

By: Quintanilla

H.B. No. 3110

A BILL TO BE ENTITLED

AN ACT

relating to the transfer of alcoholic beverages.

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

SECTION 1. Chapter 26, Alcoholic Beverage Code, is amended by adding Section 26.08 to read as follows:

Sec. 26.08. TRANSFER OF BEVERAGES. The owner of more than one Wine and Beer Retailer's Off-Premise Permits who is also the holder of a local cartage permit may transfer alcoholic beverages within the manner described in Section 22.08 of this Code and time periods described in Section 105.051 of this Code, subject to rules prescribed by the commission.

SECTION 2. Chapter 43, Alcoholic Beverage Code, is amended by adding Section 43.01(c) to read as follows:

(c) A wine and beer retailer's off-premise permit holder who also holds a local cartage permit may transfer alcoholic beverages it is authorized to sell in accordance with Section 26.08 of this code.

SECTION 3. Section 43.04, Alcoholic Beverage Code, is amended to read as follows:

The Commission may issue a local cartage permit to a warehouse or transfer company or to a holder of a package store, wine only package store, wine and beer retailer's off-premise permit, or local distributor's permit.

SECTION 4. Section 43.05, Alcoholic Beverage Code, is

1 amended to read as follows:

2 (a) No local cartage permittee may transport alcoholic
3 beverages [~~liquor~~] unless:

4 (1) a description of each vehicle used in the
5 transportation, as required by the commission, has been submitted
6 to the commission; and

7 (2) each vehicle has been plainly marked or lettered
8 to indicate that it is being used for the transportation of
9 alcoholic beverages [~~liquor~~] by a local cartage permittee.

10 (b) The transportation of alcoholic beverages [~~liquor~~] by a
11 permittee in a vehicle not described and marked in accordance with
12 this section is a violation of this code and is a ground for the
13 cancellation of the permit.

14 SECTION 5. Section 43.06, Alcoholic Beverage Code, is
15 amended to read as follows:

16 No holder of a local cartage permit may for hire transport
17 alcoholic beverages [~~liquor~~] between incorporated cities or towns
18 in this state.

19 SECTION 6. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2005.