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

S. 3 A. 3

Second Extraordinary Session

S E N A T E - A S S E M B L Y

July 30, 2010

IN SENATE -- Introduced by COMMITTEE ON RULES -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

IN ASSEMBLY -- Introduced by COMMITTEE ON RULES -- (at request of the Governor) -- read once and referred to the Committee on Ways and Means

AN ACT to amend the alcoholic beverage control law and the state finance law, in relation to enacting the wine industry and liquor store revitalization act; to amend the alcoholic beverage control law and the state finance law, in relation to enacting the wine industry and liquor store revitalization act; to repeal certain provisions of the alcoholic beverage control law relating thereto; and providing for the repeal of certain provisions upon expiration thereof

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

Section 1. This act shall be known and may be cited as the "wine industry and liquor store revitalization act".

S 2. Subdivisions 4 and 5 of section 63 of the alcoholic beverage control law, subdivision 4 as amended by chapter 603 of the laws of 1992, are amended and two new subdivisions 7 and 8 are added to read as follows:

4. (A) No licensee under this section shall be engaged in any other business on the licensed premises. The sale of lottery tickets, when duly authorized and lawfully conducted, the sale of corkscrews or the sale of ice or the sale of publications, including prerecorded video and/or audio cassette tapes, designed to help educate consumers in their knowledge and appreciation of [wine and wine products, as defined in section three of this chapter] ALCOHOLIC BEVERAGES OR CONDUCTING SEMINARS TO HELP EDUCATE CONSUMERS IN THEIR KNOWLEDGE AND APPRECIATION OF ALCOHOLIC BEVERAGES, or the sale of [non-carbonated, non-flavored mineral waters, spring waters and drinking waters or the sale of glasses

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

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designed for the consumption of wine] BOTTLED WATER, MIXERS, JUICE AND SODA, OR THE SALE OF CIGARS, CIGAR ACCESSORIES AND RELATED PUBLICATIONS DESIGNED TO HELP EDUCATE CONSUMERS IN THEIR KNOWLEDGE AND APPRECIATION OF CIGAR PRODUCTS, LIGHTERS, NEWSPAPERS OR FOOD AND FOOD PRODUCTS TYPICALLY CONSUMED WITH ALCOHOLIC BEVERAGES, INCLUDING BUT NOT LIMITED TO SNACK FOODS AND GOURMET FOODS SUCH AS LOCALLY PRODUCED CHEESES AND FRESH BREADS, GIFTS, GIFT BAGS AND GIFT BASKETS, GLASSWARE AND DECANTERS RELATED TO THE CONSUMPTION OR STORAGE OF ALCOHOLIC BEVERAGES, racks designed for the storage of wine, and devices designed to minimize oxidation in bottles of wine which have been uncorked[, shall not constitute engaging in another business within the meaning of this subdivision].

(B) THE INSTALLATION AND OPERATION OF AUTOMATED TELLER MACHINES SHALL NOT CONSTITUTE ENGAGING IN ANOTHER BUSINESS WITHIN THE MEANING OF THIS SUBDIVISION. FOR PURPOSES OF THIS SUBDIVISION, "AUTOMATED TELLER MACHINE" MEANS A DEVICE WHICH IS LINKED TO THE ACCOUNTS AND RECORDS OF A BANKING INSTITUTION AND WHICH ENABLES CONSUMERS TO CARRY OUT BANKING TRANSACTIONS, INCLUDING, BUT NOT LIMITED TO, ACCOUNT TRANSFERS, DEPOSITS, CASH WITHDRAWALS, BALANCE INQUIRES, AND LOAN PAYMENTS.

5. [Not more than one license shall be] NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT MULTIPLE LICENSES FROM BEING granted to any person under this section. PROVIDED, HOWEVER, THAT NO MORE THAN ONE LICENSE UNDER THIS SECTION OR SECTION SEVENTY-NINE OF THIS CHAPTER MAY BE GRANTED TO A PERSON HOLDING A LICENSE ISSUED UNDER SECTION FIFTY-FOUR, SECTION FIFTY-FOUR-A OR SECTION SEVENTY-NINE-E OF THIS CHAPTER.

7. ANY LICENSE UNDER THIS SECTION INCLUDES THE PRIVILEGES TO SELL LIQUOR TO ANY PERSON LICENSED UNDER THIS CHAPTER TO SELL LIQUOR AT RETAIL FOR CONSUMPTION ON THE PREMISES AND WINE TO ANY PERSON LICENSED UNDER THIS CHAPTER TO SELL WINE AT RETAIL FOR CONSUMPTION ON THE PREMISES. SUCH SALES SHALL NOT BE SUBJECT TO THE PROVISIONS OF SECTION ONE HUNDRED ONE-AA OR SECTION ONE HUNDRED ONE-B OF THIS CHAPTER.

8. EVERY LICENSEE UNDER THIS SECTION SHALL HAVE AN INDIVIDUAL IN A POSITION OF MANAGEMENT AND CONTROL ASSIGNED TO IT WHO HAS BEEN ISSUED A CERTIFICATE OF COMPLETION FROM AN APPROVED ALCOHOL TRAINING AWARENESS PROGRAM.

S 3. Subdivision 2 of section 79 of the alcoholic beverage control law is amended and two new subdivisions 5 and 6 are added to read as follows:

2. [Not more than one license shall be] NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT MULTIPLE LICENSES FROM BEING granted to any person under this section. PROVIDED, HOWEVER, THAT NO MORE THAN ONE LICENSE UNDER THIS SECTION OR SECTION SIXTY-THREE OF THIS CHAPTER MAY BE GRANTED TO A PERSON HOLDING A LICENSE ISSUED UNDER SECTION FIFTY-FOUR, SECTION FIFTY-FOUR-A OR SECTION SEVENTY-NINE-E OF THIS CHAPTER.

