

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 893 Session of  
1999

INTRODUCED BY SALVATORE AND MUSTO, MAY 3, 1999

REFERRED TO LAW AND JUSTICE, MAY 3, 1999

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 unlawful acts relative to liquor, malt  
18 and brewed beverages and licensees.

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

21 Section 1. Section 493(2) of the act of April 12, 1951  
22 (P.L.90, No.21), known as the Liquor Code, reenacted and amended  
23 June 29, 1987 (P.L.32, No.14) and amended February 18, 1998  
24 (P.L.162, No.25), is amended to read:

25 Section 493. Unlawful Acts Relative to Liquor, Malt and

1 Brewed Beverages and Licensees.--The term "licensee," when used  
2 in this section, shall mean those persons licensed under the  
3 provisions of Article IV, unless the context clearly indicates  
4 otherwise.

5 It shall be unlawful--

6 \* \* \*

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, retail dispenser eating place, club and  
16 public service licensees, importing distributors or distributors  
17 to customers or members not possessing a license under this  
18 article and holding credit cards issued in accordance with  
19 regulations of the board or credit cards issued by banking  
20 institutions subject to State or Federal regulation: Provided  
21 further, That nothing herein contained shall be construed to  
22 prohibit the use of checks or drafts drawn on a bank, banking  
23 institution, trust company or similar depository, organized and  
24 existing under the laws of the United States of America or the  
25 laws of any state, territory or possession thereof, in payment  
26 for any liquor or malt or brewed beverages if the purchaser is  
27 the payor of the check or draft and the licensee is the payee.  
28 No right of action shall exist to collect any claim for credit  
29 extended contrary to the provisions of this clause. Nothing  
30 herein contained shall prohibit a licensee from crediting to a

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

18 \* \* \*

19 Section 2. This act shall take effect in 60 days.