

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 964**Session of
1985

INTRODUCED BY SHUMAKER, SCANLON, MELLOW, GREENLEAF, STAUFFER,
PETERSON, MUSTO, REIBMAN, MADIGAN, HOPPER, MOORE, FISHER,
KRATZER, JUBELIRER, LOEPER, HOWARD AND BRIGHTBILL,
JUNE 18, 1985

AS AMENDED ON THIRD CONSIDERATION, SEPTEMBER 30, 1985

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An
2 act relating to alcoholic liquors, alcohol and malt and
3 brewed beverages; amending, revising, consolidating and
4 changing the laws relating thereto; regulating and
5 restricting the manufacture, purchase, sale, possession,
6 consumption, importation, transportation, furnishing, holding
7 in bond, holding in storage, traffic in and use of alcoholic
8 liquors, alcohol and malt and brewed beverages and the
9 persons engaged or employed therein; defining the powers and
10 duties of the Pennsylvania Liquor Control Board; providing
11 for the establishment and operation of State liquor stores,
12 for the payment of certain license fees to the respective
13 municipalities and townships, for the abatement of certain
14 nuisances and, in certain cases, for search and seizure
15 without warrant; prescribing penalties and forfeitures;
16 providing for local option, and repealing existing laws,"
17 further providing for the powers and duties of the
18 Pennsylvania Liquor Control Board, the Office of Attorney
19 General; creating the Office of Administrative Law Judge;
20 transferring enforcement powers to the Office of the Attorney
21 General and defining its powers and duties; adding provisions
22 relating to payment of State taxes; further providing for
23 penalties; transferring personnel, equipment and
24 appropriations; and making editorial changes.

25 The General Assembly of the Commonwealth of Pennsylvania
26 hereby enacts as follows:

27 Section 1. The title and table of contents of the act of
28 April 12, 1951 (P.L.90, No.21), known as the Liquor Code, are

1 amended to read:

2

AN ACT

3 Relating to alcoholic liquors, alcohol and malt and brewed

4 beverages; amending, revising, consolidating and changing the

5 laws relating thereto; regulating and restricting the

6 manufacture, purchase, sale, possession, consumption,

7 importation, transportation, furnishing, holding in bond,

8 holding in storage, traffic in and use of alcoholic liquors,

9 alcohol and malt and brewed beverages and the persons engaged

10 or employed therein; defining the powers and duties of the

11 Pennsylvania Liquor Control Board, the Office of

12 Administrative Law Judge, the Office of Attorney General and

13 law enforcement agencies; providing for the establishment and

14 operation of State liquor stores, for the payment of certain

15 license fees to the respective municipalities and townships,

16 for the abatement of certain nuisances and, in certain cases,

17 for search and seizure without warrant; prescribing

18 penalties, both civil and criminal and forfeitures; providing

19 for local option, and repealing existing laws.

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22 2, 1970 (P.L.825, No.271), October 11, 1972 (P.L.906, No.215),
23 December 12, 1980 (P.L.1195, No.221) and December 17, 1982
24 (P.L.1390, No.319), is amended to read:

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

28 "Alcohol" shall mean ethyl alcohol of any degree of proof
29 originally produced by the distillation of any fermented liquid,
30 whether rectified or diluted with or without water, whatever may

1 be the origin thereof, and shall include synthetic ethyl
2 alcohol, but shall not mean or include ethyl alcohol, whether or
3 not diluted, that has been denatured or otherwise rendered unfit
4 for beverage purposes.

5 "Association" shall mean a partnership, limited partnership
6 or any form of unincorporated enterprise owned by two or more
7 persons.

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

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

18 "Club" shall mean any reputable group of individuals
19 associated together not for profit for legitimate purposes of
20 mutual benefit, entertainment, fellowship or lawful convenience,
21 having some primary interest and activity to which the sale of
22 liquor or malt and brewed beverages shall be only secondary,
23 which, if incorporated, has been in continuous existence and
24 operation for at least one year, and if first licensed after
25 June sixteenth, one thousand nine hundred thirty-seven, shall
26 have been incorporated in this Commonwealth, and, if
27 unincorporated, for at least ten years, immediately preceding
28 the date of its application for a license under this act, and
29 which regularly occupies, as owner or lessee, a clubhouse or
30 quarters for the use of its members. Continuous existence must

1 be proven by satisfactory evidence. The board shall refuse to
2 issue a license if it appears that the charter is not in
3 possession of the original incorporators or their direct or
4 legitimate successors. The club shall hold regular meetings,
5 conduct its business through officers regularly elected, admit
6 members by written application, investigation and ballot, and
7 charge and collect dues from elected members, and maintain such
8 records as the board shall from time to time prescribe, but any
9 such club may waive or reduce in amount, or pay from its club
10 funds, the dues of any person who was a member at the time he
11 was inducted into the military service of the United States or
12 was enrolled in the armed forces of the United States pursuant
13 to any selective service act during the time of the member's
14 actual service or enrollment.

15 "Container" shall mean and include any receptacle, vessel or
16 form of package, tank, vat, cask, barrel, drum, keg, can, bottle
17 or conduit used or capable of use for holding, storing,
18 transferring or shipment of alcohol liquor or malt or brewed
19 beverages.

20 "Corporation" shall mean a corporation or joint-stock
21 association organized under the laws of this Commonwealth, the
22 United States, or any other state, territory, or foreign country
23 or dependency.

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

27 "Denaturing plant" shall mean and include the premises of a
28 distillery used exclusively for the denaturization of alcohol,
29 either specially or completely, by the admixture of such
30 denaturing materials as shall render the alcohol or any compound

1 in which it is authorized to be used unfit for use as a
2 beverage.

3 "Distillery" shall mean and include any premises or plant
4 wherein alcohol or liquor is manufactured, made and distilled
5 from raw materials, blended or rectified, or any place wherein
6 alcohol or liquor is produced by any method suitable for the
7 production of alcohol. The term shall not include a "winery"
8 where alcohol is derived from by-products of wine production by
9 distillation for the sole purpose of adding to the fermented
10 products to fortify the same.

11 "Distillery Bonded Warehouse Certificate" shall mean a
12 certificate, receipt, contract or other document given upon the
13 storage of whiskey or any other potable distilled spirits,
14 except ethyl alcohol, in a bonded warehouse, and evidencing the
15 ownership of such whiskey or other potable distilled spirits.

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

23 "Distributor" shall mean any person licensed by the board to
24 engage in the purchase only from Pennsylvania manufacturers and
25 from importing distributors and the resale of malt or brewed
26 beverages, except to importing distributors and distributors, in
27 the original sealed containers as prepared for the market by the
28 manufacturer at the place of manufacture, but not for
29 consumption on the premises where sold, and in quantities of not
30 less than a case of twenty-four containers, each container

1 holding seven fluid ounces or more, or a case of twelve
2 containers, each container holding twenty-four fluid ounces or
3 more, except original containers containing one hundred twenty-
4 eight ounces or more which may be sold separately.

5 "Division" shall mean the Liquor Code Enforcement Division of
6 the Office of Attorney General.

7 "Eating place" shall mean a premise where food is regularly
8 and customarily prepared and sold, having a total area of not
9 less than three hundred square feet available to the public in
10 one or more rooms, other than living quarters, and equipped with
11 tables and chairs accommodating thirty persons at one time.

12 "Golf course" shall mean a course having a minimum of nine
13 holes and a total length of at least twenty-five hundred yards.

14 "Hotel" shall mean any reputable place operated by
15 responsible persons of good reputation where the public may, for
16 a consideration, obtain sleeping accommodations and meals and
17 which, in a city, has at least ten, and in any other place at
18 least six, permanent bedrooms for the use of guests, a public
19 dining room or rooms operated by the same management
20 accommodating at least thirty persons at one time, and a
21 kitchen, apart from the public dining room or rooms, in which
22 food is regularly prepared for the public.

23 "Importing distributor" shall mean any person licensed by the
24 board to engage in the purchase from manufacturers and other
25 persons located outside this Commonwealth and from persons
26 licensed as manufacturers of malt or brewed beverages and
27 importing distributors under this act, and the resale of malt or
28 brewed beverages in the original sealed containers as prepared
29 for the market by the manufacturer at the place of manufacture,
30 but not for consumption on the premises where sold, and in

1 quantities of not less than a case of twenty-four containers,
2 each container holding seven fluid ounces or more, or a case of
3 twelve containers, each container holding twenty-four fluid
4 ounces or more, except original containers containing one
5 hundred twenty-eight ounces or more which may be sold
6 separately.

7 "Law Enforcement Agency" shall include, but not be limited
8 to, county detectives, the Liquor Code Enforcement Division of
9 the Office of Attorney General, the Bureau of Criminal
10 Investigations of the Office of Attorney General and the
11 Pennsylvania State Police.

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

14 "Liquor" shall mean and include any alcoholic, spirituous,
15 vinous, fermented or other alcoholic beverage, or combination of
16 liquors and mixed liquor a part of which is spirituous, vinous,
17 fermented or otherwise alcoholic, including all drinks or
18 drinkable liquids, preparations or mixtures, and reused,
19 recovered or redistilled denatured alcohol usable or taxable for
20 beverage purposes which contain more than one-half of one per
21 cent of alcohol by volume, except pure ethyl alcohol and malt or
22 brewed beverages.

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

27 "Manufacture", when the term is applied to malt or brewed
28 beverages, shall mean and include all means, methods and
29 processes used, employed and made use of, to produce, make and
30 manufacture for commercial purposes, malt or brewed beverages

1 from raw materials; when applied otherwise, it shall mean and
2 include all means, methods and processes used, employed and made
3 use of, to produce and make alcohol or liquor from raw
4 materials, and shall mean and include rectification and blending
5 of alcohol and liquor, the production, recovery or reuse of
6 alcohol in the making, developing, using in the process of
7 manufacture, denaturing, redistilling or recovering of any
8 alcohol or liquor in distilleries, denaturing plants and
9 wineries.

10 "Manufacturer" shall mean any person, association or
11 corporation engaged in the producing, manufacturing, distilling,
12 rectifying or compounding of liquor, alcohol or malt or brewed
13 beverages in this Commonwealth or elsewhere.

14 "Manufacturer of malt or brewed beverages" shall mean any
15 person holding a license issued by the board to engage in the
16 manufacture, transportation and sale of malt or brewed
17 beverages; also, any person engaged in the legal manufacture of
18 malt or brewed beverages within the territorial limits of the
19 United States, outside the Commonwealth of Pennsylvania.

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

22 "Original container" shall mean all bottles, casks, kegs or
23 other suitable containers that have been securely capped, sealed
24 or corked by the manufacturer of malt or brewed beverages at the
25 place of manufacture, with the name and address of the
26 manufacturer of the malt or brewed beverages contained or to be
27 contained therein permanently affixed to the bottle, cask, keg
28 or other container, or in the case of a bottle or can, to the
29 cap or cork used in sealing the same or to a label securely
30 affixed to a bottle or can.

1 "Package" shall mean any container or containers or
2 receptacle or receptacles used for holding liquor or alcohol as
3 marketed by the manufacturer.

4 "Performing arts facilities" shall mean those halls or
5 theaters in which live musical, concert, dance, ballet and
6 legitimate play book-length productions are performed.
7 Performing arts facilities shall not mean those halls or
8 theaters in which burlesque shows or reviews are performed.

