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

1871--A

2009-2010 Regular Sessions

I N S E N A T E

February 9, 2009

Introduced by Sens. KLEIN, ADAMS, ADDABBO, BRESLIN, DIAZ, DILAN, HASSELL-THOMPSON, HUNTLEY, C. JOHNSON, MONTGOMERY, ONORATO, OPPENHEIMER, PARKER, PERKINS, SAMPSON, SAVINO, SCHNEIDERMAN, SERRANO, SMITH, STACHOWSKI, STAVISKY, STEWART-COUSINS, THOMPSON, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Subdivision 1 of section 11-100 of the general obligations law, as amended by chapter 274 of the laws of 1985, is amended to read as follows:

1. Any person who shall be injured in person, property, means of support or otherwise, by reason of the intoxication or impairment of ability of any person under the age of twenty-one years, whether resulting in his OR HER death or not, shall have a right of action to recover actual damages against:

(A) any person who knowingly causes such intoxication or impairment of ability by unlawfully furnishing to or unlawfully assisting in procuring alcoholic beverages for such INTOXICATED OR IMPAIRED person with knowledge or reasonable cause to believe that such person was under the age of twenty-one years[.]; OR

(B) ANY PERSON OR ENTITY THAT PRODUCES AND SELLS, DIRECTLY OR THROUGH A THIRD PARTY, A FALSE IDENTIFICATION DOCUMENT, AS SUCH TERM IS DEFINED IN SUBDIVISION ONE OF SECTION ONE HUNDRED FORTY-THREE OF THE GENERAL BUSINESS LAW, OR A FALSELY MADE, COMPLETED OR ALTERED WRITTEN INSTRUMENT, AS SUCH TERMS ARE DEFINED IN SECTION 170.00 OF THE PENAL LAW, TO

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

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ANOTHER PERSON UNDER THE AGE OF TWENTY-ONE YEARS AND THE DOCUMENT OR INSTRUMENT MISREPRESENTS THE AGE AND/OR IDENTITY OF SUCH OTHER PERSON AND IS USED TO UNLAWFULLY PROCURE ALCOHOLIC BEVERAGES THAT CAUSE OR CONTRIBUTE TO SUCH OTHER PERSON'S INTOXICATION OR IMPAIRMENT OF ABILITY. ACTUAL KNOWLEDGE OF THE SPECIFIC PROCUREMENT OF THE ALCOHOLIC BEVERAGES THAT CAUSE OR CONTRIBUTE TO THE INTOXICATION OR IMPAIRMENT SHALL NOT BE NECESSARY.

S 2. This act shall take effect immediately.