

Juana Lombard, Commissioner

ALCOHOL DELIVERY INFORMATION: 3rd Party Delivery Service Permit

In accordance with La. R.S. 26:153 & 26:271.2, “delivery” of alcoholic beverages are allowed by certain alcohol retail dealers or a third party through the alcoholic establishment of certain alcohol beverage permits. Delivery of alcoholic beverages is prohibited unless expressly approved by the commissioner upon issuance of an alcoholic beverage delivery permit.

PERMIT FEE – See La. R.S. 26:271.4

3rd Party Retail Delivery Permit: \$1500.00

REQUIREMENTS – See La. R.S. 26:153, 26:271.2, 26.274A, and 26:309.

1. Possess a written agreement that meets the requirements set forth in R.S. 26:309.
2. Applicant is properly registered with the Louisiana Secretary of State and authorized to do business in Louisiana.
3. Applicant maintains a general liability insurance policy with liquor liability endorsement.
4. Applicant has capability to monitor routes of its employees during delivery.

DEFINITIONS – See La. R.S. 26:2 and 26:271.2.

“Delivery” means enabling the delivery of restaurant prepared food and alcohol with its permittee’s employee(s) or through a third party delivery service that retail dealer entered into a written contract in accordance with La. R.S. 26:309 for the delivery of alcoholic beverages.

“Restaurant establishment” means an establishment: (1) which operates a place of business whose average monthly revenue from food and nonalcoholic beverages exceeds 50% of its total average monthly revenue from the sale of food, alcohol, and non-alcoholic beverages; (2) serves food on all days of operation; (3) maintains separate sales figures for alcoholic beverages; and (4) maintains 500 square feet of public habitable space.

“Third Party” means an independent technology company that operates a website or consumer application on which the independent liquor retailers market their products. Such third party company shall not deal, handle, sell, offer for sale, or possess for sale alcoholic beverages or process payments for the sale of alcoholic beverages.

“Third Party Delivery Service or Company” means for the purpose of R.S. 26:309, a third party delivery service that is licensed to do business in the state of Louisiana, permitted with the Louisiana Office of Alcohol and Tobacco Control, and uses their own W-2 employees for delivery and who has entered into a written agreement with a retail dealer for the delivery of alcoholic beverages and said agreement meets all the requirements as set forth by law.

DELIVERY ORDERS – See La. R.S. 26:309G; 26:153A(11) and 26:307A(11)

1. All delivery orders shall contain a minimum amount of food as set forth under rules and regulations.
2. Permittee or an employee of permittee shall assemble, package, or fulfill each order at the permittee’s premises that accepted the order.
3. Only alcoholic beverages purchased from a licensed wholesale dealer may be offered for delivery.
4. Permittee shall manage and control the sale of alcoholic beverages.
5. Permittee shall determine the alcoholic beverages to be offered for sale through a third party technology company, application, platform, or other similar technology or third party delivery service.
6. Permittee shall determine the price at which alcoholic beverages are offered for sale or sold through the independent technology platform or delivery service.
7. Permittee shall have control in determining whether to accept or reject any order placed for alcoholic beverages through the independent technology platform or if delivered by third party delivery service.
8. Permittee shall be responsible to collect and remit all applicable state and local taxes.

EMPLOYEES – DELIVERY “DRIVER” – See La. R.S.26:309C(11)

1. Employees (“Delivery driver”) must be eighteen (18) years of age or older.
2. Permittee must file an IRS W-2 form for employee who delivers. Independent contractors or 1099 employees are prohibited.
3. Employee must possess a valid server permit as provided for in R.S. 26:931 et. seq.
4. Upon rejection of any order at the time of delivery, employee shall return all orders to permittee’s place of business.

ALCOHOL DELIVERY RECORDS - See La. R.S. 26:309G; 26:153A(11) and 26:307A(11)

All delivery orders, receipts or invoices shall contain the following information:

1. The retail dealer’s name, address, and permit number.
2. The name of the person who placed the order and the date, time, and method of order.
3. The name of the delivery agent and the date, time, and address of the delivery
4. The type, brand, and quantity of each alcoholic beverage delivered.
5. The name, date of birth, and signature of the person who received the delivery.

