

By: Wilson

H.B. No. 657

A BILL TO BE ENTITLED

AN ACT

relating to relevant statutory provisions relating to age in the regulation of alcoholic beverages.

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

SECTION 1. Section 22.13, Alcoholic Beverage Code, is amended to read as follows:

Sec. 22.13. AGE OF PACKAGE STORE EMPLOYEES. (a) A package store permittee may not knowingly utilize or employ any person under the age of 18 [~~21~~] to work on the premises of a package store in any capacity or to deliver alcohol off the premises of a package store.

(b) ~~[This section shall not apply to a person who was under the age of 21 and employed by a package store on September 1, 1995.]~~

~~[(c)]~~ This section shall not apply to a person who is employed by the person's parent or legal guardian to work in a package store that is owned by the parent or legal guardian.

SECTION 2. Section 102.19, Alcoholic Beverage Code, is amended to read as follows:

Sec. 102.19. PROMOTIONAL GIFT WINE. A holder of a winery permit may give one or more unopened bottles of Texas-made wine produced or bottled by the winery to a person 18 [~~21~~] years of age or older on the premises of a convention center or civic center that holds a mixed beverage permit if no charge is made by the winery or by the mixed beverage permittee for the wine. A recipient of a

1 bottle of wine under this section must take the unopened gift bottle
2 off the premises of the mixed beverage permittee.

3 SECTION 3. Section 106.01, Alcoholic Beverage Code, is
4 amended to read as follows:

5 Sec. 106.01. DEFINITION. In this code, "minor" means a
6 person under 18 [~~21~~] years of age.

7 SECTION 4. Section 106.03(b), Alcoholic Beverage Code, is
8 amended to read as follows:

9 (b) A person who sells a minor an alcoholic beverage does
10 not commit an offense if the minor falsely represents the minor
11 [~~himself~~] to be 18 [~~21~~] years old or older by displaying an
12 apparently valid Texas driver's license or an identification card
13 issued by the Texas Department of Public Safety, containing a
14 physical description consistent with the minor's [~~his~~] appearance
15 for the purpose of inducing the person to sell the minor [~~him~~] an
16 alcoholic beverage.

17 SECTION 5. Section 106.07(a), Alcoholic Beverage Code, is
18 amended to read as follows:

19 (a) A minor commits an offense if the minor [~~he~~] falsely
20 states that the minor [~~he~~] is 18 [~~21~~] years of age or older or
21 presents any document that indicates the minor [~~he~~] is 18 [~~21~~] years
22 of age or older to a person engaged in selling or serving alcoholic
23 beverages.

24 SECTION 6. Section 106.12(a), Alcoholic Beverage Code, is
25 amended to read as follows:

26 (a) Any person convicted of not more than one violation of
27 this code while a minor, on attaining the age of 18 [~~21~~] years, may

1 apply to the court in which the person [~~he~~] was convicted to have
2 the conviction expunged.

3 SECTION 7. Section 107.12, Alcoholic Beverage Code, is
4 amended to read as follows:

5 Sec. 107.12. DIRECT SHIPMENT OF WINE. Notwithstanding
6 Section 107.07, a person who purchases wine while at a winery
7 located in this state may ship or cause to be shipped the wine to the
8 person's residence if the winery verifies that the person
9 purchasing the wine is 18 [~~21~~] years of age or older. The person
10 must be present when the wine is delivered to the person's
11 residence.

12 SECTION 8. Section 110.054, Alcoholic Beverage Code, is
13 amended to read as follows:

14 Sec. 110.054. DELIVERY OF WINE IN A DRY AREA. A package
15 store that participates in the program may ship wine under Section
16 110.053 to a person who resides in a dry area if:

17 (1) the delivery is made by the holder of a carrier
18 permit; and

19 (2) the package is clearly labeled as requiring the
20 signature of a person 18 [~~21~~] years of age or older for delivery.

21 SECTION 9. Section 49.02(e), Penal Code, is amended to read
22 as follows:

23 (e) An offense under this section committed by a person
24 younger than 18 [~~21~~] years of age is punishable in the same manner
25 as if the minor committed an offense to which Section 106.071,
26 Alcoholic Beverage Code, applies.

27 SECTION 10. Section 521.101(c), Transportation Code, is

amended to read as follows:

(c) The department shall indicate "UNDER 18 [~~21~~]" on the face of a personal identification certificate issued to a person under 18 [~~21~~] years of age.

SECTION 11. Section 521.123, Transportation Code, is amended to read as follows:

Sec. 521.123. DESIGNATOR ON LICENSE ISSUED TO PERSON UNDER 18 [~~21~~] YEARS OF AGE. The department shall[÷

[~~(1)~~] designate and clearly mark as a provisional license each original driver's license issued by the department to a person who is under 18 years of age[+] and

~~[(2) for each original, renewed, or duplicate license issued to a person who is under 21 years of age]:~~

(1) [~~(A)~~] indicate "UNDER 18 [~~21~~]" on the face of the license; and

(2) [~~(B)~~] orient the information on the license to clearly distinguish the license from a license that is issued to a person who is 18 [~~21~~] years of age or older.

SECTION 12. Section 521.342, Transportation Code, is amended to read as follows:

Sec. 521.342. PERSON UNDER 18 [~~21~~] YEARS OF AGE. (a) Except as provided by Section 521.344, the license of a person who was under 18 [~~21~~] years of age at the time of the offense, other than an offense classified as a misdemeanor punishable by fine only, is automatically suspended on conviction of:

(1) an offense under Section 49.04 or 49.07, Penal Code, committed as a result of the introduction of alcohol into the

body;

(2) an offense under the Alcoholic Beverage Code, other than an offense to which Section 106.071 of that code applies, involving the manufacture, delivery, possession, transportation, or use of an alcoholic beverage;

(3) a misdemeanor offense under Chapter 481, Health and Safety Code, for which Subchapter P does not require the automatic suspension of the license;

(4) an offense under Chapter 483, Health and Safety Code, involving the manufacture, delivery, possession, transportation, or use of a dangerous drug; or

(5) an offense under Chapter 484, Health and Safety Code, involving the manufacture, delivery, possession, transportation, or use of a volatile chemical.

