

House Bill 3101
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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. (a) The holder of a passenger bus beverage permit has the same rights with respect to the sale of alcoholic beverages on a passenger bus, described by Subsection (b), as the holder of an airline beverage permit has with respect to the sale of alcoholic beverages on a commercial passenger airplane under Section 34.01.

(b) Subsection (a) applies only to a passenger bus that:

- (1) is designed, constructed, or used for the transportation of multiple passengers for compensation; and
- (2) while transporting persons for compensation, also transports an attendant who:
 - (A) is not the operator of the bus; and

SENATE VERSION (CS)

SECTION 1. Same as House version.

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 respect to the sale of alcoholic beverages on a commercial passenger airplane under Section 34.01; and
- (2) may store alcoholic beverages at the permitted location.

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

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

Sec. 48A.03. ELIGIBILITY FOR PERMIT. The commission or administrator may issue a passenger bus beverage permit to any corporation operating a commercial passenger bus service in or through the state. Application and payment of the fee shall be made directly to the commission.

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

SENATE VERSION (CS)

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

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

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

(2) is characterized by integral construction with:

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

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

(C) a separate galley area;

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

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

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

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

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

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

Sec. 48A.05. SALE OF LIQUOR TO PERMITTEE. Only a holder of a wholesale permit may sell liquor to a holder of a passenger bus beverage permit. A sale of liquor to a holder of

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Sec. 48A.05. INAPPLICABLE PROVISION. Section 109.53 does not apply to a passenger bus beverage permit.

No equivalent provision.

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

SENATE VERSION (CS)

a passenger bus beverage permit shall be considered as a sale at retail to a consumer.

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

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

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

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

CONFERENCE