

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 328

Session of  
1981

INTRODUCED BY CALTAGIRONE, FEBRUARY 2, 1981

REFERRED TO COMMITTEE ON LIQUOR CONTROL, FEBRUARY 2, 1981

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 licensing by the Department of Revenue.

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

20 Section 1. The title, act of April 12, 1951 (P.L.90, No.21),  
21 known as the "Liquor Code," is amended to read:

AN ACT

23 Relating to alcoholic liquors, alcohol and malt and brewed  
24 beverages; amending, revising, consolidating and changing the  
25 laws relating thereto; regulating and restricting the

1 manufacture, purchase, sale, possession, consumption,  
2 importation, transportation, furnishing, holding in bond,  
3 holding in storage, traffic in and use of alcoholic liquors,  
4 alcohol and malt and brewed beverages and the persons engaged  
5 or employed therein; defining the powers and duties of the  
6 Pennsylvania Liquor Control Board and the Department of  
7 Revenue; providing for the establishment and operation of  
8 State liquor stores, for the payment of certain license fees  
9 to the respective municipalities and townships, for the  
10 abatement of certain nuisances and, in certain cases, for  
11 search and seizure without warrant; prescribing penalties and  
12 forfeitures; providing for local option, and repealing  
13 existing laws.

14 Section 2. Section 102 of the act, amended July 10, 1957  
15 (P.L.638, No.346), August 17, 1965 (P.L.346, No.182), December  
16 2, 1970 (P.L.825, No.271), October 11, 1972 (P.L.906, No.215)  
17 and December 12, 1980 (No.221), is amended to read:

18 Section 102. Definitions.--The following words or phrases,  
19 unless the context clearly indicates otherwise, shall have the  
20 meanings ascribed to them in this section:

21 "Alcohol" shall mean ethyl alcohol of any degree of proof  
22 originally produced by the distillation of any fermented liquid,  
23 whether rectified or diluted with or without water, whatever may  
24 be the origin thereof, and shall include synthetic ethyl  
25 alcohol, but shall not mean or include ethyl alcohol, whether or  
26 not diluted, that has been denatured or otherwise rendered unfit  
27 for beverage purposes.

28 "Association" shall mean a partnership, limited partnership  
29 or any form of unincorporated enterprise owned by two or more  
30 persons.

1 "Board" shall mean the Pennsylvania Liquor Control Board.

2 "Bonded warehouse" shall mean and include all places and  
3 warehouses legally established under the provisions of the acts  
4 of Congress and the administrative provisions of the internal  
5 revenue laws of the Government of the United States of America,  
6 for the storage, concentration, distribution and holding in  
7 bond, (a) of whiskey and any other potable distilled spirits,  
8 except ethyl alcohol, when used in Article VII entitled  
9 "Distillery Bonded Warehouse Certificates" and, (b) of alcohol  
10 or liquor when otherwise used.

11 "Club" shall mean any reputable group of individuals  
12 associated together not for profit for legitimate purposes of  
13 mutual benefit, entertainment, fellowship or lawful convenience,  
14 having some primary interest and activity to which the sale of  
15 liquor or malt and brewed beverages shall be only secondary,  
16 which, if incorporated, has been in continuous existence and  
17 operation for at least one year, and if first licensed after  
18 June sixteenth, one thousand nine hundred thirty-seven, shall  
19 have been incorporated in this Commonwealth, and, if  
20 unincorporated, for at least ten years, immediately preceding  
21 the date of its application for a license under this act, and  
22 which regularly occupies, as owner or lessee, a clubhouse or  
23 quarters for the use of its members. Continuous existence must  
24 be proven by satisfactory evidence. The [board] department shall  
25 refuse to issue a license if it appears that the charter is not  
26 in possession of the original incorporators or their direct or  
27 legitimate successors. The club shall hold regular meetings,  
28 conduct its business through officers regularly elected, admit  
29 members by written application, investigation and ballot, and  
30 charge and collect dues from elected members, and maintain such

1 records as the [board] department shall from time to time  
2 prescribe, but any such club may waive or reduce in amount, or  
3 pay from its club funds, the dues of any person who was a member  
4 at the time he was inducted into the military service of the  
5 United States or was enrolled in the armed forces of the United  
6 States pursuant to any selective service act during the time of  
7 the member's actual service or enrollment.

8 "Container" shall mean and include any receptacle, vessel or  
9 form of package, tank, vat, cask, barrel, drum, keg, can, bottle  
10 or conduit used or capable of use for holding, storing,  
11 transferring or shipment of alcohol liquor or malt or brewed  
12 beverages.

13 "Corporation" shall mean a corporation or joint-stock  
14 association organized under the laws of this Commonwealth, the  
15 United States, or any other state, territory, or foreign country  
16 or dependency.

17 "Denatured alcohol" shall mean and include all alcohol or any  
18 compound thereof which by the admixture of such denaturing  
19 material or materials is rendered unfit for use as a beverage.

20 "Denaturing plant" shall mean and include the premises of a  
21 distillery used exclusively for the denaturization of alcohol,  
22 either specially or completely, by the admixture of such  
23 denaturing materials as shall render the alcohol or any compound  
24 in which it is authorized to be used unfit for use as a  
25 beverage.

26 "Department" shall mean the Department of Revenue.

27 "Distillery" shall mean and include any premises or plant  
28 wherein alcohol or liquor is manufactured, made and distilled  
29 from raw materials, blended or rectified, or any place wherein  
30 alcohol or liquor is produced by any method suitable for the

1 production of alcohol. The term shall not include a "winery"  
2 where alcohol is derived from by-products of wine production by  
3 distillation for the sole purpose of adding to the fermented  
4 products to fortify the same.

5 "Distillery Bonded Warehouse Certificate" shall mean a  
6 certificate, receipt, contract or other document given upon the  
7 storage of whiskey or any other potable distilled spirits,  
8 except ethyl alcohol, in a bonded warehouse, and evidencing the  
9 ownership of such whiskey or other potable distilled spirits.

10 "Distillery certificate broker" shall mean and include every  
11 person who engages directly or through an agent in selling,  
12 purchasing, exchanging, offering for sale or delivery, or  
13 entering into agreements for the purchase, sale or exchange, or  
14 soliciting subscriptions to or orders for, or undertaking to  
15 dispose of, or dealing in any manner in, distillery bonded  
16 warehouse certificates.

17 "Distributor" shall mean any person licensed by the [board]  
18 department to engage in the purchase only from Pennsylvania  
19 manufacturers and from importing distributors and the resale of  
20 malt or brewed beverages, except to importing distributors and  
21 distributors, in the original sealed containers as prepared for  
22 the market by the manufacturer at the place of manufacture, but  
23 not for consumption on the premises where sold, and in  
24 quantities of not less than a case of twenty-four containers,  
25 each container holding seven fluid ounces or more, or a case of  
26 twelve containers, each container holding twenty-four fluid  
27 ounces or more, except original containers containing one  
28 hundred twenty-eight ounces or more which may be sold  
29 separately.

30 "Eating place" shall mean a premise where food is regularly

1 and customarily prepared and sold, having a total area of not  
2 less than three hundred square feet available to the public in  
3 one or more rooms, other than living quarters, and equipped with  
4 tables and chairs accommodating thirty persons at one time.

5 "Hotel" shall mean any reputable place operated by  
6 responsible persons of good reputation where the public may, for  
7 a consideration, obtain sleeping accommodations and meals and  
8 which, in a city, has at least ten, and in any other place at  
9 least six, permanent bedrooms for the use of guests, a public  
10 dining room or rooms operated by the same management  
11 accommodating at least thirty persons at one time, and a  
12 kitchen, apart from the public dining room or rooms, in which  
13 food is regularly prepared for the public.

14 "Importing distributor" shall mean any person licensed by the  
15 [board] department to engage in the purchase from manufacturers  
16 and other persons located outside this Commonwealth and from  
17 persons licensed as manufacturers of malt or brewed beverages  
18 and importing distributors under this act, and the resale of  
19 malt or brewed beverages in the original sealed containers as  
20 prepared for the market by the manufacturer at the place of  
21 manufacture, but not for consumption on the premises where sold,  
22 and in quantities of not less than a case of twenty-four  
23 containers, each container holding seven fluid ounces or more,  
24 or a case of twelve containers, each container holding twenty-  
25 four fluid ounces or more, except original containers containing  
26 one hundred twenty-eight ounces or more which may be sold  
27 separately.

28 "Limited Winery" shall mean a winery with a maximum output of  
29 one hundred thousand (100,000) gallons per year.

30 "Liquor" shall mean and include any alcoholic, spirituous,

1 vinous, fermented or other alcoholic beverage, or combination of  
2 liquors and mixed liquor a part of which is spirituous, vinous,  
3 fermented or otherwise alcoholic, including all drinks or  
4 drinkable liquids, preparations or mixtures, and reused,  
5 recovered or redistilled denatured alcohol usable or taxable for  
6 beverage purposes which contain more than one-half of one per  
7 cent of alcohol by volume, except pure ethyl alcohol and malt or  
8 brewed beverages.

9 "Malt or Brewed Beverages" means any beer, lager beer, ale,  
10 porter or similar fermented malt beverage containing one-half of  
11 one per centum or more of alcohol by volume, by whatever name  
12 such beverage may be called.

13 "Manufacture", when the term is applied to malt or brewed  
14 beverages, shall mean and include all means, methods and  
15 processes used, employed and made use of, to produce, make and  
16 manufacture for commercial purposes, malt or brewed beverages  
17 from raw materials; when applied otherwise, it shall mean and  
18 include all means, methods and processes used, employed and made  
19 use of, to produce and make alcohol or liquor from raw  
20 materials, and shall mean and include rectification and blending  
21 of alcohol and liquor, the production, recovery or reuse of  
22 alcohol in the making, developing, using in the process of  
23 manufacture, denaturing, redistilling or recovering of any  
24 alcohol or liquor in distilleries, denaturing plants and  
25 wineries.

26 "Manufacturer" shall mean any person, association or  
27 corporation engaged in the producing, manufacturing, distilling,  
28 rectifying or compounding of liquor, alcohol or malt or brewed  
29 beverages in this Commonwealth or elsewhere.

30 "Manufacturer of malt or brewed beverages" shall mean any

1 person holding a license issued by the [board] department to  
2 engage in the manufacture, transportation and sale of malt or  
3 brewed beverages; also, any person engaged in the legal  
4 manufacture of malt or brewed beverages within the territorial  
5 limits of the United States, outside the Commonwealth of  
6 Pennsylvania.

7 "Municipality" shall mean any city, borough, incorporated  
8 town, or township of this Commonwealth.

9 "Original container" shall mean all bottles, casks, kegs or  
10 other suitable containers that have been securely capped, sealed  
11 or corked by the manufacturer of malt or brewed beverages at the  
12 place of manufacture, with the name and address of the  
13 manufacturer of the malt or brewed beverages contained or to be  
14 contained therein permanently affixed to the bottle, cask, keg  
15 or other container, or in the case of a bottle or can, to the  
16 cap or cork used in sealing the same or to a label securely  
17 affixed to a bottle or can.

18 "Package" shall mean any container or containers or  
19 receptacle or receptacles used for holding liquor or alcohol as  
20 marketed by the manufacturer.

21 "Performing arts facilities" shall mean those halls or  
22 theaters in which live musical, concert, dance, ballet and  
23 legitimate play book-length productions are performed.  
24 Performing arts facilities shall not mean those halls or  
25 theaters in which burlesque shows or reviews are performed.

26 "Person" shall mean a natural person, association or  
27 corporation. Whenever used in a clause prescribing or imposing a  
28 fine or imprisonment or both, the term "person", as applied to  
29 "association", shall mean the partners or members thereof, and  
30 as applied to "corporation", shall mean the officers thereof,

1 except, as to incorporated clubs, the term "person" shall mean  
2 such individual or individuals who, under the by-laws of such  
3 club, shall have jurisdiction over the possession and sale of  
4 liquor therein.

5 "Population" shall mean the number of inhabitants as  
6 determined by the last preceding decennial census of the United  
7 States, or by any other census subsequently taken by the census  
8 bureau of the United States and so certified by it: Provided,  
9 however, That such other census shall not be a basis for the  
10 fixing of license fees as provided in article IV. sections 405  
11 and 439.

12 "Potable distilled spirits" shall mean and include any  
13 distillate from grains, wine, fruits, vegetables or molasses,  
14 except ethyl alcohol, capable of being used for beverage  
15 purposes.

16 "Regulation" shall mean any regulation prescribed by the  
17 board or the department for carrying out the provisions of this  
18 act.

19 "Restaurant" shall mean a reputable place operated by  
20 responsible persons of good reputation and habitually and  
21 principally used for the purpose of providing food for the  
22 public, the place to have an area within a building of not less  
23 than four hundred square feet, equipped with tables and chairs  
24 accommodating at least thirty persons at one time.

25 "Retail dispenser" shall mean any person licensed to engage  
26 in the retail sale of malt or brewed beverages for consumption  
27 on the premises of such licensee, with the privilege of selling  
28 malt or brewed beverages in quantities not in excess of one  
29 hundred forty-four fluid ounces in a single sale to one person,  
30 to be carried from the premises by the purchaser thereof.

1 "Sale" or "Sell" shall include any transfer of liquor,  
2 alcohol or malt or brewed beverages for a consideration.

3 "Whiskey" shall mean and include any alcoholic distillate  
4 from a fermented mash of grain, capable of being used for  
5 beverage purposes.

6 "Winery" shall mean and include any premises and plants where  
7 any alcohol or liquor is produced by the process by which wine  
8 is produced, or premises and plants wherein liquid such as wine  
9 is produced; and shall include the manufacture by distillation  
10 of alcohol from the by-products of wine fermentation when the  
11 alcohol so derived is used solely to fortify the fermented  
12 products, under such regulations as are or may be promulgated by  
13 the proper agency of the United States Government, and such  
14 alcohol, for that purpose only, may be sold or exchanged between  
15 wineries holding permits in this Commonwealth, without  
16 restriction.

17 Section 3. Section 104 and the heading of Article II of the  
18 act are amended to read:

19 Section 104. Interpretation of Act.--(a) This act shall be  
20 deemed an exercise of the police power of the Commonwealth for  
21 the protection of the public welfare, health, peace and morals  
22 of the people of the Commonwealth and to prohibit forever the  
23 open saloon, and all of the provisions of this act shall be  
24 liberally construed for the accomplishment of this purpose.

25 (b) The provisions of this act are severable and if any of  
26 its provisions shall be held unconstitutional the decision of  
27 the court shall not affect or impair any of the remaining  
28 provisions of this act. It is hereby declared to be the  
29 legislative intent that this act would have been adopted had  
30 such unconstitutional provisions not been included herein.

1 (c) Except as otherwise expressly provided, the purpose of  
2 this act is to prohibit the manufacture of and transactions in  
3 liquor, alcohol and malt or brewed beverages which take place in  
4 this Commonwealth, except by and under the control of the board  
5 or the department as herein specifically provided, and every  
6 section and provision of the act shall be construed accordingly.  
7 The provisions of this act dealing with the manufacture,  
8 importation, sale and disposition of liquor, alcohol and malt or  
9 brewed beverages within the Commonwealth through the  
10 instrumentality of the board or the department and otherwise,  
11 provide the means by which such control shall be made effective.  
12 This act shall not be construed as forbidding, affecting or  
13 regulating any transaction which is not subject to the  
14 legislative authority of this Commonwealth.

15 (d) Any reference in this act to the provisions of law on  
16 any subject shall apply to statutes becoming effective after the  
17 effective date of this act as well as to those then in  
18 existence.

19 (e) Section headings shall not be taken to govern or limit  
20 the scope of the sections of this act. The singular shall  
21 include the plural and the masculine shall include the feminine  
22 and the neuter.

23 ARTICLE II.

24 PENNSYLVANIA LIQUOR CONTROL BOARD AND  
25 POWERS AND DUTIES OF THE DEPARTMENT OF REVENUE.

26 Section 4. Section 207 of the act, amended May 25, 1956  
27 (1955 P.L.1743, No.583), January 13, 1966 (1965 P.L.1301,  
28 No.518), June 17, 1971 (P.L.180, No.22) and July 27, 1973  
29 (P.L.247, No.70), is amended to read:

30 Section 207. General Powers of Board.--Under this act, the

1 board shall have the power and its duty shall be:

2 (a) To buy, import or have in its possession for sale, and  
3 sell liquor and alcohol in the manner set forth in this act:

4 Provided, however, That all purchases shall be made subject to  
5 the approval of the State Treasurer, or his designated deputy.

6 (b) To control the manufacture, possession, sale,  
7 consumption, importation, use, storage, transportation and  
8 delivery of liquor, alcohol and malt or brewed beverages in  
9 accordance with the provisions of this act, and to fix the  
10 wholesale and retail prices at which liquors and alcohol shall  
11 be sold at Pennsylvania Liquor Stores: Provided, That in fixing  
12 the sale prices, the board shall not give any preference or make  
13 any discrimination as to classes, brands or otherwise, except to  
14 the extent and for the length of time necessary to sell such  
15 classes or brands in compliance with any Federal action freezing  
16 or otherwise controlling the price of said classes or brands, or  
17 except where special sales are deemed necessary to move  
18 unsaleable merchandise, or except where the addition of a  
19 service or handling charge to the fixed sales price of any  
20 merchandise in the same comparable price bracket, regardless of  
21 class, brand or otherwise, is, in the opinion of the board,  
22 required for the efficient operation of the State store system.  
23 [The board shall require each Pennsylvania manufacturer and each  
24 nonresident manufacturer of liquors, other than wine, selling  
25 such liquors to the board, which are not manufactured in this  
26 Commonwealth, to make application for and be granted a permit by  
27 the board before such liquors not manufactured in this  
28 Commonwealth shall be purchased from such manufacturer. Each  
29 such manufacturer shall pay for such permit a fee which, in the  
30 case of a manufacturer of this Commonwealth, shall be equal to

1 that required to be paid, if any, by a manufacturer or  
2 wholesaler of the state, territory or country of origin of the  
3 liquors, for selling liquors manufactured in Pennsylvania, and  
4 in the case of a nonresident manufacturer, shall be equal to  
5 that required to be paid, if any, in such state, territory or  
6 country by Pennsylvania manufacturers doing business in such  
7 state, territory or country. In the event that any such  
8 manufacturer shall, in the opinion of the board, sell or attempt  
9 to sell liquors to the board through another person for the  
10 purpose of evading this provision relating to permits, the board  
11 shall require such person, before purchasing liquors from him or  
12 it, to take out a permit and pay the same fee as hereinbefore  
13 required to be paid by such manufacturer. All permit fees so  
14 collected shall be paid into the State Stores Fund.] The board  
15 shall not purchase any alcohol or liquor fermented, distilled,  
16 rectified, compounded or bottled in any state, territory or  
17 country, the laws of which result in prohibiting the importation  
18 therein of alcohol or liquor, fermented, distilled, rectified,  
19 compounded or bottled in Pennsylvania.

20 (c) To determine the municipalities within which  
21 Pennsylvania Liquor Stores shall be established and the  
22 locations of the stores within such municipalities.

23 [(d) To grant, issue, suspend and revoke all licenses and  
24 permits authorized to be issued under this act and the  
25 regulations of the board and impose fines on licensees licensed  
26 under this act.]

27 (e) Through the Department of [Property and Supplies]  
28 General Services as agent, to lease and furnish and equip such  
29 buildings, rooms and other accommodations as shall be required  
30 for the operation of this act.

1 (f) To appoint, fix the compensation and define the powers  
2 and duties of such managers, officers, inspectors, examiners,  
3 clerks and other employes as shall be required for the operation  
4 of this act, subject to the provisions of The Administrative  
5 Code of 1929 and the Civil Service Act.

6 (g) To determine the nature, form and capacity of all  
7 packages and original containers to be used for containing  
8 liquor, alcohol or malt or brewed beverages.

9 (h) Without in any way limiting or being limited by the  
10 foregoing except licensing, to do all such things and perform  
11 all such acts as are deemed necessary or advisable for the  
12 purpose of carrying into effect the provisions of this act and  
13 the regulations made thereunder.

14 (i) From time to time, to make such regulations not  
15 inconsistent with this act as it may deem necessary for the  
16 efficient administration of this act. The board shall cause such  
17 regulations to be published and disseminated throughout the  
18 Commonwealth in such manner as it shall deem necessary and  
19 advisable or as may be provided by law. Such regulations adopted  
20 by the board shall have the same force as if they formed a part  
21 of this act.

22 (j) To investigate, whenever any person complains, or when  
23 the board is aware that there is reasonable grounds to believe  
24 liquor or malt or brewed beverage is being sold on premises not  
25 licensed under the provisions of this act. If the investigation  
26 produces evidence of the unlawful sale of liquor or malt or  
27 brewed beverage or of any other violation of the provisions of  
28 this act, the board shall cause the prosecution of the person or  
29 persons believed to have been criminally liable for the unlawful  
30 acts. Any equipment or appurtenances actually used in the

1 commission of the unlawful acts may be confiscated upon  
2 direction of the board. The confiscation by or under the  
3 direction of the board shall not, in any manner, divest or  
4 impair the rights or interest of any bona fide lien holder in  
5 the equipment or appurtenances, who had no knowledge that the  
6 same was being used in violation of this act.

7 Section 5. The act is amended by adding a section to read:

8 Section 207.1. Powers and Duties of the Department of

9 Revenue.--(a) The department shall have the power and its duty  
10 shall be:

11 (1) To require each Pennsylvania manufacturer and each  
12 nonresident manufacturer of liquors, other than wine, selling  
13 such liquors to the board, which are not manufactured in this  
14 Commonwealth, to make application for and be granted a permit by  
15 the department before such liquors not manufactured in this  
16 Commonwealth shall be purchased from such manufacturer. Each  
17 such manufacturer shall pay for such permit a fee which, in the  
18 case of a manufacturer of this Commonwealth, shall be equal to  
19 that required to be paid, if any, by a manufacturer or  
20 wholesaler of the state, territory or country of origin of the  
21 liquors, for selling liquors manufactured in Pennsylvania, and  
22 in the case of a nonresident manufacturer, shall be equal to  
23 that required to be paid, if any, in such state, territory or  
24 country by Pennsylvania manufacturers doing business in such  
25 state, territory or country. In the event that any such  
26 manufacturer shall, in the opinion of the board or the  
27 department, sell or attempt to sell liquors to the board through  
28 another person for the purpose of evading this provision  
29 relating to permits, the board and the department shall require  
30 such person, before the board purchases liquors from him or it,

1 to take out a permit and pay the same fee as hereinbefore  
2 required to be paid by such manufacturer. All permit fees so  
3 collected shall be paid into the State Stores Fund.

4 (2) To grant, issue, suspend and revoke all licenses and  
5 permits authorized to be issued under this act and the  
6 regulations of the department and impose fines on licensees  
7 licensed under this act.

8 (3) To appoint, fix the compensation and define the powers  
9 and duties of such managers, officers, examiners, clerks and  
10 other employes as shall be required for the operation of this  
11 act, subject to the provisions of the act of April 9, 1929,  
12 (P.L.177, No.175), known as "The Administrative Code of 1929,"  
13 and the act of August 5, 1941 (P.L.752, No.286), known as the  
14 "Civil Service Act."

15 (b) To do all such things and perform all such acts as are  
16 deemed necessary or advisable for the purpose of carrying into  
17 effect the provisions of this act relating to licensing and the  
18 regulations made thereunder.

19 (c) From time to time, to make such regulations not  
20 inconsistent with this act as it may deem necessary for the  
21 efficient administration of this act. The department shall cause  
22 such regulations to be published and disseminated throughout the  
23 Commonwealth in such manner as it shall deem necessary and  
24 advisable or as may be provided by law. Such regulations adopted  
25 by the department shall have the same force as if they formed a  
26 part of this act.

27 Section 6. Section 208 of the act, amended July 22, 1970  
28 (P.L.539, No.182) and October 11, 1972 (P.L.906, No.215), is  
29 amended to read:

30 Section 208. Specific Subjects on Which Board or the

1 Department May Adopt Regulations.--Subject to the provisions of  
2 this act and without limiting the general power conferred by the  
3 preceding section, the board or the department as may be  
4 appropriate may make regulations regarding:

5 (a) The equipment and management of Pennsylvania Liquor  
6 Stores and warehouses in which liquor and alcohol are kept or  
7 sold, and the books and records to be kept therein.

8 (b) The duties and conduct of the officers and employes of  
9 the board or the department.

10 (c) The purchase, as provided in this act, of liquor and  
11 alcohol, and its supply to Pennsylvania Liquor Stores.

12 (d) The classes, varieties and brands of liquor and alcohol  
13 to be kept and sold in Pennsylvania Liquor Stores. In making  
14 this determination the board shall meet not less than twice a  
15 year.

16 (e) The issuing and distribution of price lists for the  
17 various classes, varieties or brands of liquor and alcohol kept  
18 for sale by the board under this act.

19 (f) The labeling of liquor and alcohol sold under this act  
20 and of liquor and alcohol lawfully acquired by any person prior  
21 to January first, one thousand nine hundred thirty-four.

22 (g) Forms to be used for the purposes of this act.

23 (h) The issuance of licenses and permits and the conduct,  
24 management, sanitation and equipment of places licensed or  
25 included in permits.

26 (i) The place and manner of depositing the receipts of  
27 Pennsylvania Liquor Stores and the transmission of balances to  
28 the Treasury Department through the Department of Revenue.

29 (j) The solicitation by resident or nonresident vendors of  
30 liquor from Pennsylvania licensees and other persons of orders

1 for liquor to be sold through the Pennsylvania Liquor Stores  
2 and, in the case of nonresident vendors, the collection  
3 therefrom of license fees for such privilege at the same rate as  
4 provided herein for importers' licenses.

5 Section 7. Section 210 of the act is amended to read:

6 Section 210. Restrictions on Members of the Board, Officers  
7 of the Department of Revenue and Employees of the Commonwealth.--

8 (a) A member or employe of the board or officer or employe of  
9 the department shall not be directly or indirectly interested or  
10 engaged in any other business or undertaking dealing in liquor,  
11 alcohol, or malt or brewed beverages, whether as owner, part  
12 owner, partner, member of syndicate, shareholder, agent or  
13 employe, and whether for his own benefit or in a fiduciary  
14 capacity for some other person.

15 (b) No member or employe of the board nor any officer or  
16 employe of the Commonwealth shall solicit or receive, directly  
17 or indirectly, any commission, remuneration or gift whatsoever,  
18 from any person having sold, selling or offering liquor or  
19 alcohol for sale to the board for use in Pennsylvania Liquor  
20 Stores.

21 Section 8. Section 302 of the act is amended to read:

22 Section 302. Selection of Personnel.--Officers and employes  
23 of the board and department performing duties under this act,  
24 except as herein otherwise provided, shall be appointed and  
25 employed subject to the provisions of the Civil Service Act.

26 Section 9. Sections 303, 304 and 305 of the act are repealed.

27 Section 10. Section 401 of the act, amended June 1, 1972  
28 (P.L.355, No.95), is amended to read:

29 Section 401. Authority to Issue Liquor Licenses to Hotels,  
30 Restaurants and Clubs.--(a) Subject to the provisions of this

1 act and regulations promulgated under this act, the [board]  
2 department shall have authority to issue a retail liquor license  
3 for any premises kept or operated by a hotel, restaurant or club  
4 and specified in the license entitling the hotel, restaurant or  
5 club to purchase liquor from a Pennsylvania Liquor Store and to  
6 keep on the premises such liquor and, subject to the provisions  
7 of this act and the regulations made thereunder, to sell the  
8 same and also malt or brewed beverages to guests, patrons or  
9 members for consumption on the hotel, restaurant or club  
10 premises. Such licensees, other than clubs, shall be permitted  
11 to sell malt or brewed beverages for consumption off the  
12 premises where sold in quantities of not more than one hundred  
13 forty-four fluid ounces in a single sale to one person. Such  
14 licenses shall be known as hotel liquor licenses, restaurant  
15 liquor licenses and club liquor licenses, respectively. No  
16 person who holds, either by appointment or election, any public  
17 office which involves the duty to enforce any of the penal laws  
18 of the United States of America or the penal laws of the  
19 Commonwealth of Pennsylvania or any penal ordinance or  
20 resolution of any political subdivision of this Commonwealth  
21 shall be issued any hotel or restaurant liquor license, nor  
22 shall such a person have any interest, directly or indirectly,  
23 in any such license.

24 (b) The [board] department may issue to any club which  
25 caters to groups of non-members, either privately or for  
26 functions, a catering license, and the [board] department shall,  
27 by its rules and regulations, define what constitutes catering  
28 under this subsection except that any club which is issued a  
29 catering license shall not be prohibited from catering on  
30 Sundays during the hours which the club may lawfully serve

1 liquor, malt or brewed beverages.

2 Section 11. Section 402 of the act is amended to read:

3 Section 402. License Districts; License Year; Hearings.--The  
4 [board] department shall, by regulation, divide the State into  
5 convenient license districts and shall hold hearings on  
6 applications for licenses and renewals thereof, as it deems  
7 necessary, at a convenient place or places in each of said  
8 districts, at such times as it shall fix, by regulation, for the  
9 purpose of hearing testimony for and against applications for  
10 new licenses and renewals thereof. The [board] department may  
11 provide for the holding of such hearings by examiners learned in  
12 the law, to be appointed by the Governor, who shall not be  
13 subject to the "Civil Service Act." Such examiners shall make  
14 report to the [board] department in each case with their  
15 recommendations. The [board] department shall, by regulation,  
16 fix the license year for each separate district so that the  
17 expiration dates shall be uniform in each of the several  
18 districts but staggered as to the State.

19 Section 12. Section 403 of the act, amended November 19,  
20 1959 (P.L.1546, No.553) and September 28, 1961 (P.L.1728,  
21 No.702), is amended to read:

22 Section 403. Applications for Hotel, Restaurant and Club  
23 Liquor Licenses.--(a) Every applicant for a hotel liquor  
24 license, restaurant liquor license or club liquor license or for  
25 the transfer of an existing license to another premises not then  
26 licensed shall file a written application with the [board]  
27 department in such form and containing such information as the  
28 [board] department shall from time to time prescribe, which  
29 shall be accompanied by a filing fee of twenty dollars (\$20),  
30 the prescribed license fee, and the bond hereinafter specified.

