



# Module I: TABC Seller-Server Training Overview

*Home of Training - Texas Alcohol Seller - Server*

# Module I: TABC Seller-Server Training Overview

---

## Overview

- *This module introduces the course and covers administrative information about seller-server certification.*
- *This module will take approximately **25 minutes** to complete.*

## Module Objectives

*When you complete this module, you will be able to:*

- *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.*

## Topics in this module

*The objectives are met by teaching the following topics:*

- *Definitions*
- *Responsibilities of Seller-Server*
- *Safe Harbor for Employers*
- *Seller-Server Certification*
- *Keys To This Course*

A close-up photograph of a person's hands, wearing a dark suit and a light blue shirt, resting on a wooden desk. The person is looking down at a white document. The background is blurred, showing more of the desk and the person's arm.

# THE KEYS TO THIS COURSE

*Knowing the law is an important first step in being a responsible seller- server of alcoholic beverages.*





# Key To Being a Responsible Seller-Server of Alcohol

---

In order to be a responsible seller-server of alcohol, you will need to:

- ✓ Know The Law
- ✓ Know Your Customers
- ✓ Know How And When To Say "No"



# There are laws regulating the sale of alcohol in order to:

---

- ✓ Prevent the sale of alcohol to minors under 21 years of age.
- ✓ Prevent the sale of alcohol to people who are intoxicated.
- ✓ Prevent the service of alcoholic beverages in private clubs to non-members

When customers purchase alcoholic beverages from you, you are the one to decide whether the sale is legal or not, based on your observations. This class will teach you key things to look for.



## To decide if a sale of alcohol is legal, watch your customers to:

- ✓ See How They Look
- ✓ See What They Do
- ✓ See How They React
- ✓ See How Much Alcohol Has Been Purchased or Consumed

Intervention means refusing a sale of alcohol to an individual in order to remain lawful. Customers purchase alcohol from you, and you are the one that must ensure the sale is legal. This class will teach you intervention methods.





# What Are The Keys To Intervention?

---

In order to prevent an illegal sale of alcohol, you need to:

- ✓ Be Quick
- ✓ Be Clear and Firm
- ✓ Be Consistent

# Reporting Violations to TABC

---

*All seller-server schools are private businesses separate from the TABC. These schools are regulated by the Texas Alcoholic Beverage Commission and have been approved as meeting the minimum requirements as stated in Chapter 50 of the TABC Administrative Rules and the Texas Alcoholic Beverage Code.*

*You should receive a certificate immediately following the successful completion of this course and your certificate should be available within 14 days in the TABC database.*

*Training programs are monitored by the Commission to determine if the schools are presenting the programs as approved and certified by TABC. If you have a complaint about a seller training school, contact TABC Seller Training at (512) 206-3420 or your local TABC office.*

*If you need to report underage drinking or suspected sales to intoxicated persons, call 1-888-THE-TABC.*

## *Key Points:*



*There are two different procedures for reporting violations to TABC for:*

- 1) Filing a complaint about a Seller Training School, and*
- 2) Reporting underage drinking or suspected sales to intoxicated persons.*



# Seller-Server Certification

---

*The seller-server training includes some information that you provided at the beginning of the course as well as this school's information. This information will be entered into the TABC seller-server database no later than 14 calendar days from today. You must provide complete information to receive a certificate: name, personal identification number (Social Security Number, Individual Taxpayer Identification Number [ITIN], an Alien Registration Number ["A" Number], or an IV case number from a machine readable immigrant Visa [MRIV]), and 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.*

**NOTE:** *Your personal information is for this course and TABC's files only; it may not be sold or used for any other purpose.*

*Seller-server certification is valid for two years unless earlier revoked. If you want to remain certified, you must take the class and exam again on or before the expiration date on your certificate.*

*If you lose or misplace your certificate, you can receive proof of certification from the TABC website at [www.tabc.state.tx.us](http://www.tabc.state.tx.us) or by calling the TABC Seller-Server Training Section at 512-206-3420.*

# Definitions



## Alcoholic Beverage



*An alcoholic beverage is 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. [Texas Alcoholic Beverage Code Sec. 1.04 (1)]*



