

LEGISLATIVE HISTORY CHECKLIST

NJSA: 33:1-1 and 33:1-12

(Alcoholic beverages--sale
in limousines--permit)

LAWS OF: 1985

CHAPTER: 157

Bill No: A661

Sponsor(s): Marsella and others

Date Introduced: Pre-filed

Committee: Assembly: Law, Public Safety and Defense

Senate: Law, Public Safety and Defense

Amended during passage: Yes Amendments during passage denotes
by asterisks

Date of Passage: Assembly: November 19, 1984

Senate: February 28, 1984

Date of Approval: April 26, 1985

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

CHAPTER 157 LAWS OF N. J. 1985
APPROVED 4-26-85

[SECOND OFFICIAL COPY REPRINT]
ASSEMBLY, No. 661

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Assemblymen MARSELLA, RILEY, ROCCO, MAZUR, Assembly-
woman KALIK, Assemblymen WATSON, SCHUBER, KOSCO
and HENDRICKSON

AN ACT concerning the selling of alcoholic beverages on ***[**charter
buses and**]*** limousines under certain circumstances ***[and]*** **,
amending R. S. 33:1-1 and R. S. 33:1-12 **and making an appro-
priation**.

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

1 1. R. S. 33:1-1 is amended to read as follows:

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

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

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

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

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendments adopted September 20, 1984.

**—Senate committee amendments adopted February 4, 1985.

18 to which there is a common means of access, and any other appur-
19 tenances.

20 d. "Commissioner." The Director of the Division of Alcoholic
21 Beverage Control.

22 e. "Container." Any glass, can, bottle, vessel or receptacle of
23 any material whatsoever used for holding alcoholic beverages, which
24 container is covered, corked or sealed in any manner whatsoever.

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

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

33 h. "Importing." The act of bringing or causing to be brought
34 any alcoholic beverage into this State.

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

44 j. "Licensed building." Any building containing licensed prem-
45 ises.

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

48 l. "Magistrate." Any County Court, criminal judicial district
49 court, municipal court or county district court.

50 m. "Manufacturer." Any person who, directly or indirectly, per-
51 sonally or through any agency whatsoever, engages in the making
52 or other processing whatsoever of alcoholic beverages.

53 n. "Municipality." Any city, town, township, village, or borough,
54 including a municipality governed by a board of commissioners or
55 improvement commission, but excluding a county.

56 o. "Municipal board." The municipal board of alcoholic beverage
57 control as established by this chapter.

58 p. "Officer." Any sheriff, deputy sheriff, constable, police officer,
59 member of the department of State police, or any other person

60 having the power to execute a warrant for arrest, or any inspector
61 or investigator of the Division of Alcoholic Beverage Control.

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

64 r. "Person." Any natural person or association of natural per-
65 sons, association, trust company, partnership, corporation, organi-
66 zation, or the manager, agent, servant, officer, or employee of any
67 of them.

68 s. "Premises." The physical place at which a licensee is or may
69 be licensed to conduct and carry on the manufacture, distribution
70 or sale of alcoholic beverages, but not including vehicular trans-
71 portation.

72 t. "Restaurant." An establishment regularly and principally used
73 for the purpose of providing meals to the public, having an ade-
74 quate kitchen and dining room equipped for the preparing, cook-
75 ing and serving of foods for its customers and in which no other
76 business, except such as is incidental to such establishment, is con-
77 ducted.

78 u. "Retailer." Any person who sells alcoholic beverages to con-
79 sumers.

80 v. "Rules and regulations." The rules and regulations estab-
81 lished from time to time by the director.

82 w. "Sale." Every delivery of an alcoholic beverage otherwise
83 than by purely gratuitous title, including deliveries from without
84 this State and deliveries by any person without this State intended
85 for shipment by carrier or otherwise into this State and brought
86 within this State, or the solicitation or acceptance of an order for
87 an alcoholic beverage, and including exchange, barter, traffic in,
88 keeping and exposing for sale, serving with meals, delivering for
89 value, peddling, possessing with intent to sell, and the gratuitous
90 delivery or gift of any alcoholic beverage by any licensee.

