

3371--A

2015-2016 Regular Sessions

I N S E N A T E

February 6, 2015

Introduced by Sens. MARCELLINO, BOYLE, CARLUCCI, GALLIVAN, SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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 BEER AND WINE AT RETAIL FOR CONSUMPTION ON THE  
13 PREMISES IN A MOTION PICTURE THEATRE. 1. ANY PERSON MAY MAKE AN APPLICA-  
14 TION TO THE STATE LIQUOR AUTHORITY FOR A LICENSE TO SELL BEER, WINE,  
15 WINE PRODUCTS AND CIDER AT RETAIL FOR CONSUMPTION ON THE PREMISES IN A  
16 MOTION PICTURE THEATRE AS DEFINED IN SUBDIVISION TWENTY-F OF SECTION  
17 THREE OF THIS CHAPTER. FOR THE PURPOSES OF THIS SECTION, "ALCOHOLIC  
18 BEVERAGES" SHALL MEAN BEER, WINE, WINE PRODUCTS AND CIDER.

19 2. A LICENSE UNDER THIS SECTION SHALL BE ISSUED TO ALL APPLICANTS  
20 EXCEPT FOR GOOD CAUSE SHOWN. IN DETERMINING WHETHER GOOD CAUSE EXISTS TO  
21 DENY AN APPLICATION, THE AUTHORITY MAY CONSIDER:

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

LBD01194-05-5

1 (A) THE HISTORY OF BEER AND WINE VIOLATIONS AND DOCUMENTED CRIMINAL  
2 ACTIVITY AT THE PROPOSED PREMISES CONNECTED WITH THE SALE AND CONSUMP-  
3 TION OF ALCOHOLIC BEVERAGES;

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

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

8 (D) THE APPLICANT'S PROPOSED METHOD OF OPERATION AND ALCOHOLIC BEVER-  
9 AGE CONTROL PLAN;

10 (E) OBJECTIONS FROM THE LOCAL MUNICIPALITY BASED ON EVIDENCE OF NEGA-  
11 TIVE IMPACTS TO THE SURROUNDING COMMUNITY;

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

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

17 3. SUCH APPLICATION SHALL BE IN SUCH FORM AND SHALL CONTAIN SUCH  
18 INFORMATION AS SHALL BE REQUIRED BY THE RULES OF THE LIQUOR AUTHORITY  
19 AND SHALL BE ACCOMPANIED BY A CHECK OR DRAFT IN THE AMOUNT REQUIRED BY  
20 THIS ARTICLE FOR SUCH LICENSE.

21 4. SECTION FIFTY-FOUR OF THIS CHAPTER SHALL CONTROL SO FAR AS APPLICA-  
22 BLE TO THE PROCEDURE IN CONNECTION WITH SUCH APPLICATION.

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

29 (A) A LICENSEE SHALL NOT SELL OR SERVE AN ALCOHOLIC BEVERAGE TO ANY  
30 PERSON THAT DOES NOT DEMONSTRATE THAT THEY ARE OVER THE AGE OF  
31 TWENTY-ONE AS EVIDENCED BY THE PRESENTATION OF A VALID FORM OF PHOTO-  
32 GRAPHIC IDENTIFICATION AUTHORIZED BY SECTION SIXTY-FIVE-B OF THIS CHAP-  
33 TER;

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

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

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

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

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

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

55 (B) IN A CITY, TOWN OR VILLAGE HAVING A POPULATION OF TWENTY THOUSAND  
56 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-  
13 five, 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 of this chapter, a  
32 filing fee of two hundred dollars; with each initial application for a  
33 license filed pursuant to section fifty-three-a, fifty-four, fifty-five,  
34 fifty-five-a, SIXTY-FOUR-E, seventy-nine, eighty-one or eighty-one-a of  
35 this chapter, a filing fee of one hundred dollars; with each initial  
36 application for a permit filed pursuant to section ninety-one, ninety-  
37 one-a, ninety-two, ninety-two-a, ninety-three, ninety-three-a, if such  
38 permit is to be issued on a calendar year basis, ninety-four, ninety-  
39 five, ninety-six or ninety-six-a, or pursuant to paragraph b, c, e or j  
40 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 of this chapter, a filing fee

1 of ninety dollars; with each renewal application for a license filed  
2 pursuant to section seventy-nine, eighty-one or eighty-one-a of this  
3 chapter, a filing fee of twenty-five dollars; and with each renewal  
4 application for a license or permit filed pursuant to section fifty-  
5 three-a, fifty-four, fifty-five, fifty-five-a, SIXTY-FOUR-E, ninety-one,  
6 ninety-one-a, ninety-two, ninety-two-a, ninety-three, ninety-three-a, if  
7 such permit is issued on a calendar year basis, ninety-four, ninety-  
8 five, ninety-six or ninety-six-a of this chapter or pursuant to subdivi-  
9 sions b, c, e or j of section ninety-nine-b, if such permit is issued on  
10 a calendar year basis, or with each renewal application for an addi-  
11 tional bar pursuant to subdivision four of section one hundred of this  
12 chapter, a filing fee of thirty dollars.

