

LEGISLATIVE HISTORY CHECKLIST

NJSA: 33:1-81 (Alcoholic beverages--purchase by minor-increase driving privilege penalties)

LAWS OF: 1983 **CHAPTER:** 574

Bill No: A3873

Sponsor(s): Patero and Bocchini

Date Introduced: September 6, 1983

Committee: **Assembly:** -----
Senate: Law, Public Safety and Defense

Amended during passage: Yes Amendments during passage denoted by asterisks. Substituted for S1546 (not attached since substantially similar to A3873)

Date of Passage: **Assembly:** September 15, 1983
Senate: January 5, 1984

Date of Approval: January 17, 1984

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** No
Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: Yes

Hearings: No
974.90 New Jersey. Alcoholic Beverage Control Study Commission
L767 Report...Dec.31, 1983. Trenton. 1983
1983 (see especially pp. 9-10, 25-36)

1984
A 3873

1-17-84

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ASSEMBLY, No. 3873

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 6, 1983

By Assemblymen PATERO and BOCCHINI

AN ACT concerning the retail sale of alcoholic beverages, amending
R. S. 33:1-81, P. L. 1968, c. 313 and R. S. 39:3-39.

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

1 1. R. S. 33:1-81 is amended to read as follows:

2 33:1-81. It shall be unlawful for (a) a person under the legal
3 age for purchasing alcoholic beverages to enter any premises
4 licensed for the retail sale of alcoholic beverages for the purpose
5 of purchasing, or having served or delivered to him or her, any
6 alcoholic beverage; or

7 (b) A person under the legal age for purchasing alcoholic bev-
8 erages to consume any alcoholic beverage on premises licensed
9 for the retail sale of alcoholic beverages, or to purchase, attempt to
10 purchase or have another purchase for him or her any alcoholic
11 beverage; or

12 (c) Any person to misrepresent or mistake his or her age, or
13 the age of any other person for the purpose of inducing any licensee
14 or any employee of any licensee, to sell, serve or deliver any alco-
15 holic beverage to a person under the legal age for purchasing
16 alcoholic beverages; or

17 (d) Any person to enter any premises licensed for the retail sale
18 of alcoholic beverages for the purpose of purchasing, or to purchase
19 alcoholic beverages, for another person who does not because of his
20 age have the right to purchase and consume alcoholic beverages.

21 Any person who shall violate any of the provisions of this section
22 shall be deemed and adjudged to be a disorderly person, and upon

**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 amendment adopted September 15, 1983.**

23 conviction thereof, shall be punished by a fine of not less than
 24 \$100.00 *and suspension or postponement of motor vehicle driving*
 25 *privileges for six months or until the person attains 21 years of age,*
 26 *whichever is longer.* In addition to the general penalty prescribed
 27 for an offense, the court may

28 (1) Suspend or postpone for up to 30 days the driving privileges
 29 for any violator of this section;

30 (2) Require any person under the legal age to purchase alcoholic
 31 beverages who violates this act to participate in an alcohol educa-
 32 tion or treatment program authorized by the Department of Health
 33 for a period not to exceed the maximum period of confinement
 34 prescribed by law for the offense for which the individual has
 35 been convicted.

1 2. Section 6 of P. L. 1968, c. 313 (C. 33:1-81.7) is amended to
 2 read as follows:

3 6. It shall be unlawful for the owner of an identification card,
 4 as defined by this act, to transfer said card to any other person
 5 for the purpose of aiding such person to secure alcoholic beverages.
 6 Any person who shall transfer such identification card for the
 7 purpose of aiding such transferee to obtain alcoholic beverages
 8 shall be guilty of a [misdemeanor] *disorderly persons offense* and,
 9 upon conviction thereof, shall [be sentenced to] pay a fine of not
 10 *less than \$100.00 nor more than \$300.00, or undergo imprisonment*
 11 *for not more than 60 days and shall have his license to operate a*
 12 *motor vehicle suspended or postponed for six months.* Any person
 13 not entitled thereto who shall have unlawfully procured or have
 14 issued or transferred to him, as aforesaid, identification card or
 15 any person who shall make any false statement on any card re-
 16 quired by subsection (c) [hereof] of R. S. 33:1-81 to be signed by
 17 him shall be guilty of a [misdemeanor] *disorderly persons offense*
 18 and, upon conviction thereof, shall [be sentenced to] pay a fine of
 19 *not less than \$100.00 nor more than \$300.00, or undergo imprison-*
 20 *ment for not more than 60 days.*

1 3. R. S. 39:3-39 is amended to read as follows:

2 39:3-39. a. No person shall loan an operator's license issued to
 3 him for use by another person, under penalty of a fine of not less
 4 than \$25.00 nor more than \$100.00. *A person with an operator's*
 5 *license who loans that license to another person for the purpose of*
 6 *aiding that other person to secure alcoholic beverages shall be fined*
 7 *not less than \$100.00 nor more than \$300.00 and shall have his*
 8 *license to operate a motor vehicle suspended or postponed for six*
 9 *months.*

10 b. No person owning or having control or custody of a motor
11 vehicle registered as provided in this subtitle shall allow the vehicle
12 to be operated by a nonlicensed driver, under penalty of a fine of
13 not more than \$100.00.

