

33:1-2

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 33:1-2 (Alcoholic beverages---personal use-quality limits)

LAWS OF: 1991 CHAPTER: 402

Bill No: S2355

Sponsor(s): Lesniak

Date Introduced: March 5, 1990

Committee: Assembly: ---
Senate: Law & Public Safety

Amended during passage: No

Date of Passage: Assembly: January 9, 1992
Senate: December 12, 1991

Date of Approval: January 17, 1992

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: No
Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

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Disturb

KBG/dgw

1 AN ACT concerning the transportation of alcoholic beverages
2 intended for personal use, and amending R.S.33:1-2.

3

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

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

7 33:1-2 a. It shall be unlawful to manufacture, sell, possess
8 with intent to sell, transport, warehouse, rectify, blend, treat,
9 fortify, mix, process, bottle or distribute alcoholic beverages in
10 this State, except pursuant to and within the terms of a license,
11 or as otherwise expressly authorized, under this chapter; but any
12 drink actually intended for immediate personal [consumption] use
13 may be mixed by any person [; and] . Except as hereinafter
14 provided, a person may, without limitation, purchase any amount
15 of alcoholic beverages intended in good faith to be used solely for
16 personal [consumption] use and may [be transported] personally
17 transport those alcoholic beverages so purchased for personal use
18 in any vehicle from a point within this State [to the extent of, not
19 exceeding 1/2 barrel, or two cases containing not in excess of 24
20 quarts in all, of beer, ale or porter, and five gallons of wine and
21 12 quarts of other alcoholic beverages within any consecutive
22 period of 24 hours, and] . Alcoholic beverages intended in good
23 faith solely for personal use may be transported, by the owner
24 thereof, in a vehicle other than that of the holder of a
25 transportation license, from a point outside this State to the
26 extent of, not exceeding 1/4 barrel or one case containing not in
27 excess of 12 quarts in all, of beer, ale or porter, and one gallon of
28 wine and two quarts of other alcoholic beverages within any
29 consecutive period of 24 hours; provided, however, that except
30 pursuant to and within the terms of a license or permit issued by
31 the director, no person shall transport into this State or receive
32 from without this State into this State, alcoholic beverages where
33 the alcoholic beverages are transported or received from a state
34 which prohibits the transportation into that state of alcoholic
35 beverages purchased or otherwise obtained in the State of New
36 Jersey. If any person or persons desire to transport alcoholic
37 beverages intended only for personal [consumption] use in
38 quantities in excess of those above-mentioned, an application

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 may be made to the director who may, upon being satisfied of the
2 good faith of the applicant, and upon payment of a fee of \$5.00
3 issue a special permit limited by such conditions as the director
4 may impose, authorizing the transportation of alcoholic
5 beverages in quantities in excess of 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.

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

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

39 (cf: P.L.1984, c.233, s.1)

40 2. This act shall take effect immediately.

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42 STATEMENT

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44 Although there is no restriction on the quantity of alcoholic
45 beverages a person may purchase for his own "consumption",
46 there is a statutory limitation upon the amount a person may
47 legally transport within the State during any 24 hour period
48 without first securing a special permit from the Director of the
49 Division of Alcoholic Beverage Control (ABC).

1 Under current law, unless a person has secured a special permit
2 from the Director of the ABC, he may transport no more than (1)
3 one-half barrel or 64 12-ounce containers of beer, ale, porter; (2)
4 5 gallons of wine; and (3) 12 quarts of any other alcoholic
5 beverage which have been purchased for "personal consumption"
6 during any 24 hour period.

7 This bill would eliminate that limitation on the quantity of
8 alcoholic beverages a person may transport within the State.

9 The bill would also substitute the term "personal use" for the
10 section's current references to "personal consumption." This
11 change broadens the scope of the alcoholic beverages governed by
12 the section. The term "personal use" includes not only those
13 alcoholic beverages purchased for personal consumption, but also
14 those purchased for family or household consumption and other
15 uses, such as gifts.

16 The bill does not change the quantity limitations with respect
17 to the interstate transportation of alcoholic beverages in order to
18 protect the State's alcoholic beverage tax revenues.

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21 COMMERCE AND INDUSTRY

22

23 Eliminates quantity limitations on intrastate transportation of
24 alcoholic beverages intended for personal use.

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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
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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
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34 anyone other than authorized retailers of private label brands
35 which are owned by a retailer or exclusive brands which are
36 owned by a manufacturer or wholesaler and offered for sale or
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49 Division of Alcoholic Beverage Control (ABC).

1 Under current law, unless a person has secured a special permit
2 from the Director of the ABC, he may transport no more than (1)
3 one-half barrel or 64 12-ounce containers of beer, ale, porter; (2)
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5 beverage which have been purchased for "personal consumption"
6 during any 24 hour period.

7 This bill would eliminate that limitation on the quantity of
8 alcoholic beverages a person may transport within the State.

9 The bill would also substitute the term "personal use" for the
10 section's current references to "personal consumption." This
11 change broadens the scope of the alcoholic beverages governed by
12 the section. The term "personal use" includes not only those
13 alcoholic beverages purchased for personal consumption, but also
14 those purchased for family or household consumption and other
15 uses, such as gifts.

16 The bill does not change the quantity limitations with respect
17 to the interstate transportation of alcoholic beverages in order to
18 protect the State's alcoholic beverage tax revenues.

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COMMERCE AND INDUSTRY

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23 Eliminates quantity limitations on intrastate transportation of
24 alcoholic beverages intended for personal use.

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

STATEMENT TO

SENATE, No. 2355

STATE OF NEW JERSEY

DATED: DECEMBER 5, 1991

The Senate Law, Public Safety and Defense Committee reports favorably Senate Bill No. 2355.

Although there is no restriction on the quantity of alcoholic beverages a person may purchase for his own "consumption", there is a statutory limitation on the amount a person may legally transport within the State during any 24 hour period without first securing a special permit from the Director of the Division of Alcoholic Beverage Control (ABC).

Under current law, unless a person has secured a special permit from the ABC, he may transport during any 24 hour period no more than (1) one-half barrel or 64 12-ounce containers of beer, ale, porter, (2) 5 gallons of wine, or (3) 12 quarts of any other alcoholic beverage, purchased for "personal consumption."

This bill would eliminate that limitation on the quantity of alcoholic beverages a person may transport within the State.

The bill would also substitute the term "personal use" in place of "personal consumption." The term "personal use" will include not only those alcoholic beverages purchased for personal consumption, but also those purchased for family or household consumption and other uses, such as gifts.

The bill does not change the quantity limitations with respect to the interstate transportation of alcoholic beverages in order to protect the State's alcoholic beverage tax revenues.

As released by this committee, this bill is identical to Assembly Bill No. 3665 of 1990.