*Alcoholic beverages may be sold by the drink for **on-premise** consumption in establishments such as restaurants and bars.*



*Alcoholic beverages are also sold packaged for **off-premise** consumption in establishments such as convenience stores, gas stations, grocery stores, or liquor stores.*



## Common alcoholic beverages include:

- ✓ Beer
- ✓ Malt liquor
- ✓ Wine
- ✓ Wine coolers
- ✓ Distilled Spirits
- ✓ Mixed drinks
- ✓ Cocktails





## Definitions continued



### 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. (Employee does not include officers of a corporate permittee/licensee who do not manage, direct, supervise, or control the sale or service of alcoholic beverages.) [Texas Alcoholic Beverage Commission Administrative Rules Sec. 50.2 (4)]*



### Minor

*A person under the age of 21. [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 an alcohol concentration of 0.08 or more. [Penal Code Sec. 49.01]*



## Definitions continued



## 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. [Penal Code Sec 6.03]*



# Responsibilities of a Seller - Server

---

The most important responsibility of a Seller-Server is to 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 continued

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 customer is at risk because they may be violating the law by purchasing alcohol.



The employer is at risk because they could lose their license to sell alcohol.

A close-up, shallow depth-of-field photograph of a silver fountain pen resting on a white document. The pen's nib is visible, and the background is blurred, showing hints of green and red. This image occupies the left side of the slide.

# **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.**

A close-up, shallow depth-of-field photograph of a silver fountain pen resting on a white document. The pen's nib is visible, and the background is blurred, showing hints of other documents and a desk.

## Revocation continued

---

Your seller-server certificate can also be revoked by TABC if you:



Provide false information.



Do not successfully pass the final exam.

If you receive a violation, you can request a hearing within 21 days of the violation.



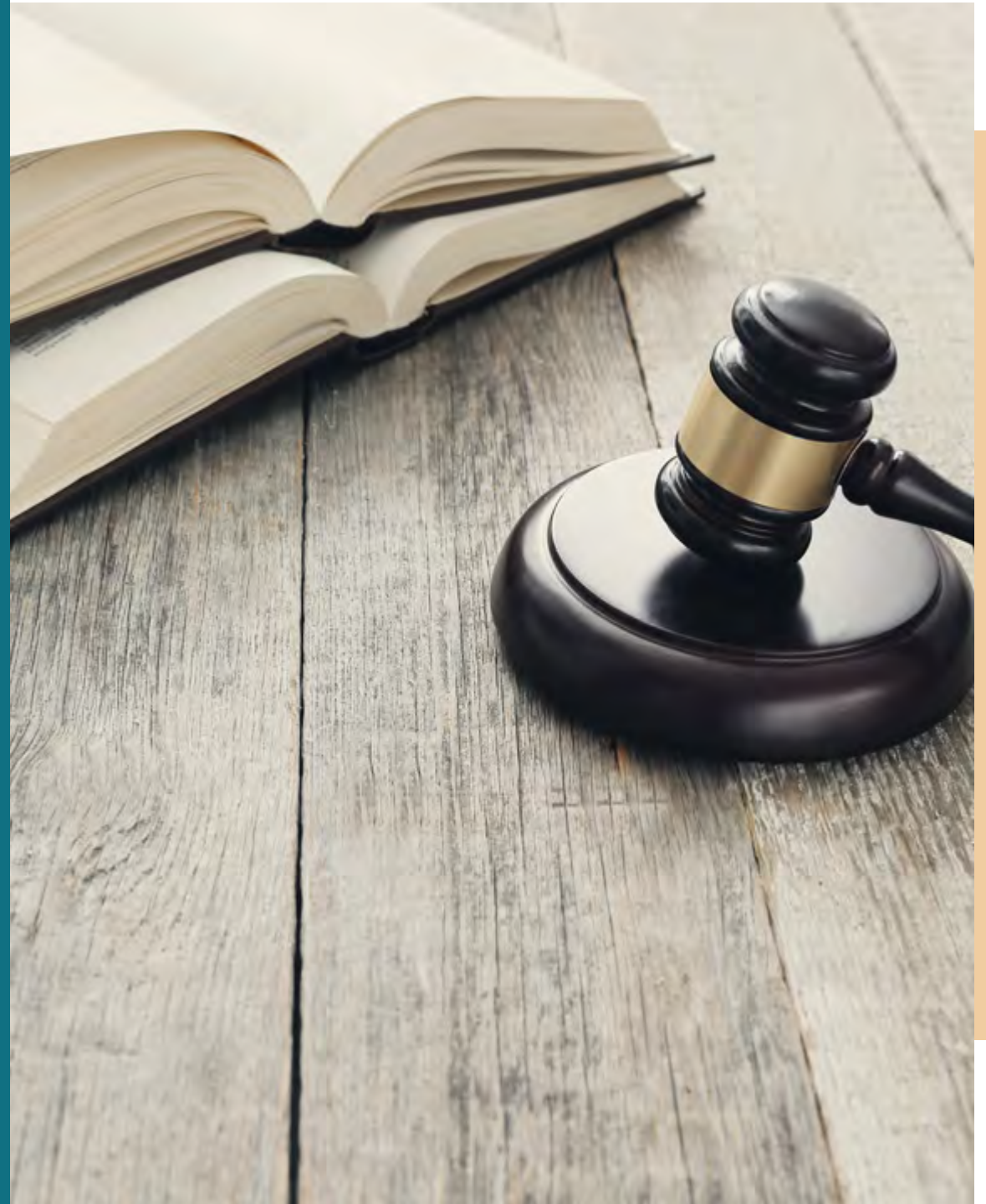
# Texas Alcoholic Beverage Commission Administrative Rules §50.31- Revocation.

