
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1000 Session of
1987

INTRODUCED BY SALOOM, BELARDI, JAROLIN, MANMILLER, MANDERINO,
LAUGHLIN, IRVIS, O'DONNELL, FEE, DOMBROWSKI, ITKIN, PETRARCA,
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DUFFY, WAMBACH, LaGROTTA, VAN HORNE, GAMBLE, LETTERMAN,
COLAFELLA, VEON AND CALTAGIRONE, APRIL 7, 1987

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 17, 1987

AN ACT

1 Reenacting and amending the act of April 12, 1951 (P.L.90,
2 No.21), entitled "An act relating to alcoholic liquors,
3 alcohol and malt and brewed beverages; amending, revising,
4 consolidating and changing the laws relating thereto;
5 regulating and restricting the manufacture, purchase, sale,
6 possession, consumption, importation, transportation,
7 furnishing, holding in bond, holding in storage, traffic in
8 and use of alcoholic liquors, alcohol and malt and brewed
9 beverages and the persons engaged or employed therein;
10 defining the powers and duties of the Pennsylvania Liquor
11 Control Board; providing for the establishment and operation
12 of State liquor stores, for the payment of certain license
13 fees to the respective municipalities and townships, for the
14 abatement of certain nuisances and, in certain cases, for
15 search and seizure without warrant; prescribing penalties and
16 forfeitures; providing for local option, and repealing
17 existing laws," providing for the ~~creation~~ REESTABLISHMENT, <—
18 powers and duties of the ~~Alcoholic Beverages Commission~~ <—
19 BOARD; providing ethical standards for the ~~commission~~ BOARD <—
20 and its members and employees; establishing administrative
21 officers and units for the administration and enforcement of
22 the act; providing for the powers and duties of the Auditor
23 General, State Treasurer, Attorney General and Pennsylvania
24 State Police; ~~regulating advertising;~~ REGULATING ADVERTISING; <—
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13 Section 902. General Repeal Clause (REPEALED). <—

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 Section 1. The title of the act of April 12, 1951 (P.L.90,
17 No.21), known as the Liquor Code, is reenacted ~~and amended~~ to <—
18 read:

19 AN ACT

20 Relating to alcoholic liquors, alcohol and malt and brewed
21 beverages; amending, revising, consolidating and changing the
22 laws relating thereto; regulating and restricting the
23 manufacture, purchase, sale, possession, consumption,
24 importation, transportation, furnishing, holding in bond,
25 holding in storage, traffic in and use of alcoholic liquors,
26 alcohol and malt and brewed beverages and the persons engaged
27 or employed therein; defining the powers and duties of the
28 ~~†Pennsylvania Liquor Control Board†~~ ~~Alcoholic Beverages~~ <—

29 ~~Commission~~; providing for the establishment and operation of
30 State liquor stores, for the payment of certain license fees

1 to the respective municipalities and townships, for the
2 abatement of certain nuisances and, in certain cases, for
3 search and seizure without warrant; prescribing penalties and
4 forfeitures; providing for local option, and repealing
5 existing laws.

6 Section 2. The heading of Article I of the act is reenacted
7 to read:

8 ARTICLE I.

9 PRELIMINARY PROVISIONS.

10 Section 3. Section 101 of the act is reenacted to read:

11 Section 101. Short Title.--This act shall be known and may
12 be cited as the "Liquor Code."

13 Section 4. Section 102 of the act, amended July 10, 1957
14 (P.L.638, No.346), August 17, 1965 (P.L.346, No.182), December
15 2, 1970 (P.L.825, No.271), October 11, 1972 (P.L.906, No.215),
16 December 12, 1980 (P.L.1195, No.221) and May 2, 1986 (P.L.141,
17 No.44), is reenacted and amended to read:

18 Section 102. Definitions.--The following words or phrases,
19 unless the context clearly indicates otherwise, shall have the
20 meanings ascribed to them in this section:

21 "Alcohol" shall mean ethyl alcohol of any degree of proof
22 originally produced by the distillation of any fermented liquid,
23 whether rectified or diluted with or without water, whatever may
24 be the origin thereof, and shall include synthetic ethyl
25 alcohol, but shall not mean or include ethyl alcohol, whether or
26 not diluted, that has been denatured or otherwise rendered unfit
27 for beverage purposes.

28 "Association" shall mean a partnership, limited partnership
29 or any form of unincorporated enterprise owned by two or more
30 persons.

1 †"Board" shall mean the Pennsylvania Liquor Control Board.† ←

2 "Bonded warehouse" shall mean and include all places and
3 warehouses legally established under the provisions of the acts
4 of Congress and the administrative provisions of the internal
5 revenue laws of the Government of the United States of America,
6 for the storage, concentration, distribution and holding in
7 bond, (a) of whiskey and any other potable distilled spirits,
8 except ethyl alcohol, when used in Article VII entitled
9 "Distillery Bonded Warehouse Certificates" and, (b) of alcohol
10 or liquor when otherwise used.

11 "Club" shall mean any reputable group of individuals
12 associated together not for profit for legitimate purposes of
13 mutual benefit, entertainment, fellowship or lawful convenience,
14 having some primary interest and activity to which the sale of
15 liquor or malt and brewed beverages shall be only secondary,
16 which, if incorporated, has been in continuous existence and
17 operation for at least one year, and if first licensed after
18 June sixteenth, one thousand nine hundred thirty-seven, shall
19 have been incorporated in this Commonwealth, and, if
20 unincorporated, for at least ten years, immediately preceding
21 the date of its application for a license under this act, and
22 which regularly occupies, as owner or lessee, a clubhouse or
23 quarters for the use of its members. Continuous existence must
24 be proven by satisfactory evidence. The ~~board~~ ~~commission~~ shall ←

25 refuse to issue a license if it appears that the charter is not
26 in possession of the original incorporators or their direct or
27 legitimate successors. The club shall hold regular meetings,
28 conduct its business through officers regularly elected, admit
29 members by written application, investigation and ballot, and
30 charge and collect dues from elected members, and maintain such

1 records as the ~~{board} commission~~ shall from time to time ←
2 prescribe, but any such club may waive or reduce in amount, or
3 pay from its club funds, the dues of any person who was a member
4 at the time he was inducted into the military service of the
5 United States or was enrolled in the armed forces of the United
6 States pursuant to any selective service act during the time of
7 the member's actual service or enrollment. The term includes a
8 privately-owned private golf course.

9 ~~"Commission" shall mean the Alcoholic Beverages Commission.~~ ←

10 "Container" shall mean and include any receptacle, vessel or
11 form of package, tank, vat, cask, barrel, drum, keg, can, bottle
12 or conduit used or capable of use for holding, storing,
13 transferring or shipment of alcohol, liquor or malt or brewed
14 beverages.

15 "Corporation" shall mean a corporation or joint-stock
16 association organized under the laws of this Commonwealth, the
17 United States, or any other state, territory, or foreign country
18 or dependency.

19 "Denatured alcohol" shall mean and include all alcohol or any
20 compound thereof which by the admixture of such denaturing
21 material or materials is rendered unfit for use as a beverage.

22 "Denaturing plant" shall mean and include the premises of a
23 distillery used exclusively for the denaturization of alcohol,
24 either specially or completely, by the admixture of such
25 denaturing materials as shall render the alcohol or any compound
26 in which it is authorized to be used unfit for use as a
27 beverage.

28 "Distillery" shall mean and include any premises or plant
29 wherein alcohol or liquor is manufactured, made and distilled
30 from raw materials, blended or rectified, or any place wherein

1 alcohol or liquor is produced by any method suitable for the
2 production of alcohol. The term shall not include a "winery"
3 where alcohol is derived from by-products of wine production by
4 distillation for the sole purpose of adding to the fermented
5 products to fortify the same.

6 "Distillery Bonded Warehouse Certificate" shall mean a
7 certificate, receipt, contract or other document given upon the
8 storage of whiskey or any other potable distilled spirits,
9 except ethyl alcohol, in a bonded warehouse, and evidencing the
10 ownership of such whiskey or other potable distilled spirits.

11 "Distillery certificate broker" shall mean and include every
12 person who engages directly or through an agent in selling,
13 purchasing, exchanging, offering for sale or delivery, or
14 entering into agreements for the purchase, sale or exchange, or
15 soliciting subscriptions to or orders for, or undertaking to
16 dispose of, or dealing in any manner in, distillery bonded
17 warehouse certificates.

18 "Distributor" shall mean any person licensed by the {board} ←
19 ~~commission~~ to engage in the purchase only from Pennsylvania
20 manufacturers and from importing distributors and the resale of
21 malt or brewed beverages, except to importing distributors and
22 distributors, in the original sealed containers as prepared for
23 the market by the manufacturer at the place of manufacture, but
24 not for consumption on the premises where sold, and in
25 quantities of not less than a case of twenty-four containers,
26 each container holding seven fluid ounces or more, or a case of
27 twelve containers, each container holding twenty-four fluid
28 ounces or more, except original containers containing one
29 hundred twenty-eight ounces or more which may be sold
30 separately.

1 "Eating place" shall mean a premise where food is regularly
2 and customarily prepared and sold, having a total area of not
3 less than three hundred square feet available to the public in
4 one or more rooms, other than living quarters, and equipped with
5 tables and chairs accommodating thirty persons at one time.

6 "Enforcement bureau" shall mean the Bureau of Liquor Control
7 Enforcement of the Pennsylvania State Police.

8 "Golf course" shall mean a course having a minimum of nine
9 holes and a total length of at least twenty-five hundred yards.
10 The term includes a privately-owned private golf course.

11 "Hotel" shall mean any reputable place operated by
12 responsible persons of good reputation where the public may, for
13 a consideration, obtain sleeping accommodations and meals and
14 which, in a city, has at least ten, and in any other place at
15 least six, permanent bedrooms for the use of guests, a public
16 dining room or rooms operated by the same management
17 accommodating at least thirty persons at one time, and a
18 kitchen, apart from the public dining room or rooms, in which
19 food is regularly prepared for the public.

20 "Importing distributor" shall mean any person licensed by the
21 ~~board~~ ~~commission~~ to engage in the purchase from manufacturers ←
22 and other persons located outside this Commonwealth and from
23 persons licensed as manufacturers of malt or brewed beverages
24 and importing distributors under this act, and the resale of
25 malt or brewed beverages in the original sealed containers as
26 prepared for the market by the manufacturer at the place of
27 manufacture, but not for consumption on the premises where sold,
28 and in quantities of not less than a case of twenty-four
29 containers, each container holding seven fluid ounces or more,
30 or a case of twelve containers, each container holding twenty-

1 four fluid ounces or more, except original containers containing
2 one hundred twenty-eight ounces or more which may be sold
3 separately.

4 "Limited Winery" shall mean a winery with a maximum output of
5 ~~one hundred thousand (100,000)]~~ TWO HUNDRED THOUSAND (200,000) ←
6 gallons per year.

7 "Liquor" shall mean and include any alcoholic, spirituous,
8 vinous, fermented or other alcoholic beverage, or combination of
9 liquors and mixed liquor a part of which is spirituous, vinous,
10 fermented or otherwise alcoholic, including all drinks or
11 drinkable liquids, preparations or mixtures, and reused,
12 recovered or redistilled denatured alcohol usable or taxable for
13 beverage purposes which contain more than one-half of one per
14 cent of alcohol by volume, except pure ethyl alcohol and malt or
15 brewed beverages.

16 "Malt or Brewed Beverages" means any beer, lager beer, ale,
17 porter or similar fermented malt beverage containing one-half of
18 one per centum or more of alcohol by volume, by whatever name
19 such beverage may be called.

20 "Manufacture", when the term is applied to malt or brewed
21 beverages, shall mean and include all means, methods and
22 processes used, employed and made use of, to produce, make and
23 manufacture for commercial purposes, malt or brewed beverages
24 from raw materials; when applied otherwise, it shall mean and
25 include all means, methods and processes used, employed and made
26 use of, to produce and make alcohol or liquor from raw
27 materials, and shall mean and include rectification and blending
28 of alcohol and liquor, the production, recovery or reuse of
29 alcohol in the making, developing, using in the process of
30 manufacture, denaturing, redistilling or recovering of any

1 alcohol or liquor in distilleries, denaturing plants and
2 wineries.

3 "Manufacturer" shall mean any person, association or
4 corporation engaged in the producing, manufacturing, distilling,
5 rectifying or compounding of liquor, alcohol or malt or brewed
6 beverages in this Commonwealth or elsewhere.

7 "Manufacturer of malt or brewed beverages" shall mean any
8 person holding a license issued by the ~~board~~ commission to ←
9 engage in the manufacture, transportation and sale of malt or
10 brewed beverages; also, any person engaged in the legal
11 manufacture of malt or brewed beverages within the territorial
12 limits of the United States, outside the Commonwealth of
13 Pennsylvania.

14 "Municipality" shall mean any city, borough, incorporated
15 town, or township of this Commonwealth.

16 "Original container" shall mean all bottles, casks, kegs or
17 other suitable containers that have been securely capped, sealed
18 or corked by the manufacturer of malt or brewed beverages at
19 the place of manufacture, with the name and address of the
20 manufacturer of the malt or brewed beverages contained or to be
21 contained therein permanently affixed to the bottle, cask, keg
22 or other container, or in the case of a bottle or can, to the
23 cap or cork used in sealing the same or to a label securely
24 affixed to a bottle or can.

25 "Package" shall mean any container or containers or
26 receptacle or receptacles used for holding liquor or alcohol as
27 marketed by the manufacturer.

28 "Performing arts facilities" shall mean those halls or
29 theaters in which live musical, concert, dance, ballet and
30 legitimate play book-length productions are performed.

1 Performing arts facilities shall not mean those halls or
2 theaters in which burlesque shows or reviews are performed.

3 "Person" shall mean a natural person, association or
4 corporation. Whenever used in a clause prescribing or imposing a
5 fine or imprisonment or both, the term "person", as applied to
6 "association", shall mean the partners or members thereof, and
7 as applied to "corporation", shall mean the officers thereof,
8 except, as to incorporated clubs, the term "person" shall mean
9 such individual or individuals who, under the by-laws of such
10 club, shall have jurisdiction over the possession and sale of
11 liquor therein.

12 "Population" shall mean the number of inhabitants as
13 determined by the last preceding decennial census of the United
14 States, or by any other census subsequently taken by the census
15 bureau of the United States and so certified by it: Provided,
16 however, That such other census shall not be a basis for the
17 fixing of license fees as provided in article IV. sections 405
18 and 439.

19 "Potable distilled spirits" shall mean and include any
20 distillate from grains, wine, fruits, vegetables or molasses,
21 except ethyl alcohol, capable of being used for beverage
22 purposes.

23 "Regulation" shall mean any regulation prescribed by the
24 ~~board~~ ~~commission~~ for carrying out the provisions of this act. ←

25 "Restaurant" shall mean a reputable place operated by
26 responsible persons of good reputation and habitually and
27 principally used for the purpose of providing food for the
28 public, the place to have an area within a building of not less
29 than four hundred square feet, equipped with tables and chairs
30 accommodating at least thirty persons at one time.

1 "Retail dispenser" shall mean any person licensed to engage
2 in the retail sale of malt or brewed beverages for consumption
3 on the premises of such licensee, with the privilege of selling
4 malt or brewed beverages in quantities not in excess of [one <—
5 hundred forty-four] ONE HUNDRED NINETY-TWO fluid ounces in a <—
6 single sale to one person, to be carried from the premises by
7 the purchaser thereof.

8 "Sale" or "Sell" shall include any transfer of liquor,
9 alcohol or malt or brewed beverages for a consideration.

10 "Whiskey" shall mean and include any alcoholic distillate
11 from a fermented mash of grain, capable of being used for
12 beverage purposes.

13 "Winery" shall mean and include any premises and plants where
14 any alcohol or liquor is produced by the process by which wine
15 is produced, or premises and plants wherein liquid such as wine
16 is produced; and shall include the manufacture by distillation
17 of alcohol from the by-products of wine fermentation when the
18 alcohol so derived is used solely to fortify the fermented
19 products, under such regulations as are or may be promulgated by
20 the proper agency of the United States Government, and such
21 alcohol, for that purpose only, may be sold or exchanged between
22 wineries holding permits in this Commonwealth, without
23 restriction.

24 Section 5. Section 103 of the act is reenacted to read:

25 Section 103. Saving Clause.--The provisions of this act, so
26 far as they are the same as those of existing laws, are intended
27 as a continuation of such laws and not as new enactments. The
28 repeal by this act of any act of Assembly or part thereof shall
29 not revive any act or part thereof heretofore repealed or
30 superseded. The provisions of this act shall not affect any act

1 done, liability incurred or right accrued or vested, or affect
2 any suit or prosecution pending or to be instituted to enforce
3 any right or penalty or punish any offense under the authority
4 of such repeal laws. All regulations and rules made and all
5 licenses and permits issued pursuant to any act repealed by this
6 act shall continue with the same force and effect as if such act
7 had not been repealed.

8 Section 6. Section 104 of the act is reenacted ~~and amended~~ ←
9 to read:

10 Section 104. Interpretation of Act.--(a) This act shall be
11 deemed an exercise of the police power of the Commonwealth for
12 the protection of the public welfare, health, peace and morals
13 of the people of the Commonwealth and to prohibit forever the
14 open saloon, and all of the provisions of this act shall be
15 liberally construed for the accomplishment of this purpose.

16 (b) The provisions of this act are severable and if any of
17 its provisions shall be held unconstitutional the decision of
18 the court shall not affect or impair any of the remaining
19 provisions of this act. It is hereby declared to be the
20 legislative intent that this act would have been adopted had
21 such unconstitutional provisions not been included herein.

22 (c) Except as otherwise expressly provided, the purpose of
23 this act is to prohibit the manufacture of and transactions in
24 liquor, alcohol and malt or brewed beverages which take place in
25 this Commonwealth, except by and under the control of the
26 ~~board~~ ~~commission~~ as herein specifically provided, and every ←
27 section and provision of the act shall be construed accordingly.
28 The provisions of this act dealing with the manufacture,
29 importation, sale and disposition of liquor, alcohol and malt or
30 brewed beverages within the Commonwealth through the

1 instrumentality of the ~~{board}~~commission and otherwise, provide <—
2 the means by which such control shall be made effective. This
3 act shall not be construed as forbidding, affecting or
4 regulating any transaction which is not subject to the
5 legislative authority of this Commonwealth.

6 (d) Any reference in this act to the provisions of law on
7 any subject shall apply to statutes becoming effective after the
8 effective date of this act as well as to those then in
9 existence.

10 (e) Section headings shall not be taken to govern or limit
11 the scope of the sections of this act. The singular shall
12 include the plural and the masculine shall include the feminine
13 and the neuter.

14 Section 7. The heading of Article II of the act is reenacted
15 ~~and amended~~ to read: <—

16 ARTICLE II.

17 ~~{PENNSYLVANIA LIQUOR CONTROL BOARD}~~ <—

18 ~~ALCOHOLIC BEVERAGES COMMISSION.~~

19 Section 8. Section 201 of the act, amended November 23, 1976
20 (P.L.1123, No.235), is reenacted and amended to read:

21 Section 201. Appointment of Members; Terms; Salaries.--An
22 independent administrative ~~{board}~~commission to be known as the <—
23 "~~{Pennsylvania Liquor Control Board}~~ ~~Alcoholic Beverages~~ <—
24 ~~Commission~~" is hereby created. The ~~{board}~~commission shall <—
25 consist of three members to be appointed by the Governor by and
26 with the advice and consent of ~~{two-thirds}~~a majority of all <—
27 the members of the Senate[. Of the ~~{original}~~ members first <—
28 ~~appointed after the effective date of this amendatory act~~, one
29 shall be appointed for a term of two years, one for a term of
30 four years, and one for a term of six years ~~{from the date of~~ <—

1 his appointment and until his successor shall have been
2 appointed and qualified]. Thereafter, all appointments shall be <—
3 for terms of six years for until successors are appointed and <—
4 qualified], NOT MORE THAN TWO OF WHOM SHALL BE FROM THE SAME <—
5 POLITICAL PARTY AS THE GOVERNOR. THE APPOINTMENT OF A MEMBER NOT <—
6 OF THE GOVERNOR'S POLITICAL PARTY SHALL BE MADE FROM A LIST
7 PREPARED AND SUBMITTED TO THE GOVERNOR BY THE LEADER OF THE
8 OPPOSITION PARTY TO THE GOVERNOR IN THE HOUSE OF REPRESENTATIVES
9 AND THE SENATE. EACH FLOOR LEADER MAY CONTRIBUTE AT LEAST THREE
10 NAMES TO THE LIST. THE GOVERNOR SHALL SELECT A MEMBER FROM THE
11 LIST WITHIN THIRTY DAYS OF RECEIPT OF THE LIST, OR THE GOVERNOR
12 MAY REQUEST ONE SUBSTITUTE LIST OF NOMINEES FROM THE FLOOR
13 LEADERS. IF THE FLOOR LEADERS FAIL TO SUBMIT A SUBSTITUTE LIST
14 WITHIN THIRTY DAYS OF RECEIPT OF A REQUEST TO DO SO, THE
15 GOVERNOR MAY APPOINT THE MEMBER FOR WHICH LISTS OF NOMINEES WERE
16 NOT SUBMITTED AT HIS DISCRETION. IF ONE OF THE TWO FLOOR LEADERS
17 RESPONSIBLE FOR THE SUBMISSION OF NOMINEES FOR A LIST FAILS TO
18 SUBMIT NOMINEES, THE GOVERNOR SHALL ACT UPON THE NOMINEES
19 SUBMITTED BY THE OTHER FLOOR LEADER AS IF NOMINEES HAD BEEN
20 RECEIVED FROM BOTH FLOOR LEADERS. IF THE GOVERNOR FAILS TO
21 SELECT A MEMBER FROM THE LIST OF NOMINEES WITHIN THIRTY DAYS OF
22 RECEIPT OF THE LIST AND FAILS TO REQUEST A SUBSTITUTE LIST, OR
23 FAILS TO SELECT A MEMBER FROM THE SUBSTITUTE LIST WITHIN THIRTY
24 DAYS OF RECEIPT OF THE LIST, THE FLOOR LEADERS WHO PREPARED THE
25 LIST MAY APPOINT A MEMBER TO SERVE ON THE BOARD. WHENEVER A
26 VACANCY OCCURS PRIOR TO THE COMPLETION OF THE TERM OF OFFICE OF
27 A MEMBER APPOINTED PURSUANT TO THIS SECTION, THE SAME PROCEDURE
28 AS THAT USED TO APPOINT THE MEMBER WHOSE SEAT HAS BECOME VACANT
29 SHALL BE USED TO NOMINATE A REPLACEMENT FOR THE REMAINDER OF THE
30 UNEXPIRED TERM. OF THE MEMBERS FIRST APPOINTED AFTER THE

1 EFFECTIVE DATE OF THIS AMENDATORY ACT: ONE MEMBER SHALL SERVE A
2 TERM OF THREE YEARS; ONE MEMBER SHALL SERVE A TERM OF FOUR
3 YEARS; AND ONE MEMBER SHALL SERVE A TERM OF FIVE YEARS.

4 SUBSEQUENT TERMS SHALL BE FOR FOUR YEARS, ENDING ON THE THIRD
5 TUESDAY IN MAY. No member upon the expiration of his term shall
6 continue to hold office until his successor shall be duly
7 appointed ~~or shall be~~ AND qualified. Each of the members shall <—
8 receive an annual salary of [twenty-four thousand dollars
9 (\$24,000), except the chairman, who shall receive an annual
10 salary of twenty-five thousand dollars (\$25,000)] ~~thirty five~~ <—
11 ~~thousand dollars (\$35,000), EXCEPT THE CHAIRMAN, WHO SHALL~~ <—
12 ~~RECEIVE AN ANNUAL SALARY OF THIRTY SEVEN THOUSAND FIVE HUNDRED~~
13 ~~DOLLARS (\$37,500) FORTY THOUSAND DOLLARS (\$40,000), EXCEPT THE~~ <—
14 CHAIRMAN, WHO SHALL RECEIVE AN ANNUAL SALARY OF FORTY-TWO
15 THOUSAND DOLLARS (\$42,000).

16 Section 9. Sections 202, 203, 204, 205 and 206 of the act
17 are reenacted and amended OR REENACTED to read: <—

18 Section 202. Qualifications of Members.--(a) Each member of
19 the ~~{board} commission~~ at the time of his appointment and <—
20 qualification shall be a citizen of the United States and a
21 resident of the Commonwealth of Pennsylvania, shall have been a
22 qualified elector in the Commonwealth for a period of at least
23 one year next preceding his appointment, and shall be not less
24 than [thirty] twenty-one years of age.

25 (b) No member of the ~~{board} commission~~ during his period of <—
26 service as such shall hold any other office under the laws of
27 this Commonwealth or of the United States.

28 ~~(c) Commission members shall devote full time to their~~ <—
29 ~~official duties. No commission member shall hold any office or~~
30 ~~position the duties of which are incompatible with his~~

1 ~~commission duties or be engaged in any employment or vocation~~
2 ~~for which he receives any remuneration.~~

3 ~~(C) NO BOARD MEMBER SHALL HOLD ANY OFFICE OR POSITION, THE~~ <—
4 ~~DUTIES OF WHICH ARE INCOMPATIBLE WITH HIS OR HER BOARD DUTIES.~~

5 ~~(C) BOARD MEMBERS SHALL DEVOTE FULL TIME TO THEIR OFFICIAL~~ <—
6 ~~DUTIES. NO BOARD MEMBER SHALL HOLD ANY OFFICE OR POSITION THE~~
7 ~~DUTIES OF WHICH ARE INCOMPATIBLE WITH HIS BOARD DUTIES.~~

8 Section 203. Chairman of ~~{Board} Commission.~~--[The board <—
9 shall elect one of its members as chairmen] (a) The Governor
10 shall designate one of the ~~commission~~ BOARD members as chairman <—
11 who shall serve in that position at the pleasure of the
12 Governor. The chairman shall, when present, preside at all
13 meetings, and in his absence a member designated by the chairman
14 shall preside.

15 (b) Two members of the {board} ~~commission~~ shall constitute a <—
16 quorum, and any action or order of the {board} ~~commission~~ shall <—
17 require the approval of at least two members.

18 Section 204. ~~{Secretary of Board.~~--The board may appoint a <—
19 secretary to hold office at its pleasure. The secretary, if
20 appointed, shall have such powers and shall perform such duties
21 not contrary to law as the board shall prescribe, and shall
22 receive such compensation as the board, with the approval of the
23 Governor, shall determine. The secretary shall have power and
24 authority to designate, from time to time, one of the clerks
25 appointed by the board to perform the duties of the secretary
26 during his absence and the clerk so appointed shall exercise,
27 for the time so designated, the powers of the secretary of the
28 board.] ~~Executive Director. The commission shall appoint an~~ <—
29 ~~executive director and professional management personnel,~~
30 ~~including bureau directors, as necessary. The salary of the~~

1 ~~executive director shall be thirty four thousand dollars~~
2 ~~(\$34,000) annually and the salaries of the other professional~~
3 ~~personnel shall be set by the commission, with the approval of~~
4 ~~the Governor. The executive director shall be responsible for~~
5 ~~managing the daily operations of the commission and shall have~~
6 ~~such powers and perform such duties not contrary to law as are~~
7 ~~necessary to implement decisions and policies made and~~
8 ~~established by vote of a majority of the commission.~~

9 Section 205. Bonds Required of Members and {Secretary} <—
10 ~~Executive Director~~.--Before entering upon the duties of their
11 respective offices or positions, each member of the {board} <—
12 ~~commission~~ and the {secretary} ~~executive director~~ shall execute <—
13 and file with the State Treasurer a bond in such penal sum as
14 shall be fixed by the Executive Board of this Commonwealth upon
15 recommendation of the Governor, but the amount of any such bond
16 shall not be less than ten thousand dollars (\$10,000). Bonds in
17 such penal sums as shall be fixed by the Executive Board
18 likewise shall be executed and filed with the State Treasurer by
19 such employes of the [Pennsylvania Liquor Control Board]
20 ~~commission~~ BOARD as the head of such {board} ~~commission~~ shall, <—
21 with the approval of the Executive Board, prescribe. Such bonds
22 shall be payable to the Commonwealth of Pennsylvania and shall
23 be conditioned for the faithful performance of the members',
24 {secretary's} ~~executive director's~~ or employes' duties imposed <—
25 by law or by lawful authority and that the person bonded will
26 not knowingly violate the provisions of this act. All bonds
27 required to be given under this section shall, before being
28 accepted by the State Treasurer, be approved by the [Department
29 of Justice] Attorney General, and unless the Commonwealth shall
30 establish its own indemnity fund, all such bonds shall be given

1 with security approved by the [Department of Justice] Attorney
2 General. If the Commonwealth shall establish its own indemnity
3 fund, the Executive Board may, nevertheless, require any bond
4 given hereunder to be executed by a surety or sureties
5 satisfactory to the [Department of Justice] Attorney General.
6 The cost of such bonds required to be executed by a surety or
7 sureties shall be borne by the ~~{board}~~ ~~commission~~ as part of its <—
8 operating expense.

9 Section 206. ~~{Board}~~ ~~Commission~~ Subject to Administrative <—
10 Code.--Except as otherwise expressly provided by law, the
11 ~~{board}~~ ~~commission~~ shall be subject to all the provisions of The <—
12 Administrative Code of one thousand nine hundred twenty-nine, as
13 amended, which apply generally to independent administrative
14 boards and commissions.

15 Section 9.1. The act is amended by adding a section to read:

16 Section 206.1. ~~Commission~~ BOARD AND ENFORCEMENT BUREAU <—
17 Subject to State Ethics and Adverse Interest Acts.--(a) Except
18 to the extent that the penalties provided in section 210 of this
19 act for violations are more stringent, the ~~commission~~ BOARD, its <—
20 members and all of its employes AND EMPLOYES OF THE ENFORCEMENT <—
21 BUREAU shall be subject to the act of October 4, 1978 (P.L.883,
22 No.170), referred to as the Public Official and Employee Ethics
23 Law, and the act of July 19, 1957 (P.L.1017, No.451), known as
24 the "State Adverse Interest Act."

25 (b) Membership on the ~~commission~~ BOARD and employment or <—
26 continued employment as an employe of the ~~commission~~ BOARD OR <—
27 ENFORCEMENT BUREAU is conditioned upon compliance with all of
28 the provisions of the acts specified in subsection (a),
29 including, but not limited to, the filing of statements of
30 financial interests required by section 5 of the Public Official

1 and Employee Ethics Law. Acceptance or retention of employment
2 shall be deemed as voluntary consent to submit to the financial
3 reporting requirements of the Public Official and Employee
4 Ethics Law as a condition of employment. Failure to timely
5 comply with the requirements shall result in immediate
6 termination of employment.

7 Section 10. Section 207 of the act, amended May 25, 1956
8 (1955 P.L.1743, No.583), January 13, 1966 (1965 P.L.1301,
9 No.518), June 17, 1971 (P.L.180, No.22) and July 27, 1973
10 (P.L.247, No.70), is reenacted and amended to read:

11 Section 207. General Powers of ~~{Board} Commission~~.--Under <—
12 this act, the ~~{board} commission~~ shall have the power and its <—
13 duty shall be:

14 (a) To buy, import or have in its possession for sale, and
15 sell liquor and alcohol in the manner set forth in this act:

16 Provided, however, That all purchases shall be made subject to
17 the approval of the State Treasurer, or his designated deputy.

18 The ~~commission~~ BOARD shall buy liquor and alcohol at the lowest <—
19 price and in the greatest variety reasonably obtainable.

20 (b) To control the manufacture, possession, sale,
21 consumption, importation, use, storage, transportation and
22 delivery of liquor, alcohol and malt or brewed beverages in
23 accordance with the provisions of this act, and to fix the
24 wholesale and retail prices at which liquors and alcohol shall
25 be sold at Pennsylvania Liquor Stores[: Provided, That in fixing
26 the sale prices, the board shall not give any preference or make
27 any discrimination as to classes, brands or otherwise, except to
28 the extent and for the length of time necessary to sell such
29 classes or brands in compliance with any Federal action freezing
30 or otherwise controlling the price of said classes or brands, or

1 except where special sales are deemed necessary to move
2 unsaleable merchandise, or except where the addition of a
3 service or handling charge to the fixed sales price of any
4 merchandise in the same comparable price bracket, regardless of
5 class, brand or otherwise, is, in the opinion of the board,
6 required for the efficient operation of the State store system].
7 Prices shall be proportional with prices paid by the ~~commission~~ <—
8 BOARD to its suppliers and shall reflect any advantage obtained <—
9 through volume purchases by the ~~commission~~ BOARD. The ~~commission~~ <—
10 BOARD may establish a preferential price structure for wines <—
11 produced within this Commonwealth for the promotion of such
12 wines, as long as the price structure is uniform within each
13 class of wine purchased by the ~~commission~~ BOARD. The {board} <—
14 ~~commission~~ shall require each Pennsylvania manufacturer and each
15 nonresident manufacturer of liquors, other than wine, selling
16 such liquors to the {board} ~~commission~~, which are not <—
17 manufactured in this Commonwealth, to make application for and
18 be granted a permit by the {board} ~~commission~~ before such <—
19 liquors not manufactured in this Commonwealth shall be purchased
20 from such manufacturer. Each such manufacturer shall pay for
21 such permit a fee which, in the case of a manufacturer of this
22 Commonwealth, shall be equal to that required to be paid, if
23 any, by a manufacturer or wholesaler of the state, territory or
24 country of origin of the liquors, for selling liquors
25 manufactured in Pennsylvania, and in the case of a nonresident
26 manufacturer, shall be equal to that required to be paid, if
27 any, in such state, territory or country by Pennsylvania
28 manufacturers doing business in such state, territory or
29 country. In the event that any such manufacturer shall, in the
30 opinion of the {board} ~~commission~~, sell or attempt to sell <—

1 liquors to the ~~{board} commission~~ through another person for the ←
2 purpose of evading this provision relating to permits, the
3 ~~{board} commission~~ shall require such person, before purchasing ←
4 liquors from him or it, to take out a permit and pay the same
5 fee as hereinbefore required to be paid by such manufacturer.
6 All permit fees so collected shall be paid into The State Stores
7 Fund. The ~~{board} commission~~ shall not purchase any alcohol or ←
8 liquor fermented, distilled, rectified, compounded or bottled in
9 any state, territory or country, the laws of which result in
10 prohibiting the importation therein of alcohol or liquor,
11 fermented, distilled, rectified, compounded or bottled in
12 Pennsylvania.

13 (c) To determine the municipalities within which
14 Pennsylvania Liquor Stores shall be established and the
15 locations of the stores within such municipalities.

16 (d) To grant and issue all licenses and to grant, issue,
17 suspend and revoke all [licenses and] permits authorized to be
18 issued under this act [and the regulations of the {board and ←
19 impose fines on licensees licensed under this act}] ~~commission~~. ←

20 (e) Through the Department of [Property and Supplies]
21 General Services as agent, to lease and furnish and equip such
22 buildings, rooms and other accommodations as shall be required
23 for the operation of this act.

24 (f) To appoint, fix the compensation and define the powers
25 and duties of such managers, officers, inspectors, {examiners,} ←
26 clerks and other employes as shall be required for the operation
27 of this act, subject to the provisions of The Administrative
28 Code of 1929 and the Civil Service Act.

29 (g) To determine the nature, form and capacity of all
30 packages and original containers to be used for containing

1 liquor, alcohol or malt or brewed beverages.

2 (h) Without in any way limiting or being limited by the
3 foregoing, to do all such things and perform all such acts as
4 are deemed necessary or advisable for the purpose of carrying
5 into effect the provisions of this act and the regulations made
6 thereunder.

7 (i) From time to time, to make such regulations not
8 inconsistent with this act as it may deem necessary for the
9 efficient administration of this act. The ~~{board}~~ commission ←
10 shall cause such regulations to be published and disseminated
11 throughout the Commonwealth in such manner as it shall deem
12 necessary and advisable or as may be provided by law. Such
13 regulations adopted by the ~~{board}~~ commission shall have the ←
14 same force as if they formed a part of this act.

15 (j) [To investigate, whenever any person complains, or when
16 the board is aware that there is reasonable grounds to believe
17 liquor or malt or brewed beverage is being sold on premises not
18 licensed under the provisions of this act. If the investigation
19 produces evidence of the unlawful sale of liquor or malt or
20 brewed beverage or of any other violation of the provisions of
21 this act, the board shall cause the prosecution of the person or
22 persons believed to have been criminally liable for the unlawful
23 acts. Any equipment or appurtenances actually used in the
24 commission of the unlawful acts may be confiscated upon
25 direction of the board. The confiscation by or under the
26 direction of the board shall not, in any manner, divest or
27 impair the rights or interest of any bona fide lien holder in
28 the equipment or appurtenances, who had no knowledge that the
29 same was being used in violation of this act.] By regulation, to
30 provide for the use of a computerized referral system to assist

1 consumers in locating special items at Pennsylvania Liquor
2 Stores; for the use of electronic transfer of funds AND CREDIT <—
3 CARDS for the purchase of liquor and alcohol at Pennsylvania
4 Liquor Stores; and for the use of credit cards, by licensees <—
5 only, for volume purchases.

6 Section 11. Section 208 of the act, amended July 22, 1970
7 (P.L.539, No.182) and October 11, 1972 (P.L.906, No.215), is
8 reenacted ~~and amended~~ to read: <—

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

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

17 (b) The duties and conduct of the officers and employes of
18 the ~~{board}~~ commission. <—

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

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

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

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

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

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

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

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

14 Section 12. Section 209 of the act is repealed.

15 Section 13. Section 210 of the act is reenacted and amended
16 to read:

17 Section 210. Restrictions on Members of the {Board} <—
18 ~~Commission~~ and CERTAIN Employes of Commonwealth.--(a) A member <—
19 or employe of the {board} ~~commission OR ENFORCEMENT BUREAU~~ or a <—
20 member of the immediate family of a member or employe of the
21 ~~commission~~ BOARD OR ENFORCEMENT BUREAU shall not be directly or <—
22 indirectly interested or engaged in any other business or
23 undertaking dealing in liquor, alcohol, or malt or brewed
24 beverages, whether as owner, part owner, partner, member of
25 syndicate, shareholder, agent or employe, and whether for his
26 own benefit or in a fiduciary capacity for some other person.

27 (b) No member or employe of the {board} ~~commission~~ OR <—
28 ENFORCEMENT BUREAU or a member of the immediate family of a
29 member or employe of the ~~commission~~ BOARD OR ENFORCEMENT BUREAU <—
30 nor any employe of the Commonwealth shall solicit or receive,

1 directly or indirectly, any commission, remuneration or gift
2 whatsoever, from any person having sold, selling or offering
3 liquor or alcohol for sale to the ~~{board} commission~~ for use in ←
4 Pennsylvania Liquor Stores.

5 (c) No person convicted of an infamous crime may be employed
6 as a member or employe by the ~~commission~~ BOARD OR ENFORCEMENT ←
7 BUREAU.

8 (d) No member or employe of the ~~commission~~ BOARD OR ←
9 ENFORCEMENT BUREAU may use his position with the ~~commission~~ ←
10 BOARD OR ENFORCEMENT BUREAU, or any confidential information ←
11 received through his position with the ~~commission~~, BOARD OR ←
12 ENFORCEMENT BUREAU to obtain financial gain, other than
13 compensation provided by law, for himself, a member of his
14 immediate family or a business with which he is associated.

15 (e) No person may offer or give to a member or employe of
16 the ~~commission~~ BOARD OR ENFORCEMENT BUREAU or a member of his ←
17 immediate family or a business with which he is associated, and
18 no member or employe of the ~~commission~~ BOARD OR ENFORCEMENT ←
19 BUREAU may solicit or accept anything of value, including a
20 gift, loan, political contribution, reward or promise of future
21 employment, based on an understanding that the vote, official
22 action or judgment of the member or employe of the ~~commission~~ ←
23 BOARD OR ENFORCEMENT BUREAU would be influenced thereby. ←

24 (f) No member or employe of the ~~commission~~ BOARD OR ←
25 ENFORCEMENT BUREAU or a member of his immediate family or any
26 business in which the member or employe or a member of his
27 immediate family is a director, officer or owner or holder of
28 stock exceeding five percent (5%) of the equity at fair market
29 value of the business may enter into any contract valued at five
30 hundred dollars (\$500) or more to provide goods or services to

1 ~~the commission~~ BOARD OR ENFORCEMENT BUREAU unless the contract <—
2 has been awarded to the lowest responsible bidder through an
3 open and public process, including prior public notice and
4 subsequent public disclosure of all proposals considered and
5 contracts awarded.

6 (g) No former member or employe of the ~~commission~~ BOARD OR <—
7 ENFORCEMENT BUREAU may represent a person, with or without
8 compensation, on any matter before the ~~commission~~ BOARD OR <—
9 ENFORCEMENT BUREAU for one year after leaving the ~~commission~~ <—
10 BOARD OR ENFORCEMENT BUREAU. <—

11 ~~(h) A public officer or public official or a party officer <—
12 or member of the immediate family of such individuals, or a
13 business with which such individuals or members of their
14 immediate families are associated, must not have a financial
15 interest in any contract valued at five hundred dollars (\$500)
16 or more to provide goods or services to the commission either
17 during the time the person holds such office, or for two years
18 after the person terminates such office, unless the contract is
19 executed pursuant to the provisions of subsection (f). For
20 purposes of this subsection, the term "financial interest" shall
21 not include employment by, association with or ownership of a
22 business association unless the public officer, public official,
23 party officer or member of the immediate family or the
24 individual owns shares of stock in the corporation in an amount
25 in excess of five percent (5%) of the total issue for the stock
26 of the corporation, or has an ownership interest in a
27 noncorporate business association in an amount in excess of five
28 percent (5%) of the total ownership of the noncorporate business
29 association.~~

30 ~~(i) (H) No member or employe of the commission~~ BOARD OR <—

1 ENFORCEMENT BUREAU or an advisor or consultant thereto having
2 recommended to the ~~commission~~ BOARD OR ENFORCEMENT BUREAU either <—
3 the making of a contract or a course of action of which the
4 making of a contract is an express or implied part, may, at any
5 time thereafter, have an adverse interest in that contract.

6 ~~(j)~~ (I) No member or employe of the ~~commission or any~~ <—
7 ~~officer or employe of the Commonwealth or any of its political~~
8 ~~subdivisions~~ BOARD OR ENFORCEMENT BUREAU may influence or <—
9 attempt to influence the making of, or supervise or deal with, a
10 contract with the ~~commission~~ BOARD OR ENFORCEMENT BUREAU in <—
11 which he has an adverse interest.

12 ~~(k)~~ (J) No member or employe of the ~~commission~~ BOARD OR <—
13 ENFORCEMENT BUREAU may have an adverse interest in a contract
14 with the ~~commission~~ BOARD OR ENFORCEMENT BUREAU. <—

15 ~~(l)~~ (K) No person having an adverse interest in a contract <—
16 with the ~~commission~~ BOARD OR ENFORCEMENT BUREAU may become an <—
17 employe of the ~~commission~~ BOARD OR ENFORCEMENT BUREAU until the <—
18 adverse interest has been wholly divested.

19 ~~(m)~~ (L) No member or employe of the ~~commission or any~~ <—
20 ~~officer or employe of the Commonwealth or a political~~
21 ~~subdivision~~ BOARD OR ENFORCEMENT BUREAU, except in the <—
22 performance of his duties as such employe, may, for
23 remuneration, directly or indirectly, represent a person upon a
24 matter pending before the ~~commission~~ BOARD OR ENFORCEMENT <—
25 BUREAU.

26 ~~(n)~~ (M) (1) Any person who violates the provisions of this <—
27 section shall have his employment by the ~~commission~~ BOARD OR <—
28 ENFORCEMENT BUREAU immediately terminated by the appropriate
29 person having the power to terminate and shall be liable to the
30 ~~commission~~ BOARD OR ENFORCEMENT BUREAU to reimburse the <—

1 ~~commission~~ BOARD OR ENFORCEMENT BUREAU for all compensation <—
2 received by him from the ~~commission~~ BOARD OR ENFORCEMENT BUREAU <—
3 while employed in violation of subsection (c).

4 (2) Any person who violates the provisions of subsections
5 (b), (d) or (e) shall be guilty of a felony and, upon conviction
6 thereof, shall be sentenced to pay a fine of not more than ten
7 thousand dollars (\$10,000) or to undergo imprisonment for not
8 more than five (5) years, or both.

9 (3) Any person who violates the provisions of subsections
10 (a) or (f) through ~~(m)~~ (L) shall be guilty of a misdemeanor and, <—
11 upon conviction thereof, shall be sentenced to pay a fine of not
12 more than one thousand dollars (\$1,000) or to undergo
13 imprisonment for not more than one (1) year, or both.

14 (4) Any person who obtains financial gain from violating any
15 provisions of this section, in addition to any other penalty
16 provided by law, shall pay into the accounts of the ~~commission~~ <—
17 BOARD a sum of money equal to three (3) times the financial gain <—
18 resulting from the violation.

19 (5) Any person who violates the provisions of this section
20 shall be barred for a period of five (5) years from engaging in
21 any business or contract with the ~~commission, the Commonwealth~~ <—
22 ~~or a political subdivision~~ BOARD OR ENFORCEMENT BUREAU. <—

23 ~~(6) Any employe of the Commonwealth or a political~~ <—
24 ~~subdivision or any public officer or public official who~~
25 ~~violates any of the provisions of this section shall~~
26 ~~automatically forfeit the office or employment.~~

27 ~~(7)~~ (6) The penalties and sanctions provided by this <—
28 subsection shall supersede any similar penalties and sanctions
29 provided by the act of July 19, 1957 (P.L.1017, No.451), known
30 as the "State Adverse Interest Act," and the act of October 4,

1 1978 (P.L.883, No.170), referred to as the Public Official and
2 Employee Ethics Law.

3 (e) (N) As used in this section, the following words and <—
4 phrases shall have the meanings given to them in this
5 subsection:

6 "Business" shall mean a corporation, partnership, sole
7 proprietorship, firm, enterprise, franchise, association,
8 organization, self-employed individual, holding company, joint-
9 stock company, receivership, trust or legal entity organized for
10 profit or as a not-for-profit corporation or organization.

11 "Immediate family" shall mean a parent, spouse, child,
12 brother, sister or like relative-in-law.

13 "Infamous crime" shall mean a violation and conviction for an
14 offense which would disqualify an individual from holding public
15 office pursuant to section 6 of Article II of the Constitution
16 of Pennsylvania; a conviction WITHIN THE PRECEDING TEN (10) <—
17 YEARS for a violation of this section or of 18 Pa.C.S. § 4113
18 (relating to misapplication of entrusted property and property
19 of government or financial institutions), Ch. 47 (relating to
20 bribery and corrupt influence), Ch. 49 (relating to
21 falsification and intimidation), Ch. 51 (relating to obstructing
22 governmental operations) or Ch. 53 (relating to abuse of
23 office); or a violation of the laws of this Commonwealth or
24 another state or the Federal Government for which an individual
25 has been convicted within the preceding ten (10) years and which
26 is classified as a felony.

27 ~~"Party officer" shall mean any of the following members or~~ <—
28 ~~officers of a political party: a member of a national committee;~~
29 ~~a chairman, vice chairman, secretary, treasurer or counsel of a~~
30 ~~State committee or member of the executive committee of a State~~

~~1 committee; a county chairman, vice chairman, counsel, secretary
2 or treasurer of a county committee; or a city chairman, vice
3 chairman, counsel, secretary or treasurer of a city committee.~~

~~4 "Public officer" shall mean a person elected to a public
5 office of the Commonwealth or a political subdivision.~~

~~6 "Public official" shall mean an elected or appointed official
7 in the executive, legislative or judicial branch of the
8 Commonwealth or a political subdivision. The term does not
9 include members of advisory boards that have no authority to
10 expend public funds other than reimbursement for personal
11 expense or to otherwise exercise the power of the Commonwealth
12 or a political subdivision. The term does not include an
13 appointed official who receives no compensation other than
14 reimbursement for actual expenses.~~

15 Section 14. The act is amended by adding sections to read:

16 Section 211. Enforcement.--(a) There is created within the
17 Pennsylvania State Police a Bureau of Liquor Control Enforcement
18 which shall be responsible for enforcing this act and any
19 regulations promulgated pursuant thereto. Officers and
20 investigators assigned to the bureau shall have the power and
21 their duty shall be:

22 (1) To investigate whenever there are reasonable grounds to
23 believe liquor, alcohol or malt or brewed beverages is being
24 sold on premises not licensed under the provisions of this act.
25 If the investigation produces evidence of the unlawful sale of
26 liquor or malt or brewed beverages or any other violation of the
27 provisions of this act, the officer involved in the
28 investigation shall institute criminal proceedings against the
29 person or persons believed to have been criminally liable, as
30 otherwise provided by law or rule of court.

1 (2) To arrest on view, except in private homes, without
2 warrant, any person actually engaged in the unlawful sale,
3 importation, manufacture or transportation or having unlawful
4 possession of liquor, alcohol or malt or brewed beverages
5 contrary to the provisions of this act or any other law of this
6 Commonwealth.

7 (3) Upon reasonable and probable cause, to search for and to
8 seize, without warrant or process, except in private homes, any
9 liquor, alcohol or malt or brewed beverages unlawfully
10 possessed, manufactured, sold, imported or transported and any
11 stills, equipment, materials, utensils, vehicles, boats,
12 vessels, animals, aircraft, or any of them, which are or have
13 been used in the unlawful manufacture, sale, importation or
14 transportation of the same, such liquor, alcohol, malt or brewed
15 beverages, stills, equipment, materials, utensils, vehicles,
16 ~~boards~~ BOATS, vessels, animals or aircraft so seized shall be <—
17 disposed of as hereinafter provided.

18 (4) To investigate and issue citations for any violations of
19 this act or any laws of this Commonwealth relating to liquor,
20 alcohol or malt or brewed beverages, or any regulations of the
21 commission adopted pursuant to such laws or any violation of any
22 laws of this Commonwealth or of the Federal Government, relating
23 to the payment of taxes on liquor, alcohol or malt or brewed
24 beverages by any licensee, his officers, servants, agents or
25 employes.

26 (b) Any equipment or appurtenance actually used in the
27 commission of the unlawful acts may be confiscated. The
28 confiscation shall not, in any manner, divest or impair the
29 rights or interest of any bona fide lienholder in the equipment
30 or appurtenance.

1 ~~(c) Except for up to three State Police officers who shall~~ <—
2 ~~be employed in a supervisory capacity at the State headquarters~~
3 ~~of the enforcement bureau, all other personnel of the~~
4 ~~enforcement bureau shall be civilians.~~

5 (C) THE PENNSYLVANIA STATE POLICE COMMISSIONER SHALL ASSIGN <—
6 STATE POLICE OFFICERS TO SUCH SUPERVISORY AND OTHER CAPACITIES
7 IN THE ENFORCEMENT BUREAU AS HE DEEMS NECESSARY. ALL OTHER
8 PERSONNEL OF THE ENFORCEMENT BUREAU SHALL BE CIVILIANS.

9 (D) THE OFFICE OF CHIEF COUNSEL FOR THE PENNSYLVANIA STATE
10 POLICE SHALL REPRESENT THE ENFORCEMENT BUREAU IN ALL ENFORCEMENT
11 PROCEEDINGS BROUGHT BEFORE THE OFFICE OF ADMINISTRATIVE LAW
12 JUDGE OR ANY OTHER ADJUDICATORY BODY.

13 Section 212. Office of Administrative Law Judge.--(a) There
14 is hereby created within the ~~commission~~ BOARD an autonomous <—
15 office to be known as the Office of Administrative Law Judge.

16 ~~(b) All hearing examiners employed by the Pennsylvania~~ <—
17 ~~Liquor Control Board on the effective date of this section shall~~
18 ~~continue to serve as administrative law judges within the~~
19 ~~commission. Additional administrative law judges may be~~
20 ~~appointed by the commission, with the approval of the Governor,~~
21 ~~as the commission deems necessary for the holding of hearings~~
22 ~~required or permitted under this act.~~

23 (B) BY AND WITH THE ADVICE AND CONSENT OF A MAJORITY OF ALL <—
24 THE MEMBERS OF THE SENATE, THE GOVERNOR SHALL APPOINT A CHIEF
25 ADMINISTRATIVE LAW JUDGE AND AS MANY ADMINISTRATIVE LAW JUDGES
26 AS THE BOARD, WITH THE APPROVAL OF THE GOVERNOR, DEEMS NECESSARY
27 FOR THE HOLDING OF HEARINGS REQUIRED OR PERMITTED UNDER THIS
28 ACT.

29 (c) Administrative law judges shall preside at all
30 licensing, citation and other enforcement hearings required or <—

1 permitted under this act.

2 ~~(d) Administrative law judges appointed under this section~~ <—
3 ~~shall be afforded employment security as provided by the act of~~
4 ~~August 5, 1941 (P.L.752, No.286), known as the "Civil Service~~
5 ~~Act."~~

6 (D) ADMINISTRATIVE LAW JUDGES APPOINTED UNDER THIS SECTION <—
7 SHALL BE LEARNED IN THE LAW AND SHALL BE MEMBERS IN GOOD
8 STANDING OF THE BAR OF THE SUPREME COURT OF PENNSYLVANIA.

9 (e) Compensation for the administrative law judges shall be
10 established by the commission BOARD with the approval of the <—
11 Governor. ESTABLISHED BY THE EXECUTIVE BOARD. <—

12 (F) ADMINISTRATIVE LAW JUDGES SHALL DEVOTE FULL TIME TO <—
13 THEIR OFFICIAL DUTIES AND SHALL PERFORM NO DUTIES INCONSISTENT
14 WITH THEIR DUTIES AND RESPONSIBILITIES AS ADMINISTRATIVE LAW
15 JUDGES.

16 ~~(f) (G) Nothing in this section or this act shall be~~ <—
17 ~~construed or intended to change or affect the terms and~~
18 ~~conditions of employment or the employment security of hearing~~
19 ~~examiners employed by the Pennsylvania Liquor Control Board~~ <—
20 ~~BOARD on the effective date of this section.~~ <—

21 ~~Section 213. Office of Chief Counsel. The commission shall~~ <—
22 ~~establish an Office of Chief Counsel which shall provide legal~~
23 ~~advice on matters coming before the commission and shall~~
24 ~~represent the enforcement bureau in all enforcement proceedings~~
25 ~~brought before the Office of Administrative Law Judge. The~~
26 ~~salary of the chief counsel and the number and salaries of any~~
27 ~~deputy counsels employed by the Office of Chief Counsel shall be~~
28 ~~set by the commission with the approval of the Governor.~~

29 Section 214 213. Bureau of Consumer Relations.--The <—
30 commission BOARD shall establish a Bureau of Consumer Relations <—

1 which shall be responsible for handling all consumer complaints
2 and suggestions. The bureau shall develop a system-wide program
3 for investigating all complaints and suggestions and
4 implementing improvements into the State Store system.

5 Section ~~215~~ 214. Prohibitions.--(a) The ~~commission~~ BOARD <—
6 may not make a contract or otherwise do business with a
7 corporation, vendor or service contractor that has not complied
8 with the regulatory and statutory requirements of any other
9 administrative agency.

10 (b) The ~~commission~~ BOARD may not make a contract or <—
11 otherwise do business with a transportation carrier for hire of
12 liquor, wine or malt or brewed beverages which (carrier) has not
13 obtained the proper permits from the Pennsylvania Public Utility
14 Commission under 66 Pa.C.S. Ch. 25 (relating to contract carrier
15 by motor vehicle and broker).

16 Section ~~216~~ 215. Wine Marketing.--(a) There is hereby <—
17 established within the ~~commission~~ BOARD the Bureau of Wine which <—
18 shall be responsible for the purchasing and the wholesale and
19 retail marketing of premium wines so as to make these wines
20 available to Pennsylvania consumers at competitive prices and in
21 a convenient atmosphere.

22 (b) The management of the bureau shall be vested in a
23 director, ~~an assistant director for purchasing and an assistant~~ <—
24 ~~director for marketing.~~ WHO SHALL BE ASSISTED BY SUCH OTHER <—
25 PERSONNEL AS HE OR SHE DEEMS NECESSARY.

26 (c) The ~~commission~~ BOARD shall establish that at least five <—
27 per centum of all State stores within a metropolitan area are
28 wine specialty stores, at which premium wine shall be sold.
29 These stores shall not sell any distilled product. ~~The stores~~ <—
30 ~~shall be in addition to the current number of State stores in~~

<—

1 ~~operation in said area.~~ THE BOARD MAY ESTABLISH THE WINE
2 SPECIALTY STORES IN LOCATIONS WHICH PROVIDE THE GREATEST
3 CUSTOMER TRAFFIC AND THE GREATEST GROSS PROFIT TO THE BOARD.
4 THESE LOCATIONS MAY INCLUDE ESTABLISHED RETAIL ESTABLISHMENTS.
5 BOARD EMPLOYEES SHALL STAFF THESE LOCATIONS. THE BOARD SHALL HAVE
6 THE OPTION OF CLOSING STORES WHICH ARE UNPROFITABLE FOR TWO
7 CONSECUTIVE FISCAL YEARS.

