

3371

2015-2016 Regular Sessions

I N S E N A T E

February 6, 2015

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and
when printed to be committed to the Committee on Investigations and
Government Operations

AN ACT to amend the alcoholic beverage control law, in relation to wine,
beer and liquor in motion picture theatres

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

1 Section 1. Section 3 of the alcoholic beverage control law is amended
2 by adding a new subdivision 20-f to read as follows:
3 20-F. "MOTION PICTURE THEATRE" SHALL MEAN A BUILDING OR FACILITY WHICH
4 IS REGULARLY USED AND KEPT OPEN PRIMARILY FOR THE EXHIBITION OF MOTION
5 PICTURES ON A DAILY BASIS TO THE GENERAL PUBLIC WHERE ALL AUDITORIUM
6 SEATING IS PERMANENTLY AFFIXED TO THE FLOOR AND AT LEAST SIXTY-FIVE
7 PERCENT OF THE MOTION PICTURE THEATRE'S ANNUAL GROSS REVENUES IS THE
8 COMBINED RESULT OF ADMISSION REVENUE FOR THE SHOWING OF MOTION PICTURES
9 AND THE SALE OF FOOD AND NON-ALCOHOLIC BEVERAGES.
10 S 2. The alcoholic beverage control law is amended by adding a new
11 section 64-e to read as follows:
12 S 64-E. LICENSE TO SELL LIQUOR AT RETAIL FOR CONSUMPTION ON THE PREM-
13 ISES IN A MOTION PICTURE THEATRE. 1. ANY PERSON MAY MAKE AN APPLICATION
14 TO THE STATE LIQUOR AUTHORITY FOR A LICENSE TO SELL LIQUOR AT RETAIL FOR
15 CONSUMPTION ON THE PREMISES IN A MOTION PICTURE THEATRE AS DEFINED IN
16 SUBDIVISION TWENTY-F OF SECTION THREE OF THIS CHAPTER.
17 2. A LICENSE UNDER THIS SECTION SHALL BE ISSUED TO ALL APPLICANTS
18 EXCEPT FOR GOOD CAUSE SHOWN. IN DETERMINING WHETHER GOOD CAUSE EXISTS TO
19 DENY AN APPLICATION, THE AUTHORITY MAY CONSIDER:
20 (A) THE HISTORY OF LIQUOR VIOLATIONS AND DOCUMENTED CRIMINAL ACTIVITY
21 AT THE PROPOSED PREMISES CONNECTED WITH THE SALE AND CONSUMPTION OF
22 ALCOHOLIC BEVERAGES;

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

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(B) EVIDENCE THAT ALL NECESSARY LICENSES AND PERMITS HAVE BEEN OBTAINED FROM THE STATE AND ALL OTHER GOVERNING BODIES FOR THE OPERATION OF THE MOTION PICTURE THEATRE AND SALE OF ALCOHOLIC BEVERAGES;

(C) THE AGGREGATE NUMBER OF SEATS IN THE MOTION PICTURE THEATRE;

(D) THE APPLICANT'S PROPOSED METHOD OF OPERATION AND ALCOHOLIC BEVERAGE CONTROL PLAN;

(E) OBJECTIONS FROM THE LOCAL MUNICIPALITY BASED ON EVIDENCE OF NEGATIVE IMPACTS TO THE SURROUNDING COMMUNITY;

(F) ANY OTHER FACTORS, IN THE JUDGMENT OF THE AUTHORITY, THAT WOULD CREATE A RISK IN THE ORDERLY ENFORCEMENT OF THIS CHAPTER; AND

(G) ANY OTHER FACTORS, SUCH AS THE CHARACTER AND FITNESS OF THE APPLICANT TO HOLD A LICENSE, THAT ARE RELEVANT TO DETERMINE WHETHER GOOD CAUSE EXISTS TO DENY THE APPLICATION.

3. SUCH APPLICATION SHALL BE IN SUCH FORM AND SHALL CONTAIN SUCH INFORMATION AS SHALL BE REQUIRED BY THE RULES OF THE LIQUOR AUTHORITY AND SHALL BE ACCOMPANIED BY A CHECK OR DRAFT IN THE AMOUNT REQUIRED BY THIS ARTICLE FOR SUCH LICENSE. SUCH LICENSE SHALL ALSO BE DEEMED TO INCLUDE A LICENSE TO SELL WINE AND BEER AT RETAIL TO BE CONSUMED UNDER THE SAME TERMS AND CONDITIONS, WITHOUT THE PAYMENT OF ANY ADDITIONAL FEE.

4. SECTION FIFTY-FOUR OF THIS CHAPTER SHALL CONTROL SO FAR AS APPLICABLE THE PROCEDURE IN CONNECTION WITH SUCH APPLICATION.

5. A LICENSE ISSUED PURSUANT TO THIS SECTION SHALL BE SUBJECT TO THE CONDITIONS SET FORTH BELOW. FAILURE TO COMPLY WITH ANY OF THESE CONDITIONS SHALL, CONSTITUTE GROUNDS FOR THE SUSPENSION, CANCELLATION OR REVOCATION OF THE LICENSE, AND/OR THE IMPOSITION OF A CIVIL PENALTY AND THE RECOVERY OF THE PENAL SUM OF THE BOND ON FILE DURING THE PERIOD OF THE VIOLATION.

(A) A LICENSEE SHALL NOT SELL OR SERVE AN ALCOHOLIC BEVERAGE TO ANY PERSON THAT DOES NOT DEMONSTRATE THAT THEY ARE OVER THE AGE OF TWENTY-ONE AS EVIDENCED BY THE PRESENTATION OF A VALID FORM OF PHOTOGRAPHIC IDENTIFICATION AUTHORIZED BY SECTION SIXTY-FIVE-B OF THIS CHAPTER;

(B) NO MORE THAN ONE ALCOHOLIC BEVERAGE SHALL BE SOLD OR SERVED TO ANY ONE PERSON DURING ANY ONE TRANSACTION;

(C) SUBJECT TO THE PROVISIONS SET FORTH IN SUBDIVISION FIVE OF SECTION ONE HUNDRED SIX OF THIS CHAPTER, THE LICENSEE SHALL ONLY SELL OR SERVE ALCOHOLIC BEVERAGES FOR THE PERIOD BEGINNING ONE HOUR PRIOR TO THE FIRST MOTION PICTURE VIEWING AND ENDING UPON THE CONCLUSION OF THE LAST MOTION PICTURE VIEWING; AND

(D) THE LICENSEE MUST MAKE AVAILABLE TO ITS PATRONS FOOD THAT IS TYPICALLY FOUND IN A MOTION PICTURE THEATRE, INCLUDING BUT NOT LIMITED TO: POPCORN, CANDY, AND LIGHT SNACKS.

6. NOTHING CONTAINED IN THIS SECTION SHALL PROHIBIT THE ISSUANCE OF A LICENSE PURSUANT TO SECTION SIXTY-FOUR OF THIS SECTION TO A MOTION PICTURE THEATRE OR OTHER VENUE THAT SHOWS MOTION PICTURES THAT MEETS THE DEFINITION OF A RESTAURANT SET FORTH IN SUBDIVISION TWENTY-SEVEN OF SECTION THREE OF THIS CHAPTER AND WHERE ALL SEATING IS AT TABLES OR SEATSIDE TABLES WHERE MEALS ARE SERVED.

7. NO RETAIL LICENSE FOR ON-PREMISES CONSUMPTION SHALL BE GRANTED FOR ANY PREMISES WHICH SHALL BE:

(A) ON THE SAME STREET OR AVENUE AND WITHIN TWO HUNDRED FEET OF A BUILDING OCCUPIED EXCLUSIVELY AS A SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP; OR

(B) IN A CITY, TOWN OR VILLAGE HAVING A POPULATION OF TWENTY THOUSAND OR MORE WITHIN FIVE HUNDRED FEET OF THREE OR MORE EXISTING PREMISES

1 LICENSED AND OPERATING PURSUANT TO THIS SECTION AND SECTIONS SIXTY-FOUR,
2 SIXTY-FOUR-A, SIXTY-FOUR-B, SIXTY-FOUR-C, AND/OR SIXTY-FOUR-D OF THIS
3 ARTICLE.

