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FOREWORD

The following contains the complete text of the "Liquor Code" of 1951, including all amendments to June 1, 1970. Also included in this compilation are related laws pertaining to alcoholic beverage control, the Liquor Control Board Regulations and a comprehensive index.

Mr. Harold E. Wetzel, Director of the Bureau of Licensing, prepared the original compilation and index upon which the following is based.

Acknowledgement is made to Timothy L. McNickle, John L. Sampson, III, and Thomas J. Carlyon, Legal Assistants in the Board's Legal Bureau, who revised the compilation and index and to Thomas J. Shannon, Esquire, Assistant Attorney General and Counsel for the Board under whose supervision and guidance the work was done.

PENNSYLVANIA LIQUOR CONTROL BOARD

WILLIAM Z. SCOTT, *Chairman*
EDWIN WINNER
GEORGE R. BORTZ

Revised June, 1970

1. LIQUOR CODE

(Act 21 of April 12, 1951, P.L. 90; amended by Act 502 of January 14, 1952, P.L. 1863; amended by Act 504 of January 14, 1952, P.L. 1865; amended by Act 591 of January 14, 1952, P.L. 2089; amended by Act 619 of January 19, 1952, P.L. 2170; amended by Act 272 of August 19, 1953, P.L. 1061; amended by Act 382 of August 22, 1953, P.L. 1340; amended by Act 297 of January 26, 1956, P.L. 966; amended by Act 348 of February 17, 1956, P.L. 1077; amended by Act 349 of February 17, 1956, P.L. 1078; amended by Act 499 of April 20, 1956, P.L. 1508; amended by Act 533 of May 15, 1956, P.L. 1587; amended by Act 583 of May 25, 1956, P.L. 1743; amended by Act 99 of May 27, 1957, P.L. 201; amended by Act 170 of June 14, 1957, P.L. 322; amended by Act 231 of June 28, 1957, P.L. 419; amended by Act 268 of July 3, 1957, P.L. 475; amended by Act 346 of July 10, 1957, P.L. 638; amended by Act 220 of August 11, 1959, P.L. 670; amended by Act 260 of August 25, 1959, P.L. 746; amended by Act 471 of October 23, 1959, P.L. 1360; amended by Act 543 of November 19, 1959, P.L. 1532; amended by Act 553 of November 19, 1959, P.L. 1546; amended by Act 555 of November 19, 1959, P.L. 1550; amended by Act 702 of December 17, 1959, P.L. 1932; amended by Act 781 of January 7, 1960, P.L. 2106; amended by Act 18 of February 21, 1961, P.L. 45; amended by Act 211 of June 15, 1961, P.L. 423; amended by Act 244 of June 19, 1961, P.L. 482; amended by Act 245 of June 19, 1961, P.L. 484; amended by Act 269 of July 10, 1961, P.L. 554; amended by Act 275 of July 10, 1961, P.L. 561; amended by Act 347 of July 18, 1961, P.L. 789; amended by Act 348 of July 18, 1961, P.L. 790; amended by Act 381 of July 26, 1961, P.L. 886; amended by Act 456 of August 21, 1961, P.L. 1015; amended by Act 495 of August 23, 1961, P.L. 1115; amended by Act 583 of September 15, 1961, P.L. 1325; amended by Act 590 of September 16, 1961, P.L. 1337; amended by Act 639 of September 19, 1961, P.L. 1507; amended by Act 642 of September 20, 1961, P.L. 1513; amended by Act 663 of September 21, 1961, P.L. 1579; amended by Act 676 of September 22, 1961, P.L. 1599; amended by Act 702 of September 28, 1961, P.L. 1728; amended by Act 242 of August 1, 1963, P.L. 456; amended by Act 101 of June 29, 1965, P.L. 151; amended by Act 161 of August 10, 1965, P.L. 306; amended by Act 182 of August 17, 1965, P.L. 346; amended by Act 316 of October 21, 1965, P.L. 642; amended by Act 343 of November 10, 1965, P.L. 716; amended by Act 360 of December 1, 1965, P.L. 979; amended by Act 426 of December 16, 1965, P.L. 1106; amended by Act 441 of December 22, 1965, P.L. 1144; amended by Act 445 of December 22, 1965, P.L. 1149; amended by Act 518 of January 13, 1966, P.L. 1301; amended by Act 135 of September 25, 1967, P.L. ; amended by Act 177 of October 9, 1967, P.L. ; amended by Act 178 of October 9, 1967, P.L. ; amended by Act 179 of October 9, 1967, P.L. ; amended by Act 180 of October 9, 1967, P.L. ; amended by Act 183 of October 9, 1967, P.L. ; amended by Act 225 of October 20, 1967, P.L. ; amended by Act 247 of November 17, 1967, P.L. ; amended by Act 302 of November 30, 1967, P.L. ; amended by Act 432 of January 18, 1968, P.L. ; amended by Act 199 of July 20, 1968, P.L. ; amended by Act 201 of July 20, 1968, P.L. ; amended by Act 243 of July 31, 1968, P.L. ; amended by Act 272 of July 31, 1968, P.L. ; amended by Act 87 of August 1, 1969, P.L. ; amended by Act 95 of September 25, 1969, P.L. ; amended by Act 124 of November 18, 1969, P.L. ; amended by Act 154 of December 10, 1969, P.L.)

AN ACT

Relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto: regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws.

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

ARTICLE I.**PRELIMINARY PROVISIONS.**

Section 101. Short Title.—This act shall be known and "Liquor Code" may be cited as the "Liquor Code."

Section 102. Definitions.—The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

"Alcohol" shall mean ethyl alcohol of any degree of proof originally produced by the distillation of any fermented liquid, whether rectified or diluted with or without water, whatever may be the origin thereof, and shall include synthetic ethyl alcohol, but shall not mean or include ethyl alcohol, whether or not diluted, that has been denatured or otherwise rendered unfit for beverage purposes.

"Association" shall mean a partnership, limited partnership or any form of unincorporated enterprise owned by two or more persons.

"Board" shall mean the Pennsylvania Liquor Control Board.

"Bonded warehouse" shall mean and include all places and warehouses legally established under the provisions of the acts of Congress and the administrative provisions of the internal revenue laws of the Government of the United States of America, for the storage, concentration, distribution and holding in bond, (a) of whiskey and any other potable distilled spirits, except ethyl alcohol, when used in Article VII entitled "Distillery Bonded Warehouse Certificates" and, (b) of alcohol or liquor when otherwise used.

"Club" shall mean any reputable group of individuals associated together not for profit for legitimate purposes of mutual benefit, entertainment, fellowship or lawful convenience, having some primary interest and activity to which the sale of liquor or malt and brewed beverages shall be only secondary, which, if incorporated, has been in continuous existence and operation for at least one year, and if first licensed after June sixteenth, one thousand nine hundred thirty-seven, shall have been incorporated in this Commonwealth, and, if unincorporated, for at least ten years, immediately preceding the date of its application for a license under this act, and which regularly occupies, as owner or lessee, a club-house or quarters for the use of its members. Continuous existence must be proven by satisfactory evidence. The board shall refuse to issue a license if it appears that the charter is not in possession of the original incorporators or their direct or legitimate successors. The club shall hold regular meetings, conduct its business through officers regularly elected, admit members by written application, investigation and ballot, and charge and collect dues from elected members, and maintain such records as the board shall from time to time prescribe, but any such club may waive or reduce in amount, or pay from its club funds, the dues of any person who was a

Definitions

Alcohol

Association

Board

Bonded Warehouse

Club

Period of existence

Charter

Clubs permitted to waive dues

of persons in military service	member at the time he was inducted into the military service of the United States or was enrolled in the armed forces of the United States pursuant to any selective service act during the time of the member's actual service or enrollment.
Container	"Container" shall mean and include any receptacle, vessel or form of package, tank, vat, cask, barrel, drum, keg, can, bottle or conduit used or capable of use for holding, storing, transferring or shipment of alcohol, liquor or malt or brewed beverages.
Corporation	"Corporation" shall mean a corporation or joint-stock association organized under the laws of this Commonwealth, the United States, or any other state, territory, or foreign country or dependency.
Denatured alcohol	"Denatured alcohol" shall mean and include all alcohol or any compound thereof which by the admixture of such denaturing material or materials is rendered unfit for use as a beverage.
Denaturing Plant	"Denaturing plant" shall mean and include the premises of a distillery used exclusively for the denaturation of alcohol, either specially or completely, by the admixture of such denaturing materials as shall render the alcohol or any compound in which it is authorized to be used unfit for use as a beverage.
Distillery	"Distillery" shall mean and include any premises or plant wherein alcohol or liquor is manufactured, made and distilled from raw materials, blended or rectified, or any place wherein alcohol or liquor is produced by any method suitable for the production of alcohol. The term shall not include a "winery" where alcohol is derived from by-products of wine production by distillation for the sole purpose of adding to the fermented products to fortify the same.
Distillery Bonded Warehouse Certificate	"Distillery Bonded Warehouse Certificate" shall mean a certificate, receipt, contract or other document given upon the storage of whiskey or any other potable distilled spirits, except ethyl alcohol, in a bonded warehouse, and evidencing the ownership of such whiskey or other potable distilled spirits.
Distillery Certificate Broker	"Distillery certificate broker" shall mean and include every person who engages directly or through an agent in selling, purchasing, exchanging, offering for sale or delivery, or entering into agreements for the purchase, sale or exchange, or soliciting subscriptions to or orders for, or undertaking to dispose of, or dealing in any manner in, distillery bonded warehouse certificates.
Distributor	"Distributor" (<i>As amended by Act 182 of August 17, 1965, P. L. 346</i>) shall mean any person licensed by the board to engage in the purchase only from Pennsylvania manufacturers and from importing distributors and the resale of malt or brewed beverages, except to importing distributors and distributors, in the original sealed containers as prepared for the market by the manufacturer at the place of manufacture, but not for consumption on the premises where sold, and in quantities of not less than a case of twenty-four containers, each container holding seven fluid ounces or more, or a case of twelve containers, each container holding twenty-four

fluid ounces or more except original containers containing one hundred twenty-eight ounces or more which may be sold separately.

"Eating place" shall mean a premise where food is regularly and customarily prepared and sold, having a total area of not less than three hundred square feet available to the public in one or more rooms, other than living quarters, and equipped with tables and chairs accommodating thirty persons at one time.

"Hotel" * shall mean any reputable place operated by responsible persons of good reputation where the public may, for a consideration, obtain sleeping accommodations and meals and which, in a city, has at least ten, and in any other place at least six, permanent bedrooms for the use of guests, a public dining room or rooms operated by the same management accommodating at least thirty persons at one time, and a kitchen, apart from the public dining room or rooms, in which food is regularly prepared for the public.

"Importing distributor" (*As amended by Act 182 of August 17, 1965, P. L. 346*) shall mean any person licensed by the board to engage in the purchase from manufacturers and other persons located outside this Commonwealth and from persons licensed as manufacturers of malt or brewed beverages and importing distributors under this act, and the resale of malt or brewed beverages in the original sealed containers as prepared for the market by the manufacturer at the place of manufacture, but not for consumption on the premises where sold, and in quantities of not less than a case of twenty-four containers, each container holding seven fluid ounces or more, or a case of twelve containers, each container holding twenty-four fluid ounces or more except original containers containing one hundred twenty-eight ounces or more which may be sold separately.

"Limited Winery" (*As added by Act 272 of July 31, 1968, P.L.*) shall mean a winery with a maximum output of fifty thousand (50,000) gallons per year.

"Liquor" shall mean and include any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquor a part of which is spirituous, vinous, fermented or otherwise alcoholic, including all drinks or drinkable liquids, preparations or mixtures, and reused, recovered or redistilled denatured alcohol usable or taxable for beverage purposes which contain more than one-half of one per cent of alcohol by volume, except pure ethyl alcohol and malt or brewed beverages.

"Malt or Brewed Beverages" means any beer, lager beer, ale, porter or similar fermented malt beverage containing one-half of one per centum or more of alcohol by volume, by whatever name such beverage may be called.

"Manufacture", when the term is applied to malt or brewed beverages, shall mean and include all means, methods and processes used, employed and made use of, to produce, make and manufacture for commercial purposes, malt or brewed

Eating place

Hotel

Importing Distributor

Limited Winery

Liquor

Malt or brewed beverages

Manufacture

* See Section 461(c) of this Act for definition of "Hotel" when quota is exceeded in any municipality.

Liquor Code

beverages from raw materials; when applied otherwise, it shall mean and include all means, methods and processes used, employed and made use of, to produce and make alcohol or liquor from raw materials, and shall mean and include rectification and blending of alcohol and liquor, the production, recovery or reuse of alcohol in the making, developing, using in the process of manufacture, denaturing, redistilling or recovering of any alcohol or liquor in distilleries, denaturing plants and wineries.

Manufacturer	"Manufacturer" shall mean any person, association or corporation engaged in the producing, manufacturing, distilling, rectifying or compounding of liquor, alcohol or malt or brewed beverages in this Commonwealth or elsewhere.
Manufacturer of malt or brewed beverages	"Manufacturer of malt or brewed beverages" shall mean any person holding a license issued by the board to engage in the manufacture, transportation and sale of malt or brewed beverages; also, any person engaged in the legal manufacture of malt or brewed beverages within the territorial limits of the United States, outside the Commonwealth of Pennsylvania.
Municipality	"Municipality" shall mean any city, borough, incorporated town, or township of this Commonwealth.
Official Seal	"Official Seal" shall mean and include any insignia approved by the board that is required to be affixed to a package, as herein defined.
Original container	"Original container" shall mean all bottles, casks, kegs or other suitable containers that have been securely capped, sealed or corked by the manufacturer of malt or brewed beverages at the place of manufacture, with the name and address of the manufacturer of the malt or brewed beverages contained or to be contained therein permanently affixed to the bottle, cask, keg or other container, or in the case of a bottle or can, to the cap or cork used in sealing the same or to a label securely affixed to a bottle or can.
Package	"Package" shall mean any container or containers or receptacle or receptacles used for holding liquor or alcohol as marketed by the manufacturer.
Person	"Person" shall mean a natural person, association or corporation. Whenever used in a clause prescribing or imposing a fine or imprisonment or both, the term "person", as applied to "association", shall mean the partners or members thereof, and as applied to "corporation", shall mean the officers thereof, except, as to incorporated clubs, the term "person" shall mean such individual or individuals who, under the by-laws of such club, shall have jurisdiction over the possession and sale of liquor therein.
Population	"Population" (<i>As amended by Act 346 of July 10, 1957, P. L. 638</i>) shall mean the number of inhabitants as determined by the last preceding decennial census of the United States, or by any other census subsequently taken by the census bureau of the United States and so certified by it: Provided, however, That such other census shall not be a basis for the fixing of license fees as provided in article IV, sections 405 and 439.
Potable Distilled Spirits	"Potable distilled spirits" shall mean and include any distillate from grains, wine, fruits, vegetables or molasses, except ethyl alcohol, capable of being used for beverage purposes.

"Regulation" shall mean any regulation prescribed by the board for carrying out the provisions of this act. **Regulation**

"Restaurant" shall mean a reputable place operated by responsible persons of good reputation and habitually and principally used for the purpose of providing food for the public, the place to have an area within a building of not less than four hundred square feet, equipped with tables and chairs accommodating at least thirty persons at one time. **Restaurant**

"Retail dispenser" shall mean any person licensed to engage in the retail sale of malt or brewed beverages for consumption on the premises of such licensee, with the privilege of selling malt or brewed beverages in quantities not in excess of one hundred forty-four fluid ounces in a single sale to one person, to be carried from the premises by the purchaser thereof. **Retail Dispenser**

"Sale" or "Sell" shall include any transfer of liquor, alcohol or malt or brewed beverages for a consideration. **Sale, Sell**

"Whiskey" shall mean and include any alcoholic distillate from a fermented mash of grain, capable of being used for beverage purposes. **Whiskey**

"Winery" shall mean and include any premises and plants where any alcohol or liquor is produced by the process by which wine is produced, or premises and plants wherein liquid such as wine is produced; and shall include the manufacture by distillation of alcohol from the by-products of wine fermentation when the alcohol so derived is used solely to fortify the fermented products, under such regulations as are or may be promulgated by the proper agency of the United States Government, and such alcohol, for that purpose only, may be sold or exchanged between wineries holding permits in this Commonwealth, without restriction. **Winery**

Section 103. Saving Clause.—The provisions of this act, so far as they are the same as those of existing laws, are intended as a continuation of such laws and not as new enactments. The repeal by this act of any act of Assembly or part thereof shall not revive any act or part thereof heretofore repealed or superseded. The provisions of this act shall not affect any act done, liability incurred or right accrued or vested, or affect any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such repealed laws. All regulations and rules made and all licenses and permits issued pursuant to any act repealed by this act shall continue with the same force and effect as if such act had not been repealed. **Saving Clause**

Section 104. Interpretation of Act.—(a) This act shall be deemed an exercise of the police power of the Commonwealth for the protection of the public welfare, health, peace and morals of the people of the Commonwealth and to prohibit forever the open saloon, and all of the provisions of this act shall be liberally construed for the accomplishment of this purpose. **Police power**

(b) The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining pro-

Provisions severable

visions of this act. It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein.

Purpose is to prohibit transactions

(c) Except as otherwise expressly provided, the purpose of this act is to prohibit the manufacture of and transactions in liquor, alcohol and malt or brewed beverages which take place in this Commonwealth, except by and under the control of the board as herein specifically provided, and every section and provision of the act shall be construed accordingly. The provisions of this act dealing with the manufacture, importation, sale and disposition of liquor, alcohol and malt or brewed beverages within the Commonwealth through the instrumentality of the board and otherwise, provide the means by which such control shall be made effective. This act shall not be construed as forbidding, affecting or regulating any transaction which is not subject to the legislative authority of this Commonwealth.

Later statutes

(d) Any reference in this act to the provisions of law on any subject shall apply to statutes becoming effective after the effective date of this act as well as to those then in existence.

Section Headings

(e) Section headings shall not be taken to govern or limit the scope of the sections of this act. The singular shall include the plural and the masculine shall include the feminine and the neuter.

ARTICLE II.

PENNSYLVANIA LIQUOR CONTROL BOARD.

Pennsylvania Liquor Control Board created

Section 201. Appointment of Members; Terms; Salaries.—An independent administrative board to be known as the "Pennsylvania Liquor Control Board" is hereby created. The board shall consist of three members to be appointed by the Governor by and with the advice and consent of two-thirds of all the members of the Senate. Of the original members, one shall be appointed for a term of two years, one for a term of four years, and one for a term of six years from the date of his appointment and until his successor shall have been appointed and qualified. Thereafter, all appointments shall be for terms of six years or until successors are appointed and qualified. Each member of the board shall receive an annual salary as fixed by law.

**Appointment of members
Terms of office**

Section 202. Qualifications of Members.—Each member of the board at the time of his appointment and qualification shall be a citizen of the United States and a resident of the Commonwealth of Pennsylvania, shall have been a qualified elector in the Commonwealth for a period of at least one year next preceding his appointment, and shall be not less than thirty years of age.

Annual salary

Qualifications of members

No member of the board during his period of service as such shall hold any other office under the laws of this Commonwealth or of the United States.

Section 203. Chairman of Board.—The board shall elect one of its members as chairman. The chairman shall, when present, preside at all meetings, and in his absence a member designated by the chairman shall preside.

Chairman

Two members of the board shall constitute a quorum, and any action or order of the board shall require the approval of at least two members.

Quorum

Section 204. Secretary of Board.—The board may appoint a secretary to hold office at its pleasure. The secretary, if appointed, shall have such powers and shall perform such duties not contrary to law as the board shall prescribe, and shall receive such compensation as the board, with the approval of the Governor, shall determine. The secretary shall have power and authority to designate, from time to time, one of the clerks appointed by the board to perform the duties of the secretary during his absence and the clerk so appointed shall exercise, for the time so designated, the powers of the secretary of the board.

Secretary**Powers and Duties**

Section 205. Bonds Required of Members and Secretary.—Before entering upon the duties of their respective offices or positions, each member of the board and the secretary shall execute and file with the State Treasurer a bond in such penal sum as shall be fixed by the Executive Board of this Commonwealth upon recommendation of the Governor, but the amount of any such bond shall not be less than ten thousand dollars (\$10,000). Bonds in such penal sums as shall be fixed by the Executive Board likewise shall be executed and filed with the State Treasurer by such employes of the Pennsylvania Liquor Control Board as the head of such board shall, with the approval of the Executive Board, prescribe. Such bonds shall be payable to the Commonwealth of Pennsylvania and shall be conditioned for the faithful performance of the members', secretary's or employes' duties imposed by law or by lawful authority and that the person bonded will not knowingly violate the provisions of this act. All bonds required to be given under this section shall, before being accepted by the State Treasurer, be approved by the Department of Justice, and unless the Commonwealth shall establish its own indemnity fund, all such bonds shall be given with security approved by the Department of Justice. If the Commonwealth shall establish its own indemnity fund, the Executive Board may, nevertheless, require any bond given hereunder to be executed by a surety or sureties satisfactory to the Department of Justice. The cost of such bonds required to be executed by a surety or sureties shall be borne by the board as part of its operating expense.

Bonds of members, secretary, and employes

Section 206. Board Subject to Administrative Code.—Except as otherwise expressly provided by law, the board shall be subject to all the provisions of The Administrative Code of one thousand nine hundred twenty-nine, as amended, which apply generally to independent administrative boards and commissions.

Board to be subject to provisions of Administrative Code

**General powers
of Board**

Section 207. General Powers of Board.—Under this act, the board shall have the power and its duty shall be:

(a) To buy, import or have in its possession for sale, and sell liquor and alcohol in the manner set forth in this act: Provided, however, That all purchases shall be made subject to the approval of the Auditor General or his designated deputy.

Purchases**Control**

(b) (*As amended by Act 502 of January 14, 1952, P. L. 1863*) To control the manufacture, possession, sale, consumption, importation, use, storage, transportation and delivery of liquor, alcohol and malt or brewed beverages in accordance with the provisions of this act, and to fix the wholesale and retail prices at which liquors and alcohol shall be sold at Pennsylvania Liquor Stores: Provided, That in fixing sale prices, the board shall not give any preference or make any discrimination as to classes, brands or otherwise, except where special sales are deemed necessary to move unsaleable merchandise, or except where the addition of a service or handling charge to the fixed sales price of any merchandise in the same comparable price bracket, regardless of class, brand or otherwise, is, in the opinion of the board, required for the efficient operation of the State store system. The board shall require each Pennsylvania manufacturer and each nonresident manufacturer of liquors, other than wine, selling such liquors to the board, which are not manufactured in this Commonwealth, to make application for and be granted a permit by the board before such liquors not manufactured in this Commonwealth shall be purchased from such manufacturer. Each such manufacturer shall pay for such permit a fee which, in the case of a manufacturer of this Commonwealth, shall be equal to that required to be paid, if any, by a manufacturer or wholesaler of the state, territory or country of origin of the liquors, for selling liquors manufactured in Pennsylvania, and in the case of a nonresident manufacturer, shall be equal to that required to be paid, if any, in such state, territory or country by Pennsylvania manufacturers doing business in such state, territory or country. In the event that any such manufacturer shall, in the opinion of the board, sell or attempt to sell liquors to the board through another person for the purpose of evading this provision relating to permits, the board shall require such person, before purchasing liquors from him or it, to take out a permit and pay the same fee as hereinbefore required to be paid by such manufacturer. All permit fees so collected shall be paid into the State Stores Fund. The board shall not purchase any alcohol or liquor fermented, distilled, rectified, compounded or bottled in any state, territory or country, the laws of which result in prohibiting the importation therein of alcohol or liquor, fermented, distilled, rectified, compounded or bottled in Pennsylvania.

Sales Permit**Reciprocal fee****State Store
location****Licenses**

(c) To determine the municipalities within which Pennsylvania Liquor Stores shall be established and the locations of the stores within such municipalities.

(d) (*As amended by Act 518 of January 13, 1966, P. L. 1301*) To grant, issue, suspend and revoke all licenses and permits authorized to be issued under this act and the regulations of the board and impose fines on licensees licensed under this act.

- (e) Through the Department of Property and Supplies as agent, to lease and furnish and equip such buildings, rooms and other accommodations as shall be required for the operation of this act. Lease buildings
- (f) To appoint, fix the compensation and define the powers and duties of such managers, officers, inspectors, examiners, clerks and other employes as shall be required for the operation of this act, subject to the provisions of The Administrative Code of 1929 and the Civil Service Act. Employes
- (g) To determine the nature, form and capacity of all packages and original containers to be used for containing liquor, alcohol or malt or brewed beverages. Packages and containers
- (h) Without in any way limiting or being limited by the foregoing, to do all such things and perform all such acts as are deemed necessary or advisable for the purpose of carrying into effect the provisions of this act and the regulations made thereunder. Broad power
- (i) From time to time, to make such regulations not inconsistent with this act as it may deem necessary for the efficient administration of this act. The board shall cause such regulations to be published and disseminated throughout the Commonwealth in such manner as it shall deem necessary and advisable or as may be provided by law. Such regulations adopted by the board shall have the same force as if they formed a part of this act. Regulations
- (j) (*As added by Act 583 of May 25, 1956, P. L. 1743*) To investigate, whenever any person complains, or when the board is aware that there is reasonable grounds to believe liquor or malt or brewed beverage is being sold on premises not licensed under the provisions of this act. If the investigation produces evidence of the unlawful sale of liquor or malt or brewed beverage or of any other violation of the provisions of this act, the board shall cause the prosecution of the person or persons believed to have been criminally liable for the unlawful acts. Any equipment or appurtenances actually used in the commission of the unlawful acts may be confiscated upon direction of the board. The confiscation by or under the direction of the board shall not, in any manner, divest or impair the rights or interest of any bona fide lien holder in the equipment or appurtenances, who had no knowledge that the same was being used in violation of this act. Investigation of unlicensed places
- Section 208. Specific Subjects on Which Board May Adopt Regulations.**—Subject to the provisions of this act and without limiting the general power conferred by the preceding section, the board may make regulations regarding:
- (a) The equipment and management of Pennsylvania Liquor Stores and warehouses in which liquor and alcohol are kept or sold, and the books and records to be kept therein. Regulation Subjects
- (b) The duties and conduct of the officers and employes of the board. Store Operation
- (c) The purchase, as provided in this act, of liquor and alcohol, and its supply to Pennsylvania Liquor Stores. Purchase and supply

Brands	(d) The classes, varieties and brands of liquor and alcohol to be kept and sold in Pennsylvania Liquor Stores.
Price lists	(e) The issuing and distribution of price lists for the various classes, varieties or brands of liquor and alcohol kept for sale by the board under this act.
Sealing and labeling	(f) (<i>As amended by Act 349 of February 17, 1956, P. L. 1078</i>) The sealing and labeling of liquor and alcohol sold under this act and of liquor and alcohol lawfully acquired by any person prior to January first, one thousand nine hundred thirty-four. This section shall not be construed to authorize the board to require that packages containing wine have affixed thereto the official seal of the board.
Forms	(g) Forms to be used for the purposes of this act.
Licensed places	(h) The issuance of licenses and permits and the conduct, management, sanitation and equipment of places licensed or included in permits.
Receipts	(i) The place and manner of depositing the receipts of Pennsylvania Liquor Stores and the transmission of balances to the Treasury Department through the Department of Revenue.
Solicitation of orders	(j) The solicitation by resident or nonresident vendors of liquor from Pennsylvania licensees and other persons of orders for liquor to be sold through the Pennsylvania Liquor Stores and, in the case of nonresident vendors, the collection therefrom of license fees for such privilege at the same rate as provided herein for importers' licenses.
Police power Arrest on view	Section 209. (<i>As amended by Act 243 of July 31, 1968 P.L. </i>) Officers and Investigators of the Board to be Peace Officers; Powers. Such employes of the Board as are designated "enforcement officers" or "investigators" are hereby declared to be peace officers and are hereby given police power and authority throughout the Commonwealth to arrest on view, except in private homes, without warrant, any person actually engaged in the unlawful sale, importation, manufacture or transportation, or having unlawful possession of liquor, alcohol or malt or brewed beverages, contrary to the provisions of this act or any other law of this Commonwealth. Such officers and investigators shall have power and authority, upon reasonable and probable cause, to search for and to seize without warrant or process, except in private homes, any liquor, alcohol and malt or brewed beverages unlawfully possessed, manufactured, sold, imported or transported, and any stills, equipment, materials, utensils, vehicles, boats, vessels, animals, aircraft, or any of them, which are or have been used in the unlawful manufacture, sale importation or transportation of the same. Such liquor, alcohol, malt or brewed beverages, stills, equipment, materials, utensils, vehicles, boats, vessels, animals or

aircraft so seized shall be disposed of as hereinafter provided.