8 (d) (1) The term "metropolitan area" as used in this
9 section shall mean any one county or any combination of two,
10 three or four counties contiguous and adjacent with a total
11 population of fifty thousand or more.

12 (2) The term "wine" as used in this section shall mean
13 liquor which is fermented from grapes and other fruits, having
14 alcoholic content of twenty-four per centum or less. The term
15 "wine" shall not include malt or brewed beverages, nor shall
16 wine include any products containing alcohol derived from malt,
17 grain, cereal, molasses or cactus.

18 Section 15. The heading of Article III of the act is
19 reenacted to read:

20 ARTICLE III.

21 PENNSYLVANIA LIQUOR STORES.

22 Section 16. Section 301 of the act, amended July 9, 1976
23 (P.L.527, No.125), is reenacted and amended to read:

24 Section 301. ~~{Board} Commission~~ to Establish State Liquor
25 Stores.--(a) The ~~{board} commission~~ shall establish, operate
26 and maintain at such places throughout the Commonwealth as it
27 shall deem essential and advisable, stores to be known as
28 "Pennsylvania Liquor Stores," for the sale of liquor and alcohol
29 in accordance with the provisions of and the regulations made
30 under this act; except that no store not so already located

<—

<—

1 shall be located within three hundred feet of any elementary or
2 secondary school, nor within a dry municipality without there
3 first having been a referendum approving such location. When the
4 ~~{board} commission~~ shall have determined upon the location of a ←
5 liquor store in any municipality, it shall give notice of such
6 location by public advertisement in two newspapers of general
7 circulation. In cities of the first class, the location shall
8 also be posted for a period of at least fifteen days following
9 its determination by the ~~{board} commission~~ as required in ←
10 section 403(g) of this act. The notice shall be posted in a
11 conspicuous place on the outside of the premises in which the
12 proposed store is to operate or, in the event that a new
13 structure is to be built in a similarly visible location. If,
14 within five days after the appearance of such advertisement, or
15 of the last day upon which the notice was posted, fifteen or
16 more taxpayers residing within a quarter of a mile of such
17 location, or the City Solicitor of the city of the first class,
18 shall file a protest with the court of common pleas of the
19 county averring that the location is objectionable because of
20 its proximity to a church, a school, or to private residences,
21 the court shall forthwith hold a hearing affording an
22 opportunity to the protestants and to the ~~{board} commission~~ to ←
23 present evidence. The court shall render its decision
24 immediately upon the conclusion of the testimony and from the
25 decision there shall be no appeal. If the court shall determine
26 that the proposed location is undesirable for the reasons set
27 forth in the protest, the ~~{board} commission~~ shall abandon it ←
28 and find another location. The ~~{board} commission~~ may establish, ←
29 operate and maintain such establishments for storing and testing
30 liquors as it shall deem expedient to carry out its powers and

1 duties under this act.

2 (b) The ~~{board} commission~~ may lease the necessary premises <—
3 for such stores or establishments, but all such leases shall be
4 made through the Department of General Services as agent of the
5 ~~{board} commission~~. The ~~{board} commission~~, through the <—
6 Department of General Services, shall have authority to purchase
7 such equipment and appointments as may be required in the
8 operation of such stores or establishments.

9 Section 17. Sections 302 and 303 of the act are reenacted
10 ~~and amended~~ to read: <—

11 Section 302. Selection of Personnel.--Officers and employes
12 of the ~~{board} commission~~, except as herein otherwise provided, <—
13 shall be appointed and employed subject to the provisions of the
14 Civil Service Act.

15 Section 303. Management of Pennsylvania Liquor Stores.--
16 Every Pennsylvania Liquor Store shall be conducted by a person
17 appointed in the manner provided in the Civil Service Act who
18 shall be known as the "manager" and who shall, under the
19 directions of the ~~{board} commission~~, be responsible for <—
20 carrying out the provisions of this act and the regulations
21 adopted by the ~~{board} commission~~ under this act as far as they <—
22 relate to the conduct of such stores.

23 Section 18. Section 304 of the act, amended March 5, 1973
24 (P.L.1, No.1), is reenacted and amended to read:

25 Section 304. When Sales May Be Made at Pennsylvania Liquor
26 Stores.--Every Pennsylvania Liquor Store shall be open for
27 business week days, except legal holidays or any day on which a
28 general, municipal, special or primary election is being held,
29 during such hours as the ~~{board} commission~~, in its discretion, <—
30 shall determine[, but shall not be open longer than fourteen

1 hours in any one day nor later than eleven o'clock
2 postmeridian]: Provided, That the Pennsylvania Liquor Stores in
3 the case of a special election for members of the General
4 Assembly or members of the Congress of the United States, when
5 such special election is held on other than a primary, municipal
6 or general election day, shall be open in those Legislative or
7 Congressional Districts as though the day were not a special
8 election day. The ~~{board} commission~~ may, with the approval of ←
9 the Governor, temporarily close any store in any municipality.

10 Section 19. Section 305 of the act, amended October 21, 1965
11 (P.L.642, No.316), October 11, 1972 (P.L.906, No.215), June 17,
12 1974 (P.L.352, No.115), October 2, 1974 (P.L.668, No.222) and
13 October 4, 1974 (P.L.672, No.224), is reenacted and amended to
14 read:

15 Section 305. Sales by Pennsylvania Liquor Stores.--(a)
16 Every Pennsylvania Liquor Store shall keep in stock for sale
17 such classes, varieties and brands of liquor and alcohol as the
18 ~~{board} commission~~ shall prescribe. If any person shall desire ←
19 to purchase any class, variety or brand of liquor or alcohol
20 which any such store does not have in stock, it shall be the
21 duty of such store immediately to order the same upon the
22 payment of a reasonable deposit by the purchaser in such
23 proportion of the approximate cost of the order as shall be
24 prescribed by the regulations of the ~~{board} commission~~. NO ←
25 PURCHASER MAY BE REQUIRED TO PURCHASE MORE THAN TWO BOTTLES OR
26 CONTAINERS OF THE PRODUCT, PROVIDED THAT SUCH PRODUCT IS
27 AVAILABLE THROUGH THE STATE STORE SYSTEM. The customer shall be
28 notified immediately upon the arrival of the goods.

29 In computing the retail price of such special orders for
30 liquor or alcohol, the ~~{board} commission~~ shall not include the ←

1 cost of freight or shipping before applying the mark-up and
2 taxes but shall add the freight or shipping charges to the price
3 after the mark-up and taxes have been applied.

4 Unless the customer pays for and accepts delivery of any such
5 special order within [five] ~~TEN~~ days after notice of arrival, <—
6 the store may place it in stock for general sale and the
7 customer's deposit shall be forfeited.

8 (b) Every Pennsylvania Liquor Store shall sell liquors at
9 wholesale to hotels, restaurants, clubs, and railroad, pullman
10 and steamship companies licensed under this act; and, under the
11 regulations of the ~~board~~ ~~commission~~, to pharmacists duly <—
12 licensed and registered under the laws of the Commonwealth, and
13 to manufacturing pharmacists, and to reputable hospitals
14 approved by the ~~board~~ ~~commission~~, or chemists. The ~~board~~ <—
15 ~~commission~~ may sell to registered pharmacists only such liquors
16 as conform to the Pharmacopoeia of the United States, the
17 National Formulary, or the American Homeopathic Pharmacopoeia.
18 The ~~board~~ ~~commission~~ may sell at special prices under the <—
19 regulations of the ~~board~~ ~~commission~~, to United States Armed <—
20 Forces facilities which are located on United States Armed
21 Forces installations and are conducted pursuant to the authority
22 and regulations of the United States Armed Forces. All other
23 sales by such stores shall be at retail. [No liquor shall be
24 sold except for cash, except that the board may, by regulation,
25 authorize the acceptance of checks for liquor sold at wholesale.
26 The board shall have power to designate certain stores for
27 wholesale or retail sales exclusively.] A person entitled to
28 purchase liquor at wholesale prices may purchase the liquor at
29 any Pennsylvania Liquor Store upon tendering cash, check or
30 credit card for the full amount of the purchase. For this

1 purpose, the ~~commission~~ BOARD shall issue a discount card to <—
2 each licensee identifying such licensee as a person authorized
3 to purchase liquor at wholesale prices. Such discount card shall
4 be retained by the licensee. The ~~commission may provide~~ BOARD <—
5 MAY CONTRACT THROUGH THE COMMONWEALTH BIDDING PROCESS for
6 delivery to wholesale licensees at the expense of the licensee
7 receiving the delivery.

8 (c) Whenever any checks issued in payment of liquor or
9 alcohol purchased from State Liquor Stores by persons holding
10 wholesale purchase permit cards issued by the ~~{board} commission~~ <—
11 shall be returned to the ~~{board} commission~~ as dishonored, the <—
12 ~~{board} commission~~ shall charge a fee of five dollars per <—
13 hundred dollars or fractional part thereof, plus all protest
14 fees, to the maker of such check submitted to the ~~{board}~~ <—
15 ~~commission~~. Failure to pay the face amount of the check in full
16 and all charges thereon as herein required within ten days after
17 demand has been made by the ~~{board} commission~~ upon the maker of <—
18 the check shall be cause for revocation or suspension of any
19 license issued by the ~~{board} commission~~ to the person who <—
20 issued such check and the cancellation of the wholesale purchase
21 permit card held by such person.

22 (d) No liquor or alcohol package shall be opened on the
23 premises of a Pennsylvania Liquor Store. No manager or other
24 employe of the ~~{board} commission~~ employed in a Pennsylvania <—
25 Liquor Store shall allow any liquor or alcohol to be consumed on
26 the store premises, nor shall any person consume any liquor or
27 alcohol on such premises.

28 (e) The ~~{board} commission~~ may sell tax exempt alcohol to <—
29 the Commonwealth of Pennsylvania and to persons to whom the
30 ~~{board} commission~~ shall, by regulation to be promulgated by it, <—

1 issue special permits for the purchase of such tax exempt
2 alcohol.

3 Such permits may be issued to the United States or any
4 governmental agency thereof, to any university or college of
5 learning, any laboratory for use exclusively in scientific
6 research, any hospital, sanatorium, eleemosynary institution or
7 dispensary; to physicians, dentists, veterinarians and
8 pharmacists duly licensed and registered under the laws of the
9 Commonwealth of Pennsylvania; to manufacturing chemists and
10 pharmacists or other persons for use in the manufacture or
11 compounding of preparations unfit for beverage purposes.

12 (f) Every purchaser of liquor or alcohol from a Pennsylvania
13 Liquor Store shall receive a numbered receipt which shall show
14 the price paid therefor, and such other information as the
15 ~~board~~ ~~commission~~ may prescribe. Copies of all receipts issued ←
16 by a Pennsylvania Liquor Store shall be retained by and shall
17 form part of the records of such store.

18 (g) The ~~board~~ ~~commission~~ is hereby authorized and ←
19 empowered to adopt and enforce appropriate rules and regulations
20 to insure the equitable wholesale and retail sale and
21 distribution, through the Pennsylvania Liquor Stores, of
22 available liquor and alcohol at any time when the demand
23 therefor is greater than the supply.

24 (h) Every Pennsylvania Liquor Store shall sell gift
25 certificates which may be redeemed for liquor.

26 Section 20. Section 306 of the act is reenacted and amended
27 to read:

28 Section 306. Audits by Auditor General.--(a) It shall be
29 the duty of the Department of the Auditor General to make all
30 audits which may be necessary in connection with the

1 administration of the financial affairs of the {board} <—
2 ~~commission~~ and the Pennsylvania Liquor Stores operated and
3 maintained by the {board} ~~commission~~. SUCH AUDITS SHALL BE <—
4 CONDUCTED IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING
5 PRINCIPLES. NOTHING HEREIN SHALL BE CONSTRUED TO REQUIRE THE
6 AUDITOR GENERAL TO CONDUCT BIENNIAL INVENTORIES.

7 (b) At least one audit shall be made each year of the
8 affairs of the {board} ~~commission~~, and all collections made by <—
9 the Pennsylvania Liquor Stores shall be audited quarterly. A
10 copy of the annual audit of the affairs of the ~~commission~~ BOARD <—
11 shall be submitted to each member of the General Assembly.

12 (c) Special audits of the affairs of the {board} ~~commission~~ <—
13 and the Pennsylvania Liquor Stores maintained and operated by
14 the {board} ~~commission~~ may be made whenever they may, in the <—
15 judgment of the Auditor General, appear necessary, and shall be
16 made whenever the Governor shall call upon the Auditor General
17 to make them.

18 (d) Copies of all audits made by the Department of the
19 Auditor General shall be promptly submitted to the {board} <—
20 ~~commission~~ and to the Governor.

21 (e) Unless the Department of the Auditor General shall
22 neglect or refuse to make annual, quarterly or special Audits,
23 as hereinabove required, it shall be unlawful for the {board} <—
24 ~~commission~~ to expend any money appropriated to it by the General
25 Assembly for any audit of its affairs, except for the payment of
26 the compensation and expenses of such auditors as are regularly
27 employed as part of the administrative staff of the {board} <—
28 ~~commission~~.

29 Section 21. The headings of Article IV and Subdivision (A)
30 of Article IV of the act are reenacted to read:

ARTICLE IV.

LICENSES AND REGULATIONS; LIQUOR, ALCOHOL AND
MALT AND BREWED BEVERAGES.

(A) Liquor and Alcohol (Not Including Manufacturers).

Section 22. Section 401 of the act, amended June 1, 1972
(P.L.355, No.95), is reenacted ~~and amended~~ to read: <—

Section 401. Authority to Issue Liquor Licenses to Hotels,
Restaurants and Clubs.--(a) Subject to the provisions of this
act and regulations promulgated under this act, the ~~board~~ <—

~~commission~~ shall have authority to issue a retail liquor license
for any premises kept or operated by a hotel, restaurant or club
and specified in the license entitling the hotel, restaurant or
club to purchase liquor from a Pennsylvania Liquor Store and to
keep on the premises such liquor and, subject to the provisions
of this act and the regulations made thereunder, to sell the
same and also malt or brewed beverages to guests, patrons or
members for consumption on the hotel, restaurant or club
premises. Such licensees, other than clubs, shall be permitted
to sell malt or brewed beverages for consumption off the
premises where sold in quantities of not more than [one hundred <—
forty-four] ONE HUNDRED NINETY-TWO fluid ounces in a single sale <—

to one person. Such licenses shall be known as hotel liquor
licenses, restaurant liquor licenses and club liquor licenses,
respectively. No person who holds, either by appointment or
election, any public office which involves the duty to enforce
any of the penal laws of the United States of America or the
penal laws of the Commonwealth of Pennsylvania or any penal
ordinance or resolution of any political subdivision of this
Commonwealth shall be issued any hotel or restaurant liquor
license, nor shall such a person have any interest, directly or

1 indirectly, in any such license.

2 (b) The ~~{board} commission~~ may issue to any club which <—
3 caters to groups of non-members, either privately or for
4 functions, a catering license, and the ~~{board} commission~~ shall, <—
5 by its rules and regulations, define what constitutes catering
6 under this subsection except that any club which is issued a
7 catering license shall not be prohibited from catering on
8 Sundays during the hours which the club may lawfully serve
9 liquor, malt or brewed beverages.

10 Section 23. Section 402 of the act is reenacted and amended
11 to read:

12 Section 402. License Districts; License Year; Hearings.--(a)
13 The ~~{board} commission~~ shall, by regulation, divide the State <—
14 into convenient license districts and shall hold hearings on
15 applications for licenses and renewals thereof, as it deems
16 necessary, at a convenient place or places in each of said
17 districts, at such times as it shall fix, by regulation, for the
18 purpose of hearing testimony for and against applications for
19 new licenses and renewals thereof. The commission BOARD shall <—
20 hold a hearing on any application for a new hotel, club or
21 restaurant liquor license or the transfer of any such license to
22 a new location, upon the request of any person with standing to
23 testify under subsection (b) if the request is filed with the
24 commission BOARD within the first fifteen days of posting of the <—
25 notice of application pursuant to section 403(g). The ~~{board}~~ <—
26 ~~commission~~ may provide for the holding of such hearings by
27 ~~{examiners learned in the law, to be appointed by the Governor,~~ <—
28 ~~who shall not be subject to the "Civil Service Act."}~~ <—
29 ~~administrative law judges.~~ Such examiners shall make A report to <—
30 the ~~{board} commission~~ in each case with their recommendations. <—

1 The ~~{board} commission~~ shall, by regulation, fix the license ←
2 year for each separate district so that the expiration dates
3 shall be uniform in each of the several districts but staggered
4 as to the State.

5 (b) Where a hearing is held in the case of an application
6 for a new hotel, club or restaurant liquor license or an
7 application for the transfer of a hotel, club or restaurant
8 liquor license to a new location, the ~~commission~~ BOARD shall ←
9 permit residents residing within a radius of five hundred feet
10 of the premises to testify at the hearing. The ~~commission~~ BOARD ←
11 and any hearing officer thereof shall give appropriate
12 evidentiary weight to any testimony of such residents given at
13 the hearing.

14 Section 24. Section 403 of the act, amended November 19,
15 1959 (P.L.1546, No.553) and September 28, 1961 (P.L.1728,
16 No.702), is reenacted and amended to read:

17 Section 403. Applications for Hotel, Restaurant and Club
18 Liquor Licenses.--(a) Every applicant for a hotel liquor
19 license, restaurant liquor license or club liquor license or for
20 the transfer of an existing license to another premises not then
21 licensed shall file a written application with the ~~{board}~~ ←
22 ~~commission~~ in such form and containing such information as the
23 ~~{board} commission~~ shall from time to time prescribe, which ←
24 shall be accompanied by a filing fee of twenty dollars (\$20),
25 the prescribed license fee, and the bond hereinafter specified.
26 Every such application shall contain a description of that part
27 of the hotel, restaurant or club for which the applicant desires
28 a license and shall set forth such other material information,
29 description or plan of that part of the hotel, restaurant or
30 club where it is proposed to keep and sell liquor as may be

1 required by the regulations of the ~~{board} commission~~. The descriptions, information and plans referred to in this subsection shall show the hotel, restaurant, club, or the proposed location for the construction of a hotel, restaurant or club, at the time the application is made, and shall show any alterations proposed to be made thereto, or the new building proposed to be constructed after the approval by the ~~{board} commission~~ of the application for a license or for the transfer of an existing license to another premises not then licensed. No physical alterations, improvements or changes shall be required to be made to any hotel, restaurant or club, nor shall any new building for any such purpose, be required to be constructed until approval of the application for license or for the transfer of an existing license to another premises not then licensed by the ~~{board} commission~~. After approval of the application, the licensee shall make the physical alterations, improvements and changes to the licensed premises, or shall construct the new building in the manner specified by the ~~{board} commission~~ at the time of approval, and the licensee shall not transact any business under the license until the ~~{board} commission~~ has approved the completed physical alterations, improvements and changes to the licensed premises, or the completed construction of the new building as conforming to the specifications required by the ~~{board} commission~~ at the time of issuance or transfer of the license, and is satisfied that the establishment is a restaurant, hotel or club as defined by this act. The ~~{board} commission~~ may require that all such alterations or construction or conformity to definition be completed within six months from the time of issuance or transfer of the license. Failure to comply with these

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1 requirements shall be considered cause for revocation of the
2 license. No such license shall be transferable between the time
3 of issuance or transfer of the license and the approval of the
4 completed alterations or construction by the ~~{board} commission~~ ←
5 and full compliance by the licensee with the requirements of
6 this act, except in the case of death of the licensee prior to
7 full compliance with all of the aforementioned requirements, in
8 which event, the license may be transferred by the ~~{board}~~ ←
9 ~~commission~~ as provided in section 468 of this act for the
10 transfer of the license in the case of death of the licensee.

11 (b) If the applicant is a natural person, his application
12 must show that he is a citizen of the United States and has been
13 a resident of this Commonwealth for at least two years
14 immediately preceding his application.

15 (c) If the applicant is a corporation, the application must
16 show that the corporation was created under the laws of
17 Pennsylvania or holds a certificate of authority to transact
18 business in Pennsylvania, that all officers, directors and
19 stockholders are citizens of the United States, and that the
20 manager of the hotel, restaurant or club is a citizen of the
21 United States.

22 (d) Each application shall be signed and verified by oath or
23 affirmation by the owner, if a natural person, or, in the case
24 of an association, by a member or partner thereof, or, in the
25 case of a corporation, by an executive officer thereof or any
26 person specifically authorized by the corporation to sign the
27 application, to which shall be attached written evidence of his
28 authority.

29 (e) If the applicant is an association, the application
30 shall set forth the names and addresses of the persons

1 constituting the association, and if a corporation, the names
2 and addresses of the principal officers thereof. Every club
3 applicant shall file with and as a part of its application a
4 list of the names and addresses of its members, directors,
5 officers, agents and employes, together with the dates of their
6 admission, election or employment, and such other information
7 with respect to its affairs as the ~~{board} commission~~ shall ←
8 require.

9 (f) The ~~{board} commission~~ shall refuse to issue licenses to ←
10 clubs when it appears that the operation of the licensed
11 business would inure to the benefit of individual members,
12 officers, agents or employes of the club, rather than to the
13 benefit of the entire membership of the club.

14 (g) Every applicant for a new license or for the transfer of
15 an existing license [to another premises not then licensed]
16 shall post, for a period of a least fifteen days beginning with
17 the day the application is filed with the ~~{board} commission~~, in ←
18 a conspicuous place on the outside of the premises or at the
19 proposed new location for which the license is applied, a notice
20 of such application, in such form, of such size, and containing
21 such provisions as the ~~{board} commission~~ may require by its ←
22 regulations. Proof of the posting of such notice shall be filed
23 with the ~~{board} commission~~. ←

24 (h) If any false statement is intentionally made in any part
25 of the application, the affiant shall be deemed guilty of a
26 misdemeanor and, upon conviction, shall be subject to the
27 penalties provided by this article.

28 (i) Upon receipt of an application for a new license or
29 transfer of an existing license to a new location, the
30 commission BOARD shall immediately notify, in writing, the ←

1 municipality in which the premises proposed to be licensed are
2 located.

3 Section 25. Section 404 of the act, amended September 2,
4 1971 (P.L.429, No.103), is reenacted ~~and amended~~ to read: <—

5 Section 404. Issuance of Hotel, Restaurant and Club Liquor
6 Licenses.--Upon receipt of the application, the proper fees and
7 bond, and upon being satisfied of the truth of the statements in
8 the application that the applicant is the only person in any
9 manner pecuniarily interested in the business so asked to be
10 licensed and that no other person will be in any manner
11 pecuniarily interested therein during the continuance of the
12 license, except as hereinafter permitted, and that the applicant
13 is a person of good repute, that the premises applied for meet
14 all the requirements of this act and the regulations of the
15 ~~{board} commission~~, that the applicant seeks a license for a <—
16 hotel, restaurant or club, as defined in this act, and that the
17 issuance of such license is not prohibited by any of the
18 provisions of this act, the ~~{board} commission~~ shall, in the <—
19 case of a hotel or restaurant, grant and issue to the applicant
20 a liquor license, and in the case of a club may, in its
21 discretion, issue or refuse a license: Provided, however, That
22 in the case of any new license or the transfer of any license to
23 a new location the ~~{board} commission~~ may, in its discretion, <—
24 grant or refuse such new license or transfer if such place
25 proposed to be licensed is within three hundred feet of any
26 church, hospital, charitable institution, school, or public
27 playground, or if such new license or transfer is applied for a
28 place which is within two hundred feet of any other premises
29 which is licensed by the ~~{board} commission~~ [, or if such new <—
30 license or transfer is applied for a place where the principal

1 business is the sale of liquid fuels and oil]: And provided <—
2 further, That the ~~{board} commission~~ shall refuse any <—
3 application for a new license or the transfer of any license to
4 a new location if, in the ~~{board's} commission's~~ opinion, such <—
5 new license or transfer would be detrimental to the welfare,
6 health, peace and morals of the inhabitants of the neighborhood
7 within a radius of five hundred feet of the place proposed to be
8 licensed: And provided further, That the ~~{board} commission~~ <—
9 shall not issue new licenses in any license district more than
10 twice each license year, effective from specific dates fixed by
11 the ~~{board} commission~~, and new licenses shall not be granted, <—
12 except for hotels as defined in this act, unless the application
13 therefor shall have been filed at least thirty days before the
14 effective date of the license: And provided further, That
15 nothing herein contained shall prohibit the ~~{board} commission~~ <—
16 from issuing a new license for the balance of any unexpired term
17 in any license district to any applicant in such district, who
18 shall have become eligible to hold such license as the result of
19 legislative enactment, when such enactment shall have taken
20 place during the license term of that district for which
21 application is made or within the thirty days immediately
22 preceding such term, nor shall anything herein contained
23 prohibit the ~~{board} commission~~ from issuing at any time a new <—
24 license for an airport restaurant, or municipal golf course, as
25 defined in section 461 of this act, for the balance of the
26 unexpired license term in any license district: And provided
27 further, That the ~~{board} commission~~ shall have the discretion <—
28 to refuse a license to any person or to any corporation,
29 partnership or association if such person, or any officer or
30 director of such corporation, or any member or partner of such

1 partnership or association shall have been convicted or found
2 guilty of a felony within a period of five years immediately
3 preceding the date of application for the said license. THE ←
4 BOARD SHALL REFUSE ANY APPLICATION FOR A NEW LICENSE OR THE
5 TRANSFER OF ANY LICENSE TO A LOCATION WHERE THE SALE OF LIQUID
6 FUELS OR OIL IS CONDUCTED.

7 Section 26. Section 405 of the act, amended July 18, 1961
8 (P.L.790, No.348), is reenacted ~~and amended~~ to read: ←

9 Section 405. License Fees.--(a) License fees for hotel and
10 restaurant liquor licenses shall be graduated according to the
11 population of the municipality as determined by the last
12 preceding decennial census of the United States in which the
13 hotel or restaurant is located, as follows:

14 In municipalities having a population of less than fifteen
15 hundred inhabitants, one hundred fifty dollars (\$150.00).

16 In municipalities, except townships, having a population of
17 fifteen hundred and more but less than ten thousand inhabitants,
18 and in townships having a population of fifteen hundred and more
19 but less than twelve thousand inhabitants, two hundred dollars
20 (\$200.00).

21 In municipalities, except townships, having a population of
22 ten thousand and more but less than fifty thousand inhabitants,
23 and in townships having a population of twelve thousand and more
24 but less than fifty thousand inhabitants, three hundred dollars
25 (\$300.00).

26 In those having a population of fifty thousand and more but
27 less than one hundred thousand inhabitants, four hundred dollars
28 (\$400.00).

29 In those having a population of one hundred thousand and more
30 but less than one hundred fifty thousand inhabitants, five

1 hundred dollars (\$500.00).

2 In those having a population of one hundred fifty thousand
3 and more inhabitants, six hundred dollars (\$600.00).

4 (b) Every applicant for a club liquor license shall pay to
5 the ~~{board} commission~~ a license fee of fifty dollars (\$50.00), ←
6 except clubs to which catering licenses are issued, in which
7 cases the license fees shall be the same as for hotels and
8 restaurants located in the same municipality.

9 (c) All license fees authorized under this section shall be
10 collected by the ~~{board} commission~~ for the use of the ←
11 municipalities in which such fees were collected.

12 (d) Whenever any checks issued in payment of filing and/or
13 license fees shall be returned to the ~~{board} commission~~ as ←
14 dishonored, the ~~{board} commission~~ shall charge a fee of five ←
15 dollars (\$5.00) per hundred dollars, or fractional part thereof,
16 plus all protest fees, to the maker of such check submitted to
17 the ~~{board} commission~~. Failure to pay the face amount of the ←
18 check in full and all charges thereon as herein required within
19 ten days after demand has been made by the ~~{board} commission~~ ←
20 upon the maker of the check, the license of such person, if
21 issued, shall immediately terminate and be cancelled without any
22 action on the part of the ~~{board} commission~~. ←

23 Section 27. Section 406 of the act, amended September 2,
24 1971 (P.L.429, No.103), December 17, 1982 (P.L.1390, No.319),
25 May 9, 1984 (P.L.246, No.54) and February 28, 1985 (P.L.1,
26 No.1), is reenacted ~~and amended~~ to read: ←

27 Section 406. Sales by Liquor Licensees; Restrictions.--(a)

28 (1) Every hotel, restaurant or club liquor licensee may sell
29 liquor and malt or brewed beverages by the glass, open bottle or
30 other container, and in any mixture, for consumption only in

1 that part of the hotel or restaurant habitually used for the
2 serving of food to guests or patrons, or in a bowling alley that
3 is immediately adjacent to and under the same roof as a
4 restaurant when no minors are present, unless minors who are
5 present are under proper supervision as defined in section 493,
6 in the bowling alley, and in the case of hotels, to guests, and
7 in the case of clubs, to members, in their private rooms in the
8 hotel or club. No club licensee nor its officers, servants,
9 agents or employes, other than one holding a catering license,
10 shall sell any liquor or malt or brewed beverages to any person
11 except a member of the club. In the case of a restaurant located
12 in a hotel which is not operated by the owner of the hotel and
13 which is licensed to sell liquor under this act, liquor and malt
14 or brewed beverages may be sold for consumption in that part of
15 the restaurant habitually used for the serving of meals to
16 patrons and also to guests in private guest rooms in the hotel.
17 For the purpose of this paragraph, any person who is an active
18 member of another club which is chartered by the same state or
19 national organization shall have the same rights and privileges
20 as members of the particular club. For the purpose of this
21 paragraph, any person who is an active member of any volunteer
22 firefighting company, association or group of this Commonwealth,
23 whether incorporated or unincorporated, shall upon the approval
24 of any club composed of volunteer firemen licensed under this
25 act, have the same social rights and privileges as members of
26 such licensed club. For the purposes of this paragraph, the term
27 "active member" shall not include a social member.

28 (2) Hotel and restaurant liquor licensees, airport
29 restaurant liquor licensees, municipal golf course restaurant
30 liquor licensees and privately-owned public golf course

1 restaurant licensees may sell liquor and malt or brewed
2 beverages only after seven o'clock antemeridian of any day until
3 two o'clock antemeridian of the following day, except Sunday,
4 and except as hereinafter provided, may sell liquor and malt or
5 brewed beverages on Sunday between the hours of twelve o'clock
6 midnight and two o'clock antemeridian.

7 (3) Hotel and restaurant liquor licensees, airport
8 restaurant liquor licensees, municipal golf course restaurant
9 liquor licensees and privately-owned public golf course
10 restaurant licensees whose sales of food and nonalcoholic
11 beverages are equal to forty per centum or more of the combined
12 gross sales of both food and alcoholic beverages may sell liquor
13 and malt or brewed beverages on Sunday between the hours of
14 eleven o'clock antemeridian and two o'clock antemeridian Monday
15 upon purchase of a special annual permit from the {board} ←
16 ~~commission~~ at a fee of two hundred dollars (\$200.00) per year,
17 which shall be in addition to any other license fees.

18 (4) Hotel and restaurant liquor licensees, airport
19 restaurant liquor licensees, municipal golf course restaurant
20 liquor licensees and privately-owned public golf course
21 restaurant licensees which do not qualify for and purchase such
22 annual special permit, their servants, agents or employes may
23 sell liquor and malt or brewed beverages only after seven
24 o'clock antemeridian of any day and until two o'clock
25 antemeridian of the following day, and shall not sell after two
26 o'clock antemeridian on Sunday. No hotel, restaurant and public
27 service liquor licensee which does not have the special annual
28 permit for Sunday sales shall sell liquor and malt or brewed
29 beverages after two o'clock antemeridian on any day on which a
30 general, municipal, special or primary election is being held

1 until one hour after the time fixed by law for closing the
2 polls, except, that, in the case of a special election for
3 members of the General Assembly or members of the Congress of
4 the United States, when such special election is held on other
5 than a primary, municipal or general election day, licensees in
6 those Legislative or Congressional Districts may make such
7 sales, as though the day were not a special election day. No
8 club licensee or its servants, agents or employes may sell
9 liquor or malt or brewed beverages between the hours of three
10 o'clock antemeridian and seven o'clock antemeridian on any day.
11 No public service liquor licensee or its servants, agents, or
12 employes may sell liquor or malt or brewed beverages between the
13 hours of two o'clock antemeridian and seven o'clock antemeridian
14 on any day.

15 (5) Any hotel, restaurant, club or public service liquor
16 licensee may, by giving notice to the ~~board~~ commission, ←
17 advance by one hour the hours herein prescribed as those during
18 which liquor and malt or brewed beverages may be sold during
19 such part of the year when daylight saving time is being
20 observed generally in the municipality in which the place of
21 business of such licensee is located. Any licensee who elects to
22 operate his place of business in accordance with daylight saving
23 time shall post a conspicuous notice in his place of business
24 that he is operating in accordance with daylight saving time.

25 (6) Notwithstanding any provisions to the contrary, whenever
26 the thirty-first day of December or Saint Patrick's Day falls on
27 a Sunday, every hotel or restaurant liquor licensee, their
28 servants, agents or employes may sell liquor and malt or brewed
29 beverages on any such day after one o'clock postmeridian and
30 until two o'clock antemeridian of the following day.

1 (b) Such Sunday sales by hotel and restaurant liquor
2 licensees which qualify for and purchase such annual special
3 permit, their servants, agents and employes, shall be made
4 subject to the restrictions imposed by the act on sales by
5 hotels and restaurants for sales on weekdays as well as those
6 restrictions set forth in this section.

7 Section 28. Section 406.1 of the act, amended May 9, 1984
8 (P.L.246, No.54), is reenacted ~~and amended~~ to read: ←

9 Section 406.1. Secondary Service Area.--Upon application of
10 any restaurant, hotel, club, any stadium as described in section
11 408.9 or municipal golf course liquor licensee, and payment of
12 the appropriate fee, the ~~{board} commission~~ ← may approve a
13 secondary service area by extending the licensed premises to
14 include one additional permanent structure with dimensions of at
15 least one hundred seventy-five square feet, enclosed on three
16 sides and having adequate seating. Such secondary service area
17 must be located on property having a minimum area of one (1)
18 acre, and must be on land which is immediate, abutting, adjacent
19 or contiguous to the licensed premises with no intervening
20 public thoroughfare. In any stadium as described in section
21 408.9, only malt or brewed beverages may be served. There shall
22 be no requirement that the secondary service area be physically
23 connected to the original licensed premises. Notwithstanding 40
24 Pa. Code § 7.21(c)(3), the licensee shall be permitted to store,
25 serve, sell or dispense food, liquor and malt or brewed
26 beverages at the ~~{board} commission~~ ← approved secondary service
27 area.

28 Section 29. Section 407 of the act is reenacted to read:

29 Section 407. Sale of Malt or Brewed Beverages by Liquor
30 Licensees.--Every liquor license issued to a hotel, restaurant,

1 club, or a railroad, pullman or steamship company under this
2 subdivision (A) for the sale of liquor shall authorize the
3 licensee to sell malt or brewed beverages at the same places but
4 subject to the same restrictions and penalties as apply to sales
5 of liquor, except that licensees other than clubs may sell malt
6 or brewed beverages for consumption off the premises where sold
7 in quantities of not more than [one hundred forty-four] ONE ←
8 HUNDRED NINETY-TWO fluid ounces in a single sale to one person.
9 No licensee under this subdivision (A) shall at the same time be
10 the holder of any other class of license, except a retail
11 dispenser's license authorizing the sale of malt or brewed
12 beverages only.

13 Section 30. Section 408 of the act, amended September 19,
14 1961 (P.L.1507, No.639) and November 26, 1978 (P.L.1389,
15 No.326), is reenacted ~~and amended~~ to read: ←

16 Section 408. Public Service Liquor Licenses.--(a) Subject
17 to the provisions of this act and regulations promulgated under
18 this act, the ~~board~~ commission, upon application, shall issue ←
19 retail liquor licenses to railroad or pullman companies
20 permitting liquor and malt or brewed beverages to be sold in
21 dining, club or buffet cars to passengers for consumption while
22 enroute on such railroad, and may issue retail liquor licenses
23 to steamship companies permitting liquor or malt or brewed
24 beverages to be sold in the dining compartments of steamships or
25 vessels wherever operated in the Commonwealth, except when
26 standing or moored in stations, terminals or docks within a
27 municipality wherein sales of liquor for consumption on the
28 premises are prohibited, and may further issue retail liquor
29 licenses to airline companies permitting liquor or malt or
30 brewed beverages to be sold to passengers for consumption while

1 enroute on such airline. Such licenses shall be known as public
2 service liquor licenses. The ~~{board} commission~~ may issue a ←
3 master license to railroad or pullman companies to cover the
4 maximum number of cars which the company shall estimate that it
5 will operate within the Commonwealth on any one day. Such
6 licensees shall file monthly reports with the ~~{board} commission~~ ←
7 showing the maximum number of cars operated in any one day
8 during the preceding month, and if it appears that more cars
9 have been operated than covered by its license it shall
10 forthwith remit to the ~~{board} commission~~ the sum of twenty ←
11 dollars for each extra car so operated.

12 (b) For the purpose of considering an application by a
13 steamship or airline company for a public service liquor
14 license, the ~~{board} commission~~ may cause an inspection of the ←
15 steamship or vessel or aircraft for which a license is desired.
16 The ~~{board} commission~~ may, in its discretion, grant or refuse ←
17 the license applied for and there shall be no appeal from its
18 decision, except that an action of mandamus may be brought
19 against the ~~{board} commission~~ in the manner provided by law. ←

20 (c) Every applicant for a public service liquor license
21 shall, before receiving such license, file with the ~~{board}~~ ←
22 ~~commission~~ a surety bond as hereinafter prescribed, pay to the
23 ~~{board} commission~~ for each of the maximum number of dining, ←
24 club or buffet cars which the applicant estimates it will have
25 in operation on any one day an annual fee of twenty dollars
26 (\$20.00), and for each steamship or vessel or aircraft for which
27 a license is desired an annual fee of one hundred dollars
28 (\$100.00).

29 (d) Unless previously revoked, every license issued by the
30 ~~{board} commission~~ under this section shall expire and terminate ←

1 on the thirty-first day of December, in the year for which the
2 license is issued. Licenses issued under the provisions of this
3 section shall be renewed annually, as herein provided, upon the
4 filing of applications in such form as the ~~board~~commission ←
5 shall prescribe, but no license shall be renewed until the
6 applicant shall file with the ~~board~~commission ←
7 bond and shall pay the requisite license fee specified in this
8 section.

9 (e) Except as otherwise specifically provided, sales of
10 liquor and malt or brewed beverages by the aforesaid public
11 service company licensees shall be made in accordance with, and
12 shall be subject to, the provisions of this act relating to the
13 sale of liquors by restaurant licensees.

14 Section 31. Section 408.1 of the act, added December 15,
15 1965 (P.L.1106, No.426) and amended November 17, 1967 (P.L.510,
16 No.247), is reenacted ~~and amended~~ to read: ←

17 Section 408.1. Trade Show and Convention Licenses.--(a) The
18 ~~board~~commission is authorized to issue a license in any city ←
19 of the first or second class for the retail sale of liquor and
20 malt or brewed beverages by the glass, open bottles or other
21 container or in any mixture for consumption in any restaurant or
22 other appropriate location on city-owned premises or on premises
23 of an authority created under the act of July 29, 1953
24 (P.L.1034), known as the "Public Auditorium Authorities Law"
25 customarily used or available for use for trade shows and
26 conventions. Any concessionaire selected and certified by the
27 city or its authorized agency or by the authority may apply for
28 a license.

29 (b) The application for a trade show and convention license
30 may be filed at any time and shall conform with all requirements

1 for restaurant liquor license applications except as may be
2 otherwise provided herein. The applicant shall submit such other
3 information as the ~~{board} commission~~ may require. Application ←
4 shall be in writing on forms prescribed by the ~~{board}~~ ←
5 ~~commission~~ and shall be signed and submitted to the ~~{board}~~ ←
6 ~~commission~~ by the applicant. The filing fee which shall
7 accompany the trade show and convention license application
8 shall be twenty dollars (\$20).

9 (c) Upon receipt of the application in proper form and the
10 application fee, and upon being satisfied that the applicant is
11 of good repute and financially responsible and that the proposed
12 place of business is proper, the ~~{board} commission~~ shall issue ←
13 a license to the applicant.

14 (d) The license shall be issued for the same period as
15 provided for restaurant licenses and shall be renewed as in
16 section 402. The license shall terminate upon revocation by the
17 ~~{board} commission~~ or upon termination of the contract between ←
18 the concessionaire and the city or authority.

19 (e) The annual fee for a trade show and convention license
20 shall be six hundred dollars (\$600), and shall accompany the
21 application for the license. Whenever a concessionaire's
22 contract terminates the license shall be returned to the ~~{board}~~ ←
23 ~~commission~~ for cancellation and a new license shall be issued to
24 a new applicant.

25 (f) The penal sum of the bond which shall be filed by an
26 applicant for a trade show and convention license pursuant to
27 section 465 of this article shall be two thousand dollars
28 (\$2,000) and in addition thereto he shall file an additional
29 bond in a sum to assure payment of any suspension of license up
30 to one hundred days.

1 (g) Sales by the holder of a trade show and convention
2 license may be made except to those persons prohibited under
3 clause (1) of section 493 of this act on city-owned or
4 authority-owned, leased or operated premises customarily used or
5 available for use for trade shows and conventions during the
6 hours in which the convention or trade show is being held and up
7 to one hour after the scheduled closing, and at functions which
8 are incidental to or a part of the trade show or convention, but
9 such sales may not be made beyond the hours expressed in the act
10 for the sale of liquor by restaurant licensees: Provided,
11 however, That during the hours expressed in this act for the
12 sale of liquor by hotel licensees, sales of such liquor or malt
13 or brewed beverages may be made by said licensee at banquets,
14 not incidental to trade shows or conventions, at which more than
15 two thousand persons are scheduled to attend, and at functions
16 irrespective of attendance, which are directly related to the
17 Philadelphia Commercial Museum or the Center for International
18 Visitors: And provided further, That no such sale shall be made
19 at any sporting, athletic or theatrical event.

20 (h) Whenever a contract is terminated prior to the
21 expiration date provided in the contract between the city or
22 authority and the concessionaire, the city or authority may
23 select and certify to the ~~{board} commission~~ a different ←
24 concessionaire which concessionaire shall apply to the ~~{board}~~ ←
25 ~~commission~~ for a new license. If the applicant meets the
26 requirements of the ~~{board} commission~~ as herein provided a new ←
27 license shall thereupon be issued.

28 (i) If any trade show and convention license is suspended,
29 the offer in compromise shall be accepted at the same rate as
30 provided for existing restaurant liquor licenses not in excess

1 of one hundred days. If any trade show and convention license is
2 revoked, the ~~{board}~~~~commission~~ shall issue a new license to any ←
3 qualified applicant without regard to the prohibition in section
4 471 against the grant of license at the same premises for a
5 period of at least one year.

6 Section 32. Section 408.2 of the act, added November 25,
7 1970 (P.L.770, No.255) and amended June 9, 1972 (P.L.379,
8 No.108), is reenacted ~~and amended~~ to read: ←

9 Section 408.2. City-Owned Stadia.--(a) The ~~{board}~~ ←
10 ~~commission~~ is authorized to issue a license in any city of the
11 first class for the retail sale of liquor and malt or brewed
12 beverages by the glass, open bottles or other container or in
13 any mixture for consumption in any restaurant on city-owned
14 premises principally utilized for competition of professional
15 and amateur athletes and other types of entertainment where
16 there is an available seating capacity within the premises of
17 twelve thousand or more.

18 (b) The application for a city-owned stadium license may be
19 filed at any time by a concessionaire selected and certified by
20 the city or its authorized agency and shall conform with all
21 requirements for restaurant-liquor licenses and applications
22 except as may otherwise be provided herein. Applicant shall
23 submit such other information as the ~~{board}~~~~commission~~ may ←
24 require. Applications shall be in writing on forms prescribed by
25 the ~~{board}~~~~commission~~ and shall be signed and submitted to the ←
26 ~~{board}~~~~commission~~ by the applicant. The filing fee which shall ←
27 accompany the license application shall be twenty dollars (\$20).

28 (c) Upon receipt of the application in proper form and the
29 application fee and upon being satisfied that the applicant is
30 of good repute and financially responsible and that the proposed

1 place of business is proper, the ~~board~~commission shall issue ←
2 a license to the applicant.

3 (d) The license shall be issued for the same period of time
4 as provided for restaurant licenses and shall be renewed as
5 provided in section 402. The license shall terminate upon
6 revocation by the ~~board~~commission or upon termination of the ←
7 contract between the concessionaire and the city.

8 (e) The annual fee for a stadium license shall be six
9 hundred dollars (\$600), and shall accompany the application for
10 the license. Whenever a concessionaire's contract terminates the
11 license shall be returned to the ~~board~~commission for ←
12 cancellation and a new license shall be issued to a new
13 applicant.

14 (f) The penal sum of the bond which shall be filed by an
15 applicant for a stadium license pursuant to section 465 of the
16 "Liquor Code" shall be two thousand dollars (\$2,000) and in
17 addition thereto he shall file an additional bond in a sum to
18 assure payment of any fine imposed by the ~~board~~commission up ←
19 to one thousand dollars (\$1,000).

20 (g) Sales by the holder of a stadium license may be made
21 except to those persons prohibited under clause (1) of section
22 493 of this act on city-owned premises customarily used or
23 available for use for competition of professional and amateur
24 athletes and other types of entertainment during the hours in
25 which the entertainment is being held and up to one hour after
26 the scheduled closing, and at functions which are incidental to
27 or part of the stadium activities, but such sales may not be
28 made beyond the hours expressed in the code for the sale of
29 liquor by restaurant licensees: Provided, however, That such
30 sales may be made on Sunday between the hours of twelve o'clock

1 noon and ten o'clock postmeridian: And provided further, That
2 during the hours expressed in this act for the sale of liquor by
3 hotel licensees, sales of such liquor or malt or brewed
4 beverages may be made by said licensee at banquets, not
5 incidental to stadium activities, at which more than two
6 thousand persons are scheduled to attend, and at functions
7 irrespective of attendance, which are directly related to stadia
8 purposes.

9 (h) Whenever a contract is terminated prior to the
10 expiration date provided in the contract between the city and
11 the concessionaire, the city may select and certify to the
12 ~~{board} commission~~ a different concessionaire which <—
13 concessionaire shall apply to the ~~{board} commission~~ for a new <—
14 license. If the applicant meets the requirements of the ~~{board}~~ <—
15 ~~commission~~ as herein provided a new license shall thereupon be
16 issued. If any stadium license is revoked, the ~~{board}~~ <—
17 ~~commission~~ shall issue a new license to any qualified applicant
18 without regard to the prohibition in section 471, against the
19 grant of a license at the same premises for a period of at least
20 one year.

21 Section 33. Section 408.3 of the act, amended December 16,
22 1982 (P.L.1359, No.311), is reenacted and amended to read:

23 Section 408.3. Performing Arts Facilities.--(a) The ~~{board}~~ <—
24 ~~commission~~ is authorized to issue a license to one nonprofit
25 corporation operating a theater for the performing arts in each
26 city of the first or second class which has seating
27 accommodations for at least twenty-seven hundred persons except
28 where prohibited by local option for the retail sale of liquor
29 and malt or brewed beverages by the glass, open bottle or other
30 container or in any mixture for consumption in any such theater

1 for the performing arts.

2 (a.1) The ~~{board} commission~~ is authorized to issue licenses ←
3 to operators of theaters for the performing arts, other than a
4 theater qualifying under subsection (a), which are permanently
5 located at a single site and which have seating accommodations,
6 affixed to the theater structure, for at least twenty-eight
7 hundred persons except where prohibited by local option for the
8 retail sale of liquor and malt or brewed beverages by the glass,
9 open bottle, or other container or in any mixture for
10 consumption in any such theater for the performing arts.

11 (A.2) THE BOARD IS AUTHORIZED TO APPROVE THE TRANSFER OF A ←
12 RESTAURANT LICENSE TO ONE NONPROFIT CORPORATION OPERATING A
13 THEATER FOR THE PERFORMING ARTS IN EACH CITY WHICH HAS A SEATING
14 CAPACITY OF AT LEAST TWO HUNDRED FIFTY (250) PERSONS, EXCEPT
15 WHERE PROHIBITED BY LOCAL OPTION, FOR THE RETAIL SALE OF LIQUOR
16 AND MALT OR BREWED BEVERAGES BY THE GLASS, OPEN BOTTLE OR OTHER
17 CONTAINER OR IN ANY MIXTURE FOR CONSUMPTION IN ANY SUCH THEATER
18 FOR THE PERFORMING ARTS.

19 (b) The application for a performing arts facility license
20 may be filed at any time by a nonprofit corporation operating
21 such a theater for the performing arts or by a concessionaire
22 selected by such nonprofit corporation and shall conform with
23 all requirements for restaurant liquor licenses and applications
24 except as may otherwise be provided herein. Applicant shall
25 submit such other information as the ~~{board} commission~~ may ←
26 require. Applications shall be in writing on forms prescribed by
27 the ~~{board} commission~~ and shall be signed and submitted to the ←
28 ~~{board} commission~~ by the applicant. The filing fee shall ←
29 accompany the license application.

30 (b.1) A performing arts facility referred to in subsection

1 (a.1) OR (A.2) must be in operation for a period of two (2) ←
2 years before it may file an application for a license. The
3 application for a performing arts facility license may be filed
4 at any time thereafter by the operator or a concessionaire
5 selected by the operator of such theater for the performing arts
6 and shall conform with all requirements for restaurant liquor
7 licenses and applications except as may be otherwise provided
8 herein. Applicants shall submit such other information as the
9 ~~board~~ ~~commission~~ may require. Applications shall be in writing ←
10 on forms prescribed by the ~~board~~ ~~commission~~ and shall be ←
11 signed and submitted to the ~~board~~ ~~commission~~ by the applicant. ←
12 The filing fee shall accompany the license application.

13 (b.2) The filing fee which is prescribed in clause (19) of
14 section 614-A of the act of April 9, 1929 (P.L.177, No.175),
15 known as "The Administrative Code of 1929," shall accompany the
16 license application filed under subsection (b) or (b.1).

17 (c) Upon receipt of the application in proper form and the
18 application fee and upon being satisfied that the applicant is
19 of good repute and financially responsible and that the proposed
20 place of business is proper, the ~~board~~ ~~commission~~ shall issue ←
21 a license to the applicant.

22 (d) The license shall be issued for the same period of time
23 as provided for restaurant licenses and shall be renewed as
24 provided in section 402. The license shall terminate upon
25 revocation by the ~~board~~ ~~commission~~ or upon termination of the ←
26 contract between the concessionaire and the operator of such
27 theater for the performing arts.

28 (e) The annual fee for a performing arts facility shall
29 accompany the application for the license and shall be as
30 prescribed in clause (19) of section 614-A of "The

1 Administrative Code of 1929." Whenever and if a concessionaire's
2 contract terminates the license shall be returned to the {board} ←
3 ~~commission~~ for cancellation and a new license shall be issued to
4 a new applicant.

5 (f) The penal sum of the bond which shall be filed by an
6 applicant for a performing arts facility pursuant to section 465
7 of the "Liquor Code" shall be two thousand dollars (\$2,000).

8 (g) Sales by the holder of a performing arts facility
9 license may be made except to those persons prohibited under
10 clause (1) of section 493 of this act on the premises of such a
11 theater for the performing arts during the hours expressed in
12 the code for the sale of liquor and malt and brewed beverages by
13 restaurant licensees, and the license may be used for such sales
14 on Sundays between the hours of 1:00 P.M. and 10:00 P.M.,
15 irrespective of the volume of food sales.

16 (g.1) Sales by the holder of a performing arts facility
17 license referred to in subsection (a.1) shall be further
18 restricted to the period of time beginning one (1) hour before
19 and ending one (1) hour after any presentation at the performing
20 arts facility.

21 (h) Whenever a contract with a concessionaire is terminated
22 prior to the expiration date provided in the contract between
23 such operator and the concessionaire, operator may select and
24 certify to the {board} ~~commission~~ a different concessionaire ←
25 which concessionaire shall apply to the {board} ~~commission~~ for a ←
26 new license. If the applicant meets the requirements of the
27 {board} ~~commission~~ as herein provided a new license shall ←
28 thereupon be issued. If any such performing arts facility
29 license is revoked, the {board} ~~commission~~ shall issue a new ←
30 license to any qualified applicant without regard to the

1 prohibition in section 471, against the grant of a license at
2 the same premises for a period of at least one (1) year.

3 (i) Licenses issued under the provisions of this section
4 shall not be subject to the quota restrictions of section 461 of
5 this act.

6 (j) Performing arts facility licenses referred to in
7 subsection (a) shall not be subject to the provisions of section
8 404 except in so far as they relate to the reputation of the
9 applicant nor to the provisions of sections 461 and 463 nor to
10 the provisions of clause (10) of section 493 of the "Liquor
11 Code."

12 (j.1) Performing arts facilities referred to in subsection
13 (a.1) shall not be subject to the provisions of section 463 nor
14 to the provision requiring a special permit for dancing,
15 theatricals or floor shows of any sort, or moving pictures other
16 than television in clause (10) of section 493 of the "Liquor
17 Code."

18 (J.2) PERFORMING ARTS THEATERS REFERRED TO IN SUBSECTION ←
19 (A.2) SHALL NOT BE SUBJECT TO THE PROVISIONS OF SECTION 463, NOR
20 TO THE PROVISION REQUIRING A SPECIAL PERMIT FOR DANCING,
21 THEATRICALS OR FLOOR SHOWS OF ANY SORT, OR MOVING PICTURES OTHER
22 THAN TELEVISION IN SECTION 493(10), NOR TO PROVISIONS DEFINING
23 "RESTAURANT" IN SECTION 102.

24 (k) Sales under such licenses (including food sales) may be
25 limited by the licensee to patrons of the events scheduled in
26 the theater of the performing arts. Provided food is offered for
27 sale when sales are made under the license, such food may be
28 catered from off the premises.

29 Section 34. Section 408.4 of the act, amended July 11, 1980
30 (P.L.558, No.117), July 9, 1984 (P.L.659, No.137) and July 3,

1 1985 (P.L.134, No.36), is reenacted and amended to read:

2 Section 408.4. Special Occasion Permits.--(a) Upon
3 application of any hospital, church, synagogue, volunteer fire
4 company, VOLUNTEER AMBULANCE COMPANY, VOLUNTEER RESCUE SQUAD, <—
5 bona fide sportsmen's club in existence for at least ten years, <—
6 OR THE AUXILIARY OF ANY OF THE FOREGOING and upon payment of a
7 fee of fifteen dollars (\$15) per day, the {board} ~~commission~~ <—
8 shall issue a special occasion permit good for a period of not
9 more than five consecutive [days] OR NONCONSECUTIVE DAYS: <—
10 PROVIDED, HOWEVER, THAT THE FIVE NONCONSECUTIVE DAYS SHALL BE
11 USED IN A THREE-MONTH PERIOD MEASURED FROM THE DATE OF THE FIRST
12 DAY. Special occasion permits may also be issued to a museum
13 operated by a nonprofit corporation in a city of the third class
14 or a nonprofit corporation engaged in the performing arts in a
15 city of the third class for a period of not more than six
16 nonconsecutive or ten consecutive days at a fee of fifteen
17 dollars (\$15) per day.

18 (b) In any city, borough, incorporated town or township in
19 which the sale of liquor and/or malt or brewed beverages has
20 been approved by the electorate, such special occasion permit
21 shall authorize the permittee to sell liquor and/or malt or
22 brewed beverages as the case may be to any adult person on any
23 day for which the permit is issued.

24 (c) Such special occasion permit shall only be valid for the
25 number of days stated in the permit. Only one permit may be
26 issued to any permittee during the year. Provided, that a museum
27 operated by a nonprofit corporation in a city of the third class
28 and a nonprofit corporation engaged in the performing arts in a
29 city of the third class may be issued no more than six permits
30 during the year, each permit being valid for only one day, or in

1 the alternative, one permit valid for no more than a total of
2 ten consecutive days per year, which may be issued only during
3 the month of August. ~~Notwithstanding this subsection, two~~ ←
4 ~~special occasion permits per calendar year may be issued to the~~
5 ~~same hospital, church, synagogue, volunteer fire company or bona~~
6 ~~fide sportsmen's club.~~

7 (d) Such permits shall only be issued for use at a special
8 event including, but not limited to bazaars, picnics and
9 clambakes. The special event must be one which is used by the
10 permittee as a means of raising funds for itself.

11 (d.1) The hours during which the holder of a special
12 occasion permit may sell liquor or malt or brewed beverages
13 shall be limited to the hours set forth in section 406 which are
14 applicable to hotel and restaurant licensees. The hours during
15 which a nonprofit corporation engaged in the performing arts in
16 a city of the third class may sell liquor or malt or brewed
17 beverages pursuant to a special occasion permit shall be limited
18 to those hours set forth in section 408.3(g.1).

