

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 462 Session of
2005

INTRODUCED BY D. WHITE, THOMPSON, M. WHITE, BOSCOLA, LAVALLE,
STOUT, COSTA, KITCHEN, EARLL, RHOADES, C. WILLIAMS AND WAUGH,
MARCH 28, 2005

REFERRED TO LAW AND JUSTICE, MARCH 28, 2005

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 December 8, 2004
24 (P.L.1810, No.239), 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; Importing Distributors or Distributors Accepting Cash
9 in Counties of First Class and Second Class A. For any licensee,
10 his agent, servant or employe, to sell or offer to sell or
11 purchase or receive any liquor or malt or brewed beverages
12 except for cash, excepting credit extended by a hotel or club to
13 a bona fide guest or member, or by railroad or pullman companies
14 in dining, club or buffet cars to passengers, for consumption
15 while enroute, holding authorized credit cards issued by
16 railroad or railroad credit bureaus or by hotel, restaurant,
17 retail dispenser eating place, club and public service
18 licensees, importing distributors or distributors to customers
19 not possessing a license under this article and holding credit
20 cards issued in accordance with regulations of the board or
21 credit cards issued by banking institutions subject to State or
22 Federal regulation: Provided further, That nothing herein
23 contained shall be construed to prohibit the use of checks or
24 drafts drawn on a bank, banking institution, trust company or
25 similar depository, organized and existing under the laws of the
26 United States of America or the laws of any state, territory or
27 possession thereof, in payment for any liquor or malt or brewed
28 beverages if the purchaser is the payor of the check or draft
29 and the licensee is the payee: Provided further, That
30 notwithstanding any other provision of this act to the contrary,

1 it shall be unlawful for an importing distributor or distributor
2 in a county of the first class or second class A to accept cash
3 for payment of any malt or brewed beverages from anyone
4 possessing a license issued under this article. No right of
5 action shall exist to collect any claim for credit extended
6 contrary to the provisions of this clause. Nothing herein
7 contained shall prohibit a licensee from crediting to a
8 purchaser the actual price charged for original containers
9 returned by the original purchaser as a credit on any sale, or
10 from refunding to any purchaser the amount paid by such
11 purchaser for such containers or as a deposit on containers when
12 title is retained by the vendor, if such original containers
13 have been returned to the licensee. Nothing herein contained
14 shall prohibit a manufacturer from extending usual and customary
15 credit for liquor or malt or brewed beverages sold to customers
16 or purchasers who live or maintain places of business outside of
17 the Commonwealth of Pennsylvania, when the liquor or malt or
18 brewed beverages so sold are actually transported and delivered
19 to points outside of the Commonwealth: Provided, however, That
20 as to all transactions affecting malt or brewed beverages to be
21 resold or consumed within this Commonwealth, every licensee
22 shall pay and shall require cash deposits on all returnable
23 original containers and all such cash deposits shall be refunded
24 upon return of the original containers.

25 * * *

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