Enforcement Officers or Investigators may be retired upon reaching age sixty-five.

Section 210. Restrictions on Members of the Board and Employes of Commonwealth.—(a) A member or employe of the board shall not be directly or indirectly interested or engaged in any other business or undertaking dealing in liquor, alcohol, or malt or brewed beverages, whether as owner, part owner, partner, member of syndicate, shareholder, agent or employe, and whether for his own benefit or in a fiduciary capacity for some other person.

**Restrictions
on members
and employes**

**Liquor
business**

**Receiving
gifts, etc.**

(b) No member or employe of the Board nor any employe of the Commonwealth shall solicit or receive, directly or indirectly, any commission, remuneration or gift whatsoever, from any person having sold, selling or offering liquor or alcohol for sale to the Board for use in Pennsylvania Liquor Stores.

ARTICLE III. PENNSYLVANIA LIQUOR STORES.

Section 301. (As amended by Act 161 of August 10, 1965, P. L. 306) Board to Establish State Liquor Stores.

**State Stores
Location**

—The board shall establish, operate and maintain at such places throughout the Commonwealth as it shall deem essential and advisable, stores to be known as "Pennsylvania Liquor Stores," for the sale of liquor and alcohol in accordance with the provisions of and the regulations made under this act. When the board shall have determined upon the location of a liquor store in any municipality, it shall give notice of such location by public advertisement in two newspapers of general circulation. In cities of the first class, the location shall also be posted for a period of at least fifteen days following its determination by the board as required in section 403 (g) of this act. The notice shall be posted in a conspicuous place on the outside of the premises in which the proposed store is to operate or, in the event that a new structure is to be built in a similarly visible location. If, within five days after the appearance of such advertisement, or of the last day upon which the notice was posted, fifteen or more taxpayers residing within a quarter of a mile of such location or the City Solicitor of the city of the first class, shall file a protest with the court of quarter sessions of the county averring that the location is objectionable because of its proximity to a church, a school, or to private residences, the court shall forthwith hold a hearing affording an opportunity to the protestants and to the board to present evidence. The court shall render its decision immediately upon the conclusion of the testimony and from the decision there shall be no appeal. If the court shall determine that the proposed location is undesirable for the reasons set forth in the protest, the board shall abandon it and find another location. The board may establish, operate and maintain such establishments for storing and testing liquors as it shall deem expedient to carry out its powers and duties under this act.

Protest

Lease of premises

The board may lease the necessary premises for such stores or establishments, but all such leases shall be made through the Department of Property and Supplies as agent of the board. The board, through the Department of Property and Supplies, shall have authority to purchase such equipment and appointments as may be required in the operation of such stores or establishments.

Purchase of equipment**Selection of personnel**

Section 302. Selection of Personnel.—Officers and employees of the board, except as herein otherwise provided, shall be appointed and employed subject to the provisions of the Civil Service Act.

Store management

Section 303. Management of Pennsylvania Liquor Stores.—Every Pennsylvania Liquor Store shall be conducted by a person appointed in the manner provided in the Civil Service Act who shall be known as the "manager" and who shall, under the directions of the board, be responsible for carrying out the provisions of this act and the regulations adopted by the board under this act as far as they relate to the conduct of such stores.

Section 304. When Sales May Be Made at Pennsylvania Liquor Stores.—Every Pennsylvania Liquor Store shall be open for business week days, except legal holidays or any day on which a general, municipal, special or primary election is being held, during such hours as the board, in its discretion, shall determine, but shall not be open longer than fourteen hours in any one day nor later than eleven o'clock post-meridian. The board may, with the approval of the Governor, temporarily close any store in any municipality.

Sales by Pennsylvania Liquor stores**Special order**

Section 305. Sales by Pennsylvania Liquor Stores.—(a) Every Pennsylvania Liquor Store shall keep in stock for sale such classes, varieties and brands of liquor and alcohol as the board shall prescribe. If any person shall desire to purchase any class, variety or brand of liquor or alcohol which any such store does not have in stock, it shall be the duty of such store immediately to order the same upon the payment of a reasonable deposit by the purchaser in such proportion of the approximate cost of the order as shall be prescribed by the regulations of the board. The customer shall be notified immediately upon the arrival of the goods.

Unless the customer pays for and accepts delivery of any such special order within five days after notice of arrival, the store may place it in stock for general sale and the customer's deposit shall be forfeited.

Wholesale

(b) Every Pennsylvania Liquor Store shall sell liquors at wholesale to hotels, restaurants, clubs, and railroad, pullman and steamship companies licensed under this act; and, under the regulations of the board, to pharmacists duly licensed and registered under the laws of the Commonwealth, and to manufacturing pharmacists, and to reputable hospitals approved by the board, or chemists. The board may sell to registered pharmacists only such liquors as conform to the Pharmacopoeia of the United States, the National Formulary, or the American Homeopathic Pharmacopoeia. All other sales by such stores shall be at retail. No liquor shall be sold except for cash, except that the board may, by regulation,

authorize the acceptance of checks for liquor sold at wholesale. The board shall have power to designate certain stores for wholesale or retail sales exclusively.

(c) Whenever any checks issued in payment of liquor or alcohol purchased from State Liquor Stores by persons holding wholesale purchase permit cards issued by the board shall be returned to the board as dishonored, the board shall charge a fee of five dollars per hundred dollars or fractional part thereof, plus all protest fees, to the maker of such check submitted to the board. Failure to pay the face amount of the check in full and all charges thereon as herein required within ten days after demand has been made by the board upon the maker of the check shall be cause for revocation or suspension of any license issued by the board to the person who issued such check and the cancellation of the wholesale purchase permit card held by such person.

(d) (*As amended by Act 349 of February 17, 1956, P. L. 1078*) No liquor or alcohol, except wine, shall be sold to any purchaser except in a package bearing the official seal of the board required by this act and no package shall be opened on the premises of a Pennsylvania Liquor Store. No manager or other employe of the board employed in a Pennsylvania Liquor Store shall allow any liquor or alcohol to be consumed on the store premises, nor shall any person consume any liquor or alcohol on such premises.

(e) The board may sell tax exempt alcohol to the Commonwealth of Pennsylvania and to persons to whom the board shall, by regulation to be promulgated by it, issue special permits for the purchase of such tax exempt alcohol.

Such permits may be issued to the United States or any governmental agency thereof, to any university or college of learning, any laboratory for use exclusively in scientific research, any hospital, sanitarium, eleemosynary institution or dispensary; to physicians, dentists, veterinarians and pharmacists duly licensed and registered under the laws of the Commonwealth of Pennsylvania; to manufacturing chemists and pharmacists or other persons for use in the manufacture or compounding of preparations unfit for beverage purposes.

(f) (*As amended by Act 316 of October 21, 1965, P. L. 642*) Every purchaser of liquor or alcohol from a Pennsylvania Liquor Store shall receive a numbered receipt which shall show the price paid therefor, and such other information as the board may prescribe. Copies of all receipts issued by a Pennsylvania Liquor Store shall be retained by and shall form part of the records of such store.

(g) The board is hereby authorized and empowered to adopt and enforce appropriate rules and regulations to insure the equitable wholesale and retail sale and distribution, through the Pennsylvania Liquor Stores, of available liquor and alcohol at any time when the demand therefor is greater than the supply.

Section 306. Audits by Auditor General.—It shall be the duty of the Department of the Auditor General to make all audits which may be necessary in connection with the

Dishonored
checks

Failure to pay

Official seal

Consumption
in store

Tax exempt
alcohol

Permits

Receipts

Rationing

Audits by
Auditor
General

administration of the financial affairs of the board and the Pennsylvania Liquor Stores operated and maintained by the board.

At least one audit shall be made each year of the affairs of the board, and all collections made by the Pennsylvania Liquor Stores shall be audited quarterly.

Special audits of the affairs of the board and the Pennsylvania Liquor Stores maintained and operated by the board may be made whenever they may, in the judgment of the Auditor General, appear necessary, and shall be made whenever the Governor shall call upon the Auditor General to make them.

Copies of all audits made by the Department of the Auditor General shall be promptly submitted to the board and to the Governor.

Unless the Department of the Auditor General shall neglect or refuse to make annual, quarterly or special audits, as hereinabove required, it shall be unlawful for the board to expend any money appropriated to it by the General Assembly for any audit of its affairs, except for the payment of the compensation and expenses of such auditors as are regularly employed as part of the administrative staff of the board.

ARTICLE IV.

LICENSES AND REGULATIONS; LIQUOR, ALCOHOL AND MALT AND BREWED BEVERAGES.

(A) Liquor and Alcohol (Not Including Manufacturers)

Authority to Issue Hotel, Restaurant and Club Liquor Licenses

144 ounces for off premises consumption

Public office involving penal law enforcement

Section 401. Authority to Issue Liquor Licenses to Hotels, Restaurants and Clubs.—(a) Subject to the provisions of this act and regulations promulgated under this act, the board shall have authority to issue a retail liquor license for any premises kept or operated by a hotel, restaurant or club and specified in the license entitling the hotel restaurant or club to purchase liquor from a Pennsylvania Liquor Store and to keep on the premises such liquor and subject to the provisions of this act and the regulations made thereunder, to sell the same and also malt or brewed beverages to guests, patrons or members for consumption on the hotel restaurant or club premises. Such licensees, other than clubs shall be permitted to sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than one hundred forty-four fluid ounces in a single sale to one person. Such licenses shall be known as hotel liquor licenses, restaurant liquor licenses and club liquor licenses, respectively. No person who holds, either by appointment or election, any public office which involves the duty to enforce any of the penal laws of the United States of America or the penal laws of the Commonwealth of Pennsylvania or any penal ordinance or resolution of any political subdivision of this Commonwealth shall be issued any hotel or restaurant liquor license, nor shall such a person have any interest directly or indirectly, in any such license.

(b) The board may issue to any club which caters to groups of non-members, either privately or for functions, a catering license, and the board shall, by its rules and regulations, define what constitutes catering under this subsection.

Section 402. License Districts; License Year; Hearings.—The board shall, by regulation, divide the State into convenient license districts and shall hold hearings on applications for licenses and renewals thereof, as it deems necessary, at a convenient place or places in each of said districts, at such times as it shall fix, by regulation, for the purpose of hearing testimony for and against applications for new licenses and renewals thereof. The board may provide for the holding of such hearings by examiners learned in the law, to be appointed by the Governor, who shall not be subject to the "Civil Service Act." Such examiners shall make report to the board in each case with their recommendations. The board shall, by regulation, fix the license year for each separate district so that the expiration dates shall be uniform in each of the several districts but staggered as to the State.

Section 403. Applications for Hotel, Restaurant and Club Liquor Licenses.—(a) (*As amended by Act 553 of November 19, 1959, P. L. 1546 and Act 702 of September 28, 1961, P. L. 1728*) Every applicant for a hotel liquor license, restaurant liquor license or club liquor license or for the transfer of an existing license to another premises not then licensed shall file a written application with the board in such form and containing such information as the board shall from time to time prescribe, which shall be accompanied by a filing fee of twenty dollars (\$20), the prescribed license fee, and the bond hereinafter specified. Every such application shall contain a description of that part of the hotel, restaurant or club for which the applicant desires a license and shall set forth such other material information, description or plan of that part of the hotel, restaurant or club where it is proposed to keep and sell liquor as may be required by the regulations of the board. The descriptions, information and plans referred to in this subsection shall show the hotel, restaurant, club, or the proposed location for the construction of a hotel, restaurant or club, at the time the application is made, and shall show any alterations proposed to be made thereto, or the new building proposed to be constructed after the approval by the board of the application for a license or for the transfer of an existing license to another premises not then licensed. No physical alterations, improvements or changes shall be required to be made to any hotel, restaurant or club, nor shall any new building for any such purpose, be required to be constructed until approval of the application for license or for the transfer of an existing license to another premises not then licensed by the board. After approval of the application, the licensee shall make the physical alterations, improvements and changes to the licensed premises, or shall construct the new building in the manner specified by the board at the time of approval, and the licensee shall not transact any business under the license until the board has approved the completed physical alterations, improvements and changes

Catering Club License

License Year; Renewal

Hearing Examiners

Expiration Dates

Application for License

**Filing fee
\$20.00**

Proposed building or alterations

Prior Approval

Liquor Code**Transfer prohibited**

to the licensed premises, or the completed construction of the new building as conforming to the specifications required by the board at the time of issuance or transfer of the license, and is satisfied that the establishment is a restaurant, hotel or club as defined by this act. The board may require that all such alterations or construction or conformity to definition be completed within six months from the time of issuance or transfer of the license. Failure to comply with these requirements shall be considered cause for revocation of the license. No such license shall be transferable between the time of issuance or transfer of the license and the approval of the completed alterations or construction by the board and full compliance by the licensee with the requirements of this act, except in the case of death of the licensee prior to full compliance with all of the aforementioned requirements, in which event, the license may be transferred by the board as provided in section 468 of this act for the transfer of the license in the case of death of the licensee.

**Citizenship
2 year residence**

(b) If the applicant is a natural person, his application must show that he is a citizen of the United States and has been a resident of this Commonwealth for at least two years immediately preceding his application.

Corporation

(c) If the applicant is a corporation, the application must show that the corporation was created under the laws of Pennsylvania or holds a certificate of authority to transact business in Pennsylvania, that all officers, directors and stockholders are citizens of the United States, and that the manager of the hotel, restaurant or club is a citizen of the United States.

Application affidavit

(d) Each application shall be signed and verified by oath or affirmation by the owner, if a natural person, or, in the case of an association, by a member or partner thereof, or, in the case of a corporation, by an executive officer thereof or any person specifically authorized by the corporation to sign the application, to which shall be attached written evidence of his authority.

Club membership list

(e) If the applicant is an association, the application shall set forth the names and addresses of the persons constituting the association, and if a corporation, the names and addresses of the principal officers thereof. Every club applicant shall file with and as a part of its application a list of the names and addresses of its members, directors, officers, agents and employes, together with the dates of their admission, election or employment, and such other information with respect to its affairs as the board shall require.

Operation for benefit of entire membership

(f) The board shall refuse to issue licenses to clubs when it appears that the operation of the licensed business would inure to the benefit of individual members, officers, agents or employes of the club, rather than to the benefit of the entire membership of the club.

Notice of application

(g) (*As amended by Act 553 of November 19, 1959, P. L. 1546*) Every applicant for a new license or for the transfer of an existing license to another premises not then licensed shall post, for a period of at least fifteen days beginning with the day the application is filed with the board, in a conspicuous

place on the outside of the premises or at the proposed new location for which the license is applied, a notice of such application, in such form, of such size, and containing such provisions as the board may require by its regulations. Proof of the posting of such notice shall be filed with the board.

(h) If any false statement is intentionally made in any part of the application, the affiant shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to the penalties provided by this article.

**False state-
ment a mis-
demeanor**

Section 404. (As amended by Act 260 of August 25, 1959, P.L. 746; Act 555 of November 19, 1959, P.L. 1550; Act 269 of July 10, 1961, P.L. 554; Act 663 of September 21, 1961, P.L. 1579 and Act 178 of October 9, 1967, P.L.)* Issuance of Hotel, Restaurant and Club Liquor Licenses.

Upon receipt of the application, the proper fees and bond, and upon being satisfied of the truth of the statements in the application that the applicant is the only person in any manner pecuniarily interested in the business so asked to be licensed and that no other person will be in any manner pecuniarily interested therein during the continuance of the license, except as hereinafter permitted, and that the applicant is a person of good repute, that the premises applied for meet all the requirements of this act and the regulations of the Board, that the applicant seeks a license for a hotel, restaurant or club, as defined in this act, and that the issuance of such license is not prohibited by any of the provisions of this act, the Board shall, in the case of a hotel or restaurant, grant and issue to the applicant a liquor license, and in the case of a club may, in its discretion, issue or refuse a license: Provided, however, That in the case of any new license or the transfer of any license to a new location the Board may, in its discretion, grant or refuse such new license or transfer if such place proposed to be licensed is within three hundred feet of any church, hospital, charitable institution, school or public playground, or if such new license or transfer is applied for a place which is within two hundred feet of any other premises which is licensed by the Board, or if such new license or transfer is applied for a place where the principal business is the sale of liquid fuels and oil: And provided further, That the Board shall refuse any application for a new license or the transfer of any license to a new location if, in the Board's opinion, such new license or transfer would be detrimental to the welfare, health, peace and morals of the inhabitants of the neighborhood within a radius of five hundred feet of the place proposed to be licensed: And provided further, That the Board shall not

**Issuance of
Licenses**

**Pecuniary
interest**

Repute

**Discretionary
for clubs**

**300' of
church, etc.**

**200' of
other license**

**Detriment of
neighborhood**

* Section 2 of Act 426 of December 16, 1965, P. L. 1106, provides "Trade show and convention licenses shall not be subject to the provisions of Section 404 except in so far as they relate to the reputation of the applicant. . . ."

Issue twice a year	issue new licenses in any license district more than twice each license year, effective from specific dates fixed by the Board, and new licenses shall not be granted, except for hotels as defined in this act, unless the application therefor shall have been filed at least thirty days before the effective date of the license: And provided further, That nothing herein contained shall prohibit the Board from issuing a new license for the balance of any unexpired term in any license district to any applicant in such district, who shall have become eligible to hold such license as the result of legislative enactment, when such enactment shall have taken place during the license term of that district for which application is made or within the thirty days immediately preceding such term, nor shall anything herein contained prohibit the Board from issuing at any time a new license for an airport restaurant, as defined in section 461 of this act, for the balance of the unexpired license term in any license district: And provided further, That the Board shall have the discretion to refuse a license to any person or to any corporation, partnership or association if such person, or any officer or director of such corporation, or any member or partner of such partnership or association shall have been convicted or found guilty of a felony within a period of five years immediately preceding the date of application for the said license.
New laws	
Airport Restaurant	
Discretion as to Felony	
Hotel & Restaurant License Fees Graduated according to population	Section 405. License Fees. —(a) License fees for hotel and restaurant liquor licenses shall be graduated according to the population of the municipality as determined by the last preceding decennial census of the United States in which the hotel or restaurant is located, as follows:
0-1,499, \$150	In municipalities having a population of less than fifteen hundred inhabitants, one hundred fifty dollars (\$150.00).
All except townships 1500-9,999, \$200 Townships 1,500-11,999, \$200	In municipalities, except townships, having a population of fifteen hundred and more but less than ten thousand inhabitants, and in townships having a population of fifteen hundred and more but less than twelve thousand inhabitants, two hundred dollars (\$200.00).
All except townships 10,000-49,999, \$300	In municipalities, except townships, having a population of ten thousand and more but less than fifty thousand inhabitants, and in townships having a population of twelve thousand and more but less than fifty thousand inhabitants, three hundred dollars (\$300.00).
Townships 12,000-49,999, \$300 50,000-99,999, \$400	In those having a population of fifty thousand and more but less than one hundred thousand inhabitants, four hundred dollars (\$400.00).
100,000-149,999, \$500	In those having a population of one hundred thousand and more but less than one hundred fifty thousand inhabitants, five hundred dollars (\$500.00).
150,000-up, \$600	In those having a population of one hundred fifty thousand and more inhabitants, six hundred dollars (\$600.00)

(b) Every applicant for a club liquor license shall pay to the board a license fee of fifty dollars (\$50.00), except clubs to which catering licenses are issued, in which cases the license fees shall be the same as for hotels and restaurants located in the same municipality.

(c) All license fees authorized under this section shall be collected by the board for the use of the municipalities in which such fees were collected.

(d) (*As added by Act 348 of July 18, 1961, P. L. 790*) Whenever any checks issued in payment of filing and/or license fees shall be returned to the board as dishonored, the board shall charge a fee of five dollars (\$5.00) per hundred dollars, or fractional part thereof, plus all protest fees, to the maker of such check submitted to the board. Failure to pay the face amount of the check in full and all charges thereon as herein required within ten days after demand has been made by the board upon the maker of the check, the license of such person if issued, shall immediately terminate and be cancelled without any action on the part of the board.

Section 406. (*As amended by Act 99 of May 27, 1957, P.L. 201; Act 781 of January 7, 1960, P.L. 2106; Act 639 of September 19, 1961, P.L. 1507; Act 642 of September 20, 1961, P.L. 1513; Act 183 of October 9, 1967, P.L. _____ and Act 302 of November 30, 1967, P.L. _____*)

Sales by Liquor Licensees; Restrictions. (a) Every hotel, restaurant or club liquor licensee may sell liquor and malt or brewed beverages by the glass, open bottle or other container, and in any mixture, for consumption only in that part of the hotel or restaurant habitually used for the serving of food to guests or patrons, and in the case of hotels, to guests, and in the case of clubs, to members, in their private rooms in the hotel or club. No club licensee nor its officers, servants, agents or employes, other than one holding a catering license, shall sell any liquor or malt or brewed beverages to any person except a member of the club. No club holding a catering license nor its officers, servants, agents or employes shall sell on Sunday to nonmembers any liquor or malt or brewed beverages. In the case of a restaurant located in a hotel which is not operated by the owner of the hotel and which is licensed to sell liquor under this act, liquor and malt or brewed beverages may be sold for consumption in that part of the restaurant habitually used for the serving of meals to patrons and also to guests in private guest rooms in the hotel. For the purpose of this paragraph, any person who is an active member of another club which is chartered by the same state or national organization shall have the same rights and privileges as members of the particular club.

Club license
fee \$50
Catering club
license fee
same as
Hotel or
Restaurant

License fees
for municipal
use

Dishonored
checks

Sales of liquor

In private
rooms

To nonmem-
bers

On Sunday to
nonmembers
by catering
clubs

Liquor Code

**Hours of sale—
1st & 2nd class
cities**

Hotel liquor licensees and restaurant liquor licensees located in hotels in cities of the first and second class may sell liquor and malt or brewed beverages only after seven o'clock antemeridian of any day until two o'clock antemeridian of the following day, except Sunday, and may sell liquor and malt or brewed beverages on Sunday* between the hours of twelve o'clock midnight and two o'clock antemeridian and one o'clock postmeridian and ten o'clock postmeridian. Such Sunday sales shall be made subject to the restrictions imposed by the act on sales by hotels and restaurants in hotels for sales on week days as well as this section.

**Referendum
necessary**

**Hours of sale—
other municipali-
ties**

Hotel and restaurant liquor licensees, other than those located in hotels in cities of the first and second class, their servants, agents or employes may sell liquor and malt or brewed beverages only after seven o'clock antemeridian of any day and until two o'clock antemeridian of the following day, and shall not sell after two o'clock antemeridian on Sunday. No hotel, restaurant and public service liquor licensee shall sell liquor and malt or brewed beverages after two o'clock antemeridian on any day on which a general, municipal, special or primary election is being held until one hour after the time fixed by law for closing the polls. No club licensee or its servants, agents or employes may sell liquor or malt or brewed beverages between the hours of three o'clock antemeridian and seven o'clock antemeridian on any day. No public service liquor licensee or its servants, agents or employes may sell liquor or malt or brewed beverages between the hours of two o'clock antemeridian and seven o'clock antemeridian on any day.

**Election day
sales**

**Public Service
Hours**

**Daylight
Saving Time**

Posting notice

**Petition for
referendum**

(This paragraph is, in effect, repealed by Act 195 of August 26, 1965, P. L. 378) Any hotel, restaurant, club or public service liquor licensee may, by given notice to the board, advance by one hour the hours herein prescribed as those during which liquor and malt or brewed beverages may be sold during such part of the year when daylight saving time is being observed generally in the municipality in which the place of business of such licensee is located. Any licensee who elects to operate his place of business in accordance with daylight saving time shall post a conspicuous notice in his place of business that he is operating in accordance with daylight saving time.

Notwithstanding any provisions to the contrary, whenever the thirty-first day of December falls on a Sunday, every hotel or restaurant liquor licensee, their servants, agents or employes may sell liquor and malt or brewed beverages on any such day after one o'clock postmeridian and until two o'clock antemeridian of the following day.

(b) (As amended by Act 18 of February 21, 1961, P. L. 45) When at least twenty-five thousand registered electors in any city of the first or second class shall file a petition with

* Section 2 of amending Act 781 provides: This act shall take effect immediately but the sale of liquor and malt or brewed beverages on Sunday in hotels in cities of the first and second class shall not be permitted in any city until after a majority of electors voting in such city of the first or second class vote in favor of such sale under the referendum provisions of Section 406.

the county board of elections of the county for a referendum on the question of determining the will of the electors with respect to the authorization of the sale of liquor and malt or brewed beverages during certain hours on Sunday in hotels, the county board of elections shall cause a question to be placed on the ballots or on the voting machine board and submitted at the primary immediately preceding the municipal election. Said proceedings shall be in the manner and subject to the provisions of the election laws which relate to the signing, filing and adjudication of nomination petitions in so far as such provisions are applicable. Such question shall be in the following form:

Do you favor the authorization of the sale of liquor and malt or brewed beverages on Sunday in hotels between the hours of one o'clock postmeridian and ten o'clock postmeridian?	Yes	
	No	

The said question shall be printed on separate official ballots in bound form by the county commissioners of each county in which cities of the first and second class are established. A sufficient number of ballots shall be furnished to the election officers in each election district of such counties so that one ballot may be supplied to each voter at such election. In districts where voting machines are used, such question shall appear on the face of the machine, where the machine is properly equipped for such purposes.

(c) The votes cast on such question shall be counted by the election officers and returns thereof made by them, and by election officers where voting machines are used, to the prothonotary of the county who shall lay the same before the return board for computation at the same time and in the same manner as other returns. The return board shall compute the said returns by municipalities and certify the results of the vote cast on the question to the Pennsylvania Liquor Control Board.

(d) *(As amended by Act 18 of February 21, 1961, P. L. 45)* In any city of the first or second class, the will of the electors with respect to the authorization of the sale of liquor and malt or brewed beverages during certain hours on Sunday in hotels may, after the year 1960, but not oftener than once in four years, be ascertained and the question as provided in this act shall be submitted to the electors of any city of the first or second class, when at least twenty-five thousand registered electors in the city of the first or second class, shall file a petition with the county board of elections of the county for a referendum on said question. Such petition shall be filed with the corporate authorities at least sixty days before the day of any election at which the question is to be submitted, and, if the petition is sufficiently signed, shall thereupon be certified to the county commissioners, who shall cause such question to be submitted in the same manner as is provided in this act for the election in the year 1961. If a majority of the electors voting in any city of the first or second class vote "yes", authorization of the

Once in 4 years

Majority vote

sale of liquor and malt or brewed beverages during certain hours on Sunday in hotels shall be granted by the Pennsylvania Liquor Control Board, but if a majority of the electors voting on such question vote "no", then the authorization shall be withdrawn.

