

STATE OF NEW YORK

5333

2019-2020 Regular Sessions

IN ASSEMBLY

February 8, 2019

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

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 accurately
6 reading, to the satisfaction of the authority, the information encoded
7 on the magnetic strip or bar code of a drivers' license or non-driver
8 identification card issued by the commissioner of motor vehicles to
9 ensure the presenter of such license or card is not under the age of
10 twenty-one.

11 § 2. Section 65 of the alcoholic beverage control law is amended by
12 adding a new subdivision 8 to read as follows:

13 8. As an alternative to any other penalty authorized by law, a licen-
14 see found to have violated the provisions of subdivision one of this
15 section may, with the consent of the licensee, be ordered by the author-
16 ity to purchase a device capable of deciphering any electronically read-
17 able format and to provide proof that such device is regularly utilized
18 to accurately perform transaction scans at the licensed premises. Such
19 purchase and proof of regular use of a device may be considered by the
20 authority, in the discretion of the authority, to reduce or mitigate
21 other civil fines imposed upon the licensees for future violations of
22 this section.

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

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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. Effective immediately, the addition, amend-
13 ment and/or repeal of any rule or regulation necessary for the implemen-
14 tation of this act on its effective date are authorized to be made and
15 completed on or before such date.