

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

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 29, 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; PROVIDING ETHICAL  
19 STANDARDS FOR THE COMMISSION AND ITS MEMBERS AND EMPLOYEES;  
20 establishing administrative officers and units for the  
21 administration and enforcement of the act; providing for the  
22 powers and duties of the Auditor General, State Treasurer,  
23 Attorney General and Pennsylvania State Police; regulating  
24 advertising; further providing for licenses, for penalties,  
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29      The General Assembly of the Commonwealth of Pennsylvania  
30 hereby enacts as follows:

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

4 AN ACT

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

21 Section 2. The heading of Article I of the act is reenacted  
22 to read:

23 ARTICLE I.

24 PRELIMINARY PROVISIONS.

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

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

28 Section 4. Section 102 of the act, amended July 10,1957  
29 (P.L.638, No.346), August 17, 1965 (P.L.346, No.182), December  
30 2, 1970 (P.L.825, No.271), October 11, 1972 (P.L.906, No.215),

1 December 12, 1980 (P.L.1195, No.221) and May 2, 1986 (P.L.141,  
2 No.44), is reenacted and amended to read:

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

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

13 "Association" shall mean a partnership, limited partnership  
14 or any form of unincorporated enterprise owned by two or more  
15 persons.

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

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

26 "Club" shall mean any reputable group of individuals  
27 associated together not for profit for legitimate purposes of  
28 mutual benefit, entertainment, fellowship or lawful convenience,  
29 having some primary interest and activity to which the sale of  
30 liquor or malt and brewed beverages shall be only secondary,

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

24 "Commission" shall mean the Alcoholic Beverages Commission.

25 "Container" shall mean and include any receptacle, vessel or  
26 form of package, tank, vat, cask, barrel, drum, keg, can, bottle  
27 or conduit used or capable of use for holding, storing,  
28 transferring or shipment of alcohol, liquor or malt or brewed  
29 beverages.

30 "Corporation" shall mean a corporation or joint-stock

1 association organized under the laws of this Commonwealth, the  
2 United States, or any other state, territory, or foreign country  
3 or dependency.

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

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

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

21 "Distillery Bonded Warehouse Certificate" shall mean a  
22 certificate, receipt, contract or other document given upon the  
23 storage of whiskey or any other potable distilled spirits,  
24 except ethyl alcohol, in a bonded warehouse, and evidencing the  
25 ownership of such whiskey or other potable distilled spirits.

26 "Distillery certificate broker" shall mean and include every  
27 person who engages directly or through an agent in selling,  
28 purchasing, exchanging, offering for sale or delivery, or  
29 entering into agreements for the purchase, sale or exchange, or  
30 soliciting subscriptions to or orders for, or undertaking to

1 dispose of, or dealing in any manner in, distillery bonded  
2 warehouse certificates.

3 "Distributor" shall mean any person licensed by the [board]  
4 commission to engage in the purchase only from Pennsylvania  
5 manufacturers and from importing distributors and the resale of  
6 malt or brewed beverages, except to importing distributors and  
7 distributors, in the original sealed containers as prepared for  
8 the market by the manufacturer at the place of manufacture, but  
9 not for consumption on the premises where sold, and in  
10 quantities of not less than a case of twenty-four containers,  
11 each container holding seven fluid ounces or more, or a case of  
12 twelve containers, each container holding twenty-four fluid  
13 ounces or more, except original containers containing one  
14 hundred twenty-eight ounces or more which may be sold  
15 separately.

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

21 "Enforcement bureau" shall mean the Bureau of Liquor Control  
22 Enforcement of the Pennsylvania State Police.

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

26 "Hotel" shall mean any reputable place operated by  
27 responsible persons of good reputation where the public may, for  
28 a consideration, obtain sleeping accommodations and meals and  
29 which, in a city, has at least ten, and in any other place at  
30 least six, permanent bedrooms for the use of guests, a public

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

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

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

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

30 "Malt or Brewed Beverages" means any beer, lager beer, ale,

1 porter or similar fermented malt beverage containing one-half of  
2 one per centum or more of alcohol by volume, by whatever name  
3 such beverage may be called.

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

17 "Manufacturer" shall mean any person, association or  
18 corporation engaged in the producing, manufacturing, distilling,  
19 rectifying or compounding of liquor, alcohol or malt or brewed  
20 beverages in this Commonwealth or elsewhere.

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

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

30 "Original container" shall mean all bottles, casks, kegs or



1 other suitable containers that have been securely capped, sealed  
2 or corked by the manufacturer of malt or brewed beverages at  
3 the place of manufacture, with the name and address of the  
4 manufacturer of the malt or brewed beverages contained or to be  
5 contained therein permanently affixed to the bottle, cask, keg  
6 or other container, or in the case of a bottle or can, to the  
7 cap or cork used in sealing the same or to a label securely  
8 affixed to a bottle or can.

9 "Package" shall mean any container or containers or  
10 receptacle or receptacles used for holding liquor or alcohol as  
11 marketed by the manufacturer.

12 "Performing arts facilities" shall mean those halls or  
13 theaters in which live musical, concert, dance, ballet and  
14 legitimate play book-length productions are performed.  
15 Performing arts facilities shall not mean those halls or  
16 theaters in which burlesque shows or reviews are performed.

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

26 "Population" shall mean the number of inhabitants as  
27 determined by the last preceding decennial census of the United  
28 States, or by any other census subsequently taken by the census  
29 bureau of the United States and so certified by it: Provided,  
30 however, That such other census shall not be a basis for the

1 fixing of license fees as provided in article IV. sections 405  
2 and 439.

3 "Potable distilled spirits" shall mean and include any  
4 distillate from grains, wine, fruits, vegetables or molasses,  
5 except ethyl alcohol, capable of being used for beverage  
6 purposes.

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

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

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

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

23 "Whiskey" shall mean and include any alcoholic distillate  
24 from a fermented mash of grain, capable of being used for  
25 beverage purposes.

26 "Winery" shall mean and include any premises and plants where  
27 any alcohol or liquor is produced by the process by which wine  
28 is produced, or premises and plants wherein liquid such as wine  
29 is produced; and shall include the manufacture by distillation  
30 of alcohol from the by-products of wine fermentation when the

1 alcohol so derived is used solely to fortify the fermented  
2 products, under such regulations as are or may be promulgated by  
3 the proper agency of the United States Government, and such  
4 alcohol, for that purpose only, may be sold or exchanged between  
5 wineries holding permits in this Commonwealth, without  
6 restriction.

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

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

21 Section 6. Section 104 of the act is reenacted and amended  
22 to read:

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

29 (b) The provisions of this act are severable and if any of  
30 its provisions shall be held unconstitutional the decision of

1 the court shall not affect or impair any of the remaining  
2 provisions of this act. It is hereby declared to be the  
3 legislative intent that this act would have been adopted had  
4 such unconstitutional provisions not been included herein.

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

19 (d) Any reference in this act to the provisions of law on  
20 any subject shall apply to statutes becoming effective after the  
21 effective date of this act as well as to those then in  
22 existence.

23 (e) Section headings shall not be taken to govern or limit  
24 the scope of the sections of this act. The singular shall  
25 include the plural and the masculine shall include the feminine  
26 and the neuter.

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

29 ARTICLE II.

30 [PENNSYLVANIA LIQUOR CONTROL BOARD]



1 qualified elector in the Commonwealth for a period of at least  
2 one year next preceding his appointment, and shall be not less  
3 than [thirty] TWENTY-ONE years of age. ←

4 (b) No member of the [board] commission during his period of  
5 service as such shall hold any other office under the laws of  
6 this Commonwealth or of the United States.

7 (c) Commission members shall devote full time to their  
8 official duties. No commission member shall hold any office or  
9 position the duties of which are incompatible with his  
10 commission duties or be engaged in any employment or vocation  
11 for which he receives any remuneration.

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

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

22 Section 204. [Secretary of Board.--The board may appoint a  
23 secretary to hold office at its pleasure. The secretary, if  
24 appointed, shall have such powers and shall perform such duties  
25 not contrary to law as the board shall prescribe, and shall  
26 receive such compensation as the board, with the approval of the  
27 Governor, shall determine. The secretary shall have power and  
28 authority to designate, from time to time, one of the clerks  
29 appointed by the board to perform the duties of the secretary  
30 during his absence and the clerk so appointed shall exercise,

1 for the time so designated, the powers of the secretary of the  
2 board.] Executive Director.--The commission shall appoint an  
3 executive director and professional management personnel,  
4 including bureau directors, as necessary. Salaries of the <—  
5 executive director and THE SALARY OF THE EXECUTIVE DIRECTOR <—  
6 SHALL BE THIRTY-FOUR THOUSAND DOLLARS (\$34,000) ANNUALLY AND THE  
7 SALARIES OF THE OTHER professional personnel shall be set by the  
8 commission, with the approval of the Governor. The executive  
9 director shall be responsible for managing the daily operations  
10 of the commission and shall have such powers and perform such  
11 duties not contrary to law as are necessary to implement  
12 decisions and policies made and established by vote of a  
13 majority of the commission.

14 Section 205. Bonds Required of Members and [Secretary]  
15 Executive Director.--Before entering upon the duties of their  
16 respective offices or positions, each member of the [board]  
17 commission and the [secretary] executive director shall execute  
18 and file with the State Treasurer a bond in such penal sum as  
19 shall be fixed by the Executive Board of this Commonwealth upon  
20 recommendation of the Governor, but the amount of any such bond  
21 shall not be less than ten thousand dollars (\$10,000). Bonds in  
22 such penal sums as shall be fixed by the Executive Board  
23 likewise shall be executed and filed with the State Treasurer by  
24 such employes of the [Pennsylvania Liquor Control Board]  
25 commission as the head of such [board] commission shall, with  
26 the approval of the Executive Board, prescribe. Such bonds shall  
27 be payable to the Commonwealth of Pennsylvania and shall be  
28 conditioned for the faithful performance of the members',  
29 [secretary's] executive director's or employes' duties imposed  
30 by law or by lawful authority and that the person bonded will

1 not knowingly violate the provisions of this act. All bonds  
2 required to be given under this section shall, before being  
3 accepted by the State Treasurer, be approved by the [Department  
4 of Justice] Attorney General, and unless the Commonwealth shall  
5 establish its own indemnity fund, all such bonds shall be given  
6 with security approved by the [Department of Justice] Attorney  
7 General. If the Commonwealth shall establish its own indemnity  
8 fund, the Executive Board may, nevertheless, require any bond  
9 given hereunder to be executed by a surety or sureties  
10 satisfactory to the [Department of Justice] Attorney General.  
11 The cost of such bonds required to be executed by a surety or  
12 sureties shall be borne by the [board] commission as part of its  
13 operating expense.

14 Section 206. [Board] Commission Subject to Administrative  
15 Code.--Except as otherwise expressly provided by law, the  
16 [board] commission shall be subject to all the provisions of The  
17 Administrative Code of one thousand nine hundred twenty-nine, as  
18 amended, which apply generally to independent administrative  
19 boards and commissions.

20 SECTION 9.1. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—

21 SECTION 206.1. COMMISSION SUBJECT TO STATE ETHICS AND  
22 ADVERSE INTEREST ACTS.--(A) EXCEPT TO THE EXTENT THAT THE  
23 PENALTIES PROVIDED IN SECTION 210 OF THIS ACT FOR VIOLATIONS ARE  
24 MORE STRINGENT, THE COMMISSION, ITS MEMBERS AND ALL OF ITS  
25 EMPLOYES SHALL BE SUBJECT TO THE ACT OF OCTOBER 4, 1978  
26 (P.L.883, NO.170), REFERRED TO AS THE PUBLIC OFFICIAL AND  
27 EMPLOYEE ETHICS LAW, AND THE ACT OF JULY 19, 1957 (P.L.1017,  
28 NO.451), KNOWN AS THE "STATE ADVERSE INTEREST ACT."

29 (B) MEMBERSHIP ON THE COMMISSION AND EMPLOYMENT OR CONTINUED  
30 EMPLOYMENT AS AN EMPLOYEE OF THE COMMISSION IS CONDITIONED UPON



1 COMPLIANCE WITH ALL OF THE PROVISIONS OF THE ACTS SPECIFIED IN  
2 SUBSECTION (A), INCLUDING, BUT NOT LIMITED TO, THE FILING OF  
3 STATEMENTS OF FINANCIAL INTERESTS REQUIRED BY SECTION 5 OF THE  
4 "PUBLIC OFFICIAL AND EMPLOYEE ETHICS LAW." ACCEPTANCE OR  
5 RETENTION OF EMPLOYMENT SHALL BE DEEMED AS VOLUNTARY CONSENT TO  
6 SUBMIT TO THE FINANCIAL REPORTING REQUIREMENTS OF THE "PUBLIC  
7 OFFICIAL AND EMPLOYEE ETHICS LAW" AS A CONDITION OF EMPLOYMENT.  
8 FAILURE TO TIMELY COMPLY WITH THE REQUIREMENTS SHALL RESULT IN  
9 IMMEDIATE TERMINATION OF EMPLOYMENT.

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

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

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

23 (b) To control the manufacture, possession, sale,  
24 consumption, importation, use, storage, transportation and  
25 delivery of liquor, alcohol and malt or brewed beverages in  
26 accordance with the provisions of this act, and to fix the  
27 wholesale and retail prices at which liquors and alcohol shall  
28 be sold at Pennsylvania Liquor Stores[: Provided, That in fixing  
29 the sale prices, the board shall not give any preference or make  
30 any discrimination as to classes, brands or otherwise, except to

1 the extent and for the length of time necessary to sell such  
2 classes or brands in compliance with any Federal action freezing  
3 or otherwise controlling the price of said classes or brands, or  
4 except where special sales are deemed necessary to move  
5 unsaleable merchandise, or except where the addition of a  
6 service or handling charge to the fixed sales price of any  
7 merchandise in the same comparable price bracket, regardless of  
8 class, brand or otherwise, is, in the opinion of the board,  
9 required for the efficient operation of the State store system].  
10 Prices shall be proportional with prices paid by the commission  
11 to its suppliers and shall reflect any advantage obtained  
12 through volume purchases by the commission. THE COMMISSION MAY ←  
13 ESTABLISH A PREFERENTIAL PRICE STRUCTURE FOR WINES PRODUCED  
14 WITHIN THIS COMMONWEALTH FOR THE PROMOTION OF SUCH WINES, AS  
15 LONG AS THE PRICE STRUCTURE IS UNIFORM WITHIN EACH CLASS OF WINE  
16 PURCHASED BY THE COMMISSION. The [board] commission shall  
17 require each Pennsylvania manufacturer and each nonresident  
18 manufacturer of liquors, other than wine, selling such liquors  
19 to the [board] commission, which are not manufactured in this  
20 Commonwealth, to make application for and be granted a permit by  
21 the [board] commission before such liquors not manufactured in  
22 this Commonwealth shall be purchased from such manufacturer.  
23 Each such manufacturer shall pay for such permit a fee which, in  
24 the case of a manufacturer of this Commonwealth, shall be equal  
25 to that required to be paid, if any, by a manufacturer or  
26 wholesaler of the state, territory or country of origin of the  
27 liquors, for selling liquors manufactured in Pennsylvania, and  
28 in the case of a nonresident manufacturer, shall be equal to  
29 that required to be paid, if any, in such state, territory or  
30 country by Pennsylvania manufacturers doing business in such

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

22 FAMILY OF A MEMBER OR EMPLOYE OF THE COMMISSION shall not be

23 directly or indirectly interested or engaged in any other

24 business or undertaking dealing in liquor, alcohol, or malt or

25 brewed beverages, whether as owner, part owner, partner, member

26 of syndicate, shareholder, agent or employe, and whether for his

27 own benefit or in a fiduciary capacity for some other person.

28 (b) No member or employe of the [board] commission OR A <—

29 MEMBER OF THE IMMEDIATE FAMILY OF A MEMBER OR EMPLOYE OF THE

30 COMMISSION nor any employe of the Commonwealth shall solicit or

1 receive, directly or indirectly, any commission, remuneration or  
2 gift whatsoever, from any person having sold, selling or  
3 offering liquor or alcohol for sale to the [board] commission  
4 for use in Pennsylvania Liquor Stores.

5 (C) NO PERSON CONVICTED OF AN INFAMOUS CRIME MAY BE EMPLOYED ←  
6 AS A MEMBER OR EMPLOYE BY THE COMMISSION.

7 (D) NO MEMBER OR EMPLOYE OF THE COMMISSION MAY USE HIS  
8 POSITION WITH THE COMMISSION, OR ANY CONFIDENTIAL INFORMATION  
9 RECEIVED THROUGH HIS POSITION WITH THE COMMISSION, TO OBTAIN  
10 FINANCIAL GAIN, OTHER THAN COMPENSATION PROVIDED BY LAW, FOR  
11 HIMSELF, A MEMBER OF HIS IMMEDIATE FAMILY OR A BUSINESS WITH  
12 WHICH HE IS ASSOCIATED.

13 (E) NO PERSON MAY OFFER OR GIVE TO A MEMBER OR EMPLOYE OF  
14 THE COMMISSION OR A MEMBER OF HIS IMMEDIATE FAMILY OR A BUSINESS  
15 WITH WHICH HE IS ASSOCIATED, AND NO MEMBER OR EMPLOYE OF THE  
16 COMMISSION MAY SOLICIT OR ACCEPT ANYTHING OF VALUE, INCLUDING A  
17 GIFT, LOAN, POLITICAL CONTRIBUTION, REWARD OR PROMISE OF FUTURE  
18 EMPLOYMENT, BASED ON AN UNDERSTANDING THAT THE VOTE, OFFICIAL  
19 ACTION OR JUDGMENT OF THE MEMBER OR EMPLOYE OF THE COMMISSION  
20 WOULD BE INFLUENCED THEREBY.

21 (F) NO MEMBER OR EMPLOYE OF THE COMMISSION OR A MEMBER OF  
22 HIS IMMEDIATE FAMILY OR ANY BUSINESS IN WHICH THE MEMBER OR  
23 EMPLOYE OR A MEMBER OF HIS IMMEDIATE FAMILY IS A DIRECTOR,  
24 OFFICER OR OWNER OR HOLDER OF STOCK EXCEEDING FIVE PERCENT (5%)  
25 OF THE EQUITY AT FAIR MARKET VALUE OF THE BUSINESS MAY ENTER  
26 INTO ANY CONTRACT VALUED AT FIVE HUNDRED DOLLARS (\$500) OR MORE  
27 TO PROVIDE GOODS OR SERVICES TO THE COMMISSION UNLESS THE  
28 CONTRACT HAS BEEN AWARDED TO THE LOWEST RESPONSIBLE BIDDER  
29 THROUGH AN OPEN AND PUBLIC PROCESS, INCLUDING PRIOR PUBLIC  
30 NOTICE AND SUBSEQUENT PUBLIC DISCLOSURE OF ALL PROPOSALS

1 CONSIDERED AND CONTRACTS AWARDED.

2 (G) NO FORMER MEMBER OR EMPLOYE OF THE COMMISSION MAY  
3 REPRESENT A PERSON, WITH OR WITHOUT COMPENSATION, ON ANY MATTER  
4 BEFORE THE COMMISSION FOR ONE YEAR AFTER LEAVING THE COMMISSION.

5 (H) A PUBLIC OFFICER OR PUBLIC OFFICIAL OR A PARTY OFFICER  
6 OR MEMBER OF THE IMMEDIATE FAMILY OF SUCH INDIVIDUALS, OR A  
7 BUSINESS WITH WHICH SUCH INDIVIDUALS OR MEMBERS OF THEIR  
8 IMMEDIATE FAMILIES ARE ASSOCIATED, MUST NOT HAVE A FINANCIAL  
9 INTEREST IN ANY CONTRACT VALUED AT FIVE HUNDRED DOLLARS (\$500)  
10 OR MORE TO PROVIDE GOODS OR SERVICES TO THE COMMISSION EITHER  
11 DURING THE TIME THE PERSON HOLDS SUCH OFFICE, OR FOR TWO YEARS  
12 AFTER THE PERSON TERMINATES SUCH OFFICE, UNLESS THE CONTRACT IS  
13 EXECUTED PURSUANT TO THE PROVISIONS OF SUBSECTION (F). FOR  
14 PURPOSES OF THIS SUBSECTION, THE TERM "FINANCIAL INTEREST" SHALL  
15 NOT INCLUDE EMPLOYMENT BY, ASSOCIATION WITH OR OWNERSHIP OF A  
16 BUSINESS ASSOCIATION UNLESS THE PUBLIC OFFICER, PUBLIC OFFICIAL,  
17 PARTY OFFICER OR MEMBER OF THE IMMEDIATE FAMILY OR THE  
18 INDIVIDUAL OWNS SHARES OF STOCK IN THE CORPORATION IN AN AMOUNT  
19 IN EXCESS OF FIVE PERCENT (5%) OF THE TOTAL ISSUE FOR THE STOCK  
20 OF THE CORPORATION, OR HAS AN OWNERSHIP INTEREST IN A  
21 NONCORPORATE BUSINESS ASSOCIATION IN AN AMOUNT IN EXCESS OF FIVE  
22 PERCENT (5%) OF THE TOTAL OWNERSHIP OF THE NONCORPORATE BUSINESS  
23 ASSOCIATION.

24 (I) NO MEMBER OR EMPLOYE OF THE COMMISSION OR AN ADVISOR OR  
25 CONSULTANT THERETO HAVING RECOMMENDED TO THE COMMISSION EITHER  
26 THE MAKING OF A CONTRACT OR A COURSE OF ACTION OF WHICH THE  
27 MAKING OF A CONTRACT IS AN EXPRESS OR IMPLIED PART, MAY, AT ANY  
28 TIME THEREAFTER, HAVE AN ADVERSE INTEREST IN THAT CONTRACT.

29 (J) NO MEMBER OR EMPLOYE OF THE COMMISSION OR ANY OFFICER OR  
30 EMPLOYE OF THE COMMONWEALTH OR ANY OF ITS POLITICAL SUBDIVISIONS



1 MAY INFLUENCE OR ATTEMPT TO INFLUENCE THE MAKING OF, OR  
2 SUPERVISE OR DEAL WITH, A CONTRACT WITH THE COMMISSION IN WHICH  
3 HE HAS AN ADVERSE INTEREST.

4 (K) NO MEMBER OR EMPLOYE OF THE COMMISSION MAY HAVE AN  
5 ADVERSE INTEREST IN A CONTRACT WITH THE COMMISSION.

6 (L) NO PERSON HAVING AN ADVERSE INTEREST IN A CONTRACT WITH  
7 THE COMMISSION MAY BECOME AN EMPLOYE OF THE COMMISSION UNTIL THE  
8 ADVERSE INTEREST HAS BEEN WHOLLY DIVESTED.

9 (M) NO MEMBER OR EMPLOYE OF THE COMMISSION OR ANY OFFICER OR  
10 EMPLOYE OF THE COMMONWEALTH OR A POLITICAL SUBDIVISION, EXCEPT  
11 IN THE PERFORMANCE OF HIS DUTIES AS SUCH EMPLOYE, MAY, FOR  
12 REMUNERATION, DIRECTLY OR INDIRECTLY, REPRESENT A PERSON UPON A  
13 MATTER PENDING BEFORE THE COMMISSION.

14 (N) (1) ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS  
15 SECTION SHALL HAVE HIS EMPLOYMENT BY THE COMMISSION IMMEDIATELY  
16 TERMINATED BY THE APPROPRIATE PERSON HAVING THE POWER TO  
17 TERMINATE AND SHALL BE LIABLE TO THE COMMISSION TO REIMBURSE THE  
18 COMMISSION FOR ALL COMPENSATION RECEIVED BY HIM FROM THE  
19 COMMISSION WHILE EMPLOYED IN VIOLATION OF SUBSECTION (C).

20 (2) ANY PERSON WHO VIOLATES THE PROVISIONS OF SUBSECTIONS  
21 (B), (D) OR (E) SHALL BE GUILTY OF A FELONY AND, UPON CONVICTION  
22 THEREOF, SHALL BE SENTENCED TO PAY A FINE OF NOT MORE THAN TEN  
23 THOUSAND DOLLARS (\$10,000) OR TO UNDERGO IMPRISONMENT FOR NOT  
24 MORE THAN FIVE (5) YEARS, OR BOTH.

25 (3) ANY PERSON WHO VIOLATES THE PROVISIONS OF SUBSECTIONS  
26 (A) OR (F) THROUGH (M) SHALL BE GUILTY OF A MISDEMEANOR AND,  
27 UPON CONVICTION THEREOF, SHALL BE SENTENCED TO PAY A FINE OF NOT  
28 MORE THAN ONE THOUSAND DOLLARS (\$1,000) OR TO UNDERGO  
29 IMPRISONMENT FOR NOT MORE THAN ONE (1) YEAR, OR BOTH.

30 (4) ANY PERSON WHO OBTAINS FINANCIAL GAIN FROM VIOLATING ANY

1 PROVISIONS OF THIS SECTION, IN ADDITION TO ANY OTHER PENALTY  
2 PROVIDED BY LAW, SHALL PAY INTO THE ACCOUNTS OF THE COMMISSION A  
3 SUM OF MONEY EQUAL TO THREE (3) TIMES THE FINANCIAL GAIN  
4 RESULTING FROM THE VIOLATION.

5 (5) ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION  
6 SHALL BE BARRED FOR A PERIOD OF FIVE (5) YEARS FROM ENGAGING IN  
7 ANY BUSINESS OR CONTRACT WITH THE COMMISSION, THE COMMONWEALTH  
8 OR A POLITICAL SUBDIVISION.

9 (6) ANY EMPLOYEE OF THE COMMONWEALTH OR A POLITICAL  
10 SUBDIVISION OR ANY PUBLIC OFFICER OR PUBLIC OFFICIAL WHO  
11 VIOLATES ANY OF THE PROVISIONS OF THIS SECTION SHALL  
12 AUTOMATICALLY FORFEIT THE OFFICE OR EMPLOYMENT.

13 (7) THE PENALTIES AND SANCTIONS PROVIDED BY THIS SUBSECTION  
14 SHALL SUPERSEDE ANY SIMILAR PENALTIES AND SANCTIONS PROVIDED BY  
15 THE ACT OF JULY 19, 1957 (P.L.1017, NO.451), KNOWN AS THE "STATE  
16 ADVERSE INTEREST ACT," AND THE ACT OF OCTOBER 4, 1978 (P.L.883,  
17 NO.170), REFERRED TO AS THE PUBLIC OFFICIAL AND EMPLOYEE ETHICS  
18 LAW.

19 (O) AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES  
20 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION:

21 "BUSINESS" SHALL MEAN A CORPORATION, PARTNERSHIP, SOLE  
22 PROPRIETORSHIP, FIRM, ENTERPRISE, FRANCHISE, ASSOCIATION,  
23 ORGANIZATION, SELF-EMPLOYED INDIVIDUAL, HOLDING COMPANY, JOINT-  
24 STOCK COMPANY, RECEIVERSHIP, TRUST OR LEGAL ENTITY ORGANIZED FOR  
25 PROFIT OR AS A NOT-FOR-PROFIT CORPORATION OR ORGANIZATION.

26 "IMMEDIATE FAMILY" SHALL MEAN A PARENT, SPOUSE, CHILD,  
27 BROTHER, SISTER OR LIKE RELATIVE-IN-LAW.

28 "INFAMOUS CRIME" SHALL MEAN A VIOLATION AND CONVICTION FOR AN  
29 OFFENSE WHICH WOULD DISQUALIFY AN INDIVIDUAL FROM HOLDING PUBLIC  
30 OFFICE PURSUANT TO SECTION 6 OF ARTICLE II OF THE CONSTITUTION

1 OF PENNSYLVANIA; A CONVICTION FOR A VIOLATION OF THIS SECTION OR  
2 OF 18 PA.C.S. § 4113 (RELATING TO MISAPPLICATION OF ENTRUSTED  
3 PROPERTY AND PROPERTY OF GOVERNMENT OR FINANCIAL INSTITUTIONS),  
4 CH. 47 (RELATING TO BRIBERY AND CORRUPT INFLUENCE), CH. 49  
5 (RELATING TO FALSIFICATION AND INTIMIDATION), CH. 51 (RELATING  
6 TO OBSTRUCTING GOVERNMENTAL OPERATIONS) OR CH. 53 (RELATING TO  
7 ABUSE OF OFFICE); OR A VIOLATION OF THE LAWS OF THIS  
8 COMMONWEALTH OR ANOTHER STATE OR THE FEDERAL GOVERNMENT FOR  
9 WHICH AN INDIVIDUAL HAS BEEN CONVICTED WITHIN THE PRECEDING TEN  
10 (10) YEARS AND WHICH IS CLASSIFIED AS A FELONY.

11 "PARTY OFFICER" SHALL MEAN ANY OF THE FOLLOWING MEMBERS OR  
12 OFFICERS OF A POLITICAL PARTY: A MEMBER OF A NATIONAL COMMITTEE;  
13 A CHAIRMAN, VICE CHAIRMAN, SECRETARY, TREASURER OR COUNSEL OF A  
14 STATE COMMITTEE OR MEMBER OF THE EXECUTIVE COMMITTEE OF A STATE  
15 COMMITTEE; A COUNTY CHAIRMAN, VICE CHAIRMAN, COUNSEL, SECRETARY  
16 OR TREASURER OF A COUNTY COMMITTEE; OR A CITY CHAIRMAN, VICE  
17 CHAIRMAN, COUNSEL, SECRETARY OR TREASURER OF A CITY COMMITTEE.

18 "PUBLIC OFFICER" SHALL MEAN A PERSON ELECTED TO A PUBLIC  
19 OFFICE OF THE COMMONWEALTH OR A POLITICAL SUBDIVISION.

20 "PUBLIC OFFICIAL" SHALL MEAN AN ELECTED OR APPOINTED OFFICIAL  
21 IN THE EXECUTIVE, LEGISLATIVE OR JUDICIAL BRANCH OF THE  
22 COMMONWEALTH OR A POLITICAL SUBDIVISION. THE TERM DOES NOT  
23 INCLUDE MEMBERS OF ADVISORY BOARDS THAT HAVE NO AUTHORITY TO  
24 EXPEND PUBLIC FUNDS OTHER THAN REIMBURSEMENT FOR PERSONAL  
25 EXPENSE OR TO OTHERWISE EXERCISE THE POWER OF THE COMMONWEALTH  
26 OR A POLITICAL SUBDIVISION. THE TERM DOES NOT INCLUDE AN  
27 APPOINTED OFFICIAL WHO RECEIVES NO COMPENSATION OTHER THAN  
28 REIMBURSEMENT FOR ACTUAL EXPENSES.

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

30 Section 211. Enforcement.--(a) There is created within the

1 Pennsylvania State Police a Bureau of Liquor Control Enforcement  
2 which shall be responsible for enforcing this act and any  
3 regulations promulgated pursuant thereto. Officers and  
4 investigators assigned to the bureau shall have the power and  
5 their duty shall be:

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

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

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

1 of as hereinafter provided.

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

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

15 (C) EXCEPT FOR UP TO THREE STATE POLICE OFFICERS WHO SHALL <—  
16 BE EMPLOYED IN A SUPERVISORY CAPACITY AT THE STATE HEADQUARTERS  
17 OF THE ENFORCEMENT BUREAU, ALL OTHER PERSONNEL OF THE  
18 ENFORCEMENT BUREAU SHALL BE CIVILIANS.

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 (B) ALL HEARING EXAMINERS EMPLOYED BY THE PENNSYLVANIA <—  
27 LIQUOR CONTROL BOARD ON THE EFFECTIVE DATE OF THIS SECTION SHALL  
28 CONTINUE TO SERVE AS ADMINISTRATIVE LAW JUDGES WITHIN THE  
29 COMMISSION. ADDITIONAL ADMINISTRATIVE LAW JUDGES MAY BE  
30 APPOINTED BY THE COMMISSION, WITH THE APPROVAL OF THE GOVERNOR,

1 AS THE COMMISSION DEEMS NECESSARY FOR THE HOLDING OF HEARINGS  
2 REQUIRED OR PERMITTED UNDER THIS ACT.

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

6 ~~(d) Administrative law judges appointed under this section~~ <—  
7 ~~shall be learned in the law and shall be members in good~~  
8 ~~standing of the bar of the Supreme Court of Pennsylvania.~~

9 ~~(e) (D) Administrative law judges appointed under this~~ <—  
10 ~~section shall be afforded employment security as provided by the~~  
11 ~~act of August 5, 1941 (P.L.752, No.286), known as the "Civil~~  
12 ~~Service Act."~~

13 ~~(f) (E) Compensation for the administrative law judges shall~~ <—  
14 ~~be established by the commission with the approval of the~~  
15 ~~Governor.~~

16 ~~(g) Administrative law judges shall devote full time to~~ <—  
17 ~~their official duties and shall perform no duties inconsistent~~  
18 ~~with their duties and responsibilities as administrative law~~  
19 ~~judges.~~

20 (F) NOTHING IN THIS SECTION OR THIS ACT SHALL BE CONSTRUED <—  
21 OR INTENDED TO CHANGE OR AFFECT THE TERMS AND CONDITIONS OF  
22 EMPLOYMENT OR THE EMPLOYMENT SECURITY OF HEARING EXAMINERS  
23 EMPLOYED BY THE PENNSYLVANIA LIQUOR CONTROL BOARD ON THE  
24 EFFECTIVE DATE OF THIS SECTION.

