

No. 210

AN ACT

Amending the act of March 10, 1949 (P. L. 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," excluding music from supplies of the second class.

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

Public School
Code of 1949.

Section 1. Section 805, act of March 10, 1949 (P. L. 30), known as the "Public School Code of 1949," amended May 24, 1951 (P. L. 397), is amended to read:

Section 805, act
of March 10,
1949, P. L. 30,
amended May
24, 1951, P. L.
397, further
amended.

Section 805. Classes of School Supplies; Purchasing Agent.—School supplies shall be divided into two classes. The first class shall include school desks, chairs, furniture, typewriters, and school apparatus. The second class shall include all other supplies, except maps, *music*, globes and textbooks necessary for school use, not included in the first class. The board of school directors in any district may authorize or appoint the secretary of the board or other executive as purchasing agent for the district, with authority to purchase supplies of either class costing less than three hundred dollars (\$300).

APPROVED—The 15th day of June, A. D. 1961.

DAVID L. LAWRENCE

No. 211

AN ACT

Amending the act of April 12, 1951 (P. L. 90), entitled "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," authorizing payments for liquor and malt or brewed beverages with checks and drafts on banks, banking institutions, trust companies and similar depositories; penalizing the issuance of worthless checks by certain licensees and requiring reports of such checks to the board.

Liquor Code.

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

Clause (2), section 493, act of April 12, 1951, P. L. 90, amended May 15, 1956, P. L. 1587, further amended.

Section 1. Clause (2) of section 493, act of April 12, 1951 (P. L. 90), known as the "Liquor Code," amended May 15, 1956 (P. L. 1587), is amended to read:

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—

* * * * *

(2) For any licensee, his agent, servant or employe, 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 [no]: *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, by licensees in payment for any malt or brewed beverages. 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.*

Section 2. Section 493 of the act is amended by adding, at the end thereof, a new clause to read:

Section 493 of the act, amended by adding a new clause (26).

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—

* * * * *

(26) *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 3. The act is amended by adding, after section 495, a new section to read:

Act amended by adding a new section 496.

Section 496. *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.

Act effective immediately.

Section 4. This act shall take effect immediately.

APPROVED—The 15th day of June, A. D. 1961.

DAVID L. LAWRENCE