

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

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

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

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

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

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

- (1) the local board issues a purchase-transportation permit to the independent contractor pursuant to G.S. 18B-403 for the spirituous liquor to be delivered; and
- (2) the independent contractor assumes liability for any damage, breakage, or theft of the spirituous liquor to be delivered from the time possession is taken by the independent contractor from the local board until delivery of the spirituous liquor is acknowledged by the mixed beverages permittee that purchased the spirituous liquor.

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

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

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