

NEW JERSEY THIRD-PARTY DELIVERY PERMIT
APPLICATION INSTRUCTIONS
(October 2022)

On August 26, 2022, the New Jersey Division of Alcoholic Beverage Control issued a Special Ruling establishing a Third-Party Delivery Permit. As discussed in detail in [SR 2022-15](#), a Third-Party Delivery Permittee may deliver alcoholic beverages to consumers' residences on behalf of Retail Consumption Licensees and Retail Distribution Licensees (hereinafter referred to as "Merchants") and charge a fixed fee for its services. A Third-Party Delivery Permit authorizes a deviation from the long-established requirement that retail licensees use their own employees and vehicles (with transit insignia) to deliver alcoholic beverages. In lieu of this requirement, Permittees must adopt and comply with an enhanced method of delivering alcoholic beverages, including proper vetting and training of qualified Delivery Workers; logistical technologies to transmit delivery-related information to the workers and alert them in advance that an order contains age-restricted alcoholic beverages; multifactor verification protocols to ensure the receiving customer is of legal age and not intoxicated; and data preservation in the event of an unlawful delivery and the need for an enforcement action. See [SR 2022-15](#) for additional information, conditions and restrictions. Licensed public warehouses, manufacturers and wholesalers are ineligible for this permit.

The fee for a Third-Party Delivery Permit is \$2,000. The permit is effective upon issuance, will expire on June 30th of each year, and may be renewed annually.

An applicant for a Third-Party Delivery Permit is subject to the same qualifying review as any other applicant for a state-issued permit or license. In addition, a Permit Applicant must submit additional information and documentation as described below. Assuming the application is administratively and technically complete, the Division will provide a fingerprint package to the Permit Applicant and identify the individuals who need to be fingerprinted and subjected to criminal background checks.

I. THIRD-PARTY DELIVERY PERMIT PRIVILEGE

A Third-Party Delivery Permit authorizes a Permittee to deliver (or arrange for the delivery of) alcoholic beverages on behalf of licensed merchants. The Permittee can dispatch a Delivery Worker (i.e., independent contractor or payroll employee) to pick up alcoholic beverages from a merchant's licensed premises and deliver to the residence of the customer who purchased the beverages from the merchant. The Delivery Worker may use his or her own personal vehicle (without transit insignia) or other means (i.e., cycling or walking) to deliver the alcoholic beverages. This permit privilege is subject to various conditions and restrictions, including but not limited to the following:

1. Permittee must have a valid written agreement with Merchants before making any deliveries of alcoholic beverages.
2. Permittee must have a valid written agreement with Delivery Workers before making any deliveries of alcoholic beverages.

3. All Delivery Workers must be 21 years or older, hold a valid driver's license and vehicle registration, and have adequate vehicle insurance coverage. In addition, Delivery Workers must undergo criminal background and driver history checks by Permittee (or Permittee's vendor) and receive alcohol awareness training and certification from a nationally recognized alcohol awareness program (e.g., TIPS®) before they deliver alcoholic beverages.
4. Permittee must transmit delivery-related information to Delivery Workers in real-time and alert them that an order contains an age-restricted alcoholic beverage.
5. Delivery Workers must verify that receiving customers are of legal age and not visibly intoxicated. At a minimum, this should include electronic verification of a customer's identification as well as verbal and observable verification, i.e., "multifactor" verification.
6. Delivery Workers must have a copy of the permit (paper or electronic) in their possession during a delivery as well as an invoice or bill of sale stating the name and address of the receiving customer and the type, brand, and quantity of each alcoholic beverage being delivered.
7. Delivery Workers must obtain the signature (electronic or paper) or "finger scan" of the receiving customer before handing over the alcoholic beverages.
8. Delivery Workers must refuse delivery and return the alcoholic beverage to the merchant if and when necessary (e.g., customer is underage or intoxicated; customer refuses to sign for delivery; there is reason to doubt the authenticity of the customer's ID; there is reason to suspect the customer is accepting delivery on behalf of an underage person; etc.).
9. Delivery Workers are prohibited from collecting payment for the alcoholic beverage from the receiving customer; subcontracting or delegating to another person the delivery of alcoholic beverages; delivering alcoholic beverages to a non-residence (e.g., hotel room, BYOB restaurant, college or university campus); leaving alcoholic beverages unattended or storing alcoholic beverages overnight.
10. Permittee may receive a fixed fee (i.e., a pre-determined fee that is not dependent, directly or indirectly, on the sales, profits or revenues earned by the retail licensee) for its delivery services.

