

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

# HOUSE BILL

## No. 1431

Session of  
1995

---

INTRODUCED BY L. I. COHEN, FLICK, DENT, KAISER, RUBLEY, BUNT,  
STURLA, BARD, MAITLAND, MANDERINO, BELARDI, ROONEY, TRELLO,  
MELIO, CAPPABIANCA, ROEBUCK, FARGO, YOUNGBLOOD, REBER, WOGAN,  
VAN HORNE, JOSEPHS, STABACK, E. Z. TAYLOR, SCRIMENTI, ITKIN,  
WALKO, CLARK, PISTELLA, MERRY, CORNELL AND WASHINGTON,  
APRIL 25, 1995

---

SENATOR MOWERY, LAW AND JUSTICE, IN SENATE, AS AMENDED,  
APRIL 9, 1996

---

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as  
2 reenacted, "An act relating to alcoholic liquors, alcohol and  
3 malt and brewed beverages; amending, revising, consolidating  
4 and changing the laws relating thereto; regulating and  
5 restricting the manufacture, purchase, sale, possession,  
6 consumption, importation, transportation, furnishing, holding  
7 in bond, holding in storage, traffic in and use of alcoholic  
8 liquors, alcohol and malt and brewed beverages and the  
9 persons engaged or employed therein; defining the powers and  
10 duties of the Pennsylvania Liquor Control Board; providing  
11 for the establishment and operation of State liquor stores,  
12 for the payment of certain license fees to the respective  
13 municipalities and townships, for the abatement of certain  
14 nuisances and, in certain cases, for search and seizure  
15 without warrant; prescribing penalties and forfeitures;  
16 providing for local option, and repealing existing laws,"  
17 FURTHER PROVIDING FOR DEFINITIONS, FOR SALES BY LIQUOR  
18 LICENSEES, FOR MALT AND BREWED BEVERAGES MANUFACTURERS, FOR  
19 MALT AND BREWED BEVERAGES RETAIL LICENSES, FOR LICENSES FOR  
20 ART MUSEUMS, FOR PERFORMING ARTS FACILITIES, FOR TRANSFER OF  
21 RESTAURANT LICENSES TO DETERIORATED AREAS, FOR STADIUM OR  
22 ARENA PERMITS, FOR SALES BY MANUFACTURERS OF MALT OR BREWED  
23 BEVERAGES AND FOR DISTRIBUTORS' AND IMPORTING DISTRIBUTORS'  
24 RESTRICTIONS ON SALES; PROHIBITING INTERLOCKING BUSINESS;  
25 FURTHER PROVIDING FOR BREWERIES, FOR LOCAL OPTION AND FOR  
26 LIMITED WINERIES; AND allowing distributors of malt or brewed  
27 beverages to sell on credit.

<—

28 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 ~~Section 1. Section 493(2) of the act of April 12, 1951~~ <—  
3 ~~(P.L.90, No.21), known as the Liquor Code, reenacted and amended~~  
4 ~~June 29, 1987 (P.L.32, No.14), is amended to read:~~

5 SECTION 1. THE DEFINITIONS OF "DISTRIBUTOR" AND "IMPORTING" <—  
6 DISTRIBUTOR" IN SECTION 102 OF THE ACT OF APRIL 12, 1951  
7 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, REENACTED AND AMENDED  
8 JUNE 29, 1987 (P.L.32, NO.14), ARE AMENDED AND THE SECTION IS  
9 AMENDED BY ADDING A DEFINITION TO READ:

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

13 \* \* \*

14 "CASE" SHALL MEAN A PACKAGE PREPARED BY THE MANUFACTURER FOR  
15 SALE OR DISTRIBUTION OF TWELVE OR MORE ORIGINAL CONTAINERS  
16 TOTALING TWO HUNDRED EIGHTY-EIGHT OR MORE FLUID OUNCES OF MALT  
17 OR BREWED BEVERAGES EXCEPTING THOSE PACKAGES CONTAINING TWENTY-  
18 FOUR ORIGINAL CONTAINERS EACH HOLDING SEVEN FLUID OUNCES OR  
19 MORE.

20 \* \* \*

21 "DISTRIBUTOR" SHALL MEAN ANY PERSON LICENSED BY THE BOARD TO  
22 ENGAGE IN THE PURCHASE ONLY FROM PENNSYLVANIA MANUFACTURERS AND  
23 FROM IMPORTING DISTRIBUTORS AND THE RESALE OF MALT OR BREWED  
24 BEVERAGES, EXCEPT TO IMPORTING DISTRIBUTORS AND DISTRIBUTORS, IN  
25 THE ORIGINAL SEALED CONTAINERS AS PREPARED FOR THE MARKET BY THE  
26 MANUFACTURER AT THE PLACE OF MANUFACTURE, BUT NOT FOR  
27 CONSUMPTION ON THE PREMISES WHERE SOLD, AND IN QUANTITIES OF NOT  
28 LESS THAN A CASE [OF TWENTY-FOUR CONTAINERS, EACH CONTAINER  
29 HOLDING SEVEN FLUID OUNCES OR MORE, OR A CASE OF TWELVE  
30 CONTAINERS, EACH CONTAINER HOLDING TWENTY-FOUR FLUID OUNCES OR

1 MORE, EXCEPT] OR ORIGINAL CONTAINERS CONTAINING ONE HUNDRED  
2 TWENTY-EIGHT OUNCES OR MORE WHICH MAY BE SOLD SEPARATELY.

3 \* \* \*

4 "IMPORTING DISTRIBUTOR" SHALL MEAN ANY PERSON LICENSED BY THE  
5 BOARD TO ENGAGE IN THE PURCHASE FROM MANUFACTURERS AND OTHER  
6 PERSONS LOCATED OUTSIDE THIS COMMONWEALTH AND FROM PERSONS  
7 LICENSED AS MANUFACTURERS OF MALT OR BREWED BEVERAGES AND  
8 IMPORTING DISTRIBUTORS UNDER THIS ACT, AND THE RESALE OF MALT OR  
9 BREWED BEVERAGES IN THE ORIGINAL SEALED CONTAINERS AS PREPARED  
10 FOR THE MARKET BY THE MANUFACTURER AT THE PLACE OF MANUFACTURE,  
11 BUT NOT FOR CONSUMPTION ON THE PREMISES WHERE SOLD, AND IN  
12 QUANTITIES OF NOT LESS THAN A CASE [OF TWENTY-FOUR CONTAINERS,  
13 EACH CONTAINER HOLDING SEVEN FLUID OUNCES OR MORE, OR A CASE OF  
14 TWELVE CONTAINERS, EACH CONTAINER HOLDING TWENTY-FOUR FLUID  
15 OUNCES OR MORE, EXCEPT] OR ORIGINAL CONTAINERS CONTAINING ONE  
16 HUNDRED TWENTY-EIGHT OUNCES OR MORE WHICH MAY BE SOLD  
17 SEPARATELY.

18 \* \* \*

19 SECTION 2. SECTIONS 406(A)(3) AND (5) AND 408.5 OF THE ACT,  
20 AMENDED APRIL 29, 1994 (P.L.212, NO.30), ARE AMENDED TO READ:

21 SECTION 406. SALES BY LIQUOR LICENSEES; RESTRICTIONS.--(A)

22 \* \* \*

23 (3) HOTEL AND RESTAURANT LIQUOR LICENSEES, AIRPORT  
24 RESTAURANT LIQUOR LICENSEES, MUNICIPAL GOLF COURSE RESTAURANT  
25 LIQUOR LICENSEES AND PRIVATELY-OWNED PUBLIC GOLF COURSE  
26 RESTAURANT LICENSEES WHOSE SALES OF FOOD AND NONALCOHOLIC  
27 BEVERAGES ARE EQUAL TO [FORTY] THIRTY PER CENTUM OR MORE OF THE  
28 COMBINED GROSS SALES OF BOTH FOOD AND ALCOHOLIC BEVERAGES MAY  
29 SELL LIQUOR AND MALT OR BREWED BEVERAGES ON SUNDAY BETWEEN THE  
30 HOURS OF ELEVEN O'CLOCK ANTEMERIDIAN AND TWO O'CLOCK

1 ANTEMERIDIAN MONDAY UPON PURCHASE OF A SPECIAL PERMIT FROM THE  
2 BOARD AT AN ANNUAL FEE AS PRESCRIBED IN SECTION 614-A OF THE ACT  
3 OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE  
4 CODE OF 1929."

5 \* \* \*

6 [(5) ANY HOTEL, RESTAURANT, CLUB OR PUBLIC SERVICE LIQUOR  
7 LICENSEE MAY, BY GIVING NOTICE TO THE BOARD, ADVANCE BY ONE HOUR  
8 THE HOURS HEREIN PRESCRIBED AS THOSE DURING WHICH LIQUOR AND  
9 MALT OR BREWED BEVERAGES MAY BE SOLD DURING SUCH PART OF THE  
10 YEAR WHEN DAYLIGHT SAVING TIME IS BEING OBSERVED GENERALLY IN  
11 THE MUNICIPALITY IN WHICH THE PLACE OF BUSINESS OF SUCH LICENSEE  
12 IS LOCATED. ANY LICENSEE WHO ELECTS TO OPERATE HIS PLACE OF  
13 BUSINESS IN ACCORDANCE WITH DAYLIGHT SAVING TIME SHALL POST A  
14 CONSPICUOUS NOTICE IN HIS PLACE OF BUSINESS THAT HE IS OPERATING  
15 IN ACCORDANCE WITH DAYLIGHT SAVING TIME.]

16 \* \* \*

17 SECTION 408.5. LICENSES FOR CITY-OWNED ART MUSEUMS, CITIES  
18 FIRST CLASS; ART MUSEUMS MAINTAINED BY CERTAIN NON-PROFIT  
19 CORPORATIONS IN CITIES OF THE SECOND CLASS; AND NON-PROFIT  
20 SCIENCE AND TECHNOLOGY MUSEUMS IN CITIES OF THE FIRST CLASS AND  
21 IN CITIES OF THE SECOND CLASS.--(A) THE BOARD IS AUTHORIZED TO  
22 ISSUE A LICENSE IN ANY CITY OF THE FIRST CLASS FOR THE RETAIL  
23 SALE OF LIQUOR AND MALT OR BREWED BEVERAGES BY THE GLASS, OPEN  
24 BOTTLES OR OTHER CONTAINER, AND IN ANY MIXTURE, FOR CONSUMPTION  
25 IN ANY STATE-CHARTERED OR CITY-OWNED ART MUSEUM, IN ANY ART  
26 MUSEUM MAINTAINED BY A NON-PROFIT CORPORATION IN CITIES OF THE  
27 SECOND CLASS OR ANY NON-PROFIT SCIENCE AND TECHNOLOGY MUSEUM IN  
28 CITIES OF THE FIRST CLASS OR IN CITIES OF THE SECOND CLASS. FOR  
29 THE PURPOSE OF THIS SECTION "NON-PROFIT CORPORATION" SHALL MEAN  
30 A CORPORATION ORGANIZED UNDER THE NON-PROFIT CORPORATION LAWS

1 FOR THE BENEFIT OF THE PUBLIC AND NOT FOR THE MUTUAL BENEFIT OF  
2 ITS MEMBERS, AND WHICH MAINTAINS AN ART MUSEUM OR A SCIENCE AND  
3 TECHNOLOGY MUSEUM HAVING A FLOOR AREA OF NOT LESS THAN ONE  
4 HUNDRED THOUSAND SQUARE FEET IN ONE BUILDING.

