

14B NCAC 15A .0104 PAYMENT OF FEES AND FINES

- (a) Payment of fees and fines owed to the Commission may be paid by certified check, cashier's check, money order, electronic payment, or Discover, Mastercard, or Visa credit cards. However, payments for permit renewals for more than nine locations shall not be made by credit card.
- (b) Credit card and electronic payments may be made online through the Commission's website.
- (c) All payments shall be made payable to the North Carolina ABC Commission.

*History Note: Authority G.S. 18B-100; 18B-104; 18B-206; 18B-207; 18B-902; 18B-903;
Eff. July 1, 2018.*

14B NCAC 15B .0102 APPLICATIONS FOR PERMITS: GENERAL PROVISIONS

(a) Application forms for all ABC permits may be obtained from the North Carolina Alcoholic Beverage Control Commission's office or website as set forth in 14B NCAC 15A .0102.

(b) An applicant operating noncontiguous buildings or structures, except as permitted pursuant to G.S. 18B-1120, or businesses with separate trade names, shall obtain and hold separate permits for each building or business for which he or she wants permits, and shall pay the application fees as set forth in G.S. 18B-902(d). If the applicant requests a single permit for a business that is operated in contiguous buildings or structures over which the applicant has exclusive control over the buildings and the space between buildings, the Commission shall determine if the business is operating as a single business with the same operating scheme and purpose. If so, the Commission shall issue a single permit for the business.

(c) Each individual required to qualify for an ABC permit under G.S. 18B-900(c) shall file a written application with the Commission and in the application shall state, under oath, the following information:

- (1) the name, address, email address, last four digits of social security number, and telephone number(s) of the applicant;
- (2) the name of the business and whether the business is a sole proprietorship, corporation, limited liability company, or partnership;
- (3) the mailing address and location address of the business for which a permit is desired, and the county, and city if applicable, where the business is located;
- (4) the trade name of business;
- (5) the applicant's date of birth;
- (6) if the business is a corporation or limited liability company, the name and address of the person authorized to accept service of process under G.S. 1A, Rule 4(j) of Commission notices or orders;
- (7) if the applicant is a non-resident, the name and address of a resident of this State appointed as the applicant's attorney-in-fact in accordance with Chapter 32C of the General Statutes for purposes of G.S. 18B-900(a)(2)b.;
- (8) an actual diagram of the premises showing:
 - (A) the entrances and exits;
 - (B) the storage area for alcoholic beverages;
 - (C) the locations where alcoholic beverages will be served or consumed; and
 - (D) the exterior areas under lease, authority, or control of the applicant;
- (9) that the applicant is the actual owner or lessee of the premises, or controls the premises pursuant to a management agreement to operate the premises with the actual owner or lessee, where a permit is sought;
- (10) that the applicant is an actual resident of the State of North Carolina or, as a non-resident, has appointed, by a power of attorney, a resident manager, who is an actual resident of this State, to serve as attorney-in-fact who will manage the business and accept service of process and official Commission notices or orders; and
- (11) that the applicant is in compliance with G.S. 18B-900(a)(3) through (8).

(d) The following documents completed, signed, notarized, and recorded, as applicable, shall be attached to and submitted with an application, and shall be incorporated as part of the application:

- (1) a Zoning and Compliance Form signed by the appropriate officials pursuant to G.S. 18B-901(c);
- (2) for applicants for retail permits, a Proof of Alcohol Seller/Server Training Form containing the applicant's name, business name, address, and telephone number, and a certification of completion of an approved Alcohol Seller/Server training class with training date issued by the approved course provider unique to the applicant;
- (3) the fingerprint card, Authority for Release of Information Form, and certified check, cashier's check, money order, electronic payment, or credit card payment made payable to the North Carolina ABC Commission in the amount of thirty-eight dollars (\$38.00) for payment of a state and national fingerprint based check pursuant to 14B NCAC 18B .0405, which is incorporated herein by reference, including subsequent amendments and editions;
- (4) payment of applicable permit fees as authorized in 14B NCAC 15A .0104;
- (5) a certified copy of any recorded power of attorney registered in the county where the proposed licensed premises is located;
- (6) a Recycling Compliance Form for on-premise malt beverage, fortified wine, unfortified wine, and mixed beverage permits only;

- (7) for corporations not already holding a permit in this State, a copy of the Articles of Incorporation and notarized corporate certification of shareholders holding 25 percent or more of the shares of the corporation;
- (8) for limited liability companies not already holding a permit in this State, a copy of Articles of Organization and notarized organizational certification of members owning 25 percent or more interest in the company. Additionally, if manager managed, a copy of the Operating Agreement;
- (9) a black and white copy of applicant's current photo identification;
- (10) a copy or memorandum of the lease showing the applicant as tenant, a copy of the deed showing the applicant as the grantee or owner, or a copy of a management agreement with the owner or lessee of the permitted property showing the applicant has the authority to operate the business at the permitted location;
- (11) a diagram of the premises including the details required pursuant to Subparagraph (c)(8) of this Rule; and
- (12) a Federal Employer Identification/Social Security Number Verification Form.