19 (d.2) At least forty-eight hours prior to the sale of any
20 liquor or malt or brewed beverages, the holder of a special
21 occasion permit shall notify the local police department, or in
22 the absence of a local police department, the Pennsylvania State
23 Police, of the times when and place where the sale of liquor or
24 malt or brewed beverages shall occur.

25 (e) The provisions of this section shall not be applicable
26 to any licensee now or hereafter possessing a caterer's license,
27 nor to any professional fund raiser.

28 (f) Any person selling liquor or malt or brewed beverages in
29 violation of this section shall, upon summary conviction, be
30 sentenced to pay a fine of two hundred fifty dollars (\$250) for

1 the first offense and a fine of five hundred dollars (\$500) for
2 each subsequent offense. This fine shall be in addition to any
3 other penalty imposed by law for the illegal sale of malt or
4 brewed beverages.

5 Section 35. Section 408.5 of the act, amended July 9, 1976
6 (P.L.527, No.125), is reenacted and amended to read:

7 Section 408.5. Licenses for City-owned Art Museums, Cities
8 First Class [and]; Art Museums Maintained by Certain Non-profit <—
9 Corporations in Cities of the Second Class; AND NON-PROFIT <—
10 SCIENCE AND TECHNOLOGY MUSEUMS IN CITIES OF THE FIRST CLASS AND
11 IN CITIES OF THE SECOND CLASS.--(a) The {board} ~~commission~~ is <—
12 authorized to issue a license in any city of the first class for
13 the retail sale of liquor and malt or brewed beverages by the
14 glass, open bottles or other container, and in any mixture, for
15 consumption in any city-owned art museum [or], in any art museum <—
16 maintained by a non-profit corporation in cities of the second
17 class OR ANY NON-PROFIT SCIENCE AND TECHNOLOGY MUSEUM IN CITIES <—
18 OF THE FIRST CLASS OR IN CITIES OF THE SECOND CLASS. For the
19 purpose of this section "non-profit corporation" shall mean a
20 corporation organized under the non-profit corporation laws for
21 the benefit of the public and not for the mutual benefit of its
22 members, and which maintains an art museum OR A SCIENCE AND <—
23 TECHNOLOGY MUSEUM having a floor area of not less than one
24 hundred thousand square feet in one building.

25 (b) The application for a license may be filed at any time
26 by the city, the non-profit corporation or lessee. The
27 application may also be filed by a concessionaire selected and
28 certified by the city or the non-profit corporation. The
29 application shall conform with all requirements for restaurant
30 liquor licenses and applications except as may otherwise be

1 provided herein. Applicant shall submit such other information
2 as the ~~{board}~~ ~~commission~~ may require. The application shall be ←
3 in writing on forms prescribed by the ~~{board}~~ ~~commission~~ and ←
4 shall be signed and submitted to the ~~{board}~~ ~~commission~~ by the ←
5 applicant. A filing fee of twenty dollars (\$20) shall accompany
6 the license application.

7 (c) Upon receipt of the application in proper form with the
8 application fee and upon being satisfied that the applicant is
9 of good repute and financially responsible and that the proposed
10 place of business is proper, the ~~{board}~~ ~~commission~~ shall issue ←
11 a license to the applicant.

12 (d) The license shall be issued for the same period of time
13 as provided for restaurant licensees and shall be renewed as
14 provided in section 402. The license shall terminate upon
15 revocation by the ~~{board}~~ ~~commission~~ or upon termination of the ←
16 lease or upon termination of the contract between the
17 concessionaire and the city or the non-profit corporation.

18 (g) Sales by the holder of an art museum license OR SCIENCE ←
19 AND TECHNOLOGY LICENSE may be made except to those persons
20 prohibited by this act on premises used for art museum OR ←
21 SCIENCE AND TECHNOLOGY purposes, but such sales may not be made
22 beyond the hours expressed in this act for the sale of liquor by
23 restaurant licenses. However, sales of liquor or malt or brewed
24 beverages may be made by an art museum OR SCIENCE AND TECHNOLOGY ←
25 licensee at banquets at which more than five hundred persons are
26 scheduled to attend and at any other function which is directly
27 related to art museum OR SCIENCE AND TECHNOLOGY purposes. ←

28 (h) Whenever a lease or a concession contract is terminated
29 prior to the expiration date provided in the lease or contract
30 between the city or the non-profit corporation and the tenant or

1 concessionaire, the city or the non-profit corporation may
2 select and certify to the ~~{board} commission~~ a different ←
3 licensee or concessionaire who may then apply to the ~~{board}~~ ←
4 ~~commission~~ for a new license. If the applicant meets the
5 requirements of the ~~{board} commission~~ as herein provided a new ←
6 license shall thereupon be issued.

7 (i) If the ~~{board} commission~~ shall revoke any art museum ←
8 license OR SCIENCE AND TECHNOLOGY LICENSE, the ~~{board}~~ ←
9 ~~commission~~ shall issue a new license to any qualified applicant
10 without regard to the prohibition in section 471 against the
11 grant of a license at the same premises for a period of at least
12 one year.

13 (i.1) Any renewal of a license presently held by a city-
14 owned art museum in a city of the first class shall be
15 accomplished by the purchase of a license from an existing
16 licensee.

17 (i.2) An art museum maintained by a non-profit corporation
18 or corporations in a city of the second class which obtains
19 approval of its application for a license from the ~~{board}~~ ←
20 ~~commission~~ shall purchase a license from an existing licensee.

21 (j) The provisions of this act shall supersede or exempt any
22 provision of the Liquor Code which would prevent the issuance of
23 a license for the retail sale of liquor and malt or brewed
24 beverages upon any premises owned by the city of the first class
25 or by a non-profit corporation in a city of the second class
26 used for art museum purposes.

27 Section 36. Section 408.6 of the act, added July 11, 1980
28 (P.L.558, No.117), is reenacted and amended to read:

29 Section 408.6. Performing Arts Facilities in Third Class
30 Cities.--(a) The ~~{board} commission~~ is authorized to issue a ←

1 restaurant liquor license to a nonprofit corporation or to a
2 concessionaire selected by such nonprofit corporation in any
3 city of the third class for the retail sale of liquor and malt
4 or brewed beverages by the glass, open bottles or other
5 container or in any mixture for consumption on any city-owned
6 premises utilized as a nonprofit performing arts facility or any
7 other premises utilized as a nonprofit performing arts facility
8 where there is an available seating capacity within the premises
9 of one thousand or more: Provided, however, That no sale or
10 consumption of such beverages shall take place on any portions
11 of such premises other than service areas approved by the
12 ~~board~~ ~~commission~~.

←

13 (b) An application for the issuance may be filed at any time
14 by a nonprofit corporation operating such a theater for the
15 performing arts or by a concessionaire selected by such
16 nonprofit corporation. Any such license granted under these
17 provisions need not conform to the requirements of the act
18 relating to restaurant liquor licenses, except as provided
19 herein. Applicant shall submit such other information as the
20 ~~board~~ ~~commission~~ may require. Applications shall be in writing
21 on forms prescribed by the ~~board~~ ~~commission~~ and shall be
22 signed and submitted to the ~~board~~ ~~commission~~ by the applicant.
23 The filing fee which shall accompany the license application
24 shall be thirty dollars (\$30).

←

←

←

25 (c) Upon receipt of the application in proper form and the
26 application fee and upon being satisfied that the applicant is
27 of good repute and financially responsible and that the proposed
28 place of business is proper, the ~~board~~ ~~commission~~ shall issue
29 the restaurant liquor license for the performing arts facility.

←

30 (d) The license shall be issued for the same period of time

1 as provided for restaurant licenses and shall be renewed as
2 provided in section 402. The license shall terminate upon
3 revocation by the ~~{board} commission~~ or upon termination and ←
4 nonrenewal of the contract between the concessionaire and such
5 nonprofit corporation.

6 (e) The annual fee for a performing arts facility shall be
7 as provided in section 405 and shall accompany the application
8 for the license. Whenever and if a concessionaire's contract
9 terminates and is not renewed the license shall be returned to
10 the ~~{board} commission~~ for cancellation but the ~~{board}~~ ←
11 ~~commission~~ may issue a restaurant liquor license to a subsequent
12 applicant.

13 (f) The penal sum of the bond which shall be filed by an
14 applicant for a performing arts facility pursuant to section 465
15 shall be two thousand dollars (\$2,000).

16 (g) Sales by the holder of a performing arts facility
17 license may be made except to those persons prohibited under
18 clause (1) of section 493 on ~~{board-approved} commission~~ ←
19 ~~approved~~ service areas of the premises of such a facility for
20 the performing arts during the hours in which the performance is
21 being held and up to one hour before the scheduled opening and
22 one hour after the scheduled closing, but such sales may not be
23 made beyond the hours expressed in the code for the sale of
24 liquor and malt or brewed beverages by restaurant licensees:
25 Provided, however, That such sales may be made on Sunday between
26 the hours of one o'clock postmeridian and ten o'clock
27 postmeridian, irrespective of the volume of food sales.

28 (h) Whenever a contract with a concessionaire is terminated
29 prior to the expiration date provided in the contract between
30 such nonprofit corporation and the concessionaire and is not

1 renewed, such nonprofit corporation may apply to the {board} <—
2 ~~commission~~ for the issuance of a restaurant liquor license or
3 may select and certify to the {board} ~~commission~~ a different <—
4 concessionaire which concessionaire shall apply to the {board} <—
5 ~~commission~~ for the issuance of a restaurant liquor license. If
6 the applicant meets the requirements of the {board} ~~commission~~ <—
7 as herein provided, the issuance shall thereupon occur. If any
8 such performing arts facility license is revoked, the {board} <—
9 ~~commission~~ shall issue a new license to any qualified applicant
10 without regard to the prohibition in section 471, against the
11 grant of a license at the same premises for a period of at least
12 one year.

13 (i) Licenses issued under the provisions of this section
14 shall not be subject to the quota restrictions of section 461.

15 (j) Performing arts licenses shall not be subject to the
16 provisions of section 404 except insofar as they relate to the
17 reputation of the applicant nor to the provisions of sections
18 461 and 463, nor to the provisions of clause (10) of section
19 493.

20 (k) Sales under such licenses (including food sales) may be
21 limited by the licensee to patrons of the events scheduled in
22 the facility of the performing arts. Provided food is offered
23 for sale when sales are made under the license, such food may be
24 catered from off the premises.

25 Section 37. Section 408.7 of the act, added December 12,
26 1980 (P.L.1195, No.221), is reenacted and amended to read:

27 Section 408.7. Performing Arts Facilities in First and
28 Second Class Cities.--(a) The {board} ~~commission~~ is authorized <—
29 to transfer a restaurant liquor license purchased by any person
30 or by a concessionaire selected by such person in any city of

1 the first or second class for the retail sale of liquor and malt
2 or brewed beverages by the glass, open bottles or other
3 container or in any mixture for consumption on any city-owned
4 premises utilized as a performing arts facility or any other
5 premise utilized as a performing arts facility where there is an
6 available seating capacity within the premises of one thousand
7 or more: Provided, however, That no sale or consumption of such
8 beverages shall take place on any portions of such premises
9 other than service areas approved by the ~~{board} commission~~. ←

10 (b) An application for transfer may be filed at any time by
11 a person operating such a theater for the performing arts or by
12 a concessionaire selected by such person. Any such license
13 granted under these provisions need not conform to the
14 requirements of the act relating to restaurant liquor licenses,
15 except as provided herein. Applicant shall submit such other
16 information as the ~~{board} commission~~ may require. Applications ←
17 shall be in writing on forms prescribed by the ~~{board}~~ ←
18 ~~commission~~ and shall be signed and submitted to the ~~{board}~~ ←
19 ~~commission~~ by the applicant. The filing fee which shall
20 accompany the license transfer application shall be thirty
21 dollars (\$30).

22 (c) Upon receipt of the application in proper form and the
23 application fee and upon being satisfied that the applicant is
24 of good repute and financially responsible and that the proposed
25 place of business is proper, the ~~{board} commission~~ shall ←
26 transfer the restaurant liquor license for the performing arts
27 facility.

28 (d) The license shall be transferred for the same period of
29 time as provided for restaurant licenses and shall be renewed as
30 provided in section 402. The license shall terminate upon

1 revocation by the ~~{board} commission~~ or upon termination and ←
2 nonrenewal of the contract between the concessionaire and such
3 person.

4 (e) The annual fee for a performing arts facility shall be
5 as provided in section 405 and shall accompany the application
6 for the license. Whenever and if a concessionaire's contract
7 terminates and is not renewed the license shall be returned to
8 the ~~{board} commission~~ for cancellation and the ~~{board}~~ ←
9 ~~commission~~ may transfer a restaurant liquor license purchased by
10 a subsequent applicant.

11 (f) The penal sum of the bond which shall be filed by an
12 applicant for a performing arts facility pursuant to section 465
13 shall be two thousand dollars (\$2,000).

14 (g) Sales by the holder of a performing arts facility
15 license may be made except to those persons prohibited under
16 clause (1) of section 493 on ~~{board-approved} commission~~ ←
17 ~~approved~~ service areas of the premises of such a facility for
18 the performing arts during the hours in which the performance is
19 being held and up to one hour before the scheduled opening and
20 one hour after the scheduled closing, but such sales may not be
21 made beyond the hours expressed in the code for the sale of
22 liquor and malt or brewed beverages by restaurant licensees:
23 Provided, however, That such sales may be made on Sunday between
24 the hours of one o'clock postmeridian and ten o'clock
25 postmeridian, irrespective of the volume of food sales.

26 (h) Whenever a contract with a concessionaire is terminated
27 prior to the expiration date provided in the contract between
28 such person and the concessionaire and is not renewed, such
29 person may apply to the ~~{board} commission~~ for the transfer of a ←
30 restaurant liquor license purchased by such person, or may

1 select and certify to the ~~{board} commission~~ a different ←
2 concessionaire which concessionaire shall apply to the ~~{board}~~ ←
3 ~~commission~~ for the transfer of a restaurant liquor license
4 purchased by such concessionaire. If the applicant meets the
5 requirements of the ~~{board} commission~~ as herein provided, a ←
6 transfer shall thereupon occur. If any such performing arts
7 facility license is revoked, the ~~{board} commission~~ shall ←
8 transfer a license for any qualified applicant who has purchased
9 a restaurant liquor license without regard to the prohibition in
10 section 471, against the grant of a license at the same premises
11 for a period of at least one year.

12 (i) Performing arts licenses shall not be subject to the
13 provisions of section 404 except insofar as they relate to the
14 reputation of the applicant nor to the provisions of section
15 463, nor to the provisions of clause (10) of section 493.

16 (j) Sales under such licenses (including food sales) may be
17 limited by the licensee to portions of the events scheduled in
18 the facility of the performing arts. Provided food is offered
19 for sale when sales are made under the license, such food may be
20 catered from off the premises.

21 Section 38. Section 408.8 of the act, added December 17,
22 1982 (P.L.1390, No.319), is reenacted ~~and amended~~ to read: ←

23 Section 408.8. Trade Shows and Convention Licenses; Cities
24 of the Third Class.--(a) The ~~{board} commission~~ is authorized ←
25 to issue a restaurant liquor license to a nonprofit corporation
26 or to a concessionaire selected by such nonprofit corporation in
27 any city of the third class for the retail sale of liquor and
28 malt or brewed beverages by the glass, open bottles or other
29 container or in any mixture for consumption on any city-owned
30 premises customarily used or available for use for trade shows

1 and conventions with a capacity within the premises for one
2 thousand people or more: Provided, however, That no sale or
3 consumption of such beverages shall take place on any portions
4 of such premises other than service areas approved by the
5 ~~{board} commission~~. ←

6 (b) An application for the issuance may be filed at any time
7 by a nonprofit corporation operating such a facility for trade
8 shows or conventions or by a concessionaire selected by such
9 nonprofit corporation. Any such license granted under these
10 provisions need not conform to the requirements of the act
11 relating to restaurant liquor licenses, except as provided
12 herein. Applicant shall submit such other information as the
13 ~~{board} commission~~ may require. Applications shall be in writing ←
14 on forms prescribed by the ~~{board} commission~~ and shall be ←
15 signed and submitted to the ~~{board} commission~~ by the applicant. ←
16 The filing fee which shall accompany the license application
17 shall be thirty dollars (\$30).

18 (c) Upon receipt of the application in proper form and the
19 application fee, and upon being satisfied that the applicant is
20 of good repute and financially responsible and that the proposed
21 place of business is proper, the ~~{board} commission~~ shall issue ←
22 the restaurant liquor license for the trade show or convention
23 facility.

24 (d) The license shall be issued for the same period of time
25 as provided for restaurant licenses and shall be renewed as
26 provided in section 402. The license shall terminate upon
27 revocation by the ~~{board} commission~~ or upon termination and ←
28 nonrenewal of the contract between the concessionaire and such
29 nonprofit corporation.

30 (e) The annual fee for a trade show or convention facility

1 shall be as provided in section 405 and shall accompany the
2 application for the license. Whenever and if a concessionaire's
3 contract terminates and is not renewed, the license shall be
4 returned to the ~~{board} commission~~ for cancellation but the
5 ~~{board} commission~~ may issue a restaurant liquor license to a
6 subsequent application.

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7 (f) The penal sum of the bond which shall be filed by an
8 applicant for a trade show or convention facility pursuant to
9 section 465 shall be two thousand dollars (\$2,000).

10 (g) Sales by the holder of a trade show or convention
11 facility license may be made except to those persons prohibited
12 under clause (1) of section 493 on ~~{board-approved} commission~~
13 ~~approved~~ service areas of the premises of such a facility for
14 trade shows or conventions during the hours in which the trade
15 show or convention is being held and up to one hour before the
16 scheduled opening and one hour after the scheduled closing, but
17 such sales may not be made beyond the hours expressed in the
18 code for the sale of liquor and malt or brewed beverages by
19 restaurant licensees: Provided, however, That such sales may be
20 made on Sunday between the hours of one o'clock postmeridian and
21 ten o'clock postmeridian, irrespective of the volume of food
22 sales.

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23 (h) Whenever a contract with a concessionaire is terminated
24 prior to the expiration date provided in the contract between
25 such nonprofit corporation and the concessionaire and is not
26 renewed, such nonprofit corporation may apply to the ~~{board}~~
27 ~~commission~~ for the issuance of a restaurant liquor license or
28 may select and certify to the ~~{board} commission~~ a different
29 concessionaire which concessionaire shall apply to the ~~{board}~~
30 ~~commission~~ for issuance of a restaurant liquor license. If the

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1 applicant meets the requirements of the ~~{board}~~ ~~commission~~ as ←
2 herein provided, the issuance shall thereupon occur. If any such
3 trade show or convention license is revoked, the ~~{board}~~ ←
4 ~~commission~~ shall issue a new license to any qualified applicant
5 without regard to the prohibition in section 471 against the
6 grant of a license at the same premises for a period of at least
7 one year.

8 (i) Licenses issued under the provisions of this section
9 shall not be subject to the quota restrictions of section 461.

10 (j) Trade show or convention licenses shall not be subject
11 to the provisions of section 404 except insofar as they relate
12 to the reputation of the applicant nor to the provisions of
13 sections 461 and 463 nor to the provisions of clause (10) of
14 section 493.

15 (k) Sales under such licenses (including food sales) may be
16 limited by the licensee to patrons of the events scheduled in
17 the facility for trade shows or conventions. Provided food is
18 offered for sale when sales are made under the license, such
19 food may be catered from off the premises.

20 Section 39. Section 408.9 of the act, added May 9, 1984
21 (P.L.246, No.54), is reenacted ~~and amended~~ to read: ←

22 Section 408.9. Stadium and Restaurant Licenses in Third
23 Class Cities.--The ~~{board}~~ ~~commission~~ is authorized to issue one ←
24 restaurant license in any city of the third class for the retail
25 sale of liquor and malt or brewed beverages by the glass, open
26 bottles or other containers, and in any mixture, for consumption
27 in any restaurant which is located not more than one thousand
28 feet from a stadium which has a seating capacity of five
29 thousand persons, situate on the same lot or parcel of land not
30 less than twenty-five acres in size with no intervening public

1 thoroughfare between the restaurant and the stadium.

2 Section 40. Section 409 of the act, amended February 17,
3 1956 (1955 P.L.1078, No.349) and September 28, 1961 (P.L.1728,
4 No.702), is reenacted ~~and amended~~ to read: <—

5 Section 409. Sacramental Wine Licenses; Fees; Privileges;
6 Restrictions.--(a) Subject to the provisions of this act in
7 general and more particularly to the following provisions of
8 this section, the ~~{board} commission~~ shall issue sacramental <—
9 wine licenses to qualified applicants.

10 (b) Every applicant for a sacramental wine license shall
11 file a written application with the ~~{board} commission~~ in such <—
12 form as the ~~{board} commission~~ shall from time to time <—
13 prescribe, which shall be accompanied by a filing fee of twenty
14 dollars (\$20), a license fee of one hundred dollars, and a bond
15 as hereinafter prescribed. Every such application shall contain
16 a description of the premises for which the applicant desires a
17 license and shall set forth such other material information as
18 may be required by the ~~{board} commission~~. <—

19 (c) If the applicant is a natural person, his application
20 must show that he is a citizen of the United States and a
21 resident of this Commonwealth. If the applicant is an
22 association or partnership, each and every member of the
23 association or partnership must be a citizen of the United
24 States and a resident of this Commonwealth. If the applicant is
25 a corporation, the application must show that the corporation
26 was created under the laws of Pennsylvania or holds a
27 certificate of authority to transact business in Pennsylvania,
28 and that all officers, directors and stockholders are citizens
29 of the United States.

30 (d) Holders of such licenses may purchase from manufacturers

1 or bring or import into this Commonwealth wine to be used for
2 sacramental or religious purposes only, and bottle and sell the
3 same to priests, clergymen and rabbis for use in the cathedral,
4 church, synagogue or temple, or for sustaining members of the
5 congregation or members of the faith who attend religious
6 services, duly certified by such priests, clergymen or rabbis.
7 The sale and use of wine for sacramental or religious purposes
8 shall be subject to and in accordance with the regulations of
9 the ~~{board}~~ ~~commission~~. ←

10 (e) Any wine purchased under the authority of this section
11 shall not be used for any other than sacramental or religious
12 purposes. Sacramental wine may not be sold by any person except
13 the holder of a sacramental wine license.

14 (f) Every sacramental wine licensee shall maintain on the
15 licensed premises such records as the ~~{board}~~ ~~commission~~ may ←
16 prescribe. No deliveries of sacramental wine shall be made
17 unless and until an order therefor is on file at the principal
18 place of business in Pennsylvania. All shipments into
19 Pennsylvania of wine to be used for sacramental or religious
20 purposes shall be consigned to the principal place of business
21 maintained by the licensee.

22 (g) Any such license may be suspended or revoked by the
23 ~~{board}~~ ~~commission~~ upon proof satisfactory to it that the ←
24 licensee has violated any law of this Commonwealth or any
25 regulation of the ~~{board}~~ ~~commission~~ relating to liquor and ←
26 alcohol. The procedure in such cases shall be the same as for
27 the revocation and suspension of hotel, restaurant and club
28 licenses.

29 Section 41. Section 410 of the act, amended September 28,
30 1961 (P.L.1728, No.702), is reenacted and amended to read:

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

6 (b) Every applicant for an importer's license shall file a
7 written application with the ~~{board} commission~~ in such form as <—
8 the ~~{board} commission~~ shall from time to time prescribe, which <—
9 shall be accompanied by a filing fee of twenty dollars (\$20), a
10 license fee of one hundred dollars, and a bond as hereinafter
11 required. Every such application shall contain a description of
12 the principal place of business for which the applicant desires
13 a license and shall set forth such other material information as
14 may be required by the ~~{board} commission~~. <—

15 (c) The holder of an importer's license may have included in
16 such license one warehouse wherein only his liquor may be kept
17 and stored, located in the same municipality in which his
18 licensed premises is situate, and not elsewhere, unless such
19 licensee secures from the ~~{board} commission~~ a license for each <—
20 additional storage warehouse desired. The ~~{board} commission~~ is <—
21 authorized and empowered to issue to a holder of an importer's
22 license a license for an additional storage warehouse or
23 warehouses located in this Commonwealth, provided such licensed
24 importer files with the ~~{board} commission~~ a separate <—
25 application for each warehouse in such form and containing such
26 information as the ~~{board} commission~~ may from time to time <—
27 require, accompanied by a filing fee of twenty dollars (\$20), a
28 license fee of twenty-five dollars, and a bond of an approved
29 surety company in the amount of ten thousand dollars. Such bond
30 shall contain the same provisions and conditions as are required

1 in the other license bonds under this article.

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

13 (e) Importers' licenses shall permit the holders thereof to
14 bring or import liquor from other states, foreign countries, or
15 insular possessions of the United States, and purchase liquor
16 from manufacturers located within this Commonwealth, to be sold
17 outside of this Commonwealth or to Pennsylvania Liquor Stores
18 within this Commonwealth, or when in original containers of ten
19 gallons or greater capacity, to licensed manufacturers within
20 this Commonwealth.

21 All importations of liquor into Pennsylvania by the licensed
22 importer shall be consigned to the [Pennsylvania Liquor Control
23 Board] ~~commission~~ BOARD or the principal place of business or ←
24 authorized place of storage maintained by the licensee.

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

1 cases shall be the same as for the revocation and suspension of
2 hotel, restaurant and club licenses.

3 Section 42. Section 411 of the act, amended July 9, 1976
4 (P.L.963, No.188), is reenacted to read:

5 Section 411. Interlocking Business Prohibited.--(a) No
6 manufacturer and no officer or director of any manufacturer
7 shall at the same time be a holder of a hotel, restaurant or
8 club liquor license, nor be the owner, proprietor or lessor of
9 any place covered by any hotel, restaurant or club liquor
10 license.

11 (b) No manufacturer, importer or sacramental wine licensee,
12 and no officer or director of a manufacturer, importer or
13 sacramental wine licensee shall own any stock or have any
14 financial interest in any hotel or restaurant licensed under
15 this act.

16 (c) Excepting as herein provided, no manufacturer, or
17 officer, director, stockholder, agent or employe of a
18 manufacturer shall in any wise be interested, either directly or
19 indirectly, in the ownership or leasehold of any property or the
20 equipment of any property or any mortgage lien against the same,
21 for which a hotel, restaurant or club license is granted; nor
22 shall a manufacturer, importer or sacramental wine licensee, or
23 officer, director, stockholder, agent or employe of a
24 manufacturer, importer or sacramental wine licensee, either
25 directly or indirectly, lend any moneys, credit, or give
26 anything of value or the equivalent thereof to, or guarantee the
27 payment of any bond, mortgage, note or other obligation of, any
28 hotel, restaurant or club licensee, his servant, agent or
29 employe, for equipping, fitting out, or maintaining and
30 conducting, either in whole or in part, a hotel, restaurant or

1 club licensed for the selling of liquor for use and consumption
2 upon the premises.

3 (d) Excepting as herein provided, no hotel licensee,
4 restaurant licensee or club licensee, and no officer, director,
5 stockholder, agent or employe of any such licensee shall in any
6 wise be interested, either directly or indirectly, in the
7 ownership or leasehold of any property or the equipment of any
8 property or any mortgage lien against the same, used by a
9 manufacturer in manufacturing liquor or malt or brewed
10 beverages; nor shall any hotel, restaurant or club licensee, or
11 any officer, director, stockholder, agent or employe of any such
12 licensee, either directly or indirectly, lend any moneys,
13 credit, or give anything of value or the equivalent thereof, to
14 any manufacturer for equipping, fitting out, or maintaining and
15 conducting, either in whole or in part, an establishment used
16 for the manufacture of liquor or malt or brewed beverages.

17 (e) Except as herein provided, no hotel, restaurant, retail
18 dispenser or club licensee, and no officer, director or
19 stockholder, agent or employe of any such licensee shall in any
20 wise be interested, directly or indirectly, in the ownership or
21 leasehold of any property or the equipment of any property or
22 any mortgage lien against the same, used by a distributor,
23 importing distributor, or by an importer or sacramental wine
24 licensee, in the conduct of his business; nor shall any hotel,
25 restaurant, retail dispenser or club licensee, or any officer,
26 director, stockholder, agent or employe of any such licensee,
27 either directly or indirectly, lend any moneys, credit, or give
28 anything of value or the equivalent thereof, to any distributor,
29 importing distributor, importer or sacramental wine licensee,
30 for equipping, fitting out, or maintaining and conducting,

1 either in whole or in part, an establishment used in the conduct
2 of his business.

3 The purpose of this section is to require a separation of the
4 financial and business interests between manufacturers and
5 holders of hotel or restaurant liquor licenses and, as herein
6 provided, of club licenses, issued under this article, and no
7 person shall, by any device whatsoever, directly or indirectly,
8 evade the provisions of the section. But in view of existing
9 economic conditions, nothing contained in this section shall be
10 construed to prohibit the ownership of property or conflicting
11 interest by a manufacturer of any place occupied by a licensee
12 under this article after the manufacturer has continuously owned
13 and had a conflicting interest in such place for a period of at
14 least five years prior to July eighteenth, one thousand nine
15 hundred thirty-five: Provided, however, That this clause shall
16 not prohibit any hotel, restaurant or club liquor licensee from
17 owning land which is leased to, and the buildings thereon owned
18 by, a holder of a retail dispenser's license; and nothing in
19 this clause shall prevent the issuance of a retail dispenser's
20 license to a lessee of such lands who owns the buildings
21 thereon: And, provided further, That nothing contained in this
22 section shall be construed to prohibit any hotel, restaurant,
23 retail dispenser or club licensee or any officer, director or
24 stockholder, agent or employe of any such licensee from having a
25 financial or other interest, directly or indirectly in the
26 ownership or leasehold of any property or the equipment of any
27 property or any mortgage lien against same, used, leased by an
28 importer or sacramental wine licensee for the exclusive purpose
29 of maintaining commercial offices and on the condition that said
30 property is not used for the storage or sale of liquor or malt

1 or brewed beverages in any quantity.

2 Section 43. The heading of Subdivision (B) of Article IV of
3 the act is reenacted to read:

4 (B) Malt and Brewed Beverages (Including Manufacturers).

5 Section 44. Section 431 of the act, amended August 17, 1965
6 (P.L.346, No.182), October 9, 1967 (P.L.395, No.179), May 5,
7 1970 (P.L.342, No.110) and June 22, 1980 (P.L.253, No.73), is
8 reenacted and amended to read:

9 Section 431. Malt and Brewed Beverages Manufacturers',
10 Distributors' and Importing Distributors' Licenses.--(a) The
11 ~~board~~commission shall issue to any person a resident of this ←
12 Commonwealth of good repute who applies therefor, pays the
13 license fee hereinafter prescribed, and files the bond
14 hereinafter required, a manufacturer's license to produce and
15 manufacture malt or brewed beverages, and to transport, sell and
16 deliver malt or brewed beverages at or from one or more places
17 of manufacture or storage, only in original containers, in
18 quantities of not less than a case of twenty-four containers,
19 each container holding seven fluid ounces or more, or a case of
20 twelve containers, each container holding twenty-four fluid
21 ounces or more, except original containers containing one
22 hundred twenty-eight ounces or more which may be sold separately
23 anywhere within the Commonwealth. Licenses for places of storage
24 shall be limited to those maintained by manufacturers on July
25 eighteenth, one thousand nine hundred thirty-five, and the
26 ~~board~~commission shall issue no licenses for places of storage ←
27 in addition to those maintained on July eighteenth, one thousand
28 nine hundred thirty-five. The application for such license shall
29 be in such form and contain such information as the ~~board~~ ←
30 commission shall require. All such licenses shall be granted for

1 the calendar year. Every manufacturer shall keep at his or its
2 principal place of business, within the Commonwealth daily
3 permanent records which shall show, (1) the quantities of raw
4 materials received and used in the manufacture of malt or brewed
5 beverages and the quantities of malt or brewed beverages
6 manufactured and stored, (2) the sales of malt or brewed
7 beverages, (3) the quantities of malt or brewed beverages stored
8 for hire or transported for hire by or for the licensee, and (4)
9 the names and addresses of the purchasers or other recipients
10 thereof. Every place licensed as a manufacturer shall be subject
11 to inspection by members of the ~~{board} commission~~ or by persons <—
12 duly authorized and designated by the ~~{board} commission~~, at any <—
13 and all times of the day or night, as they may deem necessary,
14 for the detection of violations of this act or of the rules and
15 regulations of the ~~{board} commission~~, or for the purpose of <—
16 ascertaining the correctness of the records required to be kept
17 by licensees. The books and records of such licensees shall at
18 all times be open to inspection by members of the ~~{board}~~ <—
19 ~~commission~~ or by persons duly authorized and designated by the
20 ~~{board} commission~~. Members of the ~~{board} commission~~ and its <—
21 duly authorized agents shall have the right, without hindrance,
22 to enter any place which is subject to inspection hereunder or
23 any place where such records are kept for the purpose of making
24 such inspections and making transcripts thereof.

25 (b) The ~~{board} commission~~ shall issue to any reputable <—
26 person who applies therefor, pays the license fee hereinafter
27 prescribed, and files the bond hereinafter required, a
28 distributor's or importing distributor's license for the place
29 which such person desires to maintain for the sale of malt or
30 brewed beverages, not for consumption on the premises where

1 sold, and in quantities of not less than twenty-four containers,
2 each container holding seven fluid ounces or more, or twelve
3 containers, each container holding twenty-four fluid ounces or
4 more, except original containers containing one hundred twenty-
5 eight ounces or more which may be sold separately and such
6 containers to be the original containers as prepared for the
7 market by the manufacturer at the place of manufacture[: And
8 provided further, That the board]. ~~Additionally, a distributor~~ <—
9 ~~may sell a quantity of 24 containers, all of the same unit size,~~
10 ~~but containing different brands of malt or brewed beverages,~~
11 ~~mixed in unit combinations of six of the same brand. The~~
12 ~~commission~~ BOARD shall have the discretion to refuse a license <—
13 to any person or to any corporation, partnership or association
14 if such person, or any officer or director of such corporation,
15 or any member or partner of such partnership or association
16 shall have been convicted or found guilty of a felony within a
17 period of five years immediately preceding the date of
18 application for the said license[.]: And provided further, That
19 in the case of any new license or the transfer of any license to
20 a new location the ~~commission~~ BOARD may, in its discretion, <—
21 grant or refuse such new license or transfer if such place
22 proposed to be licensed is within three hundred feet of any
23 church, hospital, charitable institution, school or public
24 playground, or if such new license or transfer is applied for a
25 place which is within two hundred feet of any other premises
26 which is licensed by the ~~commission~~, or if such new license or <—
27 transfer is applied for a place where the principal business is
28 the sale of liquid fuels and oil BOARD: And provided further, <—
29 That the ~~commission~~ BOARD shall refuse any application for a new <—
30 license or the transfer of any license to a new location if, in

1 the ~~commission's~~ BOARD'S opinion, such new license or transfer <—
2 would be detrimental to the welfare, health, peace and morals of
3 the inhabitants of the neighborhood within a radius of five
4 hundred feet of the place proposed to be licensed. THE BOARD <—
5 SHALL REFUSE ANY APPLICATION FOR A NEW LICENSE OR THE TRANSFER
6 OF ANY LICENSE TO A LOCATION WHERE THE SALE OF LIQUID FUELS OR
7 OIL IS CONDUCTED. The ~~commission~~ BOARD shall require notice to <—
8 be posted on the property or premises upon which the licensee or
9 proposed licensee will engage in sales of malt or brewed
10 beverages. This notice shall be similar to the notice required
11 of hotel, restaurant and club liquor licensees.

12 Except as hereinafter provided, such license shall authorize
13 the holder thereof to sell or deliver malt or brewed beverages
14 in quantities above specified anywhere within the Commonwealth
15 of Pennsylvania, which, in the case of distributors, have been
16 purchased only from persons licensed under this act as
17 manufacturers or importing distributors, and in the case of
18 importing distributors, have been purchased from manufacturers
19 or persons outside this Commonwealth engaged in the legal sale
20 of malt or brewed beverages or from manufacturers or importing
21 distributors licensed under this article.

22 Each out of State manufacturer of malt or brewed beverages
23 whose products are sold and delivered in this Commonwealth shall
24 give distributing rights for such products in designated
25 geographical areas to specific importing distributors, and such
26 importing distributor shall not sell or deliver malt or brewed
27 beverages manufactured by the out of State manufacturer to any
28 person issued a license under the provisions of this act whose
29 licensed premises are not located within the geographical area
30 for which he has been given distributing rights by such

<—

1 manufacturer. SHOULD A LICENSEE ACCEPT THE DELIVERY OF SUCH MALT
2 OR BREWED BEVERAGES IN VIOLATION OF THIS SECTION, SAID LICENSEE
3 SHALL BE SUBJECT TO A SUSPENSION OF HIS LICENSE FOR AT LEAST
4 THIRTY DAYS: Provided, That the importing distributor holding
5 such distributing rights for such product shall not sell or
6 deliver the same to another importing distributor without first
7 having entered into a written agreement with the said secondary
8 importing distributor setting forth the terms and conditions
9 under which such products are to be resold within the territory
10 granted to the primary importing distributor by the
11 manufacturer.

12 When a Pennsylvania manufacturer of malt or brewed beverages
13 licensed under this article names or constitutes a distributor
14 or importing distributor as the primary or original supplier of
15 his product, he shall also designate the specific geographical
16 area for which the said distributor or importing distributor is
17 given distributing rights, and such distributor or importing
18 distributor shall not sell or deliver the products of such
19 manufacturer to any person issued a license under the provisions
20 of this act whose licensed premises are not located within the
21 geographical area for which distributing rights have been given
22 to the distributor and importing distributor by the said
23 manufacturer: Provided, That the importing distributor holding
24 such distributing rights for such product shall not sell or
25 deliver the same to another importing distributor without first
26 having entered into a written agreement with the said secondary
27 importing distributor setting forth the terms and conditions
28 under which such products are to be resold within the territory
29 granted to the primary importing distributor by the
30 manufacturer. Nothing herein contained shall be construed to

1 prevent any manufacturer from authorizing the importing
2 distributor holding the distributing rights for a designated
3 geographical area from selling the products of such manufacturer
4 to another importing distributor also holding distributing
5 rights from the same manufacturer for another geographical area,
6 providing such authority be contained in writing and a copy
7 thereof be given to each of the importing distributors so
8 affected.

9 (B.1) (1) ANY PERSON IN THIS COMMONWEALTH OR ELSEWHERE WHO ←
10 SHALL PURCHASE OR IN ANY MANNER WHATSOEVER ACQUIRE OR OTHERWISE
11 SUCCEED TO THE BUSINESS OF A MANUFACTURER, ASSETS OR RIGHTS TO
12 IMPORT, MARKET, SHIP INTO THIS COMMONWEALTH OR DISTRIBUTE A
13 BRAND OF BEER, OR TO USE AND EXPLOIT ANY TRADEMARK INCORPORATED
14 AS PART OF A BRAND OF BEER PRODUCED BY SUCH A MANUFACTURER SHALL
15 BE OBLIGATED TO ALL TERMS OF THE MANUFACTURER'S FRANCHISE
16 AGREEMENTS IN EFFECT ON THE EFFECTIVE DATE OF THE PURCHASE,
17 ACQUISITION OR SUCCESSION, OR, IF EARLIER, AT THE TIME THE
18 AGREEMENT CONTEMPLATING THE PURCHASE, ACQUISITION OR SUCCESSION
19 IS ACTUALLY MADE.

20 (2) "PURCHASE" OR "ACQUISITION," FOR PURPOSES OF THIS
21 SECTION, INCLUDES, BUT IS NOT LIMITED TO, A PURCHASE,
22 ACQUISITION, LEASE, LICENSE OR ASSIGNMENT OF ALL OR A
23 CONTROLLING INTEREST IN THE CAPITAL STOCK OR OPERATING ASSETS,
24 INCLUDING BRAND TRADEMARKS RIGHTS; MERGER; ANY CORPORATE
25 REORGANIZATION OR CONSOLIDATION; AND ALSO, WITHOUT LIMITATION,
26 ANY LICENSE, CROSS-LICENSE, JOINT VENTURE OR OTHER AGREEMENT OR
27 ARRANGEMENT, DIRECTLY OR INDIRECTLY, TRANSFERRING, SUBSTITUTING
28 OR MATERIALLY CHANGING THE PERSON OR PERSON AUTHORIZED BY THE
29 ONE OWNING OR CONTROLLING A BRAND OR ANY TRADEMARK AS PART OF A
30 BRAND, TO PRODUCE, IMPORT, SHIP, MARKET OR DISTRIBUTE THE BRAND

1 OF BEER INTO OR WITHIN THIS COMMONWEALTH.

2 (3) "MANUFACTURER" AS USED IN THIS SUBSECTION SHALL MEAN ANY
3 PERSON, INCLUDING ANY AGENT OF SUCH PERSON, WHO (I) IS LICENSED
4 AS A MANUFACTURER OF MALT OR BREWED BEVERAGES LOCATED WITHIN THE
5 COMMONWEALTH OF PENNSYLVANIA, (II) HOLDS A DISTRIBUTOR OR
6 IMPORTING DISTRIBUTOR LICENSE, OR (III) MANUFACTURES ANY MALT
7 BEVERAGE, HAS TITLE TO ANY MALT BEVERAGE PRODUCTS OR HAS THE
8 CONTRACTUAL RIGHT TO DISTRIBUTE ANY MALT BEVERAGE PRODUCT,
9 WHETHER LICENSED IN THIS COMMONWEALTH OR NOT, WHO ENTERS INTO AN
10 "AGREEMENT" WITH ANY IMPORTING DISTRIBUTOR LICENSED TO DO
11 BUSINESS IN THIS COMMONWEALTH.

12 (c) The aforesaid licenses shall be issued only to reputable
13 individuals, partnerships and associations who are, or whose
14 members are, citizens of the United States and have for two
15 years prior to the date of their applications been residents of
16 the Commonwealth of Pennsylvania or to reputable corporations
17 organized or duly registered under the laws of the Commonwealth
18 of Pennsylvania. Such licenses shall be issued to corporations
19 duly organized or registered under the laws of the Commonwealth
20 of Pennsylvania only when it appears that all of the officers
21 and directors of the corporation are citizens of the United
22 States and have been residents of the Commonwealth of
23 Pennsylvania for a period of at least two years prior to the
24 date of application, and that at least fifty-one per centum of
25 the capital stock of such corporation is actually owned by
26 individuals who are citizens of the United States and have been
27 residents of the Commonwealth of Pennsylvania for a period of at
28 least two years prior to the date of application: Provided, That
29 the provisions of this subsection with respect to residence
30 requirements shall not apply to individuals, partners, officers,

1 directors and owners of capital stock, of corporations licensed
2 or applying for licenses as manufacturers of malt or brewed
3 beverages, nor shall the provisions of this subsection with
4 respect to stockholder requirements apply to corporations
5 licensed or applying for licenses as manufacturers of malt or
6 brewed beverages.

7 (d) (1) All distributing rights as hereinabove required
8 shall be in writing, shall be equitable in their provisions and
9 shall be substantially similar as to terms and conditions with
10 all other distributing rights agreements between the
11 manufacturer giving such agreement and its other importing
12 distributors and distributors shall not be modified, cancelled,
13 terminated or rescinded by the manufacturer without good cause,
14 and shall contain a provision in substance or effect as follows:
15 "The manufacturer recognizes that the importing distributor and
16 distributor are free to manage their business in the manner the
17 importing distributor and distributor deem best and that this
18 prerogative vests in the importing distributor and distributor
19 the exclusive right to establish a selling price, to select the
20 brands of malt or brewed beverages they wish to handle and to
21 determine the efforts and resources which the importing
22 distributor and distributor will exert to develop and promote
23 the same of the manufacturer's products handled by the importing
24 distributor and distributor. However, the manufacturer expects
25 that the importing distributor and distributor will price
26 competitively the products handled by them, devote reasonable
27 effort and resources to the sale of such products and maintain a
28 reasonable sales level." "Good cause" shall mean the failure by
29 any party to an agreement, without reasonable excuse or
30 justification, to comply substantially with an essential,

1 reasonable and commercially acceptable requirement imposed by
2 the other party under the terms of an agreement.

3 (2) After January 1, 1980, no manufacturer shall enter into
4 any agreement with more than one distributor or importing
5 distributor for the purpose of establishing more than one
6 agreement for designated brand or brands of malt or brewed
7 beverages in any one territory. Each franchise territory which
8 is granted by a manufacturer shall be geographically contiguous.

9 (3) Except for discontinuance of a brand or a valid
10 termination for good cause, the purchaser of the assets of the
11 manufacturer as defined in this act shall become obligated to
12 all the territorial and brand designations of the agreement in
13 effect on the date of purchase. Purchase of assets as defined
14 for the purposes of this act shall include, but not be limited
15 to, the sale of stock, sale of assets, merger, lease, transfer
16 or consolidation.

17 (4) The court of common pleas of the county wherein the
18 licensed premises of the importing distributor or distributor
19 are located is hereby vested with jurisdiction and power to
20 enjoin the modification, rescission, cancellation or termination
21 of a franchise or agreement between a manufacturer and an
22 importing distributor or distributor at the instance of such
23 importing distributor or distributor who is or might be
24 adversely affected by such modification, rescission,
25 cancellation or termination, and in granting an injunction the
26 court shall provide that no manufacturer shall supply the
27 customers or territory of the importing distributor or
28 distributor by servicing the territory or customers through
29 other importing distributors or distributors or any other means
30 while the injunction is in effect: Provided, however, That any

1 injunction issued under this subsection shall require the
2 posting of sufficient bond against damages arising from an
3 injunction improvidently granted and a showing that the danger
4 of irrevocable loss or damage is immediate and that during the
5 pendency of such injunction the importing distributor or
6 distributor shall continue to service the accounts of the
7 manufacturer in good faith.

8 (5) The provisions of this subsection shall not apply to
9 Pennsylvania manufacturers whose principal place of business is
10 located in Pennsylvania unless they name or constitute a
11 distributor or importing distributor as a primary or original
12 supplier of their products subsequent to the effective date of
13 this act, or unless such Pennsylvania manufacturers have named
14 or constituted a distributor or importing distributor as a
15 primary or original supplier of their products prior to the
16 effective date of this act, and which status is continuing when
17 this act becomes effective.

18 Section 45. Section 432 of the act, amended January 19, 1952
19 (1951 P.L.2170, No.619), June 19, 1961 (P.L.482, No.244),
20 October 9, 1967 (P.L.392, No.177) and May 9, 1984 (P.L.246,
21 No.54), is reenacted ~~and amended~~ to read: <—

22 Section 432. Malt and Brewed Beverages Retail Licenses.--(a)
23 Subject to the restrictions hereinafter provided in this act,
24 and upon being satisfied of the truth of the statements in the
25 application, that the premises and the applicant meet all the
26 requirements of this act and the regulations of the {board} <—
27 ~~commission~~, that the applicant seeks a license for a reputable
28 hotel, eating place or club, as defined in this act, the {board} <—
29 ~~commission~~ shall, in the case of a hotel or eating place, grant
30 and issue, and in the case of a club may, in its discretion,

1 issue or refuse the applicant a retail dispenser's license.

2 (b) In the case of hotels and eating places, licenses shall
3 be issued only to reputable persons who are citizens of the
4 United States and have for two years been residents of the
5 Commonwealth of Pennsylvania at the date of their application,
6 or to reputable corporations organized or duly registered under
7 the laws of the Commonwealth of Pennsylvania, all of whose
8 officers and directors are citizens of the United States. In the
9 case of incorporated clubs, licenses shall be issued only to
10 those incorporated under the laws of Pennsylvania.

11 (c) No retail dispenser's licenses shall be granted or
12 renewed upon their expiration in any municipality in which the
13 electors shall vote, as hereinafter provided, against the
14 licensing therein of places where malt or brewed beverages may
15 be sold for consumption on the premises where sold.

16 (d) The ~~{board} commission~~ shall, in its discretion, grant ←
17 or refuse any new license or the transfer of any license to a
18 new location if such place proposed to be licensed is within
19 three hundred feet of any church, hospital, charitable
20 institution, school, or public playground, or if such new
21 license or transfer is applied for a place which is within two
22 hundred feet of any other premises which is licensed by the
23 ~~{board} commission~~ [, or if such new license or transfer is ←
24 applied for a place where the principal business conducted is
25 the sale of liquid fuels and oil]. The ~~{board} commission~~ shall ←
26 refuse any application for a new license or the transfer of any
27 license to a new location if, in the ~~{board}'s} commission's~~ ←
28 opinion, such new license or transfer would be detrimental to
29 the welfare, health, peace and morals of the inhabitants of the
30 neighborhood within a radius of five hundred feet of the place

1 to be licensed. THE BOARD SHALL REFUSE ANY APPLICATION FOR A NEW <—
2 LICENSE OR THE TRANSFER OF ANY LICENSE TO A LOCATION WHERE THE
3 SALE OF LIQUID FUELS OR OIL IS CONDUCTED. The ~~{board}~~ commission <—
4 shall not issue new licenses, except as herein otherwise
5 provided, in any license district more than twice each license
6 year effective from specific dates fixed by the ~~{board}~~ <—
7 commission, and new licenses shall not be granted unless the
8 application therefor shall have been filed at least thirty days
9 before the effective date of the license. Nothing herein
10 contained shall prohibit the ~~{board}~~ commission from issuing a <—
11 new license for the balance of any unexpired term in any license
12 district to any applicant in such district, who shall have
13 become eligible to hold such license as the result of
14 legislative enactment, when such enactment shall have taken
15 place during the license term of that district for which
16 application is made, or within the thirty days immediately
17 preceding such term: And provided further, That the ~~{board}~~ <—
18 commission shall have the discretion to refuse a license to any
19 person or to any corporation, partnership or association if such
20 person, or any officer or director of such corporation, or any
21 member or partner of such partnership or association shall have
22 been convicted or found guilty of a felony within a period of
23 five years immediately preceding the date of application for the
24 said license.

25 (e) Every applicant for a new or for the transfer of an
26 existing license to another premises not then licensed shall
27 post, for a period of at least fifteen days beginning with the
28 day the application is filed with the ~~{board}~~ commission, in a <—
29 conspicuous place on the outside of the premises or in a window
30 plainly visible from the outside of the premises for which the

1 license is applied or at the proposed new location, a notice of
2 such application, in such form, of such size, and containing
3 such provisions as the ~~{board} commission~~ may require by its ←
4 regulations. Proof of the posting of such notice shall be filed
5 with the ~~{board} commission~~. ←

6 (f) Hotel, eating places, or municipal golf course retail
7 dispenser licensees whose sales of food and nonalcoholic
8 beverages are equal to forty per centum (40%) or more of the
9 combined gross sales of both food and malt or brewed beverages
10 may sell malt or brewed beverages between the hours of eleven
11 o'clock antemeridian on Sunday and two o'clock antemeridian on
12 Monday upon purchase of a special annual permit from the ~~{board}~~ ←
13 ~~commission~~ at a fee of two hundred dollars (\$200.00) per year,
14 which shall be in addition to any other license fees. Provided
15 further, the holder of such special annual permit may sell malt
16 or brewed beverages after seven o'clock antemeridian and until
17 two o'clock antemeridian of the following day, on any day on
18 which a general, municipal, special or primary election is being
19 held.

20 Section 46. Section 433 of the act is reenacted and amended
21 to read:

22 Section 433. Public Service Licenses.--The ~~{board}~~ ←
23 ~~commission~~ may issue public service malt and brewed beverage
24 licenses to a railroad, pullman or steamship company permitting
25 malt or brewed beverages to be sold at retail in dining, club or
26 buffet cars, or the dining compartments of steamships or
27 vessels, for consumption on the trains, steamships or vessels
28 wherever operated in the State, except when standing in stations
29 or terminals within a municipality wherein retail sales are
30 prohibited. Such licenses shall only be granted to reputable

1 persons and for fit places. The ~~{board} commission~~ may issue a <—
2 master license to railroad or pullman companies to cover the
3 maximum number of cars which the company shall estimate that it
4 will operate within the Commonwealth on any one day. Such
5 licensees shall file monthly reports with the ~~{board} commission~~ <—
6 showing the maximum number of cars operated at any time on any
7 day during the preceding month, and if it appears that more cars
8 have been operated than covered by its license it shall
9 forthwith remit to the ~~{board} commission~~ the sum of ten dollars <—
10 for each extra car so operated. The ~~{board} commission~~ shall <—
11 have the power to suspend or revoke any such licenses for cause
12 after granting a hearing [thereon] ~~before an administrative law~~ <—
13 ~~judge~~ A HEARING EXAMINER to the licensee. Any person aggrieved <—
14 by the decision of the ~~{board} commission~~ in refusing, <—
15 suspending or revoking any such license may appeal to [the court
16 of quarter sessions of Dauphin County] Commonwealth Court in the
17 same manner as provided in this article for appeals from
18 refusals of licenses.

19 Section 47. Section 433.1 of the act, added July 10, 1961
20 (P.L.561, No.275), amended November 17, 1967 (P.L.510, No.247)
21 and December 16, 1982 (P.L.1359, No.311), is reenacted and
22 amended to read:

23 Section 433.1. Stadium or Arena Permits.--(a) The ~~{board}~~ <—
24 ~~commission~~ is hereby authorized to issue, in cities of the
25 first, second and third class, in counties of the third class
26 and in school districts in counties of the third class, special
27 permits allowing the holders thereof to make retail sales of
28 malt or brewed beverages in shatterproof containers at all
29 events on premises principally utilized for competition of
30 professional and amateur athletes and other types of

1 entertainment having an available seating capacity of twelve
2 thousand or more in cities of the first and second class and
3 seven thousand or more and owned by the city in cities of the
4 third class and four thousand two hundred or more and owned by
5 counties of the third class and two thousand five hundred or
6 more in school districts in counties of the third class:
7 Provided, however, That in cities of the second class this
8 section shall be applicable only to premises owned, leased or
9 operated by any authority created under the act of July 29, 1953
10 (P.L.1034, No.270), known as the "Public Auditorium Authorities
11 Law." Such sales may be made only to adults and only on days
12 when the premises are so used and only during the period from
13 one hour before the start of and ending one-half hour after the
14 close of the event on the premises: Provided, however, That in
15 school districts in counties of the third class sales may be
16 made only during professional athletic competition.

17 (b) The owner or lessee or a concessionaire of any such
18 premises may make application for a permit. The aforesaid
19 permits shall be issued only to reputable individuals,
20 partnerships and associations, who are or whose members are
21 citizens of the United States and have for two years prior to
22 the date of their applications been residents of the
23 Commonwealth of Pennsylvania, or to reputable corporations
24 organized or duly registered under the laws of the Commonwealth
25 of Pennsylvania, all of whose officers and directors are
26 citizens of the United States. Each applicant shall furnish
27 proof satisfactory to the ~~{board} commission~~ that he is of good <—
28 repute and financially responsible and that the premises upon
29 which he proposes to do business is a proper place. The
30 applicant shall submit such other information as the {board} <—

1 ~~commission~~ may require. Applications shall be, in writing on
2 forms prescribed by the ~~{board} commission~~, and signed and sworn ←
3 to by the applicant. Every application shall be accompanied by
4 an application fee of twenty-five dollars (\$25), a permit fee of
5 one hundred dollars (\$100) and a surety bond in the amount of
6 one thousand dollars (\$1000) conditioned the same as the license
7 bonds required by this act for retail dispenser licenses.

8 (c) Upon receipt of the application in proper form, the
9 application fee, the permit fee and bond, and upon being
10 satisfied that the applicant is of good repute and financially
11 responsible and that the proposed place of business is proper,
12 the ~~{board} commission~~ shall issue a special permit to the ←
13 applicant. Only one permit issued under this section shall be in
14 effect on any such premises at any time.

15 (d) No permit shall be transferable or assignable. The
16 ~~{board} commission~~ may by regulation fix the permit year and ←
17 provide for the renewal of such permits. Whenever a permit is
18 revoked, another may be issued for the same premises to another
19 applicant upon compliance with the provisions of this section.

20 (e) The ~~{board} commission~~ shall have the power to refuse ←
21 the issuance of any permit for cause, and to revoke or suspend
22 any permit for cause or for any violation of the liquor or malt
23 and brewed beverage laws. Any applicant or holder of a permit
24 aggrieved by any ruling of the ~~{board} commission~~ or by its ←
25 refusal to issue a permit, or by its suspension or revocation
26 thereof, shall have the right to a hearing and appeal therefrom
27 in the same manner as provided in sections 464 and 471 of this
28 act authorizing appeals from orders of the ~~{board} commission or ←
29 an administrative law judge.~~

30 Section 48. Section 434 of the act is reenacted ~~and amended~~ ←

1 to read:

2 Section 434. License Year.--(a) Licenses issued under this
3 article to distributors, importing distributors and retail
4 dispensers shall, unless revoked in the manner provided in this
5 act, be valid for the license year which may be established by
6 the ~~{board}~~commission for the particular license district in <—
7 which the license issues.