4 8. (A) THE MEASUREMENTS IN SUBDIVISION SEVEN OF THIS SECTION ARE TO BE
5 TAKEN IN STRAIGHT LINES FROM THE CENTER OF THE NEAREST ENTRANCE OF THE
6 PREMISES SOUGHT TO BE LICENSED TO THE CENTER OF THE NEAREST ENTRANCE OF
7 SUCH SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP OR TO THE
8 CENTER OF THE NEAREST ENTRANCE OF EACH SUCH PREMISES LICENSED AND OPER-
9 ATING PURSUANT TO THIS SECTION AND SECTIONS SIXTY-FOUR, SIXTY-FOUR-A,
10 SIXTY-FOUR-B, SIXTY-FOUR-C, AND/OR SIXTY-FOUR-D OF THIS ARTICLE; EXCEPT,
11 HOWEVER, THAT NO RENEWAL LICENSE SHALL BE DENIED BECAUSE OF SUCH
12 RESTRICTION TO ANY PREMISES SO LOCATED WHICH WERE MAINTAINED AS A BONA
13 FIDE HOTEL, RESTAURANT, CATERING ESTABLISHMENT OR CLUB ON OR PRIOR TO
14 DECEMBER FIFTH, NINETEEN HUNDRED THIRTY-THREE; AND, EXCEPT THAT NO
15 LICENSE SHALL BE DENIED TO ANY PREMISES AT WHICH A LICENSE UNDER THIS
16 CHAPTER HAS BEEN IN EXISTENCE CONTINUOUSLY FROM A DATE PRIOR TO THE DATE
17 WHEN A BUILDING ON THE SAME STREET OR AVENUE AND WITHIN TWO HUNDRED FEET
18 OF SAID PREMISES HAS BEEN OCCUPIED EXCLUSIVELY AS A SCHOOL, CHURCH,
19 SYNAGOGUE OR OTHER PLACE OF WORSHIP; AND EXCEPT THAT NO LICENSE SHALL BE
20 DENIED TO ANY PREMISES, WHICH IS WITHIN FIVE HUNDRED FEET OF THREE OR
21 MORE EXISTING PREMISES LICENSED AND OPERATING PURSUANT TO THIS SECTION
22 AND SECTIONS SIXTY-FOUR, SIXTY-FOUR-A, SIXTY-FOUR-B, SIXTY-FOUR-C,
23 AND/OR SIXTY-FOUR-D OF THIS ARTICLE, AT WHICH A LICENSE UNDER THIS CHAP-
24 TER HAS BEEN IN EXISTENCE CONTINUOUSLY ON OR PRIOR TO NOVEMBER FIRST,
25 NINETEEN HUNDRED NINETY-THREE. THE LIQUOR AUTHORITY, IN ITS DISCRETION,
26 MAY AUTHORIZE THE REMOVAL OF ANY SUCH LICENSED PREMISES TO A DIFFERENT
27 LOCATION ON THE SAME STREET OR AVENUE, WITHIN TWO HUNDRED FEET OF SAID
28 SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP, PROVIDED THAT SUCH
29 NEW LOCATION IS NOT WITHIN A CLOSER DISTANCE TO SUCH SCHOOL, CHURCH,
30 SYNAGOGUE OR OTHER PLACE OF WORSHIP.

31 (B) FOR THE PURPOSES OF THIS SUBDIVISION, THE WORD "ENTRANCE" SHALL
32 MEAN A DOOR OF A SCHOOL, OF A HOUSE OF WORSHIP, OR OF PREMISES LICENSED
33 AND OPERATING PURSUANT TO THIS SECTION AND SECTIONS SIXTY-FOUR,
34 SIXTY-FOUR-A, SIXTY-FOUR-B, SIXTY-FOUR-C, AND/OR SIXTY-FOUR-D OF THIS
35 ARTICLE OR OF THE PREMISES SOUGHT TO BE LICENSED, REGULARLY USED TO GIVE
36 INGRESS TO STUDENTS OF THE SCHOOL, TO THE GENERAL PUBLIC ATTENDING THE
37 PLACE OF WORSHIP, AND TO PATRONS OR GUESTS OF THE PREMISES LICENSED AND
38 OPERATING PURSUANT TO THIS SECTION AND SECTIONS SIXTY-FOUR,
39 SIXTY-FOUR-A, SIXTY-FOUR-B, SIXTY-FOUR-C, AND/OR SIXTY-FOUR-D OF THIS
40 ARTICLE OR OF THE PREMISES SOUGHT TO BE LICENSED, EXCEPT THAT WHERE A
41 SCHOOL OR HOUSE OF WORSHIP OR PREMISES LICENSED AND OPERATING PURSUANT
42 TO THIS SECTION AND SECTIONS SIXTY-FOUR, SIXTY-FOUR-A, SIXTY-FOUR-B,
43 SIXTY-FOUR-C, AND/OR SIXTY-FOUR-D OF THIS ARTICLE OR THE PREMISES SOUGHT
44 TO BE LICENSED IS SET BACK FROM A PUBLIC THOROUGHFARE, THE WALKWAY OR
45 STAIRS LEADING TO ANY SUCH DOOR SHALL BE DEEMED AN ENTRANCE; AND THE
46 MEASUREMENT SHALL BE TAKEN TO THE CENTER OF THE WALKWAY OR STAIRS AT THE
47 POINT WHERE IT MEETS THE BUILDING LINE OR PUBLIC THOROUGHFARE. A DOOR
48 WHICH HAS NO EXTERIOR HARDWARE, OR WHICH IS USED SOLELY AS AN EMERGENCY
49 OR FIRE EXIT, OR FOR MAINTENANCE PURPOSES, OR WHICH LEADS DIRECTLY TO A
50 PART OF A BUILDING NOT REGULARLY USED BY THE GENERAL PUBLIC OR PATRONS,
51 IS NOT DEEMED AN "ENTRANCE".

52 (C) FOR THE PURPOSES OF THIS SUBDIVISION, A BUILDING OCCUPIED AS A
53 PLACE OF WORSHIP DOES NOT CEASE TO BE "EXCLUSIVELY" OCCUPIED AS A PLACE
54 OF WORSHIP BY INCIDENTAL USES THAT ARE NOT OF A NATURE TO DETRACT FROM
55 THE PREDOMINANT CHARACTER OF THE BUILDING AS A PLACE OF WORSHIP, SUCH
56 USES WHICH INCLUDE, BUT WHICH ARE NOT LIMITED TO: THE CONDUCT OF LEGALLY

1 AUTHORIZED GAMES OF BINGO OR OTHER GAMES OF CHANCE HELD AS A MEANS OF
2 RAISING FUNDS FOR THE NOT-FOR-PROFIT RELIGIOUS ORGANIZATION WHICH
3 CONDUCTS SERVICES AT THE PLACE OF WORSHIP OR FOR OTHER NOT-FOR-PROFIT
4 ORGANIZATIONS OR GROUPS; USE OF THE BUILDING FOR FUND-RAISING PERFORM-
5 ANCES BY OR BENEFITING THE NOT-FOR-PROFIT RELIGIOUS ORGANIZATION WHICH
6 CONDUCTS SERVICES AT THE PLACE OF WORSHIP OR OTHER NOT-FOR-PROFIT ORGAN-
7 IZATIONS OR GROUPS; THE USE OF THE BUILDING BY OTHER RELIGIOUS ORGANIZA-
8 TIONS OR GROUPS FOR RELIGIOUS SERVICES OR OTHER PURPOSES; THE CONDUCT OF
9 SOCIAL ACTIVITIES BY OR FOR THE BENEFIT OF THE CONGREGANTS; THE USE OF
10 THE BUILDING FOR MEETINGS HELD BY ORGANIZATIONS OR GROUPS PROVIDING
11 BEREAVEMENT COUNSELING TO PERSONS HAVING SUFFERED THE LOSS OF A LOVED
12 ONE, OR PROVIDING ADVICE OR SUPPORT FOR CONDITIONS OR DISEASES INCLUDING
13 BUT NOT LIMITED TO, ALCOHOLISM, DRUG ADDICTION, CANCER, CEREBRAL PALSY,
14 PARKINSON'S DISEASE, OR ALZHEIMER'S DISEASE; THE USE OF THE BUILDING FOR
15 BLOOD DRIVES, HEALTH SCREENINGS, HEALTH INFORMATION MEETINGS, YOGA
16 CLASSES, EXERCISE CLASSES OR OTHER ACTIVITIES INTENDED TO PROMOTE THE
17 HEALTH OF THE CONGREGANTS OR OTHER PERSONS; AND USE OF THE BUILDING BY
18 NON-CONGREGANT MEMBERS OF THE COMMUNITY FOR PRIVATE SOCIAL FUNCTIONS.
19 THE BUILDING OCCUPIED AS A PLACE OF WORSHIP DOES NOT CEASE TO BE "EXCLU-
20 SIVELY" OCCUPIED AS A PLACE OF WORSHIP WHERE THE NOT-FOR-PROFIT RELI-
21 GIOUS ORGANIZATION OCCUPYING THE PLACE OF WORSHIP ACCEPTS THE PAYMENT OF
22 FUNDS TO DEFRAY COSTS RELATED TO ANOTHER PARTY'S USE OF THE BUILDING.