25 Section 213. Office of Chief Counsel.--The commission shall  
26 establish an Office of Chief Counsel which shall provide legal  
27 advice on matters coming before the commission and shall  
28 represent the enforcement bureau in all enforcement proceedings  
29 brought before the Office of Administrative Law Judge. The  
30 salary of the chief counsel and the number and salaries of any

1 deputy counsels employed by the Office of Chief Counsel shall be  
2 set by the commission with the approval of the Governor.

3 Section 214. Bureau of Consumer Relations.--The commission  
4 shall establish a Bureau of Consumer Relations which shall be  
5 responsible for handling all consumer complaints and  
6 suggestions. The bureau shall develop a system-wide program for  
7 investigating all complaints and suggestions and implementing  
8 improvements into the State Store system.

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

13 (b) The commission may not make a contract or otherwise do  
14 business with a transportation carrier for hire of liquor, wine  
15 or malt or brewed beverages which (carrier) has not obtained the  
16 proper permits from the Pennsylvania Public Utility Commission  
17 under 66 Pa.C.S. Ch. 25 (relating to contract carrier by motor  
18 vehicle and broker).

19 ~~Section 216. Management of Fees. The commission shall~~ <—  
20 ~~develop a fee management system to identify actual commission~~  
21 ~~costs related to each fee that it administers. This system shall~~  
22 ~~be developed in cooperation with the Pennsylvania State Police~~  
23 ~~and shall include all allocated enforcement costs of the~~  
24 ~~enforcement bureau.~~

25 SECTION 216. WINE MARKETING.--(A) THERE IS HEREBY <—  
26 ESTABLISHED WITHIN THE COMMISSION THE BUREAU OF WINE WHICH SHALL  
27 BE RESPONSIBLE FOR THE PURCHASING AND THE WHOLESALE AND RETAIL  
28 MARKETING OF PREMIUM WINES SO AS TO MAKE THESE WINES AVAILABLE  
29 TO PENNSYLVANIA CONSUMERS AT COMPETITIVE PRICES AND IN A  
30 CONVENIENT ATMOSPHERE.





1 in accordance with the provisions of and the regulations made  
2 under this act; except that no store not so already located  
3 shall be located within three hundred feet of any elementary or  
4 secondary school, nor within a dry municipality without there  
5 first having been a referendum approving such location. When the  
6 [board] commission shall have determined upon the location of a  
7 liquor store in any municipality, it shall give notice of such  
8 location by public advertisement in two newspapers of general  
9 circulation. In cities of the first class, the location shall  
10 also be posted for a period of at least fifteen days following  
11 its determination by the [board] commission as required in  
12 section 403(g) of this act. The notice shall be posted in a  
13 conspicuous place on the outside of the premises in which the  
14 proposed store is to operate or, in the event that a new  
15 structure is to be built in a similarly visible location. If,  
16 within five days after the appearance of such advertisement, or  
17 of the last day upon which the notice was posted, fifteen or  
18 more taxpayers residing within a quarter of a mile of such  
19 location, or the City Solicitor of the city of the first class,  
20 shall file a protest with the court of common pleas of the  
21 county averring that the location is objectionable because of  
22 its proximity to a church, a school, or to private residences,  
23 the court shall forthwith hold a hearing affording an  
24 opportunity to the protestants and to the [board] commission to  
25 present evidence. The court shall render its decision  
26 immediately upon the conclusion of the testimony and from the  
27 decision there shall be no appeal. If the court shall determine  
28 that the proposed location is undesirable for the reasons set  
29 forth in the protest, the [board] commission shall abandon it  
30 and find another location. The [board] commission may establish,

1 operate and maintain such establishments for storing and testing  
2 liquors as it shall deem expedient to carry out its powers and  
3 duties under this act.

4 (b) The [board] commission may lease the necessary premises  
5 for such stores or establishments, but all such leases shall be  
6 made through the Department of General Services as agent of the  
7 [board] commission. The [board] commission, through the  
8 Department of General Services, shall have authority to purchase  
9 such equipment and appointments as may be required in the  
10 operation of such stores or establishments.

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

13 Section 302. Selection of Personnel.--Officers and employes  
14 of the [board] commission, except as herein otherwise provided,  
15 shall be appointed and employed subject to the provisions of the  
16 Civil Service Act.

17 Section 303. Management of Pennsylvania Liquor Stores.--  
18 Every Pennsylvania Liquor Store shall be conducted by a person  
19 appointed in the manner provided in the Civil Service Act who  
20 shall be known as the "manager" and who shall, under the  
21 directions of the [board] commission, be responsible for  
22 carrying out the provisions of this act and the regulations  
23 adopted by the [board] commission under this act as far as they  
24 relate to the conduct of such stores.

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

27 Section 304. When Sales May Be Made at Pennsylvania Liquor  
28 Stores.--Every Pennsylvania Liquor Store shall be open for  
29 business week days, except legal holidays or any day on which a  
30 general, municipal, special or primary election is being held,

1 during such hours as the [board] commission, in its discretion,  
2 shall determine[, but shall not be open longer than fourteen  
3 hours in any one day nor later than eleven o'clock  
4 postmeridian]: Provided, That the Pennsylvania Liquor Stores in  
5 the case of a special election for members of the General  
6 Assembly or members of the Congress of the United States, when  
7 such special election is held on other than a primary, municipal  
8 or general election day, shall be open in those Legislative or  
9 Congressional Districts as though the day were not a special  
10 election day. The [board] commission may, with the approval of  
11 the Governor, temporarily close any store in any municipality.

12 Section 19. Section 305 of the act, amended October 21, 1965  
13 (P.L.642, No.316), October 11, 1972 (P.L.906, No.215), June 17,  
14 1974 (P.L.352, No.115), October 2, 1974 (P.L.668, No.222) and  
15 October 4, 1974 (P.L.672, No.224), is reenacted and amended to  
16 read:

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

29 In computing the retail price of such special orders for  
30 liquor or alcohol, the [board] commission shall not include the

1 cost of freight or shipping before applying the mark-up and  
2 taxes but shall add the freight or shipping charges to the price  
3 after the mark-up and taxes have been applied.

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

8 (b) Every Pennsylvania Liquor Store shall sell liquors at  
9 wholesale to hotels, restaurants, clubs, and railroad, pullman  
10 and steamship companies licensed under this act; and, under the  
11 regulations of the [board] commission, to pharmacists duly  
12 licensed and registered under the laws of the Commonwealth, and  
13 to manufacturing pharmacists, and to reputable hospitals  
14 approved by the [board] commission, or chemists. The [board]  
15 commission may sell to registered pharmacists only such liquors  
16 as conform to the Pharmacopoeia of the United States, the  
17 National Formulary, or the American Homeopathic Pharmacopoeia.  
18 The [board] commission may sell at special prices under the  
19 regulations of the [board] commission, to United States Armed  
20 Forces facilities which are located on United States Armed  
21 Forces installations and are conducted pursuant to the authority  
22 and regulations of the United States Armed Forces. All other  
23 sales by such stores shall be at retail. [No liquor shall be  
24 sold except for cash, except that the board] ~~The commission~~ may, <—  
25 by regulation, authorize the acceptance of checks for liquor  
26 sold at wholesale only. The [board] ~~commission~~ shall have power <—  
27 to designate certain stores for wholesale or retail sales  
28 exclusively.] A PERSON ENTITLED TO PURCHASE LIQUOR AT WHOLESALE <—  
29 PRICES MAY PURCHASE THE LIQUOR AT ANY PENNSYLVANIA LIQUOR STORE  
30 UPON TENDERING CASH, CHECK OR CREDIT CARD FOR THE FULL AMOUNT OF

1 THE PURCHASE. FOR THIS PURPOSE, THE COMMISSION SHALL ISSUE A  
2 DISCOUNT CARD TO EACH LICENSEE IDENTIFYING SUCH LICENSEE AS A  
3 PERSON AUTHORIZED TO PURCHASE LIQUOR AT WHOLESALE PRICES. SUCH  
4 DISCOUNT CARD SHALL BE RETAINED BY THE LICENSEE. THE BOARD MAY  
5 PROVIDE FOR DELIVERY TO WHOLESALE LICENSEES AT THE EXPENSE OF  
6 THE LICENSEE RECEIVING THE DELIVERY.

7 (c) Whenever any checks issued in payment of liquor or  
8 alcohol purchased from State Liquor Stores by persons holding  
9 wholesale purchase permit cards issued by the [board] commission  
10 shall be returned to the [board] commission as dishonored, the  
11 [board] commission shall charge a fee of five dollars per  
12 hundred dollars or fractional part thereof, plus all protest  
13 fees, to the maker of such check submitted to the [board]  
14 commission. Failure to pay the face amount of the check in full  
15 and all charges thereon as herein required within ten days after  
16 demand has been made by the [board] commission upon the maker of  
17 the check shall be cause for revocation or suspension of any  
18 license issued by the [board] commission to the person who  
19 issued such check and the cancellation of the wholesale purchase  
20 permit card held by such person.

21 (d) No liquor or alcohol package shall be opened on the  
22 premises of a Pennsylvania Liquor Store. No manager or other  
23 employe of the [board] commission employed in a Pennsylvania  
24 Liquor Store shall allow any liquor or alcohol to be consumed on  
25 the store premises, nor shall any person consume any liquor or  
26 alcohol on such premises.

27 (e) The [board] commission may sell tax exempt alcohol to  
28 the Commonwealth of Pennsylvania and to persons to whom the  
29 [board] commission shall, by regulation to be promulgated by it,  
30 issue special permits for the purchase of such tax exempt

1 alcohol.

2 Such permits may be issued to the United States or any  
3 governmental agency thereof, to any university or college of  
4 learning, any laboratory for use exclusively in scientific  
5 research, any hospital, sanatorium, eleemosynary institution or  
6 dispensary; to physicians, dentists, veterinarians and  
7 pharmacists duly licensed and registered under the laws of the  
8 Commonwealth of Pennsylvania; to manufacturing chemists and  
9 pharmacists or other persons for use in the manufacture or  
10 compounding of preparations unfit for beverage purposes.

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

17 (g) The [board] commission is hereby authorized and  
18 empowered to adopt and enforce appropriate rules and regulations  
19 to insure the equitable wholesale and retail sale and  
20 distribution, through the Pennsylvania Liquor Stores, of  
21 available liquor and alcohol at any time when the demand  
22 therefor is greater than the supply.

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

25 Section 20. Section 306 of the act is reenacted and amended  
26 to read:

27 Section 306. Audits by Auditor General.--(a) It shall be  
28 the duty of the Department of the Auditor General to make all  
29 audits which may be necessary in connection with the  
30 administration of the financial affairs of the [board]

1 commission and the Pennsylvania Liquor Stores operated and  
2 maintained by the [board] commission.

3 (b) At least one audit shall be made each year of the  
4 affairs of the [board] commission, and all collections made by  
5 the Pennsylvania Liquor Stores shall be audited quarterly. A ←  
6 COPY OF THE ANNUAL AUDIT OF THE AFFAIRS OF THE COMMISSION SHALL  
7 BE SUBMITTED TO EACH MEMBER OF THE GENERAL ASSEMBLY.

8 (c) Special audits of the affairs of the [board] commission  
9 and the Pennsylvania Liquor Stores maintained and operated by  
10 the [board] commission may be made whenever they may, in the  
11 judgment of the Auditor General, appear necessary, and shall be  
12 made whenever the Governor shall call upon the Auditor General  
13 to make them.

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

17 (e) Unless the Department of the Auditor General shall  
18 neglect or refuse to make annual, quarterly or special Audits,  
19 as hereinabove required, it shall be unlawful for the [board]  
20 commission to expend any money appropriated to it by the General  
21 Assembly for any audit of its affairs, except for the payment of  
22 the compensation and expenses of such auditors as are regularly  
23 employed as part of the administrative staff of the [board]  
24 commission.

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

27 ARTICLE IV.

28 LICENSES AND REGULATIONS; LIQUOR, ALCOHOL AND

29 MALT AND BREWED BEVERAGES.

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

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

3 Section 401. Authority to Issue Liquor Licenses to Hotels,  
4 Restaurants and Clubs.--(a) Subject to the provisions of this  
5 act and regulations promulgated under this act, the [board]  
6 commission shall have authority to issue a retail liquor license  
7 for any premises kept or operated by a hotel, restaurant or club  
8 and specified in the license entitling the hotel, restaurant or  
9 club to purchase liquor from a Pennsylvania Liquor Store and to  
10 keep on the premises such liquor and, subject to the provisions  
11 of this act and the regulations made thereunder, to sell the  
12 same and also malt or brewed beverages to guests, patrons or  
13 members for consumption on the hotel, restaurant or club  
14 premises. Such licensees, other than clubs, shall be permitted  
15 to sell malt or brewed beverages for consumption off the  
16 premises where sold in quantities of not more than one hundred  
17 forty-four fluid ounces in a single sale to one person. Such  
18 licenses shall be known as hotel liquor licenses, restaurant  
19 liquor licenses and club liquor licenses, respectively. No  
20 person who holds, either by appointment or election, any public  
21 office which involves the duty to enforce any of the penal laws  
22 of the United States of America or the penal laws of the  
23 Commonwealth of Pennsylvania or any penal ordinance or  
24 resolution of any political subdivision of this Commonwealth  
25 shall be issued any hotel or restaurant liquor license, nor  
26 shall such a person have any interest, directly or indirectly,  
27 in any such license.

28 (b) The [board] commission may issue to any club which  
29 caters to groups of non-members, either privately or for  
30 functions, a catering license, and the [board] commission shall,



1 by its rules and regulations, define what constitutes catering  
2 under this subsection except that any club which is issued a  
3 catering license shall not be prohibited from catering on  
4 Sundays during the hours which the club may lawfully serve  
5 liquor, malt or brewed beverages.

6 Section 23. Section 402 of the act is reenacted and amended  
7 to read:

8 Section 402. License Districts; License Year; Hearings.--(A) <—

9 The [board] commission shall, by regulation, divide the State  
10 into convenient license districts and shall hold hearings on  
11 applications for licenses and renewals thereof, as it deems  
12 necessary, at a convenient place or places in each of said  
13 districts, at such times as it shall fix, by regulation, for the  
14 purpose of hearing testimony for and against applications for  
15 new licenses and renewals thereof. THE COMMISSION SHALL HOLD A <—

16 HEARING ON ANY APPLICATION FOR A NEW HOTEL, CLUB OR RESTAURANT  
17 LIQUOR LICENSE OR THE TRANSFER OF ANY SUCH LICENSE TO A NEW  
18 LOCATION, UPON THE REQUEST OF ANY PERSON WITH STANDING TO  
19 TESTIFY UNDER SUBSECTION (B) IF THE REQUEST IS FILED WITH THE  
20 COMMISSION WITHIN THE FIRST FIFTEEN DAYS OF POSTING OF THE  
21 NOTICE OF APPLICATION PURSUANT TO SECTION 403(G). The [board]  
22 commission may provide for the holding of such hearings by  
23 [examiners learned in the law, to be appointed by the Governor,  
24 who shall not be subject to the "Civil Service Act."]  
25 administrative law judges. Such examiners shall make report to  
26 the [board] commission in each case with their recommendations.  
27 The [board] commission shall, by regulation, fix the license  
28 year for each separate district so that the expiration dates  
29 shall be uniform in each of the several districts but staggered  
30 as to the State.

1        (B) WHERE A HEARING IS HELD IN THE CASE OF AN APPLICATION  
 2 FOR A NEW HOTEL, CLUB OR RESTAURANT LIQUOR LICENSE OR AN  
 3 APPLICATION FOR THE TRANSFER OF A HOTEL, CLUB OR RESTAURANT  
 4 LIQUOR LICENSE TO A NEW LOCATION, THE COMMISSION SHALL PERMIT  
 5 RESIDENTS RESIDING WITHIN A RADIUS OF FIVE HUNDRED FEET OF THE  
 6 PREMISES TO TESTIFY AT THE HEARING. THE COMMISSION AND ANY  
 7 HEARING OFFICER THEREOF SHALL GIVE APPROPRIATE EVIDENTIARY  
 8 WEIGHT TO ANY TESTIMONY OF SUCH RESIDENTS GIVEN AT THE HEARING.

9        Section 24. Section 403 of the act, amended November 19,  
 10 1959 (P.L.1546, No.553) and September 28, 1961 (P.L.1728,  
 11 No.702), is reenacted and amended to read:

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

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

1 this act, except in the case of death of the licensee prior to  
2 full compliance with all of the aforementioned requirements, in  
3 which event, the license may be transferred by the [board]  
4 commission as provided in section 468 of this act for the  
5 transfer of the license in the case of death of the licensee.

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

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

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

24 (e) If the applicant is an association, the application  
25 shall set forth the names and addresses of the persons  
26 constituting the association, and if a corporation, the names  
27 and addresses of the principal officers thereof. Every club  
28 applicant shall file with and as a part of its application a  
29 list of the names and addresses of its members, directors,  
30 officers, agents and employes, together with the dates of their

1 admission, election or employment, and such other information  
2 with respect to its affairs as the [board] commission shall  
3 require.

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

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

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

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

28 Section 25. Section 404 of the act, amended September 2,  
29 1971 (P.L.429, No.103), is reenacted and amended to read:

30 Section 404. Issuance of Hotel, Restaurant and Club Liquor

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

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

<—

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

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

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

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

23 In municipalities, except townships, having a population of  
24 fifteen hundred and more but less than ten thousand inhabitants,  
25 and in townships having a population of fifteen hundred and more  
26 but less than twelve thousand inhabitants, two hundred dollars  
27 (\$200.00).

28 In municipalities, except townships, having a population of  
29 ten thousand and more but less than fifty thousand inhabitants,  
30 and in townships having a population of twelve thousand and more



1 but less than fifty thousand inhabitants, three hundred dollars  
2 (\$300.00).

3 In those having a population of fifty thousand and more but  
4 less than one hundred thousand inhabitants, four hundred dollars  
5 (\$400.00).

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

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

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

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

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

30 Section 27. Section 406 of the act, amended September 2,

1 1971 (P.L.429, No.103), December 17, 1982 (P.L.1390, No.319),  
2 May 9, 1984 (P.L.246, No.54) and February 28, 1985 (P.L.1,  
3 No.1), is reenacted and amended to read:

4 Section 406. Sales by Liquor Licensees; Restrictions.--(a)

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

1 of any club composed of volunteer firemen licensed under this  
2 act, have the same social rights and privileges as members of  
3 such licensed club. For the purposes of this paragraph, the term  
4 "active member" shall not include a social member.

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

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

25 (4) Hotel and restaurant liquor licensees, airport  
26 restaurant liquor licensees, municipal golf course restaurant  
27 liquor licensees and privately-owned public golf course  
28 restaurant licensees which do not qualify for and purchase such  
29 annual special permit, their servants, agents or employes may  
30 sell liquor and malt or brewed beverages only after seven

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

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

1 that he is operating in accordance with daylight saving time.

2 (6) Notwithstanding any provisions to the contrary, whenever  
3 the thirty-first day of December or Saint Patrick's Day falls on  
4 a Sunday, every hotel or restaurant liquor licensee, their  
5 servants, agents or employes may sell liquor and malt or brewed  
6 beverages on any such day after one o'clock postmeridian and  
7 until two o'clock antemeridian of the following day.

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

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

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

1 Pa. Code § 7.21(c)(3), the licensee shall be permitted to store,  
2 serve, sell or dispense food, liquor and malt or brewed  
3 beverages at the [board] commission approved secondary service  
4 area.

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

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

19 Section 30. Section 408 of the act, amended September 19,  
20 1961 (P.L.1507, No.639) and November 26, 1978 (P.L.1389,  
21 No.326), is reenacted and amended to read:

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

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

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

26 (c) Every applicant for a public service liquor license  
27 shall, before receiving such license, file with the [board]  
28 commission a surety bond as hereinafter prescribed, pay to the  
29 [board] commission for each of the maximum number of dining,  
30 club or buffet cars which the applicant estimates it will have

1 in operation on any one day an annual fee of twenty dollars  
2 (\$20.00), and for each steamship or vessel or aircraft for which  
3 a license is desired an annual fee of one hundred dollars  
4 (\$100.00).

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

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

20 Section 31. Section 408.1 of the act, added December 15,  
21 1965 (P.L.1106, No.426) and amended November 17, 1967 (P.L.510,  
22 No.247), is reenacted and amended to read:

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



1 customarily used or available for use for trade shows and  
2 conventions. Any concessionaire selected and certified by the  
3 city or its authorized agency or by the authority may apply for  
4 a license.

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

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

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

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

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

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

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

1 commission for a new license. If the applicant meets the  
2 requirements of the [board] commission as herein provided a new  
3 license shall thereupon be issued.

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

12 Section 32. Section 408.2 of the act, added November 25,  
13 1970 (P.L.770, No.255) and amended June 9, 1972 (P.L.379,  
14 No.108), is reenacted and amended to read:

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

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

1 the [board] commission and shall be signed and submitted to the  
2 [board] commission by the applicant. The filing fee which shall  
3 accompany the license application shall be twenty dollars (\$20).

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

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

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

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

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

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

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

27 Section 33. Section 408.3 of the act, amended December 16,  
28 1982 (P.L.1359, No.311), is reenacted and amended to read:

29 Section 408.3. Performing Arts Facilities.--(a) The [board]  
30 commission is authorized to issue a license to one nonprofit

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

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

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

28 (b.1) A performing arts facility referred to in subsection  
29 (a.1) must be in operation for a period of two (2) years before  
30 it may file an application for a license. The application for a

1 performing arts facility license may be filed at any time  
2 thereafter by the operator or a concessionaire selected by the  
3 operator of such theater for the performing arts and shall  
4 conform with all requirements for restaurant liquor licenses and  
5 applications except as may be otherwise provided herein.  
6 Applicants shall submit such other information as the [board]  
7 commission may require. Applications shall be in writing on  
8 forms prescribed by the [board] commission and shall be signed  
9 and submitted to the [board] commission by the applicant. The  
10 filing fee shall accompany the license application.

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

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

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

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

1 commission for cancellation and a new license shall be issued to  
2 a new applicant.

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

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

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

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



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

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

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

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

21 Section 34. Section 408.4 of the act, amended July 11, 1980  
22 (P.L.558, No.117), July 9, 1984 (P.L.659, No.137) and July 3,  
23 1985 (P.L.134, No.36), is reenacted and amended to read:

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

1 by a nonprofit corporation in a city of the third class or a  
2 nonprofit corporation engaged in the performing arts in a city  
3 of the third class for a period of not more than six  
4 nonconsecutive or ten consecutive days at a fee of fifteen  
5 dollars (\$15) per day.

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

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

22 SPECIAL OCCASION PERMITS PER CALENDAR YEAR MAY BE ISSUED TO THE  
23 SAME HOSPITAL, CHURCH, SYNAGOGUE, VOLUNTEER FIRE COMPANY OR BONA  
24 FIDE SPORTSMEN'S CLUB.

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

29 (d.1) The hours during which the holder of a special  
30 occasion permit may sell liquor or malt or brewed beverages

1 shall be limited to the hours set forth in section 406 which are  
2 applicable to hotel and restaurant licensees. The hours during  
3 which a nonprofit corporation engaged in the performing arts in  
4 a city of the third class may sell liquor or malt or brewed  
5 beverages pursuant to a special occasion permit shall be limited  
6 to those hours set forth in section 408.3(g.1).

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

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

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

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

25 Section 408.5. Licenses for City-owned Art Museums, Cities  
26 First Class and Art Museums Maintained by Certain Non-profit  
27 Corporations in Cities of the Second Class.--(a) The [board]  
28 commission is authorized to issue a license in any city of the  
29 first class for the retail sale of liquor and malt or brewed  
30 beverages by the glass, open bottles or other container, and in

1 any mixture, for consumption in any city-owned art museum or in  
2 any art museum maintained by a non-profit corporation in cities  
3 of the second class. For the purpose of this section "non-profit  
4 corporation" shall mean a corporation organized under the non-  
5 profit corporation laws for the benefit of the public and not  
6 for the mutual benefit of its members, and which maintains an  
7 art museum having a floor area of not less than one hundred  
8 thousand square feet in one building.

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

20 (c) Upon receipt of the application in proper form with 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 shall issue a license to the  
24 applicant.

25 (d) The license shall be issued for the same period of time  
26 as provided for restaurant licensees and shall be renewed as  
27 provided in section 402. The license shall terminate upon  
28 revocation by the or upon termination of the lease or upon  
29 termination of the contract between the concessionaire and the  
30 city or the non-profit corporation.

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

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

19 (i) If the [board] commission shall revoke any art museum  
20 license, the [board] commission shall issue a new license to any  
21 qualified applicant without regard to the prohibition in section  
22 471 against the grant of a license at the same premises for a  
23 period of at least one year.

24 (i.1) Any renewal of a license presently held by a city-  
25 owned art museum in a city of the first class shall be  
26 accomplished by the purchase of a license from an existing  
27 licensee.

28 (i.2) An art museum maintained by a non-profit corporation  
29 or corporations in a city of the second class which obtains  
30 approval of its application for a license from the [board]

1 commission shall purchase a license from an existing licensee.

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

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

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

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

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

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

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

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

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

26 (g) Sales by the holder of a performing arts facility  
27 license may be made except to those persons prohibited under  
28 clause (1) of section 493 on [board-approved] commission-  
29 approved service areas of the premises of such a facility for  
30 the performing arts during the hours in which the performance is

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

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

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

24 (j) Performing arts licenses shall not be subject to the  
25 provisions of section 404 except insofar as they relate to the  
26 reputation of the applicant nor to the provisions of sections  
27 461 and 463, nor to the provisions of clause (10) of section  
28 493.

29 (k) Sales under such licenses (including food sales) may be  
30 limited by the licensee to patrons of the events scheduled in



1 the facility of the performing arts. Provided food is offered  
2 for sale when sales are made under the license, such food may be  
3 catered from off the premises.

4 Section 37. Section 408.7 of the act, added December 12,  
5 1980 (P.L.1195, No.221), is reenacted and amended to read:

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

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

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  
5 transfer the restaurant liquor license for the performing arts  
6 facility.

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

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

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

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

1 Provided, however, That such sales may be made on Sunday between  
2 the hours of one o'clock postmeridian and ten o'clock  
3 postmeridian, irrespective of the volume of food sales.

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

20 (i) Performing arts licenses shall not be subject to the  
21 provisions of section 404 except insofar as they relate to the  
22 reputation of the applicant nor to the provisions of section  
23 463, nor to the provisions of clause (10) of section 493.

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

29 Section 38. Section 408.8 of the act, added December 17,  
30 1982 (P.L.1390, No.319), is reenacted and amended to read:

1 Section 408.8. Trade Shows and Convention Licenses; Cities  
2 of the Third Class.--(a) The [board] commission is authorized  
3 to issue a restaurant liquor license to a nonprofit corporation  
4 or to a concessionaire selected by such nonprofit corporation in  
5 any city of the third class for the retail sale of liquor and  
6 malt or brewed beverages by the glass, open bottles or other  
7 container or in any mixture for consumption on any city-owned  
8 premises customarily used or available for use for trade shows  
9 and conventions with a capacity within the premises for one  
10 thousand people or more: Provided, however, That no sale or  
11 consumption of such beverages shall take place on any portions  
12 of such premises other than service areas approved by the  
13 [board] commission.

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

26 (c) Upon receipt of the application in proper form and the  
27 application fee, and upon being satisfied that the applicant is  
28 of good repute and financially responsible and that the proposed  
29 place of business is proper, the [board] commission shall issue  
30 the restaurant liquor license for the trade show or convention

1 facility.

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

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

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

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

1 (h) Whenever a contract with a concessionaire is terminated  
2 prior to the expiration date provided in the contract between  
3 such nonprofit corporation and the concessionaire and is not  
4 renewed, such nonprofit corporation may apply to the [board]  
5 commission for the issuance of a restaurant liquor license or  
6 may select and certify to the [board] commission a different  
7 concessionaire which concessionaire shall apply to the [board]  
8 commission for issuance of a restaurant liquor license. If the  
9 applicant meets the requirements of the [board] commission as  
10 herein provided, the issuance shall thereupon occur. If any such  
11 trade show or convention license is revoked, the [board]  
12 commission shall issue a new license to any qualified applicant  
13 without regard to the prohibition in section 471 against the  
14 grant of a license at the same premises for a period of at least  
15 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) Trade show or convention licenses shall not be subject  
19 to the provisions of section 404 except insofar as they relate  
20 to the reputation of the applicant nor to the provisions of  
21 sections 461 and 463 nor to the provisions of clause (10) of  
22 section 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 for trade shows or conventions. Provided food is  
26 offered for sale when sales are made under the license, such  
27 food may be catered from off the premises.

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

30 Section 408.9. Stadium and Restaurant Licenses in Third

1 Class Cities.--The [board] commission is authorized to issue one  
2 restaurant license in any city of the third class for the retail  
3 sale of liquor and malt or brewed beverages by the glass, open  
4 bottles or other containers, and in any mixture, for consumption  
5 in any restaurant which is located not more than one thousand  
6 feet from a stadium which has a seating capacity of five  
7 thousand persons, situate on the same lot or parcel of land not  
8 less than twenty-five acres in size with no intervening public  
9 thoroughfare between the restaurant and the stadium.

10 Section 40. Section 409 of the act, amended February 17,  
11 1956 (1955 P.L.1078, No.349) and September 28, 1961 (P.L.1728,  
12 No.702), is reenacted and amended to read:

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

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

27 (c) If the applicant is a natural person, his application  
28 must show that he is a citizen of the United States and a  
29 resident of this Commonwealth. If the applicant is an  
30 association or partnership, each and every member of the

1 association or partnership must be a citizen of the United  
2 States and a resident of this Commonwealth. If the applicant is  
3 a corporation, the application must show that the corporation  
4 was created under the laws of Pennsylvania or holds a  
5 certificate of authority to transact business in Pennsylvania,  
6 and that all officers, directors and stockholders are citizens  
7 of the United States.

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

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

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

30 (g) Any such license may be suspended or revoked by the



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

7 Section 41. Section 410 of the act, amended September 28,  
8 1961 (P.L.1728, No.702), is reenacted and amended to read:

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

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

23 (c) The holder of an importer's license may have included in  
24 such license one warehouse wherein only his liquor may be kept  
25 and stored, located in the same municipality in which his  
26 licensed premises is situate, and not elsewhere, unless such  
27 licensee secures from the [board] commission a license for each  
28 additional storage warehouse desired. The [board] commission is  
29 authorized and empowered to issue to a holder of an importer's  
30 license a license for an additional storage warehouse or

1 warehouses located in this Commonwealth, provided such licensed  
2 importer files with the [board] commission a separate  
3 application for each warehouse in such form and containing such  
4 information as the [board] commission may from time to time  
5 require, accompanied by a filing fee of twenty dollars (\$20), a  
6 license fee of twenty-five dollars, and a bond of an approved  
7 surety company in the amount of ten thousand dollars. Such bond  
8 shall contain the same provisions and conditions as are required  
9 in the other license bonds under this article.

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

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

29 All importations of liquor into Pennsylvania by the licensed  
30 importer shall be consigned to the [Pennsylvania Liquor Control

1 Board] commission or the principal place of business or  
2 authorized place of storage maintained by the licensee.

3 (f) Every importer shall maintain on the licensed premises  
4 such records as the [board] commission may prescribe. Any such  
5 license may be suspended or revoked by the [board] commission  
6 upon proof satisfactory to it that the licensee has violated any  
7 law of this Commonwealth or any regulation of the [board]  
8 commission relating to liquor and alcohol. The procedure in such  
9 cases shall be the same as for the revocation and suspension of  
10 hotel, restaurant and club licenses.

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

13 Section 411. Interlocking Business Prohibited.--(a) No  
14 manufacturer and no officer or director of any manufacturer  
15 shall at the same time be a holder of a hotel, restaurant or  
16 club liquor license, nor be the owner, proprietor or lessor of  
17 any place covered by any hotel, restaurant or club liquor  
18 license.

19 (b) No manufacturer, importer or sacramental wine licensee,  
20 and no officer or director of a manufacturer, importer or  
21 sacramental wine licensee shall own any stock or have any  
22 financial interest in any hotel or restaurant licensed under  
23 this act.

