

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**

**No. 1000** Session of  
1987

INTRODUCED BY SALOOM, BELARDI, JAROLIN, MANMILLER, MANDERINO,  
LAUGHLIN, IRVIS, O'DONNELL, FEE, DOMBROWSKI, ITKIN, PETRARCA,  
COY, D. R. WRIGHT, ACOSTA, PETRONE, YANDRISEVITS, HALUSKA,  
DUFFY, WAMBACH, LaGROTTA, VAN HORNE, GAMBLE, LETTERMAN,  
COLAFELLA, VEON AND CALTAGIRONE, APRIL 7, 1987

REFERRED TO COMMITTEE ON LIQUOR CONTROL, APRIL 7, 1987

AN ACT

1 Reenacting and amending the act of April 12, 1951 (P.L.90,  
2 No.21), entitled "An act relating to alcoholic liquors,  
3 alcohol and malt and brewed beverages; amending, revising,  
4 consolidating and changing the laws relating thereto;  
5 regulating and restricting the manufacture, purchase, sale,  
6 possession, consumption, importation, transportation,  
7 furnishing, holding in bond, holding in storage, traffic in  
8 and use of alcoholic liquors, alcohol and malt and brewed  
9 beverages and the persons engaged or employed therein;  
10 defining the powers and duties of the Pennsylvania Liquor  
11 Control Board; providing for the establishment and operation  
12 of State liquor stores, for the payment of certain license  
13 fees to the respective municipalities and townships, for the  
14 abatement of certain nuisances and, in certain cases, for  
15 search and seizure without warrant; prescribing penalties and  
16 forfeitures; providing for local option, and repealing  
17 existing laws," providing for the creation, powers and duties  
18 of the Alcoholic Beverages Commission; establishing  
19 administrative officers and units for the administration and  
20 enforcement of the act; providing for the powers and duties  
21 of the Auditor General, State Treasurer, Attorney General and  
22 Pennsylvania State Police; regulating advertising; further  
23 providing for licenses, for penalties, for funding and for  
24 disposition of moneys; and transferring personnel, property  
25 and appropriations.

26 TABLE OF CONTENTS

27 ARTICLE I. PRELIMINARY PROVISIONS.

28 Section 101. Short Title.

1 Section 102. Definitions.

2 Section 103. Saving Clause.

3 Section 104. Interpretation of Act.

4 ARTICLE II. ALCOHOLIC BEVERAGES COMMISSION.

5 Section 201. Appointment of Members; Terms; Salaries.

6 Section 202. Qualifications of Members.

7 Section 203. Chairman of Commission.

8 Section 204. Executive Director.

9 Section 205. Bonds Required of Members and Executive  
10 Director.

11 Section 206. Commission Subject to Administrative Code.

12 Section 207. General Powers of Commission.

13 Section 208. Specific Subjects on Which Commission May Adopt  
14 Regulations.

15 Section 209. Officers and Investigators of the Board to be  
16 Peace Officers; Powers (Repealed).

17 Section 210. Restrictions on Members of the Commission and  
18 Employes of Commonwealth.

19 Section 211. Enforcement.

20 Section 212. Office of Administrative Law Judge.

21 Section 213. Office of Chief Counsel.

22 Section 214. Bureau of Consumer Relations.

23 Section 215. Prohibitions.

24 Section 216. Management of Fees.

25 ARTICLE III. PENNSYLVANIA LIQUOR STORES.

26 Section 301. Commission to Establish State Liquor Stores.

27 Section 302. Selection of Personnel.

28 Section 303. Management of Pennsylvania Liquor Stores.

29 Section 304. When Sales May Be Made at Pennsylvania Liquor  
30 Stores.

1 Section 305. Sales by Pennsylvania Liquor Stores.

2 Section 306. Audits by Auditor General.

3 ARTICLE IV. LICENSES AND REGULATIONS; LIQUOR, ALCOHOL AND  
4 MALT AND BREWED BEVERAGES.

5 (A) Liquor and Alcohol (Not Including Manufacturers).

6 Section 401. Authority to Issue Liquor Licenses to Hotels,  
7 Restaurants and Clubs.

8 Section 402. License Districts; License Year; Hearings.

9 Section 403. Applications for Hotel, Restaurant and Club  
10 Liquor Licenses.

11 Section 404. Issuance of Hotel, Restaurant and Club Liquor  
12 Licenses.

13 Section 405. License Fees.

14 Section 406. Sales by Liquor Licensees; Restrictions.

15 Section 406.1. Secondary Service Area.

16 Section 407. Sale of Malt or Brewed Beverages by Liquor  
17 Licensees.

18 Section 408. Public Service Liquor Licenses.

19 Section 408.1. Trade Show and Convention Licenses.

20 Section 408.2. City-Owned Stadia.

21 Section 408.3. Performing Arts Facilities.

22 Section 408.4. Special Occasion Permits.

23 Section 408.5. Licenses for City-owned Art Museums, Cities  
24 First Class and Art Museums Maintained by  
25 Certain Non-profit Corporations in Cities of  
26 the Second Class.

27 Section 408.6. Performing Arts Facilities in Third Class  
28 Cities.

29 Section 408.7. Performing Arts Facilities in First and Second  
30 Class Cities.

1 Section 408.8. Trade Shows and Convention Licenses; Cities of  
2 the Third Class.  
3 Section 408.9. Stadium and Restaurant Licenses in Third Class  
4 Cities.  
5 Section 409. Sacramental Wine Licenses; Fees; Privileges;  
6 Restrictions.  
7 Section 410. Liquor Importers' Licenses; Fees; Privileges;  
8 Restrictions.  
9 Section 411. Interlocking Business Prohibited.  
10 (B) Malt and Brewed Beverages (Including Manufacturers).  
11 Section 431. Malt and Brewed Beverages Manufacturers',  
12 Distributors' and Importing Distributors'  
13 Licenses.  
14 Section 432. Malt and Brewed Beverages Retail Licenses.  
15 Section 433. Public Service Licenses.  
16 Section 433.1. Stadium or Arena Permits.  
17 Section 434. License Year.  
18 Section 435. Filing of Applications for Distributors',  
19 Importing Distributors' and Retail  
20 Dispensers' Licenses; Filing Fee.  
21 Section 436. Application for Distributors', Importing  
22 Distributors' and Retail Dispensers'  
23 Licenses.  
24 Section 437. Prohibitions Against the Grant of Licenses.  
25 Section 438. Number and Kinds of Licenses Allowed Same  
26 Licensee.  
27 Section 439. Malt or Brewed Beverage License Fees.  
28 Section 440. Sales by Manufacturers of Malt or Brewed  
29 Beverages; Minimum Quantities.  
30 Section 441. Distributors' and Importing Distributors'

1                   Restrictions on Sales, Storage, Etc.

2       Section 442.   Retail Dispensers' Restrictions on Purchases  
3                   and Sales.

4       Section 443.   Interlocking Business Prohibited.

5       Section 444.   Malt or Brewed Beverages Manufactured Outside  
6                   This Commonwealth.

7           (C)   General Provisions Applying to Both Liquor and Malt  
8                   and Brewed Beverages.

9       Section 461.   Limiting Number of Retail Licenses To Be Issued  
10                   In Each Municipality.

11       Section 461.1. Incorporated Units of National Veterans'  
12                   Organizations.

13       Section 462.   Licensed Places May Be Closed During Period of  
14                   Emergency.

15       Section 463.   Places of Amusement Not To Be Licensed;  
16                   Penalty.

17       Section 464.   Hearings Upon Refusal of Licenses, Renewals or  
18                   Transfers; Appeals.

19       Section 465.   All Licensees to Furnish Bond.

20       Section 466.   Disposition of Cash and Securities Upon  
21                   Forfeiture of Bond.

22       Section 467.   Display of License.

23       Section 468.   Licenses Not Assignable; Transfers.

24       Section 469.   Applications for Transfers; Fees.

25       Section 470.   Renewal of Licenses; Temporary Provisions for  
26                   Licensees in Armed Service.

27       Section 470.1. Renewal of Hotel Liquor Licenses; Special  
28                   Provisions (Repealed).

29       Section 470.2. Exchange of Hotel Liquor License; Special  
30                   Provisions (Repealed).

1 Section 471. Revocation and Suspension of Licenses; Fines.

2 Section 472. Local Option.

3 Section 472.1.Clubs.

4 Section 472.2.Granting of Liquor Licenses in Certain  
5 Municipalities.

6 Section 472.3.Exchange of Certain Licenses.

7 Section 473. Public Record.

8 Section 474. Surrender of Club Licenses for Benefit of  
9 Licensees.

10 Section 475. Establishments Proximate to Interstate Highways  
11 Not To Be Licensed.

12 (D) Unlawful Acts; Penalties.

13 Section 491. Unlawful Acts Relative to Liquor, Alcohol and  
14 Liquor Licensees.

15 Section 492. Unlawful Acts Relative to Malt or Brewed  
16 Beverages and Licensees.

17 Section 493. Unlawful Acts Relative to Liquor, Malt and  
18 Brewed Beverages and Licensees.

19 Section 494. Penalties.

20 Section 495. Identification Cards; Licensees and State  
21 Liquor Store Employes Saved From Prosecution.

22 Section 496. Reporting of Worthless Checks.

23 Section 497. Liability of Licensees.

24 Section 498. Unlawful Advertising.

25 ARTICLE V. DISTILLERIES, WINERIES, BONDED WAREHOUSES, BAILEES  
26 FOR HIRE AND TRANSPORTERS FOR HIRE.

27 Section 501. License Required.

28 Section 502. Exemptions.

29 Section 502.1.Production of Denatured Ethyl Alcohol.

30 Section 503. Qualifications for License.

1 Section 504. Applications; Filing Fees.  
2 Section 505. Licenses Issued.  
3 Section 505.1. Bonded Warehouse License Privilege  
4 Restrictions.  
5 Section 505.2. Limited Wineries.  
6 Section 505.3. Distilleries.  
7 Section 506. Bonds Required.  
8 Section 507. Hearings on Licenses and Refusals.  
9 Section 508. License Fees.  
10 Section 509. License Must Be Posted; Business Hours.  
11 Section 510. Containers To Be Labeled.  
12 Section 511. License To Specify Each Place Authorized For  
13 Use.  
14 Section 512. Records To Be Kept.  
15 Section 513. Premises and Records Subject To Inspection.  
16 Section 514. Suspension and Revocation of Licenses.  
17 Section 515. Appeals.  
18 Section 516. Compromise Penalty In Lieu of Suspension.  
19 Section 517. Expiration of Licenses; Renewals.  
20 Section 518. Unlawful Acts.  
21 Section 519. Penalties.

22 ARTICLE VI. PROPERTY ILLEGALLY POSSESSED OR USED; FORFEITURES;  
23 NUISANCES.

24 (A) Forfeitures.  
25 Section 601. Forfeiture of Property Illegally Possessed or  
26 Used.  
27 Section 602. Forfeiture Proceedings.  
28 Section 603. Disposition of Forfeited Property.  
29 Section 604. Motor Vehicle Licenses To Be Revoked.  
30 Section 605. Application of Subdivision.

1 (B) Nuisances.

2 Section 611. Nuisances; Actions To Enjoin.

3 ARTICLE VII. DEALING IN DISTILLERY BONDED WAREHOUSE

4 CERTIFICATES.

5 (A) Preliminary Provisions.

6 Section 701. Definitions and Interpretation.

7 (B) Permits.

8 Section 702. Unlawful to Act as a Distillery Certificate  
9 Broker or to Buy or Sell Distillery Bonded  
10 Warehouse Certificate Without a Permit.

11 Section 703. Authority to Issue Permits to Distillery  
12 Certificate Brokers.

13 Section 704. Application for Permit; Filing Fee.

14 Section 705. Issuance of Permits.

15 Section 706. Office or Place of Business to be Maintained.

16 Section 707. Permit Fee; Permits Not Assignable or  
17 Transferable; Display of Permit; Term of  
18 Permit.

19 Section 708. Records to be Kept.

20 Section 709. Renewal of Permits.

21 Section 710. Permit Hearings; Appeals From Refusal of the  
22 Commission to Issue or Renew Permits.

23 Section 712. Revocation and Suspension of Permit.

24 (C) Permittees' Registered Agents.

25 Section 721. Unlawful to Act as Agent or to Employ Agents  
26 Without Registration.

27 Section 722. Registered Agents.

28 Section 723. Registration Fee.

29 Section 724. Registration and Issuance of Identification  
30 Card.



1 Section 725. Hearings Upon Refusal of the Commission;  
2 Appeals.

3 Section 726. Revocation and Suspension of Agents'  
4 Registrations.

5 Section 727. Identification Cards.

6 (D) Exemptions.

7 Section 731. Bank and Trust Companies and Other Persons.

8 Section 732. Distillers, Rectifiers and Importers.

9 Section 733. Certificates Owned Since July 24, 1939.

10 (E) Administration and Enforcement.

11 Section 741. Duties of the Commission.

12 (F) Fines and Penalties.

13 Section 751. Penalties.

14 ARTICLE VIII. DISPOSITION OF MONEYS COLLECTED UNDER PROVISIONS  
15 OF ACT.

16 Section 801. Moneys Paid Into Liquor License Fund and  
17 Returned to Municipalities.

18 Section 802. Moneys Paid Into The State Stores Fund for Use  
19 of the Commonwealth.

20 Section 803. Alcohol Tax Moneys Paid Into General Fund.

21 ARTICLE IX. REPEALS.

22 Section 901. Acts and Parts of Acts Repealed.

23 Section 902. General Repeal Clause.

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

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

29 AN ACT

30 Relating to alcoholic liquors, alcohol and malt and brewed

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

16 Section 2. The heading of Article I of the act is reenacted  
17 to read:

18 ARTICLE I.

19 PRELIMINARY PROVISIONS.

20 Section 3. Section 101 of the act is reenacted to read:

21 Section 101. Short Title.--This act shall be known and may  
22 be cited as the "Liquor Code."

23 Section 4. Section 102 of the act, amended July 10, 1957  
24 (P.L.638, No.346), August 17, 1965 (P.L.346, No.182), December  
25 2, 1970 (P.L.825, No.271), October 11, 1972 (P.L.906, No.215),  
26 December 12, 1980 (P.L.1195, No.221) and May 2, 1986 (P.L.141,  
27 No.44), is reenacted and amended to read:

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

1 "Alcohol" shall mean ethyl alcohol of any degree of proof  
2 originally produced by the distillation of any fermented liquid,  
3 whether rectified or diluted with or without water, whatever may  
4 be the origin thereof, and shall include synthetic ethyl  
5 alcohol, but shall not mean or include ethyl alcohol, whether or  
6 not diluted, that has been denatured or otherwise rendered unfit  
7 for beverage purposes.

8 "Association" shall mean a partnership, limited partnership  
9 or any form of unincorporated enterprise owned by two or more  
10 persons.

11 ["Board" shall mean the Pennsylvania Liquor Control Board.]

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

21 "Club" shall mean any reputable group of individuals  
22 associated together not for profit for legitimate purposes of  
23 mutual benefit, entertainment, fellowship or lawful convenience,  
24 having some primary interest and activity to which the sale of  
25 liquor or malt and brewed beverages shall be only secondary,  
26 which, if incorporated, has been in continuous existence and  
27 operation for at least one year, and if first licensed after  
28 June sixteenth, one thousand nine hundred thirty-seven, shall  
29 have been incorporated in this Commonwealth, and, if  
30 unincorporated, for at least ten years, immediately preceding

1 the date of its application for a license under this act, and  
2 which regularly occupies, as owner or lessee, a clubhouse or  
3 quarters for the use of its members. Continuous existence must  
4 be proven by satisfactory evidence. The [board] commission shall  
5 refuse to issue a license if it appears that the charter is not  
6 in possession of the original incorporators or their direct or  
7 legitimate successors. The club shall hold regular meetings,  
8 conduct its business through officers regularly elected, admit  
9 members by written application, investigation and ballot, and  
10 charge and collect dues from elected members, and maintain such  
11 records as the [board] commission shall from time to time  
12 prescribe, but any such club may waive or reduce in amount, or  
13 pay from its club funds, the dues of any person who was a member  
14 at the time he was inducted into the military service of the  
15 United States or was enrolled in the armed forces of the United  
16 States pursuant to any selective service act during the time of  
17 the member's actual service or enrollment. The term includes a  
18 privately-owned private golf course.

19 "Commission" shall mean the Alcoholic Beverages Commission.

20 "Container" shall mean and include any receptacle, vessel or  
21 form of package, tank, vat, cask, barrel, drum, keg, can, bottle  
22 or conduit used or capable of use for holding, storing,  
23 transferring or shipment of alcohol, liquor or malt or brewed  
24 beverages.

25 "Corporation" shall mean a corporation or joint-stock  
26 association organized under the laws of this Commonwealth, the  
27 United States, or any other state, territory, or foreign country  
28 or dependency.

29 "Denatured alcohol" shall mean and include all alcohol or any  
30 compound thereof which by the admixture of such denaturing

1 material or materials is rendered unfit for use as a beverage.

2 "Denaturing plant" shall mean and include the premises of a  
3 distillery used exclusively for the denaturization of alcohol,  
4 either specially or completely, by the admixture of such  
5 denaturing materials as shall render the alcohol or any compound  
6 in which it is authorized to be used unfit for use as a  
7 beverage.

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

16 "Distillery Bonded Warehouse Certificate" shall mean a  
17 certificate, receipt, contract or other document given upon the  
18 storage of whiskey or any other potable distilled spirits,  
19 except ethyl alcohol, in a bonded warehouse, and evidencing the  
20 ownership of such whiskey or other potable distilled spirits.

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

28 "Distributor" shall mean any person licensed by the [board]  
29 commission to engage in the purchase only from Pennsylvania  
30 manufacturers and from importing distributors and the resale of

1 malt or brewed beverages, except to importing distributors and  
2 distributors, in the original sealed containers as prepared for  
3 the market by the manufacturer at the place of manufacture, but  
4 not for consumption on the premises where sold, and in  
5 quantities of not less than a case of twenty-four containers,  
6 each container holding seven fluid ounces or more, or a case of  
7 twelve containers, each container holding twenty-four fluid  
8 ounces or more, except original containers containing one  
9 hundred twenty-eight ounces or more which may be sold  
10 separately.

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

16 "Enforcement bureau" shall mean the Bureau of Liquor Control  
17 Enforcement of the Pennsylvania State Police.

18 "Golf course" shall mean a course having a minimum of nine  
19 holes and a total length of at least twenty-five hundred yards.  
20 The term includes a privately-owned private golf course.

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

30 "Importing distributor" shall mean any person licensed by the

1 [board] commission to engage in the purchase from manufacturers  
2 and other persons located outside this Commonwealth and from  
3 persons licensed as manufacturers of malt or brewed beverages  
4 and importing distributors under this act, and the resale of  
5 malt or brewed beverages in the original sealed containers as  
6 prepared for the market by the manufacturer at the place of  
7 manufacture, but not for consumption on the premises where sold,  
8 and in quantities of not less than a case of twenty-four  
9 containers, each container holding seven fluid ounces or more,  
10 or a case of twelve containers, each container holding twenty-  
11 four fluid ounces or more, except original containers containing  
12 one hundred twenty-eight ounces or more which may be sold  
13 separately.

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

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

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

29 "Manufacture", when the term is applied to malt or brewed  
30 beverages, shall mean and include all means, methods and

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

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

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

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

25 "Original container" shall mean all bottles, casks, kegs or  
26 other suitable containers that have been securely capped, sealed  
27 or corked by the manufacturer of malt or brewed beverages at  
28 the place of manufacture, with the name and address of the  
29 manufacturer of the malt or brewed beverages contained or to be  
30 contained therein permanently affixed to the bottle, cask, keg



1 or other container, or in the case of a bottle or can, to the  
2 cap or cork used in sealing the same or to a label securely  
3 affixed to a bottle or can.

4 "Package" shall mean any container or containers or  
5 receptacle or receptacles used for holding liquor or alcohol as  
6 marketed by the manufacturer.

7 "Performing arts facilities" shall mean those halls or  
8 theaters in which live musical, concert, dance, ballet and  
9 legitimate play book-length productions are performed.

10 Performing arts facilities shall not mean those halls or  
11 theaters in which burlesque shows or reviews are performed.

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

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

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

1 purposes.

2 "Regulation" shall mean any regulation prescribed by the  
3 [board] commission for carrying out the provisions of this act.

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

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

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

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

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

1 restriction.

2 Section 5. Section 103 of the act is reenacted to read:

3 Section 103. Saving Clause.--The provisions of this act, so  
4 far as they are the same as those of existing laws, are intended  
5 as a continuation of such laws and not as new enactments. The  
6 repeal by this act of any act of Assembly or part thereof shall  
7 not revive any act or part thereof heretofore repealed or  
8 superseded. The provisions of this act shall not affect any act  
9 done, liability incurred or right accrued or vested, or affect  
10 any suit or prosecution pending or to be instituted to enforce  
11 any right or penalty or punish any offense under the authority  
12 of such repeal laws. All regulations and rules made and all  
13 licenses and permits issued pursuant to any act repealed by this  
14 act shall continue with the same force and effect as if such act  
15 had not been repealed.

16 Section 6. Section 104 of the act is reenacted and amended  
17 to read:

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

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

30 (c) Except as otherwise expressly provided, the purpose of

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

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

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

22 Section 7. The heading of Article II of the act is reenacted  
23 and amended to read:

24 ARTICLE II.

25 [PENNSYLVANIA LIQUOR CONTROL BOARD]

26 ALCOHOLIC BEVERAGES COMMISSION.

27 Section 8. Section 201 of the act, amended November 23, 1976  
28 (P.L.1123, No.235), is reenacted and amended to read:

29 Section 201. Appointment of Members; Terms; Salaries.--An  
30 independent administrative [board] commission to be known as the

1 "[Pennsylvania Liquor Control Board] Alcoholic Beverages  
2 Commission" is hereby created. The [board] commission shall  
3 consist of three members to be appointed by the Governor by and  
4 with the advice and consent of [two-thirds] a majority of all  
5 the members of the Senate. Of the [original] members first  
6 appointed after the effective date of this amendatory act, one  
7 shall be appointed for a term of two years, one for a term of  
8 four years, and one for a term of six years [from the date of  
9 his appointment and until his successor shall have been  
10 appointed and qualified]. Thereafter, all appointments shall be  
11 for terms of six years [or until successors are appointed and  
12 qualified]. No member upon the expiration of his term shall  
13 continue to hold office until his successor shall be duly  
14 appointed or shall be qualified. Each of the members shall  
15 receive an annual salary of [twenty-four thousand dollars  
16 (\$24,000)] fifty thousand dollars (\$50,000), except the  
17 chairman, who shall receive an annual salary of [twenty-five  
18 thousand dollars (\$25,000)] fifty-two thousand dollars  
19 (\$52,000).

20 Section 9. Sections 202, 203, 204, 205 and 206 of the act  
21 are reenacted and amended to read:

22 Section 202. Qualifications of Members.--(a) Each member of  
23 the [board] commission at the time of his appointment and  
24 qualification shall be a citizen of the United States and a  
25 resident of the Commonwealth of Pennsylvania, shall have been a  
26 qualified elector in the Commonwealth for a period of at least  
27 one year next preceding his appointment, and shall be not less  
28 than thirty years of age.

29 (b) No member of the [board] commission during his period of  
30 service as such shall hold any other office under the laws of

1 this Commonwealth or of the United States.

2 (c) Commission members shall devote full time to their  
3 official duties. No commission member shall hold any office or  
4 position the duties of which are incompatible with his  
5 commission duties or be engaged in any employment or vocation  
6 for which he receives any remuneration.

7 Section 203. Chairman of [Board] Commission.--[The board  
8 shall elect one of its members as chairmen] (a) The Governor  
9 shall designate one of the commission members as chairman who  
10 shall serve in that position at the pleasure of the Governor.  
11 The chairman shall, when present, preside at all meetings, and  
12 in his absence a member designated by the chairman shall  
13 preside.

14 (b) Two members of the [board] commission shall constitute a  
15 quorum, and any action or order of the [board] commission shall  
16 require the approval of at least two members.

17 Section 204. [Secretary of Board.--The board may appoint a  
18 secretary to hold office at its pleasure. The secretary, if  
19 appointed, shall have such powers and shall perform such duties  
20 not contrary to law as the board shall prescribe, and shall  
21 receive such compensation as the board, with the approval of the  
22 Governor, shall determine. The secretary shall have power and  
23 authority to designate, from time to time, one of the clerks  
24 appointed by the board to perform the duties of the secretary  
25 during his absence and the clerk so appointed shall exercise,  
26 for the time so designated, the powers of the secretary of the  
27 board.] Executive Director.--The commission shall appoint an  
28 executive director and professional management personnel,  
29 including bureau directors, as necessary. Salaries of the  
30 executive director and professional personnel shall be set by

1 the commission, with the approval of the Governor. The executive  
2 director shall be responsible for managing the daily operations  
3 of the commission and shall have such powers and perform such  
4 duties not contrary to law as are necessary to implement  
5 decisions and policies made and established by vote of a  
6 majority of the commission.

7 Section 205. Bonds Required of Members and [Secretary]  
8 Executive Director.--Before entering upon the duties of their  
9 respective offices or positions, each member of the [board]  
10 commission and the [secretary] executive director shall execute  
11 and file with the State Treasurer a bond in such penal sum as  
12 shall be fixed by the Executive Board of this Commonwealth upon  
13 recommendation of the Governor, but the amount of any such bond  
14 shall not be less than ten thousand dollars (\$10,000). Bonds in  
15 such penal sums as shall be fixed by the Executive Board  
16 likewise shall be executed and filed with the State Treasurer by  
17 such employes of the [Pennsylvania Liquor Control Board]  
18 commission as the head of such [board] commission shall, with  
19 the approval of the Executive Board, prescribe. Such bonds shall  
20 be payable to the Commonwealth of Pennsylvania and shall be  
21 conditioned for the faithful performance of the members',  
22 [secretary's] executive director's or employes' duties imposed  
23 by law or by lawful authority and that the person bonded will  
24 not knowingly violate the provisions of this act. All bonds  
25 required to be given under this section shall, before being  
26 accepted by the State Treasurer, be approved by the [Department  
27 of Justice] Attorney General, and unless the Commonwealth shall  
28 establish its own indemnity fund, all such bonds shall be given  
29 with security approved by the [Department of Justice] Attorney  
30 General. If the Commonwealth shall establish its own indemnity

1 fund, the Executive Board may, nevertheless, require any bond  
2 given hereunder to be executed by a surety or sureties  
3 satisfactory to the [Department of Justice] Attorney General.  
4 The cost of such bonds required to be executed by a surety or  
5 sureties shall be borne by the [board] commission as part of its  
6 operating expense.

7 Section 206. [Board] Commission Subject to Administrative  
8 Code.--Except as otherwise expressly provided by law, the  
9 [board] commission shall be subject to all the provisions of The  
10 Administrative Code of one thousand nine hundred twenty-nine, as  
11 amended, which apply generally to independent administrative  
12 boards and commissions.

13 Section 10. Section 207 of the act, amended May 25, 1956  
14 (1955 P.L.1743, No.583), January 13, 1966 (1965 P.L.1301,  
15 No.518), June 17, 1971 (P.L.180, No.22) and July 27, 1973  
16 (P.L.247, No.70), is reenacted and amended to read:

17 Section 207. General Powers of [Board] Commission.--Under  
18 this act, the [board] commission shall have the power and its  
19 duty shall be:

20 (a) To buy, import or have in its possession for sale, and  
21 sell liquor and alcohol in the manner set forth in this act:  
22 Provided, however, That all purchases shall be made subject to  
23 the approval of the State Treasurer, or his designated deputy.  
24 The commission shall buy liquor and alcohol at the lowest price  
25 and in the greatest variety reasonably obtainable.

26 (b) To control the manufacture, possession, sale,  
27 consumption, importation, use, storage, transportation and  
28 delivery of liquor, alcohol and malt or brewed beverages in  
29 accordance with the provisions of this act, and to fix the  
30 wholesale and retail prices at which liquors and alcohol shall



1 be sold at Pennsylvania Liquor Stores[: Provided, That in fixing  
2 the sale prices, the board shall not give any preference or make  
3 any discrimination as to classes, brands or otherwise, except to  
4 the extent and for the length of time necessary to sell such  
5 classes or brands in compliance with any Federal action freezing  
6 or otherwise controlling the price of said classes or brands, or  
7 except where special sales are deemed necessary to move  
8 unsaleable merchandise, or except where the addition of a  
9 service or handling charge to the fixed sales price of any  
10 merchandise in the same comparable price bracket, regardless of  
11 class, brand or otherwise, is, in the opinion of the board,  
12 required for the efficient operation of the State store system].  
13 Prices shall be proportional with prices paid by the commission  
14 to its suppliers and shall reflect any advantage obtained  
15 through volume purchases by the commission. The [board]  
16 commission shall require each Pennsylvania manufacturer and each  
17 nonresident manufacturer of liquors, other than wine, selling  
18 such liquors to the [board] commission, which are not  
19 manufactured in this Commonwealth, to make application for and  
20 be granted a permit by the [board] commission before such  
21 liquors not manufactured in this Commonwealth shall be purchased  
22 from such manufacturer. Each such manufacturer shall pay for  
23 such permit a fee which, in the case of a manufacturer of this  
24 Commonwealth, shall be equal to that required to be paid, if  
25 any, by a manufacturer or wholesaler of the state, territory or  
26 country of origin of the liquors, for selling liquors  
27 manufactured in Pennsylvania, and in the case of a nonresident  
28 manufacturer, shall be equal to that required to be paid, if  
29 any, in such state, territory or country by Pennsylvania  
30 manufacturers doing business in such state, territory or

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

15 (c) To determine the municipalities within which  
16 Pennsylvania Liquor Stores shall be established and the  
17 locations of the stores within such municipalities.

18 (d) To grant and issue all licenses and to grant, issue,  
19 suspend and revoke all [licenses and] permits authorized to be  
20 issued under this act and the regulations of the [board and  
21 impose fines on licensees licensed under this act] commission.

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

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

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

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

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

17 (j) [To investigate, whenever any person complains, or when  
18 the board is aware that there is reasonable grounds to believe  
19 liquor or malt or brewed beverage is being sold on premises not  
20 licensed under the provisions of this act. If the investigation  
21 produces evidence of the unlawful sale of liquor or malt or  
22 brewed beverage or of any other violation of the provisions of  
23 this act, the board shall cause the prosecution of the person or  
24 persons believed to have been criminally liable for the unlawful  
25 acts. Any equipment or appurtenances actually used in the  
26 commission of the unlawful acts may be confiscated upon  
27 direction of the board. The confiscation by or under the  
28 direction of the board shall not, in any manner, divest or  
29 impair the rights or interest of any bona fide lien holder in  
30 the equipment or appurtenances, who had no knowledge that the

1 same was being used in violation of this act.] By regulation, to  
2 provide for the use of a computerized referral system to assist  
3 consumers in locating special items at Pennsylvania Liquor  
4 Stores; for the use of electronic transfer of funds for the  
5 purchase of liquor and alcohol at Pennsylvania Liquor Stores;  
6 and for the use of credit cards, by licensees only, for volume  
7 purchases.

8 Section 11. Section 208 of the act, amended July 22, 1970  
9 (P.L.539, No.182) and October 11, 1972 (P.L.906, No.215), is  
10 reenacted and amended to read:

11 Section 208. Specific Subjects on Which [Board] Commission  
12 May Adopt Regulations.--Subject to the provisions of this act  
13 and without limiting the general power conferred by the  
14 preceding section, the [board] commission may make regulations  
15 regarding:

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

19 (b) The duties and conduct of the officers and employes of  
20 the [board] commission.

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

23 (d) The classes, varieties and brands of liquor and alcohol  
24 to be kept and sold in Pennsylvania Liquor Stores. In making  
25 this determination the [board] commission shall meet not less  
26 than twice a year.

27 (e) The issuing and distribution of price lists for the  
28 various classes, varieties or brands of liquor and alcohol kept  
29 for sale by the [board] commission under this act.

30 (f) The labeling of liquor and alcohol sold under this act

1 and of liquor and alcohol lawfully acquired by any person prior  
2 to January first, one thousand nine hundred thirty-four.

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

4 (h) The issuance of licenses and permits and the conduct,  
5 management, sanitation and equipment of places licensed or  
6 included in permits.

7 (i) The place and manner of depositing the receipts of  
8 Pennsylvania Liquor Stores and the transmission of balances to  
9 the Treasury Department through the Department of Revenue.

10 (j) The solicitation by resident or nonresident vendors of  
11 liquor from Pennsylvania licensees and other persons of orders  
12 for liquor to be sold through the Pennsylvania Liquor Stores  
13 and, in the case of nonresident vendors, the collection  
14 therefrom of license fees for such privilege at the same rate as  
15 provided herein for importers' licenses.

16 Section 12. Section 209 of the act is repealed.

17 Section 13. Section 210 of the act is reenacted and amended  
18 to read:

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

27 (b) No member or employe of the [board] commission nor any  
28 employe of the Commonwealth shall solicit or receive, directly  
29 or indirectly, any commission, remuneration or gift whatsoever,  
30 from any person having sold, selling or offering liquor or

1 alcohol for sale to the [board] commission for use in  
2 Pennsylvania Liquor Stores.

3 Section 14. The act is amended by adding sections to read:

4 Section 211. Enforcement.--(a) There is created within the  
5 Pennsylvania State Police a Bureau of Liquor Control Enforcement  
6 which shall be responsible for enforcing this act and any  
7 regulations promulgated pursuant thereto. Officers and  
8 investigators assigned to the bureau shall have the power and  
9 their duty shall be:

10 (1) To investigate whenever there are reasonable grounds to  
11 believe liquor, alcohol or malt or brewed beverages is being  
12 sold on premises not licensed under the provisions of this act.  
13 If the investigation produces evidence of the unlawful sale of  
14 liquor or malt or brewed beverages or any other violation of the  
15 provisions of this act, the officer involved in the  
16 investigation shall institute criminal proceedings against the  
17 person or persons believed to have been criminally liable, as  
18 otherwise provided by law or rule of court.

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

25 (3) Upon reasonable and probable cause, to search for and to  
26 seize, without warrant or process, except in private homes, any  
27 liquor, alcohol or malt or brewed beverages unlawfully  
28 possessed, manufactured, sold, imported or transported and any  
29 stills, equipment, materials, utensils, vehicles, boats,  
30 vessels, animals, aircraft, or any of them, which are or have

1 been used in the unlawful manufacture, sale, importation or  
2 transportation of the same, such liquor, alcohol, malt or brewed  
3 beverages, stills, equipment, materials, utensils, vehicles,  
4 boards, vessels, animals or aircraft so seized shall be disposed  
5 of as hereinafter provided.

6 (4) To investigate and issue citations for any violations of  
7 this act or any laws of this Commonwealth relating to liquor,  
8 alcohol or malt or brewed beverages, or any regulations of the  
9 commission adopted pursuant to such laws or any violation of any  
10 laws of this Commonwealth or of the Federal Government, relating  
11 to the payment of taxes on liquor, alcohol or malt or brewed  
12 beverages by any licensee, his officers, servants, agents or  
13 employes.

14 (b) Any equipment or appurtenance actually used in the  
15 commission of the unlawful acts may be confiscated. The  
16 confiscation shall not, in any manner, divest or impair the  
17 rights or interest of any bona fide lienholder in the equipment  
18 or appurtenance.

19 Section 212. Office of Administrative Law Judge.--(a) There  
20 is hereby created within the commission an autonomous office to  
21 be known as the Office of Administrative Law Judge.

22 (b) The commission shall appoint a chief administrative law  
23 judge and as many administrative law judges as the commission,  
24 with the approval of the Governor, deems necessary for the  
25 holding of hearings required or permitted under this act.

26 (c) Administrative law judges shall preside at all  
27 licensing, citation and other enforcement hearings required or  
28 permitted under this act.

29 (d) Administrative law judges appointed under this section  
30 shall be learned in the law and shall be members in good

1 standing of the bar of the Supreme Court of Pennsylvania.

2 (e) Administrative law judges appointed under this section  
3 shall be afforded employment security as provided by the act of  
4 August 5, 1941 (P.L.752, No.286), known as the "Civil Service  
5 Act."

6 (f) Compensation for the administrative law judges shall be  
7 established by the commission with the approval of the Governor.

8 (g) Administrative law judges shall devote full time to  
9 their official duties and shall perform no duties inconsistent  
10 with their duties and responsibilities as administrative law  
11 judges.

12 Section 213. Office of Chief Counsel.--The commission shall  
13 establish an Office of Chief Counsel which shall provide legal  
14 advice on matters coming before the commission and shall  
15 represent the enforcement bureau in all enforcement proceedings  
16 brought before the Office of Administrative Law Judge. The  
17 salary of the chief counsel and the number and salaries of any  
18 deputy counsels employed by the Office of Chief Counsel shall be  
19 set by the commission with the approval of the Governor.

20 Section 214. Bureau of Consumer Relations.--The commission  
21 shall establish a Bureau of Consumer Relations which shall be  
22 responsible for handling all consumer complaints and  
23 suggestions. The bureau shall develop a system-wide program for  
24 investigating all complaints and suggestions and implementing  
25 improvements into the State Store system.

26 Section 215. Prohibitions.--(a) The commission may not make  
27 a contract or otherwise do business with a corporation, vendor  
28 or service contractor that has not complied with the regulatory  
29 and statutory requirements of any other administrative agency.

30 (b) The commission may not make a contract or otherwise do



1 business with a transportation carrier for hire of liquor, wine  
2 or malt or brewed beverages which (carrier) has not obtained the  
3 proper permits from the Pennsylvania Public Utility Commission  
4 under 66 Pa.C.S. Ch. 25 (relating to contract carrier by motor  
5 vehicle and broker).

6 Section 216. Management of Fees.--The commission shall  
7 develop a fee-management system to identify actual commission  
8 costs related to each fee that it administers. This system shall  
9 be developed in cooperation with the Pennsylvania State Police  
10 and shall include all allocated enforcement costs of the  
11 enforcement bureau.

