

33:1-28.1 to 33:1-28.4

LEGISLATIVE HISTORY CHECKLIST

NJSA 33:1-28.1 to 33:1-28.4 (Wine-Permits shipment of NJ wine within state)

LAWS 1982 CHAPTER 176

Bill No. A1855

Sponsor(s) Kalik and others

Date Introduced Sept. 30, 1982

Committee: Assembly Commerce and Industry

Senate -----

Amended during passage Yes ~~No~~ Substituted for S1819 (not attached since identical to A1855)

Date of Passage: Assembly Oct. 18, 1982

Senate Oct. 25, 1982

Date of approval Nov. 12, 1982

Following statements are attached if available:

Sponsor statement Yes ~~No~~ (Below)

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note Yes ~~No~~

Veto Message Yes ~~No~~

Message on signing Yes ~~No~~

Following were printed:

Reports Yes ~~No~~

Hearings Yes ~~No~~

Sponsor's statement:

This bill permits shipment of New Jersey produced wine sold at retail to customer's homes or elsewhere within boundaries of the State of New Jersey.

6/22/81

176 11-12-82

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1855

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 30, 1982

By Assemblywoman KALIK, Assemblyman ZIMMER, Assemblywoman COSTA, Assemblymen MARSELLA, SCHWARTZ, PATERO and CHINNICI

AN ACT concerning alcoholic beverages***[**, amending R. S. 33:1-28**]*** and supplementing chapter 1 of Title 33, of the Revised Statutes.

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

1 ***[**1. R. S. 33:1-28 is amended to read as follows:

2 33:1-28. Licensees, except public warehouse licensees *and re-*
3 *tailers dealing in wine*, may transport alcoholic beverages in their
4 own vehicles, solely, however, for their own respective business
5 in connection with and as defined in their respective licenses,
6 without possessing a transportation license; provided, however,
7 that such vehicles while so used shall be marked in the manner
8 prescribed for all vehicles authorized to transport alcoholic bev-
9 erages as shall be provided in rules and regulations. Each vehicle
10 so used shall bear a transit insignia to be furnished by the
11 director at a fee of \$25.00 each. *Retailers dealing in wine may*
12 *transport wine in their own vehicles, solely for their own respec-*
13 *tive business in connection with and as defined in their respective*
14 *licenses if they have paid the \$250.00 annual fee and hold valid*
15 *annual transportation licenses which permit them to ship wine*
16 *or to make appropriate arrangements for transporting, shipping*
17 *or arranging for delivery of wine intrastate, for paying*
18 *customers.]**

1-2 ***[**2. (New section) New Jersey residents**]*** *1. *Any person, other*

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 30, 1982.

ASSEMBLY COMMERCE AND INDUSTRY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1855

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 30, 1982

The Assembly Commerce and Industry Committee favorably reports this bill, as amended, to allow a retail consumer who purchases wine in person and on the premises from a plenary winery with retail privileges or from a farm winery to authorize the winery to ship the wine to a destination within the State by an approved parcel delivery service.

There are currently seven plenary wineries with retail privileges and two farm wineries licensed in New Jersey.

The parcel delivery service used by such a winery must be approved by the Director of the Division of Alcoholic Beverage Control (ABC). However, the parcel delivery service will not be required to obtain a transportation license for alcoholic beverages (R. S. 33:1-13) or to have a transit insignia on its trucks (R. S. 33:1-28) which, in the past, have cost \$500.00 and \$25.00 per truck, respectively. A winery which is covered by the provisions of this bill and which wants to have this delivery service available to its customers must file an application therefor and pay an annual fee of \$150.00 to the director. Also, the bill provides that the truck driver delivering the wine must seek to determine that the party signing the delivery receipt is of legal age to consume alcoholic beverages.

The original section 2 of the bill required the winery to maintain a copy of each invoice for one year; the new section 1 requires the winery to maintain a copy of each invoice for three years. Although retail licensee who deliver their own alcoholic beverages must maintain their invoices for a period of one year (N. J. A. C. 13:2-20.2), a licensed transporter of alcoholic beverages must maintain invoices for a period of three years (N. J. A. C. 13:2-39.2(b)).

