
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1000 Session of
1987

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

SENATOR TILGHMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, JUNE 24, 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~~ BOARD <—
20 and its members and employees; establishing administrative
21 officers and units for the administration and enforcement of
22 the act; providing for the powers and duties of the Auditor
23 General, State Treasurer, Attorney General and Pennsylvania
24 State Police; ~~regulating advertising;~~ REGULATING ADVERTISING; <—
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- 26 (D) Exemptions.
- 27 Section 731. Bank and Trust Companies and Other Persons.
- 28 Section 732. Distillers, Rectifiers and Importers.
- 29 Section 733. Certificates Owned Since July 24, 1939.
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8 Section 802. Moneys Paid Into The State Stores Fund for Use
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11 ARTICLE IX. REPEALS (REPEALED). <—

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 Acts and Parts of Acts Repealed (REPEALED).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

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 General Repeal Clause (REPEALED).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

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

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

19 AN ACT

20 Relating to alcoholic liquors, alcohol and malt and brewed
21 beverages; amending, revising, consolidating and changing the
22 laws relating thereto; regulating and restricting the
23 manufacture, purchase, sale, possession, consumption,
24 importation, transportation, furnishing, holding in bond,
25 holding in storage, traffic in and use of alcoholic liquors,
26 alcohol and malt and brewed beverages and the persons engaged
27 or employed therein; defining the powers and duties of the
28 ~~†Pennsylvania Liquor Control Board†~~ ~~Alcoholic Beverages~~ <—

29 ~~Commission~~; providing for the establishment and operation of
30 State liquor stores, for the payment of certain license fees

1 to the respective municipalities and townships, for the
2 abatement of certain nuisances and, in certain cases, for
3 search and seizure without warrant; prescribing penalties and
4 forfeitures; providing for local option, and repealing
5 existing laws.

6 Section 2. The heading of Article I of the act is reenacted
7 to read:

8 ARTICLE I.

9 PRELIMINARY PROVISIONS.

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

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

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

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

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

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

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

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

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

25 refuse to issue a license if it appears that the charter is not
26 in possession of the original incorporators or their direct or
27 legitimate successors. The club shall hold regular meetings,
28 conduct its business through officers regularly elected, admit
29 members by written application, investigation and ballot, and
30 charge and collect dues from elected members, and maintain such

1 records as the ~~{board} commission~~ shall from time to time ←
2 prescribe, but any such club may waive or reduce in amount, or
3 pay from its club funds, the dues of any person who was a member
4 at the time he was inducted into the military service of the
5 United States or was enrolled in the armed forces of the United
6 States pursuant to any selective service act during the time of
7 the member's actual service or enrollment. The term includes a
8 privately-owned private golf course.

9 ~~"Commission" shall mean the Alcoholic Beverages Commission.~~ ←

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

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

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

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

28 "Distillery" shall mean and include any premises or plant
29 wherein alcohol or liquor is manufactured, made and distilled
30 from raw materials, blended or rectified, or any place wherein

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

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

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

18 "Distributor" shall mean any person licensed by the {board} ←
19 ~~commission~~ to engage in the purchase only from Pennsylvania
20 manufacturers and from importing distributors and the resale of
21 malt or brewed beverages, except to importing distributors and
22 distributors, in the original sealed containers as prepared for
23 the market by the manufacturer at the place of manufacture, but
24 not for consumption on the premises where sold, and 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
30 separately.

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

6 "Enforcement bureau" shall mean the Bureau of Liquor Control
7 Enforcement of the Pennsylvania State Police.

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

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

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

1 four fluid ounces or more, except original containers containing
2 one hundred twenty-eight ounces or more which may be sold
3 separately.

4 "Limited Winery" shall mean a winery with a maximum output of
5 ~~one hundred thousand (100,000)]~~ TWO HUNDRED THOUSAND (200,000) <—
6 gallons per year.

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

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

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

1 alcohol or liquor in distilleries, denaturing plants and
2 wineries.

3 "Manufacturer" shall mean any person, association or
4 corporation engaged in the producing, manufacturing, distilling,
5 rectifying or compounding of liquor, alcohol or malt or brewed
6 beverages in this Commonwealth or elsewhere.

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

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

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

25 "Package" shall mean any container or containers or
26 receptacle or receptacles used for holding liquor or alcohol as
27 marketed by the manufacturer.

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

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

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

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

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

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

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

1 "Retail dispenser" shall mean any person licensed to engage
2 in the retail sale of malt or brewed beverages for consumption
3 on the premises of such licensee, with the privilege of selling
4 malt or brewed beverages in quantities not in excess of [one ←
5 hundred forty-four] ONE HUNDRED NINETY-TWO fluid ounces in a ←
6 single sale to one person, to be carried from the premises by
7 the purchaser thereof.

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

10 "Whiskey" shall mean and include any alcoholic distillate
11 from a fermented mash of grain, capable of being used for
12 beverage purposes.

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

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

25 Section 103. Saving Clause.--The provisions of this act, so
26 far as they are the same as those of existing laws, are intended
27 as a continuation of such laws and not as new enactments. The
28 repeal by this act of any act of Assembly or part thereof shall
29 not revive any act or part thereof heretofore repealed or
30 superseded. The provisions of this act shall not affect any act

1 done, liability incurred or right accrued or vested, or affect
2 any suit or prosecution pending or to be instituted to enforce
3 any right or penalty or punish any offense under the authority
4 of such repeal laws. All regulations and rules made and all
5 licenses and permits issued pursuant to any act repealed by this
6 act shall continue with the same force and effect as if such act
7 had not been repealed.

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

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

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

22 (c) Except as otherwise expressly provided, the purpose of
23 this act is to prohibit the manufacture of and transactions in
24 liquor, alcohol and malt or brewed beverages which take place in
25 this Commonwealth, except by and under the control of the
26 ~~board~~ ~~commission~~ as herein specifically provided, and every ←
27 section and provision of the act shall be construed accordingly.
28 The provisions of this act dealing with the manufacture,
29 importation, sale and disposition of liquor, alcohol and malt or
30 brewed beverages within the Commonwealth through the

1 instrumentality of the ~~{board}~~commission and otherwise, provide <—
2 the means by which such control shall be made effective. This
3 act shall not be construed as forbidding, affecting or
4 regulating any transaction which is not subject to the
5 legislative authority of this Commonwealth.

6 (d) Any reference in this act to the provisions of law on
7 any subject shall apply to statutes becoming effective after the
8 effective date of this act as well as to those then in
9 existence.

10 (e) Section headings shall not be taken to govern or limit
11 the scope of the sections of this act. The singular shall
12 include the plural and the masculine shall include the feminine
13 and the neuter.

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

16 ARTICLE II.

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

18 ~~ALCOHOLIC BEVERAGES COMMISSION.~~

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

21 Section 201. Appointment of Members; Terms; Salaries.--An
22 independent administrative ~~{board}~~commission to be known as the <—
23 "~~{Pennsylvania Liquor Control Board}~~ ~~Alcoholic Beverages~~ <—
24 ~~Commission~~" is hereby created. The ~~{board}~~commission shall <—
25 consist of three members to be appointed by the Governor by and
26 with the advice and consent of ~~{two-thirds}~~a majority of all <—
27 the members of the Senate[. Of the ~~{original}~~ members first <—
28 ~~appointed after the effective date of this amendatory act~~, one
29 shall be appointed for a term of two years, one for a term of
30 four years, and one for a term of six years ~~{from the date of~~ <—

1 his appointment and until his successor shall have been
2 appointed and qualified]. Thereafter, all appointments shall be <—
3 for terms of six years for until successors are appointed and <—
4 qualified.], NOT MORE THAN TWO OF WHOM SHALL BE FROM THE SAME <—
5 POLITICAL PARTY AS THE GOVERNOR. THE APPOINTMENT OF A MEMBER NOT <—
6 OF THE GOVERNOR'S POLITICAL PARTY SHALL BE MADE FROM A LIST
7 PREPARED AND SUBMITTED TO THE GOVERNOR BY THE LEADER OF THE
8 OPPOSITION PARTY TO THE GOVERNOR IN THE HOUSE OF REPRESENTATIVES
9 AND THE SENATE. EACH FLOOR LEADER MAY CONTRIBUTE AT LEAST THREE
10 NAMES TO THE LIST. THE GOVERNOR SHALL SELECT A MEMBER FROM THE
11 LIST WITHIN THIRTY DAYS OF RECEIPT OF THE LIST, OR THE GOVERNOR
12 MAY REQUEST ONE SUBSTITUTE LIST OF NOMINEES FROM THE FLOOR
13 LEADERS. IF THE FLOOR LEADERS FAIL TO SUBMIT A SUBSTITUTE LIST
14 WITHIN THIRTY DAYS OF RECEIPT OF A REQUEST TO DO SO, THE
15 GOVERNOR MAY APPOINT THE MEMBER FOR WHICH LISTS OF NOMINEES WERE
16 NOT SUBMITTED AT HIS DISCRETION. IF ONE OF THE TWO FLOOR LEADERS
17 RESPONSIBLE FOR THE SUBMISSION OF NOMINEES FOR A LIST FAILS TO
18 SUBMIT NOMINEES, THE GOVERNOR SHALL ACT UPON THE NOMINEES
19 SUBMITTED BY THE OTHER FLOOR LEADER AS IF NOMINEES HAD BEEN
20 RECEIVED FROM BOTH FLOOR LEADERS. IF THE GOVERNOR FAILS TO
21 SELECT A MEMBER FROM THE LIST OF NOMINEES WITHIN THIRTY DAYS OF
22 RECEIPT OF THE LIST AND FAILS TO REQUEST A SUBSTITUTE LIST, OR
23 FAILS TO SELECT A MEMBER FROM THE SUBSTITUTE LIST WITHIN THIRTY
24 DAYS OF RECEIPT OF THE LIST, THE FLOOR LEADERS WHO PREPARED THE
25 LIST MAY APPOINT A MEMBER TO SERVE ON THE BOARD. WHENEVER A
26 VACANCY OCCURS PRIOR TO THE COMPLETION OF THE TERM OF OFFICE OF
27 A MEMBER APPOINTED PURSUANT TO THIS SECTION, THE SAME PROCEDURE
28 AS THAT USED TO APPOINT THE MEMBER WHOSE SEAT HAS BECOME VACANT
29 SHALL BE USED TO NOMINATE A REPLACEMENT FOR THE REMAINDER OF THE
30 UNEXPIRED TERM. OF THE MEMBERS FIRST APPOINTED AFTER THE

1 EFFECTIVE DATE OF THIS AMENDATORY ACT: ONE MEMBER SHALL SERVE A
2 TERM OF THREE YEARS; ONE MEMBER SHALL SERVE A TERM OF FOUR
3 YEARS; AND ONE MEMBER SHALL SERVE A TERM OF FIVE YEARS.

4 SUBSEQUENT TERMS SHALL BE FOR FOUR YEARS, ENDING ON THE THIRD
5 TUESDAY IN MAY. No member upon the expiration of his term shall
6 continue to hold office until his successor shall be duly

7 appointed ~~or shall be~~ AND qualified. Each of the members shall <—
8 receive an annual salary of [twenty-four thousand dollars
9 (\$24,000), except the chairman, who shall receive an annual

10 salary of twenty-five thousand dollars (\$25,000)] ~~thirty five~~ <—
11 ~~thousand dollars (\$35,000), EXCEPT THE CHAIRMAN, WHO SHALL~~ <—

12 ~~RECEIVE AN ANNUAL SALARY OF THIRTY SEVEN THOUSAND FIVE HUNDRED~~
13 ~~DOLLARS (\$37,500) FORTY THOUSAND DOLLARS (\$40,000), EXCEPT THE~~ <—

14 CHAIRMAN, WHO SHALL RECEIVE AN ANNUAL SALARY OF FORTY-TWO
15 THOUSAND DOLLARS (\$42,000).

16 Section 9. Sections 202, 203, 204, 205 and 206 of the act
17 are reenacted and amended OR REENACTED AND THE ACT IS AMENDED BY <—
18 ADDING A SECTION to read:

19 Section 202. Qualifications of Members.--(a) Each member of
20 the ~~{board} commission~~ at the time of his appointment and <—

21 qualification shall be a citizen of the United States and a
22 resident of the Commonwealth of Pennsylvania, shall have been a
23 qualified elector in the Commonwealth for a period of at least
24 one year next preceding his appointment, and shall be not less
25 than [thirty] twenty-one years of age.

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

29 ~~(c) Commission members shall devote full time to their~~ <—
30 ~~official duties. No commission member shall hold any office or~~

1 ~~position the duties of which are incompatible with his~~
2 ~~commission duties or be engaged in any employment or vocation~~
3 ~~for which he receives any remuneration.~~

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

6 (C) BOARD MEMBERS SHALL DEVOTE FULL TIME TO THEIR OFFICIAL <—
7 DUTIES. NO BOARD MEMBER SHALL HOLD ANY OFFICE OR POSITION THE
8 DUTIES OF WHICH ARE INCOMPATIBLE WITH HIS BOARD DUTIES.

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

16 (b) Two members of the ~~{board} commission~~ shall constitute a <—
17 quorum, and any action or order of the ~~{board} commission~~ shall <—
18 require the approval of at least two members.

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

1 ~~including bureau directors, as necessary. The salary of the~~
2 ~~executive director shall be thirty four thousand dollars~~
3 ~~(\$34,000) annually and the salaries of the other professional~~
4 ~~personnel shall be set by the commission, with the approval of~~
5 ~~the Governor. The executive director shall be responsible for~~
6 ~~managing the daily operations of the commission and shall have~~
7 ~~such powers and perform such duties not contrary to law as are~~
8 ~~necessary to implement decisions and policies made and~~
9 ~~established by vote of a majority of the commission.~~

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

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

10 Section 206. ~~{Board}~~ ~~Commission~~ Subject to Administrative <—
11 Code.--Except as otherwise expressly provided by law, the
12 ~~{board}~~ ~~commission~~ shall be subject to all the provisions of The <—
13 Administrative Code of one thousand nine hundred twenty-nine, as
14 amended, which apply generally to independent administrative
15 boards and commissions.

16 ~~Section 9.1. The act is amended by adding a section to read:~~ <—

17 Section 206.1. Commission BOARD AND ENFORCEMENT BUREAU <—
18 Subject to State Ethics and Adverse Interest Acts.--(a) Except
19 to the extent that the penalties provided in section 210 of this
20 act for violations are more stringent, the ~~commission~~ BOARD, its <—
21 members and all of its employes AND EMPLOYES OF THE ENFORCEMENT <—
22 BUREAU shall be subject to the act of October 4, 1978 (P.L.883,
23 No.170), referred to as the Public Official and Employee Ethics
24 Law, and the act of July 19, 1957 (P.L.1017, No.451), known as
25 the "State Adverse Interest Act."

26 (b) Membership on the ~~commission~~ BOARD and employment or <—
27 continued employment as an employe of the ~~commission~~ BOARD OR <—
28 ENFORCEMENT BUREAU is conditioned upon compliance with all of
29 the provisions of the acts specified in subsection (a),
30 including, but not limited to, the filing of statements of

1 financial interests required by section 5 of the Public Official
2 and Employee Ethics Law. Acceptance or retention of employment
3 shall be deemed as voluntary consent to submit to the financial
4 reporting requirements of the Public Official and Employee
5 Ethics Law as a condition of employment. Failure to timely
6 comply with the requirements shall result in immediate
7 termination of employment.

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

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

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

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

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

1 or otherwise controlling the price of said classes or brands, or
2 except where special sales are deemed necessary to move
3 unsaleable merchandise, or except where the addition of a
4 service or handling charge to the fixed sales price of any
5 merchandise in the same comparable price bracket, regardless of
6 class, brand or otherwise, is, in the opinion of the board,
7 required for the efficient operation of the State store system].
8 Prices shall be proportional with prices paid by the ~~commission~~ <—
9 BOARD to its suppliers and shall reflect any advantage obtained <—
10 through volume purchases by the ~~commission~~ BOARD. The ~~commission~~ <—
11 BOARD may establish a preferential price structure for wines <—
12 produced within this Commonwealth for the promotion of such
13 wines, as long as the price structure is uniform within each
14 class of wine purchased by the ~~commission~~ BOARD. The {board} <—
15 ~~commission~~ shall require each Pennsylvania manufacturer and each
16 nonresident manufacturer of liquors, other than wine, selling
17 such liquors to the {board}~~commission~~, which are not <—
18 manufactured in this Commonwealth, to make application for and
19 be granted a permit by the {board}~~commission~~ before such <—
20 liquors not manufactured in this Commonwealth shall be purchased
21 from such manufacturer. Each such manufacturer shall pay for
22 such permit a fee which, in the case of a manufacturer of this
23 Commonwealth, shall be equal to that required to be paid, if
24 any, by a manufacturer or wholesaler of the state, territory or
25 country of origin of the liquors, for selling liquors
26 manufactured in Pennsylvania, and in the case of a nonresident
27 manufacturer, shall be equal to that required to be paid, if
28 any, in such state, territory or country by Pennsylvania
29 manufacturers doing business in such state, territory or
30 country. In the event that any such manufacturer shall, in the

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

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

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

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

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

30 (g) To determine the nature, form and capacity of all

1 packages and original containers to be used for containing
2 liquor, alcohol or malt or brewed beverages.

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

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

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

1 provide for the use of a computerized referral system to assist
2 consumers in locating special items at Pennsylvania Liquor
3 Stores and for the use of electronic transfer of funds AND <—
4 CREDIT CARDS for the purchase of liquor and alcohol at
5 Pennsylvania Liquor Stores; and for the use of credit cards, by <—
6 licensees only, for volume purchases.

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

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

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

18 (b) The duties and conduct of the officers and employes of
19 the ~~{board} commission~~. <—

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

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

26 (e) The issuing and distribution of price lists for the
27 various classes, varieties or brands of liquor and alcohol kept
28 for sale by the ~~{board} commission~~ under this act. <—

29 (f) The labeling of liquor and alcohol sold under this act
30 and of liquor and alcohol lawfully acquired by any person prior

1 to January first, one thousand nine hundred thirty-four.

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

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

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

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

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

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

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

28 (b) No member or employe of the {board} ~~commission~~ OR <—
29 ENFORCEMENT BUREAU or a member of the immediate family of a
30 member or employe of the ~~commission~~ BOARD OR ENFORCEMENT BUREAU <—

1 nor any employe of the Commonwealth shall solicit or receive,
2 directly or indirectly, any commission, remuneration or gift
3 whatsoever, from any person having sold, selling or offering
4 liquor or alcohol for sale to the ~~{board} commission~~ for use in ←
5 Pennsylvania Liquor Stores.

6 (c) No person convicted of an infamous crime may be employed
7 as a member or employe by the ~~commission~~ BOARD OR ENFORCEMENT ←
8 BUREAU.

9 (d) No member or employe of the ~~commission~~ BOARD OR ←
10 ENFORCEMENT BUREAU may use his position with the ~~commission~~ ←
11 BOARD OR ENFORCEMENT BUREAU, or any confidential information ←
12 received through his position with the ~~commission~~, BOARD OR ←
13 ENFORCEMENT BUREAU to obtain financial gain, other than
14 compensation provided by law, for himself, a member of his
15 immediate family or a business with which he is associated.

16 (e) No person may offer or give to a member or employe of
17 the ~~commission~~ BOARD OR ENFORCEMENT BUREAU or a member of his ←
18 immediate family or a business with which he is associated, and
19 no member or employe of the ~~commission~~ BOARD OR ENFORCEMENT ←
20 BUREAU may solicit or accept anything of value, including a
21 gift, loan, political contribution, reward or promise of future
22 employment, based on an understanding that the vote, official
23 action or judgment of the member or employe of the ~~commission~~ ←
24 BOARD OR ENFORCEMENT BUREAU would be influenced thereby. ←

25 (f) No member or employe of the ~~commission~~ BOARD OR ←
26 ENFORCEMENT BUREAU or a member of his immediate family or any
27 business in which the member or employe or a member of his
28 immediate family is a director, officer or owner or holder of
29 stock exceeding five percent (5%) of the equity at fair market
30 value of the business may enter into any contract valued at five

1 hundred dollars (\$500) or more to provide goods or services to
2 the ~~commission~~ BOARD OR ENFORCEMENT BUREAU unless the contract ←
3 has been awarded to the lowest responsible bidder through an
4 open and public process, including prior public notice and
5 subsequent public disclosure of all proposals considered and
6 contracts awarded.

7 (g) No former member or employe of the ~~commission~~ BOARD OR ←
8 ENFORCEMENT BUREAU may represent a person, with or without
9 compensation, on any matter before the ~~commission~~ BOARD OR ←
10 ENFORCEMENT BUREAU for one year after leaving the ~~commission~~ ←
11 BOARD OR ENFORCEMENT BUREAU. ←

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

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

7 ~~(j)~~ (I) No member or employe of the ~~commission or any~~ <—
8 officer or employe of the Commonwealth or any of its political
9 subdivisions BOARD OR ENFORCEMENT BUREAU may influence or <—
10 attempt to influence the making of, or supervise or deal with, a
11 contract with the ~~commission~~ BOARD OR ENFORCEMENT BUREAU in <—
12 which he has an adverse interest.

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

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

20 ~~(m)~~ (L) No member or employe of the ~~commission or any~~ <—
21 officer or employe of the Commonwealth or a political
22 subdivision BOARD OR ENFORCEMENT BUREAU, except in the <—
23 performance of his duties as such employe, may, for
24 remuneration, directly or indirectly, represent a person upon a
25 matter pending before the ~~commission~~ BOARD OR ENFORCEMENT <—
26 BUREAU.

27 ~~(n)~~ (M) (1) Any person who violates the provisions of this <—
28 section shall have his employment by the ~~commission~~ BOARD OR <—
29 ENFORCEMENT BUREAU immediately terminated by the appropriate
30 person having the power to terminate and shall be liable to the

1 ~~commission~~ BOARD OR ENFORCEMENT BUREAU to reimburse the <—
2 ~~commission~~ BOARD OR ENFORCEMENT BUREAU for all compensation <—
3 received by him from the ~~commission~~ BOARD OR ENFORCEMENT BUREAU <—
4 while employed in violation of subsection (c).

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

10 (3) Any person who violates the provisions of subsections
11 (a) or (f) through ~~(m)~~ (L) shall be guilty of a misdemeanor and, <—
12 upon conviction thereof, shall be sentenced to pay a fine of not
13 more than one thousand dollars (\$1,000) or to undergo
14 imprisonment for not more than one (1) year, or both.

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

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

24 ~~(6) Any employe of the Commonwealth or a political~~ <—
25 ~~subdivision or any public officer or public official who~~
26 ~~violates any of the provisions of this section shall~~
27 ~~automatically forfeit the office or employment.~~

28 ~~(7)~~ (6) The penalties and sanctions provided by this <—
29 subsection shall supersede any similar penalties and sanctions
30 provided by the act of July 19, 1957 (P.L.1017, No.451), known

1 as the "State Adverse Interest Act," and the act of October 4,
2 1978 (P.L.883, No.170), referred to as the Public Official and
3 Employee Ethics Law.

4 (e) (N) As used in this section, the following words and <—
5 phrases shall have the meanings given to them in this
6 subsection:

7 "Business" shall mean a corporation, partnership, sole
8 proprietorship, firm, enterprise, franchise, association,
9 organization, self-employed individual, holding company, joint-
10 stock company, receivership, trust or legal entity organized for
11 profit or as a not-for-profit corporation or organization.

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

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

28 ~~"Party officer" shall mean any of the following members or~~ <—
29 ~~officers of a political party: a member of a national committee;~~
30 ~~a chairman, vice chairman, secretary, treasurer or counsel of a~~

~~1 State committee or member of the executive committee of a State
2 committee; a county chairman, vice chairman, counsel, secretary
3 or treasurer of a county committee; or a city chairman, vice
4 chairman, counsel, secretary or treasurer of a city committee.~~

~~5 "Public officer" shall mean a person elected to a public
6 office of the Commonwealth or a political subdivision.~~

~~7 "Public official" shall mean an elected or appointed official
8 in the executive, legislative or judicial branch of the
9 Commonwealth or a political subdivision. The term does not
10 include members of advisory boards that have no authority to
11 expend public funds other than reimbursement for personal
12 expense or to otherwise exercise the power of the Commonwealth
13 or a political subdivision. The term does not include an
14 appointed official who receives no compensation other than
15 reimbursement for actual expenses.~~

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

17 Section 211. Enforcement.--(a) There is created within the
18 Pennsylvania State Police a Bureau of Liquor Control Enforcement
19 which shall be responsible for enforcing this act and any
20 regulations promulgated pursuant thereto. Officers and
21 investigators assigned to the bureau shall have the power and
22 their duty shall be:

23 (1) To investigate whenever there are reasonable grounds to
24 believe liquor, alcohol or malt or brewed beverages is being
25 sold on premises not licensed under the provisions of this act.
26 If the investigation produces evidence of the unlawful sale of
27 liquor or malt or brewed beverages or any other violation of the
28 provisions of this act, the officer involved in the
29 investigation shall institute criminal proceedings against the
30 person or persons believed to have been criminally liable, as

1 otherwise provided by law or rule of court.

2 (2) To arrest on view, except in private homes, without
3 warrant, any person actually engaged in the unlawful sale,
4 importation, manufacture or transportation or having unlawful
5 possession of liquor, alcohol or malt or brewed beverages
6 contrary to the provisions of this act or any other law of this
7 Commonwealth.

8 (3) Upon reasonable and probable cause, to search for and to
9 seize, without warrant or process, except in private homes, any
10 liquor, alcohol or malt or brewed beverages unlawfully
11 possessed, manufactured, sold, imported or transported and any
12 stills, equipment, materials, utensils, vehicles, boats,
13 vessels, animals, aircraft, or any of them, which are or have
14 been used in the unlawful manufacture, sale, importation or
15 transportation of the same. Such liquor, alcohol, malt or brewed
16 beverages, stills, equipment, materials, utensils, vehicles,
17 ~~boards~~ BOATS, vessels, animals or aircraft so seized shall be ←
18 disposed of as hereinafter provided.

19 (4) To investigate and issue citations for any violations of
20 this act or any laws of this Commonwealth relating to liquor,
21 alcohol or malt or brewed beverages, or any regulations of the
22 ~~commission~~ BOARD adopted pursuant to such laws or any violation ←
23 of any laws of this Commonwealth or of the Federal Government,
24 relating to the payment of taxes on liquor, alcohol or malt or
25 brewed beverages by any licensee, his officers, servants, agents
26 or employes.

27 (b) Any equipment or appurtenance actually used in the
28 commission of the unlawful acts may be confiscated. The
29 confiscation shall not, in any manner, divest or impair the
30 rights or interest of any bona fide lienholder in the equipment

1 or appurtenance.

2 ~~(c) Except for up to three State Police officers who shall~~ <—
3 ~~be employed in a supervisory capacity at the State headquarters~~
4 ~~of the enforcement bureau, all other personnel of the~~
5 ~~enforcement bureau shall be civilians.~~

6 (C) THE PENNSYLVANIA STATE POLICE COMMISSIONER SHALL ASSIGN <—
7 STATE POLICE OFFICERS TO SUCH SUPERVISORY AND OTHER CAPACITIES
8 IN THE ENFORCEMENT BUREAU AS HE DEEMS NECESSARY. ALL OTHER
9 PERSONNEL OF THE ENFORCEMENT BUREAU SHALL BE CIVILIANS.

10 (D) THE OFFICE OF CHIEF COUNSEL FOR THE PENNSYLVANIA STATE
11 POLICE SHALL REPRESENT THE ENFORCEMENT BUREAU IN ALL ENFORCEMENT
12 PROCEEDINGS BROUGHT BEFORE THE OFFICE OF ADMINISTRATIVE LAW
13 JUDGE OR ANY OTHER ADJUDICATORY BODY.

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

17 ~~(b) All hearing examiners employed by the Pennsylvania~~ <—
18 ~~Liquor Control Board on the effective date of this section shall~~
19 ~~continue to serve as administrative law judges within the~~
20 ~~commission. Additional administrative law judges may be~~
21 ~~appointed by the commission, with the approval of the Governor,~~
22 ~~as the commission deems necessary for the holding of hearings~~
23 ~~required or permitted under this act.~~

24 ~~(B) BY AND WITH THE ADVICE AND CONSENT OF A MAJORITY OF ALL~~ <—
25 ~~THE MEMBERS OF THE SENATE, THE GOVERNOR SHALL APPOINT A CHIEF~~
26 ~~ADMINISTRATIVE LAW JUDGE AND AS MANY ADMINISTRATIVE LAW JUDGES~~

27 (B) THE GOVERNOR SHALL APPOINT FROM A LIST OF QUALIFIED <—
28 CANDIDATES SUBMITTED BY THE CIVIL SERVICE COMMISSION AFTER
29 APPROPRIATE EXAMINATION UNDER THE ACT OF AUGUST 5, 1941
30 (P.L.752, NO.286), KNOWN AS THE "CIVIL SERVICE ACT," AS MANY

1 ADMINISTRATIVE LAW JUDGES AS THE BOARD, WITH THE APPROVAL OF THE
2 GOVERNOR, DEEMS NECESSARY FOR THE HOLDING OF HEARINGS REQUIRED
3 OR PERMITTED UNDER THIS ACT. THE GOVERNOR SHALL DESIGNATE ONE OF <—
4 THE CIVIL SERVICE APPOINTEES AS THE CHIEF ADMINISTRATIVE LAW
5 JUDGE.

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

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

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

16 (e) Compensation for the administrative law judges shall be
17 established by the commission BOARD with the approval of the <—
18 Governor. ESTABLISHED BY THE EXECUTIVE BOARD. <—

19 (F) ADMINISTRATIVE LAW JUDGES SHALL DEVOTE FULL TIME TO <—
20 THEIR OFFICIAL DUTIES AND SHALL PERFORM NO DUTIES INCONSISTENT
21 WITH THEIR DUTIES AND RESPONSIBILITIES AS ADMINISTRATIVE LAW
22 JUDGES.

23 (G) ADMINISTRATIVE LAW JUDGES APPOINTED UNDER THIS SECTION <—
24 SHALL BE AFFORDED EMPLOYMENT SECURITY AS PROVIDED BY THE ACT OF <—
25 AUGUST 5, 1941 (P.L.752, NO.286), KNOWN AS THE "CIVIL SERVICE
26 ACT."

27 ~~(f)-(g) (H) Nothing in this section or this act shall be~~ <—
28 ~~construed or intended to change or affect the terms and~~
29 ~~conditions of employment or the employment security of hearing~~
30 ~~examiners employed by the Pennsylvania Liquor Control Board~~ <—

1 BOARD on the effective date of this section. <—

2 Section 213. Office of Chief Counsel. The commission shall <—
3 establish an Office of Chief Counsel which shall provide legal
4 advice on matters coming before the commission and shall
5 represent the enforcement bureau in all enforcement proceedings
6 brought before the Office of Administrative Law Judge. The
7 salary of the chief counsel and the number and salaries of any
8 deputy counsels employed by the Office of Chief Counsel shall be
9 set by the commission with the approval of the Governor.

10 Section 214 213. Bureau of Consumer Relations.--The <—
11 commission BOARD shall establish a Bureau of Consumer Relations <—
12 which shall be responsible for handling all consumer complaints
13 and suggestions. The bureau shall develop a system-wide program
14 for investigating all complaints and suggestions and
15 implementing improvements into the State Store system.

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

21 (b) The commission BOARD may not make a contract or <—
22 otherwise do business with a transportation carrier for hire of
23 liquor, wine or malt or brewed beverages which (carrier) has not
24 obtained the proper permits from the Pennsylvania Public Utility
25 Commission under 66 Pa.C.S. Ch. 25 (relating to contract carrier
26 by motor vehicle and broker).

27 Section 216 215. Wine Marketing.--(a) There is hereby <—
28 established within the commission BOARD the Bureau of Wine which <—
29 shall be responsible for the purchasing and the wholesale and
30 retail marketing of premium wines so as to make these wines

1 available to Pennsylvania consumers at competitive prices and in
2 a convenient atmosphere.

3 (b) The management of the bureau shall be vested in a
4 director, ~~an assistant director for purchasing and an assistant~~ <—
5 ~~director for marketing.~~ WHO SHALL BE ASSISTED BY SUCH OTHER <—
6 PERSONNEL AS HE OR SHE THE BOARD DEEMS NECESSARY. <—

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

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

23 (2) The term "wine" as used in this section shall mean
24 liquor which is fermented from grapes and other fruits, having
25 alcoholic content of twenty-four per centum or less. The term
26 "wine" shall not include malt or brewed beverages, nor shall
27 wine include any products containing alcohol derived from malt,
28 grain, cereal, molasses or cactus.

29 Section 15. The heading of Article III of the act is
30 reenacted to read:

ARTICLE III.

PENNSYLVANIA LIQUOR STORES.

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

Section 301. ~~{Board}~~ ~~Commission~~ to Establish State Liquor Stores.--(a) The ~~{board}~~ ~~commission~~ shall establish, operate and maintain at such places throughout the Commonwealth as it shall deem essential and advisable, stores to be known as "Pennsylvania Liquor Stores," for the sale of liquor and alcohol in accordance with the provisions of and the regulations made under this act; except that no store not so already located shall be located within three hundred feet of any elementary or secondary school, nor within a dry municipality without there first having been a referendum approving such location. When the ~~{board}~~ ~~commission~~ shall have determined upon the location of a liquor store in any municipality, it shall give notice of such location by public advertisement in two newspapers of general circulation. In cities of the first class, the location shall also be posted for a period of at least fifteen days following its determination by the ~~{board}~~ ~~commission~~ as required in section 403(g) of this act. The notice shall be posted in a conspicuous place on the outside of the premises in which the proposed store is to operate or, in the event that a new structure is to be built in a similarly visible location. If, within five days after the appearance of such advertisement, or of the last day upon which the notice was posted, fifteen or more taxpayers residing within a quarter of a mile of such location, or the City Solicitor of the city of the first class, shall file a protest with the court of common pleas of the county averring that the location is objectionable because of

1 its proximity to a church, a school, or to private residences,
2 the court shall forthwith hold a hearing affording an
3 opportunity to the protestants and to the ~~{board} commission~~ to ←
4 present evidence. The court shall render its decision
5 immediately upon the conclusion of the testimony and from the
6 decision there shall be no appeal. If the court shall determine
7 that the proposed location is undesirable for the reasons set
8 forth in the protest, the ~~{board} commission~~ shall abandon it ←
9 and find another location. The ~~{board} commission~~ may establish, ←
10 operate and maintain such establishments for storing and testing
11 liquors as it shall deem expedient to carry out its powers and
12 duties under this act.

13 (b) The ~~{board} commission~~ may lease the necessary premises ←
14 for such stores or establishments, but all such leases shall be
15 made through the Department of General Services as agent of the
16 ~~{board} commission~~. The ~~{board} commission~~, through the ←
17 Department of General Services, shall have authority to purchase
18 such equipment and appointments as may be required in the
19 operation of such stores or establishments.

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

22 Section 302. Selection of Personnel.--Officers and employes
23 of the ~~{board} commission~~, except as herein otherwise provided, ←
24 shall be appointed and employed subject to the provisions of the
25 Civil Service Act.

26 Section 303. Management of Pennsylvania Liquor Stores.--
27 Every Pennsylvania Liquor Store shall be conducted by a person
28 appointed in the manner provided in the Civil Service Act who
29 shall be known as the "manager" and who shall, under the
30 directions of the ~~{board} commission~~, be responsible for ←

1 carrying out the provisions of this act and the regulations
2 adopted by the ~~{board} commission~~ under this act as far as they <—
3 relate to the conduct of such stores.

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

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

21 Section 19. Section 305 of the act, amended October 21, 1965
22 (P.L.642, No.316), October 11, 1972 (P.L.906, No.215), June 17,
23 1974 (P.L.352, No.115), October 2, 1974 (P.L.668, No.222) and
24 October 4, 1974 (P.L.672, No.224), is reenacted and amended to
25 read:

26 Section 305. Sales by Pennsylvania Liquor Stores.--(a)
27 Every Pennsylvania Liquor Store shall keep in stock for sale
28 such classes, varieties and brands of liquor and alcohol as the
29 ~~{board} commission~~ shall prescribe. If any person shall desire <—
30 to purchase any class, variety or brand of liquor or alcohol

1 which any such store does not have in stock, it shall be the
2 duty of such store immediately to order the same upon the
3 payment of a reasonable deposit by the purchaser in such
4 proportion of the approximate cost of the order as shall be
5 prescribed by the regulations of the ~~{board} commission~~. NO ←
6 PURCHASER MAY BE REQUIRED TO PURCHASE MORE THAN TWO BOTTLES OR
7 CONTAINERS OF THE PRODUCT, PROVIDED THAT SUCH PRODUCT IS
8 AVAILABLE THROUGH THE STATE STORE SYSTEM. The customer shall be
9 notified immediately upon the arrival of the goods.

