



# TABC TODAY

Serving the State of Texas Since 1935 . . .  
with Courtesy, Integrity, Service

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*New laws impact underage drinking penalties, surcharges, local option elections, direct wine shipping and more*

## TEXAS LAWMAKERS SERVE A ROUND OF STIFF PENALTIES TO THOSE BUYING FOR MINORS

**Turn on the light because the party's over for minors who drink and for those who provide them with alcohol.**

In response to the high number of alcohol-related fatalities and reports indicating 65% of minors get alcohol from family and friends (The Century Council, 2003), Texas legislators took swift action. Lawmakers passed two bills that increased the civil and criminal penalties for illegally providing alcohol to minors. These laws take effect Sept. 1, 2005.

"The Legislature gave us some great incentives proven to reduce underage drinking. Now we've got to get the word out to minors that drinking could cost them their driver's license for up to a year—and *that* should get their attention," said TABC Administrator Alan Steen.

**Impact to Violators.** HB 1357 enhances the penalty for minors convicted of certain alcohol-related offenses if the minor has been previously convicted of one of these offenses. The law requires automatic suspension of his or her driver's license for one year if the minor does not attend required alcohol awareness training.

Providing alcohol to a minor was already a class A misdemeanor carrying a maximum penalty of one year in jail and/or a \$4,000 fine. Under this new law, violators will automatically lose their driver's license for 180 days upon conviction.

**Those Who Host, Lose the Most.** The consequences of underage drinking remain tragic and costly in terms of lost lives and

damaged property—and legislators drafted a law to reduce those losses.

HB 2868 establishes civil liability for adults 21 or older (other than parent or guardian) for damages caused by the intoxication of a minor under 18 if the adult *knowingly* provided alcoholic beverages to the minor or allowed the minor to be served or provided alcoholic beverages on the premises owned or leased by the adult. The former law did not hold these adults accountable for such damages.

Although recent reports (NHTSA, August 2005) show U.S. alcohol-related traffic fatalities declined 2.4% in 2004, Texas continues to lead the nation with the most deaths. In fact, fatalities for Texas youth aged 15-20 *increased* 9% between 2002 and 2003 (NHTSA FARS, 2004).

In August 2005, the American Medical Association (AMA) reported survey results indicating:

- 40% of teens said they could easily get alcohol from a friend's parent
- 27% of teens attended a party where parents knew of drinking

"I'm alarmed that legal-age adults are supplying the alcohol," said J. Edward Hill, M.D., president of the AMA. "Drinking is not a rite of passage. Fatal car accidents and irreversible brain damage are not rites of passage for any child."

In Texas, a person may provide alcohol to a minor if he or she is the minor's adult parent, guardian or spouse, and is visibly present when the minor possesses or consumes the alcoholic beverage.



### LOCAL OPTION ELECTIONS



#### More Time, Fewer Signatures for Petitions

New laws continue to make it easier to get local option elections related to alcoholic beverages on community ballots.

In 2003, new laws extended the time to obtain signatures on a petition to order a local option election from 30 to 60 days. On certain issues, the number of signatures needed was reduced from 35% of the registered voters to 35% of registered voters who voted in the most recent gubernatorial election.

In the last session, lawmakers passed Senate Bill 1626, which decreased the number of signatures needed to call an election, affecting those ballot issues not included in the changes from the previous session.

As a result, to order a local option election for nearly any issue about alcoholic beverages, organizers must get the signatures of "35% of the registered voters who voted in the most recent gubernatorial election."

**Law transfer.** Laws governing local option elections were transferred from the Alcoholic Beverage Code to the Election Code, effective Sept. 1, 2005. The Office of the Secretary of State will continue to govern local option elections.

For more information, go to [www.tabc.state.tx.us](http://www.tabc.state.tx.us)

### SURCHARGES INCREASE

#### Check TABC Web Site for Revised Chart

Effective Oct. 1, 2005, surcharges will increase for any renewal or original application with an issue date of Oct. 1, 2005, or later, regardless of when the application was filed. Go to the agency's web site for revised surcharges.