24 (c) Excepting as herein provided, no manufacturer, or  
25 officer, director, stockholder, agent or employe of a  
26 manufacturer shall in any wise be interested, either directly or  
27 indirectly, in the ownership or leasehold of any property or the  
28 equipment of any property or any mortgage lien against the same,  
29 for which a hotel, restaurant or club license is granted; nor  
30 shall a manufacturer, importer or sacramental wine licensee, or

1 officer, director, stockholder, agent or employe of a  
2 manufacturer, importer or sacramental wine licensee, either  
3 directly or indirectly, lend any moneys, credit, or give  
4 anything of value or the equivalent thereof to, or guarantee the  
5 payment of any bond, mortgage, note or other obligation of, any  
6 hotel, restaurant or club licensee, his servant, agent or  
7 employe, for equipping, fitting out, or maintaining and  
8 conducting, either in whole or in part, a hotel, restaurant or  
9 club licensed for the selling of liquor for use and consumption  
10 upon the premises.

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

25 (e) Except as herein provided, no hotel, restaurant, retail  
26 dispenser or club licensee, and no officer, director or  
27 stockholder, agent or employe of any such licensee shall in any  
28 wise be interested, directly or indirectly, in the ownership or  
29 leasehold of any property or the equipment of any property or  
30 any mortgage lien against the same, used by a distributor,

1 importing distributor, or by an importer or sacramental wine  
2 licensee, in the conduct of his business; nor shall any hotel,  
3 restaurant, retail dispenser or club licensee, or any officer,  
4 director, stockholder, agent or employe of any such licensee,  
5 either directly or indirectly, lend any moneys, credit, or give  
6 anything of value or the equivalent thereof, to any distributor,  
7 importing distributor, importer or sacramental wine licensee,  
8 for equipping, fitting out, or maintaining and conducting,  
9 either in whole or in part, an establishment used in the conduct  
10 of his business.

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

1 retail dispenser or club licensee or any officer, director or  
2 stockholder, agent or employe of any such licensee from having a  
3 financial or other interest, directly or indirectly in the  
4 ownership or leasehold of any property or the equipment of any  
5 property or any mortgage lien against same, used, leased by an  
6 importer or sacramental wine licensee for the exclusive purpose  
7 of maintaining commercial offices and on the condition that said  
8 property is not used for the storage or sale of liquor or malt  
9 or brewed beverages in any quantity.

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

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

13 Section 44. Section 431 of the act, amended August 17, 1965  
14 (P.L.346, No.182), October 9, 1967 (P.L.395, No.179), May 5,  
15 1970 (P.L.342, No.110) and June 22, 1980 (P.L.253, No.73), is  
16 reenacted and amended to read:

17 Section 431. Malt and Brewed Beverages Manufacturers',  
18 Distributors' and Importing Distributors' Licenses.--(a) The  
19 [board] commission shall issue to any person a resident of this  
20 Commonwealth of good repute who applies therefor, pays the  
21 license fee hereinafter prescribed, and files the bond  
22 hereinafter required, a manufacturer's license to produce and  
23 manufacture malt or brewed beverages, and to transport, sell and  
24 deliver malt or brewed beverages at or from one or more places  
25 of manufacture or storage, only in original containers, in  
26 quantities of not less than a case of twenty-four containers,  
27 each container holding seven fluid ounces or more, or a case of  
28 twelve containers, each container holding twenty-four fluid  
29 ounces or more, except original containers containing one  
30 hundred twenty-eight ounces or more which may be sold separately

1 anywhere within the Commonwealth. Licenses for places of storage  
2 shall be limited to those maintained by manufacturers on July  
3 eighteenth, one thousand nine hundred thirty-five, and the  
4 [board] commission shall issue no licenses for places of storage  
5 in addition to those maintained on July eighteenth, one thousand  
6 nine hundred thirty-five. The application for such license shall  
7 be in such form and contain such information as the [board]  
8 commission shall require. All such licenses shall be granted for  
9 the calendar year. Every manufacturer shall keep at his or its  
10 principal place of business, within the Commonwealth daily  
11 permanent records which shall show, (1) the quantities of raw  
12 materials received and used in the manufacture of malt or brewed  
13 beverages and the quantities of malt or brewed beverages  
14 manufactured and stored, (2) the sales of malt or brewed  
15 beverages, (3) the quantities of malt or brewed beverages stored  
16 for hire or transported for hire by or for the licensee, and (4)  
17 the names and addresses of the purchasers or other recipients  
18 thereof. Every place licensed as a manufacturer shall be subject  
19 to inspection by members of the [board] commission or by persons  
20 duly authorized and designated by the [board] commission, at any  
21 and all times of the day or night, as they may deem necessary,  
22 for the detection of violations of this act or of the rules and  
23 regulations of the [board] commission, or for the purpose of  
24 ascertaining the correctness of the records required to be kept  
25 by licensees. The books and records of such licensees shall at  
26 all times be open to inspection by members of the [board]  
27 commission or by persons duly authorized and designated by the  
28 [board] commission. Members of the [board] commission and its  
29 duly authorized agents shall have the right, without hindrance,  
30 to enter any place which is subject to inspection hereunder or

1 any place where such records are kept for the purpose of making  
2 such inspections and making transcripts thereof.

3 (b) The [board] commission shall issue to any reputable  
4 person who applies therefor, pays the license fee hereinafter  
5 prescribed, and files the bond hereinafter required, a  
6 distributor's or importing distributor's license for the place  
7 which such person desires to maintain for the sale of malt or  
8 brewed beverages, not for consumption on the premises where  
9 sold, and in quantities of not less than twenty-four containers,  
10 each container holding seven fluid ounces or more, or twelve  
11 containers, each container holding twenty-four fluid ounces or  
12 more, except original containers containing one hundred twenty-  
13 eight ounces or more which may be sold separately and such  
14 containers to be the original containers as prepared for the  
15 market by the manufacturer at the place of manufacture[: And <—  
16 provided further, That the {board] commission. ADDITIONALLY, A <—  
17 DISTRIBUTOR MAY SELL A QUANTITY OF 24 CONTAINERS, ALL OF THE  
18 SAME UNIT SIZE, BUT CONTAINING DIFFERENT BRANDS OF MALT OR  
19 BREWED BEVERAGES, MIXED IN UNIT COMBINATIONS OF SIX OF THE SAME  
20 BRAND. THE COMMISSION shall have the discretion to refuse a  
21 license to any person or to any corporation, partnership or  
22 association if such person, or any officer or director of such  
23 corporation, or any member or partner of such partnership or  
24 association shall have been convicted or found guilty of a  
25 felony within a period of five years immediately preceding the  
26 date of application for the said license[.]: AND PROVIDED <—  
27 FURTHER, THAT IN THE CASE OF ANY NEW LICENSE OR THE TRANSFER OF  
28 ANY LICENSE TO A NEW LOCATION THE COMMISSION MAY, IN ITS  
29 DISCRETION, GRANT OR REFUSE SUCH NEW LICENSE OR TRANSFER IF SUCH  
30 PLACE PROPOSED TO BE LICENSED IS WITHIN THREE HUNDRED FEET OF



1 ANY CHURCH, HOSPITAL, CHARITABLE INSTITUTION, SCHOOL OR PUBLIC  
2 PLAYGROUND, OR IF SUCH NEW LICENSE OR TRANSFER IS APPLIED FOR A  
3 PLACE WHICH IS WITHIN TWO HUNDRED FEET OF ANY OTHER PREMISES  
4 WHICH IS LICENSED BY THE COMMISSION, OR IF SUCH NEW LICENSE OR  
5 TRANSFER IS APPLIED FOR A PLACE WHERE THE PRINCIPAL BUSINESS IS  
6 THE SALE OF LIQUID FUELS AND OIL: AND PROVIDED FURTHER, THAT THE  
7 COMMISSION SHALL REFUSE ANY APPLICATION FOR A NEW LICENSE OR THE  
8 TRANSFER OF ANY LICENSE TO A NEW LOCATION IF, IN THE  
9 COMMISSION'S OPINION, SUCH NEW LICENSE OR TRANSFER WOULD BE  
10 DETRIMENTAL TO THE WELFARE, HEALTH, PEACE AND MORALS OF THE  
11 INHABITANTS OF THE NEIGHBORHOOD WITHIN A RADIUS OF FIVE HUNDRED  
12 FEET OF THE PLACE PROPOSED TO BE LICENSED. THE COMMISSION SHALL  
13 REQUIRE NOTICE TO BE POSTED ON THE PROPERTY OR PREMISES UPON  
14 WHICH THE LICENSEE OR PROPOSED LICENSEE WILL ENGAGE IN SALES OF  
15 MALT OR BREWED BEVERAGES. THIS NOTICE SHALL BE SIMILAR TO THE  
16 NOTICE REQUIRED OF HOTEL, RESTAURANT AND CLUB LIQUOR LICENSEES.

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

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

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

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

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

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

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

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

1 the other party under the terms of an agreement.

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

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

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

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

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

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

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

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

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

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

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

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



1 with the [board] commission.

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

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

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

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

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

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

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

12 (b) The owner or lessee or a concessionaire of any such  
13 premises may make application for a permit. The aforesaid  
14 permits shall be issued only to reputable individuals,  
15 partnerships and associations, who are or whose members are  
16 citizens of the United States and have for two years prior to  
17 the date of their applications been residents of the  
18 Commonwealth of Pennsylvania, or to reputable corporations  
19 organized or duly registered under the laws of the Commonwealth  
20 of Pennsylvania, all of whose officers and directors are  
21 citizens of the United States. Each applicant shall furnish  
22 proof satisfactory to the [board] commission that he is of good  
23 repute and financially responsible and that the premises upon  
24 which he proposes to do business is a proper place. The  
25 applicant shall submit such other information as the [board]  
26 commission may require. Applications shall be, in writing on  
27 forms prescribed by the [board] commission, and signed and sworn  
28 to by the applicant. Every application shall be accompanied by  
29 an application fee of twenty-five dollars (\$25), a permit fee of  
30 one hundred dollars (\$100) and a surety bond in the amount of

1 one thousand dollars (\$1000) conditioned the same as the license  
2 bonds required by this act for retail dispenser licenses.

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

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

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

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

27 Section 434. License Year.--(a) Licenses issued under this  
28 article to distributors, importing distributors and retail  
29 dispensers shall, unless revoked in the manner provided in this  
30 act, be valid for the license year which may be established by

1 the [board] commission for the particular license district in  
2 which the license issues.

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

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

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

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

26 Section 436. Application for Distributors', Importing  
27 Distributors' and Retail Dispensers' Licenses.--Application for  
28 distributors', importing distributors' and retail dispensers'  
29 licenses, or for the transfer of an existing license to another  
30 premises not then licensed, shall contain or have attached

1 thereto the following information and statements:

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

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

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

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

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

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

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

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

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

28 (i) Every club applicant shall file with and as a part of  
29 its application a list of the names and addresses of its  
30 members, directors, officers, agents and employes, together with



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

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

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

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

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

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

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

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

1 issued any manufacturer's, importing distributor's,  
2 distributor's or retail dispenser's license, nor shall such a  
3 person have any interest, directly or indirectly, in any such  
4 license.

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

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

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

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

30 Section 438. Number and Kinds of Licenses Allowed Same

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

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

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

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

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

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

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

29 (c) In the case of an importing distributor, the license fee  
30 shall be nine hundred dollars (\$900) and shall be paid to the

1 [board] commission.

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

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

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

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

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

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

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

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

29 Section 440. Sales by Manufacturers of Malt or Brewed  
30 Beverages; Minimum Quantities.--No manufacturer shall sell any

1 malt or brewed beverages for consumption on the premises where  
2 sold, nor sell or deliver any such malt or brewed beverages in  
3 other than original containers approved as to capacity by the  
4 [board] commission, nor in quantities of less than a case of  
5 twenty-four containers, each container holding seven fluid  
6 ounces or more, or a case of twelve containers, each container  
7 holding twenty-four fluid ounces or more, except original  
8 containers containing one hundred twenty-eight ounces or more  
9 which may be sold separately; nor shall any manufacturer  
10 maintain or operate within the Commonwealth any place or places  
11 other than the place or places covered by his or its license  
12 where malt or brewed beverages are sold or where orders are  
13 taken.

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

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

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

1 provided for such purpose by such distributor or importing  
2 distributor.

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

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

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

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

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

1 beverages for consumption off the premises where sold or to  
2 persons not members of the club.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

30 Section 444. Malt or Brewed Beverages Manufactured Outside

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

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

28 (c) Any malt or brewed beverages manufactured outside of  
29 Pennsylvania which are sold, transported or possessed in  
30 Pennsylvania contrary to any such regulations or orders of the

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

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

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

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

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

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

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

26 SECTION 58.1. THE ACT IS AMENDED BY ADDING A SECTION TO  
27 READ:

28 SECTION 445. LIMITED BREWERIES.--(A) HOLDERS OF A LIMITED  
29 BREWERY LICENSE MAY:

30 (1) SELL MALT OR BREWED BEVERAGES PRODUCED BY THE LIMITED

1 BREWERY ON THE LICENSED PREMISES UNDER SUCH CONDITIONS AND  
2 REGULATIONS AS THE COMMISSION MAY ENFORCE, TO THE COMMISSION, TO  
3 INDIVIDUALS FOR CONSUMPTION ON OR OFF THE PREMISES AND TO HOTEL,  
4 RESTAURANT, CLUB AND PUBLIC SERVICE LIQUOR LICENSEES.

5 (2) OPERATE A RESTAURANT OR BREWERY PUB ON THE LICENSED  
6 PREMISES UNDER SUCH CONDITIONS AND REGULATIONS AS THE COMMISSION  
7 MAY ENFORCE.

8 (B) THE TERM "LIMITED BREWERY" AS USED IN THIS SECTION SHALL  
9 INCLUDE MANUFACTURERS OF MALT OR BREWED BEVERAGES PRODUCED  
10 WITHIN THIS COMMONWEALTH NOT EXCEEDING TWENTY THOUSAND BARRELS  
11 PER YEAR.

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

14 (C) General Provisions Applying to Both Liquor and Malt  
15 and Brewed Beverages.

16 Section 60. Section 461 of the act, amended June 19, 1961  
17 (P.L.484, No.245), September 2, 1971 (P.L.429, No.103), December  
18 17, 1982 (P.L.1390, No.319) and May 2, 1986 (P.L.141, No.44), is  
19 reenacted and amended to read:

20 Section 461. Limiting Number of Retail Licenses To Be Issued  
21 In Each Municipality.--(a) No licenses shall hereafter be  
22 granted by the [board] commission for the retail sale of malt or  
23 brewed beverages or the retail sale of liquor and malt or brewed  
24 beverages in excess of one of such licenses of any class for  
25 each two thousand inhabitants in any municipality, exclusive of  
26 licenses granted to airport restaurants, municipal golf courses,  
27 hotels, privately-owned public golf courses, as defined in this  
28 section, and clubs; but at least one such license may be granted  
29 in each municipality and in each part of a municipality where  
30 such municipality is split so that each part thereof is

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

15 (b) The [board] commission shall have the power to increase  
16 the number of licenses in any such municipality which in the  
17 opinion of the [board] commission is located within a resort  
18 area.

19 (c) The word "hotel" as used in this section shall mean any  
20 reputable place operated by a responsible person of good  
21 reputation where the public may, for a consideration, obtain  
22 sleeping accommodations, and which shall have the following  
23 number of bedrooms and requirements in each case--at least one-  
24 half of the required number of bedrooms shall be regularly  
25 available to transient guests seven days weekly, except in  
26 resort areas; at least one-third of such bedrooms shall be  
27 equipped with hot and cold water, a lavatory, commode, bathtub  
28 or shower and a clothes closet; and an additional one-third of  
29 the total of such required rooms shall be equipped with lavatory  
30 and commode:

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

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

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

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

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

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

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

24 (8) The provisions of this subsection (c) shall not apply to  
25 hotel licenses granted prior to the first day of September, one  
26 thousand nine hundred forty-nine, or that have been granted on  
27 any application made and pending prior to said date, nor to any  
28 renewal or transfer thereof, or hotels under construction or for  
29 which a bona fide contract had been entered into for  
30 construction prior to said date. In such cases, the provisions



1 of section one of the act, approved the twenty-fourth day of  
2 June, one thousand nine hundred thirty-nine (Pamphlet Laws 806),  
3 shall continue to apply.

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

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

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

25 (e.2) "Privately-owned private golf course" as used in this  
26 section shall mean the clubhouse at any privately-owned golf  
27 course as defined in section 102 open for private membership  
28 accommodations only as a club as defined in section 102. The  
29 license to be issued in this instance shall be a club license.

30 (f) The provisions of subsection (a) which apply to

1 privately-owned public golf courses shall not apply to the owner  
2 of such course who has, within three years prior to the  
3 effective date of this amendatory act or at any time after the  
4 effective date of this amendatory act, sold or transferred a  
5 regularly issued license for such course.

6 Section 61. Section 461.1 of the act, added December 12,  
7 1980 (P.L.1195, No.221), is reenacted and amended to read:

8 Section 461.1. Incorporated Units of National Veterans'  
9 Organizations.--(a) The [board] commission shall have the  
10 authority to issue new licenses to incorporated units of  
11 national veterans' organizations, as defined herein, in  
12 municipalities where the number of licenses exceeds the  
13 limitation prescribed by section 461.

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

16 The term "incorporated unit of a national veterans'  
17 organization" shall mean any incorporated post, branch, camp,  
18 detachment, lodge or other subordinate unit of a national  
19 veterans' organization having one hundred or more paid up  
20 members and organized for a period of at least three years prior  
21 to filing the application for a license.

22 (c) When the charter of an incorporated unit of a national  
23 veterans' organization is suspended or revoked, the retail  
24 license of the organization shall also be suspended or revoked.  
25 The retail license of an incorporated unit of a national  
26 veterans' organization is not transferable to any other  
27 organization or person.

28 Section 62. Section 462 of the act is reenacted and amended  
29 to read:

30 Section 462. Licensed Places May Be Closed During Period of

1 Emergency.--The [board] commission may, with the approval of the  
2 Governor,

3 (a) Temporarily close all licensed places within any  
4 municipality during any period of emergency proclaimed to be  
5 such by the Governor.

6 (b) Advance by one hour the hours prescribed in this act as  
7 the hours during which liquor and malt or brewed beverages may  
8 be sold in any municipality during such part of the year when  
9 daylight saving time may be observed generally in such  
10 municipality.

11 Section 63. Section 463 of the act, amended November 17,  
12 1967 (P.L.510, No.247), March 23, 1972 (P.L.122, No.46) and May  
13 9, 1984 (P.L.246, No.54), is reenacted and amended to read:

14 Section 463. Places of Amusement Not To Be Licensed;  
15 Penalty.--(a) No license for the sale of liquor or malt or  
16 brewed beverages in any quantity shall be granted to the  
17 proprietors, lessees, keepers or managers of any theater,  
18 circus, museum or other place of amusement, nor shall any house  
19 be licensed for the sale of liquor or malt or brewed beverages  
20 which has passage or communication to or with any theater,  
21 circus, museum or other place of amusement, and any license  
22 granted contrary to this act shall be null and void. Nothing  
23 contained in this section shall be construed as denying to the  
24 [board] commission the right to grant a restaurant liquor  
25 license regardless of quota restrictions to the owner or  
26 operator of a restaurant in a building on a plot of ground owned  
27 or possessed under lease by a corporation incorporated under the  
28 laws of this Commonwealth and used principally by such  
29 corporation for holding outdoor sport events wherein such events  
30 are held under a license issued as provided by law to such

1 corporation by a department, board or commission of the  
2 Commonwealth of Pennsylvania. The restaurant liquor license  
3 aforementioned shall be subject to all the conditions and  
4 restrictions herein applicable to restaurant liquor licenses,  
5 except the above prohibition against any passageway or  
6 communication between such licensed premises and the place of  
7 amusement.

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

14 (a.1) Nothing contained in subsection (a) of this section or  
15 in section 102 of this act shall be construed as denying to the  
16 [board] commission the right to grant a club or restaurant  
17 liquor or malt and brewed beverage license to a club  
18 incorporated in this Commonwealth which has been in existence  
19 less than one year prior to making application under this  
20 section or to a restaurant either of which has a clubhouse or  
21 restaurant located in a stadium or arena having an available  
22 seating capacity of twelve thousand or more and owned and  
23 operated by or pursuant to an agreement with any city of the  
24 first class or created and operated under and in compliance with  
25 the act of July 29, 1953 (P.L.1034), known as the "Public  
26 Auditorium Authorities Law," and used principally for events at  
27 which athletes compete or other types of performers entertain.  
28 The club or restaurant liquor or malt and brewed beverage  
29 license aforementioned shall be subject to all the conditions  
30 and restrictions applicable to such licenses and licenses for

1 places of amusement, except the above prohibition against any  
2 passageway or communication between such licensed premises and  
3 the place of amusement.

4 (a.2) Nothing contained in this act shall be construed to  
5 prevent the holder of a hotel, restaurant liquor or malt and  
6 brewed beverage license from selling liquor and malt or brewed  
7 beverages in a bowling alley, or other recreational areas  
8 including, but no limited to, game rooms and video arcade areas  
9 of hotels, when no minors are present, unless minors who are  
10 present are under proper supervision as defined in section 493,  
11 where the restaurant, bowling alley, or other recreational areas  
12 including, but not limited to, game rooms and video arcade areas  
13 of hotels are immediately adjacent and under the same roof. The  
14 restaurant liquor or malt and brewed beverage licensee  
15 aforementioned shall be subject to all the conditions and  
16 restrictions applicable to such restaurant licenses except the  
17 above prohibition against any passageway or communication  
18 between a licensed premise and a place of amusement.

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

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

27 Section 464. Hearings Upon Refusal of Licenses, Renewals or  
28 Transfers; Appeals.--(a) The [board] commission may of its own  
29 motion, and shall upon the written request of any applicant for  
30 club, hotel or restaurant liquor license, or any applicant for

1 any malt or brewed beverage license other than a public service  
2 license, or for renewal or transfer thereof, whose application  
3 for such license, renewal or transfer has been refused, fix a  
4 time and place for hearing of such application for license or  
5 for renewal or transfer thereof, notice of which hearing shall  
6 be mailed to the applicant at the address given in his  
7 application. Such hearing shall be before [the board, a member  
8 thereof, or an examiner designated by the board] an  
9 administrative law judge. At such hearing, the [board]  
10 commission shall present its reasons for its refusal or  
11 withholding of license, renewal or transfer thereof. The  
12 applicant may appear in person or by counsel, may cross-examine  
13 the witnesses for the [board] commission and may present  
14 evidence which shall likewise be subject to cross-examination by  
15 the [board] commission. Such hearing shall be stenographically  
16 recorded. The [examiner] administrative law judge shall  
17 thereafter report to the [board] commission upon such hearing.  
18 The [board] commission shall thereupon grant or refuse the  
19 license, renewal or transfer thereof. In considering the renewal  
20 of a license, the [board] commission shall not refuse any such  
21 renewal on the basis of the propriety of the original issuance  
22 or any prior renewal of such license. If the [board] commission  
23 shall refuse such license, renewal or transfer following such  
24 hearing, notice in writing of such refusal shall be mailed to  
25 the applicant at the address given in his application. In all  
26 such cases, the [board] commission shall file of record at least  
27 a brief statement in the form of an opinion of the reasons for  
28 the ruling or order and furnish a copy thereof to the applicant.  
29 Any applicant who has appeared [before the board or any agent  
30 thereof] at any hearing, as above provided, who is aggrieved by

1 the refusal of the [board] commission to issue any such license  
2 or to renew or transfer any such license may appeal, or any  
3 church, hospital, charitable institution, school or public  
4 playground located within three hundred feet of the premises  
5 applied for, aggrieved by the action of the [board] commission  
6 in granting the issuance of any such license or the transfer of  
7 any such license, may take an appeal limited to the question of  
8 such grievance, within twenty days from date of refusal or  
9 grant, to the court of [quarter sessions] common pleas of the  
10 county in which the premises applied for is located [or the  
11 county court of Allegheny County]. Such appeal shall be upon  
12 petition of the aggrieved party, who shall serve a copy thereof  
13 upon the [board] commission, whereupon a hearing shall be held  
14 upon the petition by the court upon ten days' notice to the  
15 [board, which shall be represented in the proceeding by the  
16 Department of Justice] commission. The said appeal shall act as  
17 a supersedeas unless upon sufficient cause shown the court shall  
18 determine otherwise. The court shall hear the application de  
19 novo on questions of fact, administrative discretion and such  
20 other matters as are involved, at such time as it shall fix, of  
21 which notice shall be given to the [board] commission. The court  
22 shall either sustain or over-rule the action of the [board]  
23 commission and either order or deny the issuance of a new  
24 license or the renewal or transfer of the license to the  
25 applicant.

26 (b) The jurisdiction of the county court of Allegheny County  
27 conferred hereby shall be exclusive within the territorial  
28 limits of its jurisdiction.

29 Section 65. Sections ~~465, 466 and 467~~ AND 466 of the act are ←  
30 reenacted and amended to read:

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

7 (b) Bonds of all such applicants shall have as surety a  
8 surety company authorized to do business in this Commonwealth,  
9 or shall have deposited therewith, as collateral security, cash  
10 or negotiable obligations of the United States of America or the  
11 Commonwealth of Pennsylvania in the same amount as herein  
12 provided for the penal sum of bonds. In all cases where cash or  
13 securities in lieu of other surety have been deposited with the  
14 [board] commission, the depositor shall be permitted to continue  
15 the same deposit from year to year on each renewal of license,  
16 but in no event shall he be permitted to withdraw his deposit  
17 during the time he holds said license, or until six months after  
18 the expiration of the license held by him, or while revocation  
19 proceedings are pending against such license. All cash or  
20 securities received by the [board] commission in lieu of other  
21 surety shall be turned over by the [board] commission to the  
22 State Treasurer and held by him. The State Treasurer shall repay  
23 or return money or securities deposited with him to the  
24 respective depositors only on the order of the [board]  
25 commission.

26 (c) No such bond shall be accepted until approved by the  
27 [board] commission. All such bonds shall be conditioned for the  
28 faithful observance of all the laws of this Commonwealth  
29 relating to liquor, alcohol and malt or brewed beverages and the  
30 regulations of the [board] commission. All bonds shall be



1 retained by the [board] commission.

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

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

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

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

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

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

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

20 (7) Retail dispensers and public service malt or brewed  
21 beverage licensees, one thousand dollars (\$1,000.00) for each  
22 place at which the licensee is authorized to sell malt or brewed  
23 beverages, except that in the case of railroad or pullman  
24 companies, said penal sum shall be one thousand dollars  
25 (\$1,000.00), irrespective of the number of licensed cars  
26 operated by the company.

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

1 Section 466. Disposition of Cash and Securities Upon  
2 Forfeiture of Bond.--After notice from the [board] commission  
3 that any of the aforesaid bonds have been forfeited, the State  
4 Treasurer shall immediately pay into The State Stores Fund all  
5 cash deposited as collateral with such bond, and when securities  
6 have been deposited with such bond, the State Treasurer shall  
7 sell, at private sale, at not less than the prevailing market  
8 price, any such securities so deposited as collateral with such  
9 forfeited bond. The State Treasurer shall thereafter deposit in  
10 The State Stores Fund the net amount realized from the sale of  
11 such securities, except that if the amount so realized, after  
12 deducting proper costs and expenses, is in excess of the penal  
13 amount of the bond, such excess shall be paid over by him to the  
14 obligor on such forfeited bond.

15 SECTION 65.1. SECTION 467 OF THE ACT IS REENACTED TO READ: ←

16 Section 467. Display of License.--Every license issued under  
17 this article shall be constantly and conspicuously exposed under  
18 transparent substance on the licensed premises and no license  
19 shall authorize sales until this section has been complied with.

20 Section 66. Section 468 of the act, amended November 26,  
21 1978 (P.L.1389, No.326) and June 24, 1982 (P.L.624, No.176), is  
22 reenacted and amended to read:

23 Section 468. Licenses Not Assignable; Transfers.--(a)  
24 Licenses issued under this article may not be assigned. The  
25 [board] commission, upon payment of the transfer filing fee and  
26 the execution of a new bond, is hereby authorized to transfer  
27 any license issued by it under the provisions of this article  
28 from one person to another or from one place to another, or  
29 both, within the same municipality, and if the applicant is a  
30 unit of a nonprofit nationally chartered club, the [board]

1 commission is hereby authorized to transfer such license to a  
2 place in any other municipality within the same county if the  
3 sale of liquor or malt and brewed beverages are legal in such  
4 other municipality as the [board] commission may determine.  
5 Prior to the approval of an application for transfer by a unit  
6 of a nonprofit nationally chartered club the [board] commission  
7 shall make an affirmative finding, upon proof submitted by the  
8 applicant, and after investigation by the [board] commission,  
9 that at the time the application for transfer is made the club  
10 continues to hold a valid national charter and continues to  
11 function in fact as a club as defined in section 102. The  
12 [board] commission, in its discretion, may transfer an existing  
13 restaurant retail dispenser or club license from one  
14 municipality to another in the same county regardless of the  
15 quota limitations provided for in this act, if sales of liquor  
16 or malt and brewed beverages are legal in such other  
17 municipality and if the restaurant retail dispenser or club lost  
18 the use of the building in which it was located due to  
19 governmental exercise of the right of eminent domain and no  
20 other suitable building can be found in the first municipality.  
21 In the case of distributor and importing distributor licenses,  
22 the [board] commission may transfer any such license from its  
23 place in a municipality to a place in any other municipality  
24 within the same county, or from one place to another place  
25 within the same municipality, or exchange a distributor license  
26 for an importing distributor license or an importing distributor  
27 license for a distributor license, if the building for which the  
28 license is to be issued has, in the case of an importing  
29 distributor license, an area under one roof of two thousand five  
30 hundred square feet and, in the case of a distributor license,

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

1 business the sale of liquid fuels and oil. Except in cases of  
2 emergency such as death, serious illness, or circumstances  
3 beyond the control of the licensee, as the [board] commission  
4 may determine such circumstances to justify its action,  
5 transfers of licenses may be made only at times fixed by the  
6 [board] commission. In the case of the death of a licensee, the  
7 [board] commission may transfer the license to the surviving  
8 spouse or personal representative or to a person designated by  
9 him. From any refusal to grant a transfer or upon the grant of  
10 any transfer, the party aggrieved shall have the right of appeal  
11 to the proper court in the manner hereinbefore provided. The  
12 commission shall not authorize the transfer of any license under  
13 this subsection where the application for transfer has been  
14 denied by an administrative law judge pursuant to section 404.

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

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

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

7 Section 67. Section 469 of the act, amended September 28,  
8 1961 (P.L.1728, No.702), is reenacted and amended to read:

9 Section 469. Applications for Transfers; Fees.--(a) Every  
10 applicant for a transfer of a license under the provisions of  
11 this article shall file a written application with the [board]  
12 commission, together with a filing fee of thirty dollars (\$30)  
13 if the license to be transferred is a liquor license, and twenty  
14 dollars (\$20) if the license is a malt or brewed beverage  
15 license. Such application shall be in such form and shall be  
16 filed at such times as the [board] commission shall in its  
17 regulations prescribe. Each such applicant shall also file an  
18 approved bond as required on original applications for such  
19 licenses.

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

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

26 Section 470. Renewal of Licenses; Temporary Provisions for  
27 Licensees in Armed Service.--(a) All applications for renewal  
28 of licenses under the provisions of this article shall be filed  
29 with a new bond, requisite license and filing fees at least  
30 sixty days before the expiration date of same: Provided,

1 however, That the [board] commission, in its discretion, may  
2 accept a renewal application filed less than sixty days before  
3 the expiration date of the license with the required bond and  
4 fees, upon reasonable cause shown and the payment of an  
5 additional filing fee of one hundred dollars (\$100.00) for late  
6 filing: And provided further, That except where the failure to  
7 file a renewal application or before the expiration date has  
8 created a license quota vacancy after said expiration date which  
9 has been filled by the issuance of a new license, after such  
10 expiration date, but before the [board] commission has received  
11 a renewal application within the time prescribed herein the  
12 [board] commission, in its discretion, may, after hearing,  
13 accept a renewal application filed within ten months after the  
14 expiration date of the license with the required bond and fees  
15 upon the payment of an additional filing fee of two hundred  
16 fifty dollars (\$250.00) for late filing. Where any such renewal  
17 application is filed less than sixty days before the expiration  
18 date, or subsequent to the expiration date, no license shall  
19 issue upon the filing of the renewal application until the  
20 matter is finally determined by the [board] commission and if an  
21 appeal is taken from the [board's] commission's action the  
22 courts shall not order the issuance of the renewal license until  
23 final determination of the matter by the courts. A renewal  
24 application will not be considered filed unless accompanied by a  
25 new bond and the requisite filing and license fees and any  
26 additional filing fee required by this section. Unless the  
27 [board] commission shall have given ten days' previous notice to  
28 the applicant of objections to the renewal of his license, based  
29 upon violation by the licensee or his servants, agents or  
30 employes of any of the laws of the Commonwealth or regulations

1 of the [board] commission relating to the manufacture,  
2 transportation, use, storage, importation, possession or sale of  
3 liquors, alcohol or malt or brewed beverages, or the conduct of  
4 a licensed establishment, or unless the applicant has by his own  
5 act become a person of ill repute, or unless the premises do not  
6 meet the requirements of this act or the regulations of the  
7 [board] commission, the license of a licensee shall be renewed.

