

2257

2009-2010 Regular Sessions

I N S E N A T E

February 17, 2009

Introduced by Sen. VALESKY -- 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 temporary retail permits for new applicants

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

1 Section 1. Section 17 of the alcoholic beverage control law is amended
2 by adding a new subdivision 8-b to read as follows:
3 8-B. ON AND AFTER JANUARY FIRST, TWO THOUSAND TEN, THE REPORT PROVIDED
4 FOR IN SUBDIVISION EIGHT OF THIS SECTION SHALL INCLUDE INFORMATION
5 RELATED TO THE NUMBER OF LICENSES APPLIED FOR AND THE LENGTH OF TIME
6 REQUIRED FOR THE APPROVAL OR DENIAL OF SUCH RETAIL LICENSES APPLIED FOR
7 PURSUANT TO SUBDIVISION TWO-C OF SECTION SIXTY-ONE OF THIS CHAPTER AND
8 SECTIONS SIXTY-FOUR, SEVENTY-SIX, SEVENTY-SIX-A, SEVENTY-SIX-C, SEVEN-
9 TY-SIX-D AND SEVENTY-SIX-F OF THIS CHAPTER.
10 S 2. The alcoholic beverage control law is amended by adding a new
11 section 97-b to read as follows:
12 S 97-B. TEMPORARY RETAIL PERMIT FOR NEW APPLICANTS. 1. THE AUTHORITY
13 IS HEREBY AUTHORIZED TO ISSUE A TEMPORARY RETAIL PERMIT TO AN APPLICANT
14 OF A PREMISES THAT IS NOT LICENSED IN A MUNICIPALITY WITH A POPULATION
15 OF LESS THAN ONE MILLION. SUCH APPLICATION SHALL BE IN WRITING AND VERI-
16 FIED AND SHALL CONTAIN INFORMATION AS THE AUTHORITY SHALL REQUIRE. SUCH
17 APPLICATION SHALL BE ACCOMPANIED BY A FILING FEE OF SEVENTY-FIVE
18 DOLLARS.
19 2. UPON APPLICATION, THE AUTHORITY SHALL ISSUE A TEMPORARY RETAIL
20 PERMIT WHEN THE APPLICANT HAS FILED WITH THE AUTHORITY AN APPLICATION
21 FOR A RETAIL LICENSE AT SUCH PREMISES, TOGETHER WITH ALL REQUIRED FILING
22 AND LICENSE FEES. A TEMPORARY PERMIT ISSUED BY THE AUTHORITY PURSUANT TO
23 THIS SECTION SHALL BE FOR A PERIOD NOT TO EXCEED NINETY DAYS. A TEMPO-

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

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1 RARY PERMIT MAY BE EXTENDED AT THE DISCRETION OF THE AUTHORITY, FOR AN
2 ADDITIONAL THIRTY DAYS.

3 3. PURSUANT TO THIS SECTION A TEMPORARY RETAIL PERMIT MAY NOT BE
4 ISSUED FOR ANY PREMISES THAT IS SUBJECT TO THE PROVISIONS OF SUBDIVISION
5 SEVEN OF SECTION SIXTY-FOUR, SUBDIVISION SEVEN OF SECTION SIXTY-FOUR-A,
6 SUBDIVISION FIVE OF SECTION SIXTY-FOUR-B, SUBDIVISION TWELVE OF SECTION
7 SIXTY-FOUR-C, SUBDIVISION EIGHT OF SECTION SIXTY-FOUR-D OR SUBDIVISION
8 THREE OF SECTION ONE HUNDRED FIVE OF THIS CHAPTER.

9 4. A TEMPORARY RETAIL PERMIT IS A CONDITIONAL PERMIT AND SHALL AUTHOR-
10 IZE THE HOLDER THEREOF TO, IN THE CASE OF ALL OTHER RETAIL APPLICATIONS,
11 PURCHASE AND SELL SUCH ALCOHOLIC BEVERAGES AS WOULD BE PERMITTED TO BE
12 PURCHASED AND SOLD UNDER THE PRIVILEGES OF THE LICENSE APPLIED FOR; TO
13 SELL ALCOHOLIC BEVERAGES TO CONSUMERS ONLY AND NOT FOR RESALE; AND TO
14 PURCHASE ALCOHOLIC BEVERAGES ONLY BY PAYMENT IN CURRENCY OR CHECK FOR
15 SUCH ALCOHOLIC BEVERAGES ON OR BEFORE THEY ARE DELIVERED TO SUCH PREM-
16 ISES.

17 5. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A TEMPORARY PERMIT MAY
18 BE SUMMARILY CANCELLED OR SUSPENDED AT ANY TIME IF THE AUTHORITY DETER-
19 MINES THAT GOOD CAUSE FOR SUCH CANCELLATION OR SUSPENSION EXISTS. THE
20 AUTHORITY SHALL PROMPTLY NOTIFY THE HOLDER OF A TEMPORARY PERMIT IN
21 WRITING OF SUCH CANCELLATION OR SUSPENSION AND SHALL SET FORTH THE
22 REASONS FOR SUCH ACTION.

23 6. APPROVAL OF, OR EXTENSION OF, A TEMPORARY RETAIL LICENSE SHALL NOT
24 BE DEEMED AS AN APPROVAL OF THE RETAIL APPLICATION.

25 7. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW TO THE CONTRARY,
26 THE AUTHORITY MAY PROMULGATE SUCH RULES AND REGULATIONS AS MAY BE NECES-
27 SARY TO CARRY OUT THE PROVISIONS OF THIS SECTION.

28 S 3. This act shall take effect immediately.