

CHAPTER 2

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Authority

N.J.S.A. 33:1-1 et seq.

Source and Effective Date

R.2000 d.342, effective July 24, 2000.
See: 32 N.J.R. 1717(a), 32 N.J.R. 3162(a).

Executive Order No. 66(1978) Expiration Date

Chapter 2, Division of Alcoholic Beverage Control, expires on July 24, 2005.

Chapter Historical Note

Chapter 2, Division of Alcoholic Beverage Control, was adopted and became effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Chapter 2, Division of Alcoholic Beverage Control, was readopted as R.1990 d.412, effective July 24, 1990, and Subchapter 22, Transportation of Alcoholic Beverages by Railroad Carriers, Subchapter 34, Alcohol Permits, and Subchapter 37, Contracts of Employment and Conduct of Solicitors, were repealed by R.1990 d.412, effective August 20, 1990. See: 22 N.J.R. 1811(a), 22 N.J.R. 2508(c).

Subchapter 22, Licensee Training and Certification, was adopted as new rules by R.1992 d.445, effective November 2, 1992. See: 24 N.J.R. 1958(b), 24 N.J.R. 4055(b).

Chapter 2, Division of Alcoholic Beverage Control, was readopted as R.1995 d.450, effective July 24, 1995, and Subchapter 9, Warehouse Receipts Licenses, Subchapter 11, Farm Winery Licenses and Retail Privileges, Subchapter 28, Decanting of Wine, Subchapter 32, Sales of Forfeited Property, and the Appendix were repealed and Subchapter 34, Restricted Brewery, Subchapter 37, Consumer Alcoholic Beverage Tastings and Tasting Dinners, and Subchapter 41, Issuance or Transfer of Plenary Retail Consumption Licenses to Non-Profit Musical or Theatrical Corporations; Qualifications of Restaurant Operators, were adopted as new rules by R.1995 d.450, effective August 21, 1995. See: 27 N.J.R. 2051(a), 27 N.J.R. 3177(a).

Pursuant to Executive Order No. 66(1978), Chapter 2, Division of Alcoholic Beverage Control, was readopted as R.2000 d.342, effective July 24, 2000, and Subchapter 13, Execution of Questionnaire by State Licensees, and their Principals and Employees, was repealed by R.2000 d.342, effective August 21, 2000. See: Source and Effective Date. See, also, section annotations.

Law Review and Journal Commentaries

Practitioner's Guide to ABC Disciplinary Review. Kevin Marc Schatz, 137 N.J.L.J. No. 16, 10 (1994).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. FILING OF APPLICATION AND ADVERTISING NOTICE OF APPLICATION FOR STATE LICENSE

- 13:2-1.1 Filing of application; advertising
- 13:2-1.2 Applications by corporations, partnerships, and other types of legal entities; building not yet constructed
- 13:2-1.3 Publication of notice of application
- 13:2-1.4 Proof of publication
- 13:2-1.5 Applicants for renewal of annual State licenses

- 13:2-1.6 Objections; hearing
- 13:2-1.7 Changes in facts; application
- 13:2-1.8 Publication of notice of change in the structure of corporate, partnership, and other types of legal entities; form
- 13:2-1.9 Rules of general application; relaxation

SUBCHAPTER 2. FILING OF APPLICATION AND ADVERTISING NOTICE OF APPLICATION FOR MUNICIPAL LICENSE

- 13:2-2.1 Application forms
- 13:2-2.2 Form of notice of application
- 13:2-2.3 Issuing authority defined
- 13:2-2.4 Type of license defined
- 13:2-2.5 Publication of notice of application
- 13:2-2.6 Applicants for renewal of municipal licenses
- 13:2-2.7 Objections; hearing
- 13:2-2.8 Date of hearing
- 13:2-2.9 Hearing not required; reasons
- 13:2-2.10 Decision on application; ad interim (temporary) permit
- 13:2-2.11 Denial of application; refund of fees
- 13:2-2.12 Application granted; proration of fee; refund
- 13:2-2.13 Special conditions
- 13:2-2.14 Changes in facts; application
- 13:2-2.15 Publication of notice of change in the structure of corporate, partnership, and other types of legal entities; form
- 13:2-2.16 Publication of notice of change in corporate structure

