

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 440 Session of
2003

INTRODUCED BY RUFFING, WALKO, COLEMAN, CORRIGAN, CREIGHTON,
CRUZ, CASORIO, COSTA, HARHAI, HENNESSEY, KELLER, MELIO,
PISTELLA, PRESTON, SOLOBAY, STABACK, TANGRETTI, J. TAYLOR AND
THOMAS, FEBRUARY 25, 2003

REFERRED TO COMMITTEE ON LIQUOR CONTROL, FEBRUARY 25, 2003

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for the storage,
3 consumption and sale of alcoholic beverages on unlicensed
4 business premises.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 7327 of Title 18 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 7327. Storage, consumption and sale of alcoholic beverages on
10 unlicensed business premises.

11 (a) Storage.--A person commits [a summary] an offense if he
12 stores or permits storage by others of liquor or malt or brewed
13 beverages for the purpose of consumption between the hours of 2
14 a.m. and 8 a.m. on business premises owned, operated, leased or
15 controlled by such person which are not licensed under the act
16 of April 12, 1951 (P.L.90, No.21), known as the Liquor Code.

17 (b) Consumption.--A person commits [a summary] an offense if
18 he allows another to consume liquor or malt or brewed beverages,

1 after payment of an entry fee, cover charge or membership fee,
2 between the hours of 2 a.m. and 8 a.m. on business premises
3 owned, operated, leased or controlled by such person which are
4 not licensed under the Liquor Code.

5 (c) Sale.--A person commits [a summary] an offense if he
6 sells or offers to sell any liquor or malt or brewed beverages
7 between the hours of 2 a.m. and 8 a.m. on business premises
8 owned, operated, leased or controlled by such person which are
9 not licensed under the Liquor Code.

10 (d) Corporate liability.--With respect to an offense
11 specified in subsection (a), (b) or (c), a corporation that owns
12 or operates a bottle club is liable for the acts of its
13 servants, agents and employees as permitted by section 307
14 (relating to liability of organizations and certain related
15 persons).

16 (e) Penalty.--

17 (1) A person who violates this section commits a
18 misdemeanor of the second degree for a first offense and
19 shall, upon conviction, be sentenced to pay a fine of not
20 less than \$1,000.

21 (2) A person who violates this section commits a
22 misdemeanor of the first degree for a second or subsequent
23 offense and shall, upon conviction, be sentenced to pay a
24 fine of not less than \$5,000 and to imprisonment for not less
25 than 90 days.

26 (f) Enforcement.--This section shall be enforceable by a law
27 enforcement officer trained in accordance with 53 Pa.C.S. Ch. 21
28 Subch. D (relating to municipal police education and training)
29 and members of the Pennsylvania State Police and enforcement
30 officers or investigators in accordance with section 211 of the

1 Liquor Code.

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