

3. Wines, vermouth and sparkling wines—at the rate of \$0.50 per gallon from July 1, 1990 through June 30, 1992. On and after July 1, 1992, \$0.70 a gallon including wines, vermouth and sparkling wines manufactured by holders of a farm winery license, or wines, vermouth and sparkling wines manufactured from grapes or fruit grown in New Jersey by holders of a plenary winery license issued pursuant to the provisions of N.J.S.A. 33:1-10.

4. Cider containing at least three and two-tenths per centum of alcohol by volume but not more than seven per centum of alcohol by volume shall be taxed at the rate of \$0.12 a gallon.

Amended by R.1973 d.297, effective October 17, 1973.

See: 5 N.J.R. 391(a), 5 N.J.R. 393(d).

Amended by R.1982 d.181, effective June 21, 1982.

See: 13 N.J.R. 839(a), 14 N.J.R. 664(a).

(a)3 substantially amended.

(b) and (c) added.

Amended by R.1987 d.475, effective November 16, 1987.

See: 19 N.J.R. 1181(a), 19 N.J.R. 2200(b).

(a)3 deleted "except that" and substituted "including"; deleted "shall be taxed . . . September 10, 1981".

Amended by R.1989 d.200, effective April 17, 1989.

See: 21 N.J.R. 122(a), 21 N.J.R. 1018(a).

Deleted (b) and (c) concerning certification.

Amended by R.1992 d.162, effective April 6, 1992.

See: 23 N.J.R. 3433(a), 24 N.J.R. 1375(b).

Revised (a)1-3.

Amended by R.1999 d.10, effective January 4, 1999.

See: 30 N.J.R. 3607(b), 31 N.J.R. 55(a).

In (a), added 4.

#### Statutory References

As to tax rates, see N.J.S.A. 54:43-1.

#### 18:3-2.2 Due date of taxes

(a) The excise taxes provided in N.J.A.C. 18:3-2.1 (Tax rates on alcoholic beverages) are due and payable at the time of the first sale or delivery, as the case may be, in this State, except as otherwise provided in the law and in this chapter. In case the tax so imposed has not been paid or secured by the person making the sale or delivery, or causing the delivery to be made, the purchaser or the person accepting delivery shall be liable for the tax and the payment thereof.

(b) All taxes are to be paid not later than the 15th day of the month next following the reporting period in which the sales or deliveries were made. Where the 15th day of the month falls on a Saturday, Sunday, legal holiday or bank holiday, the tax payment, if forwarded by mail, will be considered as received within time, only if the envelope bears the postmark of the next business day or some prior day.

Amended by R.1973 d.297, effective October 17, 1973.

See: 5 N.J.R. 319(a), 5 N.J.R. 393(d).

Amended by R.1979 d.180, effective May 4, 1979.

See: 11 N.J.R. 209(a), 11 N.J.R. 305(b).

#### Statutory References

As to when taxes are due and payable, see N.J.S.A. 54:44-1.

#### 18:3-2.3 Method of tax payment; improperly drawn checks

(a) All taxes are to be paid by check or money order drawn to the order of the State of New Jersey, Beverage Tax, and forwarded to the Division of Taxation, Beverage Tax, P.O. Box 853, Trenton, New Jersey 08646.

(b) Any check or money order received which is improperly drawn, will be returned to the taxpayer for correction and, if a proper check or money order is not returned to the Director on or before the 15th day of the month when the same is due, the penalty imposed by law will immediately accrue and become payable.

Amended by R.1973 d.297, effective October 17, 1973.

See: 5 N.J.R. 319(a), 5 N.J.R. 393(d).

Amended by R.1979 d.180, effective May 4, 1979.

See: 11 N.J.R. 209(a), 11 N.J.R. 305(b).

In (a), added new address for Division.

#### Cross References

See Sections 4.1, 4.2, 4.3 of this Chapter for penalties.

#### Statutory References

As to the method of paying taxes, see N.J.S.A. 54:44-1.

#### 18:3-2.4 Purchaser payment for certain transactions

(a) Where a manufacturer, wholesaler or State beverage distributor sells or delivers alcoholic beverages to another State licensee who is either a manufacturer, wholesaler, State beverage distributor, or plenary retail transit licensee which operates under Interstate Commerce Commission Regulations and is required to post a surety bond with this Division, and where delivery is made to the New Jersey licensed premises of the purchaser or of another State licensee or to a retail licensee or to a New Jersey licensed public warehouse for the account of the purchaser, the alcoholic beverage tax upon such a sale or delivery is to be assumed by the State licensee so purchasing the same and is to be paid by the said purchasing licensee at the time of the next taxable sale or delivery, provided, however, this is not to be construed so as to relieve the original or any subsequent seller or liability to pay the tax upon any sale or delivery should payment thereof not have been made.

(b) In every case such transactions are to be set forth by the seller as a sale on Schedule "A" and by the purchaser as a purchase on Schedule "H" in their respective reports to the Director.

Amended by R.1979 d.180, effective May 4, 1979.

See: 11 N.J.R. 209(a), 11 N.J.R. 305(b).

#### Statutory References

As to tax liability for purchasers, see N.J.S.A. 54:43-2.

**18:3-2.5 Sales to plenary retail transit licensees not posting surety bond taxable**

Sales to boats, holding a plenary retail transit license, which do not operate under Interstate Commerce Commission Regulations and are not required to post a surety bond with this Division, are taxable and are to be reported as a line item on Schedule "D" of the report to the Director.

Amended by R.1979 d.180, effective May 4, 1979.  
See: 11 N.J.R. 209(a), 11 N.J.R. 305(b).

**18:3-2.6 Sale and delivery for non-beverage use not taxable; certificates; exemptions**

(a) No tax is payable on any sale or delivery by a State licensee of alcoholic beverages intended for use and actually used in the manufacture or sale of the following products, or for the following purposes:

1. Denatured alcohol produced and used pursuant to Acts of Congress and regulations promulgated thereunder;
2. Patent, proprietary, medicinal, pharmaceutical, antiseptic and toilet preparations;
3. Flavoring extracts, syrups and food products;
4. Scientific, chemical, mechanical and industrial products and purposes;
5. Medical and dental purposes.

(b) Certificates of Non-Beverage Use may be signed only by a licensed physician, a licensed dentist, the superintendent or supervisor of a hospital, a New Jersey registered pharmacist who is actually in charge of, and personally responsible for, the compounding of prescriptions in which alcoholic beverages are to be used, a manufacturer who uses alcohol or alcoholic beverages in the manufacture of his products or an officer or duly authorized agent of such manufacturer, or the holder of a special permit authorizing the purchase of alcohol or alcoholic beverages for non-beverage purposes.

(c) To obtain an exemption on such transactions, where delivery is made in New Jersey, the licensee selling the alcoholic beverages for any such use must secure from the purchaser or consignee a Certificate of Non-Beverage Use signed under oath stating the non-beverage purposes for which specific quantities of alcoholic beverages were purchased and are to be used, and must file the certificate with the report for the reporting period in which the sale or delivery was made (See N.J.A.C. 18:3-8.18 and 8.19, Schedules on exemptions and claims for exemptions.)

(d) Where a certificate is not submitted and the tax is not paid with the report, an assessment will be levied for the amount of the tax plus penalty and interest as provided in the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1, et seq.

Amended by R.1979 d.180, effective May 4, 1979.  
See: 11 N.J.R. 209(a), 11 N.J.R. 305(b).

**Statutory References**

As to no taxes on alcohol intended for non-beverage use, see N.J.S.A. 54:43-2.

**18:3-2.7 Sales and deliveries for vinegar stock not taxable**

No tax imposed is payable on any sale or delivery by a State licensee of alcoholic beverages intended for use and actually used in the manufacture of vinegar. (See N.J.A.C. 18:3-8.18 and 18:3-8.19 for schedules on exemptions and claims for exemption.)

**Statutory References**

As to tax exceptions, see N.J.S.A. 54:43-2.

**18:3-2.8 No tax imposed on beverage lost by fire**

(a) No tax is payable by any State licensee on any alcoholic beverages lost by fire provided that written notice of loss is filed with the Director within 48 hours and proof of loss, satisfactory to the Director, is furnished with the report for the reporting period during which the fire occurred.

