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

5771

2011-2012 Regular Sessions

I N A S S E M B L Y

February 28, 2011

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

AN ACT to amend the alcoholic beverage control law and the real property law, in relation to providing for the filing of a state liquor authority order imposing against revoked premises a proscription against future licensure

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 FOR ANY PREMISES AND IMPOSING A PROSCRIPTION REFUSING THE ISSUANCE OF A LICENSE UNDER THIS CHAPTER, 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, OR HAS ISSUED AN ORDER MODIFYING OR RESCINDING A PROSCRIPTION PREVIOUSLY IMPOSED, 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. 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 NEW YORK 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

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

LBD08857-01-1

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 3. This act shall take effect immediately.