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

5579

2011-2012 Regular Sessions

I N S E N A T E

June 3, 2011

Introduced by Sen. ALESI -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the alcoholic beverage control law, in relation to authorizing the imposition of certain terms and conditions as part of certain licenses for on-premises consumption

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

Section 1. Section 55 of the alcoholic beverage control law is amended by adding a new subdivision 4 to read as follows:

4. THE AUTHORITY MAY INCLUDE, AS PART OF A LICENSE UNDER THIS SECTION, TERMS AND CONDITIONS FOR THE PURPOSE OF ASSURING THAT THE LICENSED PREMISES ARE OPERATED IN ACCORDANCE WITH APPLICABLE LAW AND CONSISTENT WITH PUBLIC CONVENIENCE AND ADVANTAGE. PRIOR TO INCLUDING TERMS AND CONDITIONS IN A LICENSE, THE AUTHORITY SHALL CONSULT WITH THE APPLICANT AND ANY PARTY ENTITLED TO RECEIVE NOTICE OF THE APPLICATION. THE TERMS AND CONDITIONS SHALL BE LEGALLY ENFORCEABLE IN THE SAME MANNER AS APPLICABLE PROVISIONS OF THIS CHAPTER OR REGULATIONS OF THE AUTHORITY.

S 2. Section 55-a of the alcoholic beverage control law is amended by adding a new subdivision 3 to read as follows:

3. THE AUTHORITY MAY INCLUDE, AS PART OF A LICENSE UNDER THIS SECTION, TERMS AND CONDITIONS FOR THE PURPOSE OF ASSURING THAT THE LICENSED PREMISES ARE OPERATED IN ACCORDANCE WITH APPLICABLE LAW AND CONSISTENT WITH PUBLIC CONVENIENCE AND ADVANTAGE. PRIOR TO INCLUDING TERMS AND CONDITIONS IN A LICENSE, THE AUTHORITY SHALL CONSULT WITH THE APPLICANT AND ANY PARTY ENTITLED TO RECEIVE NOTICE OF THE APPLICATION. THE TERMS AND CONDITIONS SHALL BE LEGALLY ENFORCEABLE IN THE SAME MANNER AS APPLICABLE PROVISIONS OF THIS CHAPTER OR REGULATIONS OF THE AUTHORITY.

S 3. Section 64 of the alcoholic beverage control law is amended by adding a new subdivision 10 to read as follows:

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

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10. THE AUTHORITY MAY INCLUDE, AS PART OF A LICENSE UNDER THIS SECTION, TERMS AND CONDITIONS FOR THE PURPOSE OF ASSURING THAT THE LICENSED PREMISES ARE OPERATED IN ACCORDANCE WITH APPLICABLE LAW AND CONSISTENT WITH THE PUBLIC INTEREST. PRIOR TO INCLUDING TERMS AND CONDITIONS IN A LICENSE, THE AUTHORITY SHALL CONSULT WITH THE APPLICANT AND ANY PARTY ENTITLED TO RECEIVE NOTICE OF THE APPLICATION. THE TERMS AND CONDITIONS SHALL BE LEGALLY ENFORCEABLE IN THE SAME MANNER AS APPLICABLE PROVISIONS OF THIS CHAPTER OR REGULATIONS OF THE AUTHORITY.

S 4. Section 64-a of the alcoholic beverage control law is amended by adding a new subdivision 5-a to read as follows:

5-A. THE AUTHORITY MAY INCLUDE, AS PART OF A LICENSE UNDER THIS SECTION, TERMS AND CONDITIONS FOR THE PURPOSE OF ASSURING THAT THE LICENSED PREMISES ARE OPERATED IN ACCORDANCE WITH APPLICABLE LAW AND CONSISTENT WITH THE PUBLIC INTEREST. PRIOR TO INCLUDING TERMS AND CONDITIONS IN A LICENSE, THE AUTHORITY SHALL CONSULT WITH THE APPLICANT AND ANY PARTY ENTITLED TO RECEIVE NOTICE OF THE APPLICATION. THE TERMS AND CONDITIONS SHALL BE LEGALLY ENFORCEABLE IN THE SAME MANNER AS APPLICABLE PROVISIONS OF THIS CHAPTER OR REGULATIONS OF THE AUTHORITY.