9 "Person" shall mean a natural person, association or
10 corporation. Whenever used in a clause prescribing or imposing a
11 fine or imprisonment or both, the term "person", as applied to
12 "association", shall mean the partners or members thereof, and
13 as applied to "corporation", shall mean the officers thereof,
14 except, as to incorporated clubs, the term "person" shall mean
15 such individual or individuals who, under the by-laws of such
16 club, shall have jurisdiction over the possession and sale of
17 liquor therein.

18 "Population" shall mean the number of inhabitants as
19 determined by the last preceding decennial census of the United
20 States, or by any other census subsequently taken by the census
21 bureau of the United States and so certified by it: Provided,
22 however, That such other census shall not be a basis for the
23 fixing of license fees as provided in article IV. sections 405
24 and 439.

25 "Potable distilled spirits" shall mean and include any
26 distillate from grains, wine, fruits, vegetables or molasses,
27 except ethyl alcohol, capable of being used for beverage
28 purposes.

29 "Regulation" shall mean any regulation prescribed by the
30 board or the Attorney General for carrying out the provisions of

1 this act.

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

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

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

16 "Whiskey" shall mean and include any alcoholic distillate
17 from a fermented mash of grain, capable of being used for
18 beverage purposes.

19 "Winery" shall mean and include any premises and plants where
20 any alcohol or liquor is produced by the process by which wine
21 is produced, or premises and plants wherein liquid such as wine
22 is produced; and shall include the manufacture by distillation
23 of alcohol from the by-products of wine fermentation when the
24 alcohol so derived is used solely to fortify the fermented
25 products, under such regulations as are or may be promulgated by
26 the proper agency of the United States Government, and such
27 alcohol, for that purpose only, may be sold or exchanged between
28 wineries holding permits in this Commonwealth, without
29 restriction.

30 Section 3. Section 104 of the act is amended to read:

1 Section 104. Interpretation of Act.--(a) This act shall be
2 deemed an exercise of the police power of the Commonwealth for
3 the protection of the public welfare, health, peace and morals
4 of the people of the Commonwealth and to prohibit forever the
5 open saloon, and all of the provisions of this act shall be
6 liberally construed for the accomplishment of this purpose.

7 (b) The provisions of this act are severable and if any of
8 its provisions shall be held unconstitutional the decision of
9 the court shall not affect or impair any of the remaining
10 provisions of this act. It is hereby declared to be the
11 legislative intent that this act would have been adopted had
12 such unconstitutional provisions not been included herein.

13 (c) Except as otherwise expressly provided, the purpose of
14 this act is to prohibit the manufacture of and transactions in
15 liquor, alcohol and malt or brewed beverages which take place in
16 this Commonwealth, except by and under the control of the board
17 or the division, as herein specifically provided, and every
18 section and provision of the act shall be construed accordingly.
19 The provisions of this act dealing with the manufacture,
20 importation, sale and disposition of liquor, alcohol and malt or
21 brewed beverages within the Commonwealth through the
22 instrumentality of the board, the division and otherwise,
23 provide the means by which such control shall be made effective.
24 This act shall not be construed as forbidding, affecting or
25 regulating any transaction which is not subject to the
26 legislative authority of this Commonwealth.

27 (d) Any reference in this act to the provisions of law on
28 any subject shall apply to statutes becoming effective after the
29 effective date of this act as well as to those then in
30 existence.

1 (e) Section headings shall not be taken to govern or limit
2 the scope of the sections of this act. The singular shall
3 include the plural and the masculine shall include the feminine
4 and the neuter.

5 Section 4. The heading of Article II of the act is amended
6 to read:

7 ARTICLE II.

8 [Pennsylvania Liquor Control Board.]

9 Administration and Enforcement.

10 Section 5. Section 205 of the act is amended to read:

11 Section 205. Bonds Required of Members and Secretary.--

12 Before entering upon the duties of their respective offices or
13 positions, each member of the board and the secretary shall

14 execute and file with the State Treasurer a bond in such penal
15 sum as shall be fixed by the Executive Board of this

16 Commonwealth upon recommendation of the Governor, but the amount

17 of any such bond shall not be less than ten thousand dollars

18 (\$10,000). Bonds in such penal sums as shall be fixed by the

19 Executive Board likewise shall be executed and filed with the

20 State Treasurer by such employes of the Pennsylvania Liquor

21 Control Board as the head of such board shall, with the approval

22 of the Executive Board, prescribe. Such bonds shall be payable

23 to the Commonwealth of Pennsylvania and shall be conditioned for

24 the faithful performance of the members', secretary's or

25 employes' duties imposed by law or by lawful authority and that

26 the person bonded will not knowingly violate the provisions of

27 this act. All bonds required to be given under this section

28 shall, before being accepted by the State Treasurer, be approved

29 by the [Department of Justice] Office of Attorney General, and

30 unless the Commonwealth shall establish its own indemnity fund,

1 all such bonds shall be given with security approved by the
2 [Department of Justice] Office of Attorney General. If the
3 Commonwealth shall establish its own indemnity fund, the
4 Executive Board may, nevertheless, require any bond given
5 hereunder to be executed by a surety or sureties satisfactory to
6 the [Department of Justice] Office of Attorney General. The cost
7 of such bonds required to be executed by a surety or sureties
8 shall be borne by the board as part of its operating expense.

9 Section 6. Section 207 of the act, amended May 25, 1956
10 (1955 P.L.1743, No.583), January 13, 1966 (1965 P.L.1301,
11 No.518), June 17, 1971 (P.L.180, No.22) and July 27, 1973
12 (P.L.247, No.70), is amended to read:

13 Section 207. General Powers of Board.--Under this act, the
14 board shall have the power and its duty shall be:

15 (a) To buy, import or have in its possession for sale, and
16 sell liquor and alcohol in the manner set forth in this act:
17 Provided, however, That all purchases shall be made subject to
18 the approval of the State Treasurer, or his designated deputy.

19 (b) To control the manufacture, possession, sale,
20 consumption, importation, use, storage, transportation and
21 delivery of liquor, alcohol and malt or brewed beverages in
22 accordance with the provisions of this act, and to fix the
23 wholesale and retail prices at which liquors and alcohol shall
24 be sold at Pennsylvania Liquor Stores: Provided, That in fixing
25 the sale prices, the board shall not give any preference or make
26 any discrimination as to classes, brands or otherwise, except to
27 the extent and for the length of time necessary to sell such
28 classes or brands in compliance with any Federal action freezing
29 or otherwise controlling the price of said classes or brands, or
30 except where special sales are deemed necessary to move

1 unsaleable merchandise, or except where the addition of a
2 service or handling charge to the fixed sales price of any
3 merchandise in the same comparable price bracket, regardless of
4 class, brand or otherwise, is, in the opinion of the board,
5 required for the efficient operation of the State Store system.
6 The board shall require each Pennsylvania manufacturer and each
7 nonresident manufacturer of liquors, other than wine, selling
8 such liquors to the board, which are not manufactured in this
9 Commonwealth, to make application for and be granted a permit by
10 the board before such liquors not manufactured in this
11 Commonwealth shall be purchased from such manufacturer. Each
12 such manufacturer shall pay for such permit a fee which, in the
13 case of a manufacturer of this Commonwealth, shall be equal to
14 that required to be paid, if any, by a manufacturer or
15 wholesaler of the state, territory or country of origin of the
16 liquors, for selling liquors manufactured in Pennsylvania, and
17 in the case of a nonresident manufacturer, shall be equal to
18 that required to be paid, if any, in such state, territory or
19 country by Pennsylvania manufacturers doing business in such
20 state, territory or country. In the event that any such
21 manufacturer shall, in the opinion of the board, sell or attempt
22 to sell liquors to the board through another person for the
23 purpose of evading this provision relating to permits, the board
24 shall require such person, before purchasing liquors from him or
25 it, to take out a permit and pay the same fee as hereinbefore
26 required to be paid by such manufacturer. All permit fees so
27 collected shall be paid into the State Stores Fund. The board
28 shall not purchase any alcohol or liquor fermented, distilled,
29 rectified, compounded or bottled in any state, territory or
30 country, the laws of which result in prohibiting the importation

1 therein of alcohol or liquor, fermented, distilled, rectified,
2 compounded or bottled in Pennsylvania.

3 (c) To determine the municipalities within which
4 Pennsylvania Liquor Stores shall be established and the
5 locations of the stores within such municipalities.

6 (d) To grant, issue, suspend and revoke all licenses and
7 permits authorized to be issued under this act and the
8 regulations of the board and impose fines on licensees licensed
9 under this act.

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

14 (f) To appoint, fix the compensation and define the powers
15 and duties of such managers, [officers,] inspectors, examiners,
16 clerks and other employes as shall be required for the operation
17 of this act, subject to the provisions of The Administrative
18 Code of 1929 and the Civil Service Act.

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

22 (h) Without in any way limiting or being limited by the
23 foregoing, to do all such things and perform all such acts as
24 are deemed necessary or advisable for the purpose of carrying
25 into effect the provisions of this act and the regulations made
26 thereunder.

27 (i) From time to time, to make such regulations not
28 inconsistent with this act as it may deem necessary for the
29 efficient administration of this act. The board shall cause such
30 regulations to be published and disseminated throughout the

1 Commonwealth in such manner as it shall deem necessary and
2 advisable or as may be provided by law. Such regulations adopted
3 by the board shall have the same force as if they formed a part
4 of this act.

5 [(j) To investigate, whenever any person complains, or when
6 the board is aware that there is reasonable grounds to believe
7 liquor or malt or brewed beverage is being sold on premises not
8 licensed under the provisions of this act. If the investigation
9 produces evidence of the unlawful sale of liquor or malt or
10 brewed beverage or of any other violation of the provisions of
11 this act, the board shall cause the prosecution of the person or
12 persons believed to have been criminally liable for the unlawful
13 acts. Any equipment or appurtenances actually used in the
14 commission of the unlawful acts may be confiscated upon
15 direction of the board. The confiscation by or under the
16 direction of the board shall not, in any manner, divest or
17 impair the rights or interest of any bona fide lien holder in
18 the equipment or appurtenances, who had no knowledge that the
19 same was being used in violation of this act.]

20 Section 7. Section 209 of the act, amended July 31, 1968
21 (P.L.799, No.243), is amended to read:

22 [Section 209. Officers and Investigators of the Board to be
23 Peace Officers; Powers.--Such employes of the board as are
24 designated "enforcement officers" or "investigators" are hereby
25 declared to be peace officers and are hereby given police power
26 and authority throughout the Commonwealth to arrest on view,
27 except in private homes, without warrant, any person actually
28 engaged in the unlawful sale, importation, manufacture or
29 transportation, or having unlawful possession of liquor, alcohol
30 or malt or brewed beverages, contrary to the provisions of this

1 act or any other law of this Commonwealth. Such officers and
2 investigators shall have power and authority, upon reasonable
3 and probable cause, to search for and to seize without warrant
4 or process, except in private homes, any liquor, alcohol and
5 malt or brewed beverages unlawfully possessed, manufactured,
6 sold, imported or transported, and any stills, equipment,
7 materials, utensils, vehicles, boats, vessels, animals,
8 aircraft, or any of them, which are or have been used in the
9 unlawful manufacture, sale, importation or transportation of the
10 same. Such liquor, alcohol, malt or brewed beverages, stills,
11 equipment, materials, utensils, vehicles, boats, vessels,
12 animals or aircraft so seized shall be disposed of as
13 hereinafter provided.

