

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S

3

SENATE BILL 445
Second Edition Engrossed 4/4/13
Corrected Copy 4/9/13

Short Title: ABC Permit Issuance.

(Public)

Sponsors: Senator Brock (Primary Sponsor).

Referred to: Commerce.

March 27, 2013

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT ANY PERSON ISSUED AN ALCOHOLIC BEVERAGE PERMIT BE LAWFULLY PRESENT IN THE UNITED STATES; TO PREVENT THE ABC COMMISSION FROM ISSUING A SPECIAL ONETIME PERMIT TO ANY PERSON LESS THAN TEN BUSINESS DAYS FROM THE PLANNED EVENT; AND TO GIVE NOTICE TO THE ALCOHOL LAW ENFORCEMENT DIVISION OF ALL SPECIAL ONETIME PERMITS ISSUED WITHIN THREE BUSINESS DAYS OF THE PERMIT'S ISSUANCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-900(a) reads as rewritten:

"(a) Requirements. – To be eligible to receive and to hold an ABC permit, a person shall:

- (1) Be at least 21 years old, unless the person is a manager of a business selling only malt beverages and unfortified wine, in which case the person shall be at least 19 years old;
- (2) Be a resident of North Carolina unless:
 - a. He is an officer, director or stockholder of a corporate applicant or permittee and is not a manager or otherwise responsible for the day-to-day operation of the business; or
 - b. He has executed a power of attorney designating a qualified resident of this State to serve as attorney in fact for the purposes of receiving service of process and managing the business for which permits are sought; or
 - c. He is applying for a nonresident malt beverage vendor permit, a nonresident wine vendor permit, or a vendor representative permit;
- (3) Not have been convicted of a felony within three years, and, if convicted of a felony before then, shall have had his citizenship restored;
- (4) Not have been convicted of an alcoholic beverage offense within two years;
- (5) Not have been convicted of a misdemeanor controlled substance offense within two years; and
- (6) Not have had an alcoholic beverage permit revoked within three years, except where the revocation was based solely on a permittee's failure to pay the annual registration and inspection fee required in G.S. 18B-903(b1).



* S 4 4 5 - V - 3 *

- 1 (7) Not have, whether as an individual or as an officer, director, shareholder or
2 manager of a corporate permittee, an unsatisfied outstanding final judgment
3 that was entered against him in an action under Article 1A of this Chapter.
- 4 (8) Have a valid social security number or be able to produce valid
5 documentation issued to the applicant under the authority of the United
6 States government demonstrating legal presence in the United States, unless
7 the applicant is otherwise eligible to apply for a permit under this Chapter
8 and is not present or residing in the United States.

9 To avoid undue hardship, however, the Commission may decline to take action under
10 G.S. 18B-104 against a permittee who is in violation of subdivisions (3), (4), or (5)."

11 **SECTION 2.** G.S. 18B-1002(d) reads as rewritten:

12 "(d) Administrative Procedure. – A permit issued pursuant to this section shall not be
13 issued less than 10 days before any qualifying event described in subdivisions (1) through (5)
14 of subsection (a) of this section. The Commission shall notify the ALE Division not more than
15 three business days after the date a permit is issued pursuant to this section of the name and
16 address of the applicant, the address of the event, and any conditions placed on the permit
17 pursuant to subsection (c) of this section. Denial or revocation of a permit under this section
18 shall not entitle the applicant or permittee to a hearing under Chapter 150B."

19 **SECTION 3.** This act is effective when it becomes law and applies to permits
20 issued on or after that date.