

CHAPTER 220
FORMERLY
HOUSE BILL NO. 236

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 (Three-fifths of all members elected to each house thereof concurring therein):

Section 1. Amend §101, Title 4 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§ 101. Definitions.

As used in this title, in addition to their usual meaning:

(1) "Alcohol" means ethyl alcohol produced by the distillation of any fermented liquid, whether rectified or diluted with water or not, whatever may be the origin thereof, and includes synthetic ethyl alcohol, but it does not mean ethyl alcohol, diluted or not, that has been denatured or otherwise rendered unfit for beverage purposes.

(2) "Alcoholic liquor" or "alcoholic liquors" include the 5 varieties of liquor defined in this section (alcohol, spirits, wine, beer and alcoholic cider) as well as every liquid or solid, patented or not, containing alcohol, spirits, wine, beer or alcoholic cider and capable of being consumed by a human being, and any liquid or solid containing more than 1 of the 5 varieties defined in this section is considered as belonging to that variety which usually has the higher percentage of alcohol. A concentrated alcoholic beverage shall be an "alcoholic liquor" for purposes of this title.

(3) "Appeals Commission" shall mean 3 persons, 1 from each County, appointed by the Governor with the advice and consent of a majority of the Senate.

(4) "Barrel," when used as a container for beer, means such container having a capacity of 31 United States standard gallons of 231 cubic inches.

(5) "Beer" means any beverage containing more than one half of 1 percent of ethyl alcohol by volume, obtained by the alcoholic fermentation of any infusion or decoction of barley malt and hops in water and includes, among other things, ale, porter, stout and other malt or brewed liquors.

(6) "Bottle" means any vessel that is corked, capped or stopped or arranged so to be and intended to contain or to convey liquids.

(7) "Cabaret" means an establishment where patrons are entertained by performers who dance, sing, play instruments or perform other legal acts for entertainment, but not to include a dinner theater, and where such entertainment may be performed during or after service or dinner, and where a minor, as defined in § 708 of this title, is to be denied admission to or permission to remain on premises after 9:00 p.m. (official eastern time) unless accompanied by a parent or by a legal guardian.

(8) "Caterer" means any proprietorship, partnership or corporation engaged in the business of providing food and beverages at social gatherings such as weddings, dinners, benefits, banquets or other similar events for consideration on a regular basis and duly licensed by the State as caterers with at least 60% of its gross receipts resulting from the sale of food.

(9) Without regard to its usual meaning, and by way of limitation, "alcoholic cider" means any fermented beverage made from apples, containing more than one half of 1 percent but not more than 7 percent of ethyl alcohol

by volume. For purposes of this title, alcoholic cider shall be treated as within the definition of "wine" unless the specific language of a particular section indicates a contrary intent.

(10) "Club" means a corporation or association created by competent authority, which is the owner, lessee or occupant of premises operated solely for objects of national, social, patriotic, political or athletic nature, or the like, whether or not for pecuniary gain, and the property as well as the advantages of which belong to or are enjoyed by the stockholders or by the members of such corporation or association. A public golf course, open to all members of the public, whether privately or publicly owned, whose primary purpose is the operation of a golf course shall be included within meanings of this definition. Members of the public, utilizing the golf facility, shall be considered guests of the club.

(11) "Concentrated alcoholic beverage" shall mean any powders or crystals, liquid or any other substances which, after being mixed with sugar, water or any other nonalcoholic materials, ferments or otherwise becomes a wine, beer or other alcoholic beverage.

(12) "Commissioner" means the person appointed by the Governor and confirmed by the Senate who serves as the Alcoholic Beverage Control Commissioner for the State.

(13) "Concert Hall" shall mean an indoor facility used to host live entertainment that is owned, leased, under easement, and/or operated by any person and that has a capacity of at least 600 patrons for any single event. In order for a facility to be licensed as a concert hall, the facility shall host a minimum of 250 live music events in any calendar year and shall be open at least five days per week. A facility meeting this definition may license the entire building, including patio, with the concert hall license.

