

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 405 Session of
1991

INTRODUCED BY TRELLO, PESCI, F. TAYLOR, KENNEY, MELIO, STABACK,
VEON, GIGLIOTTI, SCHEETZ, ITKIN, MERRY, JAMES, WOZNIAK,
HARPER, KOSINSKI, PERZEL, RAYMOND, J. TAYLOR, CORNELL,
PRESTON, STURLA AND DALEY, FEBRUARY 12, 1991

REFERRED TO COMMITTEE ON LIQUOR CONTROL, FEBRUARY 12, 1991

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as
2 reenacted, "An act relating to alcoholic liquors, alcohol and
3 malt and brewed beverages; amending, revising, consolidating
4 and changing the laws relating thereto; regulating and
5 restricting the manufacture, purchase, sale, possession,
6 consumption, importation, transportation, furnishing, holding
7 in bond, holding in storage, traffic in and use of alcoholic
8 liquors, alcohol and malt and brewed beverages and the
9 persons engaged or employed therein; defining the powers and
10 duties of the Pennsylvania Liquor Control Board; providing
11 for the establishment and operation of State liquor stores,
12 for the payment of certain license fees to the respective
13 municipalities and townships, for the abatement of certain
14 nuisances and, in certain cases, for search and seizure
15 without warrant; prescribing penalties and forfeitures;
16 providing for local option, and repealing existing laws,"
17 further providing for the sale of malt and brewed beverages
18 on credit.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 Section 1. Section 493(2) of the act of April 12, 1951
22 (P.L.90, No.21), known as the Liquor Code, reenacted and amended
23 June 29, 1987 (P.L.32, No.14), is amended to read:

24 Section 493. Unlawful Acts Relative to Liquor, Malt and
25 Brewed Beverages and Licensees.--The term "licensee," when used

1 in this section, shall mean those persons licensed under the
2 provisions of Article IV, unless the context clearly indicates
3 otherwise.

4 It shall be unlawful--

5 * * *

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

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

16 * * *

17 Section 2. This act shall take effect in 60 days.