5. ANY LICENSE UNDER THIS SECTION INCLUDES THE PRIVILEGES TO SELL WINE TO ANY PERSON LICENSED UNDER THIS CHAPTER TO SELL WINE AT RETAIL FOR CONSUMPTION ON THE PREMISES OR ANY PERSON LICENSED UNDER SECTION SEVENTY-NINE-E OF THIS ARTICLE, PROVIDED THAT SUCH GROCERY OR DRUG STORE WINE LICENSEE'S PREMISES OCCUPIES LESS THAN ONE THOUSAND SQUARE FEET. SUCH SALES SHALL NOT BE SUBJECT TO THE PROVISIONS OF SECTION ONE HUNDRED ONE-AA OR SECTION ONE HUNDRED ONE-B OF THIS CHAPTER.

6. EVERY LICENSEE UNDER THIS SECTION SHALL HAVE AN INDIVIDUAL IN A POSITION OF MANAGEMENT AND CONTROL ASSIGNED TO IT WHO HAS BEEN ISSUED A CERTIFICATE OF COMPLETION FROM AN APPROVED ALCOHOL TRAINING AWARENESS PROGRAM.

S 4. The alcoholic beverage control law is amended by adding a new section 79-e to read as follows:

S 79-E. GROCERY OR DRUG STORE WINE LICENSE. 1. ANY PERSON MAY APPLY TO THE AUTHORITY FOR A LICENSE TO SELL FROM THE LICENSED PREMISES WINE IN SEALED CONTAINERS FOR CONSUMPTION OFF SUCH PREMISES.

2. NO SUCH LICENSE SHALL BE ISSUED, HOWEVER, TO ANY PERSON FOR ANY PREMISES OTHER THAN A GROCERY STORE, AS DEFINED IN SUBDIVISION THIRTEEN OF SECTION THREE OF THIS CHAPTER, OR A DRUG STORE, AS DEFINED IN SUBDIVISION TWELVE OF SECTION THREE OF THIS CHAPTER.

3. (A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, EXCEPT FOR GOOD CAUSE SHOWN, THE AUTHORITY SHALL ISSUE A GROCERY OR DRUG STORE WINE LICENSE TO THE HOLDER OF A LICENSE TO SELL BEER AT RETAIL FOR CONSUMPTION OFF THE PREMISES PURSUANT TO SECTION FIFTY-FOUR OF THIS CHAPTER, OR BEER AND WINE PRODUCTS AT RETAIL FOR CONSUMPTION OFF THE PREMISES PURSUANT TO SECTION FIFTY-FOUR-A OF THIS CHAPTER, AT THE REQUEST OF SUCH LICENSEE.

(B) FOR THE PURPOSES OF THIS SUBDIVISION, THE PREMISES OF THE GROCERY OR DRUG STORE WINE LICENSEE SHALL BE THE SAME AS THE PREMISES LICENSED UNDER SECTION FIFTY-FOUR OR FIFTY-FOUR-A OF THIS CHAPTER.

(C) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS CHAPTER, ANY LICENSE ISSUED PURSUANT TO THIS SECTION SHALL RUN CONCURRENTLY WITH THE UNDERLYING LICENSE UNDER SECTION FIFTY-FOUR OR FIFTY-FOUR-A OF THIS CHAPTER, AND SHALL BE DEEMED EXPIRED AT SUCH TIME AS THE UNDERLYING LICENSE EXPIRES.

(D) ANY PERSON LICENSED TO SELL WINE PURSUANT TO THIS ARTICLE SHALL BE PERMITTED TO CONDUCT WINE TASTINGS. WINE TASTINGS WHICH ARE CONDUCTED UNDER THE AUSPICES OF AN OFFICIAL AGENT OF A FARM WINERY, WINERY, WHOLESALER, OR IMPORTER AND WHERE SUCH AGENT IS PHYSICALLY PRESENT AT ALL TIMES DURING THE CONDUCT OF THE TASTING, THEN, IN THAT EVENT, ANY LIABILITY STEMMING FROM A RIGHT OF ACTION RESULTING FROM A WINE TASTING AS AUTHORIZED PURSUANT TO THIS SECTION, AND IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 11-100 AND 11-101 OF THE GENERAL OBLIGATIONS LAW, SHALL ACCRUE TO THE FARM WINERY, WINERY, WHOLESALER, OR IMPORTER.

4. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, THE AUTHORITY MAY ISSUE A LICENSE UNDER THIS SECTION TO THE HOLDER OF A LICENSE TO SELL WINE AT RETAIL FOR CONSUMPTION OFF THE PREMISES PURSUANT TO SECTION SEVENTY-NINE OF THIS ARTICLE, PROVIDED THAT: (A) THE LICENSEE MEETS THE REQUIREMENTS OF SUBDIVISION TWO OF THIS SECTION; AND (B) UPON ISSUANCE OF A LICENSE, THE LICENSEE UNDER THIS SECTION SURRENDERS THE LICENSE CERTIFICATE ISSUED PURSUANT TO SUCH SECTION SEVENTY-NINE.

5. SUCH APPLICATION SHALL BE IN SUCH FORM AND SHALL CONTAIN SUCH INFORMATION AS SHALL BE REQUIRED BY THE RULES OF THE AUTHORITY AND SHALL BE ACCOMPANIED BY A CHECK OR DRAFT IN THE AMOUNT REQUIRED BY THIS ARTICLE FOR SUCH LICENSE.

6. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS CHAPTER, ANY PERSON RECEIVING A LICENSE PURSUANT TO THIS SECTION SHALL NOT BE SUBJECT TO THE PROVISIONS OF SUBDIVISION TWO, THREE OR FOUR OF SECTION SEVENTY-NINE OF THIS ARTICLE.

7. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS CHAPTER, ANY PERSON RECEIVING A LICENSE PURSUANT TO THIS SECTION SHALL NOT BE SUBJECT TO THE PROVISIONS OF PARAGRAPH (A) OF SUBDIVISION THREE OF SECTION ONE HUNDRED FIVE OF THIS CHAPTER.

