

ASSEMBLY, No. 200

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman CLEOPATRA G. TUCKER

District 28 (Essex)

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District 31 (Hudson)

Co-Sponsored by:

Assemblyman Giblin

SYNOPSIS

Requires applicants for liquor licenses and license transfers to notify residents within 200 feet of licensed premises.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning alcoholic beverage licenses and amending
2 R.S.33:1-25 and R.S.33:1-26.

3

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

6

7 1. R.S.33:1-25 is amended to read as follows:

8 33:1-25. No license of any class shall be issued to any person
9 under the age of 18 years or to any person who has been convicted
10 of a crime involving moral turpitude. A beneficiary of a trust who
11 is not otherwise disqualified to hold an interest in a license may
12 qualify regardless of age so long as the trustee of the trust qualifies
13 and the trustee shall hold the beneficiary's interest in trust until the
14 beneficiary is at least the age of majority.

15 Each applicant shall submit to the director the applicant's name,
16 address, fingerprints and written consent for a criminal history
17 record background check to be performed. The director is
18 authorized to receive criminal history record information from the
19 State Bureau of Identification in the Division of State Police and the
20 Federal Bureau of Investigation consistent with applicable State and
21 federal laws, rules and regulations. The applicant shall bear the
22 cost for the criminal history record background check, including all
23 costs of administering and processing the check. The Division of
24 State Police shall promptly notify the director in the event a current
25 holder of a license or prospective applicant, who was the subject of
26 a criminal history record background check pursuant to this section,
27 is arrested for a crime or offense in this State after the date the
28 background check was performed.

29 In applications by corporations, except for club licenses, the
30 names and addresses of, and the amount of stock held by, all
31 stockholders holding 1% or more of any of the stock thereof, and
32 the names and addresses of all officers and of all members of the
33 board of directors must be stated in the application, and if one or
34 more of the officers or members of the board of directors or one or
35 more of the owners, directly or indirectly, of more than 10% of the
36 stock would fail to qualify as an individual applicant in all respects,
37 no license of any class shall be granted.

38 In applications for club licenses, the names and addresses of all
39 officers, trustees, directors, or other governing official, together
40 with the names and addresses of all members of the corporation,
41 association or organization, must be stated in the application.

42 In applications by partnerships, the application shall contain the
43 names and addresses of all of the partners. No license shall be
44 issued unless all of the partners would qualify as individual
45 applicants.

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.

1 A photostatic copy of all federal permits necessary to the lawful
2 conduct of the business for which a State license is sought and
3 which relate to alcoholic beverages, or other evidence in lieu
4 thereof satisfactory to the director, must accompany the license
5 application, together with a deposit of the full amount of the
6 required license fee, which deposit to the extent of 90% thereof
7 shall be returned to the applicant by the director or other issuing
8 authority if the application is denied, and the remaining 10% shall
9 constitute an investigation fee and be accounted for as other license
10 fees.

11 Every applicant for a license that is not a renewal of an annual
12 license shall cause a notice of the making of the application to be
13 published in a form prescribed by rules and regulations, once per
14 week for two weeks successively in a newspaper printed in the
15 English language, published and circulated in the municipality in
16 which the licensed premises are located; but if there shall be no
17 such newspaper, then the notice shall be published in a newspaper,
18 printed in the English language, published and circulated in the
19 county in which the licensed premises are located. In addition, the
20 applicant shall notify by regular mail any person who resides within
21 200 feet of the licensed premises if such premises are located within
22 this State. No publication or notice shall be required with respect to
23 applications for transportation or public warehouse licenses or with
24 respect to applications for renewal of licenses.

25 The Division of Alcoholic Beverage Control shall cause a
26 general notice of the making of annual renewal applications and the
27 manner in which members of the public may object to the approving
28 of the applications to be published in a form prescribed by rules and
29 regulations, once per week from the week of April 1 through the
30 week of June 1 in a newspaper printed in the English language
31 published and circulated in the counties in which the premises of
32 applicants for renewals of annual licenses are located. Any
33 application for the renewal of an annual license shall be made by
34 May 1, and none shall be approved before May 1.

