

1-1 By: Romero (Senate Sponsor - Hancock) H.B. No. 1612
 1-2 (In the Senate - Received from the House April 18, 2017;
 1-3 April 19, 2017, read first time and referred to Committee on
 1-4 Business & Commerce; May 3, 2017, reported favorably by the
 1-5 following vote: Yeas 8, Nays 0; May 3, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Hancock	X			
1-8 Creighton	X			
1-9 Campbell	X			
1-10 Estes	X			
1-11 Nichols	X			
1-12 Schwertner	X			
1-13 Taylor of Galveston	X			
1-14 Whitmire			X	
1-15 Zaffirini	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the authority of the Texas Alcoholic Beverage
 1-20 Commission to offer a civil penalty in lieu of suspending a permit
 1-21 or license.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 11.64(a), Alcoholic Beverage Code, is
 1-24 amended to read as follows:

1-25 (a) When the commission or administrator is authorized to
 1-26 suspend a permit or license under this code, the commission or
 1-27 administrator shall give the permittee or licensee the opportunity
 1-28 to pay a civil penalty rather than have the permit or license
 1-29 suspended, unless the basis for the suspension is a violation of
 1-30 Section 11.61(b)(14), 22.12, 28.11, 32.17(a)(2), 32.17(a)(3),
 1-31 61.71(a)(5), 61.71(a)(6), 61.74(a)(14), 69.13, 71.09, 101.04,
 1-32 101.63, 104.01(a)(4), 106.03, 106.06, or 106.15, the sale or offer
 1-33 for sale of an alcoholic beverage during hours prohibited by
 1-34 Chapter 105, consumption or the permitting of consumption of an
 1-35 alcoholic beverage on the person's licensed or permitted premises
 1-36 during hours prohibited by Chapter 105 or Section 32.17(a)(7), or
 1-37 an offense relating to prostitution, trafficking of persons, ~~or~~
 1-38 gambling, or controlled substances or drugs, in which case the
 1-39 commission or administrator shall determine whether the permittee
 1-40 or licensee may have the opportunity to pay a civil penalty rather
 1-41 than have the permit or license suspended. The commission shall
 1-42 adopt rules addressing when suspension may be imposed pursuant to
 1-43 this section without the opportunity to pay a civil penalty. In
 1-44 adopting rules under this subsection, the commission shall consider
 1-45 the type of license or permit held, the type of violation, any
 1-46 aggravating or ameliorating circumstances concerning the
 1-47 violation, and any past violations of this code by the permittee or
 1-48 licensee. In cases in which a civil penalty is assessed, the
 1-49 commission or administrator shall determine the amount of the
 1-50 penalty. The amount of the civil penalty may not be less than \$150
 1-51 or more than \$25,000 for each day the permit or license was to have
 1-52 been suspended. If the licensee or permittee does not pay the
 1-53 penalty before the sixth day after the commission or administrator
 1-54 notifies him of the amount, the commission or administrator shall
 1-55 impose the suspension.

1-56 SECTION 2. Section 11.64(a), Alcoholic Beverage Code, as
 1-57 amended by this Act, applies only to the imposition of a penalty for
 1-58 a violation that occurs on or after the effective date of this Act.
 1-59 The imposition of a penalty for a violation that occurs before the
 1-60 effective date of this Act is governed by the law in effect
 1-61 immediately before the effective date of this Act, and that law is

2-1 continued in effect for that purpose.

2-2 SECTION 3. This Act takes effect September 1, 2017.

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