8. (A) A ONE-TIME FRANCHISE FEE SHALL BE PAID BY EACH RETAIL OUTLET TO THE STATE LIQUOR AUTHORITY. THIS FRANCHISE FEE IS HEREBY IMPOSED PURSUANT TO THE FOLLOWING SCHEDULE PER LOCATION BASED UPON GROSS SALES IN THE PREVIOUS YEAR:

ANNUAL SALES	FRANCHISE FEE PER LOCATION
$0-$249,999	$1,000
$250,000-$499,999	0.40 OF ONE PERCENT OF TOTAL GROSS SALES
$500,000-$999,999	0.40 OF ONE PERCENT OF TOTAL GROSS SALES
$1,000,000-$2,499,999	0.55 OF ONE PERCENT OF TOTAL GROSS SALES
$2,500,000-$4,999,999	0.55 OF ONE PERCENT OF TOTAL GROSS SALES
$5,000,000-$9,999,999	0.80 OF ONE PERCENT OF TOTAL GROSS SALES
$10,000,000-$24,999,999	1.10 OF ONE PERCENT OF TOTAL GROSS SALES
$25,000,000-$39,999,999	1.50 OF ONE PERCENT OF TOTAL GROSS SALES
$40,000,000 AND GREATER	1.70 OF ONE PERCENT OF TOTAL GROSS SALES
WAREHOUSE STORES	2.0 OF ONE PERCENT OF TOTAL GROSS SALES

FOR THE PURPOSES OF THIS PARAGRAPH, "TOTAL GROSS SALES" SHALL NOT INCLUDE SALES RESULTING FROM THE SALE OF TOBACCO AS DEFINED BY ARTICLE TWENTY OF THE TAX LAW AND MOTOR FUEL AS DEFINED BY ARTICLE TWELVE-A OF THE TAX LAW. FOR THE PURPOSES OF THIS PARAGRAPH, NOTWITHSTANDING THE GROSS SALES OF THE APPLICANT, AN ESTABLISHMENT THAT CHARGES A MEMBERSHIP FEE TO ITS CUSTOMERS SHALL BE DEEMED A "WAREHOUSE STORE".

(B) IN THE EVENT AN APPLICANT HAS BEEN IN BUSINESS FOR LESS THAN TWELVE MONTHS PRIOR TO THE FILING OF THE APPLICATION FOR THIS LICENSE, SUCH APPLICANT SHALL, IN ACCORDANCE WITH THE RULES OF THE AUTHORITY, REMIT AN ESTIMATE OF ITS FRANCHISE FEE BASED ON SQUARE FOOTAGE AT A LICENSEE'S LOCATION PURSUANT TO THE FOLLOWING SCHEDULE:

SQUARE FOOTAGE LICENSEE'S LOCATION	FRANCHISE FEE PER LOCATION
0-999	$ 825
1,000-1,999	$ 1,650
2,000-3,999	$ 3,300
4,000-9,999	$ 8,250
10,000-19,999	$ 16,500
20,000-24,999	$ 33,000
25,000-29,999	$ 82,500
30,000-39,999	$132,000
40,000-79,999	$250,000
80,000 AND GREATER	$350,000

WITHIN SIXTY DAYS AFTER SUCH LICENSEE SHALL HAVE BEEN IN BUSINESS FOR TWELVE MONTHS, SUCH LICENSEE SHALL SUBMIT TO THE AUTHORITY, IN ACCORDANCE WITH THE RULES OF THE AUTHORITY, A STATEMENT SHOWING ITS ACTUAL TOTAL GROSS SALES FOR THE FIRST TWELVE MONTHS OF OPERATION AND THE FRANCHISE FEE DUE PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION. IN THE EVENT THE FRANCHISE FEE DETERMINED PURSUANT TO SUCH PARAGRAPH EXCEEDS THE AMOUNT PAID PURSUANT TO THIS PARAGRAPH, THE LICENSEE SHALL REMIT PAYMENT FOR THE BALANCE OF THE REQUIRED FRANCHISE FEE WITHIN SUCH SIXTY-DAY PERIOD. FAILURE TO REMIT PAYMENT WITHIN SUCH SIXTY-DAY PERIOD SHALL BE GROUNDS FOR CANCELLATION OR REVOCATION OF SUCH LICENSE. IN THE EVENT THAT THE FRANCHISE FEE DUE PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION IS LESS THAN THE AMOUNT PAID PURSUANT TO THIS PARAGRAPH, THE LICENSEE SHALL BE ENTITLED TO A REFUND EQUAL TO THE DIFFERENCE BETWEEN THE FRANCHISE FEE PAID PURSUANT TO THIS PARAGRAPH AND THE AMOUNT DUE TO PARAGRAPH (A) OF THIS SUBDIVISION.

(C) NO LICENSE SHALL BE ISSUED PURSUANT TO THIS SECTION UNTIL THE FRANCHISE FEE OR ESTIMATED FRANCHISE FEE UNDER THIS SUBDIVISION REQUIRED BY EITHER PARAGRAPH (A) OR (B) OF THIS SUBDIVISION HAS BEEN PAID IN FULL.

(D) THE FRANCHISE FEE SHALL BE DEPOSITED AND DISPOSED OF IN THE SAME MANNER AS ANY LICENSE FEE AS PROVIDED IN SECTION ONE HUNDRED TWENTY-FIVE OF THIS CHAPTER.

9. ANY PERSON LICENSED TO SELL WINE PURSUANT TO THIS ARTICLE THAT OPERATES THE PREMISES OF THE GROCERY OR DRUG STORE WINE LICENSEE THAT OCCUPIES LESS THAN ONE THOUSAND SQUARE FEET MAY PURCHASE, AGREE TO PURCHASE OR RECEIVE ANY WINE FROM A PERSON LICENSED UNDER SECTIONS SIXTY-THREE AND SEVENTY-NINE OF THIS CHAPTER.

10. EVERY LICENSEE UNDER THIS SECTION SHALL HAVE AN INDIVIDUAL IN A POSITION OF MANAGEMENT AND CONTROL ASSIGNED TO IT WHO HAS BEEN ISSUED A CERTIFICATE OF COMPLETION FROM AN APPROVED ALCOHOL TRAINING AWARENESS PROGRAM.