12 Section 15. The heading of Article III of the act is  
13 reenacted to read:

14 ARTICLE III.

15 PENNSYLVANIA LIQUOR STORES.

16 Section 16. Section 301 of the act, amended July 9, 1976  
17 (P.L.527, No.125), is reenacted and amended to read:

18 Section 301. [Board] Commission to Establish State Liquor  
19 Stores.--(a) The [board] commission shall establish, operate  
20 and maintain at such places throughout the Commonwealth as it  
21 shall deem essential and advisable, stores to be known as  
22 "Pennsylvania Liquor Stores," for the sale of liquor and alcohol  
23 in accordance with the provisions of and the regulations made  
24 under this act; except that no store not so already located  
25 shall be located within three hundred feet of any elementary or  
26 secondary school, nor within a dry municipality without there  
27 first having been a referendum approving such location. When the  
28 [board] commission shall have determined upon the location of a  
29 liquor store in any municipality, it shall give notice of such  
30 location by public advertisement in two newspapers of general

1 circulation. In cities of the first class, the location shall  
2 also be posted for a period of at least fifteen days following  
3 its determination by the [board] commission as required in  
4 section 403(g) of this act. The notice shall be posted in a  
5 conspicuous place on the outside of the premises in which the  
6 proposed store is to operate or, in the event that a new  
7 structure is to be built in a similarly visible location. If,  
8 within five days after the appearance of such advertisement, or  
9 of the last day upon which the notice was posted, fifteen or  
10 more taxpayers residing within a quarter of a mile of such  
11 location, or the City Solicitor of the city of the first class,  
12 shall file a protest with the court of common pleas of the  
13 county averring that the location is objectionable because of  
14 its proximity to a church, a school, or to private residences,  
15 the court shall forthwith hold a hearing affording an  
16 opportunity to the protestants and to the [board] commission to  
17 present evidence. The court shall render its decision  
18 immediately upon the conclusion of the testimony and from the  
19 decision there shall be no appeal. If the court shall determine  
20 that the proposed location is undesirable for the reasons set  
21 forth in the protest, the [board] commission shall abandon it  
22 and find another location. The [board] commission may establish,  
23 operate and maintain such establishments for storing and testing  
24 liquors as it shall deem expedient to carry out its powers and  
25 duties under this act.

26 (b) The [board] commission may lease the necessary premises  
27 for such stores or establishments, but all such leases shall be  
28 made through the Department of General Services as agent of the  
29 [board] commission. The [board] commission, through the  
30 Department of General Services, shall have authority to purchase

1 such equipment and appointments as may be required in the  
2 operation of such stores or establishments.

3 Section 17. Sections 302 and 303 of the act are reenacted  
4 and amended to read:

5 Section 302. Selection of Personnel.--Officers and employes  
6 of the [board] commission, except as herein otherwise provided,  
7 shall be appointed and employed subject to the provisions of the  
8 Civil Service Act.

9 Section 303. Management of Pennsylvania Liquor Stores.--  
10 Every Pennsylvania Liquor Store shall be conducted by a person  
11 appointed in the manner provided in the Civil Service Act who  
12 shall be known as the "manager" and who shall, under the  
13 directions of the [board] commission, be responsible for  
14 carrying out the provisions of this act and the regulations  
15 adopted by the [board] commission under this act as far as they  
16 relate to the conduct of such stores.

17 Section 18. Section 304 of the act, amended March 5, 1973  
18 (P.L.1, No.1), is reenacted and amended to read:

19 Section 304. When Sales May Be Made at Pennsylvania Liquor  
20 Stores.--Every Pennsylvania Liquor Store shall be open for  
21 business week days, except legal holidays or any day on which a  
22 general, municipal, special or primary election is being held,  
23 during such hours as the [board] commission, in its discretion,  
24 shall determine[, but shall not be open longer than fourteen  
25 hours in any one day nor later than eleven o'clock  
26 postmeridian]: Provided, That the Pennsylvania Liquor Stores in  
27 the case of a special election for members of the General  
28 Assembly or members of the Congress of the United States, when  
29 such special election is held on other than a primary, municipal  
30 or general election day, shall be open in those Legislative or

1 Congressional Districts as though the day were not a special  
2 election day. The [board] commission may, with the approval of  
3 the Governor, temporarily close any store in any municipality.

4 Section 19. Section 305 of the act, amended October 21, 1965  
5 (P.L.642, No.316), October 11, 1972 (P.L.906, No.215), June 17,  
6 1974 (P.L.352, No.115), October 2, 1974 (P.L.668, No.222) and  
7 October 4, 1974 (P.L.672, No.224), is reenacted and amended to  
8 read:

9 Section 305. Sales by Pennsylvania Liquor Stores.--(a)  
10 Every Pennsylvania Liquor Store shall keep in stock for sale  
11 such classes, varieties and brands of liquor and alcohol as the  
12 [board] commission shall prescribe. If any person shall desire  
13 to purchase any class, variety or brand of liquor or alcohol  
14 which any such store does not have in stock, it shall be the  
15 duty of such store immediately to order the same upon the  
16 payment of a reasonable deposit by the purchaser in such  
17 proportion of the approximate cost of the order as shall be  
18 prescribed by the regulations of the [board] commission. The  
19 customer shall be notified immediately upon the arrival of the  
20 goods.

21 In computing the retail price of such special orders for  
22 liquor or alcohol, the [board] commission shall not include the  
23 cost of freight or shipping before applying the mark-up and  
24 taxes but shall add the freight or shipping charges to the price  
25 after the mark-up and taxes have been applied.

26 Unless the customer pays for and accepts delivery of any such  
27 special order within five days after notice of arrival, the  
28 store may place it in stock for general sale and the customer's  
29 deposit shall be forfeited.

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

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

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

1 the check shall be cause for revocation or suspension of any  
2 license issued by the [board] commission to the person who  
3 issued such check and the cancellation of the wholesale purchase  
4 permit card held by such person.

5 (d) No liquor or alcohol package shall be opened on the  
6 premises of a Pennsylvania Liquor Store. No manager or other  
7 employe of the [board] commission employed in a Pennsylvania  
8 Liquor Store shall allow any liquor or alcohol to be consumed on  
9 the store premises, nor shall any person consume any liquor or  
10 alcohol on such premises.

11 (e) The [board] commission may sell tax exempt alcohol to  
12 the Commonwealth of Pennsylvania and to persons to whom the  
13 [board] commission shall, by regulation to be promulgated by it,  
14 issue special permits for the purchase of such tax exempt  
15 alcohol.

16 Such permits may be issued to the United States or any  
17 governmental agency thereof, to any university or college of  
18 learning, any laboratory for use exclusively in scientific  
19 research, any hospital, sanitorium, eleemosynary institution or  
20 dispensary; to physicians, dentists, veterinarians and  
21 pharmacists duly licensed and registered under the laws of the  
22 Commonwealth of Pennsylvania; to manufacturing chemists and  
23 pharmacists or other persons for use in the manufacture or  
24 compounding of preparations unfit for beverage purposes.

25 (f) Every purchaser of liquor or alcohol from a Pennsylvania  
26 Liquor Store shall receive a numbered receipt which shall show  
27 the price paid therefor, and such other information as the  
28 [board] commission may prescribe. Copies of all receipts issued  
29 by a Pennsylvania Liquor Store shall be retained by and shall  
30 form part of the records of such store.

1 (g) The [board] commission is hereby authorized and  
2 empowered to adopt and enforce appropriate rules and regulations  
3 to insure the equitable wholesale and retail sale and  
4 distribution, through the Pennsylvania Liquor Stores, of  
5 available liquor and alcohol at any time when the demand  
6 therefor is greater than the supply.

7 (h) Every Pennsylvania Liquor Store shall sell gift  
8 certificates which may be redeemed for liquor.

9 Section 20. Section 306 of the act is reenacted and amended  
10 to read:

11 Section 306. Audits by Auditor General.--(a) It shall be  
12 the duty of the Department of the Auditor General to make all  
13 audits which may be necessary in connection with the  
14 administration of the financial affairs of the [board]  
15 commission and the Pennsylvania Liquor Stores operated and  
16 maintained by the [board] commission.

17 (b) At least one audit shall be made each year of the  
18 affairs of the [board] commission, and all collections made by  
19 the Pennsylvania Liquor Stores shall be audited quarterly.

20 (c) Special audits of the affairs of the [board] commission  
21 and the Pennsylvania Liquor Stores maintained and operated by  
22 the [board] commission may be made whenever they may, in the  
23 judgment of the Auditor General, appear necessary, and shall be  
24 made whenever the Governor shall call upon the Auditor General  
25 to make them.

26 (d) Copies of all audits made by the Department of the  
27 Auditor General shall be promptly submitted to the [board]  
28 commission and to the Governor.

29 (e) Unless the Department of the Auditor General shall  
30 neglect or refuse to make annual, quarterly or special Audits,

1 as hereinabove required, it shall be unlawful for the [board]  
2 commission to expend any money appropriated to it by the General  
3 Assembly for any audit of its affairs, except for the payment of  
4 the compensation and expenses of such auditors as are regularly  
5 employed as part of the administrative staff of the [board]  
6 commission.

7 Section 21. The headings of Article IV and Subdivision (A)  
8 of Article IV of the act are reenacted to read:

9 ARTICLE IV.

10 LICENSES AND REGULATIONS; LIQUOR, ALCOHOL AND  
11 MALT AND BREWED BEVERAGES.

12 (A) Liquor and Alcohol (Not Including Manufacturers).

13 Section 22. Section 401 of the act, amended June 1, 1972  
14 (P.L.355, No.95), is reenacted and amended to read:

15 Section 401. Authority to Issue Liquor Licenses to Hotels,  
16 Restaurants and Clubs.--(a) Subject to the provisions of this  
17 act and regulations promulgated under this act, the [board]  
18 commission shall have authority to issue a retail liquor license  
19 for any premises kept or operated by a hotel, restaurant or club  
20 and specified in the license entitling the hotel, restaurant or  
21 club to purchase liquor from a Pennsylvania Liquor Store and to  
22 keep on the premises such liquor and, subject to the provisions  
23 of this act and the regulations made thereunder, to sell the  
24 same and also malt or brewed beverages to guests, patrons or  
25 members for consumption on the hotel, restaurant or club  
26 premises. Such licensees, other than clubs, shall be permitted  
27 to sell malt or brewed beverages for consumption off the  
28 premises where sold in quantities of not more than one hundred  
29 forty-four fluid ounces in a single sale to one person. Such  
30 licenses shall be known as hotel liquor licenses, restaurant



1 liquor licenses and club liquor licenses, respectively. No  
2 person who holds, either by appointment or election, any public  
3 office which involves the duty to enforce any of the penal laws  
4 of the United States of America or the penal laws of the  
5 Commonwealth of Pennsylvania or any penal ordinance or  
6 resolution of any political subdivision of this Commonwealth  
7 shall be issued any hotel or restaurant liquor license, nor  
8 shall such a person have any interest, directly or indirectly,  
9 in any such license.

10 (b) The [board] commission may issue to any club which  
11 caters to groups of non-members, either privately or for  
12 functions, a catering license, and the [board] commission shall,  
13 by its rules and regulations, define what constitutes catering  
14 under this subsection except that any club which is issued a  
15 catering license shall not be prohibited from catering on  
16 Sundays during the hours which the club may lawfully serve  
17 liquor, malt or brewed beverages.

18 Section 23. Section 402 of the act is reenacted and amended  
19 to read:

20 Section 402. License Districts; License Year; Hearings.--The  
21 [board] commission shall, by regulation, divide the State into  
22 convenient license districts and shall hold hearings on  
23 applications for licenses and renewals thereof, as it deems  
24 necessary, at a convenient place or places in each of said  
25 districts, at such times as it shall fix, by regulation, for the  
26 purpose of hearing testimony for and against applications for  
27 new licenses and renewals thereof. The [board] commission may  
28 provide for the holding of such hearings by [examiners learned  
29 in the law, to be appointed by the Governor, who shall not be  
30 subject to the "Civil Service Act."] administrative law judges.

1 Such examiners shall make report to the [board] commission in  
2 each case with their recommendations. The [board] commission  
3 shall, by regulation, fix the license year for each separate  
4 district so that the expiration dates shall be uniform in each  
5 of the several districts but staggered as to the State.

6 Section 24. Section 403 of the act, amended November 19,  
7 1959 (P.L.1546, No.553) and September 28, 1961 (P.L.1728,  
8 No.702), is reenacted and amended to read:

9 Section 403. Applications for Hotel, Restaurant and Club  
10 Liquor Licenses.--(a) Every applicant for a hotel liquor  
11 license, restaurant liquor license or club liquor license or for  
12 the transfer of an existing license to another premises not then  
13 licensed shall file a written application with the [board]  
14 commission in such form and containing such information as the  
15 [board] commission shall from time to time prescribe, which  
16 shall be accompanied by a filing fee of twenty dollars (\$20),  
17 the prescribed license fee, and the bond hereinafter specified.  
18 Every such application shall contain a description of that part  
19 of the hotel, restaurant or club for which the applicant desires  
20 a license and shall set forth such other material information,  
21 description or plan of that part of the hotel, restaurant or  
22 club where it is proposed to keep and sell liquor as may be  
23 required by the regulations of the [board] commission. The  
24 descriptions, information and plans referred to in this  
25 subsection shall show the hotel, restaurant, club, or the  
26 proposed location for the construction of a hotel, restaurant or  
27 club, at the time the application is made, and shall show any  
28 alterations proposed to be made thereto, or the new building  
29 proposed to be constructed after the approval by the [board]  
30 commission of the application for a license or for the transfer

1 of an existing license to another premises not then licensed. No  
2 physical alterations, improvements or changes shall be required  
3 to be made to any hotel, restaurant or club, nor shall any new  
4 building for any such purpose, be required to be constructed  
5 until approval of the application for license or for the  
6 transfer of an existing license to another premises not then  
7 licensed by the [board] commission. After approval of the  
8 application, the licensee shall make the physical alterations,  
9 improvements and changes to the licensed premises, or shall  
10 construct the new building in the manner specified by the  
11 [board] commission at the time of approval, and the licensee  
12 shall not transact any business under the license until the  
13 [board] commission has approved the completed physical  
14 alterations, improvements and changes to the licensed premises,  
15 or the completed construction of the new building as conforming  
16 to the specifications required by the [board] commission at the  
17 time of issuance or transfer of the license, and is satisfied  
18 that the establishment is a restaurant, hotel or club as defined  
19 by this act. The [board] commission may require that all such  
20 alterations or construction or conformity to definition be  
21 completed within six months from the time of issuance or  
22 transfer of the license. Failure to comply with these  
23 requirements shall be considered cause for revocation of the  
24 license. No such license shall be transferable between the time  
25 of issuance or transfer of the license and the approval of the  
26 completed alterations or construction by the [board] commission  
27 and full compliance by the licensee with the requirements of  
28 this act, except in the case of death of the licensee prior to  
29 full compliance with all of the aforementioned requirements, in  
30 which event, the license may be transferred by the [board]

1 commission as provided in section 468 of this act for the  
2 transfer of the license in the case of death of the licensee.

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

7 (c) If the applicant is a corporation, the application must  
8 show that the corporation was created under the laws of  
9 Pennsylvania or holds a certificate of authority to transact  
10 business in Pennsylvania, that all officers, directors and  
11 stockholders are citizens of the United States, and that the  
12 manager of the hotel, restaurant or club is a citizen of the  
13 United States.

14 (d) Each application shall be signed and verified by oath or  
15 affirmation by the owner, if a natural person, or, in the case  
16 of an association, by a member or partner thereof, or, in the  
17 case of a corporation, by an executive officer thereof or any  
18 person specifically authorized by the corporation to sign the  
19 application, to which shall be attached written evidence of his  
20 authority.

21 (e) If the applicant is an association, the application  
22 shall set forth the names and addresses of the persons  
23 constituting the association, and if a corporation, the names  
24 and addresses of the principal officers thereof. Every club  
25 applicant shall file with and as a part of its application a  
26 list of the names and addresses of its members, directors,  
27 officers, agents and employes, together with the dates of their  
28 admission, election or employment, and such other information  
29 with respect to its affairs as the [board] commission shall  
30 require.

1 (f) The [board] commission shall refuse to issue licenses to  
2 clubs when it appears that the operation of the licensed  
3 business would inure to the benefit of individual members,  
4 officers, agents or employes of the club, rather than to the  
5 benefit of the entire membership of the club.

6 (g) Every applicant for a new license or for the transfer of  
7 an existing license to another premises not then licensed shall  
8 post, for a period of a least fifteen days beginning with the  
9 day the application is filed with the [board] commission, in a  
10 conspicuous place on the outside of the premises or at the  
11 proposed new location for which the license is applied, a notice  
12 of such application, in such form, of such size, and containing  
13 such provisions as the [board] commission may require by its  
14 regulations. Proof of the posting of such notice shall be filed  
15 with the [board] commission.

16 (h) If any false statement is intentionally made in any part  
17 of the application, the affiant shall be deemed guilty of a  
18 misdemeanor and, upon conviction, shall be subject to the  
19 penalties provided by this article.

20 (i) Upon receipt of an application for a new license or  
21 transfer of an existing license to a new location, the  
22 commission shall immediately notify, in writing, the  
23 municipality in which the premises proposed to be licensed are  
24 located.

25 Section 25. Section 404 of the act, amended September 2,  
26 1971 (P.L.429, No.103), is reenacted and amended to read:

27 Section 404. Issuance of Hotel, Restaurant and Club Liquor  
28 Licenses.--Upon receipt of the application, the proper fees and  
29 bond, and upon being satisfied of the truth of the statements in  
30 the application that the applicant is the only person in any

1 manner pecuniarily interested in the business so asked to be  
2 licensed and that no other person will be in any manner  
3 pecuniarily interested therein during the continuance of the  
4 license, except as hereinafter permitted, and that the applicant  
5 is a person of good repute, that the premises applied for meet  
6 all the requirements of this act and the regulations of the  
7 [board] commission, that the applicant seeks a license for a  
8 hotel, restaurant or club, as defined in this act, and that the  
9 issuance of such license is not prohibited by any of the  
10 provisions of this act, the [board] commission shall, in the  
11 case of a hotel or restaurant, grant and issue to the applicant  
12 a liquor license, and in the case of a club may, in its  
13 discretion, issue or refuse a license: Provided, however, That  
14 in the case of any new license or the transfer of any license to  
15 a new location the [board] commission may, in its discretion,  
16 grant or refuse such new license or transfer if such place  
17 proposed to be licensed is within three hundred feet of any  
18 church, hospital, charitable institution, school, or public  
19 playground, or if such new license or transfer is applied for a  
20 place which is within two hundred feet of any other premises  
21 which is licensed by the [board] commission, or if such new  
22 license or transfer is applied for a place where the principal  
23 business is the sale of liquid fuels and oil: And provided  
24 further, That the [board] commission shall refuse any  
25 application for a new license or the transfer of any license to  
26 a new location if, in the [board's] commission's opinion, such  
27 new license or transfer would be detrimental to the welfare,  
28 health, peace and morals of the inhabitants of the neighborhood  
29 within a radius of five hundred feet of the place proposed to be  
30 licensed: And provided further, That the [board] commission

1 shall not issue new licenses in any license district more than  
2 twice each license year, effective from specific dates fixed by  
3 the [board] commission, and new licenses shall not be granted,  
4 except for hotels as defined in this act, unless the application  
5 therefor shall have been filed at least thirty days before the  
6 effective date of the license: And provided further, That  
7 nothing herein contained shall prohibit the [board] commission  
8 from issuing a new license for the balance of any unexpired term  
9 in any license district to any applicant in such district, who  
10 shall have become eligible to hold such license as the result of  
11 legislative enactment, when such enactment shall have taken  
12 place during the license term of that district for which  
13 application is made or within the thirty days immediately  
14 preceding such term, nor shall anything herein contained  
15 prohibit the commission from issuing at any time a new license  
16 for an airport restaurant, or municipal golf course, as defined  
17 in section 461 of this act, for the balance of the unexpired  
18 license term in any license district: And provided further, That  
19 the shall have the discretion to refuse a license to any person  
20 or to any corporation, partnership or association if such  
21 person, or any officer or director of such corporation, or any  
22 member or partner of such partnership or association shall have  
23 been convicted or found guilty of a felony within a period of  
24 five years immediately preceding the date of application for the  
25 said license. At any time prior to commission approval of an  
26 application for a new license or transfer of any license to a  
27 new location, any natural person, not a licensee, residing  
28 within one thousand feet of the place proposed to be licensed  
29 may petition the commission to deny the application on grounds  
30 that it would be detrimental to the welfare, health, peace and

1 morals of the inhabitants of the neighborhood. The commission  
2 shall either deny the application for a license or transfer of a  
3 license or refer the petition to the Office of Administrative  
4 Law Judge for a hearing. If after a hearing, at which the  
5 applicant and any resident within one thousand feet of the place  
6 proposed to be licensed shall be permitted to testify, the  
7 administrative law judge determines that approval of the license  
8 or transfer of a license would be detrimental to the welfare,  
9 health, peace and morals of those residents, the commission  
10 shall deny the application.

11 Section 26. Section 405 of the act, amended July 18, 1961  
12 (P.L.790, No.348), is reenacted and amended to read:

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

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

20 In municipalities, except townships, having a population of  
21 fifteen hundred and more but less than ten thousand inhabitants,  
22 and in townships having a population of fifteen hundred and more  
23 but less than twelve thousand inhabitants, two hundred dollars  
24 (\$200.00).

25 In municipalities, except townships, having a population of  
26 ten thousand and more but less than fifty thousand inhabitants,  
27 and in townships having a population of twelve thousand and more  
28 but less than fifty thousand inhabitants, three hundred dollars  
29 (\$300.00).

30 In those having a population of fifty thousand and more but



1 less than one hundred thousand inhabitants, four hundred dollars  
2 (\$400.00).

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

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

8 (b) Every applicant for a club liquor license shall pay to  
9 the [board] commission a license fee of fifty dollars (\$50.00),  
10 except clubs to which catering licenses are issued, in which  
11 cases the license fees shall be the same as for hotels and  
12 restaurants located in the same municipality.

13 (c) All license fees authorized under this section shall be  
14 collected by the [board] commission for the use of the  
15 municipalities in which such fees were collected.

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

27 Section 27. Section 406 of the act, amended September 2,  
28 1971 (P.L.429, No.103), December 17, 1982 (P.L.1390, No.319),  
29 May 9, 1984 (P.L.246, No.54) and February 28, 1985 (P.L.1,  
30 No.1), is reenacted and amended to read:

1 Section 406. Sales by Liquor Licensees; Restrictions.--(a)  
2 (1) Every hotel, restaurant or club liquor licensee may sell  
3 liquor and malt or brewed beverages by the glass, open bottle or  
4 other container, and in any mixture, for consumption only in  
5 that part of the hotel or restaurant habitually used for the  
6 serving of food to guests or patrons, or in a bowling alley that  
7 is immediately adjacent to and under the same roof as a  
8 restaurant when no minors are present, unless minors who are  
9 present are under proper supervision as defined in section 493,  
10 in the bowling alley, and in the case of hotels, to guests, and  
11 in the case of clubs, to members, in their private rooms in the  
12 hotel or club. No club licensee nor its officers, servants,  
13 agents or employes, other than one holding a catering license,  
14 shall sell any liquor or malt or brewed beverages to any person  
15 except a member of the club. In the case of a restaurant located  
16 in a hotel which is not operated by the owner of the hotel and  
17 which is licensed to sell liquor under this act, liquor and malt  
18 or brewed beverages may be sold for consumption in that part of  
19 the restaurant habitually used for the serving of meals to  
20 patrons and also to guests in private guest rooms in the hotel.  
21 For the purpose of this paragraph, any person who is an active  
22 member of another club which is chartered by the same state or  
23 national organization shall have the same rights and privileges  
24 as members of the particular club. For the purpose of this  
25 paragraph, any person who is an active member of any volunteer  
26 firefighting company, association or group of this Commonwealth,  
27 whether incorporated or unincorporated, shall upon the approval  
28 of any club composed of volunteer firemen licensed under this  
29 act, have the same social rights and privileges as members of  
30 such licensed club. For the purposes of this paragraph, the term

1 "active member" shall not include a social member.

2 (2) Hotel and restaurant liquor licensees, airport  
3 restaurant liquor licensees, municipal golf course restaurant  
4 liquor licensees and privately-owned public golf course  
5 restaurant licensees may sell liquor and malt or brewed  
6 beverages only after seven o'clock antemeridian of any day until  
7 two o'clock antemeridian of the following day, except Sunday,  
8 and except as hereinafter provided, may sell liquor and malt or  
9 brewed beverages on Sunday between the hours of twelve o'clock  
10 midnight and two o'clock antemeridian.

11 (3) Hotel and restaurant liquor licensees, airport  
12 restaurant liquor licensees, municipal golf course restaurant  
13 liquor licensees and privately-owned public golf course  
14 restaurant licensees whose sales of food and nonalcoholic  
15 beverages are equal to forty per centum or more of the combined  
16 gross sales of both food and alcoholic beverages may sell liquor  
17 and malt or brewed beverages on Sunday between the hours of  
18 eleven o'clock antemeridian and two o'clock antemeridian Monday  
19 upon purchase of a special annual permit from the [board]  
20 commission at a fee of two hundred dollars (\$200.00) per year,  
21 which shall be in addition to any other license fees.

22 (4) Hotel and restaurant liquor licensees, airport  
23 restaurant liquor licensees, municipal golf course restaurant  
24 liquor licensees and privately-owned public golf course  
25 restaurant licensees which do not qualify for and purchase such  
26 annual special permit, their servants, agents or employes may  
27 sell liquor and malt or brewed beverages only after seven  
28 o'clock antemeridian of any day and until two o'clock  
29 antemeridian of the following day, and shall not sell after two  
30 o'clock antemeridian on Sunday. No hotel, restaurant and public

1 service liquor licensee which does not have the special annual  
2 permit for Sunday sales shall sell liquor and malt or brewed  
3 beverages after two o'clock antemeridian on any day on which a  
4 general, municipal, special or primary election is being held  
5 until one hour after the time fixed by law for closing the  
6 polls, except, that, in the case of a special election for  
7 members of the General Assembly or members of the Congress of  
8 the United States, when such special election is held on other  
9 than a primary, municipal or general election day, licensees in  
10 those Legislative or Congressional Districts may make such  
11 sales, as though the day were not a special election day. No  
12 club licensee or its servants, agents or employes may sell  
13 liquor or malt or brewed beverages between the hours of three  
14 o'clock antemeridian and seven o'clock antemeridian on any day.  
15 No public service liquor licensee or its servants, agents, or  
16 employes may sell liquor or malt or brewed beverages between the  
17 hours of two o'clock antemeridian and seven o'clock antemeridian  
18 on any day.

19 (5) Any hotel, restaurant, club or public service liquor  
20 licensee may, by giving notice to the [board] commission,  
21 advance by one hour the hours herein prescribed as those during  
22 which liquor and malt or brewed beverages may be sold during  
23 such part of the year when daylight saving time is being  
24 observed generally in the municipality in which the place of  
25 business of such licensee is located. Any licensee who elects to  
26 operate his place of business in accordance with daylight saving  
27 time shall post a conspicuous notice in his place of business  
28 that he is operating in accordance with daylight saving time.

29 (6) Notwithstanding any provisions to the contrary, whenever  
30 the thirty-first day of December or Saint Patrick's Day falls on

1 a Sunday, every hotel or restaurant liquor licensee, their  
2 servants, agents or employes may sell liquor and malt or brewed  
3 beverages on any such day after one o'clock postmeridian and  
4 until two o'clock antemeridian of the following day.

5 (b) Such Sunday sales by hotel and restaurant liquor  
6 licensees which qualify for and purchase such annual special  
7 permit, their servants, agents and employes, shall be made  
8 subject to the restrictions imposed by the act on sales by  
9 hotels and restaurants for sales on weekdays as well as those  
10 restrictions set forth in this section.

11 Section 28. Section 406.1 of the act, amended May 9, 1984  
12 (P.L.246, No.54), is reenacted and amended to read:

13 Section 406.1. Secondary Service Area.--Upon application of  
14 any restaurant, hotel, club, any stadium as described in section  
15 408.9 or municipal golf course liquor licensee, and payment of  
16 the appropriate fee, the [board] commission may approve a  
17 secondary service area by extending the licensed premises to  
18 include one additional permanent structure with dimensions of at  
19 least one hundred seventy-five square feet, enclosed on three  
20 sides and having adequate seating. Such secondary service area  
21 must be located on property having a minimum area of one (1)  
22 acre, and must be on land which is immediate, abutting, adjacent  
23 or contiguous to the licensed premises with no intervening  
24 public thoroughfare. In any stadium as described in section  
25 408.9, only malt or brewed beverages may be served. There shall  
26 be no requirement that the secondary service area be physically  
27 connected to the original licensed premises. Notwithstanding 40  
28 Pa. Code § 7.21(c)(3), the licensee shall be permitted to store,  
29 serve, sell or dispense food, liquor and malt or brewed  
30 beverages at the [board] commission approved secondary service

1 area.

2 Section 29. Section 407 of the act is reenacted to read:

3 Section 407. Sale of Malt or Brewed Beverages by Liquor  
4 Licensees.--Every liquor license issued to a hotel, restaurant,  
5 club, or a railroad, pullman or steamship company under this  
6 subdivision (A) for the sale of liquor shall authorize the  
7 licensee to sell malt or brewed beverages at the same places but  
8 subject to the same restrictions and penalties as apply to sales  
9 of liquor, except that licensees other than clubs may sell malt  
10 or brewed beverages for consumption off the premises where sold  
11 in quantities of not more than one hundred forty-four fluid  
12 ounces in a single sale to one person. No licensee under this  
13 subdivision (A) shall at the same time be the holder of any  
14 other class of license, except a retail dispenser's license  
15 authorizing the sale of malt or brewed beverages only.

16 Section 30. Section 408 of the act, amended September 19,  
17 1961 (P.L.1507, No.639) and November 26, 1978 (P.L.1389,  
18 No.326), is reenacted and amended to read:

19 Section 408. Public Service Liquor Licenses.--(a) Subject  
20 to the provisions of this act and regulations promulgated under  
21 this act, the [board] commission, upon application, shall issue  
22 retail liquor licenses to railroad or pullman companies  
23 permitting liquor and malt or brewed beverages to be sold in  
24 dining, club or buffet cars to passengers for consumption while  
25 enroute on such railroad, and may issue retail liquor licenses  
26 to steamship companies permitting liquor or malt or brewed  
27 beverages to be sold in the dining compartments of steamships or  
28 vessels wherever operated in the Commonwealth, except when  
29 standing or moored in stations, terminals or docks within a  
30 municipality wherein sales of liquor for consumption on the

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

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

23 (c) Every applicant for a public service liquor license  
24 shall, before receiving such license, file with the [board]  
25 commission a surety bond as hereinafter prescribed, pay to the  
26 [board] commission for each of the maximum number of dining,  
27 club or buffet cars which the applicant estimates it will have  
28 in operation on any one day an annual fee of twenty dollars  
29 (\$20.00), and for each steamship or vessel or aircraft for which  
30 a license is desired an annual fee of one hundred dollars

1 (\$100.00).

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

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

17 Section 31. Section 408.1 of the act, added December 15,  
18 1965 (P.L.1106, No.426) and amended November 17, 1967 (P.L.510,  
19 No.247), is reenacted and amended to read:

20 Section 408.1. Trade Show and Convention Licenses.--(a) The  
21 [board] commission is authorized to issue a license in any city  
22 of the first or second class for the retail sale of liquor and  
23 malt or brewed beverages by the glass, open bottles or other  
24 container or in any mixture for consumption in any restaurant or  
25 other appropriate location on city-owned premises or on premises  
26 of an authority created under the act of July 29, 1953  
27 (P.L.1034), known as the "Public Auditorium Authorities Law"  
28 customarily used or available for use for trade shows and  
29 conventions. Any concessionaire selected and certified by the  
30 city or its authorized agency or by the authority may apply for



1 a license.

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

12 (c) Upon receipt of the application in proper form and the  
13 application fee, and upon being satisfied that the applicant is  
14 of good repute and financially responsible and that the proposed  
15 place of business is proper, the [board] commission shall issue  
16 a license to the applicant.

17 (d) The license shall be issued for the same period as  
18 provided for restaurant licenses and shall be renewed as in  
19 section 402. The license shall terminate upon revocation by the  
20 [board] commission or upon termination of the contract between  
21 the concessionaire and the city or authority.

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

28 (f) The penal sum of the bond which shall be filed by an  
29 applicant for a trade show and convention license pursuant to  
30 section 465 of this article shall be two thousand dollars

1 (\$2,000) and in addition thereto he shall file an additional  
2 bond in a sum to assure payment of any suspension of license up  
3 to one hundred days.

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

23 (h) Whenever a contract is terminated prior to the  
24 expiration date provided in the contract between the city or  
25 authority and the concessionaire, the city or authority may  
26 select and certify to the [board] commission a different  
27 concessionaire which concessionaire shall apply to the [board]  
28 commission for a new license. If the applicant meets the  
29 requirements of the [board] commission as herein provided a new  
30 license shall thereupon be issued.

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

9 Section 32. Section 408.2 of the act, added November 25,  
10 1970 (P.L.770, No.255) and amended June 9, 1972 (P.L.379,  
11 No.108), is reenacted and amended to read:

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

21 (b) The application for a city-owned stadium license may be  
22 filed at any time by a concessionaire selected and certified by  
23 the city or its authorized agency and shall conform with all  
24 requirements for restaurant-liquor licenses and applications  
25 except as may otherwise be provided herein. Applicant shall  
26 submit such other information as the [board] commission may  
27 require. Applications shall be in writing on forms prescribed by  
28 the [board] commission and shall be signed and submitted to the  
29 [board] commission by the applicant. The filing fee which shall  
30 accompany the license application shall be twenty dollars (\$20).

1 (c) Upon receipt of the application in proper form and the  
2 application fee and upon being satisfied that the applicant is  
3 of good repute and financially responsible and that the proposed  
4 place of business is proper, the [board] commission shall issue  
5 a license to the applicant.

6 (d) The license shall be issued for the same period of time  
7 as provided for restaurant licenses and shall be renewed as  
8 provided in section 402. The license shall terminate upon  
9 revocation by the [board] commission or upon termination of the  
10 contract between the concessionaire and the city.

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

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

23 (g) Sales by the holder of a stadium license may be made  
24 except to those persons prohibited under clause (1) of section  
25 493 of this act on city-owned premises customarily used or  
26 available for use for competition of professional and amateur  
27 athletes and other types of entertainment during the hours in  
28 which the entertainment is being held and up to one hour after  
29 the scheduled closing, and at functions which are incidental to  
30 or part of the stadium activities, but such sales may not be

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

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

24 Section 33. Section 408.3 of the act, amended December 16,  
25 1982 (P.L.1359, No.311), is reenacted and amended to read:

26 Section 408.3. Performing Arts Facilities.--(a) The [board]  
27 commission is authorized to issue a license to one nonprofit  
28 corporation operating a theater for the performing arts in each  
29 city of the first or second class which has seating  
30 accommodations for at least twenty-seven hundred persons except

1 where prohibited by local option for the retail sale of liquor  
2 and malt or brewed beverages by the glass, open bottle or other  
3 container or in any mixture for consumption in any such theater  
4 for the performing arts.

5 (a.1) The [board] commission is authorized to issue licenses  
6 to operators of theaters for the performing arts, other than a  
7 theater qualifying under subsection (a), which are permanently  
8 located at a single site and which have seating accommodations,  
9 affixed to the theater structure, for at least twenty-eight  
10 hundred persons except where prohibited by local option for the  
11 retail sale of liquor and malt or brewed beverages by the glass,  
12 open bottle, or other container or in any mixture for  
13 consumption in any such theater for the performing arts.

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

25 (b.1) A performing arts facility referred to in subsection  
26 (a.1) must be in operation for a period of two (2) years before  
27 it may file an application for a license. The application for a  
28 performing arts facility license may be filed at any time  
29 thereafter by the operator or a concessionaire selected by the  
30 operator of such theater for the performing arts and shall

1 conform with all requirements for restaurant liquor licenses and  
2 applications except as may be otherwise provided herein.  
3 Applicants shall submit such other information as the [board]  
4 commission may require. Applications shall be in writing on  
5 forms prescribed by the [board] commission and shall be signed  
6 and submitted to the [board] commission by the applicant. The  
7 filing fee shall accompany the license application.

8 (b.2) The filing fee which is prescribed in clause (19) of  
9 section 614-A of the act of April 9, 1929 (P.L.177, No.175),  
10 known as "The Administrative Code of 1929," shall accompany the  
11 license application filed under subsection (b) or (b.1).

12 (c) Upon receipt of the application in proper form and the  
13 application fee and upon being satisfied that the applicant is  
14 of good repute and financially responsible and that the proposed  
15 place of business is proper, the [board] commission shall issue  
16 a license to the applicant.

17 (d) The license shall be issued for the same period of time  
18 as provided for restaurant licenses and shall be renewed as  
19 provided in section 402. The license shall terminate upon  
20 revocation by the [board] commission or upon termination of the  
21 contract between the concessionaire and the operator of such  
22 theater for the performing arts.

23 (e) The annual fee for a performing arts facility shall  
24 accompany the application for the license and shall be as  
25 prescribed in clause (19) of section 614-A of "The  
26 Administrative Code of 1929." Whenever and if a concessionaire's  
27 contract terminates the license shall be returned to the [board]  
28 commission for cancellation and a new license shall be issued to  
29 a new applicant.

30 (f) The penal sum of the bond which shall be filed by an

1 applicant for a performing arts facility pursuant to section 465  
2 of the "Liquor Code" shall be two thousand dollars (\$2,000).

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

11 (g.1) Sales by the holder of a performing arts facility  
12 license referred to in subsection (a.1) shall be further  
13 restricted to the period of time beginning one (1) hour before  
14 and ending one (1) hour after any presentation at the performing  
15 arts facility.

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

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



1 (j) Performing arts facility licenses referred to in  
2 subsection (a) shall not be subject to the provisions of section  
3 404 except in so far as they relate to the reputation of the  
4 applicant nor to the provisions of sections 461 and 463 nor to  
5 the provisions of clause (10) of section 493 of the "Liquor  
6 Code."

7 (j.1) Performing arts facilities referred to in subsection  
8 (a.1) shall not be subject to the provisions of section 463 nor  
9 to the provision requiring a special permit for dancing,  
10 theatricals or floor shows of any sort, or moving pictures other  
11 than television in clause (10) of section 493 of the "Liquor  
12 Code."

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

18 Section 34. Section 408.4 of the act, amended July 11, 1980  
19 (P.L.558, No.117), July 9, 1984 (P.L.659, No.137) and July 3,  
20 1985 (P.L.134, No.36), is reenacted and amended to read:

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

1 nonconsecutive or ten consecutive days at a fee of fifteen  
2 dollars (\$15) per day.

3 (b) In any city, borough, incorporated town or township in  
4 which the sale of liquor and/or malt or brewed beverages has  
5 been approved by the electorate, such special occasion permit  
6 shall authorize the permittee to sell liquor and/or malt or  
7 brewed beverages as the case may be to any adult person on any  
8 day for which the permit is issued.

9 (c) Such special occasion permit shall only be valid for the  
10 number of days stated in the permit. Only one permit may be  
11 issued to any permittee during the year. Provided, that a museum  
12 operated by a nonprofit corporation in a city of the third class  
13 and a nonprofit corporation engaged in the performing arts in a  
14 city of the third class may be issued no more than six permits  
15 during the year, each permit being valid for only one day, or in  
16 the alternative, one permit valid for no more than a total of  
17 ten consecutive days per year, which may be issued only during  
18 the month of August.

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

23 (d.1) The hours during which the holder of a special  
24 occasion permit may sell liquor or malt or brewed beverages  
25 shall be limited to the hours set forth in section 406 which are  
26 applicable to hotel and restaurant licensees. The hours during  
27 which a nonprofit corporation engaged in the performing arts in  
28 a city of the third class may sell liquor or malt or brewed  
29 beverages pursuant to a special occasion permit shall be limited  
30 to those hours set forth in section 408.3(g.1).

