

1-1 By: Garcia S.B. No. 367  
1-2 (In the Senate - Filed January 27, 2015; February 2, 2015,  
1-3 read first time and referred to Committee on Business and Commerce;  
1-4 April 20, 2015, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 8, Nays 1; April 20, 2015,  
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12		X		
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 367 By: Seliger

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to the unauthorized use of an alcoholic beverage permit or  
1-22 license; providing a criminal penalty.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 11.05, Alcoholic Beverage Code, is  
1-25 amended to read as follows:

1-26 Sec. 11.05. UNAUTHORIZED USE OF PERMIT. A [No] permittee  
1-27 may not consent to or allow the use or display of the permittee's  
1-28 [his] permit by a person other than the person to whom the permit  
1-29 was issued.

1-30 SECTION 2. Section 11.46, Alcoholic Beverage Code, is  
1-31 amended by adding Subsection (d) to read as follows:

1-32 (d) The commission or administrator shall refuse to issue an  
1-33 original permit to a person convicted of an offense under Section  
1-34 101.76 for a period of five years from the date of the conviction.

1-35 SECTION 3. Section 11.61, Alcoholic Beverage Code, is  
1-36 amended by adding Subsection (d-1) to read as follows:

1-37 (d-1) Notwithstanding Section 11.64, the commission or  
1-38 administrator shall cancel an original or renewal permit if it is  
1-39 found, after notice and hearing, that the permittee was convicted  
1-40 of an offense under Section 101.76.

1-41 SECTION 4. Subchapter A, Chapter 61, Alcoholic Beverage  
1-42 Code, is amended by adding Section 61.16 to read as follows:

1-43 Sec. 61.16. UNAUTHORIZED USE OF LICENSE. A licensee may not  
1-44 consent to or allow the use or display of the licensee's license by  
1-45 a person other than the person to whom the license was issued.

1-46 SECTION 5. Section 61.42, Alcoholic Beverage Code, is  
1-47 amended by adding Subsection (d) to read as follows:

1-48 (d) The county judge, commission, or administrator shall  
1-49 refuse to approve or issue a license to a person convicted of an  
1-50 offense under Section 101.76 for a period of five years from the  
1-51 date of the conviction.

1-52 SECTION 6. Subchapter C, Chapter 61, Alcoholic Beverage  
1-53 Code, is amended by adding Section 61.713 to read as follows:

1-54 Sec. 61.713. CANCELLATION FOR IMPROPER DISPLAY OR USE OF  
1-55 LICENSE. Notwithstanding Section 61.76 or 61.761, the commission  
1-56 or administrator shall cancel an original or renewal license if it  
1-57 is found, after notice and hearing, that the licensee was convicted  
1-58 of an offense under Section 101.76.

1-59 SECTION 7. Subchapter D, Chapter 101, Alcoholic Beverage  
1-60 Code, is amended by adding Section 101.76 to read as follows:

2-1 Sec. 101.76. UNLAWFUL DISPLAY OR USE OF PERMIT OR LICENSE.

2-2 (a) A person commits an offense if the person allows another  
2-3 person to display or use a permit or license issued by the  
2-4 commission in any manner not allowed by law.

2-5 (b) A person commits an offense if the person displays or  
2-6 uses a permit or license issued by the commission to another person  
2-7 in any manner not allowed by law.

2-8 (c) Except as provided by Subsection (d), an offense under  
2-9 this section is a Class B misdemeanor.

2-10 (d) If it is shown on the trial of an offense under this  
2-11 section that the person has previously been convicted of an offense  
2-12 under this section, the offense is a Class A misdemeanor.

2-13 SECTION 8. This Act takes effect September 1, 2015.

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