STATE OF NEW YORK

1987--A

Cal. No. 759

2017-2018 Regular Sessions

IN SENATE

January 11, 2017

Introduced by Sens. KLEIN, CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

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

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

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other civil fines imposed upon the licensees for future violations of this section.

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

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

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to implement the provisions of this act on its effective date are authorized and directed to be added, amended and/or repealed on or before such date.