



**To: Manufacturers and wholesalers of liquor and wine**  
**Retail sellers of liquor and/or wine for off-premises consumption (package liquor and/or wine stores)**  
**Retail sellers of liquor and/or wine for on-premises consumption (restaurants, taverns, etc.)**

**Subject: Terms of Sale – 2005 Credit Period Calendar for Liquor and/or Wine Licensees**

Chapters 84 and 499 of the Laws of 2004 will soon make significant changes to provisions of the Alcoholic Beverage Control Law governing the terms under which manufacturers and wholesalers of liquor and wine may sell to retailers.

These changes go into effect on January 1, 2005.

Before enactment of Chapters 84 and 499, ABCL § 101-a governed the terms of manufacturer or wholesaler sales of liquor and/or wine to off-premises retailers selling sealed packages of liquor and/or wine at retail to customers for consumption off the premises where sold.

Effective January 1, 2005, Chapter 84 repeals ABCL § 101-a.

Effective January 1, 2005, sales to both off-premises and on-premises retailers will now be governed by the same section of the Alcoholic Beverage Control Law: ABCL § 101-aa.

Chapters 84 and 499 have made a number of changes to ABCL § 101-aa. Effective January 1, 2005:

- “credit period” has been *redefined* to mean “a period beginning on the date alcoholic beverages are delivered and ending thirty days thereafter”;
- “payment period” has been *redefined* to mean “the period beginning on the date alcoholic beverages are delivered and ending on the thirtieth day following the date on which alcoholic beverages are delivered”;
- the last day of the payment period continues as the “final payment date”;
- "notification date" has been *redefined* as “the Monday immediately following a final payment date”;
- “cash” has been *redefined* to include an “electronic funds transfer”;
- *first class mail* may now be used by a manufacturer or wholesaler to give written notice of default to licensees not having made payment on or before the final payment date;
- on or before the notification date, a manufacturer or wholesaler must give written notice of default to licensees who have failed to make payment on or before the final payment date, and must file copies of such notices with the State Liquor Authority;
- State Liquor Authority publication of the delinquent list ON ITS WEBSITE is considered receipt of the delinquent list by all manufacturers and wholesalers of liquor and or wine. **FOR THE PURPOSE OF CALCULATING THE FIVE-DAY PERIOD AFTER WHICH NO CREDIT DELIVERY IS TO BE MADE TO A LICENSEE HAVING FAILED TO MAKE TIMELY PAYMENT, THE DELINQUENT LIST SHALL BE DEEMED PUBLISHED AT 12:00 NOON ON EACH WEDNESDAY.**

The enumeration of the State’s legal holidays, the rules for computing periods of time, and the effect of Saturdays, Sundays, and legal holidays on day-and-date computations are set forth in sections 20, 24, and 25-a of the General Construction Law.

Based upon the amended provisions of ABCL § 101-aa and the day-and-date computation rules set forth in the General Construction Law, a 2005 Credit Calendar for Off-Premises and On-Premises Liquor and/or Wine Licensees has been prepared and is available on this website.