

Effective:[See Text Amendments]

Mckinney's Consolidated Laws of New York Annotated [Currentness](#)
Alcoholic Beverage Control Law ([Refs & Annos](#))
Appendix Rules of State Liquor Authority
Subchapter B. Licenses
[Part 48](#). On-Premises Liquor and Wine Licenses
[\(Restaurants and Special On-Premises Establishments\)](#)
→→ § 48.1 Types of premises

In addition to any other class of premises which the Authority may declare to be eligible therefor, the following types of premises qualify for on-premises licenses and are governed by this Part:

- (a) Premises in which the principal business shall be the sale of food or beverages at retail for consumption on the premises.
- (b) Premises in which the principal business shall be the operation of a legitimate theatre, a concert hall or an opera house. No such license shall, however, be issued to a motion picture theatre.
- (c) Premises in which the principal business shall be the operation of a bowling establishment, a public dance hall, or a night club featuring regularly scheduled cabaret entertainment.
- (d) Premises that are a part of a facility the principal business of which shall be the providing of adult recreation in the form of golf, tennis, swimming, skiing, ice skating or boating.
- (e) Premises in which the principal business shall be the accommodation of athletic or sporting events, expositions and other similar events or occasions requiring the accommodation of large gatherings of persons.
- (f) Excursion and sight-seeing vessels.

<These Rules and Regulations are arranged and numbered pursuant to Title 9, Subtitle B of the Official Compilation of Codes, Rules and Regulations of the State of New York, published by the Department of State.>

State Liquor Authority Rules, § 48.1 McK. Consol. Laws, Book 3 App., NY AL BEV CON App § 48.1

Current with amendments through October 31, 2011.

© 2012 Thomson Reuters

END OF DOCUMENT

C

Effective:[See Text Amendments]

Mckinney's Consolidated Laws of New York Annotated [Currentness](#)
Alcoholic Beverage Control Law ([Refs & Annos](#))
Appendix Rules of State Liquor Authority
Subchapter B. Licenses
 ▣ [Part 48](#). On-Premises Liquor and Wine Licenses
 ▣ (Restaurants and Special On-Premises Establishments)
 ➔➔ **§ 48.2 Conduct of licensed premises**

The proper conduct of on-premises licensed establishments is essential to the public interest. Failure of a licensee to exercise adequate supervision over the conduct of such an establishment poses a substantial risk not only to the objectives of alcoholic beverage control but imperils the health, welfare and safety of the people of this State. It shall be the obligation of each person licensed pursuant to this Part to insure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times in order to safeguard against abuses of the license privilege and violations of law. Each such licensee will be held strictly accountable for all violations that occur in the licensed premises and are committed by or suffered and permitted by any manager, agent or employee of such licensee. Persons licensed hereunder shall also have a particular responsibility to conform with those provisions of [section 260.20 of the Penal Law](#) and [sections 398-c](#) and [399-d of the General Business Law](#), which relate to the admission of minors to premises wherein alcoholic beverages are sold.

<These Rules and Regulations are arranged and numbered pursuant to Title 9, Subtitle B of the Official Compilation of Codes, Rules and Regulations of the State of New York, published by the Department of State.>

State Liquor Authority Rules, § 48.2 McK. Consol. Laws, Book 3 App., NY AL BEV CON App § 48.2

Current with amendments through October 31, 2011.

© 2012 Thomson Reuters

END OF DOCUMENT

Effective:[See Text Amendments]

Mckinney's Consolidated Laws of New York Annotated [Currentness](#)

Alcoholic Beverage Control Law ([Refs & Annos](#))

Appendix Rules of State Liquor Authority

Subchapter B. Licenses

[Part 48](#). On-Premises Liquor and Wine Licenses

[\(Restaurants and Special On-Premises Establishments\)](#)

→→ § 48.3 Conformance with local and other regulations

The Authority expects all on-premises licensees, regardless of type of premises, to conform with all applicable building codes, fire, health, safety and governmental regulations.