(b) Proof that the alcoholic beverages have been destroyed shall be submitted in detail and stated under oath.

Amended by R.1979 d.180, effective May 4, 1979.  
See: 11 N.J.R. 209(a), 11 N.J.R. 305(b).

**Statutory References**

As to tax exception allowed by definitions, see N.J.S.A. 54:41-2.

**18:3-2.9 Sales outside State**

(a) Where a State licensee purchases alcoholic beverages which are located outside of this State and sells and delivers the same to a purchaser outside of this State, in accordance with the laws of such State, and the alcoholic beverages at no time come into the State of New Jersey, the transaction is not taxable under the New Jersey Alcoholic Beverage Tax Law.

(b) These transactions shall not be included in the New Jersey Tax report, but shall be included in the seller's records.

**Statutory References**

As to tax rates on sales within the State, see N.J.S.A. 54:43-2.

**18:3-2.10 Sales of warehouse receipts**

(a) Sales of warehouse receipts, given upon the storage of alcoholic beverages in a United States Internal Revenue or United States Customs Warehouse under Federal bond, are not to be construed as sales of the alcoholic beverages represented by the receipts.

## Statutory References

As to the power of Director to require reports, see N.J.S.A. 54:45-1.

**18:3-6.11 Recording and reporting returns from a place in New Jersey to a consignee, located out-of-State, who is other than the original seller**

(a) Returns made, not to the actual source but delivered to a consignee located outside the State of New Jersey, upon the instructions of the source, are to be entered in the records and reported as follows:

1. State licensee shipper:

i. The shipper, when a State licensee, must set forth in Schedule "E" of his report the name and address of the consignee and the name, address and license number of the source for whose account the alcoholic beverages were shipped, together with the gross gallonage of each class of alcoholic beverage.

ii. The source shall not include entries in his report transactions covered by paragraph 1 of this subsection, but proper entries are to be made in the accounting records to show the name, address and license number of the shipper and the name and address of the consignee to whom the alcoholic beverages were sold.

2. Where the shipper is a retailer, the source (the State licensee original seller) must set forth in Schedule "H-3" and in Schedule "E" of his report the name, address and license number of the consignee and the name, address and license number of the shipper, together with the gross gallonage of each class of alcoholic beverage.

## Statutory References

As to power of Director to require reports, see N.J.S.A. 54:45-1.

**18:3-6.12 Recording and reporting returns from a place in New Jersey to a nonresident licensee who maintains inventory in New Jersey**

(a) Returns made to the New Jersey inventory of a nonresident New Jersey State licensee who maintains an inventory in this State are to be entered in the records and reported as follows:

1. State licensee:

i. The shipper, when a State licensee, must set forth in Schedule "A" of his report the name and address of the source to whom the alcoholic beverages were shipped together with the gross gallonage of each class of alcoholic beverage.

ii. The source (who is a nonresident New Jersey licensee maintaining an inventory in this State) is to report accepting such returns in his New Jersey inventory on Schedule "H-4." They are not to be reported on Schedule "E" unless they are shipped outside of the State in some subsequent transaction.

2. Nonresident licensee; in-State:

i. Returns accepted by a nonresident New Jersey State licensee who maintains an inventory in this State directly from New Jersey licensees at his premises outside the State of New Jersey must be reported as a memo only on Schedule "H-4." The transaction is not to be included in the total of Schedule "H-4" nor is it to be carried forward to the control sheet.

ii. Where a nonresident New Jersey State licensee maintains an inventory in this State and accepts returns directly from a New Jersey State licensee at his premises outside of New Jersey, the shipper is to set forth on Schedule "E" of his report the name and address of the source to whom the alcoholic beverages were shipped together with the gross gallonage of each class of alcoholic beverage.

3. Nonresident licensee; out-of-State:

i. Where a nonresident New Jersey State licensee maintains an inventory in this State and accepts returns from New Jersey State licensees and the returns are delivered for the account of the nonresident State licensee to a point outside the State, the shipper is to set forth the transaction in Schedule "E" of his report together with the gross gallonage of each class of alcoholic beverage.

ii. A nonresident New Jersey State licensee is not to report the transaction on Schedule "E". However, he is to report it as a memo transaction on Schedule "H-4," but is not to include it in the total of Schedule "H-4" or carry it into his control sheet.

Amended by R.1979 d.180, effective May 4, 1979.  
See: 11 N.J.R. 209(a), 11 N.J.R. 305(b).

## Statutory References

As to the power of Director to require reports, see N.J.S.A. 54:45-1.

**18:3-6.13 Delivery slips, freight bills to accompany deliveries**

(a) All deliveries of alcoholic beverages are to be accompanied by an invoice, delivery slip, freight bill, waybill or bill of lading setting forth:

1. The name, address and license number of the transporter;
2. The name, address and license number of both the consignee and the consignor;
3. The kind of alcoholic beverages;
4. Exact size of container;
5. The number of containers per package;
6. The number of cases, barrels or other units; and

7. A copy of the delivery slip, and so forth, which must be left with the consignee along with the invoice of the consignor, if one accompanies the shipment.

**Statutory References**

As to information required on documents that accompany alcoholic beverages, see N.J.S.A. 54:45-2.

**18:3-6.14 Cash and charge sales filed together**

When both cash sales and charge sales occur during the same reporting period in the same account, they are to be invoiced, both transactions entered in the accounts receivable ledger, and the invoices for both are to be consolidated in a single file.

Amended by R.1973 d.297, eff. October 17, 1973.  
See: 5 N.J.R. 319(a), 5 N.J.R. 393(d).

**Statutory References**

As to the manner of keeping records, see N.J.S.A. 54:45-2.

**18:3-6.15 Examination of records and premises**

Every person engaged in transactions involving alcohol or alcoholic beverages, and all directors, officers, agents or employees of such person, are to exhibit to the Director, all the books, records, physical inventory tally sheets, papers, work sheets, invoices, vouchers, accounts, documents and premises of said person and to facilitate, as far as possible, any examination or investigation by the Director or his employees.

**Statutory References**

As to the power of Director to inspect records, see N.J.S.A. 54:42-2.

**18:3-6.16 through 18:3-6.17 (Reserved)**

**SUBCHAPTER 7. REPORTS IN GENERAL**

**18:3-7.1 When due**

(a) Reports consisting of a control sheet and supporting schedules are to be filed with the Director on such forms as the Director shall prescribe (See Appendix).

(b) A report is to be filed with the Division of Taxation, Beverage Tax, P.O. Box 853, Trenton, New Jersey 08646, covering each bi-monthly period that a license is in force, even though during that time, or any portion thereof, no business was transacted under the license.

(c) Such reports are to be filed by State licensees, special permittees and holders of special permits to sell alcohol at retail, on or before the 15th day of the month next following.

(d) Where the last day of filing reports falls on a Saturday, Sunday, legal holiday or bank holiday, a report forwarded by mail will be considered as filed within time only if the envelope bears the postmark of the next business day or some prior day.

(e) Reports must disclose all transactions in alcoholic beverages, warehouse receipts and contract during the period covered by the report, and such other information as the Director may require.

(f) There are no exceptions to these rules.

Amended by R.1973 d.297, eff. October 17, 1973.  
See: 5 N.J.R. 319(a), 5 N.J.R. 393(d).  
Amended by R.1979 d.180, effective May 4, 1979.  
See: 11 N.J.R. 209(a), 11 N.J.R. 305(b).

**Statutory References**

As to when reports are due, see N.J.S.A. 54:45-1.

**18:3-7.2 Manner of executing reports**

(a) All reports are to be signed in the following manner:

1. If the licensee is an individual, by the licensee;
2. If the licensee is a partnership, by one of the partners;
3. If the licensee is a corporation, by one of the officers of the corporation, or by its authorized agent.

(b) No report signed by an agent of a licensee will be accepted for filing, unless the licensee has filed with the Division of Taxation a written authorization for such agent on form R-3 prescribed by the Director.

Amended by R.1973 d.297, effective October 17, 1973.  
See: 5 N.J.R. 319(a), 5 N.J.R. 393(d).

**Statutory References**

As to the manner of executing reports, see N.J.S.A. 54:45-1.

**18:3-7.3 Report forms; how obtained**

(a) Forms upon which reports are to be made are customarily mailed by the Director to the licensee in ample time for preparation and filing, but, if such forms are not received, the licensee is not relieved of the obligation of filing the reports within the time prescribed by Section 1 (When due) of this Subchapter.