~~(13)~~(14) "Denatured alcohol" means ethyl alcohol or liquors containing ethyl alcohol to which substances or ingredients have been added to render the ethyl alcohol or liquors unfit for beverage purposes.

~~(14)~~(15) "Disorderly house" means house, or reputed house, of prostitution, ill-fame or assignation.

~~(15)~~(16) "Distillery," "winery" and "brewery" mean not only the premises whereon alcohol or spirits is distilled or rectified, wine is fermented or beer is brewed, but, in addition, the person owning, representing or in charge of such premises and the operations conducted thereon, including the blending and bottling or other handling and preparation of alcoholic liquor in any form.

~~(16)~~(17) "Division" means "Division of Alcohol and Tobacco Enforcement."

~~(17)~~(18) "Establishment" means any place located physically in this State where alcoholic liquor of 1 or more varieties is stored, sold or used by authority of any law of this State, including a hotel, restaurant, tavern or club as defined in this section, or where alcoholic liquor of 1 or more varieties is manufactured by virtue of any law of this State.

~~(18)~~(19) "Gathering of persons" or "gathering" means a banquet, picnic, bazaar, fair or similar private gathering or similar public gathering where food or drink are sold, served or dispensed by nonprofit organizations such as churches, colleges and universities, volunteer fire companies, political parties or other similar nonprofit groups having a common civic, social, educational or religious purpose, or where entrance tickets are sold or entrance fees are required by those nonprofit organizations.

~~(19)~~(20) "Hotel" means any establishment, provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to travelers.

~~(20)~~(21) "Import" means the transporting or ordering or arranging for the transportation or shipment of alcoholic liquor into the State whether by a resident of the State or otherwise.

~~(21)~~(22) "Importer" means the person transporting or ordering, authorizing or arranging the transportation or shipment of alcoholic liquors into this State, whether the person is a resident or citizen of this State or not, said person being permitted to sell said alcoholic liquors only to those persons licensed to resell alcoholic liquors; provided, however, that nothing contained in this definition shall be construed as prohibiting an importer from selling such alcoholic liquors to either an active owner of that business for that person's use and not for resale or to a full-time, bona fide employee of that business for that person's use and not for resale; and provided further, that nothing contained in this definition shall be construed as prohibiting an importer from selling beer in "half-barrel" or "quarter-barrel" containers to the holders of a personal license. The Commissioner may enact such rules regulating the sale of alcoholic liquor to active owners and employees of licensed importers as it deems necessary.

~~(22)~~(23) "License" means any license or permit to manufacture, to sell, to purchase, to transport, to import or to possess alcoholic liquor authorized or issued by the Commissioner under the provisions of Chapter 5 of this title.

~~(23)~~(24) "Manufacture" means distill, rectify, ferment, brew, make, mix, concoct or process any substance or substances capable of producing a beverage containing more than one half of 1 percent of alcohol by volume and includes blending, bottling or other preparation for sale.

~~(24)~~(25) "Manufacturer" means any person engaged in the manufacture of any alcoholic liquor and among others includes a distiller, a rectifier, a wine maker, a brewer, and includes a bottler or one who prepares alcoholic liquor for sale.

~~(25)~~(26) "Mead" means an alcoholic beverage that is naturally fermented (not distilled or frozen) wherein the major source of fermentable sugars comes from honey.

~~(26)~~(27) "Member of a club" means an individual who, whether as a charter member or admitted in accordance with the rules or the bylaws of the club, has become a member thereof, who maintains membership by the payment of dues in the manner established by the rules or bylaws, and whose name and address is entered on the list of members supplied to the Commissioner at the time of the application for a license under Chapter 5 of this title, or, if admitted thereafter, within 8 days after admission and payment of dues, if such dues are required. The Commissioner is authorized to extend the meaning of the words "member of a club" to include those who are granted temporary membership or membership of less than 1 year in accordance with a rule or bylaw of the club approved by the Commissioner. "Member of a club" which is a multiple activity club means a person who, pursuant to the charter, bylaws or rules of the club, is a member in good standing of such club, and whose name and address is supplied in writing to the Commissioner by the club within 8 days after admission to membership, or who holds a temporary membership in such club, pursuant to a charter provision, or bylaw or rule approved by the Commissioner.