1 Every such application shall contain a description of that part  
2 of the hotel, restaurant or club for which the applicant desires  
3 a license and shall set forth such other material information,  
4 description or plan of that part of the hotel, restaurant or  
5 club where it is proposed to keep and sell liquor as may be  
6 required by the regulations of the [board] department. The  
7 descriptions, information and plans referred to in this  
8 subsection shall show the hotel, restaurant, club, or the  
9 proposed location for the construction of a hotel, restaurant or  
10 club, at the time the application is made, and shall show any  
11 alterations proposed to be made thereto, or the new building  
12 proposed to be constructed after the approval by the [board]  
13 department of the application for a license or for the transfer  
14 of an existing license to another premises not then licensed. No  
15 physical alterations, improvements or changes shall be required  
16 to be made to any hotel, restaurant or club, nor shall any new  
17 building for any such purpose, be required to be constructed  
18 until approval of the application for license or for the  
19 transfer of an existing license to another premises not then  
20 licensed by the [board] department. After approval of the  
21 application, the licensee shall make the physical alterations,  
22 improvements and changes to the licensed premises, or shall  
23 construct the new building in the manner specified by the  
24 [board] department at the time of approval, and the licensee  
25 shall not transact any business under the license until the  
26 [board] department has approved the completed physical  
27 alterations, improvements and changes to the licensed premises,  
28 or the completed construction of the new building as conforming  
29 to the specifications required by the [board] department at the  
30 time of issuance or transfer of the license, and is satisfied

1 that the establishment is a restaurant, hotel or club as defined  
2 by this act. The [board] department may require that all such  
3 alterations or construction or conformity to definition be  
4 completed within six months from the time of issuance or  
5 transfer of the license. Failure to comply with these  
6 requirements shall be considered cause for revocation of the  
7 license. No such license shall be transferable between the time  
8 of issuance or transfer of the license and the approval of the  
9 completed alterations or construction by the [board] department  
10 and full compliance by the licensee with the requirements of  
11 this act, except in the case of death of the licensee prior to  
12 full compliance with all of the aforementioned requirements, in  
13 which event, the license may be transferred by the [board]  
14 department as provided in section 468 of this act for the  
15 transfer of the license in the case of death of the licensee.

16 (b) If the applicant is a natural person, his application  
17 must show that he is a citizen of the United States and has been  
18 a resident of this Commonwealth for at least two years  
19 immediately preceding his application.

20 (c) If the applicant is a corporation, the application must  
21 show that the corporation was created under the laws of  
22 Pennsylvania or holds a certificate of authority to transact  
23 business in Pennsylvania, that all officers, directors and  
24 stockholders are citizens of the United States, and that the  
25 manager of the hotel, restaurant or club is a citizen of the  
26 United States.

27 (d) Each application shall be signed and verified by oath or  
28 affirmation by the owner, if a natural person, or, in the case  
29 of an association, by a member or partner thereof, or, in the  
30 case of a corporation, by an executive officer thereof or any

1 person specifically authorized by the corporation to sign the  
2 application, to which shall be attached written evidence of his  
3 authority.

4 (e) If the applicant is an association, the application  
5 shall set forth the names and addresses of the persons  
6 constituting the association, and if a corporation, the names  
7 and addresses of the principal officers thereof. Every club  
8 applicant shall file with and as a part of its application a  
9 list of the names and addresses of its members, directors,  
10 officers, agents and employes, together with the dates of their  
11 admission, election or employment, and such other information  
12 with respect to its affairs as the [board] department shall  
13 require.

14 (f) The [board] department shall refuse to issue licenses to  
15 clubs when it appears that the operation of the licensed  
16 business would inure to the benefit of individual members,  
17 officers, agents or employes of the club, rather than to the  
18 benefit of the entire membership of the club.

19 (g) Every applicant for a new license or for the transfer of  
20 an existing license to another premises not then licensed shall  
21 post, for a period of a least fifteen days beginning with the  
22 day the application is filed with the [board] department, in a  
23 conspicuous place on the outside of the premises or at the  
24 proposed new location for which the license is applied, a notice  
25 of such application, in such form, of such size, and containing  
26 such provisions as the [board] department may require by its  
27 regulations. Proof of the posting of such notice shall be filed  
28 with the [board] department.

29 (h) If any false statement is intentionally made in any part  
30 of the application, the affiant shall be deemed guilty of a

1 misdemeanor and, upon conviction, shall be subject to the  
2 penalties provided by this article.

3 Section 13. Section 404 of the act, amended September 2,  
4 1971 (P.L.429, No.103), is amended to read:

5 Section 404. Issuance of Hotel, Restaurant and Club Liquor  
6 Licenses.--Upon receipt of the application, the proper fees and  
7 bond, and upon being satisfied of the truth of the statements in  
8 the application that the applicant is the only person in any  
9 manner pecuniarily interested in the business so asked to be  
10 licensed and that no other person will be in any manner  
11 pecuniarily interested therein during the continuance of the  
12 license, except as hereinafter permitted, and that the applicant  
13 is a person of good repute, that the premises applied for meet  
14 all the requirements of this act and the regulations of the  
15 [board] department, that the applicant seeks a license for a  
16 hotel, restaurant or club, as defined in this act, and that the  
17 issuance of such license is not prohibited by any of the  
18 provisions of this act, the [board] department shall, in the  
19 case of a hotel or restaurant, grant and issue to the applicant  
20 a liquor license, and in the case of a club may, in its  
21 discretion, issue or refuse a license: Provided, however, That  
22 in the case of any new license or the transfer of any license to  
23 a new location the [board] department may, in its discretion,  
24 grant or refuse such new license or transfer if such place  
25 proposed to be licensed is within three hundred feet of any  
26 church, hospital, charitable institution, school, or public  
27 playground, or if such new license or transfer is applied for a  
28 place which is within two hundred feet of any other premises  
29 which is licensed by the [board] department, or if such new  
30 license or transfer is applied for a place where the principal

1 business is the sale of liquid fuels and oil: And provided  
2 further, That the [board] department shall refuse any  
3 application for a new license or the transfer of any license to  
4 a new location if, in the [board] department's opinion, such new  
5 license or transfer would be detrimental to the welfare, health,  
6 peace and morals of the inhabitants of the neighborhood within a  
7 radius of five hundred feet of the place proposed to be  
8 licensed: And provided further, That the [board] department  
9 shall not issue new licenses in any license district more than  
10 twice each license year, effective from specific dates fixed by  
11 the [board] department, and new licenses shall not be granted,  
12 except for hotels as defined in this act, unless the application  
13 therefor shall have been filed at least thirty days before the  
14 effective date of the license: And provided further, That  
15 nothing herein contained shall prohibit the [board] department  
16 from issuing a new license for the balance of any unexpired term  
17 in any license district to any applicant in such district, who  
18 shall have become eligible to hold such license as the result of  
19 legislative enactment, when such enactment shall have taken  
20 place during the license term of that district for which  
21 application is made or within the thirty days immediately  
22 preceding such term, nor shall anything herein contained  
23 prohibit the [board] department from issuing at any time a new  
24 license for an airport restaurant, or municipal golf course, as  
25 defined in section 461 of this act, for the balance of the  
26 unexpired license term in any license district: And provided  
27 further, That the [board] department shall have the discretion  
28 to refuse a license to any person or to any corporation,  
29 partnership or association if such person, or any officer or  
30 director of such corporation, or any member or partner of such

partnership or association shall have been convicted or found guilty of a felony within a period of five years immediately preceding the date of application for the said license.

Section 14. Section 405 of the act, amended July 18, 1961 (P.L.790, No.348), is amended to read:

Section 405. License Fees.--(a) License fees for hotel and restaurant liquor licenses shall be graduated according to the population of the municipality as determined by the last preceding decennial census of the United States in which the hotel or restaurant is located, as follows:

In municipalities having a population of less than fifteen hundred inhabitants, one hundred fifty dollars (\$150.00).

In municipalities, except townships, having a population of fifteen hundred and more but less than ten thousand inhabitants, and in townships having a population of fifteen hundred and more but less than twelve thousand inhabitants, two hundred dollars (\$200.00).

In municipalities, except townships, having a population of ten thousand and more but less than fifty thousand inhabitants, and in townships having a population of twelve thousand and more but less than fifty thousand inhabitants, three hundred dollars (\$300.00).

In those having a population of fifty thousand and more but less than one hundred thousand inhabitants, four hundred dollars (\$400.00).

In those having a population of one hundred thousand and more but less than one hundred fifty thousand inhabitants, five hundred dollars (\$500.00).

In those having a population of one hundred fifty thousand and more inhabitants, six hundred dollars (\$600.00).

1 (b) Every applicant for a club liquor license shall pay to  
2 the [board] department a license fee of fifty dollars (\$50.00),  
3 except clubs to which catering licenses are issued, in which  
4 cases the license fees shall be the same as for hotels and  
5 restaurants located in the same municipality.

6 (c) All license fees authorized under this section shall be  
7 collected by the [board] department for the use of the  
8 municipalities in which such fees were collected.

9 (d) Whenever any checks issued in payment of filing and/or  
10 license fees shall be returned to the [board] department as  
11 dishonored, the [board] department shall charge a fee of five  
12 dollars (\$5.00) per hundred dollars, or fractional part thereof,  
13 plus all protest fees, to the maker of such check submitted to  
14 the [board] department. Failure to pay the face amount of the  
15 check in full and all charges thereon as herein required within  
16 ten days after demand has been made by the [board] department  
17 upon the maker of the check, the license of such person, if  
18 issued, shall immediately terminate and be cancelled without any  
19 action on the part of the [board] department.

20 Section 15. Section 406 of the act, subsection (a) amended  
21 December 12, 1980 (No.221) and subsection (b) reenacted and  
22 amended September 2, 1971 (P.L.429, No.103), is amended to read:

23 Section 406. Sales by Liquor Licensees; Restrictions.--(a)  
24 Every hotel, restaurant or club liquor licensee may sell liquor  
25 and malt or brewed beverages by the glass, open bottle or other  
26 container, and in any mixture, for consumption only in that part  
27 of the hotel or restaurant habitually used for the serving of  
28 food to guests or patrons, or in a bowling alley that is  
29 immediately adjacent to and under the same roof as a restaurant  
30 when no minors are present in the bowling alley, and in the case

1 of hotels, to guests, and in the case of clubs, to members, in  
2 their private rooms in the hotel or club. No club licensee nor  
3 its officers, servants, agents or employees, other than one  
4 holding a catering license, shall sell any liquor or malt or  
5 brewed beverages to any person except a member of the club. In  
6 the case of a restaurant located in a hotel which is not  
7 operated by the owner of the hotel and which is licensed to sell  
8 liquor under this act, liquor and malt or brewed beverages may  
9 be sold for consumption in that part of the restaurant  
10 habitually used for the serving of meals to patrons and also to  
11 guests in private guest rooms in the hotel. For the purpose of  
12 this paragraph, any person who is an active member of another  
13 club which is chartered by the same state or national  
14 organization shall have the same rights and privileges as  
15 members of the particular club.

16 Hotel and restaurant liquor licensees, airport restaurant  
17 liquor licensees and municipal golf course restaurant liquor  
18 licensees may sell liquor and malt or brewed beverages only  
19 after seven o'clock antemeridian of any day until two o'clock  
20 antemeridian of the following day, except Sunday, and except as  
21 hereinafter provided, may sell liquor and malt or brewed  
22 beverages on Sunday between the hours of twelve o'clock midnight  
23 and two o'clock antemeridian.

24 Hotel and restaurant liquor licensees, airport restaurant  
25 liquor licensees and municipal golf course restaurant liquor  
26 licensees whose sales of food and nonalcoholic beverages are  
27 equal to forty per centum or more of the combined gross sales of  
28 both food and alcoholic beverages may sell liquor and malt or  
29 brewed beverages on Sunday between the hours of one o'clock  
30 postmeridian and two o'clock antemeridian Monday upon purchase

1 of a special annual permit from the [board] department at a fee  
2 of two hundred dollars (\$200.00) per year, which shall be in  
3 addition to any other license fees.

4 Hotel and restaurant liquor licensees, airport restaurant  
5 liquor licensees and municipal golf course restaurant liquor  
6 licensees which do not qualify for and purchase such annual  
7 special permit, their servants, agents or employes may sell  
8 liquor and malt or brewed beverages only after seven o'clock  
9 antemeridian of any day and until two o'clock antemeridian of  
10 the following day, and shall not sell after two o'clock  
11 antemeridian on Sunday. No hotel, restaurant and public service  
12 liquor licensee shall sell liquor and malt or brewed beverages  
13 after two o'clock antemeridian on any day on which a general,  
14 municipal, special or primary election is being held until one  
15 hour after the time fixed by law for closing the polls, except,  
16 that, in the case of a special election for members of the  
17 General Assembly or members of the Congress of the United  
18 States, when such special election is held on other than a  
19 primary, municipal or general election day, licensees in those  
20 Legislative or Congressional Districts may make such sales, as  
21 though the day were not a special election day. No club licensee  
22 or its servants, agents or employes may sell liquor or malt or  
23 brewed beverages between the hours of three o'clock antemeridian  
24 and seven o'clock antemeridian on any day. No public service  
25 liquor licensee or its servants, agents, or employes may sell  
26 liquor or malt or brewed beverages between the hours of two  
27 o'clock antemeridian and seven o'clock antemeridian on any day.

28 Any hotel, restaurant, club or public service liquor licensee  
29 may, by giving notice to the [board] department, advance by one  
30 hour the hours herein prescribed as those during which liquor

1 and malt or brewed beverages may be sold during such part of the  
2 year when daylight saving time is being observed generally in  
3 the municipality in which the place of business of such licensee  
4 is located. Any licensee who elects to operate his place of  
5 business in accordance with daylight saving time shall post a  
6 conspicuous notice in his place of business that he is operating  
7 in accordance with daylight saving time.

8 Notwithstanding any provisions to the contrary, whenever the  
9 thirty-first day of December falls on a Sunday, every hotel or  
10 restaurant liquor licensee, their servants, agents or employees  
11 may sell liquor and malt or brewed beverages on any such day  
12 after one o'clock postmeridian and until two o'clock  
13 antemeridian of the following day.

14 (b) Such Sunday sales by hotel and restaurant liquor  
15 licensees which qualify for and purchase such annual special  
16 permit, their servants, agents and employees, shall be made  
17 subject to the restrictions imposed by the act on sales by  
18 hotels and restaurants for sales on week days as well as those  
19 restrictions set forth in this section.

20 Section 16 Section 408 of the act, subsections (a), (b) and  
21 (c) amended November 26, 1978 (P.L.1389, No.326), is amended to  
22 read:

23 Section 408. Public Service Liquor Licenses.--(a) Subject  
24 to the provisions of this act and regulations promulgated under  
25 this act, the [board] department, upon application, shall issue  
26 retail liquor licenses to railroad or pullman companies  
27 permitting liquor and malt or brewed beverages to be sold in  
28 dining, club or buffet cars to passengers for consumption while  
29 enroute on such railroad, and may issue retail liquor licenses  
30 to steamship companies permitting liquor or malt or brewed

1 beverages to be sold in the dining compartments of steamships or  
2 vessels wherever operated in the Commonwealth, except when  
3 standing or moored in stations, terminals or docks within a  
4 municipality wherein sales of liquor for consumption on the  
5 premises are prohibited, and may further issue retail liquor  
6 licenses to airline companies permitting liquor or malt or  
7 brewed beverages to be sold to passengers for consumption while  
8 enroute on such airline. Such licenses shall be known as public  
9 service liquor licenses. The [board] department may issue a  
10 master license to railroad or pullman companies to cover the  
11 maximum number of cars which the company shall estimate that it  
12 will operate within the Commonwealth on any one day. Such  
13 licensees shall file monthly reports with the [board] department  
14 showing the maximum number of cars operated in any one day  
15 during the preceding month, and if it appears that more cars  
16 have been operated than covered by its license it shall  
17 forthwith remit to the [board] department the sum of twenty  
18 dollars for each extra car so operated.

19 (b) For the purpose of considering an application by a  
20 steamship or airline company for a public service liquor  
21 license, the [board] department may cause an inspection of the  
22 steamship or vessel or aircraft for which a license is desired.  
23 The [board] department may, in its discretion, grant or refuse  
24 the license applied for and there shall be no appeal from its  
25 decision, except that an action of mandamus may be brought  
26 against the [board] department in the manner provided by law.

27 (c) Every applicant for a public service liquor license  
28 shall, before receiving such license, file with the [board]  
29 department a surety bond as hereinafter prescribed, pay to the  
30 [board] department for each of the maximum number of dining,

1 club or buffet cars which the applicant estimates it will have  
2 in operation on any one day an annual fee of twenty dollars  
3 (\$20.00), and for each steamship or vessel or aircraft for which  
4 a license is desired an annual fee of one hundred dollars  
5 (\$100.00).

6 (d) Unless previously revoked, every license issued by the  
7 [board] department under this section shall expire and terminate  
8 on the thirty-first day of December, in the year for which the  
9 license is issued. Licenses issued under the provisions of this  
10 section shall be renewed annually, as herein provided, upon the  
11 filing of applications in such form as the [board] department  
12 shall prescribe, but no license shall be renewed until the  
13 applicant shall file with the [board] department a new surety  
14 bond and shall pay the requisite license fee specified in this  
15 section.

16 (e) Except as otherwise specifically provided, sales of  
17 liquor and malt or brewed beverages by the aforesaid public  
18 service company licensees shall be made in accordance with, and  
19 shall be subject to, the provisions of this act relating to the  
20 sale of liquors by restaurant licensees.

21 Section 17. Section 408.1 of the act, added December 15,  
22 1965 (P.L.1106, No.426) and amended November 17, 1967 (P.L.510,  
23 No.247), is amended to read:

24 Section 408.1. Trade Show and Convention Licenses.--(a) The  
25 [board] department is authorized to issue a license in any city  
26 of the first or second class for the retail sale of liquor and  
27 malt or brewed beverages by the glass, open bottles or other  
28 container or in any mixture for consumption in any restaurant or  
29 other appropriate location on city-owned premises or on premises  
30 of an authority created under the act of July 29, 1953

1 (P.L.1034, No.270), known as the "Public Auditorium Authorities  
2 Law" customarily used or available for use for trade shows and  
3 conventions. Any concessionaire selected and certified by the  
4 city or its authorized agency or by the authority may apply for  
5 a license.

6 (b) The application for a trade show and convention license  
7 may be filed at any time and shall conform with all requirements  
8 for restaurant liquor license applications except as may be  
9 otherwise provided herein. The applicant shall submit such other  
10 information as the [board] department may require. Application  
11 shall be in writing on forms prescribed by the [board]  
12 department and shall be signed and submitted to the [board]  
13 department by the applicant. The filing fee which shall  
14 accompany the trade show and convention license application  
15 shall be twenty dollars (\$20).

16 (c) Upon receipt of the application in proper form and the  
17 application fee, and upon being satisfied that the applicant is  
18 of good repute and financially responsible and that the proposed  
19 place of business is proper, the [board] department shall issue  
20 a license to the applicant.

21 (d) The license shall be issued for the same period as  
22 provided for restaurant licenses and shall be renewed as in  
23 section 402. The license shall terminate upon revocation by the  
24 [board] department or upon termination of the contract between  
25 the concessionaire and the city or authority.

26 (e) The annual fee for a trade show and convention license  
27 shall be six hundred dollars (\$600), and shall accompany the  
28 application for the license. Whenever a concessionaire's  
29 contract terminates the license shall be returned to the [board]  
30 department for cancellation and a new license shall be issued to

1 a new applicant.

2 (f) The penal sum of the bond which shall be filed by an  
3 applicant for a trade show and convention license pursuant to  
4 section 465 of this article shall be two thousand dollars  
5 (\$2,000) and in addition thereto he shall file an additional  
6 bond in a sum to assure payment of any suspension of license up  
7 to one hundred days.

8 (g) Sales by the holder of a trade show and convention  
9 license may be made except to those persons prohibited under  
10 clause (1) of section 493 of this act on city-owned or  
11 authority-owned, leased or operated premises customarily used or  
12 available for use for trade shows and conventions during the  
13 hours in which the convention or trade show is being held and up  
14 to one hour after the scheduled closing, and at functions which  
15 are incidental to or a part of the trade show or convention, but  
16 such sales may not be made beyond the hours expressed in the act  
17 for the sale of liquor by restaurant licensees: Provided,  
18 however, That during the hours expressed in this act for the  
19 sale of liquor by hotel licensees, sales of such liquor or malt  
20 or brewed beverages may be made by said licensee at banquets,  
21 not incidental to trade shows or conventions, at which more than  
22 two thousand persons are scheduled to attend, and at functions  
23 irrespective of attendance, which are directly related to the  
24 Philadelphia Commercial Museum or the Center for International  
25 Visitors: And provided further, That no such sale shall be made  
26 at any sporting, athletic or theatrical event.

27 (h) Whenever a contract is terminated prior to the  
28 expiration date provided in the contract between the city or  
29 authority and the concessionaire, the city or authority may  
30 select and certify to the [board] department a different

1 concessionaire which concessionaire shall apply to the [board]  
2 department for a new license. If the applicant meets the  
3 requirements of the [board] department as herein provided a new  
4 license shall thereupon be issued.

5 (i) If any trade show and convention license is suspended,  
6 the offer in compromise shall be accepted at the same rate as  
7 provided for existing restaurant liquor licenses not in excess  
8 of one hundred days. If any trade show and convention license is  
9 revoked, the [board] department shall issue a new license to any  
10 qualified applicant without regard to the prohibition in section  
11 471 against the grant of license at the same premises for a  
12 period of at least one year.

13 Section 18. Section 408.2 of the act, added November 25,  
14 1970 (P.L.770, No.255) and amended June 9, 1972 (P.L.379,  
15 No.108), is amended to read:

16 Section 408.2. City-Owned Stadia.--(a) The [board]  
17 department is authorized to issue a license in any city of the  
18 first class for the retail sale of liquor and malt or brewed  
19 beverages by the glass, open bottles or other container or in  
20 any mixture for consumption in any restaurant on city-owned  
21 premises principally utilized for competition of professional  
22 and amateur athletes and other types of entertainment where  
23 there is an available seating capacity within the premises of  
24 twelve thousand or more.

25 (b) The application for a city-owned stadium license may be  
26 filed at any time by a concessionaire selected and certified by  
27 the city or its authorized agency and shall conform with all  
28 requirements for restaurant-liquor licenses and applications  
29 except as may otherwise be provided herein. Applicant shall  
30 submit such other information as the [board] department may

1 require. Applications shall be in writing on forms prescribed by  
2 the [board] department and shall be signed and submitted to the  
3 [board] department by the applicant. The filing fee which shall  
4 accompany the license application shall be twenty dollars (\$20).

5 (c) Upon receipt of the application in proper form and the  
6 application fee and upon being satisfied that the applicant is  
7 of good repute and financially responsible and that the proposed  
8 place of business is proper, the [board] department shall issue  
9 a license to the applicant.

10 (d) The license shall be issued for the same period of time  
11 as provided for restaurant licenses and shall be renewed as  
12 provided in section 402. The license shall terminate upon  
13 revocation by the [board] department or upon termination of the  
14 contract between the concessionaire and the city.

15 (e) The annual fee for a stadium license shall be six  
16 hundred dollars (\$600), and shall accompany the application for  
17 the license. Whenever a concessionaire's contract terminates the  
18 license shall be returned to the [board] department for  
19 cancellation and a new license shall be issued to a new  
20 applicant.

21 (f) The penal sum of the bond which shall be filed by an  
22 applicant for a stadium license pursuant to section 465 of the  
23 "Liquor Code" shall be two thousand dollars (\$2,000) and in  
24 addition thereto he shall file an additional bond in a sum to  
25 assure payment of any fine imposed by the [board] department up  
26 to one thousand dollars (\$1,000).

27 (g) Sales by the holder of a stadium license may be made  
28 except to those persons prohibited under clause (1) of section  
29 493 of this act on city-owned premises customarily used or  
30 available for use for competition of professional and amateur

1 athletes and other types of entertainment during the hours in  
2 which the entertainment is being held and up to one hour after  
3 the scheduled closing, and at functions which are incidental to  
4 or part of the stadium activities, but such sales may not be  
5 made beyond the hours expressed in the code for the sale of  
6 liquor by restaurant licensees: Provided, however, That such  
7 sales may be made on Sunday between the hours of twelve o'clock  
8 noon and ten o'clock postmeridian: And provided further, That  
9 during the hours expressed in this act for the sale of liquor by  
10 hotel licensees, sales of such liquor or malt or brewed  
11 beverages may be made by said licensee at banquets, not  
12 incidental to stadium activities, at which more than two  
13 thousand persons are scheduled to attend, and at functions  
14 irrespective of attendance, which are directly related to stadia  
15 purposes.

16 (h) Whenever a contract is terminated prior to the  
17 expiration date provided in the contract between the city and  
18 the concessionaire, the city may select and certify to the  
19 [board] department a different concessionaire which  
20 concessionaire shall apply to the [board] department for a new  
21 license. If the applicant meets the requirements of the [board]  
22 department as herein provided a new license shall thereupon be  
23 issued. If any stadium license is revoked, the [board]  
24 department shall issue a new license to any qualified applicant  
25 without regard to the prohibition in section 471, against the  
26 grant of a license at the same premises for a period of at least  
27 one year.

28 Section 19. Section 408.3 of the act, added March 23, 1972  
29 (P.L.122, No.46), is amended to read:

30 Section 408.3. Performing Arts Facilities.--(a) The [board]

1 department is authorized to issue a license to one nonprofit  
2 corporation operating a theater for the performing arts in each  
3 city of the first or second class which has seating  
4 accommodations for at least twenty-seven hundred persons except  
5 where prohibited by local option for the retail sale of liquor  
6 and malt or brewed beverages by the glass, open bottle or other  
7 container or in any mixture for consumption in any such theater  
8 for the performing arts.

9 (b) The application for a performing arts facility license  
10 may be filed at any time by a nonprofit corporation operating  
11 such a theater for the performing arts or by a concessionaire  
12 selected by such nonprofit corporation and shall conform with  
13 all requirements for restaurant liquor licenses and applications  
14 except as may otherwise be provided herein. Applicant shall  
15 submit such other information as the [board] department may  
16 require. Applications shall be in writing on forms prescribed by  
17 the [board] department and shall be signed and submitted to the  
18 [board] department by the applicant. The filing fee which shall  
19 accompany the license application shall be twenty dollars (\$20).

20 (c) Upon receipt of the application in proper form and the  
21 application fee and upon being satisfied that the applicant is  
22 of good repute and financially responsible and that the proposed  
23 place of business is proper, the [board] department shall issue  
24 a license to the applicant.

25 (d) The license shall be issued for the same period of time  
26 as provided for restaurant licenses and shall be renewed as  
27 provided in section 402. The license shall terminate upon  
28 revocation by the [board] department or upon termination of the  
29 contract between the concessionaire and such nonprofit  
30 corporation.

1 (e) The annual fee for a performing arts facility shall be  
2 six hundred dollars (\$600), and shall accompany the application  
3 for the license. Whenever and if a concessionaire's contract  
4 terminates the license shall be returned to the [board]  
5 department for cancellation and a new license shall be issued to  
6 a new applicant.

7 (f) The penal sum of the bond which shall be filed by an  
8 applicant for a performing arts facility pursuant to section 465  
9 of the "Liquor Code" shall be two thousand dollars (\$2,000).

10 (g) Sales by the holder of a performing arts facility  
11 license may be made except to those persons prohibited under  
12 clause (1) of section 493 of this act on the premises of such a  
13 theater for the performing arts during the hours expressed in  
14 the code for the sale of liquor and malt and brewed beverages by  
15 restaurant licensees, and the license may be used for such sales  
16 on Sundays between the hours of 1:00 P.M. and 10:00 P.M.,  
17 irrespective of the volume of food sales.

18 (h) Whenever a contract with a concessionaire is terminated  
19 prior to the expiration date provided in the contract between  
20 such nonprofit corporation and the concessionaire, such  
21 nonprofit corporation may select and certify to the [board]  
22 department a different concessionaire which concessionaire shall  
23 apply to the [board] department for a new license. If the  
24 applicant meets the requirements of the [board] department as  
25 herein provided a new license shall thereupon be issued. If any  
26 such performing arts facility license is revoked, the [board]  
27 department shall issue a new license to any qualified applicant  
28 without regard to the prohibition in section 471, against the  
29 grant of a license at the same premises for a period of at least  
30 one (1) year.

1 (i) Licenses issued under the provisions of this section  
2 shall not be subject to the quota restrictions of section 461 of  
3 this act.

4 (j) Performing arts facility licenses shall not be subject  
5 to the provisions of section 404 except in so far as they relate  
6 to the reputation of the applicant nor to the provisions of  
7 sections 461 and 463 nor to the provisions of clause (10) of  
8 section 493 of the "Liquor Code."

9 (k) Sales under such licenses (including food sales) may be  
10 limited by the licensee to patrons of the events scheduled in  
11 the theater of the performing arts. Provided food is offered for  
12 sale when sales are made under the license, such food may be  
13 catered from off the premises.

14 Section 20. Section 408.4 of the act, amended July 11, 1980  
15 (No.117), is amended to read:

16 Section 408.4. Special Occasion Permits.--(a) Upon  
17 application of any hospital, church, synagogue, volunteer fire  
18 company, bona fide sportsmen's club in existence for at least  
19 ten years and upon payment of a fee of fifteen dollars (\$15) per  
20 day, the [board] department shall issue a special occasion  
21 permit good for a period of not more than three consecutive  
22 days. Special occasion permits may also be issued to a museum  
23 operated by a nonprofit corporation in a city of the third class  
24 or a nonprofit corporation engaged in the performing arts in a  
25 city of the third class for a period of not more than six  
26 nonconsecutive days at a fee of fifteen dollars (\$15) per day.

27 (b) In any city, borough, incorporated town or township in  
28 which the sale of liquor and/or malt or brewed beverages has  
29 been approved by the electorate, such special occasion permit  
30 shall authorize the permittee to sell liquor and/or malt or

1 brewed beverages as the case may be to any adult person on any  
2 day for which the permit is issued.

3 (c) Such special occasion permit shall only be valid for the  
4 number of days stated in the permit. Only one permit may be  
5 issued to any permittee during the year. Provided, that a museum  
6 operated by a nonprofit corporation in a city of the third class  
7 and a nonprofit corporation engaged in the performing arts in a  
8 city of the third class may be issued no more than six permits  
9 during the year, each permit being valid for only one day. The  
10 provisions of this subsection relating to the issuance of  
11 permits for Bicentennial units shall expire December 31, 1976.