(e) It is the intent of this act to provide a method whereby the will of the electors of each city with respect to the authorization of the sale of liquor and malt or brewed beverages during certain hours on Sunday in hotels may be ascertained, and it shall be the duty of the Pennsylvania Liquor Control Board to grant such authorization in accordance with the will of the electors, as ascertained at said election. In case of failure of the board to do so, the duty herein imposed upon the board may be enforced by mandamus.

Board duty**55% food sales****Rooms for Sunday sales****Regulations****Sale of Malt or Brewed Beverages****For off premises consumption****Public Service Licenses****Master licenses**

(f) The provisions of this section shall be applicable only to those hotels whose sales of food and nonalcoholic beverages are equal to fifty-five per centum or more of the combined gross sales of both food and alcoholic beverages.

(g) The provisions of this section shall be applicable only to those rooms in hotels customarily used for the serving of food.

(h) The board is specifically given power, without limiting the power conferred by other sections, to make such rules and regulations as it deems necessary to insure compliance with and the enforcement of the provisions of this section.

Section 407. Sale of Malt or Brewed Beverages by Liquor Licensees.—Every liquor license issued to a hotel, restaurant, club, or a railroad, pullman or steamship company under this subdivision (A) for the sale of liquor shall authorize the licensee to sell malt or brewed beverages at the same places but subject to the same restrictions and penalties as apply to sales of liquor, except that licensees other than clubs may sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than one hundred forty-four fluid ounces in a single sale to one person. No licensee under this subdivision (A) shall at the same time be the holder of any other class of license, except a retail dispenser's license authorizing the sale of malt or brewed beverages only.

Section 408. Public Service Liquor Licenses.—(a) Subject to the provisions of this act and regulations promulgated under this act, the board, upon application, shall issue retail liquor licenses to railroad or pullman companies permitting liquor and malt or brewed beverages to be sold in dining, club or buffet cars to passengers for consumption while enroute on such railroad, and may issue retail liquor licenses to steamship companies permitting liquor or malt or brewed beverages to be sold in the dining compartments of steamships or vessels wherever operated in the Commonwealth, except when standing or moored in stations, terminals or docks within a municipality wherein sales of liquor for consumption on the premises are prohibited. Such licenses shall be known as public service liquor licenses. The board

may issue a master license to railroad or pullman companies to cover the maximum number of cars which the company shall estimate that it will operate within the Commonwealth on any one day. Such licensees shall file monthly reports with the board showing the maximum number of cars operated in any one day during the preceding month, and if it appears that more cars have been operated than covered by its license it shall forthwith remit to the board the sum of twenty dollars for each extra car so operated.

**Monthly
reports**

(b) For the purpose of considering an application by a steamship company for a public service liquor license, the board may cause an inspection of the steamship or vessel for which a license is desired. The board may, in its discretion, grant or refuse the license applied for and there shall be no appeal from its decision, except that an action of mandamus may be brought against the board in the manner provided by law.

Inspection

(c) Every applicant for a public service liquor license shall, before receiving such license, file with the board a surety bond as hereinafter prescribed, pay to the board for each of the maximum number of dining, club or buffet cars which the applicant estimates it will have in operation on any one day an annual fee of twenty dollars (\$20.00), and for each steamship or vessel for which a license is desired an annual fee of one hundred dollars (\$100.00).

**No appeal;
Mandamus**

**Fees \$20 per
car \$100 per
vessel**

(d) Unless previously revoked, every license issued by the board under this section shall expire and terminate on the thirty-first day of December, in the year for which the license is issued. Licenses issued under the provisions of this section shall be renewed annually, as herein provided, upon the filing of applications in such form as the board shall prescribe, but no license shall be renewed until the applicant shall file with the board a new surety bond and shall pay the requisite license fee specified in this section.

Expiration

(e) (*As amended by Act 639 of September 19, 1961, P. L. 1507*) Except as otherwise specifically provided, sales of liquor and malt or brewed beverages by the aforesaid public service company licensees shall be made in accordance with, and shall be subject to, the provisions of this act relating to the sale of liquors by restaurant licensees.

Renewal

Sales

Section 408.1. (As added by Act 426 of December 16, 1965, P.L. 1106)* Trade Show and Convention Licenses.

(a) (*As amended by Act 247 of November 17, 1967, P.L. 1507*) The Board is authorized to issue a license in any city of the first or second class for the retail sale of liquor and malt or brewed beverages by the glass, open bottles or other container or in any mixture for consumption in any restaurant or other appropriate location on

* Section 2 of Act 426 of December 16, 1965, P.L. 1106, provides "Trade show and convention licenses shall not be subject to the provisions of Section 404 except in so far as they relate to the reputation of the applicant. . . ."

city-owned premises or on premises of an authority created under the act of July 29, 1953 (P.L. 1034), known as the "Public Auditorium Authorities Law" customarily used or available for use for trade shows and conventions. Any concessionaire selected and certified by the city or its authorized agency or by the authority may apply for a license.

(b) The application for a trade show and convention license may be filed at any time and shall conform with all requirements for restaurant liquor license applications except as may be otherwise provided herein. The applicant shall submit such other information as the board may require. Application shall be in writing on forms prescribed by the board and shall be signed and submitted to the board by the applicant. The filing fee which shall accompany the trade show and convention license application shall be twenty dollars (\$20).

(c) Upon receipt of the application in proper form and the application fee, and upon being satisfied that the applicant is of good repute and financially responsible and that the proposed place of business is proper, the board shall issue a license to the applicant.

(d) *(As amended by Act 247 of November 17, 1967, P.L.)* The license shall be issued for the same period as provided for restaurant licenses and shall be renewed as in section 402. The license shall terminate upon revocation by the Board or upon termination of the contract between the concessionaire and the city or authority.

(e) The annual fee for a trade show and convention license shall be six hundred dollars (\$600), and shall accompany the application for the license. Whenever a concessionaire's contract terminates the license shall be returned to the board for cancellation and a new license shall be issued to a new applicant.

(f) The penal sum of the bond which shall be filed by an applicant for a trade show and convention license pursuant to section 465 of this article shall be two thousand dollars (\$2,000) and in addition thereto he shall file an additional bond in a sum to assure payment of any suspension of license up to one hundred days.

(g) *(As amended by Act 247 of November 17, 1967, P.L.)* Sales by the holder of a trade show and convention license may be made except to those persons prohibited under clause (1) of section 493 of this act on city-owned or authority-owned, leased or operated premises customarily used or available for use for trade shows and conventions during the hours in which the convention or trade show is being held and up to one hour after the scheduled closing, and at functions which are incidental to or a part of the trade show or convention, but such sales may not be made beyond the hours expressed in the act for the sale of liquor by restaurant li-

censees: Provided, however, That during the hours expressed in this act for the sale of liquor by hotel licensees, sales of such liquor or malt or brewed beverages may be made by said licensee at banquets, not incidental to trade shows or conventions, at which more than two thousand persons are scheduled to attend, and at functions irrespective of attendance, which are directly related to the Philadelphia Commercial Museum or the Center for International Visitors: And provided further, That no such sale shall be made at any sporting, athletic or theatrical event.

(b) (*As amended by Act 247 of November 17, 1967, P.L. 1728*) Whenever a contract is terminated prior to the expiration date provided in the contract between the city or authority and the concessionaire, the city or authority may select and certify to the Board a different concessionaire which concessionaire shall apply to the Board for a new license. If the applicant meets the requirements of the Board as herein provided, a new license shall thereupon be issued.

(i) If any trade show and convention license is suspended, the offer in compromise shall be accepted at the same rate as provided for existing restaurant liquor licenses not in excess of one hundred days. If any trade show and convention license is revoked, the board shall issue a new license to any qualified applicant without regard to the prohibition in section 471 against the grant of a license at the same premises for a period of at least one year.

Section 409. Sacramental Wine Licenses; Fees; Privileges; Restrictions.—(a) Subject to the provisions of this act in general and more particularly to the following provisions of this section, the board shall issue sacramental wine licenses to qualified applicants.

(b) (*As amended by Act 702 of September 28, 1961, P.L. 1728*) Every applicant for a sacramental wine license shall file a written application with the board in such form as the board shall from time to time prescribe, which shall be accompanied by a filing fee of twenty dollars (\$20), a license fee of one hundred dollars, and a bond as hereinafter prescribed. Every such application shall contain a description of the premises for which the applicant desires a license and shall set forth such other material information as may be required by the board.

(c) If the applicant is a natural person, his application must show that he is a citizen of the United States and a resident of this Commonwealth. If the applicant is an association or partnership, each and every member of the association or partnership must be a citizen of the United States and a resident of this Commonwealth. If the applicant

**Sacramental
Wine**

Application

**Filing fee \$20
License fee \$100**

Citizenship

is a corporation, the application must show that the corporation was created under the laws of Pennsylvania or holds a certificate of authority to transact business in Pennsylvania, and that all officers, directors and stockholders are citizens of the United States.

Purchases

(d) Holders of such licenses may purchase from manufacturers or bring or import into this Commonwealth wine to be used for sacramental or religious purposes only, and bottle and sell the same to priests, clergymen and rabbis for use in the cathedral, church, synagogue or temple, or for sustaining members of the congregation or members of the faith who attend religious services, duly certified by such priests, clergymen or rabbis. The sale and use of wine for sacramental or religious purposes shall be subject to and in accordance with the regulations of the board.

Sales

(e) (*As amended by Act 349 of February 17, 1956, P. L. 1078*) Any wine purchased under the authority of this section shall not be used for any other than sacramental or religious purposes. Sacramental wine may not be sold by any person except the holder of a sacramental wine license.

Records

(f) Every sacramental wine licensee shall maintain on the licensed premises such records as the board may prescribe. No deliveries of sacramental wine shall be made unless and until an order therefor is on file at the principal place of business in Pennsylvania. All shipments into Pennsylvania of wine to be used for sacramental or religious purposes shall be consigned to the principal place of business maintained by the licensee.

Delivery

(g) Any such license may be suspended or revoked by the board upon proof satisfactory to it that the licensee has violated any law of this Commonwealth or any regulation of the board relating to liquor and alcohol. The procedure in such cases shall be the same as for the revocation and suspension of hotel, restaurant and club licenses.

Importers

Section 410. Liquor Importers' Licenses; Fees; Privileges; Restrictions.—(a) Subject to the provisions of this act in general and more particularly to the following provisions of this section, the board shall issue liquor importers' licenses to qualified applicants.

Application

(b) (*As amended by Act 702 of September 28, 1961, P. L. 1728*) Every applicant for an importer's license shall file a written application with the board in such form as the board shall from time to time prescribe, which shall be accompanied by a filing fee of twenty dollars (\$20), a license fee of one hundred dollars, and a bond as hereinafter required. Every such application shall contain a description of the principal place of business for which the applicant desires a license and shall set forth such other material information as may be required by the board.

**Filing fee \$20
License fee
\$100**

**Warehouse in
same municip-
ality**

(c) (*As amended by Act 702 of September 28, 1961, P. L. 1728*) The holder of an importer's license may have included in such license one warehouse wherein only his liquor may be kept and stored, located in the same municipality in which

his licensed premises is situate, and not elsewhere, unless such licensee secures from the board a license for each additional storage warehouse desired. The board is authorized and empowered to issue to a holder of an importer's license a license for an additional storage warehouse or warehouses located in this Commonwealth, provided such licensed importer files with the board a separate application for each warehouse in such form and containing such information as the board may from time to time require, accompanied by a filing fee of twenty dollars (\$20), a license fee of twenty-five dollars, and a bond of an approved surety company in the amount of ten thousand dollars. Such bond shall contain the same provisions and conditions as are required in the other license bonds under this article.

**Additional
warehouse
application**

**Filing fee \$20
License fee \$25
Bond \$10,000**

(d) If the applicant is a natural person, his application must show that he is a citizen of the United States and a resident of this Commonwealth. If the applicant is an association or partnership, each and every member of the association or partnership must be a citizen of the United States and a resident of this Commonwealth. If the applicant is a corporation, the application must show that the corporation was created under the laws of Pennsylvania or holds a certificate of authority to transact business in Pennsylvania, and that all officers, directors and stockholders are citizens of the United States.

**Citizenship
Resident**

(e) Importers' licenses shall permit the holders thereof to bring or import liquor from other states, foreign countries, or insular possessions of the United States, and purchase liquor from manufacturers located within this Commonwealth, to be sold outside of this Commonwealth or to Pennsylvania Liquor Stores within this Commonwealth, or when in original containers of ten gallons or greater capacity, to licensed manufacturers within this Commonwealth.

Purchases

All importations of liquor into Pennsylvania by the licensed importer shall be consigned to the Pennsylvania Liquor Control Board or the principal place of business or authorized place of storage maintained by the licensee.

Sales

(f) Every importer shall maintain on the licensed premises such records as the board may prescribe. Any such license may be suspended or revoked by the board upon proof satisfactory to it that the licensee has violated any law of this Commonwealth or any regulation of the board relating to liquor and alcohol. The procedure in such cases shall be the same as for the revocation and suspension of hotel, restaurant and club licenses.

**Records
Revocation or
suspension**

Section 411. Interlocking Business Prohibited.—(a) No manufacturer and no officer or director of any manufacturer shall at the same time be a holder of a hotel, restaurant or club liquor license, nor be the owner, proprietor or lessor of any place covered by any hotel, restaurant or club liquor license.

**Interlocking
Business**

(b) No manufacturer, importer or sacramental wine licensee, and no officer or director of a manufacturer, importer or sacramental wine licensee shall own any stock or have

**Manufacturer,
Retail Liquor
licensee**

**Manufacturer,
etc., financial
interest in
hotel or res-
taurant**

any financial interest in any hotel or restaurant licensed under this act.

**Ownership or
leasehold of
property**

(c) Excepting as herein provided, no manufacturer, or officer, director, stockholder, agent or employe of a manufacturer shall in any wise be interested, either directly or indirectly, in the ownership or leasehold of any property or the equipment of any property or any mortgage lien against the same, for which a hotel, restaurant or club license is granted; nor shall a manufacturer, importer or sacramental wine licensee, or officer, director, stockholder, agent or employe of a manufacturer, importer or sacramental wine licensee, either directly or indirectly, lend any moneys, credit, or give anything of value or the equivalent thereof to, or guarantee the payment of any bond, mortgage, note or other obligation of, any hotel, restaurant or club licensee, his servant, agent or employe, for equipping, fitting out, or maintaining and conducting, either in whole or in part, a hotel, restaurant or club licensed for the selling of liquor for use and consumption upon the premises.

**Lend money,
credit, guaran-
tee note, etc.**

(d) Excepting as herein provided, no hotel licensee, restaurant licensee or club licensee, and no officer, director, stockholder, agent or employe of any such licensee shall in any wise be interested, either directly or indirectly, in the ownership or leasehold of any property or the equipment of any property or any mortgage lien against the same, used by a manufacturer in manufacturing liquor or malt or brewed beverages; nor shall any hotel, restaurant or club licensee, or any officer, director, stockholder, agent or employe of any such licensee, either directly or indirectly, lend any moneys, credit, or give anything of value or the equivalent thereof, to any manufacturer, for equipping, fitting out, or maintaining and conducting, either in whole or in part, an establishment used for the manufacture of liquor or malt or brewed beverages.

**Ownership of
property or
mortgage**

Loans, credit

(e) Except as herein provided, no hotel, restaurant or club licensee, and no officer, director or stockholder, agent or employe of any such licensee shall in any wise be interested, directly or indirectly, in the ownership or leasehold of any property or the equipment of any property or any mortgage lien against the same, used by a distributor, importing distributor, retail dispenser, or by an importer or sacramental wine licensee, in the conduct of his business; nor shall any hotel, restaurant or club licensee, or any officer, director, stockholder, agent or employe of any such licensee, either directly or indirectly, lend any moneys, credit, or give anything of value or the equivalent thereof, to any distributor, importing distributor, retail dispenser, importer or sacramental wine licensee, for equipping, fitting out, or maintaining and conducting, either in whole or in part, an establishment used in the conduct of his business.

The purpose of this section is to require a separation of the financial and business interests between manufacturers and holders of hotel or restaurant liquor licenses and, as herein provided, of club licenses, issued under this article, and

**Ownership of
property**

Loans, credit

no person shall, by any device whatsoever, directly or indirectly, evade the provisions of the section. But in view of existing economic conditions, nothing contained in this section shall be construed to prohibit the ownership of property or conflicting interest by a manufacturer of any place occupied by a licensee under this article after the manufacturer has continuously owned and had a conflicting interest in such place for a period of at least five years prior to July eighteenth, one thousand nine hundred thirty-five: Provided, however, That this clause shall not prohibit any hotel, restaurant or club liquor licensee from owning land which is leased to, and the buildings thereon owned by, a holder of a retail dispenser's license; and nothing in this clause shall prevent the issuance of a retail dispenser's license to a lessee of such lands who owns the buildings thereon.

**Land owner-
ship**

(B) Malt and Brewed Beverages (Including Manufacturers).

Section 431. Malt and Brewed Beverages Manufacturers', Distributors' and Importing Distributors' Licenses.—(a) (*As amended by Act 182 of August 17, 1965, P. L. 346*) The board shall issue to any person a resident of this Commonwealth of good repute who applies therefor, pays the licensee fee hereinafter prescribed, and files the bond hereinafter required, a manufacturer's license to produce and manufacture malt or brewed beverages, and to transport, sell and deliver malt or brewed beverages at or from one or more places of manufacture or storage, only in original containers, in quantities of not less than a case of twenty-four containers, each container holding seven fluid ounces or more, or a case of twelve containers, each container holding twenty-four fluid ounces or more, except original containers containing one hundred twenty-eight ounces or more which may be sold separately anywhere within the Commonwealth. Licenses for places of storage shall be limited to those maintained by manufacturers on July eighteenth, one thousand nine hundred thirty-five, and the board shall issue no licenses for places of storage in addition to those maintained on July eighteenth, one thousand nine hundred thirty-five. The application for such license shall be in such form and contain such information as the board shall require. All such licenses shall be granted for the calendar year. Every manufacturer shall keep at his or its principal place of business within the Commonwealth daily permanent records which shall show, (1) the quantities of raw materials received and used in the manufacture of malt or brewed beverages and the quantities of malt or brewed beverages manufactured and stored, (2) the sales of malt or brewed beverages, (3) the quantities of malt or brewed beverages stored for hire or transported for hire by or for the licensee, and (4) the names and addresses of the purchasers or other recipients thereof. Every place licensed as a manufacturer shall be subject to inspection by members of the board or by persons duly authorized and designated by the board, at any and all times of the day or night, as they may deem necessary, for the detection of violations of this act or of the rules and regulations

**Manufacturers'
Licenses**

Minimum Sale

**Places of
storage**

Application

Records

Inspection

**Detection of
violations**

**Correctness
of records**

of the board, or for the purpose of ascertaining the correctness of the records required to be kept by licensees. The books and records of such licensees shall at all times be open to inspection by members of the board or by persons duly authorized and designated by the board. Members of the board and its duly authorized agents shall have the right, without hindrance, to enter any place which is subject to inspection hereunder or any place where such records are kept for the purpose of making such inspections and making transcripts thereof.

Right to enter**Distributor's
or Importing
Distributor's
License**

(b) (As amended by Act 591 of January 14, 1952, P.L. 2089; Act 471 of October 23, 1959, P.L. 1360; Act 182 of August 17, 1965, P.L. 346 and Act 179 of October 9, 1967, P.L.) The Board shall issue to any reputable person who applies therefor, pays the license fee hereinafter prescribed, and files the bond hereinafter required, a distributor's or importing distributor's license for the place which such person desires to maintain for the sale of malt or brewed beverages, not for consumption on the premises where sold, and in quantities of not less than twenty-four containers, each container holding seven fluid ounces or more, or twelve containers, each container holding twenty-four fluid ounces or more, except original containers containing one hundred twenty-eight ounces or more which may be sold separately and such containers to be the original containers as prepared for the market by the manufacturer at the place of manufacture: And provided further, That the Board shall have the discretion to refuse a license to any person or to any corporation, partnership or association if such person, or any officer or director of such corporation, or any member or partner of such partnership or association shall have been convicted or found guilty of a felony within a period of five years immediately preceding the date of application for the said license.

Except as hereinafter provided, such license shall authorize the holder thereof to sell or deliver malt or brewed beverages in quantities above specified anywhere within the Commonwealth of Pennsylvania, which, in the case of distributors, have been purchased only from persons licensed under this act as manufacturers or importing distributors, and in the case of importing distributors, have been purchased from manufacturers or persons outside this Commonwealth engaged in the legal sale of malt or brewed beverages or from manufacturers or importing distributors licensed under this article.

Each out of State manufacturer of malt or brewed beverages whose products are sold and delivered in this Commonwealth shall give distributing rights for such products in designated geographical areas to specific importing distributors, and such importing distributor shall not sell or deliver malt or brewed beverages manufactured by the out of State manufacturer to any person issued a license under the provisions of this act whose licensed premises are not located

Minimum Sale**Discretion as
to Felonies****Purchases****Territorial
distributing
rights—
Out of State
brewer**

within the geographical area for which he has been given distributing rights by such manufacturer: Provided, That the importing distributor holding such distributing rights for such product shall not sell or deliver the same to another importing distributor without first having entered into a written agreement with the said secondary importing distributor setting forth the terms and conditions under which such products are to be resold within the territory granted to the primary importing distributor by the manufacturer.

When a Pennsylvania manufacturer of malt or brewed beverages licensed under this article names or constitutes a distributor or importing distributor as the primary or original supplier of his product, he shall also designate the specific geographical area for which the said distributor or importing distributor is given distributing rights, and such distributor or importing distributor shall not sell or deliver the products of such manufacturer to any person issued a license under the provisions of this act whose licensed premises are not located within the geographical area for which distributing rights have been given to the distributor and importing distributor by the said manufacturer: Provided, That the importing distributor holding such distributing rights for such product shall not sell or deliver the same to another importing distributor without first having entered into a written agreement with the said secondary importing distributor setting forth the terms and conditions under which such products are to be resold within the territory granted to the primary importing distributor by the manufacturer. Nothing herein contained shall be construed to prevent any manufacturer from authorizing the importing distributor holding the distributing rights for a designated geographical area from selling the products of such manufacturer to another importing distributor also holding distributing rights from the same manufacturer for another geographical area, providing such authority be contained in writing and a copy thereof be given to each of the importing distributors so affected.

(c) (As amended by Act 591 of January 14, 1952, P.L. 2089; Act 179 of October 9, 1967, P.L. ; Act 432 of January 18, 1968, P.L. and Act 199 of July 20, 1968, P.L. ; and Act 110 of May 5, 1970, P.L.) The aforesaid licenses shall be issued only to reputable individuals, partnerships and associations who are, or whose members are, citizens of the United States and have for two years prior to the date of their applications been residents of the Commonwealth of Pennsylvania or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania. Such licenses shall be issued to corporations duly organized or registered under the laws of the Commonwealth of Pennsylvania only when it appears that all of the officers and directors of the corporation are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application, and that at least fifty-one per centum of the capi-

Territorial
distributing
rights—
Penna. brewer

Citizenship
Residents of
Pa.

Officers and
Directors of
Corporation

Stock owner-
ship

Liquor Code**Exception to Residence Requirements**

tal stock of such corporation is actually owned by individuals who are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application: Provided, That the provisions of this subsection with respect to residence requirements shall not apply to individuals, partners, officers, directors and owners of capital stock, of corporations licensed or applying for licenses and as manufacturers of malt or brewed beverages, nor shall the provisions of this subsection with respect to stockholder requirements apply to corporations licensed or applying for licenses as manufacturers of malt or brewed beverages.

Retail license

Section 432. Malt and Brewed Beverages Retail Licenses.—(a) Subject to the restrictions hereinafter provided in this act, and upon being satisfied of the truth of the statements in the application, that the premises and the applicant meet all the requirements of this act and the regulations of the board, that the applicant seeks a license for a reputable hotel, eating place or club, as defined in this act, the board shall, in the case of a hotel or eating place, grant and issue, and in the case of a club may, in its discretion, issue or refuse the applicant a retail dispenser's license.

(b) In the case of hotels and eating places, licenses shall be issued only to reputable persons who are citizens of the United States and have for two years been residents of the Commonwealth of Pennsylvania at the date of their application, or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania, all of whose officers and directors are citizens of the United States. In the case of incorporated clubs, licenses shall be issued only to those incorporated under the laws of Pennsylvania.

(c) (*As amended by Act 619 of January 19, 1952, P. L. 2170*) No retail dispenser's licenses shall be granted or renewed upon their expiration in any municipality in which the electors shall vote, as hereinafter provided, against the licensing therein of places where malt or brewed beverages may be sold for consumption on the premises where sold.

Discretion to issue when within 300' of church, etc.

(d) (*As amended by Act 244 of June 19, 1961, P.L. 482 and Act 177 of October 9, 1967, P.L.*) The Board shall, in its discretion, grant or refuse any new license or the transfer of any license to a new location if such place proposed to be licensed is within three hundred feet of any church, hospital, charitable institution, school, or public playground, or if such new license or transfer is applied for a place which is within two hundred feet of any other premises which is licensed by the board, or if such new license or transfer is applied for a place where the principal business conducted is the sale of liquid fuels and oil. The board shall refuse any application for a new license or the transfer of any license to a new location if, in the board's opinion, such new license or transfer would be detrimental to the welfare, health, peace and morals of the inhabitants of the neighborhood within a radius of five hundred feet of the place to be licensed. The board shall not issue new

200' of other license**Detriment of neighbor****When issued**

Revised June, 1970

licenses, except as herein otherwise provided, in any license district more than twice each license year, effective from specific dates fixed by the board, and new licenses shall not be granted unless the application therefor shall have been filed at least thirty days before the effective date of the license. Nothing herein contained shall prohibit the board from issuing a new license for the balance of any unexpired term in any license district to any applicant in such district, who shall have become eligible to hold such license as the result of legislative enactment, when such enactment shall have taken place during the license term of that district for which application is made, or within the thirty days immediately preceding such term: And provided further, That the Board shall have the discretion to refuse a license to any person or to any corporation, partnership or association if such person, or any officer or director of such corporation, or any member or partner of such partnership or association shall have been convicted or found guilty of a felony within a period of five years immediately preceding the date of application for the said license.

(e) (*As amended by Act 244 of June 19, 1961, P. L. 482*) Every applicant for a new or for the transfer of an existing license to another premises not then licensed shall post, for a period of at least fifteen days beginning with the day the application is filed with the board, in a conspicuous place on the outside of the premises or in a window plainly visible from the outside of the premises for which the license is applied or at the proposed new location, a notice of such application, in such form, of such size, and containing such provisions as the board may require by its regulations. Proof of the posting of such notice shall be filed with the board.

Section 433. Public Service Licenses.—The board may issue public service malt and brewed beverage licenses to a railroad, pullman or steamship company permitting malt or brewed beverages to be sold at retail in dining, club or buffet cars, or the dining compartments of steamships or vessels, for consumption on the trains, steamships or vessels wherever operated in the State, except when standing in stations or terminals within a municipality wherein retail sales are prohibited. Such licenses shall only be granted to reputable persons and for fit places. The board may issue a master license to railroad or pullman companies to cover the maximum number of cars which the company shall estimate that it will operate within the Commonwealth on any one day. Such licensees shall file monthly reports with the board showing the maximum number of cars operated at any time on any day during the preceding month, and if it appears that more cars have been operated than covered by its license it shall forthwith remit to the board the sum of ten dollars for each extra car so operated. The board shall have the power to suspend or revoke any such licenses for cause after granting a hearing thereon to the licensee. Any person aggrieved by the decision of the board in refusing, suspending or revoking any such license may appeal to the court of quarter sessions of Dauphin County in the same manner as provided in this article for appeals from refusals of licenses.

