

CHAPTER 137  
FORMERLY  
HOUSE BILL NO. 148

AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING  
TO DISPOSITION OF STOCK OF INSOLVENT, DECEASED OR  
FORMER LICENSEE.

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

Section 1. Amend § 723 of title 4 of the Delaware Code by deleting said section in its entirety and replacing it with the following:

“§ 723. Disposition of stock of insolvent, deceased or former licensee.

(a) In the case of a seizure of alcoholic liquor under any judgment rendered against the holder of any license or in the case of insolvency of such person, the officer seizing such alcoholic liquor or the trustee in bankruptcy of such license holder shall provide the Commissioner an inventory of the alcoholic liquor found in the possession of the judgment debtor or bankrupt. The Commissioner shall cause notice to be delivered to all Importers who sell product on the inventory. All Importers shall pick up all saleable products (as determined by the Commissioner in the event of a dispute) that they sell at that time.

(b) The Importer shall determine the value of the saleable inventory by determining the cost to a retail licensee on the same day as the alcoholic liquor is picked up.

(c) The Importer may retain up to five percent (5%) of the value of the saleable inventory as a handling or re-stocking fee.

(d) In the event the licensee from whom the alcoholic liquor was seized owes the Importer an amount equal to or greater than the net of subsection (b) and (c) above, the Importer shall advise the Commissioner, the debtor or bankrupt, and the seizing authority of its calculations and credit the debtor's or bankrupt's account appropriately.

(e) In the event the licensee from whom the alcoholic liquor was seized owes the Importer less than the net of subsection (b) and (c) above, the Importer shall, within ten days of seizure, pay the difference of the net of subsection (b) and (c) above and the licensee's obligation to the Importer to the officer or the trustee, and shall advise the Commissioner, the debtor or bankrupt, and the seizing authority of its calculations and credit the debtor's or bankrupt's account appropriately.

(f) No payment shall be made for illegally acquired alcoholic liquor so delivered.

(g) Any dispute as to the value or saleable condition of the alcohol shall be determined by the Commissioner. Any dispute as to the amount of the obligations of the parties to each other shall be determined by the Court or its designee.”.

Approved July 08, 2009