SUBCHAPTER 3. ISSUANCE OF RETAIL LICENSES BY MUNICIPAL ISSUING AUTHORITIES; SPECIAL REVIEW OF ATLANTIC CITY LICENSES

- 13:2-3.1 License certificate; form
- 13:2-3.2 Required records
- 13:2-3.3 (Reserved)
- 13:2-3.4 License certificate signed by issuer
- 13:2-3.5 Issuance of license certificate; resolution of issuing authority
- 13:2-3.6 Certification of license activity
- 13:2-3.7 Atlantic City; alcoholic beverage licenses
- 13:2-3.8 through 13:2-3.10 (Reserved)

SUBCHAPTER 4. ISSUANCE, RENEWAL OR TRANSFER OF MUNICIPAL RETAIL LICENSES (OTHER THAN CLUB LICENSES) BY THE DIRECTOR

- 13:2-4.1 Interest in issuance, renewal or transfer of license; application made to the division
- 13:2-4.2 Application to the Director
- 13:2-4.3 New or renewal license fees; certification by issuing authority
- 13:2-4.4 Fee for license transfer to other persons or other premises; certification
- 13:2-4.5 Fee for combined transfers; certification
- 13:2-4.6 Submission of issuing authority's resolution
- 13:2-4.7 Advertising notice of application
- 13:2-4.8 Refund of fees
- 13:2-4.9 Proration of fee
- 13:2-4.10 Notice of change in facts in application
- 13:2-4.11 (Reserved)

SUBCHAPTER 5. ISSUANCE OF SPECIAL PERMITS BY DIRECTOR

- 13:2-5.1 Social affair permit
- 13:2-5.2 Special concessionaire permit
- 13:2-5.3 Special permit for the sale or purchase of alcoholic beverages
- 13:2-5.4 Temporary miscellaneous contingency permits; fees

SUBCHAPTER 6. EXTENSION OF LICENSE

- 13:2-6.1 Petition for extension of license
- 13:2-6.2 Special permit to operate licensed business
- 13:2-6.3 Proof of appointment; assignments
- 13:2-6.4 Endorsement of licenses
- 13:2-6.5 (Reserved)

SUBCHAPTER 7. TRANSFERS OF STATE AND MUNICIPAL LICENSES

- 13:2-7.1 Transferability of license
- 13:2-7.2 Application for place-to-place license transfer
- 13:2-7.3 Application for person-to-person license transfer
- 13:2-7.4 Notice of transfer application, form
- 13:2-7.5 Objections; hearing
- 13:2-7.6 Date of hearing
- 13:2-7.7 Hearing not required; reasons
- 13:2-7.8 Application for place-to-place license transfer
- 13:2-7.9 Application for person-to-person transfer
- 13:2-7.10 Combined transfer
- 13:2-7.11 Fee for license transfer to other premises or to another person
- 13:2-7.12 Fee for combined license transfer
- 13:2-7.13 Special condition for early grant
- 13:2-7.14 License certificate
- 13:2-7.15 Certification of license transfers
- 13:2-7.16 through 13:2-7.24 (Reserved)

SUBCHAPTER 8. CLUB LICENSES

- 13:2-8.1 Definitions
- 13:2-8.2 Bona fide clubs
- 13:2-8.3 Previous period of continuous, active operation
- 13:2-8.4 Previous period of possession and use of club quarters
- 13:2-8.5 Exceptions to eligibility requirements
- 13:2-8.6 Qualifications of officers and members
- 13:2-8.7 Submission of club member list and club charter
- 13:2-8.8 Sales restricted to club members
- 13:2-8.9 Sales for on-premises consumption only
- 13:2-8.10 Hours of permissible sale and consumption
- 13:2-8.11 Social affairs permittees
- 13:2-8.12 (Reserved)
- 13:2-8.13 Advertising prohibition
- 13:2-8.14 Violations

SUBCHAPTER 9. (RESERVED)

SUBCHAPTER 10. PLENARY AND FARM WINERY LICENSES; WINE BLENDING LICENSES; RETAIL PRIVILEGES; PARCEL DELIVERY SERVICE

- 13:2-10.1 Application for plenary and farm winery licenses; statement of intent
- 13:2-10.2 License certificate endorsement
- 13:2-10.3 Labeling wine sold at retail
- 13:2-10.4 Hours of retail sales
- 13:2-10.5 Application for wine blending license; form
- 13:2-10.6 Joint retail salesroom
- 13:2-10.7 Parcel delivery service
- 13:2-10.8 (Reserved)