14 c. Any person operating a motor vehicle who exhibits the driver's
15 license of another whether he be licensed or not as provided in [sec-
16 tion 39:3-10 of this Title] *R. S. 39:3-10* shall be subject to a fine of
17 not less than \$200.00 or imprisonment for not more than 60 days or
18 both, at the discretion of the court.

19 d. Any person exhibiting the driver's license of another for pur-
20 poses of identification in all situations other than those described
21 in subsection c. of this section, shall be subject to a fine of not less
22 than \$25.00 nor more than \$100.00, at the discretion of the court.

23 **A person under the legal age to purchase alcoholic beverages who*
24 *exhibits the driver's license of another for the purpose of identifica-*
25 *tion to purchase alcoholic beverages shall be punished pursuant to*
26 *R. S. 33:1-81.**

10 b. No person owning or having control or custody of a motor
 11 vehicle registered as provided in this subtitle shall allow the vehicle
 12 to be operated by a nonlicensed driver, under penalty of a fine of
 13 not more than \$100.00.

14 c. Any person operating a motor vehicle who exhibits the driver's
 15 license of another whether he be licensed or not as provided in [sec-
 16 tion 39:3-10 of this Title] *R. S. 39:3-10* shall be subject to a fine of
 17 not less than \$200.00 or imprisonment for not more than 60 days or
 18 both, at the discretion of the court.

19 d. Any person exhibiting the driver's license of another for pur-
 20 poses of identification in all situations other than those described
 21 in subsection c. of this section, shall be subject to a fine of not less
 22 than \$25.00 nor more than \$100.00, at the discretion of the court.

1 4. This act shall take effect immediately.

STATEMENT

This bill provides a greater deterrent to the purchase of alcoholic beverages by those persons under the legal age for purchasing alcoholic beverages by increasing the penalties which will be assessed on a conviction. An underaged person who purchases alcoholic beverages or a person of legal age who purchases alcoholic beverages for an underaged person shall have his license to operate a motor vehicle suspended for six months or until the purchaser attains 21 years of age, whichever is longer, in addition to the fine or prison term which may be imposed. If the convicted person does not yet have a driver's license, the issuance of a license will be postponed for six months or until the person attains 21 years of age, whichever is longer.

In addition, a person who transfers a proof of age identification card issued by a county clerk or a motor vehicle driver's license to an underaged person to aid that person in the purchase of alcoholic beverages shall have his license to operate a motor vehicle suspended or postponed for six months.

A 3873 (1983)

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 3873

[OFFICIAL COPY REPRINT]

with Senate committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 8, 1983

As amended by the Senate Law, Public Safety and Defense Committee, the purpose of Assembly Bill No. 3873 is to strengthen the penalties imposed upon persons who purchase or consume alcoholic beverages when under the legal age to do so.

Currently, a person who violates the law prohibiting underaged persons from purchasing or consuming alcoholic beverages (R. S. 33:1-81) is guilty of a disorderly persons offense and shall be fined not less than \$100.00. Current law also permits the court to suspend or postpone a violator's driving privileges for up to 30 days, require the violator to participate in an alcohol education or treatment program, or both.

As amended by the committee, Assembly Bill No. 3873 would retain the minimum fine of \$100.00 but would require the court to suspend the violator's driver's license or prohibit the violator from obtaining a driver's license for one year. The bill retains the court's option to require the violator to participate in an alcohol education or treatment program.

The committee amended the bill to make it identical to Senate Bill No. 1546 OCR. The committee's amendments would change the length of time during which the violator's driving privileges would be suspended. The bill would have suspended the driving privileges for six months or until the person attained 21 years of age, whichever was longer. The amendment adopted by the committee changes the period during which the violator's driving privileges would be suspended to one year.

The committee also amended the bill to eliminate sections 2 and 3 and to insert the effective date, which was omitted by a printer's error.

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: CARL GOLDEN

TUESDAY, JANUARY 17, 1984

Governor Thomas H. Kean today signed legislation to provide a one-year drivers' license suspension or a one-year delay in obtaining a drivers' license for anyone convicted of purchasing alcoholic beverages while under the legal age.

The bill, A-3873, was sponsored by Assemblyman Joseph Patero, D-Somerset. An identical bill, S-1546, was sponsored by Senator C. Louis Bassano, R-Union, and merged with the Assembly bill.

"The growing incidence of teenagers purchasing alcohol illegally must be stopped," Kean said. "For many, a loss of driving privileges or a delay in obtaining a drivers' license is a punishment more severe than a fine."

The Governor said the legislation, effective immediately, "will provide law enforcement agencies with still another weapon in our continuing war to combat drunk driving in New Jersey."

Kean also signed the following bills:

S-1028, sponsored by Senator James Bornheimer, D-Middlesex, to require a mortgage loan banker to present a certified check for the proceeds of a loan to the purchaser or his attorney at the time of the mortgage closing.

S-3057, sponsored by Senator Francis McManimon, D-Mercer, to provide for the removal, storage, sale and junking of abandoned motor vehicles left at auto repair facilities.

S-3401, also sponsored by Senator Bornheimer, to upgrade the licensing requirements for prospective real estate brokers and sales personnel.

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