12 (d) Such permits shall only be issued for use at a special  
13 event including, but not limited to bazaars, picnics and  
14 clambakes. The special event must be one which is used by the  
15 permittee as a means of raising funds for itself.

16 (e) The provisions of this section shall not be applicable  
17 to any licensee now or hereafter possessing a caterer's license,  
18 nor to any professional fund raiser.

19 (f) Any person selling liquor or malt or brewed beverages in  
20 violation of this section shall, upon summary conviction, be  
21 sentenced to pay a fine of two hundred fifty dollars (\$250) for  
22 the first offense and a fine of five hundred dollars (\$500) for  
23 each subsequent offense. This fine shall be in addition to any  
24 other penalty imposed by law for the illegal sale of malt or  
25 brewed beverages.

26 Section 21. Section 408.5 of the act, amended July 9, 1976  
27 (P.L.527, No.125), is amended to read:

28 Section 408.5. Licenses for City-owned Art Museums, Cities  
29 First Class and Art Museums Maintained by Certain Non-profit  
30 Corporations in Cities of the Second Class.--(a) The [board]

1 department is authorized to issue a license in any city of the  
2 first class for the retail sale of liquor and malt or brewed  
3 beverages by the glass, open bottles or other container, and in  
4 any mixture, for consumption in any city-owned art museum or in  
5 any art museum maintained by a non-profit corporation in cities  
6 of the second class. For the purpose of this section "non-profit  
7 corporation" shall mean a corporation organized under the non-  
8 profit corporation laws for the benefit of the public and not  
9 for the mutual benefit of its members, and which maintains an  
10 art museum having a floor area of not less than one hundred  
11 thousand square feet in one building.

12 (b) The application for a license may be filed at any time  
13 by the city, the non-profit corporation or lessee. The  
14 application may also be filed by a concessionaire selected and  
15 certified by the city or the non-profit corporation. The  
16 application shall conform with all requirements for restaurant  
17 liquor licenses and applications except as may otherwise be  
18 provided herein. Applicant shall submit such other information  
19 as the [board] department may require. The application shall be  
20 in writing on forms prescribed by the [board] department and  
21 shall be signed and submitted to the [board] department by the  
22 applicant. A filing fee of twenty dollars (\$20) shall accompany  
23 the license application.

24 (c) Upon receipt of the application in proper form with the  
25 application fee and upon being satisfied that the applicant is  
26 of good reputation and financially responsible and that the proposed  
27 place of business is proper, the [board] department shall issue  
28 a license to the applicant.

29 (d) The license shall be issued for the same period of time  
30 as provided for restaurant licensees and shall be renewed as

1 provided in section 402. The license shall terminate upon  
2 revocation by the [board] department or upon termination of the  
3 lease or upon termination of the contract between the  
4 concessionaire and the city or the non-profit corporation.

5 (g) Sales by the holder of an art museum license may be made  
6 except to those persons prohibited by this act on premises used  
7 for art museum purposes, but such sales may not be made beyond  
8 the hours expressed in this act for the sale of liquor by  
9 restaurant licenses. However, sales of liquor or malt or brewed  
10 beverages may be made by an art museum licensee at banquets at  
11 which more than five hundred persons are scheduled to attend and  
12 at any other function which is directly related to art museum  
13 purposes.

14 (h) Whenever a lease or a concession contract is terminated  
15 prior to the expiration date provided in the lease or contract  
16 between the city or the non-profit corporation and the tenant or  
17 concessionaire, the city or the non-profit corporation may  
18 select and certify to the [board] department a different  
19 licensee or concessionaire who may then apply to the [board]  
20 department for a new license. If the applicant meets the  
21 requirements of the [board] department as herein provided a new  
22 license shall thereupon be issued.

23 (i) If the [board] department shall revoke any art museum  
24 license, the [board] department shall issue a new license to any  
25 qualified applicant without regard to the prohibition in section  
26 471 against the grant of a license at the same premises for a  
27 period of at least one year.

28 (i.1) Any renewal of a license presently held by a city-  
29 owned art museum in a city of the first class shall be  
30 accomplished by the purchase of a license from an existing

1 licensee.

2 (i.2) An art museum maintained by a non-profit corporation  
3 or corporations in a city of the second class which obtains  
4 approval of its application for a license from the [board]  
5 department shall purchase a license from an existing licensee.

6 (j) The provisions of this act shall supersede or exempt any  
7 provision of the Liquor Code which would prevent the issuance of  
8 a license for the retail sale of liquor and malt or brewed  
9 beverages upon any premises owned by the city of the first class  
10 or by a non-profit corporation in a city of the second class  
11 used for art museum purposes.

12 Section 22. Section 408.6 of the act, added July 11, 1980  
13 (No.117), is amended to read:

14 Section 408.6. Performing Arts Facilities.--(a) The [board]  
15 department is authorized to issue a restaurant liquor license to  
16 a nonprofit corporation or to a concessionaire selected by such  
17 nonprofit corporation in any city of the third class for the  
18 retail sale of liquor and malt or brewed beverages by the glass,  
19 open bottles or other container or in any mixture for  
20 consumption on any city-owned premises utilized as a nonprofit  
21 performing arts facility or any other premises utilized as a  
22 nonprofit performing arts facility where there is an available  
23 seating capacity within the premises of one thousand or more:  
24 Provided, however, That no sale or consumption of such beverages  
25 shall take place on any portions of such premises other than  
26 service areas approved by the [board] department..

27 (b) An application for the issuance may be filed at any time  
28 by a nonprofit corporation operating such a theater for the  
29 performing arts or by a concessionaire selected by such  
30 nonprofit corporation. Any such license granted under these

1 provisions need not conform to the requirements of the act  
2 relating to restaurant liquor licenses, except as provided  
3 herein. Applicant shall submit such other information as the  
4 [board] department may require. Applications shall be in writing  
5 on forms prescribed by the [board] department and shall be  
6 signed and submitted to the [board] department by the applicant.  
7 The filing fee which shall accompany the license application  
8 shall be thirty dollars (\$30).

9 (c) Upon receipt of the application in proper form and the  
10 application fee and upon being satisfied that the applicant is  
11 of good reputation and financially responsible and that the proposed  
12 place of business is proper, the [board] department shall issue  
13 the restaurant liquor license for the performing arts facility.

14 (d) The license shall be issued for the same period of time  
15 as provided for restaurant licenses and shall be renewed as  
16 provided in section 402. The license shall terminate upon  
17 revocation by the [board] department or upon termination and  
18 nonrenewal of the contract between the concessionaire and such  
19 nonprofit corporation.

20 (e) The annual fee for a performing arts facility shall be  
21 as provided in section 405 and shall accompany the application  
22 for the license. Whenever and if a concessionaire's contract  
23 terminates and is not renewed the license shall be returned to  
24 the [board] department for cancellation but the [board]  
25 department may issue a restaurant liquor license to a subsequent  
26 applicant.

27 (f) The penal sum of the bond which shall be filed by an  
28 applicant for a performing arts facility pursuant to section 465  
29 shall be two thousand dollars (\$2,000).

30 (g) Sales by the holder of a performing arts facility

1 license may be made except to those persons prohibited under  
2 clause (1) of section 493 on [board-approved] department-  
3 approved service areas of the premises of such a facility for  
4 the performing arts during the hours in which the performance is  
5 being held and up to one hour before the scheduled opening and  
6 one hour after the scheduled closing, but such sales may not be  
7 made beyond the hours expressed in the code for the sale of  
8 liquor and malt or brewed beverages by restaurant licensees:  
9 Provided, however, That such sales may be made on Sunday between  
10 the hours of one o'clock postmeridian and ten o'clock  
11 postmeridian, irrespective of the volume of food sales.

12 (h) Whenever a contract with a concessionaire is terminated  
13 prior to the expiration date provided in the contract between  
14 such nonprofit corporation and the concessionaire and is not  
15 renewed, such nonprofit corporation may apply to the [board]  
16 department for the issuance of a restaurant liquor license or  
17 may select and certify to the [board] department a different  
18 concessionaire which concessionaire shall apply to the [board]  
19 department for the issuance of a restaurant liquor license. If  
20 the applicant meets the requirements of the [board] department  
21 as herein provided, the issuance shall thereupon occur. If any  
22 such performing arts facility license is revoked, the [board]  
23 department shall issue a new license to any qualified applicant  
24 without regard to the prohibition in section 471, against the  
25 grant of a license at the same premises for a period of at least  
26 one year.

27 (i) Licenses issued under the provisions of this section  
28 shall not be subject to the quota restrictions of section 461.

29 (j) Performing arts licenses shall not be subject to the  
30 provisions of section 404 except insofar as they relate to the

1 reputation of the applicant nor to the provisions of sections  
2 461 and 463, nor to the provisions of clause (10) of section  
3 493.

4 (k) Sales under such licenses (including food sales) may be  
5 limited by the licensee to patrons of the events scheduled in  
6 the facility of the performing arts. Provided food is offered  
7 for sale when sales are made under the license, such food may be  
8 catered from off the premises.

9 Section 23. Section 408.7 of the act, added December 12,  
10 1980 (No.221), is amended to read:

11 Section 408.7. Performing Arts Facilities.--(a) The [board]  
12 department is authorized to transfer a restaurant liquor license  
13 purchased by any person or by a concessionaire selected by such  
14 person in any city of the first or second class for the retail  
15 sale of liquor and malt or brewed beverages by the glass, open  
16 bottles or other container or in any mixture for consumption on  
17 any city-owned premises utilized as a performing arts facility  
18 or any other premise utilized as a performing arts facility  
19 where there is an available seating capacity within the premises  
20 of one thousand or more: Provided, however, That no sale or  
21 consumption of such beverages shall take place on any portions  
22 of such premises other than service areas approved by the  
23 [board] department.

24 (b) An application for transfer may be filed at any time by  
25 a person operating such a theater for the performing arts or by  
26 a concessionaire selected by such person. Any such license  
27 granted under these provisions need not conform to the  
28 requirements of the act relating to restaurant liquor licenses,  
29 except as provided herein. Applicant shall submit such other  
30 information as the [board] department may require. Applications

1 shall be in writing on forms prescribed by the [board]  
2 department and shall be signed and submitted to the [board]  
3 department by the applicant. The filing fee which shall  
4 accompany the license transfer application shall be thirty  
5 dollars (\$30).

6 (c) Upon receipt of the application in proper form and the  
7 application fee and upon being satisfied that the applicant is  
8 of good repute and financially responsible and that the proposed  
9 place of business is proper, the [board] department shall  
10 transfer the restaurant liquor license for the performing arts  
11 facility.

12 (d) The license shall be transferred for the same period of  
13 time as provided for restaurant licenses and shall be renewed as  
14 provided in section 402. The license shall terminate upon  
15 revocation by the [board] department or upon termination and  
16 nonrenewal of the contract between the concessionaire and such  
17 person.

18 (e) The annual fee for a performing arts facility shall be  
19 as provided in section 405 and shall accompany the application  
20 for the license. Whenever and if a concessionaire's contract  
21 terminates and is not renewed the license shall be returned to  
22 the [board] department for cancellation and the [board]  
23 department may transfer a restaurant liquor license purchased by  
24 a subsequent applicant.

25 (f) The penal sum of the bond which shall be filed by an  
26 applicant for a performing arts facility pursuant to section 465  
27 shall be two thousand dollars (\$2,000).

28 (g) Sales by the holder of a performing arts facility  
29 license may be made except to those persons prohibited under  
30 clause (1) of section 493 on [board-approved] department-

1 approved service areas of the premises of such a facility for  
2 the performing arts during the hours in which the performance is  
3 being held and up to one hour before the scheduled opening and  
4 one hour after the scheduled closing, but such sales may not be  
5 made beyond the hours expressed in the code for the sale of  
6 liquor and malt or brewed beverages by restaurant licensees:  
7 Provided, however, That such sales may be made on Sunday between  
8 the hours of one o'clock postmeridian and ten o'clock  
9 postmeridian, irrespective of the volume of food sales.

10 (h) Whenever a contract with a concessionaire is terminated  
11 prior to the expiration date provided in the contract between  
12 such person and the concessionaire and is not renewed, such  
13 person may apply to the [board] department for the transfer of a  
14 restaurant liquor license purchased by such person, or may  
15 select and certify to the [board] department a different  
16 concessionaire which concessionaire shall apply to the [board]  
17 department for the transfer of a restaurant liquor license  
18 purchased by such concessionaire. If the applicant meets the  
19 requirements of the [board] department as herein provided, a  
20 transfer shall thereupon occur. If any such performing arts  
21 facility license is revoked, the [board] department shall  
22 transfer a license for any qualified applicant who has purchased  
23 a restaurant liquor license without regard to the prohibition in  
24 section 471, against the grant of a license at the same premises  
25 for a period of at least one year.

26 (i) Performing arts licenses shall not be subject to the  
27 provisions of section 404 except insofar as they relate to the  
28 reputation of the applicant nor to the provisions of section  
29 463, nor to the provisions of clause (10) of section 493.

30 (j) Sales under such licenses (including food sales) may be

1 limited by the licensee to portions of the events scheduled in  
2 the facility of the performing arts. Provided food is offered  
3 for sale when sales are made under the license, such food may be  
4 catered from off the premises.

5 Section 24. Section 409 of the act, amended February 17,  
6 1956 (1955 P.L.1078, No.349) and September 28, 1961 (P.L.1728,  
7 No.702), is amended to read:

8 Section 409. Sacramental Wine Licenses; Fees; Privileges;  
9 Restrictions.--(a) Subject to the provisions of this act in  
10 general and more particularly to the following provisions of  
11 this section, the [board] department shall issue sacramental  
12 wine licenses to qualified applicants.

13 (b) Every applicant for a sacramental wine license shall  
14 file a written application with the [board] department in such  
15 form as the [board] department shall from time to time  
16 prescribe, which shall be accompanied by a filing fee of twenty  
17 dollars (\$20), a license fee of one hundred dollars, and a bond  
18 as hereinafter prescribed. Every such application shall contain  
19 a description of the premises for which the applicant desires a  
20 license and shall set forth such other material information as  
21 may be required by the [board] department.

22 (c) If the applicant is a natural person, his application  
23 must show that he is a citizen of the United States and a  
24 resident of this Commonwealth. If the applicant is an  
25 association or partnership, each and every member of the  
26 association or partnership must be a citizen of the United  
27 States and a resident of this Commonwealth. If the applicant is  
28 a corporation, the application must show that the corporation  
29 was created under the laws of Pennsylvania or holds a  
30 certificate of authority to transact business in Pennsylvania,

1 and that all officers, directors and stockholders are citizens  
2 of the United States.

3 (d) Holders of such licenses may purchase from manufacturers  
4 or bring or import into this Commonwealth wine to be used for  
5 sacramental or religious purposes only, and bottle and sell the  
6 same to priests, clergymen and rabbis for use in the cathedral,  
7 church, synagogue or temple, or for sustaining members of the  
8 congregation or members of the faith who attend religious  
9 services, duly certified by such priests, clergymen or rabbis.  
10 The sale and use of wine for sacramental or religious purposes  
11 shall be subject to and in accordance with the regulations of  
12 the [board] department.

13 (e) Any wine purchased under the authority of this section  
14 shall not be used for any other than sacramental or religious  
15 purposes. Sacramental wine may not be sold by any person except  
16 the holder of a sacramental wine license.

17 (f) Every sacramental wine licensee shall maintain on the  
18 licensed premises such records as the [board] department may  
19 prescribe. No deliveries of sacramental wine shall be made  
20 unless and until an order therefor is on file at the principal  
21 place of business in Pennsylvania. All shipments into  
22 Pennsylvania of wine to be used for sacramental or religious  
23 purposes shall be consigned to the principal place of business  
24 maintained by the licensee.

25 (g) Any such license may be suspended or revoked by the  
26 [board] department upon proof satisfactory to it that the  
27 licensee has violated any law of this Commonwealth or any  
28 regulation of the [board] department relating to liquor and  
29 alcohol. The procedure in such cases shall be the same as for  
30 the revocation and suspension of hotel, restaurant and club

1 licenses.

2 Section 25. Section 410 of the act, amended September 28,  
3 1961 (P.L.1728, No.702), is amended to read:

4 Section 410. Liquor Importers' Licenses; Fees; Privileges;  
5 Restrictions.--(a) Subject to the provisions of this act in  
6 general and more particularly to the following provisions of  
7 this section, the [board] department shall issue liquor  
8 importers' licenses to qualified applicants.

9 (b) Every applicant for an importer's license shall file a  
10 written application with the [board] department in such form as  
11 the [board] department shall from time to time prescribe, which  
12 shall be accompanied by a filing fee of twenty dollars (\$20), a  
13 license fee of one hundred dollars, and a bond as hereinafter  
14 required. Every such application shall contain a description of  
15 the principal place of business for which the applicant desires  
16 a license and shall set forth such other material information as  
17 may be required by the [board] department.

18 (c) The holder of an importer's license may have included in  
19 such license one warehouse wherein only his liquor may be kept  
20 and stored, located in the same municipality in which his  
21 licensed premises is situate, and not elsewhere, unless such  
22 licensee secures from the [board] department a license for each  
23 additional storage warehouse desired. The [board] department is  
24 authorized and empowered to issue to a holder of an importer's  
25 license a license for an additional storage warehouse or  
26 warehouses located in this Commonwealth, provided such licensed  
27 importer files with the [board] department a separate  
28 application for each warehouse in such form and containing such  
29 information as the [board] department may from time to time  
30 require, accompanied by a filing fee of twenty dollars (\$20), a

1 license fee of twenty-five dollars, and a bond of an approved  
2 surety company in the amount of ten thousand dollars. Such bond  
3 shall contain the same provisions and conditions as are required  
4 in the other license bonds under this article.

5 (d) If the applicant is a natural person, his application  
6 must show that he is a citizen of the United States and a  
7 resident of this Commonwealth. If the applicant is an  
8 association or partnership, each and every member of the  
9 association or partnership must be a citizen of the United  
10 States and a resident of this Commonwealth. If the applicant is  
11 a corporation, the application must show that the corporation  
12 was created under the laws of Pennsylvania or holds a  
13 certificate of authority to transact business in Pennsylvania,  
14 and that all officers, directors and stockholders are citizens  
15 of the United States.

16 (e) Importers' licenses shall permit the holders thereof to  
17 bring or import liquor from other states, foreign countries, or  
18 insular possessions of the United States, and purchase liquor  
19 from manufacturers located within this Commonwealth, to be sold  
20 outside of this Commonwealth or to [Pennsylvania Liquor Stores]  
21 Free Enterprise Stores within this Commonwealth, or when in  
22 original containers of ten gallons or greater capacity, to  
23 licensed manufacturers within this Commonwealth.

24 [All importations of liquor into Pennsylvania by the licensed  
25 importer shall be consigned to the Pennsylvania Liquor Control  
26 Board or the principal place of business or authorized place of  
27 storage maintained by the licensee.]

28 (f) Every importer shall maintain on the licensed premises  
29 such records as the [board] department may prescribe. Any such  
30 license may be suspended or revoked by the [board] department

1 upon proof satisfactory to it that the licensee has violated any  
2 law of this Commonwealth or any regulation of the [board]  
3 department relating to liquor and alcohol. The procedure in such  
4 cases shall be the same as for the revocation and suspension of  
5 hotel, restaurant and club licenses.

6 Section 26. Section 431 of the act, amended August 17, 1965  
7 (P.L.346, No.182), October 9, 1967 (P.L.395, No.179), May 5,  
8 1970 (P.L.342, No.110) and June 22, 1980 (No.73), is amended to  
9 read:

10 Section 431. Malt and Brewed Beverages Manufacturers',  
11 Distributors' and Importing Distributors' Licenses.--(a) The  
12 [board] department shall issue to any person a resident of this  
13 Commonwealth of good repute who applies therefor, pays the  
14 license fee hereinafter prescribed, and files the bond  
15 hereinafter required, a manufacturer's license to produce and  
16 manufacture malt or brewed beverages, and to transport, sell and  
17 deliver malt or brewed beverages at or from one or more places  
18 of manufacture or storage, only in original containers, in  
19 quantities of not less than a case of twenty-four containers,  
20 each container holding seven fluid ounces or more, or a case of  
21 twelve containers, each container holding twenty-four fluid  
22 ounces or more, except original containers containing one  
23 hundred twenty-eight ounces or more which may be sold separately  
24 anywhere within the Commonwealth. Licenses for places of storage  
25 shall be limited to those maintained by manufacturers on July  
26 eighteenth, one thousand nine hundred thirty-five, and the  
27 [board] department shall issue no licenses for places of storage  
28 in addition to those maintained on July eighteenth, one thousand  
29 nine hundred thirty-five. The application for such license shall  
30 be in such form and contain such information as the [board]

1 department shall require. All such licenses shall be granted for  
2 the calendar year. Every manufacturer shall keep at his or its  
3 principal place of business, within the Commonwealth daily  
4 permanent records which shall show, (1) the quantities of raw  
5 materials received and used in the manufacture of malt or brewed  
6 beverages and the quantities of malt or brewed beverages  
7 manufactured and stored, (2) the sales of malt or brewed  
8 beverages, (3) the quantities of malt or brewed beverages stored  
9 for hire or transported for hire by or for the licensee, and (4)  
10 the names and addresses of the purchasers or other recipients  
11 thereof. Every place licensed as a manufacturer shall be subject  
12 to inspection by members of the [board] department or by persons  
13 duly authorized and designated by the [board] department, at any  
14 and all times of the day or night, as they may deem necessary,  
15 for the detection of violations of this act or of the rules and  
16 regulations of the [board] department, or for the purpose of  
17 ascertaining the correctness of the records required to be kept  
18 by licensees. The books and records of such licensees shall at  
19 all times be open to inspection by members of the [board]  
20 department or by persons duly authorized and designated by the  
21 [board] department. Members of the [board] department and its  
22 duly authorized agents shall have the right, without hindrance,  
23 to enter any place which is subject to inspection hereunder or  
24 any place where such records are kept for the purpose of making  
25 such inspections and making transcripts thereof.

26 (b) The [board] department shall issue to any reputable  
27 person who applies therefor, pays the license fee hereinafter  
28 prescribed, and files the bond hereinafter required, a  
29 distributor's or importing distributor's license for the place  
30 which such person desires to maintain for the sale of malt or

1 brewed beverages, not for consumption on the premises where  
2 sold, and in quantities of not less than twenty-four containers,  
3 each container holding seven fluid ounces or more, or twelve  
4 containers, each container holding twenty-four fluid ounces or  
5 more, except original containers containing one hundred twenty-  
6 eight ounces or more which may be sold separately and such  
7 containers to be the original containers as prepared for the  
8 market by the manufacturer at the place of manufacture: And  
9 provided further, That the [board] department shall have the  
10 discretion to refuse a license to any person or to any  
11 corporation, partnership or association, if such person, or any  
12 officer or director of such corporation, or any member or  
13 partner of such partnership or association shall have been  
14 convicted or found guilty of a felony within a period of five  
15 years immediately preceding the date of application for the said  
16 license.

17 Except as hereinafter provided, such license shall authorize  
18 the holder thereof to sell or deliver malt or brewed beverages  
19 in quantities above specified anywhere within the Commonwealth  
20 of Pennsylvania, which, in the case of distributors, have been  
21 purchased only from persons licensed under this act as  
22 manufacturers or importing distributors, and in the case of  
23 importing distributors, have been purchased from manufacturers  
24 or persons outside this Commonwealth engaged in the legal sale  
25 of malt or brewed beverages or from manufacturers or importing  
26 distributors licensed under this article.

27 Each out of State manufacturer of malt or brewed beverages  
28 whose products are sold and delivered in this Commonwealth shall  
29 give distributing rights for such products in designated  
30 geographical areas to specific importing distributors, and such

1 importing distributor shall not sell or deliver malt or brewed  
2 beverages manufactured by the out of State manufacturer to any  
3 person issued a license under the provisions of this act whose  
4 licensed premises are not located within the geographical area  
5 for which he has been given distributing rights by such  
6 manufacturer: Provided, That the importing distributor holding  
7 such distributing rights for such product shall not sell or  
8 deliver the same to another importing distributor without first  
9 having entered into a written agreement with the said secondary  
10 importing distributor setting forth the terms and conditions  
11 under which such products are to be resold within the territory  
12 granted to the primary importing distributor by the  
13 manufacturer.

14 When a Pennsylvania manufacturer of malt or brewed beverages  
15 licensed under this article names or constitutes a distributor  
16 or importing distributor as the primary or original supplier of  
17 his product, he shall also designate the specific geographical  
18 area for which the said distributor or importing distributor is  
19 given distributing rights, and such distributor or importing  
20 distributor shall not sell or deliver the products of such  
21 manufacturer to any person issued a license under the provisions  
22 of this act whose licensed premises are not located within the  
23 geographical area for which distributing rights have been given  
24 to the distributor and importing distributor by the said  
25 manufacturer: Provided, That the importing distributor holding  
26 such distributing rights for such product shall not sell or  
27 deliver the same to another importing distributor without first  
28 having entered into a written agreement with the said secondary  
29 importing distributor setting forth the terms and conditions  
30 under which such products are to be resold within the territory

1 granted to the primary importing distributor by the  
2 manufacturer. Nothing herein contained shall be construed to  
3 prevent any manufacturer from authorizing the importing  
4 distributor holding the distributing rights for a designated  
5 geographical area from selling the products of such manufacturer  
6 to another importing distributor also holding distributing  
7 rights from the same manufacturer for another geographical area,  
8 providing such authority be contained in writing and a copy  
9 thereof be given to each of the importing distributors so  
10 affected.

11 (c) The aforesaid licenses shall be issued only to reputable  
12 individuals, partnerships and associations who are, or whose  
13 members are, citizens of the United States and have for two  
14 years prior to the date of their applications been residents of  
15 the Commonwealth of Pennsylvania or to reputable corporations  
16 organized or duly registered under the laws of the Commonwealth  
17 of Pennsylvania. Such licenses shall be issued to corporations  
18 duly organized or registered under the laws of the Commonwealth  
19 of Pennsylvania only when it appears that all of the officers  
20 and directors of the corporation are citizens of the United  
21 States and have been residents of the Commonwealth of  
22 Pennsylvania for a period of at least two years prior to the  
23 date of application, and that at least fifty-one per centum of  
24 the capital stock of such corporation is actually owned by  
25 individuals who are citizens of the United States and have been  
26 residents of the Commonwealth of Pennsylvania for a period of at  
27 least two years prior to the date of application: Provided, That  
28 the provisions of this subsection with respect to residence  
29 requirements shall not apply to individuals, partners, officers,  
30 directors and owners of capital stock, of corporations licensed

1 or applying for licenses as manufacturers of malt or brewed  
2 beverages, nor shall the provisions of this subsection with  
3 respect to stockholder requirements apply to corporations  
4 licensed or applying for licenses as manufacturers of malt or  
5 brewed beverages.

6 (d) (1) All distributing rights as hereinabove required  
7 shall be in writing, shall be equitable in their provisions and  
8 shall be substantially similar as to terms and conditions with  
9 all other distributing rights agreements between the  
10 manufacturer giving such agreement and its other importing  
11 distributors and distributors shall not be modified, cancelled,  
12 terminated or rescinded by the manufacturer without good cause,  
13 and shall contain a provision in substance or effect as follows:  
14 "The manufacturer recognizes that the importing distributor and  
15 distributor are free to manage their business in the manner the  
16 importing distributor and distributor deem best and that this  
17 prerogative vests in the importing distributor and distributor  
18 the exclusive right to establish a selling price, to select the  
19 brands of malt or brewed beverages they wish to handle and to  
20 determine the efforts and resources which the importing  
21 distributor and distributor will exert to develop and promote  
22 the same of the manufacturer's products handled by the importing  
23 distributor and distributor. However, the manufacturer expects  
24 that the importing distributor and distributor will price  
25 competitively the products handled by them, devote reasonable  
26 effort and resources to the sale of such products and maintain a  
27 reasonable sales level." "Good cause" shall mean the failure by  
28 any party to an agreement, without reasonable excuse or  
29 justification, to comply substantially with an essential,  
30 reasonable and commercially acceptable requirement imposed by

1 the other party under the terms of an agreement.

2 (2) After January 1, 1980, no manufacturer shall enter into  
3 any agreement with more than one distributor or importing  
4 distributor for the purpose of establishing more than one  
5 agreement for designated brand or brands of malt or brewed  
6 beverages in any one territory. Each franchise territory which  
7 is granted by a manufacturer shall be geographically contiguous.

8 (3) Except for discontinuance of a brand or a valid  
9 termination for good cause, the purchaser of the assets of the  
10 manufacturer as defined in this act shall become obligated to  
11 all the territorial and brand designations of the agreement in  
12 effect on the date of purchase. Purchase of assets as defined  
13 for the purposes of this act shall include, but not be limited  
14 to, the sale of stock, sale of assets, merger, lease, transfer  
15 or consolidation.

16 (4) The court of common pleas of the county wherein the  
17 licensed premises of the importing distributor or distributor  
18 are located is hereby vested with jurisdiction and power to  
19 enjoin the modification, rescission, cancellation or termination  
20 of a franchise or agreement between a manufacturer and an  
21 importing distributor or distributor at the instance of such  
22 importing distributor or distributor who is or might be  
23 adversely affected by such modification, rescission,  
24 cancellation or termination, and in granting an injunction the  
25 court shall provide that no manufacturer shall supply the  
26 customers or territory of the importing distributor or  
27 distributor by servicing the territory or customers through  
28 other importing distributors or distributors or any other means  
29 while the injunction is in effect: Provided, however, That any  
30 injunction issued under this subsection shall require the

1 posting of sufficient bond against damages arising from an  
2 injunction improvidently granted and a showing that the danger  
3 of irrevocable loss or damage is immediate and that during the  
4 pendency of such injunction the importing distributor or  
5 distributor shall continue to service the accounts of the  
6 manufacturer in good faith.

7 (5) The provisions of this subsection shall not apply to  
8 Pennsylvania manufacturers whose principal place of business is  
9 located in Pennsylvania unless they name or constitute a  
10 distributor or importing distributor as a primary or original  
11 supplier of their products subsequent to the effective date of  
12 this act, or unless such Pennsylvania manufacturers have named  
13 or constituted a distributor or importing distributor as a  
14 primary or original supplier of their products prior to the  
15 effective date of this act, and which status is continuing when  
16 this act becomes effective.