5 (B) THE APPLICATION FOR A LICENSE MAY BE FILED BY THE STATE-  
6 CHARTERED ART MUSEUM, THE CITY, THE NON-PROFIT CORPORATION OR  
7 LESSEE. THE APPLICATION MAY ALSO BE FILED BY A CONCESSIONAIRE  
8 SELECTED AND CERTIFIED BY THE STATE-CHARTERED ART MUSEUM, THE  
9 CITY OR THE NON-PROFIT CORPORATION. THE APPLICATION SHALL  
10 CONFORM WITH ALL REQUIREMENTS FOR RESTAURANT LIQUOR LICENSES AND  
11 APPLICATIONS EXCEPT AS MAY OTHERWISE BE PROVIDED HEREIN.  
12 APPLICANT SHALL SUBMIT SUCH OTHER INFORMATION AS THE BOARD MAY  
13 REQUIRE. THE APPLICATION SHALL BE IN WRITING ON FORMS PRESCRIBED  
14 BY THE BOARD AND SHALL BE SIGNED AND SUBMITTED TO THE BOARD BY  
15 THE APPLICANT. A FILING FEE AS PRESCRIBED IN SECTION 614-A OF  
16 THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE  
17 ADMINISTRATIVE CODE OF 1929," SHALL ACCOMPANY THE LICENSE  
18 APPLICATION.

19 (C) UPON RECEIPT OF THE APPLICATION IN PROPER FORM WITH THE  
20 APPLICATION FEE AND UPON BEING SATISFIED THAT THE APPLICANT IS  
21 OF GOOD REPUTE AND FINANCIALLY RESPONSIBLE AND THAT THE PROPOSED  
22 PLACE OF BUSINESS IS PROPER, THE BOARD SHALL ISSUE A LICENSE TO  
23 THE APPLICANT.

24 (D) THE LICENSE SHALL BE ISSUED FOR THE SAME PERIOD OF TIME  
25 AS PROVIDED FOR RESTAURANT LICENSEES AND SHALL BE RENEWED AS  
26 PROVIDED IN SECTION 402. THE LICENSE SHALL TERMINATE UPON  
27 REVOCATION BY THE BOARD OR UPON TERMINATION OF THE LEASE OR UPON  
28 TERMINATION OF THE CONTRACT BETWEEN THE CONCESSIONAIRE AND THE  
29 STATE-CHARTERED ART MUSEUM, THE CITY OR THE NON-PROFIT  
30 CORPORATION AND SHALL NOT BE VALIDATED IF THE ANNUAL FEE IS NOT

1 TIMELY PAID.

2 (G) SALES BY THE HOLDER OF AN ART MUSEUM LICENSE OR SCIENCE  
3 AND TECHNOLOGY LICENSE MAY BE MADE EXCEPT TO THOSE PERSONS  
4 PROHIBITED BY THIS ACT ON PREMISES USED FOR ART MUSEUM OR  
5 SCIENCE AND TECHNOLOGY PURPOSES, BUT SUCH SALES MAY NOT BE MADE  
6 BEYOND THE HOURS EXPRESSED IN THIS ACT FOR THE SALE OF LIQUOR BY  
7 RESTAURANT LICENSES. HOWEVER, SALES OF LIQUOR OR MALT OR BREWED  
8 BEVERAGES MAY BE MADE BY AN ART MUSEUM OR SCIENCE AND TECHNOLOGY  
9 LICENSEE AT BANQUETS AT WHICH MORE THAN FIVE HUNDRED PERSONS ARE  
10 SCHEDULED TO ATTEND AND AT ANY OTHER FUNCTION WHICH IS DIRECTLY  
11 RELATED TO ART MUSEUM OR SCIENCE AND TECHNOLOGY PURPOSES.

12 (H) WHENEVER A LEASE OR A CONCESSION CONTRACT IS TERMINATED  
13 PRIOR TO THE EXPIRATION DATE PROVIDED IN THE LEASE OR CONTRACT  
14 BETWEEN THE STATE-CHARTERED ART MUSEUM, THE CITY OR THE NON-  
15 PROFIT CORPORATION AND THE TENANT OR CONCESSIONAIRE, THE STATE-  
16 CHARTERED ART MUSEUM, THE CITY OR THE NON-PROFIT CORPORATION MAY  
17 SELECT AND CERTIFY TO THE BOARD A DIFFERENT LICENSEE OR  
18 CONCESSIONAIRE WHO MAY THEN APPLY TO THE BOARD FOR A NEW  
19 LICENSE. IF THE APPLICANT MEETS THE REQUIREMENTS OF THE BOARD AS  
20 HEREIN PROVIDED A NEW LICENSE SHALL THEREUPON BE ISSUED.

21 (I) IF THE BOARD SHALL REVOKE ANY ART MUSEUM LICENSE OR  
22 SCIENCE AND TECHNOLOGY LICENSE, THE BOARD SHALL ISSUE A NEW  
23 LICENSE TO ANY QUALIFIED APPLICANT WITHOUT REGARD TO THE  
24 PROHIBITION IN SECTION 471 AGAINST THE GRANT OF A LICENSE AT THE  
25 SAME PREMISES FOR A PERIOD OF AT LEAST ONE YEAR.

26 (I.1) ANY RENEWAL OF A LICENSE PRESENTLY HELD BY A CITY-  
27 OWNED ART MUSEUM IN A CITY OF THE FIRST CLASS SHALL BE  
28 ACCOMPLISHED BY THE PURCHASE OF A LICENSE FROM AN EXISTING  
29 LICENSEE.

30 (I.2) AN ART MUSEUM MAINTAINED BY A NON-PROFIT CORPORATION

1 OR CORPORATIONS IN A CITY OF THE SECOND CLASS WHICH OBTAINS  
2 APPROVAL OF ITS APPLICATION FOR A LICENSE FROM THE BOARD SHALL  
3 PURCHASE A LICENSE FROM AN EXISTING LICENSEE.

4 (I.3) A LICENSE ISSUED TO A STATE-CHARTERED ART MUSEUM SHALL  
5 NOT BE SUBJECT TO THE QUOTA RESTRICTIONS OF SECTION 461 NOR TO  
6 THE PROVISIONS OF SECTION 404.

7 (J) THE PROVISIONS OF THIS ACT SHALL SUPERSEDE OR EXEMPT ANY  
8 PROVISION OF THE LIQUOR CODE WHICH WOULD PREVENT THE ISSUANCE OF  
9 A LICENSE FOR THE RETAIL SALE OF LIQUOR AND MALT OR BREWED  
10 BEVERAGES UPON ANY PREMISES OWNED BY A STATE-CHARTERED ART  
11 MUSEUM, THE CITY OF THE FIRST CLASS OR BY A NON-PROFIT  
12 CORPORATION IN A CITY OF THE SECOND CLASS USED FOR ART MUSEUM  
13 PURPOSES.

14 (K) FOR PURPOSES OF THIS SECTION, "STATE-CHARTERED ART  
15 MUSEUM" SHALL MEAN AN ART MUSEUM ESTABLISHED UNDER THE AUTHORITY  
16 OF THE ACT OF APRIL 6, 1791 (3 SM.L.20, NO.1536), ENTITLED "AN  
17 ACT TO CONFER ON CERTAIN ASSOCIATIONS OF THE CITIZENS OF THIS  
18 COMMONWEALTH THE POWERS AND IMMUNITIES OF CORPORATIONS, OR  
19 BODIES POLITIC IN LAW."

20 SECTION 3. SECTION 408.6(A) OF THE ACT, AMENDED MAY 31, 1990  
21 (P.L.224, NO.48), IS AMENDED TO READ:

22 SECTION 408.6. PERFORMING ARTS FACILITIES IN SECOND CLASS A  
23 CITIES, THIRD CLASS CITIES AND TOWNSHIPS OF THE SECOND CLASS  
24 LOCATED IN FOURTH CLASS COUNTIES.--(A) THE BOARD 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 SECOND CLASS A OR ANY CITY OF THE THIRD CLASS  
28 FOR THE RETAIL SALE OF LIQUOR AND MALT OR BREWED BEVERAGES BY  
29 THE GLASS, OPEN BOTTLES OR OTHER CONTAINER OR IN ANY MIXTURE FOR  
30 CONSUMPTION ON ANY CITY-OWNED PREMISES UTILIZED AS A NONPROFIT

1 PERFORMING ARTS FACILITY OR ANY OTHER PREMISES UTILIZED AS A  
2 NONPROFIT PERFORMING ARTS FACILITY WHERE THERE IS AN AVAILABLE  
3 SEATING CAPACITY WITHIN THE PREMISES OF SIX HUNDRED FIFTY OR  
4 MORE: PROVIDED, HOWEVER, THAT NO SALE OR CONSUMPTION OF SUCH  
5 BEVERAGES SHALL TAKE PLACE ON ANY PORTIONS OF SUCH PREMISES  
6 OTHER THAN SERVICE AREAS APPROVED BY THE BOARD.

7 \* \* \*

8 SECTION 4. SECTION 408.13 OF THE ACT, ADDED JULY 6, 1995  
9 (P.L.258, NO.35), IS AMENDED TO READ:

10 SECTION 408.13. TRANSFER OF RESTAURANT LICENSES TO  
11 DETERIORATED AREAS.--(A) THE BOARD IS HEREBY AUTHORIZED TO  
12 APPROVE THE TRANSFER OF RESTAURANT LIQUOR LICENSES FROM ONE  
13 MUNICIPALITY TO ANOTHER IN THE SAME COUNTY REGARDLESS OF THE  
14 QUOTA LIMITATIONS PROVIDED FOR IN SECTION 461, IF SALES OF  
15 LIQUOR AND MALT OR BREWED BEVERAGES ARE LEGAL IN SUCH OTHER  
16 MUNICIPALITY AND IF THE PLACE PROPOSED TO BE LICENSED IN THE  
17 OTHER MUNICIPALITY IS LOCATED WITHIN A DETERIORATED AREA WHOSE  
18 BOUNDARIES HAVE BEEN AFFIXED PURSUANT TO THE CRITERIA SET FORTH  
19 IN THE ACT OF DECEMBER 1, 1977 (P.L.237, NO.76), KNOWN AS THE  
20 "LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE ACT," AND AS OF  
21 THE DATE OF RESTAURANT LIQUOR LICENSE TRANSFER IS DESIGNATED AS  
22 A DISTRESSED COMMUNITY BY THE DEPARTMENT OF COMMERCE PURSUANT TO  
23 CRITERIA SET FORTH IN THE ACT OF JULY 2, 1984 (P.L.520, NO.105),  
24 KNOWN AS THE "BUSINESS INFRASTRUCTURE DEVELOPMENT ACT," AND IN  
25 WHICH THE COST OF NEW CONSTRUCTION [IS ELIGIBLE] MUST RECEIVE  
26 FOR REAL PROPERTY AT LEAST TEN PERCENTUM TAX EXEMPTION BY MORE  
27 THAN ONE LOCAL TAXING AUTHORITY FOR A PERIOD OF AT LEAST THREE  
28 (3) YEARS FROM THE COMPLETION OF THE NEW CONSTRUCTION AND WHOSE  
29 TOTAL AREA COMPRISES AT LEAST FIFTY ACRES. ANY SUCH AREA IN THIS  
30 SECTION SHALL BE REFERRED TO AS A "LERTA ZONE." FOR PURPOSES OF



1 THIS SECTION, THE BOARD SHALL NOT, HOWEVER, APPROVE SUCH A  
2 TRANSFER IF THE LICENSE TO BE TRANSFERRED IS LOCATED IN A  
3 MUNICIPALITY IN WHICH THE NUMBER OF LICENSES ISSUED IN THE  
4 MUNICIPALITY DOES NOT EXCEED THE QUOTA LIMITATIONS PROVIDED IN  
5 SECTION 461 OR IF SUCH MUNICIPALITY HAS BEEN DESIGNATED AS A  
6 RESORT AREA BY EITHER THE BOARD OR ANY COURT. IN ADDITION, THE  
7 BOARD SHALL NOT APPROVE THE TRANSFER OF ANY LICENSE, IF THE  
8 LICENSE WAS ISSUED UNDER THE RESORT AREA EXCEPTION PROVIDED IN  
9 SECTION 461.