SUBCHAPTER 11. (RESERVED)

SUBCHAPTER 12. SPECIAL PERMITS FOR HOME MANUFACTURE OF MALT ALCOHOLIC BEVERAGES AND WINES FOR PERSONAL OR HOUSEHOLD USE OR CONSUMPTION

- 13:2-12.1 Special malt alcoholic beverage and wine permit
- 13:2-12.2 (Reserved)
- 13:2-12.3 Ineligibility of premises
- 13:2-12.4 Ineligibility of persons under the legal age
- 13:2-12.5 Other disqualification
- 13:2-12.6 Number of permits per year
- 13:2-12.7 Transfer of permits

- 13:2-12.8 Revocation of permit

SUBCHAPTER 13. (RESERVED)

SUBCHAPTER 14. EMPLOYMENT BY LICENSEES OF A PERSON FAILING TO QUALIFY AS A LICENSEE

- 13:2-14.1 Restriction upon a minor's employment activities on a licensed premises
- 13:2-14.2 Minor's employment permit; fees
- 13:2-14.3 Permit; age restrictions
- 13:2-14.4 Blanket minors' employment permit
- 13:2-14.5 Restrictions upon employing criminally disqualified persons
- 13:2-14.6 Application for a rehabilitation employment permit; temporary work letter
- 13:2-14.7 Rehabilitation employment permit; duration; types; fees
- 13:2-14.8 Restrictions upon limited rehabilitation employment permittee
- 13:2-14.9 Termination of employment of disqualified person
- 13:2-14.10 Nontransferability of permits; term of permit; applicant's photograph and fingerprints
- 13:2-14.11 Amendment of application
- 13:2-14.12 Prohibited conduct of permittee
- 13:2-14.13 Cancellation, suspension and revocation of permit

SUBCHAPTER 15. REMOVAL OF STATUTORY DISQUALIFICATION

- 13:2-15.1 Time for petition filing; removal of statutory disqualification
- 13:2-15.2 Petition; contents
- 13:2-15.3 Hearing
- 13:2-15.4 Removal of disqualifications; causes

SUBCHAPTER 16. SOLICITOR'S PERMIT

- 13:2-16.1 Necessity of permit
- 13:2-16.2 Privileges of permit
- 13:2-16.3 Eligibility for permit
- 13:2-16.4 Permits to enforcement officers or municipal officials
- 13:2-16.5 Permit fees
- 13:2-16.6 Application for permit; photograph and fingerprints; affidavit of compliance with the Alcoholic Beverage Control Act
- 13:2-16.7 Term of permit
- 13:2-16.8 Nontransferability of permit
- 13:2-16.9 Amendment of application
- 13:2-16.10 Surrender of permit upon termination of employment
- 13:2-16.11 Restrictions on permittee
- 13:2-16.12 Interest of permittee in retail business
- 13:2-16.13 Search of permittee's vehicle
- 13:2-16.14 Responsibilities of employer
- 13:2-16.15 Solicitor's contracts
- 13:2-16.16 Filing of statement of compensation with Director

SUBCHAPTER 17. APPEALS

- 13:2-17.1 Notice and petition of appeal; contents; fee
- 13:2-17.2 Service of notice and petition of appeal
- 13:2-17.3 Time for appeal
- 13:2-17.4 Answer
- 13:2-17.5 Jurisdiction
- 13:2-17.6 De novo hearing; burden of proof
- 13:2-17.7 Subpoenas
- 13:2-17.8 Stays
- 13:2-17.9 Extension of license term
- 13:2-17.10 Transfer, extension or renewal subject to appeal
- 13:2-17.11 Hearing procedure
- 13:2-17.12 through 13:2-17.15 (Reserved)

SUBCHAPTER 18. PETITION PROCEEDINGS; DISCRIMINATION AGAINST WHOLESALERS

- 13:2-18.1 Grounds for relief

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

- 13:2-18.2 Filing and serving petitions
- 13:2-18.3 Answer to petition
- 13:2-18.4 Interlocutory relief
- 13:2-18.5 Enforcement of Director's orders
- 13:2-18.6 Jurisdiction
- 13:2-18.7 Public hearing
- 13:2-18.8 Hearing procedure

