

September 11, 2013

Telephone: (717) 783-9454

FAX: (717) 787-8820

Beth Reisdorf
Landstar Transportation Logistics, Inc.
Permits & Legalization

RE: Record Retention

Dear Ms. Reisdorf:

ISSUE: This is in response to your letter dated August 27, 2013, in which you state that you represent a licensed transporter for hire and that your company maintains reports of alcohol loads in the office for a period of two (2) years. You ask how long, under Pennsylvania law, you are required to maintain such records.

Record maintained by the Pennsylvania Liquor Control Board (“Board”) indicate that Landstar Inway, Inc., located at 1000 Simpson Road, Rockford, Illinois, holds Transporter for Hire (Class A) License No. IA-3459 (LID 33554), and that Landstar Ranger, Inc., located at 13410 Sutton Park Drive South, Jacksonville, Florida, holds Transporter for Hire (Class A) License No. IA-2791 (LID 8073).

OPINION: Under section 493(12) of the Liquor Code, a licensee is only required to maintain, on its licensed premises, business records for the most recent six (6) months, and may only remove those records from the licensed premises for “a lawful business purpose,” and must return the records after such business has been concluded. [47 P.S. § 4-493(12)]. A licensee may maintain records off the licensed premises that are between six (6) months and two (2) years old, provided that such records are returned within twenty-four (24) hours of a request by the Board or the Pennsylvania State Police, Bureau of Liquor Control Enforcement (“Bureau”). [Id.].

Similarly, section 9.13(a) of the Board’s Regulations requires the holder of a transporter for hire license to maintain and keep, in hard copy or electronic media consistent with generally accepted accounting procedures, complete and accurate

daily records of transactions conducted under the authority of the license for a period of at least two (2) years. [40 Pa. Code § 9.13(a)]. Records shall be subject to inspection by the Board and the Bureau; records must be reconcilable and verifiable. [Id.].

Section 9.13(b) of the Board's Regulations requires the holder of a transporter for hire license to maintain copies of reports or forms required by Federal or State governmental agencies related to the licensed operation for a period of at least two (2) years. [40 Pa. Code § 9.13(b)]. Such required reports or forms shall also be open to inspection by the Board and the Bureau. [Id.].

If you have any further questions or concerns regarding this matter, please feel free to again contact this office.

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 of Office of Regulatory Affairs
Tisha Albert, Director, Bureau of Licensing
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

LCB Advisory Opinion No. 13-417