

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 141
HOUSE BILL 101

AN ACT TO RAISE THE MINIMUM AGE FOR PURCHASE, POSSESSION AND
CONSUMPTION OF MALT BEVERAGES AND UNFORTIFIED WINE.

Whereas, the Congress of the United States enacted the Surface Transportation Assistance Act of 1982, as amended in 1984 by PL 98-363 which mandated that any State that has not adopted a minimum drinking age of 21 by fiscal year 1987 will lose five percent (5%) of its federal highway funds under the primary, secondary, interstate and urban construction programs; and, in fiscal year 1988 an additional ten percent (10%) will be withheld from those states that still have not adopted the minimum drinking age of 21; and

Whereas, unless by October 1, 1986, North Carolina has adopted a minimum drinking age of 21 it would lose substantial funds which have been paid to the Federal Government by North Carolina citizens; and

Whereas, the General Assembly has no meaningful choice but to change its laws relating to the minimum drinking age; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-300(a) is amended by deleting the number "19" and inserting in its place the number "21".

Sec. 2. G.S. 18B-302(a)(1) and (b)(1) are each amended by deleting the number "19" and inserting in its place the number "21".

Sec. 2.1. G.S. 18B-302 is amended by adding a new subsection to read:

"(i) Purchase or Possession by 19 or 20-year Old. A violation of subdivision (b)(1) of this section by a person who is 19 or 20 years old is an infraction and is punishable by a fine of not more than twenty-five dollars (\$25.00). An infraction is an unlawful act that is not a crime. The procedure for charging and trying an infraction is the same as for a misdemeanor, but conviction of an infraction has no consequence other than payment of a fine. A person convicted of an infraction may not be assessed court costs."

Sec. 3. G.S. 18B-302 is amended by adding a new subsection to read:

"(h) Handling in Course of Employment. Nothing in this section shall be construed to prohibit an underage person from selling, transporting, possessing or dispensing alcoholic beverages in the course of employment, if the employment of the person for that purpose is lawful under applicable youth employment statutes and Commission rules."

Sec. 4. G.S. 20-7(n) is amended by rewriting the numbered lines to read:

"(1) Persons who have not attained the age of 21 years.

(2) Persons who have attained the age of 21 years."

Sec. 5. G.S. 20-37.7(c) is amended by rewriting the numbered lines to read:

"(1) Persons who have not attained the age of 21 years.

(2) Persons who have attained the age of 21 years."

Sec. 6. Sections 1 through 5 of this act shall become effective September 1, 1986. The remainder of this act is effective upon ratification. If the Congress of the United States repeals the mandate established by the Surface Transportation Assistance Act of 1982 relating to National Uniform Drinking Age of 21 as found in Section 6 of Public Law 98-363, or a court of competent jurisdiction declares the provision to be unconstitutional or otherwise invalid, then Sections 1, 2, 2.1, 4 and 5 of this act shall expire upon the certification of the Secretary of State that the federal mandate has been repealed or has been invalidated, and the statutes amended by Sections 1, 2, 2.1, 4 and 5 shall revert to the form they would have without the amendments made by these Sections.

In the General Assembly read three times and ratified, this the 30th day of April, 1985.