



TABC

TEXAS ALCOHOLIC BEVERAGE COMMISSION

service ★ courtesy ★ integrity ★ accountability



Guide for County Clerks

February 2013

Table of Contents

INTRODUCTION	3
County Clerk’s Duties – Application and Issuance of Permits:	3
County Clerk’s Duties – Application and Issuance of Licenses:	4
Regulatory and Penal Provisions.....	6
Local Option Elections	6
Exhibit 1: Certificate of County Clerk.....	10
Exhibit 2: Legal Notice	13
License and Permit Descriptions	14
• LIQUOR PERMITS.....	14
• BEER LICENSES.....	19

Introduction

The Texas Alcoholic Beverage Code (Code) provides the Texas Alcoholic Beverage Commission (Commission or TABC) with the authority to regulate all aspects of alcoholic beverage manufacture, distribution, and consumption in the State of Texas. However, this code allows local communities (county, city and justice precinct) the right to determine the kind of alcohol sales within their communities—both what types of beverages and how it may be sold.

The purpose of this guide is to explain the regulatory provisions of Code and procedural rules that apply to County Clerks. It does not answer every question that may arise. If you need more information, or require additional guidance, do not hesitate to contact the Licensing Division of the TABC at (512) 206-3360.

The Alcoholic Beverage Code and Rules are available on line through the TABC Website at: www.tabc.state.tx.us

County Clerk's Duties – Application and Issuance of Permits:

The county clerk must certify the application by verifying wet/dry status, permit type for the address location indicated on the application, date of certification and county. The county clerk must sign the form and affix the county seal. (**Exhibit 1**)

Sec. 11.37. CERTIFICATION OF WET OR DRY STATUS.

- (a) The county clerk of the county in which an application for a permit is made shall certify whether the location or address given in the application is in a wet area and whether the sale of alcoholic beverages for which the permit is sought is prohibited by any valid order of the commissioners court.
- (b) The city secretary or clerk of the city in which an application for a permit is made shall certify whether the location of address given in the application is in a wet area and whether the sale of alcoholic beverages for which the permit is sought is prohibited by charter or ordinance.
- (c) Once a permit is issued, the certification that the location or address is in a wet area may not be changed until after a subsequent local option election to prohibit the sale of alcoholic beverages.

Sec. 11.39. APPLICANT TO PUBLISH NOTICE.

- (a) Every applicant for a brewer's, distiller's and rectifier's, mixed beverage, private club registration, winery, wholesaler's, class B wholesaler's, wine bottler's, or package store permit shall give notice of the application by publication at his own expense in two consecutive issues of a newspaper of general circulation published in the city or town in which his place of business is located. If no newspaper is published in the city or town, the notice shall be published in a newspaper of general circulation published in the county where the applicant's business is located. If no newspaper is published in the county, the notice shall be published in a qualified newspaper published in the closest neighboring county and circulated in the county of the applicant's residence.

- (b) The notice shall be printed in 10-point boldface type and shall include:
- (1) the type of permit to be applied for;
 - (2) the exact location of the place of business for which the permit is sought;
 - (3) the names of each owner of the business and, if the business is operated under an assumed name, the trade name together with the names of all owners; and
 - (4) if the applicant is a corporation, the names and titles of all officers.

(Exhibit 2)

- (c) An applicant for a renewal permit is not required to publish notice.
- (d) This section does not apply to an applicant for a daily temporary mixed beverage permit or a caterer's permit.

Sec. 11.391. NOTICE BY SIGN.

- (a) An applicant for a permit issued under this code for a location not previously licensed for the on-premises consumption of alcoholic beverages shall, not later than the 60th day before the date the application is filed, 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 must be at least 24 by 36 inches in size and must be written in lettering at least two inches in size. 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) This section does not apply to an applicant for a permit issued under Chapter 16, 19, 20, 21, 22, 23, 24, or 52. (Refer to License/Permit Descriptions)

County Clerk's Duties – Application and Issuance of Licenses:

The county clerk must certify the application by verifying wet/dry status, license type for the address location indicated on the application, date of certification and county. The county clerk must sign the form and affix the county seal. **(Exhibit 1)**

Sec. 61.31. APPLICATION FOR LICENSE.

- (a) A person may file an application for a license to manufacture, distribute, store, or sell beer in termtime or vacation with the county judge of the county in which he desires to conduct business. He shall file the application in duplicate.
- (b) The county judge shall set the application for a hearing to be held not less than 5 nor more than 10 days after the application is filed.
- (c) Each applicant for an original license, other than a branch or temporary license, shall pay a hearing fee of \$5 to the county clerk at the time of the hearing. The county clerk shall deposit the

fee in the county treasury. The applicant is liable for no other fee except the annual license fee prescribed by this code.

- (d) No person may sell beer during the pendency of his original license application. No official may advise a person to the contrary.

