

By: King of Zavala

H.B. No. 829

Substitute the following for H.B. No. 829:

By: Quintanilla

C.S.H.B. No. 829

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the purchase and transport of alcoholic beverages by
3 the holder of a mixed beverage permit.

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

5 SECTION 1. Section 23.04, Alcoholic Beverage Code, is
6 amended to read as follows:

7 Sec. 23.04. MAY TRANSFER BEVERAGES. If the holder of a
8 local distributor's permit also holds a local cartage permit, the
9 permittee [~~he~~] may transfer:

10 (1) alcoholic beverages:

11 (A) [~~(1)~~] to any place where the sale of
12 alcoholic beverages is legal in the city or county where the local
13 distributor's permittee's [~~his~~] premises are located; and

14 (B) [~~(2)~~] to a regional airport located all or
15 partly in an adjoining county if the airport is governed by a board,
16 commission, or authority, some of whose members reside in the
17 county where the local distributor's permittee's premises are
18 located; and

19 (2) distilled spirits and wine to the premises of a
20 mixed beverage permittee that is located in an area described by
21 Section 28.07(d).

22 SECTION 2. Section 28.07, Alcoholic Beverage Code, is
23 amended by amending Subsections (a) and (b) and adding Subsections
24 (d) and (e) to read as follows:

1 (a) Except as otherwise provided by this section, all ~~[All]~~
2 distilled spirits sold by a holder of a mixed beverage permit must
3 be purchased from a holder of a local distributor's permit in the
4 county in which the premises of a mixed beverage permittee is
5 located.

6 (b) If a holder of a mixed beverage permit is in a county
7 where there are not at least two ~~[no]~~ local distributor's
8 permittees of separate ownership actively engaged in the
9 distribution of distilled spirits ~~[distributors]~~, the permit
10 holder ~~[he]~~ may purchase alcoholic beverages in the nearest county
11 where local distributor's permittees ~~[distributors]~~ are located
12 and may transport them to the permit holder's ~~[his]~~ premises
13 provided that the permit holder ~~[he]~~ is also a holder of a beverage
14 cartage permit. The transporter may acquire the alcoholic
15 beverages only on the written order of the holder of the mixed
16 beverage permit. The alcoholic beverages must be accompanied by a
17 written statement furnished and signed by the local distributor's
18 permittee ~~[distributor]~~ showing the name and address of the
19 consignee and consignor, the origin and destination of the
20 shipment, and any other information required by the commission or
21 administrator. The person in charge of the alcoholic beverages
22 while they are being transported shall exhibit the written
23 statement to any representative of the commission or any peace
24 officer on demand, and the statement shall be accepted by the
25 representative or officer as prima facie evidence of the lawful
26 right to transport the alcoholic beverages.

27 (d) A mixed beverage permittee located in a county that has

1 a population of 600,000 or more in which there are not at least
2 eight local distributor's permittees of separate ownership
3 actively engaged in the distribution of distilled spirits and which
4 is adjacent to a county with a population in excess of two million
5 may purchase distilled spirits and wine in the nearest county where
6 local distributor's permittees are located and may transport them
7 to the mixed beverage permittee's premises under the same
8 conditions set forth in Subsection (b) for the transfer of
9 alcoholic beverages.

10 (e) Sections 102.56(b), (c), and (d) apply to mixed beverage
11 permittees covered by this section and purchases of alcoholic
12 beverages covered by this section, and purchases of alcoholic
13 beverages covered by this section are subject to the restrictions
14 prescribed by those sections.

15 SECTION 3. The change in law made by this Act applies only
16 to the purchase of an alcoholic beverage on or after the effective
17 date of this Act. The purchase of an alcoholic beverage before the
18 effective date of this Act is governed by the law in effect
19 immediately before that date, and that law is continued in effect
20 for that purpose.

21 SECTION 4. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2007.