

BILL ANALYSIS

Senate Research Center
81R7097 AJA-F

H.B. 2104
By: Geren (Seliger)
Business & Commerce
4/20/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law allows for a two-year statute of limitations under Chapter 102 (Intra-Industry Relationships), Alcoholic Beverage Code. A civil action brought before the Fourth Court of Appeals in San Antonio raised uncertainty about this statute of limitations. It was assumed that the issue was a contract dispute, allowing four years to bring action. However, the court ruled that the action should be treated as a tort and was therefore subject to a two-year statute of limitations.

H.B. 2104 amends current law relating to the statute of limitations for an action under the Beer Industry Fair Dealing Law.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 102, Alcoholic Beverage Code, by adding Section 102.82, as follows:

Sec. 102.82. STATUTE OF LIMITATIONS. Requires a person to bring suit on an action arising under this chapter not later than four years after the day the cause of action accrues.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.