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I N S E N A T E

January 23, 2014

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.