

33:1-12

LEGISLATIVE HISTORY CHECKLIST

NJSA 33:1-12

Laws of 1976 Chapter 54

Bill No. S863

Sponsor(s) Mc Gahn & others

Date Introduced Pre-filed

Committee: Assembly Judiciary, Law, Public & Safety & Defense
Senate Law, Public Safety & Defense

Amended during passage Yes No

Date of passage: Assembly June 16, 1976
Senate April 5, 1976

Date of approval July 26, 1976

Following statements are attached if available:

Sponsor statement	Yes <input checked="" type="checkbox"/>	No
Committee Statement: Assembly	Yes <input checked="" type="checkbox"/>	No
Senate	Yes <input checked="" type="checkbox"/>	No
Fiscal Note	Yes <input checked="" type="checkbox"/>	No
Veto message	Yes <input checked="" type="checkbox"/>	No
Message on signing	Yes <input checked="" type="checkbox"/>	No

Following were printed:

Reports	Yes <input checked="" type="checkbox"/>	No
Hearings	Yes <input checked="" type="checkbox"/>	No

10/4/76
SEP 1977

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

By Senators McGAHN, PARKER, DWYER and HORN

AN ACT concerning alcoholic beverage control, and amending R. S. 33:1-12.

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

1 1. 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 [(except,
12 subject to such rules and regulations established from time to time
13 by the director, the keeping of a hotel or restaurant including
14 the sale of mercantile items incidental thereto as an accommodation
15 to patrons, or the sale of distillers and vintners packaged holiday
16 merchandise prepacked as a unit with suitable glassware as gift
17 items to be sold only as a unit, cigars, cigarettes, packaged crack-
18 ers, chips, nuts and similar snacks and ice at retail as an accommo-
19 dation to patrons, or the retail sale of nonalcoholic beverages as
20 accessory beverages to alcoholic beverages, or, in commercial bowl-
21 ing establishments, the retail sale or rental of bowling accessories
22 and the retail sale from vending machines of candy, ice cream and
23 nonalcoholic beverages)] is carried on, *except as hereinafter pro-*
24 *vided. Subject to such rules and regulations established from time*
25 *to time by the director, the holder of this license shall be permitted*

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

26 to sell alcoholic beverages in or upon the premises in which any
27 of the following is carried on: the keeping of a hotel or restaurant
28 including the sale of mercantile items incidental thereto as an
29 accommodation to patrons; the sale of distillers and vintners pack-
30 aged holiday merchandise prepaced as a unit with suitable glass-
31 ware as gift items to be sold only as a unit; the sale of novelty
32 wearing apparel identified with the name of the establishment li-
33 censed under the provisions of this section; the sale of cigars,
34 cigarettes, packaged crackers, chips, nuts and similar snacks and
35 ice at retail as an accommodation to patrons, or the retail sale of
36 nonalcoholic beverages as accessory beverages to alcoholic bev-
37 erages; or, in commercial bowling establishments, the retail sale
38 or rental of bowling accessories and the retail sale from vending
39 machines of candy, ice cream and nonalcoholic beverages. The fee
40 for this license shall be fixed by the governing board or body of
41 the municipality in which the licensed premises are situated, by
42 ordinance, at not less than \$200.00 and not more than \$2,000.00.
43 No ordinance shall be enacted which shall raise or lower the fee
44 to be charged for this license by more than 20% from that charged
45 in the preceding license year or \$500.00, whichever is the lesser.
46 The governing board or body of each municipality may, by ordi-
47 nance, enact that no plenary retail consumption license shall be
48 granted within its respective municipality.

49 Seasonal retail consumption license. 2. The holder of this license
50 shall be entitled, subject to rules and regulations, to sell any
51 alcoholic beverages for consumption on the licensed premises by
52 the glass or other open receptacle, and also to sell any alcoholic
53 beverages in original containers for consumption off the licensed
54 premises, during the summer season from May 1 until November
55 14, inclusive, or during the winter season from November 15 until
56 April 30, inclusive; but this license shall not be issued to permit
57 the sale of alcoholic beverages in or upon any premises in which
58 a grocery, delicatessen, drug store or other mercantile business
59 [(except, subject to such rules and regulations established from
60 time to time by the director, the keeping of a hotel or restaurant
61 including the sale of mercantile items incidental thereto as an
62 accommodation to patrons, or the sale of distillers and vintners
63 packaged holiday merchandise prepaced as a unit with suitable
64 glassware as gift items to be sold only as a unit, cigars, cigarettes,
65 packaged crackers, chips, nuts and similar snacks and ice at retail
66 as an accommodation to patrons, or the retail sale of nonalcoholic
67 beverages as accessory beverages to alcoholic beverages)] is car-

68 ried on, *except as hereinafter provided. Subject to such rules and*
69 *regulations established from time to time by the director, the*
70 *holder of this license shall be permitted to sell alcoholic beverages*
71 *in or upon the premises in which any of the following is carried*
72 *on: the keeping of a hotel or restaurant including the sale of mer-*
73 *cantile items incidental thereto as an accommodation to patrons;*
74 *the sale of distillers and vintners packaged holiday merchandise*
75 *prepacked as a unit with suitable glassware as gift items to be sold*
76 *only as a unit; the sale of novelty wearing apparel identified with*
77 *the name of the establishment licensed under the provisions of*
78 *this section; the sale of cigars, cigarettes, packaged crackers, chips,*
79 *nuts and similar snacks and ice at retail as an accommodation to*
80 *patrons; or the retail sale of nonalcoholic beverages as accessory*
81 *beverages to alcoholic beverages. The fee for this license shall be*
82 *fixed by the governing board or body of the municipality in which*
83 *the licensed premises are situated, by ordinance, at 75% of the fee*
84 *fixed by said board or body for plenary retail consumption licenses.*
85 *The governing board or body of each municipality may, by ordi-*
86 *nance, enact that no seasonal retail consumption license shall be*
87 *granted within its respective municipality.*