---

(a) The commission may revoke a seller server certificate under the conditions set forth in this section.

(1) If the holder of a seller server certificate sells or serves an alcoholic beverage to a minor or intoxicated person, the certificate holder must be recertified within 30 days of the violation. Recertification requires completing a course of instruction offered by a certified school and passing the Commission Standard Competence Test. If the certificate holder is not recertified within 30 days of the violation, the commission may revoke the certificate.

*Cont.*



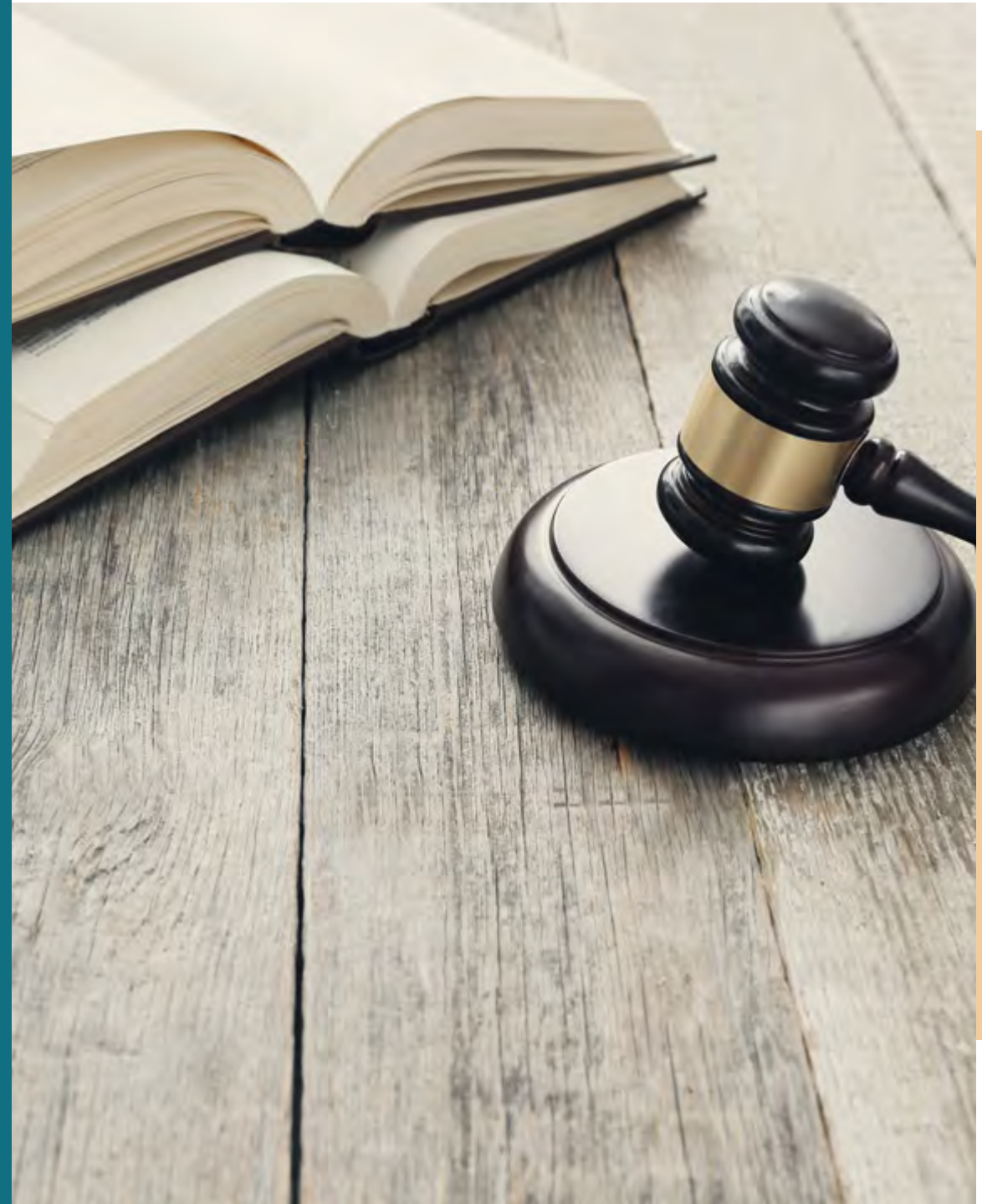
## §50.31 Revocation, continued.

