

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
RICHARD J. HUGHES JUSTICE COMPLEX, CN-087
TRENTON, NJ 08625

BULLETIN 2443

September 13, 1985

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1. RECENT LEGISLATION - PUBLIC POLICY AND LEGISLATIVE PURPOSE
FOR THE CONTROL OF ALCOHOLIC BEVERAGES IN NEW JERSEY - P.L.
1985, C. 258 (AMENDING N.J.S.A. 33:1-3, 1-39.2, 1-93; NEW
SECTION, N.J.S.A. 33:1-1.1).

On July 31, 1985, Governor Kean signed S-2399, which had been recommended to the Legislature by the Alcoholic Beverage Control Study Commission, as P.L. 1985, c. 258. The purpose of the legislation, as set out in its statement, "is to incorporate into Title 33 of the Revised Statutes a statement of public policy and legislative purpose upon which the control of alcoholic beverages in this State is to be based." The public policy expressed in the new law is, as is also stated in the statement to the legislation, based on "public policy underlying the control of alcoholic beverages in light of the social attitudes and economic conditions which exist in the 1980's."

The first three sections of the new law amend existing sections of Title 33, Section 1 of the new law basically eliminates language in N.J.S.A. 33:1-3 which was pertinent when the law was adopted in 1933, identifying the first appointed Commissioner (D. Frederick Burnett), his salary and term of office, but is no longer applicable. The language is also updated to cross reference the legislative purpose expressed in the new law.

N.J.S.A. 33:1-3, as amended, now reads as follows:

33:1-3. It shall be the duty of the Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety to supervise the manufacture, distribution and sale of alcoholic beverages in such a manner as to fulfill the public policy and legislative purpose of this act as expressed in section 4 of P.L. 1985, c. 258 (C. 33:1-1.1).

The second section of the new law makes a slight amendment to N.J.S.A. 33:1-39.2, which governs the power and duties of the Director to promulgate rules and regulations with reference to consumer sales. The change is the deletion of the purpose "of promoting temperance" from this section of Title 33.

N.J.S.A. 33:1-39.2, as amended, now reads as follows:

33:1-39.2. Rules and regulations with respect to consumer sales

The Director of the Division of Alcoholic Beverage Control shall, in accordance with R.S. 33:1-39, make and promulgate such rules and regulations with respect to sales by licensees selling to consumers relative to the following subjects as will assist in properly supervising the alcoholic beverage industry and preventing discrimination in the alcoholic beverage industry:

(a) Gifts of things of value in connection with or as an inducement to the purchase of malt alcoholic beverages,

(b) Combination sales of malt alcoholic beverages of different brands, of different manufacturers, of different names or trade names, or combination sales of any alcoholic beverages and other merchandise,

(c) Publication and maintenance of prices at which malt alcoholic beverages may be sold within recognized trading areas or below which malt alcoholic beverages may not be sold within such areas.

The third section of the new law also makes minor changes in N.J.S.A. 33:1-93 by also eliminating the reference to the promotion of temperance in that section of the law.

N.J.S.A. 33:1-93, as amended, now reads as follows:

33:1-93. Rules and regulations for supervising liquor industry

The Director of the Division of Alcoholic Beverage Control is hereby vested with power to promulgate such rules and regulations on the following subjects as will assist in properly supervising the alcoholic beverage industry: (a) maximum discounts, rebates, free goods, allowances and other inducements to retailers by manufacturers, wholesalers and other persons privileged to sell to retailers; (b) gifts and deliveries of money, products and other things of value by manufacturers, wholesalers, other persons privileged to sell to retailers, their stockholders, directors, officers and employees; (c) maintenance and publication of invoice prices, discounts, rebates, free goods, allowances and other inducements; and (d) such other matters as may be necessary to fulfill the restrictions embodied in this act.

The final section of the new law, section 4, contains the public policy and legislative purpose of the new law. It first provides that Title 33 of the Revised Statutes shall be known as the "New Jersey Alcoholic Beverage Control Act," and then lists 10 items that are declared to be the public policy of New Jersey and the legislative purpose of Title 33.

The new section, which is codified as N.J.S.A. 33:1-1.1 reads as follows:

33:1-1.1. a. Title 33 of the Revised Statutes (R.S. 33:1-1 et seq.) shall be known and may be cited as the "New Jersey Alcoholic Beverage Control Act."

b. The Legislature hereby finds and declares as the public policy of this State and the legislative purpose of Title 33 the following:

(1) To strictly regulate alcoholic Beverages to protect the health, safety and welfare of the people of this State.

(2) To foster moderation and responsibility in the use and consumption of alcoholic beverages.

(3) To protect the collection of State taxes imposed upon alcoholic beverages.

(4) To protect the interests of consumers against fraud and misleading practices in the sale of alcoholic beverages.

(5) To protect against the infiltration of the alcoholic beverage industry by persons with known criminal records, habits or associations. Participation in the industry as a licensee under this act shall be deemed a revocable privilege conditioned upon the proper and continued qualification of the licensee.

(6) To provide a framework for the alcoholic beverage industry that recognizes and encourages the beneficial aspects of competition.

(7) To maintain trade stability.

(8) To maintain a three-tier (manufacturer, wholesaler, retailer) distribution system.

(9) To maintain primary municipal control over the retailing of alcoholic beverages.

(10) To prohibit discrimination in the sale of alcoholic beverages to retail licensees.

The last section of the new law, section 5, provided that the "act shall take effect immediately." Thus the amendments and the

new section noted above became effective upon the signing of the act by Governor Kean on July 31, 1985. Henceforth, the public policy and legislative purpose of Title 33 set forth in the new law shall be considered by the Director in promulgating rules and regulations and existing rules and regulations, as well as policies, shall be interpreted in light of such policy and purpose.

2. RECENT LEGISLATION - NEW PLENARY RETAIL CONSUMPTION LICENSE PERMISSIBLE FOR NONPROFIT CORPORATION CONDUCTING MUSICAL OR THEATRICAL PERFORMANCES ON CERTAIN PREMISES WITHOUT REGARD TO POPULATION QUOTA LAW - N.J.S.A. 33:1-19.7. - CRITERIA AND PROCEDURE FOR DIRECTOR'S APPROVAL.

On April 25, 1985, Governor Kean signed S-1830, as P.L. 1985, c. 151, thereby enabling local issuing authorities with the approval of the Director of the Division of Alcoholic Beverage Control, to issue a new plenary retail consumption license to a non-profit corporation which conducts musical or theatrical performances on premises having a seating capacity for at least 1,000 persons. Such license, however, would only permit alcoholic beverages to be sold commencing one hour prior to the performance and continue until one hour after the performance. Package goods sales would not be permitted under such license.

The new law also provides that the population quota limit (N.J.S.A. 33:1-12.13) on the number of licenses shall not consider or affect the issuance of this type of license.

The full text of the new N.J.S.A. 33:1-19.7 reads as follows:

1. It shall be lawful for the governing board or body of any municipality, upon the approval of the Director of the Division of Alcoholic Beverage Control, to issue a plenary retail consumption license to a nonprofit corporation which conducts musical or theatrical performances or concerts on premises with a seating capacity of 1,000 persons or more, to authorize the sale of alcoholic beverages for consumption on the licensed premises only during performances and the hour immediately preceding and the hour immediately following performances.

