

1 14B NCAC 15A .0902 is amended with changes as published in 34:02 NCAC 115 as follows:

2  
3 **14B NCAC 15A .0902 MAINTENANCE OF WORKING CAPITAL**

4 ~~(a) As used in this Rule, "working capital" means the total of cash, investments and inventory less all unsecured~~  
5 ~~liabilities.~~

6 ~~(b)(a)~~ A local board shall set its working capital requirements at not less than two weeks' average gross sales of the  
7 latest fiscal year nor greater than:

- 8 (1) four months average of the latest fiscal year for boards with gross sales less than one million five  
9 hundred thousand dollars (\$1,500,000);  
10 (2) three months average of the latest fiscal year for boards with gross sales greater than or equal to one  
11 million five hundred thousand dollars (\$1,500,000) and less than fifty million dollars (\$50,000,000);  
12 and  
13 (3) two months average of the latest fiscal year for boards with gross sales equal to or greater than fifty  
14 million dollars (\$50,000,000).

15 ~~Gross sales means gross receipts from the sale of alcoholic beverages less distributions as defined in G.S. 18B-~~  
16 ~~805(b)(2),(3), and (4).~~

17 ~~(c)(b)~~ A local board is considered insolvent if all of the following conditions apply:

- 18 (1) the local board does not adhere to the working capital requirements as stated in Paragraph ~~(b)(a)~~ of  
19 this Rule;  
20 (2) the local board's current assets are less than the local board's current liabilities and the current  
21 portion of long term~~long-term~~ debt;  
22 (3) the local board is unable to pay its debts as they fall due; and  
23 (4) the Commission believes that continued operation of the local board will not lead to profits in the  
24 next fiscal year. determines the projected revenues will not meet the projected expenses in the next  
25 fiscal year based upon factors including statewide trends in sales and revenues, the status of the local  
26 economy, and the local board's projected expenses based upon the prior fiscal year's expenses.

27 ~~(d)(c)~~ As used in this Rule, "long term"~~long-term~~ debt" means the loans and financial obligations lasting over one  
28 year.

29  
30 *History Note: Authority G.S. 18B-100; 18B-203(a)(20); 18B-207; 18B-702(u); 18B-702(g),(u); 18B-*  
31 *805(a),(d); 18B-805(d);*  
32 *Eff. January 1, 1982;*  
33 *Amended Eff. November 1, 2011; July 1, 1992; June 1, 1988; May 1, 1984;*  
34 *Transferred and Recodified from 04 NCAC 02R .0902 Eff. August 1, 2015;*  
35 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
36 *2015;*  
37 *Amended Eff. December 1, 2019.*

1 14B NCAC 15A .0903 is amended as published in 34:02 NCAC 115 as follows:

2  
3 **14B NCAC 15A .0903 DEPOSITS**

4 (a) Each local board shall designate as its official depositories one or more ~~banks, savings and loan associations~~ banks  
5 or trust companies in this State.

6 (b) The amount of funds on deposit in an official depository or deposited at interest shall be secured as provided in  
7 the Rules of the Local Government Commission at ~~20 NCAC 7.20~~ NCAC 7, which are incorporated herein by  
8 reference, including subsequent amendments and editions.

9  
10 *History Note: Authority G.S. 18B-100; 18B-207; 18B-702(t),(u);*

11 *Eff. May 1, 1984;*

12 *Transferred and Recodified from 04 NCAC 02R .0903 Eff. August 1, 2015;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
14 *2015;*

15 *Amended Eff. December 1, 2019.*  
16

1 14B NCAC 15A .0905 is amended with changes as published in 34:02 NCAC 115 as follows:

2  
3 **14B NCAC 15A .0905 DAILY DEPOSITS**

4 (a) Each officer whose duty it is to collect or receive moneys of the local board shall deposit the collections and  
5 receipts daily into an official ~~depository the collections and receipts daily depository~~. If the local board gives its  
6 approval, deposits shall be required only when the moneys on hand are equal to or are greater than two hundred fifty  
7 dollars (\$250.00), but in any event a deposit shall be made of any amount of moneys on hand on the last business day  
8 of the month. ~~All deposits shall be made in an official depository.~~ Deposits in an official depository shall be reported  
9 to the finance officer by means of a duplicate deposit ticket.

