

By: Burrows

H.B. No. 3754

A BILL TO BE ENTITLED

AN ACT

relating to the collection of local permit and license fees authorized under the Alcoholic Beverage Code; authorizing a fee.

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

SECTION 1. Section 11.38, Alcoholic Beverage Code, is amended by amending Subsection (b) and adding Subsections (b-1) and (b-2) to read as follows:

(b) The commission or administrator may cancel or suspend a permit if it finds that the permittee has not paid a fee levied under this section within 180 days after the date the fee was levied. A permittee who sells an alcoholic beverage without first having paid a fee levied under this section commits a misdemeanor punishable by a fine of not less than \$10 nor more than \$200.

(b-1) A city, town, or county may enter into a contract with a private attorney or a public or private vendor for the collection of an unpaid permit fee levied under this section that is more than 60 days past due. A private attorney or a public or private vendor collecting a fee under this subsection may assess a collection charge to a permit holder for late payment or nonpayment of a fee levied under this section.

(b-2) A city, town, or county may enter into an interlocal agreement with another entity authorized to levy a fee under this section for the collection of a permit fee that is more than 60 days past due on behalf of the other entity and shall remit the

1 appropriate fees collected to the other entity. The amount
2 collected through an interlocal agreement under this subsection may
3 not exceed the amount of the fee levied by the city, town, or county
4 under this section and any collection charge assessed by a private
5 attorney or a public or private vendor under Subsection (b-1).

6 SECTION 2. Section 61.36, Alcoholic Beverage Code, is
7 amended by amending Subsection (b) and adding Subsections (b-1) and
8 (b-2) to read as follows:

9 (b) The commission or administrator may cancel or suspend a
10 license if it finds the licensee has not paid a fee levied under
11 this section within 180 days after the date the fee was levied. A
12 licensee who sells an alcoholic beverage without first having paid
13 a fee levied under this section commits a misdemeanor punishable by
14 a fine of not less than \$10 nor more than \$200.

15 (b-1) A city, town, or county may enter into a contract with
16 a private attorney or a public or private vendor for the collection
17 of an unpaid license fee levied under this section that is more than
18 60 days past due. A private attorney or a public or private vendor
19 collecting a fee under this subsection may assess a collection
20 charge to a license holder for late payment or nonpayment of a fee
21 levied under this section.

22 (b-2) A city, town, or county may enter into an interlocal
23 agreement with another entity authorized to levy a fee under this
24 section for the collection of a license fee that is more than 60
25 days past due on behalf of the other entity and shall remit the
26 appropriate fees collected to the other entity. The amount
27 collected through an interlocal agreement under this subsection may

1 not exceed the amount of the fee levied by the city, town, or county
2 under this section and any collection charge assessed by a private
3 attorney or a public or private vendor under Subsection (b-1).

4 SECTION 3. The changes in law made by this Act to Sections
5 11.38(b) and 61.36(b), Alcoholic Beverage Code, apply only to fees
6 originally levied on or after the effective date of this Act. Fees
7 originally levied before the effective date of this Act are
8 governed by the law in effect immediately before that date, and that
9 law is continued in effect for that purpose.

10 SECTION 4. This Act takes effect September 1, 2019.