8 (b) Malt or brewed beverage licenses issued under this
9 article to manufacturers and public service companies shall,
10 unless revoked in the manner herein provided, be valid for the
11 calendar year for which they are issued. Licenses to such
12 manufacturers and public service companies may be issued at any
13 time during a calendar year.

14 Section 49. Section 435 of the act, amended September 28,
15 1961 (P.L.1728, No.702), is reenacted ~~and amended~~ to read: <—

16 Section 435. Filing of Applications for Distributors',
17 Importing Distributors' and Retail Dispensers' Licenses; Filing
18 Fee.--Every person intending to apply for a distributor's,
19 importing distributor's or retail dispenser's license, as
20 aforesaid, in any municipality of this Commonwealth, shall file
21 with the ~~{board}~~commission his or its application. All such <—
22 applications shall be filed at a time to be fixed by the ~~{board}~~ <—
23 commission for the particular license district as set up by the
24 ~~{board}~~commission under the provisions of this act. The <—
25 applicant shall, at the time of filing the application and bond,
26 pay said ~~{board}~~commission the filing fee of twenty dollars <—
27 (\$20), as hereinafter specified.

28 Section 50. Section 436 of the act, amended June 19, 1961
29 (P.L.482, No.244) and June 29, 1965 (P.L.151, No.101), is
30 reenacted ~~and 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 thereto the following information and statements:

7 (a) The name and residence of the applicant and how long he
8 has resided there, and if an association, partnership or
9 corporation, the residences of the members, officers and
10 directors for the period of two years next preceding the date of
11 such application.

12 (b) The particular place for which the license is desired
13 and a detailed description thereof. The description, information
14 and plans referred to in this subsection shall show the premises
15 or the proposed location for the construction of the premises at
16 the time the application is made, and shall show any alterations
17 proposed to be made thereto, or the new building proposed to be
18 constructed after the approval by the ~~{board} commission~~ of the ←
19 application for a license, or for the transfer of an existing
20 license to another premises not then licensed. No physical
21 alterations, improvements or changes shall be required to be
22 made to any hotel, eating place or club, nor shall any new
23 building for any such purpose be required to be constructed
24 until approval of the application for license or for the
25 transfer of an existing license to another premises not then
26 licensed by the ~~{board} commission~~. After approval of the ←
27 application, the licensee shall make the physical alterations,
28 improvements and changes to the licensed premises, or shall
29 construct the new building in the manner specified by the
30 ~~{board} commission~~ at the time of approval. The licensee shall ←

1 not transact any business under the license until the ~~{board}~~ ←
2 ~~commission~~ has approved the completed physical alterations,
3 improvements and changes of the licensed premises or the
4 completed construction of the new building as conforming to the
5 specifications required by the ~~{board}~~ ~~commission~~ at the time of ←
6 issuance or transfer of the license and is satisfied that the
7 premises meet the requirements for a distributor's or importing
8 distributor's license as set forth in this act or that the
9 establishment is an eating place, hotel or club as defined by
10 this act. The ~~{board}~~ ~~commission~~ may require that all such ←
11 alterations or construction or conformity to definition be
12 completed within six months from the time of issuance or
13 transfer of the license. Failure to comply with these
14 requirements shall be considered cause for revocation of the
15 license. No such license shall be transferable between the time
16 of issuance or transfer of the license and the approval of the
17 completed alterations or construction by the ~~{board}~~ ~~commission~~ ←
18 and full compliance by the licensee with the requirements of
19 this act, except in the case of death of the licensee prior to
20 full compliance with all of the aforementioned requirements, in
21 which event the license may be transferred by the ~~{board}~~ ←
22 ~~commission~~ as provided in section 468 of this act for the
23 transfer of the license in the case of death of the licensee.

24 (c) Place of birth of applicant, and if a naturalized
25 citizen, where and when naturalized, and if a corporation
26 organized or registered under the laws of the Commonwealth, when
27 and where incorporated, with the names and addresses of each
28 officer and director, all of whom shall be citizens of the
29 United States; if the application is for a distributor's or
30 importing distributor's license and the applicant therefor is a

1 corporation, the application shall also contain a statement of
2 facts showing the qualifications of the corporation, as
3 hereinbefore required, together with the names and addresses of
4 all stockholders.

5 (d) Name of owner of premises and his residence.

6 (e) That the applicant is not, or in case of a partnership
7 or association, that the members or partners are not, and in the
8 case of a corporation, that the officers and directors are not,
9 in any manner pecuniarily interested, either directly or
10 indirectly, in the profits of any other class of business
11 regulated under this article, except as hereinafter permitted.

12 (f) That applicant is the only person in any manner
13 pecuniarily interested in the business so asked to be licensed,
14 and that no other person shall be in any manner pecuniarily
15 interested therein during the continuance of the license, except
16 as hereinafter permitted.

17 (g) Whether applicant, or in case of a partnership or
18 association, any member or partner thereof, or in case of a
19 corporation, any officer or director thereof, has during the
20 three years immediately preceding the date of said application
21 had a license for the sale of malt or brewed beverages or
22 spirituous and vinous liquors revoked, or has during the same
23 period been convicted of any criminal offense, and if so, a
24 detailed history thereof.

25 (h) A full description of that portion of the premises for
26 which license is asked, and if any other business is to be
27 conducted concurrently with the sale and distribution of malt or
28 brewed beverages, a full history of such business, relating the
29 nature thereof, the length of time it has so previously been
30 conducted by the applicant or his predecessor at such location,

1 and such additional information as the ~~{board}~~commission may <—
2 require.

3 (i) Every club applicant shall file with and as a part of
4 its application a list of the names and addresses of its
5 members, directors, officers, agents and employes, together with
6 the dates of their admission, election or employment, and such
7 other information with respect to its affairs as the ~~{board}~~ <—
8 commission shall require.

9 (j) The application must be verified by affidavit of
10 applicant, and if any false statement is intentionally made in
11 any part of the application, the affiant shall be deemed guilty
12 of a misdemeanor and, upon conviction, shall be subject to the
13 penalties provided by this article.

14 Section 51. Section 437 of the act, amended December 22,
15 1965 (P.L.1149, No.445), is reenacted ~~and amended~~ to read: <—

16 Section 437. Prohibitions Against the Grant of Licenses.--

17 (a) The ~~{board}~~commission shall refuse to grant any licenses <—
18 unless the application therefor contains the information
19 required by this act, and the premises meet such reasonable
20 sanitary requirements as the ~~{board}~~commission, by regulation, <—
21 shall prescribe.

22 (b) The ~~{board}~~commission shall refuse to grant a license <—
23 to any club when it appears that the operation of such license
24 would inure to the benefit of individual members, officers,
25 agents or employes of the club, rather than to the benefit of
26 the entire membership of the club.

27 (c) Licenses shall be granted by the ~~{board}~~commission only <—
28 to reputable individuals, or to associations, partnerships and
29 corporations whose members or officers and directors are
30 reputable individuals.

1 (d) No person who holds, either by appointment or election,
2 any public office which involves the duty to enforce any of the
3 penal laws of the United States of America or any of the penal
4 laws of this Commonwealth or any penal ordinance or resolution
5 of any political subdivision of this Commonwealth shall be
6 issued any manufacturer's, importing distributor's,
7 distributor's or retail dispenser's license, nor shall such a
8 person have any interest, directly or indirectly, in any such
9 license.

10 (e) No distributor's or importing distributor's license
11 shall be issued for any premises in any part of which there is
12 operated any retail license for the sale of liquor or malt or
13 brewed beverages.

14 (f) No new distributor's or importing distributor's license
15 shall hereafter be granted by the ~~board~~ commission in any ←
16 county of the Commonwealth where the combined number of
17 distributor and importing distributor licenses exceeds one
18 license for each fifteen thousand inhabitants of the county in
19 which the license is to be issued: Provided, That a combined
20 total of five such licenses may be granted in any county of the
21 Commonwealth.

22 Nothing in this subsection shall be construed as denying the
23 right of the ~~board~~ commission to renew or to transfer existing ←
24 distributors' or importing distributors' licenses or to exchange
25 a distributor's license for an importing distributor's license
26 or to exchange an importing distributor's license for a
27 distributor's license, upon adjustment of the applicable fee,
28 notwithstanding that the number of such licensed places in the
29 county shall exceed the limitation hereinbefore prescribed:
30 Provided, That no distributor's license or importing

1 distributor's license shall be transferred from one county to
2 another county so long as the quota is filled in the county to
3 which the license is proposed to be transferred.

4 Section 52. Section 438 of the act is reenacted to read:

5 Section 438. Number and Kinds of Licenses Allowed Same
6 Licensee.--(a) Any retail dispenser may be granted licenses to
7 maintain, operate or conduct any number of places for the sale
8 of malt or brewed beverages, but a separate license must be
9 secured for each place where malt or brewed beverages are sold.

10 (b) No person shall possess or be issued more than one
11 distributor's or importing distributor's license.

12 (c) No person shall possess more than one class of license,
13 except that a holder of a retail dispenser's license may also be
14 a holder of a retail liquor license.

15 Section 53. Section 439 of the act, amended September 28,
16 1961 (P.L.1728, No.702), is reenacted ~~and amended~~ to read: <—

17 Section 439. Malt or Brewed Beverage License Fees.--No
18 public service license and no license to any manufacturer,
19 distributor, importing distributor or retail dispenser shall be
20 issued under the provisions of this subdivision (B) until the
21 licensee shall have first paid an annual license fee, as
22 follows:

23 (a) In the case of a manufacturer, the license fee shall be
24 one thousand dollars (\$1,000) for each place of manufacture and
25 shall be paid to the ~~{board} commission~~. The fee for all such <—
26 licenses when applied for and issued on or after April 1, but
27 prior to July 1, shall be three-fourths of the annual fee; July
28 1, but prior to October 1, shall be one-half of the annual fee;
29 October 1, but prior to January 1, shall be one quarter of the
30 annual fee.

1 (b) In the case of a distributor, the license fee shall be
2 four hundred dollars (\$400) and shall be paid to the {board} ←
3 commission.

4 (c) In the case of an importing distributor, the license fee
5 shall be nine hundred dollars (\$900) and shall be paid to the
6 {board} commission. ←

7 (d) In the case of a retail dispenser, except clubs, the
8 license fee shall be graduated according to the population of
9 the municipality in which the place of business is located and
10 shall be paid to the {board} commission, as follows: ←

- 11 (1) Less than 10,000.....\$100
- 12 (2) 10,000 and more, but less than 50,000.....\$150
- 13 (3) 50,000 and more, but less than 100,000.....\$200
- 14 (4) 100,000 and more, but less than 150,000.....\$250
- 15 (5) 150,000 and more.....\$300

16 (e) In the case of a club, the fee shall be twenty-five
17 dollars in all cases and shall be paid to the {board} ←
18 commission.

19 (f) In the case of a public service license for cars, the
20 fee shall be ten dollars per car for the maximum number of cars
21 operated on any one day on which malt or brewed beverages are
22 sold, to be paid to the {board} commission. ←

23 (g) In the case of a public service license for the sale of
24 malt or brewed beverages on a boat or vessel, the fee shall be
25 fifty dollars for each such vessel or boat and shall be paid to
26 the {board} commission. ←

27 (h) The fee for filing applications for licenses and for
28 renewals shall be twenty dollars (\$20) which, together with fees
29 for transfers, shall be paid to the {board} commission. ←

30 (i) The license fees fixed by this section shall be paid

1 before the license or renewal is issued.

2 Section 54. Section 440 of the act, amended August 17, 1965
3 (P.L.346, No.182), is reenacted ~~and amended~~ to read: ←

4 Section 440. Sales by Manufacturers of Malt or Brewed
5 Beverages; Minimum Quantities.--No manufacturer shall sell any
6 malt or brewed beverages for consumption on the premises where
7 sold, nor sell or deliver any such malt or brewed beverages in
8 other than original containers approved as to capacity by the
9 ~~board~~ ~~commission~~, nor in quantities of less than a case of ←
10 twenty-four containers, each container holding seven fluid
11 ounces or more, or a case of twelve containers, each container
12 holding twenty-four fluid ounces or more, except original
13 containers containing one hundred twenty-eight ounces or more
14 which may be sold separately; nor shall any manufacturer
15 maintain or operate within the Commonwealth any place or places
16 other than the place or places covered by his or its license
17 where malt or brewed beverages are sold or where orders are
18 taken.

19 Section 55. Section 441 of the act, amended October 23, 1959
20 (P.L.1360, No.471), is reenacted ~~and amended~~ to read: ←

21 Section 441. Distributors' and Importing Distributors'
22 Restrictions on Sales, Storage, Etc.--(a) No distributor or
23 importing distributor shall purchase, receive or resell any malt
24 or brewed beverages except in the original containers as
25 prepared for the market by the manufacturer at the place of
26 manufacture.

27 (b) No distributor or importing distributor shall sell any
28 malt or brewed beverages in quantities of less than a case of
29 twenty-four containers, each container holding seven fluid
30 ounces or more, or a case of twelve containers, each container

1 holding twenty-four fluid ounces or more, except original
2 containers containing one hundred twenty-eight ounces or more
3 which may be sold separately: Provided, That no malt or brewed
4 beverages sold or delivered shall be consumed upon the premises
5 of the distributor or importing distributor, or in any place
6 provided for such purpose by such distributor or importing
7 distributor.

8 (c) No distributor or importing distributor shall maintain
9 or operate any place where sales are made other than that for
10 which the license is granted.

11 (d) No distributor or importing distributor shall maintain
12 any place for the storage of malt or brewed beverages except in
13 the same municipality in which the licensed premises is located
14 and unless the same has been approved by the ~~{board} commission~~. ←
15 In the event there is no place of cold storage in the same
16 municipality, the ~~{board} commission~~ may approve a place of cold ←
17 storage in the nearest municipality.

18 (e) No distributor or importing distributor shall purchase,
19 sell, resell, receive or deliver any malt or brewed beverages,
20 except in strict compliance with the provisions of subsection
21 (b) of section 431 of this act.

22 Section 56. Section 442 of the act, amended October 9, 1967
23 (P.L.413, No.183), July 3, 1980 (P.L.348, No.88) and May 9, 1984
24 (P.L.246, No.54), is reenacted AND AMENDED to read: ←

25 Section 442. Retail Dispensers' Restrictions on Purchases
26 and Sales.--(a) No retail dispenser shall purchase or receive
27 any malt or brewed beverages except in original containers as
28 prepared for the market by the manufacturer at the place of
29 manufacture. The retail dispenser may thereafter break the bulk
30 upon the licensed premises and sell or dispense the same for

1 consumption on or off the premises so licensed: Provided,
2 however, That no retail dispenser may sell malt or brewed
3 beverages for consumption off the premises in quantities in
4 excess of [one hundred forty-four] ONE HUNDRED NINETY-TWO fluid ←
5 ounces: Provided, further, That no club licensee may sell any
6 malt or brewed beverages for consumption off the premises where
7 sold or to persons not members of the club.

8 (b) No retail dispenser shall sell any malt or brewed
9 beverages for consumption on the licensed premises except in a
10 room or rooms or place on the licensed premises at all times
11 accessible to the use and accommodation of the general public,
12 but this section shall not be interpreted to prohibit a retail
13 dispenser from selling malt or brewed beverages in a hotel or
14 club house in any room of such hotel or club house occupied by a
15 bona fide registered guest or member entitled to purchase the
16 same or to prohibit a retail dispenser from selling malt or
17 brewed beverages in a bowling alley when no minors are present,
18 unless minors who are present are under proper supervision as
19 defined in section 493, where the licensed premises and bowling
20 alley are immediately adjacent and under the same roof.

21 (c) For the purpose of this section any person who is an
22 active member of another club which is chartered by the same
23 state or national organization shall have the same rights and
24 privileges as members of the particular club.

25 (d) For the purposes of this section, any person who is an
26 active member of any volunteer firefighting company, association
27 or group of this Commonwealth, whether incorporated or
28 unincorporated, shall upon the approval of any club composed of
29 volunteer firemen licensed under this act, have the same social
30 rights and privileges as members of such licensed club.

1 Section 57. Section 443 of the act is reenacted to read:

2 Section 443. Interlocking Business Prohibited.--(a) No
3 manufacturer of malt or brewed beverages and no officer or
4 director of any such manufacturer shall at the same time be a
5 distributor, importing distributor or retail dispenser, or an
6 officer, director or stockholder or creditor of any distributor,
7 importing distributor or retail dispenser, nor, except as
8 hereinafter provided, be the owner, proprietor or lessor of any
9 place for which a license has been issued for any importing
10 distributor, distributor or retail dispenser, or for which a
11 hotel, restaurant or club liquor license has been issued.

12 (b) No distributor or importing distributor and no officer
13 or director of any distributor or importing distributor shall at
14 the same time be a manufacturer, a retail dispenser or a liquor
15 licensee, or be an officer, director, stockholder or creditor of
16 a manufacturer, a retail dispenser or a liquor licensee, or,
17 directly or indirectly, own any stock of, or have any financial
18 interest in, or be the owner, proprietor or lessor of, any place
19 covered by any other malt or brewed beverage or liquor license.

20 (c) No licensee licensed under this subdivision (B) of
21 Article IV and no officer or director of such licensee shall,
22 directly or indirectly, own any stock of, or have any financial
23 interest in, any other class of business licensed under this
24 subdivision.

25 (d) Excepting as hereinafter provided, no malt or brewed
26 beverage manufacturer, importing distributor or distributor
27 shall in any wise be interested, either directly or indirectly,
28 in the ownership or leasehold of any property or in any mortgage
29 against the same, for which a liquor or retail dispenser's
30 license is granted; nor shall any such manufacturer, importing

1 distributor or distributor, either directly or indirectly, lend
2 any moneys, credit or equivalent thereof to, or guarantee the
3 payment of any bond, mortgage, note or other obligation of, any
4 liquor licensee or retail dispenser, in equipping, fitting out,
5 or maintaining and conducting, either in whole or in part, an
6 establishment or business operated under a liquor or retail
7 dispenser's license, excepting only the usual and customary
8 credits allowed for returning original containers in which malt
9 or brewed beverages were packaged for market by the manufacturer
10 at the place of manufacture.

11 (e) Excepting as hereinafter provided, no manufacturer of
12 malt or brewed beverages shall in any wise be interested, either
13 directly or indirectly, in the ownership or leasehold of any
14 property or any mortgage lien against the same, for which a
15 distributor's or importing distributor's license is granted; nor
16 shall any such manufacturer, either directly or indirectly, lend
17 any moneys, credit, or their equivalent to, or guarantee the
18 payment of any bond, mortgage, note or other obligation of, any
19 distributor or importing distributor, in equipping, fitting out,
20 or maintaining and conducting, either in whole or in part, an
21 establishment or business where malt or brewed beverages are
22 licensed for sale by a distributor or importing distributor,
23 excepting only the usual credits allowed for the return of
24 original containers in which malt or brewed beverages were
25 originally packaged for the market by the manufacturer at the
26 place of manufacture.

27 (f) No distributor, importing distributor or retail
28 dispenser shall in anywise receive, either directly or
29 indirectly, any credit, loan, moneys or the equivalent thereof
30 from any other licensee, or from any officer, director or firm

1 member of any other licensee, or from or through a subsidiary or
2 affiliate of another licensee, or from any firm, association or
3 corporation, except banking institutions, in which another
4 licensee or any officer, director or firm member of another
5 licensee has a substantial interest or exercises a control of
6 its business policy, for equipping, fitting out, payment of
7 license fee, maintaining and conducting, either in whole or in
8 part, an establishment or business operated under a
9 distributor's, importing distributor's or retail dispenser's
10 license, excepting only the usual and customary credits allowed
11 for the return of original containers in which malt or brewed
12 beverages were packaged for the market by the manufacturer at
13 the place of manufacture.

14 (g) The purpose of this section is to require a separation
15 of the financial and business interests between the various
16 classes of business regulated by subdivision (B) of this
17 article, and no person or corporation shall, by any device
18 whatsoever, directly or indirectly, evade the provisions of this
19 section. But in view of existing economic conditions, nothing
20 contained in this section shall be construed to prohibit the
21 ownership of property or conflicting interest by a malt or
22 brewed beverage manufacturer of any place occupied by a
23 distributor, importing distributor or retail dispenser after the
24 manufacturer has continuously owned and had a conflicting
25 interest in such place for a period of at least five years prior
26 to the eighteenth day of July, one thousand nine hundred thirty-
27 five.

28 The term "manufacturer" as used in this section shall include
29 manufacturers of malt or brewed beverages as defined in this act
30 and any person manufacturing any malt or brewed beverages

1 outside of this Commonwealth.

2 Section 58. Section 444 of the act, amended December 12,
3 1980 (P.L.1195, No.221) and repealed in part December 20, 1982
4 (P.L.1409, No.326), is reenacted and amended to read:

5 Section 444. Malt or Brewed Beverages Manufactured Outside
6 This Commonwealth.--(a) In addition to compliance with all
7 other provisions of this act, the ~~{board} commission~~ shall ←
8 require each person desiring to sell any malt or brewed
9 beverages manufactured outside this Commonwealth to Pennsylvania
10 licensees, and shall require each Pennsylvania licensee who
11 desires to purchase and resell any such malt or brewed
12 beverages, to pay to the ~~{board} commission~~ the same fees as are ←
13 required to be paid by Pennsylvania licensees or by persons or
14 licensees in any state, territory or country outside of
15 Pennsylvania who desires to sell malt or brewed beverages
16 manufactured in Pennsylvania to licensees in such other state,
17 territory or country of origin of such malt or brewed beverages
18 not manufactured in Pennsylvania, and to observe and comply with
19 the same regulations, prohibitions and restrictions as are
20 required of or enforced against Pennsylvania licensees or
21 persons who desire to purchase and resell malt or brewed
22 beverages manufactured in Pennsylvania in such other state,
23 territory or country of origin.

24 (b) In all cases where the ~~{board} commission~~ shall have ←
25 issued any reciprocal regulations or orders concerning malt or
26 brewed beverages manufactured in any state, territory or country
27 other than Pennsylvania, no Pennsylvania licensee shall purchase
28 any such malt or brewed beverages if their importation has been
29 prohibited, or if not entirely prohibited, unless such
30 regulations or orders have been observed and complied with by

1 the Pennsylvania licensee and by the person from or through whom
2 the Pennsylvania licensee desires to purchase.

3 (c) Any malt or brewed beverages manufactured outside of
4 Pennsylvania which are sold, transported or possessed in
5 Pennsylvania contrary to any such regulations or orders of the
6 ~~board~~ ~~commission~~, or without the payment of the fees herein ←
7 required, shall be considered contraband and shall be
8 confiscated by the ~~board~~ ~~commission~~ and disposed of in the ←
9 same manner as any other illegal liquor or malt or brewed
10 beverages.

11 (d) Upon learning of the commission by a manufacturer of
12 malt or brewed beverages whose principal place of business is
13 outside this Commonwealth, or by any servant, agent, employe or
14 representative of such manufacturer, within or partly within and
15 partly outside this Commonwealth, of any violation of this act
16 or any laws of this Commonwealth relating to liquor, alcohol or
17 malt or brewed beverages, or of any regulation of the ~~board~~ ←
18 ~~commission~~ adopted pursuant thereto, or of any violation of any
19 laws of this Commonwealth or of the United States of America
20 relating to the tax payment of liquor or malt or brewed
21 beverages, the ~~board~~ ~~commission~~ shall cite such manufacturer ←
22 to appear before it or [its examiner] an administrative law
23 judge not less than ten nor more than fifteen days from the date
24 of mailing such manufacturer at his principal place of business,
25 wherever located, by registered mail, a notice to show cause why
26 the further importation into this Commonwealth of malt or brewed
27 beverages manufactured by him should not be prohibited.

28 (e) Upon such hearing, whether or not an appearance was made
29 by such outside manufacturer, if satisfied that any such
30 violation has occurred, the ~~board~~ ~~commission~~ is specifically ←

1 empowered and directed to issue an order imposing a fine upon
2 such outside manufacturer of not less than five hundred dollars
3 (\$500) or more than ten thousand dollars (\$10,000), or
4 prohibiting the importation of malt or brewed beverages
5 manufactured by such outside manufacturer into this Commonwealth
6 for a period not exceeding three years, or both. Such fine or
7 prohibition shall not go into effect until twenty days have
8 elapsed from the date of notice of issuance of the ~~{board's}~~ ←
9 ~~commission's~~ order.

10 (f) If, after hearing, the ~~{board}~~ ~~commission~~ prohibits the ←
11 importation of malt or brewed beverages manufactured by such
12 outside manufacturer into this Commonwealth, notice of such
13 ~~{board}~~ ~~commission~~ action shall be given immediately to such ←
14 manufacturer and to all persons licensed to import malt or
15 brewed beverages within this Commonwealth by mailing a copy of
16 such order to such manufacturer at its principal place of
17 business, wherever located, and to such licensees at their
18 licensed premises. Thereafter, it shall be unlawful for any
19 person licensed to import malt or brewed beverages within this
20 Commonwealth to purchase any malt or brewed beverages
21 manufactured by such outside manufacturer during the term of
22 such prohibition.

23 (g) Any violation of such prohibitory order shall be a
24 misdemeanor and shall be punished in the same manner as herein
25 provided for any other violation of this act, and shall also
26 constitute grounds for revocation or suspension of a license to
27 import malt or brewed beverages.

28 (h) In all such cases, the ~~{board}~~ ~~commission~~ shall file of ←
29 record at least a brief statement in the form of an opinion of
30 the reasons for the ruling or order.

1 Section 58.1. The act is amended by adding a ~~section~~ <—

2 SECTIONS to read: <—

3 ~~Section 445. Limited Breweries. (a) Holders of a limited~~ <—
4 ~~brewery license may:~~

5 SECTION 444.1. BRAND REGISTRATION.--NO BRAND OR BRANDS OF <—
6 MALT OR BREWED BEVERAGES SHALL BE OFFERED, SOLD OR DELIVERED TO
7 ANY TRADE BUYER WITHIN THIS COMMONWEALTH UNLESS THE MANUFACTURER
8 THEREOF SHALL FIRST SUBMIT AN APPLICATION IN THE FORM AND MANNER
9 PRESCRIBED BY THE BOARD FOR THE REGISTRATION OF THE SAID BRAND
10 OR BRANDS OF MALT BEVERAGES TOGETHER WITH AN ANNUAL FILING FEE
11 NOT TO EXCEED TWENTY FIVE DOLLARS (\$25) FOR EACH BRAND
12 REGISTRATION REQUESTED. IN THE EVENT AN OUT OF STATE OR FOREIGN
13 MANUFACTURER OF MALT OR BREWED BEVERAGES HAS GRANTED FRANCHISE
14 RIGHTS TO ANY PERSON FOR THE SALE AND DISTRIBUTION OF ITS BRAND
15 PRODUCTS BUT WHICH PERSON IS NOT LICENSED TO SELL AND DISTRIBUTE
16 THE SAME IN THIS COMMONWEALTH, SAID SUCH PERSON SHALL
17 NEVERTHELESS BE REQUIRED TO REGISTER THE INVOLVED BRAND BEFORE
18 OFFERING THE SAME FOR SALE IN PENNSYLVANIA. IT IS FURTHER
19 CONDITIONED THAT THE PERSON HOLDING SUCH FRANCHISE RIGHTS SHALL,
20 TOGETHER WITH ITS APPLICATION FOR BRAND REGISTRATION, FILE WITH
21 THE BOARD COPIES OF ALL AGREEMENTS BETWEEN IT AND THE
22 PENNSYLVANIA IMPORTING DISTRIBUTOR APPOINTED BY SUCH PERSON TO
23 SELL AND DISTRIBUTE THE BRANDS OF MALT OR BREWED BEVERAGES AS
24 PROVIDED BY SECTIONS 431 AND 492. SUCH AGREEMENT SHALL CONTAIN
25 THE MANUFACTURER'S CONSENT AND APPROVAL TO THE APPOINTMENT OF
26 THE PENNSYLVANIA IMPORTING DISTRIBUTOR AND THE RIGHTS CONFERRED
27 THEREUNDER.

28 SECTION 445. BREWERIES.--HOLDERS OF A BREWERY LICENSE MAY: <—

29 (1) Sell malt or brewed beverages produced AND OWNED by the <—
30 limited brewery on the licensed premises under such conditions <—

1 and regulations as the ~~commission~~ BOARD may enforce, to the <—
2 ~~commission, to individuals for consumption on or off the~~ <—
3 premises and to hotel, restaurant, club and public service
4 liquor licensees.

5 (2) Operate a restaurant or brewery pub on the licensed
6 premises under such conditions and regulations as the ~~commission~~ <—
7 BOARD may enforce. <—

8 ~~(b) The term "limited brewery" as used in this section shall~~ <—
9 ~~include manufacturers of malt or brewed beverages produced~~
10 ~~within this Commonwealth not exceeding twenty thousand barrels~~
11 ~~per year.~~

12 Section 59. The heading of Subdivision (C) of Article IV of
13 the act is reenacted to read:

14 (C) General Provisions Applying to Both Liquor and Malt
15 and Brewed Beverages.

16 Section 60. Section 461 of the act, amended June 19, 1961
17 (P.L.484, No.245), September 2, 1971 (P.L.429, No.103), December
18 17, 1982 (P.L.1390, No.319) and May 2, 1986 (P.L.141, No.44), is
19 reenacted ~~and amended~~ to read: <—

20 Section 461. Limiting Number of Retail Licenses To Be Issued
21 In Each Municipality.--(a) No licenses shall hereafter be
22 granted by the ~~{board} commission~~ for the retail sale of malt or <—
23 brewed beverages or the retail sale of liquor and malt or brewed
24 beverages in excess of one of such licenses of any class for
25 each two thousand inhabitants in any municipality, exclusive of
26 licenses granted to airport restaurants, municipal golf courses,
27 hotels, privately-owned public golf courses, as defined in this
28 section, and clubs; but at least one such license may be granted
29 in each municipality and in each part of a municipality where
30 such municipality is split so that each part thereof is

1 separated by another municipality, except in municipalities
2 where the electors have voted against the granting of any retail
3 licenses and except in that part of a split municipality where
4 the electors have voted against the granting of any retail
5 licenses. Nothing contained in this section shall be construed
6 as denying the right to the ~~{board} commission~~ to renew or to ←
7 transfer existing retail licenses of any class notwithstanding
8 that the number of such licensed places in a municipality shall
9 exceed the limitation hereinbefore prescribed; but where such
10 number exceeds the limitation prescribed by this section, no new
11 license, except for hotels, municipal golf courses, airport
12 restaurants, privately-owned public golf courses and privately-
13 owned private golf course licensees, as defined in this section,
14 shall be granted so long as said limitation is exceeded.

15 (b) The ~~{board} commission~~ shall have the power to increase ←
16 the number of licenses in any such municipality which in the
17 opinion of the ~~{board} commission~~ is located within a resort ←
18 area.

19 (c) The word "hotel" as used in this section shall mean any
20 reputable place operated by a responsible person of good
21 reputation where the public may, for a consideration, obtain
22 sleeping accommodations, and which shall have the following
23 number of bedrooms and requirements in each case--at least one-
24 half of the required number of bedrooms shall be regularly
25 available to transient guests seven days weekly, except in
26 resort areas; at least one-third of such bedrooms shall be
27 equipped with hot and cold water, a lavatory, commode, bathtub
28 or shower and a clothes closet; and an additional one-third of
29 the total of such required rooms shall be equipped with lavatory
30 and commode:

1 (1) In municipalities having a population of less than three
2 thousand, at least twelve permanent bedrooms for the use of
3 guests.

4 (2) In municipalities having a population of three thousand
5 and more but less than ten thousand inhabitants, at least
6 sixteen permanent bedrooms for the use of guests.

7 (3) In municipalities having a population of ten thousand
8 and more but less than twenty-five thousand inhabitants, at
9 least thirty permanent bedrooms for the use of guests.

10 (4) In municipalities having a population of twenty-five
11 thousand and more but less than one hundred thousand
12 inhabitants, at least forty permanent bedrooms for the use of
13 guests.

14 (5) In municipalities having a population of one hundred
15 thousand and more inhabitants, at least fifty permanent bedrooms
16 for the use of guests.

17 (6) A public dining room or rooms operated by the same
18 management accommodating at least thirty persons at one time and
19 a kitchen, apart from the dining room or rooms, in which food is
20 regularly prepared for the public.

21 (7) Each room to be considered a bedroom under the
22 requirements of this section shall have an area of not less than
23 eighty square feet and an outside window.

24 (8) The provisions of this subsection (c) shall not apply to
25 hotel licenses granted prior to the first day of September, one
26 thousand nine hundred forty-nine, or that have been granted on
27 any application made and pending prior to said date, nor to any
28 renewal or transfer thereof, or hotels under construction or for
29 which a bona fide contract had been entered into for
30 construction prior to said date. In such cases, the provisions

1 of section one of the act, approved the twenty-fourth day of
2 June, one thousand nine hundred thirty-nine (Pamphlet Laws 806),
3 shall continue to apply.

4 (d) "Airport restaurant," as used in this section, shall
5 mean restaurant facilities at any airport for public
6 accommodation, which are owned or operated directly or through
7 lessees by the Commonwealth of Pennsylvania, by any municipal
8 authority, county or city, either severally or jointly, with any
9 other municipal authority, county or city, but shall not include
10 any such restaurant facilities at any airport situated in a
11 municipality where by vote of the electors the retail sale of
12 liquor and malt or brewed beverages is not permitted.

13 (e) "Municipal golf course" as used in this section shall
14 mean the restaurant facilities at any municipal golf course open
15 for public accommodation, which are owned or operated directly
16 or through lessees by a county, municipality or a municipal
17 authority, severally or jointly with any other county,
18 municipality or municipal authority, including any such
19 restaurant facilities at any municipal golf course situate in a
20 municipality where by vote of the electors the retail sale of
21 liquor and malt and brewed beverages is not permitted.

22 (e.1) "Privately-owned public golf course" as used in this
23 section shall mean the restaurant facilities at any privately-
24 owned golf course open for public accommodation.

25 (e.2) "Privately-owned private golf course" as used in this
26 section shall mean the clubhouse at any privately-owned golf
27 course as defined in section 102 open for private membership
28 accommodations only as a club as defined in section 102. The
29 license to be issued in this instance shall be a club license.

30 (f) The provisions of subsection (a) which apply to

1 privately-owned public golf courses shall not apply to the owner
2 of such course who has, within three years prior to the
3 effective date of this amendatory act or at any time after the
4 effective date of this amendatory act, sold or transferred a
5 regularly issued license for such course.

6 Section 61. Section 461.1 of the act, added December 12,
7 1980 (P.L.1195, No.221), is reenacted ~~and amended~~ to read: <—

8 Section 461.1. Incorporated Units of National Veterans'
9 Organizations.--(a) The ~~{board} commission~~ shall have the <—
10 authority to issue new licenses to incorporated units of
11 national veterans' organizations, as defined herein, in
12 municipalities where the number of licenses exceeds the
13 limitation prescribed by section 461.

14 (b) The term "national veterans' organization" shall mean
15 any veterans' organization having a national charter.

16 The term "incorporated unit of a national veterans'
17 organization" shall mean any incorporated post, branch, camp,
18 detachment, lodge or other subordinate unit of a national
19 veterans' organization having one hundred or more paid up
20 members and organized for a period of at least three years prior
21 to filing the application for a license.

22 (c) When the charter of an incorporated unit of a national
23 veterans' organization is suspended or revoked, the retail
24 license of the organization shall also be suspended or revoked.
25 The retail license of an incorporated unit of a national
26 veterans' organization is not transferable to any other
27 organization or person.

28 Section 62. Section 462 of the act is reenacted ~~and amended~~ <—
29 to read:

30 Section 462. Licensed Places May Be Closed During Period of

1 Emergency.--The ~~{board} commission~~ may, with the approval of the ←
2 Governor,

3 (a) Temporarily close all licensed places within any
4 municipality during any period of emergency proclaimed to be
5 such by the Governor.

6 (b) Advance by one hour the hours prescribed in this act as
7 the hours during which liquor and malt or brewed beverages may
8 be sold in any municipality during such part of the year when
9 daylight saving time may be observed generally in such
10 municipality.

11 Section 63. Section 463 of the act, amended November 17,
12 1967 (P.L.510, No.247), March 23, 1972 (P.L.122, No.46) and May
13 9, 1984 (P.L.246, No.54), is reenacted ~~and amended~~ to read: ←

14 Section 463. Places of Amusement Not To Be Licensed;
15 Penalty.--(a) No license for the sale of liquor or malt or
16 brewed beverages in any quantity shall be granted to the
17 proprietors, lessees, keepers or managers of any theater,
18 circus, museum or other place of amusement, nor shall any house
19 be licensed for the sale of liquor or malt or brewed beverages
20 which has passage or communication to or with any theater,
21 circus, museum or other place of amusement, and any license
22 granted contrary to this act shall be null and void. Nothing
23 contained in this section shall be construed as denying to the
24 ~~{board} commission~~ the right to grant a restaurant liquor ←
25 license regardless of quota restrictions to the owner or
26 operator of a restaurant in a building on a plot of ground owned
27 or possessed under lease by a corporation incorporated under the
28 laws of this Commonwealth and used principally by such
29 corporation for holding outdoor sport events wherein such events
30 are held under a license issued as provided by law to such

1 corporation by a department, board or commission of the
2 Commonwealth of Pennsylvania. The restaurant liquor license
3 aforementioned shall be subject to all the conditions and
4 restrictions herein applicable to restaurant liquor licenses,
5 except the above prohibition against any passageway or
6 communication between such licensed premises and the place of
7 amusement.

8 Nothing contained in this act shall be construed as denying
9 to the ~~{board} commission~~ the right to grant a new restaurant ←
10 liquor license, regardless of quota restrictions, at any time,
11 to the owner or operator of a restaurant in a building or plot
12 of ground having a seating capacity in excess of twenty-five
13 thousand, used principally for holding automobile races.

14 (a.1) Nothing contained in subsection (a) of this section or
15 in section 102 of this act shall be construed as denying to the
16 ~~{board} commission~~ the right to grant a club or restaurant ←
17 liquor or malt and brewed beverage license to a club
18 incorporated in this Commonwealth which has been in existence
19 less than one year prior to making application under this
20 section or to a restaurant either of which has a clubhouse or
21 restaurant located in a stadium or arena having an available
22 seating capacity of twelve thousand or more and owned and
23 operated by or pursuant to an agreement with any city of the
24 first class or created and operated under and in compliance with
25 the act of July 29, 1953 (P.L.1034), known as the "Public
26 Auditorium Authorities Law," and used principally for events at
27 which athletes compete or other types of performers entertain.
28 The club or restaurant liquor or malt and brewed beverage
29 license aforementioned shall be subject to all the conditions
30 and restrictions applicable to such licenses and licenses for

1 places of amusement, except the above prohibition against any
2 passageway or communication between such licensed premises and
3 the place of amusement.

4 (a.2) Nothing contained in this act shall be construed to
5 prevent the holder of a hotel, restaurant liquor or malt and
6 brewed beverage license from selling liquor and malt or brewed
7 beverages in a bowling alley, or other recreational areas
8 including, but no limited to, game rooms and video arcade areas
9 of hotels, when no minors are present, unless minors who are
10 present are under proper supervision as defined in section 493,
11 where the restaurant, bowling alley, or other recreational areas
12 including, but not limited to, game rooms and video arcade areas
13 of hotels are immediately adjacent and under the same roof. The
14 restaurant liquor or malt and brewed beverage licensee
15 aforementioned shall be subject to all the conditions and
16 restrictions applicable to such restaurant licenses except the
17 above prohibition against any passageway or communication
18 between a licensed premise and a place of amusement.

19 (b) Any proprietor, lessee, keeper or manager of any
20 theater, circus, museum or other place of amusement, or any
21 other person who shall violate the provisions of this section,
22 shall be guilty of a misdemeanor and, upon conviction thereof,
23 shall be sentenced to pay a fine of one hundred dollars and to
24 undergo an imprisonment of not less than thirty days.

25 Section 64. Section 464 of the act, amended June 3, 1971
26 (P.L.118, No.6), is reenacted and amended to read:

27 Section 464. Hearings Upon Refusal of Licenses, Renewals or
28 Transfers; Appeals.--~~(a)~~ The ~~{board} commission~~ may of its own
29 motion, and shall upon the written request of any applicant for
30 club, hotel or restaurant liquor license, or any applicant for

←

1 any malt or brewed beverage license other than a public service
2 license, or for renewal or transfer thereof, whose application
3 for such license, renewal or transfer has been refused, fix a
4 time and place for hearing of such application for license or
5 for renewal or transfer thereof, notice of which hearing shall
6 be mailed to the applicant at the address given in his
7 application. Such hearing shall be before [the board, a member
8 thereof, or an examiner designated by the board] ~~an~~ <—
9 ~~administrative law judge~~ A HEARING EXAMINER DESIGNATED BY THE <—
10 BOARD. At such hearing, the ~~{board}~~ ~~commission~~ shall present its <—
11 reasons for its refusal or withholding of license, renewal or
12 transfer thereof. The applicant may appear in person or by
13 counsel, may cross-examine the witnesses for the ~~{board}~~ <—
14 ~~commission~~ and may present evidence which shall likewise be
15 subject to cross-examination by the ~~{board}~~ ~~commission~~. Such <—
16 hearing shall be stenographically recorded. The ~~{examiner}~~ <—
17 ~~administrative law judge~~ shall thereafter report to the ~~{board}~~ <—
18 ~~commission~~ upon such hearing. The ~~{board}~~ ~~commission~~ shall <—
19 thereupon grant or refuse the license, renewal or transfer
20 thereof. In considering the renewal of a license, the ~~{board}~~ <—
21 ~~commission~~ shall not refuse any such renewal on the basis of the
22 propriety of the original issuance or any prior renewal of such
23 license. If the ~~{board}~~ ~~commission~~ shall refuse such license, <—
24 renewal or transfer following such hearing, notice in writing of
25 such refusal shall be mailed to the applicant at the address
26 given in his application. In all such cases, the ~~{board}~~ <—
27 ~~commission~~ shall file of record at least a brief statement in
28 the form of an opinion of the reasons for the ruling or order
29 and furnish a copy thereof to the applicant. Any applicant who
30 has appeared [before the board or any agent thereof] at any

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

26 ~~(b)~~ [The jurisdiction of the county court of Allegheny <—
27 County conferred hereby shall be exclusive within the
28 territorial limits of its jurisdiction.] <—

29 Section 65. Sections 465 and 466 of the act are reenacted
30 ~~and amended~~ to read: <—

1 Section 465. All Licensees to Furnish Bond.--(a) No license
2 shall be issued to any applicant under the provisions of this
3 article until such applicant has filed with the ~~board~~ ←
4 ~~commission~~ an approved bond and a warrant of attorney to confess
5 judgment payable to the Commonwealth of Pennsylvania in the
6 amount hereinafter prescribed.

7 (b) Bonds of all such applicants shall have as surety a
8 surety company authorized to do business in this Commonwealth,
9 or shall have deposited therewith, as collateral security, cash
10 or negotiable obligations of the United States of America or the
11 Commonwealth of Pennsylvania in the same amount as herein
12 provided for the penal sum of bonds. In all cases where cash or
13 securities in lieu of other surety have been deposited with the
14 ~~board~~ ~~commission~~, the depositor shall be permitted to continue ←
15 the same deposit from year to year on each renewal of license,
16 but in no event shall he be permitted to withdraw his deposit
17 during the time he holds said license, or until six months after
18 the expiration of the license held by him, or while revocation
19 proceedings are pending against such license. All cash or
20 securities received by the ~~board~~ ~~commission~~ in lieu of other ←
21 surety shall be turned over by the ~~board~~ ~~commission~~ to the ←
22 State Treasurer and held by him. The State Treasurer shall repay
23 or return money or securities deposited with him to the
24 respective depositors only on the order of the ~~board~~ ←
25 ~~commission~~.

26 (c) No such bond shall be accepted until approved by the
27 ~~board~~ ~~commission~~. All such bonds shall be conditioned for the ←
28 faithful observance of all the laws of this Commonwealth
29 relating to liquor, alcohol and malt or brewed beverages and the
30 regulations of the ~~board~~ ~~commission~~. All bonds shall be ←

1 retained by the ~~{board}~~ commission.

←

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

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

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

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

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

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

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

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

27 (e) Every such bond may be forfeited when a license is
28 revoked and shall be turned over to the Attorney General for
29 collection if and when the licensee's license shall have been
30 revoked and his bond forfeited as provided in this act.

1 Section 466. Disposition of Cash and Securities Upon
2 Forfeiture of Bond.--After notice from the ~~{board}~~commission ←
3 that any of the aforesaid bonds have been forfeited, the State
4 Treasurer shall immediately pay into The State Stores Fund all
5 cash deposited as collateral with such bond, and when securities
6 have been deposited with such bond, the State Treasurer shall
7 sell, at private sale, at not less than the prevailing market
8 price, any such securities so deposited as collateral with such
9 forfeited bond. The State Treasurer shall thereafter deposit in
10 The State Stores Fund the net amount realized from the sale of
11 such securities, except that if the amount so realized, after
12 deducting proper costs and expenses, is in excess of the penal
13 amount of the bond, such excess shall be paid over by him to the
14 obligor on such forfeited bond.

15 Section 65.1. Section 467 of the act is reenacted to read:

16 Section 467. Display of License.--Every license issued under
17 this article shall be constantly and conspicuously exposed under
18 transparent substance on the licensed premises and no license
19 shall authorize sales until this section has been complied with.

20 Section 66. Section 468 of the act, amended November 26,
21 1978 (P.L.1389, No.326) and June 24, 1982 (P.L.624, No.176), is
22 reenacted and amended to read:

23 Section 468. Licenses Not Assignable; Transfers.--(a)
24 Licenses issued under this article may not be assigned. The
25 ~~{board}~~commission, upon payment of the transfer filing fee and ←
26 the execution of a new bond, is hereby authorized to transfer
27 any license issued by it under the provisions of this article
28 from one person to another or from one place to another, or
29 both, within the same municipality, and if the applicant is a
30 unit of a nonprofit nationally chartered club, the ~~{board}~~ ←

1 ~~commission~~ is hereby authorized to transfer such license to a
2 place in any other municipality within the same county if the
3 sale of liquor or malt and brewed beverages are legal in such
4 other municipality as the ~~{board} commission~~ may determine. <—
5 Prior to the approval of an application for transfer by a unit
6 of a nonprofit nationally chartered club the ~~{board} commission~~ <—
7 shall make an affirmative finding, upon proof submitted by the
8 applicant, and after investigation by the ~~{board} commission~~, <—
9 that at the time the application for transfer is made the club
10 continues to hold a valid national charter and continues to
11 function in fact as a club as defined in section 102. The
12 ~~{board} commission~~, in its discretion, may transfer an existing <—
13 restaurant retail dispenser or club license from one
14 municipality to another in the same county regardless of the
15 quota limitations provided for in this act, if sales of liquor
16 or malt and brewed beverages are legal in such other
17 municipality and if the restaurant retail dispenser or club lost
18 the use of the building in which it was located due to
19 governmental exercise of the right of eminent domain and no
20 other suitable building can be found in the first municipality.
21 In the case of distributor and importing distributor licenses,
22 the ~~{board} commission~~ may transfer any such license from its <—
23 place in a municipality to a place in any other municipality
24 within the same county, or from one place to another place
25 within the same municipality, or exchange a distributor license
26 for an importing distributor license or an importing distributor
27 license for a distributor license, if the building for which the
28 license is to be issued has, in the case of an importing
29 distributor license, an area under one roof of two thousand five
30 hundred square feet and, in the case of a distributor license,

1 an area under one roof of one thousand square feet: And
2 provided, That, in the case of all transfers of distributor or
3 importing distributor licenses, whether from a place within the
4 same municipality to another place within the same municipality
5 or from a place in a municipality to a place in any other
6 municipality within the same county, and, in the case of an
7 exchange of a distributor license for an importing distributor
8 license or an importing distributor license for a distributor
9 license, the premises to be affected by the transfer or exchange
10 shall contain an office separate and apart from the remainder of
11 the premises to be licensed for the purpose of keeping records,
12 required by the ~~{board}~~commission, adequate toilet facilities ←
13 for employes of the licensee and an entrance on a public
14 thoroughfare: Provided, however, That in the event that the
15 majority of the voting electors of a municipality, at an
16 election held under the provisions of any law so empowering them
17 to do, shall vote against the issuance of distributor or
18 importing distributor licenses in such municipality, the ~~{board}~~ ←
19 commission is hereby authorized to transfer any such distributor
20 or importing distributor license from its place in such
21 municipality to a place in any other municipality within the
22 same county, upon application prior to the expiration of any
23 such license and upon payment of the transfer filing fee and the
24 execution of a new bond; but no transfer shall be made to a
25 person who would not have been eligible to receive the license
26 originally nor for the transaction of business at a place for
27 which the license could not lawfully have been issued
28 originally, nor, except as herein provided, to a place as to
29 which a license has been revoked. No license shall be
30 transferred to any place or property upon which is located as a

1 business the sale of liquid fuels and oil. Except in cases of
2 emergency such as death, serious illness, or circumstances
3 beyond the control of the licensee, as the ~~{board} commission~~ ←
4 may determine such circumstances to justify its action,
5 transfers of licenses may be made only at times fixed by the
6 ~~{board} commission~~. In the case of the death of a licensee, the ←
7 ~~{board} commission~~ may transfer the license to the surviving ←
8 spouse or personal representative or to a person designated by
9 him. From any refusal to grant a transfer or upon the grant of
10 any transfer, the party aggrieved shall have the right of appeal
11 to the proper court in the manner hereinbefore provided. The ←
12 ~~commission shall not authorize the transfer of any license under~~
13 ~~this subsection where the application for transfer has been~~
14 ~~denied by an administrative law judge pursuant to section 404.~~

15 (b.1) In the event that any person to whom a license shall
16 have been issued under the provisions of this article shall
17 become insolvent, make an assignment for the benefit of
18 creditors, become bankrupt by either voluntary or involuntary
19 action, the license of such person shall be immediately placed
20 in safekeeping with the ~~{board} commission~~ for the balance of ←
21 the term of the license and for an additional period of one year
22 upon application to the ~~{board} commission~~ by the trustee, ←
23 receiver, or assignee. The trustee, receiver, or assignee shall
24 have, during said period of safekeeping, the same rights,
25 benefits and obligations as to the license as the person to whom
26 the license had been issued, including the right to transfer the
27 license subject to the approval of the ~~{board} commission~~. The ←
28 license shall continue as a personal privilege granted by the
29 ~~{board} commission~~ and nothing herein shall constitute the ←
30 license as property.

1 (c) (1) The term "nonprofit nationally chartered club"
2 shall mean any club which does not contemplate pecuniary gain or
3 profit, incidental or otherwise, having a national charter.

4 (2) The term "unit of a nonprofit nationally chartered club"
5 shall mean any post, branch, lodge or other subordinate unit of
6 a nonprofit nationally chartered club.

7 (D) THE LICENSE SHALL CONSTITUTE A PRIVILEGE BETWEEN THE <—
8 BOARD AND THE LICENSEE. AS BETWEEN THE LICENSEE AND THIRD
9 PARTIES, THE LICENSE SHALL CONSTITUTE PROPERTY.

10 Section 67. Section 469 of the act, amended September 28,
11 1961 (P.L.1728, No.702), is reenacted and amended to read:

12 Section 469. Applications for Transfers; Fees.--(a) Every
13 applicant for a transfer of a license under the provisions of
14 this article shall file a written application with the {board} <—
15 ~~commission~~, together with a filing fee of thirty dollars (\$30)
16 if the license to be transferred is a liquor license, and twenty
17 dollars (\$20) if the license is a malt or brewed beverage
18 license. Such application shall be is such form and shall be
19 filed at such times as the {board} ~~commission~~ shall in its <—
20 regulations prescribe. Each such applicant shall also file an
21 approved bond as required on original applications for such
22 licenses.

23 (b) Whenever any license is transferred, no license or other
24 fees shall be required from the persons to whom such transfer is
25 made for the balance of the then current license year, except
26 the filing fee as herein provided.

27 Section 68. Section 470 of the act, amended August 1, 1969
28 (P.L.219, No.87), is reenacted and amended to read:

29 Section 470. Renewal of Licenses; Temporary Provisions for
30 Licensees in Armed Service.--(a) All applications for renewal

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

1 the applicant of objections to the renewal of his license, based
2 upon violation by the licensee or his servants, agents or
3 employes of any of the laws of the Commonwealth or regulations
4 of the ~~{board} commission~~ relating to the manufacture, ←
5 transportation, use, storage, importation, possession or sale of
6 liquors, alcohol or malt or brewed beverages, or the conduct of
7 a licensed establishment, or unless the applicant has by his own
8 act become a person of ill repute, or unless the premises do not
9 meet the requirements of this act or the regulations of the
10 ~~{board} commission~~, the license of a licensee shall be renewed. ←

11 (b) In cases where a licensee or his servants, agents or
12 employes are arrested, charged with violating any of the laws of
13 this Commonwealth relating to liquor, alcohol or malt or brewed
14 beverages, and where the ~~{board} commission~~ has on file in such ←
15 cases reports of [its] enforcement officers or investigators of
16 the enforcement bureau or from other sources that a licensee or
17 his servants, agents or employes have violated any of the
18 aforementioned laws and a proceeding to revoke such licensee's
19 license is or is about to be instituted, and such arrest occurs
20 or report of violations is received or revocation proceeding
21 instituted or about to be instituted during the time a renewal
22 application of such license is pending before the ~~{board}~~ ←
23 ~~commission~~, the ~~{board} commission~~ may, in its discretion, renew ←
24 the license, notwithstanding such alleged violations, but such
25 renewal license may be revoked if and when the licensee or any
26 of his servants, agents or employes are convicted of or plead
27 guilty to violations under the previous license, as aforesaid,
28 or if and when such previous license is for any reason revoked.

29 In the event such renewal license is revoked by the ~~{board}~~ ←
30 ~~commission~~, neither the license fee paid for such license nor

1 any part thereof shall be returned to the licensee, but the
2 license bond filed with the application for such renewal of
3 license shall not be forfeited.

4 [(c) Notwithstanding anything to the contrary in this
5 section, any individual who holds a restaurant or hotel liquor
6 license or a retail dispenser (hotel or eating place) malt or
7 brewed beverage license in effect at the time such individual
8 enters the armed forces of the United States of America, may
9 surrender to the board for safekeeping the said license and, if
10 surrendered, shall furnish the board with documentary evidence
11 as to his entering such armed forces. Upon surrender of the
12 license, the board shall, without the filing of an application
13 for renewal or surety bond, the payment of filing and license
14 fees, renew the said license from year to year and hold the same
15 in its possession for the benefit of such licensee. A license so
16 renewed by the board shall to all intents and purposes be
17 considered as in full force and effect, notwithstanding the
18 licensee is not exercising the privileges thereunder, and shall
19 be returned to the said licensee at any time within one year
20 from the date of his honorable discharge from the armed forces
21 of the United States upon the filing of an application therefor,
22 surety bond, and payment of the filing and license fees as
23 hereinafter provided. The said application for return of license
24 shall be on a form prescribed by the board, accompanied by a
25 filing fee in the sum of ten dollars (\$10.00) and the prescribed
26 license fee, except that when such application is filed after a
27 portion of the then current license term has elapsed, the
28 license fee shall be prorated on a monthly basis for the balance
29 of the license year: Provided, however, That the said license
30 shall not be returned if the electors of the municipality in

1 which the licensed establishment is situate have voted against
2 the granting of retail liquor licenses or against the granting
3 of retail dispenser licenses, as the case may be, under the
4 local option provision of this act. In the event the premises
5 originally covered by the license are not available for
6 occupancy by the licensee at the time he files his application
7 for return of license, as hereinbefore provided, he shall be
8 permitted to file an application for transfer of the license to
9 other premises in the same municipality. Such transfer of the
10 license shall be subject to all of the provisions of this act
11 pertaining to the transfer of such licenses.

12 This subsection (c) was enacted due to conditions caused by
13 the present war and shall remain in effect only until the
14 termination of said war and one year thereafter.]