10 (b) A change fund necessary for daily operation of an ABC store shall be established by each local board and  
11 maintained in a secure place on the store's premises and shall not be subject to the daily deposit ~~rule~~ rule set forth in  
12 Paragraph (a) of this Section. Each change fund shall be maintained in the amount and place established by the local  
13 board.

14 (c) The finance officer may at any time audit the records maintained by any employee collecting sales revenue and  
15 may prescribe the form and detail of these records.

16 (d) The Commission shall waive or alter the daily deposit requirement set forth in Paragraph (a) of this Section for  
17 any local board upon a written request where adequate security for the funds involved ~~is demonstrated, would include~~  
18 a locked fireproof safe or other container designed for the protection of valuable documents or money.

19  
20 *History Note: Authority G.S. 18B-100; 18B-207; 18B-702(t),(u);*

21 *Eff. May 1, 1984;*

22 *Amended Eff. November 1, 2010;*

23 *Transferred and Recodified from 04 NCAC 02R .0905 Eff. August 1, 2015;*

24 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
25 *2015;*

26 *Amended Eff. December 1, 2019.*  
27

1 14B NCAC 15A .0907 is amended with changes as published in 34:02 NCAC 115 as follows:

2  
3 **14B NCAC 15A .0907 ANNUAL INDEPENDENT FINANCIAL AUDIT**

4 (a) Each local board shall have its accounts audited after the close of each fiscal year by an independent certified  
5 public accountant. The auditor shall be selected by and report to the local board. The audit contract shall be on a  
6 form provided by the Commission. The audit contract shall include a definition of the scope of work, a requirement  
7 that the audit be conducted in accordance with generally accepted auditing standards, and a requirement that all audited  
8 financial statements be prepared in accordance with GASB Statement 34. The audit report is due to the Commission  
9 ~~ninety~~90 days after the end of the fiscal year. The financial officer shall ~~file~~ensure one unbound copy of the audit  
10 report and management letter is filed with the Commission.

11 (b) Each officer and employee of the local board having custody of public money or responsibility for keeping records  
12 of financial or fiscal affairs shall produce books and records requested by the auditor or the Commission and shall  
13 divulge any information relating to fiscal affairs ~~that they request as requested.~~ If any member of the local board or  
14 any employee conceals, falsifies or refuses to deliver or divulge any books, records, or information with intent to  
15 mislead the auditor or impede or interfere with the audit, ~~he~~that individual is subject to removal for cause pursuant to  
16 G.S. 18B-203(a)(8).

17 (c) Disclosure of Each local board shall disclose the distribution of profits shall include every element that is applicable  
18 under profits, including all distributions made pursuant to G.S. 18B-805G.S. 18B-805, in a schedule prepared for  
19 inclusion to be included with the annual audited financial statements. ~~In addition the~~The schedule shall be supported  
20 by a listing of each person who receives moneys from the local board, the date of payment and, if applicable, the  
21 purpose for which the payment was made and restrictions on use of the payment. The listing shall be so designated  
22 to provide the same totals as were used in the schedule for each type of distribution.

23  
24 *History Note: Authority G.S. 18B-100; 18B-203(a)(8); 18B-207; 18B-702(s),(u);*

25 *Eff. May 1, 1984;*

26 *Amended Eff. November 1, 2010;*

27 *Transferred and Recodified from 04 NCAC 02R .0907 Eff. August 1, 2015;*

28 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
29 *201;*

30 *Amended Eff. December 1, 2019.*  
31

1 14B NCAC 15A .1003 is amended with changes as published in 34:02 NCR 115 as follows:

2  
3 **14B NCAC 15A .1003 EMPLOYMENT AGE REQUIREMENT**

4 A person employed by a local board shall be at least 18 years of age unless waived by the ~~commission~~Commission.  
5 The Commission shall grant a waiver pursuant to this Rule subject to compliance with the conditions and limitations  
6 applicable to permittees pursuant to [G.S. 97-25.5(i)]G.S. 95-25.5(j).

