

By: Thompson

H.B. No. 3850

A BILL TO BE ENTITLED

AN ACT

relating to importation and shipment of alcoholic beverages for personal consumption; providing a criminal penalty.

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

SECTION 1. Sections 107.07(a), (e), and (f), Alcoholic Beverage Code, are amended to read as follows:

(a) A person [~~Texas resident~~] may import not more than 24 12-ounce bottles or an equivalent quantity of malt beverages, 3 gallons of wine, and 1 gallon of distilled spirits [~~one quart of liquor~~] for the person's [~~his~~] own personal use without being required to hold a permit. [~~A Texas resident may import for his own personal use not more than three gallons of wine without being required to hold a permit. A nonresident of Texas may import not more than a gallon of liquor for his own personal use without being required to hold a permit.~~] A person importing alcoholic beverages [~~liquor~~] into the state under this subsection must pay the state tax on alcoholic beverages [~~liquor~~] and an administrative fee of \$1 [~~50 cents~~] and must affix the required tax stamps. No minor and no intoxicated person may import any alcoholic beverages [~~liquor~~] into the state. A person importing alcoholic beverages [~~wine or liquor~~] under this subsection must personally accompany the alcoholic beverages [~~wine or liquor~~] as the alcoholic beverages [~~it~~] enters the state. A person may not avail himself of the exemptions set forth in this subsection more than once every thirty days.

(e) The administrative fees collected under this section shall be used by the commission for the administrative costs of enforcing the requirements of Subsection ~~[Subsections]~~ (a) ~~[and (b) of this section]~~.

(f) Except as provided by Chapter 54 or another provision of this code, any person in the business of selling alcoholic beverages in another state or country who ships or causes to be shipped any alcoholic beverage directly to any Texas resident under this section is in violation of this code.

SECTION 2. Section 107.11, Alcoholic Beverage Code, is amended to read as follows:

Sec. 107.11. IMPORTATION OF PERSONAL ~~[WINE]~~ COLLECTION.

(a) A person who is relocating a household may import, or contract with a motor carrier or another person to import, a personal beer or liquor ~~[wine]~~ collection as a part of that person's household goods.

(b) Section 107.07 ~~[of this code]~~ does not apply to a person who is importing a personal beer or liquor ~~[wine]~~ collection under Subsection (a) ~~[of this section]~~.

SECTION 3. Chapter 107, Alcoholic Beverage Code, is amended by adding Section 107.13 to read as follows:

Sec. 107.13. OFFENSE. A person commits an offense if the person imports an alcoholic beverage into this state, or causes an alcoholic beverage to be imported into this state, in violation of this chapter. An offense under this section is a Class C misdemeanor.

SECTION 4. Sections 107.07(b) and (c) and 107.12, Alcoholic

1 Beverage Code, are repealed.

2 SECTION 5. (a) The change in law made by this Act applies
3 only to an offense committed on or after the effective date of this
4 Act. For purposes of this section, an offense is committed before
5 the effective date of this Act if any element of the offense occurs
6 before that date.

7 (b) An offense committed before the effective date of this
8 Act is covered by the law in effect when the offense was committed,
9 and the former law is continued in effect for that purpose.

10 SECTION 6. This Act takes effect September 1, 2009.