Filing time**New laws****Discretion as to Felonies****Notice to be posted****Proof of posting
Public Service License****Privileges****Master license****Revocation****Appeal**

**Stadium or
Arena Permits**

Section 433.1. (As added by Act 275 of July 10, 1961, P.L. 561) Stadium or Arena Permits. (a) (As amended by Act 247 of November 17, 1967, P.L.) The Board is hereby authorized to issue, in cities of the first and second class, special permits allowing the holders thereof to make retail sales of malt or brewed beverages in shatterproof containers at all events on premises principally utilized for competition of professional and amateur athletes and other types of entertainment having an available seating capacity of twelve thousand or more: Provided, however, That in cities of the second class this section shall be applicable only to premises owned, leased or operated by any authority created under the act of July 29, 1953 (P.L. 1034), known as the "Public Auditorium Authorities Law." Such sales may be made only to adults and only on days other than Sunday when the premises are so used and only during the period from one hour before the start of and ending one-half hour after the close of the event on the premises.

**Seating accommo-
dations****Cities of
Second Class****Sales****Application****Reputation
Citizenship****Residents of
Pa.****Fees****Bond****Permit
period**

(b) (As amended by Act 247 of November 17, 1967, P.L.) The owner or lessee or a concessionaire of any such premises may make application for a permit. The aforesaid permits shall be issued only to reputable individuals, partnerships and associations, who are or whose members are citizens of the United States and have for two years prior to the date of their applications been residents of the Commonwealth of Pennsylvania, or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania, all of whose officers and directors are citizens of the United States. Each applicant shall furnish proof satisfactory to the Board that he is of good repute and financially responsible and that the premises upon which he proposes to do business is a proper place. The applicant shall submit such other information as the Board may require. Applications shall be in writing on forms prescribed by the Board, and signed and sworn to by the applicant. Every application shall be accompanied by an application fee of twenty-five dollars (\$25), a permit fee of one hundred dollars (\$100) and a surety bond in the amount of one thousand dollars (\$1000) conditioned the same as the license bonds required by this act for retail dispenser licenses.

(c) (As amended by Act 247 of November 17, 1967, P.L.) Upon receipt of the application in proper form, the application fee, the permit fee and bond, and upon being satisfied that the applicant is of good repute and financially responsible and that the proposed place of business is proper, the Board shall issue a special per-

mit to the applicant. Only one permit issued under this section shall be in effect on any such premises at any time.

(d) (As amended by Act 247 of November 17, 1967, P.L.) No permit shall be transferable or assignable. The Board may by regulation fix the permit year and provide for the renewal of such permits. Whenever a permit is revoked, another may be issued for the same premises to another applicant upon compliance with the provisions of this section.

Transfer not permitted

(e) The board shall have the power to refuse the issuance of any permit for cause, and to revoke or suspend any permit for cause or for any violation of the liquor or malt and brewed beverage laws. Any applicant or holder of a permit aggrieved by any ruling of the board or by its refusal to issue a permit, or by its suspension or revocation thereof, shall have the right to a hearing and appeal therefrom in the same manner as provided in sections 464 and 471 of this act authorizing appeals from orders of the board.

Refusal,
revocation,
suspension

Appeal

Section 434. License Year.—(a) Licenses issued under this article to distributors, importing distributors and retail dispensers shall, unless revoked in the manner provided in this act, be valid for the license year which may be established by the board for the particular license district in which the license issues.

License dis-
trict to be
established

(b) Malt or brewed beverage licenses issued under this article to manufacturers and public service companies shall, unless revoked in the manner herein provided, be valid for the calendar year for which they are issued. Licenses to such manufacturers and public service companies may be issued at any time during a calendar year.

Section 435. (As amended by Act 702 of September 28, 1961, P. L. 1728) Filing of Applications for Distributors', Importing Distributors' and Retail Dispensers' Licenses; Filing Fee.—Every person intending to apply for a distributor's, importing distributor's or retail dispenser's license, as aforesaid, in any municipality of this Commonwealth, shall file with the board his or its application. All such applications shall be filed at a time to be fixed by the board for the particular license district as set up by the board under the provisions of this act. The applicant shall, at the time of filing the application and bond, pay said board the filing fee of twenty dollars (\$20), as hereinafter specified.

Filing of
application

Section 436. (As amended by Act 244 of June 19, 1961, P. L. 482) Application for Distributors', Importing Distributors' and Retail Dispensers' Licenses.—Application for distributors', importing distributors' and retail dispensers' licenses, or for the transfer of an existing license to another premises not then licensed, shall contain or have attached thereto the following information and statements:

Filing date

Contents of
Application

(a) The name and residence of the applicant and how long he has resided there, and if an association, partnership or corporation, the residences of the members, officers and directors for the period of two years next preceding the date of such application.

(b) (*As amended by Act 244 of June 19, 1961, P. L. 482 and Act 101 of June 29, 1965, P. L. 151*) The particular place for which the license is desired and a detailed description thereof. The description, information and plans referred to in this subsection shall show the premises or the proposed location for the construction of the premises at the time the application is made, and shall show any alterations proposed to be made thereto, or the new building proposed to be constructed after the approval by the board of the application for a license, or for the transfer of an existing license to another premises not then licensed. No physical alterations, improvements or changes shall be required to be made to any hotel, eating place or club, nor shall any new building for any such purpose be required to be constructed until approval of the application for license or for the transfer of an existing license to another premises not then licensed by the board. After approval of the application, the licensee shall make the physical alterations, improvements and changes to the licensed premises, or shall construct the new building in the manner specified by the board at the time of approval. The licensee shall not transact any business under the license until the board has approved the completed physical alterations, improvements and changes of the licensed premises or the completed construction of the new building as conforming to the specifications required by the board at the time of issuance or transfer of the license and is satisfied that the premises meet the requirements for a distributor's or importing distributor's license as set forth in this act or that the establishment is an eating place, hotel, or club as defined by this act. The board may require that all such alterations or construction or conformity to definition be completed within six months from the time of issuance or transfer of the license. Failure to comply with these requirements shall be considered cause for revocation of the license. No such license shall be transferable between the time of issuance or transfer of the license and the approval of the completed alterations or construction by the board and full compliance by the licensee with the requirements of this act, except in the case of death of the licensee prior to full compliance with all of the aforementioned requirements, in which event the license may be transferred by the board as provided in section 468 of this act for the transfer of the license in the case of death of the licensee.

**Proposed
building or
alterations****Transfer
prohibited**

(c) Place of birth of applicant, and if a naturalized citizen, where and when naturalized, and if a corporation organized or registered under the laws of the Commonwealth, when and

where incorporated, with the names and addresses of each officer and director, all of whom shall be citizens of the United States; if the application is for a distributor's or importing distributor's license and the applicant therefor is a corporation, the application shall also contain a statement of facts showing the qualifications of the corporation, as hereinbefore required, together with the names and addresses of all stockholders.

- (d) Name of owner of premises and his residence.
- (e) That the applicant is not, or in case of a partnership or association, that the members or partners are not, and in the case of a corporation, that the officers and directors are not, in any manner pecuniarily interested, either directly or indirectly, in the profits of any other class of business regulated under this article, except as hereinafter permitted.
- (f) That applicant is the only person in any manner pecuniarily interested in the business so asked to be licensed, and that no other person shall be in any manner pecuniarily interested therein during the continuance of the license, except as hereinafter permitted.
- (g) Whether applicant, or in case of a partnership or association, any member or partner thereof, or in case of a corporation, any officer or director thereof, has during the three years immediately preceding the date of said application had a license for the sale of malt or brewed beverages or spirituous and vinous liquors revoked, or has during the same period been convicted of any criminal offense, and if so, a detailed history thereof.
- (h) A full description of that portion of the premises for which license is asked, and if any other business is to be conducted concurrently with the sale and distribution of malt or brewed beverages, a full history of such business, relating the nature thereof, the length of time it has so previously been conducted by the applicant or his predecessor at such location, and such additional information as the board may require.
- (i) Every club applicant shall file with and as a part of its application a list of the names and addresses of its members, directors, officers, agents and employes, together with the dates of their admission, election or employment, and such other information with respect to its affairs as the board shall require.
- (j) The application must be verified by affidavit of applicant, and if any false statement is intentionally made in any part of the application, the affiant shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to the penalties provided by this article.

Affidavit

Section 437. Prohibitions Against the Grant of Licenses.—(a) The board shall refuse to grant any licenses unless the application therefor contains the information required by this act, and the premises meet such reasonable sanitary requirements as the board, by regulation, shall prescribe.

Sanitary requirements

Board shall refuse to issue club license in certain cases

(b) The board shall refuse to grant a license to any club when it appears that the operation of such license would inure to the benefit of individual members, officers, agents or employees of the club, rather than to the benefit of the entire membership of the club.

Reputable individuals

(c) Licenses shall be granted by the board only to reputable individuals, or to associations, partnerships and corporations whose members or officers and directors are reputable individuals.

Public office

(d) No person who holds, either by appointment or election, any public office which involves the duty to enforce any of the penal laws of the United States of America or any of the penal laws of this Commonwealth or any penal ordinance or resolution of any political subdivision of this Commonwealth shall be issued any manufacturer's, importing distributor's, distributor's or retail dispenser's license, nor shall such a person have any interest, directly or indirectly, in any such license.

No distributor on retail licensed premises

(e) No distributor's or importing distributor's license shall be issued for any premises in any part of which there is operated any retail license for the sale of liquor or malt or brewed beverages.

Quota

(f) (*As added by Act 591 of January 14, 1952, P. L. 2089 and amended by Act 445 of December 22, 1965, P. L. 1149*) No new distributor's or importing distributor's license shall hereafter be granted by the board in any county of the Commonwealth where the combined number of distributor and importing distributor licenses exceeds one license for each fifteen thousand inhabitants of the county in which the license is to be issued: Provided, That a combined total of five such licenses may be granted in any county of the Commonwealth.

Nothing in this subsection shall be construed as denying the right of the board to renew or to transfer existing distributor's or importing distributor's licenses or to exchange a distributor's license for an importing distributor's license or to exchange an importing distributor's license for a distributor's license, upon adjustment of the applicable fee, notwithstanding that the number of such licensed places in the county shall exceed the limitation hereinbefore prescribed: Provided, That no distributor's license or importing distributor's license shall be transferred from one county to another county so long as the quota is filled in the county to which the license is proposed to be transferred.

More than 1 retail dispenser license

Section 438. Number and Kinds of Licenses Allowed Same Licensee.—(a) Any retail dispenser may be granted licenses to maintain, operate or conduct any number of places for the sale of malt or brewed beverages, but a separate license must be secured for each place where malt or brewed beverages are sold.

(b) No person shall possess or be issued more than one distributor's or importing distributor's license.

May hold only 1 class of license

(c) No person shall possess more than one class of license, except that a holder of a retail dispenser's license may also be a holder of a retail liquor license.

Section 439. Malt or Brewed Beverage License Fees. **License fees**
 —No public service license and no license to any manufacturer, distributor, importing distributor or retail dispenser shall be issued under the provisions of this subdivision (B) until the licensee shall have first paid an annual license fee, as follows:

(a) In the case of a manufacturer, the license fee shall be one thousand dollars (\$1,000) for each place of manufacture and shall be paid to the board. The fee for all such licenses when applied for and issued on or after April 1, but prior to July 1, shall be three-fourths of the annual fee; July 1, but prior to October 1, shall be one-half of the annual fee; October 1, but prior to January 1, shall be one quarter of the annual fee. **Manufacturer**

(b) In the case of a distributor, the license fee shall be four hundred dollars (\$400) and shall be paid to the board. **Distributor**

(c) In the case of an importing distributor, the license fee shall be nine hundred dollars (\$900) and shall be paid to the board. **Importing Distributor**

(d) In the case of a retail dispenser, except clubs, the license fee shall be graduated according to the population of the municipality in which the place of business is located and shall be paid to the board, as follows: **Retail dispenser except club**

(1)	Less than 10,000	\$100
(2)	10,000 and more, but less than 50,000	\$150
(3)	50,000 and more, but less than 100,000	\$200
(4)	100,000 and more, but less than 150,000	\$250
(5)	150,000 and more	\$300

(e) In the case of a club, the fee shall be twenty-five dollars in all cases and shall be paid to the board. **Club**

(f) In the case of a public service license for cars, the fee shall be ten dollars per car for the maximum number of cars operated on any one day on which malt or brewed beverages are sold, to be paid to the board. **Public service**

(g) In the case of a public service license for the sale of malt or brewed beverages on a boat or vessel, the fee shall be fifty dollars for each such vessel or boat and shall be paid to the board.

(h) (*As amended by Act 702 of September 28, 1961, P. L. 1728*) The fee for filing applications for licenses and for renewals shall be twenty dollars (\$20) which, together with fees for transfers, shall be paid to the board. **Filing fee**

(i) The license fees fixed by this section shall be paid before the license or renewal is issued.

Section 440. (*As amended by Act 182 of August 17, 1965, P. L. 346*) **Sales by Manufacturers of Malt or Brewed Beverages; Minimum Quantities.**—No manufacturer shall sell any malt or brewed beverages for consumption on the premises where sold, nor sell or deliver any such malt or brewed beverages in other than original containers approved as to capacity by the board, nor in quantities of less than a case of twenty-four containers, each container holding seven fluid ounces or more, or a case of twelve con-

Sale by manufacturers

ainers, each container holding twenty-four fluid ounces or more except original containers containing one hundred twenty-eight ounces or more which may be sold separately; nor shall any manufacturer maintain or operate within the Commonwealth any place or places other than the place or places covered by his or its license where malt or brewed beverages are sold or where orders are taken.

**Sales by dis-
tributors
and importing
distributors**

Section 441. Distributors' and Importing Distributors', Restrictions on Sales, Storage, etc.—(a) No distributor or importing distributor shall purchase, receive or resell any malt or brewed beverages except in the original containers as prepared for the market by the manufacturer at the place of manufacture.

**Minimum
quantity**

(b) (*As amended by Act 182 of August 17, 1965, P. L. 346*) No distributor or importing distributor shall sell any malt or brewed beverages in quantities of less than a case of twenty-four containers, each container holding seven fluid ounces or more, or a case of twelve containers, each container holding twenty-four fluid ounces or more except original containers containing one hundred twenty-eight ounces or more which may be sold separately: Provided, That no malt or brewed beverages sold or delivered shall be consumed upon the premises of the distributor or importing distributor, or in any place provided for such purpose by such distributor or importing distributor.

**Other place
for sales**

(c) No distributor or importing distributor shall maintain or operate any place where sales are made other than that for which the license is granted.

**Places of
storage**

(d) No distributor or importing distributor shall maintain any place for the storage of malt or brewed beverages except in the same municipality in which the licensed premises is located and unless the same has been approved by the board. In the event there is no place of cold storage in the same municipality, the board may approve a place of cold storage in the nearest municipality.

**Territorial
violations**

(e) (*As added by Act 471 of October 23, 1959, P. L. 1360*) No distributor or importing distributor shall purchase, sell, resell, receive or deliver any malt or brewed beverages, except in strict compliance with the provisions of subsection (b) of section 431 of this act.

**Sales by
retail dis-
pensers**

Section 442. Retail Dispensers' Restrictions on Purchases and Sales.—(a) No retail dispenser shall purchase or receive any malt or brewed beverages except in original containers as prepared for the market by the manufacturer at the place of manufacture. The retail dispenser may thereafter break the bulk upon the licensed premises and sell or dispense the same for consumption on or off the premises so licensed: Provided, however, That no retail dispenser may sell malt or brewed beverages for consumption off the premises in quantities in excess of one hundred forty-four fluid ounces: Provided, further, That no club licensee may sell any malt or brewed beverages for consumption off the premises where sold or to persons not members of the club.

**Club
restrictions**

(b) No retail dispenser shall sell any malt or brewed beverages for consumption on the licensed premises except in a room or rooms or place on the licensed premises at all times accessible to the use and accommodation of the general public, but this section shall not be interpreted to prohibit a retail dispenser from selling malt or brewed beverages in a hotel or club house in any room of such hotel or club house occupied by a bona fide registered guest or member entitled to purchase the same.

Rooms
accessible
to public

(c) (As added by Act 183 of October 9, 1967, P.L.) For the purpose of this section any person who is an active member of another club which is chartered by the same state or national organization shall have the same rights and privileges as members of the particular club.

Section 443. Interlocking Business Prohibited.—(a) No manufacturer of malt or brewed beverages and no officer or director of any such manufacturer shall at the same time be a distributor, importing distributor or retail dispenser, or an officer, director or stockholder or creditor of any distributor, importing distributor or retail dispenser, nor, except as hereinafter provided, be the owner, proprietor or lessor of any place for which a license has been issued for any importing distributor, distributor or retail dispenser, or for which a hotel, restaurant or club liquor license has been issued.

Interlocking
Business
Mfgr. may not
be retailer or
distributor or
own property
so licensed

(b) No distributor or importing distributor and no officer or director of any distributor or importing distributor shall at the same time be a manufacturer, a retail dispenser or a liquor licensee, or be an officer, director, stockholder or creditor of a manufacturer, a retail dispenser or a liquor licensee, or, directly or indirectly, own any stock of, or have any financial interest in, or be the owner, proprietor or lessor of, any place covered by any other malt or brewed beverage or liquor license.

Distributor
may not be
mfgr. or retail
licensee

(c) No licensee licensed under this subdivision (B) of Article IV and no officer or director of such licensee shall, directly or indirectly, own any stock of, or have any financial interest in, any other class of business licensed under this subdivision.

No interest
any other class

(d) Excepting as hereinafter provided, no malt or brewed beverage manufacturer, importing distributor or distributor shall in any wise be interested, either directly or indirectly, in the ownership or leasehold of any property or in any mortgage against the same, for which a liquor or retail dispenser's license is granted; nor shall any such manufacturer, importing distributor or distributor, either directly or indirectly, lend any moneys, credit or equivalent thereof to, or guarantee the payment of any bond, mortgage, note or other obligation of, any liquor licensee or retail dispenser, in equipping, fitting out, or maintaining and conducting, either in whole or in part, an establishment or business operated under a liquor or retail dispenser's license, excepting only the usual and customary credits allowed for returning original containers in which malt or brewed beverages were packaged for market by the manufacturer at the place of manufacture.

Mfgr. or
distrib. may
not be inter-
ested in retail
license

Loans, etc.

Mfgr. not to be interested in mortgage of distrib., etc.

(e) Excepting as hereinafter provided, no manufacturer of malt or brewed beverages shall in any wise be interested, either directly or indirectly, in the ownership or leasehold of any property or any mortgage lien against the same, for which a distributor's or importing distributor's license is granted; nor shall any such manufacturer, either directly or indirectly, lend any moneys, credit, or their equivalent to, or guarantee the payment of any bond, mortgage, note or other obligation of, any distributor or importing distributor, in equipping, fitting out, or maintaining and conducting, either in whole or in part, an establishment or business where malt or brewed beverages are licensed for sale by a distributor or importing distributor, excepting only the usual credits allowed for the return of original containers in which malt or brewed beverages were originally packaged for the market by the manufacturer at the place of manufacture.

No licensee to receive loan from any other licensee

(f) No distributor, importing distributor or retail dispenser shall in anywise receive, either directly or indirectly, any credit, loan, moneys or the equivalent thereof from any other licensee, or from any officer, director or firm member of any other licensee, or from or through a subsidiary or affiliate of another licensee, or from any firm, association or corporation, except banking institutions, in which another licensee or any officer, director or firm member of another licensee has a substantial interest or exercises a control of its business policy, for equipping, fitting out, payment of license fee, maintaining and conducting, either in whole or in part, an establishment or business operated under a distributor's, importing distributor's or retail dispenser's license, excepting only the usual and customary credits allowed for the return of original containers in which malt or brewed beverages were packaged for the market by the manufacturer at the place of manufacture.

Purpose of section

(g) The purpose of this section is to require a separation of the financial and business interests between the various classes of business regulated by subdivision (B) of this article, and no person or corporation shall, by any device whatsoever, directly or indirectly, evade the provisions of this section. But in view of existing economic conditions, nothing contained in this section shall be construed to prohibit the ownership of property or conflicting interest by a malt or brewed beverage manufacturer of any place occupied by a distributor, importing distributor or retail dispenser after the manufacturer has continuously owned and had a conflicting interest in such place for a period of at least five years prior to the eighteenth day of July, one thousand nine hundred thirty-five.

Manufacturer further defined

The term "manufacturer" as used in this section shall include manufacturers of malt or brewed beverages as defined in this act and any person manufacturing any malt or brewed beverages outside of this Commonwealth.

Reciprocal provisions

Section 444. Malt or Brewed Beverages Manufactured Outside This Commonwealth.—(a) In addition to compliance with all other provisions of this act, the board shall require each person desiring to sell any malt or brewed bever-

ages manufactured outside this Commonwealth to Pennsylvania licensees, and shall require each Pennsylvania licensee who desires to purchase and resell any such malt or brewed beverages, to pay to the board the same fees as are required to be paid by Pennsylvania licensees or by persons or licensees in any state, territory or country outside of Pennsylvania who desires to sell malt or brewed beverages manufactured in Pennsylvania to licensees in such other state, territory or country of origin of such malt or brewed beverages not manufactured in Pennsylvania, and to observe and comply with the same regulations, prohibitions and restrictions as are required of or enforced against Pennsylvania licensees or persons who desire to purchase and resell malt or brewed beverages manufactured in Pennsylvania in such other state, territory or country of origin.

(b) In all cases where the board shall have issued any reciprocal regulations or orders concerning malt or brewed beverages manufactured in any state, territory or country other than Pennsylvania, no Pennsylvania licensee shall purchase any such malt or brewed beverages if their importation has been prohibited, or if not entirely prohibited, unless such regulations or orders have been observed and complied with by the Pennsylvania licensee and by the person from or through whom the Pennsylvania licensee desires to purchase.

(c) Any malt or brewed beverages manufactured outside of Pennsylvania which are sold, transported or possessed in Pennsylvania contrary to any such regulations or orders of the board, or without the payment of the fees herein required, shall be considered contraband and shall be confiscated by the board and disposed of in the same manner as any other illegal liquor or malt or brewed beverages.

(d) Upon learning of the commission by a manufacturer of malt or brewed beverages whose principal place of business is outside this Commonwealth, or by any servant, agent, employe or representative of such manufacturer, within or partly within and partly outside this Commonwealth, of any violation of this act or any laws of this Commonwealth relating to liquor, alcohol or malt or brewed beverages, or of any regulation of the board adopted pursuant thereto, or of any violation of any laws of this Commonwealth or of the United States of America relating to the tax payment of liquor or malt or brewed beverages, the board shall cite such manufacturer to appear before it or its examiner not less than ten nor more than fifteen days from the date of mailing such manufacturer at his principal place of business, wherever located, by registered mail, a notice to show cause why the further importation into this Commonwealth of malt or brewed beverages manufactured by him should not be prohibited.

Citation of
out-of-state
manufacturer

(e) Upon such hearing, whether or not an appearance was made by such outside manufacturer, if satisfied that any such violation has occurred, the board is specifically empowered and directed to immediately issue an order prohibiting the importation of malt or brewed beverages manufactured by such manufacturer into this Commonwealth for a period of not less than six months nor more than three years.

Penalty

(f) Notice of such board action shall be given immediately to such manufacturer and to all persons licensed to import malt or brewed beverages within this Commonwealth by

Notice

mailing a copy of such order to such manufacturer at its principal place of business, wherever located, and to such licensees at their licensed premises. Thereafter, it shall be unlawful for any person licensed to import malt or brewed beverages within this Commonwealth to purchase or sell any malt or brewed beverages manufactured by such outside manufacturer during the term of such prohibition.

Misdemeanor

(g) Any violation of such prohibitory order shall be a misdemeanor and shall be punished in the same manner as herein provided for any other violation of this act, and shall also constitute grounds for revocation or suspension of a license to import malt or brewed beverages.

Opinion

(h) In all such cases, the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order.

Appeal

(i) Any outside manufacturer aggrieved by the action of the board may appeal to the quarter sessions court of Dauphin County in the same manner as herein provided for appeals from refusals to grant licenses.

(C) General Provisions Applying to Both Liquor and Malt and Brewed Beverages.

Limitation on retail licenses

Section 461. *Limiting Number of Retail Licenses To Be Issued in Each Municipality. (a) (As amended by Act 220 of August 11, 1959, P.L. 670; Act 702 ** of December 17, 1959, P.L. 1932; Act 590 of September 16, 1961, P.L. 1337 and Act 95 of September 25, 1969, P.L.) No licenses shall hereafter be granted by the Board for the retail sale of malt or brewed beverages or the retail sale of liquor and malt or brewed beverages in excess of one of such licenses of any class for each one thousand five hundred inhabitants in any municipality, exclusive of licenses granted to airport restaurants, municipal golf courses and hotels, as defined in this section, and clubs; but at least one such license may be granted in each municipality and in each part of a municipality where such municipality is split so that each part thereof is separated by another municipality, except in municipalities where the electors have voted against the granting of any retail licenses. Nothing contained in this section shall be construed as denying the right to the Board to renew or to transfer existing retail licenses of any class notwithstanding that the number of such licensed places in a municipality shall exceed the limitation hereinbefore prescribed; but where such number exceeds the limitation prescribed by this section, no new license, except for

* Section 2 of Act 426 of December 16, 1965, P. L. , provides "Trade show and convention licenses shall not be subject to the provisions . . . of section 461 . . ."

Renewals or transfers

** Act 702 changed the quota of licenses from "1 for each 1000 inhabitants or fraction thereof" to "1 for each 1,500 inhabitants." Section 2 of that act provides: "The provisions of this amendment shall not apply to applications for licenses for the retail sale of liquor, or the retail sale of malt or brewed beverages, filed and pending prior to the effective date of this amendment." Section 3 provides: "This act shall take effect February 2, 1960."

hotels, municipal golf courses and airport restaurants as defined in this section, shall be granted so long as said limitation is exceeded.

Hotels

(b) The board shall have the power to increase the number of licenses in any such municipality which in the opinion of the board is located within a resort area.

Resort areas

(c) The word "hotel" as used in this section shall mean* any reputable place operated by a responsible person of good reputation where the public may, for a consideration, obtain sleeping accommodations, and which shall have the following number of bedrooms and requirements in each case—at least one-half of the required number of bedrooms shall be regularly available to transient guests seven days weekly, except in resort areas; at least one-third of such bedrooms shall be equipped with hot and cold water, a lavatory, commode, bathtub or shower and a clothes closet; and an additional one-third of the total of such required rooms shall be equipped with lavatory and commode:

Definition Hotel

(1) In municipalities having a population of less than three thousand, at least twelve permanent bedrooms for the use of guests.

(2) In municipalities having a population of three thousand and more but less than ten thousand inhabitants, at least sixteen permanent bedrooms for the use of guests.

(3) In municipalities having a population of ten thousand and more but less than twenty-five thousand inhabitants, at least thirty permanent bedrooms for the use of guests.

(4) In municipalities having a population of twenty-five thousand and more but less than one hundred thousand inhabitants, at least forty permanent bedrooms for the use of guests.

(5) In municipalities having a population of one hundred thousand and more inhabitants, at least fifty permanent bedrooms for the use of guests.

(6) A public dining room or rooms operated by the same management accommodating at least thirty persons at one time and a kitchen, apart from the dining room or rooms, in which food is regularly prepared for the public.

Bedrooms

(7) Each room to be considered a bedroom under the requirements of this section shall have an area of not less than eighty square feet and an outside window.

(8) The provisions of this subsection (c) shall not apply to hotel licenses granted prior to the first day of September, one thousand nine hundred forty-nine, or that have been granted on any application made and pending prior to said date, nor to any renewal or transfer thereof, or hotels under construction or for which a bona fide contract had been entered into for construction prior to said date. In such cases, the provisions of section one of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 806), shall continue to apply.