SUBCHAPTER 19. DISCIPLINARY PROCEEDINGS

- 13:2-19.1 Commencement of disciplinary proceedings
- 13:2-19.2 Contents of Notice of Charges
- 13:2-19.3 Pleading procedure
- 13:2-19.4 Emergent hearing
- 13:2-19.5 License or permit subject to disciplinary proceedings
- 13:2-19.6 Suspension, cancellation or revocation
- 13:2-19.7 Pending proceedings; effect upon license or permit
- 13:2-19.8 Expiration or surrender of license; pending proceedings
- 13:2-19.9 Suspended license; transfers or extensions
- 13:2-19.10 Revoked license; licensee inability to work; transfer prior to revocation
- 13:2-19.11 Penalty schedule, definition of violation, successive violations
- 13:2-19.12 Offers in compromise of suspension
- 13:2-19.13 Increase or decrease of penalties
- 13:2-19.14 Warning letters and fine letters
- 13:2-19.15 Review by Director of penalties imposed by local issuing authorities
- 13:2-19.16 Application of subchapter

SUBCHAPTER 20. TRANSPORTATION OF ALCOHOLIC BEVERAGES BY LICENSEES; INSIGNIA

- 13:2-20.1 Transit insignia; transportation of alcoholic beverages
- 13:2-20.2 Transportation by retail licensee; delivery slip; emergency delivery
- 13:2-20.3 Transportation by State licensee with retail privileges; delivery slip or route card
- 13:2-20.4 Transportation by other State licensees, importers and manufacturers; delivery documents
- 13:2-20.5 Eligibility for transit insignia, special transit insignia or transportation license insignia
- 13:2-20.6 Application; fees
- 13:2-20.7 Term of transit insignia, special transit insignia or transportation license insignia; renewal
- 13:2-20.8 Location of transit insignia, special transit insignia or transportation license insignia
- 13:2-20.9 Restrictions applicable to vehicles bearing transit insignia, special transit insignia or transportation license insignia
- 13:2-20.10 Search of licensed vehicle
- 13:2-20.11 Duty of personnel delivering alcoholic beverages to consumers
- 13:2-20.12 through 13:2-20.15 (Reserved)

SUBCHAPTER 21. TRANSPORTATION OF ALCOHOLIC BEVERAGES INTO, THROUGH OR OUT OF THE STATE

- 13:2-21.1 Delivery into or out of the State
- 13:2-21.2 Interstate transportation for personal use; amount limitation; permit
- 13:2-21.3 Transportation through New Jersey
- 13:2-21.4 Limited transportation permit
- 13:2-21.5 Emergency trip permit
- 13:2-21.6 Prohibited transportation; seizure of unlawful property
- 13:2-21.7 Search of vehicle
- 13:2-21.8 (Reserved)

SUBCHAPTER 22. LICENSEE TRAINING AND CERTIFICATION

- 13:2-22.1 Licensee training program established
- 13:2-22.2 Requirements for successful completion; time for completion

- 13:2-22.3 Individuals required to attend
- 13:2-22.4 Dates and location of training
- 13:2-22.5 Designation of entity to conduct the training programs
- 13:2-22.6 Training program curriculum
- 13:2-22.7 Registration fees
- 13:2-22.8 Certification of educational training or order of deferment
- 13:2-22.9 Sanctions for noncompliance
- 13:2-22.10 (Reserved)