Permit holders should compare the surcharge on preprinted renewals with the revised surcharges on the TABC web site to ensure correct payment.

TABC sets surcharges to ensure permit fees and miscellaneous revenue collected equal the appropriation (or budget) set by the Legislature for agency operations.

### REVENUE ROUNDING SPEEDS BORDER TRAFFIC

To expedite traffic flow and prevent long lines at the ports of entry, a new law, effective Sept. 1, 2005, authorizes TABC to round up to the nearest quarter of a dollar the amount of revenue to be collected for alcohol and cigarettes imported for personal use.

Counting small change takes time and slows the pace of people crossing the border from Mexico.

"Groups waiting in long lines is a security issue, and U.S. Customs wants to keep those lines moving to make crowd control easier," said Santos Saldaña, program administrator, Ports of Entry, TABC Compliance Division.

### UPCOMING ISSUE

- Protests
- New/Revised Rules

### TABC

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### TABC TODAY



New/Amended

# Alcoholic Beverage Laws

*This chart summarizes the changes to alcohol-related laws made during the last legislative session. For full-text of bills passed, go to: [www.capitol.state.tx.us](http://www.capitol.state.tx.us)*

BILL	EFF. DATE	SUBJECT	SUMMARY
HB168	9/1/2005	Hours for selling A/B at certain events.	Allows sale and consumption of A/B at fairs, festivals and concerts between 10 A.M. and noon on Sundays without service of food.
HB833	6/17/2005	Hours for selling certain A/B in certain areas.	Raises pop. requirements for automatic late hours from 500,000 to 800,000 according to the preceding federal census. "Grandfathers" in cities and counties of at least 500,000 (as of 2001 federal census). No effective change until 2011 (next federal census).
HB937	9/1/2005	Authorizing tasting of certain A/B.	Allows holder of a Wine-Only Package Store Permit or Wine and Beer Retailer's Off-Premises Permit to conduct free wine tasting on premises. Allows Nonresident Seller's Permit holder who owns a winery outside Texas to have wine tasting at retailer's premises.
HB1357	9/1/2005	Civil consequences of certain alcohol-related offenses.	Enhances penalty for illegally making alcohol available to a minor. Requires automatic suspension of driver's license for 180 days upon conviction. Enhances penalty for minors convicted of certain alcohol-related offenses if minor has similar previous convictions. Requires automatic suspension of driver's license for one year if minor does not attend required alcohol awareness training.
HB1575	9/1/2005	Juvenile delinquency.	A minor convicted of certain alcohol-related offenses, who has two or more alcohol-related convictions, is not eligible for deferred adjudication. Repeals Sec. 106.11 which required presence of a parent or guardian at trial if minor is under 18.
HB1799	9/1/2005	Transfer and nonsubstantive revision of laws governing local option elections for A/B.	Moves chapter regarding local option elections to the Election Code. No substantive changes.
HB1813	9/1/2005	Historical reenactments on premises permitted or licensed under A/B Code.	Allows carrying a handgun while participating in a historical reenactments on the premises of a license or permit holder. Live ammunition prohibited.
HB2064	6/18/2005	Private club A/B permits issued to a fraternal or veterans organization.	A fraternal or veterans organization that holds a TABC permit and the private club established under that permit will be considered separate entities. The organization shall establish a membership committee. Membership in the organization is not governed by the requirements of private club membership, which means members can be under 21.
HB2065	9/1/2005	Operation of the holder of a private club registration permit under the A/B Code.	Private clubs must vote on membership within seven days, not three. If application is not approved before preliminary membership expires, the club shall pay the state \$3.
HB2451	9/1/2005	Sale, service, and delivery of A/B.	Creates a specific criminal charge of sale or consumption during prohibited hours on permitted premises. Makes sale or consumption during prohibited hours a class C misdemeanor.
HB2526	9/1/2005	Promotional activities of certain A/B license or permit holders.	Creates a new Promotional Permit to allow a person to promote the sale of A/B on behalf of someone who manufactures A/B on the premises of a license or permit holder.
HB2590	6/18/2005	Wine-Only Package Store Permit, Package Store Tasting Permit.	Allows Wine-Only Package Store Permit holder to obtain a Package Store Tasting Permit and have on-premises tasting of beer or liquor.
HB2868	9/1/2005	Civil liability for providing alcohol to a minor.	Establishes civil liability for 21 or older (other than parent/guardian) for damages caused by intoxication of minor under 18 if adult knowingly provided A/B to minor or allowed minor to be served or provided A/B on premises owned or leased by the adult.
SB269	9/1/2005	Administrative fees and taxes collected by TABC.	Allows TABC to round up to the nearest quarter taxes/fees collected on alcohol/cigarettes imported into Texas for personal use.

