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

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I N A S S E M B L Y

February 22, 2012

Introduced by M. of A. PAULIN, JAFFEE, LAVINE, REILLY, P. RIVERA, ROBERTS, SCARBOROUGH, WEPRIN, ZEBROWSKI -- Multi-Sponsored by -- M. of A. BOYLAND, COOK, MAGEE, THIELE, TITONE, WEISENBERG -- read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to providing alcoholic beverages on credit

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

Section 1. Subdivisions 5, 6 and 7 of section 100 of the alcoholic beverage control law, subdivision 5 as amended by chapter 797 of the laws of 1986, subdivision 6 as added by chapter 526 of the laws of 1939 and subdivision 7 as added by chapter 256 of the laws of 1978, are amended to read as follows:

5. [No retail licensee for off-premises consumption shall sell, deliver or give away, or cause, permit or procure to be sold, delivered or given away any alcoholic beverage, other than as provided herein, on credit: a retail licensee for off-premises consumption, except a winery licensee, may accept third party credit cards for the sale of any alcoholic beverage for which it is licensed; a winery licensee having the right to sell wine at retail for off-premises consumption may accept third party credit cards for the sale of said beverages at the winery premises only; and any person duly authorized to sell wine at retail for consumption off the premises may sell on credit to any regularly organized church, synagogue or religious organization, wines to be used for sacramental purposes only. For purposes of this subdivision, beer and wine products that are delivered and left at the residence of a consumer without payment of the balance due thereon shall not constitute a sale on credit.

6.] No licensee shall sell or purchase any receipts, certificates, contracts or other documents issued for the storage of alcoholic beverages except as provided by the rules of the liquor authority. The liquor authority shall prescribe such rules for the purchase and sale of such receipts, certificates, contracts or other documents issued for the

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

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storage of alcoholic beverages which, in its opinion, will best accomplish

(1) Elimination of fraudulent and deceptive transactions;

(2) Protection of purchasers against defaults by sellers;

(3) The delivery of the alcoholic beverages represented by such receipts or documents, and

(4) The payment of all taxes due thereon to the state.

[7.] 6. 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 it may deem necessary to carry out the purpose of this subdivision.

S 2. This act shall take effect immediately.