(b) The department shall suspend for one year the license of a person who is under 18 [~~21~~] years of age and is convicted of an offense under Section 49.04, 49.07, or 49.08, Penal Code, regardless of whether the person is required to attend an educational program under Section 13(h), Article 42.12, Code of Criminal Procedure, that is designed to rehabilitate persons who have operated motor vehicles while intoxicated, unless the person is placed under community supervision under that article and is required as a condition of the community supervision to not operate a motor vehicle unless the vehicle is equipped with the device described by Section 13(i) of that article. If the person is required to attend such a program and does not complete the program before the end of the person's suspension, the department shall

1 suspend the person's license or continue the suspension, as
2 appropriate, until the department receives proof that the person
3 has successfully completed the program. On the person's successful
4 completion of the program, the person's instructor shall give
5 notice to the department and to the community supervision and
6 corrections department in the manner provided by Section 13(h),
7 Article 42.12, Code of Criminal Procedure.

8 (c) A person whose license is suspended under Subsection (a)
9 remains eligible to receive an occupational license under
10 Subchapter L. Suspension under Subsection (a) is not a suspension
11 for physical or mental disability or impairment for purposes of
12 eligibility to apply for an occupational license under Subchapter
13 L.

14 SECTION 13. Sections 521.453(a) and (h), Transportation
15 Code, are amended to read as follows:

16 (a) Except as provided by Subsection (f), a person under the
17 age of 18 [~~21~~] years commits an offense if the person possesses,
18 with the intent to represent that the person is 18 [~~21~~] years of age
19 or older, a document that is deceptively similar to a driver's
20 license or a personal identification certificate unless the
21 document displays the statement "NOT A GOVERNMENT DOCUMENT"
22 diagonally printed clearly and indelibly on both the front and back
23 of the document in solid red capital letters at least one-fourth
24 inch in height.

25 (h) In addition to the punishment provided by Subsection
26 (d), a court, if the court is located in a municipality or county
27 that has established a community service program, may order a

1 person younger than 18 [~~21~~] years of age who commits an offense
2 under this section to perform eight hours of community service
3 unless the person is shown to have previously committed an offense
4 under this section, in which case the court may order the person to
5 perform 12 hours of community service.

6 SECTION 14. Sections 524.001(1) and (11), Transportation
7 Code, are amended to read as follows:

8 (1) "Adult" means an individual 18 [~~21~~] years of age or
9 older.

10 (11) "Minor" means an individual under 18 [~~21~~] years
11 of age.

12 SECTION 15. Section 724.015, Transportation Code, is
13 amended to read as follows:

14 Sec. 724.015. INFORMATION PROVIDED BY OFFICER BEFORE
15 REQUESTING SPECIMEN. Before requesting a person to submit to the
16 taking of a specimen, the officer shall inform the person orally and
17 in writing that:

18 (1) if the person refuses to submit to the taking of
19 the specimen, that refusal may be admissible in a subsequent
20 prosecution;

21 (2) if the person refuses to submit to the taking of
22 the specimen, the person's license to operate a motor vehicle will
23 be automatically suspended, whether or not the person is
24 subsequently prosecuted as a result of the arrest, for not less than
25 180 days;

26 (3) if the person is 18 [~~21~~] years of age or older and
27 submits to the taking of a specimen designated by the officer and an

1 analysis of the specimen shows the person had an alcohol
2 concentration of a level specified by Chapter 49, Penal Code, the
3 person's license to operate a motor vehicle will be automatically
4 suspended for not less than 90 days, whether or not the person is
5 subsequently prosecuted as a result of the arrest;

6 (4) if the person is younger than 18 [~~21~~] years of age
7 and has any detectable amount of alcohol in the person's system, the
8 person's license to operate a motor vehicle will be automatically
9 suspended for not less than 60 days even if the person submits to
10 the taking of the specimen, but that if the person submits to the
11 taking of the specimen and an analysis of the specimen shows that
12 the person had an alcohol concentration less than the level
13 specified by Chapter 49, Penal Code, the person may be subject to
14 criminal penalties less severe than those provided under that
15 chapter;

16 (5) if the officer determines that the person is a
17 resident without a license to operate a motor vehicle in this state,
18 the department will deny to the person the issuance of a license,
19 whether or not the person is subsequently prosecuted as a result of
20 the arrest, under the same conditions and for the same periods that
21 would have applied to a revocation of the person's driver's license
22 if the person had held a driver's license issued by this state; and

23 (6) the person has a right to a hearing on the
24 suspension or denial if, not later than the 15th day after the date
25 on which the person receives the notice of suspension or denial or
26 on which the person is considered to have received the notice by
27 mail as provided by law, the department receives, at its

1 headquarters in Austin, a written demand, including a facsimile
2 transmission, or a request in another form prescribed by the
3 department for the hearing.

4 SECTION 16. This Act takes effect September 1, 2003.

5 SECTION 17. (a) The change in law made by this Act applies
6 only to an offense committed on or after the effective date of this
7 Act. For purposes of this section, an offense is committed before
8 the effective date of this Act if any element of the offense occurs
9 before the effective date.

10 (b) An offense committed before the effective date of this
11 Act is covered by the law in effect when the offense was committed,
12 and the former law is continued in effect for that purpose.