A license issued under the provisions of this act shall not be counted in determining the number of licenses under P.L. 1947, c.94 (C. 33:1-12.13 et seq.) or under P.L. 1968, c.277 (C. 40:48-2.40 et seq.). (P.L. 1985, c.151, effective April 25, 1985.)

The Director will only approve the issuance of this license where the non-profit corporation has exclusive control of the premises

to be licensed. The procedure for issuance of this license will be for application to be made to the municipality, which is the issuing authority. Before the license may be issued, the municipality must certify to the Director of the Division of Alcoholic Beverage Control that the municipality intends to issue the special plenary retail consumption license called for in this new act to the applicant. If the applicant is a nonprofit corporation which meets the criteria set forth in N.J.S.A. 33:1-19.7, has exclusive control of the premises to be licensed and is otherwise qualified to hold an alcoholic beverage license, the Director will thereupon issue his approval to issue the license to the municipality, which may then and only then issue the license. Applicants should also not license the actual stage or performance areas of the premises unless there is compelling reason to do so.

3. NOTICE TO ALL LICENSEES: FEDERAL EXCISE TAX INCREASE ON DISTILLED SPIRITS - IMPACT ON ALCOHOLIC BEVERAGE PRICES.

A component of the Federal Deficit Reduction Act of 1984 includes the increase in the Federal Excise Tax on distilled spirits from \$10.50 to \$12.50 per proof gallon, effective October 1, 1985. Part of this law requires that all existing tax paid distilled spirits products held by manufacturers, wholesalers and retailers for resale must be inventoried and those products are subject to the tax assessments. This is called a floor stocks tax.

All licensees are required to take an inventory of distilled spirits products on October 1, 1985. The inventory must include all products, including stock on shelves, full cases, and for consumption licensees, open bottles. Wines and malt alcoholic beverages are not included in the tax increase. Once inventoried, a mathematical function is set forth to convert the metric measure of distilled spirits to a "wine gallon" measure. If the resultant figure is less than 500 wine gallons, there will be no tax due, although an IRS Form 11 must be filed by April 1, 1986. Further mathematical calculations are required to convert to "proof gallons", the basis upon which the tax is computed.

Further details on the computation of the tax and required recordkeeping can be obtained from the Bureau of Alcohol, Tobacco and Firearms (BATF), 120 Littleton Road, Room 305, Parsippany, N.J. 07054 (telephone number 201-334-8397). Also recommended for review are the August and September 1985 issues of the New Jersey Beverage Journal, which set forth more detailed explanations of this area in articles reviewed for accuracy by BATF.

The Division has received numerous inquiries relative to the impact of this tax increase upon wholesale and retail prices and the Division's "cost" regulation, N.J.A.C. 13:2-24.8. Currently, a retailer can ascertain the cost of any product by reviewing the last

invoice for that product, since that invoice includes product cost plus taxes. Wholesalers can similarly ascertain cost through review of its last supplier invoice and adding to that State excise taxes and transportation expenses. If there is no floor stocks tax due, this method of "cost" calculation will continue to be appropriate. However, if a licensee is subject to a floor stock tax, the "cost" of distilled spirits in inventory will increase. Licensees must, therefore, appropriately recalculate the "cost" basis of products if they intend to sell products at or near pre-October 1, 1985 invoice prices.

The Division will not prescribe a specific method to reflect the additional cost factor due to a floor stock tax assessment. The establishment of wholesale to retail or retail to consumer prices is a determination left to industry members. Some may choose to increase bottle prices across the board and it is expected that industry members and trade magazines will publish charts or guides identifying specific cent increases for various size and proof containers. Others may equally apportion a floor stocks tax increase amongst all existing inventories. Finally, based upon certain inquiries, some industry members are considering the segregation of 400 proof gallons of product as exempt and the allocation of the floor stocks tax to other inventory over the 400 proof gallons.

Should a manufacturer, wholesaler or retailer select this third possible option, the Division requires that an affirmative declaration by the industry member be made no later than October 7, 1985. This declaration should consist of a letter sent to the Regulatory Bureau of the Division identifying the specific product(s), size(s), proof and quantity which is being excluded under an exemption from the floor stocks taxes. This filing shall be considered a confidential report, pursuant to N.J.A.C. 13:2-29.2(a)(3). It will assist in the review or investigation of possible complaints alleging an offer to sell below "cost". It should be emphasized that this declaration need only be filed if a licensee is subject to a floor stocks tax and chooses to segregate specific inventory to be classified as its floor stocks tax exemptions. All licensees must, upon Division request, be able to identify the method applied to reflect the adjusted increased cost basis and produce all the necessary supporting documentation.

It should also be noted that any distilled spirit product purchased on or after October 1, 1985 will have been subject to the revised Federal Excise Tax and that invoice will not have to be adjusted. Also, that invoice must be utilized to ascertain cost for existing inventory under the Division's "last-in-first-out" accounting method for "cost" determinations.

It would appear that the need to readjust the "cost" basis for existing inventory to insure compliance with N.J.A.C. 13:2-24.8 (sales below cost) will only impact those wholesalers or retailers that sell product at or near cost. Additionally, the concern about adjusted

cost basis on inventory should be of short duration since product acquisition on or after October 1, 1985 will reflect the \$12.50 federal excise tax and this purchase will form the lawful cost basis under the LIFO (last-in-first-out) method of determining cost.

4. NOTICE TO LICENSEES - REQUIREMENT FOR FEDERAL TAX STAMP - VIOLATION FOR FAILURE TO OBTAIN FEDERAL TAX STAMP.

Federal law requires that a special tax stamp be obtained by every person that sells alcoholic beverages to another. In the case of retailers, the federal law provides that every retail dealer is required to pay special occupational tax and obtain a special tax stamp before commencing business, and on or before July 1 of each year thereafter that the person continues in business.

Retailers are required to obtain the special tax stamp, which cost \$54.00 a year. If the retailer only handles beer, the rate is \$24.00 per year. The special tax stamp is obtained by filing Internal Revenue Service (I.R.S.) Form 11.

In its recent revision of the application for a New Jersey Alcoholic Beverage license, a block was added on page 4 of the application to require the filling in of the date on which the special federal tax stamp was applied for. This was primarily done as a reminder to applicants of the requirement to obtain the federal tax stamp.

Licensees are further advised that N.J.S.A. 33:1-31 provides that the Director or the municipality which issues the license may discipline a license for a number of reasons, including "(f)ailure to have at all times a valid, unrevoked permit, license or special tax stamp, or other indicia of payment of all fees, taxes, penalties and payments required by any law of the United States." Thus it is also a violation of the New Jersey Alcoholic Beverage Control Act to fail to obtain the federal tax stamp.

When alcoholic beverage control enforcement agents visit a licensed premises and inspect the paperwork, in addition to requesting to see the license certificate, a copy of the last-filed long form application, and the employees' list (E-141a), the inspectors will also request to see the federal special tax stamp for the current year which ends on June 30. If the stamp has not been received from the Internal Revenue Service, which is very possible, either a cancelled check or a recent entry in the business checking account checkbook of the licensee, along with a copy of the I.R.S. Form 11 that was filed, will suffice.

