

14B NCAC 15A .1904 TRANSPORT OF MIXED BEVERAGES PERMITTEE ORDERS

(a) A mixed beverages permittee may contract with an independent contractor to transport alcoholic beverages purchased by the mixed beverages permittee from a local board or from a wine wholesaler to the licensed premises of the mixed beverages permittee if all of the following conditions are met:

- (1) the mixed beverages permittee enters into a written contract with the independent contractor;
- (2) the independent contractor furnishes proof to the mixed beverages permittee 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 mixed beverages permittee furnishes the local board with a copy of the mixed beverages permittee's contract with the independent contractor. The mixed beverages permittee shall notify the local board within two business days of the termination of any contract the mixed beverages permittee previously had with an independent contractor pursuant to this Rule; and
- (4) the independent contractor remains in compliance with this Rule.

(b) A mixed beverages permittee may authorize an independent contractor to transport alcoholic beverages on behalf of the mixed beverages permittee from a local board or a wine wholesaler if all of the following conditions are met:

- (1) the independent contractor has in its possession a copy of the executed contract with the mixed beverages permittee at the time the independent contractor receives and possesses alcoholic beverages on behalf of the mixed beverages permittee from a local board or a wine wholesaler;
- (2) the independent contractor possesses a purchase-transportation permit issued by the local board to the independent contractor pursuant to G.S. 18B-403 for the alcoholic beverages to be delivered;
- (3) the independent contractor possesses a copy of the Purchase-Transportation/Invoice Form for the alcoholic beverages being transported during transportation to the mixed beverages permittee that shows the independent contractor as the agent for the mixed beverages permittee;
- (4) the mixed beverages permittee signs an acknowledgment of receipt of the spirituous liquor delivered and a copy of the signed acknowledgement is returned by the mixed beverages permittee to the local board within two business days of the date of the delivery for retention by the local board;
- (5) the mixed beverages permittee assumes liability for any damage, breakage, or theft of the spirituous liquor to be transported from the time possession is taken by the independent contractor from the local board until delivery of the spirituous liquor to the mixed beverages permittee; and
- (6) the mixed beverages permittee may by contract require the independent contractor to assume liability and maintain in force an indemnity and fidelity insurance policy with the mixed beverages permittee 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 mixed beverages permittee. The policy may include coverage for any damage, breakage, or theft of the alcoholic beverages to be delivered from the time possession is taken by the independent contractor from the local board or wine wholesaler until delivery of the alcoholic beverages is acknowledged by the mixed beverages permittee that purchased the alcoholic beverages.

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.