

No. 1980-76

AN ACT

HB 2383

Amending the act of April 12, 1951 (P.L.90, No.21), 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," providing for the use of the photo drivers' licenses for identification.

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

Section 1. Section 495, act of April 12, 1951 (P.L.90, No.21), known as the "Liquor Code," amended August 21, 1961 (P.L.1015, No.456) and subsection (a) amended December 10, 1974 (P.L.912, No.301), is amended to read:

Section 495. Identification Cards; Licensees and State Liquor Store Employees 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 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 record thereof maintained by the board for a period of five years. 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 regulations 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.

(a.1) The photo driver's license or identification card issued by the Department of Transportation shall, for the purpose of this act, be accepted as an identification card.

(a.2) For the purposes of this section, the term identification card means a card which complies with either subsection (a) or (a.1).

(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:

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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)
.
(Address)

Witness:

Name.
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 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.

(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 2. Subsections (a) and (a.2) of section 495 shall remain in full force and effect until December 31, 1984 after which they shall have no legal effect and shall become null and void.

Section 3. This act shall take effect in 60 days.

APPROVED—The 22nd day of June, A. D. 1980.

DICK THORNBURGH