HOUSE BILL 322

Short Title:	Limit ABC License Requirements.	(Local)
Sponsors:	Representatives Adcock, Dahle, von Haefen, and Ball (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Alcoholic Beverage Control, if favorable, Local Government, if favorable, Rules, Calendar, and Operations of the House	

March 18, 2021

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE THE REQUIREMENT ON THE TOWN OF CARY TO ISSUE LOCAL ALCOHOLIC BEVERAGE LICENSES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-113.70(a) reads as rewritten:

"(a) Issuance, Qualifications. – Each person who receives an ABC permit shall obtain the corresponding local license, if any, under this Article. All local licenses are issued by the city or county where the establishment for which the license is sought is located. No documentation shall be required of the applicant except as provided in this section. Issuance of a required local license is mandatory if the applicant holds the corresponding ABC permit and provides all of the following: (i) a copy of the most recently completed State application form for an ABC permit exclusive of any attachments, (ii) the ABC permit for visual inspection, and (iii) payment of the prescribed tax. No local license may be issued under this Article until the applicant has received from the ABC Commission the applicable permit for that activity, and no county license may be issued for an establishment located in a city in that county until the applicant has received from the city the applicable license for that ~~activity.~~activity; provided, the city in that county has not declined to require a license pursuant to G.S. 105-113.71(c)."

SECTION 2. G.S. 105-113.71 reads as rewritten:

"**§ 105-113.71. ~~Local government may refuse to issue~~ Nonissuance of license.**

(a) Refusal to Issue. – Notwithstanding G.S. 105-113.70, the governing board of a city or county may refuse to issue a license if it finds that the applicant committed any act or permitted any activity in the preceding year that would be grounds for suspension or revocation of his permit under G.S. 18B-104. Before denying the license, the governing board shall give the applicant an opportunity to appear at a hearing before the board and to offer evidence. The applicant shall be given at least 10 days' notice of the hearing. At the conclusion of the hearing the board shall make written findings of fact based on the evidence at the hearing. The applicant may appeal the denial of a license to the superior court for that county, if notice of appeal is given within 10 days of the denial.

(b) ~~Local~~ Unfortified Wine Exceptions. – The governing bodies of the following counties and cities in their discretion may decline to issue on-premises unfortified wine licenses: the counties of Alamance, Alexander, Ashe, Avery, Chatham, Clay, Duplin, Granville, Greene, Haywood, Jackson, Macon, Madison, McDowell, Montgomery, Nash, Pender, Randolph, Robeson, Sampson, Transylvania, Vance, Watauga, Wilkes, Yadkin; any city within any of those counties; and the cities of Greensboro, Aulander, Pink Hill, and Zebulon.

(c) General Exception. – The governing bodies of the municipalities listed in this subsection may decline requiring a person who receives an ABC permit to obtain the corresponding local license from the municipality to engage in the activity authorized by the ABC permit: the Town of Cary."

SECTION 3. G.S. 105-113.77(a) reads as rewritten:

"(a) License and Tax. – ~~A~~ Except in cities declining to require a license pursuant to G.S. 105-113.71(c), a person holding any of the following retail ABC permits for an establishment located in a city shall obtain from the city a city license for that activity. The annual tax for each license is as stated.

ABC Permit	Tax for Corresponding License
On-premises malt beverage	$15.00
Off-premises malt beverage	5.00
On-premises unfortified wine, on-premises fortified wine, or both	15.00
Off-premises unfortified wine, off-premises fortified wine, or both	10.00"

SECTION 4. This act becomes effective July 1, 2021.