11. NOTWITHSTANDING SUBDIVISION EIGHT OF THIS SECTION, NO FRANCHISE FEE SHALL BE REQUIRED FROM AN APPLICANT WHO IS PURCHASING THE BUSINESS OF A LICENSEE WHO HAS ALREADY PAID A FRANCHISE FEE, PROVIDED THAT SUCH APPLICANT CONTINUES THE BUSINESS OPERATION AT THE SAME GEOGRAPHIC LOCATION AS THE LICENSEE. IN THE EVENT THE APPLICANT SUBSEQUENTLY REMOVES THE BUSINESS TO ANOTHER LOCATION, PAYMENT OF THE APPROPRIATE FRANCHISE FEE SHALL BE REQUIRED PRIOR TO THE APPROVAL OF THE REMOVAL PURSUANT TO SUBDIVISION THREE OF SECTION NINETY-NINE-D OF THIS CHAPTER.

12. THE STATE LIQUOR AUTHORITY MAY MAKE SUCH RULES AS IT DEEMS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION, HOWEVER, SUCH RULES SHALL NOT BE CONSTRUED TO PLACE ADDITIONAL LIMITATIONS UPON THE HOLDERS OF LICENSES ISSUED PURSUANT TO SECTION SEVENTY-NINE OF THIS ARTICLE UNRELATED TO THE SALE OF WINE.

S 5. Section 83 of the alcoholic beverage control law is amended by adding a new subdivision 8 to read as follows:

8. THE ANNUAL FEE FOR A GROCERY OR DRUG STORE WINE LICENSE PURSUANT TO SECTION SEVENTY-NINE-E OF THIS ARTICLE SHALL BE FIVE HUNDRED DOLLARS. WHERE, HOWEVER, THE APPLICANT IS THE HOLDER OF TWO OR MORE SUCH LICENSES, THE ANNUAL FEE FOR EACH ADDITIONAL LICENSE SHALL BE DOUBLE THE AMOUNT HEREINABOVE SET FORTH. TEN PERCENT OF THE OVERALL FEES PAID UP TO ONE MILLION DOLLARS ANNUALLY SHALL BE DEPOSITED TO THE NEW YORK WINE INDUSTRY MARKETING AND PROMOTION ACCOUNT, ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-JJJJ OF THE STATE FINANCE LAW.

S 6. The state finance law is amended by adding a new section 97-jjjj to read as follows:

S 97-JJJJ. NEW YORK WINE INDUSTRY MARKETING AND PROMOTION ACCOUNT. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE AN ACCOUNT TO BE KNOWN AS THE NEW YORK WINE INDUSTRY MARKETING AND PROMOTION ACCOUNT.

2. SUCH ACCOUNT SHALL CONSIST OF REVENUES RECEIVED FROM GROCERY OR DRUG STORE WINE LICENSE FEES PURSUANT TO SUBDIVISION EIGHT OF SECTION EIGHTY-THREE OF THE ALCOHOLIC BEVERAGE CONTROL LAW.

3. MONEYS OF THE ACCOUNT, FOLLOWING APPROPRIATION BY THE LEGISLATURE, MAY BE EXPENDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION THREE-A OF CHAPTER EIGHTY OF THE LAWS OF NINETEEN HUNDRED EIGHTY-FIVE, AS ADDED BY CHAPTER THREE HUNDRED THIRTY OF THE LAWS OF TWO THOUSAND FOUR. MONEYS SHALL BE PAID OUT OF THE ACCOUNT ON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER ON VOUCHERS CERTIFIED OR APPROVED BY THE COMMISSIONER OF AGRICULTURE AND MARKETS.

S 7. The alcoholic beverage control law is amended by adding a new article 12 to read as follows:

ARTICLE 12
WINE MARKET EXPANSION MEDALLION PROGRAM

SECTION 170. SHORT TITLE.
171. DEFINITIONS.

172. REQUIREMENT TO POSSESS A MEDALLION.
173. ISSUANCE OF MEDALLIONS.
174. RIGHTS OF MEDALLION HOLDERS.
175. CONTRACT FOR AUCTION WEBSITE.
176. PARTICIPATION IN THE AUCTION WEBSITE.
177. RULES FOR AUCTION.
178. RESTRICTIONS ON THE MEDALLION PERIOD.
179. NOTICE; REPEAL OF THIS ARTICLE.

S 170. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "WINE MARKET EXPANSION MEDALLION PROGRAM".

S 171. DEFINITIONS. 1. "AUCTION WEBSITE," SHALL MEAN AN ELECTRONIC MECHANISM, DESIGNED TO FACILITATE THE TRANSFER OF MEDALLIONS PURSUANT TO THIS ARTICLE AND THE RULES ESTABLISHED BY THE AUTHORITY, WHICH MAY BE DESIGNED AND OPERATED BY AN INDEPENDENT ENTITY WITH WHICH THE AUTHORITY CONTRACTS FOR SUCH PURPOSE.

2. "MEDALLION," SHALL MEAN DIGITAL ELECTRONIC IDENTIFYING INFORMATION IN ANY FORM AS DETERMINED APPROPRIATE BY THE AUTHORITY, WHICH REPRESENTS THE RIGHT TO APPLY FOR AND, IF GRANTED BY THE AUTHORITY, HOLD A LICENSE ISSUED UNDER SECTION SIXTY-THREE, SEVENTY-NINE OR SEVENTY-NINE-E OF THIS CHAPTER.

3. "MEDALLION PERIOD," SHALL MEAN THE PERIOD COMMENCING NINETY DAYS AFTER THE EFFECTIVE DATE OF THIS ARTICLE, AND LASTING FOR THREE YEARS OR, IF AFTER SUCH THREE YEAR PERIOD ANY MEDALLIONS LISTED FOR THE FIRST TIME AT AUCTION FOR A REASONABLE PRICE HAVE NOT SOLD, THEN TWELVE MONTHS AFTER THE LAST OF ANY MEDALLIONS LISTED AT AUCTION FOR A REASONABLE PRICE HAVE SOLD.

4. "REASONABLE PRICE," SHALL MEAN THE MINIMUM AUCTION PRICE ESTABLISHED BY THE SELLER OF A MEDALLION, IF AND ONLY IF SUCH MINIMUM AUCTION PRICE DOES NOT EXCEED THIRTY-THREE PERCENT OF THE HIGHEST, SINGLE PRICE PAID FOR A MEDALLION DURING THE FIRST THREE YEARS OF THE MEDALLION PERIOD.

