

33:1-12.40

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 33:1-12.40 to 33:1-12.48

(Liquor store
licenses)

LAWS OF: 1991

CHAPTER: 9

Bill No: S2707

Sponsor(s): Costa

Date Introduced: May 21, 1990

Committee: Assembly: Judiciary

Senate: Law, Public Safety & Defense

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: October 18, 1990

Senate: October 1, 1990

Date of Approval: January 22, 1990

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

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[SECOND REPRINT]

SENATE, No. 2707

STATE OF NEW JERSEY

INTRODUCED MAY 21, 1990

By Senators COSTA, FELDMAN and LIPMAN

1 AN ACT requiring continuing education for certain alcoholic
2 beverage retail licensees and supplementing Title 33 of the
3 Revised Statutes.

4

5 BE IT ENACTED by the Senate and General Assembly of the
6 State of New Jersey:

7 1. The Legislature finds and declares that:

8 a. The retail alcoholic beverage industry is one of the most
9 highly regulated industries of the State, controlled by a broad
10 array of laws enacted by the Legislature and regulations
11 promulgated by the Director of the Division of Alcoholic
12 Beverage Control.

13 b. It is the public policy of this State, as set forth in P.L.1985,
14 c.258 (C.33:1-3.1), to strictly regulate alcoholic beverages to
15 protect the health, safety and welfare of its citizens, to foster
16 moderation and responsibility in the use and consumption of
17 alcoholic beverages, to protect the collection of State taxes
18 imposed upon alcoholic beverages, and to protect the interest of
19 consumers against fraud and misleading practices in the sale of
20 alcoholic beverages.

21 c. Participation in the alcoholic beverage industry as a
22 licensee under Title 33 of the Revised Statutes is deemed a
23 revocable privilege conditioned upon the proper and continued
24 qualification of the licensee.

25 d. Notwithstanding the degree to which retail licensees are
26 regulated, licensees are not required to demonstrate knowledge
27 and understanding of the laws and regulations or their social
28 responsibilities, for the purpose of obtaining or renewing the
29 privilege to hold a retail alcoholic beverage license.

30 e. Since the alcoholic beverage industry was deregulated in
31 1980, market forces have ¹[disrupted] impacted¹ the retail
32 industry to such an extent that a ¹[vast] significant¹ number of
33 licenses have changed, and continue to change, hands and a large
34 segment of new licensees have insufficient knowledge of their
35 legal and social responsibilities.

36 f. These disruptive market forces and the ¹[extensive transfer]
37 numerous transfers¹ of license ¹[privileges] ownership¹ have
38 occurred during a period of intensive legislative scrutiny of the
39 industry, the enactment of many new laws ¹and regulations,¹ and

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 Senate floor amendments adopted September 24, 1990.

² Assembly AJL committee amendments adopted October 4, 1990.

1 the development of programs directed at the responsible sale and
2 consumption of alcoholic beverages.

3 g. Retail alcoholic beverage licensees should be required to
4 periodically¹ demonstrate a knowledge and understanding of the
5 regulations, laws, and public policies of the State impacting upon
6 their industry before their license privileges are renewed.

7 2. As used in this act:

8 "Division" means the Division of Alcoholic Beverage Control in
9 the Department of Law and Public Safety.

10 "Director" means the Director of the Division of Alcoholic
11 Beverage Control in the Department of Law and Public Safety.

12 3. ¹[No] ²[All] If the Director determines to establish an
13 educational program pursuant to section 4 of this act, all² holders
14 of a¹ plenary retail ¹or limited retail¹ distribution license issued
15 under R.S.33:1-12 ¹, or their designees pursuant to section 5 of
16 this act,¹ shall be ¹[renewed by the director unless the licensee
17 has completed the] required to successfully complete the¹
18 educational program prescribed in section 4 of P.L. , c. (C.
19)(now pending before the Legislature as this bill). ¹[The director
20 shall grant a certificate of completion to a licensee who
21 satisfactorily completes such a program.]¹

22 4. The director ²[shall] may, in the director's discretion,²
23 establish ¹[an] initial and supplemental¹ educational ¹[program]
24 programs¹ for plenary retail ¹and limited retail¹ distribution
25 licensees¹. The program shall include, but not be limited, to the
26 following topics:

27 a. State law governing the alcoholic beverage industry and the
28 purchase and consumption of alcoholic beverages, particularly
29 Title 33 of the Revised Statutes;

30 b. Regulations promulgated by the director;

31 c. Relevant municipal policies with respect to licensure,
32 enforcement, and community standards;

33 d. Federal laws and regulations governing the retail alcoholic
34 beverage industry; and,

35 e. Current social attitudes toward the use of alcoholic
36 beverages, with attention to moderate use and the benefits
37 thereof] and shall grant a certificate of completion when a
38 licensee satisfactorily completes each program¹.

39 5. ¹[The director may authorize a trade association of plenary
40 retail distribution licensees to conduct the educational program
41 required pursuant to P.L. , c. (C.) (now pending before
42 the Legislature as this bill), and this program shall be available to
43 all plenary retail distribution licensees. The program shall
44 provide a minimum of eight hours of instruction.]

