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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1149 Session of  
2017

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INTRODUCED BY DAWKINS, KINSEY, McNEILL, MURT, BULLOCK, NEILSON,  
D. COSTA, McCLINTON, THOMAS AND DONATUCCI, APRIL 12, 2017

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REFERRED TO COMMITTEE ON LIQUOR CONTROL, APRIL 12, 2017

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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," in  
17 licenses and regulations, liquor, alcohol and malt and brewed  
18 beverages, further providing for revocation and suspension of  
19 licenses and fines.

20 The General Assembly of the Commonwealth of Pennsylvania

21 hereby enacts as follows:

22 Section 1. Section 471 of the act of April 12, 1951 (P.L.90,  
23 No.21), known as the Liquor Code, is amended by adding  
24 subsections to read:

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

26 \* \* \*

1 (c.1) If a licensee or an employe of a licensed  
2 establishment, or both, have been found to have violated section  
3 493(1) as it relates to sales to minors and, as a result of the  
4 violation, the minor was convicted of violating 18 Pa.C.S. §  
5 2501 (relating to criminal homicide), 2502 (relating to murder),  
6 2503 (relating to voluntary manslaughter), 2504 (relating to  
7 involuntary manslaughter), 2507 (relating to criminal homicide  
8 of law enforcement officer), 2702 (relating to aggravated  
9 assault) or 2702.1 (relating to assault of law enforcement  
10 officer) or 75 Pa.C.S. § 3732 (relating to homicide by vehicle)  
11 within twelve hours of the sale, the administrative law judge,  
12 in addition to the penalties set forth in subsections (b), (d)  
13 and (e), shall impose a fine of not less than five thousand  
14 dollars (\$5,000) nor more than fifteen thousand dollars  
15 (\$15,000). The licensee or employe of the licensed establishment  
16 shall be exempt from such fines and imprisonment if the  
17 identification card was identified as a valid card by a  
18 transaction scan device and the identification card and  
19 transaction scan results were relied upon in good faith. If the  
20 conviction for violating 18 Pa.C.S. § 2501, 2502, 2503, 2504,  
21 2507, 2702 or 2702.1 or 75 Pa.C.S. § 3732 is overturned, the  
22 administrative law judge shall return the money from the imposed  
23 fine to the licensee or employe of the licensed establishment  
24 within thirty days of receiving a notice of the ruling from the  
25 licensee or employe of the licensed establishment.

26 \* \* \*

27 (e.1) If a licensee has been cited and found to have  
28 violated section 493(1) as it relates to sales to minors for a  
29 second or subsequent offense within a three-year period, the  
30 administrative law judge, in addition to the penalties set forth

1 in subsection (b), shall require the licensee to utilize a  
2 transaction scan device by which the licensee or an agent or  
3 employe of a licensee must check the validity of an  
4 identification card that is presented by the holder thereof in  
5 accordance with section 495.

6 \* \* \*

7 (g) As used in this section, the following words and phrases  
8 shall have the meanings given to them in this subsection:

9 "Transaction scan device." A device capable of deciphering  
10 in an electronically readable format the information encoded on  
11 the magnetic strip or bar code of an identification card as set  
12 forth in section 495(a).

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