(d) (*As added by Act 220 of August 11, 1959, P. L. 670 and amended by Act 245 of June 19, 1961, P. L. 484*) "Air-

**Airport res-
taurant defined**

* All hotels licensed under the provisions of the Quota Law of 1939 must continue to meet the minimum requirements prescribed therein, therefor that Act is listed as Part II in this book.

port restaurant," as used in this section shall mean restaurant facilities at any airport for public accommodation, which are owned or operated directly or through lessees by the Commonwealth of Pennsylvania, by any municipal authority, county or city, either severally or jointly, with any other municipal authority, county or city, but shall not include any such restaurant facilities at any airport situated in a municipality where by vote of the electors the retail sale of liquor and malt or brewed beverages is not permitted.

(e) (Added by Act 95 of September 25, 1969, P.L.) "Municipal golf course" as used in this section shall mean the restaurant facilities at any municipal golf course open for public accommodation, which are owned or operated directly or through lessees by a municipal authority, county or city, severally or jointly with any other municipal authority, county or city, but shall not include any such restaurant facilities at any municipal golf course situated in a municipality where by vote of the electors the retail sale of liquor and malt and brewed beverages is not permitted.

Section 462. Licensed Places May Be Closed During Period of Emergency.—The board may, with the approval of the Governor,

(a) Temporarily close all licensed places within any municipality during any period of emergency proclaimed to be such by the Governor.

(b) (*This paragraph is, in effect, repealed by Act 195 of August 26, 1965, P. L. 378*) Advance by one hour the hours prescribed in this act as the hours during which liquor and malt or brewed beverages may be sold in any municipality during such part of the year when daylight saving time may be observed generally in such municipality.

Section 463. *Places of Amusement Not To Be Licensed; Penalty.—(a) (*As amended by Act 676 of September 22, 1961, P. L. 1599*) No license for the sale of liquor or malt or brewed beverages in any quantity shall be granted to the proprietors, lessees, keepers or managers of any theater, circus, museum or other place of amusement, nor shall any house be licensed for the sale of liquor or malt or brewed beverages which has passage or communication to or with any theater, circus, museum or other place of amusement, and any license granted contrary to this act shall be null and void. Nothing contained in this section shall be construed as denying to the board the right to grant a restaurant liquor license to the owner or operator of a restaurant in a building on a plot of ground owned or possessed under lease by a corporation incorporated under the laws of this Commonwealth and used principally by such corporation for holding outdoor sport events authorized by electors in a referendum in the county wherein such events are held under a license issued as provided by law to such corporation by a department, board or commission of the Commonwealth of Pennsylvania. The restaurant liquor license aforementioned shall be subject to all the conditions and

* Section 2 of Act 426 of December 16, 1965, P. L. , provides "Trade show and convention licenses shall not be subject to the provisions . . . of section 463 . . ."

Emergency closing

Daylight saving time

License to sell liquor not to be granted to owners of places of amusement

Exception—Outdoor sport events

restrictions herein applicable to restaurant liquor licenses, except the above prohibition against any passageway or communication between such licensed premises and the place of amusement.

(a.1)(As added by Act 360 of December 1, 1965, P.L. 979 and amended by Act 247 of November 17, 1967, P.L.

) Nothing contained in subsection (a) of this section or in section 102 of this act shall be construed as denying to the Board the right to grant a club or restaurant liquor or malt and brewed beverage license to a club incorporated in this Commonwealth which has been in existence less than one year prior to making application under this section or to a restaurant either of which has a clubhouse or restaurant located in a stadium or arena having an available seating capacity of twelve thousand or more and owned and operated by or pursuant to an agreement with any city of the first class or created and operated under and in compliance with the act of July 29, 1953 (P.L. 1034), known as the "Public Auditorium Authorities Law," and used principally for events at which athletes compete or other types of performers entertain. The club or restaurant liquor or malt and brewed beverage license aforementioned shall be subject to all the conditions and restrictions applicable to such licenses and licenses for places of amusement, except the above prohibition against any passageway or communication between such licensed premises and the place of amusement.

(b) Any proprietor, lessee, keeper or manager of any theater, circus, museum or other place of amusement, or any other person who shall violate the provisions of this section, shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of one hundred dollars and to undergo an imprisonment of not less than thirty days.

Penalty for violation**License Hearings Appeals****Notice of hearing****Conduct of hearing****Stenographic record**

Section 464. Hearings Upon Refusal of Licenses, Renewals or Transfers; Appeals.—The board may of its own motion, and shall upon the written request of any applicant for club, hotel or restaurant liquor license, or any applicant for any malt or brewed beverage license other than a public service license, or for renewal or transfer thereof, whose application for such license, renewal or transfer has been refused, fix a time and place for hearing of such application for license or for renewal or transfer thereof, notice of which hearing shall be mailed to the applicant at the address given in his application. Such hearing shall be before the board, a member thereof, or an examiner designated by the board. At such hearing, the board shall present its reasons for its refusal or withholding of license, renewal or transfer thereof. The applicant may appear in person or by counsel, may cross-examine the witnesses for the board and may present evidence which shall likewise be subject to cross-examination by the board. Such hearings shall be stenographically recorded. The examiner shall thereafter report to the board upon such

**Propriety
of original
issuance**

hearing. The board shall thereupon grant or refuse the license, renewal or transfer thereof. In considering the renewal of a license, the board shall not refuse any such renewal on the basis of the propriety of the original issuance or any prior renewal of such license. If the board shall refuse such license, renewal or transfer following such hearing, notice in writing of such refusal shall be mailed to the applicant at the address given in his application. In all such cases, the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order and furnish a copy thereof to the applicant. Any applicant who has appeared before the board or any agent thereof at any hearing, as above provided, who is aggrieved by the refusal of the board to issue any such license or to renew or transfer any such license may appeal, or any church, hospital, charitable institution, school or public playground located within three hundred feet of the premises applied for, aggrieved by the action of the board in granting the issuance of any such license or the transfer of any such license, may take an appeal limited to the question of such grievance, within twenty days from date of refusal or grant, to the court of quarter sessions of the county in which the premises applied for is located or the county court of Allegheny County. Such appeal shall be upon petition of the aggrieved party, who shall serve a copy thereof upon the board, whereupon a hearing shall be held upon the petition by the court upon ten days' notice to the board, which shall be represented in the proceeding by the Department of Justice. The said appeal shall act as a supersedeas unless upon sufficient cause shown the court shall determine otherwise. The court shall hear the application de novo on questions of fact, administrative discretion and such other matters as are involved, at such time as it shall fix, of which notice shall be given to the board. The court shall either sustain or over-rule the action of the board and either order or deny the issuance of a new license or the renewal or transfer of the license to the applicant. The parties to the proceeding may, within thirty days from the filing of the order or decree of said court, appeal therefrom to the Superior Court.

**Notice of
refusal****Who may
appeal****Appeal within
20 days****Appeal de novo****Appeal to
Superior Court
within 30 days****Bonds****Surety com-
pany or cash
securities**

Section 465. All Licensees to Furnish Bond.—(a) No license shall be issued to any applicant under the provisions of this article until such applicant has filed with the board an approved bond and a warrant of attorney to confess judgment payable to the Commonwealth of Pennsylvania in the amount hereinafter prescribed.

(b) Bonds of all such applicants shall have as surety a surety company authorized to do business in this Commonwealth, or shall have deposited therewith, as collateral security, cash or negotiable obligations of the United States of America or the Commonwealth of Pennsylvania in the same amount as herein provided for the penal sum of bonds. In

all cases where cash or securities in lieu of other surety have been deposited with the board, the depositor shall be permitted to continue the same deposit from year to year on each renewal of license, but in no event shall he be permitted to withdraw his deposit during the time he holds said license, or until six months after the expiration of the license held by him, or while revocation proceedings are pending against such license. All cash or securities received by the board in lieu of other surety shall be turned over by the board to the State Treasurer and held by him. The State Treasurer shall repay or return money or securities deposited with him to the respective depositors only on the order of the board.

Cash or securities

(c) No such bond shall be accepted until approved by the board. All such bonds shall be conditioned for the faithful observance of all the laws of this Commonwealth relating to liquor, alcohol and malt or brewed beverages and the regulations of the board. All bonds shall be retained by the board.

Penal sum of bonds

(d) The penal sum of the respective bonds filed under the provisions of this section shall be as follows:

(1) Manufacturers of malt or brewed beverages, ten thousand dollars (\$10,000.00) for each place at which the licensee is authorized to manufacture.

(2) Liquor importers, ten thousand dollars (\$10,000.00) for each license.

(3) Sacramental wine licensees, ten thousand dollars (\$10,000.00).

(4) Importing distributors of malt or brewed beverages, two thousand dollars (\$2,000.00).

(5) Hotel, restaurant, club and public service liquor licensees, two thousand dollars (\$2,000.00), but in the case of a railroad or pullman company, such penal sum shall cover every dining, club or buffet car of such company operated under such license.

(6) Distributors of malt or brewed beverages, one thousand dollars (\$1,000.00).

(7) Retail dispensers and public service malt or brewed beverage licensees, one thousand dollars (\$1,000.00) for each place at which the licensee is authorized to sell malt or brewed beverages, except that in the case of railroad or pullman companies, said penal sum shall be one thousand dollars (\$1,000.00), irrespective of the number of licensed cars operated by the company.

Forfeiture and collection

(e) Every such bond may be forfeited when a license is revoked and shall be turned over to the Attorney General for collection if and when the licensee's license shall have been revoked and his bond forfeited as provided in this act.

Forfeiture of securities

Section 466. Disposition of Cash and Securities Upon Forfeiture of Bond.—After notice from the board that any of the aforesaid bonds have been forfeited, the State Treasurer shall immediately pay into the State Stores Fund all cash deposited as collateral with such bond, and when securities have been deposited with such bond, the State Treasurer shall

sell, at private sale, at not less than the prevailing market price, any such securities so deposited as collateral with such forfeited bond. The State Treasurer shall thereafter deposit in the State Stores Fund the net amount realized from the sale of such securities, except that if the amount so realized, after deducting proper costs and expenses, is in excess of the penal amount of the bond, such excess shall be paid over by him to the obligor on such forfeited bond.

Display of license

Section 467. Display of License.—Every license issued under this article shall be constantly and conspicuously exposed under transparent substance on the licensed premises and no license shall authorize sales until this section has been complied with.

Transfers

Section 468. Licenses Not Assignable; Transfers.
(a) (As amended by Act 382 of August 22, 1953, P.L. 1340, Act 297 of January 26, 1956, P.L. 966 and Act 225 of October 20, 1967, P.L.) Licenses issued under this article may not be assigned. The Board, upon payment of the transfer filing fee and the execution of a new bond, is hereby authorized to transfer any license issued by it under the provisions of this article from one person to another or from one place to another, or both, within the same municipality, as the Board may determine. The Board, in its discretion, may transfer an existing restaurant or club license from one municipality to another in the same county regardless of the quota limitations provided for in this act, if sales of liquor or malt and brewed beverages are legal in such other municipality and if the restaurant or club lost the use of the building in which it was located due to governmental exercise of the right of eminent domain and no other suitable building can be found in the first municipality. In the case of distributor and importing distributor licenses, the Board may transfer any such license from its place in a municipality to a

D-ID, within county

place in any other municipality within the same county, or from one place to another place within the same municipality, or exchange a distributor license for an importing distributor license or an importing distributor license for a distributor license, if the building for which the license is to be issued has, in the case of an importing distributor license, an area under one roof of two thousand five hundred square feet and, in the case of a distributor license, an area under one roof of one thousand square feet: And provided, That, in the case of all transfers of distributor or importing distributor licenses, whether from a place within the same municipality to another place within the same municipality or from a place in a municipality to a place in any other municipality within the same county, and, in the case of an exchange of a distributor license for

Area

an importing distributor license or an importing distributor license for a distributor license, the premises to be affected by the transfer or exchange shall contain an office separate and apart from the remainder of the premises to be licensed for the purpose of keeping records, required by the board, adequate toilet facilities for employees of the licensee and an entrance on a public thoroughfare: Provided, however, That in the event that the majority of the voting electors of a municipality, at an election held under the provisions of any law so empowering them to do, shall vote against the issuance of distributor or importing distributor licenses in such municipality, the board is hereby authorized to transfer any such distributor or importing distributor license from its place in such municipality to a place in any other municipality within the same county, upon application prior to the expiration of any such license and upon payment of the transfer filing fee and the execution of a new bond; but no transfer shall be made to a person who would not have been eligible to receive the license originally nor for the transaction of business at a place for which the license could not lawfully have been issued originally, nor, except as herein provided, to a place as to which a license has been revoked. No license shall be transferred to any place or property upon which is located as a business the sale of liquid fuels and oil. Except in cases of emergency such as death, serious illness, or circumstances beyond the control of the licensee, as the board may determine such circumstances to justify its action, transfers of licenses may be made only at times fixed by the board. In the case of the death of a licensee, the board may transfer the license to the surviving spouse or personal representative or to a person designated by him. From any refusal to grant a transfer or upon the grant of any transfer, the party aggrieved shall have the right of appeal to the proper court and therefrom to the Superior Court, in the manner hereinbefore provided.

(b) In the event that any person to whom a license shall have been issued under the provisions of this article shall become insolvent, make an assignment for the benefit of creditors, become a bankrupt by either voluntary or involuntary action, the license of such person shall immediately terminate and be cancelled without any action on the part of the board, and there shall be no refund made or credit given for the unused portion of the license fee for the remainder of the license year for which said license was granted. Thereafter, no license shall be issued by the board for the premises wherein said license was conducted to any assignee, committee, trustee, receiver, or successor of such licensee, until a hearing has been held by the board as in the case of a new application for license. In all such cases, the board shall have the sole and final discretion as to the propriety of the issuance of a license for such premises and as to the time it shall issue and the period for which it shall be issued, and shall have the further power to exact conditions under which said license shall be conducted.

Office

Toilets

Entrance

Restrictions

**Death of
licensee
transfer to
spouse**

**Appeals from
refusal**

**Automatic
cancellation
for insolvency,
bankruptcy**

Liquor Code**Transfer
Application
Filing fee****Bond****File Renewal
60 days before
expiration****New Bond****File less than
60 days upon
reasonable
cause****10 months after
expiration date****License
issuance**

Section 469. (*As amended by Act 702 of September 28, 1961, P. L. 1728*) **Applications for Transfers; Fees.**—Every applicant for a transfer of a license under the provisions of this article shall file a written application with the board, together with a filing fee of thirty dollars (\$30) if the license to be transferred is a liquor license, and twenty dollars (\$20) if the license is a malt or brewed beverage license. Such applications shall be in such form and shall be filed at such times as the board shall in its regulations prescribe. Each such applicant shall also file an approved bond as required on original applications for such licenses

Whenever any license is transferred, no license or other fees shall be required from the persons to whom such transfer is made for the balance of the then current license year, except the filing fee as herein provided.

Section 470. (*As amended by Act 87 of August 1, 1969, P.L. 1728*) **Renewal of Licenses; Temporary Provisions for Licensees in Armed Service.** (a) All Applications for renewal of licenses under the provisions of this article shall be filed with a new bond, requisite license and filing fees at least sixty days before the expiration date of same: Provided, however, That the Board, in its discretion, may accept a renewal application filed less than sixty days before the expiration date of the license with the required bond and fees, upon reasonable cause shown and the payment of an additional filing fee of one hundred dollars (\$100.00) for late filing: And provided further, That except where the failure to file a renewal application on or before the expiration date has created a license quota vacancy after said expiration date which has been filled by the issuance of a new license, after such expiration date, but before the Board has received a renewal application within the time prescribed herein the Board, in its discretion, may, after hearing, accept a renewal application filed within ten months after the expiration date of the license with the required bond and fees upon the payment of an additional filing fee of two hundred fifty dollars (\$250.00) for late filing. Where any such renewal application is filed less than sixty days before the expiration date, or subsequent to the expiration date, no license shall issue upon the filing of the renewal application until the matter is finally determined by the Board and if an appeal is taken from the Board's action the courts shall not order the issuance of the renewal license until final determination of the matter by the courts. A renewal application will not be considered filed unless accompanied by a new bond and the requisite filing and license fees and any additional filing fee required by this section. Unless the Board shall have given ten days' previous notice to the applicant of objections to the renewal of his license, based

upon violation by the licensee or his servants, agents or employes of any of the laws of the Commonwealth or regulations of the Board relating to the manufacture, transportation, use, storage, importation, possession or sale of liquors, alcohol or malt or brewed beverages, or the conduct of a licensed establishment, or unless the applicant has by his own act become a person of ill repute, or unless the premises do not meet the requirements of this act or the regulations of the Board, the license of a licensee shall be renewed.

(b) In cases where a licensee or his servants, agents or employes are arrested, charged with violating any of the laws of this Commonwealth relating to liquor, alcohol or malt or brewed beverages, and where the board has on file in such cases reports of its enforcement officers or investigators or from other sources that a licensee or his servants, agents or employes have violated any of the aforementioned laws and a proceeding to revoke such licensee's license is or is about to be instituted, and such arrest occurs or report of violations is received or revocation proceeding instituted or about to be instituted during the time a renewal application of such license is pending before the board, the board may, in its discretion, renew the license, notwithstanding such alleged violations, but such renewal license may be revoked if and when the licensee or any of his servants, agents or employes are convicted of or plead guilty to violations under the previous license, as aforesaid, or if and when such previous license is for any reason revoked.

In the event such renewal license is revoked by the board, neither the license fee paid for such license nor any part thereof shall be returned to the licensee, but the license bond

Arrest or
citation no
bar to renewal

Renewal may
be revoked

Fees not
returnable

filed with the application for such renewal of license shall not be forfeited.

(c) Notwithstanding anything to the contrary in this section, any individual who holds a restaurant or hotel liquor license or a retail dispenser (hotel or eating place) malt or brewed beverage license in effect at the time such individual enters the armed forces of the United States of America, may surrender to the board for safekeeping the said license and, if surrendered, shall furnish the board with documentary evidence as to his entering such armed forces. Upon surrender of the license, the board shall, without the filing of an application for renewal or surety bond, the payment of filing and license fees, renew the said license from year to year and hold the same in its possession for the benefit of such licensee. A license so renewed by the board shall to all intents and purposes be considered as in full force and effect, notwithstanding the licensee is not exercising the privileges thereunder, and shall be returned to the said licensee at any time within one year from the date of his honorable discharge from the armed forces of the United States upon the filing of an application therefor, surety bond, and payment of the filing and license fees as hereinafter provided. The said application for return of license shall be on a form prescribed by the board, accompanied by a filing fee in the sum of ten dollars (\$10.00) and the prescribed license fee, except that when such application is filed after a portion of the then current license term has elapsed, the license fee shall be prorated on a monthly basis for the balance of the license year: Provided, however, That the said license shall not be returned if the electors of the municipality in which the licensed establishment is situate have voted against the granting of retail liquor licenses or against the granting of retail dispenser licenses, as the case may be, under the local option provision of this act. In the event the premises originally covered by the license are not available for occupancy by the licensee at the time he files his application for return of license, as hereinbefore provided, he shall be permitted to file an application for transfer of the license to other premises in the same municipality. Such transfer of the license shall be subject to all of the provisions of this act pertaining to the transfer of such licenses.

This subsection (c) was enacted due to conditions caused by the present war and shall remain in effect only until the termination of said war and one year thereafter.

Section 471. (*As amended by Act 583 of September 15, 1961, P. L. 1325 and Act 518 of January 13, 1966, P. L. 1301*) **Revocation and Suspension of Licenses; Fines.**—Upon learning of any violation of this act or any laws of this Commonwealth relating to liquor, alcohol or malt or brewed beverages, or of any regulations of the board adopted pursuant to such laws, of any violation of any laws of this Commonwealth or of the United States of America relating to the tax-payment of liquor or malt or brewed beverages by any licensee within the scope of this article, his officers, servants, agents or employes, or upon any other sufficient

**Licenses in
armed forces**

**Surrender
license for
safe-keeping**

**Automatic
renewal**

**Returnable
within 1 year
of honorable
discharge**

**License fee
prorated**

**Revocation and
suspension**

**Cause for
citation**

Cite within 1 year	cause shown, the board may, within one year from the date of such violation or cause appearing, cite such licensee to appear before it or its examiner, not less than ten nor more than sixty days from the date of sending such licensee, by registered mail, a notice addressed to him at his licensed premises, to show cause why such license should not be suspended or revoked or a fine imposed. Hearings on such citations shall be held in the same manner as provided herein for hearings on applications for license. Upon such hearing, if satisfied that any such violation has occurred or for other sufficient cause, the board shall immediately suspend or revoke the license, or impose a fine of not less than fifty dollars (\$50) nor more than one thousand dollars (\$1,000), notifying the licensee by registered letter addressed to his licensed premises. In the event the fine is not paid within twenty days of the order the board shall suspend or revoke the license, notifying the licensee by registered mail addressed to his licensed premises. Suspensions and revocations shall not go into effect until twenty days have elapsed from the date of notice of issuance of the board's order, during which time the licensee may take an appeal as provided for in this act. When a license is revoked, the licensee's bond may be forfeited by the board. Any licensee whose license is revoked shall be ineligible to have a license under this act until the expiration of three years from the date such license was revoked. In the event the board shall revoke a license, no license shall be granted for the premises or transferred to the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises, except in cases where the licensee or a member of his immediate family is not the owner of the premises, in which case the board may, in its discretion, issue or transfer a license within the said year. In all such cases, the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order. In the event the person who was fined or whose license was suspended or revoked by the board shall feel aggrieved by the action of the board, he shall have the right to appeal to the court of quarter sessions or the county court of Allegheny County in the same manner as herein provided for appeals from refusals to grant licenses. Upon appeal, the court so appealed to shall, in the exercise of its discretion, sustain, reject, alter or modify the findings, conclusions and penalties of the board, based on the findings of fact and conclusions of law as found by the court. The aforesaid appeal shall act as a supersedeas unless upon sufficient cause shown the court shall determine otherwise. The licensee or the board may, within thirty days from the filing of the order or decree of said court, file an appeal therefrom to the Superior Court. No penalty provided by this section shall be imposed by the board or any court for any violations provided for in this act unless the enforcement officer or the board notifies the licensee of its nature and of the date of the alleged violation within ten days of the completion of the investigation which in no event shall exceed ninety days.
Notice of citation	
Hearings	
Notice of suspension or revocation	
20 day notice of suspension or revocation	
Ineligible for license for 3 years if revoked	
Premises ineligible for 1 year after revocation	
Opinion	
Appeal	
Discretion of appeal court	
Appeal to Superior Court	

If the violation in question is a third or subsequent violation of this act or the act of June 24, 1939 (P. L. 872), known as "The Penal Code," occurring within a period of four years the board shall impose a suspension or revocation.

The jurisdiction of the county court of Allegheny County conferred hereby shall be exclusive within the territorial limits of its jurisdiction.

Section 472. (*As amended by Act 619 of January 19, 1952, P. L. 2170 and Act 272 of August 19, 1953, P. L. 1061 and Act 382 of August 22, 1953, P. L. 1340 and Act 231 of June 28, 1957, P. L. 419*) **Local Option.**—In any municipality, an election may be held on the date of the primary election immediately preceding any municipal election, but not oftener than once in four years, to determine the will of the electors with respect to the granting of liquor licenses to hotels, restaurants and clubs, not oftener than once in four years, with respect to the granting of licenses to retail dispensers of malt and brewed beverages, not oftener than once in four years with respect to granting of licenses to wholesale distributors and importing distributors, or not more than once in four years with respect to the establishment, operation and maintenance by the board of Pennsylvania liquor stores, within the limits of such municipality, under the provisions of this act: Provided, however, Where an election shall have been held at the primary preceding a municipal election in any year, another election may be held under the provisions of this act at the primary occurring the fourth year after such prior election: And provided further, That an election on the question of establishing and operating a State liquor store shall be initiated only in those municipalities that shall have voted against the granting of liquor licenses; and that an election on the question of granting wholesale distributor and importing distributor licenses shall be initiated only in those municipalities that shall have at a previous election voted against the granting of dispenser's licenses. Whenever electors equal to at least twenty-five per centum of the highest vote cast for any office in the municipality at the last preceding general election shall file a petition with the county board of elections of the county for a referendum on the question of granting any of said classes of licenses or the establishment of Pennsylvania liquor stores, the said county board of elections shall cause a question to be placed on the ballots or on the voting machine board and submitted at the primary immediately preceding the municipal election. Separate petitions must be filed for each question to be voted on. Said proceedings shall be in the manner and subject to the provisions of the election laws which relate to the signing, filing and adjudication of nomination petitions, insofar as such provisions are applicable.

When the question is in respect to the granting of liquor licenses, it shall be in the following form:

Do you favor the granting of liquor licenses for the sale of liquor in of ?	Yes	
	No	

Local option

Once in 4
years at
primary
election

25% of vote

Petition

Liquor Code

When the question is in respect to the granting of licenses to retail dispensers of malt and brewed beverages, it shall be in the following form:

Do you favor the granting of malt and brewed beverage retail dispenser licenses for consumption on premises where sold in the of ?	Yes	
	No	

When the question is in respect to the granting of licenses to wholesale distributors of malt or brewed beverages and importing distributors, it shall be in the following form:

Do you favor the granting of malt and brewed beverage wholesale distributor's and importing distributor's licenses not for consumption on premises where sold in the of ?	Yes	
	No	

When the question is in respect to the establishment, operation and maintenance of Pennsylvania liquor stores it shall be in the following form:

Do you favor the establishment, operation and maintenance of Pennsylvania liquor stores in the of ?	Yes	
	No	

Tie vote

In case of a tie vote, the status quo shall obtain. If a majority of the voting electors on any such question vote "yes," then liquor licenses shall be granted by the board to hotels, restaurants and clubs, or malt and brewed beverage retail dispenser licenses or wholesale distributor's and importing distributor's license for the sale of malt or brewed beverages shall be granted by the board, or the board may establish, operate and maintain Pennsylvania liquor stores, as the case may be, in such municipality, as provided by this act; but if a majority of the electors voting on any such question vote "no," then the board shall have no power to grant or to renew upon their expiration any licenses of the class so voted upon in such municipality; or if the negative vote is on the question in respect to the establishment, operation and maintenance of Pennsylvania liquor stores, the board shall not open and operate a Pennsylvania liquor store in such municipality, nor continue to operate a then existing Pennsylvania liquor store in the municipality for more than two years thereafter or after the expiration of the term of the lease on the premises occupied by such store, whichever period is less, unless and until at a later election a majority of the voting electors vote "yes" on such question.

**Clubs located
in 8 or more
municipalities**

Section 472.1. (*As added by Act 590 of September 16, 1961, P. L. 1337*) Clubs.—Whenever any club in existence at least five years prior to the time of application for license

owns a contiguous plot of land in more than two municipalities in one or more but less than all of which the granting of liquor licenses has not been prohibited and at least one acre of the plot of land owned by the club is situated in each municipality in which the granting of liquor licenses has not been prohibited, the club may be issued a club liquor license or a catering license by the board if the board finds that the license will not be detrimental to any residential neighborhood. This section shall not be construed to prohibit the issuance of club liquor licenses or catering licenses which may otherwise be issued under the provisions of this act.

Section 472.2. (*As added by Act 124 of November 18, 1969, P.L. 1301*) **Granting of Liquor Licenses in Certain Municipalities.** (a) In any municipality which has, prior to January 1, 1967, by referendum approved the granting of malt and brewed beverage retail dispensers' licenses and has also thereafter, in a separate and subsequent referendum approved the granting of liquor licenses prior to the effective date of this amendment, the Board may issue to an applicant holding a malt and brewed beverage retail dispenser's license, a liquor license: Provided, That the applicant surrenders for cancellation the malt and brewed beverage retail dispenser's license. The Board shall not issue such a liquor license in excess of one for each one thousand five hundred residents in said municipality and any application for said license shall be filed within two years from the effective date of this amendment.

