

By: Paddie

H.B. No. 2836

A BILL TO BE ENTITLED

AN ACT

relating to a permit authorizing the delivery of alcoholic beverages from the premises of certain alcoholic beverage retailers to consumers; authorizing a fee.

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

SECTION 1. Subtitle A, Title 3, Alcoholic Beverage Code, is amended by adding Chapter 57 to read as follows:

CHAPTER 57. CONSUMER DELIVERY PERMIT

Sec. 57.01. AUTHORIZED ACTIVITIES. (a) Notwithstanding any other provision of this code, the holder of a consumer delivery permit may contract with or employ a driver for the delivery of an alcoholic beverage from the premises of the holder of a retailer's permit described by Subsection (b) to an ultimate consumer located in an area where the sale of the beverage is legal.

(b) An alcoholic beverage may be delivered under this section only if the alcoholic beverage is sold to the ultimate consumer by the holder of a permit authorizing the retail sale and delivery of the alcoholic beverage to the ultimate consumer.

Sec. 57.02. DETERMINATION OF DELIVERY AREA. In determining whether the sale of an alcoholic beverage is legal in an area for purposes of Section 57.01, a person who sells or delivers an alcoholic beverage under that section must consult a map or other information produced by the commission for the purpose of establishing where the sale of alcoholic beverages is legal.

1 Sec. 57.03. FEE. The commission by rule shall establish the
2 annual state fee for a consumer delivery permit.

3 Sec. 57.04. ELIGIBILITY FOR PERMIT. A consumer delivery
4 permit may be issued to a person who contracts with or employs
5 individuals for the delivery of retail goods to consumers.

6 Sec. 57.045. DELIVERY DRIVER REQUIREMENTS. A consumer
7 delivery permit holder under this chapter may not contract with or
8 employ a person to make a delivery under this chapter unless the
9 person:

10 (1) is 21 years of age or older; and

11 (2) holds a valid driver's license.

12 Sec. 57.05. DELIVERY OF ALCOHOLIC BEVERAGES TO CONSUMER.

13 (a) An alcoholic beverage may be delivered under this chapter only
14 to a person who is 21 years of age or older after the person
15 accepting the package presents valid proof of identity and age.

16 (b) An alcoholic beverage may not be delivered under this
17 chapter to any person other than:

18 (1) the person who purchased the beverage;

19 (2) a recipient designated in advance by the
20 purchaser; or

21 (3) a person at the delivery address who is 21 years of
22 age or older.

23 (c) An alcoholic beverage may be delivered under this
24 chapter outside the hours of operation of the retailer from which
25 the delivery is being made only if the delivery driver received the
26 beverage from the retailer during the retailer's hours of
27 operation.

1 Sec. 57.06. LIABILITY OF RETAILER. (a) The actions of a
2 delivery driver acting on behalf of a consumer delivery permit
3 holder are not attributable to a retailer if the delivery driver has
4 completed a training program under Section 106.14(c-1).

5 (b) The commission shall develop and implement a program
6 that allows the holder of a retail permit or a consumer delivery
7 permit to verify in real time whether a delivery driver has
8 completed a training program under Section 106.14(c-1).

9 SECTION 2. Section 106.14, Alcoholic Beverage Code, is
10 amended by adding Subsection (c-1) to read as follows:

11 (c-1) The commission shall adopt and administer under this
12 section a seller training program for the purpose of training
13 delivery drivers contracting with or employed by the holder of a
14 permit under Chapter 57.

15 SECTION 3. This Act takes effect September 1, 2019.