10 In computing the retail price of such special orders for
11 liquor or alcohol, the ~~{board} commission~~ shall not include the ←
12 cost of freight or shipping before applying the mark-up and
13 taxes but shall add the freight or shipping charges to the price
14 after the mark-up and taxes have been applied.

15 Unless the customer pays for and accepts delivery of any such
16 special order within [five] TEN days after notice of arrival, ←
17 the store may place it in stock for general sale and the
18 customer's deposit shall be forfeited.

19 (b) Every Pennsylvania Liquor Store shall sell liquors at
20 wholesale to hotels, restaurants, clubs, and railroad, pullman
21 and steamship companies licensed under this act; and, under the
22 regulations of the ~~{board} commission~~, to pharmacists duly ←
23 licensed and registered under the laws of the Commonwealth, and
24 to manufacturing pharmacists, and to reputable hospitals
25 approved by the ~~{board} commission~~, or chemists. The ~~{board}~~ ←
26 ~~commission~~ may sell to registered pharmacists only such liquors
27 as conform to the Pharmacopoeia of the United States, the
28 National Formulary, or the American Homeopathic Pharmacopoeia.
29 The ~~{board} commission~~ may sell at special prices under the ←
30 regulations of the ~~{board} commission~~, to United States Armed ←

1 Forces facilities which are located on United States Armed
2 Forces installations and are conducted pursuant to the authority
3 and regulations of the United States Armed Forces. All other
4 sales by such stores shall be at retail. [No liquor shall be
5 sold except for cash, except that the board may, by regulation,
6 authorize the acceptance of checks for liquor sold at wholesale.
7 The board shall have power to designate certain stores for
8 wholesale or retail sales exclusively.] A person entitled to
9 purchase liquor at wholesale prices may purchase the liquor at
10 any Pennsylvania Liquor Store upon tendering cash, check or
11 credit card for the full amount of the purchase. For this
12 purpose, the ~~commission~~ BOARD shall issue a discount card to <—
13 each licensee identifying such licensee as a person authorized
14 to purchase liquor at wholesale prices. Such discount card shall
15 be retained by the licensee. The ~~commission may provide~~ BOARD <—
16 MAY CONTRACT THROUGH THE COMMONWEALTH BIDDING PROCESS for
17 delivery to wholesale licensees at the expense of the licensee
18 receiving the delivery.

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

1 issued such check and the cancellation of the wholesale purchase
2 permit card held by such person.

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

9 (e) The ~~{board} commission~~ may sell tax exempt alcohol to ←
10 the Commonwealth of Pennsylvania and to persons to whom the
11 ~~{board} commission~~ shall, by regulation to be promulgated by it, ←
12 issue special permits for the purchase of such tax exempt
13 alcohol.

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

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

29 (g) The ~~{board} commission~~ is hereby authorized and ←
30 empowered to adopt and enforce appropriate rules and regulations

1 to insure the equitable wholesale and retail sale and
2 distribution, through the Pennsylvania Liquor Stores, of
3 available liquor and alcohol at any time when the demand
4 therefor is greater than the supply.

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

7 Section 20. Section 306 of the act is reenacted and amended
8 to read:

9 Section 306. Audits by Auditor General.--(a) It shall be
10 the duty of the Department of the Auditor General to make all
11 audits which may be necessary in connection with the
12 administration of the financial affairs of the {board} <—
13 ~~commission~~ and the Pennsylvania Liquor Stores operated and
14 maintained by the {board} ~~commission~~. SUCH AUDITS SHALL BE <—
15 CONDUCTED IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING
16 PRINCIPLES. NOTHING HEREIN SHALL BE CONSTRUED TO REQUIRE THE
17 AUDITOR GENERAL TO CONDUCT BIENNIAL INVENTORIES.

18 (b) At least one audit shall be made each year of the
19 affairs of the {board} ~~commission~~, and all collections made by <—
20 the Pennsylvania Liquor Stores shall be audited quarterly. A
21 copy of the annual audit of the affairs of the ~~commission~~ BOARD <—
22 shall be submitted to each member of the General Assembly.

23 (c) Special audits of the affairs of the {board} ~~commission~~ <—
24 and the Pennsylvania Liquor Stores maintained and operated by
25 the {board} ~~commission~~ may be made whenever they may, in the <—
26 judgment of the Auditor General, appear necessary, and shall be
27 made whenever the Governor shall call upon the Auditor General
28 to make them.

29 (d) Copies of all audits made by the Department of the
30 Auditor General shall be promptly submitted to the {board} <—

1 ~~commission~~ and to the Governor.

2 (e) Unless the Department of the Auditor General shall
3 neglect or refuse to make annual, quarterly or special Audits,
4 as hereinabove required, it shall be unlawful for the {board} ←
5 ~~commission~~ to expend any money appropriated to it by the General
6 Assembly for any audit of its affairs, except for the payment of
7 the compensation and expenses of such auditors as are regularly
8 employed as part of the administrative staff of the {board} ←
9 ~~commission~~.

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

12 ARTICLE IV.

13 LICENSES AND REGULATIONS; LIQUOR, ALCOHOL AND

14 MALT AND BREWED BEVERAGES.

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

16 Section 22. Section 401 of the act, amended June 1, 1972
17 (P.L.355, No.95), is reenacted ~~and amended~~ AND AMENDED to read: ←

18 Section 401. Authority to Issue Liquor Licenses to Hotels,
19 Restaurants and Clubs.--(a) Subject to the provisions of this
20 act and regulations promulgated under this act, the {board} ←
21 ~~commission~~ shall have authority to issue a retail liquor license
22 for any premises kept or operated by a hotel, restaurant or club
23 and specified in the license entitling the hotel, restaurant or
24 club to purchase liquor from a Pennsylvania Liquor Store and to
25 keep on the premises such liquor and, subject to the provisions
26 of this act and the regulations made thereunder, to sell the
27 same and also malt or brewed beverages to guests, patrons or
28 members for consumption on the hotel, restaurant or club
29 premises. Such licensees, other than clubs, shall be permitted
30 to sell malt or brewed beverages for consumption off the

1 premises where sold in quantities of not more than [one hundred ←
2 forty-four] ONE HUNDRED NINETY-TWO fluid ounces in a single sale ←
3 to one person. Such licenses shall be known as hotel liquor
4 licenses, restaurant liquor licenses and club liquor licenses,
5 respectively. No person who holds, either by appointment or
6 election, any public office which involves the duty to enforce
7 any of the penal laws of the United States of America or the
8 penal laws of the Commonwealth of Pennsylvania or any penal
9 ordinance or resolution of any political subdivision of this
10 Commonwealth shall be issued any hotel or restaurant liquor
11 license, nor shall such a person have any interest, directly or
12 indirectly, in any such license.

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

21 Section 23. Section 402 of the act is reenacted and amended
22 to read:

23 Section 402. License Districts; License Year; Hearings.--(a)
24 The ~~{board}~~ commission shall, by regulation, divide the State ←
25 into convenient license districts and shall hold hearings on
26 applications for licenses and renewals thereof, as it deems
27 necessary, at a convenient place or places in each of said
28 districts, at such times as it shall fix, by regulation, for the
29 purpose of hearing testimony for and against applications for
30 new licenses and renewals thereof. The commission BOARD shall ←

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

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

25 Section 24. Section 403 of the act, amended November 19,
26 1959 (P.L.1546, No.553) and September 28, 1961 (P.L.1728,
27 No.702), is reenacted and amended to read:

28 Section 403. Applications for Hotel, Restaurant and Club
29 Liquor Licenses.--(a) Every applicant for a hotel liquor
30 license, restaurant liquor license or club liquor license or for

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

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

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

26 (c) If the applicant is a corporation, the application must
27 show that the corporation was created under the laws of
28 Pennsylvania or holds a certificate of authority to transact
29 business in Pennsylvania, that all officers, directors and
30 stockholders are citizens of the United States, and that the

1 manager of the hotel, restaurant or club is a citizen of the
2 United States.

3 (d) Each application shall be signed and verified by oath or
4 affirmation by the owner, if a natural person, or, in the case
5 of an association, by a member or partner thereof, or, in the
6 case of a corporation, by an executive officer thereof or any
7 person specifically authorized by the corporation to sign the
8 application, to which shall be attached written evidence of his
9 authority.

10 (e) If the applicant is an association, the application
11 shall set forth the names and addresses of the persons
12 constituting the association, and if a corporation, the names
13 and addresses of the principal officers thereof. Every club
14 applicant shall file with and as a part of its application a
15 list of the names and addresses of its members, directors,
16 officers, agents and employes, together with the dates of their
17 admission, election or employment, and such other information
18 with respect to its affairs as the ~~{board} commission~~ shall ←
19 require.

20 (f) The ~~{board} commission~~ shall refuse to issue licenses to ←
21 clubs when it appears that the operation of the licensed
22 business would inure to the benefit of individual members,
23 officers, agents or employes of the club, rather than to the
24 benefit of the entire membership of the club.

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

1 of such application, in such form, of such size, and containing
2 such provisions as the ~~{board} commission~~ may require by its
3 regulations. Proof of the posting of such notice shall be filed
4 with the ~~{board} commission~~.

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

9 (i) Upon receipt of an application for a new license or
10 transfer of an existing license to a new location, the
11 commission BOARD shall immediately notify, in writing, the
12 municipality in which the premises proposed to be licensed are
13 located.

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14 Section 25. Section 404 of the act, amended September 2,
15 1971 (P.L.429, No.103), is reenacted ~~and amended~~ AND AMENDED to
16 read:

<—

17 Section 404. Issuance of Hotel, Restaurant and Club Liquor
18 Licenses.--Upon receipt of the application, the proper fees and
19 bond, and upon being satisfied of the truth of the statements in
20 the application that the applicant is the only person in any
21 manner pecuniarily interested in the business so asked to be
22 licensed and that no other person will be in any manner
23 pecuniarily interested therein during the continuance of the
24 license, except as hereinafter permitted, and that the applicant
25 is a person of good repute, that the premises applied for meet
26 all the requirements of this act and the regulations of the
27 ~~{board} commission~~, that the applicant seeks a license for a
28 hotel, restaurant or club, as defined in this act, and that the
29 issuance of such license is not prohibited by any of the
30 provisions of this act, the ~~{board} commission~~ shall, in the

<—

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1 case of a hotel or restaurant, grant and issue to the applicant
2 a liquor license, and in the case of a club may, in its
3 discretion, issue or refuse a license: Provided, however, That
4 in the case of any new license or the transfer of any license to
5 a new location the ~~{board} commission~~ may, in its discretion, ←
6 grant or refuse such new license or transfer if such place
7 proposed to be licensed is within three hundred feet of any
8 church, hospital, charitable institution, school, or public
9 playground, or if such new license or transfer is applied for a
10 place which is within two hundred feet of any other premises
11 which is licensed by the ~~{board} commission~~, or if such new ←
12 license or transfer is applied for a place where the principal
13 business is the sale of liquid fuels and oil]: And provided ←
14 further, That the ~~{board} commission~~ shall refuse any ←
15 application for a new license or the transfer of any license to
16 a new location if, in the ~~{board's} commission's~~ opinion, such ←
17 new license or transfer would be detrimental to the welfare,
18 health, peace and morals of the inhabitants of the neighborhood
19 within a radius of five hundred feet of the place proposed to be
20 licensed: And provided further, That the ~~{board} commission~~ ←
21 shall not issue new licenses in any license district more than
22 twice each license year, effective from specific dates fixed by
23 the ~~{board} commission~~, and new licenses shall not be granted, ←
24 except for hotels as defined in this act, unless the application
25 therefor shall have been filed at least thirty days before the
26 effective date of the license: And provided further, That
27 nothing herein contained shall prohibit the ~~{board} commission~~ ←
28 from issuing a new license for the balance of any unexpired term
29 in any license district to any applicant in such district, who
30 shall have become eligible to hold such license as the result of

1 legislative enactment, when such enactment shall have taken
2 place during the license term of that district for which
3 application is made or within the thirty days immediately
4 preceding such term, nor shall anything herein contained
5 prohibit the ~~{board} commission~~ from issuing at any time a new ←
6 license for an airport restaurant, or municipal golf course, as
7 defined in section 461 of this act, for the balance of the
8 unexpired license term in any license district: And provided
9 further, That the ~~{board} commission~~ shall have the discretion ←
10 to refuse a license to any person or to any corporation,
11 partnership or association if such person, or any officer or
12 director of such corporation, or any member or partner of such
13 partnership or association shall have been convicted or found
14 guilty of a felony within a period of five years immediately
15 preceding the date of application for the said license. THE ←
16 BOARD SHALL REFUSE ANY APPLICATION FOR A NEW LICENSE OR THE
17 TRANSFER OF ANY LICENSE TO A LOCATION WHERE THE SALE OF LIQUID
18 FUELS OR OIL IS CONDUCTED.

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

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

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

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

1 but less than twelve thousand inhabitants, two hundred dollars
2 (\$200.00).

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

8 In those having a population of fifty thousand and more but
9 less than one hundred thousand inhabitants, four hundred dollars
10 (\$400.00).

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

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

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

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

24 (d) Whenever any checks issued in payment of filing and/or
25 license fees shall be returned to the ~~{board} commission~~ as ←
26 dishonored, the ~~{board} commission~~ shall charge a fee of five ←
27 dollars (\$5.00) per hundred dollars, or fractional part thereof,
28 plus all protest fees, to the maker of such check submitted to
29 the ~~{board} commission~~. Failure to pay the face amount of the ←
30 check in full and all charges thereon as herein required within

1 ten days after demand has been made by the ~~{board} commission~~ ←
2 upon the maker of the check, the license of such person, if
3 issued, shall immediately terminate and be cancelled without any
4 action on the part of the ~~{board} commission~~. ←

5 Section 27. Section 406 of the act, amended September 2,
6 1971 (P.L.429, No.103), December 17, 1982 (P.L.1390, No.319),
7 May 9, 1984 (P.L.246, No.54) and February 28, 1985 (P.L.1,
8 No.1), is reenacted ~~and amended~~ to read: ←

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

1 national organization shall have the same rights and privileges
2 as members of the particular club. For the purpose of this
3 paragraph, any person who is an active member of any volunteer
4 firefighting company, association or group of this Commonwealth,
5 whether incorporated or unincorporated, shall upon the approval
6 of any club composed of volunteer firemen licensed under this
7 act, have the same social rights and privileges as members of
8 such licensed club. For the purposes of this paragraph, the term
9 "active member" shall not include a social member.

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

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

30 (4) Hotel and restaurant liquor licensees, airport

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

27 (5) Any hotel, restaurant, club or public service liquor
28 licensee may, by giving notice to the ~~board~~ commission, ←
29 advance by one hour the hours herein prescribed as those during
30 which liquor and malt or brewed beverages may be sold during

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

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

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

19 Section 28. Section 406.1 of the act, amended May 9, 1984
20 (P.L.246, No.54), is reenacted ~~and amended~~ to read: <—

21 Section 406.1. Secondary Service Area.--Upon application of
22 any restaurant, hotel, club, any stadium as described in section
23 408.9 or municipal golf course liquor licensee, and payment of
24 the appropriate fee, the ~~{board} commission~~ may approve a <—
25 secondary service area by extending the licensed premises to
26 include one additional permanent structure with dimensions of at
27 least one hundred seventy-five square feet, enclosed on three
28 sides and having adequate seating. Such secondary service area
29 must be located on property having a minimum area of one (1)
30 acre, and must be on land which is immediate, abutting, adjacent

1 or contiguous to the licensed premises with no intervening
2 public thoroughfare. In any stadium as described in section
3 408.9, only malt or brewed beverages may be served. There shall
4 be no requirement that the secondary service area be physically
5 connected to the original licensed premises. Notwithstanding 40
6 Pa. Code § 7.21(c)(3), the licensee shall be permitted to store,
7 serve, sell or dispense food, liquor and malt or brewed
8 beverages at the ~~{board}~~ ~~commission~~ approved secondary service ←
9 area.

10 Section 29. Section 407 of the act is reenacted AND AMENDED ←
11 to read:

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

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

29 Section 408. Public Service Liquor Licenses.--(a) Subject
30 to the provisions of this act and regulations promulgated under

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

25 (b) For the purpose of considering an application by a
26 steamship or airline company for a public service liquor
27 license, the ~~{board} commission~~ may cause an inspection of the ←
28 steamship or vessel or aircraft for which a license is desired.
29 The ~~{board} commission~~ may, in its discretion, grant or refuse ←
30 the license applied for and there shall be no appeal from its

1 decision, except that an action of mandamus may be brought
2 against the ~~{board} commission~~ in the manner provided by law. <—

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

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

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

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

30 Section 408.1. Trade Show and Convention Licenses.--(a) The

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

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

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

27 (d) The license shall be issued for the same period as
28 provided for restaurant licenses and shall be renewed as in
29 section 402. The license shall terminate upon revocation by the
30 ~~{board} commission~~ or upon termination of the contract between ←

1 the concessionaire and the city or authority.

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

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

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

1 Visitors: And provided further, That no such sale shall be made
2 at any sporting, athletic or theatrical event.

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

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

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

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

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

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

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

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

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

1 assure payment of any fine imposed by the ~~{board} commission~~ up ←
2 to one thousand dollars (\$1,000).

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

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

1 without regard to the prohibition in section 471, against the
2 grant of a license at the same premises for a period of at least
3 one year.

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

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

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

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

1 FOR THE PERFORMING ARTS.

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

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

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

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

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

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

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

29 (g.1) Sales by the holder of a performing arts facility
30 license referred to in subsection (a.1) shall be further

1 restricted to the period of time beginning one (1) hour before
2 and ending one (1) hour after any presentation at the performing
3 arts facility.

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

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

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

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

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

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

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

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

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

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

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

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

1 to those hours set forth in section 408.3(g.1).

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

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

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

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

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

1 OF THE FIRST CLASS OR IN CITIES OF THE SECOND CLASS. For the
2 purpose of this section "non-profit corporation" shall mean a
3 corporation organized under the non-profit corporation laws for
4 the benefit of the public and not for the mutual benefit of its
5 members, and which maintains an art museum OR A SCIENCE AND ←
6 TECHNOLOGY MUSEUM having a floor area of not less than one
7 hundred thousand square feet in one building.

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

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

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

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

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

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

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

30 (i.2) An art museum maintained by a non-profit corporation

1 or corporations in a city of the second class which obtains
2 approval of its application for a license from the {board} ←
3 ~~commission~~ shall purchase a license from an existing licensee.

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

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

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

26 (b) An application for the issuance may be filed at any time
27 by a nonprofit corporation operating such a theater for the
28 performing arts or by a concessionaire selected by such
29 nonprofit corporation. Any such license granted under these
30 provisions need not conform to the requirements of the act

1 relating to restaurant liquor licenses, except as provided
2 herein. Applicant shall submit such other information as the
3 ~~{board} commission~~ may require. Applications shall be in writing <—
4 on forms prescribed by the ~~{board} commission~~ and shall be <—
5 signed and submitted to the ~~{board} commission~~ by the applicant. <—
6 The filing fee which shall accompany the license application
7 shall be thirty dollars (\$30).

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

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

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

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

29 (g) Sales by the holder of a performing arts facility
30 license may be made except to those persons prohibited under

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

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

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

28 (j) Performing arts licenses shall not be subject to the
29 provisions of section 404 except insofar as they relate to the
30 reputation of the applicant nor to the provisions of sections

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

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

8 Section 37. Section 408.7 of the act, added December 12,
9 1980 (P.L.1195, No.221), is reenacted and amended to read:

10 Section 408.7. Performing Arts Facilities in First and

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

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

1 ~~commission~~ and shall be signed and submitted to the ~~{board}~~ ←
2 ~~commission~~ by the applicant. The filing fee which shall
3 accompany the license transfer application shall be thirty
4 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 ←
9 transfer the restaurant liquor license for the performing arts
10 facility.

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

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

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

27 (g) Sales by the holder of a performing arts facility
28 license may be made except to those persons prohibited under
29 clause (1) of section 493 on ~~{board-approved}~~~~commission~~ ←
30 ~~approved~~ service areas of the premises of such a facility for

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

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

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

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

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

4 Section 38. Section 408.8 of the act, added December 17,
5 1982 (P.L.1390, No.319), is reenacted ~~and amended~~ to read: <—

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

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

1 (c) Upon receipt of the application in proper form and the
2 application fee, and upon being satisfied that the applicant is
3 of good repute and financially responsible and that the proposed
4 place of business is proper, the ~~{board} commission~~ shall issue ←
5 the restaurant liquor license for the trade show or convention
6 facility.

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

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

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

23 (g) Sales by the holder of a trade show or convention
24 facility license may be made except to those persons prohibited
25 under clause (1) of section 493 on ~~{board-approved} commission~~ ←
26 ~~approved~~ service areas of the premises of such a facility for
27 trade shows or conventions during the hours in which the trade
28 show or convention is being held and up to one hour before the
29 scheduled opening and one hour after the scheduled closing, but
30 such sales may not be made beyond the hours expressed in the

1 code for the sale of liquor and malt or brewed beverages by
2 restaurant licensees: Provided, however, That such sales may be
3 made on Sunday between the hours of one o'clock postmeridian and
4 ten o'clock postmeridian, irrespective of the volume of food
5 sales.

6 (h) Whenever a contract with a concessionaire is terminated
7 prior to the expiration date provided in the contract between
8 such nonprofit corporation and the concessionaire and is not
9 renewed, such nonprofit corporation may apply to the {board} ←
10 ~~commission~~ for the issuance of a restaurant liquor license or
11 may select and certify to the {board} ~~commission~~ a different ←
12 concessionaire which concessionaire shall apply to the {board} ←
13 ~~commission~~ for issuance of a restaurant liquor license. If the
14 applicant meets the requirements of the {board} ~~commission~~ as ←
15 herein provided, the issuance shall thereupon occur. If any such
16 trade show or convention license is revoked, the {board} ←
17 ~~commission~~ shall issue a new license to any qualified applicant
18 without regard to the prohibition in section 471 against the
19 grant of a license at the same premises for a period of at least
20 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) Trade show or convention licenses shall not be subject
24 to the provisions of section 404 except insofar as they relate
25 to the reputation of the applicant nor to the provisions of
26 sections 461 and 463 nor to the provisions of clause (10) of
27 section 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 for trade shows or conventions. Provided food is

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

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

5 Section 408.9. Stadium and Restaurant Licenses in Third
6 Class Cities.--The ~~{board}~~ ~~commission~~ is authorized to issue one ←
7 restaurant license in any city of the third class for the retail
8 sale of liquor and malt or brewed beverages by the glass, open
9 bottles or other containers, and in any mixture, for consumption
10 in any restaurant which is located not more than one thousand
11 feet from a stadium which has a seating capacity of five
12 thousand persons, situate on the same lot or parcel of land not
13 less than twenty-five acres in size with no intervening public
14 thoroughfare between the restaurant and the stadium.

15 Section 40. Section 409 of the act, amended February 17,
16 1956 (1955 P.L.1078, No.349) and September 28, 1961 (P.L.1728,
17 No.702), is reenacted ~~and amended~~ to read: ←

18 Section 409. Sacramental Wine Licenses; Fees; Privileges;
19 Restrictions.--(a) Subject to the provisions of this act in
20 general and more particularly to the following provisions of
21 this section, the ~~{board}~~ ~~commission~~ shall issue sacramental ←
22 wine licenses to qualified applicants.

23 (b) Every applicant for a sacramental wine license shall
24 file a written application with the ~~{board}~~ ~~commission~~ in such ←
25 form as the ~~{board}~~ ~~commission~~ shall from time to time ←
26 prescribe, which shall be accompanied by a filing fee of twenty
27 dollars (\$20), a license fee of one hundred dollars, and a bond
28 as hereinafter prescribed. Every such application shall contain
29 a description of the premises for which the applicant desires a
30 license and shall set forth such other material information as

1 may be required by the ~~{board}~~commission. ←

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

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

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

27 (f) Every sacramental wine licensee shall maintain on the
28 licensed premises such records as the ~~{board}~~commission may ←
29 prescribe. No deliveries of sacramental wine shall be made
30 unless and until an order therefor is on file at the principal

1 place of business in Pennsylvania. All shipments into
2 Pennsylvania of wine to be used for sacramental or religious
3 purposes shall be consigned to the principal place of business
4 maintained by the licensee.

5 (g) Any such license may be suspended or revoked by the
6 ~~board~~ ~~commission~~ upon proof satisfactory to it that the ←
7 licensee has violated any law of this Commonwealth or any
8 regulation of the ~~board~~ ~~commission~~ relating to liquor and ←
9 alcohol. The procedure in such cases shall be the same as for
10 the revocation and suspension of hotel, restaurant and club
11 licenses.

12 Section 41. Section 410 of the act, amended September 28,
13 1961 (P.L.1728, No.702), is reenacted and amended to read:

14 Section 410. Liquor Importers' Licenses; Fees; Privileges;
15 Restrictions.--(a) Subject to the provisions of this act in
16 general and more particularly to the following provisions of
17 this section, the ~~board~~ ~~commission~~ shall issue liquor ←
18 importers' licenses to qualified applicants.

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

28 (c) The holder of an importer's license may have included in
29 such license one warehouse wherein only his liquor may be kept
30 and stored, located in the same municipality in which his

1 licensed premises is situate, and not elsewhere, unless such
2 licensee secures from the ~~{board} commission~~ a license for each ←
3 additional storage warehouse desired. The ~~{board} commission~~ is ←
4 authorized and empowered to issue to a holder of an importer's
5 license a license for an additional storage warehouse or
6 warehouses located in this Commonwealth, provided such licensed
7 importer files with the ~~{board} commission~~ a separate ←
8 application for each warehouse in such form and containing such
9 information as the ~~{board} commission~~ may from time to time ←
10 require, accompanied by a filing fee of twenty dollars (\$20), a
11 license fee of twenty-five dollars, and a bond of an approved
12 surety company in the amount of ten thousand dollars. Such bond
13 shall contain the same provisions and conditions as are required
14 in the other license bonds under this article.

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

26 (e) Importers' licenses shall permit the holders thereof to
27 bring or import liquor from other states, foreign countries, or
28 insular possessions of the United States, and purchase liquor
29 from manufacturers located within this Commonwealth, to be sold
30 outside of this Commonwealth or to Pennsylvania Liquor Stores

1 within this Commonwealth, or when in original containers of ten
2 gallons or greater capacity, to licensed manufacturers within
3 this Commonwealth.

4 All importations of liquor into Pennsylvania by the licensed
5 importer shall be consigned to the [Pennsylvania Liquor Control
6 Board] ~~commission~~ BOARD or the principal place of business or ←
7 authorized place of storage maintained by the licensee.

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

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

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

24 (b) No manufacturer, importer or sacramental wine licensee,
25 and no officer or director of a manufacturer, importer or
26 sacramental wine licensee shall own any stock or have any
27 financial interest in any hotel or restaurant licensed under
28 this act.

29 (c) Excepting as herein provided, no manufacturer, or
30 officer, director, stockholder, agent or employe of a

1 manufacturer shall in any wise be interested, either directly or
2 indirectly, in the ownership or leasehold of any property or the
3 equipment of any property or any mortgage lien against the same,
4 for which a hotel, restaurant or club license is granted; nor
5 shall a manufacturer, importer or sacramental wine licensee, or
6 officer, director, stockholder, agent or employe of a
7 manufacturer, importer or sacramental wine licensee, either
8 directly or indirectly, lend any moneys, credit, or give
9 anything of value or the equivalent thereof to, or guarantee the
10 payment of any bond, mortgage, note or other obligation of, any
11 hotel, restaurant or club licensee, his servant, agent or
12 employe, for equipping, fitting out, or maintaining and
13 conducting, either in whole or in part, a hotel, restaurant or
14 club licensed for the selling of liquor for use and consumption
15 upon the premises.

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

30 (e) Except as herein provided, no hotel, restaurant, retail

1 dispenser or club licensee, and no officer, director or
2 stockholder, agent or employe of any such licensee shall in any
3 wise be interested, directly or indirectly, in the ownership or
4 leasehold of any property or the equipment of any property or
5 any mortgage lien against the same, used by a distributor,
6 importing distributor, or by an importer or sacramental wine
7 licensee, in the conduct of his business; nor shall any hotel,
8 restaurant, retail dispenser or club licensee, or any officer,
9 director, stockholder, agent or employe of any such licensee,
10 either directly or indirectly, lend any moneys, credit, or give
11 anything of value or the equivalent thereof, to any distributor,
12 importing distributor, importer or sacramental wine licensee,
13 for equipping, fitting out, or maintaining and conducting,
14 either in whole or in part, an establishment used in the conduct
15 of his business.

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

1 by, a holder of a retail dispenser's license; and nothing in
2 this clause shall prevent the issuance of a retail dispenser's
3 license to a lessee of such lands who owns the buildings
4 thereon: And, provided further, That nothing contained in this
5 section shall be construed to prohibit any hotel, restaurant,
6 retail dispenser or club licensee or any officer, director or
7 stockholder, agent or employe of any such licensee from having a
8 financial or other interest, directly or indirectly in the
9 ownership or leasehold of any property or the equipment of any
10 property or any mortgage lien against same, used, leased by an
11 importer or sacramental wine licensee for the exclusive purpose
12 of maintaining commercial offices and on the condition that said
13 property is not used for the storage or sale of liquor or malt
14 or brewed beverages in any quantity.

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

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

18 Section 44. Section 431 of the act, amended August 17, 1965
19 (P.L.346, No.182), October 9, 1967 (P.L.395, No.179), May 5,
20 1970 (P.L.342, No.110) and June 22, 1980 (P.L.253, No.73), is
21 reenacted and amended to read:

22 Section 431. Malt and Brewed Beverages Manufacturers',
23 Distributors' and Importing Distributors' Licenses.--(a) The
24 ~~board~~~~commission~~ shall issue to any person a resident of this ←
25 Commonwealth of good repute who applies therefor, pays the
26 license fee hereinafter prescribed, and files the bond
27 hereinafter required, a manufacturer's license to produce and
28 manufacture malt or brewed beverages, and to transport, sell and
29 deliver malt or brewed beverages at or from one or more places
30 of manufacture or storage, only in original containers, in

1 quantities of not less than a case of twenty-four containers,
2 each container holding seven fluid ounces or more, or a case of
3 twelve containers, each container holding twenty-four fluid
4 ounces or more, except original containers containing one
5 hundred twenty-eight ounces or more which may be sold separately
6 anywhere within the Commonwealth. Licenses for places of storage
7 shall be limited to those maintained by manufacturers on July
8 eighteenth, one thousand nine hundred thirty-five, and the
9 ~~board~~ ~~commission~~ shall issue no licenses for places of storage ←
10 in addition to those maintained on July eighteenth, one thousand
11 nine hundred thirty-five. The application for such license shall
12 be in such form and contain such information as the ~~board~~ ←
13 ~~commission~~ shall require. All such licenses shall be granted for
14 the calendar year. Every manufacturer shall keep at his or its
15 principal place of business, within the Commonwealth daily
16 permanent records which shall show, (1) the quantities of raw
17 materials received and used in the manufacture of malt or brewed
18 beverages and the quantities of malt or brewed beverages
19 manufactured and stored, (2) the sales of malt or brewed
20 beverages, (3) the quantities of malt or brewed beverages stored
21 for hire or transported for hire by or for the licensee, and (4)
22 the names and addresses of the purchasers or other recipients
23 thereof. Every place licensed as a manufacturer shall be subject
24 to inspection by members of the ~~board~~ ~~commission~~ or by persons ←
25 duly authorized and designated by the ~~board~~ ~~commission~~, at any ←
26 and all times of the day or night, as they may deem necessary,
27 for the detection of violations of this act or of the rules and
28 regulations of the ~~board~~ ~~commission~~, or for the purpose of ←
29 ascertaining the correctness of the records required to be kept
30 by licensees. The books and records of such licensees shall at

1 all times be open to inspection by members of the {board} ←
2 ~~commission~~ or by persons duly authorized and designated by the
3 {board} ~~commission~~. Members of the {board} ~~commission~~ and its ←
4 duly authorized agents shall have the right, without hindrance,
5 to enter any place which is subject to inspection hereunder or
6 any place where such records are kept for the purpose of making
7 such inspections and making transcripts thereof.

8 (b) The {board} ~~commission~~ shall issue to any reputable ←
9 person who applies therefor, pays the license fee hereinafter
10 prescribed, and files the bond hereinafter required, a
11 distributor's or importing distributor's license for the place
12 which such person desires to maintain for the sale of malt or
13 brewed beverages, not for consumption on the premises where
14 sold, and in quantities of not less than twenty-four containers,
15 each container holding seven fluid ounces or more, or twelve
16 containers, each container holding twenty-four fluid ounces or
17 more, except original containers containing one hundred twenty-
18 eight ounces or more which may be sold separately and such
19 containers to be the original containers as prepared for the
20 market by the manufacturer at the place of manufacture[: And
21 provided further, That the board]. ~~Additionally, a distributor ←~~
22 ~~may sell a quantity of 24 containers, all of the same unit size,~~
23 ~~but containing different brands of malt or brewed beverages,~~
24 ~~mixed in unit combinations of six of the same brand. The~~
25 ~~commission~~ BOARD shall have the discretion to refuse a license ←
26 to any person or to any corporation, partnership or association
27 if such person, or any officer or director of such corporation,
28 or any member or partner of such partnership or association
29 shall have been convicted or found guilty of a felony within a
30 period of five years immediately preceding the date of

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

25 Except as hereinafter provided, such license shall authorize
26 the holder thereof to sell or deliver malt or brewed beverages
27 in quantities above specified anywhere within the Commonwealth
28 of Pennsylvania, which, in the case of distributors, have been
29 purchased only from persons licensed under this act as
30 manufacturers or importing distributors, and in the case of

1 importing distributors, have been purchased from manufacturers
2 or persons outside this Commonwealth engaged in the legal sale
3 of malt or brewed beverages or from manufacturers or importing
4 distributors licensed under this article.

5 Each out of State manufacturer of malt or brewed beverages
6 whose products are sold and delivered in this Commonwealth shall
7 give distributing rights for such products in designated
8 geographical areas to specific importing distributors, and such
9 importing distributor shall not sell or deliver malt or brewed
10 beverages manufactured by the out of State manufacturer to any
11 person issued a license under the provisions of this act whose
12 licensed premises are not located within the geographical area
13 for which he has been given distributing rights by such

14 manufacturer. SHOULD A LICENSEE ACCEPT THE DELIVERY OF SUCH MALT ←
15 OR BREWED BEVERAGES IN VIOLATION OF THIS SECTION, SAID LICENSEE
16 SHALL BE SUBJECT TO A SUSPENSION OF HIS LICENSE FOR AT LEAST

17 THIRTY DAYS: Provided, That the importing distributor holding
18 such distributing rights for such product shall not sell or
19 deliver the same to another importing distributor without first
20 having entered into a written agreement with the said secondary
21 importing distributor setting forth the terms and conditions
22 under which such products are to be resold within the territory
23 granted to the primary importing distributor by the
24 manufacturer.

25 When a Pennsylvania manufacturer of malt or brewed beverages
26 licensed under this article names or constitutes a distributor
27 or importing distributor as the primary or original supplier of
28 his product, he shall also designate the specific geographical
29 area for which the said distributor or importing distributor is
30 given distributing rights, and such distributor or importing

1 distributor shall not sell or deliver the products of such
2 manufacturer to any person issued a license under the provisions
3 of this act whose licensed premises are not located within the
4 geographical area for which distributing rights have been given
5 to the distributor and importing distributor by the said
6 manufacturer: Provided, That the importing distributor holding
7 such distributing rights for such product shall not sell or
8 deliver the same to another importing distributor without first
9 having entered into a written agreement with the said secondary
10 importing distributor setting forth the terms and conditions
11 under which such products are to be resold within the territory
12 granted to the primary importing distributor by the
13 manufacturer. Nothing herein contained shall be construed to
14 prevent any manufacturer from authorizing the importing
15 distributor holding the distributing rights for a designated
16 geographical area from selling the products of such manufacturer
17 to another importing distributor also holding distributing
18 rights from the same manufacturer for another geographical area,
19 providing such authority be contained in writing and a copy
20 thereof be given to each of the importing distributors so
21 affected.

