

ASSEMBLY, No. 2473

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 7, 1996

By Assemblyman GUSCIORA

1 AN ACT concerning check cashing on premises of certain retail
2 alcoholic beverage establishments and amending P.L.1993, c.383
3 and R.S.33:1-12.

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

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8 1. Section 19 of P.L.1993, c.383 (C.17:15A-48) is amended to
9 read as follows:

10 19. a. The commissioner may revoke or suspend a license if, after
11 notice and hearing, the commissioner determines that the licensee:

12 (1) Has violated any provision of this act or any order, rule, or
13 regulation made or issued pursuant to this act or has violated any other
14 law in connection with the operation of the check cashing business;

15 (2) Has failed to pay any fee, penalty, or other lawful levy imposed
16 by the commissioner;

17 (3) Has withheld information or made a material misstatement in
18 the application for the license, or in any branch application or in any
19 other submission to the department;

20 (4) Has been convicted of an offense involving breach of trust,
21 moral turpitude or fraudulent or dishonest dealing, or has had a final
22 judgment entered against him in a civil action upon grounds of fraud,
23 misrepresentation or deceit;

24 (5) Is associating with, or has associated with, any person who has
25 been convicted of an offense involving breach of trust, moral turpitude
26 or fraudulent or dishonest dealing, or who has had a final judgment
27 entered against him in a civil action upon grounds of fraud,
28 misrepresentation or deceit;

29 (6) Has become insolvent or has acted in a way that indicates the
30 licensee's check cashing business would not be operated in a financially
31 responsible manner;

32 (7) Has demonstrated unworthiness, incompetence, bad faith or
33 dishonesty in transacting business or otherwise; [or]

34 (8) Has engaged in any other conduct which would be deemed by

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 the commissioner to be grounds to deny, revoke or suspend a license;
2 or

3 (9) Has maintained the check cashing business in or upon the
4 licensed premises of a plenary or seasonal retail consumption licensee
5 or plenary distribution licensee.

6 b. Pending an investigation or a hearing for the suspension or
7 revocation of any license issued pursuant to this act, the commissioner
8 may temporarily suspend such license for a period not to exceed 90
9 days, if the commissioner finds that such suspension is in the public
10 interest.

11 (cf: P.L.1993, c.383, s.19)

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

14 33:1-12. Class C licenses shall be subdivided and classified as
15 follows:

16 Plenary retail consumption license. 1. The holder of this license
17 shall be entitled, subject to rules and regulations, to sell any alcoholic
18 beverages for consumption on the licensed premises by the glass or
19 other open receptacle, and also to sell any alcoholic beverages in
20 original containers for consumption off the licensed premises; but this
21 license shall not be issued to permit the sale of alcoholic beverages in
22 or upon any premises in which a grocery, delicatessen, drug store,
23 check cashing or other mercantile business is carried on, except as
24 hereinafter provided. Subject to such rules and regulations established
25 from time to time by the director, the holder of this license shall be
26 permitted to sell alcoholic beverages in or upon the premises in which
27 any of the following is carried on: the keeping of a hotel or restaurant
28 including the sale of mercantile items incidental thereto as an
29 accommodation to patrons; the sale of distillers', brewers' and vintners'
30 packaged merchandise prepacked as a unit with other suitable objects
31 as gift items to be sold only as a unit; the sale of novelty wearing
32 apparel identified with the name of the establishment licensed under
33 the provisions of this section; the sale of cigars, cigarettes, packaged
34 crackers, chips, nuts and similar snacks and ice at retail as an
35 accommodation to patrons, or the retail sale of nonalcoholic beverages
36 as accessory beverages to alcoholic beverages; or, in commercial
37 bowling establishments, the retail sale or rental of bowling accessories
38 and the retail sale from vending machines of candy, ice cream and
39 nonalcoholic beverages. The fee for this license shall be fixed by the
40 governing board or body of the municipality in which the licensed
41 premises are situated, by ordinance, at not less than \$200.00 and not
42 more than \$2,000.00. No ordinance shall be enacted which shall raise
43 or lower the fee to be charged for this license by more than 20% from
44 that charged in the preceding license year or \$500.00, whichever is the
45 lesser. The governing board or body of each municipality may, by
46 ordinance, enact that no plenary retail consumption license shall be

1 granted within its respective municipality.