Due to the expense of licensing and insignia fees charged to carriers, few, if any, have opted to provide delivery service to New Jersey's wineries. The results of a survey conducted by a New Jersey winery of wineries in other states suggested that the regular use of a shipping service such as the United Parcel Service allowed them to develop new business, increase sales and promote customer relations. It is hoped that this bill will begin to restore New Jersey's wineries to a competitive position with out-of-state domestic wine producers.

OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

CONTACT: PAUL WOLCOTT

FRIDAY, NOVEMBER 12, 1982

Governor Thomas H. Kean today signed the following bills:

S-1582, sponsored by Senator H. James Saxton, R-Burlington, which provides that a governing body fixing a budget for a fire district, include in the budget enough money to cover debt service. Currently, if a fire district's budget is rejected by voters, the governing body must fix an annual budget for the district, but is prevented from exceeding the previous year's amount in any given category. This creates problems in cases where voters authorize a debt, then fail to approve a budget to pay for it. This bill allows the governing body to appropriate enough money in a rejected budget to meet debt service requirements.

A-1111, sponsored by Assemblywoman Leanna Brown, R-Morris, which makes permanent amendments in the laws applying to the size of no smoking signs in some public buildings. The original law required signs with letters two inches high, which made the signs too big to be practical. The amendment allows for one inch high letters or the international "No Smoking" symbol.

A-1885, sponsored by Assemblywoman Barbara F. Kalik, which authorizes New Jersey wineries to ship wine to addresses within the State by retail delivery services which are otherwise not licensed to transport alcoholic beverages. The law previously required that retail delivery services pay a \$500 license fee to carry alcoholic beverages. That requirement is now removed for New Jersey domestic wine delivered within the State.

S-611, sponsored by Senator S. Thomas Gagliano, R-Monmouth, which creates an exemption from the firearm purchase permit laws for the purchase of safety and emergency flare devices for boats and aircraft.

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3 than a person licensed under the provisions of chapter 1 of Title
 4 33,* purchasing wine *in person on the licensed premises** from
 5 a ***[duly licensed State of New Jersey retailer]*** *licensee holding*
 6 *a plenary winery license with retail privileges or a licensee holding*
 7 *a farm winery license** may ***[elect to]*** authorize shipment of
 8 *the** wine *by a parcel delivery service, approved for that purpose*
 9 *by the director,** to any point within the State, provided an
 10 invoice is attached to each package stating the purchaser's name,
 11 address, destination, quantity of wine being shipped and place
 12 of purchase, and provided that a copy of the original invoice shall
 13 be available for inspection by authorized agents of the New
 14 Jersey Division of Alcoholic Beverage Control for a period of
 15 ***[one year]*** *three years** at the office of the ***[licensed retailer]***
 16 *licensee**.

1 **2. A parcel delivery service approved by the director under the*
 2 *provisions of this act shall not be required to comply with the*
 3 *provisions of R. S. 33:1-13 and R. S. 33:1-28.*

1 *3. Before wine can be shipped by a parcel delivery service from*
 2 *a licensee holding a plenary winery license with retail privileges*
 3 *or a licensee holding a farm winery license in accordance with the*
 4 *provisions of this act, the licensee shall file an application therefor*
 5 *with the director and pay an annual fee of \$150.00 to him.**

1 ***[3. (New section)]*** **4.* It is the duty of personnel delivering*
 2 ***[retail sales of]*** wine for a ***[winery who are employees**
 3 **thereof]*** *licensee in accordance with the provisions of this act**
 4 to seek to determine that, at the time of delivery of wine,
 5 ***[parties]*** *the party** signing a delivery receipt ***[are]*** *is**
 6 of legal age to consume alcoholic beverages.

1 ***[4.]*** **5.* This act shall take effect immediately.*
