

fees so payable shall be determined as follows: The permit fee fixed by this act for a yearly amusement or entertainment permit shall be divided by twelve, and one-twelfth of the total yearly permit fee shall be due and payable for each and every month of the remainder of the license year, commencing with the month of July, one thousand nine hundred and thirty-seven, less a credit against each such monthly fee of two dollars and eight and one-third cents (\$2.08 1/3) theretofore paid by the permittee prior to the commencement of the license year.

APPROVED—The 16th day of June, A. D. 1937.

GEORGE H. EARLE

No. 371

AN ACT

To re-enact and amend the act, approved the nineteenth day of February, one thousand nine hundred twenty-six (Pamphlet Laws, sixteen), entitled, as amended "An act regulating, under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, rectification, blending, recovery, reuse, holding in bond, holding in storage by bailees for hire, and transportation for hire, of any alcohol, alcoholic liquid or alcoholic beverage, by certain persons; requiring the registration of Federal permits; also providing for fees and the disposition thereof, and for appeals to the courts; also authorizing the inspection of the records of permittees and purchasers of said alcohol, alcoholic liquid, and alcoholic beverages; also declaring certain places nuisances and providing for their abatement; also providing penalties; and also repealing all acts or parts of acts inconsistent with this act," further regulating the manufacture, sale, use, and traffic in alcohol and alcoholic liquids; conferring additional powers and imposing additional duties upon the Pennsylvania Liquor Control Board; further regulating those licensed under this act; imposing filing fees; changing the method of calculating certain license fees; providing for the use of the word "license" instead of "permit"; regulating and providing the procedure for the granting, suspension, and revocation of licenses, and for compromises in certain cases; providing for the disposition of fees, compromise penalties, and forfeitures; regulating the jurisdiction of courts; and providing penalties.

Section 1. Be it enacted, &c., That section one of the act, approved the nineteenth day of February, one thousand nine hundred twenty-six (Pamphlet Laws, sixteen), entitled, as amended "An act regulating, under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, rectification, blending, recovery, reuse, holding in bond, holding in storage by bailees for hire, and transportation for hire, of any alcohol, alcoholic liquid or alcoholic beverage,

Section 1, act of February 19, 1926 (P. L. 16), amended.

age, by certain persons; requiring the registration of Federal permits; also providing for fees and the disposition thereof, and for appeals to the courts; also authorizing the inspection of the records of permittees and purchasers of said alcohol, alcoholic liquid, and alcoholic beverages; also declaring certain places nuisances and providing for their abatement; also providing penalties; and also repealing all acts or parts of acts inconsistent with this act," is hereby re-enacted to read as follows:

Alcoholic liquors.
Act an exercise
of police powers.

Section 1. That this entire act is an exercise of the police power of this Commonwealth for the protection of the public welfare, health, peace, safety and morals of the people of this Commonwealth, and all of its provisions shall be liberally construed for the accomplishment of these purposes.

Section 2, as
amended by acts
of December 8,
1933 (P. L. 57-
1933-34), and
July 18, 1935
(P. L. 1283),
further amended.

Section 2. That section two of the said act as amended by the act, approved the eighth day of December, one thousand nine hundred thirty-three (One thousand nine hundred thirty-three—One thousand nine hundred thirty-four—Pamphlet Laws, fifty-seven), and by the act, approved the eighteenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws, one thousand two hundred eighty-three), is hereby re-enacted and further amended to read as follows:

Definitions.

Section 2. (Definitions) For the purpose of this act, the following terms shall have the following meanings respectively designated for each:

(a) The word "person" shall mean and include natural persons, associations, partnerships, and corporations for whatever purpose organized.

(b) The phrase "alcohol and alcoholic liquid," whenever used in this act, shall mean and include alcohol and all distilled, redistilled, denatured, recovered liquids or substances, and any compound or admixture thereof, beer, ale, wines, porter, spirits, whiskey, and all liquors, from whatever source or by whatever processes produced, which contain any alcohol by volume, capable of being used for beverage purposes, during or after manufacture, production, distillation, redistillation, denaturation, rectification, blending or recovery.

(c) The term "application" shall mean a formal, verified, written request, under oath or supported by a verified statement of facts, for a [permit] *license* for the privilege authorized by law.

(d) The term ["permit"] "*license*" shall mean a formal, written authorization by the board setting forth specifically therein the things that are authorized.

(e) The term "board" shall mean the Pennsylvania Liquor Control Board.

