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I N   S E N A T E

January 23, 2014

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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:

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 TO PURCHASE A DEVICE CAPA-  
14    BLE OF DECIPHERING ANY ELECTRONICALLY READABLE FORMAT AND TO PROVIDE  
15    PROOF THAT SUCH DEVICE IS REGULARLY UTILIZED TO PERFORM TRANSACTION  
16    SCANS AT THE LICENSED PREMISES. SUCH PURCHASE AND PROOF OF REGULAR USE  
17    OF A DEVICE MAY BE CONSIDERED BY THE AUTHORITY, IN THE DISCRETION OF THE  
18    AUTHORITY, TO REDUCE OR MITIGATE OTHER CIVIL FINES IMPOSED UPON THE  
19    LICENSEES FOR FUTURE VIOLATIONS OF THIS SECTION.  
20    S 3. Subdivision 1 of section 65-b of the alcoholic beverage control  
21    law, as amended by chapter 519 of the laws of 1999, is amended to read  
22    as follows:  
23    1. As used in this section: (a) ["A device capable of deciphering any  
24    electronically readable format" or "device" shall mean any commercial  
25    device or combination of devices used at a point of sale or entry that  
26    is capable of reading the information encoded on the magnetic strip or

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

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1 bar code of a driver's license or non-driver identification card issued  
2 by the commissioner of motor vehicles;  
3 (b)] "Card holder" means any person presenting a driver's license or  
4 non-driver identification card to a licensee, or to the agent or employ-  
5 ee of such licensee under this chapter; and  
6 [(c)] (B) "Transaction scan" means the process involving a device  
7 capable of deciphering any electronically readable format by which a  
8 licensee, or agent or employee of a licensee under this chapter reviews  
9 a driver's license or non-driver identification card presented as a  
10 precondition for the purchase of an alcoholic beverage as required by  
11 subdivision two of this section or as a precondition for admission to an  
12 establishment licensed for the on-premises sale of alcoholic beverages  
13 where admission is restricted to persons twenty-one years or older.  
14 S 4. This act shall take effect on the one hundred eightieth day after  
15 it shall have become a law; provided, that, effective immediately, any  
16 rules and regulations necessary to implement the provisions of this act  
17 on its effective date are authorized and directed to be added, amended  
18 and/or repealed on or before such date.