
**TITLE 4 ALCOHOLIC BEVERAGES AND MARIJUANA
DELAWARE ADMINISTRATIVE CODE**

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**DEPARTMENT OF STATE
OFFICE OF THE ALCOHOLIC BEVERAGE CONTROL COMMISSIONER
700 Renewal and Alterations of Licenses**

**701 (Formerly Rule 51) A Rule Requiring the Biennial Renewal of Wholesale, Retail, and Annual
Gathering Licenses**

1.0 Wholesaler Licenses (Even-Numbered Years)

The Commissioner shall provide notice of license renewal to all wholesalers by February 15 of each even-numbered year, and payment of the renewal fee from the licensee is due within 30 days. All licenses issued by the Commissioner to wholesalers shall be for a 2-year period beginning April 1 of each even-numbered year and ending March 31 of the following even-numbered year.

28 DE Reg. 320 (10/01/24)

2.0 Biennial Gathering Licenses (Even-Numbered Years)

The Commissioner shall provide notice of license renewal to all biennial gathering licenses by October 1 of each even-numbered year. All renewal applications and payments must include a current Form 990 of the applicant and be submitted in the form required by the Commissioner on or before November 1 of each even-numbered year. All biennial gathering licenses issued by the Commissioner shall be for a 2-year period beginning January 1 of each even-numbered year and ending December 31 of the following even-numbered year.

28 DE Reg. 320 (10/01/24)

3.0 Retail Licenses - Sussex County (Even-Numbered Years)

The Commissioner shall provide notice of license renewal to all retail licensees in Sussex County by August 15 of each even-numbered year, and payment of the renewal fee from the licensee is due within 30 days. All licenses issued by the Commissioner to locations in Sussex County shall be for a period of 2 years beginning October 1 of each even-numbered year and ending September 30 of the following even-numbered year.

28 DE Reg. 320 (10/01/24)

4.0 Retail Licenses - City of Wilmington (Even-Numbered Years)

The Commissioner shall provide notice of license renewal to all retail licensees in the City of Wilmington by May 15 of each even-numbered year, and payment of the renewal fee from the licensee is due within 30 days. All licenses issued by the Commissioner to locations in the City of Wilmington shall be for a period of 2 years beginning July 1 of each even-numbered year and ending June 30 of the following even-numbered year.

28 DE Reg. 320 (10/01/24)

5.0 Retail Licenses - Kent County (Odd-Numbered Years)

The Commissioner shall provide notice of license renewal to all retail licensees in Kent County by August 15 of each odd-numbered year, and payment of the renewal fee from the licensee is due within 30 days. All licenses issued by the Commissioner to locations in Kent County shall be for a period of 2 years beginning October 1 of each odd-numbered year and ending September 30 of the following odd-numbered year.

28 DE Reg. 320 (10/01/24)

6.0 Retail Licenses - New Castle County (Odd-Numbered Years, A to K)

The Commissioner shall provide notice of license renewal to all retail licensees in New Castle County outside of the City of Wilmington whose name (corporate, partnership, or proprietary name, and not trade name) starts with an alphabetical letter of "A" to "K" by February 15 of each odd-numbered year, and payment of the renewal fee from the licensee is due within 30 days. All licenses issued by the Commissioner to locations in New Castle County (A to K) shall be for a period of 2 years beginning April 1 of each odd-numbered year and ending March 31 of the following odd-numbered year.

28 DE Reg. 320 (10/01/24)

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7.0 Retail Licenses - New Castle County (Odd-Numbered Years, L to Z)

The Commissioner shall provide notice of license renewal to all retail licensees in New Castle County outside of the City of Wilmington whose name (corporate, partnership, or proprietary name, and not trade name) starts with an alphabetical letter of "L" to "Z" by May 15 of each odd-numbered year, and payment of the renewal fee from the licensee is due within 30 days. All licenses issued by the Commissioner to locations in New Castle County (L to Z) shall be for a period of 2 years beginning July 1 of each odd-numbered year and ending June 30 of the following odd-numbered year.

28 DE Reg. 320 (10/01/24)

8.0 Late Renewal Penalties for Failure to File Applications as Required

- 8.1 Any application and payment for license renewal received by the Commissioner 1 to 5 business days past the deadline noted in this regulation may result in a \$25 late penalty fee; 6 to 10 business days past the deadline may result in a \$50 late penalty fee.
- 8.2 Any late penalty fees will be assessed with the renewal fee and must be paid before the renewal license shall issue.

28 DE Reg. 320 (10/01/24)

9.0 Fines for Failure to File Applications as Required

- 9.1 Fines. Any licensee who fails to file the application for renewal as required by this regulation (including the fee) for more than 10 business days after the deadlines noted in this regulation, shall pay a fine as outlined in **4 DE Admin. Code 804** implementing the voluntary fine assessment plan:
 - 9.1.1 First violation, \$250 fine and administrative costs.
 - 9.1.2 Second violation, \$500 fine and administrative costs.
 - 9.1.3 Any application for renewal received after 3 calendar months from the time required in this rule, or any licensee who has committed a third or subsequent offense under this rule, shall be cited for a violation of this regulation and the matter shall be heard by the Commissioner.
- 9.2 Collection of Fine and Right to Hearing
 - 9.2.1 The fine shall be collected as outlined in **4 DE Admin. Code 804**, Section 3.0 Procedure.
 - 9.2.2 If a licensee chooses a hearing before the Commissioner, then **4 DE Admin. Code 804**, Section 4.0 Penalties and Administrative Costs, will be implemented.
- 9.3 Non-Renewal of License until Fine is Paid. When a fine is validly imposed under this regulation, the license shall not be renewed until the fine is paid in full.
- 9.4 Meaning of "Timely Filing". In order for any application to be timely filed under this rule, it must be received by the Commissioner or clearly marked with a post office cancellation on or before the deadline required by this regulation.

28 DE Reg. 320 (10/01/24)

10.0 This Regulation Does Not Affect Revocations, Cancellations, Suspensions or Fines

- 10.1 Nothing in this regulation shall affect or limit the authority of the Commissioner to revoke, cancel or suspend a license, to impose a fine or to issue a license for a period of time less than 2 years.
- 10.2 Nothing in this regulation shall prohibit a licensee from surrendering the license or allowing it to expire.

19 DE Reg. 775 (02/01/16)

28 DE Reg. 320 (10/01/24)