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I N   S E N A T E

June 9, 2014

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Introduced by Sen. MARCELLINO -- 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 wine,  
beer and liquor in motion picture theatres

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

- 1     Section 1. Section 3 of the alcoholic beverage control law is amended  
2     by adding a new subdivision 20-f to read as follows:  
3     20-F. "MOTION PICTURE THEATRE" SHALL MEAN A BUILDING OR FACILITY WHICH  
4     IS REGULARLY USED AND KEPT OPEN PRIMARILY FOR THE EXHIBITION OF MOTION  
5     PICTURES ON A DAILY BASIS TO THE GENERAL PUBLIC WHERE ALL AUDITORIUM  
6     SEATING IS PERMANENTLY AFFIXED TO THE FLOOR AND AT LEAST SIXTY-FIVE  
7     PERCENT OF THE MOTION PICTURE THEATRE'S ANNUAL GROSS REVENUES IS THE  
8     COMBINED RESULT OF ADMISSION REVENUE FOR THE SHOWING OF MOTION PICTURES  
9     AND THE SALE OF FOOD AND NON-ALCOHOLIC BEVERAGES.  
10    S 2. The alcoholic beverage control law is amended by adding a new  
11    section 64-e to read as follows:  
12    S 64-E. LICENSE TO SELL LIQUOR AT RETAIL FOR CONSUMPTION ON THE PREM-  
13    ISSES IN A MOTION PICTURE THEATRE. 1. ANY PERSON MAY MAKE AN APPLICATION  
14    TO THE STATE LIQUOR AUTHORITY FOR A LICENSE TO SELL LIQUOR AT RETAIL FOR  
15    CONSUMPTION ON THE PREMISES IN A MOTION PICTURE THEATRE AS DEFINED IN  
16    SUBDIVISION TWENTY-F OF SECTION THREE OF THIS CHAPTER.  
17    2. A LICENSE UNDER THIS SECTION SHALL BE ISSUED TO ALL APPLICANTS  
18    EXCEPT FOR GOOD CAUSE SHOWN. IN DETERMINING WHETHER GOOD CAUSE EXISTS TO  
19    DENY AN APPLICATION, THE AUTHORITY MAY CONSIDER:  
20    (A) THE HISTORY OF LIQUOR VIOLATIONS AND DOCUMENTED CRIMINAL ACTIVITY  
21    AT THE PROPOSED PREMISES CONNECTED WITH THE SALE AND CONSUMPTION OF  
22    ALCOHOLIC BEVERAGES;  
23    (B) EVIDENCE THAT ALL NECESSARY LICENSES AND PERMITS HAVE BEEN  
24    OBTAINED FROM THE STATE AND ALL OTHER GOVERNING BODIES FOR THE OPERATION  
25    OF THE MOTION PICTURE THEATRE AND SALE OF ALCOHOLIC BEVERAGES;  
26    (C) THE AGGREGATE NUMBER OF SEATS IN THE MOTION PICTURE THEATRE;

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

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(D) THE APPLICANT'S PROPOSED METHOD OF OPERATION AND ALCOHOLIC BEVERAGE CONTROL PLAN;

(E) OBJECTIONS FROM THE LOCAL MUNICIPALITY BASED ON EVIDENCE OF NEGATIVE IMPACTS TO THE SURROUNDING COMMUNITY;

(F) ANY OTHER FACTORS, IN THE JUDGMENT OF THE AUTHORITY, THAT WOULD CREATE A RISK IN THE ORDERLY ENFORCEMENT OF THIS CHAPTER; AND

(G) ANY OTHER FACTORS, SUCH AS THE CHARACTER AND FITNESS OF THE APPLICANT TO HOLD A LICENSE, THAT ARE RELEVANT TO DETERMINE WHETHER GOOD CAUSE EXISTS TO DENY THE APPLICATION.

3. SUCH APPLICATION SHALL BE IN SUCH FORM AND SHALL CONTAIN SUCH INFORMATION AS SHALL BE REQUIRED BY THE RULES OF THE LIQUOR AUTHORITY AND SHALL BE ACCOMPANIED BY A CHECK OR DRAFT IN THE AMOUNT REQUIRED BY THIS ARTICLE FOR SUCH LICENSE. SUCH LICENSE SHALL ALSO BE DEEMED TO INCLUDE A LICENSE TO SELL WINE AND BEER AT RETAIL TO BE CONSUMED UNDER THE SAME TERMS AND CONDITIONS, WITHOUT THE PAYMENT OF ANY ADDITIONAL FEE.

4. SECTION FIFTY-FOUR OF THIS CHAPTER SHALL CONTROL SO FAR AS APPLICABLE THE PROCEDURE IN CONNECTION WITH SUCH APPLICATION.

5. A LICENSE ISSUED PURSUANT TO THIS SECTION SHALL BE SUBJECT TO THE CONDITIONS SET FORTH BELOW. FAILURE TO COMPLY WITH ANY OF THESE CONDITIONS SHALL, CONSTITUTE GROUNDS FOR THE SUSPENSION, CANCELLATION OR REVOCATION OF THE LICENSE, AND/OR THE IMPOSITION OF A CIVIL PENALTY AND THE RECOVERY OF THE PENAL SUM OF THE BOND ON FILE DURING THE PERIOD OF THE VIOLATION.

(A) A LICENSEE SHALL NOT SELL OR SERVE AN ALCOHOLIC BEVERAGE TO ANY PERSON THAT DOES NOT DEMONSTRATE THAT THEY ARE OVER THE AGE OF TWENTY-ONE AS EVIDENCED BY THE PRESENTATION OF A VALID FORM OF PHOTOGRAPHIC IDENTIFICATION AUTHORIZED BY SECTION SIXTY-FIVE-B OF THIS CHAPTER;

(B) NO MORE THAN ONE ALCOHOLIC BEVERAGE SHALL BE SOLD OR SERVED TO ANY ONE PERSON DURING ANY ONE TRANSACTION;

(C) SUBJECT TO THE PROVISIONS SET FORTH IN SUBDIVISION FIVE OF SECTION ONE HUNDRED SIX OF THIS CHAPTER, THE LICENSEE SHALL ONLY SELL OR SERVE ALCOHOLIC BEVERAGES FOR THE PERIOD BEGINNING ONE HOUR PRIOR TO THE FIRST MOTION PICTURE VIEWING AND ENDING UPON THE CONCLUSION OF THE LAST MOTION PICTURE VIEWING; AND

(D) THE LICENSEE MUST MAKE AVAILABLE TO ITS PATRONS FOOD THAT IS TYPICALLY FOUND IN A MOTION PICTURE THEATRE, INCLUDING BUT NOT LIMITED TO: POPCORN, CANDY, AND LIGHT SNACKS.

6. NOTHING CONTAINED IN THIS SECTION SHALL PROHIBIT THE ISSUANCE OF A LICENSE PURSUANT TO SECTION SIXTY-FOUR OF THIS SECTION TO A MOTION PICTURE THEATRE OR OTHER VENUE THAT SHOWS MOTION PICTURES THAT MEETS THE DEFINITION OF A RESTAURANT SET FORTH IN SUBDIVISION TWENTY-SEVEN OF SECTION THREE OF THIS CHAPTER AND WHERE ALL SEATING IS AT TABLES OR SEATSIDE TABLES WHERE MEALS ARE SERVED.

7. NO RETAIL LICENSE FOR ON-PREMISES CONSUMPTION SHALL BE GRANTED FOR ANY PREMISES WHICH SHALL BE:

(A) ON THE SAME STREET OR AVENUE AND WITHIN TWO HUNDRED FEET OF A BUILDING OCCUPIED EXCLUSIVELY AS A SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP; OR

(B) IN A CITY, TOWN OR VILLAGE HAVING A POPULATION OF TWENTY THOUSAND OR MORE WITHIN FIVE HUNDRED FEET OF THREE OR MORE EXISTING PREMISES LICENSED AND OPERATING PURSUANT TO THIS SECTION AND SECTIONS SIXTY-FOUR, SIXTY-FOUR-A, SIXTY-FOUR-B, SIXTY-FOUR-C, AND/OR SIXTY-FOUR-D OF THIS ARTICLE.

