

CHAPTER 582

H.B. No. 1963

AN ACT

relating to the regulation of alcoholic beverages; providing penalties.

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

SECTION 1. Section 106.03, Alcoholic Beverage Code, is amended to read as follows:

Sec. 106.03. SALE TO MINORS. (a) A person commits an offense if *with criminal negligence* he [~~knowingly~~] sells an alcoholic beverage to a minor.

(b) A person who sells a minor an alcoholic beverage does not commit an offense if the minor falsely represents himself to be 21 years old or older by displaying an apparently valid Texas driver's license or an identification card issued by the Texas Department of Public Safety, containing a physical description consistent with his appearance for the purpose of inducing the person to sell him an alcoholic beverage.

(c) Except as provided in Subsection (d) of this section, a violation of this section is a misdemeanor punishable by a fine of not less than \$100 nor more than \$500, by confinement in jail for not more than one year, or by both.

(d) If a person has been previously convicted of a violation of this section or Section 101.63 of this code, a violation is a misdemeanor punishable by a fine of not less than \$500 nor more than \$1,000, by confinement in jail for not more than one year, or by both.

SECTION 2. Chapter 25, Alcoholic Beverage Code, is amended by adding Section 25.12 to read as follows:

*Sec. 25.12. PREMISES IN A FOOD COURT. (a) Notwithstanding any provision of this code to the contrary, the premises of a wine and beer retailer's permittee who leases space in a food court includes the seating area that the permittee shares with the other lessees that occupy the food court.*

*(b) For the purposes of this section, "food court" means an area in a shopping mall that includes a seating area and the locations of three or more separate but adjacent business establishments engaged primarily in the sale of food and beverages for consumption in the seating area.*

SECTION 3. Chapter 106, Alcoholic Beverage Code, is amended by adding Section 106.14 to read as follows:

*Sec. 106.14. ACTIONS OF EMPLOYEE. (a) For purposes of this chapter and any other provision of this code relating to the sales, service, dispensing, or delivery of alcoholic beverages to a minor or an intoxicated person or the consumption of alcoholic beverages by a minor or an intoxicated person, the actions of an employee shall not be attributable to the employer if:*

*(1) the employer requires its employees to attend a commission-approved seller training program;*

*(2) the employee has actually attended such a training program; and*

*(3) the employer has not directly or indirectly encouraged the employee to violate such law.*

*(b) The commission shall adopt rules or policies establishing the minimum requirements for approved seller training programs. Upon application, the commission shall approve privately sponsored seller training programs meeting such requirements. The commission may charge an application fee to be set by the commission in such amount as is necessary to defray the expense of processing the application.*

SECTION 4. (a) Section 1 of this Act takes effect January 1, 1988, and applies to acts committed on or after that date. An offense committed before the effective date of this section is governed by and punishable by the law in existence at the time the offense was committed and the former law is continued in effect for that purpose. For purposes of this section an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(b) Section 3 of this Act takes effect September 1, 1987.

SECTION 5. 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 30, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1963 on May 28, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 21, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 18, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment, except § 1 effective Jan. 1, 1988, § 3 effective Sept. 1, 1987.