1 (d.2) At least forty-eight hours prior to the sale of any  
2 liquor or malt or brewed beverages, the holder of a special  
3 occasion permit shall notify the local police department, or in  
4 the absence of a local police department, the Pennsylvania State  
5 Police, of the times when and place where the sale of liquor or  
6 malt or brewed beverages shall occur.

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

10 (f) Any person selling liquor or malt or brewed beverages in  
11 violation of this section shall, upon summary conviction, be  
12 sentenced to pay a fine of two hundred fifty dollars (\$250) for  
13 the first offense and a fine of five hundred dollars (\$500) for  
14 each subsequent offense. This fine shall be in addition to any  
15 other penalty imposed by law for the illegal sale of malt or  
16 brewed beverages.

17 Section 35. Section 408.5 of the act, amended July 9, 1976  
18 (P.L.527, No.125), is reenacted and amended to read:

19 Section 408.5. Licenses for City-owned Art Museums, Cities  
20 First Class and Art Museums Maintained by Certain Non-profit  
21 Corporations in Cities of the Second Class.--(a) The [board]  
22 commission is authorized to issue a license in any city of the  
23 first class for the retail sale of liquor and malt or brewed  
24 beverages by the glass, open bottles or other container, and in  
25 any mixture, for consumption in any city-owned art museum or in  
26 any art museum maintained by a non-profit corporation in cities  
27 of the second class. For the purpose of this section "non-profit  
28 corporation" shall mean a corporation organized under the non-  
29 profit corporation laws for the benefit of the public and not  
30 for the mutual benefit of its members, and which maintains an

1 art museum having a floor area of not less than one hundred  
2 thousand square feet in one building.

3 (b) The application for a license may be filed at any time  
4 by the city, the non-profit corporation or lessee. The  
5 application may also be filed by a concessionaire selected and  
6 certified by the city or the non-profit corporation. The  
7 application shall conform with all requirements for restaurant  
8 liquor licenses and applications except as may otherwise be  
9 provided herein. Applicant shall submit such other information  
10 as the may require. The application shall be in writing on forms  
11 prescribed by the and shall be signed and submitted to the by  
12 the applicant. A filing fee of twenty dollars (\$20) shall  
13 accompany the license application.

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

19 (d) The license shall be issued for the same period of time  
20 as provided for restaurant licensees and shall be renewed as  
21 provided in section 402. The license shall terminate upon  
22 revocation by the or upon termination of the lease or upon  
23 termination of the contract between the concessionaire and the  
24 city or the non-profit corporation.

25 (g) Sales by the holder of an art museum license may be made  
26 except to those persons prohibited by this act on premises used  
27 for art museum purposes, but such sales may not be made beyond  
28 the hours expressed in this act for the sale of liquor by  
29 restaurant licenses. However, sales of liquor or malt or brewed  
30 beverages may be made by an art museum licensee at banquets at

1 which more than five hundred persons are scheduled to attend and  
2 at any other function which is directly related to art museum  
3 purposes.

4 (h) Whenever a lease or a concession contract is terminated  
5 prior to the expiration date provided in the lease or contract  
6 between the city or the non-profit corporation and the tenant or  
7 concessionaire, the city or the non-profit corporation may  
8 select and certify to the [board] commission a different  
9 licensee or concessionaire who may then apply to the [board]  
10 commission for a new license. If the applicant meets the  
11 requirements of the [board] commission as herein provided a new  
12 license shall thereupon be issued.

13 (i) If the [board] commission shall revoke any art museum  
14 license, the [board] commission shall issue a new license to any  
15 qualified applicant without regard to the prohibition in section  
16 471 against the grant of a license at the same premises for a  
17 period of at least one year.

18 (i.1) Any renewal of a license presently held by a city-  
19 owned art museum in a city of the first class shall be  
20 accomplished by the purchase of a license from an existing  
21 licensee.

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

26 (j) The provisions of this act shall supersede or exempt any  
27 provision of the Liquor Code which would prevent the issuance of  
28 a license for the retail sale of liquor and malt or brewed  
29 beverages upon any premises owned by the city of the first class  
30 or by a non-profit corporation in a city of the second class

1 used for art museum purposes.

2 Section 36. Section 408.6 of the act, added July 11, 1980  
3 (P.L.558, No.117), is reenacted and amended to read:

4 Section 408.6. Performing Arts Facilities in Third Class  
5 Cities.--(a) The [board] commission is authorized to issue a  
6 restaurant liquor license to a nonprofit corporation or to a  
7 concessionaire selected by such nonprofit corporation in any  
8 city of the third class for the retail sale of liquor and malt  
9 or brewed beverages by the glass, open bottles or other  
10 container or in any mixture for consumption on any city-owned  
11 premises utilized as a nonprofit performing arts facility or any  
12 other premises utilized as a nonprofit performing arts facility  
13 where there is an available seating capacity within the premises  
14 of one thousand or more: Provided, however, That no sale or  
15 consumption of such beverages shall take place on any portions  
16 of such premises other than service areas approved by the  
17 [board] commission.

18 (b) An application for the issuance may be filed at any time  
19 by a nonprofit corporation operating such a theater for the  
20 performing arts or by a concessionaire selected by such  
21 nonprofit corporation. Any such license granted under these  
22 provisions need not conform to the requirements of the act  
23 relating to restaurant liquor licenses, except as provided  
24 herein. Applicant shall submit such other information as the  
25 [board] commission may require. Applications shall be in writing  
26 on forms prescribed by the [board] commission and shall be  
27 signed and submitted to the [board] commission by the applicant.  
28 The filing fee which shall accompany the license application  
29 shall be thirty dollars (\$30).

30 (c) Upon receipt of the application in proper form and the

1 application fee and upon being satisfied that the applicant is  
2 of good repute and financially responsible and that the proposed  
3 place of business is proper, the [board] commission shall issue  
4 the restaurant liquor license for the performing arts facility.

5 (d) The license shall be issued for the same period of time  
6 as provided for restaurant licenses and shall be renewed as  
7 provided in section 402. The license shall terminate upon  
8 revocation by the [board] commission or upon termination and  
9 nonrenewal of the contract between the concessionaire and such  
10 nonprofit corporation.

11 (e) The annual fee for a performing arts facility shall be  
12 as provided in section 405 and shall accompany the application  
13 for the license. Whenever and if a concessionaire's contract  
14 terminates and is not renewed the license shall be returned to  
15 the for cancellation but the [board] commission may issue a  
16 restaurant liquor license to a subsequent applicant.

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

20 (g) Sales by the holder of a performing arts facility  
21 license may be made except to those persons prohibited under  
22 clause (1) of section 493 on [board-approved] commission-  
23 approved service areas of the premises of such a facility for  
24 the performing arts during the hours in which the performance is  
25 being held and up to one hour before the scheduled opening and  
26 one hour after the scheduled closing, but such sales may not be  
27 made beyond the hours expressed in the code for the sale of  
28 liquor and malt or brewed beverages by restaurant licensees:  
29 Provided, however, That such sales may be made on Sunday between  
30 the hours of one o'clock postmeridian and ten o'clock

1 postmeridian, irrespective of the volume of food sales.

2 (h) Whenever a contract with a concessionaire is terminated  
3 prior to the expiration date provided in the contract between  
4 such nonprofit corporation and the concessionaire and is not  
5 renewed, such nonprofit corporation may apply to the [board]  
6 commission for the issuance of a restaurant liquor license or  
7 may select and certify to the [board] commission a different  
8 concessionaire which concessionaire shall apply to the for the  
9 issuance of a restaurant liquor license. If the applicant meets  
10 the requirements of the [board] commission as herein provided,  
11 the issuance shall thereupon occur. If any such performing arts  
12 facility license is revoked, the [board] commission shall issue  
13 a new license to any qualified applicant without regard to the  
14 prohibition in section 471, against the grant of a license at  
15 the same premises for a period of at least one year.

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

18 (j) Performing arts licenses shall not be subject to the  
19 provisions of section 404 except insofar as they relate to the  
20 reputation of the applicant nor to the provisions of sections  
21 461 and 463, nor to the provisions of clause (10) of section  
22 493.

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

28 Section 37. Section 408.7 of the act, added December 12,  
29 1980 (P.L.1195, No.221), is reenacted and amended to read:

30 Section 408.7. Performing Arts Facilities in First and



1 Second Class Cities.--(a) The [board] commission is authorized  
2 to transfer a restaurant liquor license purchased by any person  
3 or by a concessionaire selected by such person in any city of  
4 the first or second class for the retail sale of liquor and malt  
5 or brewed beverages by the glass, open bottles or other  
6 container or in any mixture for consumption on any city-owned  
7 premises utilized as a performing arts facility or any other  
8 premise utilized as a performing arts facility where there is an  
9 available seating capacity within the premises of one thousand  
10 or more: Provided, however, That no sale or consumption of such  
11 beverages shall take place on any portions of such premises  
12 other than service areas approved by the [board] commission.

13 (b) An application for transfer may be filed at any time by  
14 a person operating such a theater for the performing arts or by  
15 a concessionaire selected by such person. Any such license  
16 granted under these provisions need not conform to the  
17 requirements of the act relating to restaurant liquor licenses,  
18 except as provided herein. Applicant shall submit such other  
19 information as the [board] commission may require. Applications  
20 shall be in writing on forms prescribed by the [board]  
21 commission and shall be signed and submitted to the [board]  
22 commission by the applicant. The filing fee which shall  
23 accompany the license transfer application shall be thirty  
24 dollars (\$30).

25 (c) Upon receipt of the application in proper form and the  
26 application fee and upon being satisfied that the applicant is  
27 of good repute and financially responsible and that the proposed  
28 place of business is proper, the [board] commission shall  
29 transfer the restaurant liquor license for the performing arts  
30 facility.

1 (d) The license shall be transferred for the same period of  
2 time as provided for restaurant licenses and shall be renewed as  
3 provided in section 402. The license shall terminate upon  
4 revocation by the [board] commission or upon termination and  
5 nonrenewal of the contract between the concessionaire and such  
6 person.

7 (e) The annual fee for a performing arts facility shall be  
8 as provided in section 405 and shall accompany the application  
9 for the license. Whenever and if a concessionaire's contract  
10 terminates and is not renewed the license shall be returned to  
11 the for cancellation and the [board] commission may transfer a  
12 restaurant liquor license purchased by a subsequent applicant.

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

16 (g) Sales by the holder of a performing arts facility  
17 license may be made except to those persons prohibited under  
18 clause (1) of section 493 on [board-approved] commission-  
19 approved service areas of the premises of such a facility for  
20 the performing arts during the hours in which the performance is  
21 being held and up to one hour before the scheduled opening and  
22 one hour after the scheduled closing, but such sales may not be  
23 made beyond the hours expressed in the code for the sale of  
24 liquor and malt or brewed beverages by restaurant licensees:  
25 Provided, however, That such sales may be made on Sunday between  
26 the hours of one o'clock postmeridian and ten o'clock  
27 postmeridian, irrespective of the volume of food sales.

28 (h) Whenever a contract with a concessionaire is terminated  
29 prior to the expiration date provided in the contract between  
30 such person and the concessionaire and is not renewed, such

1 person may apply to the [board] commission for the transfer of a  
2 restaurant liquor license purchased by such person, or may  
3 select and certify to the [board] commission a different  
4 concessionaire which concessionaire shall apply to the [board]  
5 commission for the transfer of a restaurant liquor license  
6 purchased by such concessionaire. If the applicant meets the  
7 requirements of the [board] commission as herein provided, a  
8 transfer shall thereupon occur. If any such performing arts  
9 facility license is revoked, the [board] commission shall  
10 transfer a license for any qualified applicant who has purchased  
11 a restaurant liquor license without regard to the prohibition in  
12 section 471, against the grant of a license at the same premises  
13 for a period of at least one year.

14 (i) Performing arts licenses shall not be subject to the  
15 provisions of section 404 except insofar as they relate to the  
16 reputation of the applicant nor to the provisions of section  
17 463, nor to the provisions of clause (10) of section 493.

18 (j) Sales under such licenses (including food sales) may be  
19 limited by the licensee to portions of the events scheduled in  
20 the facility of the performing arts. Provided food is offered  
21 for sale when sales are made under the license, such food may be  
22 catered from off the premises.

23 Section 38. Section 408.8 of the act, added December 17,  
24 1982 (P.L.1390, No.319), is reenacted and amended to read:

25 Section 408.8. Trade Shows and Convention Licenses; Cities  
26 of the Third Class.--(a) The [board] commission is authorized  
27 to issue a restaurant liquor license to a nonprofit corporation  
28 or to a concessionaire selected by such nonprofit corporation in  
29 any city of the third class for the retail sale of liquor and  
30 malt or brewed beverages by the glass, open bottles or other

1 container or in any mixture for consumption on any city-owned  
2 premises customarily used or available for use for trade shows  
3 and conventions with a capacity within the premises for one  
4 thousand people or more: Provided, however, That no sale or  
5 consumption of such beverages shall take place on any portions  
6 of such premises other than service areas approved by the  
7 [board] commission.

8 (b) An application for the issuance may be filed at any time  
9 by a nonprofit corporation operating such a facility for trade  
10 shows or conventions or by a concessionaire selected by such  
11 nonprofit corporation. Any such license granted under these  
12 provisions need not conform to the requirements of the act  
13 relating to restaurant liquor licenses, except as provided  
14 herein. Applicant shall submit such other information as the  
15 [board] commission may require. Applications shall be in writing  
16 on forms prescribed by the [board] commission and shall be  
17 signed and submitted to the [board] commission by the applicant.  
18 The filing fee which shall accompany the license application  
19 shall be thirty dollars (\$30).

20 (c) Upon receipt of the application in proper form and the  
21 application fee, and upon being satisfied that the applicant is  
22 of good repute and financially responsible and that the proposed  
23 place of business is proper, the [board] commission shall issue  
24 the restaurant liquor license for the trade show or convention  
25 facility.

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

1 nonprofit corporation.

2 (e) The annual fee for a trade show or convention facility  
3 shall be as provided in section 405 and shall accompany the  
4 application for the license. Whenever and if a concessionaire's  
5 contract terminates and is not renewed, the license shall be  
6 returned to the [board] commission for cancellation but the  
7 [board] commission may issue a restaurant liquor license to a  
8 subsequent application.

9 (f) The penal sum of the bond which shall be filed by an  
10 applicant for a trade show or convention facility pursuant to  
11 section 465 shall be two thousand dollars (\$2,000).

12 (g) Sales by the holder of a trade show or convention  
13 facility license may be made except to those persons prohibited  
14 under clause (1) of section 493 on [board-approved] commission-  
15 approved service areas of the premises of such a facility for  
16 trade shows or conventions during the hours in which the trade  
17 show or convention is being held and up to one hour before the  
18 scheduled opening and one hour after the scheduled closing, but  
19 such sales may not be made beyond the hours expressed in the  
20 code for the sale of liquor and malt or brewed beverages by  
21 restaurant licensees: Provided, however, That such sales may be  
22 made on Sunday between the hours of one o'clock postmeridian and  
23 ten o'clock postmeridian, irrespective of the volume of food  
24 sales.

25 (h) Whenever a contract with a concessionaire is terminated  
26 prior to the expiration date provided in the contract between  
27 such nonprofit corporation and the concessionaire and is not  
28 renewed, such nonprofit corporation may apply to the [board]  
29 commission for the issuance of a restaurant liquor license or  
30 may select and certify to the [board] commission a different

1 concessionaire which concessionaire shall apply to the [board]  
2 commission for issuance of a restaurant liquor license. If the  
3 applicant meets the requirements of the [board] commission as  
4 herein provided, the issuance shall thereupon occur. If any such  
5 trade show or convention license is revoked, the [board]  
6 commission shall issue a new license to any qualified applicant  
7 without regard to the prohibition in section 471 against the  
8 grant of a license at the same premises for a period of at least  
9 one year.

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

12 (j) Trade show or convention licenses shall not be subject  
13 to the provisions of section 404 except insofar as they relate  
14 to the reputation of the applicant nor to the provisions of  
15 sections 461 and 463 nor to the provisions of clause (10) of  
16 section 493.

17 (k) Sales under such licenses (including food sales) may be  
18 limited by the licensee to patrons of the events scheduled in  
19 the facility for trade shows or conventions. Provided food is  
20 offered for sale when sales are made under the license, such  
21 food may be catered from off the premises.

22 Section 39. Section 408.9 of the act, added May 9, 1984  
23 (P.L.246, No.54), is reenacted and amended to read:

24 Section 408.9. Stadium and Restaurant Licenses in Third  
25 Class Cities.--The [board] commission is authorized to issue one  
26 restaurant license in any city of the third class for the retail  
27 sale of liquor and malt or brewed beverages by the glass, open  
28 bottles or other containers, and in any mixture, for consumption  
29 in any restaurant which is located not more than one thousand  
30 feet from a stadium which has a seating capacity of five

1 thousand persons, situate on the same lot or parcel of land not  
2 less than twenty-five acres in size with no intervening public  
3 thoroughfare between the restaurant and the stadium.

4 Section 40. Section 409 of the act, amended February 17,  
5 1956 (1955 P.L.1078, No.349) and September 28, 1961 (P.L.1728,  
6 No.702), is reenacted and amended to read:

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

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

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

1 of the United States.

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

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

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

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



1 Section 41. Section 410 of the act, amended September 28,  
2 1961 (P.L.1728, No.702), is reenacted and amended to read:

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

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

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

1 surety company in the amount of ten thousand dollars. Such bond  
2 shall contain the same provisions and conditions as are required  
3 in the other license bonds under this article.

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

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

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

27 (f) Every importer shall maintain on the licensed premises  
28 such records as the [board] commission may prescribe. Any such  
29 license may be suspended or revoked by the [board] commission  
30 upon proof satisfactory to it that the licensee has violated any

1 law of this Commonwealth or any regulation of the [board]  
2 commission relating to liquor and alcohol. The procedure in such  
3 cases shall be the same as for the revocation and suspension of  
4 hotel, restaurant and club licenses.

5 Section 42. Section 411 of the act, amended July 9, 1976  
6 (P.L.963, No.188), is reenacted to read:

7 Section 411. Interlocking Business Prohibited.--(a) No  
8 manufacturer and no officer or director of any manufacturer  
9 shall at the same time be a holder of a hotel, restaurant or  
10 club liquor license, nor be the owner, proprietor or lessor of  
11 any place covered by any hotel, restaurant or club liquor  
12 license.

13 (b) No manufacturer, importer or sacramental wine licensee,  
14 and no officer or director of a manufacturer, importer or  
15 sacramental wine licensee shall own any stock or have any  
16 financial interest in any hotel or restaurant licensed under  
17 this act.

18 (c) Excepting as herein provided, no manufacturer, or  
19 officer, director, stockholder, agent or employe of a  
20 manufacturer shall in any wise be interested, either directly or  
21 indirectly, in the ownership or leasehold of any property or the  
22 equipment of any property or any mortgage lien against the same,  
23 for which a hotel, restaurant or club license is granted; nor  
24 shall a manufacturer, importer or sacramental wine licensee, or  
25 officer, director, stockholder, agent or employe of a  
26 manufacturer, importer or sacramental wine licensee, either  
27 directly or indirectly, lend any moneys, credit, or give  
28 anything of value or the equivalent thereof to, or guarantee the  
29 payment of any bond, mortgage, note or other obligation of, any  
30 hotel, restaurant or club licensee, his servant, agent or

1 employe, for equipping, fitting out, or maintaining and  
2 conducting, either in whole or in part, a hotel, restaurant or  
3 club licensed for the selling of liquor for use and consumption  
4 upon the premises.

5 (d) Excepting as herein provided, no hotel licensee,  
6 restaurant licensee or club licensee, and no officer, director,  
7 stockholder, agent or employe of any such licensee shall in any  
8 wise be interested, either directly or indirectly, in the  
9 ownership or leasehold of any property or the equipment of any  
10 property or any mortgage lien against the same, used by a  
11 manufacturer in manufacturing liquor or malt or brewed  
12 beverages; nor shall any hotel, restaurant or club licensee, or  
13 any officer, director, stockholder, agent or employe of any such  
14 licensee, either directly or indirectly, lend any moneys,  
15 credit, or give anything of value or the equivalent thereof, to  
16 any manufacturer for equipping, fitting out, or maintaining and  
17 conducting, either in whole or in part, an establishment used  
18 for the manufacture of liquor or malt or brewed beverages.

19 (e) Except as herein provided, no hotel, restaurant, retail  
20 dispenser or club licensee, and no officer, director or  
21 stockholder, agent or employe of any such licensee shall in any  
22 wise be interested, directly or indirectly, in the ownership or  
23 leasehold of any property or the equipment of any property or  
24 any mortgage lien against the same, used by a distributor,  
25 importing distributor, or by an importer or sacramental wine  
26 licensee, in the conduct of his business; nor shall any hotel,  
27 restaurant, retail dispenser or club licensee, or any officer,  
28 director, stockholder, agent or employe of any such licensee,  
29 either directly or indirectly, lend any moneys, credit, or give  
30 anything of value or the equivalent thereof, to any distributor,

1 importing distributor, importer or sacramental wine licensee,  
2 for equipping, fitting out, or maintaining and conducting,  
3 either in whole or in part, an establishment used in the conduct  
4 of his business.

5 The purpose of this section is to require a separation of the  
6 financial and business interests between manufacturers and  
7 holders of hotel or restaurant liquor licenses and, as herein  
8 provided, of club licenses, issued under this article, and no  
9 person shall, by any device whatsoever, directly or indirectly,  
10 evade the provisions of the section. But in view of existing  
11 economic conditions, nothing contained in this section shall be  
12 construed to prohibit the ownership of property or conflicting  
13 interest by a manufacturer of any place occupied by a licensee  
14 under this article after the manufacturer has continuously owned  
15 and had a conflicting interest in such place for a period of at  
16 least five years prior to July eighteenth, one thousand nine  
17 hundred thirty-five: Provided, however, That this clause shall  
18 not prohibit any hotel, restaurant or club liquor licensee from  
19 owning land which is leased to, and the buildings thereon owned  
20 by, a holder of a retail dispenser's license; and nothing in  
21 this clause shall prevent the issuance of a retail dispenser's  
22 license to a lessee of such lands who owns the buildings  
23 thereon: And, provided further, That nothing contained in this  
24 section shall be construed to prohibit any hotel, restaurant,  
25 retail dispenser or club licensee or any officer, director or  
26 stockholder, agent or employe of any such licensee from having a  
27 financial or other interest, directly or indirectly in the  
28 ownership or leasehold of any property or the equipment of any  
29 property or any mortgage lien against same, used, leased by an  
30 importer or sacramental wine licensee for the exclusive purpose

1 of maintaining commercial offices and on the condition that said  
2 property is not used for the storage or sale of liquor or malt  
3 or brewed beverages in any quantity.

4 Section 43. The heading of Subdivision (B) of Article IV of  
5 the act is reenacted to read:

6 (B) Malt and Brewed Beverages (Including Manufacturers).

7 Section 44. Section 431 of the act, amended August 17, 1965  
8 (P.L.346, No.182), October 9, 1967 (P.L.395, No.179), May 5,  
9 1970 (P.L.342, No.110) and June 22, 1980 (P.L.253, No.73), is  
10 reenacted and amended to read:

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

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

27 (b) The [board] commission shall issue to any reputable  
28 person who applies therefor, pays the license fee hereinafter  
29 prescribed, and files the bond hereinafter required, a  
30 distributor's or importing distributor's license for the place

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

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

28 Each out of State manufacturer of malt or brewed beverages  
29 whose products are sold and delivered in this Commonwealth shall  
30 give distributing rights for such products in designated



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

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

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

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

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

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

1 reasonable and commercially acceptable requirement imposed by  
2 the other party under the terms of an agreement.

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

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

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

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

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

18 Section 45. Section 432 of the act, amended January 19, 1952  
19 (1951 P.L.2170, No.619), June 19, 1961 (P.L.482, No.244),  
20 October 9, 1967 (P.L.392, No.177) and May 9, 1984 (P.L.246,  
21 No.54), is reenacted and amended to read:

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

1 issue or refuse the applicant a retail dispenser's license.

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

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

16 (d) The [board] commission shall, in its discretion, grant  
17 or refuse any new license or the transfer of any license to a  
18 new location if such place proposed to be licensed is within  
19 three hundred feet of any church, hospital, charitable  
20 institution, school, or public playground, or if such new  
21 license or transfer is applied for a place which is within two  
22 hundred feet of any other premises which is licensed by the  
23 [board] commission, or if such new license or transfer is  
24 applied for a place where the principal business conducted is  
25 the sale of liquid fuels and oil. The [board] commission shall  
26 refuse any application for a new license or the transfer of any  
27 license to a new location if, in the [board's] commission's  
28 opinion, such new license or transfer would be detrimental to  
29 the welfare, health, peace and morals of the inhabitants of the  
30 neighborhood within a radius of five hundred feet of the place

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

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

1 regulations. Proof of the posting of such notice shall be filed  
2 with the [board] commission.

3 (f) Hotel, eating places, or municipal golf course retail  
4 dispenser licensees whose sales of food and nonalcoholic  
5 beverages are equal to forty per centum (40%) or more of the  
6 combined gross sales of both food and malt or brewed beverages  
7 may sell malt or brewed beverages between the hours of eleven  
8 o'clock antemeridian on Sunday and two o'clock antemeridian on  
9 Monday upon purchase of a special annual permit from the [board]  
10 commission at a fee of two hundred dollars (\$200.00) per year,  
11 which shall be in addition to any other license fees. Provided  
12 further, the holder of such special annual permit may sell malt  
13 or brewed beverages after seven o'clock antemeridian and until  
14 two o'clock antemeridian of the following day, on any day on  
15 which a general, municipal, special or primary election is being  
16 held.

17 Section 46. Section 433 of the act is reenacted and amended  
18 to read:

19 Section 433. Public Service Licenses.--The [board]  
20 commission may issue public service malt and brewed beverage  
21 licenses to a railroad, pullman or steamship company permitting  
22 malt or brewed beverages to be sold at retail in dining, club or  
23 buffet cars, or the dining compartments of steamships or  
24 vessels, for consumption on the trains, steamships or vessels  
25 wherever operated in the State, except when standing in stations  
26 or terminals within a municipality wherein retail sales are  
27 prohibited. Such licenses shall only be granted to reputable  
28 persons and for fit places. The [board] commission may issue a  
29 master license to railroad or pullman companies to cover the  
30 maximum number of cars which the company shall estimate that it



1 will operate within the Commonwealth on any one day. Such  
2 licensees shall file monthly reports with the [board] commission  
3 showing the maximum number of cars operated at any time on any  
4 day during the preceding month, and if it appears that more cars  
5 have been operated than covered by its license it shall  
6 forthwith remit to the [board] commission the sum of ten dollars  
7 for each extra car so operated. The [board] commission shall  
8 have the power to suspend or revoke any such licenses for cause  
9 after granting a hearing [thereon] before an administrative law  
10 judge to the licensee. Any person aggrieved by the decision of  
11 the [board] commission in refusing, suspending or revoking any  
12 such license may appeal to [the court of quarter sessions of  
13 Dauphin County] Commonwealth Court in the same manner as  
14 provided in this article for appeals from refusals of licenses.

15 Section 47. Section 433.1 of the act, added July 10, 1961  
16 (P.L.561, No.275), amended November 17, 1967 (P.L.510, No.247)  
17 and December 16, 1982 (P.L.1359, No.311), is reenacted and  
18 amended to read:

19 Section 433.1. Stadium or Arena Permits.--(a) The [board]  
20 commission is hereby authorized to issue, in cities of the  
21 first, second and third class, in counties of the third class  
22 and in school districts in counties of the third class, special  
23 permits allowing the holders thereof to make retail sales of  
24 malt or brewed beverages in shatterproof containers at all  
25 events on premises principally utilized for competition of  
26 professional and amateur athletes and other types of  
27 entertainment having an available seating capacity of twelve  
28 thousand or more in cities of the first and second class and  
29 seven thousand or more and owned by the city in cities of the  
30 third class and four thousand two hundred or more and owned by

1 counties of the third class and two thousand five hundred or  
2 more in school districts in counties of the third class:  
3 Provided, however, That in cities of the second class this  
4 section shall be applicable only to premises owned, leased or  
5 operated by any authority created under the act of July 29, 1953  
6 (P.L.1034, No.270), known as the "Public Auditorium Authorities  
7 Law." Such sales may be made only to adults and only on days  
8 when the premises are so used and only during the period from  
9 one hour before the start of and ending one-half hour after the  
10 close of the event on the premises: Provided, however, That in  
11 school districts in counties of the third class sales may be  
12 made only during professional athletic competition.

13 (b) The owner or lessee or a concessionaire of any such  
14 premises may make application for a permit. The aforesaid  
15 permits shall be issued only to reputable individuals,  
16 partnerships and associations, who are or whose members are  
17 citizens of the United States and have for two years prior to  
18 the date of their applications been residents of the  
19 Commonwealth of Pennsylvania, or to reputable corporations  
20 organized or duly registered under the laws of the Commonwealth  
21 of Pennsylvania, all of whose officers and directors are  
22 citizens of the United States. Each applicant shall furnish  
23 proof satisfactory to the [board] commission that he is of good  
24 repute and financially responsible and that the premises upon  
25 which he proposes to do business is a proper place. The  
26 applicant shall submit such other information as the [board]  
27 commission may require. Applications shall be, in writing on  
28 forms prescribed by the [board] commission, and signed and sworn  
29 to by the applicant. Every application shall be accompanied by  
30 an application fee of twenty-five dollars (\$25), a permit fee of

1 one hundred dollars (\$100) and a surety bond in the amount of  
2 one thousand dollars (\$1000) conditioned the same as the license  
3 bonds required by this act for retail dispenser licenses.

4 (c) Upon receipt of the application in proper form, the  
5 application fee, the permit fee and bond, and upon being  
6 satisfied that the applicant is of good repute and financially  
7 responsible and that the proposed place of business is proper,  
8 the [board] commission shall issue a special permit to the  
9 applicant. Only one permit issued under this section shall be in  
10 effect on any such premises at any time.

11 (d) No permit shall be transferable or assignable. The  
12 [board] commission may by regulation fix the permit year and  
13 provide for the renewal of such permits. Whenever a permit is  
14 revoked, another may be issued for the same premises to another  
15 applicant upon compliance with the provisions of this section.

16 (e) The [board] commission shall have the power to refuse  
17 the issuance of any permit for cause, and to revoke or suspend  
18 any permit for cause or for any violation of the liquor or malt  
19 and brewed beverage laws. Any applicant or holder of a permit  
20 aggrieved by any ruling of the [board] commission or by its  
21 refusal to issue a permit, or by its suspension or revocation  
22 thereof, shall have the right to a hearing and appeal therefrom  
23 in the same manner as provided in sections 464 and 471 of this  
24 act authorizing appeals from orders of the [board] commission or  
25 an administrative law judge.

26 Section 48. Section 434 of the act is reenacted and amended  
27 to read:

28 Section 434. License Year.--(a) Licenses issued under this  
29 article to distributors, importing distributors and retail  
30 dispensers shall, unless revoked in the manner provided in this

1 act, be valid for the license year which may be established by  
2 the [board] commission for the particular license district in  
3 which the license issues.

4 (b) Malt or brewed beverage licenses issued under this  
5 article to manufacturers and public service companies shall,  
6 unless revoked in the manner herein provided, be valid for the  
7 calendar year for which they are issued. Licenses to such  
8 manufacturers and public service companies may be issued at any  
9 time during a calendar year.

10 Section 49. Section 435 of the act, amended September 28,  
11 1961 (P.L.1728, No.702), is reenacted and amended to read:

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

24 Section 50. Section 436 of the act, amended June 19, 1961  
25 (P.L.482, No.244) and June 29, 1965 (P.L.151, No.101), is  
26 reenacted and amended to read:

27 Section 436. Application for Distributors', Importing  
28 Distributors' and Retail Dispensers' Licenses.--Application for  
29 distributors', importing distributors' and retail dispensers'  
30 licenses, or for the transfer of an existing license to another

1 premises not then licensed, shall contain or have attached  
2 thereto the following information and statements:

3 (a) The name and residence of the applicant and how long he  
4 has resided there, and if an association, partnership or  
5 corporation, the residences of the members, officers and  
6 directors for the period of two years next preceding the date of  
7 such application.

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

1 specifications required by the [board] commission at the time of  
2 issuance or transfer of the license and is satisfied that the  
3 premises meet the requirements for a distributor's or importing  
4 distributor's license as set forth in this act or that the  
5 establishment is an eating place, hotel or club as defined by  
6 this act. The [board] commission may require that all such  
7 alterations or construction or conformity to definition be  
8 completed within six months from the time of issuance or  
9 transfer of the license. Failure to comply with these  
10 requirements shall be considered cause for revocation of the  
11 license. No such license shall be transferable between the time  
12 of issuance or transfer of the license and the approval of the  
13 completed alterations or construction by the [board] commission  
14 and full compliance by the licensee with the requirements of  
15 this act, except in the case of death of the licensee prior to  
16 full compliance with all of the aforementioned requirements, in  
17 which event the license may be transferred by the [board]  
18 commission as provided in section 468 of this act for the  
19 transfer of the license in the case of death of the licensee.

20 (c) Place of birth of applicant, and if a naturalized  
21 citizen, where and when naturalized, and if a corporation  
22 organized or registered under the laws of the Commonwealth, when  
23 and where incorporated, with the names and addresses of each  
24 officer and director, all of whom shall be citizens of the  
25 United States; if the application is for a distributor's or  
26 importing distributor's license and the applicant therefor is a  
27 corporation, the application shall also contain a statement of  
28 facts showing the qualifications of the corporation, as  
29 hereinbefore required, together with the names and addresses of  
30 all stockholders.

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

2 (e) That the applicant is not, or in case of a partnership  
3 or association, that the members or partners are not, and in the  
4 case of a corporation, that the officers and directors are not,  
5 in any manner pecuniarily interested, either directly or  
6 indirectly, in the profits of any other class of business  
7 regulated under this article, except as hereinafter permitted.

8 (f) That applicant is the only person in any manner  
9 pecuniarily interested in the business so asked to be licensed,  
10 and that no other person shall be in any manner pecuniarily  
11 interested therein during the continuance of the license, except  
12 as hereinafter permitted.

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

21 (h) A full description of that portion of the premises for  
22 which license is asked, and if any other business is to be  
23 conducted concurrently with the sale and distribution of malt or  
24 brewed beverages, a full history of such business, relating the  
25 nature thereof, the length of time it has so previously been  
26 conducted by the applicant or his predecessor at such location,  
27 and such additional information as the [board] commission may  
28 require.

29 (i) Every club applicant shall file with and as a part of  
30 its application a list of the names and addresses of its

1 members, directors, officers, agents and employes, together with  
2 the dates of their admission, election or employment, and such  
3 other information with respect to its affairs as the [board]  
4 commission shall require.

5 (j) The application must be verified by affidavit of  
6 applicant, and if any false statement is intentionally made in  
7 any part of the application, the affiant shall be deemed guilty  
8 of a misdemeanor and, upon conviction, shall be subject to the  
9 penalties provided by this article.

10 Section 51. Section 437 of the act, amended December 22,  
11 1965 (P.L.1149, No.445), is reenacted and amended to read:

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

13 (a) The [board] commission shall refuse to grant any licenses  
14 unless the application therefor contains the information  
15 required by this act, and the premises meet such reasonable  
16 sanitary requirements as the [board] commission, by regulation,  
17 shall prescribe.

18 (b) The [board] commission shall refuse to grant a license  
19 to any club when it appears that the operation of such license  
20 would inure to the benefit of individual members, officers,  
21 agents or employes of the club, rather than to the benefit of  
22 the entire membership of the club.

23 (c) Licenses shall be granted by the [board] commission only  
24 to reputable individuals, or to associations, partnerships and  
25 corporations whose members or officers and directors are  
26 reputable individuals.

27 (d) No person who holds, either by appointment or election,  
28 any public office which involves the duty to enforce any of the  
29 penal laws of the United States of America or any of the penal  
30 laws of this Commonwealth or any penal ordinance or resolution



1 of any political subdivision of this Commonwealth shall be  
2 issued any manufacturer's, importing distributor's,  
3 distributor's or retail dispenser's license, nor shall such a  
4 person have any interest, directly or indirectly, in any such  
5 license.

6 (e) No distributor's or importing distributor's license  
7 shall be issued for any premises in any part of which there is  
8 operated any retail license for the sale of liquor or malt or  
9 brewed beverages.

10 (f) No new distributor's or importing distributor's license  
11 shall hereafter be granted by the [board] commission in any  
12 county of the Commonwealth where the combined number of  
13 distributor and importing distributor licenses exceeds one  
14 license for each fifteen thousand inhabitants of the county in  
15 which the license is to be issued: Provided, That a combined  
16 total of five such licenses may be granted in any county of the  
17 Commonwealth.

18 Nothing in this subsection shall be construed as denying the  
19 right of the [board] commission to renew or to transfer existing  
20 distributors' or importing distributors' licenses or to exchange  
21 a distributor's license for an importing distributor's license  
22 or to exchange an importing distributor's license for a  
23 distributor's license, upon adjustment of the applicable fee,  
24 notwithstanding that the number of such licensed places in the  
25 county shall exceed the limitation hereinbefore prescribed:  
26 Provided, That no distributor's license or importing  
27 distributor's license shall be transferred from one county to  
28 another county so long as the quota is filled in the county to  
29 which the license is proposed to be transferred.

30 Section 52. Section 438 of the act is reenacted to read:

1 Section 438. Number and Kinds of Licenses Allowed Same  
2 Licensee.--(a) Any retail dispenser may be granted licenses to  
3 maintain, operate or conduct any number of places for the sale  
4 of malt or brewed beverages, but a separate license must be  
5 secured for each place where malt or brewed beverages are sold.

6 (b) No person shall possess or be issued more than one  
7 distributor's or importing distributor's license.

8 (c) No person shall possess more than one class of license,  
9 except that a holder of a retail dispenser's license may also be  
10 a holder of a retail liquor license.

11 Section 53. Section 439 of the act, amended September 28,  
12 1961 (P.L.1728, No.702), is reenacted and amended to read:

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

19 (a) In the case of a manufacturer, the license fee shall be  
20 one thousand dollars (\$1,000) for each place of manufacture and  
21 shall be paid to the [board] commission. The fee for all such  
22 licenses when applied for and issued on or after April 1, but  
23 prior to July 1, shall be three-fourths of the annual fee; July  
24 1, but prior to October 1, shall be one-half of the annual fee;  
25 October 1, but prior to January 1, shall be one quarter of the  
26 annual fee.

27 (b) In the case of a distributor, the license fee shall be  
28 four hundred dollars (\$400) and shall be paid to the [board]  
29 commission.

30 (c) In the case of an importing distributor, the license fee

1 shall be nine hundred dollars (\$900) and shall be paid to the  
2 [board] commission.

