

1 **SECTION .2200 – SPECIAL ONE-TIME PERMITS**

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3 **14B NCAC 15A .2201 DEFINITIONS**

4 The following definitions apply to this Section:

- 5 (1) "Collector" means a person, other than an industry member, engaged in the collection of one or
6 more wines, decorative decanters of spirituous liquor, or antique spirituous liquors.
- 7 (2) "Decorative decanters of spirituous liquor" means the manufacturer's original sealed decanters,
8 limited in quantities as a specialized limited run or as a limited edition, filled with spirituous liquor
9 by a person issued a permit pursuant to state or federal law.
- 10 (3) "Private sale" means a sale between two collectors, neither of who are required to hold permits
11 pursuant to Chapter 18B of the General Statutes, except for permits issued pursuant to G.S. 18B-
12 1002(a)(4).

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14 *History Note: Authority G.S. 18B-100; 18B-207; 18B-1002;*
15 *Temporary Adoption Eff. February 23, 2018 (See S.L. 2017-87, s. 19.(a));*
16 *Eff. December 1, 2018.*
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18 **14B NCAC 15A .2202 COLLECTOR TRANSPORT OR SALE PERMITS**

19 To qualify for a permit issued pursuant to G.S. 18B-1002(a)(4), in addition to the applicable information required
20 pursuant to G.S. 18B-900, a collector shall submit an application to the Commission that requires the following
21 information:

- 22 (1) the basis for qualification as a collector;
- 23 (2) whether the application is for the transportation or sale of wine or spirituous liquors;
- 24 (3) a list of the specific wine or spirituous liquors being transported, possessed, or sold, including the
25 name, brand, quantity, and volume of each bottle or decanter;
- 26 (4) pictures of the containers of spirituous liquors to be transported, possessed, or sold in sufficient
27 clarity for the content of the labels to be legible;
- 28 (5) if the application is for a sale, the details of the method of sale including whether the sale will be as
29 a special order pursuant to 14B NCAC 15A .1403, by auction, or by private sale, including the name
30 of the buyer if by special order or private sale, or the name of the auctioneer if by auction; and
- 31 (6) certification under oath to the conditions for permits pursuant to G.S. 18B-900.

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33 *History Note: Authority G.S. 18B-100; 18B-207; 18B-900; 18B-1002;*
34 *Temporary Adoption Eff. February 23, 2018 (See S.L. 2017-87, s. 19.(a));*
35 *Eff. December 1, 2018.*
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37 **14B NCAC 15A .2203 PERMISSIBLE SALES UNDER COLLECTOR TRANSPORT OR SALE PERMIT**

1 (a) Sales of wine or spirituous liquor by the holder of a permit issued pursuant to Rule .2202 of this Section shall be
2 subject to the following conditions:

- 3 (1) sales shall only be made to persons at least 21 years of age;
- 4 (2) sales shall only be made as a special order pursuant to 14B NCAC 15A .1403, by auction, or by
5 private sale;
- 6 (3) sales shall be conducted subject to the dates, time, place, and manner specified in the permit;
- 7 (4) no sales shall be made to a person who is intoxicated as defined in 14B NCAC 15B .0101(2); and
- 8 (5) the quantity of wine or spirituous liquor sold to a single buyer shall not be in excess of the limits set
9 forth in G.S. 18B-303, unless the buyer of the wine or spirituous liquor has a valid permit issued
10 pursuant to G.S. 18B-1002(a)(4).

11 (b) The wine or spirituous liquor sold pursuant to a permit issued pursuant to this Rule shall remain in the possession
12 of the collector until transferred to the buyer.

13 (c) A permit issued pursuant to G.S. 18B-1002(a)(4) is not required for sales of wine or spirituous liquors by auction
14 pursuant to G.S. 18B-1002.1.

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16 *History Note:* Authority G.S. 18B-100; 18B-207; 18B-1002;
17 Temporary Adoption Eff. February 23, 2018 (See S.L. 2017-87, s. 19.(a));
18 Eff. December 1, 2018.

20 **14B NCAC 15A .2204 SPECIAL AUCTION PERMITS**

21 (a) To qualify for a permit issued pursuant to G.S. 18B-1002.1, in addition to the applicable information required
22 pursuant to G.S. 18B-900, an auction firm or auctioneer licensed pursuant to Chapter 85B of the General Statutes shall
23 submit an application to the Commission that requires the following information:

- 24 (1) a copy of the applicable active license issued by the North Carolina Auctioneers Commission;
- 25 (2) the details of the date, time, duration, place, and manner of the auction;
- 26 (3) a list of the specific wine or spirituous liquors which may be subject to auction, including the name,
27 brand, quantity, and volume of each bottle or decanter; and
- 28 (4) pictures of the containers of spirituous liquors to be sold in sufficient clarity for the content of the
29 labels to be legible.

30 (b) No permit is required pursuant to G.S. 18B-1002.1 for sale at auction of alcoholic beverages pursuant to a permit
31 issued pursuant to G.S. 18B-1002(a)(1), (2) or (3), or a permit issued pursuant to G.S. 18B-1002(a)(4) when the
32 auction is conducted on the collector's premises and the alcoholic beverages remain in the possession of the collector
33 until transferred to the buyer.

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35 *History Note:* Authority G.S. 18B-100; 18B-207; 18B-900; 18B-1002.1;
36 Temporary Adoption Eff. February 23, 2018 (See S.L. 2017-87, s. 19.(a));
37 Eff. December 1, 2018.

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14B NCAC 15A .2205 CONDITIONS OF SALE UNDER SPECIAL AUCTION PERMITS

Sales at auction of wine or spirituous liquor by the holder of a permit issued pursuant to Rule .2204 of this Section shall be subject to the following conditions:

- (1) the auctioneer shall be in physical possession of the wine or spirituous liquor subject to sale at auction;
- (2) sales shall only be made to persons at least 21 years of age;
- (3) sales shall be conducted subject to the date, time, place, and manner specified in the permit;
- (4) no sales shall be made to a person who is intoxicated as defined in 14B NCAC 15B .0101(2);
- (5) delivery of possession of a quantity of wine or spirituous liquor sold pursuant to this Rule to a single buyer in excess of the limits set forth in G.S. 18B-303 shall not be permitted unless the buyer at auction of the wine or spirituous liquor has a valid permit issued pursuant to G.S. 18B-1002(a)(4) or otherwise complies with the provisions of G.S. 18B-303;
- (6) records of sales maintained in accordance with G.S. 85B-7(d) of an auction conducted pursuant to Rule .2204 of this Section shall be open to inspection by the Commission and law enforcement agents in accordance with G.S. 18B-502; and
- (7) purchases by the holder of a permit issued pursuant to Rule .2204 of this Section who bids on and purchases at auction wine or spirituous liquor shall be subject to the conditions, limitations, and requirements of Items (2), (4), and (5) of this Rule.

History Note: Authority G.S. 18B-100; 18B-207; 18B-303; 18B-502; 18B-1002; 18B-1002.1; Temporary Adoption Eff. February 23, 2018 (See S.L. 2017-87, s. 19(a)); Eff. December 1, 2018.