<These Rules and Regulations are arranged and numbered pursuant to Title 9, Subtitle B of the Official Compilation of Codes, Rules and Regulations of the State of New York, published by the Department of State.>

State Liquor Authority Rules, § 48.3 McK. Consol. Laws, Book 3 App., NY AL BEV CON App § 48.3

Current with amendments through October 31, 2011.

© 2012 Thomson Reuters

END OF DOCUMENT

Effective:[See Text Amendments]

Mckinney's Consolidated Laws of New York Annotated [Currentness](#)
Alcoholic Beverage Control Law ([Refs & Annos](#))
Appendix Rules of State Liquor Authority
Subchapter B. Licenses
[Part 48](#). On-Premises Liquor and Wine Licenses
[\(Restaurants and Special On-Premises Establishments\)](#)
→→ **§ 48.4 Physical standards**

(a) No on-premises licenses shall be issued except where the premises comply with all statutory requirements. In addition, each such premises, when situated on or about the street level, shall have one or more windows which shall be so constructed as to afford clear visibility from the exterior and throughout the interior of said premises.

(b) No on-premises licenses shall be issued to premises described in [subdivisions \(b\), \(d\), \(e\) and \(f\) of section 48.1](#) of this Part unless a particular location or locations shall be designated for the sale and service of alcoholic beverages which, if approved by the Authority, shall be deemed the licensed premises.

(1) Each such premises shall be under the exclusive dominion and control of the licensee and the sale and service of alcoholic beverages and the consumption of liquor and wine shall be confined thereto.

(2) In premises described in [subdivisions \(d\), \(e\) and \(f\) of section 48.1](#) of this Part, the licensed premises shall be enclosed by a permanent wall or partition at least eight feet high.

(c) On-premises licenses may be issued to premises described in [subdivision \(c\) of section 48.1](#) of this Part with due regard for the functional and traditional layouts of such premises. Any stand-up bar shall be in an area where seating at tables is provided for patrons and where such premises is in a bowling establishment, such area shall be enclosed by permanent walls or partitions at least eight feet high.

(d) General physical standards. The following standards shall be applicable to all on-premises licenses:

(1) Each premises licensed hereunder shall have seating for patrons at tables, except that the Authority, in its discretion, may permit a bar in any premises described in [subdivision \(b\) of section 48.1](#) of this Part without requiring seating at tables.

(2) Each premises licensed hereunder shall provide separate sanitary facilities for both sexes. The provision of such facilities may be waived by the Authority provided there is a satisfactory showing that such facilities are in an area adjacent or proximate to the licensed premises and available to the patrons thereof.

(3) Each premises licensed hereunder shall, at all times during the hours such premises is open for business, be illuminated by sufficient lighting such as will permit a person therein to read nine-point print of the kind generally used in the average newspaper. Nothing herein contained shall, however, be construed as prohibiting temporary dimming of lights during a period of regular entertainment or other special occasions and during any performance in any premises described in [subdivision \(b\) of section 48.1](#) of this Part.

<These Rules and Regulations are arranged and numbered pursuant to Title 9, Subtitle B of the Official Compilation of Codes, Rules and Regulations of the State of New York, published by the Department of State.>

State Liquor Authority Rules, § 48.4 McK. Consol. Laws, Book 3 App., NY AL BEV CON App § 48.4

Current with amendments through October 31, 2011.

© 2012 Thomson Reuters

END OF DOCUMENT

Effective:[See Text Amendments]Mckinney's Consolidated Laws of New York Annotated [Currentness](#)Alcoholic Beverage Control Law ([Refs & Annos](#))

Appendix Rules of State Liquor Authority

Subchapter B. Licenses

 [Part 48](#). On-Premises Liquor and Wine Licenses (Restaurants and Special On-Premises Establishments)**→→ § 48.5 Special restrictions**

The Authority may impose such further restrictions in particular instances as would in its judgment best serve the public interest.

