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

3829

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. LENTOL, V. LOPEZ -- 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 procedures associated with issuing retail and special retail licenses to sell liquor for on-premises consumption

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

Section 1. Subdivision 7 of section 100 of the alcoholic beverage control law, as added by chapter 256 of the laws of 1978, is amended to read as follows:

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

S 2. Section 100 of the alcoholic beverage control law is amended by adding a new subdivision 8 to read as follows:

8. (A) WITHIN TEN DAYS AFTER FILING A NEW APPLICATION TO SELL LIQUOR AT RETAIL UNDER SECTION SIXTY-FOUR OR SIXTY-FOUR-A OF THIS CHAPTER, A NOTICE THEREOF SHALL BE POSTED BY THE APPLICANT IN A CONSPICUOUS PLACE AT THE ENTRANCE TO THE PROPOSED PREMISES. SAID NOTICE SHALL BE IN A FORM PRESCRIBED BY THE AUTHORITY, PROVIDED HOWEVER THAT SAID NOTICE SHALL BE EITHER PRINTED OR HIGHLIGHTED IN A PINK INK OF A NEON, LUMINOUS OR FLUORESCENT VARIETY (SUCH AS "DAY-GLO" INK). THE APPLICANT SHALL MAKE

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

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REASONABLE EFFORTS TO INSURE SUCH NOTICE SHALL REMAIN POSTED THROUGHOUT THE PENDENCY OF THE APPLICATION. ADDITIONALLY, WITHIN TEN DAYS OF THE APPLICANT'S RECEIPT OF A WRITTEN REQUEST FROM THE AUTHORITY, THE APPLICANT SHALL RE-POST SUCH NOTICE. THE PROVISIONS OF THIS PARAGRAPH SHALL APPLY ONLY WHERE NO RETAIL LIQUOR LICENSE HAS PREVIOUSLY BEEN GRANTED FOR THE PROPOSED PREMISES AND SHALL, SPECIFICALLY, NOT BE APPLICABLE TO A PROPOSED SALE OF AN EXISTING BUSINESS ENGAGED IN THE RETAIL SALE OF LIQUOR. THE AUTHORITY MAY ADOPT SUCH RULES AS IT MAY DEEM NECESSARY TO CARRY OUT THE PURPOSE OF THIS PARAGRAPH.

(B) WITHIN TEN DAYS OF THE APPLICANT'S RECEIPT OF WRITTEN NOTICE OF A HEARING SCHEDULED PURSUANT TO SECTION SIXTY-FOUR OR SIXTY-FOUR-A OF THIS CHAPTER, THE APPLICANT SHALL POST A COPY OF SUCH NOTICE IN A CONSPICUOUS PLACE AT THE ENTRANCE TO THE PROPOSED PREMISES. THIS NOTICE SHALL INCLUDE IN CLEAR AND CONCISE LANGUAGE A STATEMENT OF THE PROPOSED USE AND CAPACITY OF THE PROPOSED PREMISES. THE APPLICANT SHALL MAKE REASONABLE EFFORTS TO INSURE SUCH NOTICE SHALL REMAIN POSTED UNTIL THE DATE OF THE HEARING OR PUBLIC MEETING SPECIFIED IN SUCH NOTICE. ADDITIONALLY, WITHIN TEN DAYS OF THE APPLICANT'S RECEIPT OF A WRITTEN REQUEST FROM THE AUTHORITY, THE APPLICANT SHALL RE-POST SUCH NOTICE. THE PROVISIONS OF THIS PARAGRAPH SHALL APPLY ONLY WHERE NO RETAIL LIQUOR LICENSE HAS PREVIOUSLY BEEN GRANTED FOR THE PROPOSED PREMISES AND SHALL, SPECIFICALLY, NOT BE APPLICABLE TO A PROPOSED SALE OF AN EXISTING BUSINESS ENGAGED IN THE RETAIL SALE OF LIQUOR. THE AUTHORITY MAY ADOPT SUCH RULES AS IT MAY DEEM NECESSARY TO CARRY OUT THE PURPOSE OF THIS PARAGRAPH.

S 3. This act shall take effect on the ninetieth day after it shall have become a law and shall apply to all applications made under section 64 or 64-a of the alcoholic beverage control law for a retail license, or special retail license, to sell liquor for on-premises consumption that are pending before or filed with the state liquor authority on or after such effective date. Effective immediately any rules or regulations necessary or convenient to implement the provisions of this act are authorized to be promulgated on or before such effective date.