

33:1-81.1a

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 33:1-81.1a

(Alcoholic
beverages--under-age
purchase)

LAWS OF: 1991

CHAPTER: 169

Bill No: A1441

Sponsor(s): Pelly

Date Introduced: Pre-filed

Committee: Assembly: Judiciary

Senate: Law, Public Safety

Amended during passage: No

Date of Passage: Assembly: November 19, 1990

Senate: May 9, 1991

Date of Approval: June 18, 1991

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

KBG/SLJ

P.L.1991, CHAPTER 169, approved June 19, 1991

1990 Assembly No. 1441

1 AN ACT concerning the retail sale of alcoholic beverages,
2 amending R.S.33:1-81 and P.L.1979, c.264 and supplementing
3 chapter 1 of Title 33 of the Revised Statutes.

4

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

7 1. R.S.33:1-81 is amended to read as follows:

8 33:1-81. It shall be unlawful for:

9 (a) A person under the legal age for purchasing alcoholic
10 beverages to enter any premises licensed for the retail sale of
11 alcoholic beverages for the purpose of purchasing, or having
12 served or delivered to him or her, any alcoholic beverage; or

13 (b) A person under the legal age for purchasing alcoholic
14 beverages to consume any alcoholic beverage on premises
15 licensed for the retail sale of alcoholic beverages, or to purchase,
16 attempt to purchase or have another purchase for him any
17 alcoholic beverage; or

18 (c) Any person to misrepresent or misstate his age, or the age
19 of any other person for the purpose of inducing any licensee or
20 any employee of any licensee, to sell, serve or deliver any
21 alcoholic beverage to a person under the legal age for purchasing
22 alcoholic beverages; or

23 (d) Any person to enter any premises licensed for the retail
24 sale of alcoholic beverages for the purpose of purchasing, or to
25 purchase alcoholic beverages, for another person who does not
26 because of his age have the right to purchase and consume
27 alcoholic beverages.

28 Any person who shall violate any of the provisions of this
29 section shall be deemed and adjudged to be a disorderly person,
30 and upon conviction thereof, shall be punished by a fine of not
31 less than ~~[\$100.00]~~ \$500.00. In addition, the court shall suspend
32 or postpone the person's license to operate a motor vehicle for
33 six months [or prohibit the person from obtaining a license to
34 operate a motor vehicle in this State for six months beginning on
35 the date he becomes eligible to obtain a license or on the date of
36 conviction, whichever is later].

37 Upon the conviction of any person under this section, the court
38 shall forward a report to the Division of Motor Vehicles stating
39 the first and last day of the suspension or postponement period
40 imposed by the court pursuant to this section. If a person at the
41 time of the imposition of a sentence is less than 17 years of age,
42 the period of license postponement, including a suspension or

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 postponement of the privilege of operating a motorized bicycle,
2 shall commence on the day the sentence is imposed and shall run
3 for a period of six months after the person reaches the age of 17
4 years.

5 If a person at the time of the imposition of a sentence has a
6 valid driver's license issued by this State, the court shall
7 immediately collect the license and forward it to the division
8 along with the report. If for any reason the license cannot be
9 collected, the court shall include in the report the complete
10 name, address, date of birth, eye color, and sex of the person as
11 well as the first and last date of the license suspension period
12 imposed by the court.

13 The court shall inform the person orally and in writing that if
14 the person is convicted of operating a motor vehicle during the
15 period of license suspension or postponement, the person shall be
16 subject to the penalties set forth in R.S.39:3-40. A person shall
17 be required to acknowledge receipt of the written notice in
18 writing. Failure to receive a written notice or failure to
19 acknowledge in writing the receipt of a written notice shall not
20 be a defense to a subsequent charge of a violation of R.S.39:3-40.

21 If the person convicted under this section is not a New Jersey
22 resident, the court shall suspend or postpone, as appropriate given
23 the age at the time of sentencing, the non-resident driving
24 privilege of the person and submit to the division the required
25 report. The court shall not collect the license of a non-resident
26 convicted under this section. Upon receipt of a report by the
27 court, the division shall notify the appropriate officials in the
28 licensing jurisdiction of the suspension or postponement.

29 In addition to the general [penalty] penalties prescribed for an
30 offense, the court may require any person under the legal age to
31 purchase alcoholic beverages who violates this act to participate
32 in an alcohol education or treatment program authorized by the
33 Department of Health for a period not to exceed the maximum
34 period of confinement prescribed by law for the offense for which
35 the individual has been convicted.