SUBCHAPTER 23. CONDUCT OF LICENSEES AND PERMITTEES AND USE OF LICENSED PREMISES

- 13:2-23.1 Prohibition against serving persons under the legal age and intoxicated persons
- 13:2-23.2 Prohibiting sales or consumption of alcoholic beverages during elections; municipal option
- 13:2-23.3 Closing premises during public emergency or crime investigation
- 13:2-23.4 House-to-house solicitation forbidden
- 13:2-23.5 Prohibited patrons; narcotics or other unlawful drugs; illegal activity or enterprise
- 13:2-23.6 Prohibition against immoral activities; disturbance; nuisance on premises
- 13:2-23.7 Prohibition against lottery and gambling; exceptions
- 13:2-23.8 Eastern Standard Time change
- 13:2-23.9 Prohibition against adulterated alcoholic beverages
- 13:2-23.10 Restriction upon receiving prohibited deliveries of alcoholic beverages
- 13:2-23.11 Consumption of alcoholic beverages and possession of open containers prohibited upon retail distribution licensee's premises; exception
- 13:2-23.12 Receiving alcoholic beverages from prohibited source
- 13:2-23.13 Maintaining copies of current license certificate; application, list of employees; availability for inspection
- 13:2-23.14 Prohibition against indecent matter upon licensed premises
- 13:2-23.15 Possession of container mislabeled as to fill prohibited; exception
- 13:2-23.16 Prohibited promotions
- 13:2-23.17 Restriction upon limited retail distribution licensee possessing chilled malt alcoholic beverages
- 13:2-23.18 Solicitation prohibited
- 13:2-23.19 Prohibition against offering substitute beverages; exception
- 13:2-23.20 Intoxicated workers prohibited
- 13:2-23.21 Restrictions upon storage of alcoholic beverages
- 13:2-23.22 Requirement for labeled tap markers; provision for electronic systems
- 13:2-23.23 Requirements concerning labels; tax payment indicia
- 13:2-23.24 Restrictions upon placing of orders
- 13:2-23.25 Restrictions upon retail/manufacturer or wholesaler relationships
- 13:2-23.26 Fingerprinting requirements
- 13:2-23.27 Prohibited activities during license suspension
- 13:2-23.28 Responsibility of licensee for employee conduct
- 13:2-23.29 Detention of evidence; search of licensed premises
- 13:2-23.30 Prohibition against hindering an investigation
- 13:2-23.31 Law enforcement officers; ownership prohibition; employment restrictions
- 13:2-23.32 Books of account

SUBCHAPTER 24. TRADE MEMBER DISCRIMINATION, MARKETING AND ADVERTISING

- 13:2-24.1 Discrimination in terms of sale
- 13:2-24.2 Discrimination in services, facilities or equipment
- 13:2-24.3 Restraint of trade
- 13:2-24.4 Regulation of wholesaler credit
- 13:2-24.5 Supplier pricing and marketing information
- 13:2-24.6 Required records
- 13:2-24.7 Marketing initiatives
- 13:2-24.8 Sales below cost; prohibited
- 13:2-24.9 Combination and tied sales
- 13:2-24.10 Advertising and consumer protection

- 13:2-24.11 Manufacturers' rebates and coupons
- 13:2-24.12 Display services

SUBCHAPTER 25. DIVERSION, TRANSSHIPMENT AND REGISTERED DISTRIBUTION

- 13:2-25.1 Plenary and wine wholesalers: Delivery from warehouse inventory
- 13:2-25.2 Registered distribution
- 13:2-25.3 State beverage distributor

SUBCHAPTER 26. RETAIL COOPERATIVE PURCHASES

- 13:2-26.1 Restrictions on cooperative purchases

SUBCHAPTER 27. LABELING AND STANDARDS OF FILL; DEPOSIT MARKED CONTAINERS

- 13:2-27.1 Adoption of Federal requirements
- 13:2-27.2 Deposit marked containers

SUBCHAPTER 28. (RESERVED)

SUBCHAPTER 29. RECORDS

- 13:2-29.1 Public records
- 13:2-29.2 Confidential records
- 13:2-29.3 Inspection, reproduction and availability of records; copy fees
- 13:2-29.4 Licensee records; storage systems and availability of records

SUBCHAPTER 30. REGISTRATION OF STILLS

- 13:2-30.1 Stills to be registered
- 13:2-30.2 Registration form; contents
- 13:2-30.3 Possession of registry certificate on premises
- 13:2-30.4 Removal of registered still
- 13:2-30.5 Sale of registered still; notice
- 13:2-30.6 Stills of licensed distillery, rectifier or blender

SUBCHAPTER 31. SEIZURE HEARINGS

- 13:2-31.1 Hearings generally
- 13:2-31.2 Procedures; return of property seized
- 13:2-31.3 Forfeiture and sale of seized property
- 13:2-31.4 Hearing procedure

SUBCHAPTER 32. (RESERVED)