(f) The term "regulation" shall mean any regulation prescribed by the board for carrying out the provisions of this act.

(g) The term "container" shall mean and include any receptacle, vessel, or form of package, tank, vat, cask, barrel, drum, keg, can, bottle, or conduit, used or capable of use for holding, storing, transferring or shipment of alcohol or alcoholic liquid.

(h) The term "Federal permit," as used in this act, shall be construed to mean what is commonly known as the permit issued by authority of the United States of America, in conformity with the acts of Congress and the regulations issued pursuant thereto, and shall not include a subsidiary or installment permit.

(i) The term "distillery" shall mean and include any premises or plant wherein alcohol or alcoholic liquid is manufactured, made and distilled from raw materials, blended, or rectified, or any place wherein alcohol or alcoholic liquid is produced by any method suitable for the production of alcohol. The term shall not include a "winery" where alcohol is derived from by-products of wine production, by distillation, for the sole purpose of adding to the fermented products to fortify the same.

(j) The term "denaturing plant" shall mean and include the premises of a distillery used exclusively for the denaturization of alcohol, either specially or completely, by the admixture of such denaturing materials as shall render the alcohol, or any compound in which it is authorized to be used, unfit for use as a beverage.

(k) The phrase "brewery" shall mean and include any premises and plants where alcoholic liquids or beverages are produced by the process by which beer, ale, or porter are produced.

(l) The phrase "winery" shall mean and include any premises and plants where alcoholic liquids or beverages are produced by the process by which wine is produced, or premises and plants wherein liquid such as wine is produced. And shall include the manufacture, by distillation, of alcohol from the by-products of wine fermentation when the alcohol so derived is used solely to fortify the fermented products, under such regulations as are or may be promulgated by the proper agency of the United States Government, and such alcohol, for that purpose only, may be sold or exchanged between wineries holding permits in this Commonwealth without restriction.

(m) The term "bonded warehouse" shall mean and include all places and warehouses, legally established under the provisions of the acts of Congress and the administrative provisions of the internal revenue laws of the Government of the United States of America, for the storage, concentration, distribution and holding in bond of alcohol or alcoholic liquid.

(n) The term "manufacture" shall mean and include all means, methods and processes used, employed, and

made use of, to produce and make alcohol or alcoholic liquid from raw materials, and shall mean and include rectification and blending of alcohol and alcoholic liquid, the production, recovery or reuse of alcohol in the making, developing, using in the process of manufacture, denaturing, redistilling, or recovering of any alcohol or alcoholic liquid, in distilleries, denaturing plants, breweries, and wineries.

(o) The term "denatured alcohol" shall mean and include all alcohol or alcoholic liquid, or any compound thereof, which, by the admixture of such denaturing material or materials, is rendered unfit for use as a beverage.

Sections 3, 5, 7, 8, 9, and 10, as amended by act of December 8, 1933 (P. L. 57-1933-34), further amended.

Section 3. That sections three, five, seven, eight, nine, and ten of the said act as amended by the act, approved the eighth day of December, one thousand nine hundred thirty-three (One thousand nine hundred thirty-three—One thousand nine hundred thirty-four—Pamphlet Laws, fifty-seven), are hereby re-enacted and further amended to read as follows:

Unlawful to manufacture, etc., without a license.

Section 3. It shall be unlawful for any person, without a [permit] *license* from the Commonwealth obtained as hereinafter provided, except as exempted by section five hereof, to manufacture, produce, distill, develop, or use in the process of manufacture, denature, redistill, recover, rectify, blend, reuse, hold in bond, hold in storage as bailee for hire, or transport for hire, within this Commonwealth, any alcohol or alcoholic liquid, except that a person may, without a [permit] *license*, manufacture wine out of grapes grown by him, and sell the same to a [permit-holding] *licensed* winery.

Exception.

Persons exempted from the provisions of the act.