<These Rules and Regulations are arranged and numbered pursuant to Title 9, Subtitle B of the Official Compilation of Codes, Rules and Regulations of the State of New York, published by the Department of State.>

State Liquor Authority Rules, § 48.5 McK. Consol. Laws, Book 3 App., NY AL BEV CON App § 48.5

Current with amendments through October 31, 2011.

© 2012 Thomson Reuters

END OF DOCUMENT

Effective:[See Text Amendments]

Mckinney's Consolidated Laws of New York Annotated [Currentness](#)
Alcoholic Beverage Control Law ([Refs & Annos](#))
Appendix Rules of State Liquor Authority
Subchapter B. Licenses
[Part 48](#). On-Premises Liquor and Wine Licenses
[\(Restaurants and Special On-Premises Establishments\)](#)
→→ § 48.6 Hours of sale

(a) The hours of sale in on-premises licensed establishments shall be governed by the provisions of [subdivision 5 of section 106 of the Alcoholic Beverage Control Law](#), except in those counties where pursuant to section 43, the local ABC board further restricts the hours of sale. In addition, the hours of sale in premises described in [subdivisions \(b\), \(c\), \(e\) and \(f\) of section 48.1](#) of this Part shall be further restricted in that the sale of alcoholic beverages may not commence more than one hour before nor continue more than one hour after the commencement and ending, respectively, of the performance, sailing, event or other recreation or entertainment which is the principal business of said facility, except that in the instance of night clubs the sale of alcoholic beverages may commence at 4:00 p.m. and continue until the closing hour prescribed by law, unless further restricted by a local ABC board pursuant to [subdivision 3 of section 43 of the Alcoholic Beverage Control Law](#).

(b) The further restrictions on hours of sale set forth in this section with respect to premises described in [subdivisions \(b\), \(c\), \(e\) and \(f\) of section 48.1](#) of this Part, shall not, however, prohibit the sale of alcoholic beverages during the holding of any special function or event therein which is scheduled and advertised in advance provided such sale is not in violation of [subdivision 5 of section 106](#) or the hours of sale prescribed by the local ABC board having jurisdiction.

<These Rules and Regulations are arranged and numbered pursuant to Title 9, Subtitle B of the Official Compilation of Codes, Rules and Regulations of the State of New York, published by the Department of State.>

State Liquor Authority Rules, § 48.6 McK. Consol. Laws, Book 3 App., NY AL BEV CON App § 48.6

Current with amendments through October 31, 2011.

© 2012 Thomson Reuters

END OF DOCUMENT

Effective:[See Text Amendments]

Mckinney's Consolidated Laws of New York Annotated [Currentness](#)
Alcoholic Beverage Control Law ([Refs & Annos](#))
Appendix Rules of State Liquor Authority
Subchapter B. Licenses
[Part 48](#). On-Premises Liquor and Wine Licenses
[\(Restaurants and Special On-Premises Establishments\)](#)
→→ § 48.7 Personal qualifications

In acting upon applications for on-premises licenses, the Authority shall, in addition to inquiring into all other requirements, carefully evaluate the character, fitness, experience, maturity and financial responsibility of each applicant in determining whether public convenience and advantage would be served by approval of the application.

<These Rules and Regulations are arranged and numbered pursuant to Title 9, Subtitle B of the Official Compilation of Codes, Rules and Regulations of the State of New York, published by the Department of State.>

State Liquor Authority Rules, § 48.7 McK. Consol. Laws, Book 3 App., NY AL BEV CON App § 48.7

Current with amendments through October 31, 2011.

© 2012 Thomson Reuters

END OF DOCUMENT

Effective:[See Text Amendments]

Mckinney's Consolidated Laws of New York Annotated [Currentness](#)
Alcoholic Beverage Control Law ([Refs & Annos](#))
Appendix Rules of State Liquor Authority
Subchapter B. Licenses
[Part 48](#). On-Premises Liquor and Wine Licenses
[\(Restaurants and Special On-Premises Establishments\)](#)
→→ § 48.7 Personal qualifications

In acting upon applications for on-premises licenses, the Authority shall, in addition to inquiring into all other requirements, carefully evaluate the character, fitness, experience, maturity and financial responsibility of each applicant in determining whether public convenience and advantage would be served by approval of the application.

