

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 the commission, a private attorney, or a public or private vendor for the collection of an unpaid permit fee levied under this section. 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 on behalf of the other entity and shall remit the appropriate fees collected to the other

1 entity. The amount of a fee collected through an interlocal
2 agreement under this subsection may not exceed the amount of the fee
3 levied by the city, town, or county under this section.

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

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

13 (b-1) A city, town, or county may enter into a contract with
14 the commission, a private attorney, or a public or private vendor
15 for the collection of an unpaid license fee levied under this
16 section. A private attorney or a public or private vendor
17 collecting a fee under this subsection may assess a collection
18 charge to a license holder for late payment or nonpayment of a fee
19 levied under this section.

20 (b-2) A city, town, or county may enter into an interlocal
21 agreement with another entity authorized to levy a fee under this
22 section for the collection of a license fee on behalf of the other
23 entity and shall remit the appropriate fees collected to the other
24 entity. The amount of a fee collected through an interlocal
25 agreement under this subsection may not exceed the amount of the fee
26 levied by the city, town, or county under this section.

27 SECTION 3. The changes in law made by this Act to Sections

1 11.38(b) and 61.36(b), Alcoholic Beverage Code, apply only to fees
2 originally levied on or after the effective date of this Act. Fees
3 originally levied before the effective date of this Act are
4 governed by the law in effect immediately before that date, and that
5 law is continued in effect for that purpose.

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