17 Section 27. Section 432 of the act, amended January 19, 1952  
18 (1951 P.L.2170, No.619), June 19, 1961 (P.L.482, No.244) and  
19 October 9, 1967 (P.L.392, No.177), is amended to read:

20 Section 432. Malt and Brewed Beverages Retail Licenses.--(a)  
21 Subject to the restrictions hereinafter provided in this act,  
22 and upon being satisfied of the truth of the statements in the  
23 application, that the premises and the applicant meet all the  
24 requirements of this act and the regulations of the [board]  
25 department, that the applicant seeks a license for a reputable  
26 hotel, eating place or club, as defined in this act, the [board]  
27 department shall, in the case of a hotel or eating place, grant  
28 and issue, and in the case of a club may, in its discretion,  
29 issue or refuse the applicant a retail dispenser's license.

30 (b) In the case of hotels and eating places, licenses shall

1 be issued only to reputable persons who are citizens of the  
2 United States and have for two years been residents of the  
3 Commonwealth of Pennsylvania at the date of their application,  
4 or to reputable corporations organized or duly registered under  
5 the laws of the Commonwealth of Pennsylvania, all of whose  
6 officers and directors are citizens of the United States. In the  
7 case of incorporated clubs, licenses shall be issued only to  
8 those incorporated under the laws of Pennsylvania.

9 (c) No retail dispenser's licenses shall be granted or  
10 renewed upon their expiration in any municipality in which the  
11 electors shall vote, as hereinafter provided, against the  
12 licensing therein of places where malt or brewed beverages may  
13 be sold for consumption on the premises where sold.

14 (d) The [board] department shall, in its discretion, grant  
15 or refuse any new license or the transfer of any license to a  
16 new location if such place proposed to be licensed is within  
17 three hundred feet of any church, hospital, charitable  
18 institution, school, or public playground, or if such new  
19 license or transfer is applied for a place which is within two  
20 hundred feet of any other premises which is licensed by the  
21 [board] department, or if such new license or transfer is  
22 applied for a place where the principal business conducted is  
23 the sale of liquid fuels and oil. The [board] department shall  
24 refuse any application for a new license or the transfer of any  
25 license to a new location if, in the [board's] department's  
26 opinion, such new license or transfer would be detrimental to  
27 the welfare, health, peace and morals of the inhabitants of the  
28 neighborhood within a radius of five hundred feet of the place  
29 to be licensed. The [board] department shall not issue new  
30 licenses, except as herein otherwise provided, in any license

1 district more than twice each license year effective from  
2 specific dates fixed by the [board] department, and new licenses  
3 shall not be granted unless the application therefor shall have  
4 been filed at least thirty days before the effective date of the  
5 license. Nothing herein contained shall prohibit the [board]  
6 department from issuing a new license for the balance of any  
7 unexpired term in any license district to any applicant in such  
8 district, who shall have become eligible to hold such license as  
9 the result of legislative enactment, when such enactment shall  
10 have taken place during the license term of that district for  
11 which application is made, or within the thirty days immediately  
12 preceding such term: And provided further, That the [board]  
13 department shall have the discretion to refuse a license to any  
14 person or to any corporation, partnership or association if such  
15 person, or any officer or director of such corporation, or any  
16 member or partner of such partnership or association shall have  
17 been convicted or found guilty of a felony within a period of  
18 five years immediately preceding the date of application for the  
19 said license.

20 (e) Every applicant for a new or for the transfer of an  
21 existing license to another premises not then licensed shall  
22 post, for a period of at least fifteen days beginning with the  
23 day the application is filed with the [board] department, in a  
24 conspicuous place on the outside of the premises or in a window  
25 plainly visible from the outside of the premises for which the  
26 license is applied or at the proposed new location, a notice of  
27 such application, in such form, of such size, and containing  
28 such provisions as the [board] department may require by its  
29 regulations. Proof of the posting of such notice shall be filed  
30 with the [board] department.

1 Section 28. Section 433 of the act is amended to read:

2 Section 433. Public Service Licenses.--The [board]

3 department may issue public service malt and brewed beverage  
4 licenses to a railroad, pullman or steamship company permitting  
5 malt or brewed beverages to be sold at retail in dining, club or  
6 buffet cars, or the dining compartments of steamships or  
7 vessels, for consumption on the trains, steamships or vessels  
8 wherever operated in the State, except when standing in stations  
9 or terminals within a municipality wherein retail sales are  
10 prohibited. Such licenses shall only be granted to reputable  
11 persons and for fit places. The [board] department may issue a  
12 master license to railroad or pullman companies to cover the  
13 maximum number of cars which the company shall estimate that it  
14 will operate within the Commonwealth on any one day. Such  
15 licensees shall file monthly reports with the [board] department  
16 showing the maximum number of cars operated at any time on any  
17 day during the preceding month, and if it appears that more cars  
18 have been operated than covered by its license it shall  
19 forthwith remit to the [board] department the sum of ten dollars  
20 for each extra car so operated. The [board] department shall  
21 have the power to suspend or revoke any such licenses for cause  
22 after granting a hearing thereon to the licensee. Any person  
23 aggrieved by the decision of the [board] department in refusing,  
24 suspending or revoking any such license may appeal to the court  
25 of [quarter sessions] common pleas of Dauphin County in the same  
26 manner as provided in this article for appeals from refusals of  
27 licenses.

28 Section 29. Section 433.1 of the act, amended July 10, 1961  
29 (P.L.561, No.275), November 17, 1967 (P.L.510, No.247) and July  
30 9, 1976 (P.L.924, No.173), is amended to read:

1       Section 433.1. Stadium or Arena Permits.--(a) The [board]  
2 department is hereby authorized to issue, in cities of the  
3 first, second and third class and in counties of the third  
4 class, special permits allowing the holders thereof to make  
5 retail sales of malt or brewed beverages in shatterproof  
6 containers at all events on premises principally utilized for  
7 competition of professional and amateur athletes and other types  
8 of entertainment having an available seating capacity of twelve  
9 thousand or more in cities of the first and second class and  
10 seven thousand or more and owned by the city in cities of the  
11 third class and four thousand two hundred or more and owned by  
12 counties of the third class: Provided, however, That in cities  
13 of the second class this section shall be applicable only to  
14 premises owned, leased or operated by any authority created  
15 under the act of July 29, 1953 (P.L.1034, No.270), known as the  
16 "Public Auditorium Authorities Law." Such sales may be made only  
17 to adults and only on days when the premises are so used and  
18 only during the period from one hour before the start of and  
19 ending one-half hour after the close of the event on the  
20 premises.

21       (b) The owner or lessee or a concessionaire of any such  
22 premises may make application for a permit. The aforesaid  
23 permits shall be issued only to reputable individuals,  
24 partnerships and associations, who are or whose members are  
25 citizens of the United States and have for two years prior to  
26 the date of their applications been residents of the  
27 Commonwealth of Pennsylvania, or to reputable corporations  
28 organized or duly registered under the laws of the Commonwealth  
29 of Pennsylvania, all of whose officers and directors are  
30 citizens of the United States. Each applicant shall furnish

1 proof satisfactory to the [board] department that he is of good  
2 repute and financially responsible and that the premises upon  
3 which he proposes to do business is a proper place. The  
4 applicant shall submit such other information as the [board]  
5 department may require. Applications shall be, in writing on  
6 forms prescribed by the [board] department, and signed and sworn  
7 to by the applicant. Every application shall be accompanied by  
8 an application fee of twenty-five dollars (\$25), a permit fee of  
9 one hundred dollars (\$100) and a surety bond in the amount of  
10 one thousand dollars (\$1000) conditioned the same as the license  
11 bonds required by this act for retail dispenser licenses.

12 (c) Upon receipt of the application in proper form, the  
13 application fee, the permit fee and bond, and upon being  
14 satisfied that the applicant is of good repute and financially  
15 responsible and that the proposed place of business is proper,  
16 the [board] department shall issue a special permit to the  
17 applicant. Only one permit issued under this section shall be in  
18 effect on any such premises at any time.

19 (d) No permit shall be transferable or assignable. The  
20 [board] department may by regulation fix the permit year and  
21 provide for the renewal of such permits. Whenever a permit is  
22 revoked, another may be issued for the same premises to another  
23 applicant upon compliance with the provisions of this section.

24 (e) The [board] department shall have the power to refuse  
25 the issuance of any permit for cause, and to revoke or suspend  
26 any permit for cause or for any violation of the liquor or malt  
27 and brewed beverage laws. Any applicant or holder of a permit  
28 aggrieved by any ruling of the [board] department or by its  
29 refusal to issue a permit, or by its suspension or revocation  
30 thereof, shall have the right to a hearing and appeal therefrom

1 in the same manner as provided in sections 464 and 471 of this  
2 act authorizing appeals from orders of the [board] department.

3 Section 30. Section 434 of the act is amended to read:

4 Section 434. License Year.--(a) Licenses issued under this  
5 article to distributors, importing distributors and retail  
6 dispensers shall, unless revoked in the manner provided in this  
7 act, be valid for the license year which may be established by  
8 the [board] department for the particular license district in  
9 which the license issues.

10 (b) Malt or brewed beverage licenses issued under this  
11 article to manufacturers and public service companies shall,  
12 unless revoked in the manner herein provided, be valid for the  
13 calendar year for which they are issued. Licenses to such  
14 manufacturers and public service companies may be issued at any  
15 time during a calendar year.

16 Section 31. Section 435 of the act, amended September 28,  
17 1961 (P.L.1728, No.702), is amended to read:

18 Section 435. Filing of Applications for Distributors',  
19 Importing Distributors' and Retail Dispensers' Licenses; Filing  
20 Fee.--Every person intending to apply for a distributor's,  
21 importing distributor's or retail dispenser's license, as  
22 aforesaid, in any municipality of this Commonwealth, shall file  
23 with the [board] department his or its application. All such  
24 applications shall be filed at a time to be fixed by the [board]  
25 department for the particular license district as set up by the  
26 [board] department under the provisions of this act. The  
27 applicant shall, at the time of filing the application and bond,  
28 pay said [board] department the filing fee of twenty dollars  
29 (\$20), as hereinafter specified.

30 Section 32. Section 436 of the act, amended June 19, 1961

1 (P.L.482, No.244) and June 29, 1965 (P.L.151, No.101), is  
2 amended to read:

3 Section 436. Application for Distributors', Importing  
4 Distributors' and Retail Dispensers' Licenses.--Application for  
5 distributors', importing distributors' and retail dispensers'  
6 licenses, or for the transfer of an existing license to another  
7 premises not then licensed, shall contain or have attached  
8 thereto the following information and statements:

9 (a) The name and residence of the applicant and how long he  
10 has resided there, and if an association, partnership or  
11 corporation, the residences of the members, officers and  
12 directors for the period of two years next preceding the date of  
13 such application.

14 (b) The particular place for which the license is desired  
15 and a detailed description thereof. The description, information  
16 and plans referred to in this subsection shall show the premises  
17 or the proposed location for the construction of the premises at  
18 the time the application is made, and shall show any alterations  
19 proposed to be made thereto, or the new building proposed to be  
20 constructed after the approval by the [board] department of the  
21 application for a license, or for the transfer of an existing  
22 license to another premises not then licensed. No physical  
23 alterations, improvements or changes shall be required to be  
24 made to any hotel, eating place or club, nor shall any new  
25 building for any such purpose be required to be constructed  
26 until approval of the application for license or for the  
27 transfer of an existing license to another premises not then  
28 licensed by the [board] department. After approval of the  
29 application, the licensee shall make the physical alterations,  
30 improvements and changes to the licensed premises, or shall

1 construct the new building in the manner specified by the  
2 [board] department at the time of approval. The licensee shall  
3 not transact any business under the license until the [board]  
4 department has approved the completed physical alterations,  
5 improvements and changes of the licensed premises or the  
6 completed construction of the new building as conforming to the  
7 specifications required by the [board] department at the time of  
8 issuance or transfer of the license and is satisfied that the  
9 premises meet the requirements for a distributor's or importing  
10 distributor's license as set forth in this act or that the  
11 establishment is an eating place, hotel or club as defined by  
12 this act. The [board] department may require that all such  
13 alterations or construction or conformity to definition be  
14 completed within six months from the time of issuance or  
15 transfer of the license. Failure to comply with these  
16 requirements shall be considered cause for revocation of the  
17 license. No such license shall be transferable between the time  
18 of issuance or transfer of the license and the approval of the  
19 completed alterations or construction by the [board] department  
20 and full compliance by the licensee with the requirements of  
21 this act, except in the case of death of the licensee prior to  
22 full compliance with all of the aforementioned requirements, in  
23 which event the license may be transferred by the [board]  
24 department as provided in section 468 of this act for the  
25 transfer of the license in the case of death of the licensee.

26 (c) Place of birth of applicant, and if a naturalized  
27 citizen, where and when naturalized, and if a corporation  
28 organized or registered under the laws of the Commonwealth, when  
29 and where incorporated, with the names and addresses of each  
30 officer and director, all of whom shall be citizens of the

1 United States; if the application is for a distributor's or  
2 importing distributor's license and the applicant therefor is a  
3 corporation, the application shall also contain a statement of  
4 facts showing the qualifications of the corporation, as  
5 hereinbefore required, together with the names and addresses of  
6 all stockholders.

7 (d) Name of owner of premises and his residence.

8 (e) That the applicant is not, or in case of a partnership  
9 or association, that the members or partners are not, and in the  
10 case of a corporation, that the officers and directors are not,  
11 in any manner pecuniarily interested, either directly or  
12 indirectly, in the profits of any other class of business  
13 regulated under this article, except as hereinafter permitted.

14 (f) That applicant is the only person in any manner  
15 pecuniarily interested in the business so asked to be licensed,  
16 and that no other person shall be in any manner pecuniarily  
17 interested therein during the continuance of the license, except  
18 as hereinafter permitted.

19 (g) Whether applicant, or in case of a partnership or  
20 association, any member or partner thereof, or in case of a  
21 corporation, any officer or director thereof, has during the  
22 three years immediately preceding the date of said application  
23 had a license for the sale of malt or brewed beverages or  
24 spirituous and vinous liquors revoked, or has during the same  
25 period been convicted of any criminal offense, and if so, a  
26 detailed history thereof.

27 (h) A full description of that portion of the premises for  
28 which license is asked, and if any other business is to be  
29 conducted concurrently with the sale and distribution of malt or  
30 brewed beverages, a full history of such business, relating the

1 nature thereof, the length of time it has so previously been  
2 conducted by the applicant or his predecessor at such location,  
3 and such additional information as the [board] department may  
4 require.

5 (i) Every club applicant shall file with and as a part of  
6 its application a list of the names and addresses of its  
7 members, directors, officers, agents and employes, together with  
8 the dates of their admission, election or employment, and such  
9 other information with respect to its affairs as the [board]  
10 department shall require.

11 (j) The application must be verified by affidavit of  
12 applicant, and if any false statement is intentionally made in  
13 any part of the application, the affiant shall be deemed guilty  
14 of a misdemeanor and, upon conviction, shall be subject to the  
15 penalties provided by this article.

16 Section 33. Section 437 of the act, amended December 22,  
17 1965 (P.L.1149, No.445), is amended to read:

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

19 (a) The [board] department shall refuse to grant any licenses  
20 unless the application therefor contains the information  
21 required by this act, and the premises meet such reasonable  
22 sanitary requirements as the [board] department, by regulation,  
23 shall prescribe.

24 (b) The [board] department shall refuse to grant a license  
25 to any club when it appears that the operation of such license  
26 would inure to the benefit of individual members, officers,  
27 agents or employes of the club, rather than to the benefit of  
28 the entire membership of the club.

29 (c) Licenses shall be granted by the [board] department only  
30 to reputable individuals, or to associations, partnerships and

1 corporations whose members or officers and directors are  
2 reputable individuals.

3 (d) No person who holds, either by appointment or election,  
4 any public office which involves the duty to enforce any of the  
5 penal laws of the United States of America or any of the penal  
6 laws of this Commonwealth or any penal ordinance or resolution  
7 of any political subdivision of this Commonwealth shall be  
8 issued any manufacturer's, importing distributor's,  
9 distributor's or retail dispenser's license, nor shall such a  
10 person have any interest, directly or indirectly, in any such  
11 license.

12 (e) No distributor's or importing distributor's license  
13 shall be issued for any premises in any part of which there is  
14 operated any retail license for the sale of liquor or malt or  
15 brewed beverages.

16 (f) No new distributor's or importing distributor's license  
17 shall hereafter be granted by the [board] department in any  
18 county of the Commonwealth where the combined number of  
19 distributor and importing distributor licenses exceeds one  
20 license for each fifteen thousand inhabitants of the county in  
21 which the license is to be issued: Provided, That a combined  
22 total of five such licenses may be granted in any county of the  
23 Commonwealth.

24 Nothing in this subsection shall be construed as denying the  
25 right of the [board] department to renew or to transfer existing  
26 distributors' or importing distributors' licenses or to exchange  
27 a distributor's license for an importing distributor's license  
28 or to exchange an importing distributor's license for a  
29 distributor's license, upon adjustment of the applicable fee,  
30 notwithstanding that the number of such licensed places in the

1 county shall exceed the limitation hereinbefore prescribed:  
2 Provided, That no distributor's license or importing  
3 distributor's license shall be transferred from one county to  
4 another county so long as the quota is filled in the county to  
5 which the license is proposed to be transferred.

6 Section 34. Section 439 of the act, amended September 28,  
7 1961 (P.L.1728, No.702), is amended to read:

8 Section 439. Malt or Brewed Beverage License Fees.--No  
9 public service license and no license to any manufacturer,  
10 distributor, importing distributor or retail dispenser shall be  
11 issued under the provisions of this subdivision (B) until the  
12 licensee shall have first paid an annual license fee, as  
13 follows:

14 (a) In the case of a manufacturer, the license fee shall be  
15 one thousand dollars (\$1,000) for each place of manufacture and  
16 shall be paid to the [board] department. The fee for all such  
17 licenses when applied for and issued on or after April 1, but  
18 prior to July 1, shall be three-fourths of the annual fee; July  
19 1, but prior to October 1, shall be one-half of the annual fee;  
20 October 1, but prior to January 1, shall be one quarter of the  
21 annual fee.

22 (b) In the case of a distributor, the license fee shall be  
23 four hundred dollars (\$400) and shall be paid to the [board]  
24 department.

25 (c) In the case of an importing distributor, the license fee  
26 shall be nine hundred dollars (\$900) and shall be paid to the  
27 [board] department.

28 (d) In the case of a retail dispenser, except clubs, the  
29 license fee shall be graduated according to the population of  
30 the municipality in which the place of business is located and

1 shall be paid to the [board] department, as follows:

2 (1) Less than 10,000.....\$100

3 (2) 10,000 and more, but less than 50,000.....\$150

4 (3) 50,000 and more, but less than 100,000.....\$200

5 (4) 100,000 and more, but less than 150,000.....\$250

6 (5) 150,000 and more.....\$300

7 (e) In the case of a club, the fee shall be twenty-five  
8 dollars in all cases and shall be paid to the [board]  
9 department.

10 (f) In the case of a public service license for cars, the  
11 fee shall be ten dollars per car for the maximum number of cars  
12 operated on any one day on which malt or brewed beverages are  
13 sold, to be paid to the [board] department.

14 (g) In the case of a public service license for the sale of  
15 malt or brewed beverages on a boat or vessel, the fee shall be  
16 fifty dollars for each such vessel or boat and shall be paid to  
17 the [board] department.

18 (h) The fee for filing applications for licenses and for  
19 renewals shall be twenty dollars (\$20) which, together with fees  
20 for transfers, shall be paid to the [board] department.

21 (i) The license fees fixed by this section shall be paid  
22 before the license or renewal is issued.

23 Section 35. Section 440 of the act, amended August 17, 1965  
24 (P.L.346, No.182), is amended to read:

25 Section 440. Sales by Manufacturers of Malt or Brewed  
26 Beverages; Minimum Quantities.--No manufacturer shall sell any  
27 malt or brewed beverages for consumption on the premises where  
28 sold, nor sell or deliver any such malt or brewed beverages in  
29 other than original containers approved as to capacity by the  
30 [board] department, nor in quantities of less than a case of

1 twenty-four containers, each container holding seven fluid  
2 ounces or more, or a case of twelve containers, each container  
3 holding twenty-four fluid ounces or more, except original  
4 containers containing one hundred twenty-eight ounces or more  
5 which may be sold separately; nor shall any manufacturer  
6 maintain or operate within the Commonwealth any place or places  
7 other than the place or places covered by his or its license  
8 where malt or brewed beverages are sold or where orders are  
9 taken.

10 Section 36. Section 441 of the act, amended October 23, 1959  
11 (P.L.1360, No.471) and August 17, 1965 (P.L.346, No.182), is  
12 amended to read:

13 Section 441. Distributors' and Importing Distributors'  
14 Restrictions on Sales, Storage, Etc.--(a) No distributor or  
15 importing distributor shall purchase, receive or resell any malt  
16 or brewed beverages except in the original containers as  
17 prepared for the market by the manufacturer at the place of  
18 manufacture.

19 (b) No distributor or importing distributor shall sell any  
20 malt or brewed beverages in quantities of less than a case of  
21 twenty-four containers, each container holding seven fluid  
22 ounces or more, or a case of twelve containers, each container  
23 holding twenty-four fluid ounces or more, except original  
24 containers containing one hundred twenty-eight ounces or more  
25 which may be sold separately: Provided, That no malt or brewed  
26 beverages sold or delivered shall be consumed upon the premises  
27 of the distributor or importing distributor, or in any place  
28 provided for such purpose by such distributor or importing  
29 distributor.

30 (c) No distributor or importing distributor shall maintain

1 or operate any place where sales are made other than that for  
2 which the license is granted.

3 (d) No distributor or importing distributor shall maintain  
4 any place for the storage of malt or brewed beverages except in  
5 the same municipality in which the licensed premises is located  
6 and unless the same has been approved by the [board] department.  
7 In the event there is no place of cold storage in the same  
8 municipality, the [board] department may approve a place of cold  
9 storage in the nearest municipality.

10 (e) No distributor or importing distributor shall purchase,  
11 sell, resell, receive or deliver any malt or brewed beverages,  
12 except in strict compliance with the provisions of subsection  
13 (b) of section 431 of this act.

14 Section 37. Section 444 of the act, subsections (e), (f) and  
15 (i) amended December 12, 1980 (No.221), is amended to read:

16 Section 444. Malt or Brewed Beverages Manufactured Outside  
17 This Commonwealth.--(a) In addition to compliance with all  
18 other provisions of this act, the [board] department shall  
19 require each person desiring to sell any malt or brewed  
20 beverages manufactured outside this Commonwealth to Pennsylvania  
21 licensees, and shall require each Pennsylvania licensee who  
22 desires to purchase and resell any such malt or brewed  
23 beverages, to pay to the [board] department the same fees as are  
24 required to be paid by Pennsylvania licensees or by persons or  
25 licenses in any state, territory or country outside of  
26 Pennsylvania who desires to sell malt or brewed beverages  
27 manufactured in Pennsylvania to licensees in such other state,  
28 territory or country of origin of such malt or brewed beverages  
29 not manufactured in Pennsylvania, and to observe and comply with  
30 the same regulations, prohibitions and restrictions as are

1 required of or enforced against Pennsylvania licensees or  
2 persons who desire to purchase and resell malt or brewed  
3 beverages manufactured in Pennsylvania in such other state,  
4 territory or country of origin.

5 (b) In all cases where the [board] department shall have  
6 issued any reciprocal regulations or orders concerning malt or  
7 brewed beverages manufactured in any state, territory or country  
8 other than Pennsylvania, no Pennsylvania licensee shall purchase  
9 any such malt or brewed beverages if their importation has been  
10 prohibited, or if not entirely prohibited, unless such  
11 regulations or orders have been observed and complied with by  
12 the Pennsylvania licensee and by the person from or through whom  
13 the Pennsylvania licensee desires to purchase.

14 (c) Any malt or brewed beverages manufactured outside of  
15 Pennsylvania which are sold, transported or possessed in  
16 Pennsylvania contrary to any such regulations or orders of the  
17 [board] department, or without the payment of the fees herein  
18 required, shall be considered contraband and shall be  
19 confiscated by the [board] department and disposed of in the  
20 same manner as any other illegal liquor or malt or brewed  
21 beverages.

22 (d) Upon learning of the commission by a manufacturer of  
23 malt or brewed beverages whose principal place of business is  
24 outside this Commonwealth, or by any servant, agent, employe or  
25 representative of such manufacturer, within or partly within and  
26 partly outside this Commonwealth, of any violation of this act  
27 or any laws of this Commonwealth relating to liquor, alcohol or  
28 malt or brewed beverages, or of any regulation of the [board]  
29 department adopted pursuant thereto, or of any violation of any  
30 laws of this Commonwealth or of the United States of America

1 relating to the tax payment of liquor or malt or brewed  
2 beverages, the [board] department shall cite such manufacturer  
3 to appear before it or its examiner not less than ten nor more  
4 than fifteen days from the date of mailing such manufacturer at  
5 his principal place of business, wherever located, by registered  
6 mail, a notice to show cause why the further importation into  
7 this Commonwealth of malt or brewed beverages manufactured by  
8 him should not be prohibited.

9 (e) Upon such hearing, whether or not an appearance was made  
10 by such outside manufacturer, if satisfied that any such  
11 violation has occurred, the [board] department is specifically  
12 empowered and directed to issue an order imposing a fine upon  
13 such outside manufacturer of not less than five hundred dollars  
14 (\$500) or more than ten thousand dollars (\$10,000), or  
15 prohibiting the importation of malt or brewed beverages  
16 manufactured by such outside manufacturer into this Commonwealth  
17 for a period not exceeding three years, or both. Such fine or  
18 prohibition shall not go into effect until twenty days have  
19 elapsed from the date of notice of issuance of the board's  
20 order, during which time such manufacturer may take an appeal as  
21 provided for in this act. The aforesaid appeal shall act as a  
22 supersedeas unless upon sufficient cause shown the court shall  
23 determine otherwise.

24 (f) If, after hearing, the [board] department prohibits the  
25 importation of malt or brewed beverages manufactured by such  
26 outside manufacturer into this Commonwealth, notice of such  
27 [board] department action shall be given immediately to such  
28 manufacturer and to all persons licensed to import malt or  
29 brewed beverages within this Commonwealth by mailing a copy of  
30 such order to such manufacturer at its principal place of

1 business, wherever located, and to such licensees at their  
2 licensed premises. Thereafter, it shall be unlawful for any  
3 person licensed to import malt or brewed beverages within this  
4 Commonwealth to purchase any malt or brewed beverages  
5 manufactured by such outside manufacturer during the term of  
6 such prohibition.

7 (g) Any violation of such prohibitory order shall be a  
8 misdemeanor and shall be punished in the same manner as herein  
9 provided for any other violation of this act, and shall also  
10 constitute grounds for revocation or suspension of a license to  
11 import malt or brewed beverages.

12 (h) In all such cases, the [board] department shall file of  
13 record at least a brief statement in the form of an opinion of  
14 the reasons for the ruling or order.

15 (i) Any outside manufacturer aggrieved by the action of the  
16 board may appeal to the Commonwealth Court in the same manner as  
17 herein provided for appeals from refusals to grant licenses.  
18 Upon appeal, the court shall in the exercise of its discretion,  
19 sustain, reject, alter or modify the findings, conclusions and  
20 penalties of the [board] department, based on the findings of  
21 fact and conclusions of law as found by the court.

22 Section 38. Section 461 of the act, amended June 19, 1961  
23 (P.L.484, No.245), September 2, 1971 (P.L.429, No.103) and  
24 December 12, 1980 (No.221), is amended to read:

25 Section 461. Limiting Number of Retail Licenses To Be Issued  
26 In Each Municipality.--(a) No licenses shall hereafter be  
27 granted by the [board] department for the retail sale of malt or  
28 brewed beverages or the retail sale of liquor and malt or brewed  
29 beverages in excess of one of such licenses of any class for  
30 each two thousand inhabitants in any municipality, exclusive of

1 licenses granted to airport restaurants, municipal golf courses  
2 and hotels, as defined in this section, and clubs; but at least  
3 one such license may be granted in each municipality and in each  
4 part of a municipality where such municipality is split so that  
5 each part thereof is separated by another municipality, except  
6 in municipalities where the electors have voted against the  
7 granting of any retail licenses and except in that part of a  
8 split municipality where the electors have voted against the  
9 granting of any retail licenses. Nothing contained in this  
10 section shall be construed as denying the right to the [board]  
11 department to renew or to transfer existing retail licenses of  
12 any class notwithstanding that the number of such licensed  
13 places in a municipality shall exceed the limitation  
14 hereinbefore prescribed; but where such number exceeds the  
15 limitation prescribed by this section, no new license, except  
16 for hotels, municipal golf courses, and airport restaurants, as  
17 defined in this section, shall be granted so long as said  
18 limitation is exceeded.

19 (b) The [board] department shall have the power to increase  
20 the number of licenses in any such municipality which in the  
21 opinion of the [board] department is located within a resort  
22 area.

23 (c) The word "hotel" as used in this section shall mean any  
24 reputable place operated by a responsible person of good  
25 reputation where the public may, for a consideration, obtain  
26 sleeping accommodations, and which shall have the following  
27 number of bedrooms and requirements in each case--at least one-  
28 half of the required number of bedrooms shall be regularly  
29 available to transient guests seven days weekly, except in  
30 resort areas; at least one-third of such bedrooms shall be

1 equipped with hot and cold water, a lavatory, commode, bathtub  
2 or shower and a clothes closet; and an additional one-third of  
3 the total of such required rooms shall be equipped with lavatory  
4 and commode:

5 (1) In municipalities having a population of less than three  
6 thousand, at least twelve permanent bedrooms for the use of  
7 guests.

8 (2) In municipalities having a population of three thousand  
9 and more but less than ten thousand inhabitants, at least  
10 sixteen permanent bedrooms for the use of guests.

11 (3) In municipalities having a population of ten thousand  
12 and more but less than twenty-five thousand inhabitants, at  
13 least thirty permanent bedrooms for the use of guests.