---

(2) If the holder of a seller server certificate sells or serves an alcoholic beverage to a minor or intoxicated person a second time within a 12-month period, the commission may revoke the certificate. The certificate holder cannot be recertified for a period of 90 days. Recertification requires completing a course of instruction offered by a certified school and passing the Commission Standard Competence Test.

(3) If the holder of a seller server certificate sells or serves an alcoholic beverage to a minor or intoxicated person a third time within a 12-month period, the commission may revoke the certificate. The certificate holder cannot be recertified for a period of one year. Recertification requires completing a course of instruction offered by a certified school and passing the Commission Standard Competence Test.

*Cont.*





## §50.31 Revocation, continued.

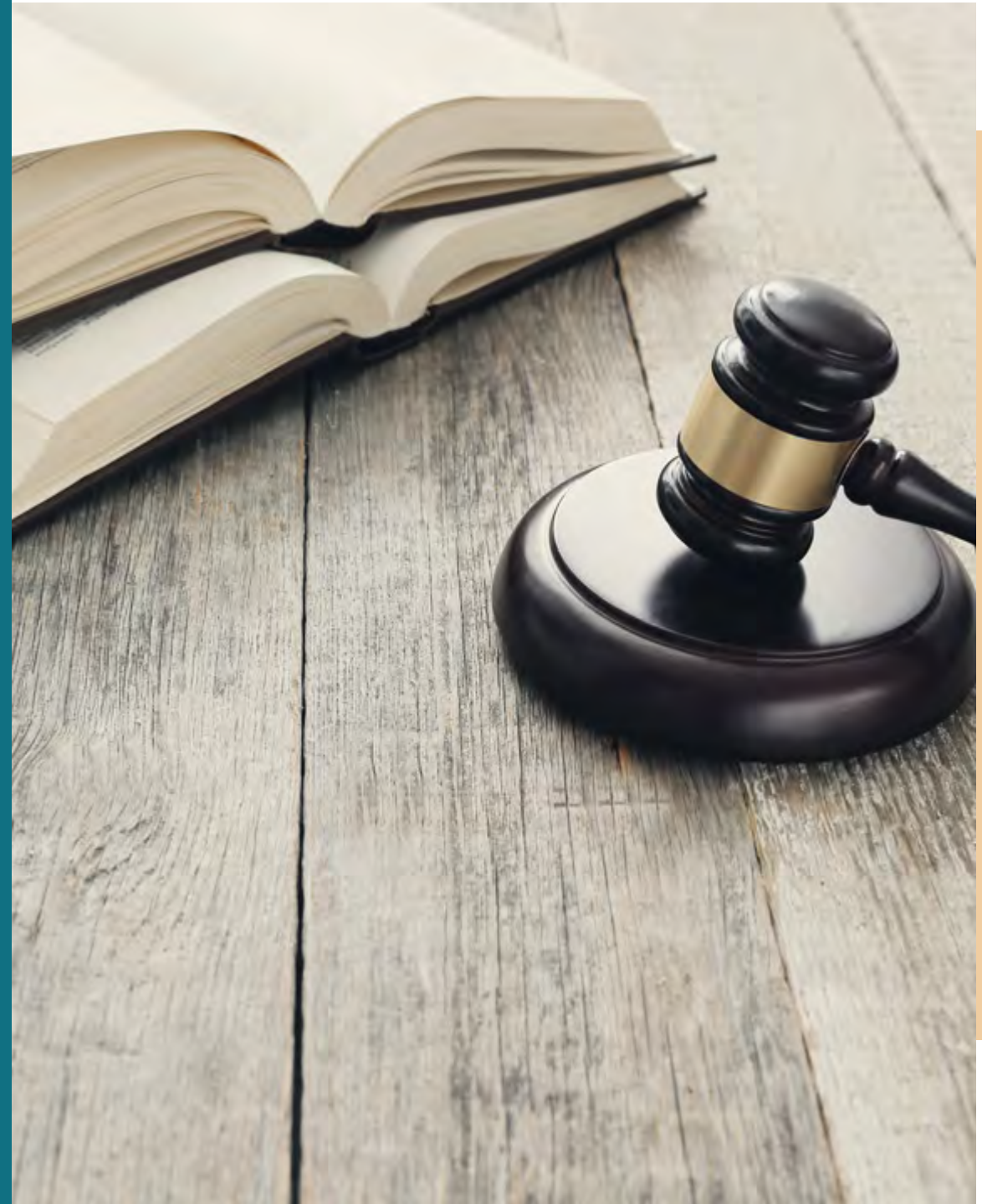
---

(4) If the holder of a seller server certificate provided false identification to a seller server school or trainer, including, but not limited to, name, social security number, or birth date, the commission may revoke the certificate. The certificate holder cannot be recertified.

(5) If the holder of a seller server certificate did not successfully complete a course of instruction offered by a certified school or did not pass the Commission Standard Competence Test, the commission may revoke the certificate.

(b) Before the commission may revoke a seller server certificate, the commission must give notice to the holder of the certificate that he has the right to request a hearing, but that he must make such request within 21 days after the receipt of the notice of violation.

**Note: Proposed New Chapter Filed: April 28, 2010;  
Publication Date: May 14, 2010**







# 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. In order for your employer's 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 these policies;
- ✓ The employer does not directly or indirectly encourage the employee to violate the law;



# Safe Harbor continued

Meeting these criteria 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 one violation takes place:

- ✓ Criminal action may be taken against the employee;
- ✓ The owner or manager may be required to complete an affidavit stating that they have met all the requirements;
- ✓ The owner or manager will be required to provide the names, social security numbers, and dates of birth of all employees so that the affidavit can be verified.
- ✓ TABC will verify the certification of the employees.

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

[Texas Alcoholic Beverage Commission Administrative Rules, Section 34.4]

