3,125.00).~~

~~(C) ON OR AFTER THE FIRST DAY OF MARCH 1987, THE BOARD SHALL  
PERMIT ANY MASTER WINE DISTRIBUTOR THE OPTION TO PURCHASE A WINE  
WHOLESALE LICENSE. ANY SUCH LICENSE SHALL AUTHORIZE THE  
WHOLESALE SALE OF WINE COMMENCING NOT SOONER THAN THE FIRST DAY  
OF MARCH 1987, AND SHALL BE NONTRANSFERABLE FOR FIVE (5) YEARS  
FROM THE DATE OF AWARD OF THE LICENSE. ALL NEW LICENSES SHALL  
COMMENCE ACTUAL COMMERCIAL ACTIVITIES WITHIN ONE HUNDRED TWENTY  
(120) DAYS OF THE ISSUANCE OF A LICENSE OR SHALL FORFEIT  
IRREVOCABLY THE LICENSE ISSUED PURSUANT TO THIS SECTION. THE  
PERMIT FEE FOR THE ISSUANCE OF ANY MASTER WINE DISTRIBUTOR'S~~

~~LICENSE ISSUED ON OR AFTER THE FIRST DAY OF MARCH 1987, WHICH  
FEE SHALL INCLUDE THE FEE FOR A WINE SALES AND DISTRIBUTION  
PERMIT SHALL BE FIFTY THOUSAND DOLLARS (\$50,000.00) AND AN  
ANNUAL RENEWAL FEE FOR A PERMIT TO CONDUCT WINE SALES AND  
DISTRIBUTION SHALL BE FIVE THOUSAND FIVE HUNDRED DOLLARS  
(\$5,500.00). MASTER WINE DISTRIBUTORS MAY ONLY ENGAGE IN THE  
WHOLESALE SALE OF WINE PRODUCTS.~~

~~(D) NO PERSON MAY HOLD MORE THAN ONE LICENSE AUTHORIZED  
PURSUANT TO THIS SECTION AND NO INDIVIDUAL, PARTNERSHIP,  
CORPORATION OR OTHER ORGANIZATION MAY HAVE ANY DIRECT OR  
INDIRECT LEGAL OR EQUITABLE OWNERSHIP INTEREST IN MORE THAN  
THREE LICENSES ISSUED PURSUANT TO THIS SECTION.~~

~~SECTION 482. TAX COLLECTION. (A) NOTWITHSTANDING ANY OTHER  
PROVISIONS OF LAW TO THE CONTRARY, EFFECTIVE THE FIRST DAY OF  
MARCH 1987, AND THEREAFTER, DISTRIBUTORS, IMPORTING  
DISTRIBUTORS, WINE DISTRIBUTORS AND RESTAURANT, GOLF COURSE,  
HOTEL AND CLUB LIQUOR LICENSEES AND RETAIL DISPENSERS SELLING  
WINE FOR CONSUMPTION OFF THE PREMISES WHERE SOLD AND NOT FOR  
RESALE BY THE BOARD, A LICENSED LIQUOR IMPORTER, WINE IMPORTER,  
WINERY, DISTRIBUTOR, WINE DISTRIBUTOR OR IMPORTING DISTRIBUTOR,  
SHALL COLLECT AND REMIT TO THE DEPARTMENT OF REVENUE THE TAX  
IMPOSED PURSUANT TO THE ACT OF JUNE 9, 1936 (SP.SESS., P.L.13,  
NO.4), ENTITLED, AS REENACTED AND AMENDED, "AN ACT IMPOSING AN  
EMERGENCY STATE TAX ON LIQUOR, AS HEREIN DEFINED, SOLD BY THE  
PENNSYLVANIA LIQUOR CONTROL BOARD; PROVIDING FOR THE COLLECTION  
AND PAYMENT OF SUCH TAX; AND IMPOSING DUTIES UPON THE DEPARTMENT  
OF REVENUE AND THE PENNSYLVANIA LIQUOR CONTROL BOARD," AND THE  
SALES AND USE TAX IMPOSED BY ARTICLE II OF THE ACT OF MARCH 4,  
1971 (P.L.6, NO.2), KNOWN AS THE "TAX REFORM CODE OF 1971." THE  
DEPARTMENT OF REVENUE MAY ISSUE LICENSES, FORMS, INSTRUCTIONS,~~

~~RULES AND REGULATIONS NECESSARY TO IMPLEMENT THIS SUBSECTION.~~

~~(B) ANY IMPORTING DISTRIBUTOR, LICENSED WINE IMPORTER OR  
MASTER WINE DISTRIBUTOR IMPORTING WINE INTO THIS COMMONWEALTH  
SHALL BE SUBJECT TO THE ACT OF DECEMBER 5, 1933 (SP. SESS.,  
P.L. 38, NO. 6), KNOWN AS THE "SPIRITOUS AND VINOUS LIQUOR TAX  
LAW."~~

~~SECTION 483. DISTRIBUTION OF CERTAIN FEE REVENUES.  
NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ALL  
FEES RECEIVED FROM LICENSES ISSUED PURSUANT TO THIS SUBDIVISION  
(C.1) AND TWENTY FIVE PER CENTUM OF ALL LICENSE RENEWAL FEES  
RECEIVED ON OR AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION  
(C.1) SHALL BE PLACED IN A REVOLVING FUND MAINTAINED BY THE  
BOARD. THE INTEREST ACCRUED IN THIS FUND SHALL BE DISTRIBUTED AS  
FOLLOWS:~~

~~(1) AN AMOUNT EQUAL TO TWENTY FIVE PER CENTUM OF THE TOTAL  
FEES COLLECTED WITHIN EACH COUNTY SHALL BE PROVIDED TO THE  
COUNTY FOR ENHANCED DRUG AND ALCOHOL ABUSE TREATMENT ACTIVITIES.~~

~~(2) AN AMOUNT EQUAL TO TWENTY FIVE PER CENTUM OF THE TOTAL  
FEES COLLECTED WITHIN EACH COUNTY SHALL BE PROVIDED TO THE  
SCHOOL DISTRICTS WITHIN WHICH LICENSED ACTIVITIES ARE CONDUCTED  
OR PROPOSED FOR ENHANCED HEALTH EDUCATION REGARDING SUBSTANCE  
ABUSE.~~

~~(3) AN AMOUNT EQUAL TO TWENTY FIVE PER CENTUM OF THE TOTAL  
FEES COLLECTED WITHIN EACH COUNTY SHALL BE PROVIDED FOR CAPITAL  
PROJECTS FOR FOOD BANKS RECOGNIZED BY THE DEPARTMENT OF  
AGRICULTURE.~~

~~(4) AN AMOUNT EQUAL TO TWENTY FIVE PER CENTUM OF THE TOTAL  
FEES COLLECTED WITHIN EACH COUNTY SHALL BE PROVIDED FOR SHELTER  
PROGRAMS FOR ABUSED AND BATTERED WOMEN.~~

~~SECTION 29. SECTION 491 OF THE ACT, AMENDED JULY 18, 1961~~

1 ~~(P.L.789, NO.347), MAY 5, 1970 (P.L.342, NO.110), OCTOBER 11,~~  
2 ~~1972 (P.L.906, NO.215), OCTOBER 2, 1974 (P.L.665, NO.220),~~  
3 ~~OCTOBER 10, 1974 (P.L.692, NO.231), DECEMBER 12, 1980 (P.L.1195,~~  
4 ~~NO.221) AND FEBRUARY 9, 1984 (P.L.21, NO.8), IS AMENDED TO READ:~~

5 ~~SECTION 491. UNLAWFUL ACTS RELATIVE TO LIQUOR, ALCOHOL AND~~  
6 ~~LIQUOR LICENSEES.—~~

7 ~~IT SHALL BE UNLAWFUL—~~

8 ~~(1) SALES OF LIQUOR. FOR ANY PERSON, BY HIMSELF OR BY AN~~  
9 ~~EMPLOYE OR AGENT, TO EXPOSE OR KEEP FOR SALE, OR DIRECTLY OR~~  
10 ~~INDIRECTLY, OR UPON ANY PRETENSE OR UPON ANY DEVICE, TO SELL OR~~  
11 ~~OFFER TO SELL ANY LIQUOR WITHIN THIS COMMONWEALTH, EXCEPT IN~~  
12 ~~ACCORDANCE WITH THE PROVISIONS OF THIS ACT AND THE REGULATIONS~~  
13 ~~OF THE BOARD. THIS CLAUSE SHALL NOT BE CONSTRUED TO PROHIBIT~~  
14 ~~HOSPITALS, PHYSICIANS, DENTISTS OR VETERINARIANS WHO ARE~~  
15 ~~LICENSED AND REGISTERED UNDER THE LAWS OF THIS COMMONWEALTH FROM~~  
16 ~~ADMINISTERING LIQUOR IN THE REGULAR COURSE OF THEIR PROFESSIONAL~~  
17 ~~WORK AND TAKING INTO ACCOUNT THE COST OF THE LIQUOR SO~~  
18 ~~ADMINISTERED IN MAKING CHARGES FOR THEIR PROFESSIONAL SERVICE,~~  
19 ~~OR A PHARMACIST DULY LICENSED AND REGISTERED UNDER THE LAWS OF~~  
20 ~~THIS COMMONWEALTH FROM DISPENSING LIQUOR ON A PRESCRIPTION OF A~~  
21 ~~DULY LICENSED PHYSICIAN, DENTIST OR VETERINARIAN, OR SELLING~~  
22 ~~MEDICAL PREPARATIONS CONTAINING ALCOHOL, OR USING LIQUOR IN~~  
23 ~~COMPOUNDING PRESCRIPTIONS OR MEDICINES AND MAKING A CHARGE FOR~~  
24 ~~THE LIQUOR USED IN SUCH MEDICINES, OR A MANUFACTURING PHARMACIST~~  
25 ~~OR CHEMIST FROM USING LIQUOR IN MANUFACTURING PREPARATIONS UNFIT~~  
26 ~~FOR BEVERAGE PURPOSES AND MAKING A CHARGE FOR THE LIQUOR SO~~  
27 ~~USED. ALL SUCH LIQUORS SO ADMINISTERED OR SOLD BY HOSPITALS,~~  
28 ~~PHYSICIANS, DENTISTS, VETERINARIANS, PHARMACISTS OR CHEMISTS~~  
29 ~~SHALL CONFORM TO THE PHARMACOPOEIA OF THE UNITED STATES, THE~~  
30 ~~NATIONAL FORMULARY, OR THE AMERICAN HOMEOPATHIC PHARMACOPOEIA.~~

~~THIS CLAUSE SHALL NOT BE CONSTRUED TO PROHIBIT AN EXECUTOR OR AN ADMINISTRATOR OF A DECEDENT'S ESTATE FROM SELLING PRIVATELY OR AT PUBLIC AUCTION LIQUOR WHICH WAS AN ASSET OF THE DECEDENT. THE BOARD SHALL ESTABLISH REGULATIONS TO ENSURE THAT STATE TAXES FROM THE SALES WILL BE PAID BY THE ESTATE FROM THE PROCEEDS OF THE SALE. THE BOARD MAY NOT PROHIBIT A SALE OF LIQUOR FOR THE REASON THAT IT WAS NOT LAWFULLY ACQUIRED PRIOR TO JANUARY 1, 1934 OR HAS NOT BEEN PURCHASED FROM A PENNSYLVANIA LIQUOR STORE OR IN COMPLIANCE WITH PENNSYLVANIA LAW.~~

~~(2) POSSESSION OR TRANSPORTATION OF LIQUOR OR ALCOHOL. FOR ANY PERSON, EXCEPT A MANUFACTURER OR THE BOARD OR THE HOLDER OF A SACRAMENTAL WINE LICENSE OR OF AN IMPORTER'S LICENSE, TO POSSESS OR TRANSPORT ANY LIQUOR OR ALCOHOL WITHIN THIS COMMONWEALTH WHICH WAS NOT LAWFULLY ACQUIRED PRIOR TO JANUARY FIRST, ONE THOUSAND NINE HUNDRED AND THIRTY FOUR, OR HAS NOT BEEN PURCHASED FROM A PENNSYLVANIA LIQUOR STORE [OR], A LICENSED LIMITED WINERY IN PENNSYLVANIA, A LICENSED LIQUOR OR WINE IMPORTER, A WINERY, A DISTRIBUTOR, AN IMPORTING DISTRIBUTOR, A MASTER WINE DISTRIBUTOR OR A WINE DISTRIBUTOR, EXCEPT MINIATURES TOTALLING LESS THAN ONE GALLON PURCHASED BY A COLLECTOR OF THE SAME IN ANOTHER STATE OR FOREIGN COUNTRY, OR IN ACCORDANCE WITH THE BOARD'S REGULATIONS. THE BURDEN SHALL BE UPON THE PERSON POSSESSING OR TRANSPORTING SUCH LIQUOR OR ALCOHOL TO PROVE THAT IT WAS SO ACQUIRED. BUT NOTHING HEREIN CONTAINED SHALL PROHIBIT THE MANUFACTURE OR POSSESSION OF WINE BY ANY PERSON IN HIS HOME FOR CONSUMPTION OF HIMSELF, HIS FAMILY AND GUESTS AND NOT FOR SALE, NOT EXCEEDING, DURING ANY ONE CALENDAR YEAR, TWO HUNDRED GALLONS, ANY OTHER LAW TO THE CONTRARY NOTWITHSTANDING. SUCH WINE SHALL NOT BE MANUFACTURED, POSSESSED, OFFERED FOR SALE OR SOLD ON ANY LICENSED PREMISES.~~

1       ~~NONE OF THE PROVISIONS HEREIN CONTAINED SHALL PROHIBIT NOR~~  
2       ~~SHALL IT BE UNLAWFUL FOR ANY PERSON TO IMPORT INTO PENNSYLVANIA,~~  
3       ~~TRANSPORT OR HAVE IN HIS POSSESSION, AN AMOUNT OF LIQUOR NOT~~  
4       ~~EXCEEDING ONE GALLON IN VOLUME UPON WHICH A STATE TAX HAS NOT~~  
5       ~~BEEN PAID, IF IT CAN BE SHOWN TO THE SATISFACTION OF THE BOARD~~  
6       ~~THAT SUCH PERSON PURCHASED THE LIQUOR IN A FOREIGN COUNTRY OR~~  
7       ~~UNITED STATES TERRITORY AND WAS ALLOWED TO BRING IT INTO THE~~  
8       ~~UNITED STATES. NEITHER SHALL THE PROVISIONS CONTAINED HEREIN~~  
9       ~~PROHIBIT NOR MAKE IT UNLAWFUL FOR (I) ANY MEMBER OF THE ARMED~~  
10       ~~FORCES ON ACTIVE DUTY, OR (II) ANY RETIRED MEMBER OF THE ARMED~~  
11       ~~FORCES, OR (III) ANY TOTALLY DISABLED VETERAN, OR (IV) THE~~  
12       ~~SPOUSE OF ANY PERSON INCLUDED IN THE FOREGOING CLASSES OF~~  
13       ~~PERSONS TO IMPORT INTO PENNSYLVANIA, TRANSPORT OR HAVE IN HIS~~  
14       ~~POSSESSION AN AMOUNT OF LIQUOR NOT EXCEEDING ONE GALLON PER~~  
15       ~~MONTH IN VOLUME UPON WHICH THE STATE TAX HAS NOT BEEN PAID, SO~~  
16       ~~LONG AS SUCH LIQUOR HAS BEEN LAWFULLY PURCHASED FROM A PACKAGE~~  
17       ~~STORE ESTABLISHED AND MAINTAINED UNDER THE AUTHORITY OF THE~~  
18       ~~UNITED STATES AND IS IN CONTAINERS IDENTIFIED IN ACCORDANCE WITH~~  
19       ~~REGULATIONS ISSUED BY THE DEPARTMENT OF DEFENSE. SUCH LIQUOR~~  
20       ~~SHALL NOT BE POSSESSED, OFFERED FOR SALE OR SOLD ON ANY LICENSED~~  
21       ~~PREMISES.~~

22       ~~NONE OF THE PROVISIONS HEREIN CONTAINED SHALL PROHIBIT NOR~~  
23       ~~SHALL IT BE UNLAWFUL FOR ANY CONSUL GENERAL, CONSUL OR OTHER~~  
24       ~~DIPLOMATIC OFFICER OF A FOREIGN GOVERNMENT TO IMPORT INTO~~  
25       ~~PENNSYLVANIA, TRANSPORT OR HAVE IN HIS POSSESSION LIQUOR UPON~~  
26       ~~WHICH A STATE TAX HAS NOT BEEN PAID, IF IT CAN BE SHOWN TO THE~~  
27       ~~SATISFACTION OF THE BOARD THAT SUCH PERSON ACQUIRED THE LIQUOR~~  
28       ~~IN A FOREIGN COUNTRY AND WAS ALLOWED TO BRING IT INTO THE UNITED~~  
29       ~~STATES. SUCH LIQUOR SHALL NOT BE POSSESSED, OFFERED FOR SALE OR~~  
30       ~~SOLD ON ANY LICENSED PREMISES.~~

1       ~~ANY PERSON VIOLATING THE PROVISIONS OF THIS CLAUSE FOR A~~  
2       ~~FIRST OFFENSE INVOLVING THE POSSESSION OR TRANSPORTATION IN~~  
3       ~~PENNSYLVANIA OF ANY LIQUOR IN A PACKAGE (BOTTLE OR OTHER~~  
4       ~~RECEPTACLE) OR WINE NOT PURCHASED FROM A PENNSYLVANIA LIQUOR~~  
5       ~~STORE [OR FROM], A LICENSED LIMITED WINERY IN PENNSYLVANIA, A~~  
6       ~~LICENSED LIQUOR OR WINE IMPORTER, A WINERY, A DISTRIBUTOR, AN~~  
7       ~~IMPORTING DISTRIBUTOR, A MASTER WINE DISTRIBUTOR OR A WINE~~  
8       ~~DISTRIBUTOR, WITH RESPECT TO WHICH SATISFACTORY PROOF IS~~  
9       ~~PRODUCED THAT THE REQUIRED FEDERAL TAX HAS BEEN PAID AND WHICH~~  
10       ~~WAS PURCHASED, PROCURED OR ACQUIRED LEGALLY OUTSIDE OF~~  
11       ~~PENNSYLVANIA SHALL UPON CONVICTION THEREOF IN A SUMMARY~~  
12       ~~PROCEEDING BE SENTENCED TO PAY A FINE OF TWENTY FIVE DOLLARS~~  
13       ~~(\$25) FOR EACH SUCH PACKAGE, PLUS COSTS OF PROSECUTION, OR~~  
14       ~~UNDERGO IMPRISONMENT FOR A TERM NOT EXCEEDING NINETY (90) DAYS.~~  
15       ~~EACH FULL QUART OR MAJOR FRACTION THEREOF SHALL BE CONSIDERED A~~  
16       ~~SEPARATE PACKAGE (BOTTLE OR OTHER RECEPTACLE) FOR THE PURPOSES~~  
17       ~~OF THIS CLAUSE. SUCH PACKAGES OF LIQUOR SHALL BE FORFEITED TO~~  
18       ~~THE COMMONWEALTH IN THE MANNER PRESCRIBED IN ARTICLE VI OF THIS~~  
19       ~~ACT BUT THE VEHICLE, BOAT, VESSEL, ANIMAL OR AIRCRAFT USED IN~~  
20       ~~THE ILLEGAL TRANSPORTATION OF SUCH PACKAGES SHALL NOT BE SUBJECT~~  
21       ~~TO FORFEITURE: PROVIDED, HOWEVER, THAT IF IT IS A SECOND OR~~  
22       ~~SUBSEQUENT OFFENSE OR IF IT IS ESTABLISHED THAT THE ILLEGAL~~  
23       ~~POSSESSION OR TRANSPORTATION WAS IN CONNECTION WITH A COMMERCIAL~~  
24       ~~TRANSACTION, THEN THE OTHER PROVISIONS OF THIS ACT PROVIDING FOR~~  
25       ~~PROSECUTION AS A MISDEMEANOR AND FOR THE FORFEITURE OF THE~~  
26       ~~VEHICLE, BOAT, VESSEL, ANIMAL OR AIRCRAFT SHALL APPLY.~~

27       ~~(3) PURCHASE OF LIQUOR OR ALCOHOL. FOR ANY PERSON WITHIN~~  
28       ~~THIS COMMONWEALTH, BY HIMSELF OR BY AN EMPLOYE OR AGENT, TO~~  
29       ~~ATTEMPT TO PURCHASE, OR DIRECTLY OR INDIRECTLY, OR UPON ANY~~  
30       ~~PRETENSE OR DEVICE WHATSOEVER, TO PURCHASE ANY LIQUOR OR ALCOHOL~~

1 ~~FROM ANY PERSON OR SOURCE OTHER THAN A PENNSYLVANIA LIQUOR~~  
2 ~~STORE, OR WINE FROM A RESTAURANT, GOLF COURSE, HOTEL OR CLUB~~  
3 ~~LIQUOR LICENSEE OR A RETAIL DISPENSER, EXCEPT IN ACCORDANCE WITH~~  
4 ~~THE PROVISIONS OF THIS ACT OR THE REGULATIONS OF THE BOARD.~~