14 (4) In municipalities having a population of twenty-five  
15 thousand and more but less than one hundred thousand  
16 inhabitants, at least forty permanent bedrooms for the use of  
17 guests.

18 (5) In municipalities having a population of one hundred  
19 thousand and more inhabitants, at least fifty permanent bedrooms  
20 for the use of guests.

21 (6) A public dining room or rooms operated by the same  
22 management accommodating at least thirty persons at one time and  
23 a kitchen, apart from the dining room or rooms, in which food is  
24 regularly prepared for the public.

25 (7) Each room to be considered a bedroom under the  
26 requirements of this section shall have an area of not less than  
27 eighty square feet and an outside window.

28 (8) The provisions of this subsection (c) shall not apply to  
29 hotel licenses granted prior to the first day of September, one  
30 thousand nine hundred forty-nine, or that have been granted on

1 any application made and pending prior to said date, nor to any  
2 renewal or transfer thereof, or hotels under construction or for  
3 which a bona fide contract had been entered into for  
4 construction prior to said date. In such cases, the provisions  
5 of section one of the act, approved the twenty-fourth day of  
6 June, one thousand nine hundred thirty-nine (Pamphlet Laws 806),  
7 shall continue to apply.

8 (d) "Airport restaurant," as used in this section, shall  
9 mean restaurant facilities at any airport for public  
10 accommodation, which are owned or operated directly or through  
11 lessees by the Commonwealth of Pennsylvania, by any municipal  
12 authority, county or city, either severally or jointly, with any  
13 other municipal authority, county or city, but shall not include  
14 any such restaurant facilities at any airport situated in a  
15 municipality where by vote of the electors the retail sale of  
16 liquor and malt or brewed beverages is not permitted.

17 (e) "Municipal golf course" as used in this section shall  
18 mean the restaurant facilities at any municipal golf course open  
19 for public accommodation, which are owned or operated directly  
20 or through lessees by a county, municipality or a municipal  
21 authority, severally or jointly with any other county,  
22 municipality or municipal authority, including any such  
23 restaurant facilities at any municipal golf course situate in a  
24 municipality where by vote of the electors the retail sale of  
25 liquor and malt and brewed beverages is not permitted.

26 Section 39. Section 461.1 of the act, added December 12,  
27 1980 (No.221), is amended to read:

28 Section 461.1. Incorporated Units of National Veterans'  
29 Organizations.--(a) The [board] department shall have the  
30 authority to issue new licenses to incorporated units of

1 national veterans' organizations, as defined herein, in  
2 municipalities where the number of licenses exceeds the  
3 limitation prescribed by section 461.

4 (b) The term "national veterans' organization" shall mean  
5 any veterans' organization having a national charter.

6 The term "incorporated unit of a national veterans'  
7 organization" shall mean any incorporated post, branch, camp,  
8 detachment, lodge or other subordinate unit of a national  
9 veterans' organization having one hundred or more paid up  
10 members and organized for a period of at least three years prior  
11 to filing the application for a license.

12 (c) When the charter of an incorporated unit of a national  
13 veterans' organization is suspended or revoked, the retail  
14 license of the organization shall also be suspended or revoked.  
15 The retail license of an incorporated unit of a national  
16 veterans' organization is not transferable to any other  
17 organization or person.

18 Section 40. Section 462 of the act is amended to read:

19 Section 462. Licensed Places May Be Closed During Period of  
20 Emergency.--The [board] department may, with the approval of the  
21 Governor,

22 (a) Temporarily close all licensed places within any  
23 municipality during any period of emergency proclaimed to be  
24 such by the Governor.

25 (b) Advance by one hour the hours prescribed in this act as  
26 the hours during which liquor and malt or brewed beverages may  
27 be sold in any municipality during such part of the year when  
28 daylight saving time may be observed generally in such  
29 municipality.

30 Section 41. Section 463 of the act, amended November 17,

1 1967 (P.L.510, No.247) March 23, 1972 (P.L.122, No.46) and  
2 December 12, 1980 (No.221), is amended to read:

3 Section 463. Places of Amusement Not To Be Licensed;

4 Penalty.--(a) No license for the sale of liquor or malt or  
5 brewed beverages in any quantity shall be granted to the  
6 proprietors, lessees, keepers or managers of any theater,  
7 circus, museum or other place of amusement, nor shall any house  
8 be licensed for the sale of liquor or malt or brewed beverages  
9 which has passage or communication to or with any theater,  
10 circus, museum or other place of amusement, and any license  
11 granted contrary to this act shall be null and void. Nothing  
12 contained in this section shall be construed as denying to the  
13 [board] department the right to grant a restaurant liquor  
14 license regardless of quota restrictions to the owner or  
15 operator of a restaurant in a building on a plot of ground owned  
16 or possessed under lease by a corporation incorporated under the  
17 laws of this Commonwealth and used principally by such  
18 corporation for holding outdoor sport events wherein such events  
19 are held under a license issued as provided by law to such  
20 corporation by a department, board or commission of the  
21 Commonwealth of Pennsylvania. The restaurant liquor license  
22 aforementioned shall be subject to all the conditions and  
23 restrictions herein applicable to restaurant liquor licenses,  
24 except the above prohibition against any passageway or  
25 communication between such licensed premises and the place of  
26 amusement.

27 Nothing contained in this act shall be construed as denying  
28 to the [board] department the right to grant a new restaurant  
29 liquor license, regardless of quota restrictions, at any time,  
30 to the owner or operator of a restaurant in a building or plot

1 of ground having a seating capacity in excess of twenty-five  
2 thousand, used principally for holding automobile races.

3 (a.1) Nothing contained in subsection (a) of this section or  
4 in section 102 of this act shall be construed as denying to the  
5 [board] department the right to grant a club or restaurant  
6 liquor or malt and brewed beverage license to a club  
7 incorporated in this Commonwealth which has been in existence  
8 less than one year prior to making application under this  
9 section or to a restaurant either of which has a clubhouse or  
10 restaurant located in a stadium or arena having an available  
11 seating capacity of twelve thousand or more and owned and  
12 operated by or pursuant to an agreement with any city of the  
13 first class or created and operated under and in compliance with  
14 the act of July 29, 1953 (P.L.1034, No.270), known as the  
15 "Public Auditorium Authorities Law," and used principally for  
16 events at which athletes compete or other types of performers  
17 entertain. The club or restaurant liquor or malt and brewed  
18 beverage license aforementioned shall be subject to all the  
19 conditions and restrictions applicable to such licenses and  
20 licenses for places of amusement, except the above prohibition  
21 against any passageway or communication between such licensed  
22 premises and the place of amusement.

23 (a.2) Nothing contained in this act shall be construed to  
24 prevent the holder of restaurant liquor or malt and brewed  
25 beverage license from selling liquor and malt or brewed  
26 beverages in a bowling alley when no minors are present where  
27 the restaurant and bowling alley are immediately adjacent and  
28 under the same roof. The restaurant liquor or malt and brewed  
29 beverage licensee aforementioned shall be subject to all the  
30 conditions and restrictions applicable to such restaurant

1 licenses except the above prohibition against any passageway or  
2 communication between a licensed premise and a place of  
3 amusement.

4 (b) Any proprietor, lessee, keeper or manager of any  
5 theater, circus, museum or other place of amusement, or any  
6 other person who shall violate the provisions of this section,  
7 shall be guilty of a misdemeanor and, upon conviction thereof,  
8 shall be sentenced to pay a fine of one hundred dollars and to  
9 undergo an imprisonment of not less than thirty days.

10 Section 42. Sections 464, 465 and 466 of the act are amended  
11 to read:

12 Section 464. Hearings Upon Refusal of Licenses, Renewals or  
13 Transfers; Appeals.--The [board] department may of its own  
14 motion, and shall upon the written request of any applicant for  
15 club, hotel or restaurant liquor license, or any applicant for  
16 any malt or brewed beverage license other than a public service  
17 license, or for renewal or transfer thereof, whose application  
18 for such license, renewal or transfer has been refused, fix a  
19 time and place for hearing of such application for license or  
20 for renewal or transfer thereof, notice of which hearing shall  
21 be mailed to the applicant at the address given in his  
22 application. Such hearing shall be before the [board]  
23 department, a member thereof, or an examiner designated by the  
24 [board] department. At such hearing, the [board] department  
25 shall present its reasons for its refusal or withholding of  
26 license, renewal or transfer thereof. The applicant may appear  
27 in person or by counsel, may cross-examine the witnesses for the  
28 [board] department and may present evidence which shall likewise  
29 be subject to cross-examination by the [board] department. Such  
30 hearing shall be stenographically recorded. The examiner shall

1 thereafter report to the [board] department upon such hearing.  
2 The [board] department shall thereupon grant or refuse the  
3 license, renewal or transfer thereof. In considering the renewal  
4 of a license, the [board] department shall not refuse any such  
5 renewal on the basis of the propriety of the original issuance  
6 or any prior renewal of such license. If the [board] department  
7 shall refuse such license, renewal or transfer following such  
8 hearing, notice in writing of such refusal shall be mailed to  
9 the applicant at the address given in his application. In all  
10 such cases, the [board] department shall file of record at least  
11 a brief statement in the form of an opinion of the reasons for  
12 the ruling or order and furnish a copy thereof to the applicant.  
13 Any applicant who has appeared before the [board] department or  
14 any agent thereof at any hearing, as above provided, who is  
15 aggrieved by the refusal of the [board] department to issue any  
16 such license or to renew or transfer any such license may  
17 appeal, or any church, hospital, charitable institution, school  
18 or public playground located within three hundred feet of the  
19 premises applied for, aggrieved by the action of the [board]  
20 department in granting the issuance of any such license or the  
21 transfer of any such license, may take an appeal limited to the  
22 question of such grievance, within twenty days from date of  
23 refusal or grant, to the court of [quarter sessions] common  
24 pleas of the county in which the premises applied for is located  
25 or the county court of Allegheny County. Such appeal shall be  
26 upon petition of the aggrieved party, who shall serve a copy  
27 thereof upon the [board] department, whereupon a hearing shall  
28 be held upon the petition by the court upon ten days' notice to  
29 the [board] department, which shall be represented in the  
30 proceeding by the Department of Justice. The said appeal shall

1 act as a supersedeas unless upon sufficient cause shown the  
2 court shall determine otherwise. The court shall hear the  
3 application de novo on questions of fact, administrative  
4 discretion and such other matters as are involved, at such time  
5 as it shall fix, of which notice shall be given to the [board]  
6 department. The court shall either sustain or over-rule the  
7 action of the [board] department and either order or deny the  
8 issuance of a new license or the renewal or transfer of the  
9 license to the applicant.

10 The jurisdiction of the county court of Allegheny County  
11 conferred hereby shall be exclusive within the territorial  
12 limits of its jurisdiction.

13 Section 465. All Licensees to Furnish Bond.--(a) No license  
14 shall be issued to any applicant under the provisions of this  
15 article until such applicant has filed with the [board]  
16 department an approved bond and a warrant of attorney to confess  
17 judgment payable to the Commonwealth of Pennsylvania in the  
18 amount hereinafter prescribed.

19 (b) Bonds of all such applicants shall have as surety a  
20 surety company authorized to do business in this Commonwealth,  
21 or shall have deposited therewith, as collateral security, cash  
22 or negotiable obligations of the United States of America or the  
23 Commonwealth of Pennsylvania in the same amount as herein  
24 provided for the penal sum of bonds. In all cases where cash or  
25 securities in lieu of other surety have been deposited with the  
26 [board] department, the depositor shall be permitted to continue  
27 the same deposit from year to year on each renewal of license,  
28 but in no event shall he be permitted to withdraw his deposit  
29 during the time he holds said license, or until six months after  
30 the expiration of the license held by him, or while revocation

1 proceedings are pending against such license. All cash or  
2 securities received by the [board] department in lieu of other  
3 surety shall be turned over by the [board] department to the  
4 State Treasurer and held by him. The State Treasurer shall repay  
5 or return money or securities deposited with him to the  
6 respective depositors only on the order of the [board]  
7 department.

8 (c) No such bond shall be accepted until approved by the  
9 [board] department. All such bonds shall be conditioned for the  
10 faithful observance of all the laws of this Commonwealth  
11 relating to liquor, alcohol and malt or brewed beverages and the  
12 regulations of the [board] department. All bonds shall be  
13 retained by the [board] department.

14 (d) The penal sum of the respective bonds filed under the  
15 provisions of this section shall be as follows:

16 (1) Manufacturers of malt or brewed beverages, ten thousand  
17 dollars (\$10,000.00) for each place at which the licensee is  
18 authorized to manufacture.

19 (2) Liquor importers, ten thousand dollars (\$10,000.00) for  
20 each license.

21 (3) Sacramental wine licensees, ten thousand dollars  
22 (\$10,000.00).

23 (4) Importing distributors of malt or brewed beverages, two  
24 thousand dollars (\$2,000.00).

25 (5) Hotel, restaurant, club and public service liquor  
26 licensees, two thousand dollars (\$2,000.00), but in the case of  
27 a railroad or pullman company, such penal sum shall cover every  
28 dining, club or buffet car of such company operated under such  
29 license.

30 (6) Distributors of malt or brewed beverages, one thousand

1 dollars (\$1,000.00).

2 (7) Retail dispensers and public service malt or brewed  
3 beverage licensees, one thousand dollars (\$1,000.00) for each  
4 place at which the licensee is authorized to sell malt or brewed  
5 beverages, except that in the case of railroad or pullman  
6 companies, said penal sum shall be one thousand dollars  
7 (\$1,000.00), irrespective of the number of licensed cars  
8 operated by the company.

9 (e) Every such bond may be forfeited when a license is  
10 revoked and shall be turned over to the Attorney General for  
11 collection if and when the licensee's license shall have been  
12 revoked and his bond forfeited as provided in this act.

13 Section 466. Disposition of Cash and Securities Upon  
14 Forfeiture of Bond.--After notice from the [board] department  
15 that any of the aforesaid bonds have been forfeited, the State  
16 Treasurer shall immediately pay into the State Stores Fund all  
17 cash deposited as collateral with such bond, and when securities  
18 have been deposited with such bond, the State Treasurer shall  
19 sell, at private sale, at not less than the prevailing market  
20 price, any such securities so deposited as collateral with such  
21 forfeited bond. The State Treasurer shall thereafter deposit in  
22 the State Stores Fund the net amount realized from the sale of  
23 such securities, except that if the amount so realized, after  
24 deducting proper costs and expenses, is in excess of the penal  
25 amount of the bond, such excess shall be paid over by him to the  
26 obligor on such forfeited bond.

27 Section 43. Section 468 of the act, amended June 17, 1971  
28 (P.L.166, No.13) and November 26, 1978 (P.L.1389, No.326), is  
29 amended to read:

30 Section 468. Licenses Not Assignable; Transfers.--(a)

1 Licenses issued under this article may not be assigned. The  
2 [board] department, upon payment of the transfer filing fee and  
3 the execution of a new bond, is hereby authorized to transfer  
4 any license issued by it under the provisions of this article  
5 from one person to another or from one place to another, or  
6 both, within the same municipality, as the [board] department  
7 may determine. The [board] department, in its discretion, may  
8 transfer an existing restaurant retail dispenser or club license  
9 from one municipality to another in the same county regardless  
10 of the quota limitations provided for in this act, if sales of  
11 liquor or malt and brewed beverages are legal in such other  
12 municipality and if the restaurant retail dispenser or club lost  
13 the use of the building in which it was located due to  
14 governmental exercise of the right of eminent domain and no  
15 other suitable building can be found in the first municipality.  
16 In the case of distributor and importing distributor licenses,  
17 the [board] department may transfer any such license from its  
18 place in a municipality to a place in any other municipality  
19 within the same county, or from one place to another place  
20 within the same municipality, or exchange a distributor license  
21 for an importing distributor license or an importing distributor  
22 license for a distributor license, if the building for which the  
23 license is to be issued has, in the case of an importing  
24 distributor license, an area under one roof of two thousand five  
25 hundred square feet and, in the case of a distributor license,  
26 an area under one roof of one thousand square feet: And  
27 provided, That, in the case of all transfers of distributor or  
28 importing distributor licenses, whether from a place within the  
29 same municipality to another place within the same municipality  
30 or from a place in a municipality to a place in any other

1 municipality within the same county, and, in the case of an  
2 exchange of a distributor license for an importing distributor  
3 license or an importing distributor license for a distributor  
4 license, the premises to be affected by the transfer or exchange  
5 shall contain an office separate and apart from the remainder of  
6 the premises to be licensed for the purpose of keeping records,  
7 required by the [board] department, adequate toilet facilities  
8 for employes of the licensee and an entrance on a public  
9 thoroughfare: Provided, however, That in the event that the  
10 majority of the voting electors of a municipality, at an  
11 election held under the provisions of any law so empowering them  
12 to do, shall vote against the issuance of distributor or  
13 importing distributor licenses in such municipality, the [board]  
14 department is hereby authorized to transfer any such distributor  
15 or importing distributor license from its place in such  
16 municipality to a place in any other municipality within the  
17 same county, upon application prior to the expiration of any  
18 such license and upon payment of the transfer filing fee and the  
19 execution of a new bond; but no transfer shall be made to a  
20 person who would not have been eligible to receive the license  
21 originally nor for the transaction of business at a  
22 place for which the license could not lawfully have been issued  
23 originally, nor, except as herein provided, to a place as to  
24 which a license has been revoked. No license shall be  
25 transferred to any place or property upon which is located as a  
26 business the sale of liquid fuels and oil. Except in cases of  
27 emergency such as death, serious illness, or circumstances  
28 beyond the control of the licensee, as the [board] department  
29 may determine such circumstances to justify its action,  
30 transfers of licenses may be made only at times fixed by the

1 [board] department. In the case of the death of a licensee, the  
2 [board] department may transfer the license to the surviving  
3 spouse or personal representative or to a person designated by  
4 him. From any refusal to grant a transfer or upon the grant of  
5 any transfer, the party aggrieved shall have the right of appeal  
6 to the proper court in the manner hereinbefore provided.

7 (b.1) In the event that any person to whom a license shall  
8 have been issued under the provisions of this article shall  
9 become insolvent, make an assignment for the benefit of  
10 creditors, become bankrupt by either voluntary or involuntary  
11 action, the license of such person shall be immediately placed  
12 in safekeeping with the [board] department for the balance of  
13 the term of the license and for an additional period of one year  
14 upon application to the [board] department by the trustee,  
15 receiver, or assignee. The trustee, receiver, or assignee shall  
16 have, during said period of safekeeping, the same rights,  
17 benefits and obligations as to the license as the person to whom  
18 the license had been issued, including the right to transfer the  
19 license subject to the approval of the [board] department. The  
20 license shall continue as a personal privilege granted by the  
21 [board] department and nothing herein shall constitute the  
22 license as property.

23 Section 44. Section 469 of the act, amended September 28,  
24 1961 (P.L.1728, No.702), is amended to read:

25 Section 469. Applications for Transfers; Fees.--Every  
26 applicant for a transfer of a license under the provisions of  
27 this article shall file a written application with the [board]  
28 department, together with a filing fee of thirty dollars (\$30)  
29 if the license to be transferred is a liquor license, and twenty  
30 dollars (\$20) if the license is a malt or brewed beverage

1 license. Such application shall be in such form and shall be  
2 filed at such times as the [board] department shall in its  
3 regulations prescribe. Each such applicant shall also file an  
4 approved bond as required on original applications for such  
5 licenses.

6 Whenever any license is transferred, no license or other fees  
7 shall be required from the persons to whom such transfer is made  
8 for the balance of the then current license year, except the  
9 filing fee as herein provided.

10 Section 45. Section 470 of the act, amended August 1, 1969  
11 (P.L.219, No.87), is amended to read:

12 Section 470. Renewal of Licenses; Temporary Provisions for  
13 Licensees in Armed Service.--(a) All applications for renewal  
14 of licenses under the provisions of this article shall be filed  
15 with a new bond, requisite license and filing fees at least  
16 sixty days before the expiration date of same: Provided,  
17 however, That the [board] department, in its discretion, may  
18 accept a renewal application filed less than sixty days before  
19 the expiration date of the license with the required bond and  
20 fees, upon reasonable cause shown and the payment of an  
21 additional filing fee of one hundred dollars (\$100.00) for late  
22 filing: And provided further, That except where the failure to  
23 file a renewal application or before the expiration date has  
24 created a license quota vacancy after said expiration date which  
25 has been filled by the issuance of a new license, after such  
26 expiration date, but before the [board] department has received  
27 a renewal application within the time prescribed herein the  
28 [board] department, in its discretion, may, after hearing,  
29 accept a renewal application filed within ten months after the  
30 expiration date of the license with the required bond and fees

1 upon the payment of an additional filing fee of two hundred  
2 fifty dollars (\$250.00) for late filing. Where any such renewal  
3 application is filed less than sixty days before the expiration  
4 date, or subsequent to the expiration date, no license shall  
5 issue upon the filing of the renewal application until the  
6 matter is finally determined by the [board] department and if an  
7 appeal is taken from the [board's] department's action the  
8 courts shall not order the issuance of the renewal license until  
9 final determination of the matter by the courts. A renewal  
10 application will not be considered filed unless accompanied by a  
11 new bond and the requisite filing and license fees and any  
12 additional filing fee required by this section. Unless the  
13 [board] department shall have given ten days' previous notice to  
14 the applicant of objections to the renewal of his license, based  
15 upon violation by the licensee or his servants, agents or  
16 employes of any of the laws of the Commonwealth or regulations  
17 of the [board] department relating to the manufacture,  
18 transportation, use, storage, importation, possession or sale of  
19 liquors, alcohol or malt or brewed beverages, or the conduct of  
20 a licensed establishment, or unless the applicant has by his own  
21 act become a person of ill repute, or unless the premises do not  
22 meet the requirements of this act or the regulations of the  
23 [board] department, the license of a licensee shall be renewed.

24 (b) In cases where a licensee or his servants, agents or  
25 employes are arrested, charged with violating any of the laws of  
26 this Commonwealth relating to liquor, alcohol or malt or brewed  
27 beverages, and where the [board] department has on file in such  
28 cases reports of its enforcement officers or investigators or  
29 from other sources that a licensee or his servants, agents or  
30 employes have violated any of the aforementioned laws and a

1 proceeding to revoke such licensee's license is or is about to  
2 be instituted, and such arrest occurs or report of violations is  
3 received or revocation proceeding instituted or about to be  
4 instituted during the time a renewal application of such license  
5 is pending before the [board] department, the [board] department  
6 may, in its discretion, renew the license, notwithstanding such  
7 alleged violations, but such renewal license may be revoked if  
8 and when the licensee or any of his servants, agents or employes  
9 are convicted of or plead guilty to violations under the  
10 previous license, as aforesaid, or if and when such previous  
11 license is for any reason revoked.

12 In the event such renewal license is revoked by the [board]  
13 department, neither the license fee paid for such license nor  
14 any part thereof shall be returned to the licensee, but the  
15 license bond filed with the application for such renewal of  
16 license shall not be forfeited.

17 (c) Notwithstanding anything to the contrary in this  
18 section, any individual who holds a restaurant or hotel liquor  
19 license or a retail dispenser (hotel or eating place) malt or  
20 brewed beverage license in effect at the time such individual  
21 enters the armed forces of the United States of America, may  
22 surrender to the [board] department for safekeeping the said  
23 license and, if surrendered, shall furnish the [board]  
24 department with documentary evidence as to his entering such  
25 armed forces. Upon surrender of the license, the [board]  
26 department shall, without the filing of an application for  
27 renewal or surety bond, the payment of filing and license fees,  
28 renew the said license from year to year and hold the same in  
29 its possession for the benefit of such licensee. A license so  
30 renewed by the [board] department shall to all intents and

1 purposes be considered as in full force and effect,  
2 notwithstanding the licensee is not exercising the privileges  
3 thereunder, and shall be returned to the said licensee at any  
4 time within one year from the date of his honorable discharge  
5 from the armed forces of the United States upon the filing of an  
6 application therefor, surety bond, and payment of the filing and  
7 license fees as hereinafter provided. The said application for  
8 return of license shall be on a form prescribed by the [board]  
9 department, accompanied by a filing fee in the sum of ten  
10 dollars (\$10.00) and the prescribed license fee, except that  
11 when such application is filed after a portion of the then  
12 current license term has elapsed, the license fee shall be  
13 prorated on a monthly basis for the balance of the license year:  
14 Provided, however, That the said license shall not be returned  
15 if the electors of the municipality in which the licensed  
16 establishment is situate have voted against the granting of  
17 retail liquor licenses or against the granting of retail  
18 dispenser licenses, as the case may be, under the local option  
19 provision of this act. In the event the premises originally  
20 covered by the license are not available for occupancy by the  
21 licensee at the time he files his application for return of  
22 license, as hereinbefore provided, he shall be permitted to file  
23 an application for transfer of the license to other premises in  
24 the same municipality. Such transfer of the license shall be  
25 subject to all of the provisions of this act pertaining to the  
26 transfer of such licenses.

27 This subsection (c) was enacted due to conditions caused by  
28 the present war and shall remain in effect only until the  
29 termination of said war and one year thereafter.

30 Section 46. Section 471 of the act, amended January 13, 1966

1 (1965 P.L.1301, No.518), is amended to read:

2 Section 471. Revocation and Suspension of Licenses; Fines.--

3 Upon learning of any violation of this act or any laws of this  
4 Commonwealth relating to liquor, alcohol or malt or brewed  
5 beverages, or of any regulations of the [board] department  
6 adopted pursuant to such laws, of any violation of any laws of  
7 this Commonwealth or of the United States of America relating to  
8 the tax-payment of liquor or malt or brewed beverages by any  
9 licensee within the scope of this article, his officers,  
10 servants, agents or employes, or upon any other sufficient cause  
11 shown, the [board] department may, within one year from the date  
12 of such violation or cause appearing, cite such licensee to  
13 appear before it or its examiner, not less than ten nor more  
14 than sixty days from the date of sending such licensee, by  
15 registered mail, a notice addressed to him at his licensed  
16 premises, to show cause why such license should not be suspended  
17 or revoked or a fine imposed. Hearings on such citations shall  
18 be held in the same manner as provided herein for hearings on  
19 applications for license. Upon such hearing, if satisfied that  
20 any such violation has occurred or for other sufficient cause,  
21 the [board] department shall immediately suspend or revoke the  
22 license, or impose a fine of not less than fifty dollars (\$50)  
23 nor more than one thousand dollars (\$1,000), notifying the  
24 licensee by registered letter addressed to his licensed  
25 premises. In the event the fine is not paid within twenty days  
26 of the order the [board] department shall suspend or revoke the  
27 license, notifying the licensee by registered mail addressed to  
28 his licensed premises. Suspensions and revocations shall not go  
29 into effect until twenty days have elapsed from the date of  
30 notice of issuance of the [board's] department's order, during

1 which time the licensee may take an appeal as provided for in  
2 this act. When a license is revoked, the licensee's bond may be  
3 forfeited by the [board] department. Any licensee whose license  
4 is revoked shall be ineligible to have a license under this act  
5 until the expiration of three years from the date such license  
6 was revoked. In the event the [board] department shall revoke a  
7 license, no license shall be granted for the premises or  
8 transferred to the premises in which the said license was  
9 conducted for a period of at least one year after the date of  
10 the revocation of the license conducted in the said premises,  
11 except in cases where the licensee or a member of his immediate  
12 family is not the owner of the premises, in which case the  
13 [board] department may, in its discretion, issue or transfer a  
14 license within the said year. In all such cases, the [board]  
15 department shall file of record at least a brief statement in  
16 the form of an opinion of the reasons for the ruling or order.  
17 In the event the person who was fined or whose license was  
18 suspended or revoked by the [board] department shall feel  
19 aggrieved by the action of the [board] department, he shall have  
20 the right to appeal to the court of [quarter sessions] common  
21 pleas or the county court of Allegheny County in the same manner  
22 as herein provided for appeals from refusals to grant licenses.  
23 Upon appeal, the court so appealed to shall, in the exercise of  
24 its discretion, sustain, reject, alter or modify the findings,  
25 conclusions and penalties of the [board] department, based on  
26 the findings of fact and conclusions of law as found by the  
27 court. The aforesaid appeal shall act as a supersedeas unless  
28 upon sufficient cause shown the court shall determine otherwise.  
29 No penalty provided by this section shall be imposed by the  
30 [board] department or any court for any violations provided for

1 in this act unless the enforcement officer or the [board]  
2 department notifies the licensee of its nature and of the date  
3 of the alleged violation within ten days of the completion of  
4 the investigation which in no event shall exceed ninety days.

5 If the violation in question is a third or subsequent  
6 violation of this act or [the act of June 24, 1939 (P.L.872),  
7 known as "The Penal Code,"] Title 18 (Crimes and Offenses) of  
8 the Pennsylvania Consolidated Statutes occurring within a period  
9 of four years the [board] department shall impose a suspension  
10 or revocation.

11 The jurisdiction of the county court of Allegheny County  
12 conferred hereby shall be exclusive within the territorial  
13 limits of its jurisdiction.

14 Section 47. Section 472 of the act, amended July 11, 1980  
15 (No.117), is amended to read:

16 Section 472. Local Option.--In any municipality or any part  
17 of a municipality where such municipality is split so that each  
18 part thereof is separated by another municipality, an election  
19 may be held on the date of the primary election immediately  
20 preceding any municipal election, but not oftener than once in  
21 four years, to determine the will of the electors with respect  
22 to the granting of liquor licenses to hotels, restaurants and  
23 clubs, not oftener than once in four years, with respect to the  
24 granting of licenses to retail dispensers of malt and brewed  
25 beverages, not oftener than once in four years with respect to  
26 granting of licenses to wholesale distributors and importing  
27 distributors, or not more than once in four years with respect  
28 to the establishment, operation and maintenance by the board of  
29 Pennsylvania liquor stores, within the limits of such  
30 municipality or part of a split municipality, under the

1 provisions of this act: Provided, however, Where an election  
2 shall have been held at the primary preceding a municipal  
3 election in any year, another election may be held under the  
4 provisions of this act at the primary occurring the fourth year  
5 after such prior election: And provided further, That an  
6 election on the question of establishing and operating a State  
7 liquor store shall be initiated only in those municipalities, or  
8 that part of a split municipality that shall have voted against  
9 the granting of liquor licenses; and that an election on the  
10 question of granting wholesale distributor and importing  
11 distributor licenses shall be initiated only in those  
12 municipalities or parts of split municipalities that shall have  
13 at a previous election voted against the granting of dispenser's  
14 licenses. Whenever electors equal to at least twenty-five per  
15 centum of the highest vote cast for any office in the  
16 municipality or part of a split municipality at the last  
17 preceding general election shall file a petition with the county  
18 board of elections of the county for a referendum on the  
19 question of granting any of said classes of licenses or the  
20 establishment of Pennsylvania liquor stores, the said county  
21 board of elections shall cause a question to be placed on the  
22 ballots or on the voting machine board and submitted at the  
23 primary immediately preceding the municipal election. Separate  
24 petitions must be filed for each question to be voted on. Said  
25 proceedings shall be in the manner and subject to the provisions  
26 of the election laws which relate to the signing, filing and  
27 adjudication of nomination petitions, insofar as such provisions  
28 are applicable.