(b) Extra copies of forms upon which reports are to be made may be obtainable upon application to the Division of Taxation, West State and Willow Streets, Trenton, New Jersey 08646.

Amended by R.1979 d.180, effective May 4, 1979.  
See: 11 N.J.R. 209(a), 11 N.J.R. 305(b).

**Cross References**

See Exemptions, N.J.A.C. 18:3-2.13, 18:3-2.15, 18:3-3.7, 18:3-6.9, 18:3-6.11, 18:3-6.12, 18:3-8.18, 18:3-8.19.

**Statutory References**

As to the nontaxability of beverages shipped out of State and exception, see N.J.S.A. 54:43-2.

**18:3-8.5 Tax exemptions for nonbeverage use**

See Sections 2.6, 2.7, of this Chapter for exemptions for nonbeverage use.

**18:3-8.6 Alcoholic beverages bottled for nonlicensees**

(a) Where a manufacturer receives alcoholic beverages from a person not licensed in the State of New Jersey or from Federal bond for the account of such nonlicensee and bottles the alcoholic beverages, the delivery of the bottled alcoholic beverages is to be reported as a sale.

(b) Such a transaction is exempt from the tax, provided, evidence satisfactory to the Director is furnished showing that the alcoholic beverages have been actually transported out of the State or placed in a licensed public warehouse in New Jersey for temporary storage for the account of the purchaser.

**Statutory References**

As to the nontaxability of beverages received from nonlicensees, see N.J.S.A. 54:43-2.

**18:3-8.7 Alcoholic beverages bottled for others**

(a) Where a manufacturer receives alcoholic beverages for bottling:

1. The delivery in New Jersey of the bottled alcoholic beverages to a State licensee or for the account of a nonlicensee is to be reported on Schedule "A" as a sale. (See N.J.A.C. 18:3-8.16, Schedule "A"—sales and "returns made" within this State . . .)

2. The delivery at a point outside of this State of the bottled alcoholic beverages to a State licensee or a nonlicensee is to be reported on Schedule "E". (See N.J.A.C. 18:3-8.18, Schedule "E"—exemptions.)

3. The delivery in New Jersey of the bottled beverages to a retail licensee is taxable and is to be reported as a sale on Schedule "D". (N.J.S.A. 54:43-1.)

**Statutory References**

As to the taxability of the delivery of beverages in the State, see N.J.S.A. 54:43-1; As to the nontaxability of delivery of beverages out of the State, see N.J.S.A. 54:43-2; As to the general taxability of deliveries, see N.J.S.A. 54:44-1.

**18:3-8.8 Alcoholic beverages bottled for retail licensees**

Where a manufacturer receives for bottling alcoholic beverages for the account of a New Jersey retail licensee the delivery of the bottled alcoholic beverages are taxable and is to be reported as a sale to the retailer on Schedule "D".

**Statutory References**

As to the taxability of deliveries generally, see N.J.S.A. 54:44-1.

**18:3-8.9 Alcoholic beverages bottled "in-bond"**

Alcoholic beverages bottled "in-bond" in United States Internal Revenue or United States Customs warehouses which remain "in-bond" are not to be reported as a sale until they are actually removed from Federal bond.

**Statutory References**

As to the postponement of reporting beverages bottled "in-bond", see N.J.S.A. 54:44-1.

**18:3-8.10 Consolidated reports**

**Cross References**

See Consolidated reports with consent of Director, N.J.A.C. 18:3-7.10.

**18:3-8.11 Number of schedules required in report**

(a) A manufacturer's tax sales report is to consist of a control sheet supported by detailed information to be given on schedules.

**NUMBER OF COPIES TO BE MADE, FILED AND RETAINED WHETHER OR NOT ANY BUSINESS IS TRANSACTED:**

|   | Make     | * File with Division of Taxation | ** Retain in Tax Manufacturer's File |
|---|----------|----------------------------------|--------------------------------------|
| Control Sheet . . . . .                                     | 3 copies | 2 copies                         | 1 copy                               |
| Schedules "A," "B," "C," "D," "F," "H," "J" or "BW" . . . . | 3 copies | 2 copies                         | 1 copy                               |
| Schedule "E" . . . . .                                      | 4 copies | 3 copies                         | 1 copy                               |
| Certificate of Nonbeverage Use . . . . .                    | 2 copies | 1 copy                           | 1 copy                               |

\* File reports with the Division of Taxation, Beverage Tax, P.O. Box 853, Trenton, New Jersey 08646 on or before the 15th day of the month next following.  
\*\* One complete copy of every report shall be kept on the premises of the licensee for three years, for examination by the Director.

(b) If any schedule supporting the control sheet is not required in making the report for any particular period, it is to be indicated on the reverse side of the control sheet by entering the word "no" thus: Schedule "A" consisting of . . . no . . . sheets.

Amended by R.1973 d.297, effective October 17, 1973.  
See: 5 N.J.R. 319(a), 5 N.J.R. 393(d).  
Amended by R.1979 d.180, effective May 4, 1979.  
See: 11 N.J.R. 209(a), 11 N.J.R. 305(b).

**Statutory References**

See N.J.S.A. 54:45-1.

**18:3-8.12 Entries in schedules to be by accounts**

(a) In preparing schedules of purchases and sales, entries are to be in alphabetical order by accounts except where written permission has been received from the Director to report Schedule "D" by "daily total".

(b) When reporting by accounts, the total of each account for the reporting period is to be entered, not each individual purchase or sale.

(c) All entries are to be made in wine gallons of 128 fluid ounces and all schedules are to be totaled.

Amended by R.1973 d.297, effective October 17, 1973.  
See: 5 N.J.R. 319(a), 5 N.J.R. 393(d).

**Cross References**

See Records to be kept by persons subject to the Act, N.J.A.C. 18:3-6.1.

**Statutory References**

As to method of reporting, see N.J.S.A. 54:45-1.

**18:3-8.13 Schedule "B"—inventory, control, distillers, rectifiers and blenders**

(a) Schedule "B" which is to be filed by all distillers, rectifiers and blenders is an inventory control report of Federal-tax-paid finished products.

(b) All items on Schedule "B" must be entered in the appropriate column as set forth on the schedule.

(c) If any transactions or operations affecting the inventory cannot be set up on Schedule "B", attach a detailed description of such transactions and operations to the schedule.

**Statutory References**

As to reports required by the Director, see N.J.S.A. 54:45-1.

**18:3-8.14 Schedule "C"—inventory control, wineries**

(a) Schedule "C" which is to be filed by all holders of winery licenses is an inventory control report of alcoholic beverages in both Federal bonded and Federal-tax-paid sections of the licensed premises and in the Federal-tax-paid sections of New Jersey licensed public warehouses, but is not to include "still wine" in fermenters, "vermouth" in processing tanks or alcoholic beverages stored in United States Internal Revenue or United States Customs bonded public warehouses.

(b) In addition to Schedule "B", distillers who operate a winery under a distiller's license are required to submit Schedule "C".

(c) All items on Schedule "C" must be entered on the appropriate line as set forth on the schedule.

(d) If any transactions and operations affecting the inventory cannot be set up on Schedule "C", a detailed description of such transactions and operations is to be attached to the schedule.

**18:3-8.15 Schedule "J"—brewery inventory control, Federal-tax-paid beer**

(a) Schedule "J" which is to be filed by all breweries is an inventory control report of the Federal-tax-paid finished products.

(b) All items on Schedule "J" must be entered on the appropriate line as set forth on the schedule.

(c) If any transactions or operations affecting the inventory cannot be set up on Schedule "J", a detailed description of such transactions and operations is to be attached to the schedule.

**Statutory References**

As to reports required by the Director, see N.J.S.A. 54:45-1.

**18:3-8.16 Schedule "A"—sales and "returns made" within this State to State licensees, Army, Air Force, Navy, Coast Guard or National Guard organizations, nonlicensees for storage**

(a) On Schedule "A", list under separate heading, by accounts, the total of the following items for the reporting period for each account:

1. All sales of alcoholic beverages made and delivered to the licensed premises in New Jersey of, or to a New Jersey licensed public warehouse for the account of manufacturers, wholesalers, State beverage distributors and plenary retail transit licensees, on which sales and deliveries the tax has been passed to the purchaser. (See N.J.A.C. 18:3-8.7, Alcoholic beverages bottled for others.)