5 ~~(4) POSSESSION AND USE OF DECANTERS. FOR ANY PERSON TO USE~~  
6 ~~DECANTERS OF ALCOHOLIC BEVERAGES EXCEPT THAT THE USE OF~~  
7 ~~DECANTERS OR OTHER SIMILAR RECEPTACLES BY LICENSEES SHALL BE~~  
8 ~~PERMITTED IN THE CASE OF WINES AND THEN ONLY IN ACCORDANCE WITH~~  
9 ~~THE REGULATIONS OF THE BOARD, BUT NOTHING HEREIN CONTAINED SHALL~~  
10 ~~PROHIBIT THE MANUFACTURE AND POSSESSION OF WINE AS PROVIDED IN~~  
11 ~~CLAUSE (2) OF THIS SECTION.~~

12 ~~(5) FAILURE TO BREAK EMPTY LIQUOR CONTAINERS. FOR ANY~~  
13 ~~RESTAURANT, HOTEL OR CLUB LICENSEE, HIS SERVANTS, AGENTS OR~~  
14 ~~EMPLOYES, TO FAIL TO BREAK ANY PACKAGE IN WHICH LIQUORS WERE~~  
15 ~~CONTAINED, EXCEPT THOSE DECANTER PACKAGES THAT THE BOARD~~  
16 ~~DETERMINES TO BE DECORATIVE, WITHIN TWENTY FOUR HOURS AFTER THE~~  
17 ~~ORIGINAL CONTENTS WERE REMOVED THEREFROM.~~

18 ~~(6) SALES BY RESTAURANT AND HOTEL LIQUOR LICENSEES. FOR ANY~~  
19 ~~RESTAURANT OR HOTEL LICENSEE, HIS SERVANTS, AGENTS OR EMPLOYES,~~  
20 ~~TO SELL ANY LIQUOR OR MALT OR BREWED BEVERAGES FOR CONSUMPTION~~  
21 ~~ON THE LICENSED PREMISES EXCEPT IN A ROOM OR ROOMS OR PLACE ON~~  
22 ~~THE LICENSED PREMISES AT ALL TIMES ACCESSIBLE TO THE USE AND~~  
23 ~~ACCOMMODATION OF THE GENERAL PUBLIC, BUT THIS SECTION SHALL NOT~~  
24 ~~BE INTERPRETED TO PROHIBIT A HOTEL LICENSEE, OR A RESTAURANT~~  
25 ~~LICENSEE WHEN THE RESTAURANT IS LOCATED IN A HOTEL, FROM SELLING~~  
26 ~~LIQUOR OR MALT OR BREWED BEVERAGES IN ANY ROOM OF SUCH HOTEL~~  
27 ~~OCCUPIED BY A BONA FIDE GUEST OR TO PROHIBIT A RESTAURANT~~  
28 ~~LICENSEE FROM SELLING LIQUOR OR MALT OR BREWED BEVERAGES IN A~~  
29 ~~BOWLING ALLEY WHEN NO MINORS ARE PRESENT WHERE THE RESTAURANT~~  
30 ~~AND BOWLING ALLEY ARE IMMEDIATELY ADJACENT AND UNDER THE SAME~~



1   ~~ROOF.~~

2       ~~(7) SALES OF LIQUOR BY MANUFACTURERS AND LICENSED IMPORTERS.~~  
3   ~~FOR ANY MANUFACTURER OR LICENSED IMPORTER OF LIQUOR IN THIS~~  
4   ~~COMMONWEALTH, HIS AGENTS, SERVANTS OR EMPLOYES, TO SELL OR OFFER~~  
5   ~~TO SELL ANY LIQUOR IN THIS COMMONWEALTH EXCEPT TO THE BOARD FOR~~  
6   ~~USE IN PENNSYLVANIA LIQUOR STORES, AND IN THE CASE OF A~~  
7   ~~MANUFACTURER, TO THE HOLDER OF A SACRAMENTAL WINE LICENSE OR AN~~  
8   ~~IMPORTER'S LICENSE, BUT A MANUFACTURER OR LICENSED IMPORTER MAY~~  
9   ~~SELL OR OFFER TO SELL LIQUOR TO PERSONS OUTSIDE OF THIS~~  
10   ~~COMMONWEALTH AND MAY SELL WINE TO A LICENSED IMPORTER, MASTER~~  
11   ~~WINE DISTRIBUTOR, DISTRIBUTOR, IMPORTING DISTRIBUTOR OR WINE~~  
12   ~~DISTRIBUTOR.~~

13       ~~(8) IMPORTATION AND SALES OF ALCOHOL. FOR ANY PERSON, TO~~  
14   ~~IMPORT ALCOHOL INTO THIS COMMONWEALTH, OR TO SELL ALCOHOL TO ANY~~  
15   ~~PERSON, EXCEPT IN ACCORDANCE WITH THE REGULATIONS OF THE BOARD.~~

16       ~~(9) POSSESSION OF ALCOHOL. FOR ANY PERSON, TO HAVE ALCOHOL~~  
17   ~~IN HIS POSSESSION, EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF~~  
18   ~~THIS ACT AND THE REGULATIONS OF THE BOARD.~~

19       ~~(10) FORTIFYING, ADULTERATING OR CONTAMINATING LIQUOR. FOR~~  
20   ~~ANY LICENSEE OR ANY EMPLOYE OR AGENT OF A LICENSEE OR OF THE~~  
21   ~~BOARD, TO FORTIFY, ADULTERATE OR CONTAMINATE ANY LIQUOR, EXCEPT~~  
22   ~~AS PERMITTED BY THE REGULATIONS OF THE BOARD, OR TO REFILL~~  
23   ~~WHOLLY OR IN PART, WITH ANY LIQUID OR SUBSTANCE WHATSOEVER, ANY~~  
24   ~~LIQUOR BOTTLE OR OTHER LIQUOR CONTAINER.~~

25       ~~(11) IMPORTATION OF LIQUOR. FOR ANY PERSON, OTHER THAN THE~~  
26   ~~BOARD OR THE HOLDER OF A SACRAMENTAL WINE LICENSE [OR OF], AN~~  
27   ~~IMPORTER'S LICENSE, A WINERY, A MASTER WINE DISTRIBUTOR OR AN~~  
28   ~~IMPORTING DISTRIBUTOR TO IMPORT ANY LIQUOR WHATSOEVER INTO THIS~~  
29   ~~COMMONWEALTH, BUT THIS SECTION SHALL NOT BE CONSTRUCTED TO~~  
30   ~~PROHIBIT RAILROAD AND PULLMAN COMPANIES FROM SELLING LIQUORS~~

~~PURCHASED OUTSIDE THE COMMONWEALTH IN THEIR DINING, CLUB AND  
BUFFET CARS WHICH ARE COVERED BY PUBLIC SERVICE LIQUOR LICENSES  
AND WHICH ARE OPERATED IN THIS COMMONWEALTH.~~

~~(12) DELIVERY OF LIQUOR BY CERTAIN LICENSEES. FOR A LIQUOR  
LICENSEE PERMITTED TO DELIVER LIQUOR, TO MAKE ANY DELIVERIES  
EXCEPT IN HIS OWN VEHICLES BEARING HIS NAME, ADDRESS AND LICENSE  
NUMBER ON EACH SIDE IN LETTERS NOT SMALLER THAN FOUR INCHES IN  
HEIGHT, OR IN THE VEHICLE OF ANOTHER PERSON DULY AUTHORIZED TO  
TRANSPORT LIQUOR WITHIN THIS COMMONWEALTH.~~

~~(13) VIOLATION OF CERTAIN RULES AND REGULATIONS OF BOARD.  
FOR ANY PERSON, TO VIOLATE ANY RULES AND REGULATIONS ADOPTED BY  
THE BOARD TO INSURE THE EQUITABLE WHOLESALE AND RETAIL SALE AND  
DISTRIBUTION OF LIQUOR AND ALCOHOL THROUGH THE PENNSYLVANIA  
LIQUOR STORES.~~

~~(14) OFFERING COMMISSION OR GIFT TO MEMBERS OF BOARD [OR  
STATE EMPLOYE], THE ATTORNEY GENERAL OR CERTAIN EMPLOYEES. FOR  
ANY PERSON SELLING OR OFFERING TO SELL LIQUOR OR ALCOHOL TO, OR  
PURCHASING AT WHOLESALE LIQUOR OR ALCOHOL FROM, THE BOARD,  
EITHER DIRECTLY OR INDIRECTLY, TO PAY OR OFFER TO PAY ANY  
COMMISSION, PROFIT OR REMUNERATION, OR TO MAKE OR OFFER TO MAKE  
ANY GIFT TO ANY MEMBER OR EMPLOYE OF THE BOARD [OR OTHER EMPLOYE  
OF THE COMMONWEALTH OR TO ANYONE ON BEHALF OF SUCH MEMBER OR  
EMPLOYE], THE ATTORNEY GENERAL, ANY EMPLOYE THEREOF OR ANY  
EMPLOYE OF A LAW ENFORCEMENT AGENCY OR ANYONE ON BEHALF OF SUCH  
PERSONS.~~

~~SECTION 30. SECTION 492 OF THE ACT, AMENDED OR ADDED JULY 3,  
1957 (P.L.475, NO.268), JUNE 22, 1980 (P.L.253, NO.73) AND JUNE  
24, 1982 (P.L.624, NO.176), IS AMENDED TO READ:~~

~~SECTION 492. UNLAWFUL ACTS RELATIVE TO MALT OR BREWED  
BEVERAGES AND WINE AND LICENSEES.~~

1       ~~IT SHALL BE UNLAWFUL—~~

2       ~~(1) MANUFACTURING WITHOUT LICENSE. FOR ANY PERSON, TO~~  
3 ~~MANUFACTURE MALT OR BREWED BEVERAGES, UNLESS SUCH PERSON HOLDS A~~  
4 ~~VALID MANUFACTURER'S LICENSE FOR SUCH PURPOSE ISSUED BY THE~~  
5 ~~BOARD.~~

6       ~~(2) SALES OF MALT OR BREWED BEVERAGES OR WINE FOR~~  
7 ~~CONSUMPTION ON THE PREMISES. FOR ANY PERSON, TO SELL TO ANOTHER~~  
8 ~~FOR CONSUMPTION UPON THE PREMISES WHERE SOLD OR TO PERMIT~~  
9 ~~ANOTHER TO CONSUME UPON THE PREMISES WHERE SOLD, ANY MALT OR~~  
10 ~~BREWED BEVERAGES OR WINE, UNLESS SUCH PERSON HOLDS A VALID~~  
11 ~~RETAIL DISPENSER LICENSE OR A VALID LIQUOR LICENSE ISSUED BY THE~~  
12 ~~BOARD AUTHORIZING THE SALE OF MALT OR BREWED BEVERAGES OR WINE~~  
13 ~~FOR CONSUMPTION UPON SUCH PREMISES.~~

14       ~~(3) SALES OF MALT OR BREWED BEVERAGES NOT FOR CONSUMPTION ON~~  
15 ~~THE PREMISES. FOR ANY PERSON, TO SELL TO ANOTHER ANY MALT OR~~  
16 ~~BREWED BEVERAGES OR WINE NOT FOR CONSUMPTION UPON THE PREMISES~~  
17 ~~WHERE SOLD, UNLESS SUCH PERSON HOLDS A VALID LICENSE PERMITTING~~  
18 ~~SUCH SALE.~~

19       ~~(4) SUNDAY SALES OF MALT OR BREWED BEVERAGES BY~~  
20 ~~MANUFACTURERS, IMPORTING DISTRIBUTORS OR DISTRIBUTORS. FOR ANY~~  
21 ~~MANUFACTURER OF MALT OR BREWED BEVERAGES OR WINE, IMPORTING~~  
22 ~~DISTRIBUTOR OR DISTRIBUTOR, OR THE SERVANTS, AGENTS OR EMPLOYES~~  
23 ~~OF THE SAME, TO SELL, TRADE OR BARTER IN MALT OR BREWED~~  
24 ~~BEVERAGES OR WINE BETWEEN THE HOURS OF TWELVE O'CLOCK MIDNIGHT~~  
25 ~~OF ANY SATURDAY AND TWO O'CLOCK IN THE FORENOON OF THE FOLLOWING~~  
26 ~~MONDAY.~~

27       ~~(5) SALES OF MALT OR BREWED BEVERAGES OR WINE BY HOTELS,~~  
28 ~~EATING PLACES OR PUBLIC SERVICE LICENSEES DURING PROHIBITED~~  
29 ~~HOURS. FOR ANY HOTEL OR EATING PLACE HOLDING A RETAIL~~  
30 ~~DISPENSER'S LICENSE, OR THE SERVANTS, AGENTS OR EMPLOYES OF SUCH~~

1 ~~LICENSEES, TO SELL, TRADE OR BARTER IN MALT OR BREWED BEVERAGES~~  
2 ~~OR WINE BETWEEN THE HOURS OF TWO O'CLOCK ANTEMERIDIAN SUNDAY AND~~  
3 ~~SEVEN O'CLOCK IN THE FORENOON OF THE FOLLOWING MONDAY, OR~~  
4 ~~BETWEEN THE HOURS OF TWO O'CLOCK ANTEMERIDIAN AND SEVEN O'CLOCK~~  
5 ~~ANTEMERIDIAN OF ANY WEEK DAY: PROVIDED, THAT NOTWITHSTANDING ANY~~  
6 ~~PROVISION TO THE CONTRARY, WHENEVER THE THIRTY FIRST DAY OF~~  
7 ~~DECEMBER FALLS ON A SUNDAY SUCH SALES OF MALT OR BREWED~~  
8 ~~BEVERAGES OR WINE MAY BE MADE ON SUCH DAY AFTER ONE O'CLOCK~~  
9 ~~POSTMERIDIAN AND UNTIL TWO O'CLOCK ANTEMERIDIAN OF THE FOLLOWING~~  
10 ~~DAY. FOR ANY PUBLIC SERVICE LICENSEE AUTHORIZED TO SELL MALT OR~~  
11 ~~BREWED BEVERAGES OR WINE OR THE SERVANTS, AGENTS OR EMPLOYES OF~~  
12 ~~SUCH LICENSEES TO SELL, TRADE OR BARTER IN MALT OR BREWED~~  
13 ~~BEVERAGES OR WINE BETWEEN THE HOURS OF TWO O'CLOCK ANTEMERIDIAN~~  
14 ~~AND SEVEN O'CLOCK ANTEMERIDIAN ON ANY DAY.~~

15 ~~ANY LICENSEE HOLDING A RETAIL DISPENSER LICENSE OR A MALT OR~~  
16 ~~BREWED BEVERAGE PUBLIC SERVICE LICENSE MAY, BY GIVING NOTICE TO~~  
17 ~~THE BOARD, ADVANCE BY ONE HOUR THE HOURS HEREIN PRESCRIBED AS~~  
18 ~~THOSE DURING WHICH MALT OR BREWED BEVERAGES OR WINE MAY BE SOLD~~  
19 ~~DURING SUCH PART OF THE YEAR WHEN DAYLIGHT SAVING TIME IS BEING~~  
20 ~~OBSERVED GENERALLY IN THE MUNICIPALITY IN WHICH THE PLACE OF~~  
21 ~~BUSINESS IS LOCATED. ANY LICENSEE WHO ELECTS TO OPERATE HIS~~  
22 ~~PLACE OF BUSINESS IN ACCORDANCE WITH DAYLIGHT SAVING TIME SHALL~~  
23 ~~POST A CONSPICUOUS NOTICE IN HIS PLACE OF BUSINESS THAT HE IS~~  
24 ~~OPERATING IN ACCORDANCE WITH DAYLIGHT SAVING TIME.~~

25 ~~(6) SALES OF MALT OR BREWED BEVERAGES OR WINES ON ELECTION~~  
26 ~~DAY BY HOTELS, EATING PLACES OR PUBLIC SERVICE LICENSEES. FOR~~  
27 ~~ANY HOTEL OR EATING PLACE HOLDING A RETAIL DISPENSER'S LICENSE,~~  
28 ~~OR ANY MALT OR BREWED BEVERAGE PUBLIC SERVICE LICENSEE, OR HIS~~  
29 ~~SERVANTS, AGENTS OR EMPLOYES, TO SELL, FURNISH OR GIVE ANY MALT~~  
30 ~~OR BREWED BEVERAGES OR WINE TO ANY PERSON AFTER TWO O'CLOCK~~

1 ~~ANTEMERIDIAN, OR UNTIL ONE HOUR AFTER THE TIME FIXED BY LAW FOR~~  
2 ~~THE CLOSING OF POLLING PLACES ON DAYS ON WHICH A GENERAL,~~  
3 ~~MUNICIPAL, SPECIAL OR PRIMARY ELECTION IS BEING HELD EXCEPT AS~~  
4 ~~PERMITTED BY SUBSECTION (F) OF SECTION 432.~~

5 ~~(7) CLUBS SELLING BETWEEN THREE O'CLOCK ANTEMERIDIAN AND~~  
6 ~~SEVEN O'CLOCK ANTEMERIDIAN. FOR ANY CLUB RETAIL DISPENSER, OR~~  
7 ~~ITS SERVANTS, AGENTS OR EMPLOYES, TO SELL MALT OR BREWED~~  
8 ~~BEVERAGES OR WINE BETWEEN THE HOURS OF THREE O'CLOCK~~  
9 ~~ANTEMERIDIAN AND SEVEN O'CLOCK ANTEMERIDIAN ON ANY DAY.~~

10 ~~(8) TRANSPORTATION OF MALT OR BREWED BEVERAGES AND WINE. FOR~~  
11 ~~ANY PERSON, TO TRANSPORT MALT OR BREWED BEVERAGES EXCEPT IN THE~~  
12 ~~ORIGINAL CONTAINERS, OR TO TRANSPORT MALT OR BREWED BEVERAGES OR~~  
13 ~~WINE FOR ANOTHER WHO IS ENGAGED IN SELLING EITHER LIQUOR OR MALT~~  
14 ~~OR BREWED BEVERAGES, UNLESS SUCH PERSON SHALL HOLD (A) A LICENSE~~  
15 ~~TO TRANSPORT FOR HIRE, ALCOHOL, LIQUOR AND MALT OR BREWED~~  
16 ~~BEVERAGES, AS HEREINAFTER PROVIDED IN THIS ACT, OR (B) SHALL~~  
17 ~~HOLD A PERMIT ISSUED BY THE BOARD AND SHALL HAVE PAID TO THE~~  
18 ~~BOARD SUCH PERMIT FEE, NOT EXCEEDING ONE HUNDRED DOLLARS (\$100),~~  
19 ~~AND SHALL HAVE FILED WITH THE BOARD A BOND IN THE PENAL SUM OF~~  
20 ~~NOT MORE THAN TWO THOUSAND DOLLARS (\$2000), AS MAY BE FIXED BY~~  
21 ~~THE RULES AND REGULATIONS OF THE BOARD, ANY OTHER LAW TO THE~~  
22 ~~CONTRARY NOTWITHSTANDING.~~

23 ~~(9) TRANSPORTATION OF MALT OR BREWED BEVERAGES OR WINE BY~~  
24 ~~LICENSEE. FOR A MALT OR BREWED BEVERAGE AND WINE LICENSEE, TO~~  
25 ~~DELIVER OR TRANSPORT ANY MALT OR BREWED BEVERAGES OR WINE,~~  
26 ~~EXCEPTING IN VEHICLES BEARING THE NAME AND ADDRESS AND LICENSE~~  
27 ~~NUMBER OF SUCH LICENSEE PAINTED OR AFFIXED ON EACH SIDE OF SUCH~~  
28 ~~VEHICLE IN LETTERS NO SMALLER THAN FOUR INCHES IN HEIGHT.~~

29 ~~(10) IMPORTING OR TRANSPORTING MALT OR BREWED BEVERAGES OR~~  
30 ~~WINE WITHOUT TAX STAMPS. FOR ANY PERSON, TO TRANSPORT WITHIN OR~~

1 ~~IMPORT ANY MALT OR BREWED BEVERAGES OR WINE INTO THIS~~  
2 ~~COMMONWEALTH, EXCEPT IN ACCORDANCE WITH THE RULES AND~~  
3 ~~REGULATIONS OF THE BOARD, OR FOR ANY PERSON TO TRANSPORT MALT OR~~  
4 ~~BREWED BEVERAGES OR WINE INTO OR WITHIN THIS COMMONWEALTH,~~  
5 ~~UNLESS THERE SHALL BE AFFIXED TO THE ORIGINAL CONTAINERS IN~~  
6 ~~WHICH SUCH MALT OR BREWED BEVERAGES OR WINE ARE TRANSPORTED,~~  
7 ~~STAMPS OR CROWNS EVIDENCING THE PAYMENT OF THE MALT LIQUOR OR~~  
8 ~~VINOUS LIQUOR TAX TO THE COMMONWEALTH: PROVIDED, HOWEVER, THAT~~  
9 ~~THIS CLAUSE SHALL NOT BE CONSTRUED TO PROHIBIT TRANSPORTATION OF~~  
10 ~~MALT OR BREWED BEVERAGES OR WINE THROUGH THIS COMMONWEALTH AND~~  
11 ~~NOT FOR DELIVERY THEREIN, IF SUCH TRANSPORTING IS DONE IN~~  
12 ~~ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD.~~

