

STATE OF NEW YORK

5382

2017-2018 Regular Sessions

IN SENATE

March 23, 2017

Introduced by Sens. BOYLE, VALESKY -- (at request of the State Liquor Authority) -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the alcoholic beverage control law, in relation to creating a license to export New York alcoholic beverages

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

Section 1. The alcoholic beverage control law is amended by adding a new section 61-c to read as follows:

§ 61-c. Exporter's license. An exporter's license shall authorize the holder thereof to purchase alcoholic beverages from licensed manufacturers solely for purposes of export outside of this state pursuant to and in accordance with the laws of the place of delivery.

§ 2. Section 66 of the alcoholic beverage control law is amended by adding a new subdivision 3-b to read as follows:

3-b. The annual fee for an exporter's license shall be one hundred twenty-five dollars.

§ 3. Subdivision 3 of section 17 of the alcoholic beverage control law, as amended by chapter 297 of the laws of 2016, is amended to read as follows:

3. To revoke, cancel or suspend for cause any license or permit issued under this chapter and/or to impose a civil penalty for cause against any holder of a license or permit issued pursuant to this chapter. Any civil penalty so imposed shall not exceed the sum of ten thousand dollars as against the holder of any retail permit issued pursuant to sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and paragraph f of subdivision one of section ninety-nine-b of this chapter, and as against the holder of any retail license issued pursuant to sections fifty-three-a, fifty-four, fifty-four-a, fifty-five, fifty-five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b, sixty-four-c, seventy-six-f, seventy-nine, eighty-one and eighty-one-a of this chapter, and the sum of thirty thousand dollars as against the holder of a license issued pursuant to sections fifty-three,

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

LBD10042-01-7

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

43 § 4. Subdivision 3 of section 17 of the alcoholic beverage control
44 law, as amended by section 4 of chapter 297 of the laws of 2016, is
45 amended to read as follows:

46 3. To revoke, cancel or suspend for cause any license or permit issued
47 under this chapter and/or to impose a civil penalty for cause against
48 any holder of a license or permit issued pursuant to this chapter. Any
49 civil penalty so imposed shall not exceed the sum of ten thousand
50 dollars as against the holder of any retail permit issued pursuant to
51 sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and
52 paragraph f of subdivision one of section ninety-nine-b of this chapter,
53 and as against the holder of any retail license issued pursuant to
54 sections fifty-three-a, fifty-four, fifty-four-a, fifty-five, fifty-
55 five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b,
56 sixty-four-c, seventy-six-f, seventy-nine, eighty-one, and eighty-one-a

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

45 § 5. This act shall take effect on the one hundred eightieth day after
46 it shall have become a law; provided that the amendments to subdivision
47 3 of section 17 of the alcoholic beverage control law, made by section
48 three of this act, shall not affect the expiration and reversion of such
49 subdivision and shall expire and be deemed repealed therewith, when upon
50 such date the provisions of section four of this act shall take effect;
51 and provided, further, that any and all rules and regulations and any
52 other measures necessary to implement any provision of this act on its
53 effective date may be promulgated and taken, respectively, on or before
54 the effective date of such provision.