

By: Brimer

S.B. No. 1255

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the number of alcoholic beverage licenses that may be
3 issued for a single location.

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

5 SECTION 1. Chapter 12, Alcoholic Beverage Code, is amended
6 by adding Section 12.06 to read as follows:

7 Sec. 12.06. USE OF FACILITIES. (a) The holder of a
8 brewer's permit may contract with another holder of a brewer's
9 permit for the use of brewing facilities or to provide brewing
10 services.

11 (b) The holder of a brewer's permit is not required to own
12 its brewing facilities.

13 (c) More than one brewer's permit may be issued for a single
14 premises.

15 SECTION 2. Chapter 13, Alcoholic Beverage Code, is amended
16 by adding Section 13.04 to read as follows:

17 Sec. 13.04. USE OF FACILITIES. (a) The holder of a
18 nonresident brewer's permit may contract with another holder of a
19 nonresident brewer's permit for the use of brewing facilities or to
20 provide brewing services.

21 (b) The holder of a nonresident brewer's permit is not
22 required to own its own brewing facilities.

23 (c) More than one nonresident brewer's permit may be issued
24 for a single premises.

1 SECTION 3. Section 61.41, Alcoholic Beverage Code, is
2 amended to read as follows:

3 Sec. 61.41. SECOND LICENSE AT SAME LOCATION; EFFECT ON
4 EXISTING LICENSE. (a) Except as provided by Subsection (d), no ~~[No]~~
5 license may be issued for a premises, location, or place of business
6 for which a license is in effect unless the holder of the existing
7 license has shown to the satisfaction of the commission that the
8 license holder ~~[he]~~ will no longer exercise any privilege granted
9 by the existing license at that location.

10 (b) If the holder of the existing license desires to
11 transfer the license to another location, the license holder ~~[he]~~
12 may apply for a transfer of location in accordance with this code.

13 (c) If the holder of the existing license has made a
14 declaration required by the commission that the license holder ~~[he]~~
15 will no longer use the license, the license holder ~~[he]~~ may not
16 manufacture or sell beer or possess it for the purpose of sale until
17 the license has been reinstated. The holder may apply to the county
18 judge for the reinstatement of the ~~[his]~~ license in the same manner
19 and according to the same procedure as in the case of an original
20 license application. The county judge or the commission or
21 administrator may deny reinstatement of the license for any cause
22 for which an original license application may be denied.

23 (d) More than one manufacturer's or nonresident
24 manufacturer's license may be issued for a single premises if the
25 license holder for the premises has contracted with a holder of a
26 manufacturer's or nonresident manufacturer's license to use the
27 premises for manufacturing purposes or to provide manufacturing

1 services.

2 SECTION 4. Section 62.03(a), Alcoholic Beverage Code, is
3 amended to read as follows:

4 (a) Except as provided by Section 62.14, each [~~Each~~]
5 applicant for a manufacturer's license shall file with an [~~his~~]
6 application a sworn statement that the applicant [~~he~~] will be
7 engaged in the business of brewing and packaging beer in this state
8 [~~Texas~~] in quantities sufficient to make the applicant's [~~of his~~]
9 operation [~~that of~~] a bona fide brewing manufacturer within three
10 years of the issuance of the [~~his~~] original license. If the
11 applicant is a corporation, the statement must be signed by one of
12 its principal officers. The county judge may [~~shall~~] not approve an
13 application unless it is accompanied by the required sworn
14 statement.

15 SECTION 5. Chapter 62, Alcohol Beverage Code, is amended by
16 adding Section 62.14 to read as follows:

17 Sec. 62.14. USE OF FACILITIES. The holder of a
18 manufacturer's license may contract with another holder of a
19 manufacturer's license for the use of manufacturing facilities or
20 to provide manufacturing services. The holder of a manufacturer's
21 license is not required to own its manufacturing facilities.

22 SECTION 6. Chapter 63, Alcoholic Beverage Code, is amended
23 by adding Section 63.05 to read as follow:

24 Sec. 63.05. USE OF FACILITIES. The holder of a nonresident
25 manufacturer's license may contract with another holder of a
26 nonresident manufacturer's license for the use of manufacturing
27 facilities or to provide manufacturing services. The holder of a

1 nonresident manufacturer's license is not required to own its
2 manufacturing facilities.

3 SECTION 7. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2005.