

1-1 By: Chisum (Senate Sponsor - Estes) H.B. No. 941
1-2 (In the Senate - Received from the House April 28, 2003;
1-3 May 1, 2003, read first time and referred to Committee on Business
1-4 and Commerce; May 9, 2003, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; May 9, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the export of certain beer, malt liquor, and ale.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Chapter 19, Alcoholic Beverage Code, is amended
1-11 by adding Section 19.05 to read as follows:

1-12 Sec. 19.05. ALE AND MALT LIQUOR FOR EXPORT. (a) In this
1-13 section "ale or malt liquor for export" means ale or malt liquor a
1-14 wholesaler holds for export to another state in which the
1-15 wholesaler has been assigned a territory for the distribution and
1-16 sale of the ale or malt liquor. The term includes ale and malt
1-17 liquor that is illegal to sell in this state because of alcohol
1-18 content, containers, packages, or labels.

1-19 (b) The holder of a wholesaler's permit who receives ale or
1-20 malt liquor for export from the holder of a brewer's or nonresident
1-21 brewer's permit may:

1-22 (1) store the ale or malt liquor for export at the
1-23 wholesaler's premises;

1-24 (2) transport the ale or malt liquor for export
1-25 outside the state in the wholesaler's own vehicles; or

1-26 (3) deliver the ale or malt liquor for export to a
1-27 common carrier for export and delivery outside the state.

1-28 (c) The holder of a wholesaler's permit is not liable for
1-29 any state tax on the ale or malt liquor for export.

1-30 (d) Section 101.67 does not apply to ale or malt liquor for
1-31 export.

1-32 SECTION 2. Chapter 20, Alcoholic Beverage Code, is amended
1-33 by adding Section 20.03 to read as follows:

1-34 Sec. 20.03. ALE AND MALT LIQUOR FOR EXPORT. (a) In this
1-35 section "ale or malt liquor for export" means ale or malt liquor a
1-36 wholesaler holds for export to another state in which the
1-37 wholesaler has been assigned a territory for the distribution and
1-38 sale of the ale or malt liquor. The term includes ale and malt
1-39 liquor that is illegal to sell in this state because of alcohol
1-40 content, containers, packages, or labels.

1-41 (b) The holder of a general class B wholesaler's permit who
1-42 receives ale or malt liquor for export from the holder of a brewer's
1-43 or nonresident brewer's permit may:

1-44 (1) store the ale or malt liquor for export at the
1-45 wholesaler's premises;

1-46 (2) transport the ale or malt liquor for export
1-47 outside the state in the wholesaler's own vehicles; or

1-48 (3) deliver the ale or malt liquor for export to a
1-49 common carrier for export and delivery outside the state.

1-50 (c) The holder of a general class B wholesaler's permit is
1-51 not liable for any state tax on the ale or malt liquor for export.

1-52 (d) Section 101.67 does not apply to ale or malt liquor for
1-53 export.

1-54 SECTION 3. Chapter 21, Alcoholic Beverage Code, is amended
1-55 by adding Section 21.03 to read as follows:

1-56 Sec. 21.03. ALE AND MALT LIQUOR FOR EXPORT. (a) In this
1-57 section "ale or malt liquor for export" means ale or malt liquor a
1-58 wholesaler holds for export to another state in which the
1-59 wholesaler has been assigned a territory for the distribution and
1-60 sale of the ale or malt liquor. The term includes ale and malt
1-61 liquor that is illegal to sell in this state because of alcohol
1-62 content, containers, packages, or labels.

1-63 (b) The holder of a local class B wholesaler's permit who
1-64 receives malt liquor or ale for export from the holder of a brewer's

2-1 or nonresident brewer's permit may:
 2-2 (1) store the ale or malt liquor for export at the
 2-3 wholesaler's premises;
 2-4 (2) transport the ale or malt liquor for export
 2-5 outside the state in the wholesaler's own vehicles; or
 2-6 (3) deliver the ale or malt liquor for export to a
 2-7 common carrier for export and delivery outside the state.
 2-8 (c) The holder of a local class B wholesaler's permit is not
 2-9 liable for any state tax on the ale or malt liquor for export.
 2-10 (d) Section 101.67 does not apply to ale or malt liquor for
 2-11 export.
 2-12 SECTION 4. Chapter 64, Alcoholic Beverage Code, is amended
 2-13 by adding Section 64.09 to read as follows:
 2-14 Sec. 64.09. BEER FOR EXPORT. (a) In this section "beer for
 2-15 export" means beer a distributor holds for export to another state
 2-16 in which the distributor has been assigned a territory for the
 2-17 distribution and sale of the beer. The term includes beer that is
 2-18 illegal to sell in this state because of alcohol content,
 2-19 containers, packages, or labels.
 2-20 (b) The holder of a general distributor's license who
 2-21 receives beer for export from the holder of a manufacturer's or
 2-22 nonresident manufacturer's license may:
 2-23 (1) store the beer for export at the distributor's
 2-24 premises;
 2-25 (2) transport the beer for export outside the state in
 2-26 the distributor's own vehicles; or
 2-27 (3) deliver the beer for export to a common carrier for
 2-28 export and delivery outside the state.
 2-29 (c) The holder of a general distributor's license is not
 2-30 liable for any state tax on the beer for export.
 2-31 (d) Section 101.67 does not apply to beer for export.
 2-32 SECTION 5. Chapter 65, Alcoholic Beverage Code, is amended
 2-33 by adding Section 65.08 to read as follows:
 2-34 Sec. 65.08. BEER FOR EXPORT. (a) In this section "beer for
 2-35 export" means beer a distributor holds for export to another state
 2-36 in which the distributor has been assigned a territory for the
 2-37 distribution and sale of the beer. The term includes beer that is
 2-38 illegal to sell in this state because of alcohol content,
 2-39 containers, packages, or labels.
 2-40 (b) The holder of a local distributor's license who receives
 2-41 beer for export from the holder of a manufacturer's or nonresident
 2-42 manufacturer's license may:
 2-43 (1) store the beer for export at the distributor's
 2-44 premises;
 2-45 (2) transport the beer for export outside the state in
 2-46 the distributor's own vehicles; or
 2-47 (3) deliver the beer for export to a common carrier for
 2-48 export and delivery outside the state.
 2-49 (c) The holder of a local distributor's license is not
 2-50 liable for any state tax on the beer for export.
 2-51 (d) Section 101.67 does not apply to beer for export.
 2-52 SECTION 6. Chapter 66, Alcoholic Beverage Code, is amended
 2-53 by adding Section 66.11 to read as follows:
 2-54 Sec. 66.11. BEER FOR EXPORT. (a) In this section "beer for
 2-55 export" means beer a distributor holds for export to another state
 2-56 in which the distributor has been assigned a territory for the
 2-57 distribution and sale of the beer. The term includes beer that is
 2-58 illegal to sell in this state because of alcohol content,
 2-59 containers, packages, or labels.
 2-60 (b) The holder of a branch distributor's license who
 2-61 receives beer for export from the holder of a manufacturer's or
 2-62 nonresident manufacturer's license may:
 2-63 (1) store the beer for export at the distributor's
 2-64 premises;
 2-65 (2) transport the beer for export outside the state in
 2-66 the distributor's own vehicles; or
 2-67 (3) deliver the beer for export to a common carrier for
 2-68 export and delivery outside the state.
 2-69 (c) The holder of a branch distributor's license is not

3-1 liable for any state tax on the beer for export.

3-2 (d) Section 101.67 does not apply to beer for export.

3-3 SECTION 7. This Act takes effect September 1, 2003.

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