

4085--B

Cal. No. 49

2015-2016 Regular Sessions

I N S E N A T E

February 26, 2015

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the alcoholic beverage control law, in relation to the definition of "for cause" revocation of licenses

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

1 Section 1. Subdivision 3 of section 118 of the alcoholic beverage
2 control law, as added by chapter 536 of the laws of 1996, is amended to
3 read as follows:

4 3. (A) As used in this section, the term "for cause" shall also
5 include the existence of a sustained and continuing pattern of noise,
6 disturbance, misconduct, or disorder on or about the licensed premises,
7 related to the operation of the premises or the conduct of its patrons,
8 which adversely affects the health, welfare or safety of the inhabitants
9 of the area in which such licensed premises are located.

10 (B) (I) AS USED IN THIS SECTION, THE TERM "FOR CAUSE" SHALL ALSO
11 INCLUDE, FOR LICENSEES THAT SELL ALCOHOLIC BEVERAGES FOR ON PREMISES
12 CONSUMPTION, DELIBERATELY MISLEADING THE AUTHORITY:

13 (A) AS TO THE NATURE AND CHARACTER OF THE BUSINESS TO BE OPERATED ON
14 THE LICENSED PREMISES; OR

15 (B) BY SUBSTANTIALLY ALTERING THE NATURE OR CHARACTER OF SUCH BUSINESS
16 AT THE LICENSED PREMISES DURING THE LICENSING PERIOD WITHOUT SEEKING
17 APPROPRIATE APPROVALS FROM THE AUTHORITY.

18 (II) AS USED IN THIS SUBDIVISION, THE TERM "SUBSTANTIALLY ALTERING THE
19 NATURE OR CHARACTER" OF SUCH BUSINESS SHALL MEAN ANY SIGNIFICANT ALTER-
20 ATION IN THE SCOPE OF BUSINESS ACTIVITIES CONDUCTED AT A LICENSED PREM-
21 ISES THAT WOULD REQUIRE OBTAINING AN ALTERNATE FORM OF LICENSE.

22 S 2. This act shall take effect immediately.

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

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