

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 855

Short Title: Required Registration for Kegs. (Public)

Sponsors: Representatives Insko; and Hackney.

Referred to: Finance.

March 22, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE A SPECIAL PURCHASE-TRANSPORTATION PERMIT
3 FOR KEGS CONTAINING ALCOHOLIC BEVERAGES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 18B-403 reads as rewritten:

6 "§ 18B-403. Purchase-transportation permit.

7 (a) Amounts. – With a purchase-transportation permit, a person may purchase
8 and transport an amount of alcoholic beverages greater than the amount specified in
9 G.S. 18B-303(a). A purchase-transportation permit is also required for the purchase and
10 transportation of draft beer in kegs. A permit authorizes the holder to transport from the
11 place of purchase to the destination within North Carolina indicated on the permit at one
12 time the following amount of alcoholic beverages:

- 13 (1) A maximum of 100 liters of unfortified wine;
14 (2) A maximum of 40 liters of either fortified wine or spirituous liquor, or
15 40 liters of the two combined; ~~or~~
16 (3) The amount of fortified wine or spirituous liquors specified on the
17 purchase-transportation permit for a mixed beverage
18 ~~permittee; permittee; or~~
19 (4) Any amount of draft beer in kegs.

20 (b) Issuance of Permit. – A purchase-transportation permit may be issued by:

- 21 (1) The local board chairman;
22 (2) A member of the local board;
23 (3) The general manager or supervisor of the local board; ~~or~~
24 (4) The manager or assistant manager of an ABC store, if he is authorized
25 to issue permits by the local board ~~chairman; chairman; or~~
26 (5) The sheriff of the county in which the purchase and transportation is to
27 occur if there is no local ABC System.

28 (c) Disqualifications. – A purchase-transportation permit shall not be issued to a
29 person who:

- 1 (1) Is not sufficiently identified or known to the issuer;
- 2 (2) Is known or shown to be an alcoholic or bootlegger;
- 3 (3) Has been convicted within the previous three years of an offense
4 involving the sale, possession, or transportation of nontaxpaid
5 alcoholic beverages; ~~or~~
- 6 (4) Has been convicted within the previous three years of an offense
7 involving the sale of alcoholic beverages without a ~~permit~~; ~~or~~
- 8 (5) Has been convicted of any offense involving a violation of
9 G.S. 18B-302.

10 A local ABC Board may request a certified copy of a criminal history check from
11 the clerk of court for the permit applicant to ensure compliance with this subsection.
12 The cost of this criminal history check is the responsibility of the applicant.

13 (d) Form. – A purchase-transportation permit shall be issued on a printed form
14 adopted by the Commission. The Commission shall adopt rules specifying the content
15 of the permit form.

16 (e) Restrictions on Permit. – A purchase may be made only from the store named
17 on the permit. One copy of the permit shall be kept by the issuing person, one by the
18 purchaser, and one by the store from which the purchase is made. The purchaser shall
19 display his copy of the permit to any law-enforcement officer upon request. A permit
20 for the purchase and transportation of spirituous liquor may be issued only by an
21 authorized agent of the local board for the jurisdiction in which the purchase will be
22 made.

23 (f) Time. – A purchase-transportation permit is valid only until 9:30 P.M. on the
24 date of purchase, which date shall be stated on the permit.

25 (g) Special Occasion Purchase-Transportation Permit. – When a person holds a
26 special occasion for which a permit under G.S. 18B-1001(8) or (9) is required, the
27 purchase-transportation permit issued to him may provide for the storage at and
28 transportation to and from the site of the special occasion of unfortified wine, fortified
29 wine, and spirituous liquor for a period of no more than 48 hours before and after the
30 special occasion. The purchase-transportation permit authorizes that person to transport
31 only the amounts of those alcoholic beverages authorized by subsection (a). The
32 Commission may adopt rules to govern issuance of these extended purchase-
33 transportation permits.

34 (h) Draft Malt Beverage Keg Purchase-Transportation Permit. – When a draft
35 malt beverages keg purchase-transportation permit is issued, the permit must remain
36 with the purchaser until the keg is returned to the store from which it was purchased. At
37 the time of purchase, an adhesive label shall be affixed to the keg identifying the
38 purchaser's name, address, telephone number, purchase-transportation permit number,
39 and the address of the location at which the keg is to be stored and consumed. This label
40 must remain affixed to the keg until it is returned to the store from which it was
41 purchased. An employee of a store who receives a keg, which is returned without the
42 adhesive label, shall notify the North Carolina Alcohol Law Enforcement Division or a
43 local law enforcement agency with the authority to investigate the offense. A violation
44 of this section is a Class 1 misdemeanor. Upon conviction, the court shall impose a

1 mandatory minimum fine of five hundred dollars (\$500.00) and file a conviction report
2 with the Division of Motor Vehicles indicating the name of the person convicted and
3 any other information requested by the Division. Upon receipt of the conviction report,
4 the Division shall revoke the person's license as required by G.S. 20-17.3. The
5 conviction of a second or subsequent violation of this subsection shall require a
6 minimum mandatory one-thousand dollar (\$1000) fine and a license revocation for three
7 years.

8 (i) Fee. – A fee of five dollars (\$5.00) shall be collected by the local ABC Board
9 for all purchase-transportation permits issued for malt beverages in kegs. This fee will
10 be used to cover the cost of printing the purchase-transportation permit and
11 manufacturing the adhesive labels to be issued for malt beverages in kegs and placed on
12 the keg for identification purposes."

13 **SECTION 2.** G.S. 20-17.3 reads as rewritten:

14 **"§ 20-17.3. Revocation for underage purchasers of alcohol.**

15 The Division shall revoke for one year the driver's license of any person who has
16 been convicted of violating any of the following:

17 (1) G.S. 18B-302(c)(1), (e), or (f); ~~or~~

18 (2) G.S. 18B-302(b), if the violation occurred while the person was
19 purchasing or attempting to purchase an alcoholic ~~beverage-beverage;~~

20 or

21 (3) G.S. 18B-403(h).

22 If the person's license is currently suspended or revoked, then the revocation under this
23 section shall begin at the termination of that revocation."

24 **SECTION 3.** This act becomes effective December 1, 2005, and applies to
25 offenses committed on or after that date.