91 x. "Unlawful alcoholic beverage activity." The manufacture,
92 sale, distribution, bottling, rectifying, blending, treating, fortifying,
93 mixing, processing, warehousing or transportation of any alcoholic
94 beverage in violation of this chapter, or the importing, owning,
95 possessing, keeping or storing in this State of alcoholic beverages
96 with intent to manufacture, sell, distribute, bottle, rectify, blend,
97 treat, fortify, mix, process, warehouse or transport alcoholic bev-
98 erages in violation of this chapter, or the owning, possessing, keep-
99 ing or storing in this State of any implement or paraphernalia for
100 the manufacture, sale, distribution, bottling, rectifying, blending,
101 treating, fortifying, mixing, processing, warehousing or transpor-
102 tation of alcoholic beverages with intent to use the same in the

103 manufacture, sale, distribution, bottling, rectifying, blending, treat-
 104 ing, fortifying, mixing, processing, warehousing or transportation
 105 of alcoholic beverages in violation of this chapter, or to aid or abet
 106 another in the manufacture, sale, distribution, bottling, rectifying,
 107 blending, treating, fortifying, mixing, processing, warehousing or
 108 transportation of alcoholic beverages in violation of this chapter,
 109 or the aiding or abetting of another in any of the foregoing activi-
 110 ties.

111 y. "Unlawful property." All illicit beverages and all implements,
 112 vehicles, vessels, airplanes, and paraphernalia for the manufacture,
 113 sale, distribution, bottling, rectifying, blending, treating, fortifying,
 114 mixing, processing, warehousing or transportation of illicit bever-
 115 ages used in the manufacture, sale, distribution, bottling, rectifying,
 116 blending, treating, fortifying, mixing, processing, warehousing or
 117 transportation of illicit beverages or owned, possessed, kept or
 118 stored with intent to use the same in the manufacture, sale, distri-
 119 bution, bottling, rectifying, blending, treating, fortifying, mixing,
 120 processing, warehousing or transportation of illicit beverages,
 121 whether such use be by the person owning, possessing, keeping, or
 122 storing the same, or by another with the consent of such person;
 123 and all alcoholic beverages, fixtures and personal property located
 124 in or upon any premises, building, yard or inclosure connected with
 125 a building, in which an illicit beverage is found, possessed, stored
 126 or kept.

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

130 ***[aa.** "Charter bus company." *A company involved in the opera-*
 131 *tion of an autobus by the person owning or leasing the bus pursuant*
 132 *to a contract, agreement or arrangement to furnish an autobus and*
 133 *a driver thereof to a person, group of persons or organization, cor-*
 134 *porate or otherwise, for a trip designated by the person, group of*
 135 *persons or organization for a fixed charge per trip, per autobus*
 136 *or per mile.]**

137 ***[bb.]*** **aa.* "Limousine ***[company]**.*" A ***[company in-***
 138 *olved in the operation of any automobile]** **vehicle* with a carry-*
 139 *ing capacity of not more than nine passengers, not including the*
 140 *driver, used in the business of carrying passengers for hire which*
 141 *is hired by charter or for a particular contract, or by the day or*
 142 *hour or other fixed period, or to transport passengers to a specified*
 143 *place, or which charges a fare or price agreed upon in advance*
 144 *between the operator and the passenger *or which is furnished as*
 145 *an accommodation for a patron in connection with other business*

146 *purposes*. This shall not include taxicabs, hotel *or airport shuttles*
147 *and* buses or buses employed solely in transporting school children*
148 *or teachers to and from school*, nor vehicles owned and operated*
149 *without charge or remuneration by a business entity for its own*
150 *purposes*.*

151 Any definition herein contained shall apply to the same word in
152 any form. Thus "sell" means to make a "sale" as above defined.

1 2. R. S. 33:1-12 is amended to read as follows:

2 33:1-12. Class C licenses shall be subdivided and classified as
3 follows:

