

STATE OF NEW JERSEY

INTRODUCED JANUARY 13, 1953

By Mr. CLAPP

Referred to Committee on Revision and Amendment of Laws

AN ACT concerning intoxicating liquors, and revising parts of the statutory law.

1 BE IT ENACTED by the Senate and General Assembly of the State of New  
2 Jersey:

1 1. Section 33:1-1 of the Revised Statutes is amended to read as follows:

2 33:1-1. For the purpose of this chapter, the following words and terms  
3 shall be deemed to have the meanings herein given to them:

4 a. "Alcohol." Ethyl alcohol, hydrated oxide of ethyl or neutral spirits  
5 from whatever source or by whatever process produced.

6 b. "Alcoholic beverage." Any fluid or solid capable of being converted  
7 into a fluid, suitable for human consumption, and having an alcoholic con-  
8 tent of more than one-half of one per centum ( $\frac{1}{2}$  of 1%) by volume, includ-  
9 ing alcohol, beer, lager beer, ale, porter, naturally fermented wine, treated  
10 wine, blended wine, fortified wine, sparkling wine, distilled liquors, blended  
11 distilled liquors and any brewed, fermented or distilled liquors fit for use for  
12 beverage purposes or any mixture of the same, and fruit juices.

13 c. "Building." A structure of which licensed premises are or may be a  
14 part, including all rooms, cellars, outbuildings, passageways, closets, vaults,  
15 yards, attics, and every part of the structure of which the licensed premises  
16 are a part, and of any other structure to which there is a common means of  
17 access, and any other appurtenances.

18 d. "Commissioner." The Director of the Division of Alcoholic Beverage  
19 Control.

20 e. "Container." Any glass, can, bottle, vessel or receptacle of any ma-  
21 terial whatsoever used for holding alcoholic beverages, which container is  
22 covered, corked or sealed in any manner whatsoever.

23 f. "Eligible." The status of a person who is a citizen of the United  
24 States, a resident of this State, of good moral character and repute, and of  
25 legal age.

26 g. "Governing board or body." The board or body which governs a  
27 municipality, including a board of aldermen in municipalities so governed;  
28 but in every municipality having a board of public works which exercises  
29 general licensing powers such board shall be considered as the governing  
30 board or body.

31 h. "Importing." The act of bringing or causing to be brought any alco-  
32 holic beverage into this State.

33 i. "Illicit beverage." Any alcoholic beverage manufactured, distributed,  
34 bought, sold, bottled, rectified, blended, treated, fortified, mixed, processed,  
35 warehoused, possessed or transported in violation of this chapter, or on which  
36 any Federal tax or tax imposed by the laws of this State has not been paid;  
37 and any alcoholic beverage possessed, kept, stored, owned or imported with  
38 intent to manufacture, sell, distribute, bottle, rectify, blend, treat, fortify,  
39 mix, process, warehouse or transport in violation of the provisions of this  
40 chapter.

41 j. "Licensed building." Any building containing licensed premises.

42 k. "Licensed premises." Any premises for which a license under this  
43 chapter is in force and effect.

44 l. "Magistrate." Any County Court, criminal judicial district court, mu-  
45 nicipal court or county district court.

46 m. "Manufacturer." Any person who, directly or indirectly, personally  
47 or through any agency whatsoever, engages in the making or other process-  
48 ing whatsoever of alcoholic beverages.

49 n. "Municipality." Any city, town, township, village, or borough, in-  
50 cluding a municipality governed by a board of commissioners or improvement  
51 commission, but excluding a county.

52 o. "Municipal board." The municipal board of alcoholic beverage con-  
53 trol as established by this chapter.

54 p. "Officer." Any sheriff, deputy sheriff, constable, police officer, mem-  
55 ber of the department of State police, or any other person having the power  
56 to execute a warrant for arrest, or any inspector or investigator of the  
57 Division of Alcoholic Beverage Control.

58 q. "Original container." Any container in which an alcoholic beverage  
59 has been delivered to a retail licensee.

60 r. "Person." Any natural person or association of natural persons, as-  
61 sociation, trust company, partnership, corporation, organization, or the man-  
62 ager, agent, servant, officer, or employee of any of them.

63 s. "Premises." The physical place at which a licensee is or may be li-  
64 censed to conduct and carry on the manufacture, distribution or sale of alco-  
65 holic beverages, but not including vehicular transportation.

66 t. "Restaurant." An establishment regularly and principally used for  
67 the purpose of providing meals to the public, having an adequate kitchen and  
68 dining room equipped for the preparing, cooking and serving of foods for its  
69 customers and in which no other business, except such as is incidental to such  
70 establishment, is conducted.

71 u. "Retailer." Any person who sells alcoholic beverages to consumers.

72 v. "Rules and regulations." The rules and regulations established from  
73 time to time by the director.

74 w. "Sale." Every delivery of an alcoholic beverage otherwise than by  
75 purely gratuitous title, including deliveries from without this State and deliv-  
76 eries by any person without this State intended for shipment by carrier or  
77 otherwise into this State and brought within this State, or the solicitation or  
78 acceptance of an order for an alcoholic beverage, and including exchange,  
79 barter, traffic in, keeping and exposing for sale, serving with meals, deliver-  
80 ing for value, peddling, possessing with intent to sell, and the gratuitous de-  
81 livery or gift of any alcoholic beverage by any licensee.