SUBCHAPTER 33. PRODUCT INFORMATION FILING: BRAND REGISTRATION

- 13:2-33.1 Brand registration schedule
- 13:2-33.2 Filing fees and forms

SUBCHAPTER 34. RESTRICTED BREWERY

- 13:2-34.1 Application for restricted brewery license
- 13:2-34.2 License fees
- 13:2-34.3 Restaurant premises
- 13:2-34.4 Tasting and sale for off-premises consumption
- 13:2-34.5 Hearings
- 13:2-34.6 Disciplinary proceedings

SUBCHAPTER 35. SALE AND DISPLAY OF ALCOHOLIC BEVERAGES IN ORIGINAL CONTAINERS BY CONSUMPTION LICENSEES NOT HOLDING THE BROAD PACKAGE PRIVILEGES

- 13:2-35.1 Definitions
- 13:2-35.2 Prohibition on sales of package goods from other than the principal barroom except by holders of the broad package privilege
- 13:2-35.3 Notation of privilege on license certificate; daily certification
- 13:2-35.4 Off-premises consumption sales; requirements and prohibitions
- 13:2-35.5 Multiple barrooms; package goods sales restricted to the bona fide principal barroom
- 13:2-35.6 (Reserved)

SUBCHAPTER 36. REQUESTS FOR ADVISORY OPINIONS

- 13:2-36.1 Advisory opinions

SUBCHAPTER 37. CONSUMER ALCOHOLIC BEVERAGE TASTINGS AND TASTING DINNERS

- 13:2-37.1 Consumer alcoholic beverage tastings or tasting dinner events

SUBCHAPTER 38. LIMITATION OF HOURS FOR SALE AND DELIVERY AT RETAIL OF ALCOHOLIC BEVERAGES IN ORIGINAL CONTAINERS FOR OFF-PREMISES CONSUMPTION

- 13:2-38.1 Retail package sales hours
- 13:2-38.2 Sunday sales hours for retail distribution licensees and state beverage distributors; effect of municipal ordinances and State statute on sale for off-premises consumption
- 13:2-38.3 (Reserved)

SUBCHAPTER 39. RETURN OF ALCOHOLIC BEVERAGES; SOLICITOR'S DELIVERY

- 13:2-39.1 Reasons authorizing return of alcoholic beverages; inclusion in marketing manual; other required records
- 13:2-39.2 Salesman or retailer pick-up notice
- 13:2-39.3 through 13:2-39.4 (Reserved)

SUBCHAPTER 40. ISSUANCE OF IDENTIFICATION CARDS BY COUNTY CLERKS

- 13:2-40.1 Form of application; contents
- 13:2-40.2 Establishment of age
- 13:2-40.3 Applicant's photographs
- 13:2-40.4 Execution of application
- 13:2-40.5 Identification card; form
- 13:2-40.6 Issuance of card; procedure
- 13:2-40.7 Fees

SUBCHAPTER 41. ISSUANCE OR TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSES TO NON-PROFIT MUSICAL OR THEATRICAL CORPORATIONS; QUALIFICATIONS OF RESTAURANT OPERATORS

- 13:2-41.1 Plenary retail consumption licenses for non-profit musical or theatrical corporations; restaurant operator; definitions
- 13:2-41.2 Issuance of special license
- 13:2-41.3 Qualification of restaurant operator
- 13:2-41.4 Privileges and limitations of special license
- 13:2-41.5 Person-to-person and place-to-place transfers
- 13:2-41.6 Reporting changes in facts and in corporate structure
- 13:2-41.7 Renewal of special plenary retail consumption licenses

SUBCHAPTER 1. FILING OF APPLICATION AND ADVERTISING NOTICE OF APPLICATION FOR STATE LICENSE

13:2-1.1 Filing of application; advertising

Application for license must be filed on forms prescribed by the Director, Division of Alcoholic Beverage Control, in duplicate with the Division at or before the first insertion of advertisement and accompanied by the full annual license fee. If the application is to include as the licensed premises a building not yet constructed, plans for the proposed building shall accompany the application. The plans shall show the appearance and design of the proposed building, the type or types of exterior building material, and the overall room dimensions.

