
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 462 Session of
2005

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

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 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.~~ SALES BY PENNSYLVANIA <—
19 LIQUOR STORES, FOR AUTHORITY TO ISSUE LIQUOR LICENSES TO
20 HOTELS, RESTAURANTS AND CLUBS, FOR SALES BY LIQUOR LICENSEES <—
21 REGARDING SUNDAY SALES, FOR SALE OF MALT OR BREWED BEVERAGES
22 BY LIQUOR LICENSEES, FOR MALT AND BREWED BEVERAGES RETAIL <—
23 LICENSES, FOR RETAIL DISPENSERS' RESTRICTIONS ON PURCHASES
24 AND SALES, FOR REVOCATION AND SUSPENSION OF LICENSES, FOR
25 RENEWAL OF AMUSEMENT PERMITS, FOR THE POINT SYSTEM FOR
26 CERTAIN LICENSEES AND FOR THE ASSESSMENT OF POINTS FOR
27 NONCOMPLIANCE; PROVIDING FOR RENEWAL OF PERMIT FOR SALES FOR
28 OFF-PREMISES CONSUMPTION IN CITIES OF THE FIRST CLASS;
29 FURTHER PROVIDING FOR UNLAWFUL ACTS RELATIVE TO MALT OR

1 BREWED BEVERAGES AND LICENSEES; AND PROVIDING FOR HOURS OF
2 OPERATION RELATIVE TO MANUFACTURERS, IMPORTING DISTRIBUTORS
3 AND DISTRIBUTORS AND FOR UNLAWFUL ACTS RELATIVE TO LIQUOR,
4 MALT AND BREWED BEVERAGES AND LICENSEES.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 ~~Section 1. Section 493(2) of the act of April 12, 1951~~ <—
8 ~~(P.L.90, No.21), known as the Liquor Code, reenacted and amended~~
9 ~~June 29, 1987 (P.L.32, No.14), and amended December 8, 2004~~
10 ~~(P.L.1810, No.239), is amended to read:~~

11 SECTION 1. SECTION 305(B) OF THE ACT OF APRIL 12, 1951 <—
12 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, REENACTED AND AMENDED
13 JUNE 29, 1987 (P.L.32, NO.14), IS AMENDED TO READ:

14 SECTION 305. SALES BY PENNSYLVANIA LIQUOR STORES.--* * *

15 (B) EVERY PENNSYLVANIA LIQUOR STORE SHALL SELL LIQUORS AT
16 WHOLESALE TO HOTELS, RESTAURANTS, CLUBS, AND RAILROAD, PULLMAN
17 AND STEAMSHIP COMPANIES LICENSED UNDER THIS ACT; AND, UNDER THE
18 REGULATIONS OF THE BOARD, TO PHARMACISTS DULY LICENSED AND
19 REGISTERED UNDER THE LAWS OF THE COMMONWEALTH, AND TO
20 MANUFACTURING PHARMACISTS, AND TO REPUTABLE HOSPITALS APPROVED
21 BY THE BOARD, OR CHEMISTS. SALES TO LICENSEES SHALL BE MADE AT A
22 PRICE THAT INCLUDES A DISCOUNT OF TEN PER CENTUM FROM THE RETAIL
23 PRICE. THE BOARD MAY SELL TO REGISTERED PHARMACISTS ONLY SUCH
24 LIQUORS AS CONFORM TO THE PHARMACOPOEIA OF THE UNITED STATES,
25 THE NATIONAL FORMULARY, OR THE AMERICAN HOMEOPATHIC
26 PHARMACOPOEIA. THE BOARD MAY SELL AT SPECIAL PRICES UNDER THE
27 REGULATIONS OF THE BOARD, TO UNITED STATES ARMED FORCES
28 FACILITIES WHICH ARE LOCATED ON UNITED STATES ARMED FORCES
29 INSTALLATIONS AND ARE CONDUCTED PURSUANT TO THE AUTHORITY AND
30 REGULATIONS OF THE UNITED STATES ARMED FORCES. ALL OTHER SALES
31 BY SUCH STORES SHALL BE AT RETAIL. A PERSON ENTITLED TO PURCHASE

1 LIQUOR AT WHOLESALE PRICES MAY PURCHASE THE LIQUOR AT ANY
2 PENNSYLVANIA LIQUOR STORE UPON TENDERING CASH, CHECK OR CREDIT
3 CARD FOR THE FULL AMOUNT OF THE PURCHASE. FOR THIS PURPOSE, THE
4 BOARD SHALL ISSUE A DISCOUNT CARD TO EACH LICENSEE IDENTIFYING
5 SUCH LICENSEE AS A PERSON AUTHORIZED TO PURCHASE LIQUOR AT
6 WHOLESALE PRICES. SUCH DISCOUNT CARD SHALL BE RETAINED BY THE
7 LICENSEE. THE BOARD MAY CONTRACT THROUGH THE COMMONWEALTH
8 BIDDING PROCESS FOR DELIVERY TO WHOLESALE LICENSEES AT THE
9 EXPENSE OF THE LICENSEE RECEIVING THE DELIVERY.

10 * * *

11 SECTION 2. ~~SECTIONS 401(A), 407 AND 442(A) OF THE ACT ARE~~ <—
12 SECTION 401(A) OF THE ACT IS AMENDED TO READ: <—

13 SECTION 401. AUTHORITY TO ISSUE LIQUOR LICENSES TO HOTELS,
14 RESTAURANTS AND CLUBS.--(A) SUBJECT TO THE PROVISIONS OF THIS
15 ACT AND REGULATIONS PROMULGATED UNDER THIS ACT, THE BOARD SHALL
16 HAVE AUTHORITY TO ISSUE A RETAIL LIQUOR LICENSE FOR ANY PREMISES
17 KEPT OR OPERATED BY A HOTEL, RESTAURANT OR CLUB AND SPECIFIED IN
18 THE LICENSE ENTITLING THE HOTEL, RESTAURANT OR CLUB TO PURCHASE
19 LIQUOR FROM A PENNSYLVANIA LIQUOR STORE AND TO KEEP ON THE
20 PREMISES SUCH LIQUOR AND, SUBJECT TO THE PROVISIONS OF THIS ACT
21 AND THE REGULATIONS MADE THEREUNDER, TO SELL THE SAME AND ALSO
22 MALT OR BREWED BEVERAGES TO GUESTS, PATRONS OR MEMBERS FOR
23 CONSUMPTION ON THE HOTEL, RESTAURANT OR CLUB PREMISES. SUCH
24 LICENSEES, OTHER THAN CLUBS, SHALL BE PERMITTED TO SELL MALT OR
25 BREWED BEVERAGES FOR CONSUMPTION OFF THE PREMISES WHERE SOLD IN
26 QUANTITIES OF NOT MORE THAN ONE HUNDRED NINETY-TWO FLUID OUNCES
27 IN A SINGLE SALE TO ONE PERSON AS PROVIDED FOR IN SECTION 407.
28 SUCH LICENSES SHALL BE KNOWN AS HOTEL LIQUOR LICENSES,
29 RESTAURANT LIQUOR LICENSES AND CLUB LIQUOR LICENSES,
30 RESPECTIVELY. NO PERSON WHO HOLDS, EITHER BY APPOINTMENT OR

1 ELECTION, ANY PUBLIC OFFICE WHICH INVOLVES THE DUTY TO ENFORCE
2 ANY OF THE PENAL LAWS OF THE UNITED STATES OF AMERICA OR THE
3 PENAL LAWS OF THE COMMONWEALTH OF PENNSYLVANIA OR ANY PENAL
4 ORDINANCE OR RESOLUTION OF ANY POLITICAL SUBDIVISION OF THIS
5 COMMONWEALTH SHALL BE ISSUED ANY HOTEL OR RESTAURANT LIQUOR
6 LICENSE, NOR SHALL SUCH A PERSON HAVE ANY INTEREST, DIRECTLY OR
7 INDIRECTLY, IN ANY SUCH LICENSE.