1 8. (A) THE MEASUREMENTS IN SUBDIVISION SEVEN OF THIS SECTION ARE TO BE  
2 TAKEN IN STRAIGHT LINES FROM THE CENTER OF THE NEAREST ENTRANCE OF THE  
3 PREMISES SOUGHT TO BE LICENSED TO THE CENTER OF THE NEAREST ENTRANCE OF  
4 SUCH SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP OR TO THE  
5 CENTER OF THE NEAREST ENTRANCE OF EACH SUCH PREMISES LICENSED AND OPER-  
6 ATING PURSUANT TO THIS SECTION AND SECTIONS SIXTY-FOUR, SIXTY-FOUR-A,  
7 SIXTY-FOUR-B, SIXTY-FOUR-C, AND/OR SIXTY-FOUR-D OF THIS ARTICLE; EXCEPT,  
8 HOWEVER, THAT NO RENEWAL LICENSE SHALL BE DENIED BECAUSE OF SUCH  
9 RESTRICTION TO ANY PREMISES SO LOCATED WHICH WERE MAINTAINED AS A BONA  
10 FIDE HOTEL, RESTAURANT, CATERING ESTABLISHMENT OR CLUB ON OR PRIOR TO  
11 DECEMBER FIFTH, NINETEEN HUNDRED THIRTY-THREE; AND, EXCEPT THAT NO  
12 LICENSE SHALL BE DENIED TO ANY PREMISES AT WHICH A LICENSE UNDER THIS  
13 CHAPTER HAS BEEN IN EXISTENCE CONTINUOUSLY FROM A DATE PRIOR TO THE DATE  
14 WHEN A BUILDING ON THE SAME STREET OR AVENUE AND WITHIN TWO HUNDRED FEET  
15 OF SAID PREMISES HAS BEEN OCCUPIED EXCLUSIVELY AS A SCHOOL, CHURCH,  
16 SYNAGOGUE OR OTHER PLACE OF WORSHIP; AND EXCEPT THAT NO LICENSE SHALL BE  
17 DENIED TO ANY PREMISES, WHICH IS WITHIN FIVE HUNDRED FEET OF THREE OR  
18 MORE EXISTING PREMISES LICENSED AND OPERATING PURSUANT TO THIS SECTION  
19 AND SECTIONS SIXTY-FOUR, SIXTY-FOUR-A, SIXTY-FOUR-B, SIXTY-FOUR-C,  
20 AND/OR SIXTY-FOUR-D OF THIS ARTICLE, AT WHICH A LICENSE UNDER THIS CHAP-  
21 TER HAS BEEN IN EXISTENCE CONTINUOUSLY ON OR PRIOR TO NOVEMBER FIRST,  
22 NINETEEN HUNDRED NINETY-THREE. THE LIQUOR AUTHORITY, IN ITS DISCRETION,  
23 MAY AUTHORIZE THE REMOVAL OF ANY SUCH LICENSED PREMISES TO A DIFFERENT  
24 LOCATION ON THE SAME STREET OR AVENUE, WITHIN TWO HUNDRED FEET OF SAID  
25 SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP, PROVIDED THAT SUCH  
26 NEW LOCATION IS NOT WITHIN A CLOSER DISTANCE TO SUCH SCHOOL, CHURCH,  
27 SYNAGOGUE OR OTHER PLACE OF WORSHIP.

28 (B) FOR THE PURPOSES OF THIS SUBDIVISION, THE WORD "ENTRANCE" SHALL  
29 MEAN A DOOR OF A SCHOOL, OF A HOUSE OF WORSHIP, OR OF PREMISES LICENSED  
30 AND OPERATING PURSUANT TO THIS SECTION AND SECTIONS SIXTY-FOUR,  
31 SIXTY-FOUR-A, SIXTY-FOUR-B, SIXTY-FOUR-C, AND/OR SIXTY-FOUR-D OF THIS  
32 ARTICLE OR OF THE PREMISES SOUGHT TO BE LICENSED, REGULARLY USED TO GIVE  
33 INGRESS TO STUDENTS OF THE SCHOOL, TO THE GENERAL PUBLIC ATTENDING THE  
34 PLACE OF WORSHIP, AND TO PATRONS OR GUESTS OF THE PREMISES LICENSED AND  
35 OPERATING PURSUANT TO THIS SECTION AND SECTIONS SIXTY-FOUR,  
36 SIXTY-FOUR-A, SIXTY-FOUR-B, SIXTY-FOUR-C, AND/OR SIXTY-FOUR-D OF THIS  
37 ARTICLE OR OF THE PREMISES SOUGHT TO BE LICENSED, EXCEPT THAT WHERE A  
38 SCHOOL OR HOUSE OF WORSHIP OR PREMISES LICENSED AND OPERATING PURSUANT  
39 TO THIS SECTION AND SECTIONS SIXTY-FOUR, SIXTY-FOUR-A, SIXTY-FOUR-B,  
40 SIXTY-FOUR-C, AND/OR SIXTY-FOUR-D OF THIS ARTICLE OR THE PREMISES SOUGHT  
41 TO BE LICENSED IS SET BACK FROM A PUBLIC THOROUGHFARE, THE WALKWAY OR  
42 STAIRS LEADING TO ANY SUCH DOOR SHALL BE DEEMED AN ENTRANCE; AND THE  
43 MEASUREMENT SHALL BE TAKEN TO THE CENTER OF THE WALKWAY OR STAIRS AT THE  
44 POINT WHERE IT MEETS THE BUILDING LINE OR PUBLIC THOROUGHFARE. A DOOR  
45 WHICH HAS NO EXTERIOR HARDWARE, OR WHICH IS USED SOLELY AS AN EMERGENCY  
46 OR FIRE EXIT, OR FOR MAINTENANCE PURPOSES, OR WHICH LEADS DIRECTLY TO A  
47 PART OF A BUILDING NOT REGULARLY USED BY THE GENERAL PUBLIC OR PATRONS,  
48 IS NOT DEEMED AN "ENTRANCE".

49 (C) FOR THE PURPOSES OF THIS SUBDIVISION, A BUILDING OCCUPIED AS A  
50 PLACE OF WORSHIP DOES NOT CEASE TO BE "EXCLUSIVELY" OCCUPIED AS A PLACE  
51 OF WORSHIP BY INCIDENTAL USES THAT ARE NOT OF A NATURE TO DETRACT FROM  
52 THE PREDOMINANT CHARACTER OF THE BUILDING AS A PLACE OF WORSHIP, SUCH  
53 USES WHICH INCLUDE, BUT WHICH ARE NOT LIMITED TO: THE CONDUCT OF LEGALLY  
54 AUTHORIZED GAMES OF BINGO OR OTHER GAMES OF CHANCE HELD AS A MEANS OF  
55 RAISING FUNDS FOR THE NOT-FOR-PROFIT RELIGIOUS ORGANIZATION WHICH  
56 CONDUCTS SERVICES AT THE PLACE OF WORSHIP OR FOR OTHER NOT-FOR-PROFIT

1 ORGANIZATIONS OR GROUPS; USE OF THE BUILDING FOR FUND-RAISING PERFORM-  
2 ANCES BY OR BENEFITING THE NOT-FOR-PROFIT RELIGIOUS ORGANIZATION WHICH  
3 CONDUCTS SERVICES AT THE PLACE OF WORSHIP OR OTHER NOT-FOR-PROFIT ORGAN-  
4 IZATIONS OR GROUPS; THE USE OF THE BUILDING BY OTHER RELIGIOUS ORGANIZA-  
5 TIONS OR GROUPS FOR RELIGIOUS SERVICES OR OTHER PURPOSES; THE CONDUCT OF  
6 SOCIAL ACTIVITIES BY OR FOR THE BENEFIT OF THE CONGREGANTS; THE USE OF  
7 THE BUILDING FOR MEETINGS HELD BY ORGANIZATIONS OR GROUPS PROVIDING  
8 BEREAVEMENT COUNSELING TO PERSONS HAVING SUFFERED THE LOSS OF A LOVED  
9 ONE, OR PROVIDING ADVICE OR SUPPORT FOR CONDITIONS OR DISEASES INCLUDING  
10 BUT NOT LIMITED TO, ALCOHOLISM, DRUG ADDICTION, CANCER, CEREBRAL PALSY,  
11 PARKINSON'S DISEASE, OR ALZHEIMER'S DISEASE; THE USE OF THE BUILDING FOR  
12 BLOOD DRIVES, HEALTH SCREENINGS, HEALTH INFORMATION MEETINGS, YOGA  
13 CLASSES, EXERCISE CLASSES OR OTHER ACTIVITIES INTENDED TO PROMOTE THE  
14 HEALTH OF THE CONGREGANTS OR OTHER PERSONS; AND USE OF THE BUILDING BY  
15 NON-CONGREGANT MEMBERS OF THE COMMUNITY FOR PRIVATE SOCIAL FUNCTIONS.  
16 THE BUILDING OCCUPIED AS A PLACE OF WORSHIP DOES NOT CEASE TO BE "EXCLU-  
17 SIVELY" OCCUPIED AS A PLACE OF WORSHIP WHERE THE NOT-FOR-PROFIT RELI-  
18 GIOUS ORGANIZATION OCCUPYING THE PLACE OF WORSHIP ACCEPTS THE PAYMENT OF  
19 FUNDS TO DEFRAY COSTS RELATED TO ANOTHER PARTY'S USE OF THE BUILDING.