23 9. NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (B) OF SUBDIVISION
24 SEVEN OF THIS SECTION, THE AUTHORITY MAY ISSUE A LICENSE PURSUANT TO
25 THIS SECTION FOR A PREMISES WHICH SHALL BE WITHIN FIVE HUNDRED FEET OF
26 THREE OR MORE EXISTING PREMISES LICENSED AND OPERATING PURSUANT TO THIS
27 SECTION AND SECTIONS SIXTY-FOUR, SIXTY-FOUR-A, SIXTY-FOUR-B,
28 SIXTY-FOUR-C, AND/OR SIXTY-FOUR-D OF THIS ARTICLE IF, AFTER CONSULTA-
29 TION WITH THE MUNICIPALITY OR COMMUNITY BOARD, IT DETERMINES THAT GRANT-
30 ING SUCH LICENSE WOULD BE IN THE PUBLIC INTEREST. BEFORE IT MAY ISSUE
31 ANY SUCH LICENSE, THE AUTHORITY SHALL CONDUCT A HEARING, UPON NOTICE TO
32 THE APPLICANT AND THE MUNICIPALITY OR COMMUNITY BOARD, AND SHALL STATE
33 AND FILE IN ITS OFFICE ITS REASONS THEREFOR. THE HEARING MAY BE RESCHED-
34 ULED, ADJOURNED OR CONTINUED, AND THE AUTHORITY SHALL GIVE NOTICE TO THE
35 APPLICANT AND THE MUNICIPALITY OR COMMUNITY BOARD OF ANY SUCH RESCHED-
36 ULED, ADJOURNED OR CONTINUED HEARING. BEFORE THE AUTHORITY ISSUES ANY
37 SAID LICENSE, THE AUTHORITY OR ONE OR MORE OF THE COMMISSIONERS THEREOF
38 MAY, IN ADDITION TO THE HEARING REQUIRED BY THIS PARAGRAPH, ALSO CONDUCT
39 A PUBLIC MEETING REGARDING SAID LICENSE, UPON NOTICE TO THE APPLICANT
40 AND THE MUNICIPALITY OR COMMUNITY BOARD. THE PUBLIC MEETING MAY BE
41 RESCHEDULED, ADJOURNED OR CONTINUED, AND THE AUTHORITY SHALL GIVE NOTICE
42 TO THE APPLICANT AND THE MUNICIPALITY OR COMMUNITY BOARD OF ANY SUCH
43 RESCHEDULED, ADJOURNED OR CONTINUED PUBLIC MEETING. NOTICE TO THE MUNI-
44 CIPALITY OR COMMUNITY BOARD SHALL MEAN WRITTEN NOTICE MAILED BY THE
45 AUTHORITY TO SUCH MUNICIPALITY OR COMMUNITY BOARD AT LEAST FIFTEEN DAYS
46 IN ADVANCE OF ANY HEARING SCHEDULED PURSUANT TO THIS PARAGRAPH. UPON THE
47 REQUEST OF THE AUTHORITY, ANY MUNICIPALITY OR COMMUNITY BOARD MAY WAIVE
48 THE FIFTEEN DAY NOTICE REQUIREMENT. NO PREMISES HAVING BEEN GRANTED A
49 LICENSE PURSUANT TO THIS SECTION SHALL BE DENIED A RENEWAL OF SUCH
50 LICENSE UPON THE GROUNDS THAT SUCH PREMISES ARE WITHIN FIVE HUNDRED FEET
51 OF A BUILDING OR BUILDINGS WHEREIN THREE OR MORE PREMISES ARE LICENSED
52 AND OPERATING PURSUANT TO THIS SECTION AND SECTIONS SIXTY-FOUR,
53 SIXTY-FOUR-A, SIXTY-FOUR-B, SIXTY-FOUR-C, AND/OR SIXTY-FOUR-D OF THIS
54 ARTICLE.

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

4 3. To revoke, cancel or suspend for cause any license or permit issued
5 under this chapter and/or to impose a civil penalty for cause against
6 any holder of a license or permit issued pursuant to this chapter. Any
7 civil penalty so imposed shall not exceed the sum of ten thousand
8 dollars as against the holder of any retail permit issued pursuant to
9 sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and
10 paragraph f of subdivision one of section ninety-nine-b of this chapter,
11 and as against the holder of any retail license issued pursuant to
12 sections fifty-two, fifty-three-a, fifty-four, fifty-four-a, fifty-five,
13 fifty-five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b,
14 sixty-four-c, SIXTY-FOUR-E, seventy-six-f, seventy-nine, eighty-one and
15 eighty-one-a of this chapter, and the sum of thirty thousand dollars as
16 against the holder of a license issued pursuant to sections fifty-three,
17 seventy-six, seventy-six-a, and seventy-eight of this chapter, provided
18 that the civil penalty against the holder of a wholesale license issued
19 pursuant to section fifty-three of this chapter shall not exceed the sum
20 of ten thousand dollars where that licensee violates provisions of this
21 chapter during the course of the sale of beer at retail to a person for
22 consumption at home, and the sum of one hundred thousand dollars as
23 against the holder of any license issued pursuant to sections fifty-one,
24 sixty-one and sixty-two of this chapter. Any civil penalty so imposed
25 shall be in addition to and separate and apart from the terms and
26 provisions of the bond required pursuant to section one hundred twelve
27 of this chapter. Provided that no appeal is pending on the imposition of
28 such civil penalty, in the event such civil penalty imposed by the divi-
29 sion remains unpaid, in whole or in part, more than forty-five days
30 after written demand for payment has been sent by first class mail to
31 the address of the licensed premises, a notice of impending default
32 judgment shall be sent by first class mail to the licensed premises and
33 by first class mail to the last known home address of the person who
34 signed the most recent license application. The notice of impending
35 default judgment shall advise the licensee: (a) that a civil penalty was
36 imposed on the licensee; (b) the date the penalty was imposed; (c) the
37 amount of the civil penalty; (d) the amount of the civil penalty that
38 remains unpaid as of the date of the notice; (e) the violations for
39 which the civil penalty was imposed; and (f) that a judgment by default
40 will be entered in the supreme court of the county in which the licensed
41 premises are located, or other court of civil jurisdiction or any other
42 place provided for the entry of civil judgments within the state of New
43 York unless the division receives full payment of all civil penalties
44 due within twenty days of the date of the notice of impending default
45 judgment. If full payment shall not have been received by the division
46 within thirty days of mailing of the notice of impending default judg-
47 ment, the division shall proceed to enter with such court a statement of
48 the default judgment containing the amount of the penalty or penalties
49 remaining due and unpaid, along with proof of mailing of the notice of
50 impending default judgment. The filing of such judgment shall have the
51 full force and effect of a default judgment duly docketed with such
52 court pursuant to the civil practice law and rules and shall in all
53 respects be governed by that chapter and may be enforced in the same
54 manner and with the same effect as that provided by law in respect to
55 execution issued against property upon judgments of a court of record. A

1 judgment entered pursuant to this subdivision shall remain in full force
2 and effect for eight years notwithstanding any other provision of law.