82 x. "Unlawful alcoholic beverage activity." The manufacture, sale, dis-  
83 tribution, bottling, rectifying, blending, treating, fortifying, mixing, process-  
84 ing, warehousing or transportation of any alcoholic beverage in violation of  
85 this chapter, or the importing, owning, possessing, keeping or storing in this  
86 State of alcoholic beverages with intent to manufacture, sell, distribute,  
87 bottle, rectify, blend, treat, fortify, mix, process, warehouse or transport alco-  
88 holic beverages in violation of this chapter, or the owning, possessing, keeping  
89 or storing in this State of any implement or paraphernalia for the manufac-  
90 ture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mix-  
91 ing, processing, warehousing or transportation of alcoholic beverages with  
92 intent to use the same in the manufacture, sale, distribution, bottling, rectify-  
93 ing, blending, treating, fortifying, mixing, processing, warehousing or trans-  
94 portation of alcoholic beverages in violation of this chapter, or to aid or abet  
95 another in the manufacture, sale, distribution, bottling, rectifying, blending,  
96 treating, fortifying, mixing, processing, warehousing or transportation of al-  
97 coholic beverages in violation of this chapter, or the aiding or abetting of  
98 another in any of the foregoing activities.

99 y. "Unlawful property." All illicit beverages and all implements, ve-  
100 hicles, vessels, airplanes, and paraphernalia for the manufacture, sale, distri-  
101 bution, bottling, rectifying, blending, treating, fortifying, mixing, processing,  
102 warehousing or transportation of illicit beverages used in the manufacture,  
103 sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing,  
104 processing, warehousing or transportation of illicit beverages or owned, pos-  
105 sessed, kept or stored with intent to use the same in the manufacture, sale,  
106 distribution, bottling, rectifying, blending, treating, fortifying, mixing,  
107 processing, warehousing or transportation of illicit beverages, whether such  
108 use be by the person owning, possessing, keeping, or storing the same, or by  
109 another with the consent of such person; and all alcoholic beverages, fix-  
110 tures and personal property located in or upon any premises, building, yard  
111 or inclosure connected with a building, in which an illicit beverage is found,  
112 possessed, stored or kept.

113 z. "Wholesaler." Any person who sells an alcoholic beverage for the  
114 purpose of resale either to a licensed wholesaler or to a licensed retailer, or  
115 both.

116 Any definition herein contained shall apply to the same word in any form.

117 Thus "sell" means to make a "sale" as above defined.

1 2. Section 33:1-35 of the Revised Statutes is amended to read as  
2 follows:

3 33:1-35. The Director of the Division of Alcoholic Beverage Control  
4 and each other issuing authority may make, or cause to be made, such  
5 investigations as he or it shall deem proper in the administration of this  
6 chapter and of any and all other laws now or which may hereafter be in  
7 force and effect concerning alcoholic beverages, or the manufacture, distribu-  
8 tion or sale thereof, or the collection of taxes thereon, including the inspec-  
9 tion and search of premises for which the license is sought or has been issued,  
10 of any building containing the same, of licensed buildings, examination of  
11 the books, records, accounts, documents and papers of the licensees or on  
12 the licensed premises.

13 Every applicant for a license, and every licensee, and every director,  
14 officer, agent and employee of every licensee, shall, on demand, exhibit to the  
15 director or other issuing authority, as the case may be, or to his or its  
16 deputies or investigators, or inspectors or agents all of the matters and  
17 things which the director of the division or other issuing authority, as the  
18 case may be, is hereby authorized or empowered to investigate, inspect or  
19 examine, and to facilitate, as far as may be in their power so to do, in any  
20 such investigation, examination or inspection, and they shall not in any way  
21 hinder or delay or cause the hindrance or delay of same, in any manner  
22 whatsoever. Investigations, inspections and searches of licensed premises  
23 may be made without search warrant by the director, his deputies, inspectors  
24 or investigators, by each other issuing authority and by any officer.

25 For the purpose of any investigation, examination or inspection, revoca-  
26 tion, rule to show cause and every other proceeding authorized under this

27 chapter or appropriate for its enforcement, the director, his deputy direc-  
28 tors, attorneys and legal assistants designated to act on his behalf, and each  
29 other issuing authority may examine, under oath, any and all persons what-  
30 soever and compel by subpoena the attendance of witnesses and the produc-  
31 tion of books, records, accounts, papers and documents of any person or  
32 persons and the director, his deputy directors, inspectors and investigators  
33 and each other issuing authority may take any oath or affirmation of any  
34 person to any deposition, statement, report or application required in the  
35 administration of this chapter, or of any and all other laws now or which  
36 may hereafter be in force and effect concerning alcoholic beverages, or the  
37 manufacture, distribution and the sale thereof, or the collection of taxes  
38 thereon.

39 The fees of witnesses required to attend before the director or other  
40 issuing authority shall be the same as those allowed to witnesses in the  
41 Superior Court.

