STATE OF NEW YORK

8242

2017-2018 Regular Sessions

IN ASSEMBLY

June 2, 2017

Introduced by M. of A. BARRETT, SCHIMMINGER -- (at request of the State Liquor Authority) -- read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to electronic filing and expanding brand label registrations from one year to three years

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subparagraphs 1 and 2 of paragraph a of subdivision 4 of section 107-a of the alcoholic beverage control law, as amended by chapter 354 of the laws of 2013, are amended to read as follows:

(1) The application for registration of a brand or trade name label shall be filed by certified mail return receipt requested, registered mail return receipt requested, [~~or~~] overnight delivery service with proof of mailing, **or via electronic filing,** on a form prescribed by the authority, and shall contain such information as the authority shall require. Such application shall be accompanied by the appropriate fee prescribed by paragraph (b) of this subdivision **and may also require a processing fee of no more than ten dollars paid to either the authority or a third party provider**.

(2) Provided, however, where a brand or trade name label has been approved by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of Treasury, it shall be deemed registered and approved by the authority if:

(i) the applicant submits on a form prescribed by the authority, by certified mail return receipt requested, registered mail return receipt requested, or overnight delivery service with proof of mailing, **or via electronic filing,** a true copy of the brand or trade name label approval issued by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of Treasury along with the appropriate fee as established in paragraph (b) of this subdivision; and

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

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(ii) the authority does not deny such application within thirty days after receipt.

§ 2. Paragraph (b) of subdivision 4 of section 107-a of the alcoholic beverage control law, as amended by chapter 354 of the laws of 2013, is amended to read as follows:

(b) The annual fee for registration of any brand or trade name label for liquor shall be two hundred fifty dollars; the annual fee for registration of any brand or trade name label for beer or cider shall be one hundred fifty dollars; the annual fee for registration of any brand or trade name label for wine or wine products shall be fifty dollars. Such fee shall be in the form of a check or draft. No annual fee for registration of any brand or trade name label for wine shall be required if it has been approved by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of Treasury pursuant to this section.

Each brand or trade name label registration approved pursuant to this section shall be valid for a term of [~~one year~~] **three years** as set forth by the authority and which shall be pro-rated for partial years as applicable.

Each brand or trade name label registration approved pursuant to this section shall be valid only for the licensee to whom issued and shall not be transferable.

§ 3. This act shall take effect immediately.