



TABAC

Consumer Delivery Permit (CD)

Know your responsibilities for a



Consumer Delivery Permit (CD)



The Permit

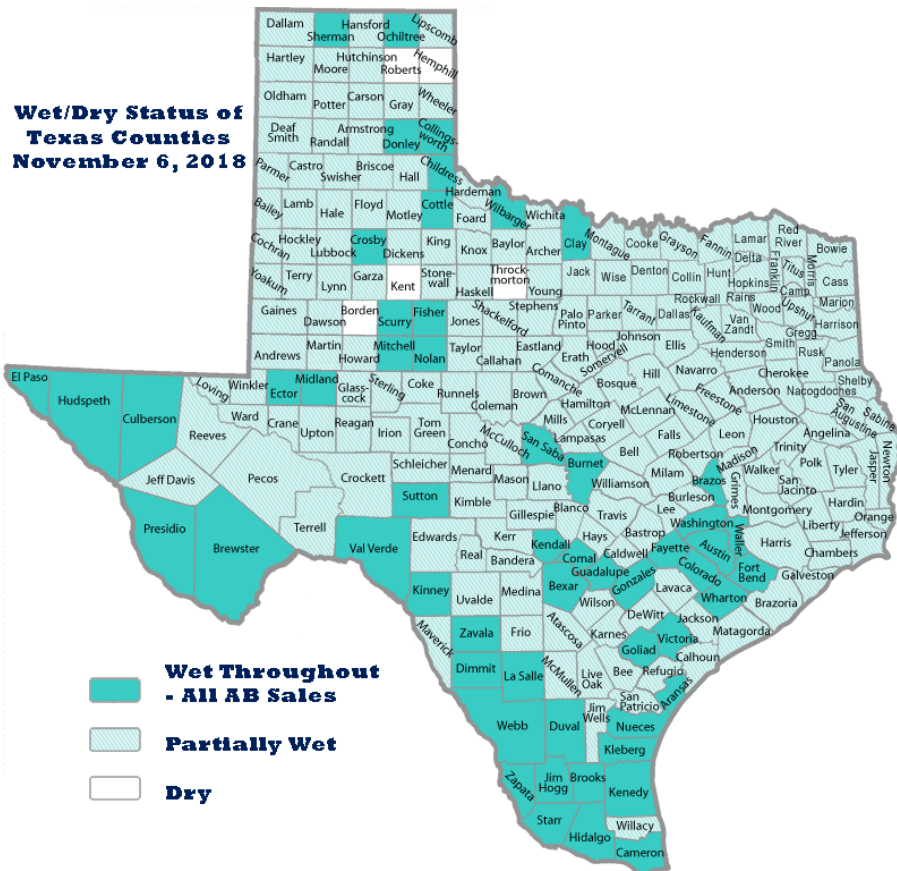
CHAPTER 57 - CONSUMER DELIVERY PERMIT

CHAPTER 57.01 - AUTHORIZED ACTIVITIES

- a) The holder of a consumer delivery permit may contract with or employ a driver for the delivery of an alcoholic beverage from the premises of the holder of a retailer's permit described by Subsection (b) to an ultimate consumer located in an area where the sale of the beverage is legal.
- b) An alcoholic beverage may be delivered under this section only if the alcoholic beverage is sold to the ultimate consumer by the holder of a:
 - 1. Package store permit (P)
 - 2. Wine only package store permit (Q)
 - 3. Wine and beer retailer's permit (BG)
 - 4. Wine and beer retailer's off-premise permit (BQ)
 - 5. Retail dealer's on-premise license (BE)
 - 6. Retail dealer's off-premise license (BF)
 - 7. Mixed beverage permit authorized to deliver alcoholic beverages under section 28.1001 (MB without FB)



Determination of Delivery Area



Under Sec. 57.02 (a), a person who sells or delivers an alcoholic beverage may consult a map or other publicly available information produced by the commission for the purpose of establishing where the sale of alcoholic beverages is legal.



Determination of Delivery Area

57.02 (b) states that the holder of a CD permit may make deliveries of alcoholic beverages:

1. Only in response to bona fide orders placed by the consumer under Section 57.01 and
2. Only in places where the sale of the beverages is legal in (A) the county in which the premises of the retailer making the sale is located; (B) the city or town in which the premises of the retailer making the sale is located, if the retailer is located in a city or town; or (C) an area not further than two miles beyond the municipal boundry of the city or town in which the retailer is located, if applicable.



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Defense to Prosecution

Per 57.02 (c), it is a defense to a prosecution alleging that a person delivered an alcoholic beverage in an area that is dry for the type of beverage delivered if:

1. The individual or the holder of a consumer delivery permit relied on publicly available information produced by the commission relating to the wet or dry classification of the address; or
2. The information indicated to which the beverage was delivered was classified as wet for the type of beverage delivered on the date of delivery.



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Delivery Driver Requirements

A consumer delivery permit holder may not contract with or employ a delivery driver unless the person:

1. Is 21 years of age or older; and
2. Holds a valid driver's license



Delivery of Alcohol to Consumer

Per Section 57.06

- a) An alcoholic beverage may be delivered under this chapter only to a person who is 21 years of age or older, after the person accepting the delivery presents valid proof of identity and age.
- b) An alcoholic beverage may not be delivered under this chapter to any person other than:
 - 1. The person who purchased the beverage
 - 2. A recipient designated in advance by the purchaser; or
 - 3. A person at the delivery address who is 21 years of age or older.



Hours of Delivery

Under Section 57.05 (c), An alcoholic beverage may be delivered **outside the hours of operation** of the retailer from which the delivery is being made **only if the delivery driver:**

1. Received the beverage from the retailer during the retailer's hours of legal sale; and
2. Completes the delivery to the consumer in a reasonable amount of time after leaving the retailer's premises.



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Retailer Responsibility

A retailer's responsibilities under this code regarding delivery of an alcoholic beverage to an ultimate consumer are considered satisfied at the time the retailer transfers possession of an alcoholic beverage:

- To a consumer delivery permittee; or
- A delivery driver employed by, contracted with, or acting on behalf of the holder of a consumer delivery permit.



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Retailer Responsibility

An action by a consumer delivery permittee or by a delivery driver is not attributable to the retailer with regard to:

1. Providing, selling or serving alcohol to a minor, or to an intoxicated individual;
2. The delivery of alcohol to a dry, or otherwise illegal area, unless the retailer has contractually agreed to retain responsibility for ensuring that deliveries are not directed to a dry, or otherwise illegal area; or
3. Any other provision of this code.



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Congratulations!



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Certificate of Completion

This certifies that:

Name: _____

Has successfully completed the Responsibilities Course for a Consumer Delivery Permit (CD) offered by the Texas Alcoholic Beverage Commission.

Business Trade Name: _____

Business Location Address: _____

Check this box if you would like additional information in regards to your responsibilities.

By signing this certificate you acknowledge that you have completed the Responsibilities Course for a Consumer Delivery Permit (CD).

Applicant Signature/Title/Position

Date

Press the Print button to print your Certificate of Completion. After the print dialogue box opens, change "Pages to Print" from "All" to "page 12" to print your certificate.