13 ~~(11) DELIVERY OF MALT OR BREWED BEVERAGES OR WINE WITH OTHER~~  
14 ~~COMMODITIES. FOR ANY MANUFACTURER, IMPORTING DISTRIBUTOR OR~~  
15 ~~DISTRIBUTOR, OR HIS SERVANTS, AGENTS OR EMPLOYES, EXCEPT WITH~~  
16 ~~BOARD APPROVAL, TO DELIVER OR TRANSPORT ANY MALT OR BREWED~~  
17 ~~BEVERAGES OR WINE IN ANY VEHICLE IN WHICH ANY OTHER COMMODITY IS~~  
18 ~~BEING TRANSPORTED.~~

19 ~~(12) DISTRIBUTORS AND IMPORTING DISTRIBUTORS ENGAGING IN~~  
20 ~~OTHER BUSINESS. FOR ANY DISTRIBUTOR OR IMPORTING DISTRIBUTOR, OR~~  
21 ~~HIS SERVANTS, AGENTS OR EMPLOYES, WITHOUT THE APPROVAL OF THE~~  
22 ~~BOARD, AND THEN ONLY IN ACCORDANCE WITH BOARD REGULATIONS, TO~~  
23 ~~ENGAGE IN ANY OTHER BUSINESS WHATSOEVER, EXCEPT THE BUSINESS OF~~  
24 ~~DISTRIBUTING MALT OR BREWED BEVERAGES AND WINE.~~

25 ~~(13) POSSESSION OR STORAGE OF LIQUOR OR ALCOHOL BY CERTAIN~~  
26 ~~LICENSEES. FOR ANY DISTRIBUTOR, IMPORTING DISTRIBUTOR OR RETAIL~~  
27 ~~DISPENSER, OR HIS SERVANTS, AGENTS OR EMPLOYES, TO HAVE IN HIS~~  
28 ~~POSSESSION, OR TO PERMIT THE STORAGE OF ON THE LICENSED PREMISES~~  
29 ~~OR IN ANY PLACE CONTIGUOUS OR ADJACENT THERETO ACCESSIBLE TO THE~~  
30 ~~PUBLIC OR USED IN CONNECTION WITH THE OPERATION OF THE LICENSED~~

1 ~~PREMISES, ANY ALCOHOL OR LIQUOR EXCEPT FOR WINE.~~

2 ~~(14) MALT OR BREWED BEVERAGE LICENSEES DEALING IN LIQUOR OR~~  
3 ~~ALCOHOL. FOR ANY MALT OR BREWED BEVERAGE LICENSEE, OTHER THAN A~~  
4 ~~MANUFACTURER, OR THE SERVANTS, AGENTS OR EMPLOYES THEREOF, TO~~  
5 ~~MANUFACTURE, IMPORT, SELL, TRANSPORT, STORE, TRADE OR BARTER IN~~  
6 ~~ANY LIQUOR OR ALCOHOL EXCEPT FOR WINE.~~

7 ~~(15) SELLING TO PERSONS DOING ILLEGAL BUSINESS. FOR ANY MALT~~  
8 ~~OR BREWED BEVERAGE LICENSEE, OR HIS SERVANTS, AGENTS OR~~  
9 ~~EMPLOYES, TO KNOWINGLY SELL ANY MALT OR BREWED BEVERAGES OR WINE~~  
10 ~~TO ANY PERSON ENGAGED IN THE BUSINESS OF ILLEGALLY SELLING~~  
11 ~~LIQUOR OR MALT OR BREWED BEVERAGES.~~

12 ~~(16) DISTRIBUTORS AND IMPORTING DISTRIBUTORS FAILING TO KEEP~~  
13 ~~RECORDS. FOR ANY IMPORTING DISTRIBUTOR OR DISTRIBUTOR ENGAGED IN~~  
14 ~~THE SALE OF PRODUCTS, OTHER THAN MALT OR BREWED BEVERAGES AND~~  
15 ~~WINE, TO FAIL TO KEEP SUCH COMPLETE SEPARATE RECORDS COVERING IN~~  
16 ~~EVERY RESPECT HIS TRANSACTIONS IN MALT OR BREWED BEVERAGES AND~~  
17 ~~WINE AS THE BOARD SHALL BY REGULATION REQUIRE.~~

18 ~~(17) FORTIFYING, ADULTERATING OR CONTAMINATING MALT OR~~  
19 ~~BREWED BEVERAGES. FOR ANY PERSON, TO FORTIFY, ADULTERATE,~~  
20 ~~CONTAMINATE, OR IN ANY WISE TO CHANGE THE CHARACTER OR PURITY~~  
21 ~~OF, THE MALT OR BREWED BEVERAGES FROM THAT AS ORIGINALLY~~  
22 ~~MARKETED BY THE MANUFACTURER AT THE PLACE OF MANUFACTURE.~~

23 ~~(18) COERCING DISTRIBUTORS AND IMPORTING DISTRIBUTORS. FOR~~  
24 ~~ANY MANUFACTURER OR ANY OFFICER, AGENT OR REPRESENTATIVE OF ANY~~  
25 ~~MANUFACTURER TO COERCE OR PERSUADE OR ATTEMPT TO COERCE OR~~  
26 ~~PERSUADE ANY PERSON LICENSED TO SELL OR DISTRIBUTE MALT OR~~  
27 ~~BREWED BEVERAGES AT WHOLESALE OR RETAIL TO ESTABLISH SELLING~~  
28 ~~PRICES FOR ITS PRODUCTS OR TO ENTER INTO ANY CONTRACTS OR~~  
29 ~~AGREEMENTS, WHETHER WRITTEN OR ORAL, OR TAKE ANY ACTION WHICH~~  
30 ~~WILL VIOLATE OR TEND TO VIOLATE ANY PROVISIONS OF THIS ACT OR~~

~~ANY OF THE RULES OR REGULATIONS PROMULGATED BY THE BOARD  
PURSUANT THERETO.~~

~~(19) MODIFYING OR TERMINATING DISTRIBUTING RIGHTS AGREEMENT.  
FOR ANY MANUFACTURER OR ANY OFFICER, AGENT OR REPRESENTATIVE OF  
ANY MANUFACTURER TO MODIFY, CANCEL, TERMINATE, RESCIND OR NOT  
RENEW, WITHOUT GOOD CAUSE, ANY DISTRIBUTING RIGHTS AGREEMENT,  
AND IN NO EVENT SHALL ANY MODIFICATION, CANCELLATION,  
TERMINATION, RESCISSION OR NONRENEWAL OF ANY DISTRIBUTING RIGHTS  
AGREEMENT BECOME EFFECTIVE FOR AT LEAST NINETY (90) DAYS AFTER  
WRITTEN NOTICE OF SUCH MODIFICATION, CANCELLATION, TERMINATION,  
RESCISSION OR INTENTION NOT TO RENEW HAS BEEN SERVED ON THE  
AFFECTED PARTY AND BOARD BY CERTIFIED MAIL, RETURN RECEIPT  
REQUESTED, EXCEPT BY WRITTEN CONSENT OF THE PARTIES TO THE  
AGREEMENT. THE NOTICE SHALL STATE ALL THE REASONS FOR THE  
INTENDED MODIFICATION, TERMINATION, CANCELLATION, RESCISSION OR  
NONRENEWAL. THE DISTRIBUTOR OR IMPORTING DISTRIBUTOR HOLDING  
SUCH AGREEMENT SHALL HAVE NINETY (90) DAYS IN WHICH TO RECTIFY  
ANY CLAIMED DEFICIENCY, OR CHALLENGE THE ALLEGED CAUSE.~~

~~IF THE DEFICIENCY SHALL BE RECTIFIED WITHIN NINETY (90) DAYS  
OF NOTICE, THEN THE PROPOSED MODIFICATION, TERMINATION,  
CANCELLATION, RESCISSION OR NONRENEWAL SHALL BE NULL AND VOID  
AND WITHOUT LEGAL EFFECT.~~

~~IF THE NOTICE STATES AS ONE OF THE REASONS FOR THE INTENDED  
MODIFICATION, CANCELLATION, TERMINATION, RESCISSION OR RENEWAL  
THAT THE IMPORTING DISTRIBUTOR OR DISTRIBUTOR'S EQUIPMENT OR  
WAREHOUSE REQUIRES MAJOR CHANGES OR ADDITIONS, THEN IF THE  
DISTRIBUTOR OR IMPORTING DISTRIBUTOR SHALL HAVE TAKEN SOME  
POSITIVE ACTION TO COMPLY WITH THE REQUIRED CHANGES OR  
ADDITIONS, THE DISTRIBUTOR OR IMPORTING DISTRIBUTOR SHALL HAVE  
DEEMED TO HAVE COMPLIED WITH THE DEFICIENCY AS SET FORTH IN THE~~



1 ~~NOTICE. THE NOTICE PROVISIONS OF THIS SECTION SHALL NOT APPLY IF~~  
2 ~~THE REASON FOR TERMINATION, CANCELLATION OR NONRENEWAL IS~~  
3 ~~INSOLVENCY, ASSIGNMENT FOR THE BENEFIT OF CREDITORS, BANKRUPTCY,~~  
4 ~~LIQUIDATION, FRAUDULENT CONDUCT IN ITS DEALINGS WITH THE~~  
5 ~~MANUFACTURER, REVOCATION OR SUSPENSION FOR MORE THAN A THIRTY~~  
6 ~~(30) DAY PERIOD OF THE IMPORTING DISTRIBUTOR OR DISTRIBUTOR~~  
7 ~~LICENSE.~~

8 ~~(20) INTERFERENCE WITH TRANSFER OF LICENSE, BUSINESS OR~~  
9 ~~FRANCHISE. (I) FOR ANY MANUFACTURER TO INTERFERE WITH OR PREVENT~~  
10 ~~ANY DISTRIBUTOR OR IMPORTING DISTRIBUTOR FROM SELLING OR~~  
11 ~~TRANSFERRING HIS LICENSE, BUSINESS OR FRANCHISE, WHETHER BEFORE~~  
12 ~~OR AFTER NOTICE OF MODIFICATION, CANCELLATION, TERMINATION,~~  
13 ~~RESCISSION OR NONRENEWAL HAS BEEN GIVEN, PROVIDED THE PROPOSED~~  
14 ~~PURCHASER OF THE BUSINESS OF THE DISTRIBUTOR OR IMPORTING~~  
15 ~~DISTRIBUTOR MEETS THE MATERIAL QUALIFICATIONS AND STANDARDS~~  
16 ~~REQUIRED OF THE MANUFACTURERS OTHER DISTRIBUTORS OR IMPORTING~~  
17 ~~DISTRIBUTORS; (II) IF THE PROPOSED TRANSFER OF THE DISTRIBUTOR~~  
18 ~~OR IMPORTING DISTRIBUTOR'S BUSINESS IS TO A SURVIVING SPOUSE OR~~  
19 ~~ADULT CHILD, THE MANUFACTURER SHALL NOT, FOR ANY REASON,~~  
20 ~~INTERFERE WITH, OR PREVENT, THE TRANSFER OF THE DISTRIBUTOR OR~~  
21 ~~IMPORTING DISTRIBUTOR'S LICENSE, BUSINESS OR FRANCHISE. ANY~~  
22 ~~SUBSEQUENT TRANSFER BY SURVIVING SPOUSE OR ADULT CHILD SHALL~~  
23 ~~THEREAFTER BE SUBJECT TO THE PROVISIONS OF SUBCLAUSE (I) ABOVE.~~

24 ~~(21) INDUCING OR COERCING DISTRIBUTORS OR IMPORTING~~  
25 ~~DISTRIBUTORS TO ACCEPT UNORDERED PRODUCTS OR COMMIT ILLEGAL~~  
26 ~~ACTS. FOR ANY MANUFACTURER TO COMPEL OR ATTEMPT TO COMPEL ANY~~  
27 ~~DISTRIBUTOR OR IMPORTING DISTRIBUTOR TO ACCEPT DELIVERY OF ANY~~  
28 ~~MALT OR BREWED BEVERAGES OR ANY OTHER COMMODITY WHICH SHALL NOT~~  
29 ~~HAVE BEEN ORDERED BY THE DISTRIBUTOR OR IMPORTING DISTRIBUTOR,~~  
30 ~~OR TO DO ANY ILLEGAL ACT BY ANY MEANS WHATSOEVER INCLUDING, BUT~~

1 ~~NOT LIMITED TO, THREATENING TO AMEND, CANCEL, TERMINATE, RESCIND~~  
2 ~~OR REFUSE TO RENEW ANY AGREEMENT EXISTING BETWEEN MANUFACTURER~~  
3 ~~AND THE DISTRIBUTOR OR IMPORTING DISTRIBUTOR, OR TO REQUIRE A~~  
4 ~~DISTRIBUTOR OR IMPORTING DISTRIBUTOR TO ASSENT TO ANY CONDITION,~~  
5 ~~STIPULATION OR PROVISION LIMITING THE DISTRIBUTOR OR IMPORTING~~  
6 ~~DISTRIBUTOR IN HIS RIGHT TO SELL THE PRODUCTS OF ANY OTHER~~  
7 ~~MANUFACTURER.~~

8 ~~SECTION 31. SECTION 493 OF THE ACT, AMENDED JUNE 14, 1957~~  
9 ~~(P.L.322, NO.170), JUNE 15, 1961 (P.L.423, NO.211), SEPTEMBER~~  
10 ~~25, 1967 (P.L.307, NO.135), MARCH 5, 1970 (P.L.137, NO.55),~~  
11 ~~AUGUST 1, 1975 (P.L.161, NO.83), JUNE 15, 1977 (P.L.12, NO.9),~~  
12 ~~MARCH 9, 1982 (P.L.174, NO.55) AND MAY 9, 1984 (P.L.246, NO.54),~~  
13 ~~IS AMENDED TO READ:~~

14 ~~SECTION 493. UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND~~  
15 ~~BREWED BEVERAGES AND LICENSEES. THE TERM "LICENSEE," WHEN USED~~  
16 ~~IN THIS SECTION, SHALL MEAN THOSE PERSONS LICENSED UNDER THE~~  
17 ~~PROVISIONS OF ARTICLE IV, UNLESS THE CONTEXT CLEARLY INDICATES~~  
18 ~~OTHERWISE.~~

19 ~~IT SHALL BE UNLAWFUL—~~

20 ~~(1) FURNISHING LIQUOR OR MALT OR BREWED BEVERAGES TO CERTAIN~~  
21 ~~PERSONS. FOR ANY LICENSEE OR THE BOARD, OR ANY EMPLOYE, SERVANT~~  
22 ~~OR AGENT OF SUCH LICENSEE OR OF THE BOARD, OR ANY OTHER PERSON,~~  
23 ~~TO SELL, FURNISH OR GIVE ANY LIQUOR OR MALT OR BREWED BEVERAGES,~~  
24 ~~OR TO PERMIT ANY LIQUOR OR MALT OR BREWED BEVERAGES TO BE SOLD,~~  
25 ~~FURNISHED OR GIVEN, TO ANY PERSON VISIBLY INTOXICATED, OR TO ANY~~  
26 ~~INSANE PERSON, OR TO ANY MINOR, OR TO HABITUAL DRUNKARDS, OR~~  
27 ~~PERSONS OF KNOWN INTEMPERATE HABITS.~~

28 ~~(2) PURCHASE OR SALE OF LIQUOR OR MALT OR BREWED BEVERAGES~~  
29 ~~ON CREDIT. FOR ANY LICENSEE, HIS AGENT, SERVANT OR EMPLOYE, TO~~  
30 ~~SELL OR OFFER TO SELL OR PURCHASE OR RECEIVE ANY LIQUOR OR MALT~~

1 ~~OR BREWED BEVERAGES EXCEPT FOR CASH, EXCEPTING CREDIT EXTENDED~~  
2 ~~BY A HOTEL OR CLUB TO A BONA FIDE GUEST OR MEMBER, OR BY~~  
3 ~~RAILROAD OR PULLMAN COMPANIES IN DINING, CLUB OR BUFFET CARS TO~~  
4 ~~PASSENGERS, FOR CONSUMPTION WHILE ENROUTE, HOLDING AUTHORIZED~~  
5 ~~CREDIT CARDS ISSUED BY RAILROAD OR RAILROAD CREDIT BUREAUS OR BY~~  
6 ~~HOTEL, RESTAURANT AND PUBLIC SERVICE LICENSEES TO CUSTOMERS~~  
7 ~~HOLDING CREDIT CARDS ISSUED IN ACCORDANCE WITH REGULATIONS OF~~  
8 ~~THE BOARD OR CREDIT CARDS ISSUED BY BANKING INSTITUTIONS SUBJECT~~  
9 ~~TO STATE OR FEDERAL REGULATION; PROVIDED FURTHER, THAT NOTHING~~  
10 ~~HEREIN CONTAINED SHALL BE CONSTRUED TO PROHIBIT THE USE OF~~  
11 ~~CHECKS OR DRAFTS DRAWN ON A BANK, BANKING INSTITUTION, TRUST~~  
12 ~~COMPANY OR SIMILAR DEPOSITORY, ORGANIZED AND EXISTING UNDER THE~~  
13 ~~LAWS OF THE UNITED STATES OF AMERICA OR THE LAWS OF ANY STATE,~~  
14 ~~TERRITORY OR POSSESSION THEREOF, IN PAYMENT FOR ANY LIQUOR OR~~  
15 ~~MALT OR BREWED BEVERAGES IF THE PURCHASER IS THE PAYOR OF THE~~  
16 ~~CHECK OR DRAFT AND THE LICENSEE IS THE PAYEE. NO RIGHT OF ACTION~~  
17 ~~SHALL EXIST TO COLLECT ANY CLAIM FOR CREDIT EXTENDED CONTRARY TO~~  
18 ~~THE PROVISIONS OF THIS CLAUSE. NOTHING HEREIN CONTAINED SHALL~~  
19 ~~PROHIBIT A LICENSEE FROM CREDITING TO A PURCHASER THE ACTUAL~~  
20 ~~PRICE CHARGED FOR ORIGINAL CONTAINERS RETURNED BY THE ORIGINAL~~  
21 ~~PURCHASER AS A CREDIT ON ANY SALE, OR FROM REFUNDING TO ANY~~  
22 ~~PURCHASER THE AMOUNT PAID BY SUCH PURCHASER FOR SUCH CONTAINERS~~  
23 ~~OR AS A DEPOSIT ON CONTAINERS WHEN TITLE IS RETAINED BY THE~~  
24 ~~VENDOR, IF SUCH ORIGINAL CONTAINERS HAVE BEEN RETURNED TO THE~~  
25 ~~LICENSEE. NOTHING HEREIN CONTAINED SHALL PROHIBIT A MANUFACTURER~~  
26 ~~FROM EXTENDING USUAL AND CUSTOMARY CREDIT FOR LIQUOR OR MALT OR~~  
27 ~~BREWED BEVERAGES SOLD TO CUSTOMERS OR PURCHASERS WHO LIVE OR~~  
28 ~~MAINTAIN PLACES OF BUSINESS OUTSIDE OF THE COMMONWEALTH OF~~  
29 ~~PENNSYLVANIA, WHEN THE LIQUOR OR MALT OR BREWED BEVERAGES SO~~  
30 ~~SOLD ARE ACTUALLY TRANSPORTED AND DELIVERED TO POINTS OUTSIDE OF~~

1 ~~THE COMMONWEALTH: PROVIDED, HOWEVER, THAT AS TO ALL TRANSACTIONS~~  
2 ~~AFFECTING MALT OR BREWED BEVERAGES TO BE RESOLD OR CONSUMED~~  
3 ~~WITHIN THIS COMMONWEALTH, EVERY LICENSEE SHALL PAY AND SHALL~~  
4 ~~REQUIRE CASH DEPOSITS ON ALL RETURNABLE ORIGINAL CONTAINERS AND~~  
5 ~~ALL SUCH CASH DEPOSITS SHALL BE REFUNDED UPON RETURN OF THE~~  
6 ~~ORIGINAL CONTAINERS.~~

7 ~~(3) EXCHANGE OF LIQUOR OR MALT OR BREWED BEVERAGES FOR~~  
8 ~~MERCHANDISE, ETC. FOR ANY LICENSEE OR THE BOARD, OR ANY EMPLOYE,~~  
9 ~~SERVANT OR AGENT OF A LICENSEE OR OF THE BOARD, TO SELL, OFFER~~  
10 ~~TO SELL OR FURNISH ANY LIQUOR OR MALT OR BREWED BEVERAGES TO ANY~~  
11 ~~PERSON ON A PASS BOOK OR STORE ORDER, OR TO RECEIVE FROM ANY~~  
12 ~~PERSON ANY GOODS, WARES, MERCHANDISE OR OTHER ARTICLES IN~~  
13 ~~EXCHANGE FOR LIQUOR OR MALT OR BREWED BEVERAGES.~~

