

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 2036** Session of  
1975

INTRODUCED BY ANDERSON, GEESEY AND LEHR, DECEMBER 10, 1975

REFERRED TO COMMITTEE ON LIQUOR CONTROL, DECEMBER 16, 1975

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An  
2 act relating to alcoholic liquors, alcohol and malt and  
3 brewed beverages; amending, revising, consolidating and  
4 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 limitations on the issuance of certain  
18 licenses.

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

21 Section 1. Subsection (b) of section 431, act of April 12,  
22 1951 (P.L.90, No.21), known as the "Liquor Code," amended  
23 October 9, 1967 (P.L.395, No.179), is amended to read:

24 Section 431. Malt and brewed Beverages Manufacturers',  
25 Distributors' and Importing Distributors' Licenses.--\* \* \*

26 (b) The board shall issue to any reputable person who

1 applies therefor, pays the license fee hereinafter prescribed,  
2 and files the bond hereinafter required, a distributor's or  
3 importing distributor's license for the place which such person  
4 desires to maintain for the sale of malt or brewed beverages,  
5 not for consumption on the premises where sold, and in  
6 quantities of not less than twenty-four containers, each  
7 container holding seven fluid ounces or more, or twelve  
8 containers, each container holding twenty-four fluid ounces or  
9 more, except original containers containing one hundred twenty-  
10 eight ounces or more which may be sold separately and such  
11 containers to be the original containers as prepared for the  
12 market by the manufacturer at the place of manufacture: And  
13 provided further, That the board shall have the discretion to  
14 refuse a license to any person or to any corporation,  
15 partnership or association if such person, or any officer or  
16 director of such corporation, or any member or partner of such  
17 partnership or association shall have been convicted or found  
18 guilty of a felony within a period of five years immediately  
19 preceding the date of application for the said license: And  
20 provided further, That the board shall refuse any application  
21 for a new license or the transfer of any license to a new  
22 location if, in the board's opinion, such new license or  
23 transfer would be detrimental to the welfare, health, peace and  
24 morals of the inhabitants of the neighborhood within a radius of  
25 five hundred feet of the place to be licensed.

26 Except as hereinafter provided, such license shall authorize  
27 the holder thereof to sell or deliver malt or brewed beverages  
28 in quantities above specified anywhere within the Commonwealth  
29 of Pennsylvania, which, in the case of distributors, have been  
30 purchased only from persons licensed under this act as

1 manufacturers or importing distributors, and in the case of  
2 importing distributors, have been purchased from manufacturers  
3 or persons outside this Commonwealth engaged in the legal sale  
4 of malt or brewed beverages or from manufacturers or importing  
5 distributors licensed under this article.

6 Each out of State manufacturer of malt or brewed beverages  
7 whose products are sold and delivered in this Commonwealth shall  
8 give distributing rights for such products in designated  
9 geographical areas to specific importing distributors, and such  
10 importing distributor shall not sell or deliver malt or brewed  
11 beverages manufactured by the out of State manufacturer to any  
12 person issued a license under the provisions of this act whose  
13 licensed premises are not located within the geographical area  
14 for which he has been given distributing rights by such  
15 manufacturer: Provided, That the importing distributor holding  
16 such distributing rights for such product shall not sell or  
17 deliver the same to another importing distributor without first  
18 having entered into a written agreement with the said secondary  
19 importing distributor setting forth the terms and conditions  
20 under which such products are to be resold within the territory  
21 granted to the primary importing distributor by the  
22 manufacturer.

23 When a Pennsylvania manufacturer of malt or brewed beverages  
24 licensed under this article names or constitutes a distributor  
25 or importing distributor as the primary or original supplier of  
26 his product, he shall also designate the specific geographical  
27 area for which the said distributor or importing distributor is  
28 given distributing rights, and such distributor or importing  
29 distributor shall not sell or deliver the products of such  
30 manufacturer to any person issued a license under the provisions

1 of this act whose licensed premises are not located within the  
2 geographical area for which distributing rights have been given  
3 to the distributor and importing distributor by the said  
4 manufacturer: Provided, That the importing distributor holding  
5 such distributing rights for such product shall not sell or  
6 deliver the same to another importing distributor without first  
7 having entered into a written agreement with the said secondary  
8 importing distributor setting forth the terms and conditions  
9 under which such products are to be resold within the territory  
10 granted to the primary importing distributor by the  
11 manufacturer. Nothing herein contained shall be construed to  
12 prevent any manufacturer from authorizing the importing  
13 distributor holding the distributing rights for a designated  
14 geographical area from selling the products of such manufacturer  
15 to another importing distributor also holding distributing  
16 rights from the same manufacturer for another geographical area,  
17 providing such authority be contained in writing and a copy  
18 thereof be given to each of the importing distributors so  
19 affected.

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