

2378--A

2011-2012 Regular Sessions

I N S E N A T E

January 19, 2011

Introduced by Sens. SEWARD, BONACIC, DeFRANCISCO, JOHNSON, LARKIN, O'MARA, RANZENHOFER, SALAND, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the alcoholic beverage control law, in relation to providing a multiple event caterer's permit

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 1 of section 98 of the alcoholic beverage
2 control law, as amended by section 21 of part Z of chapter 85 of the
3 laws of 2002, is amended to read as follows:
4 1. The liquor authority is hereby authorized to issue to [caterers and
5 other] persons HOLDING A LICENSE TO SELL ALCOHOLIC BEVERAGES AT RETAIL
6 FOR CONSUMPTION ON THE PREMISES furnishing provisions and service for
7 use at a particular function[, occasion or event] in a hotel, restau-
8 rant, club, ballroom or other premises a temporary indoor permit effec-
9 tive for a period not to exceed twenty-four consecutive hours, which
10 shall authorize the service of alcoholic beverages at such function,
11 occasion or event within the hours, fixed by or pursuant to subdivision
12 five of section one hundred six of this chapter, during which alcoholic
13 beverages may lawfully be sold or served upon premises licensed to sell
14 alcoholic beverages at retail for on-premises consumption in the commu-
15 nity in which is located the premises in which such function, occasion
16 or event is held.
17 (A) The fee therefor shall be thirty-eight dollars.
18 (B) Such a permit and the exercise of the privilege granted thereby
19 may be [subjected] SUBJECT to such rules by the liquor authority as it

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

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1 deems necessary and such rules as are in conformity with the provisions
2 of subdivision two of this section.

3 (C) Such a permit may also be issued for functions, occasions or
4 events at premises for which a summer license has been previously issued
5 pursuant to this chapter.

6 S 2. Section 98 of the alcoholic beverage control law is amended by
7 adding a new subdivision 1-a to read as follows:

8 1-A. IN LIEU OF A PERMIT ISSUED UNDER SUBDIVISION ONE OF THIS SECTION,
9 THE LIQUOR AUTHORITY IS HEREBY AUTHORIZED TO ISSUE TO SUCH LICENSEES A
10 PERMIT EFFECTIVE FOR A ONE YEAR PERIOD WHICH SHALL AUTHORIZE THE SERVICE
11 OF ALCOHOLIC BEVERAGES AT MULTIPLE FUNCTIONS.

12 (A) THE FEE THEREFOR SHALL BE TWO THOUSAND DOLLARS.

13 (B) SUCH A PERMIT AND THE EXERCISE OF THE PRIVILEGE GRANTED THEREBY
14 MAY BE SUBJECT TO SUCH RULES BY THE LIQUOR AUTHORITY AS IT DEEMS NECES-
15 SARY.

16 (C) A PERMIT ISSUED UNDER THIS SUBDIVISION SHALL NOT BE USED AT ANY
17 PREMISES LOCATED IN A MUNICIPALITY WITH A POPULATION OF ONE MILLION OR
18 MORE.

19 S 3. Section 98 of the alcoholic beverage control law is amended by
20 adding two new subdivisions 6 and 7 to read as follows:

21 6. FOR GOOD CAUSE SHOWN, THE LIQUOR AUTHORITY MAY DENY A PERMIT FOR A
22 PARTICULAR LICENSEE OR FOR A PARTICULAR FUNCTION.

23 (A) AN APPLICATION FOR A PERMIT UNDER SUBDIVISION ONE, TWO, THREE OR
24 FIVE OF THIS SECTION SHALL BE FILED WITH THE LIQUOR AUTHORITY AT LEAST
25 FIFTEEN DAYS BEFORE THE FUNCTION.

26 (B) THE HOLDER OF AN ANNUAL PERMIT ISSUED UNDER SUBDIVISION ONE-A OF
27 THIS SECTION SHALL PROVIDE THE LIQUOR AUTHORITY IN WRITING WITH THE
28 LOCATION OF THE EVENT AND SUCH OTHER INFORMATION AS MAY BE REQUIRED AT
29 LEAST FIFTEEN DAYS BEFORE THE FUNCTION. THE LOCATION SHALL BE DEEMED
30 APPROVED WITHIN SEVEN DAYS UNLESS THE LIQUOR AUTHORITY NOTIFIES THE
31 PERMIT HOLDER OF ITS OBJECTION.

32 7. A PERMIT ISSUED UNDER THIS SECTION, OR IN THE CASE OF AN ANNUAL
33 PERMIT A COPY OF SUCH PERMIT, SHALL BE POSTED AND DISPLAYED AT ALL TIMES
34 IN A CONSPICUOUS PLACE AT THE EVENT LOCATION DURING SUCH TIMES AS ALCO-
35 HOLIC BEVERAGES ARE BEING SOLD OR SERVED.

36 S 4. This act shall take effect on the one hundred eightieth day
37 after it shall have become a law.