

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 73
Committee Substitute Favorable 3/4/21
Senate Commerce and Insurance Committee Substitute Adopted 4/1/21

Short Title: Temporarily Defer ABC Permit Renewal Fees.

(Public)

Sponsors:

Referred to:

February 15, 2021

A BILL TO BE ENTITLED

AN ACT TO DELAY THE PAYMENT OF CERTAIN ABC PERMIT RENEWAL AND REGISTRATION FEES DUE ON MAY 1, 2021, OR FOR THE PERIOD COVERING MAY 1, 2021, THROUGH APRIL 30, 2022, AND TO EXTEND THE DEFERRAL FOR CERTAIN DEFERRED PERMIT FEES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Notwithstanding G.S. 18B-903, for the period from May 1, 2021, through April 30, 2022, payment of the fee for renewal or registration of the following ABC permits shall not be required until September 1, 2021:

- (1) On-premises malt beverage permits issued pursuant to G.S. 18B-1001(1).
- (2) On-premises unfortified wine permits issued pursuant to G.S. 18B-1001(3).
- (3) On-premises fortified wine permits issued pursuant to G.S. 18B-1001(5).
- (4) Mixed beverages permits issued pursuant to G.S. 18B-1001(10).
- (5) Culinary permits issued pursuant to G.S. 18B-1001(11).
- (6) Mixed beverages catering permits issued pursuant to G.S. 18B-1001(12).
- (7) Guest room cabinet permits issued pursuant to G.S. 18B-1001(13).
- (8) Wine tasting permits issued pursuant to G.S. 18B-1001(15).
- (9) Wine shop permits issued pursuant to G.S. 18B-1001(16).
- (10) Malt beverage tasting permits issued pursuant to G.S. 18B-1001(18).
- (11) Spirituous liquor tasting permits issued pursuant to G.S. 18B-1001(19).
- (12) Antique spirituous liquor permits issued pursuant to G.S. 18B-1001(20).
- (13) Common area entertainment permits issued pursuant to G.S. 18B-1001(21).

SECTION 1.(b) An ABC permittee whose payment is deferred pursuant to subsection (a) of this section shall comply with G.S. 18B-900(a)(8) and submit a recycling plan pursuant to G.S. 18B-903(b2).

SECTION 2. Any ABC permittee who has prepaid a fee that is deferred under Section 1 of this act may request a refund for the total amount of the prepaid fee. No later than 30 days from the date it receives a request authorized under this section, the ABC Commission, in collaboration with the Department of Public Safety, shall refund the total amount of the prepaid fee to the ABC permittee. A permittee that receives a refund from the Commission pursuant to this section shall repay the fee by September 1, 2021.

SECTION 3. Section 1 of S.L. 2020-94, as amended by Section 1 of S.L. 2021-2, reads as rewritten:

"SECTION 1. Notwithstanding G.S. 18B-903, payment of the fee for renewal or registration of an ABC permit held by an ABC permittee that ~~is prohibited from operating pursuant to~~ was



1 subject to an order of closure pursuant to Section 8 of Executive Order No. 141, Easing
2 Restrictions on Travel, Business Operations, and Mass Gatherings, during the 2020-2021 permit
3 year shall not be required until 90 days after the date all executive orders limiting the full
4 operation of the permittee in response to the COVID-19 pandemic are rescinded or expire,
5 provided the ABC permittee notifies the ABC Commission in writing, including by e-mail or
6 other electronic means, of its intent to delay payment. September 1, 2021. An ABC permittee who
7 delays payment pursuant to this section shall also comply with G.S. 18B-900(a)(8) and submit a
8 recycling plan pursuant to G.S. 18B-903(b2) before the expiration of the 90-day
9 period. September 1, 2021."

10 **SECTION 4.** Section 3 of S.L. 2021-2 reads as rewritten:

11 "SECTION 3. Any ABC permittee that (i) was subject to an order of closure pursuant to
12 Section 8 of Executive Order No. 141, Easing Restrictions on Travel, Business Operations, and
13 Mass Gatherings, (ii) is subject to any executive order limiting the full operation of the permittee
14 in response to the COVID-19 pandemic, and (iii) has paid a fee for renewal or registration of an
15 ABC permit for the 2020-2021 permit year may request a refund of the fee from the ABC
16 Commission. The request shall be made to the ABC Commission in writing, including by email
17 or other electronic means. The refund shall be granted regardless of whether the permittee is
18 operating at limited capacity pursuant to an executive order responding to the COVID-19
19 pandemic. Notwithstanding G.S. 18B-903, any permit held by a permittee who receives a refund
20 shall remain active. A permittee that receives a refund from the Commission pursuant to this
21 section shall repay the fee before ~~the expiration of the period established by Section 1 of S.L.~~
22 ~~2020-94, as amended by Section 1 of this act. September 1, 2021.~~ Any person who (i) held an
23 ABC permit in the 2020-2021 permit year for a business that was subject to an order of closure
24 pursuant to Section 8 of Executive Order No. 141, (ii) who paid the fee for renewal or registration
25 of the permit, and (iii) surrendered the permit due to closure of the person's business may also
26 request a refund and shall not be required to repay the fee."

27 **SECTION 5.** This act is effective when it becomes law.