(b) Nothing in this section shall OTHERWISE affect any existing malt and brewed beverage retail dispenser's license.

(c) The Board may not accept, act upon, or grant an application for a liquor license under this section, when such application, if granted, would cause an excess in the aforesaid quota of one liquor license for each one thousand five hundred residents in said municipality. Nor shall an applicant under this section be required to surrender his malt and brewed beverage retail dispenser's license until and unless the Board has granted his application for a liquor license.

Section 473. (*As added by Act 518 of January 13, 1966, P.L. 1301*) **Public Record.**—(a) Any person having a pecuniary interest in the conduct of business on licensed premises whether that interest is direct or indirect, legal or equitable, individual, corporate, or mutual shall file his name and address with the board on forms provided by the board. In the case of corporate ownership, the secretary of the corporation shall file with the board the names and addresses of all persons having such a corporate pecuniary interest.

(b) The names and addresses required by this section shall be recorded by the board and made available to the public as a public record.

Section 474. (*Added by Act 201 of July 20, 1968, P. L.*

) Surrender of Club Licenses for Benefit of Licensees. Whenever a club license has been returned to the Board for the benefit of the licensee due to the licensed establishment not having been in operation for any reason whatsoever for a period of time not exceeding fifteen days, the license shall be held by the Board for the benefit of the licensee for a period of time not exceeding one year, or, upon proper application to the Board, for an additional year, and the license shall be revoked at the termination of the period, and transfer of the license shall not be permitted after the termination of the period.

(C.1) Sales by Distributors and Importing Distributors.

Sections 480 to 487 inclusive (*Added by Act 495 of August 23, 1961, P. L. 1115 were repealed by Act 343 of November 10, 1965, P. L. 716*)

(D) Unlawful Acts; Penalties.

Section 491. Unlawful Acts Relative to Liquor, Alcohol and Liquor Licensees.—

It shall be unlawful—

(1) **Sales of Liquor.** For any person, by himself or by an employee or agent, to expose or keep for sale, or directly or indirectly, or upon any pretense or upon any device, to sell or offer to sell any liquor within this Commonwealth, except in accordance with the provisions of this act and the regulations of the board. This clause shall not be construed to prohibit hospitals, physicians, dentists or veterinarians who are licensed and registered under the laws of this Commonwealth from administering liquor in the regular course of their professional work and taking into account the cost of the liquor so administered in making charges for their professional service, or a pharmacist duly licensed and registered under the laws of this Commonwealth from dispensing liquor on a prescription of a duly licensed physician, dentist or veterinarian, or selling medical preparations containing alcohol, or using liquor in compounding prescriptions or medicines and making a charge for the liquor used in such medicines, or a manufacturing pharmacist or chemist from using liquor in manufacturing preparations unfit for beverage purposes and making a charge for the liquor so used. All such liquors so administered or sold by hospitals, physicians, dentists, veterinarians, pharmacists or chemists shall conform to the Pharmacopoeia of the United States, the National Formulary, or the American Homeopathic Pharmacopoeia.

(2) (*As amended by Act 381 of July 26, 1961, P.L. 886 and Act 154 of December 10, 1969, P.L. 1*) Possession or Transportation of Liquor or Alcohol. For any person, except a manufacturer or the board or the holder of a sacramental wine license or of an importer's license, to possess or transport any liquor or alcohol within this Commonwealth which was not lawfully acquired prior to January first, one thousand nine hundred and thirty-four, or has not been purchased from a Pennsylvania Liquor

Exposure and sale without license

Medicinal Administration

Prescriptions

Liquors conforming to National Formulary, etc.

Possession or transportation of liquor unlawfully acquired

Store or in accordance with the board's regulations. The burden shall be upon the person possessing or transporting such liquor or alcohol to prove that it was so acquired. But nothing herein contained shall prohibit the manufacture or possession of wine by any person in his home for consumption of himself, his family and guests and not for sale, not exceeding, during any one calendar year, two hundred gallons, any other law to the contrary notwithstanding. Such wine shall not be manufactured, possessed, offered for sale or sold on any licensed premises.

None of the provisions herein contained shall prohibit nor shall it be unlawful for any person to import into Pennsylvania, transport or have in his possession, an amount of liquor not exceeding one gallon in volume upon which a State tax has not been paid, and the package in which the liquor is contained does not bear the official seal of the board, if it can be shown to the satisfaction of the board that such person purchased the liquor in a foreign country and was allowed to bring it into the United States duty free. Such liquor shall not be possessed, offered for sale or sold on any licensed premises.

Any person violating the provisions of this clause for a first offense involving the possession or transportation in Pennsylvania of any liquor in a package (bottle or other receptacle) which does not bear the official seal of the Board, or wine not purchased from a Pennsylvania Liquor Store, with respect to which satisfactory proof is produced that the required Federal tax has been paid and which was purchased, procured or acquired legally outside of Pennsylvania shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of twenty-five dollars (\$25) for each such package, plus costs of prosecution, or undergo imprisonment for a term not exceeding ninety (90) days. Each full quart or major fraction thereof shall be considered a separate package (bottle or other receptacle) for the purposes of this clause. Such packages of liquor shall be forfeited to the Commonwealth in the manner prescribed in Article VI of this act but the vehicle, boat, vessel, animal or aircraft used in the illegal transportation of such packages shall not be subject to forfeiture: provided, however, that if it is a second or subsequent offense or if it is established that the illegal possession or transportation was in connection with a commercial transaction, then the other provisions of this act providing for prosecution as a misdemeanor and for the forfeiture of the vehicle, boat, vessel, animal or aircraft shall apply.

(3) Purchase of Liquor or Alcohol. For any person within this Commonwealth, by himself or by an employe or agent, to attempt to purchase, or directly or indirectly, or upon any pretense or device whatsoever, to purchase any liquor or alcohol from any person or source other than a Pennsylvania Liquor Store, except in accordance

**Home-made
wine not
exceeding 200
gallons**

**Not on licensed
premises**

**Liquor
purchased in
foreign country**

**Purchase from
illegal source**

with the provisions of this act or the regulations of the Board.

(4) (As amended by Act 349 of February 17, 1956, P.L. 1078 and Act 543 of November 19, 1959, P.L. 1532)

Liquor Packages Without Official Seal. For any person, except a manufacturer or the Board or the holder of an importer's license, to have or keep any liquor, except wine, within the Commonwealth unless the package (except the decanter or other receptacle containing liquor for immediate consumption) in which the liquor is contained while containing that liquor bears the official seal of the Board as originally affixed in accordance with the provisions of this act or the regulations of the Board. The use of decanters or other similar receptacles by the licensees shall be permitted only in the case of wines and then only in accordance with the regulations of the Board, but nothing herein contained shall prohibit the manufacture and possession of wine as provided in (2) of this section.

Possession
of liquor not
bearing official
seal

Decanters

(5) (As amended by Act 110 of May 5, 1970, P.L.)

Failure to Break Empty Liquor Containers. For any restaurant, hotel or club licensee, his servants, agents or employes, to fail to break any package in which liquors were contained, except those decanter packages that the Board determines to be decorative, within twenty-four hours after the original contents were removed therefrom.

Break bottles

(6) **Sales by Restaurant and Hotel Liquor Licensees.** For any restaurant or hotel licensee, his servants, agents or employes, to sell any liquor or malt or brewed beverages for consumption on the licensed premises except in a room or rooms or place on the licensed premises at all times accessible to the use and accommodation of the general public, but this section shall not be interpreted to prohibit a hotel licensee, or a restaurant licensee when the restaurant is located in a hotel, from selling liquor or malt or brewed beverages in any room of such hotel occupied by a bona fide guest.

Rooms for
service

(7) **Sales of Liquor by Manufacturers and Licensed Importers.** For any manufacturer or licensed importer of liquor in this Commonwealth, his agents, servants or employes, to sell or offer to sell any liquor in this Commonwealth except to the board for use in Pennsylvania Liquor Stores, and in the case of a manufacturer, to the holder of a sacramental wine license or an importer's license, but a manufacturer or licensed importer may sell or offer to sell liquor to persons outside of this Commonwealth.

Sales by
manufacturer
or importer

(8) **Importation and Sales of Alcohol.** For any person, to import alcohol into this Commonwealth, or to sell alcohol to any person, except in accordance with the regulations of the board.

Alcohol

(9) **Possession of Alcohol.** For any person, to have alcohol in his possession, except in accordance with the provisions of this act and the regulations of the board.

Possession of
alcohol

Fortification	(10) (<i>As amended by Act 347 of July 18, 1961, P. L. 789</i>) Fortifying, Adulterating or Contaminating Liquor. For any licensee or any employee or agent of a licensee or of the board, to fortify, adulterate or contaminate any liquor, except as permitted by the regulations of the board, or to refill wholly or in part, with any liquid or substance whatsoever, any liquor bottle or other liquor container.
Adulteration	
Contamination	
Refilling bottles	
Restrictions on Importation	(11) Importation of Liquor. For any person, other than the board or the holder of a sacramental wine license or of an importer's license, to import any liquor whatsoever into this Commonwealth, but this section shall not be construed to prohibit railroad and pullman companies from selling liquors purchased outside the Commonwealth in their dining, club and buffet cars which are covered by public service liquor licenses and which are operated in this Commonwealth.
Delivery	(12) Delivery of Liquor by Certain Licensees. For a liquor licensee permitted to deliver liquor, to make any deliveries except in his own vehicles bearing his name, address and license number on each side in letters not smaller than four inches in height, or in the vehicle of another person duly authorized to transport liquor within this Commonwealth.
Vehicles	
4" letters	
Violation of rationing	(13) Violation of Certain Rules and Regulations of Board. For any person, to violate any rules and regulations adopted by the board to insure the equitable wholesale and retail sale and distribution of liquor and alcohol through the Pennsylvania Liquor Stores.
Offering of gifts, etc.	(14) Offering Commission or Gift to Members of Board or State Employe. For any person selling or offering to sell liquor or alcohol to, or purchasing at wholesale liquor or alcohol from, the board, either directly or indirectly, to pay or offer to pay any commission, profit or remuneration, or to make or offer to make any gift to any member or employe of the board or other employe of the Commonwealth or to anyone on behalf of such member or employe.
Traffic in board seals	(15) (<i>As added by Act 543 of November 19, 1959, P. L. 1532</i>) For any person to have, keep, use, utter, barter, buy, sell, traffic in, manufacture or make any official seal of the board or facsimile or reproduction thereof, unless authorized so to do by the provisions of this act or by the regulations or the express consent of the board.
Unlawful Acts	Section 492. Unlawful Acts Relative to Malt or Brewed Beverages and Licensees.— It shall be unlawful—
Mfg. without license	(1) Manufacturing Without License. For any person, to manufacture malt or brewed beverages, unless such person holds a valid manufacturer's license for such purpose issued by the board.
Sale without license	(2) Sales of Malt or Brewed Beverages for Consumption on the Premises. For any person to sell to another for consumption upon the premises where sold or to permit another to consume upon the premises where sold, any malt

or brewed beverages, unless such person holds a valid retail dispenser license or a valid liquor license issued by the board authorizing the sale of malt or brewed beverages for consumption upon such premises.

(3) **Sales of Malt or Brewed Beverages Not for Consumption on the Premises.** For any person, to sell to another any malt or brewed beverages not for consumption upon the premises where sold, unless such person holds a valid license permitting such sale.

**Sale without
license**

(4) **Sunday Sales of Malt or Brewed Beverages by Manufacturers, Importing Distributors or Distributors.** For any manufacturer of malt or brewed beverages, importing distributor or distributor, or the servants, agents or employes of the same, to sell, trade or barter in malt or brewed beverages between the hours of twelve o'clock midnight of any Saturday and two o'clock in the forenoon of the following Monday.

Hours of sale

(5) (*As amended by Act 268 of July 3, 1957, P.L. 475, Act 639 of September 19, 1961, P.L. 1507, Act 242 of August 1, 1963, P.L. 456 and Act 302 of November 30, 1967, P.L. 1957*) **Sales of Malt or Brewed Beverages by Hotels, Eating Places or Public Service Licensees During Prohibited Hours.** For any hotel or eating place holding a retail dispenser's license, or the servants, agents or employes of such licensees, to sell, trade or barter in malt or brewed beverages between the hours of two o'clock antemeridian Sunday and seven o'clock in the forenoon of the following Monday, or between the hours of two o'clock antemeridian and seven o'clock antemeridian of any week day: Provided, That notwithstanding any provision to the contrary, whenever the thirty-first day of December falls on a Sunday such sales of malt or brewed beverages may be made on such day after one o'clock postmeridian and until two o'clock antemeridian of the following day. For any public service licensee authorized to sell malt or brewed beverages or the servants, agents or employes of such licensees to sell, trade or barter in malt or brewed beverages between the hours of two o'clock antemeridian and seven o'clock antemeridian on any day.

Hours of sale

(*This paragraph is, in effect, repealed by Act 195 of August 26, 1965, P. L. 378*) Any licensee holding a retail dispenser license or a malt or brewed beverage public service license may, by giving notice to the board, advance by one hour the hours herein prescribed as those during which malt or brewed beverages may be sold during such part of the year when daylight saving time is being observed generally in the municipality in which the place of business is located. Any licensee who elects to operate his place of business in accordance with daylight saving time shall post a conspicuous notice in his place of business that he is operating in accordance with daylight saving time.

**Daylight
Saving Time**

Posting notice

Sales on election day

(6) **Sales of Malt or Brewed Beverages on Election Day by Hotels, Eating Places or Public Service Licensees.** For any hotel or eating place holding a retail dispenser's license, or any malt or brewed beverage public service licensee, or his servants, agents or employes, to sell, furnish or give any malt or brewed beverages to any person after two o'clock antemeridian, or until one hour after the time fixed by law for the closing of polling places on days on which a general, municipal, special or primary election is being held.

Club sales between 3 and 7 A.M.

(7) **Clubs Selling Between Three O'Clock Antemeridian and Seven O'Clock Antemeridian.** For any club retail dispenser, or its servants, agents or employes, to sell malt or brewed beverages between the hours of three o'clock antemeridian and seven o'clock antemeridian on any day.

Transportation

(8) **Transportation of Malt or Brewed Beverages.** For any person, to transport malt or brewed beverages except in the original containers, or to transport malt or brewed beverages for another who is engaged in selling either liquor or malt or brewed beverages, unless such person shall hold (a) a license to transport for hire, alcohol, liquor and malt or brewed beverages, as hereinafter provided in this act, or (b) shall hold a permit issued by the board and shall have paid to the board such permit fee, not exceeding one hundred dollars (\$100), and shall have filed with the board a bond in the penal sum of not more than two thousand dollars (\$2000), as may be fixed by the rules and regulations of the board, any other law to the contrary notwithstanding.

Permit

(9) **Transportation of Malt or Brewed Beverages by Licensee.** For a malt or brewed beverage licensee, to deliver or transport any malt or brewed beverages, excepting in vehicles bearing the name and address and license number of such licensee painted or affixed on each side of such vehicle in letters no smaller than four inches in height.

Delivery vehicle

(10) (*This section was repealed "in so far as it requires tax stamps or crowns to be affixed to containers in which malt or brewed beverages are transported" by Section 16 (a) of Act 51 of June 2, 1965, P. L. 64*) **Importing or Transporting Malt or Brewed Beverages Without Tax Stamps.** For any person, to transport within or import any malt or brewed beverages into this Commonwealth, except in accordance with the rules and regulations of the board, or for any person to transport malt or brewed beverages into or within this Commonwealth, unless there shall be affixed to the original containers in which such malt or brewed beverages are transported, stamps or crowns evidencing the payment of the malt liquor tax to the Commonwealth: Provided, however, That this clause shall not be construed to prohibit transportation of malt or brewed beverages through this Commonwealth and not for delivery therein, if such transporting is done in accordance with the rules and regulations of the board.

Lettering 4" high

(11) **Delivery of Malt or Brewed Beverages With Other Commodities.** For any manufacturer, importing distributor or distributor, or his servants, agents or employes, except

Transportation and import restrictions**Tax payment****Delivery with other commodity**

with board approval, to deliver or transport any malt or brewed beverages in any vehicle in which any other commodity is being transported.

(12) **Distributors and Importing Distributors Engaging in Other Business.** For any distributor or importing distributor, or his servants, agents or employes, without the approval of the board, and then only in accordance with board regulations, to engage in any other business whatsoever, except the business of distributing malt or brewed beverages.

Other business

(13) **Possession or Storage of Liquor or Alcohol by Certain Licensees.** For any distributor, importing distributor or retail dispenser, or his servants, agents or employes, to have in his possession, or to permit the storage of on the licensed premises or in any place contiguous or adjacent thereto accessible to the public or used in connection with the operation of the licensed premises, any alcohol or liquor.

Possession of liquor

(14) **Malt or Brewed Beverage Licensees Dealing in Liquor or Alcohol.** For any malt or brewed beverage licensee, other than a manufacturer, or the servants, agents or employes thereof, to manufacture, import, sell, transport, store, trade or barter in any liquor or alcohol.

Transactions in liquor

(15) **Selling to Persons Doing Illegal Business.** For any malt or brewed beverage licensee, or his servants, agents or employes, to knowingly sell any malt or brewed beverages to any person engaged in the business of illegally selling liquor or malt or brewed beverages.

Sales to illegal vendors

(16) **Distributors and Importing Distributors Failing to Keep Records.** For any importing distributor or distributor engaged in the sale of products, other than malt or brewed beverages, to fail to keep such complete separate records covering in every respect his transactions in malt or brewed beverages as the board shall by regulation require.

Failure to keep records

(17) **Fortifying, Adulterating or Contaminating Malt or Brewed Beverages.** For any person, to fortify, adulterate, contaminate, or in any wise to change the character or purity of, the malt or brewed beverages from that as originally marketed by the manufacturer at the place of manufacture.

**Fortification
Adulteration**

Section 493. Unlawful Acts Relative to Liquor, Malt and Brewed Beverages and Licensees.—The term "licensee," when used in this section, shall mean those persons licensed under the provisions of Article IV, unless the context clearly indicates otherwise.

It shall be unlawful—

(1) **Furnishing Liquor or Malt or Brewed Beverages to Certain Persons.** For any licensee or the board, or any employe, servant or agent of such licensee or of the board, or any other person, to sell, furnish or give any liquor or malt or brewed beverages, or to permit any liquor or malt or brewed beverages to be sold, furnished or given, to any

Sales to intoxicated persons

**Insane, Minors
Habitual
drunkards**

person visibly intoxicated, or to any insane person, or to any minor, or to habitual drunkards, or persons of known intemperate habits.

Credit

(2) (As amended by Act 533 of May 15, 1956, P.L. 1587; Act 211 of June 15, 1961, P.L. 423; Act 180 of October 9, 1967, P.L. and Act 11 of February 16, 1970, P.L.) Purchase or Sale of Liquor or Malt or Brewed Beverages on Credit. For any licensee, his agent, servant or employee, to sell or offer to sell or purchase or receive any liquor or malt or brewed beverages except for cash, excepting credit extended by a hotel or club to a bona fide guest or member, or by railroad or Pullman companies in dining, club or buffet cars to passengers, for consumption while enroute, holding authorized credit cards issued by railroad or railroad credit bureaus, or by hotel, restaurant and public service licensees to customers holding credit cards issued in accordance with regulations of the Board or credit cards issued by banking institutions subject to State or Federal regulation: Provided further, That nothing herein contained shall be construed to prohibit the use of checks or drafts drawn on a bank, banking institution, trust company or similar depository, organized and existing under the laws of the United States of America or the laws of any state, territory or possession thereof, in payment for any liquor or malt or brewed beverages if the purchaser is the payor of the check or draft, and the licensee is the payee. No right of action shall exist to collect any claim for credit extended contrary to the provisions of this clause. Nothing herein contained shall prohibit a licensee from crediting to a purchaser the actual price charged for original containers returned by the original purchaser as a credit on any sale, or from refunding to any purchaser the amount paid by such purchaser for such containers or as a deposit on containers when title is retained by the vendor, if such original containers have been returned to the licensee. Nothing herein contained shall prohibit a manufacturer from extending usual and customary credit for liquor or malt or brewed beverages sold to customers or purchasers who live or maintain places of business outside of the Commonwealth of Pennsylvania, when the liquor or malt or brewed beverages so sold are actually transported and delivered to points outside of the Commonwealth: Provided, however, That as to all transactions affecting malt or brewed beverages to be resold or consumed within this Commonwealth, every licensee shall pay and shall require cash deposits on all returnable original containers which contain not more than one hundred twenty-eight fluid ounces, and all such cash deposits shall be refunded upon return of the original containers.

**Licensees'
checks****Exceptions****Sales outside
the State****Container
deposits**

(3) Exchange of Liquor or Malt or Brewed Beverages For Merchandise, etc. For any licensee or the board, or any employe, servant or agent of a licensee or of the board, to sell, offer to sell or furnish any liquor or malt or brewed beverages to any person on a pass book or store order, or to receive from any person any goods, wares, merchandise or other articles in exchange for liquor or malt or brewed beverages.

**Pass-book or
Store order**

(4) Peddling Liquor or Malt or Brewed Beverages. For any person, to hawk or peddle any liquor or malt or brewed beverages in this Commonwealth.

**Hawk and
peddle**

(5) Failure to Have Brands as Advertised. For any licensee, his servants, agents or employes, to advertise or hold out for sale any liquor or malt or brewed beverages by trade name or other designation which would indicate the manufacturer or place of production of the said liquor or malt or brewed beverages, unless he shall actually have on hand and for sale a sufficient quantity of the particular liquor or malt or brewed beverages so advertised to meet requirements to be normally expected as a result of such advertisement or offer.

**Advertising
without supply**

(6) Brand or Trade Name on Spigot. For any licensee, his agents, servants or employes, to furnish or serve any malt or brewed beverages from any faucet, spigot or other dispensing apparatus, unless the trade name or brand of the product served shall appear in full sight of the customer and in legible lettering upon such faucet, spigot or dispensing apparatus.

Tap markings

(7) Alcoholic Strength on Label of Malt or Brewed Beverages. For any licensee, or his servants, agents or employes, to transport, sell, deliver or purchase any malt or brewed beverages upon which there shall appear a label or other informative data which in any manner refers to the alcoholic contents of the malt or brewed beverage, or which refers in any manner to the original alcoholic strength, extract or balling proof from which such malt or brewed beverage was produced. This clause shall not be construed to prohibit a manufacturer from designating upon the label or descriptive data the alcoholic content of malt or brewed beverages intended for shipment into another state or territory, when the laws of such state or territory require that the alcoholic content of the malt or brewed beverage must be stated upon the package.

**Alcohol
content on
label**

(8) Advertisements on Labels Giving Alcoholic Content of Malt or Brewed Beverages. For any manufacturer or other licensee, or his servants, agents or employes, to issue, publish or post, or cause to be issued, published or posted, any advertisement of any malt or brewed beverage including a label which shall refer in any manner to the alcoholic strength of the malt or brewed beverage manufactured, sold or distributed by such licensees, or to use in any advertisement or label such words as "full strength," "extra strength," "high test," "high proof," "pre-war strength," or similar words or phrases, which would lead or induce a consumer to purchase a brand of malt or brewed beverage on the basis of its alcoholic content, or to use in or on any advertisement or label any numeral, unless adequately explained in type of the same

**Advertising
alcoholic
strength**

Liquor Code**Free Lunch**

size, prominence and color, or for any licensee to purchase, transport, sell or distribute any malt or brewed beverage advertised or labeled contrary to the provisions of this clause.

Amusement Permit

(9) **Retail Licensees Furnishing Free Lunch, etc.** For any retail liquor licensee or any retail dispenser, his agents, servants or employees, to furnish, give or sell below a fair cost any lunch to any consumer, except such articles of food as the board may authorize and approve.

Lewd entertainment

**Fee: 1/5th
License fee
not less than
\$25**

(10) ***Entertainment on Licensed Premises (Except Clubs); Permits; Fees.** For any licensee, his servants, agents or employees, except club licensees, to permit in any licensed premises or in any place operated in connection therewith, dancing, theatricals or floor shows of any sort, or moving pictures other than television, or such as are exhibited through machines operated by patrons by the deposit of coins, which project pictures on a screen not exceeding in size twenty-four by thirty inches and which forms part of the machine, unless the licensee shall first have obtained from the board a special permit to provide such entertainment, or for any licensee, under any circumstances, to permit in any licensed premises any lewd, immoral or improper entertainment, regardless of whether a permit to provide entertainment has been obtained or not. The board shall have power to provide for the issue of such special permits, and to collect a fee for such permits equal to one-fifth of the annual license fee but not less than twenty-five dollars (\$25). All such fees shall be paid into the State Stores Fund. No such permit shall be issued in any municipality which, by ordinance, prohibits amusements in licensed places. Any violation of this clause shall, in addition to the penalty herein provided, subject the licensee to suspension or revocation of his permit and his license.

Employment by other licensees

(11) **Licensees Employed by Others.** For any hotel, restaurant or club liquor licensee, or any malt or brewed beverage licensee, or any servant, agent or employee of such licensee, to be at the same time employed, directly or indirectly, by any other person engaged in the manufacture, sale, transportation or storage of liquor, malt or brewed beverages or alcohol: Provided, That any person (except a licensee or the manager, officer or director of a licensee) who is employed by a Retail licensee to prepare or serve food and beverages may be employed in the same capacity by another Retail licensee during other hours or on other days.

Records

(12) **Failure to Have Records on Premises.** For any liquor licensee, or any importing distributor, distributor or retail dispenser, to fail to keep on the licensed premises for a period of at least two years complete and truthful records covering the operation of his licensed business, particularly showing the date of all purchases of liquor and malt or brewed beverages, the actual price paid therefor, and the

* Section 2 of Act 426 of December 16, 1965, P. L 1106, provides "Clause (10) of section 493 shall not be applicable where the licensee [Trade show and convention] makes sales of liquor or malt or brewed beverages in the Philadelphia Commercial Museum or the Center for International Visitors notwithstanding the fact that the Museum and the Center may be operated in connection with another place where entertainment is being conducted."

name of the vendor, including State Store receipts, or for any licensee, his servants, agents or employes, to refuse the board or an authorized employee of the board access thereto or the opportunity to make copies of the same when the request is made during business hours.

(13) **Retail Licensees Employing Minors.** For any hotel, restaurant or club liquor licensee, or any retail dispenser, to employ any minor or to permit any minor to render any service whatever in or about the licensed premises, except in accordance with board regulations, nor shall any entertainer be employed or permitted to perform in any licensed premises in violation of the labor laws of this Commonwealth.

(14) **Permitting Undesirable Persons or Minors to Frequent Premises.** For any hotel, restaurant or club liquor licensee, or any retail dispenser, his servants, agents or employes, to permit persons of ill repute, known criminals, prostitutes or minors to frequent his licensed premises or any premises operated in connection therewith, except minors accompanied by parents, guardians, or under proper supervision.

(15) (*As amended by Act 504 of January 14, 1952, P. L. 1865 and Act 170 of June 14, 1957, P. L. 322*) **Cashing Pay Roll, Public Assistance, Unemployment Compensation or Any Other Relief Checks.** For any licensee or his servants, agents or employes to cash pay roll checks or to cash, receive, handle or negotiate in any way Public Assistance, Unemployment Compensation or any other relief checks.

(16) **Furnishing or Delivering Liquor or Malt or Brewed Beverages at Unlawful Hours.** For any licensee, his servants, agents or employes, to give, furnish, trade, barter, serve or deliver any liquor or malt or brewed beverages to any person during hours or on days when the licensee is prohibited by this act from selling liquor or malt or brewed beverages.