II. PROCEDURE FOR SUBMITTING AN APPLICATION FOR A THIRD-PARTY DELIVERY PERMIT

The following steps must be taken before the Licensing Bureau of the Division of Alcoholic Beverage Control will issue a Third-Party Delivery Permit. Please use the attached checklist to ensure a proper and complete application is submitted.

Step 1: BUSINESS REGISTRATION

All Permit Applicants must complete a [Business Registration Application with the New Jersey Department of the Treasury, Division of Revenue and Enterprise Services \(DORES\)](#). In addition, if the Permit Applicant will operate under an alternate name, it must register the alternate name with DORES. For more information, visit the [DORES website](#) or call 609-292-9292 and speak to a DORES representative.

A Permit Applicant may be required to register with the New Jersey Division of Taxation as a “marketplace facilitator” and collect and remit all sales taxes for the purchase and delivery of food and beverages, including alcoholic beverages. N.J.S.A. 54:32B-3.6. See [New Jersey Division of Taxation Bulletin TB-83](#) for additional information.

Step 2: PERMIT APPLICATION AND FEE

An application for a Third-Party Delivery Permit is only available on [POSSE, the Division’s online licensing system](#). All supporting documentation described below must be submitted through POSSE:

Certificate of Registration, Certificate of Alternate Name Registration

Permit Applicant must submit a New Jersey Certificate of Business Registration and (if applicable) a Certificate of Alternate Name Registration if the Permit Applicant will operate under an alternate name (See Step 1).

Method of Operation for Third-Party Delivery Permit Applicant

Permit Applicant must complete and submit a notarized affidavit or certification describing the proposed Method of Operation. The method of operation must include all of the information listed in the [Method of Operation Affidavit Guidelines for Third-Party Delivery Permit Applicants](#).

Business Formation Documents

Permit Applicant must submit the following business entity formation documents (as applicable): Certificate of Incorporation, SEC Filing containing shareholder information, Notice of Formation, Operating Agreement, Partnership Agreement.

Form CISI (Corporate Information State Issued), Form CSSI (Corporate Structure State Issued)

Permit Applicant must complete and submit a Form CISI to include all information related to the Permit Applicant. In addition, Permit Applicant must submit a Form CSSI to report all individuals (including officers and directors) and entities that have a direct ownership interest in the Permit Applicant. Permit Applicant must account for 100% ownership in the Permit Applicant.

Each corporation, limited liability company, or partnership entity that is reported to have a direct or indirect ownership in the Permit Applicant must complete both Form CISI and Form CSSI. In addition, each entity in the ownership structure chain must also complete both Form CISI and Form CSSI. Each entity must account for 100% ownership in the entity.

Ownership Structure Diagram

Permit Applicant must submit a diagram depicting the ownership structure as reported in Forms CISI and CSSI. The diagram must depict each owner (and corresponding percentage of ownership), regardless of whether the Permit Applicant is a corporation, limited liability company or partnership.

New Jersey Premise-Related Documentation

If Permit Applicant will operate from a New Jersey premises, it must submit the following documentation: lease agreement or deed for the premise; detailed sketch of the premise (layout, location of the office space, entrances, exits, premise dimensions); and labeled photographs of the premise (premise exterior, interior, office space, entrances, exits).

If Permit Applicant will operate from a premise outside of New Jersey, it must provide its physical address.

Business Tax Returns

If Permit Applicant has been in existence for at least two years, it must submit two years of business tax returns (federal). If only one year of business tax returns is available, each shareholder, member, or partner of the Permit Applicant must submit one year of personal tax returns (federal).

Personal Tax Returns

If Permit Applicant is a newly formed entity that has not filed a business tax return for two years, it must submit two years of personal tax returns (federal) for each shareholder, member, partner, or sole proprietor. If one year of business tax returns is available, each shareholder, member, partner, or sole proprietor is only required to submit one year of personal tax returns (federal).

Out-of-State License/Permit

If Permit Applicant operates outside of New Jersey, it must submit a copy of the license(s) and/or permit(s) issued by each State.