The Bureau of Alcohol, Tobacco and Firearms has a publication entitled "Liquor Laws and Regulations for Retail Dealers," and it is obtainable from that office. The New Jersey office is located at

120 Littleton Road, Room 305, Parsippany, New Jersey 07054, and the principal telephone number of that B.A.T.F. office is 201-334-8397. Further questions regarding the special tax stamp can be directed to the Bureau of Alcohol, Tobacco and Firearms.

5. WARNING TO LICENSEES - CERTAIN AUSTRIAN WINES IN NEW JERSEY FOUND TO BE ADULTERATED WITH DIETHYLENE GLYCOL (ANTIFREEZE) - PROHIBITION ON SALE OF SUCH PRODUCTS.

Testing of certain Austrian wines by either the Bureau of Alcohol, Tobacco and Firearms (B ATF) or the State of New Jersey have discovered some of these wines, which are distributed by two New Jersey wholesalers and are available within the State of New Jersey, to be tainted with diethylene glycol (antifreeze).

The six contaminated wines identified in New Jersey to date are:

1. Karl Walden's 1982, 1983 and 1984 vintages of of Osterreich Neusiedler See Spatlese, bottled by Richard Trimborn GmbH.
2. Weinbau Ewald Pfeiffer's 1982 Falkensteiner Gruner Veltliner, Qualitatswein.
3. Weinbau Ewald Pfeiffer's 1982 St. Georgener Spatlese WeiBburgunder.
4. 1982 St. Margarethener Auslese Welschriesling.
5. 1983 St. Margarethener Welschriesling Beerenauslese.
6. 1981 Rust Neusiedlersee Trockenbeerenauslese.

Of the above wines, the 1982 and 1983 vintages of the Osterreich Neusiedler See Spatlese, which are Karl Walden selections, have been found to have fairly heavy concentrations of the chemical. Ingestion of diethylene glycol can cause nausea, kidney dysfunction, and, in sufficient quantities, even death.

All licensees are directed not to sell any of the listed Austrian wines. If any retailer has purchased such wines and still has them, they should be returned to the wholesaler from which they were purchased. Retailers are also advised to advise consumers that may have purchased such wines that they should not consume them and that they may return them to the retailers, who in turn should return them to the wholesalers.

All licensees are warned that the sale of any alcoholic beverage which contains any poisonous chemical or any poisonous ingredient

which, if taken internally, will injuriously affect the health or bodily condition of any person, can be found guilty of a disorderly persons offense (N.J.S.A. 33:3-9) or, if any licensee sells such a product containing the poisonous chemical or ingredient and it actually causes serious injury to the health or bodily condition of any person, or shall cause his death, such seller of the product could be found guilty of a crime carrying very serious penalties (N.J.S.A. 33:3-10). Additionally, since those statutes are part of the Alcoholic Beverage Control Act, disciplinary proceedings could also be brought against any licensee selling such products.

The Director is confident and appreciative of the cooperation of all licensees in what appears to be a minor problem, but which could have serious health consequences to the citizens of the State of New Jersey, or to its visitors, if the sales of these products are not stopped.

Any questions may be directed to the Director or the Trade Practices Bureau of the Division of Alcoholic Beverage Control or to the offices of the BATF in Parsippany.

6. POLICY ON PENALTIES FOR CERTAIN VIOLATIONS: SALE TO UNDERAGE PERSONS, SALE TO INTOXICATED PERSONS, UNDISCLOSED DISQUALIFYING INTEREST IN LICENSE.

During the year ending August 31, 1985, approximately 640 licensees (which is about 5% of the licensees in New Jersey) were charged as a result of state investigations with violations of the Alcoholic Beverage Control Act or of A.B.C. rules and regulations. Over 35% of these licensees who were cited for violations were charged with selling to an underaged person. In 70-80% of these 225 cases, no identification was requested or reviewed by the licensee or the licensee's employee. Most of the other 20-30% of the sale to underaged cases did involve some identification, but it did not meet the standards for a defense set out in N.J.S.A. 33:1-77 or it was clearly altered, counterfeit or non-photo identification belonging to another person, etc. No charges were filed against licenses or, if they were, the charges were dismissed by the Director where the identification consisted of a photo driver's license and the person did actually appear to be of legal age, i.e., 21 years of age.

Additionally, over 7% of the licensees charged in this same period were charged with sale to actually or apparently intoxicated patrons. There was also a significant increase in the cases involving undisclosed interests.

Because of the large percentage of violations that involve these violations, the Director is setting forth a summary of his policy regarding penalties for these violations. The penalties noted are

to be considered the precedent penalties or the starting point and do not take into consideration mitigating or aggravating circumstances. Thus each case will be considered on its own merits, but the penalties noted may be considered the guidelines absent unusual circumstances.

For a first violation of sale to an underaged person, which is usually cited as a violation of N.J.A.C. 13:2-23.1(a), or for a first violation of sale to an actually or apparently intoxicated patron, which is cited as a violation of N.J.A.C. 13:2-23.1(b), a 15-day suspension will be imposed. If a plea of guilty or non-vult is promptly entered, 5 days will be remitted for a net suspension of 10 days. The Director will accept a monetary offer in compromise in lieu of the suspension, as provided for in N.J.S.A. 33:1-31. The amount will be determined by the Director following review of the licensee's most recently filed federal income tax return and will be based on a per diem percentage of the gross profit.

For a second similar violation of either sale to an underaged person or sale to an actually or apparently intoxicated person within two years of the date of the first violation, a 30-day suspension will be imposed. If a plea of guilty or non-vult is promptly entered, 6 days (20%) will be remitted for a net suspension of 24 days. The Director will accept a monetary offer in compromise in lieu of the suspension, calculated in the same manner as noted above.

For a third similar violation of either sale to an underaged person or sale to an actually or apparently intoxicated person within two years of the date of the first violation, a 45-day suspension will be imposed. If a plea of guilty or non-vult is promptly entered, 9 days (20%) will be remitted for a net suspension of 36 days. The Director will entertain a monetary offer in compromise in lieu of the suspension, calculated in the same manner as noted above, only where there are mitigating circumstances or exceptional considerations.

For a fourth similar violation of either sale to an underaged person or sale to an actually or apparently intoxicated person within two years of the date of the first violation, the license will be revoked, unless there are mitigating circumstances or there is compelling reason not to do so.

Where there is a subsequent similar violation but it occurs more than two years but less than five years after the date of the first violation, five additional days will be added to the basic period of suspension.

The primary mitigating circumstances that will be considered is use of identification which does not comply with the statutory defense (N.J.S.A. 33:1-77). Aggravating circumstances include such items as actual knowledge by the licensee or employee that

the customer was under 21 years of age, or that the patron was obviously very young, usually 16 years of age or less. Factors that are considered in determining whether to accept a monetary offer in compromise in lieu of suspension include the effect that a closing would have on non-culpable parties, such as employees, including the economic impact on them; prior record of violations or absence of any; cooperation of the licensee in the investigation. The noted items are only given as examples and are not to be considered as necessarily inclusive of all factors that will be reviewed by the Director.

