

By: Frost

H.B. No. 3029

Substitute the following for H.B. No. 3029:

By: Madden

C.S.H.B. No. 3029

A BILL TO BE ENTITLED

AN ACT

relating to allocation of responsibility for damages arising out of the sale or service of alcoholic beverages.

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

SECTION 1. Chapter 2, Alcoholic Beverage Code, is amended by adding Section 2.04 to read as follows:

Sec. 2.04. JOINT AND SEVERAL LIABILITY. (a) Notwithstanding Chapter 33, Civil Practice and Remedies Code, and except as provided by Subsection (b), a provider of alcoholic beverages against whom damages are awarded in an action under this chapter is jointly and severally liable for all damages awarded in the action.

(b) This section does not apply to a provider of alcoholic beverages who:

(1) can show that:

(A) at the time the cause of action accrued, the provider held a food and beverage certificate under Section 69.16;

(B) alcohol sales constitute less than 50 percent of the provider's gross yearly receipts for the year preceding the date on which the cause of action accrued;

(C) the provider is primarily operating as a food service establishment; and

(D) the provider does not maintain a portion of the provider's premises designed primarily for the consumption of

1 alcoholic beverages; or

2 (2) holds a retail dealer's off-premise license under
3 Chapter 71.

4 SECTION 2. The change in law made by this Act applies only
5 to an action commenced on or after the effective date of this Act.
6 An action commenced before the effective date of this Act is
7 governed by the law in effect immediately before the effective date
8 of this Act, and that law is continued in effect for that purpose.

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