8 * * *

9 SECTION 3. SECTION 406(A) OF THE ACT, AMENDED DECEMBER 30, <—
10 2003 (P.L.423, NO.59), IS AMENDED TO READ:

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

12 (1) EVERY HOTEL, RESTAURANT OR CLUB LIQUOR LICENSEE MAY SELL
13 LIQUOR AND MALT OR BREWED BEVERAGES BY THE GLASS, OPEN BOTTLE OR
14 OTHER CONTAINER, AND IN ANY MIXTURE, FOR CONSUMPTION ONLY IN
15 THAT PART OF THE HOTEL OR RESTAURANT HABITUALLY USED FOR THE
16 SERVING OF FOOD TO GUESTS OR PATRONS, OR IN A BOWLING ALLEY THAT
17 IS IMMEDIATELY ADJACENT TO AND UNDER THE SAME ROOF AS A
18 RESTAURANT, AND IN THE CASE OF HOTELS, TO GUESTS, AND IN THE
19 CASE OF CLUBS, TO MEMBERS, IN THEIR PRIVATE ROOMS IN THE HOTEL
20 OR CLUB. NO CLUB LICENSEE NOR ITS OFFICERS, SERVANTS, AGENTS OR
21 EMPLOYES, OTHER THAN ONE HOLDING A CATERING LICENSE, SHALL SELL
22 ANY LIQUOR OR MALT OR BREWED BEVERAGES TO ANY PERSON EXCEPT A
23 MEMBER OF THE CLUB. THE HOLDER OF A RESTAURANT LICENSE LOCATED
24 IN A HOTEL MAY SELL LIQUOR OR MALT OR BREWED BEVERAGES FOR
25 CONSUMPTION IN THAT PART OF THE RESTAURANT HABITUALLY USED FOR
26 THE SERVING OF MEALS TO PATRONS AND ALSO TO GUESTS IN PRIVATE
27 GUEST ROOMS IN THE HOTEL. FOR THE PURPOSE OF THIS PARAGRAPH, ANY
28 PERSON WHO IS AN ACTIVE MEMBER OF ANOTHER CLUB WHICH IS
29 CHARTERED BY THE SAME STATE OR NATIONAL ORGANIZATION SHALL HAVE
30 THE SAME RIGHTS AND PRIVILEGES AS MEMBERS OF THE PARTICULAR

1 CLUB. FOR THE PURPOSE OF THIS PARAGRAPH, ANY PERSON WHO IS AN
2 ACTIVE MEMBER OF ANY VOLUNTEER FIREFIGHTING COMPANY, ASSOCIATION
3 OR GROUP OF THIS COMMONWEALTH, WHETHER INCORPORATED OR
4 UNINCORPORATED, SHALL UPON THE APPROVAL OF ANY CLUB COMPOSED OF
5 VOLUNTEER FIREMEN LICENSED UNDER THIS ACT, HAVE THE SAME SOCIAL
6 RIGHTS AND PRIVILEGES AS MEMBERS OF SUCH LICENSED CLUB. FOR THE
7 PURPOSES OF THIS PARAGRAPH, THE TERM "ACTIVE MEMBER" SHALL NOT
8 INCLUDE A SOCIAL MEMBER. ANY CLUB LICENSEE WHICH IS EITHER AN
9 INCORPORATED UNIT OF A NATIONAL VETERANS' ORGANIZATION OR AN
10 AFFILIATED ORGANIZATION AS DEFINED IN SECTION 461.1 SHALL BE
11 PERMITTED TO SELL LIQUOR OR MALT OR BREWED BEVERAGES TO ANY
12 ACTIVE MEMBER OF ANOTHER UNIT WHICH IS CHARTERED BY THE SAME
13 NATIONAL VETERANS' ORGANIZATION OR TO ANY MEMBER OF A NATIONALLY
14 CHARTERED AUXILIARY ASSOCIATED WITH THE SAME NATIONAL VETERANS'
15 ORGANIZATION.

16 (2) HOTEL AND RESTAURANT LIQUOR LICENSEES, AIRPORT
17 RESTAURANT LIQUOR LICENSEES, MUNICIPAL GOLF COURSE RESTAURANT
18 LIQUOR LICENSEES AND PRIVATELY-OWNED PUBLIC GOLF COURSE
19 RESTAURANT LICENSEES MAY SELL LIQUOR AND MALT OR BREWED
20 BEVERAGES ONLY AFTER SEVEN O'CLOCK ANTEMERIDIAN OF ANY DAY UNTIL
21 TWO O'CLOCK ANTEMERIDIAN OF THE FOLLOWING DAY, EXCEPT SUNDAY,
22 AND EXCEPT AS HEREINAFTER PROVIDED, MAY SELL LIQUOR AND MALT OR
23 BREWED BEVERAGES ON SUNDAY BETWEEN THE HOURS OF TWELVE O'CLOCK
24 MIDNIGHT AND TWO O'CLOCK ANTEMERIDIAN.

25 (3) HOTEL AND RESTAURANT LIQUOR LICENSEES, AIRPORT
26 RESTAURANT LIQUOR LICENSEES, MUNICIPAL GOLF COURSE RESTAURANT
27 LIQUOR LICENSEES AND PRIVATELY-OWNED PUBLIC GOLF COURSE
28 RESTAURANT LICENSEES [WHOSE SALES OF FOOD AND NONALCOHOLIC
29 BEVERAGES ARE EQUAL TO THIRTY PER CENTUM OR MORE OF THE COMBINED
30 GROSS SALES OF BOTH FOOD AND ALCOHOLIC BEVERAGES] MAY SELL

1 LIQUOR AND MALT OR BREWED BEVERAGES ON SUNDAY BETWEEN THE HOURS
2 OF ELEVEN O'CLOCK ANTEMERIDIAN AND TWO O'CLOCK ANTEMERIDIAN
3 MONDAY UPON PURCHASE OF A SPECIAL PERMIT FROM THE BOARD AT AN
4 ANNUAL FEE AS PRESCRIBED IN SECTION 614-A OF THE ACT OF APRIL 9,
5 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF
6 1929." THIS CLAUSE SHALL NOT APPLY TO CITIES OF THE FIRST CLASS.

7 (3.1) 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 IN CITIES OF THE FIRST CLASS WHOSE SALES OF
11 FOOD AND NONALCOHOLIC BEVERAGES ARE EQUAL TO THIRTY PER CENTUM
12 OR MORE OF THE COMBINED GROSS SALES OF BOTH FOOD AND ALCOHOLIC
13 BEVERAGES MAY SELL LIQUOR AND MALT OR BREWED BEVERAGES ON SUNDAY
14 BETWEEN THE HOURS OF ELEVEN O'CLOCK ANTEMERIDIAN AND TWO O'CLOCK
15 ANTEMERIDIAN MONDAY UPON PURCHASE OF A SPECIAL PERMIT FROM THE
16 BOARD AT AN ANNUAL FEE AS PRESCRIBED IN SECTION 614-A OF "THE
17 ADMINISTRATIVE CODE OF 1929."

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 SPECIAL PERMIT, THEIR SERVANTS, AGENTS OR EMPLOYES MAY SELL
23 LIQUOR AND MALT OR BREWED BEVERAGES ONLY AFTER SEVEN O'CLOCK
24 ANTEMERIDIAN OF ANY DAY AND UNTIL TWO O'CLOCK ANTEMERIDIAN OF
25 THE FOLLOWING DAY, AND SHALL NOT SELL AFTER TWO O'CLOCK
26 ANTEMERIDIAN ON SUNDAY. NO CLUB LICENSEE OR ITS SERVANTS, AGENTS
27 OR EMPLOYES MAY SELL LIQUOR OR MALT OR BREWED BEVERAGES BETWEEN
28 THE HOURS OF THREE O'CLOCK ANTEMERIDIAN AND SEVEN O'CLOCK
29 ANTEMERIDIAN ON ANY DAY. NO PUBLIC SERVICE LIQUOR LICENSEE OR
30 ITS SERVANTS, AGENTS, OR EMPLOYES MAY SELL LIQUOR OR MALT OR

1 BREWED BEVERAGES BETWEEN THE HOURS OF TWO O'CLOCK ANTEMERIDIAN
2 AND SEVEN O'CLOCK ANTEMERIDIAN ON ANY DAY.

3 (6) NOTWITHSTANDING ANY PROVISIONS TO THE CONTRARY, WHENEVER
4 THE THIRTY-FIRST DAY OF DECEMBER FALLS ON A SUNDAY, EVERY HOTEL
5 OR RESTAURANT LIQUOR LICENSEE, THEIR SERVANTS, AGENTS OR
6 EMPLOYES MAY SELL LIQUOR AND MALT OR BREWED BEVERAGES ON ANY
7 SUCH DAY AFTER ONE O'CLOCK POSTMERIDIAN AND UNTIL TWO O'CLOCK
8 ANTEMERIDIAN OF THE FOLLOWING DAY.