~~(27)~~(28) "Motorsports speedway" shall mean a motorsports speedway (including any contiguous land when being used in connection with its events) that is owned, leased, under easement, and/or operated by any person and having a seating capacity of at least 75,000 seats. A motorsports speedway may operate under its own license while using the premises of a license holder at a horse racetrack, but only to the extent that neither license holder uses the

same portion of the premises at the same time and no commingling of inventory occurs. The converse of this shall also apply to a license holder at a horse racetrack using the premises of a motorsports speedway.

~~(28)~~(29) "Multiple activity club" is a club as to which, in the determination of the Commissioner, the service of spirits, wine or beer is not the principal activity in the premises of the club as established by the following:

a. Gross revenue of the club from the sale of spirits, wine and beer does not exceed 40% of its total annual revenue including dues, fees and assessments, and either

b. Meals are served by the club at regular hours on at least 6 days of the week,

c. The club has a physical facility, regularly used by members of the club, which is devoted primarily to activities other than the sale or consumption of spirits, wine or beer, or

d. A public golf course, as defined in paragraph (10) of this section, may be licensed as a multiple activity club, however, is not subject to the requirements as set forth in paragraph (27)c. of this section.

~~(29)~~(30) "Multi-purpose sports facility" shall mean a stadium owned and/or operated by the State, featuring minor league baseball games where admission fees are charged to the public and having a seating capacity of at least 4,000 seats, and excludes stadia which are operated and maintained by educational institutions, including, but not limited to, high schools, colleges or universities.

~~(30)~~(31) "Off-site caterer" means any proprietorship, partnership or corporation engaged in the business of providing food and beverages at social gatherings, such as weddings, dinners, benefits, banquets or other similar events, that are held off the site of the caterer's business for consideration and on a regular basis. An off-site caterer must be duly licensed by the State under Title 30 as a caterer, with at least 60% of its gross receipts resulting from the sale of food.

~~(31)~~(32) "Person" includes an individual, a partnership, a corporation, a club or any other association of individuals.

~~(32)~~(33) "Preparation" means any medicine (patented or proprietary); any mixture containing drugs or mineral substances; any perfume, lotion, tincture, varnish, dressing, fluid extract or essence, vinegar, cream, ointment or salve; any distillate or decoction, whether or not containing other substances in solution or suspension, that contains ethyl alcohol or any alcoholic liquor to any amount exceeding 1/2 of 1% by volume.

~~(33)~~(34) "Residence" means the place occupied by a person as a domicile or otherwise, either permanently or temporarily, and includes not only the premises occupied, but also every annex or dependency thereof held under the same title as the premises occupied.

~~(34)~~(35) "Restaurant" means any establishment which is regularly used and kept open principally for the purpose of serving complete meals to persons for consideration and which has seating at tables for 35 or more persons and suitable kitchen facilities connected therewith for cooking an assortment of foods under the charge of a chef or cook.

~~(35)~~(36) "Retailer" means the person permitted to sell alcoholic liquors in a store in the State, not for consumption on the premises.

~~(36)~~(37) "Sale" means every act of selling as defined in this section.

~~(37)~~(38) "Sell" means: solicit or receive an order for; keep or expose for sale; deliver for value or in any other way than purely gratuitously; keep with intent to sell; keep or transport in contravention of this title; traffic in;

or for any valuable consideration, promised or obtained, directly or indirectly, or under any pretext or by any means whatsoever, procure or allow to be procured for any other person, to carry alcoholic liquors on one's person or to transport with one and with intent to sell the same, but not in any establishment where the sale thereof is allowed.

~~(38)~~(39) "Spirits" means any beverage containing more than 1/2 of 1% of ethyl alcohol by volume mixed with water and other substances in solution, and includes, among other things, brandy, rum, whiskey and gin.

