

33:1-40.3

LEGISLATIVE HISTORY CHECKLIST  
Compiled by the NJ State Law Library

(Alcoholic beverages--sales)

NJSA: 33:1-40.3

LAWS OF: 1997

CHAPTER: 54

BILL NO: S910

SPONSOR(S): Rice

DATE INTRODUCED: March 7, 1996

COMMITTEE: ASSEMBLY: Law & Public Safety

SENATE: Law & Public Safety

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: February 20, 1997

SENATE: November 7, 1996

DATE OF APPROVAL: April 1, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:  
REPORTS: No

HEARINGS: No

KBP:pp

REMOVED  
LIBRARY COPY

P.L. 1997, CHAPTER 54, *approved April 1, 1997*  
Senate, No. 910

1 AN ACT concerning certain sales of alcoholic beverages in cities of the  
2 first class and amending P.L.1971, c.184.

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

6  
7 1. Section 1 of P.L.1971, c.184 (C.33:1-40.3) is amended to read  
8 as follows:

9 1. **[Except in a city of the first class whenever]** Whenever the sale  
10 of alcoholic beverages for consumption on the premises and off the  
11 premises or either thereof is authorized in any municipality by  
12 ordinance or rule or regulation of the Division of Alcoholic Beverage  
13 Control, by the holder of a retail consumption or retail distribution  
14 license, such ordinance or rule shall authorize the sale of wine and malt  
15 alcoholic beverages in original bottle or can containers for  
16 consumption off the premises on the same days and during the same  
17 hours as the sale of alcoholic beverages for consumption on the  
18 premises is permitted and authorized in the municipality. If a  
19 municipality has no ordinance or local law that authorizes the sale of  
20 alcoholic beverages for consumption on the premises, then the  
21 municipality may by ordinance authorize the sale of wine and malt  
22 alcoholic beverages in original bottle or can containers by retail  
23 distribution licensees any time between the hours of 12:30 p.m. and  
24 6:30 p.m. on Sunday, in addition to such weekday hours as may be  
25 authorized by ordinance.

26 **[Notwithstanding the provisions of this section or any other law to**  
27 **the contrary, a city of the first class which prohibits the Sunday sale of**  
28 **alcoholic beverages for consumption on the premises shall not permit**  
29 **the sale on Sunday of wine and malt alcoholic beverages in original**  
30 **bottle or can containers for consumption off the premises.]**

31 Notwithstanding the provisions of this section or any other law to  
32 the contrary, a city of the first class may establish by ordinance  
33 separate hours for:

34 (1) sales by each type of retail license set forth in R.S.33:1-12. and  
35 (2) sales by such licensees for consumption on the premises and  
36 consumption off the premises.

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

**Matter underlined thus is new matter.**

1 All parts of ordinances and regulations of the Director of the  
2 Division of Alcoholic Beverage Control inconsistent with the  
3 provisions of this act are superseded to the extent of such  
4 inconsistency.  
5 (cf: P.L.1991, c.370, s.1)

6

7 2. This act shall take effect immediately.

8

9

10 STATEMENT

11

12 P.L.1971, c.184 (C.33:1-40.3) provided that municipalities must  
13 permit the sale of wine and beer in original bottle or can containers for  
14 off-premise consumption on the same days and during the same hours  
15 as the sale of alcoholic beverages for on-premise consumption is  
16 permitted. P.L.1991, c.370 amended that law to provide an exception  
17 for cities of the first class. It also provided that a city of the first class  
18 which prohibits Sunday sales of alcoholic beverages for on-premise  
19 consumption could not permit Sunday sales of wine and beer for  
20 off-premise consumption.

21 The bill limits those restrictions to a city of the first class located in  
22 a county having a population of less than 700,000 according to the  
23 1990 federal decennial census.

24

25

26

27

28 \_\_\_\_\_  
29 Makes certain restrictions on sale of package goods applicable only to  
certain cities of the first class.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

**SENATE, No. 910**

**STATE OF NEW JERSEY**

DATED: JANUARY 9, 1997

The Assembly Law and Public Safety Committee reports favorably Senate Bill No. 910.

Senate Bill No. 910 amends section 1 of P.L.1971, c.184 (C.33:1-40.3) to permit first class cities to regulate certain alcoholic beverage sales by ordinance.

Under the provisions of the bill, cities of the first class would be permitted to establish separate hours during which the various types of retail licensees established under R.S.33:1-12 may sell alcoholic beverages and the hours during which those licensees may sell for on-premise and off-premise consumption.

Municipalities are statutorily required to permit the sale of wine and beer for off-premise consumption (liquor store sales/retail licensees) on the same days and during the same hours that bars (retail consumption licensees) are permitted to sell alcoholic beverages for on-premise consumption by their patrons.

In 1991, with the enactment of P.L.1991, c.370, first class cities were exempted from this requirement. In addition, that statute prohibited first class cities that did not permit the sale of alcoholic beverages for on-premise consumption on Sundays (bar sales) from allowing retail licensees to sell wine and beer on Sundays. This bill removes that prohibition.

It is the committee's understanding that the provisions of the bill would apply only to Newark and Jersey City.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

**SENATE, No. 910**

**STATE OF NEW JERSEY**

DATED: MAY 9, 1996

The Senate Law and Public Safety Committee reports favorably Senate Bill No.910.

P.L.1971, c.184 (C.33:1-40.3) provided that municipalities must permit the sale of wine and beer in original bottle or can containers for off-premises consumption on the same days and during the same hours as the sale of alcoholic beverages for on-premises consumption is permitted. P.L.1991, c.370 amended that law to provide an exception for cities of the first class. It also provided that a city of the first class which prohibits Sunday sales of alcoholic beverages for on-premises consumption could not permit Sunday sales of wine and beer for off-premises consumption. This bill repeals those provisions.

The bill further provides that a city of the first class may establish by ordinance separate hours of sale for each type of retail license established in R.S.33:1-12, and separate hours for sale by such licensees for on-premises and off-premises consumption.