

SENATE AMENDMENTS

2nd Printing

By: Geren

H.B. No. 2104

A BILL TO BE ENTITLED

AN ACT

relating to the statute of limitations for an action under the Beer Industry Fair Dealing Law.

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

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

Sec. 102.82. STATUTE OF LIMITATIONS. A person must bring suit on an action arising under this chapter not later than four years after the day the cause of action accrues.

SECTION 2. The change in law made by this Act applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2009.

ADOPTED

MAY 04 2009

Atay Spaul
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY:

Lucio

1 Amend H.B. No. 2104 (senate committee printing) as follows:

2 (1) In SECTION 1 of the bill, at the end of added Section
3 102.82, Alcoholic Beverage Code (page 1, line 15), insert the
4 following:

5 If a termination related to a change in ownership of the brand in
6 the manufacturing tier occurs, the cause of action accrues when
7 either the new brand owner or the transferring or selling brand
8 owner provides notice of termination to the distributor.

9 (2) Strike SECTION 2 and replace it with the following:

10 SECTION 2. The change in law made by this Act applies only to
11 a cause of action that accrues on or after the effective date of
12 this Act. A cause of action that accrues before the effective date
13 of this Act is governed by the law in effect immediately before
14 that date, and that law is continued in effect for that purpose.
15 Under existing law, it is the policy of this State that the
16 protections provided to distributors in Subchapters C and D,
17 Chapter 102, Alcoholic Beverage Code, apply to a distributor
18 regardless of whether there is a transfer or change of ownership of
19 a brand in the manufacturing tier and such causes of actions will
20 be subject to the same statute of limitations as any other cause of
21 action brought under this Chapter.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 5, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2104 by Geren (Relating to the statute of limitations for an action under the Beer Industry Fair Dealing Law.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Alcoholic Beverage Code, Subchapter D, Chapter 102 to add Section 102.82 requiring persons who file suit on an action arising under the Beer Industry Fair Dealing Law to do so no later than four years after the day the cause of action accrues. The bill would take effect September 1, 2009.

The Texas Alcoholic Beverage Commission (TABC) anticipates no significant fiscal impact to their agency.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 458 Alcoholic Beverage Commission

LBB Staff: JOB, SD, JRO, GG, ESi

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 15, 2009

TO: Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2104 by Geren (Relating to the statute of limitations for an action under the Beer Industry Fair Dealing Law.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

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Source Agencies: 458 Alcoholic Beverage Commission

LBB Staff: JOB, JRO, GG, ESi

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 24, 2009

TO: Honorable Edmund Kuempel, Chair, House Committee on Licensing & Administrative Procedures

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2104 by Geren (Relating to the statute of limitations for an action under the Beer Industry Fair Dealing Law.), **As Introduced**

No significant fiscal implication to the State is anticipated.

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