

By: White

H.B. No. 109

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the permit required to transport alcoholic beverages
3 between certain permitted premises; authorizing a fee.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 11.38(d), Alcoholic Beverage Code, is
6 amended to read as follows:

7 (d) The following are exempt from the fee authorized in this
8 section:

9 (1) agent's, airline beverage, passenger train
10 beverage, industrial, carrier's, private carrier's, private club
11 registration, local cartage, cartage, storage, and temporary wine
12 and beer retailer's permits;

13 (2) a wine and beer retailer's permit issued for a
14 dining, buffet, or club car; and

15 (3) a mixed beverage permit during the three-year
16 period following the issuance of the permit.

17 SECTION 2. Section 22.08, Alcoholic Beverage Code, is
18 amended to read as follows:

19 Sec. 22.08. TRANSFER OF BEVERAGES. (a) The owner of more
20 than one package store who is also the holder of a local cartage
21 permit may transfer alcoholic beverages between any of the owner's
22 permitted [~~his licensed~~] premises in the same county between the
23 hours of 7 a.m. and 9 p.m. on any day when the sale of those
24 beverages is legal, subject to rules prescribed by the commission.

1 (b) The owner of more than one package store who is also the
2 holder of a cartage permit may transfer alcoholic beverages between
3 any of the owner's permitted premises between the hours of 7 a.m.
4 and 9 p.m. on any day when the sale of those beverages is legal,
5 subject to rules prescribed by the commission.

6 SECTION 3. Subtitle A, Title 3, Alcoholic Beverage Code, is
7 amended by adding Chapter 43A to read as follows:

8 CHAPTER 43A. CARTAGE PERMIT

9 Sec. 43A.01. AUTHORIZED ACTIVITIES. A package store
10 permittee who also holds a cartage permit may transfer alcoholic
11 beverages in accordance with Section 22.08.

12 Sec. 43A.02. FEE. The annual state fee for a cartage permit
13 is \$30.

14 Sec. 43A.03. ELIGIBILITY FOR PERMIT. The commission may
15 issue a cartage permit to a holder of a package store permit.

16 Sec. 43A.04. VEHICLES USED BY PERMITTEE. (a) No cartage
17 permittee may transport liquor unless:

18 (1) a description of each vehicle used in the
19 transportation, as required by the commission, has been submitted
20 to the commission; and

21 (2) each vehicle has been plainly marked or lettered
22 to indicate that it is being used for the transportation of liquor
23 by a cartage permittee.

24 (b) The transportation of liquor by a permittee in a vehicle
25 not described and marked in accordance with this section is a
26 violation of this code and is a ground for the cancellation of the
27 permit.

1 Sec. 43A.05. CERTAIN TRANSPORTATION PROHIBITED. No holder
2 of a cartage permit may for hire transport liquor in this state.

3 Sec. 43A.06. VIOLATION OF CODE, RULE. If a holder of a
4 cartage permit who also holds a package store permit violates any
5 provision of this code or any rule or regulation of the commission,
6 the violation is a ground for the suspension or cancellation of any
7 or all permits or licenses held by that person for the premises
8 where the offense was committed.

9 SECTION 4. Section 204.01(b), Alcoholic Beverage Code, is
10 amended to read as follows:

11 (b) No bond is required of a holder of a mixed beverage,
12 private club registration, carriers, local cartage, cartage, wine
13 and beer retailers, nonresident seller's, manufacturer's agent's,
14 or agent's permit.

15 SECTION 5. The change in law made by this Act applies only
16 to the transport of an alcoholic beverage on or after the effective
17 date of this Act. The transport of an alcoholic beverage before the
18 effective date of this Act is governed by the law as it existed
19 immediately before that date, and that law is continued in effect
20 for that purpose.

21 SECTION 6. This Act takes effect September 1, 2017.