

By: Buckingham

S.B. No. 1368

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a warehouse to store and ship wine.

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

SECTION 1. Section 11.34(a), Alcoholic Beverage Code, is amended to read as follows:

(a) An applicant for a wholesaler's, class B wholesaler's, distiller's and rectifier's, brewer's, or winery permit may consolidate in a single application an ~~his~~ application for that permit and an ~~his~~ application for:

(1) private storage;

(2) storage in a ~~[public bonded]~~ warehouse under Chapter 46;

(3) a private carrier's permit; and

(4) any other permit the applicant ~~he~~ is qualified to receive.

SECTION 2. Section 45.01, Alcoholic Beverage Code, is amended to read as follows:

Sec. 45.01. AUTHORIZED ACTIVITIES. The holder of a storage permit may store liquor in a ~~[public bonded]~~ warehouse for which a permit has been issued under Chapter 46 or in a private warehouse owned or leased by the holder and operated by the holder.

SECTION 3. Sections 45.03(a) and (c), Alcoholic Beverage Code, are amended to read as follows:

(a) A storage permit may be issued to a holder of a brewer's,

distiller's and rectifier's, winery, wholesaler's, class B wholesaler's, ~~or~~ wine bottler's, or out-of-state winery direct shipper's permit.

(c) Except as provided by this subsection, a storage permit may not be issued for a location outside the county in which the permittee's business is located. Subject to Section 45.04, the holder of a winery permit or out-of-state winery direct shipper's permit may obtain a storage permit for a location inside or outside the county in which the permit holder's business is located.

SECTION 4. Chapter 46, Alcoholic Beverage Code, is amended to read as follows:

CHAPTER 46. ~~BONDED~~ WAREHOUSE PERMIT

Sec. 46.01. AUTHORIZED ACTIVITIES. (a) The holder of a ~~bonded~~ warehouse permit may:

(1) store liquor for any permittee who holds a permit authorizing ~~its~~ storage of liquor in a ~~public bonded~~ warehouse under this chapter; and

(2) deliver wine to ultimate consumers in fulfillment of an order placed with the holder of a winery or out-of-state winery direct shipper's permit whose wine is held in the warehouse.

(b) Delivery of wine under Subsection (a) must be by the holder of a carrier permit and comply with the provisions of Section 16.09 or Chapter 54, as applicable.

Sec. 46.02. FEE. The annual state fee for a ~~bonded~~ warehouse permit is \$150.

Sec. 46.03. QUALIFICATIONS FOR PERMIT. (a) Except as provided by Subsection (b), a ~~A bonded~~ warehouse permit may be

1 issued to any [~~public bonded~~] warehouse that [+]

2 [~~(1) derives at least 50 percent of its gross revenue~~
3 ~~in a bona fide manner during each three-month period from the~~
4 ~~storage of goods or merchandise other than liquor; and~~

5 [~~(2)~~] is not located in a dry area.

6 (b) A [~~bonded~~] warehouse permit may be issued to a [~~public~~
7 ~~bonded~~] warehouse [~~described by Subsection (a)(1) of this section~~
8 that is located in a dry area only for the storage of the wine of the
9 holder of a winery permit [~~who holds a permit authorizing its~~
10 ~~storage in a public bonded warehouse~~].

11 Sec. 46.04. STORAGE INFORMATION. The holder of a [~~bonded~~]
12 warehouse permit shall furnish [~~such~~] information concerning the
13 liquor stored in and withdrawn from the warehouse as may be required
14 by the commission.

15 SECTION 5. Section 54.01, Alcoholic Beverage Code, is
16 amended to read as follows:

17 Sec. 54.01. AUTHORIZED ACTIVITIES. (a) The holder of an
18 out-of-state winery direct shipper's permit may sell and deliver
19 wine that is produced or bottled by the permittee to an ultimate
20 consumer located in the State of Texas. Delivery must be by the
21 holder of a carrier permit.

22 (b) The holder of an out-of-state winery direct shipper's
23 permit may store wine only in a warehouse for which a permit has
24 been issued under Chapter 46.

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