

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1000 Session of
1987

INTRODUCED BY SALOOM, BELARDI, JAROLIN, MANMILLER, MANDERINO,
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COLAFELLA, VEON AND CALTAGIRONE, APRIL 7, 1987

SENATOR SHUMAKER, LAW AND JUSTICE, IN SENATE, AS AMENDED,
JUNE 9, 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~~ REESTABLISHMENT, <—
18 powers and duties of the ~~Alcoholic Beverages Commission~~ <—
19 BOARD; providing ethical standards for the commission and its <—
20 members and employees; establishing administrative officers
21 and units for the administration and enforcement of the act;
22 providing for the powers and duties of the Auditor General,
23 State Treasurer, Attorney General and Pennsylvania State
24 Police; ~~regulating advertising~~; further providing for <—
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- 6 Brewed Beverages and Licensees.
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- 5 Transferable; Display of Permit; Term of
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- 10 ~~Commission~~ BOARD to Issue or Renew Permits. <—
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- 14 Without Registration.
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- 17 Section 724. Registration and Issuance of Identification
- 18 Card.
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- 21 Section 726. Revocation and Suspension of Agents'
- 22 Registrations.
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- 24 (D) Exemptions.
- 25 Section 731. Bank and Trust Companies and Other Persons.
- 26 Section 732. Distillers, Rectifiers and Importers.
- 27 Section 733. Certificates Owned Since July 24, 1939.
- 28 (E) Administration and Enforcement.
- 29 Section 741. Duties of the ~~Commission~~ BOARD. <—
- 30 (F) Fines and Penalties.

1 Section 751. Penalties.

2 ARTICLE VIII. DISPOSITION OF MONEYS COLLECTED UNDER PROVISIONS
3 OF ACT.

4 Section 801. Moneys Paid Into Liquor License Fund and
5 Returned to Municipalities.

6 Section 802. Moneys Paid Into The State Stores Fund for Use
7 of the Commonwealth.

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

9 ARTICLE IX. REPEALS.

10 Section 901. Acts and Parts of Acts Repealed (REPEALED). <—

11 Section 902. General Repeal Clause (REPEALED). <—

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. The title of the act of April 12, 1951 (P.L.90,
15 No.21), known as the Liquor Code, is reenacted ~~and amended~~ to <—
16 read:

17 AN ACT

18 Relating to alcoholic liquors, alcohol and malt and brewed
19 beverages; amending, revising, consolidating and changing the
20 laws relating thereto; regulating and restricting the
21 manufacture, purchase, sale, possession, consumption,
22 importation, transportation, furnishing, holding in bond,
23 holding in storage, traffic in and use of alcoholic liquors,
24 alcohol and malt and brewed beverages and the persons engaged
25 or employed therein; defining the powers and duties of the
26 ~~{Pennsylvania Liquor Control Board} Alcoholic Beverages~~ <—
27 ~~Commission~~; providing for the establishment and operation of
28 State liquor stores, for the payment of certain license fees
29 to the respective municipalities and townships, for the
30 abatement of certain nuisances and, in certain cases, for

1 search and seizure without warrant; prescribing penalties and
2 forfeitures; providing for local option, and repealing
3 existing laws.

4 Section 2. The heading of Article I of the act is reenacted
5 to read:

6 ARTICLE I.

7 PRELIMINARY PROVISIONS.

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

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

11 Section 4. Section 102 of the act, amended July 10, 1957
12 (P.L.638, No.346), August 17, 1965 (P.L.346, No.182), December
13 2, 1970 (P.L.825, No.271), October 11, 1972 (P.L.906, No.215),
14 December 12, 1980 (P.L.1195, No.221) and May 2, 1986 (P.L.141,
15 No.44), is reenacted and amended to read:

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

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

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

29 †"Board" shall mean the Pennsylvania Liquor Control Board.† <—

30 "Bonded warehouse" shall mean and include all places and

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

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

1 pay from its club funds, the dues of any person who was a member
2 at the time he was inducted into the military service of the
3 United States or was enrolled in the armed forces of the United
4 States pursuant to any selective service act during the time of
5 the member's actual service or enrollment. The term includes a
6 privately-owned private golf course.

7 ~~"Commission" shall mean the Alcoholic Beverages Commission.~~ <—

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

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

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

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

26 "Distillery" shall mean and include any premises or plant
27 wherein alcohol or liquor is manufactured, made and distilled
28 from raw materials, blended or rectified, or any place wherein
29 alcohol or liquor is produced by any method suitable for the
30 production of alcohol. The term shall not include a "winery"

1 where alcohol is derived from by-products of wine production by
2 distillation for the sole purpose of adding to the fermented
3 products to fortify the same.

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

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

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

29 "Eating place" shall mean a premise where food is regularly
30 and customarily prepared and sold, having a total area of not

1 less than three hundred square feet available to the public in
2 one or more rooms, other than living quarters, and equipped with
3 tables and chairs accommodating thirty persons at one time.

4 "Enforcement bureau" shall mean the Bureau of Liquor Control
5 Enforcement of the Pennsylvania State Police.

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

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

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

1 separately.

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

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

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

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

30 "Manufacturer" shall mean any person, association or

1 corporation engaged in the producing, manufacturing, distilling,
2 rectifying or compounding of liquor, alcohol or malt or brewed
3 beverages in this Commonwealth or elsewhere.

4 "Manufacturer of malt or brewed beverages" shall mean any
5 person holding a license issued by the ~~{board}~~ ~~commission~~ to ←
6 engage in the manufacture, transportation and sale of malt or
7 brewed beverages; also, any person engaged in the legal
8 manufacture of malt or brewed beverages within the territorial
9 limits of the United States, outside the Commonwealth of
10 Pennsylvania.

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

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

22 "Package" shall mean any container or containers or
23 receptacle or receptacles used for holding liquor or alcohol as
24 marketed by the manufacturer.

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

30 "Person" shall mean a natural person, association or

1 corporation. Whenever used in a clause prescribing or imposing a
2 fine or imprisonment or both, the term "person", as applied to
3 "association", shall mean the partners or members thereof, and
4 as applied to "corporation", shall mean the officers thereof,
5 except, as to incorporated clubs, the term "person" shall mean
6 such individual or individuals who, under the by-laws of such
7 club, shall have jurisdiction over the possession and sale of
8 liquor therein.

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

16 "Potable distilled spirits" shall mean and include any
17 distillate from grains, wine, fruits, vegetables or molasses,
18 except ethyl alcohol, capable of being used for beverage
19 purposes.

20 "Regulation" shall mean any regulation prescribed by the
21 ~~board~~ ~~commission~~ for carrying out the provisions of this act. ←

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

28 "Retail dispenser" shall mean any person licensed to engage
29 in the retail sale of malt or brewed beverages for consumption
30 on the premises of such licensee, with the privilege of selling

1 malt or brewed beverages in quantities not in excess of one
2 hundred forty-four fluid ounces in a single sale to one person,
3 to be carried from the premises by the purchaser thereof.

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

6 "Whiskey" shall mean and include any alcoholic distillate
7 from a fermented mash of grain, capable of being used for
8 beverage purposes.

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

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

21 Section 103. Saving Clause.--The provisions of this act, so
22 far as they are the same as those of existing laws, are intended
23 as a continuation of such laws and not as new enactments. The
24 repeal by this act of any act of Assembly or part thereof shall
25 not revive any act or part thereof heretofore repealed or
26 superseded. The provisions of this act shall not affect any act
27 done, liability incurred or right accrued or vested, or affect
28 any suit or prosecution pending or to be instituted to enforce
29 any right or penalty or punish any offense under the authority
30 of such repeal laws. All regulations and rules made and all

1 licenses and permits issued pursuant to any act repealed by this
2 act shall continue with the same force and effect as if such act
3 had not been repealed.

4 Section 6. Section 104 of the act is reenacted ~~and amended~~ ←
5 to read:

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

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

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

1 legislative authority of this Commonwealth.

2 (d) Any reference in this act to the provisions of law on
3 any subject shall apply to statutes becoming effective after the
4 effective date of this act as well as to those then in
5 existence.

6 (e) Section headings shall not be taken to govern or limit
7 the scope of the sections of this act. The singular shall
8 include the plural and the masculine shall include the feminine
9 and the neuter.

10 Section 7. The heading of Article II of the act is reenacted
11 ~~and amended~~ to read: <—

12 ARTICLE II.

13 ~~{PENNSYLVANIA LIQUOR CONTROL BOARD}~~ <—

14 ALCOHOLIC BEVERAGES COMMISSION.

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

17 Section 201. Appointment of Members; Terms; Salaries.--An
18 independent administrative ~~{board}~~ commission to be known as the <—
19 "~~{Pennsylvania Liquor Control Board}~~ Alcoholic Beverages <—
20 Commission" is hereby created. The ~~{board}~~ commission shall <—
21 consist of three members to be appointed by the Governor by and
22 with the advice and consent of ~~{two-thirds}~~ a majority of all <—
23 the members of the Senate[. Of the ~~{original}~~ members first <—
24 ~~appointed after the effective date of this amendatory act~~, one
25 shall be appointed for a term of two years, one for a term of
26 four years, and one for a term of six years ~~{from the date of~~ <—
27 his appointment and until his successor shall have been
28 appointed and qualified}. Thereafter, all appointments shall be <—
29 for terms of six years ~~{or until successors are appointed and~~ <—
30 qualified], NOT MORE THAN TWO OF WHOM SHALL BE FROM THE SAME <—

1 POLITICAL PARTY AS THE GOVERNOR. THE APPOINTMENT OF A MEMBER NOT
2 OF THE GOVERNOR'S POLITICAL PARTY SHALL BE MADE FROM A LIST
3 PREPARED AND SUBMITTED TO THE GOVERNOR BY THE LEADER OF THE
4 OPPOSITION PARTY TO THE GOVERNOR IN THE HOUSE OF REPRESENTATIVES
5 AND THE SENATE. EACH FLOOR LEADER MAY CONTRIBUTE AT LEAST THREE
6 NAMES TO THE LIST. THE GOVERNOR SHALL SELECT A MEMBER FROM THE
7 LIST WITHIN THIRTY DAYS OF RECEIPT OF THE LIST, OR THE GOVERNOR
8 MAY REQUEST ONE SUBSTITUTE LIST OF NOMINEES FROM THE FLOOR
9 LEADERS. IF THE FLOOR LEADERS FAIL TO SUBMIT A SUBSTITUTE LIST
10 WITHIN THIRTY DAYS OF RECEIPT OF A REQUEST TO DO SO, THE
11 GOVERNOR MAY APPOINT THE MEMBER FOR WHICH LISTS OF NOMINEES WERE
12 NOT SUBMITTED AT HIS DISCRETION. IF ONE OF THE TWO FLOOR LEADERS
13 RESPONSIBLE FOR THE SUBMISSION OF NOMINEES FOR A LIST FAILS TO
14 SUBMIT NOMINEES, THE GOVERNOR SHALL ACT UPON THE NOMINEES
15 SUBMITTED BY THE OTHER FLOOR LEADER AS IF NOMINEES HAD BEEN
16 RECEIVED FROM BOTH FLOOR LEADERS. IF THE GOVERNOR FAILS TO
17 SELECT A MEMBER FROM THE LIST OF NOMINEES WITHIN THIRTY DAYS OF
18 RECEIPT OF THE LIST AND FAILS TO REQUEST A SUBSTITUTE LIST, OR
19 FAILS TO SELECT A MEMBER FROM THE SUBSTITUTE LIST WITHIN THIRTY
20 DAYS OF RECEIPT OF THE LIST, THE FLOOR LEADERS WHO PREPARED THE
21 LIST MAY APPOINT A MEMBER TO SERVE ON THE ~~COMMISSION~~ BOARD. ←
22 WHENEVER A VACANCY OCCURS PRIOR TO THE COMPLETION OF THE TERM OF
23 OFFICE OF A MEMBER APPOINTED PURSUANT TO THIS SECTION, THE SAME
24 PROCEDURE AS THAT USED TO APPOINT THE MEMBER WHOSE SEAT HAS
25 BECOME VACANT SHALL BE USED TO NOMINATE A REPLACEMENT FOR THE
26 REMAINDER OF THE UNEXPIRED TERM. OF THE MEMBERS FIRST APPOINTED
27 AFTER THE EFFECTIVE DATE OF THIS AMENDATORY ACT: ONE MEMBER
28 SHALL SERVE A TERM OF THREE YEARS; ONE MEMBER SHALL SERVE A TERM
29 OF FOUR YEARS; AND ONE MEMBER SHALL SERVE A TERM OF FIVE YEARS.
30 SUBSEQUENT TERMS SHALL BE FOR FOUR YEARS, ENDING ON THE THIRD

1 TUESDAY IN MAY. No member upon the expiration of his term shall
2 continue to hold office until his successor shall be duly
3 appointed or shall be AND qualified. Each of the members shall <—
4 receive an annual salary of [twenty-four thousand dollars
5 (\$24,000), except the chairman, who shall receive an annual
6 salary of twenty-five thousand dollars (\$25,000)] thirty-five
7 thousand dollars (\$35,000), EXCEPT THE CHAIRMAN, WHO SHALL <—
8 RECEIVE AN ANNUAL SALARY OF THIRTY-SEVEN THOUSAND FIVE HUNDRED
9 DOLLARS (\$37,500).

10 Section 9. Sections 202, 203, 204, 205 and 206 of the act
11 are reenacted and amended OR REENACTED to read: <—

12 Section 202. Qualifications of Members.--(a) Each member of
13 the ~~{board} commission~~ at the time of his appointment and <—
14 qualification shall be a citizen of the United States and a
15 resident of the Commonwealth of Pennsylvania, shall have been a
16 qualified elector in the Commonwealth for a period of at least
17 one year next preceding his appointment, and shall be not less
18 than [thirty] twenty-one years of age.

19 (b) No member of the ~~{board} commission~~ during his period of <—
20 service as such shall hold any other office under the laws of
21 this Commonwealth or of the United States.

22 ~~(c) Commission members shall devote full time to their~~ <—
23 ~~official duties. No commission member shall hold any office or~~
24 ~~position the duties of which are incompatible with his~~
25 ~~commission duties or be engaged in any employment or vocation~~
26 ~~for which he receives any remuneration.~~

27 (C) NO BOARD MEMBER SHALL HOLD ANY OFFICE OR POSITION, THE <—
28 DUTIES OF WHICH ARE INCOMPATIBLE WITH HIS OR HER BOARD DUTIES.

29 Section 203. Chairman of ~~{Board} Commission~~.--[The board <—
30 shall elect one of its members as chairmen] (a) The Governor

1 shall designate one of the commission members as chairman who
2 shall serve in that position at the pleasure of the Governor.
3 The chairman shall, when present, preside at all meetings, and
4 in his absence a member designated by the chairman shall
5 preside.

6 (b) Two members of the ~~{board}~~ commission shall constitute a ←
7 quorum, and any action or order of the ~~{board}~~ commission shall ←
8 require the approval of at least two members.

9 Section 204. ~~{Secretary of Board.--The board may appoint a~~ ←
10 secretary to hold office at its pleasure. The secretary, if
11 appointed, shall have such powers and shall perform such duties
12 not contrary to law as the board shall prescribe, and shall
13 receive such compensation as the board, with the approval of the
14 Governor, shall determine. The secretary shall have power and
15 authority to designate, from time to time, one of the clerks
16 appointed by the board to perform the duties of the secretary
17 during his absence and the clerk so appointed shall exercise,
18 for the time so designated, the powers of the secretary of the
19 board.] ~~Executive Director. The commission shall appoint an~~ ←
20 ~~executive director and professional management personnel,~~
21 ~~including bureau directors, as necessary. The salary of the~~
22 ~~executive director shall be thirty four thousand dollars~~
23 ~~(\$34,000) annually and the salaries of the other professional~~
24 ~~personnel shall be set by the commission, with the approval of~~
25 ~~the Governor. The executive director shall be responsible for~~
26 ~~managing the daily operations of the commission and shall have~~
27 ~~such powers and perform such duties not contrary to law as are~~
28 ~~necessary to implement decisions and policies made and~~
29 ~~established by vote of a majority of the commission.~~

30 Section 205. Bonds Required of Members and ~~{Secretary}~~ ←

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

30 Section 206. {Board} ~~Commission~~ Subject to Administrative <—

1 Code.--Except as otherwise expressly provided by law, the
2 ~~board~~ ~~commission~~ shall be subject to all the provisions of The <—
3 Administrative Code of one thousand nine hundred twenty-nine, as
4 amended, which apply generally to independent administrative
5 boards and commissions.

6 Section 9.1. The act is amended by adding a section to read:

7 Section 206.1. ~~Commission~~ BOARD AND ENFORCEMENT BUREAU <—

8 Subject to State Ethics and Adverse Interest Acts.--(a) Except
9 to the extent that the penalties provided in section 210 of this
10 act for violations are more stringent, the ~~commission~~ BOARD, its <—
11 members and all of its employes AND EMPLOYES OF THE ENFORCEMENT <—
12 BUREAU shall be subject to the act of October 4, 1978 (P.L.883,
13 No.170), referred to as the Public Official and Employee Ethics
14 Law, and the act of July 19, 1957 (P.L.1017, No.451), known as
15 the "State Adverse Interest Act."

16 (b) Membership on the ~~commission~~ BOARD and employment or <—
17 continued employment as an employe of the ~~commission~~ BOARD OR <—
18 ENFORCEMENT BUREAU is conditioned upon compliance with all of
19 the provisions of the acts specified in subsection (a),
20 including, but not limited to, the filing of statements of
21 financial interests required by section 5 of the "Public
22 Official and Employee Ethics Law." Acceptance or retention of
23 employment shall be deemed as voluntary consent to submit to the
24 financial reporting requirements of the "Public Official and
25 Employee Ethics Law" as a condition of employment. Failure to
26 timely comply with the requirements shall result in immediate
27 termination of employment.

28 Section 10. Section 207 of the act, amended May 25, 1956
29 (1955 P.L.1743, No.583), January 13, 1966 (1965 P.L.1301,
30 No.518), June 17, 1971 (P.L.180, No.22) and July 27, 1973

1 (P.L.247, No.70), is reenacted and amended to read:

2 Section 207. General Powers of ~~{Board} Commission~~.--Under <—
3 this act, the ~~{board} commission~~ shall have the power and its <—
4 duty shall be:

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

9 The ~~commission~~ BOARD shall buy liquor and alcohol at the lowest <—
10 price and in the greatest variety reasonably obtainable.

11 (b) To control the manufacture, possession, sale,
12 consumption, importation, use, storage, transportation and
13 delivery of liquor, alcohol and malt or brewed beverages in
14 accordance with the provisions of this act, and to fix the
15 wholesale and retail prices at which liquors and alcohol shall
16 be sold at Pennsylvania Liquor Stores[: Provided, That in fixing
17 the sale prices, the board shall not give any preference or make
18 any discrimination as to classes, brands or otherwise, except to
19 the extent and for the length of time necessary to sell such
20 classes or brands in compliance with any Federal action freezing
21 or otherwise controlling the price of said classes or brands, or
22 except where special sales are deemed necessary to move
23 unsaleable merchandise, or except where the addition of a
24 service or handling charge to the fixed sales price of any
25 merchandise in the same comparable price bracket, regardless of
26 class, brand or otherwise, is, in the opinion of the board,
27 required for the efficient operation of the State store system].

28 Prices shall be proportional with prices paid by the ~~commission~~ <—
29 BOARD to its suppliers and shall reflect any advantage obtained <—
30 through volume purchases by the ~~commission~~ BOARD. The ~~commission~~ <—

1 BOARD may establish a preferential price structure for wines <—
2 produced within this Commonwealth for the promotion of such
3 wines, as long as the price structure is uniform within each
4 class of wine purchased by the ~~commission~~ BOARD. The {board} <—
5 ~~commission~~ shall require each Pennsylvania manufacturer and each
6 nonresident manufacturer of liquors, other than wine, selling
7 such liquors to the {board} ~~commission~~, which are not <—
8 manufactured in this Commonwealth, to make application for and
9 be granted a permit by the {board} ~~commission~~ before such <—
10 liquors not manufactured in this Commonwealth shall be purchased
11 from such manufacturer. Each such manufacturer shall pay for
12 such permit a fee which, in the case of a manufacturer of this
13 Commonwealth, shall be equal to that required to be paid, if
14 any, by a manufacturer or wholesaler of the state, territory or
15 country of origin of the liquors, for selling liquors
16 manufactured in Pennsylvania, and in the case of a nonresident
17 manufacturer, shall be equal to that required to be paid, if
18 any, in such state, territory or country by Pennsylvania
19 manufacturers doing business in such state, territory or
20 country. In the event that any such manufacturer shall, in the
21 opinion of the {board} ~~commission~~, sell or attempt to sell <—
22 liquors to the {board} ~~commission~~ through another person for the <—
23 purpose of evading this provision relating to permits, the
24 {board} ~~commission~~ shall require such person, before purchasing <—
25 liquors from him or it, to take out a permit and pay the same
26 fee as hereinbefore required to be paid by such manufacturer.
27 All permit fees so collected shall be paid into The State Stores
28 Fund. The {board} ~~commission~~ shall not purchase any alcohol or <—
29 liquor fermented, distilled, rectified, compounded or bottled in
30 any state, territory or country, the laws of which result in

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

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

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

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

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

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

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

28 (i) From time to time, to make such regulations not
29 inconsistent with this act as it may deem necessary for the
30 efficient administration of this act. The ~~board~~ commission ←

1 shall cause such regulations to be published and disseminated
2 throughout the Commonwealth in such manner as it shall deem
3 necessary and advisable or as may be provided by law. Such
4 regulations adopted by the ~~{board}~~ ~~commission~~ shall have the
5 same force as if they formed a part of this act.

<—

6 (j) [To investigate, whenever any person complains, or when
7 the board is aware that there is reasonable grounds to believe
8 liquor or malt or brewed beverage is being sold on premises not
9 licensed under the provisions of this act. If the investigation
10 produces evidence of the unlawful sale of liquor or malt or
11 brewed beverage or of any other violation of the provisions of
12 this act, the board shall cause the prosecution of the person or
13 persons believed to have been criminally liable for the unlawful
14 acts. Any equipment or appurtenances actually used in the
15 commission of the unlawful acts may be confiscated upon
16 direction of the board. The confiscation by or under the
17 direction of the board shall not, in any manner, divest or
18 impair the rights or interest of any bona fide lien holder in
19 the equipment or appurtenances, who had no knowledge that the
20 same was being used in violation of this act.] By regulation, to
21 provide for the use of a computerized referral system to assist
22 consumers in locating special items at Pennsylvania Liquor
23 Stores; for the use of electronic transfer of funds for the
24 purchase of liquor and alcohol at Pennsylvania Liquor Stores;
25 and for the use of credit cards, ~~by licensees only, for volume~~
26 purchases.

<—

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

<—

30 Section 208. Specific Subjects on Which ~~{Board}~~ ~~Commission~~

<—

1 May Adopt Regulations.--Subject to the provisions of this act
2 and without limiting the general power conferred by the
3 preceding section, the ~~{board} commission~~ may make regulations ←
4 regarding:

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

8 (b) The duties and conduct of the officers and employes of
9 the ~~{board} commission~~. ←

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

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

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

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

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

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

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

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

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

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

6 Section 13. Section 210 of the act is reenacted and amended
7 to read:

8 Section 210. Restrictions on Members of the {Board} <—
9 ~~Commission~~ and CERTAIN Employes of Commonwealth.--(a) A member <—
10 or employe of the {board} ~~commission~~ OR ENFORCEMENT BUREAU or a <—
11 member of the immediate family of a member or employe of the
12 commission BOARD OR ENFORCEMENT BUREAU shall not be directly or <—
13 indirectly interested or engaged in any other business or
14 undertaking dealing in liquor, alcohol, or malt or brewed
15 beverages, whether as owner, part owner, partner, member of
16 syndicate, shareholder, agent or employe, and whether for his
17 own benefit or in a fiduciary capacity for some other person.

18 (b) No member or employe of the {board} ~~commission~~ OR <—
19 ENFORCEMENT BUREAU or a member of the immediate family of a
20 member or employe of the commission BOARD OR ENFORCEMENT BUREAU <—
21 nor any employe of the Commonwealth shall solicit or receive,
22 directly or indirectly, any commission, remuneration or gift
23 whatsoever, from any person having sold, selling or offering
24 liquor or alcohol for sale to the {board} ~~commission~~ for use in <—
25 Pennsylvania Liquor Stores.

26 (c) No person convicted of an infamous crime may be employed
27 as a member or employe by the commission BOARD OR ENFORCEMENT <—
28 BUREAU.

29 (d) No member or employe of the commission BOARD OR <—
30 ENFORCEMENT BUREAU may use his position with the commission <—

1 BOARD OR ENFORCEMENT BUREAU, or any confidential information <—
2 received through his position with the ~~commission~~, BOARD OR <—
3 ENFORCEMENT BUREAU to obtain financial gain, other than
4 compensation provided by law, for himself, a member of his
5 immediate family or a business with which he is associated.

6 (e) No person may offer or give to a member or employe of
7 the ~~commission~~ BOARD OR ENFORCEMENT BUREAU or a member of his <—
8 immediate family or a business with which he is associated, and
9 no member or employe of the ~~commission~~ BOARD OR ENFORCEMENT <—
10 BUREAU may solicit or accept anything of value, including a
11 gift, loan, political contribution, reward or promise of future
12 employment, based on an understanding that the vote, official
13 action or judgment of the member or employe of the ~~commission~~ <—
14 BOARD OR ENFORCEMENT BUREAU would be influenced thereby. <—

15 (f) No member or employe of the ~~commission~~ BOARD OR <—
16 ENFORCEMENT BUREAU or a member of his immediate family or any
17 business in which the member or employe or a member of his
18 immediate family is a director, officer or owner or holder of
19 stock exceeding five percent (5%) of the equity at fair market
20 value of the business may enter into any contract valued at five
21 hundred dollars (\$500) or more to provide goods or services to
22 the ~~commission~~ BOARD OR ENFORCEMENT BUREAU unless the contract <—
23 has been awarded to the lowest responsible bidder through an
24 open and public process, including prior public notice and
25 subsequent public disclosure of all proposals considered and
26 contracts awarded.

27 (g) No former member or employe of the ~~commission~~ BOARD OR <—
28 ENFORCEMENT BUREAU may represent a person, with or without
29 compensation, on any matter before the ~~commission~~ BOARD for one <—
30 year after leaving the ~~commission~~ BOARD. <—

1 ~~(h) A public officer or public official or a party officer~~ <—
2 ~~or member of the immediate family of such individuals, or a~~
3 ~~business with which such individuals or members of their~~
4 ~~immediate families are associated, must not have a financial~~
5 ~~interest in any contract valued at five hundred dollars (\$500)~~
6 ~~or more to provide goods or services to the commission either~~
7 ~~during the time the person holds such office, or for two years~~
8 ~~after the person terminates such office, unless the contract is~~
9 ~~executed pursuant to the provisions of subsection (f). For~~
10 ~~purposes of this subsection, the term "financial interest" shall~~
11 ~~not include employment by, association with or ownership of a~~
12 ~~business association unless the public officer, public official,~~
13 ~~party officer or member of the immediate family or the~~
14 ~~individual owns shares of stock in the corporation in an amount~~
15 ~~in excess of five percent (5%) of the total issue for the stock~~
16 ~~of the corporation, or has an ownership interest in a~~
17 ~~noncorporate business association in an amount in excess of five~~
18 ~~percent (5%) of the total ownership of the noncorporate business~~
19 ~~association.~~

20 ~~(i) (H) No member or employe of the commission BOARD OR~~ <—
21 ~~ENFORCEMENT BUREAU or an advisor or consultant thereto having~~
22 ~~recommended to the commission BOARD OR ENFORCEMENT BUREAU either~~ <—
23 ~~the making of a contract or a course of action of which the~~
24 ~~making of a contract is an express or implied part, may, at any~~
25 ~~time thereafter, have an adverse interest in that contract.~~

26 ~~(j) (I) No member or employe of the commission or any~~ <—
27 ~~officer or employe of the Commonwealth or any of its political~~
28 ~~subdivisions BOARD OR ENFORCEMENT BUREAU may influence or~~ <—
29 ~~attempt to influence the making of, or supervise or deal with, a~~
30 ~~contract with the commission BOARD in which he has an adverse~~ <—

1 interest.

2 ~~(k)~~ (J) No member or employe of the ~~commission~~ BOARD OR <—
3 ENFORCEMENT BUREAU may have an adverse interest in a contract
4 with the ~~commission~~ BOARD OR ENFORCEMENT BUREAU. <—

5 ~~(l)~~ (K) No person having an adverse interest in a contract <—
6 with the ~~commission~~ BOARD OR ENFORCEMENT BUREAU may become an <—
7 employe of the ~~commission~~ BOARD OR ENFORCEMENT BUREAU until the <—
8 adverse interest has been wholly divested.

9 ~~(m)~~ (L) No member or employe of the ~~commission or any~~ <—
10 ~~officer or employe of the Commonwealth or a political~~
11 ~~subdivision~~ BOARD OR ENFORCEMENT BUREAU, except in the <—
12 performance of his duties as such employe, may, for
13 remuneration, directly or indirectly, represent a person upon a
14 matter pending before the ~~commission~~ BOARD OR ENFORCEMENT <—
15 BUREAU.

16 ~~(n)~~ (M) (1) Any person who violates the provisions of this <—
17 section shall have his employment by the ~~commission~~ BOARD OR <—
18 ENFORCEMENT BUREAU immediately terminated by the appropriate
19 person having the power to terminate and shall be liable to the
20 ~~commission~~ BOARD OR ENFORCEMENT BUREAU to reimburse the <—
21 ~~commission~~ BOARD OR ENFORCEMENT BUREAU for all compensation <—
22 received by him from the ~~commission~~ BOARD OR ENFORCEMENT BUREAU <—
23 while employed in violation of subsection (c).

24 (2) Any person who violates the provisions of subsections
25 (b), (d) or (e) shall be guilty of a felony and, upon conviction
26 thereof, shall be sentenced to pay a fine of not more than ten
27 thousand dollars (\$10,000) or to undergo imprisonment for not
28 more than five (5) years, or both.

29 (3) Any person who violates the provisions of subsections
30 (a) or (f) through ~~(m)~~ (L) shall be guilty of a misdemeanor and, <—

1 upon conviction thereof, shall be sentenced to pay a fine of not
2 more than one thousand dollars (\$1,000) or to undergo
3 imprisonment for not more than one (1) year, or both.

4 (4) Any person who obtains financial gain from violating any
5 provisions of this section, in addition to any other penalty
6 provided by law, shall pay into the accounts of the ~~commission~~ <—
7 BOARD a sum of money equal to three (3) times the financial gain <—
8 resulting from the violation.

9 (5) Any person who violates the provisions of this section
10 shall be barred for a period of five (5) years from engaging in
11 any business or contract with the ~~commission, the Commonwealth~~ <—
12 ~~or a political subdivision~~ BOARD OR ENFORCEMENT BUREAU. <—

13 ~~(6) Any employe of the Commonwealth or a political~~ <—
14 ~~subdivision or any public officer or public official who~~
15 ~~violates any of the provisions of this section shall~~
16 ~~automatically forfeit the office or employment.~~

17 ~~(7)~~ (6) The penalties and sanctions provided by this <—
18 subsection shall supersede any similar penalties and sanctions
19 provided by the act of July 19, 1957 (P.L.1017, No.451), known
20 as the "State Adverse Interest Act," and the act of October 4,
21 1978 (P.L.883, No.170), referred to as the Public Official and
22 Employee Ethics Law.

23 ~~(e)~~ (N) As used in this section, the following words and <—
24 phrases shall have the meanings given to them in this
25 subsection:

26 "Business" shall mean a corporation, partnership, sole
27 proprietorship, firm, enterprise, franchise, association,
28 organization, self-employed individual, holding company, joint-
29 stock company, receivership, trust or legal entity organized for
30 profit or as a not-for-profit corporation or organization.

1 "Immediate family" shall mean a parent, spouse, child,
2 brother, sister or like relative-in-law.

3 "Infamous crime" shall mean a violation and conviction for an
4 offense which would disqualify an individual from holding public
5 office pursuant to section 6 of Article II of the Constitution
6 of Pennsylvania; a conviction WITHIN THE PRECEDING TEN (10) ←
7 YEARS for a violation of this section or of 18 Pa.C.S. § 4113
8 (relating to misapplication of entrusted property and property
9 of government or financial institutions), Ch. 47 (relating to
10 bribery and corrupt influence), Ch. 49 (relating to
11 falsification and intimidation), Ch. 51 (relating to obstructing
12 governmental operations) or Ch. 53 (relating to abuse of
13 office); or a violation of the laws of this Commonwealth or
14 another state or the Federal Government for which an individual
15 has been convicted within the preceding ten (10) years and which
16 is classified as a felony.

17 ~~"Party officer" shall mean any of the following members or~~ ←
18 ~~officers of a political party: a member of a national committee;~~
19 ~~a chairman, vice chairman, secretary, treasurer or counsel of a~~
20 ~~State committee or member of the executive committee of a State~~
21 ~~committee; a county chairman, vice chairman, counsel, secretary~~
22 ~~or treasurer of a county committee; or a city chairman, vice~~
23 ~~chairman, counsel, secretary or treasurer of a city committee.~~

24 ~~"Public officer" shall mean a person elected to a public~~
25 ~~office of the Commonwealth or a political subdivision.~~

26 ~~"Public official" shall mean an elected or appointed official~~
27 ~~in the executive, legislative or judicial branch of the~~
28 ~~Commonwealth or a political subdivision. The term does not~~
29 ~~include members of advisory boards that have no authority to~~
30 ~~expend public funds other than reimbursement for personal~~

~~1 expense or to otherwise exercise the power of the Commonwealth
2 or a political subdivision. The term does not include an
3 appointed official who receives no compensation other than
4 reimbursement for actual expenses.~~

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

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

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

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

27 (3) Upon reasonable and probable cause, to search for and to
28 seize, without warrant or process, except in private homes, any
29 liquor, alcohol or malt or brewed beverages unlawfully
30 possessed, manufactured, sold, imported or transported and any

1 stills, equipment, materials, utensils, vehicles, boats,
2 vessels, animals, aircraft, or any of them, which are or have
3 been used in the unlawful manufacture, sale, importation or
4 transportation of the same, such liquor, alcohol, malt or brewed
5 beverages, stills, equipment, materials, utensils, vehicles,
6 ~~boards~~ BOATS, vessels, animals or aircraft so seized shall be ←
7 disposed of as hereinafter provided.

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

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

21 ~~(c) Except for up to three State Police officers who shall~~ ←
22 ~~be employed in a supervisory capacity at the State headquarters~~
23 ~~of the enforcement bureau, all other personnel of the~~
24 ~~enforcement bureau shall be civilians.~~

25 (C) THE PENNSYLVANIA STATE POLICE COMMISSIONER SHALL ASSIGN ←
26 STATE POLICE OFFICERS TO SUCH SUPERVISORY AND OTHER CAPACITIES
27 IN THE ENFORCEMENT BUREAU AS HE DEEMS NECESSARY. ALL OTHER
28 PERSONNEL OF THE ENFORCEMENT BUREAU SHALL BE CIVILIANS.

29 (D) THE OFFICE OF CHIEF COUNSEL FOR THE PENNSYLVANIA STATE
30 POLICE SHALL REPRESENT THE ENFORCEMENT BUREAU IN ALL ENFORCEMENT

1 PROCEEDINGS BROUGHT BEFORE THE OFFICE OF ADMINISTRATIVE LAW
2 JUDGE OR ANY OTHER ADJUDICATORY BODY.

3 Section 212. Office of Administrative Law Judge.--(a) There
4 is hereby created within the ~~commission~~ BOARD an autonomous <—
5 office to be known as the Office of Administrative Law Judge.

6 ~~(b) All hearing examiners employed by the Pennsylvania~~ <—
7 ~~Liquor Control Board on the effective date of this section shall~~
8 ~~continue to serve as administrative law judges within the~~
9 ~~commission. Additional administrative law judges may be~~
10 ~~appointed by the commission, with the approval of the Governor,~~
11 ~~as the commission deems necessary for the holding of hearings~~
12 ~~required or permitted under this act.~~

13 (B) BY AND WITH THE ADVICE AND CONSENT OF A MAJORITY OF ALL <—
14 THE MEMBERS OF THE SENATE, THE GOVERNOR SHALL APPOINT A CHIEF
15 ADMINISTRATIVE LAW JUDGE AND AS MANY ADMINISTRATIVE LAW JUDGES
16 AS THE BOARD, WITH THE APPROVAL OF THE GOVERNOR, DEEMS NECESSARY
17 FOR THE HOLDING OF HEARINGS REQUIRED OR PERMITTED UNDER THIS
18 ACT.

19 (c) Administrative law judges shall preside at all
20 licensing, citation and other enforcement hearings required or <—
21 permitted under this act.

22 ~~(d) Administrative law judges appointed under this section~~ <—
23 ~~shall be afforded employment security as provided by the act of~~
24 ~~August 5, 1941 (P.L.752, No.286), known as the "Civil Service~~
25 ~~Act."~~

26 (D) ADMINISTRATIVE LAW JUDGES APPOINTED UNDER THIS SECTION <—
27 SHALL BE LEARNED IN THE LAW AND SHALL BE MEMBERS IN GOOD
28 STANDING OF THE BAR OF THE SUPREME COURT OF PENNSYLVANIA.

29 (e) Compensation for the administrative law judges shall be
30 established by the ~~commission~~ BOARD with the approval of the <—

1 Governor.

2 (F) ADMINISTRATIVE LAW JUDGES SHALL DEVOTE FULL TIME TO <—
3 THEIR OFFICIAL DUTIES AND SHALL PERFORM NO DUTIES INCONSISTENT
4 WITH THEIR DUTIES AND RESPONSIBILITIES AS ADMINISTRATIVE LAW
5 JUDGES.

6 ~~(f)~~ (G) Nothing in this section or this act shall be <—
7 construed or intended to change or affect the terms and
8 conditions of employment or the employment security of hearing
9 examiners employed by the Pennsylvania Liquor Control Board <—
10 BOARD on the effective date of this section. <—

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

19 Section 214 213. Bureau of Consumer Relations.--The <—
20 commission BOARD shall establish a Bureau of Consumer Relations <—
21 which shall be responsible for handling all consumer complaints
22 and suggestions. The bureau shall develop a system-wide program
23 for investigating all complaints and suggestions and
24 implementing improvements into the State Store system.

25 Section 215 214. Prohibitions.--(a) The commission BOARD <—
26 may not make a contract or otherwise do business with a
27 corporation, vendor or service contractor that has not complied
28 with the regulatory and statutory requirements of any other
29 administrative agency.

