

§ 18B-701. Powers and duties of local ABC boards.

- (a) Powers. – A local board shall have authority to do all of the following:
- (1) Buy, sell, transport, and possess alcoholic beverages as necessary for the operation of its ABC stores. In providing delivery of spirituous liquor to a mixed beverages permittee, as required by G.S. 18B-404(f), the local board may use its employees or contract with one or more independent contractors and may charge a fee to the permittee. A mixed beverage permittee may contract with an independent contractor to provide delivery of spirituous liquor from an ABC board's store or warehouse to the permittee's premises.
 - (1a) Contract with an independent contractor to provide delivery of its spirituous liquor from the local board's warehouse to the local board's ABC stores, provided all of the following conditions are met:
 - a. The local board enters into a written contract with the independent contractor.
 - b. The independent contractor furnishes proof to the local board that the independent contractor is a contract carrier with a surety bond in compliance with G.S. 18B-1115(d) and (e).
 - c. The contract may be terminated at will by either party without cause.
 - d. 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 transported and delivered by the independent contractor on the behalf of the local board.
 - e. The independent contractor contractually 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 to the ABC store is acknowledged in writing by the manager or an employee of that ABC store.
 - (2) Adopt rules for its ABC system, subject to the approval of the Commission.
 - (3) Hire and fire employees for the ABC system.
 - (4) Designate one employee as manager of the ABC system and determine his responsibilities.
 - (5) Require bonds of employees as provided in the rules of the Commission.
 - (6) Operate ABC stores as provided in Article 8.
 - (6a) Contract with a third party to make an ATM available in one or more ABC stores operated by the board.
 - (7) Repealed by Session Laws 2022-44, s. 3(m), effective July 7, 2022.
 - (8) Employ local ABC officers or make other provision for enforcement of ABC laws as provided in Article 5.
 - (9) Borrow money as provided in G.S. 18B-702.
 - (10) Buy and lease real and personal property, and receive property devised or given, as necessary for the operation of the ABC system.
 - (11) Invest surplus funds as provided in G.S. 18B-702.
 - (12) Dispose of property in the same manner as a city council may under Article 12 of Chapter 160A of the General Statutes.
 - (13) Perform any other activity authorized or required by the ABC law.
- (b) Duties. – A local board shall have the duty to comply with all rules adopted by the Commission pursuant to this Chapter and meet all standards for performance and training

established by the Commission pursuant to G.S. 18B-203(a)(20) and (21). Failure to comply with Commission rules shall be cause for removal.

(c) Definitions. – For purposes of this section, the term "contract carrier" means a person who provides transportation of goods, but not individuals, for compensation under contractual agreement(s), over regular or irregular routes, for a specific person or group of persons. (1937, c. 49, ss. 10, 12; cc. 411, 431; 1939, c. 98; 1957, cc. 1006, 1334; 1963, c. 1119, s. 2; 1967, c. 1178; 1969, cc. 118, 902; 1971, c. 872, s. 1; 1973, cc. 85, 185; c. 1000, ss. 1, 2; 1977, c. 618; 1979, c. 467, s. 20; c. 617; 1981, c. 412, s. 2; 2010-122, s. 17; 2011-284, s. 13; 2019-182, s. 25(a); 2021-150, s. 30.2; 2022-44, s. 3(m); 2024-41, ss. 30(a), 37(a).)