

P.L. 2018, CHAPTER 147, *approved December 17, 2018*
Senate Substitute (*First Reprint*) for
Senate, No. 1958

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 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

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:

¹Assembly AOF committee amendments adopted September 13, 2018.

1 commercial bowling establishments, the retail sale or rental of
2 bowling accessories and the retail sale from vending machines of
3 candy, ice cream and nonalcoholic beverages. The fee for this
4 license shall be fixed by the governing board or body of the
5 municipality in which the licensed premises are situated, by
6 ordinance, at not less than \$250 and not more than \$2,500. No
7 ordinance shall be enacted which shall raise or lower the fee to be
8 charged for this license by more than 20% from that charged in the
9 preceding license year or \$500.00, whichever is the lesser. The
10 governing board or body of each municipality may, by ordinance,
11 enact that no plenary retail consumption license shall be granted
12 within its respective municipality.

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

19 Seasonal retail consumption license. 2. (1) The holder of this
20 license shall be entitled, subject to rules and regulations, to sell any
21 alcoholic beverages for consumption on the licensed premises by
22 the glass or other open receptacle, and also to sell any alcoholic
23 beverages in original containers for consumption off the licensed
24 premises, during the summer season from May 1 until November
25 14, inclusive, or during the winter season from November 15 until
26 April 30, inclusive **;** but this**].**

27 (2) In addition, the director shall issue to the holder of this
28 license, upon request ¹by the licensee¹, one-day permits that shall
29 entitle the license holder to sell alcoholic beverages for
30 consumption on the licensed premises during the season when the
31 license holder is not authorized to sell alcoholic beverages pursuant
32 to subparagraph (1) of this subsection. The number of one-day
33 permits issued to a licensee pursuant to this subsection shall not
34 exceed an aggregate of ¹~~23~~ 14¹ permits in one calendar year. A
35 one-day permit issued pursuant to this subsection shall be valid for
36 24 consecutive hours. The fee for each ¹one-day¹ permit shall be
37 ¹~~150~~ \$500¹.

38 ¹The governing body of the municipality in which the licensed
39 premises is situated may place reasonable conditions upon a one-
40 day permit for the purpose of maintaining public safety on the
41 licensed premises and immediately surrounding area. The costs
42 associated with the reasonable conditions placed on the one-day
43 permit shall be assumed by the holder of this license.¹

44 (3) This license shall not be issued to permit the sale of alcoholic
45 beverages in or upon any premises in which a grocery, delicatessen,
46 drug store or other mercantile business is carried on, except as

1 hereinafter provided. Subject to such rules and regulations
2 established from time to time by the director, the holder of this
3 license shall be permitted to sell alcoholic beverages in or upon the
4 premises in which any of the following is carried on: the keeping
5 of a hotel or restaurant including the sale of mercantile items
6 incidental thereto as an accommodation to patrons; the sale of
7 distillers', brewers' and vintners' packaged merchandise prepacked
8 as a unit with other suitable objects as gift items to be sold only as a
9 unit; the sale of novelty wearing apparel identified with the name of
10 the establishment licensed under the provisions of this section; the
11 sale of cigars, cigarettes, packaged crackers, chips, nuts and similar
12 snacks and ice at retail as an accommodation to patrons; or the retail
13 sale of nonalcoholic beverages as accessory beverages to alcoholic
14 beverages. The fee for this license shall be fixed by the governing
15 board or body of the municipality in which the licensed premises
16 are situated, by ordinance, at 75% of the fee fixed by said board or
17 body for plenary retail consumption licenses. The governing board
18 or body of each municipality may, by ordinance, enact that no
19 seasonal retail consumption license shall be granted within its
20 respective municipality.

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

31 The governing board or body of each municipality may, by
32 ordinance, enact that this license shall not be issued to permit the
33 sale of alcoholic beverages in or upon any premises in which any
34 other mercantile business is carried on, except that any such
35 ordinance, heretofore or hereafter adopted, shall not prohibit the
36 retail sale of distillers', brewers' and vintners' packaged
37 merchandise prepacked as a unit with other suitable objects as gift
38 items to be sold only as a unit; the sale of novelty wearing apparel
39 identified with the name of the establishment licensed under the
40 provisions of this act; cigars, cigarettes, packaged crackers, chips,
41 nuts and similar snacks, ice, and nonalcoholic beverages as
42 accessory beverages to alcoholic beverages. The fee for this license
43 shall be fixed by the governing board or body of the municipality in
44 which the licensed premises are situated, by ordinance, at not less
45 than \$125 and not more than \$2,500. No ordinance shall be enacted
46 which shall raise or lower the fee to be charged for this license by
47 more than 20% from that charged in the preceding license year or

1 \$500.00, whichever is the lesser. The governing board or body of
2 each municipality may, by ordinance, enact that no plenary retail
3 distribution license shall be granted within its respective
4 municipality.

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

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

1 excluded in determining the maximum number of retail licenses
2 permitted under P.L.1962, c.152 (C.33:1-12.31 et seq.).

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

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

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

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

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

1 persons but not more than 22,499 persons; and \$10,000 for venues
2 with a capacity of 22,500 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
6 beverages are served or sold at retail for consumption on the
7 premises by the glass or other open receptacle or in original
8 containers.

9 "Team training facility" shall include team offices and team
10 headquarters.

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

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13 2. This act shall take effect immediately.

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18 Establishes permit to allow seasonal retail consumption license
19 holders to sell alcoholic beverages during certain off-season dates.