

SENATE, No. 1903

STATE OF NEW JERSEY
214th LEGISLATURE

INTRODUCED MAY 13, 2010

Sponsored by:
Senator JAMES BEACH
District 6 (Camden)

SYNOPSIS

Permits service of beer and wine by certain restaurants.

CURRENT VERSION OF TEXT

As introduced.



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1 AN ACT concerning service of certain alcoholic beverages and
2 amending R.S.33:1-12.

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

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7 1. R.S.33:1-12 is amended to read as follows:

8 33:1-12. Class C licenses shall be subdivided and classified as
9 follows:

10 Plenary retail consumption license. 1. The holder of this license
11 shall be entitled, subject to rules and regulations, to sell any
12 alcoholic beverages for consumption on the licensed premises by
13 the glass or other open receptacle, and also to sell any alcoholic
14 beverages in original containers for consumption off the licensed
15 premises; but this license shall not be issued to permit the sale of
16 alcoholic beverages in or upon any premises in which a grocery,
17 delicatessen, drug store or other mercantile business is carried on,
18 except as hereinafter provided. The holder of this license shall be
19 permitted to conduct consumer wine, beer and spirits tasting events
20 and samplings for a fee or on a complimentary basis pursuant to
21 conditions established by rules and regulations of the Division of
22 Alcoholic Beverage Control, provided however, that the holder of
23 this license complies with the terms and conditions set forth in
24 section 3 of P.L.2009, c.216 (C.33:1-12d). Subject to such rules
25 and regulations established from time to time by the director, the
26 holder of this license shall be permitted to sell alcoholic beverages
27 in or upon the premises in which any of the following is carried on:
28 the keeping of a hotel or restaurant including the sale of mercantile
29 items incidental thereto as an accommodation to patrons; the sale, at
30 an entertainment facility as defined in R.S.33:1-1, having a seating
31 capacity for no less than 4,000 patrons, of mercantile items
32 traditionally associated with the type of event or program held at
33 the site; the sale of distillers', brewers' and vintners' packaged
34 merchandise prepacked as a unit with other suitable objects as gift
35 items to be sold only as a unit; the sale of novelty wearing apparel
36 identified with the name of the establishment licensed under the
37 provisions of this section; the sale of cigars, cigarettes, packaged
38 crackers, chips, nuts and similar snacks and ice at retail as an
39 accommodation to patrons, or the retail sale of nonalcoholic
40 beverages as accessory beverages to alcoholic beverages; or, in
41 commercial bowling establishments, the retail sale or rental of
42 bowling accessories and the retail sale from vending machines of
43 candy, ice cream and nonalcoholic beverages. The fee for this
44 license shall be fixed by the governing board or body of the

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.

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1 municipality in which the licensed premises are situated, by
2 ordinance, at not less than \$250 and not more than \$2,500. No
3 ordinance shall be enacted which shall raise or lower the fee to be
4 charged for this license by more than 20% from that charged in the
5 preceding license year or \$500.00, whichever is the lesser. The
6 governing board or body of each municipality may, by ordinance,
7 enact that no plenary retail consumption license shall be granted
8 within its respective municipality.

9 The holder of this license shall be permitted to obtain a restricted
10 brewery license issued pursuant to subsection 1c. of R.S.33:1-10
11 and to operate a restricted brewery immediately adjoining the
12 licensed premises in accordance with the restrictions set forth in
13 that subsection. All fees related to the issuance of both licenses
14 shall be paid in accordance with statutory law.

