

1-1 By: Lucio S.B. No. 2580
1-2 (In the Senate - Filed May 8, 2009; May 8, 2009, read first
1-3 time and referred to Committee on Business and Commerce;
1-4 May 12, 2009, reported favorably by the following vote: Yeas 8,
1-5 Nays 0; May 12, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to actions under the Beer Industry Fair Dealing Law.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Subchapter A, Chapter 102, Alcoholic Beverage
1-11 Code, is amended by adding Section 102.21 to read as follows:

1-12 Sec. 102.21. CONTINUITY OF CERTAIN PROTECTIONS FOR BEER
1-13 DISTRIBUTORS. The protections provided to beer distributors by
1-14 Subchapters C and D apply regardless of whether there is a transfer
1-15 or change of ownership of a brand at the manufacturing level.

1-16 SECTION 2. Section 102.21, Alcoholic Beverage Code, as
1-17 added by this Act, is not intended to change the law but is intended
1-18 to affirm the policy of this state that the protections provided to
1-19 beer distributors by Subchapters C and D, Chapter 102, Alcoholic
1-20 Beverage Code, apply to a distributor regardless of whether there
1-21 is a transfer or change of ownership of a brand in the manufacturing
1-22 tier.

1-23 SECTION 3. Subchapter D, Chapter 102, Alcoholic Beverage
1-24 Code, is amended by adding Section 102.82 to read as follows:

1-25 Sec. 102.82. STATUTE OF LIMITATIONS. A person must bring
1-26 suit on an action arising under this chapter not later than four
1-27 years after the day the cause of action accrues. If a termination
1-28 related to a change in ownership of the brand occurs, the cause of
1-29 action accrues when either the new brand owner or the transferring
1-30 or selling brand owner provides notice of termination to the
1-31 distributor.

1-32 SECTION 4. The change in law made by this Act applies only
1-33 to a cause of action that accrues on or after the effective date of
1-34 this Act. A cause of action that accrues before the effective date
1-35 of this Act is governed by the law in effect immediately before that
1-36 date, and that law is continued in effect for that purpose.

1-37 SECTION 5. This Act takes effect September 1, 2009.

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