10 (B) FOR THE PURPOSES OF THIS SECTION, A LOCAL TAXING  
11 AUTHORITY SHALL MEAN A COUNTY, CITY, BOROUGH, INCORPORATED TOWN,  
12 TOWNSHIP, INSTITUTION DISTRICT OR SCHOOL DISTRICT HAVING  
13 AUTHORITY TO LEVY REAL PROPERTY TAXES.

14 (C) FOR THE PURPOSES OF THIS SECTION, A MUNICIPAL GOVERNING  
15 BODY SHALL MEAN A CITY, BOROUGH, INCORPORATED TOWN OR TOWNSHIP.

16 (D) LICENSES APPROVED FOR TRANSFER UNDER THIS SECTION SHALL  
17 BE LIMITED TO ONE LICENSED PREMISES PER [FIFTY THOUSAND] ONE  
18 HUNDRED THOUSAND SQUARE FEET OF COMPLETED NEW CONSTRUCTION IN  
19 THE LERTA ZONE WHICH IS CLIMATE-CONTROLLED AND [IS ELIGIBLE]  
20 MUST RECEIVE AT LEAST TEN PERCENTUM FOR LOCAL PROPERTY TAX  
21 EXEMPTION BY MORE THAN ONE TAXING AUTHORITY FOR A PERIOD OF  
22 THREE (3) YEARS FROM THE COMPLETION OF CONSTRUCTION, EXCEPT THAT  
23 IN NO INSTANCE SHALL MORE THAN [SIX] FOUR RESTAURANT LIQUOR  
24 LICENSES BE TRANSFERRED TO ANY SINGLE LERTA ZONE PURSUANT TO  
25 THIS SECTION. LICENSES TRANSFERRED PURSUANT TO THIS SECTION MAY  
26 BE FILED ON A PRIOR OR FINAL APPROVAL BASIS PURSUANT TO SECTION  
27 403.

28 (E) BEFORE AN APPLICATION FOR TRANSFER MAY BE FILED WITH THE  
29 BOARD UNDER SUBSECTION (A) OF THIS SECTION, THE APPLICANT FOR  
30 TRANSFER MUST RECEIVE THE APPROVAL OF THE MUNICIPAL GOVERNING

1 BODY WHICH SPECIFIED THE BOUNDARIES OF THE LERTA ZONE WHEREIN  
2 THE PLACE PROPOSED TO BE LICENSED IS LOCATED. WITHIN THIRTY DAYS  
3 OF A REQUEST FOR APPROVAL OF A TRANSFER OF A RESTAURANT LIQUOR  
4 LICENSE TO A LERTA ZONE BY AN APPLICANT, AT LEAST ONE PUBLIC  
5 HEARING SHALL BE HELD BY THE MUNICIPAL GOVERNING BODY FOR THE  
6 PURPOSE OF RECEIVING THE COMMENTS AND RECOMMENDATIONS OF  
7 INTERESTED INDIVIDUALS RESIDING WITHIN THE LERTA ZONE CONCERNING  
8 THE APPLICANT'S INTENT TO TRANSFER A RESTAURANT LIQUOR LICENSE  
9 TO THE LERTA ZONE. THE MUNICIPAL GOVERNING BODY SHALL, WITHIN  
10 FORTY-FIVE DAYS OF A REQUEST FOR APPROVAL, RENDER A DECISION BY  
11 ORDINANCE OR RESOLUTION TO APPROVE OR DISAPPROVE THE APPLICANT'S  
12 REQUEST TO TRANSFER A RESTAURANT LIQUOR LICENSE TO THE LERTA  
13 ZONE. A DECISION BY THE MUNICIPAL GOVERNING BODY TO APPROVE THE  
14 REQUEST IS [NOT] APPEALABLE TO THE BOARD. A MUNICIPAL GOVERNING  
15 BODY SHALL NOT APPROVE ANY REQUEST TO TRANSFER A RESTAURANT  
16 LIQUOR LICENSE TO A LERTA ZONE WHICH DOES NOT MEET THE  
17 REQUIREMENTS RELATING TO PROPERTY TAX EXEMPTION BY MORE THAN ONE  
18 LOCAL TAXING AUTHORITY, TOTAL ACREAGE OF THE LERTA ZONE, AND THE  
19 SQUARE FOOTAGE OF NEW CONSTRUCTION [ELIGIBLE FOR] RECEIVING TAX  
20 EXEMPTION CONTAINED IN SUBSECTIONS (A) AND (D) OF THIS SECTION.

21 (F) EVERY APPLICANT FOR TRANSFER OF A RESTAURANT LIQUOR  
22 LICENSE UNDER THIS SECTION SHALL FILE A WRITTEN APPLICATION WITH  
23 THE BOARD AND SHALL CONFORM WITH THE REQUIREMENTS OF SECTION  
24 102. APPLICATIONS FOR TRANSFER UNDER THIS SECTION MUST MEET ALL  
25 THE REQUIREMENTS OF RESTAURANT LIQUOR LICENSE TRANSFERS NOT  
26 INCONSISTENT WITH THE PROVISIONS OF THIS SECTION BUT SHALL NOT  
27 BE SUBJECT TO THE TWO HUNDRED-FOOT RESTRICTION SET FORTH IN  
28 SECTION 404.

29 (G) AN APPLICATION FOR TRANSFER FILED UNDER THIS SECTION  
30 SHALL CONTAIN A COPY OF THE ORDINANCE OR RESOLUTION OF THE

1 MUNICIPAL GOVERNING BODY APPROVING THE TRANSFER OF A RESTAURANT  
2 LIQUOR LICENSE TO A LERTA ZONE. THE APPLICANT SHALL SUBMIT SUCH  
3 OTHER INFORMATION AS THE BOARD MAY BY REGULATION REQUIRE.

4 (H) UPON RECEIPT OF AN APPLICATION IN PROPER FORM AND THE  
5 FILING FEE AND UPON BEING SATISFIED THAT THE REQUIREMENTS OF  
6 THIS SECTION HAVE BEEN MET, THE BOARD SHALL APPROVE THE TRANSFER  
7 OF THE LICENSE.

8 (I) AFTER TRANSFER OF THE LICENSE INTO A LERTA ZONE UNDER  
9 THIS SECTION, THE LICENSE MAY NOT BE TRANSFERRED TO A LOCATION  
10 OUTSIDE OF THE LERTA ZONE OR OUTSIDE OF THE BOUNDARIES BY WHICH  
11 THE LERTA ZONE WAS ORIGINALLY ESTABLISHED, EXCEPT AS PROVIDED  
12 FOR IN SECTION 468 AND THE SELLING PRICE OF THE LICENSE, IF ANY,  
13 SHALL REMAIN FIXED AT THE PRICE AT WHICH THE LICENSE WAS  
14 TRANSFERRED TO THE LERTA ZONE.

15 (J) FOR THE PURPOSES OF THIS SECTION, THE TERM "NEW  
16 CONSTRUCTION" SHALL MEAN A CONSTRUCTION PROJECT OF ADDITIONAL  
17 SQUARE FOOTAGE WHERE LOCAL ORDINANCE REQUIRES THE APPLICATION  
18 AND APPROVAL OF A BUILDING PERMIT AND WHERE THE ACTUAL  
19 CONSTRUCTION REQUIRES THE EXISTENCE OF A FOUNDATION OR AN  
20 ADDITIONAL FOUNDATION. THE TERM SHALL NOT INCLUDE THE INTERNAL  
21 RENOVATION OR COSMETIC CHANGE TO AN EXISTING STRUCTURE.

22 SECTION 5. SECTION 431(A) AND (B) AND 432(F) OF THE ACT,  
23 AMENDED APRIL 29, 1994 (P.L.212, NO.30), ARE AMENDED TO READ:

24 SECTION 431. MALT AND BREWED BEVERAGES MANUFACTURERS',  
25 DISTRIBUTORS' AND IMPORTING DISTRIBUTORS' LICENSES.--(A) THE  
26 BOARD SHALL ISSUE TO ANY PERSON A RESIDENT OF THIS COMMONWEALTH  
27 OF GOOD REPUTE WHO APPLIES THEREFOR, PAYS THE LICENSE FEE  
28 HEREINAFTER PRESCRIBED, AND FILES THE BOND HEREINAFTER REQUIRED,  
29 A MANUFACTURER'S LICENSE TO PRODUCE AND MANUFACTURE MALT OR  
30 BREWED BEVERAGES, AND TO TRANSPORT, SELL AND DELIVER MALT OR

1 BREWED BEVERAGES AT OR FROM ONE OR MORE PLACES OF MANUFACTURE OR  
2 STORAGE, ONLY IN ORIGINAL CONTAINERS, IN QUANTITIES OF NOT LESS  
3 THAN A CASE [OF TWENTY-FOUR CONTAINERS, EACH CONTAINER HOLDING  
4 SEVEN FLUID OUNCES OR MORE, OR A CASE OF TWELVE CONTAINERS, EACH  
5 CONTAINER HOLDING TWENTY-FOUR FLUID OUNCES OR MORE, EXCEPT] OR  
6 ORIGINAL CONTAINERS CONTAINING ONE HUNDRED TWENTY-EIGHT OUNCES  
7 OR MORE WHICH MAY BE SOLD SEPARATELY ANYWHERE WITHIN THE  
8 COMMONWEALTH. LICENSES FOR PLACES OF STORAGE SHALL BE LIMITED TO  
9 THOSE MAINTAINED BY MANUFACTURERS ON JULY EIGHTEENTH, ONE  
10 THOUSAND NINE HUNDRED THIRTY-FIVE, AND THE BOARD SHALL ISSUE NO  
11 LICENSES FOR PLACES OF STORAGE IN ADDITION TO THOSE MAINTAINED  
12 ON JULY EIGHTEENTH, ONE THOUSAND NINE HUNDRED THIRTY-FIVE. THE  
13 APPLICATION FOR SUCH LICENSE SHALL BE IN SUCH FORM AND CONTAIN  
14 SUCH INFORMATION AS THE BOARD SHALL REQUIRE. ALL SUCH LICENSES  
15 SHALL BE GRANTED FOR A LICENSE PERIOD TO BE DETERMINED BY THE  
16 BOARD. EVERY MANUFACTURER SHALL KEEP AT HIS OR ITS PRINCIPAL  
17 PLACE OF BUSINESS, WITHIN THE COMMONWEALTH DAILY PERMANENT  
18 RECORDS WHICH SHALL SHOW, (1) THE QUANTITIES OF RAW MATERIALS  
19 RECEIVED AND USED IN THE MANUFACTURE OF MALT OR BREWED BEVERAGES  
20 AND THE QUANTITIES OF MALT OR BREWED BEVERAGES MANUFACTURED AND  
21 STORED, (2) THE SALES OF MALT OR BREWED BEVERAGES, (3) THE  
22 QUANTITIES OF MALT OR BREWED BEVERAGES STORED FOR HIRE OR  
23 TRANSPORTED FOR HIRE BY OR FOR THE LICENSEE, AND (4) THE NAMES  
24 AND ADDRESSES OF THE PURCHASERS OR OTHER RECIPIENTS THEREOF.  
25 EVERY PLACE LICENSED AS A MANUFACTURER SHALL BE SUBJECT TO  
26 INSPECTION BY MEMBERS OF THE BOARD OR BY PERSONS DULY AUTHORIZED  
27 AND DESIGNATED BY THE BOARD, AT ANY AND ALL TIMES OF THE DAY OR  
28 NIGHT, AS THEY MAY DEEM NECESSARY, FOR THE DETECTION OF  
29 VIOLATIONS OF THIS ACT OR OF THE RULES AND REGULATIONS OF THE  
30 BOARD, OR FOR THE PURPOSE OF ASCERTAINING THE CORRECTNESS OF THE