42 The above enumerations of purposes and powers shall not be construed  
43 as exclusive and shall not limit such power to investigate, examine and  
44 subpoena for any purpose consonant with the administration and enforcement  
45 of this chapter.

46 If a person subpoenaed to attend any hearing refuses or fails to appear  
47 or to be examined, or to answer any question or to produce any books,  
48 records, accounts, papers and documents when ordered so to do by the direc-  
49 tor, the director or other issuing authority, as the case may be, may apply  
50 to the Superior Court to compel the person to comply forthwith with the  
51 subpoena, direction or order of the director or the other issuing authority,  
52 as the case may be.

53 Each deputy director shall have and exercise all the powers conferred  
54 by this chapter upon the director to the extent that the same shall be  
55 delegated to him by the director by rules and regulations.

56 One of such deputy directors shall be designated by the director with  
57 power to perform all of the duties of the director in case of his absence or

58 inability to act for any cause and who shall also have authority to so act in  
59 the event of the death of the director until a successor has been appointed  
60 and qualified.

1 3. Section 33:1-66 of the Revised Statutes is amended to read as  
2 follows:

3 33:1-66. a. Any officer knowing, or having reasonable cause to believe,  
4 that any person is engaged in unlawful alcoholic beverage activity, it shall  
5 be his duty to investigate, under proper search warrant when necessary,  
6 which it shall be his further duty to apply for, and to seize all property  
7 which he shall know, or have reasonable ground to believe is unlawful prop-  
8 erty, including in the case of illicit alcoholic beverages within any vehicle,  
9 the vehicle containing the same, and to arrest all persons whom he shall know,  
10 or have reasonable ground to believe, are committing, or have committed,  
11 a misdemeanor under this chapter and to make complaint against such per-  
12 sons as in other cases of misdemeanors. All property when seized shall be  
13 under the jurisdiction of the Director of the Division of Alcoholic Beverage  
14 Control subject to this chapter.

15 Any seized property shall be returned to any person claiming the same  
16 upon execution and delivery by him to the director of a bond in a form and  
17 with sureties satisfactory to the director in a sum double the retail value  
18 of the property, as appraised by the director, conditioned, (1) to pay to  
19 the director for the use of the State the full retail value of such property  
20 in case the same shall appear to have been unlawful property, and (2) in  
21 case it shall appear that said property was not unlawful property, to pay such  
22 part of the retail value thereof as may represent the value of the out-  
23 standing right, title, interest, lien or claim of any other person, to such other  
24 person, which bond shall be enforceable, as other obligations for payment  
25 of money, by civil action in any court of competent jurisdiction, first by  
26 the director, to be instituted within one year from the date thereof, and,  
27 secondly, by such other person as third party beneficiaries, at any time  
28 after final judgment in such action by the director, or after the expiration

29 of said year in case no such action shall have been instituted by the direc-  
30 tor in the meantime.

31 In lieu of such bond, the claimant to the seized property may pay to  
32 the director for the use of the State the retail value thereof in cash, as  
33 appraised by the director, under protest, subject to the right of the person  
34 making the payment to recover such sum upon establishing that the prop-  
35 erty was not unlawful property by an action to be commenced within one  
36 year from the date of such payment, and not thereafter, in any court of  
37 competent jurisdiction.

38 Such claimant may, in lieu of either remedy, bring an action for the  
39 replevin of the property against the director in any court of competent  
40 jurisdiction according to the forms and procedure including the delivery of  
41 a bond, of such court, such action to be commenced within thirty days from  
42 the seizure of such property and not thereafter.

43 If the director shall be satisfied that property seized was not unlawful  
44 property he may return the same to the person from whom or the place  
45 from which the same was taken. If any seized property shall not be reclaimed  
46 within thirty days, after determination by him that such property is unlaw-  
47 ful property, and subject to rules and regulations, the director shall forfeit  
48 such property and may, in his discretion, order that the seized property in  
49 whole or in part be sold, destroyed or retained for the use of hospitals and  
50 State, county and municipal institutions. The forfeiture of any seized prop-  
51 erty shall terminate all property interests therein and in any proceeds there-  
52 from, including the interests of the owner, any conditional vendor, chattel  
53 mortgagee or other lienor and all other persons.

54 No such forfeiture, sale, destruction or retention for use of hospitals and  
55 State, county and municipal institutions shall be had except after hearing,  
56 of which notice, of not less than fifteen nor more than thirty days, shall be  
57 given by mail to all persons known or believed by the director to have an  
58 interest in the seized property and by publication twice in a newspaper to  
59 be designated by the director and circulating in the county where the prop-

60 erty was seized, once in each of the two consecutive calendar weeks preced-  
61 ing such hearing. After such hearing, the director shall file his determina-  
62 tion in the form of an order which shall be subject to review by the Supe-  
63 rior Court in a proceeding in lieu of prerogative writ.

64 All moneys received by the director hereunder shall be reserved during  
65 the time allowed any person an opportunity of establishing a right thereto  
66 and shall immediately thereafter be accounted for by the director as in the  
67 case of license fees received hereunder.

