

House Bill 1307

By: Representative Sims of the 169th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 3 of the Official Code of Georgia Annotated, relating to general
2 provisions pertaining to alcoholic beverages, so as to require that retail consumption dealers
3 and retail dealers who sell alcoholic beverages for consumption on the premises shall make
4 available to patrons alcohol sensors for the purpose of voluntarily testing personal alcohol
5 consumption; to authorize the use of vending machine alcohol sensors; to provide for civil
6 penalties; to provide for related matters; to provide for an effective date; to repeal conflicting
7 laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 1 of Title 3 of the Official Code of Georgia Annotated, relating to general provisions
11 pertaining to alcoholic beverages, is amended by adding a new Code section to read as
12 follows:

13 "3-1-6.

14 (a) As used in this Code section, the term:

15 (1) 'Alcohol sensor' means any device approved by the department that operates so as to
16 test the level of alcohol consumption or estimate the blood alcohol content from a breath
17 sample, including devices referred to as alco-sensors and breathalyzers.

18 (2) 'Alcohol sensor vending machine' means an alcohol sensor which is operated by
19 prepayment with coins, bills, or credit cards.

20 (b) All retail consumption dealers and retail dealers in this state that sell at retail any
21 alcoholic beverages for consumption on the premises shall make available to the patrons
22 of such establishment an alcohol sensor for the purpose of allowing a patron to test his or
23 her blood alcohol level. A dealer may utilize alcohol sensor vending machines as a means
24 of satisfying the requirements of this Code section and may charge a fee, not to exceed
25 \$1.00, for the use of such machine.

26 (c) No liability shall be imputed to a retail consumption dealer or retail dealer for
27 compliance with the provisions of this Code section and, specifically, no such dealer shall
28 be required to monitor the results of the alcohol sensor test or have such knowledge
29 imputed to the dealer or any person employed by such dealer.

30 (d) The alcohol sensor device or notice of the same shall be prominently displayed so that
31 all patrons entering and leaving the establishment are reasonably likely to be placed on
32 notice that such a device is available.

33 (e) The department shall promulgate rules and regulations implementing the provisions of
34 this Code section. The department shall provide a list of approved alcohol sensor devices
35 that contains at least five alcohol sensors and five alcohol sensor vending machines that
36 cost less than \$2,000.00.

37 (f) Any person who fails or refuses to make an alcohol sensor available as required by this
38 Code section may be assessed a penalty by the commissioner in an amount not to exceed
39 \$100.00 for each violation. Each day that an alcohol sensor is not available to patrons shall
40 be considered a separate offense."

41 **SECTION 2.**

42 This Act shall become effective on December 1, 2012.

43 **SECTION 3.**

44 All laws and parts of laws in conflict with this Act are repealed.