For a violation consisting of an undisclosed interest in the license, generally where the interest that was not disclosed was one that is disqualifying by reason of a conviction of a crime involving moral turpitude (N.J.S.A. 33:1-25), by reason of already holding an interest in two licenses (N.J.S.A. 33:1-12.31), by reason of having an interest or being employed in violation of the tied-house statute (N.J.S.A. 33:1-43), or by reason of the prior revocation of an alcoholic beverage license (N.J.S.A. 33:1-31, and the interest is a substantial or controlling one, the penalty will be revocation of the license, absent mitigating circumstances. Since this is a new policy, it will apply only to disqualifying undisclosed interests existing after November 1, 1985. Licensees who are associated with persons who have an interest in the licensed business, but which interest is not disclosed on the application because the person having such interest is not qualified or permitted to have such interest, have until that date to notify the Director of the violation and make arrangements for corrective action to be taken by dissociation of the disqualified person from the licensed business or by removal of the disqualification.

When there is an undisclosed interest violation, but the person having the undisclosed interest is not disqualified from having an interest in an alcoholic beverage license, the penalty will be suspension for an appropriate period of time, depending on the facts and circumstances of the particular case. Similarly, the acceptance of a monetary offer in compromise in lieu of the suspension will be considered by the Director on a case-by-case basis.

7. STATE LICENSE TRANSACTIONS - JUNE 7, 1985 TO DATE:

The following transactions have taken place with reference to state-issued licenses since June 7, 1985:

License Type:	Number	
Transportation license Rail Head Transfer, Inc. 10 Hook Road Bayonne, NJ From: 254 Port Street Newark, NJ	3401-20-159-002	Place to Place transfer iss. eff. 06/07/85
Limited Wholesale license George Lawrence Industries, Inc. 550 WMT Pleasant Avenue Livingston, NJ 07039	3401-25-324-001	New lic. iss. eff. 06/14/85

Public Warehouse license Murphys Liquors, Inc. 231 Herbert Avenue Closter, NJ 07024 Mailing address: 106 Closter Plaza Closter, NJ 07624	3401-28-110-002	Change of Corporate Structure Iss. eff.: 06/18/85
Limited Wholesale License Anheuser-Busch, Incorporated 200 United States HWY 1 Newark, NJ 07101	3400-25-082-002	Place to Place trans. to incl. exp. of prem. Iss. eff. 06/21/85
Plenary Wholesale license Public Warehouse license Rectifier and Blender license Whitbread North America, Inc. One Hollow Lane Lake Success, NY 10042 (Mailing address only)	3400-23-028-003 3400-28-145-003 3400-15-387-003 From: Julius Wile Sons & Co., Inc.	Change of Corporate Name Iss. eff.: 06/26/85
Plenary Wholesale license Fromm and Sichel, Inc., of Calif. P.O. Box 6815 Santa Rosa, CA 95406 From: Fromm and Sichel, Inc. of NY	3400-23-031-002	Person to Person trans. Iss. eff. 06/26/85
Plenary Wholesale license Hiram Walker, Inc. 777 Passaic Avenue Clifton, NJ 07102 From: 2414 Morris Avenue Union, NJ 07083	3400-23-076-002	Place to Place trans. Iss. eff. 06/26/85
Wine Wholesale license Margus Company, Inc. 5 Kathleen Place Bridgewater, NJ 08807	3401-26-328-001	New lic. Iss. eff. 07/01/85
Wine Wholesale license Fine Wine & Spirits Group, Inc. 909 State Road Princeton, NJ 08540 Warehouse address: Stryker Lane Building #4 Belle Mead, NJ 08502	3401-26-329-001	New lic. Iss. eff. 07/01/85
Wine Wholesale license Adams Wine Co. 525 Milltown Road No. Brunswick, NJ 08902	3401-26-326-001	New lic. Iss. eff.: 07/01/85
Limited Wholesale license Richard Carens Imports, Inc. One Wolfs Lane Pelham, NY 10803	3401-25-325-001	New lic. Iss. eff.: 07/01/85
Public Warehouse license Western Carriers, Inc. 2220 91st Street North Bergen, NJ 07047	3401-28-327-001	New lic. Iss. eff.: 07/01/85
Wine Wholesale license Luber Imports Ltd., Inc. 8 Roosevelt Place Somerville, NJ 08876	3401-26-330-001	New lic. Iss. eff. 07/01/85
Additional Warehouse license Gross Highland Winery 2516 Route 35 Wall Twp. Manasquan, NJ 08736	3400-24-622-001	Cancelled

Public Warehouse license Lusardi Liquors, Inc. Prudent Building, 69 King St. Dover, NJ 07801	3401-28-323-001	New lic. iss. eff. 07/01/85
Limited Wholesale license The Traditional Beer Importing Company One Bridge Plaza Fort Lee, NJ 07024	3401-25-331-001	New lic. iss. eff. 07/01/85
Farm Winery license Franklin Salek 24 North Vienna Avenue Germania, NJ 08215	3401-22-333-001	New lic. iss. eff. 07/12/85
Limited Wholesale license Vinimport, Inc. 9 St. Francis Street 3rd Floor Newark, NJ 07105	3401-25-334-001	Changed license number eff.: 07/11/85
From: 317 ST. Pauls Avenue Jersey City, NJ 07306	3401-25-310-001	
Public Warehouse license Expert Sales & Salvage, Inc. 392 7TH Avenue Newark, NJ 07107	3401-28-026-003	Place to Place transfer iss. eff. 07/15/85
From: 317 ST. Pauls Avenue Jersey City, NJ 07306		
Mailing Address: 75 Montgomery Street Jersey City, NJ 07302		
Limited Wholesale license May Importing Company, Inc. 103 North 7th Street Camden, NJ 08102	3401-25-008-004	Place to Place trans. to include expansion 07/16/85
From: Same Address		
Limited Wholesale California Cooler, Inc. 2601 Teepee Drive Stockton, CA 95205	3401-25-336-001	New lic. iss. eff.: 07/24/85
State Beverage Distributors Fairfield Beer Snack & Soda, Inc. 472 Route 46 Fairfield, NJ 07006	3400-19-554-002	Person to Per- son & Place to Place trans. iss. eff. 08/06/85
From: Robert Dickman 173 Rt. 46 Rockaway, NJ 07866		
Limited Wholesale license Silva-Viana, Inc. 609-611 McCarter Highway Newark, NJ 07102	3401-25-338-001	New lic. iss. eff. 08/13/85
Public Warehouse license Western Carriers, Inc. 10 Meta Lane Lodi, NJ 07644	3400-28-901-001	Surren- dered & Can- celled 08/06/85
Transportation license Harrah's Atlantic City, Inc. 840 West Delilah Road Pleasantville, NJ 08232	3401-20-031-002	Person to Person trans. iss. eff. 08/15/85
From: Marina Associates		
Public Warehouse license Harrah's Atlantic City, Inc. 840 West Delilah Road Pleasantville, NJ 08232	3401-28-032-002	Person to Person trans. iss. eff. 08/15/85
From: Marina Associates		
Mailing Address for; Harrah's Atlantic City, Inc., 115 38th Street Briantone, NJ 08203.		
Additional Warehouse license Regal Wine Imports, Inc. 321 N. Delosa Drive Suite 6 Deptford, NJ 08096	3401-24-339-001	New lic. iss. eff.: 08/15/85
(Mailing Address: P.O. Box 178, Deptford, NJ 08096)		