7  
8 *History Note: Authority G.S. 18B-100; 18B-207; 18B-302(h); 18B-807;*  
9 *Eff. January 1, 1982;*  
10 *Amended Eff. February 1, 1986;*  
11 *Transferred and Recodified from 04 NCAC 02R .1004 Eff. August 1, 2015;*  
12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
13 *2015;*  
14 *Amended Eff. December 1, 2019.*

1 14B NCAC 15A .1006 is amended with changes as published in 34:02 NCR 115 as follows:

2  
3 **14B NCAC 15A .1006 PERSONNEL MANUAL**

4 (a) Each local board shall establish ~~policies and~~ rules governing each of the following:

- 5 (1) Initial employment of employees, including qualifications and requirements for new employees;
- 6 (2) Compensation and benefits;
- 7 (3) Hours and days of work, holidays, vacation, sick ~~leave~~~~leave~~; and other matters pertaining to the
- 8 ~~conditions of employment;~~
- 9 (4) Promotion, transfer, ~~demotion~~~~demotion~~, and suspension of employees;
- 10 (5) Separation or termination of employees;
- 11 (6) Granting of salary increases; ~~and~~
- 12 (7) Employee grievance ~~procedures; and~~~~procedures.~~
- 13 ~~(8) Any other programs or procedures as may be necessary to promote efficiency and to provide for a~~
- 14 ~~fair and reasonable system of personnel administration.~~

15 (b) A local board ~~is encouraged to~~ may model its personnel policies and procedures after those adopted by the county

16 or municipality in which it operates.

17 (c) A local board shall not adopt a rule ~~or policy~~ that conflicts with the provisions of Chapter 18B or these Rules.

18  
19 *History Note: Authority G.S. 18B-100; 18B-203(a)(10); 18B-207; 18B-700(g1); 18B-701(a); 18B-807;*

20 *Eff. July 1, 1992;*

21 *Transferred and Recodified from 04 NCAC 02R .1009 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. December 1, 2019.*

25

1 14B NCAC 15A .1102 is amended with changes as published in 34:02 NCR 115 as follows:

2  
3 **14B NCAC 15A .1102 LOCAL RULES**

4 (a) Submitted to Commission. A copy of all rules or amendments thereto that may be adopted by a local board to  
5 govern the operation of ABC stores or the enforcement of the ABC laws shall be submitted to the Commission at least  
6 ~~45~~30 days prior to the date on which it is proposed that those rules or amendments are to become effective.

7 (b) Power to Approve. ~~In the absence of notice from the~~The Commission ~~to the contrary,~~~~[to the]~~shall notify a local  
8 board within 15 days of receipt of ~~[the]~~a proposed ~~[rules by the Commission that]~~rule or amendment if the rules are  
9 disapproved or the effective date of the rules will be ~~[delayed,]~~thosedelayed. Those rules or amendments ~~thereto shall~~  
10 ~~stand approved.~~ ~~[Otherwise, the proposed rules or amendments will]~~shall become effective when and as approved by  
11 the Commission. ~~If the Commission does not send a notice of disapproval within 15 days of receipt, those rules or~~  
12 ~~amendments shall stand approved.~~

13  
14 *History Note: Authority G.S. 18B-100; 18B-203(a)(10); 18B-207; 18B-807;*

15 *Eff. January 1, 1982;*

16 *Amended Eff. May 1, 1984;*

17 *Transferred and Recodified from 04 NCAC 02R .1102 Eff. August 1, 2015;*

18 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
19 *2015;*

20 *Amended Eff. December 1, 2019.*  
21

1 14B NCAC 15A .1103 is amended as published in 34:02 NCR 115 as follows:

2  
3 **14B NCAC 15A .1103 COST OF AUDIT**

4 The cost of any audit or examination of records ~~conducted under authority of G.S. 18B-203(4) may be assessed to~~  
5 ~~local boards being audited or examined, at the discretion of the Commission.~~required by the Commission pursuant to  
6 G.S. 18B-205 shall be borne by the local board being audited or examined.

7  
8 *History Note: Authority G.S. 18B-100; 18B-205; 18B-207; 18B-702(u); 18B-807;*

9 *Eff. January 1, 1982;*

10 *Transferred and Recodified from 04 NCAC 02R .1104 Eff. August 1, 2015;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
12 *2015*

13 *Amended Eff. December 1, 2019.*  
14



1 14B NCAC 15A .1203 is amended with changes as published in 34:02 NCR 115 as follows:

2  
3 **14B NCAC 15A .1203 APPROVAL OF NEW STORES**

4 (a) Notice to Commission. The opening of any new ABC stores shall not be ~~approved~~considered by the Commission  
5 unless ~~at least a 30-day~~45-day notice is given to the Chairman as to the intended location of the store and until a public  
6 notice of the intention to open ~~such the~~ ABC store has been posted for 30 days at ~~such the~~proposed location.