14 ~~(4) PEDDLING LIQUOR OR MALT OR BREWED BEVERAGES. FOR ANY~~  
15 ~~PERSON, TO HAWK OR PEDDLE ANY LIQUOR OR MALT OR BREWED BEVERAGES~~  
16 ~~IN THIS COMMONWEALTH.~~

17 ~~(5) FAILURE TO HAVE BRANDS AS ADVERTISED. FOR ANY LICENSEE,~~  
18 ~~HIS SERVANTS, AGENTS OR EMPLOYES, TO ADVERTISE OR HOLD OUT FOR~~  
19 ~~SALE ANY LIQUOR OR MALT OR BREWED BEVERAGES BY TRADE NAME OR~~  
20 ~~OTHER DESIGNATION WHICH WOULD INDICATE THE MANUFACTURER OR PLACE~~  
21 ~~OF PRODUCTION OF THE SAID LIQUOR OR MALT OR BREWED BEVERAGES,~~  
22 ~~UNLESS HE SHALL ACTUALLY HAVE ON HAND AND FOR SALE A SUFFICIENT~~  
23 ~~QUANTITY OF THE PARTICULAR LIQUOR OR MALT OR BREWED BEVERAGES SO~~  
24 ~~ADVERTISED TO MEET REQUIREMENTS TO BE NORMALLY EXPECTED AS A~~  
25 ~~RESULT OF SUCH ADVERTISEMENT OR OFFER.~~

26 ~~(6) BRAND OR TRADE NAME ON SPIGOT. FOR ANY LICENSEE, HIS~~  
27 ~~AGENTS, SERVANTS OR EMPLOYES, TO FURNISH OR SERVE ANY MALT OR~~  
28 ~~BREWED BEVERAGES FROM ANY FAUCET, SPIGOT OR OTHER DISPENSING~~  
29 ~~APPARATUS, UNLESS THE TRADE NAME OR BRAND OF THE PRODUCT SERVED~~  
30 ~~SHALL APPEAR IN FULL SIGHT OF THE CUSTOMER AND IN LEGIBLE~~

1 ~~LETTERING UPON SUCH FAUCET, SPIGOT OR DISPENSING APPARATUS.~~

2 ~~(7) ALCOHOLIC STRENGTH ON LABEL OF MALT OR BREWED BEVERAGES.~~

3 ~~FOR ANY LICENSEE, OR HIS SERVANTS, AGENTS OR EMPLOYES, TO~~

4 ~~TRANSPORT, SELL, DELIVER OR PURCHASE ANY MALT OR BREWED~~

5 ~~BEVERAGES UPON WHICH THERE SHALL APPEAR A LABEL OR OTHER~~

6 ~~INFORMATIVE DATA WHICH IN ANY MANNER REFERS TO THE ALCOHOLIC~~

7 ~~CONTENTS OF THE MALT OR BREWED BEVERAGE, OR WHICH REFERS IN ANY~~

8 ~~MANNER TO THE ORIGINAL ALCOHOLIC STRENGTH, EXTRACT OR BALLING~~

9 ~~PROOF FROM WHICH SUCH MALT OR BREWED BEVERAGE WAS PRODUCED. THIS~~

10 ~~CLAUSE SHALL NOT BE CONSTRUED TO PROHIBIT A MANUFACTURER FROM~~

11 ~~DESIGNATING UPON THE LABEL OR DESCRIPTIVE DATA THE ALCOHOLIC~~

12 ~~CONTENT OF MALT OR BREWED BEVERAGES INTENDED FOR SHIPMENT INTO~~

13 ~~ANOTHER STATE OR TERRITORY, WHEN THE LAWS OF SUCH STATE OR~~

14 ~~TERRITORY REQUIRE THAT THE ALCOHOLIC CONTENT OF THE MALT OR~~

15 ~~BREWED BEVERAGE MUST BE STATED UPON THE PACKAGE.~~

16 ~~(8) ADVERTISEMENTS ON LABELS GIVING ALCOHOLIC CONTENT OF~~

17 ~~MALT OR BREWED BEVERAGES. FOR ANY MANUFACTURER OR OTHER~~

18 ~~LICENSEE, OR HIS SERVANTS, AGENTS OR EMPLOYES, TO ISSUE, PUBLISH~~

19 ~~OR POST, OR CAUSE TO BE ISSUED, PUBLISHED OR POSTED, ANY~~

20 ~~ADVERTISEMENT OF ANY MALT OR BREWED BEVERAGE INCLUDING A LABEL~~

21 ~~WHICH SHALL REFER IN ANY MANNER TO THE ALCOHOLIC STRENGTH OF THE~~

22 ~~MALT OR BREWED BEVERAGE MANUFACTURED, SOLD OR DISTRIBUTED BY~~

23 ~~SUCH LICENSEES, OR TO USE IN ANY ADVERTISEMENT OR LABEL SUCH~~

24 ~~WORDS AS "FULL STRENGTH," "EXTRA STRENGTH," "HIGH TEST," "HIGH~~

25 ~~PROOF," "PRE WAR STRENGTH," OR SIMILAR WORDS OR PHRASES, WHICH~~

26 ~~WOULD LEAD OR INDUCE A CONSUMER TO PURCHASE A BRAND OF MALT OR~~

27 ~~BREWED BEVERAGE ON THE BASIS OF ITS ALCOHOLIC CONTENT, OR TO USE~~

28 ~~IN OR ON ANY ADVERTISEMENT OR LABEL ANY NUMERAL, UNLESS~~

29 ~~ADEQUATELY EXPLAINED IN TYPE OF THE SAME SIZE, PROMINENCE AND~~

30 ~~COLOR, OR FOR ANY LICENSEE TO PURCHASE, TRANSPORT, SELL OR~~

1 ~~DISTRIBUTE ANY MALT OR BREWED BEVERAGE ADVERTISED OR LABELED~~  
2 ~~CONTRARY TO THE PROVISIONS OF THIS CLAUSE.~~

3 ~~(9) RETAIL LICENSEES FURNISHING FREE LUNCH, ETC. FOR ANY~~  
4 ~~RETAIL LIQUOR LICENSEE OR ANY RETAIL DISPENSER, HIS AGENTS,~~  
5 ~~SERVANTS OR EMPLOYES, TO FURNISH, GIVE OR SELL BELOW A FAIR COST~~  
6 ~~ANY LUNCH TO ANY CONSUMER, EXCEPT SUCH ARTICLES OF FOOD AS THE~~  
7 ~~BOARD MAY AUTHORIZE AND APPROVE.~~

8 ~~(10) ENTERTAINMENT ON LICENSED PREMISES (EXCEPT CLUBS);~~  
9 ~~PERMITS; FEES. FOR ANY LICENSEE, HIS SERVANTS, AGENTS OR~~  
10 ~~EMPLOYES, EXCEPT CLUB LICENSEES, TO PERMIT IN ANY LICENSED~~  
11 ~~PREMISES OR IN ANY PLACE OPERATED IN CONNECTION THEREWITH,~~  
12 ~~DANCING, THEATRICALS OR FLOOR SHOWS OF ANY SORT, OR MOVING~~  
13 ~~PICTURES OTHER THAN TELEVISION, OR SUCH AS ARE EXHIBITED THROUGH~~  
14 ~~MACHINES OPERATED BY PATRONS BY THE DEPOSIT OF COINS, WHICH~~  
15 ~~PROJECT PICTURES ON A SCREEN NOT EXCEEDING IN SIZE TWENTY FOUR~~  
16 ~~BY THIRTY INCHES AND WHICH FORMS PART OF THE MACHINE, UNLESS THE~~  
17 ~~LICENSEE SHALL FIRST HAVE OBTAINED FROM THE BOARD A SPECIAL~~  
18 ~~PERMIT TO PROVIDE SUCH ENTERTAINMENT, OR FOR ANY LICENSEE, UNDER~~  
19 ~~ANY CIRCUMSTANCES, TO PERMIT IN ANY LICENSED PREMISES ANY LEWD,~~  
20 ~~IMMORAL OR IMPROPER ENTERTAINMENT, REGARDLESS OF WHETHER A~~  
21 ~~PERMIT TO PROVIDE ENTERTAINMENT HAS BEEN OBTAINED OR NOT. THE~~  
22 ~~BOARD SHALL HAVE POWER TO PROVIDE FOR THE ISSUE OF SUCH SPECIAL~~  
23 ~~PERMITS, AND TO COLLECT A FEE FOR SUCH PERMITS EQUAL TO ONE~~  
24 ~~FIFTH OF THE ANNUAL LICENSE FEE [BUT NOT LESS THAN TWENTY FIVE~~  
25 ~~DOLLARS (\$25)]. ALL SUCH FEES SHALL BE PAID INTO THE STATE~~  
26 ~~STORES FUND. NO SUCH PERMIT SHALL BE ISSUED IN ANY MUNICIPALITY~~  
27 ~~WHICH, BY ORDINANCE, PROHIBITS AMUSEMENTS IN LICENSED PLACES.~~  
28 ~~ANY VIOLATION OF THIS CLAUSE SHALL, IN ADDITION TO THE PENALTY~~  
29 ~~HEREIN PROVIDED, SUBJECT THE LICENSEE TO SUSPENSION OR~~  
30 ~~REVOCATION OF HIS PERMIT AND HIS LICENSE.~~

1       ~~(11) LICENSEES EMPLOYED BY OTHERS. FOR ANY HOTEL, RESTAURANT~~  
2 ~~OR CLUB LIQUOR LICENSEE, OR ANY MALT OR BREWED BEVERAGE~~  
3 ~~LICENSEE, OR ANY SERVANT, AGENT OR EMPLOYE OF SUCH LICENSEE, TO~~  
4 ~~BE AT THE SAME TIME EMPLOYED, DIRECTLY OR INDIRECTLY, BY ANY~~  
5 ~~OTHER PERSON ENGAGED IN THE MANUFACTURE, SALE, TRANSPORTATION OR~~  
6 ~~STORAGE OF LIQUOR, MALT OR BREWED BEVERAGES OR ALCOHOL:~~  
7 ~~PROVIDED, THAT ANY PERSON (EXCEPT A LICENSEE OR THE MANAGER,~~  
8 ~~OFFICER OR DIRECTOR OF A LICENSEE) WHO IS EMPLOYED BY A RETAIL~~  
9 ~~LICENSEE TO PREPARE OR SERVE FOOD AND BEVERAGES MAY BE EMPLOYED~~  
10 ~~IN THE SAME CAPACITY BY ANOTHER RETAIL LICENSEE DURING OTHER~~  
11 ~~HOURS OR ON OTHER DAYS.~~

12       ~~(12) FAILURE TO HAVE RECORDS ON PREMISES. FOR ANY LIQUOR~~  
13 ~~LICENSEE, OR ANY IMPORTING DISTRIBUTOR, DISTRIBUTOR OR RETAIL~~  
14 ~~DISPENSER, TO FAIL TO KEEP ON THE LICENSED PREMISES FOR A PERIOD~~  
15 ~~OF AT LEAST TWO YEARS COMPLETE AND TRUTHFUL RECORDS COVERING THE~~  
16 ~~OPERATION OF HIS LICENSED BUSINESS, PARTICULARLY SHOWING THE~~  
17 ~~DATE OF ALL PURCHASES OF LIQUOR AND MALT OR BREWED BEVERAGES,~~  
18 ~~THE ACTUAL PRICE PAID THEREFOR, AND THE NAME OF THE VENDOR,~~  
19 ~~INCLUDING STATE STORE RECEIPTS, OR FOR ANY LICENSEE, HIS~~  
20 ~~SERVANTS, AGENTS OR EMPLOYES, TO REFUSE THE BOARD OR THE~~  
21 ~~DIVISION OR AN AUTHORIZED EMPLOYE OR AGENT OF THE BOARD OR THE~~  
22 ~~DIVISION ACCESS THERETO OR THE OPPORTUNITY TO MAKE COPIES OF THE~~  
23 ~~SAME WHEN THE REQUEST IS MADE DURING BUSINESS HOURS.~~

24       ~~(13) RETAIL LICENSEES EMPLOYING MINORS. FOR ANY HOTEL,~~  
25 ~~RESTAURANT OR CLUB LIQUOR LICENSEE, OR ANY RETAIL DISPENSER, TO~~  
26 ~~EMPLOY OR TO PERMIT ANY MINOR UNDER THE AGE OF EIGHTEEN TO SERVE~~  
27 ~~ANY ALCOHOLIC BEVERAGES OR TO EMPLOY OR PERMIT ANY MINOR UNDER~~  
28 ~~THE AGE OF SIXTEEN TO RENDER ANY SERVICE WHATEVER IN OR ABOUT~~  
29 ~~THE LICENSED PREMISES, NOR SHALL ANY ENTERTAINER UNDER THE AGE~~  
30 ~~OF EIGHTEEN BE EMPLOYED OR PERMITTED TO PERFORM IN ANY LICENSED~~

1 ~~PREMISES IN VIOLATION OF THE LABOR LAWS OF THIS COMMONWEALTH:~~  
2 ~~PROVIDED, THAT IN ACCORDANCE WITH BOARD REGULATIONS MINORS~~  
3 ~~BETWEEN THE AGES OF SIXTEEN AND EIGHTEEN MAY BE EMPLOYED TO~~  
4 ~~SERVE FOOD, CLEAR TABLES AND PERFORM OTHER SIMILAR DUTIES, NOT~~  
5 ~~TO INCLUDE THE DISPENSING OR SERVING OF ALCOHOLIC BEVERAGES.~~  
6 ~~(14) PERMITTING UNDESIRABLE PERSONS OR MINORS TO FREQUENT~~  
7 ~~PREMISES. FOR ANY HOTEL, RESTAURANT OR CLUB LIQUOR LICENSEE, OR~~  
8 ~~ANY RETAIL DISPENSER, HIS SERVANTS, AGENTS OR EMPLOYES, TO~~  
9 ~~PERMIT PERSONS OF ILL REPUTE, KNOWN CRIMINALS, PROSTITUTES OR~~  
10 ~~MINORS TO FREQUENT HIS LICENSED PREMISES OR ANY PREMISES~~  
11 ~~OPERATED IN CONNECTION THEREWITH, EXCEPT MINORS ACCOMPANIED BY~~  
12 ~~PARENTS, GUARDIANS, OR UNDER PROPER SUPERVISION OR EXCEPT MINORS~~  
13 ~~WHO FREQUENT ANY RESTAURANT OR RETAIL DISPENSING LICENSEE WHOSE~~  
14 ~~SALES OF FOOD AND NON ALCOHOLIC BEVERAGES ARE EQUAL TO SEVENTY~~  
15 ~~PER CENTUM OR MORE OF THE COMBINED GROSS SALES OF BOTH FOOD AND~~  
16 ~~ALCOHOLIC BEVERAGES ON THE CONDITION THAT ALCOHOLIC BEVERAGES~~  
17 ~~MAY NOT BE SERVED AT THE TABLE OR BOOTH AT WHICH THE SAID MINOR~~  
18 ~~IS SEATED AT THE TIME (UNLESS SAID MINOR IS UNDER PROPER~~  
19 ~~SUPERVISION AS HEREINAFTER DEFINED) AND ON THE FURTHER CONDITION~~  
20 ~~THAT ONLY TABLE SERVICE OF ALCOHOLIC BEVERAGES OR TAKE OUT~~  
21 ~~SERVICE OF BEER AND WINE SHALL BE PERMITTED IN THE ROOM WHEREIN~~  
22 ~~THE MINOR IS LOCATED: PROVIDED, HOWEVER, THAT IT SHALL NOT BE~~  
23 ~~UNLAWFUL FOR ANY HOTEL, RESTAURANT OR CLUB LIQUOR LICENSEE OR~~  
24 ~~ANY RETAIL DISPENSER TO PERMIT MINORS UNDER PROPER SUPERVISION~~  
25 ~~UPON THE LICENSED PREMISES OR ANY PREMISES OPERATED IN~~  
26 ~~CONNECTION THEREWITH FOR THE PURPOSE OF A SOCIAL GATHERING, EVEN~~  
27 ~~IF SUCH GATHERING IS EXCLUSIVELY FOR MINORS: AND PROVIDED~~  
28 ~~FURTHER, THAT NO LIQUOR SHALL BE SOLD, FURNISHED OR GIVEN TO~~  
29 ~~SUCH MINORS NOR SHALL THE LICENSEE KNOWINGLY PERMIT ANY LIQUOR~~  
30 ~~OR MALT OR BREWED BEVERAGES TO BE SOLD, FURNISHED OR GIVEN TO OR~~



1 ~~BE CONSUMED BY ANY MINOR, AND THE AREA OF SUCH GATHERING SHALL~~  
2 ~~BE SEGREGATED FROM THE REMAINDER OF THE LICENSED PREMISES. IN~~  
3 ~~THE EVENT THE AREA OF SUCH GATHERING CANNOT BE SEGREGATED FROM~~  
4 ~~THE REMAINDER OF THE LICENSED PREMISES, ALL ALCOHOLIC BEVERAGES~~  
5 ~~MUST BE EITHER REMOVED FROM THE LICENSED PREMISES OR PLACED~~  
6 ~~UNDER LOCK AND KEY DURING THE TIME THE GATHERING IS TAKING~~  
7 ~~PLACE. NOTICE OF SUCH GATHERING SHALL BE GIVEN THE [LIQUOR~~  
8 ~~CONTROL BOARD] BOARD AS IT MAY, BY REGULATION, REQUIRE. ANY~~  
9 ~~LICENSEE VIOLATING THE PROVISIONS OF THIS CLAUSE SHALL BE~~  
10 ~~SUBJECT TO THE PROVISIONS OF SECTION 471.~~

11 ~~"PROPER SUPERVISION," AS USED IN THIS CLAUSE, MEANS THE~~  
12 ~~PRESENCE, ON THAT PORTION OF THE LICENSED PREMISES WHERE A MINOR~~  
13 ~~OR MINORS ARE PRESENT, OF ONE PERSON TWENTY FIVE YEARS OF AGE OR~~  
14 ~~OLDER FOR EVERY FIFTY MINORS OR PART THEREOF WHO IS DIRECTLY~~  
15 ~~RESPONSIBLE FOR THE CARE AND CONDUCT OF SUCH MINOR OR MINORS~~  
16 ~~WHILE ON THE LICENSED PREMISES AND IN SUCH PROXIMITY THAT THE~~  
17 ~~MINOR OR MINORS ARE CONSTANTLY WITHIN HIS SIGHT OR HEARING. THE~~  
18 ~~PRESENCE OF THE LICENSEE OR ANY EMPLOYE OR SECURITY OFFICER OF~~  
19 ~~THE LICENSEE SHALL NOT CONSTITUTE PROPER SUPERVISION.~~

20 ~~(15) CASHING PAY ROLL, PUBLIC ASSISTANCE, UNEMPLOYMENT~~  
21 ~~COMPENSATION OR ANY OTHER RELIEF CHECKS. FOR ANY LICENSEE OR HIS~~  
22 ~~SERVANTS, AGENTS OR EMPLOYES TO CASH PAY ROLL CHECKS OR TO CASH,~~  
23 ~~RECEIVE, HANDLE OR NEGOTIATE IN ANY WAY PUBLIC ASSISTANCE,~~  
24 ~~UNEMPLOYMENT COMPENSATION OR ANY OTHER RELIEF CHECKS.~~

25 ~~(16) FURNISHING OR DELIVERING LIQUOR OR MALT OR BREWED~~  
26 ~~BEVERAGES AT UNLAWFUL HOURS. FOR ANY LICENSEE, HIS SERVANTS,~~  
27 ~~AGENTS OR EMPLOYES, TO GIVE, FURNISH, TRADE, BARTER, SERVE OR~~  
28 ~~DELIVER ANY LIQUOR OR MALT OR BREWED BEVERAGES TO ANY PERSON~~  
29 ~~DURING HOURS OR ON DAYS WHEN THE LICENSEE IS PROHIBITED BY THIS~~  
30 ~~ACT FROM SELLING LIQUOR OR MALT OR BREWED BEVERAGES.~~