2. Sales of alcoholic beverages to State licensees located within New Jersey involving the actual delivery of the alcoholic beverages from a point other than the seller's premises:

i. Proper notation is to be made on the schedule by the seller as to the name, address and license number of the person who actually made the shipment upon instruction of the seller, and the point from which shipment was made.

ii. In addition, the seller must show the name, address and license number of the actual consignee or purchaser.

iii. The person who actually made the shipment must also report the name, address and license number of the person to whom shipment was delivered, and, in addition, the name, address and license number of the person for whose account the shipment was made.

1. Schedule "H-3" is to contain a list by accounts of all returns in sealed containers accepted from customers upon which a tax credit or refund is claimed and for which inventory credit memoranda or credit memoranda have been actually issued; in addition:

- i. The name, address and license number of each customer making the return;
- ii. The serial number and date of each credit memorandum issued; and
- iii. The number of gallons accepted as returns is to be included. (See N.J.A.C. 18:3-2.20, Report returns.)

2. Where the alcoholic beverages are not actually received but are delivered upon the instructions of the seller to another licensee, proper entry is to be made on Schedule "H-3", giving the name, address and license number of the person from whom the alcoholic beverages were actually delivered for the account of the seller, and, in addition, the name, address and license number of the person to whom the alcoholic beverages were actually delivered:

i. Where the return by a retailer involves the delivery for the account of the seller to another retailer, pursuant to another sale, a corresponding sales entry is to be made in the records of the seller and the sale to the retailer included in Schedule "D". (See N.J.A.C. 18:3-6.10, Recording and reporting requirements.)

ii. Where the return by a retailer involves the delivery for the account of the seller to a State licensee at a point within the State of New Jersey, pursuant to another sale, a corresponding sales entry is to be made in the records of the seller and the sale to the State licensee included in Schedule "A". (See N.J.A.C. 18:3-6.10, Recording and reporting requirements.)

iii. Where the return by a retailer involves the delivery for the account of the seller to a State licensee or nonlicensee at a point located outside the State of New Jersey, pursuant to another sale, a corresponding entry is to be made in the records of the seller and the sale included in Schedule "E". (See N.J.A.C. 18:3-6.11, Recording and reporting requirements.)

3. The total of these items are to be entered on the control sheet, and included in Schedule "B", "C" or "J", whichever is applicable.

4. No claim for a tax credit or refund for the return is to be made unless the original sale has been tax paid in the present or some previous report.

(d) Schedule "H-4" returns accepted from customers on which tax credit is not claimed:

1. Schedule "H-4" is to contain a list under separate headings, by accounts, of the number of gallons in sealed containers, as shown by inventory credit memoranda or credit memoranda issued by the seller, accepted from

each customer during the reporting period on which the seller is not claiming a tax credit or refund.

2. Where the alcoholic beverages are not actually received by the seller but are delivered upon the instructions of the seller to another licensee, proper entry is to be made on Schedule "H-4" giving the name, address and license number of the person to whom the alcoholic beverages were actually delivered for the account of the seller, and, in addition, the name, address, and license number of the person to whom the alcoholic beverages were actually delivered. (See N.J.A.C. 18:3-2.20, Reporting returns, 18:3-6.10, Recording and reporting requirements.)

3. The total of these items are to be included on Schedule "B", "C" or "J", whichever is applicable.

Amended by R.1973 d.297, effective October 17, 1973.  
See: 5 N.J.R. 319(a), 5 N.J.R. 393(d).

#### Statutory References

As to information that may be required in the reports by the Director, see N.J.S.A. 54:45-1.

#### 18:3-8.21 Schedule "BW"—withdrawals from bond

Schedule "BW" is to contain a list of all withdrawals from bond of finished products stored under United States Internal Revenue or United States Customs bond and importations received ex-Customs at piers. Separate totals for each are to be set forth in Schedule "H-1" including appraisal stores.

Amended by R.1973 d.297, effective October 17, 1973.  
See: 5 N.J.R. 319(a), 5 N.J.R. 393(d).

#### Statutory References

As to information that may be required in the reports by the Director, see N.J.S.A. 54:45-1.

#### 18:3-8.22 Inventories

##### Cross References

As to inventory requirements, see Uniform inventories, N.J.A.C. 18:3-6.7.

#### 18:3-8.23 Procedure where statements disagree

##### Cross References

As to required explanation for inconsistent statements, see Statements disagree, N.J.A.C. 18:3-7.11.

#### 18:3-8.24 through 18:3-8.25 (Reserved)

### SUBCHAPTER 9. RULES AND INSTRUCTIONS CONCERNING WHOLESALERS AND STATE BEVERAGE DISTRIBUTORS

#### 18:3-9.1 Passage of tax

##### Cross References

As to tax liability of wholesalers and distributors, see Purchase payment for certain transactions, N.J.A.C. 18:3-2.4.

**18:3-9.2 Out-of-State sales and returns****Cross References**

As to provisions pertaining to out-of-state sales and returns, see N.J.A.C. 18:3-2.13, 18:3-2.15, 18:3-3.7, 18:3-6.9, 18:3-6.11, 18:3-6.12, 18:3-8.4, and 18:3-8.18.

**18:3-9.3 Samples****Cross References**

As to method of reporting samples, see Reporting samples, N.J.A.C. 18:3-7.8.

**18:3-9.4 Consumer sales****Cross References**

As to records required of consumer sales, see Records required, and Consumer Records, N.J.A.C. 18:3-6.1 and 18:3-8.2.

**18:3-9.5 Exemptions for nonbeverage use****Cross References**

As to exemptions allowable for nonbeverage use, see N.J.A.C. 18:3-2.6, 18:3-2.7, and 18:3-8.18.

**18:3-9.6 Consolidated reports****Cross References**

As to consolidated reports allowed with consent of the Director, see Consolidated reports, N.J.A.C. 18:3-7.10.

**18:3-9.7 Number of schedules required**

(a) A tax sales report consists of a control sheet supported by detailed information to be given on Schedules "A", "D", "F", "H", "BW", or "E" as the case may be.

**NUMBER OF COPIES TO BE MADE, FILED AND  
RETAINED WHETHER OR NOT ANY  
BUSINESS IS TRANSACTED:**

|  | Make     | * File with<br>Division of<br>Taxation | ** Retain in<br>File of<br>Licensee |
|--|----------|--|-------------------------------------|
| Control Sheet .....                            | 3 copies | 2 copies                               | 1 copy                              |
| Schedules "A," "D," "F," "H" and<br>"BW" ..... | 3 copies | 2 copies                               | 1 copy                              |
| Schedule "E" .....                             | 4 copies | 3 copies                               | 1 copy                              |
| Certificates of Nonbeverage Use ..             | 2 copies | 1 copy                                 | 1 copy                              |

\* File reports with the Division of Taxation, Beverage Tax, P.O. Box 853, Trenton, New Jersey 08646 on or before the 15th day of the month next following.

\*\* One complete copy of every report shall be kept on the premises of the licensee for three years, for examination by the Director.

(b) If any schedule supporting the control sheet is not required in making the report for any particular period, it must be indicated on the reverse side of the control sheet by entering the word "no" thus: Schedule "A" consisting.. no.. sheets.

Amended by R.1973 d.297, effective October 17, 1973.

See: 5 N.J.R. 319(a), 5 N.J.R. 393(d).

Amended by R.1979 d.180, effective May 4, 1979.

See: 11 N.J.R. 209(a), 11 N.J.R. 305(b).

**Statutory References**

As to method of making reports and the form prescribed, see N.J.S.A. 54:45-1.

**18:3-9.8 Entries in schedules to be by accounts****Cross References**

As to requirement that entries be made by accounts, see Purchase and sale entries, N.J.A.C. 18:3-8.12.

**18:3-9.9 Schedule "A"—sales and "returns made" within  
this State to State licensees, Army, Air Force,  
Navy, Coast Guard or National Guard  
organizations, nonlicensees for storage**

(a) Schedule "A" is to contain a list under separate headings, by accounts, including the total for the reporting period of the following:

1. All sales of alcoholic beverages made and delivered to the licensed premises in New Jersey of manufacturers, wholesalers, State beverage distributors and plenary retail transit licensees or to New Jersey licensed public warehouses for the account of such State licensees, on which sales and deliveries the tax has been passed to the purchasers.