3 S 4. Subdivision 3 of section 55 of the alcoholic beverage control
4 law, as amended by chapter 531 of the laws of 1964, is amended to read
5 as follows:

6 3. No such license shall be issued, however, to any person for any
7 premises other than premises for which a license may be issued under
8 section sixty-four [or], sixty-four-a OR SIXTY-FOUR-E of this chapter or
9 a hotel or premises which are kept, used, maintained, advertised or held
10 out to the public to be a place where food is prepared and served for
11 consumption on the premises in such quantities as to satisfy the liquor
12 authority that the sale of beer intended is incidental to and not the
13 prime source of revenue from the operation of such premises. The forego-
14 ing provisions of this subdivision shall not apply to any premises
15 located at, in, or on the area leased by the city of New York to New
16 York World's Fair 1964 Corporation pursuant to the provisions of chapter
17 four hundred twenty-eight of the laws of nineteen hundred sixty, as
18 amended by a chapter of the laws of nineteen hundred sixty-one, during
19 the term or duration of such lease. Such license may also include such
20 suitable space outside of the licensed premises and adjoining it as may
21 be approved by the liquor authority.

22 S 5. Subdivisions 1 and 2 of section 56-a of the alcoholic beverage
23 control law, as amended by chapter 384 of the laws of 2013, is amended
24 to read as follows:

25 1. In addition to the annual fees provided for in this chapter, there
26 shall be paid to the authority with each initial application for a
27 license filed pursuant to section fifty-one, fifty-one-a, fifty-three,
28 fifty-eight, fifty-eight-c, sixty-one, sixty-two, seventy-six or seven-
29 ty-eight of this chapter, a filing fee of four hundred dollars; with
30 each initial application for a license filed pursuant to section sixty-
31 three, sixty-four, sixty-four-a [or], sixty-four-b OR SIXTY-FOUR-E of
32 this chapter, a filing fee of two hundred dollars; with each initial
33 application for a license filed pursuant to section fifty-three-a,
34 fifty-four, fifty-five, fifty-five-a, seventy-nine, eighty-one or eight-
35 y-one-a of this chapter, a filing fee of one hundred dollars; with each
36 initial application for a permit filed pursuant to section ninety-one,
37 ninety-one-a, ninety-two, ninety-two-a, ninety-three, ninety-three-a, if
38 such permit is to be issued on a calendar year basis, ninety-four, nine-
39 ty-five, ninety-six or ninety-six-a, or pursuant to paragraph b, c, e or
40 j of subdivision one of section ninety-nine-b of this chapter if such
41 permit is to be issued on a calendar year basis, or for an additional
42 bar pursuant to subdivision four of section one hundred of this chapter,
43 a filing fee of twenty dollars; and with each application for a permit
44 under section ninety-three-a of this chapter, other than a permit to be
45 issued on a calendar year basis, section ninety-seven, ninety-eight,
46 ninety-nine, or ninety-nine-b of this chapter, other than a permit to be
47 issued pursuant to paragraph b, c, e or j of subdivision one of section
48 ninety-nine-b of this chapter on a calendar year basis, a filing fee of
49 ten dollars.

50 2. In addition to the annual fees provided for in this chapter, there
51 shall be paid to the authority with each renewal application for a
52 license filed pursuant to section fifty-one, fifty-one-a, fifty-three,
53 fifty-eight, fifty-eight-c, sixty-one, sixty-two, seventy-six or seven-
54 ty-eight of this chapter, a filing fee of one hundred dollars; with each
55 renewal application for a license filed pursuant to section sixty-three,
56 sixty-four, sixty-four-a [or], sixty-four-b OR SIXTY-FOUR-E of this

chapter, a filing fee of ninety dollars; with each renewal application for a license filed pursuant to section seventy-nine, eighty-one or eighty-one-a of this chapter, a filing fee of twenty-five dollars; and with each renewal application for a license or permit filed pursuant to section fifty-three-a, fifty-four, fifty-five, fifty-five-a, ninety-one, ninety-one-a, ninety-two, ninety-two-a, ninety-three, ninety-three-a, if such permit is issued on a calendar year basis, ninety-four, ninety-five, ninety-six or ninety-six-a of this chapter or pursuant to subdivisions b, c, e or j of section ninety-nine-b, if such permit is issued on a calendar year basis, or with each renewal application for an additional bar pursuant to subdivision four of section one hundred of this chapter, a filing fee of thirty dollars.

S 6. Paragraph (b) of subdivision 7 of section 64 of the alcoholic beverage control law, as amended by chapter 463 of the laws of 2009, is amended to read as follows:

(b) in a city, town or village having a population of twenty thousand or more within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four-a, sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article;

S 7. Paragraph (c) of subdivision 7 of section 64 of the alcoholic beverage control law, as amended by chapter 463 of the laws of 2009, is amended to read as follows:

(c) the measurements in paragraphs (a) and (b) of this subdivision are to be taken in straight lines from the center of the nearest entrance of the premises sought to be licensed to the center of the nearest entrance of such school, church, synagogue or other place of worship or to the center of the nearest entrance of each such premises licensed and operating pursuant to this section and sections sixty-four-a, sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article; except, however, that no renewal license shall be denied because of such restriction to any premises so located which were maintained as a bona fide hotel, restaurant, catering establishment or club on or prior to December fifth, nineteen hundred thirty-three; and, except that no license shall be denied to any premises at which a license under this chapter has been in existence continuously from a date prior to the date when a building on the same street or avenue and within two hundred feet of said premises has been occupied exclusively as a school, church, synagogue or other place of worship; and except that no license shall be denied to any premises, which is within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four-a, sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article, at which a license under this chapter has been in existence continuously on or prior to November first, nineteen hundred ninety-three; and except that this subdivision shall not be deemed to restrict the issuance of a hotel liquor license to a building used as a hotel and in which a restaurant liquor license currently exists for premises which serve as a dining room for guests of the hotel and a caterer's license to a person using the permanent catering facilities of a church, synagogue or other place of worship pursuant to a written agreement between such person and the authorities in charge of such facilities. The liquor authority, in its discretion, may authorize the removal of any such licensed premises to a different location on the same street or avenue, within two hundred feet of said school, church, synagogue or other place of worship, provided that such new

1 location is not within a closer distance to such school, church, syna-
2 gogue or other place of worship.

3 S 8. Paragraph (d) of subdivision 7 of section 64 of the alcoholic
4 beverage control law, as amended by chapter 463 of the laws of 2009, is
5 amended to read as follows:

6 (d) Within the context of this subdivision, the word "entrance" shall
7 mean a door of a school, of a house of worship, or of premises licensed
8 and operating pursuant to this section and sections sixty-four-a,
9 sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E
10 of this article or of the premises sought to be licensed, regularly used
11 to give ingress to students of the school, to the general public attend-
12 ing the place of worship, and to patrons or guests of the premises
13 licensed and operating pursuant to this section and sections
14 sixty-four-a, sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR
15 SIXTY-FOUR-E of this article or of the premises sought to be licensed,
16 except that where a school or house of worship or premises licensed and
17 operating pursuant to this section and sections sixty-four-a, sixty-
18 four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this
19 article or the premises sought to be licensed is set back from a public
20 thoroughfare, the walkway or stairs leading to any such door shall be
21 deemed an entrance; and the measurement shall be taken to the center of
22 the walkway or stairs at the point where it meets the building line or
23 public thoroughfare. A door which has no exterior hardware, or which is
24 used solely as an emergency or fire exit, or for maintenance purposes,
25 or which leads directly to a part of a building not regularly used by
26 the general public or patrons, is not deemed an "entrance".