9 (6.1) NOTWITHSTANDING ANY PROVISIONS TO THE CONTRARY,
10 WHENEVER SAINT PATRICK'S DAY FALLS ON A SUNDAY, EVERY HOTEL OR
11 RESTAURANT LIQUOR LICENSEE, THEIR SERVANTS, AGENTS OR EMPLOYES
12 MAY SELL LIQUOR AND MALT OR BREWED BEVERAGES ON ANY SUCH DAY
13 AFTER SEVEN O'CLOCK ANTEMERIDIAN AND UNTIL TWO O'CLOCK
14 ANTEMERIDIAN OF THE FOLLOWING DAY.

15 * * *

16 ~~SECTION 4. SECTIONS 407 AND 442(A) OF THE ACT ARE AMENDED TO~~ <—
17 ~~READ:~~

18 SECTION 4. SECTION 407 OF THE ACT IS AMENDED TO READ: <—

19 SECTION 407. SALE OF MALT OR BREWED BEVERAGES BY LIQUOR
20 LICENSEES.--(A) EVERY LIQUOR LICENSE ISSUED TO A HOTEL,
21 RESTAURANT, CLUB, OR A RAILROAD, PULLMAN OR STEAMSHIP COMPANY
22 UNDER THIS SUBDIVISION (A) FOR THE SALE OF LIQUOR SHALL
23 AUTHORIZE THE LICENSEE TO SELL MALT OR BREWED BEVERAGES AT THE
24 SAME PLACES BUT SUBJECT TO THE SAME RESTRICTIONS AND PENALTIES
25 AS APPLY TO SALES OF LIQUOR, EXCEPT THAT LICENSEES OTHER THAN
26 CLUBS MAY SELL MALT OR BREWED BEVERAGES FOR CONSUMPTION OFF THE
27 PREMISES WHERE SOLD IN QUANTITIES OF NOT MORE THAN ONE HUNDRED
28 NINETY-TWO FLUID OUNCES IN A SINGLE SALE TO ONE PERSON. NO
29 LICENSEE UNDER THIS SUBDIVISION (A) SHALL AT THE SAME TIME BE
30 THE HOLDER OF ANY OTHER CLASS OF LICENSE, EXCEPT A RETAIL

DISPENSER'S LICENSE AUTHORIZING THE SALE OF MALT OR BREWED
BEVERAGES ONLY.

(B) (1) NOTWITHSTANDING SUBSECTION (A), AFTER OCTOBER 31,
2005, A RESTAURANT LICENSEE, LOCATED IN A CITY OF THE FIRST
CLASS WHO IS OTHERWISE PERMITTED TO SELL MALT OR BREWED
BEVERAGES FOR CONSUMPTION OFF THE PREMISES MAY NOT DO SO UNLESS
IT ACQUIRES A PERMIT FROM THE BOARD.

(2) THE APPLICATION FOR A PERMIT TO SELL MALT OR BREWED
BEVERAGES FOR CONSUMPTION OFF THE PREMISES SHALL BE ON FORMS
DESIGNATED BY THE BOARD AND CONTAIN SUCH INFORMATION AS THE
BOARD MAY REQUIRE. THE APPLICATION AND RENEWAL FEE SHALL BE AS
PRESCRIBED IN SECTION 614-A(27) OF THE ACT OF APRIL 9, 1929
(P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929."

(3) THE APPLICATION FOR A PERMIT TO SELL MALT OR BREWED
BEVERAGES FOR CONSUMPTION OFF THE PREMISES MUST BE ACCOMPANIED
BY A COPY OF THE APPROVAL OF SUCH REQUEST BY THE GOVERNING BODY
OF THE CITY OF THE FIRST CLASS IN WHICH THE LICENSED PREMISES IS
LOCATED.

(4) THE GOVERNING BODY OF A CITY OF THE FIRST CLASS MUST
RENDER A DECISION BY ORDINANCE OR RESOLUTION WITHIN FORTY-FIVE
DAYS OF RECEIPT OF A REQUEST FOR APPROVAL OF A PERMIT TO SELL
MALT OR BREWED BEVERAGES FOR CONSUMPTION OFF THE PREMISES. THE
GOVERNING BODY MUST APPROVE THE REQUEST UNLESS IT FINDS THAT
DOING SO WOULD ADVERSELY AFFECT THE WELFARE, HEALTH, PEACE AND
MORALS OF THE CITY OR ITS RESIDENTS. A DECISION BY THE CITY TO
DENY A REQUEST MAY BE APPEALED TO THE COURT OF COMMON PLEAS IN
THE COUNTY IN WHICH THE CITY IS LOCATED. THE FAILURE TO RENDER A
DECISION BY THE GOVERNING BODY OF A CITY OF THE FIRST CLASS
WITHIN THE FORTY-FIVE-DAY PERIOD SHALL BE DEEMED APPROVAL OF THE
PERMIT.

<—

1 (5) UPON BEING SATISFIED THAT THE APPLICANT HAS FULFILLED
2 ALL THE REQUIREMENTS OF THIS ACT AND THE BOARD'S REGULATIONS,
3 THE BOARD SHALL APPROVE THE APPLICATION.

4 SECTION 5. SECTION 432(F) OF THE ACT, AMENDED DECEMBER 20, <—
5 2000 (P.L.992, NO.141), IS AMENDED AND THE SECTION IS AMENDED BY
6 ADDING A SUBSECTION TO READ:

7 SECTION 432. MALT AND BREWED BEVERAGES RETAIL LICENSES.--* *

8 *

9 (F) HOTEL, EATING PLACES, OR MUNICIPAL GOLF COURSE RETAIL
10 DISPENSER LICENSEES [WHOSE SALES OF FOOD AND NONALCOHOLIC
11 BEVERAGES ARE EQUAL TO THIRTY PER CENTUM (30%) OR MORE OF THE
12 COMBINED GROSS SALES OF BOTH FOOD AND MALT OR BREWED BEVERAGES]
13 MAY SELL MALT OR BREWED BEVERAGES BETWEEN THE HOURS OF ELEVEN
14 O'CLOCK ANTEMERIDIAN ON SUNDAY AND TWO O'CLOCK ANTEMERIDIAN ON
15 MONDAY UPON PURCHASE OF A SPECIAL PERMIT FROM THE BOARD AT AN
16 ANNUAL FEE AS PRESCRIBED IN SECTION 614-A OF THE ACT OF APRIL 9,
17 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF
18 1929," WHICH SHALL BE IN ADDITION TO ANY OTHER LICENSE FEES.
19 THIS SUBSECTION SHALL NOT APPLY TO CITIES OF THE FIRST CLASS.

20 (G) HOTEL, EATING PLACES OR MUNICIPAL GOLF COURSE RETAIL
21 DISPENSER LICENSEES IN CITIES OF THE FIRST CLASS WHOSE SALES OF
22 FOOD AND NONALCOHOLIC BEVERAGES ARE EQUAL TO THIRTY PER CENTUM
23 (30%) OR MORE OF THE COMBINED GROSS SALES OF BOTH FOOD AND MALT
24 OR BREWED BEVERAGES MAY SELL MALT OR BREWED BEVERAGES BETWEEN
25 THE HOURS OF ELEVEN O'CLOCK ANTEMERIDIAN ON SUNDAY AND TWO
26 O'CLOCK ANTEMERIDIAN ON MONDAY UPON PURCHASE OF A SPECIAL PERMIT
27 FROM THE BOARD AT AN ANNUAL FEE AS PRESCRIBED IN SECTION 614-A
28 OF "THE ADMINISTRATIVE CODE OF 1929," WHICH SHALL BE IN ADDITION
29 TO ANY OTHER LICENSE FEES.

30 SECTION 6. SECTION 442(A) OF THE ACT IS AMENDED TO READ:

SECTION 442. RETAIL DISPENSERS' RESTRICTIONS ON PURCHASES
AND SALES.--(A) (1) NO RETAIL DISPENSER SHALL PURCHASE OR
RECEIVE ANY MALT OR BREWED BEVERAGES EXCEPT IN ORIGINAL
CONTAINERS AS PREPARED FOR THE MARKET BY THE MANUFACTURER AT THE
PLACE OF MANUFACTURE. THE RETAIL DISPENSER MAY THEREAFTER BREAK
THE BULK UPON THE LICENSED PREMISES AND SELL OR DISPENSE THE
SAME FOR CONSUMPTION ON OR OFF THE PREMISES SO LICENSED:
PROVIDED, HOWEVER, THAT NO RETAIL DISPENSER MAY SELL MALT OR
BREWED BEVERAGES FOR CONSUMPTION OFF THE PREMISES IN QUANTITIES
IN EXCESS OF ONE HUNDRED NINETY-TWO FLUID OUNCES: PROVIDED,
FURTHER, THAT NO CLUB LICENSEE MAY SELL ANY MALT OR BREWED
BEVERAGES FOR CONSUMPTION OFF THE PREMISES WHERE SOLD OR TO
PERSONS NOT MEMBERS OF THE CLUB.

