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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2003



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 2868

(By Mr. Speaker, Mr. Kiss, and Delegate Trump)

[By Request of the Executive]



Passed March 6, 2003

In Effect Ninety Days from Passage

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H. B. 2868

(BY MR. SPEAKER, MR. KISS, AND DELEGATE TRUMP)

[BY REQUEST OF THE EXECUTIVE]

[Passed March 6, 2003; in effect ninety days from passage.]

AN ACT to amend article two, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty-two, relating generally to powers of alcohol beverage control commissioner; authorizing scanner technology for verification of purchasers ages; providing limitations on uses of collected information; allowing commissioner to enter into contracts for sale and promotion of certain proprietary scanner technology; defining the term "scanner technology"; creating a new special revenue account; and providing for expenditure of funds.

Be it enacted by the Legislature of West Virginia:

That article two, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended; be amended by adding thereto a new section, designated twenty-two, to read as follows:

ARTICLE 2. ALCOHOL BEVERAGE CONTROL COMMISSIONER.

**§60-2-22. Authority to utilize scanner technology in sales;
authority to execute contracts relating thereto.**

1 (a) The commissioner may, pursuant to section eleven of
2 this article, authorize and establish standards for the use of
3 scanner technology for the verification of age of purchasers of
4 alcoholic beverages and wine as provided in article eight of this
5 chapter, and nonintoxicating beer as provided for in article
6 sixteen, chapter eleven of this code. Any scanner technology
7 may not be used for the collection of personal identifiable
8 information of any purchaser, which includes, but is limited to,
9 drivers license number, social security number or other descrip-
10 tive information contained on the license, other than the age of
11 the purchaser.

12 (b) In addition to the commissioner's powers set forth in
13 section eleven of this article, the commissioner may sign and
14 execute in the name of the office of alcohol beverage control
15 commissioner one or more contracts or agreements pertaining
16 to the sale or licensing and promotion of proprietary scanner
17 technology by the commissioner, or his or her designated
18 contractual partner, to any interested person, upon terms the
19 commissioner believes to be in the best interests of this state,
20 and to amend, extend or terminate any contract or agreement:
21 *Provided*, That all contracts are subject to the review process
22 contained in section thirteen, article three, chapter five-a of this
23 chapter.

24 (c) "Scanner technology" includes any device that uses
25 technology intended to control the access of minors to alcohol
26 and tobacco products and which is capable of:

27 (1) Capturing the information from a bar code or magnetic
28 strip on a driver's license or identification card issued by the
29 division of motor vehicles;

30 (2) Producing a declaration of age in print form and storing
31 a record of the event in memory;

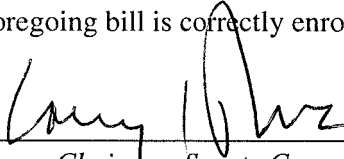
32 (3) Producing an audible, visual and printed result;

33 (4) Reporting a history of the events, including the ability
34 to transfer the data for archiving and data base development
35 purposes; and

36 (5) Storing at least one thousand events at any time before
37 data is transferred.

38 (d) Moneys derived from the sale, licensing and promotion
39 of the proprietary scanner technology shall be deposited in a
40 special account in the state treasury to be known as the
41 "Scanner Technology Fund." Expenditures from the fund shall
42 be for the maintenance and development of the proprietary
43 scanner technology described in this section and are not
44 authorized from collections but are to be made only in accor-
45 dance with appropriation by the Legislature and in accordance
46 with the provisions of article three, chapter twelve of this code
47 and upon the fulfillment of the provisions set forth in article
48 two, chapter five-a of this code: *Provided*, That for the fiscal
49 year ending the thirtieth day of June, two thousand four,
50 expenditures are authorized from collections rather than
51 pursuant to an appropriation by the Legislature.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



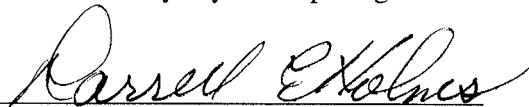
Chairman Senate Committee



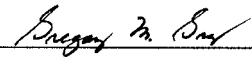
Chairman House Committee

Originating in the House.

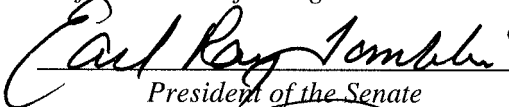
In effect ninety days from passage



Clerk of the Senate



Clerk of the House of Delegates




President of the Senate



Speaker of the House of Delegates

The within approved this the 18
day of March, 2003.



Governor

PRESENTED TO THE
GOVERNOR

Date 3/12/03

Time 11:05 AM