

May 14, 2014

Telephone: (717) 783-9454

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Adam Harmon

RE: Licensed Vehicles

Dear Mr. Harmon:

ISSUE: This is in response to your e-mail sent April 24, 2014, wherein you inquire whether an establishment with a catering club liquor license (“CC”) can license a vehicle for picking up beer, or if such licensure is only permitted for wholesale licensees and licensed distributors.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that The Perseverance Fire Co. of Jonestown, Pennsylvania, holds Catering Club Liquor License No. CC-4356 (LID 3653) for the premises located at 22 South King Street, Jonestown, Pennsylvania.

OPINION: Section 492 of the Liquor Code sets forth the requirements for transporting malt or brewed beverages by a licensee. Specifically, other than an adult individual who has made a lawful purchase for his/her personal consumption, only the original manufacturer, a licensed distributor or a licensed transporter-for-hire may transport beer within Pennsylvania. [47 P.S. § 4-492(8); 40 Pa. Code §§ 9.1, 9.28(a)]. Thus, since the beer you seek to transport is not for your personal consumption, it must be transported by the original manufacturer, a licensed distributor or a licensed transporter-for-hire. As you are not seeking to transport for “hire,” but only to transport as a convenience to service your own licensed premises, the fire company would not qualify for such a license.

Please be advised that the holder of a club or restaurant liquor license may not apply for the authorization to transport malt or brewed beverages under section 9.23 of the Board’s Regulations [40 Pa. Code § 9.23]. Section 9.23 specifically addresses a licensee whose license authorizes the transportation of liquor or malt or brewed beverages and who wishes to obtain a required vehicle identification emblem from the Board; this section does not apply to catering club, club or restaurant liquor licensees as it relates to beer.

Please do not hesitate to contact this office if you have any additional questions.

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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. 14-216