27 S 9. Paragraph (f) of subdivision 7 of section 64 of the alcoholic
28 beverage control law, as amended by chapter 185 of the laws of 2012, is
29 amended to read as follows:

30 (f) Notwithstanding the provisions of paragraph (b) of this subdivi-
31 sion, the authority may issue a license pursuant to this section for a
32 premises which shall be within five hundred feet of three or more exist-
33 ing premises licensed and operating pursuant to this section and
34 sections sixty-four-a, sixty-four-b, sixty-four-c, [and/or]
35 sixty-four-d, AND/OR SIXTY-FOUR-E of this article if, after consultation
36 with the municipality or community board, it determines that granting
37 such license would be in the public interest. Before it may issue any
38 such license, the authority shall conduct a hearing, upon notice to the
39 applicant and the municipality or community board, and shall state and
40 file in its office its reasons therefor. The hearing may be rescheduled,
41 adjourned or continued, and the authority shall give notice to the
42 applicant and the municipality or community board of any such resched-
43 uled, adjourned or continued hearing. Before the authority issues any
44 said license, the authority or one or more of the commissioners thereof
45 may, in addition to the hearing required by this paragraph, also conduct
46 a public meeting regarding said license, upon notice to the applicant
47 and the municipality or community board. The public meeting may be
48 rescheduled, adjourned or continued, and the authority shall give notice
49 to the applicant and the municipality or community board of any such
50 rescheduled, adjourned or continued public meeting. Notice to the muni-
51 cipality or community board shall mean written notice mailed by the
52 authority to such municipality or community board at least fifteen days
53 in advance of any hearing scheduled pursuant to this paragraph. Upon the
54 request of the authority, any municipality or community board may waive
55 the fifteen day notice requirement. No premises having been granted a
56 license pursuant to this section shall be denied a renewal of such

license upon the grounds that such premises are within five hundred feet of a building or buildings wherein three or more premises are licensed and operating pursuant to this section and sections sixty-four-a, sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article.

S 10. Paragraph (a) of subdivision 7 of section 64-a of the alcoholic beverage control law, as amended by chapter 463 of the laws of 2009, is amended to read as follows:

(a) No special on-premises license shall be granted for any premises which shall be

(i) on the same street or avenue and within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship or

(ii) in a city, town or village having a population of twenty thousand or more within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article;

(iii) the measurements in subparagraphs (i) and (ii) of this paragraph are to be taken in straight lines from the center of the nearest entrance of the premises sought to be licensed to the center of the nearest entrance of such school, church, synagogue or other place of worship or to the center of the nearest entrance of each such premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article; except that no license shall be denied to any premises at which a license under this chapter has been in existence continuously from a date prior to the date when a building on the same street or avenue and within two hundred feet of said premises has been occupied exclusively as a school, church, synagogue or other place of worship; and except that no license shall be denied to any premises, which is within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article, at which a license under this chapter has been in existence continuously on or prior to November first, nineteen hundred ninety-three. The liquor authority, in its discretion, may authorize the removal of any such licensed premises to a different location on the same street or avenue, within two hundred feet of said school, church, synagogue or other place of worship, provided that such new location is not within a closer distance to such school, church, synagogue or other place of worship.

S 11. Paragraph (b) of subdivision 7 of section 64-a of the alcoholic beverage control law, as amended by chapter 463 of the laws of 2009, is amended to read as follows:

(b) Within the context of this subdivision, the word "entrance" shall mean a door of a school, of a house of worship, or of premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article or of the premises sought to be licensed, regularly used to give ingress to students of the school, to the general public attending the place of worship, and to patrons or guests of the premises licensed and operating pursuant to this section and sections sixty-four, sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article or of the premises sought to be licensed, except that where a school or house of worship or premises licensed and operating

1 pursuant to this section and sections sixty-four, sixty-four-b, sixty-
2 four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article or
3 the premises sought to be licensed is set back from a public thorough-
4 fare, the walkway or stairs leading to any such door shall be deemed an
5 entrance; and the measurement shall be taken to the center of the walk-
6 way or stairs at the point where it meets the building line or public
7 thoroughfare. A door which has no exterior hardware, or which is used
8 solely as an emergency or fire exit, or for maintenance purposes, or
9 which leads directly to a part of a building not regularly used by the
10 general public or patrons, is not deemed an "entrance".

11 S 12. Paragraph (d) of subdivision 7 of section 64-a of the alcoholic
12 beverage control law, as amended by chapter 185 of the laws of 2012, is
13 amended to read as follows:

14 (d) Notwithstanding the provisions of subparagraph (ii) of paragraph
15 (a) of this subdivision, the authority may issue a license pursuant to
16 this section for a premises which shall be within five hundred feet of
17 three or more existing premises licensed and operating pursuant to this
18 section and sections sixty-four, sixty-four-b, sixty-four-c, [and/or]
19 sixty-four-d, AND/OR SIXTY-FOUR-E of this article if, after consultation
20 with the municipality or community board, it determines that granting
21 such license would be in the public interest. Before it may issue any
22 such license, the authority shall conduct a hearing, upon notice to the
23 applicant and the municipality or community board, and shall state and
24 file in its office its reasons therefor. Notice to the municipality or
25 community board shall mean written notice mailed by the authority to
26 such municipality or community board at least fifteen days in advance of
27 any hearing scheduled pursuant to this paragraph. Upon the request of
28 the authority, any municipality or community board may waive the fifteen
29 day notice requirement. The hearing may be rescheduled, adjourned or
30 continued, and the authority shall give notice to the applicant and the
31 municipality or community board of any such rescheduled, adjourned or
32 continued hearing. Before the authority issues any said license, the
33 authority or one or more of the commissioners thereof may, in addition
34 to the hearing required by this paragraph, also conduct a public meeting
35 regarding said license, upon notice to the applicant and the munici-
36 pality or community board. The public meeting may be rescheduled,
37 adjourned or continued, and the authority shall give notice to the
38 applicant and the municipality or community board of any such resched-
39 uled, adjourned or continued public meeting. No premises having been
40 granted a license pursuant to this section shall be denied a renewal of
41 such license upon the grounds that such premises are within five hundred
42 feet of a building or buildings wherein three or more premises are
43 licensed and operating pursuant to this section and sections sixty-four,
44 sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E
45 of this article.

46 S 13. Paragraphs (a), (b) and (c) of subdivision 5 of section 64-b of
47 the alcoholic beverage control law, paragraph (a) as amended and para-
48 graph (b) as added by chapter 463 of the laws of 2009 and paragraph (c)
49 as amended by chapter 185 of the laws of 2012, are amended to read as
50 follows:

51 (a) No bottle club license shall be granted for any premises which
52 shall be

53 (i) on the same street or avenue and within two hundred feet of a
54 building occupied exclusively as a school, church, synagogue or other
55 place of worship; or

1 (ii) in a city, town or village having a population of twenty thousand
2 or more within five hundred feet of three or more existing premises
3 licensed and operating pursuant to this section and sections sixty-four,
4 sixty-four-a, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E
5 of this article;

6 (iii) the measurements in subparagraphs (i) and (ii) of this paragraph
7 are to be taken in straight lines from the center of the nearest
8 entrance of the premises sought to be licensed to the center of the
9 nearest entrance of such school, church, synagogue or other place of
10 worship or to the center of the nearest entrance of each such premises
11 licensed and operating pursuant to this section and sections sixty-four,
12 sixty-four-a, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E
13 of this article; except that no license shall be denied to any premises
14 at which a license under this chapter has been in existence continuously
15 from a date prior to the date when a building on the same street or
16 avenue and within two hundred feet of said premises has been occupied
17 exclusively as a school, church, synagogue or other place of worship;
18 and except that no license shall be denied to any premises, which is
19 within five hundred feet of three or more existing premises licensed and
20 operating pursuant to this section and sections sixty-four,
21 sixty-four-a, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E
22 of this article, at which a license under this chapter has been in
23 existence continuously on or prior to November first, nineteen hundred
24 ninety-three. The liquor authority, in its discretion, may authorize the
25 removal of any such licensed premises to a different location on the
26 same street or avenue, within two hundred feet of said school, church,
27 synagogue or other place of worship, provided that such new location is
28 not within a closer distance to such school, church, synagogue or other
29 place of worship.