36 (cf: P.L.1985, c.113, s.1)

37 2. Section 1 of P.L.1979, c.264 (C.2C:33-15) is amended to
38 read as follows:

39 1. a. Any person under the legal age to purchase alcoholic
40 beverages who knowingly possesses without legal authority or who
41 knowingly consumes any alcoholic beverage in any school, public
42 conveyance, public place, or place of public assembly, or motor
43 vehicle, is guilty of a disorderly persons offense, and shall be
44 fined not less than [\$100.00] \$500.00.

45 b. Whenever this offense is committed in a motor vehicle, the
46 court [may] shall, in addition to the sentence authorized for the
47 offense, suspend or postpone for [up to 30 days] six months the
48 driving privilege of the defendant. Upon the conviction of any

1 person under this section, the court shall forward a report to the
2 Division of Motor Vehicles stating the first and last day of the
3 suspension or postponement period imposed by the court pursuant
4 to this section. If a person at the time of the imposition of a
5 sentence is less than 17 years of age, the period of license
6 postponement, including a suspension or postponement of the
7 privilege of operating a motorized bicycle, shall commence on
8 the day the sentence is imposed and shall run for a period of six
9 months after the person reaches the age of 17 years.

10 If a person at the time of the imposition of a sentence has a
11 valid driver's license issued by this State, the court shall
12 immediately collect the license and forward it to the division
13 along with the report. If for any reason the license cannot be
14 collected, the court shall include in the report the complete
15 name, address, date of birth, eye color, and sex of the person as
16 well as the first and last date of the license suspension period
17 imposed by the court.

18 The court shall inform the person orally and in writing that if
19 the person is convicted of operating a motor vehicle during the
20 period of license suspension or postponement, the person shall be
21 subject to the penalties set forth in R.S.39:3-40. A person shall
22 be required to acknowledge receipt of the written notice in
23 writing. Failure to receive a written notice or failure to
24 acknowledge in writing the receipt of a written notice shall not
25 be a defense to a subsequent charge of a violation of R.S.39:3-40.

26 If the person convicted under this section is not a New Jersey
27 resident, the court shall suspend or postpone, as appropriate, the
28 non-resident driving privilege of the person based on the age of
29 the person and submit to the division the required report. The
30 court shall not collect the license of a non-resident convicted
31 under this section. Upon receipt of a report by the court, the
32 division shall notify the appropriate officials in the licensing
33 jurisdiction of the suspension or postponement.

34 c. In addition to the general penalty prescribed for a disorderly
35 persons offense, the court may require any person who violates
36 this act to participate in an alcohol education or treatment
37 program, authorized by the Department of Health, for a period
38 not to exceed the maximum period of confinement prescribed by
39 law for the offense for which the individual has been convicted.

40 d. Nothing in this act shall apply to possession of alcoholic
41 beverages by any such person while actually engaged in the
42 performance of employment pursuant to an employment permit
43 issued by the Director of the Division of Alcoholic Beverage
44 Control, or for a bona fide hotel or restaurant, in accordance
45 with the provisions of R.S.33:1-26.

46 e. The provisions of section 3 of P.L., c. (C.) (now
47 pending before the Legislature as this bill) shall apply to a parent,
48 guardian or other person with legal custody of a person under 18

1 years of age who is found to be in violation of this section.
2 (cf: P.L.1979, c.264, s.1)
3 3. (New section) A parent, guardian or other person having
4 legal custody of a person under 18 years of age found in violation
5 of R.S.33:1-81 or section 1 of P.L.1979, c.264 (C.2C:33-15) shall
6 be notified of the violation in writing. The parent, guardian or
7 other person having legal custody of a person under 18 years of
8 age shall be subject to a fine in the amount of \$500.00 upon any
9 subsequent violation of R.S.33:1-81 or section 1 of P.L.1979,
10 c.264 (C.2C:33-15) on the part of such person if it is shown that
11 the parent, guardian or other person having legal custody failed
12 or neglected to exercise reasonable supervision or control over
13 the conduct of the person under 18 years of age.
14 4. This act shall take effect immediately.
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17 MOTOR VEHICLES

18
19 Increases the penalties for the purchase of alcoholic beverages by
20 persons under the legal age.

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3 pending before the Legislature as this bill) shall apply to a parent,
4 guardian or other person with legal custody of a person under 18
5 years of age who is found to be in violation of this section.