8 (b) In cases where a licensee or his servants, agents or  
9 employes are arrested, charged with violating any of the laws of  
10 this Commonwealth relating to liquor, alcohol or malt or brewed  
11 beverages, and where the [board] commission has on file in such  
12 cases reports of [its] enforcement officers or investigators of  
13 the enforcement bureau or from other sources that a licensee or  
14 his servants, agents or employes have violated any of the  
15 aforementioned laws and a proceeding to revoke such licensee's  
16 license is or is about to be instituted, and such arrest occurs  
17 or report of violations is received or revocation proceeding  
18 instituted or about to be instituted during the time a renewal  
19 application of such license is pending before the [board]  
20 commission, the [board] commission may, in its discretion, renew  
21 the license, notwithstanding such alleged violations, but such  
22 renewal license may be revoked if and when the licensee or any  
23 of his servants, agents or employes are convicted of or plead  
24 guilty to violations under the previous license, as aforesaid,  
25 or if and when such previous license is for any reason revoked.

26 In the event such renewal license is revoked by the [board]  
27 commission, neither the license fee paid for such license nor  
28 any part thereof shall be returned to the licensee, but the  
29 license bond filed with the application for such renewal of  
30 license shall not be forfeited.



1 [(c) Notwithstanding anything to the contrary in this  
2 section, any individual who holds a restaurant or hotel liquor  
3 license or a retail dispenser (hotel or eating place) malt or  
4 brewed beverage license in effect at the time such individual  
5 enters the armed forces of the United States of America, may  
6 surrender to the board for safekeeping the said license and, if  
7 surrendered, shall furnish the board with documentary evidence  
8 as to his entering such armed forces. Upon surrender of the  
9 license, the board shall, without the filing of an application  
10 for renewal or surety bond, the payment of filing and license  
11 fees, renew the said license from year to year and hold the same  
12 in its possession for the benefit of such licensee. A license so  
13 renewed by the board shall to all intents and purposes be  
14 considered as in full force and effect, notwithstanding the  
15 licensee is not exercising the privileges thereunder, and shall  
16 be returned to the said licensee at any time within one year  
17 from the date of his honorable discharge from the armed forces  
18 of the United States upon the filing of an application therefor,  
19 surety bond, and payment of the filing and license fees as  
20 hereinafter provided. The said application for return of license  
21 shall be on a form prescribed by the board, accompanied by a  
22 filing fee in the sum of ten dollars (\$10.00) and the prescribed  
23 license fee, except that when such application is filed after a  
24 portion of the then current license term has elapsed, the  
25 license fee shall be prorated on a monthly basis for the balance  
26 of the license year: Provided, however, That the said license  
27 shall not be returned if the electors of the municipality in  
28 which the licensed establishment is situate have voted against  
29 the granting of retail liquor licenses or against the granting  
30 of retail dispenser licenses, as the case may be, under the

1 local option provision of this act. In the event the premises  
2 originally covered by the license are not available for  
3 occupancy by the licensee at the time he files his application  
4 for return of license, as hereinbefore provided, he shall be  
5 permitted to file an application for transfer of the license to  
6 other premises in the same municipality. Such transfer of the  
7 license shall be subject to all of the provisions of this act  
8 pertaining to the transfer of such licenses.

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

12 Section 69. Sections 470.1 and 470.2 of the act are  
13 repealed.

14 Section 70. Section 471 of the act, amended January 13, 1966  
15 (1965 P.L.1301, No.518) and repealed in part June 3, 1971  
16 (P.L.118, No.6), is reenacted and amended to read:

17 Section 471. Revocation and Suspension of Licenses; Fines.--  
18 [Upon learning of any violation of this act or any laws of this  
19 Commonwealth relating to liquor, alcohol or malt or brewed  
20 beverages, or of any regulations of the board adopted pursuant  
21 to such laws, of any violation of any laws of this Commonwealth  
22 or of the United States of America relating to the tax-payment  
23 of liquor or malt or brewed beverages by any licensee within the  
24 scope of this article, his officers, servants, agents or  
25 employes, or upon any other sufficient cause shown, the board  
26 may, within one year from the date of such violation or cause  
27 appearing, cite such licensee to appear before it or its  
28 examiner, not less than ten nor more than sixty days from the  
29 date of sending such licensee, by registered mail, a notice  
30 addressed to him at his licensed premises, to show cause why

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

1 license was suspended or revoked by the board shall feel  
2 aggrieved by the action of the board, he shall have the right to  
3 appeal to the court of quarter sessions or the county court of  
4 Allegheny County in the same manner as herein provided for  
5 appeals from refusals to grant licenses. Upon appeal, the court  
6 so appealed to shall, in the exercise of its discretion,  
7 sustain, reject, alter or modify the findings, conclusions and  
8 penalties of the board, based on the findings of fact and  
9 conclusions of law as found by the court. The aforesaid appeal  
10 shall act as a supersedeas unless upon sufficient cause shown  
11 the court shall determine otherwise. No penalty provided by this  
12 section shall be imposed by the board or any court for any  
13 violations provided for in this act unless the enforcement  
14 officer or the board notifies the licensee of its nature and of  
15 the date of the alleged violation within ten days of the  
16 completion of the investigation which in no event shall exceed  
17 ninety days.

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

22 The jurisdiction of the county court of Allegheny County  
23 conferred hereby shall be exclusive within the territorial  
24 limits of its jurisdiction.] (a) Upon learning of any violation  
25 of this act or any laws of this Commonwealth relating to liquor,  
26 alcohol or malt or brewed beverages, or of any regulations of  
27 the commission adopted pursuant to such laws, or any violation  
28 of any laws of this Commonwealth or of the Federal Government  
29 relating to the payment of taxes on liquor, alcohol or malt or  
30 brewed beverages by any licensee within the scope of this

1 article, his officers, servants, agents or employes, or upon any  
2 other sufficient cause shown, the enforcement bureau may, within  
3 one year from the date of such violation or cause appearing,  
4 cite such licensee to appear before an administrative law judge,  
5 not less than ten nor more than sixty days from the date of  
6 sending such licensee, by registered mail, a notice addressed to  
7 him at his licensed premises, to show cause why such license  
8 should not be suspended or revoked or a fine imposed, or both.  
9 The bureau shall also send a copy of the hearing notice to the  
10 municipality in which the premises is located.

11 (b) Hearing on such citations shall be held in the same  
12 manner as provided herein for hearings on applications for  
13 license. Upon such hearing, if satisfied that any such violation  
14 has occurred or for other sufficient cause, the administrative  
15 law judge shall immediately suspend or revoke the license, or  
16 impose a fine of not less than fifty dollars (\$50) nor more than  
17 one thousand dollars (\$1,000), or both, notifying the licensee  
18 by registered letter addressed to his licensed premises. If the  
19 licensee has been cited and found to have violated section  
20 493(10) insofar as it relates to lewd, immoral or improper  
21 entertainment, or has been found to be a public nuisance  
22 pursuant to section 611, or if the owner or operator of the  
23 licensed premises or any authorized agent of the owner or  
24 operator has been convicted of any violation of the act of April  
25 14, 1972 (P.L.233, No.64), known as "The Controlled Substance,  
26 Drug, Device and Cosmetic Act," or of 18 Pa.C.S. § 5902  
27 (relating to prostitution and related offenses) or 6301  
28 (relating to corruption of minors), at or relating to the  
29 licensed premises, the administrative law judge shall  
30 immediately suspend or revoke the license, or impose a fine of

1 not less than one thousand dollars (\$1,000) nor more than five  
2 thousand dollars (\$5,000), or both. The administrative law judge  
3 shall notify the licensee by registered mail, addressed to the  
4 licensed premises, of such suspension, revocation or fine. The  
5 increased civil penalty imposed by this subsection shall not be  
6 used to require any licensee to increase the amount of the bond  
7 required by this act. In the event the fine is not paid within  
8 twenty days of the adjudication, the administrative law judge  
9 shall suspend or revoke the license, notifying the licensee by  
10 registered mail addressed to the licensed premises. Suspensions  
11 and revocations shall not go into effect until thirty days have  
12 elapsed from the date of the adjudication during which time the  
13 licensee may take an appeal as provided for in this act. When a  
14 license is revoked, the licensee's bond may be forfeited. Any  
15 licensee whose license is revoked shall be ineligible to have a  
16 license under this act until the expiration of three years from  
17 the date such license was revoked. In the event a license is  
18 revoked, no license shall be granted for the premises or  
19 transferred to the premises in which the said license was  
20 conducted for a period of at least one year after the date of  
21 the revocation of the license conducted in the said premises,  
22 except in cases where the licensee or a member of his immediate  
23 family is not the owner of the premises, in which case the  
24 commission may, in its discretion, issue or transfer a license  
25 within the said year. In the event the bureau or the person who  
26 was fined or whose license was suspended or revoked shall feel  
27 aggrieved by the adjudication of the administrative law judge,  
28 there shall be a right to appeal to the court of common pleas in  
29 the same manner as herein provided for appeals from refusals to  
30 grant licenses. The aforesaid appeal shall act as a supersedeas

1 unless upon sufficient cause shown the court shall determine  
2 otherwise; however, if the licensee has been cited and found to  
3 have violated section 493(10) insofar as it relates to lewd,  
4 immoral or improper entertainment, or has been found to be a  
5 public nuisance pursuant to section 611, or if the owner or  
6 operator of the licensed premises or any authorized agent of the  
7 owner or operator has been convicted of any violation of "The  
8 Controlled Substance, Drug, Device and Cosmetic Act," or of 18  
9 Pa.C.S. § 5902 or 6301, at or relating to the licensed premises,  
10 its appeal shall not act as a supersedeas unless the court  
11 determines otherwise upon sufficient cause shown. In any hearing  
12 on an application for a supersedeas under this section, the  
13 court may consider, in addition to other relevant evidence,  
14 documentary evidence, including records of the bureau, showing  
15 the prior history of citations, fines, suspensions or  
16 revocations against the licensee; and the court may also  
17 consider, in addition to other relevant evidence, evidence of  
18 any recurrence of the unlawful activity occurring between the  
19 date of the citation which is the subject of the appeal and the  
20 date of the hearing by the court. No penalty provided by this  
21 section shall be imposed for any violations provided for in this  
22 act unless the bureau notifies the licensee of its nature within  
23 thirty days of the completion of the investigation.

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

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

1 Section 472. Local Option.--In any municipality or any part  
2 of a municipality where such municipality is split so that each  
3 part thereof is separated by another municipality, an election  
4 may be held on the date of the primary election immediately  
5 preceding any municipal election, but not oftener than once in  
6 four years, to determine the will of the electors with respect  
7 to the granting of liquor licenses to hotels, restaurants and  
8 clubs, not oftener than once in four years, to determine the  
9 will of the electors with respect to the granting of liquor  
10 licenses to privately-owned private golf courses, not oftener  
11 than once in four years, to determine the will of the electors  
12 with respect to the granting of licenses to retail dispensers of  
13 malt and brewed beverages, not oftener than once in four years,  
14 to determine the will of the electors with respect to granting  
15 of licenses to wholesale distributors and importing  
16 distributors, or not more than once in four years, to determine  
17 the will of the electors with respect to the establishment,  
18 operation and maintenance by the [board] commission of  
19 Pennsylvania liquor stores, within the limits of such  
20 municipality or part of a split municipality, under the  
21 provisions of this act: Provided, however, Where an election  
22 shall have been held at the primary preceding a municipal  
23 election in any year, another election may be held under the  
24 provisions of this act at the primary occurring the fourth year  
25 after such prior election: And provided further, That an  
26 election on the question of establishing and operating a State  
27 liquor store shall be initiated only in those municipalities, or  
28 that part of a split municipality that shall have voted against  
29 the granting of liquor licenses; and that an election on the  
30 question of granting wholesale distributor and importing



1 distributor licenses shall be initiated only in those  
2 municipalities or parts of split municipalities that shall have  
3 at a previous election voted against the granting of dispenser's  
4 licenses. Whenever electors equal to at least twenty-five per  
5 centum of the highest vote cast for any office in the  
6 municipality or part of a split municipality at the last  
7 preceding general election shall file a petition with the county  
8 board of elections of the county for a referendum on the  
9 question of granting any of said classes of licenses or the  
10 establishment of Pennsylvania liquor stores, the said county  
11 board of elections shall cause a question to be placed on the  
12 ballots or on the voting machine board and submitted at the  
13 primary immediately preceding the municipal election. Separate  
14 petitions must be filed for each question to be voted on. Said  
15 proceedings shall be in the manner and subject to the provisions  
16 of the election laws which relate to the signing, filing and  
17 adjudication of nomination petitions, insofar as such provisions  
18 are applicable.

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

21 Do you favor the granting of liquor licenses  
22 for the sale of liquor in..... Yes  
23 of.....? No

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

27 Do you favor the granting of liquor licenses for  
28 privately-owned private golf courses for the sale  
29 of liquor in.....by..... Yes  
30 of.....? No

1 When the question is in respect to the granting of licenses  
2 to retail dispensers of malt and brewed beverages, it shall be  
3 in the following form:

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

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

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

16 When the question is in respect to the establishment,  
17 operation and maintenance of Pennsylvania liquor stores it shall  
18 be in the following form:

19 Do you favor the establishment, operation  
20 and maintenance of Pennsylvania liquor  
21 stores in the..... Yes  
22 of.....? No

23 In case of a tie vote, the status quo shall obtain. If a  
24 majority of the voting electors on any such question vote "yes,"  
25 then liquor licenses shall be granted by the [board] commission  
26 to hotels, restaurants and clubs, or liquor licenses shall be  
27 granted by the [board] commission to privately-owned private  
28 golf courses, or malt and brewed beverage retail dispenser  
29 licenses or wholesale distributor's and importing distributor's  
30 license for the sale of malt or brewed beverages shall be

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

20 Section 72. Section 472.1 of the act, added September 15,  
21 1961 (P.L.1337, No.590), is reenacted to read:

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

1 license will not be detrimental to any residential neighborhood.  
2 This section shall not be construed to prohibit the issuance of  
3 club liquor licenses or catering licenses which may otherwise be  
4 issued under the provisions of this act.

5 Section 73. Section 472.2 of the act, added November 18,  
6 1969 (P.L.296, No.124), is reenacted and amended to read:

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

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

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

1 commission has granted his application for a liquor license.

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

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

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

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

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

20 Section 75. Section 473 of the act, added January 13, 1966  
21 (1965 P.L.1301, No.518), is reenacted and amended to read:

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

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

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

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

17 Section 77. Section 475 of the act, amended November 26,  
18 1978 (P.L.1389, No.326) and June 24, 1982 (P.L.624, No.176), is  
19 reenacted to read:

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

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

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

1 (D) Unlawful Acts; Penalties.

2 Section 79. Section 491 of the act, amended July 18, 1961  
3 (P.L.789, No.347), May 5, 1970 (P.L.342, No.110), October 11,  
4 1972 (P.L.906, No.215), October 2, 1974 (P.L.665, No.220),  
5 October 10, 1974 (P.L.692, No.231), December 12, 1980 (P.L.1195,  
6 No.221) and February 9, 1984 (P.L.21, No.8), is reenacted and  
7 amended to read:

8 Section 491. Unlawful Acts Relative to Liquor, Alcohol and  
9 Liquor Licensees.--

10 It shall be unlawful--

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

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

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



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

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

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

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

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

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

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

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

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

18 (6) Sales by Restaurant and Hotel Liquor Licensees. For any  
19 restaurant or hotel licensee, his servants, agents or employes,  
20 to sell any liquor or malt or brewed beverages for consumption  
21 on the licensed premises except in a room or rooms or place on  
22 the licensed premises at all times accessible to the use and  
23 accommodation of the general public, but this section shall not  
24 be interpreted to prohibit a RESTAURANT LIQUOR LICENSEE FROM ←  
25 PROVIDING PRIVATE AFFAIRS THE PRIMARY FUNCTION OF WHICH IS FOR  
26 CATERING ONLY TO WEDDINGS OR SPECIAL OCCASIONS ARRANGED TWENTY-  
27 FOUR HOURS IN ADVANCE, NOR TO PROHIBIT A hotel licensee, or a  
28 restaurant licensee when the restaurant is located in a hotel,  
29 from selling liquor or malt or brewed beverages in any room of  
30 such hotel occupied by a bona fide guest or to prohibit a

1 restaurant licensee from selling liquor or malt or brewed  
2 beverages in a bowling alley when no minors are present where  
3 the restaurant and bowling alley are immediately adjacent and  
4 under the same roof.

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

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

14 (8) Importation and Sales of Alcohol. For any person, to  
15 import alcohol into this Commonwealth, or to sell alcohol to any  
16 person, except in accordance with the regulations of the [board]  
17 commission.

18 (9) Possession of Alcohol. For any person, to have alcohol  
19 in his possession, except in accordance with the provisions of  
20 this act and the regulations of the [board] commission.

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

28 (11) Importation of Liquor. For any person, other than the  
29 [board] commission or the holder of a sacramental wine license  
30 or of an importer's license, to import any liquor whatsoever

1 into this Commonwealth, but this section shall not be construed  
2 to prohibit railroad and pullman companies from selling liquors  
3 purchased outside the Commonwealth in their dining, club and  
4 buffet cars which are covered by public service liquor licenses  
5 and which are operated in this Commonwealth.

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

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

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

25 Section 80. Section 492 of the act, amended July 3, 1957  
26 (P.L.475, No.268), June 22, 1980 (P.L.253, No.73) and June 24,  
27 1982 (P.L.624, No.176), is reenacted and amended to read:

28 Section 492. Unlawful Acts Relative to Malt or Brewed  
29 Beverages and Licensees.--

30 It shall be unlawful--

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

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

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

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

25 (5) Sales of Malt or Brewed Beverages by Hotels, Eating  
26 Places or Public Service Licensees During Prohibited Hours.--For  
27 any hotel or eating place holding a retail dispenser's license,  
28 or the servants, agents or employes of such licensees, to sell,  
29 trade or barter in malt or brewed beverages between the hours of  
30 two o'clock antemeridian Sunday and seven o'clock in the

1 forenoon of the following Monday, or between the hours of two  
2 o'clock antemeridian and seven o'clock antemeridian of any week  
3 day: Provided, That notwithstanding any provision to the  
4 contrary, whenever the thirty-first day of December falls on a  
5 Sunday such sales of malt or brewed beverages may be made on  
6 such day after one o'clock postmeridian and until two o'clock  
7 antemeridian of the following day. For any public service  
8 licensee authorized to sell malt or brewed beverages or the  
9 servants, agents or employes of such licensees to sell, trade or  
10 barter in malt or brewed beverages between the hours of two  
11 o'clock antemeridian and seven o'clock antemeridian on any day.

12 Any licensee holding a retail dispenser license or a malt or  
13 brewed beverage public service license may, by giving notice to  
14 the board, advance by one hour the hours herein prescribed as  
15 those during which malt or brewed beverages may be sold during  
16 such part of the year when daylight saving time is being  
17 observed generally in the municipality in which the place of  
18 business is located. Any licensee who elects to operate his  
19 place of business in accordance with daylight saving time shall  
20 post a conspicuous notice in his place of business that he is  
21 operating in accordance with daylight saving time.

22 (6) Sales of Malt or Brewed Beverages on Election Day by  
23 Hotels, Eating Places or Public Service Licensees. For any hotel  
24 or eating place holding a retail dispenser's license, or any  
25 malt or brewed beverage public service licensee, or his  
26 servants, agents or employes, to sell, furnish or give any malt  
27 or brewed beverages to any person after two o'clock  
28 antemeridian, or until one hour after the time fixed by law for  
29 the closing of polling places on days on which a general,  
30 municipal, special or primary election is being held except as

1 permitted by subsection (f) of section 432.

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

7 (8) Transportation of Malt or Brewed Beverages. For any  
8 person, to transport malt or brewed beverages except in the  
9 original containers, or to transport malt or brewed beverages  
10 for another who is engaged in selling either liquor or malt or  
11 brewed beverages, unless such person shall hold (a) a license to  
12 transport for hire, alcohol, liquor and malt or brewed  
13 beverages, as hereinafter provided in this act, or (b) shall  
14 hold a permit issued by the board and shall have paid to the  
15 board such permit fee, not exceeding one hundred dollars (\$100),  
16 and shall have filed with the board a bond in the penal sum of  
17 not more than two thousand dollars (\$2000), as may be fixed by  
18 the rules and regulations of the board, any other law to the  
19 contrary notwithstanding.

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

26 (10) Importing or Transporting Malt or Brewed Beverages  
27 Without Tax Stamps. For any person, to transport within or  
28 import any malt or brewed beverages into this Commonwealth,  
29 except in accordance with the rules and regulations of the  
30 board, or for any person to transport malt or brewed beverages



1 into or within this Commonwealth, unless there shall be affixed  
2 to the original containers in which such malt or brewed  
3 beverages are transported, stamps or crowns evidencing the  
4 payment of the malt liquor tax to the Commonwealth: Provided,  
5 however, That this clause shall not be construed to prohibit  
6 transportation of malt or brewed beverages through this  
7 Commonwealth and not for delivery therein, if such transporting  
8 is done in accordance with the rules and regulations of the  
9 [board] commission.

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

16 (12) Distributors and Importing Distributors Engaging in  
17 Other Business. For any distributor or importing distributor, or  
18 his servants, agents or employes, without the approval of the  
19 [board] commission, and then only in accordance with [board]  
20 commission regulations, to engage in any other business  
21 whatsoever, except the business of distributing malt or brewed  
22 beverages.

23 (13) Possession or Storage of Liquor or Alcohol by Certain  
24 Licensees. For any distributor, importing distributor or retail  
25 dispenser, or his servants, agents or employes, to have in his  
26 possession, or to permit the storage of on the licensed premises  
27 or in any place contiguous or adjacent thereto accessible to the  
28 public or used in connection with the operation of the licensed  
29 premises, any alcohol or liquor.

30 (14) Malt or Brewed Beverage Licensees Dealing in Liquor or

1 Alcohol. For any malt or brewed beverage licensee, other than a  
2 manufacturer, or the servants, agents or employes thereof, to  
3 manufacture, import, sell, transport, store, trade or barter in  
4 any liquor or alcohol.

5 (15) Selling to Persons Doing Illegal Business. For any malt  
6 or brewed beverage licensee, or his servants, agents or  
7 employes, to knowingly sell any malt or brewed beverages to any  
8 person engaged in the business of illegally selling liquor or  
9 malt or brewed beverages.

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

16 (17) Fortifying, Adulterating or Contaminating Malt or  
17 Brewed Beverages. For any person, to fortify, adulterate,  
18 contaminate, or in any wise to change the character or purity  
19 of, the malt or brewed beverages from that as originally  
20 marketed by the manufacturer at the place of manufacture.

21 (18) Coercing Distributors and Importing Distributors. For  
22 any manufacturer or any officer, agent or representative of any  
23 manufacturer to coerce or persuade or attempt to coerce or  
24 persuade any person licensed to sell or distribute malt or  
25 brewed beverages at wholesale or retail to establish selling  
26 prices for its products or to enter into any contracts or  
27 agreements, whether written or oral, or take any action which  
28 will violate or tend to violate any provisions of this act or  
29 any of the rules or regulations promulgated by the [board]  
30 commission pursuant thereto.

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

17 If the deficiency shall be rectified within ninety (90) days  
18 of notice, then the proposed modification, termination,  
19 cancellation, rescission or nonrenewal shall be null and void  
20 and without legal effect.

21 If the notice states as one of the reasons for the intended  
22 modification, cancellation, termination, rescission or renewal  
23 that the importing distributor or distributor's equipment or  
24 warehouse requires major changes or additions, then if the  
25 distributor or importing distributor shall have taken some  
26 positive action to comply with the required changes or  
27 additions, the distributor or importing distributor shall have  
28 deemed to have complied with the deficiency as set forth in the  
29 notice. The notice provisions of this section shall not apply if  
30 the reason for termination, cancellation or nonrenewal is

1 insolvency, assignment for the benefit of creditors, bankruptcy,  
2 liquidation, fraudulent conduct in its dealings with the  
3 manufacturer, revocation or suspension for more than a thirty  
4 (30) day period of the importing distributor or distributor  
5 license.

6 (20) Interference with Transfer of License, Business or  
7 Franchise. (i) For any manufacturer to interfere with or prevent  
8 any distributor or importing distributor from selling or  
9 transferring his license, business or franchise, whether before  
10 or after notice of modification, cancellation, termination,  
11 rescission or nonrenewal has been given, provided the proposed  
12 purchaser of the business of the distributor or importing  
13 distributor meets the material qualifications and standards  
14 required of the manufacturers other distributors or importing  
15 distributors; (ii) if the proposed transfer of the distributor  
16 or importing distributor's business is to a surviving spouse or  
17 adult child, the manufacturer shall not, for any reason,  
18 interfere with, or prevent, the transfer of the distributor or  
19 importing distributor's license, business or franchise. Any  
20 subsequent transfer by surviving spouse or adult child shall  
21 thereafter be subject to the provisions of subclause (i) above.

22 (21) Inducing or Coercing Distributors or Importing  
23 Distributors to Accept Unordered Products or Commit Illegal  
24 Acts. For any manufacturer to compel or attempt to compel any  
25 distributor or importing distributor to accept delivery of any  
26 malt or brewed beverages or any other commodity which shall not  
27 have been ordered by the distributor or importing distributor,  
28 or to do any illegal act by any means whatsoever including, but  
29 not limited to, threatening to amend, cancel, terminate, rescind  
30 or refuse to renew any agreement existing between manufacturer

1 and the distributor or importing distributor, or to require a  
2 distributor or importing distributor to assent to any condition,  
3 stipulation or provision limiting the distributor or importing  
4 distributor in his right to sell the products of any other  
5 manufacturer.

6 Section 81. Section 493 of the act, amended June 14, 1957  
7 (P.L.322, No.170), June 15, 1961 (P.L.423, No.211), September  
8 25, 1967 (P.L.307, No.135), March 5, 1970 (P.L.137, No.55),  
9 August 1, 1975 (P.L.161, No.83), March 9, 1982 (P.L.174, No.55)  
10 and May 9, 1984 (P.L.246, No.54), is reenacted and amended to  
11 read:

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

17 It shall be unlawful--

18 (1) Furnishing Liquor or Malt or Brewed Beverages to Certain  
19 Persons. For any licensee or the [board] commission, or any  
20 employe, servant or agent of such licensee or of the [board]  
21 commission, or any other person, to sell, furnish or give any  
22 liquor or malt or brewed beverages, or to permit any liquor or  
23 malt or brewed beverages to be sold, furnished or given, to any  
24 person visibly intoxicated, or to any insane person, or to any  
25 minor, or to habitual drunkards, or persons of known intemperate  
26 habits.

27 (2) Purchase or Sale of Liquor or Malt or Brewed Beverages  
28 on Credit. For any licensee, his agent, servant or employe, to  
29 sell or offer to sell or purchase or receive any liquor or malt  
30 or brewed beverages except for cash, excepting credit extended

1 by a hotel or club to a bona fide guest or member, or by  
2 railroad or pullman companies in dining, club or buffet cars to  
3 passengers, for consumption while enroute, holding authorized  
4 credit cards issued by railroad or railroad credit bureaus or by  
5 hotel, restaurant and public service licensees to customers  
6 holding credit cards issued in accordance with regulations of  
7 the [board] commission or credit cards issued by banking  
8 institutions subject to State or Federal regulation: Provided  
9 further, That nothing herein contained shall be construed to  
10 prohibit the use of checks or drafts drawn on a bank, banking  
11 institution, trust company or similar depository, organized and  
12 existing under the laws of the United States of America or the  
13 laws of any state, territory or possession thereof, in payment  
14 for any liquor or malt or brewed beverages if the purchaser is  
15 the payor of the check or draft and the licensee is the payee.  
16 No right of action shall exist to collect any claim for credit  
17 extended contrary to the provisions of this clause. Nothing  
18 herein contained shall prohibit a licensee from crediting to a  
19 purchaser the actual price charged for original containers  
20 returned by the original purchaser as a credit on any sale, or  
21 from refunding to any purchaser the amount paid by such  
22 purchaser for such containers or as a deposit on containers when  
23 title is retained by the vendor, if such original containers  
24 have been returned to the licensee. Nothing herein contained  
25 shall prohibit a manufacturer from extending usual and customary  
26 credit for liquor or malt or brewed beverages sold to customers  
27 or purchasers who live or maintain places of business outside of  
28 the Commonwealth of Pennsylvania, when the liquor or malt or  
29 brewed beverages so sold are actually transported and delivered  
30 to points outside of the Commonwealth: Provided, however, That

1 as to all transactions affecting malt or brewed beverages to be  
2 resold or consumed within this Commonwealth, every licensee  
3 shall pay and shall require cash deposits on all returnable  
4 original containers and all such cash deposits shall be refunded  
5 upon return of the original containers.

6 (3) Exchange of Liquor or Malt or Brewed Beverages For  
7 Merchandise, etc. For any licensee or the [board] commission, or  
8 any employe, servant or agent of a licensee or of the [board]  
9 commission, to sell, offer to sell or furnish any liquor or malt  
10 or brewed beverages to any person on a pass book or store order,  
11 or to receive from any person any goods, wares, merchandise or  
12 other articles in exchange for liquor or malt or brewed  
13 beverages.

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

17 (5) Failure to Have Brands as Advertised. For any licensee,  
18 his servants, agents or employes, to advertise or hold out for  
19 sale any liquor or malt or brewed beverages by trade name or  
20 other designation which would indicate the manufacturer or place  
21 of production of the said liquor or malt or brewed beverages,  
22 unless he shall actually have on hand and for sale a sufficient  
23 quantity of the particular liquor or malt or brewed beverages so  
24 advertised to meet requirements to be normally expected as a  
25 result of such advertisement or offer.

26 (6) Brand or Trade Name on Spigot. For any licensee, his  
27 agents, servants or employes, to furnish or serve any malt or  
28 brewed beverages from any faucet, spigot or other dispensing  
29 apparatus, unless the trade name or brand of the product served  
30 shall appear in full sight of the customer and in legible

1 lettering upon such faucet, spigot or dispensing apparatus.

2 (7) Alcoholic Strength on Label of Malt or Brewed Beverages.

3 For any licensee, or his servants, agents or employes, to  
4 transport, sell, deliver or purchase any malt or brewed  
5 beverages upon which there shall appear a label or other  
6 informative data which in any manner refers to the alcoholic  
7 contents of the malt or brewed beverage, or which refers in any  
8 manner to the original alcoholic strength, extract or balling  
9 proof from which such malt or brewed beverage was produced. This  
10 clause shall not be construed to prohibit a manufacturer from  
11 designating upon the label or descriptive data the alcoholic  
12 content of malt or brewed beverages intended for shipment into  
13 another state or territory, when the laws of such state or  
14 territory require that the alcoholic content of the malt or  
15 brewed beverage must be stated upon the package.

16 (8) Advertisements on Labels Giving Alcoholic Content of  
17 Malt or Brewed Beverages. For any manufacturer or other  
18 licensee, or his servants, agents or employes, to issue, publish  
19 or post, or cause to be issued, published or posted, any  
20 advertisement of any malt or brewed beverage including a label  
21 which shall refer in any manner to the alcoholic strength of the  
22 malt or brewed beverage manufactured, sold or distributed by  
23 such licensees, or to use in any advertisement or label such  
24 words as "full strength," "extra strength," "high test," "high  
25 proof," "pre-war strength," or similar words or phrases, which  
26 would lead or induce a consumer to purchase a brand of malt or  
27 brewed beverage on the basis of its alcoholic content, or to use  
28 in or on any advertisement or label any numeral, unless  
29 adequately explained in type of the same size, prominence and  
30 color, or for any licensee to purchase, transport, sell or



1 distribute any malt or brewed beverage advertised or labeled  
2 contrary to the provisions of this clause.

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

8 (10) Entertainment on Licensed Premises (Except Clubs);  
9 Permits; Fees. For any licensee, his servants, agents or  
10 employes, except club licensees, to permit in any licensed  
11 premises or in any place operated in connection therewith,  
12 dancing, theatricals or floor shows of any sort, or moving  
13 pictures other than television, or such as are exhibited through  
14 machines operated by patrons by the deposit of coins, which  
15 project pictures on a screen not exceeding in size twenty-four  
16 by thirty inches and which forms part of the machine, unless the  
17 licensee shall first have obtained from the [board] commission a  
18 special permit to provide such entertainment, or for any  
19 licensee, under any circumstances, to permit in any licensed  
20 premises any lewd, immoral or improper entertainment, regardless  
21 of whether a permit to provide entertainment has been obtained  
22 or not. The [board] commission shall have power to provide for  
23 the issue of such special permits, and to collect a fee for such  
24 permits equal to one-fifth of the annual license fee but not  
25 less than twenty-five dollars (\$25). All such fees shall be paid  
26 into The State Stores Fund. No such permit shall be issued in  
27 any municipality which, by ordinance, prohibits amusements in  
28 licensed places. Any violation of this clause shall, in addition  
29 to the penalty herein provided, subject the licensee to  
30 suspension or revocation of his permit and his license.