2. Sales of alcoholic beverages to State licensees located within New Jersey involving the actual delivery of the alcoholic beverages from a point other than the seller's premises. Proper notation is to be made on Schedule "A" by the seller as to the name, address and license number of the person who actually made the shipment upon instructions of the seller, and the point from which shipment was made. In addition, the seller must show the name, address and license number of the actual consignee or purchaser. The person who actually made the shipment must likewise report the name, address and license number of the person to whom shipment was delivered, and, in addition, the name, address and license number of the person for whose account shipment was made. Such transactions are to be segregated by the seller and by the shipper from sales made direct from the seller's premises. (See N.J.A.C. 18:3-6.9, Recording and reporting requirements.)

3. Sales of alcoholic beverages to voluntary unincorporated organizations of the Army, Air Force, Navy, Coast Guard or National Guard personnel, authorized to deal in alcoholic beverages, where delivery is made within this State. The total of each account is to be listed as a separate line item, with the name, address and location of each organization. (See N.J.A.C. 18:3-8.16, Schedule "A"—sales and "returns made" within this State.)

4. Sales where delivery has been made to a licensed public warehouse in New Jersey for temporary storage for the account of nonlicensees. (See N.J.A.C. 18:3-2.14, Out-of-State sales temporarily stored in State.)

**18:3-10.2 Samples and donations**

**Cross References**

As to taxability of donations and samples, see Reporting donations and reporting samples, N.J.A.C. 18:3-7.7, 18:3-7.8.

**18:3-10.3 Records required**

**Cross References**

As to records required to be kept by persons subject to Act, see Records required, N.J.A.C. 18:3-6.1.

**18:3-10.4 Consolidated reports**

**Cross References**

As to the filing of consolidated reports with consent of Director, see Consolidated reports, N.J.A.C. 18:3-7.10.

**18:3-10.5 Number of schedules required**

(a) A warehouse receipts licensee's report consists of a control sheet supported by detailed information to be given on Schedules "WR-1", "WR-2", "WR-3" or "WR-4" as the case may be.

**NUMBER OF COPIES TO BE MADE, FILED AND RETAINED WHETHER OR NOT ANY BUSINESS IS TRANSACTED:**

|  | Make     | * File with Division of Taxation | ** Retain in File of Licensee |
|--|----------|----------------------------------|-------------------------------|
| Control Sheet .....                            | 3 copies | 2 copies                         | 1 copy                        |
| Schedules "WR-1," "WR-2," "WR-3," "WR-4" ..... | 3 copies | 2 copies                         | 1 copy                        |

\* File reports with the Division of Taxation, Beverage Tax, P.O. Box 853, Trenton, New Jersey 08646 on or before the 15th day of the month next following.  
 \*\* One complete copy of every report shall be kept on the premises of the licensees for 3 years, for examination by the Director.

(b) If any schedule supporting the control sheet is not required in making the report for any particular period, it is to be indicated on the control sheet by entering the word "no" thus: Schedule "WR-1" consisting of.. no.. sheets.

(c) All gallonage entries are to be made in wine gallons of 128 fluid ounces and where it is impossible to determine the wine gallons, and the records show proof gallons only, the gallonage reported is to be marked "P.G." or "Proof Gallons".

(d) Entries in the schedules are to be listed alphabetically by account name.

Amended by R.1973 d.297, effective October 17, 1973.  
 See: 5 N.J.R. 319(a), 5 N.J.R. 393(d).  
 Amended by R.1979 d.180, effective May 4, 1979.  
 See: 11 N.J.R. 209(a), 11 N.J.R. 305(b).

**Statutory References**

As to reports required, see N.J.S.A. 54:45-1.

**18:3-10.6 Schedule "WR-1"—purchases of warehouse receipts**

Schedule "WR-1" is to contain a list of all transactions in purchasing, accepting or otherwise obtaining or acquiring warehouse receipts given upon the storage of alcoholic beverages in New Jersey in a United States Internal Revenue or United States Customs warehouse under Federal bond.

**Statutory References**

As to reports required, see N.J.S.A. 54:45-1.

**18:3-10.7 Schedule "WR-2"—sales of warehouse receipts**

(a) Schedule "WR-2" is to contain a list of all sales to any person having a New Jersey license or giving or known to have a New Jersey address of:

1. Warehouse receipts given upon the storage of alcoholic beverages in New Jersey in a United States Internal Revenue or United States Custom warehouse under Federal bond;
2. All other receipts, certificates, contracts or other documents given upon the storage of alcoholic beverages in Federal-tax-paid sections of a New Jersey licensed public warehouse.

(b) These sales are to be grouped separately and each group properly headed and listed alphabetically by account name.

**Statutory References**

As to reports required, see N.J.S.A. 54:45-1.

**18:3-10.8 Schedule "WR-3"—inventory of warehouse receipts**

Schedule "WR-3" is to contain a list in the same manner as set forth for Schedule "WR-2" of all warehouse receipts and all other receipts, certificates, contracts or other documents given upon the storage of alcoholic beverages in New Jersey or representing the same, of which the licensee is the owner and in control of at the end of the reporting period.

Amended by R.1973 d.297, effective October 17, 1973.  
 See: 5 N.J.R. 319(a), 5 N.J.R. 393(d).

**Statutory References**

As to reports required, see N.J.S.A. 54:45-1.

**18:3-10.9 Schedule "WR-4"—alcoholic beverages received**

(a) Schedule "WR-4" is to contain a list of all alcoholic beverages actually received in New Jersey, as samples or otherwise, from any source whatsoever, during the period covered by the report. Particular attention is to be given to the column headed "Document number of goods which this sample represents".

(b) The total of the items listed in subsection (a) of this Section are to be entered on the control sheet.

(c) If any alcoholic beverages received cannot be definitely identified with the number of a warehouse receipt, receipt, certificate, contract, agreement or other document of which the licensee is the owner and in control of at the time of receiving such alcoholic beverages, a complete detailed explanation must be attached to the schedule, giving the name, address and license number of the person from whom the alcoholic beverages were received.

Amended by R.1973 d.297, effective October 17, 1973.  
See: 5 N.J.R. 319(a), 5 N.J.R. 393(d).

#### Statutory References

As to reports required, see N.J.S.A. 54:45-1.

### 18:3-10.10 Procedure where statements disagree

#### Cross References

As to explanation required for inconsistent statements, see Procedure where statements disagree, N.J.A.C. 18:3-7.11.

### 18:3-10.11 through 18:3-10.12 (Reserved)

## SUBCHAPTER 11. RULES AND INSTRUCTIONS CONCERNING PUBLIC WAREHOUSE LICENSEES

### 18:3-11.1 Temporary storage by a nonlicensee; tax exempt

(a) The delivery of alcoholic beverages from without this State into a licensed public warehouse in this State for temporary storage by any person other than the holder of a license is exempt from the alcoholic beverage tax, provided that such alcoholic beverages, when released from storage, are actually transported outside of this State by a New Jersey licensed transporter. (See N.J.A.C. 18:3-2.16, Temporary storage.)

(b) The delivery of alcoholic beverages by a State licensee into a licensed public warehouse in this State for temporary storage by any person other than the holder of a license is exempt from the tax, provided that such alcoholic beverages, when released from storage, are actually transported outside of this State by a licensed transporter.

(c) To obtain an exemption under this section the public warehouse licensee, before effecting a release of the alcoholic beverages, is to secure and retain a written receipt signed by the licensed transporter setting forth:

1. His vehicle license number;
2. The kind and quantity of alcoholic beverages;
3. The number of cases, barrels or other units;

4. The wine gallons;

5. The name and address of the nonlicensee who caused the alcoholic beverages to be temporarily stored; and

6. The name and address of the person to whom the alcoholic beverages are to be delivered out of this State.

#### Statutory References

As to the nontaxability of beverages delivered into State for temporary storage, see N.J.S.A. 54:43-2.

### 18:3-11.2 Releases to State licensees; not taxable

New Jersey public warehouse licensees may release alcohol or alcoholic beverages received for temporary storage to any person, either directly or upon the order of the owner, for ultimate delivery outside this State or to a State licensee without payment of tax, provided such alcoholic beverages are removed in a vehicle owned or controlled by such licensees or by a New Jersey licensed transporter.

