

BILL ANALYSIS

Senate Research Center
83R9174 MCK-D

S.B. 861
By: Davis
Business & Commerce
4/4/2013
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2009, 1,235 people were killed in alcohol-related crashes on Texas highways and Texas leads the nation in alcohol-related traffic fatalities. S.B. 861 seeks to place a deterrent to drunk driving in establishments with on-premises liquor sales permits to help curb the loss of life in Texas.

Specifically, S.B. 861 requires such establishments to display a sign, much like the warnings for pregnant women regarding alcohol consumption, that informs the public of the criminal penalties for a conviction of the offense of driving while intoxicated and the average costs a person convicted of driving while intoxicated can expect to pay, including attorney's fees, criminal fines, bail, driver's license surcharges, and alcohol education course fees.

S.B. 861 further requires that these signs be displayed in a prominent place at the permit holder's establishment.

As proposed, S.B. 861 amends current law relating to requiring certain notices to be posted on the premises of certain alcoholic beverage retailers.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Alcoholic Beverage Commission in SECTION 1 (Section 11.043, Alcoholic Beverage Code) and SECTION 2 (Section 61.112, Alcoholic Beverage Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 11, Alcoholic Beverage Code, by adding Section 11.043, as follows:

Sec. 11.043. DRIVING WHILE INTOXICATED PENALTIES SIGN. (a) Requires the Texas Alcoholic Beverage Commission (TABC) by rule to require the holder of a permit authorizing the sale of alcoholic beverages for on-premises consumption to display a sign in a prominent place on the permit holder's premises that informs the public of the criminal penalties for a conviction of the offense of driving while intoxicated and the average costs a person convicted of driving while intoxicated can expect to pay, including attorney's fees, criminal fines, court costs, bail, driver's license surcharges, and alcohol education course fees.

(b) Requires TABC's rules to specify the size and graphic design, including font size and type, and the language of the sign. Authorizes the rules to require the permit holder to display the sign in a language other than English if TABC determines that a substantial portion of the expected customers of the establishment speak a language other than English.

SECTION 2. Amends Subchapter A, Chapter 61, Alcoholic Beverage Code, by adding Section 61.112, as follows:

Sec. 61.112. DRIVING WHILE INTOXICATED PENALTIES SIGN. (a) Requires TABC by rule to require the holder of a license authorizing the sale of alcoholic

beverages for on-premises consumption to display a sign in a prominent place on the license holder's premises that informs the public of the criminal penalties for a conviction of the offense of driving while intoxicated and the average costs a person convicted of driving while intoxicated can expect to pay, including attorney's fees, criminal fines, court costs, bail, driver's license surcharges, and alcohol education course fees.

(b) Requires that TABC rules specify the size and graphic design, including font size and type, and the language of the sign. Authorizes the rules to require the license holder to display the sign in a language other than English if TABC determines that a substantial portion of the expected customers of the establishment speak a language other than English.

SECTION 3. Effective date: September 1, 2013.