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

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

37 Plenary retail distribution license. 3. a. The holder of this license
38 shall be entitled, subject to rules and regulations, to sell any alcoholic
39 beverages for consumption off the licensed premises, but only in
40 original containers. This license shall not be issued to permit the sale
41 of alcoholic beverages in or upon any premises in which a check
42 cashing business is carried on. The governing board or body of each
43 municipality may, by ordinance, enact that this license shall not be
44 issued to permit the sale of alcoholic beverages in or upon any
45 premises in which any other mercantile business is carried on, except
46 that any such ordinance, heretofore or hereafter adopted, shall not

1 prohibit the retail sale of distillers', brewers' and vintners' packaged
2 merchandise prepacked as a unit with other suitable objects as gift
3 items to be sold only as a unit; the sale of novelty wearing apparel
4 identified with the name of the establishment licensed under the
5 provisions of this act; cigars, cigarettes, packaged crackers, chips, nuts
6 and similar snacks, ice, and nonalcoholic beverages as accessory
7 beverages to alcoholic beverages. The fee for this license shall be
8 fixed by the governing board or body of the municipality in which the
9 licensed premises are situated, by ordinance, at not less than \$100.00
10 and not more than \$2,000.00. No ordinance shall be enacted which
11 shall raise or lower the fee to be charged for this license by more than
12 20% from that charged in the preceding license year or \$500.00,
13 whichever is the lesser. The governing board or body of each
14 municipality may, by ordinance, enact that no plenary retail
15 distribution license shall be granted within its respective municipality.

16 Limited retail distribution license. 3. b. The holder of this license
17 shall be entitled, subject to rules and regulations, to sell any unchilled,
18 brewed, malt alcoholic beverages in quantities of not less than 72 fluid
19 ounces for consumption off the licensed premises, but only in original
20 containers; provided, however, that this license shall be issued only for
21 premises operated and conducted by the licensee as a bona fide
22 grocery store, meat market, meat and grocery store, delicatessen, or
23 other type of bona fide food store at which groceries or other
24 foodstuffs are sold at retail; and provided further that this license shall
25 not be issued except for premises at which the sale of groceries or
26 other foodstuffs is the primary and principal business and at which the
27 sale of alcoholic beverages is merely incidental and subordinate
28 thereto. The fee for this license shall be fixed by the governing body
29 or board of the municipality in which the licensed premises are
30 situated, by ordinance, at not less than \$25.00 and not more than
31 \$50.00. The governing board or body of each municipality may, by
32 ordinance, enact that no limited retail distribution license shall be
33 granted within its respective municipality.

34 Plenary retail transit license. 4. The holder of this license shall be
35 entitled, subject to rules and regulations, to sell any alcoholic
36 beverages, for consumption only, on railroad trains, airplanes,
37 limousines and boats, while in transit. The fee for this license for use
38 by a railroad or air transport company shall be \$300.00, for use by the
39 owners of limousines shall be \$25.00 per vehicle, and for use on a boat
40 shall be \$50.00 on a boat 65 feet or less in length, \$100.00 on a boat
41 more than 65 feet in length but not more than 110 feet in length, and
42 \$300.00 on a boat more than 110 feet in length; such boat lengths shall
43 be determined in the manner prescribed by the Bureau of Customs of
44 the United States Government or any federal agency successor thereto
45 for boat measurement in connection with issuance of marine
46 documents. A license issued under this provision to a railroad or air

1 transport company shall cover all railroad cars and planes operated by
2 any such company within the State of New Jersey. A license for a
3 boat or limousine issued under this provision shall apply only to the
4 particular boat or limousine for which issued, and shall permit the
5 purchase of alcoholic beverages for sale or service in a boat or
6 limousine to be made from any Class A and B licensee or from any
7 Class C licensee whose license privilege permits the sale of alcoholic
8 beverages in original containers for off-premises consumption. An
9 interest in a plenary retail transit license issued in accordance with this
10 section shall be excluded in determining the maximum number of retail
11 licenses permitted under P.L.1962, c.152 (C.33:1-12.31 et seq.).

12 Club license. 5. The holder of this license shall be entitled, subject
13 to rules and regulations, to sell any alcoholic beverages but only for
14 immediate consumption on the licensed premises and only to bona fide
15 club members and their guests. The fee for this license shall be fixed
16 by the governing board or body of the municipality in which the
17 licensed premises are situated, by ordinance, at not less than \$50.00
18 and not more than \$150.00. The governing board or body of each
19 municipality may, by ordinance, enact that no club licenses shall be
20 granted within its respective municipality. Club licenses may be issued
21 only to such corporations, associations and organizations as are
22 operated for benevolent, charitable, fraternal, social, religious,
23 recreational, athletic, or similar purposes, and not for private gain, and
24 which comply with all conditions which may be imposed by the
25 Commissioner of Alcoholic Beverage Control by rules and regulations.
26 (cf: P.L.1996, c.83, s.1)

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28 3. This act shall take effect on the first day of the seventh month
29 after enactment.

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STATEMENT

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34 This bill prohibits the retail sale of alcoholic beverages in the same
35 location as a check cashing business. It applies to the premises of
36 plenary and seasonal retail consumption licensees as well as those of
37 plenary retail distribution licensees. The bill addresses concerns that
38 joint businesses such as these are bringing with them the problems of
39 loitering, drug sales, vandalism, traffic, graffiti, disorderly conduct and
40 littering with bottles and cans.

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45 Prohibits operation of check cashing businesses where alcoholic
46 beverages are sold.