(2) NOTWITHSTANDING PARAGRAPH (1), AFTER OCTOBER 31, 2005, A
RETAIL DISPENSER LICENSEE, LOCATED IN A CITY OF THE FIRST CLASS
WHO IS OTHERWISE PERMITTED TO SELL MALT OR BREWED BEVERAGES FOR
CONSUMPTION OFF THE PREMISES MAY NOT DO SO UNLESS IT ACQUIRES A
PERMIT FROM THE BOARD.

(3) THE APPLICATION FOR A PERMIT TO SELL MALT OR BREWED
BEVERAGES FOR CONSUMPTION OFF THE PREMISES SHALL BE ON FORMS
DESIGNATED BY THE BOARD AND CONTAIN SUCH INFORMATION AS THE
BOARD MAY REQUIRE. THE APPLICATION AND RENEWAL FEE SHALL BE AS
PRESCRIBED IN SECTION 614-A(28) OF THE ACT OF APRIL 9, 1929
(P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929."

(4) THE APPLICATION FOR A PERMIT TO SELL MALT OR BREWED
BEVERAGES FOR CONSUMPTION OFF THE PREMISES MUST BE ACCOMPANIED
BY A COPY OF THE APPROVAL OF SUCH REQUEST BY THE GOVERNING BODY
OF THE CITY OF THE FIRST CLASS IN WHICH THE LICENSED PREMISES IS
LOCATED.

(5) THE GOVERNING BODY OF A CITY OF THE FIRST CLASS MUST

1 RENDER A DECISION BY ORDINANCE OR RESOLUTION WITHIN FORTY-FIVE
2 DAYS OF RECEIPT OF A REQUEST FOR APPROVAL OF A PERMIT TO SELL
3 MALT OR BREWED BEVERAGES FOR CONSUMPTION OFF THE PREMISES. THE
4 GOVERNING BODY MUST APPROVE THE REQUEST UNLESS IT FINDS THAT
5 DOING SO WOULD ADVERSELY AFFECT THE WELFARE, HEALTH, PEACE AND
6 MORALS OF THE CITY OR ITS RESIDENTS. A DECISION BY THE CITY TO
7 DENY A REQUEST MAY BE APPEALED TO THE COURT OF COMMON PLEAS IN
8 THE COUNTY IN WHICH THE CITY IS LOCATED. THE FAILURE TO RENDER A <—
9 DECISION BY THE GOVERNING BODY OF A CITY OF THE FIRST CLASS
10 WITHIN THE FORTY-FIVE-DAY PERIOD SHALL BE DEEMED APPROVAL OF THE
11 PERMIT.

12 (6) UPON BEING SATISFIED THAT THE APPLICANT HAS FULFILLED
13 ALL THE REQUIREMENTS OF THIS ACT AND THE BOARD'S REGULATIONS,
14 THE BOARD SHALL APPROVE THE APPLICATION.

15 * * *

16 ~~SECTION 3-5~~ 7. SECTION 471(B) OF THE ACT, AMENDED FEBRUARY <—
17 21, 2002 (P.L.103, NO.10), IS AMENDED TO READ:

18 SECTION 471. REVOCATION AND SUSPENSION OF LICENSES; FINES.--

19 * * *

20 (B) HEARING ON SUCH CITATIONS SHALL BE HELD IN THE SAME
21 MANNER AS PROVIDED HEREIN FOR HEARINGS ON APPLICATIONS FOR
22 LICENSE. UPON SUCH HEARING, IF SATISFIED THAT ANY SUCH VIOLATION
23 HAS OCCURRED OR FOR OTHER SUFFICIENT CAUSE, THE ADMINISTRATIVE
24 LAW JUDGE SHALL IMMEDIATELY SUSPEND OR REVOKE THE LICENSE, OR
25 IMPOSE A FINE OF NOT LESS THAN FIFTY DOLLARS (\$50) NOR MORE THAN
26 ONE THOUSAND DOLLARS (\$1,000), OR BOTH, NOTIFYING THE LICENSEE
27 BY REGISTERED LETTER ADDRESSED TO HIS LICENSED PREMISES. IF THE
28 LICENSEE HAS BEEN CITED AND FOUND TO HAVE VIOLATED SECTION
29 493(1) INSOFAR AS IT RELATES TO SALES TO MINORS OR SALES TO A
30 VISIBLY INTOXICATED PERSON, SECTION 493(10) INSOFAR AS IT

1 RELATES TO LEWD, IMMORAL OR IMPROPER ENTERTAINMENT OR SECTION
2 493(14), (16) OR (21), OR HAS BEEN FOUND TO BE A PUBLIC NUISANCE
3 PURSUANT TO SECTION 611, OR IF THE OWNER OR OPERATOR OF THE
4 LICENSED PREMISES OR ANY AUTHORIZED AGENT OF THE OWNER OR
5 OPERATOR HAS BEEN CONVICTED OF ANY VIOLATION OF THE ACT OF APRIL
6 14, 1972 (P.L.233, NO.64), KNOWN AS "THE CONTROLLED SUBSTANCE,
7 DRUG, DEVICE AND COSMETIC ACT," OR OF 18 PA.C.S. § 5902
8 (RELATING TO PROSTITUTION AND RELATED OFFENSES) OR 6301
9 (RELATING TO CORRUPTION OF MINORS), AT OR RELATING TO THE
10 LICENSED PREMISES, THE ADMINISTRATIVE LAW JUDGE SHALL
11 IMMEDIATELY SUSPEND OR REVOKE THE LICENSE, OR IMPOSE A FINE OF
12 NOT LESS THAN ONE THOUSAND DOLLARS (\$1,000) NOR MORE THAN FIVE
13 THOUSAND DOLLARS (\$5,000), OR BOTH. HOWEVER, IF A LICENSEE HAS
14 BEEN CITED AND FOUND TO HAVE VIOLATED SECTION 493(1) AS IT
15 RELATES TO SALES TO MINORS OR SALES TO A VISIBLY INTOXICATED
16 PERSON BUT AT THE TIME OF THE SALE THE LICENSEE WAS IN
17 COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN SECTION 471.1 AND
18 THE LICENSEE HAD NOT SOLD TO MINORS OR VISIBLY INTOXICATED
19 PERSONS IN THE PREVIOUS FOUR YEARS, THEN THE ADMINISTRATIVE LAW
20 JUDGE SHALL IMMEDIATELY SUSPEND OR REVOKE THE LICENSE, OR IMPOSE
21 A FINE OF NOT LESS THAN FIFTY DOLLARS (\$50) NOR MORE THAN ONE
22 THOUSAND DOLLARS (\$1,000), OR BOTH. THE ADMINISTRATIVE LAW JUDGE
23 SHALL NOTIFY THE LICENSEE BY REGISTERED MAIL, ADDRESSED TO THE
24 LICENSED PREMISES, OF SUCH SUSPENSION, REVOCATION OR FINE. IN
25 THE EVENT THE FINE IS NOT PAID WITHIN TWENTY DAYS OF THE
26 ADJUDICATION, THE ADMINISTRATIVE LAW JUDGE SHALL SUSPEND OR
27 REVOKE THE LICENSE, NOTIFYING THE LICENSEE BY REGISTERED MAIL
28 ADDRESSED TO THE LICENSED PREMISES. SUSPENSIONS AND REVOCATIONS
29 SHALL NOT GO INTO EFFECT UNTIL THIRTY DAYS HAVE ELAPSED FROM THE
30 DATE OF THE ADJUDICATION DURING WHICH TIME THE LICENSEE MAY TAKE