1 RECORDS REQUIRED TO BE KEPT BY LICENSEES. THE BOOKS AND RECORDS  
2 OF SUCH LICENSEES SHALL AT ALL TIMES BE OPEN TO INSPECTION BY  
3 MEMBERS OF THE BOARD OR BY PERSONS DULY AUTHORIZED AND  
4 DESIGNATED BY THE BOARD. MEMBERS OF THE BOARD AND ITS DULY  
5 AUTHORIZED AGENTS SHALL HAVE THE RIGHT, WITHOUT HINDRANCE, TO  
6 ENTER ANY PLACE WHICH IS SUBJECT TO INSPECTION HEREUNDER OR ANY  
7 PLACE WHERE SUCH RECORDS ARE KEPT FOR THE PURPOSE OF MAKING SUCH  
8 INSPECTIONS AND MAKING TRANSCRIPTS THEREOF. WHENEVER ANY CHECKS  
9 ISSUED IN PAYMENT OF FILING AND/OR LICENSE FEES SHALL BE  
10 RETURNED TO THE BOARD AS DISHONORED, THE BOARD SHALL CHARGE A  
11 FEE OF FIVE DOLLARS (\$5.00) PER HUNDRED DOLLARS OR FRACTIONAL  
12 PART THEREOF, PLUS ALL PROTEST FEES, TO THE MAKER OF SUCH CHECK  
13 SUBMITTED TO THE BOARD. FAILURE TO MAKE FULL PAYMENT OR PAY THE  
14 FACE AMOUNT OF THE CHECK IN FULL AND ALL CHARGES THEREON AS  
15 HEREIN REQUIRED WITHIN TEN DAYS AFTER DEMAND HAS BEEN MADE BY  
16 THE BOARD UPON THE MAKER OF THE CHECK OR UPON NOTIFICATION TO  
17 THE BOARD BY THE DEPARTMENT OF REVENUE OR THE DEPARTMENT OF  
18 LABOR AND INDUSTRY OF ITS OBJECTION, THE LICENSE OF SUCH PERSON  
19 SHALL IMMEDIATELY BECOME INVALID AND SHALL REMAIN INVALID UNTIL  
20 PAYMENT AND ALL CHARGES ARE RECEIVED BY THE BOARD.

21 (B) THE BOARD SHALL ISSUE TO ANY REPUTABLE PERSON WHO  
22 APPLIES THEREFOR, PAYS THE LICENSE FEE HEREINAFTER PRESCRIBED,  
23 AND FILES THE BOND HEREINAFTER REQUIRED, A DISTRIBUTOR'S OR  
24 IMPORTING DISTRIBUTOR'S LICENSE FOR THE PLACE WHICH SUCH PERSON  
25 DESIRES TO MAINTAIN FOR THE SALE OF MALT OR BREWED BEVERAGES,  
26 NOT FOR CONSUMPTION ON THE PREMISES WHERE SOLD, AND IN  
27 QUANTITIES OF NOT LESS THAN [TWENTY-FOUR CONTAINERS, EACH  
28 CONTAINER HOLDING SEVEN FLUID OUNCES OR MORE, OR TWELVE  
29 CONTAINERS, EACH CONTAINER HOLDING TWENTY-FOUR FLUID OUNCES OR  
30 MORE, EXCEPT] A CASE OR ORIGINAL CONTAINERS CONTAINING ONE

1 HUNDRED TWENTY-EIGHT OUNCES OR MORE WHICH MAY BE SOLD SEPARATELY  
2 [AND SUCH CONTAINERS TO BE THE ORIGINAL CONTAINERS] AS PREPARED  
3 FOR THE MARKET BY THE MANUFACTURER AT THE PLACE OF MANUFACTURE.  
4 THE BOARD SHALL HAVE THE DISCRETION TO REFUSE A LICENSE TO ANY  
5 PERSON OR TO ANY CORPORATION, PARTNERSHIP OR ASSOCIATION IF SUCH  
6 PERSON, OR ANY OFFICER OR DIRECTOR OF SUCH CORPORATION, OR ANY  
7 MEMBER OR PARTNER OF SUCH PARTNERSHIP OR ASSOCIATION SHALL HAVE  
8 BEEN CONVICTED OR FOUND GUILTY OF A FELONY WITHIN A PERIOD OF  
9 FIVE YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION FOR THE  
10 SAID LICENSE: AND PROVIDED FURTHER, THAT, IN THE CASE OF ANY NEW  
11 LICENSE OR THE TRANSFER OF ANY LICENSE TO A NEW LOCATION, THE  
12 BOARD MAY, IN ITS DISCRETION, GRANT OR REFUSE SUCH NEW LICENSE  
13 OR TRANSFER IF SUCH PLACE PROPOSED TO BE LICENSED IS WITHIN  
14 THREE HUNDRED FEET OF ANY CHURCH, HOSPITAL, CHARITABLE  
15 INSTITUTION, SCHOOL OR PUBLIC PLAYGROUND, OR IF SUCH NEW LICENSE  
16 OR TRANSFER IS APPLIED FOR A PLACE WHICH IS WITHIN TWO HUNDRED  
17 FEET OF ANY OTHER PREMISES WHICH IS LICENSED BY THE BOARD: AND  
18 PROVIDED FURTHER, THAT THE BOARD SHALL REFUSE ANY APPLICATION  
19 FOR A NEW LICENSE OR THE TRANSFER OF ANY LICENSE TO A NEW  
20 LOCATION IF, IN THE BOARD'S OPINION, SUCH NEW LICENSE OR  
21 TRANSFER WOULD BE DETRIMENTAL TO THE WELFARE, HEALTH, PEACE AND  
22 MORALS OF THE INHABITANTS OF THE NEIGHBORHOOD WITHIN A RADIUS OF  
23 FIVE HUNDRED FEET OF THE PLACE PROPOSED TO BE LICENSED. THE  
24 BOARD SHALL REFUSE ANY APPLICATION FOR A NEW LICENSE OR THE  
25 TRANSFER OF ANY LICENSE TO A LOCATION WHERE THE SALE OF LIQUID  
26 FUELS OR OIL IS CONDUCTED. THE BOARD SHALL REQUIRE NOTICE TO BE  
27 POSTED ON THE PROPERTY OR PREMISES UPON WHICH THE LICENSEE OR  
28 PROPOSED LICENSEE WILL ENGAGE IN SALES OF MALT OR BREWED  
29 BEVERAGES. THIS NOTICE SHALL BE SIMILAR TO THE NOTICE REQUIRED  
30 OF HOTEL, RESTAURANT AND CLUB LIQUOR LICENSEES.

1       EXCEPT AS HEREINAFTER PROVIDED, SUCH LICENSE SHALL AUTHORIZE  
2 THE HOLDER THEREOF TO SELL OR DELIVER MALT OR BREWED BEVERAGES  
3 IN QUANTITIES ABOVE SPECIFIED ANYWHERE WITHIN THE COMMONWEALTH  
4 OF PENNSYLVANIA, WHICH, IN THE CASE OF DISTRIBUTORS, HAVE BEEN  
5 PURCHASED ONLY FROM PERSONS LICENSED UNDER THIS ACT AS  
6 MANUFACTURERS OR IMPORTING DISTRIBUTORS, AND IN THE CASE OF  
7 IMPORTING DISTRIBUTORS, HAVE BEEN PURCHASED FROM MANUFACTURERS  
8 OR PERSONS OUTSIDE THIS COMMONWEALTH ENGAGED IN THE LEGAL SALE  
9 OF MALT OR BREWED BEVERAGES OR FROM MANUFACTURERS OR IMPORTING  
10 DISTRIBUTORS LICENSED UNDER THIS ARTICLE.

11       EACH OUT OF STATE MANUFACTURER OF MALT OR BREWED BEVERAGES  
12 WHOSE PRODUCTS ARE SOLD AND DELIVERED IN THIS COMMONWEALTH SHALL  
13 GIVE DISTRIBUTING RIGHTS FOR SUCH PRODUCTS IN DESIGNATED  
14 GEOGRAPHICAL AREAS TO SPECIFIC IMPORTING DISTRIBUTORS, AND SUCH  
15 IMPORTING DISTRIBUTOR SHALL NOT SELL OR DELIVER MALT OR BREWED  
16 BEVERAGES MANUFACTURED BY THE OUT OF STATE MANUFACTURER TO ANY  
17 PERSON ISSUED A LICENSE UNDER THE PROVISIONS OF THIS ACT WHOSE  
18 LICENSED PREMISES ARE NOT LOCATED WITHIN THE GEOGRAPHICAL AREA  
19 FOR WHICH HE HAS BEEN GIVEN DISTRIBUTING RIGHTS BY SUCH  
20 MANUFACTURER. SHOULD A LICENSEE ACCEPT THE DELIVERY OF SUCH MALT  
21 OR BREWED BEVERAGES IN VIOLATION OF THIS SECTION, SAID LICENSEE  
22 SHALL BE SUBJECT TO A SUSPENSION OF HIS LICENSE FOR AT LEAST  
23 THIRTY DAYS: 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.

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

28        \* \* \*

29        SECTION 432. MALT AND BREWED BEVERAGES RETAIL LICENSES.--\* \*

30        \*



1 (F) HOTEL, EATING PLACES, OR MUNICIPAL GOLF COURSE RETAIL  
2 DISPENSER LICENSEES WHOSE SALES OF FOOD AND NONALCOHOLIC  
3 BEVERAGES ARE EQUAL TO [FORTY PER CENTUM (40%)] THIRTY PER  
4 CENTUM (30%) OR MORE OF THE COMBINED GROSS SALES OF BOTH FOOD  
5 AND MALT OR BREWED BEVERAGES MAY SELL MALT OR BREWED BEVERAGES  
6 BETWEEN THE HOURS OF ELEVEN O'CLOCK ANTEMERIDIAN ON SUNDAY AND  
7 TWO O'CLOCK ANTEMERIDIAN ON MONDAY UPON PURCHASE OF A SPECIAL  
8 PERMIT FROM THE BOARD AT AN ANNUAL FEE AS PRESCRIBED IN SECTION  
9 614-A OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS  
10 "THE ADMINISTRATIVE CODE OF 1929," WHICH SHALL BE IN ADDITION TO  
11 ANY OTHER LICENSE FEES. PROVIDED FURTHER, THE HOLDER OF SUCH  
12 SPECIAL PERMIT MAY SELL MALT OR BREWED BEVERAGES AFTER SEVEN  
13 O'CLOCK ANTEMERIDIAN AND UNTIL TWO O'CLOCK ANTEMERIDIAN OF THE  
14 FOLLOWING DAY, ON ANY DAY ON WHICH A GENERAL, MUNICIPAL, SPECIAL  
15 OR PRIMARY ELECTION IS BEING HELD.