4 Plenary retail consumption license. 1. The holder of this license
5 shall be entitled, subject to rules and regulations, to sell any
6 alcoholic beverages for consumption on the licensed premises by
7 the glass or other open receptacle, and also to sell any alcoholic
8 beverages in original containers for consumption off the licensed
9 premises; but this license shall not be issued to permit the sale of
10 alcoholic beverages in or upon any premises in which a grocery,
11 delicatessen, drug store or other mercantile business is carried on,
12 except as hereinafter provided. Subject to such rules and regula-
13 tions established from time to time by the director, the holder of
14 this license shall be permitted to sell alcoholic beverages in or
15 upon the premises in which any of the following is carried on: the
16 keeping of a hotel or restaurant including the sale of mercantile
17 items incidental thereto as an accommodation to patrons; the sale
18 of distillers and vintners packaged holiday merchandise prepacked
19 as a unit with suitable glassware as gift items to be sold only as
20 a unit; the sale of novelty wearing apparel identified with the name
21 of the establishment licensed under the provisions of this section;
22 the sale of cigars, cigarettes, packaged crackers, chips, nuts and
23 similar snacks and ice at retail as an accommodation to patrons,
24 or the retail sale of nonalcoholic beverages as accessory beverages
25 to alcoholic beverages; or, in commercial bowling establishments,
26 the retail sale or rental of bowling accessories and the retail sale
27 from vending machines of candy, ice cream and nonalcoholic bev-
28 erages. The fee for this license shall be fixed by the governing
29 board or body of the municipality in which the licensed premises
30 are situated, by ordinance, at not less than \$200.00 and not more
31 than \$2,000.00. No ordinance shall be enacted which shall raise or
32 lower the fee to be charged for this license by more than 20% from
33 that charged in the preceding license year or \$500.00, whichever
34 is the lesser. The governing board or body of each municipality
35 may, by ordinance, enact that no plenary retail consumption li-
36 cense shall be granted within its respective municipality.

37 Seasonal retail consumption license. 2. The holder of this license
38 shall be entitled, subject to rules and regulations, to sell any
39 alcoholic beverages for consumption on the licensed premises by
40 the glass or other open receptacle, and also to sell any alcoholic
41 beverages in original containers for consumption off the licensed
42 premises, during the summer session from May 1 until November
43 14, inclusive, or during the winter season from November 15 until
44 April 30, inclusive; but this license shall not be issued to permit
45 the sale of alcoholic beverages in or upon any premises in which
46 a grocery, delicatessen, drug store or other mercantile business
47 is carried on, except as hereinafter provided. Subject to such rules
48 and regulations established from time to time by the director, the
49 holder of this license shall be permitted to sell alcoholic beverages
50 in or upon the premises in which any of the following is carried
51 on: the keeping of a hotel or restaurant including the sale of mer-
52 cantile items incidental thereto as an accommodation to patrons;
53 the sale of distillers and vintners packaged holiday merchandise
54 prepacked as a unit with suitable glassware as gift items to be sold
55 only as a unit; the sale of novelty wearing apparel identified with
56 the name of the establishment licensed under the provisions of
57 this section; the sale of cigars, cigarettes, packaged crackers, chips,
58 nuts and similar snacks and ice at retail as an accommodation to
59 patrons; or the retail sale of nonalcoholic beverages as accessory
60 beverages to alcoholic beverages. The fee for this license shall be
61 fixed by the governing board or body of the municipality in which
62 the licensed premises are situated, by ordinance, at 75% of the fee
63 fixed by said board or body for plenary retail consumption licenses.
64 The governing board or body of each municipality may, by ordi-
65 nance, enact that no seasonal retail consumption license shall be
66 granted within its respective municipality.

67 Plenary retail distribution license. 3. a. The holder of this li-
68 cense shall be entitled, subject to rules and regulations, to sell any
69 alcoholic beverages for consumption off the licensed premises, but
70 only in original containers. The governing board or body of each
71 municipality may, by ordinance, enact that this license shall not
72 be issued to permit the sale of alcoholic beverages in or upon any
73 premises in which any other mercantile business is carried on,
74 except that any such ordinance, heretofore or hereafter adopted,
75 shall not prohibit the retail sale of distillers and vintners packaged
76 holiday merchandise prepacked as a unit with suitable glassware
77 as gift items to be sold only as a unit, the sale of novelty wearing
78 apparel identified with the name of the establishment licensed under
79 the provisions of this act, cigars, cigarettes, packaged crackers,

80 chips, nuts and similar snacks, ice, and nonalcoholic beverages
 81 as accessory beverages to alcoholic beverages. The fee for this
 82 license shall be fixed by the governing board or body of the mu-
 83 nicipality in which the licensed premises are situated, by ordinance,
 84 at not less than \$100.00, and not more than \$2,000.00. No ordinance
 85 shall be enacted which shall raise or lower the fee to be charged
 86 for this license by more than 20% from that charged in the pre-
 87 ceding license year or \$500.00, whichever is the lesser. The govern-
 88 ing board or body of each municipality may, by ordinance, enact
 89 that no plenary retail distribution license shall be granted within
 90 its respective municipality.