68 All sales by the director shall convey the director's right, title and  
69 interest which shall be that of sole and absolute ownership, free and clear  
70 of all outstanding title, rights, interest and liens.

71 Property seized and released shall thereafter be subject to further seiz-  
72 ure because of ownership, possession or use thereof in connection with further  
73 unlawful alcoholic beverage activities.

74 b. All alcoholic beverages, fixtures and personal property located in  
75 or upon any premises, building, yard or inclosure connected with a building,  
76 in which an illicit beverage is found, possessed, stored or kept, are hereby  
77 declared unlawful property and shall be seized, forfeited and disposed of in  
78 the same manner as other unlawful property seized under this section.

79 c. All alcoholic beverages manufactured, sold, imported or transported  
80 in violation of rules and regulations, together with any vehicle containing the  
81 same, are hereby declared unlawful property and shall be seized, forfeited  
82 and disposed of in the same manner as other unlawful property seized  
83 under this section.

84 d. Any contrivance, preparation, compound, tablet, substance or recipe  
85 advertised, designed or intended for use in the manufacture of alcoholic bev-  
86 erages for personal consumption or otherwise in violation of this chapter is  
87 hereby declared unlawful property and shall be seized, forfeited and dis-  
88 posed of in the same manner as other unlawful property seized under this  
89 section. Any person who shall advertise, manufacture, sell or possess for  
90 sale, or cause to be advertised, manufactured, sold or possessed for sale

91 property declared unlawful under this paragraph, shall be guilty of a mis-  
92 demeanor and punished by a fine of not less than one hundred dollars  
93 (\$100.00) and not more than five hundred dollars (\$500.00), or imprison-  
94 ment for not less than thirty days and not more than six months, or both.

95 e. The director upon being satisfied that a person whose property has  
96 been seized or forfeited pursuant to the provisions of this section has acted  
97 in good faith and has unknowingly violated the provisions thereof, may  
98 order that such property be returned upon payment of the reasonable costs  
99 incurred in connection with the seizure, such costs to be determined by the  
100 director.

101 The director may, upon being satisfied that a common carrier, whose  
102 vehicle has been seized under the provisions of this chapter, has acted in  
103 good faith and had no knowledge at the time of the seizure, that the ve-  
104 hicle contained illicit alcoholic beverages, order that the seized vehicle be  
105 returned to the common carrier.

106 f. The director, upon being satisfied that a person having a bona fide  
107 and valid lien upon or interest in property seized or forfeited pursuant to  
108 the provisions of this section has acted in good faith and had no knowledge  
109 of the unlawful use to which the property was put or of such facts as would  
110 have led a person of ordinary prudence to discover such use, may, in his  
111 discretion and subject to rules and regulations, recognize the validity and  
112 priority of such claim or interest. Where the validity and priority of a lien  
113 or interest have been so recognized by the director, he may (1) order,  
114 where it appears that the amount or value of such lien or interest exceeds  
115 the value of the property plus costs, that the property be returned to the  
116 innocent claimant upon payment of the reasonable costs incurred in con-  
117 nection with the seizure, such costs to be determined by the director, or  
118 (2) order that the property be sold and that the amount of the lien or  
119 value of the interest, which amount or value shall be established to the satis-  
120 faction of the director, be paid out of the proceeds of sale after having  
121 deducted therefrom the reasonable costs incurred in connection with the  
122 seizure, such costs to be determined by the director.

1 4. Section 33:1-81 of the Revised Statutes is amended to read as  
2 follows:

3 33:1-81. It shall be unlawful for

4 (a) a minor to enter any premises licensed for the retail sale of alcoholic  
5 beverages for the purpose of purchasing, or having served or delivered to  
6 him or her, any alcoholic beverage; or

7 (b) a minor to consume any alcoholic beverage on premises licensed for  
8 the retail sale of alcoholic beverages, or to purchase, attempt to purchase or  
9 have another purchase for him or her any alcoholic beverage; or

10 (c) any person to misrepresent or misstate his or her age, or the age of  
11 any other person for the purpose of inducing any licensee or any employee of  
12 any licensee, to sell, serve or deliver any alcoholic beverage to a minor.

13 Any person who shall violate any of the provisions of this section shall  
14 be deemed and adjudged to be a disorderly person, and upon conviction  
15 thereof, shall be punished by a fine not exceeding fifty dollars (\$50.00).

1 5. Section 33:2-6 of the Revised Statutes is amended to read as  
2 follows:

3 33:2-6. The determination of the director shall be in the form of an  
4 order which shall be subject to review by the Superior Court by a proceeding  
5 in lieu of prerogative writ.

1 6. Section 33:3-10 of the Revised Statutes is amended to read as  
2 follows:

3 33:3-10. Any person, corporation, partnership or member of any associa-  
4 tion or any agent, servant or employee of any person, corporation, partner-  
5 ship or member of any association who shall have sold, bartered, given away,  
6 furnished or otherwise disposed of to any person whatsoever any alcohol for  
7 internal consumption, whiskey, gin, brandy, wine or any other alcoholic bever-  
8 age of any nature whatsoever containing any poisonous chemical or chemicals  
9 or any poisonous ingredients of any description whatsoever which shall have  
10 caused serious injury to the health or bodily condition of any person or shall  
11 have caused the death of any person shall be guilty of a high misdemeanor

12 and shall be punishable by a fine of not exceeding two thousand dollars  
13 (\$2,000.00), or imprisonment at hard labor or otherwise not exceeding ten  
14 years, or both.