BILL	EFF. DATE	SUBJECT	SUMMARY
SB571	5/17/2005	Hours of sales and consumption at a winery.	Establishes hours of sale and consumption at a winery. Mon.-Sat., 8 A.M.-midnight; Sun., 10 A.M.-midnight. No sale or consumption past midnight, even in late hours areas.
SB877	5/9/2005	Direct shipment of wine to consumers.	Creates a new Out-of-State Winery Direct Shipper's Permit, authorizing out-of-state wineries to ship their wine directly to consumers in Texas. Also allows for the shipment of wine to individuals across the state, including wet and dry areas.
SB1137	6/17/2005	Development of wine industry and other businesses related to Texas agriculture or tourism.	Allows dual or contract winemaking. Allows a winery to advertise where their wine can be purchased.
SB1255	6/18/2005	Licensing for malt beverage manufacturing and container sizes of beer.	Allows dual or contract brewing. Repeals beer container and barrel sizes. Forfeiture suits allow TABC to pay local prosecutors.
SB1331	5/28/2005	Certain temporary wine and beer retailer's permits.	Allows Texas Motor Speedway to obtain a limited number of Temporary Wine and Beer Retailer's Permits each year.
SB1370	9/1/2005	Disposition of certain tax revenue for the protection and development of grape and wine production.	Portions of increases in excise tax collected annually on wine up to \$50,000 will be appropriated to the Tx Cooperative Extension for viticultural projects in Texas. If available, other amounts may be given to Tx Agricultural Experiment Station, the Tx Wine Marketing Research Institute at Texas Tech Univ. and the Dept. of Agriculture for projects related to grape growing and wine making. This section expires in 2015.
SB1426	9/1/2005	Fees charged by court to expunge certain offenses committed by minors.	Requires the court to charge a \$30 fee for requests to expunge certain offenses committed by minors.
SB1465	9/1/2005	Use of certain electronically readable information on a driver's license or ID certificate to comply with certain alcohol- and tobacco-related laws.	Creates a defense to prosecution of sale to a minor if person selling checked ID w/electronic scan device that showed ID was valid and person was 21. Creates a defense to administrative action if permittee provided a transaction scan device to employees and trained them, but an employee sold to a minor.
SB1471	9/1/2005	Regulation of certain promotional activities conducted by A/B permit/license holders.	Eliminates 30-state requirement for prizes, premiums, gifts, or sweepstakes.
SB1472	9/1/2005	Regulation of certain promotional activities conducted by A/B permit/license holders.	Allows manufacturers/distributors to provide CO <sup>2</sup> filters to retailers. The manufacturer shall bear the costs.
SB1626	6/17/2005	Local option elections to legalize or prohibit the sale of alcoholic beverages.	A Wine Only Package Store Permit may be issued in an area wet for Wine/Beer Retailer's Off-Premise Permit. The permit will indicate that wine up to 14% or 17% may be sold. Lowers the number of signatures needed on a petition to call certain types of local option elections.
SB1692	9/1/2005	Storage of wine by a winery permit holder.	Allows Winery Permit holder to obtain a Storage Permit for a location inside or outside the county where the winery is located.
SB1850	9/1/2005	Regulation of certain business that sell beer or beer and wine in certain counties.	Harris, Dallas, and Tarrant: Increases fee for BG or BE. Prohibits a person within the fourth degree of consanguinity or affinity of current licensee/permittee from applying for a license/permit that is suspended or has a charge pending. Creates a \$4,000 civil penalty for falsification of an application. Creates a new performance bonding requirement for those not holding a Food and Beverage Certificate.
SB270	6/17/2005	Mass gatherings outside municipality limits. (Amendment to Health and Safety Code.)	Changes definition of mass gathering to 2,500 <b>OR</b> more than 500 if 51% or more might be under 21, and it's expected alcohol will be sold, served, or consumed <b>AND</b> the persons will remain for more than five continuous hours or any time between 10 P.M. and 4 A.M.

