

33:1-40.3

LEGISLATIVE HISTORY CHECKLIST  
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**NJSA:** 33:1-40.3                      **Liquor stores--hours of operation)**

**LAWS OF:** 1991    **CHAPTER:** 370

**Bill No:** A4069

**Sponsor(s):** Charles

**Date Introduced:** October 15, 1990

**Committee: Assembly:** Judiciary

**Senate:** Law, Public Safety

**Amended during passage:** No

**Date of Passage: Assembly:** May 23, 1991

**Senate:** December 12, 1991

**Date of Approval:** January 10, 1992

**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/dgw

1 AN ACT concerning the sale of alcoholic beverages and  
2 amending P.L.1971, c.184.

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

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

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

26 <sup>1</sup>Notwithstanding the provisions of this section or any other  
27 law to the contrary, a city of the first class which prohibits the  
28 Sunday sale of alcoholic beverages for consumption on the  
29 premises shall not permit the sale on Sunday of wine and malt  
30 alcoholic beverages in original bottle or can containers for  
31 consumption off the premises.<sup>1</sup>

32 All parts of ordinances and regulations of the Director of the  
33 Division of Alcoholic Beverage Control inconsistent with the  
34 provisions of this act are superseded to the extent of such  
35 inconsistency.

36 (cf: P.L.1981, c.69, s.1)

37 2. This act shall take effect immediately.

38  
39 PUBLIC SAFETY

40  
41 Permits first-class cities to regulate hours of package goods sale.

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:  
<sup>1</sup> Assembly floor amendments adopted May 2, 1991.

ASSEMBLY, No. 4069

STATE OF NEW JERSEY

INTRODUCED OCTOBER 15, 1990

By Assemblyman CHARLES

1 AN ACT concerning the sale of alcoholic beverages and  
2 amending P.L.1971, c.184.

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

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

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

25 All parts of ordinances and regulations of the Director of the  
26 Division of Alcoholic Beverage Control inconsistent with the  
27 provisions of this act are superseded to the extent of such  
28 inconsistency.

29 (cf: P.L.1981, c.69, s.1)

30 2. This act shall take effect immediately.

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STATEMENT

This bill is intended to give municipalities a means to deal with  
the problems associated with late-night drinking on the streets by  
patrons of bars and package stores.

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 Current law and Division of Alcoholic Beverage Control  
2 regulations allow municipalities to establish hours for sale of any  
3 alcoholic beverage for off-premises consumption between 9 a.m.  
4 and 10 p.m. However, the law makes an exception for  
5 municipalities which also permit the sale of such beverages for  
6 on-premises consumption. These municipalities are required to  
7 permit the sale of beer and wine for off-premises consumption on  
8 the same days and during the same hours as sales for on-premises  
9 consumption are allowed. This exception creates a nuisance in  
10 some municipalities. Patrons tend to congregate outside of liquor  
11 stores or bars late into the night, disturbing residents and  
12 littering the streets.

13 This bill would address the problem by granting a municipality  
14 which permits the sale of alcoholic beverages for on-premises  
15 consumption the option of establishing different hours for  
16 off-premises consumption sales. Municipalities which do not  
17 permit on-premises consumption sales or which have no ordinance  
18 governing hours of off-premises consumption sales would  
19 continue to be governed by existing regulations.  
20

#### 21 PUBLIC SAFETY

22  
23  
24 Permits municipalities to regulate hours for retail sale of all  
25 package goods.

[FIRST REPRINT]  
ASSEMBLY, No. 4069

STATE OF NEW JERSEY

INTRODUCED OCTOBER 15, 1990

By Assemblyman CHARLES

1 AN ACT concerning the sale of alcoholic beverages and  
2 amending P.L.1971, c.184.

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

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

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

26 <sup>1</sup>Notwithstanding the provisions of this section or any other  
27 law to the contrary, a city of the first class which prohibits the  
28 Sunday sale of alcoholic beverages for consumption on the  
29 premises shall not permit the sale on Sunday of wine and malt  
30 alcoholic beverages in original bottle or can containers for  
31 consumption off the premises.<sup>1</sup>

32 All parts of ordinances and regulations of the Director of the  
33 Division of Alcoholic Beverage Control inconsistent with the  
34 provisions of this act are superseded to the extent of such  
35 inconsistency.

36 (cf: P.L.1981, c.69, s.1)

37 2. This act shall take effect immediately.