22 (B.1) (1) ANY PERSON IN THIS COMMONWEALTH OR ELSEWHERE WHO ←
23 SHALL PURCHASE OR IN ANY MANNER WHATSOEVER ACQUIRE OR OTHERWISE
24 SUCCEED TO THE BUSINESS OF A MANUFACTURER, ASSETS OR RIGHTS TO
25 IMPORT, MARKET, SHIP INTO THIS COMMONWEALTH OR DISTRIBUTE A
26 BRAND OF BEER, OR TO USE AND EXPLOIT ANY TRADEMARK INCORPORATED
27 AS PART OF A BRAND OF BEER PRODUCED BY SUCH A MANUFACTURER SHALL
28 BE OBLIGATED TO ALL TERMS OF THE MANUFACTURER'S FRANCHISE
29 AGREEMENTS IN EFFECT ON THE EFFECTIVE DATE OF THE PURCHASE,
30 ACQUISITION OR SUCCESSION, OR, IF EARLIER, AT THE TIME THE

1 AGREEMENT CONTEMPLATING THE PURCHASE, ACQUISITION OR SUCCESSION
2 IS ACTUALLY MADE.

3 (2) "PURCHASE" OR "ACQUISITION," FOR PURPOSES OF THIS
4 SECTION, INCLUDES, BUT IS NOT LIMITED TO, A PURCHASE,
5 ACQUISITION, LEASE, LICENSE OR ASSIGNMENT OF ALL OR A
6 CONTROLLING INTEREST IN THE CAPITAL STOCK OR OPERATING ASSETS,
7 INCLUDING BRAND TRADEMARKS RIGHTS; MERGER; ANY CORPORATE
8 REORGANIZATION OR CONSOLIDATION; AND ALSO, WITHOUT LIMITATION,
9 ANY LICENSE, CROSS-LICENSE, JOINT VENTURE OR OTHER AGREEMENT OR
10 ARRANGEMENT, DIRECTLY OR INDIRECTLY, TRANSFERRING, SUBSTITUTING
11 OR MATERIALLY CHANGING THE PERSON OR PERSON AUTHORIZED BY THE
12 ONE OWNING OR CONTROLLING A BRAND OR ANY TRADEMARK AS PART OF A
13 BRAND, TO PRODUCE, IMPORT, SHIP, MARKET OR DISTRIBUTE THE BRAND
14 OF BEER INTO OR WITHIN THIS COMMONWEALTH.

15 (3) "MANUFACTURER" AS USED IN THIS SUBSECTION SHALL MEAN ANY
16 PERSON, INCLUDING ANY AGENT OF SUCH PERSON, WHO (I) IS LICENSED
17 AS A MANUFACTURER OF MALT OR BREWED BEVERAGES LOCATED WITHIN THE
18 COMMONWEALTH OF PENNSYLVANIA, (II) HOLDS A DISTRIBUTOR OR
19 IMPORTING DISTRIBUTOR LICENSE, OR (III) MANUFACTURES ANY MALT
20 BEVERAGE, HAS TITLE TO ANY MALT BEVERAGE PRODUCTS OR HAS THE
21 CONTRACTUAL RIGHT TO DISTRIBUTE ANY MALT BEVERAGE PRODUCT,
22 WHETHER LICENSED IN THIS COMMONWEALTH OR NOT, WHO ENTERS INTO AN
23 "AGREEMENT" WITH ANY IMPORTING DISTRIBUTOR LICENSED TO DO
24 BUSINESS IN THIS COMMONWEALTH.

25 (c) The aforesaid licenses shall be issued only to reputable
26 individuals, partnerships and associations who are, or whose
27 members are, citizens of the United States and have for two
28 years prior to the date of their applications been residents of
29 the Commonwealth of Pennsylvania or to reputable corporations
30 organized or duly registered under the laws of the Commonwealth

1 of Pennsylvania. Such licenses shall be issued to corporations
2 duly organized or registered under the laws of the Commonwealth
3 of Pennsylvania only when it appears that all of the officers
4 and directors of the corporation are citizens of the United
5 States and have been residents of the Commonwealth of
6 Pennsylvania for a period of at least two years prior to the
7 date of application, and that at least fifty-one per centum of
8 the capital stock of such corporation is actually owned by
9 individuals who are citizens of the United States and have been
10 residents of the Commonwealth of Pennsylvania for a period of at
11 least two years prior to the date of application: Provided, That
12 the provisions of this subsection with respect to residence
13 requirements shall not apply to individuals, partners, officers,
14 directors and owners of capital stock, of corporations licensed
15 or applying for licenses as manufacturers of malt or brewed
16 beverages, nor shall the provisions of this subsection with
17 respect to stockholder requirements apply to corporations
18 licensed or applying for licenses as manufacturers of malt or
19 brewed beverages.

20 (d) (1) All distributing rights as hereinabove required
21 shall be in writing, shall be equitable in their provisions and
22 shall be substantially similar as to terms and conditions with
23 all other distributing rights agreements between the
24 manufacturer giving such agreement and its other importing
25 distributors and distributors shall not be modified, cancelled,
26 terminated or rescinded by the manufacturer without good cause,
27 and shall contain a provision in substance or effect as follows:
28 "The manufacturer recognizes that the importing distributor and
29 distributor are free to manage their business in the manner the
30 importing distributor and distributor deem best and that this

1 prerogative vests in the importing distributor and distributor
2 the exclusive right to establish a selling price, to select the
3 brands of malt or brewed beverages they wish to handle and to
4 determine the efforts and resources which the importing
5 distributor and distributor will exert to develop and promote
6 the same of the manufacturer's products handled by the importing
7 distributor and distributor. However, the manufacturer expects
8 that the importing distributor and distributor will price
9 competitively the products handled by them, devote reasonable
10 effort and resources to the sale of such products and maintain a
11 reasonable sales level." "Good cause" shall mean the failure by
12 any party to an agreement, without reasonable excuse or
13 justification, to comply substantially with an essential,
14 reasonable and commercially acceptable requirement imposed by
15 the other party under the terms of an agreement.

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

22 (3) Except for discontinuance of a brand or a valid
23 termination for good cause, the purchaser of the assets of the
24 manufacturer as defined in this act shall become obligated to
25 all the territorial and brand designations of the agreement in
26 effect on the date of purchase. Purchase of assets as defined
27 for the purposes of this act shall include, but not be limited
28 to, the sale of stock, sale of assets, merger, lease, transfer
29 or consolidation.

30 (4) The court of common pleas of the county wherein the

1 licensed premises of the importing distributor or distributor
2 are located is hereby vested with jurisdiction and power to
3 enjoin the modification, rescission, cancellation or termination
4 of a franchise or agreement between a manufacturer and an
5 importing distributor or distributor at the instance of such
6 importing distributor or distributor who is or might be
7 adversely affected by such modification, rescission,
8 cancellation or termination, and in granting an injunction the
9 court shall provide that no manufacturer shall supply the
10 customers or territory of the importing distributor or
11 distributor by servicing the territory or customers through
12 other importing distributors or distributors or any other means
13 while the injunction is in effect: Provided, however, That any
14 injunction issued under this subsection shall require the
15 posting of sufficient bond against damages arising from an
16 injunction improvidently granted and a showing that the danger
17 of irrevocable loss or damage is immediate and that during the
18 pendency of such injunction the importing distributor or
19 distributor shall continue to service the accounts of the
20 manufacturer in good faith.

21 (5) The provisions of this subsection shall not apply to
22 Pennsylvania manufacturers whose principal place of business is
23 located in Pennsylvania unless they name or constitute a
24 distributor or importing distributor as a primary or original
25 supplier of their products subsequent to the effective date of
26 this act, or unless such Pennsylvania manufacturers have named
27 or constituted a distributor or importing distributor as a
28 primary or original supplier of their products prior to the
29 effective date of this act, and which status is continuing when
30 this act becomes effective.

1 Section 45. Section 432 of the act, amended January 19, 1952
2 (1951 P.L.2170, No.619), June 19, 1961 (P.L.482, No.244),
3 October 9, 1967 (P.L.392, No.177) and May 9, 1984 (P.L.246,
4 No.54), is reenacted ~~and amended~~ AND AMENDED to read: <—

5 Section 432. Malt and Brewed Beverages Retail Licenses.--(a)
6 Subject to the restrictions hereinafter provided in this act,
7 and upon being satisfied of the truth of the statements in the
8 application, that the premises and the applicant meet all the
9 requirements of this act and the regulations of the ~~{board}~~ <—
10 ~~commission~~, that the applicant seeks a license for a reputable
11 hotel, eating place or club, as defined in this act, the ~~{board}~~ <—
12 ~~commission~~ shall, in the case of a hotel or eating place, grant
13 and issue, and in the case of a club may, in its discretion,
14 issue or refuse the applicant a retail dispenser's license.

15 (b) In the case of hotels and eating places, licenses shall
16 be issued only to reputable persons who are citizens of the
17 United States and have for two years been residents of the
18 Commonwealth of Pennsylvania at the date of their application,
19 or to reputable corporations organized or duly registered under
20 the laws of the Commonwealth of Pennsylvania, all of whose
21 officers and directors are citizens of the United States. In the
22 case of incorporated clubs, licenses shall be issued only to
23 those incorporated under the laws of Pennsylvania.

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

29 (d) The ~~{board}~~ ~~commission~~ shall, in its discretion, grant <—
30 or refuse any new license or the transfer of any license to a

1 new location if such place proposed to be licensed is within
2 three hundred feet of any church, hospital, charitable
3 institution, school, or public playground, or if such new
4 license or transfer is applied for a place which is within two
5 hundred feet of any other premises which is licensed by the
6 ~~{board} commission~~ [, or if such new license or transfer is ←
7 applied for a place where the principal business conducted is
8 the sale of liquid fuels and oil]. The ~~{board} commission~~ shall ←
9 refuse any application for a new license or the transfer of any
10 license to a new location if, in the ~~{board}'s} commission's~~ ←
11 opinion, such new license or transfer would be detrimental to
12 the welfare, health, peace and morals of the inhabitants of the
13 neighborhood within a radius of five hundred feet of the place
14 to be licensed. THE BOARD SHALL REFUSE ANY APPLICATION FOR A NEW ←
15 LICENSE OR THE TRANSFER OF ANY LICENSE TO A LOCATION WHERE THE
16 SALE OF LIQUID FUELS OR OIL IS CONDUCTED. The ~~{board} commission~~ ←
17 shall not issue new licenses, except as herein otherwise
18 provided, in any license district more than twice each license
19 year effective from specific dates fixed by the ~~{board}~~ ←
20 ~~commission~~, and new licenses shall not be granted unless the
21 application therefor shall have been filed at least thirty days
22 before the effective date of the license. Nothing herein
23 contained shall prohibit the ~~{board} commission~~ from issuing a ←
24 new license for the balance of any unexpired term in any license
25 district to any applicant in such district, who shall have
26 become eligible to hold such license as the result of
27 legislative enactment, when such enactment shall have taken
28 place during the license term of that district for which
29 application is made, or within the thirty days immediately
30 preceding such term: And provided further, That the ~~{board}~~ ←

1 ~~commission~~ shall have the discretion to refuse a license to any
2 person or to any corporation, partnership or association if such
3 person, or any officer or director of such corporation, or any
4 member or partner of such partnership or association shall have
5 been convicted or found guilty of a felony within a period of
6 five years immediately preceding the date of application for the
7 said license.

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

19 (f) Hotel, eating places, or municipal golf course retail
20 dispenser licensees whose sales of food and nonalcoholic
21 beverages are equal to forty per centum (40%) or more of the
22 combined gross sales of both food and malt or brewed beverages
23 may sell malt or brewed beverages between the hours of eleven
24 o'clock antemeridian on Sunday and two o'clock antemeridian on
25 Monday upon purchase of a special annual permit from the ~~{board}~~ ←
26 ~~commission~~ at a fee of two hundred dollars (\$200.00) per year,
27 which shall be in addition to any other license fees. Provided
28 further, the holder of such special annual permit may sell malt
29 or brewed beverages after seven o'clock antemeridian and until
30 two o'clock antemeridian of the following day, on any day on

1 which a general, municipal, special or primary election is being
2 held.

3 Section 46. Section 433 of the act is reenacted and amended
4 to read:

5 Section 433. Public Service Licenses.--The {board} ←
6 ~~commission~~ may issue public service malt and brewed beverage
7 licenses to a railroad, pullman or steamship company permitting
8 malt or brewed beverages to be sold at retail in dining, club or
9 buffet cars, or the dining compartments of steamships or
10 vessels, for consumption on the trains, steamships or vessels
11 wherever operated in the State, except when standing in stations
12 or terminals within a municipality wherein retail sales are
13 prohibited. Such licenses shall only be granted to reputable
14 persons and for fit places. The {board} ~~commission~~ may issue a ←
15 master license to railroad or pullman companies to cover the
16 maximum number of cars which the company shall estimate that it
17 will operate within the Commonwealth on any one day. Such
18 licensees shall file monthly reports with the {board} ~~commission~~ ←
19 showing the maximum number of cars operated at any time on any
20 day during the preceding month, and if it appears that more cars
21 have been operated than covered by its license it shall
22 forthwith remit to the {board} ~~commission~~ the sum of ten dollars ←
23 for each extra car so operated. The {board} ~~commission~~ shall ←
24 have the power to suspend or revoke any such licenses for cause
25 after granting a hearing [thereon] ~~before an administrative law~~ ←
26 ~~judge~~ A HEARING EXAMINER to the licensee. Any person aggrieved ←
27 by the decision of the {board} ~~commission~~ in refusing, ←
28 suspending or revoking any such license may appeal to the [court
29 of quarter sessions of Dauphin County] Commonwealth Court in the
30 same manner as provided in this article for appeals from

1 refusals of licenses.

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

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

30 (b) The owner or lessee or a concessionaire of any such

1 premises may make application for a permit. The aforesaid
2 permits shall be issued only to reputable individuals,
3 partnerships and associations, who are or whose members are
4 citizens of the United States and have for two years prior to
5 the date of their applications been residents of the
6 Commonwealth of Pennsylvania, or to reputable corporations
7 organized or duly registered under the laws of the Commonwealth
8 of Pennsylvania, all of whose officers and directors are
9 citizens of the United States. Each applicant shall furnish
10 proof satisfactory to the ~~{board}~~ ~~commission~~ that he is of good ←
11 repute and financially responsible and that the premises upon
12 which he proposes to do business is a proper place. The
13 applicant shall submit such other information as the ~~{board}~~ ←
14 ~~commission~~ may require. Applications shall be, in writing on
15 forms prescribed by the ~~{board}~~ ~~commission~~, and signed and sworn ←
16 to by the applicant. Every application shall be accompanied by
17 an application fee of twenty-five dollars (\$25), a permit fee of
18 one hundred dollars (\$100) and a surety bond in the amount of
19 one thousand dollars (\$1000) conditioned the same as the license
20 bonds required by this act for retail dispenser licenses.

21 (c) Upon receipt of the application in proper form, the
22 application fee, the permit fee and bond, and upon being
23 satisfied that the applicant is of good repute and financially
24 responsible and that the proposed place of business is proper,
25 the ~~{board}~~ ~~commission~~ shall issue a special permit to the ←
26 applicant. Only one permit issued under this section shall be in
27 effect on any such premises at any time.

28 (d) No permit shall be transferable or assignable. The
29 ~~{board}~~ ~~commission~~ may by regulation fix the permit year and ←
30 provide for the renewal of such permits. Whenever a permit is

1 revoked, another may be issued for the same premises to another
2 applicant upon compliance with the provisions of this section.

3 (e) The ~~{board} commission~~ shall have the power to refuse <—
4 the issuance of any permit for cause, and to revoke or suspend
5 any permit for cause or for any violation of the liquor or malt
6 and brewed beverage laws. Any applicant or holder of a permit
7 aggrieved by any ruling of the ~~{board} commission~~ or by its <—
8 refusal to issue a permit, or by its suspension or revocation
9 thereof, shall have the right to a hearing and appeal therefrom
10 in the same manner as provided in sections 464 and 471 of this
11 act authorizing appeals from orders of the ~~{board} commission or~~ <—
12 an administrative law judge.

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

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

21 (b) Malt or brewed beverage licenses issued under this
22 article to manufacturers and public service companies shall,
23 unless revoked in the manner herein provided, be valid for the
24 calendar year for which they are issued. Licenses to such
25 manufacturers and public service companies may be issued at any
26 time during a calendar year.

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

29 Section 435. Filing of Applications for Distributors',
30 Importing Distributors' and Retail Dispensers' Licenses; Filing

1 Fee.--Every person intending to apply for a distributor's,
2 importing distributor's or retail dispenser's license, as
3 aforesaid, in any municipality of this Commonwealth, shall file
4 with the ~~{board} commission~~ his or its application. All such ←
5 applications shall be filed at a time to be fixed by the ~~{board}~~ ←
6 ~~commission~~ for the particular license district as set up by the
7 ~~{board} commission~~ under the provisions of this act. The ←
8 applicant shall, at the time of filing the application and bond,
9 pay said ~~{board} commission~~ the filing fee of twenty dollars ←
10 (\$20), as hereinafter specified.

11 Section 50. Section 436 of the act, amended June 19, 1961
12 (P.L.482, No.244) and June 29, 1965 (P.L.151, No.101), is
13 reenacted ~~and amended~~ to read: ←

14 Section 436. Application for Distributors', Importing
15 Distributors' and Retail Dispensers' Licenses.--Application for
16 distributors', importing distributors' and retail dispensers'
17 licenses, or for the transfer of an existing license to another
18 premises not then licensed, shall contain or have attached
19 thereto the following information and statements:

20 (a) The name and residence of the applicant and how long he
21 has resided there, and if an association, partnership or
22 corporation, the residences of the members, officers and
23 directors for the period of two years next preceding the date of
24 such application.

25 (b) The particular place for which the license is desired
26 and a detailed description thereof. The description, information
27 and plans referred to in this subsection shall show the premises
28 or the proposed location for the construction of the premises at
29 the time the application is made, and shall show any alterations
30 proposed to be made thereto, or the new building proposed to be

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

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

7 (c) Place of birth of applicant, and if a naturalized
8 citizen, where and when naturalized, and if a corporation
9 organized or registered under the laws of the Commonwealth, when
10 and where incorporated, with the names and addresses of each
11 officer and director, all of whom shall be citizens of the
12 United States; if the application is for a distributor's or
13 importing distributor's license and the applicant therefor is a
14 corporation, the application shall also contain a statement of
15 facts showing the qualifications of the corporation, as
16 hereinbefore required, together with the names and addresses of
17 all stockholders.

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

19 (e) That the applicant is not, or in case of a partnership
20 or association, that the members or partners are not, and in the
21 case of a corporation, that the officers and directors are not,
22 in any manner pecuniarily interested, either directly or
23 indirectly, in the profits of any other class of business
24 regulated under this article, except as hereinafter permitted.

25 (f) That applicant is the only person in any manner
26 pecuniarily interested in the business so asked to be licensed,
27 and that no other person shall be in any manner pecuniarily
28 interested therein during the continuance of the license, except
29 as hereinafter permitted.

30 (g) Whether applicant, or in case of a partnership or

1 association, any member or partner thereof, or in case of a
2 corporation, any officer or director thereof, has during the
3 three years immediately preceding the date of said application
4 had a license for the sale of malt or brewed beverages or
5 spirituous and vinous liquors revoked, or has during the same
6 period been convicted of any criminal offense, and if so, a
7 detailed history thereof.

8 (h) A full description of that portion of the premises for
9 which license is asked, and if any other business is to be
10 conducted concurrently with the sale and distribution of malt or
11 brewed beverages, a full history of such business, relating the
12 nature thereof, the length of time it has so previously been
13 conducted by the applicant or his predecessor at such location,
14 and such additional information as the ~~board~~ commission may <—
15 require.

16 (i) Every club applicant shall file with and as a part of
17 its application a list of the names and addresses of its
18 members, directors, officers, agents and employes, together with
19 the dates of their admission, election or employment, and such
20 other information with respect to its affairs as the ~~board~~ <—
21 commission shall require.

22 (j) The application must be verified by affidavit of
23 applicant, and if any false statement is intentionally made in
24 any part of the application, the affiant shall be deemed guilty
25 of a misdemeanor and, upon conviction, shall be subject to the
26 penalties provided by this article.

27 Section 51. Section 437 of the act, amended December 22,
28 1965 (P.L.1149, No.445), is reenacted ~~and amended~~ to read: <—

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

30 (a) The ~~board~~ commission shall refuse to grant any licenses <—

1 unless the application therefor contains the information
2 required by this act, and the premises meet such reasonable
3 sanitary requirements as the ~~{board} commission~~, by regulation, ←
4 shall prescribe.

5 (b) The ~~{board} commission~~ shall refuse to grant a license ←
6 to any club when it appears that the operation of such license
7 would inure to the benefit of individual members, officers,
8 agents or employes of the club, rather than to the benefit of
9 the entire membership of the club.

10 (c) Licenses shall be granted by the ~~{board} commission~~ only ←
11 to reputable individuals, or to associations, partnerships and
12 corporations whose members or officers and directors are
13 reputable individuals.

14 (d) No person who holds, either by appointment or election,
15 any public office which involves the duty to enforce any of the
16 penal laws of the United States of America or any of the penal
17 laws of this Commonwealth or any penal ordinance or resolution
18 of any political subdivision of this Commonwealth shall be
19 issued any manufacturer's, importing distributor's,
20 distributor's or retail dispenser's license, nor shall such a
21 person have any interest, directly or indirectly, in any such
22 license.

23 (e) No distributor's or importing distributor's license
24 shall be issued for any premises in any part of which there is
25 operated any retail license for the sale of liquor or malt or
26 brewed beverages.

27 (f) No new distributor's or importing distributor's license
28 shall hereafter be granted by the ~~{board} commission~~ in any ←
29 county of the Commonwealth where the combined number of
30 distributor and importing distributor licenses exceeds one

1 license for each fifteen thousand inhabitants of the county in
2 which the license is to be issued: Provided, That a combined
3 total of five such licenses may be granted in any county of the
4 Commonwealth.

5 Nothing in this subsection shall be construed as denying the
6 right of the ~~board~~commission to renew or to transfer existing ←
7 distributors' or importing distributors' licenses or to exchange
8 a distributor's license for an importing distributor's license
9 or to exchange an importing distributor's license for a
10 distributor's license, upon adjustment of the applicable fee,
11 notwithstanding that the number of such licensed places in the
12 county shall exceed the limitation hereinbefore prescribed:
13 Provided, That no distributor's license or importing
14 distributor's license shall be transferred from one county to
15 another county so long as the quota is filled in the county to
16 which the license is proposed to be transferred.

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

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

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

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

28 Section 53. Section 439 of the act, amended September 28,
29 1961 (P.L.1728, No.702), is reenacted ~~and amended~~ to read: ←

30 Section 439. Malt or Brewed Beverage License Fees.--No

1 public service license and no license to any manufacturer,
2 distributor, importing distributor or retail dispenser shall be
3 issued under the provisions of this subdivision (B) until the
4 licensee shall have first paid an annual license fee, as
5 follows:

6 (a) In the case of a manufacturer, the license fee shall be
7 one thousand dollars (\$1,000) for each place of manufacture and
8 shall be paid to the ~~{board} commission~~. The fee for all such ←
9 licenses when applied for and issued on or after April 1, but
10 prior to July 1, shall be three-fourths of the annual fee; July
11 1, but prior to October 1, shall be one-half of the annual fee;
12 October 1, but prior to January 1, shall be one quarter of the
13 annual fee.

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

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

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

- 24 (1) Less than 10,000.....\$100
- 25 (2) 10,000 and more, but less than 50,000.....\$150
- 26 (3) 50,000 and more, but less than 100,000.....\$200
- 27 (4) 100,000 and more, but less than 150,000.....\$250
- 28 (5) 150,000 and more.....\$300

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

1 commission.

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

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

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

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

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

17 Section 440. Sales by Manufacturers of Malt or Brewed
18 Beverages; Minimum Quantities.--No manufacturer shall sell any
19 malt or brewed beverages for consumption on the premises where
20 sold, nor sell or deliver any such malt or brewed beverages in
21 other than original containers approved as to capacity by the
22 ~~{board} commission,~~ ← nor in quantities of less than a case of
23 twenty-four containers, each container holding seven fluid
24 ounces or more, or a case of twelve containers, each container
25 holding twenty-four fluid ounces or more, except original
26 containers containing one hundred twenty-eight ounces or more
27 which may be sold separately; nor shall any manufacturer
28 maintain or operate within the Commonwealth any place or places
29 other than the place or places covered by his or its license
30 where malt or brewed beverages are sold or where orders are

1 taken.

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

4 Section 441. Distributors' and Importing Distributors'
5 Restrictions on Sales, Storage, Etc.--(a) No distributor or
6 importing distributor shall purchase, receive or resell any malt
7 or brewed beverages except in the original containers as
8 prepared for the market by the manufacturer at the place of
9 manufacture.

10 (b) No distributor or importing distributor shall sell any
11 malt or brewed beverages in quantities of less than a case of
12 twenty-four containers, each container holding seven fluid
13 ounces or more, or a case of twelve containers, each container
14 holding twenty-four fluid ounces or more, except original
15 containers containing one hundred twenty-eight ounces or more
16 which may be sold separately: Provided, That no malt or brewed
17 beverages sold or delivered shall be consumed upon the premises
18 of the distributor or importing distributor, or in any place
19 provided for such purpose by such distributor or importing
20 distributor.

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

24 (d) No distributor or importing distributor shall maintain
25 any place for the storage of malt or brewed beverages except in
26 the same municipality in which the licensed premises is located
27 and unless the same has been approved by the ~~{board} commission~~. ←

28 In the event there is no place of cold storage in the same
29 municipality, the ~~{board} commission~~ may approve a place of cold ←
30 storage in the nearest municipality.

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

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

8 Section 442. Retail Dispensers' Restrictions on Purchases
9 and Sales.--(a) No retail dispenser shall purchase or receive
10 any malt or brewed beverages except in original containers as
11 prepared for the market by the manufacturer at the place of
12 manufacture. The retail dispenser may thereafter break the bulk
13 upon the licensed premises and sell or dispense the same for
14 consumption on or off the premises so licensed: Provided,
15 however, That no retail dispenser may sell malt or brewed
16 beverages for consumption off the premises in quantities in
17 excess of [one hundred forty-four] ONE HUNDRED NINETY-TWO fluid <—
18 ounces: Provided, further, That no club licensee may sell any
19 malt or brewed beverages for consumption off the premises where
20 sold or to persons not members of the club.

21 (b) No retail dispenser shall sell any malt or brewed
22 beverages for consumption on the licensed premises except in a
23 room or rooms or place on the licensed premises at all times
24 accessible to the use and accommodation of the general public,
25 but this section shall not be interpreted to prohibit a retail
26 dispenser from selling malt or brewed beverages in a hotel or
27 club house in any room of such hotel or club house occupied by a
28 bona fide registered guest or member entitled to purchase the
29 same or to prohibit a retail dispenser from selling malt or
30 brewed beverages in a bowling alley when no minors are present,

1 unless minors who are present are under proper supervision as
2 defined in section 493, where the licensed premises and bowling
3 alley are immediately adjacent and under the same roof.

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

8 (d) For the purposes of this section, any person who is an
9 active member of any volunteer firefighting company, association
10 or group of this Commonwealth, whether incorporated or
11 unincorporated, shall upon the approval of any club composed of
12 volunteer firemen licensed under this act, have the same social
13 rights and privileges as members of such licensed club.

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

15 Section 443. Interlocking Business Prohibited.--(a) No
16 manufacturer of malt or brewed beverages and no officer or
17 director of any such manufacturer shall at the same time be a
18 distributor, importing distributor or retail dispenser, or an
19 officer, director or stockholder or creditor of any distributor,
20 importing distributor or retail dispenser, nor, except as
21 hereinafter provided, be the owner, proprietor or lessor of any
22 place for which a license has been issued for any importing
23 distributor, distributor or retail dispenser, or for which a
24 hotel, restaurant or club liquor license has been issued.

25 (b) No distributor or importing distributor and no officer
26 or director of any distributor or importing distributor shall at
27 the same time be a manufacturer, a retail dispenser or a liquor
28 licensee, or be an officer, director, stockholder or creditor of
29 a manufacturer, a retail dispenser or a liquor licensee, or,
30 directly or indirectly, own any stock of, or have any financial

1 interest in, or be the owner, proprietor or lessor of, any place
2 covered by any other malt or brewed beverage or liquor license.

3 (c) No licensee licensed under this subdivision (B) of
4 Article IV and no officer or director of such licensee shall,
5 directly or indirectly, own any stock of, or have any financial
6 interest in, any other class of business licensed under this
7 subdivision.

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

24 (e) Excepting as hereinafter provided, no manufacturer of
25 malt or brewed beverages shall in any wise be interested, either
26 directly or indirectly, in the ownership or leasehold of any
27 property or any mortgage lien against the same, for which a
28 distributor's or importing distributor's license is granted; nor
29 shall any such manufacturer, either directly or indirectly, lend
30 any moneys, credit, or their equivalent to, or guarantee the

1 payment of any bond, mortgage, note or other obligation of, any
2 distributor or importing distributor, in equipping, fitting out,
3 or maintaining and conducting, either in whole or in part, an
4 establishment or business where malt or brewed beverages are
5 licensed for sale by a distributor or importing distributor,
6 excepting only the usual credits allowed for the return of
7 original containers in which malt or brewed beverages were
8 originally packaged for the market by the manufacturer at the
9 place of manufacture.

10 (f) No distributor, importing distributor or retail
11 dispenser shall in anywise receive, either directly or
12 indirectly, any credit, loan, moneys or the equivalent thereof
13 from any other licensee, or from any officer, director or firm
14 member of any other licensee, or from or through a subsidiary or
15 affiliate of another licensee, or from any firm, association or
16 corporation, except banking institutions, in which another
17 licensee or any officer, director or firm member of another
18 licensee has a substantial interest or exercises a control of
19 its business policy, for equipping, fitting out, payment of
20 license fee, maintaining and conducting, either in whole or in
21 part, an establishment or business operated under a
22 distributor's, importing distributor's or retail dispenser's
23 license, excepting only the usual and customary credits allowed
24 for the return of original containers in which malt or brewed
25 beverages were packaged for the market by the manufacturer at
26 the place of manufacture.

27 (g) The purpose of this section is to require a separation
28 of the financial and business interests between the various
29 classes of business regulated by subdivision (B) of this
30 article, and no person or corporation shall, by any device

1 whatsoever, directly or indirectly, evade the provisions of this
2 section. But in view of existing economic conditions, nothing
3 contained in this section shall be construed to prohibit the
4 ownership of property or conflicting interest by a malt or
5 brewed beverage manufacturer of any place occupied by a
6 distributor, importing distributor or retail dispenser after the
7 manufacturer has continuously owned and had a conflicting
8 interest in such place for a period of at least five years prior
9 to the eighteenth day of July, one thousand nine hundred thirty-
10 five.

11 The term "manufacturer" as used in this section shall include
12 manufacturers of malt or brewed beverages as defined in this act
13 and any person manufacturing any malt or brewed beverages
14 outside of this Commonwealth.

15 Section 58. Section 444 of the act, amended December 12,
16 1980 (P.L.1195, No.221) and repealed in part December 20, 1982
17 (P.L.1409, No.326), is reenacted and amended AND THE ACT IS ←
18 AMENDED BY ADDING SECTIONS to read:

19 Section 444. Malt or Brewed Beverages Manufactured Outside
20 This Commonwealth.--(a) In addition to compliance with all
21 other provisions of this act, the ~~{board} commission~~ ←
22 require each person desiring to sell any malt or brewed
23 beverages manufactured outside this Commonwealth to Pennsylvania
24 licensees, and shall require each Pennsylvania licensee who
25 desires to purchase and resell any such malt or brewed
26 beverages, to pay to the ~~{board} commission~~ ←
27 required to be paid by Pennsylvania licensees or by persons or
28 licensees in any state, territory or country outside of
29 Pennsylvania who desires to sell malt or brewed beverages
30 manufactured in Pennsylvania to licensees in such other state,

1 territory or country of origin of such malt or brewed beverages
2 not manufactured in Pennsylvania, and to observe and comply with
3 the same regulations, prohibitions and restrictions as are
4 required of or enforced against Pennsylvania licensees or
5 persons who desire to purchase and resell malt or brewed
6 beverages manufactured in Pennsylvania in such other state,
7 territory or country of origin.

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

17 (c) Any malt or brewed beverages manufactured outside of
18 Pennsylvania which are sold, transported or possessed in
19 Pennsylvania contrary to any such regulations or orders of the
20 ~~{board} commission~~, or without the payment of the fees herein ←
21 required, shall be considered contraband and shall be
22 confiscated by the ~~{board} commission~~ and disposed of in the ←
23 same manner as any other illegal liquor or malt or brewed
24 beverages.

25 (d) Upon learning of the commission by a manufacturer of
26 malt or brewed beverages whose principal place of business is
27 outside this Commonwealth, or by any servant, agent, employe or
28 representative of such manufacturer, within or partly within and
29 partly outside this Commonwealth, of any violation of this act
30 or any laws of this Commonwealth relating to liquor, alcohol or

1 malt or brewed beverages, or of any regulation of the {board} <—
2 ~~commission~~ adopted pursuant thereto, or of any violation of any
3 laws of this Commonwealth or of the United States of America
4 relating to the tax payment of liquor or malt or brewed
5 beverages, the {board} ~~commission~~ shall cite such manufacturer <—
6 to appear before it or [its examiner] an administrative law
7 judge not less than ten nor more than fifteen days from the date
8 of mailing such manufacturer at his principal place of business,
9 wherever located, by registered mail, a notice to show cause why
10 the further importation into this Commonwealth of malt or brewed
11 beverages manufactured by him should not be prohibited.

12 (e) Upon such hearing, whether or not an appearance was made
13 by such outside manufacturer, if satisfied that any such
14 violation has occurred, the {board} ~~commission~~ is specifically <—
15 empowered and directed to issue an order imposing a fine upon
16 such outside manufacturer of not less than five hundred dollars
17 (\$500) or more than ten thousand dollars (\$10,000), or
18 prohibiting the importation of malt or brewed beverages
19 manufactured by such outside manufacturer into this Commonwealth
20 for a period not exceeding three years, or both. Such fine or
21 prohibition shall not go into effect until twenty days have
22 elapsed from the date of notice of issuance of the {board's} <—
23 ~~commission's~~ order.

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

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

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

12 (h) In all such cases, the ~~{board} commission~~ shall file of <—
13 record at least a brief statement in the form of an opinion of
14 the reasons for the ruling or order.

15 ~~Section 58.1. The act is amended by adding a section~~ <—
16 ~~SECTIONS to read:~~ <—

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

19 SECTION 445. BRAND REGISTRATION.--NO BRAND OR BRANDS OF MALT <—
20 OR BREWED BEVERAGES SHALL BE OFFERED, SOLD OR DELIVERED TO ANY
21 TRADE BUYER WITHIN THIS COMMONWEALTH UNLESS THE MANUFACTURER
22 THEREOF SHALL FIRST SUBMIT AN APPLICATION IN THE FORM AND MANNER
23 PRESCRIBED BY THE BOARD FOR THE REGISTRATION OF THE SAID BRAND
24 OR BRANDS OF MALT BEVERAGES TOGETHER WITH AN ANNUAL FILING FEE
25 NOT TO EXCEED TWENTY FIVE DOLLARS (\$25) FOR EACH BRAND
26 REGISTRATION REQUESTED. IN THE EVENT AN OUT OF STATE OR FOREIGN
27 MANUFACTURER OF MALT OR BREWED BEVERAGES HAS GRANTED FRANCHISE
28 RIGHTS TO ANY PERSON FOR THE SALE AND DISTRIBUTION OF ITS BRAND
29 PRODUCTS BUT WHICH PERSON IS NOT LICENSED TO SELL AND DISTRIBUTE
30 THE SAME IN THIS COMMONWEALTH, SAID SUCH PERSON SHALL

1 NEVERTHELESS BE REQUIRED TO REGISTER THE INVOLVED BRAND BEFORE
2 OFFERING THE SAME FOR SALE IN PENNSYLVANIA. IT IS FURTHER
3 CONDITIONED THAT THE PERSON HOLDING SUCH FRANCHISE RIGHTS SHALL,
4 TOGETHER WITH ITS APPLICATION FOR BRAND REGISTRATION, FILE WITH
5 THE BOARD COPIES OF ALL AGREEMENTS BETWEEN IT AND THE
6 PENNSYLVANIA IMPORTING DISTRIBUTOR APPOINTED BY SUCH PERSON TO
7 SELL AND DISTRIBUTE THE BRANDS OF MALT OR BREWED BEVERAGES AS
8 PROVIDED BY SECTIONS 431 AND 492. SUCH AGREEMENT SHALL CONTAIN
9 THE MANUFACTURER'S CONSENT AND APPROVAL TO THE APPOINTMENT OF
10 THE PENNSYLVANIA IMPORTING DISTRIBUTOR AND THE RIGHTS CONFERRED
11 THEREUNDER.