3 (d) In the case of a retail dispenser, except clubs, the  
4 license fee shall be graduated according to the population of  
5 the municipality in which the place of business is located and  
6 shall be paid to the [board] commission, as follows:

- 7 (1) Less than 10,000.....\$100
- 8 (2) 10,000 and more, but less than 50,000.....\$150
- 9 (3) 50,000 and more, but less than 100,000.....\$200
- 10 (4) 100,000 and more, but less than 150,000.....\$250
- 11 (5) 150,000 and more.....\$300

12 (e) In the case of a club, the fee shall be twenty-five  
13 dollars in all cases and shall be paid to the [board]  
14 commission.

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

19 (g) In the case of a public service license for the sale of  
20 malt or brewed beverages on a boat or vessel, the fee shall be  
21 fifty dollars for each such vessel or boat and shall be paid to  
22 the [board] commission.

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

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

28 Section 54. Section 440 of the act, amended August 17, 1965  
29 (P.L.346, No.182), is reenacted and amended to read:

30 Section 440. Sales by Manufacturers of Malt or Brewed

1 Beverages; Minimum Quantities.--No manufacturer shall sell any  
2 malt or brewed beverages for consumption on the premises where  
3 sold, nor sell or deliver any such malt or brewed beverages in  
4 other than original containers approved as to capacity by the  
5 [board] commission, nor in quantities of less than a case of  
6 twenty-four containers, each container holding seven fluid  
7 ounces or more, or a case of twelve containers, each container  
8 holding twenty-four fluid ounces or more, except original  
9 containers containing one hundred twenty-eight ounces or more  
10 which may be sold separately; nor shall any manufacturer  
11 maintain or operate within the Commonwealth any place or places  
12 other than the place or places covered by his or its license  
13 where malt or brewed beverages are sold or where orders are  
14 taken.

15 Section 55. Section 441 of the act, amended October 23, 1959  
16 (P.L.1360, No.471), is reenacted and amended to read:

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

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

1 of the distributor or importing distributor, or in any place  
2 provided for such purpose by such distributor or importing  
3 distributor.

4 (c) No distributor or importing distributor shall maintain  
5 or operate any place where sales are made other than that for  
6 which the license is granted.

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

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

18 Section 56. Section 442 of the act, amended October 9, 1967  
19 (P.L.413, No.183), July 3, 1980 (P.L.348, No.88) and May 9, 1984  
20 (P.L.246, No.54), is reenacted to read:

21 Section 442. Retail Dispensers' Restrictions on Purchases  
22 and Sales.--(a) No retail dispenser shall purchase or receive  
23 any malt or brewed beverages except in original containers as  
24 prepared for the market by the manufacturer at the place of  
25 manufacture. The retail dispenser may thereafter break the bulk  
26 upon the licensed premises and sell or dispense the same for  
27 consumption on or off the premises so licensed: Provided,  
28 however, That no retail dispenser may sell malt or brewed  
29 beverages for consumption off the premises in quantities in  
30 excess of one hundred forty-four fluid ounces: Provided,

1 further, That no club licensee may sell any malt or brewed  
2 beverages for consumption off the premises where sold or to  
3 persons not members of the club.

4 (b) No retail dispenser shall sell any malt or brewed  
5 beverages for consumption on the licensed premises except in a  
6 room or rooms or place on the licensed premises at all times  
7 accessible to the use and accommodation of the general public,  
8 but this section shall not be interpreted to prohibit a retail  
9 dispenser from selling malt or brewed beverages in a hotel or  
10 club house in any room of such hotel or club house occupied by a  
11 bona fide registered guest or member entitled to purchase the  
12 same or to prohibit a retail dispenser from selling malt or  
13 brewed beverages in a bowling alley when no minors are present,  
14 unless minors who are present are under proper supervision as  
15 defined in section 493, where the licensed premises and bowling  
16 alley are immediately adjacent and under the same roof.

17 (c) For the purpose of this section any person who is an  
18 active member of another club which is chartered by the same  
19 state or national organization shall have the same rights and  
20 privileges as members of the particular club.

21 (d) For the purposes of this section, any person who is an  
22 active member of any volunteer firefighting company, association  
23 or group of this Commonwealth, whether incorporated or  
24 unincorporated, shall upon the approval of any club composed of  
25 volunteer firemen licensed under this act, have the same social  
26 rights and privileges as members of such licensed club.

27 Section 57. Section 443 of the act is reenacted to read:

28 Section 443. Interlocking Business Prohibited.--(a) No  
29 manufacturer of malt or brewed beverages and no officer or  
30 director of any such manufacturer shall at the same time be a

1 distributor, importing distributor or retail dispenser, or an  
2 officer, director or stockholder or creditor of any distributor,  
3 importing distributor or retail dispenser, nor, except as  
4 hereinafter provided, be the owner, proprietor or lessor of any  
5 place for which a license has been issued for any importing  
6 distributor, distributor or retail dispenser, or for which a  
7 hotel, restaurant or club liquor license has been issued.

8 (b) No distributor or importing distributor and no officer  
9 or director of any distributor or importing distributor shall at  
10 the same time be a manufacturer, a retail dispenser or a liquor  
11 licensee, or be an officer, director, stockholder or creditor of  
12 a manufacturer, a retail dispenser or a liquor licensee, or,  
13 directly or indirectly, own any stock of, or have any financial  
14 interest in, or be the owner, proprietor or lessor of, any place  
15 covered by any other malt or brewed beverage or liquor license.

16 (c) No licensee licensed under this subdivision (B) of  
17 Article IV and no officer or director of such licensee shall,  
18 directly or indirectly, own any stock of, or have any financial  
19 interest in, any other class of business licensed under this  
20 subdivision.

21 (d) Excepting as hereinafter provided, no malt or brewed  
22 beverage manufacturer, importing distributor or distributor  
23 shall in any wise be interested, either directly or indirectly,  
24 in the ownership or leasehold of any property or in any mortgage  
25 against the same, for which a liquor or retail dispenser's  
26 license is granted; nor shall any such manufacturer, importing  
27 distributor or distributor, either directly or indirectly, lend  
28 any moneys, credit or equivalent thereof to, or guarantee the  
29 payment of any bond, mortgage, note or other obligation of, any  
30 liquor licensee or retail dispenser, in equipping, fitting out,

1 or maintaining and conducting, either in whole or in part, an  
2 establishment or business operated under a liquor or retail  
3 dispenser's license, excepting only the usual and customary  
4 credits allowed for returning original containers in which malt  
5 or brewed beverages were packaged for market by the manufacturer  
6 at the place of manufacture.

7 (e) Excepting as hereinafter provided, no manufacturer of  
8 malt or brewed beverages shall in any wise be interested, either  
9 directly or indirectly, in the ownership or leasehold of any  
10 property or any mortgage lien against the same, for which a  
11 distributor's or importing distributor's license is granted; nor  
12 shall any such manufacturer, either directly or indirectly, lend  
13 any moneys, credit, or their equivalent to, or guarantee the  
14 payment of any bond, mortgage, note or other obligation of, any  
15 distributor or importing distributor, in equipping, fitting out,  
16 or maintaining and conducting, either in whole or in part, an  
17 establishment or business where malt or brewed beverages are  
18 licensed for sale by a distributor or importing distributor,  
19 excepting only the usual credits allowed for the return of  
20 original containers in which malt or brewed beverages were  
21 originally packaged for the market by the manufacturer at the  
22 place of manufacture.

23 (f) No distributor, importing distributor or retail  
24 dispenser shall in anywise receive, either directly or  
25 indirectly, any credit, loan, moneys or the equivalent thereof  
26 from any other licensee, or from any officer, director or firm  
27 member of any other licensee, or from or through a subsidiary or  
28 affiliate of another licensee, or from any firm, association or  
29 corporation, except banking institutions, in which another  
30 licensee or any officer, director or firm member of another



1 licensee has a substantial interest or exercises a control of  
2 its business policy, for equipping, fitting out, payment of  
3 license fee, maintaining and conducting, either in whole or in  
4 part, an establishment or business operated under a  
5 distributor's, importing distributor's or retail dispenser's  
6 license, excepting only the usual and customary credits allowed  
7 for the return of original containers in which malt or brewed  
8 beverages were packaged for the market by the manufacturer at  
9 the place of manufacture.

10 (g) The purpose of this section is to require a separation  
11 of the financial and business interests between the various  
12 classes of business regulated by subdivision (B) of this  
13 article, and no person or corporation shall, by any device  
14 whatsoever, directly or indirectly, evade the provisions of this  
15 section. But in view of existing economic conditions, nothing  
16 contained in this section shall be construed to prohibit the  
17 ownership of property or conflicting interest by a malt or  
18 brewed beverage manufacturer of any place occupied by a  
19 distributor, importing distributor or retail dispenser after the  
20 manufacturer has continuously owned and had a conflicting  
21 interest in such place for a period of at least five years prior  
22 to the eighteenth day of July, one thousand nine hundred thirty-  
23 five.

24 The term "manufacturer" as used in this section shall include  
25 manufacturers of malt or brewed beverages as defined in this act  
26 and any person manufacturing any malt or brewed beverages  
27 outside of this Commonwealth.

28 Section 58. Section 444 of the act, amended December 12,  
29 1980 (P.L.1195, No.221) and repealed in part December 20, 1982  
30 (P.L.1409, No.326), is reenacted and amended to read:

1 Section 444. Malt or Brewed Beverages Manufactured Outside  
2 This Commonwealth.--(a) In addition to compliance with all  
3 other provisions of this act, the [board] commission shall  
4 require each person desiring to sell any malt or brewed  
5 beverages manufactured outside this Commonwealth to Pennsylvania  
6 licensees, and shall require each Pennsylvania licensee who  
7 desires to purchase and resell any such malt or brewed  
8 beverages, to pay to the [board] commission the same fees as are  
9 required to be paid by Pennsylvania licensees or by persons or  
10 licensees in any state, territory or country outside of  
11 Pennsylvania who desires to sell malt or brewed beverages  
12 manufactured in Pennsylvania to licensees in such other state,  
13 territory or country of origin of such malt or brewed beverages  
14 not manufactured in Pennsylvania, and to observe and comply with  
15 the same regulations, prohibitions and restrictions as are  
16 required of or enforced against Pennsylvania licensees or  
17 persons who desire to purchase and resell malt or brewed  
18 beverages manufactured in Pennsylvania in such other state,  
19 territory or country of origin.

20 (b) In all cases where the [board] commission shall have  
21 issued any reciprocal regulations or orders concerning malt or  
22 brewed beverages manufactured in any state, territory or country  
23 other than Pennsylvania, no Pennsylvania licensee shall purchase  
24 any such malt or brewed beverages if their importation has been  
25 prohibited, or if not entirely prohibited, unless such  
26 regulations or orders have been observed and complied with by  
27 the Pennsylvania licensee and by the person from or through whom  
28 the Pennsylvania licensee desires to purchase.

29 (c) Any malt or brewed beverages manufactured outside of  
30 Pennsylvania which are sold, transported or possessed in

1 Pennsylvania contrary to any such regulations or orders of the  
2 [board] commission, or without the payment of the fees herein  
3 required, shall be considered contraband and shall be  
4 confiscated by the [board] commission and disposed of in the  
5 same manner as any other illegal liquor or malt or brewed  
6 beverages.

7 (d) Upon learning of the commission by a manufacturer of  
8 malt or brewed beverages whose principal place of business is  
9 outside this Commonwealth, or by any servant, agent, employe or  
10 representative of such manufacturer, within or partly within and  
11 partly outside this Commonwealth, of any violation of this act  
12 or any laws of this Commonwealth relating to liquor, alcohol or  
13 malt or brewed beverages, or of any regulation of the [board]  
14 commission adopted pursuant thereto, or of any violation of any  
15 laws of this Commonwealth or of the United States of America  
16 relating to the tax payment of liquor or malt or brewed  
17 beverages, the [board] commission shall cite such manufacturer  
18 to appear before it or [its examiner] an administrative law  
19 judge not less than ten nor more than fifteen days from the date  
20 of mailing such manufacturer at his principal place of business,  
21 wherever located, by registered mail, a notice to show cause why  
22 the further importation into this Commonwealth of malt or brewed  
23 beverages manufactured by him should not be prohibited.

24 (e) Upon such hearing, whether or not an appearance was made  
25 by such outside manufacturer, if satisfied that any such  
26 violation has occurred, the [board] commission is specifically  
27 empowered and directed to issue an order imposing a fine upon  
28 such outside manufacturer of not less than five hundred dollars  
29 (\$500) or more than ten thousand dollars (\$10,000), or  
30 prohibiting the importation of malt or brewed beverages

1 manufactured by such outside manufacturer into this Commonwealth  
2 for a period not exceeding three years, or both. Such fine or  
3 prohibition shall not go into effect until twenty days have  
4 elapsed from the date of notice of issuance of the [board's]  
5 commission's order.

6 (f) If, after hearing, the [board] commission prohibits the  
7 importation of malt or brewed beverages manufactured by such  
8 outside manufacturer into this Commonwealth, notice of such  
9 [board] commission action shall be given immediately to such  
10 manufacturer and to all persons licensed to import malt or  
11 brewed beverages within this Commonwealth by mailing a copy of  
12 such order to such manufacturer at its principal place of  
13 business, wherever located, and to such licensees at their  
14 licensed premises. Thereafter, it shall be unlawful for any  
15 person licensed to import malt or brewed beverages within this  
16 Commonwealth to purchase any malt or brewed beverages  
17 manufactured by such outside manufacturer during the term of  
18 such prohibition.

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

24 (h) In all such cases, the [board] commission shall file of  
25 record at least a brief statement in the form of an opinion of  
26 the reasons for the ruling or order.

27 Section 59. The heading of Subdivision (C) of Article IV of  
28 the act is reenacted to read:

29 (C) General Provisions Applying to Both Liquor and Malt  
30 and Brewed Beverages.

1 Section 60. Section 461 of the act, amended June 19, 1961  
2 (P.L.484, No.245), September 2, 1971 (P.L.429, No.103), December  
3 17, 1982 (P.L.1390, No.319) and May 2, 1986 (P.L.141, No.44), is  
4 reenacted and amended to read:

5 Section 461. Limiting Number of Retail Licenses To Be Issued  
6 In Each Municipality.--(a) No licenses shall hereafter be  
7 granted by the [board] commission for the retail sale of malt or  
8 brewed beverages or the retail sale of liquor and malt or brewed  
9 beverages in excess of one of such licenses of any class for  
10 each two thousand inhabitants in any municipality, exclusive of  
11 licenses granted to airport restaurants, municipal golf courses,  
12 hotels, privately-owned public golf courses, as defined in this  
13 section, and clubs; but at least one such license may be granted  
14 in each municipality and in each part of a municipality where  
15 such municipality is split so that each part thereof is  
16 separated by another municipality, except in municipalities  
17 where the electors have voted against the granting of any retail  
18 licenses and except in that part of a split municipality where  
19 the electors have voted against the granting of any retail  
20 licenses. Nothing contained in this section shall be construed  
21 as denying the right to the [board] commission to renew or to  
22 transfer existing retail licenses of any class notwithstanding  
23 that the number of such licensed places in a municipality shall  
24 exceed the limitation hereinbefore prescribed; but where such  
25 number exceeds the limitation prescribed by this section, no new  
26 license, except for hotels, municipal golf courses, airport  
27 restaurants, privately-owned public golf courses and privately-  
28 owned private golf course licensees, as defined in this section,  
29 shall be granted so long as said limitation is exceeded.

30 (b) The [board] commission shall have the power to increase

1 the number of licenses in any such municipality which in the  
2 opinion of the [board] commission is located within a resort  
3 area.

4 (c) The word "hotel" as used in this section shall mean any  
5 reputable place operated by a responsible person of good  
6 reputation where the public may, for a consideration, obtain  
7 sleeping accommodations, and which shall have the following  
8 number of bedrooms and requirements in each case--at least one-  
9 half of the required number of bedrooms shall be regularly  
10 available to transient guests seven days weekly, except in  
11 resort areas; at least one-third of such bedrooms shall be  
12 equipped with hot and cold water, a lavatory, commode, bathtub  
13 or shower and a clothes closet; and an additional one-third of  
14 the total of such required rooms shall be equipped with lavatory  
15 and commode:

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

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

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

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

29 (5) In municipalities having a population of one hundred  
30 thousand and more inhabitants, at least fifty permanent bedrooms

1 for the use of guests.

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

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

9 (8) The provisions of this subsection (c) shall not apply to  
10 hotel licenses granted prior to the first day of September, one  
11 thousand nine hundred forty-nine, or that have been granted on  
12 any application made and pending prior to said date, nor to any  
13 renewal or transfer thereof, or hotels under construction or for  
14 which a bona fide contract had been entered into for  
15 construction prior to said date. In such cases, the provisions  
16 of section one of the act, approved the twenty-fourth day of  
17 June, one thousand nine hundred thirty-nine (Pamphlet Laws 806),  
18 shall continue to apply.

19 (d) "Airport restaurant," as used in this section, shall  
20 mean restaurant facilities at any airport for public  
21 accommodation, which are owned or operated directly or through  
22 lessees by the Commonwealth of Pennsylvania, by any municipal  
23 authority, county or city, either severally or jointly, with any  
24 other municipal authority, county or city, but shall not include  
25 any such restaurant facilities at any airport situated in a  
26 municipality where by vote of the electors the retail sale of  
27 liquor and malt or brewed beverages is not permitted.

28 (e) "Municipal golf course" as used in this section shall  
29 mean the restaurant facilities at any municipal golf course open  
30 for public accommodation, which are owned or operated directly

1 or through lessees by a county, municipality or a municipal  
2 authority, severally or jointly with any other county,  
3 municipality or municipal authority, including any such  
4 restaurant facilities at any municipal golf course situate in a  
5 municipality where by vote of the electors the retail sale of  
6 liquor and malt and brewed beverages is not permitted.

7 (e.1) "Privately-owned public golf course" as used in this  
8 section shall mean the restaurant facilities at any privately-  
9 owned golf course open for public accommodation.

10 (e.2) "Privately-owned private golf course" as used in this  
11 section shall mean the clubhouse at any privately-owned golf  
12 course as defined in section 102 open for private membership  
13 accommodations only as a club as defined in section 102. The  
14 license to be issued in this instance shall be a club license.

15 (f) The provisions of subsection (a) which apply to  
16 privately-owned public golf courses shall not apply to the owner  
17 of such course who has, within three years prior to the  
18 effective date of this amendatory act or at any time after the  
19 effective date of this amendatory act, sold or transferred a  
20 regularly issued license for such course.

21 Section 61. Section 461.1 of the act, added December 12,  
22 1980 (P.L.1195, No.221), is reenacted and amended to read:

23 Section 461.1. Incorporated Units of National Veterans'  
24 Organizations.--(a) The [board] commission shall have the  
25 authority to issue new licenses to incorporated units of  
26 national veterans' organizations, as defined herein, in  
27 municipalities where the number of licenses exceeds the  
28 limitation prescribed by section 461.

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



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

7 (c) When the charter of an incorporated unit of a national  
8 veterans' organization is suspended or revoked, the retail  
9 license of the organization shall also be suspended or revoked.  
10 The retail license of an incorporated unit of a national  
11 veterans' organization is not transferable to any other  
12 organization or person.

13 Section 62. Section 462 of the act is reenacted and amended  
14 to read:

15 Section 462. Licensed Places May Be Closed During Period of  
16 Emergency.--The [board] commission may, with the approval of the  
17 Governor,

18 (a) Temporarily close all licensed places within any  
19 municipality during any period of emergency proclaimed to be  
20 such by the Governor.

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

26 Section 63. Section 463 of the act, amended November 17,  
27 1967 (P.L.510, No.247), March 23, 1972 (P.L.122, No.46) and May  
28 9, 1984 (P.L.246, No.54), is reenacted and amended to read:

29 Section 463. Places of Amusement Not To Be Licensed;  
30 Penalty.--(a) No license for the sale of liquor or malt or

1 brewed beverages in any quantity shall be granted to the  
2 proprietors, lessees, keepers or managers of any theater,  
3 circus, museum or other place of amusement, nor shall any house  
4 be licensed for the sale of liquor or malt or brewed beverages  
5 which has passage or communication to or with any theater,  
6 circus, museum or other place of amusement, and any license  
7 granted contrary to this act shall be null and void. Nothing  
8 contained in this section shall be construed as denying to the  
9 [board] commission the right to grant a restaurant liquor  
10 license regardless of quota restrictions to the owner or  
11 operator of a restaurant in a building on a plot of ground owned  
12 or possessed under lease by a corporation incorporated under the  
13 laws of this Commonwealth and used principally by such  
14 corporation for holding outdoor sport events wherein such events  
15 are held under a license issued as provided by law to such  
16 corporation by a department, board or commission of the  
17 Commonwealth of Pennsylvania. The restaurant liquor license  
18 aforementioned shall be subject to all the conditions and  
19 restrictions herein applicable to restaurant liquor licenses,  
20 except the above prohibition against any passageway or  
21 communication between such licensed premises and the place of  
22 amusement.

23 Nothing contained in this act shall be construed as denying  
24 to the [board] commission the right to grant a new restaurant  
25 liquor license, regardless of quota restrictions, at any time,  
26 to the owner or operator of a restaurant in a building or plot  
27 of ground having a seating capacity in excess of twenty-five  
28 thousand, used principally for holding automobile races.

29 (a.1) Nothing contained in subsection (a) of this section or  
30 in section 102 of this act shall be construed as denying to the

1 [board] commission the right to grant a club or restaurant  
2 liquor or malt and brewed beverage license to a club  
3 incorporated in this Commonwealth which has been in existence  
4 less than one year prior to making application under this  
5 section or to a restaurant either of which has a clubhouse or  
6 restaurant located in a stadium or arena having an available  
7 seating capacity of twelve thousand or more and owned and  
8 operated by or pursuant to an agreement with any city of the  
9 first class or created and operated under and in compliance with  
10 the act of July 29, 1953 (P.L.1034), known as the "Public  
11 Auditorium Authorities Law," and used principally for events at  
12 which athletes compete or other types of performers entertain.  
13 The club or restaurant liquor or malt and brewed beverage  
14 license aforementioned shall be subject to all the conditions  
15 and restrictions applicable to such licenses and licenses for  
16 places of amusement, except the above prohibition against any  
17 passageway or communication between such licensed premises and  
18 the place of amusement.

19 (a.2) Nothing contained in this act shall be construed to  
20 prevent the holder of a hotel, restaurant liquor or malt and  
21 brewed beverage license from selling liquor and malt or brewed  
22 beverages in a bowling alley, or other recreational areas  
23 including, but no limited to, game rooms and video arcade areas  
24 of hotels, when no minors are present, unless minors who are  
25 present are under proper supervision as defined in section 493,  
26 where the restaurant, bowling alley, or other recreational areas  
27 including, but not limited to, game rooms and video arcade areas  
28 of hotels are immediately adjacent and under the same roof. The  
29 restaurant liquor or malt and brewed beverage licensee  
30 aforementioned shall be subject to all the conditions and

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

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

10 Section 64. Section 464 of the act, amended June 3, 1971  
11 (P.L.118, No.6), is reenacted and amended to read:

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

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

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

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

14 Section 65. Sections 465, 466 and 467 of the act are  
15 reenacted and amended to read:

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

22 (b) Bonds of all such applicants shall have as surety a  
23 surety company authorized to do business in this Commonwealth,  
24 or shall have deposited therewith, as collateral security, cash  
25 or negotiable obligations of the United States of America or the  
26 Commonwealth of Pennsylvania in the same amount as herein  
27 provided for the penal sum of bonds. In all cases where cash or  
28 securities in lieu of other surety have been deposited with the  
29 [board] commission, the depositor shall be permitted to continue  
30 the same deposit from year to year on each renewal of license,

1 but in no event shall he be permitted to withdraw his deposit  
2 during the time he holds said license, or until six months after  
3 the expiration of the license held by him, or while revocation  
4 proceedings are pending against such license. All cash or  
5 securities received by the [board] commission in lieu of other  
6 surety shall be turned over by the [board] commission to the  
7 State Treasurer and held by him. The State Treasurer shall repay  
8 or return money or securities deposited with him to the  
9 respective depositors only on the order of the [board]  
10 commission.

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

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

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

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

24 (3) Sacramental wine licensees, ten thousand dollars  
25 (\$10,000.00).

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

28 (5) Hotel, restaurant, club and public service liquor  
29 licensees, two thousand dollars (\$2,000.00), but in the case of  
30 a railroad or pullman company, such penal sum shall cover every

1 dining, club or buffet car of such company operated under such  
2 license.

3 (6) Distributors of malt or brewed beverages, one thousand  
4 dollars (\$1,000.00).

5 (7) Retail dispensers and public service malt or brewed  
6 beverage licensees, one thousand dollars (\$1,000.00) for each  
7 place at which the licensee is authorized to sell malt or brewed  
8 beverages, except that in the case of railroad or pullman  
9 companies, said penal sum shall be one thousand dollars  
10 (\$1,000.00), irrespective of the number of licensed cars  
11 operated by the company.

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

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

30 Section 467. Display of License.--Every license issued under



1 this article shall be constantly and conspicuously exposed under  
2 transparent substance on the licensed premises and no license  
3 shall authorize sales until this section has been complied with.

4 Section 66. Section 468 of the act, amended November 26,  
5 1978 (P.L.1389, No.326) and June 24, 1982 (P.L.624, No.176), is  
6 reenacted and amended to read:

7 Section 468. Licenses Not Assignable; Transfers.--(a)  
8 Licenses issued under this article may not be assigned. The  
9 [board] commission, upon payment of the transfer filing fee and  
10 the execution of a new bond, is hereby authorized to transfer  
11 any license issued by it under the provisions of this article  
12 from one person to another or from one place to another, or  
13 both, within the same municipality, and if the applicant is a  
14 unit of a nonprofit nationally chartered club, the [board]  
15 commission is hereby authorized to transfer such license to a  
16 place in any other municipality within the same county if the  
17 sale of liquor or malt and brewed beverages are legal in such  
18 other municipality as the [board] commission may determine.  
19 Prior to the approval of an application for transfer by a unit  
20 of a nonprofit nationally chartered club the [board] commission  
21 shall make an affirmative finding, upon proof submitted by the  
22 applicant, and after investigation by the [board] commission,  
23 that at the time the application for transfer is made the club  
24 continues to hold a valid national charter and continues to  
25 function in fact as a club as defined in section 102. The  
26 [board] commission, in its discretion, may transfer an existing  
27 restaurant retail dispenser or club license from one  
28 municipality to another in the same county regardless of the  
29 quota limitations provided for in this act, if sales of liquor  
30 or malt and brewed beverages are legal in such other

1 municipality and if the restaurant retail dispenser or club lost  
2 the use of the building in which it was located due to  
3 governmental exercise of the right of eminent domain and no  
4 other suitable building can be found in the first municipality.  
5 In the case of distributor and importing distributor licenses,  
6 the [board] commission may transfer any such license from its  
7 place in a municipality to a place in any other municipality  
8 within the same county, or from one place to another place  
9 within the same municipality, or exchange a distributor license  
10 for an importing distributor license or an importing distributor  
11 license for a distributor license, if the building for which the  
12 license is to be issued has, in the case of an importing  
13 distributor license, an area under one roof of two thousand five  
14 hundred square feet and, in the case of a distributor license,  
15 an area under one roof of one thousand square feet: And  
16 provided, That, in the case of all transfers of distributor or  
17 importing distributor licenses, whether from a place within the  
18 same municipality to another place within the same municipality  
19 or from a place in a municipality to a place in any other  
20 municipality within the same county, and, in the case of an  
21 exchange of a distributor license for an importing distributor  
22 license or an importing distributor license for a distributor  
23 license, the premises to be affected by the transfer or exchange  
24 shall contain an office separate and apart from the remainder of  
25 the premises to be licensed for the purpose of keeping records,  
26 required by the [board] commission, adequate toilet facilities  
27 for employes of the licensee and an entrance on a public  
28 thoroughfare: Provided, however, That in the event that the  
29 majority of the voting electors of a municipality, at an  
30 election held under the provisions of any law so empowering them

1 to do, shall vote against the issuance of distributor or  
2 importing distributor licenses in such municipality, the [board]  
3 commission is hereby authorized to transfer any such distributor  
4 or importing distributor license from its place in such  
5 municipality to a place in any other municipality within the  
6 same county, upon application prior to the expiration of any  
7 such license and upon payment of the transfer filing fee and the  
8 execution of a new bond; but no transfer shall be made to a  
9 person who would not have been eligible to receive the license  
10 originally nor for the transaction of business at a place for  
11 which the license could not lawfully have been issued  
12 originally, nor, except as herein provided, to a place as to  
13 which a license has been revoked. No license shall be  
14 transferred to any place or property upon which is located as a  
15 business the sale of liquid fuels and oil. Except in cases of  
16 emergency such as death, serious illness, or circumstances  
17 beyond the control of the licensee, as the [board] commission  
18 may determine such circumstances to justify its action,  
19 transfers of licenses may be made only at times fixed by the  
20 [board] commission. In the case of the death of a licensee, the  
21 [board] commission may transfer the license to the surviving  
22 spouse or personal representative or to a person designated by  
23 him. From any refusal to grant a transfer or upon the grant of  
24 any transfer, the party aggrieved shall have the right of appeal  
25 to the proper court in the manner hereinbefore provided. The  
26 commission shall not authorize the transfer of any license under  
27 this subsection where the application for transfer has been  
28 denied by an administrative law judge pursuant to section 404.

29 (b.1) In the event that any person to whom a license shall  
30 have been issued under the provisions of this article shall

1 become insolvent, make an assignment for the benefit of  
2 creditors, become bankrupt by either voluntary or involuntary  
3 action, the license of such person shall be immediately placed  
4 in safekeeping with the [board] commission for the balance of  
5 the term of the license and for an additional period of one year  
6 upon application to the [board] commission by the trustee,  
7 receiver, or assignee. The trustee, receiver, or assignee shall  
8 have, during said period of safekeeping, the same rights,  
9 benefits and obligations as to the license as the person to whom  
10 the license had been issued, including the right to transfer the  
11 license subject to the approval of the [board] commission. The  
12 license shall continue as a personal privilege granted by the  
13 [board] commission and nothing herein shall constitute the  
14 license as property.

15 (c) (1) The term "nonprofit nationally chartered club"  
16 shall mean any club which does not contemplate pecuniary gain or  
17 profit, incidental or otherwise, having a national charter.

18 (2) The term "unit of a nonprofit nationally chartered club"  
19 shall mean any post, branch, lodge or other subordinate unit of  
20 a nonprofit nationally chartered club.

21 Section 67. Section 469 of the act, amended September 28,  
22 1961 (P.L.1728, No.702), is reenacted and amended to read:

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

1 regulations prescribe. Each such applicant shall also file an  
2 approved bond as required on original applications for such  
3 licenses.

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

8 Section 68. Section 470 of the act, amended August 1, 1969  
9 (P.L.219, No.87), is reenacted and amended to read:

10 Section 470. Renewal of Licenses; Temporary Provisions for  
11 Licensees in Armed Service.--(a) All applications for renewal  
12 of licenses under the provisions of this article shall be filed  
13 with a new bond, requisite license and filing fees at least  
14 sixty days before the expiration date of same: Provided,  
15 however, That the [board] commission, in its discretion, may  
16 accept a renewal application filed less than sixty days before  
17 the expiration date of the license with the required bond and  
18 fees, upon reasonable cause shown and the payment of an  
19 additional filing fee of one hundred dollars (\$100.00) for late  
20 filing: And provided further, That except where the failure to  
21 file a renewal application or before the expiration date has  
22 created a license quota vacancy after said expiration date which  
23 has been filled by the issuance of a new license, after such  
24 expiration date, but before the [board] commission has received  
25 a renewal application within the time prescribed herein the  
26 [board] commission, in its discretion, may, after hearing,  
27 accept a renewal application filed within ten months after the  
28 expiration date of the license with the required bond and fees  
29 upon the payment of an additional filing fee of two hundred  
30 fifty dollars (\$250.00) for late filing. Where any such renewal

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

22 (b) In cases where a licensee or his servants, agents or  
23 employes are arrested, charged with violating any of the laws of  
24 this Commonwealth relating to liquor, alcohol or malt or brewed  
25 beverages, and where the [board] commission has on file in such  
26 cases reports of [its] enforcement officers or investigators of  
27 the enforcement bureau or from other sources that a licensee or  
28 his servants, agents or employes have violated any of the  
29 aforementioned laws and a proceeding to revoke such licensee's  
30 license is or is about to be instituted, and such arrest occurs

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

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

15 [(c) Notwithstanding anything to the contrary in this  
16 section, any individual who holds a restaurant or hotel liquor  
17 license or a retail dispenser (hotel or eating place) malt or  
18 brewed beverage license in effect at the time such individual  
19 enters the armed forces of the United States of America, may  
20 surrender to the board for safekeeping the said license and, if  
21 surrendered, shall furnish the board with documentary evidence  
22 as to his entering such armed forces. Upon surrender of the  
23 license, the board shall, without the filing of an application  
24 for renewal or surety bond, the payment of filing and license  
25 fees, renew the said license from year to year and hold the same  
26 in its possession for the benefit of such licensee. A license so  
27 renewed by the board shall to all intents and purposes be  
28 considered as in full force and effect, notwithstanding the  
29 licensee is not exercising the privileges thereunder, and shall  
30 be returned to the said licensee at any time within one year

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

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

26 Section 69. Sections 470.1 and 470.2 of the act are  
27 repealed.

28 Section 70. Section 471 of the act, amended January 13, 1966  
29 (1965 P.L.1301, No.518) and repealed in part June 3, 1971  
30 (P.L.118, No.6), is reenacted and amended to read:



1 Section 471. Revocation and Suspension of Licenses; Fines.--  
2 [Upon learning of any violation of this act or any laws of this  
3 Commonwealth relating to liquor, alcohol or malt or brewed  
4 beverages, or of any regulations of the board adopted pursuant  
5 to such laws, of any violation of any laws of this Commonwealth  
6 or of the United States of America relating to the tax-payment  
7 of liquor or malt or brewed beverages by any licensee within the  
8 scope of this article, his officers, servants, agents or  
9 employes, or upon any other sufficient cause shown, the board  
10 may, within one year from the date of such violation or cause  
11 appearing, cite such licensee to appear before it or its  
12 examiner, not less than ten nor more than sixty days from the  
13 date of sending such licensee, by registered mail, a notice  
14 addressed to him at his licensed premises, to show cause why  
15 such license should not be suspended or revoked or a fine  
16 imposed. Hearings on such citations shall be held in the same  
17 manner as provided herein for hearings on applications for  
18 license. Upon such hearing, if satisfied that any such violation  
19 has occurred or for other sufficient cause, the board shall  
20 immediately suspend or revoke the license, or impose a fine of  
21 not less than fifty dollars (\$50) nor more than one thousand  
22 dollars (\$1,000), notifying the licensee by registered letter  
23 addressed to his licensed premises. In the event the fine is not  
24 paid within twenty days of the order the board shall suspend or  
25 revoke the license, notifying the licensee by registered mail  
26 addressed to his licensed premises. Suspensions and revocations  
27 shall not go into effect until twenty days have elapsed from the  
28 date of notice of issuance of the board's order, during which  
29 time the licensee may take an appeal as provided for in this  
30 act. When a license is revoked, the licensee's bond may be

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

1 ninety days.

2 If the violation in question is a third or subsequent  
3 violation of this act or the act of June 24, 1939 (P.L.872),  
4 known as "The Penal Code," occurring within a period of four  
5 years the board shall impose a suspension or revocation.

6 The jurisdiction of the county court of Allegheny County  
7 conferred hereby shall be exclusive within the territorial  
8 limits of its jurisdiction.] (a) Upon learning of any violation  
9 of this act or any laws of this Commonwealth relating to liquor,  
10 alcohol or malt or brewed beverages, or of any regulations of  
11 the commission adopted pursuant to such laws, or any violation  
12 of any laws of this Commonwealth or of the Federal Government  
13 relating to the payment of taxes on liquor, alcohol or malt or  
14 brewed beverages by any licensee within the scope of this  
15 article, his officers, servants, agents or employes, or upon any  
16 other sufficient cause shown, the enforcement bureau may, within  
17 one year from the date of such violation or cause appearing,  
18 cite such licensee to appear before an administrative law judge,  
19 not less than ten nor more than sixty days from the date of  
20 sending such licensee, by registered mail, a notice addressed to  
21 him at his licensed premises, to show cause why such license  
22 should not be suspended or revoked or a fine imposed, or both.  
23 The bureau shall also send a copy of the hearing notice to the  
24 municipality in which the premises is located.

25 (b) Hearing on such citations shall be held in the same  
26 manner as provided herein for hearings on applications for  
27 license. Upon such hearing, if satisfied that any such violation  
28 has occurred or for other sufficient cause, the administrative  
29 law judge shall immediately suspend or revoke the license, or  
30 impose a fine of not less than fifty dollars (\$50) nor more than

1 one thousand dollars (\$1,000), or both, notifying the licensee  
2 by registered letter addressed to his licensed premises. If the  
3 licensee has been cited and found to have violated section  
4 493(10) insofar as it relates to lewd, immoral or improper  
5 entertainment, or has been found to be a public nuisance  
6 pursuant to section 611, or if the owner or operator of the  
7 licensed premises or any authorized agent of the owner or  
8 operator has been convicted of any violation of the act of April  
9 14, 1972 (P.L.233, No.64), known as "The Controlled Substance,  
10 Drug, Device and Cosmetic Act," or of 18 Pa.C.S. § 5902  
11 (relating to prostitution and related offenses) or 6301  
12 (relating to corruption of minors), at or relating to the  
13 licensed premises, the administrative law judge shall  
14 immediately suspend or revoke the license, or impose a fine of  
15 not less than one thousand dollars (\$1,000) nor more than five  
16 thousand dollars (\$5,000), or both. The administrative law judge  
17 shall notify the licensee by registered mail, addressed to the  
18 licensed premises, of such suspension, revocation or fine. The  
19 increased civil penalty imposed by this subsection shall not be  
20 used to require any licensee to increase the amount of the bond  
21 required by this act. In the event the fine is not paid within  
22 twenty days of the adjudication, the administrative law judge  
23 shall suspend or revoke the license, notifying the licensee by  
24 registered mail addressed to the licensed premises. Suspensions  
25 and revocations shall not go into effect until thirty days have  
26 elapsed from the date of the adjudication during which time the  
27 licensee may take an appeal as provided for in this act. When a  
28 license is revoked, the licensee's bond may be forfeited. Any  
29 licensee whose license is revoked shall be ineligible to have a  
30 license under this act until the expiration of three years from

1 the date such license was revoked. In the event a license is  
2 revoked, no license shall be granted for the premises or  
3 transferred to the premises in which the said license was  
4 conducted for a period of at least one year after the date of  
5 the revocation of the license conducted in the said premises,  
6 except in cases where the licensee or a member of his immediate  
7 family is not the owner of the premises, in which case the  
8 commission may, in its discretion, issue or transfer a license  
9 within the said year. In the event the bureau or the person who  
10 was fined or whose license was suspended or revoked shall feel  
11 aggrieved by the adjudication of the administrative law judge,  
12 there shall be a right to appeal to the court of common pleas in  
13 the same manner as herein provided for appeals from refusals to  
14 grant licenses. The aforesaid appeal shall act as a supersedeas  
15 unless upon sufficient cause shown the court shall determine  
16 otherwise; however, if the licensee has been cited and found to  
17 have violated section 493(10) insofar as it relates to lewd,  
18 immoral or improper entertainment, or has been found to be a  
19 public nuisance pursuant to section 611, or if the owner or  
20 operator of the licensed premises or any authorized agent of the  
21 owner or operator has been convicted of any violation of "The  
22 Controlled Substance, Drug, Device and Cosmetic Act," or of 18  
23 Pa.C.S. § 5902 or 6301, at or relating to the licensed premises,  
24 its appeal shall not act as a supersedeas unless the court  
25 determines otherwise upon sufficient cause shown. In any hearing  
26 on an application for a supersedeas under this section, the  
27 court may consider, in addition to other relevant evidence,  
28 documentary evidence, including records of the bureau, showing  
29 the prior history of citations, fines, suspensions or  
30 revocations against the licensee; and the court may also

1 consider, in addition to other relevant evidence, evidence of  
2 any recurrence of the unlawful activity occurring between the  
3 date of the citation which is the subject of the appeal and the  
4 date of the hearing by the court. No penalty provided by this  
5 section shall be imposed for any violations provided for in this  
6 act unless the bureau notifies the licensee of its nature within  
7 thirty days of the completion of the investigation.

