S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. PHEFFER, DINOWITZ, V. LOPEZ, BING, LANCMAN -- Multi-Sponsored by -- M. of A. GALEF, GLICK, GOTTFRIED, GREENE, HOOPER, MAYERSOHN, WEINSTEIN -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the alcoholic beverage control law, in relation to licenses to sell liquor at retail for consumption off the premises

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

Section 1. Section 63 of the alcoholic beverage control law is amended by adding a new subdivision 2-a to read as follows:

2-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, UPON RECEIPT OF AN APPLICATION FOR A LICENSE UNDER THIS SECTION OR AN APPLICATION FOR RENEWAL UNDER SECTION ONE HUNDRED NINE OF THIS CHAPTER, THE APPLICANT SHALL NOTIFY THE CLERK OF THE VILLAGE, TOWN OR CITY, AS THE CASE MAY BE, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WHEREIN THE PROSPECTIVE LICENSED PREMISES IS TO BE LOCATED OR, IN THE CASE OF AN APPLICATION FOR RENEWAL, WHERE IT IS PRESENTLY LOCATED NOT LESS THAN THIRTY DAYS PRIOR TO THE SUBMISSION OF ITS APPLICATION FOR A LICENSE UNDER THIS SECTION OR FOR A RENEWAL THEREOF PURSUANT TO SECTION ONE HUNDRED NINE OF THIS CHAPTER. FOR THE PURPOSES OF THE PRECEDING SENTENCE NOTIFICATION NEED ONLY BE GIVEN TO THE CLERK OF A VILLAGE WHEN SUCH PREMISES IS TO BE LOCATED WITHIN THE BOUNDARIES OF THE VILLAGE. IN THE CITY OF NEW YORK, THE COMMUNITY BOARD ESTABLISHED PURSUANT TO SECTION TWENTY-EIGHT HUNDRED OF THE NEW YORK CITY CHARTER WITH JURISDICTION OVER THE AREA IN WHICH SUCH LICENSED PREMISES IS TO BE LOCATED SHALL BE CONSIDERED THE APPROPRIATE PUBLIC BODY TO WHICH NOTIFICATION SHALL BE GIVEN. SUCH MUNICIPALITY OR COMMUNITY BOARD, AS THE CASE MAY BE, MAY EXPRESS AN OPINION FOR OR AGAINST THE GRANTING OF SUCH LICENSE. ANY SUCH OPINION SHALL BE DEEMED PART OF THE RECORD UPON WHICH THE LIQUOR BOARD MAKES ITS DETERMINATION TO GRANT OR DENY SUCH LICENSE.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.

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

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