

By: Eiland

H.B. No. 2543

A BILL TO BE ENTITLED

1 AN ACT
2 relating to changing the manner in which the tax on mixed beverages
3 is imposed.

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

5 SECTION 1. Section 151.308(a), Tax Code, is amended to read
6 as follows:

7 (a) The following are exempted from the taxes imposed by
8 this chapter:

- 9 (1) oil as taxed by Chapter 202;
- 10 (2) sulphur as taxed by Chapter 203;
- 11 (3) motor fuels and special fuels as defined, taxed,
12 or exempted by Chapter 162;
- 13 (4) cement as taxed by Chapter 181;
- 14 (5) motor vehicles, trailers, and semitrailers as
15 defined, taxed, or exempted by Chapter 152, other than a mobile
16 office or an oilfield portable unit, as those terms are defined by
17 Section 152.001;
- 18 (6) mixed beverages, ice, or nonalcoholic beverages
19 and the preparation or service of these items [~~if the receipts are~~
20 taxable by Chapter 183;
- 21 (7) alcoholic beverages when sold to the holder of a
22 private club registration permit or to the agent or employee of the
23 holder of a private club registration permit if the holder or agent
24 or employee is acting as the agent of the members of the club and if

1 the beverages are to be served on the premises of the club;

2 (8) oil well service as taxed by Subchapter E, Chapter
3 191; and

4 (9) insurance premiums subject to gross premiums
5 taxes.

6 SECTION 2. The heading to Subtitle G, Title 2, Tax Code, is
7 amended to read as follows:

8 SUBTITLE G. GROSS RECEIPTS AND ALCOHOLIC BEVERAGE TAXES

9 SECTION 3. Section 183.021, Tax Code, is amended to read as
10 follows:

11 Sec. 183.021. TAX IMPOSED ON MIXED BEVERAGES. (a) A tax [~~at~~
12 ~~the rate of 14 percent~~] is imposed on the [~~gross receipts of a~~
13 ~~permittee received from the~~] sale, use, preparation, or service of
14 mixed beverages and [~~or from~~] the sale, use, preparation, or
15 service of ice or nonalcoholic beverages that are sold, used,
16 prepared, or served for the purpose of being mixed with an alcoholic
17 beverage and consumed on the premises of a a [~~the~~] permittee.

18 (b) The tax rate is 14 percent of the sales price of the item
19 sold, used, prepared, or served.

20 SECTION 4. Subchapter B, Chapter 183, Tax Code, is amended
21 by adding Section 183.0215 to read as follows:

22 Sec. 183.0215. APPLICABILITY OF OTHER LAW. (a) Except as
23 provided by this chapter:

24 (1) the tax imposed by this chapter is administered,
25 imposed, collected, and enforced in the same manner as the tax under
26 Chapter 151 is administered, imposed, collected, and enforced; and

27 (2) the provisions of Chapter 151 applicable to the

1 sales tax imposed under Subchapter C, Chapter 151, apply to the tax
2 imposed by this chapter.

3 (b) Sections 151.423 and 151.424 do not apply to the tax
4 imposed by this chapter.

5 (c) A sale to a permittee of an item described by Section
6 183.021 is not a sale for resale for purposes of Section 151.302 if
7 the item is mixed with or becomes a component part of a mixed
8 beverage subject to taxation under this chapter that is served
9 without any consideration paid to the permittee.

10 (d) An item subject to taxation under this chapter is
11 exempted from taxes imposed under Subtitle C, Title 3.

12 SECTION 5. Section 183.051(b), Tax Code, as effective
13 September 1, 2013, is amended to read as follows:

14 (b) The comptroller shall issue to each county described in
15 Subsection (a) a warrant drawn on the general revenue fund in an
16 amount appropriated by the legislature that may not be less than
17 10.7143 percent of taxes received under this chapter [~~receipts~~]
18 from permittees within the county during the quarter and shall
19 issue to each incorporated municipality described in Subsection (a)
20 a warrant drawn on that fund in an amount appropriated by the
21 legislature that may not be less than 10.7143 percent of taxes
22 received under this chapter [~~receipts~~] from permittees within the
23 incorporated municipality during the quarter.

24 SECTION 6. Section 1504.256(b), Government Code, is amended
25 to read as follows:

26 (b) The total amount of mixed beverage tax receipts pledged
27 under Subsection (a) may not exceed an amount equal to 1-1/2 percent

1 of the sales price of items [~~gross receipts~~] subject to taxation
2 under Chapter 183, Tax Code, from permittees within the
3 municipality.

4 SECTION 7. Sections 183.022, 183.023, 183.024, and 183.055,
5 Tax Code, are repealed.

6 SECTION 8. The change in law made by this Act does not
7 affect a tax imposed before the effective date of this Act. A tax
8 imposed before the effective date of this Act is governed by the law
9 in effect when the tax was imposed, and that law is continued in
10 effect for purposes of the liability for and collection of that tax.

11 SECTION 9. This Act takes effect September 1, 2013.