

# PROGRAM BILL # 34

Legislative Bill Drafting Commission  
12046-05-6

## IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship of this proposal

S. \_\_\_\_\_  
Senate  
\_\_\_\_\_

s15 Addabbo	s31 Espaillat	s27 Hoylman	s25 Montgomery	s56 Robach
s52 Akshar	s49 Farley	s09 Kaminsky	s40 Murphy	s10 Sanders
s46 Amedore	s17 Felder	s63 Kennedy	s54 Nozzolio	s23 Savino
s11 Avella	s02 Flanagan	s34 Klein	s58 O'Mara	s41 Serino
s42 Bonacic	s55 Funke	s28 Krueger	s62 Ortt	s29 Serrano
s04 Boyle	s59 Gallivan	s24 Lanza	s60 Panepinto	s51 Seward
s44 Breslin	s12 Gianaris	s39 Larkin	s21 Parker	s26 Squadron
s38 Carlucci	s22 Golden	s37 Latimer	s13 Peralta	s16 Stavisky
s14 Comrie	s47 Griffo	s01 LaValle	s30 Perkins	s35 Stewart-
s03 Croci	s20 Hamilton	s45 Little	s19 Persaud	Cousins
s50 DeFrancisco	s06 Hannon	s05 Marcellino	s61 Ranzenhofer	s53 Valesky
s32 Diaz	s36 Hassell-	s43 Marchione	s48 Ritchie	s08 Venditto
s18 Dilan	Thompson	s07 Martins	s33 Rivera	s57 Young

IN SENATE--Introduced by Sen

--read twice and ordered printed, and when printed to be committed to the Committee on

----- A.  
Assembly  
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## IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the multi-sponsorship of this proposal:

IN ASSEMBLY--Introduced by M. of A.

a049 Abbate	a034 DenDekker	a011 Jean-Pierre	a003 Murray	a076 Seawright
a092 Abinanti	a054 Dilan	a135 Johns	a133 Nojay	a087 Sepulveda
a084 Arroyo	a081 Dinowitz	a077 Joyner	a037 Nolan	a027 Simanowitz
a035 Aubry	a147 DiPietro	a094 Katz	a130 Oaks	a052 Simon
a120 Barclay	a115 Duprey	a074 Kavanagh	a069 O'Donnell	a036 Simotas
a106 Barrett	a004 Englebright	a142 Kearns	a051 Ortiz	a104 Skartados
a060 Barron	a109 Fahy	a040 Kim	a091 Otis	a099 Skoufis
a082 Benedetto	a071 Farrell	a131 Kolb	a132 Palmesano	a022 Solages
a042 Bichotte	a126 Finch	a105 Lalor	a002 Palumbo	a114 Stec
a079 Blake	a008 Fitzpatrick	a013 Lavine	a088 Paulin	a110 Steck
a117 Blankenbush	a124 Friend	a134 Lawrence	a141 Peoples-	a127 Stirpe
a098 Brabenec	a095 Galef	a050 Lentol	Stokes	a112 Tedisco
a026 Braunstein	a137 Gantt	a125 Lifton	a058 Perry	a101 Tenney
a044 Brennan	a007 Garbarino	a072 Linares	a086 Pichardo	a001 Thiele
a119 Brindisi	a148 Giglio	a102 Lopez	a089 Pretlow	a061 Titone
a138 Bronson	a080 Gjonaj	a123 Lupardo	a073 Quart	a031 Titus
a093 Buchwald	a066 Glick	a010 Lupinacci	a019 Ra	a055 Walker
a118 Butler	a023 Goldfeder	a121 Magee	a012 Raia	a146 Walter
a103 Cahill	a150 Goodell	a129 Magnarelli	a006 Ramos	a141 Weinstein
a065 Cancel	a075 Gottfried	a064 Malliotakis	a043 Richardson	a024 Weprin
a062 Castorina	a005 Graf	a030 Markey	a078 Rivera	a059 Williams
a145 Ceretto	a100 Gunther	a090 Mayer	a056 Robinson	a113 Woerner
a047 Colton	a046 Harris	a108 McDonald	a068 Rodriguez	a143 Wozniak
a032 Cook	a139 Hawley	a014 McDonough	a067 Rosenthal	a070 Wright
a144 Corwin	a083 Heastie	a017 McKeivitt	a025 Rozic	a096 Zebrowski
a085 Crespo	a028 Hevesi	a107 McLaughlin	a116 Russell	a020
a122 Crouch	a048 Hixkind	a038 Miller	a149 Ryan	a033
a021 Curran	a018 Hooper	a015 Montesano	a009 Saladino	
a063 Cusick	a128 Hunter	a136 Morelle	a111 Santabarbara	
a045 Cymbrowitz	a029 Hyndman	a057 Mosley	a016 Schimel	
a053 Davila	a097 Jaffee	a039 Moya	a140 Schimlinger	