29 When the question is in respect to the granting of liquor  
30 licenses, it shall be in the following form:

1 Do you favor the granting of liquor licenses  
2 for the sale of liquor in..... Yes  
3 of.....? No

4 When the question is in respect to the granting of licenses  
5 to retail dispensers of malt and brewed beverages, it shall be  
6 in the following form:

7 Do you favor the granting of malt and brewed  
8 beverage retail dispenser licenses for  
9 consumption on premises where sold in the..... Yes  
10 of.....? No

11 When the question is in respect to the granting of licenses  
12 to wholesale distributors of malt or brewed beverages and  
13 importing distributors, it shall be in the following form:

14 Do you favor the granting of malt and brewed  
15 beverage wholesale distributor's and importing  
16 distributor's licenses not for consumption on  
17 premises where sold in the..... Yes  
18 of.....? No

19 When the question is in respect to the establishment,  
20 operation and maintenance of Pennsylvania liquor stores it shall  
21 be in the following form:

22 Do you favor the establishment, operation  
23 and maintenance of Pennsylvania liquor  
24 stores in the..... Yes  
25 of.....? No

26 In case of a tie vote, the status quo shall obtain. If a  
27 majority of the voting electors on any such question vote "yes,"  
28 then liquor licenses shall be granted by the [board] department  
29 to hotels, restaurants and clubs, or malt and brewed beverage  
30 retail dispenser licenses or wholesale distributor's and

1 importing distributor's license for the sale of malt or brewed  
2 beverages shall be granted by the [board] department, or the  
3 [board] department may establish, operate and maintain  
4 Pennsylvania liquor stores, as the case may be, in such  
5 municipality or part of a split municipality, as provided by  
6 this act; but if a majority of the electors voting on any such  
7 question vote "no," then the [board] department shall have no  
8 power to grant or to renew upon their expiration any licenses of  
9 the class so voted upon in such municipality or part of a split  
10 municipality; or if the negative vote is on the question in  
11 respect to the establishment, operation and maintenance of  
12 Pennsylvania liquor stores, the [board] department shall not  
13 open and operate a Pennsylvania liquor store in such  
14 municipality or part of a split municipality, nor continue to  
15 operate a then existing Pennsylvania liquor store in the  
16 municipality or part of a split municipality for more than two  
17 years thereafter or after the expiration of the term of the  
18 lease on the premises occupied by such store, whichever period  
19 is less, unless and until at a later election a majority of the  
20 voting electors vote "yes" on such question.

21 Section 48. Section 472.1 of the act, added September 15,  
22 1961 (P.L.1337, No.590), is amended to read:

23 Section 472.1. Clubs.--Whenever any club in existence at  
24 least five years prior to the time of application for license  
25 owns a contiguous plot of land in more than two municipalities  
26 in one or more but less than all of which the granting of liquor  
27 licenses has not been prohibited and at least one acre of the  
28 plot of land owned by the club is situated in each municipality  
29 in which the granting of liquor licenses has not been  
30 prohibited, the club may be issued a club liquor license or a

1 catering license by the [board] department if the [board]  
2 department finds that the license will not be detrimental to any  
3 residential neighborhood. This section shall not be construed to  
4 prohibit the issuance of club liquor licenses or catering  
5 licenses which may otherwise be issued under the provisions of  
6 this act.

7 Section 49. Section 472.2 of the act, added November 18,  
8 1969 (P.L.296, No.124), is amended to read:

9 Section 472.2. Granting of Liquor Licenses in Certain  
10 Municipalities.--(a) In any municipality which has, prior to  
11 January 1, 1967, by referendum approved the granting of malt and  
12 brewed beverage retail dispensers' licenses and has also  
13 thereafter, in a separate and subsequent referendum approved the  
14 granting of liquor licenses prior to the effective date of this  
15 amendment, the [board] department may issue to an applicant  
16 holding a malt and brewed beverage retail dispenser's license, a  
17 liquor license: Provided, That the applicant surrenders for  
18 cancellation the malt and brewed beverage retail dispenser's  
19 license. The [board] department shall not issue such a liquor  
20 license in excess of one for each one thousand five hundred  
21 residents in said municipality and any application for said  
22 license shall be filed within two years from the effective date  
23 of this amendment.

24 (b) Nothing in this section shall otherwise affect any  
25 existing malt and brewed beverage retail dispenser's license.

26 (c) The [board] department may not accept, act upon, or  
27 grant an application for a liquor license under this section,  
28 when such application, if granted, would cause an excess in the  
29 aforesaid quota of one liquor license for each one thousand five  
30 hundred residents in said municipality. Nor shall an applicant

1 under this section be required to surrender his malt and brewed  
2 beverage retail dispenser's license until and unless the [board]  
3 department has granted his application for a liquor license.

4 Section 50. Section 472.3 of the act, added July 3, 1980  
5 (No.88), is amended to read:

6 Section 472.3. Exchange of Certain Licenses.--(a) In any  
7 municipality wherein restaurant liquor license issue, the  
8 [board] department may issue to a club as defined in this act, a  
9 club liquor license in exchange for a club retail dispenser  
10 license.

11 (b) An applicant under this section shall surrender his club  
12 retail dispenser license for cancellation prior to the issuance  
13 of the new club liquor license.

14 (c) The applicant for such exchange of license shall file an  
15 application for a club liquor license and shall post a notice of  
16 such application in the manner provided in section 403. In  
17 determining whether the exchange shall be granted the [board]  
18 department shall have the same discretion as provided in section  
19 404 in the case of any new license.

20 (d) The provisions of section 461 pertaining to quota shall  
21 not pertain to this section for exchange purposes.

22 Section 51. Section 473 of the act, added January 13, 1966  
23 (1965 P.L.1301, No.518), is amended to read:

24 Section 473. Public Record.--(a) Any person having a  
25 pecuniary interest in the conduct of business on licensed  
26 premises whether that interest is direct or indirect, legal or  
27 equitable, individual, corporate, or mutual shall file his name  
28 and address with the [board] department on forms provided by the  
29 [board] department. In the case of corporate ownership, the  
30 secretary of the corporation shall file with the [board]

1 department the names and addresses of all persons having such a  
2 corporate pecuniary interest.

3 (b) The names and addresses required by this section shall  
4 be recorded by the [board] department and made available to the  
5 public as a public record.

6 Section 52. Section 474 of the act, added July 20, 1968  
7 (P.L.429, No.201), is amended to read:

8 Section 474. Surrender of Club Licenses for Benefit of  
9 Licensees.--Whenever a club license has been returned to the  
10 [board] department for the benefit of the licensee due to the  
11 licensed establishment not having been in operation for any  
12 reason whatsoever for a period of time not exceeding fifteen  
13 days, the license shall be held by the [board] department for  
14 the benefit of the licensee for a period of time not exceeding  
15 one year, or, upon proper application to the [board] department,  
16 for an additional year, and the license shall be revoked at the  
17 termination of the period, and transfer of the license shall not  
18 be permitted after the termination of the period.

19 Section 53. Section 491 of the act, amended July 18, 1961  
20 (P.L.789, No.347), May 5, 1970 (P.L.342, No.110), October 11,  
21 1972 (P.L.906, No.215), October 2, 1974 (P.L.665, No.220),  
22 October 10, 1974 (P.L.692, No.231) and December 12, 1980  
23 (No.221), is amended to read:

24 Section 491. Unlawful Acts Relative to Liquor, Alcohol and  
25 Liquor Licensees.--

26 It shall be unlawful--

27 (1) Sales of Liquor. For any person, by himself or by an  
28 employe or agent, to expose or keep for sale, or directly or  
29 indirectly, or upon any pretense or upon any device, to sell or  
30 offer to sell any liquor within this Commonwealth, except in

1 accordance with the provisions of this act and the regulations  
2 of the [board] department. This clause shall not be construed to  
3 prohibit hospitals, physicians, dentists or veterinarians who  
4 are licensed and registered under the laws of this Commonwealth  
5 from administering liquor in the regular course of their  
6 professional work and taking into account the cost of the liquor  
7 so administered in making charges for their professional  
8 service, or a pharmacist duly licensed and registered under the  
9 laws of this Commonwealth from dispensing liquor on a  
10 prescription of a duly licensed physician, dentist or  
11 veterinarian, or selling medical preparations containing  
12 alcohol, or using liquor in compounding prescriptions or  
13 medicines and making a charge for the liquor used in such  
14 medicines, or a manufacturing pharmacist or chemist from using  
15 liquor in manufacturing preparations unfit for beverage purposes  
16 and making a charge for the liquor so used. All such liquor so  
17 administered or sold by hospitals, physicians, dentists,  
18 veterinarians, pharmacists or chemists shall conform to the  
19 Pharmacopoeia of the United States, the National Formulary, or  
20 the American Homeopathic Pharmacopoeia.

21 (2) Possession or Transportation of Liquor or Alcohol. For  
22 any person, except a manufacturer or the [board] department or  
23 the holder of a sacramental wine license or of an importer's  
24 license, to possess or transport any liquor or alcohol within  
25 this Commonwealth which was not lawfully acquired prior to  
26 January first, one thousand nine hundred and thirty-four, or has  
27 not been purchased from a Pennsylvania Liquor Store or a  
28 licensed limited winery in Pennsylvania, except miniatures  
29 totalling less than one gallon purchased by a collector of the  
30 same in another state or foreign country, or in accordance with

1 the [board's] department's regulations. The burden shall be upon  
2 the person possessing or transporting such liquor or alcohol to  
3 prove that it was so acquired. But nothing herein contained  
4 shall prohibit the manufacture or possession of wine by any  
5 person in his home for consumption of himself, his family and  
6 guests and not for sale, not exceeding, during any one calendar  
7 year, two hundred gallons, any other law to the contrary  
8 notwithstanding. Such wine shall not be manufactured, possessed,  
9 offered for sale or sold on any licensed premises.

10 None of the provisions herein contained shall prohibit nor  
11 shall it be unlawful for any person to import into Pennsylvania,  
12 transport or have in his possession, an amount of liquor not  
13 exceeding one gallon in volume upon which a State tax has not  
14 been paid, if it can be shown to the satisfaction of the [board]  
15 department that such person purchased the liquor in a foreign  
16 country or United States territory and was allowed to bring it  
17 into the United States. Neither shall the provisions contained  
18 herein prohibit nor make it unlawful for (i) any member of the  
19 armed forces on active duty, or (ii) any retired member of the  
20 armed forces, or (iii) any totally disabled veteran, or (iv) the  
21 spouse of any person included in the foregoing classes of  
22 persons to import into Pennsylvania, transport or have in his  
23 possession an amount of liquor not exceeding one gallon per  
24 month in volume upon which the State tax has not been paid, so  
25 long as such liquor has been lawfully purchased from a package  
26 store established and maintained under the authority of the  
27 United States and is in containers identified in accordance with  
28 regulations issued by the Department of Defense. Such liquor  
29 shall not be possessed, offered for sale or sold on any licensed  
30 premises.

1       None of the provisions herein contained shall prohibit nor  
2 shall it be unlawful for any consul general, consul or other  
3 diplomatic officer of a foreign government to import into  
4 Pennsylvania, transport or have in his possession liquor upon  
5 which a State tax has not been paid, if it can be shown to the  
6 satisfaction of the [board] department that such person acquired  
7 the liquor in a foreign country and was allowed to bring it into  
8 the United States. Such liquor shall not be possessed, offered  
9 for sale or sold on any licensed premises.

10       Any person violating the provisions of this clause for a  
11 first offense involving the possession or transportation in  
12 Pennsylvania of any liquor in a package (bottle or other  
13 receptacle) or wine not purchased from a Pennsylvania Liquor  
14 Store or from a licensed limited winery in Pennsylvania, with  
15 respect to which satisfactory proof is produced that the  
16 required Federal tax has been paid and which was purchased,  
17 procured or acquired legally outside of Pennsylvania shall upon  
18 conviction thereof in a summary proceeding be sentenced to pay a  
19 fine of twenty-five dollars (\$25) for each such package, plus  
20 costs of prosecution, or undergo imprisonment for a term not  
21 exceeding ninety (90) days. Each full quart or major fraction  
22 thereof shall be considered a separate package (bottle or other  
23 receptacle) for the purposes of this clause. Such packages of  
24 liquor shall be forfeited to the Commonwealth in the manner  
25 prescribed in Article VI of this act but the vehicle, boat,  
26 vessel, animal or aircraft used in the illegal transportation of  
27 such packages shall not be subject to forfeiture: Provided,  
28 however, That if it is a second or subsequent offense or if it  
29 is established that the illegal possession or transportation was  
30 in connection with a commercial transaction, then the other

1 provisions of this act providing for prosecution as a  
2 misdemeanor and for the forfeiture of the vehicle, boat, vessel,  
3 animal or aircraft shall apply.

4 (3) Purchase of Liquor or Alcohol. For any person within  
5 this Commonwealth, by himself or by an employe or agent, to  
6 attempt to purchase, or directly or indirectly, or upon any  
7 pretense or device whatsoever, to purchase any liquor or alcohol  
8 from any person or source other than a Pennsylvania Liquor  
9 Store, except in accordance with the provisions of this act or  
10 the regulations of the [board] department.

11 (4) Possession and Use of Decanters. For any person to use  
12 decanters of alcoholic beverages except that the use of  
13 decanters or other similar receptacles by licensees shall be  
14 permitted in the case of wines and then only in accordance with  
15 the regulations of the [board] department, but nothing herein  
16 contained shall prohibit the manufacture and possession of wine  
17 as provided in clause (2) of this section.

18 (5) Failure to Break Empty Liquor Containers. For any  
19 restaurant, hotel or club licensee, his servants, agents or  
20 employes, to fail to break any package in which liquors were  
21 contained, except those decanter packages that the [board]  
22 department determines to be decorative, within twenty-four hours  
23 after the original contents were removed therefrom.

24 (6) Sales by Restaurant and Hotel Liquor Licensees. For any  
25 restaurant or hotel licensee, his servants, agents or employes,  
26 to sell any liquor or malt or brewed beverages for consumption  
27 on the licensed premises except in a room or rooms or place on  
28 the licensed premises at all times accessible to the use and  
29 accommodation of the general public, but this section shall not  
30 be interpreted to prohibit a hotel licensee, or a restaurant

1 licensee when the restaurant is located in a hotel, from selling  
2 liquor or malt or brewed beverages in any room of such hotel  
3 occupied by a bona fide guest or to prohibit a restaurant  
4 licensee from selling liquor or malt or brewed beverages in a  
5 bowling alley when no minors are present where the restaurant  
6 and bowling alley are immediately adjacent and under the same  
7 roof.

8 (7) Sales of Liquor by Manufacturers and Licensed Importers.

9 For any manufacturer or licensed importer of liquor in this  
10 Commonwealth, his agents, servants or employes, to sell or offer  
11 to sell any liquor in this Commonwealth except to the [board]  
12 department for use in Pennsylvania Liquor Stores, and in the  
13 case of a manufacturer, to the holder of a sacramental wine  
14 license or an importer's license, but a manufacturer or licensed  
15 importer may sell or offer to sell liquor to persons outside of  
16 this Commonwealth.

17 (8) Importation and Sales of Alcohol. For any person, to  
18 import alcohol into this Commonwealth, or to sell alcohol to any  
19 person, except in accordance with the regulations of the [board]  
20 department.

21 (9) Possession of Alcohol. For any person, to have alcohol  
22 in his possession, except in accordance with the provisions of  
23 this act and the regulations of the [board] department.

24 (10) Fortifying, Adulterating or Contaminating Liquor. For  
25 any licensee or any employe or agent of a licensee or of the  
26 [board] department, to fortify, adulterate or contaminate any  
27 liquor, except as permitted by the regulations of the [board]  
28 department, or to refill wholly or in part, with any liquid or  
29 substance whatsoever, any liquor bottle or other liquor  
30 container.

1 (11) Importation of Liquor. For any person, other than the  
2 [board] department or the holder of a sacramental wine license  
3 or of an importer's license, to import any liquor whatsoever  
4 into this Commonwealth, but this section shall not be  
5 constructed to prohibit railroad and pullman companies from  
6 selling liquors purchased outside the Commonwealth in their  
7 dining, club and buffet cars which are covered by public service  
8 liquor licenses and which are operated in this Commonwealth.

9 (12) Delivery of Liquor by Certain Licensees. For a liquor  
10 licensee permitted to deliver liquor, to make any deliveries  
11 except in his own vehicles bearing his name, address and license  
12 number on each side in letters not smaller than four inches in  
13 height, or in the vehicle of another person duly authorized to  
14 transport liquor within this Commonwealth.

15 (13) Violation of Certain Rules and Regulations of [Board]  
16 Department. For any person, to violate any rules and regulations  
17 adopted by the [board] department to insure the equitable  
18 wholesale and retail sale and distribution of liquor and alcohol  
19 through the Pennsylvania Liquor Stores.

20 (14) Offering Commission or Gift to Members of [Board]  
21 Department or State Employee. For any person selling or offering  
22 to sell liquor or alcohol to, or purchasing at wholesale liquor  
23 or alcohol from, the [board] department, either directly or  
24 indirectly, to pay or offer to pay any commission, profit or  
25 remuneration, or to make or offer to make any gift to any member  
26 or employe of the [board] department or other employe of the  
27 Commonwealth or to anyone on behalf of such member or employe.

28 Section 54. Section 492 of the act, amended July 3, 1957  
29 (P.L.475, No.268), March 5, 1973 (P.L.1, No.1), June 16, 1975  
30 (P.L.14, No.5) and June 22, 1980 (No.73), is amended to read:

1 Section 492. Unlawful Acts Relative to Malt or Brewed

2 Beverages and Licensees.--

3 It shall be unlawful--

4 (1) Manufacturing Without License. For any person, to  
5 manufacture malt or brewed beverages, unless such person holds a  
6 valid manufacturer's license for such purpose issued by the  
7 [board] department.

8 (2) Sales of Malt or Brewed Beverages for Consumption on the  
9 Premises. For any person, to sell to another for consumption  
10 upon the premises where sold or to permit another to consume  
11 upon the premises where sold, any malt or brewed beverages,  
12 unless such person holds a valid retail dispenser license or a  
13 valid liquor license issued by the [board] department  
14 authorizing the sale of malt or brewed beverages for consumption  
15 upon such premises.

16 (3) Sales of Malt or Brewed Beverages Not for Consumption on  
17 the Premises. For any person, to sell to another any malt or  
18 brewed beverages not for consumption upon the premises where  
19 sold, unless such person holds a valid license permitting such  
20 sale.

21 (4) Sunday Sales of Malt or Brewed Beverages by  
22 Manufacturers, Importing Distributors or Distributors. For any  
23 manufacturer of malt or brewed beverages, importing distributor  
24 or distributor, or the servants, agents or employes of the same,  
25 to sell, trade or barter in malt or brewed beverages between the  
26 hours of twelve o'clock midnight of any Saturday and two o'clock  
27 in the forenoon of the following Monday.

28 (5) Sales of Malt or Brewed Beverages by Hotels, Eating  
29 Places or Public Service Licensees During Prohibited Hours.--For  
30 any hotel or eating place holding a retail dispenser's license,

1 or the servants, agents or employes of such licensees, to sell,  
2 trade or barter in malt or brewed beverages between the hours of  
3 two o'clock antemeridian Sunday and seven o'clock in the  
4 forenoon of the following Monday, or between the hours of two  
5 o'clock antemeridian and seven o'clock antemeridian of any week  
6 day: Provided, That notwithstanding any provision to the  
7 contrary, whenever the thirty-first day of December falls on a  
8 Sunday such sales of malt or brewed beverages may be made on  
9 such day after one o'clock postmeridian and until two o'clock  
10 antemeridian of the following day: And provided further, That  
11 any hotel or eating place holding a retail dispenser's license  
12 which has sales of food and nonalcoholic beverages equal to  
13 forty per cent or more of the combined gross sales of both food  
14 and malt or brewed beverages may sell malt or brewed beverages  
15 between the hours of one o'clock postmeridian on Sunday and two  
16 o'clock antemeridian on Monday upon purchase of a special annual  
17 permit from the [board] department at a fee of one hundred  
18 dollars (\$100.00) per year, which shall be in addition to any  
19 other license fees. For any public service licensee authorized  
20 to sell malt or brewed beverages or the servants, agents or  
21 employes of such licensees to sell, trade or barter in malt or  
22 brewed beverages between the hours of two o'clock antemeridian  
23 and seven o'clock antemeridian on any day.

24 Any licensee holding a retail dispenser license or a malt or  
25 brewed beverage public service license may, by giving notice to  
26 the [board] department, advance by one hour the hours herein  
27 prescribed as those during which malt or brewed beverages may be  
28 sold during such part of the year when daylight saving time is  
29 being observed generally in the municipality in which the place  
30 of business is located. Any licensee who elects to operate his

1 place of business in accordance with daylight saving time shall  
2 post a conspicuous notice in his place of business that he is  
3 operating in accordance with daylight saving time.

4 (6) Sales of Malt or Brewed Beverages on Election Day by  
5 Hotels, Eating Places or Public Service Licensees. For any hotel  
6 or eating place holding a retail dispenser's license, or any  
7 malt or brewed beverage public service licensee, or his  
8 servants, agents or employes, to sell, furnish or give any malt  
9 or brewed beverages to any person after two o'clock  
10 antemeridian, or until one hour after the time fixed by law for  
11 the closing of polling places on days on which a general,  
12 municipal, special or primary election is being held except as  
13 permitted by subsection (a) of section 406.

14 (7) Clubs Selling Between Three O'Clock Antemeridian and  
15 Seven O'Clock Antemeridian. For any club retail dispenser, or  
16 its servants, agents or employes, to sell malt or brewed  
17 beverages between the hours of three o'clock antemeridian and  
18 seven o'clock antemeridian on any day.

19 (8) Transportation of Malt or Brewed Beverages. For any  
20 person, to transport malt or brewed beverages except in the  
21 original containers, or to transport malt or brewed beverages  
22 for another who is engaged in selling either liquor or malt or  
23 brewed beverages, unless such person shall hold (a) a license to  
24 transport for hire, alcohol, liquor and malt or brewed beverages  
25 as hereinafter provided in this act, or (b) shall hold a permit  
26 issued by the [board] department and shall have paid to the  
27 [board] department such permit fee, not exceeding one hundred  
28 dollars (\$100), and shall have filed with the [board] department  
29 a bond in the penal sum of not more than two thousand dollars  
30 (\$2000), as may be fixed by the rules and regulations of the

1 [board] department, any other law to the contrary  
2 notwithstanding.

3 (9) Transportation of Malt or Brewed Beverages by Licensee.  
4 For a malt or brewed beverage licensee, to deliver or transport  
5 any malt or brewed beverages, excepting in vehicles bearing the  
6 name and address and license number of such licensee painted or  
7 affixed on each side of such vehicle in letters no smaller than  
8 four inches in height.

9 [(10) Importing or Transporting Malt or Brewed Beverages  
10 Without Tax Stamps. For any person, to transport within or  
11 import any malt or brewed beverages into this Commonwealth,  
12 except in accordance with the rules and regulations of the  
13 board, or for any person to transport malt or brewed beverages  
14 into or within this Commonwealth, unless there shall be affixed  
15 to the original containers in which such malt or brewed  
16 beverages are transported, stamps or crowns evidencing the  
17 payment of the malt liquor tax to the Commonwealth: Provided,  
18 however, That this clause shall not be construed to prohibit  
19 transportation of malt or brewed beverages through this  
20 Commonwealth and not for delivery therein, if such transporting  
21 is done in accordance with the rules and regulations of the  
22 board.]

23 (11) Delivery of Malt or Brewed Beverages With Other  
24 Commodities. For any manufacturer, importing distributor or  
25 distributor, or his servants, agents or employees, except with  
26 [board] department approval, to deliver or transport any malt or  
27 brewed beverages in any vehicle in which any other commodity is  
28 being transported.

29 (12) Distributors and Importing Distributors Engaging in  
30 Other Business. For any distributor or importing distributor, or

1 his servants, agents or employes, without the approval of the  
2 [board] department, and then only in accordance with [board]  
3 department regulations, to engage in any other business  
4 whatsoever, except the business of distributing malt or brewed  
5 beverages.

6 (13) Possession or Storage of Liquor or Alcohol by Certain  
7 Licensees. For any distributor, importing distributor or retail  
8 dispenser, or his servants, agents or employes, to have in his  
9 possession, or to permit the storage of on the licensed premises  
10 or in any place contiguous or adjacent thereto accessible to the  
11 public or used in connection with the operation of the licensed  
12 premises, any alcohol or liquor.

13 (14) Malt or Brewed Beverage Licensees Dealing in Liquor or  
14 Alcohol. For any malt or brewed beverage licensee, other than a  
15 manufacturer, or the servants, agents or employes thereof, to  
16 manufacture, import, sell, transport, store, trade or barter in  
17 any liquor or alcohol.

18 (15) Selling to Persons Doing Illegal Business. For any malt  
19 or brewed beverage licensee, or his servants, agents or  
20 employes, to knowingly sell any malt or brewed beverages to any  
21 person engaged in the business of illegally selling liquor or  
22 malt or brewed beverages.

23 (16) Distributors and Importing Distributors Failing to Keep  
24 Records. For any importing distributor or distributor engaged in  
25 the sale of products, other than malt or brewed beverages, to  
26 fail to keep such complete separate records covering in every  
27 respect his transactions in malt or brewed beverages as the  
28 [board] department shall by regulation require.

29 (17) Fortifying, Adulterating or Contaminating Malt or  
30 Brewed Beverages. For any person, to fortify, adulterate,

1 contaminate, or in any wise to change the character or purity  
2 of, the malt or brewed beverages from that as originally  
3 marketed by the manufacturer at the place of manufacture.

4 (18) Coercing Distributors and Importing Distributors. For  
5 any manufacturer or any officer, agent or representative of any  
6 manufacturer to coerce or persuade or attempt to coerce or  
7 persuade any person licensed to sell or distribute malt or  
8 brewed beverages at wholesale or retail to establish selling  
9 prices for its products or to enter into any contracts or  
10 agreements, whether written or oral, or take any action which  
11 will violate or tend to violate any provisions of this act or  
12 any of the rules or regulations promulgated by the [board]  
13 department pursuant thereto.

14 (19) Modifying or Terminating Distributing Rights Agreement.  
15 For any manufacturer or any officer, agent or representative of  
16 any manufacturer to modify, cancel, terminate, rescind or not  
17 renew, without good cause, any distributing rights agreement,  
18 and in no event shall any modification, cancellation,  
19 termination, rescission or nonrenewal of any distributing rights  
20 agreement become effective for at least ninety (90) days after  
21 written notice of such modification, cancellation, termination,  
22 rescission or intention not to renew has been served on the  
23 affected party and board by certified mail, return receipt  
24 requested, except by written consent of the parties to the  
25 agreement. The notice shall state all the reasons for the  
26 intended modification, termination, cancellation, rescission or  
27 nonrenewal. The distributor or importing distributor holding  
28 such agreement shall have ninety (90) days in which to rectify  
29 any claimed deficiency, or challenge the alleged cause.

30 If the deficiency shall be rectified within ninety (90) days

1 of notice, then the proposed modification, termination,  
2 cancellation, rescission or nonrenewal shall be null and void  
3 and without legal effect.

4 If the notice states as one of the reasons for the intended  
5 modification, cancellation, termination, rescission or renewal  
6 that the importing distributor or distributor's equipment or  
7 warehouse requires major changes or additions, then if the  
8 distributor or importing distributor shall have taken some  
9 positive action to comply with the required changes or  
10 additions, the distributor or importing distributor shall have  
11 deemed to have complied with the deficiency as set forth in the  
12 notice. The notice provisions of this section shall not apply if  
13 the reason for termination, cancellation or nonrenewal is  
14 insolvency, assignment for the benefit of creditors, bankruptcy,  
15 liquidation, fraudulent conduct in its dealings with the  
16 manufacturer, revocation or suspension for more than a thirty  
17 (30) day period of the importing distributor or distributor  
18 license.

19 (20) Interference with Transfer of License, Business or  
20 Franchise. (i) For any manufacturer to interfere with or prevent  
21 any distributor or importing distributor from selling or  
22 transferring his license, business or franchise, whether before  
23 or after notice of modification, cancellation, termination,  
24 rescission or nonrenewal has been given, provided the proposed  
25 purchaser of the business of the distributor or importing  
26 distributor meets the material qualifications and standards  
27 required of the manufacturers other distributors or importing  
28 distributors; (ii) if the proposed transfer of the distributor  
29 or importing distributor's business is to a surviving spouse or  
30 adult child, the manufacturer shall not, for any reason,

1 interfere with, or prevent, the transfer of the distributor or  
2 importing distributor's license, business or franchise. Any  
3 subsequent transfer by surviving spouse or adult child shall  
4 thereafter be subject to the provisions of subclause (i) above.

5 (21) Inducing or Coercing Distributors or Importing  
6 Distributors to Accept Unordered Products or Commit Illegal  
7 Acts. For any manufacturer to compel or attempt to compel any  
8 distributor or importing distributor to accept delivery of any  
9 malt or brewed beverages or any other commodity which shall not  
10 have been ordered by the distributor or importing distributor,  
11 or to do any illegal act by any means whatsoever including, but  
12 not limited to, threatening to amend, cancel, terminate, rescind  
13 or refuse to renew any agreement existing between manufacturer  
14 and the distributor or importing distributor, or to require a  
15 distributor or importing distributor to assent to any condition,  
16 stipulation or provision limiting the distributor or importing  
17 distributor in his right to sell the products of any other  
18 manufacturer.