State Beverage Distributors Beverage Unlimited, Inc. 366 St. Georges Avenue Rahway, NJ 07065	3400-19-205-002	Change of Corporate Structure iss. eff.: 08/19/85
Limited Brewery license Vernon Valley Brewery, Inc. Rte 94 Cobblestone Village Vernon, NJ 07462	3401-11-340-001	New lic. iss. eff.: 08/20/85
Limited Wholesale license Mark J. Mc Cabe Co., Inc. 132 Columbia Turnpike Florham Park, NJ 07932	3401-25-341-001	New lic. iss. eff.: 08/26/85
Transportation license Baily's Park Place, Inc. 100 West Parkway Drive Egg Harbor, NJ 08215 From: Park Place & The Boardwalk Atlantic City, NJ 08401	3401-20-959-002	Place to Place trans. iss. eff. 08/21/85
Plenary Wholesale license Caleche Importers, Ltd. 500 Frank W. Burr Blvd. Teaneck, NJ 07666	3401-23-337-001	New lic. iss. eff. 08/29/85
Plenary Wholesale license Carillon Importers, Ltd. 500 Frank W. Burr Blvd. Teaneck, NJ 07666 From: 1290 Avenue of the Americas New York, NY 10104	3400-23-018-002	Place to Place trans. iss. eff. 08/28/85
Plenary Wholesale license Stewart Hill Co., Inc. 156 Northfield Avenue Bldg. 410 Edison, NJ 08818	3400-23-070-003	Change of Corporate Structure 08/21/85
Wine Wholesale license Wine Cellar Products of New Jersey, Inc. 603 White Horse Pike Atco, NJ 08004	3401-26-342-001	New lic. iss. eff. 09/03/85
Plenary Wholesale license No. American Liquor Imports, Inc. 26 Glen Road Wayne, NJ 07470	3401-23-343-001	New lic. iss. eff. 09/03/85
Limited Wholesale license Margus Company, Inc. 5 Kathleen Place Bridgewater, NJ 08807	3401-25-251-001	Will not renew for 1985/1986
Plenary Wholesale license The Buckingham Corporation 333 Sylvan Avenue Englewood Clf., NJ 07632	3400-23-016-003	Will not renew for 1985/1986
Plenary Wholesale license Atlantic Wine & Liquor Imports Inc. 6 Audrey Place Fairfield, NJ 07006	3400-23-931-002	Will not renew for 1985/ 1986
Limited Wholesale license Lauber Imports Ltd. Inc. 21-29 Union Avenue Somerville, NJ 08876	3400-25-806-002	Will not renew for 1985/1986
Limited Wholesale license Modern Beverages, Inc. Squankum Yellowbrook Road Farmingdale, NJ 07727	3401-25-048-004	Will not renew for 1985/1986
Additional Warehouse license Hiram Walker Incorporated 777 Passaic Avenue Clifton, NJ 07012	3401-24-275-001	Will not renew for 1985/1986

Limited Wholesale license Herbert M. Kallmann 509 Madison Avenue Suite 1804 New York, NY 10020	3400-25-113-002	Will not renew for 1985/1986
Wine Wholesale license Double Lucky Distributing Corporation 51-99 Pacific Avenue Jersey City, NJ 07307	3401-26-277-001	Will not renew for 85/86
State Beverage Distributors Kramer Beverage Co., Inc. Fire Road at Dallah Road Pleasantville, NJ 08232	3400-19-236-004	Will not renew for 1985/1986
Public Warehouse License Cervelli Market, Inc. 401 4th Street Hoboken, NJ 07030	3400-28-142-001	Will not renew for 1985/1986
Public Warehouse license Bally's Park Place, Inc. 430 North Pennsylvania Avenue Atlantic City, NJ 08401	3401-28-013-001	Will not renew for 1985/1986
Plenary Wholesale license Cointreau America, Inc. 900 Third Avenue New York, NY 10022	3400-23-872-001	Will not renew for 1985/1986
Transportation license D M S & D Associates, Inc. 5 Oakmont Court Lincroft, NJ 07738	3401-20-069-001	Will not renew 1985/1986
Transportation license The Price Transportation System, Inc. 203 Brooke Drive West Chester, PA 19380	3401-20-207-001	Will not renew for 1985/1986
Transportation license T.I.M.E. DC, Inc. 2720 Royal LN Suite #100 Dallas, TX 75229	3401-20-248-001	Will not renew for 1985/1986
Transportation license Central Division, Inc. 635-J Pressley Road P.O. Box 34303 Charlotte, NJ 28234	3401-20-107-001	Will not renew for 1985/1986
Wine Wholesale license Bacchus Selections of NJ 350 Gotham Parkway Carlstadt, NJ 07072	3400-26-178-003	Will not renew for 1985/1986
Limited Wholesale license Petrillo and Sons, Inc. 156 E. Browning Road Bellmawr, NJ 08031	3401-25-142-002	Will not renew for 1985/1986
Limited Wholesale license Fabst Brewing Company 391-411 Grove Street Newark, NJ 07106	3400-25-116-001	Will not renew 1985/1986
Plenary Retail Transit license Michael Kessler Boat Bulvar III NO. 292397 104 Jones Road Forked River, NJ 08731	3400-13-328-001	Will not renew 1985/1986
Plenary Brewery license Fabst Brewing Company 391-419-392-410 Grove Street Newark, NJ 07106	3400-10-382-001	Will not renew 1985/1986

Additional Warehouse (Salesroom) 3400-26-803-001 Pabst Brewing Company 600 North Union Avenue Hillside, NJ 07205		Will not renew 1985/1986
State Beverage Distributors 3400-19-267-002 South Jersey Bottling Co. 266 S. Pine Street Camden, NJ 08103		Will not renew for 1985/1986
Limited Wholesale license 3401-25-029-001 Santini Wines, Inc. 1855 Imperial Avenue New Hyde Park, NY 11040		Will not renew for 1985/1986
Plenary Retail Transit license 3400-13-335-001 Fred J. Morenz, Jr. Boat Miss Take II No. 287638 5 Mohawk Avenue Atlantic Highland, NJ 08006		Will not renew for 85/86
Transportation license 3400-20-986-001 U.S. Courier Service, Inc. 2410 Third Street, P.O. Box 361 Fort Lee, NJ 07024		Will not renew for 1985/1986
Limited Wholesale license 3401-25-056-001 Lake Beer & Soda Distributors, Inc. 374 Route 46 Rockaway, NJ 07866		Will not renew for 1985/1986
State Beverage Distributors 3400-19-236-004 Kramer Beverage Co., Inc. Fire Road at Delilah Road Pleasantville, NJ 08232		Will not renew 1985/1986
Transportation license 3400-20-530-001 Union Cartage Company, Inc. 37 Southwest Cutoff Worcester, MA 01604		"
Transportation license 3400-20-692-002 Lombard Bros., Incorporated 250 Paterson Plank Road Carlstadt, NJ 07072		"
Transportation license 3401-20-035-001 Robbins Motor Trans., Inc. P.O. Box 38 Essington, PA 19029		"
Plenary Retail Transit license 3401-13-173-001 International Air Service Company, LTD. 1710 Gilbreth Road Burlingame, CA 94010		"

8. READOPTED AND AMENDED REGULATION - ISSUANCE OR TRANSFER OF
MUNICIPAL RETAIL LICENSES OTHER THAN CLUB LICENSES BY THE DIRECTOR
(N.J.A.C. 13:2-4) - TEXT OF AMENDED AND READOPTED REGULATION

As a result of Executive Order 66 (1978), which causes certain regulations to "sunset", it was necessary to readopt Subchapter 4 of the Alcoholic Beverage Control Rules and Regulations. In doing so the Subchapter was amended with both nonsubstantive and substantive changes. One change is that applications must be filed in triplicate rather than duplicate. Among the substantive changes are reevaluations of previous interpretations concerning fees so as to conform them to statutory language. Sections 3 and 9 have been changed so that the fee payable to the Division on renewal is \$50.00 and not \$55.00. Sections 4, 5 and 6 now require the fee on transfer applications to be paid to the municipality where the license is located, with the Division's receiving only the nonrefundable \$50.00 fee.