Sec. 61.37. CERTIFICATION OF WET OR DRY STATUS.

- (a) The county clerk of the county in which an application for a license is made shall certify whether the location or address given in the application is in a wet area and whether the sale of alcoholic beverages for which the license is sought is prohibited by any valid order of the commissioners court.
- (b) The city secretary or clerk of the city in which an application for a license is made shall certify whether the location or address given in the application is in a wet area and whether the sale of alcoholic beverages for which the license is sought is prohibited by charter or ordinance.
- (c) Once a license is issued, the certification that the location or address is in a wet area may not be changed until after a subsequent local option election to prohibit the sale of alcoholic beverages.

Sec. 61.38. NOTICE OF APPLICATION.

- (a) When an application for a license to manufacture or distribute beer is filed, the county clerk shall post at the courthouse door a written notice containing the substance of the application and the date set for hearing.
- (b) When an original application to sell beer at retail at a location previously licensed is filed, the county clerk shall post at the courthouse door a written notice containing the substance of the application and the date set for hearing.
- (c) When an original application to sell beer at retail at a location not previously licensed is filed, the county clerk shall publish notice for two consecutive issues in a newspaper of general circulation published in the city or town in which the applicant's place of business is to be located. If no newspaper of general circulation is published in that city or town, the notice shall be published in a newspaper of general circulation in the county where the applicant's business is to be located. If no newspaper of general circulation is published in that county, the notice shall be published in a newspaper which is published in the closest neighboring county and is circulated in the county where the license is sought. The notice shall be in 10-point boldface type and shall set forth the type of license applied for; the exact location of the business; the name of the owner or owners; the tradename, if operating under an assumed name; and in the case of a corporate applicant, the names and titles of all officers of the corporation. At the time the application is filed, the applicant shall deposit with the clerk the cost of publishing notice, which the clerk shall use to pay for the publication.

(Exhibit 2)

Sec. 61.381. NOTICE BY SIGN.

- (a) An applicant for a license issued under this code for a location not previously licensed for the on-premises consumption of alcoholic beverages shall, not later than the 60th day before the date the application is filed, 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 must be at least 24 by 36 inches in size and must be written in lettering at least two inches in size. 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 therefore.
- (c) This section does not apply to an applicant for a license issued under Chapter 64, 65, 66, or 71. **(Refer to License/Permit Descriptions)**

Regulatory and Penal Provisions

Sec. 101.09. REPORTS OF CONVICTIONS. Every county and district clerk in the state shall furnish the commission or its representative, on request, a certified copy of the judgment of conviction and of the information against a person convicted of a violation of this code. The clerk may not charge a fee for furnishing the copy.

Local Option Elections

Subtitle: Local Option Status Miscellaneous Local Option Provisions

Sec. 251.71. WET AND DRY AREAS.

- (a) An area is a "dry area" as to an alcoholic beverage of a particular type and alcohol content if the sale of that beverage is unlawful in the area. An area is a "wet area" as to an alcoholic beverage of a particular type and alcohol content if the sale of that beverage is lawful in the area.
- (b) Those areas that are wet or dry when this code takes effect retain that status until the status of the area is changed as provided in this code.
- (c) All trial courts of this state shall take judicial notice of the wet or dry status of an area in a criminal prosecution.
- (d) In an information, complaint, or indictment, an allegation that an area is a dry area as to a particular type of alcoholic beverage is sufficient, but a different status of the area may be urged and proved as a defense.
- (e) For purposes of this code:
 - (1) a reference to a local option election means an election held under Chapter 501, Election Code; and
 - (2) a local option election held under Chapter 501, Election Code, is considered to have been held under this code.

Sec. 251.72. CHANGE OF STATUS. Except as provided in Section 251.73 of this code, an authorized voting unit that has exercised or may exercise the right of local option retains the status adopted, whether absolute prohibition or legalization of the sale of alcoholic beverages of one or more of the various types and alcoholic contents on which an issue may be submitted under the terms of Section 501.035, Election Code, until that status is changed by a subsequent local option election in the same authorized voting unit.

Sec. 251.73. PREVAILING STATUS: RESOLUTION OF CONFLICTS. To insure that each voter has the maximum possible control over the status of the sale of alcoholic beverages in the area where he resides:

- (1) the status that resulted from or is the result of a duly called election for an incorporated city or town prevails against the status that resulted from or is the result of a duly called election in a justice precinct or county in which the incorporated city or town, or any part of it is contained; and
- (2) the status that resulted or is the result of a duly called election for a justice precinct prevails against the status that resulted from or is the result of a duly called election in an incorporated city or town in which the justice precinct is wholly contained or in a county in which the justice precinct is located.

Sec. 251.74. AIRPORT AND STADIUM AS WET AREAS.