15 Section 69. Sections 470.1 and 470.2 of the act are
16 repealed.

17 Section 70. Section 471 of the act, amended January 13, 1966
18 (1965 P.L.1301, No.518) and repealed in part June 3, 1971
19 (P.L.118, No.6), is reenacted and amended to read:

20 Section 471. Revocation and Suspension of Licenses; Fines.--
21 [Upon learning of any violation of this act or any laws of this
22 Commonwealth relating to liquor, alcohol or malt or brewed
23 beverages, or of any regulations of the board adopted pursuant
24 to such laws, of any violation of any laws of this Commonwealth
25 or of the United States of America relating to the tax-payment
26 of liquor or malt or brewed beverages by any licensee within the
27 scope of this article, his officers, servants, agents or
28 employes, or upon any other sufficient cause shown, the board
29 may, within one year from the date of such violation or cause
30 appearing, cite such licensee to appear before it or its

1 examiner, not less than ten nor more than sixty days from the
2 date of sending such licensee, by registered mail, a notice
3 addressed to him at his licensed premises, to show cause why
4 such license should not be suspended or revoked or a fine
5 imposed. Hearings on such citations shall be held in the same
6 manner as provided herein for hearings on applications for
7 license. Upon such hearing, if satisfied that any such violation
8 has occurred or for other sufficient cause, the board shall
9 immediately suspend or revoke the license, or impose a fine of
10 not less than fifty dollars (\$50) nor more than one thousand
11 dollars (\$1,000), notifying the licensee by registered letter
12 addressed to his licensed premises. In the event the fine is not
13 paid within twenty days of the order the board shall suspend or
14 revoke the license, notifying the licensee by registered mail
15 addressed to his licensed premises. Suspensions and revocations
16 shall not go into effect until twenty days have elapsed from the
17 date of notice of issuance of the board's order, during which
18 time the licensee may take an appeal as provided for in this
19 act. When a license is revoked, the licensee's bond may be
20 forfeited by the board. Any licensee whose license is revoked
21 shall be ineligible to have a license under this act until the
22 expiration of three years from the date such license was
23 revoked. In the event the board shall revoke a license, no
24 license shall be granted for the premises or transferred to the
25 premises in which the said license was conducted for a period of
26 at least one year after the date of the revocation of the
27 license conducted in the said premises, except in cases where
28 the licensee or a member of his immediate family is not the
29 owner of the premises, in which case the board may, in its
30 discretion, issue or transfer a license within the said year. In

1 all such cases, the board shall file of record at least a brief
2 statement in the form of an opinion of the reasons for the
3 ruling or order. In the event the person who was fined or whose
4 license was suspended or revoked by the board shall feel
5 aggrieved by the action of the board, he shall have the right to
6 appeal to the court of quarter sessions or the county court of
7 Allegheny County in the same manner as herein provided for
8 appeals from refusals to grant licenses. Upon appeal, the court
9 so appealed to shall, in the exercise of its discretion,
10 sustain, reject, alter or modify the findings, conclusions and
11 penalties of the board, based on the findings of fact and
12 conclusions of law as found by the court. The aforesaid appeal
13 shall act as a supersedeas unless upon sufficient cause shown
14 the court shall determine otherwise. No penalty provided by this
15 section shall be imposed by the board or any court for any
16 violations provided for in this act unless the enforcement
17 officer or the board notifies the licensee of its nature and of
18 the date of the alleged violation within ten days of the
19 completion of the investigation which in no event shall exceed
20 ninety days.

21 If the violation in question is a third or subsequent
22 violation of this act or the act of June 24, 1939 (P.L.872),
23 known as "The Penal Code," occurring within a period of four
24 years the board shall impose a suspension or revocation.

25 The jurisdiction of the county court of Allegheny County
26 conferred hereby shall be exclusive within the territorial
27 limits of its jurisdiction.] (a) Upon learning of any violation
28 of this act or any laws of this Commonwealth relating to liquor,
29 alcohol or malt or brewed beverages, or of any regulations of
30 the ~~commission~~ BOARD adopted pursuant to such laws, or any

<—

1 violation of any laws of this Commonwealth or of the Federal
2 Government relating to the payment of taxes on liquor, alcohol
3 or malt or brewed beverages by any licensee within the scope of
4 this article, his officers, servants, agents or employes, or
5 upon any other sufficient cause shown, the enforcement bureau
6 may, within one year from the date of such violation or cause
7 appearing, cite such licensee to appear before an administrative
8 law judge, not less than ten nor more than sixty days from the
9 date of sending such licensee, by registered mail, a notice
10 addressed to him at his licensed premises, to show cause why
11 such license should not be suspended or revoked or a fine
12 imposed, or both. The bureau shall also send a copy of the
13 hearing notice to the municipality in which the premises is
14 located.

15 (b) Hearing on such citations shall be held in the same
16 manner as provided herein for hearings on applications for
17 license. Upon such hearing, if satisfied that any such violation
18 has occurred or for other sufficient cause, the administrative
19 law judge shall immediately suspend or revoke the license, or
20 impose a fine of not less than fifty dollars (\$50) nor more than
21 one thousand dollars (\$1,000), or both, notifying the licensee
22 by registered letter addressed to his licensed premises. If the
23 licensee has been cited and found to have violated SECTION <—
24 493(1) INsofar AS IT RELATES TO SALES TO MINORS, section 493(10)
25 insofar as it relates to lewd, immoral or improper entertainment
26 OR SECTION 493(14), (16) OR (21), or has been found to be a <—
27 public nuisance pursuant to section 611, or if the owner or
28 operator of the licensed premises or any authorized agent of the
29 owner or operator has been convicted of any violation of the act
30 of April 14, 1972 (P.L.233, No.64), known as "The Controlled

1 Substance, Drug, Device and Cosmetic Act," or of 18 Pa.C.S. §
2 5902 (relating to prostitution and related offenses) or 6301
3 (relating to corruption of minors), at or relating to the
4 licensed premises, the administrative law judge shall
5 immediately suspend or revoke the license, or impose a fine of
6 not less than one thousand dollars (\$1,000) nor more than five
7 thousand dollars (\$5,000), or both. The administrative law judge
8 shall notify the licensee by registered mail, addressed to the
9 licensed premises, of such suspension, revocation or fine. The
10 increased civil penalty imposed by this subsection shall not be
11 used to require any licensee to increase the amount of the bond
12 required by this act. In the event the fine is not paid within
13 twenty days of the adjudication, the administrative law judge
14 shall suspend or revoke the license, notifying the licensee by
15 registered mail addressed to the licensed premises. Suspensions
16 and revocations shall not go into effect until thirty days have
17 elapsed from the date of the adjudication during which time the
18 licensee may take an appeal as provided for in this act. When a
19 license is revoked, the licensee's bond may be forfeited. Any
20 licensee whose license is revoked shall be ineligible to have a
21 license under this act until the expiration of three years from
22 the date such license was revoked. In the event a license is
23 revoked, no license shall be granted for the premises or
24 transferred to the premises in which the said license was
25 conducted for a period of at least one year after the date of
26 the revocation of the license conducted in the said premises,
27 except in cases where the licensee or a member of his immediate
28 family is not the owner of the premises, in which case the
29 commission BOARD may, in its discretion, issue or transfer a
30 license within the said year. In the event the bureau or the

<—

1 person who was fined or whose license was suspended or revoked
2 shall feel aggrieved by the adjudication of the administrative
3 law judge, there shall be a right to appeal to the BOARD. THE <—
4 APPEAL SHALL BE BASED SOLELY ON THE RECORD BEFORE THE
5 ADMINISTRATIVE LAW JUDGE. THE BOARD SHALL AFFIRM THE DECISION OF
6 THE ADMINISTRATIVE LAW JUDGE IF IT IS BASED ON SUBSTANTIAL
7 EVIDENCE; OTHERWISE, THE BOARD SHALL REVERSE THE DECISION OF THE
8 ADMINISTRATIVE LAW JUDGE. IN THE EVENT THE BUREAU OR THE PERSON
9 WHO WAS FINED OR WHOSE LICENSE WAS SUSPENDED OR REVOKED SHALL
10 FEEL AGGRIEVED BY THE DECISION OF THE BOARD, THERE SHALL BE A
11 RIGHT TO APPEAL TO THE court of common pleas in the same manner
12 as herein provided for appeals from refusals to grant licenses.
13 ~~The aforesaid appeal~~ EACH OF THE APPEALS shall act as a <—
14 supersedeas unless upon sufficient cause shown the court <—
15 REVIEWING AUTHORITY shall determine otherwise; however, if the <—
16 licensee has been cited and found to have violated SECTION <—
17 493(1) INsofar AS IT RELATES TO SALES TO MINORS, section 493(10)
18 insofar as it relates to lewd, immoral or improper entertainment
19 OR SECTION 493(14), (16) OR (21), or has been found to be a <—
20 public nuisance pursuant to section 611, or if the owner or
21 operator of the licensed premises or any authorized agent of the
22 owner or operator has been convicted of any violation of "The
23 Controlled Substance, Drug, Device and Cosmetic Act," or of 18
24 Pa.C.S. § 5902 or 6301, at or relating to the licensed premises,
25 its appeal shall not act as a supersedeas unless the court <—
26 REVIEWING AUTHORITY determines otherwise upon sufficient cause <—
27 shown. In any hearing on an application for a supersedeas under
28 this section, the court REVIEWING AUTHORITY may consider, in <—
29 addition to other relevant evidence, documentary evidence,
30 including records of the bureau, showing the prior history of

1 citations, fines, suspensions or revocations against the
2 licensee; and the ~~court~~ REVIEWING AUTHORITY may also consider, <—
3 in addition to other relevant evidence, evidence of any
4 recurrence of the unlawful activity occurring between the date
5 of the citation which is the subject of the appeal and the date
6 of the hearing ~~by the court~~. No penalty provided by this section <—
7 shall be imposed for any violations provided for in this act
8 unless the bureau notifies the licensee of its nature within
9 thirty days of the completion of the investigation.

10 (c) If the violation in question is a third or subsequent
11 violation of this act or Title 18 of the Pennsylvania
12 Consolidated Statutes (relating to crime and offenses),
13 occurring within a period of four years, the administrative law
14 judge shall impose a suspension or revocation.

15 Section 71. Section 472 of the act, amended May 2, 1986
16 (P.L.141, No.44), is reenacted ~~and amended~~ to read: <—

17 Section 472. Local Option.--In any municipality or any part
18 of a municipality where such municipality is split so that each
19 part thereof is separated by another municipality, an election
20 may be held on the date of the primary election immediately
21 preceding any municipal election, but not oftener than once in
22 four years, to determine the will of the electors with respect
23 to the granting of liquor licenses to hotels, restaurants and
24 clubs, not oftener than once in four years, to determine the
25 will of the electors with respect to the granting of liquor
26 licenses to privately-owned private golf courses, not oftener
27 than once in four years, to determine the will of the electors
28 with respect to the granting of licenses to retail dispensers of
29 malt and brewed beverages, not oftener than once in four years,
30 to determine the will of the electors with respect to granting

1 of licenses to wholesale distributors and importing
2 distributors, or not more than once in four years, to determine
3 the will of the electors with respect to the establishment,
4 operation and maintenance by the ~~board~~commission of ←
5 Pennsylvania liquor stores, within the limits of such
6 municipality or part of a split municipality, under the
7 provisions of this act: Provided, however, Where an election
8 shall have been held at the primary preceding a municipal
9 election in any year, another election may be held under the
10 provisions of this act at the primary occurring the fourth year
11 after such prior election: And provided further, That an
12 election on the question of establishing and operating a State
13 liquor store shall be initiated only in those municipalities, or
14 that part of a split municipality that shall have voted against
15 the granting of liquor licenses; and that an election on the
16 question of granting wholesale distributor and importing
17 distributor licenses shall be initiated only in those
18 municipalities or parts of split municipalities that shall have
19 at a previous election voted against the granting of dispenser's
20 licenses. Whenever electors equal to at least twenty-five per
21 centum of the highest vote cast for any office in the
22 municipality or part of a split municipality at the last
23 preceding general election shall file a petition with the county
24 board of elections of the county for a referendum on the
25 question of granting any of said classes of licenses or the
26 establishment of Pennsylvania liquor stores, the said county
27 board of elections shall cause a question to be placed on the
28 ballots or on the voting machine board and submitted at the
29 primary immediately preceding the municipal election. Separate
30 petitions must be filed for each question to be voted on. Said

1 proceedings shall be in the manner and subject to the provisions
2 of the election laws which relate to the signing, filing and
3 adjudication of nomination petitions, insofar as such provisions
4 are applicable.

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

7 Do you favor the granting of liquor licenses
8 for the sale of liquor in..... Yes
9 of.....? No

10 When the question is in respect to the granting of liquor
11 licenses, for privately-owned private golf courses, it shall be
12 in the following form:

13 Do you favor the granting of liquor licenses for
14 privately-owned private golf courses for the sale
15 of liquor in.....by..... Yes
16 of.....? No

17 When the question is in respect to the granting of licenses
18 to retail dispensers of malt and brewed beverages, it shall be
19 in the following form:

20 Do you favor the granting of malt and brewed
21 beverage retail dispenser licenses for
22 consumption on premises where sold in the..... Yes
23 of.....? No

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

27 Do you favor the granting of malt and brewed
28 beverage wholesale distributor's and importing
29 distributor's licenses not for consumption on
30 premises where sold in the..... Yes

1 of.....? No

2 When the question is in respect to the establishment,
3 operation and maintenance of Pennsylvania liquor stores it shall
4 be in the following form:

5 Do you favor the establishment, operation
6 and maintenance of Pennsylvania liquor
7 stores in the..... Yes

8 of.....? No

9 In case of a tie vote, the status quo shall obtain. If a
10 majority of the voting electors on any such question vote "yes,"
11 then liquor licenses shall be granted by the ~~{board} commission~~ ←
12 to hotels, restaurants and clubs, or liquor licenses shall be
13 granted by the ~~{board} commission~~ to privately-owned private ←
14 golf courses, or malt and brewed beverage retail dispenser
15 licenses or wholesale distributor's and importing distributor's
16 license for the sale of malt or brewed beverages shall be
17 granted by the ~~{board} commission~~, or the ~~{board} commission~~ may ←
18 establish, operate and maintain Pennsylvania liquor stores, as
19 the case may be, in such municipality or part of a split
20 municipality, as provided by this act; but if a majority of the
21 electors voting on any such question vote "no," then the ~~{board}~~ ←
22 ~~commission~~ shall have no power to grant or to renew upon their
23 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} commission~~ shall not open and operate a Pennsylvania ←
28 liquor store in such municipality or part of a split
29 municipality, nor continue to operate a then existing
30 Pennsylvania liquor store in the municipality or part of a split

1 municipality for more than two years thereafter or after the
2 expiration of the term of the lease on the premises occupied by
3 such store, whichever period is less, unless and until at a
4 later election a majority of the voting electors vote "yes" on
5 such question.

6 Section 72. Section 472.1 of the act, added September 15,
7 1961 (P.L.1337, No.590), is reenacted to read:

8 Section 472.1. Clubs.--Whenever any club in existence at
9 least five years prior to the time of application for license
10 owns a contiguous plot of land in more than two municipalities
11 in one or more but less than all of which the granting of liquor
12 licenses has not been prohibited and at least one acre of the
13 plot of land owned by the club is situated in each municipality
14 in which the granting of liquor licenses has not been
15 prohibited, the club may be issued a club liquor license or a
16 catering license by the board if the board finds that the
17 license will not be detrimental to any residential neighborhood.
18 This section shall not be construed to prohibit the issuance of
19 club liquor licenses or catering licenses which may otherwise be
20 issued under the provisions of this act.

21 Section 73. Section 472.2 of the act, added November 18,
22 1969 (P.L.296, No.124), is reenacted ~~and amended~~ to read: <—

23 Section 472.2. Granting of Liquor Licenses in Certain
24 Municipalities.--(a) In any municipality which has, prior to
25 January 1, 1967, by referendum approved the granting of malt and
26 brewed beverage retail dispensers' licenses and has also
27 thereafter, in a separate and subsequent referendum approved the
28 granting of liquor licenses prior to the effective date of this
29 amendment, the ~~board~~ ~~commission~~ may issue to an applicant <—
30 holding a malt and brewed beverage retail dispenser's license, a

1 liquor license: Provided, That the applicant surrenders for
2 cancellation the malt and brewed beverage retail dispenser's
3 license. The ~~{board} commissioner~~ shall not issue such a liquor ←
4 license in excess of one for each one thousand five hundred
5 residents in said municipality and any application for said
6 license shall be filed within two years from the effective date
7 of this amendment.

8 (b) Nothing in this section shall otherwise affect any
9 existing malt and brewed beverage retail dispenser's license.

10 (c) The ~~{board} commission~~ may not accept, act upon, or ←
11 grant an application for a liquor license under this section,
12 when such application, if granted, would cause an excess in the
13 aforesaid quota of one liquor license for each one thousand five
14 hundred residents in said municipality. Nor shall an applicant
15 under this section be required to surrender his malt and brewed
16 beverage retail dispenser's license until and unless the ~~{board}~~ ←
17 ~~commission~~ has granted his application for a liquor license.

18 Section 74. Section 472.3 of the act, added July 3, 1980
19 (P.L.348, No.88), is reenacted ~~and amended~~ to read: ←

20 Section 472.3. Exchange of Certain Licenses.--(a) In any
21 municipality wherein restaurant liquor license issue, the
22 ~~{board} commission~~ may issue to a club as defined in this act, a ←
23 club liquor license in exchange for a club retail dispenser
24 license.

25 (b) An applicant under this section shall surrender his club
26 retail dispenser license for cancellation prior to the issuance
27 of the new club liquor license.

28 (c) The applicant for such exchange of license shall file an
29 application for a club liquor license and shall post a notice of
30 such application in the manner provided in section 403. In

1 determining whether the exchange shall be granted the ~~{board}~~ <—
2 ~~commission~~ shall have the same discretion as provided in section
3 404 in the case of any new license.

4 (d) The provisions of section 461 pertaining to quota shall
5 not pertain to this section for exchange purposes.

6 Section 75. Section 473 of the act, added January 13, 1966
7 (1965 P.L.1301, No.518), is reenacted ~~and amended~~ to read: <—

8 Section 473. Public Record.--(a) Any person having a
9 pecuniary interest in the conduct of business on licensed
10 premises whether that interest is direct or indirect, legal or
11 equitable, individual, corporate, or mutual shall file his name
12 and address with the ~~{board} commission~~ on forms provided by the <—
13 ~~{board} commission~~. In the case of corporate ownership, the <—
14 secretary of the corporation shall file with the ~~{board}~~ <—
15 ~~commission~~ the names and addresses of all persons having such a
16 corporate pecuniary interest.

17 (b) The names and addresses required by this section shall
18 be recorded by the ~~{board} commission~~ and made available to the <—
19 public as a public record.

20 Section 76. Section 474 of the act, added July 20, 1968
21 (P.L.429, No.201), is reenacted ~~and amended~~ to read: <—

22 Section 474. Surrender of Club Licenses for Benefit of
23 Licensees.--Whenever a club license has been returned to the
24 ~~{board} commission~~ for the benefit of the licensee due to the <—
25 licensed establishment not having been in operation for any
26 reason whatsoever for a period of time not exceeding fifteen
27 days, the license shall be held by the ~~{board} commission~~ for <—
28 the benefit of the licensee for a period of time not exceeding
29 one year, or, upon proper application to the ~~{board} commission~~, <—
30 for an additional year, and the license shall be revoked at the

1 termination of the period, and transfer of the license shall not
2 be permitted after the termination of the period.

3 Section 77. Section 475 of the act, amended November 26,
4 1978 (P.L.1389, No.326) and June 24, 1982 (P.L.624, No.176), is
5 reenacted to read:

6 Section 475. Establishments Proximate to Interstate Highways
7 Not To Be Licensed.--(a) No license for the sale of liquor or
8 malt or brewed beverages in any quantity shall be granted to the
9 proprietor, lessee, keeper or manager of an establishment the
10 building entrance to which is located within three hundred feet
11 of the entrance or exit of an interstate limited access highway.

12 (b) This section shall not apply to existing licenses, nor
13 be deemed to affect the right of an existing licensee to
14 reinstatement or renewal of his license.

15 SECTION 77.1. THE ACT IS AMENDED BY ADDING A SECTION TO
16 READ: <—

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

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

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

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

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

30 (5) THE APPLICANT'S UNEMPLOYMENT COMPENSATION ACCOUNT

1 NUMBER; AND

2 (6) A STATEMENT THAT:

3 (I) ALL STATE TAX REPORTS HAVE BEEN FILED AND ALL STATE
4 TAXES PAID;

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

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

9 (B) AN APPLICANT FOR THE GRANT, RENEWAL OR TRANSFER OF ANY
10 LICENSE ISSUED PURSUANT TO THIS ARTICLE SHALL, BY THE FILING OF
11 AN APPLICATION INsofar AS IT RELATES TO THE BOARD, WAIVE ANY
12 CONFIDENTIALITY WITH RESPECT TO STATE TAX INFORMATION REGARDING
13 SAID APPLICANT IN THE POSSESSION OF THE DEPARTMENT OF REVENUE,
14 THE OFFICE OF ATTORNEY GENERAL OR THE DEPARTMENT OF LABOR AND
15 INDUSTRY, REGARDLESS OF THE SOURCE OF THAT INFORMATION AND SHALL
16 CONSENT TO THE PROVIDING OF THAT INFORMATION TO THE BOARD BY THE
17 DEPARTMENT OF REVENUE, THE OFFICE OF ATTORNEY GENERAL OR THE
18 DEPARTMENT OF LABOR AND INDUSTRY.

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

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

29 (1) PROVIDE ANY OF THE INFORMATION REQUIRED BY SUBSECTION
30 (A);

1 (2) FILE REQUIRED STATE TAX REPORTS; OR
2 (3) PAY ANY STATE TAXES NOT SUBJECT TO A TIMELY
3 ADMINISTRATIVE OR JUDICIAL APPEAL OR SUBJECT TO A DULY
4 AUTHORIZED DEFERRED PAYMENT PLAN.

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

8 Section 78. Subheading (D) of Article IV of the act is
9 reenacted to read:

10 (D) Unlawful Acts; Penalties.

11 Section 79. Section 491 of the act, amended July 18, 1961
12 (P.L.789, No.347), May 5, 1970 (P.L.342, No.110), October 11,
13 1972 (P.L.906, No.215), October 2, 1974 (P.L.665, No.220),
14 October 10, 1974 (P.L.692, No.231), December 12, 1980 (P.L.1195,
15 No.221) and February 9, 1984 (P.L.21, No.8), is reenacted and
16 amended to read:

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

19 It shall be unlawful--

20 (1) Sales of Liquor. For any person, by himself or by an
21 employe or agent, to expose or keep for sale, or directly or
22 indirectly, or upon any pretense or upon any device, to sell or
23 offer to sell any liquor within this Commonwealth, except in
24 accordance with the provisions of this act and the regulations
25 of the ~~{board}~~ commission. This clause shall not be construed to ←
26 prohibit hospitals, physicians, dentists or veterinarians who
27 are licensed and registered under the laws of this Commonwealth
28 from administering liquor in the regular course of their
29 professional work and taking into account the cost of the liquor
30 so administered in making charges for their professional

1 service, or a pharmacist duly licensed and registered under the
2 laws of this Commonwealth from dispensing liquor on a
3 prescription of a duly licensed physician, dentist or
4 veterinarian, or selling medical preparations containing
5 alcohol, or using liquor in compounding prescriptions or
6 medicines and making a charge for the liquor used in such
7 medicines, or a manufacturing pharmacist or chemist from using
8 liquor in manufacturing preparations unfit for beverage purposes
9 and making a charge for the liquor so used. All such liquors so
10 administered or sold by hospitals, physicians, dentists,
11 veterinarians, pharmacists or chemists shall conform to the
12 Pharmacopoeia of the United States, the National Formulary, or
13 the American Homeopathic Pharmacopoeia. This clause shall not be
14 construed to prohibit an executor or an administrator of a
15 decedent's estate from selling privately or at public auction
16 liquor which was an asset of the decedent. The {board} ←—
17 ~~commission~~ shall establish regulations to ensure that State
18 taxes from the sales will be paid by the estate from the
19 proceeds of the sale. The {board} ~~commission~~ ←— may not prohibit a
20 sale of liquor for the reason that it was not lawfully acquired
21 prior to January 1, 1934 or has not been purchased from a
22 Pennsylvania Liquor Store or in compliance with Pennsylvania
23 law.

24 (2) Possession or Transportation of Liquor or Alcohol. For
25 any person, except a manufacturer or the {board} ~~commission~~ ←—
26 the holder of a sacramental wine license or of an importer's
27 license, to possess or transport any liquor or alcohol within
28 this Commonwealth which was not lawfully acquired prior to
29 January first, one thousand nine hundred and thirty-four, or has
30 not been purchased from a Pennsylvania Liquor Store or a

1 licensed limited winery in Pennsylvania, except miniatures
2 totalling less than one gallon purchased by a collector of the
3 same in another state or foreign country, or in accordance with
4 the ~~{board's} commission's~~ regulations. The burden shall be upon ←
5 the person possessing or transporting such liquor or alcohol to
6 prove that it was so acquired. But nothing herein contained
7 shall prohibit the manufacture or possession of wine by any
8 person in his home for consumption of himself, his family and
9 guests and not for sale, not exceeding, during any one calendar
10 year, two hundred gallons, any other law to the contrary
11 notwithstanding. Such wine shall not be manufactured, possessed,
12 offered for sale or sold on any licensed premises.

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

1 regulations issued by the Department of Defense. Such liquor
2 shall not be possessed, offered for sale or sold on any licensed
3 premises.

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

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

1 however, That if it is a second or subsequent offense or if it
2 is established that the illegal possession or transportation was
3 in connection with a commercial transaction, then the other
4 provisions of this act providing for prosecution as a
5 misdemeanor and for the forfeiture of the vehicle, boat, vessel,
6 animal or aircraft shall apply.

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

14 (4) Possession and Use of Decanters. For any person to use
15 decanters of alcoholic beverages except that the use of
16 decanters or other similar receptacles by licensees shall be
17 permitted in the case of wines and then only in accordance with
18 the regulations of the ~~{board}~~commission, but nothing herein ←
19 contained shall prohibit the manufacture and possession of wine
20 as provided in clause (2) of this section.

21 (5) Failure to Break Empty Liquor Containers. For any
22 restaurant, hotel or club licensee, his servants, agents or
23 employes, to fail to break any package in which liquors were
24 contained, except those decanter packages that the ~~{board}~~ ←
25 commission determines to be decorative, within twenty-four hours
26 after the original contents were removed therefrom.

27 (6) Sales by Restaurant and Hotel Liquor Licensees. For any
28 restaurant or hotel licensee, his servants, agents or employes,
29 to sell any liquor or malt or brewed beverages for consumption
30 on the licensed premises except in a room or rooms or place on

1 the licensed premises at all times accessible to the use and
2 accommodation of the general public, but this section shall not
3 be interpreted to prohibit a restaurant liquor licensee from
4 providing private affairs the primary function of which is for
5 catering only to weddings or special occasions arranged twenty-
6 four hours in advance, nor to prohibit a hotel licensee, or a
7 restaurant licensee when the restaurant is located in a hotel,
8 from selling liquor or malt or brewed beverages in any room of
9 such hotel occupied by a bona fide guest or to prohibit a
10 restaurant licensee from selling liquor or malt or brewed
11 beverages in a bowling alley when no minors are present where
12 the restaurant and bowling alley are immediately adjacent and
13 under the same roof.

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

23 (8) Importation and Sales of Alcohol. For any person, to
24 import alcohol into this Commonwealth, or to sell alcohol to any
25 person, except in accordance with the regulations of the {board} ←
26 ~~commission~~.

27 (9) Possession of Alcohol. For any person, to have alcohol
28 in his possession, except in accordance with the provisions of
29 this act and the regulations of the {board} ~~commission~~. ←

30 (10) Fortifying, Adulterating or Contaminating Liquor. For

1 any licensee or any employe or agent of a licensee or of the
2 ~~{board} commission~~, to fortify, adulterate or contaminate any ←
3 liquor, except as permitted by the regulations of the ~~{board}~~ ←
4 ~~commission~~, or to refill wholly or in part, with any liquid or
5 substance whatsoever, any liquor bottle or other liquor
6 container.

7 (11) Importation of Liquor. For any person, other than the
8 ~~{board} commission~~ or the holder of a sacramental wine license ←
9 or of an importer's license, to import any liquor whatsoever
10 into this Commonwealth, but this section shall not be construed
11 to prohibit railroad and pullman companies from selling liquors
12 purchased outside the Commonwealth in their dining, club and
13 buffet cars which are covered by public service liquor licenses
14 and which are operated in this Commonwealth.

15 (12) Delivery of Liquor by Certain Licensees. For a liquor
16 licensee permitted to deliver liquor, to make any deliveries
17 except in his own vehicles bearing his name, address and license
18 number on each side in letters not smaller than four inches in
19 height, or in the vehicle of another person duly authorized to
20 transport liquor within this Commonwealth.

21 (13) Violation of Certain Rules and Regulations of ~~{Board}~~ ←
22 ~~Commission~~. For any person, to violate any rules and regulations
23 adopted by the ~~{board} commission~~ to insure the equitable ←
24 wholesale and retail sale and distribution of liquor and alcohol
25 through the Pennsylvania Liquor Stores.

26 (14) Offering Commission or Gift to Members of ~~{Board}~~ ←
27 ~~Commission~~ or State Employe. For any person selling or offering
28 to sell liquor or alcohol to, or purchasing at wholesale liquor
29 or alcohol from, the ~~{board} commission~~, either directly or ←
30 indirectly, to pay or offer to pay any commission, profit or

1 remuneration, or to make or offer to make any gift to any member
2 or employe of the ~~{board} commission~~ or other employe of the ←
3 Commonwealth or to anyone on behalf of such member or employe.

4 Section 80. Section 492 of the act, amended July 3, 1957
5 (P.L.475, No.268), June 22, 1980 (P.L.253, No.73) and June 24,
6 1982 (P.L.624, No.176), is reenacted ~~and amended~~ to read: ←

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

9 It shall be unlawful--

10 (1) Manufacturing Without License. For any person, to
11 manufacture malt or brewed beverages, unless such person holds a
12 valid manufacturer's license for such purpose issued by the
13 ~~{board} commission~~. ←

14 (2) Sales of Malt or Brewed Beverages for Consumption on the
15 Premises. For any person, to sell to another for consumption
16 upon the premises where sold or to permit another to consume
17 upon the premises where sold, any malt or brewed beverages,
18 unless such person holds a valid retail dispenser license or a
19 valid liquor license issued by the ~~{board} commission~~ ←
20 authorizing the sale of malt or brewed beverages for consumption
21 upon such premises.

22 (3) Sales of Malt or Brewed Beverages Not for Consumption on
23 the Premises. For any person, to sell to another any malt or
24 brewed beverages not for consumption upon the premises where
25 sold, unless such person holds a valid license permitting such
26 sale.

27 (4) Sunday Sales of Malt or Brewed Beverages by
28 Manufacturers, Importing Distributors or Distributors. For any
29 manufacturer of malt or brewed beverages, importing distributor
30 or distributor, or the servants, agents or employes of the same,

1 to sell, trade or barter in malt or brewed beverages between the
2 hours of twelve o'clock midnight of any Saturday and two o'clock
3 in the forenoon of the following Monday.

4 (5) Sales of Malt or Brewed Beverages by Hotels, Eating
5 Places or Public Service Licensees During Prohibited Hours.--For
6 any hotel or eating place holding a retail dispenser's license,
7 or the servants, agents or employes of such licensees, to sell,
8 trade or barter in malt or brewed beverages between the hours of
9 two o'clock antemeridian Sunday and seven o'clock in the
10 forenoon of the following Monday, or between the hours of two
11 o'clock antemeridian and seven o'clock antemeridian of any week
12 day: Provided, That notwithstanding any provision to the
13 contrary, whenever the thirty-first day of December falls on a
14 Sunday such sales of malt or brewed beverages may be made on
15 such day after one o'clock postmeridian and until two o'clock
16 antemeridian of the following day. For any public service
17 licensee authorized to sell malt or brewed beverages or the
18 servants, agents or employes of such licensees to sell, trade or
19 barter in malt or brewed beverages between the hours of two
20 o'clock antemeridian and seven o'clock antemeridian on any day.

21 Any licensee holding a retail dispenser license or a malt or
22 brewed beverage public service license may, by giving notice to
23 the ~~board~~commission, advance by one hour the hours herein ←
24 prescribed as those during which malt or brewed beverages may be
25 sold during such part of the year when daylight saving time is
26 being observed generally in the municipality in which the place
27 of business is located. Any licensee who elects to operate his
28 place of business in accordance with daylight saving time shall
29 post a conspicuous notice in his place of business that he is
30 operating in accordance with daylight saving time.

1 (6) Sales of Malt or Brewed Beverages on Election Day by
2 Hotels, Eating Places or Public Service Licensees. For any hotel
3 or eating place holding a retail dispenser's license, or any
4 malt or brewed beverage public service licensee, or his
5 servants, agents or employes, to sell, furnish or give any malt
6 or brewed beverages to any person after two o'clock
7 antemeridian, or until one hour after the time fixed by law for
8 the closing of polling places on days on which a general,
9 municipal, special or primary election is being held except as
10 permitted by subsection (f) of section 432.

11 (7) Clubs Selling Between Three O'Clock Antemeridian and
12 Seven O'Clock Antemeridian. For any club retail dispenser, or
13 its servants, agents or employes, to sell malt or brewed
14 beverages between the hours of three o'clock antemeridian and
15 seven o'clock antemeridian on any day.

16 (8) Transportation of Malt or Brewed Beverages. For any
17 person, to transport malt or brewed beverages except in the
18 original containers, or to transport malt or brewed beverages
19 for another who is engaged in selling either liquor or malt or
20 brewed beverages, unless such person shall hold (a) a license to
21 transport for hire, alcohol, liquor and malt or brewed
22 beverages, as hereinafter provided in this act, or (b) shall
23 hold a permit issued by the ~~{board}~~commission and shall have <—
24 paid to the ~~{board}~~commission such permit fee, not exceeding <—
25 one hundred dollars (\$100), and shall have filed with the
26 ~~{board}~~commission a bond in the penal sum of not more than two <—
27 thousand dollars (\$2000), as may be fixed by the rules and
28 regulations of the ~~{board}~~commission, any other law to the <—
29 contrary notwithstanding.

30 (9) Transportation of Malt or Brewed Beverages by Licensee.

1 For a malt or brewed beverage licensee, to deliver or transport
2 any malt or brewed beverages, excepting in vehicles bearing the
3 name and address and license number of such licensee painted or
4 affixed on each side of such vehicle in letters no smaller than
5 four inches in height.

6 (10) Importing or Transporting Malt or Brewed Beverages
7 Without Tax Stamps. For any person, to transport within or
8 import any malt or brewed beverages into this Commonwealth,
9 except in accordance with the rules and regulations of the
10 ~~board~~ ~~commission~~, or for any person to transport malt or
11 brewed beverages into or within this Commonwealth, unless there
12 shall be affixed to the original containers in which such malt
13 or brewed beverages are transported, stamps or crowns evidencing
14 the payment of the malt liquor tax to the Commonwealth:

15 Provided, however, That this clause shall not be construed to
16 prohibit transportation of malt or brewed beverages through this
17 Commonwealth and not for delivery therein, if such transporting
18 is done in accordance with the rules and regulations of the
19 ~~board~~ ~~commission~~.

20 (11) Delivery of Malt or Brewed Beverages With Other
21 Commodities. For any manufacturer, importing distributor or
22 distributor, or his servants, agents or employes, except with
23 ~~board~~ ~~commission~~ approval, to deliver or transport any malt or
24 brewed beverages in any vehicle in which any other commodity is
25 being transported.

26 (12) Distributors and Importing Distributors Engaging in
27 Other Business. For any distributor or importing distributor, or
28 his servants, agents or employes, without the approval of the
29 ~~board~~ ~~commission~~, and then only in accordance with ~~board~~
30 ~~commission~~ regulations, to engage in any other business

1 whatsoever, except the business of distributing malt or brewed
2 beverages.

3 (13) Possession or Storage of Liquor or Alcohol by Certain
4 Licensees. For any distributor, importing distributor or retail
5 dispenser, or his servants, agents or employes, to have in his
6 possession, or to permit the storage of on the licensed premises
7 or in any place contiguous or adjacent thereto accessible to the
8 public or used in connection with the operation of the licensed
9 premises, any alcohol or liquor.

10 (14) Malt or Brewed Beverage Licensees Dealing in Liquor or
11 Alcohol. For any malt or brewed beverage licensee, other than a
12 manufacturer, or the servants, agents or employes thereof, to
13 manufacture, import, sell, transport, store, trade or barter in
14 any liquor or alcohol.

15 (15) Selling to Persons Doing Illegal Business. For any malt
16 or brewed beverage licensee, or his servants, agents or
17 employes, to knowingly sell any malt or brewed beverages to any
18 person engaged in the business of illegally selling liquor or
19 malt or brewed beverages.

20 (16) Distributors and Importing Distributors Failing to Keep
21 Records. For any importing distributor or distributor engaged in
22 the sale of products, other than malt or brewed beverages, to
23 fail to keep such complete separate records covering in every
24 respect his transactions in malt or brewed beverages as the
25 ~~board~~ ~~commission~~ shall by regulation require. ←

26 (17) Fortifying, Adulterating or Contaminating Malt or
27 Brewed Beverages. For any person, to fortify, adulterate,
28 contaminate, or in any wise to change the character or purity
29 of, the malt or brewed beverages from that as originally
30 marketed by the manufacturer at the place of manufacture.

1 (18) Coercing Distributors and Importing Distributors. For
2 any manufacturer or any officer, agent or representative of any
3 manufacturer to coerce or persuade or attempt to coerce or
4 persuade any person licensed to sell or distribute malt or
5 brewed beverages at wholesale or retail to establish selling
6 prices for its products or to enter into any contracts or
7 agreements, whether written or oral, or take any action which
8 will violate or tend to violate any provisions of this act or
9 any of the rules or regulations promulgated by the {board} ←
10 ~~commission~~ pursuant thereto.

11 (19) Modifying or Terminating Distributing Rights Agreement.
12 For any manufacturer or any officer, agent or representative of
13 any manufacturer to modify, cancel, terminate, rescind or not
14 renew, without good cause, any distributing rights agreement,
15 and in no event shall any modification, cancellation,
16 termination, rescission or nonrenewal of any distributing rights
17 agreement become effective for at least ninety (90) days after
18 written notice of such modification, cancellation, termination,
19 rescission or intention not to renew has been served on the
20 affected party and {board} ~~commission~~ ←
21 receipt requested, except by written consent of the parties to
22 the agreement. The notice shall state all the reasons for the
23 intended modification, termination, cancellation, rescission or
24 nonrenewal. The distributor or importing distributor holding
25 such agreement shall have ninety (90) days in which to rectify
26 any claimed deficiency, or challenge the alleged cause.

27 If the deficiency shall be rectified within ninety (90) days
28 of notice, then the proposed modification, termination,
29 cancellation, rescission or nonrenewal shall be null and void
30 and without legal effect.

1 If the notice states as one of the reasons for the intended
2 modification, cancellation, termination, rescission or renewal
3 that the importing distributor or distributor's equipment or
4 warehouse requires major changes or additions, then if the
5 distributor or importing distributor shall have taken some
6 positive action to comply with the required changes or
7 additions, the distributor or importing distributor shall have
8 deemed to have complied with the deficiency as set forth in the
9 notice. The notice provisions of this section shall not apply if
10 the reason for termination, cancellation or nonrenewal is
11 insolvency, assignment for the benefit of creditors, bankruptcy,
12 liquidation, fraudulent conduct in its dealings with the
13 manufacturer, revocation or suspension for more than a thirty
14 (30) day period of the importing distributor or distributor
15 license.

16 (20) Interference with Transfer of License, Business or
17 Franchise. (i) For any manufacturer to interfere with or prevent
18 any distributor or importing distributor from selling or
19 transferring his license, business or franchise, whether before
20 or after notice of modification, cancellation, termination,
21 rescission or nonrenewal has been given, provided the proposed
22 purchaser of the business of the distributor or importing
23 distributor meets the material qualifications and standards
24 required of the manufacturers other distributors or importing
25 distributors; (ii) if the proposed transfer of the distributor
26 or importing distributor's business is to a surviving spouse or
27 adult child, the manufacturer shall not, for any reason,
28 interfere with, or prevent, the transfer of the distributor or
29 importing distributor's license, business or franchise. Any
30 subsequent transfer by surviving spouse or adult child shall

1 thereafter be subject to the provisions of subclause (i) above.

2 (21) Inducing or Coercing Distributors or Importing
3 Distributors to Accept Unordered Products or Commit Illegal
4 Acts. For any manufacturer to compel or attempt to compel any
5 distributor or importing distributor to accept delivery of any
6 malt or brewed beverages or any other commodity which shall not
7 have been ordered by the distributor or importing distributor,
8 or to do any illegal act by any means whatsoever including, but
9 not limited to, threatening to amend, cancel, terminate, rescind
10 or refuse to renew any agreement existing between manufacturer
11 and the distributor or importing distributor, or to require a
12 distributor or importing distributor to assent to any condition,
13 stipulation or provision limiting the distributor or importing
14 distributor in his right to sell the products of any other
15 manufacturer.

16 Section 81. Section 493 of the act, amended June 14, 1957
17 (P.L.322, No.170), June 15, 1961 (P.L.423, No.211), September
18 25, 1967 (P.L.307, No.135), March 5, 1970 (P.L.137, No.55),
19 August 1, 1975 (P.L.161, No.83), March 9, 1982 (P.L.174, No.55)
20 and May 9, 1984 (P.L.246, No.54), is reenacted and amended to
21 read:

22 Section 493. Unlawful Acts Relative to Liquor, Malt and
23 Brewed Beverages and Licensees.--The term "licensee," when used
24 in this section, shall mean those persons licensed under the
25 provisions of Article IV, unless the context clearly indicates
26 otherwise.

27 It shall be unlawful--

28 (1) Furnishing Liquor or Malt or Brewed Beverages to Certain
29 Persons. For any licensee or the ~~board~~commission, or any
30 employe, servant or agent of such licensee or of the ~~board~~ <—
<—

1 ~~commission~~, or any other person, to sell, furnish or give any
2 liquor or malt or brewed beverages, or to permit any liquor or
3 malt or brewed beverages to be sold, furnished or given, to any
4 person visibly intoxicated, or to any insane person, or to any
5 minor, or to habitual drunkards, or persons of known intemperate
6 habits.

7 (2) Purchase or Sale of Liquor or Malt or Brewed Beverages
8 on Credit. For any licensee, his agent, servant or employe, to
9 sell or offer to sell or purchase or receive any liquor or malt
10 or brewed beverages except for cash, excepting credit extended
11 by a hotel or club to a bona fide guest or member, or by
12 railroad or pullman companies in dining, club or buffet cars to
13 passengers, for consumption while enroute, holding authorized
14 credit cards issued by railroad or railroad credit bureaus or by
15 hotel, restaurant and public service licensees to customers
16 holding credit cards issued in accordance with regulations of
17 the ~~{board} commission~~ or credit cards issued by banking ←
18 institutions subject to State or Federal regulation: Provided
19 further, That nothing herein contained shall be construed to
20 prohibit the use of checks or drafts drawn on a bank, banking
21 institution, trust company or similar depository, organized and
22 existing under the laws of the United States of America or the
23 laws of any state, territory or possession thereof, in payment
24 for any liquor or malt or brewed beverages if the purchaser is
25 the payor of the check or draft and the licensee is the payee.
26 No right of action shall exist to collect any claim for credit
27 extended contrary to the provisions of this clause. Nothing
28 herein contained shall prohibit a licensee from crediting to a
29 purchaser the actual price charged for original containers
30 returned by the original purchaser as a credit on any sale, or

1 from refunding to any purchaser the amount paid by such
2 purchaser for such containers or as a deposit on containers when
3 title is retained by the vendor, if such original containers
4 have been returned to the licensee. Nothing herein contained
5 shall prohibit a manufacturer from extending usual and customary
6 credit for liquor or malt or brewed beverages sold to customers
7 or purchasers who live or maintain places of business outside of
8 the Commonwealth of Pennsylvania, when the liquor or malt or
9 brewed beverages so sold are actually transported and delivered
10 to points outside of the Commonwealth: Provided, however, That
11 as to all transactions affecting malt or brewed beverages to be
12 resold or consumed within this Commonwealth, every licensee
13 shall pay and shall require cash deposits on all returnable
14 original containers and all such cash deposits shall be refunded
15 upon return of the original containers.

16 (3) Exchange of Liquor or Malt or Brewed Beverages For
17 Merchandise, etc. For any licensee or the ~~{board}~~ commission, or ←
18 any employe, servant or agent of a licensee or of the ~~{board}~~ ←
19 commission, to sell, offer to sell or furnish any liquor or malt
20 or brewed beverages to any person on a pass book or store order,
21 or to receive from any person any goods, wares, merchandise or
22 other articles in exchange for liquor or malt or brewed
23 beverages.

24 (4) Peddling Liquor or Malt or Brewed Beverages. For any
25 person, to hawk or peddle any liquor or malt or brewed beverages
26 in this Commonwealth.

27 (5) Failure to Have Brands as Advertised. For any licensee,
28 his servants, agents or employes, to advertise or hold out for
29 sale any liquor or malt or brewed beverages by trade name or
30 other designation which would indicate the manufacturer or place

1 of production of the said liquor or malt or brewed beverages,
2 unless he shall actually have on hand and for sale a sufficient
3 quantity of the particular liquor or malt or brewed beverages so
4 advertised to meet requirements to be normally expected as a
5 result of such advertisement or offer.

6 (6) Brand or Trade Name on Spigot. For any licensee, his
7 agents, servants or employes, to furnish or serve any malt or
8 brewed beverages from any faucet, spigot or other dispensing
9 apparatus, unless the trade name or brand of the product served
10 shall appear in full sight of the customer and in legible
11 lettering upon such faucet, spigot or dispensing apparatus.

12 (7) Alcoholic Strength on Label of Malt or Brewed Beverages.
13 For any licensee, or his servants, agents or employes, to
14 transport, sell, deliver or purchase any malt or brewed
15 beverages upon which there shall appear a label or other
16 informative data which in any manner refers to the alcoholic
17 contents of the malt or brewed beverage, or which refers in any
18 manner to the original alcoholic strength, extract or balling
19 proof from which such malt or brewed beverage was produced. This
20 clause shall not be construed to prohibit a manufacturer from
21 designating upon the label or descriptive data the alcoholic
22 content of malt or brewed beverages intended for shipment into
23 another state or territory, when the laws of such state or
24 territory require that the alcoholic content of the malt or
25 brewed beverage must be stated upon the package.

26 (8) Advertisements on Labels Giving Alcoholic Content of
27 Malt or Brewed Beverages. For any manufacturer or other
28 licensee, or his servants, agents or employes, to issue, publish
29 or post, or cause to be issued, published or posted, any
30 advertisement of any malt or brewed beverage including a label

1 which shall refer in any manner to the alcoholic strength of the
2 malt or brewed beverage manufactured, sold or distributed by
3 such licensees, or to use in any advertisement or label such
4 words as "full strength," "extra strength," "high test," "high
5 proof," "pre-war strength," or similar words or phrases, which
6 would lead or induce a consumer to purchase a brand of malt or
7 brewed beverage on the basis of its alcoholic content, or to use
8 in or on any advertisement or label any numeral, unless
9 adequately explained in type of the same size, prominence and
10 color, or for any licensee to purchase, transport, sell or
11 distribute any malt or brewed beverage advertised or labeled
12 contrary to the provisions of this clause.

13 (9) Retail Licensees Furnishing Free Lunch, etc. For any
14 retail liquor licensee or any retail dispenser, his agents,
15 servants or employes, to furnish, give or sell below a fair cost
16 any lunch to any consumer, except such articles of food as the
17 ~~board~~ ~~commission~~ may authorize and approve. ←

18 (10) Entertainment on Licensed Premises (Except Clubs);
19 Permits; Fees. For any licensee, his servants, agents or
20 employes, except club licensees, to permit in any licensed
21 premises or in any place operated in connection therewith,
22 dancing, theatricals or floor shows of any sort, or moving
23 pictures other than television, or such as are exhibited through
24 machines operated by patrons by the deposit of coins, which
25 project pictures on a screen not exceeding in size twenty-four
26 by thirty inches and which forms part of the machine, unless the
27 licensee shall first have obtained from the ~~board~~ ~~commission~~ a ←
28 special permit to provide such entertainment, or for any
29 licensee, under any circumstances, to permit in any licensed
30 premises any lewd, immoral or improper entertainment, regardless

1 of whether a permit to provide entertainment has been obtained
2 or not. The ~~{board}~~ ~~commission~~ shall have power to provide for ←
3 the issue of such special permits, and to collect a fee for such
4 permits equal to one-fifth of the annual license fee but not
5 less than twenty-five dollars (\$25). All such fees shall be paid
6 into The State Stores Fund. No such permit shall be issued in
7 any municipality which, by ordinance, prohibits amusements in
8 licensed places. Any violation of this clause shall, in addition
9 to the penalty herein provided, subject the licensee to
10 suspension or revocation of his permit and his license.

11 (11) Licensees Employed by Others. For any hotel, restaurant
12 or club liquor licensee, or any malt or brewed beverage
13 licensee, or any servant, agent or employe of such licensee, to
14 be at the same time employed, directly or indirectly, by any
15 other person engaged in the manufacture, sale, transportation or
16 storage of liquor, malt or brewed beverages or alcohol:
17 Provided, That any person (except a licensee or the manager,
18 officer or director of a licensee) who is employed by a retail
19 licensee to prepare or serve food and beverages may be employed
20 in the same capacity by another retail licensee during other
21 hours or on other days.

22 (12) Failure to Have Records on Premises. For any liquor
23 licensee, or any importing distributor, distributor or retail
24 dispenser, to fail to keep on the licensed premises for a period
25 of at least two years complete and truthful records covering the
26 operation of his licensed business, particularly showing the
27 date of all purchases of liquor and malt or brewed beverages,
28 the actual price paid therefor, and the name of the vendor,
29 including State Store receipts, or for any licensee, his
30 servants, agents or employes, to refuse the ~~{board}~~ ~~commission~~ ←

1 or an authorized employe of the ~~{board} commission~~ or the ←
2 enforcement bureau access thereto or the opportunity to make
3 copies of the same when the request is made during business
4 hours.

5 (13) Retail Licensees Employing Minors. For any hotel,
6 restaurant or club liquor licensee, or any retail dispenser, to
7 employ or to permit any minor under the age of eighteen to serve
8 any alcoholic beverages or to employ or permit any minor under
9 the age of sixteen to render any service whatever in or about
10 the licensed premises, nor shall any entertainer under the age
11 of eighteen be employed or permitted to perform in any licensed
12 premises in violation of the labor laws of this Commonwealth:

13 Provided, That in accordance with ~~{board} commission~~ regulations ←
14 minors between the ages of sixteen and eighteen may be employed
15 to serve food, clear tables and perform other similar duties,
16 not to include the dispensing or serving of alcoholic beverages.

17 (14) Permitting Undesirable Persons or Minors to Frequent
18 Premises. For any hotel, restaurant or club liquor licensee, or
19 any retail dispenser, his servants, agents or employes, to
20 permit persons of ill repute, known criminals, prostitutes or
21 minors to frequent his licensed premises or any premises
22 operated in connection therewith, except minors accompanied by
23 parents, guardians, or under proper supervision or except minors
24 who frequent any restaurant or retail dispensing licensee whose
25 sales of food and non-alcoholic beverages are equal to seventy
26 per centum or more of the combined gross sales of both food and
27 alcoholic beverages on the condition that alcoholic beverages
28 may not be served at the table or booth at which the said minor
29 is seated at the time (unless said minor is under proper
30 supervision as hereinafter defined) and on the further condition

1 that only table service of alcoholic beverages or take-out
2 service of beer shall be permitted in the room wherein the minor
3 is located: Provided, however, That it shall not be unlawful for
4 any hotel, restaurant or club liquor licensee or any retail
5 dispenser to permit minors under proper supervision upon the
6 licensed premises or any premises operated in connection
7 therewith for the purpose of a social gathering, even if such
8 gathering is exclusively for minors: And provided further, That
9 no liquor shall be sold, furnished or given to such minors nor
10 shall the licensee knowingly permit any liquor or malt or brewed
11 beverages to be sold, furnished or given to or be consumed by
12 any minor, and the area of such gathering shall be segregated
13 from the remainder of the licensed premises. In the event the
14 area of such gathering cannot be segregated from the remainder
15 of the licensed premises, all alcoholic beverages must be either
16 removed from the licensed premises or placed under lock and key
17 during the time the gathering is taking place. Notice of such
18 gathering shall be given the [Liquor Control Board] ~~commission~~ ←
19 BOARD as it may, by regulation, require. Any licensee violating ←
20 the provisions of this clause shall be subject to the provisions
21 of section 471.

22 "Proper supervision," as used in this clause, means the
23 presence, on that portion of the licensed premises where a minor
24 or minors are present, of one person twenty-five years of age or
25 older for every fifty minors or part thereof who is directly
26 responsible for the care and conduct of such minor or minors
27 while on the licensed premises and in such proximity that the
28 minor or minors are constantly within his sight or hearing. The
29 presence of the licensee or any employe or security officer of
30 the licensee shall not constitute proper supervision.

1 (15) Cashing Pay Roll, Public Assistance, Unemployment
2 Compensation or Any Other Relief Checks. For any licensee or his
3 servants, agents or employes to cash pay roll checks or to cash,
4 receive, handle or negotiate in any way Public Assistance,
5 Unemployment Compensation or any other relief checks.

6 (16) Furnishing or Delivering Liquor or Malt or Brewed
7 Beverages at Unlawful Hours. For any licensee, his servants,
8 agents or employes, to give, furnish, trade, barter, serve or
9 deliver any liquor or malt or brewed beverages to any person
10 during hours or on days when the licensee is prohibited by this
11 act from selling liquor or malt or brewed beverages.

12 (17) Licensees, etc., Interested or Employed in
13 Manufacturing or Sale of Equipment or Fixtures. For any
14 licensee, or any officer, director, stockholder, servant, agent
15 or employe of any licensee, to own any interest, directly or
16 indirectly, in or be employed or engaged in any business which
17 involves the manufacture or sale of any equipment, furnishings
18 or fixtures to any hotel, restaurant or club licensees, or to
19 any importing distributors, distributors or retail dispensers:
20 Provided, however, That as to malt or brewed beverage licensees,
21 the provisions of this subsection shall not apply to such a
22 conflicting interest if it has existed for a period of not less
23 than three years prior to the first day of January, one thousand
24 nine hundred thirty-seven, and the ~~{board} commission~~ shall ←
25 approve.

26 (18) Displaying Price of Liquor or Malt or Brewed Beverages.
27 For any restaurant, hotel or club liquor licensee, or any
28 importing distributor, distributor or retail dispenser, or the
29 servants, agents or employes of such licensees, to display on
30 the outside of any licensed premises or to display any place

1 within the licensed premises where it can be seen from the
2 outside, any advertisement whatsoever referring, directly or
3 indirectly, to the price at which the licensee will sell liquor
4 or malt or brewed beverages.

5 (19) Licensee's Outside Advertisements. For any retail
6 liquor licensee or any retail dispenser, distributor or
7 importing distributor, to display in any manner whatsoever on
8 the outside of his licensed premises, or on any lot of ground on
9 which the licensed premises are situate, or on any building of
10 which the licensed premises are a part, a sign of any kind,
11 printed, painted or electric, advertising any brand of liquor or
12 malt or brewed beverage, and it shall be likewise unlawful for
13 any manufacturer, distributor or importing distributor, to
14 permit the display of any sign which advertises either his
15 products or himself on any lot of ground on which such licensed
16 premises are situate, or on any building of which such licensed
17 premises are a part.

18 (20) (i) Retail Liquor and Retail Malt or Brewed Beverages
19 Licensee's Inside Advertisements. For any retail liquor or
20 retail malt or brewed beverages licensee, to display or permit
21 the display in the show window or doorways of his licensed
22 premises, any placard or sign advertising the brands of liquor
23 or malt or brewed beverages produced by any one manufacturer, if
24 the total display area of any such placard or sign advertising
25 the products of any one manufacturer exceeds three hundred
26 square inches. Nothing herein shall prohibit a licensee from
27 displaying inside his licensed premises point of sale displays
28 advertising brand names of products sold by him, other than a
29 window or door display: Provided, That the total cost of all
30 such point of sale advertising matter relating to any one brand

1 of any one manufacturer shall not exceed the sum of seventy
2 dollars (\$70) at any one time, and no single piece of
3 advertising shall exceed a cost of thirty-five dollars (\$35).
4 All such advertising material, including the window and door
5 signs, may be furnished by a manufacturer, distributor or
6 importing distributor. The restrictions on advertising set forth
7 in subclause (ii) and in clauses (20.1) and (20.2) shall also
8 apply to this subclause.

9 (ii) Cooperative Advertising. No distributor or importing
10 distributor, directly or indirectly, independent or otherwise,
11 shall, except by prior written agreement, be required to
12 participate with a manufacturer in the purchase of any
13 advertising of a brand name product in any name, in any form,
14 whether it be radio, television, newspaper, magazine or
15 otherwise.

16 (20.1) Manufacturer Shall Not Require Advertising. For a
17 manufacturer to require a distributor or importing distributor
18 to purchase any type of advertising.

19 (20.2) Advertising Shall Be Ordered and Authorized in
20 Advance. For any advertising to be done on behalf of a
21 distributor or importing distributor which was not ordered and
22 authorized in advance by the distributor or importing
23 distributor.