The full texts of N.J.A.C 13:2-4.2 through 4.6, 4.8, 4.9 and 4.11 are now as follows (4.1, 4.7 and 4.10 were readopted without change):

13:2-4.2 Application to the director

Application to the director shall be made upon the same prescribed application forms as are used in all applications for municipal licenses (copies are attainable from the clerk of the municipality wherein the premises sought to be licensed are situated). The application shall be fully executed and submitted in triplicate.

13:2-4.3 Fees; new or renewal licenses

(a) Where application is made for a new license or for a renewal of a license, there shall also be submitted supplemental application forms (copies may be obtained from the director), fully executed in triplicate and accompanied by:

1. A fee of \$50.00 in cash, money order or certified check drawn to the order of Division of Alcoholic Beverage Control; and
2. A certification from the municipal clerk or other responsible municipal official stating that the municipal new license or renewal fee has been paid and the amount of such fee.

13:2-4.4 Fee for license transfer to other persons

Applications for transfers of licenses to other persons shall be accompanied by a fee of 10 percent of the full municipal annual or term license fee for said license, which fee shall be paid to the municipality wherein the license is located. In addition to that fee, a fee of \$50.00 shall be paid in cash, money order or certified check drawn to the order of Division of Alcoholic Beverage Control and retained by the director whether or not the transfer is granted, and accounted for as are other license fees.

13:2-4.5 Fee for license transfer to other premises

Applications for transfer of licenses to other premises shall be accompanied by a fee of 10 percent of the full municipal annual or term license fee for said license, which fee shall be paid to the municipality wherein the license is located. In addition to that fee, a fee of \$50.00 shall be paid in cash, money order or certified check drawn to the order of Division of Alcoholic Beverage Control and retained by the director whether or not the transfer is granted, and accounted for as are other license fees.

13:2-4.6 Combined transfers

Transfers of licenses both as to person and place may be applied for simultaneously and in a single application, accompanied by a fee of 20 percent of the full municipal annual or term license fee for said license; which fee shall be paid to the municipality wherein the license is located. In addition to that fee, a fee of \$50.00 shall be paid in cash, money order or certified check drawn to the order of Division of Alcoholic Beverage Control and retained by the director whether or not the transfer is granted, and accounted for as are other license fees. Where there is such a combined transfer application, the applicant may not obtain a person-to-person transfer of the license if the place-to-place transfer is denied.

13:2-4.8 Advertising notice of application

The rules applicable to advertising notice of application for municipal license or the transfer thereof (N.J.A.C. 13:2-2 and N.J.A.C. 13:2-7) shall apply when application is made to the director. However, the notice of application, as published, shall state that such application has been made, and objections, if any, should be addressed to the Director of the Division of Alcoholic Beverage Control, Richard J. Hughes Justice Complex, CN 087, Trenton, New Jersey 08625.

13:2-4.9 Refund of fees

If the application for new or renewal license is denied for any reason whatsoever or withdrawn, statutory refund of 90 percent of the fee deposited with the municipality shall be made by said municipality to the applicant. The remaining 10 percent shall be deemed an investigation fee and shall be retained by the municipality. The \$50.00 fee accompanying the application shall be retained by the director.

13:2-4.11 Notice of change in facts in application

The rules applicable to filing with a municipal issuing authority notice of change in the facts set forth in application for retail license and publishing notice of change in corporate structure and furnishing proof thereof (N.J.A.C. 13:2-2.12 through 2.14) shall apply to all retail licensees holding licenses issued by the director. However, the licensee shall file such notice with and furnish such proof to the director and such notice of change in corporate structure, as published, shall state that information concerning the qualifications of any of the current stockholders of the corporate licensee shall be addressed to the Director of the Division of Alcoholic Beverage Control, Richard J. Hughes Justice Complex, CN 087, Trenton, New Jersey 08625.

As adopted, R. 1985 d. 332, eff. July 1, 1985. See 17 N.J.R. 1052(a), 17 N.J.R. 1661(a).

9. READOPTED AND AMENDED REGULATION - TRANSPORTATION BY LICENSEES: TRANSIT INSIGNIA (N.J.A.C. 13:2-20) - TEXT OF AMENDED AND READOPTED REGULATION.

Also as a result of Executive Order 66 (1978), Subchapter 20 of the Alcoholic Beverage Control regulations was required to be readopted in order to avoid sunseting. Subchapter 20 implements N.J.S.A. 33:1-2 and 33:1-28, which together require that the commercial transportation of alcoholic beverages into, out of or within New Jersey only take place in vehicles licensed by the Division. The changes made in the readoption of the subsection clarify and simplify the issuing of licenses and the qualifications of the vehicle to be licensed. The sections dealing with special transportation permits change the form of the permit from a paper to be carried within the vehicle to a non-obtrusive sticker to be affixed to the window of the vehicle. There is also a consolidation of prior provisions into fewer sections.

The full text of N.J.A.C. 13:2-20 is now as follows:

13:2-20.1 Transit insignia; transportation of alcoholic beverages

No licensee shall transport alcoholic beverages into, out of, or within the State of New Jersey in any vehicle unless it is owned, leased or contracted for by the licensee. Such vehicle, while so used, shall first have issued thereto a transit insignia or special transportation permit sticker as provided in N.J.A.C. 13:2-20.6.

13:20.2 Transportation by retail licensee; delivery slip

(a) No retail licensee shall deliver or transport any alcoholic beverages into, out of, or within the State of New Jersey in any vehicle unless the driver of the vehicle has in his possession a bona fide, authentic and accurate delivery slip, invoice, manifest, waybill, or similar document stating the date of delivery, the bona fide name and address of the purchaser or consignee, and the brand, size of container, quantity and price of each item of the alcoholic beverages being delivered or transported. The original or true copy of such delivery slip, invoice, manifest, waybill or similar document shall be retained by the licensee at his licensed premises for a period of one year from the date of delivery, and shall be available for inspection by any person authorized to enforce the provisions of the Alcoholic Beverage Law, N.J.S.A. 33:1-1, et seq., unless the director shall have granted to the licensee written permission to keep such documents at another designated place.

(b) No such licensee shall peddle, barter, or otherwise sell any alcoholic beverages from any vehicle.