(a) This section applies to any county:

- (1) that has a population of more than 240,000, according to the most recent federal census;
- (2) in which the sale of all alcoholic beverages has been legalized in all or any part of the county; and
- (3) where, at the general election on November 3, 1970, the voters approved the constitutional amendment authorizing the sale of mixed beverages on a local option basis.

(b) In a county covered by this section, the commissioners court may designate as an area wet for the sale of mixed beverages only:

- (1) the area encompassed by the building structure of a professional sports stadium, used wholly or partly for professional sporting events and having a seating capacity of at least 40,000, and not more than 125 acres of adjacent land used for the benefit of the stadium, regardless of ownership of the land, if no registered voters reside there; and
- (2) the area encompassed by a regional airport.

(c) The order of the commissioners court authorizes the issuance of a mixed beverage permit.

Sec. 251.741. CERTAIN AIRPORTS AS WET AREAS. In addition to those areas declared wet by order of the commissioners court under the authority of Section 251.74 of this code, in a county with a population of more than 175,000 according to the most recent federal census where the sale of mixed beverages only is legalized in the most populous city in the county by a local option election held after May 18, 1971, the area actually encompassed by any municipal airport under the jurisdiction of that city is wet for the sale of mixed beverages only. Subsequent local option elections held by that city do not affect the local option status of the airport unless the result of the election prohibits the sale of mixed beverages, in which case the provisions of this section do not apply.

Sec. 251.75. CONTINUANCE OF OPERATION AS MANUFACTURER OR BREWER. Notwithstanding any other provision of this code, if the sale of beer or ale is prohibited in an area by a local option election, a holder of a manufacturer's license or brewer's permit that was issued prior to the election may not be denied an original or renewal manufacturer's license or brewer's permit for the same location on the ground that the local option status of the area prohibits the sale of beer or ale. Except for the right to sell beer or ale contrary to the local option status of the area, the licensee or permittee may

engage in all activities authorized by the license or permit, including the manufacturing, brewing, possessing, storing, and packaging of beer or ale, and transporting it to an area where its sale is legal. The licensee or permittee may deliver beer or ale at his licensed premises to a purchaser from outside the state, an authorized carrier, distributor, or class B wholesaler. The purchaser, carrier, distributor, or class B wholesaler may not receive the beer or ale for transportation unless there has first been an order, acceptance, and payment or legal satisfaction of payment in an area where the sale of beer or ale is legal.

Sec. 251.76. CONTINUANCE OF OPERATION AS DISTILLER AND RECTIFIER.

Notwithstanding any other provision of this code, a person who has been issued a distiller's and rectifier's permit may not subsequently be denied an original or renewal distiller's and rectifier's permit for the same location on the ground that the sale of distilled spirits has been prohibited in the area by a local option election. A person holding a permit at the time of the election or issued a permit under this section may exercise all privileges granted by this code to the holder of a distiller's and rectifier's permit, including the manufacturing, possessing, storing, packaging, and bottling of distilled spirits and the transportation of them to areas in which their sale is legal.

Sec. 251.77. CONTINUANCE OF OPERATION AS DISTRIBUTOR.

- (a) Notwithstanding any other provision of this code, if the sale of beer is prohibited by local option election, a licensed distributor of beer whose warehouse or other facilities used in connection with the distributorship are located in the area affected, has the right to continue to operate as a distributor in that area and maintain the necessary premises and facilities for distribution. The distributor continues to enjoy all the rights and privileges incident to distributorship, including the right to possess, store, warehouse, and sell beer in that area, and deliver beer into and out of that area.
- (b) A distributor in the area affected may sell or deliver beer only to licensed outlets located where the sale of beer is legal.

Sec. 251.78. CONTINUANCE OF OPERATION AS WHOLESALER.

- (a) Notwithstanding any other provision of this code, if the sale of the type or types of liquor authorized to be sold by the holder of a wholesaler's permit whose warehouse or other facility used in connection with the wholesale operation is prohibited in an area by local option election, the holder of the wholesaler's permit shall have the right to continue to operate as a wholesaler in that area and maintain the necessary premises and facilities for the wholesale operation. The wholesaler shall enjoy all the rights and privileges incident to the permit, including the right to possess, store, warehouse, sell, deliver, and receive liquor.
- (b) A wholesaler in the area affected may only sell or deliver liquor to permittees located where the sale of liquor is legal.

Sec. 251.79. AREAS IN WHICH CERTAIN PERMITS AND LICENSES MAY BE ISSUED.

Notwithstanding any other provision of this code, a wholesaler's permit, general class B wholesaler's permit, local class B wholesaler's permit, or general, local or branch distributor's license may be issued and licensed premises maintained in any area where the sale of any alcoholic beverage is legal. A person issued a permit or license under this section may exercise all rights and privileges of other permittees and licensees of the same class.

Sec. 251.80. CHANGE IN PRECINCT BOUNDARIES.