30 (b) Within the context of this subdivision, the word "entrance" shall
31 mean a door of a school, of a house of worship, or of premises licensed
32 and operating pursuant to this section and sections sixty-four, sixty-
33 four-a, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this
34 article or of the premises sought to be licensed, regularly used to give
35 ingress to students of the school, to the general public attending the
36 place of worship, and to patrons or guests of the premises licensed and
37 operating pursuant to this section and sections sixty-four,
38 sixty-four-a, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E
39 of this article or of the premises sought to be licensed, except that
40 where a school or house of worship or premises licensed and operating
41 pursuant to this section and sections sixty-four, sixty-four-a, sixty-
42 four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this article or
43 the premises sought to be licensed is set back from a public thorough-
44 fare, the walkway or stairs leading to any such door shall be deemed an
45 entrance; and the measurement shall be taken to the center of the walk-
46 way or stairs at the point where it meets the building line or public
47 thoroughfare. A door which has no exterior hardware, or which is used
48 solely as an emergency or fire exit, or for maintenance purposes, or
49 which leads directly to a part of a building not regularly used by the
50 general public or patrons, is not deemed an "entrance".

51 (c) Notwithstanding the provisions of subparagraph (ii) of paragraph
52 (a) of this subdivision, the authority may issue a license pursuant to
53 this section for a premises which shall be within five hundred feet of
54 three or more existing premises licensed and operating pursuant to this
55 section and sections sixty-four, sixty-four-a, sixty-four-c, [and/or]
56 sixty-four-d, AND/OR SIXTY-FOUR-E of this article if, after consultation

1 with the municipality or community board, it determines that granting
2 such license would be in the public interest. Before it may issue any
3 such license, the authority shall conduct a hearing, upon notice to the
4 applicant and the municipality or community board, and shall state and
5 file in its office its reasons therefor. The hearing may be rescheduled,
6 adjourned or continued, and the authority shall give notice to the
7 applicant and the municipality or community board of any such resched-
8 uled, adjourned or continued hearing. Before the authority issues any
9 said license, the authority or one or more of the commissioners thereof
10 may, in addition to the hearing required by this paragraph, also conduct
11 a public meeting regarding said license, upon notice to the applicant
12 and the municipality or community board. The public meeting may be
13 rescheduled, adjourned or continued, and the authority shall give notice
14 to the applicant and the municipality or community board of any such
15 rescheduled, adjourned or continued public meeting. Notice to the muni-
16 cipality or community board shall mean written notice mailed by the
17 authority to such municipality or community board at least fifteen days
18 in advance of any hearing scheduled pursuant to this paragraph. Upon the
19 request of the authority, any municipality or community board may waive
20 the fifteen day notice requirement. No premises having been granted a
21 license pursuant to this section shall be denied a renewal of such
22 license upon the grounds that such premises are within five hundred feet
23 of a building or buildings wherein three or more premises are licensed
24 and operating pursuant to this section and sections sixty-four, sixty-
25 four-a, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this
26 article.

27 S 14. Paragraph (a) of subdivision 10 of section 64-c of the alcoholic
28 beverage control law, as added by chapter 366 of the laws of 2012, is
29 amended to read as follows:

30 (a) For purposes of sections one hundred one and one hundred six of
31 this chapter, a person licensed under this section shall be deemed a
32 "retailer" as that term is defined within section three of this chapter.
33 Notwithstanding any provision of this chapter to the contrary, a person
34 licensed under this section may also be licensed (or interested directly
35 or indirectly in a license) to sell liquor at retail to be consumed on
36 or off the premises under section fifty-four, fifty-four-a, fifty-five,
37 fifty-five-a, seventy-nine or eighty-one of this chapter or sections
38 sixty-four, sixty-four-a, sixty-four-b [and], sixty-four-d, AND
39 SIXTY-FOUR-E of this article.

40 S 15. Subdivision 11 of section 64-c of the alcoholic beverage control
41 law, as amended by chapter 463 of the laws of 2009 and paragraph (c) as
42 amended by chapter 185 of the laws of 2012, is amended to read as
43 follows:

44 11. (a) No restaurant-brewer license shall be granted for any premises
45 which shall be:

46 (i) on the same street or avenue and within two hundred feet of a
47 building occupied exclusively as a school, church, synagogue or other
48 place of worship; or

49 (ii) in a city, town or village having a population of twenty thousand
50 or more within five hundred feet of three or more existing premises
51 licensed and operating pursuant to the provisions of this section or
52 sections sixty-four, sixty-four-a, sixty-four-b [and/or], sixty-four-d,
53 AND SIXTY-FOUR-E of this article; or

54 (iii) the measurements in subparagraphs (i) and (ii) of this paragraph
55 are to be taken in straight lines from the center of the nearest
56 entrance of the premises sought to be licensed to the center of the

1 nearest entrance of such school, church, synagogue or other place of
2 worship or to the center of the nearest entrance of each such premises
3 licensed and operating pursuant to this section and sections sixty-four,
4 sixty-four-a, sixty-four-b [and/or], sixty-four-d, AND SIXTY-FOUR-E of
5 this article; except that no license shall be denied to any premises at
6 which a license under this chapter has been in existence continuously
7 from a date prior to the date when a building on the same street or
8 avenue and within two hundred feet of said premises has been occupied
9 exclusively as a school, church, synagogue or other place of worship and
10 except that no license shall be denied to any premises, which is within
11 five hundred feet of three or more existing premises licensed and oper-
12 ating pursuant to this section and sections sixty-four, sixty-four-a,
13 sixty-four-b [and/or], sixty-four-d, AND SIXTY-FOUR-E of this article,
14 at which a license under this chapter has been in existence continuously
15 on or prior to November first, nineteen hundred ninety-three.

16 (b) Within the context of this subdivision, the word "entrance" shall
17 mean a door of a school, of a house of worship, or premises licensed and
18 operating pursuant to this section and sections sixty-four,
19 sixty-four-a, sixty-four-b [and/or], sixty-four-d, AND SIXTY-FOUR-E of
20 this article or of the premises sought to be licensed, regularly used to
21 give ingress to students of the school, to the general public attending
22 the place of worship, and to patrons or guests of the premises licensed
23 and operating pursuant to this section and sections sixty-four, sixty-
24 four-a, sixty-four-b [and/or], sixty-four-d, AND SIXTY-FOUR-E of this
25 article or of the premises sought to be licensed, except that where a
26 school or house of worship or premises licensed and operating pursuant
27 to this section and sections sixty-four, sixty-four-a, sixty-four-b
28 [and/or], sixty-four-d, AND/OR SIXTY-FOUR-E of this article is set back
29 from a public thoroughfare, the walkway or stairs leading to any such
30 door shall be deemed an entrance; and the measurement shall be taken to
31 the center of the walkway or stairs at the point where it meets the
32 building line or public thoroughfare. A door which has no exterior hard-
33 ware, or which is used solely as an emergency or fire exit, or for main-
34 tenance purposes, or which leads directly to a part of a building not
35 regularly used by the general public or patrons, is not deemed an
36 "entrance".

37 (c) Notwithstanding the provisions of subparagraph (ii) of paragraph
38 (a) of this subdivision, the authority may issue a license pursuant to
39 this section for a premises which shall be within five hundred feet of
40 three or more existing premises licensed and operating pursuant to this
41 section and sections sixty-four, sixty-four-a, sixty-four-b [and/or],
42 sixty-four-d, AND/OR SIXTY-FOUR-E of this article if, after consultation
43 with the municipality or community board, it determines that granting
44 such license would be in the public interest. Before it may issue any
45 such license, the authority shall conduct a hearing, upon notice to the
46 applicant and the municipality or community board, and shall state and
47 file in its office its reasons therefor. The hearing may be rescheduled,
48 adjourned or continued, and the authority shall give notice to the
49 applicant and the municipality or community board of any such resched-
50 uled, adjourned or continued hearing. Before the authority issues any
51 said license, the authority or one or more of the commissioners thereof
52 may, in addition to the hearing required by this paragraph, also conduct
53 a public meeting regarding said license, upon notice to the applicant
54 and the municipality or community board. The public meeting may be
55 rescheduled, adjourned or continued, and the authority shall give notice
56 to the applicant and the municipality or community board of any such

1 rescheduled, adjourned or continued public meeting. Notice to the muni-
2 cipality or community board shall mean written notice mailed by the
3 authority to such municipality or community board at least fifteen days
4 in advance of any hearing scheduled pursuant to this paragraph. Upon the
5 request of the authority, any municipality or community board may waive
6 the fifteen day notice requirement. No premises having been granted a
7 license pursuant to this section shall be denied a renewal of such
8 license upon the grounds that such premises are within five hundred feet
9 of a building or buildings wherein three or more premises are operating
10 and licensed pursuant to this section or sections sixty-four, sixty-
11 four-a, sixty-four-b [and/or], sixty-four-d, AND/OR SIXTY-FOUR-E of this
12 article.

