



Techniques for Effective Alcohol Management

State information: New York

General Regulations

Legal age to Consume Alcohol: 21
Legal age to Serve Alcohol: 18
Limit for Driving While Intoxicated: .08
Limit for Driving While Intoxicated, Under 21: .02
Dram Shop Liability Laws: Yes

Server Training

ABCL § 17.12 provides for the establishment of alcohol training awareness programs. Participation in such programs is voluntary. However, where both the licensee and the server successfully participate in the program, the licensee may be eligible for a limited affirmative defense in the event the server makes an illegal delivery of alcohol to an underage person. In order to be eligible for the limited affirmative defense, the licensee is required to establish at a hearing that the licensee has "diligently implemented and complied with all of the provisions of the approved training program." The affirmative defense, which is provided for in ABCL § 65.6, is a limited affirmative defense because the licensee's establishment of the affirmative defense does not preclude the recovery of the licensee's penal bond.

Acceptable Forms of ID

Valid New York State driver's license or a valid driver's license from any other state or Canada.
Valid identification issued by the New York Department of Motor Vehicles (Non-Driver ID card).
Valid United States military identification.
Valid passport or visa from the United States government or any other country.

Recommended Age for Carding

None

ID Confiscation

Licensees are not authorized to confiscate IDs they recognize as false. Licensees should notify the police or local law enforcement officials and refuse sale.

Policies Regarding Minors

It is unlawful to serve or sell alcohol to anyone under the age of 21. Minors under the age of 16 are not permitted in establishments that serve alcohol unless accompanied by a parent or guardian.

Non-Alcoholic Beer and Wine

Not regulated

Liquor Liability



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Administrative penalties. The maximum administrative penalty which the State Liquor Authority may impose for a violation of the Alcoholic Beverage Control Law is a two-year revocation of the license, a \$10,000 civil money penalty, a \$1,000 bond forfeiture, and a two-year ban against the future licensure of the building which contains the licensed premises. The penalty to be imposed is within the reasonably exercised discretion of the Authority. For less serious violations, a financial penalty together with a suspension or an indefinite cancellation may be imposed in place of a revocation. Depending upon the seriousness of attendant circumstances, a license may be revoked for a first offense.

Criminal penalties. Except for distilling alcohol without a license (which is a felony), most violations of the Alcoholic Beverage Control Law are misdemeanors, in accordance with ABCL § 130. Those who engage in the unlicensed manufacture or sale of alcoholic beverages may be fined up to four times the cost of a special on-premises liquor license. The annual fee for a special on-premises liquor license may be as high as \$1,700 per year, depending upon the population of the community in which the licensed premises is located. With respect to other misdemeanors in the Alcoholic Beverage Control Law, a New York misdemeanor conviction may carry a term of imprisonment of one year or less, together with a fine up to \$1,000 (NY Penal Law §§ 10.00, 55.10, 80.05) .

Civil money damages. GOL § 11-100 establishes a cause of action by which an injured party may obtain compensation for injury or damage caused by the intoxication of a person under the age of twenty-one years. GOL § 11-101 establishes a cause of action by which an injured party may obtain compensation for injury caused by the illegal sale of intoxicating liquor. The civil money damages deemed appropriate to compensate an injured party are dependent upon the seriousness of the injury.

Statute of Limitations

There is no simple answer because the actual period during which a liquor liability case may commence varies as well as the situation surrounding the case.

State Contact Information

New York State Liquor Authority
84 Holland Ave.
Albany, NY 12208
518-486-4767
www.abc.state.ny.us

This information has been provided to us by the regulating agency and is believed to be correct. However, laws and regulations may change at any time, and the information provided should not be relied upon in place of official documents. For more information or clarification, consult the regulatory body for this jurisdiction directly.