

10728

I N   A S S E M B L Y

June 14, 2016

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Introduced by COMMITTEE ON RULES -- (at request of M. of A. Schimminger)  
-- (at request of the Governor) -- read once and referred to the  
Committee on Economic Development

AN ACT to amend the alcoholic beverage control law and the executive  
law, in relation to a reorganization of the alcoholic beverage control  
law

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

1     Section 1. Section 10 of the alcoholic beverage control law, as  
2 amended by chapter 83 of the laws of 1995, is amended to read as  
3 follows:  
4     S 10. State liquor authority. There shall continue to be in the exec-  
5 utive department an alcoholic beverage control division, the head of  
6 which shall be the state liquor authority [which] WHOSE MEMBERS shall  
7 consist of [three members, who shall be known as commissioners] A CHAIR-  
8 MAN AND TWO COMMISSIONERS, all of whom shall be citizens and residents  
9 of the state. [The state alcoholic beverage control board created and  
10 appointed pursuant to chapter one hundred eighty of the laws of nineteen  
11 hundred thirty-three, as presently constituted, shall continue in exist-  
12 ence and hereafter shall be known and designated as the state liquor  
13 authority.] The terms "state alcoholic beverage control board", "state  
14 board", "liquor authority", or "authority", wherever occurring in any of  
15 the provisions of this chapter or of any other law, or in any official  
16 books, records, instruments, rules or papers, shall hereafter mean and  
17 refer to the state liquor authority provided for in this section.  
18     S 2. Section 14 of the alcoholic beverage control law, as amended by  
19 chapter 83 of the laws of 1995, is amended to read as follows:  
20     S 14. Vacancies; quorum. 1. In the event of a vacancy caused by the  
21 death, resignation, removal or disability of any [member] COMMISSIONER,  
22 the vacancy shall be filled by the governor by and with the advice and  
23 consent of the senate for the unexpired term.  
24     2. (A) IN THE EVENT OF A VACANCY CAUSED BY THE DEATH, RESIGNATION,  
25 REMOVAL, OR DISABILITY OF THE CHAIRMAN, THE VACANCY SHALL BE FILLED BY  
26 THE GOVERNOR BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR THE

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

LBD12046-05-6

1 UNEXPIRED TERM. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE  
2 CONTRARY, THE GOVERNOR SHALL DESIGNATE ONE OF THE COMMISSIONERS TO SERVE  
3 AS ACTING CHAIRMAN FOR A PERIOD NOT TO EXCEED SIX MONTHS OR UNTIL A  
4 SUCCESSOR CHAIRMAN HAS BEEN CONFIRMED BY THE SENATE, WHICHEVER COMES  
5 FIRST. UPON THE EXPIRATION OF THE SIX MONTH TERM, IF THE GOVERNOR HAS  
6 NOMINATED A SUCCESSOR CHAIRMAN, BUT THE SENATE HAS NOT ACTED UPON THE  
7 NOMINATION, THE ACTING CHAIRMAN CAN CONTINUE TO SERVE AS ACTING CHAIRMAN  
8 FOR AN ADDITIONAL NINETY DAYS OR UNTIL THE GOVERNOR'S SUCCESSOR CHAIRMAN  
9 NOMINATION IS CONFIRMED BY THE SENATE, WHICHEVER COMES FIRST.

10 (B) THE GOVERNOR SHALL PROVIDE IMMEDIATE WRITTEN NOTICE TO THE TEMPO-  
11 RARY PRESIDENT OF THE SENATE OF THE DESIGNATION OF A COMMISSIONER AS  
12 ACTING CHAIRMAN.

13 (C) IF (I) THE GOVERNOR HAS NOT NOMINATED A SUCCESSOR CHAIRMAN UPON  
14 THE EXPIRATION OF THE SIX MONTH TERM OR (II) THE SENATE DOES NOT CONFIRM  
15 THE GOVERNOR'S SUCCESSOR NOMINATION WITHIN THE ADDITIONAL NINETY DAYS,  
16 THE COMMISSIONER DESIGNATED AS ACTING CHAIRMAN SHALL NO LONGER BE ABLE  
17 TO SERVE AS ACTING CHAIRMAN AND THE GOVERNOR IS PROHIBITED FROM EXTEND-  
18 ING THE POWERS OF THAT ACTING CHAIRMAN OR FROM DESIGNATING ANOTHER  
19 COMMISSIONER TO SERVE AS ACTING CHAIRMAN.