30 (b) The commission BOARD may not make a contract or <—

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

6 Section ~~216~~ 215. Wine Marketing.--(a) There is hereby <—
7 established within the ~~commission~~ BOARD the Bureau of Wine which <—
8 shall be responsible for the purchasing and the wholesale and
9 retail marketing of premium wines so as to make these wines
10 available to Pennsylvania consumers at competitive prices and in
11 a convenient atmosphere.

12 (b) The management of the bureau shall be vested in a
13 director, an assistant director for purchasing and an assistant
14 director for marketing.

15 (c) The ~~commission~~ BOARD shall establish that at least five <—
16 per centum of all State stores within a metropolitan area are
17 wine specialty stores, at which premium wine shall be sold.
18 These stores shall not sell any distilled product. ~~The stores~~ <—
19 ~~shall be in addition to the current number of State stores in~~
20 ~~operation in said area.~~ THE BOARD MAY ESTABLISH THE WINE <—
21 SPECIALTY STORES IN LOCATIONS WHICH PROVIDE THE GREATEST
22 CUSTOMER TRAFFIC AND THE GREATEST GROSS PROFIT TO THE BOARD.
23 THESE LOCATIONS MAY INCLUDE ESTABLISHED RETAIL ESTABLISHMENTS.
24 BOARD EMPLOYEES SHALL STAFF THESE LOCATIONS. THE BOARD SHALL HAVE
25 THE OPTION OF CLOSING STORES WHICH ARE UNPROFITABLE FOR TWO
26 CONSECUTIVE FISCAL YEARS.

27 (d) (1) The term "metropolitan area" as used in this
28 section shall mean any one county or any combination of two,
29 three or four counties contiguous and adjacent with a total
30 population of fifty thousand or more.

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

21 (b) The ~~{board} commission~~ may lease the necessary premises ←
22 for such stores or establishments, but all such leases shall be
23 made through the Department of General Services as agent of the
24 ~~{board} commission~~. The ~~{board} commission~~, through the ←
25 Department of General Services, shall have authority to purchase
26 such equipment and appointments as may be required in the
27 operation of such stores or establishments.

28 Section 17. Sections 302 and 303 of the act are reenacted
29 ~~and amended~~ to read: ←

30 Section 302. Selection of Personnel.--Officers and employes

1 of the ~~{board} commission~~, except as herein otherwise provided, <—
2 shall be appointed and employed subject to the provisions of the
3 Civil Service Act.

4 Section 303. Management of Pennsylvania Liquor Stores.--
5 Every Pennsylvania Liquor Store shall be conducted by a person
6 appointed in the manner provided in the Civil Service Act who
7 shall be known as the "manager" and who shall, under the
8 directions of the ~~{board} commission~~, be responsible for <—
9 carrying out the provisions of this act and the regulations
10 adopted by the ~~{board} commission~~ under this act as far as they <—
11 relate to the conduct of such stores.

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

14 Section 304. When Sales May Be Made at Pennsylvania Liquor
15 Stores.--Every Pennsylvania Liquor Store shall be open for
16 business week days, except legal holidays or any day on which a
17 general, municipal, special or primary election is being held,
18 during such hours as the ~~{board} commission~~, in its discretion, <—
19 shall determine[, but shall not be open longer than fourteen
20 hours in any one day nor later than eleven o'clock
21 postmeridian]: Provided, That the Pennsylvania Liquor Stores in
22 the case of a special election for members of the General
23 Assembly or members of the Congress of the United States, when
24 such special election is held on other than a primary, municipal
25 or general election day, shall be open in those Legislative or
26 Congressional Districts as though the day were not a special
27 election day. The ~~{board} commission~~ may, with the approval of <—
28 the Governor, temporarily close any store in any municipality.

29 Section 19. Section 305 of the act, amended October 21, 1965
30 (P.L.642, No.316), October 11, 1972 (P.L.906, No.215), June 17,

1 1974 (P.L.352, No.115), October 2, 1974 (P.L.668, No.222) and
2 October 4, 1974 (P.L.672, No.224), is reenacted and amended to
3 read:

4 Section 305. Sales by Pennsylvania Liquor Stores.--(a)
5 Every Pennsylvania Liquor Store shall keep in stock for sale
6 such classes, varieties and brands of liquor and alcohol as the
7 ~~{board} commission~~ shall prescribe. If any person shall desire <—
8 to purchase any class, variety or brand of liquor or alcohol
9 which any such store does not have in stock, it shall be the
10 duty of such store immediately to order the same upon the
11 payment of a reasonable deposit by the purchaser in such
12 proportion of the approximate cost of the order as shall be
13 prescribed by the regulations of the ~~{board} commission~~. NO <—
14 PURCHASER MAY BE REQUIRED TO PURCHASE MORE THAN TWO BOTTLES OR
15 CONTAINERS OF THE PRODUCT, PROVIDED THAT SUCH PRODUCT IS
16 AVAILABLE THROUGH THE STATE STORE SYSTEM. The customer shall be
17 notified immediately upon the arrival of the goods.

18 In computing the retail price of such special orders for
19 liquor or alcohol, the ~~{board} commission~~ shall not include the <—
20 cost of freight or shipping before applying the mark-up and
21 taxes but shall add the freight or shipping charges to the price
22 after the mark-up and taxes have been applied.

23 Unless the customer pays for and accepts delivery of any such
24 special order within [five] TEN days after notice of arrival, <—
25 the store may place it in stock for general sale and the
26 customer's deposit shall be forfeited.

27 (b) Every Pennsylvania Liquor Store shall sell liquors at
28 wholesale to hotels, restaurants, clubs, and railroad, pullman
29 and steamship companies licensed under this act; and, under the
30 regulations of the ~~{board} commission~~, to pharmacists duly <—

1 licensed and registered under the laws of the Commonwealth, and
2 to manufacturing pharmacists, and to reputable hospitals
3 approved by the ~~{board} commission~~, or chemists. The ~~{board}~~ ←
4 ~~commission~~ may sell to registered pharmacists only such liquors
5 as conform to the Pharmacopoeia of the United States, the
6 National Formulary, or the American Homeopathic Pharmacopoeia.
7 The ~~{board} commission~~ may sell at special prices under the ←
8 regulations of the ~~{board} commission~~, to United States Armed ←
9 Forces facilities which are located on United States Armed
10 Forces installations and are conducted pursuant to the authority
11 and regulations of the United States Armed Forces. All other
12 sales by such stores shall be at retail. [No liquor shall be
13 sold except for cash, except that the board may, by regulation,
14 authorize the acceptance of checks for liquor sold at wholesale
15 The shall have power to designate certain stores for wholesale
16 or retail sales exclusively.] A person entitled to purchase
17 liquor at wholesale prices may purchase the liquor at any
18 Pennsylvania Liquor Store upon tendering cash, check or credit
19 card for the full amount of the purchase. For this purpose, the
20 commission BOARD shall issue a discount card to each licensee ←
21 identifying such licensee as a person authorized to purchase
22 liquor at wholesale prices. Such discount card shall be retained
23 by the licensee. The board may provide MAY CONTRACT THROUGH THE ←
24 COMMONWEALTH BIDDING PROCESS for delivery to wholesale licensees
25 at the expense of the licensee receiving the delivery.

26 (c) Whenever any checks issued in payment of liquor or
27 alcohol purchased from State Liquor Stores by persons holding
28 wholesale purchase permit cards issued by the ~~{board} commission~~ ←
29 shall be returned to the ~~{board} commission~~ as dishonored, the ←
30 ~~{board} commission~~ shall charge a fee of five dollars per ←

1 hundred dollars or fractional part thereof, plus all protest
2 fees, to the maker of such check submitted to the {board} ←
3 ~~commission~~. Failure to pay the face amount of the check in full
4 and all charges thereon as herein required within ten days after
5 demand has been made by the {board} ~~commission~~ upon the maker of ←
6 the check shall be cause for revocation or suspension of any
7 license issued by the {board} ~~commission~~ to the person who ←
8 issued such check and the cancellation of the wholesale purchase
9 permit card held by such person.

10 (d) No liquor or alcohol package shall be opened on the
11 premises of a Pennsylvania Liquor Store. No manager or other
12 employe of the {board} ~~commission~~ employed in a Pennsylvania ←
13 Liquor Store shall allow any liquor or alcohol to be consumed on
14 the store premises, nor shall any person consume any liquor or
15 alcohol on such premises.

16 (e) The {board} ~~commission~~ may sell tax exempt alcohol to ←
17 the Commonwealth of Pennsylvania and to persons to whom the
18 {board} ~~commission~~ shall, by regulation to be promulgated by it, ←
19 issue special permits for the purchase of such tax exempt
20 alcohol.

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

30 (f) Every purchaser of liquor or alcohol from a Pennsylvania

1 Liquor Store shall receive a numbered receipt which shall show
2 the price paid therefor, and such other information as the
3 ~~{board} commission~~ may prescribe. Copies of all receipts issued ←
4 by a Pennsylvania Liquor Store shall be retained by and shall
5 form part of the records of such store.

6 (g) The ~~{board} commission~~ is hereby authorized and ←
7 empowered to adopt and enforce appropriate rules and regulations
8 to insure the equitable wholesale and retail sale and
9 distribution, through the Pennsylvania Liquor Stores, of
10 available liquor and alcohol at any time when the demand
11 therefor is greater than the supply.

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

14 Section 20. Section 306 of the act is reenacted and amended
15 to read:

16 Section 306. Audits by Auditor General.--(a) It shall be
17 the duty of the Department of the Auditor General to make all
18 audits which may be necessary in connection with the
19 administration of the financial affairs of the ~~{board}~~ ←
20 ~~commission~~ and the Pennsylvania Liquor Stores operated and
21 maintained by the ~~{board} commission~~. SUCH AUDITS SHALL BE ←
22 CONDUCTED IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING
23 PRINCIPLES. NOTHING HEREIN SHALL BE CONSTRUED TO REQUIRE THE
24 AUDITOR GENERAL TO CONDUCT BIENNIAL INVENTORIES.

25 (b) At least one audit shall be made each year of the
26 affairs of the ~~{board} commission~~, and all collections made by ←
27 the Pennsylvania Liquor Stores shall be audited quarterly. A
28 copy of the annual audit of the affairs of the commission BOARD ←
29 shall be submitted to each member of the General Assembly.

30 (c) Special audits of the affairs of the ~~{board} commission~~ ←

1 and the Pennsylvania Liquor Stores maintained and operated by
2 the ~~{board}~~~~commission~~ may be made whenever they may, in the <—
3 judgment of the Auditor General, appear necessary, and shall be
4 made whenever the Governor shall call upon the Auditor General
5 to make them.

6 (d) Copies of all audits made by the Department of the
7 Auditor General shall be promptly submitted to the ~~{board}~~ <—
8 ~~commission~~ and to the Governor.

9 (e) Unless the Department of the Auditor General shall
10 neglect or refuse to make annual, quarterly or special Audits,
11 as hereinabove required, it shall be unlawful for the ~~{board}~~ <—
12 ~~commission~~ to expend any money appropriated to it by the General
13 Assembly for any audit of its affairs, except for the payment of
14 the compensation and expenses of such auditors as are regularly
15 employed as part of the administrative staff of the ~~{board}~~ <—
16 ~~commission~~.

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

19 ARTICLE IV.

20 LICENSES AND REGULATIONS; LIQUOR, ALCOHOL AND

21 MALT AND BREWED BEVERAGES.

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

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

25 Section 401. Authority to Issue Liquor Licenses to Hotels,
26 Restaurants and Clubs.--(a) Subject to the provisions of this
27 act and regulations promulgated under this act, the ~~{board}~~ <—
28 ~~commission~~ shall have authority to issue a retail liquor license
29 for any premises kept or operated by a hotel, restaurant or club
30 and specified in the license entitling the hotel, restaurant or

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

20 (b) The ~~{board}~~ ~~commission~~ may issue to any club which ←
21 caters to groups of non-members, either privately or for
22 functions, a catering license, and the ~~{board}~~ ~~commission~~ shall, ←
23 by its rules and regulations, define what constitutes catering
24 under this subsection except that any club which is issued a
25 catering license shall not be prohibited from catering on
26 Sundays during the hours which the club may lawfully serve
27 liquor, malt or brewed beverages.

28 Section 23. Section 402 of the act is reenacted and amended
29 to read:

30 Section 402. License Districts; License Year; Hearings.--(a)

1 The ~~{board} commission~~ shall, by regulation, divide the State <—
2 into convenient license districts and shall hold hearings on
3 applications for licenses and renewals thereof, as it deems
4 necessary, at a convenient place or places in each of said
5 districts, at such times as it shall fix, by regulation, for the
6 purpose of hearing testimony for and against applications for
7 new licenses and renewals thereof. The commission BOARD shall <—
8 hold a hearing on any application for a new hotel, club or
9 restaurant liquor license or the transfer of any such license to
10 a new location, upon the request of any person with standing to
11 testify under subsection (b) if the request is filed with the
12 commission BOARD within the first fifteen days of posting of the <—
13 notice of application pursuant to section 403(g). The {board} <—
14 ~~commission~~ may provide for the holding of such hearings by
15 {examiners learned in the law, to be appointed by the Governor, <—
16 who shall not be subject to the "Civil Service Act."} <—
17 ~~administrative law judges.~~ Such examiners shall make A report to <—
18 the {board} ~~commission~~ in each case with their recommendations. <—
19 The {board} ~~commission~~ shall, by regulation, fix the license <—
20 year for each separate district so that the expiration dates
21 shall be uniform in each of the several districts but staggered
22 as to the State.

23 (b) Where a hearing is held in the case of an application
24 for a new hotel, club or restaurant liquor license or an
25 application for the transfer of a hotel, club or restaurant
26 liquor license to a new location, the commission BOARD shall <—
27 permit residents residing within a radius of five hundred feet
28 of the premises to testify at the hearing. The commission BOARD <—
29 and any hearing officer thereof shall give appropriate
30 evidentiary weight to any testimony of such residents given at

1 the hearing.

2 Section 24. Section 403 of the act, amended November 19,
3 1959 (P.L.1546, No.553) and September 28, 1961 (P.L.1728,
4 No.702), is reenacted and amended to read:

5 Section 403. Applications for Hotel, Restaurant and Club
6 Liquor Licenses.--(a) Every applicant for a hotel liquor
7 license, restaurant liquor license or club liquor license or for
8 the transfer of an existing license to another premises not then
9 licensed shall file a written application with the ~~{board}~~ ←
10 ~~commission~~ in such form and containing such information as the
11 ~~{board}~~ ~~commission~~ shall from time to time prescribe, which ←
12 shall be accompanied by a filing fee of twenty dollars (\$20),
13 the prescribed license fee, and the bond hereinafter specified.
14 Every such application shall contain a description of that part
15 of the hotel, restaurant or club for which the applicant desires
16 a license and shall set forth such other material information,
17 description or plan of that part of the hotel, restaurant or
18 club where it is proposed to keep and sell liquor as may be
19 required by the regulations of the ~~{board}~~ ~~commission~~. The ←
20 descriptions, information and plans referred to in this
21 subsection shall show the hotel, restaurant, club, or the
22 proposed location for the construction of a hotel, restaurant or
23 club, at the time the application is made, and shall show any
24 alterations proposed to be made thereto, or the new building
25 proposed to be constructed after the approval by the ~~{board}~~ ←
26 ~~commission~~ of the application for a license or for the transfer
27 of an existing license to another premises not then licensed. No
28 physical alterations, improvements or changes shall be required
29 to be made to any hotel, restaurant or club, nor shall any new
30 building for any such purpose, be required to be constructed

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

29 (b) If the applicant is a natural person, his application
30 must show that he is a citizen of the United States and has been

1 a resident of this Commonwealth for at least two years
2 immediately preceding his application.

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

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

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

27 (f) The ~~{board} commission~~ shall refuse to issue licenses to <—
28 clubs when it appears that the operation of the licensed
29 business would inure to the benefit of individual members,
30 officers, agents or employes of the club, rather than to the

1 benefit of the entire membership of the club.

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

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

16 (i) Upon receipt of an application for a new license or
17 transfer of an existing license to a new location, the
18 commission BOARD shall immediately notify, in writing, the ←
19 municipality in which the premises proposed to be licensed are
20 located.

21 Section 25. Section 404 of the act, amended September 2,
22 1971 (P.L.429, No.103), is reenacted ~~and amended~~ to read: ←

23 Section 404. Issuance of Hotel, Restaurant and Club Liquor
24 Licenses.--Upon receipt of the application, the proper fees and
25 bond, and upon being satisfied of the truth of the statements in
26 the application that the applicant is the only person in any
27 manner pecuniarily interested in the business so asked to be
28 licensed and that no other person will be in any manner
29 pecuniarily interested therein during the continuance of the
30 license, except as hereinafter permitted, and that the applicant

1 is a person of good repute, that the premises applied for meet
2 all the requirements of this act and the regulations of the
3 ~~{board} commission~~, that the applicant seeks a license for a ←
4 hotel, restaurant or club, as defined in this act, and that the
5 issuance of such license is not prohibited by any of the
6 provisions of this act, the ~~{board} commission~~ shall, in the ←
7 case of a hotel or restaurant, grant and issue to the applicant
8 a liquor license, and in the case of a club may, in its
9 discretion, issue or refuse a license: Provided, however, That
10 in the case of any new license or the transfer of any license to
11 a new location the ~~{board} commission~~ may, in its discretion, ←
12 grant or refuse such new license or transfer if such place
13 proposed to be licensed is within three hundred feet of any
14 church, hospital, charitable institution, school, or public
15 playground, or if such new license or transfer is applied for a
16 place which is within two hundred feet of any other premises
17 which is licensed by the ~~{board} commission~~, or if such new ←
18 license or transfer is applied for a place where the principal
19 business is the sale of liquid fuels and oil: And provided
20 further, That the ~~{board} commission~~ shall refuse any ←
21 application for a new license or the transfer of any license to
22 a new location if, in the ~~{board's} commission's~~ opinion, such ←
23 new license or transfer would be detrimental to the welfare,
24 health, peace and morals of the inhabitants of the neighborhood
25 within a radius of five hundred feet of the place proposed to be
26 licensed: And provided further, That the ~~{board} commission~~ ←
27 shall not issue new licenses in any license district more than
28 twice each license year, effective from specific dates fixed by
29 the ~~{board} commission~~, and new licenses shall not be granted, ←
30 except for hotels as defined in this act, unless the application

1 therefor shall have been filed at least thirty days before the
2 effective date of the license: And provided further, That
3 nothing herein contained shall prohibit the ~~board~~ commission ←
4 from issuing a new license for the balance of any unexpired term
5 in any license district to any applicant in such district, who
6 shall have become eligible to hold such license as the result of
7 legislative enactment, when such enactment shall have taken
8 place during the license term of that district for which
9 application is made or within the thirty days immediately
10 preceding such term, nor shall anything herein contained
11 prohibit the ~~board~~ commission from issuing at any time a new ←
12 license for an airport restaurant, or municipal golf course, as
13 defined in section 461 of this act, for the balance of the
14 unexpired license term in any license district: And provided
15 further, That the shall have the discretion to refuse a license
16 to any person or to any corporation, partnership or association
17 if such person, or any officer or director of such corporation,
18 or any member or partner of such partnership or association
19 shall have been convicted or found guilty of a felony within a
20 period of five years immediately preceding the date of
21 application for the said license.

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

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

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

1 In municipalities, except townships, having a population of
2 fifteen hundred and more but less than ten thousand inhabitants,
3 and in townships having a population of fifteen hundred and more
4 but less than twelve thousand inhabitants, two hundred dollars
5 (\$200.00).

6 In municipalities, except townships, having a population of
7 ten thousand and more but less than fifty thousand inhabitants,
8 and in townships having a population of twelve thousand and more
9 but less than fifty thousand inhabitants, three hundred dollars
10 (\$300.00).

11 In those having a population of fifty thousand and more but
12 less than one hundred thousand inhabitants, four hundred dollars
13 (\$400.00).

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

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

19 (b) Every applicant for a club liquor license shall pay to
20 the ~~{board} commission~~ a license fee of fifty dollars (\$50.00), ←
21 except clubs to which catering licenses are issued, in which
22 cases the license fees shall be the same as for hotels and
23 restaurants located in the same municipality.

24 (c) All license fees authorized under this section shall be
25 collected by the ~~{board} commission~~ for the use of the ←
26 municipalities in which such fees were collected.

27 (d) Whenever any checks issued in payment of filing and/or
28 license fees shall be returned to the ~~{board} commission~~ as ←
29 dishonored, the ~~{board} commission~~ shall charge a fee of five ←
30 dollars (\$5.00) per hundred dollars, or fractional part thereof,

1 plus all protest fees, to the maker of such check submitted to
2 the ~~{board} commission~~. Failure to pay the face amount of the ←
3 check in full and all charges thereon as herein required within
4 ten days after demand has been made by the ~~{board} commission~~ ←
5 upon the maker of the check, the license of such person, if
6 issued, shall immediately terminate and be cancelled without any
7 action on the part of the ~~{board} commission~~. ←

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

12 Section 406. Sales by Liquor Licensees; Restrictions.--(a)
13 (1) Every hotel, restaurant or club liquor licensee may sell
14 liquor and malt or brewed beverages by the glass, open bottle or
15 other container, and in any mixture, for consumption only in
16 that part of the hotel or restaurant habitually used for the
17 serving of food to guests or patrons, or in a bowling alley that
18 is immediately adjacent to and under the same roof as a
19 restaurant when no minors are present, unless minors who are
20 present are under proper supervision as defined in section 493,
21 in the bowling alley, and in the case of hotels, to guests, and
22 in the case of clubs, to members, in their private rooms in the
23 hotel or club. No club licensee nor its officers, servants,
24 agents or employes, other than one holding a catering license,
25 shall sell any liquor or malt or brewed beverages to any person
26 except a member of the club. In the case of a restaurant located
27 in a hotel which is not operated by the owner of the hotel and
28 which is licensed to sell liquor under this act, liquor and malt
29 or brewed beverages may be sold for consumption in that part of
30 the restaurant habitually used for the serving of meals to

1 patrons and also to guests in private guest rooms in the hotel.
2 For the purpose of this paragraph, any person who is an active
3 member of another club which is chartered by the same state or
4 national organization shall have the same rights and privileges
5 as members of the particular club. For the purpose of this
6 paragraph, any person who is an active member of any volunteer
7 firefighting company, association or group of this Commonwealth,
8 whether incorporated or unincorporated, shall upon the approval
9 of any club composed of volunteer firemen licensed under this
10 act, have the same social rights and privileges as members of
11 such licensed club. For the purposes of this paragraph, the term
12 "active member" shall not include a social member.

13 (2) Hotel and restaurant liquor licensees, airport
14 restaurant liquor licensees, municipal golf course restaurant
15 liquor licensees and privately-owned public golf course
16 restaurant licensees may sell liquor and malt or brewed
17 beverages only after seven o'clock antemeridian of any day until
18 two o'clock antemeridian of the following day, except Sunday,
19 and except as hereinafter provided, may sell liquor and malt or
20 brewed beverages on Sunday between the hours of twelve o'clock
21 midnight and two o'clock antemeridian.

22 (3) Hotel and restaurant liquor licensees, airport
23 restaurant liquor licensees, municipal golf course restaurant
24 liquor licensees and privately-owned public golf course
25 restaurant licensees whose sales of food and nonalcoholic
26 beverages are equal to forty per centum or more of the combined
27 gross sales of both food and alcoholic beverages may sell liquor
28 and malt or brewed beverages on Sunday between the hours of
29 eleven o'clock antemeridian and two o'clock antemeridian Monday
30 upon purchase of a special annual permit from the {board}

←

1 ~~commission~~ at a fee of two hundred dollars (\$200.00) per year,
2 which shall be in addition to any other license fees.

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

30 (5) Any hotel, restaurant, club or public service liquor

1 licensee may, by giving notice to the ~~{board}~~commission, ←
2 advance by one hour the hours herein prescribed as those during
3 which liquor and malt or brewed beverages may be sold during
4 such part of the year when daylight saving time is being
5 observed generally in the municipality in which the place of
6 business of such licensee is located. Any licensee who elects to
7 operate his place of business in accordance with daylight saving
8 time shall post a conspicuous notice in his place of business
9 that he is operating in accordance with daylight saving time.

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

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

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

24 Section 406.1. Secondary Service Area.--Upon application of
25 any restaurant, hotel, club, any stadium as described in section
26 408.9 or municipal golf course liquor licensee, and payment of
27 the appropriate fee, the ~~{board}~~commission may approve a ←
28 secondary service area by extending the licensed premises to
29 include one additional permanent structure with dimensions of at
30 least one hundred seventy-five square feet, enclosed on three

1 sides and having adequate seating. Such secondary service area
2 must be located on property having a minimum area of one (1)
3 acre, and must be on land which is immediate, abutting, adjacent
4 or contiguous to the licensed premises with no intervening
5 public thoroughfare. In any stadium as described in section
6 408.9, only malt or brewed beverages may be served. There shall
7 be no requirement that the secondary service area be physically
8 connected to the original licensed premises. Notwithstanding 40
9 Pa. Code § 7.21(c)(3), the licensee shall be permitted to store,
10 serve, sell or dispense food, liquor and malt or brewed
11 beverages at the ~~board~~ ~~commission~~ approved secondary service ←
12 area.

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

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

27 Section 30. Section 408 of the act, amended September 19,
28 1961 (P.L.1507, No.639) and November 26, 1978 (P.L.1389,
29 No.326), is reenacted ~~and amended~~ to read: ←

30 Section 408. Public Service Liquor Licenses.--(a) Subject

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

26 (b) For the purpose of considering an application by a
27 steamship or airline company for a public service liquor
28 license, the ~~{board} commission~~ may cause an inspection of the ←
29 steamship or vessel or aircraft for which a license is desired.
30 The ~~{board} commission~~ may, in its discretion, grant or refuse ←

1 the license applied for and there shall be no appeal from its
2 decision, except that an action of mandamus may be brought
3 against the ~~{board} commission~~ in the manner provided by law. <—

4 (c) Every applicant for a public service liquor license
5 shall, before receiving such license, file with the ~~{board}~~ <—
6 ~~commission~~ a surety bond as hereinafter prescribed, pay to the
7 ~~{board} commission~~ for each of the maximum number of dining, <—
8 club or buffet cars which the applicant estimates it will have
9 in operation on any one day an annual fee of twenty dollars
10 (\$20.00), and for each steamship or vessel or aircraft for which
11 a license is desired an annual fee of one hundred dollars
12 (\$100.00).

13 (d) Unless previously revoked, every license issued by the
14 ~~{board} commission~~ under this section shall expire and terminate <—
15 on the thirty-first day of December, in the year for which the
16 license is issued. Licenses issued under the provisions of this
17 section shall be renewed annually, as herein provided, upon the
18 filing of applications in such form as the ~~{board} commission~~ <—
19 shall prescribe, but no license shall be renewed until the
20 applicant shall file with the ~~{board} commission~~ a new surety <—
21 bond and shall pay the requisite license fee specified in this
22 section.

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

28 Section 31. Section 408.1 of the act, added December 15,
29 1965 (P.L.1106, No.426) and amended November 17, 1967 (P.L.510,
30 No.247), is reenacted ~~and amended~~ to read: <—

1 Section 408.1. Trade Show and Convention Licenses.--(a) The
2 ~~{board} commission~~ is authorized to issue a license in any city ←
3 of the first or second class for the retail sale of liquor and
4 malt or brewed beverages by the glass, open bottles or other
5 container or in any mixture for consumption in any restaurant or
6 other appropriate location on city-owned premises or on premises
7 of an authority created under the act of July 29, 1953
8 (P.L.1034), known as the "Public Auditorium Authorities Law"
9 customarily used or available for use for trade shows and
10 conventions. Any concessionaire selected and certified by the
11 city or its authorized agency or by the authority may apply for
12 a license.

13 (b) The application for a trade show and convention license
14 may be filed at any time and shall conform with all requirements
15 for restaurant liquor license applications except as may be
16 otherwise provided herein. The applicant shall submit such other
17 information as the ~~{board} commission~~ may require. Application ←
18 shall be in writing on forms prescribed by the ~~{board}~~ ←
19 ~~commission~~ and shall be signed and submitted to the ~~{board}~~ ←
20 ~~commission~~ by the applicant. The filing fee which shall
21 accompany the trade show and convention license application
22 shall be twenty dollars (\$20).

23 (c) Upon receipt of the application in proper form and the
24 application fee, and upon being satisfied that the applicant is
25 of good repute and financially responsible and that the proposed
26 place of business is proper, the ~~{board} commission~~ shall issue ←
27 a license to the applicant.

28 (d) The license shall be issued for the same period as
29 provided for restaurant licenses and shall be renewed as in
30 section 402. The license shall terminate upon revocation by the

1 ~~{board} commission~~ or upon termination of the contract between ←
2 the concessionaire and the city or authority.

3 (e) The annual fee for a trade show and convention license
4 shall be six hundred dollars (\$600), and shall accompany the
5 application for the license. Whenever a concessionaire's
6 contract terminates the license shall be returned to the ~~{board}~~ ←
7 ~~commission~~ for cancellation and a new license shall be issued to
8 a new applicant.

9 (f) The penal sum of the bond which shall be filed by an
10 applicant for a trade show and convention license pursuant to
11 section 465 of this article shall be two thousand dollars
12 (\$2,000) and in addition thereto he shall file an additional
13 bond in a sum to assure payment of any suspension of license up
14 to one hundred days.

15 (g) Sales by the holder of a trade show and convention
16 license may be made except to those persons prohibited under
17 clause (1) of section 493 of this act on city-owned or
18 authority-owned, leased or operated premises customarily used or
19 available for use for trade shows and conventions during the
20 hours in which the convention or trade show is being held and up
21 to one hour after the scheduled closing, and at functions which
22 are incidental to or a part of the trade show or convention, but
23 such sales may not be made beyond the hours expressed in the act
24 for the sale of liquor by restaurant licensees: Provided,
25 however, That during the hours expressed in this act for the
26 sale of liquor by hotel licensees, sales of such liquor or malt
27 or brewed beverages may be made by said licensee at banquets,
28 not incidental to trade shows or conventions, at which more than
29 two thousand persons are scheduled to attend, and at functions
30 irrespective of attendance, which are directly related to the

1 Philadelphia Commercial Museum or the Center for International
2 Visitors: And provided further, That no such sale shall be made
3 at any sporting, athletic or theatrical event.

4 (h) Whenever a contract is terminated prior to the
5 expiration date provided in the contract between the city or
6 authority and the concessionaire, the city or authority may
7 select and certify to the ~~{board} commission~~ a different ←
8 concessionaire which concessionaire shall apply to the ~~{board}~~ ←
9 ~~commission~~ for a new license. If the applicant meets the
10 requirements of the ~~{board} commission~~ as herein provided a new ←
11 license shall thereupon be issued.

12 (i) If any trade show and convention license is suspended,
13 the offer in compromise shall be accepted at the same rate as
14 provided for existing restaurant liquor licenses not in excess
15 of one hundred days. If any trade show and convention license is
16 revoked, the ~~{board} commission~~ shall issue a new license to any ←
17 qualified applicant without regard to the prohibition in section
18 471 against the grant of license at the same premises for a
19 period of at least one year.

20 Section 32. Section 408.2 of the act, added November 25,
21 1970 (P.L.770, No.255) and amended June 9, 1972 (P.L.379,
22 No.108), is reenacted ~~and amended~~ to read: ←

23 Section 408.2. City-Owned Stadia.--(a) The ~~{board}~~ ←
24 ~~commission~~ is authorized to issue a license in any city of the
25 first class for the retail sale of liquor and malt or brewed
26 beverages by the glass, open bottles or other container or in
27 any mixture for consumption in any restaurant on city-owned
28 premises principally utilized for competition of professional
29 and amateur athletes and other types of entertainment where
30 there is an available seating capacity within the premises of

1 twelve thousand or more.

2 (b) The application for a city-owned stadium license may be
3 filed at any time by a concessionaire selected and certified by
4 the city or its authorized agency and shall conform with all
5 requirements for restaurant-liquor licenses and applications
6 except as may otherwise be provided herein. Applicant shall
7 submit such other information as the ~~{board} commission~~ may <—
8 require. Applications shall be in writing on forms prescribed by
9 the ~~{board} commission~~ and shall be signed and submitted to the <—
10 ~~{board} commission~~ by the applicant. The filing fee which shall <—
11 accompany the license application shall be twenty dollars (\$20).

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

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

22 (e) The annual fee for a stadium license shall be six
23 hundred dollars (\$600), and shall accompany the application for
24 the license. Whenever a concessionaire's contract terminates the
25 license shall be returned to the ~~{board} commission~~ for <—
26 cancellation and a new license shall be issued to a new
27 applicant.

28 (f) The penal sum of the bond which shall be filed by an
29 applicant for a stadium license pursuant to section 465 of the
30 "Liquor Code" shall be two thousand dollars (\$2,000) and in

1 addition thereto he shall file an additional bond in a sum to
2 assure payment of any fine imposed by the ~~{board}~~ ~~commission~~ up ←
3 to one thousand dollars (\$1,000).

4 (g) Sales by the holder of a stadium license may be made
5 except to those persons prohibited under clause (1) of section
6 493 of this act on city-owned premises customarily used or
7 available for use for competition of professional and amateur
8 athletes and other types of entertainment during the hours in
9 which the entertainment is being held and up to one hour after
10 the scheduled closing, and at functions which are incidental to
11 or part of the stadium activities, but such sales may not be
12 made beyond the hours expressed in the code for the sale of
13 liquor by restaurant licensees: Provided, however, That such
14 sales may be made on Sunday between the hours of twelve o'clock
15 noon and ten o'clock postmeridian: And provided further, That
16 during the hours expressed in this act for the sale of liquor by
17 hotel licensees, sales of such liquor or malt or brewed
18 beverages may be made by said licensee at banquets, not
19 incidental to stadium activities, at which more than two
20 thousand persons are scheduled to attend, and at functions
21 irrespective of attendance, which are directly related to stadia
22 purposes.

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

1 ~~commission~~ shall issue a new license to any qualified applicant
2 without regard to the prohibition in section 471, against the
3 grant of a license at the same premises for a period of at least
4 one year.

5 Section 33. Section 408.3 of the act, amended December 16,
6 1982 (P.L.1359, No.311), is reenacted and amended to read:

7 Section 408.3. Performing Arts Facilities.--(a) The ~~{board}~~ ←
8 ~~commission~~ is authorized to issue a license to one nonprofit
9 corporation operating a theater for the performing arts in each
10 city of the first or second class which has seating
11 accommodations for at least twenty-seven hundred persons except
12 where prohibited by local option for the retail sale of liquor
13 and malt or brewed beverages by the glass, open bottle or other
14 container or in any mixture for consumption in any such theater
15 for the performing arts.

16 (a.1) The ~~{board}~~~~commission~~ is authorized to issue licenses ←
17 to operators of theaters for the performing arts, other than a
18 theater qualifying under subsection (a), which are permanently
19 located at a single site and which have seating accommodations,
20 affixed to the theater structure, for at least twenty-eight
21 hundred persons except where prohibited by local option for the
22 retail sale of liquor and malt or brewed beverages by the glass,
23 open bottle, or other container or in any mixture for
24 consumption in any such theater for the performing arts.

25 (A.2) THE BOARD IS AUTHORIZED TO APPROVE THE TRANSFER OF A ←
26 RESTAURANT LICENSE TO ONE NONPROFIT CORPORATION OPERATING A
27 THEATER FOR THE PERFORMING ARTS IN EACH CITY WHICH HAS A SEATING
28 CAPACITY OF AT LEAST TWO HUNDRED FIFTY (250) PERSONS, EXCEPT
29 WHERE PROHIBITED BY LOCAL OPTION, FOR THE RETAIL SALE OF LIQUOR
30 AND MALT OR BREWED BEVERAGES BY THE GLASS, OPEN BOTTLE OR OTHER

1 CONTAINER OR IN ANY MIXTURE FOR CONSUMPTION IN ANY SUCH THEATER
2 FOR THE PERFORMING ARTS.

3 (b) The application for a performing arts facility license
4 may be filed at any time by a nonprofit corporation operating
5 such a theater for the performing arts or by a concessionaire
6 selected by such nonprofit corporation and shall conform with
7 all requirements for restaurant liquor licenses and applications
8 except as may otherwise be provided herein. Applicant shall
9 submit such other information as the ~~{board}~~ ~~commission~~ may <—
10 require. Applications shall be in writing on forms prescribed by
11 the ~~{board}~~ ~~commission~~ and shall be signed and submitted to the <—
12 ~~{board}~~ ~~commission~~ by the applicant. The filing fee shall <—
13 accompany the license application.

14 (b.1) A performing arts facility referred to in subsection
15 (a.1) OR (A.2) must be in operation for a period of two (2) <—
16 years before it may file an application for a license. The
17 application for a performing arts facility license may be filed
18 at any time thereafter by the operator or a concessionaire
19 selected by the operator of such theater for the performing arts
20 and shall conform with all requirements for restaurant liquor
21 licenses and applications except as may be otherwise provided
22 herein. Applicants shall submit such other information as the
23 ~~{board}~~ ~~commission~~ may require. Applications shall be in writing <—
24 on forms prescribed by the ~~{board}~~ ~~commission~~ and shall be <—
25 signed and submitted to the ~~{board}~~ ~~commission~~ by the applicant. <—
26 The filing fee shall accompany the license application.

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

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

6 (d) The license shall be issued for the same period of time
7 as provided for restaurant licenses and shall be renewed as
8 provided in section 402. The license shall terminate upon
9 revocation by the ~~board~~commission or upon termination of the ←
10 contract between the concessionaire and the operator of such
11 theater for the performing arts.

12 (e) The annual fee for a performing arts facility shall
13 accompany the application for the license and shall be as
14 prescribed in clause (19) of section 614-A of "The
15 Administrative Code of 1929." Whenever and if a concessionaire's
16 contract terminates the license shall be returned to the ~~board~~ ←
17 commission for cancellation and a new license shall be issued to
18 a new 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 of the "Liquor Code" 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 of this act on the premises of such a
25 theater for the performing arts during the hours expressed in
26 the code for the sale of liquor and malt and brewed beverages by
27 restaurant licensees, and the license may be used for such sales
28 on Sundays between the hours of 1:00 P.M. and 10:00 P.M.,
29 irrespective of the volume of food sales.

30 (g.1) Sales by the holder of a performing arts facility

1 license referred to in subsection (a.1) shall be further
2 restricted to the period of time beginning one (1) hour before
3 and ending one (1) hour after any presentation at the performing
4 arts facility.