- (a) Whenever a local option status is once legally put into effect as the result of the vote in a justice precinct, such status shall remain in effect until the status is changed as the result of a vote in the

same territory that comprised the precinct when such status was established. If the boundaries of the justice precinct have changed since such status was established, the commissioners court shall, for purposes of a local option election, define the boundaries of the original precinct. A local option election may be held within the territory defined by the commissioners court as constituting such original precinct.

- (b) Nothing in this section is intended to affect the operation of Section 251.73 of this code.
- (c) The provisions of Section 501.107, Election Code, relating to the payment of local option election expenses shall apply to elections held in a territory that is defined in accordance with Subsection (a) of this section.

Sec. 251.81. SALE OF WINE.

- (a) If the sale of wine was approved in an area by a local option election, other than a local option election that approved the sale of all alcoholic beverages, before September 1, 1999, an alcoholic beverage license or permit holder may not sell in that area wine containing more than 14 percent alcohol by volume unless a subsequent local option election approves the sale of wine or wine and other alcoholic beverages.
- (b) The commission shall, on the face of each alcoholic beverage license or permit indicate whether the holder may sell wine and, if the license or permit holder may sell wine, whether the holder may sell wine up to 14 percent alcohol or 17 percent alcohol by volume.

Sec. 251.82. ELECTION IN CERTAIN CITIES AND TOWNS. For the purposes of an election conducted under Section 501.109, Election Code, a reference in this code:

- (1) to the county is considered to refer to the city or town;
- (2) to the commissioners court is considered to refer to the governing body of the city or town;
- (3) to the county clerk or registrar of voters is considered to refer to the secretary of the city or town or, if the city or town does not have a secretary, to the person performing the functions of a secretary of the city or town; and
- (4) to the county judge is considered to refer to the mayor of the city or town or, if the city or town does not have a mayor, to the presiding officer of the governing body of the city or town.

For questions or additional information please visit our website at www.tabc.state.tx.us

Exhibit 1: Certificate of County Clerk

The county clerk must certify the application by verifying wet/dry status, license/permit type for the address location indicated on the application, enter the date of certification and county. The county clerk must sign the form and affix the county seal.

NOTE: Ensure that all information pertinent to the type of license/permit is completed on the appropriate certification section of the form.

I hereby certify on this _____ day of _____, 20____, that the location for which the license/permit is sought is in a “**wet**” area for such license/permit, and is not prohibited by any valid order of the Commissioner’s Court.

Sign

HERE _____ COUNTY

County Clerk

S E A L

I hereby certify on this _____ day of _____, 20____, that the location for which the license/permit is sought is in a “**wet**” area and is not prohibited by any valid order of the Commissioner’s

Court for a Wine & Beer Retailer's Permit.

Most current election for given location was held for:

- legal sale of all alcoholic beverages for off-premise consumption
- legal sale of all alcoholic beverages
- legal sale of all alcoholic beverages except mixed beverages
- legal sale of all alcoholic beverages including mixed beverages
- legal sale of mixed beverages
- legal sale of mixed beverages in restaurants by food and beverage certificate holders
- legal sale of wine on the premises of a holder of a winery permit
- legal sale of wine/beer (17%) on-premise or wine/beer off-premise AFTER Sept. 1,1999

legal sale of wine/beer (14%) on-premise or wine/beer off-premise BEFORE Sept. 1, 1999

Sign

HERE _____ COUNTY

County Clerk

S E A L

CERTIFICATE OF COUNTY CLERK FOR LATE HOURS

I hereby certify on this _____ day of _____, 20____, that one of the below are correct:

The Commissioner's Court of the county has by order authorized the sale of ***mixed beverages*** between midnight and 2:00 A.M.; or

The Commissioner's Court of the county has by order authorized the sale of beer between midnight and _____ A.M.; or

The population of the city where premises are located was 500,000 or more according to the 22nd Decennial Census of the United States as released by the Bureau of the Census on March 12, 2001; or

The population of the city where premises are located was 800,000 or more according to the last Federal Census (2010).

Sign

HERE _____ COUNTY

County Clerk

S E A L

CERTIFICATE OF COUNTY CLERK (FOR L, K, MW & SL)

I hereby certify on this _____ day of _____, 20____, that the location for which the license/permit is sought is in a “**wet**” area for such license/permit, and is not prohibited by any valid order of the Commissioner’s Court.

Sign

HERE _____

County Clerk

S E A L

Exhibit 2: Legal Notice

Sec. 11.39(a) and (b). Applicant To Publish Notice.

Sec. 61.38(c) Notice of Application

LEGAL NOTICE

Application has been made with the Texas Alcoholic Beverage Commission for a [INSERT TYPE OF LICENSE/PERMIT] by [NAME OF APPLICANT] dba [TRADE NAME], to be located at [ADDRESS], [CITY], [COUNTY], Texas. Officers of said corporation [OR OWNERS OR PARTNERS] are [LIST NAME AND TITLE OF ALL APPLICABLE].