13:2-20.3 Transportation by State licensee with retail privileges; delivery slip or route card

(a) No State licensee privileged to sell alcoholic beverages at retail shall deliver or transport any alcoholic beverages in any vehicle, unless:

1. The driver of the vehicle has in his possession a bona fide, authentic and accurate delivery slip, invoice, manifest, waybill, or similar document stating the bona fide name and address of the purchaser or consignee, and the brand, size of container, quantity and price of each item of the alcoholic beverages being delivered or transported; or

2. The driver of the vehicle has in his possession a route card which shall contain the name, address and standing order of the customer, and the entry at the time of delivery of the date of delivery, the brand, size of container, quantity delivered and the price charged. In addition to such route cards, there must be carried in the vehicle a loading list setting forth the total quantity of alcoholic beverages loaded for delivery, indicating as to each brand loaded the total quantity of each size of container; and

3. The original or true copy of such delivery slip, invoice, manifest, waybill, route card or similar document shall be retained by the licensee at his licensed premises for a period of one year from the date of delivery, and shall be available for inspection by any person authorized to enforce the provisions of the Alcoholic Beverage Law, N.J.S.A. 33:1-1 et seq., unless the director shall have granted to the licensee written permission to keep such documents at another designated place.

(b) The holder of a New Jersey Plenary or Farm Winery license with retail privileges may authorize the shipment of wine purchased in person at retail on the licensed premises to a designation within this State by a parcel delivery service subject to the following terms and conditions:

1. The New Jersey Plenary or Farm Winery licensee with retail privileges must first file an application for authorization to utilize a parcel delivery service before it makes any such deliveries to consumers. The application is made on a form provided by the Division and must be accompanied by an annual fee of \$150.00. All parcel delivery service permits are for the calendar year and expire on December 31 and must be renewed annually; and

2. The parcel delivery service must first be registered and approved by the Director. Application for approval shall be made on a form to be provided by the Division. No fee is required. Once approved, a parcel delivery service shall not be required to obtain a Transportation License under N.J.S.A. 33:1-13 or any Transit Insignia or Permits under N.J.S.A. 33:1-28 or N.J.A.C. 13:2-20.1 et seq.; and

3. An invoice must be attached to every package stating the purchaser's name, address, destination, quantity of wine being shipped and place of purchase. A copy of the original invoice must be made available for inspection by any person authorized to enforce the provisions of the Alcoholic Beverage Law, N.J.S.A. 33:1-1 et seq. for a period of three years at the office of the licensee; and

4. It is the duty of personnel delivering the wine for a licensee in accordance with N.J.S.A. 33:1-28.1 et seq. and this subsection to seek to determine that, at the time of delivery of wine, the party signing a delivery receipt is of legal age to purchase and consume alcoholic beverages.

(c) No such licensee shall peddle, barter, or otherwise sell any alcoholic beverage from any vehicle to any consumer.

13:2-20.4 Transportation by other State licensees, importers and manufacturers; delivery documents

(a) No manufacturer, importer or wholesaler shall deliver or transport, directly or indirectly, any alcoholic beverages into, out of, or within the State of New Jersey in any vehicle unless the driver of the vehicle has in his possession a bona fide, authentic and accurate delivery slip, invoice, manifest, waybill or similar document stating the name, address and New Jersey State assigned license number (if applicable) of the purchaser or consignee, the brand, size of container, terms of sale, quantity and price of each kind of alcoholic beverages being delivered or transported. Such document shall further bear a printed or stamped legend reading substantially as follows:

"The undersigned licensee hereby acknowledges that all of the alcoholic beverages itemized above have been ordered and were received on

(Date)

.
(Signature by or for licensee)

(b) Two copies of such delivery slip, invoice, manifest, waybill or similar document shall be truly dated and signed by the licensee or his agent at the time and on the date of actual delivery of any alcoholic beverage. One copy shall be retained for a period of three years from the date thereof by the manufacturer, importer or wholesaler and the other by the purchasing licensee for a like period at its respective licensed premises, and shall be available for inspection by any person authorized to enforce the provisions of the Alcoholic Beverage Law, N.J.S.A. 33:1-1 et seq., unless the director shall have granted written permission to the manufacturer, importer, wholesaler or retailer to keep its copies at another designated place.

(c) Except that with regard to the following:

1. Sales or transfers from manufacturers or importers to wholesalers or distributors, when the nature of the documentation and transaction precludes the immediate availability of all documents required in (a) and (b) above, compliance shall be deemed to have occurred when all such records are available within a reasonable time following the sale, transfer, delivery and receipt; and

2. Sales or deliveries of keg beer or ale only to retail licensees, when the nature of the documentation and transaction precludes the immediate availability of all documents required in (a) and (b) above, compliance shall be deemed to have occurred when all such records are available upon completion of the operative period of the terms of such sales which shall have been set forth and shall be consistent with the seller's Marketing Manual and Current Price List pursuant to N.J.A.C. 13:2-24.

13:2-20.5 Eligibility for transit insignia or special transportation permit

(a) No transit insignia or special transportation permit shall be issued to a bonded warehouse bottling licensee, public warehouse licensee, or warehouse receipts licensee, unless such licensee also holds a license of some type which authorizes the transportation of alcoholic beverages.

(b) No transit insignia or special transportation permit shall be issued for any motor vehicle not properly registered in accordance with State law applicable to such vehicles.

(c) No transit insignia or special transportation permit will be issued for any leased vehicle unless said lease by its terms transfers to the licensee the right to exclusive possession, control and operation of such vehicle when utilized in connection with the licensed business. A copy of the lease must be annexed to any application.

(d) No transit insignia or special transportation permit shall be issued until after the basic manufacture, transportation, wholesale or retail license is issued, and in case of a municipally issued retail license, until the issuance of the license shall have been certified to the director by the municipal issuing authority.

13:2-20.6 Application; fees

(a) Applications for transit insignia shall be filed upon a prescribed form with the director accompanied by the full fee of \$25.00 for each insignia, in cash, money order or certified check payable to the order of the Division of Alcoholic Beverage Control.

(b) Applications for special transportation permit, which may be issued for passenger type vehicles and consist of a sticker that is less conspicuous than a transit insignia, shall be filed upon a prescribed form with the director accompanied by the full fee of \$25.00 for each permit, in cash, money order or certified check payable to the order of the Division of Alcoholic Beverage Control.

13:2-20.7 Term of transit insignia or special transportation permit; renewal

All transit insignia and special transportation permit expire on August 31 following their issuance unless previously terminated by order of the director or by surrender, revocation or expiration of the basic license which authorized issuance of the insignia or permit. Renewals must be applied for in the same manner as a new insignia or permit.

13:2-20.8 Affixing transit insignia or special transportation permit sticker to vehicle

(a) Transit insignia must be directly and securely affixed at the time of receipt to the exterior of the body of the vehicle on the left side thereof, so as to be clearly visible at all times.

(b) Special transportation permit stickers must be directly and securely affixed at the time of receipt to the rearmost side window on the driver's side of the vehicle. The sticker shall be placed in the lower left corner of such window, shall be affixed from the inside facing outward and shall be clearly visible at all times.

13:2-20.9 Restrictions applicable to vehicles bearing transit insignia or special transportation permit

(a) No licensee shall allow, permit or suffer any vehicle for which a transit insignia or special transportation permit is issued to him to be used to transport alcoholic beverages except solely for the licensee's or employer's own business.

(b) When any transit insignia or special transportation permit sticker shall become marred, defaced or damaged, the licensee shall forthwith notify the director in writing, so that there may be appropriate replacement, if necessary, of such insignia or sticker.