13 S 16. Subdivision 8 of section 64-d of the alcoholic beverage control
14 law, as amended by chapter 463 of the laws of 2009 and paragraph (e) as
15 amended by chapter 185 of the laws of 2012, is amended to read as
16 follows:

17 8. No cabaret license shall be granted for any premises which shall
18 be:

19 (a) on the same street or avenue and within two hundred feet of a
20 building occupied exclusively as a school, church, synagogue or other
21 place of worship or

22 (b) in a city, town or village having a population of twenty thousand
23 or more within five hundred feet of an existing premises licensed and
24 operating pursuant to the provisions of this section, or within five
25 hundred feet of three or more existing premises licensed and operating
26 pursuant to this section and sections sixty-four, sixty-four-a, sixty-
27 four-b, [and/or] sixty-four-c AND/OR SIXTY-FOUR-E of this article.

28 (c) the measurements in paragraphs (a) and (b) of this subdivision are
29 to be taken in straight lines from the center of the nearest entrance of
30 the premises sought to be licensed to the center of the nearest entrance
31 of such school, church, synagogue or other place of worship or to the
32 center of the nearest entrance of each such premises licensed and oper-
33 ating pursuant to this section and sections sixty-four, sixty-four-a,
34 sixty-four-b, [and/or] sixty-four-c AND/OR SIXTY-FOUR-E of this article;
35 except that no license shall be denied to any premises at which a
36 license under this chapter has been in existence continuously from a
37 date prior to the date when a building on the same street or avenue and
38 within two hundred feet of said premises has been occupied exclusively
39 as a school, church, synagogue or other place of worship; and except
40 that no license shall be denied to any premises, which is within five
41 hundred feet of an existing premises licensed and operating pursuant to
42 the provisions of this section or which is within five hundred feet of
43 three or more existing premises licensed and operating pursuant to this
44 section and sections sixty-four, sixty-four-a, sixty-four-b, [and/or]
45 sixty-four-c AND/OR SIXTY-FOUR-E of this article, at which a license
46 under this chapter has been in existence continuously on or prior to
47 November first, nineteen hundred ninety-three. The liquor authority, in
48 its discretion, may authorize the removal of any such licensed premises
49 to a different location on the same street or avenue, within two hundred
50 feet of said school, church, synagogue or other place of worship,
51 provided that such new location is not within a closer distance to such
52 school, church, synagogue or other place of worship.

53 (d) within the context of this subdivision, the word "entrance" shall
54 mean a door of a school, of a house of worship, or of premises licensed
55 and operating pursuant to this section and sections sixty-four, sixty-
56 four-a, sixty-four-b, [and/or] sixty-four-c AND/OR SIXTY-FOUR-E of this

1 article or of the premises sought to be licensed, regularly used to give
2 ingress to students of the school, to the general public attending the
3 place of worship, and to patrons or guests of the premises licensed and
4 operating pursuant to this section and sections sixty-four,
5 sixty-four-a, sixty-four-b, [and/or] sixty-four-c AND/OR SIXTY-FOUR-E of
6 this article or of the premises sought to be licensed, except that where
7 a school or house of worship or premises licensed and operating pursuant
8 to this section and sections sixty-four, sixty-four-a, sixty-four-b,
9 [and/or] sixty-four-c AND/OR SIXTY-FOUR-E of this article or the prem-
10 ises sought to be licensed is set back from a public thoroughfare, the
11 walkway or stairs leading to any such door shall be deemed an entrance;
12 and the measurement shall be taken to the center of the walkway or
13 stairs at the point where it meets the building line or public thorough-
14 fare. A door which has no exterior hardware, or which is used solely as
15 an emergency or fire exit, or for maintenance purposes, or which leads
16 directly to a part of a building not regularly used by the general
17 public or patrons, is not deemed an "entrance".

18 (e) notwithstanding the provisions of paragraph (b) of this subdivi-
19 sion, the authority may issue a license pursuant to this section for a
20 premises which shall be within five hundred feet of an existing premises
21 licensed and operating pursuant to the provisions of this section or
22 within five hundred feet of three or more existing premises licensed and
23 operating pursuant to this section and sections sixty-four,
24 sixty-four-a, sixty-four-b, [and/or] sixty-four-c AND/OR SIXTY-FOUR-E of
25 this article if, after consultation with the municipality or community
26 board, it determines that granting such license would be in the public
27 interest. Before it may issue any such license, the authority shall
28 conduct a hearing, upon notice to the applicant and the municipality or
29 community board, and shall state and file in its office its reasons
30 therefor. The hearing may be rescheduled, adjourned or continued, and
31 the authority shall give notice to the applicant and the municipality or
32 community board of any such rescheduled, adjourned or continued hearing.
33 Before the authority issues any said license, the authority or one or
34 more of the commissioners thereof may, in addition to the hearing
35 required by this paragraph, also conduct a public meeting regarding said
36 license, upon notice to the applicant and the municipality or community
37 board. The public meeting may be rescheduled, adjourned or continued,
38 and the authority shall give notice to the applicant and the munici-
39 pality or community board of any such rescheduled, adjourned or contin-
40 ued public meeting. Notice to the municipality or community board shall
41 mean written notice mailed by the authority to such municipality or
42 community board at least fifteen days in advance of any hearing sched-
43 uled pursuant to this paragraph. Upon the request of the authority, any
44 municipality or community board may waive the fifteen day notice
45 requirement. No premises having been granted a license pursuant to this
46 section shall be denied a renewal of such license upon the grounds that
47 such premises are within five hundred feet of an existing premises
48 licensed and operating pursuant to the provisions of this section or
49 within five hundred feet of a building or buildings wherein three or
50 more premises are licensed and operating pursuant to this section and
51 sections sixty-four, sixty-four-a, sixty-four-b, [and/or] sixty-four-c
52 AND/OR SIXTY-FOUR-E of this article.

53 (f) Within the context of this subdivision, a building occupied as a
54 place of worship does not cease to be "exclusively" occupied as a place
55 of worship by incidental uses that are not of a nature to detract from
56 the predominant character of the building as a place of worship, such

1 uses which include, but which are not limited to: the conduct of legally
2 authorized games of bingo or other games of chance held as a means of
3 raising funds for the not-for-profit religious organization which
4 conducts services at the place of worship or for other not-for-profit
5 organizations or groups; use of the building for fund-raising perform-
6 ances by or benefitting the not-for-profit religious organization which
7 conducts services at the place of worship or other not-for-profit organ-
8 izations or groups; the use of the building by other religious organiza-
9 tions or groups for religious services or other purposes; the conduct of
10 social activities by or for the benefit of the congregants; the use of
11 the building for meetings held by organizations or groups providing
12 bereavement counseling to persons having suffered the loss of a loved
13 one, or providing advice or support for conditions or diseases includ-
14 ing, but not limited to, alcoholism, drug addiction, cancer, cerebral
15 palsy, Parkinson's disease, or Alzheimer's disease; the use of the
16 building for blood drives, health screenings, health information meet-
17 ings, yoga classes, exercise classes or other activities intended to
18 promote the health of the congregants or other persons; and use of the
19 building by non-congregant members of the community for private social
20 functions. The building occupied as a place of worship does not cease to
21 be "exclusively" occupied as a place of worship where the not-for-profit
22 religious organization occupying the place of worship accepts the
23 payment of funds to defray costs related to another party's use of the
24 building.