License and Permit Descriptions

★ LIQUOR PERMITS

AGENT'S PERMIT (A) Chapter 35

Permit authorizes holder to represent only the holders of active permits within this state, other than retail permittees, authorized to sell liquor to retail dealers in Texas.

AIRLINE BEVERAGE PERMIT (AB) Chapter 34

Permit authorizes a corporation operating a commercial airline to sell or serve alcoholic beverages while operating in or through the State of Texas.

BEVERAGE CARTAGE PERMIT (PE) Chapter 44

Permit authorizes a Mixed Beverage, Private Club Registration, Private Club Wine and Beer or Private Club Exemption Certificate permittee who holds this permit to transport alcoholic beverages to the licensed premises from the place of purchase.

BONDED WAREHOUSE PERMIT (J) Chapter 46

Permit authorizes holder to store liquor for any permittee who holds a Public Storage Permit.

BONDED WAREHOUSE PERMIT (DRY AREA) (JD) Chapter 46

Permit authorizes holder to store wine in a dry area for a winery permittee who holds a Public Storage Permit.

BREWER'S PERMIT (B) Chapter 12

Permit authorizes holder to manufacture ale and malt liquor and sell the ale and malt liquor only to wholesale permit holders in this state or to qualified persons outside the state.

CARRIER'S PERMIT (C) Chapter 41

Permit authorizes holder to transport liquor into and out of this state and between points within this state.

CATERER'S PERMIT (CB) Chapter 31

Permit authorizes Mixed Beverage Permittee to sell mixed beverages on a temporary basis at a place other than the premises for which the Mixed Beverage Permit is issued but only in areas “wet” for the sale of mixed beverages.

DAILY TEMPORARY MIXED BEVERAGE PERMIT (TB) Chapter 30

Permit authorizes the sale of mixed beverages for consumption on the premises for which the permit is issued and may be issued to the holder of a *Mixed Beverage Permit* for a picnic, celebration or similar event. The Permit may also be issued to a political party or political association supporting a candidate for public office or a proposed amendment to the Texas Constitution or other ballot measure, to an organization formed for a specific charitable or civic purpose, to a fraternal organization in existence for over five years with a regular membership, or to a religious organization. If issued to an organization, that organization may not hold more than 10 temporary permits in a calendar year.

DAILY TEMPORARY PRIVATE CLUB PERMIT (TN) Chapter 33

Permit authorizes the service of alcoholic beverages for consumption on the premises for which the permit is issued and may be issued only to the holder of a *Private Club Registration Permit*, *Private Club Wine and Beer Permit* or *Private Club Exemption Certificate Permit* for a location in the same county where the permits are located. It may only be issued for a picnic, celebration, or similar event sponsored

by a political party or association supporting a candidate for public office or proposed amendment or a charitable or civic organization or fraternal organization with a regular membership in existence more than five years or a religious organization. No more than two daily temporary private club permits may be issued in each calendar year for events sponsored by the same party, association, or organization.

DISTILLER'S AND RECTIFIER'S PERMIT (D) Chapter 14

Permit authorizes permit holder to manufacture distilled spirits and rectify, purify, and refine distilled spirits, mix liquor, bottle and package finished products and sell to wholesalers and qualified individuals outside this state and import from nonresident seller distilled spirits for manufacturing and rectifying purposes.

FOOD AND BEVERAGE CERTIFICATE (FB) Chapter 25

A Food and Beverage Certificate may be issued to the holder of a Beer Retailer's On-Premise Permit or Wine and Beer Retailer's Permit if food service is the primary business being operated on the licensed premise or to the holder of a Mixed Beverage Permit or Private Club Permit if food service is available on the premises and the gross receipts of alcoholic beverages do not exceed 50% of total gross receipts.

The holder must meet requirements of the Code and Rule 33.5 concerning minimum number of entrees served, hours of service, etc.

Certificate allows holder to be exempt from posting a conduct surety bond.

FORWARDING CENTER AUTHORITY (FC) Rule 35.6

This allows the member of the manufacturing tier who is transporting alcoholic beverages into the state or from point to point within the state to temporarily hold the beverages in a regional forwarding center. The center must be located in a "wet" area for the type of alcoholic beverages held. City and county certifications are required for this authority.

INDUSTRIAL PERMIT (I) Chapter 38

Permit authorizes holder to use alcohol for industrial purposes tax free.

LOCAL CARTAGE PERMIT (E or ET if permit holder is a transfer company) Chapter 43

Permit authorizes warehouse or transfer companies to transport liquor within city limits. Permit may also be issued to Package Store and Wine-Only Package Store permittees to deliver liquor to customer within the city or two-mile limit thereof and transport liquor within the county between his or her other licensed premises.

LOCAL DISTRIBUTOR'S PERMIT (LP) Chapter 23

Permit authorizes Package Store permittees to sell alcoholic beverages to Mixed Beverage, Private Club Registration and Private Club Exemption Certificate permittees.