12 SECTION 446. BREWERIES.--HOLDERS OF A BREWERY LICENSE MAY: <—

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

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

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

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

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

30 Section 60. Section 461 of the act, amended June 19, 1961

1 (P.L.484, No.245), September 2, 1971 (P.L.429, No.103), December
2 17, 1982 (P.L.1390, No.319) and May 2, 1986 (P.L.141, No.44), is
3 reenacted ~~and amended~~ to read: <—

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

29 (b) The ~~{board} commission~~ shall have the power to increase <—
30 the number of licenses in any such municipality which in the

1 opinion of the ~~{board} commission~~ is located within a resort ←
2 area.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 The term "incorporated unit of a national veterans'

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

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

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

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

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

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

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

28 Section 463. Places of Amusement Not To Be Licensed;
29 Penalty.--(a) No license for the sale of liquor or malt or
30 brewed beverages in any quantity shall be granted to the

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

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

28 (a.1) Nothing contained in subsection (a) of this section or
29 in section 102 of this act shall be construed as denying to the
30 ~~board~~ ~~commission~~ the right to grant a club or restaurant ←

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

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

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

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

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

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

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

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

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

13 Section 65. Sections ~~465 and 466~~ 465, 466 AND 467 of the act <—
14 are reenacted ~~and amended~~ to read: <—

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

21 (b) Bonds of all such applicants shall have as surety a
22 surety company authorized to do business in this Commonwealth,
23 or shall have deposited therewith, as collateral security, cash
24 or negotiable obligations of the United States of America or the
25 Commonwealth of Pennsylvania in the same amount as herein
26 provided for the penal sum of bonds. In all cases where cash or
27 securities in lieu of other surety have been deposited with the
28 ~~{board} commission~~, the depositor shall be permitted to continue <—
29 the same deposit from year to year on each renewal of license,
30 but in no event shall he be permitted to withdraw his deposit

1 during the time he holds said license, or until six months after
2 the expiration of the license held by him, or while revocation
3 proceedings are pending against such license. All cash or
4 securities received by the ~~{board} commission~~ in lieu of other ←
5 surety shall be turned over by the ~~{board} commission~~ to the ←
6 State Treasurer and held by him. The State Treasurer shall repay
7 or return money or securities deposited with him to the
8 respective depositors only on the order of the ~~{board}~~ ←
9 commission.

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

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

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

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

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

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

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

1 license.

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

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

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

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

29 ~~Section 65.1. Section 467 of the act is reenacted to read:~~ ←

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

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

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

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

8 Licenses issued under this article may not be assigned. The
9 ~~{board} commission~~, upon payment of the transfer filing fee and ←

10 the execution of a new bond, is hereby authorized to transfer
11 any license issued by it under the provisions of this article
12 from one person to another or from one place to another, or

13 both, within the same municipality, and if the applicant is a
14 unit of a nonprofit nationally chartered club, the ~~{board}~~ ←

15 ~~commission~~ is hereby authorized to transfer such license to a
16 place in any other municipality within the same county if the
17 sale of liquor or malt and brewed beverages are legal in such
18 other municipality as the ~~{board} commission~~ may determine. ←

19 Prior to the approval of an application for transfer by a unit
20 of a nonprofit nationally chartered club the ~~{board} commission~~ ←

21 shall make an affirmative finding, upon proof submitted by the
22 applicant, and after investigation by the ~~{board} commission~~, ←

23 that at the time the application for transfer is made the club
24 continues to hold a valid national charter and continues to
25 function in fact as a club as defined in section 102. The

26 ~~{board} commission~~, in its discretion, may transfer an existing ←
27 restaurant retail dispenser or club license from one

28 municipality to another in the same county regardless of the
29 quota limitations provided for in this act, if sales of liquor
30 or malt and brewed beverages are legal in such other

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

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

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

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

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

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

21 (D) THE LICENSE SHALL CONSTITUTE A PRIVILEGE BETWEEN THE ←
22 BOARD AND THE LICENSEE. AS BETWEEN THE LICENSEE AND THIRD
23 PARTIES, THE LICENSE SHALL CONSTITUTE PROPERTY.

24 Section 67. Section 469 of the act, amended September 28,
25 1961 (P.L.1728, No.702), is reenacted and amended to read:

26 Section 469. Applications for Transfers; Fees.--(a) Every
27 applicant for a transfer of a license under the provisions of
28 this article shall file a written application with the ~~{board}~~ ←
29 ~~commission~~, together with a filing fee of thirty dollars (\$30)
30 if the license to be transferred is a liquor license, and twenty

1 dollars (\$20) if the license is a malt or brewed beverage
2 license. Such application shall be is such form and shall be
3 filed at such times as the ~~{board} commission~~ shall in its ←
4 regulations prescribe. Each such applicant shall also file an
5 approved bond as required on original applications for such
6 licenses.

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

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

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

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

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

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

13 In the event such renewal license is revoked by the {board} ←
14 ~~commission~~, neither the license fee paid for such license nor
15 any part thereof shall be returned to the licensee, but the
16 license bond filed with the application for such renewal of
17 license shall not be forfeited.

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

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

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

29 Section 69. Sections 470.1 and 470.2 of the act are
30 repealed.

1 Section 70. Section 471 of the act, amended January 13, 1966
2 (1965 P.L.1301, No.518) and repealed in part June 3, 1971
3 (P.L.118, No.6), is reenacted and amended to read:

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

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

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

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

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

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

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

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

1 elapsed from the date of the adjudication during which time the
2 licensee may take an appeal as provided for in this act. When a
3 license is revoked, the licensee's bond may be forfeited. Any
4 licensee whose license is revoked shall be ineligible to have a
5 license under this act until the expiration of three years from
6 the date such license was revoked. In the event a license is
7 revoked, no license shall be granted for the premises or
8 transferred to the premises in which the said license was
9 conducted for a period of at least one year after the date of
10 the revocation of the license conducted in the said premises,
11 except in cases where the licensee or a member of his immediate
12 family is not the owner of the premises, in which case the
13 commission BOARD may, in its discretion, issue or transfer a <—
14 license within the said year. In the event the bureau or the
15 person who was fined or whose license was suspended or revoked
16 shall feel aggrieved by the adjudication of the administrative
17 law judge, there shall be a right to appeal to the BOARD. THE <—
18 APPEAL SHALL BE BASED SOLELY ON THE RECORD BEFORE THE
19 ADMINISTRATIVE LAW JUDGE. THE BOARD SHALL AFFIRM THE DECISION OF
20 THE ADMINISTRATIVE LAW JUDGE IF IT IS BASED ON SUBSTANTIAL
21 EVIDENCE; OTHERWISE, THE BOARD SHALL REVERSE THE DECISION OF THE
22 ADMINISTRATIVE LAW JUDGE. IN THE EVENT THE BUREAU OR THE PERSON
23 WHO WAS FINED OR WHOSE LICENSE WAS SUSPENDED OR REVOKED SHALL
24 FEEL AGGRIEVED BY THE DECISION OF THE BOARD, THERE SHALL BE A
25 RIGHT TO APPEAL TO THE court of common pleas in the same manner
26 as herein provided for appeals from refusals to grant licenses.
27 ~~The aforesaid appeal~~ EACH OF THE APPEALS shall act as a <—
28 supersedeas unless upon sufficient cause shown the court <—
29 REVIEWING AUTHORITY shall determine otherwise; however, if the <—
30 licensee has been cited and found to have violated SECTION <—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~commission~~ has granted his application for a liquor license.

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

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

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

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

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

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

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

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

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

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

17 Section 77. Section 475 of the act, amended November 26,
18 1978 (P.L.1389, No.326) and June 24, 1982 (P.L.624, No.176), is
19 reenacted AND THE ACT IS AMENDED BY ADDING A SECTION to read: ~~←~~

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

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

29 ~~SECTION 77.1. THE ACT IS AMENDED BY ADDING A SECTION TO~~ ~~←~~

30 READ:

1 SECTION 477. APPLICANTS TO PROVIDE STATE TAX IDENTIFICATION
2 NUMBERS AND STATEMENT OF STATE TAX STATUS; WAIVER OF
3 CONFIDENTIALITY OF INFORMATION IN THE POSSESSION OF THE
4 DEPARTMENT OF REVENUE AND OTHER DEPARTMENTS; REVIEW OF STATE TAX
5 STATUS.--(A) AN APPLICANT FOR THE GRANT, RENEWAL OR TRANSFER OF
6 ANY LICENSE ISSUED PURSUANT TO THIS ARTICLE SHALL PROVIDE TO THE
7 BOARD, UPON FORMS APPROVED BY THE DEPARTMENT OF REVENUE, THE
8 FOLLOWING:

9 (1) THE APPLICANT'S STATE PERSONAL INCOME TAX IDENTIFICATION
10 NUMBER;

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

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

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

14 (5) THE APPLICANT'S UNEMPLOYMENT COMPENSATION ACCOUNT

15 NUMBER; AND

16 (6) A STATEMENT THAT:

17 (I) ALL STATE TAX REPORTS HAVE BEEN FILED AND ALL STATE
18 TAXES PAID;

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

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

23 (B) AN APPLICANT FOR THE GRANT, RENEWAL OR TRANSFER OF ANY
24 LICENSE ISSUED PURSUANT TO THIS ARTICLE SHALL, BY THE FILING OF
25 AN APPLICATION INsofar AS IT RELATES TO THE BOARD, WAIVE ANY
26 CONFIDENTIALITY WITH RESPECT TO STATE TAX INFORMATION REGARDING
27 SAID APPLICANT IN THE POSSESSION OF THE DEPARTMENT OF REVENUE,
28 THE OFFICE OF ATTORNEY GENERAL OR THE DEPARTMENT OF LABOR AND
29 INDUSTRY, REGARDLESS OF THE SOURCE OF THAT INFORMATION AND SHALL
30 CONSENT TO THE PROVIDING OF THAT INFORMATION TO THE BOARD BY THE

1 DEPARTMENT OF REVENUE, THE OFFICE OF ATTORNEY GENERAL OR THE
2 DEPARTMENT OF LABOR AND INDUSTRY.

3 (C) UPON RECEIPT OF ANY APPLICATION FOR THE GRANT, RENEWAL
4 OR TRANSFER OF ANY LICENSE ISSUED PURSUANT TO THIS ARTICLE, THE
5 BOARD SHALL REVIEW THE STATE TAX STATUS OF THE APPLICANT. THE
6 BOARD SHALL REQUEST STATE TAX INFORMATION REGARDING THE
7 APPLICANT FROM THE DEPARTMENT OF REVENUE, THE OFFICE OF ATTORNEY
8 GENERAL OR THE DEPARTMENT OF LABOR AND INDUSTRY AND SAID
9 INFORMATION SHALL BE PROVIDED.

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

13 (1) PROVIDE ANY OF THE INFORMATION REQUIRED BY SUBSECTION
14 (A);

15 (2) FILE REQUIRED STATE TAX REPORTS; OR

16 (3) PAY ANY STATE TAXES NOT SUBJECT TO A TIMELY
17 ADMINISTRATIVE OR JUDICIAL APPEAL OR SUBJECT TO A DULY
18 AUTHORIZED DEFERRED PAYMENT PLAN.

19 (E) FOR THE PURPOSE OF THIS SECTION THE TERM "APPLICANT"
20 SHALL INCLUDE THE TRANSFEROR AND TRANSFEREE OF ANY LICENSE
21 ISSUED UNDER THIS ACT.

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

24 (D) Unlawful Acts; Penalties.

25 Section 79. Section 491 of the act, amended July 18, 1961
26 (P.L.789, No.347), May 5, 1970 (P.L.342, No.110), October 11,
27 1972 (P.L.906, No.215), October 2, 1974 (P.L.665, No.220),
28 October 10, 1974 (P.L.692, No.231), December 12, 1980 (P.L.1195,
29 No.221) and February 9, 1984 (P.L.21, No.8), is reenacted and
30 amended to read:

1 Section 491. Unlawful Acts Relative to Liquor, Alcohol and
2 Liquor Licensees.--

3 It shall be unlawful--

4 (1) Sales of Liquor. For any person, by himself or by an
5 employe or agent, to expose or keep for sale, or directly or
6 indirectly, or upon any pretense or upon any device, to sell or
7 offer to sell any liquor within this Commonwealth, except in
8 accordance with the provisions of this act and the regulations
9 of the ~~{board}~~commission. This clause shall not be construed to ←
10 prohibit hospitals, physicians, dentists or veterinarians who
11 are licensed and registered under the laws of this Commonwealth
12 from administering liquor in the regular course of their
13 professional work and taking into account the cost of the liquor
14 so administered in making charges for their professional
15 service, or a pharmacist duly licensed and registered under the
16 laws of this Commonwealth from dispensing liquor on a
17 prescription of a duly licensed physician, dentist or
18 veterinarian, or selling medical preparations containing
19 alcohol, or using liquor in compounding prescriptions or
20 medicines and making a charge for the liquor used in such
21 medicines, or a manufacturing pharmacist or chemist from using
22 liquor in manufacturing preparations unfit for beverage purposes
23 and making a charge for the liquor so used. All such liquors so
24 administered or sold by hospitals, physicians, dentists,
25 veterinarians, pharmacists or chemists shall conform to the
26 Pharmacopoeia of the United States, the National Formulary, or
27 the American Homeopathic Pharmacopoeia. This clause shall not be
28 construed to prohibit an executor or an administrator of a
29 decedent's estate from selling privately or at public auction
30 liquor which was an asset of the decedent. The ~~{board}~~ ←

1 ~~commission~~ shall establish regulations to ensure that State
2 taxes from the sales will be paid by the estate from the
3 proceeds of the sale. The ~~{board} commission~~ may not prohibit a ←
4 sale of liquor for the reason that it was not lawfully acquired
5 prior to January 1, 1934 or has not been purchased from a
6 Pennsylvania Liquor Store or in compliance with Pennsylvania
7 law.

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

27 None of the provisions herein contained shall prohibit nor
28 shall it be unlawful for any person to import into Pennsylvania,
29 transport or have in his possession, an amount of liquor not
30 exceeding one gallon in volume upon which a State tax has not

1 been paid, if it can be shown to the satisfaction of the {board} ←
2 ~~commission~~ that such person purchased the liquor in a foreign
3 country or United States territory and was allowed to bring it
4 into the United States. Neither shall the provisions contained
5 herein prohibit nor make it unlawful for (i) any member of the
6 armed forces on active duty, or (ii) any retired member of the
7 armed forces, or (iii) any totally disabled veteran, or (iv) the
8 spouse of any person included in the foregoing classes of
9 persons to import into Pennsylvania, transport or have in his
10 possession an amount of liquor not exceeding one gallon per
11 month in volume upon which the State tax has not been paid, so
12 long as such liquor has been lawfully purchased from a package
13 store established and maintained under the authority of the
14 United States and is in containers identified in accordance with
15 regulations issued by the Department of Defense. Such liquor
16 shall not be possessed, offered for sale or sold on any licensed
17 premises.

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

27 Any person violating the provisions of this clause for a
28 first offense involving the possession or transportation in
29 Pennsylvania of any liquor in a package (bottle or other
30 receptacle) or wine not purchased from a Pennsylvania Liquor

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

21 (3) Purchase of Liquor or Alcohol. For any person within
22 this Commonwealth, by himself or by an employe or agent, to
23 attempt to purchase, or directly or indirectly, or upon any
24 pretense or device whatsoever, to purchase any liquor or alcohol
25 from any person or source other than a Pennsylvania Liquor
26 Store, except in accordance with the provisions of this act or
27 the regulations of the ~~{board}~~commission. ←

28 (4) Possession and Use of Decanters. For any person to use
29 decanters of alcoholic beverages except that the use of
30 decanters or other similar receptacles by licensees shall be

1 permitted in the case of wines and then only in accordance with
2 the regulations of the ~~{board}~~commission, but nothing herein ←
3 contained shall prohibit the manufacture and possession of wine
4 as provided in clause (2) of this section.

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

11 (6) Sales by Restaurant and Hotel Liquor Licensees. For any
12 restaurant or hotel licensee, his servants, agents or employes,
13 to sell any liquor or malt or brewed beverages for consumption
14 on the licensed premises except in a room or rooms or place on
15 the licensed premises at all times accessible to the use and
16 accommodation of the general public, but this section shall not
17 be interpreted to prohibit a restaurant liquor licensee from
18 providing private affairs the primary function of which is for
19 catering only to weddings or special occasions arranged twenty-
20 four hours in advance, nor to prohibit a hotel licensee, or a
21 restaurant licensee when the restaurant is located in a hotel,
22 from selling liquor or malt or brewed beverages in any room of
23 such hotel occupied by a bona fide guest or to prohibit a
24 restaurant licensee from selling liquor or malt or brewed
25 beverages in a bowling alley when no minors are present where
26 the restaurant and bowling alley are immediately adjacent and
27 under the same roof.

28 (7) Sales of Liquor by Manufacturers and Licensed Importers.
29 For any manufacturer or licensed importer of liquor in this
30 Commonwealth, his agents, servants or employes, to sell or offer

1 to sell any liquor in this Commonwealth except to the ~~board~~ ←
2 ~~commission~~ for use in Pennsylvania Liquor Stores, and in the
3 case of a manufacturer, to the holder of a sacramental wine
4 license or an importer's license, but a manufacturer or licensed
5 importer may sell or offer to sell liquor to persons outside of
6 this Commonwealth.

7 (8) Importation and Sales of Alcohol. For any person, to
8 import alcohol into this Commonwealth, or to sell alcohol to any
9 person, except in accordance with the regulations of the ~~board~~ ←
10 ~~commission~~.

11 (9) Possession of Alcohol. For any person, to have alcohol
12 in his possession, except in accordance with the provisions of
13 this act and the regulations of the ~~board~~ ~~commission~~. ←

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

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

29 (12) Delivery of Liquor by Certain Licensees. For a liquor
30 licensee permitted to deliver liquor, to make any deliveries

1 except in his own vehicles bearing his name, address and license
2 number on each side in letters not smaller than four inches in
3 height, or in the vehicle of another person duly authorized to
4 transport liquor within this Commonwealth.

5 (13) Violation of Certain Rules and Regulations of {Board} <—
6 ~~Commission~~. For any person, to violate any rules and regulations
7 adopted by the {board} ~~commission~~ to insure the equitable <—
8 wholesale and retail sale and distribution of liquor and alcohol
9 through the Pennsylvania Liquor Stores.

10 (14) Offering Commission or Gift to Members of {Board} <—
11 ~~Commission~~ or State Employee. For any person selling or offering
12 to sell liquor or alcohol to, or purchasing at wholesale liquor
13 or alcohol from, the {board} ~~commission~~, either directly or <—
14 indirectly, to pay or offer to pay any commission, profit or
15 remuneration, or to make or offer to make any gift to any member
16 or employe of the {board} ~~commission~~ or other employe of the <—
17 Commonwealth or to anyone on behalf of such member or employe.

18 Section 80. Section 492 of the act, amended July 3, 1957
19 (P.L.475, No.268), June 22, 1980 (P.L.253, No.73) and June 24,
20 1982 (P.L.624, No.176), is reenacted ~~and amended~~ to read: <—

21 Section 492. Unlawful Acts Relative to Malt or Brewed
22 Beverages and Licensees.--

23 It shall be unlawful--

24 (1) Manufacturing Without License. For any person, to
25 manufacture malt or brewed beverages, unless such person holds a
26 valid manufacturer's license for such purpose issued by the
27 {board} ~~commission~~. <—

28 (2) Sales of Malt or Brewed Beverages for Consumption on the
29 Premises. For any person, to sell to another for consumption
30 upon the premises where sold or to permit another to consume

1 upon the premises where sold, any malt or brewed beverages,
2 unless such person holds a valid retail dispenser license or a
3 valid liquor license issued by the ~~{board} commission~~ ←
4 authorizing the sale of malt or brewed beverages for consumption
5 upon such premises.

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

11 (4) Sunday Sales of Malt or Brewed Beverages by
12 Manufacturers, Importing Distributors or Distributors. For any
13 manufacturer of malt or brewed beverages, importing distributor
14 or distributor, or the servants, agents or employes of the same,
15 to sell, trade or barter in malt or brewed beverages between the
16 hours of twelve o'clock midnight of any Saturday and two o'clock
17 in the forenoon of the following Monday.

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

1 licensee authorized to sell malt or brewed beverages or the
2 servants, agents or employes of such licensees to sell, trade or
3 barter in malt or brewed beverages between the hours of two
4 o'clock antemeridian and seven o'clock antemeridian on any day.

5 Any licensee holding a retail dispenser license or a malt or
6 brewed beverage public service license may, by giving notice to
7 the ~~board~~commission, advance by one hour the hours herein ←
8 prescribed as those during which malt or brewed beverages may be
9 sold during such part of the year when daylight saving time is
10 being observed generally in the municipality in which the place
11 of business is located. Any licensee who elects to operate his
12 place of business in accordance with daylight saving time shall
13 post a conspicuous notice in his place of business that he is
14 operating in accordance with daylight saving time.

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

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

30 (8) Transportation of Malt or Brewed Beverages. For any

1 person, to transport malt or brewed beverages except in the
2 original containers, or to transport malt or brewed beverages
3 for another who is engaged in selling either liquor or malt or
4 brewed beverages, unless such person shall hold (a) a license to
5 transport for hire, alcohol, liquor and malt or brewed
6 beverages, as hereinafter provided in this act, or (b) shall
7 hold a permit issued by the ~~{board} commission~~ and shall have ←
8 paid to the ~~{board} commission~~ such permit fee, not exceeding ←
9 one hundred dollars (\$100), and shall have filed with the
10 ~~{board} commission~~ a bond in the penal sum of not more than two ←
11 thousand dollars (\$2000), as may be fixed by the rules and
12 regulations of the ~~{board} commission~~, any other law to the ←
13 contrary notwithstanding.

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

20 (10) Importing or Transporting Malt or Brewed Beverages
21 Without Tax Stamps. For any person, to transport within or
22 import any malt or brewed beverages into this Commonwealth,
23 except in accordance with the rules and regulations of the
24 ~~{board} commission~~, or for any person to transport malt or ←
25 brewed beverages into or within this Commonwealth, unless there
26 shall be affixed to the original containers in which such malt
27 or brewed beverages are transported, stamps or crowns evidencing
28 the payment of the malt liquor tax to the Commonwealth:
29 Provided, however, That this clause shall not be construed to
30 prohibit transportation of malt or brewed beverages through this

1 Commonwealth and not for delivery therein, if such transporting
2 is done in accordance with the rules and regulations of the
3 ~~board~~ ~~commission~~. ←

4 (11) Delivery of Malt or Brewed Beverages With Other
5 Commodities. For any manufacturer, importing distributor or
6 distributor, or his servants, agents or employes, except with
7 ~~board~~ ~~commission~~ approval, to deliver or transport any malt or ←
8 brewed beverages in any vehicle in which any other commodity is
9 being transported.

10 (12) Distributors and Importing Distributors Engaging in
11 Other Business. For any distributor or importing distributor, or
12 his servants, agents or employes, without the approval of the
13 ~~board~~ ~~commission~~, and then only in accordance with ~~board~~ ←
14 ~~commission~~ regulations, to engage in any other business
15 whatsoever, except the business of distributing malt or brewed
16 beverages.

17 (13) Possession or Storage of Liquor or Alcohol by Certain
18 Licensees. For any distributor, importing distributor or retail
19 dispenser, or his servants, agents or employes, to have in his
20 possession, or to permit the storage of on the licensed premises
21 or in any place contiguous or adjacent thereto accessible to the
22 public or used in connection with the operation of the licensed
23 premises, any alcohol or liquor.

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

29 (15) Selling to Persons Doing Illegal Business. For any malt
30 or brewed beverage licensee, or his servants, agents or

1 employees, to knowingly sell any malt or brewed beverages to any
2 person engaged in the business of illegally selling liquor or
3 malt or brewed beverages.

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

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

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

25 (19) Modifying or Terminating Distributing Rights Agreement.
26 For any manufacturer or any officer, agent or representative of
27 any manufacturer to modify, cancel, terminate, rescind or not
28 renew, without good cause, any distributing rights agreement,
29 and in no event shall any modification, cancellation,
30 termination, rescission or nonrenewal of any distributing rights

1 agreement become effective for at least ninety (90) days after
2 written notice of such modification, cancellation, termination,
3 rescission or intention not to renew has been served on the
4 affected party and ~~board~~~~commission~~ by certified mail, return ←
5 receipt requested, except by written consent of the parties to
6 the agreement. The notice shall state all the reasons for the
7 intended modification, termination, cancellation, rescission or
8 nonrenewal. The distributor or importing distributor holding
9 such agreement shall have ninety (90) days in which to rectify
10 any claimed deficiency, or challenge the alleged cause.

11 If the deficiency shall be rectified within ninety (90) days
12 of notice, then the proposed modification, termination,
13 cancellation, rescission or nonrenewal shall be null and void
14 and without legal effect.

15 If the notice states as one of the reasons for the intended
16 modification, cancellation, termination, rescission or renewal
17 that the importing distributor or distributor's equipment or
18 warehouse requires major changes or additions, then if the
19 distributor or importing distributor shall have taken some
20 positive action to comply with the required changes or
21 additions, the distributor or importing distributor shall have
22 deemed to have complied with the deficiency as set forth in the
23 notice. The notice provisions of this section shall not apply if
24 the reason for termination, cancellation or nonrenewal is
25 insolvency, assignment for the benefit of creditors, bankruptcy,
26 liquidation, fraudulent conduct in its dealings with the
27 manufacturer, revocation or suspension for more than a thirty
28 (30) day period of the importing distributor or distributor
29 license.

30 (20) Interference with Transfer of License, Business or

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

16 (21) Inducing or Coercing Distributors or Importing
17 Distributors to Accept Unordered Products or Commit Illegal
18 Acts. For any manufacturer to compel or attempt to compel any
19 distributor or importing distributor to accept delivery of any
20 malt or brewed beverages or any other commodity which shall not
21 have been ordered by the distributor or importing distributor,
22 or to do any illegal act by any means whatsoever including, but
23 not limited to, threatening to amend, cancel, terminate, rescind
24 or refuse to renew any agreement existing between manufacturer
25 and the distributor or importing distributor, or to require a
26 distributor or importing distributor to assent to any condition,
27 stipulation or provision limiting the distributor or importing
28 distributor in his right to sell the products of any other
29 manufacturer.

30 Section 81. Section 493 of the act, amended June 14, 1957

1 (P.L.322, No.170), June 15, 1961 (P.L.423, No.211), September
2 25, 1967 (P.L.307, No.135), March 5, 1970 (P.L.137, No.55),
3 August 1, 1975 (P.L.161, No.83), March 9, 1982 (P.L.174, No.55)
4 and May 9, 1984 (P.L.246, No.54), is reenacted and amended to
5 read:

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

11 It shall be unlawful--

12 (1) Furnishing Liquor or Malt or Brewed Beverages to Certain
13 Persons. For any licensee or the ~~board~~commission, or any ←
14 employe, servant or agent of such licensee or of the ~~board~~ ←
15 commission, or any other person, to sell, furnish or give any
16 liquor or malt or brewed beverages, or to permit any liquor or
17 malt or brewed beverages to be sold, furnished or given, to any
18 person visibly intoxicated, or to any insane person, or to any
19 minor, or to habitual drunkards, or persons of known intemperate
20 habits.

21 (2) Purchase or Sale of Liquor or Malt or Brewed Beverages
22 on Credit. For any licensee, his agent, servant or employe, to
23 sell or offer to sell or purchase or receive any liquor or malt
24 or brewed beverages except for cash, excepting credit extended
25 by a hotel or club to a bona fide guest or member, or by
26 railroad or pullman companies in dining, club or buffet cars to
27 passengers, for consumption while enroute, holding authorized
28 credit cards issued by railroad or railroad credit bureaus or by
29 hotel, restaurant and public service licensees to customers
30 holding credit cards issued in accordance with regulations of

1 the ~~board~~ ~~commission~~ or credit cards issued by banking
2 institutions subject to State or Federal regulation: Provided
3 further, That nothing herein contained shall be construed to
4 prohibit the use of checks or drafts drawn on a bank, banking
5 institution, trust company or similar depository, organized and
6 existing under the laws of the United States of America or the
7 laws of any state, territory or possession thereof, in payment
8 for any liquor or malt or brewed beverages if the purchaser is
9 the payor of the check or draft and the licensee is the payee.
10 No right of action shall exist to collect any claim for credit
11 extended contrary to the provisions of this clause. Nothing
12 herein contained shall prohibit a licensee from crediting to a
13 purchaser the actual price charged for original containers
14 returned by the original purchaser as a credit on any sale, or
15 from refunding to any purchaser the amount paid by such
16 purchaser for such containers or as a deposit on containers when
17 title is retained by the vendor, if such original containers
18 have been returned to the licensee. Nothing herein contained
19 shall prohibit a manufacturer from extending usual and customary
20 credit for liquor or malt or brewed beverages sold to customers
21 or purchasers who live or maintain places of business outside of
22 the Commonwealth of Pennsylvania, when the liquor or malt or
23 brewed beverages so sold are actually transported and delivered
24 to points outside of the Commonwealth: Provided, however, That
25 as to all transactions affecting malt or brewed beverages to be
26 resold or consumed within this Commonwealth, every licensee
27 shall pay and shall require cash deposits on all returnable
28 original containers and all such cash deposits shall be refunded
29 upon return of the original containers.

30 (3) Exchange of Liquor or Malt or Brewed Beverages For

1 Merchandise, etc. For any licensee or the ~~{board}~~ ~~commission~~, or ←
2 any employe, servant or agent of a licensee or of the ~~{board}~~ ←
3 ~~commission~~, to sell, offer to sell or furnish any liquor or malt
4 or brewed beverages to any person on a pass book or store order,
5 or to receive from any person any goods, wares, merchandise or
6 other articles in exchange for liquor or malt or brewed
7 beverages.

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

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

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

26 (7) Alcoholic Strength on Label of Malt or Brewed Beverages.
27 For any licensee, or his servants, agents or employes, to
28 transport, sell, deliver or purchase any malt or brewed
29 beverages upon which there shall appear a label or other
30 informative data which in any manner refers to the alcoholic

1 contents of the malt or brewed beverage, or which refers in any
2 manner to the original alcoholic strength, extract or balling
3 proof from which such malt or brewed beverage was produced. This
4 clause shall not be construed to prohibit a manufacturer from
5 designating upon the label or descriptive data the alcoholic
6 content of malt or brewed beverages intended for shipment into
7 another state or territory, when the laws of such state or
8 territory require that the alcoholic content of the malt or
9 brewed beverage must be stated upon the package.

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

27 (9) Retail Licensees Furnishing Free Lunch, etc. For any
28 retail liquor licensee or any retail dispenser, his agents,
29 servants or employes, to furnish, give or sell below a fair cost
30 any lunch to any consumer, except such articles of food as the

1 ~~{board} commission~~ may authorize and approve. ←

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

25 (11) Licensees Employed by Others. For any hotel, restaurant
26 or club liquor licensee, or any malt or brewed beverage
27 licensee, or any servant, agent or employe of such licensee, to
28 be at the same time employed, directly or indirectly, by any
29 other person engaged in the manufacture, sale, transportation or
30 storage of liquor, malt or brewed beverages or alcohol:

1 Provided, That any person (except a licensee or the manager,
2 officer or director of a licensee) who is employed by a retail
3 licensee to prepare or serve food and beverages may be employed
4 in the same capacity by another retail licensee during other
5 hours or on other days.

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

19 (13) Retail Licensees Employing Minors. For any hotel,
20 restaurant or club liquor licensee, or any retail dispenser, to
21 employ or to permit any minor under the age of eighteen to serve
22 any alcoholic beverages or to employ or permit any minor under
23 the age of sixteen to render any service whatever in or about
24 the licensed premises, nor shall any entertainer under the age
25 of eighteen be employed or permitted to perform in any licensed
26 premises in violation of the labor laws of this Commonwealth:
27 Provided, That in accordance with ~~{board} commission~~ ←
28 minors between the ages of sixteen and eighteen may be employed
29 to serve food, clear tables and perform other similar duties,
30 not to include the dispensing or serving of alcoholic beverages.

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

1 during the time the gathering is taking place. Notice of such
2 gathering shall be given the [Liquor Control Board] ~~commission~~ ←
3 BOARD as it may, by regulation, require. Any licensee violating ←
4 the provisions of this clause shall be subject to the provisions
5 of section 471.

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

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

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

26 (17) Licensees, etc., Interested or Employed in
27 Manufacturing or Sale of Equipment or Fixtures. For any
28 licensee, or any officer, director, stockholder, servant, agent
29 or employe of any licensee, to own any interest, directly or
30 indirectly, in or be employed or engaged in any business which

1 involves the manufacture or sale of any equipment, furnishings
2 or fixtures to any hotel, restaurant or club licensees, or to
3 any importing distributors, distributors or retail dispensers:
4 Provided, however, That as to malt or brewed beverage licensees,
5 the provisions of this subsection shall not apply to such a
6 conflicting interest if it has existed for a period of not less
7 than three years prior to the first day of January, one thousand
8 nine hundred thirty-seven, and the ~~{board} commission~~ shall ←
9 approve.

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

19 (19) Licensee's Outside Advertisements. For any retail
20 liquor licensee or any retail dispenser, distributor or
21 importing distributor, to display in any manner whatsoever on
22 the outside of his licensed premises, or on any lot of ground on
23 which the licensed premises are situate, or on any building of
24 which the licensed premises are a part, a sign of any kind,
25 printed, painted or electric, advertising any brand of liquor or
26 malt or brewed beverage, and it shall be likewise unlawful for
27 any manufacturer, distributor or importing distributor, to
28 permit the display of any sign which advertises either his
29 products or himself on any lot of ground on which such licensed
30 premises are situate, or on any building of which such licensed

1 premises are a part.

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

23 (ii) Cooperative Advertising. No distributor or importing
24 distributor, directly or indirectly, independent or otherwise,
25 shall, except by prior written agreement, be required to
26 participate with a manufacturer in the purchase of any
27 advertising of a brand name product in any name, in any form,
28 whether it be radio, television, newspaper, magazine or
29 otherwise.

30 (20.1) Manufacturer Shall Not Require Advertising. For a

1 manufacturer to require a distributor or importing distributor
2 to purchase any type of advertising.

3 (20.2) Advertising Shall Be Ordered and Authorized in
4 Advance. For any advertising to be done on behalf of a
5 distributor or importing distributor which was not ordered and
6 authorized in advance by the distributor or importing
7 distributor.

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

16 (22) Allowance or Rebate to Induce Purchases. For any
17 licensee, or his servants, agents or employes, to offer, pay,
18 make or allow, or for any licensee, or his servants, agents or
19 employes, to solicit or receive any allowance or rebate, refunds
20 or concessions, whether in the form of money or otherwise, to
21 induce directly the purchase of liquor or malt or brewed
22 beverages.

23 (23) Money or Valuables Given to Employes to Influence
24 Actions of Their Employers. For any licensee, or any agent,
25 employe or representative of any licensee, to give or permit to
26 be given, directly or indirectly, money or anything of
27 substantial value, in an effort to induce agents, employes or
28 representatives of customers or prospective customers to
29 influence their employer or principal to purchase or contract to
30 purchase liquor or malt or brewed beverages from the donor of

1 such gift, or to influence such employers or principals to
2 refrain from dealing or contracting to deal with other
3 licensees.

4 (24) Things of Value Offered as Inducement. For any licensee
5 under the provisions of this article, or the ~~{board} commission~~ <—
6 or any manufacturer, or any employe or agent of a manufacturer,
7 licensee or of the ~~{board} commission~~, to offer to give anything <—
8 of value or to solicit or receive anything of value as a premium
9 for the return of caps, stoppers, corks, stamps or labels taken
10 from any bottle, case, barrel or package containing liquor or
11 malt or brewed beverage, or to offer or give or solicit or
12 receive anything of value as a premium or present to induce
13 directly the purchase of liquor or malt or brewed beverage, or
14 for any licensee, manufacturer or other person to offer or give
15 to trade or consumer buyers any prize, premium, gift or other
16 inducement to purchase liquor or malt or brewed beverages,
17 except advertising novelties of nominal value which the ~~{board}~~ <—
18 ~~commission~~ shall define[: Provided, however, That this]. This
19 section shall not prevent any manufacturer or any agent of a
20 manufacturer from offering ONLY ON LICENSED PREMISES and <—
21 honoring coupons which offer monetary rebates on purchases of
22 wines and spirits through State Liquor Stores AND PURCHASES OF <—
23 MALT OR BREWED BEVERAGES in accordance with conditions or
24 regulations established by the ~~commission~~ BOARD. Further, no <—
25 manufacturer or any agent of a manufacturer shall honor any
26 coupons without proof of purchase in the form of a sales slip or
27 receipt attached to the coupons. This section shall not apply to
28 the return of any monies specifically deposited for the return
29 of the original container to the owners thereof.