25 S 17. Subdivision 4 of section 66 of the alcoholic beverage control
26 law, as amended by section 3 of part Z of chapter 85 of the laws of
27 2002, is amended to read as follows:

28 4. The annual fee for a license, under section sixty-four [or],
29 sixty-four-a[,] OR SIXTY-FOUR-E to sell liquor at retail to be consumed
30 on the premises where sold shall be twenty-one hundred seventy-six
31 dollars in the counties of New York, Kings, Bronx and Queens; fifteen
32 hundred thirty-six dollars in the county of Richmond and in cities
33 having a population of more than one hundred thousand and less than one
34 million; twelve hundred sixteen dollars in cities having a population of
35 more than fifty thousand and less than one hundred thousand; and the sum
36 of eight hundred ninety-six dollars elsewhere; except that the license
37 fees for catering establishments shall be two-thirds the license fee
38 specified herein and for clubs, except luncheon clubs and golf clubs,
39 shall be seven hundred fifty dollars in counties of New York, Kings,
40 Bronx and Queens; five hundred dollars in the county of Richmond and in
41 cities having a population of more than one hundred thousand and less
42 than one million; three hundred fifty dollars in cities having a popu-
43 lation of more than fifty thousand and less than one hundred thousand;
44 and the sum of two hundred fifty dollars elsewhere. The annual fees for
45 luncheon clubs shall be three hundred seventy-five dollars, and for golf
46 clubs in the counties of New York, Kings, Bronx, Queens, Nassau, Rich-
47 mond and Westchester, two hundred fifty dollars, and elsewhere one
48 hundred eighty-seven dollars and fifty cents. Notwithstanding any other
49 provision of law to the contrary, there shall be no annual fee for a
50 license, under section sixty-four, to sell liquor at retail to be
51 consumed on the premises where the applicant is an organization organ-
52 ized under section two hundred sixty of the military law and incorpo-
53 rated pursuant to the not-for-profit corporation law. Provided, howev-
54 er, that where any premises for which a license is issued pursuant to
55 section sixty-four [or], sixty-four-a OR SIXTY-FOUR-E of this article
56 remain open only within the period commencing April first and ending

1 October thirty-first of any one year, or only within the period commenc-
2 ing October first and ending the following April thirtieth, the liquor
3 authority may, in its discretion, grant a summer or winter license
4 effective only for such appropriate period of time, for which a license
5 fee shall be paid to be pro-rated for the period for which such license
6 is effective, at the rate provided for in the city, town or village in
7 which such premises are located, except that no such license fee shall
8 be less than one-half of the regular annual license fee; provided
9 further that where the premises to be licensed are a race track or a
10 golf course or are licensed pursuant to section sixty-four [or], sixty-
11 four-a, OR SIXTY-FOUR-E of this chapter, the period of such summer
12 license may commence March first and end November thirtieth.

13 Where a hotel, restaurant, club, golf course or race track is open
14 prior to April first and/or subsequent to October thirty-first by reason
15 of the issuance of a caterer's permit or permits issued by the authori-
16 ty, such fact alone shall not affect the eligibility of the premises or
17 the person owning or operating such hotel, restaurant, club, golf course
18 or race track for a summer license.

19 S 18. Paragraph a of subdivision 4 of section 81-a of the alcoholic
20 beverage control law, as added by chapter 666 of the laws of 1987, is
21 amended to read as follows:

22 a. No such license shall be issued to any person for any premises
23 other than premises for which a license may be issued under section
24 sixty-four OR SIXTY-FOUR-E of this chapter or a hotel or premises which
25 are kept, used, maintained, advertised or held out to the public to be a
26 place where food is prepared and served for consumption on the premises
27 in such quantities as to satisfy the liquor authority that the sale of
28 wine intended is incidental to and not the prime source of revenue from
29 the operation of such premises. Such license may also include such suit-
30 able space outside the licensed premises and adjoining it as may be
31 approved by the liquor authority.

32 S 19. Subdivision 7 of section 100 of the alcoholic beverage control
33 law, as added by chapter 256 of the laws of 1978, is amended to read as
34 follows:

35 7. Within ten days after filing a new application to sell liquor at
36 retail under section sixty-three, sixty-four, sixty-four-a [or], sixty-
37 four-b OR SIXTY-FOUR-E of this chapter, a notice thereof, in the form
38 prescribed by the authority, shall be posted by the applicant in a
39 conspicuous place at the entrance to the proposed premises. The appli-
40 cant shall make reasonable efforts to insure such notice shall remain
41 posted throughout the pendency of the application. The provisions hereof
42 shall apply only where no retail liquor license has previously been
43 granted for the proposed premise and shall, specifically, not be appli-
44 cable to a proposed sale of an existing business engaged in the retail
45 sale of liquor. The authority may adopt such rules it may deem necessary
46 to carry out the purpose of this subdivision.

47 S 20. The closing paragraph of subdivision 2 of section 102 of the
48 alcoholic beverage control law, as added by section 1 of part 00 of
49 chapter 56 of the laws of 2010, is amended to read as follows:

50 As used in this subdivision, "recreational facility" shall mean: (i)
51 premises that are part of a facility the principal business of which
52 shall be the providing of recreation in the form of golf, tennis, swim-
53 ming, skiing or boating; and (ii) premises in which the principal busi-
54 ness shall be the operation of a theatre, MOTION PICTURE THEATRE,
55 concert hall, opera house, bowling establishment, excursion and sight-
56 seeing vessel, or accommodation of athletic events, sporting events,

1 expositions and other similar events or occasions requiring the accommo-
2 dation of large gatherings of persons.

3 S 21. Subdivision 1 of section 110-a of the alcoholic beverage control
4 law, as added by chapter 77 of the laws of 1999, is amended to read as
5 follows:

6 1. Every person applying for a license to sell alcoholic beverages
7 pursuant to subdivision four of section fifty-one, or section fifty-
8 five, sixty-four, sixty-four-a, sixty-four-c, SIXTY-FOUR-E, eighty-one
9 or eighty-one-a of this chapter shall publish notice thereof pursuant to
10 subdivision two of this section.

11 S 22. Subdivision 1 of section 110-b of the alcoholic beverage control
12 law, as amended by chapter 560 of the laws of 2011, is amended to read
13 as follows:

14 1. Not less than thirty days before filing any of the following appli-
15 cations, an applicant shall notify the municipality in which the prem-
16 ises is located of such applicant's intent to file such an application:

17 (a) for a license issued pursuant to section fifty-five, fifty-five-a,
18 sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, sixty-four-d,
19 SIXTY-FOUR-E, eighty-one or eighty-one-a of this chapter;

20 (b) for a renewal under section one hundred nine of this chapter of a
21 license issued pursuant to section fifty-five, fifty-five-a, sixty-four,
22 sixty-four-a, sixty-four-c, sixty-four-d, SIXTY-FOUR-E, eighty-one or
23 eighty-one-a of this chapter if the premises is located within the city
24 of New York;

25 (c) for approval of an alteration under section ninety-nine-d of this
26 chapter if the premises is located within the city of New York and
27 licensed pursuant to section fifty-five, fifty-five-a, sixty-four,
28 sixty-four-a, sixty-four-c, sixty-four-d, SIXTY-FOUR-E, eighty-one or
29 eighty-one-a of this chapter; or

30 (d) for approval of a substantial corporate change under section nine-
31 ty-nine-d of this chapter if the premises is located within the city of
32 New York and licensed pursuant to section fifty-five, fifty-five-a,
33 sixty-four, sixty-four-a, sixty-four-c, sixty-four-d, SIXTY-FOUR-E,
34 eighty-one or eighty-one-a of this chapter.

35 S 23. This act shall take effect immediately, provided, however, that
36 the amendments to subdivision 3 of section 17 of the alcoholic beverage
37 control law made by section three of this act shall not affect the expi-
38 ration of such subdivision and shall be deemed to expire therewith.