

# TITLE 40

## LIQUOR

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### PART I. LIQUOR CONTROL BOARD

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### CHAPTER 1. GENERAL PROVISIONS

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**Authority**

The provisions of this Chapter 1 issued under section 207(i) of the Liquor Code (47 P. S. § 2-207(i)), unless otherwise noted.

**§ 1.1. Definitions.**

The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

*Alcohol*—Absolute alcohol, ethyl alcohol, cane spirits, Cuban spirits, grain spirits, fruit spirits, high wines and other spirits by whatever name or designation given.

*Board*—The Liquor Control Board of the Commonwealth.

*Examiner*—An individual learned in the law appointed by the Governor under the Liquor Code.

*Liquor Code*—The Liquor Code (47 P. S. §§ 1-101—10-1001).

*Pecuniary interest*—An interest that sounds in the attributes of proprietorship. There is a rebuttable presumption of a pecuniary interest when a person receives 10% or more of the proceeds of the licensed business or when control is exercised by one or more of the following:

- (i) Employing a majority of the employees of the licensee.
- (ii) Independently making day-to-day decisions about the operation of the business.
- (iii) Having final authority to decide how the licensed business is conducted.

*Retail licensee*—A licensee that holds a hotel license, a restaurant liquor license, an eating place retail dispenser license, a club license or a catering club license.

**Authority**

The provisions of this § 1.1 amended under section 207(i) of the Liquor Code (47 P. S. § 2-207(i)).

**Source**

The provisions of this § 1.1 amended July 8, 1977, 7 Pa.B. 1890; amended March 5, 2010, effective March 6, 2010, 40 Pa.B. 1149; amended January 15, 2016, effective January 16, 2016, 46 Pa.B. 352. Immediately preceding text appears at serial page (376806).

**§ 1.2. Inquiries to the Board.**

Inquiries to the Board should be addressed to the Pennsylvania Liquor Control Board, Northwest Office Building, Harrisburg, Pennsylvania 17124, unless otherwise directed in this chapter.

**§ 1.3. [Reserved].****Source**

The provisions of this § 1.3 adopted December 9, 1954; reserved March 9, 1984, effective March 10, 1984, 14 Pa.B. 831. Immediately preceding text appears at serial pages (81440) and (72677).

**§ 1.4. Unlawful manufacture—compensation to informers.**

(a) The efficient administration of the Liquor Code requires the suppression of the unlawful manufacture of liquor, and to that end the Board may, in its discretion, pay for information leading to the location and seizure of illicit stills and the arrest and conviction of persons engaged in the operation of the stills.

(b) Compensation to informers shall be based in each case upon the gallon capacity of the illicit still seized by reason of the information furnished. The amount of the compensation will be fixed by agreement between the Board and the informer, but will be paid only after the seizure of the still by the Board.

**Source**

The provisions of this § 1.4 adopted June 26, 1952.

**§ 1.5. Reputation: Use of criminal and citation history.**

(a) When considering whether a person is reputable or the repute of a person under any section of the Liquor Code or this title, the Board may consider whether that person has been convicted of any crimes including misdemeanors and felonies, the person's history regarding licenses issued by the Board, including the citation history of the licenses, and any other factor the Board deems appropriate.

(b) When considering the reputation of a corporation, partnership, limited liability company or other business entity, the Board will consider the reputation of its stockholders, directors, officers, managers or members.

**Authority**

The provisions of this § 1.5 amended under section 207(i) of the Liquor Code (47 P. S. § 2-207(i)).

**Source**

The provisions of this § 1.5 adopted November 12, 2004, effective November 13, 2004, 34 Pa.B. 6139; amended March 5, 2010, effective March 6, 2010, 40 Pa.B. 1149. Immediately preceding text appears at serial page (307767).

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