15 Seasonal retail consumption license. 2. The holder of this
16 license shall be entitled, subject to rules and regulations, to sell any
17 alcoholic beverages for consumption on the licensed premises by
18 the glass or other open receptacle, and also to sell any alcoholic
19 beverages in original containers for consumption off the licensed
20 premises, during the summer season from May 1 until November
21 14, inclusive, or during the winter season from November 15 until
22 April 30, inclusive; but this license shall not be issued to permit the
23 sale of alcoholic beverages in or upon any premises in which a
24 grocery, delicatessen, drug store or other mercantile business is
25 carried on, except as hereinafter provided. Subject to such rules
26 and regulations established from time to time by the director, the
27 holder of this license shall be permitted to sell alcoholic beverages
28 in or upon the premises in which any of the following is carried on:
29 the keeping of a hotel or restaurant including the sale of mercantile
30 items incidental thereto as an accommodation to patrons; the sale of
31 distillers', brewers' and vintners' packaged merchandise prepacked
32 as a unit with other suitable objects as gift items to be sold only as a
33 unit; the sale of novelty wearing apparel identified with the name of
34 the establishment licensed under the provisions of this section; the
35 sale of cigars, cigarettes, packaged crackers, chips, nuts and similar
36 snacks and ice at retail as an accommodation to patrons; or the retail
37 sale of nonalcoholic beverages as accessory beverages to alcoholic
38 beverages. The fee for this license shall be fixed by the governing
39 board or body of the municipality in which the licensed premises
40 are situated, by ordinance, at 75% of the fee fixed by said board or
41 body for plenary retail consumption licenses. The governing board
42 or body of each municipality may, by ordinance, enact that no
43 seasonal retail consumption license shall be granted within its
44 respective municipality.

45 Plenary retail distribution license. 3. a. The holder of this license
46 shall be entitled, subject to rules and regulations, to sell any
47 alcoholic beverages for consumption off the licensed premises, but
48 only in original containers; except that licensees shall be permitted
49 to conduct consumer wine, beer, and spirits tasting events and

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1 samplings on a complimentary basis pursuant to conditions
2 established by rules and regulations of the Division of Alcoholic
3 Beverage Control, provided however, that the holder of this license
4 complies with the terms and conditions set forth in section 3 of
5 P.L.2009, c.216 (C.33:1-12d).

6 The governing board or body of each municipality may, by
7 ordinance, enact that this license shall not be issued to permit the
8 sale of alcoholic beverages in or upon any premises in which any
9 other mercantile business is carried on, except that any such
10 ordinance, heretofore or hereafter adopted, shall not prohibit the
11 retail sale of distillers', brewers' and vintners' packaged
12 merchandise prepacked as a unit with other suitable objects as gift
13 items to be sold only as a unit; the sale of novelty wearing apparel
14 identified with the name of the establishment licensed under the
15 provisions of this act; cigars, cigarettes, packaged crackers, chips,
16 nuts and similar snacks, ice, and nonalcoholic beverages as
17 accessory beverages to alcoholic beverages. The fee for this license
18 shall be fixed by the governing board or body of the municipality in
19 which the licensed premises are situated, by ordinance, at not less
20 than \$125 and not more than \$2,500. No ordinance shall be enacted
21 which shall raise or lower the fee to be charged for this license by
22 more than 20% from that charged in the preceding license year or
23 \$500.00, whichever is the lesser. The governing board or body of
24 each municipality may, by ordinance, enact that no plenary retail
25 distribution license shall be granted within its respective
26 municipality.

27 Limited retail distribution license. 3. b. The holder of this license
28 shall be entitled, subject to rules and regulations, to sell any
29 unchilled, brewed, malt alcoholic beverages in quantities of not less
30 than 72 fluid ounces for consumption off the licensed premises, but
31 only in original containers; provided, however, that this license
32 shall be issued only for premises operated and conducted by the
33 licensee as a bona fide grocery store, meat market, meat and
34 grocery store, delicatessen, or other type of bona fide food store at
35 which groceries or other foodstuffs are sold at retail; and provided
36 further that this license shall not be issued except for premises at
37 which the sale of groceries or other foodstuffs is the primary and
38 principal business and at which the sale of alcoholic beverages is
39 merely incidental and subordinate thereto. The fee for this license
40 shall be fixed by the governing body or board of the municipality in
41 which the licensed premises are situated, by ordinance, at not less
42 than \$31 and not more than \$63. The governing board or body of
43 each municipality may, by ordinance, enact that no limited retail
44 distribution license shall be granted within its respective
45 municipality.