5 (h) Whenever a contract with a concessionaire is terminated
6 prior to the expiration date provided in the contract between
7 such operator and the concessionaire, operator may select and
8 certify to the ~~{board} commission~~ a different concessionaire ←
9 which concessionaire shall apply to the ~~{board} commission~~ for a ←
10 new license. If the applicant meets the requirements of the
11 ~~{board} commission~~ as herein provided a new license shall ←
12 thereupon be issued. If any such performing arts facility
13 license is revoked, the ~~{board} commission~~ shall issue a new ←
14 license to any qualified applicant without regard to the
15 prohibition in section 471, against the grant of a license at
16 the same premises for a period of at least one (1) year.

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

20 (j) Performing arts facility licenses referred to in
21 subsection (a) shall not be subject to the provisions of section
22 404 except in so far as they relate to the reputation of the
23 applicant nor to the provisions of sections 461 and 463 nor to
24 the provisions of clause (10) of section 493 of the "Liquor
25 Code."

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

1 Code."

2 (J.2) PERFORMING ARTS THEATERS REFERRED TO IN SUBSECTION <—
3 (A.2) SHALL NOT BE SUBJECT TO THE PROVISIONS OF SECTION 463, NOR
4 TO THE PROVISION REQUIRING A SPECIAL PERMIT FOR DANCING,
5 THEATRICALS OR FLOOR SHOWS OF ANY SORT, OR MOVING PICTURES OTHER
6 THAN TELEVISION IN SECTION 493(10), NOR TO PROVISIONS DEFINING
7 "RESTAURANT" IN SECTION 102.

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

13 Section 34. Section 408.4 of the act, amended July 11, 1980
14 (P.L.558, No.117), July 9, 1984 (P.L.659, No.137) and July 3,
15 1985 (P.L.134, No.36), is reenacted and amended to read:

16 Section 408.4. Special Occasion Permits.--(a) Upon
17 application of any hospital, church, synagogue, volunteer fire
18 company, VOLUNTEER AMBULANCE COMPANY, VOLUNTEER RESCUE SQUAD, <—
19 bona fide sportsmen's club in existence for at least ten years, <—
20 OR THE AUXILIARY OF ANY OF THE FOREGOING and upon payment of a
21 fee of fifteen dollars (\$15) per day, the ~~{board}~~ commission <—
22 shall issue a special occasion permit good for a period of not
23 more than five consecutive days. Special occasion permits may
24 also be issued to a museum operated by a nonprofit corporation
25 in a city of the third class or a nonprofit corporation engaged
26 in the performing arts in a city of the third class for a period
27 of not more than six nonconsecutive or ten consecutive days at a
28 fee of fifteen dollars (\$15) per day.

29 (b) In any city, borough, incorporated town or township in
30 which the sale of liquor and/or malt or brewed beverages has

1 been approved by the electorate, such special occasion permit
2 shall authorize the permittee to sell liquor and/or malt or
3 brewed beverages as the case may be to any adult person on any
4 day for which the permit is issued.

5 (c) Such special occasion permit shall only be valid for the
6 number of days stated in the permit. Only one permit may be
7 issued to any permittee during the year. Provided, that a museum
8 operated by a nonprofit corporation in a city of the third class
9 and a nonprofit corporation engaged in the performing arts in a
10 city of the third class may be issued no more than six permits
11 during the year, each permit being valid for only one day, or in
12 the alternative, one permit valid for no more than a total of
13 ten consecutive days per year, which may be issued only during
14 the month of August. ~~Notwithstanding this subsection, two~~ ←
15 ~~special occasion permits per calendar year may be issued to the~~
16 ~~same hospital, church, synagogue, volunteer fire company or bona~~
17 ~~fide sportsmen's club.~~

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

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

30 (d.2) At least forty-eight hours prior to the sale of any

1 liquor or malt or brewed beverages, the holder of a special
2 occasion permit shall notify the local police department, or in
3 the absence of a local police department, the Pennsylvania State
4 Police, of the times when and place where the sale of liquor or
5 malt or brewed beverages shall occur.

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

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

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

18 Section 408.5. Licenses for City-owned Art Museums, Cities
19 First Class [and]; Art Museums Maintained by Certain Non-profit <—
20 Corporations in Cities of the Second Class AND NON-PROFIT <—
21 SCIENCE AND TECHNOLOGY MUSEUMS IN CITIES OF THE FIRST CLASS AND
22 IN CITIES OF THE SECOND CLASS.--(a) The {board} ~~commission~~ is <—
23 authorized to issue a license in any city of the first class for
24 the retail sale of liquor and malt or brewed beverages by the
25 glass, open bottles or other container, and in any mixture, for
26 consumption in any city-owned art museum [or], in any art museum <—
27 maintained by a non-profit corporation in cities of the second
28 class OR ANY NON-PROFIT SCIENCE AND TECHNOLOGY MUSEUM IN CITIES <—
29 OF THE FIRST CLASS OR IN CITIES OF THE SECOND CLASS. For the
30 purpose of this section "non-profit corporation" shall mean a

1 corporation organized under the non-profit corporation laws for
2 the benefit of the public and not for the mutual benefit of its
3 members, and which maintains an art museum OR A SCIENCE AND ←
4 TECHNOLOGY MUSEUM having a floor area of not less than one
5 hundred thousand square feet in one building.

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

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

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

28 (g) Sales by the holder of an art museum license OR SCIENCE ←
29 AND TECHNOLOGY LICENSE may be made except to those persons
30 prohibited by this act on premises used for art museum OR ←

1 SCIENCE AND TECHNOLOGY purposes, but such sales may not be made
2 beyond the hours expressed in this act for the sale of liquor by
3 restaurant licenses. However, sales of liquor or malt or brewed
4 beverages may be made by an art museum OR SCIENCE AND TECHNOLOGY ←
5 licensee at banquets at which more than five hundred persons are
6 scheduled to attend and at any other function which is directly
7 related to art museum OR SCIENCE AND TECHNOLOGY purposes. ←

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

17 (i) If the {board} ~~commission~~ shall revoke any art museum ←
18 license OR SCIENCE AND TECHNOLOGY LICENSE, the {board} ←
19 ~~commission~~ shall issue a new license to any qualified applicant
20 without regard to the prohibition in section 471 against the
21 grant of a license at the same premises for a period of at least
22 one year.

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

27 (i.2) An art museum maintained by a non-profit corporation
28 or corporations in a city of the second class which obtains
29 approval of its application for a license from the {board} ←
30 ~~commission~~ shall purchase a license from an existing licensee.

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

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

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

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

1 on forms prescribed by the ~~{board} commission~~ and shall be ←
2 signed and submitted to the ~~{board} commission~~ by the applicant. ←
3 The filing fee which shall accompany the license application
4 shall be thirty dollars (\$30).

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

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

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

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

25 (g) Sales by the holder of a performing arts facility
26 license may be made except to those persons prohibited under
27 clause (1) of section 493 on ~~{board-approved} commission~~ ←
28 ~~approved~~ service areas of the premises of such a facility for
29 the performing arts during the hours in which the performance is
30 being held and up to one hour before the scheduled opening and

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

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

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

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

28 (k) Sales under such licenses (including food sales) may be
29 limited by the licensee to patrons of the events scheduled in
30 the facility of the performing arts. Provided food is offered

1 for sale when sales are made under the license, such food may be
2 catered from off the premises.

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

5 Section 408.7. Performing Arts Facilities in First and

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

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

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

1 application fee and upon being satisfied that the applicant is
2 of good repute and financially responsible and that the proposed
3 place of business is proper, the ~~{board}~~~~-~~~~commission~~ shall ←
4 transfer the restaurant liquor license for the performing arts
5 facility.

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

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

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

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

1 the hours of one o'clock postmeridian and ten o'clock
2 postmeridian, irrespective of the volume of food sales.

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

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

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

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

30 Section 408.8. Trade Shows and Convention Licenses; Cities

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

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

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

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

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

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

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

30 (h) Whenever a contract with a concessionaire is terminated

1 prior to the expiration date provided in the contract between
2 such nonprofit corporation and the concessionaire and is not
3 renewed, such nonprofit corporation may apply to the {board} <—
4 ~~commission~~ for the issuance of a restaurant liquor license or
5 may select and certify to the {board} ~~commission~~ a different <—
6 concessionaire which concessionaire shall apply to the {board} <—
7 ~~commission~~ for issuance of a restaurant liquor license. If the
8 applicant meets the requirements of the {board} ~~commission~~ as <—
9 herein provided, the issuance shall thereupon occur. If any such
10 trade show or convention license is revoked, the {board} <—
11 ~~commission~~ shall issue a new license to any qualified applicant
12 without regard to the prohibition in section 471 against the
13 grant of a license at the same premises for a period of at least
14 one year.

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

17 (j) Trade show or convention licenses shall not be subject
18 to the provisions of section 404 except insofar as they relate
19 to the reputation of the applicant nor to the provisions of
20 sections 461 and 463 nor to the provisions of clause (10) of
21 section 493.

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

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

29 Section 408.9. Stadium and Restaurant Licenses in Third
30 Class Cities.--The {board} ~~commission~~ is authorized to issue one <—

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

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

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

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

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

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

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

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

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

29 (g) Any such license may be suspended or revoked by the
30 ~~{board}~~ commission upon proof satisfactory to it that the ←

1 licensee has violated any law of this Commonwealth or any
2 regulation of the ~~{board} commission~~ relating to liquor and ←
3 alcohol. The procedure in such cases shall be the same as for
4 the revocation and suspension of hotel, restaurant and club
5 licenses.

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

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

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

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

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

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

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

28 All importations of liquor into Pennsylvania by the licensed
29 importer shall be consigned to the [Pennsylvania Liquor Control
30 Board] ~~commission~~ BOARD or the principal place of business or ←

1 authorized place of storage maintained by the licensee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 such inspections and making transcripts thereof.

2 (b) The ~~{board}~~ ~~commission~~ shall issue to any reputable <—
3 person who applies therefor, pays the license fee hereinafter
4 prescribed, and files the bond hereinafter required, a
5 distributor's or importing distributor's license for the place
6 which such person desires to maintain for the sale of malt or
7 brewed beverages, not for consumption on the premises where
8 sold, and in quantities of not less than twenty-four containers,
9 each container holding seven fluid ounces or more, or twelve
10 containers, each container holding twenty-four fluid ounces or
11 more, except original containers containing one hundred twenty-
12 eight ounces or more which may be sold separately and such
13 containers to be the original containers as prepared for the
14 market by the manufacturer at the place of manufacture[: And

15 provided further, That the board]. ~~Additionally, a distributor~~ <—
16 ~~may sell a quantity of 24 containers, all of the same unit size,~~
17 ~~but containing different brands of malt or brewed beverages,~~
18 ~~mixed in unit combinations of six of the same brand. The~~

19 ~~commission~~ BOARD shall have the discretion to refuse a license <—
20 to any person or to any corporation, partnership or association
21 if such person, or any officer or director of such corporation,
22 or any member or partner of such partnership or association
23 shall have been convicted or found guilty of a felony within a
24 period of five years immediately preceding the date of
25 application for the said license[.]: And provided further, That

26 in the case of any new license or the transfer of any license to
27 a new location the ~~commission~~ BOARD may, in its discretion, <—
28 grant or refuse such new license or transfer if such place
29 proposed to be licensed is within three hundred feet of any
30 church, hospital, charitable institution, school or public

1 playground, or if such new license or transfer is applied for a
2 place which is within two hundred feet of any other premises
3 which is licensed by the commission, or if such new license or <—
4 transfer is applied for a place where the principal business is
5 the sale of liquid fuels and oil BOARD: And provided further, <—
6 That the commission BOARD shall refuse any application for a new <—
7 license or the transfer of any license to a new location if, in
8 the commission's BOARD'S opinion, such new license or transfer <—
9 would be detrimental to the welfare, health, peace and morals of
10 the inhabitants of the neighborhood within a radius of five
11 hundred feet of the place proposed to be licensed. THE BOARD <—
12 SHALL REFUSE ANY APPLICATION FOR A NEW LICENSE OR THE TRANSFER
13 OF ANY LICENSE TO A LOCATION WHERE THE SALE OF LIQUID FUELS OR
14 OIL IS CONDUCTED. The commission BOARD shall require notice to <—
15 be posted on the property or premises upon which the licensee or
16 proposed licensee will engage in sales of malt or brewed
17 beverages. This notice shall be similar to the notice required
18 of hotel, restaurant and club liquor licensees.

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

29 Each out of State manufacturer of malt or brewed beverages
30 whose products are sold and delivered in this Commonwealth shall

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

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

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

13 (B.1) (1) ANY PERSON IN THIS COMMONWEALTH OR ELSEWHERE WHO <—
14 SHALL PURCHASE OR IN ANY MANNER WHATSOEVER ACQUIRE OR OTHERWISE
15 SUCCEED TO THE BUSINESS OF A MANUFACTURER, ASSETS OR RIGHTS TO
16 IMPORT, MARKET, SHIP INTO THIS COMMONWEALTH OR DISTRIBUTE A
17 BRAND OF BEER, OR TO USE AND EXPLOIT ANY TRADEMARK INCORPORATED
18 AS PART OF A BRAND OF BEER PRODUCED BY SUCH A MANUFACTURER SHALL
19 BE OBLIGATED TO ALL TERMS OF THE MANUFACTURER'S FRANCHISE
20 AGREEMENTS IN EFFECT ON THE EFFECTIVE DATE OF THE PURCHASE,
21 ACQUISITION OR SUCCESSION, OR, IF EARLIER, AT THE TIME THE
22 AGREEMENT CONTEMPLATING THE PURCHASE, ACQUISITION OR SUCCESSION
23 IS ACTUALLY MADE.

24 (2) "PURCHASE" OR "ACQUISITION," FOR PURPOSES OF THIS
25 SECTION, INCLUDES, BUT IS NOT LIMITED TO, A PURCHASE,
26 ACQUISITION, LEASE, LICENSE OR ASSIGNMENT OF ALL OR A
27 CONTROLLING INTEREST IN THE CAPITAL STOCK OR OPERATING ASSETS,
28 INCLUDING BRAND TRADEMARKS RIGHTS; MERGER; ANY CORPORATE
29 REORGANIZATION OR CONSOLIDATION; AND ALSO, WITHOUT LIMITATION,
30 ANY LICENSE, CROSS-LICENSE, JOINT VENTURE OR OTHER AGREEMENT OR

1 ARRANGEMENT, DIRECTLY OR INDIRECTLY, TRANSFERRING, SUBSTITUTING
2 OR MATERIALLY CHANGING THE PERSON OR PERSON AUTHORIZED BY THE
3 ONE OWNING OR CONTROLLING A BRAND OR ANY TRADEMARK AS PART OF A
4 BRAND, TO PRODUCE, IMPORT, SHIP, MARKET OR DISTRIBUTE THE BRAND
5 OF BEER INTO OR WITHIN THIS COMMONWEALTH.

6 (3) "MANUFACTURER" AS USED IN THIS SUBSECTION SHALL MEAN ANY
7 PERSON, INCLUDING ANY AGENT OF SUCH PERSON, WHO (I) IS LICENSED
8 AS A MANUFACTURER OF MALT OR BREWED BEVERAGES LOCATED WITHIN THE
9 COMMONWEALTH OF PENNSYLVANIA, (II) HOLDS A DISTRIBUTOR OR
10 IMPORTING DISTRIBUTOR LICENSE, OR (III) MANUFACTURES ANY MALT
11 BEVERAGE, HAS TITLE TO ANY MALT BEVERAGE PRODUCTS OR HAS THE
12 CONTRACTUAL RIGHT TO DISTRIBUTE ANY MALT BEVERAGE PRODUCT,
13 WHETHER LICENSED IN THIS COMMONWEALTH OR NOT, WHO ENTERS INTO AN
14 "AGREEMENT" WITH ANY IMPORTING DISTRIBUTOR LICENSED TO DO
15 BUSINESS IN THIS COMMONWEALTH.

16 (c) The aforesaid licenses shall be issued only to reputable
17 individuals, partnerships and associations who are, or whose
18 members are, citizens of the United States and have for two
19 years prior to the date of their applications been residents of
20 the Commonwealth of Pennsylvania or to reputable corporations
21 organized or duly registered under the laws of the Commonwealth
22 of Pennsylvania. Such licenses shall be issued to corporations
23 duly organized or registered under the laws of the Commonwealth
24 of Pennsylvania only when it appears that all of the officers
25 and directors of the corporation are citizens of the United
26 States and have been residents of the Commonwealth of
27 Pennsylvania for a period of at least two years prior to the
28 date of application, and that at least fifty-one per centum of
29 the capital stock of such corporation is actually owned by
30 individuals who are citizens of the United States and have been

1 residents of the Commonwealth of Pennsylvania for a period of at
2 least two years prior to the date of application: Provided, That
3 the provisions of this subsection with respect to residence
4 requirements shall not apply to individuals, partners, officers,
5 directors and owners of capital stock, of corporations licensed
6 or applying for licenses as manufacturers of malt or brewed
7 beverages, nor shall the provisions of this subsection with
8 respect to stockholder requirements apply to corporations
9 licensed or applying for licenses as manufacturers of malt or
10 brewed beverages.

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

1 effort and resources to the sale of such products and maintain a
2 reasonable sales level." "Good cause" shall mean the failure by
3 any party to an agreement, without reasonable excuse or
4 justification, to comply substantially with an essential,
5 reasonable and commercially acceptable requirement imposed by
6 the other party under the terms of an agreement.

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

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

21 (4) The court of common pleas of the county wherein the
22 licensed premises of the importing distributor or distributor
23 are located is hereby vested with jurisdiction and power to
24 enjoin the modification, rescission, cancellation or termination
25 of a franchise or agreement between a manufacturer and an
26 importing distributor or distributor at the instance of such
27 importing distributor or distributor who is or might be
28 adversely affected by such modification, rescission,
29 cancellation or termination, and in granting an injunction the
30 court shall provide that no manufacturer shall supply the

1 customers or territory of the importing distributor or
2 distributor by servicing the territory or customers through
3 other importing distributors or distributors or any other means
4 while the injunction is in effect: Provided, however, That any
5 injunction issued under this subsection shall require the
6 posting of sufficient bond against damages arising from an
7 injunction improvidently granted and a showing that the danger
8 of irrevocable loss or damage is immediate and that during the
9 pendency of such injunction the importing distributor or
10 distributor shall continue to service the accounts of the
11 manufacturer in good faith.

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

22 Section 45. Section 432 of the act, amended January 19, 1952
23 (1951 P.L.2170, No.619), June 19, 1961 (P.L.482, No.244),
24 October 9, 1967 (P.L.392, No.177) and May 9, 1984 (P.L.246,
25 No.54), is reenacted ~~and amended~~ to read: ←

26 Section 432. Malt and Brewed Beverages Retail Licenses.--(a)
27 Subject to the restrictions hereinafter provided in this act,
28 and upon being satisfied of the truth of the statements in the
29 application, that the premises and the applicant meet all the
30 requirements of this act and the regulations of the {board} ←

1 ~~commission~~, that the applicant seeks a license for a reputable
2 hotel, eating place or club, as defined in this act, the ~~{board}~~ ←
3 ~~commission~~ shall, in the case of a hotel or eating place, grant
4 and issue, and in the case of a club may, in its discretion,
5 issue or refuse the applicant a retail dispenser's license.

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

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

20 (d) The ~~{board}~~ ~~commission~~ shall, in its discretion, grant ←
21 or refuse any new license or the transfer of any license to a
22 new location if such place proposed to be licensed is within
23 three hundred feet of any church, hospital, charitable
24 institution, school, or public playground, or if such new
25 license or transfer is applied for a place which is within two
26 hundred feet of any other premises which is licensed by the
27 ~~{board}~~ ~~commission~~, or if such new license or transfer is ←
28 applied for a place where the principal business conducted is
29 the sale of liquid fuels and oil. The ~~{board}~~ ~~commission~~ shall ←
30 refuse any application for a new license or the transfer of any

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

26 (e) Every applicant for a new or for the transfer of an
27 existing license to another premises not then licensed shall
28 post, for a period of at least fifteen days beginning with the
29 day the application is filed with the ~~{board} commission~~, in a ←
30 conspicuous place on the outside of the premises or in a window

1 plainly visible from the outside of the premises for which the
2 license is applied or at the proposed new location, a notice of
3 such application, in such form, of such size, and containing
4 such provisions as the ~~{board} commission~~ may require by its ←
5 regulations. Proof of the posting of such notice shall be filed
6 with the ~~{board} commission~~. ←

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

21 Section 46. Section 433 of the act is reenacted and amended
22 to read:

23 Section 433. Public Service Licenses.--The ~~{board}~~ ←
24 ~~commission~~ may issue public service malt and brewed beverage
25 licenses to a railroad, pullman or steamship company permitting
26 malt or brewed beverages to be sold at retail in dining, club or
27 buffet cars, or the dining compartments of steamships or
28 vessels, for consumption on the trains, steamships or vessels
29 wherever operated in the State, except when standing in stations
30 or terminals within a municipality wherein retail sales are

1 prohibited. Such licenses shall only be granted to reputable
2 persons and for fit places. The ~~{board} commission~~ may issue a ←
3 master license to railroad or pullman companies to cover the
4 maximum number of cars which the company shall estimate that it
5 will operate within the Commonwealth on any one day. Such
6 licensees shall file monthly reports with the ~~{board} commission~~ ←
7 showing the maximum number of cars operated at any time on any
8 day during the preceding month, and if it appears that more cars
9 have been operated than covered by its license it shall
10 forthwith remit to the ~~{board} commission~~ the sum of ten dollars ←
11 for each extra car so operated. The ~~{board} commission~~ shall ←
12 have the power to suspend or revoke any such licenses for cause
13 after granting a hearing [thereon] ~~before an administrative law~~ ←
14 ~~judge~~ A HEARING EXAMINER to the licensee. Any person aggrieved ←
15 by the decision of the ~~{board} commission~~ in refusing, ←
16 suspending or revoking any such license may appeal to [the court
17 of quarter sessions of Dauphin County] Commonwealth Court in the
18 same manner as provided in this article for appeals from
19 refusals of licenses.

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

24 Section 433.1. Stadium or Arena Permits.--(a) The ~~{board}~~ ←
25 ~~commission~~ is hereby authorized to issue, in cities of the
26 first, second and third class, in counties of the third class
27 and in school districts in counties of the third class, special
28 permits allowing the holders thereof to make retail sales of
29 malt or brewed beverages in shatterproof containers at all
30 events on premises principally utilized for competition of

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

18 (b) The owner or lessee or a concessionaire of any such
19 premises may make application for a permit. The aforesaid
20 permits shall be issued only to reputable individuals,
21 partnerships and associations, who are or whose members are
22 citizens of the United States and have for two years prior to
23 the date of their applications been residents of the
24 Commonwealth of Pennsylvania, or to reputable corporations
25 organized or duly registered under the laws of the Commonwealth
26 of Pennsylvania, all of whose officers and directors are
27 citizens of the United States. Each applicant shall furnish
28 proof satisfactory to the ~~{board} commission~~ that he is of good ←
29 repute and financially responsible and that the premises upon
30 which he proposes to do business is a proper place. The

1 applicant shall submit such other information as the ~~{board}~~ <—
2 ~~commission~~ may require. Applications shall be, in writing on
3 forms prescribed by the ~~{board}~~ ~~commission~~, and signed and sworn <—
4 to by the applicant. Every application shall be accompanied by
5 an application fee of twenty-five dollars (\$25), a permit fee of
6 one hundred dollars (\$100) and a surety bond in the amount of
7 one thousand dollars (\$1000) conditioned the same as the license
8 bonds required by this act for retail dispenser licenses.

9 (c) Upon receipt of the application in proper form, the
10 application fee, the permit fee and bond, and upon being
11 satisfied that the applicant is of good repute and financially
12 responsible and that the proposed place of business is proper,
13 the ~~{board}~~ ~~commission~~ shall issue a special permit to the <—
14 applicant. Only one permit issued under this section shall be in
15 effect on any such premises at any time.

16 (d) No permit shall be transferable or assignable. The
17 ~~{board}~~ ~~commission~~ may by regulation fix the permit year and <—
18 provide for the renewal of such permits. Whenever a permit is
19 revoked, another may be issued for the same premises to another
20 applicant upon compliance with the provisions of this section.

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

1 Section 48. Section 434 of the act is reenacted ~~and amended~~ <—
2 to read:

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

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

15 Section 49. Section 435 of the act, amended September 28,
16 1961 (P.L.1728, No.702), is reenacted ~~and amended~~ to read: <—

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

29 Section 50. Section 436 of the act, amended June 19, 1961
30 (P.L.482, No.244) and June 29, 1965 (P.L.151, No.101), is

1 reenacted ~~and amended~~ to read:

<—

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

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

13 (b) The particular place for which the license is desired
14 and a detailed description thereof. The description, information
15 and plans referred to in this subsection shall show the premises
16 or the proposed location for the construction of the premises at
17 the time the application is made, and shall show any alterations
18 proposed to be made thereto, or the new building proposed to be
19 constructed after the approval by the ~~{board}~~ commission of the

<—

20 application for a license, or for the transfer of an existing
21 license to another premises not then licensed. No physical
22 alterations, improvements or changes shall be required to be
23 made to any hotel, eating place or club, nor shall any new
24 building for any such purpose be required to be constructed
25 until approval of the application for license or for the
26 transfer of an existing license to another premises not then
27 licensed by the ~~{board}~~ commission. After approval of the

<—

28 application, the licensee shall make the physical alterations,
29 improvements and changes to the licensed premises, or shall
30 construct the new building in the manner specified by the

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

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

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

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

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

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

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

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

1 conducted by the applicant or his predecessor at such location,
2 and such additional information as the ~~{board}~~ ~~commission~~ may <—
3 require.

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

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

15 Section 51. Section 437 of the act, amended December 22,
16 1965 (P.L.1149, No.445), is reenacted ~~and amended~~ to read: <—

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

18 (a) The ~~{board}~~ ~~commission~~ shall refuse to grant any licenses <—
19 unless the application therefor contains the information
20 required by this act, and the premises meet such reasonable
21 sanitary requirements as the ~~{board}~~ ~~commission~~, by regulation, <—
22 shall prescribe.

23 (b) The ~~{board}~~ ~~commission~~ shall refuse to grant a license <—
24 to any club when it appears that the operation of such license
25 would inure to the benefit of individual members, officers,
26 agents or employes of the club, rather than to the benefit of
27 the entire membership of the club.

28 (c) Licenses shall be granted by the ~~{board}~~ ~~commission~~ only <—
29 to reputable individuals, or to associations, partnerships and
30 corporations whose members or officers and directors are

1 reputable individuals.

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

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

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

23 Nothing in this subsection shall be construed as denying the
24 right of the ~~{board} commission~~ to renew or to transfer existing ←
25 distributors' or importing distributors' licenses or to exchange
26 a distributor's license for an importing distributor's license
27 or to exchange an importing distributor's license for a
28 distributor's license, upon adjustment of the applicable fee,
29 notwithstanding that the number of such licensed places in the
30 county shall exceed the limitation hereinbefore prescribed:

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

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

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

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

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

16 Section 53. Section 439 of the act, amended September 28,
17 1961 (P.L.1728, No.702), is reenacted ~~and amended~~ to read: <—

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

24 (a) In the case of a manufacturer, the license fee shall be
25 one thousand dollars (\$1,000) for each place of manufacture and
26 shall be paid to the ~~{board} commission~~. The fee for all such <—
27 licenses when applied for and issued on or after April 1, but
28 prior to July 1, shall be three-fourths of the annual fee; July
29 1, but prior to October 1, shall be one-half of the annual fee;
30 October 1, but prior to January 1, shall be one quarter of the

1 annual fee.

2 (b) In the case of a distributor, the license fee shall be
3 four hundred dollars (\$400) and shall be paid to the ~~{board}~~ ←
4 commission.

5 (c) In the case of an importing distributor, the license fee
6 shall be nine hundred dollars (\$900) and shall be paid to the
7 ~~{board}~~ commission. ←

8 (d) In the case of a retail dispenser, except clubs, the
9 license fee shall be graduated according to the population of
10 the municipality in which the place of business is located and
11 shall be paid to the ~~{board}~~ commission, as follows: ←

- 12 (1) Less than 10,000.....\$100
- 13 (2) 10,000 and more, but less than 50,000.....\$150
- 14 (3) 50,000 and more, but less than 100,000.....\$200
- 15 (4) 100,000 and more, but less than 150,000.....\$250
- 16 (5) 150,000 and more.....\$300

17 (e) In the case of a club, the fee shall be twenty-five
18 dollars in all cases and shall be paid to the ~~{board}~~ ←
19 commission.

20 (f) In the case of a public service license for cars, the
21 fee shall be ten dollars per car for the maximum number of cars
22 operated on any one day on which malt or brewed beverages are
23 sold, to be paid to the ~~{board}~~ commission. ←

24 (g) In the case of a public service license for the sale of
25 malt or brewed beverages on a boat or vessel, the fee shall be
26 fifty dollars for each such vessel or boat and shall be paid to
27 the ~~{board}~~ commission. ←

28 (h) The fee for filing applications for licenses and for
29 renewals shall be twenty dollars (\$20) which, together with fees
30 for transfers, shall be paid to the ~~{board}~~ commission. ←

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

3 Section 54. Section 440 of the act, amended August 17, 1965
4 (P.L.346, No.182), is reenacted ~~and amended~~ to read: <—

5 Section 440. Sales by Manufacturers of Malt or Brewed
6 Beverages; Minimum Quantities.--No manufacturer shall sell any
7 malt or brewed beverages for consumption on the premises where
8 sold, nor sell or deliver any such malt or brewed beverages in
9 other than original containers approved as to capacity by the
10 ~~board~~ ~~commission~~, nor in quantities of less than a case of <—
11 twenty-four containers, each container holding seven fluid
12 ounces or more, or a case of twelve containers, each container
13 holding twenty-four fluid ounces or more, except original
14 containers containing one hundred twenty-eight ounces or more
15 which may be sold separately; nor shall any manufacturer
16 maintain or operate within the Commonwealth any place or places
17 other than the place or places covered by his or its license
18 where malt or brewed beverages are sold or where orders are
19 taken.

20 Section 55. Section 441 of the act, amended October 23, 1959
21 (P.L.1360, No.471), is reenacted and amended ~~and amended~~ to <—
22 read:

23 Section 441. Distributors' and Importing Distributors'
24 Restrictions on Sales, Storage, Etc.--(a) No distributor or
25 importing distributor shall purchase, receive or resell any malt
26 or brewed beverages except in the original containers as
27 prepared for the market by the manufacturer at the place of
28 manufacture.

29 (b) No distributor or importing distributor shall sell any
30 malt or brewed beverages in quantities of less than a case of

1 twenty-four containers, each container holding seven fluid
2 ounces or more, or a case of twelve containers, each container
3 holding twenty-four fluid ounces or more, except original
4 containers containing one hundred twenty-eight ounces or more
5 which may be sold separately: Provided, That no malt or brewed
6 beverages sold or delivered shall be consumed upon the premises
7 of the distributor or importing distributor, or in any place
8 provided for such purpose by such distributor or importing
9 distributor.

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

13 (d) No distributor or importing distributor shall maintain
14 any place for the storage of malt or brewed beverages except in
15 the same municipality in which the licensed premises is located
16 and unless the same has been approved by the ~~{board} commission~~. ←
17 In the event there is no place of cold storage in the same
18 municipality, the ~~{board} commission~~ may approve a place of cold ←
19 storage in the nearest municipality.

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

24 Section 56. Section 442 of the act, amended October 9, 1967
25 (P.L.413, No.183), July 3, 1980 (P.L.348, No.88) and May 9, 1984
26 (P.L.246, No.54), is reenacted AND AMENDED and amended to read: ←

27 Section 442. Retail Dispensers' Restrictions on Purchases
28 and Sales.--(a) No retail dispenser shall purchase or receive
29 any malt or brewed beverages except in original containers as
30 prepared for the market by the manufacturer at the place of

1 manufacture. The retail dispenser may thereafter break the bulk
2 upon the licensed premises and sell or dispense the same for
3 consumption on or off the premises so licensed: Provided,
4 however, That no retail dispenser may sell malt or brewed
5 beverages for consumption off the premises in quantities in
6 excess of [one hundred forty-four] ONE HUNDRED NINETY-TWO fluid ←
7 ounces: Provided, further, That no club licensee may sell any
8 malt or brewed beverages for consumption off the premises where
9 sold or to persons not members of the club.

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

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

27 (d) For the purposes of this section, any person who is an
28 active member of any volunteer firefighting company, association
29 or group of this Commonwealth, whether incorporated or
30 unincorporated, shall upon the approval of any club composed of

1 volunteer firemen licensed under this act, have the same social
2 rights and privileges as members of such licensed club.

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

4 Section 443. Interlocking Business Prohibited.--(a) No
5 manufacturer of malt or brewed beverages and no officer or
6 director of any such manufacturer shall at the same time be a
7 distributor, importing distributor or retail dispenser, or an
8 officer, director or stockholder or creditor of any distributor,
9 importing distributor or retail dispenser, nor, except as
10 hereinafter provided, be the owner, proprietor or lessor of any
11 place for which a license has been issued for any importing
12 distributor, distributor or retail dispenser, or for which a
13 hotel, restaurant or club liquor license has been issued.

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

22 (c) No licensee licensed under this subdivision (B) of
23 Article IV and no officer or director of such licensee shall,
24 directly or indirectly, own any stock of, or have any financial
25 interest in, any other class of business licensed under this
26 subdivision.

27 (d) Excepting as hereinafter provided, no malt or brewed
28 beverage manufacturer, importing distributor or distributor
29 shall in any wise be interested, either directly or indirectly,
30 in the ownership or leasehold of any property or in any mortgage

1 against the same, for which a liquor or retail dispenser's
2 license is granted; nor shall any such manufacturer, importing
3 distributor or distributor, either directly or indirectly, lend
4 any moneys, credit or equivalent thereof to, or guarantee the
5 payment of any bond, mortgage, note or other obligation of, any
6 liquor licensee or retail dispenser, in equipping, fitting out,
7 or maintaining and conducting, either in whole or in part, an
8 establishment or business operated under a liquor or retail
9 dispenser's license, excepting only the usual and customary
10 credits allowed for returning original containers in which malt
11 or brewed beverages were packaged for market by the manufacturer
12 at the place of manufacture.

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

29 (f) No distributor, importing distributor or retail
30 dispenser shall in anywise receive, either directly or

1 indirectly, any credit, loan, moneys or the equivalent thereof
2 from any other licensee, or from any officer, director or firm
3 member of any other licensee, or from or through a subsidiary or
4 affiliate of another licensee, or from any firm, association or
5 corporation, except banking institutions, in which another
6 licensee or any officer, director or firm member of another
7 licensee has a substantial interest or exercises a control of
8 its business policy, for equipping, fitting out, payment of
9 license fee, maintaining and conducting, either in whole or in
10 part, an establishment or business operated under a
11 distributor's, importing distributor's or retail dispenser's
12 license, excepting only the usual and customary credits allowed
13 for the return of original containers in which malt or brewed
14 beverages were packaged for the market by the manufacturer at
15 the place of manufacture.

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

30 The term "manufacturer" as used in this section shall include

1 manufacturers of malt or brewed beverages as defined in this act
2 and any person manufacturing any malt or brewed beverages
3 outside of this Commonwealth.

4 Section 58. Section 444 of the act, amended December 12,
5 1980 (P.L.1195, No.221) and repealed in part December 20, 1982
6 (P.L.1409, No.326), is reenacted and amended to read:

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

26 (b) In all cases where the ~~{board} commission~~ shall have ←
27 issued any reciprocal regulations or orders concerning malt or
28 brewed beverages manufactured in any state, territory or country
29 other than Pennsylvania, no Pennsylvania licensee shall purchase
30 any such malt or brewed beverages if their importation has been

1 prohibited, or if not entirely prohibited, unless such
2 regulations or orders have been observed and complied with by
3 the Pennsylvania licensee and by the person from or through whom
4 the Pennsylvania licensee desires to purchase.

5 (c) Any malt or brewed beverages manufactured outside of
6 Pennsylvania which are sold, transported or possessed in
7 Pennsylvania contrary to any such regulations or orders of the
8 ~~board~~ ~~commission~~, or without the payment of the fees herein <—
9 required, shall be considered contraband and shall be
10 confiscated by the ~~board~~ ~~commission~~ and disposed of in the <—
11 same manner as any other illegal liquor or malt or brewed
12 beverages.

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

30 (e) Upon such hearing, whether or not an appearance was made

1 by such outside manufacturer, if satisfied that any such
2 violation has occurred, the ~~{board} commission~~ is specifically ←
3 empowered and directed to issue an order imposing a fine upon
4 such outside manufacturer of not less than five hundred dollars
5 (\$500) or more than ten thousand dollars (\$10,000), or
6 prohibiting the importation of malt or brewed beverages
7 manufactured by such outside manufacturer into this Commonwealth
8 for a period not exceeding three years, or both. Such fine or
9 prohibition shall not go into effect until twenty days have
10 elapsed from the date of notice of issuance of the ~~{board's}~~ ←
11 ~~commission's~~ order.

12 (f) If, after hearing, the ~~{board} commission~~ prohibits the ←
13 importation of malt or brewed beverages manufactured by such
14 outside manufacturer into this Commonwealth, notice of such
15 ~~{board} commission~~ action shall be given immediately to such ←
16 manufacturer and to all persons licensed to import malt or
17 brewed beverages within this Commonwealth by mailing a copy of
18 such order to such manufacturer at its principal place of
19 business, wherever located, and to such licensees at their
20 licensed premises. Thereafter, it shall be unlawful for any
21 person licensed to import malt or brewed beverages within this
22 Commonwealth to purchase any malt or brewed beverages
23 manufactured by such outside manufacturer during the term of
24 such prohibition.

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

30 (h) In all such cases, the ~~{board} commission~~ shall file of ←

1 record at least a brief statement in the form of an opinion of
2 the reasons for the ruling or order.

3 Section 58.1. The act is amended by adding a section to
4 read:

5 ~~Section 445. Limited Breweries. (a) Holders of a limited~~ <—
6 ~~brewery license may:~~

7 SECTION 445. BREWERIES.--HOLDERS OF A BREWERY LICENSE MAY: <—

8 (1) Sell malt or brewed beverages produced AND OWNED by the <—
9 limited brewery on the licensed premises under such conditions <—
10 and regulations as the ~~commission~~ BOARD may enforce, to the <—
11 ~~commission,~~ to individuals for consumption on ~~or off~~ the <—
12 premises and to hotel, restaurant, club and public service
13 liquor licensees.

