

**COMMENTS OF THE INDEPENDENT REGULATORY REVIEW COMMISSION**

**ON**

**PENNSYLVANIA LIQUOR CONTROL BOARD REGULATION NO. 54-55**

**LICENSEES AND VENDORS**

**DECEMBER 9, 1999**

We have reviewed this proposed regulation from the Pennsylvania Liquor Control Board (Board) and submit for your consideration the following objections and recommendations. Subsections 5.1(h) and 5.1(i) of the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)) specify the criteria the Commission must employ in determining whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

**1. General.**

Sections 3.63 (relating to agents), 13.73 (relating to privileges of vendors' agents), 13.77 (relating to Agent's order books), 13.78 (relating to special orders: requirements and conditions) and 13.81 (relating to samples of liquor) were submitted as final-omitted Regulation No. 54-56 by the Board on November 8, 1999, and scheduled for action by the Commission at its December 2, 1999 meeting. Therefore, these sections are not addressed in these Comments.

**2. Section 7.1. Filing of applications for transfer. – Clarity.**

There are a number of sections in the proposed rulemaking that refer to forms:

- Section 7.1. Filing of applications for transfer. The Board references a “regular transfer form.”
- Section 7.5. Transfers on death of the Licensee. A “transfer form” is cited.
- Section 7.41. Applications. A “form furnished by the Board” is mentioned.
- Section 11.3(a)(1). Sales at retail. A “form furnished by the Board” is referenced.
- Section 13.43. Interior display. The Board cites a “form furnished by the Board.”

We understand that these forms have multiple uses and may frequently change titles and identification numbers. Further, the Board uses similar language to describe forms throughout these regulations. However, for clarity, the Board should consider providing a brief description of the forms after each of the aforementioned phrases. This will help licensees obtain and use the appropriate forms.

**3. Section 7.5. Transfers on death of the licensee. – Clarity.**

There appears to be a typographical error in Section 7.5. The comma between the phrase “transfer form” and the word “application” should be deleted.

**4. Section 7.9. Site plans. – Clarity.**

This section requires an applicant for a new license or one who wants to transfer the location of an existing license to submit a site plan. The site plan must “depict the location of the proposed licensed premises in relation to identifiable property lines or easily identified landmarks.” The term “landmarks” in this section is unclear. What does the term include? For clarity, the final-form regulation should define the term “easily identified landmarks.”

**5. Section 13.43. Interior displays. – Clarity.**

Subsections (b) and (c) use the term “maximum value.” This term is vague. We assume that “maximum value” is a dollar amount set by the Board. Therefore, the Board should define the term by providing that the Board will set the maximum value.

**6. Section 13.87. Records. – Clarity.**

Subsection (b) states “[T]he records shall also be open to inspection by authorized representatives of the Board during normal business hours.” Does the phrase “normal business hours” mean the standard hours of operation of the vendor or the Board? The Board should clarify what it means by “normal business hours” in the final-form regulation.