20 (D) A COMMISSIONER SERVING AS THE ACTING CHAIRMAN OF THE AUTHORITY  
21 SHALL BE DEEMED A STATE OFFICER FOR PURPOSES OF SECTION SEVENTY-THREE OF  
22 THE PUBLIC OFFICERS LAW.

23 3. A majority of the members of the authority shall constitute a  
24 quorum for the purpose of conducting the business thereof and a majority  
25 vote of all the members in office shall be necessary for action.  
26 PROVIDED, HOWEVER, THAT A COMMISSIONER DESIGNATED AS AN ACTING CHAIRMAN  
27 PURSUANT TO SUBDIVISION TWO OF SECTION FOURTEEN OF THIS CHAPTER SHALL  
28 HAVE ONLY ONE VOTE FOR PURPOSES OF CONDUCTING THE BUSINESS OF THE  
29 AUTHORITY.

30 S 3. Subdivision 3 of section 17 of the alcoholic beverage control  
31 law, as amended by section 2 of chapter 355 of the laws of 2013, is  
32 amended to read as follows:

33 3. To revoke, cancel or suspend for cause any license or permit issued  
34 under this chapter and/or to impose a civil penalty for cause against  
35 any holder of a license or permit issued pursuant to this chapter. Any  
36 civil penalty so imposed shall not exceed the sum of ten thousand  
37 dollars as against the holder of any retail permit issued pursuant to  
38 sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and  
39 paragraph f of subdivision one of section ninety-nine-b of this chapter,  
40 and as against the holder of any retail license issued pursuant to  
41 sections [fifty-two,] fifty-three-a, fifty-four, fifty-four-a, fifty-  
42 five, fifty-five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b,  
43 sixty-four-c, seventy-six-f, seventy-nine, eighty-one and eighty-one-a  
44 of this chapter, and the sum of thirty thousand dollars as against the  
45 holder of a license issued pursuant to sections fifty-three,  
46 SIXTY-ONE-A, SIXTY-ONE-B, seventy-six, seventy-six-a, and seventy-eight  
47 of this chapter, provided that the civil penalty against the holder of a  
48 wholesale license issued pursuant to section fifty-three of this chapter  
49 shall not exceed the sum of ten thousand dollars where that licensee  
50 violates provisions of this chapter during the course of the sale of  
51 beer at retail to a person for consumption at home, and the sum of one  
52 hundred thousand dollars as against the holder of any license issued  
53 pursuant to sections fifty-one, sixty-one, and sixty-two of this chap-  
54 ter. Any civil penalty so imposed shall be in addition to and separate  
55 and apart from the terms and provisions of the bond required pursuant to  
56 section one hundred twelve of this chapter. Provided that no appeal is

1 pending on the imposition of such civil penalty, in the event such civil  
2 penalty imposed by the division remains unpaid, in whole or in part,  
3 more than forty-five days after written demand for payment has been sent  
4 by first class mail to the address of the licensed premises, a notice of  
5 impending default judgment shall be sent by first class mail to the  
6 licensed premises and by first class mail to the last known home address  
7 of the person who signed the most recent license application. The  
8 notice of impending default judgment shall advise the licensee: (a) that  
9 a civil penalty was imposed on the licensee; (b) the date the penalty  
10 was imposed; (c) the amount of the civil penalty; (d) the amount of the  
11 civil penalty that remains unpaid as of the date of the notice; (e) the  
12 violations for which the civil penalty was imposed; and (f) that a judg-  
13 ment by default will be entered in the supreme court of the county in  
14 which the licensed premises are located, or other court of civil juris-  
15 diction or any other place provided for the entry of civil judgments  
16 within the state of New York unless the division receives full payment  
17 of all civil penalties due within twenty days of the date of the notice  
18 of impending default judgment. If full payment shall not have been  
19 received by the division within thirty days of mailing of the notice of  
20 impending default judgment, the division shall proceed to enter with  
21 such court a statement of the default judgment containing the amount of  
22 the penalty or penalties remaining due and unpaid, along with proof of  
23 mailing of the notice of impending default judgment. The filing of such  
24 judgment shall have the full force and effect of a default judgment duly  
25 docketed with such court pursuant to the civil practice law and rules  
26 and shall in all respects be governed by that chapter and may be  
27 enforced in the same manner and with the same effect as that provided by  
28 law in respect to execution issued against property upon judgments of a  
29 court of record. A judgment entered pursuant to this subdivision shall  
30 remain in full force and effect for eight years notwithstanding any  
31 other provision of law.

