

**LEGISLATIVE HISTORY CHECKLIST**  
 Compiled by the NJ State Law Library

(State beverage distributor)

NJSA: 33:1-11

LAWS OF: 1995 CHAPTER: 309

BILL NO: S520

SPONSOR(S): Cafiero and Connors

DATE INTRODUCED: February 10, 1994

COMMITTEE: ASSEMBLY Local Government

SENATE: Law &amp; Public Safety

AMENDED DURING PASSAGE: Yes Amendments during passage  
 Second reprint enacted denoted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: December 18, 1995

SENATE: May 12, 1994

DATE OF APPROVAL: January 5, 1996

## 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

KBP:pp

[SECOND REPRINT]

SENATE, No. 520

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 10, 1994

By Senators CAFIERO and CONNORS

1 AN ACT concerning State beverage distributor licenses and  
2 amending R.S.33:1-11.

3

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

6 1. R.S.33:1-11 is amended to read as follows:

7 33:1-11 Class B licenses shall be subdivided and classified as  
8 follows:

9 Plenary wholesale license. 1. The holder of this license shall  
10 be entitled, subject to rules and regulations, to sell and distribute  
11 alcoholic beverages to retailers and wholesalers licensed in  
12 accordance with this chapter, and to sell and distribute without  
13 this State to any persons pursuant to the laws of the places of  
14 such sale and distribution, and to maintain a warehouse and  
15 salesroom; provided, however, that the delivery of such alcoholic  
16 beverages by the holder of this license to retailers licensed under  
17 this Title shall be from inventory in a warehouse located in New  
18 Jersey which is operated under a plenary wholesale license. The  
19 fee for this license shall be \$7,000.00.

20 Limited wholesale license. 2a. The holder of this license shall  
21 be entitled, subject to rules and regulations, to sell and distribute  
22 brewed malt alcoholic beverages and naturally fermented wines  
23 to retailers and wholesalers licensed in accordance with this  
24 chapter, and to sell and distribute without this State to any  
25 persons pursuant to the laws of the places of such sale and  
26 distribution, and to maintain a warehouse and salesroom. The fee  
27 for this license shall be \$1,500.00.

28 Wine wholesale license. 2b. The holder of this license shall be  
29 entitled, subject to rules and regulations, to sell and distribute  
30 any naturally fermented, treated, blended, fortified and sparkling  
31 wines to retailers and wholesalers licensed in accordance with  
32 this chapter, and to sell and distribute without this State to any  
33 persons pursuant to the laws of the places of such sale and  
34 distribution, and to maintain a warehouse and salesroom;  
35 provided, however, that the delivery of such wines by the holder  
36 of this license to retailers licensed under this Title shall be from  
37 inventory in a warehouse located in New Jersey which is operated  
38 under a wine wholesale license. The fee for this license shall be  
39 \$3,000.00.

40 State beverage distributor's license. 2c. <sup>1</sup>(1)<sup>1</sup> The holder of  
41 this license shall be entitled, subject to rules and regulations, to  
42 sell and distribute unchilled, brewed, malt alcoholic beverages in

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> Senate SLP committee amendments adopted March 21, 1994.

<sup>2</sup> Assembly ALG committee amendments adopted December 4, 1995.

1 original containers only, in quantities of not less than 144 fluid  
2 ounces and chilled draught malt alcoholic beverages in kegs,  
3 barrels or other similar containers of at least one fluid gallon in  
4 capacity, to retailers license in accordance with this chapter, and  
5 to sell and distribute without this State to any person pursuant to  
6 the laws of the places of such sale and distribution, and to  
7 maintain a warehouse and salesroom. The holder of this license  
8 may sell unchilled, brewed, malt alcoholic beverages in original  
9 containers only, in quantities of not less than 144 fluid ounces and  
10 chilled draught malt alcoholic beverages in kegs, barrels or other  
11 similar containers of at least 7.75 fluid gallons in capacity, at  
12 retail; provided, however, that such sales shall be made only for  
13 consumption off the licensed premises. This license shall not be  
14 issued to any person holding a plenary or limited brewery license,  
15 nor shall it be issued to any person directly or indirectly  
16 interested in any brewery within or without this State. This  
17 license shall not be issued for premises in or upon which any  
18 retail business, except the sale of malt alcoholic beverages and  
19 nonalcoholic beverages, is carried on. The fee for this license  
20 shall be \$825.

21 <sup>1</sup>If the licensed premises is or will be located in a municipality  
22 in a county of the 5th or 6th class, a license shall not be issued or  
23 transferred pursuant to this subsection without the approval of  
24 that municipality. The license shall be approved by the  
25 municipality on an annual basis at the time of renewal and a  
26 public hearing may be held by the municipality prior to renewal.