1 (11) Licensees Employed by Others. For any hotel, restaurant  
2 or club liquor licensee, or any malt or brewed beverage  
3 licensee, or any servant, agent or employe of such licensee, to  
4 be at the same time employed, directly or indirectly, by any  
5 other person engaged in the manufacture, sale, transportation or  
6 storage of liquor, malt or brewed beverages or alcohol:  
7 Provided, That any person (except a licensee or the manager,  
8 officer or director of a licensee) who is employed by a retail  
9 licensee to prepare or serve food and beverages may be employed  
10 in the same capacity by another retail licensee during other  
11 hours or on other days.

12 (12) Failure to Have Records on Premises. For any liquor  
13 licensee, or any importing distributor, distributor or retail  
14 dispenser, to fail to keep on the licensed premises for a period  
15 of at least two years complete and truthful records covering the  
16 operation of his licensed business, particularly showing the  
17 date of all purchases of liquor and malt or brewed beverages,  
18 the actual price paid therefor, and the name of the vendor,  
19 including State Store receipts, or for any licensee, his  
20 servants, agents or employes, to refuse the [board] commission  
21 or an authorized employe of the [board] commission or the  
22 enforcement bureau access thereto or the opportunity to make  
23 copies of the same when the request is made during business  
24 hours.

25 (13) Retail Licensees Employing Minors. For any hotel,  
26 restaurant or club liquor licensee, or any retail dispenser, to  
27 employ or to permit any minor under the age of eighteen to serve  
28 any alcoholic beverages or to employ or permit any minor under  
29 the age of sixteen to render any service whatever in or about  
30 the licensed premises, nor shall any entertainer under the age

1 of eighteen be employed or permitted to perform in any licensed  
2 premises in violation of the labor laws of this Commonwealth:  
3 Provided, That in accordance with [board] commission regulations  
4 minors between the ages of sixteen and eighteen may be employed  
5 to serve food, clear tables and perform other similar duties,  
6 not to include the dispensing or serving of alcoholic beverages.

7 (14) Permitting Undesirable Persons or Minors to Frequent  
8 Premises. For any hotel, restaurant or club liquor licensee, or  
9 any retail dispenser, his servants, agents or employes, to  
10 permit persons of ill repute, known criminals, prostitutes or  
11 minors to frequent his licensed premises or any premises  
12 operated in connection therewith, except minors accompanied by  
13 parents, guardians, or under proper supervision or except minors  
14 who frequent any restaurant or retail dispensing licensee whose  
15 sales of food and non-alcoholic beverages are equal to seventy  
16 per centum or more of the combined gross sales of both food and  
17 alcoholic beverages on the condition that alcoholic beverages  
18 may not be served at the table or booth at which the said minor  
19 is seated at the time (unless said minor is under proper  
20 supervision as hereinafter defined) and on the further condition  
21 that only table service of alcoholic beverages or take-out  
22 service of beer shall be permitted in the room wherein the minor  
23 is located: Provided, however, That it shall not be unlawful for  
24 any hotel, restaurant or club liquor licensee or any retail  
25 dispenser to permit minors under proper supervision upon the  
26 licensed premises or any premises operated in connection  
27 therewith for the purpose of a social gathering, even if such  
28 gathering is exclusively for minors: And provided further, That  
29 no liquor shall be sold, furnished or given to such minors nor  
30 shall the licensee knowingly permit any liquor or malt or brewed

1 beverages to be sold, furnished or given to or be consumed by  
2 any minor, and the area of such gathering shall be segregated  
3 from the remainder of the licensed premises. In the event the  
4 area of such gathering cannot be segregated from the remainder  
5 of the licensed premises, all alcoholic beverages must be either  
6 removed from the licensed premises or placed under lock and key  
7 during the time the gathering is taking place. Notice of such  
8 gathering shall be given the [Liquor Control Board] Commission  
9 as it may, by regulation, require. Any licensee violating the  
10 provisions of this clause shall be subject to the provisions of  
11 section 471.

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

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

26 (16) Furnishing or Delivering Liquor or Malt or Brewed  
27 Beverages at Unlawful Hours. For any licensee, his servants,  
28 agents or employes, to give, furnish, trade, barter, serve or  
29 deliver any liquor or malt or brewed beverages to any person  
30 during hours or on days when the licensee is prohibited by this

1 act from selling liquor or malt or brewed beverages.

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

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

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

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

8 (20) (i) Retail Liquor and Retail Malt or Brewed Beverages  
9 Licensee's Inside Advertisements. For any retail liquor or  
10 retail malt or brewed beverages licensee, to display or permit  
11 the display in the show window or doorways of his licensed  
12 premises, any placard or sign advertising the brands of liquor  
13 or malt or brewed beverages produced by any one manufacturer, if  
14 the total display area of any such placard or sign advertising  
15 the products of any one manufacturer exceeds three hundred  
16 square inches. Nothing herein shall prohibit a licensee from  
17 displaying inside his licensed premises point of sale displays  
18 advertising brand names of products sold by him, other than a  
19 window or door display: Provided, That the total cost of all  
20 such point of sale advertising matter relating to any one brand  
21 of any one manufacturer shall not exceed the sum of seventy  
22 dollars (\$70) at any one time, and no single piece of  
23 advertising shall exceed a cost of thirty-five dollars (\$35).  
24 All such advertising material, including the window and door  
25 signs, may be furnished by a manufacturer, distributor or  
26 importing distributor. The restrictions on advertising set forth  
27 in subclause (ii) and in clauses (20.1) and (20.2) shall also  
28 apply to this subclause.

29 (ii) Cooperative Advertising. No distributor or importing  
30 distributor, directly or indirectly, independent or otherwise,

1 shall, except by prior written agreement, be required to  
2 participate with a manufacturer in the purchase of any  
3 advertising of a brand name product in any name, in any form,  
4 whether it be radio, television, newspaper, magazine or  
5 otherwise.

6 (20.1) Manufacturer Shall Not Require Advertising. For a  
7 manufacturer to require a distributor or importing distributor  
8 to purchase any type of advertising.

9 (20.2) Advertising Shall Be Ordered and Authorized in  
10 Advance. For any advertising to be done on behalf of a  
11 distributor or importing distributor which was not ordered and  
12 authorized in advance by the distributor or importing  
13 distributor.

14 (21) Refusing The Right of Inspection. For any licensee, or  
15 his servants, agents or employes, to refuse the [board]  
16 commission or the enforcement bureau or any of [its] their  
17 authorized employes the right to inspect completely the entire  
18 licensed premises at any time during which the premises are open  
19 for the transaction of business, or when patrons, guests or  
20 members are in that portion of the licensed premises wherein  
21 either liquor or malt or brewed beverages are sold.

22 (22) Allowance or Rebate to Induce Purchases. For any  
23 licensee, or his servants, agents or employes, to offer, pay,  
24 make or allow, or for any licensee, or his servants, agents or  
25 employes, to solicit or receive any allowance or rebate, refunds  
26 or concessions, whether in the form of money or otherwise, to  
27 induce directly the purchase of liquor or malt or brewed  
28 beverages.

29 (23) Money or Valuables Given to Employes to Influence  
30 Actions of Their Employers. For any licensee, or any agent,

1 employe or representative of any licensee, to give or permit to  
2 be given, directly or indirectly, money or anything of  
3 substantial value, in an effort to induce agents, employes or  
4 representatives of customers or prospective customers to  
5 influence their employer or principal to purchase or contract to  
6 purchase liquor or malt or brewed beverages from the donor of  
7 such gift, or to influence such employers or principals to  
8 refrain from dealing or contracting to deal with other  
9 licensees.

10 (24) Things of Value Offered as Inducement. For any licensee  
11 under the provisions of this article, or the [board] commission  
12 or any manufacturer, or any employe or agent of a manufacturer,  
13 licensee or of the [board] commission, to offer to give anything  
14 of value or to solicit or receive anything of value as a premium  
15 for the return of caps, stoppers, corks, stamps or labels taken  
16 from any bottle, case, barrel or package containing liquor or  
17 malt or brewed beverage, or to offer or give or solicit or  
18 receive anything of value as a premium or present to induce  
19 directly the purchase of liquor or malt or brewed beverage, or  
20 for any licensee, manufacturer or other person to offer or give  
21 to trade or consumer buyers any prize, premium, gift or other  
22 inducement to purchase liquor or malt or brewed beverages,  
23 except advertising novelties of nominal value which the [board]  
24 commission shall define[: Provided, however, That this]. THIS <—

25 SECTION SHALL NOT PREVENT ANY MANUFACTURER OR ANY AGENT OF A  
26 MANUFACTURER FROM OFFERING AND HONORING COUPONS WHICH OFFER  
27 MONETARY REBATES ON PURCHASES OF WINES AND SPIRITS THROUGH STATE  
28 LIQUOR STORES IN ACCORDANCE WITH CONDITIONS OR REGULATIONS  
29 ESTABLISHED BY THE COMMISSION. FURTHER, NO MANUFACTURER OR ANY  
30 AGENT OF A MANUFACTURER SHALL HONOR ANY COUPONS WITHOUT PROOF OF



1 PURCHASE IN THE FORM OF A SALES SLIP OR RECEIPT ATTACHED TO THE  
2 COUPONS. THIS section shall not apply to the return of any  
3 monies specifically deposited for the return of the original  
4 container to the owners thereof.

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

20 Any person violating the provisions of this clause shall be  
21 guilty of a misdemeanor and, upon conviction of the same, shall  
22 be sentenced to pay a fine of not less than one hundred dollars  
23 (\$100), nor more than five hundred dollars (\$500), for each and  
24 every female so employed, or undergo an imprisonment of not less  
25 than three (3) months, nor more than one (1) year, or either or  
26 both, at the discretion of the court having jurisdiction of the  
27 case. The [board] administrative law judge shall have the power  
28 to revoke or refuse licenses for violation of this clause.

29 (26) Worthless Checks. For any retail liquor licensee or any  
30 retail dispenser, distributor or importing distributor, to make,

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

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

21 Section 82. Section 494 of the act, amended May 25, 1956  
22 (1955 P.L.1743, No.583), is reenacted and amended to read:

23 Section 494. Penalties.--(a) Any person who shall violate  
24 any of the provisions of this article, except as otherwise  
25 specifically provided, shall be guilty of a misdemeanor and,  
26 upon conviction thereof, shall be sentenced to pay a fine of not  
27 less than one hundred dollars (\$100), nor more than five hundred  
28 dollars (\$500), and on failure to pay such fine, to imprisonment  
29 for not less than one month, nor more than three months, and for  
30 any subsequent offense, shall be sentenced to pay a fine not

1 less than three hundred dollars (\$300), nor more than five  
2 hundred dollars (\$500), and to undergo imprisonment for a period  
3 not less than three months, nor more than one year.

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

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

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

1 processing such application, the distribution of said card, the  
2 charge to be imposed for any card more than one that it shall  
3 issue to the same applicant, and all other matters the board  
4 shall deem necessary or advisable for the purpose of carrying  
5 into effect the provisions of this section.

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

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

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

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

24 ..... 19  
25 I,....., hereby represent  
26 to ....., a State Store or  
27 licensee of the [Pennsylvania Liquor Control Board] Alcohol  
28 Beverages Commission, that I am of full age and discretion  
29 and over the age of 21 years, having been born on  
30 ..... 19..... at .....

1 This statement is made to induce said store or licensee above  
2 named to sell or otherwise furnish alcoholic beverages to the  
3 undersigned.

4 Serial Number of Identification Card:

5 I understand that I am subject to a fine of  
6 \$300.00 and sixty days imprisonment for any  
7 misrepresentation herein.

8 .....

(Name)

10 .....

(Address)

12 Witness:

13 Name.....

14 Address.....

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

23 (d) It shall be unlawful for the owner of an identification  
24 card, as defined by this act, to transfer said card to any other  
25 person for the purpose of aiding such person to secure alcoholic  
26 beverage. Any person who shall transfer such identification card  
27 for the purpose of aiding such transferee to obtain alcoholic  
28 beverage shall be guilty of a misdemeanor and, upon conviction  
29 thereof, shall be sentenced to pay a fine of not more than three  
30 hundred dollars (\$300), or undergo imprisonment for not more

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

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

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

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

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

29 Section 497. Liability of Licensees.--No licensee shall be  
30 liable to third persons on account of damages inflicted upon

1 them off of the licensed premises by customers of the licensee  
2 unless the customer who inflicts the damages was sold, furnished  
3 or given liquor or malt or brewed beverages by the said licensee  
4 or his agent, servant or employe when the said customer was  
5 visibly intoxicated.

6 Section 86. The act is amended by adding a section to read:

7 Section 498. Unlawful Advertising.--(a) No manufacturer,  
8 wholesaler or shipper whether from outside or inside this  
9 Commonwealth and no licensee under this act shall cause or  
10 permit the advertising in any manner whatsoever of the price of  
11 any malt beverage, cordial, wine or distilled liquor offered for  
12 sale in this Commonwealth: Provided, however, That the  
13 provisions of this section shall not apply to price signs or  
14 tags attached to or placed on merchandise for sale within the  
15 licensed premises in accordance with rules and regulations of  
16 the commission.

17 (b) No newspaper, periodical, radio or television  
18 broadcaster or broadcasting company or any other person, firm or  
19 corporation with a principal place of business in this  
20 Commonwealth which is engaged in the business of advertising or  
21 selling advertising time or space shall accept, publish or  
22 broadcast any advertisement in this Commonwealth of the price or  
23 make reference to the price of any alcoholic beverages.

24 (c) Any person who shall violate any of the provisions of  
25 this section shall be guilty of a misdemeanor and upon  
26 conviction shall be punished for the first offense by a fine in  
27 the sum of fifty dollars (\$50) and for each additional offense  
28 thereafter by a fine not exceeding the sum of one hundred  
29 dollars (\$100). Publication or broadcast by any person in  
30 violation of the provisions of this section shall also be

1 subject to injunctive proceedings in a court of competent  
2 jurisdiction on a complaint brought by a retail licensee or an  
3 association of retail licensees.

4 (d) The provisions of this section shall not apply to any  
5 trade journal which is duly recognized and authorized to be  
6 exempt from the provisions of this section by the commission.

7 Section 87. The heading of Article V of the act is reenacted  
8 to read:

9 ARTICLE V.

10 DISTILLERIES, WINERIES, BONDED WAREHOUSES,  
11 BAILEES FOR HIRE AND TRANSPORTERS FOR HIRE.

12 Section 88. Section 501 of the act is reenacted to read:

13 Section 501. License Required.--Except as otherwise provided  
14 in this article, and except as otherwise provided in article  
15 four as to malt and brewed beverages, it shall be unlawful for  
16 any person without a license obtained under provisions of this  
17 article to hold in storage as bailee for hire, or transport for  
18 hire, any malt or brewed beverage, or to manufacture, produce,  
19 distill, develop or use in the process of manufacture, denature,  
20 redistill, recover, rectify, blend, reuse, hold in bond, hold in  
21 storage as bailee for hire, or transport for hire, within this  
22 Commonwealth, any alcohol or liquor, except that a person may  
23 manufacture wine out of grapes grown in Pennsylvania by  
24 fermentation only and with no alcohol or alcoholic product added  
25 thereto by way of fortification and sell the same to a licensed  
26 winery.

27 Section 89. Section 502 of the act is reenacted and amended  
28 to read:

29 Section 502. Exemptions.--No license hereunder shall be  
30 required from any registered pharmacist; or a physician licensed



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

24 Section 90. Section 502.1 of the act, added December 14,  
25 1979 (P.L.565, No.129), is reenacted and amended to read:

26 Section 502.1. Production of Denatured Ethyl Alcohol.--(a)  
27 Notwithstanding any other provisions of this act, a person may  
28 upon payment of an annual registration fee of twenty-five  
29 dollars (\$25) and without the necessity of having to post a  
30 bond, manufacture or distill, hold in storage and use denatured

1 ethyl alcohol for the purpose of providing fuel for personal or  
2 business vehicles or machinery.

3 (b) No denatured ethyl alcohol produced under the provisions  
4 of this section may be sold or utilized by any person other than  
5 the producer.

6 (c) Each licensee shall file annually with the [board]  
7 commission accurate records of the monthly production and  
8 utilization of denatured ethyl alcohol fuel. The [board]  
9 commission shall prescribe the form to be used for this report.

10 (d) Any violation of this section shall be subject to the  
11 penalties set forth in section 519.

12 Section 91. Section 503 of the act is reenacted to read:

13 Section 503. Qualifications for License.--No license shall  
14 be issued under the provisions of this article to any person  
15 unless (a) in case of individuals, he or she is a citizen of the  
16 United States of America, (b) in case of companies or  
17 unincorporated associations of individuals, each and every one  
18 is a citizen of the United States of America, (c) in case of  
19 corporations, each and every stockholder thereof is a citizen of  
20 the United States of America.

21 Section 92. Section 504 of the act, amended September 28,  
22 1961 (P.L.1728, No.702), is reenacted and amended to read:

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

30 [1.] (1) The legal names of the applicant and of the owner

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

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

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

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

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

26 Section 93. Section 505 of the act, amended July 31, 1968  
27 (P.L.902, No.272), is reenacted and amended to read:

28 Section 505. Licenses Issued.--Upon receipt of the  
29 application in the form herein provided, the proper fees and an  
30 approved bond as herein designated, the [board] commission may

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

10 Section 94. Section 505.1 of the act, amended February 17,  
11 1956 (1955 P.L.1077, No.348), is reenacted and amended to read:

12 Section 505.1. Bonded Warehouse License Privilege

13 Restrictions.--(a) Holders of bonded warehouse licenses may:

14 [(a)] (1) Receive and store in bond liquor owned by  
15 Pennsylvania licensed manufacturers and importers.

16 [(b)] (2) Receive and store in bond alcohol owned by  
17 Pennsylvania licensed manufacturers.

18 [(c)] (3) Receive and store in bond liquor owned by  
19 licensees outside this Commonwealth. Such liquor shall be  
20 released from the bonded warehouse for delivery within this  
21 Commonwealth only to persons holding a liquor importer's license  
22 issued by the [Pennsylvania Liquor Control Board] commission  
23 authorizing the importation of liquor or to other storage  
24 facilities or persons outside this Commonwealth.

25 [(d)] (4) Receive and store in bond alcohol owned by  
26 licensees outside this Commonwealth. Such alcohol shall be  
27 released from the bonded warehouse for delivery within this  
28 Commonwealth only to persons holding an alcohol permit issued by  
29 the [Pennsylvania Liquor Control Board] commission authorizing  
30 the importation of alcohol or to other storage facilities or

1 persons outside this Commonwealth.

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

7 Section 95. Section 505.2 of the act, amended November 5,  
8 1981 (P.L.329, No.119) and December 17, 1982 (P.L.1390, No.319),  
9 is reenacted and amended to read:

10 Section 505.2. Limited Wineries.--Holders of a limited  
11 winery license may:

12 (1) Produce wines AND WINE COOLERS only from fruits grown in <—  
13 Pennsylvania in an amount not to exceed one hundred thousand  
14 (100,000) gallons per year.

15 (2) Sell wine AND WINE COOLERS produced by the limited <—  
16 winery or purchased in bulk in bond from another Pennsylvania  
17 limited winery on the licensed premises, under such conditions  
18 and regulations as the [board] commission may enforce, to the  
19 [Liquor Control Board] commission, to individuals and to hotel,  
20 restaurant, club and public service liquor licensees, and to  
21 Pennsylvania winery licensees: Provided, That a limited winery  
22 shall not, in any calendar year, purchase wine produced by other  
23 limited wineries in an amount in excess of fifty per centum of  
24 the wine produced by the purchasing limited winery in the  
25 preceding calendar year.

26 (3) 【Sell】 SEPARATELY OR IN CONJUNCTION WITH OTHER LIMITED <—  
27 WINERIES, SELL wine AND WINE COOLERS produced by the limited <—  
28 winery [on no more than three {board-approved} AT commission- <—  
29 approved locations other than the licensed premises, with no  
30 bottling or production requirement at those additional [board-

1 approved] commission-approved locations and under such  
2 conditions and regulations as the [board] commission may  
3 enforce, to the [Liquor Control Board] commission, to  
4 individuals and to hotel, restaurant, club and public service  
5 liquor licensees.

6 Section 96. Section 505.3 of the act, added July 30, 1975  
7 (P.L.136, No.68), is reenacted and amended to read:

8 Section 505.3. Distilleries.--Distilleries of historical  
9 significance established more than one hundred years prior to  
10 January 1, 1975 which hold a license issued under section 505  
11 may sell liquor produced by the distillery on the licensed  
12 premises under such conditions and regulations as the [board]  
13 commission may enforce.

14 Section 97. Sections 506 and 507 of the act are reenacted  
15 and amended to read:

16 Section 506. Bonds Required.--(a) No license shall be  
17 issued to any such applicant until he has filed with the [board]  
18 commission an approved bond, duly executed, payable to the  
19 Commonwealth of Pennsylvania, together with a warrant of  
20 attorney to confess judgment in the penal sum herein set forth.  
21 All such bonds shall be conditioned for the faithful observance  
22 of all the laws of this Commonwealth and regulations of the  
23 [board] commission relating to alcohol, liquor and malt or  
24 brewed beverages and the conditions of the license, and shall  
25 have as surety a duly authorized surety company, or shall have  
26 deposited therewith, as collateral security, cash or negotiable  
27 obligations of the United States of America or the Commonwealth  
28 of Pennsylvania in the same amount as herein provided for the  
29 penal sum of bonds.

30 (b) In all cases where cash or securities in lieu of other

1 surety have been deposited with the [board] commission, the  
2 depositor shall be permitted to continue the same deposit from  
3 year to year on each renewal of license, but in no event shall  
4 he be permitted to withdraw his deposit during the time he holds  
5 said license, or until six months after the expiration of the  
6 license held by him, or while revocation proceedings are pending  
7 against such licensee.

8 (c) All cash or securities received by the [board]  
9 commission in lieu of other surety shall be turned over by the  
10 [board] commission to the State Treasurer and held by him. The  
11 State Treasurer shall repay or return money or securities  
12 deposited with him to the respective depositors only on the  
13 order of the [board] commission.

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

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

29 In the case of a distillery (manufacturer), the bond shall be  
30 in the amount of ten thousand dollars (\$10,000); in the case of

1 a bonded warehouse, a bailee for hire and a transporter for  
2 hire, each shall be in the amount of three thousand dollars  
3 (\$3000); and in the case of a winery, shall be in the amount of  
4 five thousand dollars (\$5000). Such bonds shall be filed with  
5 and retained by the [board] commission.

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

10 Section 507. Hearings [Upon Refusal of Licenses] on Licenses  
11 and Refusals.--(a) The [board] commission may of its own  
12 motion, and shall upon the written request of the enforcement  
13 bureau or of any applicant for license or for renewal thereof  
14 whose application for such license or renewal has been refused,  
15 fix a time and place for hearing of such application or renewal,  
16 notice of which hearing shall be sent to the bureau and to the  
17 applicant, by registered mail, at the address given in his  
18 application. Such hearing shall be before the [board]  
19 commission, a member thereof, or an [examiner designated by the  
20 board] administrative law judge.

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



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

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

11 Section 98. Section 508 of the act, amended July 31, 1968  
12 (P.L.902, No.272), is reenacted and amended to read:

13 Section 508. License Fees.--(a) The annual fee for every  
14 license issued to a limited winery or a winery shall be two  
15 hundred and fifty dollars (\$250). The annual fee for every  
16 license issued to a distillery (manufacturer) shall be twenty-  
17 five hundred dollars (\$2500) per annum if the annual production  
18 is five hundred thousand (500,000) proof gallons or less, and an  
19 additional fee of one hundred dollars (\$100) for each one  
20 hundred thousand (100,000) proof gallons or fraction thereof in  
21 excess of five hundred thousand (500,000) proof gallons, but for  
22 the purpose of determining the amount of the fee payable by a  
23 distillery, the annual production of alcohol that is denatured  
24 by the manufacturer thereof during the license year in  
25 Pennsylvania and not elsewhere shall be excluded, but alcohol or  
26 liquor used by the manufacturer thereof during the license year  
27 in rectification or blending shall not be excluded, except that  
28 no fee for a distillery shall be less than twenty-five hundred  
29 dollars (\$2500) per annum. The annual fee for all other licenses  
30 shall be one hundred dollars (\$100). The fee for any license

1 when applied for and issued on or after April first, but prior  
2 to July first, shall be three-fourths of the annual fee; July  
3 first, but prior to October first, shall be one-half of the  
4 annual fee; October first, but prior to January first, one-  
5 fourth of the annual fee.

6 (b) For the purpose of this section, the term "proof gallon"  
7 shall mean a gallon liquid which contains one-half its volume of  
8 alcohol of a specific gravity of seven thousand nine hundred  
9 thirty-nine ten thousandths (.7939) at sixty degrees Fahrenheit.

10 Section 99. Section 509 of the act is reenacted and amended  
11 to read:

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

19 Section 100. Sections 510 and 511 of the act are reenacted  
20 to read:

21 Section 510. Containers To Be Labeled.--All persons, except  
22 as exempted by section five hundred two hereof, manufacturing,  
23 producing, distilling, developing or using in the process of  
24 manufacture, denaturing, redistilling, recovering, rectifying,  
25 blending, reusing, holding in bond, holding in storage as bailee  
26 for hire, or transporting for hire of alcohol or liquor under  
27 the provisions of this article, shall securely and permanently  
28 attach to every container ready for shipment thereof as the same  
29 is manufactured, produced, distilled, developed, denatured,  
30 redistilled, recovered, rectified, blended, reused, a label

1 stating the name of the manufacturer, kind and quantity of  
2 alcohol or liquor contained therein, and the date of its  
3 manufacture, together with the number of the license authorizing  
4 the manufacture thereof, and all persons possessing such alcohol  
5 or liquor in wholesale quantities shall securely keep and  
6 maintain such label thereon.

7 Section 511. License To Specify Each Place Authorized For  
8 Use.--Every license issued under the provision of this article  
9 shall specify by definite location every place to be occupied or  
10 used in connection with the business to be conducted thereunder.  
11 It shall be unlawful for the holder of any license to occupy or  
12 use any place in connection with any business authorized under a  
13 license other than the place or places designated therein.

14 Section 101. Sections 512, 513 and 514 of the act are  
15 reenacted and amended to read:

16 Section 512. Records To Be Kept.--Every person holding a  
17 license issued under the provisions of this article shall keep  
18 on the licensed premises daily permanent records which shall  
19 show, (a) the quantities of any alcohol or liquor manufactured,  
20 produced, distilled, developed, denatured, redistilled,  
21 recovered, reused, stored in bond, stored as bailee for hire,  
22 received or used in the process of manufacture by him, and of  
23 all other material used in manufacturing or developing any  
24 alcohol or liquor; (b) the sales or other disposition of any  
25 alcohol, liquor or malt or brewed beverages if covered by said  
26 license; (c) the quantities thereof, if any, stored in bond,  
27 stored for hire, or transported for hire by or for the licensee;  
28 and (d) the names and addresses of the purchasers or other  
29 recipients thereof: Provided, however, That persons holding  
30 licenses issued under the provisions of this article for the

1 transportation for hire of any alcohol, liquor or malt or brewed  
2 beverages shall not be required to keep the above records, but  
3 shall keep daily permanent records showing the names and  
4 addresses of the persons from whom any alcohol, liquor or malt  
5 or brewed beverage was received and to whom delivered, and such  
6 other permanent records as the [board] commission shall  
7 prescribe.

8 Section 513. Premises and Records Subject To Inspection.--

9 Every place operated under license secured under the provisions  
10 of this article where any alcohol, liquor or malt or brewed  
11 beverage covered by the license is manufactured, produced,  
12 distilled, developed or used in the process of manufacture,  
13 denatured, redistilled, rectified, blended, recovered, reused,  
14 held in bond, stored for hire or in connection with a licensee's  
15 business, shall be subject to inspection by members of the  
16 [board] commission or by persons duly authorized and designated  
17 by the [board] commission at any and all times of the day or  
18 night, as they may deem necessary, (a) for the detection of  
19 violations of this act or of the rules and regulations of the  
20 [board] commission promulgated under the authority of this act,  
21 or (b) for the purpose of ascertaining the correctness of the  
22 records required by this act to be kept by licensees and the  
23 books and records of licensees, and the books and records of  
24 their customers, in so far as they relate to purchases from said  
25 licensees, shall at all times be open to inspection by the  
26 members of the [board] commission or by persons duly authorized  
27 and designated by the [board] commission for the purpose of  
28 making inspections as authorized by this section. Members of the  
29 [board] commission and the persons duly authorized and  
30 designated by the [board] commission shall have the right,

1 without fee or hindrance, to enter any place which is subject to  
2 inspection hereunder, or any place where records subject to  
3 inspection hereunder are kept, for the purpose of making such  
4 inspections.

5 Section 514. Suspension and Revocation of Licenses.--(a)  
6 Upon learning of any violation of this act or of any rule or  
7 regulation promulgated by the [board] commission under the  
8 authority of this act, or any violation of any laws of the  
9 Commonwealth or of the United States of America relating to the  
10 tax payment of alcohol, liquor or malt or brewed beverages by  
11 the holder of a license issued under the provisions of this  
12 article, or upon other sufficient cause, the [board] enforcement  
13 bureau may, within one year from the date of such violation or  
14 cause appearing, cite such licensee to appear before [it or its  
15 examiner] an administrative law judge not less than ten (10) nor  
16 more than [fifteen (15)] sixty (60) days from the date of  
17 sending such licensee, by registered mail, a notice addressed to  
18 his licensed premises, to show cause why the license should not  
19 be suspended or revoked. Hearings on such citations shall be  
20 held in the same manner as provided herein for hearings on  
21 applications for license. And upon such hearing, if satisfied  
22 that any such violation has occurred or for other sufficient  
23 cause, the [board] administrative law judge shall immediately  
24 suspend or revoke such license, notifying the licensee thereof  
25 by registered letter addressed to his licensed premises, or to  
26 the address given in his application where no licensed premises  
27 is maintained in Pennsylvania.

28 (b) When a license is revoked, the licensee's bond may be  
29 forfeited [by the board]. Any licensee whose license is revoked  
30 shall be ineligible to have a license under this act or under

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

17 Section 102. Section 515 of the act, repealed in part June  
18 3, 1971 (P.L.118, No.6) and April 28, 1978 (P.L.202, No.53), is  
19 reenacted and amended to read:

20 Section 515. Appeals.--[Any] The commission, the enforcement  
21 bureau or any applicant or any licensee aggrieved by any  
22 decision [of the board] refusing, suspending or revoking a  
23 license under the provisions of this article may appeal to the  
24 court of the county in which the licensed premises or the  
25 premises to be licensed are located. In the event an applicant  
26 or a licensee shall have no place of business established within  
27 the Commonwealth, his appeal shall be to the [court of Dauphin  
28 County] Commonwealth Court. Such appeal shall be [upon petition  
29 of the applicant or licensee, as the case may be, who shall  
30 serve a copy thereof upon the board. The said appeal shall act

1 as a supersedeas, unless upon sufficient cause shown the court  
2 shall determine otherwise. The court shall hear the application  
3 de novo at such time as it shall fix, of which notice shall be  
4 given to the board. The court shall, in the case of a refusal by  
5 the board, either sustain such refusal or order the issuance of  
6 the license to the applicant] in accordance with 2 Pa.C.S. Ch. 7  
7 Subch. A (relating to judicial review of Commonwealth agency  
8 action).

9 Section 103. Sections 516 and 517 of the act are reenacted  
10 and amended to read:

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

25 Section 517. Expiration of Licenses; Renewals.--All licenses  
26 issued under this article shall expire at the close of the  
27 calendar year, but new licenses for the succeeding year shall be  
28 issued upon written application therefor, duly verified by  
29 affidavit, stating that the facts in the original application  
30 are unchanged, and upon payment of the fee as hereinafter

1 provided and the furnishing of a new bond, without the filing of  
2 further statements or the furnishing of any further information  
3 unless specifically requested by the [board] commission:  
4 Provided, however, That any such license issued to a corporation  
5 shall expire thirty (30) days after any change in the officers  
6 of such corporation, unless the name and address of each such  
7 new officer of such corporation shall, within that period, be  
8 reported to the [board] commission by certificate, duly  
9 verified. Applications for renewals must be made not less than  
10 thirty (30) nor more than sixty (60) days before the first day  
11 of January of the ensuing year. All applications for renewal  
12 received otherwise shall be treated as original applications.

13 Section 104. Section 518 of the act is reenacted to read:

14 Section 518. Unlawful Acts.--(a) It shall be unlawful for  
15 any person to transport any illegal alcohol, liquor or malt or  
16 brewed beverages.

