

[First Reprint]

**ASSEMBLY, No. 4616**

**STATE OF NEW JERSEY**  
**216th LEGISLATURE**

INTRODUCED JUNE 29, 2015

**Sponsored by:**

**Assemblyman THOMAS P. GIBLIN**

**District 34 (Essex and Passaic)**

**Assemblyman WAYNE P. DEANGELO**

**District 14 (Mercer and Middlesex)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

**Co-Sponsored by:**

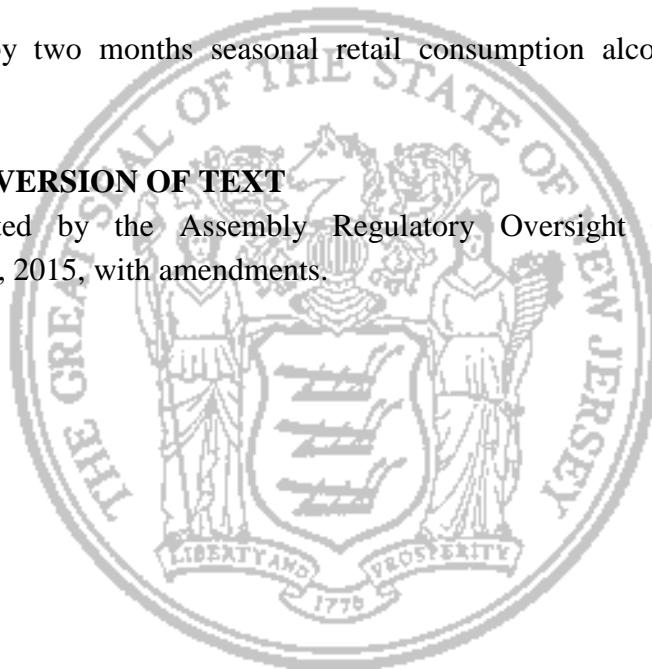
**Assemblymen Egan, Diegnan, Assemblywoman Stender and Assemblyman Coughlin**

**SYNOPSIS**

Extends by two months seasonal retail consumption alcoholic beverage license.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Regulatory Oversight Committee on December 10, 2015, with amendments.



**(Sponsorship Updated As Of: 1/12/2016)**

1 AN ACT concerning seasonal retail consumption licenses and  
2 amending R.S.33:1-12.

3

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

6

7 <sup>1</sup>[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  
45 municipality in which the licensed premises are situated, by

**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>Assembly ARO committee amendments adopted December 10, 2015.

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

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

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

45 Plenary retail distribution license. 3. a. The holder of this  
46 license 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

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

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

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

47 Plenary retail transit license. 4. The holder of this license shall  
48 be entitled, subject to rules and regulations, to sell any alcoholic

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

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

39 The provisions of section 23 of P.L.2003, c.117 amendatory of  
40 this section shall apply to licenses issued or transferred on or after  
41 July 1, 2003, and to license renewals commencing on or after July  
42 1, 2003.

43 (cf: P.L.2009, c.216, s.1)<sup>1</sup>

44

45 <sup>1</sup>1. R.S.33:1-12 is amended to read as follows:

46 33:1-12. Class C licenses shall be subdivided and classified as  
47 follows:

1 Plenary retail consumption license. 1. The holder of this license  
2 shall be entitled, subject to rules and regulations, to sell any alcoholic  
3 beverages for consumption on the licensed premises by the glass or  
4 other open receptacle, and also to sell any alcoholic beverages in  
5 original containers for consumption off the licensed premises; but this  
6 license shall not be issued to permit the sale of alcoholic beverages in  
7 or upon any premises in which a grocery, delicatessen, drug store or  
8 other mercantile business is carried on, except as hereinafter provided.  
9 The holder of this license shall be permitted to conduct consumer  
10 wine, beer and spirits tasting events and samplings for a fee or on a  
11 complimentary basis pursuant to conditions established by rules and  
12 regulations of the Division of Alcoholic Beverage Control, provided  
13 however, that the holder of this license complies with the terms and  
14 conditions set forth in section 3 of P.L.2009, c.216 (C.33:1-12d).  
15 Subject to such rules and regulations established from time to time by  
16 the director, the holder of this license shall be permitted to sell  
17 alcoholic beverages in or upon the premises in which any of the  
18 following is carried on: the keeping of a hotel or restaurant including  
19 the sale of mercantile items incidental thereto as an accommodation to  
20 patrons; the sale, at an entertainment facility as defined in R.S.33:1-1,  
21 having a seating capacity for no less than 4,000 patrons, of mercantile  
22 items traditionally associated with the type of event or program held at  
23 the site; the sale of distillers', brewers' and vintners' packaged  
24 merchandise prepacked as a unit with other suitable objects as gift  
25 items to be sold only as a unit; the sale of novelty wearing apparel  
26 identified with the name of the establishment licensed under the  
27 provisions of this section; the sale of cigars, cigarettes, packaged  
28 crackers, chips, nuts and similar snacks and ice at retail as an  
29 accommodation to patrons, or the retail sale of nonalcoholic beverages  
30 as accessory beverages to alcoholic beverages; or, in commercial  
31 bowling establishments, the retail sale or rental of bowling accessories  
32 and the retail sale from vending machines of candy, ice cream and  
33 nonalcoholic beverages. The fee for this license shall be fixed by the  
34 governing board or body of the municipality in which the licensed  
35 premises are situated, by ordinance, at not less than \$250 and not more  
36 than \$2,500. No ordinance shall be enacted which shall raise or lower  
37 the fee to be charged for this license by more than **【20%】** 20 percent  
38 from that charged in the preceding license year or **【\$500.00】** \$500,  
39 whichever is the lesser. The governing board or body of each  
40 municipality may, by ordinance, enact that no plenary retail  
41 consumption license shall be granted within its respective  
42 municipality.

