

BILL ANALYSIS

C.S.H.B. 3148

By: Bailey

Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Package stores and wine only package stores, that hold local cartage permits, may currently make deliveries of their products to customers within the city limits of the stores' permitted premises or within two miles thereof. However, Section 22.03(a) of the Alcoholic Beverage Code allows these package stores the ability to also ship their products to customers anywhere in the state through the use of carrier permittees. The legislative history of Section 22.03(a) is unclear on whether the ability of a carrier permittee to deliver alcoholic beverages for a package store or a wine only package store outside of the county in which the store is located was the intent of the legislature.

C.S.H.B. 3148 clarifies that the geographic boundaries of where a package store or wine only package store permittees, who also hold a local cartage permit, may make deliveries and collections are only within the county in which the package store or wine only package store is located. C.S.H.B. 3148 also allows package store permittees or wine only package store permittees to deliver their products to the holder of a carrier's permit for transportation to persons who have placed bona fide orders and who are located in an area in which the holder of a package store permit or wine only package store permit, who also holds a local cartage permit, is authorized to make deliveries and outside of this state in response to bona fide orders placed by persons authorized to purchase the beverage.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3148 authorizes package store or wine only package store permittees, who also hold a local cartage permit, to make deliveries and collections only within the county in which the package store or wine only package store is located, and only in response to bona fide orders placed by the customer. C.S.H.B. 3148 also allows a package store permittee or wine only package store permittee to deliver alcoholic beverages to the holder of a carrier's permit for transportation to persons who have placed bona fide orders and who are located in an area in which the holder of a package store permit or wine only package store permit, who also holds a local cartage permit, is authorized to make deliveries under this section and outside of this state in response to bona fide orders placed by persons authorized to purchase the beverages.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original bill allowed a package store permittee or wine only package store permittee to deliver alcoholic beverages to the holder of a carrier's permit for transportation in the county in which the package store or wine only package store is located to a customer who placed a bona fide order.

The substitute clarifies that the geographic boundaries of where a package store permittee or wine only package store permittee, who also holds a local cartage permit, may make deliveries and collections are only within the county in which the package store or wine only package store

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is located. The substitute also clarifies language to allow a package store permittee or a wine only package store permittee to deliver their products to the holder of a carrier's permit for transportation to persons who have placed bona fide orders and who are located in an area in which the holder of a package store permit or wine only package store permit, who also holds a local cartage permit, is authorized to make deliveries and outside of this state in response to bona fide orders placed by persons authorized to purchase the beverage.