7 (b) Sign Requirements. In order to meet the public notice requirements of Paragraph (a) of this Rule, the local board  
8 shall post at least one sign at the proposed new store site in accordance with all the following requirements:

9 (1) Dimensions of the sign shall ~~total be~~ at least ~~nine square feet;~~three feet high and three feet wide;

10 (2) The board shall state on the sign its intention to open an ABC store on the site and shall state the  
11 ~~entity and its phone-~~telephone number of the local board to provide public comments; where public  
12 comments will be received;

13 (3) Lettering shall be at least four inches in height and background colors shall ~~be of sufficient~~contrast  
14 so that the notice shall be legible to passersby; may be discerned by the viewer; and

15 (4) The sign shall be posted within 10 feet of the property line that is parallel to the public road or  
16 sidewalk that will be in front of the proposed store, or if the proposed store will be in an existing  
17 shopping center, the sign shall be posted on the front exterior of the existing storefront or building.  
18 Lettering on the sign shall face the public road or sidewalk, or if within an existing shopping center,  
19 the lettering shall face the exterior of the existing storefront or building.

20 (c) In considering whether to approve the opening of a new ABC store, in addition to determining whether the health,  
21 safety or general welfare of the community would be adversely affected, the Commission shall consider the factors  
22 enumerated in G.S. 18B-901(c)(3), (4), (5), (6), and (7).

23  
24 *History Note: Authority G.S. 18B-100; 18B-207; 18B-801;*

25 *Eff. January 1, 1982;*

26 *Amended Eff. November 1, 2010; July 1, 1992;*

27 *Transferred and Recodified from 04 NCAC 02R .1203 Eff. August 1, 2015;*

28 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
29 *2015;*

30 *Amended Eff. December 1, 2019.*  
31

1 14B NCAC 15A .1204 is repealed as published in 34:02 NCR 115 as follows:

2  
3 **14B NCAC 15A .1204 NEW STORES PROHIBITED IN CERTAIN AREAS**

4  
5 *History Note: Authority G.S. 18B-100; 18B-207; 18B-801;*

6 *Eff. January 1, 1982;*

7 *Transferred and Recodified from 04 NCAC 02R .1204 Eff. August 1, 2015;*

8 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
9 *2015;*

10 *Repealed Eff. December 1, 2019.*

1 14B NCAC 15A .1301 is amended with changes as published in 34:02 NCAC 115 as follows:

2  
3 **SECTION .1300 - STORAGE AND DISTRIBUTION OF SPIRITUOUS LIQUORS: COMMERCIAL**  
4 **TRANSPORTATION**  
5

6 **14B NCAC 15A .1301 STORAGE: DELIVERIES: SECURITY**

7 (a) Storage. Private warehouse contractors performing the receipt, storage and distribution functions shall:

- 8 (1) Allocate space in the ~~Commission's~~ State ABC warehouse for each item listed on the price list  
9 adopted by the Commission. Space allocated shall be based on sales volume;
- 10 (2) Develop and publish a delivery schedule of spirituous liquors to all local ~~boards,~~ boards based on  
11 each local board's sales volume, volume and the economical delivery of spirituous liquor to all  
12 local boards, ~~which are~~ subject to approval of the ~~Commission which are based on sales~~  
13 ~~volume-Commission.~~ Orders and shipments over the quantity on the approved schedule may be  
14 made as agreed between the local boards and the ~~contractor~~ Contractor. All orders over the quantity  
15 on the schedule shall be accepted and delivered when deemed economically feasible by the  
16 ~~contractor.~~ Contractor. Contractor determines it is economically feasible based upon the size of the  
17 regular load and the size of the additional quantity.
- 18 (3) Develop and publish standard operating procedures not covered by these Rules for use by the  
19 ~~contractor~~ Contractor and local boards. All procedures published shall be submitted to the  
20 Commission.

