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LAW

P.L. 2008, CHAPTER 56, *approved August 5, 2008*  
Assembly, No. 2440

1 AN ACT concerning alcoholic beverage licenses and amending  
2 R.S.33:1-25.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. R.S.33:1-25 is amended to read as follows:

8 33:1-25. No license of any class shall be issued to any person  
9 under the age of **[21]** 18 years or to any person who has been  
10 convicted of a crime involving moral turpitude. A beneficiary of a  
11 trust who is not otherwise disqualified to hold an interest in a  
12 license may qualify regardless of age so long as the trustee of the  
13 trust qualifies and the trustee shall hold the beneficiary's interest in  
14 trust until the beneficiary is at least the age of majority.

15 Each applicant shall submit to the director the applicant's name,  
16 address, fingerprints and written consent for a criminal history  
17 record background check to be performed. The director is  
18 authorized to receive criminal history record information from the  
19 State Bureau of Identification in the Division of State Police and the  
20 Federal Bureau of Investigation consistent with applicable State and  
21 federal laws, rules and regulations. The applicant shall bear the  
22 cost for the criminal history record background check, including all  
23 costs of administering and processing the check. The Division of  
24 State Police shall promptly notify the director in the event a current  
25 holder of a license or prospective applicant, who was the subject of  
26 a criminal history record background check pursuant to this section,  
27 is arrested for a crime or offense in this State after the date the  
28 background check was performed.

29 In applications by corporations, except for club licenses, the  
30 names and addresses of, and the amount of stock held by, all  
31 stockholders holding 1% or more of any of the stock thereof, and  
32 the names and addresses of all officers and of all members of the  
33 board of directors must be stated in the application, and if one or  
34 more of the officers or members of the board of directors or one or  
35 more of the owners, directly or indirectly, of more than 10% of the  
36 stock would fail to qualify as an individual applicant in all respects,  
37 no license of any class shall be granted.

38 In applications for club licenses, the names and addresses of all  
39 officers, trustees, directors, or other governing official, together  
40 with the names and addresses of all members of the corporation,  
41 association or organization, must be stated in the application.

**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 underlined thus is new matter.

1 In applications by partnerships, the application shall contain the  
2 names and addresses of all of the partners. No license shall be  
3 issued unless all of the partners would qualify as individual  
4 applicants.

5 A photostatic copy of all federal permits necessary to the lawful  
6 conduct of the business for which a State license is sought and  
7 which relate to alcoholic beverages, or other evidence in lieu  
8 thereof satisfactory to the director, must accompany the license  
9 application, together with a deposit of the full amount of the  
10 required license fee, which deposit to the extent of 90% thereof  
11 shall be returned to the applicant by the director or other issuing  
12 authority if the application is denied, and the remaining 10% shall  
13 constitute an investigation fee and be accounted for as other license  
14 fees.

15 Every applicant for a license that is not a renewal of an annual  
16 license shall cause a notice of the making of the application to be  
17 published in a form prescribed by rules and regulations, once per  
18 week for two weeks successively in a newspaper printed in the  
19 English language, published and circulated in the municipality in  
20 which the licensed premises are located; but if there shall be no  
21 such newspaper, then the notice shall be published in a newspaper,  
22 printed in the English language, published and circulated in the  
23 county in which the licensed premises are located. No publication  
24 shall be required with respect to applications for transportation or  
25 public warehouse licenses or with respect to applications for  
26 renewal of licenses.

27 The Division of Alcoholic Beverage Control shall cause a  
28 general notice of the making of annual renewal applications and the  
29 manner in which members of the public may object to the approving  
30 of the applications to be published in a form prescribed by rules and  
31 regulations, once per week from the week of April 1 through the  
32 week of June 1 in a newspaper printed in the English language  
33 published and circulated in the counties in which the premises of  
34 applicants for renewals of annual licenses are located. Any  
35 application for the renewal of an annual license shall be made by  
36 May 1, and none shall be approved before May 1.

37 Every person filing an application for license, renewal of license  
38 or transfer of license with a municipal issuing authority shall,  
39 within 10 days of such filing, file with the director a copy of the  
40 application together with a nonreturnable filing fee of \$200.

41 Applicants for licenses shall answer questions as may be asked  
42 and make declarations as shall be required by the form of  
43 application for license as may be promulgated by the director from  
44 time to time. All applications shall be duly sworn to by each of the  
45 applicants, except in the case of applicants in the military service of  
46 the United States whose applications may be signed in their behalf  
47 by an attorney-in-fact holding a power of attorney in form approved  
48 by the director, and except in cases of applications by corporations

1 which shall be duly sworn to by the president or vice-president. All  
2 statements in the applications required to be made by law or by  
3 rules and regulations shall be deemed material, and any person who  
4 shall knowingly misstate any material fact, under oath, in the  
5 application shall be guilty of a misdemeanor. Fraud,  
6 misrepresentation, false statements, misleading statements, evasions  
7 or suppression of material facts in the securing of a license are  
8 grounds for suspension or revocation of the license.

