

33:1-10 et seq.

February 4, 1971

LEGISLATIVE HISTORY OF R.S. 33:1-10
33:1-11
33:1-13
33:1-14
33:1-26
33:1-28
33:1-67
33:1-72

(Liquor license cert. - Fee increase)

L. 1970, Chapter 78 - A1024
Introduced April 30 by DeKorte.
Not amended during passage.
No statement.

No clippings located at:

V.F.--N.J.--Liquor laws (1970).

RSL/PC

CHAPTER 78 LAWS OF N. J. 1970
APPROVED 5/29/70
ASSEMBLY, No. 1024

STATE OF NEW JERSEY

INTRODUCED APRIL 30, 1970

By Assemblyman DE KORTE

(Without Reference)

AN ACT concerning alcoholic beverages and amending sections 33:1-10, 33:1-11, 33:1-13, 33:1-14, 33:1-26, 33:1-67 and 33:1-72 of the Revised Statutes.

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

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

3 33:1-10. Class A licenses shall be subdivided and classified as
4 follows:

5 Plenary brewery license. 1a. The holder of this license shall be
6 entitled, subject to rules and regulations, to brew any malt alcoholic
7 beverages and to sell and distribute his products to wholesalers and
8 retailers licensed in accordance with this chapter, and to sell and
9 distribute without this State to any person pursuant to the laws
10 of the places of such sale and distribution, and to maintain a ware-
11 house. The fee for this license shall be ~~[\$5,000.00]~~ \$7,500.00.

12 Limited brewery license. 1b. The holder of this license shall be
13 entitled, subject to rules and regulations, to brew any malt alcoholic
14 beverages in a quantity to be expressed in said license, dependent
15 upon the following fees and not in excess of 300,000 barrels of 31
16 fluid gallons capacity per year and to sell and distribute his prod-
17 ucts to wholesalers and retailers licensed in accordance with this
18 chapter, and to sell and distribute without this State to any persons
19 pursuant to the laws of the places of such sale and distribution, and
20 to maintain a warehouse. The fee for this license shall be graduated
21 as follows: To so brew not more than 50,000 barrels of 31 fluid
22 gallons capacity per annum, ~~[\$625.00]~~ \$1,000.00; to so brew not
23 more than 100,000 barrels of 31 fluid gallons capacity per annum,
24 ~~[\$1,250.00]~~ \$2,000.00; to so brew not more than 200,000 barrels of
25 31 fluid gallons capacity per annum, ~~[\$2,500.00]~~ \$4,000.00; to so

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 brew not more than 300,000 barrels of 31 fluid gallons capacity per
27 annum, ~~[\$3,750.00]~~ \$6,000.00.

28 Plenary winery license. 2a. The holder of this license shall be
29 entitled, subject to rules and regulations, to manufacture any
30 fermented wines, and to blend, fortify and treat wines, and to sell
31 and distribute his products to wholesalers and retailers licensed in
32 accordance with this chapter and to churches for religious purposes,
33 and to sell and distribute without this State to any persons pur-
34 suant to the laws of the places of such sale and distribution, and to
35 maintain a warehouse. The fee for this license shall be ~~[\$650.00]~~
36 \$750.00. Upon payment of an additional fee of ~~[\$100.00]~~ \$200.00
37 for each but not in excess of two premises, in addition to the licensed
38 premises of the winery, the holder of this license shall have the
39 right to sell such wine at retail for consumption on or off the
40 premises as is manufactured, blended, fortified or treated by the
41 licensee in his licensed premises and sold as the licensee's products
42 under the label or labels of the licensee or in lieu of such additional
43 fee of ~~[\$100.00]~~ \$200.00 but upon payment of an additional fee of
44 ~~[\$500.00]~~ \$600.00 the holder of this license shall have the right to
45 sell wines and other alcoholic beverages at retail on the licensed
46 premises; provided, however, that such sales shall be made only
47 for consumption off the licensed premises; and provided further,
48 that such wines and other alcoholic beverages shall be manufactured
49 or blended, fortified, distilled or treated by the licensee in his
50 licensed premises or by the licensee's subsidiary corporation and
51 sold only under the label or labels of the licensee. The combined
52 total number of plenary winery licenses having retail privileges,
53 shall not exceed one per each million of population in the State as
54 shown by the last preceding Federal census. In the granting of such
55 plenary winery licenses, the Director of the Division of Alcoholic
56 Beverage Control may, in the exercise of his discretion and pur-
57 suant to such rules and regulations as he may adopt, give prior
58 consideration to applicants engaged in growing and cultivating
59 grapes upon land owned by the applicant, having an area not less
60 than 3 acres. The containers of all wine sold at retail by such
61 licensee shall have attached thereto a label setting forth such in-
62 formation as shall be required by the rules and regulations of the
63 Director of Alcoholic Beverage Control.