#### Statutory References

As to the nontaxability of beverages released from temporary storage, see N.J.S.A. 54:43-2.

### 18:3-11.3 Releases to retail licensees and special permittees

(a) New Jersey public warehouse licensees are liable for the payment of the alcoholic beverage tax on alcohol or alcoholic beverages released to the holders of retail licenses or to any person not licensed in this State unless:

1. The alcoholic beverages were stored in the Federal-tax-paid section of the warehouse in the name of the retailer by the retailer or by a State licensee; or

2. The alcoholic beverages are released on the written order and from the stock of a State licensee; or

3. The alcoholic beverages are released pursuant to a special permit and the tax on the sale or delivery has been paid as evidenced by a tax receipt issued by the Director and in the possession of the public warehouse licensee; or

4. The alcoholic beverages are released in accordance with the provisions of Section 1 (Temporary storage) of this Subchapter.

(b) All copies of the tax receipts are to be retained by the public warehouse licensee for inspection by the Director.

#### Statutory References

As to the taxability of releases of beverages, see N.J.S.A. 54:44-1.

**18:3-11.4 Releases from Federal bond for out-of-State deliveries**

(a) Where the alcoholic beverages which are sought to be released from Federal bond are to be delivered to a point outside of the State of New Jersey, the public warehouse licensee may release such alcoholic beverages without payment of the tax to the holder of the warehouse receipt embracing the same or to his representative, provided that immediately following such release the alcoholic beverages are handed over by the public warehouse licensee to the holder of a New Jersey transportation license or special permit for immediate delivery to a point outside the State of New Jersey.

(b) In all such cases, the public warehouse licensee, before effecting a release, is to secure and retain a written receipt signed by the transportation licensee or special permittee or his duly authorized representative. The receipt shall set forth:

1. The license number of the vehicle;
2. The kind of alcoholic beverage;
3. The number of cases, barrels or other units;
4. The wine gallons;
5. The name of the owner of the warehouse receipt embracing the alcoholic beverages; and
6. The name and address of the person to whom the alcoholic beverages are to be delivered.

**Statutory References**

As to the nontaxability of releases of beverages for out-of-State delivery, see N.J.S.A. 54:43-2.

**18:3-11.5 Losses by theft or breakage.**

New Jersey public warehouse licensees are to use Schedule "WR-4" to list all breakage or theft of alcoholic beverages from the Federal-tax-paid section of a warehouse, total such schedule and transmit it with each bimonthly report together with a check for the taxes shown to be due.

As amended, R.1973 d.297, eff. October 17, 1973.  
See: 5 N.J.R. 319(a), 5 N.J.R. 393(d).

**Cross References**

See Losses, N.J.A.C. 18:3-7.9.

**Statutory References**

As to the inclusion of losses in taxable sales, see N.J.S.A. 54:41-2.

**18:3-11.6 Number of schedules required**

(a) A report consists of a control sheet supported by detailed information to be given on Schedules "R", "RR", "S", "T" or "WR-4" as the case may be.

**NUMBER OF COPIES TO BE MADE, FILED AND RETAINED WHETHER OR NOT ANY BUSINESS IS TRANSACTED:**

|                                | Make     | * File with Division of Taxation | ** Retain in File of Licensee |
|--------------------------------|----------|----------------------------------|-------------------------------|
| Control Sheet .....            | 3 copies | 2 copies                         | 1 copy                        |
| Schedules "R," "RR," "S" ..... | 3 copies | 2 copies                         | 1 copy                        |
| Schedule "T" .....             | 4 copies | 3 copies                         | 1 copy                        |
| Schedule "WR-4" .....          | 3 copies | 2 copies                         | 1 copy                        |

\* File reports with the Division of Taxation, Beverage Tax, P.O. Box 853, Trenton, New Jersey 08646 on or before the 15th day of the month next following.

\*\* One complete copy of every report shall be kept on the premises of the licensee for three years, for examination by the Director.

(b) If any schedule supporting the control sheet is not required in making the report for any particular period, it is to be indicated on the control sheet by entering the word "no" thus: Schedule "R" consisting of.. no.. sheets.

Amended by R.1973 d.297, effective October 17, 1973.

See: 5 N.J.R. 319(a), 5 N.J.R. 393(d).

Amended by R.1979 d.180, effective May 4, 1979.

See: 11 N.J.R. 209(a), 11 N.J.R. 305(b).

**Statutory References**

As to reports required, see N.J.S.A. 54:45-1.

**18:3-11.7 Entries in schedules**

In preparing schedules, list each transaction in alphabetical order or daily sequence for the period reported upon.

Amended by R.1973 d.297, effective October 17, 1973.

See: 5 N.J.R. 319(a), 5 N.J.R. 393(d).

**Statutory References**

As to the manner of making reports, see N.J.S.A. 54:45-1.

**18:3-11.8 Schedule "R"—receipts in bond**

(a) Schedule "R" is to contain a list under separate headings of:

1. All receipts of alcoholic beverages in the Federal bonded section of the warehouse, including transfers of title within the warehouse; and
2. All alcoholic beverages bottled in-bond, giving the name, address and license number of the person for whom the alcoholic beverages were bottled.

**Statutory References**

As to information required in reports, see N.J.S.A. 54:45-1.

**18:3-11.9 Schedule "RR"—receipts in the Federal-tax-paid section**

Schedule "RR" is to contain a list of all receipts of alcoholic beverages in the Federal-tax-paid section of the warehouse, including transfers of title within the warehouse.

**Statutory References**

As to information required in reports, see N.J.S.A. 54:45-1.

**18:3-11.10 Schedule "S"—releases for delivery in this State**

(a) Schedule "S" is to contain a list under separate headings where delivery is to a consignee located within the State of New Jersey, of:

1. All transfers of alcoholic beverages "in-bond" including transfers of title within the warehouse;
2. All releases of alcoholic beverages from the Federal bonded section of the warehouse;
3. All releases of alcoholic beverages from the Federal-tax-paid section of the warehouse, including transfers of title within the warehouse.

**Statutory References**

As to information required in reports, see N.J.S.A. 54:45-1.

**18:3-11.11 Schedule "T"—releases for delivery outside this State**

(a) Schedule "T" is to contain a list under separate headings, of any delivery to a consignee located outside of the State of New Jersey. The list is to contain:

1. All transfers of alcoholic beverages "in-bond";
2. All releases of alcoholic beverages from the Federal bonded section of the warehouse;
3. All releases of alcoholic beverages from the Federal-tax-paid section of the warehouse.

(b) A separate Schedule "T" is to be used for each state into which deliveries were made.

**Statutory References**

As to reports required and information necessary, see N.J.S.A. 54:45-1.

**18:3-11.12 Schedule "WR-4"—losses by thefts or breakage**

Schedule "WR-4" is to contain a list, according to accounts, of the quantities of any alcoholic beverages broken or stolen during the reporting period.

Amended by R.1973 d.297, effective October 17, 1973.  
See: 5 N.J.R. 319(a), 5 N.J.R. 393(d).

**Cross References**

As to the inclusion of losses and breakage in monthly report, see Losses, N.J.A.C. 18:3-11.5.

**Statutory References**

As to reports required, see N.J.S.A. 54:45-1.

**18:3-11.13 Procedure where statements disagree****Cross References**

As to explanation required for inconsistent statements, see Statements disagree, N.J.A.C. 18:3-7.11.

SUBCHAPTER 12. RULES AND INSTRUCTIONS  
CONCERNING TRANSPORTATION  
LICENSEES AND SPECIAL PERMITTEES TO  
TRANSPORT ALCOHOLIC BEVERAGES

**18:3-12.1 Taxability of deliveries**

(a) A licensed transporter is entitled to exemption from tax on delivery of alcoholic beverages in this State only when the delivery from without this State is made by order of or to a State licensee.

(b) If the licensed transporter makes a delivery or other disposition of alcoholic beverages in this State to a person other than a State licensee, the licensed transporter is liable for the tax unless such tax has been previously paid or secured.