17 (b) Whenever any person withdraws or removes any alcohol or  
18 liquor which has not been denatured from any distillery,  
19 denaturing plant, winery or bonded warehouse for the purpose of  
20 denaturing the same, it shall be unlawful for any such person to  
21 use, sell or conceal, or attempt to use, sell or conceal, or be  
22 concerned in the sale, use or concealment of, any such alcohol  
23 or liquor, unless before such sale or use the said alcohol or  
24 liquor shall be denatured by adding thereto denaturing material  
25 or materials or admixtures thereof which render it unfit for  
26 beverage purposes.

27 (c) It shall be unlawful for any person to recover and reuse  
28 or attempt to recover and reuse, by redistillation or by any  
29 other process or means whatsoever, any alcohol or liquor from  
30 denatured alcohol or from any other liquor from denatured



1 alcohol or from any other liquid, or to knowingly use, sell,  
2 conceal, or otherwise dispose of, alcohol or liquor so recovered  
3 or redistilled.

4 Section 105. Section 519 of the act is reenacted and amended  
5 to read:

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

25 Section 106. The headings of Article VI and Subdivision (A)  
26 of Article VI of the act are reenacted to read:

27 ARTICLE VI.

28 PROPERTY ILLEGALLY POSSESSED OR USED; FORFEITURES;

29 NUISANCES.

30 (A) Forfeitures.

1 Section 107. Sections 601, 602 and 603 of the act, amended  
2 April 20, 1956 (1955 P.L.1508, No.499), are reenacted and  
3 amended to read:

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

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

29 (b) A copy of said petition shall be served personally on  
30 said owner if he can be found within the jurisdiction of the

1 court, or upon the person or persons in possession at the time  
2 of the seizure thereof. Said copy shall have endorsed thereon a  
3 notice as follows:

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

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

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

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

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

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

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

1 transportation of liquor, alcohol or malt or brewed beverage,  
2 such property may, in the discretion of the court, be adjudged  
3 forfeited and condemned and in such case shall be disposed of as  
4 follows:

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

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

26 (c) In the case of any vehicle, boat, vessel, container,  
27 animal or aircraft seized under the provisions of this act and  
28 condemned, the court shall order the same to be delivered to the  
29 [board] enforcement bureau for its use or for sale or  
30 disposition by the [board] bureau, in its discretion. Notice of

1 such sale shall be given in such manner as the [board] bureau  
2 may prescribe. The proceeds of such sale shall be paid into The  
3 State Stores Fund.

4 Section 108. Section 604 of the act is reenacted and amended  
5 to read:

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

23 Section 109. Section 605 of the act is reenacted to read:

24 Section 605. Application of Subdivision.--The provisions of  
25 this subdivision shall apply to the disposition of any liquor,  
26 alcohol or malt or brewed beverage or property in the custody of  
27 the law or of any officer at the time of the passage of this  
28 act.

29 Section 110. The heading of Subdivision (B) of Article VI of  
30 the act is reenacted to read:

1 (B) Nuisances.

2 Section 111. Section 611 of the act is reenacted and amended  
3 to read:

4 Section 611. Nuisances; Actions To Enjoin.--(a) Any room,  
5 house, building, boat, vehicle, structure or place, except a  
6 private home, where liquor, alcohol or malt or brewed beverages  
7 are manufactured, possessed, sold, transported, offered for  
8 sale, bartered or furnished, or stored in bond, or stored for  
9 hire, in violation of this act, and all such liquids, beverages  
10 and property kept or used in maintaining the same, are hereby  
11 declared to be common nuisances, and any person who maintains  
12 such a common nuisance shall be guilty of a misdemeanor and,  
13 upon conviction thereof, shall be subject to the same penalties  
14 provided in section four hundred ninety four of this act.

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

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

18 (c) Upon the decree of the court ordering such nuisance to  
19 be abated, the court may, upon proper cause shown, order that  
20 the room, house, building, structure, boat, vehicle or place  
21 shall not be occupied or used for one year thereafter, but the  
22 court may, in its discretion, permit it to be occupied or used  
23 if the owner, lessee, tenant or occupant thereof shall give bond  
24 with sufficient surety to be approved by the court making the  
25 order in the penal and liquidated sum of not less than five  
26 hundred dollars (\$500.00), payable to the Commonwealth of  
27 Pennsylvania, for use of the county in which said proceedings  
28 are instituted, and conditioned that neither liquor, alcohol,  
29 nor malt or brewed beverages will thereafter be manufactured,  
30 sold, transported, offered for sale, bartered or furnished, or



1 stored in bond, or stored for hire therein or thereon in  
2 violation of this act, and that he will pay all fines, costs and  
3 damages that may be assessed for any violation of this act upon  
4 said property.

5 Section 112. The headings of Article VII and Subdivision (A)  
6 of Article VII of the act are reenacted to read:

7 ARTICLE VII.

8 DEALING IN DISTILLERY BONDED WAREHOUSE

9 CERTIFICATES.

10 (A) Preliminary Provisions.

11 Section 113. Section 701 of the act is reenacted and amended  
12 to read:

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

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

23 "Fraud," "fraudulent" and "fraudulent practice" shall include  
24 any misrepresentation in any manner of a relevant fact not made  
25 honestly and in good faith; any promise or representation or  
26 prediction as to the future not made honestly and in good faith,  
27 or an intentional failure to disclose a material fact; the  
28 gaining, directly or indirectly, through the purchase, sale or  
29 exchange of distillery bonded warehouse certificates, of any  
30 promotion fee or profit, selling or managing commission or

1 profit, so gross and exorbitant as to be unconscionable and  
2 fraudulent; and any scheme, device, artifice or investment plan  
3 to obtain such an unconscionable profit: Provided, however, that  
4 nothing herein shall limit or diminish the full meaning of the  
5 terms "fraud" and "fraudulent" as applied or accepted in courts  
6 of law or equity.

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

15 Section 114. The heading of Subdivision (B) of Article VII  
16 of the act is reenacted to read:

17 (B) Permits.

18 Section 115. Section 702 of the act is reenacted to read:

19 Section 702. Unlawful to Act as a Distillery Certificate  
20 Broker or to Buy or Sell Distillery Bonded Warehouse Certificate  
21 Without a Permit.--It shall be unlawful for any person, except  
22 as hereinafter exempted, directly or through an agent, to sell,  
23 purchase, exchange, offer for sale, deliver, enter into  
24 agreements for the purchase, sale, exchange, solicit  
25 subscriptions to, orders for, undertake to dispose of, deal in  
26 any manner in, distillery bonded warehouse certificates, without  
27 first having obtained a permit to act as a distillery  
28 certificate broker as provided in this article.

29 Section 116. Section 703 of the act is reenacted and amended  
30 to read:

1 Section 703. Authority to Issue Permits to Distillery  
2 Certificate Brokers.--Subject to the provisions of this article  
3 and regulations promulgated under this act, the [board]  
4 commission shall have authority to issue to any reputable  
5 financially responsible person whose plan of business in dealing  
6 in distillery bonded warehouse certificates is not deemed by the  
7 [board] commission to constitute "fraudulent practice," as  
8 defined herein, a permit to act as distillery certificate  
9 broker.

10 Section 117. Section 704 of the act, amended September 28,  
11 1961 (P.L.1728, No.702), is reenacted and amended to read:

12 Section 704. Application for Permit; Filing Fee.--Every  
13 applicant for a distillery certificate broker permit shall file  
14 a written application with the [board] commission outlining his  
15 plan of business in dealing in distillery bonded warehouse  
16 certificates, in such form and containing such other information  
17 as the [board] commission shall from time to time prescribe,  
18 which shall be accompanied by a filing fee of twenty dollars  
19 (\$20) and the prescribed permit fee. If the applicant is a  
20 natural person, his application must show that he is a citizen  
21 of the United States, and if a corporation, the application must  
22 show that the corporation was created under the laws of  
23 Pennsylvania or holds a certificate of authority to transact  
24 business in Pennsylvania. The application shall be signed and  
25 verified by oath or affirmation of the applicant, if a natural  
26 person, or in the case of an association, by a member or partner  
27 thereof, or in the case of a corporation, by an executive  
28 officer thereof or any person specifically authorized by the  
29 corporation to sign the application, to which shall be attached  
30 written evidence of his authority. If the applicant is an

1 association, the application shall set forth the names and  
2 addresses of the persons constituting the association, and if a  
3 corporation, the names and addresses of all the officers  
4 thereof. All applications must be verified by affidavit of  
5 applicant and if any false statement is intentionally made in  
6 any part of the application, the signer shall be guilty of a  
7 misdemeanor and upon indictment and conviction, shall be subject  
8 to penalties provided by this article.

9 Section 118. Section 705 of the act is reenacted and amended  
10 to read:

11 Section 705. Issuance of Permits.--Upon receipt of the  
12 application and proper fees and upon being satisfied of the  
13 truth of the statements in the application, and being also  
14 satisfied that the applicant's plan of business in dealing in  
15 distillery bonded warehouse certificates does not constitute  
16 "fraudulent practice," as defined in this article, and that the  
17 applicant is a person of good repute and financially  
18 responsible, the [board] commission may issue to such applicant  
19 a permit authorizing the permittee to sell, purchase, exchange,  
20 pledge and deal in distillery bonded warehouse certificates.

21 Section 119. Section 706 of the act is reenacted to read:

22 Section 706. Office or Place of Business to be Maintained.--  
23 Every applicant for a distillery certificate broker permit under  
24 this article and every person to whom such a permit is issued  
25 shall maintain an office or place of business within the  
26 Commonwealth.

27 Section 120. Sections 707, 708 and 709 of the act are  
28 reenacted and amended to read:

29 Section 707. Permit Fee; Permits Not Assignable or  
30 Transferable; Display of Permit; Term of Permit.--Every

1 applicant for distillery certificate broker permit shall, before  
2 receiving such permit, pay to the [board] commission an annual  
3 permit fee of one hundred dollars (\$100). Permits issued under  
4 this act may not be assigned or transferred and shall be  
5 conspicuously displayed at the place of business of the  
6 permittee. All permits shall be valid only during the year for  
7 which issued and shall automatically expire on the thirty-first  
8 day of December of each calendar year unless suspended, revoked  
9 or cancelled prior thereto.

10 Section 708. Records to be Kept.--Every person holding a  
11 permit issued under this act shall keep daily permanent records  
12 containing a complete record of all transactions in distillery  
13 bonded warehouse certificates within this Commonwealth, in such  
14 form and manner as the [board] commission may from time to time  
15 prescribe. Such records shall be available for examination by  
16 the [board's] commission's officers at the broker's principal  
17 place of business or office in Pennsylvania.

18 Section 709. Renewal of Permits.--Upon the filing of an  
19 application and the payment of the prescribed filing fee and  
20 permit fee in the same amount as herein required on original  
21 applications for permits, the [board] commission may renew the  
22 permit for the calendar year beginning January first, provided  
23 such application for renewal is filed and fee paid on or before  
24 December fifteenth of the preceding year, unless the [board]  
25 commission shall have given previous notice of objections to the  
26 renewal of the permit, based upon violation of this article or  
27 the [board's] commission's regulations promulgated thereunder,  
28 or unless the applicant has by his own act become a person of  
29 ill repute or ceases to be financially responsible.

30 Section 121. Section 710 of the act, amended June 3, 1971

1 (P.L.118, No.6) and April 28, 1978 (P.L.202, No.53), is  
2 reenacted and amended to read:

3 Section 710. Permit Hearings; Appeals From Refusal of the  
4 [Board] Commission to Issue or Renew Permits.--The [board]  
5 commission may of its own motion, and shall upon written request  
6 of any applicant for distillery certificate broker permit or for  
7 renewal thereof whose application for such permit or renewal has  
8 been refused, fix a time and place for hearings of such  
9 application for permit or for renewal thereof, notice of which  
10 hearing shall be sent by registered mail to the applicant at the  
11 address given in his application. Such hearing shall be before  
12 the [board] commission or a member thereof. At such hearing, the  
13 [board] commission shall present its reasons for its refusal or  
14 withholding a permit or renewal thereof. The applicant may  
15 appear in person or by counsel, cross-examine the witnesses of  
16 the [board] commission, and may present evidence which shall be  
17 subject to cross-examination by the [board] commission. Such  
18 hearings shall be stenographically recorded. The [board]  
19 commission shall thereupon grant or refuse the permit or renewal  
20 thereof. If the [board] commission shall refuse such permit or  
21 renewal following such hearing, notice in writing of such  
22 refusal shall be sent by registered mail to the applicant at the  
23 address given in his application. In all such cases, the [board]  
24 commission shall file of record at least a brief statement in  
25 the form of an opinion of the reasons for the ruling or order  
26 and furnish a copy thereof to the applicant.

27 Section 122. Section 712 of the act, amended April 28, 1978  
28 (P.L.202, No.53), is reenacted and amended to read:

29 Section 712. Revocation and Suspension of Permit.--Upon  
30 learning of any violation of this act or regulations of the

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

24 Section 123. The heading of Subdivision (C) of Article VII  
25 of the act is reenacted to read:

26 (C) Permittees' Registered Agents.

27 Section 124. Section 721 of the act is reenacted to read:

28 Section 721. Unlawful to Act as Agent or to Employ Agents

29 Without Registration.--It shall be unlawful for a distillery

30 certificate broker to employ any person to act as agent, or for

1 any person to act as agent for any distillery certificate  
2 broker, in purchasing, exchanging, offering for sale,  
3 delivering, entering into agreements for the purchase, sale,  
4 exchange, soliciting subscriptions to, orders for, undertaking  
5 to dispose of, dealing in any manner in, distillery bonded  
6 warehouse certificates, without such person first having been  
7 registered as an agent as provided in this article.

8 Section 125. Section 722 of the act is reenacted and amended  
9 to read:

10 Section 722. Registered Agents.--Every person holding a  
11 distillery certificate broker permit under this article who  
12 desires to employ an agent or agents in the operation of his  
13 business under the permit shall make application to the [board]  
14 commission for registration of such agent or agents. Every such  
15 permittee's application shall set forth the name of the  
16 permittee and the address of his main office or principal place  
17 of business in Pennsylvania, and the full address where complete  
18 records are maintained covering the permittee's operations in  
19 Pennsylvania. With each such permittee's application there shall  
20 be filed an agent's application for each agent to be registered.  
21 Permittees' applications for agents and agents' applications  
22 shall contain such information as the [board] commission shall  
23 from time to time require, and shall be signed and verified by  
24 oath or affirmation of the agent. Each application shall be  
25 accompanied by two unmounted photographs of the agent.

26 Section 126. Section 723 of the act is reenacted to read:

27 Section 723. Registration Fee.--Every application for the  
28 registration of agents filed by a permittee shall be accompanied  
29 by a registration fee in the amount of ten dollars (\$10) for  
30 each agent to be registered, which shall cover the agent's



1 registration from date of approval until December thirty-first  
2 of the year in which approved. Registrations may be renewed for  
3 a period of one calendar year upon the filing of a new  
4 application and payment of the same registration fee as herein  
5 provided for original registration, together with agent's new  
6 application and photographs of each agent. Applications for  
7 renewal of registration shall be filed not later than December  
8 fifteenth of each year.

9 Section 127. Section 724 of the act is reenacted and amended  
10 to read:

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

18 Section 128. Sections 725 and 726 of the act, amended April  
19 28, 1978 (P.L.202, No.53), are reenacted and amended to read:

20 Section 725. Hearings Upon Refusal of the [Board]  
21 Commission; Appeals.--In the event that the [board] commission  
22 shall refuse to issue or to renew an agent's registration, a  
23 hearing shall be had.

24 Section 726. Revocation and Suspension of Agents'  
25 Registrations.--Upon learning of any violation of this act or  
26 regulation of the [board] commission promulgated thereunder, or  
27 any violation of any laws of this Commonwealth or of the United  
28 States of America by a registered agent, the [board] commission  
29 may revoke or suspend the agent's registration in the same  
30 manner as provided herein for the revocation and suspension of

1 distillery certificate broker permits.

2 Section 129. Section 727 of the act is reenacted and amended  
3 to read:

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

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

21 (c) When the employment of any agent is terminated, the  
22 broker shall immediately notify the [board] commission and the  
23 identification card issued to the agent shall be surrendered to  
24 the [board] commission.

25 Section 130. The heading of Subdivision (D) of Article VII  
26 of the act is reenacted to read:

27 (D) Exemptions.

28 Section 131. Sections 731, 732 and 733 of the act are  
29 reenacted to read:

30 Section 731. Bank and Trust Companies and Other Persons.--

1 Bank and trust companies and other persons duly authorized  
2 within this Commonwealth to engage in the business of lending  
3 money to licensed distillers, rectifiers, importers and  
4 distillery certificate brokers may, without a permit required  
5 under the provisions of this act, accept distillery bonded  
6 warehouse certificates as security or collateral for any loan  
7 made in the regular conduct of their business, and such banks  
8 and trust companies and other persons may liquidate such  
9 security or collateral by sale only to licensed distillers,  
10 rectifiers, importers or distillery certificate brokers.

11 Section 732. Distillers, Rectifiers and Importers.--Duly  
12 licensed distillers, rectifiers and importers may, without a  
13 permit required under the provisions of this article, deal in  
14 distillery bonded warehouse certificates, but only with other  
15 duly licensed distillers, rectifiers, importers and with  
16 distillery certificate brokers.

17 Section 733. Certificates Owned Since July 24, 1939.--  
18 Persons other than licensed distillers, rectifiers, importers  
19 and distillery certificate brokers, holding distillery bonded  
20 warehouse certificates on and since the twenty-fourth day of  
21 July, one thousand nine hundred thirty-nine, may dispose of same  
22 without a permit required under the provisions of this act, but  
23 only to or through a distillery certificate broker holding a  
24 permit from the board.

25 Section 132. The heading of Subdivision (E) of Article VII  
26 of the act is reenacted to read:

27 (E) Administration and Enforcement.

28 Section 133. Section 741 of the act is reenacted and amended  
29 to read:

30 Section 741. Duties of the [Board] Commission.--It shall be

1 the duty of the [board] commission to see that the provisions of  
2 this article are at all times properly administered and obeyed,  
3 and to take such measures and make such investigations as will  
4 detect the violations of any provisions thereof. In the event it  
5 shall discover any violation, it shall, in addition to revoking  
6 any permit or registration of an agent, take such measures as  
7 may be necessary to cause the apprehension and prosecution of  
8 all persons deemed guilty thereof.

9 Section 134. The heading of Subdivision (F) of Article VII  
10 of the act is reenacted to read:

11 (F) Fines and Penalties.

12 Section 135. Section 751 of the act is reenacted to read:

13 Section 751. Penalties.--Any person who shall violate any of  
14 the provisions of this article, or who shall engage in any fraud  
15 or fraudulent practice, as defined herein, shall be guilty of a  
16 misdemeanor and, upon conviction thereof, shall be sentenced to  
17 pay the costs of prosecution and a fine of not less than one  
18 thousand dollars (\$1000), nor more than five thousand dollars  
19 (\$5000), or undergo imprisonment of not less than one year, nor  
20 more than five years, or both, at the discretion of the court.

21 Section 136. The heading of Article VIII of the act is  
22 reenacted to read:

23 ARTICLE VIII.

24 DISPOSITION OF MONEYS COLLECTED UNDER

25 PROVISIONS OF ACT.

26 Section 137. Section 801 of the act is reenacted and amended  
27 to read:

28 Section 801. Moneys Paid Into Liquor License Fund and  
29 Returned to Municipalities.--(a) The following fees collected  
30 by the [board] commission under the provisions of this act shall

1 be paid into the State Treasury through the Department of  
2 Revenue into a special fund to be known as the "Liquor License  
3 Fund":

4 (1) License fees for hotel, restaurant and club liquor  
5 licenses.

6 (2) License fees for retail dispensers' (malt and brewed  
7 beverages) licenses.

8 (b) The moneys in the Liquor License Fund shall, on the  
9 first days of February and August of each year, be paid by the  
10 [board] commission to the respective municipalities in which the  
11 respective licensed places are situated, in such amounts as  
12 represent the aggregate license fees collected from licenses in  
13 such municipalities during the preceding period. THESE MONEYS ←  
14 SHALL BE USED EXCLUSIVELY FOR THE ENFORCEMENT OF THE LIQUOR LAWS  
15 OF THIS COMMONWEALTH.

16 (c) The [board] commission shall have the power to  
17 appropriate moneys in the Liquor License Fund for the payment of  
18 claims for refunds allowed and approved by the [board]  
19 commission for moneys paid into the Liquor License Fund because  
20 of the over-payment or overcharge on license fees. In the event  
21 that the moneys in the Liquor License Fund have been distributed  
22 to the respective municipalities, the [board] commission shall  
23 have the authority to deduct from the next semi-annual payment  
24 to the respective municipalities the amount of any over-payment  
25 previously refunded by the [board] commission to any person on  
26 account of an overcharge or over-payment on a license fee.

27 Section 138. Section 802 of the act, amended September 28,  
28 1961 (P.L.1728, No.702), is reenacted and amended to read:

29 Section 802. Moneys Paid Into The State Stores Fund for Use  
30 of the Commonwealth.--(a) All moneys, except fees to be paid

1 into the Liquor License Fund as provided by the [preceding]  
2 section 801, collected, received or recovered under the  
3 provisions of this act for license fees, permit fees, filing  
4 fees and registration fees, from forfeitures, sales of forfeited  
5 property, compromise penalties and sales of liquor and alcohol  
6 at the Pennsylvania Liquor Stores, shall be paid into the State  
7 Treasury through the Department of Revenue into a special fund  
8 to be known as "The State Stores Fund."

9 (b) One-half of all application filing and transfer fees  
10 shall be credited to a special account designated as the  
11 Enforcement Officers' Retirement Account. The moneys credited to  
12 this account shall be paid, annually, by the [board] commission  
13 to the State Employees' Retirement Board to be paid into the  
14 State Employees' Retirement Fund and credited to the Enforcement  
15 Officers' Benefit Account.

16 (c) One per centum of annual profits from the sale of liquor  
17 and alcohol shall be annually transferred to the Department of  
18 Health for use by the Office of Drug and Alcohol Programs, or  
19 its successor in function, for the following purposes:

20 (1) Treatment and rehabilitation of persons addicted to the  
21 excessive use of alcoholic beverages.

22 (2) Promotion of education, prevention and early  
23 intervention programs designed to eliminate abuse and addiction  
24 to alcohol or other mood-altering substances or secure  
25 appropriate treatment for the already addicted.

26 (3) Study of the problem of addiction.

27 (d) All other moneys in such fund shall be available for the  
28 purposes for which they are appropriated by law.

29 (e) Annually, at the time the budget for the enforcement  
30 bureau is approved, an amount equal to the amount appropriated

1 from the General Fund for the enforcement bureau shall be  
2 transferred from the State Store Fund to the General Fund.

3 Section 139. Section 803 of the act is reenacted and amended  
4 to read:

5 Section 803. Alcohol Tax Moneys Paid Into General Fund.--All  
6 taxes collected or received by the [board] commission on sales  
7 of taxable alcohol under the provisions of this act shall be  
8 paid into the State Treasury through the Department of Revenue  
9 into the General Fund.

10 Section 140. The heading of Article IX of the act is  
11 reenacted to read:

12 ARTICLE IX.

13 REPEALS.

14 Section 141. Section 901 of the act is reenacted to read:

15 Section 901. Acts and Parts of Acts Repealed.--The following  
16 acts and parts of acts and all amendments thereof are hereby  
17 repealed to the extent hereinafter specified:

18 Section five of the act, passed in one thousand seven hundred  
19 five (1 Sm. L. 25), entitled "An act to restrain people from  
20 labour on the first day of the week," absolutely.

21 The act, passed in one thousand seven hundred five (1 Sm. L.  
22 43), entitled "An act for selling beer and ale by wine-measure,"  
23 absolutely.

24 The act, passed the thirty-first day of May, one thousand  
25 seven hundred eighteen (1 Sm. L. 104), entitled "An act  
26 empowering the Justices to settle the prices of liquors in  
27 public houses, and provender for horses in public stables,"  
28 absolutely.

29 The act, passed the twenty-sixth day of August, one thousand  
30 seven hundred twenty-one (1 Sm. L. 126), entitled "A

1 Supplementary act to a law of this province, entitled 'An act  
2 that no public house or inn, within this province, be kept  
3 without license,' absolutely.

4 Section twenty of the act, approved the thirtieth day of  
5 March, one thousand eight hundred eleven (Pamphlet Laws 145),  
6 entitled "An act to amend and consolidate the several acts  
7 relating to the settlement of the public accounts and the  
8 payment of the public monies, and for other purposes,"  
9 absolutely.

10 The act, approved the fourteenth day of March, one thousand  
11 eight hundred fourteen (Pamphlet Laws 100), entitled "An act  
12 providing for the inspection of spirituous liquors," absolutely.

13 Sections one, two, three and four of the act, approved the  
14 second day of April, one thousand eight hundred twenty-two  
15 (Pamphlet Laws 286), entitled "An act to prevent the disturbance  
16 of meetings held for the purpose of religious worship,"  
17 absolutely.

18 The act, approved the eighth day of March, one thousand eight  
19 hundred fifteen (Pamphlet Laws 91), entitled "An act altering  
20 the mode of issuing tavern licenses," absolutely.

21 The act, approved the thirteenth day of March, one thousand  
22 eight hundred fifteen (Pamphlet Laws 171), entitled "A  
23 supplement to the act, entitled 'An act providing for the  
24 inspection of spirituous liquors,' passed the fourteenth day of  
25 March, one thousand eight hundred and fourteen, and for the  
26 prevention of fraud in the purchase or sale of flour or  
27 whiskey," absolutely.

28 The act, approved the twenty-seventh day of March, one  
29 thousand eight hundred twenty-one (Pamphlet Laws 133), entitled  
30 "An act to regulate inspections," absolutely.



1 The act, approved the second day of April, one thousand eight  
2 hundred twenty-one (Pamphlet Laws 244), entitled "An act laying  
3 a duty on the retailers of foreign merchandise," in so far as it  
4 relates to wine or distilled liquors.

5 Section two of the act, approved the second day of April, one  
6 thousand eight hundred twenty-two (Pamphlet Laws 226), entitled  
7 "A further supplement to the act, entitled 'An act relative to  
8 habitual Drunkards,'" absolutely.

9 The act, approved the sixteenth day of January, one thousand  
10 eight hundred twenty-three (Pamphlet Laws 10), entitled "A  
11 supplement to the act entitled, 'An act providing for the  
12 inspection of spirituous liquors,'" absolutely.

13 Section one of the act, approved the twelfth day of April,  
14 one thousand eight hundred twenty-five (Pamphlet Laws 247),  
15 entitled "An act more effectually to secure the collection of  
16 the revenue from tavern licenses, and for other purposes,"  
17 absolutely.

18 The act, approved the seventh day of April, one thousand  
19 eight hundred thirty (Pamphlet Laws 352), entitled "An act to  
20 regulate inns and taverns," absolutely.

21 The act, approved the fifteenth day of February, one thousand  
22 eight hundred thirty-two (Pamphlet Laws 73), entitled "A  
23 supplement to an act entitled 'An act to regulate inns and  
24 taverns,' passed April seventh, eighteen hundred and thirty,"  
25 absolutely.

26 Sections one, two, three, four, five, ten, eleven, twelve,  
27 thirteen, fourteen, fifteen, sixteen, seventeen, eighteen,  
28 nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-  
29 four, twenty-five, twenty-six and twenty-seven of the act,  
30 approved the eleventh day of March, one thousand eight hundred

1 thirty-four (Pamphlet Laws 117), entitled "An act relating to  
2 Inns, Taverns, and retailers of vinous and spirituous liquors,"  
3 absolutely.

4 Sections one hundred twenty-three, one hundred twenty-four,  
5 one hundred twenty-five, one hundred twenty-six, one hundred  
6 twenty-seven, one hundred twenty-eight, one hundred twenty-nine,  
7 one hundred thirty, one hundred thirty-one, one hundred thirty-  
8 two, one hundred thirty-three, one hundred thirty-four, one  
9 hundred thirty-five, one hundred thirty-six, one hundred thirty-  
10 seven, one hundred thirty-eight, one hundred thirty-nine and one  
11 hundred forty of the act, approved the fifteenth day of April,  
12 one thousand eight hundred thirty-five (Pamphlet Laws 384),  
13 entitled "An act relating to Inspections," absolutely.

14 Section sixty-six of the act, approved the thirteenth day of  
15 June, one thousand eight hundred thirty-six (Pamphlet Laws 589),  
16 entitled "An act relating to lunatics and habitual drunkards,"  
17 absolutely.

18 Section twenty-two of the act, approved the twenty-seventh  
19 day of May, one thousand eight hundred forty (Pamphlet Laws  
20 548), entitled "An act to erect the town of South Easton, in the  
21 county of Northampton, into a borough, and for other purposes,"  
22 absolutely.

23 The act, approved the twenty-ninth day of March, one thousand  
24 eight hundred forty-one (Pamphlet Laws 121), entitled "An act  
25 supplementary to the various Acts relating to Tavern Licenses,"  
26 absolutely.

27 Section forty-four of the act, approved the twenty-fifth day  
28 of March, one thousand eight hundred forty-two (Pamphlet Laws  
29 192), entitled "An act to appoint Commissioners to Re-survey and  
30 mark that portion of the county line, which divides the township

1 of Bristol, in the county of Philadelphia, from the township of  
2 Cheltenham, in the county of Montgomery, and for other  
3 purposes," absolutely.

4 Section four of the act, approved the twenty-first day of  
5 April, one thousand eight hundred forty-six (Pamphlet Laws 431),  
6 entitled "An act to authorize the voters of Mifflin county to  
7 decide the question of tavern license therein, and to prohibit  
8 the sale of intoxicating drinks within specified limits in  
9 certain counties," absolutely.

10 Sections twenty, twenty-one, twenty-two, twenty-three,  
11 thirty-one, thirty-two and thirty-three of the act, approved the  
12 tenth day of April, one thousand eight hundred forty-nine  
13 (Pamphlet Laws 570), entitled "An act to create a sinking fund,  
14 and to provide for the gradual and certain extinguishment of the  
15 debt of the commonwealth," absolutely.

16 The act, approved the sixteenth day of April, one thousand  
17 eight hundred forty-nine (Pamphlet Laws 657), entitled "An act  
18 to change the mode of granting tavern licenses in the city and  
19 county of Philadelphia," absolutely.

20 Sections five, six and eight of the act, approved the  
21 thirtieth day of April, one thousand eight hundred fifty  
22 (Pamphlet Laws 634), entitled "An act regulating the hunting of  
23 deer in the county of Warren; and relative to hawkers and  
24 peddlers in the counties of Carbon, Butler and Union;  
25 authorizing the Philadelphia, Germantown and Norristown railroad  
26 company to become stockholders in the Chester Valley railroad  
27 company; relative to the sale of spirituous and vinous liquors  
28 in Washington county; and to the licensing of inn-keepers in  
29 this commonwealth; to the estate of John Claar, deceased;  
30 legitimating John Diffenbach, of Lancaster county; and

1 authorizing the sale of the real estate of Darius Grimes, of  
2 Fayette county, deceased," absolutely.

3 Section eight of the act, approved the fourteenth day of  
4 April, one thousand eight hundred fifty-one (Pamphlet Laws 569),  
5 entitled "A further supplement to the act entitled 'An Act  
6 authorizing the Governor to incorporate the Bear Mountain  
7 Railroad Company,' and for other purposes, passed July  
8 thirteenth, one thousand eight hundred and forty-two, and  
9 relative to roads, streets, and alleys in the borough of  
10 Pottsville, in Schuylkill county, to hawkers and peddlers in  
11 Armstrong and Carbon counties, to the Bethany and Dingman's  
12 choice turnpike road, to the district of West Philadelphia, to  
13 the bottling of cider and malt liquors, licensing billiard rooms  
14 and bowling saloons, to the district of Moyamensing, and to  
15 authorize Charles B. Mench to sell certain real estate,"  
16 absolutely.

17 Sections one, two, three, six, seven and eight of the act,  
18 approved the eighth day of May, one thousand eight hundred  
19 fifty-four (Pamphlet Laws 663), entitled "An act to protect  
20 certain domestic and private Rights, and prevent abuses in the  
21 Sale and Use of Intoxicating Drinks," absolutely.

22 The act, approved the twenty-sixth day of January, one  
23 thousand eight hundred fifty-five (Pamphlet Laws 53), entitled  
24 "An act to prevent the Sale of Intoxicating Liquors on the First  
25 Day of the Week, commonly called Sunday," absolutely.

26 Sections one, two, three, four, five, six, seven, eight,  
27 nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen,  
28 seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two,  
29 twenty-three, twenty-four, twenty-five, thirty, thirty-two,  
30 thirty-three and thirty-four of the act, approved the thirty-

1 first day of March, one thousand eight hundred fifty-six  
2 (Pamphlet Laws 200), entitled "An act to Regulate the Sale of  
3 Intoxicating Liquors," absolutely.

4 Sections one, two, three, four, five, six, seven, eight,  
5 nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen,  
6 seventeen, eighteen, nineteen, twenty, twenty-one, twenty-three  
7 and twenty-four of the act, approved the twentieth day of April,  
8 one thousand eight hundred fifty-eight (Pamphlet Laws 365),  
9 entitled "A supplement to an act to Regulate the Sale of  
10 Intoxicating Liquors, approved the thirty-first of March, Anno  
11 Domini one thousand eight hundred and fifty-six," absolutely.