Section 5. It is hereby declared that [registration of a Federal permit, or] securing a [permit] *license* hereunder, shall not be required from any registered pharmacist; or a physician licensed by the State Board of Medical Education and Licensure; or a person or persons who make and sell vinegar, *nonalcoholic* cider and fruit juices; or a person or persons who manufacture, store, sell or transport methanol, propanol, butanol and amanol; or a person or persons who conduct a wholesale drug business; [or a person or persons who conduct a mercantile business, chiefly devoted to the sale of food-stuffs, and having an established place located within the Commonwealth] or a person or persons who manufacture alcoholic preparations not fit for use as a beverage, other than denatured alcohol, or for beverage purposes; a person or persons engaged in the manufacture, possession or sale of patent, patented or proprietary medicines, toilet, medicinal or antiseptic preparations, unfit for beverage purposes, or solutions, or flavoring extracts or syrups, *unfit for beverage purposes*; or a person or persons who manufacture or sell paints, varnishes, enamels,

lacquers, stains, or paint or varnish removing or reducing compounds, or wood fillers; or a person or persons who manufacture any substance where the alcohol or alcoholic liquid is changed into other chemical substances and does not appear in the finished product as alcohol or alcoholic liquid; or such common carriers by railroad as are subject to regulation by the Public Service Commission of the Commonwealth of Pennsylvania; or a person or persons who sell, store, or transport alcohol and alcoholic liquids completely denatured as specified by the board.

Section 7. Every applicant for a [permit] *license* under this act shall file with the board a [petition, in writing, duly verified] *written application*, in such form and containing such information as the board shall, from time to time, [prescribe] *require*. [setting forth] *Every such application shall be accompanied by a filing fee of ten dollars, the prescribed license fee and the bond hereinafter specified, and shall set forth—*

Contents of petition for license.

1. The legal names of the applicant, and of the owner of the place where business under the [permit] *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 alcoholic liquid 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 alcoholic liquid 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 [permit] *license*.

[3. The period of time the applicant has been carrying on the business for which the permit is desired.

4. If the permit is for the manufacture, production, distillation, development, rectification, blending, denaturization, holding in bond or holding in storage of any alcohol or alcoholic liquid, the maximum quantity per month to be manufactured, developed, or stored; and, if the permit is for the use, redistillation, recovery, rectification, blending, denaturization, or reuse of any alcohol or alcoholic liquid, or the sale of any alcohol or alcoholic liquid for use in the manufacture or compounding of preparations unfit for beverage purposes, the purpose or purposes for which the same is to be used.

5. That no one of the applicants has been convicted of a violation of this act, or of any law or regulation of the United States of America, or of the Commonwealth

of Pennsylvania, for the control of the manufacture, possession and traffic in alcohol or alcoholic liquids.]

[6.] 3. That each and every one of the applicants is a citizen of the United States of America.

[7.] 4. Such other relevant information as the board shall from time to time require by rule or regulation.

Affidavit.

This [petition] *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 [petition] *application*, the applicant or applicants shall be deemed guilty of the crime of perjury, and, upon indictment and conviction, shall be subject to its penalties.

Perjury.

Issuance of license.

Section 8. Upon [the filing] *receipt* of the application in the form herein provided, *the proper fees* and [upon execution of] *an approved bond as herein designated, duly executed, payable to the Commonwealth of Pennsylvania*, and a warrant of attorney to confess judgment, in the penal sum [of ten thousand dollars (\$10,000)] *hereinafter specified*. *The board may grant to such applicant a license to engage in the manufacturing, producing, distilling, developing or using in the process of manufacturing, denaturing, redistilling, recovering, rectifying, blending, reusing, holding in bond, holding in storage as bailee for hire, and transporting for hire, of alcohol or alcoholic liquid. The board may of its own motion, and shall, upon the written request of any applicant for license or for renewal thereof, whose application for such license or renewal has been refused, fix a time and place for hearing of such application or renewal, notice of which hearing shall be mailed to the applicant at the address given in his application. Such hearing shall be before the board, a member thereof, or an examiner designated by the board. At such hearing, the board shall present its reasons for its refusal or withholding of such license, or renewal thereof. The applicant may appear in person or by counsel, may cross-examine the witnesses for the board, and may present evidence, which shall likewise be subject to cross-examination by the board. Such hearing shall be stenographically recorded. The examiner shall thereafter report to the board. The board shall thereafter grant or refuse the license or renewal thereof. If the board shall refuse such license or renewal following such hearing, notice, in writing, of such refusal shall be mailed to the applicant at the address given in his application. In all cases, the board shall file of record at least a brief statement, in the form of an opinion, of the reasons for the ruling or order. [with surety to be approved by the board, which bond] All such bonds shall be conditioned for the faithful observance of all the laws of this Commonwealth and regulations of the board relating to al-*

Condition of bond.

cohol or alcoholic liquid, and the conditions of the [permit] 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. 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. 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. 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. [the board may grant to such applicant a permit to engage in the manufacturing, producing, distilling, developing, or using in the process of manufacturing, denaturing, redistilling, recovering, rectifying, blending, reusing, holding in bond, holding in storage as bailee for hire, and transporting for hire, of alcohol or alcoholic liquid.]