14 (2) Operate a restaurant or brewery pub on the licensed
15 premises under such conditions and regulations as the ~~commission~~ <—
16 BOARD may enforce. <—

17 ~~(b) The term "limited brewery" as used in this section shall~~ <—
18 ~~include manufacturers of malt or brewed beverages produced~~
19 ~~within this Commonwealth not exceeding twenty thousand barrels~~
20 ~~per year.~~

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

23 (C) General Provisions Applying to Both Liquor and Malt
24 and Brewed Beverages.

25 Section 60. Section 461 of the act, amended June 19, 1961
26 (P.L.484, No.245), September 2, 1971 (P.L.429, No.103), December
27 17, 1982 (P.L.1390, No.319) and May 2, 1986 (P.L.141, No.44), is
28 reenacted ~~and amended~~ to read: <—

29 Section 461. Limiting Number of Retail Licenses To Be Issued
30 In Each Municipality.--(a) No licenses shall hereafter be

1 granted by the ~~{board} commission~~ for the retail sale of malt or ←
2 brewed beverages or the retail sale of liquor and malt or brewed
3 beverages in excess of one of such licenses of any class for
4 each two thousand inhabitants in any municipality, exclusive of
5 licenses granted to airport restaurants, municipal golf courses,
6 hotels, privately-owned public golf courses, as defined in this
7 section, and clubs; but at least one such license may be granted
8 in each municipality and in each part of a municipality where
9 such municipality is split so that each part thereof is
10 separated by another municipality, except in municipalities
11 where the electors have voted against the granting of any retail
12 licenses and except in that part of a split municipality where
13 the electors have voted against the granting of any retail
14 licenses. Nothing contained in this section shall be construed
15 as denying the right to the ~~{board} commission~~ to renew or to ←
16 transfer existing retail licenses of any class notwithstanding
17 that the number of such licensed places in a municipality shall
18 exceed the limitation hereinbefore prescribed; but where such
19 number exceeds the limitation prescribed by this section, no new
20 license, except for hotels, municipal golf courses, airport
21 restaurants, privately-owned public golf courses and privately-
22 owned private golf course licensees, as defined in this section,
23 shall be granted so long as said limitation is exceeded.

24 (b) The ~~{board} commission~~ shall have the power to increase ←
25 the number of licenses in any such municipality which in the
26 opinion of the ~~{board} commission~~ is located within a resort ←
27 area.

28 (c) The word "hotel" as used in this section shall mean any
29 reputable place operated by a responsible person of good
30 reputation where the public may, for a consideration, obtain

1 sleeping accommodations, and which shall have the following
2 number of bedrooms and requirements in each case--at least one-
3 half of the required number of bedrooms shall be regularly
4 available to transient guests seven days weekly, except in
5 resort areas; at least one-third of such bedrooms shall be
6 equipped with hot and cold water, a lavatory, commode, bathtub
7 or shower and a clothes closet; and an additional one-third of
8 the total of such required rooms shall be equipped with lavatory
9 and commode:

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

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

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

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

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

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

30 (7) Each room to be considered a bedroom under the

1 requirements of this section shall have an area of not less than
2 eighty square feet and an outside window.

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

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

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

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

4 (e.2) "Privately-owned private golf course" as used in this
5 section shall mean the clubhouse at any privately-owned golf
6 course as defined in section 102 open for private membership
7 accommodations only as a club as defined in section 102. The
8 license to be issued in this instance shall be a club license.

9 (f) The provisions of subsection (a) which apply to
10 privately-owned public golf courses shall not apply to the owner
11 of such course who has, within three years prior to the
12 effective date of this amendatory act or at any time after the
13 effective date of this amendatory act, sold or transferred a
14 regularly issued license for such course.

15 Section 61. Section 461.1 of the act, added December 12,
16 1980 (P.L.1195, No.221), is reenacted ~~and amended~~ to read: <—

17 Section 461.1. Incorporated Units of National Veterans'
18 Organizations.--(a) The ~~{board} commission~~ shall have the <—
19 authority to issue new licenses to incorporated units of
20 national veterans' organizations, as defined herein, in
21 municipalities where the number of licenses exceeds the
22 limitation prescribed by section 461.

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

25 The term "incorporated unit of a national veterans'
26 organization" shall mean any incorporated post, branch, camp,
27 detachment, lodge or other subordinate unit of a national
28 veterans' organization having one hundred or more paid up
29 members and organized for a period of at least three years prior
30 to filing the application for a license.

1 (c) When the charter of an incorporated unit of a national
2 veterans' organization is suspended or revoked, the retail
3 license of the organization shall also be suspended or revoked.
4 The retail license of an incorporated unit of a national
5 veterans' organization is not transferable to any other
6 organization or person.

7 Section 62. Section 462 of the act is reenacted ~~and amended~~ <—
8 to read:

9 Section 462. Licensed Places May Be Closed During Period of
10 Emergency.--The ~~{board} commission~~ may, with the approval of the <—
11 Governor,

12 (a) Temporarily close all licensed places within any
13 municipality during any period of emergency proclaimed to be
14 such by the Governor.

15 (b) Advance by one hour the hours prescribed in this act as
16 the hours during which liquor and malt or brewed beverages may
17 be sold in any municipality during such part of the year when
18 daylight saving time may be observed generally in such
19 municipality.

20 Section 63. Section 463 of the act, amended November 17,
21 1967 (P.L.510, No.247), March 23, 1972 (P.L.122, No.46) and May
22 9, 1984 (P.L.246, No.54), is reenacted ~~and amended~~ to read: <—

23 Section 463. Places of Amusement Not To Be Licensed;
24 Penalty.--(a) No license for the sale of liquor or malt or
25 brewed beverages in any quantity shall be granted to the
26 proprietors, lessees, keepers or managers of any theater,
27 circus, museum or other place of amusement, nor shall any house
28 be licensed for the sale of liquor or malt or brewed beverages
29 which has passage or communication to or with any theater,
30 circus, museum or other place of amusement, and any license

1 granted contrary to this act shall be null and void. Nothing
2 contained in this section shall be construed as denying to the
3 ~~board~~ ~~commission~~ the right to grant a restaurant liquor ←
4 license regardless of quota restrictions to the owner or
5 operator of a restaurant in a building on a plot of ground owned
6 or possessed under lease by a corporation incorporated under the
7 laws of this Commonwealth and used principally by such
8 corporation for holding outdoor sport events wherein such events
9 are held under a license issued as provided by law to such
10 corporation by a department, board or commission of the
11 Commonwealth of Pennsylvania. The restaurant liquor license
12 aforementioned shall be subject to all the conditions and
13 restrictions herein applicable to restaurant liquor licenses,
14 except the above prohibition against any passageway or
15 communication between such licensed premises and the place of
16 amusement.

17 Nothing contained in this act shall be construed as denying
18 to the ~~board~~ ~~commission~~ the right to grant a new restaurant ←
19 liquor license, regardless of quota restrictions, at any time,
20 to the owner or operator of a restaurant in a building or plot
21 of ground having a seating capacity in excess of twenty-five
22 thousand, used principally for holding automobile races.

23 (a.1) Nothing contained in subsection (a) of this section or
24 in section 102 of this act shall be construed as denying to the
25 ~~board~~ ~~commission~~ the right to grant a club or restaurant ←
26 liquor or malt and brewed beverage license to a club
27 incorporated in this Commonwealth which has been in existence
28 less than one year prior to making application under this
29 section or to a restaurant either of which has a clubhouse or
30 restaurant located in a stadium or arena having an available

1 seating capacity of twelve thousand or more and owned and
2 operated by or pursuant to an agreement with any city of the
3 first class or created and operated under and in compliance with
4 the act of July 29, 1953 (P.L.1034), known as the "Public
5 Auditorium Authorities Law," and used principally for events at
6 which athletes compete or other types of performers entertain.
7 The club or restaurant liquor or malt and brewed beverage
8 license aforementioned shall be subject to all the conditions
9 and restrictions applicable to such licenses and licenses for
10 places of amusement, except the above prohibition against any
11 passageway or communication between such licensed premises and
12 the place of amusement.

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

28 (b) Any proprietor, lessee, keeper or manager of any
29 theater, circus, museum or other place of amusement, or any
30 other person who shall violate the provisions of this section,

1 shall be guilty of a misdemeanor and, upon conviction thereof,
2 shall be sentenced to pay a fine of one hundred dollars and to
3 undergo an imprisonment of not less than thirty days.

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

6 Section 464. Hearings Upon Refusal of Licenses, Renewals or
7 Transfers; Appeals.--~~(a)~~ The ~~{board}~~~~commission~~ may of its own <—
8 motion, and shall upon the written request of any applicant for
9 club, hotel or restaurant liquor license, or any applicant for
10 any malt or brewed beverage license other than a public service
11 license, or for renewal or transfer thereof, whose application
12 for such license, renewal or transfer has been refused, fix a
13 time and place for hearing of such application for license or
14 for renewal or transfer thereof, notice of which hearing shall
15 be mailed to the applicant at the address given in his
16 application. Such hearing shall be before [the board, a member
17 thereof, or an examiner designated by the board] ~~an~~ <—
18 ~~administrative law judge~~ A HEARING EXAMINER DESIGNATED BY THE <—
19 BOARD. At such hearing, the ~~{board}~~~~commission~~ shall present its <—
20 reasons for its refusal or withholding of license, renewal or
21 transfer thereof. The applicant may appear in person or by
22 counsel, may cross-examine the witnesses for the ~~{board}~~ <—
23 ~~commission~~ and may present evidence which shall likewise be
24 subject to cross-examination by the ~~{board}~~~~commission~~. Such <—
25 hearing shall be stenographically recorded. The ~~{examiner}~~ <—
26 ~~administrative law judge~~ shall thereafter report to the ~~{board}~~ <—
27 ~~commission~~ upon such hearing. The ~~{board}~~~~commission~~ shall <—
28 thereupon grant or refuse the license, renewal or transfer
29 thereof. In considering the renewal of a license, the ~~{board}~~ <—
30 ~~commission~~ shall not refuse any such renewal on the basis of the

1 propriety of the original issuance or any prior renewal of such
2 license. If the ~~{board} commission~~ shall refuse such license, ←
3 renewal or transfer following such hearing, notice in writing of
4 such refusal shall be mailed to the applicant at the address
5 given in his application. In all such cases, the ~~{board}~~ ←
6 ~~commission~~ shall file of record at least a brief statement in
7 the form of an opinion of the reasons for the ruling or order
8 and furnish a copy thereof to the applicant. Any applicant who
9 has appeared [before the board or any agent thereof] at any
10 hearing, as above provided, who is aggrieved by the refusal of
11 the ~~{board} commission~~ to issue any such license or to renew or ←
12 transfer any such license may appeal, or any church, hospital,
13 charitable institution, school or public playground located
14 within three hundred feet of the premises applied for, aggrieved
15 by the action of the ~~{board} commission~~ in granting the issuance ←
16 of any such license or the transfer of any such license, may
17 take an appeal limited to the question of such grievance, within
18 twenty days from date of refusal or grant, to the court of
19 [quarter sessions] common pleas of the county in which the
20 premises applied for is located [or the county court of
21 Allegheny County]. Such appeal shall be upon petition of the
22 aggrieved party, who shall serve a copy thereof upon the ~~{board}~~ ←
23 ~~commission~~, whereupon a hearing shall be held upon the petition
24 by the court upon ten days' notice to the ~~{board}~~ [, which shall ←
25 be represented in the proceeding by the Department of Justice]
26 ~~commission~~. The said appeal shall act as a supersedeas unless ←
27 upon sufficient cause shown the court shall determine otherwise.
28 The court shall hear the application de novo on questions of
29 fact, administrative discretion and such other matters as are
30 involved, at such time as it shall fix, of which notice shall be

1 given to the ~~{board} commission~~. The court shall either sustain <—
2 or over-rule the action of the ~~{board} commission~~ and either <—
3 order or deny the issuance of a new license or the renewal or
4 transfer of the license to the applicant.

5 ~~(b)~~ [The jurisdiction of the county court of Allegheny <—
6 County conferred hereby shall be exclusive within the
7 territorial limits of its jurisdiction.] <—

8 Section 65. Sections 465 and 466 of the act are reenacted
9 ~~and amended~~ to read: <—

10 Section 465. All Licensees to Furnish Bond.--(a) No license
11 shall be issued to any applicant under the provisions of this
12 article until such applicant has filed with the ~~{board}~~ <—
13 ~~commission~~ an approved bond and a warrant of attorney to confess
14 judgment payable to the Commonwealth of Pennsylvania in the
15 amount hereinafter prescribed.

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

1 State Treasurer and held by him. The State Treasurer shall repay
2 or return money or securities deposited with him to the
3 respective depositors only on the order of the ~~{board}~~ ←
4 commission.

5 (c) No such bond shall be accepted until approved by the
6 ~~{board}~~ commission. All such bonds shall be conditioned for the ←
7 faithful observance of all the laws of this Commonwealth
8 relating to liquor, alcohol and malt or brewed beverages and the
9 regulations of the ~~{board}~~ commission. All bonds shall be ←
10 retained by the ~~{board}~~ commission. ←

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

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

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

18 (3) Sacramental wine licensees, ten thousand dollars
19 (\$10,000.00).

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

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

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

29 (7) Retail dispensers and public service malt or brewed
30 beverage licensees, one thousand dollars (\$1,000.00) for each

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

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

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

24 Section 65.1. Section 467 of the act is reenacted to read:

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

29 Section 66. Section 468 of the act, amended November 26,
30 1978 (P.L.1389, No.326) and June 24, 1982 (P.L.624, No.176), is

1 reenacted and amended to read:

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

3 Licenses issued under this article may not be assigned. The

4 ~~{board} commission~~, upon payment of the transfer filing fee and <—

5 the execution of a new bond, is hereby authorized to transfer

6 any license issued by it under the provisions of this article

7 from one person to another or from one place to another, or

8 both, within the same municipality, and if the applicant is a

9 unit of a nonprofit nationally chartered club, the ~~{board}~~ <—

10 ~~commission~~ is hereby authorized to transfer such license to a

11 place in any other municipality within the same county if the

12 sale of liquor or malt and brewed beverages are legal in such

13 other municipality as the ~~{board} commission~~ may determine. <—

14 Prior to the approval of an application for transfer by a unit

15 of a nonprofit nationally chartered club the ~~{board} commission~~ <—

16 shall make an affirmative finding, upon proof submitted by the

17 applicant, and after investigation by the ~~{board} commission~~, <—

18 that at the time the application for transfer is made the club

19 continues to hold a valid national charter and continues to

20 function in fact as a club as defined in section 102. The

21 ~~{board} commission~~, in its discretion, may transfer an existing <—

22 restaurant retail dispenser or club license from one

23 municipality to another in the same county regardless of the

24 quota limitations provided for in this act, if sales of liquor

25 or malt and brewed beverages are legal in such other

26 municipality and if the restaurant retail dispenser or club lost

27 the use of the building in which it was located due to

28 governmental exercise of the right of eminent domain and no

29 other suitable building can be found in the first municipality.

30 In the case of distributor and importing distributor licenses,

1 the ~~{board} commission~~ may transfer any such license from its
2 place in a municipality to a place in any other municipality
3 within the same county, or from one place to another place
4 within the same municipality, or exchange a distributor license
5 for an importing distributor license or an importing distributor
6 license for a distributor license, if the building for which the
7 license is to be issued has, in the case of an importing
8 distributor license, an area under one roof of two thousand five
9 hundred square feet and, in the case of a distributor license,
10 an area under one roof of one thousand square feet: And
11 provided, That, in the case of all transfers of distributor or
12 importing distributor licenses, whether from a place within the
13 same municipality to another place within the same municipality
14 or from a place in a municipality to a place in any other
15 municipality within the same county, and, in the case of an
16 exchange of a distributor license for an importing distributor
17 license or an importing distributor license for a distributor
18 license, the premises to be affected by the transfer or exchange
19 shall contain an office separate and apart from the remainder of
20 the premises to be licensed for the purpose of keeping records,
21 required by the ~~{board} commission~~, adequate toilet facilities
22 for employes of the licensee and an entrance on a public
23 thoroughfare: Provided, however, That in the event that the
24 majority of the voting electors of a municipality, at an
25 election held under the provisions of any law so empowering them
26 to do, shall vote against the issuance of distributor or
27 importing distributor licenses in such municipality, the ~~{board}~~
28 ~~commission~~ is hereby authorized to transfer any such distributor
29 or importing distributor license from its place in such
30 municipality to a place in any other municipality within the

<—

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<—

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

24 (b.1) In the event that any person to whom a license shall
25 have been issued under the provisions of this article shall
26 become insolvent, make an assignment for the benefit of
27 creditors, become bankrupt by either voluntary or involuntary
28 action, the license of such person shall be immediately placed
29 in safekeeping with the ~~board~~ commission for the balance of ←
30 the term of the license and for an additional period of one year

1 upon application to the ~~{board} commission~~ by the trustee, ←
2 receiver, or assignee. The trustee, receiver, or assignee shall
3 have, during said period of safekeeping, the same rights,
4 benefits and obligations as to the license as the person to whom
5 the license had been issued, including the right to transfer the
6 license subject to the approval of the ~~{board} commission~~. The ←
7 license shall continue as a personal privilege granted by the
8 ~~{board} commission~~ and nothing herein shall constitute the ←
9 license as property.

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

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

16 (D) THE LICENSE SHALL CONSTITUTE A PRIVILEGE BETWEEN THE ←
17 BOARD AND THE LICENSEE. AS BETWEEN THE LICENSEE AND THIRD
18 PARTIES, THE LICENSE SHALL CONSTITUTE PROPERTY.

19 Section 67. Section 469 of the act, amended September 28,
20 1961 (P.L.1728, No.702), is reenacted and amended to read:

21 Section 469. Applications for Transfers; Fees.--(a) Every
22 applicant for a transfer of a license under the provisions of
23 this article shall file a written application with the ~~{board}~~ ←
24 ~~commission~~, together with a filing fee of thirty dollars (\$30)
25 if the license to be transferred is a liquor license, and twenty
26 dollars (\$20) if the license is a malt or brewed beverage
27 license. Such application shall be is such form and shall be
28 filed at such times as the ~~{board} commission~~ shall in its ←
29 regulations prescribe. Each such applicant shall also file an
30 approved bond as required on original applications for such

1 licenses.

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

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

8 Section 470. Renewal of Licenses; Temporary Provisions for
9 Licensees in Armed Service.--(a) All applications for renewal
10 of licenses under the provisions of this article shall be filed
11 with a new bond, requisite license and filing fees at least
12 sixty days before the expiration date of same: Provided,
13 however, That the ~~{board} commission~~, in its discretion, may <—
14 accept a renewal application filed less than sixty days before
15 the expiration date of the license with the required bond and
16 fees, upon reasonable cause shown and the payment of an
17 additional filing fee of one hundred dollars (\$100.00) for late
18 filing: And provided further, That except where the failure to
19 file a renewal application or before the expiration date has
20 created a license quota vacancy after said expiration date which
21 has been filled by the issuance of a new license, after such
22 expiration date, but before the ~~{board} commission~~ has received <—
23 a renewal application within the time prescribed herein the
24 ~~{board} commission~~, in its discretion, may, after hearing, <—
25 accept a renewal application filed within ten months after the
26 expiration date of the license with the required bond and fees
27 upon the payment of an additional filing fee of two hundred
28 fifty dollars (\$250.00) for late filing. Where any such renewal
29 application is filed less than sixty days before the expiration
30 date, or subsequent to the expiration date, no license shall

1 issue upon the filing of the renewal application until the
2 matter is finally determined by the ~~{board} commission~~ and if an <—
3 appeal is taken from the ~~{board's} commission's~~ action the <—
4 courts shall not order the issuance of the renewal license until
5 final determination of the matter by the courts. A renewal
6 application will not be considered filed unless accompanied by a
7 new bond and the requisite filing and license fees and any
8 additional filing fee required by this section. Unless the
9 ~~{board} commission~~ shall have given ten days' previous notice to <—
10 the applicant of objections to the renewal of his license, based
11 upon violation by the licensee or his servants, agents or
12 employes of any of the laws of the Commonwealth or regulations
13 of the ~~{board} commission~~ relating to the manufacture, <—
14 transportation, use, storage, importation, possession or sale of
15 liquors, alcohol or malt or brewed beverages, or the conduct of
16 a licensed establishment, or unless the applicant has by his own
17 act become a person of ill repute, or unless the premises do not
18 meet the requirements of this act or the regulations of the
19 ~~{board} commission~~, the license of a licensee shall be renewed. <—

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

1 application of such license in pending before the {board} ←
2 ~~commission~~, the {board} ~~commission~~ may, in its discretion, renew ←
3 the license, notwithstanding such alleged violations, but such
4 renewal license may be revoked if and when the licensee or any
5 of his servants, agents or employes are convicted of or plead
6 guilty to violations under the previous license, as aforesaid,
7 or if and when such previous license is for any reason revoked.

8 In the event such renewal license is revoked by the {board} ←
9 ~~commission~~, neither the license fee paid for such license nor
10 any part thereof shall be returned to the licensee, but the
11 license bond filed with the application for such renewal of
12 license shall not be forfeited.

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

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

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

24 Section 69. Sections 470.1 and 470.2 of the act are
25 repealed.

26 Section 70. Section 471 of the act, amended January 13, 1966
27 (1965 P.L.1301, No.518) and repealed in part June 3, 1971
28 (P.L.118, No.6), is reenacted and amended to read:

29 Section 471. Revocation and Suspension of Licenses; Fines.--
30 [Upon learning of any violation of this act or any laws of this

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

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

30 If the violation in question is a third or subsequent

1 violation of this act or the act of June 24, 1939 (P.L.872),
2 known as "The Penal Code," occurring within a period of four
3 years the board shall impose a suspension or revocation.

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

24 (b) Hearing on such citations shall be held in the same
25 manner as provided herein for hearings on applications for
26 license. Upon such hearing, if satisfied that any such violation
27 has occurred or for other sufficient cause, the administrative
28 law judge shall immediately suspend or revoke the license, or
29 impose a fine of not less than fifty dollars (\$50) nor more than
30 one thousand dollars (\$1,000), or both, notifying the licensee

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

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

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

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

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

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

1 of licenses to wholesale distributors and importing
2 distributors, or not more than once in four years, to determine
3 the will of the electors with respect to the establishment,
4 operation and maintenance by the ~~board~~commission of ←
5 Pennsylvania liquor stores, within the limits of such
6 municipality or part of a split municipality, under the
7 provisions of this act: Provided, however, Where an election
8 shall have been held at the primary preceding a municipal
9 election in any year, another election may be held under the
10 provisions of this act at the primary occurring the fourth year
11 after such prior election: And provided further, That an
12 election on the question of establishing and operating a State
13 liquor store shall be initiated only in those municipalities, or
14 that part of a split municipality that shall have voted against
15 the granting of liquor licenses; and that an election on the
16 question of granting wholesale distributor and importing
17 distributor licenses shall be initiated only in those
18 municipalities or parts of split municipalities that shall have
19 at a previous election voted against the granting of dispenser's
20 licenses. Whenever electors equal to at least twenty-five per
21 centum of the highest vote cast for any office in the
22 municipality or part of a split municipality at the last
23 preceding general election shall file a petition with the county
24 board of elections of the county for a referendum on the
25 question of granting any of said classes of licenses or the
26 establishment of Pennsylvania liquor stores, the said county
27 board of elections shall cause a question to be placed on the
28 ballots or on the voting machine board and submitted at the
29 primary immediately preceding the municipal election. Separate
30 petitions must be filed for each question to be voted on. Said

1 proceedings shall be in the manner and subject to the provisions
2 of the election laws which relate to the signing, filing and
3 adjudication of nomination petitions, insofar as such provisions
4 are applicable.

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

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

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

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

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

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

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

27 Do you favor the granting of malt and brewed
28 beverage wholesale distributor's and importing
29 distributor's licenses not for consumption on
30 premises where sold in the..... Yes

1 of.....? No

2 When the question is in respect to the establishment,
3 operation and maintenance of Pennsylvania liquor stores it shall
4 be in the following form:

5 Do you favor the establishment, operation
6 and maintenance of Pennsylvania liquor
7 stores in the..... Yes

8 of.....? No

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

1 municipality for more than two years thereafter or after the
2 expiration of the term of the lease on the premises occupied by
3 such store, whichever period is less, unless and until at a
4 later election a majority of the voting electors vote "yes" on
5 such question.

6 Section 72. Section 472.1 of the act, added September 15,
7 1961 (P.L.1337, No.590), is reenacted to read:

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

21 Section 73. Section 472.2 of the act, added November 18,
22 1969 (P.L.296, No.124), is reenacted ~~and amended~~ to read: <—

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

1 liquor license: Provided, That the applicant surrenders for
2 cancellation the malt and brewed beverage retail dispenser's
3 license. The ~~{board} commissioner~~ shall not issue such a liquor ←
4 license in excess of one for each one thousand five hundred
5 residents in said municipality and any application for said
6 license shall be filed within two years from the effective date
7 of this amendment.

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

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

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

20 Section 472.3. Exchange of Certain Licenses.--(a) In any
21 municipality wherein restaurant liquor license issue, the
22 ~~{board} commission~~ may issue to a club as defined in this act, a ←
23 club liquor license in exchange for a club retail dispenser
24 license.

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

28 (c) The applicant for such exchange of license shall file an
29 application for a club liquor license and shall post a notice of
30 such application in the manner provided in section 403. In

1 determining whether the exchange shall be granted the {board} <—
2 ~~commission~~ shall have the same discretion as provided in section
3 404 in the case of any new license.

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

6 Section 75. Section 473 of the act, added January 13, 1966
7 (1965 P.L.1301, No.518), is reenacted and amended to read:

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

17 (b) The names and addresses required by this section shall
18 be recorded by the {board} ~~commission~~ and made available to the <—
19 public as a public record.

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

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

1 termination of the period, and transfer of the license shall not
2 be permitted after the termination of the period.

3 Section 77. Section 475 of the act, amended November 26,
4 1978 (P.L.1389, No.326) and June 24, 1982 (P.L.624, No.176), is
5 reenacted to read:

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

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

15 SECTION 77.1. THE ACT IS AMENDED BY ADDING A SECTION TO
16 READ: <—

17 SECTION 477. APPLICANTS TO PROVIDE STATE TAX IDENTIFICATION
18 NUMBERS AND STATEMENT OF STATE TAX STATUS; WAIVER OF
19 CONFIDENTIALITY OF INFORMATION IN THE POSSESSION OF THE
20 DEPARTMENT OF REVENUE AND OTHER DEPARTMENTS; REVIEW OF STATE TAX
21 STATUS.--(A) AN APPLICANT FOR THE GRANT, RENEWAL OR TRANSFER OF
22 ANY LICENSE ISSUED PURSUANT TO THIS ARTICLE SHALL PROVIDE TO THE
23 BOARD, UPON FORMS APPROVED BY THE DEPARTMENT OF REVENUE, THE
24 FOLLOWING:

25 (1) THE APPLICANT'S STATE PERSONAL INCOME TAX IDENTIFICATION
26 NUMBER;

27 (2) THE APPLICANT'S STATE SALES TAX NUMBER;

28 (3) THE APPLICANT'S STATE CORPORATION TAX NUMBER;

29 (4) THE APPLICANT'S STATE EMPLOYER WITHHOLDING TAX NUMBER;

30 (5) THE APPLICANT'S UNEMPLOYMENT COMPENSATION ACCOUNT

1 NUMBER; AND

2 (6) A STATEMENT THAT:

3 (I) ALL STATE TAX REPORTS HAVE BEEN FILED AND ALL STATE
4 TAXES PAID; OR

5 (II) ALL STATE TAXES ARE SUBJECT TO A TIMELY ADMINISTRATIVE
6 OR JUDICIAL APPEAL; OR

7 (III) ALL STATE TAXES ARE SUBJECT TO A DULY APPROVED
8 DEFERRED PAYMENT PLAN.

9 (B) AN APPLICANT FOR THE GRANT, RENEWAL OR TRANSFER OF ANY
10 LICENSE ISSUED PURSUANT TO THIS ARTICLE SHALL, BY THE FILING OF
11 AN APPLICATION INsofar AS IT RELATES TO THE BOARD, WAIVE ANY
12 CONFIDENTIALITY WITH RESPECT TO STATE TAX INFORMATION REGARDING
13 SAID APPLICANT IN THE POSSESSION OF THE DEPARTMENT OF REVENUE,
14 THE OFFICE OF ATTORNEY GENERAL OR THE DEPARTMENT OF LABOR AND
15 INDUSTRY, REGARDLESS OF THE SOURCE OF THAT INFORMATION AND SHALL
16 CONSENT TO THE PROVIDING OF THAT INFORMATION TO THE BOARD BY THE
17 DEPARTMENT OF REVENUE, THE OFFICE OF ATTORNEY GENERAL OR THE
18 DEPARTMENT OF LABOR AND INDUSTRY.

19 (C) UPON RECEIPT OF ANY APPLICATION FOR THE GRANT, RENEWAL
20 OR TRANSFER OF ANY LICENSE ISSUED PURSUANT TO THIS ARTICLE, THE
21 BOARD SHALL REVIEW THE STATE TAX STATUS OF THE APPLICANT. THE
22 BOARD SHALL REQUEST STATE TAX INFORMATION REGARDING THE
23 APPLICANT FROM THE DEPARTMENT OF REVENUE, THE OFFICE OF ATTORNEY
24 GENERAL OR THE DEPARTMENT OF LABOR AND INDUSTRY AND SAID
25 INFORMATION SHALL BE PROVIDED.

26 (D) THE BOARD SHALL NOT APPROVE ANY APPLICATION FOR THE
27 GRANT, RENEWAL OR TRANSFER OF ANY LICENSE ISSUED PURSUANT TO
28 THIS ARTICLE WHERE THE APPLICANT HAS FAILED TO:

29 (1) PROVIDE ANY OF THE INFORMATION REQUIRED BY SUBSECTION
30 (A); OR

1 (2) FILE REQUIRED STATE TAX REPORTS; OR
2 (3) PAY ANY STATE TAXES NOT SUBJECT TO A TIMELY
3 ADMINISTRATIVE OR JUDICIAL APPEAL OR SUBJECT TO A DULY
4 AUTHORIZED DEFERRED PAYMENT PLAN.

5 (E) FOR THE PURPOSE OF THIS SECTION THE TERM "APPLICANT"
6 SHALL INCLUDE THE TRANSFEROR AND TRANSFEREE OF ANY LICENSE
7 ISSUED UNDER THIS ACT.

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

10 (D) Unlawful Acts; Penalties.

11 Section 79. Section 491 of the act, amended July 18, 1961
12 (P.L.789, No.347), May 5, 1970 (P.L.342, No.110), October 11,
13 1972 (P.L.906, No.215), October 2, 1974 (P.L.665, No.220),
14 October 10, 1974 (P.L.692, No.231), December 12, 1980 (P.L.1195,
15 No.221) and February 9, 1984 (P.L.21, No.8), is reenacted and
16 amended to read:

17 Section 491. Unlawful Acts Relative to Liquor, Alcohol and
18 Liquor Licensees.--

19 It shall be unlawful--

20 (1) Sales of Liquor. For any person, by himself or by an
21 employe or agent, to expose or keep for sale, or directly or
22 indirectly, or upon any pretense or upon any device, to sell or
23 offer to sell any liquor within this Commonwealth, except in
24 accordance with the provisions of this act and the regulations
25 of the ~~{board}~~ ~~commission~~. This clause shall not be construed to ←
26 prohibit hospitals, physicians, dentists or veterinarians who
27 are licensed and registered under the laws of this Commonwealth
28 from administering liquor in the regular course of their
29 professional work and taking into account the cost of the liquor
30 so administered in making charges for their professional

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

24 (2) Possession or Transportation of Liquor or Alcohol. For
25 any person, except a manufacturer or the {board} ~~commission~~ ←—
26 the holder of a sacramental wine license or of an importer's
27 license, to possess or transport any liquor or alcohol within
28 this Commonwealth which was not lawfully acquired prior to
29 January first, one thousand nine hundred and thirty-four, or has
30 not been purchased from a Pennsylvania Liquor Store or a

1 licensed limited winery in Pennsylvania, except miniatures
2 totalling less than one gallon purchased by a collector of the
3 same in another state or foreign country, or in accordance with
4 the ~~{board's} commission's~~ regulations. The burden shall be upon ←
5 the person possessing or transporting such liquor or alcohol to
6 prove that it was so acquired. But nothing herein contained
7 shall prohibit the manufacture or possession of wine by any
8 person in his home for consumption of himself, his family and
9 guests and not for sale, not exceeding, during any one calendar
10 year, two hundred gallons, any other law to the contrary
11 notwithstanding. Such wine shall not be manufactured, possessed,
12 offered for sale or sold on any licensed premises.

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

1 regulations issued by the Department of Defense. Such liquor
2 shall not be possessed, offered for sale or sold on any licensed
3 premises.

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

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

1 however, That if it is a second or subsequent offense or if it
2 is established that the illegal possession or transportation was
3 in connection with a commercial transaction, then the other
4 provisions of this act providing for prosecution as a
5 misdemeanor and for the forfeiture of the vehicle, boat, vessel,
6 animal or aircraft shall apply.

7 (3) Purchase of Liquor or Alcohol. For any person within
8 this Commonwealth, by himself or by an employe or agent, to
9 attempt to purchase, or directly or indirectly, or upon any
10 pretense or device whatsoever, to purchase any liquor or alcohol
11 from any person or source other than a Pennsylvania Liquor
12 Store, except in accordance with the provisions of this act or
13 the regulations of the ~~{board}~~commission. ←

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

21 (5) Failure to Break Empty Liquor Containers. For any
22 restaurant, hotel or club licensee, his servants, agents or
23 employes, to fail to break any package in which liquors were
24 contained, except those decanter packages that the ~~{board}~~ ←
25 commission determines to be decorative, within twenty-four hours
26 after the original contents were removed therefrom.

27 (6) Sales by Restaurant and Hotel Liquor Licensees. For any
28 restaurant or hotel licensee, his servants, agents or employes,
29 to sell any liquor or malt or brewed beverages for consumption
30 on the licensed premises except in a room or rooms or place on

1 the licensed premises at all times accessible to the use and
2 accommodation of the general public, but this section shall not
3 be interpreted to prohibit a restaurant liquor licensee from
4 providing private affairs the primary function of which is for
5 catering only to weddings or special occasions arranged twenty-
6 four hours in advance, nor to prohibit a hotel licensee, or a
7 restaurant licensee when the restaurant is located in a hotel,
8 from selling liquor or malt or brewed beverages in any room of
9 such hotel occupied by a bona fide guest or to prohibit a
10 restaurant licensee from selling liquor or malt or brewed
11 beverages in a bowling alley when no minors are present where
12 the restaurant and bowling alley are immediately adjacent and
13 under the same roof.

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

23 (8) Importation and Sales of Alcohol. For any person, to
24 import alcohol into this Commonwealth, or to sell alcohol to any
25 person, except in accordance with the regulations of the {board} ←
26 ~~commission~~.

27 (9) Possession of Alcohol. For any person, to have alcohol
28 in his possession, except in accordance with the provisions of
29 this act and the regulations of the {board} ~~commission~~. ←

30 (10) Fortifying, Adulterating or Contaminating Liquor. For

1 any licensee or any employe or agent of a licensee or of the
2 ~~board~~ ~~commission~~, to fortify, adulterate or contaminate any ←
3 liquor, except as permitted by the regulations of the ~~board~~ ←
4 ~~commission~~, or to refill wholly or in part, with any liquid or
5 substance whatsoever, any liquor bottle or other liquor
6 container.

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

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

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

26 (14) Offering Commission or Gift to Members of ~~Board~~ ←
27 ~~Commission~~ or State Employe. For any person selling or offering
28 to sell liquor or alcohol to, or purchasing at wholesale liquor
29 or alcohol from, the ~~board~~ ~~commission~~, either directly or ←
30 indirectly, to pay or offer to pay any commission, profit or

1 remuneration, or to make or offer to make any gift to any member
2 or employe of the ~~{board} commission~~ or other employe of the ←
3 Commonwealth or to anyone on behalf of such member or employe.

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

7 Section 492. Unlawful Acts Relative to Malt or Brewed
8 Beverages and Licensees.--

9 It shall be unlawful--

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

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

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

27 (4) Sunday Sales of Malt or Brewed Beverages by
28 Manufacturers, Importing Distributors or Distributors. For any
29 manufacturer of malt or brewed beverages, importing distributor
30 or distributor, or the servants, agents or employes of the same,

1 to sell, trade or barter in malt or brewed beverages between the
2 hours of twelve o'clock midnight of any Saturday and two o'clock
3 in the forenoon of the following Monday.

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

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

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

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

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

29 (9) Transportation of Malt or Brewed Beverages by Licensee.
30 For a malt or brewed beverage licensee, to deliver or transport

1 any malt or brewed beverages, excepting in vehicles bearing the
2 name and address and license number of such licensee painted or
3 affixed on each side of such vehicle in letters no smaller than
4 four inches in height.

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

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

25 (12) Distributors and Importing Distributors Engaging in
26 Other Business. For any distributor or importing distributor, or
27 his servants, agents or employes, without the approval of the
28 ~~board~~ ~~commission~~, and then only in accordance with ~~board~~ ←
29 ~~commission~~ regulations, to engage in any other business
30 whatsoever, except the business of distributing malt or brewed

1 beverages.

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

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

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

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

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

30 (18) Coercing Distributors and Importing Distributors. For

1 any manufacturer or any officer, agent or representative of any
2 manufacturer to coerce or persuade or attempt to coerce or
3 persuade any person licensed to sell or distribute malt or
4 brewed beverages at wholesale or retail to establish selling
5 prices for its products or to enter into any contracts or
6 agreements, whether written or oral, or take any action which
7 will violate or tend to violate any provisions of this act or
8 any of the rules or regulations promulgated by the {board} ←
9 ~~commission~~ pursuant thereto.

10 (19) Modifying or Terminating Distributing Rights Agreement.

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

26 If the deficiency shall be rectified within ninety (90) days
27 of notice, then the proposed modification, termination,
28 cancellation, rescission or nonrenewal shall be null and void
29 and without legal effect.

30 If the notice states as one of the reasons for the intended

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

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

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

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

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

26 It shall be unlawful--

27 (1) Furnishing Liquor or Malt or Brewed Beverages to Certain
28 Persons. For any licensee or the ~~board~~commission, or any
29 employe, servant or agent of such licensee or of the ~~board~~
30 commission, or any other person, to sell, furnish or give any

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1 liquor or malt or brewed beverages, or to permit any liquor or
2 malt or brewed beverages to be sold, furnished or given, to any
3 person visibly intoxicated, or to any insane person, or to any
4 minor, or to habitual drunkards, or persons of known intemperate
5 habits.

