**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61‑6‑90 SO AS TO AUTHORIZE THE DEPARTMENT OF REVENUE TO ISSUE A DELIVERY SERVICE LICENSE SO AS TO ALLOW A PERSON THAT DELIVERS OR FACILITATES THE DELIVERY OF ITEMS FROM RETAIL DEALERS TO CUSTOMERS TO ALSO DELIVER ALCOHOLIC BEVERAGES AND WINE FROM THAT RETAIL DEALER.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 6, Title 61 of the 1976 Code is amended by adding:

“Section 61‑6‑90. (A) As used in this section:

(1) ‘Delivery service’ means a third party that delivers items from a retail dealer to customers using employees or independent contractors to facilitate the delivery. ‘Delivery service’ includes technology service that connects customers and retail dealers through the use of the Internet, mobile applications, and other similar technology.

(2) ‘Third party’ means any individual, partnership, association, company, limited liability company, corporation, or other entity or group who is licensed to do business in this State, regardless of the state of residency, and who is not affiliated with the retail dealer.

(B) Notwithstanding any other provision of law, a retail dealer licensed to sell beer and wine in this State pursuant to this title, may use a delivery service to facilitate the delivery of sealed packages of beer and wine to a consumer.

(C) In order to facilitate delivery of such beverages for a retail dealer, a delivery service must first obtain a delivery license. The delivery service must apply to the department and if granted, the delivery license is valid for five years. The department shall grant the license if the applicant:

(1) is licensed to do business in this State;

(2) pays a four hundred dollar application fee;

(3) is at least twenty‑one years of age; and

(4) provides a criminal history background check conducted by the State Law Enforcement Division within thirty days of application. The background check must prove that the individual has not been convicted of any crime involving the sale or distribution of alcoholic beverages or wine within the last eight years and has not been convicted of any felony within the last five years.

(D) Each employee or independent contractor delivering beer or wine on behalf of a delivery service must be at least twenty‑one years of age and must not have a felony conviction, as confirmed by a background check conducted by the delivery service prior to being hired.

(E) A delivery licensee must not deliver beer or wine to any location more than fifty miles from the location of the retail dealer.

(F) A delivery licensee only may deliver beer and wine within the time allowed for lawful sales and consumption in the jurisdiction for the licensed retail dealer. Also, at the time of delivery, a delivery licensee must require the recipient to provide a valid photo identification to verify the individual is at least twenty‑one years of age, and to provide his signature.

(G) A delivery licensee shall refuse delivery when the recipient:

(1) is less than twenty‑one years of age;

(2) fails to produce valid identification; or

(3) appears to be intoxicated.

(H) A delivery licensee may facilitate customer orders from retail dealers by electronic means and such electronic transactions shall result in a sale deemed to have been made on the retail dealer’s licensed premises.

(I) A delivery service that violates the provisions of this section is subject to the penalties set forth in Section 61‑4‑250 and 61‑4‑270.”

SECTION 2. This act takes effect upon the approval by the Governor.

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