

By: Kuempel

H.B. No. 3101

A BILL TO BE ENTITLED

1 AN ACT

2 relating to authorizing the sale of alcoholic beverages on certain  
3 passenger buses; authorizing a fee.

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

5 SECTION 1. Section 11.38(d), Alcoholic Beverage Code, is  
6 amended to read as follows:

7 (d) The following are exempt from the fee authorized in this  
8 section:

9 (1) agent's, airline beverage, passenger train  
10 beverage, passenger bus beverage, industrial, carrier's, private  
11 carrier's, private club registration, local cartage, storage, and  
12 temporary wine and beer retailer's permits;

13 (2) a wine and beer retailer's permit issued for a  
14 dining, buffet, or club car; and

15 (3) a mixed beverage permit during the three-year  
16 period following the issuance of the permit.

17 SECTION 2. Subtitle A, Title 3, Alcoholic Beverage Code, is  
18 amended by adding Chapter 48A to read as follows:

19 CHAPTER 48A. PASSENGER BUS BEVERAGE PERMIT

20 Sec. 48A.01. AUTHORIZED ACTIVITIES; APPLICABILITY OF  
21 CHAPTER. (a) The holder of a passenger bus beverage permit has the  
22 same rights with respect to the sale of alcoholic beverages on a  
23 passenger bus, described by Subsection (b), as the holder of an  
24 airline beverage permit has with respect to the sale of alcoholic

1 beverages on a commercial passenger airplane under Section 34.01.

2 (b) Subsection (a) applies only to a passenger bus that:

3 (1) is designed, constructed, or used for the  
4 transportation of multiple passengers for compensation; and

5 (2) while transporting persons for compensation, also  
6 transports an attendant who:

7 (A) is not the operator of the bus; and

8 (B) has attended a commission-approved seller  
9 training program.

10 Sec. 48A.02. FEE. The annual fee for a passenger bus  
11 beverage permit is \$500.

12 Sec. 48A.03. ELIGIBILITY FOR PERMIT. The commission or  
13 administrator may issue a passenger bus beverage permit to any  
14 corporation operating a commercial passenger bus service in or  
15 through the state. Application and payment of the fee shall be made  
16 directly to the commission.

17 Sec. 48A.04. EXEMPTION FROM TAXES. The preparation and  
18 service of alcoholic beverages by the holder of a passenger bus  
19 beverage permit is exempt from a tax imposed by this code and from  
20 the tax imposed by Chapter 151, Tax Code.

21 Sec. 48A.05. INAPPLICABLE PROVISION. Section 109.53 does  
22 not apply to a passenger bus beverage permit.

23 SECTION 3. This Act takes effect September 1, 2017.