

LEGISLATIVE HISTORY CHECKLIST
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(Alcoholic beverage law
enforcement fees)

NJSA: 33:1-4.1

LAWS OF: 1992 CHAPTER: 188

BILL NO: A1863

SPONSOR(S) Struhltrager

DATE INTRODUCED: October 1, 1992

COMMITTEE: ASSEMBLY: Appropriations
 SENATE: ---

AMENDED DURING PASSAGE: Yes Amendments during passage
 denoted by asterisks

DATE OF PASSAGE: ASSEMBLY: November 12, 1992
 SENATE: November 30, 1992

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FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes
 SENATE: No

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VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

[FIRST REPRINT]
ASSEMBLY, No. 1863

STATE OF NEW JERSEY

INTRODUCED OCTOBER 1, 1992

By Assemblymen STUHLTRAGER, R. BROWN, Catania,
Lustbader, Gibson, Solomon, Assemblywomen Derman, Haines,
Assemblymen Azzolina, Felice, Roberts, Assemblywoman
Weber, Assemblymen Wolfe, Kenny, Assemblywoman Smith,
Assemblymen Geist, Mikulak and Collins

1 AN ACT to provide a stable funding source for enforcement of
2 the Alcoholic Beverage Law, to more equitably distribute the
3 cost of regulating the industry by increasing fees assessed
4 under Title 33, amending various sections of statutory law, and
5 supplementing Title 33 of the Revised Statutes.
6

7 BE IT ENACTED *by the Senate and General Assembly of the*
8 *State of New Jersey:*

9 1. R.S.33:1-2 is amended to read as follows:

10 33:1-2. a. It shall be unlawful to manufacture, sell, possess
11 with intent to sell, transport, warehouse, rectify, blend, treat,
12 fortify, mix, process, bottle or distribute alcoholic beverages in
13 this State, except pursuant to and within the terms of a license,
14 or as otherwise expressly authorized, under this chapter; but any
15 drink actually intended for immediate personal use may be mixed
16 by any person. Except as hereinafter provided, a person may,
17 without limitation, purchase any amount of alcoholic beverages
18 intended in good faith to be used solely for personal use and may
19 personally transport those alcoholic beverages so purchased for
20 personal use in any vehicle from a point within this State.
21 Alcoholic beverages intended in good faith solely for personal use
22 may be transported, by the owner thereof, in a vehicle other than
23 that of the holder of a transportation license, from a point
24 outside this State to the extent of, not exceeding 1/4 barrel or
25 one case containing not in excess of 12 quarts in all, of beer, ale
26 or porter, and one gallon of wine and two quarts of other
27 alcoholic beverages within any consecutive period of 24 hours;
28 provided, however, that except pursuant to and within the terms
29 of a license or permit issued by the director, no person shall
30 transport into this State or receive from without this State into
31 this State, alcoholic beverages where the alcoholic beverages are
32 transported or received from a state which prohibits the
33 transportation into that state of alcoholic beverages purchased or
34 otherwise obtained in the State of New Jersey. If any person or
35 persons desire to transport alcoholic beverages intended only for
36 personal use in quantities in excess of those above-mentioned, an
37 application may be made to the director who may, upon being

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AAP committee amendments adopted November 9, 1992.

1 satisfied of the good faith of the applicant, and upon payment of
2 a fee of ¹[\$5.00] \$25.00¹ issue a special permit limited by such
3 conditions as the director may impose, authorizing the
4 transportation of alcoholic beverages in quantities in excess of
5 those above-mentioned.

6 b. A holder of a Class B license under R.S.33:1-11 shall not
7 sell or deliver for sale in New Jersey any brand of alcoholic
8 beverage for resale in this State unless the alcoholic beverage is
9 acquired from the brand owner, or his authorized agent, or a
10 wholesale licensee designated as the registered distributor by the
11 brand owner, or his authorized agent.

12 c. No licensee shall knowingly sell, offer for sale, deliver,
13 receive or purchase, for resale in this State, any alcoholic
14 beverage, including private label brands owned by a retailer and
15 exclusive brands owned by a manufacturer or wholesaler and
16 offered for sale or sold by such manufacturer or wholesaler
17 exclusively to one New Jersey retailer or affiliated retailer,
18 unless the brand owner or his authorized agent files with the
19 Director of the Division of Alcoholic Beverage Control a brand
20 registration schedule containing such information as the director
21 shall by rule or regulation require. Each brand registration
22 schedule must be renewed annually by January 1 of each year.

