S T A T E  O F  N E W  Y O R K

11210

I N  A S S E M B L Y

May 25, 2010

Introduced by M. of A. CASTELLI -- read once and referred to the Committee on Judiciary

AN ACT to amend the general obligations law, in relation to immunity from liability for injury or damage caused by intoxication of another person when the operator of such a premises in the county of Westchester scans for proof of age and offers and provides, free of charge, transportation to patrons

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

Section 1. The general obligations law is amended by adding a new section 11-109 to read as follows:

S 11-109. IMMUNITY OF LICENSED PREMISES IN THE COUNTY OF WESTCHESTER FROM LIABILITY FOR INJURY OR DAMAGE CAUSED BY INTOXICATION OF PATRONS. A PERSON LICENSED TO SELL ANY ALCOHOLIC BEVERAGE AT RETAIL FOR ON PREMISES CONSUMPTION IN THE COUNTY OF WESTCHESTER PURSUANT TO THE ALCOHOLIC BEVERAGE CONTROL LAW, OR ANY AGENT OR EMPLOYEE THEREOF, SHALL BE IMMUNE FROM LIABILITY FOR INJURY OR DAMAGE CAUSED BY AN INTOXICATED PATRON AFTER HE OR SHE LEAVES THE LICENSED PREMISES, IF THE LICENSED PREMISES:

1. PERFORMS TRANSACTION SCANS FOR PROOF OF AGE, PURSUANT TO SECTION SIXTY-FIVE-B OF THE ALCOHOLIC BEVERAGE CONTROL LAW UPON ALL PATRONS ATTEMPTING TO ACQUIRE AN ALCOHOLIC BEVERAGE; AND

2. PROVIDES, FREE OF CHARGE, TRANSPORTATION, TO INTOXICATED AND POSSIBLY INTOXICATED PATRONS, TO THE PATRON'S RESIDENCE OR PLACE OF LODGING WITHIN TWENTY-FIVE MILES OF THE LICENSED PREMISES AND INSIDE THE COUNTY OF WESTCHESTER.

S 2. This act shall take effect immediately; provided, that section one of this act shall apply to causes of action commenced on or after such effective date.

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

LBD17139-02-0