

1052

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. PHEFFER, DINOWITZ, V. LOPEZ, BING, LANCMAN --
Multi-Sponsored by -- M. of A. GALEF, GLICK, GOTTFRIED, HOOPER,
MAYERSOHN, WEINSTEIN -- read once and referred to the Committee on
Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the alcoholic beverage control law, in relation to
licenses to sell liquor at retail for consumption off the premises

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

1 Section 1. Section 63 of the alcoholic beverage control law is amended
2 by adding a new subdivision 2-a to read as follows:
3 2-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, UPON RECEIPT
4 OF AN APPLICATION FOR A LICENSE UNDER THIS SECTION OR AN APPLICATION FOR
5 RENEWAL UNDER SECTION ONE HUNDRED NINE OF THIS CHAPTER, THE APPLICANT
6 SHALL NOTIFY THE CLERK OF THE VILLAGE, TOWN OR CITY, AS THE CASE MAY BE,
7 BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WHEREIN THE PROSPECTIVE
8 LICENSED PREMISES IS TO BE LOCATED OR, IN THE CASE OF AN APPLICATION FOR
9 RENEWAL, WHERE IT IS PRESENTLY LOCATED NOT LESS THAN THIRTY DAYS PRIOR
10 TO THE SUBMISSION OF ITS APPLICATION FOR A LICENSE UNDER THIS SECTION OR
11 FOR A RENEWAL THEREOF PURSUANT TO SECTION ONE HUNDRED NINE OF THIS CHAP-
12 TER. FOR THE PURPOSES OF THE PRECEDING SENTENCE NOTIFICATION NEED ONLY
13 BE GIVEN TO THE CLERK OF A VILLAGE WHEN SUCH PREMISES IS TO BE LOCATED
14 WITHIN THE BOUNDARIES OF THE VILLAGE. IN THE CITY OF NEW YORK, THE
15 COMMUNITY BOARD ESTABLISHED PURSUANT TO SECTION TWENTY-EIGHT HUNDRED OF
16 THE NEW YORK CITY CHARTER WITH JURISDICTION OVER THE AREA IN WHICH SUCH
17 LICENSED PREMISES IS TO BE LOCATED SHALL BE CONSIDERED THE APPROPRIATE
18 PUBLIC BODY TO WHICH NOTIFICATION SHALL BE GIVEN. SUCH MUNICIPALITY OR
19 COMMUNITY BOARD, AS THE CASE MAY BE, MAY EXPRESS AN OPINION FOR OR
20 AGAINST THE GRANTING OF SUCH LICENSE. ANY SUCH OPINION SHALL BE DEEMED
21 PART OF THE RECORD UPON WHICH THE LIQUOR BOARD MAKES ITS DETERMINATION
22 TO GRANT OR DENY SUCH LICENSE.
23 S 2. This act shall take effect on the sixtieth day after it shall
24 have become a law.

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

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