24 (21) Refusing The Right of Inspection. For any licensee, or
25 his servants, agents or employes, to refuse the {board} ←
26 commission or the enforcement bureau or any of [its] their
27 authorized employes the right to inspect completely the entire
28 licensed premises at any time during which the premises are open
29 for the transaction of business, or when patrons, guests or
30 members are in that portion of the licensed premises wherein

1 either liquor or malt or brewed beverages are sold.

2 (22) Allowance or Rebate to Induce Purchases. For any
3 licensee, or his servants, agents or employes, to offer, pay,
4 make or allow, or for any licensee, or his servants, agents or
5 employes, to solicit or receive any allowance or rebate, refunds
6 or concessions, whether in the form of money or otherwise, to
7 induce directly the purchase of liquor or malt or brewed
8 beverages.

9 (23) Money or Valuables Given to Employes to Influence
10 Actions of Their Employers. For any licensee, or any agent,
11 employe or representative of any licensee, to give or permit to
12 be given, directly or indirectly, money or anything of
13 substantial value, in an effort to induce agents, employes or
14 representatives of customers or prospective customers to
15 influence their employer or principal to purchase or contract to
16 purchase liquor or malt or brewed beverages from the donor of
17 such gift, or to influence such employers or principals to
18 refrain from dealing or contracting to deal with other
19 licensees.

20 (24) Things of Value Offered as Inducement. For any licensee
21 under the provisions of this article, or the ~~{board} commission~~ ←
22 or any manufacturer, or any employe or agent of a manufacturer,
23 licensee or of the ~~{board} commission~~, to offer to give anything ←
24 of value or to solicit or receive anything of value as a premium
25 for the return of caps, stoppers, corks, stamps or labels taken
26 from any bottle, case, barrel or package containing liquor or
27 malt or brewed beverage, or to offer or give or solicit or
28 receive anything of value as a premium or present to induce
29 directly the purchase of liquor or malt or brewed beverage, or
30 for any licensee, manufacturer or other person to offer or give

1 to trade or consumer buyers any prize, premium, gift or other
2 inducement to purchase liquor or malt or brewed beverages,
3 except advertising novelties of nominal value which the {board} <—
4 ~~commission~~ shall define[: Provided, however, That this]. This
5 section shall not prevent any manufacturer or any agent of a
6 manufacturer from offering ONLY ON LICENSED PREMISES and <—
7 honoring coupons which offer monetary rebates on purchases of
8 wines and spirits through State Liquor Stores AND PURCHASES OF <—
9 MALT OR BREWED BEVERAGES in accordance with conditions or
10 regulations established by the ~~commission~~ BOARD. Further, no <—
11 manufacturer or any agent of a manufacturer shall honor any
12 coupons without proof of purchase in the form of a sales slip or
13 receipt attached to the coupons. This section shall not apply to
14 the return of any monies specifically deposited for the return
15 of the original container to the owners thereof.

16 (25) Employment [of Females] in Licensed Places. For any <—
17 licensee or his agent, to employ or permit the employment of any
18 [female] PERSON at his licensed hotel, restaurant or eating <—
19 place for the purpose of enticing customers, or to encourage
20 them to drink liquor, or make assignations for improper
21 purposes[: Provided, That nothing in this section shall be <—
22 construed to prevent the employment of any female waitress who
23 regularly takes orders for food from serving food, liquor or
24 malt or brewed beverages at tables; also, that nothing shall
25 prevent any such licensees from employing any female
26 stenographer, hotel secretary, clerk or other employe for their
27 respective positions: Provided further, That nothing in this
28 section shall be so construed as to prevent the wife of any such
29 licensee or agent or any employed female from mixing or serving
30 liquor or malt or brewed beverages behind the bar of any such

1 licensed place].

<—

2 Any person violating the provisions of this clause shall be
3 guilty of a misdemeanor and, upon conviction of the same, shall
4 be sentenced to pay a fine of not less than one hundred dollars
5 (\$100), nor more than five hundred dollars (\$500), for each and
6 every [female] PERSON so employed, or undergo an imprisonment of <—
7 not less than three (3) months, nor more than one (1) year, or
8 either or both, at the discretion of the court having
9 jurisdiction of the case. The [board] administrative law judge
10 shall have the power to revoke or refuse licenses for violation
11 of this clause.

12 (26) Worthless Checks. For any retail liquor licensee or any
13 retail dispenser, distributor or importing distributor, to make,
14 draw, utter, issue or deliver, or cause to be made, drawn,
15 uttered, issued or delivered, any check, draft or similar order,
16 for the payment of money in payment for any purchase of malt or
17 brewed beverages, when such retail liquor licensee, retail
18 dispenser, distributor or importing distributor, has not
19 sufficient funds in, or credit with, such bank, banking
20 institution, trust company or other depository, for the payment
21 of such check. Any person who is a licensee under the provisions
22 of this article, who shall receive in payment for malt or brewed
23 beverages sold by him any check, draft or similar order for the
24 payment of money, which is subsequently dishonored by the bank,
25 banking institution, trust company or other depository, upon
26 which drawn, for any reason whatsoever, shall, within five days
27 of receipt of notice of such dishonor, notify by certified mail
28 the person who presented the said worthless check, draft or
29 similar order.

30 (27) Distributors and Importing Distributors Employing

1 Minors. For any distributor or importing distributor to employ
2 minors under the age of eighteen but persons eighteen and over
3 may be employed to sell and deliver malt and brewed beverages.

4 Section 82. Section 494 of the act, amended May 25, 1956
5 (1955 P.L.1743, No.583), is reenacted and amended to read:

6 Section 494. Penalties.--(a) Any person who shall violate
7 any of the provisions of this article, except as otherwise
8 specifically provided, shall be guilty of a misdemeanor and,
9 upon conviction thereof, shall be sentenced to pay a fine of not
10 less than one hundred dollars (\$100), nor more than five hundred
11 dollars (\$500), and on failure to pay such fine, to imprisonment
12 for not less than one month, nor more than three months, and for
13 any subsequent offense, shall be sentenced to pay a fine not
14 less than three hundred dollars (\$300), nor more than five
15 hundred dollars (\$500), and to undergo imprisonment for a period
16 not less than three months, nor more than one year, OR BOTH. IF ←
17 THE PERSON, AT OR RELATING TO THE LICENSED PREMISES, VIOLATES
18 SECTION 493(1), (10), (14), (16) OR (21), OR IF THE OWNER OR
19 OPERATOR OF THE LICENSED PREMISES OR ANY AUTHORIZED AGENT OF THE
20 OWNER OR OPERATOR VIOLATES THE ACT OF APRIL 14, 1972 (P.L.233,
21 NO.64), KNOWN AS "THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND
22 COSMETIC ACT," OR 18 PA.C.S. § 5902 (RELATING TO PROSTITUTION
23 AND RELATED OFFENSES) OR 6301 (RELATING TO CORRUPTION OF
24 MINORS), HE SHALL BE SENTENCED TO PAY A FINE NOT EXCEEDING FIVE
25 THOUSAND DOLLARS (\$5,000) OR TO UNDERGO IMPRISONMENT FOR A
26 PERIOD NOT LESS THAN THREE MONTHS, NOR MORE THAN ONE YEAR, OR
27 BOTH.

28 (b) The right [of the board] to suspend and revoke licenses
29 granted under this article shall be in addition to the penalty
30 set forth in this section.

1 Section 83. Section 495 of the act, amended June 22, 1980
2 (P.L.262, No.76), is reenacted and amended to read:

3 Section 495. Identification Cards; Licensees and State
4 Liquor Store Employees Saved From Prosecution.--[(a) The board
5 shall issue, to any person who shall have attained the age of
6 twenty-one years, an identification card bearing said person's
7 date of birth, physical description, photograph, signature, and
8 such other information, as the board by regulation may
9 determine, attesting to the age of the applicant, upon
10 application therefor by said person, filed no earlier than
11 fifteen days prior to attaining the age of twenty-one. Such
12 cards shall be numbered and a record thereof maintained by the
13 board for a period of five years. The board may, in its
14 discretion, impose a charge for such cards in an amount to be
15 determined by it, and it may, upon proof of loss of such
16 identification card by and upon application of anyone to whom
17 such card may have been issued, issue a duplicate thereof and
18 impose a charge therefor in an amount as it may by regulation
19 prescribe. The board shall have the power to make such
20 regulations as it shall, from time to time, deem proper
21 regarding the size, style and additional content of the
22 identification card, the form and content of any application
23 therefor, the type, style and quantity of proof required to
24 verify the applicant's age, the procedure for receiving and
25 processing such application, the distribution of said card, the
26 charge to be imposed for any card more than one that it shall
27 issue to the same applicant, and all other matters the board
28 shall deem necessary or advisable for the purpose of carrying
29 into effect the provisions of this section.

30 (a.1)] (a) The photo driver's license or identification card

1 issued by the Department of Transportation shall, for the
2 purpose of this act, be accepted as an identification card.

3 [(a.2) For the purposes of this section, the term
4 identification card means a card which complies with either
5 subsection (a) or (a.1).]

6 (b) Such identification card shall be presented by the
7 holder thereof upon request of any State Liquor Store or any
8 licensee, or the servant, agent or employe thereof, for the
9 purpose of aiding such store, licensee, or the servant, agent or
10 employe to determine whether or not such person is twenty-one
11 years of age and upwards, when such person desires alcoholic
12 beverage at a State Liquor Store or licensed establishment.

13 (c) In addition to the presentation of such identification
14 card, the agent of the State Liquor Store or the licensee, or
15 his servant, agent or employe, shall require the person whose
16 age may be in question to fill in and sign a card in the
17 following form:

18 19
19 I,....., hereby represent
20 to, a State Store or
21 licensee of the [Pennsylvania Liquor Control Board] ~~Alcohol~~ <—
22 ~~Beverages Commission~~ BOARD, that I am of full age and discretion <—
23 and over the age of 21 years, having been born on
24 19..... at

25 This statement is made to induce said store or licensee above
26 named to sell or otherwise furnish alcoholic beverages to the
27 undersigned.

28 Serial Number of Identification Card:

29 I understand that I am subject to a fine of
30 \$300.00 and sixty days imprisonment for any

1 misrepresentation herein.

2
3

(Name)

4
5

(Address)

6 Witness:

7 Name.....

8 Address.....

9 Such statement shall be printed upon a 3 inch by 5 inch or 4
10 inch by 5 inch file card, which card shall be filed
11 alphabetically by the State Liquor Store or licensee, at or
12 before the close of business on the day of which said
13 certificate is executed, in a file box containing a suitable
14 alphabetical index, and which card shall be subject to
15 examination by any officer, agent or employe of the [Liquor
16 Control Board] ~~commission~~ BOARD at any and all times. ←

17 (d) It shall be unlawful for the owner of an identification
18 card, as defined by this act, to transfer said card to any other
19 person for the purpose of aiding such person to secure alcoholic
20 beverage. Any person who shall transfer such identification card
21 for the purpose of aiding such transferee to obtain alcoholic
22 beverage shall be guilty of a misdemeanor and, upon conviction
23 thereof, shall be sentenced to pay a fine of not more than three
24 hundred dollars (\$300), or undergo imprisonment for not more
25 than sixty (60) days. Any person not entitled thereto who shall
26 have unlawfully procured or have issued or transferred to him,
27 as aforesaid, identification card or any person who shall make
28 any false statement on any card required by subsection (c)
29 hereof to be signed by him shall be guilty of a misdemeanor and,
30 upon conviction thereof, shall be sentenced to pay a fine of not

1 more than three hundred dollars (\$300), or undergo imprisonment
2 for not more than sixty (60) days.

3 (e) The signed statement in the possession of a licensee or
4 an employe of a State Liquor Store may be offered as a defense
5 in all civil and criminal prosecutions for serving a minor, and
6 no penalty shall be imposed if the [Liquor Control Board]
7 ~~commission~~ BOARD or the courts are satisfied that the licensee ←
8 or State Liquor Store employe acted in good faith.

9 Section 84. Section 496 of the act, added June 15, 1961
10 (P.L.423, No.211), is reenacted ~~and amended~~ to read: ←

11 Section 496. Reporting of Worthless Checks.--Any person who
12 is a licensee under the provisions of this article, who shall
13 receive in payment for malt or brewed beverages sold by him any
14 check, draft or similar order, for the payment of money, which
15 is subsequently dishonored by the bank, banking institution,
16 trust company or other depository, upon which drawn, for any
17 reason whatsoever, shall, within twenty days of receipt of
18 notice of such dishonor, notify the {board} ~~commission~~ thereof. ←
19 Such notification to the {board} ~~commission~~ shall be in such ←
20 manner and form as the {board} ~~commission~~ shall direct. ←

21 Section 85. Section 497 of the act, added December 22, 1965
22 (P.L.1144, No.441), is reenacted to read:

23 Section 497. Liability of Licensees.--No licensee shall be
24 liable to third persons on account of damages inflicted upon
25 them off of the licensed premises by customers of the licensee
26 unless the customer who inflicts the damages was sold, furnished
27 or given liquor or malt or brewed beverages by the said licensee
28 or his agent, servant or employe when the said customer was
29 visibly intoxicated.

30 ~~Section 86. The act is amended by adding a section to read:~~ ←

1 ~~Section 498. Unlawful Advertising. (a) No manufacturer,~~
2 ~~wholesaler or shipper whether from outside or inside this~~
3 ~~Commonwealth and no licensee under this act shall cause or~~
4 ~~permit the advertising in any manner whatsoever of the price of~~
5 ~~any malt beverage, cordial, wine or distilled liquor offered for~~
6 ~~sale in this Commonwealth: Provided, however, That the~~
7 ~~provisions of this section shall not apply to price signs or~~
8 ~~tags attached to or placed on merchandise for sale within the~~
9 ~~licensed premises in accordance with rules and regulations of~~
10 ~~the commission.~~

11 ~~(b) No newspaper, periodical, radio or television~~
12 ~~broadcaster or broadcasting company or any other person, firm or~~
13 ~~corporation with a principal place of business in this~~
14 ~~Commonwealth which is engaged in the business of advertising or~~
15 ~~selling advertising time or space shall accept, publish or~~
16 ~~broadcast any advertisement in this Commonwealth of the price or~~
17 ~~make reference to the price of any alcoholic beverages.~~

18 ~~(c) Any person who shall violate any of the provisions of~~
19 ~~this section shall be guilty of a misdemeanor and upon~~
20 ~~conviction shall be punished for the first offense by a fine in~~
21 ~~the sum of fifty dollars (\$50) and for each additional offense~~
22 ~~thereafter by a fine not exceeding the sum of one hundred~~
23 ~~dollars (\$100). Publication or broadcast by any person in~~
24 ~~violation of the provisions of this section shall also be~~
25 ~~subject to injunctive proceedings in a court of competent~~
26 ~~jurisdiction on a complaint brought by a retail licensee or an~~
27 ~~association of retail licensees.~~

28 ~~(d) The provisions of this section shall not apply to any~~
29 ~~trade journal which is duly recognized and authorized to be~~
30 ~~exempt from the provisions of this section by the commission.~~

1 Section 501. License Required.--Except as otherwise provided
2 in this article, and except as otherwise provided in article
3 four as to malt and brewed beverages, it shall be unlawful for
4 any person without a license obtained under provisions of this
5 article to hold in storage as bailee for hire, or transport for
6 hire, any malt or brewed beverage, or to manufacture, produce,
7 distill, develop or use in the process of manufacture, denature,
8 redistill, recover, rectify, blend, reuse, hold in bond, hold in
9 storage as bailee for hire, or transport for hire, within this
10 Commonwealth, any alcohol or liquor, except that a person may
11 manufacture wine out of grapes grown in Pennsylvania by
12 fermentation only and with no alcohol or alcoholic product added
13 thereto by way of fortification and sell the same to a licensed
14 winery.

15 Section 89. Section 502 of the act is reenacted and amended
16 to read:

17 Section 502. Exemptions.--No license hereunder shall be
18 required from any registered pharmacist; or a physician licensed
19 by the State Board of [Medical Education and Licensure]
20 Medicine; or any person who makes and sells vinegar,
21 nonalcoholic cider and fruit juices; or any person who
22 manufactures, stores, sells or transports methanol, propanol,
23 butanol and amanol; or any person who conducts a wholesale drug
24 business; or any person who manufactures alcoholic preparations
25 not fit for use as a beverage, other than denatured alcohol or
26 for beverage purposes; any person engaged in the manufacture;
27 possession or sale of patent, patented or proprietary medicines,
28 toilet, medicinal or antiseptic preparations unfit for beverage
29 purposes, or solutions or flavoring extracts or syrups unfit for
30 beverage purposes; or any person who manufactures or sells

1 paints, varnishes, enamels, lacquers, stains or paint, or
2 varnish removing or reducing compounds, or wood fillers; or any
3 person who manufactures any substance where the alcohol or any
4 liquor is changed into other chemical substances and does not
5 appear in the finished product as alcohol or liquor; or any
6 common carrier by railroad which is subject to regulation by the
7 Pennsylvania Public Utility Commission of the Commonwealth of
8 Pennsylvania, or scheduled common carriers by air of mail and
9 passengers; or any person who sells, stores or transports
10 alcohol or liquor completely denatured, as specified by the
11 ~~{board}~~ commission.

<—

12 Section 90. Section 502.1 of the act, added December 14,
13 1979 (P.L.565, No.129), is reenacted ~~and amended~~ to read:

<—

14 Section 502.1. Production of Denatured Ethyl Alcohol.--(a)
15 Notwithstanding any other provisions of this act, a person may
16 upon payment of an annual registration fee of twenty-five
17 dollars (\$25) and without the necessity of having to post a
18 bond, manufacture or distill, hold in storage and use denatured
19 ethyl alcohol for the purpose of providing fuel for personal or
20 business vehicles or machinery.

21 (b) No denatured ethyl alcohol produced under the provisions
22 of this section may be sold or utilized by any person other than
23 the producer.

24 (c) Each licensee shall file annually with the ~~{board}~~
25 commission accurate records of the monthly production and
26 utilization of denatured ethyl alcohol fuel. The ~~{board}~~
27 commission shall prescribe the form to be used for this report.

<—

<—

28 (d) Any violation of this section shall be subject to the
29 penalties set forth in section 519.

30 Section 91. Section 503 of the act is reenacted to read:

1 Section 503. Qualifications for License.--No license shall
2 be issued under the provisions of this article to any person
3 unless (a) in case of individuals, he or she is a citizen of the
4 United States of America, (b) in case of companies or
5 unincorporated associations of individuals, each and every one
6 is a citizen of the United States of America, (c) in case of
7 corporations, each and every stockholder thereof is a citizen of
8 the United States of America.

9 Section 92. Section 504 of the act, amended September 28,
10 1961 (P.L.1728, No.702), is reenacted and amended to read:

11 Section 504. Applications; Filing Fees.--(a) Every
12 applicant for a license under this article shall file with the
13 ~~board~~~~commission~~ a written application in such form as the <—
14 ~~board~~~~commission~~ shall from time to time require. Every such <—
15 application shall be accompanied by a filing fee of twenty
16 dollars (\$20), the prescribed license fee and the bond
17 hereinafter specified, and shall set forth:

18 [1.] (1) The legal names of the applicant and of the owner
19 of the place where business under the license will be carried
20 on, with their residence addresses by street and number, if a
21 partnership, of each separate partner, and if a corporation, of
22 each individual officer thereof.

23 [2.] (2) The exact location of said place of business and of
24 every place to be occupied or used in connection with such
25 business, the productive capacity of each plant where any
26 alcohol or liquor is to be manufactured, produced, distilled,
27 rectified, blended, developed or used in the process of
28 manufacture, denatured, redistilled, recovered, reused, the
29 capacity of every warehouse or other place where such alcohol or
30 liquor or malt or brewed beverage is to be held in bond or

1 stored for hire, or the equipment to be used where a
2 transportation business is to be carried on under the license.

3 [3.] (3) That each and every one of the applicants is a
4 citizen of the United States of America.

5 [4.] (4) Such other relevant information as the {board} <—
6 ~~commission~~ shall from time to time require by rule or
7 regulation.

8 (b) Each application must be verified by affidavit of the
9 applicant made before any officer legally qualified to
10 administer oaths, and if any false statement is wilfully made in
11 any part of said application, the applicant or applicants shall
12 be deemed guilty of a misdemeanor and, upon conviction, shall be
13 subject to the penalties provided by this article.

14 Section 93. Section 505 of the act, amended July 31, 1968
15 (P.L.902, No.272), is reenacted ~~and amended~~ to read: <—

16 Section 505. Licenses Issued.--Upon receipt of the
17 application in the form herein provided, the proper fees and an
18 approved bond as herein designated, the {board} ~~commission~~ may <—
19 grant to such applicant a license to engage in, (a) the
20 operation of a limited winery or a winery; or, (b) the
21 manufacturing, producing, distilling, developing, or using in
22 the process of manufacturing, denaturing, redistilling,
23 recovering, rectifying, blending and reusing of alcohol and
24 liquor; or, (c) the holding in bond of alcohol and liquor; or,
25 (d) the holding in storage, as bailee for hire, of alcohol,
26 liquor and malt or brewed beverages; or, (e) the transporting
27 for hire of alcohol, liquor and malt or brewed beverages.

28 Section 94. Section 505.1 of the act, amended February 17,
29 1956 (1955 P.L.1077, No.348), is reenacted and amended to read:

30 Section 505.1. Bonded Warehouse License Privilege

1 Restrictions.--(a) Holders of bonded warehouse licenses may:

2 [(a)] (1) Receive and store in bond liquor owned by
3 Pennsylvania licensed manufacturers and importers.

4 [(b)] (2) Receive and store in bond alcohol owned by
5 Pennsylvania licensed manufacturers.

6 [(c)] (3) Receive and store in bond liquor owned by
7 licensees outside this Commonwealth. Such liquor shall be
8 released from the bonded warehouse for delivery within this
9 Commonwealth only to persons holding a liquor importer's license
10 issued by the [Pennsylvania Liquor Control Board] ~~commission~~ ←
11 BOARD authorizing the importation of liquor or to other storage ←
12 facilities or persons outside this Commonwealth.

13 [(d)] (4) Receive and store in bond alcohol owned by
14 licensees outside this Commonwealth. Such alcohol shall be
15 released from the bonded warehouse for delivery within this
16 Commonwealth only to persons holding an alcohol permit issued by
17 the [Pennsylvania Liquor Control Board] ~~commission~~ BOARD ←
18 authorizing the importation of alcohol or to other storage
19 facilities or persons outside this Commonwealth.

20 (b) All liquor and alcohol received and stored pursuant to
21 this section shall be in original containers of ten gallons or
22 greater capacity. Liquor and alcohol placed in storage in
23 accordance with the foregoing provisions may remain in storage
24 notwithstanding any change in ownership.

25 Section 95. Section 505.2 of the act, amended November 5,
26 1981 (P.L.329, No.119) and December 17, 1982 (P.L.1390, No.319),
27 is reenacted and amended to read:

28 Section 505.2. Limited Wineries.--Holders of a limited
29 winery license may:

30 (1) Produce wines and wine coolers only from fruits grown in

1 Pennsylvania in an amount not to exceed [one hundred thousand <—
2 (100,000)] TWO HUNDRED THOUSAND (200,000) gallons per year. <—

3 (2) Sell wine and wine coolers produced by the limited
4 winery or purchased in bulk in bond from another Pennsylvania
5 limited winery on the licensed premises, under such conditions
6 and regulations as the ~~{board} commission~~ may enforce, to the <—
7 [Liquor Control Board] ~~commission~~ BOARD, to individuals and to <—
8 hotel, restaurant, club and public service liquor licensees, and
9 to Pennsylvania winery licensees: Provided, That a limited
10 winery shall not, in any calendar year, purchase wine produced
11 by other limited wineries in an amount in excess of fifty per
12 centum of the wine produced by the purchasing limited winery in
13 the preceding calendar year.

14 (3) [Sell] Separately or in conjunction with other limited
15 wineries, sell wine and wine coolers produced by the limited
16 winery ~~on no more than [three] FIVE board-approved~~ at <—
17 ~~commission approved~~ locations other than the licensed premises,
18 with no bottling or production requirement at those additional
19 ~~{board-approved} commission approved~~ locations and under such <—
20 conditions and regulations as the ~~{board} commission~~ may <—
21 enforce, to the [Liquor Control Board] ~~commission~~ BOARD, to <—
22 individuals and to hotel, restaurant, club and public service
23 liquor licensees.

24 Section 96. Section 505.3 of the act, added July 30, 1975
25 (P.L.136, No.68), is reenacted ~~and amended~~ to read: <—

26 Section 505.3. Distilleries.--Distilleries of historical
27 significance established more than one hundred years prior to
28 January 1, 1975 which hold a license issued under section 505
29 may sell liquor produced by the distillery on the licensed
30 premises under such conditions and regulations as the ~~{board}~~ <—

1 ~~commission~~ may enforce.

2 Section 97. Sections 506 and 507 of the act are reenacted
3 and amended to read:

4 Section 506. Bonds Required.--(a) No license shall be
5 issued to any such applicant until he has filed with the ~~{board}~~ <—
6 ~~commission~~ an approved bond, duly executed, payable to the
7 Commonwealth of Pennsylvania, together with a warrant of
8 attorney to confess judgment in the penal sum herein set forth.
9 All such bonds shall be conditioned for the faithful observance
10 of all the laws of this Commonwealth and regulations of the
11 ~~{board}~~ ~~commission~~ relating to alcohol, liquor and malt or <—
12 brewed beverages and the conditions of the license, and shall
13 have as surety a duly authorized surety company, or shall have
14 deposited therewith, as collateral security, cash or negotiable
15 obligations of the United States of America or the Commonwealth
16 of Pennsylvania in the same amount as herein provided for the
17 penal sum of bonds.

18 (b) In all cases where cash or securities in lieu of other
19 surety have been deposited with the ~~{board}~~ ~~commission~~, the <—
20 depositor shall be permitted to continue the same deposit from
21 year to year on each renewal of license, but in no event shall
22 he be permitted to withdraw his deposit during the time he holds
23 said license, or until six months after the expiration of the
24 license held by him, or while revocation proceedings are pending
25 against such licensee.

26 (c) All cash or securities received by the ~~{board}~~ <—
27 ~~commission~~ in lieu of other surety shall be turned over by the
28 ~~{board}~~ ~~commission~~ to the State Treasurer and held by him. The <—
29 State Treasurer shall repay or return money or securities
30 deposited with him to the respective depositors only on the

1 order of the ~~{board} commission~~. ←

2 (d) After notice from the ~~{board} commission~~ that such a ←
3 bond has been forfeited, the State Treasurer shall immediately
4 pay into the State Stores Fund all cash deposited as collateral
5 with such bond, and when securities have been deposited with
6 such a bond, the State Treasurer shall sell at private sale, at
7 not less than the prevailing market price, any such securities
8 so deposited as collateral with any such forfeited bond. The
9 State Treasurer shall thereafter deposit in The State Stores
10 Fund the net amount realized from the sale of such securities,
11 except that if the amount so realized, after deducting proper
12 costs and expenses, is in excess of the penal amount of the
13 bond, such excess shall be paid over by him to the obligor on
14 such forfeited bond.

15 (e) The penal sum of bonds required to be filed by
16 applicants for license shall be as follows:

17 In the case of a distillery (manufacturer), the bond shall be
18 in the amount of ten thousand dollars (\$10,000); in the case of
19 a bonded warehouse, a bailee for hire and a transporter for
20 hire, each shall be in the amount of three thousand dollars
21 (\$3000); and in the case of a winery, shall be in the amount of
22 five thousand dollars (\$5000). Such bonds shall be filed with
23 and retained by the ~~{board} commission~~. ←

24 (f) Every such bond shall be turned over to the [Department
25 of Justice] Attorney General to be collected if and when the
26 licensee's license shall have been revoked and his bond
27 forfeited as provided in this act.

28 Section 507. Hearings [Upon Refusal of Licenses] on Licenses
29 and Refusals.--(a) The ~~{board} commission~~ ←
30 motion, and shall upon the written request of the enforcement

1 bureau or of any applicant for license or for renewal thereof
2 whose application for such license or renewal has been refused,
3 fix a time and place for hearing of such application or renewal,
4 notice of which hearing shall be sent to the bureau and to the
5 applicant, by registered mail, at the address given in his
6 application. Such hearing shall be before the {board} ←—
7 ~~commission~~, a member thereof, or an {examiner designated by the ←—
8 board} ~~administrative law judge~~. ←—

9 (b) At such hearing, the {board} ~~commission~~ shall present ←—
10 its reasons for its refusal or withholding of such license or
11 renewal thereof or the bureau shall present its objections to
12 the granting or renewal of the license, as the case may be. The
13 applicant may appear in person or by counsel, may cross-examine
14 the witnesses for the {board} ~~commission~~ or the bureau, and may ←—
15 present evidence which shall likewise be subject to cross-
16 examination by the {board} ~~commission~~ or the bureau. Such ←—
17 hearing shall be stenographically recorded. The {examiner} ←—
18 ~~administrative law judge~~ shall thereafter report to the {board} ←—
19 ~~commission~~. The {board} ~~commission~~ shall thereafter grant or ←—
20 refuse the license or renewal thereof. [If the board shall
21 refuse such license or renewal following such hearing, notice in
22 writing of such refusal shall be mailed to the applicant at the
23 address given in his application. In all cases, the board shall
24 file of record at least a brief statement in the form of an
25 opinion of the reasons for the ruling or 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 98. Section 508 of the act, amended July 31, 1968
30 (P.L.902, No.272), is reenacted and amended to read:

1 Section 508. License Fees.--(a) The annual fee for every
2 license issued to a limited winery or a winery shall be two
3 hundred and fifty dollars (\$250). The annual fee for every
4 license issued to a distillery (manufacturer) shall be twenty-
5 five hundred dollars (\$2500) per annum if the annual production
6 is five hundred thousand (500,000) proof gallons or less, and an
7 additional fee of one hundred dollars (\$100) for each one
8 hundred thousand (100,000) proof gallons or fraction thereof in
9 excess of five hundred thousand (500,000) proof gallons, but for
10 the purpose of determining the amount of the fee payable by a
11 distillery, the annual production of alcohol that is denatured
12 by the manufacturer thereof during the license year in
13 Pennsylvania and not elsewhere shall be excluded, but alcohol or
14 liquor used by the manufacturer thereof during the license year
15 in rectification or blending shall not be excluded, except that
16 no fee for a distillery shall be less than twenty-five hundred
17 dollars (\$2500) per annum. The annual fee for all other licenses
18 shall be one hundred dollars (\$100). The fee for any license
19 when applied for and issued on or after April first, but prior
20 to July first, shall be three-fourths of the annual fee; July
21 first, but prior to October first, shall be one-half of the
22 annual fee; October first, but prior to January first, one-
23 fourth of the annual fee.

24 (b) For the purpose of this section, the term "proof gallon"
25 shall mean a gallon liquid which contains one-half its volume of
26 alcohol of a specific gravity of seven thousand nine hundred
27 thirty-nine ten thousandths (.7939) at sixty degrees Fahrenheit.

28 Section 99. Section 509 of the act is reenacted ~~and amended~~ ←
29 to read:

30 Section 509. License Must Be Posted; Business Hours.--

1 Licenses shall be issued by the ~~{board}~~commission under its
2 official seal. Every license so issued must at all times be
3 posted in a conspicuous place where the business is carried on
4 under it, and said place of business must be kept open during
5 general business hours of every day in the year except Sundays
6 and legal holidays.

7 Section 100. Sections 510 and 511 of the act are reenacted
8 to read:

9 Section 510. Containers To Be Labeled.--All persons, except
10 as exempted by section five hundred two hereof, manufacturing,
11 producing, distilling, developing or using in the process of
12 manufacture, denaturing, redistilling, recovering, rectifying,
13 blending, reusing, holding in bond, holding in storage as bailee
14 for hire, or transporting for hire of alcohol or liquor under
15 the provisions of this article, shall securely and permanently
16 attach to every container ready for shipment thereof as the same
17 is manufactured, produced, distilled, developed, denatured,
18 redistilled, recovered, rectified, blended, reused, a label
19 stating the name of the manufacturer, kind and quantity of
20 alcohol or liquor contained therein, and the date of its
21 manufacture, together with the number of the license authorizing
22 the manufacture thereof, and all persons possessing such alcohol
23 or liquor in wholesale quantities shall securely keep and
24 maintain such label thereon.

25 Section 511. License To Specify Each Place Authorized For
26 Use.--Every license issued under the provision of this article
27 shall specify by definite location every place to be occupied or
28 used in connection with the business to be conducted thereunder.
29 It shall be unlawful for the holder of any license to occupy or
30 use any place in connection with any business authorized under a

1 license other than the place or places designated therein.

2 Section 101. Sections 512, AND 513 and 514 of the act are <—
3 reenacted and amended to read: <—

4 Section 512. Records To Be Kept.--Every person holding a
5 license issued under the provisions of this article shall keep
6 on the licensed premises daily permanent records which shall
7 show, (a) the quantities of any alcohol or liquor manufactured,
8 produced, distilled, developed, denatured, redistilled,
9 recovered, reused, stored in bond, stored as bailee for hire,
10 received or used in the process of manufacture by him, and of
11 all other material used in manufacturing or developing any
12 alcohol or liquor; (b) the sales or other disposition of any
13 alcohol, liquor or malt or brewed beverages if covered by said
14 license; (c) the quantities thereof, if any, stored in bond,
15 stored for hire, or transported for hire by or for the licensee;
16 and (d) the names and addresses of the purchasers or other
17 recipients thereof: Provided, however, That persons holding
18 licenses issued under the provisions of this article for the
19 transportation for hire of any alcohol, liquor or malt or brewed
20 beverages shall not be required to keep the above records, but
21 shall keep daily permanent records showing the names and
22 addresses of the persons from whom any alcohol, liquor or malt
23 or brewed beverage was received and to whom delivered, and such
24 other permanent records as the ~~{board} commission~~ shall <—
25 prescribe.

26 Section 513. Premises and Records Subject To Inspection.--
27 Every place operated under license secured under the provisions
28 of this article where any alcohol, liquor or malt or brewed
29 beverage covered by the license is manufactured, produced,
30 distilled, developed or used in the process of manufacture,

1 denatured, redistilled, rectified, blended, recovered, reused,
2 held in bond, stored for hire or in connection with a licensee's
3 business, shall be subject to inspection by members of the
4 ~~{board} commission~~ or by persons duly authorized and designated <—
5 by the ~~{board} commission~~ at any and all times of the day or <—
6 night, as they may deem necessary, (a) for the detection of
7 violations of this act or of the rules and regulations of the
8 ~~{board} commission~~ promulgated under the authority of this act, <—
9 or (b) for the purpose of ascertaining the correctness of the
10 records required by this act to be kept by licensees and the
11 books and records of licensees, and the books and records of
12 their customers, in so far as they relate to purchases from said
13 licensees, shall at all times be open to inspection by the
14 members of the ~~{board} commission~~ or by persons duly authorized <—
15 and designated by the ~~{board} commission~~ for the purpose of <—
16 making inspections as authorized by this section. Members of the
17 ~~{board} commission~~ and the persons duly authorized and <—
18 designated by the ~~{board} commission~~ shall have the right, <—
19 without fee or hindrance, to enter any place which is subject to
20 inspection hereunder, or any place where records subject to
21 inspection hereunder are kept, for the purpose of making such
22 inspections.

23 SECTION 101.1. SECTION 514 OF THE ACT IS REENACTED AND <—
24 AMENDED TO READ:

25 Section 514. Suspension and Revocation of Licenses.--(a)
26 Upon learning of any violation of this act or of any rule or
27 regulation promulgated by the ~~{board} commission~~ under the <—
28 authority of this act, or any violation of any laws of the
29 Commonwealth or of the United States of America relating to the
30 tax payment of alcohol, liquor or malt or brewed beverages by

1 the holder of a license issued under the provisions of this
2 article, or upon other sufficient cause, the [board] enforcement
3 bureau may, within one year from the date of such violation or
4 cause appearing, cite such licensee to appear before [it or its
5 examiner] an administrative law judge not less than ten (10) nor
6 more than [fifteen (15)] sixty (60) days from the date of
7 sending such licensee, by registered mail, a notice addressed to
8 his licensed premises, to show cause why the license should not
9 be suspended or revoked. Hearings on such citations shall be
10 held in the same manner as provided herein for hearings on
11 applications for license. And upon such hearing, if satisfied
12 that any such violation has occurred or for other sufficient
13 cause, the [board] administrative law judge shall immediately
14 suspend or revoke such license, notifying the licensee thereof
15 by registered letter addressed to his licensed premises, or to
16 the address given in his application where no licensed premises
17 is maintained in Pennsylvania.

18 (b) When a license is revoked, the licensee's bond may be
19 forfeited [by the board]. Any licensee whose license is revoked
20 shall be ineligible to have a license under this act or under
21 any other act relating to alcohol, liquor or malt or brewed
22 beverages until the expiration of three (3) years from the date
23 such license was revoked. In the event [the board shall revoke a
24 license] of a revocation, no license shall be granted for the
25 premises or transferred to the premises in which said license
26 was conducted for a period of at least one (1) year after the
27 date of the revocation of the license conducted in the said
28 premises, except in cases where the licensee or a member of his
29 immediate family is not the owner of the premises, in which case
30 the ~~[board]~~ commission may, in its discretion, issue or transfer ←

1 a license within said year. [In all such cases, the board shall
2 file of record at least a brief statement in the form of an
3 opinion of the reasons for the ruling or order.] Such hearing
4 before and adjudication by an administrative law judge shall be
5 in accordance with 2 Pa.C.S. Ch. 5 Subch. A (relating to
6 practice and procedure of Commonwealth agencies).

7 Section 102. Section 515 of the act, repealed in part June
8 3, 1971 (P.L.118, No.6) and April 28, 1978 (P.L.202, No.53), is
9 reenacted and amended to read:

10 Section 515. Appeals.--[Any] The ~~commission~~ BOARD, the ←
11 enforcement bureau or any applicant or any licensee aggrieved by
12 any decision [of the board] refusing, suspending or revoking a
13 license under the provisions of this article may appeal to the
14 court of the county in which the licensed premises or the
15 premises to be licensed are located. In the event an applicant
16 or a licensee shall have no place of business established within
17 the Commonwealth, his appeal shall be to the [court of Dauphin
18 County] Commonwealth Court. Such appeal shall be [upon petition
19 of the applicant or licensee, as the case may be, who shall
20 serve a copy thereof upon the board. The said appeal shall act
21 as a supersedeas, unless upon sufficient cause shown the court
22 shall determine otherwise. The court shall hear the application
23 de novo at such time as it shall fix, of which notice shall be
24 given to the board. The court shall, in the case of a refusal by
25 the board, either sustain such refusal or order the issuance of
26 the license to the applicant] in accordance with 2 Pa.C.S. Ch. 7
27 Subch. A (relating to judicial review of Commonwealth agency
28 action).

29 Section 103. ~~Sections 516 and 517 of the act are~~ SECTION 516 ←
30 OF THE ACT IS reenacted and amended to read:

1 Section 516. Compromise Penalty In Lieu of Suspension.--In
2 those cases where the [board] administrative law judge shall
3 suspend a license, the [board] administrative law judge may
4 accept from the licensee an offer in compromise as a penalty in
5 lieu of such suspension and shall thereupon rescind its order of
6 suspension. In the case of a distillery licensee, the offer in
7 compromise shall be at the rate of one hundred dollars (\$100)
8 for each day of suspension; in the case of a bonded warehouse,
9 bailee for hire and transporter for hire licensees, twenty-five
10 dollars (\$25) for each day; and in the case of a winery
11 licensee, fifty dollars (\$50) for each day. No offer in
12 compromise may be accepted [by the board] in those cases where
13 the suspension is for a period in excess of one hundred (100)
14 days.

15 SECTION 103.1. SECTION 517 OF THE ACT IS REENACTED TO READ: <—

16 Section 517. Expiration of Licenses; Renewals.--All licenses
17 issued under this article shall expire at the close of the
18 calendar year, but new licenses for the succeeding year shall be
19 issued upon written application therefor, duly verified by
20 affidavit, stating that the facts in the original application
21 are unchanged, and upon payment of the fee as hereinafter
22 provided and the furnishing of a new bond, without the filing of
23 further statements or the furnishing of any further information
24 unless specifically requested by the ~~{board}~~ commission: <—

25 Provided, however, That any such license issued to a corporation
26 shall expire thirty (30) days after any change in the officers
27 of such corporation, unless the name and address of each such
28 new officer of such corporation shall, within that period, be
29 reported to the ~~{board}~~ commission by certificate, duly <—
30 verified. Applications for renewals must be made not less than

1 thirty (30) nor more than sixty (60) days before the first day
2 of January of the ensuing year. All applications for renewal
3 received otherwise shall be treated as original applications.

4 Section 104. Section 518 of the act is reenacted to read:

5 Section 518. Unlawful Acts.--(a) It shall be unlawful for
6 any person to transport any illegal alcohol, liquor or malt or
7 brewed beverages.

8 (b) Whenever any person withdraws or removes any alcohol or
9 liquor which has not been denatured from any distillery,
10 denaturing plant, winery or bonded warehouse for the purpose of
11 denaturing the same, it shall be unlawful for any such person to
12 use, sell or conceal, or attempt to use, sell or conceal, or be
13 concerned in the sale, use or concealment of, any such alcohol
14 or liquor, unless before such sale or use the said alcohol or
15 liquor shall be denatured by adding thereto denaturing material
16 or materials or admixtures thereof which render it unfit for
17 beverage purposes.

18 (c) It shall be unlawful for any person to recover and reuse
19 or attempt to recover and reuse, by redistillation or by any
20 other process or means whatsoever, any alcohol or liquor from
21 denatured alcohol or from any other liquor from denatured
22 alcohol or from any other liquid, or to knowingly use, sell,
23 conceal, or otherwise dispose of, alcohol or liquor so recovered
24 or redistilled.

25 Section 105. Section 519 of the act is reenacted and amended
26 to read:

27 Section 519. Penalties.--Any person or persons who knowingly
28 violate any of the provisions of this article, or any person who
29 shall violate any of the conditions of any license issued under
30 the provisions of this article, or who shall falsify any record

1 or report required by this article to be kept, or who shall
2 violate any rule or regulation of the ~~{board} commission~~, or who <—
3 shall interfere with, hinder or obstruct any inspection
4 authorized by this article, or prevent any member of the ~~{board}~~ <—
5 ~~commission or the enforcement bureau~~ or any person duly
6 authorized and designated by the ~~{board} commission or the~~ <—
7 ~~bureau~~ from entering any place which such member of the ~~{board}~~ <—
8 ~~commission or the bureau~~ or such person is authorized by this
9 article to enter for the purpose of making an inspection, or who
10 shall violate any other provision of this article, shall be
11 guilty of a misdemeanor and, upon conviction thereof, shall be
12 sentenced to pay a fine of not less than one hundred dollars
13 (\$100), nor more than five thousand dollars (\$5000), or undergo
14 imprisonment of not more than three (3) years, or both, at the
15 discretion of the court.

16 Section 106. The headings of Article VI and Subdivision (A)
17 of Article VI of the act are reenacted to read:

18 ARTICLE VI.
19 PROPERTY ILLEGALLY POSSESSED OR USED; FORFEITURES;
20 NUISANCES.
21 (A) Forfeitures.

22 Section 107. Sections 601, 602 and 603 of the act, amended
23 April 20, 1956 (1955 P.L.1508, No.499), are reenacted and
24 amended to read:

25 Section 601. Forfeiture of Property Illegally Possessed or
26 Used.--No property rights shall exist in any liquor, alcohol or
27 malt or brewed beverage illegally manufactured or possessed, or
28 in any still, equipment, material, utensil, vehicle, boat,
29 vessel, animals or aircraft used in the illegal manufacture or
30 illegal transportation of liquor, alcohol or malt or brewed

1 beverages, and the same shall be deemed contraband and
2 proceedings for its forfeiture to the Commonwealth may[, at the
3 discretion of the board,] be instituted in the manner
4 hereinafter provided. No such property when in the custody of
5 the law shall be seized or taken therefrom on any writ of
6 replevin or like process.

7 Section 602. Forfeiture Proceedings.--(a) The proceedings
8 for the forfeiture or condemnation of all property shall be in
9 rem, in which the Commonwealth shall be the plaintiff and the
10 property the defendant. A petition shall be filed in the court
11 of [quarter sessions] common pleas, verified by oath or
12 affirmation of any officer or citizen, containing the following:
13 (1) a description of the property so seized; (2) a statement of
14 the time and place where seized; (3) the owner, if known; (4)
15 the person or persons in possession, if known; (5) an allegation
16 that the same had been possessed or used or was intended for use
17 in violation of this act; (6) and, a prayer for an order of
18 forfeiture that the same be adjudged forfeited to the
19 Commonwealth, unless cause be shown to the contrary.

20 (b) A copy of said petition shall be served personally on
21 said owner if he can be found within the jurisdiction of the
22 court, or upon the person or persons in possession at the time
23 of the seizure thereof. Said copy shall have endorsed thereon a
24 notice as follows:

25 "To the Claimant of Within Described Property: You are
26 required to file an answer to this petition, setting forth your
27 title in and right to possession of said property, within
28 fifteen (15) days from the service hereof; and you are also
29 notified that if you fail to file said answer, a decree of
30 forfeiture and condemnation will be entered against said

1 property."

2 Said notice shall be signed by petitioner or his attorney, or
3 the district attorney or the Attorney General.

4 (c) If the owner of said property is unknown or outside the
5 jurisdiction of the court and there was no person in possession
6 of said property when seized, or such person so in possession
7 cannot be found within the jurisdiction of the court, notice of
8 said petition shall be given by an advertisement in only one
9 newspaper of general circulation published in the county where
10 such property shall have been seized, once a week for two (2)
11 successive weeks. No other advertisement of any sort shall be
12 necessary, any other law to the contrary notwithstanding. Said
13 notice shall contain a statement of the seizure of said
14 property, with a description thereof, the place and date of
15 seizure, and shall direct any claimants thereof to file a claim
16 therefor on or before a date given in said notice, which date
17 shall not be less than ten (10) days from the date of the last
18 publication.

19 (d) Upon the filing of any claim for said property, setting
20 forth a right of possession thereof, the case shall be deemed at
21 issue and a time be fixed for the hearing thereof.

22 (e) At the time of said hearing, if the Commonwealth shall
23 produce evidence that the property in question was unlawfully
24 possessed or used, the burden shall be upon the claimant to show
25 (1) that he is the owner of said property, (2) that he lawfully
26 acquired the same, and (3) that it was not unlawfully used or
27 possessed.

28 In the event such claimant shall prove by competent evidence
29 to the satisfaction of the court that said liquor, alcohol or
30 malt or brewed beverage, or still, equipment, material, utensil,

1 vehicle, boat, vessel, container, animal or aircraft was
2 lawfully acquired, possessed and used, then the court may order
3 the same returned or delivered to the claimant; but if it
4 appears that said liquor, alcohol or malt or brewed beverage or
5 still, equipment, material or utensil was unlawfully possessed
6 or used, the court shall order the same destroyed, delivered to
7 a hospital, or turned over to the ~~board~~ commission or ←
8 enforcement bureau, as hereinafter provided, or if it appears
9 that said vehicle, boat, vessel, container, animal or aircraft
10 was unlawfully possessed or used, the court may, in its
11 discretion, adjudge same forfeited and condemned as hereinafter
12 provided.

13 Section 603. Disposition of Forfeited Property.--If, upon
14 petition as hereinbefore provided and hearing before the court
15 of [quarter sessions] common pleas, it appears that any liquor,
16 alcohol, or malt or brewed beverage or still, equipment,
17 material or utensil was so illegally possessed, or used, such
18 liquor, alcohol or malt or brewed beverage or still, equipment,
19 material or utensil shall be adjudged forfeited and condemned,
20 or if it appears that any vehicle, boat, vessel, container,
21 animal or aircraft was so used in the illegal manufacture or
22 transportation of liquor, alcohol or malt or brewed beverage,
23 such property may, in the discretion of the court, be adjudged
24 forfeited and condemned and in such case shall be disposed of as
25 follows:

26 (a) Upon conviction of any person of a violation of any of
27 the provisions of this act, the court shall order the sheriff to
28 destroy all condemned liquor, alcohol or malt or brewed beverage
29 and property seized or obtained from such defendants, except
30 that the court may order the liquor, alcohol or malt or brewed

1 beverages, or any part thereof, to be delivered to a hospital
2 for its use, and make return to the court of compliance with
3 said order, and any vehicle, container, boat, vessel, animals or
4 aircraft seized under the provisions of this act shall be
5 disposed of as hereinafter provided.

6 (b) In any case in which the defendant is acquitted of a
7 violation of this act and denies the ownership or possession
8 thereof, or no claimant appears for same, or appearing, is
9 unable to sustain claim thereof, the court shall order all
10 condemned liquor, alcohol and malt or brewed beverages and
11 property (except vehicles, boats, vessels, containers, animals
12 and aircraft) publicly destroyed by the sheriff, except that the
13 court may order the liquor, alcohol or malt or brewed beverages,
14 or any part thereof, to be delivered to a hospital for its use.
15 Return of compliance with said order shall be made by the
16 sheriff to the court.

17 (c) In the case of any vehicle, boat, vessel, container,
18 animal or aircraft seized under the provisions of this act and
19 condemned, the court shall order the same to be delivered to the
20 [board] enforcement bureau for its use or for sale or
21 disposition by the [board] bureau, in its discretion. Notice of
22 such sale shall be given in such manner as the [board] bureau
23 may prescribe. The proceeds of such sale shall be paid into The
24 State Stores Fund.

25 Section 108. Section 604 of the act is reenacted and amended
26 to read:

27 Section 604. Motor Vehicle Licenses To Be Revoked.--In
28 addition to the foregoing provisions, the court may, in its
29 order of condemnation, and in every conviction under this act
30 where it shall appear that liquor, alcohol or malt or brewed

1 beverages were unlawfully transported in a motor vehicle,
2 declare that the license issued by the Department of [Revenue]
3 Transportation for any motor vehicle so forfeited and condemned,
4 or issued to any defendant convicted of transporting liquor,
5 alcohol or malt or brewed beverages in any motor vehicle, shall
6 be forfeited and revoked, and it shall be the duty of the clerk
7 of the court in which such conviction is had and order of
8 condemnation made to certify such conviction to the Secretary of
9 [Revenue] Transportation, who shall suspend or revoke the
10 license issued for such motor vehicles: Provided, That a license
11 may be issued for such motor vehicle to the ~~board~~ commission ←
12 or the enforcement bureau to any purchaser of the vehicle after
13 the sale thereof, as above provided.

14 Section 109. Section 605 of the act is reenacted to read:

15 Section 605. Application of Subdivision.--The provisions of
16 this subdivision shall apply to the disposition of any liquor,
17 alcohol or malt or brewed beverage or property in the custody of
18 the law or of any officer at the time of the passage of this
19 act.

20 Section 110. The heading of Subdivision (B) of Article VI of
21 the act is reenacted to read:

22 (B) Nuisances.

23 Section 111. Section 611 of the act is reenacted and amended
24 to read:

25 Section 611. Nuisances; Actions To Enjoin.--(a) Any room,
26 house, building, boat, vehicle, structure or place, except a
27 private home, where liquor, alcohol or malt or brewed beverages
28 are manufactured, possessed, sold, transported, offered for
29 sale, bartered or furnished, or stored in bond, or stored for
30 hire, in violation of this act, and all such liquids, beverages

1 and property kept or used in maintaining the same, are hereby
2 declared to be common nuisances, and any person who maintains
3 such a common nuisance shall be guilty of a misdemeanor and,
4 upon conviction thereof, shall be subject to the same penalties
5 provided in section four hundred ninety four of this act.

6 (b) An action to enjoin any nuisance defined in this act may
7 be brought in the name of the Commonwealth of Pennsylvania by
8 the Attorney General [or], by the district attorney of the
9 proper county or by a person who resides or has a place of
10 business within five hundred feet of the location of the alleged
11 nuisance. Such action shall be brought and tried as an action in
12 equity and may be brought in any court having jurisdiction to
13 hear and determine equity cases within the county in which the
14 offense occurs. If it is made to appear, by affidavit or
15 otherwise, to the satisfaction of the court that such nuisance
16 exists, a temporary writ of injunction shall forthwith issue,
17 restraining the defendant from conducting or permitting the
18 continuance of such nuisance until the conclusion of the
19 proceedings. If a temporary injunction is prayed for, the court
20 may issue an order restraining the defendant and all other
21 persons from removing or in any way interfering with the
22 liquids, beverages or other things used in connection with the
23 violation of this act constituting such nuisance. No bond shall
24 be required in instituting such proceedings brought in the name
25 of the Commonwealth by the Attorney General or the district
26 attorney. Where such proceedings are brought by a person, the
27 court, upon application of the defendant and prior to any
28 injunction being issued, may direct the plaintiff to post bond
29 in such amount as the court may find to be reasonable and
30 sufficient. It shall not be necessary for the court to find the

1 property involved was being unlawfully used, as aforesaid, at
2 the time of the hearing, but on finding that the material
3 allegations of the petition are true, the court shall order that
4 no liquor, alcohol or malt or brewed beverage shall be
5 manufactured, sold, offered for sale, transported, bartered or
6 furnished, or stored in bond, or stored for hire in such room,
7 house, building, structure, boat, vehicle, or place, or any part
8 thereof.

9 (c) Upon the decree of the court ordering such nuisance to
10 be abated, the court may, upon proper cause shown, order that
11 the room, house, building, structure, boat, vehicle or place
12 shall not be occupied or used for one year thereafter, but the
13 court may, in its discretion, permit it to be occupied or used
14 if the owner, lessee, tenant or occupant thereof shall give bond
15 with sufficient surety to be approved by the court making the
16 order in the penal and liquidated sum of not less than five
17 hundred dollars (\$500.00), payable to the Commonwealth of
18 Pennsylvania, for use of the county in which said proceedings
19 are instituted, and conditioned that neither liquor, alcohol,
20 nor malt or brewed beverages will thereafter be manufactured,
21 sold, transported, offered for sale, bartered or furnished, or
22 stored in bond, or stored for hire therein or thereon in
23 violation of this act, and that he will pay all fines, costs and
24 damages that may be assessed for any violation of this act upon
25 said property.

26 Section 112. The headings of Article VII and Subdivision (A)
27 of Article VII of the act are reenacted to read:

28 ARTICLE VII.

29 DEALING IN DISTILLERY BONDED WAREHOUSE

30 CERTIFICATES.

2 Section 113. Section 701 of the act is reenacted ~~and amended~~ ←
3 to read:

4 Section 701. Definitions and Interpretation.--(a) When used
5 in this article, the following words or phrases, unless the
6 context clearly indicates otherwise, shall have the meanings
7 ascribed to them in this section.

8 "Agent" shall mean and include every person employed by a
9 distillery certificate broker to sell, offer for sale or
10 delivery, to purchase, exchange, or to enter into agreements for
11 the purchase, sale or exchange, or to solicit subscriptions to,
12 or orders for, or to undertake to dispose of, or to deal in any
13 manner in, distillery bonded warehouse certificates.

14 "Fraud," "fraudulent" and "fraudulent practice" shall include
15 any misrepresentation in any manner of a relevant fact not made
16 honestly and in good faith; any promise or representation or
17 prediction as to the future not made honestly and in good faith,
18 or an intentional failure to disclose a material fact; the
19 gaining, directly or indirectly, through the purchase, sale or
20 exchange of distillery bonded warehouse certificates, of any
21 promotion fee or profit, selling or managing commission or
22 profit, so gross and exorbitant as to be unconscionable and
23 fraudulent; and any scheme, device, artifice or investment plan
24 to obtain such an unconscionable profit: Provided, however, that
25 nothing herein shall limit or diminish the full meaning of the
26 terms "fraud" and "fraudulent" as applied or accepted in courts
27 of law or equity.

28 (b) Nothing contained in this article shall be construed as
29 permitting the holder or owner of a distillery bonded warehouse
30 certificate, as defined in this act, to secure possession of the

1 whiskey or other potable distilled spirits named or designated
2 in such certificate, except in accordance with the provisions of
3 this act and the laws of this Commonwealth hereafter enacted
4 relating to alcohol or alcoholic beverages and the regulations
5 of the ~~{board}~~ ~~commission~~ adopted and promulgated thereunder. <—

6 Section 114. The heading of Subdivision (B) of Article VII
7 of the act is reenacted to read:

8 (B) Permits.

9 Section 115. Section 702 of the act is reenacted to read:

10 Section 702. Unlawful to Act as a Distillery Certificate
11 Broker or to Buy or Sell Distillery Bonded Warehouse Certificate
12 Without a Permit.--It shall be unlawful for any person, except
13 as hereinafter exempted, directly or through an agent, to sell,
14 purchase, exchange, offer for sale, deliver, enter into
15 agreements for the purchase, sale, exchange, solicit
16 subscriptions to, orders for, undertake to dispose of, deal in
17 any manner in, distillery bonded warehouse certificates, without
18 first having obtained a permit to act as a distillery
19 certificate broker as provided in this article.

