

July 17, 2014

Telephone: 717-783-9454

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Thomas J. Ruth, Esq.

RE: Bus and Trailer Operation

Dear Mr. Ruth:

ISSUE: This office is in receipt of your e-mail correspondence of June 19, 2014, wherein you state that you represent Bison Beer, Inc. (“Bison Beer”). Bison Beer has a bus and two trailers that will be used for delivery. The intended plan is to use the bus to transport the trailer to a customer and to leave the trailer and product on the customer’s site overnight. You inquire if there are additional requirements as to the lettering and licensing identification.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that your client Bison Beer holds Distributor License No. D-3131 (LID 69202) for the premises located at 13782 Route 19, Waterford, Pennsylvania.

OPINION: As you are aware, licensees are required to have painted or affixed on each side of each vehicle used in the operation of the business their name, address, including the street name and number as shown on the license, and the license number as shown on the license in letters no smaller than two (2) inches in height. [47 P.S. § 4-492(a)]. The license identification number shall be preceded by the letters “P.L.C.B.” [40 Pa. Code § 9.22]. Please note that this office has previously approved of the use of magnetic signs placed upon the sides of delivery vehicles containing the required information. If your client is in compliance with the aforementioned identifications on the bus and trailers, there are no other requirements regarding the vehicles.

Please be advised that the intended plan of operation of the vehicles must not conflict with Section 493(17) of the Liquor Code that prohibits distributors and importing distributors from providing draft beer equipment and/or tapping devices to other licensees of the Board. [47 P.S. § 4-493(17)]. In addition, Board Advisory Notice No. 9 (5th Revision) prohibits distributors and importing distributors from

selling, renting, or otherwise making available equipment, such as “tapping devices (including refrigerated trucks and trailers),” to other licensees of the Board.

However, Board Advisory Notice No. 9 (5th Revision) does allow distributors and importing distributors to rent “tapping devices (including refrigerated trucks and trailers)” to the general public or special occasion permit holders. Thus, it would be permissible for Bison Beer, Inc. to extend its services to members of the general public or to special occasion permit holders for use at their events.

Should you have any further questions or concerns regarding the Liquor Code or the Board’s Regulations, please do not hesitate 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. 14-421