ASSEMBLY, No. 630

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Assemblyman RALPH R. CAPUTO
District 28 (Essex)

SYNOPSIS

Provides that limitation on hours of retail sale of alcohol be consistent throughout licensed premises.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning the sale of alcoholic beverages and amending R.S.33:1-40.

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

1. R.S.33:1-40 is amended to read as follows:

33:1-40. The governing board or body of each municipality may **[**, as regards said municipality**]**, by ordinance, limit the number of licenses to sell alcoholic beverages at retail in the municipality, but any **[**such**]** limitation adopted by ordinance or resolution prior to July **[**first, one thousand nine hundred and thirty-seven**]** 1, 1937, shall continue in full force and effect until repealed, amended, or otherwise altered by ordinance. The governing board or body of each municipality may **[**, as regards said municipality**]**, by ordinance or resolution, limit the hours between which the sale of alcoholic beverages at retail may be made**[**,**]** in the municipality, provided the hours of sale applicable to plenary retail consumption licenses without broad package privileges are the same throughout the interior of the licensed premises; prohibit the retail sale of alcoholic beverages on Sunday**[**,**]**; and, subject to the approval of the **[**commissioner**]** director first obtained, regulate the conduct of any business licensed to sell alcoholic beverages at retail and the nature and condition of the premises upon which **[**any such**]** the business is to be conducted. **[**The aforesaid**]** These limitations **[**of**]** on the number of licenses and **[**of**]** hours of sale shall be subject respectively to appeal to the **[**commissioner**]** director, as hereinafter provided.

The governing board or body of each municipality may make, enforce, amend, and repeal **[**such**]** these ordinances as it may deem necessary to prevent the possession, sale, distribution, and transportation of alcoholic beverages within its municipality in violation of **[**this**]** chapter 1 of Title 33 of the Revised Statutes.

The governing board or body of each municipality may, by ordinance, enact that no more than one retail license shall be granted to any person in **[**said**]** the municipality and that **[**said**]** the license shall cover only the licensed premises; but nothing **[**herein contained**]** in this section shall operate to disqualify a guardian, executor, administrator, trustee, receiver, or any other fiduciary or court officer from obtaining or **[**from**]** holding more than one **[**such**]** license in different official capacities.

(cf: R.S.33:1-40)

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

This bill provides that the limits imposed by a municipality on the hours of the retail sale of alcohol applicable to certain plenary retail consumption licenses (bars and restaurants) are to be consistent throughout the licensed premises.

Current law authorizes municipalities to limit the hours that alcoholic beverages may be sold at retail in the bars and restaurants located in that municipality. Under this bill, the hours are to be consistent throughout the interior of the licensed premises.

The provisions of this bill do not apply to plenary retail consumption licenses with broad package privileges. Holders of this license are permitted to have both a restaurant and a packaged goods store on the licensed premises.