

By: Chisum

H.B. No. 941

A BILL TO BE ENTITLED

AN ACT

relating to the export of certain beer, malt liquor, and ale.

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

SECTION 1. Chapter 19, Alcoholic Beverage Code, is amended by adding Section 19.05 to read as follows:

Sec. 19.05. ALE AND MALT LIQUOR FOR EXPORT. (a) In this section "ale or malt liquor for export" means ale or malt liquor a wholesaler holds for export to another state in which the wholesaler has been assigned a territory for the distribution and sale of the ale or malt liquor. The term includes ale and malt liquor that is illegal to sell in this state because of alcohol content, containers, packages, or labels.

(b) The holder of a wholesaler's permit who receives ale or malt liquor for export from the holder of a nonresident brewer's permit may:

(1) store the ale or malt liquor for export at the wholesaler's premises;

(2) transport the ale or malt liquor for export outside the state in the wholesaler's own vehicles; or

(3) deliver the ale or malt liquor for export to a common carrier for export and delivery outside the state.

(c) The holder of a wholesaler's permit is not liable for any state tax on the ale or malt liquor for export.

SECTION 2. Chapter 20, Alcoholic Beverage Code, is amended

1 by adding Section 20.03 to read as follows:

2 Sec. 20.03. ALE AND MALT LIQUOR FOR EXPORT. (a) In this  
3 section "ale or malt liquor for export" means ale or malt liquor a  
4 wholesaler holds for export to another state in which the  
5 wholesaler has been assigned a territory for the distribution and  
6 sale of the ale or malt liquor. The term includes ale and malt  
7 liquor that is illegal to sell in this state because of alcohol  
8 content, containers, packages, or labels.

9 (b) The holder of a general class B wholesaler's permit who  
10 receives ale or malt liquor for export from the holder of a brewer's  
11 or nonresident brewer's permit may:

12 (1) store the ale or malt liquor for export at the  
13 wholesaler's premises;

14 (2) transport the ale or malt liquor for export  
15 outside the state in the wholesaler's own vehicles; or

16 (3) deliver the ale or malt liquor for export to a  
17 common carrier for export and delivery outside the state.

18 (c) The holder of a general class B wholesaler's permit is  
19 not liable for any state tax on the ale or malt liquor for export.

20 SECTION 3. Chapter 21, Alcoholic Beverage Code, is amended  
21 by adding Section 21.03 to read as follows:

22 Sec. 21.03. ALE AND MALT LIQUOR FOR EXPORT. (a) In this  
23 section "ale or malt liquor for export" means ale or malt liquor a  
24 wholesaler holds for export to another state in which the  
25 wholesaler has been assigned a territory for the distribution and  
26 sale of the ale or malt liquor. The term includes ale and malt  
27 liquor that is illegal to sell in this state because of alcohol

1 content, containers, packages, or labels.

2 (b) The holder of a local class B wholesaler's permit who  
3 receives malt liquor or ale for export from the holder of a brewer's  
4 or nonresident brewer's permit may:

5 (1) store the ale or malt liquor for export at the  
6 wholesaler's premises;

7 (2) transport the ale or malt liquor for export  
8 outside the state in the wholesaler's own vehicles; or

9 (3) deliver the ale or malt liquor for export to a  
10 common carrier for export and delivery outside the state.

11 (c) The holder of a local class B wholesaler's permit is not  
12 liable for any state tax on the ale or malt liquor for export.

13 SECTION 4. Chapter 64, Alcoholic Beverage Code, is amended  
14 by adding Section 64.09 to read as follows:

15 Sec. 64.09. BEER FOR EXPORT. (a) In this section "beer for  
16 export" means beer a distributor holds for export to another state  
17 in which the distributor has been assigned a territory for the  
18 distribution and sale of the beer. The term includes beer that is  
19 illegal to sell in this state because of alcohol content,  
20 containers, packages, or labels.

21 (b) The holder of a general distributor's license who  
22 receives beer for export from the holder of a manufacturer's or  
23 nonresident manufacturer's license may:

24 (1) store the beer for export at the distributor's  
25 premises;

26 (2) transport the beer for export outside the state in  
27 the distributor's own vehicles; or

1           (3) deliver the beer for export to a common carrier for  
2 export and delivery outside the state.

3           (c) The holder of a general distributor's license is not  
4 liable for any state tax on the beer for export.

5           SECTION 5. Chapter 65, Alcoholic Beverage Code, is amended  
6 by adding Section 65.08 to read as follows:

7           Sec. 65.08. BEER FOR EXPORT. (a) In this section "beer for  
8 export" means beer a distributor holds for export to another state  
9 in which the distributor has been assigned a territory for the  
10 distribution and sale of the beer. The term includes beer that is  
11 illegal to sell in this state because of alcohol content,  
12 containers, packages, or labels.

13           (b) The holder of a local distributor's license who receives  
14 beer for export from the holder of a manufacturer's or nonresident  
15 manufacturer's license may:

16           (1) store the beer for export at the distributor's  
17 premises;

18           (2) transport the beer for export outside the state in  
19 the distributor's own vehicles; or

20           (3) deliver the beer for export to a common carrier for  
21 export and delivery outside the state.

22           (c) The holder of a local distributor's license is not  
23 liable for any state tax on the beer for export.

24           SECTION 6. Chapter 66, Alcoholic Beverage Code, is amended  
25 by adding Section 66.11 to read as follows:

26           Sec. 66.11. BEER FOR EXPORT. (a) In this section "beer for  
27 export" means beer a distributor holds for export to another state

1 in which the distributor has been assigned a territory for the  
2 distribution and sale of the beer. The term includes beer that is  
3 illegal to sell in this state because of alcohol content,  
4 containers, packages, or labels.

5 (b) The holder of a branch distributor's license who  
6 receives beer for export from the holder of a manufacturer's or  
7 nonresident manufacturer's license may:

8 (1) store the beer for export at the distributor's  
9 premises;

10 (2) transport the beer for export outside the state in  
11 the distributor's own vehicles; or

12 (3) deliver the beer for export to a common carrier for  
13 export and delivery outside the state.

14 (c) The holder of a branch distributor's license is not  
15 liable for any state tax on the beer for export.

16 SECTION 7. This Act takes effect September 1, 2003.