

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

2851--A

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. SCHIMMINGER, HOYT, MORELLE, CAHILL, MAGNARELLI --
Multi-Sponsored by -- M. of A. DeLMONTE, DESTITO -- read once and
referred to the Committee on Economic Development, Job Creation,
Commerce and Industry -- 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
license fees

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

1 Section 1. Subdivision 4 of section 66 of the alcoholic beverage
2 control law, as amended by section 3 of part Z of chapter 85 of the laws
3 of 2002, is amended to read as follows:
4 4. The annual fee for a license, under section sixty-four or sixty-
5 four-a OF THIS ARTICLE, to sell liquor at retail to be consumed on the
6 premises where sold shall be twenty-one hundred seventy-six dollars in
7 the counties of New York, Kings, Bronx and Queens; fifteen hundred thir-
8 ty-six dollars in the county of Richmond [and in cities having a popu-
9 lation of more than one hundred thousand and less than one million;
10 twelve hundred sixteen dollars in cities having a population of more
11 than fifty thousand and less than one hundred thousand]; and the sum of
12 eight hundred ninety-six dollars elsewhere; except that the license fees
13 for catering establishments shall be two-thirds the license fee speci-
14 fied herein and for clubs, except luncheon clubs and golf clubs, shall
15 be seven hundred fifty dollars in counties of New York, Kings, Bronx and
16 Queens; five hundred dollars in the county of Richmond and in cities
17 having a population of more than one hundred thousand and less than one
18 million; three hundred fifty dollars in cities having a population of
19 more than fifty thousand and less than one hundred thousand; and the sum
20 of two hundred fifty dollars elsewhere. The annual fees for luncheon
21 clubs shall be three hundred seventy-five dollars, and for golf clubs in
22 the counties of New York, Kings, Bronx, Queens, Nassau, Richmond and

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

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1 Westchester, two hundred fifty dollars, and elsewhere one hundred eight-
2 y-seven dollars and fifty cents. Notwithstanding any other provision of
3 law to the contrary, there shall be no annual fee for a license, under
4 section sixty-four OF THIS ARTICLE, to sell liquor at retail to be
5 consumed on the premises where the applicant is an organization organ-
6 ized under section two hundred sixty of the military law and incorpo-
7 rated pursuant to the not-for-profit corporation law. Provided, howev-
8 er, that where any premises for which a license is issued pursuant to
9 section sixty-four or sixty-four-a of this article remain open only
10 within the period commencing April first and ending October thirty-first
11 of any one year, or only within the period commencing October first and
12 ending the following April thirtieth, the liquor authority may, in its
13 discretion, grant a summer or winter license effective only for such
14 appropriate period of time, for which a license fee shall be paid to be
15 pro-rated for the period for which such license is effective, at the
16 rate provided for in the city, town or village in which such premises
17 are located, except that no such license fee shall be less than one-half
18 of the regular annual license fee; provided further that where the prem-
19 ises to be licensed are a race track or a golf course or are licensed
20 pursuant to section sixty-four or sixty-four-a of this [chapter]
21 ARTICLE, the period of such summer license may commence March first and
22 end November thirtieth.

23 Where a hotel, restaurant, club, golf course or race track is open
24 prior to April first and/or subsequent to October thirty-first by reason
25 of the issuance of a caterer's permit or permits issued by the authori-
26 ty, such fact alone shall not affect the eligibility of the premises or
27 the person owning or operating such hotel, restaurant, club, golf course
28 or race track for a summer license.

29 S 2. This act shall take effect on April 1, 2010.