(d) Within 10 days subsequent to the filing of application with the Director, applicant shall cause to be published a notice of application once, in a newspaper printed in the English language, published and circulated in the municipality in which the premises sought to be authorized are located. If, however, there shall be no such newspaper, then such notice shall be published in a newspaper printed in the English language, published and circulated in the county in which said premises are located.

(e) Notice of application shall be published in the following form:

-NOTICE-

ALCOHOLIC BEVERAGE PERMIT

TAKE NOTICE THAT _____
(Name of Applicant)

has applied to the DIRECTOR of the New Jersey DIVISION OF ALCOHOLIC BEVERAGE CONTROL for a SPECIAL CONCESSIONAIRE PERMIT for premises situated at

(No.) (Street) (Municipality)

The person(s) who will hold an interest in this permit is/are:

See *

See ** to insert other information applicable

Objections, if any, should be addressed to the Director, Division of Alcoholic Beverage Control, PO Box 087, Trenton, New Jersey 08625.

(Name of Applicant)

(Address of Applicant)

* If the applicant is an individual, insert the name and residence address of that individual.

If applicant is a corporation, insert the names and residence address of all officers and all directors, and the names and residences of all stockholders holding one percent or more of any of the stock of the applicant corporation or any corporation that is a stockholder in the applicant corporation.

If the applicant is a partnership, insert the name of the partnership and the names and residence address of all

partners and any limited partners holding an interest of one percent or more.

If applicant is a club, insert the names and residence address of the officers and the offices they fill respectively, and the names and residences of the directors, trustees or other governing officials.

**If the application is for a building not yet constructed, insert in the Notice the following: "Plans of building to be constructed may be examined at the office of the Director of the Division of Alcoholic Beverage Control, 140 East Front Street, Fifth Floor, Trenton, New Jersey 08625."

(f) Upon timely receipt of a duly signed written objection to the issuance of a special concessionaire permit, the Director will afford a hearing to all parties and notify the applicant and the objector of the date, hour and place thereof. No hearing need be held if no objection shall be lodged, but the application shall not be denied without first affording the applicant an opportunity to be heard.

(g) The holder of a special concessionaire permit shall be entitled to purchase alcoholic beverages only from the holders of New Jersey wholesale licenses. Said permittee is expressly prohibited from purchasing alcoholic beverages from retail licensees and from selling or offering for sale alcoholic beverages for off-premises consumption, unless specifically authorized in the permit issued by the Director upon a showing of good cause therefor.

(h) The Director may, in the exercise of sound discretion, impose special conditions on any permit.

(i) The holder of a special concessionaire permit must abide by all provisions of the New Jersey Alcoholic Beverage Control Act, Division rules and regulations and municipal ordinances as they pertain to retail licensees. Failure to do so may result in disciplinary proceedings against the permittee. Hours of sale shall not exceed those permitted in the municipality in which the public building or land is located.

As amended, R.1979 d.138, eff. May 1, 1979.
See: 11 N.J.R. 143(a), 11 N.J.R. 257(c).
Amended by R.1986 d.181, effective May 19, 1986.
See: 18 N.J.R. 545(a), 18 N.J.R. 1104(a).
Substantially amended.
Amended by R.1990 d.412, effective August 20, 1990.
See: 22 N.J.R. 1811(a), 22 N.J.R. 2508(c).

In (a), added "or on any property" owned or controlled by State; in (b), clarified payment of fee with application; in (c)1, added public "buildings or" lands. Substantially revised application form. In (f), "Upon timely receipt" was "Upon receipt"; in (i), stipulated public building "or land".
Amended by R.1995 d.450, effective August 21, 1995.
See: 27 N.J.R. 2051(a), 27 N.J.R. 3177(a).
Changed Director's address.
Amended by R.2000 d.342, effective August 21, 2000.
See: 32 N.J.R. 1717(a), 32 N.J.R. 3162(a).

In (a), deleted "or" following "partnership," and added "or other type of legal entity" following "corporation"; and rewrote (b).

Case Notes

Applicant's request for a special concessionaire permit denied; applicant bears the burden of proof with respect to establishing fitness for licensure, lack of an arrest record and meeting the legal age limit do not establish a "threshold of licensure" but merely indicate that an applicant is not statutorily disqualified from licensure; applicant no longer had the required possessory interest in the premises and was not entitled to the issuance of a special concessionaire's permit (Director's final decision). In Re: Dunn, 10 N.J.A.R. 1 (1984).