14 Enforcement officers or investigators may be retired upon
15 reaching age sixty-five.]

16 Section 8. Section 210 of the act is amended to read:

17 [Section 210. Restrictions on Members of the Board and
18 Employes of Commonwealth.--(a) A member or employe of the board
19 shall not be directly or indirectly interested or engaged in any
20 other business or undertaking dealing in liquor, alcohol, or
21 malt or brewed beverages, whether as owner, part owner, partner,
22 member of syndicate, shareholder, agent or employe, and whether
23 for his own benefit or in a fiduciary capacity for some other
24 person.

25 (b) No member or employe of the board nor any employe of the
26 Commonwealth shall solicit or receive, directly or indirectly,
27 any commission, remuneration or gift whatsoever, from any person
28 having sold, selling or offering liquor or alcohol for sale to
29 the board for use in Pennsylvania Liquor Stores.]

30 Section 9. The act is amended by adding sections to read:

1 Section 211. Office of Administrative Law Judge.--(a) There
2 is hereby created within the board an autonomous office to be
3 known as the Office of Administrative Law Judge.

4 (b) The Governor shall appoint a Chief Administrative Law
5 Judge and as many administrative law judges as may from time to
6 time be necessary for the holding of hearings required or
7 permitted under this act.

8 (c) Administrative law judges shall preside at all citation
9 and other enforcement hearings required or permitted under this
10 act.

11 (d) Administrative law judges appointed pursuant to this
12 section shall be learned in the law and shall be members in good
13 standing of the bar of the Supreme Court of Pennsylvania.

14 (e) Administrative law judges appointed pursuant to this
15 section shall be afforded employment security as provided by the
16 act of August 5, 1941 (P.L.752, No.286), known as the "Civil
17 Service Act."

18 (f) Compensation for the administrative law judges shall be
19 established by the Executive Board.

20 (g) Administrative law judges shall devote full time to
21 their official duties and shall perform no duties inconsistent
22 with their duties and responsibilities as administrative law
23 judges.

24 Section 212. Powers of the Liquor Code Enforcement
25 Division.--(a) There is hereby created within the Office of
26 Attorney General the Liquor Code Enforcement Division which
27 shall be responsible for enforcing this act and the regulations
28 promulgated pursuant thereto.

29 (b) The Attorney General shall appoint an Executive Director
30 of the division and shall fix his compensation.

1 (c) The employes of the division who are designated by the
2 Executive Director of the division as law enforcement officers
3 are hereby declared to be peace officers and are hereby given
4 police power throughout the Commonwealth:

5 (1) To investigate whenever there are reasonable grounds to
6 believe liquor or malt or brewed beverage is being sold on
7 premises not licensed under the provisions of this act. If the
8 investigation produces evidence of the unlawful sale of liquor
9 or malt or brewed beverage or any other violation of the
10 provisions of this act, the employe of the Liquor Code
11 Enforcement Division involved in the investigation shall
12 institute criminal proceedings against the person or persons
13 believed to have been criminally liable, as otherwise provided
14 by law or rule of court.

15 (2) To arrest on view, except in private homes, without
16 warrant, any person actually engaged in the unlawful sale,
17 importation, manufacture or transportation or having unlawful
18 possession of liquor, alcohol or malt or brewed beverages
19 contrary to the provisions of this act or any other law of this
20 Commonwealth.

21 (3) Upon reasonable and probable cause, to search for and to
22 seize, without warrant or process, except in private homes, any
23 liquor, alcohol and malt or brewed beverages unlawfully
24 possessed, manufactured, sold, imported or transported and any
25 stills, equipment, materials, utensils, vehicles, boats,
26 vessels, animals, aircraft, or any of them, which are or have
27 been used in the unlawful manufacture, sale, importation or
28 transportation of the same. Such liquor, alcohol, malt or brewed
29 beverages, stills, equipment, materials, utensils, vehicles,
30 boats, vessels, animals or aircraft so seized shall be disposed

1 of as hereinafter provided.

2 (4) To investigate, issue citations for, and prosecute said
3 citations for any violations of this act or any laws of this
4 Commonwealth relating to liquor, alcohol or malt or brewed
5 beverages, or any regulations of the board adopted pursuant to
6 such laws, of any violation of any laws of this Commonwealth or
7 of the United States of America, relating to the payment of
8 taxes on liquor, alcohol or malt or brewed beverages by any
9 licensee, his officers, servants, agents or employes.

10 (d) Any equipment or appurtenance actually used in the
11 commission of the unlawful acts may be confiscated. The
12 confiscation shall not, in any manner, divest or impair the
13 rights or interest of any bona fide lienholder in the equipment
14 or appurtenance.

15 (e) The authority given the Liquor Code Enforcement Division
16 pursuant to this section shall not be exclusive.

17 Section 213. Restrictions on Members of the Board, the
18 Attorney General and Certain Employes.--(a) Neither a member
19 nor employe of the board, nor an employe of the Office of
20 Administrative Law Judge, nor the Attorney General, nor an
21 employe of the division shall be directly or indirectly
22 interested or engaged in any other business or undertaking
23 dealing in liquor, alcohol or malt or brewed beverages, whether
24 as owner, part owner, partner, member of syndicate, shareholder,
25 agent or employe and whether for his own benefit or in a
26 fiduciary capacity for some other person.

27 (b) Neither a member of the board, nor the Attorney General,
28 nor any employe ~~of the Commonwealth~~ THEREOF, nor any employe of ←
29 any law enforcement agency shall solicit or receive directly or
30 indirectly, any commission, remuneration or gift whatsoever,

1 from any person having sold, selling or offering liquor or
2 alcohol for sale to the board for use in Pennsylvania liquor
3 stores, or from any person holding or seeking a license under
4 the provisions of this act.

5 Section 214. Fees for Licenses and Permits.--Unless
6 specifically set forth in this act, all fees for permits and
7 licenses or applications, renewals or transfers shall be as
8 established in section 614-A of the act of April 9, 1929
9 (P.L.177, No.175), known as "The Administrative Code of 1929."

10 Section 10. Section 464 of the act, repealed in part June 3,
11 1971 (P.L.118, No.6), is amended to read:

12 Section 464. Hearings Upon [Refusal of] Applications for
13 Licenses, Renewals or Transfers and Refusals of Applications;
14 Appeals.--(a) The board may of its own motion, and shall upon
15 the written request of the division or of any applicant for
16 club, hotel or restaurant liquor license, or any applicant for
17 any malt or brewed beverage license other than a public service
18 license, or for renewal or transfer thereof, whose application
19 for such license, renewal or transfer has been refused, fix a
20 time and place for hearing of such application for license or
21 for renewal or transfer thereof, notice of which hearing shall
22 be mailed to the applicant at the address given in his
23 application.

24 (b) Such hearing shall be before the board, a member
25 thereof, or an examiner designated by the board.

26 (c) At such hearing, the board shall present its reasons for
27 its refusal or withholding of license, renewal or transfer
28 thereof or the division shall present its reasons for its
29 objections to the granting or issuing of license, renewal or
30 transfer thereof, as appropriate. The applicant may appear in

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

1 petition by the court upon ten days' notice to the board, which
2 shall be represented in the proceeding by the Department of
3 Justice. The said appeal shall act as a supersedeas unless upon
4 sufficient cause shown the court shall determine otherwise. The
5 court shall hear the application de novo on questions of fact,
6 administrative discretion and such other matters as are
7 involved, at such time as it shall fix, of which notice shall be
8 given to the board. The court shall either sustain or over-rule
9 the action of the board and either order or deny the issuance
10 of a new license or the renewal or transfer of the license to
11 the applicant.

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

15 (d) At any hearing held on the request of the division, the
16 division shall be represented by its chief prosecuting counsel
17 or an assistant prosecuting counsel.

18 ~~(e) After the hearing, the hearing examiner shall make an~~ <—
19 ~~adjudication granting or refusing the license, renewal or~~
20 ~~transfer thereof. Said hearing before and adjudication by an~~
21 ~~hearing examiner~~ SUCH HEARING shall be in accordance with 2 <—
22 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of
23 Commonwealth agencies).

24 (f) The board or the division or any applicant of OR any <—
25 church, school, hospital, charitable institution or public
26 playground located within three hundred feet of the premises
27 applied for who is aggrieved by the adjudication of the <—
28 administrative law judge may take an appeal within thirty days
29 from the date of the adjudication to the court of common pleas
30 of the county in which the premises applied for is located. Any

1 such appeal shall be in accordance with 2 Pa.C.S. Ch. 7 Subch. A
2 (relating to judicial review of Commonwealth agency action).

3 Section 11. Section 468 of the act is amended by adding a
4 subsection to read:

5 Section 468. Licenses Not Assignable; Transfers.--* * *

6 (d) The license shall constitute a privilege between the
7 board and the licensee. As between the licensee and third
8 parties the license shall constitute property.

9 Section 12. Section 471 of the act, amended January 13, 1966
10 (1965 P.L.1301, No.518) and repealed in part June 3, 1971
11 (P.L.118, No.6), is amended to read:

12 Section 471. Revocation and Suspension of Licenses; Fines.--
13 [Upon learning of any violation of this act or any laws of this
14 Commonwealth relating to liquor, alcohol or malt or brewed
15 beverages, or of any regulations of the board adopted pursuant
16 to such laws, of any violation of any laws of this Commonwealth
17 or of the United States of America relating to the tax-payment
18 of liquor or malt or brewed beverages by any licensee within the
19 scope of this article, his officers, servants, agents or
20 employes, or upon any other sufficient cause shown, the board
21 may, within one year from the date of such violation or cause
22 appearing, cite such licensee to appear before it or its
23 examiner, not less than ten nor more than sixty days from the
24 date of sending such licensee, by registered mail, a notice
25 addressed to him at his licensed premises, to show cause why
26 such license should not be suspended or revoked or a fine
27 imposed. Hearings on such citations shall be held in the same
28 manner as provided herein for hearings on applications for
29 license. Upon such hearing, if satisfied that any such violation
30 has occurred or for other sufficient cause, the board shall

1 immediately suspend or revoke the license, or impose a fine of
2 not less than fifty dollars (\$50) nor more than one thousand
3 dollars (\$1,000), notifying the licensee by registered letter
4 addressed to his licensed premises. In the event the fine is not
5 paid within twenty days of the order the board shall suspend or
6 revoke the license, notifying the licensee by registered mail
7 addressed to his licensed premises. Suspensions and revocations
8 shall not go into effect until twenty days have elapsed from the
9 date of notice of issuance of the board's order, during which
10 time the licensee may take an appeal as provided for in this
11 act. When a license is revoked, the licensee's bond may be
12 forfeited by the board. Any licensee whose license is revoked
13 shall be ineligible to have a license under this act until the
14 expiration of three years from the date such license was
15 revoked. In the event the board shall revoke a license, no
16 license shall be granted for the premises or transferred to the
17 premises in which the said license was conducted for a period of
18 at least one year after the date of the revocation of the
19 license conducted in the said premises, except in cases where
20 the licensee or a member of his immediate family is not the
21 owner of the premises, in which case the board may, in its
22 discretion, issue or transfer a license within the said year. In
23 all such cases, the board shall file of record at least a brief
24 statement in the form of an opinion of the reasons for the
25 ruling or order. In the event the person who was fined or whose
26 license was suspended or revoked by the board shall feel
27 aggrieved by the action of the board, he shall have the right to
28 appeal to the court of quarter sessions or the county court of
29 Allegheny County in the same manner as herein provided for
30 appeals from refusals to grant licenses. Upon appeal, the court

1 so appealed to shall, in the exercise of its discretion,
2 sustain, reject, alter or modify the findings, conclusions and
3 penalties of the board, based on the findings of fact and
4 conclusions of law as found by the court. The aforesaid appeal
5 shall act as a supersedeas unless upon sufficient cause shown
6 the court shall determine otherwise. No penalty provided by this
7 section shall be imposed by the board or any court for any
8 violations provided for in this act unless the enforcement
9 officer or the board notifies the licensee of its nature and of
10 the date of the alleged violation within ten days of the
11 completion of the investigation which in no event shall exceed
12 ninety days.] (a) Upon learning of any violation of this act or
13 any laws of this Commonwealth relating to liquor, alcohol or
14 malt or brewed beverages, or of any regulations of the board
15 adopted pursuant to such laws, or any violation of any laws of
16 this Commonwealth or of the Federal Government relating to the
17 payment of taxes on liquor or malt or brewed beverages by any
18 licensee within the scope of this article, his officers,
19 servants, agents or employes, or upon any other sufficient cause
20 shown, the division may, within one year from the date of such
21 violation or cause appearing, cite such licensee to appear
22 before an administrative law judge, not less than ten nor more
23 than sixty days from the date of sending such licensee, by
24 registered mail, a notice addressed to him at his licensed
25 premises, to show cause why such license should not be suspended
26 or revoked or a fine imposed, or both. The division shall also
27 send a copy of the hearing notice to the municipality in which
28 the premises is located.