23 d. Each person who files a brand registration schedule[,] and
24 amendments thereto shall pay a filing fee [to cover the
25 reasonable costs incurred by the director in connection with the
26 filing, but not in excess] of ¹[\$10.00] \$20.00¹ per filing for each
27 initial brand registration and annual renewal and ¹[\$7.00] \$10.00¹
28 for each amendment. Any registration may be suspended or
29 revoked in the same manner as an alcoholic beverage license for
30 any violation of Title 33 of the Revised Statutes and the rules and
31 regulations promulgated thereto.

32 e. Nothing contained in this section shall be deemed to limit or
33 modify the prohibition against discrimination in the sale of any
34 nationally advertised brand of alcoholic beverages to currently
35 authorized wholesalers as set forth in P.L.1966, c.59 (C.33:1-93.6
36 et seq.) nor shall this section be deemed to require the sale to
37 anyone other than authorized retailers of private label brands
38 which are owned by a retailer or exclusive brands which are
39 owned by a manufacturer or wholesaler and offered for sale or
40 sold by the manufacturer or wholesaler exclusively to one retailer
41 or affiliated retailer, in this State.

42 (cf: P.L.1991, c.402, s.1)

43 2. R.S.33:1-22 is amended to read as follows:

44 33:1-22. If the other issuing authority shall refuse to issue any
45 license, or if the other issuing authority shall refuse to extend
46 [said] the license for a limited time not exceeding its term, to the
47 executor or administrator of a deceased licensee, or to [such] a
48 person who shall be appointed by the courts having jurisdiction, in
49 the event of the incompetency of any licensee, the applicant shall
50 be notified forthwith of [such] the refusal by a notice served
51 personally upon the applicant, or sent to him by registered mail
52 addressed to him at the address stated in the application. [Such]
53 The applicant may within 30 days after the date of service or of
54 mailing of [such] the notice, upon payment to the director of a

1 nonreturnable filing fee of [\$50.00] ¹[\$75.00] \$100.00¹, appeal to
2 the director from the action of the issuing authority. If the other
3 issuing authority shall issue a license, or grant an extension of
4 [said] the license for a limited time not exceeding its term, to the
5 executor or administrator of a deceased licensee, or to [such] a
6 person who shall be appointed by the courts having jurisdiction, in
7 the event of the incompetency of any licensee, any taxpayer or
8 other aggrieved person opposing the issuance of [such] the license
9 may, within 30 days after the issuance of [such] the license, upon
10 payment to the director of a nonreturnable filing fee of [\$50.00]
11 ¹[\$75.00] \$100.00¹, appeal to the director from the action of the
12 issuing authority. The director shall fix a time for the hearing of
13 the appeal and before hearing the same, shall give at least [5]
14 five days' notice of the time so fixed to [such] the applicant,
15 [such] taxpayer, or other aggrieved person and other issuing
16 authority.

17 Where an appeal is taken from the denial of an application for
18 a renewal of a license, the director may, in his discretion, issue
19 an order upon the respondent issuing authority to show cause why
20 the term of the license should not be extended pending the
21 determination of the appeal, together with ad interim relief
22 extending the term of the license pending the return of the order
23 to show cause. If it shall appear upon the return of the order to
24 show cause that the action of the respondent issuing authority is
25 prima facie erroneous and that irreparable injury to the appellant
26 would otherwise result, the director may, subject to [such]
27 conditions as he may impose, order that the term of the license
28 be extended pending a final determination of the appeal.

29 (cf: P.L.1971, c.9, s.1)

30 3. R.S.33:1-25 is amended to read as follows:

31 33:1-25. No license of any class shall be issued to any person
32 under the age of 21 years or to any person who has been
33 convicted of a crime involving moral turpitude.

34 In applications by corporations, except for club licenses, the
35 names and addresses of, and the amount of stock held by, all
36 stockholders holding 1% or more of any of the stock thereof, and
37 the names and addresses of all officers and of all members of the
38 board of directors must be stated in the application, and if one or
39 more of [such] the officers or members of the board of directors
40 or one or more of the owners, directly or indirectly, of more than
41 10% of [such] the stock would fail to qualify as an individual
42 applicant in all respects, no license of any class shall be granted.

43 In applications for club licenses, the names and addresses of all
44 officers, trustees, directors, or other governing official, together
45 with the names and addresses of all members of the corporation,
46 association or organization, must be stated in the application.

47 In applications by partnerships, the application shall contain
48 the names and addresses of all of the partners. No license shall
49 be issued unless all of the partners would qualify as individual
50 applicants.

51 A photostatic copy of all [Federal] federal permits necessary to
52 the lawful conduct of the business for which a State license is
53 sought and which relate to alcoholic beverages, or other evidence
54 in lieu thereof satisfactory to the director, must accompany the

1 license application, together with a deposit of the full amount of
2 the required license fee, which deposit to the extent of 90%
3 thereof shall be returned to the applicant by the director or other
4 issuing authority if the application is denied, and the remaining
5 10% shall constitute an investigation fee and be accounted for as
6 other license fees.