8 (c) If the violation in question is a third or subsequent  
9 violation of this act or Title 18 of the Pennsylvania  
10 Consolidated Statutes (relating to crime and offenses),  
11 occurring within a period of four years, the administrative law  
12 judge shall impose a suspension or revocation.

13 Section 71. Section 472 of the act, amended May 2, 1986  
14 (P.L.141, No.44), is reenacted and amended to read:

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

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

1 adjudication of nomination petitions, insofar as such provisions  
2 are applicable.

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

5 Do you favor the granting of liquor licenses  
6 for the sale of liquor in..... Yes  
7 of.....? No

8 When the question is in respect to the granting of liquor  
9 licenses, for privately-owned private golf courses, it shall be  
10 in the following form:

11 Do you favor the granting of liquor licenses for  
12 privately-owned private golf courses for the sale  
13 of liquor in.....by..... Yes  
14 of.....? No

15 When the question is in respect to the granting of licenses  
16 to retail dispensers of malt and brewed beverages, it shall be  
17 in the following form:

18 Do you favor the granting of malt and brewed  
19 beverage retail dispenser licenses for  
20 consumption on premises where sold in the..... Yes  
21 of.....? No

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

25 Do you favor the granting of malt and brewed  
26 beverage wholesale distributor's and importing  
27 distributor's licenses not for consumption on  
28 premises where sold in the..... Yes  
29 of.....? No

30 When the question is in respect to the establishment,



1 operation and maintenance of Pennsylvania liquor stores it shall  
2 be in the following form:

3 Do you favor the establishment, operation  
4 and maintenance of Pennsylvania liquor  
5 stores in the..... Yes  
6 of.....? No

7 In case of a tie vote, the status quo shall obtain. If a  
8 majority of the voting electors on any such question vote "yes,"  
9 then liquor licenses shall be granted by the [board] commission  
10 to hotels, restaurants and clubs, or liquor licenses shall be  
11 granted by the [board] commission to privately-owned private  
12 golf courses, or malt and brewed beverage retail dispenser  
13 licenses or wholesale distributor's and importing distributor's  
14 license for the sale of malt or brewed beverages shall be  
15 granted by the [board] commission, or the [board] commission may  
16 establish, operate and maintain Pennsylvania liquor stores, as  
17 the case may be, in such municipality or part of a split  
18 municipality, as provided by this act; but if a majority of the  
19 electors voting on any such question vote "no," then the [board]  
20 commission shall have no power to grant or to renew upon their  
21 expiration any licenses of the class so voted upon in such  
22 municipality or part of a split municipality; or if the negative  
23 vote is on the question in respect to the establishment,  
24 operation and maintenance of Pennsylvania liquor stores, the  
25 [board] commission shall not open and operate a Pennsylvania  
26 liquor store in such municipality or part of a split  
27 municipality, nor continue to operate a then existing  
28 Pennsylvania liquor store in the municipality or part of a split  
29 municipality for more than two years thereafter or after the  
30 expiration of the term of the lease on the premises occupied by

1 such store, whichever period is less, unless and until at a  
2 later election a majority of the voting electors vote "yes" on  
3 such question.

4 Section 72. Section 472.1 of the act, added September 15,  
5 1961 (P.L.1337, No.590), is reenacted to read:

6 Section 472.1. Clubs.--Whenever any club in existence at  
7 least five years prior to the time of application for license  
8 owns a contiguous plot of land in more than two municipalities  
9 in one or more but less than all of which the granting of liquor  
10 licenses has not been prohibited and at least one acre of the  
11 plot of land owned by the club is situated in each municipality  
12 in which the granting of liquor licenses has not been  
13 prohibited, the club may be issued a club liquor license or a  
14 catering license by the board if the board finds that the  
15 license will not be detrimental to any residential neighborhood.  
16 This section shall not be construed to prohibit the issuance of  
17 club liquor licenses or catering licenses which may otherwise be  
18 issued under the provisions of this act.

19 Section 73. Section 472.2 of the act, added November 18,  
20 1969 (P.L.296, No.124), is reenacted and amended to read:

21 Section 472.2. Granting of Liquor Licenses in Certain  
22 Municipalities.--(a) In any municipality which has, prior to  
23 January 1, 1967, by referendum approved the granting of malt and  
24 brewed beverage retail dispensers' licenses and has also  
25 thereafter, in a separate and subsequent referendum approved the  
26 granting of liquor licenses prior to the effective date of this  
27 amendment, the [board] commission may issue to an applicant  
28 holding a malt and brewed beverage retail dispenser's license, a  
29 liquor license: Provided, That the applicant surrenders for  
30 cancellation the malt and brewed beverage retail dispenser's

1 license. The [board] commissioner shall not issue such a liquor  
2 license in excess of one for each one thousand five hundred  
3 residents in said municipality and any application for said  
4 license shall be filed within two years from the effective date  
5 of this amendment.

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

8 (c) The [board] commission may not accept, act upon, or  
9 grant an application for a liquor license under this section,  
10 when such application, if granted, would cause an excess in the  
11 aforesaid quota of one liquor license for each one thousand five  
12 hundred residents in said municipality. Nor shall an applicant  
13 under this section be required to surrender his malt and brewed  
14 beverage retail dispenser's license until and unless the [board]  
15 commission has granted his application for a liquor license.

16 Section 74. Section 472.3 of the act, added July 3, 1980  
17 (P.L.348, No.88), is reenacted and amended to read:

18 Section 472.3. Exchange of Certain Licenses.--(a) In any  
19 municipality wherein restaurant liquor license issue, the  
20 [board] commission may issue to a club as defined in this act, a  
21 club liquor license in exchange for a club retail dispenser  
22 license.

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

26 (c) The applicant for such exchange of license shall file an  
27 application for a club liquor license and shall post a notice of  
28 such application in the manner provided in section 403. In  
29 determining whether the exchange shall be granted the [board]  
30 commission shall have the same discretion as provided in section

1 404 in the case of any new license.

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

4 Section 75. Section 473 of the act, added January 13, 1966  
5 (1965 P.L.1301, No.518), is reenacted and amended to read:

6 Section 473. Public Record.--(a) Any person having a  
7 pecuniary interest in the conduct of business on licensed  
8 premises whether that interest is direct or indirect, legal or  
9 equitable, individual, corporate, or mutual shall file his name  
10 and address with the [board] commission on forms provided by the  
11 [board] commission. In the case of corporate ownership, the  
12 secretary of the corporation shall file with the [board]  
13 commission the names and addresses of all persons having such a  
14 corporate pecuniary interest.

15 (b) The names and addresses required by this section shall  
16 be recorded by the [board] commission and made available to the  
17 public as a public record.

18 Section 76. Section 474 of the act, added July 20, 1968  
19 (P.L.429, No.201), is reenacted and amended to read:

20 Section 474. Surrender of Club Licenses for Benefit of  
21 Licensees.--Whenever a club license has been returned to the  
22 [board] commission for the benefit of the licensee due to the  
23 licensed establishment not having been in operation for any  
24 reason whatsoever for a period of time not exceeding fifteen  
25 days, the license shall be held by the [board] commission for  
26 the benefit of the licensee for a period of time not exceeding  
27 one year, or, upon proper application to the [board] commission,  
28 for an additional year, and the license shall be revoked at the  
29 termination of the period, and transfer of the license shall not  
30 be permitted after the termination of the period.

1 Section 77. Section 475 of the act, amended November 26,  
2 1978 (P.L.1389, No.326) and June 24, 1982 (P.L.624, No.176), is  
3 reenacted to read:

4 Section 475. Establishments Proximate to Interstate Highways  
5 Not To Be Licensed.--(a) No license for the sale of liquor or  
6 malt or brewed beverages in any quantity shall be granted to the  
7 proprietor, lessee, keeper or manager of an establishment the  
8 building entrance to which is located within three hundred feet  
9 of the entrance or exit of an interstate limited access highway.

10 (b) This section shall not apply to existing licenses, nor  
11 be deemed to affect the right of an existing licensee to  
12 reinstatement or renewal of his license.

13 Section 78. Subheading (D) of Article IV of the act is  
14 reenacted to read:

15 (D) Unlawful Acts; Penalties.

16 Section 79. Section 491 of the act, amended July 18, 1961  
17 (P.L.789, No.347), May 5, 1970 (P.L.342, No.110), October 11,  
18 1972 (P.L.906, No.215), October 2, 1974 (P.L.665, No.220),  
19 October 10, 1974 (P.L.692, No.231), December 12, 1980 (P.L.1195,  
20 No.221) and February 9, 1984 (P.L.21, No.8), is reenacted and  
21 amended to read:

22 Section 491. Unlawful Acts Relative to Liquor, Alcohol and  
23 Liquor Licensees.--

24 It shall be unlawful--

25 (1) Sales of Liquor. For any person, by himself or by an  
26 employe or agent, to expose or keep for sale, or directly or  
27 indirectly, or upon any pretense or upon any device, to sell or  
28 offer to sell any liquor within this Commonwealth, except in  
29 accordance with the provisions of this act and the regulations  
30 of the [board] commission. This clause shall not be construed to

1 prohibit hospitals, physicians, dentists or veterinarians who  
2 are licensed and registered under the laws of this Commonwealth  
3 from administering liquor in the regular course of their  
4 professional work and taking into account the cost of the liquor  
5 so administered in making charges for their professional  
6 service, or a pharmacist duly licensed and registered under the  
7 laws of this Commonwealth from dispensing liquor on a  
8 prescription of a duly licensed physician, dentist or  
9 veterinarian, or selling medical preparations containing  
10 alcohol, or using liquor in compounding prescriptions or  
11 medicines and making a charge for the liquor used in such  
12 medicines, or a manufacturing pharmacist or chemist from using  
13 liquor in manufacturing preparations unfit for beverage purposes  
14 and making a charge for the liquor so used. All such liquors so  
15 administered or sold by hospitals, physicians, dentists,  
16 veterinarians, pharmacists or chemists shall conform to the  
17 Pharmacopoeia of the United States, the National Formulary, or  
18 the American Homeopathic Pharmacopoeia. This clause shall not be  
19 construed to prohibit an executor or an administrator of a  
20 decedent's estate from selling privately or at public auction  
21 liquor which was an asset of the decedent. The [board]  
22 commission shall establish regulations to ensure that State  
23 taxes from the sales will be paid by the estate from the  
24 proceeds of the sale. The [board] commission may not prohibit a  
25 sale of liquor for the reason that it was not lawfully acquired  
26 prior to January 1, 1934 or has not been purchased from a  
27 Pennsylvania Liquor Store or in compliance with Pennsylvania  
28 law.

29 (2) Possession or Transportation of Liquor or Alcohol. For  
30 any person, except a manufacturer or the [board] commission or

1 the holder of a sacramental wine license or of an importer's  
2 license, to possess or transport any liquor or alcohol within  
3 this Commonwealth which was not lawfully acquired prior to  
4 January first, one thousand nine hundred and thirty-four, or has  
5 not been purchased from a Pennsylvania Liquor Store or a  
6 licensed limited winery in Pennsylvania, except miniatures  
7 totalling less than one gallon purchased by a collector of the  
8 same in another state or foreign country, or in accordance with  
9 the [board's] commission's regulations. The burden shall be upon  
10 the person possessing or transporting such liquor or alcohol to  
11 prove that it was so acquired. But nothing herein contained  
12 shall prohibit the manufacture or possession of wine by any  
13 person in his home for consumption of himself, his family and  
14 guests and not for sale, not exceeding, during any one calendar  
15 year, two hundred gallons, any other law to the contrary  
16 notwithstanding. Such wine shall not be manufactured, possessed,  
17 offered for sale or sold on any licensed premises.

18 None of the provisions herein contained shall prohibit nor  
19 shall it be unlawful for any person to import into Pennsylvania,  
20 transport or have in his possession, an amount of liquor not  
21 exceeding one gallon in volume upon which a State tax has not  
22 been paid, if it can be shown to the satisfaction of the [board]  
23 commission that such person purchased the liquor in a foreign  
24 country or United States territory and was allowed to bring it  
25 into the United States. Neither shall the provisions contained  
26 herein prohibit nor make it unlawful for (i) any member of the  
27 armed forces on active duty, or (ii) any retired member of the  
28 armed forces, or (iii) any totally disabled veteran, or (iv) the  
29 spouse of any person included in the foregoing classes of  
30 persons to import into Pennsylvania, transport or have in his

1 possession an amount of liquor not exceeding one gallon per  
2 month in volume upon which the State tax has not been paid, so  
3 long as such liquor has been lawfully purchased from a package  
4 store established and maintained under the authority of the  
5 United States and is in containers identified in accordance with  
6 regulations issued by the Department of Defense. Such liquor  
7 shall not be possessed, offered for sale or sold on any licensed  
8 premises.

9 None of the provisions herein contained shall prohibit nor  
10 shall it be unlawful for any consul general, consul or other  
11 diplomatic officer of a foreign government to import into  
12 Pennsylvania, transport or have in his possession liquor upon  
13 which a State tax has not been paid, if it can be shown to the  
14 satisfaction of the [board] commission that such person acquired  
15 the liquor in a foreign country and was allowed to bring it into  
16 the United States. Such liquor shall not be possessed, offered  
17 for sale or sold on any licensed premises.

18 Any person violating the provisions of this clause for a  
19 first offense involving the possession or transportation in  
20 Pennsylvania of any liquor in a package (bottle or other  
21 receptacle) or wine not purchased from a Pennsylvania Liquor  
22 Store or from a licensed limited winery in Pennsylvania, with  
23 respect to which satisfactory proof is produced that the  
24 required Federal tax has been paid and which was purchased,  
25 procured or acquired legally outside of Pennsylvania shall upon  
26 conviction thereof in a summary proceeding be sentenced to pay a  
27 fine of twenty-five dollars (\$25) for each such package, plus  
28 costs of prosecution, or undergo imprisonment for a term not  
29 exceeding ninety (90) days. Each full quart or major fraction  
30 thereof shall be considered a separate package (bottle or other



1 receptacle) for the purposes of this clause. Such packages of  
2 liquor shall be forfeited to the Commonwealth in the manner  
3 prescribed in Article VI of this act but the vehicle, boat,  
4 vessel, animal or aircraft used in the illegal transportation of  
5 such packages shall not be subject to forfeiture: Provided,  
6 however, That if it is a second or subsequent offense or if it  
7 is established that the illegal possession or transportation was  
8 in connection with a commercial transaction, then the other  
9 provisions of this act providing for prosecution as a  
10 misdemeanor and for the forfeiture of the vehicle, boat, vessel,  
11 animal or aircraft shall apply.

12 (3) Purchase of Liquor or Alcohol. For any person within  
13 this Commonwealth, by himself or by an employe or agent, to  
14 attempt to purchase, or directly or indirectly, or upon any  
15 pretense or device whatsoever, to purchase any liquor or alcohol  
16 from any person or source other than a Pennsylvania Liquor  
17 Store, except in accordance with the provisions of this act or  
18 the regulations of the [board] commission.

19 (4) Possession and Use of Decanters. For any person to use  
20 decanters of alcoholic beverages except that the use of  
21 decanters or other similar receptacles by licensees shall be  
22 permitted in the case of wines and then only in accordance with  
23 the regulations of the [board] commission, but nothing herein  
24 contained shall prohibit the manufacture and possession of wine  
25 as provided in clause (2) of this section.

26 (5) Failure to Break Empty Liquor Containers. For any  
27 restaurant, hotel or club licensee, his servants, agents or  
28 employes, to fail to break any package in which liquors were  
29 contained, except those decanter packages that the [board]  
30 commission determines to be decorative, within twenty-four hours

1 after the original contents were removed therefrom.

2 (6) Sales by Restaurant and Hotel Liquor Licensees. For any  
3 restaurant or hotel licensee, his servants, agents or employes,  
4 to sell any liquor or malt or brewed beverages for consumption  
5 on the licensed premises except in a room or rooms or place on  
6 the licensed premises at all times accessible to the use and  
7 accommodation of the general public, but this section shall not  
8 be interpreted to prohibit a hotel licensee, or a restaurant  
9 licensee when the restaurant is located in a hotel, from selling  
10 liquor or malt or brewed beverages in any room of such hotel  
11 occupied by a bona fide guest or to prohibit a restaurant  
12 licensee from selling liquor or malt or brewed beverages in a  
13 bowling alley when no minors are present where the restaurant  
14 and bowling alley are immediately adjacent and under the same  
15 roof.

16 (7) Sales of Liquor by Manufacturers and Licensed Importers.  
17 For any manufacturer or licensed importer of liquor in this  
18 Commonwealth, his agents, servants or employes, to sell or offer  
19 to sell any liquor in this Commonwealth except to the [board]  
20 commission for use in Pennsylvania Liquor Stores, and in the  
21 case of a manufacturer, to the holder of a sacramental wine  
22 license or an importer's license, but a manufacturer or licensed  
23 importer may sell or offer to sell liquor to persons outside of  
24 this Commonwealth.

25 (8) Importation and Sales of Alcohol. For any person, to  
26 import alcohol into this Commonwealth, or to sell alcohol to any  
27 person, except in accordance with the regulations of the [board]  
28 commission.

29 (9) Possession of Alcohol. For any person, to have alcohol  
30 in his possession, except in accordance with the provisions of

1 this act and the regulations of the [board] commission.

2 (10) Fortifying, Adulterating or Contaminating Liquor. For  
3 any licensee or any employe or agent of a licensee or of the  
4 [board] commission, to fortify, adulterate or contaminate any  
5 liquor, except as permitted by the regulations of the [board]  
6 commission, or to refill wholly or in part, with any liquid or  
7 substance whatsoever, any liquor bottle or other liquor  
8 container.

9 (11) Importation of Liquor. For any person, other than the  
10 [board] commission or the holder of a sacramental wine license  
11 or of an importer's license, to import any liquor whatsoever  
12 into this Commonwealth, but this section shall not be construed  
13 to prohibit railroad and pullman companies from selling liquors  
14 purchased outside the Commonwealth in their dining, club and  
15 buffet cars which are covered by public service liquor licenses  
16 and which are operated in this Commonwealth.

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

23 (13) Violation of Certain Rules and Regulations of [Board]  
24 Commission. For any person, to violate any rules and regulations  
25 adopted by the [board] commission to insure the equitable  
26 wholesale and retail sale and distribution of liquor and alcohol  
27 through the Pennsylvania Liquor Stores.

28 (14) Offering Commission or Gift to Members of [Board]  
29 Commission or State Employe. For any person selling or offering  
30 to sell liquor or alcohol to, or purchasing at wholesale liquor

1 or alcohol from, the [board] commission, either directly or  
2 indirectly, to pay or offer to pay any commission, profit or  
3 remuneration, or to make or offer to make any gift to any member  
4 or employe of the [board] commission or other employe of the  
5 Commonwealth or to anyone on behalf of such member or employe.

6 Section 80. Section 492 of the act, amended July 3, 1957  
7 (P.L.475, No.268), June 22, 1980 (P.L.253, No.73) and June 24,  
8 1982 (P.L.624, No.176), is reenacted and amended to read:

9 Section 492. Unlawful Acts Relative to Malt or Brewed  
10 Beverages and Licensees.--

11 It shall be unlawful--

12 (1) Manufacturing Without License. For any person, to  
13 manufacture malt or brewed beverages, unless such person holds a  
14 valid manufacturer's license for such purpose issued by the  
15 board.

16 (2) Sales of Malt or Brewed Beverages for Consumption on the  
17 Premises. For any person, to sell to another for consumption  
18 upon the premises where sold or to permit another to consume  
19 upon the premises where sold, any malt or brewed beverages,  
20 unless such person holds a valid retail dispenser license or a  
21 valid liquor license issued by the [board] commission  
22 authorizing the sale of malt or brewed beverages for consumption  
23 upon such premises.

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

29 (4) Sunday Sales of Malt or Brewed Beverages by  
30 Manufacturers, Importing Distributors or Distributors. For any

1 manufacturer of malt or brewed beverages, importing distributor  
2 or distributor, or the servants, agents or employes of the same,  
3 to sell, trade or barter in malt or brewed beverages between the  
4 hours of twelve o'clock midnight of any Saturday and two o'clock  
5 in the forenoon of the following Monday.

6 (5) Sales of Malt or Brewed Beverages by Hotels, Eating  
7 Places or Public Service Licensees During Prohibited Hours.--For  
8 any hotel or eating place holding a retail dispenser's license,  
9 or the servants, agents or employes of such licensees, to sell,  
10 trade or barter in malt or brewed beverages between the hours of  
11 two o'clock antemeridian Sunday and seven o'clock in the  
12 forenoon of the following Monday, or between the hours of two  
13 o'clock antemeridian and seven o'clock antemeridian of any week  
14 day: Provided, That notwithstanding any provision to the  
15 contrary, whenever the thirty-first day of December falls on a  
16 Sunday such sales of malt or brewed beverages may be made on  
17 such day after one o'clock postmeridian and until two o'clock  
18 antemeridian of the following day. For any public service  
19 licensee authorized to sell malt or brewed beverages or the  
20 servants, agents or employes of such licensees to sell, trade or  
21 barter in malt or brewed beverages between the hours of two  
22 o'clock antemeridian and seven o'clock antemeridian on any day.

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

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

3 (6) Sales of Malt or Brewed Beverages on Election Day by  
4 Hotels, Eating Places or Public Service Licensees. For any hotel  
5 or eating place holding a retail dispenser's license, or any  
6 malt or brewed beverage public service licensee, or his  
7 servants, agents or employes, to sell, furnish or give any malt  
8 or brewed beverages to any person after two o'clock  
9 antemeridian, or until one hour after the time fixed by law for  
10 the closing of polling places on days on which a general,  
11 municipal, special or primary election is being held except as  
12 permitted by subsection (f) of section 432.

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

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

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

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

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

27 (12) Distributors and Importing Distributors Engaging in  
28 Other Business. For any distributor or importing distributor, or  
29 his servants, agents or employes, without the approval of the  
30 [board] commission, and then only in accordance with [board]

1 commission regulations, to engage in any other business  
2 whatsoever, except the business of distributing malt or brewed  
3 beverages.

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

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

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

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

27 (17) Fortifying, Adulterating or Contaminating Malt or  
28 Brewed Beverages. For any person, to fortify, adulterate,  
29 contaminate, or in any wise to change the character or purity  
30 of, the malt or brewed beverages from that as originally



1 marketed by the manufacturer at the place of manufacture.

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

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

28 If the deficiency shall be rectified within ninety (90) days  
29 of notice, then the proposed modification, termination,  
30 cancellation, rescission or nonrenewal shall be null and void

1 and without legal effect.

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

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

1 subsequent transfer by surviving spouse or adult child shall  
2 thereafter be subject to the provisions of subclause (i) above.

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

17 Section 81. Section 493 of the act, amended June 14, 1957  
18 (P.L.322, No.170), June 15, 1961 (P.L.423, No.211), September  
19 25, 1967 (P.L.307, No.135), March 5, 1970 (P.L.137, No.55),  
20 August 1, 1975 (P.L.161, No.83), March 9, 1982 (P.L.174, No.55)  
21 and May 9, 1984 (P.L.246, No.54), is reenacted and amended to  
22 read:

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

28 It shall be unlawful--

29 (1) Furnishing Liquor or Malt or Brewed Beverages to Certain  
30 Persons. For any licensee or the [board] commission, or any

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

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

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

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

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

28 (5) Failure to Have Brands as Advertised. For any licensee,  
29 his servants, agents or employes, to advertise or hold out for  
30 sale any liquor or malt or brewed beverages by trade name or

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

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

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

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

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

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

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

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

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

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

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



1 servants, agents or employes, to refuse the [board] commission  
2 or an authorized employe of the [board] commission or the  
3 enforcement bureau access thereto or the opportunity to make  
4 copies of the same when the request is made during business  
5 hours.

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

18 (14) Permitting Undesirable Persons or Minors to Frequent  
19 Premises. For any hotel, restaurant or club liquor licensee, or  
20 any retail dispenser, his servants, agents or employes, to  
21 permit persons of ill repute, known criminals, prostitutes or  
22 minors to frequent his licensed premises or any premises  
23 operated in connection therewith, except minors accompanied by  
24 parents, guardians, or under proper supervision or except minors  
25 who frequent any restaurant or retail dispensing licensee whose  
26 sales of food and non-alcoholic beverages are equal to seventy  
27 per centum or more of the combined gross sales of both food and  
28 alcoholic beverages on the condition that alcoholic beverages  
29 may not be served at the table or booth at which the said minor  
30 is seated at the time (unless said minor is under proper

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

23 "Proper supervision," as used in this clause, means the  
24 presence, on that portion of the licensed premises where a minor  
25 or minors are present, of one person twenty-five years of age or  
26 older for every fifty minors or part thereof who is directly  
27 responsible for the care and conduct of such minor or minors  
28 while on the licensed premises and in such proximity that the  
29 minor or minors are constantly within his sight or hearing. The  
30 presence of the licensee or any employe or security officer of

1 the licensee shall not constitute proper supervision.

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

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

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

27 (18) Displaying Price of Liquor or Malt or Brewed Beverages.  
28 For any restaurant, hotel or club liquor licensee, or any  
29 importing distributor, distributor or retail dispenser, or the  
30 servants, agents or employes of such licensees, to display on

1 the outside of any licensed premises or to display any place  
2 within the licensed premises where it can be seen from the  
3 outside, any advertisement whatsoever referring, directly or  
4 indirectly, to the price at which the licensee will sell liquor  
5 or malt or brewed beverages.

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

19 (20) (i) Retail Liquor and Retail Malt or Brewed Beverages  
20 Licensee's Inside Advertisements. For any retail liquor or  
21 retail malt or brewed beverages licensee, to display or permit  
22 the display in the show window or doorways of his licensed  
23 premises, any placard or sign advertising the brands of liquor  
24 or malt or brewed beverages produced by any one manufacturer, if  
25 the total display area of any such placard or sign advertising  
26 the products of any one manufacturer exceeds three hundred  
27 square inches. Nothing herein shall prohibit a licensee from  
28 displaying inside his licensed premises point of sale displays  
29 advertising brand names of products sold by him, other than a  
30 window or door display: Provided, That the total cost of all

1 such point of sale advertising matter relating to any one brand  
2 of any one manufacturer shall not exceed the sum of seventy  
3 dollars (\$70) at any one time, and no single piece of  
4 advertising shall exceed a cost of thirty-five dollars (\$35).  
5 All such advertising material, including the window and door  
6 signs, may be furnished by a manufacturer, distributor or  
7 importing distributor. The restrictions on advertising set forth  
8 in subclause (ii) and in clauses (20.1) and (20.2) shall also  
9 apply to this subclause.

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

17 (20.1) Manufacturer Shall Not Require Advertising. For a  
18 manufacturer to require a distributor or importing distributor  
19 to purchase any type of advertising.

20 (20.2) Advertising Shall Be Ordered and Authorized in  
21 Advance. For any advertising to be done on behalf of a  
22 distributor or importing distributor which was not ordered and  
23 authorized in advance by the distributor or importing  
24 distributor.

25 (21) Refusing The Right of Inspection. For any licensee, or  
26 his servants, agents or employes, to refuse the [board]  
27 commission or the enforcement bureau or any of [its] their  
28 authorized employes the right to inspect completely the entire  
29 licensed premises at any time during which the premises are open  
30 for the transaction of business, or when patrons, guests or

1 members are in that portion of the licensed premises wherein  
2 either liquor or malt or brewed beverages are sold.

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

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

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

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

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

24 Any person violating the provisions of this clause shall be  
25 guilty of a misdemeanor and, upon conviction of the same, shall  
26 be sentenced to pay a fine of not less than one hundred dollars  
27 (\$100), nor more than five hundred dollars (\$500), for each and  
28 every female so employed, or undergo an imprisonment of not less  
29 than three (3) months, nor more than one (1) year, or either or  
30 both, at the discretion of the court having jurisdiction of the

1 case. The [board] administrative law judge shall have the power  
2 to revoke or refuse licenses for violation of this clause.

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

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

25 Section 82. Section 494 of the act, amended May 25, 1956  
26 (1955 P.L.1743, No.583), is reenacted and amended to read:

27 Section 494. Penalties.--(a) Any person who shall violate  
28 any of the provisions of this article, except as otherwise  
29 specifically provided, shall be guilty of a misdemeanor and,  
30 upon conviction thereof, shall be sentenced to pay a fine of not



1 less than one hundred dollars (\$100), nor more than five hundred  
2 dollars (\$500), and on failure to pay such fine, to imprisonment  
3 for not less than one month, nor more than three months, and for  
4 any subsequent offense, shall be sentenced to pay a fine not  
5 less than three hundred dollars (\$300), nor more than five  
6 hundred dollars (\$500), and to undergo imprisonment for a period  
7 not less than three months, nor more than one year.

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

11 Section 83. Section 495 of the act, amended June 22, 1980  
12 (P.L.262, No.76), is reenacted and amended to read:

13 Section 495. Identification Cards; Licensees and State  
14 Liquor Store Employees Saved From Prosecution.--(a) The board  
15 shall issue, to any person who shall have attained the age of  
16 twenty-one years, an identification card bearing said person's  
17 date of birth, physical description, photograph, signature, and  
18 such other information, as the board by regulation may  
19 determine, attesting to the age of the applicant, upon  
20 application therefor by said person, filed no earlier than  
21 fifteen days prior to attaining the age of twenty-one. Such  
22 cards shall be numbered and a record thereof maintained by the  
23 board for a period of five years. The board may, in its  
24 discretion, impose a charge for such cards in an amount to be  
25 determined by it, and it may, upon proof of loss of such  
26 identification card by and upon application of anyone to whom  
27 such card may have been issued, issue a duplicate thereof and  
28 impose a charge therefor in an amount as it may by regulation  
29 prescribe. The board shall have the power to make such  
30 regulations as it shall, from time to time, deem proper

1 regarding the size, style and additional content of the  
2 identification card, the form and content of any application  
3 therefor, the type, style and quantity of proof required to  
4 verify the applicant's age, the procedure for receiving and  
5 processing such application, the distribution of said card, the  
6 charge to be imposed for any card more than one that it shall  
7 issue to the same applicant, and all other matters the board  
8 shall deem necessary or advisable for the purpose of carrying  
9 into effect the provisions of this section.

10 (a.1)] (a) The photo driver's license or identification card  
11 issued by the Department of Transportation shall, for the  
12 purpose of this act, be accepted as an identification card.

13 [(a.2) For the purposes of this section, the term  
14 identification card means a card which complies with either  
15 subsection (a) or (a.1).]

16 (b) Such identification card shall be presented by the  
17 holder thereof upon request of any State Liquor Store or any  
18 licensee, or the servant, agent or employe thereof, for the  
19 purpose of aiding such store, licensee, or the servant, agent or  
20 employe to determine whether or not such person is twenty-one  
21 years of age and upwards, when such person desires alcoholic  
22 beverage at a State Liquor Store or licensed establishment.

23 (c) In addition to the presentation of such identification  
24 card, the agent of the State Liquor Store or the licensee, or  
25 his servant, agent or employe, shall require the person whose  
26 age may be in question to fill in and sign a card in the  
27 following form:

28 ..... 19

29 I,....., hereby represent  
30 to ....., a State Store or

1 licensee of the [Pennsylvania Liquor Control Board] Alcohol  
2 Beverages Commission, that I am of full age and discretion  
3 and over the age of 21 years, having been born on  
4 ..... 19..... at .....

5 This statement is made to induce said store or licensee above  
6 named to sell or otherwise furnish alcoholic beverages to the  
7 undersigned.

8 Serial Number of Identification Card:

9 I understand that I am subject to a fine of  
10 \$300.00 and sixty days imprisonment for any  
11 misrepresentation herein.

12 .....

13 (Name)

14 .....

15 (Address)

16 Witness:

17 Name.....

18 Address.....

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

27 (d) It shall be unlawful for the owner of an identification  
28 card, as defined by this act, to transfer said card to any other  
29 person for the purpose of aiding such person to secure alcoholic  
30 beverage. Any person who shall transfer such identification card

1 for the purpose of aiding such transferee to obtain alcoholic  
2 beverage shall be guilty of a misdemeanor and, upon conviction  
3 thereof, shall be sentenced to pay a fine of not more than three  
4 hundred dollars (\$300), or undergo imprisonment for not more  
5 than sixty (60) days. Any person not entitled thereto who shall  
6 have unlawfully procured or have issued or transferred to him,  
7 as aforesaid, identification card or any person who shall make  
8 any false statement on any card required by subsection (c)  
9 hereof to be signed by him shall be guilty of a misdemeanor and,  
10 upon conviction thereof, shall be sentenced to pay a fine of not  
11 more than three hundred dollars (\$300), or undergo imprisonment  
12 for not more than sixty (60) days.

13 (e) The signed statement in the possession of a licensee or  
14 an employe of a State Liquor Store may be offered as a defense  
15 in all civil and criminal prosecutions for serving a minor, and  
16 no penalty shall be imposed if the [Liquor Control Board]  
17 commission or the courts are satisfied that the licensee or  
18 State Liquor Store employe acted in good faith.

19 Section 84. Section 496 of the act, added June 15, 1961  
20 (P.L.423, No.211), is reenacted and amended to read:

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

1 Section 85. Section 497 of the act, added December 22, 1965  
2 (P.L.1144, No.441), is reenacted to read:

3 Section 497. Liability of Licensees.--No licensee shall be  
4 liable to third persons on account of damages inflicted upon  
5 them off of the licensed premises by customers of the licensee  
6 unless the customer who inflicts the damages was sold, furnished  
7 or given liquor or malt or brewed beverages by the said licensee  
8 or his agent, servant or employe when the said customer was  
9 visibly intoxicated.

10 Section 86. The act is amended by adding a section to read:

11 Section 498. Unlawful Advertising.--(a) No manufacturer,  
12 wholesaler or shipper whether from outside or inside this  
13 Commonwealth and no licensee under this act shall cause or  
14 permit the advertising in any manner whatsoever of the price of  
15 any malt beverage, cordial, wine or distilled liquor offered for  
16 sale in this Commonwealth: Provided, however, That the  
17 provisions of this section shall not apply to price signs or  
18 tags attached to or placed on merchandise for sale within the  
19 licensed premises in accordance with rules and regulations of  
20 the commission.

21 (b) No newspaper, periodical, radio or television  
22 broadcaster or broadcasting company or any other person, firm or  
23 corporation with a principal place of business in this  
24 Commonwealth which is engaged in the business of advertising or  
25 selling advertising time or space shall accept, publish or  
26 broadcast any advertisement in this Commonwealth of the price or  
27 make reference to the price of any alcoholic beverages.

28 (c) Any person who shall violate any of the provisions of  
29 this section shall be guilty of a misdemeanor and upon  
30 conviction shall be punished for the first offense by a fine in

1 the sum of fifty dollars (\$50) and for each additional offense  
2 thereafter by a fine not exceeding the sum of one hundred  
3 dollars (\$100). Publication or broadcast by any person in  
4 violation of the provisions of this section shall also be  
5 subject to injunctive proceedings in a court of competent  
6 jurisdiction on a complaint brought by a retail licensee or an  
7 association of retail licensees.

8 (d) The provisions of this section shall not apply to any  
9 trade journal which is duly recognized and authorized to be  
10 exempt from the provisions of this section by the commission.

11 Section 87. The heading of Article V of the act is reenacted  
12 to read:

13 ARTICLE V.

14 DISTILLERIES, WINERIES, BONDED WAREHOUSES,  
15 BAILEES FOR HIRE AND TRANSPORTERS FOR HIRE.

16 Section 88. Section 501 of the act is reenacted to read:

17 Section 501. License Required.--Except as otherwise provided  
18 in this article, and except as otherwise provided in article  
19 four as to malt and brewed beverages, it shall be unlawful for  
20 any person without a license obtained under provisions of this  
21 article to hold in storage as bailee for hire, or transport for  
22 hire, any malt or brewed beverage, or to manufacture, produce,  
23 distill, develop or use in the process of manufacture, denature,  
24 redistill, recover, rectify, blend, reuse, hold in bond, hold in  
25 storage as bailee for hire, or transport for hire, within this  
26 Commonwealth, any alcohol or liquor, except that a person may  
27 manufacture wine out of grapes grown in Pennsylvania by  
28 fermentation only and with no alcohol or alcoholic product added  
29 thereto by way of fortification and sell the same to a licensed  
30 winery.

1 Section 89. Section 502 of the act is reenacted and amended  
2 to read:

3 Section 502. Exemptions.--No license hereunder shall be  
4 required from any registered pharmacist; or a physician licensed  
5 by the State Board of [Medical Education and Licensure]  
6 Medicine; or any person who makes and sells vinegar,  
7 nonalcoholic cider and fruit juices; or any person who  
8 manufactures, stores, sells or transports methanol, propanol,  
9 butanol and amanol; or any person who conducts a wholesale drug  
10 business; or any person who manufactures alcoholic preparations  
11 not fit for use as a beverage, other than denatured alcohol or  
12 for beverage purposes; any person engaged in the manufacture;  
13 possession or sale of patent, patented or proprietary medicines,  
14 toilet, medicinal or antiseptic preparations unfit for beverage  
15 purposes, or solutions or flavoring extracts or syrups unfit for  
16 beverage purposes; or any person who manufactures or sells  
17 paints, varnishes, enamels, lacquers, stains or paint, or  
18 varnish removing or reducing compounds, or wood fillers; or any  
19 person who manufactures any substance where the alcohol or any  
20 liquor is changed into other chemical substances and does not  
21 appear in the finished product as alcohol or liquor; or any  
22 common carrier by railroad which is subject to regulation by the  
23 Pennsylvania Public Utility Commission of the Commonwealth of  
24 Pennsylvania, or scheduled common carriers by air of mail and  
25 passengers; or any person who sells, stores or transports  
26 alcohol or liquor completely denatured, as specified by the  
27 [board] commission.

