

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

S

1

SENATE BILL 343

Short Title: ABC Law Amendments.

(Public)

Sponsors: Senator Seymour.

Referred to: Alcoholic Beverage Control.

March 28, 1991

A BILL TO BE ENTITLED

AN ACT AMENDING THE ALCOHOLIC BEVERAGE CONTROL LAWS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-301(b) reads as rewritten:

"(b) Possession on Other Property. – It shall be lawful, without an ABC permit, for a person to possess for his personal use and the use of his guests not more than ~~four~~ five liters of fortified wine or spirituous liquor, or ~~four~~ five liters of the two combined, at the following places:

(1) The residence of any other person with that person's consent;

(2) Any other property not primarily used for commercial purposes and not open to the public at the time the alcoholic beverage is possessed, if the owner or other person in charge of the property consents to that possession and consumption;

(3) An establishment with a brown-bagging permit as defined in G.S. 18B-1001(7)."

Sec. 2. G.S. 18B-702 is amended by adding a new subsection to read:

"(f) Applicability of Criminal Statutes. – The provisions of G.S. 14-90 and G.S. 14-254 shall apply to any person appointed to or employed by a local board, and any person convicted of a violation of G.S. 14-90 or G.S. 14-254 shall be punished as a Class H felon."

Sec. 3. G.S. 18B-805(e) reads as rewritten:

"(e) Other Distributions. – After making the distributions provided in subsections (b), (c), and (d), the local board shall pay each quarter the remaining gross receipts to the general fund of the city or county for which the board is established, unless some

1 other distribution or some other schedule is provided for by law. If the governing body
2 of each city and county receiving revenue from an ABC system agrees, and if the
3 Commission approves, those governing bodies may alter at any time the distribution ~~to~~
4 ~~be made under this subsection.~~ the local governing bodies receive under this subsection or
5 under any local act in lieu of the distributions provided for in this subsection. No
6 agreement between governing bodies shall, however, alter any distributions designated
7 by any local act to any other entity such as a school board, library, or hospital unless
8 that entity receiving funds agrees to a change in their distribution. If any one of the
9 governing bodies later withdraws its consent to the change in distribution, profits shall
10 be distributed according to the original formula, beginning with the next quarter."

11 Sec. 4. G.S. 18B-904 is amended by adding a new subsection to read:

12 "(f) Local Government Objections. – In any hearing in which the suitability of a
13 location or applicant is an issue, a local government official may be designated by the
14 local governing authority to make recommendations pursuant to G.S. 18B-901(b) and
15 may testify at the hearing without further qualification or authorization."

16 Sec. 5. G.S. 18B-1001(5) reads as rewritten:

17 "(5) On-Premises Fortified Wine Permit. – An on-premises fortified wine
18 permit authorizes the retail sale of fortified wine for consumption on
19 the premises, either alone or mixed with other beverages, and the retail
20 sale of fortified wine in the manufacturer's original container for
21 consumption off the premises. The permit may be issued for any of the
22 following:

- 23 a. Restaurants;
- 24 b. Hotels;
- 25 c. Private clubs;
- 26 d. Community theatres;
- 27 e. ~~Winery.~~ Wineries;
- 28 f. Convention centers."

29 Sec. 6. G.S. 18B-1001(7) reads as rewritten:

30 "(7) Brown-bagging Permit. – A brown-bagging permit authorizes each
31 individual patron of an establishment, with the permission of the
32 permittee, to bring up to ~~four~~ five liters of fortified wine or spirituous
33 liquor, or ~~four~~ five liters of the two combined, onto the premises and to
34 consume those alcoholic beverages on the premises. The permit may
35 be issued for any of the following:

- 36 a. Restaurants;
- 37 b. Hotels;
- 38 c. Private clubs;
- 39 d. Community theaters;
- 40 e. Congressionally-chartered veterans organizations."

41 Sec. 7. G.S. 18B-1006(b) reads as rewritten:

42 "(b) Lockers at Clubs. – A private club or congressionally-chartered veterans
43 organization which has been issued a brown-bagging permit may, but is not required to,
44 provide lockers for its members to store their alcoholic beverages. If lockers are

1 provided, however, they shall not be shared but shall be for individual members. Each
2 locker and each bottle of alcoholic beverages on the premises shall be labelled with the
3 name of the member to whom it belongs. No more than ~~four~~ five liters each of malt
4 beverages or unfortified wine may be stored by a member at one time. No more than
5 ~~four~~ five liters of either fortified wine or spirituous liquor, or ~~four~~ five liters of the two
6 combined, may be stored by a member at one time."

7 Sec. 8. G.S. 18B-1109(a) reads as rewritten:

8 "(a) Authorization. – The holder of a malt beverages wholesaler permit may:

- 9 (1) Receive, possess and transport shipments of malt beverages;
- 10 (2) Sell, deliver and ship, in closed containers and in quantities of one case
11 or container or more, malt beverages of any brand filed pursuant to
12 ~~subsection (b),~~ G.S. 18B-1303(a), to wholesalers or retailers licensed
13 under this Chapter, as authorized by the ABC laws;
- 14 (3) Furnish and sell malt beverages filed pursuant to ~~subsection (b)~~ G.S.
15 18B-1303(a) to its employees subject to the rules of the Commission
16 and the Department of Revenue;
- 17 (4) In locations where the sale is legal, furnish malt beverages of any
18 brand filed pursuant to ~~subsection (b)~~ G.S. 18B-1303(a) to guests and
19 any other person who does not hold an ABC permit, for promotional
20 purposes, subject to the rules of the Commission."

21 Sec. 9. G.S. 18B-1303(a) reads as rewritten:

22 "(a) Filing. – It is unlawful for a supplier to provide malt beverages to a
23 wholesaler unless a distribution agreement has been filed with the Commission
24 describing the brands of the supplier which the wholesaler is authorized to sell and the
25 territory in which such sales may take place. If the supplier sells several brands, the
26 agreement need not apply to all brands. No supplier may provide by a distribution
27 agreement for the distribution of a brand to more than one wholesaler for the same
28 territory. A wholesaler shall not distribute any brand of malt beverage to a retailer
29 whose premises are located outside the territory specified in the wholesaler's
30 distribution agreement for that brand. A wholesaler may, however, with the approval of
31 the Commission distribute malt beverages outside his designated territory during
32 periods of temporary service interruption when requested to do so by the supplier and
33 the wholesaler whose service is interrupted."

34 Sec. 10. This act is effective upon ratification.