S 172. REQUIREMENT TO POSSESS A MEDALLION. ANY ENTITY OPERATING UNDER A LICENSE ISSUED AT ANY TIME UNDER SECTION SIXTY-THREE, SEVENTY-NINE OR SEVENTY-NINE-E OF THIS CHAPTER DURING THE MEDALLION PERIOD MUST RETAIN OR POSSESS A MEDALLION IN ORDER TO OPERATE UNDER SUCH LICENSE.

S 173. ISSUANCE OF MEDALLIONS. 1. WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS ARTICLE, THE AUTHORITY SHALL CAUSE TWO MEDALLIONS TO BE GRANTED AUTOMATICALLY TO EVERY ENTITY LICENSED AS OF THE EFFECTIVE DATE OF THIS ARTICLE UNDER SECTION SIXTY-THREE OR SEVENTY-NINE OF THIS CHAPTER AND TO ANY ENTITY OBTAINING SUCH A LICENSE WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS ARTICLE. WRITTEN NOTIFICATION REPRESENTING OR IDENTIFYING THE MEDALLIONS MUST ACCOMPANY SUCH ISSUANCE. NO LICENSEE SHALL BE REQUIRED TO MAKE APPLICATION TO THE AUTHORITY FOR SUCH MEDALLIONS. ONLY ENTITIES LICENSED AS OF THE EFFECTIVE DATE OF THIS ARTICLE UNDER SECTION SIXTY-THREE OR SEVENTY-NINE OF THIS CHAPTER SHALL BE ISSUED MEDALLIONS.

2. MEDALLIONS ISSUED UNDER THIS SECTION SHALL NOT BE CONSTRUED TO CONVEY ANY NEW PRIVILEGES OR RIGHTS, AND SHALL ONLY REPRESENT THE RIGHT TO OPERATE UNDER THE PRIVILEGES OF A LICENSE UNDER SECTION SIXTY-THREE, SEVENTY-NINE OR SEVENTY-NINE-E OF THIS CHAPTER THAT HAS ALREADY BEEN ISSUED OR THAT MAY BE ISSUED BY THE AUTHORITY DURING THE MEDALLION PERIOD.

3. THE AUTHORITY MAY PROMULGATE SUCH OTHER RULES AND REGULATIONS THAT ARE NECESSARY TO EFFECTUATE THE ISSUANCE OF MEDALLIONS.

S 174. RIGHTS OF MEDALLION HOLDERS. MEDALLIONS ISSUED TO LICENSEES UNDER THIS SECTION, AND AS ACQUIRED BY OTHER ENTITIES THROUGH THE AUCTION WEBSITE, MAY BE TRANSFERRED VIA THE AUCTION WEBSITE, USED TO APPLY FOR A NEW OR ADDITIONAL LICENSE OR RETAINED WITHOUT ACTION. NO OTHER RIGHTS OR PRIVILEGES SHALL BE DEEMED TO BE CONFERRED UPON A PERSON, FIRM OR CORPORATION HOLDING A MEDALLION.

S 175. CONTRACT FOR AUCTION WEBSITE. THE AUTHORITY, OR ON ITS BEHALF THE OFFICE OF GENERAL SERVICES, FROM AN APPROPRIATION MADE AVAILABLE FOR THIS PURPOSE, SHALL CONTRACT WITH A VENDOR FOR THE DESIGN, OPERATION AND MAINTENANCE OF AN AUCTION WEBSITE FOR THE PURPOSES OF FACILITATING THE TRANSFER OF MEDALLIONS. TO THE GREATEST EXTENT POSSIBLE, SUCH WEBSITE MUST BE OPERATIONAL WITHIN ONE HUNDRED EIGHTY DAYS OF THE EFFECTIVE DATE OF THIS ARTICLE.

S 176. PARTICIPATION IN THE AUCTION WEBSITE. 1. ALL PERSONS, FIRMS OR CORPORATIONS SEEKING TO PARTICIPATE IN THE BUYING AND SELLING OF MEDALLIONS SHALL NOTIFY THE AUTHORITY AND ACQUIRE FROM THE AUTHORITY ALL IDENTIFYING INFORMATION AS REQUIRED FOR PARTICIPATION. THE AUTHORITY MAY ESTABLISH A PROCESS SUCH THAT NOTIFICATION OF INTENT TO PARTICIPATE IS PROVIDED TO, AND IDENTIFYING INFORMATION IS PROVIDED BY, THE VENDOR OPERATING THE AUCTION WEBSITE.

2. ANY LICENSEE POSSESSING A MEDALLION SHALL BE ELIGIBLE TO PARTICIPATE AS A BUYER OR SELLER OF MEDALLIONS LISTED ON THE AUCTION WEBSITE.

3. ANY PERSON, FIRM OR CORPORATION REPRESENTING OR ORGANIZED AS A GROCERY STORE, AS DEFINED IN SUBDIVISION THIRTEEN OF SECTION THREE OF THIS CHAPTER, OR A DRUG STORE, AS DEFINED IN SUBDIVISION TWELVE OF SUCH SECTION MAY PARTICIPATE AS A BUYER OR SELLER OF MEDALLIONS LISTED ON THE AUCTION WEBSITE.

4. ANY PERSON, FIRM OR CORPORATION THAT DOES NOT POSSESS A LICENSE ISSUED BY THE AUTHORITY BUT IS SEEKING TO OBTAIN A LICENSE REQUIRING A MEDALLION SHALL BE ELIGIBLE TO PARTICIPATE AS A BUYER OF MEDALLIONS, PROVIDED, HOWEVER, THAT SUCH PERSONS, FIRMS OR CORPORATIONS MUST USE MEDALLIONS ONLY TO MEET THE REQUIREMENTS OF A LICENSE APPLICATION AND MAY NOT RESELL SUCH MEDALLIONS WITHOUT OBTAINING THE EXPRESS WRITTEN APPROVAL OF THE AUTHORITY. NOTHING SHALL PROHIBIT AN ENTITY DESCRIBED IN THIS SUBDIVISION FROM RETAINING A MEDALLION AND TAKING NO ACTION.

5. SALES OF THE MEDALLIONS BY AUCTION SALE SHALL BE SUBJECT TO SALES AND COMPENSATING USE TAX AS IMPOSED BY SECTION ELEVEN HUNDRED FIVE OF THE TAX LAW.

