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

10361--B

I N A S S E M B L Y

May 24, 2016

Introduced by M. of A. SCHIMMINGER -- read once and referred to the Committee on Economic Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the alcoholic beverage control law, in relation to designating nationally recognized credit cards as "cash" for purposes of the sale of alcoholic beverages

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

Section 1. Paragraph g of subdivision 1 of section 101-aaa of the alcoholic beverage control law, as amended by chapter 298 of the laws of 2010, is amended to read as follows:

g. "Cash" means and includes currency and coin of the United States of America, certified check, money order, electronic funds transfer, NATIONALLY RECOGNIZED CREDIT CARD, bank officer's check or draft, or a check drawn on the account of the retail licensee payable to the manufacturer or wholesaler and dated no later than the date of delivery of the alcoholic beverages and which is honored upon presentment for payment; provided, however, that if any check or other instrument described in this paragraph tendered by a retail licensee on the delinquent list is not honored upon presentment for payment, the license of such retail licensee may be suspended for not more than fifteen days for the first offense, and not more than sixty days for a subsequent offense, which penalty shall be in addition to the penalty provided for by the provisions of subdivision six of this section, and provided further, that nothing in this section shall require a manufacturer or wholesaler to accept a check tendered by or drawn on the account of a retail licensee on the delinquent list unless the same has been certified; AND ALSO PROVIDED THAT THE ACCEPTANCE OF A NATIONALLY RECOGNIZED CREDIT CARD SHALL BE LIMITED TO THOSE WHOLESALERS WHO DO NOT DELIVER THEIR MERCHANDISE TO A RETAIL LICENSEE.

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

LBD15416-05-6

S 2. Paragraph f of subdivision 1 of section 101-aa of the alcoholic beverage control law, as amended by chapter 84 of the laws of 2004, is amended to read as follows:

f. "Cash" means and includes currency and coin of the United States of America, certified check, money order, electronic funds transfer, NATIONALLY RECOGNIZED CREDIT CARD, bank officer's check or draft, or a check drawn on the account of the retail licensee payable to the manufacturer or wholesaler and dated no later than the date of delivery of the alcoholic beverages and which is honored upon presentment for payment, provided, however, that if any check or other instrument described herein tendered by a retail licensee on the delinquent list is not honored upon presentment for payment, the license of such retail licensee may be suspended for not more than fifteen days for the first offense, and not more than sixty days for a subsequent offense, which penalty shall be in addition to the penalty provided for by the provisions of subdivision six of this section, and provided further, that nothing herein contained shall require a manufacturer or wholesaler to accept a check tendered by or drawn on the account of a retail licensee on the delinquent list unless the same has been certified; AND ALSO PROVIDED THAT THE ACCEPTANCE OF A NATIONALLY RECOGNIZED CREDIT CARD SHALL BE LIMITED TO THOSE WHOLESALERS WHO DO NOT DELIVER THEIR MERCHANDISE TO A RETAIL LICENSEE.

S 3. This act shall take effect immediately.