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

10405

I N A S S E M B L Y

May 25, 2012

Introduced by M. of A. NOLAN -- read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to requiring the revocation of the license or permit of any holder which has been found on three or more occasions to have committed violations and prohibiting the issuance of any license or permit, for not less than three years, after the revocation thereof; and to amend the real property law, in relation to providing for the filing by the state liquor authority of such revocation order

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

Section 1. Section 113 of the alcoholic beverage control law is amended by adding a new subdivision 4 to read as follows:

4. WHERE THE LIQUOR AUTHORITY HAS ISSUED AN ORDER REVOKING THE LICENSE OR PERMIT FOR ANY PREMISES, FOR A PERIOD OF TWO YEARS AFTER SUCH REVOCATION, FOR SUCH LICENSED PREMISES OR FOR ANY PART OF THE BUILDING CONTAINING SUCH LICENSED PREMISES AND CONNECTED THEREWITH, A CERTIFIED COPY OF SUCH ORDER SHALL WITHOUT FEE BE FILED WITH, RECORDED AND INDEXED BY THE CLERK OF THE COUNTY IN WHICH SUCH PREMISES ARE SITUATED AS AN ORDER AFFECTING REAL PROPERTY IN ACCORDANCE WITH SECTION TWO HUNDRED NINETY-SEVEN-B OF THE REAL PROPERTY LAW.

S 2. Subdivision 1 of section 118 of the alcoholic beverage control law is amended by adding a new paragraph (c) to read as follows:

(C) FOR HAVING BEEN FOUND ON THREE OR MORE SEPARATE OCCASIONS, GUILTY FOR CAUSES OR VIOLATIONS DURING ANY PERIOD OF TWENTY-FOUR CONSECUTIVE MONTHS.

S 3. Subdivision 3 of section 118 of the alcoholic beverage control law, as added by chapter 536 of the laws of 1996, is amended to read as follows:

3. As used in this section, the term "for cause" shall also include the existence of a sustained and continuing pattern of noise, disturbance, misconduct, or disorder on or about the licensed premises, related to the operation of the premises or the conduct of its patrons, which adversely affects the health, welfare or safety of the inhabitants of

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

LBD14278-03-2

the area in which such licensed premises are located. FURTHERMORE, SUCH TERM SHALL INCLUDE THE COMMISSION OF A FELONY DEFINED IN THE PENAL LAW OR A SERIOUS OFFENSE, AS DEFINED IN SUBDIVISION SEVENTEEN OF SECTION 265.00 OF THE PENAL LAW, UPON THE LICENSED PREMISES; BUILDING AND FIRE PREVENTION REGULATION AND CODE VIOLATIONS UPON THE LICENSED PREMISES WHICH ENDANGER THE PUBLIC HEALTH, SAFETY OR WELFARE; EXCEEDING THE AUTHORIZED CAPACITY OF PERSONS IN THE LICENSED PREMISES; AND ANY OTHER VIOLATION OF ANY LAW, RULE OR REGULATION, UPON OR ABOUT THE LICENSED PREMISES, WHICH ENDANGERS THE PUBLIC HEALTH, SAFETY AND WELFARE.

S 4. Section 297-b of the real property law, as amended by chapter 311 of the laws of 1964, is amended to read as follows:

S 297-b. Recording of certified copies of judgments affecting real property. When a judgment, final order or decree is rendered by a New York state court of record or a United States district court OR THE STATE LIQUOR AUTHORITY affecting the title to or possession, use or enjoyment of real property, a copy of such judgment, order or decree, duly certified by the clerk of the court OR THE SECRETARY TO THE LIQUOR AUTHORITY wherein said judgment, FINAL ORDER OR DECREE was rendered, may be recorded in the office of the recording officer of the county in which such property is situated, in the same manner as a conveyance duly acknowledged or proved and certified so as to entitle it to be recorded, and such recording officer shall upon request and on tender of the lawful fees therefor, record the same in his said office, EXCEPT THAT NO FEE SHALL BE REQUIRED IN CONNECTION WITH THE FILING, RECORDING AND INDEXING OF ANY ORDER OF THE LIQUOR AUTHORITY.

For purposes of recording and indexing such judgment, order or decree, the prevailing party or parties named therein shall be deemed grantees and all other persons named therein shall be deemed grantors.

S 5. This act shall take effect immediately.