

By: Garcia

S.B. No. 367

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the unauthorized use of an alcoholic beverage permit or
3 license; providing a criminal penalty.

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

5 SECTION 1. Section 11.05, Alcoholic Beverage Code, is
6 amended to read as follows:

7 Sec. 11.05. UNAUTHORIZED USE OF PERMIT. A [~~No~~] permittee
8 may not consent to or allow the use or display of the permittee's
9 [~~his~~] permit by a person other than the person to whom the permit
10 was issued.

11 SECTION 2. Section 11.46, Alcoholic Beverage Code, is
12 amended by adding Subsection (d) to read as follows:

13 (d) The commission or administrator shall refuse to issue an
14 original permit to a person convicted of an offense under Section
15 101.76 for a period of five years from the date of the conviction.

16 SECTION 3. Section 11.61, Alcoholic Beverage Code, is
17 amended by adding Subsection (d-1) to read as follows:

18 (d-1) Notwithstanding Section 11.64, the commission or
19 administrator shall cancel an original or renewal permit if it is
20 found, after notice and hearing, that the permittee was convicted
21 of an offense under Section 101.76.

22 SECTION 4. Subchapter A, Chapter 61, Alcoholic Beverage
23 Code, is amended by adding Section 61.16 to read as follows:

24 Sec. 61.16. UNAUTHORIZED USE OF LICENSE. A licensee may not

1 consent to or allow the use or display of the licensee's license by
2 a person other than the person to whom the license was issued.

3 SECTION 5. Section 61.42, Alcoholic Beverage Code, is
4 amended by adding Subsection (d) to read as follows:

5 (d) The county judge, commission, or administrator shall
6 refuse to approve or issue a license to a person convicted of an
7 offense under Section 101.76 for a period of five years from the
8 date of the conviction.

9 SECTION 6. Subchapter C, Chapter 61, Alcoholic Beverage
10 Code, is amended by adding Section 61.713 to read as follows:

11 Sec. 61.713. CANCELLATION FOR IMPROPER DISPLAY OR USE OF
12 LICENSE. Notwithstanding Section 61.76 or 61.761, the commission
13 or administrator shall cancel an original or renewal license if it
14 is found, after notice and hearing, that the licensee was convicted
15 of an offense under Section 101.76.

16 SECTION 7. Subchapter D, Chapter 101, Alcoholic Beverage
17 Code, is amended by adding Section 101.76 to read as follows:

18 Sec. 101.76. UNLAWFUL DISPLAY OR USE OF PERMIT OR LICENSE.

19 (a) A person commits an offense if the person knowingly allows
20 another person to display or use a permit or license issued by the
21 commission in any manner not allowed by law.

22 (b) A person commits an offense if the person displays or
23 uses a permit or license issued by the commission to another person
24 in any manner not allowed by law.

25 (c) Except as provided by Subsection (d), an offense under
26 this section is a Class B misdemeanor.

27 (d) If it is shown on the trial of an offense under this

1 section that the person has previously been convicted of an offense
2 under this section, the offense is a Class A misdemeanor.

3 SECTION 8. This Act takes effect September 1, 2015.