29 (b) Hearing on such citations shall be held in the same
30 manner as provided herein for hearings on applications for

1 license. Upon such hearing, if satisfied that any such violation
2 has occurred or for other sufficient cause, the administrative
3 law judge shall immediately suspend or revoke the license, or
4 impose a fine of not less than fifty dollars (\$50) nor more than
5 one thousand dollars (\$1,000), or both, notifying the licensee
6 by registered letter addressed to his licensed premises. If the
7 licensee has been cited and found to have violated section
8 493(1) insofar as it relates to sales to minors, (10) insofar as
9 it relates to lewd, immoral or improper entertainment, (14),
10 (16) or (21) of this act or has been found to be a public
11 nuisance pursuant to section 611, or if the owner or operator of
12 the licensed premises or any authorized agent of the owner or
13 operator has been convicted of any violation of the act of April
14 14, 1972 (P.L.233, No.64), known as "The Controlled Substance,
15 Drug, Device and Cosmetic Act," or of 18 Pa.C.S. § 5902
16 (relating to prostitution and related offenses) or 6301
17 (relating to corruption of minors), AT OR RELATING TO THE ←
18 LICENSED PREMISES, the administrative law judge shall
19 immediately suspend or revoke the license, or impose a fine not
20 to exceed five thousand dollars (\$5,000) or both. The
21 administrative law judge shall notify the licensee by registered
22 mail, addressed to the licensed premises, of such suspension,
23 revocation or fine. The increased civil penalty imposed by this
24 subsection shall not be used to require any licensee to increase
25 the amount of the bond required by this act. In the event the
26 fine is not paid within twenty days of the adjudication the
27 administrative law judge shall suspend or revoke the license,
28 notifying the licensee by registered mail addressed to the
29 licensed premises. Suspensions and revocations shall not go into
30 effect until thirty days have elapsed from the date of the

1 adjudication during which time the licensee may take an appeal
2 as provided for in this act. When a license is revoked, the
3 licensee's bond may be forfeited. Any licensee whose license is
4 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 a license is revoked, no license shall
7 be granted for the premises or transferred to the premises in
8 which the said license was conducted for a period of at least
9 one year after the date of the revocation of the license
10 conducted in the said premises, except in cases where the
11 licensee or a member of his immediate family is not the owner of
12 the premises, in which case the board may, in its discretion,
13 issue or transfer a license within the said year. In the event
14 THE DIVISION OR the person who was fined or whose license was <—
15 suspended or revoked ~~or the division~~ shall feel aggrieved by the <—
16 adjudication of the administrative law judge, ~~he shall have the~~ <—
17 THERE SHALL BE A right to appeal to the court of common pleas in <—
18 the same manner as herein provided for appeals from refusals to
19 grant licenses. The aforesaid appeal shall act as a supesedeas
20 unless upon sufficient cause shown the court shall determine
21 otherwise; however, if the licensee has been cited and found to
22 have violated section 493(1) insofar as it relates to sales to
23 minors, (10) insofar as it relates to lewd, immoral or improper
24 entertainment, (14), (16) or (21) or has been found to be a
25 public nuisance pursuant to section 611, or if the owner or
26 operator of the licensed premises or any authorized agent of the
27 owner or operator has been convicted of any violation of the act
28 of April 14, 1972 (P.L.233, No.64), known as "The Controlled
29 Substance, Drug, Device and Cosmetic Act," or of 18 Pa.C.S. §
30 5902 (relating to prostitution and related offenses) or 6301

<—

1 (relating to corruption of minors), AT OR RELATING TO THE
2 LICENSED PREMISES, its appeal shall not act as a supersedeas
3 unless the court determines otherwise upon sufficient cause
4 shown. In any hearing on an application for a supersedeas under
5 this section the court may consider, in addition to other
6 relevant evidence, documentary evidence, including records of
7 the division, showing the prior history of citations, fines,
8 suspensions or revocations against the licensee; and the court
9 may also consider, in addition to other relevant evidence,
10 evidence of any recurrence of the unlawful activity occurring
11 between the date of the citation which is the subject of the
12 appeal and the date of the hearing by the court. No penalty
13 provided by this section shall be imposed for any violations
14 provided for in this act unless the division notifies the
15 licensee of its nature within thirty days of the completion of
16 the investigation.

17 (c) (1) Upon reasonable cause, any law enforcement agency
18 may cite a licensee within the scope of this article for any
19 violation of this act or of any laws of this Commonwealth
20 relating to liquor, alcohol or malt or brewed beverages, or of
21 any regulation adopted pursuant to such laws, of any violation
22 of any laws of this Commonwealth or of the United States of
23 America relating to the payment of taxes on liquor or malt or
24 brewed beverages by any licensee within the scope of this act,
25 his officers, servants, agents or employes, or upon any other
26 sufficient cause shown. Upon reasonable cause any police
27 department OFFICER of any municipality may cite a licensee
28 within the scope of this article for any violations of section
29 493(1) insofar as it relates to sales to minors, (10) insofar as
30 it relates to lewd, immoral or improper entertainment, (14),

<—

1 (16), or (21), or any violation of the act of April 14, 1972
2 (P.L.233, No.64), known as "The Controlled Substance, Drug,
3 Device and Cosmetic Act," or of 18 Pa.C.S. § 5902 (relating to
4 prostitution and related offenses) or 6301 (relating to
5 corruption of minors) or of any violations of any laws of this
6 Commonwealth relating to the payment of taxes on liquor,
7 alcohol, or malt or brewed beverages.

8 (2) The citations allowed by clause (1) shall be on forms
9 designed and provided by the division.

10 (3) Any citation issued by a law enforcement agency pursuant
11 to this section shall identify the alleged violation and shall
12 include the date of said violation. A copy of said citation
13 shall be served by the law enforcement agency by delivering the
14 citation to the licensed premises and leaving it with the
15 licensee or any officer, servant, agent or employe of the
16 licensee found on the premises. If neither the licensee nor any
17 officer, servant, agent or employe of the licensee is found on
18 the premises, the citation may be served by leaving a copy
19 thereof at the licensed premises. A copy of the citation may be
20 delivered as provided in this subsection at the time that the
21 violation is observed or detected by the law enforcement agency
22 or within thirty days following the later of either:

23 (i) the observance or detection of the violation; or
24 (ii) the completion of the investigation disclosing the
25 violation.

26 (4) Upon issuing any citation as herein provided, the law
27 enforcement agency issuing the citation shall promptly provide a
28 copy of the citation to the division. Upon receipt of such a
29 citation, the division shall schedule a hearing on the citation
30 not less than ten nor more than sixty days after a copy of the

1 citation was served as provided in clause (3). Any such hearing
2 shall be before an administrative law judge. At the hearing, the
3 licensee will be required to show cause why the license should
4 not be suspended or revoked or a fine imposed, or both. The
5 hearing provided for by this subsection shall be identical in
6 form and substance to a hearing on a citation issued pursuant to
7 subsection (a). The division shall, by registered mail, notify
8 the licensee and the law enforcement agency issuing the citation
9 of the date, time and place for the hearing.

10 (5) Upon providing a copy of the citation to the division as
11 provided in clause (4), the law enforcement agency shall, in
12 addition, supply the division with the names and addresses of
13 all witnesses known to the law enforcement agency that may be
14 required to prosecute the citation. The division shall command
15 the appearance at the scheduled hearing of those persons,
16 including members of the law enforcement agency, necessary to
17 prosecute the citation.

18 (6) The authority given to law enforcement agencies under
19 this subsection shall be in addition to any other authority
20 which said agencies possess.

21 (d) If the violation in question is a third or subsequent
22 violation of this act or [the act of June 24, 1939 (P.L.872),
23 known as "The Penal Code,"] Title 18 of the Pennsylvania
24 Consolidated Statutes (relating to crimes and offenses),
25 occurring within a period of four years the [board]
26 administrative law judge shall impose a suspension or
27 revocation.

28 [The jurisdiction of the county court of Allegheny County
29 conferred hereby shall be exclusive within the territorial
30 limits of its jurisdiction.]

1 (e) At all hearings held to adjudicate citations issued by a
2 law enforcement agency pursuant to this section, the law
3 enforcement agency shall be represented by the chief prosecuting
4 attorney of the division or an assistant prosecuting attorney.
5 The Attorney General shall appoint a chief prosecuting attorney
6 and so many assistant prosecuting attorneys as he deems
7 necessary and appropriate. In addition to representing the law
8 enforcement agencies at citation hearings or other hearings
9 before administrative law judges, the chief prosecuting attorney
10 and the assistant prosecuting attorneys shall represent the law
11 enforcement agencies during all appeals in the courts and shall
12 render advice and legal assistance to law enforcement agencies
13 in matters arising under this act.

14 Section 13. The act is amended by adding a section to read:

15 Section 477. Applicants to Provide State Tax Identification
16 Numbers and Statement of State Tax Status; Waiver of
17 Confidentiality of Information in the Possession of the
18 Department of Revenue and other Departments; Review of State Tax
19 Status.--(a) An applicant for the grant, renewal or transfer of
20 any license issued pursuant to this article shall provide to the
21 board, upon forms approved by the Department of Revenue, the
22 following:

23 (1) the applicant's State personal income tax identification
24 number;

25 (2) the applicant's State sales tax number;

26 (3) the applicant's State corporation tax number;

27 (4) the applicant's State employer withholding tax number;

28 (5) the applicant's unemployment compensation account
29 number; and

30 (6) a statement that:

1 (i) all State tax reports have been filed and all State
2 taxes paid; or

3 (ii) all State taxes are subject to a timely administrative
4 or judicial appeal; or

5 (iii) all State taxes are subject to a duly approved
6 deferred payment plan.

7 (b) An applicant for the grant, renewal or transfer of any
8 license issued pursuant to this article shall, by the filing of
9 an application insofar as it relates to the board, waive any
10 confidentiality with respect to State tax information regarding
11 said applicant in the possession of the Department of Revenue,
12 the Office of Attorney General or the Department of Labor and
13 Industry, regardless of the source of that information and shall
14 consent to the providing of that information to the board by the
15 Department of Revenue, the Office of Attorney General or the
16 Department of Labor and Industry.