6. THE AUTHORITY MAY PROMULGATE SUCH OTHER RULES AND REGULATIONS THAT ARE NECESSARY TO GOVERN THE PARTICIPATION IN THE AUCTION WEBSITE AND SHALL TAKE THE NECESSARY STEPS TO PREVENT SPECULATION.

S 177. RULES FOR AUCTION. 1. ONLY MEDALLIONS ISSUED BY THE AUTHORITY MAY BE LISTED FOR TRANSFER OR AUCTION ON THE AUCTION WEBSITE.

2. NO RESTRICTIONS SHALL BE PLACED BY THE AUTHORITY OR AUCTION WEBSITE VENDOR ON THE INITIAL LIST PRICES OR FINAL SALE PRICES OF MEDALLIONS; HOWEVER, THE AUTHORITY MAY DETERMINE WHETHER OR NOT MINIMUM OR RESERVE PRICES SOUGHT BY ALL SELLERS OF MEDALLIONS SHALL BE VISIBLE TO ALL OTHER PARTICIPANTS.

3. ALL PARTICIPANTS SHALL BE ASSIGNED RANDOM IDENTIFYING INFORMATION BY THE AUTHORITY OR AUCTION WEBSITE VENDOR SUCH THAT NO PARTICIPANT CAN DETERMINE THE IDENTITY OR GEOGRAPHIC LOCATION OF ANY OTHER PARTICIPANT.

4. BEGINNING NINETY DAYS PRIOR TO THE CONCLUSION OF THE FIRST THREE YEARS OF THE MEDALLION PERIOD, THE AUTHORITY SHALL CAUSE TO BE LISTED ON THE MAIN PAGE OF THE AUCTION WEBSITE THE HIGHEST SINGLE SALE PRICE FOR WHICH ANY MEDALLION SOLD DURING THE PRECEDING PORTION OF THE MEDALLION

PERIOD. SUCH PRICE SHALL BE UPDATED AT THE BEGINNING AND END OF EACH DAY.

5. THE AUTHORITY SHALL CAUSE TO BE INCLUDED IN THE AUCTION WEBSITE A MECHANISM TO FACILITATE THE DIRECT TRANSFER OF MEDALLIONS BETWEEN FAMILY MEMBERS AT ANY PRICE.

6. UPON SUCCESSFUL SALE OR TRANSFER OF ANY MEDALLION, THE AUTHORITY SHALL CAUSE TO BE SENT IN WRITING TO THE BUYER NOTICE OF THE TRANSACTION, A COPY OF WHICH MUST BE RETURNED TO THE AUTHORITY WITH ANY APPLICATION FOR A LICENSE REQUIRING A MEDALLION.

7. THE AUTHORITY SHALL MAINTAIN A DATABASE OF MEDALLION TRANSACTIONS SUCH THAT THE AUTHORITY CAN VALIDATE THAT APPLICANTS APPLYING FOR A LICENSE REQUIRING A MEDALLION INDEED POSSES A MEDALLION.

8. THE AUTHORITY MAY PROMULGATE SUCH OTHER RULES AND REGULATIONS THAT ARE NECESSARY TO GOVERN THE FORMAT AND FUNCTION OF THE AUCTION WEBSITE.

S 178. RESTRICTIONS ON THE MEDALLION PERIOD. 1. ONLY THE LIST PRICES FOR MEDALLIONS LISTED FOR INITIAL SALE SHALL BE CONSIDERED FOR THE PURPOSES OF THE EXPIRATION OF THE MEDALLION PERIOD.

2. THE MEDALLION PERIOD MAY ONLY BE EXTENDED FOR THREE YEARS IF MEDALLIONS REMAIN LISTED FOR INITIAL SALE AT A REASONABLE PRICE AT THE CONCLUSION OF THE FIRST THREE YEARS OF THE MEDALLION PERIOD.

S 179. NOTICE; REPEAL OF THIS ARTICLE. 1. THIS ARTICLE SHALL BE DEEMED REPEALED AT 11:59 PM ON THE FINAL DAY OF THE MEDALLION PERIOD.

2. WITHIN TWENTY-FOUR HOURS OF THE CONCLUSION OF THE FIRST THREE YEARS OF THE MEDALLION PERIOD, THE AUTHORITY SHALL NOTIFY IN WRITING THE LEGISLATURE, EXECUTIVE AND THE COMMISSIONERS OF THE LEGISLATIVE BILL DRAFTING COMMISSION WHETHER OR NOT THE MEDALLION PERIOD HAS ENDED. IF THE MEDALLION PERIOD CONTINUES, THEN WITHIN TWENTY-FOUR HOURS OF THE END OF THE MEDALLIONS PERIOD, THE AUTHORITY SHALL NOTIFY IN WRITING THE LEGISLATURE, EXECUTIVE AND THE COMMISSIONERS OF THE LEGISLATIVE BILL DRAFTING COMMISSION THAT THE MEDALLION PERIOD HAS CONCLUDED AND THAT THIS ARTICLE IS REPEALED. UPON THE ISSUANCE OF BOTH LETTERS THE AUTHORITY SHALL ALSO CAUSE SUCH NOTICE TO BE POSTED ON THE MAIN PAGE OF THE AUCTION WEBSITE, AS WELL AS PROMINENTLY ON THE AUTHORITY'S WEBSITE.