<These Rules and Regulations are arranged and numbered pursuant to Title 9, Subtitle B of the Official Compilation of Codes, Rules and Regulations of the State of New York, published by the Department of State.>

State Liquor Authority Rules, § 48.7 McK. Consol. Laws, Book 3 App., NY AL BEV CON App § 48.7

Current with amendments through October 31, 2011.

© 2012 Thomson Reuters

END OF DOCUMENT

Effective:[See Text Amendments]

Mckinney's Consolidated Laws of New York Annotated [Currentness](#)
Alcoholic Beverage Control Law ([Refs & Annos](#))
Appendix Rules of State Liquor Authority
Subchapter B. Licenses
[Part 48](#). On-Premises Liquor and Wine Licenses
[\(Restaurants and Special On-Premises Establishments\)](#)
→→ § 48.8 Miscellaneous provisions

(a) Each license issued hereunder shall be subject to the licensee continuing to conform with all representations set forth in the application for license and the provisions of this Part and any amendment thereto applicable to the type of premises under which such license was applied for and issued. Such representations shall constitute continuing representations for the life of the license and all renewals thereof. Any change or deviation therefrom in any material respect, without the permission of the Authority, shall be cause for the institution of proceedings to revoke, cancel or suspend such license or refusal to renew the same.

(b) Summer or winter on-premises licenses may, in the exercise of the Authority's discretion, be issued for each of the types of premises specified in [section 48.1](#) of this Part.

(c) Nothing contained in this Part shall be construed as authorizing any alterations to any on-premises establishments except an alteration made pursuant to Part 47 of this Subtitle.

(d) A special on-premises licensee may grant to another person a written concession to prepare, serve and sell food in such licensed premises provided that the written approval of the State Liquor Authority is first obtained. The granting of such food concession without the approval of the Authority, or the failure to comply with the terms, representations and conditions upon which any such approval is granted, constitute cause for the suspension, cancellation, revocation, non-renewal or recall of the special on-premises license.

<These Rules and Regulations are arranged and numbered pursuant to Title 9, Subtitle B of the Official Compilation of Codes, Rules and Regulations of the State of New York, published by the Department of State.>

State Liquor Authority Rules, § 48.8 McK. Consol. Laws, Book 3 App., NY AL BEV CON App § 48.8

Current with amendments through October 31, 2011.

© 2012 Thomson Reuters

END OF DOCUMENT

Effective:[See Text Amendments]

Mckinney's Consolidated Laws of New York Annotated [Currentness](#)
Alcoholic Beverage Control Law ([Refs & Annos](#))
Appendix Rules of State Liquor Authority
Subchapter B. Licenses
[Part 48](#). On-Premises Liquor and Wine Licenses
[\(Restaurants and Special On-Premises Establishments\)](#)
→→ § 48.9 Waivers

The Authority may waive any and all provisions of this Part when the applicant establishes to the satisfaction of the Authority:

- (a) that the license is sought for a public facility owned, operated, leased or sponsored by a governmental or quasi-governmental agency, or
- (b) a showing of hardship, extreme emergency or exceptional circumstances and that such waiver would not be inconsistent with the policy expressed in [section 2 of the Alcoholic Beverage Control Law](#).

<These Rules and Regulations are arranged and numbered pursuant to Title 9, Subtitle B of the Official Compilation of Codes, Rules and Regulations of the State of New York, published by the Department of State.>

State Liquor Authority Rules, § 48.9 McK. Consol. Laws, Book 3 App., NY AL BEV CON App § 48.9

Current with amendments through October 31, 2011.

© 2012 Thomson Reuters

END OF DOCUMENT