
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1160 Session of
2013

INTRODUCED BY CLAY, BISHOP, V. BROWN, COHEN, CRUZ, J. HARRIS,
KAVULICH, KORTZ, O'BRIEN, ROEBUCK, SCHLOSSBERG AND SWANGER,
APRIL 9, 2013

REFERRED TO COMMITTEE ON LIQUOR CONTROL, APRIL 9, 2013

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as
2 reenacted, "An act relating to alcoholic liquors, alcohol and
3 malt and brewed beverages; amending, revising, consolidating
4 and changing the laws relating thereto; regulating and
5 restricting the manufacture, purchase, sale, possession,
6 consumption, importation, transportation, furnishing, holding
7 in bond, holding in storage, traffic in and use of alcoholic
8 liquors, alcohol and malt and brewed beverages and the
9 persons engaged or employed therein; defining the powers and
10 duties of the Pennsylvania Liquor Control Board; providing
11 for the establishment and operation of State liquor stores,
12 for the payment of certain license fees to the respective
13 municipalities and townships, for the abatement of certain
14 nuisances and, in certain cases, for search and seizure
15 without warrant; prescribing penalties and forfeitures;
16 providing for local option, and repealing existing laws,"
17 further providing for revocation and suspension of licenses
18 and fines.

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

21 Section 1. Section 471 of the act of April 12, 1951 (P.L.90,
22 No.21), known as the Liquor Code, reenacted and amended June 29,
23 1987 (P.L.32, No.14), is amended by adding a subsection to read:

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

25 * * *

1 (c.1) If a licensee or an employe of a licensed
2 establishment, or both, have been found to have violated section
3 493(1) as it relates to sales to minors and, as a result of the
4 violation, the minor was convicted of violating 18 Pa.C.S. §
5 2501 (relating to criminal homicide), 2502 (relating to murder),
6 2503 (relating to voluntary manslaughter), 2504 (relating to
7 involuntary manslaughter), 2507 (relating to criminal homicide
8 of law enforcement officer), 2702 (relating to aggravated
9 assault) or 2702.1 (relating to assault of law enforcement
10 officer) or 75 Pa.C.S. § 3732 (relating to homicide by vehicle)
11 within twelve hours of the sale, the administrative law judge,
12 in addition to the penalties set forth in subsections (b), (d)
13 and (e), shall impose a fine of not less than one thousand
14 dollars (\$1,000) nor more than ten thousand dollars (\$10,000)
15 and shall impose a mandatory minimum sentence of imprisonment of
16 one year. The licensee or employe of the licensed establishment
17 shall be exempt from such fines and imprisonment if the
18 identification card was identified as a valid card by a
19 transaction scan device and the identification card and
20 transaction scan results were relied upon in good faith. If the
21 conviction for violating 18 Pa.C.S. § 2501, 2502, 2503, 2504,
22 2507, 2702 or 2702.1 or 75 Pa.C.S. § 3732 is overturned, the
23 administrative law judge shall return the money from the imposed
24 fine to the licensee or employe of the licensed establishment
25 within thirty days of receiving a notice of the ruling from the
26 licensee or employe of the licensed establishment. For purposes
27 of this subsection, a "transaction scan device" is a device
28 capable of deciphering in an electronically readable format the
29 information encoded on the magnetic strip or bar code of an
30 identification card as set forth in section 495(a).

1 * * *

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