

By: Kacal

H.B. No. 4242

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the authorization of certain carriers to transport  
3 liquor; authorizing a fee.

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

5 SECTION 1. Chapter 41, Alcoholic Beverage Code, is amended  
6 to read as follows:

7 Chapter 41. CARRIER PERMIT/PACKAGE STORE CARRIER PERMIT

8 Sec. 41.01. AUTHORIZED ACTIVITIES OF A CARRIER PERMIT. (a)  
9 The holder of a carrier permit may only transport liquor into and  
10 out of this state and between points within the state.

11 (b) The holder of a carrier permit may transport liquor from  
12 one wet area to another wet area across a dry area if that course of  
13 transportation is necessary or convenient.

14 (c) The holder of a carrier permit who transports liquor to  
15 the premises of a wholesaler, including to a location from which the  
16 wholesaler is temporarily conducting business under Section  
17 109.62, shall provide to the consignee a shipping invoice that  
18 clearly states:

19 (1) the name and address of the consignor and  
20 consignee;

21 (2) the origin and destination of the shipment; and

22 (3) any other information required by this code or  
23 commission rule, including the brands, sizes of containers, types,  
24 and quantities of liquor contained in the shipment.

1           Sec. 41.02. FEE. The annual state fee for a carrier permit  
2 or package store carrier permit is \$30.

3           Sec. 41.03. ELIGIBILITY FOR A CARRIER PERMIT/PACKAGE STORE  
4 CARRIER PERMIT. (a) A carrier permit may be issued to:

5                   (1) a water carrier;

6                   (2) an airline;

7                   (3) a railway;

8                   (4) a motor carrier registered under Chapter 643,  
9 Transportation Code; ~~or~~

10                   (5) a ~~[common carrier operating under a certificate~~  
11 ~~issued by the Interstate Commerce Commission.]~~ motor carrier with  
12 operating authority or MC registration granted by the Federal Motor  
13 Carrier Safety Administration; or

14                   (6) a transport company operating vehicles with a  
15 gross curb weight of 8,500 pounds or more.

16           (b) a package store carrier permit may be issued to a  
17 transport company operating vehicles with a gross curb weight of  
18 8,500 pounds or less.

19           Sec. 41.04. REQUIRED INFORMATION. The holder of a carrier  
20 permit or package store carrier permit shall furnish all  
21 information required by the commission concerning the provisions of  
22 this section ~~[transportation of liquor]~~.

23           Sec. 41.05. TRANSPORTATION OF WINE OUT OF STATE. At the  
24 request of a holder of a winery permit, a common carrier that does  
25 not hold a carrier permit may transport wine from the premises of  
26 the holder of the winery permit or from another location where the  
27 holder of a winery permit may legally store wine to a destination

1 out of this state, if the common carrier may otherwise legally  
2 transport wine and the holder of the winery permit furnishes to the  
3 commission any documentation required by the commission concerning  
4 the transportation and the receipt of the wine at the destination  
5 out of this state.

6 Sec. 41.06. PACKAGE STORE CARRIER PERMIT. (a) The holder  
7 of a package store carrier permit is considered a "retailer" for  
8 purposes of Section 102.01 of this code.

9 (b) A package store carrier permittee may not knowingly  
10 utilize or employ any person under the age of 21 to make deliveries  
11 of alcohol.

12 (c) The holder of a package store carrier permit who  
13 provides transportation and delivery services to more than one  
14 holder of a permit under Chapter 22 or Chapter 24 of this code must  
15 also provide similar transportation and delivery services to  
16 businesses that do not have permits under Chapter 22 or Chapter 24.

17 Sec. 41.07. AUTHORIZED ACTIVITIES OF A PACKAGE STORE  
18 CARRIER PERMIT. The holder of a package store carrier permit may  
19 transport and deliver liquor to the ultimate consumer on behalf of a  
20 package store or wine only package store that holds a local cartage  
21 permit under the same terms and conditions in Section 22.03 of this  
22 code that are applicable to transport or delivery by the holder of  
23 the package store permit or wine only package store permit.

24 Sec. 41.08. VEHICLES USED BY PACKAGE STORE CARRIER  
25 PERMITTEE. (a) No package store carrier permittee may transport  
26 liquor unless each vehicle has been plainly marked or lettered to  
27 indicate that it is being used for the transportation of liquor by a

1 the package store carrier permittee.

2 (b) The transportation of liquor by a package store carrier  
3 permittee in a vehicle not described and marked in accordance with  
4 this section is a violation of this code and is grounds for  
5 cancellation of the permit.

6 Sec. 41.09. IDENTIFICATION REQUIREMENTS. (a) Alcohol  
7 transported and delivered by a holder of a package store carrier  
8 permit may not be delivered to any person other than:

9 (1) the person who purchased the alcohol;

10 (2) a recipient designated in advance by such  
11 purchaser; or

12 (3) a person at the delivery address who is age 21 or  
13 over.

14 (b) Alcohol may be delivered only to a person who is age 21  
15 or over after the person accepting the package:

16 (1) presents valid proof of identity and age; and

17 (2) personally signs a receipt acknowledging delivery  
18 of the package.

19 SECTION 2. This Act takes effect September 1, 2017.