

# Sealed Liquor Bottle Delivery

A **retail liquor outlet** that is licensed to sell liquor for off-premises consumption may apply for a private liquor delivery license permitting the order, sale, and delivery of sealed liquor bottles or cans in the original container.

- The order, sale, and delivery of sealed liquor bottles or cans in the original container is permitted for off-premises consumption when completed by the licensee to a person purchasing the sealed liquor bottles or cans through a telephone, a mobile ordering application, or a web-based software program, authorized by the licensee's license.
- There is no additional fee for a licensed retail liquor outlet to obtain a private liquor delivery license. Delivery vehicles and drivers must maintain a private liquor bottle delivery permit.
- The order, sale, and delivery process shall meet the requirements of this section. The order, sale, and delivery process is subject to the penalties of the code and rules.

A **third party**, not licensed for liquor sales or distribution, may apply for a private liquor delivery license for the privilege of ordering and delivery of sealed liquor bottles or cans, from a licensed retail liquor outlet.

- The order and delivery of sealed liquor bottles or cans permitted for off-premises consumption by a third party licensee when a retail liquor outlet sells to a person purchasing the sealed liquor bottles or cans through telephone orders, a mobile ordering application, or a web-based software program.
- The private liquor delivery license non-prorated, nonrefundable annual fee is \$200 per third party entity, with no limit on the number of drivers and vehicles.
- The private liquor delivery license application shall comply with licensure requirements and provide information required by the commissioner.

## Sale Requirements.

- The purchase of sealed liquor bottles or cans in the original container may accompany the purchase of food and the completion of the sale may be accomplished by the delivery of food and sealed liquor bottles or cans in the original container by the licensee or third party licensee;
- Any purchasing person shall be 21 years of age or older, shall not be visibly or noticeably intoxicated at the time of delivery, and shall meet the requirements set forth for the sale of alcoholic liquors.
- "Food", for purposes of this section, means food that has been cooked, microwaved, or that is pre-packaged food from the manufacturer.
- An order, sale, and delivery may consist of up to 5 - 750 milliliter sealed liquor bottles for each order: Provided, That the entire delivery order may not contain any combination of sealed liquor bottles or cans in the original container, where the combination is more than **128** fluid ounces of liquor total; and
- A third party delivery licensee shall not have a pecuniary interest in a retail liquor outlet. The third party private liquor delivery licensee may not collect a percentage of the liquor delivery order. The convenience fee charged by the third-party private liquor delivery licensee to the purchasing person shall be no greater than **\$20.00** per delivery order where a sealed liquor bottle or can in the original container is ordered by the purchasing person.

## Private Liquor Delivery Requirements.

- Delivery persons employed for the delivery of a sealed liquor bottles or cans in the original container shall be 21 years of age or older and a retail liquor outlet and a third-party private liquor delivery licensee shall file each delivery person's name, driver's license, and vehicle information with the commissioner;

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- A retail liquor outlet and a third-party private liquor delivery licensee shall train delivery persons on verifying legal identification and in identifying the signs of intoxication. A retail liquor outlet and a third-party private liquor delivery licensee shall submit certification of the training to the commissioner;
- The retail liquor outlet or third party private liquor delivery licensee shall hold a private liquor bottle delivery permit for each vehicle delivering a sealed liquor bottle or can in the original container. A delivery driver may retain an electronic copy of his or her permit as proof of licensure;
- A retail liquor outlet or third party private liquor delivery licensee shall deliver food and a sealed liquor bottle or can order in the original container in the **market zone or contiguous market zone** where the licensed retail liquor outlet is located;
- A retail liquor outlet or third party private liquor delivery licensee may only deliver food and a sealed liquor bottle or can in the original container to addresses located in West Virginia, but may not leave food and alcohol at a WV address without verifying a person's age and identification;
- The retail liquor outlet or third party private liquor delivery licensee shall pay and account for all sales and municipal taxes;
- A retail liquor outlet or third party private liquor delivery licensee may not deliver food and a sealed liquor bottle or can in the original container to any licensee, deliveries are only for personal use and not for resale;

## **Telephone, mobile ordering application, or web-based software requirements.**

- The delivery person shall only permit the person who placed the order through a telephone order, a mobile order, or web-based software order to accept the food and a sealed liquor bottle or can in the original container for delivery which is subject to verification upon delivery with the delivery person's visual review and verification and, as applicable, a stored scanned image of the purchasing person's legal identification;
- Any mobile ordering application or web-based software used shall create a stored record and image of the purchasing person's legal identification and details of the sale, accessible by the delivery driver for verification, and shall include the delivery driver's name and vehicle information;
- Any telephone ordering system shall maintain a log or record of the purchasing person's legal identification and details of the sale, accessible by the delivery driver for verification, and shall include the delivery driver's name and vehicle information;
- All records are subject to inspection by the commissioner. A retail liquor outlet or third party private liquor delivery licensee shall retain records for 3 years.
- The retail liquor outlet or third party delivery licensee shall hold a valid private liquor bottle delivery permit required for each vehicle that may offer delivery.

## **Private Liquor Bottle Delivery Permit.**

- A retail liquor outlet or third party delivery licensee shall obtain and maintain a private liquor bottle delivery permit for the delivery of a sealed liquor bottle or can in the original container.
- A retail liquor outlet or third party private delivery licensee shall provide vehicle and driver information.
- Upon any change in vehicles or drivers, the licensee shall update the driver and vehicle information with the commissioner within 10 days of the change.
- The fee is \$10 for the 1<sup>st</sup> vehicle, \$1 for every vehicle thereafter.