38  
39 PUBLIC SAFETY

40  
41 Permits first-class cities to regulate hours of package goods sale.

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:  
<sup>1</sup> Assembly floor amendments adopted May 2, 1991.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY  
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4069

STATE OF NEW JERSEY

DATED: FEBRUARY 21, 1991

The Assembly Judiciary, Law and Public Safety Committee reports favorably Assembly Bill No. 4069.

This bill is intended to give municipalities a means to deal with the problems associated with late-night drinking on the streets by patrons of bars and package stores.

Current law and Division of Alcoholic Beverage Control regulations allow municipalities to establish hours for sale of any alcoholic beverage for off-premises consumption between 9 a.m. and 10 p.m. However, the law makes an exception for municipalities which also permit the sale of such beverages for on-premises consumption. These municipalities are required to permit the sale of beer and wine for off-premises consumption on the same days and during the same hours as sales for on-premises consumption are allowed. This exception creates a nuisance in some municipalities.

This bill would address the problem by granting a municipality which permits the sale of alcoholic beverages for on-premises consumption the option of establishing different hours for off-premises consumption sales. Municipalities which do not permit on-premises consumption sales or which have no ordinance governing hours of off-premises consumption sales would continue to be governed by existing regulations.

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ASSEMBLY Amendments  
(Proposed by Assemblyman CHARLES)

to

ASSEMBLY, No. 4069

(Sponsored by Assemblyman CHARLES)

Speaker  
Clerk (3)  
Majority Leader  
Minority Leader  
Sponsor of Aa  
Sponsor of Bill

REPLACE SECTION 1 TO READ:

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

1. Except in a city of the first class, [Whenever] whenever the sale of alcoholic beverages for consumption on the premises and off the premises or either thereof is authorized in any municipality by ordinance or rule or regulation of the Division of Alcoholic Beverage Control, by the holder of a retail consumption or retail distribution license, such ordinance or rule [shall] <sup>1</sup>[may] shall<sup>1</sup> authorize the sale of wine and malt alcoholic beverages in original bottle or can containers for consumption off the premises on the same days and during the same hours as the sale of alcoholic beverages for consumption on the premises is permitted and authorized in [said] the municipality. If a municipality has no ordinance or local law that authorizes the sale of alcoholic beverages for consumption on the premises, then [such] the municipality may by ordinance authorize the sale of wine and malt alcoholic beverages in original bottle or can containers by retail distribution licensees any time between the hours of 12:30 p.m. and 6:30 p.m. on Sunday, in addition to such weekday hours as may be authorized by ordinance.

<sup>1</sup>Notwithstanding the provisions of this section or any other law to the contrary, a city of the first class which prohibits the Sunday sale of alcoholic beverages for consumption on the premises shall not permit the sale on Sunday of wine and malt alcoholic beverages in original bottle or can containers for consumption off the premises.<sup>1</sup>

All parts of ordinances and regulations of the Director of the Division of Alcoholic Beverage Control inconsistent with the provisions of this act are superseded to the extent of such inconsistency.

(cf: P.L.1981, c.69, s.1)

REPLACE SYNOPSIS TO READ:

Permits first-class cities to regulate hours of package goods sale.

STATEMENT

This amendment would permit cities of the first class to establish hours for the sale of alcoholic beverages for off-premises consumption which differ from the hours when sale of these beverages is permitted for on-premises consumption. However, a city which prohibits on-premises consumption sales on Sunday could not permit sales for off-premise consumption on Sunday. The amendment is intended to give the cities a means of dealing with problems arising from late-night drinking on the streets by patrons of bars and package stores.



SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 4069

STATE OF NEW JERSEY

DATED: DECEMBER 5, 1991

~~The Senate Law, Public Safety and Defense Committee reports favorably Assembly Bill No. 4069 (1R).~~

This bill amends section 1 of P.L.1971, c.184 (C.33:1-40.3) to exclude cities of the first class (currently Newark and Jersey City) from the requirement that if alcoholic beverages are permitted by ordinance to be sold for on or off premises consumption in a municipality, then the municipality must also permit the sale of beer and wine for off premises consumption on the same days and during the same hours as sales for on premises consumption are allowed.

This bill also provides that if a city of the first class prohibits the sale on Sunday of alcoholic beverages for on premises consumption, then the city must also prohibit the Sunday sale of wine and beer for off premises consumption.