32 S 4. Subdivision 3 of section 17 of the alcoholic beverage control  
33 law, as amended by section 3 of chapter 355 of the laws of 2013, is  
34 amended to read as follows:

35 3. To revoke, cancel or suspend for cause any license or permit issued  
36 under this chapter and/or to impose a civil penalty for cause against  
37 any holder of a license or permit issued pursuant to this chapter. Any  
38 civil penalty so imposed shall not exceed the sum of ten thousand  
39 dollars as against the holder of any retail permit issued pursuant to  
40 sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and  
41 paragraph f of subdivision one of section ninety-nine-b of this chapter,  
42 and as against the holder of any retail license issued pursuant to  
43 sections [fifty-two,] fifty-three-a, fifty-four, fifty-four-a, fifty-  
44 five, fifty-five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b,  
45 sixty-four-c, seventy-six-f, seventy-nine, eighty-one, and eighty-one-a  
46 of this chapter, and the sum of thirty thousand dollars as against the  
47 holder of a license issued pursuant to sections fifty-three,  
48 SIXTY-ONE-A, SIXTY-ONE-B, seventy-six, seventy-six-a and seventy-eight  
49 of this chapter, provided that the civil penalty against the holder of a  
50 wholesale license issued pursuant to section fifty-three of this chapter  
51 shall not exceed the sum of ten thousand dollars where that licensee  
52 violates provisions of this chapter during the course of the sale of  
53 beer at retail to a person for consumption at home, and the sum of one  
54 hundred thousand dollars as against the holder of any license issued  
55 pursuant to sections fifty-one, sixty-one and sixty-two of this chapter.  
56 Any civil penalty so imposed shall be in addition to and separate and

1 apart from the terms and provisions of the bond required pursuant to  
2 section one hundred twelve of this chapter. Provided that no appeal is  
3 pending on the imposition of such civil penalty, in the event such civil  
4 penalty imposed by the division remains unpaid, in whole or in part,  
5 more than forty-five days after written demand for payment has been sent  
6 by first class mail to the address of the licensed premises, a notice of  
7 impending default judgment shall be sent by first class mail to the  
8 licensed premises and by first class mail to the last known home address  
9 of the person who signed the most recent license application. The notice  
10 of impending default judgment shall advise the licensee: (a) that a  
11 civil penalty was imposed on the licensee; (b) the date the penalty was  
12 imposed; (c) the amount of the civil penalty; (d) the amount of the  
13 civil penalty that remains unpaid as of the date of the notice; (e) the  
14 violations for which the civil penalty was imposed; and (f) that a judg-  
15 ment by default will be entered in the supreme court of the county in  
16 which the licensed premises are located, or other court of civil juris-  
17 diction, or any other place provided for the entry of civil judgments  
18 within the state of New York unless the division receives full payment  
19 of all civil penalties due within twenty days of the date of the notice  
20 of impending default judgment. If full payment shall not have been  
21 received by the division within thirty days of mailing of the notice of  
22 impending default judgment, the division shall proceed to enter with  
23 such court a statement of the default judgment containing the amount of  
24 the penalty or penalties remaining due and unpaid, along with proof of  
25 mailing of the notice of impending default judgment. The filing of such  
26 judgment shall have the full force and effect of a default judgment duly  
27 docketed with such court pursuant to the civil practice law and rules  
28 and shall in all respects be governed by that chapter and may be  
29 enforced in the same manner and with the same effect as that provided by  
30 law in respect to execution issued against property upon judgments of a  
31 court of record. A judgment entered pursuant to this subdivision shall  
32 remain in full force and effect for eight years notwithstanding any  
33 other provision of law.

