

No. 1998-155

AN ACT

HB 613

Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as reenacted, "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," further providing for applications for issuance of hotel, restaurant and club liquor licenses, for license fees, for public service liquor licenses, for trade show and convention licenses, for city-owned stadia, for performing arts facilities, for performing arts facilities in second class A counties, second class A cities, third class cities, boroughs and townships of the second class located in certain counties, for a performing arts facility or museum in cities of the third class, for recreation facilities, for seasonal outdoor cafe, for sacramental wine licenses, for liquor importers' licenses, for malt and brewed beverages manufacturers', distributors' and importing distributors' licenses, for stadium or arena permits, for filing of applications for distributors', importing distributors' and retail dispensers' licenses, for price changes of malt and brewed beverages, for limiting number of retail licenses to be issued in each municipality, for requirement that licensees furnish bond, for nonassignability and transfer of licenses, for applications for transfers, for expiration and renewal of licenses, for revocation and suspension of licenses, for unlawful acts relative to malt or brewed beverages and licensees, for applications, for issuance of licenses, for requirement of bonds and for limited wineries; and making a repeal.

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

Section 1. Section 403(a) of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14) and amended April 29, 1994 (P.L.212, No.30), is amended to read:

Section 403. Applications for Hotel, Restaurant and Club Liquor Licenses.—(a) 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 and an annual license fee as prescribed in section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of [1929," and the bond hereinafter specified.] 1929." 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 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 this act.

* * *

Section 2. Section 404 of the act, amended April 29, 1994 (P.L.212, No.30) and October 5, 1994 (P.L.522, No.77), is amended to read:

Section 404. Issuance of Hotel, Restaurant and Club Liquor Licenses.—Upon receipt of the application[,] **and** 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: 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 prior to July 1, 1996, in any license district in a city of the first class, the board may, in its opinion, refuse any application for a new license or for any person-to-person transfer which shall include a change in stockholders involving ten per centum or more of all outstanding voting stock and/or less than ten per centum of all outstanding voting stock when such change involves a majority or controlling interest, of any license if the licensed premises is or would be within three hundred feet of any church, hospital, charitable institution, school or public playground or within two hundred feet of any other premises licensed by the board and if, in the opinion of the board, the licensed premises is or would be detrimental to the welfare, health, peace and morals of such church, hospital, school, public playground and/or the inhabitants of the neighborhood within a radius of five hundred feet of the licensed premises. This authority to refuse a person-to-person transfer in a city of the first class is in addition to and not in derogation of the authority of the board generally stated for all areas of this Commonwealth: 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. The board shall refuse any application for a new license or the transfer of any license to a location where the sale of liquid fuels or oil is conducted. Upon any opening in any quota, an application for a new license shall only be filed with the board for a period of six months following said opening.

Section 3. Sections 405(e) and 408(c) and (d) of the act, amended April 29, 1994 (P.L.212, No.30), are amended to read:

Section 405. License Fees.—* * *

(e) Every application for a restaurant liquor license for a nonprimary pari-mutuel wagering location or a racetrack shall be accompanied by an applicant's fee of five thousand dollars (\$5,000) [and a bond in the penal

sum of two thousand dollars (\$2,000)] for the first year of a licensing period. Thereafter, the nonprimary pari-mutuel wagering location or the racetrack shall be subject to the above stated fees for restaurant licenses [and the filing of a bond in the amount of two thousand dollars (\$2,000)] for each year of a licensing period.

Section 408. Public Service Liquor Licenses.—* * *

(c) Every applicant for a public service liquor license shall [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 as prescribed in section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

(d) Unless previously revoked, every license issued by the board under this section shall expire if the annual fee is not timely paid or on the last day of the license period for which the license is issued. Licenses issued under the provisions of this section shall be renewed 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.

* * *

Section 4. Sections 408.1(f), 408.2(f) and 408.3(f) of the act are amended to read:

Section 408.1. Trade Show and Convention Licenses.—* * *

[(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.]

* * *

Section 408.2. City-Owned Stadia.—* * *

[(f) The penal sum of the bond which shall be filed by an applicant for a stadium license pursuant to section 465 of the "Liquor Code" 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 fine imposed by the board up to one thousand dollars (\$1,000).]