17 (c) Upon receipt of any application for the grant, renewal
18 or transfer of any license issued pursuant to this article, the
19 board shall review the State tax status of the applicant. The
20 board shall request State tax information regarding the
21 applicant from the Department of Revenue, the Office of Attorney
22 General or the Department of Labor and Industry and said
23 information shall be provided.

24 (d) The board shall not approve any application for the
25 grant, renewal or transfer of any license issued pursuant to
26 this article where the applicant has failed to:

27 (1) provide any of the information required by subsection
28 (a); or

29 (2) file required State tax reports; or

30 (3) pay any State taxes not subject to a timely

1 administrative or judicial appeal or subject to a duly
2 authorized deferred payment plan.

3 (e) For the purpose of this section the term "applicant"
4 shall include the transferor and transferee of any license
5 issued under this act.

6 Section 14. Section 491 of the act, amended July 18, 1961
7 (P.L.789, No.347), May 5, 1970 (P.L.342, No.110), October 11,
8 1972 (P.L.906, No.215), October 2, 1974 (P.L.665, No.220),
9 October 10, 1974 (P.L.692, No.231), December 12, 1980 (P.L.1195,
10 No.221) and February 9, 1984 (P.L.21, No.8), is amended to read:

11 Section 491. Unlawful Acts Relative to Liquor, Alcohol and
12 Liquor Licensees.--

13 It shall be unlawful--

14 (1) Sales of Liquor. For any person, by himself or by an
15 employe or agent, to expose or keep for sale, or directly or
16 indirectly, or upon any pretense or upon any device, to sell or
17 offer to sell any liquor within this Commonwealth, except in
18 accordance with the provisions of this act and the regulations
19 of the board. This clause shall not be construed to prohibit
20 hospitals, physicians, dentists or veterinarians who are
21 licensed and registered under the laws of this Commonwealth from
22 administering liquor in the regular course of their professional
23 work and taking into account the cost of the liquor so
24 administered in making charges for their professional service,
25 or a pharmacist duly licensed and registered under the laws of
26 this Commonwealth from dispensing liquor on a prescription of a
27 duly licensed physician, dentist or veterinarian, or selling
28 medical preparations containing alcohol, or using liquor in
29 compounding prescriptions or medicines and making a charge for
30 the liquor used in such medicines, or a manufacturing pharmacist

1 or chemist from using liquor in manufacturing preparations unfit
2 for beverage purposes and making a charge for the liquor so
3 used. All such liquors so administered or sold by hospitals,
4 physicians, dentists, veterinarians, pharmacists or chemists
5 shall conform to the Pharmacopoeia of the United States, the
6 National Formulary, or the American Homeopathic Pharmacopoeia.
7 This clause shall not be construed to prohibit an executor or an
8 administrator of a decedent's estate from selling privately or
9 at public auction liquor which was an asset of the decedent. The
10 board shall establish regulations to ensure that State taxes
11 from the sales will be paid by the estate from the proceeds of
12 the sale. The board may not prohibit a sale of liquor for the
13 reason that it was not lawfully acquired prior to January 1,
14 1934 or has not been purchased from a Pennsylvania liquor store
15 or in compliance with Pennsylvania law.

16 (2) Possession or Transportation of Liquor or Alcohol. For
17 any person, except a manufacturer or the board or the holder of
18 a sacramental wine license or of an importer's license, to
19 possess or transport any liquor or alcohol within this
20 Commonwealth which was not lawfully acquired prior to January
21 first, one thousand nine hundred and thirty-four, or has not
22 been purchased from a Pennsylvania Liquor Store or a licensed
23 limited winery in Pennsylvania, except miniatures totalling less
24 than one gallon purchased by a collector of the same in another
25 state or foreign country, or in accordance with the board's
26 regulations. The burden shall be upon the person possessing or
27 transporting such liquor or alcohol to prove that it was so
28 acquired. But nothing herein contained shall prohibit the
29 manufacture or possession of wine by any person in his home for
30 consumption of himself, his family and guests and not for sale,

1 not exceeding, during any one calendar year, two hundred
2 gallons, any other law to the contrary notwithstanding. Such
3 wine shall not be manufactured, possessed, offered for sale or
4 sold on any licensed premises.

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

26 None of the provisions herein contained shall prohibit nor
27 shall it be unlawful for any consul general, consul or other
28 diplomatic officer of a foreign government to import into
29 Pennsylvania, transport or have in his possession liquor upon
30 which a State tax has not been paid, if it can be shown to the

1 satisfaction of the board that such person acquired the liquor
2 in a foreign country and was allowed to bring it into the United
3 States. Such liquor shall not be possessed, offered for sale or
4 sold on any licensed premises.

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

29 (3) Purchase of Liquor or Alcohol. For any person within
30 this Commonwealth, by himself or by an employe or agent, to

1 attempt to purchase, or directly or indirectly, or upon any
2 pretense or device whatsoever, to purchase any liquor or alcohol
3 from any person or source other than a Pennsylvania Liquor
4 Store, except in accordance with the provisions of this act or
5 the regulations of the board.

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

13 (5) Failure to Break Empty Liquor Containers. For any
14 restaurant, hotel or club licensee, his servants, agents or
15 employes, to fail to break any package in which liquors were
16 contained, except those decanter packages that the board
17 determines to be decorative, within twenty-four hours after the
18 original contents were removed therefrom.

19 (6) Sales by Restaurant and Hotel Liquor Licensees. For any
20 restaurant or hotel licensee, his servants, agents or employes,
21 to sell any liquor or malt or brewed beverages for consumption
22 on the licensed premises except in a room or rooms or place on
23 the licensed premises at all times accessible to the use and
24 accommodation of the general public, but this section shall not
25 be interpreted to prohibit a hotel licensee, or a restaurant
26 licensee when the restaurant is located in a hotel, from selling
27 liquor or malt or brewed beverages in any room of such hotel
28 occupied by a bona fide guest or to prohibit a restaurant
29 licensee from selling liquor or malt or brewed beverages in a
30 bowling alley when no minors are present where the restaurant

1 and bowling alley are immediately adjacent and under the same
2 roof.

3 (7) Sales of Liquor by Manufacturers and Licensed Importers.
4 For any manufacturer or licensed importer of liquor in this
5 Commonwealth, his agents, servants or employes, to sell or offer
6 to sell any liquor in this Commonwealth except to the board for
7 use in Pennsylvania Liquor Stores, and in the case of a
8 manufacturer, to the holder of a sacramental wine license or an
9 importer's license, but a manufacturer or licensed importer may
10 sell or offer to sell liquor to persons outside of this
11 Commonwealth.

12 (8) Importation and Sales of Alcohol. For any person, to
13 import alcohol into this Commonwealth, or to sell alcohol to any
14 person, except in accordance with the regulations of the board.

15 (9) Possession of Alcohol. For any person, to have alcohol
16 in his possession, except in accordance with the provisions of
17 this act and the regulations of the board.

18 (10) Fortifying, Adulterating or Contaminating Liquor. For
19 any licensee or any employe or agent of a licensee or of the
20 board, to fortify, adulterate or contaminate any liquor, except
21 as permitted by the regulations of the board, or to refill
22 wholly or in part, with any liquid or substance whatsoever, any
23 liquor bottle or other liquor container.

24 (11) Importation of Liquor. For any person, other than the
25 board or the holder of a sacramental wine license or of an
26 importer's license, to import any liquor whatsoever into this
27 Commonwealth, but this section shall not be constructed to
28 prohibit railroad and pullman companies from selling liquors
29 purchased outside the Commonwealth in their dining, club and
30 buffet cars which are covered by public service liquor licenses

1 and which are operated in this Commonwealth.

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

8 (13) Violation of Certain Rules and Regulations of Board.
9 For any person, to violate any rules and regulations adopted by
10 the board to insure the equitable wholesale and retail sale and
11 distribution of liquor and alcohol through the Pennsylvania
12 Liquor Stores.

13 (14) Offering Commission or Gift to Members of Board [or
14 State Employe], the Attorney General or certain employes. For
15 any person selling or offering to sell liquor or alcohol to, or
16 purchasing at wholesale liquor or alcohol from, the board,
17 either directly or indirectly, to pay or offer to pay any
18 commission, profit or remuneration, or to make or offer to make
19 any gift to any member or employe of the board [or other employe
20 of the Commonwealth or to anyone on behalf of such member or
21 employe], the Attorney General, any employe of the Commonwealth
22 or any employe of a law enforcement agency or anyone on behalf
23 of such persons.

24 Section 15. Section 493 of the act, amended June 14, 1957
25 (P.L.322, No.170), June 15, 1961 (P.L.423, No.211), September
26 25, 1967 (P.L.307, No.135), March 5, 1970 (P.L.137, No.55),
27 August 1, 1975 (P.L.161, No.83), June 15, 1977 (P.L.12, No.9),
28 March 9, 1982 (P.L.174, No.55) and May 9, 1984 (P.L.246, No.54),
29 is amended to read:

30 Section 493. Unlawful Acts Relative to Liquor, Malt and

1 Brewed Beverages and Licensees.--The term "licensee," when used
2 in this section, shall mean those persons licensed under the
3 provisions of Article IV, unless the context clearly indicates
4 otherwise.

5 It shall be unlawful--

6 (1) Furnishing Liquor or Malt or Brewed Beverages to Certain
7 Persons. For any licensee or the board, or any employe, servant
8 or agent of such licensee or of the board, or any other person,
9 to sell, furnish or give any liquor or malt or brewed beverages,
10 or to permit any liquor or malt or brewed beverages to be sold,
11 furnished or given, to any person visibly intoxicated, or to any
12 insane person, or to any minor, or to habitual drunkards, or
13 persons of known intemperate habits.

14 (2) Purchase or Sale of Liquor or Malt or Brewed Beverages
15 on Credit. For any licensee, his agent, servant or employe, to
16 sell or offer to sell or purchase or receive any liquor or malt
17 or brewed beverages except for cash, excepting credit extended
18 by a hotel or club to a bona fide guest or member, or by
19 railroad or pullman companies in dining, club or buffet cars to
20 passengers, for consumption while enroute, holding authorized
21 credit cards issued by railroad or railroad credit bureaus or by
22 hotel, restaurant and public service licensees to customers
23 holding credit cards issued in accordance with regulations of
24 the board or credit cards issued by banking institutions subject
25 to State or Federal regulation: Provided further, That nothing
26 herein contained shall be construed to prohibit the use of
27 checks or drafts drawn on a bank, banking institution, trust
28 company or similar depository, organized and existing under the
29 laws of the United States of America or the laws of any state,
30 territory or possession thereof, in payment for any liquor or

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

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

30 (4) Peddling Liquor or Malt or Brewed Beverages. For any

1 person, to hawk or peddle any liquor or malt or brewed beverages
2 in this Commonwealth.

3 (5) Failure to Have Brands as Advertised. For any licensee,
4 his servants, agents or employes, to advertise or hold out for
5 sale any liquor or malt or brewed beverages by trade name or
6 other designation which would indicate the manufacturer or place
7 of production of the said liquor or malt or brewed beverages,
8 unless he shall actually have on hand and for sale a sufficient
9 quantity of the particular liquor or malt or brewed beverages so
10 advertised to meet requirements to be normally expected as a
11 result of such advertisement or offer.