28 Section 90. Section 502.1 of the act, added December 14,  
29 1979 (P.L.565, No.129), is reenacted and amended to read:

30 Section 502.1. Production of Denatured Ethyl Alcohol.--(a)

1 Notwithstanding any other provisions of this act, a person may  
2 upon payment of an annual registration fee of twenty-five  
3 dollars (\$25) and without the necessity of having to post a  
4 bond, manufacture or distill, hold in storage and use denatured  
5 ethyl alcohol for the purpose of providing fuel for personal or  
6 business vehicles or machinery.

7 (b) No denatured ethyl alcohol produced under the provisions  
8 of this section may be sold or utilized by any person other than  
9 the producer.

10 (c) Each licensee shall file annually with the [board]  
11 commission accurate records of the monthly production and  
12 utilization of denatured ethyl alcohol fuel. The [board]  
13 commission shall prescribe the form to be used for this report.

14 (d) Any violation of this section shall be subject to the  
15 penalties set forth in section 519.

16 Section 91. Section 503 of the act is reenacted to read:

17 Section 503. Qualifications for License.--No license shall  
18 be issued under the provisions of this article to any person  
19 unless (a) in case of individuals, he or she is a citizen of the  
20 United States of America, (b) in case of companies or  
21 unincorporated associations of individuals, each and every one  
22 is a citizen of the United States of America, (c) in case of  
23 corporations, each and every stockholder thereof is a citizen of  
24 the United States of America.

25 Section 92. Section 504 of the act, amended September 28,  
26 1961 (P.L.1728, No.702), is reenacted and amended to read:

27 Section 504. Applications; Filing Fees.--(a) Every  
28 applicant for a license under this article shall file with the  
29 [board] commission a written application in such form as the  
30 [board] commission shall from time to time require. Every such



1 application shall be accompanied by a filing fee of twenty  
2 dollars (\$20), the prescribed license fee and the bond  
3 hereinafter specified, and shall set forth:

4 [1.] (1) The legal names of the applicant and of the owner  
5 of the place where business under the license will be carried  
6 on, with their residence addresses by street and number, if a  
7 partnership, of each separate partner, and if a corporation, of  
8 each individual officer thereof.

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

19 [3.] (3) That each and every one of the applicants is a  
20 citizen of the United States of America.

21 [4.] (4) Such other relevant information as the [board]  
22 commission shall from time to time require by rule or  
23 regulation.

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

30 Section 93. Section 505 of the act, amended July 31, 1968

1 (P.L.902, No.272), is reenacted and amended to read:

2 Section 505. Licenses Issued.--Upon receipt of the  
3 application in the form herein provided, the proper fees and an  
4 approved bond as herein designated, the [board] commission may  
5 grant to such applicant a license to engage in, (a) the  
6 operation of a limited winery or a winery; or, (b) the  
7 manufacturing, producing, distilling, developing, or using in  
8 the process of manufacturing, denaturing, redistilling,  
9 recovering, rectifying, blending and reusing of alcohol and  
10 liquor; or, (c) the holding in bond of alcohol and liquor; or,  
11 (d) the holding in storage, as bailee for hire, of alcohol,  
12 liquor and malt or brewed beverages; or, (e) the transporting  
13 for hire of alcohol, liquor and malt or brewed beverages.

14 Section 94. Section 505.1 of the act, amended February 17,  
15 1956 (1955 P.L.1077, No.348), is reenacted and amended to read:

16 Section 505.1. Bonded Warehouse License Privilege  
17 Restrictions.--(a) Holders of bonded warehouse licenses may:

18 [(a)] (1) Receive and store in bond liquor owned by  
19 Pennsylvania licensed manufacturers and importers.

20 [(b)] (2) Receive and store in bond alcohol owned by  
21 Pennsylvania licensed manufacturers.

22 [(c)] (3) Receive and store in bond liquor owned by  
23 licensees outside this Commonwealth. Such liquor shall be  
24 released from the bonded warehouse for delivery within this  
25 Commonwealth only to persons holding a liquor importer's license  
26 issued by the [Pennsylvania Liquor Control Board] commission  
27 authorizing the importation of liquor or to other storage  
28 facilities or persons outside this Commonwealth.

29 [(d)] (4) Receive and store in bond alcohol owned by  
30 licensees outside this Commonwealth. Such alcohol shall be

1 released from the bonded warehouse for delivery within this  
2 Commonwealth only to persons holding an alcohol permit issued by  
3 the [Pennsylvania Liquor Control Board] commission authorizing  
4 the importation of alcohol or to other storage facilities or  
5 persons outside this Commonwealth.

6 (b) All liquor and alcohol received and stored pursuant to  
7 this section shall be in original containers of ten gallons or  
8 greater capacity. Liquor and alcohol placed in storage in  
9 accordance with the foregoing provisions may remain in storage  
10 notwithstanding any change in ownership.

11 Section 95. Section 505.2 of the act, amended November 5,  
12 1981 (P.L.329, No.119) and December 17, 1982 (P.L.1390, No.319),  
13 is reenacted and amended to read:

14 Section 505.2. Limited Wineries.--Holders of a limited  
15 winery license may:

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

19 (2) Sell wine produced by the limited winery or purchased in  
20 bulk in bond from another Pennsylvania limited winery on the  
21 licensed premises, under such conditions and regulations as the  
22 [board] commission may enforce, to the [Liquor Control Board]  
23 commission, to individuals and to hotel, restaurant, club and  
24 public service liquor licensees, and to Pennsylvania winery  
25 licensees: Provided, That a limited winery shall not, in any  
26 calendar year, purchase wine produced by other limited wineries  
27 in an amount in excess of fifty per centum of the wine produced  
28 by the purchasing limited winery in the preceding calendar year.

29 (3) Sell wine produced by the limited winery on no more than  
30 three [board-approved] commission-approved locations other than

1 the licensed premises, with no bottling or production  
2 requirement at those additional [board-approved] commission-  
3 approved locations and under such conditions and regulations as  
4 the [board] commission may enforce, to the [Liquor Control  
5 Board] commission, to individuals and to hotel, restaurant, club  
6 and public service liquor licensees.

7 Section 96. Section 505.3 of the act, added July 30, 1975  
8 (P.L.136, No.68), is reenacted and amended to read:

9 Section 505.3. Distilleries.--Distilleries of historical  
10 significance established more than one hundred years prior to  
11 January 1, 1975 which hold a license issued under section 505  
12 may sell liquor produced by the distillery on the licensed  
13 premises under such conditions and regulations as the [board]  
14 commission may enforce.

15 Section 97. Sections 506 and 507 of the act are reenacted  
16 and amended to read:

17 Section 506. Bonds Required.--(a) No license shall be  
18 issued to any such applicant until he has filed with the [board]  
19 commission an approved bond, duly executed, payable to the  
20 Commonwealth of Pennsylvania, together with a warrant of  
21 attorney to confess judgment in the penal sum herein set forth.  
22 All such bonds shall be conditioned for the faithful observance  
23 of all the laws of this Commonwealth and regulations of the  
24 [board] commission relating to alcohol, liquor and malt or  
25 brewed beverages and the conditions of the license, and shall  
26 have as surety a duly authorized surety company, or shall have  
27 deposited therewith, as collateral security, cash or negotiable  
28 obligations of the United States of America or the Commonwealth  
29 of Pennsylvania in the same amount as herein provided for the  
30 penal sum of bonds.

1 (b) In all cases where cash or securities in lieu of other  
2 surety have been deposited with the [board] commission, the  
3 depositor shall be permitted to continue the same deposit from  
4 year to year on each renewal of license, but in no event shall  
5 he be permitted to withdraw his deposit during the time he holds  
6 said license, or until six months after the expiration of the  
7 license held by him, or while revocation proceedings are pending  
8 against such licensee.

9 (c) All cash or securities received by the [board]  
10 commission in lieu of other surety shall be turned over by the  
11 [board] commission to the State Treasurer and held by him. The  
12 State Treasurer shall repay or return money or securities  
13 deposited with him to the respective depositors only on the  
14 order of the [board] commission.

15 (d) After notice from the [board] commission that such a  
16 bond has been forfeited, the State Treasurer shall immediately  
17 pay into the State Stores Fund all cash deposited as collateral  
18 with such bond, and when securities have been deposited with  
19 such a bond, the State Treasurer shall sell at private sale, at  
20 not less than the prevailing market price, any such securities  
21 so deposited as collateral with any such forfeited bond. The  
22 State Treasurer shall thereafter deposit in The State Stores  
23 Fund the net amount realized from the sale of such securities,  
24 except that if the amount so realized, after deducting proper  
25 costs and expenses, is in excess of the penal amount of the  
26 bond, such excess shall be paid over by him to the obligor on  
27 such forfeited bond.

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

30 In the case of a distillery (manufacturer), the bond shall be

1 in the amount of ten thousand dollars (\$10,000); in the case of  
2 a bonded warehouse, a bailee for hire and a transporter for  
3 hire, each shall be in the amount of three thousand dollars  
4 (\$3000); and in the case of a winery, shall be in the amount of  
5 five thousand dollars (\$5000). Such bonds shall be filed with  
6 and retained by the [board] commission.

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

11 Section 507. Hearings [Upon Refusal of Licenses] on Licenses  
12 and Refusals.--(a) The [board] commission may of its own  
13 motion, and shall upon the written request of the enforcement  
14 bureau or of any applicant for license or for renewal thereof  
15 whose application for such license or renewal has been refused,  
16 fix a time and place for hearing of such application or renewal,  
17 notice of which hearing shall be sent to the bureau and to the  
18 applicant, by registered mail, at the address given in his  
19 application. Such hearing shall be before the [board]  
20 commission, a member thereof, or an [examiner designated by the  
21 board] administrative law judge.

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

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

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

12 Section 98. Section 508 of the act, amended July 31, 1968  
13 (P.L.902, No.272), is reenacted and amended to read:

14 Section 508. License Fees.--(a) The annual fee for every  
15 license issued to a limited winery or a winery shall be two  
16 hundred and fifty dollars (\$250). The annual fee for every  
17 license issued to a distillery (manufacturer) shall be twenty-  
18 five hundred dollars (\$2500) per annum if the annual production  
19 is five hundred thousand (500,000) proof gallons or less, and an  
20 additional fee of one hundred dollars (\$100) for each one  
21 hundred thousand (100,000) proof gallons or fraction thereof in  
22 excess of five hundred thousand (500,000) proof gallons, but for  
23 the purpose of determining the amount of the fee payable by a  
24 distillery, the annual production of alcohol that is denatured  
25 by the manufacturer thereof during the license year in  
26 Pennsylvania and not elsewhere shall be excluded, but alcohol or  
27 liquor used by the manufacturer thereof during the license year  
28 in rectification or blending shall not be excluded, except that  
29 no fee for a distillery shall be less than twenty-five hundred  
30 dollars (\$2500) per annum. The annual fee for all other licenses

1 shall be one hundred dollars (\$100). The fee for any license  
2 when applied for and issued on or after April first, but prior  
3 to July first, shall be three-fourths of the annual fee; July  
4 first, but prior to October first, shall be one-half of the  
5 annual fee; October first, but prior to January first, one-  
6 fourth of the annual fee.

7 (b) For the purpose of this section, the term "proof gallon"  
8 shall mean a gallon liquid which contains one-half its volume of  
9 alcohol of a specific gravity of seven thousand nine hundred  
10 thirty-nine ten thousandths (.7939) at sixty degrees Fahrenheit.

11 Section 99. Section 509 of the act is reenacted and amended  
12 to read:

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

20 Section 100. Sections 510 and 511 of the act are reenacted  
21 to read:

22 Section 510. Containers To Be Labeled.--All persons, except  
23 as exempted by section five hundred two hereof, manufacturing,  
24 producing, distilling, developing or using in the process of  
25 manufacture, denaturing, redistilling, recovering, rectifying,  
26 blending, reusing, holding in bond, holding in storage as bailee  
27 for hire, or transporting for hire of alcohol or liquor under  
28 the provisions of this article, shall securely and permanently  
29 attach to every container ready for shipment thereof as the same  
30 is manufactured, produced, distilled, developed, denatured,



1 redistilled, recovered, rectified, blended, reused, a label  
2 stating the name of the manufacturer, kind and quantity of  
3 alcohol or liquor contained therein, and the date of its  
4 manufacture, together with the number of the license authorizing  
5 the manufacture thereof, and all persons possessing such alcohol  
6 or liquor in wholesale quantities shall securely keep and  
7 maintain such label thereon.

8 Section 511. License To Specify Each Place Authorized For  
9 Use.--Every license issued under the provision of this article  
10 shall specify by definite location every place to be occupied or  
11 used in connection with the business to be conducted thereunder.  
12 It shall be unlawful for the holder of any license to occupy or  
13 use any place in connection with any business authorized under a  
14 license other than the place or places designated therein.

15 Section 101. Sections 512, 513 and 514 of the act are  
16 reenacted and amended to read:

17 Section 512. Records To Be Kept.--Every person holding a  
18 license issued under the provisions of this article shall keep  
19 on the licensed premises daily permanent records which shall  
20 show, (a) the quantities of any alcohol or liquor manufactured,  
21 produced, distilled, developed, denatured, redistilled,  
22 recovered, reused, stored in bond, stored as bailee for hire,  
23 received or used in the process of manufacture by him, and of  
24 all other material used in manufacturing or developing any  
25 alcohol or liquor; (b) the sales or other disposition of any  
26 alcohol, liquor or malt or brewed beverages if covered by said  
27 license; (c) the quantities thereof, if any, stored in bond,  
28 stored for hire, or transported for hire by or for the licensee;  
29 and (d) the names and addresses of the purchasers or other  
30 recipients thereof: Provided, however, That persons holding

1 licenses issued under the provisions of this article for the  
2 transportation for hire of any alcohol, liquor or malt or brewed  
3 beverages shall not be required to keep the above records, but  
4 shall keep daily permanent records showing the names and  
5 addresses of the persons from whom any alcohol, liquor or malt  
6 or brewed beverage was received and to whom delivered, and such  
7 other permanent records as the [board] commission shall  
8 prescribe.

9 Section 513. Premises and Records Subject To Inspection.--

10 Every place operated under license secured under the provisions  
11 of this article where any alcohol, liquor or malt or brewed  
12 beverage covered by the license is manufactured, produced,  
13 distilled, developed or used in the process of manufacture,  
14 denatured, redistilled, rectified, blended, recovered, reused,  
15 held in bond, stored for hire or in connection with a licensee's  
16 business, shall be subject to inspection by members of the  
17 [board] commission or by persons duly authorized and designated  
18 by the [board] commission at any and all times of the day or  
19 night, as they may deem necessary, (a) for the detection of  
20 violations of this act or of the rules and regulations of the  
21 [board] commission promulgated under the authority of this act,  
22 or (b) for the purpose of ascertaining the correctness of the  
23 records required by this act to be kept by licensees and the  
24 books and records of licensees, and the books and records of  
25 their customers, in so far as they relate to purchases from said  
26 licensees, shall at all times be open to inspection by the  
27 members of the [board] commission or by persons duly authorized  
28 and designated by the [board] commission for the purpose of  
29 making inspections as authorized by this section. Members of the  
30 [board] commission and the persons duly authorized and

1 designated by the [board] commission shall have the right,  
2 without fee or hindrance, to enter any place which is subject to  
3 inspection hereunder, or any place where records subject to  
4 inspection hereunder are kept, for the purpose of making such  
5 inspections.

6 Section 514. Suspension and Revocation of Licenses.--(a)  
7 Upon learning of any violation of this act or of any rule or  
8 regulation promulgated by the [board] commission under the  
9 authority of this act, or any violation of any laws of the  
10 Commonwealth or of the United States of America relating to the  
11 tax payment of alcohol, liquor or malt or brewed beverages by  
12 the holder of a license issued under the provisions of this  
13 article, or upon other sufficient cause, the [board] enforcement  
14 bureau may, within one year from the date of such violation or  
15 cause appearing, cite such licensee to appear before [it or its  
16 examiner] an administrative law judge not less than ten (10) nor  
17 more than [fifteen (15)] sixty (60) days from the date of  
18 sending such licensee, by registered mail, a notice addressed to  
19 his licensed premises, to show cause why the license should not  
20 be suspended or revoked. Hearings on such citations shall be  
21 held in the same manner as provided herein for hearings on  
22 applications for license. And upon such hearing, if satisfied  
23 that any such violation has occurred or for other sufficient  
24 cause, the [board] administrative law judge shall immediately  
25 suspend or revoke such license, notifying the licensee thereof  
26 by registered letter addressed to his licensed premises, or to  
27 the address given in his application where no licensed premises  
28 is maintained in Pennsylvania.

29 (b) When a license is revoked, the licensee's bond may be  
30 forfeited [by the board]. Any licensee whose license is revoked

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

18 Section 102. Section 515 of the act, repealed in part June  
19 3, 1971 (P.L.118, No.6) and April 28, 1978 (P.L.202, No.53), is  
20 reenacted and amended to read:

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

1 serve a copy thereof upon the board. The said appeal shall act  
2 as a supersedeas, unless upon sufficient cause shown the court  
3 shall determine otherwise. The court shall hear the application  
4 de novo at such time as it shall fix, of which notice shall be  
5 given to the board. The court shall, in the case of a refusal by  
6 the board, either sustain such refusal or order the issuance of  
7 the license to the applicant] in accordance with 2 Pa.C.S. Ch. 7  
8 Subch. A (relating to judicial review of Commonwealth agency  
9 action).

10 Section 103. Sections 516 and 517 of the act are reenacted  
11 and amended to read:

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

26 Section 517. Expiration of Licenses; Renewals.--All licenses  
27 issued under this article shall expire at the close of the  
28 calendar year, but new licenses for the succeeding year shall be  
29 issued upon written application therefor, duly verified by  
30 affidavit, stating that the facts in the original application

1 are unchanged, and upon payment of the fee as hereinafter  
2 provided and the furnishing of a new bond, without the filing of  
3 further statements or the furnishing of any further information  
4 unless specifically requested by the [board] commission:  
5 Provided, however, That any such license issued to a corporation  
6 shall expire thirty (30) days after any change in the officers  
7 of such corporation, unless the name and address of each such  
8 new officer of such corporation shall, within that period, be  
9 reported to the [board] commission by certificate, duly  
10 verified. Applications for renewals must be made not less than  
11 thirty (30) nor more than sixty (60) days before the first day  
12 of January of the ensuing year. All applications for renewal  
13 received otherwise shall be treated as original applications.

14 Section 104. Section 518 of the act is reenacted to read:

15 Section 518. Unlawful Acts.--(a) It shall be unlawful for  
16 any person to transport any illegal alcohol, liquor or malt or  
17 brewed beverages.

18 (b) Whenever any person withdraws or removes any alcohol or  
19 liquor which has not been denatured from any distillery,  
20 denaturing plant, winery or bonded warehouse for the purpose of  
21 denaturing the same, it shall be unlawful for any such person to  
22 use, sell or conceal, or attempt to use, sell or conceal, or be  
23 concerned in the sale, use or concealment of, any such alcohol  
24 or liquor, unless before such sale or use the said alcohol or  
25 liquor shall be denatured by adding thereto denaturing material  
26 or materials or admixtures thereof which render it unfit for  
27 beverage purposes.

28 (c) It shall be unlawful for any person to recover and reuse  
29 or attempt to recover and reuse, by redistillation or by any  
30 other process or means whatsoever, any alcohol or liquor from

1 denatured alcohol or from any other liquor from denatured  
2 alcohol or from any other liquid, or to knowingly use, sell,  
3 conceal, or otherwise dispose of, alcohol or liquor so recovered  
4 or redistilled.

5 Section 105. Section 519 of the act is reenacted and amended  
6 to read:

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

26 Section 106. The headings of Article VI and Subdivision (A)  
27 of Article VI of the act are reenacted to read:

28 ARTICLE VI.

29 PROPERTY ILLEGALLY POSSESSED OR USED; FORFEITURES;

30 NUISANCES.

1 (A) Forfeitures.

2 Section 107. Sections 601, 602 and 603 of the act, amended  
3 April 20, 1956 (1955 P.L.1508, No.499), are reenacted and  
4 amended to read:

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

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

30 (b) A copy of said petition shall be served personally on



1 said owner if he can be found within the jurisdiction of the  
2 court, or upon the person or persons in possession at the time  
3 of the seizure thereof. Said copy shall have endorsed thereon a  
4 notice as follows:

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

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

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

29 (d) Upon the filing of any claim for said property, setting  
30 forth a right of possession thereof, the case shall be deemed at

1 issue and a time be fixed for the hearing thereof.

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

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

23 Section 603. Disposition of Forfeited Property.--If, upon  
24 petition as hereinbefore provided and hearing before the court  
25 of [quarter sessions] common pleas, it appears that any liquor,  
26 alcohol, or malt or brewed beverage or still, equipment,  
27 material or utensil was so illegally possessed, or used, such  
28 liquor, alcohol or malt or brewed beverage or still, equipment,  
29 material or utensil shall be adjudged forfeited and condemned,  
30 or if it appears that any vehicle, boat, vessel, container,

1 animal or aircraft was so used in the illegal manufacture or  
2 transportation of liquor, alcohol or malt or brewed beverage,  
3 such property may, in the discretion of the court, be adjudged  
4 forfeited and condemned and in such case shall be disposed of as  
5 follows:

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

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

27 (c) In the case of any vehicle, boat, vessel, container,  
28 animal or aircraft seized under the provisions of this act and  
29 condemned, the court shall order the same to be delivered to the  
30 [board] enforcement bureau for its use or for sale or

1 disposition by the [board] bureau, in its discretion. Notice of  
2 such sale shall be given in such manner as the [board] bureau  
3 may prescribe. The proceeds of such sale shall be paid into The  
4 State Stores Fund.

5 Section 108. Section 604 of the act is reenacted and amended  
6 to read:

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

24 Section 109. Section 605 of the act is reenacted to read:

25 Section 605. Application of Subdivision.--The provisions of  
26 this subdivision shall apply to the disposition of any liquor,  
27 alcohol or malt or brewed beverage or property in the custody of  
28 the law or of any officer at the time of the passage of this  
29 act.

30 Section 110. The heading of Subdivision (B) of Article VI of

1 the act is reenacted to read:

2 (B) Nuisances.

3 Section 111. Section 611 of the act is reenacted and amended  
4 to read:

5 Section 611. Nuisances; Actions To Enjoin.--(a) Any room,  
6 house, building, boat, vehicle, structure or place, except a  
7 private home, where liquor, alcohol or malt or brewed beverages  
8 are manufactured, possessed, sold, transported, offered for  
9 sale, bartered or furnished, or stored in bond, or stored for  
10 hire, in violation of this act, and all such liquids, beverages  
11 and property kept or used in maintaining the same, are hereby  
12 declared to be common nuisances, and any person who maintains  
13 such a common nuisance shall be guilty of a misdemeanor and,  
14 upon conviction thereof, shall be subject to the same penalties  
15 provided in section four hundred ninety four of this act.

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

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

19 (c) Upon the decree of the court ordering such nuisance to  
20 be abated, the court may, upon proper cause shown, order that  
21 the room, house, building, structure, boat, vehicle or place  
22 shall not be occupied or used for one year thereafter, but the  
23 court may, in its discretion, permit it to be occupied or used  
24 if the owner, lessee, tenant or occupant thereof shall give bond  
25 with sufficient surety to be approved by the court making the  
26 order in the penal and liquidated sum of not less than five  
27 hundred dollars (\$500.00), payable to the Commonwealth of  
28 Pennsylvania, for use of the county in which said proceedings  
29 are instituted, and conditioned that neither liquor, alcohol,  
30 nor malt or brewed beverages will thereafter be manufactured,

1 sold, transported, offered for sale, bartered or furnished, or  
2 stored in bond, or stored for hire therein or thereon in  
3 violation of this act, and that he will pay all fines, costs and  
4 damages that may be assessed for any violation of this act upon  
5 said property.

6 Section 112. The headings of Article VII and Subdivision (A)  
7 of Article VII of the act are reenacted to read:

8 ARTICLE VII.

9 DEALING IN DISTILLERY BONDED WAREHOUSE

10 CERTIFICATES.

11 (A) Preliminary Provisions.

12 Section 113. Section 701 of the act is reenacted and amended  
13 to read:

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

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

24 "Fraud," "fraudulent" and "fraudulent practice" shall include  
25 any misrepresentation in any manner of a relevant fact not made  
26 honestly and in good faith; any promise or representation or  
27 prediction as to the future not made honestly and in good faith,  
28 or an intentional failure to disclose a material fact; the  
29 gaining, directly or indirectly, through the purchase, sale or  
30 exchange of distillery bonded warehouse certificates, of any

1 promotion fee or profit, selling or managing commission or  
2 profit, so gross and exorbitant as to be unconscionable and  
3 fraudulent; and any scheme, device, artifice or investment plan  
4 to obtain such an unconscionable profit: Provided, however, that  
5 nothing herein shall limit or diminish the full meaning of the  
6 terms "fraud" and "fraudulent" as applied or accepted in courts  
7 of law or equity.

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

16 Section 114. The heading of Subdivision (B) of Article VII  
17 of the act is reenacted to read:

18 (B) Permits.

19 Section 115. Section 702 of the act is reenacted to read:

20 Section 702. Unlawful to Act as a Distillery Certificate  
21 Broker or to Buy or Sell Distillery Bonded Warehouse Certificate  
22 Without a Permit.--It shall be unlawful for any person, except  
23 as hereinafter exempted, directly or through an agent, to sell,  
24 purchase, exchange, offer for sale, deliver, enter into  
25 agreements for the purchase, sale, exchange, solicit  
26 subscriptions to, orders for, undertake to dispose of, deal in  
27 any manner in, distillery bonded warehouse certificates, without  
28 first having obtained a permit to act as a distillery  
29 certificate broker as provided in this article.

30 Section 116. Section 703 of the act is reenacted and amended



1 to read:

2 Section 703. Authority to Issue Permits to Distillery  
3 Certificate Brokers.--Subject to the provisions of this article  
4 and regulations promulgated under this act, the [board]  
5 commission shall have authority to issue to any reputable  
6 financially responsible person whose plan of business in dealing  
7 in distillery bonded warehouse certificates is not deemed by the  
8 [board] commission to constitute "fraudulent practice," as  
9 defined herein, a permit to act as distillery certificate  
10 broker.

11 Section 117. Section 704 of the act, amended September 28,  
12 1961 (P.L.1728, No.702), is reenacted and amended to read:

13 Section 704. Application for Permit; Filing Fee.--Every  
14 applicant for a distillery certificate broker permit shall file  
15 a written application with the [board] commission outlining his  
16 plan of business in dealing in distillery bonded warehouse  
17 certificates, in such form and containing such other information  
18 as the [board] commission shall from time to time prescribe,  
19 which shall be accompanied by a filing fee of twenty dollars  
20 (\$20) and the prescribed permit fee. If the applicant is a  
21 natural person, his application must show that he is a citizen  
22 of the United States, and if a corporation, the application must  
23 show that the corporation was created under the laws of  
24 Pennsylvania or holds a certificate of authority to transact  
25 business in Pennsylvania. The application shall be signed and  
26 verified by oath or affirmation of the applicant, if a natural  
27 person, or in the case of an association, by a member or partner  
28 thereof, or in the case of a corporation, by an executive  
29 officer thereof or any person specifically authorized by the  
30 corporation to sign the application, to which shall be attached

1 written evidence of his authority. If the applicant is an  
2 association, the application shall set forth the names and  
3 addresses of the persons constituting the association, and if a  
4 corporation, the names and addresses of all the officers  
5 thereof. All applications must be verified by affidavit of  
6 applicant and if any false statement is intentionally made in  
7 any part of the application, the signer shall be guilty of a  
8 misdemeanor and upon indictment and conviction, shall be subject  
9 to penalties provided by this article.

10 Section 118. Section 705 of the act is reenacted and amended  
11 to read:

12 Section 705. Issuance of Permits.--Upon receipt of the  
13 application and proper fees and upon being satisfied of the  
14 truth of the statements in the application, and being also  
15 satisfied that the applicant's plan of business in dealing in  
16 distillery bonded warehouse certificates does not constitute  
17 "fraudulent practice," as defined in this article, and that the  
18 applicant is a person of good repute and financially  
19 responsible, the [board] commission may issue to such applicant  
20 a permit authorizing the permittee to sell, purchase, exchange,  
21 pledge and deal in distillery bonded warehouse certificates.

22 Section 119. Section 706 of the act is reenacted to read:

23 Section 706. Office or Place of Business to be Maintained.--  
24 Every applicant for a distillery certificate broker permit under  
25 this article and every person to whom such a permit is issued  
26 shall maintain an office or place of business within the  
27 Commonwealth.

28 Section 120. Sections 707, 708 and 709 of the act are  
29 reenacted and amended to read:

30 Section 707. Permit Fee; Permits Not Assignable or

1 Transferable; Display of Permit; Term of Permit.--Every  
2 applicant for distillery certificate broker permit shall, before  
3 receiving such permit, pay to the [board] commission an annual  
4 permit fee of one hundred dollars (\$100). Permits issued under  
5 this act may not be assigned or transferred and shall be  
6 conspicuously displayed at the place of business of the  
7 permittee. All permits shall be valid only during the year for  
8 which issued and shall automatically expire on the thirty-first  
9 day of December of each calendar year unless suspended, revoked  
10 or cancelled prior thereto.

11 Section 708. Records to be Kept.--Every person holding a  
12 permit issued under this act shall keep daily permanent records  
13 containing a complete record of all transactions in distillery  
14 bonded warehouse certificates within this Commonwealth, in such  
15 form and manner as the [board] commission may from time to time  
16 prescribe. Such records shall be available for examination by  
17 the [board's] commission's officers at the broker's principal  
18 place of business or office in Pennsylvania.

19 Section 709. Renewal of Permits.--Upon the filing of an  
20 application and the payment of the prescribed filing fee and  
21 permit fee in the same amount as herein required on original  
22 applications for permits, the [board] commission may renew the  
23 permit for the calendar year beginning January first, provided  
24 such application for renewal is filed and fee paid on or before  
25 December fifteenth of the preceding year, unless the [board]  
26 commission shall have given previous notice of objections to the  
27 renewal of the permit, based upon violation of this article or  
28 the [board's] commission's regulations promulgated thereunder,  
29 or unless the applicant has by his own act become a person of  
30 ill repute or ceases to be financially responsible.

1 Section 121. Section 710 of the act, amended June 3, 1971  
2 (P.L.118, No.6) and April 28, 1978 (P.L.202, No.53), is  
3 reenacted and amended to read:

4 Section 710. Permit Hearings; Appeals From Refusal of the  
5 [Board] Commission to Issue or Renew Permits.--The [board]  
6 commission may of its own motion, and shall upon written request  
7 of any applicant for distillery certificate broker permit or for  
8 renewal thereof whose application for such permit or renewal has  
9 been refused, fix a time and place for hearings of such  
10 application for permit or for renewal thereof, notice of which  
11 hearing shall be sent by registered mail to the applicant at the  
12 address given in his application. Such hearing shall be before  
13 the [board] commission or a member thereof. At such hearing, the  
14 [board] commission shall present its reasons for its refusal or  
15 withholding a permit or renewal thereof. The applicant may  
16 appear in person or by counsel, cross-examine the witnesses of  
17 the [board] commission, and may present evidence which shall be  
18 subject to cross-examination by the [board] commission. Such  
19 hearings shall be stenographically recorded. The [board]  
20 commission shall thereupon grant or refuse the permit or renewal  
21 thereof. If the [board] commission shall refuse such permit or  
22 renewal following such hearing, notice in writing of such  
23 refusal shall be sent by registered mail to the applicant at the  
24 address given in his application. In all such cases, the [board]  
25 commission shall file of record at least a brief statement in  
26 the form of an opinion of the reasons for the ruling or order  
27 and furnish a copy thereof to the applicant.

28 Section 122. Section 712 of the act, amended April 28, 1978  
29 (P.L.202, No.53), is reenacted and amended to read:

30 Section 712. Revocation and Suspension of Permit.--Upon

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

25 Section 123. The heading of Subdivision (C) of Article VII  
26 of the act is reenacted to read:

27 (C) Permittees' Registered Agents.

28 Section 124. Section 721 of the act is reenacted to read:

29 Section 721. Unlawful to Act as Agent or to Employ Agents  
30 Without Registration.--It shall be unlawful for a distillery

1 certificate broker to employ any person to act as agent, or for  
2 any person to act as agent for any distillery certificate  
3 broker, in purchasing, exchanging, offering for sale,  
4 delivering, entering into agreements for the purchase, sale,  
5 exchange, soliciting subscriptions to, orders for, undertaking  
6 to dispose of, dealing in any manner in, distillery bonded  
7 warehouse certificates, without such person first having been  
8 registered as an agent as provided in this article.

9 Section 125. Section 722 of the act is reenacted and amended  
10 to read:

11 Section 722. Registered Agents.--Every person holding a  
12 distillery certificate broker permit under this article who  
13 desires to employ an agent or agents in the operation of his  
14 business under the permit shall make application to the [board]  
15 commission for registration of such agent or agents. Every such  
16 permittee's application shall set forth the name of the  
17 permittee and the address of his main office or principal place  
18 of business in Pennsylvania, and the full address where complete  
19 records are maintained covering the permittee's operations in  
20 Pennsylvania. With each such permittee's application there shall  
21 be filed an agent's application for each agent to be registered.  
22 Permittees' applications for agents and agents' applications  
23 shall contain such information as the [board] commission shall  
24 from time to time require, and shall be signed and verified by  
25 oath or affirmation of the agent. Each application shall be  
26 accompanied by two unmounted photographs of the agent.

27 Section 126. Section 723 of the act is reenacted to read:

28 Section 723. Registration Fee.--Every application for the  
29 registration of agents filed by a permittee shall be accompanied  
30 by a registration fee in the amount of ten dollars (\$10) for

1 each agent to be registered, which shall cover the agent's  
2 registration from date of approval until December thirty-first  
3 of the year in which approved. Registrations may be renewed for  
4 a period of one calendar year upon the filing of a new  
5 application and payment of the same registration fee as herein  
6 provided for original registration, together with agent's new  
7 application and photographs of each agent. Applications for  
8 renewal of registration shall be filed not later than December  
9 fifteenth of each year.

10 Section 127. Section 724 of the act is reenacted and amended  
11 to read:

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

19 Section 128. Sections 725 and 726 of the act, amended April  
20 28, 1978 (P.L.202, No.53), are reenacted and amended to read:

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

25 Section 726. Revocation and Suspension of Agents'  
26 Registrations.--Upon learning of any violation of this act or  
27 regulation of the [board] commission promulgated thereunder, or  
28 any violation of any laws of this Commonwealth or of the United  
29 States of America by a registered agent, the [board] commission  
30 may revoke or suspend the agent's registration in the same

1 manner as provided herein for the revocation and suspension of  
2 distillery certificate broker permits.

3 Section 129. Section 727 of the act is reenacted and amended  
4 to read:

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

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

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

26 Section 130. The heading of Subdivision (D) of Article VII  
27 of the act is reenacted to read:

28 (D) Exemptions.

29 Section 131. Sections 731, 732 and 733 of the act are  
30 reenacted to read:



1 Section 731. Bank and Trust Companies and Other Persons.--  
2 Bank and trust companies and other persons duly authorized  
3 within this Commonwealth to engage in the business of lending  
4 money to licensed distillers, rectifiers, importers and  
5 distillery certificate brokers may, without a permit required  
6 under the provisions of this act, accept distillery bonded  
7 warehouse certificates as security or collateral for any loan  
8 made in the regular conduct of their business, and such banks  
9 and trust companies and other persons may liquidate such  
10 security or collateral by sale only to licensed distillers,  
11 rectifiers, importers or distillery certificate brokers.

12 Section 732. Distillers, Rectifiers and Importers.--Duly  
13 licensed distillers, rectifiers and importers may, without a  
14 permit required under the provisions of this article, deal in  
15 distillery bonded warehouse certificates, but only with other  
16 duly licensed distillers, rectifiers, importers and with  
17 distillery certificate brokers.

18 Section 733. Certificates Owned Since July 24, 1939.--  
19 Persons other than licensed distillers, rectifiers, importers  
20 and distillery certificate brokers, holding distillery bonded  
21 warehouse certificates on and since the twenty-fourth day of  
22 July, one thousand nine hundred thirty-nine, may dispose of same  
23 without a permit required under the provisions of this act, but  
24 only to or through a distillery certificate broker holding a  
25 permit from the board.

26 Section 132. The heading of Subdivision (E) of Article VII  
27 of the act is reenacted to read:

28 (E) Administration and Enforcement.

29 Section 133. Section 741 of the act is reenacted and amended  
30 to read:

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

10 Section 134. The heading of Subdivision (F) of Article VII  
11 of the act is reenacted to read:

12 (F) Fines and Penalties.

13 Section 135. Section 751 of the act is reenacted to read:

14 Section 751. Penalties.--Any person who shall violate any of  
15 the provisions of this article, or who shall engage in any fraud  
16 or fraudulent practice, as defined herein, shall be guilty of a  
17 misdemeanor and, upon conviction thereof, shall be sentenced to  
18 pay the costs of prosecution and a fine of not less than one  
19 thousand dollars (\$1000), nor more than five thousand dollars  
20 (\$5000), or undergo imprisonment of not less than one year, nor  
21 more than five years, or both, at the discretion of the court.

22 Section 136. The heading of Article VIII of the act is  
23 reenacted to read:

24 ARTICLE VIII.

25 DISPOSITION OF MONEYS COLLECTED UNDER

26 PROVISIONS OF ACT.

27 Section 137. Section 801 of the act is reenacted and amended  
28 to read:

29 Section 801. Moneys Paid Into Liquor License Fund and  
30 Returned to Municipalities.--(a) The following fees collected

1 by the [board] commission under the provisions of this act shall  
2 be paid into the State Treasury through the Department of  
3 Revenue into a special fund to be known as the "Liquor License  
4 Fund":

5 (1) License fees for hotel, restaurant and club liquor  
6 licenses.

7 (2) License fees for retail dispensers' (malt and brewed  
8 beverages) licenses.

9 (b) The moneys in the Liquor License Fund shall, on the  
10 first days of February and August of each year, be paid by the  
11 [board] commission to the respective municipalities in which the  
12 respective licensed places are situated, in such amounts as  
13 represent the aggregate license fees collected from licenses in  
14 such municipalities during the preceding period.

15 (c) The [board] commission shall have the power to  
16 appropriate moneys in the Liquor License Fund for the payment of  
17 claims for refunds allowed and approved by the [board]  
18 commission for moneys paid into the Liquor License Fund because  
19 of the over-payment or overcharge on license fees. In the event  
20 that the moneys in the Liquor License Fund have been distributed  
21 to the respective municipalities, the [board] commission shall  
22 have the authority to deduct from the next semi-annual payment  
23 to the respective municipalities the amount of any over-payment  
24 previously refunded by the [board] commission to any person on  
25 account of an overcharge or over-payment on a license fee.