12 The act, approved the twenty-first day of April, one thousand  
13 eight hundred fifty-eight (Pamphlet Laws 393), entitled "A  
14 further supplement to an act relative to the Inspection of  
15 Liquors," absolutely.

16 Section two of the act, approved the seventeenth day of  
17 March, one thousand eight hundred fifty-nine (Pamphlet Laws  
18 167), entitled "An act relating to Trustees of Farmers' High  
19 Schools of Pennsylvania," absolutely.

20 The act, approved the fourteenth day of April, one thousand  
21 eight hundred fifty-nine (Pamphlet Laws 653), entitled "An act  
22 relating to the granting of Licenses to Hotel, Inn, or Tavern  
23 Keepers," absolutely.

24 The act, approved the twenty-ninth day of March, one thousand  
25 eight hundred sixty (Pamphlet Laws 346), entitled "An act to  
26 prevent Recovery for the Sale of Adulterated Liquors,"  
27 absolutely.

28 The act, approved the fifteenth day of April, one thousand  
29 eight hundred sixty-three (Pamphlet Laws 480), entitled "An act  
30 relating to the inspection of domestic distilled spirits,"

1 absolutely.

2 The act, approved the twenty-second day of March, one  
3 thousand eight hundred sixty-seven (Pamphlet Laws 40), entitled  
4 "A further supplement to an act to regulate the granting of  
5 licenses to hotels and eating houses, approved March thirty-  
6 first, one thousand eight hundred and fifty-six," absolutely.

7 The act, approved the twenty-ninth day of April, one thousand  
8 eight hundred sixty-seven (Pamphlet Laws 95), entitled "A  
9 supplement to an act, entitled 'An act to prevent the sale of  
10 intoxicating liquors on the first day of the week, commonly  
11 called Sunday,' approved February twenty-six, one thousand eight  
12 hundred and fifty-five," absolutely.

13 Sections two and four of the act, approved the eighth day of  
14 April, one thousand eight hundred seventy-three (Pamphlet Laws  
15 566), entitled "An act to provide for the appointment of  
16 mercantile appraisers in the city of Philadelphia, defining the  
17 duties of the same, and constituting a board of appeal,"  
18 absolutely.

19 Sections two, three, four, five, six, seven, eight, nine, ten  
20 eleven and twelve of the act, approved the twelfth day of April,  
21 one thousand eight hundred seventy-five (Pamphlet Laws 40),  
22 entitled "An act to repeal and act to permit the voters of this  
23 commonwealth to vote every three years on the question of  
24 granting licenses to sell intoxicating liquors, and to restrain  
25 and regulate the sale of the same," absolutely.

26 Section one of the act, approved the twelfth day of April,  
27 one thousand eight hundred seventy-five (Pamphlet Laws 48),  
28 entitled "An act to prevent the sale of intoxicating liquors,  
29 and for the preservation of order at soldiers' encampments or  
30 re-unions," absolutely.

1 The act, approved the second day of June, one thousand eight  
2 hundred eighty-one (Pamphlet Laws 43), entitled "An act to  
3 prevent the use of poisonous or deleterious drugs or chemicals,  
4 or impure or injurious materials, or those prejudicial to the  
5 public health, in the brewing or manufacture of ale, beer or  
6 other malt liquors, or in the fermentation, distillation or  
7 manufacture of any vinous or spirituous liquors, and to provide  
8 for the punishment of any persons using the same," absolutely.

9 The act, approved the ninth day of July, one thousand eight  
10 hundred eighty-one (Pamphlet Laws 162), entitled "An act to  
11 prohibit the granting of a license for the sale of liquors to  
12 proprietors, lessees, keepers or managers of theaters or other  
13 places of amusement," absolutely.

14 Section four of the act, approved the twenty-eighth day of  
15 May, one thousand eight hundred eighty-five (Pamphlet Laws 27),  
16 entitled "An act supplementary to an act, entitled 'An act to  
17 protect children from neglect and cruelty, and relating to their  
18 employment, protection and adoption,' approved the eleventh day  
19 of June, one thousand eight hundred and seventy-nine, providing  
20 for the further protection of minors, and regulating the  
21 boarding and maintaining of infant children for hire," in so far  
22 as it relates to premises for which a hotel, restaurant or club  
23 liquor license or a retail dispenser's license is held.

24 The act, approved the twenty-fourth day of May, one thousand  
25 eight hundred eighty-seven (Pamphlet Laws 194), entitled "An act  
26 providing for the licensing of wholesale dealers in intoxicating  
27 liquors," absolutely.

28 The act, approved the second day of June, one thousand eight  
29 hundred ninety-one (Pamphlet Laws 173), entitled "An act to  
30 permit the growers of grapes in this Commonwealth to manufacture

1 wine from grapes of their own raising that are not first-class  
2 or marketable, and sell such wine to licensed dealers without  
3 taking out or paying a license for such manufacture or sale,"  
4 absolutely.

5 The act, approved the ninth day of June, one thousand eight  
6 hundred ninety-one (Pamphlet Laws 257), entitled "An act to  
7 restrain and regulate the sale of vinous and spirituous, malt or  
8 brewed liquors or any admixture thereof by wholesale,"  
9 absolutely.

10 The act, approved the twentieth day of June, one thousand  
11 eight hundred ninety-three (Pamphlet Laws 474), entitled "An act  
12 authorizing distillers of spirituous or vinous liquors to sell  
13 such liquors of their own manufacture in original packages of  
14 not less than forty gallons, without being required to take out  
15 a license as is now required by existing laws," absolutely.

16 Section one of the act, approved the twenty-fifth day of May,  
17 one thousand eight hundred ninety-seven (Pamphlet Laws 93),  
18 entitled "An act relating to the prosecutions of licensed  
19 dealers and their employes on the charge of furnishing  
20 intoxicating liquors to minors, and prescribing the penalty  
21 therefor," absolutely.

22 The act, approved the twenty-first day of June, one thousand  
23 eight hundred ninety-seven (Pamphlet Laws 176), entitled "An act  
24 providing that the manufacturers who shall pay a certain sum,  
25 annually, into the Treasury of the Commonwealth, shall sell only  
26 malt or brewed liquors of their own manufacture to dealers only  
27 who have been licensed by the court," absolutely.

28 The act, approved the thirtieth day of July, one thousand  
29 eight hundred ninety-seven (Pamphlet Laws 464), entitled "An act  
30 to provide revenue and regulate the sale of malt, brewed, vinous



1 and spirituous liquors or any admixture thereof, by requiring  
2 and authorizing licenses to be taken out by brewers, distillers,  
3 wholesalers, bottlers, rectifiers, compounders, storekeepers and  
4 agents, having a store, office or place of business within this  
5 Commonwealth, prescribing the amount of license fees to be paid  
6 in such cases, and by imposing an additional license fee on  
7 retail dealers in intoxicating liquors," absolutely.

8 Section one of the act, approved the eleventh day of May, one  
9 thousand nine hundred one (Pamphlet Laws 162), entitled "A  
10 supplement to an act, entitled 'An act to restrain and regulate  
11 the sale of vinous and spirituous, malt or brewed liquors, or  
12 any admixture thereof,' approved the thirteenth day of May, Anno  
13 Domini one thousand eight hundred and eighty-seven," absolutely.

14 The act, approved the nineteenth day of June, one thousand  
15 nine hundred one (Pamphlet Laws 572), entitled "An act  
16 authorizing the several courts of quarter sessions of this  
17 Commonwealth to grant licenses to sell intoxicating liquors at  
18 retail, wholesale or by brewers for a longer or shorter period  
19 than one year in certain cases but only for the purpose of  
20 changing the date from which annual licenses shall thereafter  
21 run and take effect," absolutely.

22 The act, approved the twenty-second day of April, one  
23 thousand nine hundred three (Pamphlet Laws 257), entitled "An  
24 act to amend the second section of an act, entitled 'An act to  
25 protect certain domestic and private rights and prevent abuses  
26 in the sale and use of intoxicating drinks,' approved the eighth  
27 day of May, Anno Domini one thousand eight hundred and fifty-  
28 four, in relation to the penalties and fines therein prescribed,  
29 and giving the court discretionary power in relation thereto,"  
30 absolutely.

1 Section one of the act, approved the twenty-second day of  
2 April, one thousand nine hundred three (Pamphlet Laws 259),  
3 entitled "An act providing for the payment of liquor license  
4 money to school districts, in townships in which the roads shall  
5 be made and repaired by taxpayers pursuant to the act of twelfth  
6 of June, Anno Domini one thousand eight hundred and ninety-  
7 three, and its supplements," absolutely.

8 The act, approved the twenty-third day of April, one thousand  
9 nine hundred three (Pamphlet Laws 265), entitled "A supplement  
10 to an act, entitled 'An act to restrain and regulate the sale of  
11 vinous and spirituous, malt or brewed liquors, or any admixture  
12 thereof,' approved the thirteenth day of May, Anno Domini one  
13 thousand eight hundred and eighty-seven," absolutely.

14 The act, approved the twenty-seventh day of April one  
15 thousand nine hundred three (Pamphlet Laws 317), entitled "An  
16 act amending section three of an act, entitled 'An act to  
17 provide revenue and regulate the sale of malt, brewed, vinous  
18 and spirituous liquors, or any admixture thereof, by requiring  
19 and authorizing licenses to be taken out by brewers, distillers,  
20 wholesalers, bottlers, rectifiers, compounders, store-keepers  
21 and agents, having a store, office or place of business within  
22 this Commonwealth, prescribing the amount of license fees to be  
23 paid in such cases, and by imposing an additional license fee on  
24 retail dealers in intoxicating liquors,' approved the thirtieth  
25 day of July, Anno Domini one thousand eight hundred and ninety-  
26 seven, by providing that, in counties having a population of  
27 more than five hundred thousand (500,000) and less than one  
28 million (1,000,000), the cost of publishing the list of  
29 applicants for liquor licenses shall be paid out of the general  
30 funds of the county, and not deducted from the fees paid by such

1 applicants for expenses connected therewith," absolutely.

2 The act, approved the twenty-ninth day of March, one thousand  
3 nine hundred seven (Pamphlet Laws 38), entitled "An act to amend  
4 section two of an act, entitled 'An act to provide revenue, and  
5 regulate the sale of malt, brewed, vinous, and spirituous  
6 liquors, or any admixture thereof, by requiring and authorizing  
7 licenses to be taken out by brewers, distillers, wholesalers,  
8 bottlers, rectifiers, compounders, storekeepers, and agents,  
9 having a store, office, or place of business within this  
10 Commonwealth; prescribing the amount of license fees to be paid  
11 in such cases, and by imposing an additional license fee on  
12 retail dealers in intoxicating liquors,' approved the thirtieth  
13 day of July, Anno Domini one thousand eight hundred and ninety-  
14 seven, by changing the time when the treasurers of the  
15 respective counties shall pay all license funds to the State  
16 Treasurer and to the treasurers of the respective  
17 municipalities," absolutely.

18 The act, approved the twenty-seventh day of April, one  
19 thousand nine hundred seven (Pamphlet Laws 122), entitled "An  
20 act authorizing licensed wholesale liquor sellers and dealers to  
21 purchase vinous, spirituous, malt, or brewed liquors, in kegs,  
22 barrels, or otherwise in bulk, and to transfer the same into  
23 bottles or smaller packages; and to sell the same in such  
24 bottles or smaller packages, in certain quantities, and fixing  
25 the annual license-fee of such dealers in cities of the first  
26 class, second class, third class, and in boroughs and  
27 townships," absolutely.

28 The act, approved the twenty-ninth day of May, one thousand  
29 nine hundred seven (Pamphlet Laws 307), entitled "An act  
30 regulating the payment of retail liquor license-fees in this

1 Commonwealth," absolutely.

2 The act, approved the twenty-second day of April, one  
3 thousand nine hundred nine (Pamphlet Laws 136), entitled "An act  
4 regulating the payment of brewers' wholesale and bottlers'  
5 license fees in this Commonwealth," absolutely.

6 The act, approved the second day of April, one thousand nine  
7 hundred thirteen (Pamphlet Laws 32), entitled "An act permitting  
8 any wholesale or retail licensed liquor dealer or bottler to  
9 keep such licensed place of business open during the pendency of  
10 any application for transfer of license," absolutely.

11 The act, approved the fourteenth day of May, one thousand  
12 nine hundred thirteen (Pamphlet Laws 203), entitled "An act to  
13 provide and fix fees and compensation to be received by  
14 constables in this Commonwealth for visiting places where  
15 liquors are sold or kept," absolutely.

16 The act, approved the twelfth day of June, one thousand nine  
17 hundred thirteen (Pamphlet Laws 490), entitled "An act  
18 prohibiting the offering or giving of premium by any person,  
19 partnership, or corporation, licensed to sell vinous,  
20 spirituous, malt, or brewed liquors at wholesale or retail, for  
21 the return of caps, stoppers, corks, stamps, or labels taken  
22 from any bottle, case, keg, barrel, or package containing such  
23 vinous, spirituous, malt, or brewed liquors, and providing a  
24 penalty for the violation thereof," absolutely.

25 Section one of the act, approved the twenty-second day of  
26 July, one thousand nine hundred thirteen (Pamphlet Laws 914),  
27 entitled "An act authorizing any person, firm or corporation,  
28 owning or operating distilleries producing only denatured  
29 alcohol for industrial purposes, and not for use as a beverage  
30 or for medicinal purposes, to operate such distillery without a

1 license; regulating the taxation of such corporations; requiring  
2 certain reports to be made to the Auditor General, and providing  
3 penalties," in so far as it exempts any person, firm or  
4 corporation owning or operating a distillery from the necessity  
5 of obtaining a license under the provisions of this act to  
6 operate such distillery.

7 The act, approved the seventeenth day of July, one thousand  
8 nine hundred seventeen (Pamphlet Laws 1020), entitled "An act  
9 amending an act, entitled 'An act prohibiting the offering or  
10 giving of premium, by any person, partnership, or corporation  
11 licensed to sell vinous, spirituous, malt, or brewed liquors, at  
12 wholesale or retail, for the return of caps, stoppers, corks,  
13 stamps, or labels taken from any bottle, case, keg, barrel, or  
14 package containing such vinous, spirituous, malt, or brewed  
15 liquors, and providing a penalty for the violation thereof,'  
16 approved the twelfth day of June, Anno Domini one thousand nine  
17 hundred thirteen; prohibiting the offer or gift or premiums or  
18 presents as an inducement for the purchase of liquors, or for  
19 any other purpose," absolutely.

20 The act, approved the eighteenth day of July, one thousand  
21 nine hundred seventeen (Pamphlet Laws 1071), entitled "An act  
22 amending section one of an act, approved the fourteenth day of  
23 May, one thousand nine hundred thirteen, entitled 'An act to  
24 provide and fix fees and compensation to be received by  
25 constables in this Commonwealth for visiting places where  
26 liquors are sold or kept,'" absolutely.

27 The act, approved the twenty-sixth day of February, one  
28 thousand nine hundred nineteen (Pamphlet Laws 9), entitled "An  
29 act to amend section one of an act, approved the thirtieth day  
30 of July, one thousand eight hundred and ninety-seven (Pamphlet

1 Laws, four hundred sixty-four), entitled 'An act to provide  
2 revenue and regulate the sale of malt, brewed, vinous and  
3 spiritous liquors or any admixture thereof, by requiring and  
4 authorizing licenses to be taken out by brewers, distillers,  
5 wholesalers, bottlers, rectifiers, compounders, storekeepers and  
6 agents, having a store, office or place of business within this  
7 Commonwealth, prescribing the amount of license fees to be paid  
8 in such cases, and by imposing an additional license fee on  
9 retail dealers in intoxicating liquors,' absolutely.

10 The act, approved the eighth day of May, one thousand nine  
11 hundred nineteen (Pamphlet Laws 167), entitled "An act providing  
12 for the refunding of liquor license fees and additional taxes to  
13 wholesale and retail dealers, brewers, distillers, rectifiers,  
14 compounders, bottlers, agents, and other persons, prevented from  
15 engaging in business by order or regulation of the President or  
16 Secretary of War; providing for the return of the proportions  
17 thereof paid to municipalities and the Commonwealth; and making  
18 an appropriation," absolutely.

19 The act, approved the twenty-sixth day of June, one thousand  
20 nine hundred nineteen (Pamphlet Laws 673), entitled "An act  
21 permitting wholesale or retail dealers, brewers, distillers,  
22 rectifiers, compounders, bottlers, agents, or other persons  
23 licensed to deal in or sell any vinous, spirituous, malt or  
24 brewed liquors, to surrender licenses heretofore granted and  
25 issued; authorizing county treasurers to refund a proportionate  
26 amount of the annual license fee and additional license tax  
27 where such licenses have been surrendered or where the licensees  
28 have been prevented from selling thereunder by any State or  
29 Federal laws or regulation; and requiring the State Treasurer  
30 and the municipalities to contribute to the amount so refunded;

1 and making an appropriation," absolutely.

2 The act, approved the twenty-first day of July, one thousand  
3 nine hundred nineteen (Pamphlet Laws 1069), entitled "An act to  
4 provide for the manufacture or distillation and sale of ethyl  
5 alcohol for medicinal, scientific, mechanical, commercial, and  
6 other lawful purposes, and the issuance of licenses therefor;  
7 and providing a penalty for violation of the provisions hereof,"  
8 absolutely.

9 Section forty-two of the act, approved the seventeenth day of  
10 May, one thousand nine hundred twenty-one (Pamphlet Laws 869),  
11 entitled "An act providing for the organization, government,  
12 discipline, maintenance, and regulation of the armed land forces  
13 of this Commonwealth," in so far as it relates to liquor or malt  
14 or brewed beverages.

15 The act, approved the nineteenth day of February, one  
16 thousand nine hundred twenty-six (Pamphlet Laws 16), entitled "A  
17 supplement to the act, approved the twenty-seventh day of March,  
18 one thousand nine hundred and twenty-three (Pamphlet Laws,  
19 thirty-four), entitled 'An act concerning alcoholic liquors;  
20 prohibiting the manufacture, advertising, furnishing, traffic  
21 in, and possession of intoxicating liquors for beverage  
22 purposes, and articles and substances designed or intended for  
23 use in the manufacture thereof; defining intoxicating liquor;  
24 providing for penalties, forfeitures, and the abatement of  
25 nuisances; and repealing existing alcoholic liquor laws and  
26 alcoholic liquor license laws'; providing for the registering of  
27 federal permits; also regulating, under permit, through a  
28 Pennsylvania Alcohol Permit Board created in the Department of  
29 Welfare, the manufacture, production, distillation, development,  
30 use in manufacture, denaturization, redistillation, recovery,

1 reuse, holding in bond, holding in storage by bailees for hire,  
2 sale at wholesale, and transportation for hire, of any alcohol  
3 or alcoholic liquid, by certain persons; also providing for fees  
4 and the disposition thereof; also authorizing the inspection of  
5 the records of permittees and purchasers of said alcohol or  
6 alcoholic liquid; also declaring certain places nuisances and  
7 providing for their abatement; also providing penalties; and  
8 also repealing all acts or parts of acts inconsistent with this  
9 act," absolutely.

10 The act, approved the third day of May, one thousand nine  
11 hundred thirty-three (Pamphlet Laws 252), entitled "An act to  
12 regulate and restrain the traffic in malt, brewed, and vinous  
13 and fruit juice beverages, as herein defined; providing for the  
14 licensing of the sale and distribution of such beverages;  
15 imposing license fees, and providing for collection and  
16 distribution thereof; restricting ownership and interest in  
17 licensed places; permitting municipalities and townships, by  
18 vote of the electors, to prevent the licensing therein of places  
19 where such beverages may be sold for consumption on the  
20 premises, and regulating elections for this purpose; imposing  
21 duties upon county treasurers, the Department of Revenue,  
22 quarter sessions courts, district attorneys, proper authorities  
23 of political subdivisions of the State, and election officers;  
24 providing penalties; and repealing existing acts," absolutely.

25 The act, approved the twenty-ninth day of November, one  
26 thousand nine-hundred thirty-three (Pamphlet Laws 13, (1933-  
27 34)), entitled "An act creating an independent administrative  
28 board to be known as the Pennsylvania Liquor Control Board,"  
29 absolutely.

30 The act, approved the twenty-ninth day of November, one



1 thousand nine hundred thirty-three (Pamphlet Laws 15, (1933-  
2 34)), entitled "An act to regulate and restrain the sale,  
3 importation, and use of certain alcoholic beverages; conferring  
4 powers and imposing duties upon the Pennsylvania Liquor Control  
5 Board, the Department of Public Instruction, other officers of  
6 the State government, courts, and district attorneys;  
7 authorizing the establishment and operation of State stores for  
8 the sale of such beverages not for consumption on the premises,  
9 and the granting of licenses, subject to local option, to sell  
10 such beverages for consumption on the premises; forbidding  
11 importation or bringing of such beverages into the State except  
12 as herein provided; prohibiting certain sales or practices in,  
13 connections with, and transactions in such beverages by  
14 licensees and others; making disposition of the receipts from  
15 State stores and of license fees; and imposing penalties,"  
16 absolutely.

17 The act, approved the eighth day of December, one thousand  
18 nine hundred thirty-three (Pamphlet Laws 57, (1933-34)),  
19 entitled "An act to amend the title and certain sections of the  
20 act, approved the nineteenth day of February, one thousand nine  
21 hundred twenty-six (Pamphlet Laws, sixteen), entitled 'A  
22 supplement to the act, approved the twenty-seventh day of March,  
23 one thousand nine hundred and twenty-three (Pamphlet Laws,  
24 thirty-four), entitled "An act concerning alcoholic liquors;  
25 prohibiting the manufacturer, advertising, furnishing, traffic  
26 in, and possession of intoxicating liquors for beverage  
27 purposes, and articles and substances designed or intended for  
28 use in the manufacture thereof; defining intoxicating liquor;  
29 providing for penalties, forfeitures, and the abatement of  
30 nuisances; and repealing existing alcoholic liquor laws and

1 alcoholic liquor license laws'; providing for the registering of  
2 Federal permits; also regulating, under permit, through a  
3 Pennsylvania Alcohol Permit Board created in the Department of  
4 Welfare, the manufacture, production, distillation, development,  
5 use in manufacture, denaturization, redistillation, recovery,  
6 reuse, holding in bond, holding in storage by bailees for hire,  
7 sale at wholesale, and transportation for hire, of any alcohol  
8 or alcoholic liquid, by certain persons; also providing for fees  
9 and the disposition thereof; also authorizing the inspection of  
10 the records of permittees and purchasers of said alcohol or  
11 alcoholic liquid; also declaring certain places nuisances and  
12 providing for their abatement; also providing penalties; and  
13 also repealing all acts or parts of acts inconsistent with this  
14 act, by providing that the act shall be administered by the  
15 Pennsylvania Liquor Control Board; making the act consistent  
16 with the repeal of the Eighteenth Amendment; changing  
17 definitions and exemptions; bringing rectifiers and blenders  
18 within the act; allowing appeals to the courts; providing for  
19 the abatement of nuisances; and increasing fees," absolutely.

20 The act, approved the twentieth day of December, one thousand  
21 nine hundred thirty-three (Pamphlet Laws 75, (1933-34)),  
22 entitled "An act to amend the title and certain sections of the  
23 act, approved the third day of May, one thousand nine hundred  
24 thirty-three (Act number ninety-one), entitled 'An act to  
25 regulate and restrain the traffic in malt, brewed, and vinous  
26 and fruit juice beverages, as herein defined; providing for the  
27 licensing of the sale and distribution of such beverages;  
28 imposing license fees, and providing for collection and  
29 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 county treasurers, the Department of Revenue,  
5 quarter sessions courts, district attorneys, proper authorities  
6 of political subdivisions of the State, and election officers;  
7 providing penalties; and repealing existing acts,' by limiting  
8 the provisions of the act to malt liquors, as defined therein,  
9 and clarifying certain provisions of the act," absolutely.

10 The act, approved the eighteenth day of July, one thousand  
11 nine hundred thirty-five (Pamphlet Laws 1217), entitled "An act  
12 to reenact and amend the title and the act, approved the third  
13 day of May, one thousand nine hundred and thirty-three (Pamphlet  
14 Laws, two hundred fifty-two), entitled 'An act to regulate and  
15 restrain the traffic in malt, brewed, and vinous and fruit juice  
16 beverages, as herein defined; providing for the licensing of the  
17 sale and distribution of such beverages; imposing license fees,  
18 and providing for collection and distribution thereof;  
19 restricting ownership and interest in licensed places;  
20 permitting municipalities and townships, by vote of the  
21 electors, to prevent the licensing therein of places where such  
22 beverages may be sold for consumption on the premises, and  
23 regulating elections for this purpose; imposing duties upon  
24 county treasurers, the Department of Revenue, quarter sessions  
25 courts, district attorneys, proper authorities of political  
26 subdivisions of the State, and election officers; providing  
27 penalties; and repealing existing acts,' as amended, by  
28 providing for the issue by the county treasurer of retail  
29 dispensers' licenses, and by the Pennsylvania Liquor Control  
30 Board of distributors', importing distributors', and

1 manufacturers' licenses; regulating the business of  
2 manufacturers of malt and brewed beverages; and providing for  
3 the issue of public service licenses and special permits  
4 relating to entertainment and transportation for hire by said  
5 board; changing, fixing, and providing for the fixing of permit  
6 and license fees, and providing for the disposition thereof;  
7 providing for the abatement of nuisances; providing for the  
8 revocation and suspension of licenses by the court of quarter  
9 sessions and the board; further regulating the manufacture,  
10 sale, transportation and traffic in malt and brewed beverages;  
11 prescribing penalties; and repealing inconsistent acts,"  
12 absolutely.

13 The act, approved the eighteenth day of July, one thousand  
14 nine hundred thirty-five (Pamphlet Laws 1246), entitled "An act  
15 to reenact and amend the title and the act approved the twenty-  
16 ninth day of November, one thousand nine hundred and thirty-  
17 three (Pamphlet Laws, fifteen--one thousand nine hundred thirty-  
18 three-one thousand nine hundred thirty-four), entitled 'An act  
19 to regulate and restrain the sale, importation, and use of  
20 certain alcoholic beverages; conferring powers and imposing  
21 duties upon the Pennsylvania Liquor Control Board, the  
22 Department of Public Instruction, other officers of the State  
23 government, courts and district attorneys; authorizing the  
24 establishment and operation of State stores for the sale of such  
25 beverages not for consumption on the premises, and the granting  
26 of licenses, subject to local option, to sell such beverages for  
27 consumption on the premises; forbidding importation or bringing  
28 of such beverages into the State except as herein provided;  
29 prohibiting certain sales or practices in, connections with, and  
30 transactions in such beverages by licenses and others; making

1 disposition of the receipts from State stores and of license  
2 fees; and imposing penalties,' by extending the provisions of  
3 said act to the manufacture and possession of alcohol, alcoholic  
4 beverages and malt or brewed beverages; permitting licensees to  
5 sell malt or brewed beverages for consumption off premises;  
6 providing for the revocation and suspension of licenses by the  
7 board and the court of quarter sessions, and conferring  
8 additional powers and imposing additional duties on the board,  
9 including power to fix the form and capacity of packages and  
10 containers, and the duty to require certain manufacturers and  
11 other persons to secure permit and pay permit fees; conferring  
12 power on agents of the board to arrest on view without warrant  
13 and to confiscate property unlawfully used, and providing for  
14 the destruction and disposition thereof; providing for the  
15 disposition of license and filing fees; providing that fines and  
16 penalties collected shall be for the use of counties; legalizing  
17 the home manufacture and possession of wine; extending the civil  
18 service provisions of this act; further regulating the  
19 manufacture, sale and traffic in alcohol, alcoholic beverages  
20 and malt and brewed beverages; prescribing penalties and  
21 repealing existing laws," absolutely.

22 The act, approved the eighteenth day of July, one thousand  
23 nine hundred thirty-five (Pamphlet Laws 1283), entitled "An act  
24 to amend clauses (i) and (l) of section two, and section three  
25 of the act, approved the nineteenth day of February, one  
26 thousand nine hundred and twenty-six (Pamphlet Laws, sixteen),  
27 entitled, and amended 'An act regulating, under permit, through  
28 the Pennsylvania Liquor Control Board, the manufacture,  
29 production, distillation, development, use in manufacture,  
30 denaturization, redistillation, rectification, blending,

1 recovery, reuse, holding in bond, holding in storage by bailees  
2 for hire, and transportation for hire, of any alcohol, alcoholic  
3 liquid or alcoholic beverage, by certain persons; requiring the  
4 registration of Federal permits; also providing for fees and the  
5 disposition thereof, and for appeals to the courts; also  
6 authorizing the inspection of the records of permittees and  
7 purchasers of said alcohol, alcoholic liquid, and alcoholic  
8 beverages; also declaring certain places nuisances and providing  
9 for their abatement; also providing penalties; and also  
10 repealing all acts or parts of acts inconsistent with this act,'  
11 as amended; further defining distilleries and wineries; and  
12 providing for the licensure and rights of manufacturers of  
13 wine," absolutely.

14 The act, approved the sixteenth day of June, one thousand  
15 nine hundred thirty-seven (Pamphlet Laws 1762), entitled "An act  
16 to re-enact and further amend the title and the act, approved  
17 the twenty-ninth day of November, one thousand nine hundred and  
18 thirty-three (Pamphlet Laws, fifteen--one thousand nine hundred  
19 thirty-three--thirty-four), entitled, as amended 'An act to  
20 regulate and restrain the sale, manufacture, possession,  
21 transportation, importation, traffic in, and use of alcohol, and  
22 alcoholic and malt or brewed beverages; conferring powers and  
23 imposing duties upon the Pennsylvania Liquor Control Board and  
24 its agents, the Department of Public Instruction, other officers  
25 of the State government, courts, and district attorneys;  
26 authorizing the establishment and operation of State stores for  
27 the sale of such beverages not for consumption on the premises,  
28 and the granting of licenses, subject to local option, to sell  
29 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; making disposition of the  
4 receipts from State stores and of fees; and imposing penalties,  
5 further regulating the manufacture, sale, importation, use, and  
6 traffic in liquors, alcohol, and malt and brewed beverages;  
7 conferring additional powers and imposing additional duties on  
8 the Pennsylvania Liquor Control Board; further regulating those  
9 licensed under this act; imposing additional filing fees; and  
10 increasing fees for certain permits; and providing for the  
11 disposition thereof; further regulating the establishment of  
12 State liquor stores, and the employment and use of personnel by  
13 the board; regulating and providing the procedure for the  
14 granting, transfer, revocation, and suspension of licenses, and  
15 for compromises in certain cases, and the disposition of moneys  
16 arising therefrom; providing for the forfeiture of certain  
17 property; regulating the jurisdiction of courts, and local  
18 option procedure; prohibiting certain interlocking business; and  
19 providing penalties," absolutely.

20 The act, approved the sixteenth day of June, one thousand  
21 nine hundred thirty-seven (Pamphlet Laws 1811), entitled "An act  
22 to re-enact and amend the act, approved the nineteenth day of  
23 February, one thousand nine hundred twenty-six (Pamphlet Laws,  
24 sixteen), entitled, as amended 'An act regulating, under permit,  
25 through the Pennsylvania Liquor Control Board, the manufacture,  
26 production, distillation, development, use in manufacture,  
27 denaturization, redistillation, rectification, blending,  
28 recovery, reuse, holding in bond, holding in storage by bailees  
29 for hire, and transportation for hire, of any alcohol, alcoholic  
30 liquid or alcoholic beverage, by certain persons; requiring the

1 registration of Federal permits; also providing for fees and the  
2 disposition thereof, and for appeals to the courts; also  
3 authorizing the inspection of the records of permittees and  
4 purchasers of said alcohol, alcoholic liquid, and alcoholic  
5 beverages; also declaring certain places nuisances and providing  
6 for their abatement; also providing penalties; and also  
7 repealing all acts or parts of acts inconsistent with this act,'  
8 further regulating the manufacture, sale, use, and traffic in  
9 alcohol and alcoholic liquids; conferring additional powers and  
10 imposing additional duties upon the Pennsylvania Liquor Control  
11 Board; further regulating those licensed under this act;  
12 imposing filing fees; changing the method of calculating certain  
13 license fees; providing for the use of the word "license"  
14 instead of "permit"; regulating and providing the procedure for  
15 the granting, suspension, and revocation of licenses, and for  
16 compromises in certain cases; providing for the disposition of  
17 fees, compromise penalties, and forfeitures; regulating the  
18 jurisdiction of courts; and providing penalties," absolutely.