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WRITTEN AGREEMENT REQUIREMENTS

1. The retail dealer shall manage and control the sale of alcoholic beverages.
2. The retail dealer shall determine the alcoholic beverages to be offered for sale through a 3rd party's internet or mobile application platform or similar technology.
3. The retail dealer shall determine the price at which alcoholic beverages are offered for sale or sold through a 3rd party's internet or mobile application platform or similar technology.
4. The retail dealer shall determine whether to accept or reject all orders placed for alcoholic beverages through a 3rd party's internet or mobile application platform or similar technology.

PROHIBITED ACTS – See La. R.S. 26:307 & 26:309.

1. Prohibition of delivery to any address located on a campus of any college, university, or elementary or secondary schools.
2. Prohibition of delivery to any public playground or building used primarily as a church, synagogue, public library, or school.
3. Prohibition of delivery outside hours the permittee is opened to the public.
4. Prohibition of delivery outside hours or days permittee is authorized to operate.
5. Prohibition of delivery in an area where the sale of alcoholic beverages is prohibited by referendum vote.
6. Prohibition of delivery to an intoxicated person.
7. Prohibition of delivery to a person if there is reason to doubt the authenticity or correctness of recipient's identification.
8. Prohibition of delivery to recipient who refuses to sign receipt for the delivery.
9. Prohibition of delivery any alcoholic beverage other than those contained in the original manufacturer's sealed containers.
10. Prohibition of delivery any alcoholic beverage in "open containers" as defined in R.S. 32:300.
11. Prohibition of delivery by permittee's own employee past the boundaries of the parish where permittee's establishment is located.
12. Prohibition of delivery by a third party delivery service or restaurant establishment employee(s) beyond a ten (10) miles radius from permittee's establishment.
13. Prohibition of delivery any orders containing alcohol without food subject to rules and regulations.
14. Prohibition to employ any person under the age of eighteen (18) to delivery orders containing alcoholic beverages on behalf of business.
15. Prohibition to employ any person as an independent contractor or file a 1099 to any person to deliver orders containing alcoholic beverages on behalf of business.

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APPLICATION FOR 3rd PARTY SERVICE ALCOHOL DELIVERY PERMIT

NOTICE TO APPLICANT: Misstatement or Suppression of material facts in this application is **GROUNDS FOR DENIAL** or **REVOCAION** of any permit(s) issued thereafter. Additionally, filing false public records is a violation of Louisiana Revised Statute 14:133 and may result in imprisonment for not more than five (5) years with or without hard labor and/or fines of not more than \$5000.00.

BUSINESS INFORMATION	
1. Type of Ownership <input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Limited Liability Company <input type="checkbox"/> Partnership <input type="checkbox"/> Other	
2. Owner/Entity Legal Name: (Name of individual, partnership, LLC, or Corporation)	
3. Trade Name (D/B/A):	
4. Business Physical Address: (Street address, City, Zip code)	
5. Mailing Address: <input type="checkbox"/> Same as Physical	6. Website:
7. Primary Business Email Address:	8. Business Contact Number: <input type="checkbox"/> Cell <input type="checkbox"/> Business
9. Federal Employee Identification No. (FEIN)	10. Louisiana State Identification No.
11. Does Business consent to receive ATC communications, administrative notices, and/or administrative decisions in electronic format via email? If YES, provide email:	
<input type="checkbox"/> YES <input type="checkbox"/> NO Initials:	

OWNERSHIP INFORMATION			
Name of Individual & Affiliation	SSN	Type of interest **	% of Interest

** owner, officer, director, stockholder, trustee, beneficiary, managing member, member, partner, financial backer, manager**

If the applicant is not an individual (sole proprietorship), list the name, title, and percentage of ownership of each person. All partners, stockholders, officers, directors, members, and/or any person owning more than 5% must submit suitability documents including Schedule A (SA-01), Schedule F (SA-02), and fingerprints with authorization form (FP-01 & FA-02).

