

By: Dutton

H.B. No. 428

Substitute the following for H.B. No. 428:

By: Jones of Lubbock

C.S.H.B. No. 428

A BILL TO BE ENTITLED

AN ACT

relating to the hours for selling alcoholic beverages in certain establishments.

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

SECTION 1. Subtitle A, Title 3, Alcoholic Beverage Code, is amended by adding Chapter 29A to read as follows:

CHAPTER 29A. ALL-NIGHT HOTEL MIXED BEVERAGE PERMIT

Sec. 29A.01. ELIGIBILITY FOR PERMIT. The commission or the administrator may issue an all-night hotel mixed beverage permit only to the holder of a mixed beverage permit whose premises are located in a hotel that has 100 or more guest rooms and provides regular food service to hotel guests.

Sec. 29A.02. AUTHORIZED ACTIVITIES. (a) The holder of an all-night hotel mixed beverage permit may sell mixed beverages only to a registered guest of the hotel on Sunday between the hours of 1 a.m. and 12 noon and on any other day between the hours of midnight and 7 a.m.

(b) A hotel guest may not pay, in any manner other than as required by this subsection, for mixed beverages served to the hotel guest at a time when the service of alcoholic beverages is restricted to only hotel guests. The permit holder shall bill the charge for the mixed beverages to the hotel guest's account, and the guest shall pay the charge along with other hotel charges, including the charge for using the hotel room, when the hotel guest

1 ends the guest's stay at the hotel. The hotel shall make its
2 records available for inspection at the request of the commission.

3 Sec. 29A.03. FEE. The annual state fee for an all-night
4 hotel mixed beverage permit is \$1,000.

5 Sec. 29A.04. APPLICATION OF PROVISIONS REGULATING MIXED
6 BEVERAGE PERMITS. All provisions of this code that apply to a mixed
7 beverage permit also apply to an all-night hotel mixed beverage
8 permit.

9 SECTION 2. Section 105.03, Alcoholic Beverage Code, is
10 amended by adding Subsection (f) to read as follows:

11 (f) The holder of an all-night hotel mixed beverage permit
12 may sell mixed beverages to a registered guest of the hotel only
13 between the hours of midnight and 7 a.m. on any day except Sunday.
14 On Sunday the permit holder may sell mixed beverages to a registered
15 guest of the hotel only between the hours of 1 a.m. and 12 noon.

16 SECTION 3. Section 105.06, Alcoholic Beverage Code, is
17 amended by amending Subsections (b) and (c) and adding Subsection
18 (f) to read as follows:

19 (b) Except as provided by Subsection (f), in [In] a standard
20 hours area, a person commits an offense if he consumes or possesses
21 with intent to consume an alcoholic beverage in a public place at
22 any time on Sunday between 1:15 a.m. and 12 noon or on any other day
23 between 12:15 a.m. and 7 a.m.

24 (c) Except as provided by Subsection (f), in [In] an
25 extended hours area, a person commits an offense if he consumes or
26 possesses with intent to consume an alcoholic beverage in a public
27 place at any time on Sunday between 2:15 a.m. and 12 noon and on any

1 other day between 2:15 a.m. and 7 a.m.

2 (f) A person who is a registered guest of a hotel may consume
3 or possess alcoholic beverages in the hotel bar on Sunday between
4 the hours of 1 a.m. and 12 noon and on any other day between the
5 hours of midnight and 7 a.m. if the hotel bar holds an all-night
6 hotel mixed beverage permit.

7 SECTION 4. This Act takes effect September 1, 2005.