7 Every applicant for a license that is not a renewal of an annual
8 license shall cause a notice of the making of [such] the
9 application to be published in a form prescribed by rules and
10 regulations, once [a] per week for [2] two weeks successively in a
11 newspaper printed in the English language, published and
12 circulated in the municipality in which the licensed premises are
13 located[:]; but if there shall be no such newspaper, then [such]
14 the notice shall be published in a newspaper, printed in the
15 English language, published and circulated in the county in which
16 the licensed premises are located. No publication shall be
17 required with respect to applications for transportation or public
18 warehouse licenses or with respect to applications for renewal of
19 licenses.

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

31 Every person filing an application for license, renewal of
32 license or transfer of license with a municipal issuing authority
33 shall, within 10 days of such filing, file with the director a copy
34 of [such] the application together with a nonreturnable filing fee
35 of [\$50.00] ¹[\$150.00] \$100.00¹.

36 Applicants for licenses shall answer [such] questions as may be
37 asked and make [such] declarations as shall be required by the
38 form of application for license as may be promulgated by the
39 director from time to time. All applications shall be duly sworn
40 to by each of the applicants, except in the case of applicants in
41 the military service of the United States whose applications may
42 be signed in their behalf by an attorney-in-fact holding a power
43 of attorney in form approved by the director, and except in cases
44 of applications by corporations which shall be duly sworn to by
45 the president or vice-president. All statements in [said] the
46 applications required to be made by law or by rules and
47 regulations shall be deemed material, and any person who shall
48 knowingly misstate any material fact, under oath, in [said] the
49 application shall be guilty of a misdemeanor. Fraud,
50 misrepresentation, false statements, misleading statements,
51 evasions or suppression of material facts in the securing of a
52 license are grounds for suspension or revocation of the license.

53 (cf: P.L.1976, c.44, s.5)

54 4. R.S.33:1-26 is amended to read as follows:

1 33:1-26. All licenses shall be for a term of [1] one year from
2 July 1 in each year. The respective fees for any such license
3 shall be [~~pro-rated~~] prorated according to the effective date of
4 [~~such~~] the license and based on the respective annual fee as in
5 this chapter provided. Where the license fee deposited with the
6 application exceeds [~~such~~] the prorated fee, a refund of the
7 excess shall be made to the licensee.

8 Licenses are not transferable except as hereinafter provided. A
9 separate license is required for each specific place of business
10 and the operation and effect of every license is confined to the
11 licensed premises. No retail license of any class shall be issued
12 to any holder of manufacturer's or wholesaler's license, and no
13 manufacturer's or wholesaler's license shall be issued to the
14 holder of a retail license of any class. Any person who shall
15 exercise or attempt to exercise, or hold himself out as authorized
16 to exercise, the rights and privileges of a license except the
17 licensee and then only with respect to the licensed premises, shall
18 be guilty of a misdemeanor.

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

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

44 On application made therefor setting forth the same matters
45 and things with reference to the person to whom a transfer of
46 license is sought as are required to be set forth in connection
47 with an original application for license, which application for
48 transfer shall be signed and sworn to by the person to whom the
49 transfer of license is sought and shall bear the consent in writing
50 of the licensee to [~~such~~] the transfer, and after publication of
51 notice of intention by the person to whom the transfer of license
52 is sought, to apply for transfer in the same manner as is required
53 in the case of an original application for license, the director or
54 other issuing authority, as the case may be, may transfer any

1 license issued by him or it respectively to [such] the applicant for
2 transfer by endorsing the license. [Such] The application and the
3 applicant shall comply with all requirements of this chapter
4 pertaining to an original application for license and shall be
5 accompanied, in lieu of the license fee required on the original
6 application, by a fee of 10% of the annual license fee for the
7 license sought to be transferred, which 10% shall be retained by
8 the director or other issuing authority, as the case may be,
9 whether the transfer be granted or not, and accounted for as
10 other license fees.

11 If the other issuing authority shall refuse to grant a transfer
12 the applicant shall be notified forthwith of [such] the refusal by a
13 notice served personally upon the applicant, or sent to him by
14 registered mail addressed to him at the address stated in the
15 application, and [such] the applicant may, within 30 days after
16 the date of service or mailing of [such] the notice, appeal to the
17 director from the action of the issuing authority. If the other
18 issuing authority shall grant a transfer, any taxpayer or other
19 aggrieved person opposing the grant of the transfer may, within
20 30 days after the grant of [such] the transfer, appeal to the
21 director from the action of the issuing authority.