46 Plenary retail transit license. 4. The holder of this license shall be
47 entitled, subject to rules and regulations, to sell any alcoholic
48 beverages, for consumption only, on railroad trains, airplanes,
49 limousines and boats, while in transit. The fee for this license for

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1 use by a railroad or air transport company shall be \$375, for use by
2 the owners of limousines shall be \$31 per vehicle, and for use on a
3 boat shall be \$63 on a boat 65 feet or less in length, \$125 on a boat
4 more than 65 feet in length but not more than 110 feet in length,
5 and \$375 on a boat more than 110 feet in length; such boat lengths
6 shall be determined in the manner prescribed by the Bureau of
7 Customs of the United States Government or any federal agency
8 successor thereto for boat measurement in connection with issuance
9 of marine documents. A license issued under this provision to a
10 railroad or air transport company shall cover all railroad cars and
11 planes operated by any such company within the State of New
12 Jersey. A license for a boat or limousine issued under this
13 provision shall apply only to the particular boat or limousine for
14 which issued, and shall permit the purchase of alcoholic beverages
15 for sale or service in a boat or limousine to be made from any Class
16 A and B licensee or from any Class C licensee whose license
17 privilege permits the sale of alcoholic beverages in original
18 containers for off-premises consumption. An interest in a plenary
19 retail transit license issued in accordance with this section shall be
20 excluded in determining the maximum number of retail licenses
21 permitted under P.L.1962, c.152 (C.33:1-12.31 et seq.).

22 Club license. 5. The holder of this license shall be entitled,
23 subject to rules and regulations, to sell any alcoholic beverages but
24 only for immediate consumption on the licensed premises and only
25 to bona fide club members and their guests. The fee for this license
26 shall be fixed by the governing board or body of the municipality in
27 which the licensed premises are situated, by ordinance, at not less
28 than \$63 and not more than \$188. The governing board or body of
29 each municipality may, by ordinance, enact that no club licenses
30 shall be granted within its respective municipality. Club licenses
31 may be issued only to such corporations, associations and
32 organizations as are operated for benevolent, charitable, fraternal,
33 social, religious, recreational, athletic, or similar purposes, and not
34 for private gain, and which comply with all conditions which may
35 be imposed by the Director of the Division of Alcoholic Beverage
36 Control by rules and regulations.

37 The provisions of section 23 of P.L.2003, c.117 amendatory of
38 this section shall apply to licenses issued or transferred on or after
39 July 1, 2003, and to license renewals commencing on or after July
40 1, 2003.

41 Restricted restaurant license. 6. The holder of this license shall
42 be entitled, subject to rules and regulations, to sell any beer or wine
43 for consumption by the glass or other open receptacle in or upon the
44 premises of a restaurant in connection with the service of food at a
45 table by an employee of the restaurant who is 18 years of age or
46 older. The fee for this license shall be fixed by the governing board
47 or body of the municipality in which the licensed premises are
48 situated, by ordinance, at 75% of the fee fixed by that board or body
49 for plenary retail consumption licenses. The governing board or

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1 body of each municipality may, by ordinance, enact that no
2 restricted restaurant license shall be granted within its respective
3 municipality.

4 (cf: P.L.2009, c.216, s.1)

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6 2. This act shall take effect on the first day of the seventh
7 month following enactment.

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10 STATEMENT

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12 This bill would create a new alcoholic beverage license, a
13 “restricted restaurant license,” which would be issued to restaurants
14 that wish to sell beer and wine. The restaurants would be permitted
15 to sell beer and wine only in connection with the service of food at
16 tables, for consumption only at the restaurant. Persons who serve the
17 wine or beer in these restaurants would be required to be 18 years of
18 age or older. The fee for the restricted restaurant license is to be
19 fixed by the municipality in which the licensed premises are
20 situated at 75% of the fee for a plenary retail consumption license.

21 This bill does not restrict the number of restricted restaurant
22 licenses permitted in any municipality provided the municipality’s
23 ordinance permits the sale and distribution of alcoholic beverages.