19 Section 55. Section 493 of the act, amended June 14, 1957  
20 (P.L.322, No.170), June 15, 1961 (P.L.423, No.211), September  
21 25, 1967 (P.L.307, No.135), March 5, 1970 (P.L.137, No.55),  
22 August 1, 1975 (P.L.161, No.83), June 15, 1977 (P.L.12, No.9)  
23 and July 11, 1980 (No.117), is amended to read:

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

29 It shall be unlawful--

30 (1) Furnishing Liquor or Malt or Brewed Beverages to Certain

1 Persons. For any licensee or the [board] department, or any  
2 employe, servant or agent of such licensee or of the [board]  
3 department, or any other person, to sell, furnish or give any  
4 liquor or malt or brewed beverages, or to permit any liquor or  
5 malt or brewed beverages to be sold, furnished or given, to any  
6 person visibly intoxicated, or to any insane person, or to any  
7 minor, or to habitual drunkards, or persons of known intemperate  
8 habits.

9 (2) Purchase or Sale of Liquor or Malt or Brewed Beverages  
10 on Credit. For any licensee, his agent, servant or employe, to  
11 sell or offer to sell or purchase or receive any liquor or malt  
12 or brewed beverages except for cash, excepting credit extended  
13 by a hotel or club to a bona fide guest or member, or by  
14 railroad or pullman companies in dining, club or buffet cars to  
15 passengers, for consumption while enroute, holding authorized  
16 credit cards issued by railroad or railroad credit bureaus or by  
17 hotel, restaurant and public service licensees to customers  
18 holding credit cards issued in accordance with regulations of  
19 the [board] department or credit cards issued by banking  
20 institutions subject to State or Federal regulation: Provided  
21 further, That nothing herein contained shall be construed to  
22 prohibit the use of checks or drafts drawn on a bank, banking  
23 institution, trust company or similar depository, organized and  
24 existing under the laws of the United States of America or the  
25 laws of any state, territory or possession thereof, in payment  
26 for any liquor or malt or brewed beverages if the purchaser is  
27 the payor of the check or draft and the licensee is the payee.  
28 No right of action shall exist to collect any claim for credit  
29 extended contrary to the provisions of this clause. Nothing  
30 herein contained shall prohibit a licensee from crediting to a

1 purchaser the actual price charged for original containers  
2 returned by the original purchaser as a credit on any sale, or  
3 from refunding to any purchaser the amount paid by such  
4 purchaser for such containers or as a deposit on containers when  
5 title is retained by the vendor, if such original containers  
6 have been returned to the licensee. Nothing herein contained  
7 shall prohibit a manufacturer from extending usual and customary  
8 credit for liquor or malt or brewed beverages sold to customers  
9 or purchasers who live or maintain places of business outside of  
10 the Commonwealth of Pennsylvania, when the liquor or malt or  
11 brewed beverages so sold are actually transported and delivered  
12 to points outside of the Commonwealth: Provided, however, That  
13 as to all transactions affecting malt or brewed beverages to be  
14 resold or consumed within this Commonwealth, every licensee  
15 shall pay and shall require cash deposits on all returnable  
16 original containers and all such cash deposits shall be refunded  
17 upon return of the original containers.

18 (3) Exchange of Liquor or Malt or Brewed Beverages For  
19 Merchandise, etc. For any licensee or the [board] department, or  
20 any employe, servant or agent of a licensee or of the [board]  
21 department, to sell, offer to sell or furnish any liquor or malt  
22 or brewed beverages to any person on a pass book or store order,  
23 or to receive from any person any goods, wares, merchandise or  
24 other articles in exchange for liquor or malt or brewed  
25 beverages.

26 (4) Peddling Liquor or Malt or Brewed Beverages. For any  
27 person, to hawk or peddle any liquor or malt or brewed beverages  
28 in this Commonwealth.

29 (5) Failure to Have Brands as Advertised. For any licensee,  
30 his servants, agents or employes, to advertise or hold out for

1 sale any liquor or malt or brewed beverages by trade name or  
2 other designation which would indicate the manufacturer or place  
3 of production of the said liquor or malt or brewed beverages,  
4 unless he shall actually have on hand and for sale a sufficient  
5 quantity of the particular liquor or malt or brewed beverages so  
6 advertised to meet requirements to be normally expected as a  
7 result of such advertisement or offer.

8 (6) Brand or Trade Name on Spigot. For any licensee, his  
9 agents, servants or employes, to furnish or serve any malt or  
10 brewed beverages from any faucet, spigot or other dispensing  
11 apparatus, unless the trade name or brand of the product served  
12 shall appear in full sight of the customer and in legible  
13 lettering upon such faucet, spigot or dispensing apparatus.

14 (7) Alcoholic Strength on Label of Malt or Brewed Beverages.  
15 For any licensee, or his servants, agents or employes, to  
16 transport, sell, deliver or purchase any malt or brewed  
17 beverages upon which there shall appear a label or other  
18 informative data which in any manner refers to the alcoholic  
19 contents of the malt or brewed beverage, or which refers in any  
20 manner to the original alcoholic strength, extract or balling  
21 proof from which such malt or brewed beverage was produced. This  
22 clause shall not be construed to prohibit a manufacturer from  
23 designating upon the label or descriptive data the alcoholic  
24 content of malt or brewed beverages intended for shipment into  
25 another state or territory, when the laws of such state or  
26 territory require that the alcoholic content of the malt or  
27 brewed beverage must be stated upon the package.

28 (8) Advertisements on Labels Giving Alcoholic Content of  
29 Malt or Brewed Beverages. For any manufacturer or other  
30 licensee, or his servants, agents or employes, to issue, publish

1 or post, or cause to be issued, published or posted, any  
2 advertisement of any malt or brewed beverage including a label  
3 which shall refer in any manner to the alcoholic strength of the  
4 malt or brewed beverage manufactured, sold or distributed by  
5 such licensees, or to use in any advertisement or label such  
6 words as "full strength," "extra strength," "high test," "high  
7 proof," "pre-war strength," or similar words or phrases, which  
8 would lead or induce a consumer to purchase a brand of malt or  
9 brewed beverage on the basis of its alcoholic content, or to use  
10 in or on any advertisement or label any numeral, unless  
11 adequately explained in type of the same size, prominence and  
12 color, or for any licensee to purchase, transport, sell or  
13 distribute any malt or brewed beverage advertised or labeled  
14 contrary to the provisions of this clause.

15 (9) Retail Licensees Furnishing Free Lunch, etc. For any  
16 retail liquor licensee or any retail dispenser, his agents,  
17 servants or employes, to furnish, give or sell below a fair cost  
18 any lunch to any consumer, except such articles of food as the  
19 [board] department may authorize and approve.

20 (10) Entertainment on Licensed Premises (Except Clubs);  
21 Permits; Fees. For any licensee, his servants, agents or  
22 employes, except club licensees, to permit in any licensed  
23 premises or in any place operated in connection therewith,  
24 dancing, theatricals or floor shows of any sort, or moving  
25 pictures other than television, or such as are exhibited through  
26 machines operated by patrons by the deposit of coins, which  
27 project pictures on a screen not exceeding in size twenty-four  
28 by thirty inches and which forms part of the machine, unless the  
29 licensee shall first have obtained from the [board] department a  
30 special permit to provide such entertainment, or for any

1 licensee, under any circumstances, to permit in any licensed  
2 premises any lewd, immoral or improper entertainment, regardless  
3 of whether a permit to provide entertainment has been obtained  
4 or not. The [board] department shall have power to provide for  
5 the issue of such special permits, and to collect a fee for such  
6 permits equal to one-fifth of the annual license fee but not  
7 less than twenty-five dollars (\$25). All such fees shall be paid  
8 into the State Stores Fund. No such permit shall be issued in  
9 any municipality which, by ordinance, prohibits amusements in  
10 licensed places. Any violation of this clause shall, in addition  
11 to the penalty herein provided, subject the licensee to  
12 suspension or revocation of his permit and his license.

13 (11) Licensees Employed by Others. For any hotel, restaurant  
14 or club liquor licensee, or any malt or brewed beverage  
15 licensee, or any servant, agent or employe of such licensee, to  
16 be at the same time employed, directly or indirectly, by any  
17 other person engaged in the manufacture, sale, transportation or  
18 storage of liquor, malt or brewed beverages or alcohol:

19 Provided, That any person (except a licensee or the manager,  
20 officer or director of a licensee) who is employed by a retail  
21 licensee to prepare or serve food and beverages may be employed  
22 in the same capacity by another retail licensee during other  
23 hours or on other days.

24 (12) Failure to Have Records on Premises. For any liquor  
25 licensee, or any importing distributor, distributor or retail  
26 dispenser, to fail to keep on the licensed premises for a period  
27 of at least two years complete and truthful records covering the  
28 operation of his licensed business, particularly showing the  
29 date of all purchases of liquor and malt or brewed beverages,  
30 the actual price paid therefor, and the name of the vendor,

1 including State Store receipts, or for any licensee, his  
2 servants, agents or employees, to refuse the [board] department  
3 or an authorized employe of the [board] department access  
4 thereto or the opportunity to make copies of the same when the  
5 request is made during business hours.

6 (13) Retail Licensees Employing Minors. For any hotel,  
7 restaurant or club liquor licensee, or any retail dispenser, to  
8 employ or to permit any minor under the age of eighteen to serve  
9 any alcoholic beverages or to employ or permit any minor under  
10 the age of sixteen to render any service whatever in or about  
11 the licensed premises, nor shall any entertainer under the age  
12 of eighteen be employed or permitted to perform in any licensed  
13 premises in violation of the labor laws of this Commonwealth:  
14 Provided, That in accordance with [board] department regulations  
15 minors between the ages of sixteen and eighteen may be employed  
16 to serve food, clear tables and perform other similar duties,  
17 not to include the dispensing or serving of alcoholic beverages.

18 (14) Permitting Undesirable Persons or Minors to Frequent  
19 Premises. For any hotel, restaurant or club liquor licensee, or  
20 any retail dispenser, his servants, agents or employees, to  
21 permit persons of ill repute, known criminals, prostitutes or  
22 minors to frequent his licensed premises or any premises  
23 operated in connection therewith, except minors accompanied by  
24 parents, guardians, or under proper supervision: Provided,  
25 however, That it shall not be unlawful for any hotel, restaurant  
26 or club liquor licensee or any retail dispenser to permit minors  
27 under proper supervision upon the licensed premises or any  
28 premises operated in connection therewith for the purpose of a  
29 social gathering, even if such gathering is exclusively for  
30 minors: And provided further, That no liquor shall be sold,

1 furnished or given to such minors nor shall the licensee  
2 knowingly permit any liquor or malt or brewed beverages to be  
3 sold, furnished or given to or be consumed by any minor, and the  
4 area of such gathering shall be segregated from the remainder of  
5 the licensed premises. In the event the area of such gathering  
6 cannot be segregated from the remainder of the licensed  
7 premises, all alcoholic beverages must be either removed from  
8 the licensed premises or placed under lock and key during the  
9 time the gathering is taking place. Notice of such gathering  
10 shall be given the [Liquor Control Board] department as it may,  
11 by regulation, require. Any licensee violating the provisions of  
12 this clause shall be subject to the provisions of section 471.

13 "Proper supervision," as used in this clause, means the  
14 presence, on that portion of the licensed premises where a minor  
15 or minors are present, of one person twenty-five years of age or  
16 older for every fifty minors or part thereof who is directly  
17 responsible for the care and conduct of such minor or minors  
18 while on the licensed premises and in such proximity that the  
19 minor or minors are constantly within his sight or hearing. The  
20 presence of the licensee or any employe or security officer of  
21 the licensee shall not constitute proper supervision.

22 (15) Cashing Pay Roll, Public Assistance, Unemployment  
23 Compensation or Any Other Relief Checks. For any licensee or his  
24 servants, agents or employes to cash pay roll checks or to cash,  
25 receive, handle or negotiate in any way Public Assistance,  
26 Unemployment Compensation or any other relief checks.

27 (16) Furnishing or Delivering Liquor or Malt or Brewed  
28 Beverages at Unlawful Hours. For any licensee, his servants,  
29 agents or employes, to give, furnish, trade, barter, serve or  
30 deliver any liquor or malt or brewed beverages to any person

1 during hours or on days when the licensee is prohibited by this  
2 act from selling liquor or malt or brewed beverages.

3 (17) Licensees, etc., Interested or Employed in  
4 Manufacturing or Sale of Equipment or Fixtures. For any  
5 licensee, or any officer, director, stockholder, servant, agent  
6 or employe of any licensee, to own any interest, directly or  
7 indirectly, in or be employed or engaged in any business which  
8 involves the manufacture or sale of any equipment, furnishings  
9 or fixtures to any hotel, restaurant or club licensees, or to  
10 any importing distributors, distributors or retail dispensers:  
11 Provided, however, That as to malt or brewed beverage licensees,  
12 the provisions of this subsection shall not apply to such a  
13 conflicting interest if it has existed for a period of not less  
14 than three years prior to the first day of January, one thousand  
15 nine hundred thirty-seven, and the [board] department shall  
16 approve.

17 (18) Displaying Price of Liquor or Malt or Brewed Beverages.  
18 For any restaurant, hotel or club liquor licensee, or any  
19 importing distributor, distributor or retail dispenser, or the  
20 servants, agents or employes of such licensees, to display on  
21 the outside of any licensed premises or to display any place  
22 within the licensed premises where it can be seen from the  
23 outside, any advertisement whatsoever referring, directly or  
24 indirectly, to the price at which the licensee will sell liquor  
25 or malt or brewed beverages.

26 (19) Licensee's Outside Advertisements. For any retail  
27 liquor licensee or any retail dispenser, distributor or  
28 importing distributor, to display in any manner whatsoever on  
29 the outside of his licensed premises, or on any lot of ground on  
30 which the licensed premises are situate, or on any building of

1 which the licensed premises are a part, a sign of any kind,  
2 printed, painted or electric, advertising any brand of liquor or  
3 malt or brewed beverage, and it shall be likewise unlawful for  
4 any manufacturer, distributor or importing distributor, to  
5 permit the display of any sign which advertises either his  
6 products or himself on any lot of ground on which such licensed  
7 premises are situate, or on any building of which such licensed  
8 premises are a part.

9 (20) Retail Liquor and Retail Malt or Brewed Beverages  
10 Licensee's Inside Advertisements. For any retail liquor or  
11 retail malt or brewed beverages licensee, to display or permit  
12 the display in the show window or doorways of his licensed  
13 premises, any placard or sign advertising the brands of liquor  
14 or malt or brewed beverages produced by any one manufacturer, if  
15 the total display area of any such placard or sign advertising  
16 the products of any one manufacturer exceeds three hundred  
17 square inches. Nothing herein shall prohibit a licensee from  
18 displaying inside his licensed premises point of sale displays  
19 advertising brand names of products sold by him, other than a  
20 window or door display: Provided, That the total cost of all  
21 such point of sale advertising matter relating to products of  
22 any one manufacturer shall not exceed the sum of twenty dollars  
23 (\$20) at any one time, and no single piece of advertising shall  
24 exceed a cost of ten dollars (\$10). All such advertising  
25 material, including the window and door signs, may be furnished  
26 by a manufacturer, distributor or importing distributor.

27 (21) Refusing The Right of Inspection. For any licensee, or  
28 his servants, agents or employees, to refuse the [board]  
29 department or any of its authorized employees the right to  
30 inspect completely the entire licensed premises at any time

1 during which the premises are open for the transaction of  
2 business, or when patrons, guests or members are in that portion  
3 of the licensed premises wherein either liquor or malt or brewed  
4 beverages are sold.

5 (22) Allowance or Rebate to Induce Purchases. For any  
6 licensee, or his servants, agents or employes, to offer, pay,  
7 make or allow, or for any licensee, or his servants, agents or  
8 employes, to solicit or receive any allowance or rebate, refunds  
9 or concessions, whether in the form of money or otherwise, to  
10 induce the purchase of liquor or malt or brewed beverages or any  
11 other commodity manufactured or sold by the licensee.

12 (23) Money or Valuables Given to Employes to Influence  
13 Actions of Their Employers. For any licensee, or any agent,  
14 employe or representative of any licensee, to give or permit to  
15 be given, directly or indirectly, money or anything of  
16 substantial value, in an effort to induce agents, employes or  
17 representatives of customers or prospective customers to  
18 influence their employer or principal to purchase or contract to  
19 purchase liquor or malt or brewed beverages from the donor of  
20 such gift, or to influence such employers or principals to  
21 refrain from dealing or contracting to deal with other  
22 licensees.

23 (24) Things of Value Offered as Inducement. For any licensee  
24 under the provisions of this article, or the [board] department  
25 or any manufacturer, or any employe or agent of a manufacturer,  
26 licensee or of the [board] department, to offer to give anything  
27 of value or to solicit or receive anything of value as a premium  
28 for the return of caps, stoppers, corks, stamps or labels taken  
29 from any bottle, case, barrel or package containing liquor or  
30 malt or brewed beverage, or to offer or give or solicit or

1 receive anything of value as a premium or present to induce the  
2 purchase of liquor or malt or brewed beverage, or for any other  
3 purpose whatsoever in connection with the sale of such liquor or  
4 malt or brewed beverage, or for any licensee, manufacturer or  
5 other person to offer or give to trade or consumer buyers any  
6 prize, premium, gift or other similar inducement, except  
7 advertising novelties of nominal value which the [board]  
8 department shall define: Provided, however, That this section  
9 shall not apply to the return of any monies specifically  
10 deposited for the return of the original container to the owners  
11 thereof.

12 (25) Employment of Females in Licensed Places. For any  
13 licensee or his agent, to employ or permit the employment of any  
14 female at his licensed hotel, restaurant or eating place for the  
15 purpose of enticing customers, or to encourage them to drink  
16 liquor, or make assignations for improper purposes: Provided,  
17 That nothing in this section shall be construed to prevent the  
18 employment of any female waitress who regularly takes orders for  
19 food from serving food, liquor or malt or brewed beverages at  
20 tables; also, that nothing shall prevent any such licensees from  
21 employing any female stenographer, hotel secretary, clerk or  
22 other employe for their respective positions: Provided further,  
23 That nothing in this section shall be so construed as to prevent  
24 the wife of any such licensee or agent or any employed female  
25 from mixing or serving liquor or malt or brewed beverages behind  
26 the bar of any such licensed place.

27 Any person violating the provisions of this clause shall be  
28 guilty of a misdemeanor and, upon conviction of the same, shall  
29 be sentenced to pay a fine of not less than one hundred dollars  
30 (\$100), nor more than five hundred dollars (\$500), for each and

1 every female so employed, or undergo an imprisonment of not less  
2 than three (3) months, nor more than one (1) year, or either or  
3 both, at the discretion of the court having jurisdiction of the  
4 case. The [board] department shall have the power to revoke or  
5 refuse licenses for violation of this clause.

6 (26) Worthless Checks. For any retail liquor licensee or any  
7 retail dispenser, distributor or importing distributor, to make,  
8 draw, utter, issue or deliver, or cause to be made, drawn,  
9 uttered, issued or delivered, any check, draft or similar order,  
10 for the payment of money in payment for any purchase of malt or  
11 brewed beverages, when such retail liquor licensee, retail  
12 dispenser, distributor or importing distributor, has not  
13 sufficient funds in, or credit with, such bank, banking  
14 institution, trust company or other depository, for the payment  
15 of such check. Any person who is a licensee under the provisions  
16 of this article, who shall receive in payment for malt or brewed  
17 beverages sold by him any check, draft or similar order for the  
18 payment of money, which is subsequently dishonored by the bank,  
19 banking institution, trust company or other depository, upon  
20 which drawn, for any reason whatsoever, shall, within five days  
21 of receipt of notice of such dishonor, notify by certified mail  
22 the person who presented the said worthless check, draft or  
23 similar order.

24 (27) Distributors and Importing Distributors Employing  
25 Minors. For any distributor or importing distributor to employ  
26 minors under the age of eighteen but persons eighteen and over  
27 may be employed to sell and deliver malt and brewed beverages.

28 Section 56. Section 494 of the act, amended May 25, 1956  
29 (1955 P.L.1743, No.583), is amended to read:

30 Section 494. Penalties.--(a) Any person who shall violate

1 any of the provisions of this article, except as otherwise  
2 specifically provided, shall be guilty of a misdemeanor and,  
3 upon conviction thereof, shall be sentenced to pay a fine of not  
4 less than one hundred dollars (\$100), nor more than five hundred  
5 dollars (\$500), and on failure to pay such fine, to imprisonment  
6 for not less than one month, nor more than three months, and for  
7 any subsequent offense, shall be sentenced to pay a fine not  
8 less than three hundred dollars (\$300), nor more than five  
9 hundred dollars (\$500), and to undergo imprisonment for a period  
10 not less than three months, nor more than one year.

11 (b) The right of the [board] department to suspend and  
12 revoke licenses granted under this article shall be in addition  
13 to the penalty set forth in this section.

14 Section 57. Section 496 of the act, added June 15, 1961  
15 (P.L.423, No.211), is amended to read:

16 Section 496. Reporting of Worthless Checks.--Any person who  
17 is a licensee under the provisions of this article, who shall  
18 receive in payment for malt or brewed beverages sold by him any  
19 check, draft or similar order, for the payment of money, which  
20 is subsequently dishonored by the bank, banking institution,  
21 trust company or other depository, upon which drawn, for any  
22 reason whatsoever, shall, within twenty days of receipt of  
23 notice of such dishonor, notify the [board] department thereof.  
24 Such notification to the [board] department shall be in such  
25 manner and form as the [board] department shall direct.

26 Section 58. Section 502 of the act is amended to read:

27 Section 502. Exemptions.--No license hereunder shall be  
28 required from any registered pharmacist; or a physician licensed  
29 by the State Board of Medical Education and Licensure; or any  
30 person who makes and sells vinegar, nonalcoholic cider and fruit

1   juices; or any person who manufactures, stores, sells or  
2   transports methanol, propanol, butanol and amanol; or any person  
3   who conducts a wholesale drug business; or any person who  
4   manufactures alcoholic preparations not fit for use as a  
5   beverage, other than denatured alcohol or for beverage purposes;  
6   any person engaged in the manufacture; possession or sale of  
7   patent, patented or proprietary medicines, toilet, medicinal or  
8   antiseptic preparations unfit for beverage purposes, or  
9   solutions or flavoring extracts or syrups unfit for beverage  
10  purposes; or any person who manufactures or sells paints,  
11  varnishes, enamels, lacquers, stains or paint, or varnish  
12  removing or reducing compounds, or wood fillers; or any person  
13  who manufactures any substance where the alcohol or any liquor  
14  is changed into other chemical substances and does not appear in  
15  the finished product as alcohol or liquor; or any common carrier  
16  by railroad which is subject to regulation by the Pennsylvania  
17  Public Utility Commission of the Commonwealth of Pennsylvania,  
18  or scheduled common carriers by air of mail and passengers; or  
19  any person who sells, stores or transports alcohol or liquor  
20  completely denatured, as specified by the [board] department.

21       Section 59. Section 504 of the act, amended September 28,  
22   1961 (P.L.1728, No.702), is amended to read:

23       Section 504. Applications; Filing Fees.--(a) Every  
24   applicant for a license under this article shall file with the  
25   [board] department a written application in such form as the  
26   [board] department shall from time to time require. Every such  
27   application shall be accompanied by a filing fee of twenty  
28   dollars (\$20), the prescribed license fee and the bond  
29   hereinafter specified, and shall set forth:

30       1. The legal names of the applicant and of the owner of the

1 place where business under the license will be carried on, with  
2 their residence addresses by street and number, if a  
3 partnership, of each separate partner, and if a corporation, of  
4 each individual officer thereof.

5 2. The exact location of said place of business and of every  
6 place to be occupied or used in connection with such business,  
7 the productive capacity of each plant where any alcohol or  
8 liquor is to be manufactured, produced, distilled, rectified,  
9 blended, developed or used in the process of manufacture,  
10 denatured, redistilled, recovered, reused, the capacity of every  
11 warehouse or other place where such alcohol or liquor or malt or  
12 brewed beverage is to be held in bond or stored for hire, or the  
13 equipment to be used where a transportation business is to be  
14 carried on under the license.

15 3. That each and every one of the applicants is a citizen of  
16 the United States of America.

17 4. Such other relevant information as the [board] department  
18 shall from time to time require by rule or regulation.

19 (b) Each application must be verified by affidavit of the  
20 applicant made before any officer legally qualified to  
21 administer oaths, and if any false statement is wilfully made in  
22 any part of said application, the applicant or applicants shall  
23 be deemed guilty of a misdemeanor and, upon conviction, shall be  
24 subject to the penalties provided by this article.

25 Section 60. Section 505 of the act, amended July 31, 1968  
26 (P.L.902, No.272), is amended to read:

27 Section 505. Licenses Issued.--Upon receipt of the  
28 application in the form herein provided, the proper fees and an  
29 approved bond as herein designated, the [board] department may  
30 grant to such applicant a license to engage in, (a) the

1 operation of a limited winery or a winery; or, (b) the  
2 manufacturing, producing, distilling, developing, or using in  
3 the process of manufacturing, denaturing, redistilling,  
4 recovering, rectifying, blending and reusing of alcohol and  
5 liquor; or, (c) the holding in bond of alcohol and liquor; or  
6 (d) the holding in storage, as bailee for hire, of alcohol,  
7 liquor and malt or brewed beverages; or, (e) the transporting  
8 for hire of alcohol, liquor and malt or brewed beverages.

9 Section 61. Section 505.1 of the act, added February 17,  
10 1956 (1955 P.L.1077, No.348), is amended to read:

11 Section 505.1. Bonded Warehouse License Privilege

12 Restrictions.--Holders of bonded warehouse licenses may:

13 (a) Receive and store in bond liquor owned by Pennsylvania  
14 licensed manufacturers and importers.

15 (b) Receive and store in bond alcohol owned by Pennsylvania  
16 licensed manufacturers.

17 (c) Receive and store in bond liquor owned by licensees  
18 outside this Commonwealth. Such liquor shall be released from  
19 the bonded warehouse for delivery within this Commonwealth only  
20 to persons holding a liquor importer's license issued by the  
21 [Pennsylvania Liquor Control Board] department authorizing the  
22 importation of liquor or to other storage facilities or persons  
23 outside this Commonwealth.

24 (d) Receive and store in bond alcohol owned by licensees  
25 outside this Commonwealth. Such alcohol shall be released from  
26 the bonded warehouse for delivery within this Commonwealth only  
27 to persons holding an alcohol permit issued by the [Pennsylvania  
28 Liquor Control Board] department authorizing the importation of  
29 alcohol or to other storage facilities or persons outside this  
30 Commonwealth.

1 All liquor and alcohol received and stored pursuant to this  
2 section shall be in original containers of ten gallons or  
3 greater capacity. Liquor and alcohol placed in storage in  
4 accordance with the foregoing provisions may remain in storage  
5 notwithstanding any change in ownership.

6 Section 62. Section 505.2 of the act, amended March 27, 1972  
7 (P.L.153, No.57), is amended to read:

8 Section 505.2. Limited Wineries.--Holders of a limited  
9 winery license may:

10 (1) Produce wines only from fruits grown in Pennsylvania in  
11 an amount not to exceed one hundred thousand (100,000) gallons  
12 per year.

13 (2) Sell wine produced by the limited winery on the licensed  
14 premises, under such conditions and regulations as the [board]  
15 department may enforce, to the Liquor Control Board, to  
16 individuals and to hotel, restaurant, club and public service  
17 liquor licensees.

18 Section 63. Section 505.3 of the act, added July 30, 1975  
19 (P.L.136, No.68), is amended to read:

20 Section 505.3. Distilleries.--Distilleries of historical  
21 significance established more than one hundred years prior to  
22 January 1, 1975 which hold a license issued under section 505  
23 may sell liquor produced by the distillery on the licensed  
24 premises under such conditions and regulations as the [board]  
25 department may enforce.

26 Section 64. Sections 506 and 507 of the act are amended to  
27 read:

28 Section 506. Bonds Required.--(a) No license shall be  
29 issued to any such applicant until he has filed with the [board]  
30 department an approved bond, duly executed, payable to the

1 Commonwealth of Pennsylvania, together with a warrant of  
2 attorney to confess judgment in the penal sum herein set forth.  
3 All such bonds shall be conditioned for the faithful observance  
4 of all the laws of this Commonwealth and regulations of the  
5 [board] department relating to alcohol, liquor and malt or  
6 brewed beverages and the conditions of the license, and shall  
7 have as surety a duly authorized surety company, or shall have  
8 deposited therewith, as collateral security, cash or negotiable  
9 obligations of the United States of America or the Commonwealth  
10 of Pennsylvania in the same amount as herein provided for the  
11 penal sum of bonds.

12 (b) In all cases where cash or securities in lieu of other  
13 surety have been deposited with the [board] department, the  
14 depositor shall be permitted to continue the same deposit from  
15 year to year on each renewal of license, but in no event shall  
16 he be permitted to withdraw his deposit during the time he holds  
17 said license, or until six months after the expiration of the  
18 license held by him, or while revocation proceedings are pending  
19 against such licensee.

20 (c) All cash or securities received by the [board]  
21 department in lieu of other surety shall be turned over by the  
22 [board] department to the State Treasurer and held by him. The  
23 State Treasurer shall repay or return money or securities  
24 deposited with him to the respective depositors only on the  
25 order of the [board] department.

26 (d) After notice from the [board] department that such a  
27 bond has been forfeited, the State Treasurer shall immediately  
28 pay into the State Stores Fund all cash deposited as collateral  
29 with such bond, and when securities have been deposited with  
30 such a bond, the State Treasurer shall sell at private sale, at

1 not less than the prevailing market price, any such securities  
2 so deposited as collateral with any such forfeited bond. The  
3 State Treasurer shall thereafter deposit in the State Stores  
4 Fund the net amount realized from the sale of such securities,  
5 except that if the amount so realized, after deducting proper  
6 costs and expenses, is in excess of the penal amount of the  
7 bond, such excess shall be paid over by him to the obligor on  
8 such forfeited bond.

9 (e) The penal sum of bonds required to be filed by  
10 applicants for license shall be as follows:

11 In the case of a distillery (manufacturer), the bond shall be  
12 in the amount of ten thousand dollars (\$10,000); in the case of  
13 a bonded warehouse, a bailee for hire and a transporter for  
14 hire, each shall be in the amount of three thousand dollars  
15 (\$3000); and in the case of a winery, shall be in the amount of  
16 five thousand dollars (\$5000). Such bonds shall be filed with  
17 and retained by the [board] department.

