

STATE OF NEW YORK

9375

IN SENATE

May 20, 2022

Introduced by Sen. GOUNARDES -- 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 prohibiting the renewal of a liquor license during the pendency of any disciplinary proceedings

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

1 Section 1. Section 109 of the alcoholic beverage control law, as
2 amended by chapter 630 of the laws of 1984, subdivision 1 as amended by
3 chapter 188 of the laws of 2013, subdivision 2 as amended by chapter 83
4 of the laws of 1995 and as renumbered by chapter 560 of the laws of
5 2011, is amended to read as follows:

6 § 109. Renewals of licenses and permits. 1. Each license and permit,
7 except a temporary permit effective for one day only, issued pursuant to
8 this chapter may be renewed upon application therefor by the licensee or
9 permittee and the payment of the annual fee for such license or permit
10 as prescribed by this chapter. In the case of applications for renewals,
11 the liquor authority may dispense with the requirements of such state-
12 ments as it deems unnecessary in view of those contained in the applica-
13 tion made for the original license or permit; provided, however, that no
14 waiver of paragraph (f) of subdivision one of section one hundred ten of
15 this article may be made. The submission of photographs of the licensed
16 premises shall be dispensed with provided the applicant for such renewal
17 shall file a statement with such authority to the effect that there has
18 been no alteration of such premises since the original license was
19 issued. An applicant for a retail license for on-premises consumption
20 shall also submit to the authority a copy of the valid certificate of
21 occupancy or such other document issued by the local code enforcement
22 agency for the premises for which the original license was issued. The
23 liquor authority may make such rules as may be necessary not inconsis-
24 tent with this chapter regarding applications for renewals of licenses
25 and permits and the time for making the same. The liquor authority
26 shall not process an application for or issue a renewal of any license

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

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1 or permit during the pendency of a hearing to revoke, cancel, or suspend
2 such license or permit.

3 2. [~~The~~] Except where the authority has commenced proceedings to
4 revoke, cancel or suspend a license, the authority shall provide an
5 application for renewal of a license issued under section sixty-four or
6 sixty-four-a of this chapter not less than sixty days prior to the expi-
7 ration of the current license.

8 § 2. Subdivision 2 of section 119 of the alcoholic beverage control
9 law, as amended by chapter 83 of the laws of 1995, is amended to read as
10 follows:

11 2. The liquor authority may on its own initiative or on complaint of
12 any person institute proceedings to revoke, cancel or suspend any retail
13 license and may impose a civil penalty against the licensee after a
14 hearing at which the licensee shall be given an opportunity to be heard.
15 Such hearing shall be held in such manner and upon such notice as may be
16 prescribed by the rules of the liquor authority. Where the liquor
17 authority has commenced proceedings under this section no application
18 for the renewal of such license shall be processed or granted. The chair
19 shall establish procedures to provide communication within the authority
20 regarding the status of pending disciplinary proceedings.

21 § 3. This act shall take effect immediately.