***Each person listed above shall be required to submit completed suitability documents and a colored copied of his/her driver's license.**

Management Information	
12. Is applicant's business to be conducted wholly or partly by one or more managers, agents, or other representatives? If YES, complete below and manager must submit a completed Schedule A (Form SA-01) and Schedule F (SA-02), if applicable and attach a colored copy of manager's driver's license.	<input type="checkbox"/> YES <input type="checkbox"/> NO
Manager's Full Name	Title

ALCOHOL DELIVERY BUSINESS MODEL	
13. List the Type of alcoholic beverages applicant intends to deliver. <input type="checkbox"/> Wine <input type="checkbox"/> Beer/Malt Beverages <input type="checkbox"/> Low content alcohol (other than beer or wine)	
14. Is Applicant registered with the Louisiana Secretary of State and authorized to conduct business in Louisiana?	<input type="checkbox"/> YES <input type="checkbox"/> NO

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ALCOHOL DELIVERY BUSINESS MODEL

15. Has Applicant entered into or intend to enter into an alcoholic beverage delivery agreement with a licensed alcoholic beverage retail dealer?	<input type="checkbox"/> YES <input type="checkbox"/> NO
16. Does Applicant understand that business shall be required to submit within ninety (90) days of issuance of its permit a list of all retail businesses that Applicant has entered into a written agreement to deliver alcoholic beverages for? Said list shall include name of retailer and address of retailer including parish where business is located.	<input type="checkbox"/> YES <input type="checkbox"/> NO
17. Does Applicant understand that business shall be required to provide an updated list of retail dealers at the time of renewal?	<input type="checkbox"/> YES <input type="checkbox"/> NO
18. Does Applicant maintain a general liability insurance policy with a liquor liability endorsement in an amount of no less than one million dollars per occurrence for the duration of the agreement with the retail dealer and shall provide proof of coverage to the retail dealer?	<input type="checkbox"/> YES <input type="checkbox"/> NO
19. Does Applicant understand that any orders containing alcoholic beverages shall be delivered for personal consumption only and not for resale purposes?	<input type="checkbox"/> YES <input type="checkbox"/> NO
20. Does Applicant understand that retail dealer shall be required to maintain ultimate control and responsibility over the sales transaction and transfer of physical possession of the alcoholic beverages at all time and shall retain sole discretion to determine whether to accept and complete an order or reject it?	<input type="checkbox"/> YES <input type="checkbox"/> NO
21. Does Applicant understand that retail dealer shall maintain independence to determine which alcoholic beverages are made available through electronic means for delivery purposes and shall independently set the price of such products?	<input type="checkbox"/> YES <input type="checkbox"/> NO
22. Does Applicant understand that delivery orders shall be required to be assembled, packaged, and fulfilled at retail dealer's permitted premises where the order is processed and only with use of inventory located at the retailer's premises?	<input type="checkbox"/> YES <input type="checkbox"/> NO

TYPES OF ALCOHOLIC BEVERAGES

23. Does Applicant understand that business shall only be permitted to deliver manufacturer sealed alcoholic beverages?	<input type="checkbox"/> YES <input type="checkbox"/> NO
24. Does Applicant understand that delivery of an "open alcoholic beverage container" as defined in La. R.S. 32:300 is prohibited?	<input type="checkbox"/> YES <input type="checkbox"/> NO
25. Does Applicant understand that permittee shall be permitted to deliver low content alcoholic beverages, beer or malt beverages and/or wine only?	<input type="checkbox"/> YES <input type="checkbox"/> NO
26. Does Applicant understand that food must be delivered with all delivery orders containing alcoholic beverages?	<input type="checkbox"/> YES <input type="checkbox"/> NO

DELIVERY BOUNDARIES

27. Does Applicant understand that delivery of alcoholic beverages shall be permitted only during the days and hours the authorized retailer's permitted establishment is open to the public and authorized to sell or serve alcoholic beverages? All delivery orders shall be required to be placed or processed no later than thirty (30) minutes prior to closing time of establishment where products are purchased.	<input type="checkbox"/> YES <input type="checkbox"/> NO
28. Does Applicant understand that delivery of alcoholic beverages is permitted only in those areas where the retail sale of alcoholic beverages is permitted and shall be prohibited in any area where it is prohibited by the local governing authority?	<input type="checkbox"/> YES <input type="checkbox"/> NO
29. Does Applicant understand that permittee may only deliver within ten (10) miles from the place of retailer's establishment where purchase was completed?	<input type="checkbox"/> YES <input type="checkbox"/> NO
30. Does Applicant understand that permittee shall be prohibited to deliver alcoholic beverages to an address on a campus of any state college, university, or technical college or institute, any independent college or university, or any elementary or secondary school located in this state?	<input type="checkbox"/> YES <input type="checkbox"/> NO
31. Does Applicant understand that permittee shall be prohibited to deliver to any public playground or building used primarily as a church, synagogue, public library or school?	<input type="checkbox"/> YES <input type="checkbox"/> NO

