

By: Nelson S.B. No. 1331
(In the Senate - Filed March 10, 2005; March 21, 2005, read first time and referred to Committee on Business and Commerce; April 20, 2005, reported adversely, with favorable Committee Substitute by the following vote: Yeas 7, Nays 0; April 20, 2005, sent to printer.)

COMMITTEE SUBSTITUTE FOR S.B. No. 1331 By: Carona

A BILL TO BE ENTITLED
AN ACT

relating to certain temporary wine and beer retailer's permits.

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

SECTION 1. Section 27.03, Alcoholic Beverage Code, is amended to read as follows:

Sec. 27.03. DURATION OF PERMIT. (a) Except as provided by Subsection (b), a [A] temporary wine and beer retailer's permit may be issued for a period of not more than four days.

(b) A temporary wine and beer retailer's permit issued under Section 27.07 may be issued for a period of five days. On notice to the commission, the commission may extend the permit for one additional day to accommodate the postponement of scheduled racing events due to an act of nature.

SECTION 2. Subsection (b), Section 27.05, Alcoholic Beverage Code, is amended to read as follows:

(b) The permits shall be issued only for the sale of authorized alcoholic beverages at picnics, celebrations, or similar events, or events described by Section 27.07.

SECTION 3. Subchapter A, Chapter 27, Alcoholic Beverage Code, is amended by adding Section 27.07 to read as follows:

Sec. 27.07. USE OF PERMIT IN CERTAIN RACING FACILITIES.

(a) The commission may issue a temporary wine and beer retailer's permit to the holder of a mixed beverage permit covering premises located in a facility with a seating capacity of more than 150,000 that is open to the public for use in areas of the facility not otherwise covered by a license or permit during a motor vehicle racing event sponsored by a professional motor racing association.

(b) The commission may not issue more than four temporary wine and beer retailer's permits under this section in a calendar year to a mixed beverage permit holder.

(c) The holder of a temporary wine and beer retailer's permit under this section may not engage in the following activities on the areas covered by the permit:

(1) sell alcoholic beverages in factory-sealed containers;

(2) sell more than two drinks to a single consumer at one time;

(3) sell alcoholic beverages at more than 50 percent of the food and beverage concession stands that are open for business at any one time; and

(4) sell alcoholic beverages after:

(A) 75 percent of the feature race is complete on the day that race is held; and

(B) one hour before the scheduled completion of the last spectator event on a day other than the feature race day.

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

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