

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

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

3 9-B. "DEVICE CAPABLE OF DECIPHERING ANY ELECTRONICALLY READABLE
4 FORMAT" OR "DEVICE" MEANS ANY COMMERCIAL DEVICE OR COMBINATION OF
5 DEVICES USED AT A POINT OF SALE OR ENTRY THAT IS CAPABLE OF READING THE
6 INFORMATION ENCODED ON THE MAGNETIC STRIP OR BAR CODE OF A DRIVERS'
7 LICENSE OR NON-DRIVER IDENTIFICATION CARD ISSUED BY THE COMMISSIONER OF
8 MOTOR VEHICLES.

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

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

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

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

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

26 1. As used in this section: (a) ["A device capable of deciphering any
27 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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1 device or combination of devices used at a point of sale or entry that
2 is capable of reading the information encoded on the magnetic strip or
3 bar code of a driver's license or non-driver identification card issued
4 by the commissioner of motor vehicles;

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

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

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