

February 1, 2016

Suresh Rajan  
Aqua Vitae Technologies, Inc.  
**VIA E-MAIL**

**RE: Scope of Transporter-for-Hire License**

Dear Mr. Rajan:

ISSUE: Your January 28, 2016 e-mail to the Executive Director of the Pennsylvania Liquor Control Board (“Board”) was forwarded to this office for handling. In that e-mail, you seek clarification of guidance that was previously provided by this office by letter dated February 20, 2015. Specifically, you ask for a clear definition of “beverage sales for off-premise consumption must occur on the licensed premises.”

You note your understanding that, as a transporter-for-hire licensee, you may not take payment for alcohol at the door but that payment must be made prior to your delivery. However, you ask whether the sale of the alcohol to be delivered by your company may occur online at your company website, [www.AValcohol.com](http://www.AValcohol.com). You propose that the licensed retailer will receive full consideration for the product sold, and your company will only deduct a delivery fee and tip from the final transaction.

Records of the Board indicate that Aqua Vitae Technologies, Inc. trading as AValcohol, is the holder of Transporter-for-Hire License No. IA-4501 (LID 72620) for use at the premises located at 243 South Allen Street, Suite 337, State College, Pennsylvania.

OPINION: No, a licensed transporter-for-hire may not accept online orders for alcohol on its website, nor may such a licensee in any other way be involved in the sale of alcohol.

As stated in the February 2015 response, there are no circumstances under which a transporter-for-hire licensee may accept payment for the alcohol it delivers, although it may charge a fee for the delivery. Tips are also permitted, at the discretion of the consumer. The sale of alcohol must be completed on the premises of a duly licensed entity having the authority to sell for off-premises consumption. By way of example, restaurant licensees may lawfully sell up to 192 ounces of malt or brewed beverages in one transaction for off-premises consumption. [47 P.S. § 4-407]. If a consumer, aged

twenty-one or older and not visibly intoxicated, makes a purchase over the internet directly from the restaurant licensee or places a telephone order with the licensee with a credit or debit card payment, then the restaurant licensee may lawfully permit a licensed transporter-for-hire to accomplish the physical delivery to that customer.

To be clear, the consumer must order and submit payment to a retail or manufacturing licensee that is authorized to sell alcohol for off-premises consumption. Ordering and/or payment may not be processed through a third party entity, including a transporter-for-hire licensee, regardless of modality.

For your convenience, enclosed you will find Advisory Notice No. 22 which sets forth answers to Frequently Asked Questions regarding transporter-for-hire licenses. Finally, as previously recommended, you are encouraged to seek counsel for your commercial undertaking from private counsel experienced in Pennsylvania liquor law.

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,

RODRIGO J. DIAZ  
EXECUTIVE DEPUTY CHIEF COUNSEL

cc: Pennsylvania State Police, Bureau of Liquor Control Enforcement  
John Metzger, Executive Director  
Jerry W. Waters, Director of Office of Regulatory Affairs  
Tisha Albert, Director, Bureau of Licensing  
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

Enclosure: Advisory Notice No. 22

PLCB Advisory Opinion No. 16- 006