(c) If the licensed transporter fails to deliver all alcoholic beverages given into his custody as set forth on a waybill, bill of lading or other evidence of delivery from a consignor without this State, the transporter is liable for the tax on the alcoholic beverages not delivered to the consignee within the State of New Jersey, unless proof is furnished satisfactory to the Director of other disposition out of the State.

(d) Delivery of alcoholic beverages to a retail licensee from a non-licensee renders the licensed transporter liable for the tax thereon, unless such tax has been previously paid or secured.

(e) Delivery of alcoholic beverages upon which the tax has not been paid or secured to governmental agencies and concessionaires in this State, renders the licensed transporter making the delivery liable for payment of the tax. (See N.J.A.C. 18:3-3.6, Sales to government agencies.)

(f) The delivery of alcoholic beverages by transporters to a steamship company or to a ship at a pier in New Jersey from a consignor who is not the holder of a New Jersey license renders the transporter liable for the tax unless:

1. The tax has been previously paid;
2. The alcoholic beverages are delivered under "Cord and Seal";
3. The alcoholic beverages are consigned to a point outside this State.

(g) No tax imposed is payable by the holder of a special permit to transport alcoholic beverages from a licensed public warehouse or the premises of a State licensee in this State or from or between piers of import in this State to points outside this State, in accordance with the provisions of such permits, provided that the alcoholic beverages are actually removed from the State by the special permittee.

**Statutory References**

As to the nontaxability of beverages shipped out of State and exceptions, see N.J.S.A. 54:43-2.

**18:3-12.2 Transportation through State**

**Cross References**

As to the nontaxability of transaction, see Transportation through state, N.J.A.C. 18:3-2.17.

**18:3-12.3 Consolidated reports**

**Cross References**

As to the filing of consolidated reports with consent of the Director, see Consolidated reports, N.J.A.C. 18:3-7.10.

**18:3-12.4 Delivery slips, freight bills required**

**Cross References**

As to records that shall accompany deliveries, see Delivery slips, N.J.A.C. 18:3-6.13.

**18:3-12.5 Records to be kept separate**

**Cross References**

As to the separation of records, see Records, N.J.A.C. 18:3-6.3.

**18:3-12.6 Recording and reporting shipments involving more than two persons**

Where a transporter transports alcoholic beverages on instructions from a person other than the consignor or consignee, the name, address and license number of the consignor, of the consignee, and of the person from whom the instructions are received are to be set forth on the waybill, delivery ticket, invoice, and also upon the proper schedule of the transporter's report, in addition to the other detail required by the schedule.

**Statutory References**

As to reports required, see N.J.S.A. 54:45-1.

**18:3-12.7 Transfers from one transporter to another in course of delivery**

Where transfers are made from one transporter to another transporter in the course of delivery, each transporter is to set forth on his waybill, delivery ticket, invoice and the proper schedule of his report, the name, address and license number of the transporter to or from whom the transfer was made, the name, address and license number of the original consignor and the ultimate consignee, and the place at which the transfer was made, in addition to the other detail required by the schedule.

**Statutory References**

As to reports required, see N.J.S.A. 54:45-1.

**18:3-12.8 Number of schedules required**

(a) A report covering the transportation of alcoholic beverages consists of a control sheet supported by detailed information to be given on Schedules "M", "N", "M-N" as the case may be.

(b) Licensees may obtain permission to attach to the report a copy of each bill of lading or waybill instead of listing each transaction on the schedule. Application for such permission is to be made in writing, stating reasons therefore, and attaching a sample waybill or bill of lading. Where permission is granted in writing by the Director, such waybills or bills of lading are to be submitted in separate groups arranged alphabetically by consignees and securely attached to the schedule to which they apply.

**NUMBER OF COPIES TO BE MADE, FILED AND RETAINED WHETHER OR NOT ANY BUSINESS IS TRANSACTED:**

|  | Make     | * File with Division of Taxation | ** Retain in File of Licensee |
|--|----------|----------------------------------|-------------------------------|
| <b>(1) By Transportation Licenses:</b> |          |                                  |                               |
| Control Sheet .....                    | 2 copies | 1 copy                           | 1 copy                        |
| Schedule "M" .....                     | 2 copies | 1 copy                           | 1 copy                        |
| Schedule "N" .....                     | 2 copies | 1 copy                           | 1 copy                        |
| <b>(2) By Special Permittees:</b>      |          |                                  |                               |
| Control Sheet .....                    | 2 copies | 1 copy                           | 1 copy                        |
| Schedule "M-N" .....                   | 2 copies | 1 copy                           | 1 copy                        |

\* File reports with the Division of Taxation, Beverage Tax, P.O. Box 853, Trenton, New Jersey 08646 on or before the 15th day of the month next following.  
 \*\* One complete copy of every report shall be kept on the premises of the licensee for three years, for examination by the Director.

(c) If any schedule supporting the control sheet is not required in making the report for any particular period, it is to be indicated on the control sheet by entering the word "no" thus: Schedule "M" consisting of.. no.. sheets.

Amended by R.1973, d.297, effective October 17, 1973.  
 See: 5 N.J.R. 319(a), 5 N.J.R. 393(d).  
 Amended by R.1979 d.180, effective May 4, 1979.  
 See: 11 N.J.R. 209(a), 11 N.J.R. 305(b).

**Statutory References**

As to reports required and information necessary, see N.J.S.A. 54:45-1.

**18:3-12.9 Penalties for failure to file reports or pay taxes**

**Cross References**

As to penalties imposed, see Failure to file report, Failure to pay tax, and Suspension or revocation, N.J.A.C. 18:3-4.1, 18:3-4.2, and 18:3-4.3.

**18:3-12.10 Transportation licensees; schedules required**

(a) Various schedules segregated. In preparing schedules transportation licensees are to list each transaction in alphabetical order or daily sequence segregated as to Federal-tax-paid and "in-bond" shipments.

(b) Schedule "M"—alcoholic beverages transported to places outside the State. Schedule "M" is to contain a list of each shipment of alcoholic beverages transported from a place in New Jersey to a place outside New Jersey during the reporting period, giving the detailed information required by the schedule. A separate Schedule "M" is to be used for each state into which deliveries were made.

(c) Schedule "N"—alcoholic beverages transported into this State. Schedule "N" is to contain a list of each shipment of alcoholic beverages transported from a place outside of New Jersey to a place within New Jersey during the reporting period, giving the detailed information required by the schedule.

(d) Shipments made intra-State. It is not required that intra-State shipments be reported.

As amended, R.1973 d.297, effective October 17, 1973.  
See: 5 N.J.R. 319(a), 5 N.J.R. 393(d).

**Statutory References**

As to reports required, see N.J.S.A. 54:45-1.

**18:3-12.11 Special permittees; Schedule "M-N"**

(a) In preparing the schedule special permittees are to list each transaction in alphabetical order or daily sequence segregated as to Federal-tax-paid and "in-bond" shipments.

(b) Schedule "M-N" is to contain a list of:

1. All deliveries of alcoholic beverages picked up at a place in New Jersey and delivered to a place outside of New Jersey;
2. All return shipments to the original sources within New Jersey from places outside of New Jersey;
3. All deliveries of alcoholic beverages transported to a pier in New Jersey or from one pier to another in New Jersey for reshipment to a place outside this State.

(c) Deliveries and returns are to be listed separately on the schedule, each group properly headed. A separate Schedule "M-N" is to be used for each state into which deliveries were made.

**Statutory References**

As to reports required, see N.J.S.A. 54:45-1.

**18:3-12.12 through 18:3-12.14 (Reserved)**

**SUBCHAPTER 13. SPECIAL RULES FOR  
PLENARY RETAIL TRANSIT LICENSEES TO  
WHOM THE TAX HAS BEEN PASSED**

**18:3-13.1 Purchases reported**

A plenary retail transit licensee is to report all purchases of alcoholic beverages actually received in New Jersey including bond withdrawals, alcoholic beverages received in the Federal-tax-paid section of a New Jersey licensed public warehouse, and all transfers received in New Jersey from stock maintained outside this State.

**Statutory References**

As to reports required and information necessary, see N.J.S.A. 54:45-1.

**18:3-13.2 Sales taxable**

Sales of alcoholic beverages in New Jersey by a plenary retail transit licensee are taxable. (See N.J.A.C. 18:3-1.2, Definitions.)

