

## CHAPTER 540

## H.B. No. 1132

An Act relating to the sale and consumption of alcoholic beverages on certain boats and trains.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Chapter 28, Alcoholic Beverage Code, is amended by adding Section 28.13 to read as follows:

*Sec. 28.13. ISSUANCE OF PERMIT FOR CERTAIN BOATS. (a) A mixed beverage permit may be issued for a boat if:*

*(1) the boat:*

*(A) carries at least 350 passengers;*

*(B) weighs at least 90 gross tons; and*

*(C) is at least 80 feet long; and*

*(2) the home port of the boat is in an area where the sale of mixed beverages is legal.*

*(b) For purposes of Section 11.38 of this code, the home port of the boat is treated as the location of the licensed premises.*

*(c) A permit for a boat is inoperative in a dry area.*

**SECTION 2.** Title 3, Alcoholic Beverage Code, is amended by adding Chapter 48 to read as follows:

**CHAPTER 48. PASSENGER TRAIN BEVERAGE PERMIT**

*Sec. 48.01. AUTHORIZED ACTIVITIES. The holder of a passenger train beverage permit has the same rights with respect to the sale of alcoholic beverages on a passenger train to which this chapter applies as the holder of an airline beverage permit has with respect to the sale of alcoholic beverages on a commercial passenger airplane under Section 34.01 of this code.*

*Sec. 48.02. FEE. The annual fee for a passenger train beverage permit is \$500.*

*Sec. 48.03. ELIGIBILITY FOR PERMIT. The commission or administrator may issue a passenger train beverage permit to any corporation organized under Title 112, Revised Statutes, operating a commercial passenger train service in or through the state. Application and payment of the fee shall be made directly to the commission.*

*Sec. 48.04. TAXES. (a) The taxes imposed by this code shall be paid on all alcoholic beverages on a commercial passenger train departing from a depot in this state in accordance with the rules prescribed by the commission.*

*(b) The preparation and service of alcoholic beverages by the holder of a passenger train beverage permit is exempt from the tax imposed by the Limited Sales, Excise, and Use Tax Act (Section 151.001 et seq., Tax Code). A passenger train service fee of five cents is imposed on each individual serving of an alcoholic beverage served by the permittee inside the state. The fee accrues at the time the container containing an alcoholic beverage is delivered to the passenger. The permittee shall remit the fees to the commission each month under a reporting system prescribed by the commission.*

*Sec. 48.05. INAPPLICABLE PROVISION. Section 109.53 of this code does not apply to a passenger train beverage permit.*

**SECTION 3.** Section 11.38(d), Alcoholic Beverage Code, is amended to read as follows:

**(d)** The following are exempt from the fee authorized in this section:

**(1)** agent's, airline beverage, *passenger train beverage*, industrial, carrier's, private carrier's, private club registration, local cartage, storage, and temporary wine and beer retailer's permits;

**(2)** a wine and beer retailer's permit issued for a dining, buffet, or club car; and

**(3)** a mixed beverage permit during the three-year period following the issuance of the permit.

**SECTION 4.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 4, 1985, by the following vote: Yeas 121, Nays 4, 0 present, not voting; House concurred in Senate amendments to H.B. No. 1132 on May 17, 1985, by the following vote: Yeas 102, Nays 17, 4 present, not voting; passed by the Senate, with amendments, on May 15, 1985, by the following vote: Yeas 30, Nays 0.

Filed: June 12, 1985, without signature.

Effective: Immediately