

33:1-12.39

LEGISLATIVE HISTORY CHECKLIST
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(ABC licensing)

NJSA: 33:1-12.39

LAWS OF: 1996 CHAPTER: 127

BILL NO: S896

SPONSOR(S): Cafiero

DATE INTRODUCED: March 7, 1996

ASSEMBLY: ---

SENATE: Law & Public Safety

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: October 21, 1996
SENATE: June 13, 1996

DATE OF APPROVAL: November 20, 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY:
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

P.L. 1996, CHAPTER 127, *approved November 20, 1996*
Senate No. 896

1 AN ACT concerning the renewal of certain inactive alcoholic beverage
2 licenses and amending P.L.1977, c.246.

3

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

6

7 1. Section 1 of P.L.1977, c.246 (C.33:1-12.39) is amended to read
8 as follows:

9 1. No Class C license, as the same is defined in R.S.33:1-12, shall
10 be renewed if the same has not been actively used in connection with
11 the operation of a licensed premises within a period of two years prior
12 to the commencement date of the license period for which the renewal
13 application is filed unless the director, for good cause and after a
14 hearing, authorizes a further application for **[renewal]** one or more
15 renewals within a stated period of years; provided, however that, if the
16 licensee has been deprived of the use of the licensed premises as a
17 result of eminent domain, fire or other casualty, and establishes by
18 affidavit filed with the director that he is making a good faith effort to
19 resume active use of the license in connection with the operation of a
20 licensed premise then the period of two years provided for in this
21 section shall be automatically extended for an additional period of two
22 years.

23 Any request for relief under this section shall be accompanied by a
24 nonreturnable filing fee of \$100.00 payable to the director.
25 (cf: P.L.1992, c.188, s.8)

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27 2. This act shall take effect immediately.

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STATEMENT

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32 Current law prohibits the renewal of a Class C (retail) alcoholic
33 beverage license if the license has not been actively used in connection
34 with the operation of a licensed premises within two years, unless the

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

Matter underlined thus is new matter.

1 Director of the Division of Alcoholic Beverages Control in the
2 Department of Law and Public Safety authorizes further application
3 following a hearing and upon good cause shown. This bill would
4 permit the director to authorize an application for more than one
5 renewal within a stated period of years. Under current law, an
6 applicant must seek an extension each renewal year, a hearing is
7 required and good cause for renewal must be shown. This bill would
8 give the director discretion to authorize a longer period of time within
9 which an application for renewal may be made to the local issuing
10 authority without further authorization by the director. This will
11 eliminate unnecessary and costly administrative hearings.

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16 Permits the ABC to authorize renewals of certain licenses inactive for
17 more than two years.

SENATE, No. 896

STATE OF NEW JERSEY

INTRODUCED MARCH 7, 1996

By Senator CAFIERO

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SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 896

STATE OF NEW JERSEY

DATED: MAY 9, 1996

The Senate Law and Public Safety Committee reports favorably Senate Bill No.896.

This bill allows the Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety to authorize the renewal of certain inactive Class C (retail) alcoholic beverage licenses for a specified number of years without having to conduct an administrative hearing each year. The bill applies to Class C licenses which have been inactive for a period of two years.

Current law prohibits the renewal of a Class C alcoholic beverage license if the license has not been actively used in connection with the operation of a licensed premises within the previous two years unless the director, after a hearing and upon good cause shown, authorizes further application. This license renewal procedure, including the administrative component of the process, is an annual requirement.

It is the committee's understanding that this change will eliminate unnecessary and costly administrative hearings.