~~(39)~~(40) "Spirits, wine and beer tasting" means the consumption of spirits, wine and beer for the purpose of sampling for prospective purchase only. The quantity of any individual spirit, wine and beer sampled is not to exceed 1 ounce for wine and beer and 1/2 ounce for spirits.

~~(40)~~(41) "Taproom" means an establishment provided with special space and accommodations and operated primarily for the sale by the glass and for consumption on the premises of alcoholic liquors with the sale of food as a secondary object as distinguished from a restaurant where the sale of food is the primary object.

~~(41)~~(42) "Tavern" means any establishment with special space and accommodation for sale by the glass and for consumption on the premises of beer as defined in this section.

~~(42)~~(43) "Traveler" means an individual guest or customer of a hotel, restaurant or tavern.

~~(43)~~(44) "Vehicle" means any means of transportation by land, by water or by air, and includes everything made use of in any way whatsoever for such transportation.

~~(44)~~(45) "Whoever," when used in reference to any offender under this title, includes every person who acts individually or by permission or agreement for any other person, and includes also such other person.

~~(45)~~(46) "Wine" means any beverage containing more than 1/2 of 1% ethyl alcohol by volume obtained by the fermentation of the natural contents of fruits, vegetables or other products and other vinous liquors, and also includes such beverages when fortified by the addition of alcohol or spirits as defined in this section.

Section 2. Amend §512, Title 4 of the Delaware Code by making insertions as shown by underlining as follows:

§ 512. Licenses for taprooms, hotels, restaurants, motorsports speedways, concert halls or clubs; food concessionaires at horse racetracks or multi-purpose sports facilities; dinner theater performances; bowling alleys; caterers; removal of partially consumed bottles from premises; beverages for personal consumption at racetracks; air passenger carriers; names of licensed establishments.

(a) Any person, who is the owner or lessee, or who is recognized by the Commissioner as being in charge of a hotel, motel, taproom, restaurant, motorsports speedway, concert hall, club or multiple activity club, may apply to the Commissioner for a license to purchase spirits or wine or to purchase beer from a manufacturer or from an importer and to receive, keep and sell such spirits or wine either by the glass or by the bottle, or beer by the glass as draft beer or by the bottle for consumption on any portion of the premises approved by the Commissioner for that purpose. Such a license entitles a club to sell such spirits, wine or beer only to members of that club. A multiple activity club which holds such a license may apply for an additional license to sell such spirits, wine or beer to any person who is a guest of such club or of a member of such club who is duly registered in accordance with a bylaw or rule of such club, approved by the Commissioner, provided that if the Commissioner determines that any applicant is not a multiple activity club, as defined in § 101 of this title, the application shall be denied. There shall be no age restrictions on persons permitted on the premises of a licensed multiple activity club.

(b) A food concessionaire dispensing food at a horse racetrack or multi-purpose sports facility may apply to the Commissioner for a license to purchase spirits and wine from an importer, and to receive, keep and sell such spirits and wine to patrons in restaurants, dining rooms, suites owned, leased or operated by the license holder or at bars or counters (except at multi-purpose sports facilities) for consumption on the premises as authorized by the Commissioner, subject, however, to such rules and regulations as may be promulgated by the Delaware Alcoholic Beverage Control Commissioner. The license issued to a food concessionaire dispensing food at a horse racetrack or multi-purpose sports facility pursuant to this section and § 513 of this title, shall continue to be valid whether or not a race meet or minor league baseball game is in progress and such licensee shall be entitled to all of the rights and privileges granted to a restaurant licensee together with the rights and privileges authorized by a license issued pursuant to § 709 of this title upon payment of the license fee set forth in § 709 of this title.

(c) Any person operating a dinner theater presenting public performances featuring live actors in dramatic or musical productions may apply to the Commissioner for a license to keep and sell alcoholic liquor to patrons for consumption on the premises served at such performances, and for consumption on the premises during intermissions, subject to such rules and regulations as may be promulgated by the Delaware Alcoholic Beverage Control Commissioner, provided that the licensee does not serve alcohol unaccompanied by a meal at more than 10 performances during the calendar year.