## New Fast-Track "Wizard" Brings Applicants One Step Closer to Online Filing

This fiscal year, TABC will unveil a new web-based system that simplifies the application process for original licenses/permits and brings the public one step closer to online filing.

The "Fast-Track Wizard" is one of the latest innovations TABC will implement as part of a comprehensive technological transformation to modernize the agency and improve customer service.

**Customized Service.** The "Wizard" works its magic by creating an application forms packet that matches an applicant's business needs.

For example, if the applicant is an individual business entity, forms for a partnership or corporation are not included.

Once the "Wizard" generates the online forms folder, an applicant may save and complete forms in Microsoft Word, then submit them to a TABC district office.

**Streamlined Processing.** Applicants can help reduce processing delays when they submit applications with all required documentation and minimal errors.

### Benefits

- Creates forms packets that match applicant's business needs.
- Informs applicants of basic requirements and prevents applicant from continuing if not met.
- Speeds processing by reducing incomplete applications and errors.
- Reduces data entry by applicant.
- Provides simple instructions on required forms, documents, fees and surcharges.

### Reminder

Online filing is not yet available and completed forms must be submitted to a local TABC district office.

The "Wizard" guides an applicant through a series of menu-driven screens that captures information and determines if basic requirements are met. If not, the applicant cannot continue in the process.

Mistakes can be corrected and new information added at any point, or an applicant may start over as needed.

This system breaks complicated information into smaller, easy-to-understand components.

Step-by-step instructions, examples and other information about license requirements, such as state fees and surcharges, give an applicant the opportunity to complete required forms more accurately and with less confusion.

**Forms Available.** Initially, the "Wizard" will provide all original application packets for primary licenses/permits *except* for the agent's, nonresident seller's, airline beverage, carrier's, and industrial packets. Those will be available on the TABC web site.

**Changes, Renewals and Subordinates.** Applicants should use existing forms for changes or to apply for renewals or subordinate licenses/permits.

**Application ID.** The "Wizard" assigns an application ID to the applicant and forms packet. The ID provides secure access to the applicant's forms and will be used by TABC staff to track the application through the process. Eventually, applicants will be able to check the status of their application online using this ID.

## STUDENTS BECOME POWERFUL COMMUNITY LEADERS IN THE FIGHT AGAINST UNDERAGE DRINKING

### MADD and TABC Sponsor Ninth Annual Youth Leadership Power Camp



More than 600 student leaders and adults from across the state attended the Ninth Annual Youth Leadership Power Camp held last July in San Angelo.

Sponsored by MADD (Mothers Against Drunk Driving) and TABC, this summer camp unites young Texas leaders and budding activists on a common mission—to reduce underage drinking and drug abuse in their schools and communities.

"This is where young people can make a true difference in their communities by learning from victims of drunk driving and acquiring skills to help friends in need," said Karen Housewright of MADD.

The Youth Leadership Power Camp brings students in the 7<sup>th</sup> to 12<sup>th</sup> grades together with state and national experts to develop effective skills and plans essential to prevention programs.