64 Limited winery license. 2b. The holder of this license shall be
65 entitled, subject to rules and regulations, to manufacture any
66 naturally fermented wines and fruit juices in a quantity to be ex-
67 pressed in said license, dependent upon the following fees and not
68 in excess of 5,000 gallons per year and to sell and distribute his

69 products to wholesalers and retailers licensed in accordance with
 70 this chapter and to sell and distribute without this State to any
 71 persons pursuant to the laws of the places of such sale and distribu-
 72 tion, and to maintain a warehouse and to sell at retail to consumers;
 73 provided, however, that such sale to consumers shall be made only
 74 for consumption off the licensed premises and then only when the
 75 winery at which such naturally fermented wines and fruit juices
 76 are manufactured is located and constructed upon a tract of land
 77 owned exclusively by the holder of such limited winery license,
 78 which said tract of land shall have an area of not less than 3 acres
 79 and have growing and under cultivation upon said land at least
 80 1,200 grape vines; and provided, further, that such naturally fer-
 81 mented wines and fruit juices shall be manufactured only from
 82 fresh grapes or fruit grown in this State. The containers of all
 83 wine sold to consumers by such licensee shall have attached thereto
 84 a label setting forth such information as shall be required by the
 85 rules and regulations of the Director of Alcoholic Beverage Control.
 86 The fee for this license shall be graduated as follows: To so
 87 manufacture between 2,500 and 5,000 gallons per annum, **[\$200.00]**
 88 \$400.00; to so manufacture between 1,000 and 2,500 gallons per
 89 annum, **[\$100.00]** \$200.00; to so manufacture less than 1,000 gallons
 90 per annum, **[\$50.00]** \$100.00.

91 Plenary distillery license. 3a. The holder of this license shall be
 92 entitled, subject to rules and regulations, to manufacture any dis-
 93 tilled alcoholic beverages and rectify, blend, treat and mix, and to
 94 sell and distribute his products to wholesalers and retailers licensed
 95 in accordance with this chapter, and to sell and distribute without
 96 this State to any persons pursuant to the laws of the places of such
 97 sale and distribution; and to maintain a warehouse. The fee for
 98 this license shall be **[\$5,000.00]** \$10,000.00.

99 Limited distillery license. 3b. The holder of this license shall be
 100 entitled, subject to rules and regulations, to manufacture and bottle
 101 any alcoholic beverages distilled from fruit juices and rectify, blend,
 102 treat, mix, compound with wine and add necessary sweetening and
 103 flavor to make cordial or liqueur, and to sell and distribute to
 104 wholesalers and retailers licensed in accordance with this chapter,
 105 and to sell and distribute without this State, to any persons pur-
 106 suant to the laws of the places of such sale and distribution and to
 107 warehouse these products. The fee for this license shall be
 108 **[\$2,000.00]** \$3,000.00.

109 Supplementary limited distillery license. 3c. The holder of this
 110 license shall be entitled, subject to rules and regulations, to bottle
 111 and rebottle, in a quantity to be expressed in said license, dependent

112 upon the following fees, alcoholic beverages distilled from fruit
 113 juices by such holder pursuant to a prior plenary or limited dis-
 114 tillery license, and to sell and distribute his products to wholesalers
 115 and retailers licensed in accordance with this chapter, and to sell
 116 and distribute without this State to any persons pursuant to the
 117 laws of the places of such sale and distribution, and to maintain a
 118 warehouse. The fee for this license shall be graduated as follows:
 119 To so bottle and rebottle not more than 5,000 wine gallons per
 120 annum, **[\$100.00]** \$250.00; to so bottle and rebottle not more than
 121 10,000 wine gallons per annum, **[\$250.00]** \$500.00; to so bottle and
 122 rebottle without limit as to amount, **[\$500.00]** \$1,000.00.

123 Rectifier and blender license. 4. The holder of this license shall
 124 be entitled, subject to rules and regulations to rectify, blend, treat
 125 and mix distilled alcoholic beverages, and to fortify, blend, and
 126 treat fermented alcoholic beverages, and prepare mixtures of
 127 alcoholic beverages, and to sell and distribute his products to whole-
 128 salers and retailers licensed in accordance with this chapter, and to
 129 sell and distribute without this State to any persons pursuant to the
 130 laws of the places of such sale and distribution, and to maintain a
 131 warehouse. The fee for this license shall be **[\$2,500.00]** \$5,000.00.

