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

10273

I N A S S E M B L Y

May 17, 2012

Introduced by M. of A. CRESPO -- read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to penalties for the provision, by a licensee, of an alcoholic beverage to a person under the age of 21

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

Section 1. Section 3 of the alcoholic beverage control law is amended by adding a new subdivision 9-b to read as follows:

9-B. "DEVICE CAPABLE OF DECIPHERING ANY ELECTRONICALLY READABLE FORMAT" OR "DEVICE" MEANS ANY COMMERCIAL DEVICE OR COMBINATION OF DEVICES USED AT A POINT OF SALE OR ENTRY THAT IS CAPABLE OF READING THE INFORMATION ENCODED ON THE MAGNETIC STRIP OR BAR CODE OF A DRIVERS' LICENSE OR NON-DRIVER IDENTIFICATION CARD ISSUED BY THE COMMISSIONER OF MOTOR VEHICLES.

S 2. Section 65 of the alcoholic beverage control law is amended by adding a new subdivision 8 to read as follows:

8. AS AN ALTERNATIVE TO ANY OTHER PENALTY AUTHORIZED BY LAW, ANY LICENSEE FOUND TO HAVE VIOLATED THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION MAY BE ORDERED BY THE AUTHORITY:

(A) TO PAY A CIVIL PENALTY OF TWO THOUSAND DOLLARS, OR TO PURCHASE AND UTILIZE A DEVICE CAPABLE OF DECIPHERING ANY ELECTRONICALLY READABLE FORMAT UPON THE LICENSED PREMISE, UPON THE FIRST SUCH VIOLATION DURING ANY FIVE YEAR PERIOD OF TIME; AND

(B) TO PAY A CIVIL PENALTY OF FIVE THOUSAND DOLLARS, OR TO PAY A CIVIL PENALTY OF TWO THOUSAND DOLLARS AND PURCHASE AND UTILIZE A DEVICE CAPABLE OF DECIPHERING ANY ELECTRONICALLY READABLE FORMAT UPON THE LICENSED PREMISES, UPON THE SECOND SUCH VIOLATION DURING ANY FIVE YEAR PERIOD OF TIME.

S 3. Subdivision 1 of section 65-b of the alcoholic beverage control law, as amended by chapter 519 of the laws of 1999, is amended to read as follows:

1. As used in this section: (a) ["A device capable of deciphering any electronically readable format" or "device" shall mean any commercial

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

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device or combination of devices used at a point of sale or entry that is capable of reading the information encoded on the magnetic strip or bar code of a driver's license or non-driver identification card issued by the commissioner of motor vehicles;

(b)] "Card holder" means any person presenting a driver's license or non-driver identification card to a licensee, or to the agent or employee of such licensee under this chapter; and

[(c)] (B) "Transaction scan" means the process involving a device capable of deciphering any electronically readable format by which a licensee, or agent or employee of a licensee under this chapter reviews a driver's license or non-driver identification card presented as a precondition for the purchase of an alcoholic beverage as required by subdivision two of this section or as a precondition for admission to an establishment licensed for the on-premises sale of alcoholic beverages where admission is restricted to persons twenty-one years or older.

S 4. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, that, effective immediately, any rules and regulations necessary to implement the provisions of this act on its effective date are authorized and directed to be added, amended and/or repealed on or before such date.