

# ASSEMBLY, No. 431

## STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

**Sponsored by:**

**Assemblywoman MARY PAT ANGELINI**

**District 11 (Monmouth)**

**Assemblyman RALPH R. CAPUTO**

**District 28 (Essex)**

**SYNOPSIS**

Prohibits certain alcoholic beverage advertisements within 300 feet of a school, church, or public park.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning advertisements for alcoholic beverages and  
2 amending P.L.1991, c.413.

3

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

6

7 1. Section 5 of P.L.1991, c.413 (C.27:5-9) is amended to read  
8 as follows:

9 5. Signs permitted by this act shall be by permit from the  
10 commissioner pursuant to conditions consistent with the regulations  
11 of the commissioner, and the following:

12 a. A sign may not attempt or appear to attempt to direct the  
13 movement of traffic or interfere with, imitate, or resemble any  
14 official traffic sign, signal or device, or include or utilize flashing,  
15 intermittent or moving lights, or utilize lighting equipment or  
16 reflectorized materials which emit or reflect colors, including, but  
17 not limited to, red, amber or green, except as may be authorized by  
18 the commissioner or by agreement between the commissioner and  
19 the Secretary of Transportation of the United States.

20 b. A sign may not interfere or be likely to interfere with the  
21 ability of the operator of a motor vehicle to have a clear and  
22 unobstructed view of the highway ahead or of official signs, signals  
23 or traffic control devices.

24 c. Illumination of a sign shall be effectively shielded so as to  
25 prevent light from being directed at any portion of the main-  
26 traveled way of the highway, or, if not so shielded, be of a  
27 sufficiently low intensity or brilliance as not to cause glare or  
28 impair the vision of persons operating motor vehicles on that  
29 highway, or otherwise impair the operation of a motor vehicle.

30 d. Signs shall be maintained in a safe condition with due regard  
31 for conditions of climate, weather and terrain, and as a condition of  
32 continued use or permit renewal, unsafe signs shall be remediated  
33 by maintenance or repair.

34 e. A sign may not be of a type, size, or character so as to  
35 endanger or injure public safety, health or welfare, or be injurious  
36 to property in the vicinity thereof.

37 f. A sign may not be painted, drawn, erected or maintained  
38 upon trees, rocks, other natural features or public utility poles.

39 g. Signs for which a permit has been issued shall display in a  
40 conspicuous position on the sign or its supporting structure, the  
41 name of the person holding the permit.

42 h. A sign or other object shall not in any way simulate any  
43 official, directional, traffic control or warning signs erected or  
44 maintained by any governmental agency.

**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        i. A sign advertising any alcoholic beverage as defined in  
2 subsection b. of R.S.33:1-1 shall not be located on or within 300  
3 feet of:

4        (1) school property used for school purposes which is owned by  
5 or leased to any elementary or secondary school or school board;

6        (2) property on which a nonpublic school is situated;

7        (3) property comprising a public park; or

8        (4) property on which a church is situated.

9 (cf: P.L.1991, c.413, s.5)

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11        2. This act shall take effect on the first day of the fourth month  
12 after enactment.

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STATEMENT

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17        This bill amends the “Roadside Sign Control and Outdoor  
18 Advertising Act,” P.L.1991, c.413 (C.27:5-5) to prohibit  
19 advertisements for alcoholic beverages on billboards and outdoor  
20 signs on or within 300 feet of a public school, private school, public  
21 park, or church.

22        Owners of billboards or other fixed signs who violate the  
23 provisions of the act are required to change their advertising or  
24 remove their signs within 30 days of notice by the Commissioner of  
25 Transportation. The commissioner may enter private property after  
26 30 days to remove the sign and may recover the costs of removal or  
27 \$500, whichever is greater. Additional penalties are \$50 to \$500  
28 for each offense, with each day of being in violation constituting a  
29 separate offense. State and local law enforcement authorities, under  
30 the direction of the commissioner, may enforce this law. This bill  
31 would subject owners of billboards or other fixed signs advertising  
32 alcoholic beverages to these statutory provisions.

33        The bill defines an “alcoholic beverage” as any fluid or solid  
34 capable of being converted into a fluid, suitable for human  
35 consumption, and having an alcohol content of more than one-half  
36 of one per centum (1/2 of 1%) by volume, including alcohol, beer,  
37 lager beer, ale, porter, naturally fermented wine, treated wine,  
38 blended wine, fortified wine, sparkling wine, distilled liquors,  
39 blended distilled liquors and any brewed, fermented or distilled  
40 liquors fit for use for beverage purposes or any mixture of the same,  
41 and fruit juices.