

4141

2009-2010 Regular Sessions

I N   S E N A T E

April 14, 2009

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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

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

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

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1 (SUCH AS "DAY-GLO" INK). THE NOTICE SHALL SPECIFY THE APPLICATION DATE,  
2 THE TYPE OF LICENSE, THE IDENTIFICATION NUMBER AND HOW TO CONTACT THE  
3 STATE LIQUOR AUTHORITY TO GIVE A RESPONSE TO THE APPLICATION. THE  
4 APPLICANT SHALL MAKE REASONABLE EFFORTS TO INSURE SUCH NOTICE SHALL  
5 REMAIN POSTED THROUGHOUT THE PENDENCY OF SUCH APPLICATION. ADDI-  
6 TIONALLY, WITHIN TEN DAYS OF THE APPLICANT'S RECEIPT OF A WRITTEN  
7 REQUEST FROM THE AUTHORITY, THE APPLICANT SHALL RE-POST SUCH NOTICE.  
8 THE AUTHORITY MAY ADOPT SUCH RULES AS IT MAY DEEM NECESSARY TO CARRY OUT  
9 THE PURPOSE OF THIS PARAGRAPH.

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

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