

January 8, 2008

Telephone: (717) 783-9454
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Gary Wills
LIDS Liquor Inventory Service
4953 Fitler Street B
Philadelphia, Pennsylvania 19114

Re: Home Delivery

Dear Mr. Wills:

ISSUE: In your e-mail dated November 15, 2007, you stated that you are in the early stages of developing a home delivery service for alcoholic beverages. You advise that you are a licensed transporter-for-hire (Class A) and holder of License No. IA-4069. You are inquiring if it would be permissible for you to conduct home liquor deliveries.

OPINION: Section 501 of the Liquor Code requires a license issued by the Board in order to transport-for-hire any alcoholic beverages within the Commonwealth. [47 P.S. § 5-501]. There are three (3) types of transporter-for-hire licenses issued by the Board. The transporter-for-hire Class A license, the license you hold, authorizes the holder to engage in the commercial transportation of liquor, malt or brewed beverages or alcohol to or from points located in the Commonwealth. A transporter-for-hire Class B license, allows the holder to engage in the commercial transportation of malt or brewed beverages only to or from points located in the Commonwealth. A transporter-for-hire Class C license, is a fleet license that authorizes the holder to engage in the commercial transportation of liquor parcels within the Commonwealth. [40 Pa. Code § 9.11]. If you wish to deliver liquor, including wine and beer, a transporter-for-hire, Class A license will be sufficient. However, should the deliveries be to licensees, you must be listed as an authorized agent on that licensee's wholesale purchase card. Section 11.7 of the Board's Regulations provides:

- (a) A permit holder may authorize up to four agents to make purchases in his behalf for use in his business or establishment, subject to the following:

(1) Only individuals regularly employed in the business or establishment of a permit holder or licensed transporters-for-hire may be designated as agents.

(2) The signature of the agents must appear in ink on the Wholesale Liquor Purchase Permit Card in the space provided.

(b) A permit holder may appoint authorized agents in place of those whose signatures originally appeared on the Wholesale Liquor Purchase Permit Card by crossing out the name of the deposed agent in ink and having another party or parties properly sign the card.

(c) If a permit holder desires to make more changes in the designation of authorized agents than space permits on the Wholesale Liquor Purchase Permit Card, the permit holder shall obtain a duplicate Wholesale Liquor Purchase Permit Card by obtaining at the State Store, where the card is on deposit, a form as prescribed by the Board, which shall be completed by the permit holder and returned with a fee of \$10. The manager of the State Store will forward the form to the Bureau of Licensing of the Board. A new card will be forwarded to the store. During the time required for this transaction, purchase at wholesale may be made by the permit holder or an authorized agent at the store where the old card is on deposit. Upon receipt of the new card, the store manager shall immediately notify the permit holder. The old card will then become void and shall be forwarded to the Bureau of Licensing by the manager. The manager shall deliver the new Wholesale Liquor Purchase Permit Card to the permit holder when he visits the store and requests delivery. The new card is not valid until properly signed in accordance with § 11.6 (relating to signature on cards).

Regarding home delivery, there is nothing in the Liquor Code or the Board's Regulations that prohibits delivery of alcoholic beverages to homes within the Commonwealth, provided the deliverer holds a transporter-for-hire license. Please be advised, however, that while you would be permitted to charge for delivery services, you would not be permitted to sell any alcoholic beverages. Only the Board, limited winery licensees and sacramental wine licensees may sell wine for off-premises

consumption. Further, only distributor licensees, retail dispenser eating place licensees and hotel and restaurant liquor licensees may sell malt or brewed beverages for off-premises consumption.

Please do not hesitate to again contact this office if you have further questions.

THIS OPINION APPLIES ONLY TO THE FACTUAL SITUATION DESCRIBED HEREIN AND DOES NOT INSULATE THE LICENSEE OR OTHERS FROM CONSEQUENCES OF CONDUCT OCCURRING PRIOR TO ITS ISSUANCE. THE PROPRIETY OF THE PROPOSED CONDUCT HAS BEEN ADDRESSED ONLY UNDER THE LIQUOR CODE AND REGULATIONS. THE LAWS AND POLICIES ON WHICH THIS OPINION IS BASED ARE SUBJECT TO CHANGE BY THE LEGISLATURE OR THE PENNSYLVANIA LIQUOR CONTROL BOARD.

Very truly yours,

FAITH S. DIEHL
CHIEF COUNSEL

cc: Pennsylvania State Police,
Bureau of Liquor Control Enforcement
Jerry W. Waters, Director, Bureau of Licensing

LCB Advisory Opinion No. 07-500

bb/yh