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

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

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

24 (c) the measurements in paragraphs (a) and (b) of this subdivision are  
25 to be taken in straight lines from the center of the nearest entrance of  
26 the premises sought to be licensed to the center of the nearest entrance  
27 of such school, church, synagogue or other place of worship or to the  
28 center of the nearest entrance of each such premises licensed and oper-  
29 ating pursuant to this section and sections sixty-four-a, sixty-four-b,  
30 sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this arti-  
31 cle; except, however, that no renewal license shall be denied because of  
32 such restriction to any premises so located which were maintained as a  
33 bona fide hotel, restaurant, catering establishment or club on or prior  
34 to December fifth, nineteen hundred thirty-three; and, except that no  
35 license shall be denied to any premises at which a license under this  
36 chapter has been in existence continuously from a date prior to the date  
37 when a building on the same street or avenue and within two hundred feet  
38 of said premises has been occupied exclusively as a school, church,  
39 synagogue or other place of worship; and except that no license shall be  
40 denied to any premises, which is within five hundred feet of three or  
41 more existing premises licensed and operating pursuant to this section  
42 and sections sixty-four-a, sixty-four-b, sixty-four-c, [and/or] sixty-  
43 four-d, AND/OR SIXTY-FOUR-E of this article, at which a license under  
44 this chapter has been in existence continuously on or prior to November  
45 first, nineteen hundred ninety-three; and except that this subdivision  
46 shall not be deemed to restrict the issuance of a hotel liquor license  
47 to a building used as a hotel and in which a restaurant liquor license  
48 currently exists for premises which serve as a dining room for guests of  
49 the hotel and a caterer's license to a person using the permanent cater-  
50 ing facilities of a church, synagogue or other place of worship pursuant  
51 to a written agreement between such person and the authorities in charge  
52 of such facilities. The liquor authority, in its discretion, may author-  
53 ize the removal of any such licensed premises to a different location on  
54 the same street or avenue, within two hundred feet of said school,  
55 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



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

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

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

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

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

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

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

46 (b) Within the context of this subdivision, the word "entrance" shall  
47 mean a door of a school, of a house of worship, or of premises licensed  
48 and operating pursuant to this section and sections sixty-four, sixty-  
49 four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E of this  
50 article or of the premises sought to be licensed, regularly used to give  
51 ingress to students of the school, to the general public attending the  
52 place of worship, and to patrons or guests of the premises licensed and  
53 operating pursuant to this section and sections sixty-four,  
54 sixty-four-b, sixty-four-c, [and/or] sixty-four-d, AND/OR SIXTY-FOUR-E  
55 of this article or of the premises sought to be licensed, except that  
56 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 municipi-  
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. Section 67 of the alcoholic beverage control law, as amended by  
36 section 4 of part Z of chapter 85 of the laws of 2002, is amended to  
37 read as follows:

38 S 67. License fees, duration of licenses; fee for part of year.  
39 Effective April first, nineteen hundred eighty-three, licenses issued  
40 pursuant to sections sixty-one, sixty-two, sixty-three, sixty-four,  
41 sixty-four-a [and], sixty-four-b AND SIXTY-FOUR-E of this article shall  
42 be effective for three years at three times that annual fee, except  
43 that, in implementing the purposes of this section, the liquor authority  
44 shall schedule the commencement dates, duration and expiration dates  
45 thereof to provide for an equal cycle of license renewals issued under  
46 each such section through the course of the fiscal year. Effective  
47 December first, nineteen hundred ninety-eight, licenses issued pursuant  
48 to sections sixty-four, sixty-four-a [and], sixty-four-b AND  
49 SIXTY-FOUR-E of this article shall be effective for two years at two  
50 times that annual fee, except that, in implementing the purposes of this  
51 section, the liquor authority shall schedule the commencement dates,  
52 duration and expiration dates thereof to provide for an equal cycle of  
53 license renewals issued under each such section through the course of  
54 the fiscal year. Notwithstanding the foregoing, commencing on December  
55 first, nineteen hundred ninety-eight and concluding on July thirty-  
56 first, two thousand two, a licensee issued a license pursuant to section

1 sixty-four, sixty-four-a [or], sixty-four-b OR SIXTY-FOUR-E of this  
2 article may elect to remit the fee for such license in equal annual  
3 installments. Such installments shall be due on dates established by the  
4 liquor authority and the failure of a licensee to have remitted such  
5 annual installments after a due date shall be a violation of this chap-  
6 ter. For licenses issued for less than the three-year licensing period,  
7 the license fee shall be levied on a pro-rated basis. The entire license  
8 fee shall be due and payable at the time of application. The liquor  
9 authority may make such rules as shall be appropriate to carry out the  
10 purpose of this section.

11 S 24. This act shall take effect immediately, provided, however, that  
12 the amendments to subdivision 3 of section 17 of the alcoholic beverage  
13 control law made by section three of this act shall not affect the expi-  
14 ration of such subdivision and shall be deemed to expire therewith.