22 No person who would fail to qualify as a licensee under this
23 chapter shall be knowingly employed by or connected in any
24 business capacity whatsoever with a licensee. [Persons] A person
25 failing to qualify as to age or by reason of conviction of a crime
26 involving moral turpitude may, with the approval of the director,
27 and subject to rules and regulations, be employed by any licensee,
28 but [such] the employee if disqualified by age shall not, in any
29 manner whatsoever serve, sell or solicit the sale or participate in
30 the manufacture, rectification, blending, treating, fortification,
31 mixing, processing or bottling of any alcoholic beverage; and
32 further provided, that no permit shall be necessary for the
33 employment in a bona fide hotel or restaurant of any person
34 failing to qualify as to age so long as [such] the person shall not in
35 any manner whatsoever serve, sell or solicit the sale of any
36 alcoholic beverage, or participate in the mixing, processing or
37 preparation thereof.

38 Any request for relief under this section shall be accompanied
39 by a nonreturnable filing fee of ¹[\$75.00] \$100.00¹ payable to the
40 director.

41 (cf: P.L.1973, c.285, s.1)

42 5. R.S.33:1-31.2 is amended to read as follows:

43 33:1-31.2. Any person convicted of a crime involving moral
44 turpitude[,] may, after the lapse of five years from the date of
45 conviction, apply to the commissioner for an order removing the
46 resulting statutory disqualification from obtaining or holding any
47 license or permit under this chapter. Whenever any such
48 application is made and it appears to the satisfaction of the
49 commissioner that at least five years have elapsed from the date
50 of conviction, that the applicant has conducted himself in a
51 law-abiding manner during that period and that his association
52 with the alcoholic beverage industry will not be contrary to the
53 public interest, the commissioner may, in his discretion and
54 subject to rules and regulations, enter an order removing the

1 applicant's disqualification from obtaining or holding a license or
2 permit because of the conviction.

3 On and after the date of the entry of [such] the order, the
4 person therein named shall be qualified to obtain and hold a
5 license or permit under this chapter, notwithstanding the
6 conviction therein referred to, provided he is, in all other
7 respects, qualified under this chapter.

8 Any request for relief under this section shall be accompanied
9 by a nonreturnable filing fee of ¹[\$75.00] \$100.00¹ payable to the
10 director.

11 (cf: P.L.1938, c.350, s.1)

12 6. Section 2 of P.L.1982, c.166 (C.33:1-11.6) is amended to
13 read as follows:

14 2. No State beverage distributor's license, as defined in
15 subsection [2c.] c. of section 2 of R.S. 33:1-11, shall be renewed
16 if it has not been actively used in connection with the operation
17 of a licensed premises within a period of [2] two years prior to
18 the commencement date of the license period for which the
19 renewal application is filed, unless the director, for good cause
20 and after a hearing, authorizes a further application for renewal;
21 provided, however, that, if the licensee has been deprived of the
22 use of the licensed premises as a result of eminent domain, fire
23 or other casualty, and establishes by affidavit filed with the
24 director that he is making a good faith effort to resume active
25 use of the license in connection with the operation of a licensed
26 premises, then the period of two years provided for in this section
27 shall be automatically extended for an additional two years.
28 Commencing on the effective date of this act, no additional State
29 beverage distributors' licenses shall be issued to exceed the
30 number in existence on the date this act takes effect.

31 Any request for relief under this section shall be accompanied
32 by a nonreturnable filing fee of ¹[\$75.00] \$100.00¹ payable to the
33 director.

34 (cf: P.L.1982, c.166, s.2)

35 7. Section 6 of P.L.1947, c.94 (C.33:1-12.18) is amended to
36 read as follows:

37 6. Nothing in this act shall be deemed to prevent the issuance
38 of a new license to a person who files application therefor within
39 [sixty] 60 days following the expiration of the license renewal
40 period if the [State commissioner] director shall determine in
41 writing that the applicant's failure to apply for a renewal of his
42 license was due to circumstances beyond his control.

43 Any request for relief under this section shall be accompanied
44 by a nonreturnable filing fee of ¹[\$75.00] \$100.00¹ payable to the
45 director.