Participants attended presentations on binge drinking, self-esteem, crisis intervention, media relations and community

action. Sessions on "Booze and the Brain" and "Why Risk it?" focused on the consequences of underage drinking and the zero-tolerance law.

Teens also heard testimonials from families who've experienced the tragedy of drunk driving.

TABC agents and staff were on hand to work with the teams and provide information on agency education and prevention



TABC agent Yvette Price, Fort Worth district office, helps a student develop his plan to prevent underage drinking.

programs, enforcement efforts, available grants and the Shattered Dreams program.

"We had many agents who worked long hours to make a difference with these kids," said TABC employee Gloria Villaseñor.

Some power campers saw enforcement in action when they joined local law enforcement and TABC agents to conduct minor stings in the area.

The teens observed firsthand the effectiveness of the minor sting program. In one evening, four of 21 establishments sold alcohol to minors—an 81 percent compliance rate, but a significant improvement from the 56 percent compliance rate of last year.

In other areas of the state, power camp "graduates" have already applied their new-found skills. For example, Lubbock campers produced a public service announcement on underage drinking that aired on Lubbock-area FM stations. Others produced cooler decals and register stickers reminding customers and cashiers of underage drinking laws.

*Annual award given for exceptional service*

## Limestone County Sheriff Honored with 2005 Bert Ford Award



Sheriff Dennis Wilson

**"Sheriff Dennis Wilson has been a huge supporter of TABC and a champion of education and the enforcement of underage drinking laws in his county. We are proud to call him a part of TABC's extended family."**

**TABC Lt. Tom Dickson  
Waco District Office**

**S**heriff Dennis Wilson of Limestone County was named recipient of the 2005 Bert Ford Sheriff's Commendation and received special recognition from TABC Capt. David Ferrero in July at the Sheriff's Association of Texas Annual Conference in Houston.

TABC presents this annual award in honor of the second TABC administrator, Bert Ford, who understood the importance of maintaining a high level of cooperation with local law enforcement agencies, such as sheriffs' offices.

The Bert Ford Commendation gives TABC an opportunity to recognize a sheriff who has demonstrated that level of cooperation.

Sheriff Wilson has a reputation for supporting and cooperating with all law enforcement agencies.

TABC Lt. Tom Dickson says Sheriff Wilson provides services to TABC that consistently go above and beyond the call of duty by "sharing every available resource to help us complete the mission of TABC."

"Sheriff Wilson has always made his department available to TABC. He lets our agents use their shooting range to qualify for firearms, and provides us support with their deputies when we're working in Limestone County," Dickson said.

According to Lt. James Burson, retired DPS officer now employed with the Coryell

County Sheriff's Office, "Sheriff Wilson not only reaches out to help Limestone residents, he offers his services to surrounding counties as well, knowing that caring for one's needs does not always stop at the county line."

"As the Commander of the Heart of Texas Auto Theft Task Force, I've noticed Sheriff Wilson often asks, 'What can I do to help?' Instead of 'What are we going to get out of it?'" Lieutenant Burson continued.

The Bert Ford Commendation recipient is awarded a handgun suitable for routine duties and a special plaque of recognition. In addition, Sheriff Wilson's name will be added to a plaque displayed at the headquarters of the Sheriff's Association of Texas, which identifies each Bert Ford Commendation recipient.



*TABC Capt. David Ferrero (left), of the Austin district office, presents Limestone County Sheriff Dennis Wilson with the 2005 Bert Ford Award for his exceptional cooperation with law enforcement agencies.*

Wilson was presented with the award again in August during a regularly scheduled meeting of the Limestone County commissioners, providing an opportunity for local officials to attend and participate in the tribute.

**Early Years.** Sheriff Wilson began his career with Limestone County in 1975, and worked his way up through the ranks in the Sheriff's Office as a deputy, sergeant and captain. He worked as an investigator in the District Attorney's Office for one year and was sworn in as sheriff Jan. 1, 2001.

He has resided in Limestone County for more than 42 years and graduated from Groesbeck High School. Sheriff Wilson is actively involved in many community affairs and projects, holding positions on numerous boards and commissions.

