

BILL ANALYSIS

Senate Research Center

H.B. 3850
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Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law limits the amount of alcoholic beverages that can be imported for personal use for Texas residents and nonresidents. Texas residents are allowed to import for personal use 24 12-ounce bottles or an equivalent quantity of malt beverages, three gallons of wine, and one gallon of distilled spirits while nonresidents may import for personal use one gallon of wine or distilled spirits combined and 24 12-ounce containers of beer.

In addition, current law only allows for a personal wine collection. The Texas Alcoholic Beverage Commission routinely receives inquiries from individuals working overseas, many related to the Iraq war, who are moving back to Texas and have collected various types of beer or distilled spirits while overseas but are not allowed to bring their personal collection of beer or distilled spirits back home to Texas.

H.B. 3850 relates to importation and shipment of alcoholic beverages for personal consumption and provides a criminal penalty.

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 Sections 107.07(a), (e), and (f), Alcoholic Beverage Code, as follows:

(a) Authorizes a person, rather than a Texas resident, to import not more than 24 12-ounce bottles or an equivalent quantity of malt beverages, three gallons of wine, and one gallon of distilled spirits, rather than not more than one quart of liquor, for the person's own personal use without being required to hold a permit. Requires a person importing alcoholic beverages, rather than liquor, into the state under this subsection to pay the state tax on alcoholic beverages and an administrative fee of one dollar, rather than 50 cents, and affix the required tax stamps. Prohibits a minor and an intoxicated person from importing any alcoholic beverages into the state. Requires a person importing alcoholic beverages under this subsection to personally accompany the alcoholic beverages as the alcoholic beverages enter the state. Deletes existing text authorizing a Texas resident to import for his own personal use not more than three gallons of wine without being required to hold a permit. Deletes existing text authorizing a nonresident of Texas to import not more than a gallon of liquor for his own personal use without being required to hold a permit. Makes conforming changes.

(e) Requires that the administrative fees collected under this section be used by the Texas Alcoholic Beverage Commission for the administrative costs of enforcing the requirements of Subsection (a), rather than of Subsections (a) and (b) (related to authorizing a person to import beer into this state for his own personal use without being required to hold a license) of this section.

(f) Provides that except as provided by Chapter 54 (Out-of-State Winery Direct Shipper's Permit) 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. Amends Section 107.11, Alcoholic Beverage Code, as follows:

Sec. 107.11. New heading: IMPORTATION OF PERSONAL COLLECTION. (a) Authorizes a person who is relocating a household to import, or contract with a motor carrier or another person to import, a personal beer or liquor collection, rather than a personal wine collection, as part of the person's household goods.

(b) Makes conforming and nonsubstantive changes.

SECTION 3. Amends Chapter 107, Alcoholic Beverage Code, by adding Section 107.13, as follows:

Sec. 107.13. OFFENSE. Provides that 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. Provides that an offense under this section is a Class C misdemeanor.

SECTION 4. Repealers: Sections 107.07(b) (related to authorizing a person to import beer into this state for his own personal use without being required to hold a license) and (c) (relating to providing that a member of the armed forces stationed in Texas is treated as a Texas resident), and 107.12 (Direct Shipment of Wine), Alcoholic Beverage Code.

SECTION 5. (a) Makes application of this Act prospective.

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

SECTION 6. Effective date: September 1, 2009.