20 9. NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (B) OF SUBDIVISION  
21 SEVEN OF THIS SECTION, THE AUTHORITY MAY ISSUE A LICENSE PURSUANT TO  
22 THIS SECTION FOR A PREMISES WHICH SHALL BE WITHIN FIVE HUNDRED FEET OF  
23 THREE OR MORE EXISTING PREMISES LICENSED AND OPERATING PURSUANT TO THIS  
24 SECTION AND SECTIONS SIXTY-FOUR, SIXTY-FOUR-A, SIXTY-FOUR-B,  
25 SIXTY-FOUR-C, AND/OR SIXTY-FOUR-D OF THIS ARTICLE IF, AFTER CONSULTA-  
26 TION WITH THE MUNICIPALITY OR COMMUNITY BOARD, IT DETERMINES THAT GRANT-  
27 ING SUCH LICENSE WOULD BE IN THE PUBLIC INTEREST. BEFORE IT MAY ISSUE  
28 ANY SUCH LICENSE, THE AUTHORITY SHALL CONDUCT A HEARING, UPON NOTICE TO  
29 THE APPLICANT AND THE MUNICIPALITY OR COMMUNITY BOARD, AND SHALL STATE  
30 AND FILE IN ITS OFFICE ITS REASONS THEREFOR. THE HEARING MAY BE RESCHED-  
31 ULED, ADJOURNED OR CONTINUED, AND THE AUTHORITY SHALL GIVE NOTICE TO THE  
32 APPLICANT AND THE MUNICIPALITY OR COMMUNITY BOARD OF ANY SUCH RESCHED-  
33 ULED, ADJOURNED OR CONTINUED HEARING. BEFORE THE AUTHORITY ISSUES ANY  
34 SAID LICENSE, THE AUTHORITY OR ONE OR MORE OF THE COMMISSIONERS THEREOF  
35 MAY, IN ADDITION TO THE HEARING REQUIRED BY THIS PARAGRAPH, ALSO CONDUCT  
36 A PUBLIC MEETING REGARDING SAID LICENSE, UPON NOTICE TO THE APPLICANT  
37 AND THE MUNICIPALITY OR COMMUNITY BOARD. THE PUBLIC MEETING MAY BE  
38 RESCHEDULED, ADJOURNED OR CONTINUED, AND THE AUTHORITY SHALL GIVE NOTICE  
39 TO THE APPLICANT AND THE MUNICIPALITY OR COMMUNITY BOARD OF ANY SUCH  
40 RESCHEDULED, ADJOURNED OR CONTINUED PUBLIC MEETING. NOTICE TO THE MUNI-  
41 CIPALITY OR COMMUNITY BOARD SHALL MEAN WRITTEN NOTICE MAILED BY THE  
42 AUTHORITY TO SUCH MUNICIPALITY OR COMMUNITY BOARD AT LEAST FIFTEEN DAYS  
43 IN ADVANCE OF ANY HEARING SCHEDULED PURSUANT TO THIS PARAGRAPH. UPON THE  
44 REQUEST OF THE AUTHORITY, ANY MUNICIPALITY OR COMMUNITY BOARD MAY WAIVE  
45 THE FIFTEEN DAY NOTICE REQUIREMENT. NO PREMISES HAVING BEEN GRANTED A  
46 LICENSE PURSUANT TO THIS SECTION SHALL BE DENIED A RENEWAL OF SUCH  
47 LICENSE UPON THE GROUNDS THAT SUCH PREMISES ARE WITHIN FIVE HUNDRED FEET  
48 OF A BUILDING OR BUILDINGS WHEREIN THREE OR MORE PREMISES ARE LICENSED  
49 AND OPERATING PURSUANT TO THIS SECTION AND SECTIONS SIXTY-FOUR,  
50 SIXTY-FOUR-A, SIXTY-FOUR-B, SIXTY-FOUR-C, AND/OR SIXTY-FOUR-D OF THIS  
51 ARTICLE.

52 S 3. Subdivision 3 of section 17 of the alcoholic beverage control  
53 law, as amended by chapter 355 of the laws of 2013, is amended to read  
54 as follows:

55 3. To revoke, cancel or suspend for cause any license or permit issued  
56 under this chapter and/or to impose a civil penalty for cause against

1 any holder of a license or permit issued pursuant to this chapter. Any  
2 civil penalty so imposed shall not exceed the sum of ten thousand  
3 dollars as against the holder of any retail permit issued pursuant to  
4 sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and  
5 paragraph f of subdivision one of section ninety-nine-b of this chapter,  
6 and as against the holder of any retail license issued pursuant to  
7 sections fifty-two, fifty-three-a, fifty-four, fifty-four-a, fifty-five,  
8 fifty-five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b,  
9 sixty-four-c, SIXTY-FOUR-E, seventy-six-f, seventy-nine, eighty-one and  
10 eighty-one-a of this chapter, and the sum of thirty thousand dollars as  
11 against the holder of a license issued pursuant to sections fifty-three,  
12 seventy-six, seventy-six-a, and seventy-eight of this chapter, provided  
13 that the civil penalty against the holder of a wholesale license issued  
14 pursuant to section fifty-three of this chapter shall not exceed the sum  
15 of ten thousand dollars where that licensee violates provisions of this  
16 chapter during the course of the sale of beer at retail to a person for  
17 consumption at home, and the sum of one hundred thousand dollars as  
18 against the holder of any license issued pursuant to sections fifty-one,  
19 sixty-one and sixty-two of this chapter. Any civil penalty so imposed  
20 shall be in addition to and separate and apart from the terms and  
21 provisions of the bond required pursuant to section one hundred twelve  
22 of this chapter. Provided that no appeal is pending on the imposition of  
23 such civil penalty, in the event such civil penalty imposed by the divi-  
24 sion remains unpaid, in whole or in part, more than forty-five days  
25 after written demand for payment has been sent by first class mail to  
26 the address of the licensed premises, a notice of impending default  
27 judgment shall be sent by first class mail to the licensed premises and  
28 by first class mail to the last known home address of the person who  
29 signed the most recent license application. The notice of impending  
30 default judgment shall advise the licensee: (a) that a civil penalty was  
31 imposed on the licensee; (b) the date the penalty was imposed; (c) the  
32 amount of the civil penalty; (d) the amount of the civil penalty that  
33 remains unpaid as of the date of the notice; (e) the violations for  
34 which the civil penalty was imposed; and (f) that a judgment by default  
35 will be entered in the supreme court of the county in which the licensed  
36 premises are located, or other court of civil jurisdiction or any other  
37 place provided for the entry of civil judgments within the state of New  
38 York unless the division receives full payment of all civil penalties  
39 due within twenty days of the date of the notice of impending default  
40 judgment. If full payment shall not have been received by the division  
41 within thirty days of mailing of the notice of impending default judg-  
42 ment, the division shall proceed to enter with such court a statement of  
43 the default judgment containing the amount of the penalty or penalties  
44 remaining due and unpaid, along with proof of mailing of the notice of  
45 impending default judgment. The filing of such judgment shall have the  
46 full force and effect of a default judgment duly docketed with such  
47 court pursuant to the civil practice law and rules and shall in all  
48 respects be governed by that chapter and may be enforced in the same  
49 manner and with the same effect as that provided by law in respect to  
50 execution issued against property upon judgments of a court of record. A  
51 judgment entered pursuant to this subdivision shall remain in full force  
52 and effect for eight years notwithstanding any other provision of law.