15 ~~Nothing in this section is intended to diminish, alter or in anywise change~~  
16 ~~or in anywise affect the provisions of sections 2A:113-1 to 2A:113-5 of the~~  
17 ~~New Jersey Statutes.~~

18 ~~7. This act shall take effect immediately.~~

STATE OF NEW JERSEY

INTRODUCED JANUARY 13, 1953

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Referred to Committee on Revision and Amendment of Laws

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5 from whatever source or by whatever process produced.

6 b. "Alcoholic beverage." Any fluid or solid capable of being converted  
7 into a fluid, suitable for human consumption, and having an alcoholic con-  
8 tent of more than one-half of one per centum ( $\frac{1}{2}$  of 1%) by volume, includ-  
9 ing alcohol, beer, lager beer, ale, porter, naturally fermented wine, treated  
10 wine, blended wine, fortified wine, sparkling wine, distilled liquors, blended  
11 distilled liquors and any brewed, fermented or distilled liquors fit for use for  
12 beverage purposes or any mixture of the same, and fruit juices.

13 c. "Building." A structure of which licensed premises are or may be a  
14 part, including all rooms, cellars, outbuildings, passageways, closets, vaults,  
15 yards, attics, and every part of the structure of which the licensed premises  
16 are a part, and of any other structure to which there is a common means of  
17 access, and any other appurtenances.

18 d. "Commissioner." The Director of the Division of Alcoholic Beverage  
19 Control.

20 e. "Container." Any glass, can, bottle, vessel or receptacle of any ma-  
21 terial whatsoever used for holding alcoholic beverages, which container is  
22 covered, corked or sealed in any manner whatsoever.

23 f. "Eligible." The status of a person who is a citizen of the United  
24 States, a resident of this State, of good moral character and repute, and of  
25 legal age.

26 g. "Governing board or body." The board or body which governs a  
27 municipality, including a board of aldermen in municipalities so governed;  
28 but in every municipality having a board of public works which exercises  
29 general licensing powers such board shall be considered as the governing  
30 board or body.

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32 holic beverage into this State.

33 i. "Illicit beverage." Any alcoholic beverage manufactured, distributed,  
34 bought, sold, bottled, rectified, blended, treated, fortified, mixed, processed,  
35 warehoused, possessed or transported in violation of this chapter, or on which  
36 any Federal tax or tax imposed by the laws of this State has not been paid;  
37 and any alcoholic beverage possessed, kept, stored, owned or imported with  
38 intent to manufacture, sell, distribute, bottle, rectify, blend, treat, fortify,  
39 mix, process, warehouse or transport in violation of the provisions of this  
40 chapter.

41 j. "Licensed building." Any building containing licensed premises.

42 k. "Licensed premises." Any premises for which a license under this  
43 chapter is in force and effect.

44 l. "Magistrate." Any County Court, criminal judicial district court, mu-  
45 nicipal court or county district court.

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47 or through any agency whatsoever, engages in the making or other process-  
48 ing whatsoever of alcoholic beverages.

49 n. "Municipality." Any city, town, township, village, or borough, in-  
50 cluding a municipality governed by a board of commissioners or improvement  
51 commission, but excluding a county.

52 o. "Municipal board." The municipal board of alcoholic beverage con-  
53 trol as established by this chapter.

54 p. "Officer." Any sheriff, deputy sheriff, constable, police officer, mem-  
55 ber of the department of State police, or any other person having the power  
56 to execute a warrant for arrest, or any inspector or investigator of the  
57 Division of Alcoholic Beverage Control.

58 q. "Original container." Any container in which an alcoholic beverage  
59 has been delivered to a retail licensee.

60 r. "Person." Any natural person or association of natural persons, as-  
61 sociation, trust company, partnership, corporation, organization, or the man-  
62 ager, agent, servant, officer, or employee of any of them.

63 s. "Premises." The physical place at which a licensee is or may be li-  
64 censed to conduct and carry on the manufacture, distribution or sale of alco-  
65 holic beverages, but not including vehicular transportation.

66 t. "Restaurant." An establishment regularly and principally used for  
67 the purpose of providing meals to the public, having an adequate kitchen and  
68 dining room equipped for the preparing, cooking and serving of foods for its  
69 customers and in which no other business, except such as is incidental to such  
70 establishment, is conducted.

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73 time to time by the director.

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75 purely gratuitous title, including deliveries from without this State and deliv-  
76 eries by any person without this State intended for shipment by carrier or  
77 otherwise into this State and brought within this State, or the solicitation or  
78 acceptance of an order for an alcoholic beverage, and including exchange,  
79 barter, traffic in, keeping and exposing for sale, serving with meals, deliver-  
80 ing for value, peddling, possessing with intent to sell, and the gratuitous de-  
81 livery or gift of any alcoholic beverage by any licensee.