* * *

Section 408.3. Performing Arts Facilities.—* * *

[(f) The penal sum of the bond which shall be filed by an applicant for a performing arts facility pursuant to section 465 of the "Liquor Code" shall be two thousand dollars (\$2,000).]

* * *

Section 4.1. Section 408.4(a) and (c) of the act, amended June 18, 1998 (P.L.664, No.86), are amended to read:

Section 408.4. Special Occasion Permits.—(a) Upon application of any hospital, church, synagogue, volunteer fire company, volunteer ambulance

company, volunteer rescue squad, nonprofit agricultural association in existence for at least ten years, bona fide sportsmen's club in existence for at least ten years, nationally chartered veterans' organization and any affiliated lodge or subdivision of such organization, fraternal benefit society that is licensed to do business in this Commonwealth and any affiliated lodge or subdivision of such fraternal benefit society, or one auxiliary of any of the foregoing, and upon payment of the prescribed fee for special occasion permits under section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," the board shall issue a special occasion permit good for a period of not more than six consecutive or nonconsecutive days during a calendar year. Special occasion permits may also be issued to a museum operated by a nonprofit corporation in a city of the third class or township of the first class[,] or a nonprofit corporation engaged in the performing arts in a city of the third class or in an incorporated town[,] *or to an arts facility or museum operated by an arts council or a nonprofit corporation in a city of the third class in a county of the fourth class* for a period of not more than six nonconsecutive or ten consecutive days at the prescribed fee for special occasion permits under section 614-A of "The Administrative Code of 1929."

* * *

(c) Such special occasion permit shall only be valid for the number of days stated in the permit. Only one permit may be issued to any permittee during the year. Provided, that a museum operated by a nonprofit corporation in a city of the third class or township of the first class, and a nonprofit corporation engaged in the performing arts in a city of the third class, or an arts council *or a nonprofit corporation that operates an arts facility or museum in a city of the third class in a county of the fourth class* may be issued no more than six permits during the year, each permit being valid for only one day, or in the alternative, one permit valid for no more than a total of ten consecutive days per year, which may be issued only during the month of August.

* * *

Section 5. Section 408.6 heading, (f) and (g) of the act, amended April 29, 1994 (P.L.212, No.30) and February 18, 1998 (P.L.162, No.25), are amended and the section is amended by adding a subsection to read:

Section 408.6. Performing Arts Facilities in [Second Class A Cities, Third Class Cities, boroughs and Townships of the Second Class Located in Fourth Class Counties] *Certain Municipalities*.—* * *

(a.2) *The board is authorized to issue licenses to operators of theaters for the performing arts in townships of the first class located in a county of the second class A which are permanently located at a single site and which have seating accommodations for at least two hundred fifty persons, except where prohibited by local option for the retail sale of liquor and malt or brewed beverages by the glass, open bottle or other container or in any mixture for consumption in any such theater for the performing arts.*

Notwithstanding any other provision of this section, licenses issued under this subsection may not be issued to concessionaires.

* * *

[(f) The penal sum of the bond which shall be filed by an applicant for a performing arts facility pursuant to section 465 shall be two thousand dollars (\$2,000) for each year of a licensing period.]

(g) Sales by the holder of a performing arts facility license may be made except to those persons prohibited under clause (1) of section 493 on board-approved service areas of the premises of such a facility for the performing arts during the hours in which the performance is being held and up to [one hour] *two hours* before the scheduled opening and one hour after the scheduled closing, but such sales may not be made beyond the hours expressed in the code for the sale of liquor and malt or brewed beverages by restaurant licensees: Provided, however, That such sales may be made on Sunday between the hours of one o'clock postmeridian and ten o'clock postmeridian, irrespective of the volume of food sales.

* * *

Section 6. Sections 408.7(f) and 408.8(f) of the act, amended April 29, 1994 (P.L.212, No.30), are amended to read:

Section 408.7. Performing Arts Facilities in First and Second Class Cities.—* * *

[(f) The penal sum of the bond which shall be filed by an applicant for a performing arts facility pursuant to section 465 shall be two thousand dollars (\$2,000) for each year of a licensing period.]

* * *

Section 408.8. Trade Shows and Convention Licenses; Cities of the Third Class.—* * *

[(f) The penal sum of the bond which shall be filed by an applicant for a trade show or convention facility pursuant to section 465 shall be two thousand dollars (\$2,000) for each year of a licensing period.]