### FORMER COMMENDATION RECIPIENTS

2004	Sheriff J.B. Smith Smith County
2003	Sheriff Joel Richardson Randall County
2002	Sheriff Mark Gilliam Aransas County
2001	Sheriff Gary Painter Midland County
2000	Sheriff George "Mitch" Woods Jackson County
1999	Sheriff Michael Ratcliff Victoria County
1998	Sheriff Don Montague Hays County
1997	Sheriff Kelly Janica Jackson County
1996	Sheriff Sigifredo Gonzales, Jr. Zapata County
1995	Sheriff Bobby Young Hunt County

*New law makes Texas "wet" for wine; includes underage safeguards*

## Direct Shipping of Wine to Texas Consumers Has Direct Impact on Wine Industry

**W**ine lovers and wine makers across the country toasted Governor Perry when he signed Senate Bill 877 last May allowing wineries to ship their product directly to adult consumers *anywhere* in Texas—wet or dry.

This new law:

- expands the rights of Texas wineries to allow them to ship directly to consumers in wet or dry areas without shipping through a package store
- creates a permit allowing out-of-state wineries to ship the product they produce or bottle directly to Texas consumers in wet or dry areas

**Effective August 8, 2005**, out-of-state wineries **must** have a TABC Out-of-State Winery Direct Shipper's Permit before shipping. All shippers will be required to comply with the conditions mandated by the new law.

Lawmakers carefully crafted safeguards to prevent minors from receiving shipments. Wine will be delivered to the purchaser or recipient designated in advance *only* after recipient gives proof of identity, age and signs receipt.

**For more information** about the new permit and requirements, go to [www.tabc.state.tx.us/LegInfo/Wine/Default.htm](http://www.tabc.state.tx.us/LegInfo/Wine/Default.htm)



### U.S. Supreme Court Rules:

*All Wineries Must Be Treated Equally*

**In May, the U.S. Supreme Court ruled that states must treat in-state and out-of-state wineries equally. The Court held that the 21st amendment does not relieve states from the obligation imposed by the Interstate Commerce Clause.**

## NEW DIRECT WINE SHIPPING LAW REQUIREMENTS & RESTRICTIONS

### GENERAL REQUIREMENTS/RESTRICTIONS

The new law applies *only* to:

- wineries and has no effect on out-of-state wholesalers or retailers
- importation of wine but **not** importation of distilled spirits and malt beverages
- wine produced or bottled by Out-of-State Winery Direct Shipper's Permit holder

### REQUIRED PERMITS/FEEs

- Wineries shipping directly to consumers must hold direct-shipping and Texas sales tax permits.
- To download an application for the new permit, go to <http://www.tabc.state.tx.us/LegInfo/Wine/Default.htm>
- Annual state fee for Out-of-State Winery Direct Shipper's Permit: \$75.

### SHIPPING/RECEIVING

**Wine :**

- must be transported by a TABC permitted carrier (such permits are routinely issued to commercial carriers)
- imported this way may not be resold
- may not be sold/delivered to anyone under 21
- package must be clearly and conspicuously labeled that it contains wine
- may be delivered to purchaser or recipient designated in advance only after recipient gives proof of identity, age and signs receipt

**Maximum Quantity.** In-state or out-of-state winery may deliver a maximum of three gallons of wine per month per consumer.

### REQUIREMENTS FOR OUT-OF-STATE WINERY DIRECT SHIPPER'S PERMIT

- May not hold a winery permit in Texas.
- Must operate a winery in the United States and hold all required state and federal permits, including federal winemaker's and blender's basic permit.
- Must have a Texas sales tax permit.
- Must submit to personal jurisdiction in Texas state and federal courts, and venue in Travis County, Tx, for any proceedings initiated by or against the commission.
- Must not directly or indirectly have any financial interest in a Texas wholesaler or retailer as those terms are used in Sec. 102.01 of the Alcoholic Beverage Code.
- Must pay sales and excise taxes at the same rate and manner as a Texas winery.