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

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

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

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

26 (5) Failure to Have Brands as Advertised. For any licensee,
27 his servants, agents or employes, to advertise or hold out for
28 sale any liquor or malt or brewed beverages by trade name or
29 other designation which would indicate the manufacturer or place
30 of production of the said liquor or malt or brewed beverages,

1 unless he shall actually have on hand and for sale a sufficient
2 quantity of the particular liquor or malt or brewed beverages so
3 advertised to meet requirements to be normally expected as a
4 result of such advertisement or offer.

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

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

25 (8) Advertisements on Labels Giving Alcoholic Content of
26 Malt or Brewed Beverages. For any manufacturer or other
27 licensee, or his servants, agents or employes, to issue, publish
28 or post, or cause to be issued, published or posted, any
29 advertisement of any malt or brewed beverage including a label
30 which shall refer in any manner to the alcoholic strength of the

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

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

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

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

10 (11) Licensees Employed by Others. For any hotel, restaurant
11 or club liquor licensee, or any malt or brewed beverage
12 licensee, or any servant, agent or employe of such licensee, to
13 be at the same time employed, directly or indirectly, by any
14 other person engaged in the manufacture, sale, transportation or
15 storage of liquor, malt or brewed beverages or alcohol:
16 Provided, That any person (except a licensee or the manager,
17 officer or director of a licensee) who is employed by a retail
18 licensee to prepare or serve food and beverages may be employed
19 in the same capacity by another retail licensee during other
20 hours or on other days.

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

1 enforcement bureau access thereto or the opportunity to make
2 copies of the same when the request is made during business
3 hours.

4 (13) Retail Licensees Employing Minors. For any hotel,
5 restaurant or club liquor licensee, or any retail dispenser, to
6 employ or to permit any minor under the age of eighteen to serve
7 any alcoholic beverages or to employ or permit any minor under
8 the age of sixteen to render any service whatever in or about
9 the licensed premises, nor shall any entertainer under the age
10 of eighteen be employed or permitted to perform in any licensed
11 premises in violation of the labor laws of this Commonwealth:

12 Provided, That in accordance with ~~{board} commission~~ regulations ←
13 minors between the ages of sixteen and eighteen may be employed
14 to serve food, clear tables and perform other similar duties,
15 not to include the dispensing or serving of alcoholic beverages.

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

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

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

30 (15) Cashing Pay Roll, Public Assistance, Unemployment

1 Compensation or Any Other Relief Checks. For any licensee or his
2 servants, agents or employes to cash pay roll checks or to cash,
3 receive, handle or negotiate in any way Public Assistance,
4 Unemployment Compensation or any other relief checks.

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

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

25 (18) Displaying Price of Liquor or Malt or Brewed Beverages.
26 For any restaurant, hotel or club liquor licensee, or any
27 importing distributor, distributor or retail dispenser, or the
28 servants, agents or employes of such licensees, to display on
29 the outside of any licensed premises or to display any place
30 within the licensed premises where it can be seen from the

1 outside, any advertisement whatsoever referring, directly or
2 indirectly, to the price at which the licensee will sell liquor
3 or malt or brewed beverages.

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

17 (20) (i) Retail Liquor and Retail Malt or Brewed Beverages
18 Licensee's Inside Advertisements. For any retail liquor or
19 retail malt or brewed beverages licensee, to display or permit
20 the display in the show window or doorways of his licensed
21 premises, any placard or sign advertising the brands of liquor
22 or malt or brewed beverages produced by any one manufacturer, if
23 the total display area of any such placard or sign advertising
24 the products of any one manufacturer exceeds three hundred
25 square inches. Nothing herein shall prohibit a licensee from
26 displaying inside his licensed premises point of sale displays
27 advertising brand names of products sold by him, other than a
28 window or door display: Provided, That the total cost of all
29 such point of sale advertising matter relating to any one brand
30 of any one manufacturer shall not exceed the sum of seventy

1 dollars (\$70) at any one time, and no single piece of
2 advertising shall exceed a cost of thirty-five dollars (\$35).
3 All such advertising material, including the window and door
4 signs, may be furnished by a manufacturer, distributor or
5 importing distributor. The restrictions on advertising set forth
6 in subclause (ii) and in clauses (20.1) and (20.2) shall also
7 apply to this subclause.

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

15 (20.1) Manufacturer Shall Not Require Advertising. For a
16 manufacturer to require a distributor or importing distributor
17 to purchase any type of advertising.

18 (20.2) Advertising Shall Be Ordered and Authorized in
19 Advance. For any advertising to be done on behalf of a
20 distributor or importing distributor which was not ordered and
21 authorized in advance by the distributor or importing
22 distributor.

23 (21) Refusing The Right of Inspection. For any licensee, or
24 his servants, agents or employes, to refuse the {board} ←
25 commission or the enforcement bureau or any of [its] their
26 authorized employes the right to inspect completely the entire
27 licensed premises at any time during which the premises are open
28 for the transaction of business, or when patrons, guests or
29 members are in that portion of the licensed premises wherein
30 either liquor or malt or brewed beverages are sold.

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

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

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

1 inducement to purchase liquor or malt or brewed beverages,
2 except advertising novelties of nominal value which the {board} <—
3 ~~commission~~ shall define[: Provided, however, That this]. This
4 section shall not prevent any manufacturer or any agent of a
5 manufacturer from offering ONLY ON LICENSED PREMISES and <—
6 honoring coupons which offer monetary rebates on purchases of
7 wines and spirits through State Liquor Stores AND PURCHASES OF <—
8 MALT OR BREWED BEVERAGES in accordance with conditions or
9 regulations established by the ~~commission~~ BOARD. Further, no <—
10 manufacturer or any agent of a manufacturer shall honor any
11 coupons without proof of purchase in the form of a sales slip or
12 receipt attached to the coupons. This section shall not apply to
13 the return of any monies specifically deposited for the return
14 of the original container to the owners thereof.

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

30 Any person violating the provisions of this clause shall be

1 guilty of a misdemeanor and, upon conviction of the same, shall
2 be sentenced to pay a fine of not less than one hundred dollars
3 (\$100), nor more than five hundred dollars (\$500), for each and
4 every female so employed, or undergo an imprisonment of not less
5 than three (3) months, nor more than one (1) year, or either or
6 both, at the discretion of the court having jurisdiction of the
7 case. The [board] administrative law judge shall have the power
8 to revoke or refuse licenses for violation of this clause.

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

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

1 Section 82. Section 494 of the act, amended May 25, 1956
2 (1955 P.L.1743, No.583), is reenacted and amended to read:

3 Section 494. Penalties.--(a) Any person who shall violate
4 any of the provisions of this article, except as otherwise
5 specifically provided, shall be guilty of a misdemeanor and,
6 upon conviction thereof, shall be sentenced to pay a fine of not
7 less than one hundred dollars (\$100), nor more than five hundred
8 dollars (\$500), and on failure to pay such fine, to imprisonment
9 for not less than one month, nor more than three months, and for
10 any subsequent offense, shall be sentenced to pay a fine not
11 less than three hundred dollars (\$300), nor more than five
12 hundred dollars (\$500), and to undergo imprisonment for a period
13 not less than three months, nor more than one year, OR BOTH. IF ←
14 THE PERSON, AT OR RELATING TO THE LICENSED PREMISES, VIOLATES
15 SECTION 493(1), (10), (14), (16) OR (21), OR IF THE OWNER OR
16 OPERATOR OF THE LICENSED PREMISES OR ANY AUTHORIZED AGENT OF THE
17 OWNER OR OPERATOR VIOLATES THE ACT OF APRIL 14, 1972 (P.L.233,
18 NO.64), KNOWN AS "THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND
19 COSMETIC ACT," OR OF 18 PA.C.S. § 5902 (RELATING TO PROSTITUTION
20 AND RELATED OFFENSES) OR 6301 (RELATING TO CORRUPTION OF
21 MINORS), HE SHALL BE SENTENCED TO PAY A FINE NOT EXCEEDING FIVE
22 THOUSAND DOLLARS (\$5,000) OR TO UNDERGO IMPRISONMENT FOR A
23 PERIOD NOT LESS THAN THREE MONTHS, NOR MORE THAN ONE YEAR, OR
24 BOTH.

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

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

30 Section 495. Identification Cards; Licensees and State

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

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

30 [(a.2) For the purposes of this section, the term

1 identification card means a card which complies with either
2 subsection (a) or (a.1).]

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

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

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

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

25 Serial Number of Identification Card:

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

29
30 (Name)

1
2 (Address)

3 Witness:

4 Name.....

5 Address.....

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

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

30 (e) The signed statement in the possession of a licensee or

1 an employe of a State Liquor Store may be offered as a defense
2 in all civil and criminal prosecutions for serving a minor, and
3 no penalty shall be imposed if the [Liquor Control Board]
4 ~~commission~~ BOARD or the courts are satisfied that the licensee ←
5 or State Liquor Store employe acted in good faith.

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

8 Section 496. Reporting of Worthless Checks.--Any person who
9 is a licensee under the provisions of this article, who shall
10 receive in payment for malt or brewed beverages sold by him any
11 check, draft or similar order, for the payment of money, which
12 is subsequently dishonored by the bank, banking institution,
13 trust company or other depository, upon which drawn, for any
14 reason whatsoever, shall, within twenty days of receipt of
15 notice of such dishonor, notify the {board} ~~commission~~ thereof. ←
16 Such notification to the {board} ~~commission~~ shall be in such ←
17 manner and form as the board shall direct.

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

20 Section 497. Liability of Licensees.--No licensee shall be
21 liable to third persons on account of damages inflicted upon
22 them off of the licensed premises by customers of the licensee
23 unless the customer who inflicts the damages was sold, furnished
24 or given liquor or malt or brewed beverages by the said licensee
25 or his agent, servant or employe when the said customer was
26 visibly intoxicated.

27 ~~Section 86. The act is amended by adding a section to read:~~ ←

28 ~~Section 498. Unlawful Advertising. (a) No manufacturer,~~
29 ~~wholesaler or shipper whether from outside or inside this~~
30 ~~Commonwealth and no licensee under this act shall cause or~~

1 ~~permit the advertising in any manner whatsoever of the price of~~
2 ~~any malt beverage, cordial, wine or distilled liquor offered for~~
3 ~~sale in this Commonwealth: Provided, however, That the~~
4 ~~provisions of this section shall not apply to price signs or~~
5 ~~tags attached to or placed on merchandise for sale within the~~
6 ~~licensed premises in accordance with rules and regulations of~~
7 ~~the commission.~~

8 ~~(b) No newspaper, periodical, radio or television~~
9 ~~broadcaster or broadcasting company or any other person, firm or~~
10 ~~corporation with a principal place of business in this~~
11 ~~Commonwealth which is engaged in the business of advertising or~~
12 ~~selling advertising time or space shall accept, publish or~~
13 ~~broadcast any advertisement in this Commonwealth of the price or~~
14 ~~make reference to the price of any alcoholic beverages.~~

15 ~~(c) Any person who shall violate any of the provisions of~~
16 ~~this section shall be guilty of a misdemeanor and upon~~
17 ~~conviction shall be punished for the first offense by a fine in~~
18 ~~the sum of fifty dollars (\$50) and for each additional offense~~
19 ~~thereafter by a fine not exceeding the sum of one hundred~~
20 ~~dollars (\$100). Publication or broadcast by any person in~~
21 ~~violation of the provisions of this section shall also be~~
22 ~~subject to injunctive proceedings in a court of competent~~
23 ~~jurisdiction on a complaint brought by a retail licensee or an~~
24 ~~association of retail licensees.~~

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

28 Section 87. The heading of Article V of the act is reenacted
29 to read:

30

ARTICLE V.

1 DISTILLERIES, WINERIES, BONDED WAREHOUSES,
2 BAILEES FOR HIRE AND TRANSPORTERS FOR HIRE.

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

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

18 Section 89. Section 502 of the act is reenacted and amended
19 to read:

20 Section 502. Exemptions.--No license hereunder shall be
21 required from any registered pharmacist; or a physician licensed
22 by the State Board of [Medical Education and Licensure]
23 Medicine; or any person who makes and sells vinegar,
24 nonalcoholic cider and fruit juices; or any person who
25 manufactures, stores, sells or transports methanol, propanol,
26 butanol and amanol; or any person who conducts a wholesale drug
27 business; or any person who manufactures alcoholic preparations
28 not fit for use as a beverage, other than denatured alcohol or
29 for beverage purposes; any person engaged in the manufacture;
30 possession or sale of patent, patented or proprietary medicines,

1 toilet, medicinal or antiseptic preparations unfit for beverage
2 purposes, or solutions or flavoring extracts or syrups unfit for
3 beverage purposes; or any person who manufactures or sells
4 paints, varnishes, enamels, lacquers, stains or paint, or
5 varnish removing or reducing compounds, or wood fillers; or any
6 person who manufactures any substance where the alcohol or any
7 liquor is changed into other chemical substances and does not
8 appear in the finished product as alcohol or liquor; or any
9 common carrier by railroad which is subject to regulation by the
10 Pennsylvania Public Utility Commission of the Commonwealth of
11 Pennsylvania, or scheduled common carriers by air of mail and
12 passengers; or any person who sells, stores or transports
13 alcohol or liquor completely denatured, as specified by the
14 ~~board~~ commission.

<—

15 Section 90. Section 502.1 of the act, added December 14,
16 1979 (P.L.565, No.129), is reenacted ~~and amended~~ to read:

<—

17 Section 502.1. Production of Denatured Ethyl Alcohol.--(a)
18 Notwithstanding any other provisions of this act, a person may
19 upon payment of an annual registration fee of twenty-five
20 dollars (\$25) and without the necessity of having to post a
21 bond, manufacture or distill, hold in storage and use denatured
22 ethyl alcohol for the purpose of providing fuel for personal or
23 business vehicles or machinery.

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

27 (c) Each licensee shall file annually with the ~~board~~
28 commission accurate records of the monthly production and
29 utilization of denatured ethyl alcohol fuel. The ~~board~~
30 commission shall prescribe the form to be used for this report.

<—

<—

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

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

4 Section 503. Qualifications for License.--No license shall
5 be issued under the provisions of this article to any person
6 unless (a) in case of individuals, he or she is a citizen of the
7 United States of America, (b) in case of companies or
8 unincorporated associations of individuals, each and every one
9 is a citizen of the United States of America, (c) in case of
10 corporations, each and every stockholder thereof is a citizen of
11 the United States of America.

12 Section 92. Section 504 of the act, amended September 28,
13 1961 (P.L.1728, No.702), is reenacted and amended to read:

14 Section 504. Applications; Filing Fees.--(a) Every
15 applicant for a license under this article shall file with the
16 ~~board~~~~commission~~ a written application in such form as the <—
17 ~~board~~~~commission~~ shall from time to time require. Every such <—
18 application shall be accompanied by a filing fee of twenty
19 dollars (\$20), the prescribed license fee and the bond
20 hereinafter specified, and shall set forth:

21 [1.] (1) The legal names of the applicant and of the owner
22 of the place where business under the license will be carried
23 on, with their residence addresses by street and number, if a
24 partnership, of each separate partner, and if a corporation, of
25 each individual officer thereof.

26 [2.] (2) The exact location of said place of business and of
27 every place to be occupied or used in connection with such
28 business, the productive capacity of each plant where any
29 alcohol or liquor is to be manufactured, produced, distilled,
30 rectified, blended, developed or used in the process of

1 manufacture, denatured, redistilled, recovered, reused, the
2 capacity of every warehouse or other place where such alcohol or
3 liquor or malt or brewed beverage is to be held in bond or
4 stored for hire, or the equipment to be used where a
5 transportation business is to be carried on under the license.

6 [3.] (3) That each and every one of the applicants is a
7 citizen of the United States of America.

8 [4.] (4) Such other relevant information as the {board} ←
9 ~~commission~~ shall from time to time require by rule or
10 regulation.

11 (b) Each application must be verified by affidavit of the
12 applicant made before any officer legally qualified to
13 administer oaths, and if any false statement is wilfully made in
14 any part of said application, the applicant or applicants shall
15 be deemed guilty of a misdemeanor and, upon conviction, shall be
16 subject to the penalties provided by this article.

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

19 Section 505. Licenses Issued.--Upon receipt of the
20 application in the form herein provided, the proper fees and an
21 approved bond as herein designated, the {board} ~~commission~~ ←
22 grant to such applicant a license to engage in, (a) the
23 operation of a limited winery or a winery; or, (b) the
24 manufacturing, producing, distilling, developing, or using in
25 the process of manufacturing, denaturing, redistilling,
26 recovering, rectifying, blending and reusing of alcohol and
27 liquor; or, (c) the holding in bond of alcohol and liquor; or,
28 (d) the holding in storage, as bailee for hire, of alcohol,
29 liquor and malt or brewed beverages; or, (e) the transporting
30 for hire of alcohol, liquor and malt or brewed beverages.

1 Section 94. Section 505.1 of the act, amended February 17,
2 1956 (1955 P.L.1077, No.348), is reenacted and amended to read:

3 Section 505.1. Bonded Warehouse License Privilege

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

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

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

9 [(c)] (3) Receive and store in bond liquor owned by
10 licensees outside this Commonwealth. Such liquor shall be
11 released from the bonded warehouse for delivery within this
12 Commonwealth only to persons holding a liquor importer's license
13 issued by the [Pennsylvania Liquor Control Board] ~~commission~~ ←
14 BOARD authorizing the importation of liquor or to other storage ←
15 facilities or persons outside this Commonwealth.

16 [(d)] (4) Receive and store in bond alcohol owned by
17 licensees outside this Commonwealth. Such alcohol shall be
18 released from the bonded warehouse for delivery within this
19 Commonwealth only to persons holding an alcohol permit issued by
20 the [Pennsylvania Liquor Control Board] ~~commission~~ BOARD ←
21 authorizing the importation of alcohol or to other storage
22 facilities or persons outside this Commonwealth.

23 (b) All liquor and alcohol received and stored pursuant to
24 this section shall be in original containers of ten gallons or
25 greater capacity. Liquor and alcohol placed in storage in
26 accordance with the foregoing provisions may remain in storage
27 notwithstanding any change in ownership.

28 Section 95. Section 505.2 of the act, amended November 5,
29 1981 (P.L.329, No.119) and December 17, 1982 (P.L.1390, No.319),
30 is reenacted and amended to read:

1 Section 505.2. Limited Wineries.--Holders of a limited
2 winery license may:

3 (1) Produce wines and wine coolers only from fruits grown in
4 Pennsylvania in an amount not to exceed [one hundred thousand <—
5 (100,000)] TWO HUNDRED THOUSAND (200,000) gallons per year. <—

6 (2) Sell wine and wine coolers produced by the limited
7 winery or purchased in bulk in bond from another Pennsylvania
8 limited winery on the licensed premises, under such conditions
9 and regulations as the ~~{board}~~commission may enforce, to the <—
10 [Liquor Control Board] ~~commission~~ BOARD, to individuals and to <—
11 hotel, restaurant, club and public service liquor licensees, and
12 to Pennsylvania winery licensees: Provided, That a limited
13 winery shall not, in any calendar year, purchase wine produced
14 by other limited wineries in an amount in excess of fifty per
15 centum of the wine produced by the purchasing limited winery in
16 the preceding calendar year.

17 (3) [Sell] Separately or in conjunction with other limited
18 wineries, sell wine and wine coolers produced by the limited
19 winery ~~on no more than [three] FIVE board-approved~~ at <—
20 ~~commission approved~~ locations other than the licensed premises,
21 with no bottling or production requirement at those additional
22 ~~{board-approved}~~ ~~commission approved~~ locations and under such <—
23 conditions and regulations as the ~~{board}~~commission may <—
24 enforce, to the [Liquor Control Board] ~~commission~~ BOARD, to <—
25 individuals and to hotel, restaurant, club and public service
26 liquor licensees.

27 Section 96. Section 505.3 of the act, added July 30, 1975
28 (P.L.136, No.68), is reenacted and amended to read:

29 Section 505.3. Distilleries.--Distilleries of historical
30 significance established more than one hundred years prior to

1 January 1, 1975 which hold a license issued under section 505
2 may sell liquor produced by the distillery on the licensed
3 premises under such conditions and regulations as the {board} ←
4 ~~commission~~ may enforce.

5 Section 97. Sections 506 and 507 of the act are reenacted
6 and amended to read:

7 Section 506. Bonds Required.--(a) No license shall be
8 issued to any such applicant until he has filed with the {board} ←
9 ~~commission~~ an approved bond, duly executed, payable to the
10 Commonwealth of Pennsylvania, together with a warrant of
11 attorney to confess judgment in the penal sum herein set forth.
12 All such bonds shall be conditioned for the faithful observance
13 of all the laws of this Commonwealth and regulations of the
14 {board} ~~commission~~ relating to alcohol, liquor and malt or ←
15 brewed beverages and the conditions of the license, and shall
16 have as surety a duly authorized surety company, or shall have
17 deposited therewith, as collateral security, cash or negotiable
18 obligations of the United States of America or the Commonwealth
19 of Pennsylvania in the same amount as herein provided for the
20 penal sum of bonds.

21 (b) In all cases where cash or securities in lieu of other
22 surety have been deposited with the {board} ~~commission~~, the ←
23 depositor shall be permitted to continue the same deposit from
24 year to year on each renewal of license, but in no event shall
25 he be permitted to withdraw his deposit during the time he holds
26 said license, or until six months after the expiration of the
27 license held by him, or while revocation proceedings are pending
28 against such licensee.

29 (c) All cash or securities received by the {board} ←
30 ~~commission~~ in lieu of other surety shall be turned over by the

1 ~~{board} commission~~ to the State Treasurer and held by him. The <—
2 State Treasurer shall repay or return money or securities
3 deposited with him to the respective depositors only on the
4 order of the ~~{board} commission~~. <—

5 (d) After notice from the ~~{board} commission~~ that such a <—
6 bond has been forfeited, the State Treasurer shall immediately
7 pay into the State Stores Fund all cash deposited as collateral
8 with such bond, and when securities have been deposited with
9 such a bond, the State Treasurer shall sell at private sale, at
10 not less than the prevailing market price, any such securities
11 so deposited as collateral with any such forfeited bond. The
12 State Treasurer shall thereafter deposit in The State Stores
13 Fund the net amount realized from the sale of such securities,
14 except that if the amount so realized, after deducting proper
15 costs and expenses, is in excess of the penal amount of the
16 bond, such excess shall be paid over by him to the obligor on
17 such forfeited bond.

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

20 In the case of a distillery (manufacturer), the bond shall be
21 in the amount of ten thousand dollars (\$10,000); in the case of
22 a bonded warehouse, a bailee for hire and a transporter for
23 hire, each shall be in the amount of three thousand dollars
24 (\$3000); and in the case of a winery, shall be in the amount of
25 five thousand dollars (\$5000). Such bonds shall be filed with
26 and retained by the ~~{board} commission~~. <—

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

1 Section 507. Hearings [Upon Refusal of Licenses] on Licenses
2 and Refusals.--(a) The ~~{board} commission~~ may of its own ←
3 motion, and shall upon the written request of the enforcement
4 bureau or of any applicant for license or for renewal thereof
5 whose application for such license or renewal has been refused,
6 fix a time and place for hearing of such application or renewal,
7 notice of which hearing shall be sent to the bureau and to the
8 applicant, by registered mail, at the address given in his
9 application. Such hearing shall be before the ~~{board}~~ ←
10 ~~commission~~, a member thereof, or an ~~{examiner designated by the~~ ←
11 ~~[board] administrative law judge.~~ ←

12 (b) At such hearing, the ~~{board} commission~~ shall present ←
13 its reasons for its refusal or withholding of such license or
14 renewal thereof or the bureau shall present its objections to
15 the granting or renewal of the license, as the case may be. The
16 applicant may appear in person or by counsel, may cross-examine
17 the witnesses for the ~~{board} commission or the bureau,~~ and may ←
18 present evidence which shall likewise be subject to cross-
19 examination by the ~~{board} commission or the bureau.~~ Such ←
20 hearing shall be stenographically recorded. The ~~{examiner}~~ ←
21 ~~administrative law judge~~ shall thereafter report to the ~~{board}~~ ←
22 ~~commission.~~ The ~~{board} commission~~ shall thereafter grant or ←
23 refuse the license or renewal thereof. [If the board shall
24 refuse such license or renewal following such hearing, notice in
25 writing of such refusal shall be mailed to the applicant at the
26 address given in his application. In all cases, the board shall
27 file of record at least a brief statement in the form of an
28 opinion of the reasons for the ruling or order.]

29 (c) Hearings and adjudications pursuant to this section
30 shall be in accordance with 2 Pa.C.S. Ch. 5 Subch. A (relating

1 to practice and procedure of Commonwealth agencies).

2 Section 98. Section 508 of the act, amended July 31, 1968
3 (P.L.902, No.272), is reenacted and amended to read:

4 Section 508. License Fees.--(a) The annual fee for every
5 license issued to a limited winery or a winery shall be two
6 hundred and fifty dollars (\$250). The annual fee for every
7 license issued to a distillery (manufacturer) shall be twenty-
8 five hundred dollars (\$2500) per annum if the annual production
9 is five hundred thousand (500,000) proof gallons or less, and an
10 additional fee of one hundred dollars (\$100) for each one
11 hundred thousand (100,000) proof gallons or fraction thereof in
12 excess of five hundred thousand (500,000) proof gallons, but for
13 the purpose of determining the amount of the fee payable by a
14 distillery, the annual production of alcohol that is denatured
15 by the manufacturer thereof during the license year in
16 Pennsylvania and not elsewhere shall be excluded, but alcohol or
17 liquor used by the manufacturer thereof during the license year
18 in rectification or blending shall not be excluded, except that
19 no fee for a distillery shall be less than twenty-five hundred
20 dollars (\$2500) per annum. The annual fee for all other licenses
21 shall be one hundred dollars (\$100). The fee for any license
22 when applied for and issued on or after April first, but prior
23 to July first, shall be three-fourths of the annual fee; July
24 first, but prior to October first, shall be one-half of the
25 annual fee; October first, but prior to January first, one-
26 fourth of the annual fee.

27 (b) For the purpose of this section, the term "proof gallon"
28 shall mean a gallon liquid which contains one-half its volume of
29 alcohol of a specific gravity of seven thousand nine hundred
30 thirty-nine ten thousandths (.7939) at sixty degrees Fahrenheit.

1 Section 99. Section 509 of the act is reenacted and amended
2 to read:

3 Section 509. License Must Be Posted; Business Hours.--
4 Licenses shall be issued by the ~~board~~commission under its ←
5 official seal. Every license so issued must at all times be
6 posted in a conspicuous place where the business is carried on
7 under it, and said place of business must be kept open during
8 general business hours of every day in the year except Sundays
9 and legal holidays.

10 Section 100. Sections 510 and 511 of the act are reenacted
11 to read:

12 Section 510. Containers To Be Labeled.--All persons, except
13 as exempted by section five hundred two hereof, manufacturing,
14 producing, distilling, developing or using in the process of
15 manufacture, denaturing, redistilling, recovering, rectifying,
16 blending, reusing, holding in bond, holding in storage as bailee
17 for hire, or transporting for hire of alcohol or liquor under
18 the provisions of this article, shall securely and permanently
19 attach to every container ready for shipment thereof as the same
20 is manufactured, produced, distilled, developed, denatured,
21 redistilled, recovered, rectified, blended, reused, a label
22 stating the name of the manufacturer, kind and quantity of
23 alcohol or liquor contained therein, and the date of its
24 manufacture, together with the number of the license authorizing
25 the manufacture thereof, and all persons possessing such alcohol
26 or liquor in wholesale quantities shall securely keep and
27 maintain such label thereon.

28 Section 511. License To Specify Each Place Authorized For
29 Use.--Every license issued under the provision of this article
30 shall specify by definite location every place to be occupied or

1 used in connection with the business to be conducted thereunder.
2 It shall be unlawful for the holder of any license to occupy or
3 use any place in connection with any business authorized under a
4 license other than the place or places designated therein.

5 Section 101. Sections 512, AND 513 and ~~514~~ of the act are <—
6 reenacted ~~and amended~~ to read: <—

7 Section 512. Records To Be Kept.--Every person holding a
8 license issued under the provisions of this article shall keep
9 on the licensed premises daily permanent records which shall
10 show, (a) the quantities of any alcohol or liquor manufactured,
11 produced, distilled, developed, denatured, redistilled,
12 recovered, reused, stored in bond, stored as bailee for hire,
13 received or used in the process of manufacture by him, and of
14 all other material used in manufacturing or developing any
15 alcohol or liquor; (b) the sales or other disposition of any
16 alcohol, liquor or malt or brewed beverages if covered by said
17 license; (c) the quantities thereof, if any, stored in bond,
18 stored for hire, or transported for hire by or for the licensee;
19 and (d) the names and addresses of the purchasers or other
20 recipients thereof: Provided, however, That persons holding
21 licenses issued under the provisions of this article for the
22 transportation for hire of any alcohol, liquor or malt or brewed
23 beverages shall not be required to keep the above records, but
24 shall keep daily permanent records showing the names and
25 addresses of the persons from whom any alcohol, liquor or malt
26 or brewed beverage was received and to whom delivered, and such
27 other permanent records as the ~~{board} commission~~ shall <—
28 prescribe.

29 Section 513. Premises and Records Subject To Inspection.--
30 Every place operated under license secured under the provisions

1 of this article where any alcohol, liquor or malt or brewed
2 beverage covered by the license is manufactured, produced,
3 distilled, developed or used in the process of manufacture,
4 denatured, redistilled, rectified, blended, recovered, reused,
5 held in bond, stored for hire or in connection with a licensee's
6 business, shall be subject to inspection by members of the
7 ~~{board} commission~~ or by persons duly authorized and designated ←
8 by the ~~{board} commission~~ at any and all times of the day or ←
9 night, as they may deem necessary, (a) for the detection of
10 violations of this act or of the rules and regulations of the
11 ~~{board} commission~~ promulgated under the authority of this act, ←
12 or (b) for the purpose of ascertaining the correctness of the
13 records required by this act to be kept by licensees and the
14 books and records of licensees, and the books and records of
15 their customers, in so far as they relate to purchases from said
16 licensees, shall at all times be open to inspection by the
17 members of the ~~{board} commission~~ or by persons duly authorized ←
18 and designated by the ~~{board} commission~~ for the purpose of ←
19 making inspections as authorized by this section. Members of the
20 ~~{board} commission~~ and the persons duly authorized and ←
21 designated by the ~~{board} commission~~ shall have the right, ←
22 without fee or hindrance, to enter any place which is subject to
23 inspection hereunder, or any place where records subject to
24 inspection hereunder are kept, for the purpose of making such
25 inspections.

26 SECTION 101.1. SECTION 514 OF THE ACT IS REENACTED AND ←
27 AMENDED TO READ:

28 Section 514. Suspension and Revocation of Licenses.--(a)
29 Upon learning of any violation of this act or of any rule or
30 regulation promulgated by the ~~{board} commission~~ under the ←

1 authority of this act, or any violation of any laws of the
2 Commonwealth or of the United States of America relating to the
3 tax payment of alcohol, liquor or malt or brewed beverages by
4 the holder of a license issued under the provisions of this
5 article, or upon other sufficient cause, the [board] enforcement
6 bureau may, within one year from the date of such violation or
7 cause appearing, cite such licensee to appear before [it or its
8 examiner] an administrative law judge not less than ten (10) nor
9 more than [fifteen (15)] sixty (60) days from the date of
10 sending such licensee, by registered mail, a notice addressed to
11 his licensed premises, to show cause why the license should not
12 be suspended or revoked. Hearings on such citations shall be
13 held in the same manner as provided herein for hearings on
14 applications for license. And upon such hearing, if satisfied
15 that any such violation has occurred or for other sufficient
16 cause, the [board] administrative law judge shall immediately
17 suspend or revoke such license, notifying the licensee thereof
18 by registered letter addressed to his licensed premises, or to
19 the address given in his application where no licensed premises
20 is maintained in Pennsylvania.

21 (b) When a license is revoked, the licensee's bond may be
22 forfeited [by the board]. Any licensee whose license is revoked
23 shall be ineligible to have a license under this act or under
24 any other act relating to alcohol, liquor or malt or brewed
25 beverages until the expiration of three (3) years from the date
26 such license was revoked. In the event [the board shall revoke a
27 license] of a revocation, no license shall be granted for the
28 premises or transferred to the premises in which said license
29 was conducted for a period of at least one (1) year after the
30 date of the revocation of the license conducted in the said

1 premises, except in cases where the licensee or a member of his
2 immediate family is not the owner of the premises, in which case
3 the ~~board~~ ~~commission~~ may, in its discretion, issue or transfer ←
4 a license within said year. [In all such cases, the board shall
5 file of record at least a brief statement in the form of an
6 opinion of the reasons for the ruling or order.] Such hearing
7 before and adjudication by an administrative law judge shall be
8 in accordance with 2 Pa.C.S. Ch. 5 Subch. A (relating to
9 practice and procedure of Commonwealth agencies).

10 Section 102. Section 515 of the act, repealed in part June
11 3, 1971 (P.L.118, No.6) and April 28, 1978 (P.L.202, No.53), is
12 reenacted and amended to read:

13 Section 515. Appeals.--[Any] The ~~commission~~ BOARD, the ←
14 enforcement bureau or any applicant or any licensee aggrieved by
15 any decision [of the board] refusing, suspending or revoking a
16 license under the provisions of this article may appeal to the
17 court of the county in which the licensed premises or the
18 premises to be licensed are located. In the event an applicant
19 or a licensee shall have no place of business established within
20 the Commonwealth, his appeal shall be to the [court of Dauphin
21 County] Commonwealth Court. Such appeal shall be [upon petition
22 of the applicant or licensee, as the case may be, who shall
23 serve a copy thereof upon the board. The said appeal shall act
24 as a supersedeas, unless upon sufficient cause shown the court
25 shall determine otherwise. The court shall hear the application
26 de novo at such time as it shall fix, of which notice shall be
27 given to the board. The court shall, in the case of a refusal by
28 the board, either sustain such refusal or order the issuance of
29 the license to the applicant] in accordance with 2 Pa.C.S. Ch. 7
30 Subch. A (relating to judicial review of Commonwealth agency

1 action).

2 Section 103. ~~Sections 516 and 517 of the act are~~ SECTION 516 <—
3 OF THE ACT IS reenacted and amended to read:

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

18 SECTION 103.1. SECTION 517 OF THE ACT IS REENACTED TO READ: <—

19 Section 517. Expiration of Licenses; Renewals.--All licenses
20 issued under this article shall expire at the close of the
21 calendar year, but new licenses for the succeeding year shall be
22 issued upon written application therefor, duly verified by
23 affidavit, stating that the facts in the original application
24 are unchanged, and upon payment of the fee as hereinafter
25 provided and the furnishing of a new bond, without the filing of
26 further statements or the furnishing of any further information
27 unless specifically requested by the ~~[board]~~ commission: <—

28 Provided, however, That any such license issued to a corporation
29 shall expire thirty (30) days after any change in the officers
30 of such corporation, unless the name and address of each such

1 new officer of such corporation shall, within that period, be
2 reported to the ~~{board}~~~~commission~~ by certificate, duly ←
3 verified. Applications for renewals must be made not less than
4 thirty (30) nor more than sixty (60) days before the first day
5 of January of the ensuing year. All applications for renewal
6 received otherwise shall be treated as original applications.

7 Section 104. Section 518 of the act is reenacted to read:

8 Section 518. Unlawful Acts.--(a) It shall be unlawful for
9 any person to transport any illegal alcohol, liquor or malt or
10 brewed beverages.

11 (b) Whenever any person withdraws or removes any alcohol or
12 liquor which has not been denatured from any distillery,
13 denaturing plant, winery or bonded warehouse for the purpose of
14 denaturing the same, it shall be unlawful for any such person to
15 use, sell or conceal, or attempt to use, sell or conceal, or be
16 concerned in the sale, use or concealment of, any such alcohol
17 or liquor, unless before such sale or use the said alcohol or
18 liquor shall be denatured by adding thereto denaturing material
19 or materials or admixtures thereof which render it unfit for
20 beverage purposes.

21 (c) It shall be unlawful for any person to recover and reuse
22 or attempt to recover and reuse, by redistillation or by any
23 other process or means whatsoever, any alcohol or liquor from
24 denatured alcohol or from any other liquor from denatured
25 alcohol or from any other liquid, or to knowingly use, sell,
26 conceal, or otherwise dispose of, alcohol or liquor so recovered
27 or redistilled.

28 Section 105. Section 519 of the act is reenacted and amended
29 to read:

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

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

19 Section 106. The headings of Article VI and Subdivision (A)
20 of Article VI of the act are reenacted to read:

21 ARTICLE VI.
22 PROPERTY ILLEGALLY POSSESSED OR USED; FORFEITURES;
23 NUISANCES.
24 (A) Forfeitures.

25 Section 107. Sections 601, 602 and 603 of the act, amended
26 April 20, 1956 (1955 P.L.1508, No.499), are reenacted and
27 amended to read:

28 Section 601. Forfeiture of Property Illegally Possessed or
29 Used.--No property rights shall exist in any liquor, alcohol or
30 malt or brewed beverage illegally manufactured or possessed, or

1 in any still, equipment, material, utensil, vehicle, boat,
2 vessel, animals or aircraft used in the illegal manufacture or
3 illegal transportation of liquor, alcohol or malt or brewed
4 beverages, and the same shall be deemed contraband and
5 proceedings for its forfeiture to the Commonwealth may[, at the
6 discretion of the board,] be instituted in the manner
7 hereinafter provided. No such property when in the custody of
8 the law shall be seized or taken therefrom on any writ of
9 replevin or like process.

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

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

28 "To the Claimant of Within Described Property: You are
29 required to file an answer to this petition, setting forth your
30 title in and right to possession of said property, within

1 fifteen (15) days from the service hereof; and you are also
2 notified that if you fail to file said answer, a decree of
3 forfeiture and condemnation will be entered against said
4 property."

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

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

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

25 (e) At the time of said hearing, if the Commonwealth shall
26 produce evidence that the property in question was unlawfully
27 possessed or used, the burden shall be upon the claimant to show
28 (1) that he is the owner of said property, (2) that he lawfully
29 acquired the same, and (3) that it was not unlawfully used or
30 possessed.

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

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

29 (a) Upon conviction of any person of a violation of any of
30 the provisions of this act, the court shall order the sheriff to

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

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

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

28 Section 108. Section 604 of the act is reenacted and amended
29 to read:

30 Section 604. Motor Vehicle Licenses To Be Revoked.--In

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

17 Section 109. Section 605 of the act is reenacted to read:

18 Section 605. Application of Subdivision.--The provisions of
19 this subdivision shall apply to the disposition of any liquor,
20 alcohol or malt or brewed beverage or property in the custody of
21 the law or of any officer at the time of the passage of this
22 act.