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

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

1 brewed beverage must be stated upon the package.

2 (8) Advertisements on Labels Giving Alcoholic Content of
3 Malt or Brewed Beverages. For any manufacturer or other
4 licensee, or his servants, agents or employes, to issue, publish
5 or post, or cause to be issued, published or posted, any
6 advertisement of any malt or brewed beverage including a label
7 which shall refer in any manner to the alcoholic strength of the
8 malt or brewed beverage manufactured, sold or distributed by
9 such licensees, or to use in any advertisement or label such
10 words as "full strength," "extra strength," "high test," "high
11 proof," "pre-war strength," or similar words or phrases, which
12 would lead or induce a consumer to purchase a brand of malt or
13 brewed beverage on the basis of its alcoholic content, or to use
14 in or on any advertisement or label any numeral, unless
15 adequately explained in type of the same size, prominence and
16 color, or for any licensee to purchase, transport, sell or
17 distribute any malt or brewed beverage advertised or labeled
18 contrary to the provisions of this clause.

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

24 (10) Entertainment on Licensed Premises (Except Clubs);
25 Permits; Fees. For any licensee, his servants, agents or
26 employes, except club licensees, to permit in any licensed
27 premises or in any place operated in connection therewith,
28 dancing, theatricals or floor shows of any sort, or moving
29 pictures other than television, or such as are exhibited through
30 machines operated by patrons by the deposit of coins, which

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

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

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

28 (12) Failure to Have Records on Premises. For any liquor
29 licensee, or any importing distributor, distributor or retail
30 dispenser, to fail to keep on the licensed premises for a period

1 of at least two years complete and truthful records covering the
2 operation of his licensed business, particularly showing the
3 date of all purchases of liquor and malt or brewed beverages,
4 the actual price paid therefor, and the name of the vendor,
5 including State Store receipts, or for any licensee, his
6 servants, agents or employes, to refuse the board or the
7 division or an authorized employe or agent of the board or the
8 division access thereto or the opportunity to make copies of the
9 same when the request is made during business hours.

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

22 (14) Permitting Undesirable Persons or Minors to Frequent
23 Premises. For any hotel, restaurant or club liquor licensee, or
24 any retail dispenser, his servants, agents or employes, to
25 permit persons of ill repute, known criminals, prostitutes or
26 minors to frequent his licensed premises or any premises
27 operated in connection therewith, except minors accompanied by
28 parents, guardians, or under proper supervision or except minors
29 who frequent any restaurant or retail dispensing licensee whose
30 sales of food and non-alcoholic beverages are equal to seventy

1 per centum or more of the combined gross sales of both food and
2 alcoholic beverages on the condition that alcoholic beverages
3 may not be served at the table or booth at which the said minor
4 is seated at the time (unless said minor is under proper
5 supervision as hereinafter defined) and on the further condition
6 that only table service of alcoholic beverages or take-out
7 service of beer shall be permitted in the room wherein the minor
8 is located: Provided, however, That it shall not be unlawful for
9 any hotel, restaurant or club liquor licensee or any retail
10 dispenser to permit minors under proper supervision upon the
11 licensed premises or any premises operated in connection
12 therewith for the purpose of a social gathering, even if such
13 gathering is exclusively for minors: And provided further, That
14 no liquor shall be sold, furnished or given to such minors nor
15 shall the licensee knowingly permit any liquor or malt or brewed
16 beverages to be sold, furnished or given to or be consumed by
17 any minor, and the area of such gathering shall be segregated
18 from the remainder of the licensed premises. In the event the
19 area of such gathering cannot be segregated from the remainder
20 of the licensed premises, all alcoholic beverages must be either
21 removed from the licensed premises or placed under lock and key
22 during the time the gathering is taking place. Notice of such
23 gathering shall be given the [Liquor Control Board] board as it
24 may, by regulation, require. Any licensee violating the
25 provisions of this clause shall be subject to the provisions of
26 section 471.

27 "Proper supervision," as used in this clause, means the
28 presence, on that portion of the licensed premises where a minor
29 or minors are present, of one person twenty-five years of age or
30 older for every fifty minors or part thereof who is directly

1 responsible for the care and conduct of such minor or minors
2 while on the licensed premises and in such proximity that the
3 minor or minors are constantly within his sight or hearing. The
4 presence of the licensee or any employe or security officer of
5 the licensee shall not constitute proper supervision.

6 (15) Cashing Pay Roll, Public Assistance, Unemployment
7 Compensation or Any Other Relief Checks. For any licensee or his
8 servants, agents or employes to cash pay roll checks or to cash,
9 receive, handle or negotiate in any way Public Assistance,
10 Unemployment Compensation or any other relief checks.

11 (16) Furnishing or Delivering Liquor or Malt or Brewed
12 Beverages at Unlawful Hours. For any licensee, his servants,
13 agents or employes, to give, furnish, trade, barter, serve or
14 deliver any liquor or malt or brewed beverages to any person
15 during hours or on days when the licensee is prohibited by this
16 act from selling liquor or malt or brewed beverages.

17 (17) Licensees, etc., Interested or Employed in
18 Manufacturing or Sale of Equipment or Fixtures. For any
19 licensee, or any officer, director, stockholder, servant, agent
20 or employe of any licensee, to own any interest, directly or
21 indirectly, in or be employed or engaged in any business which
22 involves the manufacture or sale of any equipment, furnishings
23 or fixtures to any hotel, restaurant or club licensees, or to
24 any importing distributors, distributors or retail dispensers:
25 Provided, however, That as to malt or brewed beverage licensees,
26 the provisions of this subsection shall not apply to such a
27 conflicting interest if it has existed for a period of not less
28 than three years prior to the first day of January, one thousand
29 nine hundred thirty-seven, and the board shall approve.

30 (18) Displaying Price of Liquor or Malt or Brewed Beverages.

1 For any restaurant, hotel or club liquor licensee, or any
2 importing distributor, distributor or retail dispenser, or the
3 servants, agents or employes of such licensees, to display on
4 the outside of any licensed premises or to display any place
5 within the licensed premises where it can be seen from the
6 outside, any advertisement whatsoever referring, directly or
7 indirectly, to the price at which the licensee will sell liquor
8 or malt or brewed beverages.

9 (19) Licensee's Outside Advertisements. For any retail
10 liquor licensee or any retail dispenser, distributor or
11 importing distributor, to display in any manner whatsoever on
12 the outside of his licensed premises, or on any lot of ground on
13 which the licensed premises are situate, or on any building of
14 which the licensed premises are a part, a sign of any kind,
15 printed, painted or electric, advertising any brand of liquor or
16 malt or brewed beverage, and it shall be likewise unlawful for
17 any manufacturer, distributor or importing distributor, to
18 permit the display of any sign which advertises either his
19 products or himself on any lot of ground on which such licensed
20 premises are situate, or on any building of which such licensed
21 premises are a part.

22 (20) (i) Retail Liquor and Retail Malt or Brewed Beverages
23 Licensee's Inside Advertisements. For any retail liquor or
24 retail malt or brewed beverages licensee, to display or permit
25 the display in the show window or doorways of his licensed
26 premises, any placard or sign advertising the brands of liquor
27 or malt or brewed beverages produced by any one manufacturer, if
28 the total display area of any such placard or sign advertising
29 the products of any one manufacturer exceeds three hundred
30 square inches. Nothing herein shall prohibit a licensee from

1 displaying inside his licensed premises point of sale displays
2 advertising brand names of products sold by him, other than a
3 window or door display: Provided, That the total cost of all
4 such point of sale advertising matter relating to any one brand
5 of any one manufacturer shall not exceed the sum of seventy
6 dollars (\$70) at any one time, and no single piece of
7 advertising shall exceed a cost of thirty-five dollars (\$35).
8 All such advertising material, including the window and door
9 signs, may be furnished by a manufacturer, distributor or
10 importing distributor. The restrictions on advertising set forth
11 in subclause (ii) and in clauses (20.1) and (20.2) shall also
12 apply to this subclause.

13 (ii) Cooperative Advertising. No distributor or importing
14 distributor, directly or indirectly, independent or otherwise,
15 shall, except by prior written agreement, be required to
16 participate with a manufacturer in the purchase of any
17 advertising of a brand name product in any name, in any form,
18 whether it be radio, television, newspaper, magazine or
19 otherwise.

20 (20.1) Manufacturer Shall Not Require Advertising. For a
21 manufacturer to require a distributor or importing distributor
22 to purchase any type of advertising.

23 (20.2) Advertising Shall Be Ordered and Authorized in
24 Advance. For any advertising to be done on behalf of a
25 distributor or importing distributor which was not ordered and
26 authorized in advance by the distributor or importing
27 distributor.

28 (21) Refusing The Right of Inspection. For any licensee, or
29 his servants, agents or employees, to refuse the board or the
30 division or any of [its] their authorized employes or agents the

1 right to inspect completely the entire licensed premises at any
2 time during which the premises are open for the transaction of
3 business, or when patrons, guests or members are in that portion
4 of the licensed premises wherein either liquor or malt or brewed
5 beverages are sold.

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

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

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

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

11 (25) Employment [of Females] in Licensed Places. For any
12 licensee or his agent, to employ or permit the employment of any
13 [female] person at his licensed hotel, restaurant or eating
14 place for the purpose of enticing customers, or to encourage
15 them to drink liquor, or make assignations for improper
16 purposes: Provided, That nothing in this section shall be
17 construed to prevent the employment of any [female waitress]
18 person who regularly takes orders for food from serving food,
19 liquor or malt or brewed beverages at tables; also, that nothing
20 shall prevent any such licensees from employing any [female]
21 person as stenographer, hotel secretary, clerk or other employe
22 for their respective positions: Provided further, That nothing
23 in this section shall be so construed as to prevent the [wife]
24 spouse of any such licensee or agent or any employed [female]
25 person from mixing or serving liquor or malt or brewed beverages
26 behind 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] person so employed, or undergo an imprisonment of
2 not less than three (3) months, nor more than one (1) year, or
3 either or both, at the discretion of the court having
4 jurisdiction of the case. The [board] administrative law judge
5 shall have the power to revoke or refuse licenses for violation
6 of this clause.

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

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

29 Section 16. Section 494 of the act, amended May 25, 1956
30 (1955 P.L.1743, No.583), is amended to read:

1 Section 494. Penalties.--(a) Any person who shall violate
2 any of the provisions of this article, except as otherwise
3 specifically provided, shall be guilty of a misdemeanor and,
4 upon conviction thereof, shall be sentenced to pay a fine of not
5 less than one hundred dollars (\$100), nor more than five hundred
6 dollars (\$500), and on failure to pay such fine, to imprisonment
7 for not less than one month, nor more than three months, and for
8 any subsequent offense, shall be sentenced to pay a fine not
9 less than three hundred dollars (\$300), nor more than five
10 hundred dollars (\$500), [and] or to undergo imprisonment for a
11 period not less than three months, nor more than one year, or
12 ~~both. If the person violates section 493(10), (14), (16) or~~ <—
13 BOTH. IF THE PERSON, AT OR RELATING TO THE LICENSED PREMISES, <—
14 VIOLATES SECTION 493(1), (10), (14), (16) OR (21), or if the
15 owner or operator of the licensed premises or any authorized
16 agent of the owner or operator violates the act of April 14,
17 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug,
18 Device and Cosmetic Act," or of 18 Pa.C.S. § 5902 (relating to
19 prostitution and related offenses) or 6301 (relating to
20 corruption of minors), he shall be sentenced to pay a fine not
21 exceeding five thousand dollars (\$5,000) or to undergo
22 imprisonment for a period not less than three months, nor more
23 than one year, or both.