* * *

Section 7. Section 408.10(f) of the act, amended April 29, 1994 (P.L.212, No.30), is amended to read:

Section 408.10. Recreation Facilities.—* * *

[(f) The penal sum of the bond which shall be filed by an applicant for a license issued under this section, pursuant to section 465, shall be two thousand dollars (\$2,000) for each year of a licensing period, and in addition thereto the applicant shall file an additional bond in a sum to assure payment of any fine imposed by the board up to one thousand dollars (\$1,000).]

* * *

Section 8. Sections 408.11(f), 409(b) and 410(b) and (c) of the act, amended or added April 29, 1994 (P.L.212, No.30), are amended to read:

Section 408.11. Seasonal Outdoor Cafe.—* * *

[(f) The penal sum of the bond which shall be filed by an applicant for a license issued under this section, pursuant to section 465, shall be two thousand dollars (\$2,000).]

* * *

Section 409. Sacramental Wine Licenses; Fees; Privileges; Restrictions.—* * *

(b) 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 as prescribed in section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," **and** 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.

* * *

Section 410. Liquor Importers' Licenses; Fees; Privileges; Restrictions.—* * *

(b) 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. The filing and license fees shall be as prescribed in section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929." **[The applicant shall file 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.

(c) 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. The filing and license fees shall be as prescribed in section 614-A of "The Administrative Code of 1929." **[The applicant shall file a bond of an approved surety company in the amount of ten thousand dollars for each year of a licensing period. Such bond shall contain the same provisions and conditions as are required in the other license bonds under this article.]**

* * *

Section 9. Section 431(a), (b) and (e) of the act, amended or added December 20, 1996 (P.L.1513, No.196) and June 18, 1998 (P.L.664, No.86), are amended to read:

Section 431. Malt and Brewed Beverages Manufacturers', Distributors' and Importing Distributors' Licenses.—(a) The board shall issue to any person a resident of this Commonwealth of good repute who applies therefor, *and* pays the license 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 from the place of manufacture only in original containers, in quantities of not less than a case or original containers containing one hundred twenty-eight ounces or more which may be sold separately anywhere within the Commonwealth. 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 a license period to be determined by the board. 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 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. 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 make full payment or 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 or upon notification to the board by the Department of Revenue or the Department of Labor and Industry of its objection, the license of such person shall immediately become invalid and shall remain invalid until payment and all charges are received by the board.

* * *

(b) The board shall issue to any reputable person who applies therefor, *and* 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 a case or original containers containing one hundred twenty-eight ounces or more which may be sold separately as prepared for the market by the manufacturer at the place of manufacture. 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: And provided further, 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: 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. The board shall refuse any application for a new license or the transfer of any license to a location where the sale of liquid fuels or oil is conducted. The board shall require notice to be posted on the property or premises upon which the licensee or proposed licensee will engage in sales of malt or brewed beverages. This notice shall be similar to the notice required of hotel, restaurant and club liquor licensees.

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. In the case of an importing distributor, the holder of such a license shall be authorized to store malt or brewed beverages owned by an out of State manufacturer at a segregated portion of a warehouse or other storage facility authorized by section 441(d) and operated by the importing distributor within its appointed territory and deliver such beverages to another importing distributor who has been granted distribution rights by the out of State manufacturer as provided herein. The importing distributor shall be permitted to receive a fee from the out of State manufacturer for any related storage or delivery services. In the case of a bailee for hire hired by an out of State manufacturer, the holder of such a permit shall be authorized: to receive or

store malt or brewed beverages under the same conditions as permitted for a distributor or importing distributor under section 441(f) produced by that out of State manufacturer for sale by that manufacturer to importing distributors to whom that out of State manufacturer has given distribution rights pursuant to this subsection or to purchasers outside this Commonwealth for delivery outside this Commonwealth; or to ship to that out of State manufacturer's storage facilities outside this Commonwealth. The bailee for hire shall be permitted to receive a fee from the out of State manufacturer for any related storage or delivery services. The bailee for hire shall, as required in Article V of this act, keep complete and accurate records of all transactions, inventory, receipts and shipments and make all records and the licensed areas available for inspection by the board and for the Pennsylvania State Police, Bureau of Liquor Control Enforcement, during normal business hours.