23 Section 110. The heading of Subdivision (B) of Article VI of
24 the act is reenacted to read:

25 (B) Nuisances.

26 Section 111. Section 611 of the act is reenacted and amended
27 to read:

28 Section 611. Nuisances; Actions To Enjoin.--(a) Any room,
29 house, building, boat, vehicle, structure or place, except a
30 private home, where liquor, alcohol or malt or brewed beverages

1 are manufactured, possessed, sold, transported, offered for
2 sale, bartered or furnished, or stored in bond, or stored for
3 hire, in violation of this act, and all such liquids, beverages
4 and property kept or used in maintaining the same, are hereby
5 declared to be common nuisances, and any person who maintains
6 such a common nuisance shall be guilty of a misdemeanor and,
7 upon conviction thereof, shall be subject to the same penalties
8 provided in section four hundred ninety four of this act.

9 (b) An action to enjoin any nuisance defined in this act may
10 be brought in the name of the Commonwealth of Pennsylvania by
11 the Attorney General [or], by the district attorney of the
12 proper county or by a person who resides or has a place of
13 business within five hundred feet of the location of the alleged
14 nuisance. Such action shall be brought and tried as an action in
15 equity and may be brought in any court having jurisdiction to
16 hear and determine equity cases within the county in which the
17 offense occurs. If it is made to appear, by affidavit or
18 otherwise, to the satisfaction of the court that such nuisance
19 exists, a temporary writ of injunction shall forthwith issue,
20 restraining the defendant from conducting or permitting the
21 continuance of such nuisance until the conclusion of the
22 proceedings. If a temporary injunction is prayed for, the court
23 may issue an order restraining the defendant and all other
24 persons from removing or in any way interfering with the
25 liquids, beverages or other things used in connection with the
26 violation of this act constituting such nuisance. No bond shall
27 be required in instituting such proceedings brought in the name
28 of the Commonwealth by the Attorney General or the district
29 attorney. Where such proceedings are brought by a person, the
30 court, upon application of the defendant and prior to any

1 injunction being issued, may direct the plaintiff to post bond
2 in such amount as the court may find to be reasonable and
3 sufficient. It shall not be necessary for the court to find the
4 property involved was being unlawfully used, as aforesaid, at
5 the time of the hearing, but on finding that the material
6 allegations of the petition are true, the court shall order that
7 no liquor, alcohol or malt or brewed beverage shall be
8 manufactured, sold, offered for sale, transported, bartered or
9 furnished, or stored in bond, or stored for hire in such room,
10 house, building, structure, boat, vehicle, or place, or any part
11 thereof.

12 (c) Upon the decree of the court ordering such nuisance to
13 be abated, the court may, upon proper cause shown, order that
14 the room, house, building, structure, boat, vehicle or place
15 shall not be occupied or used for one year thereafter, but the
16 court may, in its discretion, permit it to be occupied or used
17 if the owner, lessee, tenant or occupant thereof shall give bond
18 with sufficient surety to be approved by the court making the
19 order in the penal and liquidated sum of not less than five
20 hundred dollars (\$500.00), payable to the Commonwealth of
21 Pennsylvania, for use of the county in which said proceedings
22 are instituted, and conditioned that neither liquor, alcohol,
23 nor malt or brewed beverages will thereafter be manufactured,
24 sold, transported, offered for sale, bartered or furnished, or
25 stored in bond, or stored for hire therein or thereon in
26 violation of this act, and that he will pay all fines, costs and
27 damages that may be assessed for any violation of this act upon
28 said property.

29 Section 112. The headings of Article VII and Subdivision (A)
30 of Article VII of the act are reenacted to read:

1 ARTICLE VII.

2 DEALING IN DISTILLERY BONDED WAREHOUSE

3 CERTIFICATES.

4 (A) Preliminary Provisions.

5 Section 113. Section 701 of the act is reenacted ~~and amended~~ ←
6 to read:

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

11 "Agent" shall mean and include every person employed by a
12 distillery certificate broker to sell, offer for sale or
13 delivery, to purchase, exchange, or to enter into agreements for
14 the purchase, sale or exchange, or to solicit subscriptions to,
15 or orders for, or to undertake to dispose of, or to deal in any
16 manner in, distillery bonded warehouse certificates.

17 "Fraud," "fraudulent" and "fraudulent practice" shall include
18 any misrepresentation in any manner of a relevant fact not made
19 honestly and in good faith; any promise or representation or
20 prediction as to the future not made honestly and in good faith,
21 or an intentional failure to disclose a material fact; the
22 gaining, directly or indirectly, through the purchase, sale or
23 exchange of distillery bonded warehouse certificates, of any
24 promotion fee or profit, selling or managing commission or
25 profit, so gross and exorbitant as to be unconscionable and
26 fraudulent; and any scheme, device, artifice or investment plan
27 to obtain such an unconscionable profit: Provided, however, that
28 nothing herein shall limit or diminish the full meaning of the
29 terms "fraud" and "fraudulent" as applied or accepted in courts
30 of law or equity.

1 (b) Nothing contained in this article shall be construed as
2 permitting the holder or owner of a distillery bonded warehouse
3 certificate, as defined in this act, to secure possession of the
4 whiskey or other potable distilled spirits named or designated
5 in such certificate, except in accordance with the provisions of
6 this act and the laws of this Commonwealth hereafter enacted
7 relating to alcohol or alcoholic beverages and the regulations
8 of the ~~{board}~~ ~~commission~~ adopted and promulgated thereunder. <—

9 Section 114. The heading of Subdivision (B) of Article VII
10 of the act is reenacted to read:

11 (B) Permits.

12 Section 115. Section 702 of the act is reenacted to read:

13 Section 702. Unlawful to Act as a Distillery Certificate
14 Broker or to Buy or Sell Distillery Bonded Warehouse Certificate
15 Without a Permit.--It shall be unlawful for any person, except
16 as hereinafter exempted, directly or through an agent, to sell,
17 purchase, exchange, offer for sale, deliver, enter into
18 agreements for the purchase, sale, exchange, solicit
19 subscriptions to, orders for, undertake to dispose of, deal in
20 any manner in, distillery bonded warehouse certificates, without
21 first having obtained a permit to act as a distillery
22 certificate broker as provided in this article.

23 Section 116. Section 703 of the act is reenacted ~~and amended~~ <—
24 to read:

25 Section 703. Authority to Issue Permits to Distillery
26 Certificate Brokers.--Subject to the provisions of this article
27 and regulations promulgated under this act, the ~~{board}~~ <—
28 ~~commission~~ shall have authority to issue to any reputable
29 financially responsible person whose plan of business in dealing
30 in distillery bonded warehouse certificates is not deemed by the

1 ~~{board} commission~~ to constitute "fraudulent practice," as ←
2 defined herein, a permit to act as distillery certificate
3 broker.

4 Section 117. Section 704 of the act, amended September 28,
5 1961 (P.L.1728, No.702), is reenacted ~~and amended~~ to read: ←

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

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

3 Section 118. Section 705 of the act is reenacted ~~and amended~~ ←
4 to read:

5 Section 705. Issuance of Permits.--Upon receipt of the
6 application and proper fees and upon being satisfied of the
7 truth of the statements in the application, and being also
8 satisfied that the applicant's plan of business in dealing in
9 distillery bonded warehouse certificates does not constitute
10 "fraudulent practice," as defined in this article, and that the
11 applicant is a person of good repute and financially
12 responsible, the ~~{board}~~ commission may issue to such applicant ←
13 a permit authorizing the permittee to sell, purchase, exchange,
14 pledge and deal in distillery bonded warehouse certificates.

15 Section 119. Section 706 of the act is reenacted to read:

16 Section 706. Office or Place of Business to be Maintained.--
17 Every applicant for a distillery certificate broker permit under
18 this article and every person to whom such a permit is issued
19 shall maintain an office or place of business within the
20 Commonwealth.

21 Section 120. Sections 707, 708 and 709 of the act are
22 reenacted ~~and amended~~ to read: ←

23 Section 707. Permit Fee; Permits Not Assignable or
24 Transferable; Display of Permit; Term of Permit.--Every
25 applicant for distillery certificate broker permit shall, before
26 receiving such permit, pay to the ~~{board}~~ commission an annual ←
27 permit fee of one hundred dollars (\$100). Permits issued under
28 this act may not be assigned or transferred and shall be
29 conspicuously displayed at the place of business of the
30 permittee. All permits shall be valid only during the year for

1 which issued and shall automatically expire on the thirty-first
2 day of December of each calendar year unless suspended, revoked
3 or cancelled prior thereto.

4 Section 708. Records to be Kept.--Every person holding a
5 permit issued under this act shall keep daily permanent records
6 containing a complete record of all transactions in distillery
7 bonded warehouse certificates within this Commonwealth, in such
8 form and manner as the ~~{board}~~commission may from time to time <—
9 prescribe. Such records shall be available for examination by
10 the ~~{board's}~~commission's officers at the broker's principal <—
11 place of business or office in Pennsylvania.

12 Section 709. Renewal of Permits.--Upon the filing of an
13 application and the payment of the prescribed filing fee and
14 permit fee in the same amount as herein required on original
15 applications for permits, the ~~{board}~~commission may renew the <—
16 permit for the calendar year beginning January first, provided
17 such application for renewal is filed and fee paid on or before
18 December fifteenth of the preceding year, unless the ~~{board}~~ <—
19 commission shall have given previous notice of objections to the
20 renewal of the permit, based upon violation of this article or
21 the ~~{board's}~~commission's regulations promulgated thereunder, <—
22 or unless the applicant has by his own act become a person of
23 ill repute or ceases to be financially responsible.

24 Section 121. Section 710 of the act, amended June 3, 1971
25 (P.L.118, No.6) and April 28, 1978 (P.L.202, No.53), is
26 reenacted ~~and amended~~ to read: <—

27 Section 710. Permit Hearings; Appeals From Refusal of the
28 ~~{Board}~~Commission to Issue or Renew Permits.--The ~~{board}~~ <—
29 commission may of its own motion, and shall upon written request
30 of any applicant for distillery certificate broker permit or for

1 renewal thereof whose application for such permit or renewal has
2 been refused, fix a time and place for hearings of such
3 application for permit or for renewal thereof, notice of which
4 hearing shall be sent by registered mail to the applicant at the
5 address given in his application. Such hearing shall be before
6 the ~~{board} commission~~ or a member thereof. At such hearing, the <—
7 ~~{board} commission~~ shall present its reasons for its refusal or <—
8 withholding a permit or renewal thereof. The applicant may
9 appear in person or by counsel, cross-examine the witnesses of
10 the ~~{board} commission~~, and may present evidence which shall be <—
11 subject to cross-examination by the ~~{board} commission~~. Such <—
12 hearings shall be stenographically recorded. The ~~{board}~~ <—
13 ~~commission~~ shall thereupon grant or refuse the permit or renewal
14 thereof. If the ~~{board} commission~~ shall refuse such permit or <—
15 renewal following such hearing, notice in writing of such
16 refusal shall be sent by registered mail to the applicant at the
17 address given in his application. In all such cases, the ~~{board}~~ <—
18 ~~commission~~ shall file of record at least a brief statement in
19 the form of an opinion of the reasons for the ruling or order
20 and furnish a copy thereof to the applicant.

21 Section 122. Section 712 of the act, amended April 28, 1978
22 (P.L.202, No.53), is reenacted ~~and amended~~ to read: <—

23 Section 712. Revocation and Suspension of Permit.--Upon
24 learning of any violation of this act or regulations of the
25 ~~{board} commission~~ promulgated thereunder, or any violation of <—
26 any laws of this Commonwealth or of the United States of America
27 by the permittee, his officers, servants, agents or employes, or
28 upon any other sufficient cause shown, the ~~{board} commission~~ <—
29 may cite such permittee to appear before it or a member thereof
30 not less than ten or more than fifteen days from the date of

1 sending such permittee, by registered mail, a notice addressed
2 to him at the address set forth in the application for permit,
3 to show cause why such permit should not be suspended or
4 revoked. When such notice is duly addressed and deposited in the
5 post office, it shall be deemed due and sufficient notice.
6 Hearings on such citations shall be held in the same manner as
7 provided herein for hearing on application for permit. Upon such
8 hearing, if satisfied that any such violation has occurred, or
9 for other sufficient cause, the ~~{board}~~ ~~commission~~ shall ←
10 immediately suspend or revoke the permit, notifying the
11 permittee thereof by registered letter addressed to the address
12 set forth in the application for permit. Any permittee whose
13 permit is revoked shall be ineligible to have a permit under
14 this act until the expiration of three years from the date such
15 permit was revoked. In all such cases, the ~~{board}~~ ~~commission~~ ←
16 shall file of record at least a brief statement in the form of
17 an opinion of the reasons for the ruling or order.

18 Section 123. The heading of Subdivision (C) of Article VII
19 of the act is reenacted to read:

20 (C) Permittees' Registered Agents.

21 Section 124. Section 721 of the act is reenacted to read:

22 Section 721. Unlawful to Act as Agent or to Employ Agents
23 Without Registration.--It shall be unlawful for a distillery
24 certificate broker to employ any person to act as agent, or for
25 any person to act as agent for any distillery certificate
26 broker, in purchasing, exchanging, offering for sale,
27 delivering, entering into agreements for the purchase, sale,
28 exchange, soliciting subscriptions to, orders for, undertaking
29 to dispose of, dealing in any manner in, distillery bonded
30 warehouse certificates, without such person first having been

1 registered as an agent as provided in this article.

2 Section 125. Section 722 of the act is reenacted ~~and amended~~ ←
3 to read:

4 Section 722. Registered Agents.--Every person holding a
5 distillery certificate broker permit under this article who
6 desires to employ an agent or agents in the operation of his
7 business under the permit shall make application to the ~~{board}~~ ←
8 ~~commission~~ for registration of such agent or agents. Every such
9 permittee's application shall set forth the name of the
10 permittee and the address of his main office or principal place
11 of business in Pennsylvania, and the full address where complete
12 records are maintained covering the permittee's operations in
13 Pennsylvania. With each such permittee's application there shall
14 be filed an agent's application for each agent to be registered.
15 Permittees' applications for agents and agents' applications
16 shall contain such information as the ~~{board}~~ ~~commission~~ shall ←
17 from time to time require, and shall be signed and verified by
18 oath or affirmation of the agent. Each application shall be
19 accompanied by two unmounted photographs of the agent.

20 Section 126. Section 723 of the act is reenacted to read:

21 Section 723. Registration Fee.--Every application for the
22 registration of agents filed by a permittee shall be accompanied
23 by a registration fee in the amount of ten dollars (\$10) for
24 each agent to be registered, which shall cover the agent's
25 registration from date of approval until December thirty-first
26 of the year in which approved. Registrations may be renewed for
27 a period of one calendar year upon the filing of a new
28 application and payment of the same registration fee as herein
29 provided for original registration, together with agent's new
30 application and photographs of each agent. Applications for

1 renewal of registration shall be filed not later than December
2 fifteenth of each year.

3 Section 127. Section 724 of the act is reenacted ~~and amended~~ <—
4 to read:

5 Section 724. Registration and Issuance of Identification
6 Card.--Upon receipt of the application, the proper fees, and
7 upon being satisfied of the truth of the statements in the
8 application and that the applicant is a person of good
9 reputation and the applicant seeks a registration as defined in
10 this act, the ~~{board} commission~~ may register such agent and <—
11 issue to him an identification card.

12 Section 128. Sections 725 and 726 of the act, amended April
13 28, 1978 (P.L.202, No.53), are reenacted ~~and amended~~ to read: <—

14 Section 725. Hearings Upon Refusal of the ~~{Board}~~ <—
15 ~~Commission~~; Appeals.--In the event that the ~~{board} commission~~ <—
16 shall refuse to issue or to renew an agent's registration, a
17 hearing shall be had.

18 Section 726. Revocation and Suspension of Agents'
19 Registrations.--Upon learning of any violation of this act or
20 regulation of the ~~{board} commission~~ promulgated thereunder, or <—
21 any violation of any laws of this Commonwealth or of the United
22 States of America by a registered agent, the ~~{board} commission~~ <—
23 may revoke or suspend the agent's registration in the same
24 manner as provided herein for the revocation and suspension of
25 distillery certificate broker permits.

26 Section 129. Section 727 of the act is reenacted and amended
27 to read:

28 Section 727. Identification Cards.--(a) Upon approval by
29 the ~~{board} commission~~ of the application for registration of an <—
30 agent, there shall be issued to such registered agent an

1 identification card containing the name and address of the
2 distillery certificate broker, the name, address and physical
3 description of the agent. There shall also be affixed to the
4 identification card a photograph of the agent, and no
5 identification card shall be valid until signed by both the
6 distillery certificate broker and the agent and counter-signed
7 by a representative of the ~~{board} commission~~. <—

8 (b) Before any agent's registration can be changed from one
9 distillery certificate broker to another, the identification
10 card of such agent shall either be returned to the ~~{board}~~ <—
11 ~~commission~~ by the broker under whom he is registered, or such
12 broker shall file with the ~~{board} commission~~ a notice in <—
13 writing that he has knowledge of and consents to the employment
14 of such agent by the other broker.

15 (c) When the employment of any agent is terminated, the
16 broker shall immediately notify the ~~{board} commission~~ and the <—
17 identification card issued to the agent shall be surrendered to
18 the ~~{board} commission~~. <—

19 Section 130. The heading of Subdivision (D) of Article VII
20 of the act is reenacted to read:

21 (D) Exemptions.

22 Section 131. Sections 731, 732 and 733 of the act are
23 reenacted to read:

24 Section 731. Bank and Trust Companies and Other Persons.--
25 Bank and trust companies and other persons duly authorized
26 within this Commonwealth to engage in the business of lending
27 money to licensed distillers, rectifiers, importers and
28 distillery certificate brokers may, without a permit required
29 under the provisions of this act, accept distillery bonded
30 warehouse certificates as security or collateral for any loan

1 made in the regular conduct of their business, and such banks
2 and trust companies and other persons may liquidate such
3 security or collateral by sale only to licensed distillers,
4 rectifiers, importers or distillery certificate brokers.

5 Section 732. Distillers, Rectifiers and Importers.--Duly
6 licensed distillers, rectifiers and importers may, without a
7 permit required under the provisions of this article, deal in
8 distillery bonded warehouse certificates, but only with other
9 duly licensed distillers, rectifiers, importers and with
10 distillery certificate brokers.

11 Section 733. Certificates Owned Since July 24, 1939.--
12 Persons other than licensed distillers, rectifiers, importers
13 and distillery certificate brokers, holding distillery bonded
14 warehouse certificates on and since the twenty-fourth day of
15 July, one thousand nine hundred thirty-nine, may dispose of same
16 without a permit required under the provisions of this act, but
17 only to or through a distillery certificate broker holding a
18 permit from the board.

19 Section 132. The heading of Subdivision (E) of Article VII
20 of the act is reenacted to read:

21 (E) Administration and Enforcement.

22 Section 133. Section 741 of the act is reenacted ~~and amended~~ <—
23 to read:

24 Section 741. Duties of the ~~{Board} Commission~~.--It shall be <—
25 the duty of the ~~{board} commission~~ to see that the provisions of <—
26 this article are at all times properly administered and obeyed,
27 and to take such measures and make such investigations as will
28 detect the violations of any provisions thereof. In the event it
29 shall discover any violation, it shall, in addition to revoking
30 any permit or registration of an agent, take such measures as

1 may be necessary to cause the apprehension and prosecution of
2 all persons deemed guilty thereof.

3 Section 134. The heading of Subdivision (F) of Article VII
4 of the act is reenacted to read:

5 (F) Fines and Penalties.

6 Section 135. Section 751 of the act is reenacted to read:

7 Section 751. Penalties.--Any person who shall violate any of
8 the provisions of this article, or who shall engage in any fraud
9 or fraudulent practice, as defined herein, shall be guilty of a
10 misdemeanor and, upon conviction thereof, shall be sentenced to
11 pay the costs of prosecution and a fine of not less than one
12 thousand dollars (\$1000), nor more than five thousand dollars
13 (\$5000), or undergo imprisonment of not less than one year, nor
14 more than five years, or both, at the discretion of the court.

15 Section 136. The heading of Article VIII of the act is
16 reenacted to read:

17 ARTICLE VIII.

18 DISPOSITION OF MONEYS COLLECTED UNDER
19 PROVISIONS OF ACT.

20 Section 137. Section 801 of the act is reenacted ~~and amended~~ <—
21 to read:

22 Section 801. Moneys Paid Into Liquor License Fund and
23 Returned to Municipalities.--(a) The following fees collected
24 by the ~~{board} commission~~ under the provisions of this act shall <—
25 be paid into the State Treasury through the Department of
26 Revenue into a special fund to be known as the "Liquor License
27 Fund":

28 (1) License fees for hotel, restaurant and club liquor
29 licenses.

30 (2) License fees for retail dispensers' (malt and brewed

1 beverages) licenses.

2 (b) The moneys in the Liquor License Fund shall, on the
3 first days of February and August of each year, be paid by the
4 ~~{board} commission~~ to the respective municipalities in which the <—
5 respective licensed places are situated, in such amounts as
6 represent the aggregate license fees collected from licenses in
7 such municipalities during the preceding period. ~~These moneys~~ <—
8 ~~shall be used exclusively for the enforcement of the liquor laws~~
9 ~~of this Commonwealth.~~

10 (c) The ~~{board} commission~~ shall have the power to <—
11 appropriate moneys in the Liquor License Fund for the payment of
12 claims for refunds allowed and approved by the ~~{board}~~ <—
13 ~~commission~~ for moneys paid into the Liquor License Fund because
14 of the over-payment or overcharge on license fees. In the event
15 that the moneys in the Liquor License Fund have been distributed
16 to the respective municipalities, the ~~{board} commission~~ shall <—
17 have the authority to deduct from the next semi-annual payment
18 to the respective municipalities the amount of any over-payment
19 previously refunded by the ~~{board} commission~~ to any person on <—
20 account of an overcharge or over-payment on a license fee.

21 Section 138. Section 802 of the act, amended September 28,
22 1961 (P.L.1728, No.702), is reenacted and amended to read:

23 Section 802. Moneys Paid Into The State Stores Fund for Use
24 of the Commonwealth.--(a) All moneys, except fees to be paid
25 into the Liquor License Fund as provided by [the ~~{preceding}~~] <—
26 section 801, collected, received or recovered under the
27 provisions of this act for license fees, permit fees, filing
28 fees and registration fees, from forfeitures, sales of forfeited
29 property, compromise penalties and sales of liquor and alcohol
30 at the Pennsylvania Liquor Stores, shall be paid into the State

1 Treasury through the Department of Revenue into a special fund
2 to be known as "The State Stores Fund."

3 (b) One-half of all application filing and transfer fees
4 shall be credited to a special account designated as the
5 Enforcement Officers' Retirement Account. The moneys credited to
6 this account shall be paid, annually, by the ~~{board} commission~~ ←
7 to the State Employees' Retirement Board to be paid into the
8 State Employees' Retirement Fund and credited to the Enforcement
9 Officers' Benefit Account.

10 (c) ~~One~~ TWO per centum of annual profits from the sale of ←
11 liquor and alcohol shall be annually transferred to the
12 Department of Health for use by the Office of Drug and Alcohol
13 Programs, or its successor in function, for the following
14 purposes:

15 (1) Treatment and rehabilitation of persons addicted to the
16 excessive use of alcoholic beverages.

17 (2) Promotion of education, prevention and early
18 intervention programs designed to eliminate abuse and addiction
19 to alcohol or other mood-altering substances or secure
20 appropriate treatment for the already addicted.

21 (3) Study of the problem of addiction.

22 (d) All other moneys in such fund shall be available for the
23 purposes for which they are appropriated by law.

24 ~~(e) Annually, at the time the budget for the enforcement~~ ←
25 ~~bureau is approved, an amount equal to the amount appropriated~~
26 ~~from the General Fund for the enforcement bureau shall be~~
27 ~~transferred from the State Store Fund to the General Fund.~~

28 (E) ANNUALLY, THE GENERAL ASSEMBLY SHALL MAKE AN ←
29 APPROPRIATION FROM THE STATE STORE FUND TO PROVIDE FOR THE
30 OPERATIONAL EXPENSES OF THE ENFORCEMENT BUREAU.

1 Section 139. Section 803 of the act is reenacted and amended <—
2 to read:

3 Section 803. Alcohol Tax Moneys Paid Into General Fund.--All
4 taxes collected or received by the {board} ~~commission~~ on sales <—
5 of taxable alcohol under the provisions of this act shall be
6 paid into the State Treasury through the Department of Revenue
7 into the General Fund.

8 ~~Section 140. The heading of Article IX of the act is~~ <—
9 ~~reenacted to read:~~

10 ~~ARTICLE IX.~~

11 ~~REPEALS.~~

12 ~~Section 141. Section 901 of the act is reenacted to read:~~

13 ~~Section 901. Acts and Parts of Acts Repealed. The following~~
14 ~~acts and parts of acts and all amendments thereof are hereby~~
15 ~~repealed to the extent hereinafter specified:~~

16 ~~Section five of the act, passed in one thousand seven hundred~~
17 ~~five (1 Sm. L. 25), entitled "An act to restrain people from~~
18 ~~labour on the first day of the week," absolutely.~~

19 ~~The act, passed in one thousand seven hundred five (1 Sm. L.~~
20 ~~43), entitled "An act for selling beer and ale by wine measure,"~~
21 ~~absolutely.~~

22 ~~The act, passed the thirty first day of May, one thousand~~
23 ~~seven hundred eighteen (1 Sm. L. 104), entitled "An act~~
24 ~~empowering the Justices to settle the prices of liquors in~~
25 ~~public houses, and provender for horses in public stables,"~~
26 ~~absolutely.~~

27 ~~The act, passed the twenty sixth day of August, one thousand~~
28 ~~seven hundred twenty one (1 Sm. L. 126), entitled "A~~
29 ~~Supplementary act to a law of this province, entitled "An act~~
30 ~~that no public house or inn, within this province, be kept~~

1 ~~without license, " absolutely.~~

2 ~~Section twenty of the act, approved the thirtieth day of~~
3 ~~March, one thousand eight hundred eleven (Pamphlet Laws 145),~~
4 ~~entitled "An act to amend and consolidate the several acts~~
5 ~~relating to the settlement of the public accounts and the~~
6 ~~payment of the public monies, and for other purposes,"~~
7 ~~absolutely.~~

8 ~~The act, approved the fourteenth day of March, one thousand~~
9 ~~eight hundred fourteen (Pamphlet Laws 100), entitled "An act~~
10 ~~providing for the inspection of spirituous liquors," absolutely.~~

11 ~~Sections one, two, three and four of the act, approved the~~
12 ~~second day of April, one thousand eight hundred twenty two~~
13 ~~(Pamphlet Laws 286), entitled "An act to prevent the disturbance~~
14 ~~of meetings held for the purpose of religious worship,"~~
15 ~~absolutely.~~

16 ~~The act, approved the eighth day of March, one thousand eight~~
17 ~~hundred fifteen (Pamphlet Laws 91), entitled "An act altering~~
18 ~~the mode of issuing tavern licenses," absolutely.~~

19 ~~The act, approved the thirteenth day of March, one thousand~~
20 ~~eight hundred fifteen (Pamphlet Laws 171), entitled "A~~
21 ~~supplement to the act, entitled "An act providing for the~~
22 ~~inspection of spirituous liquors," passed the fourteenth day of~~
23 ~~March, one thousand eight hundred and fourteen, and for the~~
24 ~~prevention of fraud in the purchase or sale of flour or~~
25 ~~whiskey," absolutely.~~

26 ~~The act, approved the twenty seventh day of March, one~~
27 ~~thousand eight hundred twenty one (Pamphlet Laws 133), entitled~~
28 ~~"An act to regulate inspections," absolutely.~~

29 ~~The act, approved the second day of April, one thousand eight~~
30 ~~hundred twenty one (Pamphlet Laws 244), entitled "An act laying~~

1 ~~a duty on the retailers of foreign merchandise," in so far as it~~
2 ~~relates to wine or distilled liquors.~~

3 ~~Section two of the act, approved the second day of April, one~~
4 ~~thousand eight hundred twenty two (Pamphlet Laws 226), entitled~~
5 ~~"A further supplement to the act, entitled 'An act relative to~~
6 ~~habitual Drunkards,'"~~ absolutely.

7 ~~The act, approved the sixteenth day of January, one thousand~~
8 ~~eight hundred twenty three (Pamphlet Laws 10), entitled "A~~
9 ~~supplement to the act entitled, 'An act providing for the~~
10 ~~inspection of spirituous liquors,'"~~ absolutely.

11 ~~Section one of the act, approved the twelfth day of April,~~
12 ~~one thousand eight hundred twenty five (Pamphlet Laws 247),~~
13 ~~entitled "An act more effectually to secure the collection of~~
14 ~~the revenue from tavern licenses, and for other purposes,"~~
15 ~~absolutely.~~

16 ~~The act, approved the seventh day of April, one thousand~~
17 ~~eight hundred thirty (Pamphlet Laws 352), entitled "An act to~~
18 ~~regulate inns and taverns,"~~ absolutely.

19 ~~The act, approved the fifteenth day of February, one thousand~~
20 ~~eight hundred thirty two (Pamphlet Laws 73), entitled "A~~
21 ~~supplement to an act entitled 'An act to regulate inns and~~
22 ~~taverns,' passed April seventh, eighteen hundred and thirty,"~~
23 ~~absolutely.~~

24 ~~Sections one, two, three, four, five, ten, eleven, twelve,~~
25 ~~thirteen, fourteen, fifteen, sixteen, seventeen, eighteen,~~
26 ~~nineteen, twenty, twenty one, twenty two, twenty three, twenty~~
27 ~~four, twenty five, twenty six and twenty seven of the act,~~
28 ~~approved the eleventh day of March, one thousand eight hundred~~
29 ~~thirty four (Pamphlet Laws 117), entitled "An act relating to~~
30 ~~Inns, Taverns, and retailers of vinous and spirituous liquors,"~~

1 absolutely.

2 Sections ~~one hundred twenty three, one hundred twenty four,~~
3 ~~one hundred twenty five, one hundred twenty six, one hundred~~
4 ~~twenty seven, one hundred twenty eight, one hundred twenty nine,~~
5 ~~one hundred thirty, one hundred thirty one, one hundred thirty-~~
6 ~~two, one hundred thirty three, one hundred thirty four, one~~
7 ~~hundred thirty five, one hundred thirty six, one hundred thirty-~~
8 ~~seven, one hundred thirty eight, one hundred thirty nine and one~~
9 ~~hundred forty of the act, approved the fifteenth day of April,~~
10 ~~one thousand eight hundred thirty five (Pamphlet Laws 384),~~
11 ~~entitled "An act relating to Inspections,"~~ absolutely.

12 Section ~~sixty six of the act, approved the thirteenth day of~~
13 ~~June, one thousand eight hundred thirty six (Pamphlet Laws 589),~~
14 ~~entitled "An act relating to lunatics and habitual drunkards,"~~
15 absolutely.

16 Section ~~twenty two of the act, approved the twenty seventh~~
17 ~~day of May, one thousand eight hundred forty (Pamphlet Laws~~
18 ~~548), entitled "An act to erect the town of South Easton, in the~~
19 ~~county of Northampton, into a borough, and for other purposes,"~~
20 absolutely.

21 The ~~act, approved the twenty ninth day of March, one thousand~~
22 ~~eight hundred forty one (Pamphlet Laws 121), entitled "An act~~
23 ~~supplementary to the various Acts relating to Tavern Licenses,"~~
24 absolutely.

25 Section ~~forty four of the act, approved the twenty fifth day~~
26 ~~of March, one thousand eight hundred forty two (Pamphlet Laws~~
27 ~~192), entitled "An act to appoint Commissioners to Re-survey and~~
28 ~~mark that portion of the county line, which divides the township~~
29 ~~of Bristol, in the county of Philadelphia, from the township of~~
30 ~~Cheltenham, in the county of Montgomery, and for other~~

1 ~~purposes," absolutely.~~

2 ~~Section four of the act, approved the twenty first day of~~
3 ~~April, one thousand eight hundred forty six (Pamphlet Laws 431),~~
4 ~~entitled "An act to authorize the voters of Mifflin county to~~
5 ~~decide the question of tavern license therein, and to prohibit~~
6 ~~the sale of intoxicating drinks within specified limits in~~
7 ~~certain counties," absolutely.~~

8 ~~Sections twenty, twenty one, twenty two, twenty three,~~
9 ~~thirty one, thirty two and thirty three of the act, approved the~~
10 ~~tenth day of April, one thousand eight hundred forty nine~~
11 ~~(Pamphlet Laws 570), entitled "An act to create a sinking fund,~~
12 ~~and to provide for the gradual and certain extinguishment of the~~
13 ~~debt of the commonwealth," absolutely.~~

14 ~~The act, approved the sixteenth day of April, one thousand~~
15 ~~eight hundred forty nine (Pamphlet Laws 657), entitled "An act~~
16 ~~to change the mode of granting tavern licenses in the city and~~
17 ~~county of Philadelphia," absolutely.~~

18 ~~Sections five, six and eight of the act, approved the~~
19 ~~thirtieth day of April, one thousand eight hundred fifty~~
20 ~~(Pamphlet Laws 634), entitled "An act regulating the hunting of~~
21 ~~deer in the county of Warren; and relative to hawkers and~~
22 ~~peddlers in the counties of Carbon, Butler and Union;~~
23 ~~authorizing the Philadelphia, Germantown and Norristown railroad~~
24 ~~company to become stockholders in the Chester Valley railroad~~
25 ~~company; relative to the sale of spirituous and vinous liquors~~
26 ~~in Washington county; and to the licensing of inn keepers in~~
27 ~~this commonwealth; to the estate of John Claar, deceased;~~
28 ~~legitimizing John Diffenbach, of Lancaster county; and~~
29 ~~authorizing the sale of the real estate of Darius Grimes, of~~
30 ~~Fayette county, deceased," absolutely.~~

1 ~~Section eight of the act, approved the fourteenth day of~~
2 ~~April, one thousand eight hundred fifty one (Pamphlet Laws 569),~~
3 ~~entitled "A further supplement to the act entitled 'An Act~~
4 ~~authorizing the Governor to incorporate the Bear Mountain~~
5 ~~Railroad Company, ' and for other purposes, passed July~~
6 ~~thirteenth, one thousand eight hundred and forty two, and~~
7 ~~relative to roads, streets, and alleys in the borough of~~
8 ~~Pottsville, in Schuylkill county, to hawkers and peddlers in~~
9 ~~Armstrong and Carbon counties, to the Bethany and Dingman's~~
10 ~~choice turnpike road, to the district of West Philadelphia, to~~
11 ~~the bottling of cider and malt liquors, licensing billiard rooms~~
12 ~~and bowling saloons, to the district of Moyamensing, and to~~
13 ~~authorize Charles B. Mench to sell certain real estate,"~~
14 ~~absolutely.~~

15 ~~Sections one, two, three, six, seven and eight of the act,~~
16 ~~approved the eighth day of May, one thousand eight hundred~~
17 ~~fifty four (Pamphlet Laws 663), entitled "An act to protect~~
18 ~~certain domestic and private Rights, and prevent abuses in the~~
19 ~~Sale and Use of Intoxicating Drinks," absolutely.~~

20 ~~The act, approved the twenty sixth day of January, one~~
21 ~~thousand eight hundred fifty five (Pamphlet Laws 53), entitled~~
22 ~~"An act to prevent the Sale of Intoxicating Liquors on the First~~
23 ~~Day of the Week, commonly called Sunday," absolutely.~~

24 ~~Sections one, two, three, four, five, six, seven, eight,~~
25 ~~nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen,~~
26 ~~seventeen, eighteen, nineteen, twenty, twenty one, twenty two,~~
27 ~~twenty three, twenty four, twenty five, thirty, thirty two,~~
28 ~~thirty three and thirty four of the act, approved the thirty-~~
29 ~~first day of March, one thousand eight hundred fifty six~~
30 ~~(Pamphlet Laws 200), entitled "An act to Regulate the Sale of~~

1 ~~Intoxicating Liquors," absolutely.~~

2 ~~Sections one, two, three, four, five, six, seven, eight,~~
3 ~~nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen,~~
4 ~~seventeen, eighteen, nineteen, twenty, twenty one, twenty three~~
5 ~~and twenty four of the act, approved the twentieth day of April,~~
6 ~~one thousand eight hundred fifty eight (Pamphlet Laws 365),~~
7 ~~entitled "A supplement to an act to Regulate the Sale of~~
8 ~~Intoxicating Liquors, approved the thirty first of March, Anno~~
9 ~~Domini one thousand eight hundred and fifty six," absolutely.~~

10 ~~The act, approved the twenty first day of April, one thousand~~
11 ~~eight hundred fifty eight (Pamphlet Laws 393), entitled "A~~
12 ~~further supplement to an act relative to the Inspection of~~
13 ~~Liquors," absolutely.~~

14 ~~Section two of the act, approved the seventeenth day of~~
15 ~~March, one thousand eight hundred fifty nine (Pamphlet Laws~~
16 ~~167), entitled "An act relating to Trustees of Farmers' High~~
17 ~~Schools of Pennsylvania," absolutely.~~

18 ~~The act, approved the fourteenth day of April, one thousand~~
19 ~~eight hundred fifty nine (Pamphlet Laws 653), entitled "An act~~
20 ~~relating to the granting of Licenses to Hotel, Inn, or Tavern~~
21 ~~Keepers," absolutely.~~

22 ~~The act, approved the twenty ninth day of March, one thousand~~
23 ~~eight hundred sixty (Pamphlet Laws 346), entitled "An act to~~
24 ~~prevent Recovery for the Sale of Adulterated Liquors,"~~
25 ~~absolutely.~~

26 ~~The act, approved the fifteenth day of April, one thousand~~
27 ~~eight hundred sixty three (Pamphlet Laws 480), entitled "An act~~
28 ~~relating to the inspection of domestic distilled spirits,"~~
29 ~~absolutely.~~

30 ~~The act, approved the twenty second day of March, one~~

1 ~~thousand eight hundred sixty seven (Pamphlet Laws 40), entitled~~
2 ~~"A further supplement to an act to regulate the granting of~~
3 ~~licenses to hotels and eating houses, approved March thirty-~~
4 ~~first, one thousand eight hundred and fifty six," absolutely.~~

5 ~~The act, approved the twenty ninth day of April, one thousand~~
6 ~~eight hundred sixty seven (Pamphlet Laws 95), entitled "A~~
7 ~~supplement to an act, entitled 'An act to prevent the sale of~~
8 ~~intoxicating liquors on the first day of the week, commonly~~
9 ~~called Sunday,' approved February twenty six, one thousand eight~~
10 ~~hundred and fifty five," absolutely.~~

