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

6064--A

2011-2012 Regular Sessions

I N A S S E M B L Y

March 4, 2011

Introduced by M. of A. MAGEE -- read once and referred to the Committee on Economic Development -- recommitted to the Committee on Economic Development in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the alcoholic beverage control law, in relation to providing a multiple event caterer's permit

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

Section 1. Subdivision 1 of section 98 of the alcoholic beverage control law, as amended by section 21 of part Z of chapter 85 of the laws of 2002, is amended to read as follows:

1. The liquor authority is hereby authorized to issue to [caterers and other] persons HOLDING A LICENSE TO SELL ALCOHOLIC BEVERAGES AT RETAIL FOR CONSUMPTION ON THE PREMISES furnishing provisions and service for use at a particular function[, occasion or event] in a hotel, restaurant, club, ballroom or other premises a temporary indoor permit effective for a period not to exceed twenty-four consecutive hours, which shall authorize the service of alcoholic beverages at such function, occasion or event within the hours, fixed by or pursuant to subdivision five of section one hundred six of this chapter, during which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages at retail for on-premises consumption in the community in which is located the premises in which such function, occasion or event is held.

(A) The fee therefor shall be thirty-eight dollars.

(B) Such a permit and the exercise of the privilege granted thereby may be [subjected] SUBJECT to such rules by the liquor authority as it deems necessary and such rules as are in conformity with the provisions of subdivision two of this section.

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

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(C) Such a permit may also be issued for functions, occasions or events at premises for which a summer license has been previously issued pursuant to this chapter.

S 2. Section 98 of the alcoholic beverage control law is amended by adding a new subdivision 1-a to read as follows:

1-A. IN LIEU OF A PERMIT ISSUED UNDER SUBDIVISION ONE OF THIS SECTION, THE LIQUOR AUTHORITY IS HEREBY AUTHORIZED TO ISSUE TO SUCH LICENSEES A PERMIT EFFECTIVE FOR A ONE YEAR PERIOD WHICH SHALL AUTHORIZE THE SERVICE OF ALCOHOLIC BEVERAGES AT MULTIPLE FUNCTIONS.

(A) THE FEE THEREFOR SHALL BE TWO THOUSAND DOLLARS.

(B) SUCH A PERMIT AND THE EXERCISE OF THE PRIVILEGE GRANTED THEREBY MAY BE SUBJECT TO SUCH RULES BY THE LIQUOR AUTHORITY AS IT DEEMS NECESSARY.

(C) A PERMIT ISSUED UNDER THIS SUBDIVISION SHALL NOT BE USED AT ANY PREMISES LOCATED IN A MUNICIPALITY WITH A POPULATION OF ONE MILLION OR MORE.

S 3. Section 98 of the alcoholic beverage control law is amended by adding two new subdivisions 6 and 7 to read as follows:

6. FOR GOOD CAUSE SHOWN, THE LIQUOR AUTHORITY MAY DENY A PERMIT FOR A PARTICULAR LICENSEE OR FOR A PARTICULAR FUNCTION.

(A) AN APPLICATION FOR A PERMIT UNDER SUBDIVISION ONE, TWO, THREE OR FIVE OF THIS SECTION SHALL BE FILED WITH THE LIQUOR AUTHORITY AT LEAST FIFTEEN DAYS BEFORE THE FUNCTION.

(B) THE HOLDER OF AN ANNUAL PERMIT ISSUED UNDER SUBDIVISION ONE-A OF THIS SECTION SHALL PROVIDE THE LIQUOR AUTHORITY IN WRITING WITH THE LOCATION OF THE EVENT AND SUCH OTHER INFORMATION AS MAY BE REQUIRED AT LEAST FIFTEEN DAYS BEFORE THE FUNCTION. THE LOCATION SHALL BE DEEMED APPROVED WITHIN SEVEN DAYS UNLESS THE LIQUOR AUTHORITY NOTIFIES THE PERMIT HOLDER OF ITS OBJECTION.

7. A PERMIT ISSUED UNDER THIS SECTION, OR IN THE CASE OF AN ANNUAL PERMIT A COPY OF SUCH PERMIT, SHALL BE POSTED AND DISPLAYED AT ALL TIMES IN A CONSPICUOUS PLACE AT THE EVENT LOCATION DURING SUCH TIMES AS ALCOHOLIC BEVERAGES ARE BEING SOLD OR SERVED.

S 4. This act shall take effect on the one hundred eightieth day after it shall have become a law.