

P.L. 1997, CHAPTER 161, *approved July 10, 1997*
Assembly, No. 277 (*First Reprint*)

1 **AN ACT** concerning the use of alcoholic beverages in certain cases and
2 amending P.L.1979, c.264 ¹[and P.L.1981, c.197]¹.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 1 of P.L.1979, c.264 (C.2C:33-15) is amended to read
8 as follows:

9 1. a. Any person under the legal age to purchase alcoholic
10 beverages who knowingly possesses without legal authority or who
11 knowingly consumes any alcoholic beverage in any school, public
12 conveyance, public place, or place of public assembly, or motor
13 vehicle, is guilty of a disorderly persons offense, and shall be fined not
14 less than \$500.00.

15 b. Whenever this offense is committed in a motor vehicle, the court
16 shall, in addition to the sentence authorized for the offense, suspend
17 or postpone for six months the driving privilege of the defendant.
18 Upon the conviction of any person under this section, the court shall
19 forward a report to the Division of Motor Vehicles stating the first and
20 last day of the suspension or postponement period imposed by the
21 court pursuant to this section. If a person at the time of the imposition
22 of a sentence is less than 17 years of age, the period of license
23 postponement, including a suspension or postponement of the privilege
24 of operating a motorized bicycle, shall commence on the day the
25 sentence is imposed and shall run for a period of six months after the
26 person reaches the age of 17 years.

27 If a person at the time of the imposition of a sentence has a valid
28 driver's license issued by this State, the court shall immediately collect
29 the license and forward it to the division along with the report. If for
30 any reason the license cannot be collected, the court shall include in
31 the report the complete name, address, date of birth, eye color, and

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ALP committee amendments adopted September 16, 1996.

1 sex of the person as well as the first and last date of the license
2 suspension period imposed by the court.

3 The court shall inform the person orally and in writing that if the
4 person is convicted of operating a motor vehicle during the period of
5 license suspension or postponement, the person shall be subject to the
6 penalties set forth in R.S.39:3-40. A person shall be required to
7 acknowledge receipt of the written notice in writing. Failure to
8 receive a written notice or failure to acknowledge in writing the
9 receipt of a written notice shall not be a defense to a subsequent
10 charge of a violation of R.S.39:3-40.

11 If the person convicted under this section is not a New Jersey
12 resident, the court shall suspend or postpone, as appropriate, the
13 non-resident driving privilege of the person based on the age of the
14 person and submit to the division the required report. The court shall
15 not collect the license of a non-resident convicted under this section.
16 Upon receipt of a report by the court, the division shall notify the
17 appropriate officials in the licensing jurisdiction of the suspension or
18 postponement.

19 c. In addition to the general penalty prescribed for a disorderly
20 persons offense, the court may require any person who violates this act
21 to participate in an alcohol education or treatment program,
22 authorized by the Department of Health, for a period not to exceed the
23 maximum period of confinement prescribed by law for the offense for
24 which the individual has been convicted.

25 d. Nothing in this act shall apply to possession of alcoholic
26 beverages by any such person while actually engaged in the
27 performance of employment pursuant to an employment permit issued
28 by the Director of the Division of Alcoholic Beverage Control, or for
29 a bona fide hotel or restaurant, in accordance with the provisions of
30 R.S.33:1-26, or while actively engaged in the preparation of food
31 while enrolled in a culinary arts or hotel management program at a
32 county vocational school or ¹ [county college] post secondary
33 educational institution¹.

34 e. The provisions of section 3 of P.L.1991, c.169 (C.33:1-81.1a)
35 shall apply to a parent, guardian or other person with legal custody of
36 a person under 18 years of age who is found to be in violation of this
37 section.

38 (cf: P.L.1991, c.169, s.2)

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40 ¹[2. Section 1 of P.L.1981, c.197 (C.2C:33-16) is amended to read
41 as follows:

42 1. Any person of legal age to purchase alcoholic beverages, who
43 knowingly and without the express written permission of the school
44 board, its delegated authority, or any school principal, brings or
45 possesses any alcoholic beverages on any property used for school
46 purposes which is owned by any school or school board, is guilty of a

1 disorderly persons offense. For the purposes of this act, the
2 employment of an individual to teach food preparation in a culinary
3 arts program shall constitute express written permission for the
4 possession of alcoholic beverages by that individual when appropriate
5 for the actual preparation of food in a culinary arts class.

6 (cf: P.L.1981, c.197, s.1)]¹

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8 ¹[3.] 2.¹ This act shall take effect immediately.

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14 Permits use of alcoholic beverages in culinary arts food preparation
programs.