(c) Transit insignia or special transportation permit are not transferable and may be used only for the vehicle for which issued, provided however, that nothing herein contained shall prohibit the transportation of alcoholic beverages by a transferee of a license in a vehicle for which a transit insignia or special transportation permit was issued to his transferor for a period not exceeding seven days subsequent to the effective date of the transfer of license to such transferee.

(d) Except as provided in (c) above, no licensee shall sell or otherwise dispose of any vehicle to which a transit insignia or special transportation permit sticker is affixed, without having first removed said insignia or sticker and having notified the director of such removal.

13:2-20.10 Search of licensed vehicle

By acceptance of a transit insignia or special transportation permit, the licensee consents to the inspection and search of the vehicle for which such insignia or permit is issued, without search warrant, by any person authorized to enforce the provisions of the Alcoholic Beverage Law, N.J.S.A. 33:1-1 et seq.

NOTE: The prior text of 13:2-20.11 through 20.15 is deleted. The basic, if not identical, terms of these sections have been recited in different sections of the readoption with amendments. A conversion chart for those sections follows:

- (a) 13:2-20.11 is now set forth in 13:2-20.8
- (b) 13:2-20.12 is now set forth in 13:2-20.9 (b)
- (c) 13:2-20.13 is now set forth in 13:2-20.9 (d)
- (d) 13:2-20.14 is now set forth in 13:2-20.7
- (e) 13:2-20.15 is now set forth in 13:2-20.10

As adopted, R. 1985, d.333, eff. July 1, 1985. See 17 N.J.R. 1054(a), 17 N.J.R. 1662(a).

10. READOPTED AND AMENDED REGULATION - ISSUANCE OF IDENTIFICATION CARDS BY COUNTY CLERKS (N.J.A.C. 13:2-40) - TEXT OF AMENDED AND READOPTED REGULATION.

To avoid sunseting as a result of Executive Order 66 (L978), subchapter 40 of the Alcoholic Beverage Control regulations was also readopted. In doing so, the subchapter was amended to reflect certain statutory amendments made since its original adoption. The basic purpose of the subchapter, which is to implement the legislative mandate in N.J.S.A. 33:1-81.2 et seq., was retained, and comments of county clerks who had worked with the prior regulation were incorporated.

The full texts of N.J.A.C. 13:2-40.1, 40.2, 40.5, 40.6 and 40.7 are now as follows (40.3 and 40.4 were readopted without change):

13:2-40.1 Form of application; contents

Application for an identification card by residents of a county who shall have attained the legal age for purchase and consumption of alcoholic beverages may be filed with the county clerk in the county wherein said applicant resides and shall be in the following form:

State of New Jersey, County of _____

**IDENTIFICATION CARD
APPLICATION**

TO: County Clerk of _____ County, New Jersey.
The undersigned hereby applies for an identification card as proof of age, and submits the required fee of \$4.00.

1. Full name of applicant _____
(First) (Middle) (Last)

2. Residence address _____

3. Height _____ Weight _____
(Ft.) (In.)
Color of Eyes _____ Color of Hair _____

4. Date of Birth _____

5. Place of Birth _____
(Municipality) (County) (State)

6. Father's name _____
(First) (Middle) (Last)

7. Mother's Maiden Name _____
(First) (Middle) (Last)

8. The applicant presents one or more of the following certificates to establish his or her age (check appropriate line):
 Birth Certificate
 Naturalization Certificate
 Voter Registration Certificate
 Other ()

9. The applicant submits two (2) recent color photographs, approximately 1½ inches by 1½ inches in size, of himself or herself, full face, without hat.

10. Has the applicant ever previously applied for an identification card?

 If so, state the details thereof _____

WARNING: Any person not entitled thereto who shall have unlawfully procured or have issued or transferred to him or her an identification card shall be guilty of a disorderly persons offense and shall be sentenced to pay a fine of not more than \$300.00, or imprisonment for not more than 60 days. N.J.S.A. 33:1-81.7.
 The applicant hereby certifies that all of the foregoing information and statements are true in all respects.

11. Signature of applicant _____ (Date) _____

12. Signature witnessed by: _____ (Date) _____
 (County Clerk or Duty Authorized Deputy)

DO NOT WRITE BELOW THIS LINE

Identification Card Number _____

Date of Issuance _____

Photo 1 1/2" x 1 1/2" Issued by _____

13:2-40.2 Establishment of age

The applicant shall to the satisfaction of the county clerk establish his or her age by presentation of a birth certificate, naturalization certificate or any other proof required by the county clerk, which after examination shall be returned to the applicant.

13:2-40.5 Identification card; form

The identification card shall be 3 1/2 inches wide by 2 1/2 inches high in size, of white index bristol time card stock or equal, with black print, in the following form:

FRONT SIDE

STATE OF NEW JERSEY, County of _____
 IDENTIFICATION CARD NO. _____

Photo 1 1/2" x 1 1/2" This is to certify that _____
 who resides at _____

_____ has furnished to the undersigned satisfactory
 evidence of having attained the age of 21 years

Height _____ Weight _____

Color of Hair _____ Color of Eyes _____

ATTEST: _____
 County Clerk or Duty Authorized Deputy

Date of Birth _____

Date of Issuance _____

Holder's Signature _____

(See Reverse Side)

REVERSE SIDE

WARNING:

It shall be unlawful for the owner of an identification card to transfer said card to any other person for the purpose of aiding such person to secure alcoholic beverages. Any person who shall transfer an identification card for the purpose of aiding the transferee to obtain alcoholic beverages and any person not entitled thereto who shall have unlawfully procured or have issued or transferred to him or her an identification card shall be guilty of a disorderly persons offense and, upon conviction thereof, shall be sentenced to pay a fine of not more than \$300.00, or imprisonment for not more than 60 days. N.J.S.A. 33:1-81.7.

ALCOHOLIC BEVERAGE LICENSEES NOTE:

The presentation of this identification card by any person in connection with the purchase or attempted purchase of any alcoholic beverage shall constitute a defense to a charge under N.J.S.A. 33:1-77, if the retail licensee makes the sale in good faith reliance on this card and the appearance of the purchaser was such that an ordinary prudent person would believe the card holder to be of legal age.


13:2-40.6 Issuance of card; procedure

One of the submitted photographs of the applicant shall be mounted on an identification card in the upper left portion of the front side thereof. The card shall be signed by the applicant in the presence of the county clerk or his duly authorized deputy, who shall also sign the card. All cards are to be numbered consecutively. The official County seal shall be affixed so that it overlaps the photograph and a portion of the printed card. The card shall be laminated in plastic, 10 gauge on each side, and delivered to the applicant. The other photograph of the applicant shall be attached to the application, which shall indicate the date of issuance of the card, the number thereof and the name of the person who issued it. A permanent record thereof shall be retained in the county clerk's office.

13:2-40.7 Fees

A fee of \$4.00 shall be paid to the county clerk for the issuance of an original identification card. In the event the card is lost, stolen or destroyed, the holder thereof may apply for a replacement card with new numbers by filing a new application in the same manner as for an original, upon payment of an additional \$4.00 fee and upon making an affidavit as to the loss, theft or destruction of the original card. Every replacement card shall prominently have stamped, typed or otherwise imprinted on the card the word "Duplicate".

PUBLICATION OF BULLETIN 2443 IS HEREBY DIRECTED THIS
13TH DAY OF SEPTEMBER, 1985.


JOHN F. VASSALLO, JR.
DIRECTOR