

CHAPTER 169

H.B. No. 160

An Act relating to the requirement of providing notice by sign of the intended use of property for the on-premises consumption of alcoholic beverages.

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

SECTION 1. Chapter 11, Alcoholic Beverage Code, is amended by adding Section 11.391 to read as follows:

Sec. 11.391. NOTICE BY SIGN. (a) An applicant for a mixed beverage permit or a private club registration permit for a location not previously licensed for the on-premises consumption of alcoholic beverages shall, on the dates notice is required to be published under Section 11.39 of this code, prominently post an outdoor sign at the location stating that alcoholic beverages are intended to be served on the premises, the type of permit, and the name and business address of the applicant.

(b) The sign shall be written in a manner and of a size the administrator considers adequate to inform the general public of the intended use of the property. The administrator may require the sign to be both in English and a language other than English if it is likely that a substantial number of the residents in the area speak a language other than English as their familiar language. The commission shall provide such sign and may charge a fee therefor.

(c) An application may not be denied for failing to post the notice required by this section if the commission or administrator determines that the general public in the area in which the premises to be licensed is located is adequately aware of the nature of the application.

SECTION 2. Chapter 61, Alcoholic Beverage Code, is amended by adding Section 61.381 to read as follows:

Sec. 61.381. NOTICE BY SIGN. (a) An applicant for a wine and beer retailer's permit or a retail dealer's on-premise license for a location not previously licensed for the on-premises consumption of alcoholic beverages shall, on the dates notice is required to be published under Section 61.38 of this code, prominently post an outdoor sign at the location stating that alcoholic beverages are intended to be served on the premises, the type of license, and the name and business address of the applicant.

(b) The sign shall be written in a manner and of a size the administrator considers adequate to inform the general public of the intended use of the property. The administrator may require the sign to be both in English and a language other than English if it is likely that a substantial number of the residents in the area speak a language other than English as their familiar language. The commission shall provide such sign and may charge a fee therefor.

(c) An application may not be denied for failing to post the notice required by this section if the commission or administrator determines that the general public in the area in which the premises to be licensed is located is adequately aware of the nature of the application.

SECTION 3. This Act takes effect January 1, 1986.

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.

Passed by the House on April 25, 1985, by a non-record vote; passed by the Senate on May 15, 1985, by the following vote: Yeas 31, Nays 0.

Approved: May 24, 1985

Effective: January 1, 1986