

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1762 Session of
2003

INTRODUCED BY McNAUGHTON, O'NEILL, BARRAR, MARSICO, J. EVANS,
PAYNE, HENNESSEY, CAPPELLI, YOUNGBLOOD AND SCAVELLO,
JUNE 30, 2003

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JUNE 30, 2003

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 brand registration.

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

20 Section 1. Section 445 of the act of April 12, 1951 (P.L.90,
21 No.21), known as the Liquor Code, reenacted and amended June 29,
22 1987 (P.L.32, No.14), is amended to read:

23 Section 445. Brand Registration.--(a) No brand or brands of
24 malt or brewed beverages shall be offered, sold or delivered to
25 any trade buyer within this Commonwealth unless the manufacturer

1 thereof shall first submit an application in the form and manner
2 prescribed by the board for the registration of the said brand
3 or brands of malt beverages, together with an annual filing fee
4 not to exceed twenty-five dollars (\$25) for each brand
5 registration requested. In the event an out-of-State or foreign
6 manufacturer of malt or brewed beverages has granted franchise
7 rights to any person for the sale and distribution of its brand
8 products but which person is not licensed to sell and distribute
9 the same in this Commonwealth, said such person shall
10 nevertheless be required to register the involved brand before
11 offering the same for sale in Pennsylvania. It is further
12 conditioned that the person holding such franchise rights shall,
13 together with its application for brand registration, file with
14 the board copies of all agreements between it and the
15 Pennsylvania importing distributor appointed by such person to
16 sell and distribute the brands of malt or brewed beverages as
17 provided by sections 431 and 492. Such agreement shall contain
18 the manufacturer's consent and approval to the appointment of
19 the Pennsylvania importing distributor and the rights conferred
20 thereunder.

21 (b) Any person filing a report pursuant to section 2004 of
22 the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform
23 Code of 1971," shall, within thirty days of filing the report
24 with the Department of Revenue, file the same report with the
25 board. The board shall maintain these reports in a separate file
26 and shall make the file accessible to the general public upon
27 request.

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