21 (b) Deliveries and Shipments. The processing of shipments upon receipt by the local boards shall be as follows:

- 22 (1) The ~~Contractor's~~ Contractor driver shall provide the local board representative an Off-Loading  
23 Check Sheet, an Invoice Bill(s) of Lading Lading, and a Transmittal Sheet with the shipment. The  
24 Off-Loading Check Sheet shall reflect the items and quantities being delivered in numerical order,  
25 and the quantities shall agree with those on the Invoice Bill(s) of Lading and the Transmittal Sheet;
- 26 (2) The system used for off-loading shall be such that an accurate count of the merchandise is made and  
27 all overages or shortages can be verified by the driver the local board before any exceptions entries  
28 are made on the Transmittal Sheet;
- 29 (3) If there are no overages, shortages or breakage, remittance shall be made as referenced in  
30 Subparagraph (10) of this Paragraph;
- 31 (4) If there is an overage which is accepted by the local board representative, the local board  
32 representative shall line through the number of cases invoiced and shall write the correct number of  
33 cases on the Transmittal Sheet. The local board representative shall enter the quantity over, the stock  
34 code number and an explanation in the "comments" block on the Transmittal Sheet. Upon return of  
35 the Transmittal Sheet to the ~~Commission's~~ State ABC warehouse, the ~~contractor~~ Contractor shall  
36 issue a debit adjustment. The debit adjustment shall have the original invoice number in the

- 1 purchase order reference box as a cross reference. Remittance shall be made as referenced in  
2 Subparagraph (10) of this Paragraph;
- 3 (5) If there is an overage that is not accepted by a local board representative, the local board  
4 representative shall enter the quantity, the stock code number and an explanation in the "comments"  
5 box on the Transmittal Sheet. The driver shall return the merchandise to the ~~Commission's~~State  
6 ABC warehouse;
- 7 (6) If there is a shortage, the local board representative shall line through the number of cases invoiced  
8 and shall write the correct number of cases on the Transmittal Sheet. The local board representative  
9 shall enter the quantity under, the stock code number and an explanation in the "comments" box on  
10 the Transmittal Sheet. Upon return of the Transmittal Sheet to the ~~Commission's~~State ABC  
11 warehouse, the ~~contractor~~Contractor shall issue a credit adjustment. Remittance shall be made as  
12 referenced in Subparagraph (10) of this Paragraph;
- 13 (7) The local board representative shall handle breakage discovered during the unloading process as a  
14 shortage in shipment ~~[see in accordance with the procedure set forth in Subparagraph (6) of this~~  
15 ~~Paragraph]~~Paragraph with the note in the "comments" block of the Transmittal Sheet indicating that  
16 the case was returned due to breakage. If the breakage involves a case that is an overage not accepted  
17 by the local board representative, the procedures in Subparagraph (5) of this Paragraph shall be  
18 followed. Remittance shall be made as referenced in Subparagraph (10) of this Paragraph;
- 19 (8) If a local board's shipment includes a shrink-wrapped pallet(s), the local board shall break down the  
20 pallet(s) and any overage, shortage, or breakage shall be reported to the State ABC warehouse as  
21 follows:
- 22 (A) The procedures for marking the Transmittal Sheet in Subparagraphs (4), (5), (6) and (7) of  
23 this Paragraph shall be followed; and
- 24 (B) The updated Transmittal Sheet shall be emailed, faxed or postmarked to the  
25 ~~Commission's~~State ABC warehouse within three days of delivery of the pallet(s);
- 26 Remittance shall be made as referenced in Subparagraph (10) of this Paragraph;
- 27 (9) The Except as provided for in Subparagraph (8) of this Paragraph, the local board representative and  
28 the driver shall sign the Transmittal Sheet(s) and the driver shall return the Transmittal Sheet(s) to  
29 the ~~Commission's~~State ABC warehouse. The local board representative shall receipt date stamp or  
30 sign the distiller's Invoice Bills of Lading copies and the driver shall return them to the  
31 ~~Commission's~~State ABC warehouse; and
- 32 (10) The local board shall remit payment to the party listed in the "Remit to" information listed on the  
33 Invoice Bill(s) of Lading which includes any Bailment Invoices or Surcharge Invoices. The local  
34 board shall enter the Invoice Bill of Lading number on each check or each check stub.
- 35 (c) Security Measures. Security of the merchandise during the delivery process shall be as follows:

- 1 (1) The conveyances (trucks and trailers) shall be secured with a ~~lock and~~ serially numbered metal or  
2 plastic seal by the ~~contractor~~. ~~[Contractor.]~~ Contractor: Each local board shall be issued a key that  
3 will unlock all the locks used by the contractor; [Contractor;]
- 4 (2) The seal numbers will be entered on the "Seal Nos." line of the invoice transmittal sheet. Extra seals  
5 shall be included in sealed envelopes for resealing the unit when shipments are destined for more  
6 than one local board and for the return trip after final delivery;
- 7 (3) The local board general manager or ~~his~~ the general manager's designated representative shall check  
8 the seal number on the unit with the number on the invoice transmittal sheet upon arrival of a  
9 shipment. If the numbers correspond the unit shall be ~~unlocked~~ unsealed by the local board's  
10 representative. If the numbers do not correspond the ~~contractor~~ Contractor shall be contacted for  
11 further instructions; and
- 12 (4) The local boards' general manager ~~shall limit the accessibility of the key to three personnel and~~ shall  
13 not allow the ~~contractor's~~ Contractor's driver or his assistant to remove the ~~seal or have the key in~~  
14 ~~his possession at any time seal.~~
- 15 (d) Local boards shall not pick up merchandise from the ~~Commission's~~ State ABC warehouse without prior approval  
16 from the ~~Commission's~~ Administrator or ~~his~~ the Administrator's designee.
- 17 (e) Local boards may purchase, exchange, or otherwise obtain spirituous liquor from another local board and transport  
18 such beverages as necessary for the operation of its ABC stores. Payment for such transactions shall be satisfied as  
19 provided by ~~04 NCAC 15A .1406.14B NCAC 15A .1406.~~

20

21 *History Note: Authority G.S. 18B-100; 18B-204; 18B-207; 18B-701(a)(1);*  
22 *Eff. January 1, 1982;*  
23 *Amended Eff. January 1, 2011; May 1, 1984;*  
24 *Transferred and Recodified from 04 NCAC 02R .1302 Eff. August 1, 2015;*  
25 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
26 *2015;*  
27 *Amended Eff. December 1, 2019.*  
28

1 14B NCAC 15A .1302 is amended with changes as published in 34:02 NCR 115 as follows:

2  
3 **14B NCAC 15A .1302 COMMERCIAL TRANSPORTATION: PERMIT AND BOND REQUIRED**

4 (a) Any person transporting spirituous liquors into and through the State of North Carolina shall first give a bond of  
5 one thousand dollars (\$1,000) as required by G.S. 18B-1115(e) and secure a blanket fleet permit for the transportation  
6 of spirituous liquors signed by the ~~chairman~~Chairman or ~~administrator of the Commission~~Administrator. That permit  
7 shall designate the spirituous liquors to be shipped.

8 (b) Driver to Possess Permit. Any person applying for and receiving this permit shall require the driver or operator  
9 of any truck, tractor, or trailer to have in ~~his~~the driver's possession a copy of ~~the permit together with the bills of~~  
10 ~~lading of the spirituous liquors being transported disclosing the consignor and consignee of the spirituous liquors being~~  
11 ~~transported~~all the documents required pursuant to G.S. 18B-1115(d)(3) and (4).

12 (c) Commission to Provide Forms. Blank forms for the bond ~~will~~shall be supplied by the Commission upon request.  
13 The bond form shall include the name of the principal, the name and address of the surety, the bond number, and an  
14 obligation on the surety to insure the permittee's lawful transport and delivery of alcoholic beverages in the State in  
15 the amount of one thousand dollars (\$1000).

16 (d) A local board owning and operating trucks for the purpose of transporting spirituous liquors from a local  
17 warehouse to the various local stores within ~~an~~a local ABC system shall not be required to give bond and shall be  
18 permitted to operate its trucks without a common carrier permit.

19  
20 *History Note: Authority G.S. 18B-100; 18B-207; 18B-1115;*

21 *Eff. January 1, 1982;*

22 *Amended Eff. May 1, 1984;*

23 *Transferred and Recodified from 04 NCAC 02R .1303 Eff. August 1, 2015;*

24 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
25 *2015*

26 *Amended Eff. December 1, 2019.*  
27

1 14B NCAC 15A .1304 is amended as published in 34:02 NCR 115 as follows:

2  
3 **14B NCAC 15A .1304 DIRECT SHIPMENTS**

4 (a) A "direct shipment" means a shipment from the distiller or a warehouse of spirituous liquors, or from an antique  
5 spirituous liquor ~~seller of antique spirituous liquor, seller,~~ directly to a local board without passing through the State  
6 ABC warehouse.