91 Limited retail distribution license. 3. b. The holder of this li-
 92 cense shall be entitled, subject to rules and regulations, to sell any
 93 unchilled, brewed, malt alcoholic beverages in quantities of not
 94 less than 72 fluid ounces for consumption off the licensed premises,
 95 but only in original containers; provided, however, that this license
 96 shall be issued only for premises operated and conducted by the
 97 [license] licensee as a bona fide grocery store, meat market, meat
 98 and grocery store, delicatessen, or other type of bona fide food
 99 store at which groceries or other foodstuffs are sold at retail; and
 100 provided further, that this license shall not be issued except for
 101 premises at which the sale of groceries or other foodstuffs is the
 102 primary and principal business and at which the sale of alcoholic
 103 beverages is merely incidental and subordinate thereto. The fee
 104 for this license shall be fixed by the governing body or board of the
 105 municipality in which the licensed premises are situated, by ordi-
 106 nance, at not less than \$25.00 and not more than \$50.00. The gov-
 107 erning board or body of each municipality may, by ordinance, enact
 108 that no limited retail distribution license shall be granted within its
 109 respective municipality.

110 Plenary retail transit license. 4. The holder of this license shall
 111 be entitled, subject to rules and regulations, to sell any alcoholic
 112 beverages*,* for consumption only*,* on railroad trains, airplanes,
 113 *[charter buses,]* limousines and boats, while in transit. The fee
 114 for this license for use by a railroad or air transport company
 115 shall be [\$150.00] \$300.00, *[for use by a charter bus company
 116 shall be \$300.00,]* for use by **the owners of** *[a limousine com-
 117 pany]* *limousines* shall be \$25.00 per vehicle and, for use *[on]*
 118 **[*by]*** **on** a boat*, the fee for this license* **[*com-
 119 pany]*** shall be [\$25.00] \$50.00 on a boat 65 feet or less in length,
 120 [\$50.00] \$100.00 on a boat more than 65 feet in length but not more
 121 than 110 feet in length, and [\$150.00] \$300.00 on a boat more than
 122 110 feet in length; such boat lengths shall be determined in the

123 manner prescribed by the Bureau of Customs of the United States
 124 Government or any federal agency successor thereto for boat mea-
 125 surement in connection with issuance of Marine Documents. A
 126 license issued under this provision to a railroad or air transport
 127 company shall cover all **[dining and club]* *railroad** cars and
 128 planes operated by any such company within the State of New
 129 Jersey. **[A license issued under this provision to a charter bus or*
 130 *limousine company shall cover all charter buses and limousines*
 131 *operated by the company within the State.]** A license for a boat
 132 **or limousine** issued under this provision shall apply only to the
 133 particular boat **or limousine** for which issued*, and shall permit
 134 *the purchase of alcoholic beverages for sale or service in a boat or*
 135 *limousine to be made from any Class A and B licensee or from any*
 136 *Class C licensee whose license privilege permits the sale of*
 137 *alcoholic beverages in original containers for off-premises con-*
 138 *sumption. An interest in a plenary retail transit license issued in*
 139 *accordance with this section shall be excluded in determining the*
 140 *maximum number of retail licenses permitted under P. L. 1962, c.*
 141 *152 (C. 33:1-12.31 et seq.).**

142 Club license. 5. The holder of this license shall be entitled,
 143 subject to rules and regulations, to sell any alcoholic beverages but
 144 only for immediate consumption on the licensed premises and only
 145 to bona fide club members and their guests. The fee for this license
 146 shall be fixed by the governing board or body of the municipality
 147 in which the licensed premises are situated, by ordinance, at not
 148 less than \$50.00 and not more than \$150.00. The governing board
 149 or body of each municipality may, by ordinance, enact that no club
 150 licenses shall be granted within its respective municipality. Club
 151 licenses may be issued only to such corporations, associations and
 152 organizations as are operated for benevolent, charitable, fraternal,
 153 social, religious, recreational, athletic, or similar purposes, and not
 154 for private gain, and which comply with all conditions which may
 155 be imposed by the Commissioner of Alcoholic Beverage Control by
 156 rules and regulations.

