

1 14B NCAC 15A .1405 is amended with changes as published in 35:09 NCR 925 as follows:

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3 **14B NCAC 15A .1405 RECORDS REQUIRED**

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

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

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

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18 *History Note:* Authority G.S. 18B-100; 18B-203(a)(4); 18B-205; 18B-207; 18B-702(s), (u);  
19 Eff. January 1, 1982;  
20 Amended Eff. May 1, 1984;  
21 Transferred and Recodified from 04 NCAC 02R .1406 Eff. August 1, 2015;  
22 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,  
23 2015;  
24 Amended Eff. March 1, 2021; December 1, 2019.

1 14B NCAC 15A .1802 is amended with changes as published in 35:09 NCR 925 as follows:

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3 **14B NCAC 15A .1802 MIXED BEVERAGEBEVERAGES PERMIT/INVOICE FORM**

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

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

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13 *History Note: Authority G.S. 18B-100; ~~18B-205~~; 18B-205(b); 18B-207; 18B-404(b); 18B-807;*

14 *Eff. January 1, 1982;*

15 *Amended Eff. November 1, 2010; May 1, 1984;*

16 *Transferred and Recodified from 04 NCAC 02R .1802 Eff. August 1, 2015;*

17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
18 *2015;*

19 *Amended Eff. March 1, 2021.*  
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1 14B NCAC 15A .1903 is adopted with changes as published in 35:09 NCR 925 as follows:

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3 **14B NCAC 15A .1903 DELIVERY OF MIXED BEVERAGES PERMITTEE ORDERS**

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

- 6 (1) ~~The~~the mixed beverages permittee paid the local board for the spirituous liquor prior to  
7 transportation to the mixed beverage ~~permittee~~permittee;
- 8 (2) ~~Alcoholic~~alcoholic beverages ~~shall be~~are transported from the place of purchase to the permitted  
9 ~~premises~~premises;
- 10 (3) ~~Deliveries~~deliveries ~~shall be~~are made by 9:30 p.m. on the date of ~~purchase~~purchase;
- 11 (4) ~~A~~A copy of the Purchase-Transportation/Invoice Form for the alcoholic beverages being transported  
12 ~~shall be~~is in the possession of the individual during transportation and shall be provided to the mixed  
13 beverages permittee at the time of ~~delivery~~delivery;
- 14 (5) ~~The~~the local board's employee or independent contractor ~~shall obtain~~obtains a signed  
15 acknowledgment of receipt of the alcoholic beverages delivered from the mixed beverages permittee  
16 and shall return a copy of the signed acknowledgement to the local board. The local board shall  
17 retain a copy of the signed acknowledgement of receipt pursuant to ~~14B NCAC 15A~~  
18 ~~.1405(b)(9)~~.14B NCAC 15A .1405(b)(9); and
- 19 (6) ~~The~~the local board ~~shall be~~is liable for any damage, breakage or theft of the alcoholic beverages  
20 being transported until possession is acknowledged by the mixed beverages permittee.

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

- 23 (1) ~~The~~the local board enters into a written contract with the independent ~~contractor~~contractor;
- 24 (2) ~~The~~the independent contractor furnishes proof to the local board that the independent contractor is  
25 a motor vehicle carrier with a surety bond in compliance with ~~G.S. 18B-1115(d) and (e)~~G.S. 18B-  
26 1115(d) and (e);
- 27 (3) ~~The~~the contract may be terminated at will by either party without ~~cause~~cause;
- 28 (4) ~~The~~the independent contractor maintains in force an indemnity and fidelity insurance policy with  
29 the local board named as an additional insured in an amount sufficient to insure the value of the  
30 alcoholic beverages to be delivered by the independent contractor on the behalf of the local  
31 ~~board~~board; and
- 32 (5) ~~The~~the independent contractor remains in compliance with this Rule.