16 SECTION 6. SECTION 433.1(A) OF THE ACT, AMENDED MAY 4, 1989  
17 (P.L.19, NO.5), IS AMENDED TO READ:

18 SECTION 433.1. STADIUM OR ARENA PERMITS.--(A) THE BOARD IS  
19 HEREBY AUTHORIZED TO ISSUE, IN CITIES OF THE FIRST, SECOND AND  
20 THIRD CLASS, IN COUNTIES OF THE THIRD CLASS AND IN SCHOOL  
21 DISTRICTS IN COUNTIES OF THE THIRD CLASS, SPECIAL PERMITS  
22 ALLOWING THE HOLDERS THEREOF TO MAKE RETAIL SALES OF MALT OR  
23 BREWED BEVERAGES IN SHATTERPROOF CONTAINERS AT ALL EVENTS ON  
24 PREMISES PRINCIPALLY UTILIZED FOR COMPETITION OF PROFESSIONAL  
25 AND AMATEUR ATHLETES AND OTHER TYPES OF ENTERTAINMENT HAVING AN  
26 AVAILABLE SEATING CAPACITY OF; (1) TWELVE THOUSAND OR MORE IN  
27 CITIES OF THE FIRST AND SECOND CLASS; (2) FOUR THOUSAND OR MORE  
28 AND OWNED BY THE COUNTY OR THE CITY IN CITIES OF THE THIRD  
29 CLASS; (3) FOUR THOUSAND TWO HUNDRED OR MORE AND OWNED BY  
30 COUNTIES OF THE THIRD CLASS; AND (4) TWO THOUSAND FIVE HUNDRED

1 OR MORE IN SCHOOL DISTRICTS IN COUNTIES OF THE THIRD CLASS:  
2 PROVIDED, HOWEVER, THAT IN CITIES OF THE SECOND CLASS THIS  
3 SECTION SHALL BE APPLICABLE ONLY TO PREMISES OWNED, LEASED OR  
4 OPERATED BY ANY AUTHORITY CREATED UNDER THE ACT OF JULY 29, 1953  
5 (P.L.1034, NO.270), KNOWN AS THE "PUBLIC AUDITORIUM AUTHORITIES  
6 LAW." SUCH SALES MAY BE MADE ONLY TO ADULTS AND ONLY ON DAYS  
7 WHEN THE PREMISES ARE SO USED AND ONLY DURING THE PERIOD FROM  
8 ONE HOUR BEFORE THE START OF AND ENDING ONE-HALF HOUR AFTER THE  
9 CLOSE OF THE EVENT ON THE PREMISES: PROVIDED, HOWEVER, THAT IN  
10 SCHOOL DISTRICTS IN COUNTIES OF THE THIRD CLASS SALES MAY BE  
11 MADE ONLY DURING PROFESSIONAL ATHLETIC COMPETITION.

12 \* \* \*

13 SECTION 7. SECTION 440 OF THE ACT IS AMENDED TO READ:

14 SECTION 440. SALES BY MANUFACTURERS OF MALT OR BREWED  
15 BEVERAGES; MINIMUM QUANTITIES.--NO MANUFACTURER SHALL SELL ANY  
16 MALT OR BREWED BEVERAGES FOR CONSUMPTION ON THE PREMISES WHERE  
17 SOLD, NOR SELL OR DELIVER ANY SUCH MALT OR BREWED BEVERAGES IN  
18 OTHER THAN ORIGINAL CONTAINERS APPROVED AS TO CAPACITY BY THE  
19 BOARD, NOR IN QUANTITIES OF LESS THAN A CASE [OF TWENTY-FOUR  
20 CONTAINERS, EACH CONTAINER HOLDING SEVEN FLUID OUNCES OR MORE,  
21 OR A CASE OF TWELVE CONTAINERS, EACH CONTAINER HOLDING TWENTY-  
22 FOUR FLUID OUNCES OR MORE, EXCEPT] OR ORIGINAL CONTAINERS  
23 CONTAINING ONE HUNDRED TWENTY-EIGHT OUNCES OR MORE WHICH MAY BE  
24 SOLD SEPARATELY; NOR SHALL ANY MANUFACTURER MAINTAIN OR OPERATE  
25 WITHIN THE COMMONWEALTH ANY PLACE OR PLACES OTHER THAN THE PLACE  
26 OR PLACES COVERED BY HIS OR ITS LICENSE WHERE MALT OR BREWED  
27 BEVERAGES ARE SOLD OR WHERE ORDERS ARE TAKEN.

28 SECTION 8. SECTION 441(B) OF THE ACT IS AMENDED AND THE  
29 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

30 SECTION 441. DISTRIBUTORS' AND IMPORTING DISTRIBUTORS'

1 RESTRICTIONS ON SALES, STORAGE, ETC.--\* \* \*

2 (B) NO DISTRIBUTOR OR IMPORTING DISTRIBUTOR SHALL SELL ANY  
3 MALT OR BREWED BEVERAGES IN QUANTITIES OF LESS THAN A CASE [OF  
4 TWENTY-FOUR CONTAINERS, EACH CONTAINER HOLDING SEVEN FLUID  
5 OUNCES OR MORE, OR A CASE OF TWELVE CONTAINERS, EACH CONTAINER  
6 HOLDING TWENTY-FOUR FLUID OUNCES OR MORE, EXCEPT] OR ORIGINAL  
7 CONTAINERS CONTAINING ONE HUNDRED TWENTY-EIGHT OUNCES OR MORE  
8 WHICH MAY BE SOLD SEPARATELY: PROVIDED, THAT NO MALT OR BREWED  
9 BEVERAGES SOLD OR DELIVERED SHALL BE CONSUMED UPON THE PREMISES  
10 OF THE DISTRIBUTOR OR IMPORTING DISTRIBUTOR, OR IN ANY PLACE  
11 PROVIDED FOR SUCH PURPOSE BY SUCH DISTRIBUTOR OR IMPORTING  
12 DISTRIBUTOR.

13 \* \* \*

14 (F) ANY DISTRIBUTOR WHO PURCHASES MALT OR BREWED BEVERAGES  
15 DIRECTLY FROM ANY MANUFACTURER; AND IMPORTING DISTRIBUTOR WHO  
16 PURCHASES MALT OR BREWED BEVERAGES FROM ANY MANUFACTURER,  
17 ANOTHER IMPORTING DISTRIBUTOR OR ANY PERSON LOCATED OUTSIDE THE  
18 COMMONWEALTH WHOSE MALT OR BREWED BEVERAGES ARE IMPORTED,  
19 STORED, SOLD OR RESOLD IN THE COMMONWEALTH, MAY REPAIR DAMAGED  
20 CASES OF SUCH MALT OR BREWED BEVERAGES. THE DISTRIBUTOR OR  
21 IMPORTING DISTRIBUTOR MAY PERFORM SUCH REPAIRS ONLY UNDER THE  
22 AUTHORITY OR DIRECTION OF THE MANUFACTURER WHO REGISTERED THE  
23 BRAND OF MALT OR BREWED BEVERAGES IN ACCORDANCE WITH SECTION 445  
24 OF THIS ACT. IN REPAIRING THE DAMAGED CASE, THE DISTRIBUTOR OR  
25 IMPORTING DISTRIBUTOR SHALL USE SUCH PACKAGING MATERIALS AS THE  
26 MANUFACTURER MAY DESIGNATE OR SUPPLY. THE PACKAGING OF CASES  
27 CONSISTING OF CONTAINERS OF MORE THAN ONE BRAND OF MALT OR  
28 BREWED BEVERAGES IS EXPRESSLY FORBIDDEN.

29 SECTION 9. SECTION 443 OF THE ACT IS AMENDED TO READ:

30 SECTION 443. INTERLOCKING BUSINESS PROHIBITED.--(A) NO

1 MANUFACTURER OF MALT OR BREWED BEVERAGES AND NO OFFICER OR  
2 DIRECTOR OF ANY SUCH MANUFACTURER SHALL AT THE SAME TIME BE A  
3 DISTRIBUTOR, IMPORTING DISTRIBUTOR OR RETAIL DISPENSER, OR AN  
4 OFFICER, DIRECTOR OR STOCKHOLDER OR CREDITOR OF ANY DISTRIBUTOR,  
5 IMPORTING DISTRIBUTOR OR RETAIL DISPENSER, NOR, EXCEPT AS  
6 HEREINAFTER PROVIDED, BE THE OWNER, PROPRIETOR OR LESSOR OF ANY  
7 PLACE FOR WHICH A LICENSE HAS BEEN ISSUED FOR ANY IMPORTING  
8 DISTRIBUTOR, DISTRIBUTOR OR RETAIL DISPENSER, OR FOR WHICH A  
9 HOTEL, RESTAURANT OR CLUB LIQUOR LICENSE HAS BEEN ISSUED[.]:  
10 PROVIDED, HOWEVER, THAT A HOLDER OF A MANUFACTURER'S LICENSE  
11 UNDER SECTION 431(A) WHO IS ELIGIBLE TO OPERATE A BREWERY PUB  
12 UNDER SECTION 446(2) OR A LIMITED WINERY AS PROVIDED FOR UNDER  
13 SECTION 505.2 MAY ALSO HOLD AND OPERATE UNDER A HOTEL LIQUOR  
14 LICENSE, A RESTAURANT LIQUOR LICENSE OR A MALT AND BREWED  
15 BEVERAGES RETAIL LICENSE ON THE MANUFACTURER'S OR LIMITED  
16 WINERY'S LICENSED PREMISES. THE HOTEL LIQUOR LICENSE OR  
17 RESTAURANT LIQUOR LICENSE OR THE MALT AND BREWED BEVERAGES  
18 RETAIL LICENSE SHALL BE ACQUIRED BY THE MANUFACTURER OR LIMITED  
19 WINERY SUBJECT TO SECTION 461 AND SHALL SATISFY ALL REQUIREMENTS  
20 FOR EACH RESPECTIVE LICENSE.

21 (B) NO DISTRIBUTOR OR IMPORTING DISTRIBUTOR AND NO OFFICER  
22 OR DIRECTOR OF ANY DISTRIBUTOR OR IMPORTING DISTRIBUTOR SHALL AT  
23 THE SAME TIME BE A MANUFACTURER, A RETAIL DISPENSER OR A LIQUOR  
24 LICENSEE, OR BE AN OFFICER, DIRECTOR, STOCKHOLDER OR CREDITOR OF  
25 A MANUFACTURER, A RETAIL DISPENSER OR A LIQUOR LICENSEE, OR,  
26 DIRECTLY OR INDIRECTLY, OWN ANY STOCK OF, OR HAVE ANY FINANCIAL  
27 INTEREST IN, OR BE THE OWNER, PROPRIETOR OR LESSOR OF, ANY PLACE  
28 COVERED BY ANY OTHER MALT OR BREWED BEVERAGE OR LIQUOR LICENSE.