S 8. Subdivision 2-a of section 100 of the alcoholic beverage control law, as amended by chapter 249 of the laws of 2002, is amended to read as follows:

2-a. No retailer shall employ, or permit to be employed, or shall suffer to work, on any premises licensed for retail sale hereunder, any person under the age of eighteen years, as a hostess, waitress, waiter, or in any other capacity where the duties of such person require or permit such person to sell, dispense or handle alcoholic beverages; except that: (1) any person under the age of eighteen years and employed by any person holding a grocery or drug store beer license shall be permitted to handle and deliver beer and wine products for such licensee, (2) any person under the age of eighteen employed as a cashier by a person holding a grocery or drug store beer license shall be permitted to record and receive payment for beer and wine product sales when in the presence of and under the direct supervision of a person eighteen years of age or over, (2-a) any person under the age of eighteen years and employed by a person holding a grocery store or drug store beer license as either a cashier or in any other position to which handling of containers which may have held alcoholic beverages is necessary, shall be permitted to handle the containers if such have been presented for redemption in accordance with the provisions of title ten of article twenty-seven of the environmental conservation law, [and] (3) any person under the age of eighteen years employed as a dishwasher, busboy, or

other such position as to which handling of containers which may have held alcoholic beverages is necessary shall be permitted to do so under the direct supervision of a person of legal age to purchase alcoholic beverages in the state, (4) ANY PERSON UNDER THE AGE OF EIGHTEEN YEARS AND EMPLOYED BY A PERSON HOLDING A GROCERY OR DRUG STORE WINE LICENSE SHALL BE PERMITTED TO HANDLE AND DELIVER WINE FOR SUCH LICENSEE, AND (5) ANY PERSON UNDER THE AGE OF EIGHTEEN YEARS AND EMPLOYED BY A PERSON HOLDING A GROCERY OR DRUG STORE WINE LICENSE SHALL BE PERMITTED TO RECORD AND RECEIVE PAYMENT FOR WINE SALES WHEN IN THE PRESENCE OF AND UNDER THE DIRECT SUPERVISION OF A PERSON EIGHTEEN YEARS OR OVER.

S 9. Subdivision 2 of section 105 of the alcoholic beverage control law is REPEALED.

S 10. Subdivision 7 of section 105 of the alcoholic beverage control law is REPEALED.

S 11. Subdivision 10 of section 105 of the alcoholic beverage control law, paragraph (a) as amended by chapter 679 of the laws of 1950, is amended to read as follows:

10. [(a)] Each retail licensee of liquor and/or wine for off-premises consumption shall have conspicuously displayed within the interior of the licensed premises where sales are made and where it can be readily inspected by consumers a printed price list of the liquors and/or wines offered for sale therein; and no liquor and/or wine shall be sold except at the price set forth in such list[;

(b) No screen, blind, curtain, partition, article or thing shall be permitted in the windows or upon the doors of such licensed premises, which shall prevent a clear view into the interior of such licensed premises from the sidewalk, at all times; and

(c) No booth, screen, partition or other obstruction shall be permitted in the interior of said licensed premises].

S 12. Paragraphs (a) and (b) of subdivision 14 of section 105 of the alcoholic beverage control law, paragraph (a) as amended by section 1 of part U of chapter 63 of the laws of 2003 and paragraph (b) as amended by chapter 334 of the laws of 2004, are amended to read as follows:

(a) No premises licensed to sell liquor and/or wine for off-premises consumption shall be permitted to [remain open] SELL LIQUOR AND/OR WINE:

(i) On Sunday before twelve o'clock post meridian and after nine o'clock post meridian.

(ii) On any day between midnight and eight o'clock antemeridian.

(iii) On the twenty-fifth day of December, known as Christmas day.

In any community where daylight saving time is in effect, such time shall be deemed the standard time for the purpose of this subdivision.

(b) This subdivision shall only be interpreted to prohibit the sale of liquor and/or wine for off-premises consumption [when it is closed to the public, provided however, retail licensees may undertake all other activities allowed during the course of normal business operations]. A LICENSEE MAY ENGAGE IN ANY OTHER LAWFUL ACTIVITY ALLOWED ON THE LICENSEE'S PREMISES, including but not limited to:

(i) placing orders with or taking deliveries from wholesalers AND MANUFACTURERS;

(ii) meeting with individuals who have valid solicitors permits issued by the liquor authority;

(iii) stocking shelves;

(iv) filling or building displays; [and]

(v) rotating product on store shelves; AND

(VI) THE SALE OF OTHER PRODUCTS, INCLUDING BEER AND WINE PRODUCTS.

S 13. Section 105 of the alcoholic beverage control law is amended by adding a new subdivision 24 to read as follows:

24. COOPERATIVE AGREEMENTS BY LICENSEES TO SELL AT RETAIL FOR CONSUMPTION OFF THE PREMISES. FOR THE PURPOSES OF PURCHASING ONLY, ANY TWO OR MORE PERSONS LICENSED PURSUANT TO SECTIONS SIXTY-THREE AND/OR SEVENTY-NINE OF THIS CHAPTER MAY JOIN IN AN AGREEMENT TO MAKE JOINT PURCHASES OF LIQUOR AND/OR WINE IN LARGER QUANTITIES THAN MIGHT OTHERWISE BE PURCHASED; PROVIDED, HOWEVER, THAT ALL SUCH ALCOHOLIC BEVERAGES PURCHASED PURSUANT TO ANY SUCH AGREEMENT SHALL BE DISTRIBUTED TO NONE OTHER THAN A LICENSEE WHO IS A PARTY TO SUCH AGREEMENT. THE COOPERATIVE AGREEMENTS, AS AUTHORIZED UNDER THIS SUBDIVISION, SHALL BE VOID IF, WITHIN A CITY WITH A POPULATION OF ONE MILLION OR MORE, THE PREMISES OPERATING UNDER THE COOPERATIVE AGREEMENTS AUTHORIZED IN THIS SUBDIVISION ARE LOCATED MORE THAN ONE MILE FROM ONE ANOTHER. THE COOPERATIVE AGREEMENTS, AS AUTHORIZED UNDER THIS SUBDIVISION, SHALL BE VOID IF, OUTSIDE OF A CITY WITH A POPULATION OF ONE MILLION OR MORE, THE PREMISES OPERATING UNDER AGREEMENTS AUTHORIZED IN THIS SUBDIVISION ARE LOCATED MORE THAN FIFTY MILES FROM ONE ANOTHER. THE AUTHORITY MAY PROMULGATE SUCH RULES AND REGULATIONS AS MAY BE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SUBDIVISION.

S 14. Paragraph a of subdivision 1 of section 101-aa of the alcoholic beverage control law, as amended by chapter 84 of the laws of 2004, is amended to read as follows:

a. "Credit period" means a period beginning on the date alcoholic beverages are delivered and ending thirty days thereafter, EXCEPT THAT WITH REGARD TO LICENSEES LICENSED UNDER SECTION SIXTY-THREE OR SEVENTY-NINE OF THIS CHAPTER THE "CREDIT PERIOD" MEANS A PERIOD BEGINNING ON THE DATE ALCOHOLIC BEVERAGES ARE DELIVERED AND ENDING SIXTY DAYS THEREAFTER.