(d) Any person who has purchased a bottle of alcoholic liquor other than beer from a hotel, restaurant, motorsports speedway, concert hall, club, dinner theater or horse racetrack licensed under this section, and who has partially consumed the contents of such bottle on the licensed premises, may remove it from the licensed premises for the purpose of consumption off the licensed premises. Any person who has purchased a bottle of alcoholic liquor other than beer from a caterer and who has partially consumed the contents of such bottle on the premises, approved by the Commissioner for the catering may remove it from the approved premises for the purpose of consumption off the approved premises.

(e) Any person receiving a license under this section shall be permitted to charge a cover charge at any time live entertainment is actually being provided by the licensee, provided that any licensee charging a cover charge shall prominently display the fact that a cover charge is being made, both at the entrance to the premises and on the menu if one is used on the premises.

(f) Any person operating a bowling alley may apply to the Commissioner for a license to keep and sell alcoholic liquor to patrons for consumption on the premises only.

(g)(1) A caterer may apply to the Commissioner for a license to purchase alcoholic liquors from a manufacturer or from an importer and to receive, keep and sell such alcoholic liquors either by the glass or by the bottle, for consumption on any portion of the premises approved by the Commissioner for that purpose.

(2) An off-site caterer may apply to the Commissioner for a license to purchase alcoholic liquors from an importer and to receive, keep, transport and sell such alcoholic liquors either by the glass or by the bottle for consumption on any portion of off-site premises approved by the Commissioner for that purpose. Transporting of alcoholic liquors by an off-site caterer must be done in accordance with the Commissioner's rules.

(h) Notwithstanding any provision of this title to the contrary, license holders who operate motorsports speedways may permit patrons to bring inside with them alcoholic beverages regulated under this title for their own personal consumption, provided that they have a lawful ticket for admission to the facility and are of the lawful age

to consume alcoholic beverages. The license holder may restrict the portions of the facility that patrons may act in accord with this section. The license holder must maintain as current all necessary licenses required pursuant to § 554 of this title.

(i) A certificated air passenger carrier maintaining and operating a warehouse storage facility in the State may apply to the Commissioner for a license to purchase alcoholic liquors from an importer and to receive at the carrier's warehouse or airport facility, keep at the carrier's warehouse or airport facility, transport to the carrier's airport facility, and sell such alcoholic liquor to its passengers for consumption on its aircraft only.

(j) An establishment licensed as a restaurant shall not be required to use the word "restaurant" in its tradename, menus, advertisements or signage unless the Commissioner specifically finds that the public may be confused as to its status as a restaurant.

(k) Any person who holds a valid restaurant license issued by the Commissioner may deny a minor, as defined in § 708 of this title, admission to or permission to remain on the premises after 9:00 p.m. (official Eastern time) unless accompanied by a parent or by a legal guardian

Section 3. Amend §554, Title 4 of the Delaware Code by making insertions as shown by underlining and deletions as show by strike through as follows:

§ 554. License fees.

(a) For a license to sell alcoholic liquor in a hotel or restaurant the biennial license fee shall be \$1,000.

(b) For a license to sell alcoholic liquor on a boat the biennial license fee shall be \$1,000.

(c) For a license to sell alcoholic liquor in the passenger cars of a railroad the biennial license fee shall be \$600 for each railroad.

(d) For a license to sell alcoholic liquor in a club, to members of that club, the biennial license fee shall be \$300 if the club has an active membership in good standing of less than 400 members; or \$600 if the club has an active membership in good standing of 400 or more members.

(e) For a license to sell beer and/or wine only in a restaurant the biennial license fee shall be \$500.

(f) For a license to sell beer only in a tavern the biennial license fee shall be \$500.

(g) For a license to sell alcoholic liquors in a taproom the biennial license fee shall be \$1,000.

