

By: Geren

H.B. No. 2806

A BILL TO BE ENTITLED

AN ACT

relating to delinquent payment of an alcoholic beverage retailer's account for liquor.

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

SECTION 1. Section 102.32, Alcoholic Beverage Code, is amended by amending Subsection (d) and adding Subsections (d-2), (d-3), and (d-4) to read as follows:

(d) Each delivery of liquor shall be accompanied by an invoice giving the date of purchase. If a retailer becomes delinquent in the payment of an account for liquor, the wholesale dealer immediately shall report that fact in writing, including by electronic mail or facsimile transmission, to the commission or administrator. A wholesale dealer may not sell any liquor to a retailer who appears on the commission's list of retailers ineligible to purchase liquor under Subsection (d-4) [~~is delinquent~~] until the delinquent account is paid in full and cleared from the records of the commission. An account becomes delinquent if it is not paid when it is required to be paid under Subsection (c).

(d-2) As soon as practical after the 10th and 25th day of each month, the commission shall electronically publish a list of retailers who have been reported to the commission as being delinquent since the previous report was published. Not later than the fourth business day after the date a list is published, a

1 retailer who appears on the list must:

2 (1) notify the commission that the retailer was  
3 included on the list in error and submit proof to the commission  
4 showing that the retailer's account is paid in full or that the  
5 retailer's account is paid in full except for an amount that is the  
6 subject of a legitimate dispute; or

7 (2) pay in full any legitimately reported delinquency  
8 and submit proof to the commission showing that the retailer's  
9 account is paid in full.

10 (d-3) At 12:01 a.m. on the day immediately following the  
11 fourth business day after the date a list is published under  
12 Subsection (d-2), the commission shall add a retailer who appears  
13 on the list to the list of retailers ineligible to purchase liquor  
14 under Subsection (d-4) if the retailer fails to comply with  
15 Subsection (d-2)(1) or (2).

16 (d-4) The commission shall electronically publish a list of  
17 retailers who are ineligible to purchase liquor because the  
18 retailers are delinquent in the payment of an account for liquor.  
19 The commission shall immediately remove a retailer's name from the  
20 list on receiving proof that the retailer's account is paid in full  
21 or that the retailer's account is paid in full except for an amount  
22 that is the subject of a legitimate dispute.

23 SECTION 2. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect September 1, 2013.