



SPONSOR: Rep. Miro & Sen. Sokola
Rep. Ramone

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 364

AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC LIQUORS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 546, Title 4 of the Delaware Code by making deletions as shown by strikethrough and
2 insertions as shown by underline as follows:

3 § 546. Limit on number of retail licenses.

4 (b) The Commissioner shall refuse to grant a license for the sale of alcoholic liquor by any restaurant, taproom,
5 hotel, store or other establishment for consumption off the premises where sold if the Commissioner has substantial
6 evidence that would reasonably support a belief that the applicant, or any of the applicant's directors, officers or
7 shareholders, or any of the applicant's partners, corporations, proprietorships or other legal entities engaged in any
8 undertaking, industry or business is singularly, or in combination with the applicant, the holder of 2 3 or more retail
9 licenses, or has any financial, pecuniary, beneficial, management, supervisory or other interest whatsoever, direct or
10 indirect, and however small, in 2 3 or more retail licenses; provided, however, that nothing herein shall require any person
11 who, prior to April 1, 1992, acquired an interest in more than 2 3 retail licenses to surrender, dispose of, or release their
12 interest in any such license; nor shall anything herein affect such person's right to continue to hold, use and renew any such
13 license.

14 Section 2. Amend § 543, Title 4 of the Delaware Code by making deletions as shown by strikethrough and
15 insertions as shown by underline as follows:

16 § 543. Grounds for refusal of license; transfer or extension of premises.

17 (d) The Commissioner shall refuse to grant a license for the sale of alcoholic liquor by any restaurant, tavern,
18 taproom, hotel, store, or other establishment for consumption on or off the premises, when there is an existing licensed
19 establishment of the same type within ~~4200~~ 1500 feet by accessible public road or street in any incorporated city or town, or
20 within 1 mile by accessible public road or street in any unincorporated or rural area; ~~provided, however, that if there is an~~
21 ~~existing licensed establishment less than 1 mile but more than nine tenths of 1 mile by accessible public road or street in~~

22 ~~any unincorporated or rural area, the Commissioner may, in its discretion, grant such license; and provided further,~~
23 however, that the foregoing shall not apply:

24 (1) To any existing license or to the sale, transfer of ownership, or renewal thereof;

25 (2) To a club, hotel or restaurant for consumption of alcoholic liquors on the premises;

26 (3) To any holder of an existing license who desires to move the location of his or her license to a location
27 within 500 feet thereof by accessible public road or street; provided, however, that such licensee located in a shopping
28 center or shopping mall may move the location of his license any distance within the same shopping center or shopping
29 mall, whether such center or mall consist of 1 or more than 1 separate buildings.

SYNOPSIS

This bill repeals the Commissioner's discretion to grant a new license within 1 mile of an existing license, increases the required distance between a license application and an existing licensed establishment from 1200 to 1500 feet, and increases the number of licenses for the sale of alcoholic liquor an individual or entity may have an interest in from two to three.