

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 52 Session of 2015

INTRODUCED BY PAYNE, BARRAR, COHEN AND MILLARD, JANUARY 21, 2015

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JANUARY 21, 2015

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," in  
 17 Pennsylvania Liquor Control Board, further providing for  
 18 enforcement; and, in licenses and regulations relating to  
 19 liquor, alcohol and malt and brewed beverages, further  
 20 providing for penalties and for identification cards,  
 21 licensees and State Liquor Store employees saved from  
 22 prosecution.

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

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

1 Section 211. Enforcement.--(a) There is created within the  
2 Pennsylvania State Police a Bureau of Liquor Control Enforcement  
3 which shall be responsible for enforcing this act and any  
4 regulations promulgated pursuant thereto. Officers and  
5 investigators assigned to the bureau shall have the power and  
6 their duty shall be:

7 \* \* \*

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

13 \* \* \*

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

16 Section 494. Penalties.--\* \* \*

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

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

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

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

13 \* \* \*

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