34 S 5. The alcoholic beverage control law is amended by adding two new  
35 sections 61-a and 61-b to read as follows:

36 S 61-A. COMBINED CRAFT MANUFACTURING LICENSE. 1. THE AUTHORITY MAY  
37 ISSUE A COMBINED CRAFT MANUFACTURER'S LICENSE TO A PERSON FOR THE  
38 PURPOSES OF ARTICLES FOUR, FOUR-A, FIVE AND SIX OF THIS CHAPTER, COMBIN-  
39 ING THE PRIVILEGES OF TWO OR MORE FARM OR MICRO MANUFACTURING LICENSES  
40 FOR USE AT ONE PREMISES.

41 2. THE LICENSE FEE FOR THE COMBINED LICENSE SHALL EQUAL THE SUM OF THE  
42 LICENSE FEES FOR EACH OF THE LICENSES INCLUDED IN THE COMBINED LICENSE.  
43 PROVIDED, HOWEVER, THAT ONLY ONE FILING FEE SHALL BE REQUIRED FOR ANY  
44 COMBINED LICENSE.

45 3. THE LICENSE CERTIFICATE OF THE COMBINED LICENSE SHALL SET FORTH THE  
46 LICENSES THAT ARE INCLUDED UNDER THE COMBINED LICENSE.

47 4. A COMBINED FARM MANUFACTURER'S LICENSE MAY COMBINE TWO OR MORE OF  
48 THE FOLLOWING LICENSES: FARM BREWERY; MICRO-BREWERY; FARM CIDERY; FARM  
49 WINERY; MICRO-DISTILLERY; MICRO-RECTIFIER; AND FARM DISTILLERY.  
50 PROVIDED, HOWEVER, THAT THE LICENSED PREMISES FOR A COMBINED FARM  
51 MANUFACTURER'S LICENSE THAT INCLUDES A FARM WINERY LICENSE MUST BE  
52 LOCATED ON A FARM.

53 S 61-B. IMPORTER'S LICENSE. AN IMPORTER'S LICENSE SHALL AUTHORIZE THE  
54 HOLDER THEREOF TO IMPORT ALCOHOLIC BEVERAGES INTO THIS STATE AND SELL  
55 SUCH ALCOHOLIC BEVERAGES TO LICENSED WHOLESALERS AUTHORIZED TO SELL SUCH  
56 ALCOHOLIC BEVERAGES.

1 S 6. Subdivision 4 of section 63 of the alcoholic beverage control  
2 law, as amended by chapter 603 of the laws of 1992, is amended to read  
3 as follows:

4 4. No licensee under this section shall be engaged in any other busi-  
5 ness on the licensed premises. The sale of lottery tickets, when duly  
6 authorized and lawfully conducted, the sale of corkscrews or the sale of  
7 ice or the sale of publications, including prerecorded video and/or  
8 audio cassette tapes, designed to help educate consumers in their know-  
9 ledge and appreciation of wine and wine products, as defined in section  
10 three of this chapter, or the sale of non-carbonated, non-flavored  
11 mineral waters, spring waters and drinking waters or the sale of glasses  
12 designed for the consumption of wine, racks designed for the storage of  
13 wine, and devices designed to minimize oxidation in bottles of wine  
14 which have been uncorked, OR THE SALE OF GIFT BAGS, GIFT BOXES, OR WRAP-  
15 PING, FOR ALCOHOLIC BEVERAGES PURCHASED AT THE LICENSED PREMISES shall  
16 not constitute engaging in another business within the meaning of this  
17 subdivision.