9 The provisions of section 26 of P.L.2003, c.117 amendatory of  
10 this section shall apply to licenses issued or transferred on or after  
11 July 1, 2003, and to license renewals commencing on or after  
12 July 1, 2003.

13 (cf: P.L.2003, c.199, s.18)

14

15 2. This act shall take effect immediately.

16

17

18

STATEMENT

19

20 Currently, an alcoholic beverage license may not be issued to  
21 any person under the age of 18 or to any person who has been  
22 convicted of a crime involving moral turpitude. This bill provides  
23 that the beneficiary of a trust who is under the age of 18 (the age of  
24 majority), but is otherwise qualified to hold an interest in a license,  
25 may qualify so long as the trustee qualifies and holds the  
26 beneficiary's interest in trust until the beneficiary is at least 18  
27 years old.

28 The bill also updates R.S.33:1-25 to bring it into conformity with  
29 P.L.1972, c.81 (C.9:17B-1 et seq.), which established the age of  
30 majority at 18 years of age.

31

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34

35 Permits qualified trustee to hold interest in alcoholic beverage  
36 license for qualified beneficiary under age 18.

# ASSEMBLY, No. 2440

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED MARCH 3, 2008

**Sponsored by:**

Assemblywoman NELLIE POU

District 35 (Bergen and Passaic)

Assemblywoman ELEASE EVANS

District 35 (Bergen and Passaic)

**Co-Sponsored by:**

Assemblywoman Spencer and Senator Sarlo

**SYNOPSIS**

Permits qualified trustee to hold interest in alcoholic beverage license for qualified beneficiary under age 18.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 6/24/2008)

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5 of New Jersey:

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21 federal laws, rules and regulations. The applicant shall bear the  
22 cost for the criminal history record background check, including all  
23 costs of administering and processing the check. The Division of  
24 State Police shall promptly notify the director in the event a current  
25 holder of a license or prospective applicant, who was the subject of  
26 a criminal history record background check pursuant to this section,  
27 is arrested for a crime or offense in this State after the date the  
28 background check was performed.

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30 names and addresses of, and the amount of stock held by, all  
31 stockholders holding 1% or more of any of the stock thereof, and  
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33 board of directors must be stated in the application, and if one or  
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7 July 1, 2003, and to license renewals commencing on or after  
8 July 1, 2003.

9 (cf: P.L.2003, c.199, s.18)

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#### STATEMENT

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16 Currently, an alcoholic beverage license may not be issued to  
17 any person under the age of 18 or to any person who has been  
18 convicted of a crime involving moral turpitude. This bill provides  
19 that the beneficiary of a trust who is under the age of 18 (the age of  
20 majority), but is otherwise qualified to hold an interest in a license,  
21 may qualify so long as the trustee qualifies and holds the  
22 beneficiary's interest in trust until the beneficiary is at least 18  
23 years old.

24 The bill also updates R.S.33:1-25 to bring it into conformity with  
25 P.L.1972, c.81 (C.9:17B-1 et seq.), which established the age of  
26 majority at 18 years of age.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2440**

**STATE OF NEW JERSEY**

DATED: JUNE 5, 2008

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 2440.

Currently, an alcoholic beverage license may not be issued to any person under the age of 18. This bill provides that the beneficiary of a trust who is under the age of 18 (the age of majority), but is otherwise qualified to hold an interest in a license, may qualify so long as the trustee qualifies and holds the beneficiary's interest in trust until the beneficiary is at least 18 years old.

The bill also updates R.S.33:1-25 to bring it into conformity with P.L.1972, c.81 (C.9:17B-1 et seq.), which established the age of majority at 18 years of age.

# SENATE, No. 656

## STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

**Sponsored by:**

**Senator PAUL A. SARLO**

**District 36 (Bergen, Essex and Passaic)**

**SYNOPSIS**

Permits qualified trustee to hold interest in alcoholic beverage license for qualified beneficiary under age 18.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



S656 SARLO

2

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S656 SARLO

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S656 SARLO

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STATEMENT

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27 majority at 18 years of age.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'  
AFFAIRS COMMITTEE

STATEMENT TO

**SENATE, No. 656**

**STATE OF NEW JERSEY**

DATED: FEBRUARY 14, 2008

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably Senate Bill No. 656.

Currently, an alcoholic beverage license may not be issued to any person under the age of 18 or to any person who has been convicted of a crime involving moral turpitude. This bill provides that the beneficiary of a trust who is under the age of 18 (the age of majority), but is otherwise qualified to hold an interest in a license, may qualify so long as the trustee qualifies and holds the beneficiary's interest in trust until the beneficiary is at least 18 years old.

The bill also updates R.S.33:1-25 to bring it into conformity with P.L.1972, c.81 (C.9:17B-1 et seq.), which established the age of majority at 18 years of age.

This bill was pre-filed for introduction in the 2008-2009 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.