The penal sum of bonds required to be filed by applicants for license shall be as follows:

In the case of a manufacturer, the bond shall be in the amount of ten thousand dollars (\$10,000); 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 (\$3,000); and in the case of a winery, shall be in the amount of five thousand dollars (\$5,000). Such bonds shall be filed with and retained by the board. Every such bond shall be turned over to the Department of Justice to be collected if and when the licensee's license shall have been revoked and his bond forfeited as provided in this act.

Container to be labeled.

Section 9. All persons, except as exempted by section five hereof, manufacturing, producing, distilling, developing, or using in the process of manufacture, denaturing, redistilling, recovering, rectifying, blending, reusing, holding in bond, holding in storage as bailee for hire, or transporting for hire, of alcohol or alcoholic liquid, under the provisions of this act of Assembly, shall securely and permanently attach to every container, ready for shipment thereof, as the same is manufactured, produced, distilled, developed, denatured, redistilled, recovered, rectified, blended, reused, a label, stating name of manufacturer, kind and quantity of alcohol or alcoholic liquid contained therein, and the date of its manufacture, together with the number of the [permit] *license* authorizing the manufacture thereof, and all persons possessing such alcohol or alcoholic liquid in wholesale quantities shall securely keep and maintain such label thereon.

Specifications of license.

Section 10. Every [permit] *license* issued under the provision of this act [for the manufacture, production, distillation, development, denaturization, redistillation, recovery, rectification, blending, reuse, holding in bond, holding in storage, of any alcohol or alcoholic liquid, shall specify the maximum quantity of such alcohol or alcoholic liquid per month which may lawfully be manufactured, produced, distilled, rectified, blended, developed, denatured, redistilled, reused, held in bond, or stored, under such permit. Any permit issued for the use of any alcohol or alcoholic liquid in the process of manufacture, shall specify the purpose or purposes for which such alcohol or alcoholic liquid is to be used, and the maximum quantity per month which may lawfully be used under such permit. Every permit] shall specify, by definite location, every place to be occupied or used in connection with the business to be conducted thereunder. It shall be unlawful for the holder of any [permit] *license* [to manufacture, produce, distill, develop, denaturize, redistill, recover, rectify, blend, reuse, hold in bond, hold in storage, or use, a greater quantity of any alcohol or alcoholic liquid in any month than that specified in his permit, or to use any alcohol or alcoholic liquid for any purpose other than that specified in his permit, or] to occupy or use any place in connection with any business authorized under a [permit] *license* other than the place or places designated therein.

Violation.

Section 11, amended.

Section 4. That section eleven of the said act is hereby re-enacted and amended to read as follows:

Licensee to keep records.

Section 11. Every person holding a [permit] *license*, issued under the provisions of this act, shall keep, *on the licensed premises*, daily, permanent records, which shall show (a) the quantities of any alcohol or alcoholic liquid manufactured, produced, distilled, developed, denatured,

redistilled, recovered, reused, stored in bond, stored as bailee for hire, received or used in the process of manufacture, by him, and of all other material used in manufacturing or developing any alcohol or alcoholic liquid; (b) the sales or other disposition of any alcohol or alcoholic liquid; (c) the quantities thereof, if any, stored in bond, stored for hire, or transported for hire, by or for the [permittee] *licensee*; and (d) the names and addresses of the purchasers or other recipients thereof: Provided, however, That persons holding [permits] *licenses*, issued under the provisions of this act, for the transportation for hire of any alcohol or alcoholic liquid, shall not be required to keep the above records, but shall keep daily, permanent records showing the names and addresses of the persons from whom any alcohol or alcoholic liquid was received and to whom delivered, and such other permanent records as the board shall prescribe.