20 Section 116. Section 703 of the act is reenacted ~~and amended~~ <—
21 to read:

22 Section 703. Authority to Issue Permits to Distillery
23 Certificate Brokers.--Subject to the provisions of this article
24 and regulations promulgated under this act, the ~~{board}~~ <—
25 ~~commission~~ shall have authority to issue to any reputable
26 financially responsible person whose plan of business in dealing
27 in distillery bonded warehouse certificates is not deemed by the
28 ~~{board}~~ ~~commission~~ to constitute "fraudulent practice," as <—
29 defined herein, a permit to act as distillery certificate
30 broker.

1 Section 117. Section 704 of the act, amended September 28,
2 1961 (P.L.1728, No.702), is reenacted ~~and amended~~ to read: <—

3 Section 704. Application for Permit; Filing Fee.--Every
4 applicant for a distillery certificate broker permit shall file
5 a written application with the ~~{board} commission~~ outlining his <—
6 plan of business in dealing in distillery bonded warehouse
7 certificates, in such form and containing such other information
8 as the ~~{board} commission~~ shall from time to time prescribe, <—
9 which shall be accompanied by a filing fee of twenty dollars
10 (\$20) and the prescribed permit fee. If the applicant is a
11 natural person, his application must show that he is a citizen
12 of the United States, and if a corporation, the application must
13 show that the corporation was created under the laws of
14 Pennsylvania or holds a certificate of authority to transact
15 business in Pennsylvania. The application shall be signed and
16 verified by oath or affirmation of the applicant, if a natural
17 person, or in the case of an association, by a member or partner
18 thereof, or in the case of a corporation, by an executive
19 officer thereof or any person specifically authorized by the
20 corporation to sign the application, to which shall be attached
21 written evidence of his authority. If the applicant is an
22 association, the application shall set forth the names and
23 addresses of the persons constituting the association, and if a
24 corporation, the names and addresses of all the officers
25 thereof. All applications must be verified by affidavit of
26 applicant and if any false statement is intentionally made in
27 any part of the application, the signer shall be guilty of a
28 misdemeanor and upon indictment and conviction, shall be subject
29 to penalties provided by this article.

30 Section 118. Section 705 of the act is reenacted ~~and amended~~ <—

1 to read:

2 Section 705. Issuance of Permits.--Upon receipt of the
3 application and proper fees and upon being satisfied of the
4 truth of the statements in the application, and being also
5 satisfied that the applicant's plan of business in dealing in
6 distillery bonded warehouse certificates does not constitute
7 "fraudulent practice," as defined in this article, and that the
8 applicant is a person of good repute and financially
9 responsible, the ~~{board}~~ ~~commission~~ may issue to such applicant ←
10 a permit authorizing the permittee to sell, purchase, exchange,
11 pledge and deal in distillery bonded warehouse certificates.

12 Section 119. Section 706 of the act is reenacted to read:

13 Section 706. Office or Place of Business to be Maintained.--
14 Every applicant for a distillery certificate broker permit under
15 this article and every person to whom such a permit is issued
16 shall maintain an office or place of business within the
17 Commonwealth.

18 Section 120. Sections 707, 708 and 709 of the act are
19 reenacted ~~and amended~~ to read: ←

20 Section 707. Permit Fee; Permits Not Assignable or
21 Transferable; Display of Permit; Term of Permit.--Every
22 applicant for distillery certificate broker permit shall, before
23 receiving such permit, pay to the ~~{board}~~ ~~commission~~ an annual ←
24 permit fee of one hundred dollars (\$100). Permits issued under
25 this act may not be assigned or transferred and shall be
26 conspicuously displayed at the place of business of the
27 permittee. All permits shall be valid only during the year for
28 which issued and shall automatically expire on the thirty-first
29 day of December of each calendar year unless suspended, revoked
30 or cancelled prior thereto.

1 Section 708. Records to be Kept.--Every person holding a
2 permit issued under this act shall keep daily permanent records
3 containing a complete record of all transactions in distillery
4 bonded warehouse certificates within this Commonwealth, in such
5 form and manner as the ~~{board} commission~~ may from time to time <—
6 prescribe. Such records shall be available for examination by
7 the ~~{board's} commission's~~ officers at the broker's principal <—
8 place of business or office in Pennsylvania.

9 Section 709. Renewal of Permits.--Upon the filing of an
10 application and the payment of the prescribed filing fee and
11 permit fee in the same amount as herein required on original
12 applications for permits, the ~~{board} commission~~ may renew the <—
13 permit for the calendar year beginning January first, provided
14 such application for renewal is filed and fee paid on or before
15 December fifteenth of the preceding year, unless the ~~{board}~~ <—
16 ~~commission~~ shall have given previous notice of objections to the
17 renewal of the permit, based upon violation of this article or
18 the ~~{board's} commission's~~ regulations promulgated thereunder, <—
19 or unless the applicant has by his own act become a person of
20 ill repute or ceases to be financially responsible.

21 Section 121. Section 710 of the act, amended June 3, 1971
22 (P.L.118, No.6) and April 28, 1978 (P.L.202, No.53), is
23 reenacted ~~and amended~~ to read: <—

24 Section 710. Permit Hearings; Appeals From Refusal of the
25 ~~{Board} Commission~~ to Issue or Renew Permits.--The ~~{board}~~ <—
26 ~~commission~~ may of its own motion, and shall upon written request
27 of any applicant for distillery certificate broker permit or for
28 renewal thereof whose application for such permit or renewal has
29 been refused, fix a time and place for hearings of such
30 application for permit or for renewal thereof, notice of which

1 hearing shall be sent by registered mail to the applicant at the
2 address given in his application. Such hearing shall be before
3 the ~~{board} commission~~ or a member thereof. At such hearing, the <—
4 ~~{board} commission~~ shall present its reasons for its refusal or <—
5 withholding a permit or renewal thereof. The applicant may
6 appear in person or by counsel, cross-examine the witnesses of
7 the ~~{board} commission~~, and may present evidence which shall be <—
8 subject to cross-examination by the ~~{board} commission~~. Such <—
9 hearings shall be stenographically recorded. The ~~{board}~~ <—
10 ~~commission~~ shall thereupon grant or refuse the permit or renewal
11 thereof. If the ~~{board} commission~~ shall refuse such permit or <—
12 renewal following such hearing, notice in writing of such
13 refusal shall be sent by registered mail to the applicant at the
14 address given in his application. In all such cases, the ~~{board}~~ <—
15 ~~commission~~ shall file of record at least a brief statement in
16 the form of an opinion of the reasons for the ruling or order
17 and furnish a copy thereof to the applicant.

18 Section 122. Section 712 of the act, amended April 28, 1978
19 (P.L.202, No.53), is reenacted ~~and amended~~ to read: <—

20 Section 712. Revocation and Suspension of Permit.--Upon
21 learning of any violation of this act or regulations of the
22 ~~{board} commission~~ promulgated thereunder, or any violation of <—
23 any laws of this Commonwealth or of the United States of America
24 by the permittee, his officers, servants, agents or employes, or
25 upon any other sufficient cause shown, the ~~{board} commission~~ <—
26 may cite such permittee to appear before it or a member thereof
27 not less than ten or more than fifteen days from the date of
28 sending such permittee, by registered mail, a notice addressed
29 to him at the address set forth in the application for permit,
30 to show cause why such permit should not be suspended or

1 revoked. When such notice is duly addressed and deposited in the
2 post office, it shall be deemed due and sufficient notice.

3 Hearings on such citations shall be held in the same manner as
4 provided herein for hearing on application for permit. Upon such
5 hearing, if satisfied that any such violation has occurred, or
6 for other sufficient cause, the ~~{board} commission~~ shall ←
7 immediately suspend or revoke the permit, notifying the
8 permittee thereof by registered letter addressed to the address
9 set forth in the application for permit. Any permittee whose
10 permit is revoked shall be ineligible to have a permit under
11 this act until the expiration of three years from the date such
12 permit was revoked. In all such cases, the ~~{board} commission~~ ←
13 shall file of record at least a brief statement in the form of
14 an opinion of the reasons for the ruling or order.

15 Section 123. The heading of Subdivision (C) of Article VII
16 of the act is reenacted to read:

17 (C) Permittees' Registered Agents.

18 Section 124. Section 721 of the act is reenacted to read:

19 Section 721. Unlawful to Act as Agent or to Employ Agents
20 Without Registration.--It shall be unlawful for a distillery
21 certificate broker to employ any person to act as agent, or for
22 any person to act as agent for any distillery certificate
23 broker, in purchasing, exchanging, offering for sale,
24 delivering, entering into agreements for the purchase, sale,
25 exchange, soliciting subscriptions to, orders for, undertaking
26 to dispose of, dealing in any manner in, distillery bonded
27 warehouse certificates, without such person first having been
28 registered as an agent as provided in this article.

29 Section 125. Section 722 of the act is reenacted ~~and amended~~ ←
30 to read:

1 Section 722. Registered Agents.--Every person holding a
2 distillery certificate broker permit under this article who
3 desires to employ an agent or agents in the operation of his
4 business under the permit shall make application to the ~~{board}~~ <—
5 ~~commission~~ for registration of such agent or agents. Every such
6 permittee's application shall set forth the name of the
7 permittee and the address of his main office or principal place
8 of business in Pennsylvania, and the full address where complete
9 records are maintained covering the permittee's operations in
10 Pennsylvania. With each such permittee's application there shall
11 be filed an agent's application for each agent to be registered.
12 Permittees' applications for agents and agents' applications
13 shall contain such information as the ~~{board}~~ ~~commission~~ shall <—
14 from time to time require, and shall be signed and verified by
15 oath or affirmation of the agent. Each application shall be
16 accompanied by two unmounted photographs of the agent.

17 Section 126. Section 723 of the act is reenacted to read:

18 Section 723. Registration Fee.--Every application for the
19 registration of agents filed by a permittee shall be accompanied
20 by a registration fee in the amount of ten dollars (\$10) for
21 each agent to be registered, which shall cover the agent's
22 registration from date of approval until December thirty-first
23 of the year in which approved. Registrations may be renewed for
24 a period of one calendar year upon the filing of a new
25 application and payment of the same registration fee as herein
26 provided for original registration, together with agent's new
27 application and photographs of each agent. Applications for
28 renewal of registration shall be filed not later than December
29 fifteenth of each year.

30 Section 127. Section 724 of the act is reenacted ~~and amended~~ <—

1 to read:

2 Section 724. Registration and Issuance of Identification
3 Card.--Upon receipt of the application, the proper fees, and
4 upon being satisfied of the truth of the statements in the
5 application and that the applicant is a person of good
6 reputation and the applicant seeks a registration as defined in
7 this act, the ~~{board} commission~~ may register such agent and <—
8 issue to him an identification card.

9 Section 128. Sections 725 and 726 of the act, amended April
10 28, 1978 (P.L.202, No.53), are reenacted ~~and amended~~ to read: <—

11 Section 725. Hearings Upon Refusal of the {Board} <—
12 ~~Commission~~; Appeals.--In the event that the ~~{board} commission~~ <—
13 shall refuse to issue or to renew an agent's registration, a
14 hearing shall be had.

15 Section 726. Revocation and Suspension of Agents'
16 Registrations.--Upon learning of any violation of this act or
17 regulation of the ~~{board} commission~~ promulgated thereunder, or <—
18 any violation of any laws of this Commonwealth or of the United
19 States of America by a registered agent, the ~~{board} commission~~ <—
20 may revoke or suspend the agent's registration in the same
21 manner as provided herein for the revocation and suspension of
22 distillery certificate broker permits.

23 Section 129. Section 727 of the act is reenacted and amended
24 to read:

25 Section 727. Identification Cards.--(a) Upon approval by
26 the ~~{board} commission~~ of the application for registration of an <—
27 agent, there shall be issued to such registered agent an
28 identification card containing the name and address of the
29 distillery certificate broker, the name, address and physical
30 description of the agent. There shall also be affixed to the

1 identification card a photograph of the agent, and no
2 identification card shall be valid until signed by both the
3 distillery certificate broker and the agent and counter-signed
4 by a representative of the ~~{board} commission~~. ←

5 (b) Before any agent's registration can be changed from one
6 distillery certificate broker to another, the identification
7 card of such agent shall either be returned to the ~~{board}~~ ←
8 ~~commission~~ by the broker under whom he is registered, or such
9 broker shall file with the ~~{board} commission~~ a notice in ←
10 writing that he has knowledge of and consents to the employment
11 of such agent by the other broker.

12 (c) When the employment of any agent is terminated, the
13 broker shall immediately notify the ~~{board} commission~~ and the ←
14 identification card issued to the agent shall be surrendered to
15 the ~~{board} commission~~. ←

16 Section 130. The heading of Subdivision (D) of Article VII
17 of the act is reenacted to read:

18 (D) Exemptions.

19 Section 131. Sections 731, 732 and 733 of the act are
20 reenacted to read:

21 Section 731. Bank and Trust Companies and Other Persons.--
22 Bank and trust companies and other persons duly authorized
23 within this Commonwealth to engage in the business of lending
24 money to licensed distillers, rectifiers, importers and
25 distillery certificate brokers may, without a permit required
26 under the provisions of this act, accept distillery bonded
27 warehouse certificates as security or collateral for any loan
28 made in the regular conduct of their business, and such banks
29 and trust companies and other persons may liquidate such
30 security or collateral by sale only to licensed distillers,

1 rectifiers, importers or distillery certificate brokers.

2 Section 732. Distillers, Rectifiers and Importers.--Duly
3 licensed distillers, rectifiers and importers may, without a
4 permit required under the provisions of this article, deal in
5 distillery bonded warehouse certificates, but only with other
6 duly licensed distillers, rectifiers, importers and with
7 distillery certificate brokers.

8 Section 733. Certificates Owned Since July 24, 1939.--
9 Persons other than licensed distillers, rectifiers, importers
10 and distillery certificate brokers, holding distillery bonded
11 warehouse certificates on and since the twenty-fourth day of
12 July, one thousand nine hundred thirty-nine, may dispose of same
13 without a permit required under the provisions of this act, but
14 only to or through a distillery certificate broker holding a
15 permit from the ~~{board} commission~~. ←

16 Section 132. The heading of Subdivision (E) of Article VII
17 of the act is reenacted to read:

18 (E) Administration and Enforcement.

19 Section 133. Section 741 of the act is reenacted ~~and amended~~ ←
20 to read:

21 Section 741. Duties of the ~~{Board} Commission~~.--It shall be ←
22 the duty of the ~~{board} commission~~ to see that the provisions of ←
23 this article are at all times properly administered and obeyed,
24 and to take such measures and make such investigations as will
25 detect the violations of any provisions thereof. In the event it
26 shall discover any violation, it shall, in addition to revoking
27 any permit or registration of an agent, take such measures as
28 may be necessary to cause the apprehension and prosecution of
29 all persons deemed guilty thereof.

30 Section 134. The heading of Subdivision (F) of Article VII

1 of the act is reenacted to read:

2 (F) Fines and Penalties.

3 Section 135. Section 751 of the act is reenacted to read:

4 Section 751. Penalties.--Any person who shall violate any of
5 the provisions of this article, or who shall engage in any fraud
6 or fraudulent practice, as defined herein, shall be guilty of a
7 misdemeanor and, upon conviction thereof, shall be sentenced to
8 pay the costs of prosecution and a fine of not less than one
9 thousand dollars (\$1000), nor more than five thousand dollars
10 (\$5000), or undergo imprisonment of not less than one year, nor
11 more than five years, or both, at the discretion of the court.

12 Section 136. The heading of Article VIII of the act is
13 reenacted to read:

14 ARTICLE VIII.

15 DISPOSITION OF MONEYS COLLECTED UNDER
16 PROVISIONS OF ACT.

17 Section 137. Section 801 of the act is reenacted ~~and amended~~ <—
18 to read:

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

25 (1) License fees for hotel, restaurant and club liquor
26 licenses.

27 (2) License fees for retail dispensers' (malt and brewed
28 beverages) licenses.

29 (b) The moneys in the Liquor License Fund shall, on the
30 first days of February and August of each year, be paid by the

1 ~~{board} commission~~ to the respective municipalities in which the <—
2 respective licensed places are situated, in such amounts as
3 represent the aggregate license fees collected from licenses in
4 such municipalities during the preceding period. ~~These moneys~~ <—
5 ~~shall be used exclusively for the enforcement of the liquor laws~~
6 ~~of this Commonwealth.~~

7 (c) The ~~{board} commission~~ shall have the power to <—
8 appropriate moneys in the Liquor License Fund for the payment of
9 claims for refunds allowed and approved by the ~~{board}~~ <—
10 ~~commission~~ for moneys paid into the Liquor License Fund because
11 of the over-payment or overcharge on license fees. In the event
12 that the moneys in the Liquor License Fund have been distributed
13 to the respective municipalities, the ~~{board} commission~~ shall <—
14 have the authority to deduct from the next semi-annual payment
15 to the respective municipalities the amount of any over-payment
16 previously refunded by the ~~{board} commission~~ to any person on <—
17 account of an overcharge or over-payment on a license fee.

18 Section 138. Section 802 of the act, amended September 28,
19 1961 (P.L.1728, No.702), is reenacted and amended to read:

20 Section 802. Moneys Paid Into The State Stores Fund for Use
21 of the Commonwealth.--(a) All moneys, except fees to be paid
22 into the Liquor License Fund as provided by [the ~~{preceding}~~] <—
23 section 801, collected, received or recovered under the
24 provisions of this act for license fees, permit fees, filing
25 fees and registration fees, from forfeitures, sales of forfeited
26 property, compromise penalties and sales of liquor and alcohol
27 at the Pennsylvania Liquor Stores, shall be paid into the State
28 Treasury through the Department of Revenue into a special fund
29 to be known as "The State Stores Fund."

30 (b) One-half of all application filing and transfer fees

1 shall be credited to a special account designated as the
2 Enforcement Officers' Retirement Account. The moneys credited to
3 this account shall be paid, annually, by the ~~{board} commission~~ ←
4 to the State Employees' Retirement Board to be paid into the
5 State Employees' Retirement Fund and credited to the Enforcement
6 Officers' Benefit Account.

7 (c) One TWO per centum of annual profits from the sale of ←
8 liquor and alcohol shall be annually transferred to the
9 Department of Health for use by the Office of Drug and Alcohol
10 Programs, or its successor in function, for the following
11 purposes:

12 (1) Treatment and rehabilitation of persons addicted to the
13 excessive use of alcoholic beverages.

14 (2) Promotion of education, prevention and early
15 intervention programs designed to eliminate abuse and addiction
16 to alcohol or other mood-altering substances or secure
17 appropriate treatment for the already addicted.

18 (3) Study of the problem of addiction.

19 (d) All other moneys in such fund shall be available for the
20 purposes for which they are appropriated by law.

21 ~~(e) Annually, at the time the budget for the enforcement~~ ←
22 ~~bureau is approved, an amount equal to the amount appropriated~~
23 ~~from the General Fund for the enforcement bureau shall be~~
24 ~~transferred from the State Store Fund to the General Fund.~~

25 (E) ANNUALLY, THE GENERAL ASSEMBLY SHALL MAKE AN ←
26 APPROPRIATION FROM THE STATE STORE FUND TO PROVIDE FOR THE
27 OPERATIONAL EXPENSES OF THE ENFORCEMENT BUREAU.

28 Section 139. Section 803 of the act is reenacted and amended ←
29 to read:

30 Section 803. Alcohol Tax Moneys Paid Into General Fund.--All

1 taxes collected or received by the ~~{board} commission~~ on sales <—
2 of taxable alcohol under the provisions of this act shall be
3 paid into the State Treasury through the Department of Revenue
4 into the General Fund.

5 ~~Section 140. The heading of Article IX of the act is~~ <—
6 ~~reenacted to read:~~

7 ~~ARTICLE IX.~~

8 ~~REPEALS.~~

9 ~~Section 141. Section 901 of the act is reenacted to read:~~

10 ~~Section 901. Acts and Parts of Acts Repealed. The following~~
11 ~~acts and parts of acts and all amendments thereof are hereby~~
12 ~~repealed to the extent hereinafter specified:~~

13 ~~Section five of the act, passed in one thousand seven hundred~~
14 ~~five (1 Sm. L. 25), entitled "An act to restrain people from~~
15 ~~labour on the first day of the week," absolutely.~~

16 ~~The act, passed in one thousand seven hundred five (1 Sm. L.~~
17 ~~43), entitled "An act for selling beer and ale by wine measure,"~~
18 ~~absolutely.~~

19 ~~The act, passed the thirty first day of May, one thousand~~
20 ~~seven hundred eighteen (1 Sm. L. 104), entitled "An act~~
21 ~~empowering the Justices to settle the prices of liquors in~~
22 ~~public houses, and provender for horses in public stables,"~~
23 ~~absolutely.~~

24 ~~The act, passed the twenty sixth day of August, one thousand~~
25 ~~seven hundred twenty one (1 Sm. L. 126), entitled "A~~
26 ~~Supplementary act to a law of this province, entitled "An act~~
27 ~~that no public house or inn, within this province, be kept~~
28 ~~without license," absolutely.~~

29 ~~Section twenty of the act, approved the thirtieth day of~~
30 ~~March, one thousand eight hundred eleven (Pamphlet Laws 145),~~

1 ~~entitled "An act to amend and consolidate the several acts~~
2 ~~relating to the settlement of the public accounts and the~~
3 ~~payment of the public monies, and for other purposes,"~~
4 ~~absolutely.~~

5 ~~The act, approved the fourteenth day of March, one thousand~~
6 ~~eight hundred fourteen (Pamphlet Laws 100), entitled "An act~~
7 ~~providing for the inspection of spirituous liquors," absolutely.~~

8 ~~Sections one, two, three and four of the act, approved the~~
9 ~~second day of April, one thousand eight hundred twenty two~~
10 ~~(Pamphlet Laws 286), entitled "An act to prevent the disturbance~~
11 ~~of meetings held for the purpose of religious worship,"~~
12 ~~absolutely.~~

13 ~~The act, approved the eighth day of March, one thousand eight~~
14 ~~hundred fifteen (Pamphlet Laws 91), entitled "An act altering~~
15 ~~the mode of issuing tavern licenses," absolutely.~~

16 ~~The act, approved the thirteenth day of March, one thousand~~
17 ~~eight hundred fifteen (Pamphlet Laws 171), entitled "A~~
18 ~~supplement to the act, entitled 'An act providing for the~~
19 ~~inspection of spirituous liquors,' passed the fourteenth day of~~
20 ~~March, one thousand eight hundred and fourteen, and for the~~
21 ~~prevention of fraud in the purchase or sale of flour or~~
22 ~~whiskey," absolutely.~~

23 ~~The act, approved the twenty seventh day of March, one~~
24 ~~thousand eight hundred twenty one (Pamphlet Laws 133), entitled~~
25 ~~"An act to regulate inspections," absolutely.~~

26 ~~The act, approved the second day of April, one thousand eight~~
27 ~~hundred twenty one (Pamphlet Laws 244), entitled "An act laying~~
28 ~~a duty on the retailers of foreign merchandise," in so far as it~~
29 ~~relates to wine or distilled liquors.~~

30 ~~Section two of the act, approved the second day of April, one~~

1 ~~thousand eight hundred twenty two (Pamphlet Laws 226), entitled~~
2 ~~"A further supplement to the act, entitled 'An act relative to~~
3 ~~habitual Drunkards, ' " absolutely.~~

4 ~~The act, approved the sixteenth day of January, one thousand~~
5 ~~eight hundred twenty three (Pamphlet Laws 10), entitled "A~~
6 ~~supplement to the act entitled, 'An act providing for the~~
7 ~~inspection of spirituous liquors, ' " absolutely.~~

8 ~~Section one of the act, approved the twelfth day of April,~~
9 ~~one thousand eight hundred twenty five (Pamphlet Laws 247),~~
10 ~~entitled "An act more effectually to secure the collection of~~
11 ~~the revenue from tavern licenses, and for other purposes,"~~
12 ~~absolutely.~~

13 ~~The act, approved the seventh day of April, one thousand~~
14 ~~eight hundred thirty (Pamphlet Laws 352), entitled "An act to~~
15 ~~regulate inns and taverns," absolutely.~~

16 ~~The act, approved the fifteenth day of February, one thousand~~
17 ~~eight hundred thirty two (Pamphlet Laws 73), entitled "A~~
18 ~~supplement to an act entitled 'An act to regulate inns and~~
19 ~~taverns, ' passed April seventh, eighteen hundred and thirty,"~~
20 ~~absolutely.~~

21 ~~Sections one, two, three, four, five, ten, eleven, twelve,~~
22 ~~thirteen, fourteen, fifteen, sixteen, seventeen, eighteen,~~
23 ~~nineteen, twenty, twenty one, twenty two, twenty three, twenty~~
24 ~~four, twenty five, twenty six and twenty seven of the act,~~
25 ~~approved the eleventh day of March, one thousand eight hundred~~
26 ~~thirty four (Pamphlet Laws 117), entitled "An act relating to~~
27 ~~Inns, Taverns, and retailers of vinous and spirituous liquors,"~~
28 ~~absolutely.~~

29 ~~Sections one hundred twenty three, one hundred twenty four,~~
30 ~~one hundred twenty five, one hundred twenty six, one hundred~~

1 ~~twenty seven, one hundred twenty eight, one hundred twenty nine,~~
2 ~~one hundred thirty, one hundred thirty one, one hundred thirty-~~
3 ~~two, one hundred thirty three, one hundred thirty four, one~~
4 ~~hundred thirty five, one hundred thirty six, one hundred thirty-~~
5 ~~seven, one hundred thirty eight, one hundred thirty nine and one~~
6 ~~hundred forty of the act, approved the fifteenth day of April,~~
7 ~~one thousand eight hundred thirty five (Pamphlet Laws 384),~~
8 ~~entitled "An act relating to Inspections," absolutely.~~

9 ~~Section sixty six of the act, approved the thirteenth day of~~
10 ~~June, one thousand eight hundred thirty six (Pamphlet Laws 589),~~
11 ~~entitled "An act relating to lunatics and habitual drunkards,"~~
12 ~~absolutely.~~

13 ~~Section twenty two of the act, approved the twenty seventh~~
14 ~~day of May, one thousand eight hundred forty (Pamphlet Laws~~
15 ~~548), entitled "An act to erect the town of South Easton, in the~~
16 ~~county of Northampton, into a borough, and for other purposes,"~~
17 ~~absolutely.~~

18 ~~The act, approved the twenty ninth day of March, one thousand~~
19 ~~eight hundred forty one (Pamphlet Laws 121), entitled "An act~~
20 ~~supplementary to the various Acts relating to Tavern Licenses,"~~
21 ~~absolutely.~~

22 ~~Section forty four of the act, approved the twenty fifth day~~
23 ~~of March, one thousand eight hundred forty two (Pamphlet Laws~~
24 ~~192), entitled "An act to appoint Commissioners to Re-survey and~~
25 ~~mark that portion of the county line, which divides the township~~
26 ~~of Bristol, in the county of Philadelphia, from the township of~~
27 ~~Cheltenham, in the county of Montgomery, and for other~~
28 ~~purposes," absolutely.~~

29 ~~Section four of the act, approved the twenty first day of~~
30 ~~April, one thousand eight hundred forty six (Pamphlet Laws 431),~~

1 ~~entitled "An act to authorize the voters of Mifflin county to~~
2 ~~decide the question of tavern license therein, and to prohibit~~
3 ~~the sale of intoxicating drinks within specified limits in~~
4 ~~certain counties," absolutely.~~

5 ~~Sections twenty, twenty one, twenty two, twenty three,~~
6 ~~thirty one, thirty two and thirty three of the act, approved the~~
7 ~~tenth day of April, one thousand eight hundred forty nine~~
8 ~~(Pamphlet Laws 570), entitled "An act to create a sinking fund,~~
9 ~~and to provide for the gradual and certain extinguishment of the~~
10 ~~debt of the commonwealth," absolutely.~~

11 ~~The act, approved the sixteenth day of April, one thousand~~
12 ~~eight hundred forty nine (Pamphlet Laws 657), entitled "An act~~
13 ~~to change the mode of granting tavern licenses in the city and~~
14 ~~county of Philadelphia," absolutely.~~

15 ~~Sections five, six and eight of the act, approved the~~
16 ~~thirtieth day of April, one thousand eight hundred fifty~~
17 ~~(Pamphlet Laws 634), entitled "An act regulating the hunting of~~
18 ~~deer in the county of Warren; and relative to hawkers and~~
19 ~~peddlers in the counties of Carbon, Butler and Union;~~
20 ~~authorizing the Philadelphia, Germantown and Norristown railroad~~
21 ~~company to become stockholders in the Chester Valley railroad~~
22 ~~company; relative to the sale of spirituous and vinous liquors~~
23 ~~in Washington county; and to the licensing of inn keepers in~~
24 ~~this commonwealth; to the estate of John Claar, deceased;~~
25 ~~legitimizing John Diffenbach, of Lancaster county; and~~
26 ~~authorizing the sale of the real estate of Darius Grimes, of~~
27 ~~Fayette county, deceased," absolutely.~~

28 ~~Section eight of the act, approved the fourteenth day of~~
29 ~~April, one thousand eight hundred fifty one (Pamphlet Laws 569),~~
30 ~~entitled "A further supplement to the act entitled 'An Act~~

1 ~~authorizing the Governor to incorporate the Bear Mountain~~
2 ~~Railroad Company, and for other purposes, passed July~~
3 ~~thirteenth, one thousand eight hundred and forty two, and~~
4 ~~relative to roads, streets, and alleys in the borough of~~
5 ~~Pottsville, in Schuylkill county, to hawkers and peddlers in~~
6 ~~Armstrong and Carbon counties, to the Bethany and Dingman's~~
7 ~~choice turnpike road, to the district of West Philadelphia, to~~
8 ~~the bottling of cider and malt liquors, licensing billiard rooms~~
9 ~~and bowling saloons, to the district of Moyamensing, and to~~
10 ~~authorize Charles B. Mench to sell certain real estate,"~~
11 ~~absolutely.~~

12 ~~Sections one, two, three, six, seven and eight of the act,~~
13 ~~approved the eighth day of May, one thousand eight hundred~~
14 ~~fifty four (Pamphlet Laws 663), entitled "An act to protect~~
15 ~~certain domestic and private Rights, and prevent abuses in the~~
16 ~~Sale and Use of Intoxicating Drinks," absolutely.~~

17 ~~The act, approved the twenty sixth day of January, one~~
18 ~~thousand eight hundred fifty five (Pamphlet Laws 53), entitled~~
19 ~~"An act to prevent the Sale of Intoxicating Liquors on the First~~
20 ~~Day of the Week, commonly called Sunday," absolutely.~~

21 ~~Sections one, two, three, four, five, six, seven, eight,~~
22 ~~nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen,~~
23 ~~seventeen, eighteen, nineteen, twenty, twenty one, twenty two,~~
24 ~~twenty three, twenty four, twenty five, thirty, thirty two,~~
25 ~~thirty three and thirty four of the act, approved the thirty-~~
26 ~~first day of March, one thousand eight hundred fifty six~~
27 ~~(Pamphlet Laws 200), entitled "An act to Regulate the Sale of~~
28 ~~Intoxicating Liquors," absolutely.~~

29 ~~Sections one, two, three, four, five, six, seven, eight,~~
30 ~~nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen,~~

1 ~~seventeen, eighteen, nineteen, twenty, twenty one, twenty three~~
2 ~~and twenty four of the act, approved the twentieth day of April,~~
3 ~~one thousand eight hundred fifty eight (Pamphlet Laws 365),~~
4 ~~entitled "A supplement to an act to Regulate the Sale of~~
5 ~~Intoxicating Liquors, approved the thirty first of March, Anno~~
6 ~~Domini one thousand eight hundred and fifty six," absolutely.~~

7 ~~The act, approved the twenty first day of April, one thousand~~
8 ~~eight hundred fifty eight (Pamphlet Laws 393), entitled "A~~
9 ~~further supplement to an act relative to the Inspection of~~
10 ~~Liquors," absolutely.~~

11 ~~Section two of the act, approved the seventeenth day of~~
12 ~~March, one thousand eight hundred fifty nine (Pamphlet Laws~~
13 ~~167), entitled "An act relating to Trustees of Farmers' High~~
14 ~~Schools of Pennsylvania," absolutely.~~

15 ~~The act, approved the fourteenth day of April, one thousand~~
16 ~~eight hundred fifty nine (Pamphlet Laws 653), entitled "An act~~
17 ~~relating to the granting of Licenses to Hotel, Inn, or Tavern~~
18 ~~Keepers," absolutely.~~

19 ~~The act, approved the twenty ninth day of March, one thousand~~
20 ~~eight hundred sixty (Pamphlet Laws 346), entitled "An act to~~
21 ~~prevent Recovery for the Sale of Adulterated Liquors,"~~
22 ~~absolutely.~~

23 ~~The act, approved the fifteenth day of April, one thousand~~
24 ~~eight hundred sixty three (Pamphlet Laws 480), entitled "An act~~
25 ~~relating to the inspection of domestic distilled spirits,"~~
26 ~~absolutely.~~

27 ~~The act, approved the twenty second day of March, one~~
28 ~~thousand eight hundred sixty seven (Pamphlet Laws 40), entitled~~
29 ~~"A further supplement to an act to regulate the granting of~~
30 ~~licenses to hotels and eating houses, approved March thirty~~

1 ~~first, one thousand eight hundred and fifty six," absolutely.~~

2 ~~The act, approved the twenty ninth day of April, one thousand~~
3 ~~eight hundred sixty seven (Pamphlet Laws 95), entitled "A~~
4 ~~supplement to an act, entitled 'An act to prevent the sale of~~
5 ~~intoxicating liquors on the first day of the week, commonly~~
6 ~~called Sunday,' approved February twenty six, one thousand eight~~
7 ~~hundred and fifty five," absolutely.~~

8 ~~Sections two and four of the act, approved the eighth day of~~
9 ~~April, one thousand eight hundred seventy three (Pamphlet Laws~~
10 ~~566), entitled "An act to provide for the appointment of~~
11 ~~mercantile appraisers in the city of Philadelphia, defining the~~
12 ~~duties of the same, and constituting a board of appeal,"~~
13 ~~absolutely.~~

14 ~~Sections two, three, four, five, six, seven, eight, nine, ten~~
15 ~~eleven and twelve of the act, approved the twelfth day of April,~~
16 ~~one thousand eight hundred seventy five (Pamphlet Laws 40),~~
17 ~~entitled "An act to repeal and act to permit the voters of this~~
18 ~~commonwealth to vote every three years on the question of~~
19 ~~granting licenses to sell intoxicating liquors, and to restrain~~
20 ~~and regulate the sale of the same," absolutely.~~

21 ~~Section one of the act, approved the twelfth day of April,~~
22 ~~one thousand eight hundred seventy five (Pamphlet Laws 48),~~
23 ~~entitled "An act to prevent the sale of intoxicating liquors,~~
24 ~~and for the preservation of order at soldiers' encampments or~~
25 ~~re-unions," absolutely.~~

26 ~~The act, approved the second day of June, one thousand eight~~
27 ~~hundred eighty one (Pamphlet Laws 43), entitled "An act to~~
28 ~~prevent the use of poisonous or deleterious drugs or chemicals,~~
29 ~~or impure or injurious materials, or those prejudicial to the~~
30 ~~public health, in the brewing or manufacture of ale, beer or~~

1 ~~other malt liquors, or in the fermentation, distillation or~~
2 ~~manufacture of any vinous or spirituous liquors, and to provide~~
3 ~~for the punishment of any persons using the same," absolutely.~~

4 ~~The act, approved the ninth day of July, one thousand eight~~
5 ~~hundred eighty one (Pamphlet Laws 162), entitled "An act to~~
6 ~~prohibit the granting of a license for the sale of liquors to~~
7 ~~proprietors, lessees, keepers or managers of theaters or other~~
8 ~~places of amusement," absolutely.~~

9 ~~Section four of the act, approved the twenty eighth day of~~
10 ~~May, one thousand eight hundred eighty five (Pamphlet Laws 27),~~
11 ~~entitled "An act supplementary to an act, entitled 'An act to~~
12 ~~protect children from neglect and cruelty, and relating to their~~
13 ~~employment, protection and adoption,' approved the eleventh day~~
14 ~~of June, one thousand eight hundred and seventy nine, providing~~
15 ~~for the further protection of minors, and regulating the~~
16 ~~boarding and maintaining of infant children for hire," in so far~~
17 ~~as it relates to premises for which a hotel, restaurant or club~~
18 ~~liquor license or a retail dispenser's license is held.~~

19 ~~The act, approved the twenty fourth day of May, one thousand~~
20 ~~eight hundred eighty seven (Pamphlet Laws 194), entitled "An act~~
21 ~~providing for the licensing of wholesale dealers in intoxicating~~
22 ~~liquors," absolutely.~~

23 ~~The act, approved the second day of June, one thousand eight~~
24 ~~hundred ninety one (Pamphlet Laws 173), entitled "An act to~~
25 ~~permit the growers of grapes in this Commonwealth to manufacture~~
26 ~~wine from grapes of their own raising that are not first class~~
27 ~~or marketable, and sell such wine to licensed dealers without~~
28 ~~taking out or paying a license for such manufacture or sale,"~~
29 ~~absolutely.~~

30 ~~The act, approved the ninth day of June, one thousand eight~~

1 ~~hundred ninety one (Pamphlet Laws 257), entitled "An act to~~
2 ~~restrain and regulate the sale of vinous and spirituous, malt or~~
3 ~~brewed liquors or any admixture thereof by wholesale,"~~
4 ~~absolutely.~~

5 ~~The act, approved the twentieth day of June, one thousand~~
6 ~~eight hundred ninety three (Pamphlet Laws 474), entitled "An act~~
7 ~~authorizing distillers of spirituous or vinous liquors to sell~~
8 ~~such liquors of their own manufacture in original packages of~~
9 ~~not less than forty gallons, without being required to take out~~
10 ~~a license as is now required by existing laws," absolutely.~~

11 ~~Section one of the act, approved the twenty fifth day of May,~~
12 ~~one thousand eight hundred ninety seven (Pamphlet Laws 93),~~
13 ~~entitled "An act relating to the prosecutions of licensed~~
14 ~~dealers and their employes on the charge of furnishing~~
15 ~~intoxicating liquors to minors, and prescribing the penalty~~
16 ~~therefor," absolutely.~~

17 ~~The act, approved the twenty first day of June, one thousand~~
18 ~~eight hundred ninety seven (Pamphlet Laws 176), entitled "An act~~
19 ~~providing that the manufacturers who shall pay a certain sum,~~
20 ~~annually, into the Treasury of the Commonwealth, shall sell only~~
21 ~~malt or brewed liquors of their own manufacture to dealers only~~
22 ~~who have been licensed by the court," absolutely.~~

23 ~~The act, approved the thirtieth day of July, one thousand~~
24 ~~eight hundred ninety seven (Pamphlet Laws 464), entitled "An act~~
25 ~~to provide revenue and regulate the sale of malt, brewed, vinous~~
26 ~~and spirituous liquors or any admixture thereof, by requiring~~
27 ~~and authorizing licenses to be taken out by brewers, distillers,~~
28 ~~wholesalers, bottlers, rectifiers, compounders, storekeepers and~~
29 ~~agents, having a store, office or place of business within this~~
30 ~~Commonwealth, prescribing the amount of license fees to be paid~~

1 ~~in such cases, and by imposing an additional license fee on~~
2 ~~retail dealers in intoxicating liquors," absolutely.~~

3 ~~Section one of the act, approved the eleventh day of May, one~~
4 ~~thousand nine hundred one (Pamphlet Laws 162), entitled "A~~
5 ~~supplement to an act, entitled 'An act to restrain and regulate~~
6 ~~the sale of vinous and spirituous, malt or brewed liquors, or~~
7 ~~any admixture thereof,' approved the thirteenth day of May, Anno~~
8 ~~Domini one thousand eight hundred and eighty seven," absolutely.~~

9 ~~The act, approved the nineteenth day of June, one thousand~~
10 ~~nine hundred one (Pamphlet Laws 572), entitled "An act~~
11 ~~authorizing the several courts of quarter sessions of this~~
12 ~~Commonwealth to grant licenses to sell intoxicating liquors at~~
13 ~~retail, wholesale or by brewers for a longer or shorter period~~
14 ~~than one year in certain cases but only for the purpose of~~
15 ~~changing the date from which annual licenses shall thereafter~~
16 ~~run and take effect," absolutely.~~

17 ~~The act, approved the twenty second day of April, one~~
18 ~~thousand nine hundred three (Pamphlet Laws 257), entitled "An~~
19 ~~act to amend the second section of an act, entitled 'An act to~~
20 ~~protect certain domestic and private rights and prevent abuses~~
21 ~~in the sale and use of intoxicating drinks,' approved the eighth~~
22 ~~day of May, Anno Domini one thousand eight hundred and fifty-~~
23 ~~four, in relation to the penalties and fines therein prescribed,~~
24 ~~and giving the court discretionary power in relation thereto,"~~
25 ~~absolutely.~~

26 ~~Section one of the act, approved the twenty second day of~~
27 ~~April, one thousand nine hundred three (Pamphlet Laws 259),~~
28 ~~entitled "An act providing for the payment of liquor license~~
29 ~~money to school districts, in townships in which the roads shall~~
30 ~~be made and repaired by taxpayers pursuant to the act of twelfth~~

1 ~~of June, Anno Domini one thousand eight hundred and ninety-~~
2 ~~three, and its supplements," absolutely.~~

3 ~~The act, approved the twenty third day of April, one thousand~~
4 ~~nine hundred three (Pamphlet Laws 265), entitled "A supplement~~
5 ~~to an act, entitled 'An act to restrain and regulate the sale of~~
6 ~~vinous and spirituous, malt or brewed liquors, or any admixture~~
7 ~~thereof,' approved the thirteenth day of May, Anno Domini one~~
8 ~~thousand eight hundred and eighty seven," absolutely.~~

9 ~~The act, approved the twenty seventh day of April one~~
10 ~~thousand nine hundred three (Pamphlet Laws 317), entitled "An~~
11 ~~act amending section three of an act, entitled 'An act to~~
12 ~~provide revenue and regulate the sale of malt, brewed, vinous~~
13 ~~and spirituous liquors, or any admixture thereof, by requiring~~
14 ~~and authorizing licenses to be taken out by brewers, distillers,~~
15 ~~wholesalers, bottlers, rectifiers, compounders, store keepers~~
16 ~~and agents, having a store, office or place of business within~~
17 ~~this Commonwealth, prescribing the amount of license fees to be~~
18 ~~paid in such cases, and by imposing an additional license fee on~~
19 ~~retail dealers in intoxicating liquors,' approved the thirtieth~~
20 ~~day of July, Anno Domini one thousand eight hundred and ninety-~~
21 ~~seven, by providing that, in counties having a population of~~
22 ~~more than five hundred thousand (500,000) and less than one~~
23 ~~million (1,000,000), the cost of publishing the list of~~
24 ~~applicants for liquor licenses shall be paid out of the general~~
25 ~~funds of the county, and not deducted from the fees paid by such~~
26 ~~applicants for expenses connected therewith," absolutely.~~

27 ~~The act, approved the twenty ninth day of March, one thousand~~
28 ~~nine hundred seven (Pamphlet Laws 38), entitled "An act to amend~~
29 ~~section two of an act, entitled 'An act to provide revenue, and~~
30 ~~regulate the sale of malt, brewed, vinous, and spirituous~~

1 ~~liquors, or any admixture thereof, by requiring and authorizing~~
2 ~~licenses to be taken out by brewers, distillers, wholesalers,~~
3 ~~bottlers, rectifiers, compounders, storekeepers, and agents,~~
4 ~~having a store, office, or place of business within this~~
5 ~~Commonwealth; prescribing the amount of license fees to be paid~~
6 ~~in such cases, and by imposing an additional license fee on~~
7 ~~retail dealers in intoxicating liquors,' approved the thirtieth~~
8 ~~day of July, Anno Domini one thousand eight hundred and ninety-~~
9 ~~seven, by changing the time when the treasurers of the~~
10 ~~respective counties shall pay all license funds to the State~~
11 ~~Treasurer and to the treasurers of the respective~~
12 ~~municipalities," absolutely.~~

13 ~~The act, approved the twenty seventh day of April, one~~
14 ~~thousand nine hundred seven (Pamphlet Laws 122), entitled "An~~
15 ~~act authorizing licensed wholesale liquor sellers and dealers to~~
16 ~~purchase vinous, spirituous, malt, or brewed liquors, in kegs,~~
17 ~~barrels, or otherwise in bulk, and to transfer the same into~~
18 ~~bottles or smaller packages; and to sell the same in such~~
19 ~~bottles or smaller packages, in certain quantities, and fixing~~
20 ~~the annual license fee of such dealers in cities of the first~~
21 ~~class, second class, third class, and in boroughs and~~
22 ~~townships," absolutely.~~

23 ~~The act, approved the twenty ninth day of May, one thousand~~
24 ~~nine hundred seven (Pamphlet Laws 307), entitled "An act~~
25 ~~regulating the payment of retail liquor license fees in this~~
26 ~~Commonwealth," absolutely.~~

27 ~~The act, approved the twenty second day of April, one~~
28 ~~thousand nine hundred nine (Pamphlet Laws 136), entitled "An act~~
29 ~~regulating the payment of brewers' wholesale and bottlers'~~
30 ~~license fees in this Commonwealth," absolutely.~~

1 ~~The act, approved the second day of April, one thousand nine~~
2 ~~hundred thirteen (Pamphlet Laws 32), entitled "An act permitting~~
3 ~~any wholesale or retail licensed liquor dealer or bottler to~~
4 ~~keep such licensed place of business open during the pendency of~~
5 ~~any application for transfer of license," absolutely.~~

6 ~~The act, approved the fourteenth day of May, one thousand~~
7 ~~nine hundred thirteen (Pamphlet Laws 203), entitled "An act to~~
8 ~~provide and fix fees and compensation to be received by~~
9 ~~constables in this Commonwealth for visiting places where~~
10 ~~liquors are sold or kept," absolutely.~~

11 ~~The act, approved the twelfth day of June, one thousand nine~~
12 ~~hundred thirteen (Pamphlet Laws 490), entitled "An act~~
13 ~~prohibiting the offering or giving of premium by any person,~~
14 ~~partnership, or corporation, licensed to sell vinous,~~
15 ~~spirituous, malt, or brewed liquors at wholesale or retail, for~~
16 ~~the return of caps, stoppers, corks, stamps, or labels taken~~
17 ~~from any bottle, case, keg, barrel, or package containing such~~
18 ~~vinous, spirituous, malt, or brewed liquors, and providing a~~
19 ~~penalty for the violation thereof," absolutely.~~

20 ~~Section one of the act, approved the twenty second day of~~
21 ~~July, one thousand nine hundred thirteen (Pamphlet Laws 914),~~
22 ~~entitled "An act authorizing any person, firm or corporation,~~
23 ~~owning or operating distilleries producing only denatured~~
24 ~~alcohol for industrial purposes, and not for use as a beverage~~
25 ~~or for medicinal purposes, to operate such distillery without a~~
26 ~~license; regulating the taxation of such corporations; requiring~~
27 ~~certain reports to be made to the Auditor General, and providing~~
28 ~~penalties," in so far as it exempts any person, firm or~~
29 ~~corporation owning or operating a distillery from the necessity~~
30 ~~of obtaining a license under the provisions of this act to~~

1 ~~operate such distillery.~~

2 ~~The act, approved the seventeenth day of July, one thousand~~
3 ~~nine hundred seventeen (Pamphlet Laws 1020), entitled "An act~~
4 ~~amending an act, entitled 'An act prohibiting the offering or~~
5 ~~giving of premium, by any person, partnership, or corporation~~
6 ~~licensed to sell vinous, spirituous, malt, or brewed liquors, at~~
7 ~~wholesale or retail, for the return of caps, stoppers, corks,~~
8 ~~stamps, or labels taken from any bottle, case, keg, barrel, or~~
9 ~~package containing such vinous, spirituous, malt, or brewed~~
10 ~~liquors, and providing a penalty for the violation thereof,'~~
11 ~~approved the twelfth day of June, Anno Domini one thousand nine~~
12 ~~hundred thirteen; prohibiting the offer or gift or premiums or~~
13 ~~presents as an inducement for the purchase of liquors, or for~~
14 ~~any other purpose," absolutely.~~

15 ~~The act, approved the eighteenth day of July, one thousand~~
16 ~~nine hundred seventeen (Pamphlet Laws 1071), entitled "An act~~
17 ~~amending section one of an act, approved the fourteenth day of~~
18 ~~May, one thousand nine hundred thirteen, entitled 'An act to~~
19 ~~provide and fix fees and compensation to be received by~~
20 ~~constables in this Commonwealth for visiting places where~~
21 ~~liquors are sold or kept,' " absolutely.~~

22 ~~The act, approved the twenty sixth day of February, one~~
23 ~~thousand nine hundred nineteen (Pamphlet Laws 9), entitled "An~~
24 ~~act to amend section one of an act, approved the thirtieth day~~
25 ~~of July, one thousand eight hundred and ninety seven (Pamphlet~~
26 ~~Laws, four hundred sixty four), entitled 'An act to provide~~
27 ~~revenue and regulate the sale of malt, brewed, vinous and~~
28 ~~spiritous liquors or any admixture thereof, by requiring and~~
29 ~~authorizing licenses to be taken out by brewers, distillers,~~
30 ~~wholesalers, bottlers, rectifiers, compounders, storekeepers and~~

1 ~~agents, having a store, office or place of business within this~~
2 ~~Commonwealth, prescribing the amount of license fees to be paid~~
3 ~~in such cases, and by imposing an additional license fee on~~
4 ~~retail dealers in intoxicating liquors," absolutely.~~

5 ~~The act, approved the eighth day of May, one thousand nine~~
6 ~~hundred nineteen (Pamphlet Laws 167), entitled "An act providing~~
7 ~~for the refunding of liquor license fees and additional taxes to~~
8 ~~wholesale and retail dealers, brewers, distillers, rectifiers,~~
9 ~~compounders, bottlers, agents, and other persons, prevented from~~
10 ~~engaging in business by order or regulation of the President or~~
11 ~~Secretary of War; providing for the return of the proportions~~
12 ~~thereof paid to municipalities and the Commonwealth; and making~~
13 ~~an appropriation," absolutely.~~

14 ~~The act, approved the twenty sixth day of June, one thousand~~
15 ~~nine hundred nineteen (Pamphlet Laws 673), entitled "An act~~
16 ~~permitting wholesale or retail dealers, brewers, distillers,~~
17 ~~rectifiers, compounders, bottlers, agents, or other persons~~
18 ~~licensed to deal in or sell any vinous, spirituous, malt or~~
19 ~~brewed liquors, to surrender licenses heretofore granted and~~
20 ~~issued; authorizing county treasurers to refund a proportionate~~
21 ~~amount of the annual license fee and additional license tax~~
22 ~~where such licenses have been surrendered or where the licensees~~
23 ~~have been prevented from selling thereunder by any State or~~
24 ~~Federal laws or regulation; and requiring the State Treasurer~~
25 ~~and the municipalities to contribute to the amount so refunded;~~
26 ~~and making an appropriation," absolutely.~~

27 ~~The act, approved the twenty first day of July, one thousand~~
28 ~~nine hundred nineteen (Pamphlet Laws 1069), entitled "An act to~~
29 ~~provide for the manufacture or distillation and sale of ethyl~~
30 ~~alcohol for medicinal, scientific, mechanical, commercial, and~~

1 ~~other lawful purposes, and the issuance of licenses therefor;~~
2 ~~and providing a penalty for violation of the provisions hereof,"~~
3 ~~absolutely.~~

4 ~~Section forty two of the act, approved the seventeenth day of~~
5 ~~May, one thousand nine hundred twenty one (Pamphlet Laws 869),~~
6 ~~entitled "An act providing for the organization, government,~~
7 ~~discipline, maintenance, and regulation of the armed land forces~~
8 ~~of this Commonwealth," in so far as it relates to liquor or malt~~
9 ~~or brewed beverages.~~

10 ~~The act, approved the nineteenth day of February, one~~
11 ~~thousand nine hundred twenty six (Pamphlet Laws 16), entitled "A~~
12 ~~supplement to the act, approved the twenty seventh day of March,~~
13 ~~one thousand nine hundred and twenty three (Pamphlet Laws,~~
14 ~~thirty four), entitled 'An act concerning alcoholic liquors;~~
15 ~~prohibiting the manufacture, advertising, furnishing, traffic~~
16 ~~in, and possession of intoxicating liquors for beverage~~
17 ~~purposes, and articles and substances designed or intended for~~
18 ~~use in the manufacture thereof; defining intoxicating liquor;~~
19 ~~providing for penalties, forfeitures, and the abatement of~~
20 ~~nuisances; and repealing existing alcoholic liquor laws and~~
21 ~~alcoholic liquor license laws'; providing for the registering of~~
22 ~~federal permits; also regulating, under permit, through a~~
23 ~~Pennsylvania Alcohol Permit Board created in the Department of~~
24 ~~Welfare, the manufacture, production, distillation, development,~~
25 ~~use in manufacture, denaturization, redistillation, recovery,~~
26 ~~reuse, holding in bond, holding in storage by bailees for hire,~~
27 ~~sale at wholesale, and transportation for hire, of any alcohol~~
28 ~~or alcoholic liquid, by certain persons; also providing for fees~~
29 ~~and the disposition thereof; also authorizing the inspection of~~
30 ~~the records of permittees and purchasers of said alcohol or~~

1 ~~alcoholic liquid; also declaring certain places nuisances and~~
2 ~~providing for their abatement; also providing penalties; and~~
3 ~~also repealing all acts or parts of acts inconsistent with this~~
4 ~~act," absolutely.~~

5 ~~The act, approved the third day of May, one thousand nine~~
6 ~~hundred thirty three (Pamphlet Laws 252), entitled "An act to~~
7 ~~regulate and restrain the traffic in malt, brewed, and vinous~~
8 ~~and fruit juice beverages, as herein defined; providing for the~~
9 ~~licensing of the sale and distribution of such beverages;~~
10 ~~imposing license fees, and providing for collection and~~
11 ~~distribution thereof; restricting ownership and interest in~~
12 ~~licensed places; permitting municipalities and townships, by~~
13 ~~vote of the electors, to prevent the licensing therein of places~~
14 ~~where such beverages may be sold for consumption on the~~
15 ~~premises, and regulating elections for this purpose; imposing~~
16 ~~duties upon county treasurers, the Department of Revenue,~~
17 ~~quarter sessions courts, district attorneys, proper authorities~~
18 ~~of political subdivisions of the State, and election officers;~~
19 ~~providing penalties; and repealing existing acts," absolutely.~~

20 ~~The act, approved the twenty ninth day of November, one~~
21 ~~thousand nine hundred thirty three (Pamphlet Laws 13, (1933-~~
22 ~~34)), entitled "An act creating an independent administrative~~
23 ~~board to be known as the Pennsylvania Liquor Control Board,"~~
24 ~~absolutely.~~

25 ~~The act, approved the twenty ninth day of November, one~~
26 ~~thousand nine hundred thirty three (Pamphlet Laws 15, (1933-~~
27 ~~34)), entitled "An act to regulate and restrain the sale,~~
28 ~~importation, and use of certain alcoholic beverages; conferring~~
29 ~~powers and imposing duties upon the Pennsylvania Liquor Control~~
30 ~~Board, the Department of Public Instruction, other officers of~~

1 ~~the State government, courts, and district attorneys;~~
2 ~~authorizing the establishment and operation of State stores for~~
3 ~~the sale of such beverages not for consumption on the premises,~~
4 ~~and the granting of licenses, subject to local option, to sell~~
5 ~~such beverages for consumption on the premises; forbidding~~
6 ~~importation or bringing of such beverages into the State except~~
7 ~~as herein provided; prohibiting certain sales or practices in,~~
8 ~~connections with, and transactions in such beverages by~~
9 ~~licensees and others; making disposition of the receipts from~~
10 ~~State stores and of license fees; and imposing penalties,"~~
11 ~~absolutely.~~

12 ~~The act, approved the eighth day of December, one thousand~~
13 ~~nine hundred thirty three (Pamphlet Laws 57, (1933-34)),~~
14 ~~entitled "An act to amend the title and certain sections of the~~
15 ~~act, approved the nineteenth day of February, one thousand nine~~
16 ~~hundred twenty six (Pamphlet Laws, sixteen), entitled 'A~~
17 ~~supplement to the act, approved the twenty seventh day of March,~~
18 ~~one thousand nine hundred and twenty three (Pamphlet Laws,~~
19 ~~thirty four), entitled "An act concerning alcoholic liquors;~~
20 ~~prohibiting the manufacturer, advertising, furnishing, traffic~~
21 ~~in, and possession of intoxicating liquors for beverage~~
22 ~~purposes, and articles and substances designed or intended for~~
23 ~~use in the manufacture thereof; defining intoxicating liquor;~~
24 ~~providing for penalties, forfeitures, and the abatement of~~
25 ~~nuisances; and repealing existing alcoholic liquor laws and~~
26 ~~alcoholic liquor license laws'; providing for the registering of~~
27 ~~Federal permits; also regulating, under permit, through a~~
28 ~~Pennsylvania Alcohol Permit Board created in the Department of~~
29 ~~Welfare, the manufacture, production, distillation, development,~~
30 ~~use in manufacture, denaturization, redistillation, recovery,~~

