

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2499 Session of 2014

INTRODUCED BY PAYNE, COHEN, GINGRICH, C. HARRIS, MILLARD AND SWANGER, SEPTEMBER 22, 2014

REFERRED TO COMMITTEE ON LIQUOR CONTROL, SEPTEMBER 22, 2014

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 enforcement, for penalties and for  
 18 identification cards, licensees and State Liquor Store  
 19 employees saved from prosecution.

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

22 Section 1. Section 211(a) of the act of April 12, 1951  
 23 (P.L.90, No.21), known as the Liquor Code, reenacted and amended  
 24 June 29, 1987 (P.L.32, No.14), is amended by adding a clause to  
 25 read:

26 Section 211. Enforcement.--(a) There is created within the

1 Pennsylvania State Police a Bureau of Liquor Control Enforcement  
2 which shall be responsible for enforcing this act and any  
3 regulations promulgated pursuant thereto. Officers and  
4 investigators assigned to the bureau shall have the power and  
5 their duty shall be:

6 \* \* \*

7 (4.1) To investigate and issue citations to any person who  
8 has had an invalid identification card confiscated by an entity  
9 licensed under this act so long as the officer/investigator  
10 determines that the identification card was properly confiscated  
11 under section 495(b.1).

12 \* \* \*

13 Section 2. Sections 494 and 495 of the act are amended by  
14 adding by adding subsections to read:

15 Section 494. Penalties.--\* \* \*

16 (d) Any person who has an invalid identification card  
17 confiscated by a licensee under section 495(b.1) and has been  
18 issued a citation by the enforcement bureau shall be guilty of a  
19 misdemeanor and, upon conviction thereof, shall be sentenced to  
20 pay a fine of not less than five hundred dollars (\$500), nor  
21 more than two thousand dollars (\$2,000).

22 Section 495. Identification Cards; Licensees and State  
23 Liquor Store Employes Saved From Prosecution.--\* \* \*

24 (b.1) Any licensee, or the servant, agent or employe  
25 thereof, may confiscate an identification card that has been  
26 presented for the purpose of obtaining liquor or malt or brewed  
27 beverages when there is reasonable suspicion that the  
28 identification card presented is not valid. A licensee, or the  
29 servant, agent or employe thereof, may have reasonable suspicion  
30 that an identification card is invalid only after utilizing a

1 transaction scan device. A licensee, or the servant, agent or  
2 employe thereof, that confiscated an identification card based  
3 upon a reasonable suspicion that it is invalid shall not be held  
4 liable by the board or the enforcement bureau should the  
5 identification card be deemed valid. An identification card  
6 confiscated under this subsection shall be submitted to the  
7 enforcement bureau within forty-eight hours of the confiscation  
8 to determine the validity of the identification. The enforcement  
9 bureau shall return any confiscated identification card that is  
10 determined to be valid to the person from whom it was  
11 confiscated.

12 \* \* \*

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