with M. of A. as co-sponsors

--read once and referred to the Committee on

\*ALCOBELA\* \*Governor 15 R-2\*  
(Relates to the reorganization of the alcoholic beverage control law; repealer)

ABC. reorg. ABC law

### AN ACT

to amend the alcoholic beverage control law and the executive law, in relation to a reorganization of the alcoholic beverage control law

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

1) Single House Bill (introduced and printed separately in either or both houses). Uni-Bill (introduced simultaneously in both houses and printed as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2 signed copies of bill and 4 copies of memorandum in support (single house); or 4 signed copies of bill and 8 copies of memorandum in support (uni-bill).

1 Section 1. Section 10 of the alcoholic beverage control law, as  
2 amended by chapter 83 of the laws of 1995, is amended to read as  
3 follows:

4 § 10. State liquor authority. There shall continue to be in the exec-  
5 utive department an alcoholic beverage control division, the head of  
6 which shall be the state liquor authority [which] whose members shall  
7 consist of [three members, who shall be known as commissioners] a chair-  
8 man and two commissioners, all of whom shall be citizens and residents  
9 of the state. [The state alcoholic beverage control board created and  
10 appointed pursuant to chapter one hundred eighty of the laws of nineteen  
11 hundred thirty-three, as presently constituted, shall continue in exist-  
12 ence and hereafter shall be known and designated as the state liquor  
13 authority.] The terms "state alcoholic beverage control board", "state  
14 board", "liquor authority", or "authority", wherever occurring in any of  
15 the provisions of this chapter or of any other law, or in any official  
16 books, records, instruments, rules or papers, shall hereafter mean and  
17 refer to the state liquor authority provided for in this section.

18 § 2. Section 14 of the alcoholic beverage control law, as amended by  
19 chapter 83 of the laws of 1995, is amended to read as follows:

20 § 14. Vacancies; quorum. 1. In the event of a vacancy caused by the  
21 death, resignation, removal or disability of any [member] commissioner,  
22 the vacancy shall be filled by the governor by and with the advice and  
23 consent of the senate for the unexpired term.

24 2. (a) In the event of a vacancy caused by the death, resignation,  
25 removal, or disability of the chairman, the vacancy shall be filled by  
26 the governor by and with the advice and consent of the senate for the  
27 unexpired term. Notwithstanding any other provision of law to the  
28 contrary, the governor shall designate one of the commissioners to serve

1 as acting chairman for a period not to exceed six months or until a  
2 successor chairman has been confirmed by the senate, whichever comes  
3 first. Upon the expiration of the six month term, if the governor has  
4 nominated a successor chairman, but the senate has not acted upon the  
5 nomination, the acting chairman can continue to serve as acting chairman  
6 for an additional ninety days or until the governor's successor chairman  
7 nomination is confirmed by the senate, whichever comes first.

8 (b) The governor shall provide immediate written notice to the tempo-  
9 rary president of the senate of the designation of a commissioner as  
10 acting chairman.

11 (c) If (i) the governor has not nominated a successor chairman upon  
12 the expiration of the six month term or (ii) the senate does not confirm  
13 the governor's successor nomination within the additional ninety days,  
14 the commissioner designated as acting chairman shall no longer be able  
15 to serve as acting chairman and the governor is prohibited from extend-  
16 ing the powers of that acting chairman or from designating another  
17 commissioner to serve as acting chairman.

18 (d) A commissioner serving as the acting chairman of the authority  
19 shall be deemed a state officer for purposes of section seventy-three of  
20 the public officers law.