18 S 7. Section 66 of the alcoholic beverage control law is amended by  
19 adding a new subdivision 3-a to read as follows:

20 3-A. THE ANNUAL FEE FOR AN IMPORTER'S LICENSE SHALL BE ONE HUNDRED  
21 TWENTY-FIVE DOLLARS.

22 S 8. Subdivision 1 of section 93 of the alcoholic beverage control law  
23 is amended to read as follows:

24 1. No individual shall offer for sale or solicit any order in the  
25 state for the sale of any alcoholic beverage irrespective of whether  
26 such sale is to be made within or without the state, unless such person  
27 shall have a solicitor's permit. PROVIDED, HOWEVER, THAT NO PERMIT  
28 UNDER THIS SECTION SHALL BE REQUIRED FOR AN INDIVIDUAL WHO IS SOLICITING  
29 ORDERS ON BEHALF OF A MICRO-BREWERY, FARM BREWERY, FARM CIDERY, FARM  
30 WINERY, MICRO-FARM WINERY, MICRO-DISTILLERY, MICRO-RECTIFIER, OR FARM  
31 DISTILLERY LICENSED UNDER THIS CHAPTER.

32 S 9. Subdivision 4 of section 93 of the alcoholic beverage control  
33 law, as amended by section 12 of part Z of chapter 85 of the laws of  
34 2002, is amended to read as follows:

35 4. Notwithstanding the foregoing provisions of this section, any duly  
36 licensed manufacturer or wholesaler may apply to the liquor authority  
37 for an annual temporary solicitor's employment permit. Such permit shall  
38 authorize such manufacturer or wholesaler to employ one or more persons  
39 as a solicitor for a period of not exceeding [sixty consecutive working  
40 days] SIX MONTHS provided that within [thirty] SIXTY days after such  
41 employee has been employed as a solicitor such employee shall file his  
42 application for a solicitor's permit with the liquor authority. The  
43 license fee for such permit shall be thirty-eight dollars per year, or  
44 for any part thereof, and the permit shall be issued for the calendar  
45 year. Such permit and the exercise of the privileges hereby granted  
46 thereunder, shall be subject to such terms and conditions as may be  
47 prescribed by the liquor authority.

48 S 10. The alcoholic beverage control law is amended by adding a new  
49 section 99-h to read as follows:

50 S 99-H. SUNDAY ON-PREMISES SALES PERMIT. 1. A PERMIT ISSUED UNDER  
51 THIS SECTION SHALL AUTHORIZE A PERSON LICENSED TO SELL ALCOHOLIC BEVER-  
52 AGES FOR CONSUMPTION ON THE PREMISES PURSUANT TO THIS CHAPTER TO SELL  
53 ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION ON SUNDAY BETWEEN THE  
54 HOURS OF EIGHT O'CLOCK A.M. AND TEN O'CLOCK A.M.

55 2. A PERMIT UNDER THIS SECTION SHALL BE ISSUED FOR ONE CALENDAR DAY.

1 3. THE FEE FOR SUCH A PERMIT SHALL BE TWENTY-FIVE DOLLARS, TOGETHER  
2 WITH A FILING FEE OF TEN DOLLARS.

3 4. AN APPLICANT FOR A PERMIT UNDER THIS SECTION SHALL PROVIDE NOTICE  
4 TO THE LOCAL MUNICIPALITY OF SUCH APPLICATION AS PROVIDED IN SECTION ONE  
5 HUNDRED TEN-B OF THIS CHAPTER.

6 5. NO MORE THAN TWELVE PERMITS UNDER THIS SECTION MAY BE ISSUED TO THE  
7 SAME LICENSEE IN ANY CALENDAR YEAR.

8 6. A PERMIT UNDER THIS SECTION SHALL NOT BE AVAILABLE FOR ANY LICENSED  
9 PREMISES LOCATED IN A CITY WITH A POPULATION OF ONE MILLION OR MORE.

10 7. SUCH PERMIT AND THE EXERCISE OF THE PRIVILEGES GRANTED THEREUNDER  
11 SHALL BE SUBJECT TO SUCH RULES THAT THE AUTHORITY MAY DEEM NECESSARY.