S 5. Section 64-b of the alcoholic beverage control law is amended by adding a new subdivision 5-a to read as follows:

5-A. THE AUTHORITY MAY INCLUDE, AS PART OF A LICENSE UNDER THIS SECTION, TERMS AND CONDITIONS FOR THE PURPOSE OF ASSURING THAT THE LICENSED PREMISES ARE OPERATED IN ACCORDANCE WITH APPLICABLE LAW AND CONSISTENT WITH THE PUBLIC INTEREST. PRIOR TO INCLUDING TERMS AND CONDITIONS IN A LICENSE, THE AUTHORITY SHALL CONSULT WITH THE APPLICANT AND ANY PARTY ENTITLED TO RECEIVE NOTICE OF THE APPLICATION. THE TERMS AND CONDITIONS SHALL BE LEGALLY ENFORCEABLE IN THE SAME MANNER AS APPLICABLE PROVISIONS OF THIS CHAPTER OR REGULATIONS OF THE AUTHORITY.

S 6. Section 64-c of the alcoholic beverage control law is amended by adding a new subdivision 5-a to read as follows:

5-A. THE AUTHORITY MAY INCLUDE, AS PART OF A LICENSE UNDER THIS SECTION, TERMS AND CONDITIONS FOR THE PURPOSE OF ASSURING THAT THE LICENSED PREMISES ARE OPERATED IN ACCORDANCE WITH APPLICABLE LAW AND CONSISTENT WITH THE PUBLIC INTEREST. PRIOR TO INCLUDING TERMS AND CONDITIONS IN A LICENSE, THE AUTHORITY SHALL CONSULT WITH THE APPLICANT AND ANY PARTY ENTITLED TO RECEIVE NOTICE OF THE APPLICATION. THE TERMS AND CONDITIONS SHALL BE LEGALLY ENFORCEABLE IN THE SAME MANNER AS APPLICABLE PROVISIONS OF THIS CHAPTER OR REGULATIONS OF THE AUTHORITY.

S 7. Section 64-d of the alcoholic beverage control law is amended by adding a new subdivision 5-a to read as follows:

5-A. THE AUTHORITY MAY INCLUDE, AS PART OF A LICENSE UNDER THIS SECTION, TERMS AND CONDITIONS FOR THE PURPOSE OF ASSURING THAT THE LICENSED PREMISES ARE OPERATED IN ACCORDANCE WITH APPLICABLE LAW AND CONSISTENT WITH THE PUBLIC INTEREST. PRIOR TO INCLUDING TERMS AND CONDITIONS IN A LICENSE, THE AUTHORITY SHALL CONSULT WITH THE APPLICANT AND ANY PARTY ENTITLED TO RECEIVE NOTICE OF THE APPLICATION. THE TERMS AND CONDITIONS SHALL BE LEGALLY ENFORCEABLE IN THE SAME MANNER AS APPLICABLE PROVISIONS OF THIS CHAPTER OR REGULATIONS OF THE AUTHORITY.

S 8. Section 81 of the alcoholic beverage control law is amended by adding a new subdivision 5 to read as follows:

5. THE AUTHORITY MAY INCLUDE, AS PART OF A LICENSE UNDER THIS SECTION, TERMS AND CONDITIONS FOR THE PURPOSE OF ASSURING THAT THE LICENSED PREMISES ARE OPERATED IN ACCORDANCE WITH APPLICABLE LAW AND CONSISTENT WITH PUBLIC CONVENIENCE AND ADVANTAGE. PRIOR TO INCLUDING TERMS AND CONDITIONS IN A LICENSE, THE AUTHORITY SHALL CONSULT WITH THE APPLICANT AND ANY PARTY ENTITLED TO RECEIVE NOTICE OF THE APPLICATION. THE TERMS AND

CONDITIONS SHALL BE LEGALLY ENFORCEABLE IN THE SAME MANNER AS APPLICABLE PROVISIONS OF THIS CHAPTER OR REGULATIONS OF THE AUTHORITY.

S 9. Section 81-a of the alcoholic beverage control law is amended by adding a new subdivision 5 to read as follows:

5. THE AUTHORITY MAY INCLUDE, AS PART OF A LICENSE UNDER THIS SECTION, TERMS AND CONDITIONS FOR THE PURPOSE OF ASSURING THAT THE LICENSED PREMISES ARE OPERATED IN ACCORDANCE WITH APPLICABLE LAW AND CONSISTENT WITH PUBLIC CONVENIENCE AND ADVANTAGE. PRIOR TO INCLUDING TERMS AND CONDITIONS IN A LICENSE, THE AUTHORITY SHALL CONSULT WITH THE APPLICANT AND ANY PARTY ENTITLED TO RECEIVE NOTICE OF THE APPLICATION. THE TERMS AND CONDITIONS SHALL BE LEGALLY ENFORCEABLE IN THE SAME MANNER AS APPLICABLE PROVISIONS OF THIS CHAPTER OR REGULATIONS OF THE AUTHORITY.

S 10. This act shall take effect immediately.