### RECORDKEEPING AND REPORTING

Permit holder must keep complete sales and delivery records for at least five years from date of sale, and make records available upon request to TABC or other state agency.

TABC will establish rules requiring holder of an Out-of-State Winery Direct Shipper's Permit to periodically file reports providing

information needed to efficiently and effectively enforce state laws applicable to the permit holder.

**Excise Taxes.** Report and payment due monthly, on or before the 15th. Report details shipments from the previous month. Instructions for reporting and paying excise taxes will be forwarded to the winery after permit is issued. Excise taxes are based on the gallonage of wine shipped into Texas. [www.tabc.state.tx.us/liccom/excise/default.html](http://www.tabc.state.tx.us/liccom/excise/default.html)

**Import Taxes.** Purchasing wine from the permit holder will be considered to be the same as purchasing wine from a Texas permittee. The purchaser will not be charged the administrative fee for personal imports set forth in Section 107.07 of the Alcoholic Beverage Code.

**Sales Taxes.** The Direct Shipper's Permit holder will be required to have a Texas sales tax permit and collect sales tax from the consumer. To obtain a sales and use tax permit, go to the State Comptroller's website at [www.window.state.tx.us/taxinfo/taxforms/01-forms.html](http://www.window.state.tx.us/taxinfo/taxforms/01-forms.html).

**Label Approval.** If holder of an Out-of-State Winery Direct Shipper's Permit has satisfied all federal label approval requirements for a particular brand of wine, then no further label approval is required.

**NOTICE:** On Nov. 1, 2005, TABC will begin reviewing and auditing shipments to ensure compliance with the new law.

## ADMINISTRATOR'S CORNER

I'm sure many of you have already heard the latest statistics showing that Texas—once again—had the most alcohol-related traffic fatalities of any other state—including those with larger populations.

Texas also continues to lead the nation in the number of youth aged 15-20 killed in these accidents. In fact, fatalities for this group *increased* 9% from 2002 to 2003.

This agency is committed and ready to take action and prevent further tragedies.

### ACTION PLANS

TABC is developing action plans specific to each region that will strengthen enforcement efforts across the state. These programs focus on public safety issues such as public intoxication, and sales to minors and intoxicated persons.

**Additional Agents.** We are in the process of hiring 59 agents, as well as 35 compliance staff to help us implement the main aspects of our plans, which include:

- transferring licensing duties and some routine inspections to compliance staff
- focusing on licensed premises to create higher impact on public safety issues
- targeting high-risk areas by mapping DWI locations and self-reported source of last drink
- working with local police departments, sheriff's departments, and district attorney's offices to obtain alcohol-related information

**Maximized Resources.** We have combined the planning efforts of our Enforcement and Compliance Divisions into one plan per region. What this means is that we have every resource we've got aimed at public safety issues.

**Increasing Stings.** The action plans involve a strong and visible presence by dramatically increasing the number of stings that detect sales of alcohol to minors and intoxicated persons. The results have been impressive.



Alan Steen

In spite of this state's best efforts, more people die from alcohol-related traffic accidents in Texas than in any other state.

To help prevent these senseless deaths, I'm committing every available TABC resource to battle this ongoing public safety issue.

For example, we're on target to conduct 6,000 minor stings this fiscal year—more than double that of last year. With additional agents, the number of stings will increase even more next year.

**High-Risk Targets.** We're targeting high-risk areas of the state, working with local officials to hit as many as 50 licensed locations in one night. We're looking for people who are so intoxicated they may present a danger to themselves or others, as well as the people who sold alcoholic beverages to them.

**Prevention.** Rather than working to increase arrests of drunk drivers, it is our intent to decrease the number of drunk drivers by stopping them before they leave the bars. We also intend to stop licensed locations from selling alcoholic beverages to intoxicated patrons by holding the permittee accountable for over-serving.

### ENFORCEMENT IN ACTION

We've taken our first two swings at saturated sale to intoxicated persons (SIP) stings in Henderson and Denton Counties, and we've had great success.