45 ²[The] If an educational program is established by the director
46 pursuant to section 4 of this act, the² director shall by regulation
47 determine:

48 a. The person or persons who may attend the educational
49 programs as designees of the licensee;

1 b. The dates and geographic locations at which the programs
2 shall be offered;

3 c. The penalties for failure to successfully complete the
4 educational requirements;

5 d. The curriculum for the educational programs and the
6 instructors or lecturers who shall conduct the programs; and

7 e. Registration fees to be charged licensees for attending
8 initial and supplemental training programs.¹

9 6. ¹[The education program required pursuant to P.L. , c.
10 (C.) (now pending before the Legislature as this bill) shall
11 be conducted by instructors or lecturers approved by the director
12 and shall include, but not be limited to, employees of the
13 Attorney General, the Division of State Police, the Division of
14 Alcoholic Beverage Control, municipal alcoholic beverage control
15 agencies, and public or private organizations concerned with
16 alcohol abuse. These persons may be compensated for their time
17 and expense in an appropriate amount determined by the director.]

18 In order to meet the requirement and intent of this act on the
19 most cost effective basis, the director may contract with a
20 non-profit educational organization chartered in this State to
21 conduct all or part of the educational program. The registration
22 fees collected may be used by the division to defray the cost of
23 the programs. If the director contracts with a non-profit
24 organization to conduct the educational programs, the programs
25 shall be made available and reasonably accessible to all
26 licensees.¹

27 7. ¹[No application for renewal of a plenary retail distribution
28 license shall approved by a municipal licensing authority unless
29 the licensee has completed the educational program required by
30 P.L. , c. (C.) (now pending before the Legislature as
31 this bill) during the licensure year immediately preceding the
32 year for which the application for renewal is made. The licensee
33 shall submit a certificate of completion granted by the director
34 with the renewal application.]

35 All plenary retail and limited retail distribution licensees shall
36 be required to successfully complete the initial educational
37 program within nine months of the effective date of²[this act]
38 regulations establishing any educational program². The director
39 shall determine the time schedule for successful completion of
40 supplemental training programs.¹

41 ¹8. Upon application for renewal of any plenary retail or
42 limited retail distribution license, the licensee shall present to
43 the licensing authority the certificate of completion of the initial
44 educational program and any supplemental programs which may
45 have been required by the director under the time schedule
46 established pursuant to section 7 of this act. The director shall
47 determine penalties for failure to comply with this section.¹

48 ¹[8.] ¹9. ¹The director shall promulgate rules and regulations
49 necessary to effectuate the purposes of this act pursuant to the

1 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
2 seq.).

3 ¹[9.] 10.¹ This act shall take effect immediately ¹[, and shall
4 apply to all licensees renewing a plenary retail distribution
5 license after the effective date] ²[but shall remain inoperative
6 for 120 days]^{2.1}

7

8

9 PUBLIC SAFETY

10

11

Requires educational program for liquor store licensees.

1 year for which the application for renewal is made. The licensee
2 shall submit a certificate of completion granted by the director
3 with the renewal application.

4 8. The director shall promulgate rules and regulations
5 necessary to effectuate the purposes of this act pursuant to the
6 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
7 seq.).

8 9. This act shall take effect immediately, and shall apply to all
9 licensees renewing a plenary retail distribution license after the
10 effective date.

11 12 13 STATEMENT 14

15 This bill requires the Director of the Division of Alcoholic
16 Beverage Control in the Department of Law and Public Safety to
17 establish an educational program for plenary retail distribution
18 licensees (package store owners). Licensees would be required to
19 complete the educational program as a condition for renewal of
20 their licenses.

21 The program will include information on State laws governing
22 the alcoholic beverage industry; regulations promulgated by the
23 director; relevant municipal policies with respect to licensure,
24 enforcement, and community standards; federal laws and
25 regulations governing the retail alcoholic beverage industry and
26 current social attitudes toward the use of alcoholic beverages.

27 The alcoholic beverage industry is one of the most highly
28 regulated industries in the State, governed by a vast array of laws
29 and regulations and requiring a high degree of social
30 consciousness and awareness of public policy. The turnover of
31 package store licensees has been tremendous in the last 10 years
32 since deregulation, and far too many licensees have entered the
33 industry with little knowledge of their legal and social
34 responsibilities.

35 The program set forth in this bill is a step to educate these
36 licensees concerning the laws, regulations, and their social
37 responsibilities.

38 39 40 PUBLIC SAFETY 41

42 Requires educational program for liquor store licensees.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 2707

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 4, 1990

The Assembly Judiciary, Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 2707 [1R].

This bill requires the Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety to establish an educational program for plenary retail distribution licensees (package store owners) and limited retail distribution licensees (owners of other establishments which sell limited types of packaged goods). The program set forth in this bill is a step to educate these licensees concerning the laws, regulations, and their social responsibilities. Licensees would be required to complete the educational program as a condition for renewal of their licenses.

The director, by regulation, would determine details of the program, including the curriculum, penalties for failure to attend and registration fees, and would be permitted to contract with a non-profit organization to conduct the program. Registration fees may be allocated by the director to defray the expenses of conducting the program.

As amended by the committee, implementation of the program would be at the Director's discretion.

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

STATEMENT TO

SENATE, No. 2707

STATE OF NEW JERSEY

DATED: JUNE 25, 1990

The Senate Law, Public Safety and Defense Committee reports favorably Senate Bill No. 2707.

This bill requires the Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety to establish an educational program for plenary retail distribution licensees (package store owners). Licensees would be required to complete the educational program as a condition for renewal of the license.

The program will include information on State laws governing the alcoholic beverage industry; regulations promulgated by the director; relevant municipal policies with respect to licensure, enforcement, and community standards; federal laws and regulations governing the retail alcoholic beverage industry; and current social attitudes toward the use of alcoholic beverages.

The program set forth in this bill is a step toward the education of these licensees about the law,, regulations, and their social responsibilities.