1 ~~reuse, holding in bond, holding in storage by bailees for hire,~~
2 ~~sale at wholesale, and transportation for hire, of any alcohol~~
3 ~~or alcoholic liquid, by certain persons; also providing for fees~~
4 ~~and the disposition thereof; also authorizing the inspection of~~
5 ~~the records of permittees and purchasers of said alcohol or~~
6 ~~alcoholic liquid; also declaring certain places nuisances and~~
7 ~~providing for their abatement; also providing penalties; and~~
8 ~~also repealing all acts or parts of acts inconsistent with this~~
9 ~~act, by providing that the act shall be administered by the~~
10 ~~Pennsylvania Liquor Control Board; making the act consistent~~
11 ~~with the repeal of the Eighteenth Amendment; changing~~
12 ~~definitions and exemptions; bringing rectifiers and blenders~~
13 ~~within the act; allowing appeals to the courts; providing for~~
14 ~~the abatement of nuisances; and increasing fees," absolutely.~~

15 ~~The act, approved the twentieth day of December, one thousand~~
16 ~~nine hundred thirty three (Pamphlet Laws 75, (1933-34)),~~
17 ~~entitled "An act to amend the title and certain sections of the~~
18 ~~act, approved the third day of May, one thousand nine hundred~~
19 ~~thirty three (Act number ninety one), entitled "An act to~~
20 ~~regulate and restrain the traffic in malt, brewed, and vinous~~
21 ~~and fruit juice beverages, as herein defined; providing for the~~
22 ~~licensing of the sale and distribution of such beverages;~~
23 ~~imposing license fees, and providing for collection and~~
24 ~~distribution thereof; restricting ownership and interest in~~
25 ~~licensed places; permitting municipalities and townships, by~~
26 ~~vote of the electors, to prevent the licensing therein of places~~
27 ~~where such beverages may be sold for consumption on the~~
28 ~~premises, and regulating elections for this purpose; imposing~~
29 ~~duties upon county treasurers, the Department of Revenue,~~
30 ~~quarter sessions courts, district attorneys, proper authorities~~

1 ~~of political subdivisions of the State, and election officers;~~
2 ~~providing penalties; and repealing existing acts,' by limiting~~
3 ~~the provisions of the act to malt liquors, as defined therein,~~
4 ~~and clarifying certain provisions of the act," absolutely.~~

5 ~~The act, approved the eighteenth day of July, one thousand~~
6 ~~nine hundred thirty five (Pamphlet Laws 1217), entitled "An act~~
7 ~~to reenact and amend the title and the act, approved the third~~
8 ~~day of May, one thousand nine hundred and thirty three (Pamphlet~~
9 ~~Laws, two hundred fifty two), entitled 'An act to regulate and~~
10 ~~restrain the traffic in malt, brewed, and vinous and fruit juice~~
11 ~~beverages, as herein defined; providing for the licensing of the~~
12 ~~sale and distribution of such beverages; imposing license fees,~~
13 ~~and providing for collection and distribution thereof;~~
14 ~~restricting ownership and interest in licensed places;~~
15 ~~permitting municipalities and townships, by vote of the~~
16 ~~electors, to prevent the licensing therein of places where such~~
17 ~~beverages may be sold for consumption on the premises, and~~
18 ~~regulating elections for this purpose; imposing duties upon~~
19 ~~county treasurers, the Department of Revenue, quarter sessions~~
20 ~~courts, district attorneys, proper authorities of political~~
21 ~~subdivisions of the State, and election officers; providing~~
22 ~~penalties; and repealing existing acts,' as amended, by~~
23 ~~providing for the issue by the county treasurer of retail~~
24 ~~dispensers' licenses, and by the Pennsylvania Liquor Control~~
25 ~~Board of distributors', importing distributors', and~~
26 ~~manufacturers' licenses; regulating the business of~~
27 ~~manufacturers of malt and brewed beverages; and providing for~~
28 ~~the issue of public service licenses and special permits~~
29 ~~relating to entertainment and transportation for hire by said~~
30 ~~board; changing, fixing, and providing for the fixing of permit~~

1 ~~and license fees, and providing for the disposition thereof;~~
2 ~~providing for the abatement of nuisances; providing for the~~
3 ~~revocation and suspension of licenses by the court of quarter~~
4 ~~sessions and the board; further regulating the manufacture,~~
5 ~~sale, transportation and traffic in malt and brewed beverages;~~
6 ~~prescribing penalties; and repealing inconsistent acts,"~~
7 ~~absolutely.~~

8 ~~The act, approved the eighteenth day of July, one thousand~~
9 ~~nine hundred thirty five (Pamphlet Laws 1246), entitled "An act~~
10 ~~to reenact and amend the title and the act approved the twenty-~~
11 ~~ninth day of November, one thousand nine hundred and thirty-~~
12 ~~three (Pamphlet Laws, fifteen one thousand nine hundred thirty-~~
13 ~~three one thousand nine hundred thirty four), entitled 'An act~~
14 ~~to regulate and restrain the sale, importation, and use of~~
15 ~~certain alcoholic beverages; conferring powers and imposing~~
16 ~~duties upon the Pennsylvania Liquor Control Board, the~~
17 ~~Department of Public Instruction, other officers of the State~~
18 ~~government, courts and district attorneys; authorizing the~~
19 ~~establishment and operation of State stores for the sale of such~~
20 ~~beverages not for consumption on the premises, and the granting~~
21 ~~of licenses, subject to local option, to sell such beverages for~~
22 ~~consumption on the premises; forbidding importation or bringing~~
23 ~~of such beverages into the State except as herein provided;~~
24 ~~prohibiting certain sales or practices in, connections with, and~~
25 ~~transactions in such beverages by licenses and others; making~~
26 ~~disposition of the receipts from State stores and of license~~
27 ~~fees; and imposing penalties,' by extending the provisions of~~
28 ~~said act to the manufacture and possession of alcohol, alcoholic~~
29 ~~beverages and malt or brewed beverages; permitting licensees to~~
30 ~~sell malt or brewed beverages for consumption off premises;~~

1 ~~providing for the revocation and suspension of licenses by the~~
2 ~~board and the court of quarter sessions, and conferring~~
3 ~~additional powers and imposing additional duties on the board,~~
4 ~~including power to fix the form and capacity of packages and~~
5 ~~containers, and the duty to require certain manufacturers and~~
6 ~~other persons to secure permit and pay permit fees; conferring~~
7 ~~power on agents of the board to arrest on view without warrant~~
8 ~~and to confiscate property unlawfully used, and providing for~~
9 ~~the destruction and disposition thereof; providing for the~~
10 ~~disposition of license and filing fees; providing that fines and~~
11 ~~penalties collected shall be for the use of counties; legalizing~~
12 ~~the home manufacture and possession of wine; extending the civil~~
13 ~~service provisions of this act; further regulating the~~
14 ~~manufacture, sale and traffic in alcohol, alcoholic beverages~~
15 ~~and malt and brewed beverages; prescribing penalties and~~
16 ~~repealing existing laws," absolutely.~~

17 ~~The act, approved the eighteenth day of July, one thousand~~
18 ~~nine hundred thirty five (Pamphlet Laws 1283), entitled "An act~~
19 ~~to amend clauses (i) and (l) of section two, and section three~~
20 ~~of the act, approved the nineteenth day of February, one~~
21 ~~thousand nine hundred and twenty six (Pamphlet Laws, sixteen),~~
22 ~~entitled, and amended 'An act regulating, under permit, through~~
23 ~~the Pennsylvania Liquor Control Board, the manufacture,~~
24 ~~production, distillation, development, use in manufacture,~~
25 ~~denaturization, redistillation, rectification, blending,~~
26 ~~recovery, reuse, holding in bond, holding in storage by bailees~~
27 ~~for hire, and transportation for hire, of any alcohol, alcoholic~~
28 ~~liquid or alcoholic beverage, by certain persons; requiring the~~
29 ~~registration of Federal permits; also providing for fees and the~~
30 ~~disposition thereof, and for appeals to the courts; also~~

1 ~~authorizing the inspection of the records of permittees and~~
2 ~~purchasers of said alcohol, alcoholic liquid, and alcoholic~~
3 ~~beverages; also declaring certain places nuisances and providing~~
4 ~~for their abatement; also providing penalties; and also~~
5 ~~repealing all acts or parts of acts inconsistent with this act,~~
6 ~~as amended; further defining distilleries and wineries; and~~
7 ~~providing for the licensure and rights of manufacturers of~~
8 ~~wine," absolutely.~~

9 ~~The act, approved the sixteenth day of June, one thousand~~
10 ~~nine hundred thirty seven (Pamphlet Laws 1762), entitled "An act~~
11 ~~to re-enact and further amend the title and the act, approved~~
12 ~~the twenty ninth day of November, one thousand nine hundred and~~
13 ~~thirty three (Pamphlet Laws, fifteen one thousand nine hundred~~
14 ~~thirty three thirty four), entitled, as amended "An act to~~
15 ~~regulate and restrain the sale, manufacture, possession,~~
16 ~~transportation, importation, traffic in, and use of alcohol, and~~
17 ~~alcoholic and malt or brewed beverages; conferring powers and~~
18 ~~imposing duties upon the Pennsylvania Liquor Control Board and~~
19 ~~its agents, the Department of Public Instruction, other officers~~
20 ~~of the State government, courts, and district attorneys;~~
21 ~~authorizing the establishment and operation of State stores for~~
22 ~~the sale of such beverages not for consumption on the premises,~~
23 ~~and the granting of licenses, subject to local option, to sell~~
24 ~~such beverages for consumption on and off the premises;~~
25 ~~forbidding importation or bringing of such beverages into the~~
26 ~~State except as herein provided; prohibiting certain sales or~~
27 ~~practices in, connection with, and transactions in such~~
28 ~~beverages by licensees and others; making disposition of the~~
29 ~~receipts from State stores and of fees; and imposing penalties,~~
30 ~~further regulating the manufacture, sale, importation, use, and~~

1 ~~traffic in liquors, alcohol, and malt and brewed beverages;~~
2 ~~conferring additional powers and imposing additional duties on~~
3 ~~the Pennsylvania Liquor Control Board; further regulating those~~
4 ~~licensed under this act; imposing additional filing fees; and~~
5 ~~increasing fees for certain permits; and providing for the~~
6 ~~disposition thereof; further regulating the establishment of~~
7 ~~State liquor stores, and the employment and use of personnel by~~
8 ~~the board; regulating and providing the procedure for the~~
9 ~~granting, transfer, revocation, and suspension of licenses, and~~
10 ~~for compromises in certain cases, and the disposition of moneys~~
11 ~~arising therefrom; providing for the forfeiture of certain~~
12 ~~property; regulating the jurisdiction of courts, and local~~
13 ~~option procedure; prohibiting certain interlocking business; and~~
14 ~~providing penalties," absolutely.~~

15 ~~The act, approved the sixteenth day of June, one thousand~~
16 ~~nine hundred thirty seven (Pamphlet Laws 1811), entitled "An act~~
17 ~~to re-enact and amend the act, approved the nineteenth day of~~
18 ~~February, one thousand nine hundred twenty six (Pamphlet Laws,~~
19 ~~sixteen), entitled, as amended "An act regulating, under permit,~~
20 ~~through the Pennsylvania Liquor Control Board, the manufacture,~~
21 ~~production, distillation, development, use in manufacture,~~
22 ~~denaturization, redistillation, rectification, blending,~~
23 ~~recovery, reuse, holding in bond, holding in storage by bailees~~
24 ~~for hire, and transportation for hire, of any alcohol, alcoholic~~
25 ~~liquid or alcoholic beverage, by certain persons; requiring the~~
26 ~~registration of Federal permits; also providing for fees and the~~
27 ~~disposition thereof, and for appeals to the courts; also~~
28 ~~authorizing the inspection of the records of permittees and~~
29 ~~purchasers of said alcohol, alcoholic liquid, and alcoholic~~
30 ~~beverages; also declaring certain places nuisances and providing~~

1 ~~for their abatement; also providing penalties; and also~~
2 ~~repealing all acts or parts of acts inconsistent with this act,~~
3 ~~further regulating the manufacture, sale, use, and traffic in~~
4 ~~alcohol and alcoholic liquids; conferring additional powers and~~
5 ~~imposing additional duties upon the Pennsylvania Liquor Control~~
6 ~~Board; further regulating those licensed under this act;~~
7 ~~imposing filing fees; changing the method of calculating certain~~
8 ~~license fees; providing for the use of the word "license"~~
9 ~~instead of "permit"; regulating and providing the procedure for~~
10 ~~the granting, suspension, and revocation of licenses, and for~~
11 ~~compromises in certain cases; providing for the disposition of~~
12 ~~fees, compromise penalties, and forfeitures; regulating the~~
13 ~~jurisdiction of courts; and providing penalties," absolutely.~~

14 ~~The act, approved the sixteenth day of June, one thousand~~
15 ~~nine hundred thirty seven (Pamphlet Laws 1827), entitled "An act~~
16 ~~to re-enact and further amend the title and the act, approved~~
17 ~~the third day of May, one thousand nine hundred and thirty three~~
18 ~~(Pamphlet Laws, two hundred fifty two), entitled, as amended "An~~
19 ~~act to regulate and restrain the traffic in malt and brewed~~
20 ~~beverages, as herein defined; providing for the licensing of the~~
21 ~~manufacture, transportation, sale and distribution of such~~
22 ~~beverages; imposing license and permit fees, and providing for~~
23 ~~collection and distribution thereof; restricting ownership and~~
24 ~~interest in licensed places; permitting municipalities and~~
25 ~~townships, by vote of the electors, to prevent the licensing~~
26 ~~therein of places where such beverages may be sold for~~
27 ~~consumption on the premises, and regulating elections for this~~
28 ~~purpose; imposing duties upon county treasurers, the~~
29 ~~Pennsylvania Liquor Control Board, quarter sessions courts,~~
30 ~~district attorneys, the Department of Justice, proper~~

1 ~~authorities of political subdivisions of the State, and election~~
2 ~~officers; providing penalties; and repealing existing acts, '~~
3 ~~defining and further defining and regulating licensees,~~
4 ~~application for licenses, and sales by licensees, and fixing~~
5 ~~fees for amusement permits; regulating the granting, suspension,~~
6 ~~revocation, and transfer of licenses, and the procedure~~
7 ~~therefor, and conferring jurisdiction on certain courts;~~
8 ~~providing for the granting of licenses by the Pennsylvania~~
9 ~~Liquor Control Board instead of the county treasurer, and~~
10 ~~prescribing the powers and duties of said board; providing for~~
11 ~~compromises where licenses are suspended, and for the~~
12 ~~disposition of application license permit fees, forfeitures, and~~
13 ~~penalties; and providing penalties," absolutely.~~

14 ~~The act, approved the twenty fifth day of June, one thousand~~
15 ~~nine hundred thirty seven (Pamphlet Laws 2073), entitled "An act~~
16 ~~to amend section five of the act, approved the twenty ninth day~~
17 ~~of November, one thousand nine hundred thirty three (One~~
18 ~~thousand nine hundred thirty three one thousand nine hundred~~
19 ~~thirty four Pamphlet Laws, thirteen), entitled 'An act creating~~
20 ~~an independent administrative board to be known as the~~
21 ~~Pennsylvania Liquor Control Board, ' by making further provision~~
22 ~~with respect to the fidelity bonds of the members, secretary,~~
23 ~~and employes of the board," absolutely.~~

24 ~~The act, approved the twenty sixth day of June, one thousand~~
25 ~~nine hundred thirty nine (Pamphlet Laws 764), entitled "An act~~
26 ~~to regulate and restrain the sale, purchase, exchange, pledge,~~
27 ~~and dealing in distillery bonded warehouse certificate for~~
28 ~~whiskey or any other potable distilled spirits, except ethyl~~
29 ~~alcohol; conferring powers and imposing duties upon the~~
30 ~~Pennsylvania Liquor Control Board; authorizing the granting of~~

1 ~~permits and registration of agents to deal in such certificates,~~
2 ~~and the suspension and revocation of such permits and~~
3 ~~registration of agents; providing for hearings and appeals to~~
4 ~~the court of common pleas; forbidding transaction in such~~
5 ~~certificates in this State except as herein provided;~~
6 ~~prescribing and imposing penalties; and providing for the~~
7 ~~disposition of filing, registration and permit fees,"~~
8 ~~absolutely.~~

9 ~~The act, approved the twenty fourth day of June, one thousand~~
10 ~~nine hundred thirty nine (Pamphlet Laws 802), entitled "An act~~
11 ~~to further amend clause (a) of section four hundred and seven of~~
12 ~~the act, approved the twenty ninth day of November, one thousand~~
13 ~~nine hundred and thirty three (Pamphlet Laws, fifteen, 1933-34),~~
14 ~~entitled, as amended 'An act to regulate and restrain the sale,~~
15 ~~manufacture, possession, transportation, importation, traffic~~
16 ~~in, and use of alcohol, and alcoholic and malt or brewed~~
17 ~~beverages; conferring powers and imposing duties upon the~~
18 ~~Pennsylvania Liquor Control Board and its agents, the Department~~
19 ~~of Public Instruction, other officers of the State government,~~
20 ~~courts, and district attorneys; authorizing the establishment~~
21 ~~and operation of State stores for the sale of such beverages not~~
22 ~~for consumption on the premises, and the granting of licenses,~~
23 ~~subject to local option, to sell such beverages for consumption~~
24 ~~on and off the premises; forbidding importation or bringing of~~
25 ~~such beverages into the State except as herein provided;~~
26 ~~prohibiting certain sales or practices in, connection with, and~~
27 ~~transactions in such beverages by licensees and others;~~
28 ~~providing for the forfeiture of certain property; making~~
29 ~~disposition of the receipts from State stores and of fees; and~~
30 ~~imposing penalties, ' changing the fees for hotel and restaurant~~

1 ~~liquor licenses in certain cases," absolutely.~~

2 ~~The act, approved the twenty fourth day of June, one thousand~~
3 ~~nine hundred thirty nine (Pamphlet Laws 804), entitled "An act~~
4 ~~to amend clause (c) of section six hundred and nine of the act,~~
5 ~~approved the twenty ninth day of November, one thousand nine~~
6 ~~hundred and thirty three (Pamphlet Laws, fifteen, 1933-34),~~
7 ~~entitled, as amended 'An act to regulate and restrain the sale~~
8 ~~manufacture, possession, transportation, importation, traffic~~
9 ~~in, and use of alcohol, and alcoholic and malt or brewed~~
10 ~~beverages; conferring powers and imposing duties upon the~~
11 ~~Pennsylvania Liquor Control Board and its agents, the Department~~
12 ~~of Public Instruction, other officers of the State government,~~
13 ~~courts, and district attorneys; authorizing the establishment~~
14 ~~and operation of State stores for the sale of such beverages not~~
15 ~~for consumption on the premises, and the granting of licenses,~~
16 ~~subject to local option, to sell such beverages for consumption~~
17 ~~on and off the premises; forbidding importation or bringing of~~
18 ~~such beverages into the State except as herein provided;~~
19 ~~prohibiting certain sales or practices, in connection with, and~~
20 ~~transactions in such beverages by licensees and others;~~
21 ~~providing for the forfeiture of certain property; making~~
22 ~~disposition of the receipts from State stores and of fees; and~~
23 ~~imposing penalties,' as reenacted and amended permitting hotel,~~
24 ~~restaurant and club licensees to own land but not the buildings~~
25 ~~thereon where such land is leased and the buildings owned by a~~
26 ~~holder of a retail dispenser's license under the beverage~~
27 ~~license law," absolutely.~~

28 ~~The act, approved the twenty fourth day of June, one thousand~~
29 ~~nine hundred thirty nine (Pamphlet Laws 806), entitled "An act~~
30 ~~limiting the number of licenses for the retail sale of liquor,~~

1 ~~malt or brewed beverages, or malt and brewed beverages, to be~~
2 ~~issued by the Pennsylvania Liquor Control Board; defining~~
3 ~~hotels, and prescribing the accommodations required of hotels in~~
4 ~~certain municipalities," except insofar as the provisions of~~
5 ~~section one, as amended, shall apply to hotel licenses granted~~
6 ~~prior to the first day of September, one thousand nine hundred~~
7 ~~forty nine, or granted on any application made and pending prior~~
8 ~~to said date, or to any renewal or transfer of such licenses, or~~
9 ~~to hotels under construction or for which a bona fide contract~~
10 ~~had been entered into for construction prior to said date.~~

11 ~~The act, approved the eighteenth day of July, one thousand~~
12 ~~nine hundred forty one (Pamphlet Laws 408), entitled "An act~~
13 ~~relative to the employment of females in hotels, taverns,~~
14 ~~saloons and eating houses for the mixing or sale of alcoholic~~
15 ~~drinks, and the penalty for violation thereof," absolutely.~~

16 ~~The act, approved the twenty fourth day of July, one thousand~~
17 ~~nine hundred forty one (Pamphlet Laws 480), entitled "An act to~~
18 ~~further amend section two of the act, approved the third day of~~
19 ~~May, one thousand nine hundred thirty three (Pamphlet Laws, two~~
20 ~~hundred fifty two), entitled, as amended, "An act to regulate~~
21 ~~and restrain the traffic in malt and brewed beverages, as herein~~
22 ~~defined; providing for the licensing of the manufacture,~~
23 ~~transportation, sale and distribution of such beverages;~~
24 ~~imposing license and permit fees, and providing for collection~~
25 ~~and distribution thereof; restricting ownership and interest in~~
26 ~~licensed places; permitting municipalities and townships, by~~
27 ~~vote of the electors, to prevent the licensing therein of places~~
28 ~~where such beverages may be sold for consumption on the~~
29 ~~premises, and regulating elections for this purpose; imposing~~
30 ~~duties upon the Pennsylvania Liquor Control Board, quarter~~

1 ~~sessions courts, district attorneys, the Department of Justice,~~
2 ~~proper authorities of political subdivisions of the State, and~~
3 ~~election officers; providing penalties; and repealing existing~~
4 ~~acts, ' by permitting clubs to waive or reduce or pay dues~~
5 ~~payable by members in military service," absolutely.~~

6 ~~The act, approved the twenty fourth day of July, one thousand~~
7 ~~nine hundred forty one (Pamphlet Laws 483), entitled "An act to~~
8 ~~further amend section two of the act, approved the twenty ninth~~
9 ~~day of November, one thousand nine hundred thirty three~~
10 ~~(Pamphlet Laws, fifteen, 1933-34), entitled 'An act to regulate~~
11 ~~and restrain the sale, manufacture, possession, transportation,~~
12 ~~importation, traffic in, and use of alcohol, and alcoholic and~~
13 ~~malt or brewed beverages; conferring powers and imposing duties~~
14 ~~upon the Pennsylvania Liquor Control Board and its agents, the~~
15 ~~Department of Public Instruction, other officers of the State~~
16 ~~government, courts, and district attorneys; authorizing the~~
17 ~~establishment and operation of State stores for the sale of such~~
18 ~~beverages not for consumption on the premises, and the granting~~
19 ~~of licenses, subject to local option, to sell such beverages for~~
20 ~~consumption on and off the premises; forbidding importation or~~
21 ~~bringing of such beverages into the State except as herein~~
22 ~~provided; prohibiting certain sales or practices in, connection~~
23 ~~with, and transactions in such beverages by licensees and~~
24 ~~others; providing for the forfeiture of certain property; making~~
25 ~~disposition of the receipts from State stores and of fees; and~~
26 ~~imposing penalties, ' by permitting clubs to waive or reduce or~~
27 ~~pay dues payable by members in military service," absolutely.~~

28 ~~The act, approved the sixteenth day of April, one thousand~~
29 ~~nine hundred forty three (Pamphlet Laws 60), entitled "An act to~~
30 ~~further amend section four hundred ten of the act, approved the~~

1 ~~twenty ninth day of November, one thousand nine hundred and~~
2 ~~thirty three (Pamphlet Laws, fifteen, one thousand nine hundred~~
3 ~~thirty three and thirty four), entitled, as amended 'An act to~~
4 ~~regulate and restrain the sale, manufacture, possession,~~
5 ~~transportation, importation, traffic in, and use of alcohol, and~~
6 ~~alcoholic and malt or brewed beverages; conferring powers and~~
7 ~~imposing duties upon the Pennsylvania Liquor Control Board and~~
8 ~~its agents, the Department of Public Instruction, other officers~~
9 ~~of the State government, courts, and district attorneys;~~
10 ~~authorizing the establishment and operation of State stores for~~
11 ~~the sale of such beverages not for consumption on the premises,~~
12 ~~and the granting of licenses, subject to local option, to sell~~
13 ~~such beverages for consumption on and off the premises;~~
14 ~~forbidding importation or bringing of such beverages into the~~
15 ~~State except as herein provided; prohibiting certain sales or~~
16 ~~practices in, connection with, and transactions in such~~
17 ~~beverages by licensees and others; providing for the forfeiture~~
18 ~~of certain property; making disposition of the receipts from~~
19 ~~State stores and of fees; and imposing penalties, ' by postponing~~
20 ~~the time for the taking effect of orders of the Pennsylvania~~
21 ~~Liquor Control Board, suspending or revoking licenses for a~~
22 ~~period of twenty days, during which time the licensee may take~~
23 ~~an appeal," absolutely.~~

24 The act, approved the twenty first day of May, one thousand
25 ~~nine hundred forty three (Pamphlet Laws 332), entitled "An act~~
26 ~~to further amend subsection fourteen of section six hundred two~~
27 ~~of the act, approved the twenty ninth day of November, one~~
28 ~~thousand nine hundred and thirty three (Pamphlet Laws, fifteen—~~
29 ~~1933 34) entitled, as amended 'An act to regulate and restrain~~
30 ~~the sale, manufacture, possession, transportation, importation,~~

1 ~~traffic in, and use of alcohol, and alcoholic and malt or brewed~~
2 ~~beverages; conferring powers and imposing duties upon the~~
3 ~~Pennsylvania Liquor Control Board and its agents, the Department~~
4 ~~of Public Instruction, other officers of the State government,~~
5 ~~courts, and district attorneys; authorizing the establishment~~
6 ~~and operation of State stores for the sale of such beverages not~~
7 ~~for consumption on the premises, and the granting of licenses,~~
8 ~~subject to local option, to sell such beverages for consumption~~
9 ~~on and off the premises; forbidding importation or bringing of~~
10 ~~such beverages into the State except as herein provided;~~
11 ~~prohibiting certain sales of practices in, connection with, and~~
12 ~~transactions in such beverages by licensees and others;~~
13 ~~providing for the forfeiture of certain property; making~~
14 ~~disposition of the receipts from State stores and of fees; and~~
15 ~~imposing penalties'; exempting certain coin-operated motion~~
16 ~~picture machines from provisions of the act requiring special~~
17 ~~permits," absolutely.~~

18 ~~The act, approved the twenty first day of May, one thousand~~
19 ~~nine hundred forty three (Pamphlet Laws 374), entitled "An act~~
20 ~~to further amend section sixteen of the act, approved the third~~
21 ~~day of May, one thousand nine hundred thirty three (Pamphlet~~
22 ~~Laws, two hundred fifty two), entitled, as amended 'An act to~~
23 ~~regulate and restrain the traffic in malt and brewed beverages,~~
24 ~~as herein defined; providing for the licensing of the~~
25 ~~manufacture, transportation, sale and distribution of such~~
26 ~~beverages; imposing license and permit fees, and providing for~~
27 ~~collection and distribution thereof; restricting ownership and~~
28 ~~interest in licensed places; permitting municipalities and~~
29 ~~townships, by vote of the electors, to prevent the licensing~~
30 ~~therein of places where such beverages may be sold for~~

1 ~~consumption on the premises, and regulating elections for this~~
2 ~~purpose; imposing duties upon the Pennsylvania Liquor Control~~
3 ~~Board, quarter sessions courts, district attorneys, the~~
4 ~~Department of Justice, proper authorities of political~~
5 ~~subdivisions of the State, and election officers; providing~~
6 ~~penalties; and repealing existing acts, ' by providing for the~~
7 ~~surrendering by persons in military service of licenses granted~~
8 ~~to them, the renewal thereof by the board during the licensee's~~
9 ~~continuance in such service, and the renewal thereof~~
10 ~~hereafter," absolutely.~~

11 ~~The act, approved the twenty first day of May, one thousand~~
12 ~~nine hundred forty three (Pamphlet Laws 401), entitled "An act~~
13 ~~to amend section four hundred nine of the act, approved the~~
14 ~~twenty ninth day of November, one thousand nine hundred thirty-~~
15 ~~three (Pamphlet Laws, fifteen, 1933-34), entitled, as amended~~
16 ~~'An act to regulate and restrain the sale, manufacture,~~
17 ~~possession, transportation, importation, traffic in, and use of~~
18 ~~alcohol, and alcoholic and malt or brewed beverages; conferring~~
19 ~~powers and imposing duties upon the Pennsylvania Liquor Control~~
20 ~~Board and its agents, the Department of Public Instruction,~~
21 ~~other officers of the State government, courts, and district~~
22 ~~attorneys; authorizing the establishment and operation of State~~
23 ~~stores for the sale of such beverages not for consumption on the~~
24 ~~premises, and the granting of licenses, subject to local option,~~
25 ~~to sell such beverages for consumption on and off the premises;~~
26 ~~forbidding importation or bringing of such beverages into the~~
27 ~~State except as herein provided; prohibiting certain sales or~~
28 ~~practices in, connection with, and transactions in such~~
29 ~~beverages by licensees and others; providing for the forfeiture~~
30 ~~of certain property; making disposition of the receipts from~~

1 ~~State stores and of fees; and imposing penalties,' by providing~~
2 ~~for the surrendering by persons in military service of licenses~~
3 ~~granted to them, the renewal thereof by the board during~~
4 ~~licensee's continuance in such service, and the renewal thereof~~
5 ~~hereafter," absolutely.~~

6 ~~The act, approved the twenty first day of May, one thousand~~
7 ~~nine hundred forty three (Pamphlet Laws 403), entitled "An act~~
8 ~~to further amend sections two, three hundred five, section six~~
9 ~~hundred two and section six hundred three of the act, approved~~
10 ~~the twenty ninth day of November, one thousand nine hundred~~
11 ~~thirty three (Pamphlet Laws, fifteen 1933-34), entitled, as~~
12 ~~amended 'An act to regulate and restrain the sale, manufacture,~~
13 ~~possession, transportation, importation, traffic in, and use of~~
14 ~~alcohol, and alcoholic and malt or brewed beverages; conferring~~
15 ~~powers and imposing duties upon the Pennsylvania Liquor Control~~
16 ~~Board and its agents, the Department of Public Instruction,~~
17 ~~other officers of the State government, courts, and district~~
18 ~~attorneys; authorizing the establishment and operation of State~~
19 ~~stores for the sale of such beverages not for consumption on the~~
20 ~~premises, and the granting of licenses, subject to local option,~~
21 ~~to sell such beverages for consumption on and off the premises;~~
22 ~~forbidding importation or bringing of such beverages into the~~
23 ~~State except as herein provided; prohibiting certain sales or~~
24 ~~practices in, connection with, and transactions in such~~
25 ~~beverages by licensees and others; providing for the forfeiture~~
26 ~~of certain property; making disposition of the receipts from~~
27 ~~State stores and of fees; and imposing penalties,' by defining~~
28 ~~"Official Seal"; authorizing the designation of wholesale or~~
29 ~~retail stores; authorizing the Pennsylvania Liquor Control Board~~
30 ~~to adopt and enforce rules and regulations, to insure the~~

1 ~~equitable wholesale and retail sale and distribution of liquor~~
2 ~~and alcohol through the Pennsylvania liquor stores during times~~
3 ~~of shortage, and making it unlawful to violate any such rules~~
4 ~~and regulations," absolutely.~~

5 ~~The act, approved the twenty seventh day of May, one thousand~~
6 ~~nine hundred forty three (Pamphlet Laws 688), entitled "An act~~
7 ~~to further amend sections four hundred four and four hundred ten~~
8 ~~of the act, approved the twenty ninth day of November, one~~
9 ~~thousand nine hundred thirty three (Pamphlet Laws fifteen—~~
10 ~~1933-34), entitled, as amended 'An act to regulate and restrain~~
11 ~~the sale, manufacture, possession, transportation, importation,~~
12 ~~traffic in, and use of alcohol, and alcoholic and malt or brewed~~
13 ~~beverages; conferring powers and imposing duties upon the~~
14 ~~Pennsylvania Liquor Control Board and its agents, the Department~~
15 ~~of Public Instruction, other officers of the State government,~~
16 ~~courts, and district attorneys; authorizing the establishment~~
17 ~~and operation of State stores for the sale of such beverages not~~
18 ~~for consumption on the premises, and the granting of licenses,~~
19 ~~subject to local option, to sell such beverages for consumption~~
20 ~~on and off the premises; forbidding importation or bringing of~~
21 ~~such beverages into the State except as herein provided;~~
22 ~~prohibiting certain sales or practices in, connection with, and~~
23 ~~transactions in such beverages by licensees and others;~~
24 ~~providing for the forfeiture of certain property; making~~
25 ~~disposition of the receipts from State stores and of fees; and~~
26 ~~imposing penalties, ' conferring jurisdiction on the county court~~
27 ~~of Allegheny County, in cases of appeals from the Pennsylvania~~
28 ~~Liquor Control Board," absolutely.~~

29 ~~The act, approved the twenty seventh day of May, one thousand~~
30 ~~nine hundred forty three (Pamphlet Laws 694), entitled "An act~~

1 ~~to further amend sections seven and thirteen of the act,~~
2 ~~approved the third day of May, one thousand nine hundred thirty-~~
3 ~~three (Pamphlet Laws, two hundred fifty two), entitled, as~~
4 ~~amended 'An act to regulate and restrain the traffic in malt and~~
5 ~~brewed beverages, as herein defined; providing for the licensing~~
6 ~~of the manufacture, transportation, sale and distribution of~~
7 ~~such beverages; imposing license and permit fees, and providing~~
8 ~~for collection and distribution thereof; restricting ownership~~
9 ~~and interest in licensed places; permitting municipalities and~~
10 ~~townships, by vote of the electors, to prevent the licensing~~
11 ~~therein of places where such beverages may be sold for~~
12 ~~consumption on the premises, and regulating elections for this~~
13 ~~purpose; imposing duties upon the Pennsylvania Liquor Control~~
14 ~~Board, quarter sessions courts, district attorneys, the~~
15 ~~Department of Justice, proper authorities of political~~
16 ~~subdivisions of the State, and election officers; providing~~
17 ~~penalties; and repealing existing acts,' conferring jurisdiction~~
18 ~~on the county court of Allegheny County in cases of appeals from~~
19 ~~the Pennsylvania Liquor Control Board," absolutely.~~

20 ~~The act, approved the twenty third day of May, one thousand~~
21 ~~nine hundred forty seven (Pamphlet Laws 287), entitled "An act~~
22 ~~providing that the statement of registration issued to electors~~
23 ~~and his signed declaration of age shall be sufficient proof of~~
24 ~~age for the purchase of alcoholic beverages; prohibiting~~
25 ~~transfers thereof and false statements; imposing penalties, and~~
26 ~~saving from prosecution licensees serving holders of such~~
27 ~~statements making such declarations," absolutely.~~

28 ~~The act, approved the fourteenth day of April, one thousand~~
29 ~~nine hundred forty nine (Pamphlet Laws 481), entitled "An act to~~
30 ~~further amend section five of the act, approved the nineteenth~~

1 ~~day of February, one thousand nine hundred twenty six (Pamphlet~~
2 ~~Laws 16), entitled, as amended 'An act regulating, under permit,~~
3 ~~through the Pennsylvania Liquor Control Board, the manufacture,~~
4 ~~production, distillation, development, use in manufacture,~~
5 ~~denaturization, redistillation, rectification, blending,~~
6 ~~recovery, reuse, holding in bond, holding in storage by bailees~~
7 ~~for hire, and transportation for hire, of any alcohol, alcoholic~~
8 ~~liquid or alcoholic beverage, by certain persons; requiring the~~
9 ~~registration of Federal permits; also providing for fees and the~~
10 ~~disposition thereof, and for appeals to the courts; also~~
11 ~~authorizing the inspection of the records of permittees and~~
12 ~~purchasers of said alcohol, alcoholic liquid, and alcoholic~~
13 ~~beverages; also declaring certain places nuisances and providing~~
14 ~~for their abatement; also providing penalties; and also~~
15 ~~repealing all acts or parts of acts inconsistent with this act,'~~
16 ~~by exempting scheduled common carriers by air of mail and~~
17 ~~passengers from license requirement," absolutely.~~

18 ~~The act, approved the twenty eighth day of April, one~~
19 ~~thousand nine hundred forty nine (Pamphlet Laws 764), entitled~~
20 ~~"An act to further amend section four hundred twelve and~~
21 ~~subsections (9) and (10) of section six hundred two of the act,~~
22 ~~approved the twenty ninth day of November, on thousand nine~~
23 ~~hundred thirty three (Pamphlet Laws 15, 1933 34), entitled, as~~
24 ~~amended 'An act to regulate and restrain the sale, manufacture,~~
25 ~~possession, transportation, importation, traffic in, and use of~~
26 ~~alcohol, and alcoholic and malt or brewed beverages; conferring~~
27 ~~powers and imposing duties upon the Pennsylvania Liquor Control~~
28 ~~Board and its agents, the Department of Public Instruction,~~
29 ~~other officers of the State government, courts, and district~~
30 ~~attorneys; authorizing the establishment and operation of State~~

1 ~~stores for the sale of such beverages not for consumption on the~~
2 ~~premises, and the granting of licenses, subject to local option,~~
3 ~~to sell such beverages for consumption on and off the premises;~~
4 ~~forbidding importation or bringing of such beverages into the~~
5 ~~State except as herein provided; prohibiting certain sales or~~
6 ~~practices in, connection with, and transactions in such~~
7 ~~beverages by licensees and others; providing for the forfeiture~~
8 ~~of certain property; making disposition of the receipts from~~
9 ~~State stores and of fees; and imposing penalties, ' by further~~
10 ~~regulating advertisements allowed on and about licensed premises~~
11 ~~and increasing the quantity of malt or brewed beverages which~~
12 ~~may be sold in a single sale by certain licensees for~~
13 ~~consumption off premises," absolutely.~~

14 ~~The act, approved the twenty eighth day of April, one~~
15 ~~thousand nine hundred forty nine (Pamphlet Laws 769), entitled~~
16 ~~"An act to further amend the act, approved the third day of May,~~
17 ~~one thousand nine hundred thirty three (Pamphlet Laws 252),~~
18 ~~entitled, as amended, 'An act to regulate and restrain the~~
19 ~~traffic in malt and brewed beverages, as herein defined;~~
20 ~~providing for the licensing of the manufacture, transportation,~~
21 ~~sale and distribution of such beverages; imposing license and~~
22 ~~permit fees, and providing for collection and distribution~~
23 ~~thereof; restricting ownership and interest in licensed places;~~
24 ~~permitting municipalities and townships, by vote of the~~
25 ~~electors, to prevent the licensing therein of places where such~~
26 ~~beverages may be sold for consumption on the premises, and~~
27 ~~regulating elections for this purpose; imposing duties upon the~~
28 ~~Pennsylvania Liquor Control Board, quarter sessions courts,~~
29 ~~district attorneys, the Department of Justice, proper~~
30 ~~authorities of political subdivisions of the State, and election~~

1 ~~officers; providing penalties; and repealing existing acts,' by~~
2 ~~providing the quantity of malt or brewed beverages to be sold by~~
3 ~~any manufacturer, distributor, importing distributor, or retail~~
4 ~~dispenser; further regulating advertisements allowed on and~~
5 ~~about licensed premises," absolutely.~~

6 ~~The act, approved the second day of May, one thousand nine~~
7 ~~hundred forty nine (Pamphlet Laws 896), entitled "An act to~~
8 ~~further amend subsection fourteen of section six hundred two of~~
9 ~~the act, approved the twenty ninth day of November, one thousand~~
10 ~~nine hundred and thirty three (Pamphlet Laws 15, 1933-34),~~
11 ~~entitled, as amended 'An act to regulate and restrain the sale,~~
12 ~~manufacture, possession, transportation, importation, traffic~~
13 ~~in, and use of alcohol, and alcoholic and malt or brewed~~
14 ~~beverages; conferring powers and imposing duties upon the~~
15 ~~Pennsylvania Liquor Control Board and its agents, the Department~~
16 ~~of Public Instruction, other officers of the State Government,~~
17 ~~courts, and district attorneys; authorizing the establishment~~
18 ~~and operation of State stores for the sale of such beverages not~~
19 ~~for consumption on the premises, and the granting of licenses,~~
20 ~~subject to local option, to sell such beverages for consumption~~
21 ~~on and off the premises; forbidding importation or bringing of~~
22 ~~such beverages into the State except as herein provided;~~
23 ~~prohibiting certain sales or practices in, connection with, and~~
24 ~~transactions in such beverages by licensees and others;~~
25 ~~providing for the forfeiture of certain property; making~~
26 ~~disposition of the receipts from State stores and of fees; and~~
27 ~~imposing penalties,' by exempting television exhibitions from~~
28 ~~provisions of the act requiring special permits," absolutely.~~

29 ~~The act, approved the ninth day of May, one thousand nine~~
30 ~~hundred forty nine (Pamphlet Laws 964), entitled "An act to~~

1 ~~amend section one of the act, approved the twenty fourth day of~~
2 ~~June, one thousand nine hundred thirty nine (Pamphlet Laws 806),~~
3 ~~entitled 'An act limiting the number of licenses for the retail~~
4 ~~sale of liquor, malt or brewed beverages, or malt and brewed~~
5 ~~beverages, to be issued by the Pennsylvania Liquor Control~~
6 ~~Board; defining hotels, and prescribing the accommodations~~
7 ~~required of hotels in certain municipalities, 'changing the~~
8 ~~requirements necessary for a hotel to qualify under said act,"~~
9 ~~except in so far as it shall apply to hotel licenses granted~~
10 ~~prior to September first, one thousand nine hundred forty nine,~~
11 ~~or granted on any application made and pending prior to said~~
12 ~~date, or to any renewal or transfer of such licenses, or to~~
13 ~~hotels under construction or for which a bona fide contract had~~
14 ~~been entered into for construction prior to said date.~~

15 ~~The act, approved the twentieth day of May, one thousand nine~~
16 ~~hundred forty nine (Pamphlet Laws 1482), entitled "An act to~~
17 ~~further amend section four hundred fifteen of the act, approved~~
18 ~~the twenty ninth day of November, one thousand nine hundred and~~
19 ~~thirty three (Pamphlet Laws, fifteen one thousand nine hundred~~
20 ~~thirty three and thirty four), entitled, as amended 'An act to~~
21 ~~regulate and restrain the sale, manufacture, possession,~~
22 ~~transportation, importation, traffic in, and use of alcohol, and~~
23 ~~alcoholic and malt or brewed beverages; conferring powers and~~
24 ~~imposing duties upon the Pennsylvania Liquor Control Board and~~
25 ~~its agents, the Department of Public Instruction, other officers~~
26 ~~of the State government, courts, and district attorneys;~~
27 ~~authorizing the establishment and operation of State stores for~~
28 ~~the sale of such beverages not for consumption on the premises,~~
29 ~~and the granting of licenses, subject to local option, to sell~~
30 ~~such beverages for consumption on and off the premises;~~

1 ~~forbidding importation or bringing of such beverages into the~~
2 ~~State except as herein provided; prohibiting certain sales or~~
3 ~~practices in, connection with, and transactions in such~~
4 ~~beverages by licensees and others; providing for the forfeiture~~
5 ~~of certain property; making disposition of the receipts from~~
6 ~~State stores and of fees; and imposing penalties, ' by permitting~~
7 ~~holders of importers' licenses to sell liquor when in original~~
8 ~~containers of ten gallons or greater capacity to licensed~~
9 ~~manufacturers within this Commonwealth, " absolutely.~~

10 ~~The act, approved the twentieth day of May, one thousand nine~~
11 ~~hundred forty nine (Pamphlet Laws 1546), entitled "An act to~~
12 ~~amend the act, approved the third day of May, one thousand nine~~
13 ~~hundred thirty three (Pamphlet Laws 252), entitled, as amended~~
14 ~~'An act to regulate and restrain the traffic in malt and brewed~~
15 ~~beverages, as herein defined; providing for the licensing of the~~
16 ~~manufacture, transportation, sale and distribution of such~~
17 ~~beverages; imposing license and permit fees, and providing for~~
18 ~~collection and distribution thereof; restricting ownership and~~
19 ~~interest in licensed places; permitting municipalities and~~
20 ~~townships, by vote of the electors, to prevent the licensing~~
21 ~~therein of places where such beverages may be sold for~~
22 ~~consumption on the premises, and regulating elections for this~~
23 ~~purpose; imposing duties upon the Pennsylvania Liquor Control~~
24 ~~Board, quarter sessions courts, district attorneys, the~~
25 ~~Department of Justice, proper authorities of political~~
26 ~~subdivisions of the State, and election officers; providing~~
27 ~~penalties; and repealing existing acts, ' by further defining the~~
28 ~~parties who may appeal and the powers of courts in certain~~
29 ~~appeals from the board and providing for certain appeals to the~~
30 ~~Superior Court, " absolutely.~~

1 ~~The act, approved the twentieth day of May, one thousand nine~~
2 ~~hundred forty nine (Pamphlet Laws 1551), entitled "An act to~~
3 ~~amend the act, approved the twenty ninth day of November, one~~
4 ~~thousand nine hundred thirty three (Pamphlet Laws 15, 1933-34),~~
5 ~~entitled, as amended 'An act to regulate and restrain the sale,~~
6 ~~manufacture, possession, transportation, importation, traffic~~
7 ~~in, and use of alcohol, and alcoholic and malt or brewed~~
8 ~~beverages; conferring powers and imposing duties upon the~~
9 ~~Pennsylvania Liquor Control Board and its agents, the Department~~
10 ~~of Public Instruction, other officers of the State government,~~
11 ~~courts, and district attorneys; authorizing the establishment~~
12 ~~and operation of State stores for the sale of such beverages not~~
13 ~~for consumption on the premises, and the granting of licenses,~~
14 ~~subject to local option, to sell such beverages for consumption~~
15 ~~on and off the premises; forbidding importation or bringing of~~
16 ~~such beverages into the State except as herein provided;~~
17 ~~prohibiting certain sales or practices in, connection with, and~~
18 ~~transactions in such beverages by licensees and others;~~
19 ~~providing for the forfeiture of certain property; making~~
20 ~~disposition of the receipts from State stores and of fees; and~~
21 ~~imposing penalties, ' by further defining the parties who may~~
22 ~~appeal and the powers of courts in certain appeals from the~~
23 ~~board and providing for certain appeals to the Superior Court,"~~
24 ~~absolutely.~~

25 ~~Section 142. Section 902 of the act is reenacted to read:~~

26 ~~Section 902. General Repeal Clause. All acts and parts of~~
27 ~~acts inconsistent with the provisions of this act are hereby~~
28 ~~repealed.~~

29 SECTION 140. ARTICLE IX OF THE ACT IS REPEALED. <—

30 ~~Section 143~~ 141. (a) All personnel, allocations, <—

1 appropriations, equipment, files, records, contracts,
2 agreements, obligations and other materials which are used,
3 employed or expended in connection with the powers, duties or
4 functions transferred by this act to the Office of
5 Administrative Law Judge are hereby transferred to the Office of
6 Administrative Law Judge with the same force and effect as if
7 the allocations and appropriations had been made to and said
8 items had been the personnel and property of the office in the
9 first instance and if the contracts, agreements and obligations
10 had been incurred or entered into by the office.

11 (b) All personnel, allocations, appropriations, equipment,
12 files, records, contracts, agreements, obligations and other
13 materials which are used, employed or expended in connection
14 with the powers, duties or functions transferred by this act to
15 the Bureau of Liquor Control Enforcement of the Pennsylvania
16 State Police are hereby transferred to the Pennsylvania State
17 Police with the same force and effect as if the allocations and
18 appropriations had been made to and said items had been the
19 personnel and property of the bureau in the first instance and
20 if the contracts, agreements and obligations had been incurred
21 or entered into by the Pennsylvania State Police.

22 (c) All present employees of the Pennsylvania Liquor Control
23 Board whose powers, duties or functions are transferred under
24 subsections (a) and (b) shall be transferred to the Office of
25 Administrative Law Judge or the bureau as appropriate. All
26 employees are to continue in their employment with either the
27 ~~commission~~ BOARD, the Office of Administrative Law Judge or the <—
28 bureau with the same pay scales, salaries, wages, seniority
29 benefits, pension rights and other incidents of employment,
30 including, but not limited to, civil service status, as if this

1 act had not been effective.

2 (d) Notwithstanding any provisions of this section,
3 enforcement officers of the Pennsylvania Liquor Control Board
4 shall, in order of seniority, be given the choice of
5 transferring to the Bureau of Liquor Code Enforcement of the
6 Pennsylvania State Police or remaining within the ~~Alcoholic~~ <—
7 ~~Beverages Commission~~ PENNSYLVANIA LIQUOR CONTROL BOARD. <—

8 (E) NOTWITHSTANDING ANY PROVISIONS OF THIS SECTION,
9 ATTORNEYS RESPONSIBLE FOR REPRESENTATION OF THE PENNSYLVANIA
10 LIQUOR CONTROL BOARD IN ENFORCEMENT PROCEEDINGS, SHALL, IN ORDER
11 OF SENIORITY, BE GIVEN THE CHOICE OF TRANSFERRING TO THE OFFICE
12 OF CHIEF COUNSEL OF THE PENNSYLVANIA STATE POLICE OR REMAINING
13 WITHIN THE PENNSYLVANIA LIQUOR CONTROL BOARD.

14 Section ~~144~~ 142. The chief administrative law judge and the <—
15 Commissioner of the Pennsylvania State Police shall separately
16 by regulation provide for appropriate training of personnel to
17 carry out the responsibilities imposed by this act upon
18 employees of their respective agencies.

19 Section ~~145~~ 143. ~~The agency known as the Alcoholic Beverages~~ <—
20 ~~Commission~~ THIS ACT REESTABLISHES THE PENNSYLVANIA LIQUOR <—
21 CONTROL BOARD. THE BOARD shall be subject to evaluation and
22 review and shall terminate on June 30, 1992, in the manner
23 provided for by the act of December 22, 1981 (P.L.508, No.142),
24 known as the Sunset Act.

25 Section ~~146~~ 144. The presently confirmed members of the <—
26 Pennsylvania Liquor Control Board as of December 31, 1986, shall
27 continue to serve as members of the ~~Alcoholic Beverages~~ <—
28 ~~Commission~~ BOARD for a term of ~~120~~ 180 days beyond the effective <—
29 date of this act or until the members first appointed after the
30 effective date of this act are appointed and qualified,

1 whichever occurs sooner. THE GOVERNOR SHALL SUBMIT TO THE SENATE <—
2 THE NAMES OF THE NOMINEES TO THE BOARD WITHIN 60 DAYS OF THE
3 EFFECTIVE DATE OF THIS ACT.

4 Section ~~147~~ 145. Each rule, regulation, contract or lease of <—
5 the Pennsylvania Liquor Control Board in effect on December 31,
6 1986, shall remain in effect after such date until repealed or
7 amended by the ~~Alcoholic Beverages Commission~~ BOARD or until it <—
8 terminates in accordance with its own terms.

9 Section ~~148~~ 146. Only those members appointed to the <—
10 ~~Alcoholic Beverages Commission~~ PENNSYLVANIA LIQUOR CONTROL BOARD <—
11 after the effective date of this act shall be eligible for the
12 increased salary authorized for ~~commission~~ BOARD members <—
13 pursuant to this act.

14 Section ~~149~~. ~~Only those Alcoholic Beverages Commission~~ <—
15 ~~members appointed after the effective date of this act shall be~~
16 ~~required to restrict outside employment and income pursuant to~~
17 ~~this act.~~

18 Section ~~150~~. ~~By September 30~~ 147. BY OCTOBER 31, 1987, the <—
19 ~~Alcoholic Beverages Commission~~ PENNSYLVANIA LIQUOR CONTROL BOARD <—
20 shall recommend to the General Assembly such fee increases as
21 the ~~commission~~ BOARD determines are necessary so that revenues <—
22 are sufficient to cover the costs of licensing and enforcement
23 activities.

24 Section ~~151~~. ~~The amendment to section 491(6) relating to~~ <—
25 ~~catering by restaurant liquor licensee shall apply to cases of~~
26 ~~charged violations which have not been adjudicated by the~~
27 ~~Pennsylvania Liquor Control Board on the effective date of this~~
28 ~~act.~~

29 Section 152. (a) ~~Section 207.1(c)(2) of the act of April 9,~~
30 ~~1929 (P.L.177, No.175), known as The Administrative Code of~~

1 ~~1929, is repealed to the extent that it requires a vote of two~~
2 ~~thirds of the members elected to the Senate to confirm~~
3 ~~appointments to the Pennsylvania Liquor Control Board.~~

4 ~~(b) All other acts or parts of acts are repealed insofar as~~
5 ~~they are inconsistent with this act.~~

6 SECTION 148. (A) THERE IS HEREBY ESTABLISHED THE ←
7 PENNSYLVANIA CODE TITLE 40 REVIEW COMMITTEE TO UNDERTAKE THE
8 REVIEW OF ALL REGULATIONS PERTAINING TO THE LIQUOR, WINE AND
9 MALT AND BREWED BEVERAGE INDUSTRY. THE COMMITTEE SHALL BE
10 COMPOSED OF THE CHAIRMAN AND MINORITY CHAIRMAN OF THE SENATE LAW
11 AND JUSTICE COMMITTEE, THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
12 LIQUOR CONTROL COMMITTEE OF THE HOUSE OF REPRESENTATIVES, AND
13 EIGHT MEMBERS FROM THROUGHOUT THE LIQUOR, WINE AND MALT AND
14 BREWED BEVERAGE INDUSTRY AND ONE MEMBER OF THE GENERAL PUBLIC TO
15 BE APPOINTED BY THE BOARD.

16 (B) THE COMMITTEE SHALL HAVE THE POWER TO:

17 (1) STUDY ALL TITLE 40 REGULATIONS; AND

18 (2) PREPARE A REPORT OF THE STUDY TO BE PRESENTED TO THE
19 BOARD AND BOTH HOUSES OF THE GENERAL ASSEMBLY WITHIN ONE YEAR
20 OF THE EFFECTIVE DATE OF THIS AMENDATORY ACT. THIS STUDY
21 SHALL INCLUDE, BUT NOT BE LIMITED TO, PACKAGING REGULATIONS,
22 SATELLITE WAREHOUSES FOR DISTRIBUTORS AND LANGUAGE GOVERNING
23 LICENSEE'S FEES.

24 (C) THIS COMMITTEE SHALL TERMINATE AFTER THIS REPORT HAS
25 BEEN PRESENTED.

26 SECTION 149. NOTWITHSTANDING ANY SECTIONS OF THIS ACT TO THE ←
27 CONTRARY, ARTICLE VI-A OF THE ACT OF APRIL 9, 1929 (P.L.177,
28 NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929, SHALL
29 SUPERSEDE THIS ACT TO THE EXTENT THERE ARE ANY INCONSISTENCIES
30 WITH REGARD TO FEES CHARGED BY THE PENNSYLVANIA LIQUOR CONTROL

1 BOARD.

2 SECTION ~~149~~ 150. ALL OTHER ACTS OR PARTS OF ACTS ARE <—
3 REPEALED INSOFAR AS THEY ARE INCONSISTENT WITH THIS ACT.

4 SECTION ~~150~~ 151. THE SUM OF \$17,700,000, OR AS MUCH THEREOF <—
5 AS MAY BE NECESSARY, IS HEREBY APPROPRIATED FROM THE STATE STORE
6 FUND FOR FISCAL YEAR JULY 1, 1987, TO JUNE 30, 1988, TO THE
7 PENNSYLVANIA STATE POLICE FOR THE OPERATION OF THE BUREAU OF
8 LIQUOR CONTROL ENFORCEMENT.

9 Section ~~153-151~~ 152. The provisions of this act are <—
10 severable. If any provision of this act or its application to
11 any person or circumstance is held invalid, the invalidity shall
12 not affect other provisions or applications of this act which
13 can be given effect without the invalid provision or
14 application.

15 Section ~~154-152~~ 153. Sections ~~146~~ 144 and ~~147~~ 145 of this <—
16 act shall be retroactive to December 31, 1986.

17 Section ~~155-153~~ 154. This act shall take effect July 1, <—
18 1987, or immediately, whichever is later.