

By: Geren

H.B. No. 2807

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the purchase of alcoholic beverages by mixed beverage  
3 and private club permittees from local distributors.

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

5 SECTION 1. Section 23.04, Alcoholic Beverage Code, is  
6 amended to read as follows:

7 Sec. 23.04. MAY TRANSFER BEVERAGES. If the holder of a  
8 local distributor's permit also holds a local cartage permit, he  
9 may transfer alcoholic beverages:

10 (1) to any place where the sale of alcoholic beverages  
11 is legal in the city or county where his premises are located and in  
12 an adjoining county; and

13 (2) to a regional airport located all or partly in an  
14 adjoining county if the airport is governed by a board, commission,  
15 or authority, some of whose members reside in the county where the  
16 local distributor's premises are located.

17 SECTION 2. Section 28.07, Alcoholic Beverage Code, is  
18 amended to read as follows:

19 Sec. 28.07. PURCHASE AND TRANSPORTATION OF ALCOHOLIC  
20 BEVERAGES. (a) All distilled spirits sold by a holder of a mixed  
21 beverage permit must be purchased from a holder of a local  
22 distributor's permit in the county in which the premises of a mixed  
23 beverage permittee is located or in an adjoining county.

24 (b) If a holder of a mixed beverage permit is in a county

1 where there are no local distributors, he may purchase alcoholic  
2 beverages in an adjoining county or the nearest county where local  
3 distributors are located and may transport them to his premises  
4 provided that he is also a holder of a beverage cartage permit. The  
5 transporter may acquire the alcoholic beverages only on the written  
6 order of the holder of the mixed beverage permit. The alcoholic  
7 beverages must be accompanied by a written statement furnished and  
8 signed by the local distributor showing the name and address of the  
9 consignee and consignor, the origin and destination of the  
10 shipment, and any other information required by the commission or  
11 administrator. The person in charge of the alcoholic beverages  
12 while they are being transported shall exhibit the written  
13 statement to any representative of the commission or any peace  
14 officer on demand, and the statement shall be accepted by the  
15 representative or officer as prima facie evidence of the lawful  
16 right to transport the alcoholic beverages.

17 (c) If a mixed beverage permittee holds a beverage cartage  
18 permit and his premises are located in a regional airport governed  
19 by a board, commission, or authority composed of members from two or  
20 more counties, and there is no local distributor at the airport, the  
21 mixed beverage permittee may purchase alcoholic beverages from any  
22 local distributor in a trade area served by the airport and  
23 transport them to his licensed premises. The transportation of the  
24 beverages must be in accordance with Subsection (b) of this  
25 section.

26 SECTION 3. Section 32.08, Alcoholic Beverage Code, is  
27 amended to read as follows:

1           Sec. 32.08. PURCHASE AND TRANSPORTATION OF ALCOHOLIC  
2 BEVERAGES. (a) All distilled spirits sold by a club holding a  
3 private club registration permit must be purchased in this state  
4 from a holder of a local distributor's permit.

5           (b) A club may purchase distilled spirits from any local  
6 distributor located in the same county as the club or in any  
7 adjoining county. If the club holding the permit is in an area  
8 where there are no local distributors, alcoholic beverages may be  
9 purchased in any area where local distributors are located and may  
10 be transported to the club premises if the club also holds a  
11 beverage cartage permit. The transporter may acquire the alcoholic  
12 beverages only on the written order of an officer or manager of the  
13 club holding the permit. The alcoholic beverages must be  
14 accompanied by a written statement furnished and signed by the  
15 local distributor showing the name and address of the consignee and  
16 consignor, the origin and destination of the shipment, and any  
17 other information required by the commission or administrator. The  
18 person in charge of the alcoholic beverages while they are being  
19 transported shall exhibit the written statement to any  
20 representative of the commission or any peace officer on demand,  
21 and the statement shall be accepted by the representative or  
22 officer as prima facie evidence of the lawful right to transport the  
23 alcoholic beverages.

24           (c) If a private club registration permittee holds a  
25 beverage cartage permit and his premises are located in a regional  
26 airport governed by a board, commission, or authority composed of  
27 members from two or more counties, and there is no local distributor

1 at the airport, the private club registration permittee may  
2 purchase alcoholic beverages from any local distributor in a trade  
3 area served by the airport and transport them to his licensed  
4 premises. The transportation of the beverages must be in  
5 accordance with Subsection (b) of this section.

6 SECTION . This Act takes effect September 1, 2013.