6 (cf: P.L.1979, c.264, s.1)

7 3. (New section) A parent, guardian or other person having
8 legal custody of a person under 18 years of age found in violation
9 of R.S.33:1-81 or section 1 of P.L.1979, c.264 (C.2C:33-15) shall
10 be notified of the violation in writing. The parent, guardian or
11 other person having legal custody of a person under 18 years of
12 age shall be subject to a fine in the amount of [\$250.00] \$500.00
13 upon any subsequent violation of R.S.33:1-81 or section 1 of
14 P.L.1979, c.264 (C.2C:33-15) on the part of such person if it is
15 shown that the parent, guardian or other person having legal
16 custody failed or neglected to exercise reasonable supervision or
17 control over the conduct of the person under 18 years of age.

18 4. This act shall take effect immediately.

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STATEMENT

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23 This bill increases from \$100 to \$500 the monetary penalty that
24 may be imposed against either a person under 21 years of age who
25 purchases, consumes, or possesses alcoholic beverages, or any
26 person of legal age who purchases alcoholic beverages for an
27 underaged person.

28 The bill also requires that the driver's license of an underaged
29 person found guilty of violating the provisions of the section shall
30 be suspended for six months. A person under 17 years of age will
31 have his eligibility for a driver's license postponed immediately
32 on conviction and the postponement will run for a period of 6
33 months after he reaches the age of 17.

34 Section 3 of this bill supplements chapter 1 of Title 33 of the
35 Revised Statutes to provide that a parent, guardian, or other
36 person with legal custody of a person under 18 years of age be
37 notified whenever that juvenile is convicted under either
38 R.S.33:1-81 or section 1 of P.L.1979, c.264 (C.2C:33-15). Upon a
39 second or subsequent violation, the parent, guardian or other
40 person with legal custody would be fined \$500 if it is shown that
41 the parent, guardian, or other person with legal custody of the
42 juvenile either failed or neglected to exercise reasonable
43 supervision or control over the conduct of that juvenile.

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MOTOR VEHICLES

46

47 Increases the penalties for the purchase of alcoholic beverages by
48 persons under the legal age.

ASSEMBLY JUDICIARY, LAW AND
PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1441

STATE OF NEW JERSEY

DATED: OCTOBER 4, 1990

The Assembly Judiciary, Law and Public Safety Committee reports favorably Assembly Bill No. 1441.

This bill increases from \$100 to \$500 the monetary penalty that may be imposed against either a person under 21 years of age who purchases, consumes, or possesses alcoholic beverages, or any person of legal age who purchases alcoholic beverages for an underaged person.

The bill also requires that the driver's license of an underaged person found guilty of violating the provisions of the section shall be suspended for six months. A person under 17 years of age will have his eligibility for a driver's license postponed immediately on conviction and the postponement will run for a period of 6 months after he reaches the age of 17.

Section 3 of this bill supplements chapter 1 of Title 33 of the Revised Statutes to provide that a parent, guardian, or other person with legal custody of a person under 18 years of age be notified whenever that juvenile is convicted under either R.S.33:1-81 or section 1 of P.L.1979, c.264 (C.2C:33-15). Upon a second or subsequent violation, the parent, guardian or other person with legal custody would be fined \$500 if it is shown that the parent, guardian, or other person with legal custody of the juvenile either failed or neglected to exercise reasonable supervision or control over the conduct of that juvenile.

This bill was pre-filed for introduction in the 1990 session pending technical review. As reported the bill includes the changes required by technical review which has been performed.

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1441

STATE OF NEW JERSEY

DATED: JANUARY 10, 1991

The Senate Law, Public Safety and Defense Committee reports favorably Assembly Bill No. 1441.

This bill amends R.S.33:1-81 and section 1 of P.L.1979, c.264 (C.2C:33-15) to increase from \$100 to \$500 the monetary penalty that may be imposed against a person under 21 years of age who unlawfully purchases, consumes, or possesses alcoholic beverages, or a person over 21 years of age who purchases alcoholic beverages for an underaged person.

The bill also requires that the driver's license of an underaged person found guilty of violating R.S.33:1-81 or section 1 of P.L.1979, c.264 (C.2C:33-15) be suspended for six months. A person under 17 years of age will have his eligibility for a driver's license postponed immediately on conviction and the postponement will run for a period of six months after he reaches the age of 17.

Section 3 of this bill supplements chapter 1 of Title 33 of the Revised Statutes to provide that a parent, guardian, or other person with legal custody of a person under 18 years of age be notified if that juvenile is convicted under either R.S.33:1-81 or section 1 of P.L.1979, c.264 (C.2C:33-15). Upon a second or subsequent violation, the parent, guardian or other person with legal custody would be fined \$500 if it is shown that the parent, guardian, or other person either failed or neglected to exercise reasonable supervision or control over the conduct of that juvenile.

As released by this committee, this bill is identical to Senate Bill No. 3027 of 1990.