

1-1 By: Kuempel (Senate Sponsor - Birdwell) H.B. No. 3101  
 1-2 (In the Senate - Received from the House May 1, 2017;  
 1-3 May 3, 2017, read first time and referred to Committee on Business  
 1-4 & Commerce; May 11, 2017, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;  
 1-6 May 11, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15			X	
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 3101 By: Campbell

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to authorizing the sale of alcoholic beverages on certain  
 1-22 passenger buses; authorizing a fee.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 11.38(d), Alcoholic Beverage Code, is  
 1-25 amended to read as follows:

1-26 (d) The following are exempt from the fee authorized in this  
 1-27 section:

1-28 (1) agent's, airline beverage, passenger train  
 1-29 beverage, passenger bus beverage, industrial, carrier's, private  
 1-30 carrier's, private club registration, local cartage, storage, and  
 1-31 temporary wine and beer retailer's permits;

1-32 (2) a wine and beer retailer's permit issued for a  
 1-33 dining, buffet, or club car; and

1-34 (3) a mixed beverage permit during the three-year  
 1-35 period following the issuance of the permit.

1-36 SECTION 2. Subtitle A, Title 3, Alcoholic Beverage Code, is  
 1-37 amended by adding Chapter 48A to read as follows:

1-38 CHAPTER 48A. PASSENGER BUS BEVERAGE PERMIT

1-39 Sec. 48A.01. AUTHORIZED ACTIVITIES; APPLICABILITY OF  
 1-40 CHAPTER. The holder of a passenger bus beverage permit:

1-41 (1) has the same rights with respect to the sale of  
 1-42 alcoholic beverages on a passenger bus, as described by Section  
 1-43 48A.03(a), as the holder of an airline beverage permit has with  
 1-44 respect to the sale of alcoholic beverages on a commercial  
 1-45 passenger airplane under Section 34.01; and

1-46 (2) may store alcoholic beverages at the permitted  
 1-47 location.

1-48 Sec. 48A.02. FEE. The annual fee for a passenger bus  
 1-49 beverage permit is \$500.

1-50 Sec. 48A.03. ELIGIBILITY FOR PERMIT; APPLICATION AND  
 1-51 PAYMENT OF FEE. (a) The commission or administrator may issue a  
 1-52 passenger bus beverage permit to any corporation operating a  
 1-53 commercial passenger bus service in or through the state using a  
 1-54 passenger bus that:

1-55 (1) is designed and used for the regularly scheduled  
 1-56 intercity transportation of passengers for compensation;

1-57 (2) is characterized by integral construction with:  
 1-58 (A) an elevated passenger deck over a baggage

1-59 compartment;  
 1-60 (B) a passenger seating capacity of at least 16

2-1 and not more than 36; and  
 2-2 (C) a separate galley area;  
 2-3 (3) is at least 35 feet in length; and  
 2-4 (4) while transporting passengers for compensation,  
 2-5 also transports an attendant who:  
 2-6 (A) is not the operator of the bus; and  
 2-7 (B) has attended a commission-approved seller  
 2-8 training program.

2-9 (b) Application and payment of the fee shall be made  
 2-10 directly to the commission.

2-11 Sec. 48A.04. EXEMPTION FROM TAXES. The preparation and  
 2-12 service of alcoholic beverages by the holder of a passenger bus  
 2-13 beverage permit is exempt from a tax imposed by this code and from  
 2-14 the tax imposed by Chapter 151, Tax Code.

2-15 Sec. 48A.05. SALE OF LIQUOR TO PERMITTEE. Only a holder of  
 2-16 a wholesale permit may sell liquor to a holder of a passenger bus  
 2-17 beverage permit. A sale of liquor to a holder of a passenger bus  
 2-18 beverage permit shall be considered as a sale at retail to a  
 2-19 consumer.

2-20 Sec. 48A.06. INAPPLICABLE PROVISION. Section 109.53 does  
 2-21 not apply to a passenger bus beverage permit.

2-22 SECTION 3. Section 101.46(b), Alcoholic Beverage Code, is  
 2-23 amended to read as follows:

2-24 (b) Subsection (a) of this section does not apply to  
 2-25 permittees or licensees while engaged in supplying airline  
 2-26 beverage, ~~or~~ mixed beverage, or passenger bus beverage  
 2-27 permittees, nor to the possession or sale of liquor by an airline  
 2-28 beverage, ~~or~~ mixed beverage, or passenger bus beverage permittee,  
 2-29 but none of the permittees or licensees covered by this subsection  
 2-30 may possess liquor in a container with a capacity of less than one  
 2-31 fluid ounce.

2-32 SECTION 4. This Act takes effect immediately if it receives  
 2-33 a vote of two-thirds of all the members elected to each house, as  
 2-34 provided by Section 39, Article III, Texas Constitution. If this  
 2-35 Act does not receive the vote necessary for immediate effect, this  
 2-36 Act takes effect September 1, 2017.

2-37 \* \* \* \* \*