

**Procedure for Licensees to Petition the Director for a
Special Ruling to Authorize Issuance of a "New" License
Based Upon Failure to Renew Due to
Circumstances Beyond Licensee's Control or Other Extraordinary Circumstances**

N.J.S.A. 33:1-12.18

(2022-2023 LICENSE TERM)

**ATTENTION: ALL PETITIONS FOR 12.18 RELIEF MUST BE SUBMITTED IN
POSSE**

If a licensee did not file its renewal application and pay the annual fees (both municipal and State) on or before July 30, 2022 (Extended to August 1, 2022, due to July 30th falling on Saturday) for the 2022-2023 license term, a 12.18 Special Ruling is required in order for a municipality to renew the license. The statute (N.J.S.A. 33:1-12.18) permits a licensee to petition the Director within one year (until July 30, 2023) following the expiration of the license renewal period and request a Special Ruling to permit the filing of an application for a new license due to failure to timely renew.

A licensee that files its renewal application and filing fees with the local issuing authority after August 1, 2022¹ and no later than July 30, 2023 **MUST** receive a Special Ruling from the Director before the license can be renewed by the municipality. To obtain a Special Ruling, the Director must make a written determination that the applicant's failure to apply for a renewal of their license in a timely manner was due to circumstances beyond the licensee's control or other extraordinary circumstances.

In order to request a 12.18 Special Ruling for the 2022-2023 license term, a licensee must submit a Verified Petition to the Division via the POSSE Online Licensing System ("POSSE") on or before July 30, 2023. Once the Special Ruling is submitted via POSSE, your local issuing authority will receive an electronic notification. (Please be advised, if your license requires a 12.39 Special Ruling, you must submit a separate petition for 12.39 Relief on POSSE.) The following steps must be followed:

1. Sign in to the Division's online licensing system by going onto the ABC WEB PAGE at: <https://www.njoag.gov/about/divisions-and-offices/division-of-alcoholic-beverage-control-home/posse-online-licensing-system/>.
2. Click the link that says Licensee/Public Users to log onto POSSE.
3. Follow the log on instructions.

¹ Because July 30, 2022 falls on a Saturday, ABC determined that a licensee has until the first business day after July 30th to file a renewal application and required fees, which is August 1, 2022. See R. 1:3-1. This determination has no effect on the license term established by N.J.S.A. 33:1-26.

4. Once logged in, click on “Licensing” then click on “Request 12.18 Relief.”

For purposes of N.J.S.A. 33:1-12.18, a Verified Petition is a certification made by a licensee with direct personal knowledge concerning the required facts, which is **signed and certified. In lieu of a notary, the licensee must include the following certification language in its petition: “I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.”**

The Verified Petition should include the following information:

1. Complete identification of licensee and license number;
2. Proof that the renewal application and required fees (both State and municipal) were filed with the issuing authority on or before **July 30, 2023**, and the date of filing;
3. Specific recitation of efforts made to renew the license on time and difficulties encountered which prevented the timely renewal of your license. In doing so, you should include dates (or approximations thereof) of when certain activities took place so that the Director can determine whether your failure to apply for renewal in the time provided was due to circumstances beyond your control or other extraordinary circumstances;
4. Whether you have previously petitioned the Director to authorize a "new" license pursuant to N.J.S.A. 33:1-12.18;
5. Relevant documents supporting the statements made in the Verified Petition, including but not limited to, dated and signed letters, and correspondence concerning licensee’s attempts to renew its license; and
6. Certification language provided above.

The deadline for filing the renewal application and municipal and State filing fees with the issuing authority and petitioning for 12.18 relief is on or before August 1, 2023. The renewal application and municipal fees are to be submitted directly to the issuing authority, not this Division, by the licensee. The petition for 12.18 relief and \$100 filing fee must be submitted to the Division in accordance with the above instructions.

An email will be sent the clerk at your local issuing authority stating the Verified Petition was submitted to the Director. This permits the local issuing authority to review the facts, as you have stated them, and supply us with any comments they wish to make.

Please note: If you are **unable** to submit the Verified Petition via POSSE, the petition, any attachments and \$100 must be sent to “Counsel to the Director’s Office, New Jersey Division of ABC, 140 E. Front Street, 5th Floor, P.O. Box 087, Trenton, NJ 08625.” A copy of the Verified Petition must be submitted to the Clerk of the local issuing authority at the same time submission is made to the Director. This permits the local issuing authority to review the facts, as you have stated them, and supply us with any comments they wish to make.

The filing of your Verified Petition does not eliminate your responsibility to continue to apply for renewal of your license on or before June 30th of each year with the local issuing authority during the pendency of this petition.

Should you have any questions, contact Amy Leib in the Office of Counsel to the Director at (609) 376-9760