27 This subsection shall not be construed to authorize the approval  
28 of the issuance or the transfer of a license for any premises  
29 located within the boundaries of a municipality in which the sale  
30 of alcoholic beverages is prohibited pursuant to the provisions of  
31 R.S.33:1-45. The applicant may not appeal the action of the  
32 issuing authority under this subsection.]

33 (2) After the effective date of P.L. , c. (now pending  
34 before the Legislature as this bill) <sup>2</sup>[and except as provided in  
35 paragraph (3) of this subsection, a] any<sup>2</sup> license <sup>2</sup>[shall not be]<sup>2</sup>  
36 issued <sup>2</sup>[,] or<sup>2</sup> transferred <sup>2</sup>[or renewed]<sup>2</sup> pursuant to this  
37 subsection for a premises located in a municipality in a county of  
38 the fifth or sixth class <sup>2</sup>[if the municipality notifies the director  
39 of its objection to such issuance, transfer or renewal] shall be  
40 limited to prohibit retail sales<sup>2</sup>.

41 (3) <sup>2</sup>[Within 10 days of the receipt of an application concerning  
42 a license subject to the provisions of paragraph (2) of this  
43 subsection, the director shall notify the issuing authority of the  
44 municipality. The issuing authority of the municipality shall have  
45 30 days to notify the director and the applicant of its objection to  
46 the issuance, transfer or renewal of the license. Notice of  
47 objection shall be provided in accordance with the provisions of  
48 R.S.33:1-22. If a notice of objection is not received, the director  
49 may, in accordance with the applicable provisions of this title,  
50 grant or deny the application, but the director shall not grant an  
51 application over the objection of the issuing authority of the  
52 municipality. If the application is for renewal of a license  
53 subject to the provisions of paragraph (2) of this subsection, the  
54 applicant may appeal to the director from the action of the

1 issuing authority of the municipality in accordance with the  
2 procedures set forth in R.S.33:1-22. The applicant shall not have  
3 the right to appeal to the director if the issuing authority of the  
4 municipality has filed an objection to an application for issuance  
5 or transfer of a license subject to the provisions of paragraph (2)  
6 of this subsection.

7 (4)]<sup>2</sup> The holder of a license issued pursuant to this subsection  
8 shall not be entitled to sell malt alcoholic beverages at retail as  
9 provided in paragraph (1) of this subsection, at hours of the day or  
10 on days of the week during which sales by holders of plenary  
11 retail distributors licenses are prohibited in the municipality in  
12 which the licensed premises is located or in a municipality which,  
13 in accordance with the provisions of this title, prohibits all retail  
14 sales of wine and malt alcoholic beverages in original bottle or  
15 can containers.<sup>1</sup>

16 (cf: P.L.1982, c.166, s.1)

17 2. This act shall take effect immediately.

18  
19  
20  
21  
22 Prohibits certain types of sales of alcoholic beverages in certain  
23 municipalities.

1 ounces and chilled draught malt alcoholic beverages in kegs,  
2 barrels or other similar containers of at least one fluid gallon in  
3 capacity, to retailers license in accordance with this chapter, and  
4 to sell and distribute without this State to any person pursuant to  
5 the laws of the places of such sale and distribution, and to  
6 maintain a warehouse and salesroom. The holder of this license  
7 may sell unchilled, brewed, malt alcoholic beverages in original  
8 containers only, in quantities of not less than 144 fluid ounces and  
9 chilled draught malt alcoholic beverages in kegs, barrels or other  
10 similar containers of at least 7.75 fluid gallons in capacity, at  
11 retail; provided, however, that such sales shall be made only for  
12 consumption off the licensed premises. This license shall not be  
13 issued to any person holding a plenary or limited brewery license,  
14 nor shall it be issued to any person directly or indirectly  
15 interested in any brewery within or without this State. This  
16 license shall not be issued for premises in or upon which any  
17 retail business, except the sale of malt alcoholic beverages and  
18 nonalcoholic beverages, is carried on. The fee for this license  
19 shall be \$825.

20 If the licensed premises is or will be located in a municipality  
21 in a county of the 5th or 6th class, a license shall not be issued or  
22 transferred pursuant to this subsection without the approval of  
23 that municipality. The license shall be approved by the  
24 municipality on an annual basis at the time of renewal and a  
25 public hearing may be held by the municipality prior to renewal.

26 This subsection shall not be construed to authorize the approval  
27 of the issuance or the transfer of a license for any premises  
28 located within the boundaries of a municipality in which the sale  
29 of alcoholic beverages is prohibited pursuant to the provisions of  
30 R.S.33:1-45. The applicant may not appeal the action of the  
31 issuing authority under this subsection.

32 (cf: P.L.1982, c.166, s.1.)

33 2. This act shall take effect immediately.