*History Note: Authority 18B-100; 18B-207; 18B-900; 18B-901; 18B-902; 18B-903;
Eff. January 1, 1982;
Amended Eff. January 1, 2011; July 1, 1992; May 1, 1984;
Temporary Amendment Eff. October 25, 2013;
Amended Eff. September 1, 2014;
Transferred and Recodified from 04 NCAC 02S .0102 Eff. August 1, 2015;
Recodified Paragraphs (c)-(l) to 14B NCAC 15B .0103 Eff. July 1, 2018;
Readopted Eff. July 1, 2018.*

14B NCAC 15B .0103 ADDITIONAL PERMIT LIMITATIONS AND REQUIREMENTS

(a) No permit for the possession, sale, or consumption of alcoholic beverages shall be issued to any establishment when there are living quarters in or connected to the premises being permitted, and no permittee shall establish or maintain living quarters in or connected to the permittee's licensed premises.

(b) No permit for the on-premises possession, sale, or consumption of alcoholic beverages shall be issued to any establishment unless there are two restrooms in working order on the premises. The Commission shall waive the two-restroom requirement upon a showing by the permittee that it is not possible to have a second restroom in the existing premises due to building restrictions under historical preservation or zoning laws, or building or fire codes.

(c) In determining the areas where alcoholic beverages may be sold and consumed, the Commission shall consider the convenience of the permittee and patrons, allowing the maximum use of the premises consistent with the control of the sale and consumption of alcoholic beverages. Consumption shall not be allowed in areas open to the general public other than patrons. To be approved, any premises shall have delineated vertical boundaries that the consumer would recognize as indicating the boundaries that physically separate areas where consumption is allowed from areas open to the general public other than patrons.

(d) The sale and delivery of alcoholic beverages by permitted retail outlets located on fairgrounds, golf courses, ball parks, race tracks, and other similar public places are restricted to an enclosed establishment in a designated place. No alcoholic beverages shall be sold, served, or delivered by these outlets outside the enclosed establishment, nor in grandstands, stadiums, or bleachers at public gatherings, except as provided in Paragraph (g) of this Rule. As used in this Paragraph, the term "enclosed establishment" includes a temporary structure or structures constructed and used for the purpose of dispensing food and beverages at events to be held on fairgrounds, golf courses, ball parks, race tracks, and other similar places. Sales of alcoholic beverages may be made in box seats only under the following conditions:

- (1) table service of food and non-alcoholic beverages are available to patrons in box seats;
- (2) no alcoholic beverages are delivered to the box seats area until after orders have been taken; and
- (3) box seat areas have been designated as part of the permittee's premises on a diagram submitted by the permittee, and the Commission has granted written approval of alcoholic beverage sales in these seating areas.

(e) If one permittee has more than one location within a single terminal of an airport boarding at least 150,000 passengers annually and that permittee leases space from the airport authority, the permittee in such a situation may:

- (1) obtain a single permit for all its locations in the terminal;
- (2) use one central facility for storing the alcoholic beverages it sells at its locations; and
- (3) pool the gross receipts from all its locations for determining whether it meets the requirements of G.S. 18B-1000(6) and 14B NCAC 15B .0514.

(f) Unless the business otherwise qualifies as a wine shop primarily engaged in selling wines for off-premise consumption, a food business qualifies for an off-premise fortified wine permit only if it maintains an inventory of staple foods worth at least one thousand five hundred dollars (\$1,500) at retail value. Staple foods include meat, poultry, fish, bread, cereals, vegetables, fruits, vegetable and fruit juices, and dairy products. Staple foods do not include coffee, tea, cocoa, soft drinks, candy, condiments, and baked goods ingredients, except for ingredients also listed as staple foods in this Paragraph.

(g) Notwithstanding Paragraph (d) of this Rule, holders of a retail permit pursuant to G.S. 18B-1001(1) may have in-stand sales pursuant to G.S. 18B-1009, provided that:

- (1) the permittee or the permittee's employee shall not wear or display alcoholic beverage branded advertising;
- (2) the permittee or the permittee's employee shall not use branded carrying trays, coolers, or other equipment to transport malt beverage products;
- (3) the permittee or the permittee's employee may display the malt beverage product names and prices provided that all of the product names are displayed with the same font size and font style; and
- (4) in-stand sales shall cease, whichever is earlier, upon the cessation of other malt beverage sales otherwise in the sports facility or upon the commencement of:
 - (A) the eighth inning during baseball games. However, if a single ticket allows entry to more than one baseball game, then the eighth inning of the final game;
 - (B) the fourth quarter during football and basketball games;
 - (C) the sixtieth minute during soccer games;
 - (D) the third period during hockey games;
 - (E) the final 25 percent of the distance scheduled for automotive races; and
 - (F) the final hour of the anticipated conclusion of a contest or event for all other events.

