

2584

2013-2014 Regular Sessions

I N   S E N A T E

January 22, 2013

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Introduced by Sen. BALL -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the alcoholic beverage control law, in relation to temporary retail permits

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

1     Section 1. Subdivision 1 of section 97-a of the alcoholic beverage  
2 control law is amended by adding a new paragraph (c) to read as follows:  
3     (C) NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS SUBDIVISION, TO  
4 THE APPLICANT FOR A NEW RETAIL LICENSE WHEN SUCH APPLICANT CURRENTLY  
5 HOLDS ONE OR MORE RETAIL LICENSES, AND HAS NOT VIOLATED THE PROVISIONS  
6 OF THIS CHAPTER OR ANY RULES OR REGULATIONS ADOPTED PURSUANT THERETO  
7 WITHIN THE TWO CALENDAR YEARS IMMEDIATELY PRECEDING THE DATE OF SUCH  
8 APPLICATION FOR A NEW RETAIL LICENSE. SUCH PERMIT SHALL BE ISSUED WITH-  
9 IN FOURTEEN DAYS OF AN APPLICANT MEETING THE CONDITIONS SET FORTH IN  
10 SUBDIVISION TWO OF THIS SECTION.

11     S 2. Paragraph (c) of subdivision 1 of section 97-a of the alcoholic  
12 beverage control law, as added by section one of this act, is relettered  
13 paragraph (b).

14     S 3. Subdivision 4 of section 97-a of the alcoholic beverage control  
15 law, as added by chapter 396 of the laws of 2010, is amended to read as  
16 follows:

17     4. A temporary retail permit issued by the authority pursuant to this  
18 section shall be for a period not to exceed ninety days. [A] SUCH tempo-  
19 rary permit may be extended at the discretion of the authority, for an  
20 additional thirty day period upon payment of an additional fee of  
21 sixty-four dollars for all retail beer licenses and ninety-six dollars  
22 for all other temporary permits and upon compliance with all conditions  
23 required in this section. The authority may, in its discretion, issue  
24 additional thirty day extensions upon payment of the appropriate fee.

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

LBD07310-02-3

1 NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS SUBDIVISION, A TEMPO-  
2 RARY RETAIL PERMIT ISSUED BY THE AUTHORITY PURSUANT TO PARAGRAPH (C) OF  
3 SUBDIVISION ONE OF THIS SECTION SHALL BE VALID UNTIL THE AUTHORITY  
4 EITHER APPROVES OR DENIES THE APPLICATION FOR A NEW RETAIL LICENSE.

5 S 4. Subdivision 4 of section 97-a of the alcoholic beverage control  
6 law, as amended by section three of this act, is amended to read as  
7 follows:

8 4. A temporary retail permit issued by the authority pursuant to this  
9 section shall be for a period not to exceed ninety days. Such temporary  
10 permit may be extended at the discretion of the authority, for an addi-  
11 tional thirty day period upon payment of an additional fee of sixty-four  
12 dollars for all retail beer licenses and ninety-six dollars for all  
13 other temporary permits and upon compliance with all conditions required  
14 in this section. The authority may, in its discretion, issue additional  
15 thirty day extensions upon payment of the appropriate fee. Notwith-  
16 standing the foregoing provisions of this subdivision, a temporary  
17 retail permit issued by the authority pursuant to paragraph [(c)] (B) of  
18 subdivision one of this section shall be valid until the authority  
19 either approves or denies the application for a new retail license.

20 S 5. This act shall take effect immediately; provided that sections  
21 two and four of this act shall take effect on the same date as paragraph  
22 (b) of subdivision 1 of section 97-a of the alcoholic beverage control  
23 law is repealed pursuant to section 5 of chapter 396 of the laws of  
24 2010, as amended.