

3557--A

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 27, 2015

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Introduced by M. of A. GLICK, GOTTFRIED, DINOWITZ, CAHILL -- read once and referred to the Committee on Economic Development -- recommitted to the Committee on Economic Development in accordance with Assembly Rule 3, sec. 2 -- 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 procedures associated with issuing licenses to sell liquor for consumption

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

1     Section 1. Subdivision 8 of section 100 of the alcoholic beverage  
2     control law, as added by chapter 256 of the laws of 1978 and renumbered  
3     by chapter 466 of the laws of 2015, is amended and a new subdivision 9  
4     is added to read as follows:  
5     8. Within ten days after filing a new application to sell liquor at  
6     retail under section sixty-three[, sixty-four, sixty-four-a or sixty-  
7     four-b] of this chapter, a notice thereof, in the form prescribed by the  
8     authority, shall be posted by the applicant in a conspicuous place at  
9     the entrance to the proposed premises. The applicant shall make reason-  
10    able efforts to insure such notice shall remain posted throughout the  
11    pendency of the application. The provisions hereof shall apply only  
12    where no retail liquor license has previously been granted for the  
13    proposed premise and shall, specifically, not be applicable to a  
14    proposed sale of an existing business engaged in the retail sale of  
15    liquor. The authority may adopt such rules AS it may deem necessary to  
16    carry out the purpose of this subdivision.  
17    9. (A) WITHIN TEN DAYS AFTER FILING A NEW APPLICATION OR AN APPLICA-  
18    TION FOR RENEWAL TO SELL LIQUOR UNDER SECTION SIXTY-FOUR, SIXTY-FOUR-A,  
19    SIXTY-FOUR-B, SIXTY-FOUR-C OR SIXTY-FOUR-D OF THIS CHAPTER, A NOTICE  
20    THEREOF SHALL BE POSTED BY THE APPLICANT IN A CONSPICUOUS PLACE AT THE  
21    ENTRANCE TO THE ESTABLISHMENT OR PROPOSED ESTABLISHMENT WHERE IT CAN BE

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

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1 EASILY READ BY PASSERS-BY. SAID NOTICE SHALL BE IN A FORM PRESCRIBED BY  
2 THE AUTHORITY, PROVIDED HOWEVER THAT SAID NOTICE SHALL BE EITHER PRINTED  
3 OR HIGHLIGHTED IN A PINK INK OF A NEON, LUMINOUS OR FLUORESCENT VARIETY.  
4 THE NOTICE SHALL SPECIFY THE APPLICATION DATE, THE TYPE OF LICENSE, THE  
5 IDENTIFICATION NUMBER AND HOW TO CONTACT THE STATE LIQUOR AUTHORITY TO  
6 GIVE A RESPONSE TO THE APPLICATION. THE APPLICANT SHALL MAKE REASONABLE  
7 EFFORTS TO INSURE SUCH NOTICE SHALL REMAIN POSTED THROUGHOUT THE PENDEN-  
8 CY OF SUCH APPLICATION. ADDITIONALLY, WITHIN TEN DAYS OF THE APPLI-  
9 CANT'S RECEIPT OF A WRITTEN REQUEST FROM THE AUTHORITY, THE APPLICANT  
10 SHALL RE-POST SUCH NOTICE. THE AUTHORITY MAY ADOPT SUCH RULES AS IT MAY  
11 DEEM NECESSARY TO CARRY OUT THE PURPOSE OF THIS PARAGRAPH.

12 (B) WITHIN TEN DAYS OF THE APPLICANT'S RECEIPT OF WRITTEN NOTICE OF A  
13 HEARING SCHEDULED PURSUANT TO SECTION SIXTY-FOUR, SIXTY-FOUR-A OR  
14 SIXTY-FOUR-C OF THIS CHAPTER, THE APPLICANT SHALL POST A COPY OF SUCH  
15 NOTICE IN A CONSPICUOUS PLACE AT THE ENTRANCE TO THE ESTABLISHMENT OR  
16 PROPOSED ESTABLISHMENT WHERE IT CAN BE EASILY READ BY PASSERS-BY. THIS  
17 NOTICE SHALL INCLUDE IN CLEAR AND CONCISE LANGUAGE A STATEMENT OF THE  
18 USE AND CAPACITY OF THE ESTABLISHMENT. THE APPLICANT SHALL MAKE REASON-  
19 ABLE EFFORTS TO INSURE SUCH NOTICE SHALL REMAIN POSTED UNTIL THE DATE OF  
20 THE HEARING OR PUBLIC MEETING SPECIFIED IN SUCH NOTICE. ADDITIONALLY,  
21 WITHIN TEN DAYS OF THE APPLICANT'S RECEIPT OF A WRITTEN REQUEST FROM THE  
22 AUTHORITY, THE APPLICANT SHALL RE-POST SUCH NOTICE. THE AUTHORITY MAY  
23 ADOPT SUCH RULES AS IT MAY DEEM NECESSARY TO CARRY OUT THE PURPOSE OF  
24 THIS PARAGRAPH.

25 S 2. This act shall take effect on the ninetieth day after it shall  
26 have become a law and shall apply to all applications or applications  
27 for renewal made under section 64, 64-a, 64-b, 64-c or 64-d of the alco-  
28 holic beverage control law for a license to sell liquor for consumption  
29 that are pending before or filed with the state liquor authority on or  
30 after such effective date; provided, however, that effective immediate-  
31 ly, the addition, amendment and/or repeal of any rule or regulation  
32 necessary for the implementation of this act on its effective date are  
33 authorized and directed to be made and completed on or before such  
34 effective date.