53 S 4. Subdivision 3 of section 55 of the alcoholic beverage control  
54 law, as amended by chapter 531 of the laws of 1964, is amended to read  
55 as follows:

1 3. No such license shall be issued, however, to any person for any  
2 premises other than premises for which a license may be issued under  
3 section sixty-four [or], sixty-four-a OR SIXTY-FOUR-E of this chapter or  
4 a hotel or premises which are kept, used, maintained, advertised or held  
5 out to the public to be a place where food is prepared and served for  
6 consumption on the premises in such quantities as to satisfy the liquor  
7 authority that the sale of beer intended is incidental to and not the  
8 prime source of revenue from the operation of such premises. The forego-  
9 ing provisions of this subdivision shall not apply to any premises  
10 located at, in, or on the area leased by the city of New York to New  
11 York World's Fair 1964 Corporation pursuant to the provisions of chapter  
12 four hundred twenty-eight of the laws of nineteen hundred sixty, as  
13 amended by a chapter of the laws of nineteen hundred sixty-one, during  
14 the term or duration of such lease. Such license may also include such  
15 suitable space outside of the licensed premises and adjoining it as may  
16 be approved by the liquor authority.

17 S 5. Subdivisions 1 and 2 of section 56-a of the alcoholic beverage  
18 control law, as amended by chapter 384 of the laws of 2013, is amended  
19 to read as follows:

20 1. In addition to the annual fees provided for in this chapter, there  
21 shall be paid to the authority with each initial application for a  
22 license filed pursuant to section fifty-one, fifty-one-a, fifty-three,  
23 fifty-eight, fifty-eight-c, sixty-one, sixty-two, seventy-six or seven-  
24 ty-eight of this chapter, a filing fee of four hundred dollars; with  
25 each initial application for a license filed pursuant to section sixty-  
26 three, sixty-four, sixty-four-a [or], sixty-four-b OR SIXTY-FOUR-E of  
27 this chapter, a filing fee of two hundred dollars; with each initial  
28 application for a license filed pursuant to section fifty-three-a,  
29 fifty-four, fifty-five, fifty-five-a, seventy-nine, eighty-one or eight-  
30 y-one-a of this chapter, a filing fee of one hundred dollars; with each  
31 initial application for a permit filed pursuant to section ninety-one,  
32 ninety-one-a, ninety-two, ninety-two-a, ninety-three, ninety-three-a, if  
33 such permit is to be issued on a calendar year basis, ninety-four, nine-  
34 ty-five, ninety-six or ninety-six-a, or pursuant to paragraph b, c, e or  
35 j of subdivision one of section ninety-nine-b of this chapter if such  
36 permit is to be issued on a calendar year basis, or for an additional  
37 bar pursuant to subdivision four of section one hundred of this chapter,  
38 a filing fee of twenty dollars; and with each application for a permit  
39 under section ninety-three-a of this chapter, other than a permit to be  
40 issued on a calendar year basis, section ninety-seven, ninety-eight,  
41 ninety-nine, or ninety-nine-b of this chapter, other than a permit to be  
42 issued pursuant to paragraph b, c, e or j of subdivision one of section  
43 ninety-nine-b of this chapter on a calendar year basis, a filing fee of  
44 ten dollars.

45 2. In addition to the annual fees provided for in this chapter, there  
46 shall be paid to the authority with each renewal application for a  
47 license filed pursuant to section fifty-one, fifty-one-a, fifty-three,  
48 fifty-eight, fifty-eight-c, sixty-one, sixty-two, seventy-six or seven-  
49 ty-eight of this chapter, a filing fee of one hundred dollars; with each  
50 renewal application for a license filed pursuant to section sixty-three,  
51 sixty-four, sixty-four-a [or], sixty-four-b OR SIXTY-FOUR-E of this  
52 chapter, a filing fee of ninety dollars; with each renewal application  
53 for a license filed pursuant to section seventy-nine, eighty-one or  
54 eighty-one-a of this chapter, a filing fee of twenty-five dollars; and  
55 with each renewal application for a license or permit filed pursuant to  
56 section fifty-three-a, fifty-four, fifty-five, fifty-five-a, ninety-one,

1 ninety-one-a, ninety-two, ninety-two-a, ninety-three, ninety-three-a, if  
2 such permit is issued on a calendar year basis, ninety-four, ninety-  
3 five, ninety-six or ninety-six-a of this chapter or pursuant to subdivi-  
4 sions b, c, e or j of section ninety-nine-b, if such permit is issued on  
5 a calendar year basis, or with each renewal application for an addi-  
6 tional bar pursuant to subdivision four of section one hundred of this  
7 chapter, a filing fee of thirty dollars.

8 S 6. Paragraph (b) of subdivision 7 of section 64 of the alcoholic  
9 beverage control law, as amended by chapter 463 of the laws of 2009, is  
10 amended to read as follows:

11 (b) in a city, town or village having a population of twenty thousand  
12 or more within five hundred feet of three or more existing premises  
13 licensed and operating pursuant to this section and sections  
14 sixty-four-a, sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR  
15 SIXTY-FOUR-E of this article;

16 S 7. Paragraph (c) of subdivision 7 of section 64 of the alcoholic  
17 beverage control law, as amended by chapter 463 of the laws of 2009, is  
18 amended to read as follows:

19 (c) the measurements in paragraphs (a) and (b) of this subdivision are  
20 to be taken in straight lines from the center of the nearest entrance of  
21 the premises sought to be licensed to the center of the nearest entrance  
22 of such school, church, synagogue or other place of worship or to the  
23 center of the nearest entrance of each such premises licensed and oper-  
24 ating pursuant to this section and sections sixty-four-a, sixty-four-b,  
25 sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this arti-  
26 cle; except, however, that no renewal license shall be denied because of  
27 such restriction to any premises so located which were maintained as a  
28 bona fide hotel, restaurant, catering establishment or club on or prior  
29 to December fifth, nineteen hundred thirty-three; and, except that no  
30 license shall be denied to any premises at which a license under this  
31 chapter has been in existence continuously from a date prior to the date  
32 when a building on the same street or avenue and within two hundred feet  
33 of said premises has been occupied exclusively as a school, church,  
34 synagogue or other place of worship; and except that no license shall be  
35 denied to any premises, which is within five hundred feet of three or  
36 more existing premises licensed and operating pursuant to this section  
37 and sections sixty-four-a, sixty-four-b, sixty-four-c, [and/or] sixty-  
38 four-d, AND/OR SIXTY-FOUR-E of this article, at which a license under  
39 this chapter has been in existence continuously on or prior to November  
40 first, nineteen hundred ninety-three; and except that this subdivision  
41 shall not be deemed to restrict the issuance of a hotel liquor license  
42 to a building used as a hotel and in which a restaurant liquor license  
43 currently exists for premises which serve as a dining room for guests of  
44 the hotel and a caterer's license to a person using the permanent cater-  
45 ing facilities of a church, synagogue or other place of worship pursuant  
46 to a written agreement between such person and the authorities in charge  
47 of such facilities. The liquor authority, in its discretion, may author-  
48 ize the removal of any such licensed premises to a different location on  
49 the same street or avenue, within two hundred feet of said school,  
50 church, synagogue or other place of worship, provided that such new  
51 location is not within a closer distance to such school, church, syna-  
52 gogue or other place of worship.

53 S 8. Paragraph (d) of subdivision 7 of section 64 of the alcoholic  
54 beverage control law, as amended by chapter 463 of the laws of 2009, is  
55 amended to read as follows:

1 (d) Within the context of this subdivision, the word "entrance" shall  
2 mean a door of a school, of a house of worship, or of premises licensed  
3 and operating pursuant to this section and sections sixty-four-a,  
4 sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E  
5 of this article or of the premises sought to be licensed, regularly used  
6 to give ingress to students of the school, to the general public attend-  
7 ing the place of worship, and to patrons or guests of the premises  
8 licensed and operating pursuant to this section and sections  
9 sixty-four-a, sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR  
10 SIXTY-FOUR-E of this article or of the premises sought to be licensed,  
11 except that where a school or house of worship or premises licensed and  
12 operating pursuant to this section and sections sixty-four-a, sixty-  
13 four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this  
14 article or the premises sought to be licensed is set back from a public  
15 thoroughfare, the walkway or stairs leading to any such door shall be  
16 deemed an entrance; and the measurement shall be taken to the center of  
17 the walkway or stairs at the point where it meets the building line or  
18 public thoroughfare. A door which has no exterior hardware, or which is  
19 used solely as an emergency or fire exit, or for maintenance purposes,  
20 or which leads directly to a part of a building not regularly used by  
21 the general public or patrons, is not deemed an "entrance".

