

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 790

Short Title: ABC Purchase-Possess. Limit Up.

(Public)

Sponsors: Senator Seymour.

Referred to: Economic Development.

April 12, 1993

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE AMOUNT OF ALCOHOLIC BEVERAGES A
PERSON MAY PURCHASE AND POSSESS WITHOUT A PERMIT.

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 ~~five~~ eight liters of fortified wine or spirituous liquor, or ~~five-eight~~ eight 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-303(a) reads as rewritten:

"(a) Purchases Allowed. – Without a permit, a person may purchase at one time:

- (1) Not more than 80 liters of malt beverages, other than draft malt beverages in kegs;
- (2) Any amount of draft malt beverages in kegs;
- (3) Not more than 20 liters of unfortified wine;
- (4) Not more than ~~five-eight~~ eight liters of either fortified wine or spirituous liquor, or ~~five-eight~~ eight liters of the two combined."

1 Sec. 3. G.S. 18B-304(b) reads as rewritten:

2 "(b) **Prima Facie** Evidence. – Possession of the following amounts of alcoholic
3 beverages, without a permit authorizing that possession, shall be **prima facie** evidence
4 that the possessor is possessing those alcoholic beverages for sale:

- 5 (1) More than 80 liters of malt beverages, other than draft malt beverages
6 in kegs;
7 (2) More than ~~five~~eight liters of spirituous liquor; or
8 (3) Any amount of nontaxpaid alcoholic beverages."

9 Sec. 4. G.S. 18B-401(b) reads as rewritten:

10 "(b) Taxis. – It shall be unlawful for a person operating a for-hire passenger
11 vehicle as defined in G.S. 20-4.01(27)b, to transport fortified wine or spirituous liquor
12 unless the vehicle is transporting a paying passenger who owns the alcoholic beverage
13 being transported. Not more than ~~five~~eight liters of fortified wine or spirituous liquor,
14 or combination of the two, may be transported by each passenger. A violation of this
15 subsection shall not be grounds for suspension of the driver's license for illegal
16 transportation of intoxicating liquors under G.S. 20-16(a)(8)."

17 Sec. 5. G.S. 18B-1001 reads as rewritten:

18 "**§ 18B-1001. Kinds of ABC permits; places eligible.**

19 When the issuance of the permit is lawful in the jurisdiction in which the premises is
20 located, the Commission may issue the following kinds of permits:

21 (1) On-Premises Malt Beverage Permit. – An on-premises malt beverage
22 permit authorizes the retail sale of malt beverages for consumption on
23 the premises and the retail sale of malt beverages in the manufacturer's
24 original container for consumption off the premises. The permit may
25 be issued for any of the following:

- 26 a. Restaurants;
27 b. Hotels;
28 c. Eating establishments;
29 d. Food businesses;
30 e. Retail businesses;
31 f. Private clubs;
32 g. Convention centers;
33 h. Community theatres.

34 The permit may also be issued to certain breweries as authorized by
35 G.S. 18B-1104(7).

36 (2) Off-Premises Malt Beverage Permit. – An off-premises malt beverage
37 permit authorizes the retail sale of malt beverages in the
38 manufacturer's original container for consumption off the premises.
39 The permit may be issued for any of the following:

- 40 a. Restaurants;
41 b. Hotels;
42 c. Eating establishments;
43 d. Food businesses;
44 e. Retail businesses.

- 1 (3) On-Premises Unfortified Wine Permit. – An on-premises unfortified
2 wine permit authorizes the retail sale of unfortified wine for
3 consumption on the premises, either alone or mixed with other
4 beverages, and the retail sale of unfortified wine in the manufacturer's
5 original container for consumption off the premises. The permit may
6 be issued for any of the following:
7 a. Restaurants;
8 b. Hotels;
9 c. Eating establishments;
10 d. Private clubs;
11 e. Convention centers;
12 f. Cooking schools;
13 g. Community theatres[;]
14 h. Winery.
- 15 (4) Off-Premises Unfortified Wine Permit. – An off-premises unfortified
16 wine permit authorizes the retail sale of unfortified wine in the
17 manufacturer's original container for consumption off the premises.
18 The permit may be issued for retail businesses. The permit may also
19 be issued for a winery for sale of its own unfortified wine.
- 20 (5) On-Premises Fortified Wine Permit. – An on-premises fortified wine
21 permit authorizes the retail sale of fortified wine for consumption on
22 the premises, either alone or mixed with other beverages, and the retail
23 sale of fortified wine in the manufacturer's original container for
24 consumption off the premises. The permit may be issued for any of
25 the following:
26 a. Restaurants;
27 b. Hotels;
28 c. Private clubs;
29 d. Community theatres[;]
30 e. Wineries;
31 f. Convention centers.
- 32 (6) Off-Premises Fortified Wine Permit. – An off-premises fortified wine
33 permit shall authorize the retail sale of fortified wine in the
34 manufacturer's original container for consumption off the premises.
35 The permit may be issued for food businesses. The permit may also be
36 issued for a winery for sale of its own fortified wine.
- 37 (7) Brown-Bagging Permit. – A brown-bagging permit authorizes each
38 individual patron of an establishment, with the permission of the
39 permittee, to bring up to ~~five~~eight liters of fortified wine or spirituous
40 liquor, or ~~five~~eight liters of the two combined, onto the premises and
41 to consume those alcoholic beverages on the premises. The permit
42 may be issued for any of the following:
43 a. Restaurants;
44 b. Hotels;