# Texas Alcoholic Beverage Code

## Section 106.14. -

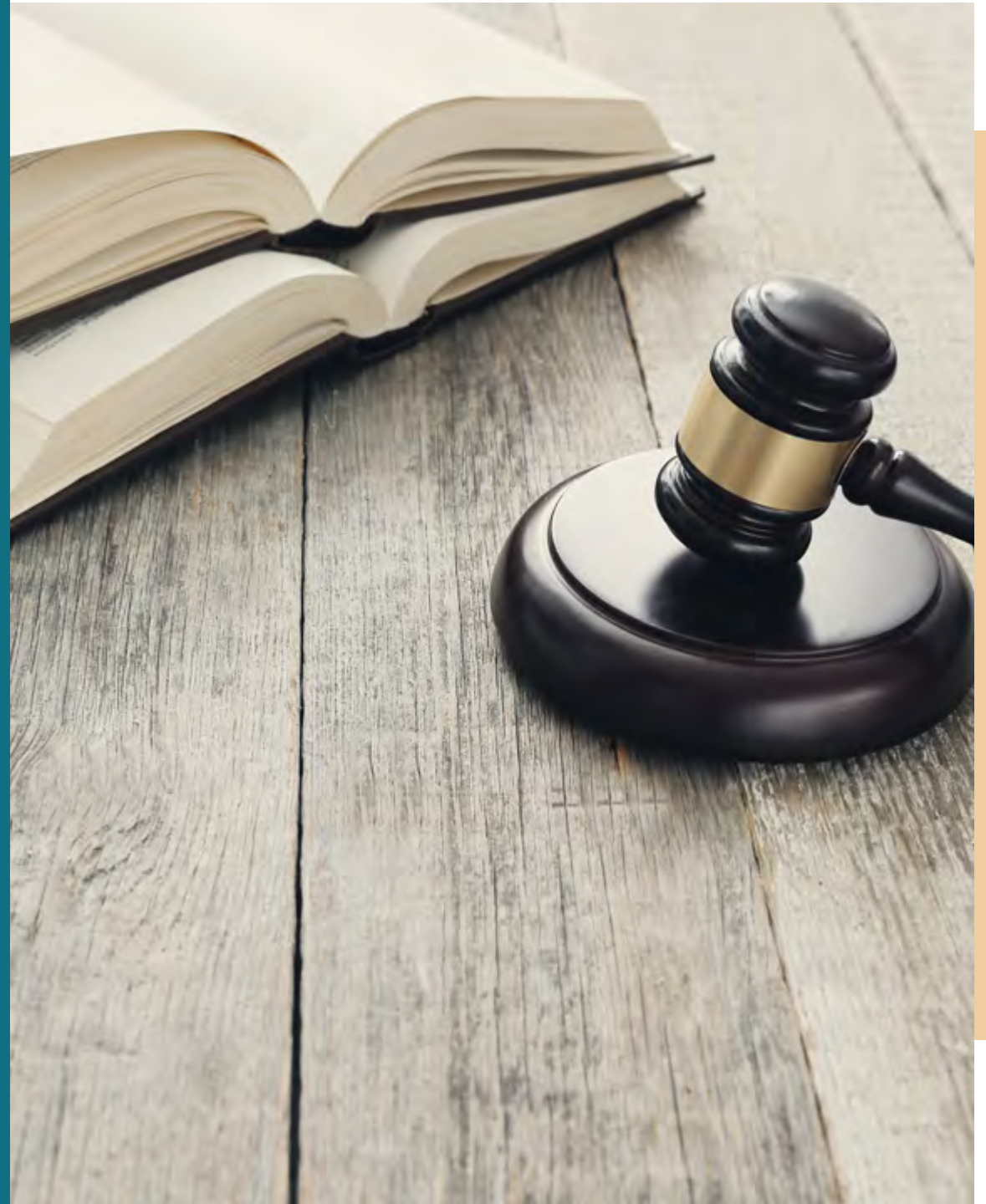
### Actions of Employee.

---

(a) For purposes of this chapter and any other provision of this code relating to the sales, service, dispensing, or delivery of alcoholic beverages to a person who is not a member of a private club on the club premises, a minor, or an intoxicated person or the consumption of alcoholic beverages by a person who is not a member of a private club on the club premises, a minor, or an intoxicated person, the actions of an employee shall not be attributable to the employer if:

- (1) the employer requires its employees to attend a commission-approved seller training program
- (2) the employee has actually attended such a training program; and
- (3) the employer has not directly or indirectly encouraged the employee to violate such law.

