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

7126

I N S E N A T E

April 30, 2012

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

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:

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

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