82 x. "Unlawful alcoholic beverage activity." The manufacture, sale, dis-  
83 tribution, bottling, rectifying, blending, treating, fortifying, mixing, process-  
84 ing, warehousing or transportation of any alcoholic beverage in violation of  
85 this chapter, or the importing, owning, possessing, keeping or storing in this  
86 State of alcoholic beverages with intent to manufacture, sell, distribute,  
87 bottle, rectify, blend, treat, fortify, mix, process, warehouse or transport alco-  
88 holic beverages in violation of this chapter, or the owning, possessing, keeping  
89 or storing in this State of any implement or paraphernalia for the manufac-  
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92 intent to use the same in the manufacture, sale, distribution, bottling, rectify-  
93 ing, blending, treating, fortifying, mixing, processing, warehousing or trans-  
94 portation of alcoholic beverages in violation of this chapter, or to aid or abet  
95 another in the manufacture, sale, distribution, bottling, rectifying, blending,  
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97 coholic beverages in violation of this chapter, or the aiding or abetting of  
98 another in any of the foregoing activities.

99 y. "Unlawful property." All illicit beverages and all implements, ve-  
100 hicles, vessels, airplanes, and paraphernalia for the manufacture, sale, distri-  
101 bution, bottling, rectifying, blending, treating, fortifying, mixing, processing,  
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106 distribution, bottling, rectifying, blending, treating, fortifying, mixing,  
107 processing, warehousing or transportation of illicit beverages, whether such  
108 use be by the person owning, possessing, keeping, or storing the same, or by  
109 another with the consent of such person: and all alcoholic beverages, fix-  
110 tures and personal property located in or upon any premises, building, yard  
111 or inclosure connected with a building, in which an illicit beverage is found,  
112 possessed, stored or kept.

113 **“Wholesaler.”** Any person who sells an alcoholic beverage for the  
114 purpose of resale either to a licensed wholesaler or to a licensed retailer, or  
115 both.

116 Any definition herein contained shall apply to the same word in any form.  
117 Thus “sell” means to make a “sale” as above defined.

1 Section 33:1-35 of the Revised Statutes is amended to read as  
2 follows:

3 33:1-35. The Director of the Division of Alcoholic Beverage Control  
4 and each other issuing authority may make, or cause to be made, such  
5 investigations as he or it shall deem proper in the administration of this  
6 chapter and of any and all other laws now or which may hereafter be in  
7 force and effect concerning alcoholic beverages, or the manufacture, distribu-  
8 tion or sale thereof, or the collection of taxes thereon, including the inspec-  
9 tion and search of premises for which the license is sought or has been issued,  
10 of any building containing the same, of licensed buildings, examination of  
11 the books, records, accounts, documents and papers of the licensees or on  
12 the licensed premises.

13 Every applicant for a license, and every licensee, and every director,  
14 officer, agent and employee of every licensee, shall, on demand, exhibit to the  
15 director or other issuing authority, as the case may be, or to his or its  
16 deputies or investigators, or inspectors or agents all of the matters and  
17 things which the director of the division or other issuing authority, as the  
18 case may be, is hereby authorized or empowered to investigate, inspect or  
19 examine, and to facilitate, as far as may be in their power so to do, in any  
20 such investigation, examination or inspection, and they shall not in any way  
21 hinder or delay or cause the hindrance or delay of same, in any manner  
22 whatsoever. Investigations, inspections and searches of licensed premises  
23 may be made without search warrant by the director, his deputies, inspectors  
24 or investigators, by each other issuing authority and by any officer.

25 For the purpose of any investigation, examination or inspection, revoca-  
26 tion, rule to show cause and every other proceeding authorized under this

27 chapter or appropriate for its enforcement, the director, his deputy direc-  
28 tors, attorneys and legal assistants designated to act on his behalf, and each  
29 other issuing authority may examine, under oath, any and all persons what-  
30 soever and compel by subpoena the attendance of witnesses and the produc-  
31 tion of books, records, accounts, papers and documents of any person or  
32 persons and the director, his deputy directors, inspectors and investigators  
33 and each other issuing authority may take any oath or affirmation of any  
34 person to any deposition, statement, report or application required in the  
35 administration of this chapter, or of any and all other laws now or which  
36 may hereafter be in force and effect concerning alcoholic beverages, or the  
37 manufacture, distribution and the sale thereof, or the collection of taxes  
38 thereon.

39 The fees of witnesses required to attend before the director or other  
40 issuing authority shall be the same as those allowed to witnesses in the  
41 Superior Court.

42 The above enumerations of purposes and powers shall not be construed  
43 as exclusive and shall not limit such power to investigate, examine and  
44 subpoena for any purpose consonant with the administration and enforcement  
45 of this chapter.

46 If a person subpoenaed to attend any hearing refuses or fails to appear  
47 or to be examined, or to answer any question or to produce any books,  
48 records, accounts, papers and documents when ordered so to do by the direc-  
49 tor, the director or other issuing authority, as the case may be, may apply  
50 to the Superior Court to compel the person to comply forthwith with the  
51 subpoena, direction or order of the director or the other issuing authority,  
52 as the case may be.

