

10A NCAC 63C .0103 BUSINESS ENTERPRISES FACILITY EQUIPMENT: MERCHANDISE: AND SUPPLIES

- (a) The Division shall furnish each Business Enterprises facility with the equipment, initial stock, and initial supplies that are necessary to operate the unit.
- (b) Except as set forth in Paragraph (c) of this Rule, the right, title to, and interest in Business Enterprises equipment, merchandise, petty cash, and all other assets used in the program shall be vested in the Division only and may be used and disposed of by the Division for program purposes only, and in accordance with state and federal law.
- (c) If the Division and operator agree in writing that the right, title to, and interest in Business Enterprises stock will be vested in the operator, then the Division shall retain a first option to repurchase such stock and, in the event the operator dies, for any other reason ceases to be an operator, or transfers to another vending facility, the ownership of such stock shall become vested in the Division for transfer to a successor operator subject to an obligation of the Division to pay to such operator or the operator's heirs the fair value of the stock. The Division's obligation to pay the fair value of the stock to the operator or the operator's heirs under this Rule shall be reduced by the amount of any outstanding debt owed by the operator to the Division.
- (d) The Division shall maintain all Business Enterprises equipment in good repair and in attractive condition, and shall replace worn-out or obsolete equipment as required to assure the continued successful operation of the facility. The licensed operator of a facility shall take the initiative in identifying needed equipment repairs and replacement.

History Note: Authority G.S. 111-27; 143B-157; 34 C.F.R. 395.6; 20 U.S.C. Sec. 107; Eff. October 1, 1978; Amended Eff. August 1, 2002; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015; Amended Eff. October 1, 2018.