132 Bonded warehouse bottling license. 5. The holder of this license
 133 shall be entitled, subject to rules and regulations, to bottle alcoholic
 134 beverages in bond on behalf of all persons authorized by Federal
 135 and State law and regulations to withdraw alcoholic beverages from
 136 bond. The fee for this license shall be \$500.00. This license shall be
 137 issued only to persons holding permits to operate internal revenue
 138 bonded warehouses pursuant to the laws of the United States.

1 2. Section 33:1-11 of the Revised Statutes is amended to read as
 2 follows:

3 33:1-11. Class B licenses shall be subdivided and classified as
 4 follows:

5 Plenary wholesale license. 1. The holder of this license shall be
 6 entitled, subject to rules and regulations, to sell and distribute
 7 alcoholic beverages to retailers and wholesalers licensed in
 8 accordance with this chapter, and to sell and distribute without this
 9 State to any persons pursuant to the laws of the places of such sale
 10 and distribution, and to maintain a warehouse and salesroom; pro-
 11 vided, however, that the delivery of such alcoholic beverages by the
 12 holder of this license to retailers licensed under this Title shall be
 13 from inventory in a warehouse located in New Jersey which is
 14 operated under a plenary wholesale license. The fee for this license
 15 shall be **[\$3,000.00]** \$6,000.00.

16 Limited wholesale license. 2a. The holder of this license shall be
 17 entitled, subject to rules and regulations, to sell and distribute
 18 brewed malt alcoholic beverages and naturally fermented wines to
 19 retailers and wholesalers licensed in accordance with this chapter,
 20 and to sell and distribute without this State to any persons pursuant
 21 to the laws of the places of such sale and distribution, and to main-
 22 tain a warehouse and salesroom. The fee for this license shall be
 23 ~~[\$900.00]~~ \$1,500.00.

24 Wine wholesale license. 2b. The holder of this license shall be
 25 entitled, subject to rules and regulations, to sell and distribute any
 26 naturally fermented, treated, blended, fortified and sparkling wines,
 27 to retailers and wholesalers, licensed in accordance with this
 28 chapter, and to sell and distribute without this State to any persons
 29 pursuant to the laws of the places of such sale and distribution, and
 30 to maintain a warehouse and salesroom; provided however, that the
 31 delivery of such wines by the holder of this license to retailers
 32 licensed under this Title shall be from inventory in a warehouse
 33 located in New Jersey which is operated under a wine wholesale
 34 license. The fee for this license shall be ~~[\$1,500.00]~~ \$2,500.00.

35 State beverage distributor's license. 2c. The holder of this license
 36 shall be entitled, subject to rules and regulations, to sell and
 37 distribute unchilled, brewed, malt alcoholic beverages in original
 38 containers only, in quantities of not less than 144 fluid ounces, to
 39 retailers licensed in accordance with this chapter, and to sell and
 40 distribute without this State to any person pursuant to the laws of
 41 the places of such sale and distribution, and to maintain a ware-
 42 house and salesroom. The holder of this license may sell unchilled,
 43 brewed, malt alcoholic beverages in original containers only, in
 44 quantities of not less than 144 fluid ounces, at retail; provided, how-
 45 ever, that such sales shall be made only for consumption off the
 46 licensed premises. This license shall not be issued to any person
 47 holding a plenary or limited brewery license, nor shall it be issued
 48 to any person directly or indirectly interested in any brewery
 49 within or without this State. This license shall not be issued for
 50 ~~[the]~~ premises in or upon which any retail business, except the sale
 51 of malt alcoholic beverages and nonalcoholic beverages, is carried
 52 on. The fee for this license shall be ~~[\$625.00]~~ \$750.00.

1 -3. Section 33:1-13 of the Revised Statutes is amended to read as
 2 follows:

3 33:1-13. Class D licenses shall be as follows:

4 Transportation license. The holder of this license shall be en-
 5 titled, subject to rules and regulations, to transport alcoholic
 6 beverages into, out of, through and within the State of New Jersey

7 and to maintain a warehouse. The fee for this license shall be
8 ~~[\$200.00]~~ \$500.00.

1 4. Section 33:1-14 of the Revised Statutes is amended to read as
2 follows:

3 33:1-14. Class E licenses shall be subdivided and classified as
4 follows:

5 Public warehouse license. 1. The holder of this license shall be
6 entitled, subject to rules and regulations, to receive for purposes
7 of storing and warehousing and to store and warehouse alcoholic
8 beverages in the licensed public warehouse; but this license shall not
9 authorize the transportation of alcoholic beverages. The fee for
10 this license shall be ~~[\$200.00]~~ \$400.00.