35 Every person filing an application for license, renewal of license
36 or transfer of license with a municipal issuing authority shall,
37 within 10 days of such filing, file with the director a copy of the
38 application together with a nonreturnable filing fee of \$200.

39 Applicants for licenses shall answer questions as may be asked
40 and make declarations as shall be required by the form of
41 application for license as may be promulgated by the director from
42 time to time. All applications shall be duly sworn to by each of the
43 applicants, except in the case of applicants in the military service of
44 the United States whose applications may be signed in their behalf
45 by an attorney-in-fact holding a power of attorney in form approved
46 by the director, and except in cases of applications by corporations
47 which shall be duly sworn to by the president or vice-president. All

1 statements in the applications required to be made by law or by
2 rules and regulations shall be deemed material, and any person who
3 shall knowingly misstate any material fact, under oath, in the
4 application shall be guilty of a misdemeanor. Fraud,
5 misrepresentation, false statements, misleading statements, evasions
6 or suppression of material facts in the securing of a license are
7 grounds for suspension or revocation of the license.

8 The provisions of section 26 of P.L.2003, c.117 amendatory of
9 this section shall apply to licenses issued or transferred on or after
10 July 1, 2003, and to license renewals commencing on or after July
11 1, 2003.

12 (cf: P.L.2008, c.56, s.1)

13
14 2. R.S.33:1-26 is amended to read as follows:

15 33:1-26. All licenses shall be for a term of one year from July 1
16 in each year. The respective fees for any such license shall be
17 prorated according to the effective date of the license and based on
18 the respective annual fee as in this chapter provided. Where the
19 license fee deposited with the application exceeds the prorated fee,
20 a refund of the excess shall be made to the licensee. Licenses are
21 not transferable except as hereinafter provided. A separate license
22 is required for each specific place of business and the operation and
23 effect of every license is confined to the licensed premises. No
24 retail license of any class shall be issued to any holder of a
25 manufacturer's or wholesaler's license, and no manufacturer's or
26 wholesaler's license shall be issued to the holder of a retail license
27 of any class. Any person who shall exercise or attempt to exercise,
28 or hold himself out as authorized to exercise, the rights and
29 privileges of a licensee except the licensee and then only with
30 respect to the licensed premises, shall be guilty of a misdemeanor.

31 In case of death, bankruptcy, receivership or incompetency of the
32 licensee, or if for any other reason whatsoever the operation of the
33 business covered by the license shall devolve by operation of law
34 upon a person other than the licensee, the director or the issuing
35 authority may, in his or its discretion, extend the license for a
36 limited time, not exceeding its term, to the executor, administrator,
37 trustee, receiver or other person upon whom the same has devolved
38 by operation of law as aforesaid. Under no circumstances,
39 however, shall a license, or rights thereunder, be deemed property,
40 subject to inheritance, sale, pledge, lien, levy, attachment,
41 execution, seizure for debts, or any other transfer or disposition
42 whatsoever, except for payment of taxes, fees, interest and penalties
43 imposed by any State tax law for which a lien may attach pursuant
44 to R.S.54:49-1 or pursuant to the State Tax Uniform Procedure
45 Law, R.S.54:48-1 et seq., or any similar State lien of tax, except to
46 the extent expressly provided by this chapter.

1 On application made therefor setting forth the same matters and
2 things with reference to the premises to which a transfer of license
3 is sought as are required to be set forth in connection with an
4 original application for license, as to the premises, and after
5 publication of notice of intention to apply for transfer and notice by
6 regular mail to any person who resides within 200 feet of the
7 licensed premises if such premises are located within this State, in
8 the same manner as is required in case of an application for license
9 as to the premises, the director or other issuing authority may
10 transfer, upon payment of a fee of 10% of the annual license fee for
11 the license sought to be transferred, any license issued by him or it
12 respectively to a different place of business than that specified
13 therein, by endorsing permission upon the license.

