

6656

2015-2016 Regular Sessions

I N   A S S E M B L Y

March 30, 2015

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

AN ACT to amend the general obligations law, in relation to compensation  
for injury caused by the illegal sale of alcoholic beverages to a  
person under the age of twenty-one years

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

1     Section 1. Subdivision 1 of section 11-100 of the general obligations  
2     law, as amended by chapter 274 of the laws of 1985, is amended to read  
3     as follows:  
4     1. Any person who shall be injured in person, property, means of  
5     support or otherwise, by reason of the intoxication or impairment of  
6     ability of any person under the age of twenty-one years, whether result-  
7     ing in his OR HER death or not, shall have a right of action to recover  
8     actual damages against:  
9     (A) any person who knowingly causes such intoxication or impairment of  
10    ability by unlawfully furnishing to or unlawfully assisting in procuring  
11    alcoholic beverages for such INTOXICATED OR IMPAIRED person with know-  
12    ledge or reasonable cause to believe that such person was under the age  
13    of twenty-one years[.]; OR  
14    (B) ANY PERSON OR ENTITY THAT DISTRIBUTES OR MANUFACTURES MORE THAN  
15    TEN FALSE IDENTIFICATION CARDS OR OTHER FORGED INSTRUMENTS, AS SUCH TERM  
16    IS DEFINED IN SECTION 170.00 OF THE PENAL LAW, WHICH MISREPRESENTS THE  
17    AGE AND/OR IDENTITY OF ANY PERSON, AND KNOWINGLY SELLS SUCH CARDS OR  
18    INSTRUMENTS TO A PERSON UNDER THE AGE OF TWENTY-ONE YEARS, AND WHICH ARE  
19    USED TO UNLAWFULLY PROCURE ALCOHOLIC BEVERAGES THAT CAUSE OR CONTRIBUTE  
20    TO SUCH OTHER PERSON'S INTOXICATION OR IMPAIRMENT OF ABILITY. ACTUAL  
21    KNOWLEDGE OF THE SPECIFIC PROCUREMENT OF THE ALCOHOLIC BEVERAGES THAT  
22    CAUSE OR CONTRIBUTE TO THE INTOXICATION OR IMPAIRMENT SHALL NOT BE  
23    NECESSARY.

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

LBD05824-01-5

1 S 2. Section 11-100 of the general obligations law is amended by  
2 adding a new subdivision 1-a to read as follows:  
3 1-A. IN ANY ACTION COMMENCED PURSUANT TO PARAGRAPH (B) OF SUBDIVISION  
4 ONE OF THIS SECTION, IT SHALL BE AN AFFIRMATIVE DEFENSE THAT THE PERSON  
5 OR ENTITY PROVIDING AN IDENTIFICATION CARD OR INSTRUMENT STATING THAT A  
6 MINOR IS TWENTY-ONE YEARS OF AGE OR OLDER SOLD OR PROVIDED SUCH IDEN-  
7 TIFICATION CARD OR INSTRUMENT IN RELIANCE UPON A PHOTOGRAPHIC IDENTIFI-  
8 CATION CARD APPARENTLY ISSUED BY A GOVERNMENTAL ENTITY, WHICH STATED  
9 THAT THE RECIPIENT WAS TWENTY-ONE YEARS OF AGE OR OLDER AND WHICH WAS  
10 SUBJECT TO A TRANSACTION SCAN PURSUANT TO SECTION SIXTY-FIVE-B OF THE  
11 ALCOHOLIC BEVERAGE CONTROL LAW.  
12 S 3. This act shall take effect on the first of January next succeed-  
13 ing the date on which it shall have become a law.