1 AN APPEAL AS PROVIDED FOR IN THIS ACT, EXCEPT THAT REVOCATIONS
2 MANDATED IN SECTION 481(C) SHALL GO INTO EFFECT IMMEDIATELY. ANY
3 LICENSEE WHOSE LICENSE IS REVOKED SHALL BE INELIGIBLE TO HAVE A
4 LICENSE UNDER THIS ACT UNTIL THE EXPIRATION OF THREE YEARS FROM
5 THE DATE SUCH LICENSE WAS REVOKED. IN THE EVENT A LICENSE IS
6 REVOKED, NO LICENSE SHALL BE GRANTED FOR THE PREMISES OR
7 TRANSFERRED TO THE PREMISES IN WHICH THE SAID LICENSE WAS
8 CONDUCTED FOR A PERIOD OF AT LEAST ONE YEAR AFTER THE DATE OF
9 THE REVOCATION OF THE LICENSE CONDUCTED IN THE SAID PREMISES,
10 EXCEPT IN CASES WHERE THE LICENSEE OR A MEMBER OF HIS IMMEDIATE
11 FAMILY IS NOT THE OWNER OF THE PREMISES, IN WHICH CASE THE BOARD
12 MAY, IN ITS DISCRETION, ISSUE OR TRANSFER A LICENSE WITHIN THE
13 SAID YEAR. IN THE EVENT THE BUREAU OR THE PERSON WHO WAS FINED
14 OR WHOSE LICENSE WAS SUSPENDED OR REVOKED SHALL FEEL AGGRIEVED
15 BY THE ADJUDICATION OF THE ADMINISTRATIVE LAW JUDGE, THERE SHALL
16 BE A RIGHT TO APPEAL TO THE BOARD. THE APPEAL SHALL BE BASED
17 SOLELY ON THE RECORD BEFORE THE ADMINISTRATIVE LAW JUDGE. THE
18 BOARD SHALL ONLY REVERSE THE DECISION OF THE ADMINISTRATIVE LAW
19 JUDGE IF THE ADMINISTRATIVE LAW JUDGE COMMITTED AN ERROR OF LAW,
20 ABUSED ITS DISCRETION OR IF ITS DECISION IS NOT BASED ON
21 SUBSTANTIAL EVIDENCE. IN THE EVENT THE BUREAU OR THE PERSON WHO
22 WAS FINED OR WHOSE LICENSE WAS SUSPENDED OR REVOKED SHALL FEEL
23 AGGRIEVED BY THE DECISION OF THE BOARD, THERE SHALL BE A RIGHT
24 TO APPEAL TO THE COURT OF COMMON PLEAS IN THE SAME MANNER AS
25 HEREIN PROVIDED FOR APPEALS FROM REFUSALS TO GRANT LICENSES.
26 EACH OF THE APPEALS SHALL ACT AS A SUPERSEDEAS UNLESS, UPON
27 SUFFICIENT CAUSE SHOWN, THE REVIEWING AUTHORITY SHALL DETERMINE
28 OTHERWISE; HOWEVER, IF THE LICENSEE HAS BEEN CITED AND FOUND TO
29 HAVE VIOLATED SECTION 493(1) INsofar AS IT RELATES TO SALES TO
30 MINORS OR SALES TO A VISIBLY INTOXICATED PERSON, SECTION 493(10)

1 INsofar AS IT RELATES TO LEWD, IMMORAL OR IMPROPER ENTERTAINMENT
2 OR SECTION 493(14), (16) OR (21), OR HAS BEEN FOUND TO BE A
3 PUBLIC NUISANCE PURSUANT TO SECTION 611, OR IF THE OWNER OR
4 OPERATOR OF THE LICENSED PREMISES OR ANY AUTHORIZED AGENT OF THE
5 OWNER OR OPERATOR HAS BEEN CONVICTED OF ANY VIOLATION OF "THE
6 CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT," OR OF 18
7 PA.C.S. § 5902 OR 6301, AT OR RELATING TO THE LICENSED PREMISES,
8 OR IF THE LICENSE HAS BEEN REVOKED UNDER SECTION 481(C), ITS
9 APPEAL SHALL NOT ACT AS A SUPERSEDEAS UNLESS THE REVIEWING
10 AUTHORITY DETERMINES OTHERWISE UPON SUFFICIENT CAUSE SHOWN. IN
11 ANY HEARING ON AN APPLICATION FOR A SUPERSEDEAS UNDER THIS
12 SECTION, THE REVIEWING AUTHORITY MAY CONSIDER, IN ADDITION TO
13 OTHER RELEVANT EVIDENCE, DOCUMENTARY EVIDENCE, INCLUDING RECORDS
14 OF THE BUREAU, SHOWING THE PRIOR HISTORY OF CITATIONS, FINES,
15 SUSPENSIONS OR REVOCATIONS AGAINST THE LICENSEE; AND THE
16 REVIEWING AUTHORITY MAY ALSO CONSIDER, IN ADDITION TO OTHER
17 RELEVANT EVIDENCE, EVIDENCE OF ANY RECURRENCE OF THE UNLAWFUL
18 ACTIVITY OCCURRING BETWEEN THE DATE OF THE CITATION WHICH IS THE
19 SUBJECT OF THE APPEAL AND THE DATE OF THE HEARING. IF THE
20 REVIEWING AUTHORITY IS THE BOARD, NO HEARING SHALL BE HELD ON
21 THE APPLICATION FOR A SUPERSEDEAS; HOWEVER A DECISION SHALL BE
22 MADE BASED ON THE APPLICATION, ANSWER AND DOCUMENTARY EVIDENCE
23 UNDER THIS SUBSECTION. IF THE APPLICATION FOR A SUPERSEDEAS IS
24 FOR A LICENSE THAT HAS BEEN REVOKED UNDER SECTION 481(C), THE
25 REVIEWING AUTHORITY SHALL GRANT THE SUPERSEDEAS ONLY IF IT FINDS
26 THAT THE LICENSEE WILL LIKELY PREVAIL ON THE MERITS. NO PENALTY
27 PROVIDED BY THIS SECTION SHALL BE IMPOSED FOR ANY VIOLATIONS
28 PROVIDED FOR IN THIS ACT UNLESS THE BUREAU NOTIFIES THE LICENSEE
29 OF ITS NATURE WITHIN THIRTY DAYS OF THE COMPLETION OF THE
30 INVESTIGATION.

1 * * *

2 SECTION ~~4-6~~ 8. SECTION 478 OF THE ACT, ADDED OCTOBER 5, 1994 <—
3 (P.L.522, NO.77), AND REPEALED IN PART DECEMBER 9, 2002
4 (P.L.1653, NO.212), IS AMENDED TO READ:

5 SECTION 478. RENEWAL OF AMUSEMENT PERMIT; RENEWAL OF PERMIT
6 FOR SALES FOR OFF-PREMISES CONSUMPTION IN CITIES OF THE FIRST
7 CLASS.--(A) UPON THE ANNUAL REVIEW OF THE OPERATING HISTORY OF
8 A LICENSEE PRIOR TO THE VALIDATION PERIOD OR THE PERIODIC
9 RENEWAL OF THE LICENSE, THE DIRECTOR OF THE BUREAU OF LICENSING
10 SHALL HAVE THE AUTHORITY TO STATE OBJECTION TO THE RENEWAL OF
11 THE AMUSEMENT PERMIT AS REQUIRED BY SECTION 493(10). SUCH
12 OBJECTION SHALL BE BASED UPON THE OPERATING HISTORY, AND NOTICE
13 SHALL BE PROVIDED TO THE LICENSEE IN WRITING, BY CERTIFIED MAIL,
14 AT THE ADDRESS LISTED ON THE LICENSE. UPON THE COMPLETION OF ANY
15 HEARING CONDUCTED CONCERNING THE RENEWAL OF THE AMUSEMENT PERMIT
16 PURSUANT TO SECTION 464, THE BOARD MAY, IN ITS [OPINION]
17 DISCRETION, REFUSE TO RENEW THE AMUSEMENT PERMIT.

18 (B) IN CASES WHERE THE BOARD REFUSES TO RENEW THE AMUSEMENT
19 PERMIT OF ANY LICENSEE, THE LICENSEE OR THE APPLICANT OR MANAGER
20 OR PERSON WITH A MAJORITY OR CONTROLLING INTEREST OF EITHER IN
21 THE OPERATION OF THIS OR ANY OTHER LICENSE MAY NOT AGAIN BE
22 ELIGIBLE TO RECEIVE A NEW PERMIT FROM THE BOARD UNTIL THE
23 EXPIRATION OF A PERIOD OF UP TO TWO YEARS FROM THE FINAL
24 ADJUDICATION [ON SUCH MATTER BASED UPON BOARD OPINION].

