

AN ACT

relating to the export of certain beer, malt liquor, and ale.

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

SECTION 1. Chapter 19, Alcoholic Beverage Code, is amended by adding Section 19.05 to read as follows:

Sec. 19.05. ALE AND MALT LIQUOR FOR EXPORT. (a) In this section "ale or malt liquor for export" means ale or malt liquor a wholesaler holds for export to another state in which the wholesaler has been assigned a territory for the distribution and sale of the ale or malt liquor. The term includes ale and malt liquor that is illegal to sell in this state because of alcohol content, containers, packages, or labels.

(b) The holder of a wholesaler's permit who receives ale or malt liquor for export from the holder of a brewer's or nonresident brewer's permit may:

(1) store the ale or malt liquor for export at the wholesaler's premises;

(2) transport the ale or malt liquor for export outside the state in the wholesaler's own vehicles; or

(3) deliver the ale or malt liquor for export to a common carrier for export and delivery outside the state.

(c) The holder of a wholesaler's permit is not liable for any state tax on the ale or malt liquor for export.

(d) Section 101.67 does not apply to ale or malt liquor for

1 export.

2 SECTION 2. Chapter 20, Alcoholic Beverage Code, is amended
3 by adding Section 20.03 to read as follows:

4 Sec. 20.03. ALE AND MALT LIQUOR FOR EXPORT. (a) In this
5 section "ale or malt liquor for export" means ale or malt liquor a
6 wholesaler holds for export to another state in which the
7 wholesaler has been assigned a territory for the distribution and
8 sale of the ale or malt liquor. The term includes ale and malt
9 liquor that is illegal to sell in this state because of alcohol
10 content, containers, packages, or labels.

11 (b) The holder of a general class B wholesaler's permit who
12 receives ale or malt liquor for export from the holder of a brewer's
13 or nonresident brewer's permit may:

14 (1) store the ale or malt liquor for export at the
15 wholesaler's premises;

16 (2) transport the ale or malt liquor for export
17 outside the state in the wholesaler's own vehicles; or

18 (3) deliver the ale or malt liquor for export to a
19 common carrier for export and delivery outside the state.

20 (c) The holder of a general class B wholesaler's permit is
21 not liable for any state tax on the ale or malt liquor for export.

22 (d) Section 101.67 does not apply to ale or malt liquor for
23 export.

24 SECTION 3. Chapter 21, Alcoholic Beverage Code, is amended
25 by adding Section 21.03 to read as follows:

26 Sec. 21.03. ALE AND MALT LIQUOR FOR EXPORT. (a) In this
27 section "ale or malt liquor for export" means ale or malt liquor a

1 wholesaler holds for export to another state in which the
2 wholesaler has been assigned a territory for the distribution and
3 sale of the ale or malt liquor. The term includes ale and malt
4 liquor that is illegal to sell in this state because of alcohol
5 content, containers, packages, or labels.

6 (b) The holder of a local class B wholesaler's permit who
7 receives malt liquor or ale for export from the holder of a brewer's
8 or nonresident brewer's permit may:

9 (1) store the ale or malt liquor for export at the
10 wholesaler's premises;

11 (2) transport the ale or malt liquor for export
12 outside the state in the wholesaler's own vehicles; or

13 (3) deliver the ale or malt liquor for export to a
14 common carrier for export and delivery outside the state.

15 (c) The holder of a local class B wholesaler's permit is not
16 liable for any state tax on the ale or malt liquor for export.

17 (d) Section 101.67 does not apply to ale or malt liquor for
18 export.

19 SECTION 4. Chapter 64, Alcoholic Beverage Code, is amended
20 by adding Section 64.09 to read as follows:

21 Sec. 64.09. BEER FOR EXPORT. (a) In this section "beer for
22 export" means beer a distributor holds for export to another state
23 in which the distributor has been assigned a territory for the
24 distribution and sale of the beer. The term includes beer that is
25 illegal to sell in this state because of alcohol content,
26 containers, packages, or labels.

27 (b) The holder of a general distributor's license who

1 receives beer for export from the holder of a manufacturer's or
2 nonresident manufacturer's license may:

3 (1) store the beer for export at the distributor's
4 premises;

5 (2) transport the beer for export outside the state in
6 the distributor's own vehicles; or

7 (3) deliver the beer for export to a common carrier for
8 export and delivery outside the state.

9 (c) The holder of a general distributor's license is not
10 liable for any state tax on the beer for export.

11 (d) Section 101.67 does not apply to beer for export.

12 SECTION 5. Chapter 65, Alcoholic Beverage Code, is amended
13 by adding Section 65.08 to read as follows:

14 Sec. 65.08. BEER FOR EXPORT. (a) In this section "beer for
15 export" means beer a distributor holds for export to another state
16 in which the distributor has been assigned a territory for the
17 distribution and sale of the beer. The term includes beer that is
18 illegal to sell in this state because of alcohol content,
19 containers, packages, or labels.

20 (b) The holder of a local distributor's license who receives
21 beer for export from the holder of a manufacturer's or nonresident
22 manufacturer's license may:

23 (1) store the beer for export at the distributor's
24 premises;

25 (2) transport the beer for export outside the state in
26 the distributor's own vehicles; or

27 (3) deliver the beer for export to a common carrier for

1 export and delivery outside the state.

2 (c) The holder of a local distributor's license is not
3 liable for any state tax on the beer for export.

4 (d) Section 101.67 does not apply to beer for export.

5 SECTION 6. Chapter 66, Alcoholic Beverage Code, is amended
6 by adding Section 66.11 to read as follows:

7 Sec. 66.11. BEER FOR EXPORT. (a) In this section "beer for
8 export" means beer a distributor holds for export to another state
9 in which the distributor has been assigned a territory for the
10 distribution and sale of the beer. The term includes beer that is
11 illegal to sell in this state because of alcohol content,
12 containers, packages, or labels.

13 (b) The holder of a branch distributor's license who
14 receives beer for export from the holder of a manufacturer's or
15 nonresident manufacturer's license may:

16 (1) store the beer for export at the distributor's
17 premises;

18 (2) transport the beer for export outside the state in
19 the distributor's own vehicles; or

20 (3) deliver the beer for export to a common carrier for
21 export and delivery outside the state.

22 (c) The holder of a branch distributor's license is not
23 liable for any state tax on the beer for export.

24 (d) Section 101.67 does not apply to beer for export.

25 SECTION 7. This Act takes effect September 1, 2003.

David Swihart

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 941 was passed by the House on April 25, 2003, by a non-record vote.

Robert Nancy

Chief Clerk of the House

I certify that H.B. No. 941 was passed by the Senate on May 20, 2003, by the following vote: Yeas 31, Nays 0.

Lacey Gault

Secretary of the Senate

APPROVED: 20 JUN '03

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:30 PM O'CLOCK

JUN 20 2003
Ann Shea
Secretary of State