

2334

2013-2014 Regular Sessions

I N   S E N A T E

January 16, 2013

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Introduced by Sens. KLEIN, ADAMS, ADDABBO, BRESLIN, DIAZ, DILAN, HASSELL-THOMPSON, MONTGOMERY, PARKER, PERKINS, SAMPSON, SAVINO, SERRANO, SMITH, STAVISKY, STEWART-COUSINS, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the general obligations law, in relation to compensation for injury caused by the illegal sale of alcoholic beverages to a person under the age of twenty-one years

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 1 of section 11-100 of the general obligations  
2 law, as amended by chapter 274 of the laws of 1985, is amended to read  
3 as follows:  
4     1. Any person who shall be injured in person, property, means of  
5 support or otherwise, by reason of the intoxication or impairment of  
6 ability of any person under the age of twenty-one years, whether result-  
7 ing in his OR HER death or not, shall have a right of action to recover  
8 actual damages against:  
9     (A) any person who knowingly causes such intoxication or impairment of  
10 ability by unlawfully furnishing to or unlawfully assisting in procuring  
11 alcoholic beverages for such INTOXICATED OR IMPAIRED person with know-  
12 ledge or reasonable cause to believe that such person was under the age  
13 of twenty-one years[.]; OR  
14     (B) ANY PERSON OR ENTITY THAT DISTRIBUTES OR MANUFACTURES MORE THAN  
15 TEN FALSE IDENTIFICATION CARDS OR OTHER FORGED INSTRUMENTS, AS SUCH TERM  
16 IS DEFINED IN SECTION 170.00 OF THE PENAL LAW, WHICH MISREPRESENTS THE  
17 AGE AND/OR IDENTITY OF ANY PERSON, AND KNOWINGLY SELLS SUCH CARDS OR  
18 INSTRUMENTS TO A PERSON UNDER THE AGE OF TWENTY-ONE YEARS, AND WHICH ARE  
19 USED TO UNLAWFULLY PROCURE ALCOHOLIC BEVERAGES THAT CAUSE OR CONTRIBUTE  
20 TO SUCH OTHER PERSON'S INTOXICATION OR IMPAIRMENT OF ABILITY. ACTUAL  
21 KNOWLEDGE OF THE SPECIFIC PROCUREMENT OF THE ALCOHOLIC BEVERAGES THAT

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 CAUSE OR CONTRIBUTE TO THE INTOXICATION OR IMPAIRMENT SHALL NOT BE  
2 NECESSARY.

3 S 2. Section 11-100 of the general obligations law is amended by  
4 adding a new subdivision 1-a to read as follows:

5 1-A. IN ANY ACTION COMMENCED PURSUANT TO PARAGRAPH (B) OF SUBDIVISION  
6 ONE OF THIS SECTION, IT SHALL BE AN AFFIRMATIVE DEFENSE THAT THE PERSON  
7 OR ENTITY PROVIDING AN IDENTIFICATION CARD OR INSTRUMENT STATING THAT A  
8 MINOR IS TWENTY-ONE YEARS OF AGE OR OLDER SOLD OR PROVIDED SUCH IDEN-  
9 TIFICATION CARD OR INSTRUMENT IN RELIANCE UPON A PHOTOGRAPHIC IDENTIFI-  
10 CATION CARD APPARENTLY ISSUED BY A GOVERNMENTAL ENTITY, WHICH STATED  
11 THAT THE RECIPIENT WAS TWENTY-ONE YEARS OF AGE OR OLDER AND WHICH WAS  
12 SUBJECT TO A TRANSACTION SCAN PURSUANT TO SECTION SIXTY-FIVE-B OF THE  
13 ALCOHOLIC BEVERAGE CONTROL LAW.

14 S 3. This act shall take effect on the first of January next succeed-  
15 ing the date on which it shall have become a law.