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FORM L-105A (3/2009)

INFORMATION AND INSTRUCTION FOR FORWARDING CENTER AUTHORITY

FORWARDING CENTER AUTHORITY- Allows the holder, who is a member of the manufacturing tier who is transporting alcoholic beverages into the state, or from point to point within the state, to hold such alcoholic beverages, temporarily, in a regional forwarding center. The holders of the following permit/license classes will be allowed to temporarily hold alcoholic beverages at one of these forwarding centers: non resident seller's, brewer's, distiller's and rectifier's, winery permits, manufacturer's and nonresident manufacturer's licenses. A regional forwarding center must be located in an area that is wet of the type of alcoholic beverages held therein. City and county certifications will be required for this authority. The annual fee is \$1,000 with a surcharge of \$118 and the authority will expire one year from issue date. See Rule §35.6 concerning this authority.

INSTRUCTIONS

1. Prepare the application in duplicate. Answer questions 1 through 6 and all others that apply. Question 3 must indicate name(s) of Regional Forwarding Center or 3rd party operator(s). Ensure application is signed by individual/officer/manager/partner of manufacturer and have signature acknowledged by a notary public. Mail original application with proper fee to the Texas Alcoholic Beverage Commission, PO Box 13127, Austin, Texas 78711.
2. Addresses or Location of Regional Forwarding Center – If a street address is not available, give the name of street of highway on which the business is located as well as which side, north, south, east or west, and description to some fixed point. Example: Hwy. 10 West Side, 1 mile North Courthouse or Hwy. 10 West Side, 1 mile North Intersection Hwy. 20. If not located in a city or town, give name or number of the road or highway, which side and the distance and direction from some fixed point as the courthouse or post office of nearest city or town in the county where the application is filed.
3. Submit your application along with permit fees and surcharges with a cashier's check, money order, or firm check from corporate permittee payable to the Comptroller of Public Accounts.
4. If you need additional information, please do not hesitate to contact this office at (512) 206-3360.

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P.O. Box 13127, Austin, Texas 78711-3127

• (512) 206-3333 •

www.tabc.state.tx.us

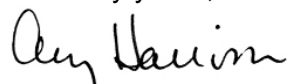
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§35.6. Regional Forwarding Centers.

- (a) This rule relates to Alcoholic Beverage Code, §§37.01(2), 62.08, 63.01 and 42.01(a).
- (b) Members of the manufacturing tier who are transporting alcoholic beverages into the state, or from point to point within the state under the authority of §§37.01(2), 42.01(a), 62.08(a) and 63.01 may temporarily hold such alcoholic beverages in a regional forwarding center, subject to the following conditions:
 - (1) A regional forwarding center is a facility wherein alcoholic beverages may be held under the control of the manufacturing tier member responsible for shipping the alcoholic beverages.
 - (2) The regional forwarding center may be operated by a third party who acts as the agent of the manufacturing tier member in arranging for interstate or intrastate shipments of alcoholic beverages to permittees and licensees authorized to receive such beverages or for shipment to locations outside the state.
 - (3) No member of the wholesale or retail tiers of the alcoholic beverage industry may, directly or indirectly, hold any interest in, or right of operation of a regional forwarding center.
 - (4) No sale of alcoholic beverages may be made to a person or entity from a regional forwarding center. For purposes of this rule, a "sale" occurs when an order is taken and/or payment is made.
 - (5) No member of the retail tier may take delivery of alcoholic beverages at a regional forwarding center.
 - (6) A regional forwarding center must be located in an area that is wet for the type of alcoholic beverages held therein.
 - (7) A licensee or permittee, by using a regional forwarding center under the authority of this rule, consents to inspection of such facility by the commission, its agents or employees, or any peace officer, to the same extent as consent is given for inspection of licensed premises by §101.04 of the Alcoholic Beverage Code.
- (c) Licensees and permittees using regional forwarding centers under the authority of this rule shall, on forms provided by the commission, make monthly reports to the commission of all alcoholic beverages received in or transferred from the regional forwarding center and other information as requested by the commission. Such reports shall be signed by the custodian of the regional forwarding center and filed with the commission at its offices in Austin, Texas, postmarked not later than the 15th day of the month following the calendar month for which the report is submitted.
- (d) The information required by subsection (c) of this section shall be maintained as a contemporaneous record at the regional forwarding center with information relating to specific shipments entered into the record on the day the shipment is received or sent.
- (e) Licensees and permittees using regional forwarding centers under the authority of this rule shall pay an annual fee of \$1,000 to the commission.

Effective: April 13, 1999

Sincerely yours,



Amy Harrison, Director