- 1 c. Private clubs;
- 2 d. Community theaters;
- 3 e. Congressionally-chartered veterans organizations.
- 4 (8) Special Occasion Permit. – A special occasion permit authorizes the
- 5 host of a reception, party or other special occasion, with the permission
- 6 of the permittee, to bring fortified wine and spirituous liquor onto the
- 7 premises of the business and to serve the same to his guests. The
- 8 permit may be issued for any of the following:
- 9 a. Restaurants;
- 10 b. Hotels;
- 11 c. Eating establishments;
- 12 d. Private clubs;
- 13 e. Convention centers.
- 14 (9) Limited Special Occasion Permit. – A limited special occasion permit
- 15 authorizes the permittee to bring fortified wine and spirituous liquor
- 16 onto the premises of a business, with the permission of the owner of
- 17 that property, and to serve those alcoholic beverages to the permittee's
- 18 guests at a reception, party, or other special occasion being held there.
- 19 The permit may be issued to any individual other than the owner or
- 20 possessor of the premises. An applicant for a limited special occasion
- 21 permit shall have the written permission of the owner or possessor of
- 22 the property on which the special occasion is to be held.
- 23 (10) Mixed Beverages Permit. – A mixed beverages permit authorizes the
- 24 retail sale of mixed beverages for consumption on the premises. The
- 25 permit also authorizes a mixed beverages permittee to obtain a
- 26 purchase-transportation permit under G.S. 18B-403 and 18B-404, and
- 27 to use for culinary purposes spirituous liquor lawfully purchased for
- 28 use in mixed beverages. The permit may be issued for any of the
- 29 following:
- 30 a. Restaurants;
- 31 b. Hotels;
- 32 c. Private clubs;
- 33 d. Convention centers;
- 34 e. Community theatres;
- 35 f. Nonprofit and political organizations.
- 36 (11) Culinary Permit. – A culinary permit authorizes a permittee to possess
- 37 up to 12 liters of either fortified wine or spirituous liquor, or 12 liters
- 38 of the two combined, in the kitchen of a business and to use those
- 39 alcoholic beverages for culinary purposes. The permit may be issued
- 40 for either of the following:
- 41 a. Restaurants;
- 42 b. Hotels.
- 43 c. Cooking schools.

1 A culinary permit may also be issued to a catering service to allow the
2 possession of the amount of fortified wine and spirituous liquor stated
3 above at the business location of that service and at the cooking site.
4 The permit shall also authorize the caterer to transport those alcoholic
5 beverages to and from the business location and the cooking site, and
6 use them in cooking.

7 (12) Mixed Beverages Catering Permit. – A mixed beverages catering
8 permit authorizes a hotel or a restaurant that has a mixed beverages
9 permit to bring spirituous liquor onto the premises where the hotel or
10 restaurant is catering food for an event and to serve the liquor to guests
11 at the event.

12 (13) Guest Room Cabinet Permit. – A guest room cabinet permit authorizes
13 a hotel having a mixed beverages permit to sell to its room guests,
14 from securely locked cabinets, malt beverages, unfortified wine,
15 fortified wine, and spirituous liquor. A permittee shall designate and
16 maintain at least ten percent (10%) of the permittee's guest rooms as
17 rooms that do not have a guest room cabinet. A permittee may
18 dispense alcoholic beverages from a guest room cabinet only in
19 accordance with written policies and procedures filed with and
20 approved by the Commission. A permittee shall provide a reasonable
21 number of vending machines, coolers, or similar machines on premises
22 for the sale of soft drinks to hotel guests.

23 A guest room cabinet permit may be issued for any of the following:

- 24 a. A hotel located in a county subject to G.S. 18B-600(f).
25 b. A hotel located in a county that has a population in excess of
26 150,000 by the last federal census."

27 Sec. 6. G.S. 18B-1115(a) reads as rewritten:

28 "(a) Permit Required. – Unless a person holds a permit which otherwise allows
29 him to transport more than 80 liters of malt beverages other than draft malt beverages in
30 kegs, 20 liters of unfortified wine, or ~~five-eight~~ eight liters of fortified wine or spirituous
31 liquor, or is a retailer authorized to transport alcoholic beverages under G.S. 18B-405,
32 each person transporting alcoholic beverages in excess of those quantities shall have the
33 permit described in this section."

34 Sec. 7. This act becomes effective July 1, 1993.