46 (cf: P.L.1947, c.94, s.6)

47 8. Section 1 of P.L.1977, c.246 (C.33:1-12.39) is amended to
48 read as follows:

49 1. No Class C license, as the same is defined in R.S. 33:1-12,
50 shall be renewed if the same has not been actively used in
51 connection with the operation of a licensed premises within a
52 period of [2] two years prior to the commencement date of the
53 license period for which the renewal application is filed unless
54 the director, for good cause and after a hearing, authorizes a

1 further application for renewal; provided, however that, if the
2 licensee has been deprived of the use of the licensed premises as
3 a result of eminent domain fire or other casualty, and establishes
4 by affidavit filed with the director that he is making a good faith
5 effort to resume active use of the license in connection with the
6 operation of a licensed premise then the period of [2] two years
7 provided for in this section shall be automatically extended for an
8 additional period of [2] two years.

9 Any request for relief under this section shall be accompanied
10 by a nonreturnable filing fee of ¹[\$75.00] \$100.00¹ payable to the
11 director.

12 (cf: P.L.1977, c.246, s.1)

13 9. Section 2 of P.L.1966, c.59 (C.33:1-93.7) is amended to read
14 as follows:

15 2. In the event any such importer, blender, distiller, rectifier
16 or winery shall refuse to sell alcoholic beverages, other than malt
17 alcoholic beverages, to any such individual wholesaler or comply
18 with the provisions of this act, then [such] the wholesaler shall
19 petition the director setting forth the facts and demanding a
20 hearing thereon to determine whether or not [said] the refusal to
21 sell was discriminatory.

22 Any petition under this section shall be accompanied by a
23 nonreturnable filing fee of ¹[\$75.00] \$100.00¹ payable to the
24 director.

25 (cf: P.L.1966, c.59, s.2)

26 ¹10. R.S.33:1-27 is amended to read as follows:

27 33:1-27. [All fees collected by the Director of the Division of
28 Alcoholic Beverage Control shall be promptly paid to the State
29 Treasurer, and thereupon shall become part of the free treasury
30 funds of this State.]

31 Any statute or exemption to the contrary notwithstanding, no
32 license shall be issued to any person except upon payment of the
33 full fee therefor or as above prorated; but no license shall be
34 required and no fee charged in connection with the retail sale of
35 alcoholic beverages for consumption on the premises where sold,
36 when sold at any camp, post or regimental exchange duly
37 organized under the regulations of the United States Army or
38 Navy or Marine Corps or Coast Guard or when sold by any
39 voluntary unincorporated organization of the Armed Forces
40 operating a place for the sale of goods pursuant to the regulations
41 promulgated by the Secretaries of the respective Departments of
42 National Government under which the Armed Services operate or,
43 if the consent of the State Military Board shall have been first
44 obtained, under the State National Guard regulations.¹

45 (cf: P.L.1952, c.126, s.1)

46 ¹11. R.S.33:1-31 is amended to read as follows:

47 33:1-31. Any license, whether issued by the director or any
48 other issuing authority, may be suspended or revoked by the
49 director, or the other issuing authority may suspend or revoke any
50 license issued by it, for any of the following causes:

51 a. Violation of any of the provisions of this chapter;

52 b. Manufacture, transportation, distribution or sale of
53 alcoholic beverages in a manner or to an extent not permitted by
54 the license or by law;

1 c. Nonpayment of any excise tax or other payment required by
2 law to be paid to the State Tax Commissioner;

3 d. Failure to comply with any of the provisions of subtitle 8 of
4 the Title Taxation (§54:41-1 et seq.);

5 e. Failure to have at all times a valid, unrevoked permit,
6 license or special tax stamp, or other indicia of payment, of all
7 fees, taxes, penalties and payments required by any law of the
8 United States;

9 f. Failure to have at all times proper stamps or other proper
10 evidence of payment of any tax required to be paid by any law of
11 this State;

12 g. Any violation of rules and regulations;

13 h. Any violation of any ordinance, resolution or regulation of
14 any other issuing authority or governing board or body;

15 i. Any other act or happening, occurring after the time of
16 making of an application for a license which if it had occurred
17 before said time would have prevented the issuance of the
18 license; or

19 j. For any other cause designated by this chapter.

20 No suspension or revocation of any license shall be made until a
21 5-day notice of the charges preferred against the licensee shall
22 have been given to him personally or by mailing the same by
23 registered mail addressed to him at the licensed premises and a
24 reasonable opportunity to be heard thereon afforded to him.

25 A suspension or revocation of license shall be effected by a
26 notice in writing of such suspension or revocation, designating the
27 effective date thereof, and in case of suspension, the term of
28 such suspension, which notice may be served upon the licensee
29 personally or by mailing the same by registered mail addressed to
30 him at the licensed premises. Such suspension or revocation shall
31 apply to the licensee and to the licensed premises.