Section 5. That sections twelve and thirteen of the said act, as amended by the act, approved the eighth day of December, one thousand nine hundred thirty-three (One thousand nine hundred thirty-three-One thousand nine hundred thirty-four — Pamphlet Laws, fifty-seven), are hereby re-enacted and further amended to read as follows:

Section 12. Every place, operated under [permit] *license* secured hereunder, where any alcohol or alcoholic liquid is manufactured, produced, distilled, developed, or used in the process of manufacture, denatured, redistilled, rectified, blended, recovered, reused, held in bond, stored for hire or in connection with a [permittee's] *licensee's* business, 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, (a) for the detection of violations of this act, or of the rules and regulations of the board promulgated under the authority of this act; [or of the act to which this is a supplement] or (b) for the purpose of ascertaining the correctness of the records required by this act to be kept by [permittees] *licensees*, and the books and records of [permittees] *licensees*, and the books and records of their customers, in so far as they relate to purchases from said [permittees] *licensees* shall at all times be open to inspection by the members of the board, or by persons duly authorized and designated by the board for the purpose of making inspections as authorized by this section. Members of the board, and the persons duly authorized and designated by the board, shall have the right without fee or hindrance, to enter any place which is subject to inspection hereunder, or any place where records, subject to inspection hereunder, are kept, for the purpose of making such inspections.

Sections 12 and 13, as amended by act of December 8, 1933 (P. L. 57-1933-34), further amended.

Inspection by board.

For detection of violations.

For ascertaining correctness of records.

Books to be open for inspection.

Right of entry for inspection.

Licensee may be cited for violations.

Section 13. 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 of any [provision of the act to which this is a supplement,] *laws of this Commonwealth relating to alcohol or alcoholic liquids, or any violation of any laws of this Commonwealth, or of the United States of America, relating to the tax payment of alcohol or alcoholic liquid* by the holder of a [permit] *license*, issued under the provisions of this act, or upon other sufficient cause, the board [shall] *may, within one year from the date of such violation or cause appearing, cite such [permittee] licensee to appear before it, or its examiner, not less than ten (10) nor more than fifteen (15) days from the date of sending such [permittee] licensee, by registered mail, a notice, addressed to his licensed premises, to show cause why the [permit] 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 board shall immediately suspend or revoke such [permit] license, notifying the [permittee] 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.*

Revocation of license.

When a license is revoked the licensee's bond may be forfeited by the board. Any licensee, whose license is revoked, shall be ineligible to have a license under this act or under any other act of the Commonwealth of Pennsylvania relating to alcohol and alcoholic liquids until the expiration of three (3) years from the date such license was revoked. In the event the board shall revoke a license, 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. In all such cases, the board shall file of record at least a brief statement, in the form of an opinion, of the reasons for the ruling or order.

Appeals.

Any [permittee] *licensee* aggrieved by any decision of the board *refusing, suspending or revoking a license* may [file, within thirty days thereafter, in the court of common pleas of the county in which the permittee is resident, and any applicant aggrieved by the refusal of the board to grant a permit may file, within thirty days thereafter, in the court of common pleas of Dauphin

County, a petition, against the members of the board as defendants, alleging therein the action and decision complained of and praying for a reversal thereof. Upon personal service of a summons on any member of the board, returnable within three days of the date thereof, the board shall, within one week from such return date, file an answer, in which it shall allege by way of defense the grounds for its decision and such other grounds as shall in the meantime accrue or be discovered. All allegations of the answer shall be deemed to stand denied without further pleading and, upon application of either party, the cause shall be advanced and heard without delay. Mere technical irregularities in the procedure of the board shall be disregarded. A judgment, sustaining the revocation of or refusal to grant a permit by the board, shall not bar, after one year, a new application by the plaintiff for a permit, nor shall a judgment in favor of the plaintiff prevent the board from thereafter revoking or refusing a permit for any proper cause which may thereafter accrue or be discovered. The court shall have full power to dispose of all costs. From the judgments of the court of common pleas, appeals may be taken, as in other actions at law, but, during the pendency of any such appeal in which a former permittee is appellant, such former permittee shall not carry on any business of the kinds regulated by this act.] *appeal, within twenty days from the date of refusal, suspension or revocation, to the court of quarter sessions of the county in which the licensed premises or the premises to be licensed are located. In the event an applicant or a licensee shall have no place of business established within the Commonwealth, his appeal shall be to the court of quarter sessions of Dauphin County. Such appeal shall be upon petition of the applicant or licensee; as the case may be, who shall serve a copy thereof upon the board. The court shall hear the application de novo, at such time as it shall fix, of which notice shall be given to the board. The court shall, in the case of a refusal by the board, either sustain such refusal, or* order the issuance of the license to the applicant. There shall be no further appeal. Any appeal shall act as a supersedeas unless, upon sufficient cause shown, the court shall determine otherwise. In those cases where the board shall suspend a license, the board may accept from the licensee an offer in compromise as a penalty in lieu of such suspension, and shall thereupon rescind its order of suspension. In the case of a distillery licensee; the offer in compromise shall be at the rate of one hundred dollars (\$100) for each day of suspension; in the case of a bonded warehouse, bailee for hire, and transporter for hire licensees, twenty-five dollars*

* "or" inserted.