53 Each deputy director shall have and exercise all the powers conferred  
54 by this chapter upon the director to the extent that the same shall be  
55 delegated to him by the director by rules and regulations.

56 One of such deputy directors shall be designated by the director with  
57 power to perform all of the duties of the director in case of his absence or

58 inability to act for any cause and who shall also have authority to so act in  
59 the event of the death of the director until a successor has been appointed  
60 and qualified.

1 3. Section 33:1-66 of the Revised Statutes is amended to read as  
2 follows:

3 33:1-66. a. Any officer knowing, or having reasonable cause to believe,  
4 that any person is engaged in unlawful alcoholic beverage activity, it shall  
5 be his duty to investigate, under proper search warrant when necessary,  
6 which it shall be his further duty to apply for, and to seize all property  
7 which he shall know, or have reasonable ground to believe is unlawful prop-  
8 erty, including in the case of illicit alcoholic beverages within any vehicle,  
9 the vehicle containing the same, and to arrest all persons whom he shall know,  
10 or have reasonable ground to believe, are committing, or have committed,  
11 a misdemeanor under this chapter and to make complaint against such per-  
12 sons as in other cases of misdemeanors. All property when seized shall be  
13 under the jurisdiction of the Director of the Division of Alcoholic Beverage  
14 Control subject to this chapter.

15 Any seized property shall be returned to any person claiming the same  
16 upon execution and delivery by him to the director of a bond in a form and  
17 with sureties satisfactory to the director in a sum double the retail value  
18 of the property, as appraised by the director, conditioned, (1) to pay to  
19 the director for the use of the State the full retail value of such property  
20 in case the same shall appear to have been unlawful property, and (2) in  
21 case it shall appear that said property was not unlawful property, to pay such  
22 part of the retail value thereof as may represent the value of the out-  
23 standing right, title, interest, lien or claim of any other person, to such other  
24 person, which bond shall be enforceable, as other obligations for payment  
25 of money, by civil action in any court of competent jurisdiction, first by  
26 the director, to be instituted within one year from the date thereof, and,  
27 secondly, by such other person as third party beneficiaries, at any time  
28 after final judgment in such action by the director, or after the expiration

29 of said year in case no such action shall have been instituted by the direc-  
30 tor in the meantime.

31 In lieu of such bond, the claimant to the seized property may pay to  
32 the director for the use of the State the retail value thereof in cash, as  
33 appraised by the director, under protest, subject to the right of the person  
34 making the payment to recover such sum upon establishing that the prop-  
35 erty was not unlawful property by an action to be commenced within one  
36 year from the date of such payment, and not thereafter, in any court of  
37 competent jurisdiction.

38 Such claimant may, in lieu of either remedy, bring an action for the  
39 replevin of the property against the director in any court of competent  
40 jurisdiction according to the forms and procedure including the delivery of  
41 a bond, of such court, such action to be commenced within thirty days from  
42 the seizure of such property and not thereafter.

43 If the director shall be satisfied that property seized was not unlawful  
44 property he may return the same to the person from whom or the place  
45 from which the same was taken. If any seized property shall not be reclaimed  
46 within thirty days, after determination by him that such property is unlaw-  
47 ful property, and subject to rules and regulations, the director shall forfeit  
48 such property and may, in his discretion, order that the seized property in  
49 whole or in part be sold, destroyed or retained for the use of hospitals and  
50 State, county and municipal institutions. The forfeiture of any seized prop-  
51 erty shall terminate all property interests therein and in any proceeds there-  
52 from, including the interests of the owner, any conditional vendor, chattel  
53 mortgagee or other lienor and all other persons.

54 No such forfeiture, sale, destruction or retention for use of hospitals and  
55 State, county and municipal institutions shall be had except after hearing,  
56 of which notice, of not less than fifteen nor more than thirty days, shall be  
57 given by mail to all persons known or believed by the director to have an  
58 interest in the seized property and by publication twice in a newspaper to  
59 be designated by the director and circulating in the county where the prop-

60 erty was seized, once in each of the two consecutive calendar weeks preced-  
61 ing such hearing. After such hearing, the director shall file his determina-  
62 tion in the form of an order which shall be subject to review by the Supe-  
63 rior Court in a proceeding in lieu of prerogative writ.

64 All moneys received by the director hereunder shall be reserved during  
65 the time allowed any person an opportunity of establishing a right thereto  
66 and shall immediately thereafter be accounted for by the director as in the  
67 case of license fees received hereunder.

68 All sales by the director shall convey the director's right, title and  
69 interest which shall be that of sole and absolute ownership, free and clear  
70 of all outstanding title, rights, interest and liens.

71 Property seized and released shall thereafter be subject to further seiz-  
72 ure because of ownership, possession or use thereof in connection with further  
73 unlawful alcoholic beverage activities.

74 b. All alcoholic beverages, fixtures and personal property located in  
75 or upon any premises, building, yard or inclosure connected with a building,  
76 in which an illicit beverage is found, possessed, stored or kept, are hereby  
77 declared unlawful property and shall be seized, forfeited and disposed of in  
78 the same manner as other unlawful property seized under this section.

