

1-1 By: Moreno of Harris (Senate Sponsor - Gallegos) H.B. No. 2451
1-2 (In the Senate - Received from the House May 10, 2005;
1-3 May 12, 2005, read first time and referred to Committee on Business
1-4 and Commerce; May 18, 2005, reported favorably by the following
1-5 vote: Yeas 6, Nays 0; May 18, 2005, sent to printer.)

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

1-8 relating to the sale, service, and delivery of alcoholic beverages;
1-9 providing penalties.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 11.61(b), Alcoholic Beverage Code, is
1-12 amended to read as follows:

1-13 (b) The commission or administrator may suspend for not more
1-14 than 60 days or cancel an original or renewal permit if it is found,
1-15 after notice and hearing, that any of the following is true:

1-16 (1) the permittee has been finally convicted of a
1-17 violation of this code;

1-18 (2) the permittee violated a provision of this code or
1-19 a rule of the commission;

1-20 (3) the permittee was finally convicted of a felony
1-21 while holding an original or renewal permit;

1-22 (4) the permittee made a false or misleading statement
1-23 in connection with his original or renewal application, either in
1-24 the formal application itself or in any other written instrument
1-25 relating to the application submitted to the commission, its
1-26 officers, or employees;

1-27 (5) the permittee is indebted to the state for taxes,
1-28 fees, or payment of penalties imposed by this code, by a rule of the
1-29 commission, or by Chapter 183, Tax Code;

1-30 (6) the permittee is not of good moral character or his
1-31 reputation for being a peaceable and law-abiding citizen in the
1-32 community where he resides is bad;

1-33 (7) the place or manner in which the permittee
1-34 conducts his business warrants the cancellation or suspension of
1-35 the permit based on the general welfare, health, peace, morals, and
1-36 safety of the people and on the public sense of decency;

1-37 (8) the permittee is not maintaining an acceptable
1-38 bond;

1-39 (9) the permittee maintains a noisy, lewd, disorderly,
1-40 or unsanitary establishment or has supplied impure or otherwise
1-41 deleterious beverages;

1-42 (10) the permittee is insolvent or mentally or
1-43 physically unable to carry on the management of his establishment;

1-44 (11) the permittee is in the habit of using alcoholic
1-45 beverages to excess;

1-46 (12) the permittee knowingly misrepresented to a
1-47 customer or the public any liquor sold by him;

1-48 (13) the permittee was intoxicated on the licensed
1-49 premises;

1-50 (14) the permittee sold or delivered an alcoholic
1-51 beverage to an intoxicated person;

1-52 (15) the permittee possessed on the licensed premises
1-53 an alcoholic beverage that he was not authorized by his permit to
1-54 purchase and sell;

1-55 (16) a package store or wine only package store
1-56 permittee transported or shipped liquor, or caused it to be
1-57 transported or shipped, into a dry state or a dry area within this
1-58 state;

1-59 (17) the permittee is residentially domiciled with a
1-60 person who has a financial interest in an establishment engaged in
1-61 the business of selling beer at retail, other than a mixed beverage
1-62 establishment, except as authorized by Section 22.06, 24.05, or
1-63 102.05 of this code;

1-64 (18) the permittee is residentially domiciled with a

2-1 person whose permit or license was cancelled for cause within the
2-2 12-month period preceding his own application;

2-3 (19) the permittee is not a citizen of the United
2-4 States or has not been a citizen of Texas for a period of one year
2-5 immediately preceding the filing of his application, unless he was
2-6 issued an original or renewal permit on or before September 1, 1948,
2-7 and has been a United States citizen at some time;

2-8 (20) the permittee permitted a person to open a
2-9 container of alcoholic beverage or possess an open container of
2-10 alcoholic beverage on the licensed premises unless a mixed beverage
2-11 permit has been issued for the premises; [~~or~~]

2-12 (21) the permittee failed to promptly report to the
2-13 commission a breach of the peace occurring on the permittee's
2-14 licensed premises;

2-15 (22) the permittee consumed an alcoholic beverage or
2-16 permitted one to be consumed on the licensed premises at a time when
2-17 the consumption of alcoholic beverages is prohibited by this code;
2-18 or

2-19 (23) the permittee sold, served, or delivered an
2-20 alcoholic beverage at a time when its sale is prohibited.

2-21 SECTION 2. Section 105.06(e), Alcoholic Beverage Code, is
2-22 amended to read as follows:

2-23 (e) An offense under this section is a Class C misdemeanor
2-24 [~~punishable by a fine of not more than \$50~~].

2-25 SECTION 3. (a) The change in law made by this Act applies
2-26 only to an offense committed on or after the effective date of this
2-27 Act. For purposes of this section, an offense is committed before
2-28 the effective date of this Act if any element of the offense occurs
2-29 before that date.

2-30 (b) An offense committed before the effective date of this
2-31 Act is covered by the law in effect when the offense was committed,
2-32 and the former law is continued in effect for that purpose.

2-33 SECTION 4. This Act takes effect September 1, 2005.

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