30 (25) Employment [of Females] in Licensed Places. For any <—

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

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

26 (26) Worthless Checks. For any retail liquor licensee or any
27 retail dispenser, distributor or importing distributor, to make,
28 draw, utter, issue or deliver, or cause to be made, drawn,
29 uttered, issued or delivered, any check, draft or similar order,
30 for the payment of money in payment for any purchase of malt or

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

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

18 Section 82. Section 494 of the act, amended May 25, 1956
19 (1955 P.L.1743, No.583), is reenacted and amended to read:

20 Section 494. Penalties.--(a) Any person who shall violate
21 any of the provisions of this article, except as otherwise
22 specifically provided, shall be guilty of a misdemeanor and,
23 upon conviction thereof, shall be sentenced to pay a fine of not
24 less than one hundred dollars (\$100), nor more than five hundred
25 dollars (\$500), and on failure to pay such fine, to imprisonment
26 for not less than one month, nor more than three months, and for
27 any subsequent offense, shall be sentenced to pay a fine not
28 less than three hundred dollars (\$300), nor more than five
29 hundred dollars (\$500), and to undergo imprisonment for a period
30 not less than three months, nor more than one year, OR BOTH. IF <—

1 THE PERSON, AT OR RELATING TO THE LICENSED PREMISES, VIOLATES
2 SECTION 493(1), (10), (14), (16) OR (21), OR IF THE OWNER OR
3 OPERATOR OF THE LICENSED PREMISES OR ANY AUTHORIZED AGENT OF THE
4 OWNER OR OPERATOR VIOLATES THE ACT OF APRIL 14, 1972 (P.L.233,
5 NO.64), KNOWN AS "THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND
6 COSMETIC ACT," OR 18 PA.C.S. § 5902 (RELATING TO PROSTITUTION
7 AND RELATED OFFENSES) OR 6301 (RELATING TO CORRUPTION OF
8 MINORS), HE SHALL BE SENTENCED TO PAY A FINE NOT EXCEEDING FIVE
9 THOUSAND DOLLARS (\$5,000) OR TO UNDERGO IMPRISONMENT FOR A
10 PERIOD NOT LESS THAN THREE MONTHS, NOR MORE THAN ONE YEAR, OR
11 BOTH.

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

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

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

1 such card may have been issued, issue a duplicate thereof and
2 impose a charge therefor in an amount as it may by regulation
3 prescribe. The board shall have the power to make such
4 regulations as it shall, from time to time, deem proper
5 regarding the size, style and additional content of the
6 identification card, the form and content of any application
7 therefor, the type, style and quantity of proof required to
8 verify the applicant's age, the procedure for receiving and
9 processing such application, the distribution of said card, the
10 charge to be imposed for any card more than one that it shall
11 issue to the same applicant, and all other matters the board
12 shall deem necessary or advisable for the purpose of carrying
13 into effect the provisions of this section.

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

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

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

27 (c) In addition to the presentation of such identification
28 card, the agent of the State Liquor Store or the licensee, or
29 his servant, agent or employe, shall require the person whose
30 age may be in question to fill in and sign a card in the

1 following form:

2 19

3 I,....., hereby represent

4 to, a State Store or

5 licensee of the [Pennsylvania Liquor Control Board] ~~Alcohol~~ <—

6 ~~Beverages Commission~~ BOARD, that I am of full age and discretion <—

7 and over the age of 21 years, having been born on

8 19..... at

9 This statement is made to induce said store or licensee above
10 named to sell or otherwise furnish alcoholic beverages to the
11 undersigned.

12 Serial Number of Identification Card:

13 I understand that I am subject to a fine of
14 \$300.00 and sixty days imprisonment for any
15 misrepresentation herein.

16

17 (Name)

18

19 (Address)

20 Witness:

21 Name.....

22 Address.....

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

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

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

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

25 Section 496. Reporting of Worthless Checks.--Any person who
26 is a licensee under the provisions of this article, who shall
27 receive in payment for malt or brewed beverages sold by him any
28 check, draft or similar order, for the payment of money, which
29 is subsequently dishonored by the bank, banking institution,
30 trust company or other depository, upon which drawn, for any

1 reason whatsoever, shall, within twenty days of receipt of
2 notice of such dishonor, notify the {board} ~~commission~~ thereof. <—
3 Such notification to the {board} ~~commission~~ shall be in such <—
4 manner and form as the {board} ~~commission~~ shall direct. <—

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

7 Section 497. Liability of Licensees.--No licensee shall be
8 liable to third persons on account of damages inflicted upon
9 them off of the licensed premises by customers of the licensee
10 unless the customer who inflicts the damages was sold, furnished
11 or given liquor or malt or brewed beverages by the said licensee
12 or his agent, servant or employe when the said customer was
13 visibly intoxicated.

14 ~~Section 86. The act is amended by adding a section to read:~~ <—

15 ~~Section 498. Unlawful Advertising. (a) No manufacturer,~~
16 ~~wholesaler or shipper whether from outside or inside this~~
17 ~~Commonwealth and no licensee under this act shall cause or~~
18 ~~permit the advertising in any manner whatsoever of the price of~~
19 ~~any malt beverage, cordial, wine or distilled liquor offered for~~
20 ~~sale in this Commonwealth: Provided, however, That the~~
21 ~~provisions of this section shall not apply to price signs or~~
22 ~~tags attached to or placed on merchandise for sale within the~~
23 ~~licensed premises in accordance with rules and regulations of~~
24 ~~the commission.~~

25 ~~(b) No newspaper, periodical, radio or television~~
26 ~~broadcaster or broadcasting company or any other person, firm or~~
27 ~~corporation with a principal place of business in this~~
28 ~~Commonwealth which is engaged in the business of advertising or~~
29 ~~selling advertising time or space shall accept, publish or~~
30 ~~broadcast any advertisement in this Commonwealth of the price or~~

1 ~~make reference to the price of any alcoholic beverages.~~

2 ~~(c) Any person who shall violate any of the provisions of~~
3 ~~this section shall be guilty of a misdemeanor and upon~~
4 ~~conviction shall be punished for the first offense by a fine in~~
5 ~~the sum of fifty dollars (\$50) and for each additional offense~~
6 ~~thereafter by a fine not exceeding the sum of one hundred~~
7 ~~dollars (\$100). Publication or broadcast by any person in~~
8 ~~violation of the provisions of this section shall also be~~
9 ~~subject to injunctive proceedings in a court of competent~~
10 ~~jurisdiction on a complaint brought by a retail licensee or an~~
11 ~~association of retail licensees.~~

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

15 SECTION 86. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—

16 SECTION 498. UNLAWFUL ADVERTISING.--(A) NO MANUFACTURER,
17 WHOLESALE, RETAILER OR SHIPPER WHETHER FROM OUTSIDE OR INSIDE
18 THIS COMMONWEALTH AND NO LICENSEE UNDER THIS ACT SHALL CAUSE OR
19 PERMIT THE ADVERTISING IN ANY MANNER WHATSOEVER OF THE PRICE OF
20 ANY MALT BEVERAGE, CORDIAL, WINE OR DISTILLED LIQUOR OFFERED FOR
21 SALE IN THIS COMMONWEALTH: PROVIDED, HOWEVER, THAT THE
22 PROVISIONS OF THIS SECTION SHALL NOT APPLY TO PRICE SIGNS OR
23 TAGS ATTACHED TO OR PLACED ON MERCHANDISE FOR SALE WITHIN THE
24 LICENSED PREMISES IN ACCORDANCE WITH RULES AND REGULATIONS OF
25 THE BOARD.

26 (B) ANY PERSON WHO VIOLATES ANY OF THE PROVISIONS OF THIS
27 SECTION COMMITS A MISDEMEANOR AND SHALL, UPON CONVICTION, BE
28 SENTENCED TO PAY A FINE OF FIFTY DOLLARS (\$50) FOR THE FIRST
29 OFFENSE AND FOR EACH ADDITIONAL OFFENSE THEREAFTER SHALL BE
30 SENTENCED TO PAY A FINE OF ONE HUNDRED DOLLARS (\$100).

1 PUBLICATION OR BROADCAST BY ANY PERSON IN VIOLATION OF THE
2 PROVISIONS OF THIS SECTION SHALL ALSO BE SUBJECT TO INJUNCTIVE
3 PROCEEDINGS IN A COURT OF COMPETENT JURISDICTION ON A COMPLAINT
4 BROUGHT BY A RETAIL LICENSEE OR AN ASSOCIATION OF RETAIL
5 LICENSEES.

6 (C) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY
7 TRADE JOURNAL WHICH IS DULY RECOGNIZED AND AUTHORIZED TO BE
8 EXEMPT FROM THE PROVISIONS OF THIS SECTION BY THE BOARD.

9 Section 87. The heading of Article V of the act is reenacted
10 to read:

11 ARTICLE V.

12 DISTILLERIES, WINERIES, BONDED WAREHOUSES,
13 BAILEES FOR HIRE AND TRANSPORTERS FOR HIRE.

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

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

29 Section 89. Section 502 of the act is reenacted and amended
30 to read:

1 Section 502. Exemptions.--No license hereunder shall be
2 required from any registered pharmacist; or a physician licensed
3 by the State Board of [Medical Education and Licensure]
4 Medicine; or any person who makes and sells vinegar,
5 nonalcoholic cider and fruit juices; or any person who
6 manufactures, stores, sells or transports methanol, propanol,
7 butanol and amanol; or any person who conducts a wholesale drug
8 business; or any person who manufactures alcoholic preparations
9 not fit for use as a beverage, other than denatured alcohol or
10 for beverage purposes; any person engaged in the manufacture;
11 possession or sale of patent, patented or proprietary medicines,
12 toilet, medicinal or antiseptic preparations unfit for beverage
13 purposes, or solutions or flavoring extracts or syrups unfit for
14 beverage purposes; or any person who manufactures or sells
15 paints, varnishes, enamels, lacquers, stains or paint, or
16 varnish removing or reducing compounds, or wood fillers; or any
17 person who manufactures any substance where the alcohol or any
18 liquor is changed into other chemical substances and does not
19 appear in the finished product as alcohol or liquor; or any
20 common carrier by railroad which is subject to regulation by the
21 Pennsylvania Public Utility Commission of the Commonwealth of
22 Pennsylvania, or scheduled common carriers by air of mail and
23 passengers; or any person who sells, stores or transports
24 alcohol or liquor completely denatured, as specified by the
25 ~~board~~ commission. ←

26 Section 90. Section 502.1 of the act, added December 14,
27 1979 (P.L.565, No.129), is reenacted ~~and amended~~ to read: ←

28 Section 502.1. Production of Denatured Ethyl Alcohol.--(a)
29 Notwithstanding any other provisions of this act, a person may
30 upon payment of an annual registration fee of twenty-five

1 dollars (\$25) and without the necessity of having to post a
2 bond, manufacture or distill, hold in storage and use denatured
3 ethyl alcohol for the purpose of providing fuel for personal or
4 business vehicles or machinery.

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

8 (c) Each licensee shall file annually with the ~~{board}~~ <—
9 ~~commission~~ accurate records of the monthly production and
10 utilization of denatured ethyl alcohol fuel. The ~~{board}~~ <—
11 ~~commission~~ shall prescribe the form to be used for this report.

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

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

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

23 Section 92. Section 504 of the act, amended September 28,
24 1961 (P.L.1728, No.702), is reenacted and amended to read:

25 Section 504. Applications; Filing Fees.--(a) Every
26 applicant for a license under this article shall file with the
27 ~~{board}~~ ~~commission~~ a written application in such form as the <—
28 ~~{board}~~ ~~commission~~ shall from time to time require. Every such <—
29 application shall be accompanied by a filing fee of twenty
30 dollars (\$20), the prescribed license fee and the bond

1 hereinafter specified, and shall set forth:

2 [1.] (1) The legal names of the applicant and of the owner
3 of the place where business under the license will be carried
4 on, with their residence addresses by street and number, if a
5 partnership, of each separate partner, and if a corporation, of
6 each individual officer thereof.

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

17 [3.] (3) That each and every one of the applicants is a
18 citizen of the United States of America.

19 [4.] (4) Such other relevant information as the {board} ←
20 ~~commission~~ shall from time to time require by rule or
21 regulation.

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

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

30 Section 505. Licenses Issued.--Upon receipt of the

1 application in the form herein provided, the proper fees and an
2 approved bond as herein designated, the ~~{board}~~ ~~commission~~ may ←
3 grant to such applicant a license to engage in, (a) the
4 operation of a limited winery or a winery; or, (b) the
5 manufacturing, producing, distilling, developing, or using in
6 the process of manufacturing, denaturing, redistilling,
7 recovering, rectifying, blending and reusing of alcohol and
8 liquor; or, (c) the holding in bond of alcohol and liquor; or,
9 (d) the holding in storage, as bailee for hire, of alcohol,
10 liquor and malt or brewed beverages; or, (e) the transporting
11 for hire of alcohol, liquor and malt or brewed beverages.

12 Section 94. Section 505.1 of the act, amended February 17,
13 1956 (1955 P.L.1077, No.348), is reenacted and amended to read:

14 Section 505.1. Bonded Warehouse License Privilege
15 Restrictions.--(a) Holders of bonded warehouse licenses may:

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

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

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

27 [(d)] (4) Receive and store in bond alcohol owned by
28 licensees outside this Commonwealth. Such alcohol shall be
29 released from the bonded warehouse for delivery within this
30 Commonwealth only to persons holding an alcohol permit issued by

1 the [Pennsylvania Liquor Control Board] ~~commission~~ BOARD ←
2 authorizing the importation of alcohol or to other storage
3 facilities or persons outside this Commonwealth.

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

9 Section 95. Section 505.2 of the act, amended November 5,
10 1981 (P.L.329, No.119) and December 17, 1982 (P.L.1390, No.319),
11 is reenacted and amended to read:

12 Section 505.2. Limited Wineries.--Holders of a limited
13 winery license may:

14 (1) Produce wines and wine coolers only from fruits grown in
15 Pennsylvania in an amount not to exceed [one hundred thousand ←
16 (100,000)] TWO HUNDRED THOUSAND (200,000) gallons per year. ←

17 (2) Sell wine and wine coolers produced by the limited
18 winery or purchased in bulk in bond from another Pennsylvania
19 limited winery on the licensed premises, under such conditions
20 and regulations as the ~~{board} commission~~ may enforce, to the ←
21 [Liquor Control Board] ~~commission~~ BOARD, to individuals and to ←
22 hotel, restaurant, club and public service liquor licensees, and
23 to Pennsylvania winery licensees: Provided, That a limited
24 winery shall not, in any calendar year, purchase wine produced
25 by other limited wineries in an amount in excess of fifty per
26 centum of the wine produced by the purchasing limited winery in
27 the preceding calendar year.

28 (3) [Sell] Separately or in conjunction with other limited
29 wineries, sell wine and wine coolers produced by the limited
30 winery ~~for~~ no more than [three] FIVE board-approved ~~at~~ ←

1 ~~commission approved~~ locations other than the licensed premises,
2 with no bottling or production requirement at those additional
3 ~~board-approved~~ ~~commission approved~~ locations and under such <—
4 conditions and regulations as the ~~board~~ ~~commission~~ may <—
5 enforce, to the [Liquor Control Board] ~~commission~~ BOARD, to <—
6 individuals and to hotel, restaurant, club and public service
7 liquor licensees.

8 Section 96. Section 505.3 of the act, added July 30, 1975
9 (P.L.136, No.68), is reenacted ~~and amended~~ to read: <—

10 Section 505.3. Distilleries.--Distilleries of historical
11 significance established more than one hundred years prior to
12 January 1, 1975 which hold a license issued under section 505
13 may sell liquor produced by the distillery on the licensed
14 premises under such conditions and regulations as the ~~board~~ <—
15 ~~commission~~ may enforce.

16 Section 97. Sections 506 and 507 of the act are reenacted
17 and amended to read:

18 Section 506. Bonds Required.--(a) No license shall be
19 issued to any such applicant until he has filed with the ~~board~~ <—
20 ~~commission~~ an approved bond, duly executed, payable to the
21 Commonwealth of Pennsylvania, together with a warrant of
22 attorney to confess judgment in the penal sum herein set forth.
23 All such bonds shall be conditioned for the faithful observance
24 of all the laws of this Commonwealth and regulations of the
25 ~~board~~ ~~commission~~ relating to alcohol, liquor and malt or <—
26 brewed beverages and the conditions of the license, and shall
27 have as surety a duly authorized surety company, or shall have
28 deposited therewith, as collateral security, cash or negotiable
29 obligations of the United States of America or the Commonwealth
30 of Pennsylvania in the same amount as herein provided for the

1 penal sum of bonds.

2 (b) In all cases where cash or securities in lieu of other
3 surety have been deposited with the ~~{board} commission~~, the ←
4 depositor shall be permitted to continue the same deposit from
5 year to year on each renewal of license, but in no event shall
6 he be permitted to withdraw his deposit during the time he holds
7 said license, or until six months after the expiration of the
8 license held by him, or while revocation proceedings are pending
9 against such licensee.

10 (c) All cash or securities received by the ~~{board}~~ ←
11 ~~commission~~ in lieu of other surety shall be turned over by the
12 ~~{board} commission~~ to the State Treasurer and held by him. The ←
13 State Treasurer shall repay or return money or securities
14 deposited with him to the respective depositors only on the
15 order of the ~~{board} commission~~. ←

16 (d) After notice from the ~~{board} commission~~ that such a ←
17 bond has been forfeited, the State Treasurer shall immediately
18 pay into the State Stores Fund all cash deposited as collateral
19 with such bond, and when securities have been deposited with
20 such a bond, the State Treasurer shall sell at private sale, at
21 not less than the prevailing market price, any such securities
22 so deposited as collateral with any such forfeited bond. The
23 State Treasurer shall thereafter deposit in The State Stores
24 Fund the net amount realized from the sale of such securities,
25 except that if the amount so realized, after deducting proper
26 costs and expenses, is in excess of the penal amount of the
27 bond, such excess shall be paid over by him to the obligor on
28 such forfeited bond.

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

1 In the case of a distillery (manufacturer), the bond shall be
2 in the amount of ten thousand dollars (\$10,000); in the case of
3 a bonded warehouse, a bailee for hire and a transporter for
4 hire, each shall be in the amount of three thousand dollars
5 (\$3000); and in the case of a winery, shall be in the amount of
6 five thousand dollars (\$5000). Such bonds shall be filed with
7 and retained by the ~~{board} commission~~. <—

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

12 Section 507. Hearings [Upon Refusal of Licenses] on Licenses
13 and Refusals.--(a) The ~~{board} commission~~ may of its own <—
14 motion, and shall upon the written request of the enforcement
15 bureau or of any applicant for license or for renewal thereof
16 whose application for such license or renewal has been refused,
17 fix a time and place for hearing of such application or renewal,
18 notice of which hearing shall be sent to the bureau and to the
19 applicant, by registered mail, at the address given in his
20 application. Such hearing shall be before the ~~{board}~~ <—
21 ~~commission~~, a member thereof, or an ~~{examiner designated by the~~ <—
22 ~~board} administrative law judge~~. <—

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

1 hearing shall be stenographically recorded. The {examiner} <—
2 ~~administrative law judge~~ shall thereafter report to the {board} <—
3 ~~commission~~. The {board} ~~commission~~ shall thereafter grant or <—
4 refuse the license or renewal thereof. [If the board shall
5 refuse such license or renewal following such hearing, notice in
6 writing of such refusal shall be mailed to the applicant at the
7 address given in his application. In all cases, the board shall
8 file of record at least a brief statement in the form of an
9 opinion of the reasons for the ruling or order.]

10 (c) Hearings and adjudications pursuant to this section
11 shall be in accordance with 2 Pa.C.S. Ch. 5 Subch. A (relating
12 to practice and procedure of Commonwealth agencies).

13 Section 98. Section 508 of the act, amended July 31, 1968
14 (P.L.902, No.272), is reenacted and amended to read:

15 Section 508. License Fees.--(a) The annual fee for every
16 license issued to a limited winery or a winery shall be two
17 hundred and fifty dollars (\$250). The annual fee for every
18 license issued to a distillery (manufacturer) shall be twenty-
19 five hundred dollars (\$2500) per annum if the annual production
20 is five hundred thousand (500,000) proof gallons or less, and an
21 additional fee of one hundred dollars (\$100) for each one
22 hundred thousand (100,000) proof gallons or fraction thereof in
23 excess of five hundred thousand (500,000) proof gallons, but for
24 the purpose of determining the amount of the fee payable by a
25 distillery, the annual production of alcohol that is denatured
26 by the manufacturer thereof during the license year in
27 Pennsylvania and not elsewhere shall be excluded, but alcohol or
28 liquor used by the manufacturer thereof during the license year
29 in rectification or blending shall not be excluded, except that
30 no fee for a distillery shall be less than twenty-five hundred

1 dollars (\$2500) per annum. The annual fee for all other licenses
2 shall be one hundred dollars (\$100). The fee for any license
3 when applied for and issued on or after April first, but prior
4 to July first, shall be three-fourths of the annual fee; July
5 first, but prior to October first, shall be one-half of the
6 annual fee; October first, but prior to January first, one-
7 fourth of the annual fee.

8 (b) For the purpose of this section, the term "proof gallon"
9 shall mean a gallon liquid which contains one-half its volume of
10 alcohol of a specific gravity of seven thousand nine hundred
11 thirty-nine ten thousandths (.7939) at sixty degrees Fahrenheit.

12 Section 99. Section 509 of the act is reenacted ~~and amended~~ <—
13 to read:

14 Section 509. License Must Be Posted; Business Hours.--
15 Licenses shall be issued by the ~~board~~ ~~commission~~ under its <—
16 official seal. Every license so issued must at all times be
17 posted in a conspicuous place where the business is carried on
18 under it, and said place of business must be kept open during
19 general business hours of every day in the year except Sundays
20 and legal holidays.

21 Section 100. Sections ~~510 and 511~~ 510, 511, 512 AND 513 of <—
22 the act are reenacted to read:

23 Section 510. Containers To Be Labeled.--All persons, except
24 as exempted by section five hundred two hereof, manufacturing,
25 producing, distilling, developing or using in the process of
26 manufacture, denaturing, redistilling, recovering, rectifying,
27 blending, reusing, holding in bond, holding in storage as bailee
28 for hire, or transporting for hire of alcohol or liquor under
29 the provisions of this article, shall securely and permanently
30 attach to every container ready for shipment thereof as the same

1 is manufactured, produced, distilled, developed, denatured,
2 redistilled, recovered, rectified, blended, reused, a label
3 stating the name of the manufacturer, kind and quantity of
4 alcohol or liquor contained therein, and the date of its
5 manufacture, together with the number of the license authorizing
6 the manufacture thereof, and all persons possessing such alcohol
7 or liquor in wholesale quantities shall securely keep and
8 maintain such label thereon.

9 Section 511. License To Specify Each Place Authorized For
10 Use.--Every license issued under the provision of this article
11 shall specify by definite location every place to be occupied or
12 used in connection with the business to be conducted thereunder.
13 It shall be unlawful for the holder of any license to occupy or
14 use any place in connection with any business authorized under a
15 license other than the place or places designated therein.

16 ~~Section 101. Sections 512, AND 513 and 514 of the act are~~ <—
17 ~~reenacted and amended to read:~~

18 Section 512. Records To Be Kept.--Every person holding a
19 license issued under the provisions of this article shall keep
20 on the licensed premises daily permanent records which shall
21 show, (a) the quantities of any alcohol or liquor manufactured,
22 produced, distilled, developed, denatured, redistilled,
23 recovered, reused, stored in bond, stored as bailee for hire,
24 received or used in the process of manufacture by him, and of
25 all other material used in manufacturing or developing any
26 alcohol or liquor; (b) the sales or other disposition of any
27 alcohol, liquor or malt or brewed beverages if covered by said
28 license; (c) the quantities thereof, if any, stored in bond,
29 stored for hire, or transported for hire by or for the licensee;
30 and (d) the names and addresses of the purchasers or other

1 recipients thereof: Provided, however, That persons holding
2 licenses issued under the provisions of this article for the
3 transportation for hire of any alcohol, liquor or malt or brewed
4 beverages shall not be required to keep the above records, but
5 shall keep daily permanent records showing the names and
6 addresses of the persons from whom any alcohol, liquor or malt
7 or brewed beverage was received and to whom delivered, and such
8 other permanent records as the ~~{board} commission~~ shall ←
9 prescribe.

10 Section 513. Premises and Records Subject To Inspection.--
11 Every place operated under license secured under the provisions
12 of this article where any alcohol, liquor or malt or brewed
13 beverage covered by the license is manufactured, produced,
14 distilled, developed or used in the process of manufacture,
15 denatured, redistilled, rectified, blended, recovered, reused,
16 held in bond, stored for hire or in connection with a licensee's
17 business, shall be subject to inspection by members of the
18 ~~{board} commission~~ or by persons duly authorized and designated ←
19 by the ~~{board} commission~~ at any and all times of the day or ←
20 night, as they may deem necessary, (a) for the detection of
21 violations of this act or of the rules and regulations of the
22 ~~{board} commission~~ promulgated under the authority of this act, ←
23 or (b) for the purpose of ascertaining the correctness of the
24 records required by this act to be kept by licensees and the
25 books and records of licensees, and the books and records of
26 their customers, in so far as they relate to purchases from said
27 licensees, shall at all times be open to inspection by the
28 members of the ~~{board} commission~~ or by persons duly authorized ←
29 and designated by the ~~{board} commission~~ for the purpose of ←
30 making inspections as authorized by this section. Members of the

1 ~~{board} commission~~ and the persons duly authorized and <—
2 designated by the ~~{board} commission~~ shall have the right, <—
3 without fee or hindrance, to enter any place which is subject to
4 inspection hereunder, or any place where records subject to
5 inspection hereunder are kept, for the purpose of making such
6 inspections.

7 SECTION ~~101.1~~ 101. SECTION 514 OF THE ACT IS REENACTED AND <—
8 AMENDED TO READ:

9 Section 514. Suspension and Revocation of Licenses.--(a)
10 Upon learning of any violation of this act or of any rule or
11 regulation promulgated by the ~~{board} commission~~ under the <—
12 authority of this act, or any violation of any laws of the
13 Commonwealth or of the United States of America relating to the
14 tax payment of alcohol, liquor or malt or brewed beverages by
15 the holder of a license issued under the provisions of this
16 article, or upon other sufficient cause, the [board] enforcement
17 bureau may, within one year from the date of such violation or
18 cause appearing, cite such licensee to appear before [it or its
19 examiner] an administrative law judge not less than ten (10) nor
20 more than [fifteen (15)] sixty (60) days from the date of
21 sending such licensee, by registered mail, a notice addressed to
22 his licensed premises, to show cause why the license should not
23 be suspended or revoked. Hearings on such citations shall be
24 held in the same manner as provided herein for hearings on
25 applications for license. And upon such hearing, if satisfied
26 that any such violation has occurred or for other sufficient
27 cause, the [board] administrative law judge shall immediately
28 suspend or revoke such license, notifying the licensee thereof
29 by registered letter addressed to his licensed premises, or to
30 the address given in his application where no licensed premises

1 is maintained in Pennsylvania.

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

21 Section 102. Section 515 of the act, repealed in part June
22 3, 1971 (P.L.118, No.6) and April 28, 1978 (P.L.202, No.53), is
23 reenacted and amended to read:

24 Section 515. Appeals.--[Any] The ~~commission~~ BOARD, the ←
25 enforcement bureau or any applicant or any licensee aggrieved by
26 any decision [of the board] refusing, suspending or revoking a
27 license under the provisions of this article may appeal to the
28 court of the county in which the licensed premises or the
29 premises to be licensed are located. In the event an applicant
30 or a licensee shall have no place of business established within

1 the Commonwealth, his appeal shall be to the [court of Dauphin
2 County] Commonwealth Court. Such appeal shall be [upon petition
3 of the applicant or licensee, as the case may be, who shall
4 serve a copy thereof upon the board. The said appeal shall act
5 as a supersedeas, unless upon sufficient cause shown the court
6 shall determine otherwise. The court shall hear the application
7 de novo at such time as it shall fix, of which notice shall be
8 given to the board. The court shall, in the case of a refusal by
9 the board, either sustain such refusal or order the issuance of
10 the license to the applicant] in accordance with 2 Pa.C.S. Ch. 7
11 Subch. A (relating to judicial review of Commonwealth agency
12 action).

13 Section 103. ~~Sections 516 and 517 of the act are~~ SECTION 516 ←
14 OF THE ACT IS reenacted and amended to read:

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

29 SECTION ~~103.1~~ 104. ~~SECTION 517~~ SECTIONS 517 AND 518 OF THE ←
30 ACT ~~IS~~ ARE REENACTED TO READ: ←

1 Section 517. Expiration of Licenses; Renewals.--All licenses
2 issued under this article shall expire at the close of the
3 calendar year, but new licenses for the succeeding year shall be
4 issued upon written application therefor, duly verified by
5 affidavit, stating that the facts in the original application
6 are unchanged, and upon payment of the fee as hereinafter
7 provided and the furnishing of a new bond, without the filing of
8 further statements or the furnishing of any further information
9 unless specifically requested by the ~~{board}~~ commission: ←

10 Provided, however, That any such license issued to a corporation
11 shall expire thirty (30) days after any change in the officers
12 of such corporation, unless the name and address of each such
13 new officer of such corporation shall, within that period, be
14 reported to the ~~{board}~~ commission by certificate, duly ←
15 verified. Applications for renewals must be made not less than
16 thirty (30) nor more than sixty (60) days before the first day
17 of January of the ensuing year. All applications for renewal
18 received otherwise shall be treated as original applications.

19 ~~Section 104. Section 518 of the act is reenacted to read:~~ ←

20 Section 518. Unlawful Acts.--(a) It shall be unlawful for
21 any person to transport any illegal alcohol, liquor or malt or
22 brewed beverages.

23 (b) Whenever any person withdraws or removes any alcohol or
24 liquor which has not been denatured from any distillery,
25 denaturing plant, winery or bonded warehouse for the purpose of
26 denaturing the same, it shall be unlawful for any such person to
27 use, sell or conceal, or attempt to use, sell or conceal, or be
28 concerned in the sale, use or concealment of, any such alcohol
29 or liquor, unless before such sale or use the said alcohol or
30 liquor shall be denatured by adding thereto denaturing material

1 or materials or admixtures thereof which render it unfit for
2 beverage purposes.

3 (c) It shall be unlawful for any person to recover and reuse
4 or attempt to recover and reuse, by redistillation or by any
5 other process or means whatsoever, any alcohol or liquor from
6 denatured alcohol or from any other liquor from denatured
7 alcohol or from any other liquid, or to knowingly use, sell,
8 conceal, or otherwise dispose of, alcohol or liquor so recovered
9 or redistilled.

10 Section 105. Section 519 of the act is reenacted and amended
11 to read:

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

1 Section 106. The headings of Article VI and Subdivision (A)
2 of Article VI of the act are reenacted to read:

3 ARTICLE VI.

4 PROPERTY ILLEGALLY POSSESSED OR USED; FORFEITURES;

5 NUISANCES.

6 (A) Forfeitures.

7 Section 107. Sections 601, 602 and 603 of the act, amended
8 April 20, 1956 (1955 P.L.1508, No.499), are reenacted and
9 amended to read:

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

22 Section 602. Forfeiture Proceedings.--(a) The proceedings
23 for the forfeiture or condemnation of all property shall be in
24 rem, in which the Commonwealth shall be the plaintiff and the
25 property the defendant. A petition shall be filed in the court
26 of [quarter sessions] common pleas, verified by oath or
27 affirmation of any officer or citizen, containing the following:
28 (1) a description of the property so seized; (2) a statement of
29 the time and place where seized; (3) the owner, if known; (4)
30 the person or persons in possession, if known; (5) an allegation

1 that the same had been possessed or used or was intended for use
2 in violation of this act; (6) and, a prayer for an order of
3 forfeiture that the same be adjudged forfeited to the
4 Commonwealth, unless cause be shown to the contrary.

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

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

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

19 (c) If the owner of said property is unknown or outside the
20 jurisdiction of the court and there was no person in possession
21 of said property when seized, or such person so in possession
22 cannot be found within the jurisdiction of the court, notice of
23 said petition shall be given by an advertisement in only one
24 newspaper of general circulation published in the county where
25 such property shall have been seized, once a week for two (2)
26 successive weeks. No other advertisement of any sort shall be
27 necessary, any other law to the contrary notwithstanding. Said
28 notice shall contain a statement of the seizure of said
29 property, with a description thereof, the place and date of
30 seizure, and shall direct any claimants thereof to file a claim

1 therefor on or before a date given in said notice, which date
2 shall not be less than ten (10) days from the date of the last
3 publication.

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

7 (e) At the time of said hearing, if the Commonwealth shall
8 produce evidence that the property in question was unlawfully
9 possessed or used, the burden shall be upon the claimant to show
10 (1) that he is the owner of said property, (2) that he lawfully
11 acquired the same, and (3) that it was not unlawfully used or
12 possessed.

13 In the event such claimant shall prove by competent evidence
14 to the satisfaction of the court that said liquor, alcohol or
15 malt or brewed beverage, or still, equipment, material, utensil,
16 vehicle, boat, vessel, container, animal or aircraft was
17 lawfully acquired, possessed and used, then the court may order
18 the same returned or delivered to the claimant; but if it
19 appears that said liquor, alcohol or malt or brewed beverage or
20 still, equipment, material or utensil was unlawfully possessed
21 or used, the court shall order the same destroyed, delivered to
22 a hospital, or turned over to the ~~board~~ commission or ←
23 enforcement bureau, as hereinafter provided, or if it appears
24 that said vehicle, boat, vessel, container, animal or aircraft
25 was unlawfully possessed or used, the court may, in its
26 discretion, adjudge same forfeited and condemned as hereinafter
27 provided.

28 Section 603. Disposition of Forfeited Property.--If, upon
29 petition as hereinbefore provided and hearing before the court
30 of [quarter sessions] common pleas, it appears that any liquor,

1 alcohol, or malt or brewed beverage or still, equipment,
2 material or utensil was so illegally possessed, or used, such
3 liquor, alcohol or malt or brewed beverage or still, equipment,
4 material or utensil shall be adjudged forfeited and condemned,
5 or if it appears that any vehicle, boat, vessel, container,
6 animal or aircraft was so used in the illegal manufacture or
7 transportation of liquor, alcohol or malt or brewed beverage,
8 such property may, in the discretion of the court, be adjudged
9 forfeited and condemned and in such case shall be disposed of as
10 follows:

11 (a) Upon conviction of any person of a violation of any of
12 the provisions of this act, the court shall order the sheriff to
13 destroy all condemned liquor, alcohol or malt or brewed beverage
14 and property seized or obtained from such defendants, except
15 that the court may order the liquor, alcohol or malt or brewed
16 beverages, or any part thereof, to be delivered to a hospital
17 for its use, and make return to the court of compliance with
18 said order, and any vehicle, container, boat, vessel, animals or
19 aircraft seized under the provisions of this act shall be
20 disposed of as hereinafter provided.

21 (b) In any case in which the defendant is acquitted of a
22 violation of this act and denies the ownership or possession
23 thereof, or no claimant appears for same, or appearing, is
24 unable to sustain claim thereof, the court shall order all
25 condemned liquor, alcohol and malt or brewed beverages and
26 property (except vehicles, boats, vessels, containers, animals
27 and aircraft) publicly destroyed by the sheriff, except that the
28 court may order the liquor, alcohol or malt or brewed beverages,
29 or any part thereof, to be delivered to a hospital for its use.
30 Return of compliance with said order shall be made by the

1 sheriff to the court.

2 (c) In the case of any vehicle, boat, vessel, container,
3 animal or aircraft seized under the provisions of this act and
4 condemned, the court shall order the same to be delivered to the
5 [board] enforcement bureau for its use or for sale or
6 disposition by the [board] bureau, in its discretion. Notice of
7 such sale shall be given in such manner as the [board] bureau
8 may prescribe. The proceeds of such sale shall be paid into The
9 State Stores Fund.

10 Section 108. Section 604 of the act is reenacted and amended
11 to read:

12 Section 604. Motor Vehicle Licenses To Be Revoked.--In
13 addition to the foregoing provisions, the court may, in its
14 order of condemnation, and in every conviction under this act
15 where it shall appear that liquor, alcohol or malt or brewed
16 beverages were unlawfully transported in a motor vehicle,
17 declare that the license issued by the Department of [Revenue]
18 Transportation for any motor vehicle so forfeited and condemned,
19 or issued to any defendant convicted of transporting liquor,
20 alcohol or malt or brewed beverages in any motor vehicle, shall
21 be forfeited and revoked, and it shall be the duty of the clerk
22 of the court in which such conviction is had and order of
23 condemnation made to certify such conviction to the Secretary of
24 [Revenue] Transportation, who shall suspend or revoke the
25 license issued for such motor vehicles: Provided, That a license
26 may be issued for such motor vehicle to the ~~{board} commission~~ ←
27 or the enforcement bureau or to any purchaser of the vehicle
28 after the sale thereof, as above provided.

29 Section 109. Section 605 of the act is reenacted to read:

30 Section 605. Application of Subdivision.--The provisions of

1 this subdivision shall apply to the disposition of any liquor,
2 alcohol or malt or brewed beverage or property in the custody of
3 the law or of any officer at the time of the passage of this
4 act.

5 Section 110. The heading of Subdivision (B) of Article VI of
6 the act is reenacted to read:

7 (B) Nuisances.

8 Section 111. Section 611 of the act is reenacted and amended
9 to read:

10 Section 611. Nuisances; Actions To Enjoin.--(a) Any room,
11 house, building, boat, vehicle, structure or place, except a
12 private home, where liquor, alcohol or malt or brewed beverages
13 are manufactured, possessed, sold, transported, offered for
14 sale, bartered or furnished, or stored in bond, or stored for
15 hire, in violation of this act, and all such liquids, beverages
16 and property kept or used in maintaining the same, are hereby
17 declared to be common nuisances, and any person who maintains
18 such a common nuisance shall be guilty of a misdemeanor and,
19 upon conviction thereof, shall be subject to the same penalties
20 provided in section four hundred ninety four of this act.