LOCAL INDUSTRIAL ALCOHOL MANUFACTURER'S PERMIT (LI) Chapter 47

Permit authorizes holder to manufacture, rectify and refine industrial alcohol, denature alcohol, blend alcohol with petroleum to make a motor fuel and sell same to consumers. Denatured alcohol may only be sold to holders of Local Industrial Alcohol Manufacturer's or Industrial Permits or qualified persons outside the state.

MANUFACTURER'S AGENT'S PERMIT (T) Chapter 36

Permit authorizes holder to represent active Nonresident Seller's permittees and solicit and take orders from permittees authorized to import liquors for resale.

MANUFACTURER'S AGENT'S WAREHOUSING PERMIT (AW) Chapter 55

Permit authorizes holder to store malt beverages that are not labeled and approved for sale in this state and ship them to qualified persons in other states or jurisdiction where its sale is legal.

MARKET RESEARCH PACKAGER'S PERMIT (MR) Chapter 49

Permit authorizes the holder to receive alcoholic beverages produced by and belonging to authorized permittees and licensees inside or outside the state and to place the beverages in containers or packaging materials as a service to the licensee or permittee in connection with market research and return same to the licensee or permittee.

MINIBAR PERMIT (MI) Chapter 51

Permit authorizes a mixed beverage permittee in a hotel to sell alcoholic beverages in the guest rooms of that hotel from a locked container located in the guest rooms.

MIXED BEVERAGE PERMIT (MB) Chapter 28

Permit authorizes the holder to sell mixed drinks from unsealed containers and wine, beer, ale and malt liquor in containers of any legal size for on-premise consumption.

MIXED BEVERAGE RESTAURANT PERMIT WITH FB (RM) Chapter 28

Permit authorizes a restaurant located in an area voted wet for the legal sale of mixed beverages in restaurant by food and beverage certificate holder to sell mixed drinks, wine, beer, ale and malt liquor for consumption on the premises of the restaurant.

MIXED BEVERAGE LATE HOURS PERMIT (LB) Chapter 29

Permit authorizes a Mixed Beverage permittee to sell mixed beverages until 2 A.M.

NONRESIDENT BREWER'S PERMIT (U) Chapter 13

Permit authorizes out-of-state brewer to sell ale or malt liquor to Texas permittees qualified to import. Nonresident Brewer must also hold Nonresident Seller's Permit.

NONRESIDENT SELLER'S PERMIT (S) Chapter 37

Permit authorizes distillers, wineries, importers, brokers and others to solicit, take orders, ship liquor or cause liquor to be shipped to permittees authorized to import liquor into Texas. A Nonresident Seller's Permit can be issued to persons inside the state, as well as to persons outside the state. If issued to persons inside the state, they cannot take physical possession (store or transport) the liquor.

PACKAGE STORE PERMIT (P) Chapter 22

Permit authorizes the holder to sell liquor, malt and vinous liquors on or from licensed premises at retail to consumer for off-premise consumption.

PACKAGE STORE TASTING PERMIT (PS) Chapter 52

Permit authorizes the holder to conduct product tasting of distilled spirits, wine, beer and malt-based or spirit-based coolers on the licensed premises of the holder's package store or wine only package store during regular business hours.

PACKAGE STORE PERMIT (WINE ONLY) (Q) Chapter 24

Permit authorizes the holder to sell ale, malt liquor, wine and vinous liquors on or from licensed premises at retail to consumer for off-premise consumption. The holder of a wine-only package store permit whose premise is located in a wet area allowing the legal sale of wine for off-premise consumption only as determined by an election held under Section 251.19 may only purchase, sell, or possess vinous liquor only-- no ale or malt liquor on those premises.

PASSENGER TRAIN BEVERAGE PERMIT (PT) Chapter 48

Permit authorizes a corporation operating a commercial passenger train to sell or serve alcoholic beverages while operating in or through the State of Texas.

PRIVATE CARRIER'S PERMIT (O) Chapter 42

Permit authorizes holder to transport liquor from the place of purchase to their business and from their business to the purchaser in vehicles owned or leased in good faith.

PRIVATE CLUB EXEMPTION CERTIFICATE PERMIT (NE) Chapter 33

Permit authorizes club to serve alcoholic beverages to its members and their guests and issued in compliance with 32.11–fraternal and veterans organizations.

PRIVATE CLUB REGISTRATION PERMIT (N) Chapter 32

Permit authorizes club to serve alcoholic beverages to its members and their guests.

PRIVATE CLUB BEER AND WINE PERMIT (NB) Chapter 33

Permit allows holder to have activities authorized under a Private Club permit restricted to the storage and service of wine, beer and malt liquor for club members.

PRIVATE CLUB LATE HOURS PERMIT (NL) Chapter 33

Permit authorizes a Private Club Registration permittee or Private Club Exemption Certificate permittee to serve alcoholic beverages until 2 A.M.

