

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

SESSION LAW 2021-105
HOUSE BILL 73

AN ACT TO DEFER 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 FURTHER DEFER PREVIOUSLY DEFERRED PERMIT FEES.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 18B-903, the ABC Commission shall defer payment of fees for the renewal or registration of an ABC permit for the period from May 1, 2021, through April 30, 2022, until October 1, 2021, and the ABC Commission, upon a permittee's submission to the ABC Commission of a current recycling plan pursuant to G.S. 18B-903(b2), shall renew or register without payment all of the following ABC permits that are active as of April 30, 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 2. 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 subject to an order of closure pursuant to Section 8 of Executive Order No. 141, Easing Restrictions on Travel, Business Operations, and Mass Gatherings, during the 2020-2021 permit year shall not be required until 90 days after the date all executive orders limiting the full operation of the permittee in response to the COVID-19 pandemic are rescinded or expire, provided the ABC permittee notifies the ABC Commission in writing, including by e-mail or other electronic means, of its intent to delay payment. An ABC permittee who delays payment pursuant to this section shall also comply with G.S. 18B-900(a)(8) and submit a recycling plan pursuant to G.S. 18B-903(b2) before the expiration of the 90-day period required until October 1, 2021."

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

"**SECTION 3.** Any ABC permittee that (i) was subject to an order of closure pursuant to Section 8 of Executive Order No. 141, Easing Restrictions on Travel, Business Operations, and



Mass Gatherings, (ii) is subject to any executive order limiting the full operation of the permittee in response to the COVID-19 pandemic, and (iii) has paid a fee for renewal or registration of an ABC permit for the 2020-2021 permit year may request a refund of the fee from the ABC Commission. The request shall be made to the ABC Commission in writing, including by email or other electronic means. The refund shall be granted regardless of whether the permittee is operating at limited capacity pursuant to an executive order responding to the COVID-19 pandemic. Notwithstanding G.S. 18B-903, any permit held by a permittee who receives a refund shall remain active. A permittee that receives a refund from the Commission pursuant to this section shall repay the fee ~~before the expiration of the period established by Section 1 of S.L. 2020-94, as amended by Section 1 of this act, on October 1, 2021, or within 10 business days thereafter.~~ Any person who (i) held an ABC permit in the 2020-2021 permit year for a business that was subject to an order of closure pursuant to Section 8 of Executive Order No. 141, (ii) who paid the fee for renewal or registration of the permit, and (iii) surrendered the permit due to closure of the person's business may also request a refund and shall not be required to repay the fee."

SECTION 4. Any permittee who has paid a fee that was deferred pursuant to Section 1 of S.L. 2020-94, as amended by Section 1 of S.L. 2021-2, or Section 3 of S.L. 2021-2 may request a refund for the total amount of the 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 fee to the ABC permittee.

SECTION 5. Any permittee requesting renewal or registration of a permit for which payment is not deferred by Section 1 of this act shall pay the fee required for that permit no later than April 30, 2022. The ABC Commission shall not cancel or move to inactive status any permit under this section unless payment is not received by April 30, 2022.

SECTION 6. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 5th day of August, 2021.

s/ Warren Daniel
Presiding Officer of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 11:42 a.m. this 16th day of August, 2021