25 (C) UPON THE ANNUAL REVIEW OF THE OPERATING HISTORY OF A
26 LICENSEE PRIOR TO THE VALIDATION PERIOD OR THE PERIODIC RENEWAL
27 OF THE LICENSE, THE DIRECTOR OF THE BUREAU OF LICENSING SHALL
28 HAVE THE AUTHORITY TO STATE OBJECTION TO THE RENEWAL OF THE
29 PERMIT FOR SALE OF MALT OR BREWED BEVERAGES REQUIRED UNDER
30 SECTION 407 OR 442. ANY OBJECTION SHALL BE BASED UPON THE

1 OPERATING HISTORY, AND NOTICE SHALL BE PROVIDED TO THE LICENSEE
2 IN WRITING, BY CERTIFIED MAIL, AT THE ADDRESS LISTED ON THE
3 LICENSE. UPON THE COMPLETION OF ANY HEARING CONDUCTED CONCERNING
4 THE RENEWAL OF THE PERMIT PURSUANT TO SECTION 464, THE BOARD
5 MAY, IN ITS DISCRETION, REFUSE TO RENEW THE PERMIT.

6 (D) IN CASES WHERE THE BOARD REFUSES TO RENEW THE PERMIT FOR
7 SALE OF MALT OR BREWED BEVERAGES REQUIRED UNDER SECTION 407 OR
8 442 OF ANY LICENSEE, THE LICENSEE OR THE APPLICANT OR MANAGER OR
9 PERSON WITH A MAJORITY OR CONTROLLING INTEREST, OF EITHER IN THE
10 OPERATION OF THIS OR ANY OTHER LICENSE, MAY NOT AGAIN BE
11 ELIGIBLE TO RECEIVE A NEW PERMIT FROM THE BOARD UNTIL THE
12 EXPIRATION OF A PERIOD OF UP TO TWO YEARS FROM THE FINAL
13 ADJUDICATION.

14 SECTION ~~5-7~~ 9. SECTIONS 479 AND 481 OF THE ACT, ADDED <—
15 DECEMBER 8, 2004 (P.L.1810, NO.239), ARE AMENDED TO READ:

16 SECTION 479. POINT SYSTEM FOR CERTAIN LICENSEES.--(A) (1)
17 A NUMERICAL SYSTEM FOR LIQUOR LICENSE CONTROL IS HEREBY
18 ESTABLISHED FOR USE IN CITIES OF THE FIRST CLASS. THE SYSTEM
19 SHALL BE UTILIZED IN CONJUNCTION WITH OTHER PROVISIONS OF THIS
20 ACT FOR LICENSE TRANSFER, RENEWAL, SUSPENSION OR REVOCATION.

21 (2) [EVERY LIQUOR AND MALT BEVERAGES] EVERY RESTAURANT AND
22 EATING PLACE LICENSEE IN CITIES OF THE FIRST CLASS WHO HAS BEEN
23 CITED FOR A VIOLATION UNDER SECTION 471 SHALL HAVE POINTS
24 ASSESSED TO HIS LICENSE RECORD AS OF THE DATE OF THE FINAL
25 ADJUDICATION. PUBLIC VENUE AND PERFORMING ARTS FACILITY LICENSE
26 HOLDERS ARE NOT SUBJECT TO THE POINT ASSESSMENT.

27 (B) THE FOLLOWING SHALL BE CONSIDERED ENHANCED PENALTY
28 VIOLATIONS AND THE ADMINISTRATIVE LAW JUDGE SHALL ASSIGN FIVE TO
29 TEN POINTS DEPENDING UPON THE CIRCUMSTANCES SURROUNDING THE
30 VIOLATIONS TO A LICENSE RECORD FOR EACH AND EVERY ENHANCED

1 PENALTY VIOLATION [EVEN WHEN ARISING FROM THE SAME CORE OF
2 OPERATIVE FACTS:], AND FOR CITATIONS WITH MORE THAN ONE COUNT,
3 FOR EACH AND EVERY COUNT OF THE CITATION THAT INVOLVES AN
4 ENHANCED PENALTY VIOLATION:

5 (1) A VIOLATION OF SECTION 493(1) AS RELATES TO SALES TO
6 MINORS AND VISIBLY INTOXICATED INDIVIDUALS;

7 (2) A VIOLATION OF SECTION 493(10) AS RELATES TO LEWD,
8 IMMORAL OR IMPROPER ENTERTAINMENT;

9 (3) A VIOLATION OF SECTION 493(14) AS RELATES TO PERMITTING
10 UNDESIRABLE PERSONS OR MINORS TO FREQUENT PREMISES;

11 (4) A VIOLATION OF SECTION 493(16) AS RELATES TO FURNISHING
12 LIQUOR AT UNLAWFUL HOURS;

13 (5) A VIOLATION OF SECTION 493(21) AS RELATES TO REFUSING
14 INSPECTION;

15 (6) A VIOLATION OF SECTION 611 AS RELATES TO PUBLIC
16 NUISANCES;

17 (7) ANY VIOLATION OF [THE ACT OF APRIL 14, 1972 (P.L.233,
18 NO.64), KNOWN AS "THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND
19 COSMETIC ACT," PERMITTED BY THE OWNER, EMPLOYEES OR OPERATOR OF
20 THE LICENSED PREMISES OR AN AGENT THEREOF IF THE VIOLATION
21 OCCURS AT THE LICENSED PREMISES;] SECTION 493(31) AS RELATES TO
22 SALE OR PURCHASE OF A CONTROLLED SUBSTANCE OR DRUG
23 PARAPHERNALIA;

24 (8) A VIOLATION OF 18 PA.C.S. § 5902 (RELATING TO
25 PROSTITUTION AND RELATED OFFENSES) COMMITTED BY THE OWNER OR
26 OPERATOR OF THE LICENSED PREMISES OR AN AGENT THEREOF IF THE
27 VIOLATION OCCURS AT THE LICENSED PREMISES;

28 (9) A VIOLATION OF 18 PA.C.S. § 6301 (RELATING TO CORRUPTION
29 OF MINORS) COMMITTED BY THE OWNER OR OPERATOR OF THE LICENSED
30 PREMISES OR AN AGENT THEREOF IF THE VIOLATION OCCURS AT THE

1 LICENSED PREMISES; OR

2 (10) A VIOLATION OF 18 PA.C.S. (RELATING TO CRIMES AND
3 OFFENSES) IF THE VIOLATION IS GRADED AS A FELONY.

4 (C) (1) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (D), THE
5 BOARD SHALL, BY REGULATION, ASSIGN POINTS RANGING ON A SCALE OF
6 ONE TO FIVE FOR VIOLATIONS SET FORTH IN THIS ACT AND ITS
7 REGULATIONS.

8 ~~(2) THE ADMINISTRATIVE LAW JUDGE SHALL ASSESS ONE TO THREE~~ <—
9 ~~POINTS FOR ANY VIOLATION THAT HAS NOT OTHERWISE BEEN ASSIGNED~~
10 ~~POINTS IN THIS SECTION.~~

11 ~~(3)~~ (2) IF A LICENSEE [OR HIS AGENT] IS FOUND TO HAVE <—
12 VIOLATED TWO OR MORE NONENHANCED VIOLATIONS [UNDER THIS ACT
13 ARISING FROM THE SAME CORE OF OPERATIVE FACTS, POINTS SHALL BE
14 ASSIGNED ONLY FOR THE VIOLATION FOR WHICH THE GREATEST NUMBER OF
15 POINTS MAY BE ASSESSED.] IN A SINGLE CITATION, AND THE LICENSEE
16 WAS NOT FOUND TO HAVE VIOLATED ANY ENHANCED VIOLATIONS IN THAT
17 SAME CITATION, THEN THE LICENSEE SHALL ONLY BE ASSIGNED POINTS
18 FOR THE VIOLATION FOR WHICH THE GREATEST NUMBER OF POINTS MAY BE
19 ASSIGNED.

20 ~~(4)~~ (3) IF A LICENSEE IS FOUND TO HAVE VIOLATED TWO OR MORE <—
21 VIOLATIONS OF WHICH ARE INCLUDED BOTH ENHANCED AND NONENHANCED
22 VIOLATIONS IN A SINGLE CITATION, THEN THE LICENSEE SHALL ONLY BE
23 ASSIGNED POINTS FOR THE ENHANCED VIOLATIONS.