Business Start-Up Expenses and Source of Funding Disclosure

Permit Applicant must submit a notarized financial affidavit that lists all expenses incurred to date, and the estimated expenses to be incurred to open and start the business in

New Jersey. The expenses should include but not be limited to the following: cost to purchase real property, renovations/improvements for property, equipment, leases, professional fees, licensing fees, advertising, and salaries. The affidavit must also explain the source of funding that will be used to finance each business expense. The explanation for the expenses should indicate exactly where the funds are derived from (for example cash, gifts, loans, retirement accounts, savings accounts, credit cards, corporate generated operating revenue, etc.).

Source of Funding Supporting Documents

Permit Applicant must provide all supporting documents in conjunction with the financial affidavit, including but not limited to the following: bank statements, loan documents, mortgage documents, lines of credit, gift letters, credit card statements, investment accounts, etc.

Sample Agreement with Merchant

Permit Applicant must submit a sample written agreement with a Merchant that describes all fees, costs, commissions, and other forms of compensation; and responsibility for sales tax collection and remittance; and responsibility for insurance and indemnity. A Permittee may not deliver or arrange for the delivery of alcoholic beverages without a valid written and executed agreement with a Merchant.

Sample Agreement with Delivery Worker

Permit Applicant must submit a sample written agreement with a Delivery Worker that describes the compensation arrangement and includes, at a minimum, the following terms: Delivery Worker is 21 years or older; Delivery Worker consents to a voluntary background check to include criminal background and driver history checks by Permit Applicant or Permit Applicant's vendor; Delivery Worker is responsible for maintaining a valid driver's license and adequate vehicle insurance coverage; Delivery Worker will receive alcohol awareness training and certification from a nationally recognized alcohol awareness program (e.g. TIPS) before they deliver alcoholic beverages; Delivery Worker must have a copy of the Third Party Delivery Permit issued to the Permit Applicant (paper or electronic) in their possession during the delivery of alcoholic beverages as well as an invoice or bill of sale stating the name and address of the receiving customer, and the type, brand, and quantity of each alcoholic beverage being delivered; Delivery Worker must verify that receiving customers are of legal age and not visibly intoxicated to include electronic verification of a customer's identification as well as a verbal and observable verification; Delivery Worker must obtain the signature (paper or electronic) or "finger scan" of the receiving customer before handing over alcoholic beverages; Delivery Worker is prohibited from engaging in no-contact deliveries without a face-to-face interaction with the receiving customer; Delivery Worker must refuse delivery and return all alcoholic beverages to the Merchant if and when necessary (e.g., customer is underage or intoxicated; customer refuses to sign for delivery; there is reason to doubt the authenticity of the customer's ID; there is a reason to suspect customer is accepting delivery on behalf of an

underage person, etc.); Delivery Worker is prohibited from collecting payment for alcoholic beverages from the receiving customer, prohibited from subcontracting or delegating to another person the delivery of alcoholic beverages, and prohibited from delivering alcoholic beverages to a non-residence (e.g. hotel rooms, offices, campus of any college or university, BYOB restaurant, etc.); Delivery Worker is prohibited from leaving alcoholic beverages unattended or storing alcoholic beverages overnight; and Delivery Worker will not deliver alcoholic beverages without this valid written and executed agreement with the Permit Applicant, signed by both Permit Applicant and the Delivery Worker.

Please use the checklist on the following page to ensure that a proper and complete application is submitted.

THIRD-PARTY DELIVERY PERMIT APPLICANT CHECKLIST

An application for a Third-Party Delivery Permit is available exclusively on the New Jersey Division of Alcoholic Beverage Control's online licensing system ([POSSE](#)). Unless otherwise noted, all Permit Applicants must submit the following when filing the application:

- Permit application fee (\$2,000)
- New Jersey Certificate of Business Registration
- Certificate of Alternate Name Registration (if applicable)
- Method of Operation Affidavit
- Business Formation Documents (as applicable)
- Form CISI
- Form CSSI
- Ownership Structure Diagram (as applicable)
- New Jersey Premise-Related Documentation
- Business Tax Returns
- Personal Tax Returns (if applicable)
- Out-of-State License/Permit (if applicable)
- Business Start-Up Expenses and Source of Funding Disclosure
- Source of Funding Supporting Documents
- Sample Agreement with Merchant
- Sample Agreement with Delivery Worker