29 (C) NO LICENSEE LICENSED UNDER THIS SUBDIVISION (B) OF  
30 ARTICLE IV AND NO OFFICER OR DIRECTOR OF SUCH LICENSEE SHALL,

1 DIRECTLY OR INDIRECTLY, OWN ANY STOCK OF, OR HAVE ANY FINANCIAL  
2 INTEREST IN, ANY OTHER CLASS OF BUSINESS LICENSED UNDER THIS  
3 SUBDIVISION[.]: PROVIDED, HOWEVER, THAT A HOLDER OF A  
4 MANUFACTURER'S LICENSE UNDER SECTION 431(A) WHO IS ELIGIBLE TO  
5 OPERATE A BREWERY PUB UNDER SECTION 446(2) OR A LIMITED WINERY  
6 AS PROVIDED FOR UNDER SECTION 505.2 MAY ALSO HOLD AND OPERATE  
7 UNDER A HOTEL LIQUOR LICENSE, A RESTAURANT LIQUOR LICENSE OR A  
8 MALT AND BREWED BEVERAGES RETAIL LICENSE ON THE MANUFACTURER'S  
9 OR LIMITED WINERY'S LICENSED PREMISES. THE HOTEL LIQUOR LICENSE  
10 OR RESTAURANT LIQUOR LICENSE OR THE MALT AND BREWED BEVERAGES  
11 RETAIL LICENSE SHALL BE ACQUIRED BY THE MANUFACTURER OR LIMITED  
12 WINERY SUBJECT TO SECTION 461 AND SHALL SATISFY ALL REQUIREMENTS  
13 FOR EACH RESPECTIVE LICENSE.

14 (D) EXCEPTING AS HEREINAFTER PROVIDED, NO MALT OR BREWED  
15 BEVERAGE MANUFACTURER, IMPORTING DISTRIBUTOR OR DISTRIBUTOR  
16 SHALL IN ANY WISE BE INTERESTED, EITHER DIRECTLY OR INDIRECTLY,  
17 IN THE OWNERSHIP OR LEASEHOLD OF ANY PROPERTY OR IN ANY MORTGAGE  
18 AGAINST THE SAME, FOR WHICH A LIQUOR OR RETAIL DISPENSER'S  
19 LICENSE IS GRANTED; NOR SHALL ANY SUCH MANUFACTURER, IMPORTING  
20 DISTRIBUTOR OR DISTRIBUTOR, EITHER DIRECTLY OR INDIRECTLY, LEND  
21 ANY MONEYS, CREDIT OR EQUIVALENT THEREOF TO, OR GUARANTEE THE  
22 PAYMENT OF ANY BOND, MORTGAGE, NOTE OR OTHER OBLIGATION OF, ANY  
23 LIQUOR LICENSEE OR RETAIL DISPENSER, IN EQUIPPING, FITTING OUT,  
24 OR MAINTAINING AND CONDUCTING, EITHER IN WHOLE OR IN PART, AN  
25 ESTABLISHMENT OR BUSINESS OPERATED UNDER A LIQUOR OR RETAIL  
26 DISPENSER'S LICENSE, EXCEPTING ONLY THE USUAL AND CUSTOMARY  
27 CREDITS ALLOWED FOR RETURNING ORIGINAL CONTAINERS IN WHICH MALT  
28 OR BREWED BEVERAGES WERE PACKAGED FOR MARKET BY THE MANUFACTURER  
29 AT THE PLACE OF MANUFACTURE[.]: PROVIDED, HOWEVER, THAT A HOLDER  
30 OF A MANUFACTURER'S LICENSE UNDER SECTION 431(A) WHO IS ELIGIBLE

TO OPERATE A BREWERY PUB UNDER SECTION 446(2) OR A LIMITED  
WINERY AS PROVIDED FOR UNDER SECTION 505.2 MAY ALSO HOLD AND  
OPERATE UNDER A HOTEL LIQUOR LICENSE, A RESTAURANT LIQUOR  
LICENSE OR A MALT AND BREWED BEVERAGES RETAIL LICENSE ON THE  
MANUFACTURER'S OR LIMITED WINERY'S LICENSED PREMISES. THE HOTEL  
LIQUOR LICENSE OR RESTAURANT LIQUOR LICENSE OR THE MALT AND  
BREWED BEVERAGES RETAIL LICENSE SHALL BE ACQUIRED BY THE  
MANUFACTURER OR LIMITED WINERY SUBJECT TO SECTION 461 AND SHALL  
SATISFY ALL REQUIREMENTS FOR EACH RESPECTIVE LICENSE.

(E) EXCEPTING AS HEREINAFTER PROVIDED, NO MANUFACTURER OF  
MALT OR BREWED BEVERAGES SHALL IN ANY WISE BE INTERESTED, EITHER  
DIRECTLY OR INDIRECTLY, IN THE OWNERSHIP OR LEASEHOLD OF ANY  
PROPERTY OR ANY MORTGAGE LIEN AGAINST THE SAME, FOR WHICH A  
DISTRIBUTOR'S OR IMPORTING DISTRIBUTOR'S LICENSE IS GRANTED; NOR  
SHALL ANY SUCH MANUFACTURER, EITHER DIRECTLY OR INDIRECTLY, LEND  
ANY MONEYS, CREDIT, OR THEIR EQUIVALENT TO, OR GUARANTEE THE  
PAYMENT OF ANY BOND, MORTGAGE, NOTE OR OTHER OBLIGATION OF, ANY  
DISTRIBUTOR OR IMPORTING DISTRIBUTOR, IN EQUIPPING, FITTING OUT,  
OR MAINTAINING AND CONDUCTING, EITHER IN WHOLE OR IN PART, AN  
ESTABLISHMENT OR BUSINESS WHERE MALT OR BREWED BEVERAGES ARE  
LICENSED FOR SALE BY A DISTRIBUTOR OR IMPORTING DISTRIBUTOR,  
EXCEPTING ONLY THE USUAL CREDITS ALLOWED FOR THE RETURN OF  
ORIGINAL CONTAINERS IN WHICH MALT OR BREWED BEVERAGES WERE  
ORIGINALLY PACKAGED FOR THE MARKET BY THE MANUFACTURER AT THE  
PLACE OF MANUFACTURE[.]: PROVIDED, HOWEVER, THAT A HOLDER OF A  
MANUFACTURER'S LICENSE UNDER SECTION 431(A) WHO IS ELIGIBLE TO  
OPERATE A BREWERY PUB UNDER SECTION 446(2) OR A LIMITED WINERY  
AS PROVIDED FOR UNDER SECTION 505.2 MAY ALSO HOLD AND OPERATE  
UNDER A HOTEL LIQUOR LICENSE, A RESTAURANT LIQUOR LICENSE OR A  
MALT AND BREWED BEVERAGES RETAIL LICENSE ON THE MANUFACTURER'S

OR LIMITED WINERY'S LICENSED PREMISES. THE HOTEL LIQUOR LICENSE  
OR RESTAURANT LIQUOR LICENSE OR THE MALT AND BREWED BEVERAGES  
RETAIL LICENSE SHALL BE ACQUIRED BY THE MANUFACTURER OR LIMITED  
WINERY SUBJECT TO SECTION 461 AND SHALL SATISFY ALL REQUIREMENTS  
FOR EACH RESPECTIVE LICENSE.

(F) NO DISTRIBUTOR, IMPORTING DISTRIBUTOR OR RETAIL  
DISPENSER SHALL IN ANYWISE RECEIVE, EITHER DIRECTLY OR  
INDIRECTLY, ANY CREDIT, LOAN, MONEYS OR THE EQUIVALENT THEREOF  
FROM ANY OTHER LICENSEE, OR FROM ANY OFFICER, DIRECTOR OR FIRM  
MEMBER OF ANY OTHER LICENSEE, OR FROM OR THROUGH A SUBSIDIARY OR  
AFFILIATE OF ANOTHER LICENSEE, OR FROM ANY FIRM, ASSOCIATION OR  
CORPORATION, EXCEPT BANKING INSTITUTIONS, IN WHICH ANOTHER  
LICENSEE OR ANY OFFICER, DIRECTOR OR FIRM MEMBER OF ANOTHER  
LICENSEE HAS A SUBSTANTIAL INTEREST OR EXERCISES A CONTROL OF  
ITS BUSINESS POLICY, FOR EQUIPPING, FITTING OUT, PAYMENT OF  
LICENSE FEE, MAINTAINING AND CONDUCTING, EITHER IN WHOLE OR IN  
PART, AN ESTABLISHMENT OR BUSINESS OPERATED UNDER A  
DISTRIBUTOR'S, IMPORTING DISTRIBUTOR'S OR RETAIL DISPENSER'S  
LICENSE, EXCEPTING ONLY THE USUAL AND CUSTOMARY CREDITS ALLOWED  
FOR THE RETURN OF ORIGINAL CONTAINERS IN WHICH MALT OR BREWED  
BEVERAGES WERE PACKAGED FOR THE MARKET BY THE MANUFACTURER AT  
THE PLACE OF MANUFACTURE[.]: PROVIDED, HOWEVER, THAT A HOLDER OF  
A MANUFACTURER'S LICENSE UNDER SECTION 431(A) WHO IS ELIGIBLE TO  
OPERATE A BREWERY PUB UNDER SECTION 446(2) OR A LIMITED WINERY  
AS PROVIDED FOR UNDER SECTION 505.2 MAY ALSO HOLD AND OPERATE  
UNDER A HOTEL LIQUOR LICENSE, A RESTAURANT LIQUOR LICENSE OR A  
MALT AND BREWED BEVERAGES RETAIL LICENSE ON THE MANUFACTURER'S  
OR LIMITED WINERY'S LICENSED PREMISES. THE HOTEL LIQUOR LICENSE  
OR RESTAURANT LIQUOR LICENSE OR THE MALT AND BREWED BEVERAGES  
RETAIL LICENSE SHALL BE ACQUIRED BY THE MANUFACTURER OR LIMITED

1 WINERY SUBJECT TO SECTION 461 AND SHALL SATISFY ALL REQUIREMENTS  
2 FOR EACH RESPECTIVE LICENSE.

3 (G) THE PURPOSE OF THIS SECTION IS TO REQUIRE A SEPARATION  
4 OF THE FINANCIAL AND BUSINESS INTERESTS BETWEEN THE VARIOUS  
5 CLASSES OF BUSINESS REGULATED BY SUBDIVISION (B) OF THIS  
6 ARTICLE, AND NO PERSON OR CORPORATION SHALL, BY ANY DEVICE  
7 WHATSOEVER, DIRECTLY OR INDIRECTLY, EVADE THE PROVISIONS OF THIS  
8 SECTION. BUT IN VIEW OF EXISTING ECONOMIC CONDITIONS, NOTHING  
9 CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT THE  
10 OWNERSHIP OF PROPERTY OR CONFLICTING INTEREST BY A MALT OR  
11 BREWED BEVERAGE MANUFACTURER OF ANY PLACE OCCUPIED BY A  
12 DISTRIBUTOR, IMPORTING DISTRIBUTOR OR RETAIL DISPENSER AFTER THE  
13 MANUFACTURER HAS CONTINUOUSLY OWNED AND HAD A CONFLICTING  
14 INTEREST IN SUCH PLACE FOR A PERIOD OF AT LEAST FIVE YEARS PRIOR  
15 TO THE EIGHTEENTH DAY OF JULY, ONE THOUSAND NINE HUNDRED THIRTY-  
16 FIVE[.]: PROVIDED, HOWEVER, THAT A HOLDER OF A MANUFACTURER'S  
17 LICENSE UNDER SECTION 431(A) WHO IS ELIGIBLE TO OPERATE A  
18 BREWERY PUB UNDER SECTION 446(2) OR A LIMITED WINERY AS PROVIDED  
19 FOR UNDER SECTION 505.2 MAY ALSO HOLD AND OPERATE UNDER A HOTEL  
20 LIQUOR LICENSE, A RESTAURANT LIQUOR LICENSE OR A MALT AND BREWED  
21 BEVERAGES RETAIL LICENSE ON THE MANUFACTURER'S OR LIMITED  
22 WINERY'S LICENSED PREMISES. THE HOTEL LIQUOR LICENSE OR  
23 RESTAURANT LIQUOR LICENSE OR THE MALT AND BREWED BEVERAGES  
24 RETAIL LICENSE SHALL BE ACQUIRED BY THE MANUFACTURER OR LIMITED  
25 WINERY SUBJECT TO SECTION 461 AND SHALL SATISFY ALL REQUIREMENTS  
26 FOR EACH RESPECTIVE LICENSE.