22 S 9. Paragraph (f) of subdivision 7 of section 64 of the alcoholic  
23 beverage control law, as amended by chapter 185 of the laws of 2012, is  
24 amended to read as follows:

25 (f) Notwithstanding the provisions of paragraph (b) of this subdivi-  
26 sion, the authority may issue a license pursuant to this section for a  
27 premises which shall be within five hundred feet of three or more exist-  
28 ing premises licensed and operating pursuant to this section and  
29 sections sixty-four-a, sixty-four-b, sixty-four-c, [and/or]  
30 sixty-four-d, AND/OR SIXTY-FOUR-E of this article if, after consultation  
31 with the municipality or community board, it determines that granting  
32 such license would be in the public interest. Before it may issue any  
33 such license, the authority shall conduct a hearing, upon notice to the  
34 applicant and the municipality or community board, and shall state and  
35 file in its office its reasons therefor. The hearing may be rescheduled,  
36 adjourned or continued, and the authority shall give notice to the  
37 applicant and the municipality or community board of any such resched-  
38 uled, adjourned or continued hearing. Before the authority issues any  
39 said license, the authority or one or more of the commissioners thereof  
40 may, in addition to the hearing required by this paragraph, also conduct  
41 a public meeting regarding said license, upon notice to the applicant  
42 and the municipality or community board. The public meeting may be  
43 rescheduled, adjourned or continued, and the authority shall give notice  
44 to the applicant and the municipality or community board of any such  
45 rescheduled, adjourned or continued public meeting. Notice to the muni-  
46 cipality or community board shall mean written notice mailed by the  
47 authority to such municipality or community board at least fifteen days  
48 in advance of any hearing scheduled pursuant to this paragraph. Upon the  
49 request of the authority, any municipality or community board may waive  
50 the fifteen day notice requirement. No premises having been granted a  
51 license pursuant to this section shall be denied a renewal of such  
52 license upon the grounds that such premises are within five hundred feet  
53 of a building or buildings wherein three or more premises are licensed  
54 and operating pursuant to this section and sections sixty-four-a,  
55 sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E  
56 of this article.



1 S 10. Paragraph (a) of subdivision 7 of section 64-a of the alcoholic  
2 beverage control law, as amended by chapter 463 of the laws of 2009, is  
3 amended to read as follows:

4 (a) No special on-premises license shall be granted for any premises  
5 which shall be

6 (i) on the same street or avenue and within two hundred feet of a  
7 building occupied exclusively as a school, church, synagogue or other  
8 place of worship or

9 (ii) in a city, town or village having a population of twenty thousand  
10 or more within five hundred feet of three or more existing premises  
11 licensed and operating pursuant to this section and sections sixty-four,  
12 sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E  
13 of this article;

14 (iii) the measurements in subparagraphs (i) and (ii) of this paragraph  
15 are to be taken in straight lines from the center of the nearest  
16 entrance of the premises sought to be licensed to the center of the  
17 nearest entrance of such school, church, synagogue or other place of  
18 worship or to the center of the nearest entrance of each such premises  
19 licensed and operating pursuant to this section and sections sixty-four,  
20 sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E  
21 of this article; except that no license shall be denied to any premises  
22 at which a license under this chapter has been in existence continuously  
23 from a date prior to the date when a building on the same street or  
24 avenue and within two hundred feet of said premises has been occupied  
25 exclusively as a school, church, synagogue or other place of worship;  
26 and except that no license shall be denied to any premises, which is  
27 within five hundred feet of three or more existing premises licensed and  
28 operating pursuant to this section and sections sixty-four,  
29 sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E  
30 of this article, at which a license under this chapter has been in  
31 existence continuously on or prior to November first, nineteen hundred  
32 ninety-three. The liquor authority, in its discretion, may authorize the  
33 removal of any such licensed premises to a different location on the  
34 same street or avenue, within two hundred feet of said school, church,  
35 synagogue or other place of worship, provided that such new location is  
36 not within a closer distance to such school, church, synagogue or other  
37 place of worship.

38 S 11. Paragraph (b) of subdivision 7 of section 64-a of the alcoholic  
39 beverage control law, as amended by chapter 463 of the laws of 2009, is  
40 amended to read as follows:

41 (b) Within the context of this subdivision, the word "entrance" shall  
42 mean a door of a school, of a house of worship, or of premises licensed  
43 and operating pursuant to this section and sections sixty-four, sixty-  
44 four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this  
45 article or of the premises sought to be licensed, regularly used to give  
46 ingress to students of the school, to the general public attending the  
47 place of worship, and to patrons or guests of the premises licensed and  
48 operating pursuant to this section and sections sixty-four,  
49 sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E  
50 of this article or of the premises sought to be licensed, except that  
51 where a school or house of worship or premises licensed and operating  
52 pursuant to this section and sections sixty-four, sixty-four-b, sixty-  
53 four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article or  
54 the premises sought to be licensed is set back from a public thorough-  
55 fare, the walkway or stairs leading to any such door shall be deemed an  
56 entrance; and the measurement shall be taken to the center of the walk-

1 way or stairs at the point where it meets the building line or public  
2 thoroughfare. A door which has no exterior hardware, or which is used  
3 solely as an emergency or fire exit, or for maintenance purposes, or  
4 which leads directly to a part of a building not regularly used by the  
5 general public or patrons, is not deemed an "entrance".

6 S 12. Paragraph (d) of subdivision 7 of section 64-a of the alcoholic  
7 beverage control law, as amended by chapter 185 of the laws of 2012, is  
8 amended to read as follows:

9 (d) Notwithstanding the provisions of subparagraph (ii) of paragraph  
10 (a) of this subdivision, the authority may issue a license pursuant to  
11 this section for a premises which shall be within five hundred feet of  
12 three or more existing premises licensed and operating pursuant to this  
13 section and sections sixty-four, sixty-four-b, sixty-four-c, [and/or]  
14 sixty-four-d, AND/OR SIXTY-FOUR-E of this article if, after consultation  
15 with the municipality or community board, it determines that granting  
16 such license would be in the public interest. Before it may issue any  
17 such license, the authority shall conduct a hearing, upon notice to the  
18 applicant and the municipality or community board, and shall state and  
19 file in its office its reasons therefor. Notice to the municipality or  
20 community board shall mean written notice mailed by the authority to  
21 such municipality or community board at least fifteen days in advance of  
22 any hearing scheduled pursuant to this paragraph. Upon the request of  
23 the authority, any municipality or community board may waive the fifteen  
24 day notice requirement. The hearing may be rescheduled, adjourned or  
25 continued, and the authority shall give notice to the applicant and the  
26 municipality or community board of any such rescheduled, adjourned or  
27 continued hearing. Before the authority issues any said license, the  
28 authority or one or more of the commissioners thereof may, in addition  
29 to the hearing required by this paragraph, also conduct a public meeting  
30 regarding said license, upon notice to the applicant and the munici-  
31 pality or community board. The public meeting may be rescheduled,  
32 adjourned or continued, and the authority shall give notice to the  
33 applicant and the municipality or community board of any such resched-  
34 uled, adjourned or continued public meeting. No premises having been  
35 granted a license pursuant to this section shall be denied a renewal of  
36 such license upon the grounds that such premises are within five hundred  
37 feet of a building or buildings wherein three or more premises are  
38 licensed and operating pursuant to this section and sections sixty-four,  
39 sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E  
40 of this article.

