

SENATE AMENDMENTS

2nd Printing

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.

ADOPTED

MAY 17 2017

Leroy Sear
Secretary of the Senate

H.B. No. 3101

By: *Brian Sidwell*

Substitute the following for ___B. No. ____:

By: _____

C.S. ___B. No. _____

(Campbell)

A BILL TO BE ENTITLED

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

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6 amended to read as follows:

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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. The holder of a passenger bus beverage permit:

22 (1) has the same rights with respect to the sale of
23 alcoholic beverages on a passenger bus, as described by Section
24 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.

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 18, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3101 by Kuempel (Relating to authorizing the sale of alcoholic beverages on certain passenger buses; authorizing a fee.), **As Passed 2nd House**

<p>There would be an indeterminate amount of revenue generated from the new fee authorized by the bill.</p>
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The bill would amend the Alcoholic Beverage Code to create a passenger bus beverage permit for the sale of alcoholic beverages on certain passenger bus vehicles. The bill would require a passenger bus beverage permit be issued only to a passenger bus that also is used for intercity transportation of passengers, has an elevated passenger deck over a baggage compartment, has a passenger seating capacity between 16 and 36 passengers, has a separate galley area, is at least 35 feet in length, and transports an attendant who is not the operator of the bus and has attended a commission-approved seller training program. The annual fee for a passenger bus beverage permit would be \$500. This analysis assumes the administrative costs for the Texas Alcoholic Beverage Commission to implement the provisions of the bill could be absorbed within existing resources.

The Comptroller of Public Accounts reports that while the new permit could increase fee revenue to the state, the number of corporations that would seek and be approved for a permit is unknown and therefore the fee collection amounts cannot be determined.

The bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 458 Alcoholic Beverage Commission

LBB Staff: UP, SD, CL, AI, FR, KK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 10, 2017

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB3101** by Kuempel (Relating to authorizing the sale of alcoholic beverages on certain passenger buses; authorizing a fee.), **Committee Report 2nd House, Substituted**

<p>There would be an indeterminate amount of revenue generated from the new fee authorized by the bill.</p>
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The bill would amend the Alcoholic Beverage Code to create a passenger bus beverage permit for the sale of alcoholic beverages on certain passenger bus vehicles. The bill would require a passenger bus beverage permit be issued only to a passenger bus that also is used for intercity transportation of passengers, has an elevated passenger deck over a baggage compartment, has a passenger seating capacity between 16 and 36 passengers, has a separate galley area, is at least 35 feet in length, and transports an attendant who is not the operator of the bus and has attended a commission-approved seller training program. The annual fee for a passenger bus beverage permit would be \$500. This analysis assumes the administrative costs for the Texas Alcoholic Beverage Commission to implement the provisions of the bill could be absorbed within existing resources.

The Comptroller of Public Accounts reports that while the new permit could increase fee revenue to the state, the number of corporations that would seek and be approved for a permit is unknown and therefore the fee collection amounts cannot be determined.

The bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 458 Alcoholic Beverage Commission

LBB Staff: UP, CL, AI, FR, KK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 4, 2017

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB3101** by Kuempel (Relating to authorizing the sale of alcoholic beverages on certain passenger buses; authorizing a fee.), **As Engrossed**

There would be an indeterminate amount of revenue generated from the new fee authorized by the bill.

The bill would amend the Alcoholic Beverage Code to create a passenger bus beverage permit for the sale of alcoholic beverages on certain passenger bus vehicles. The bill would require a passenger bus beverage permit be issued only to a passenger bus that also transports an attendant who is not the operator of the bus who has also attended a Texas Alcoholic Beverage Commission approved seller training program. The annual fee for a passenger bus beverage permit would be \$500.

The Comptroller of Public Accounts reports that while the new permit could increase fee revenue to the state, the number of corporations that would seek and be approved for a permit is unknown and therefore the fee collection amounts cannot be determined.

The bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 458 Alcoholic Beverage Commission

LBB Staff: UP, CL, AI, FR, KK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 8, 2017

TO: Honorable John Kuempel, Chair, House Committee on Licensing & Administrative Procedures

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3101 by Kuempel (Relating to authorizing the sale of alcoholic beverages on certain passenger buses; authorizing a fee.), **As Introduced**

There would be an indeterminate amount of revenue generated from the new fee authorized by the bill.

The bill would amend the Alcoholic Beverage Code to create a passenger bus beverage permit for the sale of alcoholic beverages on certain passenger bus vehicles. The bill would require a passenger bus beverage permit be issued only to a passenger bus that also transports an attendant who is not the operator of the bus who has also attended a Texas Alcoholic Beverage Commission approved seller training program. The annual fee for a passenger bus beverage permit would be \$500.

The Comptroller of Public Accounts reports that while the new permit could increase fee revenue to the state, the number of corporations that would seek and be approved for a permit is unknown and therefore the fee collection amounts cannot be determined.

The bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 458 Alcoholic Beverage Commission

LBB Staff: UP, CL, AI, FR, KK