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 within the geographical area for which he has been given distributing rights by such manufacturer. Should a licensee accept the delivery of such malt or brewed beverages in violation of this section, said licensee shall be subject to a suspension of his license for at least thirty days: 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.

* * *

(e) In addition to the fees under section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," the board shall assess a fee surcharge of ninety-five dollars (\$95.00) for a distributor's license and a fee surcharge of four hundred seventy dollars (\$470.00) for an importing distributor's license and a fee surcharge of seventy-five dollars (\$75.00) for brand registration. Money collected under this subsection shall be placed in a restricted account in The State Stores Fund. The board may use the money in this account to implement section 216. *In the event the provisions of section 447(a)(2) and/or (c) are held invalid, then this subsection shall be void and shall not apply.*

Section 10. Sections 433.1(b) and 435 of the act, amended April 29, 1994 (P.L.212, No.30), are amended to read:

Section 433.1. Stadium or Arena Permits.—* * *

(b) 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. An applicant under subsection (a)(2) for a permit for a stadium or arena owned by the city in a city of the third class which shall have a seating capacity of at least four thousand but less than six thousand five hundred shall designate one or more areas of the licensed premises comprising not less than fifteen percent (15%) of its seating capacity in which the sale of malt and brewed beverages shall not be authorized. 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. The application and permit fees shall be as prescribed in section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929." **[A surety bond in the amount of one thousand dollars (\$1000) shall be filed for each year of a licensing period**

conditioned the same as the license bonds required by this act for retail dispenser licenses.]

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Section 435. 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. The applicant shall file with the board fees as prescribed in section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929." [The applicant shall file a bond as herein required.]

Section 11. Section 447(a)(5) of the act, amended December 20, 1996 (P.L.1513, No.196), is amended to read:

Section 447. Price Changes of Malt and Brewed Beverages.—(a) * * *

[(5) Every importing distributor and distributor receiving a price reduction on any package of any brand of malt or brewed beverages pursuant to this section shall reduce his price by a like amount to all classes of customers.]

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Section 12. Section 461(d) of the act, amended June 30, 1992 (P.L.327, No.66), is amended to read:

Section 461. Limiting Number of Retail Licenses To Be Issued In Each Municipality.—* * *

(d) "Airport 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. An airport restaurant is not subject to the seating requirements nor to the square footage requirements of the definition of restaurant in section 102. An airport restaurant may have unlimited extensions of service areas providing all extended service areas are inside the airport terminal building or buildings, notwithstanding any intervening thoroughfares. *In addition to the privileges granted under sections 406 and 407 relative to malt or brewed beverages, airport restaurant liquor licensees may also sell wine by the glass, open bottle or other container for consumption off the licensed premises and within the airport terminal building.*

* * *

Section 13. Section 465 of the act, amended April 29, 1994 (P.L.212, No.30), is amended to read:

[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.

(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 regulation of the board. All bonds shall be retained by the board.

(d) The penal sum for each year of a licensing period 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.

(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.]

Section 14. Section 466 of the act is amended to read:

[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.]

Section 15. Section 468(a)(1) of the act, amended June 18, 1998 (P.L.664, No.86), is amended to read:

Section 468. Licenses Not Assignable; Transfers.—(a) (1) 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, and if the applicant is a unit of a nonprofit nationally chartered club, the board is hereby authorized to transfer such license to a place in any other municipality within the same county if the sale of liquor or malt and brewed beverages are legal in such other municipality as the board may determine. Prior to the approval of an application for transfer by a unit of a nonprofit nationally chartered club the board shall make an affirmative finding, upon proof submitted by the applicant, and after investigation by the board, that at the time the application for transfer is made the club continues to hold a valid national charter and continues to function in fact as a club as defined in section 102. The board, in its discretion, may transfer an existing restaurant retail dispenser 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 retail dispenser 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.

* * *

Section 16. Section 469 of the act, amended April 29, 1994 (P.L.212, No.30), is amended to read:

Section 469. Applications for Transfers; Fees.—(a) 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 as prescribed in section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as “The Administrative Code of 1929.” **[Each such applicant shall also file an approved bond for each year of a licensing period as required on original applications for such licenses.]**

(b) Whenever any license is transferred, no license or other fees shall be required from the persons to whom such transfer is made for the portion of the license period for which the license fee has been paid by the transferor, except for transfer fees provided in section 614-A of “The Administrative Code of 1929.”

