

By: King of Zavala

H.B. No. 829

A BILL TO BE ENTITLED

1 AN ACT

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

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

5 SECTION 1. Sections 28.07(a) and (b), Alcoholic Beverage
6 Code, are amended to read as follows:

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

12 (b) If a holder of a mixed beverage permit is in a county
13 where there are not at least two ~~[no]~~ local distributors, the permit
14 holder ~~[he]~~ may purchase alcoholic beverages in the nearest county
15 where local distributors are located and may transport them to the
16 permit holder's ~~[his]~~ premises provided that the permit holder ~~[he]~~
17 is also a holder of a beverage cartage permit. The transporter may
18 acquire the alcoholic beverages only on the written order of the
19 holder of the mixed beverage permit. The alcoholic beverages must
20 be accompanied by a written statement furnished and signed by the
21 local distributor showing the name and address of the consignee and
22 consignor, the origin and destination of the shipment, and any
23 other information required by the commission or administrator. The
24 person in charge of the alcoholic beverages while they are being

1 transported shall exhibit the written statement to any
2 representative of the commission or any peace officer on demand,
3 and the statement shall be accepted by the representative or
4 officer as prima facie evidence of the lawful right to transport the
5 alcoholic beverages.

6 SECTION 2. The change in law made by this Act applies only
7 to the purchase of an alcoholic beverage on or after the effective
8 date of this Act. The purchase of an alcoholic beverage before the
9 effective date of this Act is governed by the law in effect
10 immediately before that date, and that law is continued in effect
11 for that purpose.

12 SECTION 3. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2007.