21 3. A majority of the members of the authority shall constitute a  
22 quorum for the purpose of conducting the business thereof and a majority  
23 vote of all the members in office shall be necessary for action.  
24 Provided, however, that a commissioner designated as an acting chairman  
25 pursuant to subdivision two of section fourteen of this chapter shall  
26 have only one vote for purposes of conducting the business of the  
27 authority.

1 § 3. Subdivision 3 of section 17 of the alcoholic beverage control  
2 law, as amended by section 2 of chapter 355 of the laws of 2013, is  
3 amended to read 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, seventy-six-f, seventy-nine, eighty-one and eighty-one-a  
15 of this chapter, and the sum of thirty thousand dollars as against the  
16 holder of a license issued pursuant to sections fifty-three,  
17 sixty-one-a, sixty-one-b, seventy-six, seventy-six-a, and seventy-eight  
18 of this chapter, provided that the civil penalty against the holder of a  
19 wholesale license issued pursuant to section fifty-three of this chapter  
20 shall not exceed the sum of ten thousand dollars where that licensee  
21 violates provisions of this chapter during the course of the sale of  
22 beer at retail to a person for consumption at home, and the sum of one  
23 hundred thousand dollars as against the holder of any license issued  
24 pursuant to sections fifty-one, sixty-one, and sixty-two of this chap-  
25 ter. Any civil penalty so imposed shall be in addition to and separate  
26 and apart from the terms and provisions of the bond required pursuant to  
27 section one hundred twelve of this chapter. Provided that no appeal is  
28 pending on the imposition of such civil penalty, in the event such civil

1 penalty imposed by the division remains unpaid, in whole or in part,  
2 more than forty-five days after written demand for payment has been sent  
3 by first class mail to the address of the licensed premises, a notice of  
4 impending default judgment shall be sent by first class mail to the  
5 licensed premises and by first class mail to the last known home address  
6 of the person who signed the most recent license application. The  
7 notice of impending default judgment shall advise the licensee: (a) that  
8 a civil penalty was imposed on the licensee; (b) the date the penalty  
9 was imposed; (c) the amount of the civil penalty; (d) the amount of the  
10 civil penalty that remains unpaid as of the date of the notice; (e) the  
11 violations for which the civil penalty was imposed; and (f) that a judg-  
12 ment by default will be entered in the supreme court of the county in  
13 which the licensed premises are located, or other court of civil juris-  
14 diction or any other place provided for the entry of civil judgments  
15 within the state of New York unless the division receives full payment  
16 of all civil penalties due within twenty days of the date of the notice  
17 of impending default judgment. If full payment shall not have been  
18 received by the division within thirty days of mailing of the notice of  
19 impending default judgment, the division shall proceed to enter with  
20 such court a statement of the default judgment containing the amount of  
21 the penalty or penalties remaining due and unpaid, along with proof of  
22 mailing of the notice of impending default judgment. The filing of such  
23 judgment shall have the full force and effect of a default judgment duly  
24 docketed with such court pursuant to the civil practice law and rules  
25 and shall in all respects be governed by that chapter and may be  
26 enforced in the same manner and with the same effect as that provided by  
27 law in respect to execution issued against property upon judgments of a  
28 court of record. A judgment entered pursuant to this subdivision shall

1 remain in full force and effect for eight years notwithstanding any  
2 other provision of law.

3 § 4. Subdivision 3 of section 17 of the alcoholic beverage control  
4 law, as amended by section 3 of chapter 355 of the laws of 2013, is  
5 amended to read as follows:

6 3. To revoke, cancel or suspend for cause any license or permit issued  
7 under this chapter and/or to impose a civil penalty for cause against  
8 any holder of a license or permit issued pursuant to this chapter. Any  
9 civil penalty so imposed shall not exceed the sum of ten thousand  
10 dollars as against the holder of any retail permit issued pursuant to  
11 sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and  
12 paragraph f of subdivision one of section ninety-nine-b of this chapter,  
13 and as against the holder of any retail license issued pursuant to  
14 sections [fifty-two,] fifty-three-a, fifty-four, fifty-four-a, fifty-  
15 five, fifty-five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b,  
16 sixty-four-c, seventy-six-f, seventy-nine, eighty-one, and eighty-one-a  
17 of this chapter, and the sum of thirty thousand dollars as against the  
18 holder of a license issued pursuant to sections fifty-three,  
19 sixty-one-a, sixty-one-b, seventy-six, seventy-six-a and seventy-eight  
20 of this chapter, provided that the civil penalty against the holder of a  
21 wholesale license issued pursuant to section fifty-three of this chapter  
22 shall not exceed the sum of ten thousand dollars where that licensee  
23 violates provisions of this chapter during the course of the sale of  
24 beer at retail to a person for consumption at home, and the sum of one  
25 hundred thousand dollars as against the holder of any license issued  
26 pursuant to sections fifty-one, sixty-one and sixty-two of this chapter.  
27 Any civil penalty so imposed shall be in addition to and separate and  
28 apart from the terms and provisions of the bond required pursuant to

1 section one hundred twelve of this chapter. Provided that no appeal is  
2 pending on the imposition of such civil penalty, in the event such civil  
3 penalty imposed by the division remains unpaid, in whole or in part,  
4 more than forty-five days after written demand for payment has been sent  
5 by first class mail to the address of the licensed premises, a notice of  
6 impending default judgment shall be sent by first class mail to the  
7 licensed premises and by first class mail to the last known home address  
8 of the person who signed the most recent license application. The notice  
9 of impending default judgment shall advise the licensee: (a) that a  
10 civil penalty was imposed on the licensee; (b) the date the penalty was  
11 imposed; (c) the amount of the civil penalty; (d) the amount of the  
12 civil penalty that remains unpaid as of the date of the notice; (e) the  
13 violations for which the civil penalty was imposed; and (f) that a judg-  
14 ment by default will be entered in the supreme court of the county in  
15 which the licensed premises are located, or other court of civil juris-  
16 diction, or any other place provided for the entry of civil judgments  
17 within the state of New York unless the division receives full payment  
18 of all civil penalties due within twenty days of the date of the notice  
19 of impending default judgment. If full payment shall not have been  
20 received by the division within thirty days of mailing of the notice of  
21 impending default judgment, the division shall proceed to enter with  
22 such court a statement of the default judgment containing the amount of  
23 the penalty or penalties remaining due and unpaid, along with proof of  
24 mailing of the notice of impending default judgment. The filing of such  
25 judgment shall have the full force and effect of a default judgment duly  
26 docketed with such court pursuant to the civil practice law and rules  
27 and shall in all respects be governed by that chapter and may be  
28 enforced in the same manner and with the same effect as that provided by

1 law in respect to execution issued against property upon judgments of a  
2 court of record. A judgment entered pursuant to this subdivision shall  
3 remain in full force and effect for eight years notwithstanding any  
4 other provision of law.

5 § 5. The alcoholic beverage control law is amended by adding two new  
6 sections 61-a and 61-b to read as follows:

7 § 61-a. Combined craft manufacturing license. 1. The authority may  
8 issue a combined craft manufacturer's license to a person for the  
9 purposes of articles four, four-a, five and six of this chapter, combin-  
10 ing the privileges of two or more farm or micro manufacturing licenses  
11 for use at one premises.

12 2. The license fee for the combined license shall equal the sum of the  
13 license fees for each of the licenses included in the combined license.  
14 Provided, however, that only one filing fee shall be required for any  
15 combined license.

16 3. The license certificate of the combined license shall set forth the  
17 licenses that are included under the combined license.

18 4. A combined farm manufacturer's license may combine two or more of  
19 the following licenses: farm brewery; micro-brewery; farm cidery; farm  
20 winery; micro-distillery; micro-rectifier; and farm distillery.  
21 Provided, however, that the licensed premises for a combined farm  
22 manufacturer's license that includes a farm winery license must be  
23 located on a farm.

24 § 61-b. Importer's license. An importer's license shall authorize the  
25 holder thereof to import alcoholic beverages into this state and sell  
26 such alcoholic beverages to licensed wholesalers authorized to sell such  
27 alcoholic beverages.