88 Plenary retail distribution license. 3. a. The holder of this li-
89 cense shall be entitled, subject to rules and regulations, to sell any
90 alcoholic beverages for consumption off the licensed premises, but
91 only in original containers. The governing board or body of each
92 municipality may, by ordinance, enact that this license shall not
93 be issued to permit the sale of alcoholic beverages in or upon any
94 premises in which any other mercantile business is carried on,
95 except that any such ordinance, heretofore or hereafter adopted,
96 shall not prohibit the retail sale of distillers and vintners packaged
97 holiday merchandise prepacked as a unit with suitable glassware
98 as gift items to be sold only as a unit, *the sale of novelty wearing*
99 *apparel identified with the name of the establishment licensed under*
100 *the provisions of this act, cigars, cigarettes, packaged crackers,*
101 *chips, nuts[,] and similar snacks, ice, and nonalcoholic beverages*
102 *as accessory beverages to alcoholic beverages. The fee for this*
103 *license shall be fixed by the governing board or body of the mu-*
104 *nicipality in which the licensed premises are situated, by ordinance,*
105 *at not less than \$100.00, and not more than \$2,000.00. No ordinance*
106 *shall be enacted which shall raise or lower the fee to be charged*
107 *for this license by more than 20% from that charged in the pre-*
108 *ceding license year or \$500.00, whichever is the lesser. The govern-*
109 *ing board or body of each municipality may, by ordinance, enact*

110 that no plenary retail distribution license shall be granted within
111 its respective municipality.

112 Limited retail distribution license. 3. b. The holder of this li-
113 cense shall be entitled, subject to rules and regulations, to sell any
114 unchilled, brewed, malt alcoholic beverages in quantities of not
115 less than 72 fluid ounces for consumption off the licensed premises,
116 but only in original containers; provided, however, that this license
117 shall be issued only for premises operated and conducted by the
118 license as a bona fide grocery store, meat market, meat and grocery
119 store, delicatessen, or other type of bona fide food store at which
120 groceries or other foodstuffs are sold at retail; and provided
121 further, that this license shall not be issued except for premises
122 at which the sale of groceries or other foodstuffs is the primary and
123 principal business and at which the sale of alcoholic beverages is
124 merely incidental and subordinate thereto. The fee for this license
125 shall be fixed by the governing body or board of the municipality
126 in which the licensed premises are situated, by ordinance, at not
127 less than \$25.00 and not more than \$50.00. The governing board
128 or body of each municipality may, by ordinance, enact that no
129 limited retail distribution license shall be granted within its
130 respective municipality.

131 Plenary retail transit license. 4. The holder of this license shall
132 be entitled, subject to rules and regulations, to sell any alcoholic
133 beverages for consumption only on railroad trains, airplanes and
134 boats, while in transit. The fee for this license for use by a railroad
135 or air transport company shall be \$150.00 and, for use on a boat,
136 the fee for this license shall be \$25.00 on a boat 65 feet or less in
137 length, \$50.00 on a boat more than 65 feet in length but not more
138 than 110 feet in length, and \$150.00 on a boat more than 110 feet
139 in length; such boat lengths shall be determined in the manner
140 prescribed by the Bureau of Customs of the United States Govern-
141 ment or any Federal agency successor thereto for boat measure-
142 ment in connection with issuance of Marine Documents. A license
143 issued under this provision to a railroad or air transport company
144 shall cover all dining and club cars and planes operated by any such
145 company within the State of New Jersey. A license for a boat
146 issued under this provision shall apply only to the particular boat
147 for which issued.

148 Club license. 5. The holder of this license shall be entitled,
149 subject to rules and regulations, to sell any alcoholic beverages but
150 only for immediate consumption on the licensed premises and only
151 to bona fide club members and their guests. The fee for this license

152 shall be fixed by the governing board or body of the municipality
153 in which the licensed premises are situated, by ordinance, at not
154 less than \$50.00 and not more than \$150.00. The governing board
155 or body of each municipality may, by ordinance, enact that no club
156 licenses shall be granted within its respective municipality. Club
157 licenses may be issued only to such corporations, associations and
158 organizations as are operated for benevolent, charitable, fraternal,
159 social, religious, recreational, athletic, or similar purposes, and not
160 for private gain, and which comply with all conditions which may
161 be imposed by the Commissioner of Alcoholic Beverage Control by
162 rules and regulations.

1 2. This act shall take effect immediately.

SENATE LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO
SENATE, No. 863

STATE OF NEW JERSEY

DATED: FEBRUARY 19, 1976

This bill would permit class C retail consumption licensees to sell novelty wearing apparel identified with the name of the establishment licensed.

977.901
661

FROM THE OFFICE OF THE GOVERNOR

JULY 27, 1976

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

KATHY FORSYTH

Governor Brendan Byrne signed two bills into law today.

The first, S-863, sponsored by Senator Joseph P. McGahn, (D-Absecon) permits taverns and package stores to sell T-shirts and other wearing apparel imprinted with the name of the establishment.

Prior to the signing of the bill, tavern and package store owners were not allowed to sell this type of apparel on the premises, although the merchandise could be sold by other retail establishments.

The sale of the wearing apparel as permitted by the bill will be subject to rules and regulations established by the Director of the Division of Alcoholic Beverage Control.

The second bill, S-1297, sponsored by Senator Ann C. Martindell (D-Princeton) extends membership in the Teachers' Pension and Annuity Fund to all certified unclassified professional staff in the Department of Education.

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