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

2493--A

2013-2014 Regular Sessions

I N A S S E M B L Y

January 15, 2013

Introduced by M. of A. MILLER -- read once and referred to the Committee on Veterans' Affairs -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to requiring a one hundred twenty-day warning period for certain violations at certain veterans' organization facilities

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

Section 1. The general business law is amended by adding a new section 397-b to read as follows:

S 397-B. WARNING PERIOD FOR CERTAIN VIOLATIONS AT CERTAIN VETERANS' ORGANIZATION FACILITIES. 1. BEFORE ANY MONETARY FINES ARE ISSUED OR APPLIED BY ANY MUNICIPAL OR HEALTH AGENCY TO THE OWNER OR OPERATOR OF ANY PLACE, POST, FACILITY OR HALL OWNED OR OPERATED BY A CONGRESSIONALLY CHARTERED VETERANS' GROUP, A WARNING PERIOD OF ONE HUNDRED TWENTY DAYS SHALL TAKE PLACE DURING WHICH TIME SUCH GROUP SHALL BE ABLE TO CURE SUCH VIOLATION. IF, AT THE END OF SUCH ONE HUNDRED TWENTY-DAY PERIOD, SUCH VIOLATION CONTINUES, THEN A MONETARY FINE MAY BE ISSUED OR APPLIED PROVIDED, THAT AFTER SUCH ONE HUNDRED TWENTY-DAY PERIOD, SUCH VETERANS' ORGANIZATION MAY REQUEST AN EXTENSION OF TIME TO CURE SUCH VIOLATION. SUCH REQUEST SHALL BE MADE IN WRITING AND SHALL INCLUDE PROOF OF AN ATTEMPT TO CURE SUCH VIOLATION WITHIN SUCH PERIOD. THE PROVISIONS OF THIS SECTION SHALL NOT: (A) APPLY TO ANY IMMINENT LIFE THREATENING BUILDING CODE OR HEALTH CODE VIOLATION WHICH NECESSITATES AN EMERGENCY CLOSURE OF A FACILITY; OR (B) BE CONSTRUED TO APPLY TO OR EFFECT ANY VIOLATION OF THE ALCOHOLIC BEVERAGE CONTROL LAW MADE BY A FACILITY.

2. FOR THE PURPOSES OF THIS SECTION, THE TERM "CONGRESSIONALLY CHARTERED VETERANS' GROUP" SHALL MEAN ANY VETERANS' GROUP THAT HAS BEEN CHARTERED BY THE UNITED STATES CONGRESS UNDER TITLE 36 OF THE UNITED STATES CODE.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.

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

LBD01064-05-3