

33:1-77 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 33:1-77 et al (Alcoholic beverages--sales to minors--various amendments)

LAWS OF: 1985 CHAPTER: 503

BILL NO: A1983

Sponsor(s): Patero and Markert

Date Introduced: May 14, 1984

Committee: Assembly: Judiciary
Senate: Judiciary

Amended during passage: No Substituted for S2381 (not attached since identical to A1983)

Date of Passage: Assembly: January 8, 1985
Senate: January 13, 1986

Date of Approval: January 21, 1986

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

CHAPTER 503 LAWS OF N. J. 1985
APPROVED 1-21-86

ASSEMBLY, No. 1983

STATE OF NEW JERSEY

INTRODUCED MAY 14, 1984

By Assemblymen PATERO and MARKERT

AN ACT concerning the sale of alcoholic beverages, amending R. S. 33:1-77 and repealing section 8 of P. L. 1968, c. 313.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. R. S. 33:1-77 is amended to read as follows:

2 33:1-77. Anyone who sells any alcoholic beverage to a person
3 under the legal age for purchasing alcoholic beverages is a dis-
4 orderly person; provided, however, that the establishment of all
5 of the following facts by a person making any such sale shall con-
6 stitute a defense to any prosecution therefor: (a) that the pur-
7 chaser falsely represented *in writing, or* by producing a driver's
8 license bearing a photograph of the licensee, or by producing a
9 photographic identification card issued pursuant to section 1 of
10 P. L. 1968, c. 313 (C. 33:1-81.2) or a similar card issued pursuant
11 to the laws of another state or the federal government that he or
12 she was of legal age to make the purchase, (b) that the appearance
13 of the purchaser was such that an ordinary prudent person would
14 believe him or her to be of legal age to make the purchase, and (c)
15 that the sale was made in good faith relying upon such *written*
16 *representation, or* production of a driver's license bearing a photo-
17 graph of the licensee, or production of a photographic identification
18 card issued pursuant to section 1 of P. L. 1968, c. 313 (C. 33:1-81.2)
19 or a similar card issued pursuant to the laws of another state or
20 the federal government and appearance and in the reasonable be-
21 lief that the purchaser was actually of legal age to make the pur-
22 chase.

1 2. Section 8 of P. L. 1968, c. 313 (C. 33:1-81.9) is repealed.

1 3. This act shall take effect immediately.

Matter printed in italics *thus* is new matter.

STATEMENT

R. S. 33:1-77 states that anyone who sells an alcoholic beverage to a person under the legal age to purchase alcoholic beverages is a disorderly person. However, a defense to a prosecution for a sale of an alcoholic beverage may be established by the seller if the seller can show that: (a) the buyer produced a driver's license bearing a photograph of the licensee or a photographic identification card issued by a county clerk under P. L. 1968, c. 313 (C. 33:1-81.2 et seq.) or a similar card issued by another state or the federal government; (b) the appearance of the buyer would lead one to believe the buyer was of legal age; and (c) the sale was made in good faith relying upon the appearance of the buyer and the photographic driver's license or the photographic identification card produced by that buyer.

This bill restores to R. S. 33:1-77 the defense that a written representation as to age was made to a seller by a buyer. This defense was deleted from the statute by the amendments made in P. L. 1983, c. 565. With the defense of a written representation restored, a buyer may state in writing that he is of the legal age to purchase alcoholic beverages if that buyer cannot produce a photographic driver's license or a photographic identification card but can produce other forms of valid identification as to age.

Section 8 of P. L. 1986, c. 313 (C. 33:1-81.9) is repealed in order to eliminate a section of law which is no longer necessary because of the amendments of P. L. 1983, c. 565. Section 8 of P. L. 1968, c. 313 (C. 33:1-81.9) states that a photographic identification card issued by a county clerk does not constitute written representation of age under R. S. 33:1-77. The amendments of P. L. 1983, c. 565 specifically permit the use of photographic identification cards issued by county clerks; therefore, section 8 of P. L. 1968, c. 313 (C. 33:1-81.9) is no longer necessary.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1983

STATE OF NEW JERSEY

DATED: NOVEMBER 8, 1984

R. S. 33:1-77 states that anyone who sells an alcoholic beverage to a person under the legal age to purchase alcoholic beverages is a disorderly person. However, a defense to a prosecution for a sale of an alcoholic beverage may be established by the seller if the seller can show that: (a) the buyer produced a driver's license bearing a photograph of the licensee or a photographic identification card issued by a county clerk under P. L. 1968, c. 313 (C. 33:1-81.2 et seq.) or a similar card issued by another state or the federal government; (b) the appearance of the buyer would lead one to believe the buyer was of legal age; and (c) the sale was made in good faith relying upon the appearance of the buyer and the photographic driver's license or the photographic identification card produced by that buyer.