14 On application made therefor setting forth the same matters and
15 things with reference to the person to whom a transfer of license is
16 sought as are required to be set forth in connection with an original
17 application for license, which application for transfer shall be
18 signed and sworn to by the person to whom the transfer of license is
19 sought and shall bear the consent in writing of the licensee to the
20 transfer, and after publication of notice of intention by the person to
21 whom the transfer of license is sought and notice by regular mail to
22 any person who resides within 200 feet of the licensed premises if
23 such premises are located within this State, to apply for transfer in
24 the same manner as is required in the case of an original application
25 for license, the director or other issuing authority, as the case may
26 be, may transfer any license issued by him or it respectively to the
27 applicant for transfer by endorsing the license. The application and
28 the applicant shall comply with all requirements of this chapter
29 pertaining to an original application for license and shall be
30 accompanied, in lieu of the license fee required on the original
31 application, by a fee of 10% of the annual license fee for the license
32 sought to be transferred, which 10% shall be retained by the
33 director or other issuing authority, as the case may be, whether the
34 transfer be granted or not, and accounted for as other license fees.

35 If the other issuing authority shall refuse to grant a transfer the
36 applicant shall be notified forthwith of the refusal by a notice
37 served personally upon the applicant, or sent to him by registered
38 mail addressed to him at the address stated in the application, and
39 the applicant may, within 30 days after the date of service or
40 mailing of the notice, appeal to the director from the action of the
41 issuing authority. If the other issuing authority shall grant a
42 transfer, any taxpayer or other aggrieved person opposing the grant
43 of the transfer may, within 30 days after the grant of the transfer,
44 appeal to the director from the action of the issuing authority.

45 No person who would fail to qualify as a licensee under this
46 chapter shall be knowingly employed by or connected in any
47 business capacity whatsoever with a licensee. A person failing to

1 qualify as to age or by reason of conviction of a crime involving
2 moral turpitude may, with the approval of the director, and subject
3 to rules and regulations, be employed by any licensee, but the
4 employee if disqualified by age shall not, in any manner whatsoever
5 serve, sell or solicit the sale or participate in the manufacture,
6 rectification, blending, treating, fortification, mixing, processing or
7 bottling of any alcoholic beverage; and further provided, that no
8 permit shall be necessary for the employment in a bona fide hotel or
9 restaurant of any person failing to qualify as to age so long as the
10 person shall not in any manner whatsoever serve, sell or solicit the
11 sale of any alcoholic beverage, or participate in the mixing,
12 processing or preparation thereof. Each person seeking to be
13 employed or connected in any business capacity whatsoever with a
14 licensee shall submit to the director the applicant's name, address,
15 fingerprints and written consent for a criminal history record
16 background check to be performed. The director is authorized to
17 receive criminal history record information from the State Bureau
18 of Identification in the Division of State Police and the Federal
19 Bureau of Investigation consistent with applicable State and federal
20 laws, rules and regulations. The applicant shall bear the cost for the
21 criminal history record background check, including all costs of
22 administering and processing the check. The Division of State
23 Police shall promptly notify the director in the event a current
24 holder of a license or prospective applicant, who was the subject of
25 a criminal history record background check pursuant to this section,
26 is arrested for a crime or offense in this State after the date the
27 background check was performed.

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

30 (cf: P.L.2003, c.199, s.19)

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32 3. This act shall take effect immediately.
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35 STATEMENT

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37 This bill requires applicants for State and municipal issued
38 alcoholic beverage licenses, with the exception of transportation or
39 public warehouse licenses, to notify by regular mail any person who
40 resides within 200 feet of the licensed premises if it is located in
41 New Jersey. Under current law, applicants are required to have a
42 notice of the application published once per week for two weeks in
43 a newspaper published and circulated in the municipality where the
44 licensed premises are to be located. If there is no newspaper in the
45 municipality; the notice is to be published in a newspaper in the
46 county in which the licensed premises are located. Since newspaper
47 publication is not required for applications for transportation or

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1 public warehouse licenses, applicants for those licenses are
2 exempted from the notice requirement in this bill.

3 Also the bill requires notice by regular mail to any person who
4 resides within 200 feet of the licensed premises in the case of
5 person to person and place to place transfers of alcoholic beverage
6 licenses. These transfers are subject to similar newspaper
7 publication requirements.