32 A revocation shall render the licensee and the officers,
33 directors and each owner, directly or indirectly, of more than
34 10% of the stock of a corporate licensee ineligible to hold or
35 receive any other license, of any kind or class under this chapter,
36 for a period of [2] two years from the effective date of such
37 revocation and a second revocation shall render the licensee and
38 the officers, directors and each owner, directly or indirectly, of
39 more than 10% of the stock of a corporate licensee ineligible to
40 hold or receive any such license at any time thereafter. Any
41 revocation may, in the discretion of the director or other issuing
42 authority as the case may be, render the licensed premises
43 ineligible to become the subject of any further license, of any
44 kind or class under this chapter, during a period of [2] two years
45 from the effective date of the revocation.

46 The director may, in his discretion and subject to rules and
47 regulations, accept from any licensee an offer in compromise in
48 such amount as may in the discretion of the director be proper
49 under the circumstances in lieu of any suspension of any license
50 by the director or any other issuing authority. [Any sums of
51 money so collected by the director shall be paid forthwith into
52 the State Treasury for the general purpose of the State.]

53 No refund, except as expressly permitted by section 33:1-26 of
54 this Title, shall be made of any portion of a license fee after

1 issuance of a license; but if any licensee, except a seasonal retail
2 consumption licensee, shall voluntarily surrender his license,
3 there shall be returned to him, after deducting as a surrender fee
4 50% of the license fee paid by him, the prorated fee for the
5 unexpired term; provided, that such licensee shall not have
6 committed any violation of this chapter or of any rule or
7 regulation or done anything which in the fair discretion of the
8 director or other issuing authority, as the case may be, should bar
9 or preclude such licensee from making such claim for refund and
10 that all taxes and other set-offs or counterclaims which shall
11 have accrued and shall have become due and payable to this State
12 or any municipality, or both, have been paid. Such refund, if any,
13 shall be made as of the date of such surrender. The surrender of a
14 license shall not bar proceedings to revoke such license. The
15 refusal of the other issuing authority to grant any refund
16 hereunder shall be subject to appeal to the director within
17 30 days after notice of such refusal is mailed to or served upon
18 the licensee. Surrenders of retail licenses shall be promptly
19 certified by the issuing authority to the director. Surrender fees
20 shall be accounted for as are investigation fees. If any licensee to
21 whom a refund shall become due under the provisions of this
22 section shall be indebted to the State of New Jersey for any
23 taxes, penalties or interest by virtue of the provisions of subtitle
24 8 of the Title Taxation (§ 54:41-1 et seq.), it shall be the duty of
25 the issuing authority before making any such refund, upon receipt
26 of a certificate of the State Tax Commissioner evidencing the
27 said indebtedness to the State of New Jersey, to deduct
28 therefrom, and to remit forthwith to the State Tax Commissioner
29 the amount of such taxes, penalties and interest.

30 In the event of any suspension or revocation of any license by
31 the other issuing authority, the licensee may, within 30 days after
32 the date of service or of mailing of said notice of suspension or of
33 revocation, upon payment to the director of a nonreturnable
34 filing fee of [~~\$50.00~~] \$100.00, appeal to the director from the
35 action of the other issuing authority in suspending or revoking
36 such license which appeal shall act as a stay of such suspension or
37 revocation pending the determination thereof unless the director
38 shall otherwise order. When any person files with any other
39 issuing authority written complaint against a licensee specifying
40 charges and requesting that proceedings be instituted to revoke
41 or suspend such license, he may appeal to the director from its
42 refusal to revoke or suspend such license or other action taken by
43 it in connection therewith within 30 days from the time of
44 service upon or mailing of notice to him of such refusal or
45 action. The director shall thereupon fix a time for the hearing of
46 the appeal and before hearing the same shall give at least [5] five
47 days' notice of the time so fixed to such licensee, other issuing
48 authority and appellant.¹

49 (cf: P.L.1971, c.9, s.2)

50 ¹12. R.S.33:1-28 is amended to read as follows:

51 33:1-28. Licensees, except public warehouse licensees, may
52 transport alcoholic beverages in their own vehicles, solely,
53 however, for their own respective business in connection with and
54 as defined in their respective licenses, without possessing a

1 transportation license; provided, however, that such vehicles
2 while so used shall be marked in the manner prescribed for all
3 vehicles authorized to transport alcoholic beverages as shall be
4 provided in rules and regulations. Each vehicle so used shall bear
5 a transit insignia to be furnished by the director at a fee of
6 ~~[\$25.00]~~ \$50.00 each.¹

7 (cf: P.L.1976, c.44, s.6)

8 ¹13. R.S.33:1-74 is amended to read as follows:

9 33:1-74. a. To provide for contingencies where it would be
10 appropriate and consonant with the spirit of this chapter to issue
11 a license but the contingency has not been expressly provided for,
12 the director of the division may for special cause shown, subject
13 to rules and regulations, issue temporary permits. The fee for a
14 one-day permit authorizing the sale of alcoholic beverages for
15 consumption on a designated premises by a civic, religious,
16 educational or veterans organization shall be \$50.00 and for a
17 one-day permit authorizing such sale by any other organization,
18 \$75.00. The fee for any other type of temporary permit shall be
19 determined in each case by the director of the division and shall
20 not be less than \$5.00 nor more than ~~[\$500.00]~~ \$1,000.00, payable
21 to the director of the division and to be accounted for by [him]
22 the director as are license fees.