Section 17. Section 470 of the act, amended June 18, 1998 (P.L.664, No.86), is amended to read:

Section 470. 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,]** tax clearance from the Department of Revenue and the Department of Labor and Industry and 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 nunc pro tunc 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 nunc pro tunc within the time prescribed herein the board, in its discretion, may, after hearing, accept a renewal application filed within two years 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.

(a.1) The Director of the Bureau of Licensing may object to a properly filed license application:

(1) if the licensee, its shareholders, directors, officers, association members, servants, agents or employes have violated any of the laws of this Commonwealth or any of the regulations of the board;

(2) if the licensee has one or more adjudicated citations;

(3) if the licensed premises no longer meets the requirements of this act or the board's regulations; or

(4) due to the manner in which the licensed premises is being operated, the board can consider activity occurring on or about the licensed premises or in areas under licensee's control if the activity occurs when the premises is open for operation and if there is a relationship between the activity outside the premises and the manner in which the licensed premises is operated. The board may take into consideration whether the licensee has taken any substantial steps to address the activity occurring on or about the premises when the premises is open for operation.

(a.2) The board shall only refuse to renew a license application if the Bureau of Licensing gives the applicant at least ten days' notice, stating the basis for the objection; otherwise, the board must renew the license after receiving a properly filed renewal application.

(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 enforcement officers or investigators of the enforcement bureau 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 filed with the application for such renewal of license shall not be forfeited].

Section 18. Section 471(b) of the act is amended to read:

Section 471. Revocation and Suspension of Licenses; Fines.—* * *

(b) Hearing 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 administrative law judge 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), or both, notifying the licensee by registered letter addressed to his licensed premises. If the licensee has been cited and found to have violated section 493(1) insofar as it relates to sales to minors, section 493(10) insofar as it relates to lewd, immoral or improper entertainment or section 493(14), (16) or (21), or has been found to be a public nuisance pursuant to section 611, or if the owner or operator of the licensed premises or any authorized agent of the owner or operator has been convicted of any violation of the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or of 18 Pa.C.S. § 5902 (relating to prostitution and related offenses) or 6301 (relating to corruption of minors), at or relating to the licensed premises, the administrative law judge shall immediately suspend or revoke the license, or impose a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000), or both. The administrative law judge shall notify the licensee by registered mail, addressed to the licensed premises, of such suspension, revocation or fine. **[The increased civil penalty imposed by this subsection shall not be used to require any licensee to increase the amount of the bond required by this act.]** In the event the fine is not paid within twenty days of the adjudication, the administrative law judge shall suspend or revoke the license, notifying the licensee by registered mail addressed to the licensed premises. Suspensions and revocations shall not go into effect until thirty days have elapsed from the date of the adjudication 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.]** 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 a license is revoked, 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 the event the bureau or the person who was fined or whose license was suspended or revoked shall feel aggrieved by the adjudication of the administrative law judge, there shall be a right to appeal to the board. The appeal shall be based solely on the record before the administrative law judge. The board shall affirm the decision of the administrative law judge if it is based on substantial evidence; otherwise, the board shall reverse the

decision of the administrative law judge. In the event the bureau or the person who was fined or whose license was suspended or revoked shall feel aggrieved by the decision of the board, there shall be a right to appeal to the court of common pleas in the same manner as herein provided for appeals from refusals to grant licenses. Each of the appeals shall act as a supersedeas unless, upon sufficient cause shown, the reviewing authority shall determine otherwise; however, if the licensee has been cited and found to have violated section 493(1) insofar as it relates to sales to minors, section 493(10) insofar as it relates to lewd, immoral or improper entertainment or section 493(14), (16) or (21), or has been found to be a public nuisance pursuant to section 611, or if the owner or operator of the licensed premises or any authorized agent of the owner or operator has been convicted of any violation of "The Controlled Substance, Drug, Device and Cosmetic Act," or of 18 Pa.C.S. § 5902 or 6301, at or relating to the licensed premises, its appeal shall not act as a supersedeas unless the reviewing authority determines otherwise upon sufficient cause shown. In any hearing on an application for a supersedeas under this section, the reviewing authority may consider, in addition to other relevant evidence, documentary evidence, including records of the bureau, showing the prior history of citations, fines, suspensions or revocations against the licensee; and the reviewing authority may also consider, in addition to other relevant evidence, evidence of any recurrence of the unlawful activity occurring between the date of the citation which is the subject of the appeal and the date of the hearing. No penalty provided by this section shall be imposed for any violations provided for in this act unless the bureau notifies the licensee of its nature within thirty days of the completion of the investigation.