7 (b) Direct shipments shall be allowed by the Commission in emergency situations when the State ABC warehouse is  
8 closed due to natural or other disasters or in a situation where for transportation reasons it is mutually advantageous  
9 to local boards, the Commission, or the operator of the State ABC warehouse.

10 (c) Direct shipment shall have prior written approval from the Commission. Merchandise authorized to be shipped  
11 by direct shipment shall be consigned by the State ABC warehouse to the distiller's account in care of the local board.  
12 The local board shall acknowledge receipt of the merchandise on the shipping documents and forward them to the  
13 Contractor for processing through the accounting system as though the merchandise were shipped from the State ABC  
14 warehouse.

15 (d) Upon compliance with 14B NCAC 15A .1403 and obtaining a transportation permit as required by G.S. 18B-403,  
16 an antique spirituous liquor seller may deliver antique spirituous liquor listed in its inventory directly to the local board  
17 that placed the special order for that inventory.

18  
19 *History Note: Authority G.S. 18B-100; 18B-204; 18B-207; 18B-403; 18B-701(a)(1);*  
20 *Eff. January 1, 1982;*

21 *Amended Eff. January 1, 2011; May 1, 1984;*

22 *Transferred and Recodified from 04 NCAC 02R .1305 Eff. August 1, 2015;*

23 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
24 *2015;*

25 *Amended Eff. December 1, 2019; January 1, 2018.*

1 14B NCAC 15A .1404 is amended with changes as published in 34:02 NCR 115 as follows:

2  
3 **14B NCAC 15A .1404 COMMEMORATIVE BOTTLES**

4 The Commission shall approve local boards' orders and sales of specially designed bottles commemorating particular  
5 events, occasions, or ceremonies, provided advertising borne upon commemorative bottles is limited to  
6 commemorating historical events of the local board and non-profit, charitable enterprises (i.e., ordinary profit-oriented  
7 ~~businesses enterprises. Other businesses, other than the distiller, are not permitted to~~ shall not advertise themselves or  
8 their products via commemorative ~~bottles.)~~ bottles.

9  
10 *History Note: Authority G.S. 18B-100; 18B-207; 18B-807;*

11 *Eff. January 1, 1982;*

12 *Amended Eff. November 1, 2010;*

13 *Transferred and Recodified from 04 NCAC 02R .1405 Eff. August 1, 2015;*

14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
15 *2015;*

16 *Amended Eff. December 1, 2019.*



1 14B NCAC 15A .1405 is amended with changes as published in 34:02 NCR 115 as follows:

2  
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 at any reasonable time during the local board's normal business  
6 hours.

7 (b) ~~More specifically, local~~ Local boards shall retain the following records as follows: for the length of time specified  
8 in this [Subparagraph:]Paragraph:

- 9 (1) sales report ~~(until until the annual audit completed), is completed.~~  
10 (2) warehouse report ~~(one year), for one year.~~  
11 (3) daily store report ~~(until until the annual audit completed), is completed.~~  
12 (4) stock difference report ~~(three years), for three years.~~  
13 (5) receiving report ~~(until until the annual audit completed), is completed.~~  
14 (6) clerk's daily sales and cash report ~~(until until the annual audit completed), is completed, and~~  
15 (7) paid invoices ~~(three years), for three [years.]years.~~

16 ~~[(c)]~~ In addition, local boards shall retain the

17 (8) Loss and Damage Claim ~~loss and damage claim~~ records for three years, and

18 (9) required records pursuant to 14B NCAC 15B .0501 related to the sale of mixed beverages for a  
19 period of three years.

20  
21 *History Note: Authority G.S. 18B-100; 18B-203(a)(4); 18B-205; 18B-207; 18B-702(s), (u);*

22 *Eff. January 1, 1982;*

23 *Amended Eff. May 1, 1984;*

24 *Transferred and Recodified from 04 NCAC 02R .1406 Eff. August 1, 2015;*

25 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
26 *2015;*

27 *Amended Eff. December 1, 2019.*  
28