24 (D) TWO POINTS SHALL BE ASSESSED FOR THE FOLLOWING
25 VIOLATIONS:

26 (1) SECTION 467 AS RELATES TO FAILURE TO DISPLAY LICENSE
27 UNDER TRANSPARENT MATERIAL;

28 (2) SECTION 491(5) AS RELATES TO FAILURE TO PROPERLY DISPOSE
29 OF EMPTY LIQUOR CONTAINERS;

30 (3) SECTION 493(6) AS RELATES TO BRAND OR TRADE NAME ON

1 SPIGOT;

2 (4) SECTION 493(12) AS RELATES TO FAILURE TO HAVE RECORDS ON

3 PREMISES;

4 (5) SECTION 493(20) AS RELATES TO UNLAWFUL ADVERTISING;

5 (6) 40 PA. CODE § 3.51 (RELATING TO LIQUOR) AS RELATES TO

6 INSIDE PASSAGES AND CONNECTIONS TO RESIDENCE;

7 (7) 40 PA. CODE § 5.42 (RELATING TO LIGHTING) AS RELATES TO

8 ADEQUATE LIGHTING;

9 (8) 40 PA. CODE §§ 5.51(A) (RELATING TO CLEANING OF COILS,

10 TAP RODS AND CONNECTIONS) AND 5.52 (RELATING TO CERTIFICATE OR

11 RECORD REQUIRED) AS RELATES TO CLEANING OF COILS AND MAINTENANCE

12 OF RECORDS ON THE CLEANING OF COILS; OR

13 (9) A VIOLATION OF ANY REQUIREMENT OF THE BOARD OR THE CITY

14 TO OBTAIN OR MAINTAIN THE LICENSE ISSUED BY THE BOARD.]; OR

15 (10) A VIOLATION OF SECTION 13(32) OR (33) OF THE ACT OF

16 APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS "THE CONTROLLED

17 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT," BY ANY PERSON IN A

18 LICENSED PREMISES.]

19 (E) WHENEVER POINTS ARE ASSIGNED TO A LICENSE RECORD, THE

20 ADMINISTRATIVE LAW JUDGE SHALL SEND TO THAT LICENSEE A NOTICE

21 REGARDING THE POINTS ASSIGNED AND EMPHASIZING THE NATURE AND

22 EFFECTS OF THE POINT SYSTEM. FAILURE TO RECEIVE SUCH LETTER

23 SHALL NOT PREVENT THE ASSIGNMENT OF POINTS OR THE SUBSEQUENT

24 REVOCATION OF LICENSE PRIVILEGES UNDER THIS SECTION.

25 (F) AS USED IN THIS SECTION, "FINAL ADJUDICATION" SHALL MEAN

26 WHEN THE ADMINISTRATIVE LAW JUDGE HAS RENDERED A DECISION ON THE

27 CITATION NOTWITHSTANDING ANY APPEALS OF THAT DECISION.

28 (G) THE ESTABLISHMENT OF A POINT SYSTEM DOES NOT IN ANY WAY

29 LIMIT THE RIGHT OF AN ADMINISTRATIVE LAW JUDGE TO REVOKE A

30 LICENSE UNDER SECTION 471, NOR DOES IT LIMIT THE BOARD'S RIGHTS

1 TO NOT RENEW A LICENSE OR AMUSEMENT PERMIT UNDER SECTIONS 470
2 AND 478.

3 SECTION 481. SCHOOL, MANDATORY SAFEKEEPING OR REVOCATION OF
4 LICENSE PRIVILEGE ON ACCUMULATION OF POINTS.--(A) EXCEPT AS
5 PROVIDED FOR IN SUBSECTION (C), WHEN ANY LICENSE ACCUMULATES TEN
6 POINTS OR MORE, THE ADMINISTRATIVE LAW JUDGE SHALL REQUIRE THE
7 LICENSE HOLDER TO BECOME COMPLIANT WITH AND REMAIN COMPLIANT
8 WITH THE RESPONSIBLE ALCOHOL MANAGEMENT PROVISIONS OF SECTION
9 471.1. FAILURE TO COMPLY WITH SUCH AN ORDER WITHIN NINETY DAYS,
10 SHALL RESULT IN TWO ADDITIONAL POINTS BEING ASSESSED AGAINST THE
11 LICENSE RECORD.

12 (B) WHEN ANY LICENSE ACCUMULATES FIFTEEN POINTS OR MORE, THE
13 ADMINISTRATIVE LAW JUDGE SHALL PLACE THE LICENSE IN SAFEKEEPING.
14 THE LICENSE CAN ONLY BE REMOVED FROM SAFEKEEPING UPON APPROVAL
15 BY THE BOARD OF A TRANSFER TO A DISINTERESTED THIRD PARTY IN AN
16 ARM'S-LENGTH TRANSACTION. A LICENSE TRANSFERRED UNDER THIS
17 SUBSECTION SHALL HAVE THE POINTS ASSIGNED TO IT REDUCED TO TEN
18 UPON COMPLETION OF THE TRANSFER. IF WITHIN NINETY DAYS OF THE
19 TRANSFER THE NEW OWNER VOLUNTARILY BECOMES COMPLIANT WITH AND
20 REMAINS COMPLIANT WITH THE RESPONSIBLE ALCOHOL MANAGEMENT
21 PROVISIONS OF SECTION 471.1, TWO ADDITIONAL POINTS SHALL BE
22 REMOVED FROM THE LICENSE RECORD.

23 (C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, WHEN
24 ANY LICENSE ACCUMULATES [TWO ENHANCED PENALTY VIOLATIONS UNDER
25 SECTION 479(B) WITHIN A TWO-YEAR PERIOD OR ACCUMULATES TWO OR
26 MORE POINTS WITHIN TWO YEARS AFTER AN INITIAL ACCUMULATION OF
27 TEN POINTS] TWENTY POINTS OR MORE IN MORE THAN ONE CITATION, THE
28 ADMINISTRATIVE LAW JUDGE SHALL REVOKE THE LICENSE. [AND THE
29 LICENSE MAY BE IMMEDIATELY CONFISCATED BY THE BOARD,
30 PENNSYLVANIA STATE POLICE OR LOCAL LAW ENFORCEMENT. THIS SHALL

1 BE FOLLOWED BY A HEARING BEFORE THE ADMINISTRATIVE LAW JUDGE
2 WITHIN FIFTEEN DAYS FOLLOWING SEIZURE.

3 (D) AN APPEAL OF AN ORDER ISSUED UNDER THIS SECTION SHALL
4 NOT ACT AS AN AUTOMATIC STAY OF THE ORDER. THE LICENSEE HAS THE
5 RIGHT TO SEEK A SUPERSEDEAS UNDER THE PENNSYLVANIA RULES OF
6 PROCEDURE. THE APPLICATION FOR THE APPELLATE SUPERSEDEAS WOULD
7 BE SUBMITTED TO THE REVIEWING AUTHORITY AND WOULD HAVE TO
8 DEMONSTRATE HOW THE ADMINISTRATIVE LAW JUDGE ABUSED HIS
9 AUTHORITY, COMMITTED AN ERROR OF LAW, OR FAILED TO BASE HIS
10 FINDINGS OF FACT UPON SUBSTANTIAL EVIDENCE.]

11 SECTION ~~6-8~~ 10. SECTION 492(4) OF THE ACT, AMENDED DECEMBER <—
12 20, 1996 (P.L.1513, NO.196), IS AMENDED TO READ:

13 SECTION 492. UNLAWFUL ACTS RELATIVE TO MALT OR BREWED
14 BEVERAGES AND LICENSEES.--

15 IT SHALL BE UNLAWFUL--

16 * * *

17 (4) ACTIVITIES OF MANUFACTURERS, IMPORTING DISTRIBUTORS OR
18 DISTRIBUTORS ON SUNDAY. FOR ANY MANUFACTURER OF MALT OR BREWED
19 BEVERAGES, IMPORTING DISTRIBUTOR OR DISTRIBUTOR, OR THE
20 SERVANTS, AGENTS OR EMPLOYES OF THE SAME, TO SELL MALT OR BREWED
21 BEVERAGES BETWEEN THE HOURS OF [TWELVE O'CLOCK MIDNIGHT] ELEVEN
22 O'CLOCK POSTMERIDIAN OF ANY SATURDAY AND [TWO O'CLOCK] EIGHT
23 O'CLOCK IN THE FORENOON OF THE FOLLOWING MONDAY[.], EXCEPT THAT
24 A DISTRIBUTOR OR IMPORTING DISTRIBUTOR MAY SELL MALT OR BREWED
25 BEVERAGES ON SUNDAY BETWEEN THE HOURS OF TWELVE O'CLOCK NOON AND
26 FIVE O'CLOCK POSTMERIDIAN. UPON PURCHASE OF A PERMIT FROM THE
27 BOARD AT AN ANNUAL FEE OF ONE HUNDRED DOLLARS (\$100),
28 MANUFACTURERS, IMPORTING DISTRIBUTORS AND DISTRIBUTORS, OR THE
29 SERVANTS, AGENTS OR EMPLOYES OF THE SAME, MAY SELL MALT OR
30 BREWED BEVERAGES TO ANYONE NOT LICENSED UNDER THIS ACT OR TO A

HOLDER OF A SPECIAL OCCASION PERMIT ON SUNDAY BETWEEN THE HOURS
OF NOON AND FIVE O'CLOCK POSTMERIDIAN. NOTWITHSTANDING ANY OTHER
PROVISION OF THIS SECTION, DELIVERY OR RECEIVING OF MALT OR
BREWED BEVERAGES SHALL BE PERMISSIBLE ON SUNDAY AFTER PRIOR
ARRANGEMENT AS FOLLOWS:

(I) A MANUFACTURER MAY DELIVER TO ANY IMPORTING DISTRIBUTOR
OR DISTRIBUTOR TO WHICH THE MANUFACTURER HAS GRANTED WHOLESALE
DISTRIBUTION RIGHTS FOR THE MANUFACTURER'S PRODUCT.

