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March 6, 2013

MARKETING PRACTICES ADVISORY – MPA054 16 TAC 45.121 CREDIT LAW REQUIREMENTS UPDATE

To: Alcoholic Beverage Industry

This bulletin is intended to announce recent amendments to 16 TAC 45.121 Credit Law Requirements. The rule became effective March 1, 2013.

In 2009 and in accordance with statutory provisions, the commission implemented significant credit law changes and announced its plan to align the delinquent list publication date with the credit law payment due date. Subsequently, the commission will continue to initiate the rule making process annually in the fall of each year to reduce the publication date by two days each year over a period of five years. Initial changes to 16 TAC 45.121 were made September 5, 2009.

- Year 1 (2010) changes were adopted on October 26, 2010, and were effective on November 18, 2010 (**from 10 days to 8 days**).
- Year 2 (2011) changes were adopted on October 19, 2011, and became effective on November 20, 2011, (from 8 to 6 days). In the spirit of transitioning, we allowed an adjustment period through the December 1-15th delivery period.
- Year 3 (2012) changes were adopted on January 24, 2013, and became effective on March 1, 2013 (**from 6 to 4 days business days**). March 1-15, 2013, will be the first delivery period affected by the rule change. Please note that the Commission has changed from calendar days to business days.

Enforcement of the new publication/effective date for the delinquent list will apply to the delivery period of March 1st-15th. The published and effective date will be March 29, 2013.

For initial changes see Bulletins MPB030, MPB039 & MPB048:

http://www.tabc.state.tx.us/marketing_practices/advisories/MPB048.pdf

http://www.tabc.state.tx.us/marketing_practices/advisories/MPB030.pdf

http://www.tabc.state.tx.us/marketing_practices/advisories/MPB039.pdf

Payment Calendar

Delivery Date	Due Date	Publication Date
March 1 - 15	March 25	March 29 (Instead of 31st)
	Payments made between 2nd & 25th may be by check, cash or other form.	Payments made between 26 th & 28th must be by cash or cash equivalent.

Delivery Date	Due Date	Publication Date
March 16 - 31	April 10	April 16 (Instead of 18 th)
	Payments made between 16th & 10th may be by check, cash or other form.	Payments made between 11th & 15th must be by cash or cash equivalent.

Delinquent List Publication and effective dates are posted on the following site:
http://www.tabc.texas.gov/credit_law/delinquent_list_publication.asp

We hope this notification will assist you in evaluating your business practices and making necessary changes to adapt to the provisions of the amended rule. If you would like additional information or have questions regarding this bulletin, you may contact me in writing at P.O. Box 13127, Austin, TX 78711, by phone at 512-206-3411 or by facsimile at 512-206-3349.

Sincerely,



Thomas Graham
Marketing Practices Supervisor

cc: Sherry Cook, Administrator
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