

A.B.C. OFFENSES FOR WHICH COURT APPEARANCE MAY BE WAIVED

(on execution of written wavier of appearance and trial, and plea of guilty)

(Adopted by the Conference of Chief District Court Judges, October 18, 1990
Pursuant to N.C. G.S. 7A-148.)

Effective January 1, 1991

1. Having alcoholic beverages mailed or shipped from outside state, without A.B.C permit.
[G.S. 18B-109(a)] \$25 and costs
2. Consumption of malt beverages or unfortified wine on premises having only an off-premises permit. [G.S. 18B-300(b)] \$25 and costs
3. Consumption of fortified wine, spirituous liquor, or mixed beverages (or offering such beverages to another person) on premises of A.B.C. store, or on property used or occupied by a local A.B. C. board. [G.S. 18B-301(f)] \$25 and costs
4. Consumption of fortified wine, spirituous liquor, or mixed beverages (or offering such beverages to another person) on any public road, street, highway, or sidewalk.
[G.S. 18B-301(f)] \$10 and costs
5. Public display of fortified wine, spirituous liquor, or mixed beverages at an athletic contest.
[G.S. 18B-301(f)] \$25 and costs
6. Possession or consumption of fortified wine, spirituous liquor, or mixed beverages upon premises where possession or consumption is not authorized by law. [G.S. 18B-301(f)]..... \$10 and costs
7. Possession or consumption of fortified wine, spirituous liquor, or mixed beverages upon premises where a person has been forbidden to possess or consume beverages by the owner or other person in charge of the premises. [G.S. 18B-301(f)]..... \$25 and costs
8. Possession or consumption of malt beverages or unfortified wine on property owned or leased by a local Board of Education. [G.S. 18B-301(f)] \$25 and costs
9. Possession of malt beverages or unfortified wine by person less than 19 years of age.
[G.S. 18-B-302(b)] \$10 and costs
10. Possession of fortified wine, spirituous liquor, or mixed beverages by person less than 21 years of age. [G.S. 18B-302(b)] \$10 and costs
11. Purchase, attempt to purchase, or possession of malt beverages or unfortified wine by a person 19 or 20 years of age. [G.S. 18B-302(b),(i)]..... \$10
12. Sale or gift of any alcoholic beverage to an intoxicated person by a permittee, or his employee, or an A.B.C. store employee. [G.S. 18B-305(a)] \$100 and costs
13. Sale or consumption, or allowing the sale or consumption of any alcoholic beverage in a room while a raffle or bingo game is being conducted. [G.S. 18B-308]..... \$50 and costs
14. Transportation of more than 20 liters of unfortified wine, without a purchase-transportation permit. [G.S. 18B-400, G.S. 18B-102(a)] \$10 and costs
15. Transportation of more than 5 liters of fortified wine or spirituous liquor (or 5 liters of the two combined), without a purchase-transportation permit. [G.S. 18B-400; G.S. 18B-102(a)] \$10 and costs

16. Illegal transportation of 1 liter or less tax paid fortified wine or spirituous liquor in passenger area of motor vehicle. [G.S. 18B-401(a)]	\$25 and costs
17. Consumption of malt beverages or unfortified wine by a person who is driving a motor vehicle on a highway or public vehicular area. [G.S. 18B-401(a)]	\$25 and costs
18. Transportation of over 5 liters of fortified wine or spirituous liquor (or a combination of the two) by a passenger in a taxicab. [G.S. 18B-401(b)]	\$10 and costs
19. Bringing into North Carolina alcoholic beverages purchased out of state in amounts greater than that may be legally transported within the State, or bringing into North Carolina more than 4 liters of spirituous liquor purchased outside the state. [G.S. 18B-402; G.S. 18B-102(a)]	\$10 and costs
20. Transportation of over 100 liters of unfortified wine, with a purchase-transportation permit. [G.S. 18B-403(a); 18B-102(a)]	\$10 and costs
21. Transportation of over 40 liters of fortified wine or spirituous liquor (or 40 liters of the two combined) with a purchase-transportation permit. [G.S. 18B-403(a), G.S. 18B-102(a)]	\$10 and costs
22. Transportation of more than the amount of fortified wine or spirituous liquor specified on the purchase-transportation permit of a mixed beverage permittee. [G.S. 18B-403(a), G.S. 18B-102(a)]	\$50 and costs
23. Failure to display purchase-transportation permit to a law enforcement officer upon request. [G.S. 18B-403(e)]	\$10 and costs
24. Violation of an ordinance enacted pursuant to G.S. 18B-300() regulating the consumption of malt beverages and unfortified wine on property owned or occupied by a city or county	\$10 and costs

OTHER POLICIES RELATING TO A.B.C. OFFENSES:

1. G.S. 7 A-148 provides that the Chief District Judges shall prepare a "uniform schedule" of waivable A.B.C. offenses under Chapter 18B and shall otherwise promote the "uniform administration of justice." In accordance with the statutory mandate, all judicial districts will adhere to the schedule provided herein and individual judicial district policies deviating from this schedule are prohibited.
2. An offense is not waivable if the defendant has been convicted of any violation of the A.B.C. laws within the previous two years.
3. When a defendant is charged with two offenses arising out of the same transaction and both are waivable under this schedule, they should be charged on the same citation. If additional offenses are charged, a separate citation should be used for each two additional offenses.
4. When two charges are made on a citation, the defendant shall be fined only for the offense carrying the highest fine, and only one bill of costs will be assessed.
5. When a defendant is charged on the same citation with an offense waivable under this schedule and one offense that is not waivable, the defendant must appear in court to answer for both the waivable and non-waivable charge.