41 S 13. Paragraphs (a), (b) and (c) of subdivision 5 of section 64-b of  
42 the alcoholic beverage control law, paragraph (a) as amended and para-  
43 graph (b) as added by chapter 463 of the laws of 2009 and paragraph (c)  
44 as amended by chapter 185 of the laws of 2012, are amended to read as  
45 follows:

46 (a) No bottle club license shall be granted for any premises which  
47 shall be

48 (i) on the same street or avenue and within two hundred feet of a  
49 building occupied exclusively as a school, church, synagogue or other  
50 place of worship; or

51 (ii) in a city, town or village having a population of twenty thousand  
52 or more within five hundred feet of three or more existing premises  
53 licensed and operating pursuant to this section and sections sixty-four,  
54 sixty-four-a, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E  
55 of this article;

1 (iii) the measurements in subparagraphs (i) and (ii) of this paragraph  
2 are to be taken in straight lines from the center of the nearest  
3 entrance of the premises sought to be licensed to the center of the  
4 nearest entrance of such school, church, synagogue or other place of  
5 worship or to the center of the nearest entrance of each such premises  
6 licensed and operating pursuant to this section and sections sixty-four,  
7 sixty-four-a, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E  
8 of this article; except that no license shall be denied to any premises  
9 at which a license under this chapter has been in existence continuously  
10 from a date prior to the date when a building on the same street or  
11 avenue and within two hundred feet of said premises has been occupied  
12 exclusively as a school, church, synagogue or other place of worship;  
13 and except that no license shall be denied to any premises, which is  
14 within five hundred feet of three or more existing premises licensed and  
15 operating pursuant to this section and sections sixty-four,  
16 sixty-four-a, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E  
17 of this article, at which a license under this chapter has been in  
18 existence continuously on or prior to November first, nineteen hundred  
19 ninety-three. The liquor authority, in its discretion, may authorize the  
20 removal of any such licensed premises to a different location on the  
21 same street or avenue, within two hundred feet of said school, church,  
22 synagogue or other place of worship, provided that such new location is  
23 not within a closer distance to such school, church, synagogue or other  
24 place of worship.

25 (b) Within the context of this subdivision, the word "entrance" shall  
26 mean a door of a school, of a house of worship, or of premises licensed  
27 and operating pursuant to this section and sections sixty-four, sixty-  
28 four-a, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this  
29 article or of the premises sought to be licensed, regularly used to give  
30 ingress to students of the school, to the general public attending the  
31 place of worship, and to patrons or guests of the premises licensed and  
32 operating pursuant to this section and sections sixty-four,  
33 sixty-four-a, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E  
34 of this article or of the premises sought to be licensed, except that  
35 where a school or house of worship or premises licensed and operating  
36 pursuant to this section and sections sixty-four, sixty-four-a, sixty-  
37 four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article or  
38 the premises sought to be licensed is set back from a public thorough-  
39 fare, the walkway or stairs leading to any such door shall be deemed an  
40 entrance; and the measurement shall be taken to the center of the walk-  
41 way or stairs at the point where it meets the building line or public  
42 thoroughfare. A door which has no exterior hardware, or which is used  
43 solely as an emergency or fire exit, or for maintenance purposes, or  
44 which leads directly to a part of a building not regularly used by the  
45 general public or patrons, is not deemed an "entrance".

46 (c) Notwithstanding the provisions of subparagraph (ii) of paragraph  
47 (a) of this subdivision, the authority may issue a license pursuant to  
48 this section for a premises which shall be within five hundred feet of  
49 three or more existing premises licensed and operating pursuant to this  
50 section and sections sixty-four, sixty-four-a, sixty-four-c, [and/or]  
51 sixty-four-d, AND/OR SIXTY-FOUR-E of this article if, after consultation  
52 with the municipality or community board, it determines that granting  
53 such license would be in the public interest. Before it may issue any  
54 such license, the authority shall conduct a hearing, upon notice to the  
55 applicant and the municipality or community board, and shall state and  
56 file in its office its reasons therefor. The hearing may be rescheduled,

1 adjourned or continued, and the authority shall give notice to the  
2 applicant and the municipality or community board of any such resched-  
3 uled, adjourned or continued hearing. Before the authority issues any  
4 said license, the authority or one or more of the commissioners thereof  
5 may, in addition to the hearing required by this paragraph, also conduct  
6 a public meeting regarding said license, upon notice to the applicant  
7 and the municipality or community board. The public meeting may be  
8 rescheduled, adjourned or continued, and the authority shall give notice  
9 to the applicant and the municipality or community board of any such  
10 rescheduled, adjourned or continued public meeting. Notice to the muni-  
11 cipality or community board shall mean written notice mailed by the  
12 authority to such municipality or community board at least fifteen days  
13 in advance of any hearing scheduled pursuant to this paragraph. Upon the  
14 request of the authority, any municipality or community board may waive  
15 the fifteen day notice requirement. No premises having been granted a  
16 license pursuant to this section shall be denied a renewal of such  
17 license upon the grounds that such premises are within five hundred feet  
18 of a building or buildings wherein three or more premises are licensed  
19 and operating pursuant to this section and sections sixty-four, sixty-  
20 four-a, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this  
21 article.

22 S 14. Paragraph (a) of subdivision 10 of section 64-c of the alcoholic  
23 beverage control law, as added by chapter 366 of the laws of 2012, is  
24 amended to read as follows:

25 (a) For purposes of sections one hundred one and one hundred six of  
26 this chapter, a person licensed under this section shall be deemed a  
27 "retailer" as that term is defined within section three of this chapter.  
28 Notwithstanding any provision of this chapter to the contrary, a person  
29 licensed under this section may also be licensed (or interested directly  
30 or indirectly in a license) to sell liquor at retail to be consumed on  
31 or off the premises under section fifty-four, fifty-four-a, fifty-five,  
32 fifty-five-a, seventy-nine or eighty-one of this chapter or sections  
33 sixty-four, sixty-four-a, sixty-four-b [and], sixty-four-d, AND  
34 SIXTY-FOUR-E of this article.

35 S 15. Subdivision 11 of section 64-c of the alcoholic beverage control  
36 law, as amended by chapter 463 of the laws of 2009 and paragraph (c) as  
37 amended by chapter 185 of the laws of 2012, is amended to read as  
38 follows:

39 11. (a) No restaurant-brewer license shall be granted for any premises  
40 which shall be:

41 (i) on the same street or avenue and within two hundred feet of a  
42 building occupied exclusively as a school, church, synagogue or other  
43 place of worship; or

44 (ii) in a city, town or village having a population of twenty thousand  
45 or more within five hundred feet of three or more existing premises  
46 licensed and operating pursuant to the provisions of this section or  
47 sections sixty-four, sixty-four-a, sixty-four-b [and/or], sixty-four-d,  
48 AND SIXTY-FOUR-E of this article; or

49 (iii) the measurements in subparagraphs (i) and (ii) of this paragraph  
50 are to be taken in straight lines from the center of the nearest  
51 entrance of the premises sought to be licensed to the center of the  
52 nearest entrance of such school, church, synagogue or other place of  
53 worship or to the center of the nearest entrance of each such premises  
54 licensed and operating pursuant to this section and sections sixty-four,  
55 sixty-four-a, sixty-four-b [and/or], sixty-four-d, AND SIXTY-FOUR-E of  
56 this article; except that no license shall be denied to any premises at

1 which a license under this chapter has been in existence continuously  
2 from a date prior to the date when a building on the same street or  
3 avenue and within two hundred feet of said premises has been occupied  
4 exclusively as a school, church, synagogue or other place of worship and  
5 except that no license shall be denied to any premises, which is within  
6 five hundred feet of three or more existing premises licensed and oper-  
7 ating pursuant to this section and sections sixty-four, sixty-four-a,  
8 sixty-four-b [and/or], sixty-four-d, AND SIXTY-FOUR-E of this article,  
9 at which a license under this chapter has been in existence continuously  
10 on or prior to November first, nineteen hundred ninety-three.

11 (b) Within the context of this subdivision, the word "entrance" shall  
12 mean a door of a school, of a house of worship, or premises licensed and  
13 operating pursuant to this section and sections sixty-four,  
14 sixty-four-a, sixty-four-b [and/or], sixty-four-d, AND SIXTY-FOUR-E of  
15 this article or of the premises sought to be licensed, regularly used to  
16 give ingress to students of the school, to the general public attending  
17 the place of worship, and to patrons or guests of the premises licensed  
18 and operating pursuant to this section and sections sixty-four, sixty-  
19 four-a, sixty-four-b [and/or], sixty-four-d, AND SIXTY-FOUR-E of this  
20 article or of the premises sought to be licensed, except that where a  
21 school or house of worship or premises licensed and operating pursuant  
22 to this section and sections sixty-four, sixty-four-a, sixty-four-b  
23 [and/or], sixty-four-d, AND/OR SIXTY-FOUR-E of this article is set back  
24 from a public thoroughfare, the walkway or stairs leading to any such  
25 door shall be deemed an entrance; and the measurement shall be taken to  
26 the center of the walkway or stairs at the point where it meets the  
27 building line or public thoroughfare. A door which has no exterior hard-  
28 ware, or which is used solely as an emergency or fire exit, or for main-  
29 tenance purposes, or which leads directly to a part of a building not  
30 regularly used by the general public or patrons, is not deemed an  
31 "entrance".