(*\$25*) for each day; and in the case of a winery licensee, fifty dollars (*\$50*) for each day. No offer in compromise may be accepted by the board in those cases where the suspension is for a period in excess of one hundred (*100*) days.

Section 14,
amended.

Section 6. That section fourteen of the said act is hereby re-enacted and amended to read as follows:

Expiration and
renewal of
licenses.

Section 14. All [permits] licenses shall expire at the close of the calendar year, but new [permits] licenses for the succeeding year shall be issued upon written application therefor, duly verified by affidavit, stating that the facts in the original [petition] 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 a [permit] license issued to a corporation under the provisions of this act shall expire thirty (30) days after any change in the officers of such corporation, unless the name and address of the new officer, or the names and addresses of the new officers, 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 first day of January of the ensuing year. All applications for renewal received otherwise shall be treated as original applications.

Proviso.

Time for applica-
tion for renewal.

Sections 15, 16,
17, 18, and 19,
as amended by
act of December
8, 1933 (P. L.
57-1933-34), fur-
ther amended.

Section 7. That sections fifteen, sixteen, seventeen, eighteen, and nineteen of the said act, as amended by the act, approved the eighth day of December, one thousand nine hundred thirty-three (One thousand nine hundred thirty-three—One thousand nine hundred thirty-four—Pamphlet Laws, fifty-seven), are hereby re-enacted and further amended to read as follows:

Fees.

Section 15. [The fee for every brewery permit issued under the provisions of this act shall be one thousand dollars (\$1,000.00) per annum.] The annual fee for every [permit] license issued to a winery shall be two hundred and fifty dollars (\$250.00). The annual fee for every [permit] license issued to a distillery shall be twenty-five hundred dollars (\$2,500), per annum, if the [authorized] annual production is [less than] five hundred thousand proof gallons or less, [five thousand dollars (\$5,000), per annum, if the authorized annual production is five hundred thousand (500,000) proof gallons and more, but less than two million (2,000,000) proof gallons; ten thousand dollars (\$10,000), per annum, if the authorized annual production is two million (2,000,000) proof gallons and more, but less than five million (5,000,000) proof gallons; fifteen thousand dollars (\$15,000), per annum, if the authorized annual produc-

tion is five million (5,000,000) proof gallons and more, but less than ten million (10,000,000) proof gallons; twenty thousand dollars (\$20,000), per annum, if the authorized annual production is ten million (10,000,000) proof gallons and more, but less than fifteen million (15,000,000) proof gallons; and twenty-five thousand dollars (\$25,000), per annum, if the authorized annual production is fifteen million (15,000,000) proof gallons or more;] and an additional fee of one hundred dollars (\$100) for each one hundred thousand (100,000) proof gallons, or fraction thereof, in excess of five hundred thousand (500,000) proof gallons, but for the purpose of determining the amount of the fee payable by a distillery, the [authorized] annual production of alcohol [for the purpose of denaturation] that is denatured during the license year in Pennsylvania, and not elsewhere, shall be excluded, but alcohol and/or alcoholic liquid used by the manufacturer thereof during the license year in rectification or blending shall not be excluded, except that no fee for a distillery shall be less than twenty-five hundred dollars (\$2,500) per annum. The annual fee for all other [permits] licenses shall be one hundred dollars (\$100.00). The fees for all [permits] licenses when applied for and issued on or after April first, but prior to July first, shall be three-fourths of the annual fee; July first, but prior to October first, shall be one-half of the annual fee; October first, but prior to January first, one-fourth of the annual fee. All filing and license fees, [shall be paid to the board, which shall deposit the same in the State Treasury through the Department of Revenue] and all forfeitures and compromise penalties, collected, received or recovered, shall be paid into the State Treasury, through the Department of Revenue, into a special fund to be known as "The State Stores Fund." All moneys in such fund shall be available for the purposes for which they are appropriated by law.

Apportioned fees.

