

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 772

Session of
1979

INTRODUCED BY LETTERMAN, LIVENGOD AND B. D. CLARK,
MARCH 20, 1979

REFERRED TO COMMITTEE ON LIQUOR CONTROL, MARCH 20, 1979

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 providing for the use of personal checks for liquor purchases
18 at retail in State stores.

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

21 Section 1. Subsections (b) and (c) of section 305, act of
22 April 12, 1951 (P.L.90, No.21), known as the "Liquor Code,"
23 subsection (b) amended October 2, 1974 (P.L.668, No.222), are
24 amended to read:

25 Section 305. Sales by Pennsylvania Liquor Stores.--* * *

26 (b) Every Pennsylvania Liquor Store shall sell liquors at

1 wholesale to hotels, restaurants, clubs, and railroad, pullman
2 and steamship companies licensed under this act; and, under the
3 regulations of the board, to pharmacists duly licensed and
4 registered under the laws of the Commonwealth, and to
5 manufacturing pharmacists, and to reputable hospitals approved
6 by the board, or chemists. The board may sell to registered
7 pharmacists only such liquors as conform to the Pharmacopoeia of
8 the United States, the National Formulary, or the American
9 Homeopathic Pharmacopoeia. The board may sell at special prices
10 under the regulations of the board, to United States Armed
11 Forces facilities which are located on United States Armed
12 Forces installations and are conducted pursuant to the authority
13 and regulations of the United States Armed Forces. All other
14 sales by such stores shall be at retail. No liquor shall be sold
15 except for cash, [except] traveler's checks or personal checks
16 with the store as payee and the purchaser as payor; and
17 providing further that the board may, by regulation, authorize
18 the acceptance of checks for liquor sold at wholesale. The board
19 shall have power to designate certain stores for wholesale or
20 retail sales exclusively.

21 (c) Whenever any checks issued in payment of liquor or
22 alcohol purchased from State Liquor Stores at retail or by
23 persons holding wholesale purchase permit cards issued by the
24 board shall be returned to the board as dishonored, the board
25 shall charge a fee of five dollars per hundred dollars or
26 fractional part thereof, plus all protest fees, to the maker of
27 such check submitted to the board for wholesale purchasers and
28 five dollars (\$5.00) plus all protest fees for retail
29 purchasers. Failure to pay the face amount of the check in full
30 and all charges thereon as herein required within ten days after

1 demand has been made by the board upon the maker of the check
2 shall be cause for revocation or suspension of any license
3 issued by the board to the person who issued such check and the
4 cancellation of the wholesale purchase permit card held by such
5 person. Failure to pay the face amount of the check and all
6 charges by a retailer purchaser shall result in the refusal of
7 any State store to accept any check drawn by such retail
8 purchaser.

9 * * *

10 Section 2. This act shall take effect immediately.