

Module 1:

TABC SELLER-SERVER TRAINING OVERVIEW

TABC Seller-Server Training

Overview

Module 1: Objectives

- Correctly define terms used in this course.
- Describe the purpose, goals, and rules for seller-server training & certification.
- State the intent of Texas laws concerned with preventing alcohol sales to minors, intoxicated persons, and non-members of a private club.

Reporting Violations to TABC

- The class you are attending is owned and operated by a private business separate from the TABC. To submit a complaint about a school or trainer, please contact TABC directly.
- 512-206-3420 or seller.training@tabc.texas.gov
- To report underage drinking or illegal alcohol sales, please contact 1-888-THE-TABC

TABC Seller-Server Training Overview

Seller-Server Certification

Your information will be entered into the TABC seller-server database no later than 14 days from today.

To receive your certificate you must provide:

- Name
- Personal identification number
- Date of birth

Once you receive the certificate, it is suggested that you make a copy of it for your employer and keep the original for yourself. ***The certification belongs to you, no matter who pays for the course.***

TABC Certification

- TABC certification is good for 2 years.
- The certificate is non-renewable and the class must be retaken if you wish to remain certified.
- If your certificate is lost, proof of certification can be obtained on the TABC website:
www.tabc.texas.gov

Definitions

Alcoholic Beverage

Alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

Employee

Anyone who sells, serves, dispenses, or delivers alcoholic beverages for a business that is licensed to sell alcohol is considered an employee of that business. This also includes anyone who immediately manages, directs, supervises, or controls the sale or service of alcoholic beverages.

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Definitions

Minor

A person under the age of 21. [Texas Alcoholic Beverage Code Sec. 106.01]

Intoxication

Not having the normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body; or having a blood alcohol concentration (BAC) of 0.08 or more. **[Penal Code Sec. 49.01(2)]**

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Definitions

Public Intoxication

To appear in a public place while intoxicated to the degree that the person may endanger the person or another. **[Penal Code Sec. 49.02]**

Criminal Negligence

A person fails to meet a standard level of care that an ordinary person under these conditions would meet. e/g/ checking IDs, calculating age, refusing to over-serve patrons, and looking for signs of intoxication.

Responsibilities of a Seller-Server

Follow the laws intended to prevent the sale of alcohol to minors, intoxicated persons, and non-members of a private club.

- The person who actually serves, sells, or delivers the alcoholic beverage is legally responsible for the sale.
- Door people, bouncers, floorwalkers, or bartenders can assist with checking IDs and monitoring for intoxication, but the server is legally responsible and will be the one who receives a violation.

Responsibilities of a Seller-Server

Breaking the laws for selling alcohol puts you, your employer, and your customers at risk.

- If you knowingly break the laws governing alcohol sales, you may be found guilty of a crime, and you may be found responsible for any damage caused by people to whom you sold or served alcohol.
- The employer is at risk because they could lose their license to sell alcohol or face large fines and other penalties.
- The customer is at risk because they may be violating the law by purchasing alcohol.

Revocation of Certification

If you are charged with breaking the laws concerning the sale of alcohol, your seller-server certification can be revoked.

- **First offense** – you must take this class and exam again to be recertified within the first 30 days after the offense.
- **Second offense within 12 months** – you may not be recertified for 90 days.
- **Third offense in 12 months** – you may not be recertified for 12 months.

Safe Harbor for Employers

If you are charged with selling alcohol to a minor or to an intoxicated person, your employer could lose their license to sell. For your employers license to be protected:

- The person selling/serving is not the owner or an officer of the company;
- The person selling/serving holds a current seller-server training certificate from a TABC approved school;
- All employees engaged in the sale, service, or delivery of alcoholic beverages as well as their immediate managers, are certified within 30 days of their hire date;
- The employer has written policies for responsible alcohol service and consumption and ensures that each employee has read and understands the policies;
- The employer does not directly or indirectly encourage the employee to violate the law.

Safe Harbor for Employers

- Meeting the criteria listed previously is commonly referred to as “Safe Harbor.” If an illegal sale is made, the seller-server might be arrested, but the company’s permit/license may be protected.

If any of the elements are missing, the company is not protected.

Module Review

- Correctly define terms used in this course.
- Describe the purpose, goals, and rules for seller-server training and certification.
- State the intent of Texas laws concerned with preventing alcohol sales to minors, intoxicated persons, and non-members of a private club.