

By: Hancock

S.B. No. 954

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of the Texas Alcoholic Beverage
3 Commission to offer a civil penalty in lieu of suspending a permit
4 or license.

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

6 SECTION 1. Section 11.64(a), Alcoholic Beverage Code, is
7 amended to read as follows:

8 (a) When the commission or administrator is authorized to
9 suspend a permit or license under this code, the commission or
10 administrator shall give the permittee or licensee the opportunity
11 to pay a civil penalty rather than have the permit or license
12 suspended, unless the basis for the suspension is a violation of
13 Section 11.61(b)(14), 22.12, 28.11, 32.17(a)(2), 32.17(a)(3),
14 61.71(a)(5), 61.71(a)(6), 61.74(a)(14), 69.13, 71.09, 101.04,
15 101.63, 104.01(a)(4), 106.03, 106.06, or 106.15, the sale or offer
16 for sale of an alcoholic beverage during hours prohibited by
17 Chapter 105, consumption or the permitting of consumption of an
18 alcoholic beverage on the person's licensed or permitted premises
19 during hours prohibited by Chapter 105 or Section 32.17(a)(7), or
20 an offense relating to prostitution, trafficking of persons, ~~or~~
21 gambling, or controlled substances or drugs, in which case the
22 commission or administrator shall determine whether the permittee
23 or licensee may have the opportunity to pay a civil penalty rather
24 than have the permit or license suspended. The commission shall

1 adopt rules addressing when suspension may be imposed pursuant to
2 this section without the opportunity to pay a civil penalty. In
3 adopting rules under this subsection, the commission shall consider
4 the type of license or permit held, the type of violation, any
5 aggravating or ameliorating circumstances concerning the
6 violation, and any past violations of this code by the permittee or
7 licensee. In cases in which a civil penalty is assessed, the
8 commission or administrator shall determine the amount of the
9 penalty. The amount of the civil penalty may not be less than \$150
10 or more than \$25,000 for each day the permit or license was to have
11 been suspended. If the licensee or permittee does not pay the
12 penalty before the sixth day after the commission or administrator
13 notifies him of the amount, the commission or administrator shall
14 impose the suspension.

15 SECTION 2. Section [11.64\(a\)](#), Alcoholic Beverage Code, as
16 amended by this Act, applies only to the imposition of a penalty for
17 a violation that occurs on or after the effective date of this Act.
18 The imposition of a penalty for a violation that occurs before the
19 effective date of this Act is governed by the law in effect
20 immediately before the effective date of this Act, and that law is
21 continued in effect for that purpose.

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