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

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

24 (c) Upon the decree of the court ordering such nuisance to
25 be abated, the court may, upon proper cause shown, order that
26 the room, house, building, structure, boat, vehicle or place
27 shall not be occupied or used for one year thereafter, but the
28 court may, in its discretion, permit it to be occupied or used
29 if the owner, lessee, tenant or occupant thereof shall give bond
30 with sufficient surety to be approved by the court making the

1 order in the penal and liquidated sum of not less than five
2 hundred dollars (\$500.00), payable to the Commonwealth of
3 Pennsylvania, for use of the county in which said proceedings
4 are instituted, and conditioned that neither liquor, alcohol,
5 nor malt or brewed beverages will thereafter be manufactured,
6 sold, transported, offered for sale, bartered or furnished, or
7 stored in bond, or stored for hire therein or thereon in
8 violation of this act, and that he will pay all fines, costs and
9 damages that may be assessed for any violation of this act upon
10 said property.

11 Section 112. The headings of Article VII and Subdivision (A)
12 of Article VII of the act are reenacted to read:

13 ARTICLE VII.

14 DEALING IN DISTILLERY BONDED WAREHOUSE

15 CERTIFICATES.

16 (A) Preliminary Provisions.

17 Section 113. Section 701 of the act is reenacted ~~and amended~~ ←
18 to read:

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

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

29 "Fraud," "fraudulent" and "fraudulent practice" shall include
30 any misrepresentation in any manner of a relevant fact not made

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

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

21 Section 114. The heading of Subdivision (B) of Article VII
22 of the act is reenacted to read:

23 (B) Permits.

24 Section 115. Section 702 of the act is reenacted to read:

25 Section 702. Unlawful to Act as a Distillery Certificate
26 Broker or to Buy or Sell Distillery Bonded Warehouse Certificate
27 Without a Permit.--It shall be unlawful for any person, except
28 as hereinafter exempted, directly or through an agent, to sell,
29 purchase, exchange, offer for sale, deliver, enter into
30 agreements for the purchase, sale, exchange, solicit

1 subscriptions to, orders for, undertake to dispose of, deal in
2 any manner in, distillery bonded warehouse certificates, without
3 first having obtained a permit to act as a distillery
4 certificate broker as provided in this article.

5 Section 116. Section 703 of the act is reenacted ~~and amended~~ <—
6 to read:

7 Section 703. Authority to Issue Permits to Distillery
8 Certificate Brokers.--Subject to the provisions of this article
9 and regulations promulgated under this act, the ~~{board}~~ <—
10 ~~commission~~ shall have authority to issue to any reputable
11 financially responsible person whose plan of business in dealing
12 in distillery bonded warehouse certificates is not deemed by the
13 ~~{board}~~ ~~commission~~ to constitute "fraudulent practice," as <—
14 defined herein, a permit to act as distillery certificate
15 broker.

16 Section 117. Section 704 of the act, amended September 28,
17 1961 (P.L.1728, No.702), is reenacted ~~and amended~~ to read: <—

18 Section 704. Application for Permit; Filing Fee.--Every
19 applicant for a distillery certificate broker permit shall file
20 a written application with the ~~{board}~~ ~~commission~~ outlining his <—
21 plan of business in dealing in distillery bonded warehouse
22 certificates, in such form and containing such other information
23 as the ~~{board}~~ ~~commission~~ shall from time to time prescribe, <—
24 which shall be accompanied by a filing fee of twenty dollars
25 (\$20) and the prescribed permit fee. If the applicant is a
26 natural person, his application must show that he is a citizen
27 of the United States, and if a corporation, the application must
28 show that the corporation was created under the laws of
29 Pennsylvania or holds a certificate of authority to transact
30 business in Pennsylvania. The application shall be signed and

1 verified by oath or affirmation of the applicant, if a natural
2 person, or in the case of an association, by a member or partner
3 thereof, or in the case of a corporation, by an executive
4 officer thereof or any person specifically authorized by the
5 corporation to sign the application, to which shall be attached
6 written evidence of his authority. If the applicant is an
7 association, the application shall set forth the names and
8 addresses of the persons constituting the association, and if a
9 corporation, the names and addresses of all the officers
10 thereof. All applications must be verified by affidavit of
11 applicant and if any false statement is intentionally made in
12 any part of the application, the signer shall be guilty of a
13 misdemeanor and upon indictment and conviction, shall be subject
14 to penalties provided by this article.

15 Section 118. Section 705 of the act is reenacted ~~and amended~~ ←
16 to read:

17 Section 705. Issuance of Permits.--Upon receipt of the
18 application and proper fees and upon being satisfied of the
19 truth of the statements in the application, and being also
20 satisfied that the applicant's plan of business in dealing in
21 distillery bonded warehouse certificates does not constitute
22 "fraudulent practice," as defined in this article, and that the
23 applicant is a person of good repute and financially
24 responsible, the ~~{board}~~ ~~commission~~ may issue to such applicant ←
25 a permit authorizing the permittee to sell, purchase, exchange,
26 pledge and deal in distillery bonded warehouse certificates.

27 Section 119. Section 706 of the act is reenacted to read:

28 Section 706. Office or Place of Business to be Maintained.--
29 Every applicant for a distillery certificate broker permit under
30 this article and every person to whom such a permit is issued

1 shall maintain an office or place of business within the
2 Commonwealth.

3 Section 120. Sections 707, 708 and 709 of the act are
4 reenacted ~~and amended~~ to read: <—

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

16 Section 708. Records to be Kept.--Every person holding a
17 permit issued under this act shall keep daily permanent records
18 containing a complete record of all transactions in distillery
19 bonded warehouse certificates within this Commonwealth, in such
20 form and manner as the ~~{board}~~ ~~commission~~ may from time to time <—
21 prescribe. Such records shall be available for examination by
22 the ~~{board's}~~ ~~commission's~~ officers at the broker's principal <—
23 place of business or office in Pennsylvania.

24 Section 709. Renewal of Permits.--Upon the filing of an
25 application and the payment of the prescribed filing fee and
26 permit fee in the same amount as herein required on original
27 applications for permits, the ~~{board}~~ ~~commission~~ may renew the <—
28 permit for the calendar year beginning January first, provided
29 such application for renewal is filed and fee paid on or before
30 December fifteenth of the preceding year, unless the ~~{board}~~ <—

1 ~~commission~~ shall have given previous notice of objections to the
2 renewal of the permit, based upon violation of this article or
3 the ~~{board's} commission's~~ regulations promulgated thereunder, ←
4 or unless the applicant has by his own act become a person of
5 ill repute or ceases to be financially responsible.

6 Section 121. Section 710 of the act, amended June 3, 1971
7 (P.L.118, No.6) and April 28, 1978 (P.L.202, No.53), is
8 reenacted ~~and amended~~ to read: ←

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

1 the form of an opinion of the reasons for the ruling or order
2 and furnish a copy thereof to the applicant.

3 Section 122. Section 712 of the act, amended April 28, 1978
4 (P.L.202, No.53), is reenacted ~~and amended~~ to read: <—

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

30 Section 123. The heading of Subdivision (C) of Article VII

1 of the act is reenacted to read:

2 (C) Permittees' Registered Agents.

3 Section 124. Section 721 of the act is reenacted to read:

4 Section 721. Unlawful to Act as Agent or to Employ Agents
5 Without Registration.--It shall be unlawful for a distillery
6 certificate broker to employ any person to act as agent, or for
7 any person to act as agent for any distillery certificate
8 broker, in purchasing, exchanging, offering for sale,
9 delivering, entering into agreements for the purchase, sale,
10 exchange, soliciting subscriptions to, orders for, undertaking
11 to dispose of, dealing in any manner in, distillery bonded
12 warehouse certificates, without such person first having been
13 registered as an agent as provided in this article.

14 Section 125. Section 722 of the act is reenacted ~~and amended~~ <—
15 to read:

16 Section 722. Registered Agents.--Every person holding a
17 distillery certificate broker permit under this article who
18 desires to employ an agent or agents in the operation of his
19 business under the permit shall make application to the ~~{board}~~ <—
20 commission for registration of such agent or agents. Every such
21 permittee's application shall set forth the name of the
22 permittee and the address of his main office or principal place
23 of business in Pennsylvania, and the full address where complete
24 records are maintained covering the permittee's operations in
25 Pennsylvania. With each such permittee's application there shall
26 be filed an agent's application for each agent to be registered.
27 Permittees' applications for agents and agents' applications
28 shall contain such information as the ~~{board}~~ commission shall <—
29 from time to time require, and shall be signed and verified by
30 oath or affirmation of the agent. Each application shall be

1 accompanied by two unmounted photographs of the agent.

2 Section 126. Section 723 of the act is reenacted to read:

3 Section 723. Registration Fee.--Every application for the
4 registration of agents filed by a permittee shall be accompanied
5 by a registration fee in the amount of ten dollars (\$10) for
6 each agent to be registered, which shall cover the agent's
7 registration from date of approval until December thirty-first
8 of the year in which approved. Registrations may be renewed for
9 a period of one calendar year upon the filing of a new
10 application and payment of the same registration fee as herein
11 provided for original registration, together with agent's new
12 application and photographs of each agent. Applications for
13 renewal of registration shall be filed not later than December
14 fifteenth of each year.

15 Section 127. Section 724 of the act is reenacted ~~and amended~~ <—
16 to read:

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

24 Section 128. Sections 725 and 726 of the act, amended April
25 28, 1978 (P.L.202, No.53), are reenacted ~~and amended~~ to read: <—

26 Section 725. Hearings Upon Refusal of the {Board} <—
27 ~~Commission~~; Appeals.--In the event that the ~~{board} commission~~ <—
28 shall refuse to issue or to renew an agent's registration, a
29 hearing shall be had.

30 Section 726. Revocation and Suspension of Agents'

1 Registrations.--Upon learning of any violation of this act or
2 regulation of the ~~{board} commission~~ promulgated thereunder, or <—
3 any violation of any laws of this Commonwealth or of the United
4 States of America by a registered agent, the ~~{board} commission~~ <—
5 may revoke or suspend the agent's registration in the same
6 manner as provided herein for the revocation and suspension of
7 distillery certificate broker permits.

8 Section 129. Section 727 of the act is reenacted and amended
9 to read:

10 Section 727. Identification Cards.--(a) Upon approval by
11 the ~~{board} commission~~ of the application for registration of an <—
12 agent, there shall be issued to such registered agent an
13 identification card containing the name and address of the
14 distillery certificate broker, the name, address and physical
15 description of the agent. There shall also be affixed to the
16 identification card a photograph of the agent, and no
17 identification card shall be valid until signed by both the
18 distillery certificate broker and the agent and counter-signed
19 by a representative of the ~~{board} commission~~. <—

20 (b) Before any agent's registration can be changed from one
21 distillery certificate broker to another, the identification
22 card of such agent shall either be returned to the ~~{board}~~ <—
23 ~~commission~~ by the broker under whom he is registered, or such
24 broker shall file with the ~~{board} commission~~ a notice in <—
25 writing that he has knowledge of and consents to the employment
26 of such agent by the other broker.

27 (c) When the employment of any agent is terminated, the
28 broker shall immediately notify the ~~{board} commission~~ and the <—
29 identification card issued to the agent shall be surrendered to
30 the ~~{board} commission~~. <—

1 Section 130. The heading of Subdivision (D) of Article VII
2 of the act is reenacted to read:

3 (D) Exemptions.

4 Section 131. Sections 731, 732 and 733 of the act are
5 reenacted to read:

6 Section 731. Bank and Trust Companies and Other Persons.--
7 Bank and trust companies and other persons duly authorized
8 within this Commonwealth to engage in the business of lending
9 money to licensed distillers, rectifiers, importers and
10 distillery certificate brokers may, without a permit required
11 under the provisions of this act, accept distillery bonded
12 warehouse certificates as security or collateral for any loan
13 made in the regular conduct of their business, and such banks
14 and trust companies and other persons may liquidate such
15 security or collateral by sale only to licensed distillers,
16 rectifiers, importers or distillery certificate brokers.

17 Section 732. Distillers, Rectifiers and Importers.--Duly
18 licensed distillers, rectifiers and importers may, without a
19 permit required under the provisions of this article, deal in
20 distillery bonded warehouse certificates, but only with other
21 duly licensed distillers, rectifiers, importers and with
22 distillery certificate brokers.

23 Section 733. Certificates Owned Since July 24, 1939.--
24 Persons other than licensed distillers, rectifiers, importers
25 and distillery certificate brokers, holding distillery bonded
26 warehouse certificates on and since the twenty-fourth day of
27 July, one thousand nine hundred thirty-nine, may dispose of same
28 without a permit required under the provisions of this act, but
29 only to or through a distillery certificate broker holding a
30 permit from the ~~{board}~~ commission.

←

1 Section 132. The heading of Subdivision (E) of Article VII
2 of the act is reenacted to read:

3 (E) Administration and Enforcement.

4 Section 133. Section 741 of the act is reenacted ~~and amended~~ <—
5 to read:

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

15 Section 134. The heading of Subdivision (F) of Article VII
16 of the act is reenacted to read:

17 (F) Fines and Penalties.

18 Section 135. Section 751 of the act is reenacted to read:

19 Section 751. Penalties.--Any person who shall violate any of
20 the provisions of this article, or who shall engage in any fraud
21 or fraudulent practice, as defined herein, shall be guilty of a
22 misdemeanor and, upon conviction thereof, shall be sentenced to
23 pay the costs of prosecution and a fine of not less than one
24 thousand dollars (\$1000), nor more than five thousand dollars
25 (\$5000), or undergo imprisonment of not less than one year, nor
26 more than five years, or both, at the discretion of the court.

27 Section 136. The heading of Article VIII of the act is
28 reenacted to read:

29 ARTICLE VIII.

30 DISPOSITION OF MONEYS COLLECTED UNDER

PROVISIONS OF ACT.

Section 137. Section 801 of the act is reenacted ~~and amended~~ to read:

Section 801. Moneys Paid Into Liquor License Fund and Returned to Municipalities.--(a) The following fees collected by the ~~{board} commission~~ under the provisions of this act shall be paid into the State Treasury through the Department of Revenue into a special fund to be known as the "Liquor License Fund":

(1) License fees for hotel, restaurant and club liquor licenses.

(2) License fees for retail dispensers' (malt and brewed beverages) licenses.

(b) The moneys in the Liquor License Fund shall, on the first days of February and August of each year, be paid by the ~~{board} commission~~ to the respective municipalities in which the respective licensed places are situated, in such amounts as represent the aggregate license fees collected from licenses in such municipalities during the preceding period. ~~These moneys shall be used exclusively for the enforcement of the liquor laws of this Commonwealth.~~

(c) The ~~{board} commission~~ shall have the power to appropriate moneys in the Liquor License Fund for the payment of claims for refunds allowed and approved by the ~~{board} commission~~ for moneys paid into the Liquor License Fund because of the over-payment or overcharge on license fees. In the event that the moneys in the Liquor License Fund have been distributed to the respective municipalities, the ~~{board} commission~~ shall have the authority to deduct from the next semi-annual payment to the respective municipalities the amount of any over-payment

1 previously refunded by the ~~{board} commission~~ to any person on <—
2 account of an overcharge or over-payment on a license fee.

3 Section 138. Section 802 of the act, amended September 28,
4 1961 (P.L.1728, No.702), is reenacted and amended to read:

5 Section 802. Moneys Paid Into The State Stores Fund for Use
6 of the Commonwealth.--(a) All moneys, except fees to be paid
7 into the Liquor License Fund as provided by [the ~~{preceding}~~] <—
8 section 801, collected, received or recovered under the
9 provisions of this act for license fees, permit fees, filing
10 fees and registration fees, from forfeitures, sales of forfeited
11 property, compromise penalties and sales of liquor and alcohol
12 at the Pennsylvania Liquor Stores, shall be paid into the State
13 Treasury through the Department of Revenue into a special fund
14 to be known as "The State Stores Fund."

15 (b) One-half of all application filing and transfer fees
16 shall be credited to a special account designated as the
17 Enforcement Officers' Retirement Account. The moneys credited to
18 this account shall be paid, annually, by the ~~{board} commission~~ <—
19 to the State Employees' Retirement Board to be paid into the
20 State Employees' Retirement Fund and credited to the Enforcement
21 Officers' Benefit Account.

22 (c) One TWO per centum of annual profits from the sale of <—
23 liquor and alcohol shall be annually transferred to the
24 Department of Health for use by the Office of Drug and Alcohol
25 Programs, or its successor in function, for the following
26 purposes:

27 (1) Treatment and rehabilitation of persons addicted to the
28 excessive use of alcoholic beverages.

29 (2) Promotion of education, prevention and early
30 intervention programs designed to eliminate abuse and addiction

1 to alcohol or other mood-altering substances or secure
2 appropriate treatment for the already addicted.

3 (3) Study of the problem of addiction.

4 (d) All other moneys in such fund shall be available for the
5 purposes for which they are appropriated by law.

6 ~~(c) Annually, at the time the budget for the enforcement~~ <—
7 ~~bureau is approved, an amount equal to the amount appropriated~~
8 ~~from the General Fund for the enforcement bureau shall be~~
9 ~~transferred from the State Store Fund to the General Fund.~~

10 (E) ANNUALLY, THE GENERAL ASSEMBLY SHALL MAKE AN <—
11 APPROPRIATION FROM THE STATE STORE FUND TO PROVIDE FOR THE
12 OPERATIONAL EXPENSES OF THE ENFORCEMENT BUREAU.

13 Section 139. Section 803 of the act is reenacted and amended <—
14 to read:

15 Section 803. Alcohol Tax Moneys Paid Into General Fund.--All
16 taxes collected or received by the {board} ~~commission~~ on sales <—
17 of taxable alcohol under the provisions of this act shall be
18 paid into the State Treasury through the Department of Revenue
19 into the General Fund.

20 ~~Section 140. The heading of Article IX of the act is~~ <—
21 ~~reenacted to read:~~

22 ~~ARTICLE IX.~~

23 ~~REPEALS.~~

24 ~~Section 141. Section 901 of the act is reenacted to read:~~

25 ~~Section 901. Acts and Parts of Acts Repealed. The following~~
26 ~~acts and parts of acts and all amendments thereof are hereby~~
27 ~~repealed to the extent hereinafter specified:~~

28 ~~Section five of the act, passed in one thousand seven hundred~~
29 ~~five (1 Sm. L. 25), entitled "An act to restrain people from~~
30 ~~labour on the first day of the week," absolutely.~~

1 ~~The act, passed in one thousand seven hundred five (1 Sm. L.~~
2 ~~43), entitled "An act for selling beer and ale by wine measure,"~~
3 ~~absolutely.~~

4 ~~The act, passed the thirty first day of May, one thousand~~
5 ~~seven hundred eighteen (1 Sm. L. 104), entitled "An act~~
6 ~~empowering the Justices to settle the prices of liquors in~~
7 ~~public houses, and provender for horses in public stables,"~~
8 ~~absolutely.~~

9 ~~The act, passed the twenty sixth day of August, one thousand~~
10 ~~seven hundred twenty one (1 Sm. L. 126), entitled "A~~
11 ~~Supplementary act to a law of this province, entitled "An act~~
12 ~~that no public house or inn, within this province, be kept~~
13 ~~without license,"~~ absolutely.

14 ~~Section twenty of the act, approved the thirtieth day of~~
15 ~~March, one thousand eight hundred eleven (Pamphlet Laws 145),~~
16 ~~entitled "An act to amend and consolidate the several acts~~
17 ~~relating to the settlement of the public accounts and the~~
18 ~~payment of the public monies, and for other purposes,"~~
19 ~~absolutely.~~

20 ~~The act, approved the fourteenth day of March, one thousand~~
21 ~~eight hundred fourteen (Pamphlet Laws 100), entitled "An act~~
22 ~~providing for the inspection of spirituous liquors,"~~ absolutely.

23 ~~Sections one, two, three and four of the act, approved the~~
24 ~~second day of April, one thousand eight hundred twenty two~~
25 ~~(Pamphlet Laws 286), entitled "An act to prevent the disturbance~~
26 ~~of meetings held for the purpose of religious worship,"~~
27 ~~absolutely.~~

28 ~~The act, approved the eighth day of March, one thousand eight~~
29 ~~hundred fifteen (Pamphlet Laws 91), entitled "An act altering~~
30 ~~the mode of issuing tavern licenses,"~~ absolutely.

1 ~~The act, approved the thirteenth day of March, one thousand~~
2 ~~eight hundred fifteen (Pamphlet Laws 171), entitled "A~~
3 ~~supplement to the act, entitled 'An act providing for the~~
4 ~~inspection of spirituous liquors,' passed the fourteenth day of~~
5 ~~March, one thousand eight hundred and fourteen, and for the~~
6 ~~prevention of fraud in the purchase or sale of flour or~~
7 ~~whiskey," absolutely.~~

8 ~~The act, approved the twenty seventh day of March, one~~
9 ~~thousand eight hundred twenty one (Pamphlet Laws 133), entitled~~
10 ~~"An act to regulate inspections," absolutely.~~

11 ~~The act, approved the second day of April, one thousand eight~~
12 ~~hundred twenty one (Pamphlet Laws 244), entitled "An act laying~~
13 ~~a duty on the retailers of foreign merchandise," in so far as it~~
14 ~~relates to wine or distilled liquors.~~

15 ~~Section two of the act, approved the second day of April, one~~
16 ~~thousand eight hundred twenty two (Pamphlet Laws 226), entitled~~
17 ~~"A further supplement to the act, entitled 'An act relative to~~
18 ~~habitual Drunkards,' " absolutely.~~

19 ~~The act, approved the sixteenth day of January, one thousand~~
20 ~~eight hundred twenty three (Pamphlet Laws 10), entitled "A~~
21 ~~supplement to the act entitled, 'An act providing for the~~
22 ~~inspection of spirituous liquors,' " absolutely.~~

23 ~~Section one of the act, approved the twelfth day of April,~~
24 ~~one thousand eight hundred twenty five (Pamphlet Laws 247),~~
25 ~~entitled "An act more effectually to secure the collection of~~
26 ~~the revenue from tavern licenses, and for other purposes,"~~
27 ~~absolutely.~~

28 ~~The act, approved the seventh day of April, one thousand~~
29 ~~eight hundred thirty (Pamphlet Laws 352), entitled "An act to~~
30 ~~regulate inns and taverns," absolutely.~~

1 ~~The act, approved the fifteenth day of February, one thousand~~
2 ~~eight hundred thirty two (Pamphlet Laws 73), entitled "A~~
3 ~~supplement to an act entitled 'An act to regulate inns and~~
4 ~~taverns,' passed April seventh, eighteen hundred and thirty,"~~
5 ~~absolutely.~~

6 ~~Sections one, two, three, four, five, ten, eleven, twelve,~~
7 ~~thirteen, fourteen, fifteen, sixteen, seventeen, eighteen,~~
8 ~~nineteen, twenty, twenty one, twenty two, twenty three, twenty~~
9 ~~four, twenty five, twenty six and twenty seven of the act,~~
10 ~~approved the eleventh day of March, one thousand eight hundred~~
11 ~~thirty four (Pamphlet Laws 117), entitled "An act relating to~~
12 ~~Inns, Taverns, and retailers of vinous and spirituous liquors,"~~
13 ~~absolutely.~~

14 ~~Sections one hundred twenty three, one hundred twenty four,~~
15 ~~one hundred twenty five, one hundred twenty six, one hundred~~
16 ~~twenty seven, one hundred twenty eight, one hundred twenty nine,~~
17 ~~one hundred thirty, one hundred thirty one, one hundred thirty~~
18 ~~two, one hundred thirty three, one hundred thirty four, one~~
19 ~~hundred thirty five, one hundred thirty six, one hundred thirty~~
20 ~~seven, one hundred thirty eight, one hundred thirty nine and one~~
21 ~~hundred forty of the act, approved the fifteenth day of April,~~
22 ~~one thousand eight hundred thirty five (Pamphlet Laws 384),~~
23 ~~entitled "An act relating to Inspections," absolutely.~~

24 ~~Section sixty six of the act, approved the thirteenth day of~~
25 ~~June, one thousand eight hundred thirty six (Pamphlet Laws 589),~~
26 ~~entitled "An act relating to lunatics and habitual drunkards,"~~
27 ~~absolutely.~~

28 ~~Section twenty two of the act, approved the twenty seventh~~
29 ~~day of May, one thousand eight hundred forty (Pamphlet Laws~~
30 ~~548), entitled "An act to erect the town of South Easton, in the~~

1 ~~county of Northampton, into a borough, and for other purposes,"~~
2 ~~absolutely.~~

3 ~~The act, approved the twenty ninth day of March, one thousand~~
4 ~~eight hundred forty one (Pamphlet Laws 121), entitled "An act~~
5 ~~supplementary to the various Acts relating to Tavern Licenses,"~~
6 ~~absolutely.~~

7 ~~Section forty four of the act, approved the twenty fifth day~~
8 ~~of March, one thousand eight hundred forty two (Pamphlet Laws~~
9 ~~192), entitled "An act to appoint Commissioners to Re-survey and~~
10 ~~mark that portion of the county line, which divides the township~~
11 ~~of Bristol, in the county of Philadelphia, from the township of~~
12 ~~Cheltenham, in the county of Montgomery, and for other~~
13 ~~purposes," absolutely.~~

14 ~~Section four of the act, approved the twenty first day of~~
15 ~~April, one thousand eight hundred forty six (Pamphlet Laws 431),~~
16 ~~entitled "An act to authorize the voters of Mifflin county to~~
17 ~~decide the question of tavern license therein, and to prohibit~~
18 ~~the sale of intoxicating drinks within specified limits in~~
19 ~~certain counties," absolutely.~~

20 ~~Sections twenty, twenty one, twenty two, twenty three,~~
21 ~~thirty one, thirty two and thirty three of the act, approved the~~
22 ~~tenth day of April, one thousand eight hundred forty nine~~
23 ~~(Pamphlet Laws 570), entitled "An act to create a sinking fund,~~
24 ~~and to provide for the gradual and certain extinguishment of the~~
25 ~~debt of the commonwealth," absolutely.~~

26 ~~The act, approved the sixteenth day of April, one thousand~~
27 ~~eight hundred forty nine (Pamphlet Laws 657), entitled "An act~~
28 ~~to change the mode of granting tavern licenses in the city and~~
29 ~~county of Philadelphia," absolutely.~~

30 ~~Sections five, six and eight of the act, approved the~~

1 ~~thirtieth day of April, one thousand eight hundred fifty~~
2 ~~(Pamphlet Laws 634), entitled "An act regulating the hunting of~~
3 ~~deer in the county of Warren; and relative to hawkers and~~
4 ~~peddlers in the counties of Carbon, Butler and Union;~~
5 ~~authorizing the Philadelphia, Germantown and Norristown railroad~~
6 ~~company to become stockholders in the Chester Valley railroad~~
7 ~~company; relative to the sale of spirituous and vinous liquors~~
8 ~~in Washington county; and to the licensing of inn keepers in~~
9 ~~this commonwealth; to the estate of John Claar, deceased;~~
10 ~~legitimizing John Diffenbach, of Lancaster county; and~~
11 ~~authorizing the sale of the real estate of Darius Grimes, of~~
12 ~~Fayette county, deceased," absolutely.~~

13 ~~Section eight of the act, approved the fourteenth day of~~
14 ~~April, one thousand eight hundred fifty one (Pamphlet Laws 569),~~
15 ~~entitled "A further supplement to the act entitled 'An Act~~
16 ~~authorizing the Governor to incorporate the Bear Mountain~~
17 ~~Railroad Company,' and for other purposes, passed July~~
18 ~~thirteenth, one thousand eight hundred and forty two, and~~
19 ~~relative to roads, streets, and alleys in the borough of~~
20 ~~Pottsville, in Schuylkill county, to hawkers and peddlers in~~
21 ~~Armstrong and Carbon counties, to the Bethany and Dingman's~~
22 ~~choice turnpike road, to the district of West Philadelphia, to~~
23 ~~the bottling of cider and malt liquors, licensing billiard rooms~~
24 ~~and bowling saloons, to the district of Moyamensing, and to~~
25 ~~authorize Charles B. Mench to sell certain real estate,"~~
26 ~~absolutely.~~

27 ~~Sections one, two, three, six, seven and eight of the act,~~
28 ~~approved the eighth day of May, one thousand eight hundred~~
29 ~~fifty four (Pamphlet Laws 663), entitled "An act to protect~~
30 ~~certain domestic and private Rights, and prevent abuses in the~~

1 ~~Sale and Use of Intoxicating Drinks," absolutely.~~

2 ~~The act, approved the twenty sixth day of January, one~~
3 ~~thousand eight hundred fifty five (Pamphlet Laws 53), entitled~~
4 ~~"An act to prevent the Sale of Intoxicating Liquors on the First~~
5 ~~Day of the Week, commonly called Sunday," absolutely.~~

6 ~~Sections one, two, three, four, five, six, seven, eight,~~
7 ~~nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen,~~
8 ~~seventeen, eighteen, nineteen, twenty, twenty one, twenty two,~~
9 ~~twenty three, twenty four, twenty five, thirty, thirty two,~~
10 ~~thirty three and thirty four of the act, approved the thirty-~~
11 ~~first day of March, one thousand eight hundred fifty six~~
12 ~~(Pamphlet Laws 200), entitled "An act to Regulate the Sale of~~
13 ~~Intoxicating Liquors," absolutely.~~

14 ~~Sections one, two, three, four, five, six, seven, eight,~~
15 ~~nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen,~~
16 ~~seventeen, eighteen, nineteen, twenty, twenty one, twenty three~~
17 ~~and twenty four of the act, approved the twentieth day of April,~~
18 ~~one thousand eight hundred fifty eight (Pamphlet Laws 365),~~
19 ~~entitled "A supplement to an act to Regulate the Sale of~~
20 ~~Intoxicating Liquors, approved the thirty first of March, Anno~~
21 ~~Domini one thousand eight hundred and fifty six," absolutely.~~

22 ~~The act, approved the twenty first day of April, one thousand~~
23 ~~eight hundred fifty eight (Pamphlet Laws 393), entitled "A~~
24 ~~further supplement to an act relative to the Inspection of~~
25 ~~Liquors," absolutely.~~

26 ~~Section two of the act, approved the seventeenth day of~~
27 ~~March, one thousand eight hundred fifty nine (Pamphlet Laws~~
28 ~~167), entitled "An act relating to Trustees of Farmers' High~~
29 ~~Schools of Pennsylvania," absolutely.~~

30 ~~The act, approved the fourteenth day of April, one thousand~~

1 ~~eight hundred fifty nine (Pamphlet Laws 653), entitled "An act~~
2 ~~relating to the granting of Licenses to Hotel, Inn, or Tavern~~
3 ~~Keepers," absolutely.~~

4 ~~The act, approved the twenty ninth day of March, one thousand~~
5 ~~eight hundred sixty (Pamphlet Laws 346), entitled "An act to~~
6 ~~prevent Recovery for the Sale of Adulterated Liquors,"~~
7 ~~absolutely.~~

8 ~~The act, approved the fifteenth day of April, one thousand~~
9 ~~eight hundred sixty three (Pamphlet Laws 480), entitled "An act~~
10 ~~relating to the inspection of domestic distilled spirits,"~~
11 ~~absolutely.~~

12 ~~The act, approved the twenty second day of March, one~~
13 ~~thousand eight hundred sixty seven (Pamphlet Laws 40), entitled~~
14 ~~"A further supplement to an act to regulate the granting of~~
15 ~~licenses to hotels and eating houses, approved March thirty-~~
16 ~~first, one thousand eight hundred and fifty six," absolutely.~~

17 ~~The act, approved the twenty ninth day of April, one thousand~~
18 ~~eight hundred sixty seven (Pamphlet Laws 95), entitled "A~~
19 ~~supplement to an act, entitled 'An act to prevent the sale of~~
20 ~~intoxicating liquors on the first day of the week, commonly~~
21 ~~called Sunday,' approved February twenty six, one thousand eight~~
22 ~~hundred and fifty five," absolutely.~~

23 ~~Sections two and four of the act, approved the eighth day of~~
24 ~~April, one thousand eight hundred seventy three (Pamphlet Laws~~
25 ~~566), entitled "An act to provide for the appointment of-~~
26 ~~mercantile appraisers in the city of Philadelphia, defining the~~
27 ~~duties of the same, and constituting a board of appeal,"~~
28 ~~absolutely.~~

29 ~~Sections two, three, four, five, six, seven, eight, nine, ten~~
30 ~~eleven and twelve of the act, approved the twelfth day of April,~~

1 ~~one thousand eight hundred seventy five (Pamphlet Laws 40),~~
2 ~~entitled "An act to repeal and act to permit the voters of this~~
3 ~~commonwealth to vote every three years on the question of~~
4 ~~granting licenses to sell intoxicating liquors, and to restrain~~
5 ~~and regulate the sale of the same," absolutely.~~

6 ~~Section one of the act, approved the twelfth day of April,~~
7 ~~one thousand eight hundred seventy five (Pamphlet Laws 48),~~
8 ~~entitled "An act to prevent the sale of intoxicating liquors,~~
9 ~~and for the preservation of order at soldiers' encampments or~~
10 ~~re-unions," absolutely.~~

11 ~~The act, approved the second day of June, one thousand eight~~
12 ~~hundred eighty one (Pamphlet Laws 43), entitled "An act to~~
13 ~~prevent the use of poisonous or deleterious drugs or chemicals,~~
14 ~~or impure or injurious materials, or those prejudicial to the~~
15 ~~public health, in the brewing or manufacture of ale, beer or~~
16 ~~other malt liquors, or in the fermentation, distillation or~~
17 ~~manufacture of any vinous or spirituous liquors, and to provide~~
18 ~~for the punishment of any persons using the same," absolutely.~~

19 ~~The act, approved the ninth day of July, one thousand eight~~
20 ~~hundred eighty one (Pamphlet Laws 162), entitled "An act to~~
21 ~~prohibit the granting of a license for the sale of liquors to~~
22 ~~proprietors, lessees, keepers or managers of theaters or other~~
23 ~~places of amusement," absolutely.~~

24 ~~Section four of the act, approved the twenty eighth day of~~
25 ~~May, one thousand eight hundred eighty five (Pamphlet Laws 27),~~
26 ~~entitled "An act supplementary to an act, entitled 'An act to~~
27 ~~protect children from neglect and cruelty, and relating to their~~
28 ~~employment, protection and adoption,' approved the eleventh day~~
29 ~~of June, one thousand eight hundred and seventy nine, providing~~
30 ~~for the further protection of minors, and regulating the~~

1 ~~boarding and maintaining of infant children for hire," in so far~~
2 ~~as it relates to premises for which a hotel, restaurant or club~~
3 ~~liquor license or a retail dispenser's license is held.~~

4 ~~The act, approved the twenty fourth day of May, one thousand~~
5 ~~eight hundred eighty seven (Pamphlet Laws 194), entitled "An act~~
6 ~~providing for the licensing of wholesale dealers in intoxicating~~
7 ~~liquors," absolutely.~~

8 ~~The act, approved the second day of June, one thousand eight~~
9 ~~hundred ninety one (Pamphlet Laws 173), entitled "An act to~~
10 ~~permit the growers of grapes in this Commonwealth to manufacture~~
11 ~~wine from grapes of their own raising that are not first class~~
12 ~~or marketable, and sell such wine to licensed dealers without~~
13 ~~taking out or paying a license for such manufacture or sale,"~~
14 ~~absolutely.~~

15 ~~The act, approved the ninth day of June, one thousand eight~~
16 ~~hundred ninety one (Pamphlet Laws 257), entitled "An act to~~
17 ~~restrain and regulate the sale of vinous and spirituous, malt or~~
18 ~~brewed liquors or any admixture thereof by wholesale,"~~
19 ~~absolutely.~~

20 ~~The act, approved the twentieth day of June, one thousand~~
21 ~~eight hundred ninety three (Pamphlet Laws 474), entitled "An act~~
22 ~~authorizing distillers of spirituous or vinous liquors to sell~~
23 ~~such liquors of their own manufacture in original packages of~~
24 ~~not less than forty gallons, without being required to take out~~
25 ~~a license as is now required by existing laws," absolutely.~~

26 ~~Section one of the act, approved the twenty fifth day of May,~~
27 ~~one thousand eight hundred ninety seven (Pamphlet Laws 93),~~
28 ~~entitled "An act relating to the prosecutions of licensed~~
29 ~~dealers and their employes on the charge of furnishing~~
30 ~~intoxicating liquors to minors, and prescribing the penalty~~

1 therefor," absolutely.

2 The act, approved the twenty first day of June, one thousand
3 eight hundred ninety seven (Pamphlet Laws 176), entitled "An act
4 providing that the manufacturers who shall pay a certain sum,
5 annually, into the Treasury of the Commonwealth, shall sell only
6 malt or brewed liquors of their own manufacture to dealers only
7 who have been licensed by the court," absolutely.