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

1 Seasonal retail consumption license. 2. The holder of this license  
2 shall be entitled, subject to rules and regulations, to sell any alcoholic  
3 beverages for consumption on the licensed premises by the glass or  
4 other open receptacle, and also to sell any alcoholic beverages in  
5 original containers for consumption off the licensed premises, during  
6 the summer season from ~~【May】~~ March 1 until November 14,  
7 inclusive, or during the winter season from November 15 until April  
8 30, inclusive; but this license shall not be issued to permit the sale of  
9 alcoholic beverages in or upon any premises in which a grocery,  
10 delicatessen, drug store or other mercantile business is carried on,  
11 except as hereinafter provided. Subject to such rules and regulations  
12 established from time to time by the director, the holder of this license  
13 shall be permitted to sell alcoholic beverages in or upon the premises  
14 in which any of the following is carried on: the keeping of a hotel or  
15 restaurant including the sale of mercantile items incidental thereto as  
16 an accommodation to patrons; the sale of distillers', brewers' and  
17 vintners' packaged merchandise prepacked as a unit with other suitable  
18 objects as gift items to be sold only as a unit; the sale of novelty  
19 wearing apparel identified with the name of the establishment licensed  
20 under the provisions of this section; the sale of cigars, cigarettes,  
21 packaged crackers, chips, nuts and similar snacks and ice at retail as an  
22 accommodation to patrons; or the retail sale of nonalcoholic beverages  
23 as accessory beverages to alcoholic beverages. The fee for this license  
24 shall be fixed by the governing board or body of the municipality in  
25 which the licensed premises are situated, by ordinance, at ~~【75%】~~ 75  
26 percent of the fee fixed by said board or body for plenary retail  
27 consumption licenses. The governing board or body of each  
28 municipality may, by ordinance, enact that no seasonal retail  
29 consumption license shall be granted within its respective  
30 municipality.

31 Plenary retail distribution license. 3. a. The holder of this license  
32 shall be entitled, subject to rules and regulations, to sell any alcoholic  
33 beverages for consumption off the licensed premises, but only in  
34 original containers; except that licensees shall be permitted to conduct  
35 consumer wine, beer, and spirits tasting events and samplings on a  
36 complimentary basis pursuant to conditions established by rules and  
37 regulations of the Division of Alcoholic Beverage Control, provided  
38 however, that the holder of this license complies with the terms and  
39 conditions set forth in section 3 of P.L.2009, c.216 (C.33:1-12d).

40 The governing board or body of each municipality may, by  
41 ordinance, enact that this license shall not be issued to permit the sale  
42 of alcoholic beverages in or upon any premises in which any other  
43 mercantile business is carried on, except that any such ordinance,  
44 heretofore or hereafter adopted, shall not prohibit the retail sale of  
45 distillers', brewers' and vintners' packaged merchandise prepacked as a  
46 unit with other suitable objects as gift items to be sold only as a unit;  
47 the sale of novelty wearing apparel identified with the name of the  
48 establishment licensed under the provisions of this act; cigars,

1 cigarettes, packaged crackers, chips, nuts and similar snacks, ice, and  
2 nonalcoholic beverages as accessory beverages to alcoholic beverages.  
3 The fee for this license shall be fixed by the governing board or body  
4 of the municipality in which the licensed premises are situated, by  
5 ordinance, at not less than \$125 and not more than \$2,500. No  
6 ordinance shall be enacted which shall raise or lower the fee to be  
7 charged for this license by more than ~~20%~~ 20 percent from that  
8 charged in the preceding license year or ~~\$500.00~~ \$500, whichever is  
9 the lesser. The governing board or body of each municipality may, by  
10 ordinance, enact that no plenary retail distribution license shall be  
11 granted within its respective municipality.