(h) For a license to sell alcoholic liquor from a hotel, restaurant, taproom, or store, not for consumption on the premises, the biennial license fee shall be \$1,000.

(i) For a license to sell alcoholic liquors at gatherings of persons, the license fee shall be as follows:

(1) Daily license. -- For a group-type gathering license, the license fee shall be \$5.00 for each such license granted, unless the said license shall be for a period of more than 2 days in which case the license fee shall be \$5.00 plus the additional sum of \$2.00 for each such additional day or unless the said license shall be for any holiday specified in § 709(d) of this title, in which case the license fee shall be an additional \$5.00 for each such holiday.

(2) Biennial license. --

a. For a biennial premises type gathering license for a facility in which not more than 25 gatherings of persons at which alcoholic liquors are to be sold are to be held, the biennial license fee shall be \$200.

b. For a biennial premises type gathering license for a facility in which more than 25 but not more than 75 such gatherings of persons are to be held, the biennial license fee shall be \$400.

c. For a biennial premises type gathering license for a facility in which more than 75 such gatherings of persons are to be held, the biennial license fee shall be \$1,000.

d. For the holder of a biennial premises type gathering license to sell alcoholic liquor on any holiday specified in § 709(d) of this title, the biennial license fee shall be:

1. An additional \$200 for a license issued pursuant to paragraph (i)(2)a. of this section;
2. An additional \$300 for a license issued pursuant to paragraph (i)(2)b. of this section; and
3. An additional \$400 for a license issued pursuant to paragraph (i)(2)c. of this section.

(j) For a license to "manufacture" and to "sell" beer and cider, the biennial license fee shall be based upon annual production and shall be computed as follows: \$1,500 for a brewery or microbrewery manufacturing not more than 25,000 barrels of beer and cider per year; \$3,000 for a microbrewery or brewery manufacturing more than 25,000 but not more than 50,000 barrels of beer and cider per year; \$6,000 for a microbrewery or brewery manufacturing more than 50,000 but not more than 100,000 barrels of beer and cider per year; and \$9,000 for a microbrewery or brewery manufacturing more than 100,000 barrels of beer and cider per year.

(k) For a license to operate a distillery for distillation or rectification, the biennial license fee shall be based upon annual production and shall be computed as follows: For the first 500 gallons, \$100; for the next 5,000 gallons, or fraction thereof, at the rate of 6 cents per gallon; for the next 10,000 gallons, or fraction thereof, at the rate of 4.5 cents per gallon; for the next 50,000 gallons, or fraction thereof, at the rate of 3 cents per gallon; for the next 100,000 gallons, or fraction thereof, at the rate of 1.5 cents per gallon; for each gallon in excess of 165,500 gallons, at the rate of three quarters cent per gallon.

(l) For a license to bottle beer the biennial license fee shall be \$100 for the first 500 barrels or less, and \$100 for each additional 500 barrels, or fraction, bottled.

(m) For a license to operate a winery or to bottle and sell wine the biennial license fee shall be \$1,500.

(n) For a license to import or to ship alcoholic liquor, other than beer and wine, into this State and to sell and deliver such alcoholic liquor as provided in this chapter the biennial license fee shall be \$7,500; but a sale and delivery of alcoholic liquor to pharmacists, physicians, dentists, veterinarians, wholesale druggists, manufacturing plants where the alcohol is used in scientific work, or for the manufacture of pharmaceutical products shall not be subject to the license fee.

(o) For a license to import or to ship beer into this State and to sell and deliver such beer the biennial license fee shall be \$3,000; and for a license to import or to ship unlimited amounts of wine into this State and to sell and deliver such wine the biennial license fee shall be \$3,000. A license for a limited wine importer, an importer that imports, sells and delivers less than 1000 cases of wine per year, shall be \$200. A limited wine importer need not pay the application fee required by subsection (x) of this section.

(p) For a license to sell alcoholic liquor as an off-site caterer the biennial license fee shall be \$500.