8 The act, approved the thirtieth day of July, one thousand
9 eight hundred ninety seven (Pamphlet Laws 464), entitled "An act
10 to provide revenue and regulate the sale of malt, brewed, vinous
11 and spirituous liquors or any admixture thereof, by requiring
12 and authorizing licenses to be taken out by brewers, distillers,
13 wholesalers, bottlers, rectifiers, compounders, storekeepers and
14 agents, having a store, office or place of business within this
15 Commonwealth, prescribing the amount of license fees to be paid
16 in such cases, and by imposing an additional license fee on
17 retail dealers in intoxicating liquors," absolutely.

18 Section one of the act, approved the eleventh day of May, one
19 thousand nine hundred one (Pamphlet Laws 162), entitled "A
20 supplement to an act, entitled 'An act to restrain and regulate
21 the sale of vinous and spirituous, malt or brewed liquors, or
22 any admixture thereof,' approved the thirteenth day of May, Anno
23 Domini one thousand eight hundred and eighty seven," absolutely.

24 The act, approved the nineteenth day of June, one thousand
25 nine hundred one (Pamphlet Laws 572), entitled "An act
26 authorizing the several courts of quarter sessions of this
27 Commonwealth to grant licenses to sell intoxicating liquors at
28 retail, wholesale or by brewers for a longer or shorter period
29 than one year in certain cases but only for the purpose of
30 changing the date from which annual licenses shall thereafter

1 ~~run and take effect," absolutely.~~

2 ~~The act, approved the twenty second day of April, one~~
3 ~~thousand nine hundred three (Pamphlet Laws 257), entitled "An~~
4 ~~act to amend the second section of an act, entitled 'An act to~~
5 ~~protect certain domestic and private rights and prevent abuses~~
6 ~~in the sale and use of intoxicating drinks,' approved the eighth~~
7 ~~day of May, Anno Domini one thousand eight hundred and fifty-~~
8 ~~four, in relation to the penalties and fines therein prescribed,~~
9 ~~and giving the court discretionary power in relation thereto,"~~
10 ~~absolutely.~~

11 ~~Section one of the act, approved the twenty second day of~~
12 ~~April, one thousand nine hundred three (Pamphlet Laws 259),~~
13 ~~entitled "An act providing for the payment of liquor license~~
14 ~~money to school districts, in townships in which the roads shall~~
15 ~~be made and repaired by taxpayers pursuant to the act of twelfth~~
16 ~~of June, Anno Domini one thousand eight hundred and ninety-~~
17 ~~three, and its supplements," absolutely.~~

18 ~~The act, approved the twenty third day of April, one thousand~~
19 ~~nine hundred three (Pamphlet Laws 265), entitled "A supplement~~
20 ~~to an act, entitled 'An act to restrain and regulate the sale of~~
21 ~~vinous and spirituous, malt or brewed liquors, or any admixture~~
22 ~~thereof,' approved the thirteenth day of May, Anno Domini one~~
23 ~~thousand eight hundred and eighty seven," absolutely.~~

24 ~~The act, approved the twenty seventh day of April one~~
25 ~~thousand nine hundred three (Pamphlet Laws 317), entitled "An~~
26 ~~act amending section three of an act, entitled 'An act to~~
27 ~~provide revenue and regulate the sale of malt, brewed, vinous~~
28 ~~and spirituous liquors, or any admixture thereof, by requiring~~
29 ~~and authorizing licenses to be taken out by brewers, distillers,~~
30 ~~wholesalers, bottlers, rectifiers, compounders, store keepers~~

1 ~~and agents, having a store, office or place of business within~~
2 ~~this Commonwealth, prescribing the amount of license fees to be~~
3 ~~paid in such cases, and by imposing an additional license fee on~~
4 ~~retail dealers in intoxicating liquors,' approved the thirtieth~~
5 ~~day of July, Anno Domini one thousand eight hundred and ninety-~~
6 ~~seven, by providing that, in counties having a population of~~
7 ~~more than five hundred thousand (500,000) and less than one~~
8 ~~million (1,000,000), the cost of publishing the list of~~
9 ~~applicants for liquor licenses shall be paid out of the general~~
10 ~~funds of the county, and not deducted from the fees paid by such~~
11 ~~applicants for expenses connected therewith," absolutely.~~

12 ~~The act, approved the twenty ninth day of March, one thousand~~
13 ~~nine hundred seven (Pamphlet Laws 38), entitled "An act to amend~~
14 ~~section two of an act, entitled 'An act to provide revenue, and~~
15 ~~regulate the sale of malt, brewed, vinous, and spirituous~~
16 ~~liquors, or any admixture thereof, by requiring and authorizing~~
17 ~~licenses to be taken out by brewers, distillers, wholesalers,~~
18 ~~bottlers, rectifiers, compounders, storekeepers, and agents,~~
19 ~~having a store, office, or place of business within this~~
20 ~~Commonwealth; prescribing the amount of license fees to be paid~~
21 ~~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 changing the time when the treasurers of the~~
25 ~~respective counties shall pay all license funds to the State~~
26 ~~Treasurer and to the treasurers of the respective~~
27 ~~municipalities," absolutely.~~

28 ~~The act, approved the twenty seventh day of April, one~~
29 ~~thousand nine hundred seven (Pamphlet Laws 122), entitled "An~~
30 ~~act authorizing licensed wholesale liquor sellers and dealers to~~

1 ~~purchase vinous, spirituous, malt, or brewed liquors, in kegs,~~
2 ~~barrels, or otherwise in bulk, and to transfer the same into~~
3 ~~bottles or smaller packages; and to sell the same in such~~
4 ~~bottles or smaller packages, in certain quantities, and fixing~~
5 ~~the annual license fee of such dealers in cities of the first~~
6 ~~class, second class, third class, and in boroughs and~~
7 ~~townships," absolutely.~~

8 ~~The act, approved the twenty ninth day of May, one thousand~~
9 ~~nine hundred seven (Pamphlet Laws 307), entitled "An act~~
10 ~~regulating the payment of retail liquor license fees in this~~
11 ~~Commonwealth," absolutely.~~

12 ~~The act, approved the twenty second day of April, one~~
13 ~~thousand nine hundred nine (Pamphlet Laws 136), entitled "An act~~
14 ~~regulating the payment of brewers' wholesale and bottlers'~~
15 ~~license fees in this Commonwealth," absolutely.~~

16 ~~The act, approved the second day of April, one thousand nine~~
17 ~~hundred thirteen (Pamphlet Laws 32), entitled "An act permitting~~
18 ~~any wholesale or retail licensed liquor dealer or bottler to~~
19 ~~keep such licensed place of business open during the pendency of~~
20 ~~any application for transfer of license," absolutely.~~

21 ~~The act, approved the fourteenth day of May, one thousand~~
22 ~~nine hundred thirteen (Pamphlet Laws 203), entitled "An act to~~
23 ~~provide and fix fees and compensation to be received by~~
24 ~~constables in this Commonwealth for visiting places where~~
25 ~~liquors are sold or kept," absolutely.~~

26 ~~The act, approved the twelfth day of June, one thousand nine~~
27 ~~hundred thirteen (Pamphlet Laws 490), entitled "An act~~
28 ~~prohibiting the offering or giving of premium by any person,~~
29 ~~partnership, or corporation, licensed to sell vinous,~~
30 ~~spirituous, malt, or brewed liquors at wholesale or retail, for~~

1 ~~the return of caps, stoppers, corks, stamps, or labels taken~~
2 ~~from any bottle, case, keg, barrel, or package containing such~~
3 ~~vinous, spirituous, malt, or brewed liquors, and providing a~~
4 ~~penalty for the violation thereof," absolutely.~~

5 ~~Section one of the act, approved the twenty second day of~~
6 ~~July, one thousand nine hundred thirteen (Pamphlet Laws 914),~~
7 ~~entitled "An act authorizing any person, firm or corporation,~~
8 ~~owning or operating distilleries producing only denatured~~
9 ~~alcohol for industrial purposes, and not for use as a beverage~~
10 ~~or for medicinal purposes, to operate such distillery without a~~
11 ~~license; regulating the taxation of such corporations; requiring~~
12 ~~certain reports to be made to the Auditor General, and providing~~
13 ~~penalties," in so far as it exempts any person, firm or~~
14 ~~corporation owning or operating a distillery from the necessity~~
15 ~~of obtaining a license under the provisions of this act to~~
16 ~~operate such distillery.~~

17 ~~The act, approved the seventeenth day of July, one thousand~~
18 ~~nine hundred seventeen (Pamphlet Laws 1020), entitled "An act~~
19 ~~amending an act, entitled 'An act prohibiting the offering or~~
20 ~~giving of premium, by any person, partnership, or corporation~~
21 ~~licensed to sell vinous, spirituous, malt, or brewed liquors, at~~
22 ~~wholesale or retail, for the return of caps, stoppers, corks,~~
23 ~~stamps, or labels taken from any bottle, case, keg, barrel, or~~
24 ~~package containing such vinous, spirituous, malt, or brewed~~
25 ~~liquors, and providing a penalty for the violation thereof,'~~
26 ~~approved the twelfth day of June, Anno Domini one thousand nine~~
27 ~~hundred thirteen; prohibiting the offer or gift or premiums or~~
28 ~~presents as an inducement for the purchase of liquors, or for~~
29 ~~any other purpose," absolutely.~~

30 ~~The act, approved the eighteenth day of July, one thousand~~

1 ~~nine hundred seventeen (Pamphlet Laws 1071), entitled "An act~~
2 ~~amending section one of an act, approved the fourteenth day of~~
3 ~~May, one thousand nine hundred thirteen, entitled 'An act to~~
4 ~~provide and fix fees and compensation to be received by~~
5 ~~constables in this Commonwealth for visiting places where~~
6 ~~liquors are sold or kept,'"~~ absolutely.

7 ~~The act, approved the twenty sixth day of February, one~~
8 ~~thousand nine hundred nineteen (Pamphlet Laws 9), entitled "An~~
9 ~~act to amend section one of an act, approved the thirtieth day~~
10 ~~of July, one thousand eight hundred and ninety seven (Pamphlet~~
11 ~~Laws, four hundred sixty four), entitled 'An act to provide~~
12 ~~revenue and regulate the sale of malt, brewed, vinous and~~
13 ~~spiritous liquors or any admixture thereof, by requiring and~~
14 ~~authorizing licenses to be taken out by brewers, distillers,~~
15 ~~wholesalers, bottlers, rectifiers, compounders, storekeepers and~~
16 ~~agents, having a store, office or place of business within this~~
17 ~~Commonwealth, prescribing the amount of license fees to be paid~~
18 ~~in such cases, and by imposing an additional license fee on~~
19 ~~retail dealers in intoxicating liquors,'"~~ absolutely.

20 ~~The act, approved the eighth day of May, one thousand nine~~
21 ~~hundred nineteen (Pamphlet Laws 167), entitled "An act providing~~
22 ~~for the refunding of liquor license fees and additional taxes to~~
23 ~~wholesale and retail dealers, brewers, distillers, rectifiers,~~
24 ~~compounders, bottlers, agents, and other persons, prevented from~~
25 ~~engaging in business by order or regulation of the President or~~
26 ~~Secretary of War; providing for the return of the proportions~~
27 ~~thereof paid to municipalities and the Commonwealth; and making~~
28 ~~an appropriation,"~~ absolutely.

29 ~~The act, approved the twenty sixth day of June, one thousand~~
30 ~~nine hundred nineteen (Pamphlet Laws 673), entitled "An act~~

1 ~~permitting wholesale or retail dealers, brewers, distillers,~~
2 ~~rectifiers, compounders, bottlers, agents, or other persons~~
3 ~~licensed to deal in or sell any vinous, spirituous, malt or~~
4 ~~brewed liquors, to surrender licenses heretofore granted and~~
5 ~~issued; authorizing county treasurers to refund a proportionate~~
6 ~~amount of the annual license fee and additional license tax~~
7 ~~where such licenses have been surrendered or where the licensees~~
8 ~~have been prevented from selling thereunder by any State or~~
9 ~~Federal laws or regulation; and requiring the State Treasurer~~
10 ~~and the municipalities to contribute to the amount so refunded;~~
11 ~~and making an appropriation," absolutely.~~

12 ~~The act, approved the twenty first day of July, one thousand~~
13 ~~nine hundred nineteen (Pamphlet Laws 1069), entitled "An act to~~
14 ~~provide for the manufacture or distillation and sale of ethyl~~
15 ~~alcohol for medicinal, scientific, mechanical, commercial, and~~
16 ~~other lawful purposes, and the issuance of licenses therefor;~~
17 ~~and providing a penalty for violation of the provisions hereof,"~~
18 ~~absolutely.~~

19 ~~Section forty two of the act, approved the seventeenth day of~~
20 ~~May, one thousand nine hundred twenty one (Pamphlet Laws 869),~~
21 ~~entitled "An act providing for the organization, government,~~
22 ~~discipline, maintenance, and regulation of the armed land forces~~
23 ~~of this Commonwealth," in so far as it relates to liquor or malt~~
24 ~~or brewed beverages.~~

25 ~~The act, approved the nineteenth day of February, one~~
26 ~~thousand nine hundred twenty six (Pamphlet Laws 16), entitled "A~~
27 ~~supplement to the act, approved the twenty seventh day of March,~~
28 ~~one thousand nine hundred and twenty three (Pamphlet Laws,~~
29 ~~thirty four), entitled "An act concerning alcoholic liquors;~~
30 ~~prohibiting the manufacture, advertising, furnishing, traffic~~

1 ~~in, and possession of intoxicating liquors for beverage~~
2 ~~purposes, and articles and substances designed or intended for~~
3 ~~use in the manufacture thereof; defining intoxicating liquor;~~
4 ~~providing for penalties, forfeitures, and the abatement of~~
5 ~~nuisances; and repealing existing alcoholic liquor laws and~~
6 ~~alcoholic liquor license laws'; providing for the registering of~~
7 ~~federal permits; also regulating, under permit, through a~~
8 ~~Pennsylvania Alcohol Permit Board created in the Department of~~
9 ~~Welfare, the manufacture, production, distillation, development,~~
10 ~~use in manufacture, denaturization, redistillation, recovery,~~
11 ~~reuse, holding in bond, holding in storage by bailees for hire,~~
12 ~~sale at wholesale, and transportation for hire, of any alcohol~~
13 ~~or alcoholic liquid, by certain persons; also providing for fees~~
14 ~~and the disposition thereof; also authorizing the inspection of~~
15 ~~the records of permittees and purchasers of said alcohol or~~
16 ~~alcoholic liquid; also declaring certain places nuisances and~~
17 ~~providing for their abatement; also providing penalties; and~~
18 ~~also repealing all acts or parts of acts inconsistent with this~~
19 ~~act," absolutely.~~

20 ~~The act, approved the third day of May, one thousand nine~~
21 ~~hundred thirty three (Pamphlet Laws 252), entitled "An act to~~
22 ~~regulate and restrain the traffic in malt, brewed, and vinous~~
23 ~~and fruit juice beverages, as herein defined; providing for the~~
24 ~~licensing of the sale and distribution of such beverages;~~
25 ~~imposing license fees, and providing for collection and~~
26 ~~distribution thereof; restricting ownership and interest in~~
27 ~~licensed places; permitting municipalities and townships, by~~
28 ~~vote of the electors, to prevent the licensing therein of places~~
29 ~~where such beverages may be sold for consumption on the~~
30 ~~premises, and regulating elections for this purpose; imposing~~

1 ~~duties upon county treasurers, the Department of Revenue,~~
2 ~~quarter sessions courts, district attorneys, proper authorities~~
3 ~~of political subdivisions of the State, and election officers;~~
4 ~~providing penalties; and repealing existing acts," absolutely.~~

5 ~~The act, approved the twenty ninth day of November, one~~
6 ~~thousand nine hundred thirty three (Pamphlet Laws 13, (1933-~~
7 ~~34)), entitled "An act creating an independent administrative~~
8 ~~board to be known as the Pennsylvania Liquor Control Board,"~~
9 ~~absolutely.~~

10 ~~The act, approved the twenty ninth day of November, one~~
11 ~~thousand nine hundred thirty three (Pamphlet Laws 15, (1933-~~
12 ~~34)), entitled "An act to regulate and restrain the sale,~~
13 ~~importation, and use of certain alcoholic beverages; conferring~~
14 ~~powers and imposing duties upon the Pennsylvania Liquor Control~~
15 ~~Board, the Department of Public Instruction, other officers of~~
16 ~~the State government, courts, and district attorneys;~~
17 ~~authorizing the establishment and operation of State stores for~~
18 ~~the sale of such beverages not for consumption on the premises,~~
19 ~~and the granting of licenses, subject to local option, to sell~~
20 ~~such beverages for consumption on the premises; forbidding~~
21 ~~importation or bringing of such beverages into the State except~~
22 ~~as herein provided; prohibiting certain sales or practices in,~~
23 ~~connections with, and transactions in such beverages by~~
24 ~~licensees and others; making disposition of the receipts from~~
25 ~~State stores and of license fees; and imposing penalties,"~~
26 ~~absolutely.~~

27 ~~The act, approved the eighth day of December, one thousand~~
28 ~~nine hundred thirty three (Pamphlet Laws 57, (1933-34)),~~
29 ~~entitled "An act to amend the title and certain sections of the~~
30 ~~act, approved the nineteenth day of February, one thousand nine~~

1 ~~hundred twenty six (Pamphlet Laws, sixteen), entitled 'A~~
2 ~~supplement to the act, approved the twenty seventh day of March,~~
3 ~~one thousand nine hundred and twenty three (Pamphlet Laws,~~
4 ~~thirty four), entitled "An act concerning alcoholic liquors;~~
5 ~~prohibiting the manufacturer, advertising, furnishing, traffic~~
6 ~~in, and possession of intoxicating liquors for beverage~~
7 ~~purposes, and articles and substances designed or intended for~~
8 ~~use in the manufacture thereof; defining intoxicating liquor;~~
9 ~~providing for penalties, forfeitures, and the abatement of~~
10 ~~nuisances; and repealing existing alcoholic liquor laws and~~
11 ~~alcoholic liquor license laws'; providing for the registering of~~
12 ~~Federal permits; also regulating, under permit, through a~~
13 ~~Pennsylvania Alcohol Permit Board created in the Department of~~
14 ~~Welfare, the manufacture, production, distillation, development,~~
15 ~~use in manufacture, denaturization, redistillation, recovery,~~
16 ~~reuse, holding in bond, holding in storage by bailees for hire,~~
17 ~~sale at wholesale, and transportation for hire, of any alcohol~~
18 ~~or alcoholic liquid, by certain persons; also providing for fees~~
19 ~~and the disposition thereof; also authorizing the inspection of~~
20 ~~the records of permittees and purchasers of said alcohol or~~
21 ~~alcoholic liquid; also declaring certain places nuisances and~~
22 ~~providing for their abatement; also providing penalties; and~~
23 ~~also repealing all acts or parts of acts inconsistent with this~~
24 ~~act, by providing that the act shall be administered by the~~
25 ~~Pennsylvania Liquor Control Board; making the act consistent~~
26 ~~with the repeal of the Eighteenth Amendment; changing~~
27 ~~definitions and exemptions; bringing rectifiers and blenders~~
28 ~~within the act; allowing appeals to the courts; providing for~~
29 ~~the abatement of nuisances; and increasing fees," absolutely.~~

30 The act, approved the twentieth day of December, one thousand

1 ~~nine hundred thirty three (Pamphlet Laws 75, (1933-34)),~~
2 ~~entitled "An act to amend the title and certain sections of the~~
3 ~~act, approved the third day of May, one thousand nine hundred~~
4 ~~thirty three (Act number ninety one), entitled 'An act to~~
5 ~~regulate and restrain the traffic in malt, brewed, and vinous~~
6 ~~and fruit juice beverages, as herein defined; providing for the~~
7 ~~licensing of the sale and distribution of such beverages;~~
8 ~~imposing license fees, and providing for collection and~~
9 ~~distribution thereof; restricting ownership and interest in~~
10 ~~licensed places; permitting municipalities and townships, by~~
11 ~~vote of the electors, to prevent the licensing therein of places~~
12 ~~where such beverages may be sold for consumption on the~~
13 ~~premises, and regulating elections for this purpose; imposing~~
14 ~~duties upon county treasurers, the Department of Revenue,~~
15 ~~quarter sessions courts, district attorneys, proper authorities~~
16 ~~of political subdivisions of the State, and election officers;~~
17 ~~providing penalties; and repealing existing acts,' by limiting~~
18 ~~the provisions of the act to malt liquors, as defined therein,~~
19 ~~and clarifying certain provisions of the act," absolutely.~~

20 ~~The act, approved the eighteenth day of July, one thousand~~
21 ~~nine hundred thirty five (Pamphlet Laws 1217), entitled "An act~~
22 ~~to reenact and amend the title and the act, approved the third~~
23 ~~day of May, one thousand nine hundred and thirty three (Pamphlet~~
24 ~~Laws, two hundred fifty two), entitled 'An act to regulate and~~
25 ~~restrain the traffic in malt, brewed, and vinous and fruit juice~~
26 ~~beverages, as herein defined; providing for the licensing of the~~
27 ~~sale and distribution of such beverages; imposing license fees,~~
28 ~~and providing for collection and distribution thereof;~~
29 ~~restricting ownership and interest in licensed places;~~
30 ~~permitting municipalities and townships, by vote of the~~

1 ~~electors, to prevent the licensing therein of places where such~~
2 ~~beverages may be sold for consumption on the premises, and~~
3 ~~regulating elections for this purpose; imposing duties upon~~
4 ~~county treasurers, the Department of Revenue, quarter sessions~~
5 ~~courts, district attorneys, proper authorities of political~~
6 ~~subdivisions of the State, and election officers; providing~~
7 ~~penalties; and repealing existing acts, ' as amended, by~~
8 ~~providing for the issue by the county treasurer of retail~~
9 ~~dispensers' licenses, and by the Pennsylvania Liquor Control~~
10 ~~Board of distributors', importing distributors', and~~
11 ~~manufacturers' licenses; regulating the business of~~
12 ~~manufacturers of malt and brewed beverages; and providing for~~
13 ~~the issue of public service licenses and special permits~~
14 ~~relating to entertainment and transportation for hire by said~~
15 ~~board; changing, fixing, and providing for the fixing of permit~~
16 ~~and license fees, and providing for the disposition thereof;~~
17 ~~providing for the abatement of nuisances; providing for the~~
18 ~~revocation and suspension of licenses by the court of quarter~~
19 ~~sessions and the board; further regulating the manufacture,~~
20 ~~sale, transportation and traffic in malt and brewed beverages;~~
21 ~~prescribing penalties; and repealing inconsistent acts,"~~
22 ~~absolutely.~~

23 ~~The act, approved the eighteenth day of July, one thousand~~
24 ~~nine hundred thirty five (Pamphlet Laws 1246), entitled "An act~~
25 ~~to reenact and amend the title and the act approved the twenty-~~
26 ~~ninth day of November, one thousand nine hundred and thirty-~~
27 ~~three (Pamphlet Laws, fifteen one thousand nine hundred thirty-~~
28 ~~three one thousand nine hundred thirty four), entitled 'An act~~
29 ~~to regulate and restrain the sale, importation, and use of~~
30 ~~certain alcoholic beverages; conferring powers and imposing~~

~~1 duties upon the Pennsylvania Liquor Control Board, the
2 Department of Public Instruction, other officers of the State
3 government, courts and district attorneys; authorizing the
4 establishment and operation of State stores for the sale of such
5 beverages not for consumption on the premises, and the granting
6 of licenses, subject to local option, to sell such beverages for
7 consumption on the premises; forbidding importation or bringing
8 of such beverages into the State except as herein provided;
9 prohibiting certain sales or practices in, connections with, and
10 transactions in such beverages by licenses and others; making
11 disposition of the receipts from State stores and of license
12 fees; and imposing penalties, by extending the provisions of
13 said act to the manufacture and possession of alcohol, alcoholic
14 beverages and malt or brewed beverages; permitting licensees to
15 sell malt or brewed beverages for consumption off premises;
16 providing for the revocation and suspension of licenses by the
17 board and the court of quarter sessions, and conferring
18 additional powers and imposing additional duties on the board,
19 including power to fix the form and capacity of packages and
20 containers, and the duty to require certain manufacturers and
21 other persons to secure permit and pay permit fees; conferring
22 power on agents of the board to arrest on view without warrant
23 and to confiscate property unlawfully used, and providing for
24 the destruction and disposition thereof; providing for the
25 disposition of license and filing fees; providing that fines and
26 penalties collected shall be for the use of counties; legalizing
27 the home manufacture and possession of wine; extending the civil
28 service provisions of this act; further regulating the
29 manufacture, sale and traffic in alcohol, alcoholic beverages
30 and malt and brewed beverages; prescribing penalties and~~

1 ~~repealing existing laws," absolutely.~~

2 ~~The act, approved the eighteenth day of July, one thousand~~
3 ~~nine hundred thirty five (Pamphlet Laws 1283), entitled "An act~~
4 ~~to amend clauses (i) and (l) of section two, and section three~~
5 ~~of the act, approved the nineteenth day of February, one~~
6 ~~thousand nine hundred and twenty six (Pamphlet Laws, sixteen),~~
7 ~~entitled, and amended "An act regulating, under permit, through~~
8 ~~the Pennsylvania Liquor Control Board, the manufacture,~~
9 ~~production, distillation, development, use in manufacture,~~
10 ~~denaturization, redistillation, rectification, blending,~~
11 ~~recovery, reuse, holding in bond, holding in storage by bailees~~
12 ~~for hire, and transportation for hire, of any alcohol, alcoholic~~
13 ~~liquid or alcoholic beverage, by certain persons; requiring the~~
14 ~~registration of Federal permits; also providing for fees and the~~
15 ~~disposition thereof, and for appeals to the courts; also~~
16 ~~authorizing the inspection of the records of permittees and~~
17 ~~purchasers of said alcohol, alcoholic liquid, and alcoholic~~
18 ~~beverages; also declaring certain places nuisances and providing~~
19 ~~for their abatement; also providing penalties; and also~~
20 ~~repealing all acts or parts of acts inconsistent with this act,"~~
21 ~~as amended; further defining distilleries and wineries; and~~
22 ~~providing for the licensure and rights of manufacturers of~~
23 ~~wine," absolutely.~~

24 ~~The act, approved the sixteenth day of June, one thousand~~
25 ~~nine hundred thirty seven (Pamphlet Laws 1762), entitled "An act~~
26 ~~to re-enact and further amend the title and the act, approved~~
27 ~~the twenty ninth day of November, one thousand nine hundred and~~
28 ~~thirty three (Pamphlet Laws, fifteen one thousand nine hundred~~
29 ~~thirty three thirty four), entitled, as amended "An act to~~
30 ~~regulate and restrain the sale, manufacture, possession,~~

1 ~~transportation, importation, traffic in, and use of alcohol, and~~
2 ~~alcoholic and malt or brewed beverages; conferring powers and~~
3 ~~imposing duties upon the Pennsylvania Liquor Control Board and~~
4 ~~its agents, the Department of Public Instruction, other officers~~
5 ~~of the State government, courts, and district attorneys;~~
6 ~~authorizing the establishment and operation of State stores for~~
7 ~~the sale of such beverages not for consumption on the premises,~~
8 ~~and the granting of licenses, subject to local option, to sell~~
9 ~~such beverages for consumption on and off the premises;~~
10 ~~forbidding importation or bringing of such beverages into the~~
11 ~~State except as herein provided; prohibiting certain sales or~~
12 ~~practices in, connection with, and transactions in such~~
13 ~~beverages by licensees and others; making disposition of the~~
14 ~~receipts from State stores and of fees; and imposing penalties,~~
15 ~~further regulating the manufacture, sale, importation, use, and~~
16 ~~traffic in liquors, alcohol, and malt and brewed beverages;~~
17 ~~conferring additional powers and imposing additional duties on~~
18 ~~the Pennsylvania Liquor Control Board; further regulating those~~
19 ~~licensed under this act; imposing additional filing fees; and~~
20 ~~increasing fees for certain permits; and providing for the~~
21 ~~disposition thereof; further regulating the establishment of~~
22 ~~State liquor stores, and the employment and use of personnel by~~
23 ~~the board; regulating and providing the procedure for the~~
24 ~~granting, transfer, revocation, and suspension of licenses, and~~
25 ~~for compromises in certain cases, and the disposition of moneys~~
26 ~~arising therefrom; providing for the forfeiture of certain~~
27 ~~property; regulating the jurisdiction of courts, and local~~
28 ~~option procedure; prohibiting certain interlocking business; and~~
29 ~~providing penalties," absolutely.~~

30 The act, approved the sixteenth day of June, one thousand

1 ~~nine hundred thirty seven (Pamphlet Laws 1811), entitled "An act~~
2 ~~to re-enact and amend the act, approved the nineteenth day of~~
3 ~~February, one thousand nine hundred twenty six (Pamphlet Laws,~~
4 ~~sixteen), entitled, as amended "An act regulating, under permit,~~
5 ~~through the Pennsylvania Liquor Control Board, the manufacture,~~
6 ~~production, distillation, development, use in manufacture,~~
7 ~~denaturization, redistillation, rectification, blending,~~
8 ~~recovery, reuse, holding in bond, holding in storage by bailees~~
9 ~~for hire, and transportation for hire, of any alcohol, alcoholic~~
10 ~~liquid or alcoholic beverage, by certain persons; requiring the~~
11 ~~registration of Federal permits; also providing for fees and the~~
12 ~~disposition thereof, and for appeals to the courts; also~~
13 ~~authorizing the inspection of the records of permittees and~~
14 ~~purchasers of said alcohol, alcoholic liquid, and alcoholic~~
15 ~~beverages; also declaring certain places nuisances and providing~~
16 ~~for their abatement; also providing penalties; and also~~
17 ~~repealing all acts or parts of acts inconsistent with this act,"~~
18 ~~further regulating the manufacture, sale, use, and traffic in~~
19 ~~alcohol and alcoholic liquids; conferring additional powers and~~
20 ~~imposing additional duties upon the Pennsylvania Liquor Control~~
21 ~~Board; further regulating those licensed under this act;~~
22 ~~imposing filing fees; changing the method of calculating certain~~
23 ~~license fees; providing for the use of the word "license"~~
24 ~~instead of "permit"; regulating and providing the procedure for~~
25 ~~the granting, suspension, and revocation of licenses, and for~~
26 ~~compromises in certain cases; providing for the disposition of~~
27 ~~fees, compromise penalties, and forfeitures; regulating the~~
28 ~~jurisdiction of courts; and providing penalties," absolutely.~~

29 ~~The act, approved the sixteenth day of June, one thousand~~
30 ~~nine hundred thirty seven (Pamphlet Laws 1827), entitled "An act~~

1 ~~to re enact and further amend the title and the act, approved~~
2 ~~the third day of May, one thousand nine hundred and thirty three~~
3 ~~(Pamphlet Laws, two hundred fifty two), entitled, as amended 'An~~
4 ~~act to regulate and restrain the traffic in malt and brewed~~
5 ~~beverages, as herein defined; providing for the licensing of the~~
6 ~~manufacture, transportation, sale and distribution of such~~
7 ~~beverages; imposing license and permit fees, and providing for~~
8 ~~collection and distribution thereof; restricting ownership and~~
9 ~~interest in licensed places; permitting municipalities and~~
10 ~~townships, by vote of the electors, to prevent the licensing~~
11 ~~therein of places where such beverages may be sold for~~
12 ~~consumption on the premises, and regulating elections for this~~
13 ~~purpose; imposing duties upon county treasurers, the~~
14 ~~Pennsylvania Liquor Control Board, quarter sessions courts,~~
15 ~~district attorneys, the Department of Justice, proper~~
16 ~~authorities of political subdivisions of the State, and election~~
17 ~~officers; providing penalties; and repealing existing acts,'~~
18 ~~defining and further defining and regulating licensees,~~
19 ~~application for licenses, and sales by licensees, and fixing~~
20 ~~fees for amusement permits; regulating the granting, suspension,~~
21 ~~revocation, and transfer of licenses, and the procedure~~
22 ~~therefor, and conferring jurisdiction on certain courts;~~
23 ~~providing for the granting of licenses by the Pennsylvania~~
24 ~~Liquor Control Board instead of the county treasurer, and~~
25 ~~prescribing the powers and duties of said board; providing for~~
26 ~~compromises where licenses are suspended, and for the~~
27 ~~disposition of application license permit fees, forfeitures, and~~
28 ~~penalties; and providing penalties," absolutely.~~

29 ~~The act, approved the twenty fifth day of June, one thousand~~
30 ~~nine hundred thirty seven (Pamphlet Laws 2073), entitled "An act~~

1 ~~to amend section five of the act, approved the twenty ninth day~~
2 ~~of November, one thousand nine hundred thirty three (One~~
3 ~~thousand nine hundred thirty three one thousand nine hundred~~
4 ~~thirty four Pamphlet Laws, thirteen), entitled 'An act creating~~
5 ~~an independent administrative board to be known as the~~
6 ~~Pennsylvania Liquor Control Board,' by making further provision~~
7 ~~with respect to the fidelity bonds of the members, secretary,~~
8 ~~and employes of the board," absolutely.~~

9 ~~The act, approved the twenty sixth day of June, one thousand~~
10 ~~nine hundred thirty nine (Pamphlet Laws 764), entitled "An act~~
11 ~~to regulate and restrain the sale, purchase, exchange, pledge,~~
12 ~~and dealing in distillery bonded warehouse certificate for~~
13 ~~whiskey or any other potable distilled spirits, except ethyl~~
14 ~~alcohol; conferring powers and imposing duties upon the~~
15 ~~Pennsylvania Liquor Control Board; authorizing the granting of~~
16 ~~permits and registration of agents to deal in such certificates,~~
17 ~~and the suspension and revocation of such permits and~~
18 ~~registration of agents; providing for hearings and appeals to~~
19 ~~the court of common pleas; forbidding transaction in such~~
20 ~~certificates in this State except as herein provided;~~
21 ~~prescribing and imposing penalties; and providing for the~~
22 ~~disposition of filing, registration and permit fees,"~~
23 ~~absolutely.~~

24 ~~The act, approved the twenty fourth day of June, one thousand~~
25 ~~nine hundred thirty nine (Pamphlet Laws 802), entitled "An act~~
26 ~~to further amend clause (a) of section four hundred and seven of~~
27 ~~the act, approved the twenty ninth day of November, one thousand~~
28 ~~nine hundred and thirty three (Pamphlet Laws, fifteen, 1933-34),~~
29 ~~entitled, as amended 'An act to regulate and restrain the sale,~~
30 ~~manufacture, possession, transportation, importation, traffic~~

1 ~~in, and use of alcohol, and alcoholic and malt or brewed~~
2 ~~beverages; conferring powers and imposing duties upon the~~
3 ~~Pennsylvania Liquor Control Board and its agents, the Department~~
4 ~~of Public Instruction, other officers of the State government,~~
5 ~~courts, and district attorneys; authorizing the establishment~~
6 ~~and operation of State stores for the sale of such beverages not~~
7 ~~for consumption on the premises, and the granting of licenses,~~
8 ~~subject to local option, to sell such beverages for consumption~~
9 ~~on and off the premises; forbidding importation or bringing of~~
10 ~~such beverages into the State except as herein provided;~~
11 ~~prohibiting certain sales or practices in, connection with, and~~
12 ~~transactions in such beverages by licensees and others;~~
13 ~~providing for the forfeiture of certain property; making~~
14 ~~disposition of the receipts from State stores and of fees; and~~
15 ~~imposing penalties, ' changing the fees for hotel and restaurant~~
16 ~~liquor licenses in certain cases," absolutely.~~

17 ~~The act, approved the twenty fourth day of June, one thousand~~
18 ~~nine hundred thirty nine (Pamphlet Laws 804), entitled "An act~~
19 ~~to amend clause (c) of section six hundred and nine of the act,~~
20 ~~approved the twenty ninth day of November, one thousand nine~~
21 ~~hundred and thirty three (Pamphlet Laws, fifteen, 1933-34),~~
22 ~~entitled, as amended 'An act to regulate and restrain the sale~~
23 ~~manufacture, possession, transportation, importation, traffic~~
24 ~~in, and use of alcohol, and alcoholic and malt or brewed~~
25 ~~beverages; conferring powers and imposing duties upon the~~
26 ~~Pennsylvania Liquor Control Board and its agents, the Department~~
27 ~~of Public Instruction, other officers of the State government,~~
28 ~~courts, and district attorneys; authorizing the establishment~~
29 ~~and operation of State stores for the sale of such beverages not~~
30 ~~for consumption on the premises, and the granting of licenses,~~

1 ~~subject to local option, to sell such beverages for consumption~~
2 ~~on and off the premises; forbidding importation or bringing of~~
3 ~~such beverages into the State except as herein provided;~~
4 ~~prohibiting certain sales or practices, in connection with, and~~
5 ~~transactions in such beverages by licensees and others;~~
6 ~~providing for the forfeiture of certain property; making~~
7 ~~disposition of the receipts from State stores and of fees; and~~
8 ~~imposing penalties, as reenacted and amended permitting hotel,~~
9 ~~restaurant and club licensees to own land but not the buildings~~
10 ~~thereon where such land is leased and the buildings owned by a~~
11 ~~holder of a retail dispenser's license under the beverage~~
12 ~~license law," absolutely.~~

