

AN ACT

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

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

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

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

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

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

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

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

CHAPTER 48A. PASSENGER BUS BEVERAGE PERMIT

Sec. 48A.01. AUTHORIZED ACTIVITIES; APPLICABILITY OF CHAPTER. The holder of a passenger bus beverage permit:

(1) has the same rights with respect to the sale of alcoholic beverages on a passenger bus, as described by Section 48A.03(a), as the holder of an airline beverage permit has with

1 respect to the sale of alcoholic beverages on a commercial
2 passenger airplane under Section 34.01; and

3 (2) may store alcoholic beverages at the permitted
4 location.

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

7 Sec. 48A.03. ELIGIBILITY FOR PERMIT; APPLICATION AND
8 PAYMENT OF FEE. (a) The commission or administrator may issue a
9 passenger bus beverage permit to any corporation operating a
10 commercial passenger bus service in or through the state using a
11 passenger bus that:

12 (1) is designed and used for the regularly scheduled
13 intercity transportation of passengers for compensation;

14 (2) is characterized by integral construction with:

15 (A) an elevated passenger deck over a baggage
16 compartment;

17 (B) a passenger seating capacity of at least 16
18 and not more than 36; and

19 (C) a separate galley area;

20 (3) is at least 35 feet in length; and

21 (4) while transporting passengers for compensation,
22 also transports an attendant who:

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

24 (B) has attended a commission-approved seller
25 training program.

26 (b) Application and payment of the fee shall be made
27 directly to the commission.

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

5 Sec. 48A.05. SALE OF LIQUOR TO PERMITTEE. Only a holder of
6 a wholesale permit may sell liquor to a holder of a passenger bus
7 beverage permit. A sale of liquor to a holder of a passenger bus
8 beverage permit shall be considered as a sale at retail to a
9 consumer.

10 Sec. 48A.06. INAPPLICABLE PROVISION. Section 109.53 does
11 not apply to a passenger bus beverage permit.

12 SECTION 3. Section 101.46(b), Alcoholic Beverage Code, is
13 amended to read as follows:

14 (b) Subsection (a) of this section does not apply to
15 permittees or licensees while engaged in supplying airline
16 beverage, ~~[or]~~ mixed beverage, or passenger bus beverage
17 permittees, nor to the possession or sale of liquor by an airline
18 beverage, ~~[or]~~ mixed beverage, or passenger bus beverage permittee,
19 but none of the permittees or licensees covered by this subsection
20 may possess liquor in a container with a capacity of less than one
21 fluid ounce.

22 SECTION 4. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 3101 was passed by the House on April 27, 2017, by the following vote: Yeas 143, Nays 1, 3 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3101 on May 19, 2017, by the following vote: Yeas 142, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3101 was passed by the Senate, with amendments, on May 17, 2017, by the following vote: Yeas 28, Nays 2.

Secretary of the Senate

APPROVED: _____

Date

Governor