

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1273
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Business & Commerce
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Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, Texas law allows a person holding a Texas Alcoholic Beverage Commission (TABC) license (licensee) or permit (permittee) to pay a civil penalty rather than have the license or permit suspended. Current law also requires TABC to consider the economic impact a suspension would have on a licensee or permittee when assessing civil penalties. Currently, a licensee or permittee that has committed a violation could be charged a higher fine than a permittee that has committed the same violation and has a lower volume of sales. C.S.S.B. 1273 deletes the requirement that TABC consider a suspension's economic impact on the permittee or licensee when determining a civil penalty and includes the criteria that should be considered. This bill also deletes expired text referring to the confiscated liquor fund.

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 Section 11.64, Alcoholic Beverage Code, as follows:

Sec. 11.64. ALTERNATIVES TO SUSPENSION, CANCELLATION. (a) Deletes text referring to considering a suspension's economic impact on the permittee or licensee. Prohibits a civil penalty from being imposed on the basis of criminal prosecution in which the defendant was found not guilty, the criminal charges were dismissed, or there has not been final adjudication. Requires the Texas Alcoholic Beverage Commission (TABC) or administrator to determine the amount of the civil penalty based on certain criteria, but prohibits determination based on certain financial criteria. Requires the amount of the civil penalty to be appropriate for the nature and seriousness of the violation.

(b) Deletes a reference to a retail dealer's off-premise licensee and a reference specifying Subsection (c) as being of this section.

(c) Deletes the specification that Subsection (b), to which this subsection refers, is of this section.

(d) Requires fees and civil penalties received by TABC under this section to be deposited in the general revenue fund. Deletes expired text referring to the confiscated liquor fund.

SECTION 2. Effective date: September 1, 2003.