DELIVERY: EMPLOYEE AND RESPONSIBILITY

32. Does Applicant understand that only W-2 employees are permitted to deliver on behalf of business? Independent contractors (1099 employees) are prohibited.	<input type="checkbox"/> YES <input type="checkbox"/> NO
33. Does Applicant understand that W-2 employee(s) delivering on behalf of business must be eighteen (18) years of age or older?	<input type="checkbox"/> YES <input type="checkbox"/> NO

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DELIVERY: EMPLOYEE AND RESPONSIBILITIES

34. Does Applicant understand that permittee shall be required to conduct an interview and background check of all persons that will deliver alcoholic beverages?	<input type="checkbox"/> YES <input type="checkbox"/> NO
35. Does Applicant understand that permittee shall be required to monitor the route of its employees during delivery of alcoholic beverages?	<input type="checkbox"/> YES <input type="checkbox"/> NO
36. Does Applicant understand that permittee and its employees are prohibited to deliver alcoholic beverages to any recipient appearing intoxicated?	<input type="checkbox"/> YES <input type="checkbox"/> NO
37. Does Applicant understand that prior to completing any delivery orders, permittee or its employees must verify the identity and age of the person accepting delivery of the order by validating a state issued photo identification of the person through use of a real time age verification system authorized by the commissioner?	<input type="checkbox"/> YES <input type="checkbox"/> NO
38. Does Applicant's real time age verification system contain a magnetic card reader or an alternative technology capable of verifying proof of age? Please provide brand and type of real time age verification system. Provide Brand or Model Number and Type of ID Scanner: _____	<input type="checkbox"/> YES <input type="checkbox"/> NO
39. Does Applicant understand that permittee and its employee shall be required to refuse to complete a delivery order if there is reason to doubt the authenticity or correctness of the recipient's identity?	<input type="checkbox"/> YES <input type="checkbox"/> NO
40. Does Applicant understand that permittee and its employee(s) shall refuse to complete a delivery order if recipient refuses to sign for the receipt of the delivery?	<input type="checkbox"/> YES <input type="checkbox"/> NO
41. Does Applicant understand that all delivery employees must possess a valid server permit as provided in La. R.S. 26:931 et seq. prior to engaging or completing the delivery of alcoholic beverages?	<input type="checkbox"/> YES <input type="checkbox"/> NO

DELIVERY RECORDS

42. Does Applicant understand that 3 rd party shall be required to maintain a record of all deliveries of alcoholic beverages for up to three (3) years from the date of delivery?	<input type="checkbox"/> YES <input type="checkbox"/> NO
43. Does Applicant understand that 3 rd party shall be required to make such records available to the ATC upon request?	<input type="checkbox"/> YES <input type="checkbox"/> NO
44. Does Applicant understand that all delivery records shall contain retail dealer's name, address, and permit number?	<input type="checkbox"/> YES <input type="checkbox"/> NO
45. Does Applicant understand that all delivery records shall contain the name of person who placed the order, as well as the date, time, and method of order?	<input type="checkbox"/> YES <input type="checkbox"/> NO
46. Does Applicant understand that all delivery records shall contain the name of the employee making the delivery, as well as the date, time and address of the delivery?	<input type="checkbox"/> YES <input type="checkbox"/> NO
47. Does Applicant understand that all delivery records shall contain the type, brand, and quantity of each alcoholic beverage delivered?	<input type="checkbox"/> YES <input type="checkbox"/> NO
48. Does Applicant understand that all delivery records shall contain the name, date of birth, and signature of the person that received the delivery?	<input type="checkbox"/> YES <input type="checkbox"/> NO

