

No. 1988-183

AN ACT

HB 1125

Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as reenacted, "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," further regulating restrictions on members of the board and employees; and further providing for identification cards.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Sections 210(a) and (n) and 495(a) of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14), are amended to read:

Section 210. Restrictions on Members of the Board and Certain Employees of Commonwealth.—(a) A member or employe of the board or enforcement bureau or a member of the immediate family of a member or employe of the board or enforcement bureau shall not be directly or indirectly interested or engaged in any other business or undertaking *within the Commonwealth* dealing in liquor, alcohol, or malt or brewed beverages, whether as owner, part owner, partner, member of syndicate, [shareholder, agent or employee] *holder of stock exceeding five percent (5%) of the equity at fair market value of the business, independent contractor or manager of a licensed establishment required under 40 Pa. Code § 5.23 (relating to appointment of managers)*, and whether for his own benefit or in a fiduciary capacity for some other person. *For the purpose of this subsection only, "employe of the board or enforcement bureau" shall mean any individual employed by the board or enforcement bureau who is responsible for taking or recommending official action of a nonministerial nature with regard to:*

- (1) *contracting or procurement;*
- (2) *administering or monitoring grants or subsidies;*
- (3) *planning or zoning;*
- (4) *inspecting, licensing, regulating or auditing any person; or*
- (5) *any other activity where the official action has an economic impact of greater than a de minimis nature on the interests of any person.*

* * *

(n) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Business” shall mean a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint-stock company, receivership, trust or legal entity organized for profit or as a not-for-profit corporation or organization.

“Immediate family” shall mean a **[parent, spouse, child, brother, sister or like relative-in-law] spouse residing in the person’s household and minor dependent children.**

“Infamous crime” shall mean a violation and conviction for an offense which would disqualify an individual from holding public office pursuant to section 6 of Article II of the Constitution of Pennsylvania; a conviction within the preceding ten (10) years for a violation of this section or of 18 Pa.C.S. § 4113 (relating to misapplication of entrusted property and property of government or financial institutions), Ch. 47 (relating to bribery and corrupt influence), Ch. 49 (relating to falsification and intimidation), Ch. 51 (relating to obstructing governmental operations) or Ch. 53 (relating to abuse of office); or a violation of the laws of this Commonwealth or another state or the Federal Government for which an individual has been convicted within the preceding ten (10) years and which is classified as a felony.

* * *

Section 495. Identification Cards; Licensees and State Liquor Store Employes Saved From Prosecution.—(a) The photo driver’s license or identification card issued by the Department of Transportation *or by any other state, an armed forces identification card, a valid passport or a travel visa issued by a foreign country that contains the holder’s photograph* shall, for the purpose of this act, be accepted as an identification card.

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Section 2. This act shall take effect immediately.

APPROVED—The 21st day of December, A. D. 1988.

ROBERT P. CASEY