(q) For a license to transport a stock of alcoholic liquor from the place where sale or storage of such stock has been authorized to another location, the license fee shall be fixed by the Commissioner.

(r) For a license to purchase sacramental wine, no license fee shall be charged.

(s) For a temporary license, the license fee shall be not less than 1/2 nor more than double the amount of the annual license fee for a regular license for the same privilege, in the discretion of the Commissioner.

(t) For a license to sell alcoholic liquor at a horse racetrack the biennial license fee shall be \$3,000.

(u) For a license to sell alcoholic liquor at a motorsports speedway the biennial license fee shall be \$3,000.

(v) For license to sell alcoholic liquors as a ship's chandler the biennial license fee shall be \$1,000.

(w) For a license for a multiple activity club to sell alcoholic beverages to any person who is a member of such club or a guest of a member of such club, the biennial license fee shall be \$1,500.

(x) Application process fee. -- If any application for a license under this title requires any investigation by the staff or a hearing by the Commissioner before the Commissioner reaches a decision on the application, the applicant shall pay an application process fee of \$1,000 in addition to any other fees required by this title or the rules of the Commissioner. The application process fee is not refundable regardless of the decision of the Commissioner. This provision for an application process fee does not apply to a gathering of persons under § 514 of this title, a limited suppliers license issued pursuant to § 501 of this title, a license to sell on Sunday, and a tasting permit. This provision for an application process fee shall not apply to applications for change of officers, directors or stockholders of a corporate licensee if there is no change in the majority of stockholders or majority of directors. Six hundred dollars of the application process fee shall be retained by the Commissioner and deposited in a special fund for the sole purpose of providing for the implementation, administration and enforcement of the Delaware Responsible Alcoholic Beverage Server Training Program established pursuant to Chapter 12 of this title.

(y) For a license to sell alcoholic liquor in a dinner theater the biennial license fee shall be \$1,000.

(z) For a license to sell alcoholic liquors as a caterer for consumption on the premises where sold the biennial license fee shall be \$1,000.

(aa) For a license as a "bottle club" authorized by § 515A of this title the biennial license fee shall be \$300.

(bb) For a license to sell alcoholic liquors in a cabaret the biennial license fee shall be \$2,000.

(cc) For a license as an air passenger carrier, as defined in § 512(i) of this title, the biennial license fee shall be \$1,000.

(dd) For a license to conduct wine auctions the biennial license fee shall be \$1,500. For a gathering license to conduct a wine auction by a nonprofit organization the fee shall be \$50 per event.

(ee) For a license to permit spirits, wine and beer tasting the biennial license fee shall be \$150.

(ff) For a farm winery license the biennial license fee shall be \$1,500.

(gg) For a brewery-pub license the biennial license fee shall be \$2,000.

(hh) For a license to sell alcoholic liquors at a multi-purpose sports facility the biennial license fee shall be \$3,000.

(ii) For a license to sell alcoholic liquors at a bowling alley the biennial license fee shall be \$1,000.

(jj) For a license as a "direct shipper" as provided in § 526 of Title 4 the biennial license fee shall be \$100.

(kk) Each of the licensees identified in subsections (a)-(h), (t)-(w), (y), (z), (bb), (cc), (dd), (ff), (gg), (hh), ~~and (ii), and (mm)~~ of this section, shall pay an additional annual fee of \$100. The Commissioner shall deposit said funds into a special account designated as the "Overservice Investigation Fund." Said fund shall be utilized by the Division of Alcohol and Tobacco Enforcement to pay overtime to its agents and/or to hire and equip additional agents for the purpose of investigating and prosecuting licensees that serve intoxicated individuals.

(ll) For a permit to sell alcoholic liquors on a patio, the biennial fee shall be \$1,000. If the holder of a patio permit desires a variance to Rule 42.1 [CDR 4-Rule 42.1], or a subsequently adopted rule, the biennial variance permit fee shall be \$100 per variance.

(mm) For a license to sell alcoholic liquor in a concert hall the biennial fee shall be \$1,500.

Approved March 30, 2012