Last April, the Dallas region had 17 agents working with local law enforcement agencies in Gregg County (Longview) to conduct sale to intoxicated persons stings. Agents investigated 40 locations and arrested 27 individuals for public intoxication and one for disorderly conduct. Ten individuals were charged with the sale of alcohol to an intoxicated person.

In July, 35 TABC agents from the Dallas region worked with local law enforcement agencies to conduct SIP stings. They formed 10 teams and investigated 50 locations resulting in 17 arrests for public intoxication, and four for the sale of alcohol to an intoxicated person. We've filed 15 administrative cases against permittees: 10 for the sale of alcoholic beverages in a private club to a nonmember, four for sale to an

intoxicated person, and one for permitting removal of an alcoholic beverage.

The Dallas Region will conduct follow-up investigations on all licensed premises that were found selling to intoxicated persons or to nonmembers. Although selling alcohol to a nonmember in a private club isn't a direct public safety issue, we believe it is an indicator of poor serving habits. If private clubs are not diligent about checking for membership, they may not be as diligent as necessary in verifying age or the sobriety level of patrons.

### KEEPING TEXANS SAFE

TABC is increasing our public safety efforts while maintaining our regulatory authority. By tapping these additional resources, we can make an even greater impact in keeping Texas safe. The Legislature has placed great trust and responsibility on our agency, and we're proud of and excited about the opportunities given to us.

### MARKETING PRACTICES BULLETIN REPEALED

Effective Sept. 1, 2005, SB1472 allows manufacturers and distributors to provide, maintain and replace carbon dioxide filters to beer retailers for draught systems using carbon dioxide or a carbon dioxide and nitrogen blend. Manufacturers shall bear the cost.

This law amends Sec. 108.04 of the Alcoholic Beverage Code and repeals Marketing Practices Bulletin MPB003, dated July 22, 2004.

### UPCOMING COMMISSION MEETINGS

Sept. 26, 2005

Oct. 24, 2005

Nov. 18, 2005

Dec. 19, 2005

Confirm dates on TABC web site at [www.tabc.state.tx.us/about/meeting.htm](http://www.tabc.state.tx.us/about/meeting.htm)



## TABC TODAY

Texas Alcoholic Beverage Commission  
P.O. Box 13127  
Austin, Texas 78711-3127  
[www.tabc.state.tx.us](http://www.tabc.state.tx.us)

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## You Asked . . . questions about alcoholic beverage regulations

### From a city police department:

*My officers and I had some questions about the Hours of Consumption Law (Texas Alcoholic Beverage Code 105.06).*

- What does an "extended hours area" and a "standard hours area" cover?
- Does it cover the county or city where the time regulation applies or only an establishment that has either an "extended hours area" permit or "regular hours area" permit?

Here's the scenario: *An adult (over 21) is in a city park at 3:00 A.M. drinking a beer but is not intoxicated yet.*

Can the adult be issued a citation for consuming after hours? If so, can the same adult be issued a citation if they are sitting in public view on their front lawn?

Extended hours or standard hours are in effect inside the city limits or the county lines. Legal hours of consumption apply to *any* public place—not just licensed establishments. This means that whether you have a late-hours permit, it is legal to consume in public until 2:15 A.M. *if* late hours are approved in your city/county.

Legal hours of sale (not consumption) are specific to establishments licensed to sell alcoholic beverages for on-premises consumption. And those legal hours are dependent on whether or not the establishment has a late-hours permit.

So, if you are in a city where extended hours are legal, you could have a bar that doesn't have a late-hours permit. They would be required to stop selling beer at midnight, but it would be legal for patrons to consume until 2:15 A.M. Drinking in a city park at 3 A.M. would always be illegal, and you could issue a citation.

Section 1.07(a)(40) of the Penal Code defines "public place" as "any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops." The question of whether a particular place qualifies as a "public place" is one to be determined by the circumstances of the individual case.

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