SUBMISSION OF REQUIRED DOCUMENTS CHECKLIST

49. Has Applicant attached a copy of its Corporate Documents including but not limited to Articles of Incorporation or Article of Organization as obtained from the Secretary of State, notarized partnership agreements, or any other agreements or forms filed with the Secretary of State?	<input type="checkbox"/> YES <input type="checkbox"/> NO
50. Has Applicant attached completed Schedule A Form– Personal Disclosure Form (SA-01) completed by EACH PERSON , new owner, officer, director, member, partner, stockholder, shareholder, or any other person as required under La. R.S. 26:80 & 26:280?	<input type="checkbox"/> YES <input type="checkbox"/> NO
51. Has Applicant attached a colored copy of each individual driver's license who completed a Schedule A Form?	<input type="checkbox"/> YES <input type="checkbox"/> NO
52. Has Applicant attached a completed ATC Fingerprint Authorization and Disclosure Form completed for EACH PERSON and attached all applicable fingerprint fees (\$39.25)? You may submit a business check, money order, or cashier's check for \$39.25 made out to Louisiana State Police for each set of fingerprints submitted.	<input type="checkbox"/> YES <input type="checkbox"/> NO
53. Has Applicant attached proof of registration and good standing with the Louisiana Secretary of State?	<input type="checkbox"/> YES <input type="checkbox"/> NO
54. Has Applicant attached a copy of its bonafide lease signed by an authorized representative as listed with application?	<input type="checkbox"/> YES <input type="checkbox"/> NO

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SUBMISSION OF REQUIRED DOCUMENTS CHECKLIST

55. Has Applicant attached a copy of its Louisiana Sales Tax Certificate?	<input type="checkbox"/> YES <input type="checkbox"/> NO
56. Has Applicant attached Proof of General Liability Insurance Policy?	<input type="checkbox"/> YES <input type="checkbox"/> NO
57. Has Applicant submitted proof of a real time age verification system intended to be utilized by applicant and business's W-2 employees?	<input type="checkbox"/> YES <input type="checkbox"/> NO
58. Has Applicant reviewed "3 rd party delivery service" affidavit and submitted a signed and notarized copy with its application?	<input type="checkbox"/> YES <input type="checkbox"/> NO

APPLICATION FEE

CLASS D – THIRD PARTY PROVIDER - **\$1500.00**

Application fees may be paid with a personal or business check, cashier check, money order, or credit card
Application fees are non-refundable upon submission to the ATC.

AFFIDAVIT AND SIGNATURE

WARNING & SIGNATURE: Applications may only be signed by the Applicant as listed below. Applications signed by a person other than listed below may result in denial of application.

If Applicant is:	Person who must sign:
Individual or Sole proprietor	Individual owner(s)
Partnership	Any Partner
Limited Liability Corporation (LLC)	Member, managing member, director, or officer
Corporation	Officer or Director

BY SIGNING BELOW, YOU ARE SWEARING, UNDER OATH, that you have read each of the questions in this application and that all answers are true and correct to the best of your knowledge, that you meet all the qualifications and that you understand your obligations and responsibility as set forth under Louisiana law and rules and regulation. That you have read and understand the laws and regulations related to alcohol delivery including any new rules and regulations promulgated in accordance with the law. For additional information, see www.atc.la.gov.

 PRINT NAME

 SIGNATURE

 TITLE

 DATE

NOTARY USE ONLY

Sworn to and subscribed to me on this _____ day of _____, 20_____, in the parish/county of _____,
 State of _____.

 NOTARY PRINT NAME

 NOTARY SIGNATURE

Office Use Only	Permit Number: _____	Processed by & Date _____	Issued by & Date _____
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3rd Party Delivery Service Affidavit

Applicant, _____ (“Owner’s Name”) on behalf of _____ (“Business Name”) attests that he/she is an authorized representative of the named business and is responsible for business decisions and implementation of business policies and procedures related to the third party delivery service provider.

Applicant attests that he/she understands that Business shall be prohibited to provide third party delivery service to certain alcoholic establishments without a written agreement that meets the requirements of La. R.S. 26:309.

Applicant attests that he/she understands that Business shall be required to submit to the ATC within ninety (90) days of issuance of its permit a list of alcoholic establishments applicant has entered into a written agreement with. Said list shall include the retail dealer’s name, retail dealer’s address, and the parish where business is located.

Applicant attests that he/she understands its permit shall be issued on an annual basis and shall expire December 31th of each year.

Applicant attests that Business shall conduct an interview and background check of all persons that will deliver alcoholic beverages and shall monitor the routes of its employees during deliveries.

Applicant attests he/she understands that the rules and regulation related to alcohol delivery by third party delivery service providers are currently in progress and business shall be responsible to ensure compliance once promulgated. Updates shall be available at www.atc.la.gov.

Print Name

Signature

Title

Date

Sworn to and subscribed to me on this _____ day of _____, 20_____, in the parish/county of _____, State of _____

Name of Notary Public

Signature of Notary Public