

March 27, 2015

Stephen R. Kunkle

RE: Transport Beer from ID to D

Dear Mr. Kunkle:

ISSUE: Your e-mail of February 18, 2015 asks what would be required for you to hire a trucking company to transport large orders of beer from an importing distributor to your business.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that you are the President of Sunshine Beverage, Inc., which holds Distributor License No. D-763 (LID 52346) for the premises located at 4301 5th Street Highway, Temple, Pennsylvania.

OPINION: A licensed transporter-for-hire could be hired to transport large orders of beer from an importing distributor to your business.

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 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].

Please note that the transporter-for-hire licensee may only transport alcohol that it does not own, such as alcohol that a customer has purchased.

Finally, be advised that a transporter-for-hire may not transport both malt or brewed beverages and a commodity that is hawked or peddled in the same vehicle

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at the same time. [40 Pa. Code § 9.92(b)]. This office has interpreted “hawked or peddled” to mean the attempt to sell a product from the delivery vehicle.

Please do not hesitate to contact this office should you have additional 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 of Office of Regulatory Affairs
Tisha Albert, Director, Bureau of Licensing
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

LCB Advisory Opinion No. 15-110