

# STATE OF NEW YORK

5124--A

2017-2018 Regular Sessions

## IN ASSEMBLY

February 6, 2017

Introduced by M. of A. CRESPO -- read once and referred to the Committee on Economic Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 accurately reading, to the satisfaction of the authority, 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 to ensure the presenter of such license or card is not under the age of twenty-one.

§ 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, a licensee found to have violated the provisions of subdivision one of this section may, with the consent of the licensee, be ordered by the authority to purchase a device capable of deciphering any electronically readable format and to provide proof that such device is regularly utilized to accurately perform transaction scans at the licensed premises. Such purchase and proof of regular use of a device may be considered by the authority, in the discretion of the authority, to reduce or mitigate other civil fines imposed upon the licensees for future violations of this section.

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

LBD07437-04-7

1 § 3. Paragraph (a) of subdivision 1 of section 65-b of the alcoholic  
2 beverage control law, as amended by chapter 519 of the laws of 1999, is  
3 amended to read as follows:

4 (a) [~~"A device~~] "Device capable of deciphering any electronically  
5 readable format" or "device" shall [~~mean any commercial device or combi-~~  
6 ~~nation of devices used at a point of sale or entry that is capable of~~  
7 ~~reading the information encoded on the magnetic strip or bar code of a~~  
8 ~~driver's license or non-driver identification card issued by the commis-~~  
9 ~~sioner of motor vehicles~~] be defined as provided in subdivision nine-b  
10 of section three of this chapter;

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15 and/or repealed on or before such date.