1       ~~(17) LICENSEES, ETC., INTERESTED OR EMPLOYED IN~~  
2 ~~MANUFACTURING OR SALE OF EQUIPMENT OR FIXTURES. FOR ANY~~  
3 ~~LICENSEE, OR ANY OFFICER, DIRECTOR, STOCKHOLDER, SERVANT, AGENT~~  
4 ~~OR EMPLOYEE OF ANY LICENSEE, TO OWN ANY INTEREST, DIRECTLY OR~~  
5 ~~INDIRECTLY, IN OR BE EMPLOYED OR ENGAGED IN ANY BUSINESS WHICH~~  
6 ~~INVOLVES THE MANUFACTURE OR SALE OF ANY EQUIPMENT, FURNISHINGS~~  
7 ~~OR FIXTURES TO ANY HOTEL, RESTAURANT OR CLUB LICENSEES, OR TO~~  
8 ~~ANY IMPORTING DISTRIBUTORS, DISTRIBUTORS OR RETAIL DISPENSERS.~~  
9 ~~PROVIDED, HOWEVER, THAT AS TO MALT OR BREWED BEVERAGE LICENSEES,~~  
10 ~~THE PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY TO SUCH A~~  
11 ~~CONFLICTING INTEREST IF IT HAS EXISTED FOR A PERIOD OF NOT LESS~~  
12 ~~THAN THREE YEARS PRIOR TO THE FIRST DAY OF JANUARY, ONE THOUSAND~~  
13 ~~NINE HUNDRED THIRTY SEVEN, AND THE BOARD SHALL APPROVE.~~

14       ~~(18) DISPLAYING PRICE OF LIQUOR OR MALT OR BREWED BEVERAGES.~~  
15 ~~FOR ANY RESTAURANT, HOTEL OR CLUB LIQUOR LICENSEE, OR ANY~~  
16 ~~IMPORTING DISTRIBUTOR, DISTRIBUTOR OR RETAIL DISPENSER, OR THE~~  
17 ~~SERVANTS, AGENTS OR EMPLOYEES OF SUCH LICENSEES, TO DISPLAY ON~~  
18 ~~THE OUTSIDE OF ANY LICENSED PREMISES OR TO DISPLAY ANY PLACE~~  
19 ~~WITHIN THE LICENSED PREMISES WHERE IT CAN BE SEEN FROM THE~~  
20 ~~OUTSIDE, ANY ADVERTISEMENT WHATSOEVER REFERRING, DIRECTLY OR~~  
21 ~~INDIRECTLY, TO THE PRICE AT WHICH THE LICENSEE WILL SELL LIQUOR~~  
22 ~~OR MALT OR BREWED BEVERAGES.~~

23       ~~(19) LICENSEE'S OUTSIDE ADVERTISEMENTS. FOR ANY RETAIL~~  
24 ~~LIQUOR LICENSEE OR ANY RETAIL DISPENSER, DISTRIBUTOR OR~~  
25 ~~IMPORTING DISTRIBUTOR, TO DISPLAY IN ANY MANNER WHATSOEVER ON~~  
26 ~~THE OUTSIDE OF HIS LICENSED PREMISES, OR ON ANY LOT OF GROUND ON~~  
27 ~~WHICH THE LICENSED PREMISES ARE SITUATE, OR ON ANY BUILDING OF~~  
28 ~~WHICH THE LICENSED PREMISES ARE A PART, A SIGN OF ANY KIND,~~  
29 ~~PRINTED, PAINTED OR ELECTRIC, ADVERTISING ANY BRAND OF LIQUOR OR~~  
30 ~~MALT OR BREWED BEVERAGE, AND IT SHALL BE LIKEWISE UNLAWFUL FOR~~

~~ANY MANUFACTURER, DISTRIBUTOR OR IMPORTING DISTRIBUTOR, TO PERMIT THE DISPLAY OF ANY SIGN WHICH ADVERTISES EITHER HIS PRODUCTS OR HIMSELF ON ANY LOT OF GROUND ON WHICH SUCH LICENSED PREMISES ARE SITUATE, OR ON ANY BUILDING OF WHICH SUCH LICENSED PREMISES ARE A PART.~~

~~(20) (I) RETAIL LIQUOR AND RETAIL MALT OR BREWED BEVERAGES LICENSEE'S INSIDE ADVERTISEMENTS. FOR ANY RETAIL LIQUOR OR RETAIL MALT OR BREWED BEVERAGES LICENSEE, TO DISPLAY OR PERMIT THE DISPLAY IN THE SHOW WINDOW OR DOORWAYS OF HIS LICENSED PREMISES, ANY PLACARD OR SIGN ADVERTISING THE BRANDS OF LIQUOR OR MALT OR BREWED BEVERAGES PRODUCED BY ANY ONE MANUFACTURER, IF THE TOTAL DISPLAY AREA OF ANY SUCH PLACARD OR SIGN ADVERTISING THE PRODUCTS OF ANY ONE MANUFACTURER EXCEEDS THREE HUNDRED SQUARE INCHES. NOTHING HEREIN SHALL PROHIBIT A LICENSEE FROM DISPLAYING INSIDE HIS LICENSED PREMISES POINT OF SALE DISPLAYS ADVERTISING BRAND NAMES OF PRODUCTS SOLD BY HIM, OTHER THAN A WINDOW OR DOOR DISPLAY: PROVIDED, THAT THE TOTAL COST OF ALL SUCH POINT OF SALE ADVERTISING MATTER RELATING TO ANY ONE BRAND OF ANY ONE MANUFACTURER SHALL NOT EXCEED THE SUM OF SEVENTY DOLLARS (\$70) AT ANY ONE TIME, AND NO SINGLE PIECE OF ADVERTISING SHALL EXCEED A COST OF THIRTY FIVE DOLLARS (\$35) OR SUCH HIGHER DOLLAR AMOUNT AS MAY BE PROVIDED IN 27 CFR § 6.85B. ALL SUCH ADVERTISING MATERIAL, INCLUDING THE WINDOW AND DOOR SIGNS, MAY BE FURNISHED BY A MANUFACTURER, DISTRIBUTOR OR IMPORTING DISTRIBUTOR. THE RESTRICTIONS ON ADVERTISING SET FORTH IN SUBCLAUSE (II) AND IN CLAUSES (20.1) AND (20.2) SHALL ALSO APPLY TO THIS SUBCLAUSE.~~

~~(II) COOPERATIVE ADVERTISING. NO DISTRIBUTOR OR IMPORTING DISTRIBUTOR, DIRECTLY OR INDIRECTLY, INDEPENDENT OR OTHERWISE, SHALL, EXCEPT BY PRIOR WRITTEN AGREEMENT, BE REQUIRED TO~~

1 ~~PARTICIPATE WITH A MANUFACTURER IN THE PURCHASE OF ANY~~  
2 ~~ADVERTISING OF A BRAND NAME PRODUCT IN ANY NAME, IN ANY FORM,~~  
3 ~~WHETHER IT BE RADIO, TELEVISION, NEWSPAPER, MAGAZINE OR~~  
4 ~~OTHERWISE.~~

5 ~~(20.1) MANUFACTURER SHALL NOT REQUIRE ADVERTISING. FOR A~~  
6 ~~MANUFACTURER TO REQUIRE A DISTRIBUTOR OR IMPORTING DISTRIBUTOR~~  
7 ~~TO PURCHASE ANY TYPE OF ADVERTISING.~~

8 ~~(20.2) ADVERTISING SHALL BE ORDERED AND AUTHORIZED IN~~  
9 ~~ADVANCE. FOR ANY ADVERTISING TO BE DONE ON BEHALF OF A~~  
10 ~~DISTRIBUTOR OR IMPORTING DISTRIBUTOR WHICH WAS NOT ORDERED AND~~  
11 ~~AUTHORIZED IN ADVANCE BY THE DISTRIBUTOR OR IMPORTING~~  
12 ~~DISTRIBUTOR.~~

13 ~~(21) REFUSING THE RIGHT OF INSPECTION. FOR ANY LICENSEE, OR~~  
14 ~~HIS SERVANTS, AGENTS OR EMPLOYES, TO REFUSE THE BOARD OR THE~~  
15 ~~DIVISION OR ANY OF [ITS] THEIR AUTHORIZED EMPLOYES OR AGENTS THE~~  
16 ~~RIGHT TO INSPECT COMPLETELY THE ENTIRE LICENSED PREMISES AT ANY~~  
17 ~~TIME DURING WHICH THE PREMISES ARE OPEN FOR THE TRANSACTION OF~~  
18 ~~BUSINESS, OR WHEN PATRONS, GUESTS OR MEMBERS ARE IN THAT PORTION~~  
19 ~~OF THE LICENSED PREMISES WHEREIN EITHER LIQUOR OR MALT OR BREWED~~  
20 ~~BEVERAGES ARE SOLD.~~

21 ~~(22) ALLOWANCE OR REBATE TO INDUCE PURCHASES. FOR ANY~~  
22 ~~LICENSEE, OR HIS SERVANTS, AGENTS OR EMPLOYES, TO OFFER, PAY,~~  
23 ~~MAKE OR ALLOW, OR FOR ANY LICENSEE, OR HIS SERVANTS, AGENTS OR~~  
24 ~~EMPLOYES, TO SOLICIT OR RECEIVE ANY ALLOWANCE OR REBATE, REFUNDS~~  
25 ~~OR CONCESSIONS, WHETHER IN THE FORM OF MONEY OR OTHERWISE, TO~~  
26 ~~INDUCE DIRECTLY THE PURCHASE OF LIQUOR OR MALT OR BREWED~~  
27 ~~BEVERAGES.~~

28 ~~(23) MONEY OR VALUABLES GIVEN TO EMPLOYES TO INFLUENCE~~  
29 ~~ACTIONS OF THEIR EMPLOYERS. FOR ANY LICENSEE, OR ANY AGENT,~~  
30 ~~EMPLOYEE OR REPRESENTATIVE OF ANY LICENSEE, TO GIVE OR PERMIT TO~~

~~BE GIVEN, DIRECTLY OR INDIRECTLY, MONEY OR ANYTHING OF  
SUBSTANTIAL VALUE, IN AN EFFORT TO INDUCE AGENTS, EMPLOYEES OR  
REPRESENTATIVES OF CUSTOMERS OR PROSPECTIVE CUSTOMERS TO  
INFLUENCE THEIR EMPLOYER OR PRINCIPAL TO PURCHASE OR CONTRACT TO  
PURCHASE LIQUOR OR MALT OR BREWED BEVERAGES FROM THE DONOR OF  
SUCH GIFT, OR TO INFLUENCE SUCH EMPLOYERS OR PRINCIPALS TO  
REFRAIN FROM DEALING OR CONTRACTING TO DEAL WITH OTHER  
LICENSEES.~~

~~(24) THINGS OF VALUE OFFERED AS INDUCEMENT. FOR ANY LICENSEE  
UNDER THE PROVISIONS OF THIS ARTICLE, OR THE BOARD OR ANY  
MANUFACTURER, OR ANY EMPLOYEE OR AGENT OF A MANUFACTURER,  
LICENSEE OR OF THE BOARD, TO OFFER TO GIVE ANYTHING OF VALUE OR  
TO SOLICIT OR RECEIVE ANYTHING OF VALUE AS A PREMIUM FOR THE  
RETURN OF CAPS, STOPPERS, CORKS, STAMPS OR LABELS TAKEN FROM ANY  
BOTTLE, CASE, BARREL OR PACKAGE CONTAINING LIQUOR OR MALT OR  
BREWED BEVERAGE, OR TO OFFER OR GIVE OR SOLICIT OR RECEIVE  
ANYTHING OF VALUE AS A PREMIUM OR PRESENT TO INDUCE DIRECTLY THE  
PURCHASE OF LIQUOR OR MALT OR BREWED BEVERAGE, OR FOR ANY  
LICENSEE, MANUFACTURER OR OTHER PERSON TO OFFER OR GIVE TO TRADE  
OR CONSUMER BUYERS ANY PRIZE, PREMIUM, GIFT OR OTHER INDUCEMENT  
TO PURCHASE LIQUOR OR MALT OR BREWED BEVERAGES, EXCEPT  
ADVERTISING NOVELTIES OF NOMINAL VALUE WHICH THE BOARD SHALL  
DEFINE: PROVIDED, HOWEVER, THAT THIS SECTION SHALL NOT APPLY TO  
THE RETURN OF ANY MONIES SPECIFICALLY DEPOSITED FOR THE RETURN  
OF THE ORIGINAL CONTAINER TO THE OWNERS THEREOF.~~

~~(25) EMPLOYMENT [OF FEMALES] IN LICENSED PLACES. FOR ANY  
LICENSEE OR HIS AGENT, TO EMPLOY OR PERMIT THE EMPLOYMENT OF ANY  
[FEMALE] PERSON AT HIS LICENSED HOTEL, RESTAURANT OR EATING  
PLACE FOR THE PURPOSE OF ENTICING CUSTOMERS, OR TO ENCOURAGE  
THEM TO DRINK LIQUOR, OR MAKE ASSIGNATIONS FOR IMPROPER~~

1 ~~PURPOSES: PROVIDED, THAT NOTHING IN THIS SECTION SHALL BE~~  
2 ~~CONSTRUED TO PREVENT THE EMPLOYMENT OF ANY [FEMALE WAITRESS]~~  
3 ~~PERSON WHO REGULARLY TAKES ORDERS FOR FOOD FROM SERVING FOOD,~~  
4 ~~LIQUOR OR MALT OR BREWED BEVERAGES AT TABLES; ALSO, THAT NOTHING~~  
5 ~~SHALL PREVENT ANY SUCH LICENSEES FROM EMPLOYING ANY [FEMALE]~~  
6 ~~PERSON AS STENOGRAPHER, HOTEL SECRETARY, CLERK OR OTHER EMPLOYE~~  
7 ~~FOR THEIR RESPECTIVE POSITIONS: PROVIDED FURTHER, THAT NOTHING~~  
8 ~~IN THIS SECTION SHALL BE SO CONSTRUED AS TO PREVENT THE [WIFE]~~  
9 ~~SPOUSE OF ANY SUCH LICENSEE OR AGENT OR ANY EMPLOYED [FEMALE]~~  
10 ~~PERSON FROM MIXING OR SERVING LIQUOR OR MALT OR BREWED BEVERAGES~~  
11 ~~BEHIND THE BAR OF ANY SUCH LICENSED PLACE.~~

12 ~~ANY PERSON VIOLATING THE PROVISIONS OF THIS CLAUSE SHALL BE~~  
13 ~~GUILTY OF A MISDEMEANOR AND, UPON CONVICTION OF THE SAME, SHALL~~  
14 ~~BE SENTENCED TO PAY A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS~~  
15 ~~(\$100), NOR MORE THAN FIVE HUNDRED DOLLARS (\$500), FOR EACH AND~~  
16 ~~EVERY [FEMALE] PERSON SO EMPLOYED, OR UNDERGO AN IMPRISONMENT OF~~  
17 ~~NOT LESS THAN THREE (3) MONTHS, NOR MORE THAN ONE (1) YEAR, OR~~  
18 ~~EITHER OR BOTH, AT THE DISCRETION OF THE COURT HAVING~~  
19 ~~JURISDICTION OF THE CASE. THE [BOARD] ADMINISTRATIVE LAW JUDGE~~  
20 ~~SHALL HAVE THE POWER TO REVOKE OR REFUSE LICENSES FOR VIOLATION~~  
21 ~~OF THIS CLAUSE.~~

22 ~~(26) WORTHLESS CHECKS. FOR ANY RETAIL LIQUOR LICENSEE OR ANY~~  
23 ~~RETAIL DISPENSER, DISTRIBUTOR OR IMPORTING DISTRIBUTOR, TO MAKE,~~  
24 ~~DRAW, UTTER, ISSUE OR DELIVER, OR CAUSE TO BE MADE, DRAWN,~~  
25 ~~UTTERED, ISSUED OR DELIVERED, ANY CHECK, DRAFT OR SIMILAR ORDER,~~  
26 ~~FOR THE PAYMENT OF MONEY IN PAYMENT FOR ANY PURCHASE OF MALT OR~~  
27 ~~BREWED BEVERAGES, WHEN SUCH RETAIL LIQUOR LICENSEE, RETAIL~~  
28 ~~DISPENSER, DISTRIBUTOR OR IMPORTING DISTRIBUTOR, HAS NOT~~  
29 ~~SUFFICIENT FUNDS IN, OR CREDIT WITH, SUCH BANK, BANKING~~  
30 ~~INSTITUTION, TRUST COMPANY OR OTHER DEPOSITORY, FOR THE PAYMENT~~

1 ~~OF SUCH CHECK. ANY PERSON WHO IS A LICENSEE UNDER THE PROVISIONS~~  
2 ~~OF THIS ARTICLE, WHO SHALL RECEIVE IN PAYMENT FOR MALT OR BREWED~~  
3 ~~BEVERAGES SOLD BY HIM ANY CHECK, DRAFT OR SIMILAR ORDER FOR THE~~  
4 ~~PAYMENT OF MONEY, WHICH IS SUBSEQUENTLY DISHONORED BY THE BANK,~~  
5 ~~BANKING INSTITUTION, TRUST COMPANY OR OTHER DEPOSITORY, UPON~~  
6 ~~WHICH DRAWN, FOR ANY REASON WHATSOEVER, SHALL, WITHIN FIVE DAYS~~  
7 ~~OF RECEIPT OF NOTICE OF SUCH DISHONOR, NOTIFY BY CERTIFIED MAIL~~  
8 ~~THE PERSON WHO PRESENTED THE SAID WORTHLESS CHECK, DRAFT OR~~  
9 ~~SIMILAR ORDER.~~

10 ~~(27) DISTRIBUTORS, WINE DISTRIBUTORS, MASTER WINE~~  
11 ~~DISTRIBUTORS AND IMPORTING DISTRIBUTORS EMPLOYING MINORS. FOR~~  
12 ~~ANY DISTRIBUTOR, WINE DISTRIBUTOR OR IMPORTING DISTRIBUTOR TO~~  
13 ~~EMPLOY MINORS UNDER THE AGE OF EIGHTEEN BUT PERSONS EIGHTEEN AND~~  
14 ~~OVER MAY BE EMPLOYED TO SELL AND DELIVER MALT AND BREWED~~  
15 ~~BEVERAGES OR WINE.~~

16 ~~SECTION 32. SECTION 494 OF THE ACT, AMENDED MAY 25, 1956~~  
17 ~~(1955 P.L.1743, NO.583), IS AMENDED TO READ:~~

18 ~~SECTION 494. PENALTIES. (A) ANY PERSON WHO SHALL VIOLATE~~  
19 ~~ANY OF THE PROVISIONS OF THIS ARTICLE, EXCEPT AS OTHERWISE~~  
20 ~~SPECIFICALLY PROVIDED, SHALL BE GUILTY OF A MISDEMEANOR AND,~~  
21 ~~UPON CONVICTION THEREOF, SHALL BE SENTENCED TO PAY A FINE OF NOT~~  
22 ~~LESS THAN ONE HUNDRED DOLLARS (\$100), NOR MORE THAN FIVE HUNDRED~~  
23 ~~DOLLARS (\$500), AND ON FAILURE TO PAY SUCH FINE, TO IMPRISONMENT~~  
24 ~~FOR NOT LESS THAN ONE MONTH, NOR MORE THAN THREE MONTHS, AND FOR~~  
25 ~~ANY SUBSEQUENT OFFENSE, SHALL BE SENTENCED TO PAY A FINE NOT~~  
26 ~~LESS THAN THREE HUNDRED DOLLARS (\$300), NOR MORE THAN FIVE~~  
27 ~~HUNDRED DOLLARS (\$500), [AND] OR TO UNDERGO IMPRISONMENT FOR A~~  
28 ~~PERIOD NOT LESS THAN THREE MONTHS, NOR MORE THAN ONE YEAR, OR~~  
29 ~~BOTH. IF THE PERSON, AT OR RELATING TO THE LICENSED PREMISES,~~  
30 ~~VIOLATES CLAUSES (1), (10), (14), (16) OR (21) OF SECTION 493,~~

~~OR IF THE OWNER OR OPERATOR OF THE LICENSED PREMISES OR ANY  
AUTHORIZED AGENT OF THE OWNER OR OPERATOR VIOLATES THE ACT OF  
APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS "THE CONTROLLED  
SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT," OR 18 PA.C.S. § 5902  
(RELATING TO PROSTITUTION AND RELATED OFFENSES) OR 6301  
(RELATING TO CORRUPTION OF MINORS), HE SHALL BE SENTENCED TO PAY  
A FINE NOT EXCEEDING FIVE THOUSAND DOLLARS (\$5,000) OR TO  
UNDERGO IMPRISONMENT FOR A PERIOD NOT LESS THAN THREE MONTHS,  
NOR MORE THAN ONE YEAR, OR BOTH.~~

~~(B) THE RIGHT [OF THE BOARD] TO SUSPEND AND REVOKE LICENSES  
GRANTED UNDER THIS ARTICLE SHALL BE IN ADDITION TO THE PENALTY  
SET FORTH IN THIS SECTION.~~