19 The act, approved the sixteenth day of June, one thousand  
20 nine hundred thirty-seven (Pamphlet Laws 1827), entitled "An act  
21 to re-enact and further amend the title and the act, approved  
22 the third day of May, one thousand nine hundred and thirty-three  
23 (Pamphlet Laws, two hundred fifty-two), entitled, as amended 'An  
24 act to regulate and restrain the traffic in malt and brewed  
25 beverages, as herein defined; providing for the licensing of the  
26 manufacture, transportation, sale and distribution of such  
27 beverages; imposing license and permit fees, and providing for  
28 collection and distribution thereof; restricting ownership and  
29 interest in licensed places; permitting municipalities and  
30 townships, by vote of the electors, to prevent the licensing



1 therein of places where such beverages may be sold for  
2 consumption on the premises, and regulating elections for this  
3 purpose; imposing duties upon county treasurers, the  
4 Pennsylvania Liquor Control Board, quarter sessions courts,  
5 district attorneys, the Department of Justice, proper  
6 authorities of political subdivisions of the State, and election  
7 officers; providing penalties; and repealing existing acts,'  
8 defining and further defining and regulating licensees,  
9 application for licenses, and sales by licensees, and fixing  
10 fees for amusement permits; regulating the granting, suspension,  
11 revocation, and transfer of licenses, and the procedure  
12 therefor, and conferring jurisdiction on certain courts;  
13 providing for the granting of licenses by the Pennsylvania  
14 Liquor Control Board instead of the county treasurer, and  
15 prescribing the powers and duties of said board; providing for  
16 compromises where licenses are suspended, and for the  
17 disposition of application license permit fees, forfeitures, and  
18 penalties; and providing penalties," absolutely.

19 The act, approved the twenty-fifth day of June, one thousand  
20 nine hundred thirty-seven (Pamphlet Laws 2073), entitled "An act  
21 to amend section five of the act, approved the twenty-ninth day  
22 of November, one thousand nine hundred thirty-three (One  
23 thousand nine hundred thirty-three-one thousand nine hundred  
24 thirty-four--Pamphlet Laws, thirteen), entitled 'An act creating  
25 an independent administrative board to be known as the  
26 Pennsylvania Liquor Control Board,' by making further provision  
27 with respect to the fidelity bonds of the members, secretary,  
28 and employes of the board," absolutely.

29 The act, approved the twenty-sixth day of June, one thousand  
30 nine hundred thirty-nine (Pamphlet Laws 764), entitled "An act

1 to regulate and restrain the sale, purchase, exchange, pledge,  
2 and dealing in distillery bonded warehouse certificate for  
3 whiskey or any other potable distilled spirits, except ethyl  
4 alcohol; conferring powers and imposing duties upon the  
5 Pennsylvania Liquor Control Board; authorizing the granting of  
6 permits and registration of agents to deal in such certificates,  
7 and the suspension and revocation of such permits and  
8 registration of agents; providing for hearings and appeals to  
9 the court of common pleas; forbidding transaction in such  
10 certificates in this State except as herein provided;  
11 prescribing and imposing penalties; and providing for the  
12 disposition of filing, registration and permit fees,"  
13 absolutely.

14 The act, approved the twenty-fourth day of June, one thousand  
15 nine hundred thirty-nine (Pamphlet Laws 802), entitled "An act  
16 to further amend clause (a) of section four hundred and seven of  
17 the act, approved the twenty-ninth day of November, one thousand  
18 nine hundred and thirty-three (Pamphlet Laws, fifteen, 1933-34),  
19 entitled, as amended 'An act to regulate and restrain the sale,  
20 manufacture, possession, transportation, importation, traffic  
21 in, and use of alcohol, and alcoholic and malt or brewed  
22 beverages; conferring powers and imposing duties upon the  
23 Pennsylvania Liquor Control Board and its agents, the Department  
24 of Public Instruction, other officers of the State government,  
25 courts, and district attorneys; authorizing the establishment  
26 and operation of State stores for the sale of such beverages not  
27 for consumption on the premises, and the granting of licenses,  
28 subject to local option, to sell such beverages for consumption  
29 on and off the premises; forbidding importation or bringing of  
30 such beverages into the State except as herein provided;

1 prohibiting certain sales or practices in, connection with, and  
2 transactions in such beverages by licensees and others;  
3 providing for the forfeiture of certain property; making  
4 disposition of the receipts from State stores and of fees; and  
5 imposing penalties,' changing the fees for hotel and restaurant  
6 liquor licenses in certain cases," absolutely.

7 The act, approved the twenty-fourth day of June, one thousand  
8 nine hundred thirty-nine (Pamphlet Laws 804), entitled "An act  
9 to amend clause (e) of section six hundred and nine of the act,  
10 approved the twenty-ninth day of November, one thousand nine  
11 hundred and thirty-three (Pamphlet Laws, fifteen, 1933-34),  
12 entitled, as amended 'An act to regulate and restrain the sale  
13 manufacture, possession, transportation, importation, traffic  
14 in, and use of alcohol, and alcoholic and malt or brewed  
15 beverages; conferring powers and imposing duties upon the  
16 Pennsylvania Liquor Control Board and its agents, the Department  
17 of Public Instruction, other officers of the State government,  
18 courts, and district attorneys; authorizing the establishment  
19 and operation of State stores for the sale of such beverages not  
20 for consumption on the premises, and the granting of licenses,  
21 subject to local option, to sell such beverages for consumption  
22 on and off the premises; forbidding importation or bringing of  
23 such beverages into the State except as herein provided;  
24 prohibiting certain sales or practices, in connection with, and  
25 transactions in such beverages by licensees and others;  
26 providing for the forfeiture of certain property; making  
27 disposition of the receipts from State stores and of fees; and  
28 imposing penalties,' as reenacted and amended permitting hotel,  
29 restaurant and club licensees to own land but not the buildings  
30 thereon where such land is leased and the buildings owned by a

1 holder of a retail dispenser's license under the beverage  
2 license law," absolutely.

3 The act, approved the twenty-fourth day of June, one thousand  
4 nine hundred thirty-nine (Pamphlet Laws 806), entitled "An act  
5 limiting the number of licenses for the retail sale of liquor,  
6 malt or brewed beverages, or malt and brewed beverages, to be  
7 issued by the Pennsylvania Liquor Control Board; defining  
8 hotels, and prescribing the accommodations required of hotels in  
9 certain municipalities," except insofar as the provisions of  
10 section one, as amended, shall apply to hotel licenses granted  
11 prior to the first day of September, one thousand nine hundred  
12 forty-nine, or granted on any application made and pending prior  
13 to said date, or to any renewal or transfer of such licenses, or  
14 to hotels under construction or for which a bona fide contract  
15 had been entered into for construction prior to said date.

16 The act, approved the eighteenth day of July, one thousand  
17 nine hundred forty-one (Pamphlet Laws 408), entitled "An act  
18 relative to the employment of females in hotels, taverns,  
19 saloons and eating houses for the mixing or sale of alcoholic  
20 drinks, and the penalty for violation thereof," absolutely.

21 The act, approved the twenty-fourth day of July, one thousand  
22 nine hundred forty-one (Pamphlet Laws 480), entitled "An act to  
23 further amend section two of the act, approved the third day of  
24 May, one thousand nine hundred thirty-three (Pamphlet Laws, two  
25 hundred fifty-two), entitled, as amended, 'An act to regulate  
26 and restrain the traffic in malt and brewed beverages, as herein  
27 defined; providing for the licensing of the manufacture,  
28 transportation, sale and distribution of such beverages;  
29 imposing license and permit fees, and providing for collection  
30 and distribution thereof; restricting ownership and interest in

1 licensed places; permitting municipalities and townships, by  
2 vote of the electors, to prevent the licensing therein of places  
3 where such beverages may be sold for consumption on the  
4 premises, and regulating elections for this purpose; imposing  
5 duties upon the Pennsylvania Liquor Control Board, quarter  
6 sessions courts, district attorneys, the Department of Justice,  
7 proper authorities of political subdivisions of the State, and  
8 election officers; providing penalties; and repealing existing  
9 acts,' by permitting clubs to waive or reduce or pay dues  
10 payable by members in military service," absolutely.

11 The act, approved the twenty-fourth day of July, one thousand  
12 nine hundred forty-one (Pamphlet Laws 483), entitled "An act to  
13 further amend section two of the act, approved the twenty-ninth  
14 day of November, one thousand nine hundred thirty-three  
15 (Pamphlet Laws, fifteen, 1933-34), entitled 'An act to regulate  
16 and restrain the sale, manufacture, possession, transportation,  
17 importation, traffic in, and use of alcohol, and alcoholic and  
18 malt or brewed beverages; conferring powers and imposing duties  
19 upon the Pennsylvania Liquor Control Board and its agents, the  
20 Department of Public Instruction, other officers of the State  
21 government, courts, and district attorneys; authorizing the  
22 establishment and operation of State stores for the sale of such  
23 beverages not for consumption on the premises, and the granting  
24 of licenses, subject to local option, to sell such beverages for  
25 consumption on and off the premises; forbidding importation or  
26 bringing of such beverages into the State except as herein  
27 provided; prohibiting certain sales or practices in, connection  
28 with, and transactions in such beverages by licensees and  
29 others; providing for the forfeiture of certain property; making  
30 disposition of the receipts from State stores and of fees; and

1 imposing penalties,' by permitting clubs to waive or reduce or  
2 pay dues payable by members in military service," absolutely.

3 The act, approved the sixteenth day of April, one thousand  
4 nine hundred forty-three (Pamphlet Laws 60), entitled "An act to  
5 further amend section four hundred ten of the act, approved the  
6 twenty-ninth day of November, one thousand nine hundred and  
7 thirty-three (Pamphlet Laws, fifteen, one thousand nine hundred  
8 thirty-three and thirty-four), entitled, as amended 'An act to  
9 regulate and restrain the sale, manufacture, possession,  
10 transportation, importation, traffic in, and use of alcohol, and  
11 alcoholic and malt or brewed beverages; conferring powers and  
12 imposing duties upon the Pennsylvania Liquor Control Board and  
13 its agents, the Department of Public Instruction, other officers  
14 of the State government, courts, and district attorneys;  
15 authorizing the establishment and operation of State stores for  
16 the sale of such beverages not for consumption on the premises,  
17 and the granting of licenses, subject to local option, to sell  
18 such beverages for consumption on and off the premises;  
19 forbidding importation or bringing of such beverages into the  
20 State except as herein provided; prohibiting certain sales or  
21 practices in, connection with, and transactions in such  
22 beverages by licensees and others; providing for the forfeiture  
23 of certain property; making disposition of the receipts from  
24 State stores and of fees; and imposing penalties,' by postponing  
25 the time for the taking effect of orders of the Pennsylvania  
26 Liquor Control Board, suspending or revoking licenses for a  
27 period of twenty days, during which time the licensee may take  
28 an appeal," absolutely.

29 The act, approved the twenty-first day of May, one thousand  
30 nine hundred forty-three (Pamphlet Laws 332), entitled "An act

1 to further amend subsection fourteen of section six hundred two  
2 of the act, approved the twenty-ninth day of November, one  
3 thousand nine hundred and thirty-three (Pamphlet Laws, fifteen--  
4 1933-34) entitled, as amended 'An act to regulate and restrain  
5 the sale, manufacture, possession, transportation, importation,  
6 traffic in, and use of alcohol, and alcoholic and malt or brewed  
7 beverages; conferring powers and imposing duties upon the  
8 Pennsylvania Liquor Control Board and its agents, the Department  
9 of Public Instruction, other officers of the State government,  
10 courts, and district attorneys; authorizing the establishment  
11 and operation of State stores for the sale of such beverages not  
12 for consumption on the premises, and the granting of licenses,  
13 subject to local option, to sell such beverages for consumption  
14 on and off the premises; forbidding importation or bringing of  
15 such beverages into the State except as herein provided;  
16 prohibiting certain sales of practices in, connection with, and  
17 transactions in such beverages by licensees and others;  
18 providing for the forfeiture of certain property; making  
19 disposition of the receipts from State stores and of fees; and  
20 imposing penalties'; exempting certain coin operated motion  
21 picture machines from provisions of the act requiring special  
22 permits," absolutely.

23 The act, approved the twenty-first day of May, one thousand  
24 nine hundred forty-three (Pamphlet Laws 374), entitled "An act  
25 to further amend section sixteen of the act, approved the third  
26 day of May, one thousand nine hundred thirty-three (Pamphlet  
27 Laws, two hundred fifty-two), entitled, as amended 'An act to  
28 regulate and restrain the traffic in malt and brewed beverages,  
29 as herein defined; providing for the licensing of the  
30 manufacture, transportation, sale and distribution of such

1 beverages; imposing license and permit fees, and providing for  
2 collection and distribution thereof; restricting ownership and  
3 interest in licensed places; permitting municipalities and  
4 townships, by vote of the electors, to prevent the licensing  
5 therein of places where such beverages may be sold for  
6 consumption on the premises, and regulating elections for this  
7 purpose; imposing duties upon the Pennsylvania Liquor Control  
8 Board, quarter sessions courts, district attorneys, the  
9 Department of Justice, proper authorities of political  
10 subdivisions of the State, and election officers; providing  
11 penalties; and repealing existing acts,' by providing for the  
12 surrendering by persons in military service of licenses granted  
13 to them, the renewal thereof by the board during the licensee's  
14 continuance in such service, and the renewal thereof  
15 thereafter," absolutely.

16 The act, approved the twenty-first day of May, one thousand  
17 nine hundred forty-three (Pamphlet Laws 401), entitled "An act  
18 to amend section four hundred nine of the act, approved the  
19 twenty-ninth day of November, one thousand nine hundred thirty-  
20 three (Pamphlet Laws, fifteen, 1933-34), entitled, as amended  
21 'An act to regulate and restrain the sale, manufacture,  
22 possession, transportation, importation, traffic in, and use of  
23 alcohol, and alcoholic and malt or brewed beverages; conferring  
24 powers and imposing duties upon the Pennsylvania Liquor Control  
25 Board and its agents, the Department of Public Instruction,  
26 other officers of the State government, courts, and district  
27 attorneys; authorizing the establishment and operation of State  
28 stores for the sale of such beverages not for consumption on the  
29 premises, and the granting of licenses, subject to local option,  
30 to sell such beverages for consumption on and off the premises;



1 forbidding importation or bringing of such beverages into the  
2 State except as herein provided; prohibiting certain sales or  
3 practices in, connection with, and transactions in such  
4 beverages by licensees and others; providing for the forfeiture  
5 of certain property; making disposition of the receipts from  
6 State stores and of fees; and imposing penalties,' by providing  
7 for the surrendering by persons in military service of licenses  
8 granted to them, the renewal thereof by the board during  
9 licensee's continuance in such service, and the renewal thereof  
10 thereafter," absolutely.

11 The act, approved the twenty-first day of May, one thousand  
12 nine hundred forty-three (Pamphlet Laws 403), entitled "An act  
13 to further amend sections two, three hundred five, section six  
14 hundred two and section six hundred three of the act, approved  
15 the twenty-ninth day of November, one thousand nine hundred  
16 thirty-three (Pamphlet Laws, fifteen--1933-34), entitled, as  
17 amended 'An act to regulate and restrain the sale, manufacture,  
18 possession, transportation, importation, traffic in, and use of  
19 alcohol, and alcoholic and malt or brewed beverages; conferring  
20 powers and imposing duties upon the Pennsylvania Liquor Control  
21 Board and its agents, the Department of Public Instruction,  
22 other officers of the State government, courts, and district  
23 attorneys; authorizing the establishment and operation of State  
24 stores for the sale of such beverages not for consumption on the  
25 premises, and the granting of licenses, subject to local option,  
26 to sell such beverages for consumption on and off the premises;  
27 forbidding importation or bringing of such beverages into the  
28 State except as herein provided; prohibiting certain sales or  
29 practices in, connection with, and transactions in such  
30 beverages by licensees and others; providing for the forfeiture

1 of certain property; making disposition of the receipts from  
2 State stores and of fees; and imposing penalties,' by defining  
3 "Official Seal"; authorizing the designation of wholesale or  
4 retail stores; authorizing the Pennsylvania Liquor Control Board  
5 to adopt and enforce rules and regulations, to insure the  
6 equitable wholesale and retail sale and distribution of liquor  
7 and alcohol through the Pennsylvania liquor stores during times  
8 of shortage, and making it unlawful to violate any such rules  
9 and regulations," absolutely.

10 The act, approved the twenty-seventh day of May, one thousand  
11 nine hundred forty-three (Pamphlet Laws 688), entitled "An act  
12 to further amend sections four hundred four and four hundred ten  
13 of the act, approved the twenty-ninth day of November, one  
14 thousand nine hundred thirty-three (Pamphlet Laws fifteen--  
15 1933-34), entitled, as amended 'An act to regulate and restrain  
16 the sale, manufacture, possession, transportation, importation,  
17 traffic 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,' conferring jurisdiction on the county court  
2 of Allegheny County, in cases of appeals from the Pennsylvania  
3 Liquor Control Board," absolutely.

4 The act, approved the twenty-seventh day of May, one thousand  
5 nine hundred forty-three (Pamphlet Laws 694), entitled "An act  
6 to further amend sections seven and thirteen of the act,  
7 approved the third day of May, one thousand nine hundred thirty-  
8 three (Pamphlet Laws, two hundred fifty-two), entitled, as  
9 amended 'An act to regulate and restrain the traffic in malt and  
10 brewed beverages, as herein defined; providing for the licensing  
11 of the manufacture, transportation, sale and distribution of  
12 such beverages; imposing license and permit fees, and providing  
13 for collection and distribution thereof; restricting ownership  
14 and interest in licensed places; permitting municipalities and  
15 townships, by vote of the electors, to prevent the licensing  
16 therein of places where such beverages may be sold for  
17 consumption on the premises, and regulating elections for this  
18 purpose; imposing duties upon the Pennsylvania Liquor Control  
19 Board, quarter sessions courts, district attorneys, the  
20 Department of Justice, proper authorities of political  
21 subdivisions of the State, and election officers; providing  
22 penalties; and repealing existing acts,' conferring jurisdiction  
23 on the county court of Allegheny County in cases of appeals from  
24 the Pennsylvania Liquor Control Board," absolutely.

25 The act, approved the twenty-third day of May, one thousand  
26 nine hundred forty-seven (Pamphlet Laws 287), entitled "An act  
27 providing that the statement of registration issued to electors  
28 and his signed declaration of age shall be sufficient proof of  
29 age for the purchase of alcoholic beverages; prohibiting  
30 transfers thereof and false statements; imposing penalties, and

1 saving from prosecution licensees serving holders of such  
2 statements making such declarations," absolutely.

3 The act, approved the fourteenth day of April, one thousand  
4 nine hundred forty-nine (Pamphlet Laws 481), entitled "An act to  
5 further amend section five of the act, approved the nineteenth  
6 day of February, one thousand nine hundred twenty-six (Pamphlet  
7 Laws 16), entitled, as amended 'An act regulating, under permit,  
8 through the Pennsylvania Liquor Control Board, the manufacture,  
9 production, distillation, development, use in manufacture,  
10 denaturization, redistillation, rectification, blending,  
11 recovery, reuse, holding in bond, holding in storage by bailees  
12 for hire, and transportation for hire, of any alcohol, alcoholic  
13 liquid or alcoholic beverage, by certain persons; requiring the  
14 registration of Federal permits; also providing for fees and the  
15 disposition thereof, and for appeals to the courts; also  
16 authorizing the inspection of the records of permittees and  
17 purchasers of said alcohol, alcoholic liquid, and alcoholic  
18 beverages; also declaring certain places nuisances and providing  
19 for their abatement; also providing penalties; and also  
20 repealing all acts or parts of acts inconsistent with this act,'  
21 by exempting scheduled common carriers by air of mail and  
22 passengers from license requirement," absolutely.

23 The act, approved the twenty-eighth day of April, one  
24 thousand nine hundred forty-nine (Pamphlet Laws 764), entitled  
25 "An act to further amend section four hundred twelve and  
26 subsections (9) and (10) of section six hundred two of the act,  
27 approved the twenty-ninth day of November, on thousand nine  
28 hundred thirty-three (Pamphlet Laws 15, 1933-34), entitled, as  
29 amended 'An act to regulate and restrain the sale, manufacture,  
30 possession, transportation, importation, traffic in, and use of

1 alcohol, and alcoholic and malt or brewed beverages; conferring  
2 powers and imposing duties upon the Pennsylvania Liquor Control  
3 Board and its agents, the Department of Public Instruction,  
4 other officers of the State government, courts, and district  
5 attorneys; authorizing the establishment and operation of State  
6 stores for the sale of such beverages not for consumption on the  
7 premises, and the granting of licenses, subject to local option,  
8 to sell such beverages for consumption on and off the premises;  
9 forbidding importation or bringing of such beverages into the  
10 State except as herein provided; prohibiting certain sales or  
11 practices in, connection with, and transactions in such  
12 beverages by licensees and others; providing for the forfeiture  
13 of certain property; making disposition of the receipts from  
14 State stores and of fees; and imposing penalties,' by further  
15 regulating advertisements allowed on and about licensed premises  
16 and increasing the quantity of malt or brewed beverages which  
17 may be sold in a single sale by certain licensees for  
18 consumption off premises," absolutely.

19 The act, approved the twenty-eighth day of April, one  
20 thousand nine hundred forty-nine (Pamphlet Laws 769), entitled  
21 "An act to further amend the act, approved the third day of May,  
22 one thousand nine hundred thirty-three (Pamphlet Laws 252),  
23 entitled, as amended, 'An act to regulate and restrain the  
24 traffic in malt and brewed beverages, as herein defined;  
25 providing for the licensing of the manufacture, transportation,  
26 sale and distribution of such beverages; imposing license and  
27 permit fees, and providing for collection and distribution  
28 thereof; restricting ownership and interest in licensed places;  
29 permitting municipalities and townships, by vote of the  
30 electors, to prevent the licensing therein of places where such

1 beverages may be sold for consumption on the premises, and  
2 regulating elections for this purpose; imposing duties upon 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,' by  
7 providing the quantity of malt or brewed beverages to be sold by  
8 any manufacturer, distributor, importing distributor, or retail  
9 dispenser; further regulating advertisements allowed on and  
10 about licensed premises," absolutely.

11 The act, approved the second day of May, one thousand nine  
12 hundred forty-nine (Pamphlet Laws 896), entitled "An act to  
13 further amend subsection fourteen of section six hundred two of  
14 the act, approved the twenty-ninth day of November, one thousand  
15 nine hundred and thirty-three (Pamphlet Laws 15, 1933-34),  
16 entitled, as amended 'An act to regulate and restrain the sale,  
17 manufacture, possession, transportation, importation, traffic  
18 in, and use of alcohol, and alcoholic and malt or brewed  
19 beverages; conferring powers and imposing duties upon the  
20 Pennsylvania Liquor Control Board and its agents, the Department  
21 of Public Instruction, other officers of the State Government,  
22 courts, and district attorneys; authorizing the establishment  
23 and operation of State stores for the sale of such beverages not  
24 for consumption on the premises, and the granting of licenses,  
25 subject to local option, to sell such beverages for consumption  
26 on and off the premises; forbidding importation or bringing of  
27 such beverages into the State except as herein provided;  
28 prohibiting certain sales or practices in, connection with, and  
29 transactions in such beverages by licensees and others;  
30 providing for the forfeiture of certain property; making

1 disposition of the receipts from State stores and of fees; and  
2 imposing penalties,' by exempting television exhibitions from  
3 provisions of the act requiring special permits," absolutely.

4 The act, approved the ninth day of May, one thousand nine  
5 hundred forty-nine (Pamphlet Laws 964), entitled "An act to  
6 amend section one of the act, approved the twenty-fourth day of  
7 June, one thousand nine hundred thirty-nine (Pamphlet Laws 806),  
8 entitled 'An act limiting the number of licenses for the retail  
9 sale of liquor, malt or brewed beverages, or malt and brewed  
10 beverages, to be issued by the Pennsylvania Liquor Control  
11 Board; defining hotels, and prescribing the accommodations  
12 required of hotels in certain municipalities,' changing the  
13 requirements necessary for a hotel to qualify under said act,"  
14 except in so far as it shall apply to hotel licenses granted  
15 prior to September first, one thousand nine hundred forty-nine,  
16 or granted on any application made and pending prior to said  
17 date, or to any renewal or transfer of such licenses, or to  
18 hotels under construction or for which a bona fide contract had  
19 been entered into for construction prior to said date.

20 The act, approved the twentieth day of May, one thousand nine  
21 hundred forty-nine (Pamphlet Laws 1482), entitled "An act to  
22 further amend section four hundred fifteen of the act, approved  
23 the twenty-ninth day of November, one thousand nine hundred and  
24 thirty-three (Pamphlet Laws, fifteen--one thousand nine hundred  
25 thirty-three and thirty-four), entitled, as amended 'An act to  
26 regulate and restrain the sale, manufacture, possession,  
27 transportation, importation, traffic in, and use of alcohol, and  
28 alcoholic and malt or brewed beverages; conferring powers and  
29 imposing duties upon the Pennsylvania Liquor Control Board and  
30 its agents, the Department of Public Instruction, other officers

1 of the State government, courts, and district attorneys;  
2 authorizing the establishment and operation of State stores for  
3 the sale of such beverages not for consumption on the premises,  
4 and the granting of licenses, subject to local option, to sell  
5 such beverages for consumption on and off the premises;  
6 forbidding importation or bringing of such beverages into the  
7 State except as herein provided; prohibiting certain sales or  
8 practices in, connection with, and transactions in such  
9 beverages by licensees and others; providing for the forfeiture  
10 of certain property; making disposition of the receipts from  
11 State stores and of fees; and imposing penalties,' by permitting  
12 holders of importers' licenses to sell liquor when in original  
13 containers of ten gallons or greater capacity to licensed  
14 manufacturers within this Commonwealth," absolutely.

15 The act, approved the twentieth day of May, one thousand nine  
16 hundred forty-nine (Pamphlet Laws 1546), entitled "An act to  
17 amend the act, approved the third day of May, one thousand nine  
18 hundred thirty-three (Pamphlet Laws 252), entitled, as amended  
19 'An act to regulate and restrain the traffic in malt and brewed  
20 beverages, as herein defined; providing for the licensing of the  
21 manufacture, transportation, sale and distribution of such  
22 beverages; imposing license and permit fees, and providing for  
23 collection and distribution thereof; restricting ownership and  
24 interest in licensed places; permitting municipalities and  
25 townships, by vote of the electors, to prevent the licensing  
26 therein of places where such beverages may be sold for  
27 consumption on the premises, and regulating elections for this  
28 purpose; imposing duties upon the Pennsylvania Liquor Control  
29 Board, quarter sessions courts, district attorneys, the  
30 Department of Justice, proper authorities of political



1 subdivisions of the State, and election officers; providing  
2 penalties; and repealing existing acts,' by further defining the  
3 parties who may appeal and the powers of courts in certain  
4 appeals from the board and providing for certain appeals to the  
5 Superior Court," absolutely.

6 The act, approved the twentieth day of May, one thousand nine  
7 hundred forty-nine (Pamphlet Laws 1551), entitled "An act to  
8 amend the act, approved the twenty-ninth day of November, one  
9 thousand nine hundred thirty-three (Pamphlet Laws 15, 1933-34),  
10 entitled, as amended 'An act to regulate and restrain the sale,  
11 manufacture, possession, transportation, importation, traffic  
12 in, and use of alcohol, and alcoholic and malt or brewed  
13 beverages; conferring powers and imposing duties upon the  
14 Pennsylvania Liquor Control Board and its agents, the Department  
15 of Public Instruction, other officers of the State government,  
16 courts, and district attorneys; authorizing the establishment  
17 and operation of State stores for the sale of such beverages not  
18 for consumption on the premises, and the granting of licenses,  
19 subject to local option, to sell such beverages for consumption  
20 on and off the premises; forbidding importation or bringing of  
21 such beverages into the State except as herein provided;  
22 prohibiting certain sales or practices in, connection with, and  
23 transactions in such beverages by licensees and others;  
24 providing for the forfeiture of certain property; making  
25 disposition of the receipts from State stores and of fees; and  
26 imposing penalties,' by further defining the parties who may  
27 appeal and the powers of courts in certain appeals from the  
28 board and providing for certain appeals to the Superior Court,"  
29 absolutely.

30 Section 142. Section 902 of the act is reenacted to read:

1 Section 902. General Repeal Clause.--All acts and parts of  
2 acts inconsistent with the provisions of this act are hereby  
3 repealed.

4 Section 143. (a) All personnel, allocations,  
5 appropriations, equipment, files, records, contracts,  
6 agreements, obligations and other materials which are used,  
7 employed or expended in connection with the powers, duties or  
8 functions transferred by this act to the Office of  
9 Administrative Law Judge are hereby transferred to the Office of  
10 Administrative Law Judge with the same force and effect as if  
11 the allocations and appropriations had been made to and said  
12 items had been the personnel and property of the office in the  
13 first instance and if the contracts, agreements and obligations  
14 had been incurred or entered into by the office.

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

26 (c) All present employees of the Pennsylvania Liquor Control  
27 Board whose powers, duties or functions are transferred under  
28 subsections (a) and (b) shall be transferred to the Office of  
29 Administrative Law Judge or the bureau as appropriate. All such <—  
30 employees are to continue in their employment with either the

1 commission, the Office of Administrative Law Judge or the bureau  
2 with the same pay scales, salaries, wages, seniority benefits,  
3 pension rights and other incidents of employment, including, but  
4 not limited to, civil service status, as if this act had not  
5 been effective.

6 (D) NOTWITHSTANDING ANY PROVISIONS OF THIS SECTION, ←  
7 ENFORCEMENT OFFICERS OF THE PENNSYLVANIA LIQUOR CONTROL BOARD  
8 SHALL, IN ORDER OF SENIORITY, BE GIVEN THE CHOICE OF  
9 TRANSFERRING TO THE BUREAU OF LIQUOR CODE ENFORCEMENT OF THE  
10 PENNSYLVANIA STATE POLICE OR REMAINING WITHIN THE ALCOHOLIC  
11 BEVERAGES COMMISSION.

12 Section 144. The chief administrative law judge and the  
13 Commissioner of the Pennsylvania State Police shall separately  
14 by regulation provide for appropriate training of personnel to  
15 carry out the responsibilities imposed by this act upon  
16 employees of their respective agencies.

17 Section 145. The agency known as the Alcoholic Beverages  
18 Commission shall be subject to evaluation and review and shall  
19 terminate on June 30, 1992, in the manner provided for by the  
20 act of December 22, 1981 (P.L.508, No.142), known as the Sunset  
21 Act.

22 Section 146. The presently confirmed members of the  
23 Pennsylvania Liquor Control Board as of December 31, 1986, shall  
24 continue to serve as members of the Alcoholic Beverages  
25 Commission for a term of 120 days beyond the effective date of  
26 this act or until the members first appointed after the  
27 effective date of this act are appointed and qualified,  
28 whichever occurs sooner.

29 Section 147. Each rule, regulation ~~or fee~~, CONTRACT OR LEASE ←  
30 of the Pennsylvania Liquor Control Board in effect on December

1 31, 1986, shall remain in effect after such date until repealed  
2 or amended by the Alcoholic Beverages Commission OR UNTIL IT ←  
3 TERMINATES IN ACCORDANCE WITH ITS OWN TERMS.

4 Section 148. Only those members appointed to the Alcoholic  
5 Beverages Commission after the effective date of this act shall  
6 be eligible for the increased salary authorized for commission  
7 members pursuant to this act.

8 Section 149. Only those Alcoholic Beverages Commission  
9 members appointed after the effective date of this act shall be  
10 required to restrict outside employment and income pursuant to  
11 this act.

12 Section 150. By September 30, 1987, the Alcoholic Beverages  
13 Commission shall recommend to the General Assembly such fee  
14 increases as the commission determines are necessary so that  
15 revenues are sufficient to cover the costs of licensing and  
16 enforcement activities.

17 SECTION 151. THE AMENDMENT TO SECTION 491(6) RELATING TO ←  
18 CATERING BY RESTAURANT LIQUOR LICENSEE SHALL APPLY TO CASES OF  
19 CHARGED VIOLATIONS WHICH HAVE NOT BEEN ADJUDICATED BY THE  
20 PENNSYLVANIA LIQUOR CONTROL BOARD ON THE EFFECTIVE DATE OF THIS  
21 ACT.

22 Section 152. (a) Section 207.1(c)(2) of the act of April 9,  
23 1929 (P.L.177, No.175), known as The Administrative Code of  
24 1929, is repealed to the extent that it requires a vote of two-  
25 thirds of the members elected to the Senate to confirm  
26 appointments to the Pennsylvania Liquor Control Board.

27 (b) All other acts or parts of acts are repealed insofar as  
28 they are inconsistent with this act.

29 Section 153. The provisions of this act are severable. If  
30 any provision of this act or its application to any person or

1 circumstance is held invalid, the invalidity shall not affect  
2 other provisions or applications of this act which can be given  
3 effect without the invalid provision or application.

4 Section 154. Sections 146 and 147 of this act shall be  
5 retroactive to December 31, 1986.

6 Section 155. This act shall take effect July 1, 1987, or  
7 immediately, whichever is later.