S 15. Section 101-aa of the alcoholic beverage control law is amended by adding a new subdivision 3-a to read as follows:

3-A. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION THREE OF THIS SECTION, THE HOLDER OF A LICENSE TO SELL LIQUOR AND WINE AT RETAIL FOR CONSUMPTION OFF THE PREMISES, PURSUANT TO SECTION SIXTY-THREE OF THIS CHAPTER, OR A LICENSEE TO SELL WINE AT RETAIL FOR CONSUMPTION OFF THE PREMISES PURSUANT TO SECTION SEVENTY-NINE OF THIS CHAPTER, WHO IS IN DEFAULT MAY PURCHASE ALCOHOLIC BEVERAGES ON CREDIT EXCEPT FROM THE MANUFACTURER OR WHOLESALER WHO PLACED SUCH RETAIL LICENSEE IN DEFAULT.

S 16. Paragraph (b) of subdivision 3 of section 101-b of the alcoholic beverage control law, as amended by section 1 of part E of chapter 56 of the laws of 2006, is amended to read as follows:

(b) No brand of liquor or wine shall be sold to or purchased by a retailer unless a schedule, as provided by this section, is transmitted to and received by the liquor authority, and is then in effect. Such schedule shall be transmitted to the authority in such form, manner, medium and format as the authority may direct; shall be deemed duly verified by the person submitting such schedule upon its transmission to the authority; and shall contain, with respect to each item, the exact brand or trade name, capacity of package, nature of contents, age and proof where stated on the label, the number of bottles contained in each case, the bottle and case price to retailers, the net bottle and case price paid by the seller, which prices, in each instance, shall be individual for each item and not in "combination" with any other item, the discounts for quantity, if any, and the discounts for time of payment, if any. PROVIDED HOWEVER THAT, FOR THE PURPOSES OF THIS PARAGRAPH, DIFFERENT PRODUCTS OR DIFFERENT SIZED BOTTLES FROM THE SAME MANUFACTURER MAY BE COMBINED. Such brand of liquor or wine shall not be sold to

retailers except at the price and discounts then in effect unless prior written permission of the authority is granted for good cause shown and for reasons not inconsistent with the purpose of this chapter. Such schedule shall be transmitted by each manufacturer selling such brand to retailers and by each wholesaler selling such brand to retailers.

S 17. Subdivision 12 of section 17 of the alcoholic beverage control law, as amended by chapter 549 of the laws of 2001, is amended to read as follows:

12. To develop and establish minimum criteria for alcohol training awareness programs which may be given and administered by schools; other entities including trade associations whose members are engaged in or involved in the retail sale of alcoholic beverages; national and regional franchisors who have granted at least five franchises in the state which are licensed to sell beer at retail for off-premises consumption; licensees authorized to sell alcoholic beverages at retail for off-premises consumption operating five or more licensed premises; and persons interested, whether as an individual proprietor or partner or officer or member of a limited liability company, in five or more licensees authorized to sell alcoholic beverages at retail for off-premises consumption. The authority shall provide for the issuance of certificates of approval to all certified alcohol training awareness programs. Certificates of approval may be revoked by the authority for failure to adhere to the authority's rules and regulations. Such rules and regulations shall afford those who have been issued a certificate of approval an opportunity for a hearing prior to any determination of whether such certificate should be revoked.

No licensee shall be required to apply for any such certificate or renewal certificate and the licensee may voluntarily surrender such a certificate or renewal certificate at any time. A fee in the amount of nine hundred dollars shall be paid to the authority with each application for a certificate of approval or renewal certificate. The authority shall promptly refund such fee to an applicant whose application was denied. Each certificate of approval and renewal thereof shall be issued for a period of three years. To effectuate the provisions of this subdivision, the authority is empowered to require in connection with an application the submission of such information as the authority may direct; to prescribe forms of applications and of all reports which it deems necessary to be made by any applicant or certificate holder; to conduct investigations; to require the maintenance of such books and records as the authority may direct; to revoke, cancel, or suspend for cause any certificate provided for in this subdivision. Each entity authorized to give and administer an alcohol training awareness program shall issue certificates of completion to all licensees and employees who successfully complete such an approved alcohol training awareness program. Such entity shall regularly transmit to the authority the names, addresses and dates of attendance of all the licensees and employees of licensees who successfully complete an approved alcohol training awareness program. Such transmittal shall be in a form and manner prescribed by the authority. The authority shall adopt rules and regulations to effectuate the provisions of this subdivision, including the minimum requirements for the curriculum of each such training program and the regular ongoing training of employees holding certificates of completion or renewal certificates. Such rules and regulations shall include the minimum requirements for a separate curriculum for licensees and their employees authorized to sell alcoholic beverages at retail for off-premises consumption, minimum requirements for a separate

curriculum for licensees and their employees authorized to sell alcoholic beverages at retail for on-premises consumption, and the form of a certificate of completion or renewal thereof to be issued in respect to each such type of program. A certificate of completion or renewal thereof issued by an entity authorized to give and administer an alcohol training awareness program pursuant to this subdivision to licensees and their employees authorized to sell alcoholic beverages at retail for off-premises consumption shall not be invalidated by a change of employment to another such licensee. A certificate of completion or renewal thereof issued by an entity authorized to give and administer an alcohol training awareness program pursuant to this subdivision to licensees and their employees authorized to sell alcoholic beverages at retail for on-premises consumption shall not be invalidated by a change of employment to another such licensee. ATTENDANCE AT ANY COURSE ESTABLISHED PURSUANT TO THIS SECTION SHALL BE IN PERSON, THROUGH DISTANCE LEARNING METHODS, OR THROUGH AN INTERNET BASED ONLINE PROGRAM.

S 18. This act shall take effect immediately; provided that sections four, five and six of this act, subdivision 5 of section 63 and subdivision 2 of section 79 of the alcoholic beverage control law, as amended by sections two and three of this act, respectively, shall take effect ninety days after it shall have become a law.