*History Note: Authority G.S. 18B-100; 18B-207; 18B-900; 18B-901; 18B-902; 18B-903; 18B-1000(3); 18B-1001; 18B-1008; 18B-1009;
Existing rule text was recodified to 14B NCAC 15B .0109, and current rule text was transferred from 14B NCAC 15B .0102(c)-(l) Eff. July 1, 2018;
Readopted Eff. July 1, 2018.*

14B NCAC 15B .0109 CORPORATIONS HOLDING PERMITS

Any corporation holding an ABC permit in this State that seeks permits for any additional business location shall have the manager of the new location file the appropriate application and fee, and qualify under G.S. 18B-900(a).

*History Note: Authority G.S. 18B-100; 18B-207; 18B-900; 18B-902(a); 18B-903(d);
Eff. January 1, 1982;
Amended Eff. July 1, 1992; May 1, 1984;
Transferred and Recodified from 04 NCAC 02S .0103 Eff. August 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20,
2016;
Recodified from 14B NCAC 15B .0103 Eff. July 1, 2018.*

14B NCAC 15B .0113 ALCOHOL SELLER/SERVER TRAINING

(a) All applicants applying for retail ABC permits shall submit as part of the application proof of responsible alcohol seller/server training prior to obtaining an ABC permit.

(b) The Commission shall accept documentation provided by an approved course provider or approved corporate, partnership, or limited liability company business permittee, such as a certificate of training or transcript. In the event the approved course provider did not issue a document reflecting completion of training, the applicant may have the course provider sign a form provided by the ABC Commission attesting to completion of this training.

(c) Minimum course content requirements for an approved responsible alcohol seller/server training course shall include North Carolina-specific laws including:

- (1) age requirements for possessing, purchasing, and consuming alcoholic beverages;
- (2) age requirements for selling and serving alcoholic beverages;
- (3) acceptable forms of identification;
- (4) methods to detect fake, altered, and imposter forms of identification;
- (5) State Dram Shop laws;
- (6) sales to intoxicated persons, including:
 - (A) penalties;
 - (B) prevention;
 - (C) typical signs of intoxication; and
 - (D) methods of detecting intoxication in customers;
- (7) sales to underage persons, including:
 - (A) penalties;
 - (B) prevention; and
 - (C) methods of identifying potentially underage customers;
- (8) hours of sale and consumption, including clearing of tables;
- (9) prohibited conduct on the ABC licensed premises, including:
 - (A) drug use; and
 - (B) gambling; and
- (10) amounts of alcohol that may be purchased by customers in accordance with G.S. 18B-303.

(d) Responsible alcohol seller/server training courses and providers shall be approved by the Commission before a certificate of training or transcript will be accepted by the Commission for purposes of this Rule. A person seeking to become an approved vendor for alcohol education in North Carolina and a business permittee that provides training for its own employees shall submit the course provider's name, mailing, physical and email addresses, telephone numbers and the contract person's name and contact information, together with a copy of its responsible alcohol seller/server training program course content, to the Commission for approval. The Commission shall approve courses and providers that meet the minimum course content requirements set forth in Paragraph (c) of this Rule. Course approval shall be valid for three years. A course provider's course content shall be submitted to the Commission for approval at least once every three years in order to maintain approved status.

(e) An approved course provider shall update their responsible alcohol seller/server training course content within 30 days of notice from the Commission to the course provider of changes needed in the alcohol education training curriculum to reflect changes in current ABC laws or rules.

*History Note: Authority G.S. 18B-100; 18B-122; 18B-207;
Eff. July 1, 2018.*

14B NCAC 15B .1104 ADMINISTRATIVE FINES: PAYMENT

When the Commission orders a permittee to pay a fine as part of a penalty, payment shall be received in the Commission offices in Raleigh no later than 21 days following the meeting at which the Commission orders the fine. The Commission shall include, as part of the order, what penalty will be imposed if the fine has not been received by the Commission by the prescribed deadline. Payment shall be made in accordance with 14B NCAC 15A .0104.

*History Note: Authority G.S. 18B-100; 18B-104; 18B-207;
Eff. January 1, 1982;
Amended Eff. May 1, 1984;
Transferred and Recodified from 04 NCAC 02S .1104 Eff. August 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20, 2016;
Amended Eff. July 1, 2018.*