23 b. As to any designated premises such temporary permits shall
24 not exceed in the aggregate 25 in any one calendar year, but the
25 director of the division may by said rules and regulations provide
26 for a lesser number in the aggregate for any such designated
27 premises in any one calendar year.

28 c. The issuance of temporary permits to authorize the sale of
29 alcoholic beverages by the glass or other open receptacle by
30 civic, religious, educational, veterans or other qualified
31 organizations shall be permissible, notwithstanding that the sale
32 of alcoholic beverages has otherwise been prohibited by
33 referendum under R.S.33:1-44 through R.S.33:1-47 or municipal
34 ordinance or resolution.¹

35 (cf: P.L.1991, c.334, s.1)

36 ¹[10.] 14.¹ (New Section) ¹[Notwithstanding any other
37 provision of law to the contrary, all] All¹ fees and penalties
38 collected by the Director of the Division of Alcoholic Beverage
39 Control pursuant to the provisions of Title 33 of the Revised
40 Statutes shall be forwarded to the State Treasurer for deposit in
41 a special ¹[account to] nonlapsing fund. Monies in the fund shall¹
42 be used exclusively for the operation of the Alcoholic Beverage
43 Control Enforcement Bureau in the Division of State Police and
44 the Division of Alcoholic Beverage Control and for
45 reimbursement of all additional costs of enforcement of the
46 provisions of Title 33 incurred by the Department of Law and
47 Public Safety. ¹[All funds collected by the director in excess of
48 the costs of operation and enforcement shall be returned to the
49 General State Fund.]¹

50 ¹15. (New section) Notwithstanding the provisions of
51 R.S.33:1-25 to the contrary, a person whose renewal for an
52 annual license for the period from July 1, 1992, to July 1, 1993,
53 pursuant to R.S.33:1-25 was approved on or after July 1, 1992,
54 and prior to the effective date of P.L. , c. (now pending

1 before the Legislature as this bill), is assessed an additional filing
2 fee of \$50, which shall be paid to the director on or before
3 February 1, 1993, accompanied by such information in such form
4 as the director may prescribe.¹

5 ¹[11.] 16.¹ This act shall take effect immediately¹, but section
6 14 shall remain inoperative until July 1, 1993¹.

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11 _____
12 Increases and establishes various fees to fund alcoholic beverage
law enforcement.

1 9. Section 2 of P.L.1966, c.59 (C.33:1-93.7) is amended to read
2 as follows:

3 2. In the event any such importer, blender, distiller, rectifier
4 or winery shall refuse to sell alcoholic beverages, other than malt
5 alcoholic beverages, to any such individual wholesaler or comply
6 with the provisions of this act, then [such] the wholesaler shall
7 petition the director setting forth the facts and demanding a
8 hearing thereon to determine whether or not [said] the refusal to
9 sell was discriminatory.

10 Any petition under this section shall be accompanied by a
11 nonreturnable filing fee of \$75.00 payable to the director.

12 (cf: P.L.1966, c.59, s.2)

13 10. (New Section) Notwithstanding any other provision of law
14 to the contrary, all fees and penalties collected by the Director
15 of the Division of Alcoholic Beverage Control pursuant to the
16 provisions of Title 33 of the Revised Statutes shall be forwarded
17 to the State Treasurer for deposit in a special account to be used
18 exclusively for the operation of the Alcoholic Beverage Control
19 Enforcement Bureau in the Division of State Police and the
20 Division of Alcoholic Beverage Control and for reimbursement of
21 all additional costs of enforcement of the provisions of Title 33
22 incurred by the Department of Law and Public Safety. All funds
23 collected by the director in excess of the costs of operation and
24 enforcement shall be returned to the General State Fund.

25 11. This act shall take effect immediately.

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28 STATEMENT

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30 This bill establishes and increases various fees collected by the
31 Division of Alcoholic Beverage Control in the Department of Law
32 and Public Safety. The additional revenue from these fees and
33 penalties will provide a more stable funding source for
34 enforcement of the alcoholic beverage laws.