1 § 6. Subdivision 4 of section 63 of the alcoholic beverage control  
2 law, as amended by chapter 603 of the laws of 1992, is amended to read  
3 as follows:

4 4. No licensee under this section shall be engaged in any other busi-  
5 ness on the licensed premises. The sale of lottery tickets, when duly  
6 authorized and lawfully conducted, the sale of corkscrews or the sale of  
7 ice or the sale of publications, including prerecorded video and/or  
8 audio cassette tapes, designed to help educate consumers in their know-  
9 ledge and appreciation of wine and wine products, as defined in section  
10 three of this chapter, or the sale of non-carbonated, non-flavored  
11 mineral waters, spring waters and drinking waters or the sale of glasses  
12 designed for the consumption of wine, racks designed for the storage of  
13 wine, and devices designed to minimize oxidation in bottles of wine  
14 which have been uncorked, or the sale of gift bags, gift boxes, or wrap-  
15 ping, for alcoholic beverages purchased at the licensed premises shall  
16 not constitute engaging in another business within the meaning of this  
17 subdivision.

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

20 3-a. The annual fee for an importer's license shall be one hundred  
21 twenty-five dollars.

22 § 8. Subdivision 1 of section 93 of the alcoholic beverage control law  
23 is amended to read as follows:

24 1. No individual shall offer for sale or solicit any order in the  
25 state for the sale of any alcoholic beverage irrespective of whether  
26 such sale is to be made within or without the state, unless such person  
27 shall have a solicitor's permit. Provided, however, that no permit  
28 under this section shall be required for an individual who is soliciting

1 orders on behalf of a micro-brewery, farm brewery, farm cidery, farm  
2 winery, micro-farm winery, micro-distillery, micro-rectifier, or farm  
3 distillery licensed under this chapter.

4 § 9. Subdivision 4 of section 93 of the alcoholic beverage control  
5 law, as amended by section 12 of part Z of chapter 85 of the laws of  
6 2002, is amended to read as follows:

7 4. Notwithstanding the foregoing provisions of this section, any duly  
8 licensed manufacturer or wholesaler may apply to the liquor authority  
9 for an annual temporary solicitor's employment permit. Such permit shall  
10 authorize such manufacturer or wholesaler to employ one or more persons  
11 as a solicitor for a period of not exceeding [sixty consecutive working  
12 days] six months provided that within [thirty] sixty days after such  
13 employee has been employed as a solicitor such employee shall file his  
14 application for a solicitor's permit with the liquor authority. The  
15 license fee for such permit shall be thirty-eight dollars per year, or  
16 for any part thereof, and the permit shall be issued for the calendar  
17 year. Such permit and the exercise of the privileges hereby granted  
18 thereunder, shall be subject to such terms and conditions as may be  
19 prescribed by the liquor authority.

20 § 10. The alcoholic beverage control law is amended by adding a new  
21 section 99-h to read as follows:

22 § 99-h. Sunday on-premises sales permit. 1. A permit issued under  
23 this section shall authorize a person licensed to sell alcoholic bever-  
24 ages for consumption on the premises pursuant to this chapter to sell  
25 alcoholic beverages for on-premises consumption on Sunday between the  
26 hours of eight o'clock a.m. and ten o'clock a.m.

27 2. A permit under this section shall be issued for one calendar day.

1     3. The fee for such a permit shall be twenty-five dollars, together  
2 with a filing fee of ten dollars.

3     4. An applicant for a permit under this section shall provide notice  
4 to the local municipality of such application as provided in section one  
5 hundred ten-b of this chapter.

6     5. No more than twelve permits under this section may be issued to the  
7 same licensee in any calendar year.

8     6. A permit under this section shall not be available for any licensed  
9 premises located in a city with a population of one million or more.

10    7. Such permit and the exercise of the privileges granted thereunder  
11 shall be subject to such rules that the authority may deem necessary.

12    § 11. Subdivisions 5 and 11 of section 105 of the alcoholic beverage  
13 control law, as amended by chapter 503 of the laws of 1984, subdivision  
14 5 as separately amended by chapter 628 of the laws of 1984, are amended  
15 to read as follows:

16    5. No retail licensee of liquor and/or wine for off-premises consump-  
17 tion shall keep upon the licensed premises any liquors and/or wines in  
18 any cask, barrel, keg, hogshead or other container, except in the  
19 original sealed package, as received from the manufacturer or whole-  
20 saler. Such containers shall have affixed thereto such labels as may be  
21 required by the rules of the liquor authority, together with all neces-  
22 sary federal revenue and New York state excise tax stamps, as required  
23 by law. Such containers shall not be opened nor its contents consumed on  
24 the premises where sold, except for the purpose of wine tasting or  
25 sampling by any person pursuant to authorization to conduct such a  
26 sampling or tasting pursuant to subdivision [two] three of section  
27 seventy-six of this chapter except those to whom sales are prohibited in  
28 section sixty-five of this chapter. The provisions of this subdivision

1 shall not prohibit a licensed winery or farm winery from selling or  
2 delivering wine to a consumer for off-premises consumption in a contain-  
3 er not to exceed four liters in capacity that shall have a temporarily  
4 secured seal for purposes of removing the wine from the premises.

5 11. No retail licensee of liquor and/or wine for off-premises consump-  
6 tion shall keep or permit to be kept upon the licensed premises, any  
7 liquors and/or wines in any unsealed bottle or other unsealed container,  
8 except for the purpose of wine tasting or sampling by any person pursu-  
9 ant to authorization to conduct such a sampling or tasting pursuant to  
10 subdivision [two] three of section seventy-six of this chapter except  
11 those to whom sales are prohibited in section sixty-five of this chap-  
12 ter. The provisions of this subdivision shall not prohibit a licensed  
13 winery or farm winery from selling or delivering wine to a consumer for  
14 off-premises consumption in a container not to exceed four liters in  
15 capacity that shall have a temporarily secured seal for purposes of  
16 removing the wine from the premises.

17 § 12. Subdivision 3 and paragraph (a) of subdivision 5 of section 106  
18 of the alcoholic beverage control law, paragraph (a) of subdivision 5 as  
19 amended by chapter 83 of the laws of 1995, are amended to read as  
20 follows:

21 3. No retail licensee for on-premises consumption shall sell, deliver  
22 or give away, or cause or permit or procure to be sold, delivered or  
23 given away any liquors and/or wines for consumption off the premises  
24 where sold. The provisions of this subdivision shall not prohibit a  
25 licensed winery or farm winery from allowing a patron to leave the  
26 winery or farm winery with a partially consumed bottle of wine provided  
27 that the removal of the bottle is done in accordance with subdivision  
28 four of section eighty-one of this chapter.

1 (a) Sunday, from four ante meridiem to [twelve noon] ten o'clock a.m.,  
2 except pursuant to a permit issued under section ninety-nine-h of this  
3 chapter.

4 § 13. Section 108 of the alcoholic beverage control law, as amended by  
5 chapter 419 of the laws of 1950, is amended to read as follows:

6 § 108. Restrictions upon licensees. 1. No licensee except the holder  
7 of a [brewer's or distiller's license or a winery] license to manufac-  
8 ture alcoholic beverages shall keep or permit to be kept or consumed on  
9 the licensed premises any alcoholic beverage except the alcoholic bever-  
10 ages which he is permitted to sell under the terms of the license issued  
11 to him.

12 2. The provisions of subdivision one of this section shall not prohib-  
13 it a person holding a retail on-premises license and a retail off-prem-  
14 ises beer or beer and wine products license for an adjacent premises to  
15 transport alcoholic beverages through such off-premises location to  
16 supply such adjacent on-premises location.

17 § 14. Section 112 of the alcoholic beverage control law, as amended by  
18 chapter 335 of the laws of 1944, and as further amended by section 104  
19 of part A of chapter 62 of the laws of 2011, is amended to read as  
20 follows:

21 § 112. Bonds of licensees and permittees. The liquor authority may  
22 require the licensees and permittees of one or more of the kinds or  
23 classes described in this chapter to file with it a bond to the people  
24 of the state of New York issued by a surety company, approved by the  
25 superintendent of financial services as to solvency and responsibility  
26 and authorized to transact business in this state, in such penal sum as  
27 the liquor authority may heretofore have prescribed or hereafter shall  
28 prescribe, conditioned that such licensee or permittee will not suffer

1 or permit any violation of the provisions of this chapter and that all  
2 fines and penalties which shall accrue, during the time the license or  
3 permit shall be in effect, will be paid, together with all costs taxed  
4 or allowed in any action or proceeding brought or instituted for a  
5 violation of any of the provisions of this chapter. A suit to recover on  
6 any bond filed pursuant to chapter one hundred eighty of the laws of  
7 nineteen hundred thirty-three or this chapter may be brought by the  
8 liquor authority or on relation of any party aggrieved, in a court of  
9 competent jurisdiction and in the event that the obligor named in such  
10 bond has violated any of the conditions of such bond, recovery for the  
11 penal sum of such bond may be had in favor of the people of the state.  
12 Notwithstanding the provisions of this section, no bond shall be  
13 required to be filed by the holder of a solicitor's permit issued under  
14 section ninety-three of this chapter.