~~SECTION 33. SECTION 495 OF THE ACT, AMENDED JUNE 22, 1980  
(P.L.262, NO.76), IS AMENDED TO READ:~~

~~SECTION 495. IDENTIFICATION CARDS; LICENSEES AND STATE  
LIQUOR STORE EMPLOYEES SAVED FROM PROSECUTION. (A) THE BOARD  
SHALL ISSUE, TO ANY PERSON WHO SHALL HAVE ATTAINED THE AGE OF  
TWENTY ONE YEARS, AN IDENTIFICATION CARD BEARING SAID PERSON'S  
DATE OF BIRTH, PHYSICAL DESCRIPTION, PHOTOGRAPH, SIGNATURE, AND  
SUCH OTHER INFORMATION, AS THE BOARD BY REGULATION MAY  
DETERMINE, ATTESTING TO THE AGE OF THE APPLICANT, UPON  
APPLICATION THEREFOR BY SAID PERSON, FILED NO EARLIER THAN  
FIFTEEN DAYS PRIOR TO ATTAINING THE AGE OF TWENTY ONE. SUCH  
CARDS SHALL BE NUMBERED AND A RECORD THEREOF MAINTAINED BY THE  
BOARD FOR A PERIOD OF FIVE YEARS. THE BOARD MAY, IN ITS  
DISCRETION, IMPOSE A CHARGE FOR SUCH CARDS IN AN AMOUNT TO BE  
DETERMINED BY IT, AND IT MAY, UPON PROOF OF LOSS OF SUCH  
IDENTIFICATION CARD BY AND UPON APPLICATION OF ANYONE TO WHOM  
SUCH CARD MAY HAVE BEEN ISSUED, ISSUE A DUPLICATE THEREOF AND  
IMPOSE A CHARGE THEREFOR IN AN AMOUNT AS IT MAY BY REGULATION~~



1 ~~PRESCRIBE. THE BOARD SHALL HAVE THE POWER TO MAKE SUCH~~  
2 ~~REGULATIONS AS IT SHALL, FROM TIME TO TIME, DEEM PROPER~~  
3 ~~REGARDING THE SIZE, STYLE AND ADDITIONAL CONTENT OF THE~~  
4 ~~IDENTIFICATION CARD, THE FORM AND CONTENT OF ANY APPLICATION~~  
5 ~~THEREFOR, THE TYPE, STYLE AND QUANTITY OF PROOF REQUIRED TO~~  
6 ~~VERIFY THE APPLICANT'S AGE, THE PROCEDURE FOR RECEIVING AND~~  
7 ~~PROCESSING SUCH APPLICATION, THE DISTRIBUTION OF SAID CARD, THE~~  
8 ~~CHARGE TO BE IMPOSED FOR ANY CARD MORE THAN ONE THAT IT SHALL~~  
9 ~~ISSUE TO THE SAME APPLICANT, AND ALL OTHER MATTERS THE BOARD~~  
10 ~~SHALL DEEM NECESSARY OR ADVISABLE FOR THE PURPOSE OF CARRYING~~  
11 ~~INTO EFFECT THE PROVISIONS OF THIS SECTION.~~

12 ~~(A.1) THE PHOTO DRIVERS' LICENSE OR IDENTIFICATION CARD~~  
13 ~~ISSUED BY THE DEPARTMENT OF TRANSPORTATION SHALL, FOR THE~~  
14 ~~PURPOSE OF THIS ACT, BE ACCEPTED AS AN IDENTIFICATION CARD.~~

15 ~~(A.2) FOR THE PURPOSES OF THIS SECTION, THE TERM~~  
16 ~~IDENTIFICATION CARD MEANS A CARD WHICH COMPLIES WITH EITHER~~  
17 ~~SUBSECTION (A) OR (A.1).~~

18 ~~(B) SUCH IDENTIFICATION CARD SHALL BE PRESENTED BY THE~~  
19 ~~HOLDER THEREOF UPON REQUEST OF ANY STATE LIQUOR STORE OR ANY~~  
20 ~~LICENSEE, OR THE SERVANT, AGENT OR EMPLOYE THEREOF, FOR THE~~  
21 ~~PURPOSE OF AIDING SUCH STORE, LICENSEE, OR THE SERVANT, AGENT OR~~  
22 ~~EMPLOYE TO DETERMINE WHETHER OR NOT SUCH PERSON IS TWENTY ONE~~  
23 ~~YEARS OF AGE AND UPWARDS, WHEN SUCH PERSON DESIRES ALCOHOLIC~~  
24 ~~BEVERAGE AT A STATE LIQUOR STORE OR LICENSED ESTABLISHMENT.~~

25 ~~(C) IN ADDITION TO THE PRESENTATION OF SUCH IDENTIFICATION~~  
26 ~~CARD, THE AGENT OF THE STATE LIQUOR STORE OR THE LICENSEE, OR~~  
27 ~~HIS SERVANT, AGENT OR EMPLOYE, SHALL REQUIRE THE PERSON WHOSE~~  
28 ~~AGE MAY BE IN QUESTION TO FILL IN AND SIGN A CARD IN THE~~  
29 ~~FOLLOWING FORM:~~

30 \_\_\_\_\_ 19

1 I,....., HEREBY REPRESENT  
2 TO....., A STATE STORE OR  
3 LICENSEE OF THE PENNSYLVANIA LIQUOR [CONTROL] BOARD  
4 THAT I AM OF FULL AGE AND DISCRETION AND OVER THE AGE  
5 OF 21 YEARS, HAVING BEEN BORN ON ..... 19.....  
6 AT .....

7 THIS STATEMENT IS MADE TO INDUCE SAID STORE OR LICENSEE ABOVE—  
8 NAMED TO SELL OR OTHERWISE FURNISH ALCOHOLIC BEVERAGES TO THE  
9 UNDERSIGNED.

10 SERIAL NUMBER OF IDENTIFICATION CARD:

11 I UNDERSTAND THAT I AM SUBJECT TO A FINE OF  
12 \$300.00 AND SIXTY DAYS IMPRISONMENT FOR ANY—  
13 MISREPRESENTATION HEREIN.

14 .....

15 ..... (NAME)

16 .....

17 ..... (ADDRESS)

18 WITNESS:

19 NAME.....

20 ADDRESS.....

21 SUCH STATEMENT SHALL BE PRINTED UPON A 3 INCH BY 5 INCH OR 4  
22 INCH BY 5 INCH FILE CARD, WHICH CARD SHALL BE FILED  
23 ALPHABETICALLY BY THE STATE LIQUOR STORE OR LICENSEE, AT OR  
24 BEFORE THE CLOSE OF BUSINESS ON THE DAY OF WHICH SAID  
25 CERTIFICATE IS EXECUTED, IN A FILE BOX CONTAINING A SUITABLE  
26 ALPHABETICAL INDEX, AND WHICH CARD SHALL BE SUBJECT TO  
27 EXAMINATION BY ANY OFFICER, AGENT OR EMPLOYEE OF THE [LIQUOR  
28 CONTROL BOARD] BOARD OR THE DIVISION AT ANY AND ALL TIMES.

29 (D) IT SHALL BE UNLAWFUL FOR THE OWNER OF AN IDENTIFICATION  
30 CARD, AS DEFINED BY THIS ACT, TO TRANSFER SAID CARD TO ANY OTHER

1 ~~PERSON FOR THE PURPOSE OF AIDING SUCH PERSON TO SECURE ALCOHOLIC~~  
2 ~~BEVERAGE. ANY PERSON WHO SHALL TRANSFER SUCH IDENTIFICATION CARD~~  
3 ~~FOR THE PURPOSE OF AIDING SUCH TRANSFEREE TO OBTAIN ALCOHOLIC~~  
4 ~~BEVERAGE SHALL BE GUILTY OF A MISDEMEANOR AND, UPON CONVICTION~~  
5 ~~THEREOF, SHALL BE SENTENCED TO PAY A FINE OF NOT MORE THAN THREE~~  
6 ~~HUNDRED DOLLARS (\$300), OR UNDERGO IMPRISONMENT FOR NOT MORE~~  
7 ~~THAN SIXTY (60) DAYS. ANY PERSON NOT ENTITLED THERETO WHO SHALL~~  
8 ~~HAVE UNLAWFULLY PROCURED OR HAVE ISSUED OR TRANSFERRED TO HIM,~~  
9 ~~AS AFORESAID, IDENTIFICATION CARD OR ANY PERSON WHO SHALL MAKE~~  
10 ~~ANY FALSE STATEMENT ON ANY CARD REQUIRED BY SUBSECTION (C)~~  
11 ~~HEREOF TO BE SIGNED BY HIM SHALL BE GUILTY OF A MISDEMEANOR AND,~~  
12 ~~UPON CONVICTION THEREOF, SHALL BE SENTENCED TO PAY A FINE OF NOT~~  
13 ~~MORE THAN THREE HUNDRED DOLLARS (\$300), OR UNDERGO IMPRISONMENT~~  
14 ~~FOR NOT MORE THAN SIXTY (60) DAYS.~~

15 ~~(E) THE SIGNED STATEMENT IN THE POSSESSION OF A LICENSEE OR~~  
16 ~~AN EMPLOYE OF A STATE LIQUOR STORE MAY BE OFFERED AS A DEFENSE~~  
17 ~~IN ALL CIVIL AND CRIMINAL PROSECUTIONS FOR SERVING A MINOR, AND~~  
18 ~~NO PENALTY SHALL BE IMPOSED IF THE [LIQUOR CONTROL BOARD]~~  
19 ~~ADMINISTRATIVE LAW JUDGE OR THE COURTS ARE SATISFIED THAT THE~~  
20 ~~LICENSEE OR STATE LIQUOR STORE EMPLOYE ACTED IN GOOD FAITH.~~

21 ~~SECTION 34. THE ACT IS AMENDED BY ADDING A SECTION TO READ:~~

22 ~~SECTION 498. EXEMPTIONS FOR COLLECTORS. THE PROVISIONS OF~~  
23 ~~CLAUSES (1), (2), (3) AND (11) OF SECTION 491 AND CLAUSE (4) OF~~  
24 ~~SECTION 493 AND ANY OTHER PROVISIONS RELATING TO INDIVIDUALS~~  
25 ~~SELLING, PURCHASING, TRADING OR EXCHANGING LIQUOR SHALL NOT~~  
26 ~~APPLY TO ANY PERSON WHO IS TWENTY ONE YEARS OF AGE OR OLDER WHO~~  
27 ~~COLLECTS CERAMIC COMMEMORATIVE BOTTLES OR PACKAGES WHICH CONTAIN~~  
28 ~~LIQUOR AND WHO SELLS, TRADES OR EXCHANGES THE CERAMIC~~  
29 ~~COMMEMORATIVE BOTTLES OR PACKAGES WITH OTHER COLLECTORS. THIS~~  
30 ~~EXEMPTION SHALL APPLY ONLY IF:~~

~~(1) THE CERAMIC COMMEMORATIVE BOTTLE OR PACKAGE HAS AN  
UNBROKEN FEDERAL TAX STAMP ATTACHED.~~

~~(2) THE BOTTLE OR PACKAGE WAS PURCHASED AT RETAIL FROM A  
STATE STORE OR LAWFULLY IMPORTED PURSUANT TO THE REGULATIONS OF  
THE BOARD.~~

~~(3) THE SALE, PURCHASE, TRADE OR EXCHANGE DOES NOT OCCUR ON  
THE PREMISES OF ANY LICENSEE.~~

~~(4) THE SALE, PURCHASE, TRADE OR EXCHANGE IS NOT MADE FOR  
THE PURPOSE OF USING THE LIQUOR FOR PERSONAL CONSUMPTION.~~

~~(5) THE SALE, PURCHASE, TRADE OR EXCHANGE IS ONLY FOR THE  
PURPOSE OF TRANSFERRING CERAMIC COMMEMORATIVE BOTTLES OR  
PACKAGES BETWEEN PRIVATE COLLECTORS.~~

~~SECTION 35. SECTION 505.2 OF THE ACT, AMENDED NOVEMBER 1,  
1981 (P.L.329, NO.119) AND DECEMBER 17, 1982 (P.L.1390, NO.319),  
IS AMENDED TO READ:~~

~~SECTION 505.2. LIMITED WINERIES. HOLDERS OF A LIMITED  
WINERY LICENSE MAY:~~

~~(1) PRODUCE WINES ONLY FROM FRUITS GROWN IN PENNSYLVANIA IN  
AN AMOUNT NOT TO EXCEED [ONE HUNDRED THOUSAND (100,000)] FIVE  
HUNDRED THOUSAND (500,000) GALLONS PER YEAR.~~

~~(2) SELL WINE PRODUCED BY THE LIMITED WINERY OR PURCHASED IN  
BULK IN BOND FROM ANOTHER PENNSYLVANIA LIMITED WINERY ON THE  
LICENSED PREMISES, UNDER SUCH CONDITIONS AND REGULATIONS AS THE  
BOARD MAY ENFORCE, TO THE LIQUOR CONTROL BOARD, TO INDIVIDUALS  
AND TO HOTEL, RESTAURANT, CLUB AND PUBLIC SERVICE LIQUOR  
LICENSEES, RETAIL DISPENSERS, DISTRIBUTORS, IMPORTING  
DISTRIBUTORS, WINE DISTRIBUTORS AND TO PENNSYLVANIA WINERY  
LICENSEES: PROVIDED, THAT A LIMITED WINERY SHALL NOT, IN ANY  
CALENDAR YEAR, PURCHASE WINE PRODUCED BY OTHER LIMITED WINERIES  
IN AN AMOUNT IN EXCESS OF FIFTY PER CENTUM OF THE WINE PRODUCED~~

1 BY THE PURCHASING LIMITED WINERY IN THE PRECEDING CALENDAR YEAR.

2 ~~(3) SELL WINE PRODUCED BY THE LIMITED WINERY ON NO MORE THAN~~  
3 ~~THREE BOARD APPROVED LOCATIONS OTHER THAN THE LICENSED PREMISES,~~  
4 ~~WITH NO BOTTLING OR PRODUCTION REQUIREMENT AT THOSE ADDITIONAL~~  
5 ~~BOARD APPROVED LOCATIONS AND UNDER SUCH CONDITIONS AND~~  
6 ~~REGULATIONS AS THE BOARD MAY ENFORCE, TO THE LIQUOR CONTROL~~  
7 ~~BOARD, TO INDIVIDUALS AND TO HOTEL, RESTAURANT, CLUB AND PUBLIC~~  
8 ~~SERVICE LIQUOR LICENSEES, RETAIL DISPENSERS, DISTRIBUTORS,~~  
9 ~~IMPORTING DISTRIBUTORS AND WINE DISTRIBUTORS.~~

10 ~~(4) ENGAGE IN THE PURCHASE ONLY FROM PENNSYLVANIA~~  
11 ~~MANUFACTURERS AND FROM IMPORTING DISTRIBUTORS AND IN THE RESALE,~~  
12 ~~EXCEPT TO IMPORTING DISTRIBUTORS AND DISTRIBUTORS, OF MALT OR~~  
13 ~~BREWED BEVERAGES IN THE ORIGINAL SEALED CONTAINERS, AS PREPARED~~  
14 ~~FOR THE MARKET BY THE MANUFACTURER AT THE PLACE OF MANUFACTURE,~~  
15 ~~IN SINGLE CONTAINERS, CONTAINING ONE HUNDRED AND TWENTY EIGHT~~  
16 ~~(128) OUNCES OR MORE OR IN QUANTITIES OF NOT LESS THAN A CASE OF~~  
17 ~~TWENTY FOUR (24) CONTAINERS, EACH CONTAINER HOLDING SEVEN (7)~~  
18 ~~FLUID OUNCES OR MORE, OR OF NOT LESS THAN A CASE OF TWELVE (12)~~  
19 ~~CONTAINERS, EACH CONTAINER HOLDING TWENTY FOUR (24) FLUID OUNCES~~  
20 ~~OR MORE: PROVIDED, THAT A LIMITED WINERY MAY NOT ENGAGE IN THE~~  
21 ~~RESALE OF MALT OR BREWED BEVERAGES FOR CONSUMPTION ON THE~~  
22 ~~PREMISES WHERE THEY ARE SOLD.~~

23 SECTION 36. SECTIONS 506(F), 507 AND 514 OF THE ACT ARE  
24 AMENDED TO READ:

25 SECTION 506. BONDS REQUIRED. \* \* \*

26 ~~(F) EVERY SUCH BOND SHALL BE TURNED OVER TO THE [DEPARTMENT~~  
27 ~~OF JUSTICE] OFFICE OF ATTORNEY GENERAL TO BE COLLECTED IF AND~~  
28 ~~WHEN THE LICENSEE'S LICENSE SHALL HAVE BEEN REVOKED AND HIS BOND~~  
29 ~~FORFEITED AS PROVIDED IN THIS ACT.~~

30 SECTION 507. HEARINGS [UPON REFUSAL OF LICENSES] ON LICENSES

1 ~~AND REFUSALS. (A) THE BOARD MAY OF ITS OWN MOTION, AND SHALL~~  
2 ~~UPON THE WRITTEN REQUEST OF THE DIVISION OR OF ANY APPLICANT FOR~~  
3 ~~LICENSE OR FOR RENEWAL THEREOF WHOSE APPLICATION FOR SUCH~~  
4 ~~LICENSE OR RENEWAL HAS BEEN REFUSED, FIX A TIME AND PLACE FOR~~  
5 ~~HEARING OF SUCH APPLICATION OR RENEWAL, NOTICE OF WHICH HEARING~~  
6 ~~SHALL BE SENT TO THE DIVISION AND TO THE APPLICANT, BY~~  
7 ~~REGISTERED MAIL, AT THE ADDRESS GIVEN IN HIS APPLICATION. SUCH~~  
8 ~~HEARING SHALL BE BEFORE THE BOARD, A MEMBER THEREOF, OR AN~~  
9 ~~EXAMINER DESIGNATED BY THE BOARD.~~

10 ~~(B) AT SUCH HEARING, THE BOARD SHALL PRESENT ITS REASONS FOR~~  
11 ~~ITS REFUSAL OR WITHHOLDING OF SUCH LICENSE OR RENEWAL THEREOF OR~~  
12 ~~THE DIVISION SHALL PRESENT ITS OBJECTIONS TO THE GRANTING OR~~  
13 ~~RENEWAL OF THE LICENSE, AS THE CASE MAY BE. THE APPLICANT MAY~~  
14 ~~APPEAR IN PERSON OR BY COUNSEL, MAY CROSS EXAMINE THE WITNESSES~~  
15 ~~FOR THE BOARD OR THE DIVISION, AND MAY PRESENT EVIDENCE WHICH~~  
16 ~~SHALL LIKEWISE BE SUBJECT TO CROSS EXAMINATION BY THE BOARD OR~~  
17 ~~THE DIVISION. SUCH HEARING SHALL BE STENOGRAPHICALLY RECORDED.~~  
18 ~~THE EXAMINER SHALL THEREAFTER REPORT TO THE BOARD. THE BOARD~~  
19 ~~SHALL THEREAFTER GRANT OR REFUSE THE LICENSE OR RENEWAL THEREOF.~~  
20 ~~{IF THE BOARD SHALL REFUSE SUCH LICENSE OR RENEWAL FOLLOWING~~  
21 ~~SUCH HEARING, NOTICE IN WRITING OF SUCH REFUSAL SHALL BE MAILED~~  
22 ~~TO THE APPLICANT AT THE ADDRESS GIVEN IN HIS APPLICATION. IN ALL~~  
23 ~~CASES, THE BOARD SHALL FILE OF RECORD AT LEAST A BRIEF STATEMENT~~  
24 ~~IN THE FORM OF AN OPINION OF THE REASONS FOR THE RULING OR~~  
25 ~~ORDER.}~~

26 ~~(C) HEARINGS AND ADJUDICATIONS PURSUANT TO THIS SECTION~~  
27 ~~SHALL BE IN ACCORDANCE WITH 2 PA.C.S. CH. 5 SUBCH. A (RELATING~~  
28 ~~TO PRACTICE AND PROCEDURE OF COMMONWEALTH AGENCIES).~~

29 ~~SECTION 514. SUSPENSION AND REVOCATION OF LICENSES. (A)~~  
30 ~~UPON LEARNING OF ANY VIOLATION OF THIS ACT OR OF ANY RULE OR~~

