



SPONSOR: Sen. Sorenson

DELAWARE STATE SENATE  
140th GENERAL ASSEMBLY  
SENATE AMENDMENT NO. 1

TO

SENATE BILL NO. 175

AMEND Senate Bill No. 175 by adding "(Three-Fifths of all members elected to each house thereof concurring therein):" to the Enactment Clause.

FURTHER AMEND Senate Bill No. 175 on line 3 by inserting "natural person who is a" between "a" and "Delaware".

FURTHER AMEND Senate Bill No. 175 on line 4 by inserting "that is not readily available to consumers throughout the State" between "beer" and "directly".

FURTHER AMEND Senate Bill No. 175 on line 6 by striking the word "consumer" and by substituting in lieu thereof the word "resident".

FURTHER AMEND Senate Bill No. 175 on line 7 by striking the word "consumer's" and by substituting in lieu thereof the word "resident's".

FURTHER AMEND Senate Bill No. 175 on lines 9 and 10 by striking the phrase "by any single individual does" and by substituting in lieu thereof "in one calendar year by the resident may".

FURTHER AMEND Senate Bill No. 175 on line 10 by striking the phrase "per calendar year" and by substituting in lieu thereof the following:

"or the equivalent, but may not exceed 45,000 milliliters".

FURTHER AMEND Senate Bill No. 175 on line 11 by striking the phrase "by any single individual does" and by substituting in lieu thereof the following:

"in one calendar year by the resident may".

FURTHER AMEND Senate Bill No. 175 on line 12 by striking the phrase "per calendar year" and by substituting in lieu thereof the following:

"or the equivalent, but may not exceed 1,728 ounces".

FURTHER AMEND Senate Bill No. 175 on line 19 by inserting "in which such sparkling wine, still wine or beer is shipped" between "package" and "contains".

FURTHER AMEND Senate Bill No. 175 by striking lines 21 through 24 and by substituting in lieu thereof the following:

"(b) A person who is licensed in its state of domicile as an alcoholic beverage manufacturer, importer, wholesaler, or licensee and who may legally ship alcoholic beverages out of state may apply to the Commission for a direct shipper license. Only a person holding a direct shipper license may accept an order for the purchase of sparkling wine, still wine, and/or beer from a natural person who is a Delaware resident. The license fee for a direct shipper shall be determined by the Commission. The amount of the fee must approximate and reasonably reflect the costs necessary to defray the expenses of the Commission's service and activities in connection with this section."

FURTHER AMEND Senate Bill No. 175 on line 26 by striking the word "customers" and by substituting in lieu thereof "residents".

FURTHER AMEND Senate Bill No. 175 by striking lines 35 through 39 and by substituting in lieu thereof the following:

"(e) Under no circumstance may the wine or beer be shipped directly to the resident. Direct shippers must deliver the wine and beer by common carrier to a Delaware wholesaler, who will in turn deliver the shipment to a holder of a Delaware off-premises retail license. The retail licensee must then deliver the wine or beer to the resident in a manner consistent with this title and as set forth by Commission rules. The direct shipper shall pay a handling fee in the amount of four dollars per case or partial case of wine and two dollars per case or partial case of beer to the wholesaler who receives the shipment on behalf of the Delaware resident. The wholesaler shall then remit to the retail licensee one-half of the total handling fee.

Section 2. This Act shall take effect on November 1, 1999."

SYNOPSIS

This amendment corrects the Enactment Clause. The bill needs a three-fifths vote because it creates a license fee.

It clarifies that only a natural person may make a direct purchase of beer or wine from an out-of-state supplier.

It allows a person to order beer or wine in any bottle size. However, the full handling fee applies to a case or any part of a case of beer or wine.

The amendment also makes a few technical changes to promote consistency of language or to clarify provisions.

Author: Sen. Sorenson