

By: Moreno of Harris

H.B. No. 2451

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the sale, service, and delivery of alcoholic beverages;
3 providing penalties.

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

5 SECTION 1. Section 11.61(b), Alcoholic Beverage Code, is
6 amended to read as follows:

7 (b) The commission or administrator may suspend for not more
8 than 60 days or cancel an original or renewal permit if it is found,
9 after notice and hearing, that any of the following is true:

10 (1) the permittee has been finally convicted of a
11 violation of this code;

12 (2) the permittee violated a provision of this code or
13 a rule of the commission;

14 (3) the permittee was finally convicted of a felony
15 while holding an original or renewal permit;

16 (4) the permittee made a false or misleading statement
17 in connection with his original or renewal application, either in
18 the formal application itself or in any other written instrument
19 relating to the application submitted to the commission, its
20 officers, or employees;

21 (5) the permittee is indebted to the state for taxes,
22 fees, or payment of penalties imposed by this code, by a rule of the
23 commission, or by Chapter 183, Tax Code;

24 (6) the permittee is not of good moral character or his

1 reputation for being a peaceable and law-abiding citizen in the
2 community where he resides is bad;

3 (7) the place or manner in which the permittee
4 conducts his business warrants the cancellation or suspension of
5 the permit based on the general welfare, health, peace, morals, and
6 safety of the people and on the public sense of decency;

7 (8) the permittee is not maintaining an acceptable
8 bond;

9 (9) the permittee maintains a noisy, lewd, disorderly,
10 or unsanitary establishment or has supplied impure or otherwise
11 deleterious beverages;

12 (10) the permittee is insolvent or mentally or
13 physically unable to carry on the management of his establishment;

14 (11) the permittee is in the habit of using alcoholic
15 beverages to excess;

16 (12) the permittee knowingly misrepresented to a
17 customer or the public any liquor sold by him;

18 (13) the permittee was intoxicated on the licensed
19 premises;

20 (14) the permittee sold or delivered an alcoholic
21 beverage to an intoxicated person;

22 (15) the permittee possessed on the licensed premises
23 an alcoholic beverage that he was not authorized by his permit to
24 purchase and sell;

25 (16) a package store or wine only package store
26 permittee transported or shipped liquor, or caused it to be
27 transported or shipped, into a dry state or a dry area within this

1 state;

2 (17) the permittee is residentially domiciled with a
3 person who has a financial interest in an establishment engaged in
4 the business of selling beer at retail, other than a mixed beverage
5 establishment, except as authorized by Section 22.06, 24.05, or
6 102.05 of this code;

7 (18) the permittee is residentially domiciled with a
8 person whose permit or license was cancelled for cause within the
9 12-month period preceding his own application;

10 (19) the permittee is not a citizen of the United
11 States or has not been a citizen of Texas for a period of one year
12 immediately preceding the filing of his application, unless he was
13 issued an original or renewal permit on or before September 1, 1948,
14 and has been a United States citizen at some time;

15 (20) the permittee permitted a person to open a
16 container of alcoholic beverage or possess an open container of
17 alcoholic beverage on the licensed premises unless a mixed beverage
18 permit has been issued for the premises; [~~or~~]

19 (21) the permittee failed to promptly report to the
20 commission a breach of the peace occurring on the permittee's
21 licensed premises;

22 (22) the permittee consumed an alcoholic beverage or
23 permitted one to be consumed on the licensed premises at a time when
24 the consumption of alcoholic beverages is prohibited by this code;
25 or

26 (23) the permittee sold, served, or delivered an
27 alcoholic beverage at a time when its sale is prohibited.

1 SECTION 2. Section 105.06(e), Alcoholic Beverage Code, is
2 amended to read as follows:

3 (e) An offense under this section is a Class C misdemeanor
4 [~~punishable by a fine of not more than \$50~~].

5 SECTION 3. (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 that 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.

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