* * *

Section 19. Section 492(8) of the act, amended April 29, 1994 (P.L.212, No.30), is amended to read:

Section 492. Unlawful Acts Relative to Malt or Brewed Beverages and Licensees.—

It shall be unlawful—

* * *

(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, as prescribed in section 614-A of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," [and shall have filed with the board a bond in the penal sum of not more than two thousand dollars (\$2000) for each

year of a licensing period, as may be fixed by the rules and regulations of the board,] any other law to the contrary notwithstanding.

* * *

Section 20. Sections 504 and 505 of the act are amended to read:

Section 504. Applications; Filing Fees.—(a) 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:

(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.

(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.

(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.

Section 505. Licenses Issued.—Upon receipt of the application in the form herein provided[, *and* 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 20.1. Section 505.2(4) of the act is amended to read:

Section 505.2. Limited Wineries.—In the interest of promoting tourism and recreational development in Pennsylvania, holders of a limited winery license may:

* * *

(4) At the discretion of the board, obtain a special wine permit to participate in wine and food expositions off the licensed premises. A special wine permit shall be issued upon proper application and payment of a fee of thirty dollars (\$30) per day for each day of permitted use, not to exceed five (5) consecutive days. A limited winery may not obtain more than five special wine permits in any calendar year. The total number of days for all the permits may not exceed [~~ten (10)~~] *twenty (20)* days in any calendar year. A special wine permit shall entitle the holder to engage in the sale of wine produced by the bottle or in case lots by the permittee under the authority of a limited winery license. Holders of special wine permits may provide tasting samples of wines in individual portions not to exceed one fluid ounce. Samples at wine and food expositions may be sold or offered free of charge. Except as provided herein, limited wineries utilizing special wine permits shall be governed by all applicable provisions of this act as well as by all applicable regulations or conditions adopted by the board.

For the purposes of this clause, "wine and food expositions" are defined as affairs held indoors or outdoors with the primary intent of educating those in attendance of the availability, nature and quality of Pennsylvania-produced wines in conjunction with suitable food displays, demonstrations and sales. Wine and food expositions may also include activities other than wine and food displays, including arts and crafts, musical activities, cultural exhibits, agricultural exhibits and similar activities.

* * *

Section 21. Section 506 of the act, amended April 29, 1994 (P.L.212, No.30), is amended to read:

[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.

(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.

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

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

Section 22. Section 514 of the act is amended to read:

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 enforcement bureau may, within one year from the date of such violation or cause appearing, cite such licensee to appear before an administrative law judge not less than ten (10) nor more than sixty (60) 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 administrative law judge 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.]** 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 of a revocation, 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. Such hearing before and adjudication by an administrative law judge shall be in accordance with 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies).

Section 23. Section 517 of the act, amended April 29, 1994 (P.L.212, No.30), is amended to read:

Section 517. Expiration of Licenses; Renewals.—All licenses issued under this article shall expire at the close of the license period, but new licenses for the succeeding license period 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 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 expiration of the license period. All applications for renewal received otherwise shall be treated as original applications.

Section 24. Section 7 of the act of December 20, 1996 (P.L.1513, No.196), entitled "An act amending the act of April 12, 1951 (P.L.90, No.21), entitled, as reenacted, '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 an investigative unit, for records of importing distributors and for fee surcharges; and providing for distributors' and importing distributors' restrictions on sales of malt or brewed beverages, for prices of malt or brewed beverages, for Sunday sales of alcoholic beverages and for distribution of malt and brewed beverages," is repealed.

Section 25. The amendment of section 408.4(a) and (c) of the act shall apply to arts facilities or museums existing on the effective date of this act.

Section 26. This act shall take effect immediately.

APPROVED—The 21st day of December, A.D. 1998.

THOMAS J. RIDGE