

# 14A:5-6

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2010                      **CHAPTER:** 14

**NJSA:** 14A:5-6 (Extends time period for renewal of lapsed alcoholic beverage retail licenses)

**BILL NO:** S828 (Substituted for A1893)

**SPONSOR(S)** Whelan and Others

**DATE INTRODUCED:** February 12, 2010

**COMMITTEE:**                      **ASSEMBLY:** ---

**SENATE:** ---

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**                      **ASSEMBLY:** February 25, 2010

**SENATE:** February 22, 2010

**DATE OF APPROVAL:** May 6, 2010

### FOLLOWING ARE ATTACHED IF AVAILABLE:

**FINAL TEXT OF BILL** (Introduced version of bill enacted)

#### S828

**SPONSOR'S STATEMENT:** (Begins on page 2 of introduced bill) Yes

**COMMITTEE STATEMENT:**                      **ASSEMBLY:** No

**SENATE:** No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL NOTE:** No

#### A1893

**SPONSOR'S STATEMENT:** (Begins on page 2 of introduced bill) Yes

**COMMITTEE STATEMENT:**                      **ASSEMBLY:** Yes

**SENATE:** No

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL NOTE:** No

(continued)

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

LAW/RWH

# SENATE, No. 828

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JANUARY 12, 2010

**Sponsored by:**

**Senator JIM WHELAN**

**District 2 (Atlantic)**

**Assemblyman JOSEPH CRYAN**

**District 20 (Union)**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**Co-Sponsored by:**

**Assemblyman Coughlin**

**SYNOPSIS**

Extends time period for renewal of lapsed alcoholic beverage retail licenses.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/26/2010)**

1 AN ACT concerning retail alcoholic beverage licenses and amending  
2 P.L.1947, c.94.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 6 of P.L.1947, c.94 (C.33:1-12.18) is amended to  
8 read as follows:

9 6. **[Nothing]** a. Except as provided in subsection d. of this  
10 section, in any case in which a timely renewal was not filed,  
11 nothing in this act shall be deemed to prevent the issuance of a new  
12 license to a person who files an application therefor within **[60**  
13 **days]** one year following the expiration of the license renewal  
14 period, but who pays the municipal and State renewal fees for the  
15 year for which a timely renewal application was not filed, if the  
16 director shall determine in writing that the applicant's failure to  
17 apply for a renewal of his license was due to circumstances beyond  
18 his control or other extraordinary circumstances.

19 b. Any request for relief under this section shall be filed not  
20 later than one year following the expiration of the license renewal  
21 period for the license which was not renewed in a timely manner  
22 and shall be accompanied by a nonreturnable filing fee of  
23 **[\$100.00]** \$100 payable to the director for each license term.

24 c. A new license issued pursuant to this section shall be assigned  
25 the same license number as the license which was not renewed in a  
26 timely manner.

27 d. Notwithstanding subsection a. of this section, a person with  
28 an expired license which was not renewed within the five years  
29 immediately preceding the enactment of P.L. c. (pending before  
30 the Legislature as this bill), but who pays the municipal and State  
31 renewal fees for each year for which a timely renewal application  
32 was not filed, may file for issuance of a new license in accordance  
33 with subsection a. of this section within six months of the effective  
34 date of P.L. , c. (pending before the Legislature as this bill).

35 (cf: P.L.1992, c.188, s.7)

36

37 2. This act shall take effect immediately.

38

39

40

#### STATEMENT

41

42 Under current law, an issuing authority may issue a new retail  
43 alcoholic beverage license to a licensee who did not file a timely  
44 license renewal application if (1) the licensee files an application  
45 within 60 days of the license expiration date, and (2) the Director of

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 the Division of Alcoholic Beverage Control determines that the  
2 applicant's failure to apply for renewal of the license was due to  
3 circumstances beyond his or her control.

4 This bill permits an issuing authority to issue a new retail license  
5 to a licensee who did not file a timely renewal application but files  
6 an application for a new license within one year after the expiration  
7 of the license renewal period. The issuing authority would be  
8 permitted to issue the new license only if the director determines  
9 that the applicant's failure to apply for a renewal of his or her  
10 license was due to circumstances beyond the person's control or  
11 other extraordinary circumstances. Under the bill, the licensee  
12 would be required to pay the municipal and State renewal fees for  
13 each year for which a timely renewal application was not filed.

14 The licensee must file the request no later than one year after the  
15 expiration of the license renewal period for the license which was  
16 not renewed in a timely manner. A filing fee of \$100 is payable to  
17 the director for each license term.

18 A new license issued pursuant to this bill would be assigned the  
19 same license number as the license which was not renewed in a  
20 timely manner.

21 The bill establishes a grandfather clause for those licensees  
22 whose licenses expired within the five year period immediately  
23 preceding the date of the bill's enactment if the licensee applies for  
24 the new license within six months after the bill's enactment.

# ASSEMBLY, No. 1893

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JANUARY 12, 2010

**Sponsored by:**

**Assemblyman JOSEPH CRYAN**

**District 20 (Union)**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**Co-Sponsored by:**

**Assemblyman Coughlin**

**SYNOPSIS**

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2 applicant's failure to apply for renewal of the license was due to  
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5 to a licensee who did not file a timely renewal application but files  
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23 preceding the date of the bill's enactment if the licensee applies for  
24 the new license within six months after the bill's enactment.



# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 1893

# STATE OF NEW JERSEY

DATED: FEBRUARY 18, 2010

The Assembly Judiciary Committee reports favorably Assembly Bill No. 1893.

Under current law, an issuing authority may issue a new retail alcoholic beverage license to a licensee who did not file a timely license renewal application if (1) the licensee files an application within 60 days of the license expiration date, and (2) the Director of the Division of Alcoholic Beverage Control determines that the applicant's failure to apply for renewal of the license was due to circumstances beyond the applicant's control.

This bill would increase the time period from 60 days to one year under certain circumstances. The bill permits an issuing authority to issue a new retail license to a licensee who did not file a timely renewal application but files an application for a new license within one year after the expiration of the license renewal period. The issuing authority would be permitted to issue the new license only if the director determines that the applicant's failure to apply for a renewal of the license was due to circumstances beyond the person's control or other extraordinary circumstances. Under the bill, the licensee would be required to pay the municipal and State renewal fees for each year for which a timely renewal application was not filed.

The licensee must file the request no later than one year after the expiration of the license renewal period. The bill does not affect the current \$100 filing fee that is payable to the director for each license term.

A new license issued pursuant to this bill would be assigned the same license number as the license which was not renewed in a timely manner.

Under the bill, a person whose license expired within the five-year period immediately preceding the date of the bill's enactment is eligible for a new license if the person applies for the license within six months after enactment and pays the municipal and State renewal fees for each year.