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

27 Section 17. Section 495 of the act, amended June 22, 1980
28 (P.L.262, No.76), is amended to read:

29 Section 495. Identification Cards; Licensees and State
30 Liquor Store Employes Saved From Prosecution.--(a) The board

1 shall issue, to any person who shall have attained the age of
2 twenty-one years, an identification card bearing said person's
3 date of birth, physical description, photograph, signature, and
4 such other information, as the board by regulation may
5 determine, attesting to the age of the applicant, upon
6 application therefor by said person, filed no earlier than
7 fifteen days prior to attaining the age of twenty-one. Such
8 cards shall be numbered and a record thereof maintained by the
9 board for a period of five years. The board may, in its
10 discretion, impose a charge for such cards in an amount to be
11 determined by it, and it may, upon proof of loss of such
12 identification card by and upon application of anyone to whom
13 such card may have been issued, issue a duplicate thereof and
14 impose a charge therefor in an amount as it may by regulation
15 prescribe. The board shall have the power to make such
16 regulations as it shall, from time to time, deem proper
17 regarding the size, style and additional content of the
18 identification card, the form and content of any application
19 therefor, the type, style and quantity of proof required to
20 verify the applicant's age, the procedure for receiving and
21 processing such application, the distribution of said card, the
22 charge to be imposed for any card more than one that it shall
23 issue to the same applicant, and all other matters the board
24 shall deem necessary or advisable for the purpose of carrying
25 into effect the provisions of this section.

26 (a.1) The photo drivers' license or identification card
27 issued by the Department of Transportation shall, for the
28 purpose of this act, be accepted as an identification card.

29 (a.2) For the purposes of this section, the term
30 identification card means a card which complies with either

1 subsection (a) or (a.1).

2 (b) Such identification card shall be presented by the
3 holder thereof upon request of any State Liquor Store or any
4 licensee, or the servant, agent or employe thereof, for the
5 purpose of aiding such store, licensee, or the servant, agent or
6 employe to determine whether or not such person is twenty-one
7 years of age and upwards, when such person desires alcoholic
8 beverage at a State Liquor Store or licensed establishment.

9 (c) In addition to the presentation of such identification
10 card, the agent of the State Liquor Store or the licensee, or
11 his servant, agent or employe, shall require the person whose
12 age may be in question to fill in and sign a card in the
13 following form:

14 19
15 I,....., hereby represent
16 to, a State Store or
17 licensee of the Pennsylvania Liquor [Control] Board
18 that I am of full age and discretion and over the age
19 of 21 years, having been born on 19.....
20 at

21 This statement is made to induce said store or licensee above
22 named to sell or otherwise furnish alcoholic beverages to the
23 undersigned.

24 Serial Number of Identification Card:

25 I understand that I am subject to a fine of
26 \$300.00 and sixty days imprisonment for any
27 misrepresentation herein.

28
29 (Name)
30

(Address)

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Witness:
Name.....
Address.....

Such statement shall be printed upon a 3 inch by 5 inch or 4 inch by 5 inch file card, which card shall be filed alphabetically by the State Liquor Store or licensee, at or before the close of business on the day of which said certificate is executed, in a file box containing a suitable alphabetical index, and which card shall be subject to examination by any officer, agent or employe of the [Liquor Control Board] board or the division at any and all times.

(d) It shall be unlawful for the owner of an identification card, as defined by this act, to transfer said card to any other person for the purpose of aiding such person to secure alcoholic beverage. Any person who shall transfer such identification card for the purpose of aiding such transferee to obtain alcoholic beverage shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not more than three hundred dollars (\$300), or undergo imprisonment for not more than sixty (60) days. Any person not entitled thereto who shall have unlawfully procured or have issued or transferred to him, as aforesaid, identification card or any person who shall make any false statement on any card required by subsection (c) hereof to be signed by him shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not more than three hundred dollars (\$300), or undergo imprisonment for not more than sixty (60) days.

(e) The signed statement in the possession of a licensee or an employe of a State Liquor Store may be offered as a defense

1 in all civil and criminal prosecutions for serving a minor, and
2 no penalty shall be imposed if the [Liquor Control Board]
3 administrative law judge or the courts are satisfied that the
4 licensee or State Liquor Store employe acted in good faith.

5 Section 18. Sections 506(f), 507 and 514 of the act are
6 amended to read:

7 Section 506. Bonds Required.--* * *

8 (f) Every such bond shall be turned over to the [Department
9 of Justice] Office of the Attorney General to be collected if
10 and when the licensee's license shall have been revoked and his
11 bond forfeited as provided in this act.

12 Section 507. Hearings [Upon Refusal of Licenses] on Licenses

13 and Refusals.--(a) The board may of its own motion, and shall
14 upon the written request of the division or of any applicant for
15 license or for renewal thereof whose application for such
16 license or renewal has been refused, fix a time and place for
17 hearing of such application or renewal, notice of which hearing
18 shall be sent to the division and to the applicant, by
19 registered mail, at the address given in his application. Such
20 hearing shall be before {the board, a member thereof, or an <—
21 examiner designated by the board} ~~an administrative law judge.~~ <—

22 (b) At such hearing, the board shall present its reasons for
23 its refusal or withholding of such license or renewal thereof or
24 the division shall present its objections to the granting or
25 renewal of the license, as the case may be. The applicant may
26 appear in person or by counsel, may cross-examine the witnesses
27 for the board or the division, and may present evidence which
28 shall likewise be subject to cross-examination by the board or
29 the division. Such hearing shall be stenographically recorded.

30 {The examiner shall thereafter report to the board. The board <—

1 shall thereafter grant or refuse the license or renewal thereof.
2 [If the board shall refuse such license or renewal following ←
3 such hearing, notice in writing of such refusal shall be mailed
4 to the applicant at the address given in his application. In all
5 cases, the board shall file of record at least a brief statement
6 in the form of an opinion of the reasons for the ruling or
7 order.]

8 (c) Hearings AND ADJUDICATIONS pursuant to this section ←
9 shall be in accordance with 2 Pa.C.S. Ch. 5 Subch. A (relating
10 to practice and procedure of Commonwealth agencies).

11 Section 514. Suspension and Revocation of Licenses.--(a)
12 Upon learning of any violation of this act or of any rule or
13 regulation promulgated by the board under the authority of this
14 act, or any violation of any laws of the Commonwealth or of the
15 United States of America relating to the tax payment of alcohol,
16 liquor or malt or brewed beverages by the holder of a license
17 issued under the provisions of this article, or upon other
18 sufficient cause, the [board] division may, within one year from
19 the date of such violation or cause appearing, cite such
20 licensee to appear before [it or its examiner] an administrative
21 law judge not less than ten (10) nor more than [fifteen (15)]
22 sixty (60) days from the date of sending such licensee, by
23 registered mail, a notice addressed to his licensed premises, to
24 show cause why the license should not be suspended or revoked.
25 Hearings on such citations shall be held in the same manner as
26 provided herein for hearings on applications for license. And
27 upon such hearing, if satisfied that any such violation has
28 occurred or for other sufficient cause, the [board]
29 administrative law judge shall immediately suspend or revoke
30 such license, notifying the licensee thereof by registered

1 letter addressed to his licensed premises, or to the address
2 given in his application where no licensed premises is
3 maintained in Pennsylvania.

4 (b) When a license is revoked, the licensee's bond may be
5 forfeited [by the board]. Any licensee whose license is revoked
6 shall be ineligible to have a license under this act or under
7 any other act relating to alcohol, liquor or malt or brewed
8 beverages until the expiration of three (3) years from the date
9 such license was revoked. In the event [the board shall revoke a
10 license] of a revocation, no license shall be granted for the
11 premises or transferred to the premises in which said license
12 was conducted for a period of at least one (1) year after the
13 date of the revocation of the license conducted in the said
14 premises, except in cases where the licensee or a member of his
15 immediate family is not the owner of the premises, in which case
16 the board may, in its discretion, issue or transfer a license
17 within said year. [In all such cases, the board shall file of
18 record at least a brief statement in the form of an opinion of
19 the reasons for the ruling or order.] Such hearing before and
20 adjudication by an administrative law judge shall be in
21 accordance with 2 Pa.C.S. Ch. 5 Subch. A (relating to practice
22 and procedure of Commonwealth agencies).

23 Section 19. Section 515 of the act, repealed in part June 3,
24 1971 (P.L.118, No.6) and April 28, 1978 (P.L.202, No.53), is
25 amended to read:

26 Section 515. Appeals.--[Any] The board, the division or any
27 applicant or any licensee aggrieved by any decision [of the
28 board] refusing, suspending or revoking a license under the
29 provisions of this article may appeal to the court of the county
30 in which the licensed premises or the premises to be licensed

1 are located. In the event an applicant or a licensee shall have
2 no place of business established within the Commonwealth, his
3 appeal shall be to the [court of Dauphin County] Commonwealth
4 Court. Such appeal shall be [upon petition of the applicant or
5 licensee, as the case may be, who shall serve a copy thereof
6 upon the board. The said appeal shall act as a supersedeas,
7 unless upon sufficient cause shown the court shall determine
8 otherwise. The court shall hear the application de novo at such
9 time as it shall fix, of which notice shall be given to the
10 board. The court shall, in the case of a refusal by the board,
11 either sustain such refusal or order the issuance of the license
12 to the applicant] in accordance with 2 Pa.C.S. Ch. 7 Subch. A
13 (relating to judicial review of Commonwealth agency action).

14 Section 20. Sections 516 and 519 of the act are amended to
15 read:

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

30 Section 519. Penalties.--Any person or persons who knowingly

1 violate any of the provisions of this article, or any person who
2 shall violate any of the conditions of any license issued under
3 the provisions of this article, or who shall falsify any record
4 or report required by this article to be kept, or who shall
5 violate any rule or regulation of the board, or who shall
6 interfere with, hinder or obstruct any inspection authorized by
7 this article, or prevent any member of the board or the division
8 or any person duly authorized and designated by the board or the
9 division from entering any place which such member of the board
10 or the division or such person is authorized by this article to
11 enter for the purpose of making an inspection, or who shall
12 violate any other provision of this article, shall be guilty of
13 a misdemeanor and, upon conviction thereof, shall be sentenced
14 to pay a fine of not less than one hundred dollars (\$100), nor
15 more than five thousand dollars (\$5000), or undergo imprisonment
16 of not more than three (3) years, or both, at the discretion of
17 the court.

18 Section 21. Sections 601, 602 and 603(c) of the act, amended
19 April 20, 1956 (1955 P.L.1508, No.499), are amended to read:

20 Section 601. Forfeiture of Property Illegally Possessed or
21 Used.--No property rights shall exist in any liquor, alcohol or
22 malt or brewed beverage illegally manufactured or possessed, or
23 in any still, equipment, material, utensil, vehicle, boat,
24 vessel, animals or aircraft used in the illegal manufacture or
25 illegal transportation of liquor, alcohol or malt or brewed
26 beverages, and the same shall be deemed contraband and
27 proceedings for its forfeiture to the Commonwealth may[, at the
28 discretion of the board,] be instituted in the manner
29 hereinafter provided. No such property when in the custody of
30 the law shall be seized or taken therefrom on any writ of

1 replevin or like process.