18 (f) Every such bond shall be turned over to the Department  
19 of Justice to be collected if and when the licensee's license  
20 shall have been revoked and his bond forfeited as provided in  
21 this act.

22 Section 507. Hearings Upon Refusal of Licenses.--The [board]  
23 department may of its own motion, and shall upon the written  
24 request of any applicant for license or for renewal thereof  
25 whose application for such license or renewal has been refused,  
26 fix a time and place for hearing of such application or renewal,  
27 notice of which hearing shall be sent to the applicant, by  
28 registered mail, at the address given in his application. Such  
29 hearing shall be before the [board] department, a member  
30 thereof, or an examiner designated by the [board] department. At

1 such hearing, the [board] department shall present its reasons  
2 for its refusal or withholding of such license or renewal  
3 thereof. The applicant may appear in person or by counsel, may  
4 cross-examine the witnesses for the [board] department, and may  
5 present evidence which shall likewise be subject to cross-  
6 examination by the [board] department. Such hearing shall be  
7 stenographically recorded. The examiner shall thereafter report  
8 to the [board] department. The [board] department shall  
9 thereafter grant or refuse the license or renewal thereof. If  
10 the [board] department shall refuse such license or renewal  
11 following such hearing, notice in writing of such refusal shall  
12 be mailed to the applicant at the address given in his  
13 application. In all cases, the [board] department shall file of  
14 record at least a brief statement in the form of an opinion of  
15 the reasons for the ruling or order.

16 Section 65. Sections 509, 512, 513, 514, 515, 516, 517 and  
17 519 are amended to read:

18 Section 509. License Must Be Posted; Business Hours.--  
19 Licenses shall be issued by the [board] department under its  
20 official seal. Every license so issued must at all times be  
21 posted in a conspicuous place where the business is carried on  
22 under it, and said place of business must be kept open during  
23 general business hours of every day in the year except Sundays  
24 and legal holidays.

25 Section 512. Records To Be Kept.--Every person holding a  
26 license issued under the provisions of this article shall keep  
27 on the licensed premises daily permanent records which shall  
28 show, (a) the quantities of any alcohol or liquor manufactured,  
29 produced, distilled, developed, denatured, redistilled,  
30 recovered, reused, stored in bond, stored as bailee for hire,

1 received or used in the process of manufacture by him, and of  
2 all other material used in manufacturing or developing any  
3 alcohol or liquor; (b) the sales or other disposition of any  
4 alcohol, liquor or malt or brewed beverages if covered by said  
5 license; (c) the quantities thereof, if any, stored in bond,  
6 stored for hire, or transported for hire by or for the licensee;  
7 and (d) the names and addresses of the purchasers or other  
8 recipients thereof: Provided, however, That persons holding  
9 licenses issued under the provisions of this article for the  
10 transportation for hire of any alcohol, liquor or malt or brewed  
11 beverages shall not be required to keep the above records, but  
12 shall keep daily permanent records showing the names and  
13 addresses of the persons from whom any alcohol, liquor or malt  
14 or brewed beverage was received and to whom delivered, and such  
15 other permanent records as the [board] department shall  
16 prescribe.

17 Section 513. Premises and Records Subject To Inspection.--  
18 Every place operated under license secured under the provisions  
19 of this article where any alcohol, liquor or malt or brewed  
20 beverage covered by the license is manufactured, produced,  
21 distilled, developed or used in the process of manufacture,  
22 denatured, redistilled, rectified, blended, recovered, reused,  
23 held in bond, stored for hire or in connection with a licensee's  
24 business, shall be subject to inspection by members of the  
25 [board] department or by persons duly authorized and designated  
26 by the [board] department at any and all times of the day or  
27 night, as they may deem necessary, (a) for the detection of  
28 violations of this act or of the rules and regulations of the  
29 [board] department promulgated under the authority of this act,  
30 or (b) for the purpose of ascertaining the correctness of the

1 records required by this act to be kept by licensees and the  
2 books and records of licensees, and the books and records of  
3 their customers, in so far as they relate to purchases from said  
4 licensees, shall at all times be open to inspection by the  
5 members of the [board] department or by persons duly authorized  
6 and designated by the [board] department for the purpose of  
7 making inspections as authorized by this section. Members of the  
8 [board] department and the persons duly authorized and  
9 designated by the [board] department shall have the right,  
10 without fee or hindrance, to enter any place which is subject to  
11 inspection hereunder, or any place where records subject to  
12 inspection hereunder are kept, for the purpose of making such  
13 inspections.

14 Section 514. Suspension and Revocation of Licenses.--(a)  
15 Upon learning of any violation of this act or of any rule or  
16 regulation promulgated by the [board] department under the  
17 authority of this act, or any violation of any laws of the  
18 Commonwealth or of the United States of America relating to the  
19 tax payment of alcohol, liquor or malt or brewed beverages by  
20 the holder of a license issued under the provisions of this  
21 article, or upon other sufficient cause, the [board] department  
22 may, within one year from the date of such violation or cause  
23 appearing, cite such licensee to appear before it or its  
24 examiner not less than ten (10) nor more than fifteen (15) days  
25 from the date of sending such licensee, by registered mail, a  
26 notice addressed to his licensed premises, to show cause why the  
27 license should not be suspended or revoked. Hearings on such  
28 citations shall be held in the same manner as provided herein  
29 for hearings on applications for license. And upon such hearing,  
30 if satisfied that any such violation has occurred or for other

1 sufficient cause, the [board] department shall immediately  
2 suspend or revoke such license, notifying the licensee thereof  
3 by registered letter addressed to his licensed premises, or to  
4 the address given in his application where no licensed premises  
5 is maintained in Pennsylvania.

6 (b) When a license is revoked, the licensee's bond may be  
7 forfeited by the [board] department. Any licensee whose license  
8 is revoked shall be ineligible to have a license under this act  
9 or under any other act relating to alcohol, liquor or malt or  
10 brewed beverages until the expiration of three (3) years from  
11 the date such license was revoked. In the event the [board]  
12 department shall revoke a license, no license shall be granted  
13 for the premises or transferred to the premises in which said  
14 license was conducted for a period of at least one (1) year  
15 after the date of the revocation of the license conducted in the  
16 said premises, except in cases where the licensee or a member of  
17 his immediate family is not the owner of the premises, in which  
18 case the [board] department may, in its discretion, issue or  
19 transfer a license within said year. In all such cases, the  
20 [board] department shall file of record at least a brief  
21 statement in the form of an opinion of the reasons for the  
22 ruling or order.

23 Section 515. Appeals.--Any licensee aggrieved by any  
24 decision of the [board] department refusing, suspending or  
25 revoking a license under the provisions of this article may  
26 appeal to the court of the county in which the licensed premises  
27 or the premises to be licensed are located. In the event an  
28 applicant or a licensee shall have no place of business  
29 established within the Commonwealth, his appeal shall be to the  
30 court of Dauphin County. Such appeal shall be upon petition of

1 the applicant or licensee, as the case may be, who shall serve a  
2 copy thereof upon the [board] department. The said appeal shall  
3 act as a supersedeas, unless upon sufficient cause shown the  
4 court shall determine otherwise. The court shall hear the  
5 application de novo at such time as it shall fix, of which  
6 notice shall be given to the [board] department. The court  
7 shall, in the case of a refusal by the [board] department,  
8 either sustain such refusal or order the issuance of the license  
9 to the applicant.

10 Section 516. Compromise Penalty In Lieu of Suspension.--In  
11 those cases where the [board] department shall suspend a  
12 license, the [board] department may accept from the licensee an  
13 offer in compromise as a penalty in lieu of such suspension and  
14 shall thereupon rescind its order of suspension. In the case of  
15 a distillery licensee, the offer in compromise shall be at the  
16 rate of one hundred dollars (\$100) for each day of suspension;  
17 in the case of a bonded warehouse, bailee for hire and  
18 transporter for hire licensees, twenty-five dollars (\$25) for  
19 each day; and in the case of a winery licensee, fifty dollars  
20 (\$50) for each day. No offer in compromise may be accepted by  
21 the [board] department in those cases where the suspension is  
22 for a period in excess of one hundred (100) days.

23 Section 517. Expiration of Licenses; Renewals.--All licenses  
24 issued under this article shall expire at the close of the  
25 calendar year, but new licenses for the succeeding year shall be  
26 issued upon written application therefor, duly verified by  
27 affidavit, stating that the facts in the original application  
28 are unchanged, and upon payment of the fee as hereinafter  
29 provided and the furnishing of a new bond, without the filing of  
30 further statements or the furnishing of any further information

1 unless specifically requested by the [board] department:  
2 Provided, however, That any such license issued to a corporation  
3 shall expire thirty (30) days after any change in the officers  
4 of such corporation, unless the name and address of each such  
5 new officer of such corporation shall, within that period, be  
6 reported to the [board] department by certificate, duly  
7 verified. Applications for renewals must be made not less than  
8 thirty (30) nor more than sixty (60) days before the first day  
9 of January of the ensuing year. All applications for renewal  
10 received otherwise shall be treated as original applications.

11 Section 519. Penalties.--Any person or persons who knowingly  
12 violate any of the provisions of this article, or any person who  
13 shall violate any of the conditions of any license issued under  
14 the provisions of this article, or who shall falsify any record  
15 or report required by this article to be kept, or who shall  
16 violate any rule or regulation of the [board] department, or who  
17 shall interfere with, hinder or obstruct any inspection  
18 authorized by this article, or prevent any member of the [board]  
19 department or any person duly authorized and designated by the  
20 [board] department from entering any place which such member of  
21 the [board] department or such person is authorized by this  
22 article to enter for the purpose of making an inspection, or who  
23 shall violate any other provision of this article, shall be  
24 guilty of a misdemeanor and, upon conviction thereof, shall be  
25 sentenced to pay a fine of not less than one hundred dollars  
26 (\$100), nor more than five thousand dollars (\$5000), or undergo  
27 imprisonment of not more than three (3) years, or both, at the  
28 discretion of the court.

29 Section 66. Sections 601, 602 and 603 of the act, amended  
30 April 20, 1956 (1955 P.L.1508, No.499), are amended to read:

1       Section 601. Forfeiture of Property Illegally Possessed or  
2 Used.--No property rights shall exist in any liquor, alcohol or  
3 malt or brewed beverage illegally manufactured or possessed, or  
4 in any still, equipment, material, utensil, vehicle, boat,  
5 vessel, animals or aircraft used in the illegal manufacture or  
6 illegal transportation of liquor, alcohol or malt or brewed  
7 beverages, and the same shall be deemed contraband and  
8 proceedings for its forfeiture to the Commonwealth may, at the  
9 discretion of the [board] department, be instituted in the  
10 manner hereinafter provided. No such property when in the  
11 custody of the law shall be seized or taken therefrom on any  
12 writ of replevin or like process.

13       Section 602. Forfeiture Proceedings.--(a) The proceedings  
14 for the forfeiture or condemnation of all property shall be in  
15 rem, in which the Commonwealth shall be the plaintiff and the  
16 property the defendant. A petition shall be filed in the court  
17 of [quarter sessions] common pleas, verified by oath or  
18 affirmation of any officer or citizen, containing the following:  
19 (1) a description of the property so seized; (2) a statement of  
20 the time and place where seized; (3) the owner, if known; (4)  
21 the person or persons in possession, if known; (5) an allegation  
22 that the same had been possessed or used or was intended for use  
23 in violation of this act; (6) and, a prayer for an order of  
24 forfeiture that the same be adjudged forfeited to the  
25 Commonwealth, unless cause be shown to the contrary.

26       (b) A copy of said petition shall be served personally on  
27 said owner if he can be found within the jurisdiction of the  
28 court, or upon the person or persons in possession at the time  
29 of the seizure thereof. Said copy shall have endorsed thereon a  
30 notice as follows:

1 "To the Claimant of Within Described Property: You are  
2 required to file an answer to this petition, setting forth your  
3 title in and right to possession of said property, within  
4 fifteen (15) days from the service hereof; and you are also  
5 notified that if you fail to file said answer, a decree of  
6 forfeiture and condemnation will be entered against said  
7 property."

8 Said notice shall be signed by petitioner or his attorney, or  
9 the district attorney or the Attorney General.

10 (c) If the owner of said property is unknown or outside the  
11 jurisdiction of the court and there was no person in possession  
12 of said property when seized, or such person so in possession  
13 cannot be found within the jurisdiction of the court, notice of  
14 said petition shall be given by an advertisement in only one  
15 newspaper of general circulation published in the county where  
16 such property shall have been seized, once a week for two (2)  
17 successive weeks. No other advertisement of any sort shall be  
18 necessary, any other law to the contrary notwithstanding. Said  
19 notice shall contain a statement of the seizure of said  
20 property, with a description thereof, the place and date of  
21 seizure, and shall direct any claimants thereof to file a claim  
22 therefor on or before a date given in said notice, which date  
23 shall not be less than ten (10) days from the date of the last  
24 publication.

25 (d) Upon the filing of any claim for said property, setting  
26 forth a right of possession thereof, the case shall be deemed at  
27 issue and a time be fixed for the hearing thereof.

28 (e) At the time of said hearing, if the Commonwealth shall  
29 produce evidence that the property in question was unlawfully  
30 possessed or used, the burden shall be upon the claimant to show

1 (1) that he is the owner of said property, (2) that he lawfully  
2 acquired the same, and (3) that it was not unlawfully used or  
3 possessed.

4 In the event such claimant shall prove by competent evidence  
5 to the satisfaction of the court that said liquor, alcohol or  
6 malt or brewed beverage, or still, equipment, material, utensil,  
7 vehicle, boat, vessel, container, animal or aircraft was  
8 lawfully acquired, possessed and used, then the court may order  
9 the same returned or delivered to the claimant; but if it  
10 appears that said liquor, alcohol or malt or brewed beverage or  
11 still, equipment, material or utensil was unlawfully possessed  
12 or used, the court shall order the same destroyed, delivered to  
13 a hospital, or turned over to the [board] department, as  
14 hereinafter provided, or if it appears that said vehicle, boat,  
15 vessel, container, animal or aircraft was unlawfully possessed  
16 or used, the court may, in its discretion, adjudge same  
17 forfeited and condemned as hereinafter provided.

18 Section 603. Disposition of Forfeited Property.--If, upon  
19 petition as hereinbefore provided and hearing before the court  
20 of [quarter sessions] common pleas, it appears that any liquor,  
21 alcohol, or malt or brewed beverage or still, equipment,  
22 material or utensil was so illegally possessed, or used, such  
23 liquor, alcohol or malt or brewed beverage or still, equipment,  
24 material or utensil shall be adjudged forfeited and condemned,  
25 or if it appears that any vehicle, boat, vessel, container,  
26 animal or aircraft was so used in the illegal manufacture or  
27 transportation of liquor, alcohol or malt or brewed beverage,  
28 such property may, in the discretion of the court, be adjudged  
29 forfeited and condemned and in such case shall be disposed of as  
30 follows:

1       (a) Upon conviction of any person of a violation of any of  
2 the provisions of this act, the court shall order the sheriff to  
3 destroy all condemned liquor, alcohol or malt or brewed beverage  
4 and property seized or obtained from such defendants, except  
5 that the court may order the liquor, alcohol or malt or brewed  
6 beverages, or any part thereof, to be delivered to a hospital  
7 for its use, and make return to the court of compliance with  
8 said order, and any vehicle, container, boat, vessel, animals or  
9 aircraft seized under the provisions of this act shall be  
10 disposed of as hereinafter provided.

11       (b) In any case in which the defendant is acquitted of a  
12 violation of this act and denies the ownership or possession  
13 thereof, or no claimant appears for same, or appearing, is  
14 unable to sustain claim thereof, the court shall order all  
15 condemned liquor, alcohol and malt or brewed beverages and  
16 property (except vehicles, boats, vessels, containers, animals  
17 and aircraft) publicly destroyed by the sheriff, except that the  
18 court may order the liquor, alcohol or malt or brewed beverages,  
19 or any part thereof, to be delivered to a hospital for its use.  
20 Return of compliance with said order shall be made by the  
21 sheriff to the court.

22       (c) In the case of any vehicle, boat, vessel, container,  
23 animal or aircraft seized under the provisions of this act and  
24 condemned, the court shall order the same to be delivered to the  
25 [board] department for its use or for sale or disposition by the  
26 [board] department, in its discretion. Notice of such sale shall  
27 be given in such manner as the [board] department may prescribe.  
28 The proceeds of such sale shall be paid into the [State Stores]  
29 General Fund.

30       Section 67. Sections 604, 701 and 703 of the act are amended

1 to read:

2 Section 604. Motor Vehicle Licenses To Be Revoked.--In  
3 addition to the foregoing provisions, the court may, in its  
4 order of condemnation, and in every conviction under this act  
5 where it shall appear that liquor, alcohol or malt or brewed  
6 beverages were unlawfully transported in a motor vehicle,  
7 declare that the license issued by the Department of Revenue for  
8 any motor vehicle so forfeited and condemned, or issued to any  
9 defendant convicted of transporting liquor, alcohol or malt or  
10 brewed beverages in any motor vehicle, shall be forfeited and  
11 revoked, and it shall be the duty of the clerk of the court in  
12 which such conviction is had and order of condemnation made to  
13 certify such conviction to the Secretary of Revenue, who shall  
14 suspend or revoke the license issued for such motor vehicles:  
15 Provided, That a license may be issued for such motor vehicle to  
16 the [board] department or to any purchaser of the vehicle after  
17 the sale thereof, as above provided.

18 Section 701. Definitions and Interpretation.--(a) When used  
19 in this article, the following words or phrases, unless the  
20 context clearly indicates otherwise, shall have the meanings  
21 ascribed to them in this section.

22 "Agent" shall mean and include every person employed by a  
23 distillery certificate broker to sell, offer for sale or  
24 delivery, to purchase, exchange, or to enter into agreements for  
25 the purchase, sale or exchange, or to solicit subscriptions to,  
26 or orders for, or to undertake to dispose of, or to deal in any  
27 manner in, distillery bonded warehouse certificates.

28 "Fraud," "fraudulent" and "fraudulent practice" shall include  
29 any misrepresentation in any manner of a relevant fact not made  
30 honestly and in good faith; any promise or representation or

1 prediction as to the future not made honestly and in good faith,  
2 or an intentional failure to disclose a material fact; the  
3 gaining, directly or indirectly, through the purchase, sale or  
4 exchange of distillery bonded warehouse certificates, of any  
5 promotion fee or profit, selling or managing commission or  
6 profit, so gross and exorbitant as to be unconscionable and  
7 fraudulent; and any scheme, device, artifice or investment plan  
8 to obtain such an unconscionable profit: Provided, however, that  
9 nothing herein shall limit or diminish the full meaning of the  
10 terms "fraud" and "fraudulent" as applied or accepted in courts  
11 of law or equity.

12 (b) Nothing contained in this article shall be construed as  
13 permitting the holder or owner of a distillery bonded warehouse  
14 certificate, as defined in this act, to secure possession of the  
15 whiskey or other potable distilled spirits named or designated  
16 in such certificate, except in accordance with the provisions of  
17 this act and the laws of this Commonwealth hereafter enacted  
18 relating to alcohol or alcoholic beverages and the regulations  
19 of the [board] department adopted and promulgated thereunder.

20 Section 703. Authority to Issue Permits to Distillery  
21 Certificate Brokers.--Subject to the provisions of this article  
22 and regulations promulgated under this act, the [board]  
23 department shall have authority to issue to any reputable  
24 financially responsible person whose plan of business in dealing  
25 in distillery bonded warehouse certificates is not deemed by the  
26 [board] department to constitute "fraudulent practice," as  
27 defined herein, a permit to act as distillery certificate  
28 broker.

29 Section 68. Section 704 of the act, amended September 28,  
30 1961 (P.L.1728, No.702), is amended to read:

1       Section 704. Application for Permit; Filing Fee.--Every  
2 applicant for a distillery certificate broker permit shall file  
3 a written application with the [board] department outlining his  
4 plan of business in dealing in distillery bonded warehouse  
5 certificates, in such form and containing such other information  
6 as the [board] department shall from time to time prescribe,  
7 which shall be accompanied by a filing fee of twenty dollars  
8 (\$20) and the prescribed permit fee. If the applicant is a  
9 natural person, his application must show that he is a citizen  
10 of the United States, and if a corporation, the application must  
11 show that the corporation was created under the laws of  
12 Pennsylvania or holds a certificate of authority to transact  
13 business in Pennsylvania. The application shall be signed and  
14 verified by oath or affirmation of the applicant, if a natural  
15 person, or in the case of an association, by a member or partner  
16 thereof, or in the case of a corporation, by an executive  
17 officer thereof or any person specifically authorized by the  
18 corporation to sign the application, to which shall be attached  
19 written evidence of his authority. If the applicant is an  
20 association, the application shall set forth the names and  
21 addresses of the persons constituting the association, and if a  
22 corporation, the names and addresses of all the officers  
23 thereof. All applications must be verified by affidavit of  
24 applicant and if any false statement is intentionally made in  
25 any part of the application, the signer shall be guilty of a  
26 misdemeanor and upon indictment and conviction, shall be subject  
27 to penalties provided by this article.

28       Section 69. Sections 705, 707, 708, 709, 710, 712, 722, 724,  
29 725, 726, 727, 733 and 741 of the act are amended to read:

30       Section 705. Issuance of Permits.--Upon receipt of the

1 application and proper fees and upon being satisfied of the  
2 truth of the statements in the application, and being also  
3 satisfied that the applicant's plan of business in dealing in  
4 distillery bonded warehouse certificates does not constitute  
5 "fraudulent practice," as defined in this article, and that the  
6 applicant is a person of good repute and financially  
7 responsible, the [board] department may issue to such applicant  
8 a permit authorizing the permittee to sell, purchase, exchange,  
9 pledge and deal in distillery bonded warehouse certificates.

10 Section 707. Permit Fee; Permits Not Assignable or  
11 Transferable; Display of Permit; Term of Permit.--Every  
12 applicant for distillery certificate broker permit shall, before  
13 receiving such permit, pay to the [board] department an annual  
14 permit fee of one hundred dollars (\$100). Permits issued under  
15 this act may not be assigned or transferred and shall be  
16 conspicuously displayed at the place of business of the  
17 permittee. All permits shall be valid only during the year for  
18 which issued and shall automatically expire on the thirty-first  
19 day of December of each calendar year unless suspended, revoked  
20 or cancelled prior thereto.

21 Section 708. Records to be Kept.--Every person holding a  
22 permit issued under this act shall keep daily permanent records  
23 containing a complete record of all transactions in distillery  
24 bonded warehouse certificates within this Commonwealth, in such  
25 form and manner as the [board] department may from time to time  
26 prescribe. Such records shall be available for examination by  
27 the [board] department officers at the broker's principal place  
28 of business or office in Pennsylvania.

29 Section 709. Renewal of Permits.--Upon the filing of an  
30 application and the payment of the prescribed filing fee and

1 permit fee in the same amount as herein required on original  
2 applications for permits, the [board] department may renew the  
3 permit for the calendar year beginning January first, provided  
4 such application for renewal is filed and fee paid on or before  
5 December fifteenth of the preceding year, unless the [board]  
6 department shall have given previous notice of objections to the  
7 renewal of the permit, based upon violation of this article or  
8 the [board] department regulations promulgated thereunder, or  
9 unless the applicant has by his own act become a person of ill  
10 repute or ceases to be financially responsible.

11 Section 710. Permit Hearings; Appeals From Refusal of the  
12 [Board] Department to Issue or Renew Permits.--The [board]  
13 department may of its own motion, and shall upon written request  
14 of any applicant for distillery certificate broker permit or for  
15 renewal thereof whose application for such permit or renewal has  
16 been refused, fix a time and place for hearings of such  
17 application for permit or for renewal thereof, notice of which  
18 hearing shall be sent by registered mail to the applicant at the  
19 address given in his application. Such hearing shall be before  
20 the [board] department or a member thereof. At such hearing, the  
21 [board] department shall present its reasons for its refusal or  
22 withholding a permit or renewal thereof. The applicant may  
23 appear in person or by counsel, cross-examine the witnesses of  
24 the [board] department, and may present evidence which shall be  
25 subject to cross-examination by the [board] department. Such  
26 hearings shall be stenographically recorded. The [board]  
27 department shall thereupon grant or refuse the permit or renewal  
28 thereof. If the [board] department shall refuse such permit or  
29 renewal following such hearing, notice in writing of such  
30 refusal shall be sent by registered mail to the applicant at the

1 address given in his application. In all such cases, the [board]  
2 department shall file of record at least a brief statement in  
3 the form of an opinion of the reasons for the ruling or order  
4 and furnish a copy thereof to the applicant.

5 Section 712. Revocation and Suspension of Permit.--Upon  
6 learning of any violation of this act or regulations of the  
7 [board] department promulgated thereunder, or any violation of  
8 any laws of this Commonwealth or of the United States of America  
9 by the permittee, his officers, servants, agents or employes, or  
10 upon any other sufficient cause shown, the [board] department  
11 may cite such permittee to appear before it or a member thereof  
12 not less than ten or more than fifteen days from the date of  
13 sending such permittee, by registered mail, a notice addressed  
14 to him at the address set forth in the application for permit,  
15 to show cause why such permit should not be suspended or  
16 revoked. When such notice is duly addressed and deposited in the  
17 post office, it shall be deemed due and sufficient notice.  
18 Hearings on such citations shall be held in the same manner as  
19 provided herein for hearing on application for permit. Upon such  
20 hearing, if satisfied that any such violation has occurred, or  
21 for other sufficient cause, the [board] department shall  
22 immediately suspend or revoke the permit, notifying the  
23 permittee thereof by registered letter addressed to the address  
24 set forth in the application for permit. Any permittee whose  
25 permit is revoked shall be ineligible to have a permit under  
26 this act until the expiration of three years from the date such  
27 permit was revoked. In all such cases, the [board] department  
28 shall file of record at least a brief statement in the form of  
29 an opinion of the reasons for the ruling or order.

30 Section 722. Registered Agents.--Every person holding a

1 distillery certificate broker permit under this article who  
2 desires to employ an agent or agents in the operation of his  
3 business under the permit shall make application to the [board]  
4 department for registration of such agent or agents. Every such  
5 permittee's application shall set forth the name of the  
6 permittee and the address of his main office or principal place  
7 of business in Pennsylvania, and the full address where complete  
8 records are maintained covering the permittee's operations in  
9 Pennsylvania. With each such permittee's application there shall  
10 be filed an agent's application for each agent to be registered.  
11 Permittees' applications for agents and agents' applications  
12 shall contain such information as the [board] department shall  
13 from time to time require, and shall be signed and verified by  
14 oath or affirmation of the agent. Each application shall be  
15 accompanied by two unmounted photographs of the agent.

16 Section 724. Registration and Issuance of Identification  
17 Card.--Upon receipt of the application, the proper fees, and  
18 upon being satisfied of the truth of the statements in the  
19 application and that the applicant is a person of good  
20 reputation and the applicant seeks a registration as defined in  
21 this act, the [board] department may register such agent and  
22 issue to him an identification card.

23 Section 725. Hearings Upon Refusal of the [Board]  
24 Department; Appeals.--In the event that the [board] department  
25 shall refuse to issue or to renew an agent's registration, a  
26 hearing shall be had.

27 Section 726. Revocation and Suspension of Agents'  
28 Registrations.--Upon learning of any violation of this act or  
29 regulation of the [board] department promulgated thereunder, or  
30 any violation of any laws of this Commonwealth or of the United

1 States of America by a registered agent, the [board] department  
2 may revoke or suspend the agent's registration in the same  
3 manner as provided herein for the revocation and suspension of  
4 distillery certificate broker permits.

5 Section 727. Identification Cards.--Upon approval by the  
6 [board] department of the application for registration of an  
7 agent, there shall be issued to such registered agent an  
8 identification card containing the name and address of the  
9 distillery certificate broker, the name, address and physical  
10 description of the agent. There shall also be affixed to the  
11 identification card a photograph of the agent, and no  
12 identification card shall be valid until signed by both the  
13 distillery certificate broker and the agent and counter-signed  
14 by a representative of the [board] department.

15 Before any agent's registration can be changed from one  
16 distillery certificate broker to another, the identification  
17 card of such agent shall either be returned to the [board]  
18 department by the broker under whom he is registered, or such  
19 broker shall file with the [board] department a notice in  
20 writing that he has knowledge of and consents to the employment  
21 of such agent by the other broker.

22 When the employment of any agent is terminated, the broker  
23 shall immediately notify the [board] department and the  
24 identification card issued to the agent shall be surrendered to  
25 the [board] department.

26 Section 733. Certificates Owned Since July 24, 1939.--  
27 Persons other than licensed distillers, rectifiers, importers  
28 and distillery certificate brokers, holding distillery bonded  
29 warehouse certificates on and since the twenty-fourth day of  
30 July, one thousand nine hundred thirty-nine, may dispose of same

1 without a permit required under the provisions of this act, but  
2 only to or through a distillery certificate broker holding a  
3 permit from the [board] department.

4 Section 741. Duties of the [Board] Department.--It shall be  
5 the duty of the [board] department to see that the provisions of  
6 this article are at all times properly administered and obeyed,  
7 and to take such measures and make such investigations as will  
8 detect the violations of any provisions thereof. In the event it  
9 shall discover any violation, it shall, in addition to revoking  
10 any permit or registration of an agent, take such measures as  
11 may be necessary to cause the apprehension and prosecution of  
12 all persons deemed guilty thereof.

13 Section 70. (a) On July 1, 1981, all personnel,  
14 allocations, appropriations, equipment, files, records,  
15 contracts, agreements, obligations and other materials which are  
16 used, employed or expended in connection with the powers, duties  
17 or functions transferred by this act to the Department of  
18 Revenue are hereby transferred to the Department of Revenue with  
19 the same force and effect as if the appropriations had been made  
20 to and said items had been the property of the Department of  
21 Revenue in the first instance and as if said contracts,  
22 agreements and obligations had been incurred or entered into by  
23 the Department of Revenue.

24 (b) Rules and regulations of the Pennsylvania Liquor Control  
25 Board shall remain in effect until changed or repealed by the  
26 Department of Revenue after June 30, 1981.

27 Section 71. This act shall take effect in 60 days.