11 Broker's license. 2. The holder of this license shall be entitled,
12 subject to rules and regulations, to act as a broker in the purchase
13 and sale of alcoholic beverages for a fee or commission, for or on
14 behalf of a person authorized to manufacture or sell at wholesale
15 alcoholic beverages within or without the State. Such license shall
16 not entitle the holder to buy or sell any alcoholic beverages for his
17 own account, or take or deliver title to such alcoholic beverages, or
18 receive or store any alcoholic beverages in his own name in this
19 State, or offer, negotiate for the sale of or sell any alcoholic
20 beverages to any wholesaler or retailer within this State; but such
21 licensee shall be permitted, subject to rules and regulations, to use
22 samples of alcoholic beverages in connection with the exercise of
23 the privileges of such license. Such licensee's activities hereunder
24 shall not be deemed to constitute a sale within the meaning of
25 paragraph "w" of section 33:1-1 of the Revised Statutes. The fee
26 for this license shall be ~~[\$200.00]~~ \$400.00.

1 5. Section 33:1-26 of the Revised Statutes is amended to read as
2 follows:

3 33:1-26. All licenses shall be for a term of 1 year from July 1 in
4 each year. The respective fees for any such license shall be pro-
5 rated according to the effective date of such license and based on the
6 respective annual fee as in this chapter provided. Where the license
7 fee deposited with the application exceeds such prorated fee, a
8 refund of the excess shall be made to the licensee. Licenses are not
9 transferable except as hereinafter provided. A separate license is
10 required for each specific place of business and the operation and
11 effect of every license is confined to the licensed premises. No
12 retail license of any class shall be issued to any holder of manu-
13 facturer's or wholesaler's license, and no manufacturer's or whole-
14 saler's license shall be issued to the holder of a retail license of any
15 class. Any person who shall exercise or attempt to exercise, or hold

16 himself out as authorized to exercise, the rights and privileges of a
17 license except the licensee and then only with respect to the licensed
18 premises, shall be guilty of a misdemeanor.

19 In case of death, bankruptcy, receivership or incompetency of the
20 licensee, or if for any other reason whatsoever the operation of the
21 business covered by the license shall devolve by operation of law
22 upon a person other than the licensee, the director or the issuing
23 authority may, in his or its discretion, extend said license for a
24 limited time, not exceeding its term, to the executor, administrator,
25 trustee, receiver or other person upon whom the same has devolved
26 by operation of law as aforesaid. Under no circumstances, how-
27 ever, shall a license, or rights thereunder, be deemed property,
28 subject to inheritance, sale, pledge, lien, levy, attachment, execu-
29 tion, seizure for debts, or any other transfer or disposition what-
30 soever, except to the extent expressly provided by this chapter.

31 On application made therefor setting forth the same matters
32 and things with reference to the premises to which a transfer of
33 license is sought as are required to be set forth in connection with
34 an original application for license, as to said premises, and after
35 publication of notice of intention to apply for transfer, in the same
36 manner as is required in case of an application for license as to said
37 premises, the director or other issuing authority may transfer,
38 upon payment of a fee of ~~[\$5.00]~~ *10% of the annual license fee for*
39 *the license sought to be transferred*, any license issued by him or it
40 respectively to a different place of business than that specified
41 therein, by endorsing permission upon such license.

42 On application made therefor setting forth the same matters and
43 things with reference to the person to whom a transfer of license
44 is sought as are required to be set forth in connection with an
45 original application for license, which application for transfer shall
46 be signed and sworn to by the person to whom the transfer of
47 license is sought and shall bear the consent in writing of the licensee
48 to such transfer, and after publication of notice of intention by the
49 person to whom the transfer of license is sought, to apply for
50 transfer in the same manner as is required in the case of an
51 original application for license, the director or other issuing
52 authority, as the case may be, may transfer any license issued by
53 him or it respectively to such applicant for transfer by endorsing
54 the license. Such application and the applicant shall comply with
55 all requirements of this chapter pertaining to an original applica-
56 tion for license and shall be accompanied, in lieu of the license fee
57 required on the original application, by a fee of 10% of the annual
58 license fee for the license sought to be transferred, which 10% shall

59 be retained by the director or other issuing authority, as the case
60 may be, whether the transfer be granted or not, and accounted for
61 as other license fees.

62 If the other issuing authority shall refuse to grant a transfer the
63 applicant shall be notified forthwith of such refusal by a notice
64 served personally upon the applicant, or sent to him by registered
65 mail addressed to him at the address stated in the application, and
66 such applicant may, within 30 days after the date of service or
67 mailing of such notice, appeal to the director from the action of the
68 issuing authority. If the other issuing authority shall grant a
69 transfer any taxpayer or other aggrieved person opposing the
70 grant of the transfer may, within 30 days after the grant of such
71 transfer, appeal to the director from the action of the issuing
72 authority.