(17) **Licensees, etc., Interested or Employed in Manufacturing or Sale of Equipment or Fixtures.** For any licensee, or any officer, director, stockholder, servant, agent or employe of any licensee, to own any interest, directly or indirectly, in or be employed or engaged in any business which involves the manufacture or sale of any equipment, furnishings or fixtures to any hotel, restaurant or club licensees, or to any importing distributors, distributors or retail dispensers: Provided, however, That as to malt or brewed beverage licensees, the provisions of this subsection shall not apply to such a conflicting interest if it has existed for a period of not less than three years prior to the first day of January, one thousand nine hundred thirty-seven, and the board shall approve.

(18) **Displaying Price of Liquor or Malt or Brewed Beverages.** For any restaurant, hotel or club liquor licensee, or any importing distributor, distributor or retail dispenser, or the servants, agents or employes of such licensees, to display on the outside of any licensed premises or to display any place within the licensed premises where it can be seen from the outside, any advertisement whatsoever referring, directly or indirectly, to the price at which the licensee will sell liquor or malt or brewed beverages.

Access to

Employment of minors

Frequenting by known criminals, Prostitutes, Minors

Cashing pay-roll checks

Service during prohibited hours or days

Interest or ownership in equipment business

Exceptions

Advertising price

Outside signs

(19) Licensee's Outside Advertisements. For any retail liquor licensee or any retail dispenser, distributor or importing distributor, to display in any manner whatsoever on the outside of his licensed premises, or on any lot of ground on which the licensed premises are situate, or on any building of which the licensed premises are a part, a sign of any kind, printed, painted or electric, advertising any brand of liquor or malt or brewed beverage, and it shall be likewise unlawful for any manufacturer, distributor or importing distributor, to permit the display of any sign which advertises either his products or himself on any lot of ground on which such licensed premises are situate, or on any building of which such licensed premises are a part.

Inside signs

(20) Retail Liquor and Retail Malt or Brewed Beverages Licensee's Inside Advertisements. For any retail liquor or retail malt or brewed beverages licensee, to display or permit the display in the show window or doorways of his licensed premises, any placard or sign advertising the brands of liquor or malt or brewed beverages produced by any one manufacturer, if the total display area of any such placard or sign advertising the products of any one manufacturer exceeds three hundred square inches. Nothing herein shall prohibit a licensee from displaying inside his licensed premises point of sale displays advertising brand names of products sold by him, other than a window or door display: Provided, That the total cost of all such point of sale advertising matter relating to products of any one manufacturer shall not exceed the sum of twenty dollars (\$20) at any one time, and no single piece of advertising shall exceed a cost of ten dollars (\$10). All such advertising material, including the window and door signs, may be furnished by a manufacturer, distributor or importing distributor.

Right to Inspect

(21) Refusing The Right of Inspection. For any licensee, or his servants, agents or employes, to refuse the board or any of its authorized employes the right to inspect completely the entire licensed premises at any time during which the premises are open for the transaction of business, or when patrons, guests or members are in that portion of the licensed premises wherein either liquor or malt or brewed beverages are sold.

Rebates

(22) Allowance or Rebate to Induce Purchases. For any licensee, or his servants, agents or employes, to offer, pay, make or allow, or for any licensee, or his servants, agents or employes, to solicit or receive any allowance or rebate, refunds or concessions, whether in the form of money or otherwise, to induce the purchase of liquor or malt or brewed beverages or any other commodity manufactured or sold by the licensee.

Inducements

(23) Money or Valuables Given to Employes to Influence Actions of Their Employers. For any licensee, or any agent, employe or representative of any licensee, to give or permit to be given, directly or indirectly, money or any-

thing of substantial value, in an effort to induce agents, employes or representatives of customers or prospective customers to influence their employer or principal to purchase or contract to purchase liquor or malt or brewed beverages from the donor of such gift, or to influence such employers or principals to refrain from dealing or contracting to deal with other licensees.

(24) **Things of Value Offered as Inducement.** For any licensee under the provisions of this article, or the board or any manufacturer, or any employe or agent of a manufacturer, licensee or of the board, to offer to give anything of value or to solicit or receive anything of value as a premium for the return of caps, stoppers, corks, stamps or labels taken from any bottle, case, barrel or package containing liquor or malt or brewed beverage, or to offer or give or solicit or receive anything of value as a premium or present to induce the purchase of liquor or malt or brewed beverage, or for any other purpose whatsoever in connection with the sale of such liquor or malt or brewed beverage, or for any licensee, manufacturer or other person to offer or give to trade or consumer buyers any prize, premium, gift or other similar inducement, except advertising novelties of nominal value which the board shall define: Provided, however, That this section shall not apply to the return of any monies specifically deposited for the return of the original container to the owners thereof.

**Things of
Value**

(25) (*As amended by Act 135 of September 25, 1967, P.L.*) **Employment of Females in Licensed Places.** For any licensee or his agent, to employ or permit the employment of any female at his licensed hotel, restaurant or eating place for the purpose of enticing customers, or to encourage them to drink liquor, or make assignations for improper purposes: Provided, That nothing in this section shall be construed to prevent the employment of any female waitress who regularly takes orders for food from serving food, liquor or malt or brewed beverages at tables; also, that nothing shall prevent any such licensees from employing any female stenographer, hotel secretary, clerk or other employe for their respective positions: Provided, further, That nothing in this section shall be so construed as to prevent the wife of any such licensee or agent or any employed female from mixing or serving liquor or malt or brewed beverages behind the bar of any such licensed place.

**Prizes or
premiums**

Exceptions

**Employment
of females**

Exceptions

Any person violating the provisions of this clause shall be guilty of a misdemeanor and, upon conviction of the same, shall be sentenced to pay a fine of not less than one hundred dollars (\$100), nor more than five hundred dollars (\$500), for each and every female so employed, or undergo an imprisonment of not less than three (3) months, nor more than one (1) year, or either or both, at the discretion of the court having jurisdiction of the case. The board shall have the power to revoke or refuse licenses for violation of this clause.

**Issuance of
worthless
checks****Recipient to
give notice****Penalties**

Misdemeanor
Fine \$100-\$500

**Subsequent
offense Fine**
\$300-\$500

**Citation
additional****Identification
card issuance**

(26) (*As added by Act 211 of June 15, 1961, P. L. 423*) **Worthless Checks.** For any retail liquor licensee or any retail dispenser, distributor or importing distributor, to make, draw, utter, issue, or deliver, or cause to be made, drawn, uttered, issued or delivered, any check, draft or similar order, for the payment of money in payment for any purchase of malt or brewed beverages, when such retail liquor licensee, retail dispenser, distributor or importing distributor, has not sufficient funds in, or credit with, such bank, banking institution, trust company or other depository, for the payment of such check. Any person who is a licensee under the provisions of this article, who shall receive in payment for malt or brewed beverages sold by him any check, draft or similar order for the payment of money, which is subsequently dishonored by the bank, banking institution, trust company or other depository, upon which drawn, for any reason whatsoever, shall, within five days of receipt of notice of such dishonor, notify by certified mail the person who presented the said worthless check, draft or similar order.

Section 494. (As amended by Act 583 of May 25, 1956, P. L. 1743) **Penalties.**—(a) Any person who shall violate any of the provisions of this article, except as otherwise specifically provided, shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars (\$100), nor more than five hundred dollars (\$500), and on failure to pay such fine, to imprisonment for not less than one month, nor more than three months, and for any subsequent offense, shall be sentenced to pay a fine of not less than three hundred dollars (\$300), nor more than five hundred dollars (\$500), and to undergo imprisonment for a period not less than three months, nor more than one year.

(b) The right of the board to suspend and revoke licenses granted under this article shall be in addition to the penalty set forth in this section.

Section 495 (As amended by Act 456 of August 21, 1961, P.L. 1015, and by Act 12 of February 16, 1970, P.L.) Identification Cards; Licensees and State Liquor Store Employes Saved From Prosecution.

(a) The Board shall issue to any person who shall have attained the age of twenty-one years, an identification card bearing the said person's date of birth, physical description, photograph, signature, and such other information, as the Board by regulation may determine, attesting to the age of the applicant, upon application therefor by said person, filed no earlier than fifteen days prior to attaining the age of twenty-one. Such cards shall be numbered and a permanent record thereof maintained by the board. The board may, in its discretion, impose a charge for such cards in an amount to be determined by it, and it may, upon proof of loss of such identification card by and upon application of anyone to whom such card may have been issued, issue a duplicate thereof and impose a charge therefor in an amount as it may by regulation prescribe. The board shall have the power to make such regula-

tions as it shall, from time to time, deem proper regarding the size, style and additional content of the identification card, the form and content of any application therefor, the type, style and quantity of proof required to verify the applicant's age, the procedure for receiving and processing such application, the distribution of said card, the charge to be imposed for any card more than one that it shall issue to the same applicant, and all other matters the board shall deem necessary or advisable for the purpose of carrying into effect the provisions of this section.

(b) Such identification card shall be presented by the holder thereof upon request of any State Liquor Store or any licensee, or the servant, agent or employe thereof, for the purpose of aiding such store licensee or the servant, agent or employe to determine whether or not such person is twenty-one years of age and upwards, when such person desires alcoholic beverage at a State Liquor Store or licensed establishment.

(c) In addition to the presentation of such identification card, the agent of the State Liquor Store or the licensee or his servant, agent or employe, shall require the person whose age may be in question to fill in and sign a card in the following form:

I, hereby represent to a State Store or licensee of the Pennsylvania Liquor Control Board, that I am of full age and discretion and over the age of 21 years, having been born on 19...., at This statement is made to induce said store or licensee above named to sell or otherwise furnish alcoholic beverages to the undersigned.

Serial Number of Identification Card:

I understand that I am subject to a fine of \$300.00 and sixty days imprisonment for any misrepresentation herein.

.....
(Name)

Witness:

Name

Address

.....
(Address)

Such statement shall be printed upon a 3 inch by 5 inch or 4 inch by 5 inch file card, which card shall be filed alphabetically by the State Liquor Store or licensee, at or before the close of business on the day of which said certificate is executed, in a file box containing a suitable alphabetical index, and which card shall be subject to examination by any officer, agent or employe of the Liquor Control Board at any and all times.

(d) It shall be unlawful for the owner of an identification card, as defined by this act, to transfer said card to any other person for the purpose of aiding such person to secure alcoholic beverage. Any person who shall transfer such identification card for the purpose of aiding such transferee to obtain alcoholic beverage shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not

Identification
card shall
be presented
upon request

Card to be
filled in and
signed

Size of file
card
Statement to
be filed

Identification
card not
transferable

Penalties

Liquor Code

more than three hundred dollars (\$300), or undergo imprisonment for not more than sixty (60) days. Any person not entitled thereto who shall have unlawfully procured or have issued or transferred to him, as aforesaid, identification card or any person who shall make any false statement on any card required by subsection (c) hereof to be signed by him shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not more than three hundred dollars (\$300), or undergo imprisonment for not more than sixty (60) days.

Signed statement in possession of licensee may be offered as a defense in civil and criminal prosecutions

Reporting of worthless checks

(e) The signed statement in the possession of a licensee or an employe of a State Liquor Store may be offered as a defense in all civil and criminal prosecutions for serving a minor, and no penalty shall be imposed if the Liquor Control Board or the courts are satisfied that the licensee or State Liquor Store employe acted in good faith.

Section 496. (As added by Act 211 of June 15, 1961, P. L. 423) Reporting of Worthless Checks.—Any person who is a licensee under the provisions of this article, who shall receive in payment for malt or brewed beverages sold by him any check, draft or similar order, for the payment of money, which is subsequently dishonored by the bank, banking institution, trust company or other depository, upon which drawn, for any reason whatsoever, shall, within twenty days of receipt of notice of such dishonor, notify the board thereof. Such notification to the board shall be in such manner and form as the board shall direct.

Section 497. (As added by Act 441 of December 22 1965, P. L. 1144) Liability of Licensees.—No licensee shall be liable to third persons on account of damages inflicted upon them off of the licensed premises by customers of the licensee unless the customer who inflicts the damages was sold, furnished or given liquor or malt or brewed beverages by the said licensee or his agent, servant or employe when the said customer was visibly intoxicated.

ARTICLE V.

DISTILLERIES, WINERIES, BONDED WAREHOUSES, BAILEES FOR HIRE AND TRANSPORTERS FOR HIRE.

Unlawful to manufacture, etc., without a license

Exception

Section 501. License Required. Except as otherwise provided in this article, and except as otherwise provided in article four as to malt and brewed beverages, it shall be unlawful for any person without a license obtained under provisions of this article to hold in storage as bailee for hire, or transport for hire, any malt or brewed beverage, or to manufacture, produce, distill, develop or use in the process of manufacture, denature, redistill, recover, rectify, blend, reuse, hold in bond, hold in storage as bailee for hire, or transport for hire, within this Commonwealth, any alcohol or liquor, except that a person may manufacture wine out of grapes grown in Pennsylvania by fermentation only and with no alcohol or alcoholic product added thereto by way of fortification and sell the same to a licensed winery.

Section 502. Exemptions.—No license hereunder shall be required from any registered pharmacist; or a physician licensed by the State Board of Medical Education and Licensure; or any person who makes and sells vinegar, nonalcoholic cider and fruit juices; or any person who manufactures, stores, sells or transports methanol, propanol, butanol and amanol; or any person who conducts a wholesale drug business; or any person who manufactures alcoholic preparations not fit for use as a beverage, other than denatured alcohol or for beverage purposes; any person engaged in the manufacture; possession or sale of patent, patented or proprietary medicines, toilet, medicinal or antiseptic preparations unfit for beverage purposes, or solutions or flavoring extracts or syrups unfit for beverage purposes; or any person who manufactures or sells paints, varnishes, enamels, lacquers, stains or paint, or varnish removing or reducing compounds, or wood fillers; or any person who manufactures any substance where the alcohol or any liquor is changed into other chemical substances and does not appear in the finished product as alcohol or liquor; or any common carrier by railroad which is subject to regulation by the Pennsylvania Public Utility Commission of the Commonwealth of Pennsylvania, or scheduled common carriers by air of mail and passengers; or any person who sells, stores or transports alcohol or liquor completely denatured, as specified by the board.

Persons
exempted
from the
provisions

Section 503. Qualifications for License.—No license shall be issued under the provisions of this article to any person unless (a) in case of individuals, he or she is a citizen of the United States of America, (b) in case of companies or unincorporated associations of individuals, each and every one is a citizen of the United States of America, (c) in case of corporations, each and every stockholder thereof is a citizen of the United States of America.

Issuance to
certain persons
forbidden

Section 504. Applications; Filing Fees.—(a) (As amended by Act 702 of September 28, 1961, P.L.1728) Every applicant for a license under this article shall file with the board a written application in such form as the board shall from time to time require. Every such application shall be accompanied by a filing fee of twenty dollars (\$20), the prescribed license fee and the bond hereinafter specified, and shall set forth:

Contents of
petition for
license

1. The legal names of the applicant and of the owner of the place where business under the license will be carried on, with their residence addresses by street and number, if a partnership, of each separate partner, and if a corporation, of each individual officer thereof.

2. The exact location of said place of business and of every place to be occupied or used in connection with such business, the productive capacity of each plant where any alcohol or liquor is to be manufactured, produced, distilled, rectified, blended, developed or used in the process of manufacture, denatured, redistilled, recovered, reused, the capacity of every warehouse or other place where such alcohol or liquor or malt or brewed beverage is to be held in bond or stored for hire or the equipment to be used where a transportation business is to be carried on under the license.

Liquor Code

3. That each and every one of the applicants is a citizen of the United States of America.

4. Such other relevant information as the board shall from time to time require by rule or regulation.

Affidavit

(b) Each application must be verified by affidavit of the applicant made before any officer legally qualified to administer oaths, and if any false statement is wilfully made in any part of said application, the applicant or applicants shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to the penalties provided by this article.

Issuance of license

Section 505. (As amended by Act 272 of July 31, 1968, P.L.) Licenses Issued. Upon receipt of the application in the form herein provided, the proper fees and an approved bond as herein designated, the Board may grant to such applicant a license to engage in, (a) the operation of a limited winery or a winery; or, (b) the manufacturing, producing, distilling, developing, or using in the process of manufacturing, denaturing, redistilling, recovering, rectifying, blending and reusing of alcohol and liquor; or, (c) the holding in bond of alcohol and liquor; or, (d) the holding in storage, as bailee for hire, of alcohol, liquor and malt or brewed beverages; or, (e) the transporting for hire of alcohol, liquor and malt or brewed beverages.

Section 505.1. (As added by Act 348 of February 17, 1956, P. L. 1077) Bonded Warehouse License Privilege Restrictions. Holders of bonded warehouse licenses may:

(a) Receive and store in bond liquor owned by Pennsylvania licensed manufacturers and importers.

(b) Receive and store in bond alcohol owned by Pennsylvania licensed manufacturers.

(c) Receive and store in bond liquor owned by licensees outside this Commonwealth. Such liquor shall be released from the bonded warehouse for delivery within this Commonwealth only to persons holding a liquor importer's license issued by the Pennsylvania Liquor Control Board authorizing the importation of liquor or to other storage facilities or persons outside this Commonwealth.

(d) Receive and store in bond alcohol owned by licensees outside this Commonwealth. Such alcohol shall be released from the bonded warehouse for delivery within this Commonwealth only to persons holding an alcohol permit issued by the Pennsylvania Liquor Control Board authorizing the importation of alcohol or to other storage facilities or persons outside this Commonwealth.

All liquor and alcohol received and stored pursuant to this section shall be in original containers of ten gallons or greater capacity. Liquor and alcohol placed in storage in accordance with the foregoing provisions may remain in storage notwithstanding any change in ownership.

Section 505.2. (As added by Act 272 of July 31, 1968, P.L.) Limited Wineries. Holders of a limited winery license may:

(1) Produce table wines only from grapes grown in Pennsylvania in an amount not to exceed fifty thousand (50,000) gallons per year.

(2) Sell wine produced by the limited winery on the licensed premises, under such conditions and regulations as the Board may enforce, to the Liquor Control Board, to individuals and to hotel, restaurant, club and public service liquor licensees.

Section 506. Bonds Required. (a) No license shall be issued to any such applicant until he has filed with the Board an approved bond, duly executed, payable to the Commonwealth of Pennsylvania, together with a warrant of attorney to confess judgment in the penal sum herein set forth. All such bonds shall be conditioned for the faithful observance of all the laws of this Commonwealth and regulations of the board relating to alcohol, liquor and malt or brewed beverages and the conditions of the license, and shall have as surety a duly authorized surety company, or shall have deposited therewith, as collateral security, cash or negotiable obligations of the United States of America or the Commonwealth of Pennsylvania in the same amount as herein provided for the penal sum of bonds.

Condition of Bond

(b) In all cases where cash or securities in lieu of other surety have been deposited with the board, the depositor shall be permitted to continue the same deposit from year to year on each renewal of license, but in no event shall he be permitted to withdraw his deposit during the time he holds said license, or until six months after the expiration of the license held by him, or while revocation proceedings are pending against such licensee.

(c) All cash or securities received by the board in lieu of other surety shall be turned over by the board to the State Treasurer and held by him. The State Treasurer shall repay or return money or securities deposited with him to the respective depositors only on the order of the board.

(d) After notice from the board that such a bond has been forfeited, the State Treasurer shall immediately pay into the State Stores Fund all cash deposited as collateral with such bond, and when securities have been deposited with such a bond, the State Treasurer shall sell at private sale, at not less than the prevailing market price, any such securities so deposited as collateral with any such forfeited bond. The State Treasurer shall thereafter deposit in the State Stores Fund the net amount realized from the sale of such securities, except that if the amount so realized, after deducting proper costs and expenses, is in excess of the penal amount of the bond, such excess shall be paid over by him to the obligor on such forfeited bond.

Penal sum of bonds

(e) The penal sum of bonds required to be filed by applicants for license shall be as follows.

In the case of a distillery (manufacturer), the bond shall be in the amount of ten thousand dollars (\$10,000); in the case of a bonded warehouse, a bailee for hire and a transporter for hire, each shall be in the amount of three thousand

dollars (\$3000) ; and in the case of a winery, shall be in the amount of five thousand dollars (\$5000). Such bonds shall be filed with and retained by the board.

(f) Every such bond shall be turned over to the Department of Justice to be collected if and when the licensee's license shall have been revoked and his bond forfeited as provided in this act.

Hearings

Section 507. Hearings Upon Refusal of Licenses.—The board may of its own motion, and shall upon the written request of any applicant for license or for renewal thereof whose application for such license or renewal has been refused, fix a time and place for hearing of such application or renewal, notice of which hearing shall be sent to the applicant, by registered mail, at the address given in his application. Such hearing shall be before the board, a member thereof, or an examiner designated by the board. At such hearing, the board shall present its reasons for its refusal or withholding of such license or renewal thereof. The applicant may appear in person or by counsel, may cross-examine the witnesses for the board, and may present evidence which shall likewise be subject to cross-examination by the board. Such hearing shall be stenographically recorded. The examiner shall thereafter report to the board. The board shall thereafter grant or refuse the license or renewal thereof. If the board shall refuse such license or renewal following such hearing, notice in writing of such refusal shall be mailed to the applicant at the address given in his application. In all cases, the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order.

Notice of refusal

Fees

Section 508. (As amended by Act 272 of July 31, 1968, P.L.) License Fees. The annual fee for every license issued to a limited winery or a winery shall be two hundred and fifty dollars (\$250). The annual fee for every license issued to a distillery (manufacturer) shall be twenty-five hundred dollars (\$2500) per annum if the annual production is five hundred thousand (500,000) proof gallons or less, and an additional fee of one hundred dollars (\$100) for each one hundred thousand (100,000) proof gallons or fraction thereof in excess of five hundred thousand (500,000) proof gallons, but for the purpose of determining the amount of the fee payable by a distillery, the annual production of alcohol that is denatured by the manufacturer thereof during the license year in Pennsylvania and not elsewhere shall be excluded, but alcohol or liquor used by the manufacturer thereof during the license year in rectification or blending shall not be excluded, except that no fee for a distillery shall be less than twenty-five hundred dollars (\$2500) per annum. The annual fee for all other licenses shall be one hundred dollars (\$100). The fee for any license when applied for and issued on or after April first, but prior to July first, shall be three-fourths of the annual fee; July first, but prior to October first, shall be one-half of the annual fee; October first, but prior to January first, one-fourth of the annual fee.

Apportioned fees

For the purpose of this section, the term "proof gallon" shall mean a gallon liquid which contains one-half its volume of alcohol of a specific gravity of seven thousand nine hundred thirty-nine ten thousandths (.7939) at sixty degrees Fahrenheit.

"Proof gallon,"
defined

Section 509. License Must Be Posted; Business Hours.—Licenses shall be issued by the board under its official seal. Every license so issued must at all times be posted in a conspicuous place where the business is carried on under it, and said place of business must be kept open during general business hours of every day in the year except Sundays and legal holidays.

Issuance of
licenses
Posting

Section 510. Containers To Be Labeled.—All persons, except as exempted by section five hundred two hereof, manufacturing, producing, distilling, developing or using in the process of manufacture, denaturing, redistilling, recovering, rectifying, blending, reusing, holding in bond, holding in storage as bailee for hire, or transporting for hire of alcohol or liquor under the provisions of this article, shall securely and permanently attach to every container ready for shipment thereof as the same is manufactured, produced, distilled, developed, denatured, redistilled, recovered, rectified, blended, reused, a label stating the name of the manufacturer, kind and quantity of alcohol or liquor contained therein, and the date of its manufacture, together with the number of the license authorizing the manufacture thereof, and all persons possessing such alcohol or liquor in wholesale quantities shall securely keep and maintain such label thereon.

Container
to be labeled

Section 511. License to Specify Each Place Authorized For Use.—Every license issued under the provision of this article shall specify by definite location every place to be occupied or used in connection with the business to be conducted thereunder. It shall be unlawful for the holder of any license to occupy or use any place in connection with any business authorized under a license other than the place or places designated therein.

Specifications
of license

Violation

Section 512. Records To Be Kept.—Every person holding a license issued under the provisions of this article shall keep on the licensed premises daily permanent records which shall show, (a) the quantities of any alcohol or liquor manufactured, produced, distilled, developed, denatured, redistilled, recovered, reused, stored in bond, stored as bailee for hire, received or used in the process of manufacture by him, and of all other material used in manufacturing or developing any alcohol or liquor; (b) the sales or other disposition of any alcohol, liquor or malt or brewed beverages if covered by said license; (c) the quantities thereof, if any, stored in bond, stored for hire, or transported for hire by or for the licensee; and (d) the names and addresses of the purchasers or other recipients thereof: Provided, however, That persons holding licenses issued under the provisions of this article for the transportation for hire of any alcohol, liquor or malt or brewed beverages shall not be required to keep the above records, but shall keep daily permanent records showing the

Licensee to
keep records

Liquor Code**Inspection by board****For detection of violations****For ascertaining correctness of records****Books to be open for inspection****Right of entry for inspection****Licensee may be cited for violations****Revocation of license**

names and addresses of the persons from whom any alcohol, liquor or malt or brewed beverage was received and to whom delivered, and such other permanent records as the board shall prescribe.

Section 513. Premises and Records Subject To Inspection.—Every place operated under license secured under the provisions of this article where any alcohol, liquor or malt or brewed beverage covered by the license is manufactured, produced, distilled, developed or used in the process of manufacture, denatured, redistilled, rectified, blended, recovered, reused, held in bond, stored for hire or in connection with a licensee's business, shall be subject to inspection by members of the board or by persons duly authorized and designated by the board at any and all times of the day or night, as they may deem necessary, (a) for the detection of violations of this act or of the rules and regulations of the board promulgated under the authority of this act, or (b) for the purpose of ascertaining the correctness of the records required by this act to be kept by licensees and the books and records of licensees, and the books and records of their customers, in so far as they relate to purchases from said licensees, shall at all times be open to inspection by the members of the board or by persons duly authorized and designated by the board for the purpose of making inspections as authorized by this section. Members of the board and the persons duly authorized and designated by the board shall have the right, without fee or hindrance, to enter any place which is subject to inspection hereunder, or any place where records subject to inspection hereunder are kept, for the purpose of making such inspections.

Section 514. Suspension and Revocation of Licenses.—

(a) Upon learning of any violation of this act or of any rule or regulation promulgated by the board under the authority of this act, or any violation of any laws of this Commonwealth or of the United States of America relating to the tax payment of alcohol, liquor or malt or brewed beverages by the holder of a license issued under the provisions of this article, or upon other sufficient cause, the board may, within one year from the date of such violation or cause appearing, cite such licensee to appear before it or its examiner not less than ten (10) nor more than fifteen (15) days from the date of sending such licensee, by registered mail, a notice addressed to his licensed premises, to show cause why the license should not be suspended or revoked. Hearings on such citations shall be held in the same manner as provided herein for hearings on applications for license. And upon such hearing, if satisfied that any such violation has occurred or for other sufficient cause, the board shall immediately suspend or revoke such license, notifying the licensee thereof by registered letter addressed to his licensed premises, or to the address given in his application where no licensed premises is maintained in Pennsylvania.

(b) When a license is revoked, the licensee's bond may be forfeited by the board. Any licensee whose license is revoked shall be ineligible to have a license under this act or under any other act relating to alcohol, liquor or malt or brewed beverages until the expiration of three (3) years from the

date such license was revoked. In the event the board shall revoke a license, no license shall be granted for the premises or transferred to the premises in which said license was conducted for a period of at least one (1) year after the date of the revocation of the license conducted in the said premises, except in cases where the licensee or a member of his immediate family is not the owner of the premises, in which case the board may, in its discretion, issue or transfer a license within said year. In all such cases, the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order.

