

119--A

2015-2016 Regular Sessions

I N   S E N A T E

(PREFILED)

January 7, 2015

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Introduced by Sen. SQUADRON -- 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 -- 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

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

LBD00917-02-6

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

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

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