

SENATE, No. 2004

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED FEBRUARY 26, 2018

Sponsored by:

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District 25 (Morris and Somerset)

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District 25 (Morris and Somerset)

SYNOPSIS

Allows municipalities to acquire and sell inactive plenary retail consumption licenses.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/25/2019)

1 AN ACT concerning inactive plenary retail consumption licenses,
2 amending P.L.1977, c.246, and repealing section 3 of P.L.2007,
3 c.351.

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

7
8 1. Section 1 of P.L.1977, c.246 (C.33:1-12.39) is amended to
9 read as follows:

10 1. a. No Class C license, as the same is defined in R.S.33:1-12,
11 shall be renewed if the same has not been actively used in
12 connection with the operation of a licensed premises within a period
13 of two years prior to the commencement date of the license period
14 for which the renewal application is filed unless the director, for
15 good cause and after a hearing, authorizes a further application for
16 one or more renewals within a stated period of years; provided,
17 however that, if the licensee has been deprived of the use of the
18 licensed premises as a result of eminent domain, fire or other
19 casualty, and establishes by affidavit filed with the director that he
20 is making a good faith effort to resume active use of the license in
21 connection with the operation of a licensed premise then the period
22 of two years provided for in this section shall be automatically
23 extended for an additional period of two years.

24 Any request for relief under this section shall be accompanied by
25 a nonreturnable filing fee of \$100.00 payable to the director.

26 b. The governing body of a municipality may acquire any
27 inactive plenary retail consumption license issued by the
28 municipality that has not been renewed by the licensee pursuant to
29 subsection a. of this section. The governing body may retain the
30 license indefinitely but shall pay to the director any fees associated
31 with holding or renewing an inactive plenary retail consumption
32 license. A municipality that acquires an inactive plenary retail
33 consumption license pursuant to this subsection may issue the
34 license at public sale in a manner consistent with the provisions of
35 P.L.1975, c.275 (C.33:1-19.1 et seq.) for use at a licensed premises
36 located within the municipality. The use of any plenary retail
37 consumption license issued pursuant to this subsection shall be in a
38 manner consistent with the provisions of Title 33 of the Revised
39 Statutes and any regulations promulgated by the director.

40 (cf: P.L.1996, c.127, s.1)

41
42 2. Section 3 of P.L.2007, c.351 (C.33:1-24.3) is repealed.

43
44 3. This act shall take effect immediately.

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.

STATEMENT

1
2
3 This bill permits a municipality to acquire any inactive plenary
4 retail consumption license that has not been renewed by a licensee
5 operating an establishment within that municipality. Under the bill,
6 a municipality may retain a plenary retail consumption license in an
7 inactive status indefinitely but is required to pay to the Director of
8 the Division of Alcoholic Beverage Control any fees associated
9 with holding or renewing the license. Additionally, the
10 municipality also may issue the inactive license at public sale for
11 use in connection with a licensed premise located within the
12 municipality.

13 Under current law (section 3 of P.L.2007, c.351 C.33:1-24.3),
14 only municipalities in which an urban enterprise zone and a
15 Planning Area 1 (Metropolitan), as designated pursuant to the "State
16 Planning Act," is located may acquire any inactive plenary retail
17 consumption license within the municipality and retain the license
18 for up to five years. Municipalities that meet these criteria are
19 permitted to sell inactive licenses at public auction. This bill
20 repeals section 3 of P.L.2007, c.351 (C.33:1-24.3) and extends the
21 privilege of acquiring and selling inactive plenary retail
22 consumption licenses to all municipalities.