PRIVATE STORAGE PERMIT (L) Chapter 45

Permit authorizes holder to store alcoholic beverages in private warehouse owned and/or operated by permittee.

PROMOTIONAL PERMIT (PR) Chapter 50

Permit authorizes the holder, on the behalf of a distiller, brewer, rectifier, manufacturer, winery or wine bottler with whom they have entered into a contract for the purposes of Chapter 50 of the Alcoholic Beverage Code, to engage in activities to promote and enhance the sale of an alcoholic beverage in this state, including activities that take place on the premises of the holder of a permit or licensed issued under this Alcoholic Beverage Code.

PUBLIC STORAGE PERMIT (K) Chapter 45

Permit authorizes holder to store alcoholic beverages in a public storage warehouse that holds a Bonded Warehouse Permit.

OUT-OF-STATE DIRECT SHIPPER'S PERMIT (DS) Chapter 54

Permit authorizes the holder to sell and deliver wine that is produced or bottled by the permittee to an ultimate consumer located in wet or dry areas in the State of Texas. Delivery must be made by the holder of a carrier's permit.

WHOLESALE'S PERMIT (W) Chapter 19

Permit authorizes holder to purchase and import distilled spirits, malt liquor, ale and vinous liquor from Nonresident Seller permittees, Brewer's Permit, other wholesalers and Class B Wholesalers, and sell same to retailer and wholesalers authorized to sell same.

WHOLESALE (GENERAL CLASS B) PERMIT (X) Chapter 20

Permit authorizes holder to purchase and import malt liquor, ale and vinous liquor from Nonresident Sellers, Brewer's permittees, other wholesalers and Class B Wholesaler's, and sell same to retailers and wholesalers authorized to sell same.

WHOLESALE (LOCAL CLASS B) PERMIT (LX) Chapter 21

Permit authorizes holder to purchase and import malt and vinous liquor from Nonresident Sellers, Brewers permittees and other wholesalers and Class B Wholesalers, and sell same to retailers in the county of residence and wholesalers authorized to sell same.

WINE AND BEER RETAILER'S PERMIT - EXCURSION BOAT (V) Chapter 25

Permit authorizes excursion boat to sell and serve beer and wine up to 14% or 17% (depending on type of local option election) for consumption on the excursion boat while operating in a wet area.

WINE AND BEER RETAILER'S PERMIT FOR RAILWAY DINING, BUFFET OR CLUB CARS (Y) Chapter 25

Permit authorizes railway dining, buffet or club cars to sell and serve beer and wine up to 14% or 17% (depending on type of local-option election) for consumption on each train car while operating in a wet area.

WINE BOTTLER'S PERMIT (Z) Chapter 18

Permit authorizes holder to purchase and import wine from Nonresident Seller, purchase wine in this state from holder of wholesaler's, winery or wine bottler's permits; and bottle, re-bottle, label, package and sell wine to permit holders in this state authorized to purchase and sell same.

WINERY PERMIT (G) Chapter 16

Permit authorizes holder to manufacture, bottle, label and package wine containing not more than 24% alcohol by volume; sell or buy wine from permit holders authorized to purchase and sell wine including wholesalers, winery and wine bottler's permittees; sell wine to ultimate consumers for consumption on the winery premises or in unbroken packages for off-premise consumption; and dispense free wine for consumption on the winery premises.

WINERY STORAGE PERMIT (GS) Chapter 45

Permit authorizes holder of a winery permit whose winery is located in a county (all or part dry) to store the winery's product in a dry area of that county.

★ BEER LICENSES

AGENT'S BEER LICENSE (BK) Chapter 73

License authorizes licensee to represent beer manufacturers and distributors in selling, soliciting, displaying, advertising or otherwise promoting beer sales.

BRANCH DISTRIBUTOR'S LICENSE (BC) Chapter 66

License allows general distributor to expand his distributing business at another location.

BREW PUB LICENSE (BP) Chapter 74

License authorizes the holder to manufacture, brew, bottle, can, package and label malt liquor, ale, and beer; sell or offer without charge, on the premises of the brewpub, to ultimate consumers for consumption on or off those premises, malt liquor, ale or beer produced by the holder in or from a lawful container, to the extent the sales or offers are allowed under the holder's other permits or licenses; must be held with permit or license authorizing on-premise consumption. Total production cannot exceed 5,000 barrels for each licensed location.

GENERAL DISTRIBUTOR'S LICENSE (BB) Chapter 64

License authorizes holder to sell beer to other distributors, local distributors, private clubs and retailers in the unbroken original packages from the manufacturer or distributor, to serve free beer for consumption on the licensed premises; distribute and sell to qualified persons for shipment outside the state.

IMPORTER'S LICENSE (BI) Chapter 67

License authorizes distributor to import beer from outside the State of Texas.