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

- 35 (1) ~~The~~the local board issues a purchase-transportation permit to the independent contractor pursuant  
36 to G.S. 18B-403 for the spirituous liquor to be ~~delivered~~delivered; and

1           (2)     ~~The~~the independent contractor assumes liability for any damage, breakage, or theft of the spirituous  
2                     liquor to be delivered from the time possession is taken by the independent contractor from the local  
3                     board until delivery of the spirituous liquor is acknowledged by the mixed beverages permittee that  
4                     purchased the spirituous liquor.

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

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

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

1 14B NCAC 15A .1904 is adopted with changes as published in 35:09 NCR 925 as follows as follows:

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3 **14B NCAC 15A .1904 TRANSPORT OF MIXED ~~[BEVERAGE]~~ BEVERAGES PERMITTEE ORDERS**

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

7 (1) ~~The~~the mixed beverages permittee enters into a written contract with the independent  
8 ~~contractor.~~contractor;

9 (2) ~~The~~the independent contractor furnishes proof to the mixed beverages permittee that the  
10 independent contractor is a motor vehicle carrier with a surety bond in compliance with ~~G.S. 18B-~~  
11 ~~1115(d) and (e).~~ G.S. 18B-1115(d) and (e);

12 (3) ~~The~~the mixed beverages permittee furnishes the local board with a copy of the mixed beverages  
13 permittee's contract with the independent contractor. The mixed beverages permittee shall notify  
14 the local board within two business days of the termination of any contract the mixed beverages  
15 permittee previously had with an independent contractor pursuant to this ~~Rule.~~Rule; and

16 (4) ~~The~~the independent contractor remains in compliance with this Rule.

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

19 (1) ~~The~~the independent contractor has in its possession a copy of the executed contract with the mixed  
20 beverages permittee at the time the independent contractor receives and possesses alcoholic  
21 beverages on behalf of the mixed beverages permittee from a local board or a wine  
22 ~~wholesaler.~~wholesaler;

23 (2) ~~The~~the independent contractor possesses a purchase-transportation permit issued by the local board  
24 to the independent contractor pursuant to G.S. 18B-403 for the alcoholic beverages to be  
25 ~~delivered.~~delivered;

26 (3) ~~The~~the independent contractor possesses a copy of the Purchase-Transportation/Invoice Form for  
27 the alcoholic beverages being transported during transportation to the mixed beverages permittee  
28 that shows the independent contractor as the agent for the mixed beverages ~~permittee.~~permittee;

29 (4) ~~The~~the mixed beverages permittee signs an acknowledgment of receipt of the spirituous liquor  
30 delivered and a copy of the signed acknowledgement is returned by the mixed beverages permittee  
31 to the local board within two business days of the date of the delivery for retention by the local  
32 ~~board.~~board;

33 (5) ~~The~~the mixed beverages permittee assumes liability for any damage, breakage, or theft of the  
34 spirituous liquor to be transported from the time possession is taken by the independent contractor  
35 from the local board until delivery of the spirituous liquor to the mixed beverages  
36 ~~permittee.~~permittee; and

1           (6)     ~~The~~the mixed beverages permittee may by contract require the independent contractor to assume  
2                     liability and maintain in force an indemnity and fidelity insurance policy with the mixed beverages  
3                     permittee named as an additional insured in an amount sufficient to insure the value of the alcoholic  
4                     beverages to be delivered by the independent contractor on the behalf of the mixed beverages  
5                     permittee. The policy may include coverage for any damage, breakage, or theft of the alcoholic  
6                     beverages to be delivered from the time possession is taken by the independent contractor from the  
7                     local board or wine wholesaler until delivery of the alcoholic beverages is acknowledged by the  
8                     mixed beverages permittee that purchased the alcoholic beverages.  
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10     *History Note:*     *Authority G.S. 18B-100; 18B-207; 18B-701(a)(1) and (2); S.L. 2019-182, Sec. 25.(b);*  
11                     *Eff. March 1, 2021.*