

AN ACT

relating to certain temporary wine and beer retailer's permits.

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

SECTION 1. Section 27.03, Alcoholic Beverage Code, is amended to read as follows:

Sec. 27.03. DURATION OF PERMIT. (a) Except as provided by Subsection (b), a [A] temporary wine and beer retailer's permit may be issued for a period of not more than four days.

(b) A temporary wine and beer retailer's permit issued under Section 27.07 may be issued for a period of five days. On notice to the commission, the commission may extend the permit for one additional day to accommodate the postponement of scheduled racing events due to an act of nature.

SECTION 2. Subsection (b), Section 27.05, Alcoholic Beverage Code, is amended to read as follows:

(b) The permits shall be issued only for the sale of authorized alcoholic beverages at picnics, celebrations, or similar events, or events described by Section 27.07.

SECTION 3. Subchapter A, Chapter 27, Alcoholic Beverage Code, is amended by adding Section 27.07 to read as follows:

Sec. 27.07. USE OF PERMIT IN CERTAIN RACING FACILITIES.

(a) The commission may issue a temporary wine and beer retailer's permit to the holder of a mixed beverage permit covering premises located in a facility with a seating capacity of more than 150,000

1 that is open to the public for use in areas of the facility not
2 otherwise covered by a license or permit during a motor vehicle
3 racing event sponsored by a professional motor racing association.

4 (b) The commission may not issue more than four temporary
5 wine and beer retailer's permits under this section in a calendar
6 year to a mixed beverage permit holder.

7 (c) The holder of a temporary wine and beer retailer's
8 permit under this section may not engage in the following
9 activities on the areas covered by the permit:

10 (1) sell alcoholic beverages in factory-sealed
11 containers;

12 (2) sell more than two drinks to a single consumer at
13 one time;

14 (3) sell alcoholic beverages at more than 50 percent
15 of the food and beverage concession stands that are open for
16 business at any one time; and

17 (4) sell alcoholic beverages after:

18 (A) 75 percent of the feature race is complete on
19 the day that race is held; and

20 (B) one hour before the scheduled completion of
21 the last spectator event on a day other than the feature race day.

22 SECTION 4. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2005.

David Swihurst
President of the Senate

Tom Cudde
Speaker of the House

I hereby certify that S.B. No. 1331 passed the Senate on April 28, 2005, by the following vote: Yeas 31, Nays 0.

Patricia Spaw
Secretary of the Senate

I hereby certify that S.B. No. 1331 passed the House on May 19, 2005, by the following vote: Yeas 139, Nays 0, two present not voting.

Robert Haney
Chief Clerk of the House

Approved:

28 MAY 05
Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4 PM O'CLOCK

Roger Williams
Secretary of State
MAY 28 2005