13 ~~The act, approved the twenty fourth day of June, one thousand~~
14 ~~nine hundred thirty nine (Pamphlet Laws 806), entitled "An act~~
15 ~~limiting the number of licenses for the retail sale of liquor,~~
16 ~~malt or brewed beverages, or malt and brewed beverages, to be~~
17 ~~issued by the Pennsylvania Liquor Control Board; defining~~
18 ~~hotels, and prescribing the accommodations required of hotels in~~
19 ~~certain municipalities," except insofar as the provisions of~~
20 ~~section one, as amended, shall apply to hotel licenses granted~~
21 ~~prior to the first day of September, one thousand nine hundred~~
22 ~~forty nine, or granted on any application made and pending prior~~
23 ~~to said date, or to any renewal or transfer of such licenses, or~~
24 ~~to hotels under construction or for which a bona fide contract~~
25 ~~had been entered into for construction prior to said date.~~

26 ~~The act, approved the eighteenth day of July, one thousand~~
27 ~~nine hundred forty one (Pamphlet Laws 408), entitled "An act~~
28 ~~relative to the employment of females in hotels, taverns,~~
29 ~~saloons and eating houses for the mixing or sale of alcoholic~~
30 ~~drinks, and the penalty for violation thereof," absolutely.~~

1 ~~The act, approved the twenty fourth day of July, one thousand~~
2 ~~nine hundred forty one (Pamphlet Laws 480), entitled "An act to~~
3 ~~further amend section two of the act, approved the third day of~~
4 ~~May, one thousand nine hundred thirty three (Pamphlet Laws, two~~
5 ~~hundred fifty two), entitled, as amended, 'An act to regulate~~
6 ~~and restrain the traffic in malt and brewed beverages, as herein~~
7 ~~defined; providing for the licensing of the manufacture,~~
8 ~~transportation, sale and distribution of such beverages;~~
9 ~~imposing license and permit fees, and providing for collection~~
10 ~~and distribution thereof; restricting ownership and interest in~~
11 ~~licensed places; permitting municipalities and townships, by~~
12 ~~vote of the electors, to prevent the licensing therein of places~~
13 ~~where such beverages may be sold for consumption on the~~
14 ~~premises, and regulating elections for this purpose; imposing~~
15 ~~duties upon the Pennsylvania Liquor Control Board, quarter~~
16 ~~sessions courts, district attorneys, the Department of Justice,~~
17 ~~proper authorities of political subdivisions of the State, and~~
18 ~~election officers; providing penalties; and repealing existing~~
19 ~~acts, ' by permitting clubs to waive or reduce or pay dues~~
20 ~~payable by members in military service," absolutely.~~

21 ~~The act, approved the twenty fourth day of July, one thousand~~
22 ~~nine hundred forty one (Pamphlet Laws 483), entitled "An act to~~
23 ~~further amend section two of the act, approved the twenty ninth~~
24 ~~day of November, one thousand nine hundred thirty three~~
25 ~~(Pamphlet Laws, fifteen, 1933-34), entitled 'An act to regulate~~
26 ~~and restrain the sale, manufacture, possession, transportation,~~
27 ~~importation, traffic in, and use of alcohol, and alcoholic and~~
28 ~~malt or brewed beverages; conferring powers and imposing duties~~
29 ~~upon the Pennsylvania Liquor Control Board and its agents, the~~
30 ~~Department of Public Instruction, other officers of the State~~

1 ~~government, courts, and district attorneys; authorizing the~~
2 ~~establishment and operation of State stores for the sale of such~~
3 ~~beverages not for consumption on the premises, and the granting~~
4 ~~of licenses, subject to local option, to sell such beverages for~~
5 ~~consumption on and off the premises; forbidding importation or~~
6 ~~bringing of such beverages into the State except as herein~~
7 ~~provided; prohibiting certain sales or practices in, connection~~
8 ~~with, and transactions in such beverages by licensees and~~
9 ~~others; providing for the forfeiture of certain property; making~~
10 ~~disposition of the receipts from State stores and of fees; and~~
11 ~~imposing penalties, ' by permitting clubs to waive or reduce or~~
12 ~~pay dues payable by members in military service," absolutely.~~

13 ~~The act, approved the sixteenth day of April, one thousand~~
14 ~~nine hundred forty three (Pamphlet Laws 60), entitled "An act to~~
15 ~~further amend section four hundred ten of the act, approved the~~
16 ~~twenty ninth day of November, one thousand nine hundred and~~
17 ~~thirty three (Pamphlet Laws, fifteen, one thousand nine hundred~~
18 ~~thirty three and thirty four), entitled, as amended 'An act to~~
19 ~~regulate and restrain the sale, manufacture, possession,~~
20 ~~transportation, importation, traffic in, and use of alcohol, and~~
21 ~~alcoholic and malt or brewed beverages; conferring powers and~~
22 ~~imposing duties upon the Pennsylvania Liquor Control Board and~~
23 ~~its agents, the Department of Public Instruction, other officers~~
24 ~~of the State government, courts, and district attorneys;~~
25 ~~authorizing the establishment and operation of State stores for~~
26 ~~the sale of such beverages not for consumption on the premises,~~
27 ~~and the granting of licenses, subject to local option, to sell~~
28 ~~such beverages for consumption on and off the premises;~~
29 ~~forbidding importation or bringing of such beverages into the~~
30 ~~State except as herein provided; prohibiting certain sales or~~

1 ~~practices in, connection with, and transactions in such~~
2 ~~beverages by licensees and others; providing for the forfeiture~~
3 ~~of certain property; making disposition of the receipts from~~
4 ~~State stores and of fees; and imposing penalties,' by postponing~~
5 ~~the time for the taking effect of orders of the Pennsylvania~~
6 ~~Liquor Control Board, suspending or revoking licenses for a~~
7 ~~period of twenty days, during which time the licensee may take~~
8 ~~an appeal," absolutely.~~

9 ~~The act, approved the twenty first day of May, one thousand~~
10 ~~nine hundred forty three (Pamphlet Laws 332), entitled "An act~~
11 ~~to further amend subsection fourteen of section six hundred two~~
12 ~~of the act, approved the twenty ninth day of November, one~~
13 ~~thousand nine hundred and thirty three (Pamphlet Laws, fifteen~~
14 ~~1933 34) entitled, as amended 'An act to regulate and restrain~~
15 ~~the sale, manufacture, possession, transportation, importation,~~
16 ~~traffic in, and use of alcohol, and alcoholic and malt or brewed~~
17 ~~beverages; conferring powers and imposing duties upon the~~
18 ~~Pennsylvania Liquor Control Board and its agents, the Department~~
19 ~~of Public Instruction, other officers of the State government,~~
20 ~~courts, and district attorneys; authorizing the establishment~~
21 ~~and operation of State stores for the sale of such beverages not~~
22 ~~for consumption on the premises, and the granting of licenses,~~
23 ~~subject to local option, to sell such beverages for consumption~~
24 ~~on and off the premises; forbidding importation or bringing of~~
25 ~~such beverages into the State except as herein provided;~~
26 ~~prohibiting certain sales of 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'; exempting certain coin operated motion~~

1 ~~picture machines from provisions of the act requiring special~~
2 ~~permits," absolutely.~~

3 ~~The act, approved the twenty first day of May, one thousand~~
4 ~~nine hundred forty three (Pamphlet Laws 374), entitled "An act~~
5 ~~to further amend section sixteen of the act, approved the third~~
6 ~~day of May, one thousand nine hundred thirty three (Pamphlet~~
7 ~~Laws, two hundred fifty two), entitled, as amended 'An act to~~
8 ~~regulate and restrain the traffic in malt and brewed beverages,~~
9 ~~as herein defined; providing for the licensing of the~~
10 ~~manufacture, transportation, sale and distribution of such~~
11 ~~beverages; imposing license and permit fees, and providing for~~
12 ~~collection and distribution thereof; restricting ownership and~~
13 ~~interest in licensed places; permitting municipalities and~~
14 ~~townships, by vote of the electors, to prevent the licensing~~
15 ~~therein of places where such beverages may be sold for~~
16 ~~consumption on the premises, and regulating elections for this~~
17 ~~purpose; imposing duties upon the Pennsylvania Liquor Control~~
18 ~~Board, quarter sessions courts, district attorneys, the~~
19 ~~Department of Justice, proper authorities of political~~
20 ~~subdivisions of the State, and election officers; providing~~
21 ~~penalties; and repealing existing acts,' by providing for the~~
22 ~~surrendering by persons in military service of licenses granted~~
23 ~~to them, the renewal thereof by the board during the licensee's~~
24 ~~continuance in such service, and the renewal thereof~~
25 ~~thereafter," absolutely.~~

26 ~~The act, approved the twenty first day of May, one thousand~~
27 ~~nine hundred forty three (Pamphlet Laws 401), entitled "An act~~
28 ~~to amend section four hundred nine of the act, approved the~~
29 ~~twenty ninth day of November, one thousand nine hundred thirty~~
30 ~~three (Pamphlet Laws, fifteen, 1933-34), entitled, as amended~~

1 ~~'An act to regulate and restrain the sale, manufacture,~~
2 ~~possession, transportation, importation, traffic in, and use of~~
3 ~~alcohol, and alcoholic and malt or brewed beverages; conferring~~
4 ~~powers and imposing duties upon the Pennsylvania Liquor Control~~
5 ~~Board and its agents, the Department of Public Instruction,~~
6 ~~other officers of the State government, courts, and district~~
7 ~~attorneys; authorizing the establishment and operation of State~~
8 ~~stores for the sale of such beverages not for consumption on the~~
9 ~~premises, and the granting of licenses, subject to local option,~~
10 ~~to sell such beverages for consumption on and off the premises;~~
11 ~~forbidding importation or bringing of such beverages into the~~
12 ~~State except as herein provided; prohibiting certain sales or~~
13 ~~practices in, connection with, and transactions in such~~
14 ~~beverages by licensees and others; providing for the forfeiture~~
15 ~~of certain property; making disposition of the receipts from~~
16 ~~State stores and of fees; and imposing penalties,' by providing~~
17 ~~for the surrendering by persons in military service of licenses~~
18 ~~granted to them, the renewal thereof by the board during~~
19 ~~licensee's continuance in such service, and the renewal thereof~~
20 ~~hereafter," absolutely.~~

21 The act, approved the twenty first day of May, one thousand
22 nine hundred forty three (Pamphlet Laws 403), entitled "An act
23 to further amend sections two, three hundred five, section six
24 hundred two and section six hundred three of the act, approved
25 the twenty ninth day of November, one thousand nine hundred
26 thirty three (Pamphlet Laws, fifteen 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 defining~~
13 ~~"Official Seal"; authorizing the designation of wholesale or~~
14 ~~retail stores; authorizing the Pennsylvania Liquor Control Board~~
15 ~~to adopt and enforce rules and regulations, to insure the~~
16 ~~equitable wholesale and retail sale and distribution of liquor~~
17 ~~and alcohol through the Pennsylvania liquor stores during times~~
18 ~~of shortage, and making it unlawful to violate any such rules~~
19 ~~and regulations," absolutely.~~

20 ~~The act, approved the twenty seventh day of May, one thousand~~
21 ~~nine hundred forty three (Pamphlet Laws 688), entitled "An act~~
22 ~~to further amend sections four hundred four and four hundred ten~~
23 ~~of the act, approved the twenty ninth day of November, one~~
24 ~~thousand nine hundred thirty three (Pamphlet Laws fifteen—~~
25 ~~1933 34), entitled, as amended 'An act to regulate and restrain~~
26 ~~the sale, manufacture, possession, transportation, importation,~~
27 ~~traffic in, and use of alcohol, and alcoholic and malt or brewed~~
28 ~~beverages; conferring powers and imposing duties upon the~~
29 ~~Pennsylvania Liquor Control Board and its agents, the Department~~
30 ~~of Public Instruction, other officers of the State government,~~

1 ~~courts, and district attorneys; authorizing the establishment~~
2 ~~and operation of State stores for the sale of such beverages not~~
3 ~~for consumption on the premises, and the granting of licenses,~~
4 ~~subject to local option, to sell such beverages for consumption~~
5 ~~on and off the premises; forbidding importation or bringing of~~
6 ~~such beverages into the State except as herein provided;~~
7 ~~prohibiting certain sales or practices in, connection with, and~~
8 ~~transactions in such beverages by licensees and others;~~
9 ~~providing for the forfeiture of certain property; making~~
10 ~~disposition of the receipts from State stores and of fees; and~~
11 ~~imposing penalties, ' conferring jurisdiction on the county court~~
12 ~~of Allegheny County, in cases of appeals from the Pennsylvania~~
13 ~~Liquor Control Board," absolutely.~~

14 ~~The act, approved the twenty seventh day of May, one thousand~~
15 ~~nine hundred forty three (Pamphlet Laws 694), entitled "An act~~
16 ~~to further amend sections seven and thirteen of the act,~~
17 ~~approved the third day of May, one thousand nine hundred thirty~~
18 ~~three (Pamphlet Laws, two hundred fifty two), entitled, as~~
19 ~~amended 'An act to regulate and restrain the traffic in malt and~~
20 ~~brewed beverages, as herein defined; providing for the licensing~~
21 ~~of the manufacture, transportation, sale and distribution of~~
22 ~~such beverages; imposing license and permit fees, and providing~~
23 ~~for collection and distribution thereof; restricting ownership~~
24 ~~and interest in licensed places; permitting municipalities and~~
25 ~~townships, by vote of the electors, to prevent the licensing~~
26 ~~therein of places where such beverages may be sold for~~
27 ~~consumption on the premises, and regulating elections for this~~
28 ~~purpose; imposing duties upon the Pennsylvania Liquor Control~~
29 ~~Board, quarter sessions courts, district attorneys, the~~
30 ~~Department of Justice, proper authorities of political~~

1 ~~subdivisions of the State, and election officers; providing~~
2 ~~penalties; and repealing existing acts, ' conferring jurisdiction~~
3 ~~on the county court of Allegheny County in cases of appeals from~~
4 ~~the Pennsylvania Liquor Control Board," absolutely.~~

5 ~~The act, approved the twenty third day of May, one thousand~~
6 ~~nine hundred forty seven (Pamphlet Laws 287), entitled "An act~~
7 ~~providing that the statement of registration issued to electors~~
8 ~~and his signed declaration of age shall be sufficient proof of~~
9 ~~age for the purchase of alcoholic beverages; prohibiting~~
10 ~~transfers thereof and false statements; imposing penalties, and~~
11 ~~saving from prosecution licensees serving holders of such~~
12 ~~statements making such declarations," absolutely.~~

13 ~~The act, approved the fourteenth day of April, one thousand~~
14 ~~nine hundred forty nine (Pamphlet Laws 481), entitled "An act to~~
15 ~~further amend section five of the act, approved the nineteenth~~
16 ~~day of February, one thousand nine hundred twenty six (Pamphlet~~
17 ~~Laws 16), entitled, as amended 'An act regulating, under permit,~~
18 ~~through the Pennsylvania Liquor Control Board, the manufacture,~~
19 ~~production, distillation, development, use in manufacture,~~
20 ~~denaturization, redistillation, rectification, blending,~~
21 ~~recovery, reuse, holding in bond, holding in storage by bailees~~
22 ~~for hire, and transportation for hire, of any alcohol, alcoholic~~
23 ~~liquid or alcoholic beverage, by certain persons; requiring the~~
24 ~~registration of Federal permits; also providing for fees and the~~
25 ~~disposition thereof, and for appeals to the courts; also~~
26 ~~authorizing the inspection of the records of permittees and~~
27 ~~purchasers of said alcohol, alcoholic liquid, and alcoholic~~
28 ~~beverages; also declaring certain places nuisances and providing~~
29 ~~for their abatement; also providing penalties; and also~~
30 ~~repealing all acts or parts of acts inconsistent with this act,'~~

1 ~~by exempting scheduled common carriers by air of mail and~~
2 ~~passengers from license requirement," absolutely.~~

3 ~~The act, approved the twenty eighth day of April, one~~
4 ~~thousand nine hundred forty nine (Pamphlet Laws 764), entitled~~
5 ~~"An act to further amend section four hundred twelve and~~
6 ~~subsections (9) and (10) of section six hundred two of the act,~~
7 ~~approved the twenty ninth day of November, on thousand nine~~
8 ~~hundred thirty three (Pamphlet Laws 15, 1933-34), entitled, as~~
9 ~~amended 'An act to regulate and restrain the sale, manufacture,~~
10 ~~possession, transportation, importation, traffic in, and use of~~
11 ~~alcohol, and alcoholic and malt or brewed beverages; conferring~~
12 ~~powers and imposing duties upon the Pennsylvania Liquor Control~~
13 ~~Board and its agents, the Department of Public Instruction,~~
14 ~~other officers of the State government, courts, and district~~
15 ~~attorneys; authorizing the establishment and operation of State~~
16 ~~stores for the sale of such beverages not for consumption on the~~
17 ~~premises, and the granting of licenses, subject to local option,~~
18 ~~to sell such beverages for consumption on and off the premises;~~
19 ~~forbidding importation or bringing of such beverages into the~~
20 ~~State except as herein provided; prohibiting certain sales or~~
21 ~~practices in, connection with, and transactions in such~~
22 ~~beverages by licensees and others; providing for the forfeiture~~
23 ~~of certain property; making disposition of the receipts from~~
24 ~~State stores and of fees; and imposing penalties,' by further~~
25 ~~regulating advertisements allowed on and about licensed premises~~
26 ~~and increasing the quantity of malt or brewed beverages which~~
27 ~~may be sold in a single sale by certain licensees for~~
28 ~~consumption off premises," absolutely.~~

29 ~~The act, approved the twenty eighth day of April, one~~
30 ~~thousand nine hundred forty nine (Pamphlet Laws 769), entitled~~

1 ~~"An act to further amend the act, approved the third day of May,~~
2 ~~one thousand nine hundred thirty three (Pamphlet Laws 252),~~
3 ~~entitled, as amended, 'An act to regulate and restrain the~~
4 ~~traffic in malt and brewed beverages, as herein defined;~~
5 ~~providing for the licensing of the manufacture, transportation,~~
6 ~~sale and distribution of such beverages; imposing license and~~
7 ~~permit fees, and providing for collection and distribution~~
8 ~~thereof; restricting ownership and interest in licensed places;~~
9 ~~permitting municipalities and townships, by vote of the~~
10 ~~electors, to prevent the licensing therein of places where such~~
11 ~~beverages may be sold for consumption on the premises, and~~
12 ~~regulating elections for this purpose; imposing duties upon the~~
13 ~~Pennsylvania Liquor Control Board, quarter sessions courts,~~
14 ~~district attorneys, the Department of Justice, proper~~
15 ~~authorities of political subdivisions of the State, and election~~
16 ~~officers; providing penalties; and repealing existing acts,' by~~
17 ~~providing the quantity of malt or brewed beverages to be sold by~~
18 ~~any manufacturer, distributor, importing distributor, or retail~~
19 ~~dispenser; further regulating advertisements allowed on and~~
20 ~~about licensed premises," absolutely.~~

21 ~~The act, approved the second day of May, one thousand nine~~
22 ~~hundred forty nine (Pamphlet Laws 896), entitled "An act to~~
23 ~~further amend subsection fourteen of section six hundred two of~~
24 ~~the act, approved the twenty ninth day of November, one thousand~~
25 ~~nine hundred and thirty three (Pamphlet Laws 15, 1933-34),~~
26 ~~entitled, as amended 'An act to regulate and restrain the sale,~~
27 ~~manufacture, possession, transportation, importation, traffic~~
28 ~~in, and use of alcohol, and alcoholic and malt or brewed~~
29 ~~beverages; conferring powers and imposing duties upon the~~
30 ~~Pennsylvania Liquor Control Board and its agents, the Department~~

1 ~~of Public Instruction, other officers of the State Government,~~
2 ~~courts, and district attorneys; authorizing the establishment~~
3 ~~and operation of State stores for the sale of such beverages not~~
4 ~~for consumption on the premises, and the granting of licenses,~~
5 ~~subject to local option, to sell such beverages for consumption~~
6 ~~on and off the premises; forbidding importation or bringing of~~
7 ~~such beverages into the State except as herein provided;~~
8 ~~prohibiting certain sales or practices in, connection with, and~~
9 ~~transactions in such beverages by licensees and others;~~
10 ~~providing for the forfeiture of certain property; making~~
11 ~~disposition of the receipts from State stores and of fees; and~~
12 ~~imposing penalties, ' by exempting television exhibitions from~~
13 ~~provisions of the act requiring special permits," absolutely.~~

14 ~~The act, approved the ninth day of May, one thousand nine~~
15 ~~hundred forty nine (Pamphlet Laws 964), entitled "An act to~~
16 ~~amend section one of the act, approved the twenty fourth day of~~
17 ~~June, one thousand nine hundred thirty nine (Pamphlet Laws 806),~~
18 ~~entitled 'An act limiting the number of licenses for the retail~~
19 ~~sale of liquor, malt or brewed beverages, or malt and brewed~~
20 ~~beverages, to be issued by the Pennsylvania Liquor Control~~
21 ~~Board; defining hotels, and prescribing the accommodations~~
22 ~~required of hotels in certain municipalities, ' changing the~~
23 ~~requirements necessary for a hotel to qualify under said act,"~~
24 ~~except in so far as it shall apply to hotel licenses granted~~
25 ~~prior to September first, one thousand nine hundred forty nine,~~
26 ~~or granted on any application made and pending prior to said~~
27 ~~date, or to any renewal or transfer of such licenses, or to~~
28 ~~hotels under construction or for which a bona fide contract had~~
29 ~~been entered into for construction prior to said date.~~

30 ~~The act, approved the twentieth day of May, one thousand nine~~

1 ~~hundred forty nine (Pamphlet Laws 1482), entitled "An act to~~
2 ~~further amend section four hundred fifteen of the act, approved~~
3 ~~the twenty ninth day of November, one thousand nine hundred and~~
4 ~~thirty three (Pamphlet Laws, fifteen one thousand nine hundred~~
5 ~~thirty three and thirty four), entitled, as amended "An act to~~
6 ~~regulate and restrain the sale, manufacture, possession,~~
7 ~~transportation, importation, traffic in, and use of alcohol, and~~
8 ~~alcoholic and malt or brewed beverages; conferring powers and~~
9 ~~imposing duties upon the Pennsylvania Liquor Control Board and~~
10 ~~its agents, the Department of Public Instruction, other officers~~
11 ~~of the State government, courts, and district attorneys;~~
12 ~~authorizing the establishment and operation of State stores for~~
13 ~~the sale of such beverages not for consumption on the premises,~~
14 ~~and the granting of licenses, subject to local option, to sell~~
15 ~~such beverages for consumption on and off the premises;~~
16 ~~forbidding importation or bringing of such beverages into the~~
17 ~~State except as herein provided; prohibiting certain sales or~~
18 ~~practices in, connection with, and transactions in such~~
19 ~~beverages by licensees and others; providing for the forfeiture~~
20 ~~of certain property; making disposition of the receipts from~~
21 ~~State stores and of fees; and imposing penalties, by permitting~~
22 ~~holders of importers' licenses to sell liquor when in original~~
23 ~~containers of ten gallons or greater capacity to licensed~~
24 ~~manufacturers within this Commonwealth," absolutely.~~

25 ~~The act, approved the twentieth day of May, one thousand nine~~
26 ~~hundred forty nine (Pamphlet Laws 1546), entitled "An act to~~
27 ~~amend the act, approved the third day of May, one thousand nine~~
28 ~~hundred thirty three (Pamphlet Laws 252), entitled, as amended~~
29 ~~"An act to regulate and restrain the traffic in malt and brewed~~
30 ~~beverages, as herein defined; providing for the licensing of the~~

1 ~~manufacture, transportation, sale and distribution of such~~
2 ~~beverages; imposing license and permit fees, and providing for~~
3 ~~collection and distribution thereof; restricting ownership and~~
4 ~~interest in licensed places; permitting municipalities and~~
5 ~~townships, by vote of the electors, to prevent the licensing~~
6 ~~therein of places where such beverages may be sold for~~
7 ~~consumption on the premises, and regulating elections for this~~
8 ~~purpose; imposing duties upon the Pennsylvania Liquor Control~~
9 ~~Board, quarter sessions courts, district attorneys, the~~
10 ~~Department of Justice, proper authorities of political~~
11 ~~subdivisions of the State, and election officers; providing~~
12 ~~penalties; and repealing existing acts, ' by further defining the~~
13 ~~parties who may appeal and the powers of courts in certain~~
14 ~~appeals from the board and providing for certain appeals to the~~
15 ~~Superior Court," absolutely.~~

16 ~~The act, approved the twentieth day of May, one thousand nine~~
17 ~~hundred forty nine (Pamphlet Laws 1551), entitled "An act to~~
18 ~~amend the act, approved the twenty ninth day of November, one~~
19 ~~thousand nine hundred thirty three (Pamphlet Laws 15, 1933-34),~~
20 ~~entitled, as amended 'An act to regulate and restrain the sale,~~
21 ~~manufacture, possession, transportation, importation, traffic~~
22 ~~in, and use of alcohol, and alcoholic and malt or brewed~~
23 ~~beverages; conferring powers and imposing duties upon the~~
24 ~~Pennsylvania Liquor Control Board and its agents, the Department~~
25 ~~of Public Instruction, other officers of the State government,~~
26 ~~courts, and district attorneys; authorizing the establishment~~
27 ~~and operation of State stores for the sale of such beverages not~~
28 ~~for consumption on the premises, and the granting of licenses,~~
29 ~~subject to local option, to sell such beverages for consumption~~
30 ~~on and off the premises; forbidding importation or bringing of~~

1 ~~such beverages into the State except as herein provided;~~
2 ~~prohibiting certain sales or practices in, connection with, and~~
3 ~~transactions in such beverages by licensees and others;~~
4 ~~providing for the forfeiture of certain property; making~~
5 ~~disposition of the receipts from State stores and of fees; and~~
6 ~~imposing penalties, ' by further defining the parties who may~~
7 ~~appeal and the powers of courts in certain appeals from the~~
8 ~~board and providing for certain appeals to the Superior Court,"~~
9 ~~absolutely.~~

10 ~~Section 142. Section 902 of the act is reenacted to read:~~

11 ~~Section 902. General Repeal Clause. All acts and parts of~~
12 ~~acts inconsistent with the provisions of this act are hereby~~
13 ~~repealed.~~

14 SECTION 140. ARTICLE IX OF THE ACT IS REPEALED. <—

15 ~~Section 143~~ 141. (a) All personnel, allocations, <—
16 appropriations, equipment, files, records, contracts,
17 agreements, obligations and other materials which are used,
18 employed or expended in connection with the powers, duties or
19 functions transferred by this act to the Office of
20 Administrative Law Judge are hereby transferred to the Office of
21 Administrative Law Judge with the same force and effect as if
22 the allocations and appropriations had been made to and said
23 items had been the personnel and property of the office in the
24 first instance and if the contracts, agreements and obligations
25 had been incurred or entered into by the office.

26 (b) All personnel, allocations, appropriations, equipment,
27 files, records, contracts, agreements, obligations and other
28 materials which are used, employed or expended in connection
29 with the powers, duties or functions transferred by this act to
30 the Bureau of Liquor Control Enforcement of the Pennsylvania

1 State Police are hereby transferred to the Pennsylvania State
2 Police with the same force and effect as if the allocations and
3 appropriations had been made to and said items had been the
4 personnel and property of the bureau in the first instance and
5 if the contracts, agreements and obligations had been incurred
6 or entered into by the Pennsylvania State Police.

7 (c) All present employees of the Pennsylvania Liquor Control
8 Board whose powers, duties or functions are transferred under
9 subsections (a) and (b) shall be transferred to the Office of
10 Administrative Law Judge or the bureau as appropriate. All
11 employees are to continue in their employment with either the
12 ~~commission~~ BOARD, the Office of Administrative Law Judge or the <—
13 bureau with the same pay scales, salaries, wages, seniority
14 benefits, pension rights and other incidents of employment,
15 including, but not limited to, civil service status, as if this
16 act had not been effective.

17 (d) Notwithstanding any provisions of this section,
18 enforcement officers of the Pennsylvania Liquor Control Board
19 shall, in order of seniority, be given the choice of
20 transferring to the Bureau of Liquor Code Enforcement of the
21 Pennsylvania State Police or remaining within the ~~Alcoholic~~ <—
22 ~~Beverages Commission~~ PENNSYLVANIA LIQUOR CONTROL BOARD. <—

23 (E) NOTWITHSTANDING ANY PROVISIONS OF THIS SECTION,
24 ATTORNEYS RESPONSIBLE FOR REPRESENTATION OF THE PENNSYLVANIA
25 LIQUOR CONTROL BOARD IN ENFORCEMENT PROCEEDINGS, SHALL, IN ORDER
26 OF SENIORITY, BE GIVEN THE CHOICE OF TRANSFERRING TO THE OFFICE
27 OF CHIEF COUNSEL OF THE PENNSYLVANIA STATE POLICE OR REMAINING
28 WITHIN THE PENNSYLVANIA LIQUOR CONTROL BOARD.

29 Section ~~144~~ 142. The chief administrative law judge and the <—
30 Commissioner of the Pennsylvania State Police shall separately

1 by regulation provide for appropriate training of personnel to
2 carry out the responsibilities imposed by this act upon
3 employees of their respective agencies.

4 Section ~~145~~ 143. ~~The agency known as the Alcoholic Beverages~~ <—
5 ~~Commission~~ THIS ACT REESTABLISHES THE PENNSYLVANIA LIQUOR <—
6 CONTROL BOARD. THE BOARD shall be subject to evaluation and
7 review and shall terminate on June 30, 1992, in the manner
8 provided for by the act of December 22, 1981 (P.L.508, No.142),
9 known as the Sunset Act.

10 Section ~~146~~ 144. The presently confirmed members of the <—
11 Pennsylvania Liquor Control Board as of December 31, 1986, shall
12 continue to serve as members of the ~~Alcoholic Beverages~~ <—
13 ~~Commission~~ BOARD for a term of ~~120~~ 180 days beyond the effective <—
14 date of this act or until the members first appointed after the
15 effective date of this act are appointed and qualified,
16 whichever occurs sooner. THE GOVERNOR SHALL SUBMIT TO THE SENATE <—
17 THE NAMES OF THE NOMINEES TO THE BOARD WITHIN 60 DAYS OF THE
18 EFFECTIVE DATE OF THIS ACT.

19 SECTION 145. NOTWITHSTANDING ANY PROVISIONS OF THIS ACT TO <—
20 THE CONTRARY, CITATION AND ENFORCEMENT HEARINGS SHALL
21 TEMPORARILY CONTINUE TO BE CONDUCTED AS HERETOFORE, FOR A
22 PERIOD, WHICH, IN THE DISCRETION OF THE BOARD, SHALL NOT EXCEED
23 120 DAYS BEYOND THE EFFECTIVE DATE OF THIS ACT. PRIOR TO THE
24 EXPIRATION OF THIS 120-DAY PERIOD, THE BOARD SHALL CAUSE NOTICE
25 OF THE DATE FOR IMPLEMENTATION OF THE ADMINISTRATIVE LAW JUDGE
26 SYSTEM ESTABLISHED PURSUANT TO THIS ACT TO BE PUBLISHED IN THE
27 PENNSYLVANIA BULLETIN.

28 Section ~~147-145~~ 146. Each rule, regulation, contract or <—
29 lease of the Pennsylvania Liquor Control Board in effect on
30 December 31, 1986, shall remain in effect after such date until

1 repealed or amended by the ~~Alcoholic Beverages Commission~~ BOARD <—
2 or until it terminates in accordance with its own terms.

3 Section ~~148-146~~ 147. Only those members appointed to the <—
4 ~~Alcoholic Beverages Commission~~ PENNSYLVANIA LIQUOR CONTROL BOARD <—
5 after the effective date of this act shall be eligible for the
6 increased salary authorized for ~~commission~~ BOARD members <—
7 pursuant to this act.

8 Section ~~149.~~ Only those ~~Alcoholic Beverages Commission~~ <—
9 members ~~appointed after the effective date of this act shall be~~
10 ~~required to restrict outside employment and income pursuant to~~
11 ~~this act.~~

12 Section ~~150.~~ ~~By September 30-147~~ 148. BY OCTOBER 31, 1987, <—
13 the ~~Alcoholic Beverages Commission~~ PENNSYLVANIA LIQUOR CONTROL <—
14 BOARD shall recommend to the General Assembly such fee increases
15 as the ~~commission~~ BOARD determines are necessary so that <—
16 revenues are sufficient to cover the costs of licensing and
17 enforcement activities.

18 Section ~~151.~~ The amendment to section ~~491(6)~~ relating to <—
19 catering by restaurant liquor licensee shall apply to cases of
20 charged violations which have not been adjudicated by the
21 Pennsylvania Liquor Control Board on the effective date of this
22 act.

23 Section 152. (a) Section 207.1(c)(2) of the act of April 9,
24 1929 (P.L.177, No.175), known as The Administrative Code of
25 1929, is repealed to the extent that it requires a vote of two-
26 thirds of the members elected to the Senate to confirm
27 appointments to the Pennsylvania Liquor Control Board.

28 (b) All other acts or parts of acts are repealed insofar as
29 they are inconsistent with this act.

30 SECTION ~~148~~ 149. (A) THERE IS HEREBY ESTABLISHED THE <—

1 PENNSYLVANIA CODE TITLE 40 REVIEW COMMITTEE TO UNDERTAKE THE
2 REVIEW OF ALL REGULATIONS PERTAINING TO THE LIQUOR, WINE AND
3 MALT AND BREWED BEVERAGE INDUSTRY. THE COMMITTEE SHALL BE
4 COMPOSED OF THE CHAIRMAN AND MINORITY CHAIRMAN OF THE SENATE LAW
5 AND JUSTICE COMMITTEE, THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
6 LIQUOR CONTROL COMMITTEE OF THE HOUSE OF REPRESENTATIVES, AND
7 EIGHT MEMBERS FROM THROUGHOUT THE LIQUOR, WINE AND MALT AND
8 BREWED BEVERAGE INDUSTRY AND ONE MEMBER OF THE GENERAL PUBLIC TO
9 BE APPOINTED BY THE BOARD.

10 (B) THE COMMITTEE SHALL HAVE THE POWER TO:

11 (1) STUDY ALL TITLE 40 REGULATIONS; AND

12 (2) PREPARE A REPORT OF THE STUDY TO BE PRESENTED TO THE
13 BOARD AND BOTH HOUSES OF THE GENERAL ASSEMBLY WITHIN ONE YEAR
14 OF THE EFFECTIVE DATE OF THIS AMENDATORY ACT. THIS STUDY
15 SHALL INCLUDE, BUT NOT BE LIMITED TO, PACKAGING REGULATIONS,
16 SATELLITE WAREHOUSES FOR DISTRIBUTORS AND LANGUAGE GOVERNING
17 LICENSEE'S FEES.

18 (C) THIS COMMITTEE SHALL TERMINATE AFTER THIS REPORT HAS
19 BEEN PRESENTED.

20 SECTION ~~149~~ 150. NOTWITHSTANDING ANY SECTIONS OF THIS ACT TO <—
21 THE CONTRARY, ARTICLE VI-A OF THE ACT OF APRIL 9, 1929 (P.L.177,
22 NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929, SHALL
23 SUPERSEDE THIS ACT TO THE EXTENT THERE ARE ANY INCONSISTENCIES
24 WITH REGARD TO FEES CHARGED BY THE PENNSYLVANIA LIQUOR CONTROL
25 BOARD.

26 SECTION ~~149-150~~ 151. ALL OTHER ACTS OR PARTS OF ACTS ARE <—
27 REPEALED INSOFAR AS THEY ARE INCONSISTENT WITH THIS ACT.

28 SECTION ~~150-151~~ 152. THE SUM OF \$17,700,000, OR AS MUCH <—
29 THEREOF AS MAY BE NECESSARY, IS HEREBY APPROPRIATED FROM THE
30 STATE STORE FUND FOR FISCAL YEAR JULY 1, 1987, TO JUNE 30, 1988,

1 TO THE PENNSYLVANIA STATE POLICE FOR THE OPERATION OF THE BUREAU
2 OF LIQUOR CONTROL ENFORCEMENT.

3 Section ~~153-151-152~~ 153. The provisions of this act are ←
4 severable. If any provision of this act or its application to
5 any person or circumstance is held invalid, the invalidity shall
6 not affect other provisions or applications of this act which
7 can be given effect without the invalid provision or
8 application.

9 Section ~~154-152-153~~ 154. Sections ~~146~~ 144 and ~~147-145~~ 146 of ←
10 this act shall be retroactive to December 31, 1986.

11 Section ~~155-153-154~~ 155. This act shall take effect July 1, ←
12 1987, or immediately, whichever is later.