35 Specifically, this bill authorizes the following new fees and fee
36 increases:

37 • An annual \$10 fee for registering alcoholic beverage brands
38 and a \$7 fee for amendments to a brand registration schedule are
39 established in lieu of a one-time registration fee of \$10 set in
40 1984;

41 • A \$75 filing fee for persons seeking relief under several
42 sections of law which require the director to accept petitions or
43 appeals is established;

44 • The fee for appeal to the director from action of a local
45 licensing authority is increased from \$50, which was set in 1971,
46 to \$75; and

47 • The fee for filing an application for an initial alcoholic
48 beverage license, license renewal or license transfer is increased
49 from \$50, which was set in 1976, to \$150.

50 To ensure that revenues collected by the division are used for
51 enforcement of alcoholic beverages laws, this bill requires that
52 all fees and penalties collected by the director pursuant to the
53 provisions of Title 33 of the Revised Statutes, the alcoholic
54 beverage control law, be forwarded to the State Treasurer for

1 deposit in a special account. This account is to be used
2 exclusively for the operation of the Alcoholic Beverage Control
3 Enforcement Bureau in the Division of State Police and the
4 Division of Alcoholic Beverage Control and for reimbursement of
5 all additional costs of enforcement of the provisions of Title 33
6 incurred by the Department of Law and Public Safety. Under this
7 bill, all funds collected by the director in excess of the costs of
8 operation and enforcement would be returned to the General
9 State Fund.

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14 _____
15 Increases and establishes various fees to fund alcoholic beverage
law enforcement.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1863

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 9, 1992

The Assembly Appropriations Committee reports without recommendation Assembly Bill No. 1863, with committee amendments.

Assembly Bill No 1863, as amended, establishes and increases various fees collected by the Division of Alcoholic Beverage Control in the Department of Law and Public Safety. The additional revenue from these fees and penalties will provide a more stable funding source for enforcement of the alcoholic beverage laws.

Specifically, this bill authorizes the following new fees and fee increases:

An annual \$20 fee for brand registering and a \$10 fee for amendments to a brand registration schedule are established in lieu of a one-time registration fee of \$10 set in 1984;

A \$100 filing fee for persons seeking relief under several sections of law which require the director to accept petitions or appeals is established;

The fee for appeal to the director from action of a local licensing authority is increased from \$50, which was set in 1971, to \$100; and

The fee for filing an application for an initial alcoholic beverage license, a license renewal or a license transfer is increased from \$50, which was set in 1976, to \$100, as amended from \$150 in the introductory version.

The fee for a transit insignia for display on vehicles transporting alcoholic beverages is increased from \$25 from \$50.

To ensure that revenues collected by the division are used for enforcement of alcoholic beverages laws, this bill requires all fees and penalties collected pursuant to the alcoholic beverage control law, be deposited in a dedicated fund. This fund is to be used exclusively for the operation of the Alcoholic Beverage Control Enforcement Bureau in the Division of State Police, the Division of Alcoholic Beverage Control and for reimbursement of all additional costs of enforcement of the provisions of Title 33 incurred by the Department of Law and Public Safety.

COMMITTEE AMENDMENTS:

The amendments add the increases to the brand registration fees and provide for the uniform increase of State application and protest filing fees to \$100. The amendment increases the fee for transit insignias to be placed in vehicles transporting alcoholic beverages from \$25 to \$50 and increases the maximum fee charged for certain temporary permits from \$500 to \$1,000. The

amendments also provide for the dedication of fees and penalties collected pursuant to the alcoholic beverage control law to the operation of the Alcoholic Beverage Control Enforcement Bureau and the Division of Alcoholic Beverage Control and for reimbursement of the Department of Law and Public Safety's additional costs of enforcement of the provisions of Title 33. The amendments also provide for the assessment of a fee for license renewals approved in Fiscal Year 1993 prior to enactment of the bill, in effect making the license renewal fee increase retroactive to the beginning of the fiscal year.

As amended, this bill is identical to Senate Bill No. 1171 [1R].

FISCAL IMPACT:

According to the Attorney General's Office, the new and increased fees in this bill will generate \$1,216,325 in additional revenues in Fiscal Year 1993. Language in the Fiscal Year 1993 Appropriations Act, P.L.1992, c.40 appropriates such funds for the regulation of alcoholic beverages.

Beginning with Fiscal Year 1994 all fees and penalties collected by the Director of the Division of Alcoholic Beverage Control will be deposited in a dedicated fund and used for the operation of the Alcoholic Beverage Control Enforcement Bureau, the Division of State Police, the Division of Alcoholic Beverage Control and for the reimbursement of all additional costs of enforcement of the programs of Title 33 incurred by the Department of Law and Public Safety.