26 Section 138. Section 802 of the act, amended September 28,  
27 1961 (P.L.1728, No.702), is reenacted and amended to read:

28 Section 802. Moneys Paid Into The State Stores Fund for Use  
29 of the Commonwealth.--(a) All moneys, except fees to be paid  
30 into the Liquor License Fund as provided by the [preceding]

1 section 801, collected, received or recovered under the  
2 provisions of this act for license fees, permit fees, filing  
3 fees and registration fees, from forfeitures, sales of forfeited  
4 property, compromise penalties and sales of liquor and alcohol  
5 at the Pennsylvania Liquor Stores, shall be paid into the State  
6 Treasury through the Department of Revenue into a special fund  
7 to be known as "The State Stores Fund."

8 (b) One-half of all application filing and transfer fees  
9 shall be credited to a special account designated as the  
10 Enforcement Officers' Retirement Account. The moneys credited to  
11 this account shall be paid, annually, by the [board] commission  
12 to the State Employees' Retirement Board to be paid into the  
13 State Employees' Retirement Fund and credited to the Enforcement  
14 Officers' Benefit Account.

15 (c) One per centum of annual profits from the sale of liquor  
16 and alcohol shall be annually transferred to the Department of  
17 Health for use by the Office of Drug and Alcohol Programs, or  
18 its successor in function, for the following purposes:

19 (1) Treatment and rehabilitation of persons addicted to the  
20 excessive use of alcoholic beverages.

21 (2) Promotion of education, prevention and early  
22 intervention programs designed to eliminate abuse and addiction  
23 to alcohol or other mood-altering substances or secure  
24 appropriate treatment for the already addicted.

25 (3) Study of the problem of addiction.

26 (d) All other moneys in such fund shall be available for the  
27 purposes for which they are appropriated by law.

28 (e) Annually, at the time the budget for the enforcement  
29 bureau is approved, an amount equal to the amount appropriated  
30 from the General Fund for the enforcement bureau shall be

1 transferred from the State Store Fund to the General Fund.

2 Section 139. Section 803 of the act is reenacted and amended  
3 to read:

4 Section 803. Alcohol Tax Moneys Paid Into General Fund.--All  
5 taxes collected or received by the [board] commission on sales  
6 of taxable alcohol under the provisions of this act shall be  
7 paid into the State Treasury through the Department of Revenue  
8 into the General Fund.

9 Section 140. The heading of Article IX of the act is  
10 reenacted to read:

11 ARTICLE IX.

12 REPEALS.

13 Section 141. Section 901 of the act is reenacted to read:

14 Section 901. Acts and Parts of Acts Repealed.--The following  
15 acts and parts of acts and all amendments thereof are hereby  
16 repealed to the extent hereinafter specified:

17 Section five of the act, passed in one thousand seven hundred  
18 five (1 Sm. L. 25), entitled "An act to restrain people from  
19 labour on the first day of the week," absolutely.

20 The act, passed in one thousand seven hundred five (1 Sm. L.  
21 43), entitled "An act for selling beer and ale by wine-measure,"  
22 absolutely.

23 The act, passed the thirty-first day of May, one thousand  
24 seven hundred eighteen (1 Sm. L. 104), entitled "An act  
25 empowering the Justices to settle the prices of liquors in  
26 public houses, and provender for horses in public stables,"  
27 absolutely.

28 The act, passed the twenty-sixth day of August, one thousand  
29 seven hundred twenty-one (1 Sm. L. 126), entitled "A  
30 Supplementary act to a law of this province, entitled 'An act

1 that no public house or inn, within this province, be kept  
2 without license," absolutely.

3 Section twenty of the act, approved the thirtieth day of  
4 March, one thousand eight hundred eleven (Pamphlet Laws 145),  
5 entitled "An act to amend and consolidate the several acts  
6 relating to the settlement of the public accounts and the  
7 payment of the public monies, and for other purposes,"  
8 absolutely.

9 The act, approved the fourteenth day of March, one thousand  
10 eight hundred fourteen (Pamphlet Laws 100), entitled "An act  
11 providing for the inspection of spirituous liquors," absolutely.

12 Sections one, two, three and four of the act, approved the  
13 second day of April, one thousand eight hundred twenty-two  
14 (Pamphlet Laws 286), entitled "An act to prevent the disturbance  
15 of meetings held for the purpose of religious worship,"  
16 absolutely.

17 The act, approved the eighth day of March, one thousand eight  
18 hundred fifteen (Pamphlet Laws 91), entitled "An act altering  
19 the mode of issuing tavern licenses," absolutely.

20 The act, approved the thirteenth day of March, one thousand  
21 eight hundred fifteen (Pamphlet Laws 171), entitled "A  
22 supplement to the act, entitled 'An act providing for the  
23 inspection of spirituous liquors,' passed the fourteenth day of  
24 March, one thousand eight hundred and fourteen, and for the  
25 prevention of fraud in the purchase or sale of flour or  
26 whiskey," absolutely.

27 The act, approved the twenty-seventh day of March, one  
28 thousand eight hundred twenty-one (Pamphlet Laws 133), entitled  
29 "An act to regulate inspections," absolutely.

30 The act, approved the second day of April, one thousand eight

1 hundred twenty-one (Pamphlet Laws 244), entitled "An act laying  
2 a duty on the retailers of foreign merchandise," in so far as it  
3 relates to wine or distilled liquors.

4 Section two of the act, approved the second day of April, one  
5 thousand eight hundred twenty-two (Pamphlet Laws 226), entitled  
6 "A further supplement to the act, entitled 'An act relative to  
7 habitual Drunkards,'" absolutely.

8 The act, approved the sixteenth day of January, one thousand  
9 eight hundred twenty-three (Pamphlet Laws 10), entitled "A  
10 supplement to the act entitled, 'An act providing for the  
11 inspection of spirituous liquors,'" absolutely.

12 Section one of the act, approved the twelfth day of April,  
13 one thousand eight hundred twenty-five (Pamphlet Laws 247),  
14 entitled "An act more effectually to secure the collection of  
15 the revenue from tavern licenses, and for other purposes,"  
16 absolutely.

17 The act, approved the seventh day of April, one thousand  
18 eight hundred thirty (Pamphlet Laws 352), entitled "An act to  
19 regulate inns and taverns," absolutely.

20 The act, approved the fifteenth day of February, one thousand  
21 eight hundred thirty-two (Pamphlet Laws 73), entitled "A  
22 supplement to an act entitled 'An act to regulate inns and  
23 taverns,' passed April seventh, eighteen hundred and thirty,"  
24 absolutely.

25 Sections one, two, three, four, five, ten, eleven, twelve,  
26 thirteen, fourteen, fifteen, sixteen, seventeen, eighteen,  
27 nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-  
28 four, twenty-five, twenty-six and twenty-seven of the act,  
29 approved the eleventh day of March, one thousand eight hundred  
30 thirty-four (Pamphlet Laws 117), entitled "An act relating to

1 Inns, Taverns, and retailers of vinous and spirituous liquors,"  
2 absolutely.

3 Sections one hundred twenty-three, one hundred twenty-four,  
4 one hundred twenty-five, one hundred twenty-six, one hundred  
5 twenty-seven, one hundred twenty-eight, one hundred twenty-nine,  
6 one hundred thirty, one hundred thirty-one, one hundred thirty-  
7 two, one hundred thirty-three, one hundred thirty-four, one  
8 hundred thirty-five, one hundred thirty-six, one hundred thirty-  
9 seven, one hundred thirty-eight, one hundred thirty-nine and one  
10 hundred forty of the act, approved the fifteenth day of April,  
11 one thousand eight hundred thirty-five (Pamphlet Laws 384),  
12 entitled "An act relating to Inspections," absolutely.

13 Section sixty-six of the act, approved the thirteenth day of  
14 June, one thousand eight hundred thirty-six (Pamphlet Laws 589),  
15 entitled "An act relating to lunatics and habitual drunkards,"  
16 absolutely.

17 Section twenty-two of the act, approved the twenty-seventh  
18 day of May, one thousand eight hundred forty (Pamphlet Laws  
19 548), entitled "An act to erect the town of South Easton, in the  
20 county of Northampton, into a borough, and for other purposes,"  
21 absolutely.

22 The act, approved the twenty-ninth day of March, one thousand  
23 eight hundred forty-one (Pamphlet Laws 121), entitled "An act  
24 supplementary to the various Acts relating to Tavern Licenses,"  
25 absolutely.

26 Section forty-four of the act, approved the twenty-fifth day  
27 of March, one thousand eight hundred forty-two (Pamphlet Laws  
28 192), entitled "An act to appoint Commissioners to Re-survey and  
29 mark that portion of the county line, which divides the township  
30 of Bristol, in the county of Philadelphia, from the township of



1 Cheltenham, in the county of Montgomery, and for other  
2 purposes," absolutely.

3 Section four of the act, approved the twenty-first day of  
4 April, one thousand eight hundred forty-six (Pamphlet Laws 431),  
5 entitled "An act to authorize the voters of Mifflin county to  
6 decide the question of tavern license therein, and to prohibit  
7 the sale of intoxicating drinks within specified limits in  
8 certain counties," absolutely.

9 Sections twenty, twenty-one, twenty-two, twenty-three,  
10 thirty-one, thirty-two and thirty-three of the act, approved the  
11 tenth day of April, one thousand eight hundred forty-nine  
12 (Pamphlet Laws 570), entitled "An act to create a sinking fund,  
13 and to provide for the gradual and certain extinguishment of the  
14 debt of the commonwealth," absolutely.

15 The act, approved the sixteenth day of April, one thousand  
16 eight hundred forty-nine (Pamphlet Laws 657), entitled "An act  
17 to change the mode of granting tavern licenses in the city and  
18 county of Philadelphia," absolutely.

19 Sections five, six and eight of the act, approved the  
20 thirtieth day of April, one thousand eight hundred fifty  
21 (Pamphlet Laws 634), entitled "An act regulating the hunting of  
22 deer in the county of Warren; and relative to hawkers and  
23 peddlers in the counties of Carbon, Butler and Union;  
24 authorizing the Philadelphia, Germantown and Norristown railroad  
25 company to become stockholders in the Chester Valley railroad  
26 company; relative to the sale of spirituous and vinous liquors  
27 in Washington county; and to the licensing of inn-keepers in  
28 this commonwealth; to the estate of John Claar, deceased;  
29 legitimating John Diffenbach, of Lancaster county; and  
30 authorizing the sale of the real estate of Darius Grimes, of

1 Fayette county, deceased," absolutely.

2 Section eight of the act, approved the fourteenth day of  
3 April, one thousand eight hundred fifty-one (Pamphlet Laws 569),  
4 entitled "A further supplement to the act entitled 'An Act  
5 authorizing the Governor to incorporate the Bear Mountain  
6 Railroad Company,' and for other purposes, passed July  
7 thirteenth, one thousand eight hundred and forty-two, and  
8 relative to roads, streets, and alleys in the borough of  
9 Pottsville, in Schuylkill county, to hawkers and peddlers in  
10 Armstrong and Carbon counties, to the Bethany and Dingman's  
11 choice turnpike road, to the district of West Philadelphia, to  
12 the bottling of cider and malt liquors, licensing billiard rooms  
13 and bowling saloons, to the district of Moyamensing, and to  
14 authorize Charles B. Mench to sell certain real estate,"  
15 absolutely.

16 Sections one, two, three, six, seven and eight of the act,  
17 approved the eighth day of May, one thousand eight hundred  
18 fifty-four (Pamphlet Laws 663), entitled "An act to protect  
19 certain domestic and private Rights, and prevent abuses in the  
20 Sale and Use of Intoxicating Drinks," absolutely.

21 The act, approved the twenty-sixth day of January, one  
22 thousand eight hundred fifty-five (Pamphlet Laws 53), entitled  
23 "An act to prevent the Sale of Intoxicating Liquors on the First  
24 Day of the Week, commonly called Sunday," absolutely.

25 Sections one, two, three, four, five, six, seven, eight,  
26 nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen,  
27 seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two,  
28 twenty-three, twenty-four, twenty-five, thirty, thirty-two,  
29 thirty-three and thirty-four of the act, approved the thirty-  
30 first day of March, one thousand eight hundred fifty-six

1 (Pamphlet Laws 200), entitled "An act to Regulate the Sale of  
2 Intoxicating Liquors," absolutely.

3 Sections one, two, three, four, five, six, seven, eight,  
4 nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen,  
5 seventeen, eighteen, nineteen, twenty, twenty-one, twenty-three  
6 and twenty-four of the act, approved the twentieth day of April,  
7 one thousand eight hundred fifty-eight (Pamphlet Laws 365),  
8 entitled "A supplement to an act to Regulate the Sale of  
9 Intoxicating Liquors, approved the thirty-first of March, Anno  
10 Domini one thousand eight hundred and fifty-six," absolutely.

11 The act, approved the twenty-first day of April, one thousand  
12 eight hundred fifty-eight (Pamphlet Laws 393), entitled "A  
13 further supplement to an act relative to the Inspection of  
14 Liquors," absolutely.

15 Section two of the act, approved the seventeenth day of  
16 March, one thousand eight hundred fifty-nine (Pamphlet Laws  
17 167), entitled "An act relating to Trustees of Farmers' High  
18 Schools of Pennsylvania," absolutely.

19 The act, approved the fourteenth day of April, one thousand  
20 eight hundred fifty-nine (Pamphlet Laws 653), entitled "An act  
21 relating to the granting of Licenses to Hotel, Inn, or Tavern  
22 Keepers," absolutely.

23 The act, approved the twenty-ninth day of March, one thousand  
24 eight hundred sixty (Pamphlet Laws 346), entitled "An act to  
25 prevent Recovery for the Sale of Adulterated Liquors,"  
26 absolutely.

27 The act, approved the fifteenth day of April, one thousand  
28 eight hundred sixty-three (Pamphlet Laws 480), entitled "An act  
29 relating to the inspection of domestic distilled spirits,"  
30 absolutely.

1 The act, approved the twenty-second day of March, one  
2 thousand eight hundred sixty-seven (Pamphlet Laws 40), entitled  
3 "A further supplement to an act to regulate the granting of  
4 licenses to hotels and eating houses, approved March thirty-  
5 first, one thousand eight hundred and fifty-six," absolutely.

6 The act, approved the twenty-ninth day of April, one thousand  
7 eight hundred sixty-seven (Pamphlet Laws 95), entitled "A  
8 supplement to an act, entitled 'An act to prevent the sale of  
9 intoxicating liquors on the first day of the week, commonly  
10 called Sunday,' approved February twenty-six, one thousand eight  
11 hundred and fifty-five," absolutely.

12 Sections two and four of the act, approved the eighth day of  
13 April, one thousand eight hundred seventy-three (Pamphlet Laws  
14 566), entitled "An act to provide for the appointment of  
15 mercantile appraisers in the city of Philadelphia, defining the  
16 duties of the same, and constituting a board of appeal,"  
17 absolutely.

18 Sections two, three, four, five, six, seven, eight, nine, ten  
19 eleven and twelve of the act, approved the twelfth day of April,  
20 one thousand eight hundred seventy-five (Pamphlet Laws 40),  
21 entitled "An act to repeal and act to permit the voters of this  
22 commonwealth to vote every three years on the question of  
23 granting licenses to sell intoxicating liquors, and to restrain  
24 and regulate the sale of the same," absolutely.

25 Section one of the act, approved the twelfth day of April,  
26 one thousand eight hundred seventy-five (Pamphlet Laws 48),  
27 entitled "An act to prevent the sale of intoxicating liquors,  
28 and for the preservation of order at soldiers' encampments or  
29 re-unions," absolutely.

30 The act, approved the second day of June, one thousand eight

1 hundred eighty-one (Pamphlet Laws 43), entitled "An act to  
2 prevent the use of poisonous or deleterious drugs or chemicals,  
3 or impure or injurious materials, or those prejudicial to the  
4 public health, in the brewing or manufacture of ale, beer or  
5 other malt liquors, or in the fermentation, distillation or  
6 manufacture of any vinous or spirituous liquors, and to provide  
7 for the punishment of any persons using the same," absolutely.

8 The act, approved the ninth day of July, one thousand eight  
9 hundred eighty-one (Pamphlet Laws 162), entitled "An act to  
10 prohibit the granting of a license for the sale of liquors to  
11 proprietors, lessees, keepers or managers of theaters or other  
12 places of amusement," absolutely.

13 Section four of the act, approved the twenty-eighth day of  
14 May, one thousand eight hundred eighty-five (Pamphlet Laws 27),  
15 entitled "An act supplementary to an act, entitled 'An act to  
16 protect children from neglect and cruelty, and relating to their  
17 employment, protection and adoption,' approved the eleventh day  
18 of June, one thousand eight hundred and seventy-nine, providing  
19 for the further protection of minors, and regulating the  
20 boarding and maintaining of infant children for hire," in so far  
21 as it relates to premises for which a hotel, restaurant or club  
22 liquor license or a retail dispenser's license is held.

23 The act, approved the twenty-fourth day of May, one thousand  
24 eight hundred eighty-seven (Pamphlet Laws 194), entitled "An act  
25 providing for the licensing of wholesale dealers in intoxicating  
26 liquors," absolutely.

27 The act, approved the second day of June, one thousand eight  
28 hundred ninety-one (Pamphlet Laws 173), entitled "An act to  
29 permit the growers of grapes in this Commonwealth to manufacture  
30 wine from grapes of their own raising that are not first-class

1 or marketable, and sell such wine to licensed dealers without  
2 taking out or paying a license for such manufacture or sale,"  
3 absolutely.

4 The act, approved the ninth day of June, one thousand eight  
5 hundred ninety-one (Pamphlet Laws 257), entitled "An act to  
6 restrain and regulate the sale of vinous and spirituous, malt or  
7 brewed liquors or any admixture thereof by wholesale,"  
8 absolutely.

9 The act, approved the twentieth day of June, one thousand  
10 eight hundred ninety-three (Pamphlet Laws 474), entitled "An act  
11 authorizing distillers of spirituous or vinous liquors to sell  
12 such liquors of their own manufacture in original packages of  
13 not less than forty gallons, without being required to take out  
14 a license as is now required by existing laws," absolutely.

15 Section one of the act, approved the twenty-fifth day of May,  
16 one thousand eight hundred ninety-seven (Pamphlet Laws 93),  
17 entitled "An act relating to the prosecutions of licensed  
18 dealers and their employes on the charge of furnishing  
19 intoxicating liquors to minors, and prescribing the penalty  
20 therefor," absolutely.

21 The act, approved the twenty-first day of June, one thousand  
22 eight hundred ninety-seven (Pamphlet Laws 176), entitled "An act  
23 providing that the manufacturers who shall pay a certain sum,  
24 annually, into the Treasury of the Commonwealth, shall sell only  
25 malt or brewed liquors of their own manufacture to dealers only  
26 who have been licensed by the court," absolutely.

27 The act, approved the thirtieth day of July, one thousand  
28 eight hundred ninety-seven (Pamphlet Laws 464), entitled "An act  
29 to provide revenue and regulate the sale of malt, brewed, vinous  
30 and spirituous liquors or any admixture thereof, by requiring

1 and authorizing licenses to be taken out by brewers, distillers,  
2 wholesalers, bottlers, rectifiers, compounders, storekeepers and  
3 agents, having a store, office or place of business within this  
4 Commonwealth, prescribing the amount of license fees to be paid  
5 in such cases, and by imposing an additional license fee on  
6 retail dealers in intoxicating liquors," absolutely.

7 Section one of the act, approved the eleventh day of May, one  
8 thousand nine hundred one (Pamphlet Laws 162), entitled "A  
9 supplement to an act, entitled 'An act to restrain and regulate  
10 the sale of vinous and spirituous, malt or brewed liquors, or  
11 any admixture thereof,' approved the thirteenth day of May, Anno  
12 Domini one thousand eight hundred and eighty-seven," absolutely.

13 The act, approved the nineteenth day of June, one thousand  
14 nine hundred one (Pamphlet Laws 572), entitled "An act  
15 authorizing the several courts of quarter sessions of this  
16 Commonwealth to grant licenses to sell intoxicating liquors at  
17 retail, wholesale or by brewers for a longer or shorter period  
18 than one year in certain cases but only for the purpose of  
19 changing the date from which annual licenses shall thereafter  
20 run and take effect," absolutely.

21 The act, approved the twenty-second day of April, one  
22 thousand nine hundred three (Pamphlet Laws 257), entitled "An  
23 act to amend the second section of an act, entitled 'An act to  
24 protect certain domestic and private rights and prevent abuses  
25 in the sale and use of intoxicating drinks,' approved the eighth  
26 day of May, Anno Domini one thousand eight hundred and fifty-  
27 four, in relation to the penalties and fines therein prescribed,  
28 and giving the court discretionary power in relation thereto,"  
29 absolutely.

30 Section one of the act, approved the twenty-second day of

1 April, one thousand nine hundred three (Pamphlet Laws 259),  
2 entitled "An act providing for the payment of liquor license  
3 money to school districts, in townships in which the roads shall  
4 be made and repaired by taxpayers pursuant to the act of twelfth  
5 of June, Anno Domini one thousand eight hundred and ninety-  
6 three, and its supplements," absolutely.

7 The act, approved the twenty-third day of April, one thousand  
8 nine hundred three (Pamphlet Laws 265), entitled "A supplement  
9 to an act, entitled 'An act to restrain and regulate the sale of  
10 vinous and spirituous, malt or brewed liquors, or any admixture  
11 thereof,' approved the thirteenth day of May, Anno Domini one  
12 thousand eight hundred and eighty-seven," absolutely.

13 The act, approved the twenty-seventh day of April one  
14 thousand nine hundred three (Pamphlet Laws 317), entitled "An  
15 act amending section three of an act, entitled 'An act to  
16 provide revenue and regulate the sale of malt, brewed, vinous  
17 and spirituous liquors, or any admixture thereof, by requiring  
18 and authorizing licenses to be taken out by brewers, distillers,  
19 wholesalers, bottlers, rectifiers, compounders, store-keepers  
20 and agents, having a store, office or place of business within  
21 this Commonwealth, prescribing the amount of license fees to be  
22 paid in such cases, and by imposing an additional license fee on  
23 retail dealers in intoxicating liquors,' approved the thirtieth  
24 day of July, Anno Domini one thousand eight hundred and ninety-  
25 seven, by providing that, in counties having a population of  
26 more than five hundred thousand (500,000) and less than one  
27 million (1,000,000), the cost of publishing the list of  
28 applicants for liquor licenses shall be paid out of the general  
29 funds of the county, and not deducted from the fees paid by such  
30 applicants for expenses connected therewith," absolutely.



1 The act, approved the twenty-ninth day of March, one thousand  
2 nine hundred seven (Pamphlet Laws 38), entitled "An act to amend  
3 section two of an act, entitled 'An act to provide revenue, and  
4 regulate the sale of malt, brewed, vinous, and spirituous  
5 liquors, or any admixture thereof, by requiring and authorizing  
6 licenses to be taken out by brewers, distillers, wholesalers,  
7 bottlers, rectifiers, compounders, storekeepers, and agents,  
8 having a store, office, or place of business within this  
9 Commonwealth; prescribing the amount of license fees to be paid  
10 in such cases, and by imposing an additional license fee on  
11 retail dealers in intoxicating liquors,' approved the thirtieth  
12 day of July, Anno Domini one thousand eight hundred and ninety-  
13 seven, by changing the time when the treasurers of the  
14 respective counties shall pay all license funds to the State  
15 Treasurer and to the treasurers of the respective  
16 municipalities," absolutely.

17 The act, approved the twenty-seventh day of April, one  
18 thousand nine hundred seven (Pamphlet Laws 122), entitled "An  
19 act authorizing licensed wholesale liquor sellers and dealers to  
20 purchase vinous, spirituous, malt, or brewed liquors, in kegs,  
21 barrels, or otherwise in bulk, and to transfer the same into  
22 bottles or smaller packages; and to sell the same in such  
23 bottles or smaller packages, in certain quantities, and fixing  
24 the annual license-fee of such dealers in cities of the first  
25 class, second class, third class, and in boroughs and  
26 townships," absolutely.

27 The act, approved the twenty-ninth day of May, one thousand  
28 nine hundred seven (Pamphlet Laws 307), entitled "An act  
29 regulating the payment of retail liquor license-fees in this  
30 Commonwealth," absolutely.

1 The act, approved the twenty-second day of April, one  
2 thousand nine hundred nine (Pamphlet Laws 136), entitled "An act  
3 regulating the payment of brewers' wholesale and bottlers'  
4 license fees in this Commonwealth," absolutely.

5 The act, approved the second day of April, one thousand nine  
6 hundred thirteen (Pamphlet Laws 32), entitled "An act permitting  
7 any wholesale or retail licensed liquor dealer or bottler to  
8 keep such licensed place of business open during the pendency of  
9 any application for transfer of license," absolutely.

10 The act, approved the fourteenth day of May, one thousand  
11 nine hundred thirteen (Pamphlet Laws 203), entitled "An act to  
12 provide and fix fees and compensation to be received by  
13 constables in this Commonwealth for visiting places where  
14 liquors are sold or kept," absolutely.

15 The act, approved the twelfth day of June, one thousand nine  
16 hundred thirteen (Pamphlet Laws 490), entitled "An act  
17 prohibiting the offering or giving of premium by any person,  
18 partnership, or corporation, licensed to sell vinous,  
19 spirituous, malt, or brewed liquors at wholesale or retail, for  
20 the return of caps, stoppers, corks, stamps, or labels taken  
21 from any bottle, case, keg, barrel, or package containing such  
22 vinous, spirituous, malt, or brewed liquors, and providing a  
23 penalty for the violation thereof," absolutely.

24 Section one of the act, approved the twenty-second day of  
25 July, one thousand nine hundred thirteen (Pamphlet Laws 914),  
26 entitled "An act authorizing any person, firm or corporation,  
27 owning or operating distilleries producing only denatured  
28 alcohol for industrial purposes, and not for use as a beverage  
29 or for medicinal purposes, to operate such distillery without a  
30 license; regulating the taxation of such corporations; requiring

1 certain reports to be made to the Auditor General, and providing  
2 penalties," in so far as it exempts any person, firm or  
3 corporation owning or operating a distillery from the necessity  
4 of obtaining a license under the provisions of this act to  
5 operate such distillery.

6 The act, approved the seventeenth day of July, one thousand  
7 nine hundred seventeen (Pamphlet Laws 1020), entitled "An act  
8 amending an act, entitled 'An act prohibiting the offering or  
9 giving of premium, by any person, partnership, or corporation  
10 licensed to sell vinous, spirituous, malt, or brewed liquors, at  
11 wholesale or retail, for the return of caps, stoppers, corks,  
12 stamps, or labels taken from any bottle, case, keg, barrel, or  
13 package containing such vinous, spirituous, malt, or brewed  
14 liquors, and providing a penalty for the violation thereof,'  
15 approved the twelfth day of June, Anno Domini one thousand nine  
16 hundred thirteen; prohibiting the offer or gift or premiums or  
17 presents as an inducement for the purchase of liquors, or for  
18 any other purpose," absolutely.

19 The act, approved the eighteenth day of July, one thousand  
20 nine hundred seventeen (Pamphlet Laws 1071), entitled "An act  
21 amending section one of an act, approved the fourteenth day of  
22 May, one thousand nine hundred thirteen, entitled 'An act to  
23 provide and fix fees and compensation to be received by  
24 constables in this Commonwealth for visiting places where  
25 liquors are sold or kept,'" absolutely.

26 The act, approved the twenty-sixth day of February, one  
27 thousand nine hundred nineteen (Pamphlet Laws 9), entitled "An  
28 act to amend section one of an act, approved the thirtieth day  
29 of July, one thousand eight hundred and ninety-seven (Pamphlet  
30 Laws, four hundred sixty-four), entitled 'An act to provide

1 revenue and regulate the sale of malt, brewed, vinous and  
2 spiritous liquors or any admixture thereof, by requiring and  
3 authorizing licenses to be taken out by brewers, distillers,  
4 wholesalers, bottlers, rectifiers, compounders, storekeepers and  
5 agents, having a store, office or place of business within this  
6 Commonwealth, prescribing the amount of license fees to be paid  
7 in such cases, and by imposing an additional license fee on  
8 retail dealers in intoxicating liquors," absolutely.

9 The act, approved the eighth day of May, one thousand nine  
10 hundred nineteen (Pamphlet Laws 167), entitled "An act providing  
11 for the refunding of liquor license fees and additional taxes to  
12 wholesale and retail dealers, brewers, distillers, rectifiers,  
13 compounders, bottlers, agents, and other persons, prevented from  
14 engaging in business by order or regulation of the President or  
15 Secretary of War; providing for the return of the proportions  
16 thereof paid to municipalities and the Commonwealth; and making  
17 an appropriation," absolutely.

18 The act, approved the twenty-sixth day of June, one thousand  
19 nine hundred nineteen (Pamphlet Laws 673), entitled "An act  
20 permitting wholesale or retail dealers, brewers, distillers,  
21 rectifiers, compounders, bottlers, agents, or other persons  
22 licensed to deal in or sell any vinous, spirituous, malt or  
23 brewed liquors, to surrender licenses heretofore granted and  
24 issued; authorizing county treasurers to refund a proportionate  
25 amount of the annual license fee and additional license tax  
26 where such licenses have been surrendered or where the licensees  
27 have been prevented from selling thereunder by any State or  
28 Federal laws or regulation; and requiring the State Treasurer  
29 and the municipalities to contribute to the amount so refunded;  
30 and making an appropriation," absolutely.

1 The act, approved the twenty-first day of July, one thousand  
2 nine hundred nineteen (Pamphlet Laws 1069), entitled "An act to  
3 provide for the manufacture or distillation and sale of ethyl  
4 alcohol for medicinal, scientific, mechanical, commercial, and  
5 other lawful purposes, and the issuance of licenses therefor;  
6 and providing a penalty for violation of the provisions hereof,"  
7 absolutely.

8 Section forty-two of the act, approved the seventeenth day of  
9 May, one thousand nine hundred twenty-one (Pamphlet Laws 869),  
10 entitled "An act providing for the organization, government,  
11 discipline, maintenance, and regulation of the armed land forces  
12 of this Commonwealth," in so far as it relates to liquor or malt  
13 or brewed beverages.

14 The act, approved the nineteenth day of February, one  
15 thousand nine hundred twenty-six (Pamphlet Laws 16), entitled "A  
16 supplement to the act, approved the twenty-seventh day of March,  
17 one thousand nine hundred and twenty-three (Pamphlet Laws,  
18 thirty-four), entitled 'An act concerning alcoholic liquors;  
19 prohibiting the manufacture, advertising, furnishing, traffic  
20 in, and possession of intoxicating liquors for beverage  
21 purposes, and articles and substances designed or intended for  
22 use in the manufacture thereof; defining intoxicating liquor;  
23 providing for penalties, forfeitures, and the abatement of  
24 nuisances; and repealing existing alcoholic liquor laws and  
25 alcoholic liquor license laws'; providing for the registering of  
26 federal permits; also regulating, under permit, through a  
27 Pennsylvania Alcohol Permit Board created in the Department of  
28 Welfare, the manufacture, production, distillation, development,  
29 use in manufacture, denaturization, redistillation, recovery,  
30 reuse, holding in bond, holding in storage by bailees for hire,

1 sale at wholesale, and transportation for hire, of any alcohol  
2 or alcoholic liquid, by certain persons; also providing for fees  
3 and the disposition thereof; also authorizing the inspection of  
4 the records of permittees and purchasers of said alcohol or  
5 alcoholic liquid; also declaring certain places nuisances and  
6 providing for their abatement; also providing penalties; and  
7 also repealing all acts or parts of acts inconsistent with this  
8 act," absolutely.

9 The act, approved the third day of May, one thousand nine  
10 hundred thirty-three (Pamphlet Laws 252), entitled "An act to  
11 regulate and restrain the traffic in malt, brewed, and vinous  
12 and fruit juice beverages, as herein defined; providing for the  
13 licensing of the sale and distribution of such beverages;  
14 imposing license fees, and providing for collection and  
15 distribution thereof; restricting ownership and interest in  
16 licensed places; permitting municipalities and townships, by  
17 vote of the electors, to prevent the licensing therein of places  
18 where such beverages may be sold for consumption on the  
19 premises, and regulating elections for this purpose; imposing  
20 duties upon county treasurers, the Department of Revenue,  
21 quarter sessions courts, district attorneys, proper authorities  
22 of political subdivisions of the State, and election officers;  
23 providing penalties; and repealing existing acts," absolutely.

24 The act, approved the twenty-ninth day of November, one  
25 thousand nine-hundred thirty-three (Pamphlet Laws 13, (1933-  
26 34)), entitled "An act creating an independent administrative  
27 board to be known as the Pennsylvania Liquor Control Board,"  
28 absolutely.

29 The act, approved the twenty-ninth day of November, one  
30 thousand nine hundred thirty-three (Pamphlet Laws 15, (1933-

1 34)), entitled "An act to regulate and restrain the sale,  
2 importation, and use of certain alcoholic beverages; conferring  
3 powers and imposing duties upon the Pennsylvania Liquor Control  
4 Board, the Department of Public Instruction, other officers of  
5 the State government, courts, and district attorneys;  
6 authorizing the establishment and operation of State stores for  
7 the sale of such beverages not for consumption on the premises,  
8 and the granting of licenses, subject to local option, to sell  
9 such beverages for consumption on the premises; forbidding  
10 importation or bringing of such beverages into the State except  
11 as herein provided; prohibiting certain sales or practices in,  
12 connections with, and transactions in such beverages by  
13 licensees and others; making disposition of the receipts from  
14 State stores and of license fees; and imposing penalties,"  
15 absolutely.

16 The act, approved the eighth day of December, one thousand  
17 nine hundred thirty-three (Pamphlet Laws 57, (1933-34)),  
18 entitled "An act to amend the title and certain sections of the  
19 act, approved the nineteenth day of February, one thousand nine  
20 hundred twenty-six (Pamphlet Laws, sixteen), entitled 'A  
21 supplement to the act, approved the twenty-seventh day of March,  
22 one thousand nine hundred and twenty-three (Pamphlet Laws,  
23 thirty-four), entitled "An act concerning alcoholic liquors;  
24 prohibiting the manufacturer, advertising, furnishing, traffic  
25 in, and possession of intoxicating liquors for beverage  
26 purposes, and articles and substances designed or intended for  
27 use in the manufacture thereof; defining intoxicating liquor;  
28 providing for penalties, forfeitures, and the abatement of  
29 nuisances; and repealing existing alcoholic liquor laws and  
30 alcoholic liquor license laws'; providing for the registering of

1 Federal permits; also regulating, under permit, through a  
2 Pennsylvania Alcohol Permit Board created in the Department of  
3 Welfare, the manufacture, production, distillation, development,  
4 use in manufacture, denaturization, redistillation, recovery,  
5 reuse, holding in bond, holding in storage by bailees for hire,  
6 sale at wholesale, and transportation for hire, of any alcohol  
7 or alcoholic liquid, by certain persons; also providing for fees  
8 and the disposition thereof; also authorizing the inspection of  
9 the records of permittees and purchasers of said alcohol or  
10 alcoholic liquid; also declaring certain places nuisances and  
11 providing for their abatement; also providing penalties; and  
12 also repealing all acts or parts of acts inconsistent with this  
13 act, by providing that the act shall be administered by the  
14 Pennsylvania Liquor Control Board; making the act consistent  
15 with the repeal of the Eighteenth Amendment; changing  
16 definitions and exemptions; bringing rectifiers and blenders  
17 within the act; allowing appeals to the courts; providing for  
18 the abatement of nuisances; and increasing fees," absolutely.

19 The act, approved the twentieth day of December, one thousand  
20 nine hundred thirty-three (Pamphlet Laws 75, (1933-34)),  
21 entitled "An act to amend the title and certain sections of the  
22 act, approved the third day of May, one thousand nine hundred  
23 thirty-three (Act number ninety-one), entitled 'An act to  
24 regulate and restrain the traffic in malt, brewed, and vinous  
25 and fruit juice beverages, as herein defined; providing for the  
26 licensing of the sale and distribution of such beverages;  
27 imposing license fees, and providing for collection and  
28 distribution thereof; restricting ownership and interest in  
29 licensed places; permitting municipalities and townships, by  
30 vote of the electors, to prevent the licensing therein of places



1 where such beverages may be sold for consumption on the  
2 premises, and regulating elections for this purpose; imposing  
3 duties upon county treasurers, the Department of Revenue,  
4 quarter sessions courts, district attorneys, proper authorities  
5 of political subdivisions of the State, and election officers;  
6 providing penalties; and repealing existing acts,' by limiting  
7 the provisions of the act to malt liquors, as defined therein,  
8 and clarifying certain provisions of the act," absolutely.

9 The act, approved the eighteenth day of July, one thousand  
10 nine hundred thirty-five (Pamphlet Laws 1217), entitled "An act  
11 to reenact and amend the title and the act, approved the third  
12 day of May, one thousand nine hundred and thirty-three (Pamphlet  
13 Laws, two hundred fifty-two), entitled 'An act to regulate and  
14 restrain the traffic in malt, brewed, and vinous and fruit juice  
15 beverages, as herein defined; providing for the licensing of the  
16 sale and distribution of such beverages; imposing license fees,  
17 and providing for collection and distribution thereof;  
18 restricting ownership and interest in licensed places;  
19 permitting municipalities and townships, by vote of the  
20 electors, to prevent the licensing therein of places where such  
21 beverages may be sold for consumption on the premises, and  
22 regulating elections for this purpose; imposing duties upon  
23 county treasurers, the Department of Revenue, quarter sessions  
24 courts, district attorneys, proper authorities of political  
25 subdivisions of the State, and election officers; providing  
26 penalties; and repealing existing acts,' as amended, by  
27 providing for the issue by the county treasurer of retail  
28 dispensers' licenses, and by the Pennsylvania Liquor Control  
29 Board of distributors', importing distributors', and  
30 manufacturers' licenses; regulating the business of

1 manufacturers of malt and brewed beverages; and providing for  
2 the issue of public service licenses and special permits  
3 relating to entertainment and transportation for hire by said  
4 board; changing, fixing, and providing for the fixing of permit  
5 and license fees, and providing for the disposition thereof;  
6 providing for the abatement of nuisances; providing for the  
7 revocation and suspension of licenses by the court of quarter  
8 sessions and the board; further regulating the manufacture,  
9 sale, transportation and traffic in malt and brewed beverages;  
10 prescribing penalties; and repealing inconsistent acts,"  
11 absolutely.