IMPORTER'S CARRIER'S LICENSE (BJ) Chapter 68

License authorizes a distributor, also holding an Importer's License, to import beer in vehicles owned or leased in good faith.

LOCAL DISTRIBUTOR'S LICENSE (BD) Chapter 65

License authorizes holder to sell beer to local distributors, retailers, private clubs only in the county of his or her residence and to other licensed distributors, and to serve free for consumption on the licensed premises.

MANUFACTURER'S LICENSE (BA) Chapter 62

License authorizes the holder to manufacture beer and sell it to holders of general, local and branch distributor licensees and to qualified persons outside the state, and to dispense beer for on-premise consumption.

MANUFACTURER'S WAREHOUSE LICENSE (MW) Chapter 62

License authorizes the holder of a manufacturer's license who on Jan. 1, 1993, operated under Section 62.12 and 203.28 of the code to have a warehouse where beer sales are lawful and to import beer from outside the state for delivery to the licensed warehouse for sale to beer distributors or for removal to other warehouses of the manufacturer.

NONRESIDENT MANUFACTURER'S LICENSE (BS) Chapter 63

License authorizes the holder to have his beer received in Texas only by holder of Importer's License.

RETAIL DEALER'S OFF-PREMISE LICENSE (BF) Chapter 71

License authorizes holder to sell beer in a lawful container direct to the consumer but not for resale and not to be opened or consumed on or near the premises.

RETAIL DEALER'S ON-PREMISE LICENSE (BE) Chapter 69

License authorizes holder to sell beer for consumption on or off premises in a lawful container to the ultimate consumer but not for resale. Requires adequate seating area for customers.

RETAIL DEALER'S ON-PREMISE LATE HOURS LICENSE (BL) Chapter 70

License authorizes a Retail Dealer's On-Premise licensee or Wine and Beer Retailer's permittee to sell and serve beer or wine, beer, and ale until 2 A.M.

STORAGE LICENSE (SL) Chapter 75

License authorizes the holder to import beer, ale and malt liquor from the holders of a Nonresident Manufacturer's License or a Nonresident Brewer's Permit located in Mexico and store the same until it can be shipped out of the state. The licensed premise must be in a "wet" area located in a county with a population of 300,000 or less that borders Mexico. License may only be issued to the holder of a customs broker's license.

TEMPORARY LICENSE (BH) Chapter 72

The holder of a temporary license may sell beer to the ultimate consumer for consumption on or off the premises where sold. A temporary license may be issued for a period of not more than four days and shall be issued only for the sale of beer at picnics, celebrations or similar events. The license may only be issued to a retail dealer's on-premise license or a wine and beer retailer's permit.

TEMPORARY WINE AND BEER RETAILER'S PERMIT (BH or HP) Chapter 27

The holder of a temporary wine and beer retailer's permit may sell to the ultimate consumer for consumption on or off the premises, beer, malt liquors, and wine containing alcohol in excess of one half of one percent by volume but not more than 14 or 17 percent by volume (depending on type of local option election). A temporary wine and beer permit may be issued for a period not to exceed four days and shall be issued only for a picnic, celebration or similar event. The permit may be issued only to a BG, MB, or to a nonprofit historic preservation organization that has been in existence for at least 30 years. (HP Code is used if permit is issued to a nonprofit historic preservation organization.)

TEMPORARY - SPECIAL THREE-DAY WINE AND BEER PERMIT (SB) Chapter 27

Authorizes the holder to sell to the ultimate consumer for the on-premise consumption of wine, beer and malt liquor containing alcohol in excess of one-half of one percent by volume but not more than 14 or 17 percent (depending on type of local option election) by volume. A Special Three-Day Wine and Beer Permit may be issued to a nonprofit charitable, civic, or religious organization for the temporary serving of wine and beer at a picnic, celebration, or similar event sponsored by that organization.

TEMPORARY PERMIT - CHARITABLE AUCTION PERMIT (CA) Chapter 53

Authorizes the holder to conduct an auction where the sale of the type of alcoholic beverage to be auctioned is authorized by a local-option election. The permit may be issued only to an organization exempt by an I.R.S. 501(c)(3) and may be issued only one per calendar year. Term is for a maximum of five days.

WINE AND BEER RETAILER'S PERMIT (BG) Chapter 25

Permit authorizes the holder to sell for consumption on or off the premises where sold but not for resale, beer, ale, malt liquor and wine not more than 14% or 17% (depending on type of local option election). Requires adequate seating area for customers.

WINE AND BEER RETAILER'S OFF-PREMISE PERMIT (BQ) Chapter 26

Permit authorizes the holder to sell for off-premise consumption only, but not for resale, wine, beer, and malt liquors containing alcohol in excess of one-half of one percent (1/2 of 1%) by volume and not more than 14% or 17% of alcohol by volume (depending on type of local option election).