1 **3. There is appropriated to the Division of Alcoholic Beverage*
 2 *Control in the Department of Law and Public Safety the sum of*
 3 *\$25,000.00 from the general fund for the purpose of implementing*
 4 *the purpose and regulating the provisions of this act.**

1 **[3.]* *4.* This act shall take effect immediately.*

130 for a boat issued under this provision shall apply only to the par-
131 ticular boat for which issued.

132 Club license. 5. The holder of this license shall be entitled,
133 subject to rules and regulations, to sell any alcoholic beverages but
134 only for immediate consumption on the licensed premises and only
135 to bona fide club members and their guests. The fee for this license
136 shall be fixed by the governing board or body of the municipality
137 in which the licensed premises are situated, by ordinance, at not
138 less than \$50.00 and not more than \$150.00. The governing board
139 or body of each municipality may, by ordinance, enact that no club
140 licenses shall be granted within its respective municipality. Club
141 licenses may be issued only to such corporations, associations and
142 organizations as are operated for benevolent, charitable, fraternal,
143 social, religious, recreational, athletic, or similar purposes, and not
144 for private gain, and which comply with all conditions which may
145 be imposed by the Commissioner of Alcoholic Beverage Control by
146 rules and regulations.

1 3. This act shall take effect immediately.

STATEMENT

This bill extends the category of plenary retail transit license under the alcoholic beverage control laws. The present law permits the sale of any alcoholic beverages for consumption on railroad trains, airplanes and boats, while in transit. This bill would permit such sale on charter buses and limousines and establishes license fees of \$300.00 per company per vehicle and \$25.00 per limousine. In addition, the bill contains technical amendments to the license fees established for plenary retail transit licenses which conform the provisions of P. L. 1976, c. 54 to the amendments enacted by P. L. 1976, c. 44.

ASSEMBLY LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 661

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 20, 1984

As amended by the Assembly Law, Public Safety and Defense Committee, Assembly Bill No. 661 broadens the category of plenary retail transit licenses to allow for the sale of alcoholic beverages in limousines. This bill would permit the holder of a plenary retail transit license to sell alcoholic beverages in a limousine while the vehicle is in transit. The fee for a plenary retail transit license for use with limousines is set as \$25.00 per limousine.

Limousine means a vehicle with a capacity of not more than nine passengers offered for hire to transport persons to a specified place or a vehicle furnished as an accommodation for a patron in connection with a business purpose. The term limousine does not include a vehicle owned or operated without charge by a business entity for its own purposes.

In addition, the bill specifically excludes any plenary retail transit license in determining the maximum number of retail licenses permitted under the statute which provides that a person is not to have a beneficial interest in more than two alcoholic beverage retail licenses.

The bill contains technical amendments to the license fees established for plenary retail transit licenses so that R. S. 33:1-12 reflects the amendments made to that section by P. L. 1976, c. 44. These amendments were inadvertently omitted in the printing of the statute.

Present law permits the holder of a plenary retail transit license to sell alcoholic beverages for consumption on railroad trains, airplanes and boats while in transit.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 661

[OFFICIAL COPY REPRINT]
with Senate committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 4, 1985

As amended by the Senate Law, Public Safety and Defense Committee, Assembly Bill No. 661 OCR broadens the category of plenary retail transit licenses to allow for the sale of alcoholic beverages in limousines. This bill would permit the holder of a plenary retail transit license to sell alcoholic beverages in a limousine while the vehicle is in transit. The fee for a plenary retail transit license for use with limousines is set at \$25.00 per limousine.

The bill defines "limousine" as a vehicle with a capacity of not more than nine passengers offered for hire to transport persons to a specified place or a vehicle furnished as an accommodation for a patron in connection with a business purpose. The term limousine does not include a vehicle owned or operated without charge by a business entity for its own purposes.

The bill specifically excludes any plenary retail transit license in determining the maximum number of retail licenses permitted under the statute which provides that a person is not to have a beneficial interest in more than two alcoholic beverage licenses.

The bill contains technical amendments to the license fees established for plenary retail transit licenses so that R. S. 33:1-12 reflects the amendments made to that section by P. L. 1976, c. 44. These amendments were inadvertently omitted in the printing of the statute.

The committee amended the bill to clarify that it is the owners of limousines who will use a retail transit license to sell alcoholic beverages in limousines, and to eliminate confusion about the sale of alcoholic beverages on boats.