12 S 11. Subdivisions 5 and 11 of section 105 of the alcoholic beverage  
13 control law, as amended by chapter 503 of the laws of 1984, subdivision  
14 5 as separately amended by chapter 628 of the laws of 1984, are amended  
15 to read as follows:

16 5. No retail licensee of liquor and/or wine for off-premises consump-  
17 tion shall keep upon the licensed premises any liquors and/or wines in  
18 any cask, barrel, keg, hogshead or other container, except in the  
19 original sealed package, as received from the manufacturer or whole-  
20 saler. Such containers shall have affixed thereto such labels as may be  
21 required by the rules of the liquor authority, together with all neces-  
22 sary federal revenue and New York state excise tax stamps, as required  
23 by law. Such containers shall not be opened nor its contents consumed on  
24 the premises where sold, except for the purpose of wine tasting or  
25 sampling by any person pursuant to authorization to conduct such a  
26 sampling or tasting pursuant to subdivision [two] THREE of section  
27 seventy-six of this chapter except those to whom sales are prohibited in  
28 section sixty-five of this chapter. THE PROVISIONS OF THIS SUBDIVISION  
29 SHALL NOT PROHIBIT A LICENSED WINERY OR FARM WINERY FROM SELLING OR  
30 DELIVERING WINE TO A CONSUMER FOR OFF-PREMISES CONSUMPTION IN A CONTAIN-  
31 ER NOT TO EXCEED FOUR LITERS IN CAPACITY THAT SHALL HAVE A TEMPORARILY  
32 SECURED SEAL FOR PURPOSES OF REMOVING THE WINE FROM THE PREMISES.

33 11. No retail licensee of liquor and/or wine for off-premises consump-  
34 tion shall keep or permit to be kept upon the licensed premises, any  
35 liquors and/or wines in any unsealed bottle or other unsealed container,  
36 except for the purpose of wine tasting or sampling by any person pursu-  
37 ant to authorization to conduct such a sampling or tasting pursuant to  
38 subdivision [two] THREE of section seventy-six of this chapter except  
39 those to whom sales are prohibited in section sixty-five of this chap-  
40 ter. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT PROHIBIT A LICENSED  
41 WINERY OR FARM WINERY FROM SELLING OR DELIVERING WINE TO A CONSUMER FOR  
42 OFF-PREMISES CONSUMPTION IN A CONTAINER NOT TO EXCEED FOUR LITERS IN  
43 CAPACITY THAT SHALL HAVE A TEMPORARILY SECURED SEAL FOR PURPOSES OF  
44 REMOVING THE WINE FROM THE PREMISES.

45 S 12. Subdivision 3 and paragraph (a) of subdivision 5 of section 106  
46 of the alcoholic beverage control law, paragraph (a) of subdivision 5 as  
47 amended by chapter 83 of the laws of 1995, are amended to read as  
48 follows:

49 3. No retail licensee for on-premises consumption shall sell, deliver  
50 or give away, or cause or permit or procure to be sold, delivered or  
51 given away any liquors and/or wines for consumption off the premises  
52 where sold. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT PROHIBIT A  
53 LICENSED WINERY OR FARM WINERY FROM ALLOWING A PATRON TO LEAVE THE  
54 WINERY OR FARM WINERY WITH A PARTIALLY CONSUMED BOTTLE OF WINE PROVIDED  
55 THAT THE REMOVAL OF THE BOTTLE IS DONE IN ACCORDANCE WITH SUBDIVISION  
56 FOUR OF SECTION EIGHTY-ONE OF THIS CHAPTER.

1 (a) Sunday, from four ante meridiem to [twelve noon] TEN O'CLOCK A.M.,  
2 EXCEPT PURSUANT TO A PERMIT ISSUED UNDER SECTION NINETY-NINE-H OF THIS  
3 CHAPTER.

