

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1174 Session of
2005

INTRODUCED BY BELFANTI, ALLEN, GOODMAN, FAIRCHILD, BELARDI,
MILLARD, SHANER, CALTAGIRONE, CASORIO, CURRY, GEORGE, HARHAI,
KOTIK, PHILLIPS, SANTONI, SOLOBAY, YOUNGBLOOD, CAPPELLI,
FORCIER, TIGUE, CAWLEY, PALLONE, WILT, TANGRETTI AND JAMES,
MARCH 29, 2005

REFERRED TO COMMITTEE ON LIQUOR CONTROL, MARCH 29, 2005

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 unlawful acts.

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

20 Section 1. Section 493(2) of the act of April 12, 1951
21 (P.L.90, No.21), known as the Liquor Code, reenacted and amended
22 June 29, 1987 (P.L.32, No.14), amended December 8, 2004
23 (P.L.1810, No.239), is amended to read:

24 Section 493. Unlawful Acts Relative to Liquor, Malt and

1 Brewed Beverages and Licensees.--The term "licensee," when used
2 in this section, shall mean those persons licensed under the
3 provisions of Article IV, unless the context clearly indicates
4 otherwise.

5 It shall be unlawful--

6 * * *

7 (2) Purchase or Sale of Liquor or Malt or Brewed Beverages
8 on Credit; Importing Distributors or Distributors Accepting
9 Cash. For any licensee, his agent, servant or employe, to sell
10 or offer to sell or purchase or receive any liquor or malt or
11 brewed beverages except for cash, excepting credit extended by a
12 hotel or club to a bona fide guest or member, or by railroad or
13 pullman companies in dining, club or buffet cars to passengers,
14 for consumption while enroute, holding authorized credit cards
15 issued by railroad or railroad credit bureaus or by hotel,
16 restaurant, retail dispenser eating place, club and public
17 service licensees, importing distributors or distributors to
18 customers not possessing a license under this article and
19 holding credit cards issued in accordance with regulations of
20 the board or credit cards issued by banking institutions subject
21 to State or Federal regulation: Provided further, That nothing
22 herein contained shall be construed to prohibit the use of
23 checks or drafts drawn on a bank, banking institution, trust
24 company or similar depository, organized and existing under the
25 laws of the United States of America or the laws of any state,
26 territory or possession thereof, in payment for any liquor or
27 malt or brewed beverages if the purchaser is the payor of the
28 check or draft and the licensee is the payee: Provided further,
29 That notwithstanding any other provision of this act to the
30 contrary, it shall be unlawful in a city of the first or second

1 class for an importing distributor or distributor to accept cash
2 for payment of any malt or brewed beverages from anyone
3 possessing a license issued under this article. No right of
4 action shall exist to collect any claim for credit extended
5 contrary to the provisions of this clause. Nothing herein
6 contained shall prohibit a licensee from crediting to a
7 purchaser the actual price charged for original containers
8 returned by the original purchaser as a credit on any sale, or
9 from refunding to any purchaser the amount paid by such
10 purchaser for such containers or as a deposit on containers when
11 title is retained by the vendor, if such original containers
12 have been returned to the licensee. Nothing herein contained
13 shall prohibit a manufacturer from extending usual and customary
14 credit for liquor or malt or brewed beverages sold to customers
15 or purchasers who live or maintain places of business outside of
16 the Commonwealth of Pennsylvania, when the liquor or malt or
17 brewed beverages so sold are actually transported and delivered
18 to points outside of the Commonwealth: Provided, however, That
19 as to all transactions affecting malt or brewed beverages to be
20 resold or consumed within this Commonwealth, every licensee
21 shall pay and shall require cash deposits on all returnable
22 original containers and all such cash deposits shall be refunded
23 upon return of the original containers.

24 * * *

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