79 c. All alcoholic beverages manufactured, sold, imported or transported  
80 in violation of rules and regulations, together with any vehicle containing the  
81 same, are hereby declared unlawful property and shall be seized, forfeited  
82 and disposed of in the same manner as other unlawful property seized  
83 under this section.

84 d. Any contrivance, preparation, compound, tablet, substance or recipe  
85 advertised, designed or intended for use in the manufacture of alcoholic bev-  
86 erages for personal consumption or otherwise in violation of this chapter is  
87 hereby declared unlawful property and shall be seized, forfeited and dis-  
88 posed of in the same manner as other unlawful property seized under this  
89 section. Any person who shall advertise, manufacture, sell or possess for  
90 sale, or cause to be advertised, manufactured, sold or possessed for sale

91 property declared unlawful under this paragraph, shall be guilty of a mis-  
92 demeanor and punished by a fine of not less than one hundred dollars  
93 (\$100.00) and not more than five hundred dollars (\$500.00), or imprison-  
94 ment for not less than thirty days and not more than six months, or both.

95 e. The director upon being satisfied that a person whose property has  
96 been seized or forfeited pursuant to the provisions of this section has acted  
97 in good faith and has unknowingly violated the provisions thereof, may  
98 order that such property be returned upon payment of the reasonable costs  
99 incurred in connection with the seizure, such costs to be determined by the  
100 director.

101 The director may, upon being satisfied that a common carrier, whose  
102 vehicle has been seized under the provisions of this chapter, has acted in  
103 good faith and had no knowledge at the time of the seizure, that the ve-  
104 hicle contained illicit alcoholic beverages, order that the seized vehicle be  
105 returned to the common carrier.

106 f. The director, upon being satisfied that a person having a bona fide  
107 and valid lien upon or interest in property seized or forfeited pursuant to  
108 the provisions of this section has acted in good faith and had no knowledge  
109 of the unlawful use to which the property was put or of such facts as would  
110 have led a person of ordinary prudence to discover such use, may, in his  
111 discretion and subject to rules and regulations, recognize the validity and  
112 priority of such claim or interest. Where the validity and priority of a lien  
113 or interest have been so recognized by the director, he may (1) order,  
114 where it appears that the amount or value of such lien or interest exceeds  
115 the value of the property plus costs, that the property be returned to the  
116 innocent claimant upon payment of the reasonable costs incurred in con-  
117 nection with the seizure, such costs to be determined by the director, or  
118 (2) order that the property be sold and that the amount of the lien or  
119 value of the interest, which amount or value shall be established to the satis-  
120 faction of the director, be paid out of the proceeds of sale after having  
121 deducted therefrom the reasonable costs incurred in connection with the  
122 seizure, such costs to be determined by the director.

1 4. Section 33:1-81 of the Revised Statutes is amended to read as  
2 follows:

3 33:1-81. It shall be unlawful for

4 (a) a minor to enter any premises licensed for the retail sale of alcoholic  
5 beverages for the purpose of purchasing, or having served or delivered to  
6 him or her, any alcoholic beverage; or

7 (b) a minor to consume any alcoholic beverage on premises licensed for  
8 the retail sale of alcoholic beverages, or to purchase, attempt to purchase or  
9 have another purchase for him or her any alcoholic beverage; or

10 (c) any person to misrepresent or misstate his or her age, or the age of  
11 any other person for the purpose of inducing any licensee or any employee of  
12 any licensee, to sell, serve or deliver any alcoholic beverage to a minor.

13 Any person who shall violate any of the provisions of this section shall  
14 be deemed and adjudged to be a disorderly person, and upon conviction  
15 thereof, shall be punished by a fine not exceeding fifty dollars (\$50.00).

1 5. Section 33:2-6 of the Revised Statutes is amended to read as  
2 follows:

3 33:2-6. The determination of the director shall be in the form of an  
4 order which shall be subject to review by the Superior Court by a proceeding  
5 in lieu of prerogative writ.

1 6. Section 33:3-10 of the Revised Statutes is amended to read as  
2 follows:

3 33:3-10. Any person, corporation, partnership or member of any associa-  
4 tion or any agent, servant or employee of any person, corporation, partner-  
5 ship or member of any association who shall have sold, bartered, given away,  
6 furnished or otherwise disposed of to any person whatsoever any alcohol for  
7 internal consumption, whiskey, gin, brandy, wine or any other alcoholic bever-  
8 age of any nature whatsoever containing any poisonous chemical or chemicals  
9 or any poisonous ingredients of any description whatsoever which shall have  
10 caused serious injury to the health or bodily condition of any person or shall  
11 have caused the death of any person shall be guilty of a high misdemeanor

12 and shall be punishable by a fine of not exceeding two thousand dollars  
13 (\$2,000.00), or imprisonment at hard labor or otherwise not exceeding ten  
14 years, or both.

15 Nothing in this section is intended to diminish, alter or in anywise change  
16 or in anywise affect the provisions of sections 2A:113-1 to 2A:113-5 of the  
17 New Jersey Statutes.

18 7. This act shall take effect immediately.