

House Bill 58

By: Representative Sims of the 169<sup>th</sup>

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 \$2.00, 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) No information or results obtained from the use of an alcohol sensor device pursuant  
38 to this Code section shall be admissible as evidence in any court for the purpose of using  
39 such evidence against a person being tested by such device.

40 (g) Any person who fails or refuses to make an alcohol sensor available as required by this  
41 Code section after being notified by the department of such failure and given 30 days to  
42 come into compliance may be assessed a penalty by the commissioner in an amount not to  
43 exceed \$100.00 for each violation. Each day that an alcohol sensor is not available to  
44 patrons of an establishment that makes alcoholic beverages available for consumption on  
45 the premises shall be considered a separate offense."

46 **SECTION 2.**

47 This Act shall become effective on December 1, 2013.

48 **SECTION 3.**

49 All laws and parts of laws in conflict with this Act are repealed.