4 S 13. Section 108 of the alcoholic beverage control law, as amended by  
5 chapter 419 of the laws of 1950, is amended to read as follows:

6 S 108. Restrictions upon licensees. 1. No licensee except the holder  
7 of a [brewer's or distiller's license or a winery] license TO MANUFAC-  
8 TURE ALCOHOLIC BEVERAGES shall keep or permit to be kept or consumed on  
9 the licensed premises any alcoholic beverage except the alcoholic bever-  
10 ages which he is permitted to sell under the terms of the license issued  
11 to him.

12 2. THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL NOT PROHIB-  
13 IT A PERSON HOLDING A RETAIL ON-PREMISES LICENSE AND A RETAIL OFF-PREM-  
14 ISES BEER OR BEER AND WINE PRODUCTS LICENSE FOR AN ADJACENT PREMISES TO  
15 TRANSPORT ALCOHOLIC BEVERAGES THROUGH SUCH OFF-PREMISES LOCATION TO  
16 SUPPLY SUCH ADJACENT ON-PREMISES LOCATION.

17 S 14. Section 112 of the alcoholic beverage control law, as amended by  
18 chapter 335 of the laws of 1944, and as further amended by section 104  
19 of part A of chapter 62 of the laws of 2011, is amended to read as  
20 follows:

21 S 112. Bonds of licensees and permittees. The liquor authority may  
22 require the licensees and permittees of one or more of the kinds or  
23 classes described in this chapter to file with it a bond to the people  
24 of the state of New York issued by a surety company, approved by the  
25 superintendent of financial services as to solvency and responsibility  
26 and authorized to transact business in this state, in such penal sum as  
27 the liquor authority may heretofore have prescribed or hereafter shall  
28 prescribe, conditioned that such licensee or permittee will not suffer  
29 or permit any violation of the provisions of this chapter and that all  
30 fines and penalties which shall accrue, during the time the license or  
31 permit shall be in effect, will be paid, together with all costs taxed  
32 or allowed in any action or proceeding brought or instituted for a  
33 violation of any of the provisions of this chapter. A suit to recover on  
34 any bond filed pursuant to chapter one hundred eighty of the laws of  
35 nineteen hundred thirty-three or this chapter may be brought by the  
36 liquor authority or on relation of any party aggrieved, in a court of  
37 competent jurisdiction and in the event that the obligor named in such  
38 bond has violated any of the conditions of such bond, recovery for the  
39 penal sum of such bond may be had in favor of the people of the state.  
40 NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, NO BOND SHALL BE  
41 REQUIRED TO BE FILED BY THE HOLDER OF A SOLICITOR'S PERMIT ISSUED UNDER  
42 SECTION NINETY-THREE OF THIS CHAPTER.

43 S 15. Section 118 of the alcoholic beverage control law is amended by  
44 adding a new subdivision 5 to read as follows:

45 5. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER TO THE CONTRA-  
46 RY, A SUSPENSION IMPOSED UNDER THIS SECTION AGAINST THE HOLDER OF A  
47 LICENSE ISSUED UNDER SECTION SIXTY-ONE-A OF THIS CHAPTER SHALL ONLY  
48 SUSPEND THE LICENSED ACTIVITIES RELATED TO THE TYPE OF ALCOHOLIC BEVER-  
49 AGE INVOLVED IN THE VIOLATION RESULTING IN THE SUSPENSION.

50 S 16. The opening paragraph of section 270 of the executive law, as  
51 amended by chapter 83 of the laws of 1995, is amended to read as  
52 follows:

53 The head of the alcoholic beverage control division shall be the state  
54 liquor authority [which] WHOSE MEMBERS shall consist of [three members,  
55 who shall be known as commissioners] A CHAIRMAN AND TWO COMMISSIONERS,  
56 who shall be appointed by the governor, by and with the advice and

1 consent of the senate[, and one of whom shall be designated as chairman  
2 by the governor].

3 S 17. Section 273 of the executive law, as amended by chapter 83 of  
4 the laws of 1995, is amended to read as follows:

5 S 273. Vacancies; quorum. (A) In the event of a vacancy caused by  
6 death, resignation, removal or disability of [any member] A  
7 COMMISSIONER, the vacancy shall be filled by the governor by and with  
8 the advice and consent of the senate for the unexpired term.

