

BILL ANALYSIS

Senate Research Center

H.B. 2331
By: Uresti (Van de Putte)
Business & Commerce
5/4/2001
Engrossed

DIGEST AND PURPOSE

Under current law, a retailer's license or permit is canceled or suspended for a maximum of sixty days for the first offense and a maximum of three months for the second offense if it is determined that the retailer contributed to a minor's possession or consumption of alcohol. H.B. 2331 increases the penalty for certain retailers who sell, serve, dispense, or deliver an alcoholic beverage to a minor.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 106.13(a) and (b), Alcoholic Beverage Code, as follows:

- (a) Authorizes the Texas Alcoholic Beverage Commission (commission) or administrator to, except as provided in Subsections (b) and (c) of this section, cancel or suspend for not more than 90, rather than 60, days a retail license or permit or a private club registration permit if it is found, on notice and hearing, that the licensee or permittee with criminal negligence sold, served, dispensed, or delivered an alcoholic beverage to a minor or with criminal negligence permitted a minor to violate Section 106.04 or 106.05 of this code on the licensed premises.
- (b) Authorizes the commission or administrator, for a second offense, to cancel the license or permit or suspend it for not more than six, rather than three, months.

SECTION 2. Amends Section 106.06(c), Alcoholic Beverage Code, to provide that an offense under this section is a Class A, rather than B, misdemeanor.

SECTION 3. (a) Effective date: September 1, 2001.

- (b) and (c) Make application of this Act prospective.