32 (c) Notwithstanding the provisions of subparagraph (ii) of paragraph  
33 (a) of this subdivision, the authority may issue a license pursuant to  
34 this section for a premises which shall be within five hundred feet of  
35 three or more existing premises licensed and operating pursuant to this  
36 section and sections sixty-four, sixty-four-a, sixty-four-b [and/or],  
37 sixty-four-d, AND/OR SIXTY-FOUR-E of this article if, after consultation  
38 with the municipality or community board, it determines that granting  
39 such license would be in the public interest. Before it may issue any  
40 such license, the authority shall conduct a hearing, upon notice to the  
41 applicant and the municipality or community board, and shall state and  
42 file in its office its reasons therefor. The hearing may be rescheduled,  
43 adjourned or continued, and the authority shall give notice to the  
44 applicant and the municipality or community board of any such resched-  
45 uled, adjourned or continued hearing. Before the authority issues any  
46 said license, the authority or one or more of the commissioners thereof  
47 may, in addition to the hearing required by this paragraph, also conduct  
48 a public meeting regarding said license, upon notice to the applicant  
49 and the municipality or community board. The public meeting may be  
50 rescheduled, adjourned or continued, and the authority shall give notice  
51 to the applicant and the municipality or community board of any such  
52 rescheduled, adjourned or continued public meeting. Notice to the muni-  
53 cipality or community board shall mean written notice mailed by the  
54 authority to such municipality or community board at least fifteen days  
55 in advance of any hearing scheduled pursuant to this paragraph. Upon the  
56 request of the authority, any municipality or community board may waive

the fifteen day notice requirement. No premises having been granted a license pursuant to this section shall be denied a renewal of such license upon the grounds that such premises are within five hundred feet of a building or buildings wherein three or more premises are operating and licensed pursuant to this section or sections sixty-four, sixty-four-a, sixty-four-b [and/or], sixty-four-d, AND/OR SIXTY-FOUR-E of this article.

S 16. Subdivision 8 of section 64-d of the alcoholic beverage control law, as amended by chapter 463 of the laws of 2009 and paragraph (e) as amended by chapter 185 of the laws of 2012, is amended to read as follows:

8. No cabaret license shall be granted for any premises which shall be:

(a) on the same street or avenue and within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship or

(b) in a city, town or village having a population of twenty thousand or more within five hundred feet of an existing premises licensed and operating pursuant to the provisions of this section, or within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, [and/or] sixty-four-c AND/OR SIXTY-FOUR-E of this article.

(c) the measurements in paragraphs (a) and (b) of this subdivision are to be taken in straight lines from the center of the nearest entrance of the premises sought to be licensed to the center of the nearest entrance of such school, church, synagogue or other place of worship or to the center of the nearest entrance of each such premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, [and/or] sixty-four-c AND/OR SIXTY-FOUR-E of this article; except that no license shall be denied to any premises at which a license under this chapter has been in existence continuously from a date prior to the date when a building on the same street or avenue and within two hundred feet of said premises has been occupied exclusively as a school, church, synagogue or other place of worship; and except that no license shall be denied to any premises, which is within five hundred feet of an existing premises licensed and operating pursuant to the provisions of this section or which is within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, [and/or] sixty-four-c AND/OR SIXTY-FOUR-E of this article, at which a license under this chapter has been in existence continuously on or prior to November first, nineteen hundred ninety-three. The liquor authority, in its discretion, may authorize the removal of any such licensed premises to a different location on the same street or avenue, within two hundred feet of said school, church, synagogue or other place of worship, provided that such new location is not within a closer distance to such school, church, synagogue or other place of worship.

(d) within the context of this subdivision, the word "entrance" shall mean a door of a school, of a house of worship, or of premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, [and/or] sixty-four-c AND/OR SIXTY-FOUR-E of this article or of the premises sought to be licensed, regularly used to give ingress to students of the school, to the general public attending the place of worship, and to patrons or guests of the premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-a, sixty-four-b, [and/or] sixty-four-c AND/OR SIXTY-FOUR-E of

1 this article or of the premises sought to be licensed, except that where  
2 a school or house of worship or premises licensed and operating pursuant  
3 to this section and sections sixty-four, sixty-four-a, sixty-four-b,  
4 [and/or] sixty-four-c AND/OR SIXTY-FOUR-E of this article or the prem-  
5 ises sought to be licensed is set back from a public thoroughfare, the  
6 walkway or stairs leading to any such door shall be deemed an entrance;  
7 and the measurement shall be taken to the center of the walkway or  
8 stairs at the point where it meets the building line or public thorough-  
9 fare. A door which has no exterior hardware, or which is used solely as  
10 an emergency or fire exit, or for maintenance purposes, or which leads  
11 directly to a part of a building not regularly used by the general  
12 public or patrons, is not deemed an "entrance".

13 (e) notwithstanding the provisions of paragraph (b) of this subdivi-  
14 sion, the authority may issue a license pursuant to this section for a  
15 premises which shall be within five hundred feet of an existing premises  
16 licensed and operating pursuant to the provisions of this section or  
17 within five hundred feet of three or more existing premises licensed and  
18 operating pursuant to this section and sections sixty-four,  
19 sixty-four-a, sixty-four-b, [and/or] sixty-four-c AND/OR SIXTY-FOUR-E of  
20 this article if, after consultation with the municipality or community  
21 board, it determines that granting such license would be in the public  
22 interest. Before it may issue any such license, the authority shall  
23 conduct a hearing, upon notice to the applicant and the municipality or  
24 community board, and shall state and file in its office its reasons  
25 therefor. The hearing may be rescheduled, adjourned or continued, and  
26 the authority shall give notice to the applicant and the municipality or  
27 community board of any such rescheduled, adjourned or continued hearing.  
28 Before the authority issues any said license, the authority or one or  
29 more of the commissioners thereof may, in addition to the hearing  
30 required by this paragraph, also conduct a public meeting regarding said  
31 license, upon notice to the applicant and the municipality or community  
32 board. The public meeting may be rescheduled, adjourned or continued,  
33 and the authority shall give notice to the applicant and the munic-  
34 ipality or community board of any such rescheduled, adjourned or contin-  
35 ued public meeting. Notice to the municipality or community board shall  
36 mean written notice mailed by the authority to such municipality or  
37 community board at least fifteen days in advance of any hearing sched-  
38 uled pursuant to this paragraph. Upon the request of the authority, any  
39 municipality or community board may waive the fifteen day notice  
40 requirement. No premises having been granted a license pursuant to this  
41 section shall be denied a renewal of such license upon the grounds that  
42 such premises are within five hundred feet of an existing premises  
43 licensed and operating pursuant to the provisions of this section or  
44 within five hundred feet of a building or buildings wherein three or  
45 more premises are licensed and operating pursuant to this section and  
46 sections sixty-four, sixty-four-a, sixty-four-b, [and/or] sixty-four-c  
47 AND/OR SIXTY-FOUR-E of this article.

48 (f) Within the context of this subdivision, a building occupied as a  
49 place of worship does not cease to be "exclusively" occupied as a place  
50 of worship by incidental uses that are not of a nature to detract from  
51 the predominant character of the building as a place of worship, such  
52 uses which include, but which are not limited to: the conduct of legally  
53 authorized games of bingo or other games of chance held as a means of  
54 raising funds for the not-for-profit religious organization which  
55 conducts services at the place of worship or for other not-for-profit  
56 organizations or groups; use of the building for fund-raising perform-

ances by or benefitting the not-for-profit religious organization which conducts services at the place of worship or other not-for-profit organizations or groups; the use of the building by other religious organizations or groups for religious services or other purposes; the conduct of social activities by or for the benefit of the congregants; the use of the building for meetings held by organizations or groups providing bereavement counseling to persons having suffered the loss of a loved one, or providing advice or support for conditions or diseases including, but not limited to, alcoholism, drug addiction, cancer, cerebral palsy, Parkinson's disease, or Alzheimer's disease; the use of the building for blood drives, health screenings, health information meetings, yoga classes, exercise classes or other activities intended to promote the health of the congregants or other persons; and use of the building by non-congregant members of the community for private social functions. The building occupied as a place of worship does not cease to be "exclusively" occupied as a place of worship where the not-for-profit religious organization occupying the place of worship accepts the payment of funds to defray costs related to another party's use of the building.