34

35

#### STATEMENT

36

37 This bill prohibits the issuance or transfer of a State beverage  
38 distributor's license without the approval of the municipality in  
39 any fifth or sixth class county where the licensed premises is or  
40 would be situated. A rejection of an application by the issuing  
41 authority could not be appealed to the Director of the Division of  
42 Alcoholic Beverage Control.

43 State beverage distributors may engage in wholesale sales of  
44 warm beer in original containers, in quantities of not less than  
45 144 fluid ounces, or chilled draught beer in kegs or barrels of at  
46 least one fluid gallon capacity. They also may sell at retail warm  
47 beer in original containers only, in quantities of not less than 144  
48 fluid ounces, and chilled draught beer in kegs or barrels of at  
49 least 7.75 fluid gallons capacity for off-premise consumption.

50

51

52

53 Extends certain municipal powers on issuance and transfer of  
54 State beverage distributor's license.

ASSEMBLY LOCAL GOVERNMENT COMMITTEE

STATEMENT TO

[FIRST REPRINT]

**SENATE, No. 520**

with committee amendments

**STATE OF NEW JERSEY**

DATED: DECEMBER 4, 1995

The Assembly Local Government Committee favorably reports Senate Bill No. 520 (1R), with committee amendments.

Senate Bill No. 520 (1R), as amended by the committee, provides that after the effective date of the bill, any State beverage distributor's license issued for or transferred to a premises located in a municipality in a county of the fifth or sixth class shall be limited to prohibit retail sales.

The amended bill also clarifies that the holder of a State beverage distributor's license would not be entitled to sell malt alcoholic beverages at retail at hours of the day or on days of the week during which sales by holders of plenary retail distributors licenses are prohibited in the municipality in which the licensed premises is located, or in a municipality which prohibits all retail sales of wine and malt alcoholic beverages in original bottle or can containers.

The committee amendments deleted provisions of the bill prohibiting a State beverage distributor's license from being issued for, transferred to, or with certain exceptions, renewed for a premises located in a municipality in a county of the fifth or sixth class if the municipality objected to the issuance, transfer or renewal. The committee's amendments also removed a provision establishing the mechanism by which such a municipality could register its objections.

State beverage distributors may engage in wholesale sales of warm beer in original containers in quantities of not less than 144 fluid ounces, or chilled draught beer in kegs or barrels of at least one fluid gallon capacity. They also may sell at retail warm beer in original containers only, in quantities of not less than 144 fluid ounces, and chilled draught beer in kegs or barrels of at least 7.75 fluid gallons capacity for off-premise consumption.

Senate Bill No. 520 (1R) with committee amendments is identical to Assembly Bill No. 1778 with committee amendments, also reported by the committee on December 4, 1995.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

**SENATE, No. 520**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MARCH 21, 1994

The Senate Law and Public Safety Committee favorably reports with committee amendments Senate Bill No. 520.

Under the provisions of the bill as amended and released by the committee, a State beverage distributor's license could not be issued for or transferred to a premises located in a municipality in a county of the fifth or sixth class if the municipality objected to the issuance or transfer. Except as provided in the bill, such a license also could not be renewed if the municipality objected to the renewal.

The bill requires the director to notify the issuing authority of the municipality within 10 days of the receipt of an application from the holder of a State beverage distributor's license in a county of the fifth or sixth class. The issuing authority of the municipality would have 30 days to notify the director and the applicant of its objection to the issuance, transfer or renewal of the license. If a notice of objection is not received, the director would be empowered to grant or deny the application, but the director could not grant an application over the objection of the issuing authority of the municipality. The licensee could appeal the action of the issuing authority of the municipality if the application was for renewal of the license; however, the applicant would not have the right to appeal to the director if the issuing authority of the municipality had filed an objection to the issuance or transfer of the license.

The bill also clarifies that the holder of a state beverage distributor's license would not be entitled to sell malt alcoholic beverages at retail at hours of the day or on days of the week during which sales by holders of plenary retail distributors licenses are prohibited in the municipality in which the licensed premises is located, or in a municipality which prohibits all retail sales of wine and malt alcoholic beverages in original bottle or can containers.

As originally drafted, the bill prohibited the issuance or transfer of a State beverage distributor's license without the approval of the municipality in any fifth or sixth class county where the licensed premises is or would be situated. The bill also required that the license be approved by the municipality on an annual basis at the time of renewal. The bill further provided that the municipality could hold a public hearing prior to renewing the license. The applicant or licensee would not have been able to appeal the municipality's action to the Director of the Division of Alcoholic Beverage Control.

State beverage distributors may engage in wholesale sales of warm beer in original containers in quantities of not less than 144 fluid ounces, or chilled draught beer in kegs or barrels of at least

one fluid gallon capacity. They also may sell at retail warm beer in original containers only, in quantities of not less than 144 fluid ounces, and chilled draught beer in kegs or barrels of at least 7.75 fluid gallons capacity for off-premise consumption.