73 No person who would fail to qualify as a licensee under this
74 chapter shall be knowingly employed by or connected in any
75 business capacity whatsoever with a licensee; but specialized
76 technical workers, required in any business may, with the approval
77 of the director, and subject to rules and regulations, be employed
78 although failing to qualify as to residence or citizenship. Persons
79 failing to qualify as to age, residence or citizenship may, with the
80 approval of the director, and subject to rules and regulations, be
81 employed by any licensee, but such employee, if disqualified by age,
82 shall not, in any manner whatsoever serve, sell or solicit the sale
83 or participate in the manufacture, rectification, blending, treating,
84 fortification, mixing, processing or bottling of any alcoholic beverage;
85 and further provided, that no permit shall be necessary for
86 the employment in a bona fide hotel or restaurant of any person
87 failing to qualify as to age or residence so long as such person shall
88 not in any manner whatsoever serve, sell or solicit the sale of any
89 alcoholic beverage, or participate in the mixing, processing or
90 preparation thereof.

1 6. Section 33:1-28 of the Revised Statutes is amended to read as
2 follows:

3 33:1-28. Licensees, except public warehouse licensees, may
4 transport alcoholic beverages in their own vehicles, solely, however,
5 for their own respective business in connection with and as defined
6 in their respective licenses, without possessing a transportation
7 license; provided, however, that such vehicles while so used
8 shall be marked in the manner prescribed for all vehicles authorized
9 to transport alcoholic beverages as shall be provided in rules and
10 regulations. Each vehicle so used shall bear a transit insignia to be
11 furnished by the director at a fee of ~~【\$8.00】~~ \$10.00 each.

1 7. Section 33:1-67 of the Revised Statutes is amended to read as
2 follows:

3 33:1-67. No individual shall offer for sale or solicit any order in
4 the State for the purchase or sale of any alcoholic beverage, whether
5 such sale is to be made within or without this State, unless such
6 person shall have a solicitor's permit issued by the director here-
7 under.

8 Nothing contained in this section shall prohibit such offer or
9 solicitation by any licensee himself or any employee of any retail
10 licensee in connection with and in the course of the licensed business.

11 The director is empowered to issue, subject to rules and regula-
12 tions, solicitor's permits, which shall set forth such facts as may
13 be prescribed by the director and shall authorize the permittee to
14 make offers for such sales and solicit orders for such sales of
15 alcoholic beverages as are in accordance with this chapter, and any
16 rules and regulations promulgated thereunder, on behalf of any
17 vendor or vendors represented by the solicitor and designated in
18 the permit. The fee for such permits shall be ~~[\$10.00]~~ \$15.00 per
19 annum or any part thereof for solicitors employed exclusively by
20 licensees whose licenses permit sale of malt alcoholic beverages
21 only, and ~~[\$15.00]~~ \$25.00 per annum or any part thereof for solic-
22 itors employed by other licensees. *A separate fee shall be paid for*
23 *each vendor designated in the permit.* Such permits shall expire on
24 June 30 following their issuance, except as otherwise specified
25 therein.

26 Any person who violates any provisions of this section shall be
27 guilty of a misdemeanor and punished by a fine of not less than
28 \$50.00 and not more than \$200.00 or imprisonment for not less than
29 10 days or not more than 3 months, or both.

1 8. Section 33:1-72 of the Revised Statutes is amended to read
2 as follows:

3 33:1-72. The sale of receipts, certificates, contracts or other
4 documents given upon the storage of alcoholic beverages is pro-
5 hibited, except under and pursuant to the provisions of a warehouse
6 receipts license issued by the director. The holder of such license
7 shall be entitled to sell such warehouse receipts subject to rules
8 and regulations and the fee therefor shall be ~~[\$200.00]~~ \$300.00. No
9 publication shall be required with respect to applications for ware-
10 house receipts licenses.

1 9. This act shall take effect immediately but shall remain in-
2 operative until July 1, 1970.

FISCAL NOTE TO
ASSEMBLY, No. 1024

STATE OF NEW JERSEY

DATED: MAY 4, 1970

Assembly Bill No. 1024 increases the fees for all class A, B, D and E alcoholic beverage licenses; *inoperative until July 1, 1970.*

The Division of Budget and Accounting estimates that enactment of this legislation would cause a net surplus revenue to accrue to the State of \$500,500.00 in each of the next two fiscal years.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.