

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 1262
HOUSE BILL 1619

AN ACT TO MAKE TECHNICAL CORRECTIONS IN THE NEW ALCOHOLIC BEVERAGE CONTROL STATUTES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-292.1(1) is amended by rewriting the last sentence to read:

"G.S. 18B-308 shall apply to those games."

Sec. 2. G.S. 18B-101(4) is amended by deleting the last sentence.

Sec. 3. G.S. 18B-103(8) is amended by changing the period to a semicolon.

Sec. 4. Article 1, Chapter 18B, is amended by adding a new section to read:

"§ 18B-111. Nontaxpaid alcoholic beverages. — No person may possess, transport, or sell nontaxpaid alcoholic beverages except as authorized by the ABC Law."

Sec. 5. G.S. 18B-402 is amended by deleting the period and adding the following:

"or G.S. 18B-403, except that no more than four liters of spirituous liquor purchased outside this State may be brought into this State."

Sec. 6. G.S. 18B-403(a) is amended by inserting in the second sentence between the word "destination" and the word "indicated" the phrase "within North Carolina".

Sec. 7. G.S. 18B-403(e) is amended by adding a new sentence at the end of that subsection to read:

"A permit for the purchase and transportation of spirituous liquor may be issued only by an authorized agent of the local board for the jurisdiction in which the purchase will be made."

Sec. 8. G.S. 18B-403 is amended by adding a new subsection to read:

"(g) When a person holds a special occasion for which a permit under G.S. 18B-1001(8) or (9) is required, the purchase-transportation permit issued to him may provide for the storage at and transportation to and from the site of the special occasion, of fortified wine and spirituous liquor for a period of no more than 48 hours before and after the special occasion; but no more than 40 liters of either fortified wine, spirituous liquor, or a combination of the two may be transported at any one time. The Commission may adopt rules to govern issuance of these extended purchase-transportation permits."

Sec. 9. G.S. 18B-602(c) is amended by inserting in the second sentence after the number "(2)" the following: "or (3)".

Sec. 10. G.S. 18B-700(i) is rewritten to read:

"(i) Bond. Each local board member shall be bonded in an amount not less than five thousand dollars (\$5,000), secured by a corporate surety, for the faithful performance of his duties. A public employees' blanket position bond in the required amount satisfies the requirements of this subsection. The bond shall be payable to the local board and shall be approved by the appointing authority for the local board. The appointing authority may exempt from this bond requirement any board member who does not handle board funds, and it may also increase the amount of the bond for any member who does handle board funds."

Sec. 11. G.S. 18B-702(d) is amended by inserting in the third sentence after the phrase "G.S. 159-30(c)" the following: "and (d)".

Sec. 12. G.S. 18B-803(b) and (c) are rewritten to read:

"(b) Bonding of Manager. Each store manager shall be bonded in an amount not less than five thousand dollars (\$5,000), secured by a corporate surety, for the honest performance of his duties. A public employees' blanket position bond, honesty form, in the required amount satisfies the requirements of this subsection. The bond shall be payable to the local board and shall be approved by the appointing authority for the local board.

(c) Bonding of Other Employees. A local board may require any of its other employees who handle funds to obtain bonds. The amount and form of those bonds shall be determined by the local board."

Sec. 13. G.S. 18B-900(a) is amended by adding a new sentence at the end of that subsection to read:

"To avoid undue hardship, however, the Commission may decline to take action under G.S. 18B-104 against a permittee who is in violation of subdivisions (3), (4), or (5)."

Sec. 14. G.S. 18B-900(c)(3) is amended by inserting between the word "corporation" and the semicolon the following:

"except that the requirement of subdivision (a)(1) does not apply to such an officer, director, or stockholder unless he is a manager or is otherwise responsible for the day-to-day operation of the business."

Sec. 15. G.S. 18B-1000 is amended by renumbering subdivisions (2) – (7) as (3) – (8) respectively and adding a new subdivision (2) to read:

"(2) Cooking school. An establishment substantially engaged in the business of operating a school in which cooking techniques are taught for a fee."

Sec. 16. The first sentence of G.S. 18B-1001(5) is rewritten to read:

"An on-premises fortified wine permit authorizes the retail sale of fortified wine for consumption on the premises, either alone or mixed with other beverages, and the retail sale of fortified wine in the manufacturer's original container for consumption off the premises."

Sec. 17. G.S. 18B-1001(11) is amended by changing the period after the word "Hotels" to a semicolon and adding a new sub-subdivision to the first paragraph to read:

"c. Cooking schools."

Sec. 18. G.S. 18B-1005(a) is amended by rewriting that portion of the subsection before subdivision (1) to read:

"(a) Certain Conduct. It shall be unlawful for a permittee or his agent or employee to knowingly allow any of the following kinds of conduct to occur on his licensed premises:".

Sec. 19. G.S. 18B-1005(a)(l) is rewritten to read:

"(1) Any violation of this Chapter;".

Sec. 20. G.S. 18B-1007(b) is amended by rewriting that portion of the subsection before subdivision (1) to read:

"(b) Handling Bottles. It shall be unlawful for a mixed beverages permittee or his agent or employee to do any of the following:".

Sec. 21. G.S. 18B-1112 is rewritten to read:

§ 18B-1112. Authorization of vendor representative permit. — (a) Authorized Acts. The holder of a vendor representative permit may represent an unfortified winery, fortified winery, limited winery, brewery, bottler, importer, nonresident malt beverage vendor, or nonresident wine vendor, either as an employee or an agent, to solicit orders for that commercial permittee's product. The vendor representative may sell, deliver, and ship alcoholic beverages in this State only to permittees to whom the commercial permittee he represents may sell, deliver, or ship.

(b) Number of Permits. A vendor representative shall secure a separate permit for each commercial permittee he represents. A permit may not be issued without the approval of the commercial permittee."

Sec. 22. G.S. 18B-1001(3) is amended by changing the period after the words "Convention centers" to a semicolon and adding a new sub-subdivision to read:

"f. Cooking schools."

Sec. 23. G.S. 18B-1006 is amended by adding a new subsection to read:

"(g) Restrictions on sales at cooking schools. — Retail sales of food or alcoholic beverages to be consumed on the premises of a cooking school are restricted to bona fide enrolled students of that school. Violation of this subsection is a ground for administrative action under G.S. 18B-104."

Sec. 24. This act shall become effective October 1, 1982.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.