Section 515. Appeals.—Any licensee aggrieved by any decision of the board refusing, suspending or revoking a license under the provisions of this article may appeal within twenty (20) days from the date of refusal, suspension or revocation to the court of quarter sessions of the county in which the licensed premises or the premises to be licensed are located. In the event an applicant or a licensee shall have no place of business established within the Commonwealth, his appeal shall be to the court of quarter sessions of Dauphin County. Such appeal shall be upon petition of the applicant or licensee, as the case may be, who shall serve a copy thereof upon the board. The said appeal shall act as a supersedeas, unless upon sufficient cause shown the court shall determine otherwise. The court shall hear the application de novo at such time as it shall fix, of which notice shall be given to the board. The court shall, in the case of a refusal by the board, either sustain such refusal or order the issuance of the license to the applicant. The parties to such proceeding may, within thirty (30) days from the filing of said court order or decree, appeal therefrom to the Superior Court.

Section 516. Compromise Penalty In Lieu of Suspension.—In those cases where the board shall suspend a license, the board may accept from the licensee an offer in compromise as a penalty in lieu of such suspension and shall thereupon rescind its order of suspension. In the case of a distillery licensee, the offer in compromise shall be at the rate of one hundred dollars (\$100) for each day of suspension; in the case of a bonded warehouse, bailee for hire and transporter for hire licensees, twenty-five dollars (\$25) for each day; and in the case of a winery licensee, fifty dollars (\$50) for each day. No offer in compromise may be accepted by the board in those cases where the suspension is for a period in excess of one hundred (100) days.

Section 517. Expiration of Licenses; Renewals.—All licenses issued under this article shall expire at the close of the calendar year, but new licenses for the succeeding year shall be issued upon written application therefor, duly verified by affidavit, stating that the facts in the original application are unchanged, and upon payment of the fee as hereinafter provided and the furnishing of a new bond, without the filing of further statements or the furnishing of any further information unless specifically requested by the board: Provided, however, That any such license issued to a corporation shall

Appeals**Offer in compromise****Expiration and renewal of licenses****Proviso**

Liquor Code**Time for application renewal**

expire thirty (30) days after any change in the officers of such corporation, unless the name and address of each such new officer of such corporation shall, within that period, be reported to the board by certificate, duly verified. Applications for renewals must be made not less than thirty (30) nor more than sixty (60) days before the first day of January of the ensuing year. All applications for renewal received otherwise shall be treated as original applications.

Sale, use or concealment of withdrawn alcohol before being denatured

Section 518. Unlawful Acts.—(a) It shall be unlawful for any person to transport any illegal alcohol, liquor or malt or brewed beverages.

(b) Whenever any person withdraws or removes any alcohol or liquor which has not been denatured from any distillery, denaturing plant, winery or bonded warehouse for the purpose of denaturing the same, it shall be unlawful for any such person to use, sell or conceal, or attempt to use, sell or conceal, or be concerned in the sale, use or concealment of, any such alcohol or liquor, unless before such sale or use the said alcohol or liquor shall be denatured by adding thereto denaturing material or materials or admixtures thereof which render it unfit for beverage purposes.

Recovery or reuse of alcohol

(c) It shall be unlawful for any person to recover and reuse or attempt to recover and reuse, by redistillation or by any other process or means whatsoever, any alcohol or liquor from denatured alcohol or from any other liquid, or to knowingly use, sell, conceal, or otherwise dispose of, alcohol or liquor so recovered or redistilled.

Violations

Section 519. Penalties.—Any person or persons who knowingly violate any of the provisions of this article, or any person who shall violate any of the conditions of any license issued under the provisions of this article, or who shall falsify any record or report required by this article to be kept, or who shall violate any rule or regulation of the board, or who shall interfere with, hinder or obstruct any inspection authorized by this article, or prevent any member of the board or any person duly authorized and designated by the board from entering any place which such member of the board or such person is authorized by this article to enter for the purpose of making an inspection, or who shall violate any other provision of this article, shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars (\$100), nor more than five thousand dollars (\$5000), or undergo imprisonment of not more than three (3) years, or both, at the discretion of the court.

ARTICLE VI.**PROPERTY ILLEGALLY POSSESSED OR USED; FORFEITURES; NUISANCES.****(A) Forfeitures.****Forfeiture of Property****Property rights**

Section 601. (As amended by Act 499 of April 20, 1956, P. L. 1508) Forfeiture of Property Illegally Possessed or Used.—No property rights shall exist in any liquor, alcohol or malt or brewed beverage illegally manufactured or pos-

sessed, or in any still, equipment, material, utensil, vehicle, boat, vessel, animals or aircraft used in the illegal manufacture or illegal transportation of liquor, alcohol or malt or brewed beverages, and the same shall be deemed contraband and proceedings for its forfeiture to the Commonwealth may, at the discretion of the board, be instituted in the manner hereinafter provided. No such property when in the custody of the law shall be seized or taken therefrom on any writ of replevin or like process.

Section 602. Forfeiture Proceedings.—(a) The proceedings for the forfeiture or condemnation of all property shall be in rem, in which the Commonwealth shall be the plaintiff and the property the defendant. A petition shall be filed in the court of quarter sessions, verified by oath or affirmation of any officer or citizen, containing the following: (1) a description of the property so seized; (2) a statement of the time and place where seized; (3) the owner, if known; (4) the person or persons in possession, if known; (5) an allegation that the same had been possessed or used or was intended for use in violation of this act; (6) and, a prayer for an order of forfeiture that the same be adjudged forfeited to the Commonwealth, unless cause be shown to the contrary.

**Proceedings
in rem**

Petition

(b) A copy of said petition shall be served personally on said owner if he can be found within the jurisdiction of the court, or upon the person or persons in possession at the time of the seizure thereof. Said copy shall have endorsed thereon a notice as follows:

**Service on
owner**

"To the Claimant of Within Described Property: You are required to file an answer to this petition, setting forth your title in and right to possession of said property, within fifteen (15) days from the service hereof; and you are also notified that if you fail to file said answer, a decree of forfeiture and condemnation will be entered against said property."

Said notice shall be signed by petitioner or his attorney, or the district attorney or the Attorney General.

**Unknown
owner**

(c) If the owner of said property is unknown or outside the jurisdiction of the court and there was no person in possession of said property when seized, or such person so in possession cannot be found within the jurisdiction of the court, notice of said petition shall be given by an advertisement in only one newspaper of general circulation published in the county where such property shall have been seized, once a week for two (2) successive weeks. No other advertisement of any sort shall be necessary, any other law to the contrary notwithstanding. Said notice shall contain a statement of the seizure of said property, with a description thereof, the place and date of seizure, and shall direct any claimants thereof to file a claim therefor on or before a date given in said notice, which date shall not be less than ten (10) days from the date of the last publication.

(d) Upon the filing of any claim for said property, setting forth a right of possession thereof, the case shall be deemed at issue and a time be fixed for the hearing thereof.

Burden on claimant

(e) (*As amended by Act 499 of April 20, 1956, P. L. 1508*) At the time of said hearing, if the Commonwealth shall produce evidence that the property in question was unlawfully possessed or used, the burden shall be upon the claimant to show (1) that he is the owner of said property, (2) that he lawfully acquired the same, and (3) that it was not unlawfully used or possessed.

In the event such claimant shall prove by competent evidence to the satisfaction of the court that said liquor, alcohol or malt or brewed beverage, or still, equipment, material, utensil, vehicle, boat, vessel, container, animal or aircraft was lawfully acquired, possessed and used, then the court may order the same returned or delivered to the claimant; but if it appears that said liquor, alcohol or malt or brewed beverage or still, equipment, material or utensil was unlawfully possessed or used, the court shall order the same destroyed, delivered to a hospital, or turned over to the board, as hereinafter provided, or if it appears that said vehicle, boat, vessel, container, animal or aircraft was unlawfully possessed or used, the court may, in its discretion, adjudge same forfeited and condemned as hereinafter provided.

Forfeiture upon petition

Section 603. (As amended by Act 499 of April 20, 1956, P. L. 1508) Disposition of Forfeited Property.—If, upon petition as hereinbefore provided and hearing before the court of quarter sessions, it appears that any liquor, alcohol, or malt or brewed beverage or still, equipment, material or utensil was so illegally possessed, or used, such liquor, alcohol or malt or brewed beverage or still, equipment, material or utensil shall be adjudged forfeited and condemned, or if it appears that any vehicle, boat, vessel, container, animal or aircraft was so used in the illegal manufacture or transportation of liquor, alcohol or malt or brewed beverage, such property may, in the discretion of the court, be adjudged forfeited and condemned and in such case shall be disposed of as follows:

Disposition upon conviction

(a) Upon conviction of any person of a violation of any of the provisions of this act, the court shall order the sheriff to destroy all condemned liquor, alcohol or malt or brewed beverage and property seized or obtained from such defendants, except that the court may order the liquor, alcohol or malt or brewed beverages, or any part thereof, to be delivered to a hospital for its use, and make return to the court of compliance with said order, and any vehicle, container, boat, vessel, animals or aircraft seized under the provisions of this act shall be disposed of as hereinafter provided.

Disposition upon acquittal

(b) In any case in which the defendant is acquitted of a violation of this act and denies the ownership or possession thereof, or no claimant appears for same, or appearing, is unable to sustain claim thereof, the court shall order all condemned liquor, alcohol and malt or brewed beverages and property (except vehicles, boats, vessels, containers, animals and aircraft) publicly destroyed by the sheriff, except that the court may order the liquor, alcohol or malt or brewed

beverages, or any part thereof, to be delivered to a hospital for its use. Return of compliance with said order shall be made by the sheriff to the court.

(c) In the case of any vehicle, boat, vessel, container, animal or aircraft seized under the provisions of this act and condemned, the court shall order the same to be delivered to the board for its use or for sale or disposition by the board, in its discretion. Notice of such sale shall be given in such manner as the board may prescribe. The proceeds of such sale shall be paid into the State Stores Fund.

Delivery to
board

Section 604. Motor Vehicle Licenses To Be Revoked.—In addition to the foregoing provisions, the court may, in its order of condemnation, and in every conviction under this act where it shall appear that liquor, alcohol or malt or brewed beverages were unlawfully transported in a motor vehicle, declare that the license issued by the Department of Revenue for any motor vehicle so forfeited and condemned, or issued to any defendant convicted of transporting liquor, alcohol or malt or brewed beverages in any motor vehicle, shall be forfeited and revoked, and it shall be the duty of the clerk of the court in which such conviction is had and order of condemnation made to certify such conviction to the Secretary of Revenue, who shall suspend or revoke the license issued for such motor vehicles: Provided, That a license may be issued for such motor vehicle to the board or to any purchaser of the vehicle after the sale thereof, as above provided.

Motor
Vehicle
License

Section 605. Application of Subdivision.—The provisions of this subdivision shall apply to the disposition of any liquor, alcohol or malt or brewed beverage or property in the custody of the law or of any officer at the time of the passage of this act.

(B) Nuisances.

Section 611. Nuisances; Actions To Enjoin.—(a) Any room, house, building, boat, vehicle, structure or place, except a private home, where liquor, alcohol or malt or brewed beverages are manufactured, possessed, sold, transported, offered for sale, bartered or furnished, or stored in bond, or stored for hire, in violation of this act, and all such liquids, beverages and property kept or used in maintaining the same, are hereby declared to be common nuisances, and any person who maintains such a common nuisance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to the same penalties provided in section four hundred ninety four of this act.

Nuisances

A misde-
meanor

(b) An action to enjoin any nuisance defined in this act may be brought in the name of the Commonwealth of Pennsylvania by the Attorney General or by the district attorney of the proper county. Such action shall be brought and tried as an action in equity and may be brought in any court having

Action by
Attorney
General or
District
Attorney

In equity	jurisdiction to hear and determine equity cases within the county in which the offense occurs. If it is made to appear, by affidavit or otherwise, to the satisfaction of the court that such nuisance exists, a temporary writ of injunction shall forthwith issue, restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the proceedings. If a temporary injunction is prayed for, the court may issue an order restraining the defendant and all other persons from removing or in any way interfering with the liquids, beverages or other things used in connection with the violation of this act constituting such nuisance. No bond shall be required in instituting such proceedings. It shall not be necessary for the court to find the property involved was being unlawfully used, as aforesaid, at the time of the hearing, but on finding that the material allegations of the petition are true, the court shall order that no liquor, alcohol or malt or brewed beverage shall be manufactured, sold, offered for sale, transported, bartered or furnished, or stored in bond, or stored for hire in such room, house, building, structure, boat, vehicle, or place, or any part thereof.
Injunction to abate nuisance	
Court order	
Penalties	(c) Upon the decree of the court ordering such nuisance to be abated, the court may, upon proper cause shown, order that the room, house, building, structure, boat, vehicle or place shall not be occupied or used for one year thereafter, but the court may, in its discretion, permit it to be occupied or used if the owner, lessee, tenant or occupant thereof shall give bond with sufficient surety to be approved by the court making the order in the penal and liquidated sum of not less than five hundred dollars (\$500.00), payable to the Commonwealth of Pennsylvania, for use of the county in which said proceedings are instituted, and conditioned that neither liquor, alcohol, nor malt or brewed beverages will thereafter be manufactured, sold, transported, offered for sale, bartered or furnished, or stored in bond, or stored for hire therein or thereon in violation of this act, and that he will pay all fines costs and damages that may be assessed for any violation of this act upon said property.

ARTICLE VII.

DEALING IN DISTILLERY BONDED WAREHOUSE CERTIFICATES.

(A) Preliminary Provisions.

Definitions	Section 701. Definitions and Interpretation. —(a) When used in this article, the following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section. “Agent” shall mean and include every person employed by a distillery certificate broker to sell, offer for sale or delivery, to purchase, exchange, or to enter into agreements for the purchase, sale or exchange, or to solicit subscriptions to, or orders for, or to undertake to dispose of, or to deal in any manner in, distillery bonded warehouse certificates.
Agent	

"Fraud," "fraudulent" and "fraudulent practice" shall include any misrepresentation in any manner of a relevant fact not made honestly and in good faith; any promise or representation or prediction as to the future not made honestly and in good faith, or an intentional failure to disclose a material fact; the gaining, directly or indirectly, through the purchase, sale or exchange of distillery bonded warehouse certificates, of any promotion fee or profit, selling or managing commission or profit, so gross and exorbitant as to be unconscionable and fraudulent; and any scheme, device, artifice or investment plan to obtain such an unconscionable profit: Provided, however, That nothing herein shall limit or diminish the full meaning of the terms "fraud" and "fraudulent" as applied or accepted in courts of law or equity.

Fraud,
Fraudulent,
Fraudulent
Practice

(b) Nothing contained in this article shall be construed as permitting the holder or owner of a distillery bonded warehouse certificate, as defined in this act, to secure possession of the whiskey or other potable distilled spirits named or designated in such certificate, except in accordance with the provisions of this act and the laws of this Commonwealth hereafter enacted relating to alcohol or alcoholic beverages and the regulations of the board adopted and promulgated thereunder.

Interpretation

(B) Permits.

Section 702. Unlawful to Act as a Distillery Certificate Broker or to Buy or Sell Distillery Bonded Warehouse Certificate Without a Permit.—It shall be unlawful for any person, except as hereinafter exempted, directly or through an agent, to sell, purchase, exchange, offer for sale, deliver, enter into agreements for the purchase, sale, exchange, solicit subscriptions to, orders for, undertake to dispose of, deal in any manner in, distillery bonded warehouse certificates, without first having obtained a permit to act as a distillery certificate broker as provided in this article.

Permit needed

Section 703. Authority to Issue Permits to Distillery Certificate Brokers.—Subject to the provisions of this article and regulations promulgated under this act, the board shall have authority to issue to any reputable financially responsible person whose plan of business in dealing in distillery bonded warehouse certificates is not deemed by the board to constitute "fraudulent practice," as defined herein, a permit to act as distillery certificate broker.

Authority to
issue permits

Section 704. (As amended by Act 702 of September 28, 1961, P. L. 1728) Application for Permit; Filing Fee.—Every applicant for a distillery certificate broker permit shall file a written application with the board outlining his plan of business in dealing in distillery bonded warehouse certificates, in such form and containing such other information as the board shall from time to time prescribe, which shall be accompanied by a filing fee of twenty dollars (\$20) and the prescribed permit fee. If the applicant is a natural person, his application must show that he is a citizen of the United

Application

Filing fee \$20

Citizen

Corporation	States, and if a corporation, the application must show that the corporation was created under the laws of Pennsylvania or holds a certificate of authority to transact business in Pennsylvania. The application shall be signed and verified by oath or affirmation of the applicant, if a natural person, or in the case of an association, by a member or partner thereof, or in the case of a corporation, by an executive officer thereof or any person specifically authorized by the corporation to sign the application, to which shall be attached written evidence of his authority. If the applicant is an association, the application shall set forth the names and addresses of the persons constituting the association, and if a corporation, the names and addresses of all the officers thereof. All applications must be verified by affidavit of applicant and if any false statement is intentionally made in any part of the application, the signer shall be guilty of a misdemeanor and upon indictment and conviction, shall be subject to penalties provided by this article.
Affidavit False Statement	
Permit Issuance	Section 705. Issuance of Permits. —Upon receipt of the application and proper fees and upon being satisfied of the truth of the statements in the application, and being also satisfied that the applicant's plan of business in dealing in distillery bonded warehouse certificates does not constitute "fraudulent practice," as defined in this article, and that the applicant is a person of good repute and financially responsible, the board may issue to such applicant a permit authorizing the permittee to sell, purchase, exchange, pledge and deal in distillery bonded warehouse certificates.
Applicant of good repute and financially responsible	
Office	Section 706. Office or Place of Business to be Maintained. —Every applicant for a distillery certificate broker permit under this article and every person to whom such a permit is issued shall maintain an office or place of business within the Commonwealth.
Permit	Section 707. Permit Fee; Permits Not Assignable or Transferable; Display of Permit; Term of Permit. —Every applicant for distillery certificate broker permit shall, before receiving such permit, pay to the board an annual permit fee of one hundred dollars (\$100). Permits issued under this act may not be assigned or transferred and shall be conspicuously displayed at the place of business of the permittee. All permits shall be valid only during the year for which issued and shall automatically expire on the thirty-first day of December of each calendar year unless suspended, revoked or cancelled prior thereto.
Fee \$100	
Display	
Expire December 31	
Records	Section 708. Records to be Kept. —Every person holding a permit issued under this act shall keep daily permanent records containing a complete record of all transactions in distillery bonded warehouse certificates within this Commonwealth, in such form and manner as the board may from time to time prescribe. Such records shall be available for examination by the board's officers at the broker's principal place of business or office in Pennsylvania.
Examination	

Section 709. Renewal of Permits.—Upon the filing of an application and the payment of the prescribed filing fee and permit fee in the same amount as herein required on original applications for permits, the board may renew the permit for the calendar year beginning January first, provided such application for renewal is filed and fee paid on or before December fifteenth of the preceding year, unless the board shall have given previous notice of objections to the renewal of the permit, based upon violation of this article or the board's regulations promulgated thereunder, or unless the applicant has by his own act become a person of ill repute or ceases to be financially responsible.

Renewal Fees

File before December 15

Objection to renewal

Section 710. Permit Hearings; Appeals From Refusal of the Board to Issue or Renew Permits.—The board may of its own motion, and shall upon written request of any applicant for distillery certificate broker permit or for renewal thereof whose application for such permit or renewal has been refused, fix a time and place for hearings of such application for permit or for renewal thereof, notice of which hearing shall be sent by registered mail to the applicant at the address given in his application. Such hearing shall be before the board or a member thereof. At such hearing, the board shall present its reasons for its refusal or withholding a permit or renewal thereof. The applicant may appear in person or by counsel, cross-examine the witnesses of the board, and may present evidence which shall be subject to cross-examination by the board. Such hearings shall be stenographically recorded. The board shall thereupon grant or refuse the permit or renewal thereof. If the board shall refuse such permit or renewal following such hearing, notice in writing of such refusal shall be sent by registered mail to the applicant at the address given in his application. In all such cases, the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order and furnish a copy thereof to the applicant. Any applicant who has appeared before the board at any hearing, as above provided, who is aggrieved by the refusal of the board to issue or to renew a distillery certificate broker permit, may appeal within twenty days from the date of refusal to the court of common pleas of Dauphin County.

Hearings Appeals

Notice

Notice of refusal

Appeal within 20 days

Appeal Procedure

Summons

Record to be certified

Section 711. Procedure of Appeal; Record to be Certified; Cost of Preparing Record; Appeal to Supreme Court.—Such appeal to the court of common pleas of Dauphin County shall be upon petition of the applicant against the board officially as defendant, alleging therein in brief detail the action and decision complained of and praying for a reversal thereof. Upon service of a summons upon the board, returnable within ten days from its date, the board shall, on or before the return day, file an answer in which it shall allege by way of defense the grounds for its decision. It shall also, on or before the return day of such summons, certify to the court of common pleas of Dauphin County the record of the proceedings to which the petition refers.

Costs

Such record shall include the testimony taken therein, the findings of fact, if any, of the board based upon such testimony, a copy of all orders made by the board in the proceedings, and a copy of the action or decision of the board which the petition calls upon the court to reverse. The cost of preparing and certifying such record shall be paid to the board by the petitioner and taxed as part of the costs in the case, to be paid as directed by the court upon the final determination of the case.

Heard upon record

Upon the filing of the board's answer, the case before the court of common pleas of Dauphin County shall be at issue without further pleadings, and upon application of either party the case shall be advanced and heard without delay. Mere technical irregularities in the procedure of the board shall be disregarded.

Appeal to Supreme Court

The case shall be heard upon the record certified to the court by the board. Additional testimony shall not be taken before the court, but the court may, in proper cases, remit the record to the board for the taking of further testimony.

From the decision of the court of common pleas of Dauphin County, an appeal may be taken by either party to the Supreme Court of Pennsylvania as in other cases.

Revocation and Suspension

Section 712. Revocation and Suspension of Permit.—Upon learning of any violation of this act or regulations of the board promulgated thereunder, or any violation of any laws of this Commonwealth or of the United States of America by the permittee, his officers, servants, agents or employes, or upon any other sufficient cause shown, the board may cite such permittee to appear before it or a member thereof not less than ten or more than fifteen days from the date of sending such permittee, by registered mail, a notice addressed to him at the address set forth in the application for permit, to show cause why such permit should not be suspended or revoked. When such notice is duly addressed and deposited in the post office, it shall be deemed due and sufficient notice. Hearings on such citations shall be held in the same manner as provided herein for hearing on application for permit. Upon such hearing, if satisfied that any such violation has occurred, or for other sufficient cause, the board shall immediately suspend or revoke the permit, notifying the permittee thereof by registered letter addressed to the address set forth in the application for permit. Any permittee whose permit is revoked shall be ineligible to have a permit under this act until the expiration of three years from the date such permit was revoked. In all such cases, the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order. In the event the person whose permit was suspended or revoked by the board shall feel aggrieved by the action of the board,

Citation notice

he shall have the right to appeal to the court of common pleas of Dauphin County in the same manner as herein provided for appeals from refusals to grant permits.

Hearing**Suspension or Revocation notice****Ineligible for 3 years****Appeal**

(C) Permittees' Registered Agents.

Section 721. Unlawful to Act as Agent or to Employ Agents Without Registration.—It shall be unlawful for a distillery certificate broker to employ any person to act as agent, or for any person to act as agent for any distillery certificate broker, in purchasing, exchanging, offering for sale, delivering, entering into agreements for the purchase, sale, exchange, soliciting subscriptions to, orders for, undertaking to dispose of, dealing in any manner in, distillery bonded warehouse certificates, without such person first having been registered as an agent as provided in this article.

Section 722. Registered Agents.—Every person holding a distillery certificate broker permit under this article who desires to employ an agent or agents in the operation of his business under the permit shall make application to the board for registration of such agent or agents. Every such permittee's application shall set forth the name of the permittee and the address of his main office or principal place of business in Pennsylvania, and the full address where complete records are maintained covering the permittee's operations in Pennsylvania. With each such permittee's application there shall be filed an agent's application for each agent to be registered. Permittees' applications for agents and agents' applications shall contain such information as the board shall from time to time require, and shall be signed and verified by oath or affirmation of the agent. Each application shall be accompanied by two unmounted photographs of the agent.

Section 723. Registration Fee.—Every application for the registration of agents filed by a permittee shall be accompanied by a registration fee in the amount of ten dollars (\$10) for each agent to be registered, which shall cover the agent's registration from date of approval until December thirty-first of the year in which approved. Registrations may be renewed for a period of one calendar year upon the filing of a new application and payment of the same registration fee as herein provided for original registration, together with agent's new application and photographs of each agent. Applications for renewal of registration shall be filed not later than December fifteenth of each year.

Section 724. Registration and Issuance of Identification Card.—Upon receipt of the application, the proper fees, and upon being satisfied of the truth of the statements in the application and that the applicant is a person of good reputation and the applicant seeks a registration as defined in this act, the board may register such agent and issue to him an identification card.

Section 725. Hearings Upon Refusal of the Board; Appeals.—In the event that the board shall refuse to issue or to renew an agent's registration, a hearing shall be had and an appeal from the board's order may be taken to the same court and in the same manner as herein provided in the case of refusal of the board to issue or renew distillery certificate broker permits.

Agents
Registration

Application

Records

Fee \$10

Expire
December 31

Renewal

Filing date

Issuance

Hearings;
Appeals

**Revocation
and Suspen-
sion**

Section 726. Revocation and Suspension of Agents' Registrations.—Upon learning of any violation of this act or regulation of the board promulgated thereunder, or any violation of any laws of this Commonwealth or of the United States of America by a registered agent, the board may revoke or suspend the agent's registration in the same manner as provided herein for the revocation and suspension of distillery certificate broker permits. In the event the agent whose license was suspended or revoked by the board shall feel aggrieved by the action of the board, he shall have the right to appeal to the court of common pleas of Dauphin County in the same manner as herein provided for appeals in the case of suspension or revocation of distillery certificate broker permits.

Appeal**Identification
Card**

Section 727. Identification Cards.—Upon approval by the board of the application for registration of an agent, there shall be issued to such registered agent an identification card containing the name and address of the distillery certificate broker, the name, address and physical description of the agent. There shall also be affixed to the identification card a photograph of the agent, and no identification card shall be valid until signed by both the distillery certificate broker and the agent and counter-signed by a representative of the board.

Signature**Change of
registration**

Before any agent's registration can be changed from one distillery certificate broker to another, the identification card of such agent shall either be returned to the board by the broker under whom he is registered, or such broker shall file with the board a notice in writing that he has knowledge of and consents to the employment of such agent by the other broker.

**Written
Notice****Termination
of employment**

When the employment of any agent is terminated, the broker shall immediately notify the board and the identification card issued to the agent shall be surrendered to the board.

(D) Exemptions.**Bank and
Trust Com-
panies**

Section 731. Bank and Trust Companies and Other Persons.—Bank and trust companies and other persons duly authorized within this Commonwealth to engage in the business of lending money to licensed distillers, rectifiers, importers and distillery certificate brokers may, without a permit required under the provisions of this act, accept distillery bonded warehouse certificates as security or collateral for any loan made in the regular conduct of their business, and such banks and trust companies and other persons may liquidate such security or collateral by sale only to licensed distillers, rectifiers, importers or distillery certificate brokers.

**Distillers,
Rectifiers,
Importers**

Section 732. Distillers, Rectifiers and Importers.—Duly licensed distillers, rectifiers and importers may, without a permit required under the provisions of this article, deal in distillery bonded warehouse certificates, but only with other duly licensed distillers, rectifiers, importers and with distillery certificate brokers.