**18:3-13.3 Reporting required in wine gallons**

**Cross References**

As to method for reporting in wine gallons, see Reporting required in wine gallons for wine and beer, N.J.A.C. 18:3-7.5.

**18:3-13.4 Consolidated reports**

**Cross References**

As to the filing of consolidated reports with the consent of Director, see Consolidated reports, N.J.A.C. 18:3-7.10.

**18:3-13.5 Number of schedules required**

(a) A tax sales report consists of a control sheet supported by detailed information to be given on Schedules "H", "BW", "A-E" or "D" as the case may be.

**NUMBER OF COPIES TO BE MADE, FILED AND  
RETAINED WHETHER OR NOT ANY  
BUSINESS IS TRANSACTED:**

|  | Make     | * File with<br>Division of<br>Taxation | ** Retain in<br>File of<br>Licensee |
|--|----------|--|-------------------------------------|
| Control Sheet .....                        | 3 copies | 2 copies                               | 1 copy                              |
| Schedule "H," "BW," "A-E" and<br>"D" ..... | 3 copies | 2 copies                               | 1 copy                              |

\* File reports with the Division of Taxation, Beverage Tax, P.O. Box 853, Trenton, New Jersey 08646 on or before the 15th day of the month next following.  
\*\* One complete copy of every report shall be kept on the premises of the licensee for three years, for examination by the Director.

(b) If any schedule supporting the control sheet is not required in making the report for any particular period, it is to be indicated on the control sheet by entering the word "no" thus: Schedule "H" consisting of.. no.. sheets.

Amended by R.1973 d.297, effective October 17, 1973.  
See: 5 N.J.R. 319(a), 5 N.J.R. 393(d).  
Amended by R.1979 d.180, effective May 4, 1979.  
See: 11 N.J.R. 209(a), 11 N.J.R. 305(b).

**Statutory References**

As to reports required and information necessary, see N.J.S.A. 54:45-1.

**18:3-13.6 Schedule "H"—alcoholic beverages received in  
New Jersey**

(a) Schedule "H-1"—alcoholic beverages received in New Jersey during the reporting period and transfers from stock maintained outside this State shall be entered on Schedule "H-1". Schedule "H-1" is to consist of a list under separate headings, by accounts of the gallonage of alcoholic beverages:

**18:3-14.7 Preservation of reports****Cross References**

As to the requirement that reports be preserved for three years, see Preservation of reports, N.J.A.C. 18:3-7.12.

**18:3-14.8 Report forms****Cross References**

As to the forms that shall be used for reports, see Report forms, N.J.A.C. 18:3-7.3.

**18:3-14.9 Reporting, required in wine gallons****Cross References**

As to the method of reporting wine gallons, see Reporting required in wine gallons, N.J.A.C. 18:3-7.5.

**18:3-14.10 Manner of executing reports****Cross References**

As to the manner of executing reports, see Executing reports, N.J.A.C. 18:3-7.2.

**18:3-14.11 Losses by theft, breakage or other disposition**

(a) No deductions from taxes are permitted to be made, or credit refund claimed for taxes which have accrued or have been paid on the sale or delivery of any alcohol lost by reason of theft, breakage or other disposition in this State, either on the licensed premises or in connection with a sale or delivery.

(b) The liability to pay such tax may not be passed on or postponed.

(c) Such losses are to be set forth on item 5 of the control sheet.

**Statutory References**

As to the inclusion of losses by theft or breakage in sales, see N.J.S.A. 54:41-2.

**18:3-14.12 Number of reports required**

(a) Permittees are to make an original and one copy of the control sheet and supporting schedules. The original report is to be filed with the Division of Taxation, Beverage Tax, P.O. Box 853, Trenton, New Jersey 08646.

(b) The copy is to be retained by the permittee on the licensed premises along with the copies of the certificates of use of alcohol for nonbeverage purposes.

Amended by R.1973 d.297, effective October 17, 1973.  
See: 5 N.J.R. 319(a), 5 N.J.R. 393(d).  
Amended by R.1979 d.180, effective May 4, 1979.  
See: 11 N.J.R. 209(a), 11 N.J.R. 305(b).

**Statutory References**

As to the manner of filing reports, see N.J.S.A. 54:45-1.

**18:3-14.13 Certificate of use of alcohol for nonbeverage purposes**

Permittees are to report on the appropriate lines of the control sheet sales of alcohol for which certificates of use of alcohol for nonbeverage purposes are or are not submitted with the report.

Amended by R.1973 d.297, effective October 17, 1973.  
See: 5 N.J.R. 319(a), 5 N.J.R. 393(d).

**Cross References**

As to the exemption allowed, see Nonbeverage use, N.S.A.C. 18:3-2.6.

**Statutory References**

As to the nontaxability of exempt transactions, see N.J.S.A. 54:43-2.

**18:3-14.14 Entries on schedules to be by accounts**

(a) All entries on the supporting schedules are to be in alphabetical order by account setting forth the total of each account for the reporting period.

(b) All entries are to be totaled and the total entered on the appropriate line of the control sheet.

Amended by R.1973 d.297, effective October 17, 1973.  
See: 5 N.J.R. 319(a), 5 N.J.R. 393(d).

**Statutory References**

As to the manner prescribed for making reports, see N.J.S.A. 54:45-1.

**18:3-14.15 Schedule "H"—alcohol received during the reporting period**

(a) Schedule "H" is an acquisition schedule on which every permittee is to enter all the purchases of alcohol actually received on the licensed premises or in the Federal-tax-paid section of New Jersey licensed public warehouses for his account.

(b) Transfers of beverages between the Federal-tax-paid section of New Jersey licensed public warehouses and the permittees' premises are to be excluded.

Amended by R.1973 d.297, effective October 17, 1973.  
See: 5 N.J.R. 319(a), 5 N.J.R. 393(d).

**Statutory References**

As to the reports required and information necessary, see N.J.S.A. 54:45-1.

**18:3-14.16 Schedule "A-E"—returns**

Schedule "A-E" is a disposition schedule on which every permittee is to enter returns made to State licensees from whom the alcohol was originally purchased as evidenced by inventory credit memorandum. (See N.J.A.C. 18:3-2.20, Inventory credit memoranda.)

**Statutory References**

As to reports required, see N.J.S.A. 54:45-1.

**18:3-14.17 Inventories****Cross References**

As to information required in inventories, see uniform inventory, N.J.A.C. 18:3-6.7.

**APPENDIX "A" BEVERAGE TAX BUREAU REPORT  
FORMS PRESCRIBED BY THE DIRECTOR**

|       |   |
|-------|---|
| R- 1  | Manufacturer's Control                    |
| R- 2  | Wholesaler's Control                      |
| R-15  | Transportation Control                    |
| R-19  | Discontinued                              |
| R-23  | Public Warehouse Control                  |
| R-27  | Plenary Retail Transit Report             |
| R-27A | Plenary Retail Transit Report "Tax-Paid"  |
| R-28  | Warehouse Receipts Control                |
| R-37  | Transportation Control Special Permittees |
| R-38  | Discontinued                              |
| R-44  | United States Army, Navy, and so forth    |
| R-48  | Alcohol (SP) Control                      |
| R-52  | Discontinued                              |
| R- 5  | Schedule "A"                              |

|       |                            |
|-------|----------------------------|
| R-40  | Schedule "B"               |
| R-57  | Schedule "BW"              |
| R-41  | Schedule "C"               |
| R- 8  | Schedule "D"               |
| R- 9  | Schedule "E"               |
| R-10  | Schedule "F"               |
| R-12  | Schedule "H"               |
| R-55  | Schedule "J"               |
| R-17  | Schedule "M"               |
| R-46  | Schedule "M-N"             |
| R-18  | Schedule "N"               |
| R-24A | Schedule "R"               |
| R-24B | Schedule "RR"              |
| R-25  | Schedule "S"               |
| R-26  | Schedule "T"               |
| R-29  | Schedule "WR-1"            |
| R-30  | Schedule "WR-2"            |
| R-31  | Schedule "WR-3"            |
| R-32  | Schedule "WR-4"            |
| R-45  | Special Permittee's Report |
| R- 3  | Authorization of Agent     |
| M-17  | Nonbeverage Use            |

Amended by R.1979 d.180, effective May 4, 1979.  
See: 11 N.J.R. 209(a), 11 N.J.R. 305(b).