1 ~~REGULATION PROMULGATED BY THE BOARD UNDER THE AUTHORITY OF THIS~~  
2 ~~ACT, OR ANY VIOLATION OF ANY LAWS OF THE COMMONWEALTH OR OF THE~~  
3 ~~UNITED STATES OF AMERICA RELATING TO THE TAX PAYMENT OF ALCOHOL,~~  
4 ~~LIQUOR OR MALT OR BREWED BEVERAGES BY THE HOLDER OF A LICENSE~~  
5 ~~ISSUED UNDER THE PROVISIONS OF THIS ARTICLE, OR UPON OTHER~~  
6 ~~SUFFICIENT CAUSE, THE [BOARD] DIVISION MAY, WITHIN ONE YEAR FROM~~  
7 ~~THE DATE OF SUCH VIOLATION OR CAUSE APPEARING, CITE SUCH~~  
8 ~~LICENSEE TO APPEAR BEFORE [IT OR ITS EXAMINER] AN ADMINISTRATIVE~~  
9 ~~LAW JUDGE NOT LESS THAN TEN (10) NOR MORE THAN [FIFTEEN (15)]~~  
10 ~~SIXTY (60) DAYS FROM THE DATE OF SENDING SUCH LICENSEE, BY~~  
11 ~~REGISTERED MAIL, A NOTICE ADDRESSED TO HIS LICENSED PREMISES, TO~~  
12 ~~SHOW CAUSE WHY THE LICENSE SHOULD NOT BE SUSPENDED OR REVOKED.~~  
13 ~~HEARINGS ON SUCH CITATIONS SHALL BE HELD IN THE SAME MANNER AS~~  
14 ~~PROVIDED HEREIN FOR HEARINGS ON APPLICATIONS FOR LICENSE. AND~~  
15 ~~UPON SUCH HEARING, IF SATISFIED THAT ANY SUCH VIOLATION HAS~~  
16 ~~OCCURRED OR FOR OTHER SUFFICIENT CAUSE, THE [BOARD]~~  
17 ~~ADMINISTRATIVE LAW JUDGE SHALL IMMEDIATELY SUSPEND OR REVOKE~~  
18 ~~SUCH LICENSE, NOTIFYING THE LICENSEE THEREOF BY REGISTERED~~  
19 ~~LETTER ADDRESSED TO HIS LICENSED PREMISES, OR TO THE ADDRESS~~  
20 ~~GIVEN IN HIS APPLICATION WHERE NO LICENSED PREMISES IS~~  
21 ~~MAINTAINED IN PENNSYLVANIA.~~

22 ~~(B) WHEN A LICENSE IS REVOKED, THE LICENSEE'S BOND MAY BE~~  
23 ~~FORFEITED [BY THE BOARD]. ANY LICENSEE WHOSE LICENSE IS REVOKED~~  
24 ~~SHALL BE INELIGIBLE TO HAVE A LICENSE UNDER THIS ACT OR UNDER~~  
25 ~~ANY OTHER ACT RELATING TO ALCOHOL, LIQUOR OR MALT OR BREWED~~  
26 ~~BEVERAGES UNTIL THE EXPIRATION OF THREE (3) YEARS FROM THE DATE~~  
27 ~~SUCH LICENSE WAS REVOKED. IN THE EVENT [THE BOARD SHALL REVOKE A~~  
28 ~~LICENSE] OF A REVOCATION, NO LICENSE SHALL BE GRANTED FOR THE~~  
29 ~~PREMISES OR TRANSFERRED TO THE PREMISES IN WHICH SAID LICENSE~~  
30 ~~WAS CONDUCTED FOR A PERIOD OF AT LEAST ONE (1) YEAR AFTER THE~~

1 ~~DATE OF THE REVOCATION OF THE LICENSE CONDUCTED IN THE SAID~~  
2 ~~PREMISES, EXCEPT IN CASES WHERE THE LICENSEE OR A MEMBER OF HIS~~  
3 ~~IMMEDIATE FAMILY IS NOT THE OWNER OF THE PREMISES, IN WHICH CASE~~  
4 ~~THE BOARD MAY, IN ITS DISCRETION, ISSUE OR TRANSFER A LICENSE~~  
5 ~~WITHIN SAID YEAR. [IN ALL SUCH CASES, THE BOARD SHALL FILE OF~~  
6 ~~RECORD AT LEAST A BRIEF STATEMENT IN THE FORM OF AN OPINION OF~~  
7 ~~THE REASONS FOR THE RULING OR ORDER.] SUCH HEARING BEFORE AND~~  
8 ~~ADJUDICATION BY AN ADMINISTRATIVE LAW JUDGE SHALL BE IN~~  
9 ~~ACCORDANCE WITH 2 PA.C.S. CH. 5 SUBCH. A (RELATING TO PRACTICE~~  
10 ~~AND PROCEDURE OF COMMONWEALTH AGENCIES).~~

11 ~~SECTION 37. SECTION 515 OF THE ACT, REPEALED IN PART JUNE 3,~~  
12 ~~1971 (P.L.118, NO.6) AND APRIL 28, 1978 (P.L.202, NO.53), IS~~  
13 ~~AMENDED TO READ:~~

14 ~~SECTION 515. APPEALS. [ANY] THE BOARD, THE DIVISION OR ANY~~  
15 ~~APPLICANT OR ANY LICENSEE AGGRIEVED BY ANY DECISION [OF THE~~  
16 ~~BOARD] REFUSING, SUSPENDING OR REVOKING A LICENSE UNDER THE~~  
17 ~~PROVISIONS OF THIS ARTICLE MAY APPEAL TO THE COURT OF THE COUNTY~~  
18 ~~IN WHICH THE LICENSED PREMISES OR THE PREMISES TO BE LICENSED~~  
19 ~~ARE LOCATED. IN THE EVENT AN APPLICANT OR A LICENSEE SHALL HAVE~~  
20 ~~NO PLACE OF BUSINESS ESTABLISHED WITHIN THE COMMONWEALTH, HIS~~  
21 ~~APPEAL SHALL BE TO THE [COURT OF DAUPHIN COUNTY] COMMONWEALTH~~  
22 ~~COURT. SUCH APPEAL SHALL BE [UPON PETITION OF THE APPLICANT OR~~  
23 ~~LICENSEE, AS THE CASE MAY BE, WHO SHALL SERVE A COPY THEREOF~~  
24 ~~UPON THE BOARD. THE SAID APPEAL SHALL ACT AS A SUPERSEDEAS,~~  
25 ~~UNLESS UPON SUFFICIENT CAUSE SHOWN THE COURT SHALL DETERMINE~~  
26 ~~OTHERWISE. THE COURT SHALL HEAR THE APPLICATION DE NOVO AT SUCH~~  
27 ~~TIME AS IT SHALL FIX, OF WHICH NOTICE SHALL BE GIVEN TO THE~~  
28 ~~BOARD. THE COURT SHALL, IN THE CASE OF A REFUSAL BY THE BOARD,~~  
29 ~~EITHER SUSTAIN SUCH REFUSAL OR ORDER THE ISSUANCE OF THE LICENSE~~  
30 ~~TO THE APPLICANT] IN ACCORDANCE WITH 2 PA.C.S. CH. 7 SUBCH. A~~



~~(RELATING TO JUDICIAL REVIEW OF COMMONWEALTH AGENCY ACTION).~~

~~SECTION 38. SECTIONS 516 AND 519 OF THE ACT ARE AMENDED TO  
READ:-~~

~~SECTION 516. COMPROMISE PENALTY IN LIEU OF SUSPENSION. IN  
THOSE CASES WHERE THE [BOARD] ADMINISTRATIVE LAW JUDGE SHALL  
SUSPEND A LICENSE, THE [BOARD] ADMINISTRATIVE LAW JUDGE MAY  
ACCEPT FROM THE LICENSEE AN OFFER IN COMPROMISE AS A PENALTY IN  
LIEU OF SUCH SUSPENSION AND SHALL THEREUPON RESCIND ITS ORDER OF  
SUSPENSION. IN THE CASE OF A DISTILLERY LICENSEE, THE OFFER IN  
COMPROMISE SHALL BE AT THE RATE OF ONE HUNDRED DOLLARS (\$100)  
FOR EACH DAY OF SUSPENSION; IN THE CASE OF A BONDED WAREHOUSE,  
BAILEE FOR HIRE AND TRANSPORTER FOR HIRE LICENSEES, TWENTY FIVE  
DOLLARS (\$25) FOR EACH DAY; AND IN THE CASE OF A WINERY  
LICENSEE, FIFTY DOLLARS (\$50) FOR EACH DAY. NO OFFER IN  
COMPROMISE MAY BE ACCEPTED [BY THE BOARD] IN THOSE CASES WHERE  
THE SUSPENSION IS FOR A PERIOD IN EXCESS OF ONE HUNDRED (100)  
DAYS.~~

~~SECTION 519. PENALTIES. ANY PERSON OR PERSONS WHO KNOWINGLY  
VIOLATE ANY OF THE PROVISIONS OF THIS ARTICLE, OR ANY PERSON WHO  
SHALL VIOLATE ANY OF THE CONDITIONS OF ANY LICENSE ISSUED UNDER  
THE PROVISIONS OF THIS ARTICLE, OR WHO SHALL FALSIFY ANY RECORD  
OR REPORT REQUIRED BY THIS ARTICLE TO BE KEPT, OR WHO SHALL  
VIOLATE ANY RULE OR REGULATION OF THE BOARD, OR WHO SHALL  
INTERFERE WITH, HINDER OR OBSTRUCT ANY INSPECTION AUTHORIZED BY  
THIS ARTICLE, OR PREVENT ANY MEMBER OF THE BOARD OR THE DIVISION  
OR ANY PERSON DULY AUTHORIZED AND DESIGNATED BY THE BOARD OR THE  
DIVISION FROM ENTERING ANY PLACE WHICH SUCH MEMBER OF THE BOARD  
OR THE DIVISION OR SUCH PERSON IS AUTHORIZED BY THIS ARTICLE TO  
ENTER FOR THE PURPOSE OF MAKING AN INSPECTION, OR WHO SHALL  
VIOLATE ANY OTHER PROVISION OF THIS ARTICLE, SHALL BE GUILTY OF~~

1 ~~A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE SENTENCED~~  
2 ~~TO PAY A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS (\$100), NOR~~  
3 ~~MORE THAN FIVE THOUSAND DOLLARS (\$5000), OR UNDERGO IMPRISONMENT~~  
4 ~~OF NOT MORE THAN THREE (3) YEARS, OR BOTH, AT THE DISCRETION OF~~  
5 ~~THE COURT.~~

6 ~~SECTION 39. SECTIONS 601, 602 AND 603(C) OF THE ACT, AMENDED~~  
7 ~~APRIL 20, 1956 (1955 P.L.1508, NO.499), ARE AMENDED TO READ:~~

8 ~~SECTION 601. FORFEITURE OF PROPERTY ILLEGALLY POSSESSED OR~~  
9 ~~USED. NO PROPERTY RIGHTS SHALL EXIST IN ANY LIQUOR, ALCOHOL OR~~  
10 ~~MALT OR BREWED BEVERAGE ILLEGALLY MANUFACTURED OR POSSESSED, OR~~  
11 ~~IN ANY STILL, EQUIPMENT, MATERIAL, UTENSIL, VEHICLE, BOAT,~~  
12 ~~VESSEL, ANIMALS OR AIRCRAFT USED IN THE ILLEGAL MANUFACTURE OR~~  
13 ~~ILLEGAL TRANSPORTATION OF LIQUOR, ALCOHOL OR MALT OR BREWED~~  
14 ~~BEVERAGES, AND THE SAME SHALL BE DEEMED CONTRABAND AND~~  
15 ~~PROCEEDINGS FOR ITS FORFEITURE TO THE COMMONWEALTH MAY[, AT THE~~  
16 ~~DISCRETION OF THE BOARD,] BE INSTITUTED IN THE MANNER~~  
17 ~~HEREINAFTER PROVIDED. NO SUCH PROPERTY WHEN IN THE CUSTODY OF~~  
18 ~~THE LAW SHALL BE SEIZED OR TAKEN THEREFROM ON ANY WRIT OF~~  
19 ~~REPLEVIN OR LIKE PROCESS.~~

20 ~~SECTION 602. FORFEITURE PROCEEDINGS. (A) THE PROCEEDINGS~~  
21 ~~FOR THE FORFEITURE OR CONDEMNATION OF ALL PROPERTY SHALL BE IN~~  
22 ~~REM, IN WHICH THE COMMONWEALTH SHALL BE THE PLAINTIFF AND THE~~  
23 ~~PROPERTY THE DEFENDANT. A PETITION SHALL BE FILED IN THE COURT~~  
24 ~~OF [QUARTER SESSIONS] COMMON PLEAS, VERIFIED BY OATH OR~~  
25 ~~AFFIRMATION OF ANY OFFICER OR CITIZEN, CONTAINING THE FOLLOWING:~~  
26 ~~(1) A DESCRIPTION OF THE PROPERTY SO SEIZED; (2) A STATEMENT OF~~  
27 ~~THE TIME AND PLACE WHERE SEIZED; (3) THE OWNER, IF KNOWN; (4)~~  
28 ~~THE PERSON OR PERSONS IN POSSESSION, IF KNOWN; (5) AN ALLEGATION~~  
29 ~~THAT THE SAME HAD BEEN POSSESSED OR USED OR WAS INTENDED FOR USE~~  
30 ~~IN VIOLATION OF THIS ACT; (6) AND, A PRAYER FOR AN ORDER OF~~

FORFEITURE THAT THE SAME BE ADJUDGED FORFEITED TO THE  
COMMONWEALTH, UNLESS CAUSE BE SHOWN TO THE CONTRARY.

~~(B) A COPY OF SAID PETITION SHALL BE SERVED PERSONALLY ON  
SAID OWNER IF HE CAN BE FOUND WITHIN THE JURISDICTION OF THE  
COURT, OR UPON THE PERSON OR PERSONS IN POSSESSION AT THE TIME  
OF THE SEIZURE THEREOF. SAID COPY SHALL HAVE ENDORSED THEREON A  
NOTICE AS FOLLOWS:~~

~~"TO THE CLAIMANT OF WITHIN DESCRIBED PROPERTY: YOU ARE  
REQUIRED TO FILE AN ANSWER TO THIS PETITION, SETTING FORTH YOUR  
TITLE IN AND RIGHT TO POSSESSION OF SAID PROPERTY, WITHIN  
FIFTEEN (15) DAYS FROM THE SERVICE HEREOF; AND YOU ARE ALSO  
NOTIFIED THAT IF YOU FAIL TO FILE SAID ANSWER, A DECREE OF  
FORFEITURE AND CONDEMNATION WILL BE ENTERED AGAINST SAID  
PROPERTY."~~

~~SAID NOTICE SHALL BE SIGNED BY PETITIONER OR HIS ATTORNEY, OR  
THE DISTRICT ATTORNEY OR THE ATTORNEY GENERAL.~~

~~(C) IF THE OWNER OF SAID PROPERTY IS UNKNOWN OR OUTSIDE THE  
JURISDICTION OF THE COURT AND THERE WAS NO PERSON IN POSSESSION  
OF SAID PROPERTY WHEN SEIZED, OR SUCH PERSON SO IN POSSESSION  
CANNOT BE FOUND WITHIN THE JURISDICTION OF THE COURT, NOTICE OF  
SAID PETITION SHALL BE GIVEN BY AN ADVERTISEMENT IN ONLY ONE  
NEWSPAPER OF GENERAL CIRCULATION PUBLISHED IN THE COUNTY WHERE  
SUCH PROPERTY SHALL HAVE BEEN SEIZED, ONCE A WEEK FOR TWO (2)  
SUCCESSIVE WEEKS. NO OTHER ADVERTISEMENT OF ANY SORT SHALL BE  
NECESSARY, ANY OTHER LAW TO THE CONTRARY NOTWITHSTANDING. SAID  
NOTICE SHALL CONTAIN A STATEMENT OF THE SEIZURE OF SAID  
PROPERTY, WITH A DESCRIPTION THEREOF, THE PLACE AND DATE OF  
SEIZURE, AND SHALL DIRECT ANY CLAIMANTS THEREOF TO FILE A CLAIM  
THEREFOR ON OR BEFORE A DATE GIVEN IN SAID NOTICE, WHICH DATE  
SHALL NOT BE LESS THAN TEN (10) DAYS FROM THE DATE OF THE LAST~~

1 PUBLICATION.

2 ~~(D) UPON THE FILING OF ANY CLAIM FOR SAID PROPERTY, SETTING~~  
3 ~~FORTH A RIGHT OF POSSESSION THEREOF, THE CASE SHALL BE DEEMED AT~~  
4 ~~ISSUE AND A TIME BE FIXED FOR THE HEARING THEREOF.~~

5 ~~(E) AT THE TIME OF SAID HEARING, IF THE COMMONWEALTH SHALL~~  
6 ~~PRODUCE EVIDENCE THAT THE PROPERTY IN QUESTION WAS UNLAWFULLY~~  
7 ~~POSSESSED OR USED, THE BURDEN SHALL BE UPON THE CLAIMANT TO SHOW~~  
8 ~~(1) THAT HE IS THE OWNER OF SAID PROPERTY, (2) THAT HE LAWFULLY~~  
9 ~~ACQUIRED THE SAME, AND (3) THAT IT WAS NOT UNLAWFULLY USED OR~~  
10 ~~POSSESSED.~~

11 ~~IN THE EVENT SUCH CLAIMANT SHALL PROVE BY COMPETENT EVIDENCE~~  
12 ~~TO THE SATISFACTION OF THE COURT THAT SAID LIQUOR, ALCOHOL OR~~  
13 ~~MALT OR BREWED BEVERAGE, OR STILL, EQUIPMENT, MATERIAL, UTENSIL,~~  
14 ~~VEHICLE, BOAT, VESSEL, CONTAINER, ANIMAL OR AIRCRAFT WAS~~  
15 ~~LAWFULLY ACQUIRED, POSSESSED AND USED, THEN THE COURT MAY ORDER~~  
16 ~~THE SAME RETURNED OR DELIVERED TO THE CLAIMANT; BUT IF IT~~  
17 ~~APPEARS THAT SAID LIQUOR, ALCOHOL OR MALT OR BREWED BEVERAGE OR~~  
18 ~~STILL, EQUIPMENT, MATERIAL OR UTENSIL WAS UNLAWFULLY POSSESSED~~  
19 ~~OR USED, THE COURT SHALL ORDER THE SAME DESTROYED, DELIVERED TO~~  
20 ~~A HOSPITAL, OR TURNED OVER TO THE BOARD OR DIVISION, AS~~  
21 ~~HEREINAFTER PROVIDED, OR IF IT APPEARS THAT SAID VEHICLE, BOAT,~~  
22 ~~VESSEL, CONTAINER, ANIMAL OR AIRCRAFT WAS UNLAWFULLY POSSESSED~~  
23 ~~OR USED, THE COURT MAY, IN ITS DISCRETION, ADJUDGE SAME~~  
24 ~~FORFEITED AND CONDEMNED AS HEREINAFTER PROVIDED.~~

25 ~~SECTION 603. DISPOSITION OF FORFEITED PROPERTY. IF, UPON~~  
26 ~~PETITION AS HEREINBEFORE PROVIDED AND HEARING BEFORE THE COURT~~  
27 ~~OF [QUARTER SESSIONS] COMMON PLEAS, IT APPEARS THAT ANY LIQUOR,~~  
28 ~~ALCOHOL, OR MALT OR BREWED BEVERAGE OR STILL, EQUIPMENT,~~  
29 ~~MATERIAL OR UTENSIL WAS SO ILLEGALLY POSSESSED, OR USED, SUCH~~  
30 ~~LIQUOR, ALCOHOL OR MALT OR BREWED BEVERAGE OR STILL, EQUIPMENT,~~

1 MATERIAL OR UTENSIL SHALL BE ADJUDGED FORFEITED AND CONDEMNED,  
2 OR IF IT APPEARS THAT ANY VEHICLE, BOAT, VESSEL, CONTAINER,  
3 ANIMAL OR AIRCRAFT WAS SO USED IN THE ILLEGAL MANUFACTURE OR  
4 TRANSPORTATION OF LIQUOR, ALCOHOL OR MALT OR BREWED BEVERAGE,  
5 SUCH PROPERTY MAY, IN THE DISCRETION OF THE COURT, BE ADJUDGED  
6 FORFEITED AND CONDEMNED AND IN SUCH CASE SHALL BE DISPOSED OF AS  
7 FOLLOWS:-

8 \* \* \*

9 (C) IN THE CASE OF ANY VEHICLE, BOAT, VESSEL, CONTAINER,  
10 ANIMAL OR AIRCRAFT SEIZED UNDER THE PROVISIONS OF THIS ACT AND  
11 CONDEMNED, THE COURT SHALL ORDER THE SAME TO BE DELIVERED TO THE  
12 {BOARD} DIVISION FOR ITS USE OR FOR SALE OR DISPOSITION BY THE  
13 {BOARD} DIVISION, IN ITS DISCRETION. NOTICE OF SUCH SALE SHALL  
14 BE GIVEN IN SUCH MANNER AS THE {BOARD} DIVISION MAY PRESCRIBE.  
15 THE PROCEEDS OF SUCH SALE SHALL BE PAID INTO THE STATE STORES  
16 FUND.