For the purpose of this section, the term "proof gallon" shall mean a gallon of liquid which contains one-half its volume of alcohol of a specific gravity of seven thousand nine hundred thirty-nine ten thousandths (.7939) at sixty degrees Fahrenheit.

"Proof gallon," defined.

Section 16. [Permits] Licenses shall be issued by the board under its official seal. Every [permit] license so issued must at all times be posted, in a conspicuous place, where the business is carried on under it, and said place of business must be kept open during general business hours of every day in the year, except Sundays and legal holidays. No [permit] license shall be issued hereunder to any person unless, (a) in case of individuals, he or she is a citizen of the United States of America; (b) in case of companies or unincorporated

Issuance of licenses.

Posting.

Issuance to certain persons forbidden.

associations of individuals, each and every one is a citizen of the United States of America; (c) in case of corporations, each and every stockholder thereof is a citizen of the United States of America. [or to any person who has been convicted of a violation of this act, or of any law or regulation of the United States of America, or of the Commonwealth of Pennsylvania, for the control of traffic in any alcohol or alcoholic liquor.]

Rules and regulations.

Section 17. The board shall have the power to make and promulgate appropriate rules and regulations for carrying into effect the provisions of this act.

Place of violation declared to be a nuisance.

Section 18. (a) Any place within this Commonwealth in which any alcohol or alcoholic liquid is manufactured, produced, distilled, developed, or used in the process of manufacture, denatured, redistilled, recovered, rectified, blended, reused, stored in bond, or stored for hire by a person without a [permit] *license* as required by the provisions of this act, and any place, in which a person holding a [permit] *license* issued under the provisions of this act, shall violate any provision of this act, or any rule or regulation of the board, or any [provisions of the act to which this is a supplement] *laws of this Commonwealth relating to alcohol or alcoholic liquids*, is hereby declared to be a common nuisance, and, upon such violation, the [permit] *license*, if any, held by such person shall be automatically suspended.

Injunction to abate nuisance.

(b) An action to enjoin any nuisance defined in this act may be brought in the name of the Commonwealth of Pennsylvania by the Attorney General [of the State], or by the district attorney of the respective county. Such action shall be brought and tried as an action in equity, and may be brought in any court having jurisdiction to hear and determine equity cases within the county in which the offense occurs. If it is made to appear, by affidavit or otherwise, to the satisfaction of the court that such nuisance exists, a temporary writ of injunction shall forthwith issue restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the proceedings. If a temporary injunction is prayed for, the court may issue an order restraining the defendant, and all other persons, from removing or in any way interfering with the [liquor] *alcohol or alcoholic liquid* or other things used in connection with the violation of this act constituting such nuisance. No bond shall be required in instituting such proceedings. It shall not be necessary for the court to find the property involved was being unlawfully used, as aforesaid, at the time of the hearing, but on finding that the material allegations of the petition are true, the court shall order that no alcohol or alcoholic liquid be manufactured, produced, distilled, developed, rectified, or used in the process of manufac-

ture, denatured, restilled, recovered, reused, rectified, stored in bond, stored for hire, or sold at wholesale, by a person without a [permit] *license* as required by the provisions of this act. Upon the decree of the court ordering such nuisance to be abated, the court may, upon proper cause shown, order that the room, house, building, structure, boat, vehicle, or place shall not be occupied or used for one year thereafter; but the court may, in its discretion, permit it to be occupied or used if the owner, lessee, tenant, or occupant thereof shall give bond, with sufficient surety, to be approved by the court making the order, in the penal and liquidated sum of not less than five hundred dollars (\$500.00), payable to the Commonwealth of Pennsylvania for use of the county in which said proceedings are instituted, and conditioned that no alcohol or alcoholic liquid or alcoholic beverage be manufactured, produced, distilled, developed, rectified, or used in the process of manufacture, denatured, restilled, recovered, reused, rectified, stored in bond, stored for hire, or sold at wholesale, by a person without a [permit] *license* as required by the provisions of this act.

Bond against violation.

Section 19. Whenever any person or persons withdraw or remove any alcohol or alcoholic liquid, which has not been denatured, from any distillery, denaturing plant, brewery, winery, or bonded warehouse, for the purpose of denaturing the same, it shall be unlawful for any such person or persons to use, sell or conceal, or attempt to use, sell or conceal, or be concerned in the sale, use or concealment, of any such alcohol or alcoholic liquid, unless, before such sale or use, the said alcohol or alcoholic liquid shall be denatured by adding thereto denaturing material or materials, or admixtures thereof, which render it unfit for beverage purposes.

