

14B NCAC 15A .1405 RECORDS REQUIRED

(a) A record of all orders, receipts, invoices, and payments shall be maintained by local boards and be available for inspection by any representative of the Commission during the local board's normal business hours.

(b) Local boards shall retain the following records for the length of time specified in this Paragraph:

- (1) sales report until the annual audit is completed;
- (2) warehouse report for one year;
- (3) daily store report until the annual audit is completed;
- (4) stock difference report for three years;
- (5) receiving report until the annual audit is completed;
- (6) clerk's daily sales and cash report until the annual audit is completed;
- (7) paid invoices for three years;
- (8) loss and damage claim records for three years; and
- (9) required records pursuant to 14B NCAC 15A .1903 and 14B NCAC 15B .0501 related to the sale of mixed beverages for three years.

*History Note: Authority G.S. 18B-100; 18B-203(a)(4); 18B-205; 18B-207; 18B-702(s), (u);
Eff. January 1, 1982;
Amended Eff. May 1, 1984;
Transferred and Recodified from 04 NCAC 02R .1406 Eff. August 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015;
Amended Eff. March 1, 2021; December 1, 2019.*

14B NCAC 15A .1802 MIXED BEVERAGES PERMIT/INVOICE FORM

(a) A local board in a jurisdiction where the sale of mixed beverages is lawful shall provide to a mixed beverages permittee purchasing spirituous liquor for resale in mixed beverages a Purchase-Transportation Permit/Invoice Form for every purchase of spirituous liquor by the permittee.

(b) Each Purchase-Transportation Permit/Invoice Form shall be printed in duplicate and shall show on the face of the form the information required by 14B NCAC 15B .0501. The local board shall retain one copy in its permanent records for a period of three years and shall give one copy of the Form to the mixed beverages permittee, or the mixed beverages permittee's designated employee or independent contractor, to accompany the spirituous liquor during transport.

*History Note: Authority G.S. 18B-100; 18B-205(b); 18B-207; 18B-404(b); 18B-807;
Eff. January 1, 1982;
Amended Eff. November 1, 2010; May 1, 1984;
Transferred and Recodified from 04 NCAC 02R .1802 Eff. August 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015;
Amended Eff. March 1, 2021.*

14B NCAC 15A .1903 DELIVERY OF MIXED BEVERAGES PERMITTEE ORDERS

(a) A local board's employee or independent contractor may deliver spirituous liquor purchased by a mixed beverage permittee to the permittee's licensed premises if all of the following conditions are met:

- (1) the mixed beverages permittee paid the local board for the spirituous liquor prior to transportation to the mixed beverage permittee;
- (2) alcoholic beverages are transported from the place of purchase to the permitted premises;
- (3) deliveries are made by 9:30 p.m. on the date of purchase;
- (4) a copy of the Purchase-Transportation/Invoice Form for the alcoholic beverages being transported is in the possession of the individual during transportation and shall be provided to the mixed beverages permittee at the time of delivery;
- (5) the local board's employee or independent contractor obtains a signed acknowledgment of receipt of the alcoholic beverages delivered from the mixed beverages permittee and shall return a copy of the signed acknowledgement to the local board. The local board shall retain a copy of the signed acknowledgement of receipt pursuant to 14B NCAC 15A .1405(b)(9); and
- (6) the local board is liable for any damage, breakage or theft of the alcoholic beverages being transported until possession is acknowledged by the mixed beverages permittee.

(b) A local board may contract with an independent contractor to provide delivery of spirituous liquor from an ABC store or the local board's warehouse to a mixed beverages permittee if all of the following conditions are met:

- (1) the local board enters into a written contract with the independent contractor;
- (2) the independent contractor furnishes proof to the local board that the independent contractor is a motor vehicle carrier with a surety bond in compliance with G.S. 18B-1115(d) and (e);
- (3) the contract may be terminated at will by either party without cause;
- (4) the independent contractor maintains in force an indemnity and fidelity insurance policy with the local board named as an additional insured in an amount sufficient to insure the value of the alcoholic beverages to be delivered by the independent contractor on the behalf of the local board; and
- (5) the independent contractor remains in compliance with this Rule.

(c) An independent contractor may deliver spirituous liquor to a mixed beverages permittee pursuant to a contract with a local board if all of the following conditions are met:

- (1) the local board issues a purchase-transportation permit to the independent contractor pursuant to G.S. 18B-403 for the spirituous liquor to be delivered; and
- (2) the independent contractor assumes liability for any damage, breakage, or theft of the spirituous liquor to be delivered from the time possession is taken by the independent contractor from the local board until delivery of the spirituous liquor is acknowledged by the mixed beverages permittee that purchased the spirituous liquor.

(d) A local board may charge a mixed beverages permittee any amount of a fee for the delivery of spirituous liquor to a mixed beverages permittee by an employee of the local board. In determining the amount of the fee to be charged for the delivery of spirituous liquor to a mixed beverages permittee by an employee of the local board, the local board shall set the fee structure or rate at a public meeting. In setting the delivery fee structure or rate, the local board shall specify what cost factors the local board considered in determining the fee structure or rate.