11 ~~Sections two and four of the act, approved the eighth day of~~
12 ~~April, one thousand eight hundred seventy three (Pamphlet Laws~~
13 ~~566), entitled "An act to provide for the appointment of-~~
14 ~~mercantile appraisers in the city of Philadelphia, defining the~~
15 ~~duties of the same, and constituting a board of appeal,"~~
16 ~~absolutely.~~

17 ~~Sections two, three, four, five, six, seven, eight, nine, ten~~
18 ~~eleven and twelve of the act, approved the twelfth day of April,~~
19 ~~one thousand eight hundred seventy five (Pamphlet Laws 40),~~
20 ~~entitled "An act to repeal and act to permit the voters of this~~
21 ~~commonwealth to vote every three years on the question of~~
22 ~~granting licenses to sell intoxicating liquors, and to restrain~~
23 ~~and regulate the sale of the same," absolutely.~~

24 ~~Section one of the act, approved the twelfth day of April,~~
25 ~~one thousand eight hundred seventy five (Pamphlet Laws 48),~~
26 ~~entitled "An act to prevent the sale of intoxicating liquors,~~
27 ~~and for the preservation of order at soldiers' encampments or~~
28 ~~re-unions," absolutely.~~

29 ~~The act, approved the second day of June, one thousand eight~~
30 ~~hundred eighty one (Pamphlet Laws 43), entitled "An act to~~

1 ~~prevent the use of poisonous or deleterious drugs or chemicals,~~
2 ~~or impure or injurious materials, or those prejudicial to the~~
3 ~~public health, in the brewing or manufacture of ale, beer or~~
4 ~~other malt liquors, or in the fermentation, distillation or~~
5 ~~manufacture of any vinous or spirituous liquors, and to provide~~
6 ~~for the punishment of any persons using the same," absolutely.~~

7 ~~The act, approved the ninth day of July, one thousand eight~~
8 ~~hundred eighty one (Pamphlet Laws 162), entitled "An act to~~
9 ~~prohibit the granting of a license for the sale of liquors to~~
10 ~~proprietors, lessees, keepers or managers of theaters or other~~
11 ~~places of amusement," absolutely.~~

12 ~~Section four of the act, approved the twenty eighth day of~~
13 ~~May, one thousand eight hundred eighty five (Pamphlet Laws 27),~~
14 ~~entitled "An act supplementary to an act, entitled 'An act to~~
15 ~~protect children from neglect and cruelty, and relating to their~~
16 ~~employment, protection and adoption,' approved the eleventh day~~
17 ~~of June, one thousand eight hundred and seventy nine, providing~~
18 ~~for the further protection of minors, and regulating the~~
19 ~~boarding and maintaining of infant children for hire," in so far~~
20 ~~as it relates to premises for which a hotel, restaurant or club~~
21 ~~liquor license or a retail dispenser's license is held.~~

22 ~~The act, approved the twenty fourth day of May, one thousand~~
23 ~~eight hundred eighty seven (Pamphlet Laws 194), entitled "An act~~
24 ~~providing for the licensing of wholesale dealers in intoxicating~~
25 ~~liquors," absolutely.~~

26 ~~The act, approved the second day of June, one thousand eight~~
27 ~~hundred ninety one (Pamphlet Laws 173), entitled "An act to~~
28 ~~permit the growers of grapes in this Commonwealth to manufacture~~
29 ~~wine from grapes of their own raising that are not first class~~
30 ~~or marketable, and sell such wine to licensed dealers without~~

1 ~~taking out or paying a license for such manufacture or sale,"~~
2 ~~absolutely.~~

3 ~~The act, approved the ninth day of June, one thousand eight~~
4 ~~hundred ninety one (Pamphlet Laws 257), entitled "An act to~~
5 ~~restrain and regulate the sale of vinous and spirituous, malt or~~
6 ~~brewed liquors or any admixture thereof by wholesale,"~~
7 ~~absolutely.~~

8 ~~The act, approved the twentieth day of June, one thousand~~
9 ~~eight hundred ninety three (Pamphlet Laws 474), entitled "An act~~
10 ~~authorizing distillers of spirituous or vinous liquors to sell~~
11 ~~such liquors of their own manufacture in original packages of~~
12 ~~not less than forty gallons, without being required to take out~~
13 ~~a license as is now required by existing laws," absolutely.~~

14 ~~Section one of the act, approved the twenty fifth day of May,~~
15 ~~one thousand eight hundred ninety seven (Pamphlet Laws 93),~~
16 ~~entitled "An act relating to the prosecutions of licensed~~
17 ~~dealers and their employes on the charge of furnishing~~
18 ~~intoxicating liquors to minors, and prescribing the penalty~~
19 ~~therefor," absolutely.~~

20 ~~The act, approved the twenty first day of June, one thousand~~
21 ~~eight hundred ninety seven (Pamphlet Laws 176), entitled "An act~~
22 ~~providing that the manufacturers who shall pay a certain sum,~~
23 ~~annually, into the Treasury of the Commonwealth, shall sell only~~
24 ~~malt or brewed liquors of their own manufacture to dealers only~~
25 ~~who have been licensed by the court," absolutely.~~

26 ~~The act, approved the thirtieth day of July, one thousand~~
27 ~~eight hundred ninety seven (Pamphlet Laws 464), entitled "An act~~
28 ~~to provide revenue and regulate the sale of malt, brewed, vinous~~
29 ~~and spirituous liquors or any admixture thereof, by requiring~~
30 ~~and authorizing licenses to be taken out by brewers, distillers,~~

1 ~~wholesalers, bottlers, rectifiers, compounders, storekeepers and~~
2 ~~agents, having a store, office or place of business within this~~
3 ~~Commonwealth, prescribing the amount of license fees to be paid~~
4 ~~in such cases, and by imposing an additional license fee on~~
5 ~~retail dealers in intoxicating liquors," absolutely.~~

6 ~~Section one of the act, approved the eleventh day of May, one~~
7 ~~thousand nine hundred one (Pamphlet Laws 162), entitled "A~~
8 ~~supplement to an act, entitled 'An act to restrain and regulate~~
9 ~~the sale of vinous and spirituous, malt or brewed liquors, or~~
10 ~~any admixture thereof,' approved the thirteenth day of May, Anno~~
11 ~~Domini one thousand eight hundred and eighty seven," absolutely.~~

12 ~~The act, approved the nineteenth day of June, one thousand~~
13 ~~nine hundred one (Pamphlet Laws 572), entitled "An act~~
14 ~~authorizing the several courts of quarter sessions of this~~
15 ~~Commonwealth to grant licenses to sell intoxicating liquors at~~
16 ~~retail, wholesale or by brewers for a longer or shorter period~~
17 ~~than one year in certain cases but only for the purpose of~~
18 ~~changing the date from which annual licenses shall thereafter~~
19 ~~run and take effect," absolutely.~~

20 ~~The act, approved the twenty second day of April, one~~
21 ~~thousand nine hundred three (Pamphlet Laws 257), entitled "An~~
22 ~~act to amend the second section of an act, entitled 'An act to~~
23 ~~protect certain domestic and private rights and prevent abuses~~
24 ~~in the sale and use of intoxicating drinks,' approved the eighth~~
25 ~~day of May, Anno Domini one thousand eight hundred and fifty-~~
26 ~~four, in relation to the penalties and fines therein prescribed,~~
27 ~~and giving the court discretionary power in relation thereto,"~~
28 ~~absolutely.~~

29 ~~Section one of the act, approved the twenty second day of~~
30 ~~April, one thousand nine hundred three (Pamphlet Laws 259),~~

1 ~~entitled "An act providing for the payment of liquor license~~
2 ~~money to school districts, in townships in which the roads shall~~
3 ~~be made and repaired by taxpayers pursuant to the act of twelfth~~
4 ~~of June, Anno Domini one thousand eight hundred and ninety-~~
5 ~~three, and its supplements," absolutely.~~

6 ~~The act, approved the twenty third day of April, one thousand~~
7 ~~nine hundred three (Pamphlet Laws 265), entitled "A supplement~~
8 ~~to an act, entitled 'An act to restrain and regulate the sale of~~
9 ~~vinous and spirituous, malt or brewed liquors, or any admixture~~
10 ~~thereof,' approved the thirteenth day of May, Anno Domini one~~
11 ~~thousand eight hundred and eighty seven," absolutely.~~

12 ~~The act, approved the twenty seventh day of April one~~
13 ~~thousand nine hundred three (Pamphlet Laws 317), entitled "An~~
14 ~~act amending section three of an act, entitled 'An act to~~
15 ~~provide revenue and regulate the sale of malt, brewed, vinous~~
16 ~~and spirituous liquors, or any admixture thereof, by requiring~~
17 ~~and authorizing licenses to be taken out by brewers, distillers,~~
18 ~~wholesalers, bottlers, rectifiers, compounders, store keepers~~
19 ~~and agents, having a store, office or place of business within~~
20 ~~this Commonwealth, prescribing the amount of license fees to be~~
21 ~~paid in such cases, and by imposing an additional license fee on~~
22 ~~retail dealers in intoxicating liquors,' approved the thirtieth~~
23 ~~day of July, Anno Domini one thousand eight hundred and ninety-~~
24 ~~seven, by providing that, in counties having a population of~~
25 ~~more than five hundred thousand (500,000) and less than one~~
26 ~~million (1,000,000), the cost of publishing the list of~~
27 ~~applicants for liquor licenses shall be paid out of the general~~
28 ~~funds of the county, and not deducted from the fees paid by such~~
29 ~~applicants for expenses connected therewith," absolutely.~~

30 ~~The act, approved the twenty ninth day of March, one thousand~~

1 ~~nine hundred seven (Pamphlet Laws 38), entitled "An act to amend~~
2 ~~section two of an act, entitled "An act to provide revenue, and~~
3 ~~regulate the sale of malt, brewed, vinous, and spirituous~~
4 ~~liquors, or any admixture thereof, by requiring and authorizing~~
5 ~~licenses to be taken out by brewers, distillers, wholesalers,~~
6 ~~bottlers, rectifiers, compounders, storekeepers, and agents,~~
7 ~~having a store, office, or place of business within this~~
8 ~~Commonwealth; prescribing the amount of license fees to be paid~~
9 ~~in such cases, and by imposing an additional license fee on~~
10 ~~retail dealers in intoxicating liquors," approved the thirtieth~~
11 ~~day of July, Anno Domini one thousand eight hundred and ninety-~~
12 ~~seven, by changing the time when the treasurers of the~~
13 ~~respective counties shall pay all license funds to the State~~
14 ~~Treasurer and to the treasurers of the respective~~
15 ~~municipalities," absolutely.~~

16 ~~The act, approved the twenty seventh day of April, one~~
17 ~~thousand nine hundred seven (Pamphlet Laws 122), entitled "An~~
18 ~~act authorizing licensed wholesale liquor sellers and dealers to~~
19 ~~purchase vinous, spirituous, malt, or brewed liquors, in kegs,~~
20 ~~barrels, or otherwise in bulk, and to transfer the same into~~
21 ~~bottles or smaller packages; and to sell the same in such~~
22 ~~bottles or smaller packages, in certain quantities, and fixing~~
23 ~~the annual license fee of such dealers in cities of the first~~
24 ~~class, second class, third class, and in boroughs and~~
25 ~~townships," absolutely.~~

26 ~~The act, approved the twenty ninth day of May, one thousand~~
27 ~~nine hundred seven (Pamphlet Laws 307), entitled "An act~~
28 ~~regulating the payment of retail liquor license fees in this~~
29 ~~Commonwealth," absolutely.~~

30 ~~The act, approved the twenty second day of April, one~~

1 ~~thousand nine hundred nine (Pamphlet Laws 136), entitled "An act~~
2 ~~regulating the payment of brewers' wholesale and bottlers'~~
3 ~~license fees in this Commonwealth," absolutely.~~

4 ~~The act, approved the second day of April, one thousand nine~~
5 ~~hundred thirteen (Pamphlet Laws 32), entitled "An act permitting~~
6 ~~any wholesale or retail licensed liquor dealer or bottler to~~
7 ~~keep such licensed place of business open during the pendency of~~
8 ~~any application for transfer of license," absolutely.~~

9 ~~The act, approved the fourteenth day of May, one thousand~~
10 ~~nine hundred thirteen (Pamphlet Laws 203), entitled "An act to~~
11 ~~provide and fix fees and compensation to be received by~~
12 ~~constables in this Commonwealth for visiting places where~~
13 ~~liquors are sold or kept," absolutely.~~

14 ~~The act, approved the twelfth day of June, one thousand nine~~
15 ~~hundred thirteen (Pamphlet Laws 490), entitled "An act~~
16 ~~prohibiting the offering or giving of premium by any person,~~
17 ~~partnership, or corporation, licensed to sell vinous,~~
18 ~~spirituous, malt, or brewed liquors at wholesale or retail, for~~
19 ~~the return of caps, stoppers, corks, stamps, or labels taken~~
20 ~~from any bottle, case, keg, barrel, or package containing such~~
21 ~~vinous, spirituous, malt, or brewed liquors, and providing a~~
22 ~~penalty for the violation thereof," absolutely.~~

23 ~~Section one of the act, approved the twenty second day of~~
24 ~~July, one thousand nine hundred thirteen (Pamphlet Laws 914),~~
25 ~~entitled "An act authorizing any person, firm or corporation,~~
26 ~~owning or operating distilleries producing only denatured~~
27 ~~alcohol for industrial purposes, and not for use as a beverage~~
28 ~~or for medicinal purposes, to operate such distillery without a~~
29 ~~license; regulating the taxation of such corporations; requiring~~
30 ~~certain reports to be made to the Auditor General, and providing~~

1 ~~penalties," in so far as it exempts any person, firm or~~
2 ~~corporation owning or operating a distillery from the necessity~~
3 ~~of obtaining a license under the provisions of this act to~~
4 ~~operate such distillery.~~

5 ~~The act, approved the seventeenth day of July, one thousand~~
6 ~~nine hundred seventeen (Pamphlet Laws 1020), entitled "An act~~
7 ~~amending an act, entitled 'An act prohibiting the offering or~~
8 ~~giving of premium, by any person, partnership, or corporation~~
9 ~~licensed to sell vinous, spirituous, malt, or brewed liquors, at~~
10 ~~wholesale or retail, for the return of caps, stoppers, corks,~~
11 ~~stamps, or labels taken from any bottle, case, keg, barrel, or~~
12 ~~package containing such vinous, spirituous, malt, or brewed~~
13 ~~liquors, and providing a penalty for the violation thereof,'~~
14 ~~approved the twelfth day of June, Anno Domini one thousand nine~~
15 ~~hundred thirteen; prohibiting the offer or gift or premiums or~~
16 ~~presents as an inducement for the purchase of liquors, or for~~
17 ~~any other purpose," absolutely.~~

18 ~~The act, approved the eighteenth day of July, one thousand~~
19 ~~nine hundred seventeen (Pamphlet Laws 1071), entitled "An act~~
20 ~~amending section one of an act, approved the fourteenth day of~~
21 ~~May, one thousand nine hundred thirteen, entitled 'An act to~~
22 ~~provide and fix fees and compensation to be received by~~
23 ~~constables in this Commonwealth for visiting places where~~
24 ~~liquors are sold or kept,' " absolutely.~~

25 ~~The act, approved the twenty sixth day of February, one~~
26 ~~thousand nine hundred nineteen (Pamphlet Laws 9), entitled "An~~
27 ~~act to amend section one of an act, approved the thirtieth day~~
28 ~~of July, one thousand eight hundred and ninety seven (Pamphlet~~
29 ~~Laws, four hundred sixty four), entitled 'An act to provide~~
30 ~~revenue and regulate the sale of malt, brewed, vinous and~~

1 ~~spiritous liquors or any admixture thereof, by requiring and~~
2 ~~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 ~~The act, approved the eighth day of May, one thousand nine~~
9 ~~hundred nineteen (Pamphlet Laws 167), entitled "An act providing~~
10 ~~for the refunding of liquor license fees and additional taxes to~~
11 ~~wholesale and retail dealers, brewers, distillers, rectifiers,~~
12 ~~compounders, bottlers, agents, and other persons, prevented from~~
13 ~~engaging in business by order or regulation of the President or~~
14 ~~Secretary of War; providing for the return of the proportions~~
15 ~~thereof paid to municipalities and the Commonwealth; and making~~
16 ~~an appropriation," absolutely.~~

17 ~~The act, approved the twenty sixth day of June, one thousand~~
18 ~~nine hundred nineteen (Pamphlet Laws 673), entitled "An act~~
19 ~~permitting wholesale or retail dealers, brewers, distillers,~~
20 ~~rectifiers, compounders, bottlers, agents, or other persons~~
21 ~~licensed to deal in or sell any vinous, spirituous, malt or~~
22 ~~brewed liquors, to surrender licenses heretofore granted and~~
23 ~~issued; authorizing county treasurers to refund a proportionate~~
24 ~~amount of the annual license fee and additional license tax~~
25 ~~where such licenses have been surrendered or where the licensees~~
26 ~~have been prevented from selling thereunder by any State or~~
27 ~~Federal laws or regulation; and requiring the State Treasurer~~
28 ~~and the municipalities to contribute to the amount so refunded;~~
29 ~~and making an appropriation," absolutely.~~

30 ~~The act, approved the twenty first day of July, one thousand~~

1 ~~nine hundred nineteen (Pamphlet Laws 1069), entitled "An act to~~
2 ~~provide for the manufacture or distillation and sale of ethyl~~
3 ~~alcohol for medicinal, scientific, mechanical, commercial, and~~
4 ~~other lawful purposes, and the issuance of licenses therefor;~~
5 ~~and providing a penalty for violation of the provisions hereof,"~~
6 ~~absolutely.~~

7 ~~Section forty two of the act, approved the seventeenth day of~~
8 ~~May, one thousand nine hundred twenty one (Pamphlet Laws 869),~~
9 ~~entitled "An act providing for the organization, government,~~
10 ~~discipline, maintenance, and regulation of the armed land forces~~
11 ~~of this Commonwealth," in so far as it relates to liquor or malt~~
12 ~~or brewed beverages.~~

13 ~~The act, approved the nineteenth day of February, one~~
14 ~~thousand nine hundred twenty six (Pamphlet Laws 16), entitled "A~~
15 ~~supplement to the act, approved the twenty seventh day of March,~~
16 ~~one thousand nine hundred and twenty three (Pamphlet Laws,~~
17 ~~thirty four), entitled 'An act concerning alcoholic liquors;~~
18 ~~prohibiting the manufacture, advertising, furnishing, traffic~~
19 ~~in, and possession of intoxicating liquors for beverage~~
20 ~~purposes, and articles and substances designed or intended for~~
21 ~~use in the manufacture thereof; defining intoxicating liquor;~~
22 ~~providing for penalties, forfeitures, and the abatement of~~
23 ~~nuisances; and repealing existing alcoholic liquor laws and~~
24 ~~alcoholic liquor license laws'; providing for the registering of~~
25 ~~federal permits; also regulating, under permit, through a~~
26 ~~Pennsylvania Alcohol Permit Board created in the Department of~~
27 ~~Welfare, the manufacture, production, distillation, development,~~
28 ~~use in manufacture, denaturization, redistillation, recovery,~~
29 ~~reuse, holding in bond, holding in storage by bailees for hire,~~
30 ~~sale at wholesale, and transportation for hire, of any alcohol~~

1 ~~or alcoholic liquid, by certain persons; also providing for fees~~
2 ~~and the disposition thereof; also authorizing the inspection of~~
3 ~~the records of permittees and purchasers of said alcohol or~~
4 ~~alcoholic liquid; also declaring certain places nuisances and~~
5 ~~providing for their abatement; also providing penalties; and~~
6 ~~also repealing all acts or parts of acts inconsistent with this~~
7 ~~act," absolutely.~~

8 ~~The act, approved the third day of May, one thousand nine~~
9 ~~hundred thirty three (Pamphlet Laws 252), entitled "An act to~~
10 ~~regulate and restrain the traffic in malt, brewed, and vinous~~
11 ~~and fruit juice beverages, as herein defined; providing for the~~
12 ~~licensing of the sale and distribution of such beverages;~~
13 ~~imposing license fees, and providing for collection and~~
14 ~~distribution thereof; restricting ownership and interest in~~
15 ~~licensed places; permitting municipalities and townships, by~~
16 ~~vote of the electors, to prevent the licensing therein of places~~
17 ~~where such beverages may be sold for consumption on the~~
18 ~~premises, and regulating elections for this purpose; imposing~~
19 ~~duties upon county treasurers, the Department of Revenue,~~
20 ~~quarter sessions courts, district attorneys, proper authorities~~
21 ~~of political subdivisions of the State, and election officers;~~
22 ~~providing penalties; and repealing existing acts," absolutely.~~

23 ~~The act, approved the twenty ninth day of November, one~~
24 ~~thousand nine hundred thirty three (Pamphlet Laws 13, (1933-~~
25 ~~34)), entitled "An act creating an independent administrative~~
26 ~~board to be known as the Pennsylvania Liquor Control Board,"~~
27 ~~absolutely.~~

28 ~~The act, approved the twenty ninth day of November, one~~
29 ~~thousand nine hundred thirty three (Pamphlet Laws 15, (1933-~~
30 ~~34)), entitled "An act to regulate and restrain the sale,~~

1 ~~importation, and use of certain alcoholic beverages; conferring~~
2 ~~powers and imposing duties upon the Pennsylvania Liquor Control~~
3 ~~Board, the Department of Public Instruction, other officers of~~
4 ~~the State government, courts, and district attorneys;~~
5 ~~authorizing the establishment and operation of State stores for~~
6 ~~the sale of such beverages not for consumption on the premises,~~
7 ~~and the granting of licenses, subject to local option, to sell~~
8 ~~such beverages for consumption on the premises; forbidding~~
9 ~~importation or bringing of such beverages into the State except~~
10 ~~as herein provided; prohibiting certain sales or practices in,~~
11 ~~connections with, and transactions in such beverages by~~
12 ~~licensees and others; making disposition of the receipts from~~
13 ~~State stores and of license fees; and imposing penalties,"~~
14 ~~absolutely.~~

15 ~~The act, approved the eighth day of December, one thousand~~
16 ~~nine hundred thirty three (Pamphlet Laws 57, (1933-34)),~~
17 ~~entitled "An act to amend the title and certain sections of the~~
18 ~~act, approved the nineteenth day of February, one thousand nine~~
19 ~~hundred twenty six (Pamphlet Laws, sixteen), entitled 'A~~
20 ~~supplement to the act, approved the twenty seventh day of March,~~
21 ~~one thousand nine hundred and twenty three (Pamphlet Laws,~~
22 ~~thirty four), entitled "An act concerning alcoholic liquors;~~
23 ~~prohibiting the manufacturer, advertising, furnishing, traffic~~
24 ~~in, and possession of intoxicating liquors for beverage~~
25 ~~purposes, and articles and substances designed or intended for~~
26 ~~use in the manufacture thereof; defining intoxicating liquor;~~
27 ~~providing for penalties, forfeitures, and the abatement of~~
28 ~~nuisances; and repealing existing alcoholic liquor laws and~~
29 ~~alcoholic liquor license laws'; providing for the registering of~~
30 ~~Federal permits; also regulating, under permit, through a~~

1 ~~Pennsylvania Alcohol Permit Board created in the Department of~~
2 ~~Welfare, the manufacture, production, distillation, development,~~
3 ~~use in manufacture, denaturization, redistillation, recovery,~~
4 ~~reuse, holding in bond, holding in storage by bailees for hire,~~
5 ~~sale at wholesale, and transportation for hire, of any alcohol~~
6 ~~or alcoholic liquid, by certain persons; also providing for fees~~
7 ~~and the disposition thereof; also authorizing the inspection of~~
8 ~~the records of permittees and purchasers of said alcohol or~~
9 ~~alcoholic liquid; also declaring certain places nuisances and~~
10 ~~providing for their abatement; also providing penalties; and~~
11 ~~also repealing all acts or parts of acts inconsistent with this~~
12 ~~act, by providing that the act shall be administered by the~~
13 ~~Pennsylvania Liquor Control Board; making the act consistent~~
14 ~~with the repeal of the Eighteenth Amendment; changing~~
15 ~~definitions and exemptions; bringing rectifiers and blenders~~
16 ~~within the act; allowing appeals to the courts; providing for~~
17 ~~the abatement of nuisances; and increasing fees," absolutely.~~

18 ~~The act, approved the twentieth day of December, one thousand~~
19 ~~nine hundred thirty three (Pamphlet Laws 75, (1933-34)),~~
20 ~~entitled "An act to amend the title and certain sections of the~~
21 ~~act, approved the third day of May, one thousand nine hundred~~
22 ~~thirty three (Act number ninety one), entitled "An act to~~
23 ~~regulate and restrain the traffic in malt, brewed, and vinous~~
24 ~~and fruit juice beverages, as herein defined; providing for the~~
25 ~~licensing of the sale and distribution of such beverages;~~
26 ~~imposing license fees, and providing for collection and~~
27 ~~distribution thereof; restricting ownership and interest in~~
28 ~~licensed places; permitting municipalities and townships, by~~
29 ~~vote of the electors, to prevent the licensing therein of places~~
30 ~~where such beverages may be sold for consumption on the~~

1 ~~premises, and regulating elections for this purpose; imposing~~
2 ~~duties upon county treasurers, the Department of Revenue,~~
3 ~~quarter sessions courts, district attorneys, proper authorities~~
4 ~~of political subdivisions of the State, and election officers;~~
5 ~~providing penalties; and repealing existing acts,' by limiting~~
6 ~~the provisions of the act to malt liquors, as defined therein,~~
7 ~~and clarifying certain provisions of the act," absolutely.~~

8 ~~The act, approved the eighteenth day of July, one thousand~~
9 ~~nine hundred thirty five (Pamphlet Laws 1217), entitled "An act~~
10 ~~to reenact and amend the title and the act, approved the third~~
11 ~~day of May, one thousand nine hundred and thirty three (Pamphlet~~
12 ~~Laws, two hundred fifty two), entitled 'An act to regulate and~~
13 ~~restrain the traffic in malt, brewed, and vinous and fruit juice~~
14 ~~beverages, as herein defined; providing for the licensing of the~~
15 ~~sale and distribution of such beverages; imposing license fees,~~
16 ~~and providing for collection and distribution thereof;~~
17 ~~restricting ownership and interest in licensed places;~~
18 ~~permitting municipalities and townships, by vote of the~~
19 ~~electors, to prevent the licensing therein of places where such~~
20 ~~beverages may be sold for consumption on the premises, and~~
21 ~~regulating elections for this purpose; imposing duties upon~~
22 ~~county treasurers, the Department of Revenue, quarter sessions~~
23 ~~courts, district attorneys, proper authorities of political~~
24 ~~subdivisions of the State, and election officers; providing~~
25 ~~penalties; and repealing existing acts,' as amended, by~~
26 ~~providing for the issue by the county treasurer of retail~~
27 ~~dispensers' licenses, and by the Pennsylvania Liquor Control~~
28 ~~Board of distributors', importing distributors', and~~
29 ~~manufacturers' licenses; regulating the business of~~
30 ~~manufacturers of malt and brewed beverages; and providing for~~

1 ~~the issue of public service licenses and special permits~~
2 ~~relating to entertainment and transportation for hire by said~~
3 ~~board; changing, fixing, and providing for the fixing of permit~~
4 ~~and license fees, and providing for the disposition thereof;~~
5 ~~providing for the abatement of nuisances; providing for the~~
6 ~~revocation and suspension of licenses by the court of quarter~~
7 ~~sessions and the board; further regulating the manufacture,~~
8 ~~sale, transportation and traffic in malt and brewed beverages;~~
9 ~~prescribing penalties; and repealing inconsistent acts,"~~
10 ~~absolutely.~~

11 ~~The act, approved the eighteenth day of July, one thousand~~
12 ~~nine hundred thirty five (Pamphlet Laws 1246), entitled "An act~~
13 ~~to reenact and amend the title and the act approved the twenty-~~
14 ~~ninth day of November, one thousand nine hundred and thirty-~~
15 ~~three (Pamphlet Laws, fifteen one thousand nine hundred thirty-~~
16 ~~three one thousand nine hundred thirty four), entitled 'An act~~
17 ~~to regulate and restrain the sale, importation, and use of~~
18 ~~certain alcoholic beverages; conferring powers and imposing~~
19 ~~duties upon the Pennsylvania Liquor Control Board, 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 the premises; forbidding importation or bringing~~
26 ~~of such beverages into the State except as herein provided;~~
27 ~~prohibiting certain sales or practices in, connections with, and~~
28 ~~transactions in such beverages by licenses and others; making~~
29 ~~disposition of the receipts from State stores and of license~~
30 ~~fees; and imposing penalties,' by extending the provisions of~~

1 ~~said act to the manufacture and possession of alcohol, alcoholic~~
2 ~~beverages and malt or brewed beverages; permitting licensees to~~
3 ~~sell malt or brewed beverages for consumption off premises;~~
4 ~~providing for the revocation and suspension of licenses by the~~
5 ~~board and the court of quarter sessions, and conferring~~
6 ~~additional powers and imposing additional duties on the board,~~
7 ~~including power to fix the form and capacity of packages and~~
8 ~~containers, and the duty to require certain manufacturers and~~
9 ~~other persons to secure permit and pay permit fees; conferring~~
10 ~~power on agents of the board to arrest on view without warrant~~
11 ~~and to confiscate property unlawfully used, and providing for~~
12 ~~the destruction and disposition thereof; providing for the~~
13 ~~disposition of license and filing fees; providing that fines and~~
14 ~~penalties collected shall be for the use of counties; legalizing~~
15 ~~the home manufacture and possession of wine; extending the civil~~
16 ~~service provisions of this act; further regulating the~~
17 ~~manufacture, sale and traffic in alcohol, alcoholic beverages~~
18 ~~and malt and brewed beverages; prescribing penalties and~~
19 ~~repealing existing laws," absolutely.~~

20 ~~The act, approved the eighteenth day of July, one thousand~~
21 ~~nine hundred thirty five (Pamphlet Laws 1283), entitled "An act~~
22 ~~to amend clauses (i) and (l) of section two, and section three~~
23 ~~of the act, approved the nineteenth day of February, one~~
24 ~~thousand nine hundred and twenty six (Pamphlet Laws, sixteen),~~
25 ~~entitled, and amended "An act regulating, under permit, through~~
26 ~~the Pennsylvania Liquor Control Board, the manufacture,~~
27 ~~production, distillation, development, use in manufacture,~~
28 ~~denaturization, redistillation, rectification, blending,~~
29 ~~recovery, reuse, holding in bond, holding in storage by bailees~~
30 ~~for hire, and transportation for hire, of any alcohol, alcoholic~~

1 ~~liquid or alcoholic beverage, by certain persons; requiring the~~
2 ~~registration of Federal permits; also providing for fees and the~~
3 ~~disposition thereof, and for appeals to the courts; also~~
4 ~~authorizing the inspection of the records of permittees and~~
5 ~~purchasers of said alcohol, alcoholic liquid, and alcoholic~~
6 ~~beverages; also declaring certain places nuisances and providing~~
7 ~~for their abatement; also providing penalties; and also~~
8 ~~repealing all acts or parts of acts inconsistent with this act,~~
9 ~~as amended; further defining distilleries and wineries; and~~
10 ~~providing for the licensure and rights of manufacturers of~~
11 ~~wine," absolutely.~~

12 ~~The act, approved the sixteenth day of June, one thousand~~
13 ~~nine hundred thirty seven (Pamphlet Laws 1762), entitled "An act~~
14 ~~to re-enact and further amend the title and the act, approved~~
15 ~~the twenty ninth day of November, one thousand nine hundred and~~
16 ~~thirty three (Pamphlet Laws, fifteen one thousand nine hundred~~
17 ~~thirty three thirty four), entitled, as amended "An act to~~
18 ~~regulate and restrain the sale, manufacture, possession,~~
19 ~~transportation, importation, traffic in, and use of alcohol, and~~
20 ~~alcoholic and malt or brewed beverages; conferring powers and~~
21 ~~imposing duties upon the Pennsylvania Liquor Control Board and~~
22 ~~its agents, the Department of Public Instruction, other officers~~
23 ~~of the State government, courts, and district attorneys;~~
24 ~~authorizing the establishment and operation of State stores for~~
25 ~~the sale of such beverages not for consumption on the premises,~~
26 ~~and the granting of licenses, subject to local option, to sell~~
27 ~~such beverages for consumption on and off the premises;~~
28 ~~forbidding importation or bringing of such beverages into the~~
29 ~~State except as herein provided; prohibiting certain sales or~~
30 ~~practices in, connection with, and transactions in such~~

1 ~~beverages by licensees and others; making disposition of the~~
2 ~~receipts from State stores and of fees; and imposing penalties,~~
3 ~~further regulating the manufacture, sale, importation, use, and~~
4 ~~traffic in liquors, alcohol, and malt and brewed beverages;~~
5 ~~conferring additional powers and imposing additional duties on~~
6 ~~the Pennsylvania Liquor Control Board; further regulating those~~
7 ~~licensed under this act; imposing additional filing fees; and~~
8 ~~increasing fees for certain permits; and providing for the~~
9 ~~disposition thereof; further regulating the establishment of~~
10 ~~State liquor stores, and the employment and use of personnel by~~
11 ~~the board; regulating and providing the procedure for the~~
12 ~~granting, transfer, revocation, and suspension of licenses, and~~
13 ~~for compromises in certain cases, and the disposition of moneys~~
14 ~~arising therefrom; providing for the forfeiture of certain~~
15 ~~property; regulating the jurisdiction of courts, and local~~
16 ~~option procedure; prohibiting certain interlocking business; and~~
17 ~~providing penalties," absolutely.~~

18 ~~The act, approved the sixteenth day of June, one thousand~~
19 ~~nine hundred thirty seven (Pamphlet Laws 1811), entitled "An act~~
20 ~~to re-enact and amend the act, approved the nineteenth day of~~
21 ~~February, one thousand nine hundred twenty six (Pamphlet Laws,~~
22 ~~sixteen), entitled, as amended "An act regulating, under permit,~~
23 ~~through the Pennsylvania Liquor Control Board, the manufacture,~~
24 ~~production, distillation, development, use in manufacture,~~
25 ~~denaturization, redistillation, rectification, blending,~~
26 ~~recovery, reuse, holding in bond, holding in storage by bailees~~
27 ~~for hire, and transportation for hire, of any alcohol, alcoholic~~
28 ~~liquid or alcoholic beverage, by certain persons; requiring the~~
29 ~~registration of Federal permits; also providing for fees and the~~
30 ~~disposition thereof, and for appeals to the courts; also~~

1 ~~authorizing the inspection of the records of permittees and~~
2 ~~purchasers of said alcohol, alcoholic liquid, and alcoholic~~
3 ~~beverages; also declaring certain places nuisances and providing~~
4 ~~for their abatement; also providing penalties; and also~~
5 ~~repealing all acts or parts of acts inconsistent with this act,~~
6 ~~further regulating the manufacture, sale, use, and traffic in~~
7 ~~alcohol and alcoholic liquids; conferring additional powers and~~
8 ~~imposing additional duties upon the Pennsylvania Liquor Control~~
9 ~~Board; further regulating those licensed under this act;~~
10 ~~imposing filing fees; changing the method of calculating certain~~
11 ~~license fees; providing for the use of the word "license"~~
12 ~~instead of "permit"; regulating and providing the procedure for~~
13 ~~the granting, suspension, and revocation of licenses, and for~~
14 ~~compromises in certain cases; providing for the disposition of~~
15 ~~fees, compromise penalties, and forfeitures; regulating the~~
16 ~~jurisdiction of courts; and providing penalties," absolutely.~~

17 ~~The act, approved the sixteenth day of June, one thousand~~
18 ~~nine hundred thirty seven (Pamphlet Laws 1827), entitled "An act~~
19 ~~to re-enact and further amend the title and the act, approved~~
20 ~~the third day of May, one thousand nine hundred and thirty three~~
21 ~~(Pamphlet Laws, two hundred fifty two), entitled, as amended "An~~
22 ~~act to regulate and restrain the traffic in malt and brewed~~
23 ~~beverages, as herein defined; providing for the licensing of the~~
24 ~~manufacture, transportation, sale and distribution of such~~
25 ~~beverages; imposing license and permit fees, and providing for~~
26 ~~collection and distribution thereof; restricting ownership and~~
27 ~~interest in licensed places; permitting municipalities and~~
28 ~~townships, by vote of the electors, to prevent the licensing~~
29 ~~therein of places where such beverages may be sold for~~
30 ~~consumption on the premises, and regulating elections for this~~

1 ~~purpose; imposing duties upon county treasurers, the~~
2 ~~Pennsylvania Liquor Control Board, quarter sessions courts,~~
3 ~~district attorneys, the Department of Justice, proper~~
4 ~~authorities of political subdivisions of the State, and election~~
5 ~~officers; providing penalties; and repealing existing acts, '~~
6 ~~defining and further defining and regulating licensees,~~
7 ~~application for licenses, and sales by licensees, and fixing~~
8 ~~fees for amusement permits; regulating the granting, suspension,~~
9 ~~revocation, and transfer of licenses, and the procedure~~
10 ~~therefor, and conferring jurisdiction on certain courts;~~
11 ~~providing for the granting of licenses by the Pennsylvania~~
12 ~~Liquor Control Board instead of the county treasurer, and~~
13 ~~prescribing the powers and duties of said board; providing for~~
14 ~~compromises where licenses are suspended, and for the~~
15 ~~disposition of application license permit fees, forfeitures, and~~
16 ~~penalties; and providing penalties," absolutely.~~

17 ~~The act, approved the twenty fifth day of June, one thousand~~
18 ~~nine hundred thirty seven (Pamphlet Laws 2073), entitled "An act~~
19 ~~to amend section five of the act, approved the twenty ninth day~~
20 ~~of November, one thousand nine hundred thirty three (One~~
21 ~~thousand nine hundred thirty three one thousand nine hundred~~
22 ~~thirty four Pamphlet Laws, thirteen), entitled 'An act creating~~
23 ~~an independent administrative board to be known as the~~
24 ~~Pennsylvania Liquor Control Board, ' by making further provision~~
25 ~~with respect to the fidelity bonds of the members, secretary,~~
26 ~~and employes of the board," absolutely.~~

27 ~~The act, approved the twenty sixth day of June, one thousand~~
28 ~~nine hundred thirty nine (Pamphlet Laws 764), entitled "An act~~
29 ~~to regulate and restrain the sale, purchase, exchange, pledge,~~
30 ~~and dealing in distillery bonded warehouse certificate for~~