(II) AN IMPORTING DISTRIBUTOR OR DISTRIBUTOR MAY DELIVER TO
ANY ORGANIZATION TO WHICH A SPECIAL OCCASION PERMIT HAS BEEN
ISSUED BETWEEN THE HOURS OF NINE O'CLOCK ANTEMERIDIAN AND [FIVE
O'CLOCK POSTMERIDIAN] TWELVE O'CLOCK NOON.

(III) AN IMPORTING DISTRIBUTOR OR DISTRIBUTOR MAY DELIVER TO
ANYONE NOT LICENSED UNDER THIS ACT BETWEEN THE HOURS OF NINE
O'CLOCK ANTEMERIDIAN AND [FIVE O'CLOCK POSTMERIDIAN] TWELVE
O'CLOCK NOON.

THE TERM "PRIOR ARRANGEMENT" SHALL MEAN THAT MALT OR BREWED
BEVERAGES HAVING A TOTAL SALE PRICE, EXCLUDING ANY DEPOSITS OR
CREDITS, EXCEEDING TWO HUNDRED FIFTY DOLLARS (\$250) HAVE BEEN
ORDERED, INVOICED AND PAID FOR IN FULL AT THE SELLER'S LICENSED
PREMISES BEFORE THE SUNDAY OF DELIVERY.

* * *

SECTION ~~7-9~~ 11. THE ACT IS AMENDED BY ADDING A SECTION TO
READ:

~~SECTION 492.1. HOURS OF OPERATION RELATIVE TO MANUFACTURERS,~~
~~IMPORTING DISTRIBUTORS AND DISTRIBUTORS. MANUFACTURERS,~~
~~IMPORTING DISTRIBUTORS AND DISTRIBUTORS MAY SELL MALT OR BREWED~~
~~BEVERAGES BETWEEN TWO O'CLOCK ANTEMERIDIAN OF ANY MONDAY AND~~
~~TWELVE O'CLOCK MIDNIGHT OF THE FOLLOWING SATURDAY TO HOLDERS OF~~
~~LIQUOR OR MALT AND BREWED BEVERAGE LICENSES ISSUED BY THE BOARD;~~

~~AND BETWEEN EIGHT O'CLOCK ANTEMERIDIAN AND ELEVEN O'CLOCK
POSTMERIDIAN OF ANY DAY, EXCEPT SUNDAY, TO PERSONS NOT LICENSED
BY THIS ACT.~~

SECTION 492.1. HOURS OF OPERATION RELATIVE TO MANUFACTURERS,
IMPORTING DISTRIBUTORS AND DISTRIBUTORS.--MANUFACTURERS MAY SELL
MALT OR BREWED BEVERAGES BETWEEN TWO O'CLOCK ANTEMERIDIAN OF ANY
MONDAY AND TWELVE O'CLOCK MIDNIGHT OF THE FOLLOWING SATURDAY.
NOTWITHSTANDING THIS SECTION, MANUFACTURERS OPERATING A BREWERY
PUB UNDER SECTION 446 SHALL BE SUBJECT TO THE HOURS OF OPERATION
SET FORTH BY THE BOARD THROUGH REGULATION. IMPORTING
DISTRIBUTORS AND DISTRIBUTORS MAY SELL MALT OR BREWED BEVERAGES
BETWEEN TWO O'CLOCK ANTEMERIDIAN OF ANY MONDAY AND TWELVE
O'CLOCK MIDNIGHT OF THE FOLLOWING SATURDAY, TO HOLDERS OF A
LIQUOR OR MALT AND BREWED BEVERAGE LICENSE OR PERMIT ISSUED BY
THE BOARD. IMPORTING DISTRIBUTORS AND DISTRIBUTORS MAY SELL MALT
OR BREWED BEVERAGES BETWEEN EIGHT O'CLOCK ANTEMERIDIAN AND
ELEVEN O'CLOCK POSTMERIDIAN OF ANY DAY, EXCEPT SUNDAY, TO
PERSONS NOT LICENSED OR PERMITTED BY THIS ACT.

SECTION ~~8-10~~ 12. SECTION 493(2) OF THE ACT, AMENDED DECEMBER
8, 2004 (P.L.1810, NO.239), IS AMENDED AND THE SECTION IS
AMENDED BY ADDING A CLAUSE TO READ:

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

It shall be unlawful--

* * *

(2) Purchase or Sale of Liquor or Malt or Brewed Beverages
on Credit; Importing Distributors or Distributors Accepting Cash

1 ~~in Counties of First Class, Second Class and Second Class A.~~ For <—
2 any licensee, his agent, servant or employe, to sell or offer to
3 sell or purchase or receive any liquor or malt or brewed
4 beverages except for cash, excepting credit extended by a hotel
5 or club to a bona fide guest or member, or by railroad or
6 pullman companies in dining, club or buffet cars to passengers,
7 for consumption while enroute, holding authorized credit cards
8 issued by railroad or railroad credit bureaus or by hotel,
9 restaurant, retail dispenser eating place, club and public
10 service licensees, importing distributors or distributors to
11 customers not possessing a license under this article and
12 holding credit cards issued in accordance with regulations of
13 the board or credit cards issued by banking institutions subject
14 to State or Federal regulation: Provided further, That nothing
15 herein contained shall be construed to prohibit the use of
16 checks or drafts drawn on a bank, banking institution, trust
17 company or similar depository, organized and existing under the
18 laws of the United States of America or the laws of any state,
19 territory or possession thereof, in payment for any liquor or
20 malt or brewed beverages if the purchaser is the payor of the
21 check or draft and the licensee is the payee: Provided further,
22 That notwithstanding any other provision of this act to the
23 contrary, it shall be unlawful for an importing distributor or
24 distributor ~~in a county of the first class, second class or~~ <—
25 ~~second class A~~ to accept cash for payment of any malt or brewed
26 beverages from anyone possessing a license issued under this
27 ~~article.~~ ~~HOWEVER~~ ARTICLE[.] EXCEPT, IT SHALL BE PERMISSIBLE FOR <—
28 THE IMPORTING DISTRIBUTOR OR DISTRIBUTOR TO ACCEPT MONEY ORDERS
29 OR CASHIERS' CHECKS FOR PAYMENT OF ANY MALT OR BREWED BEVERAGE <—
30 BEVERAGES IN ADDITION TO ANY OTHER TYPE OF PAYMENT AUTHORIZED BY <—

1 THE BOARD FROM ANYONE POSSESSING A LICENSE UNDER THIS ARTICLE. <—

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

22 * * *

23 (31) SALE OR PURCHASE OF CONTROLLED SUBSTANCE OR DRUG <—
24 PARAPHERNALIA. FOR ANY LICENSEE, HIS SERVANTS, AGENTS OR
25 EMPLOYES, TO POSSESS, FURNISH, SELL, OFFER TO SELL, OR PURCHASE
26 OR RECEIVE, OR AID AND ABET IN THE SALE OR PURCHASE OF ANY
27 CONTROLLED SUBSTANCE OR DRUG PARAPHERNALIA, AS DEFINED IN THE
28 ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS "THE CONTROLLED
29 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT." <—
30 ACTIONS OF THE LICENSEE OR PERSON ARE AUTHORIZED BY LAW.

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

SECTION ~~9-11~~ 13. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

(1) THE AMENDMENT OR ADDITION OF SECTIONS 305(B), 401(A), 407, 442(A), 478, 492(4) AND 492.1 OF THE ACT SHALL TAKE EFFECT IN 60 DAYS.

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