13:2-5.3 Special permit for the sale or purchase of alcoholic beverages

(a) The Director, for good cause shown, may issue a special permit to authorize the sale of alcoholic beverages by a receiver, trustee, executor, or other court appointed or authorized person, or judgment creditors or secured parties where such sale is authorized in accordance with law or a specific court order.

(b) An application for such special permit shall be filed with the Division at least seven days before the proposed sale on forms to be prescribed by the Director and accompanied by payment of fees as set forth by the Director. The fees for such permits shall not be less than \$5.00 nor more than \$1,000.

(c) Upon issuance of the special permit, the temporary storage and transportation of alcoholic beverages pending sale shall be authorized, as well as the sale to and transportation by the purchaser.

(d) Within 10 days after the sale, the permittee shall file with the Director a signed inventory report on forms prescribed by the Director identifying the type and quantity of all alcoholic beverages sold, the name and address of the purchaser, the State-assigned license number of the purchaser if it was a New Jersey licensee, and the sales price per item or lot. Failure to file the inventory report shall be cause for denial of future special permit applications.

Amended by R.1990 d.412, effective August 20, 1990.
See: 22 N.J.R. 1811(a), 22 N.J.R. 2508(c).

Revised section "to authorize the sale of alcoholic beverages by a receiver, trustee, executor" or other parties, in accordance with law or court order. Added (b) through (d).

Amended by R.1995 d.450, effective August 21, 1995.
See: 27 N.J.R. 2051(a), 27 N.J.R. 3177(a).

In (b), substituted "prescribed" for "promulgated" and increased permit fees.

13:2-5.4 Temporary miscellaneous contingency permits; fees

(a) The Director, for special cause shown, may issue such temporary permits for such contingencies where a license is not expressly provided for by law, and such a permit would be appropriate and consonant with the spirit of the Alcoholic Beverage Control Act.

(b) Application for such permits shall be on forms prescribed by the Director and shall be accompanied by payment of fees as set forth by the Director. The fees for such permits shall not be less than \$5.00 nor more than \$1,000.

(c) The Director may impose special conditions or requirements on any such permit.

New Rule, R.1990 d.412, effective August 20, 1990.

See: 22 N.J.R. 1811(a), 22 N.J.R. 2508(c).

Amended by R.1995 d.450, effective August 21, 1995.

See: 27 N.J.R. 2051(a), 27 N.J.R. 3177(a).

In (b), substituted "prescribed" for "promulgated" and increased permit fees.

SUBCHAPTER 6. EXTENSION OF LICENSE**13:2-6.1 Petition for extension of license**

(a) In case of death, bankruptcy, receivership or incompetency of a licensee, or if for any other reason whatsoever the operation of the business covered by the license shall devolve by operation of law upon a person other than the licensee, the licensed business may not be operated unless the license is extended by the issuing authority which issued the license.

(b) An application for extension of a license for a limited time not exceeding its term must be made in the form of a petition executed by the executor, administrator, trustee, receiver or other person upon whom operation of the business covered by the license shall have devolved by operation of law.

(c) Said petition shall be addressed to and acted upon by the authority which issued the license sought to be extended. An amendment of the license application to reflect the extension of the license shall be filed at the same time. No fee is required to be paid for an extension of the license and the petitioner is not required to publish a notice of application.

Amended by R.1990 d.412, effective August 20, 1990.

See: 22 N.J.R. 1811(a), 22 N.J.R. 2508(c).

Section was "Special permit to operate licensed business". Incorporated 13:2-6.2, "Petition for extension of license", as (b) and (c).

13:2-6.2 Special permit to operate licensed business

Where an application for extension of license cannot be made immediately because the fiduciary has not yet qualified, the Director, Division of Alcoholic Beverage Control, may issue a special permit to allow the licensed business to continue operations temporarily until the license is formally extended. The issuance of any special permit shall not indicate any opinion as to the merits of the formal petition to extend the license.

New Rule, R.1990 d.412, effective August 20, 1990.

See: 22 N.J.R. 1811(a), 22 N.J.R. 2508(c).

Incorporated prior text, "Petition for extension of license", into 13:2-6.1.