

April 12, 2005

H 1174. ABC PERMIT ISSUANCE AND COMPLIANCE. TO AMEND THE ALCOHOLIC BEVERAGE CONTROL LAWS REGARDING THE ISSUANCE AND REVOCATION OF PERMITS AT LOCATIONS THAT ARE OR BECOME UNSUITABLE TO HOLD ABC PERMITS.

Enacts new GS 18B-101(12a) to define "premises" as all areas inside or outside licensed premises where permittee has control through a lease, deed, or other legal process. Amends GS 18B-901(c) to require that prior to the issuance of an ABC permit to any business, Comm'n must determine whether the operation of the business would be detrimental to the neighborhood according to specified criteria; and to also require that before a permit is issued to a business located in an Urban Redevelopment Area, the local governing board must provide the NC Alcoholic Beverage Control Comm'n with a Zoning and Compliance Form demonstrating that the business has been notified of its location within that Area. Enacts new GS 18B-904(e)(3) – (5) to require that Comm'n revoke permits where permittee or its employee has been found to violate GS Chapter 18B two or more times in a 12-month period, or has knowingly allowed a violation of any other laws outlined in section; and to permit Comm'n to make exceptions to this rule if within 30 working days of receiving notification of the violation permittee provides alcohol education and safety training for permittee's employees that includes information on the various laws regulating alcohol sales and potential civil and criminal liability. Makes technical and conforming changes. Effective December 1, 2005.

Intro. by Ross.

Ref. to Alcoholic Beverage Control

GS 18B

April 27, 2005

H 1174. ABC PERMIT ISSUANCE AND COMPLIANCE. Intro. 4/12/05. House committee substitute makes the following changes to 1st edition. Deletes proposed revision of GS 18B-300(b) which would have included permittee's designee within statute prohibiting allowing on-premises consumption. Rewrites proposed new GS 18B-904(e)(3) to provide that the commission must revoke a permit if it finds evidence that the permittee or permittee's employee has been found responsible by a court of competent jurisdiction for the commission of two or more violations of knowingly allowing a violation of the gambling, disorderly conduct, prostitution, or controlled substance laws at a single ABC-licensed premises within a 12-month period. Provides that the permittee and owner of the property have sole responsibility to monitor the conduct of the licensed premises pursuant to GS 18B-1005(b) and GS 19-1. Deletes proposed new GS 18B-904(e)(4) and (5) pertaining to remedial action of permittees subject to revocation actions under GS 18B-904(e)(3). Amends GS 18B-906(a) to provide that a revocation made pursuant to GS 18B-904(e) is not a contested case under GS Chapter 150B.

August 10, 2005

H 1174. ABC PERMIT ISSUANCE AND COMPLIANCE. Intro. 4/12/05. Senate committee substitute makes the following changes to 2nd edition. Amends revisions to GS 18B-901(c) to provide that, when determining whether an applicant or business location should be issued a permit, the Alcohol and Beverage Commission may consider past revocations, suspensions, and violations of ABC laws by prior permittees related to or associated with the applicant, or a business with which the applicant is associated, within the preceding 12-month period at the same location. Authorizes the Comm'n to revoke a permit if the permittee or the permittee's employee has been found responsible for two or more violations of felony criminal counterfeit trademark laws as provided in GS 80-11.1(b)(2) or (3). Makes technical changes.

September 21, 2005

SL 2005-392 (H 1174). ABC PERMIT ISSUANCE AND COMPLIANCE. AN ACT TO AMEND THE ALCOHOLIC BEVERAGE CONTROL LAWS REGARDING THE ISSUANCE AND REVOCATION OF PERMITS AT LOCATIONS THAT ARE OR BECOME UNSUITABLE TO HOLD ABC PERMITS. Summarized in *Daily Bulletin* 4/12/05, 4/27/05, and 8/10/05. Enacted September 13, 2005. Effective December 1, 2005.