17 SECTION 40. SECTIONS 604 AND 611(B) OF THE ACT ARE AMENDED  
18 TO READ:-

19 SECTION 604. MOTOR VEHICLE LICENSES TO BE REVOKED. IN  
20 ADDITION TO THE FOREGOING PROVISIONS, THE COURT MAY, IN ITS  
21 ORDER OF CONDEMNATION, AND IN EVERY CONVICTION UNDER THIS ACT  
22 WHERE IT SHALL APPEAR THAT LIQUOR, ALCOHOL OR MALT OR BREWED  
23 BEVERAGES WERE UNLAWFULLY TRANSPORTED IN A MOTOR VEHICLE,  
24 DECLARE THAT THE LICENSE ISSUED BY THE DEPARTMENT OF [REVENUE]  
25 TRANSPORTATION FOR ANY MOTOR VEHICLE SO FORFEITED AND CONDEMNED,  
26 OR ISSUED TO ANY DEFENDANT CONVICTED OF TRANSPORTING LIQUOR,  
27 ALCOHOL OR MALT OR BREWED BEVERAGES IN ANY MOTOR VEHICLE, SHALL  
28 BE FORFEITED AND REVOKED, AND IT SHALL BE THE DUTY OF THE CLERK  
29 OF THE COURT IN WHICH SUCH CONVICTION IS HAD AND ORDER OF  
30 CONDEMNATION MADE TO CERTIFY SUCH CONVICTION TO THE SECRETARY OF

~~{REVENUE} TRANSPORTATION, WHO SHALL SUSPEND OR REVOKE THE  
LICENSE ISSUED FOR SUCH MOTOR VEHICLES: PROVIDED, THAT A LICENSE  
MAY BE ISSUED FOR SUCH MOTOR VEHICLE TO THE BOARD OR THE  
DIVISION OR TO ANY PURCHASER OF THE VEHICLE AFTER THE SALE  
THEREOF, AS ABOVE PROVIDED.~~

~~SECTION 611. NUISANCES; ACTIONS TO ENJOIN. \* \* \*~~

~~(B) AN ACTION TO ENJOIN ANY NUISANCE DEFINED IN THIS ACT MAY  
BE BROUGHT IN THE NAME OF THE COMMONWEALTH OF PENNSYLVANIA BY  
THE ATTORNEY GENERAL [OR] BY THE DISTRICT ATTORNEY OF THE  
PROPER COUNTY OR BY A PERSON WHO RESIDES OR HAS A PLACE OF  
BUSINESS WITHIN FIVE HUNDRED FEET OF THE LOCATION OF THE ALLEGED  
NUISANCE. SUCH ACTION SHALL BE BROUGHT AND TRIED AS AN ACTION IN  
EQUITY AND MAY BE BROUGHT IN ANY COURT HAVING JURISDICTION TO  
HEAR AND DETERMINE EQUITY CASES WITHIN THE COUNTY IN WHICH THE  
OFFENSE OCCURS. IF IT IS MADE TO APPEAR, BY AFFIDAVIT OR  
OTHERWISE, TO THE SATISFACTION OF THE COURT THAT SUCH NUISANCE  
EXISTS, A TEMPORARY WRIT OF INJUNCTION SHALL FORTHWITH ISSUE,  
RESTRAINING THE DEFENDANT FROM CONDUCTING OR PERMITTING THE  
CONTINUANCE OF SUCH NUISANCE UNTIL THE CONCLUSION OF THE  
PROCEEDINGS. IF A TEMPORARY INJUNCTION IS PRAYED FOR, THE COURT  
MAY ISSUE AN ORDER RESTRAINING THE DEFENDANT AND ALL OTHER  
PERSONS FROM REMOVING OR IN ANY WAY INTERFERING WITH THE  
LIQUIDS, BEVERAGES OR OTHER THINGS USED IN CONNECTION WITH THE  
VIOLATION OF THIS ACT CONSTITUTING SUCH NUISANCE. NO BOND SHALL  
BE REQUIRED IN INSTITUTING SUCH PROCEEDINGS BROUGHT IN THE NAME  
OF THE COMMONWEALTH BY THE ATTORNEY GENERAL OR THE DISTRICT  
ATTORNEY. WHERE SUCH PROCEEDINGS ARE BROUGHT BY A PERSON, THE  
COURT, UPON APPLICATION OF THE DEFENDANT AND PRIOR TO ANY  
INJUNCTION BEING ISSUED, MAY DIRECT THE PLAINTIFF TO POST BOND  
IN SUCH AMOUNT AS THE COURT MAY FIND TO BE REASONABLE AND~~

1 ~~SUFFICIENT. IT SHALL NOT BE NECESSARY FOR THE COURT TO FIND THE~~  
2 ~~PROPERTY INVOLVED WAS BEING UNLAWFULLY USED, AS AFORESAID, AT~~  
3 ~~THE TIME OF THE HEARING, BUT ON FINDING THAT THE MATERIAL~~  
4 ~~ALLEGATIONS OF THE PETITION ARE TRUE, THE COURT SHALL ORDER THAT~~  
5 ~~NO LIQUOR, ALCOHOL OR MALT OR BREWED BEVERAGE SHALL BE~~  
6 ~~MANUFACTURED, SOLD, OFFERED FOR SALE, TRANSPORTED, BARTERED OR~~  
7 ~~FURNISHED, OR STORED IN BOND, OR STORED FOR HIRE IN SUCH ROOM,~~  
8 ~~HOUSE, BUILDING, STRUCTURE, BOAT, VEHICLE, OR PLACE, OR ANY PART~~  
9 ~~THEREOF.~~

10 \* \* \*

11 ~~SECTION 41. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:~~

12 ~~SECTION 804. FUNDING FOR ENFORCEMENT. (A) THE COSTS OF ALL~~  
13 ~~ACTIVITIES OF THE ENFORCEMENT DIVISION OF THE OFFICE OF ATTORNEY~~  
14 ~~GENERAL SHALL BE APPROPRIATED FROM THE STATE STORES FUND.~~

15 ~~(B) ANNUALLY, AT THE TIME AND IN ACCORD WITH THE PROCEDURES~~  
16 ~~OTHERWISE ESTABLISHED BY LAW FOR THE GENERAL FUND, THE ATTORNEY~~  
17 ~~GENERAL SHALL SUBMIT A PROPOSED BUDGET FOR THE OPERATION OF THE~~  
18 ~~DIVISION. SUCH PROPOSED BUDGET SHALL BE SUBMITTED TO THE~~  
19 ~~GOVERNOR AND THE GENERAL ASSEMBLY FOR CONSIDERATION IN~~  
20 ~~ACCORDANCE WITH THE PROCEDURES FOR APPROPRIATIONS FROM THE~~  
21 ~~GENERAL FUND AS PROVIDED IN SECTIONS 610 THROUGH 620 OF THE ACT~~  
22 ~~OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE~~  
23 ~~CODE OF 1929." IT SHALL BE UNLAWFUL FOR THE STATE TREASURER TO~~  
24 ~~HONOR ANY REQUISITION FOR THE EXPENDITURE OF ANY MONEYS OUT OF~~  
25 ~~THE STATE STORES FUND BY THE ATTORNEY GENERAL FOR ANY PURPOSE IN~~  
26 ~~EXCESS OF THE AMOUNTS APPROPRIATED BY THE GENERAL ASSEMBLY.~~

27 ~~(C) MONEYS APPROPRIATED FROM THE STATE STORES FUND SHALL BE~~  
28 ~~PAID OUT OF THE FUND UPON WARRANT OF THE STATE TREASURER DRAWN~~  
29 ~~AFTER REQUISITION BY THE ATTORNEY GENERAL.~~

30 ~~SECTION 805. FUNDING FOR OFFICE OF ADMINISTRATIVE LAW~~

~~JUDGE. (A) THE COSTS OF ALL ACTIVITIES OF THE OFFICE OF  
ADMINISTRATIVE LAW JUDGE SHALL BE APPROPRIATED FROM THE STATE  
STORES FUND.~~

~~(B) ANNUALLY, AT THE TIME AND IN ACCORD WITH THE PROCEDURES  
OTHERWISE ESTABLISHED BY LAW FOR THE GENERAL FUND, THE CHIEF  
ADMINISTRATIVE LAW JUDGE SHALL SUBMIT A PROPOSED BUDGET FOR THE  
OPERATION OF THE OFFICE. SUCH PROPOSED BUDGET SHALL BE SUBMITTED  
TO THE GOVERNOR AND THE GENERAL ASSEMBLY FOR CONSIDERATION IN  
ACCORDANCE WITH THE PROCEDURES FOR APPROPRIATIONS FROM THE  
GENERAL FUND AS PROVIDED IN SECTIONS 610 THROUGH 620 OF THE ACT  
OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE  
CODE OF 1929." IT SHALL BE UNLAWFUL FOR THE STATE TREASURER TO  
HONOR ANY REQUISITION FOR THE EXPENDITURE OF ANY MONEYS OUT OF  
THE STATE STORES FUND BY THE CHIEF ADMINISTRATIVE LAW JUDGE FOR  
ANY PURPOSE IN EXCESS OF THE AMOUNTS APPROPRIATED BY THE GENERAL  
ASSEMBLY.~~

~~(C) MONEYS APPROPRIATED FROM THE STATE STORES FUND SHALL BE  
PAID OUT OF THE FUND UPON WARRANT OF THE STATE TREASURER DRAWN  
AFTER REQUISITION BY THE CHIEF ADMINISTRATIVE LAW JUDGE.~~

~~SECTION 42. (A) ALL PERSONNEL, ALLOCATIONS, APPROPRIATIONS,  
EQUIPMENT, FILES, RECORDS, CONTRACTS, AGREEMENTS, OBLIGATIONS  
AND OTHER MATERIALS WHICH ARE USED, EMPLOYED OR EXPENDED IN  
CONNECTION WITH THE POWERS, DUTIES OR FUNCTIONS TRANSFERRED BY  
THIS ACT TO THE OFFICE OF ADMINISTRATIVE LAW JUDGE ARE HEREBY  
TRANSFERRED TO THE OFFICE OF ADMINISTRATIVE LAW JUDGE WITH THE  
SAME FORCE AND EFFECT AS IF THE ALLOCATIONS AND APPROPRIATIONS  
HAD BEEN MADE TO AND SAID ITEMS HAD BEEN THE PERSONNEL AND  
PROPERTY OF THE OFFICE IN THE FIRST INSTANCE AND IF THE  
CONTRACTS, AGREEMENTS AND OBLIGATIONS HAD BEEN INCURRED OR  
ENTERED INTO BY THE OFFICE.~~



1       ~~(B) ALL PERSONNEL, ALLOCATIONS, APPROPRIATIONS, EQUIPMENT,~~  
2       ~~FILES, RECORDS, CONTRACTS, AGREEMENTS, OBLIGATIONS AND OTHER~~  
3       ~~MATERIALS WHICH ARE USED, EMPLOYED OR EXPENDED IN CONNECTION~~  
4       ~~WITH THE POWERS, DUTIES OR FUNCTIONS TRANSFERRED BY THIS ACT TO~~  
5       ~~THE DIVISION ARE HEREBY TRANSFERRED TO THE OFFICE OF ATTORNEY~~  
6       ~~GENERAL WITH THE SAME FORCE AND EFFECT AS IF THE ALLOCATIONS AND~~  
7       ~~APPROPRIATIONS HAD BEEN MADE TO AND SAID ITEMS HAD BEEN THE~~  
8       ~~PERSONNEL AND PROPERTY OF THE DIVISION IN THE FIRST INSTANCE AND~~  
9       ~~IF THE CONTRACTS, AGREEMENTS AND OBLIGATIONS HAD BEEN INCURRED~~  
10       ~~OR ENTERED INTO BY THE OFFICE OF ATTORNEY GENERAL.~~

11       ~~(C) ALL PRESENT EMPLOYEES OF THE PENNSYLVANIA LIQUOR CONTROL~~  
12       ~~BOARD WHOSE POWERS, DUTIES OR FUNCTIONS ARE TRANSFERRED UNDER~~  
13       ~~SUBSECTIONS (A) AND (B) SHALL BE TRANSFERRED TO THE OFFICE OF~~  
14       ~~ADMINISTRATIVE LAW JUDGE OR THE DIVISION AS APPROPRIATE. ALL~~  
15       ~~SUCH EMPLOYEES ARE TO CONTINUE IN THEIR EMPLOYMENT WITH EITHER~~  
16       ~~THE BOARD, THE OFFICE OF ADMINISTRATIVE LAW JUDGE OR THE~~  
17       ~~DIVISION WITH THE SAME PAY SCALES, SALARIES, WAGES, SENIORITY~~  
18       ~~BENEFITS, PENSION RIGHTS AND OTHER INCIDENTS OF EMPLOYMENT,~~  
19       ~~INCLUDING, BUT NOT LIMITED TO, CIVIL SERVICE STATUS, AS IF THIS~~  
20       ~~ACT HAD NOT BEEN EFFECTIVE.~~

21       ~~(D) AS MUCH OF THE MONEYS AS MAY BE NECESSARY ARE~~  
22       ~~APPROPRIATED TO BE USED FOR THE COSTS OF ALL ENFORCEMENT~~  
23       ~~ACTIVITIES OF THE OFFICE OF ATTORNEY GENERAL. ESTIMATES OF THE~~  
24       ~~AMOUNTS TO BE EXPENDED FROM THE STATE STORES FUND UNDER THIS~~  
25       ~~ACT, FROM TIME TO TIME, BY THE ATTORNEY GENERAL FOR THE~~  
26       ~~OPERATION OF THE DIVISION, SHALL BE SUBMITTED TO THE GOVERNOR~~  
27       ~~AND THE GENERAL ASSEMBLY FOR APPROVAL OR DISAPPROVAL AS IN THE~~  
28       ~~CASE OF OTHER APPROPRIATIONS MADE TO ADMINISTRATIVE DEPARTMENTS,~~  
29       ~~BOARDS AND COMMISSIONS; AND IT SHALL BE UNLAWFUL FOR THE~~  
30       ~~TREASURER TO HONOR ANY REQUISITION FOR THE EXPENDITURE OF ANY~~

1 ~~MONEYS WHATSOEVER OUT OF THE STATE STORES FUND BY THE ATTORNEY~~  
2 ~~GENERAL FOR ANY PURPOSE IN EXCESS OF THE AMOUNTS APPROPRIATED BY~~  
3 ~~THE GENERAL ASSEMBLY.~~

4 ~~(E) THE MONEYS IN THE STATE STORES FUND SHALL BE PAID OUT OF~~  
5 ~~THE FUND UPON WARRANT OF THE TREASURER DRAWN AFTER REQUISITION~~  
6 ~~BY THE ATTORNEY GENERAL.~~

7 ~~SECTION 43. THE CHIEF ADMINISTRATIVE LAW JUDGE AND THE~~  
8 ~~ATTORNEY GENERAL SHALL SEPARATELY BY REGULATION PROVIDE FOR~~  
9 ~~APPROPRIATE TRAINING OF PERSONNEL TO CARRY OUT THE~~  
10 ~~RESPONSIBILITIES IMPOSED BY THIS ACT UPON EMPLOYEES OF THEIR~~  
11 ~~RESPECTIVE AGENCIES.~~

12 ~~SECTION 44. THIS ACT, WITH RESPECT TO THE LIQUOR CONTROL~~  
13 ~~BOARD, SHALL CONSTITUTE THE LEGISLATION REQUIRED TO REESTABLISH~~  
14 ~~AN AGENCY UNDER THE ACT OF DECEMBER 22, 1981 (P.L.508, NO.142),~~  
15 ~~KNOWN AS THE SUNSET ACT.~~

16 ~~SECTION 45. THE AGENCY KNOWN AS THE LIQUOR CONTROL BOARD~~  
17 ~~SHALL BE SUBJECT TO EVALUATION AND REVIEW AND SHALL TERMINATE ON~~  
18 ~~DECEMBER 31, 1990, IN THE MANNER PROVIDED FOR IN THE ACT OF~~  
19 ~~DECEMBER 22, 1981 (P.L.508, NO.142), KNOWN AS THE SUNSET ACT.~~

20 ~~SECTION 46. THE PRESENTLY CONFIRMED MEMBERS OF THE EXISTING~~  
21 ~~LIQUOR CONTROL BOARD AS OF DECEMBER 31, 1985, SHALL CONTINUE TO~~  
22 ~~SERVE AS BOARD MEMBERS UNTIL THEIR SUCCESSORS ARE APPOINTED AND~~  
23 ~~QUALIFIED.~~

24 ~~SECTION 47. EACH REGULATION OF THE BOARD IN EFFECT ON~~  
25 ~~DECEMBER 31, 1985, SHALL REMAIN IN EFFECT AFTER SUCH DATE UNTIL~~  
26 ~~REPEALED OR AMENDED BY THE BOARD.~~

27 ~~SECTION 48. ON OR BEFORE APRIL 1, 1987 THE LIQUOR CONTROL~~  
28 ~~BOARD SHALL PRESENT A REPORT TO THE GENERAL ASSEMBLY CONCERNING~~  
29 ~~THE COST INCURRED IN THE LICENSING PROCESS AND MAY MAKE~~  
30 ~~RECOMMENDATIONS FOR INCREASED LICENSE FEES TO COVER THE COST OF~~

1 ~~THE LICENSING PROCESS.~~

2 ~~SECTION 49. THE PROVISIONS OF THIS ACT ARE SEVERABLE AND IF~~  
3 ~~ANY OF ITS PROVISIONS SHALL BE HELD UNCONSTITUTIONAL, THE~~  
4 ~~DECISION OF THE COURT SHALL NOT AFFECT OR IMPAIR ANY OF THE~~  
5 ~~REMAINING PROVISIONS OF THIS ACT.~~

6 ~~SECTION 50. (A) SECTION 207.1(C)(2) OF THE ACT OF APRIL 9,~~  
7 ~~1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF~~  
8 ~~1929, IS REPEALED TO THE EXTENT THAT IT REQUIRES A VOTE OF TWO~~  
9 ~~THIRDS OF THE MEMBERS ELECTED TO THE SENATE TO CONFIRM~~  
10 ~~APPOINTMENTS TO THE LIQUOR CONTROL BOARD.~~

11 ~~(B) SECTION 207(L) OF THE ADMINISTRATIVE CODE OF 1929 IS~~  
12 ~~REPEALED UPON THE EFFECTIVE DATE OF ANY ACT WHICH TRANSFERS ALL~~  
13 ~~ENFORCEMENT DUTIES FROM THE BOARD TO ANY OTHER AGENCY OR~~  
14 ~~DEPARTMENT OF THE COMMONWEALTH.~~

15 ~~(C) SECTION 1 OF THE ACT OF MAY 25, 1939 (P.L.191, NO.99),~~  
16 ~~ENTITLED "AN ACT AUTHORIZING TRANSFERS OF SUMS OF MONEY FROM THE~~  
17 ~~GENERAL FUND TO THE STATE STORES FUND UNDER CERTAIN CONDITIONS;~~  
18 ~~PROVIDING FOR SUBSEQUENT TRANSFERS OF EQUAL SUMS FROM THE STATE~~  
19 ~~STORES FUND TO THE GENERAL FUND; AND MAKING APPROPRIATIONS~~  
20 ~~NECESSARY TO EFFECT SUCH TRANSFERS," IS REPEALED.~~

21 ~~(D) ALL OTHER ACTS OR PARTS OF ACTS ARE REPEALED INSOFAR AS~~  
22 ~~THEY ARE INCONSISTENT WITH THIS ACT.~~

23 ~~SECTION 51. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:~~

24 ~~(1) SECTION 25 OF THIS ACT, RELATING TO WINE SALES AND~~  
25 ~~DISTRIBUTION, SHALL TAKE EFFECT MARCH 1, 1987.~~

26 ~~(2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT~~  
27 ~~IMMEDIATELY.~~

28 ~~SECTION 1. REESTABLISHMENT OF PENNSYLVANIA LIQUOR CONTROL~~  
29 ~~BOARD.~~

30 ~~THIS ACT, WITH RESPECT TO THE PENNSYLVANIA LIQUOR CONTROL~~

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1 BOARD, CONSTITUTES THE LEGISLATION REQUIRED TO REESTABLISH AN  
2 AGENCY UNDER THE ACT OF DECEMBER 22, 1981 (P.L.508, NO.142),  
3 KNOWN AS THE SUNSET ACT.

4 SECTION 2. MEMBERSHIP.

5 THE PRESENTLY CONFIRMED MEMBERS OF THE PENNSYLVANIA LIQUOR  
6 CONTROL BOARD AS OF THE EFFECTIVE DATE OF THIS ACT SHALL  
7 CONTINUE TO SERVE AS BOARD MEMBERS UNTIL DECEMBER 31, 1988, OR  
8 UNTIL THEIR PRESENT TERMS EXPIRE, WHICHEVER OCCURS FIRST. A  
9 PRESENT BOARD MEMBER WHOSE TERM EXPIRES ON OR BEFORE THE  
10 EFFECTIVE DATE OF THIS ACT SHALL SERVE UNTIL A SUCCESSOR IS  
11 APPOINTED, QUALIFIED AND CONFIRMED.

12 SECTION 3. RULES AND REGULATIONS.

13 EACH RULE AND REGULATION OF THE PENNSYLVANIA LIQUOR CONTROL  
14 BOARD IN EFFECT ON THE EFFECTIVE DATE OF THIS ACT SHALL REMAIN  
15 IN EFFECT UNTIL REPEALED OR AMENDED BY THE BOARD.

16 SECTION 4. SUNSET PROVISION.

17 THIS ACT SHALL EXPIRE DECEMBER 31, 1988.

18 SECTION 5. EFFECTIVE DATE.

19 THIS ACT SHALL TAKE EFFECT IMMEDIATELY.