

March 24, 2015

Paola Lambert

RE: Follow Up Questions Regarding Transporter-for-Hire License

Dear Ms. Lambert:

ISSUE: This is in response to your e-mail dated February 24, 2015, in which you ask follow up questions to the Advisory Opinion No. 15-059 dated February 23, 2015. Specifically, you ask for further clarification of the legality of using your employees' vehicles for food and/or beer delivery. You also ask for confirmation that your proposed magnetic vehicle identification placard meets all legal requirements.

Pennsylvania Liquor Control Board ("Board") records indicate that Camillo Ciaravino, trading as Camillo's Italian Restaurant, currently holds Restaurant Liquor License No. R-19102 (LID 47690) for use by it at premises located at 264 Greenwich Street, Kutztown, Pennsylvania. You are the Board-approved manager/steward for this licensee. Additionally, Board records indicate that the same entity has been granted Transporter-for-Hire Class B License No. IB-4382 (LID 70969), with the same address and other identifying information as the restaurant licensee.

OPINION: As was previously stated, pursuant to section 9.28(a) of the Board's Regulations, a licensed transporter-for-hire of any class must either own or lease its vehicles, or must have an employment or contractor relationship with the owner of the vehicle. [40 Pa. Code § 9.28(a)]. If the vehicle is not owned or leased directly by the license holder, then some written evidence of the employment of or contract with the owner of the vehicle should be maintained as part of the licensee's records.

In response to your first question, yes, you may use your employees' vehicles in your transporter-for-hire enterprise.

As also previously stated, section 491(12) of the Liquor Code requires each vehicle used in the lawful transportation of alcohol to bear the licensee's name, address

and license number on each side of the vehicle in letters not smaller than two (2) inches in height. [47 P.S. § 4-491(12)]. These provisions apply both to the transporter-for-hire licensee's vehicles and to the vehicle of another person duly authorized to transport liquor within this Commonwealth. [Id.]. This office has historically approved the use of magnetic signs that otherwise meet all requirements of the Liquor Code and Board's Regulations pertaining to vehicle identification. [47 P.S. §§ 4-491(12), 4-492(9)].

In response to your second question, the magnetic vehicle sign for which you have provided a photograph bears the name of the transporter-for-hire licensee, the address and the license number; thus, assuming the letters are the correct height, it appears to comply with the above-stated requirements. It is permissible to have other information on the magnet, as you do, such as the telephone number and the LID number of the transporter-for-hire licensee.

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- 112