



SPONSOR: Sen. Walsh & Rep. Bush

DELAWARE STATE SENATE  
153rd GENERAL ASSEMBLY

SENATE BILL NO. 141  
AS AMENDED BY  
SENATE AMENDMENT NO. 1

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:

Section 1. Amend § 512D, Title 4 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 512D. Wine ~~auctions.~~ and spirits auctions.

(a) Subject to the provisions, restrictions and prohibitions of this title, the Commissioner may grant a wine auction license, a spirits auction license, or a wine and spirits auction license to each qualified ~~applicant therefor.~~ applicant. No person shall operate a wine auction or spirits auction unless licensed to do so by the Commissioner. For purposes of this ~~section,~~ section:

(1) a A “wine auction” shall mean a person, partnership or corporation that sells rare or fine wines on consignment from the owners of said wines or obtained from private collections at public auction to those persons who are of legal age to purchase such items. A nonprofit organization may apply for a “wine auction-gathering license” for a specific date upon application to the Commissioner as a fund raiser for their organization.

(2) A “spirits auction” shall mean a person, partnership or corporation that sells rare or collectable spirits obtained from private collections at public auction to those persons who are of legal age to purchase such items.

(b) Said wine auction license holder or spirits auction license holder must have an office situated within the State, however said auctions may take place at any location within the State subject to the rules and regulations of the Commissioner which shall have the force of law. A nonprofit organization does not need to maintain an office within the State.

(c) No more than 12 wine auctions may be conducted within a calendar ~~year.~~ year and no more than 12 spirits auctions may be conducted within a calendar year, with a maximum of 3 days per auction event. Auctions may be conducted in person or online; both formats count towards the total auctions permitted in a calendar year.

(d) The wine auction or spirits auction license holder shall have the responsibility for collecting and remitting the applicable excise taxes and gross receipt taxes due for all products auctioned. Provided further, that any products purchased

at auction shall not be stocked as inventory or made available for further retail sale in any facility or store licensed under this title.