1 ~~whiskey or any other potable distilled spirits, except ethyl~~
2 ~~alcohol; conferring powers and imposing duties upon the~~
3 ~~Pennsylvania Liquor Control Board; authorizing the granting of~~
4 ~~permits and registration of agents to deal in such certificates,~~
5 ~~and the suspension and revocation of such permits and~~
6 ~~registration of agents; providing for hearings and appeals to~~
7 ~~the court of common pleas; forbidding transaction in such~~
8 ~~certificates in this State except as herein provided;~~
9 ~~prescribing and imposing penalties; and providing for the~~
10 ~~disposition of filing, registration and permit fees,"~~
11 ~~absolutely.~~

12 ~~The act, approved the twenty fourth day of June, one thousand~~
13 ~~nine hundred thirty nine (Pamphlet Laws 802), entitled "An act~~
14 ~~to further amend clause (a) of section four hundred and seven of~~
15 ~~the act, approved the twenty ninth day of November, one thousand~~
16 ~~nine hundred and thirty three (Pamphlet Laws, fifteen, 1933-34),~~
17 ~~entitled, as amended "An act to regulate and restrain the sale,~~
18 ~~manufacture, possession, transportation, importation, traffic~~
19 ~~in, and use of alcohol, and alcoholic and malt or brewed~~
20 ~~beverages; conferring powers and imposing duties upon the~~
21 ~~Pennsylvania Liquor Control Board and its agents, the Department~~
22 ~~of Public Instruction, other officers of the State government,~~
23 ~~courts, and district attorneys; authorizing the establishment~~
24 ~~and operation of State stores for the sale of such beverages not~~
25 ~~for consumption on the premises, and the granting of licenses,~~
26 ~~subject to local option, to sell such beverages for consumption~~
27 ~~on and off the premises; forbidding importation or bringing of~~
28 ~~such beverages into the State except as herein provided;~~
29 ~~prohibiting certain sales or practices in, connection with, and~~
30 ~~transactions in such beverages by licensees and others;~~

1 ~~providing for the forfeiture of certain property; making~~
2 ~~disposition of the receipts from State stores and of fees; and~~
3 ~~imposing penalties, ' changing the fees for hotel and restaurant~~
4 ~~liquor licenses in certain cases, " absolutely.~~

5 ~~The act, approved the twenty fourth day of June, one thousand~~
6 ~~nine hundred thirty nine (Pamphlet Laws 804), entitled "An act~~
7 ~~to amend clause (c) of section six hundred and nine of the act,~~
8 ~~approved the twenty ninth day of November, one thousand nine~~
9 ~~hundred and thirty three (Pamphlet Laws, fifteen, 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, ' as reenacted and amended permitting hotel,~~
27 ~~restaurant and club licensees to own land but not the buildings~~
28 ~~thereon where such land is leased and the buildings owned by a~~
29 ~~holder of a retail dispenser's license under the beverage~~
30 ~~license law, " absolutely.~~

1 ~~The act, approved the twenty fourth day of June, one thousand~~
2 ~~nine hundred thirty nine (Pamphlet Laws 806), entitled "An act~~
3 ~~limiting the number of licenses for the retail sale of liquor,~~
4 ~~malt or brewed beverages, or malt and brewed beverages, to be~~
5 ~~issued by the Pennsylvania Liquor Control Board; defining~~
6 ~~hotels, and prescribing the accommodations required of hotels in~~
7 ~~certain municipalities," except insofar as the provisions of~~
8 ~~section one, as amended, shall apply to hotel licenses granted~~
9 ~~prior to the first day of September, one thousand nine hundred~~
10 ~~forty nine, or granted on any application made and pending prior~~
11 ~~to said date, or to any renewal or transfer of such licenses, or~~
12 ~~to hotels under construction or for which a bona fide contract~~
13 ~~had been entered into for construction prior to said date.~~

14 ~~The act, approved the eighteenth day of July, one thousand~~
15 ~~nine hundred forty one (Pamphlet Laws 408), entitled "An act~~
16 ~~relative to the employment of females in hotels, taverns,~~
17 ~~saloons and eating houses for the mixing or sale of alcoholic~~
18 ~~drinks, and the penalty for violation thereof," absolutely.~~

19 ~~The act, approved the twenty fourth day of July, one thousand~~
20 ~~nine hundred forty one (Pamphlet Laws 480), entitled "An act to~~
21 ~~further amend section two of the act, approved the third day of~~
22 ~~May, one thousand nine hundred thirty three (Pamphlet Laws, two~~
23 ~~hundred fifty two), entitled, as amended, "An act to regulate~~
24 ~~and restrain the traffic in malt and brewed beverages, as herein~~
25 ~~defined; providing for the licensing of the manufacture,~~
26 ~~transportation, sale and distribution of such beverages;~~
27 ~~imposing license and permit fees, and providing for collection~~
28 ~~and distribution thereof; restricting ownership and interest in~~
29 ~~licensed places; permitting municipalities and townships, by~~
30 ~~vote of the electors, to prevent the licensing therein of places~~

1 ~~where such beverages may be sold for consumption on the~~
2 ~~premises, and regulating elections for this purpose; imposing~~
3 ~~duties upon the Pennsylvania Liquor Control Board, quarter~~
4 ~~sessions courts, district attorneys, the Department of Justice,~~
5 ~~proper authorities of political subdivisions of the State, and~~
6 ~~election officers; providing penalties; and repealing existing~~
7 ~~acts, ' by permitting clubs to waive or reduce or pay dues~~
8 ~~payable by members in military service, " absolutely.~~

9 ~~The act, approved the twenty fourth day of July, one thousand~~
10 ~~nine hundred forty one (Pamphlet Laws 483), entitled "An act to~~
11 ~~further amend section two of the act, approved the twenty ninth~~
12 ~~day of November, one thousand nine hundred thirty three~~
13 ~~(Pamphlet Laws, fifteen, 1933-34), entitled 'An act to regulate~~
14 ~~and restrain the sale, manufacture, possession, transportation,~~
15 ~~importation, traffic in, and use of alcohol, and alcoholic and~~
16 ~~malt or brewed beverages; conferring powers and imposing duties~~
17 ~~upon the Pennsylvania Liquor Control Board and its agents, the~~
18 ~~Department of Public Instruction, other officers of the State~~
19 ~~government, courts, and district attorneys; authorizing the~~
20 ~~establishment and operation of State stores for the sale of such~~
21 ~~beverages not for consumption on the premises, and the granting~~
22 ~~of licenses, subject to local option, to sell such beverages for~~
23 ~~consumption on and off the premises; forbidding importation or~~
24 ~~bringing of such beverages into the State except as herein~~
25 ~~provided; prohibiting certain sales or practices in, connection~~
26 ~~with, and transactions in such beverages by licensees and~~
27 ~~others; providing for the forfeiture of certain property; making~~
28 ~~disposition of the receipts from State stores and of fees; and~~
29 ~~imposing penalties, ' by permitting clubs to waive or reduce or~~
30 ~~pay dues payable by members in military service, " absolutely.~~

1 ~~The act, approved the sixteenth day of April, one thousand~~
2 ~~nine hundred forty three (Pamphlet Laws 60), entitled "An act to~~
3 ~~further amend section four hundred ten of the act, approved the~~
4 ~~twenty ninth day of November, one thousand nine hundred and~~
5 ~~thirty three (Pamphlet Laws, fifteen, one thousand nine hundred~~
6 ~~thirty three and thirty four), entitled, as amended "An act to~~
7 ~~regulate and restrain the sale, manufacture, possession,~~
8 ~~transportation, importation, traffic in, and use of alcohol, and~~
9 ~~alcoholic and malt or brewed beverages; conferring powers and~~
10 ~~imposing duties upon the Pennsylvania Liquor Control Board and~~
11 ~~its agents, the Department of Public Instruction, other officers~~
12 ~~of the State government, courts, and district attorneys;~~
13 ~~authorizing the establishment and operation of State stores for~~
14 ~~the sale of such beverages not for consumption on the premises,~~
15 ~~and the granting of licenses, subject to local option, to sell~~
16 ~~such beverages for consumption on and off the premises;~~
17 ~~forbidding importation or bringing of such beverages into the~~
18 ~~State except as herein provided; prohibiting certain sales or~~
19 ~~practices in, connection with, and transactions in such~~
20 ~~beverages by licensees and others; providing for the forfeiture~~
21 ~~of certain property; making disposition of the receipts from~~
22 ~~State stores and of fees; and imposing penalties, by postponing~~
23 ~~the time for the taking effect of orders of the Pennsylvania~~
24 ~~Liquor Control Board, suspending or revoking licenses for a~~
25 ~~period of twenty days, during which time the licensee may take~~
26 ~~an appeal," absolutely.~~

27 ~~The act, approved the twenty first day of May, one thousand~~
28 ~~nine hundred forty three (Pamphlet Laws 332), entitled "An act~~
29 ~~to further amend subsection fourteen of section six hundred two~~
30 ~~of the act, approved the twenty ninth day of November, one~~

1 ~~thousand nine hundred and thirty three (Pamphlet Laws, fifteen—~~
2 ~~1933-34) entitled, as amended 'An act to regulate and restrain~~
3 ~~the sale, manufacture, possession, transportation, importation,~~
4 ~~traffic in, and use of alcohol, and alcoholic and malt or brewed~~
5 ~~beverages; conferring powers and imposing duties upon the~~
6 ~~Pennsylvania Liquor Control Board and its agents, the Department~~
7 ~~of Public Instruction, other officers of the State government,~~
8 ~~courts, and district attorneys; authorizing the establishment~~
9 ~~and operation of State stores for the sale of such beverages not~~
10 ~~for consumption on the premises, and the granting of licenses,~~
11 ~~subject to local option, to sell such beverages for consumption~~
12 ~~on and off the premises; forbidding importation or bringing of~~
13 ~~such beverages into the State except as herein provided;~~
14 ~~prohibiting certain sales of practices in, connection with, and~~
15 ~~transactions in such beverages by licensees and others;~~
16 ~~providing for the forfeiture of certain property; making~~
17 ~~disposition of the receipts from State stores and of fees; and~~
18 ~~imposing penalties'; exempting certain coin-operated motion~~
19 ~~picture machines from provisions of the act requiring special~~
20 ~~permits," absolutely.~~

21 ~~The act, approved the twenty first day of May, one thousand~~
22 ~~nine hundred forty three (Pamphlet Laws 374), entitled "An act~~
23 ~~to further amend section sixteen of the act, approved the third~~
24 ~~day of May, one thousand nine hundred thirty three (Pamphlet~~
25 ~~Laws, two hundred fifty two), entitled, as amended 'An act to~~
26 ~~regulate and restrain the traffic in malt and brewed beverages,~~
27 ~~as herein defined; providing for the licensing of the~~
28 ~~manufacture, transportation, sale and distribution of such~~
29 ~~beverages; imposing license and permit fees, and providing for~~
30 ~~collection and distribution thereof; restricting ownership and~~

1 ~~interest in licensed places; permitting municipalities and~~
2 ~~townships, by vote of the electors, to prevent the licensing~~
3 ~~therein of places where such beverages may be sold for~~
4 ~~consumption on the premises, and regulating elections for this~~
5 ~~purpose; imposing duties upon the Pennsylvania Liquor Control~~
6 ~~Board, quarter sessions courts, district attorneys, the~~
7 ~~Department of Justice, proper authorities of political~~
8 ~~subdivisions of the State, and election officers; providing~~
9 ~~penalties; and repealing existing acts,' by providing for the~~
10 ~~surrendering by persons in military service of licenses granted~~
11 ~~to them, the renewal thereof by the board during the licensee's~~
12 ~~continuance in such service, and the renewal thereof~~
13 ~~hereafter," absolutely.~~

14 ~~The act, approved the twenty first day of May, one thousand~~
15 ~~nine hundred forty three (Pamphlet Laws 401), entitled "An act~~
16 ~~to amend section four hundred nine of the act, approved the~~
17 ~~twenty ninth day of November, one thousand nine hundred thirty-~~
18 ~~three (Pamphlet Laws, fifteen, 1933-34), entitled, as amended~~
19 ~~'An act to regulate and restrain the sale, manufacture,~~
20 ~~possession, transportation, importation, traffic in, and use of~~
21 ~~alcohol, and alcoholic and malt or brewed beverages; conferring~~
22 ~~powers and imposing duties upon the Pennsylvania Liquor Control~~
23 ~~Board and its agents, the Department of Public Instruction,~~
24 ~~other officers of the State government, courts, and district~~
25 ~~attorneys; authorizing the establishment and operation of State~~
26 ~~stores for the sale of such beverages not for consumption on the~~
27 ~~premises, and the granting of licenses, subject to local option,~~
28 ~~to sell such beverages for consumption on and off the premises;~~
29 ~~forbidding importation or bringing of such beverages into the~~
30 ~~State except as herein provided; prohibiting certain sales or~~

1 ~~practices in, connection with, and transactions in such~~
2 ~~beverages by licensees and others; providing for the forfeiture~~
3 ~~of certain property; making disposition of the receipts from~~
4 ~~State stores and of fees; and imposing penalties,' by providing~~
5 ~~for the surrendering by persons in military service of licenses~~
6 ~~granted to them, the renewal thereof by the board during~~
7 ~~licensee's continuance in such service, and the renewal thereof~~
8 ~~thereafter," absolutely.~~

9 ~~The act, approved the twenty first day of May, one thousand~~
10 ~~nine hundred forty three (Pamphlet Laws 403), entitled "An act~~
11 ~~to further amend sections two, three hundred five, section six~~
12 ~~hundred two and section six hundred three of the act, approved~~
13 ~~the twenty ninth day of November, one thousand nine hundred~~
14 ~~thirty three (Pamphlet Laws, fifteen 1933-34), entitled, as~~
15 ~~amended 'An act to regulate and restrain the sale, manufacture,~~
16 ~~possession, transportation, importation, traffic in, and use of~~
17 ~~alcohol, and alcoholic and malt or brewed beverages; conferring~~
18 ~~powers and imposing duties upon the Pennsylvania Liquor Control~~
19 ~~Board and its agents, the Department of Public Instruction,~~
20 ~~other officers of the State government, courts, and district~~
21 ~~attorneys; authorizing the establishment and operation of State~~
22 ~~stores for the sale of such beverages not for consumption on the~~
23 ~~premises, and the granting of licenses, subject to local option,~~
24 ~~to sell such beverages for consumption on and off the premises;~~
25 ~~forbidding importation or bringing of such beverages into the~~
26 ~~State except as herein provided; prohibiting certain sales or~~
27 ~~practices in, connection with, and transactions in such~~
28 ~~beverages by licensees and others; providing for the forfeiture~~
29 ~~of certain property; making disposition of the receipts from~~
30 ~~State stores and of fees; and imposing penalties,' by defining~~

1 ~~"Official Seal"; authorizing the designation of wholesale or~~
2 ~~retail stores; authorizing the Pennsylvania Liquor Control Board~~
3 ~~to adopt and enforce rules and regulations, to insure the~~
4 ~~equitable wholesale and retail sale and distribution of liquor~~
5 ~~and alcohol through the Pennsylvania liquor stores during times~~
6 ~~of shortage, and making it unlawful to violate any such rules~~
7 ~~and regulations," absolutely.~~

8 ~~The act, approved the twenty seventh day of May, one thousand~~
9 ~~nine hundred forty three (Pamphlet Laws 688), entitled "An act~~
10 ~~to further amend sections four hundred four and four hundred ten~~
11 ~~of the act, approved the twenty ninth day of November, one~~
12 ~~thousand nine hundred thirty three (Pamphlet Laws fifteen—~~
13 ~~1933-34), entitled, as amended 'An act to regulate and restrain~~
14 ~~the sale, manufacture, possession, transportation, importation,~~
15 ~~traffic in, and use of alcohol, and alcoholic and malt or brewed~~
16 ~~beverages; conferring powers and imposing duties upon the~~
17 ~~Pennsylvania Liquor Control Board and its agents, the Department~~
18 ~~of Public Instruction, other officers of the State government,~~
19 ~~courts, and district attorneys; authorizing the establishment~~
20 ~~and operation of State stores for the sale of such beverages not~~
21 ~~for consumption on the premises, and the granting of licenses,~~
22 ~~subject to local option, to sell such beverages for consumption~~
23 ~~on and off the premises; forbidding importation or bringing of~~
24 ~~such beverages into the State except as herein provided;~~
25 ~~prohibiting certain sales or practices in, connection with, and~~
26 ~~transactions in such beverages by licensees and others;~~
27 ~~providing for the forfeiture of certain property; making~~
28 ~~disposition of the receipts from State stores and of fees; and~~
29 ~~imposing penalties, ' conferring jurisdiction on the county court~~
30 ~~of Allegheny County, in cases of appeals from the Pennsylvania~~

1 ~~Liquor Control Board," absolutely.~~

2 ~~The act, approved the twenty seventh day of May, one thousand~~
3 ~~nine hundred forty three (Pamphlet Laws 694), entitled "An act~~
4 ~~to further amend sections seven and thirteen of the act,~~
5 ~~approved the third day of May, one thousand nine hundred thirty~~
6 ~~three (Pamphlet Laws, two hundred fifty two), entitled, as~~
7 ~~amended "An act to regulate and restrain the traffic in malt and~~
8 ~~brewed beverages, as herein defined; providing for the licensing~~
9 ~~of the manufacture, transportation, sale and distribution of~~
10 ~~such beverages; imposing license and permit fees, and providing~~
11 ~~for collection and distribution thereof; restricting ownership~~
12 ~~and interest in licensed places; permitting municipalities and~~
13 ~~townships, by vote of the electors, to prevent the licensing~~
14 ~~therein of places where such beverages may be sold for~~
15 ~~consumption on the premises, and regulating elections for this~~
16 ~~purpose; imposing duties upon the Pennsylvania Liquor Control~~
17 ~~Board, quarter sessions courts, district attorneys, the~~
18 ~~Department of Justice, proper authorities of political~~
19 ~~subdivisions of the State, and election officers; providing~~
20 ~~penalties; and repealing existing acts," conferring jurisdiction~~
21 ~~on the county court of Allegheny County in cases of appeals from~~
22 ~~the Pennsylvania Liquor Control Board," absolutely.~~

23 ~~The act, approved the twenty third day of May, one thousand~~
24 ~~nine hundred forty seven (Pamphlet Laws 287), entitled "An act~~
25 ~~providing that the statement of registration issued to electors~~
26 ~~and his signed declaration of age shall be sufficient proof of~~
27 ~~age for the purchase of alcoholic beverages; prohibiting~~
28 ~~transfers thereof and false statements; imposing penalties, and~~
29 ~~saving from prosecution licensees serving holders of such~~
30 ~~statements making such declarations," absolutely.~~

1 ~~The act, approved the fourteenth day of April, one thousand~~
2 ~~nine hundred forty nine (Pamphlet Laws 481), entitled "An act to~~
3 ~~further amend section five of the act, approved the nineteenth~~
4 ~~day of February, one thousand nine hundred twenty six (Pamphlet~~
5 ~~Laws 16), entitled, as amended "An act regulating, under permit,~~
6 ~~through the Pennsylvania Liquor Control Board, the manufacture,~~
7 ~~production, distillation, development, use in manufacture,~~
8 ~~denaturization, redistillation, rectification, blending,~~
9 ~~recovery, reuse, holding in bond, holding in storage by bailees~~
10 ~~for hire, and transportation for hire, of any alcohol, alcoholic~~
11 ~~liquid or alcoholic beverage, by certain persons; requiring the~~
12 ~~registration of Federal permits; also providing for fees and the~~
13 ~~disposition thereof, and for appeals to the courts; also~~
14 ~~authorizing the inspection of the records of permittees and~~
15 ~~purchasers of said alcohol, alcoholic liquid, and alcoholic~~
16 ~~beverages; also declaring certain places nuisances and providing~~
17 ~~for their abatement; also providing penalties; and also~~
18 ~~repealing all acts or parts of acts inconsistent with this act,~~
19 ~~by exempting scheduled common carriers by air of mail and~~
20 ~~passengers from license requirement," absolutely.~~

21 ~~The act, approved the twenty eighth day of April, one~~
22 ~~thousand nine hundred forty nine (Pamphlet Laws 764), entitled~~
23 ~~"An act to further amend section four hundred twelve and~~
24 ~~subsections (9) and (10) of section six hundred two of the act,~~
25 ~~approved the twenty ninth day of November, on thousand nine~~
26 ~~hundred thirty three (Pamphlet Laws 15, 1933 34), entitled, as~~
27 ~~amended "An act to regulate and restrain the sale, manufacture,~~
28 ~~possession, transportation, importation, traffic in, and use of~~
29 ~~alcohol, and alcoholic and malt or brewed beverages; conferring~~
30 ~~powers and imposing duties upon the Pennsylvania Liquor Control~~

1 ~~Board and its agents, the Department of Public Instruction,~~
2 ~~other officers of the State government, courts, and district~~
3 ~~attorneys; authorizing the establishment and operation of State~~
4 ~~stores for the sale of such beverages not for consumption on the~~
5 ~~premises, and the granting of licenses, subject to local option,~~
6 ~~to sell such beverages for consumption on and off the premises;~~
7 ~~forbidding importation or bringing of such beverages into the~~
8 ~~State except as herein provided; prohibiting certain sales or~~
9 ~~practices in, connection with, and transactions in such~~
10 ~~beverages by licensees and others; providing for the forfeiture~~
11 ~~of certain property; making disposition of the receipts from~~
12 ~~State stores and of fees; and imposing penalties, ' by further~~
13 ~~regulating advertisements allowed on and about licensed premises~~
14 ~~and increasing the quantity of malt or brewed beverages which~~
15 ~~may be sold in a single sale by certain licensees for~~
16 ~~consumption off premises," absolutely.~~

17 ~~The act, approved the twenty eighth day of April, one~~
18 ~~thousand nine hundred forty nine (Pamphlet Laws 769), entitled~~
19 ~~"An act to further amend the act, approved the third day of May,~~
20 ~~one thousand nine hundred thirty three (Pamphlet Laws 252),~~
21 ~~entitled, as amended, 'An act to regulate and restrain the~~
22 ~~traffic in malt and brewed beverages, as herein defined;~~
23 ~~providing for the licensing of the manufacture, transportation,~~
24 ~~sale and distribution of such beverages; imposing license and~~
25 ~~permit fees, and providing for collection and distribution~~
26 ~~thereof; restricting ownership and interest in licensed places;~~
27 ~~permitting municipalities and townships, by vote of the~~
28 ~~electors, to prevent the licensing therein of places where such~~
29 ~~beverages may be sold for consumption on the premises, and~~
30 ~~regulating elections for this purpose; imposing duties upon the~~

1 ~~Pennsylvania Liquor Control Board, quarter sessions courts,~~
2 ~~district attorneys, the Department of Justice, proper~~
3 ~~authorities of political subdivisions of the State, and election~~
4 ~~officers; providing penalties; and repealing existing acts,' by~~
5 ~~providing the quantity of malt or brewed beverages to be sold by~~
6 ~~any manufacturer, distributor, importing distributor, or retail~~
7 ~~dispenser; further regulating advertisements allowed on and~~
8 ~~about licensed premises," absolutely.~~

9 ~~The act, approved the second day of May, one thousand nine~~
10 ~~hundred forty nine (Pamphlet Laws 896), entitled "An act to~~
11 ~~further amend subsection fourteen of section six hundred two of~~
12 ~~the act, approved the twenty ninth day of November, one thousand~~
13 ~~nine hundred and thirty three (Pamphlet Laws 15, 1933-34),~~
14 ~~entitled, as amended 'An act to regulate and restrain the sale,~~
15 ~~manufacture, possession, transportation, importation, traffic~~
16 ~~in, and use of alcohol, and alcoholic and malt or brewed~~
17 ~~beverages; conferring powers and imposing duties upon the~~
18 ~~Pennsylvania Liquor Control Board and its agents, the Department~~
19 ~~of Public Instruction, other officers of the State Government,~~
20 ~~courts, and district attorneys; authorizing the establishment~~
21 ~~and operation of State stores for the sale of such beverages not~~
22 ~~for consumption on the premises, and the granting of licenses,~~
23 ~~subject to local option, to sell such beverages for consumption~~
24 ~~on and off the premises; forbidding importation or bringing of~~
25 ~~such beverages into the State except as herein provided;~~
26 ~~prohibiting certain sales or practices in, connection with, and~~
27 ~~transactions in such beverages by licensees and others;~~
28 ~~providing for the forfeiture of certain property; making~~
29 ~~disposition of the receipts from State stores and of fees; and~~
30 ~~imposing penalties,' by exempting television exhibitions from~~

1 ~~provisions of the act requiring special permits," absolutely.~~

2 ~~The act, approved the ninth day of May, one thousand nine~~
3 ~~hundred forty nine (Pamphlet Laws 964), entitled "An act to~~
4 ~~amend section one of the act, approved the twenty fourth day of~~
5 ~~June, one thousand nine hundred thirty nine (Pamphlet Laws 806),~~
6 ~~entitled 'An act limiting the number of licenses for the retail~~
7 ~~sale of liquor, malt or brewed beverages, or malt and brewed~~
8 ~~beverages, to be issued by the Pennsylvania Liquor Control~~
9 ~~Board; defining hotels, and prescribing the accommodations~~
10 ~~required of hotels in certain municipalities, 'changing the~~
11 ~~requirements necessary for a hotel to qualify under said act,"~~
12 ~~except in so far as it shall apply to hotel licenses granted~~
13 ~~prior to September first, one thousand nine hundred forty nine,~~
14 ~~or granted on any application made and pending prior to said~~
15 ~~date, or to any renewal or transfer of such licenses, or to~~
16 ~~hotels under construction or for which a bona fide contract had~~
17 ~~been entered into for construction prior to said date.~~

18 ~~The act, approved the twentieth day of May, one thousand nine~~
19 ~~hundred forty nine (Pamphlet Laws 1482), entitled "An act to~~
20 ~~further amend section four hundred fifteen of the act, approved~~
21 ~~the twenty ninth day of November, one thousand nine hundred and~~
22 ~~thirty three (Pamphlet Laws, fifteen one thousand nine hundred~~
23 ~~thirty three and thirty four), entitled, as amended 'An act to~~
24 ~~regulate and restrain the sale, manufacture, possession,~~
25 ~~transportation, importation, traffic in, and use of alcohol, and~~
26 ~~alcoholic and malt or brewed beverages; conferring powers and~~
27 ~~imposing duties upon the Pennsylvania Liquor Control Board and~~
28 ~~its agents, the Department of Public Instruction, other officers~~
29 ~~of the State government, courts, and district attorneys;~~
30 ~~authorizing the establishment and operation of State stores for~~

~~1 the sale of such beverages not for consumption on the premises,
2 and the granting of licenses, subject to local option, to sell
3 such beverages for consumption on and off the premises;
4 forbidding importation or bringing of such beverages into the
5 State except as herein provided; prohibiting certain sales or
6 practices in, connection with, and transactions in such
7 beverages by licensees and others; providing for the forfeiture
8 of certain property; making disposition of the receipts from
9 State stores and of fees; and imposing penalties, ' by permitting
10 holders of importers' licenses to sell liquor when in original
11 containers of ten gallons or greater capacity to licensed
12 manufacturers within this Commonwealth," absolutely.~~

~~13 The act, approved the twentieth day of May, one thousand nine
14 hundred forty nine (Pamphlet Laws 1546), entitled "An act to
15 amend the act, approved the third day of May, one thousand nine
16 hundred thirty three (Pamphlet Laws 252), entitled, as amended
17 'An act to regulate and restrain the traffic in malt and brewed
18 beverages, as herein defined; providing for the licensing of the
19 manufacture, transportation, sale and distribution of such
20 beverages; imposing license and permit fees, and providing for
21 collection and distribution thereof; restricting ownership and
22 interest in licensed places; permitting municipalities and
23 townships, by vote of the electors, to prevent the licensing
24 therein of places where such beverages may be sold for
25 consumption on the premises, and regulating elections for this
26 purpose; imposing duties upon the Pennsylvania Liquor Control
27 Board, quarter sessions courts, district attorneys, the
28 Department of Justice, proper authorities of political
29 subdivisions of the State, and election officers; providing
30 penalties; and repealing existing acts,' by further defining the~~

1 ~~parties who may appeal and the powers of courts in certain~~
2 ~~appeals from the board and providing for certain appeals to the~~
3 ~~Superior Court," absolutely.~~

4 ~~The act, approved the twentieth day of May, one thousand nine~~
5 ~~hundred forty nine (Pamphlet Laws 1551), entitled "An act to~~
6 ~~amend the act, approved the twenty ninth day of November, one~~
7 ~~thousand nine hundred thirty three (Pamphlet Laws 15, 1933-34),~~
8 ~~entitled, as amended 'An act to regulate and restrain the sale,~~
9 ~~manufacture, possession, transportation, importation, traffic~~
10 ~~in, and use of alcohol, and alcoholic and malt or brewed~~
11 ~~beverages; conferring powers and imposing duties upon the~~
12 ~~Pennsylvania Liquor Control Board and its agents, the Department~~
13 ~~of Public Instruction, other officers of the State government,~~
14 ~~courts, and district attorneys; authorizing the establishment~~
15 ~~and operation of State stores for the sale of such beverages not~~
16 ~~for consumption on the premises, and the granting of licenses,~~
17 ~~subject to local option, to sell such beverages for consumption~~
18 ~~on and off the premises; forbidding importation or bringing of~~
19 ~~such beverages into the State except as herein provided;~~
20 ~~prohibiting certain sales or practices in, connection with, and~~
21 ~~transactions in such beverages by licensees and others;~~
22 ~~providing for the forfeiture of certain property; making~~
23 ~~disposition of the receipts from State stores and of fees; and~~
24 ~~imposing penalties, ' by further defining the parties who may~~
25 ~~appeal and the powers of courts in certain appeals from the~~
26 ~~board and providing for certain appeals to the Superior Court,"~~
27 ~~absolutely.~~

28 ~~Section 142. Section 902 of the act is reenacted to read:~~

29 ~~Section 902. General Repeal Clause. All acts and parts of~~
30 ~~acts inconsistent with the provisions of this act are hereby~~

1 ~~repealed.~~

2 SECTION 140. ARTICLE IX OF THE ACT IS REPEALED. <—

3 Section ~~143~~ 141. (a) All personnel, allocations, <—

4 appropriations, equipment, files, records, contracts,

5 agreements, obligations and other materials which are used,

6 employed or expended in connection with the powers, duties or

7 functions transferred by this act to the Office of

8 Administrative Law Judge are hereby transferred to the Office of

9 Administrative Law Judge with the same force and effect as if

10 the allocations and appropriations had been made to and said

11 items had been the personnel and property of the office in the

12 first instance and if the contracts, agreements and obligations

13 had been incurred or entered into by the office.

14 (b) All personnel, allocations, appropriations, equipment,

15 files, records, contracts, agreements, obligations and other

16 materials which are used, employed or expended in connection

17 with the powers, duties or functions transferred by this act to

18 the Bureau of Liquor Control Enforcement of the Pennsylvania

19 State Police are hereby transferred to the Pennsylvania State

20 Police with the same force and effect as if the allocations and

21 appropriations had been made to and said items had been the

22 personnel and property of the bureau in the first instance and

23 if the contracts, agreements and obligations had been incurred

24 or entered into by the Pennsylvania State Police.

25 (c) All present employees of the Pennsylvania Liquor Control

26 Board whose powers, duties or functions are transferred under

27 subsections (a) and (b) shall be transferred to the Office of

28 Administrative Law Judge or the bureau as appropriate. All

29 employees are to continue in their employment with either the

30 commission, the Office of Administrative Law Judge or the bureau

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

5 (d) Notwithstanding any provisions of this section,
6 enforcement officers of the Pennsylvania Liquor Control Board
7 shall, in order of seniority, be given the choice of
8 transferring to the Bureau of Liquor Code Enforcement of the
9 Pennsylvania State Police or remaining within the Alcoholic
10 Beverages Commission.

11 (E) NOTWITHSTANDING ANY PROVISIONS OF THIS SECTION, ←
12 ATTORNEYS RESPONSIBLE FOR REPRESENTATION OF THE PENNSYLVANIA
13 LIQUOR CONTROL BOARD IN ENFORCEMENT PROCEEDINGS, SHALL, IN ORDER
14 OF SENIORITY, BE GIVEN THE CHOICE OF TRANSFERRING TO THE OFFICE
15 OF CHIEF COUNSEL OF THE PENNSYLVANIA STATE POLICE OR REMAINING
16 WITHIN THE LIQUOR CONTROL BOARD.

17 Section ~~144~~ 142. The chief administrative law judge and the ←
18 Commissioner of the Pennsylvania State Police shall separately
19 by regulation provide for appropriate training of personnel to
20 carry out the responsibilities imposed by this act upon
21 employees of their respective agencies.

22 Section ~~145~~ 143. ~~The agency known as the Alcoholic Beverages~~ ←
23 ~~Commission~~ THIS ACT REESTABLISHES THE PENNSYLVANIA LIQUOR ←
24 CONTROL BOARD. THE BOARD shall be subject to evaluation and
25 review and shall terminate on June 30, 1992, in the manner
26 provided for by the act of December 22, 1981 (P.L.508, No.142),
27 known as the Sunset Act.

28 Section ~~146~~ 144. The presently confirmed members of the ←
29 Pennsylvania Liquor Control Board as of December 31, 1986, shall
30 continue to serve as members of the ~~Alcoholic Beverages~~ ←

1 ~~Commission~~ BOARD for a term of ~~120~~ 180 days beyond the effective <—
2 date of this act or until the members first appointed after the
3 effective date of this act are appointed and qualified,
4 whichever occurs sooner. THE GOVERNOR SHALL SUBMIT TO THE SENATE <—
5 THE NAMES OF THE NOMINEES TO THE BOARD WITHIN 60 DAYS OF THE
6 EFFECTIVE DATE OF THIS ACT.

7 Section ~~147~~ 145. Each rule, regulation, contract or lease of <—
8 the Pennsylvania Liquor Control Board in effect on December 31,
9 1986, shall remain in effect after such date until repealed or
10 amended by the ~~Alcoholic Beverages Commission~~ BOARD or until it <—
11 terminates in accordance with its own terms.

12 Section ~~148~~ 146. Only those members appointed to the <—
13 ~~Alcoholic Beverages Commission~~ PENNSYLVANIA LIQUOR CONTROL BOARD <—
14 after the effective date of this act shall be eligible for the
15 increased salary authorized for commission members pursuant to
16 this act.

17 Section ~~149.~~ Only those ~~Alcoholic Beverages Commission~~ <—
18 ~~members appointed after the effective date of this act shall be~~
19 ~~required to restrict outside employment and income pursuant to~~
20 ~~this act.~~

21 Section ~~150.~~ ~~By September 30~~ 147. BY OCTOBER 31, 1987, the <—
22 ~~Alcoholic Beverages Commission~~ PENNSYLVANIA LIQUOR CONTROL BOARD <—
23 shall recommend to the General Assembly such fee increases as
24 the ~~commission~~ BOARD determines are necessary so that revenues <—
25 are sufficient to cover the costs of licensing and enforcement
26 activities.

27 Section ~~151.~~ The amendment to section ~~491(6)~~ relating to <—
28 ~~catering by restaurant liquor licensee shall apply to cases of~~
29 ~~charged violations which have not been adjudicated by the~~
30 ~~Pennsylvania Liquor Control Board on the effective date of this~~

1 ~~act.~~

2 ~~Section 152. (a) Section 207.1(c)(2) of the act of April 9,~~
3 ~~1929 (P.L.177, No.175), known as The Administrative Code of~~
4 ~~1929, is repealed to the extent that it requires a vote of two-~~
5 ~~thirds of the members elected to the Senate to confirm~~
6 ~~appointments to the Pennsylvania Liquor Control Board.~~

7 ~~(b) All other acts or parts of acts are repealed insofar as~~
8 ~~they are inconsistent with this act.~~

9 SECTION 148. (A) THERE IS HEREBY ESTABLISHED THE ←
10 PENNSYLVANIA CODE TITLE 40 REVIEW COMMITTEE TO UNDERTAKE THE
11 REVIEW OF ALL REGULATIONS PERTAINING TO THE LIQUOR, WINE AND
12 MALT AND BREWED BEVERAGE INDUSTRY. THE COMMITTEE SHALL BE
13 COMPOSED OF THE CHAIRMAN OF THE SENATE LAW AND JUSTICE
14 COMMITTEE, THE CHAIRMAN OF THE LIQUOR CONTROL COMMITTEE OF THE
15 HOUSE OF REPRESENTATIVES, AND EIGHT MEMBERS FROM THROUGHOUT THE
16 LIQUOR, WINE AND MALT AND BREWED BEVERAGE INDUSTRY AND ONE
17 MEMBER OF THE GENERAL PUBLIC TO BE APPOINTED BY THE BOARD.

18 (B) THE COMMITTEE SHALL HAVE THE POWER TO:

19 (1) STUDY ALL TITLE 40 REGULATIONS; AND

20 (2) PREPARE A REPORT OF THE STUDY TO BE PRESENTED TO THE
21 BOARD AND BOTH HOUSES OF THE GENERAL ASSEMBLY WITHIN ONE YEAR
22 OF THE EFFECTIVE DATE OF THIS AMENDATORY ACT. THIS STUDY
23 SHALL INCLUDE, BUT NOT BE LIMITED TO, PACKAGING REGULATIONS,
24 SATELLITE WAREHOUSES FOR DISTRIBUTORS AND LANGUAGE GOVERNING
25 LICENSEE'S FEES.

26 (C) THIS COMMITTEE SHALL TERMINATE AFTER THIS REPORT HAS
27 BEEN PRESENTED.

28 SECTION 149. ALL OTHER ACTS OR PARTS OF ACTS ARE REPEALED
29 INSOFAR AS THEY ARE INCONSISTENT WITH THIS ACT.

30 SECTION 150. THE SUM OF \$17,700,000, OR AS MUCH THEREOF AS

1 MAY BE NECESSARY, IS HEREBY APPROPRIATED FROM THE STATE STORE
2 FUND FOR FISCAL YEAR JULY 1, 1987, TO JUNE 30, 1988, TO THE
3 PENNSYLVANIA STATE POLICE FOR THE OPERATION OF THE BUREAU OF
4 LIQUOR CONTROL ENFORCEMENT.

5 Section ~~153~~ 151. The provisions of this act are severable. <—
6 If any provision of this act or its application to any person or
7 circumstance is held invalid, the invalidity shall not affect
8 other provisions or applications of this act which can be given
9 effect without the invalid provision or application.

10 Section ~~154~~ 152. Sections ~~146~~ 144 and ~~147~~ 145 of this act <—
11 shall be retroactive to December 31, 1986.

12 Section ~~155~~ 153. This act shall take effect July 1, 1987, or <—
13 immediately, whichever is later.