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:

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

§ 109. Renewals of licenses and permits. 1. Each license and permit, except a temporary permit effective for one day only, issued pursuant to this chapter may be renewed upon application therefor by the licensee or permittee and the payment of the annual fee for such license or permit as prescribed by this chapter. In the case of applications for renewals, the liquor authority may dispense with the requirements of such statements as it deems unnecessary in view of those contained in the application made for the original license or permit; provided, however, that no waiver of paragraph (f) of subdivision one of section one hundred ten of this article may be made. The submission of photographs of the licensed premises shall be dispensed with provided the applicant for such renewal shall file a statement with such authority to the effect that there has been no alteration of such premises since the original license was issued. An applicant for a retail license for on-premises consumption shall also submit to the authority a copy of the valid certificate of occupancy or such other document issued by the local code enforcement agency for the premises for which the original license was issued. The liquor authority may make such rules as may be necessary not inconsistent with this chapter regarding applications for renewals of licenses and permits and the time for making the same. **The liquor authority 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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or permit during the pendency of a hearing to revoke, cancel, or suspend such license or permit.

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

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

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

§ 3. This act shall take effect immediately.