

**ASSEMBLY, No. 1128**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblyman CRAIG J. COUGHLIN**

**District 19 (Middlesex)**

**Assemblyman JAMEL C. HOLLEY**

**District 20 (Union)**

**Assemblywoman ELIANA PINTOR MARIN**

**District 29 (Essex)**

**Co-Sponsored by:**

**Assemblymen Mukherji and DeAngelo**

**SYNOPSIS**

Permits municipalities to hold certain inactive liquor licenses reserved for smart growth developments for an additional five years.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning inactive plenary retail consumption licenses  
2 and amending P.L.2007, c.351.

3

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

6

7 1. Section 3 of P.L.2007, c.351 (C.33:1-24.3) is amended to  
8 read as follows:

9 3. a. (1) Notwithstanding the provisions of section 1 of  
10 P.L.1977, c.246 (C.33:1-12.39), a municipality in which is located  
11 an urban enterprise zone as designated pursuant to P.L.1983, c.303  
12 (C.52:27H-60 et al.) or any supplement thereto, and a Planning  
13 Area 1 (Metropolitan), as designated pursuant to the "State Planning  
14 Act," sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et  
15 seq.), may acquire any existing plenary retail consumption licenses  
16 within the municipality that are inactive and retain any such  
17 licenses in an inactive status for a period of **[up to]** not more than  
18 five years.

19 (2) A municipality that acquired, pursuant to the provisions of  
20 paragraph (1) of subsection a. of this section, an inactive plenary  
21 retail consumption license which is inactive on the effective date of  
22 P.L. , c. (C. ) (pending before Legislature as this bill) may  
23 maintain that license in an inactive status for a period of not more  
24 five years after the effective date. If the license is inactive five  
25 years after the effective date of P.L. , c. (C. ) (pending  
26 before the Legislature as this bill), the municipality may continue to  
27 maintain that license in an inactive status subject to the approval of  
28 the director.

29 b. A municipality subject to the provisions of subsection a. of  
30 this section may issue at public sale one or more of any such  
31 inactive plenary retail consumption licenses in a manner consistent  
32 with the provisions of P.L.1975, c.275 (C.33:1-19.1 et seq.), to no  
33 more than one corporation or legal entity for each such plenary  
34 retail consumption license for use only at a licensed premises that  
35 shall be located in a development project within a smart growth  
36 area, as defined in section 1 of P.L.2004, c.89 (C.52:27D-10.2), in  
37 the municipality. The use of any such plenary retail consumption  
38 license shall be in a manner consistent with the provisions of Title  
39 33 of the Revised Statutes and any regulations promulgated  
40 thereunder by the director.

41 (cf: P.L.2007, c.351, s.3)

42

43 2. 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

P.L.2007, c.351 (C.33:1-24.1 et seq.) established a procedure for the Director of the Division of Alcoholic Beverage Control to issue special licenses to sell alcoholic beverages to corporations or other legal entities developing smart growth development projects. The legislation also permitted a municipality which is located an urban enterprise zone or designated as a Planning Area 1 (Metropolitan) in the "State Planning Act" to acquire and sell any existing plenary retail consumption licenses within the municipality that are inactive only for use in a development project within a smart growth area. In addition, municipalities were permitted to maintain the licenses so acquired in an inactive status for up to five years. Plenary retail consumption licenses are the liquor licenses issued to bar and restaurants.

Under this bill, a municipality that acquired, pursuant to the provisions of P.L.2007, c.351, an inactive plenary retail consumption license that remains inactive on the bill's effective date may maintain that license in an inactive status for up to five additional years. Moreover, if the license is still inactive five years after the bill's effective date, the municipality may continue to maintain that license in an inactive status subject to the approval of the Director of the Division of Alcoholic Beverage Control.