Sale, use or concealment of withdrawn alcohol before being denatured.

It shall be unlawful for any person or persons to recover and reuse, or attempt to recover and reuse, by redistillation, or by any other process or means whatsoever, any alcohol or alcoholic liquid from denatured alcohol or from any other liquid, or to knowingly use, sell, conceal or otherwise dispose of alcohol or alcoholic liquid so recovered or redistilled.

Recovery or reuse of alcohol.

Section 8. That section twenty of the said act is hereby re-enacted and amended to read as follows:

Section 20, amended.

Section 20. Any person or persons, who knowingly violate any of the provisions of this act, or any person who shall violate any of the conditions of any [permit] *license*, or who shall falsify any record or report required by this act to be kept, or who shall violate any rule or regulation of the board, or who shall interfere with, hinder or obstruct any inspection authorized by this act, or prevent any member of the board, or any person duly authorized and designated by the board, from entering

Violations.

Misdemeanor.
Penalty.

any place which such member of the board, or such person, is authorized by this act to enter for the purpose of making an inspection, or who shall violate any other provision of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars (\$100.00) nor more than five thousand dollars (\$5,000.00), or undergo imprisonment of not more than three (3) years, or both, at the discretion of the court.

Section 21, as amended by act of December 8, 1933 (P. L. 57-1933-34), further amended.

Section 9. That section twenty-one of the said act, as amended by the act, approved the eighth day of December, one thousand nine hundred thirty-three (One thousand nine hundred thirty-three—Pamphlet Laws, fifty-seven), is hereby re-enacted and further amended to read as follows:

No property rights in alcohol unlawfully held.

Section 21. *It shall be unlawful for any person or persons to transport any illegal alcohol or alcoholic liquid.* No property rights shall exist in any alcohol or alcoholic liquid manufactured, possessed, produced, distilled, developed, or used in the process of manufacture, denatured, redistilled, recovered, rectified, reused, held in bond, held in storage, [as bailee for hire] or transported, [for hire] in violation of any of the provisions of this act, and the same shall be deemed contraband and forthwith destroyed. No alcohol or alcoholic liquid in the custody of any officer of the law shall be seized or taken from him on any writ of replevin, injunction, or other like process.

Sections 22, 23, and 24, amended.

Section 10. That sections twenty-two, twenty-three, and twenty-four of the said act are hereby re-enacted and amended to read as follows:

Pleadings need not negative exceptions.

Section 22. It shall be unnecessary, in any complaint, information, indictment, or other pleadings, to negative any provision or exception contained in this act.

Witnesses.

Section 23. No person shall be excused on the ground that it may tend to incriminate him or subject him to a penalty or forfeiture, from attending and testifying, or producing books, papers, documents and other evidence, in obedience to a subpoena of any court or of the board, in any suit or proceeding, based upon or growing out of any alleged violation of this act, but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing as to which, in obedience to a subpoena and under oath, he may so testify or produce evidence, but no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

Act severable.

Section 24. If any section or provision of this act shall be held by any court to be unconstitutional, such judgment shall not affect any other section or provision of the same. It is hereby declared as the legislative in-

tent that this act would have been passed had such unconstitutional provision not been included therein.

Section 11. That sections four and six of the said act are hereby repealed. Repeals.

Section 12. This act shall become effective immediately upon its final enactment. When effective.

APPROVED—The 16th day of June, A. D. 1937.

GEORGE H. EARLE

No. 372

AN ACT

To re-enact and further amend the title and the act, approved the third day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, two hundred fifty-two), entitled, as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon county treasurers, the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," defining and further defining and regulating licensees, application for licenses, and sales by licensees, and fixing fees for amusement permits; regulating the granting, suspension, revocation, and transfer of licenses, and the procedure therefor, and conferring jurisdiction on certain courts; providing for the granting of licenses by the Pennsylvania Liquor Control Board instead of the county treasurer, and prescribing the powers and duties of said board; providing for compromises where licenses are suspended, and for the disposition of application license permit fees, forfeitures, and penalties; and providing penalties.

Section 1. Be it enacted, &c., That the title of and the entire act, approved the third day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, two hundred fifty-two), entitled, as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon county treasurers, the Pennsylvania Liquor

Title and entire act of May 3, 1933 (P. L. 252), as amended by act of July 18, 1935 (P. L. 1217), re-enacted and further amended.