S 17. Subdivision 4 of section 66 of the alcoholic beverage control law, as amended by section 3 of part Z of chapter 85 of the laws of 2002, is amended to read as follows:

4. The annual fee for a license, under section sixty-four [or], sixty-four-a[,] OR SIXTY-FOUR-E to sell liquor at retail to be consumed on the premises where sold shall be twenty-one hundred seventy-six dollars in the counties of New York, Kings, Bronx and Queens; fifteen hundred thirty-six dollars in the county of Richmond and in cities having a population of more than one hundred thousand and less than one million; twelve hundred sixteen dollars in cities having a population of more than fifty thousand and less than one hundred thousand; and the sum of eight hundred ninety-six dollars elsewhere; except that the license fees for catering establishments shall be two-thirds the license fee specified herein and for clubs, except luncheon clubs and golf clubs, shall be seven hundred fifty dollars in counties of New York, Kings, Bronx and Queens; five hundred dollars in the county of Richmond and in cities having a population of more than one hundred thousand and less than one million; three hundred fifty dollars in cities having a population of more than fifty thousand and less than one hundred thousand; and the sum of two hundred fifty dollars elsewhere. The annual fees for luncheon clubs shall be three hundred seventy-five dollars, and for golf clubs in the counties of New York, Kings, Bronx, Queens, Nassau, Richmond and Westchester, two hundred fifty dollars, and elsewhere one hundred eighty-seven dollars and fifty cents. Notwithstanding any other provision of law to the contrary, there shall be no annual fee for a license, under section sixty-four, to sell liquor at retail to be consumed on the premises where the applicant is an organization organized under section two hundred sixty of the military law and incorporated pursuant to the not-for-profit corporation law. Provided, however, that where any premises for which a license is issued pursuant to section sixty-four [or], sixty-four-a OR SIXTY-FOUR-E of this article remain open only within the period commencing April first and ending October thirty-first of any one year, or only within the period commencing October first and ending the following April thirtieth, the liquor authority may, in its discretion, grant a summer or winter license effective only for such appropriate period of time, for which a license fee shall be paid to be pro-rated for the period for which such license



1 is effective, at the rate provided for in the city, town or village in  
2 which such premises are located, except that no such license fee shall  
3 be less than one-half of the regular annual license fee; provided  
4 further that where the premises to be licensed are a race track or a  
5 golf course or are licensed pursuant to section sixty-four [or], sixty-  
6 four-a, OR SIXTY-FOUR-E of this chapter, the period of such summer  
7 license may commence March first and end November thirtieth.

8 Where a hotel, restaurant, club, golf course or race track is open  
9 prior to April first and/or subsequent to October thirty-first by reason  
10 of the issuance of a caterer's permit or permits issued by the authori-  
11 ty, such fact alone shall not affect the eligibility of the premises or  
12 the person owning or operating such hotel, restaurant, club, golf course  
13 or race track for a summer license.

14 S 18. Paragraph a of subdivision 4 of section 81-a of the alcoholic  
15 beverage control law, as added by chapter 666 of the laws of 1987, is  
16 amended to read as follows:

17 a. No such license shall be issued to any person for any premises  
18 other than premises for which a license may be issued under section  
19 sixty-four OR SIXTY-FOUR-E of this chapter or a hotel or premises which  
20 are kept, used, maintained, advertised or held out to the public to be a  
21 place where food is prepared and served for consumption on the premises  
22 in such quantities as to satisfy the liquor authority that the sale of  
23 wine intended is incidental to and not the prime source of revenue from  
24 the operation of such premises. Such license may also include such suit-  
25 able space outside the licensed premises and adjoining it as may be  
26 approved by the liquor authority.

27 S 19. Subdivision 7 of section 100 of the alcoholic beverage control  
28 law, as added by chapter 256 of the laws of 1978, is amended to read as  
29 follows:

30 7. Within ten days after filing a new application to sell liquor at  
31 retail under section sixty-three, sixty-four, sixty-four-a [or], sixty-  
32 four-b OR SIXTY-FOUR-E of this chapter, a notice thereof, in the form  
33 prescribed by the authority, shall be posted by the applicant in a  
34 conspicuous place at the entrance to the proposed premises. The appli-  
35 cant shall make reasonable efforts to insure such notice shall remain  
36 posted throughout the pendency of the application. The provisions hereof  
37 shall apply only where no retail liquor license has previously been  
38 granted for the proposed premise and shall, specifically, not be appli-  
39 cable to a proposed sale of an existing business engaged in the retail  
40 sale of liquor. The authority may adopt such rules it may deem necessary  
41 to carry out the purpose of this subdivision.

42 S 20. The closing paragraph of subdivision 2 of section 102 of the  
43 alcoholic beverage control law, as added by section 1 of part 00 of  
44 chapter 56 of the laws of 2010, is amended to read as follows:

45 As used in this subdivision, "recreational facility" shall mean: (i)  
46 premises that are part of a facility the principal business of which  
47 shall be the providing of recreation in the form of golf, tennis, swim-  
48 ming, skiing or boating; and (ii) premises in which the principal busi-  
49 ness shall be the operation of a theatre, MOTION PICTURE THEATRE,  
50 concert hall, opera house, bowling establishment, excursion and sight-  
51 seeing vessel, or accommodation of athletic events, sporting events,  
52 expositions and other similar events or occasions requiring the accommo-  
53 dation of large gatherings of persons.

54 S 21. Subdivision 1 of section 110-a of the alcoholic beverage control  
55 law, as added by chapter 77 of the laws of 1999, is amended to read as  
56 follows:

1 1. Every person applying for a license to sell alcoholic beverages  
2 pursuant to subdivision four of section fifty-one, or section fifty-  
3 five, sixty-four, sixty-four-a, sixty-four-c, SIXTY-FOUR-E, eighty-one  
4 or eighty-one-a of this chapter shall publish notice thereof pursuant to  
5 subdivision two of this section.

6 S 22. Subdivision 1 of section 110-b of the alcoholic beverage control  
7 law, as amended by chapter 560 of the laws of 2011, is amended to read  
8 as follows:

9 1. Not less than thirty days before filing any of the following appli-  
10 cations, an applicant shall notify the municipality in which the prem-  
11 ises is located of such applicant's intent to file such an application:

12 (a) for a license issued pursuant to section fifty-five, fifty-five-a,  
13 sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, sixty-four-d,  
14 SIXTY-FOUR-E, eighty-one or eighty-one-a of this chapter;

15 (b) for a renewal under section one hundred nine of this chapter of a  
16 license issued pursuant to section fifty-five, fifty-five-a, sixty-four,  
17 sixty-four-a, sixty-four-c, sixty-four-d, SIXTY-FOUR-E, eighty-one or  
18 eighty-one-a of this chapter if the premises is located within the city  
19 of New York;

20 (c) for approval of an alteration under section ninety-nine-d of this  
21 chapter if the premises is located within the city of New York and  
22 licensed pursuant to section fifty-five, fifty-five-a, sixty-four,  
23 sixty-four-a, sixty-four-c, sixty-four-d, SIXTY-FOUR-E, eighty-one or  
24 eighty-one-a of this chapter; or

25 (d) for approval of a substantial corporate change under section nine-  
26 ty-nine-d of this chapter if the premises is located within the city of  
27 New York and licensed pursuant to section fifty-five, fifty-five-a,  
28 sixty-four, sixty-four-a, sixty-four-c, sixty-four-d, SIXTY-FOUR-E,  
29 eighty-one or eighty-one-a of this chapter.

30 S 23. This act shall take effect immediately, provided, however, that  
31 the amendments to subdivision 3 of section 17 of the alcoholic beverage  
32 control law made by section three of this act shall not affect the expi-  
33 ration of such subdivision and shall be deemed to expire therewith.