27 THE TERM "MANUFACTURER" AS USED IN THIS SECTION SHALL INCLUDE  
28 MANUFACTURERS OF MALT OR BREWED BEVERAGES AS DEFINED IN THIS ACT  
29 AND ANY PERSON MANUFACTURING ANY MALT OR BREWED BEVERAGES  
30 OUTSIDE OF THIS COMMONWEALTH.



SECTION 10. SECTION 446 OF THE ACT IS AMENDED BY ADDING A  
CLAUSE TO READ:

SECTION 446. BREWERIES.--HOLDERS OF A BREWERY LICENSE MAY:

\* \* \*

(4) APPLY FOR AND HOLD A HOTEL LIQUOR LICENSE, A RESTAURANT  
LIQUOR LICENSE OR A MALT AND BREWED BEVERAGES RETAIL LICENSE TO  
SELL FOR CONSUMPTION AT THE RESTAURANT OR BREWERY PUB ON THE  
LICENSED BREWERY PREMISES, LIQUOR, WINE AND MALT OR BREWED  
BEVERAGES REGARDLESS OF THE PLACE OF MANUFACTURE, UNDER THE SAME  
CONDITIONS AND REGULATIONS AS ANY OTHER HOTEL LIQUOR LICENSE,  
RESTAURANT LIQUOR LICENSE OR MALT AND BREWED BEVERAGES RETAIL  
LICENSE, BUT MUST BREW AT LEAST TWO HUNDRED FIFTY BARRELS PER  
YEAR AND MAY NOT SELL DIRECTLY TO HOTEL, RESTAURANT, CLUB AND  
PUBLIC SERVICE LIQUOR LICENSES. IF THE BEVERAGE IS TO BE  
DISTRIBUTED IN THIS COMMONWEALTH IT SHALL BE ONLY THROUGH  
SPECIFIC IMPORTING DISTRIBUTORS WHO SHALL HAVE FIRST BEEN GIVEN  
DISTRIBUTING RIGHTS FOR SUCH PRODUCTS IN DESIGNATED GEOGRAPHICAL  
AREAS THROUGH THE DISTRIBUTION SYSTEM REQUIRED FOR OUT-OF-STATE  
MANUFACTURERS UNDER SECTION 431(B) AS WELL AS ALL OTHER  
PERTINENT SECTIONS OF THIS ACT.

SECTION 11. SECTION 472 OF THE ACT, AMENDED OCTOBER 5, 1994  
(P.L.537, NO.80), IS AMENDED TO READ:

SECTION 472. LOCAL OPTION.--(A) IN ANY MUNICIPALITY OR ANY  
PART OF A MUNICIPALITY WHERE SUCH MUNICIPALITY IS SPLIT SO THAT  
EACH PART THEREOF IS SEPARATED BY ANOTHER MUNICIPALITY, AN  
ELECTION MAY BE HELD, SUBJECT TO SUBSECTION (C), ON THE DATE OF  
THE PRIMARY ELECTION IMMEDIATELY PRECEDING ANY MUNICIPAL  
ELECTION, BUT NOT OFTENER THAN ONCE IN FOUR YEARS, TO DETERMINE  
THE WILL OF THE ELECTORS WITH RESPECT TO THE GRANTING OF LIQUOR  
LICENSES TO HOTELS, RESTAURANTS AND CLUBS, NOT OFTENER THAN ONCE

1 IN FOUR YEARS, TO DETERMINE THE WILL OF THE ELECTORS WITH  
2 RESPECT TO THE GRANTING OF LIQUOR LICENSES TO PRIVATELY-OWNED  
3 PRIVATE GOLF COURSES OR TO PRIVATELY-OWNED PUBLIC GOLF COURSES,  
4 NOT OFTENER THAN ONCE IN FOUR YEARS, TO DETERMINE THE WILL OF  
5 THE ELECTORS WITH RESPECT TO THE GRANTING OF LICENSES TO RETAIL  
6 DISPENSERS OF MALT AND BREWED BEVERAGES, NOT OFTENER THAN ONCE  
7 IN FOUR YEARS, TO DETERMINE THE WILL OF THE ELECTORS WITH  
8 RESPECT TO GRANTING OF LICENSES TO WHOLESALE DISTRIBUTORS AND  
9 IMPORTING DISTRIBUTORS, NOT MORE THAN ONCE IN TWO YEARS, TO  
10 DETERMINE THE WILL OF THE ELECTORS WITH RESPECT TO THE GRANTING  
11 OF CLUB LIQUOR LICENSES OR CLUB RETAIL DISPENSER LICENSES TO  
12 INCORPORATED UNITS OF NATIONAL VETERANS' ORGANIZATIONS, OR NOT  
13 MORE THAN ONCE IN FOUR YEARS, TO DETERMINE THE WILL OF THE  
14 ELECTORS WITH RESPECT TO THE ESTABLISHMENT, OPERATION AND  
15 MAINTENANCE BY THE BOARD OF PENNSYLVANIA LIQUOR STORES, WITHIN  
16 THE LIMITS OF SUCH MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY,  
17 UNDER THE PROVISIONS OF THIS ACT: PROVIDED, HOWEVER, WHERE AN  
18 ELECTION SHALL HAVE BEEN HELD AT THE PRIMARY PRECEDING A  
19 MUNICIPAL ELECTION IN ANY YEAR, ANOTHER ELECTION MAY BE HELD  
20 UNDER THE PROVISIONS OF THIS ACT AT THE PRIMARY OCCURRING THE  
21 FOURTH YEAR AFTER SUCH PRIOR ELECTION: AND PROVIDED FURTHER,  
22 THAT AN ELECTION ON THE QUESTION OF ESTABLISHING AND OPERATING A  
23 STATE LIQUOR STORE SHALL BE INITIATED ONLY IN THOSE  
24 MUNICIPALITIES, OR THAT PART OF A SPLIT MUNICIPALITY THAT SHALL  
25 HAVE VOTED AGAINST THE GRANTING OF LIQUOR LICENSES; AND THAT AN  
26 ELECTION ON THE QUESTION OF GRANTING WHOLESALE DISTRIBUTOR AND  
27 IMPORTING DISTRIBUTOR LICENSES SHALL BE INITIATED ONLY IN THOSE  
28 MUNICIPALITIES OR PARTS OF SPLIT MUNICIPALITIES THAT SHALL HAVE  
29 AT A PREVIOUS ELECTION VOTED AGAINST THE GRANTING OF DISPENSER'S  
30 LICENSES. WHENEVER ELECTORS EQUAL TO AT LEAST TWENTY-FIVE PER

1 CENTUM OF THE HIGHEST VOTE CAST FOR ANY OFFICE IN THE  
2 MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY AT THE LAST  
3 PRECEDING GENERAL ELECTION SHALL FILE A PETITION WITH THE COUNTY  
4 BOARD OF ELECTIONS OF THE COUNTY FOR A REFERENDUM ON THE  
5 QUESTION OF GRANTING ANY OF SAID CLASSES OF LICENSES OR THE  
6 ESTABLISHMENT OF PENNSYLVANIA LIQUOR STORES, THE SAID COUNTY  
7 BOARD OF ELECTIONS SHALL CAUSE A QUESTION TO BE PLACED ON THE  
8 BALLOTS OR ON THE VOTING MACHINE BOARD AND SUBMITTED AT THE  
9 PRIMARY IMMEDIATELY PRECEDING THE MUNICIPAL ELECTION. SEPARATE  
10 PETITIONS MUST BE FILED FOR EACH QUESTION TO BE VOTED ON. SAID  
11 PROCEEDINGS SHALL BE IN THE MANNER AND SUBJECT TO THE PROVISIONS  
12 OF THE ELECTION LAWS WHICH RELATE TO THE SIGNING, FILING AND  
13 ADJUDICATION OF NOMINATION PETITIONS, INsofar AS SUCH PROVISIONS  
14 ARE APPLICABLE.

15 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR  
16 LICENSES, IT SHALL BE IN THE FOLLOWING FORM:

17 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES  
18 FOR THE SALE OF LIQUOR IN..... YES  
19 OF.....? NO

20 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR  
21 LICENSES, FOR PRIVATELY-OWNED PRIVATE GOLF COURSES, IT SHALL BE  
22 IN THE FOLLOWING FORM:

23 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES FOR  
24 PRIVATELY-OWNED PRIVATE GOLF COURSES FOR THE SALE  
25 OF LIQUOR IN.....BY..... YES  
26 OF.....? NO

27 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR  
28 LICENSES, FOR PRIVATELY-OWNED PUBLIC GOLF COURSES, IT SHALL BE  
29 IN THE FOLLOWING FORM:

30 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES FOR

PRIVATELY-OWNED PUBLIC GOLF COURSES FOR THE SALE

OF LIQUOR IN.....BY..... YES

OF.....? NO

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

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

WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LICENSES  
TO WHOLESALE DISTRIBUTORS OF MALT OR BREWED BEVERAGES AND  
IMPORTING DISTRIBUTORS, IT SHALL BE IN THE FOLLOWING FORM:

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

WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF CLUB  
LIQUOR LICENSES TO INCORPORATED UNITS OF NATIONAL VETERANS'  
ORGANIZATIONS, IT SHALL BE IN THE FOLLOWING FORM:

DO YOU FAVOR THE GRANTING OF CLUB LIQUOR LICENSES  
TO INCORPORATED UNITS OF NATIONAL VETERANS' ORGANIZATIONS  
IN THE..... YES  
OF.....? NO

WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF CLUB  
RETAIL DISPENSER LICENSES TO INCORPORATED UNITS OF NATIONAL  
VETERANS' ORGANIZATIONS, IT SHALL BE IN THE FOLLOWING FORM:

DO YOU FAVOR THE GRANTING OF CLUB RETAIL DISPENSER  
LICENSES TO INCORPORATED UNITS OF NATIONAL VETERANS'

1 ORGANIZATIONS IN THE..... YES  
2 OF.....? NO  
3 WHEN THE QUESTION IS IN RESPECT TO THE ESTABLISHMENT,  
4 OPERATION AND MAINTENANCE OF PENNSYLVANIA LIQUOR STORES IT SHALL  
5 BE IN THE FOLLOWING FORM:  
6 DO YOU FAVOR THE ESTABLISHMENT, OPERATION  
7 AND MAINTENANCE OF PENNSYLVANIA LIQUOR  
8 STORES IN THE..... YES  
9 OF.....? NO  
10 IN CASE OF A TIE VOTE, THE STATUS QUO SHALL OBTAIN. IF A  
11 MAJORITY OF THE VOTING ELECTORS ON ANY SUCH QUESTION VOTE "YES,"  
12 THEN LIQUOR LICENSES SHALL BE GRANTED BY THE BOARD TO HOTELS,  
13 RESTAURANTS AND CLUBS, OR LIQUOR LICENSES SHALL BE GRANTED BY  
14 THE BOARD TO PRIVATELY-OWNED PRIVATE GOLF COURSES OR TO  
15 PRIVATELY-OWNED PUBLIC GOLF COURSES, OR MALT AND BREWED BEVERAGE  
16 RETAIL DISPENSER LICENSES OR WHOLESALE DISTRIBUTOR'S AND  
17 IMPORTING DISTRIBUTOR'S LICENSE FOR THE SALE OF MALT OR BREWED  
18 BEVERAGES SHALL BE GRANTED BY THE BOARD, OR CLUB LIQUOR LICENSES  
19 OR CLUB RETAIL DISPENSER LICENSES SHALL BE GRANTED BY THE BOARD  
20 TO INCORPORATED UNITS OF NATIONAL VETERANS' ORGANIZATIONS, OR  
21 THE BOARD MAY ESTABLISH, OPERATE AND MAINTAIN PENNSYLVANIA  
22 LIQUOR STORES, AS THE CASE MAY BE, IN SUCH MUNICIPALITY OR PART  
23 OF A SPLIT MUNICIPALITY, AS PROVIDED BY THIS ACT; BUT IF A  
24 MAJORITY OF THE ELECTORS VOTING ON ANY SUCH QUESTION VOTE "NO,"  
25 THEN THE BOARD SHALL HAVE NO POWER TO GRANT OR TO RENEW UPON  
26 THEIR EXPIRATION ANY LICENSES OF THE CLASS SO VOTED UPON IN SUCH  
27 MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY; OR IF THE NEGATIVE  
28 VOTE IS ON THE QUESTION IN RESPECT TO THE ESTABLISHMENT,  
29 OPERATION AND MAINTENANCE OF PENNSYLVANIA LIQUOR STORES, THE  
30 BOARD SHALL NOT OPEN AND OPERATE A PENNSYLVANIA LIQUOR STORE IN

1 SUCH MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY, NOR CONTINUE  
2 TO OPERATE A THEN EXISTING PENNSYLVANIA LIQUOR STORE IN THE  
3 MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY FOR MORE THAN TWO  
4 YEARS THEREAFTER OR AFTER THE EXPIRATION OF THE TERM OF THE  
5 LEASE ON THE PREMISES OCCUPIED BY SUCH STORE, WHICHEVER PERIOD  
6 IS LESS, UNLESS AND UNTIL AT A LATER ELECTION A MAJORITY OF THE  
7 VOTING ELECTORS VOTE "YES" ON SUCH QUESTION.

8 (B) TO BE ELIGIBLE FOR THE LOCAL OPTION UNDER THIS SECTION,  
9 THE INCORPORATED UNIT OF A NATIONAL VETERANS' ORGANIZATION MUST  
10 HAVE BEEN INCORPORATED ON OR BEFORE A DATE TEN YEARS PRIOR TO  
11 THE FILING OF ITS APPLICATION AFTER AUTHORIZATION UNDER LOCAL  
12 OPTION. IN EACH MUNICIPALITY, LICENSES APPROVED UNDER THE LOCAL  
13 OPTION FOR INCORPORATED UNITS OF NATIONAL VETERANS'  
14 ORGANIZATIONS MAY NOT EXCEED FOUR.

15 (C) FOR THE FIRST YEAR THAT THE LOCAL OPTION IS AUTHORIZED  
16 FOR THE INCORPORATED UNITS OF NATIONAL VETERANS' ORGANIZATIONS,  
17 THE LOCAL OPTION ELECTION FOR THE INCORPORATED UNITS OF NATIONAL  
18 VETERANS' ORGANIZATIONS MAY BE HELD AT THE PRIMARY ELECTION  
19 PRECEDING ANY ELECTION.

20 SECTION 12. SECTION 493(2) AND (20)(I) OF THE ACT, AMENDED  
21 APRIL 29, 1994 (P.L.212, NO.30), ARE AMENDED TO 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 \* \* \*

29 (2) Purchase or Sale of Liquor or Malt or Brewed Beverages  
30 on Credit. For any licensee, his agent, servant or employe, to

1 sell or offer to sell or purchase or receive any liquor or malt  
2 or brewed beverages except for cash, excepting credit extended  
3 by a hotel or club to a bona fide guest or member, or by  
4 railroad or pullman companies in dining, club or buffet cars to  
5 passengers, for consumption while enroute, holding authorized  
6 credit cards issued by railroad or railroad credit bureaus or by  
7 hotel, restaurant and public service licensees, importing  
8 distributors or distributors to customers not possessing a  
9 license under this article and holding credit cards issued in  
10 accordance with regulations of the board or credit cards issued  
11 by banking institutions subject to State or Federal regulation:  
12 Provided further, That nothing herein contained shall be  
13 construed to prohibit the use of checks or drafts drawn on a  
14 bank, banking institution, trust company or similar depository,  
15 organized and existing under the laws of the United States of  
16 America or the laws of any state, territory or possession  
17 thereof, in payment for any liquor or malt or brewed beverages  
18 if the purchaser is the payor of the check or draft and the  
19 licensee is the payee. No right of action shall exist to collect  
20 any claim for credit extended contrary to the provisions of this  
21 clause. Nothing herein contained shall prohibit a licensee from  
22 crediting to a purchaser the actual price charged for original  
23 containers returned by the original purchaser as a credit on any  
24 sale, or from refunding to any purchaser the amount paid by such  
25 purchaser for such containers or as a deposit on containers when  
26 title is retained by the vendor, if such original containers  
27 have been returned to the licensee. Nothing herein contained  
28 shall prohibit a manufacturer from extending usual and customary  
29 credit for liquor or malt or brewed beverages sold to customers  
30 or purchasers who live or maintain places of business outside of

1 the Commonwealth of Pennsylvania, when the liquor or malt or  
2 brewed beverages so sold are actually transported and delivered  
3 to points outside of the Commonwealth: Provided, however, That  
4 as to all transactions affecting malt or brewed beverages to be  
5 resold or consumed within this Commonwealth, every licensee  
6 shall pay and shall require cash deposits on all returnable  
7 original containers and all such cash deposits shall be refunded  
8 upon return of the original containers.

9 \* \* \*

10 ~~Section 2. This act shall take effect in 30 days.~~ <—

11 (20) (I) RETAIL LIQUOR AND RETAIL MALT OR BREWED BEVERAGES <—  
12 LICENSEE'S INSIDE ADVERTISEMENTS. FOR ANY RETAIL LIQUOR OR  
13 RETAIL MALT OR BREWED BEVERAGES LICENSEE, TO DISPLAY OR PERMIT  
14 THE DISPLAY IN THE SHOW WINDOW OR DOORWAYS OF HIS LICENSED  
15 PREMISES, ANY PLACARD OR SIGN ADVERTISING THE BRANDS OF LIQUOR  
16 OR MALT OR BREWED BEVERAGES, IF THE TOTAL DISPLAY AREA OF ANY  
17 SUCH PLACARD OR SIGN ADVERTISING THE PRODUCT OR PRODUCTS EXCEEDS  
18 [THREE] SIX HUNDRED SQUARE INCHES. NOTHING HEREIN SHALL PROHIBIT  
19 A LICENSEE FROM DISPLAYING INSIDE HIS LICENSED PREMISES POINT OF  
20 SALE DISPLAYS ADVERTISING BRAND NAMES OF PRODUCTS SOLD BY HIM,  
21 OTHER THAN A WINDOW OR DOOR DISPLAY: PROVIDED, THAT THE TOTAL  
22 COST OF ALL SUCH POINT OF SALE ADVERTISING MATTER RELATING TO  
23 ANY ONE BRAND SHALL NOT EXCEED THE SUM OF [SEVENTY DOLLARS  
24 (\$70)] ONE HUNDRED FORTY DOLLARS (\$140) AT ANY ONE TIME, AND NO  
25 SINGLE PIECE OF ADVERTISING SHALL EXCEED A COST OF [THIRTY-FIVE  
26 DOLLARS (\$35).] SEVENTY DOLLARS (\$70). THE BOARD IS AUTHORIZED  
27 TO MAKE ANNUAL ADJUSTMENTS TO THE COST LIMITATIONS ON POINT OF  
28 DISPLAY ADVERTISING TO REFLECT ANY CHANGES IN SUCH LIMITATIONS  
29 BY THE UNITED STATES BUREAU OF ALCOHOL, TOBACCO AND FIREARMS OR  
30 ITS SUCCESSORS IN ACCORDANCE WITH 27 CFR 6.83 AND 27 CFR 6.85.



1 ALL SUCH ADVERTISING MATERIAL, INCLUDING THE WINDOW AND DOOR  
2 SIGNS, MAY BE FURNISHED BY A MANUFACTURER, DISTRIBUTOR OR  
3 IMPORTING DISTRIBUTOR. THE RESTRICTIONS ON ADVERTISING SET FORTH  
4 IN SUBCLAUSE (II) AND IN CLAUSES (20.1) AND (20.2) SHALL ALSO  
5 APPLY TO THIS SUBCLAUSE.

6 \* \* \*

7 SECTION 13. SECTION 505.2 OF THE ACT IS AMENDED BY ADDING A  
8 CLAUSE TO READ:

9 SECTION 505.2. LIMITED WINERIES.--IN THE INTEREST OF  
10 PROMOTING TOURISM AND RECREATIONAL DEVELOPMENT IN PENNSYLVANIA,  
11 HOLDERS OF A LIMITED WINERY LICENSE MAY:

12 \* \* \*

13 (5) APPLY FOR AND HOLD A HOTEL LIQUOR LICENSE, A RESTAURANT  
14 LIQUOR LICENSE OR A MALT AND BREWED BEVERAGES RETAIL LICENSE TO  
15 SELL FOR CONSUMPTION AT THE RESTAURANT OR LIMITED WINERY ON THE  
16 LICENSED WINERY PREMISES, LIQUOR, WINE AND MALT OR BREWED  
17 BEVERAGES REGARDLESS OF THE PLACE OF MANUFACTURE, UNDER THE SAME  
18 CONDITIONS AND REGULATIONS AS ANY OTHER HOTEL LIQUOR LICENSE,  
19 RESTAURANT LIQUOR LICENSE OR MALT AND BREWED BEVERAGES RETAIL  
20 LICENSE.

21 SECTION 14. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.