(e) If a local board uses an independent contractor to deliver spirituous liquor to a mixed beverages permittee, the local board shall charge a mixed beverages permittee any amount of a fee for the delivery, provided that the amount of the fee covers at a minimum the actual amount paid by the local board to the independent contractor for the delivery. The fee charged pursuant to this Paragraph shall be set in accordance with Paragraph (d) of this Rule.

History Note: Authority G.S. 18B-100; 18B-207; 18B-701(a)(1) and (2); S.L. 2019-182, s. 25.(b); Eff. March 1, 2021.

14B NCAC 15A .1904 TRANSPORT OF MIXED BEVERAGES PERMITTEE ORDERS

(a) A mixed beverages permittee may contract with an independent contractor to transport alcoholic beverages purchased by the mixed beverages permittee from a local board or from a wine wholesaler to the licensed premises of the mixed beverages permittee if all of the following conditions are met:

- (1) the mixed beverages permittee enters into a written contract with the independent contractor;
- (2) the independent contractor furnishes proof to the mixed beverages permittee that the independent contractor is a motor vehicle carrier with a surety bond in compliance with G.S. 18B-1115(d) and (e);
- (3) the mixed beverages permittee furnishes the local board with a copy of the mixed beverages permittee's contract with the independent contractor. The mixed beverages permittee shall notify the local board within two business days of the termination of any contract the mixed beverages permittee previously had with an independent contractor pursuant to this Rule; and
- (4) the independent contractor remains in compliance with this Rule.

(b) A mixed beverages permittee may authorize an independent contractor to transport alcoholic beverages on behalf of the mixed beverages permittee from a local board or a wine wholesaler if all of the following conditions are met:

- (1) the independent contractor has in its possession a copy of the executed contract with the mixed beverages permittee at the time the independent contractor receives and possesses alcoholic beverages on behalf of the mixed beverages permittee from a local board or a wine wholesaler;
- (2) the independent contractor possesses a purchase-transportation permit issued by the local board to the independent contractor pursuant to G.S. 18B-403 for the alcoholic beverages to be delivered;
- (3) the independent contractor possesses a copy of the Purchase-Transportation/Invoice Form for the alcoholic beverages being transported during transportation to the mixed beverages permittee that shows the independent contractor as the agent for the mixed beverages permittee;
- (4) the mixed beverages permittee signs an acknowledgment of receipt of the spirituous liquor delivered and a copy of the signed acknowledgement is returned by the mixed beverages permittee to the local board within two business days of the date of the delivery for retention by the local board;
- (5) the mixed beverages permittee assumes liability for any damage, breakage, or theft of the spirituous liquor to be transported from the time possession is taken by the independent contractor from the local board until delivery of the spirituous liquor to the mixed beverages permittee; and
- (6) the mixed beverages permittee may by contract require the independent contractor to assume liability and maintain in force an indemnity and fidelity insurance policy with the mixed beverages permittee named as an additional insured in an amount sufficient to insure the value of the alcoholic beverages to be delivered by the independent contractor on the behalf of the mixed beverages permittee. The policy may include coverage for any damage, breakage, or theft of the alcoholic beverages to be delivered from the time possession is taken by the independent contractor from the local board or wine wholesaler until delivery of the alcoholic beverages is acknowledged by the mixed beverages permittee that purchased the alcoholic beverages.

History Note: Authority G.S. 18B-100; 18B-207; 18B-701(a)(1) and (2); S.L. 2019-182, s. 25.(b); Eff. March 1, 2021.

SECTION .0500 - ADDITIONAL REQUIREMENTS FOR MIXED BEVERAGES PERMITTEES

14B NCAC 15B .0501 PURCHASE TRANSPORTATION PERMIT/ INVOICE FORM

(a) A mixed beverages permittee, or a mixed beverages permittee's designated employee or independent contractor, shall obtain a Purchase-Transportation Permit/Invoice form from the ABC store designated by the local board as the place where spirituous liquor will be sold to mixed beverages permittees.

(b) A Purchase-Transportation Permit/Invoice form shall be completed by the local board and contain the following:

- (1) the permittee's name;
- (2) the trade name, address, and telephone number of the permittee's licensed premises;
- (3) the permittee's Mixed Beverages Permit number;
- (4) the name and driver's license number of person or persons authorized to purchase and transport spirituous liquor;
- (5) the number and location of ABC store where purchase is to be made;
- (6) the permittee's transaction or order number;
- (7) the date of transaction;
- (8) the address of the destination of the spirituous liquor;
- (9) the brand, quantity, size and item code number of each spirituous liquor container purchased and transported, including the serial number of each complete case or carton sold;
- (10) the signatures of persons issuing and receiving permit/invoice form;
- (11) the retail price per container;
- (12) the mixed beverages surcharge per container;
- (13) the total price per container;
- (14) the total cost of transaction; and
- (15) the date of order, date of purchase, and expiration date of the permit/invoice form.

(c) The Purchase-Transportation Permit/Invoice form shall be retained by the permittee for three years.

(d) The destination for the spirituous liquor being transported pursuant to a Purchase-Transportation Permit/Invoice form shall be the address of the permittee's licensed premises.

*History Note: Authority G.S. 18B-100; 18B-207; 18B-404;
Eff. January 1, 1982;
Amended Eff. July 1, 1992; May 1, 1984;
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