12 Limited retail distribution license. 3. b. The holder of this license  
13 shall be entitled, subject to rules and regulations, to sell any unchilled,  
14 brewed, malt alcoholic beverages in quantities of not less than 72 fluid  
15 ounces for consumption off the licensed premises, but only in original  
16 containers; provided, however, that this license shall be issued only for  
17 premises operated and conducted by the licensee as a bona fide  
18 grocery store, meat market, meat and grocery store, delicatessen, or  
19 other type of bona fide food store at which groceries or other  
20 foodstuffs are sold at retail; and provided further that this license shall  
21 not be issued except for premises at which the sale of groceries or  
22 other foodstuffs is the primary and principal business and at which the  
23 sale of alcoholic beverages is merely incidental and subordinate  
24 thereto. The fee for this license shall be fixed by the governing body  
25 or board of the municipality in which the licensed premises are  
26 situated, by ordinance, at not less than \$31 and not more than \$63.  
27 The governing board or body of each municipality may, by ordinance,  
28 enact that no limited retail distribution license shall be granted within  
29 its respective municipality.

30 Plenary retail transit license. 4. The holder of this license shall be  
31 entitled, subject to rules and regulations, to sell any alcoholic  
32 beverages, for consumption only, on railroad trains, airplanes,  
33 limousines and boats, while in transit. The fee for this license for use  
34 by a railroad or air transport company shall be \$375, for use by the  
35 owners of limousines shall be \$31 per vehicle, and for use on a boat  
36 shall be \$63 on a boat 65 feet or less in length, \$125 on a boat more  
37 than 65 feet in length but not more than 110 feet in length, and \$375  
38 on a boat more than 110 feet in length; such boat lengths shall be  
39 determined in the manner prescribed by the Bureau of Customs of the  
40 United States Government or any federal agency successor thereto for  
41 boat measurement in connection with issuance of marine documents.  
42 A license issued under this provision to a railroad or air transport  
43 company shall cover all railroad cars and planes operated by any such  
44 company within the State of New Jersey. A license for a boat or  
45 limousine issued under this provision shall apply only to the particular  
46 boat or limousine for which issued, and shall permit the purchase of  
47 alcoholic beverages for sale or service in a boat or limousine to be  
48 made from any Class A and B licensee or from any Class C licensee



1 whose license privilege permits the sale of alcoholic beverages in  
2 original containers for off-premises consumption. An interest in a  
3 plenary retail transit license issued in accordance with this section  
4 shall be excluded in determining the maximum number of retail  
5 licenses permitted under P.L.1962, c.152 (C.33:1-12.31 et seq.).

6 Club license. 5. The holder of this license shall be entitled, subject  
7 to rules and regulations, to sell any alcoholic beverages but only for  
8 immediate consumption on the licensed premises and only to bona fide  
9 club members and their guests. The fee for this license shall be fixed  
10 by the governing board or body of the municipality in which the  
11 licensed premises are situated, by ordinance, at not less than \$63 and  
12 not more than \$188. The governing board or body of each  
13 municipality may, by ordinance, enact that no club licenses shall be  
14 granted within its respective municipality. Club licenses may be  
15 issued only to such corporations, associations and organizations as are  
16 operated for benevolent, charitable, fraternal, social, religious,  
17 recreational, athletic, or similar purposes, and not for private gain, and  
18 which comply with all conditions which may be imposed by the  
19 Director of the Division of Alcoholic Beverage Control by rules and  
20 regulations.

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

24 Sporting facility license. 6. The holder of this license shall be  
25 entitled, subject to rules and regulations, to sell at retail or to serve any  
26 alcoholic beverages as the owner, operator, lessee, or concessionaire of  
27 a sporting facility by the glass or other receptacle or in original  
28 containers only on the premises of the sporting facility.

29 Notwithstanding any other provision of Title 33 of the Revised  
30 Statutes and subject to conditions established by the director, the  
31 holder of this license may share direction and control of the premises  
32 to be licensed and share proceeds and profits from the sale of alcoholic  
33 beverages with the owner, operator, concessionaire, or lessee of the  
34 facility. The holder of this license shall be permitted to conduct  
35 consumer wine, beer, and spirits tasting events and samplings for a fee  
36 or on a complimentary basis provided, however, the license holder  
37 complies with the provisions of section 3 of P.L.2009, c.216 (C.33:1-  
38 12d) and rules and regulations promulgated thereto. Notwithstanding  
39 any law, rule or regulation to the contrary, the holder of this license  
40 shall be entitled to establish an all-inclusive area within the licensed  
41 sporting facility, provided the all-inclusive area is limited to one area  
42 within the sporting facility for each game or event and the capacity of  
43 the all-inclusive area does not exceed 500 persons.

44 The fee for this license shall be \$2,500 for venues with a capacity  
45 of less than 7,500 persons; \$5,000 for venues with a capacity of not  
46 less than 7,500 persons but not more than 14,999 persons; \$7,500 for  
47 venues with a capacity of not less than 15,000 persons but not more

1 than 22,499 persons; and \$10,000 for venues with a capacity of 22,500  
2 persons or more.

3 For the purposes of this subsection:

4 "Sporting facility" means a stadium, arena, team training facility,  
5 or similar venue located on public property where alcoholic beverages  
6 are served or sold at retail for consumption on the premises by the  
7 glass or other open receptacle or in original containers.

8 "Team training facility" shall include team offices and team  
9 headquarters.<sup>1</sup>

10 (cf: P.L.2015, c.86, s.1)

11

12 2. This act shall take effect immediately.