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

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

20 "To the Claimant of Within Described Property: You are
21 required to file an answer to this petition, setting forth your
22 title in and right to possession of said property, within
23 fifteen (15) days from the service hereof; and you are also
24 notified that if you fail to file said answer, a decree of
25 forfeiture and condemnation will be entered against said
26 property."

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

29 (c) If the owner of said property is unknown or outside the
30 jurisdiction of the court and there was no person in possession

1 of said property when seized, or such person so in possession
2 cannot be found within the jurisdiction of the court, notice of
3 said petition shall be given by an advertisement in only one
4 newspaper of general circulation published in the county where
5 such property shall have been seized, once a week for two (2)
6 successive weeks. No other advertisement of any sort shall be
7 necessary, any other law to the contrary notwithstanding. Said
8 notice shall contain a statement of the seizure of said
9 property, with a description thereof, the place and date of
10 seizure, and shall direct any claimants thereof to file a claim
11 therefor on or before a date given in said notice, which date
12 shall not be less than ten (10) days from the date of the last
13 publication.

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

17 (e) At the time of said hearing, if the Commonwealth shall
18 produce evidence that the property in question was unlawfully
19 possessed or used, the burden shall be upon the claimant to show
20 (1) that he is the owner of said property, (2) that he lawfully
21 acquired the same, and (3) that it was not unlawfully used or
22 possessed.

23 In the event such claimant shall prove by competent evidence
24 to the satisfaction of the court that said liquor, alcohol or
25 malt or brewed beverage, or still, equipment, material, utensil,
26 vehicle, boat, vessel, container, animal or aircraft was
27 lawfully acquired, possessed and used, then the court may order
28 the same returned or delivered to the claimant; but if it
29 appears that said liquor, alcohol or malt or brewed beverage or
30 still, equipment, material or utensil was unlawfully possessed

1 or used, the court shall order the same destroyed, delivered to
2 a hospital, or turned over to the board or division, as
3 hereinafter provided, or if it appears that said vehicle, boat,
4 vessel, container, animal or aircraft was unlawfully possessed
5 or used, the court may, in its discretion, adjudge same
6 forfeited and condemned as hereinafter provided.

7 Section 603. Disposition of Forfeited Property.--If, upon
8 petition as hereinbefore provided and hearing before the court
9 of [quarter sessions] common pleas, it appears that any liquor,
10 alcohol, or malt or brewed beverage or still, equipment,
11 material or utensil was so illegally possessed, or used, such
12 liquor, alcohol or malt or brewed beverage or still, equipment,
13 material or utensil shall be adjudged forfeited and condemned,
14 or if it appears that any vehicle, boat, vessel, container,
15 animal or aircraft was so used in the illegal manufacture or
16 transportation of liquor, alcohol or malt or brewed beverage,
17 such property may, in the discretion of the court, be adjudged
18 forfeited and condemned and in such case shall be disposed of as
19 follows:

20 * * *

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

29 Section 22. Sections 604 and 611(b) of the act are amended
30 to read:

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

18 Section 611. Nuisances; Actions To Enjoin.--* * *

19 (b) An action to enjoin any nuisance defined in this act may
20 be brought in the name of the Commonwealth of Pennsylvania by
21 the Attorney General [or], by the district attorney of the
22 proper county or by a person who resides or has a place of
23 business within five hundred feet of the location of the alleged
24 nuisance. Such action shall be brought and tried as an action in
25 equity and may be brought in any court having jurisdiction to
26 hear and determine equity cases within the county in which the
27 offense occurs. If it is made to appear, by affidavit or
28 otherwise, to the satisfaction of the court that such nuisance
29 exists, a temporary writ of injunction shall forthwith issue,
30 restraining the defendant from conducting or permitting the

1 continuance of such nuisance until the conclusion of the
2 proceedings. If a temporary injunction is prayed for, the court
3 may issue an order restraining the defendant and all other
4 persons from removing or in any way interfering with the
5 liquids, beverages or other things used in connection with the
6 violation of this act constituting such nuisance. No bond shall
7 be required in instituting such proceedings brought in the name
8 of the Commonwealth by the Attorney General or the district
9 attorney. Where such proceedings are brought by a person, the
10 court, upon application of the defendant and prior to any
11 injunction being issued, may direct the plaintiff to post bond
12 in such amount as the court may find to be reasonable and
13 sufficient. It shall not be necessary for the court to find the
14 property involved was being unlawfully used, as aforesaid, at
15 the time of the hearing, but on finding that the material
16 allegations of the petition are true, the court shall order that
17 no liquor, alcohol or malt or brewed beverage shall be
18 manufactured, sold, offered for sale, transported, bartered or
19 furnished, or stored in bond, or stored for hire in such room,
20 house, building, structure, boat, vehicle, or place, or any part
21 thereof.

22 * * *

23 SECTION 23. THE ACT IS AMENDED BY ADDING SECTIONS TO READ: <—

24 SECTION 804. FUNDING FOR ENFORCEMENT.--(A) THE COSTS OF ALL
25 ACTIVITIES OF THE ENFORCEMENT DIVISION OF THE OFFICE OF THE
26 ATTORNEY GENERAL SHALL BE APPROPRIATED FROM THE STATE STORES
27 FUND.

28 (B) ANNUALLY, AT THE TIME AND IN ACCORD WITH THE PROCEDURES
29 OTHERWISE ESTABLISHED BY LAW FOR THE GENERAL FUND, THE ATTORNEY
30 GENERAL SHALL SUBMIT A PROPOSED BUDGET FOR THE OPERATION OF THE

1 DIVISION. SUCH PROPOSED BUDGET SHALL BE SUBMITTED TO THE
2 GOVERNOR AND THE GENERAL ASSEMBLY FOR CONSIDERATION IN
3 ACCORDANCE WITH THE PROCEDURES FOR APPROPRIATIONS FROM THE
4 GENERAL FUND AS PROVIDED IN SECTIONS 610 THROUGH 620 OF THE ACT
5 OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE
6 CODE OF 1929." IT SHALL BE UNLAWFUL FOR THE STATE TREASURER TO
7 HONOR ANY REQUISITION FOR THE EXPENDITURE OF ANY MONEYS OUT OF
8 THE STATE STORES FUND BY THE ATTORNEY GENERAL FOR ANY PURPOSE IN
9 EXCESS OF THE AMOUNTS APPROPRIATED BY THE GENERAL ASSEMBLY.

10 (C) MONEYS APPROPRIATED FROM THE STATE STORES FUND SHALL BE
11 PAID OUT OF THE FUND UPON WARRANT OF THE STATE TREASURER DRAWN
12 AFTER REQUISITION BY THE ATTORNEY GENERAL.

13 SECTION 805. FUNDING FOR OFFICE OF ADMINISTRATIVE LAW
14 JUDGE.--(A) THE COSTS OF ALL ACTIVITIES OF THE OFFICE OF
15 ADMINISTRATIVE LAW JUDGE SHALL BE APPROPRIATED FROM THE STATE
16 STORES FUND.

17 (B) ANNUALLY, AT THE TIME AND IN ACCORD WITH THE PROCEDURES
18 OTHERWISE ESTABLISHED BY LAW FOR THE GENERAL FUND, THE CHIEF
19 ADMINISTRATIVE LAW JUDGE SHALL SUBMIT A PROPOSED BUDGET FOR THE
20 OPERATION OF THE OFFICE. SUCH PROPOSED BUDGET SHALL BE SUBMITTED
21 TO THE GOVERNOR AND THE GENERAL ASSEMBLY FOR CONSIDERATION IN
22 ACCORDANCE WITH THE PROCEDURES FOR APPROPRIATIONS FROM THE
23 GENERAL FUND AS PROVIDED IN SECTIONS 610 THROUGH 620 OF THE ACT
24 OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE
25 CODE OF 1929." IT SHALL BE UNLAWFUL FOR THE STATE TREASURER TO
26 HONOR ANY REQUISITION FOR THE EXPENDITURE OF ANY MONEYS OUT OF
27 THE STATE STORES FUND BY THE CHIEF ADMINISTRATIVE LAW JUDGE FOR
28 ANY PURPOSE IN EXCESS OF THE AMOUNTS APPROPRIATED BY THE GENERAL
29 ASSEMBLY.

30 (C) MONEYS APPROPRIATED FROM THE STATE STORES FUND SHALL BE

1 PAID OUT OF THE FUND UPON WARRANT OF THE STATE TREASURER DRAWN
2 AFTER REQUISITION BY THE CHIEF ADMINISTRATIVE LAW JUDGE.

3 Section ~~23~~ 24. (a) All personnel, allocations, ←
4 appropriations, equipment, files, records, contracts,
5 agreements, obligations and other materials which are used,
6 employed or expended in connection with the powers, duties or
7 functions transferred by this act to the Office of
8 Administrative Law Judge are hereby transferred to the Office of
9 Administrative Law Judge with the same force and effect as if
10 the allocations and appropriations had been made to and said
11 items had been the personnel and property of the office in the
12 first instance and if the contracts, agreements and obligations
13 had been incurred or entered into by the office.

14 (b) All personnel, allocations, appropriations, equipment,
15 files, records, contracts, agreements, obligations and other
16 materials which are used, employed or expended in connection
17 with the powers, duties or functions transferred by this act to
18 the division are hereby transferred to the Office of Attorney
19 General with the same force and effect as if the allocations and
20 appropriations had been made to and said items had been the
21 personnel and property of the division in the first instance and
22 if the contracts, agreements and obligations had been incurred
23 or entered into by the Office of Attorney General.

24 (c) All present employees of the Pennsylvania Liquor Control
25 Board ~~in bureaus affected by this act~~ WHOSE POWERS, DUTIES OR ←
26 FUNCTIONS ARE TRANSFERRED UNDER SUBSECTIONS (A) AND (B) shall be
27 transferred to the Office of Administrative Law Judge or the
28 division as appropriate. All such employees are to continue in
29 their employment with either the board, ~~department, or~~ ←
30 OFFICE OF ADMINISTRATIVE LAW JUDGE OR THE division with the same

1 pay scales, salaries, wages, seniority benefits, pension rights
2 and other incidents of employment, including, but not limited
3 to, civil service status, as if this act had not been effective.

4 (d) As much of the moneys as may be necessary are
5 appropriated to be used for the costs of all enforcement
6 activities of the Office of Attorney General. Estimates of the
7 amounts to be expended from the State Stores Fund under this
8 act, from time to time, by the Attorney General for the
9 operation of the division, shall be submitted to the Governor
10 and the General Assembly for approval or disapproval as in the
11 case of other appropriations made to administrative departments,
12 boards and commissions; and it shall be unlawful for the
13 Treasurer to honor any requisition for the expenditure of any
14 moneys whatsoever out of the State Stores Fund by the Attorney
15 General for any purpose in excess of the amounts appropriated by
16 the General Assembly.

17 (e) The moneys in the State Stores Fund shall be paid out of
18 the fund upon warrant of the Treasurer drawn after requisition
19 by the Attorney General.

20 Section ~~24~~ 25. The Chief Administrative Law Judge and the ←
21 Attorney General shall separately by regulation provide for
22 appropriate training of personnel to carry out the
23 responsibilities imposed by this act upon employees of their
24 respective agencies.

25 Section ~~25~~ 26. This act shall take effect July 1, 1986., ~~or~~ ←
26 ~~six months from the date of enactment, whichever date is later.~~