The bill restores to R. S. 33:1-77 the defense that a written representation as to age was made to a seller by a buyer. This defense was deleted from the statute by the amendments made in P. L. 1983, c. 565. With the defense of a written representation restored, a buyer may state in writing that he is of the legal age to purchase alcoholic beverages if that buyer cannot produce a photographic driver's license or a photographic identification card but can produce other forms of valid identification as to age.

Section 8 of P. L. 1968, c. 313 (C. 33:1-81.9) is repealed in order to eliminate a section of law which is no longer necessary because of the amendments of P. L. 1983, c. 565. Section 8 of P. L. 1968, c. 313 (C. 33:1-81.9) states that a photographic identification card issued by a county clerk does not constitute written representation of age under R. S. 33:1-77. The amendments of P. L. 1983, c. 565 specifically permit the use of photographic identification cards issued by county clerks; therefore, section 8 of P. L. 1968, c. 313 (C. 33:1-81.9) is no longer necessary.

SENATE JUDICIARY COMMITTEE
STATEMENT TO
ASSEMBLY, No. 1983

STATE OF NEW JERSEY

DATED: DECEMBER 9, 1985

This bill allows a person who has sold alcoholic beverages to an underaged person to use as a defense to prosecution for the sale the fact that the underaged person falsely represented in writing that he was of legal age and that the sale was made in good faith relying on such a written representation.

The bill restores to R. S. 33:1-77 the defense that a written representation as to age was made to a seller by a buyer. This defense was deleted from the statute by the amendments made in P. L. 1983, c. 565. With the defense of a written representation restored, a buyer may state in writing that he is of the legal age to purchase alcoholic beverages if that buyer cannot produce a photographic driver's license or a photographic identification card but can produce other forms of valid identification as to age.

R. S. 33:1-77 currently states that anyone who sells an alcoholic beverage to a person under the legal age to purchase alcoholic beverages is a disorderly person, but that a defense to a prosecution for a sale of an alcoholic beverage may be established by the seller if the seller can show that: (a) the buyer produced a driver's license bearing a photograph of the licensee, a photographic identification card issued by a county clerk under P. L. 1968, c. 313 (C. 33:1-81.2 et seq.), or a similar card issued by another state or the federal government; (b) the appearance of the buyer would lead one to believe the buyer was of legal age; and (c) the sale was made in good faith relying upon the appearance of the buyer and the photographic driver's license or the photographic identification card produced by that buyer.

The bill also repeals section 8 of P. L. 1968, c. 313 (C. 33:1-81.9) in order to eliminate a section of law which is no longer necessary because of the amendments of P. L. 1983, c. 565. Section 8 of P. L. 1968, c. 313 (C. 33:1-81.9) states that a photographic identification card issued by a county clerk does not constitute written representation of age under R. S. 33:1-77. The amendments of P. L. 1983, c. 565 specifically permit the use of photographic identification cards issued by county clerks; therefore, section 8 of P. L. 1968, c. 313 (C. 33:1-81.9) is no longer necessary.

SJR-71, sponsored by Senator Richard Codey, D-Essex, to establish a seven-member Holocaust Victims' Memorial Commission to consider an appropriate memorial to victims of the Holocaust.

A-268, sponsored by Assemblyman Wayne Bryant, D-Camden, to provide that public assistance checks be mailed to eligible recipients four times per month on a staggered basis, starting on April 1, 1987.

A-1701, sponsored by Assemblyman Robert Littell, R-Sussex, to authorize the Department of Transportation to extend Route 15 from its intersection with Route 181 in Sparta to a point in Branchville Borough.

A-1983, sponsored by Assemblyman Joseph Patero, D-Somerset, to restore as a defense against prosecution for sale of alcoholic beverages to a minor that a written representation as to age was made by the buyer to the seller.

A-2506, sponsored by Assemblywoman Jacqueline Walker, D-Middlesex, to provide that county disaster control coordinators and deputy disaster control coordinators be appointed to serve terms of three years.

A-3199, sponsored by Assemblyman John Doyle, D-Ocean, to extend the time for filing a post year statement of income by senior citizens or the totally disabled for a property tax deduction if the filing deadline was missed due to illness.

S-3737, sponsored by Assemblyman Joseph Doria, D-Hudson, to grant immunity from liability for civil damages to members of ethics, grievances, judicial, quality assurance or professional hospital review committee, long-term health care facility, or professional association.

A-4058, sponsored by Assemblyman James Zangari, D-Essex, to increase the number of judges in Essex County from 26 to 28.