

THE GENERAL ASSEMBLY OF PENNSYLVANIA


HOUSE BILL

No. 479 Session of
2009

INTRODUCED BY HANNA, BRENNAN, BROWN, CALTAGIRONE, CREIGHTON,
DENLINGER, MAHONEY, READSHAW, GEIST AND MURT,
FEBRUARY 18, 2009

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
NOVEMBER 9, 2009

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 prohibitions against the grant of
18 licenses AND FOR DISTRIBUTORS' AND IMPORTING DISTRIBUTORS' 
19 RESTRICTIONS ON SALES, STORAGE, ETC.

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

22 Section 1. Section 437(f) of the act of April 12, 1951 (P.L.
23 90, No.21), known as the Liquor Code, reenacted and amended June
24 29, 1987 (P.L.32, No.14) and amended December 7, 1990 (P.L.622,
25 No.160), is amended to read:

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

* *

(f) (1) No new distributor's or importing distributor's license shall hereafter be granted by the board in any county of the Commonwealth where the combined number of distributor and importing distributor licenses exceeds one license for each thirty thousand inhabitants of the county in which the license is to be issued: Provided, That a combined total of [five] four such licenses may be granted in any county of the Commonwealth.

(2) Nothing in this subsection shall be construed as denying the right of the board to renew or to transfer existing distributors' or importing distributors' licenses or to exchange a distributor's license for an importing distributor's license or to exchange an importing distributor's license for a distributor's license, upon adjustment of the applicable fee, notwithstanding that the number of such licensed places in the county shall exceed the limitation hereinbefore prescribed: Provided, That no distributor's license or importing distributor's license shall be transferred from one county to another county so long as the quota is filled in the county to which the license is proposed to be transferred.

SECTION 2. SECTION 441(D) OF THE ACT IS AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

SECTION 441. DISTRIBUTORS' AND IMPORTING DISTRIBUTORS' RESTRICTIONS ON SALES, STORAGE, ETC.--* * *

(D) (1) NO DISTRIBUTOR [OR IMPORTING DISTRIBUTOR] SHALL MAINTAIN ANY PLACE FOR THE STORAGE OF MALT OR BREWED BEVERAGES EXCEPT IN THE SAME MUNICIPALITY IN WHICH THE LICENSED PREMISES IS LOCATED AND UNLESS THE SAME HAS BEEN APPROVED BY THE BOARD. IN THE EVENT THERE IS NO PLACE OF COLD STORAGE IN THE SAME



MUNICIPALITY, THE BOARD MAY APPROVE A PLACE OF COLD STORAGE IN
THE NEAREST MUNICIPALITY.

(2) NO IMPORTING DISTRIBUTOR SHALL MAINTAIN ANY PLACE FOR
THE STORAGE OF MALT OR BREWED BEVERAGES EXCEPT IN THE FRANCHISE
TERRITORY IN WHICH THE LICENSED PREMISES IS LOCATED AND UNLESS
THE SAME HAS BEEN APPROVED BY THE BOARD. THE BOARD SHALL ISSUE
NO MORE THAN TWO STORAGE FACILITY LICENSES TO AN IMPORTING
DISTRIBUTOR. THE IMPORTING DISTRIBUTOR SHALL DESIGNATE TO THE
BOARD ONE STORAGE LOCATION WHERE THEY MAY MAKE RETAIL SALES. THE
OTHER STORAGE LOCATION SHALL BE DESIGNATED SOLELY AS A STORAGE
FACILITY, FROM WHICH ONLY SALES TO OTHER LICENSEES ARE
PERMITTED.

* * *

(H) AS USED IN THIS SECTION, THE TERM "FRANCHISE TERRITORY"
SHALL MEAN THE GEOGRAPHICALLY CONTIGUOUS AREA IN WHICH AN
IMPORTING DISTRIBUTOR HAS BEEN GIVEN RIGHTS FOR THE SALE OR
RESALE OF MALT OR BREWED BEVERAGES.

Section 2 3. This act shall take effect in 60 days.