9 (B) IN THE EVENT OF A VACANCY CAUSED BY THE DEATH, RESIGNATION,  
10 REMOVAL OR DISABILITY OF THE CHAIRMAN, THE VACANCY SHALL BE FILLED BY  
11 THE GOVERNOR BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR THE  
12 UNEXPIRED TERM. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE  
13 CONTRARY, THE GOVERNOR SHALL DESIGNATE ONE OF THE COMMISSIONERS TO SERVE  
14 AS ACTING CHAIRMAN FOR A PERIOD NOT TO EXCEED SIX MONTHS OR UNTIL A  
15 SUCCESSOR CHAIRMAN HAS BEEN CONFIRMED BY THE SENATE, WHICHEVER COMES  
16 FIRST. UPON THE EXPIRATION OF THE SIX MONTH TERM, IF THE GOVERNOR HAS  
17 NOMINATED A SUCCESSOR CHAIRMAN, BUT THE SENATE HAS NOT ACTED UPON THE  
18 NOMINATION, THE ACTING CHAIRMAN CAN CONTINUE TO SERVE AS ACTING CHAIRMAN  
19 FOR AN ADDITIONAL NINETY DAYS OR UNTIL THE GOVERNOR'S SUCCESSOR CHAIRMAN  
20 NOMINATION IS CONFIRMED BY THE SENATE, WHICHEVER COMES FIRST.

21 (C) THE GOVERNOR SHALL PROVIDE IMMEDIATE WRITTEN NOTICE TO THE TEMPO-  
22 RARY PRESIDENT OF THE SENATE OF THE DESIGNATION OF A COMMISSIONER AS  
23 ACTING CHAIRMAN.

24 (D) IF (I) THE GOVERNOR HAS NOT NOMINATED A SUCCESSOR CHAIRMAN UPON  
25 THE EXPIRATION OF THE SIX MONTH TERM OR (II) THE SENATE DOES NOT CONFIRM  
26 THE GOVERNOR'S SUCCESSOR NOMINATION WITHIN THE ADDITIONAL NINETY DAYS,  
27 THE COMMISSIONER DESIGNATED AS ACTING CHAIRMAN SHALL NO LONGER BE ABLE  
28 TO SERVE AS ACTING CHAIRMAN AND THE GOVERNOR IS PROHIBITED FROM EXTEND-  
29 ING THE POWERS OF THAT ACTING CHAIRMAN OR FROM DESIGNATING ANOTHER  
30 COMMISSIONER TO SERVE AS ACTING CHAIRMAN.

31 (E) A COMMISSIONER SERVING AS THE ACTING CHAIRMAN OF THE AUTHORITY  
32 SHALL BE DEEMED A STATE OFFICER FOR PURPOSES OF SECTION SEVENTY-THREE OF  
33 THE PUBLIC OFFICERS LAW.

34 (F) A majority of the members of the authority shall constitute a  
35 quorum for the purpose of conducting the business thereof and a majority  
36 vote of all the members in office shall be necessary for action.  
37 PROVIDED, HOWEVER, THAT A COMMISSIONER DESIGNATED AS AN ACTING CHAIRMAN  
38 PURSUANT TO SUBDIVISION TWO OF SECTION FOURTEEN OF THIS CHAPTER SHALL  
39 HAVE ONLY ONE VOTE FOR PURPOSES OF CONDUCTING THE BUSINESS OF THE  
40 AUTHORITY.

41 S 18. This act shall take effect on the sixtieth day after it shall  
42 have become a law; provided, however, that section twelve of this act  
43 shall take effect immediately; provided, further, that the amendments to  
44 section 17 of the alcoholic beverage control law made by section three  
45 of this act shall be subject to the expiration and reversion of such  
46 section pursuant to section 4 of chapter 118 of the laws of 2012, as  
47 amended, when upon such date the provisions of section four of this act  
48 shall take effect; and further provided that sections six and thirteen  
49 of this act shall expire and be deemed repealed three years after such  
50 effective date.