12 The act, approved the eighteenth day of July, one thousand  
13 nine hundred thirty-five (Pamphlet Laws 1246), entitled "An act  
14 to reenact and amend the title and the act approved the twenty-  
15 ninth day of November, one thousand nine hundred and thirty-  
16 three (Pamphlet Laws, fifteen--one thousand nine hundred thirty-  
17 three-one thousand nine hundred thirty-four), entitled 'An act  
18 to regulate and restrain the sale, importation, and use of  
19 certain alcoholic beverages; conferring powers and imposing  
20 duties upon the Pennsylvania Liquor Control Board, the  
21 Department of Public Instruction, other officers of the State  
22 government, courts and district attorneys; authorizing the  
23 establishment and operation of State stores for the sale of such  
24 beverages not for consumption on the premises, and the granting  
25 of licenses, subject to local option, to sell such beverages for  
26 consumption on the premises; forbidding importation or bringing  
27 of such beverages into the State except as herein provided;  
28 prohibiting certain sales or practices in, connections with, and  
29 transactions in such beverages by licenses and others; making  
30 disposition of the receipts from State stores and of license

1 fees; and imposing penalties,' by extending the provisions of  
2 said act to the manufacture and possession of alcohol, alcoholic  
3 beverages and malt or brewed beverages; permitting licensees to  
4 sell malt or brewed beverages for consumption off premises;  
5 providing for the revocation and suspension of licenses by the  
6 board and the court of quarter sessions, and conferring  
7 additional powers and imposing additional duties on the board,  
8 including power to fix the form and capacity of packages and  
9 containers, and the duty to require certain manufacturers and  
10 other persons to secure permit and pay permit fees; conferring  
11 power on agents of the board to arrest on view without warrant  
12 and to confiscate property unlawfully used, and providing for  
13 the destruction and disposition thereof; providing for the  
14 disposition of license and filing fees; providing that fines and  
15 penalties collected shall be for the use of counties; legalizing  
16 the home manufacture and possession of wine; extending the civil  
17 service provisions of this act; further regulating the  
18 manufacture, sale and traffic in alcohol, alcoholic beverages  
19 and malt and brewed beverages; prescribing penalties and  
20 repealing existing laws," absolutely.

21 The act, approved the eighteenth day of July, one thousand  
22 nine hundred thirty-five (Pamphlet Laws 1283), entitled "An act  
23 to amend clauses (i) and (l) of section two, and section three  
24 of the act, approved the nineteenth day of February, one  
25 thousand nine hundred and twenty-six (Pamphlet Laws, sixteen),  
26 entitled, and amended 'An act regulating, under permit, through  
27 the Pennsylvania Liquor Control Board, the manufacture,  
28 production, distillation, development, use in manufacture,  
29 denaturization, redistillation, rectification, blending,  
30 recovery, reuse, holding in bond, holding in storage by bailees

1 for hire, and transportation for hire, of any alcohol, alcoholic  
2 liquid or alcoholic beverage, by certain persons; requiring the  
3 registration of Federal permits; also providing for fees and the  
4 disposition thereof, and for appeals to the courts; also  
5 authorizing the inspection of the records of permittees and  
6 purchasers of said alcohol, alcoholic liquid, and alcoholic  
7 beverages; also declaring certain places nuisances and providing  
8 for their abatement; also providing penalties; and also  
9 repealing all acts or parts of acts inconsistent with this act,'  
10 as amended; further defining distilleries and wineries; and  
11 providing for the licensure and rights of manufacturers of  
12 wine," absolutely.

13 The act, approved the sixteenth day of June, one thousand  
14 nine hundred thirty-seven (Pamphlet Laws 1762), entitled "An act  
15 to re-enact and further amend the title and the act, approved  
16 the twenty-ninth day of November, one thousand nine hundred and  
17 thirty-three (Pamphlet Laws, fifteen--one thousand nine hundred  
18 thirty-three--thirty-four), entitled, as amended 'An act to  
19 regulate and restrain the sale, manufacture, possession,  
20 transportation, importation, traffic in, and use of alcohol, and  
21 alcoholic and malt or brewed beverages; conferring powers and  
22 imposing duties upon the Pennsylvania Liquor Control Board and  
23 its agents, the Department of Public Instruction, other officers  
24 of the State government, courts, and district attorneys;  
25 authorizing the establishment and operation of State stores for  
26 the sale of such beverages not for consumption on the premises,  
27 and the granting of licenses, subject to local option, to sell  
28 such beverages for consumption on and off the premises;  
29 forbidding importation or bringing of such beverages into the  
30 State except as herein provided; prohibiting certain sales or

1 practices in, connection with, and transactions in such  
2 beverages by licensees and others; making disposition of the  
3 receipts from State stores and of fees; and imposing penalties,'  
4 further regulating the manufacture, sale, importation, use, and  
5 traffic in liquors, alcohol, and malt and brewed beverages;  
6 conferring additional powers and imposing additional duties on  
7 the Pennsylvania Liquor Control Board; further regulating those  
8 licensed under this act; imposing additional filing fees; and  
9 increasing fees for certain permits; and providing for the  
10 disposition thereof; further regulating the establishment of  
11 State liquor stores, and the employment and use of personnel by  
12 the board; regulating and providing the procedure for the  
13 granting, transfer, revocation, and suspension of licenses, and  
14 for compromises in certain cases, and the disposition of moneys  
15 arising therefrom; providing for the forfeiture of certain  
16 property; regulating the jurisdiction of courts, and local  
17 option procedure; prohibiting certain interlocking business; and  
18 providing penalties," absolutely.

19 The act, approved the sixteenth day of June, one thousand  
20 nine hundred thirty-seven (Pamphlet Laws 1811), entitled "An act  
21 to re-enact and amend the act, approved the nineteenth day of  
22 February, one thousand nine hundred twenty-six (Pamphlet Laws,  
23 sixteen), entitled, as amended 'An act regulating, under permit,  
24 through the Pennsylvania Liquor Control Board, the manufacture,  
25 production, distillation, development, use in manufacture,  
26 denaturization, redistillation, rectification, blending,  
27 recovery, reuse, holding in bond, holding in storage by bailees  
28 for hire, and transportation for hire, of any alcohol, alcoholic  
29 liquid or alcoholic beverage, by certain persons; requiring the  
30 registration of Federal permits; also providing for fees and the

1 disposition thereof, and for appeals to the courts; also  
2 authorizing the inspection of the records of permittees and  
3 purchasers of said alcohol, alcoholic liquid, and alcoholic  
4 beverages; also declaring certain places nuisances and providing  
5 for their abatement; also providing penalties; and also  
6 repealing all acts or parts of acts inconsistent with this act,'  
7 further regulating the manufacture, sale, use, and traffic in  
8 alcohol and alcoholic liquids; conferring additional powers and  
9 imposing additional duties upon the Pennsylvania Liquor Control  
10 Board; further regulating those licensed under this act;  
11 imposing filing fees; changing the method of calculating certain  
12 license fees; providing for the use of the word "license"  
13 instead of "permit"; regulating and providing the procedure for  
14 the granting, suspension, and revocation of licenses, and for  
15 compromises in certain cases; providing for the disposition of  
16 fees, compromise penalties, and forfeitures; regulating the  
17 jurisdiction of courts; and providing penalties," absolutely.

18       The act, approved the sixteenth day of June, one thousand  
19 nine hundred thirty-seven (Pamphlet Laws 1827), entitled "An act  
20 to re-enact and further amend the title and the act, approved  
21 the third day of May, one thousand nine hundred and thirty-three  
22 (Pamphlet Laws, two hundred fifty-two), entitled, as amended 'An  
23 act to regulate and restrain the traffic in malt and brewed  
24 beverages, as herein defined; providing for the licensing of the  
25 manufacture, transportation, sale and distribution of such  
26 beverages; imposing license and permit fees, and providing for  
27 collection and distribution thereof; restricting ownership and  
28 interest in licensed places; permitting municipalities and  
29 townships, by vote of the electors, to prevent the licensing  
30 therein of places where such beverages may be sold for

1 consumption on the premises, and regulating elections for this  
2 purpose; imposing duties upon county treasurers, the  
3 Pennsylvania Liquor Control Board, quarter sessions courts,  
4 district attorneys, the Department of Justice, proper  
5 authorities of political subdivisions of the State, and election  
6 officers; providing penalties; and repealing existing acts,'  
7 defining and further defining and regulating licensees,  
8 application for licenses, and sales by licensees, and fixing  
9 fees for amusement permits; regulating the granting, suspension,  
10 revocation, and transfer of licenses, and the procedure  
11 therefor, and conferring jurisdiction on certain courts;  
12 providing for the granting of licenses by the Pennsylvania  
13 Liquor Control Board instead of the county treasurer, and  
14 prescribing the powers and duties of said board; providing for  
15 compromises where licenses are suspended, and for the  
16 disposition of application license permit fees, forfeitures, and  
17 penalties; and providing penalties," absolutely.

18 The act, approved the twenty-fifth day of June, one thousand  
19 nine hundred thirty-seven (Pamphlet Laws 2073), entitled "An act  
20 to amend section five of the act, approved the twenty-ninth day  
21 of November, one thousand nine hundred thirty-three (One  
22 thousand nine hundred thirty-three-one thousand nine hundred  
23 thirty-four--Pamphlet Laws, thirteen), entitled 'An act creating  
24 an independent administrative board to be known as the  
25 Pennsylvania Liquor Control Board,' by making further provision  
26 with respect to the fidelity bonds of the members, secretary,  
27 and employes of the board," absolutely.

28 The act, approved the twenty-sixth day of June, one thousand  
29 nine hundred thirty-nine (Pamphlet Laws 764), entitled "An act  
30 to regulate and restrain the sale, purchase, exchange, pledge,

1 and dealing in distillery bonded warehouse certificate for  
2 whiskey or any other potable distilled spirits, except ethyl  
3 alcohol; conferring powers and imposing duties upon the  
4 Pennsylvania Liquor Control Board; authorizing the granting of  
5 permits and registration of agents to deal in such certificates,  
6 and the suspension and revocation of such permits and  
7 registration of agents; providing for hearings and appeals to  
8 the court of common pleas; forbidding transaction in such  
9 certificates in this State except as herein provided;  
10 prescribing and imposing penalties; and providing for the  
11 disposition of filing, registration and permit fees,"  
12 absolutely.

13 The act, approved the twenty-fourth day of June, one thousand  
14 nine hundred thirty-nine (Pamphlet Laws 802), entitled "An act  
15 to further amend clause (a) of section four hundred and seven of  
16 the act, approved the twenty-ninth day of November, one thousand  
17 nine hundred and thirty-three (Pamphlet Laws, fifteen, 1933-34),  
18 entitled, as amended 'An act to regulate and restrain the sale,  
19 manufacture, possession, transportation, importation, traffic  
20 in, and use of alcohol, and alcoholic and malt or brewed  
21 beverages; conferring powers and imposing duties upon the  
22 Pennsylvania Liquor Control Board and its agents, the Department  
23 of Public Instruction, other officers of the State government,  
24 courts, and district attorneys; authorizing the establishment  
25 and operation of State stores for the sale of such beverages not  
26 for consumption on the premises, and the granting of licenses,  
27 subject to local option, to sell such beverages for consumption  
28 on and off the premises; forbidding importation or bringing of  
29 such beverages into the State except as herein provided;  
30 prohibiting certain sales or practices in, connection with, and



1 transactions in such beverages by licensees and others;  
2 providing for the forfeiture of certain property; making  
3 disposition of the receipts from State stores and of fees; and  
4 imposing penalties,' changing the fees for hotel and restaurant  
5 liquor licenses in certain cases," absolutely.

6 The act, approved the twenty-fourth day of June, one thousand  
7 nine hundred thirty-nine (Pamphlet Laws 804), entitled "An act  
8 to amend clause (e) of section six hundred and nine of the act,  
9 approved the twenty-ninth day of November, one thousand nine  
10 hundred and thirty-three (Pamphlet Laws, fifteen, 1933-34),  
11 entitled, as amended 'An act to regulate and restrain the sale  
12 manufacture, possession, transportation, importation, traffic  
13 in, and use of alcohol, and alcoholic and malt or brewed  
14 beverages; conferring powers and imposing duties upon the  
15 Pennsylvania Liquor Control Board and its agents, the Department  
16 of Public Instruction, other officers of the State government,  
17 courts, and district attorneys; authorizing the establishment  
18 and operation of State stores for the sale of such beverages not  
19 for consumption on the premises, and the granting of licenses,  
20 subject to local option, to sell such beverages for consumption  
21 on and off the premises; forbidding importation or bringing of  
22 such beverages into the State except as herein provided;  
23 prohibiting certain sales or practices, in connection with, and  
24 transactions in such beverages by licensees and others;  
25 providing for the forfeiture of certain property; making  
26 disposition of the receipts from State stores and of fees; and  
27 imposing penalties,' as reenacted and amended permitting hotel,  
28 restaurant and club licensees to own land but not the buildings  
29 thereon where such land is leased and the buildings owned by a  
30 holder of a retail dispenser's license under the beverage

1 license law," absolutely.

2 The act, approved the twenty-fourth day of June, one thousand  
3 nine hundred thirty-nine (Pamphlet Laws 806), entitled "An act  
4 limiting the number of licenses for the retail sale of liquor,  
5 malt or brewed beverages, or malt and brewed beverages, to be  
6 issued by the Pennsylvania Liquor Control Board; defining  
7 hotels, and prescribing the accommodations required of hotels in  
8 certain municipalities," except insofar as the provisions of  
9 section one, as amended, shall apply to hotel licenses granted  
10 prior to the first day of September, one thousand nine hundred  
11 forty-nine, or granted on any application made and pending prior  
12 to said date, or to any renewal or transfer of such licenses, or  
13 to hotels under construction or for which a bona fide contract  
14 had been entered into for construction prior to said date.

15 The act, approved the eighteenth day of July, one thousand  
16 nine hundred forty-one (Pamphlet Laws 408), entitled "An act  
17 relative to the employment of females in hotels, taverns,  
18 saloons and eating houses for the mixing or sale of alcoholic  
19 drinks, and the penalty for violation thereof," absolutely.

20 The act, approved the twenty-fourth day of July, one thousand  
21 nine hundred forty-one (Pamphlet Laws 480), entitled "An act to  
22 further amend section two of the act, approved the third day of  
23 May, one thousand nine hundred thirty-three (Pamphlet Laws, two  
24 hundred fifty-two), entitled, as amended, 'An act to regulate  
25 and restrain the traffic in malt and brewed beverages, as herein  
26 defined; providing for the licensing of the manufacture,  
27 transportation, sale and distribution of such beverages;  
28 imposing license and permit fees, and providing for collection  
29 and distribution thereof; restricting ownership and interest in  
30 licensed places; permitting municipalities and townships, by

1 vote of the electors, to prevent the licensing therein of places  
2 where such beverages may be sold for consumption on the  
3 premises, and regulating elections for this purpose; imposing  
4 duties upon the Pennsylvania Liquor Control Board, quarter  
5 sessions courts, district attorneys, the Department of Justice,  
6 proper authorities of political subdivisions of the State, and  
7 election officers; providing penalties; and repealing existing  
8 acts,' by permitting clubs to waive or reduce or pay dues  
9 payable by members in military service," absolutely.

10 The act, approved the twenty-fourth day of July, one thousand  
11 nine hundred forty-one (Pamphlet Laws 483), entitled "An act to  
12 further amend section two of the act, approved the twenty-ninth  
13 day of November, one thousand nine hundred thirty-three  
14 (Pamphlet Laws, fifteen, 1933-34), entitled 'An act to regulate  
15 and restrain the sale, manufacture, possession, transportation,  
16 importation, traffic in, and use of alcohol, and alcoholic and  
17 malt or brewed beverages; conferring powers and imposing duties  
18 upon the Pennsylvania Liquor Control Board and its agents, the  
19 Department of Public Instruction, other officers of the State  
20 government, courts, and district attorneys; authorizing the  
21 establishment and operation of State stores for the sale of such  
22 beverages not for consumption on the premises, and the granting  
23 of licenses, subject to local option, to sell such beverages for  
24 consumption on and off the premises; forbidding importation or  
25 bringing of such beverages into the State except as herein  
26 provided; prohibiting certain sales or practices in, connection  
27 with, and transactions in such beverages by licensees and  
28 others; providing for the forfeiture of certain property; making  
29 disposition of the receipts from State stores and of fees; and  
30 imposing penalties,' by permitting clubs to waive or reduce or

1 pay dues payable by members in military service," absolutely.

2 The act, approved the sixteenth day of April, one thousand  
3 nine hundred forty-three (Pamphlet Laws 60), entitled "An act to  
4 further amend section four hundred ten of the act, approved the  
5 twenty-ninth day of November, one thousand nine hundred and  
6 thirty-three (Pamphlet Laws, fifteen, one thousand nine hundred  
7 thirty-three and thirty-four), entitled, as amended 'An act to  
8 regulate and restrain the sale, manufacture, possession,  
9 transportation, importation, traffic in, and use of alcohol, and  
10 alcoholic and malt or brewed beverages; conferring powers and  
11 imposing duties upon the Pennsylvania Liquor Control Board and  
12 its agents, the Department of Public Instruction, other officers  
13 of the State government, courts, and district attorneys;  
14 authorizing the establishment and operation of State stores for  
15 the sale of such beverages not for consumption on the premises,  
16 and the granting of licenses, subject to local option, to sell  
17 such beverages for consumption on and off the premises;  
18 forbidding importation or bringing of such beverages into the  
19 State except as herein provided; prohibiting certain sales or  
20 practices in, connection with, and transactions in such  
21 beverages by licensees and others; providing for the forfeiture  
22 of certain property; making disposition of the receipts from  
23 State stores and of fees; and imposing penalties,' by postponing  
24 the time for the taking effect of orders of the Pennsylvania  
25 Liquor Control Board, suspending or revoking licenses for a  
26 period of twenty days, during which time the licensee may take  
27 an appeal," absolutely.

28 The act, approved the twenty-first day of May, one thousand  
29 nine hundred forty-three (Pamphlet Laws 332), entitled "An act  
30 to further amend subsection fourteen of section six hundred two

1 of the act, approved the twenty-ninth day of November, one  
2 thousand nine hundred and thirty-three (Pamphlet Laws, fifteen--  
3 1933-34) entitled, as amended 'An act to regulate and restrain  
4 the sale, manufacture, possession, transportation, importation,  
5 traffic in, and use of alcohol, and alcoholic and malt or brewed  
6 beverages; conferring powers and imposing duties upon the  
7 Pennsylvania Liquor Control Board and its agents, the Department  
8 of Public Instruction, other officers of the State government,  
9 courts, and district attorneys; authorizing the establishment  
10 and operation of State stores for the sale of such beverages not  
11 for consumption on the premises, and the granting of licenses,  
12 subject to local option, to sell such beverages for consumption  
13 on and off the premises; forbidding importation or bringing of  
14 such beverages into the State except as herein provided;  
15 prohibiting certain sales of practices in, connection with, and  
16 transactions in such beverages by licensees and others;  
17 providing for the forfeiture of certain property; making  
18 disposition of the receipts from State stores and of fees; and  
19 imposing penalties'; exempting certain coin operated motion  
20 picture machines from provisions of the act requiring special  
21 permits," absolutely.

22 The act, approved the twenty-first day of May, one thousand  
23 nine hundred forty-three (Pamphlet Laws 374), entitled "An act  
24 to further amend section sixteen of the act, approved the third  
25 day of May, one thousand nine hundred thirty-three (Pamphlet  
26 Laws, two hundred fifty-two), entitled, as amended 'An act to  
27 regulate and restrain the traffic in malt and brewed beverages,  
28 as herein defined; providing for the licensing of the  
29 manufacture, transportation, sale and distribution of such  
30 beverages; imposing license and permit fees, and providing for

1 collection and distribution thereof; restricting ownership and  
2 interest in licensed places; permitting municipalities and  
3 townships, by vote of the electors, to prevent the licensing  
4 therein of places where such beverages may be sold for  
5 consumption on the premises, and regulating elections for this  
6 purpose; imposing duties upon the Pennsylvania Liquor Control  
7 Board, quarter sessions courts, district attorneys, the  
8 Department of Justice, proper authorities of political  
9 subdivisions of the State, and election officers; providing  
10 penalties; and repealing existing acts,' by providing for the  
11 surrendering by persons in military service of licenses granted  
12 to them, the renewal thereof by the board during the licensee's  
13 continuance in such service, and the renewal thereof  
14 thereafter," absolutely.

15 The act, approved the twenty-first day of May, one thousand  
16 nine hundred forty-three (Pamphlet Laws 401), entitled "An act  
17 to amend section four hundred nine of the act, approved the  
18 twenty-ninth day of November, one thousand nine hundred thirty-  
19 three (Pamphlet Laws, fifteen, 1933-34), entitled, as amended  
20 'An act to regulate and restrain the sale, manufacture,  
21 possession, transportation, importation, traffic in, and use of  
22 alcohol, and alcoholic and malt or brewed beverages; conferring  
23 powers and imposing duties upon the Pennsylvania Liquor Control  
24 Board and its agents, the Department of Public Instruction,  
25 other officers of the State government, courts, and district  
26 attorneys; authorizing the establishment and operation of State  
27 stores for the sale of such beverages not for consumption on the  
28 premises, and the granting of licenses, subject to local option,  
29 to sell such beverages for consumption on and off the premises;  
30 forbidding importation or bringing of such beverages into the

1 State except as herein provided; prohibiting certain sales or  
2 practices in, connection with, and transactions in such  
3 beverages by licensees and others; providing for the forfeiture  
4 of certain property; making disposition of the receipts from  
5 State stores and of fees; and imposing penalties,' by providing  
6 for the surrendering by persons in military service of licenses  
7 granted to them, the renewal thereof by the board during  
8 licensee's continuance in such service, and the renewal thereof  
9 thereafter," absolutely.

10 The act, approved the twenty-first day of May, one thousand  
11 nine hundred forty-three (Pamphlet Laws 403), entitled "An act  
12 to further amend sections two, three hundred five, section six  
13 hundred two and section six hundred three of the act, approved  
14 the twenty-ninth day of November, one thousand nine hundred  
15 thirty-three (Pamphlet Laws, fifteen--1933-34), entitled, as  
16 amended 'An act to regulate and restrain the sale, manufacture,  
17 possession, transportation, importation, traffic in, and use of  
18 alcohol, and alcoholic and malt or brewed beverages; conferring  
19 powers and imposing duties upon the Pennsylvania Liquor Control  
20 Board and its agents, the Department of Public Instruction,  
21 other officers of the State government, courts, and district  
22 attorneys; authorizing the establishment and operation of State  
23 stores for the sale of such beverages not for consumption on the  
24 premises, and the granting of licenses, subject to local option,  
25 to sell such beverages for consumption on and off the premises;  
26 forbidding importation or bringing of such beverages into the  
27 State except as herein provided; prohibiting certain sales or  
28 practices in, connection with, and transactions in such  
29 beverages by licensees and others; providing for the forfeiture  
30 of certain property; making disposition of the receipts from

1 State stores and of fees; and imposing penalties,' by defining  
2 "Official Seal"; authorizing the designation of wholesale or  
3 retail stores; authorizing the Pennsylvania Liquor Control Board  
4 to adopt and enforce rules and regulations, to insure the  
5 equitable wholesale and retail sale and distribution of liquor  
6 and alcohol through the Pennsylvania liquor stores during times  
7 of shortage, and making it unlawful to violate any such rules  
8 and regulations," absolutely.

9 The act, approved the twenty-seventh day of May, one thousand  
10 nine hundred forty-three (Pamphlet Laws 688), entitled "An act  
11 to further amend sections four hundred four and four hundred ten  
12 of the act, approved the twenty-ninth day of November, one  
13 thousand nine hundred thirty-three (Pamphlet Laws fifteen--  
14 1933-34), entitled, as amended 'An act to regulate and restrain  
15 the sale, manufacture, possession, transportation, importation,  
16 traffic in, and use of alcohol, and alcoholic and malt or brewed  
17 beverages; conferring powers and imposing duties upon the  
18 Pennsylvania Liquor Control Board and its agents, the Department  
19 of Public Instruction, other officers of the State government,  
20 courts, and district attorneys; authorizing the establishment  
21 and operation of State stores for the sale of such beverages not  
22 for consumption on the premises, and the granting of licenses,  
23 subject to local option, to sell such beverages for consumption  
24 on and off the premises; forbidding importation or bringing of  
25 such beverages into the State except as herein provided;  
26 prohibiting certain sales or practices in, connection with, and  
27 transactions in such beverages by licensees and others;  
28 providing for the forfeiture of certain property; making  
29 disposition of the receipts from State stores and of fees; and  
30 imposing penalties,' conferring jurisdiction on the county court



1 of Allegheny County, in cases of appeals from the Pennsylvania  
2 Liquor Control Board," absolutely.

3 The act, approved the twenty-seventh day of May, one thousand  
4 nine hundred forty-three (Pamphlet Laws 694), entitled "An act  
5 to further amend sections seven and thirteen of the act,  
6 approved the third day of May, one thousand nine hundred thirty-  
7 three (Pamphlet Laws, two hundred fifty-two), entitled, as  
8 amended 'An act to regulate and restrain the traffic in malt and  
9 brewed beverages, as herein defined; providing for the licensing  
10 of the manufacture, transportation, sale and distribution of  
11 such beverages; imposing license and permit fees, and providing  
12 for collection and distribution thereof; restricting ownership  
13 and interest in licensed places; permitting municipalities and  
14 townships, by vote of the electors, to prevent the licensing  
15 therein of places where such beverages may be sold for  
16 consumption on the premises, and regulating elections for this  
17 purpose; imposing duties upon the Pennsylvania Liquor Control  
18 Board, quarter sessions courts, district attorneys, the  
19 Department of Justice, proper authorities of political  
20 subdivisions of the State, and election officers; providing  
21 penalties; and repealing existing acts,' conferring jurisdiction  
22 on the county court of Allegheny County in cases of appeals from  
23 the Pennsylvania Liquor Control Board," absolutely.

24 The act, approved the twenty-third day of May, one thousand  
25 nine hundred forty-seven (Pamphlet Laws 287), entitled "An act  
26 providing that the statement of registration issued to electors  
27 and his signed declaration of age shall be sufficient proof of  
28 age for the purchase of alcoholic beverages; prohibiting  
29 transfers thereof and false statements; imposing penalties, and  
30 saving from prosecution licensees serving holders of such

1 statements making such declarations," absolutely.

2 The act, approved the fourteenth day of April, one thousand  
3 nine hundred forty-nine (Pamphlet Laws 481), entitled "An act to  
4 further amend section five of the act, approved the nineteenth  
5 day of February, one thousand nine hundred twenty-six (Pamphlet  
6 Laws 16), entitled, as amended 'An act regulating, under permit,  
7 through the Pennsylvania Liquor Control Board, the manufacture,  
8 production, distillation, development, use in manufacture,  
9 denaturization, redistillation, rectification, blending,  
10 recovery, reuse, holding in bond, holding in storage by bailees  
11 for hire, and transportation for hire, of any alcohol, alcoholic  
12 liquid or alcoholic beverage, by certain persons; requiring the  
13 registration of Federal permits; also providing for fees and the  
14 disposition thereof, and for appeals to the courts; also  
15 authorizing the inspection of the records of permittees and  
16 purchasers of said alcohol, alcoholic liquid, and alcoholic  
17 beverages; also declaring certain places nuisances and providing  
18 for their abatement; also providing penalties; and also  
19 repealing all acts or parts of acts inconsistent with this act,'  
20 by exempting scheduled common carriers by air of mail and  
21 passengers from license requirement," absolutely.

22 The act, approved the twenty-eighth day of April, one  
23 thousand nine hundred forty-nine (Pamphlet Laws 764), entitled  
24 "An act to further amend section four hundred twelve and  
25 subsections (9) and (10) of section six hundred two of the act,  
26 approved the twenty-ninth day of November, on thousand nine  
27 hundred thirty-three (Pamphlet Laws 15, 1933-34), entitled, as  
28 amended 'An act to regulate and restrain the sale, manufacture,  
29 possession, transportation, importation, traffic in, and use of  
30 alcohol, and alcoholic and malt or brewed beverages; conferring

1 powers and imposing duties upon the Pennsylvania Liquor Control  
2 Board and its agents, the Department of Public Instruction,  
3 other officers of the State government, courts, and district  
4 attorneys; authorizing the establishment and operation of State  
5 stores for the sale of such beverages not for consumption on the  
6 premises, and the granting of licenses, subject to local option,  
7 to sell such beverages for consumption on and off the premises;  
8 forbidding importation or bringing of such beverages into the  
9 State except as herein provided; prohibiting certain sales or  
10 practices in, connection with, and transactions in such  
11 beverages by licensees and others; providing for the forfeiture  
12 of certain property; making disposition of the receipts from  
13 State stores and of fees; and imposing penalties,' by further  
14 regulating advertisements allowed on and about licensed premises  
15 and increasing the quantity of malt or brewed beverages which  
16 may be sold in a single sale by certain licensees for  
17 consumption off premises," absolutely.

18 The act, approved the twenty-eighth day of April, one  
19 thousand nine hundred forty-nine (Pamphlet Laws 769), entitled  
20 "An act to further amend the act, approved the third day of May,  
21 one thousand nine hundred thirty-three (Pamphlet Laws 252),  
22 entitled, as amended, 'An act to regulate and restrain the  
23 traffic in malt and brewed beverages, as herein defined;  
24 providing for the licensing of the manufacture, transportation,  
25 sale and distribution of such beverages; imposing license and  
26 permit fees, and providing for collection and distribution  
27 thereof; restricting ownership and interest in licensed places;  
28 permitting municipalities and townships, by vote of the  
29 electors, to prevent the licensing therein of places where such  
30 beverages may be sold for consumption on the premises, and

1 regulating elections for this purpose; imposing duties upon the  
2 Pennsylvania Liquor Control Board, quarter sessions courts,  
3 district attorneys, the Department of Justice, proper  
4 authorities of political subdivisions of the State, and election  
5 officers; providing penalties; and repealing existing acts,' by  
6 providing the quantity of malt or brewed beverages to be sold by  
7 any manufacturer, distributor, importing distributor, or retail  
8 dispenser; further regulating advertisements allowed on and  
9 about licensed premises," absolutely.

10 The act, approved the second day of May, one thousand nine  
11 hundred forty-nine (Pamphlet Laws 896), entitled "An act to  
12 further amend subsection fourteen of section six hundred two of  
13 the act, approved the twenty-ninth day of November, one thousand  
14 nine hundred and thirty-three (Pamphlet Laws 15, 1933-34),  
15 entitled, as amended 'An act to regulate and restrain the sale,  
16 manufacture, possession, transportation, importation, traffic  
17 in, and use of alcohol, and alcoholic and malt or brewed  
18 beverages; conferring powers and imposing duties upon the  
19 Pennsylvania Liquor Control Board and its agents, the Department  
20 of Public Instruction, other officers of the State Government,  
21 courts, and district attorneys; authorizing the establishment  
22 and operation of State stores for the sale of such beverages not  
23 for consumption on the premises, and the granting of licenses,  
24 subject to local option, to sell such beverages for consumption  
25 on and off the premises; forbidding importation or bringing of  
26 such beverages into the State except as herein provided;  
27 prohibiting certain sales or practices in, connection with, and  
28 transactions in such beverages by licensees and others;  
29 providing for the forfeiture of certain property; making  
30 disposition of the receipts from State stores and of fees; and

1 imposing penalties,' by exempting television exhibitions from  
2 provisions of the act requiring special permits," absolutely.

3 The act, approved the ninth day of May, one thousand nine  
4 hundred forty-nine (Pamphlet Laws 964), entitled "An act to  
5 amend section one of the act, approved the twenty-fourth day of  
6 June, one thousand nine hundred thirty-nine (Pamphlet Laws 806),  
7 entitled 'An act limiting the number of licenses for the retail  
8 sale of liquor, malt or brewed beverages, or malt and brewed  
9 beverages, to be issued by the Pennsylvania Liquor Control  
10 Board; defining hotels, and prescribing the accommodations  
11 required of hotels in certain municipalities,' changing the  
12 requirements necessary for a hotel to qualify under said act,"  
13 except in so far as it shall apply to hotel licenses granted  
14 prior to September first, one thousand nine hundred forty-nine,  
15 or granted on any application made and pending prior to said  
16 date, or to any renewal or transfer of such licenses, or to  
17 hotels under construction or for which a bona fide contract had  
18 been entered into for construction prior to said date.

19 The act, approved the twentieth day of May, one thousand nine  
20 hundred forty-nine (Pamphlet Laws 1482), entitled "An act to  
21 further amend section four hundred fifteen of the act, approved  
22 the twenty-ninth day of November, one thousand nine hundred and  
23 thirty-three (Pamphlet Laws, fifteen--one thousand nine hundred  
24 thirty-three and thirty-four), entitled, as amended 'An act to  
25 regulate and restrain the sale, manufacture, possession,  
26 transportation, importation, traffic in, and use of alcohol, and  
27 alcoholic and malt or brewed beverages; conferring powers and  
28 imposing duties upon the Pennsylvania Liquor Control Board and  
29 its agents, the Department of Public Instruction, other officers  
30 of the State government, courts, and district attorneys;

1 authorizing the establishment and operation of State stores for  
2 the sale of such beverages not for consumption on the premises,  
3 and the granting of licenses, subject to local option, to sell  
4 such beverages for consumption on and off the premises;  
5 forbidding importation or bringing of such beverages into the  
6 State except as herein provided; prohibiting certain sales or  
7 practices in, connection with, and transactions in such  
8 beverages by licensees and others; providing for the forfeiture  
9 of certain property; making disposition of the receipts from  
10 State stores and of fees; and imposing penalties,' by permitting  
11 holders of importers' licenses to sell liquor when in original  
12 containers of ten gallons or greater capacity to licensed  
13 manufacturers within this Commonwealth," absolutely.

14 The act, approved the twentieth day of May, one thousand nine  
15 hundred forty-nine (Pamphlet Laws 1546), entitled "An act to  
16 amend the act, approved the third day of May, one thousand nine  
17 hundred thirty-three (Pamphlet Laws 252), entitled, as amended  
18 'An act to regulate and restrain the traffic in malt and brewed  
19 beverages, as herein defined; providing for the licensing of the  
20 manufacture, transportation, sale and distribution of such  
21 beverages; imposing license and permit fees, and providing for  
22 collection and distribution thereof; restricting ownership and  
23 interest in licensed places; permitting municipalities and  
24 townships, by vote of the electors, to prevent the licensing  
25 therein of places where such beverages may be sold for  
26 consumption on the premises, and regulating elections for this  
27 purpose; imposing duties upon the Pennsylvania Liquor Control  
28 Board, quarter sessions courts, district attorneys, the  
29 Department of Justice, proper authorities of political  
30 subdivisions of the State, and election officers; providing

1 penalties; and repealing existing acts,' by further defining the  
2 parties who may appeal and the powers of courts in certain  
3 appeals from the board and providing for certain appeals to the  
4 Superior Court," absolutely.

5 The act, approved the twentieth day of May, one thousand nine  
6 hundred forty-nine (Pamphlet Laws 1551), entitled "An act to  
7 amend the act, approved the twenty-ninth day of November, one  
8 thousand nine hundred thirty-three (Pamphlet Laws 15, 1933-34),  
9 entitled, as amended 'An act to regulate and restrain the sale,  
10 manufacture, possession, transportation, importation, traffic  
11 in, and use of alcohol, and alcoholic and malt or brewed  
12 beverages; conferring powers and imposing duties upon the  
13 Pennsylvania Liquor Control Board and its agents, the Department  
14 of Public Instruction, other officers of the State government,  
15 courts, and district attorneys; authorizing the establishment  
16 and operation of State stores for the sale of such beverages not  
17 for consumption on the premises, and the granting of licenses,  
18 subject to local option, to sell such beverages for consumption  
19 on and off the premises; forbidding importation or bringing of  
20 such beverages into the State except as herein provided;  
21 prohibiting certain sales or practices in, connection with, and  
22 transactions in such beverages by licensees and others;  
23 providing for the forfeiture of certain property; making  
24 disposition of the receipts from State stores and of fees; and  
25 imposing penalties,' by further defining the parties who may  
26 appeal and the powers of courts in certain appeals from the  
27 board and providing for certain appeals to the Superior Court,"  
28 absolutely.

29 Section 142. Section 902 of the act is reenacted to read:

30 Section 902. General Repeal Clause.--All acts and parts of

1 acts inconsistent with the provisions of this act are hereby  
2 repealed.

3 Section 143. (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 Bureau of Liquor Control Enforcement of the Pennsylvania  
19 State Police are hereby transferred to the Pennsylvania State  
20 Police with the same force and effect as if the allocations and  
21 appropriations had been made to and said items had been the  
22 personnel and property of the bureau in the first instance and  
23 if the contracts, agreements and obligations had been incurred  
24 or entered into by the Pennsylvania State Police.

25 (c) All present employees of the Pennsylvania Liquor Control  
26 Board whose powers, duties or functions are transferred under  
27 subsections (a) and (b) shall be transferred to the Office of  
28 Administrative Law Judge or the bureau as appropriate. All such  
29 employees are to continue in their employment with either the  
30 commission, the Office of Administrative Law Judge or the bureau



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

5 Section 144. The chief administrative law judge and the  
6 Commissioner of the Pennsylvania State Police shall separately  
7 by regulation provide for appropriate training of personnel to  
8 carry out the responsibilities imposed by this act upon  
9 employees of their respective agencies.

10 Section 145. The agency known as the Alcoholic Beverages  
11 Commission shall be subject to evaluation and review and shall  
12 terminate on June 30, 1992, in the manner provided for by the  
13 act of December 22, 1981 (P.L.508, No.142), known as the Sunset  
14 Act.

15 Section 146. The presently confirmed members of the  
16 Pennsylvania Liquor Control Board as of December 31, 1986, shall  
17 continue to serve as members of the Alcoholic Beverages  
18 Commission for a term of 120 days beyond the effective date of  
19 this act or until the members first appointed after the  
20 effective date of this act are appointed and qualified,  
21 whichever occurs sooner.

22 Section 147. Each rule, regulation or fee of the  
23 Pennsylvania Liquor Control Board in effect on December 31,  
24 1986, shall remain in effect after such date until repealed or  
25 amended by the Alcoholic Beverages Commission.

26 Section 148. Only those members appointed to the Alcoholic  
27 Beverages Commission after the effective date of this act shall  
28 be eligible for the increased salary authorized for commission  
29 members pursuant to this act.

30 Section 149. Only those Alcoholic Beverages Commission

1 members appointed after the effective date of this act shall be  
2 required to restrict outside employment and income pursuant to  
3 this act.

4 Section 150. By September 30, 1987, the Alcoholic Beverages  
5 Commission shall recommend to the General Assembly such fee  
6 increases as the commission determines are necessary so that  
7 revenues are sufficient to cover the costs of licensing and  
8 enforcement activities.

9 Section 151. (a) Section 207.1(c)(2) of the act of April 9,  
10 1929 (P.L.177, No.175), known as The Administrative Code of  
11 1929, is repealed to the extent that it requires a vote of two-  
12 thirds of the members elected to the Senate to confirm  
13 appointments to the Pennsylvania Liquor Control Board.

14 (b) All other acts or parts of acts are repealed insofar as  
15 they are inconsistent with this act.

16 Section 152. The provisions of this act are severable. If  
17 any provision of this act or its application to any person or  
18 circumstance is held invalid, the invalidity shall not affect  
19 other provisions or applications of this act which can be given  
20 effect without the invalid provision or application.

21 Section 153. Sections 146 and 147 of this act shall be  
22 retroactive to December 31, 1986.

23 Section 154. This act shall take effect July 1, 1987, or  
24 immediately, whichever is later.