15 § 15. Section 118 of the alcoholic beverage control law is amended by  
16 adding a new subdivision 5 to read as follows:

17 5. Notwithstanding any other provision of this chapter to the contra-  
18 ry, a suspension imposed under this section against the holder of a  
19 license issued under section sixty-one-a of this chapter shall only  
20 suspend the licensed activities related to the type of alcoholic bever-  
21 age involved in the violation resulting in the suspension.

22 § 16. The opening paragraph of section 270 of the executive law, as  
23 amended by chapter 83 of the laws of 1995, is amended to read as  
24 follows:

25 The head of the alcoholic beverage control division shall be the state  
26 liquor authority [which] whose members shall consist of [three members,  
27 who shall be known as commissioners] a chairman and two commissioners,  
28 who shall be appointed by the governor, by and with the advice and

1 consent of the senate[, and one of whom shall be designated as chairman  
2 by the governor].

3 § 17. Section 273 of the executive law, as amended by chapter 83 of  
4 the laws of 1995, is amended to read as follows:

5 § 273. Vacancies; quorum. (a) In the event of a vacancy caused by  
6 death, resignation, removal or disability of [any member] a  
7 commissioner, the vacancy shall be filled by the governor by and with  
8 the advice and consent of the senate for the unexpired term.

9 (b) In the event of a vacancy caused by the death, resignation,  
10 removal or disability of the chairman, the vacancy shall be filled by  
11 the governor by and with the advice and consent of the senate for the  
12 unexpired term. Notwithstanding any other provision of law to the  
13 contrary, the governor shall designate one of the commissioners to serve  
14 as acting chairman for a period not to exceed six months or until a  
15 successor chairman has been confirmed by the senate, whichever comes  
16 first. Upon the expiration of the six month term, if the governor has  
17 nominated a successor chairman, but the senate has not acted upon the  
18 nomination, the acting chairman can continue to serve as acting chairman  
19 for an additional ninety days or until the governor's successor chairman  
20 nomination is confirmed by the senate, whichever comes first.

21 (c) The governor shall provide immediate written notice to the tempo-  
22 rary president of the senate of the designation of a commissioner as  
23 acting chairman.

24 (d) If (i) the governor has not nominated a successor chairman upon  
25 the expiration of the six month term or (ii) the senate does not confirm  
26 the governor's successor nomination within the additional ninety days,  
27 the commissioner designated as acting chairman shall no longer be able  
28 to serve as acting chairman and the governor is prohibited from extend-

1 ing the powers of that acting chairman or from designating another  
2 commissioner to serve as acting chairman.

3 (e) A commissioner serving as the acting chairman of the authority  
4 shall be deemed a state officer for purposes of section seventy-three of  
5 the public officers law.

6 (f) A majority of the members of the authority shall constitute a  
7 quorum for the purpose of conducting the business thereof and a majority  
8 vote of all the members in office shall be necessary for action.  
9 Provided, however, that a commissioner designated as an acting chairman  
10 pursuant to subdivision two of section fourteen of this chapter shall  
11 have only one vote for purposes of conducting the business of the  
12 authority.

13 § 18. This act shall take effect on the sixtieth day after it shall  
14 have become a law; provided, however, that section twelve of this act  
15 shall take effect immediately; provided, further, that the amendments to  
16 section 17 of the alcoholic beverage control law made by section three  
17 of this act shall be subject to the expiration and reversion of such  
18 section pursuant to section 4 of chapter 118 of the laws of 2012, as  
19 amended, when upon such date the provisions of section four of this act  
20 shall take effect; and further provided that sections six and thirteen  
21 of this act shall expire and be deemed repealed three years after such  
22 effective date.