*Cont.*





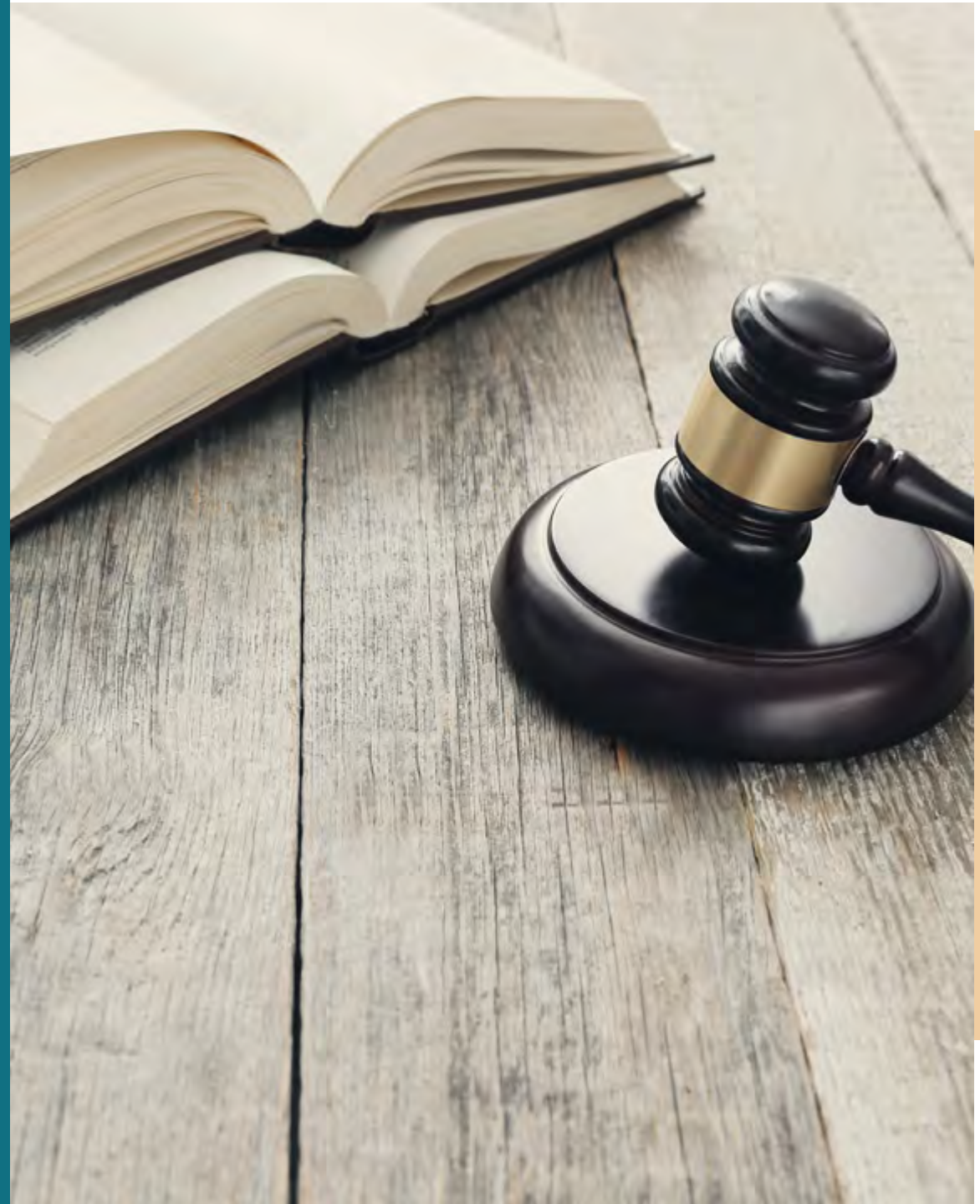
## Sec. 106.14. Actions of Employee, continued.

---

(b) The commission shall adopt rules or policies establishing the minimum requirements for approved seller training programs. Upon application, the commission shall approve seller training programs meeting such requirements that are sponsored either privately, by public community colleges, or by public or private institutions of higher education that offer a four- year undergraduate program and a degree or certificate in hotel or motel management, restaurant management, or travel or tourism management. The commission may charge an application fee to be set by the commission in such amount as is necessary to defray the expense of processing the application.

(c) The commission may approve under this section a seller training program sponsored by a licensee or permittee for the purpose of training its employees whether or not such employees are located at the same premises. This subsection shall only apply to licensees or permittees who employ at least 150 persons at any one time during the license or permit year who sell, serve, or prepare alcoholic beverages.

*Cont.*



## Sec. 106.14. Actions of Employee, continued.

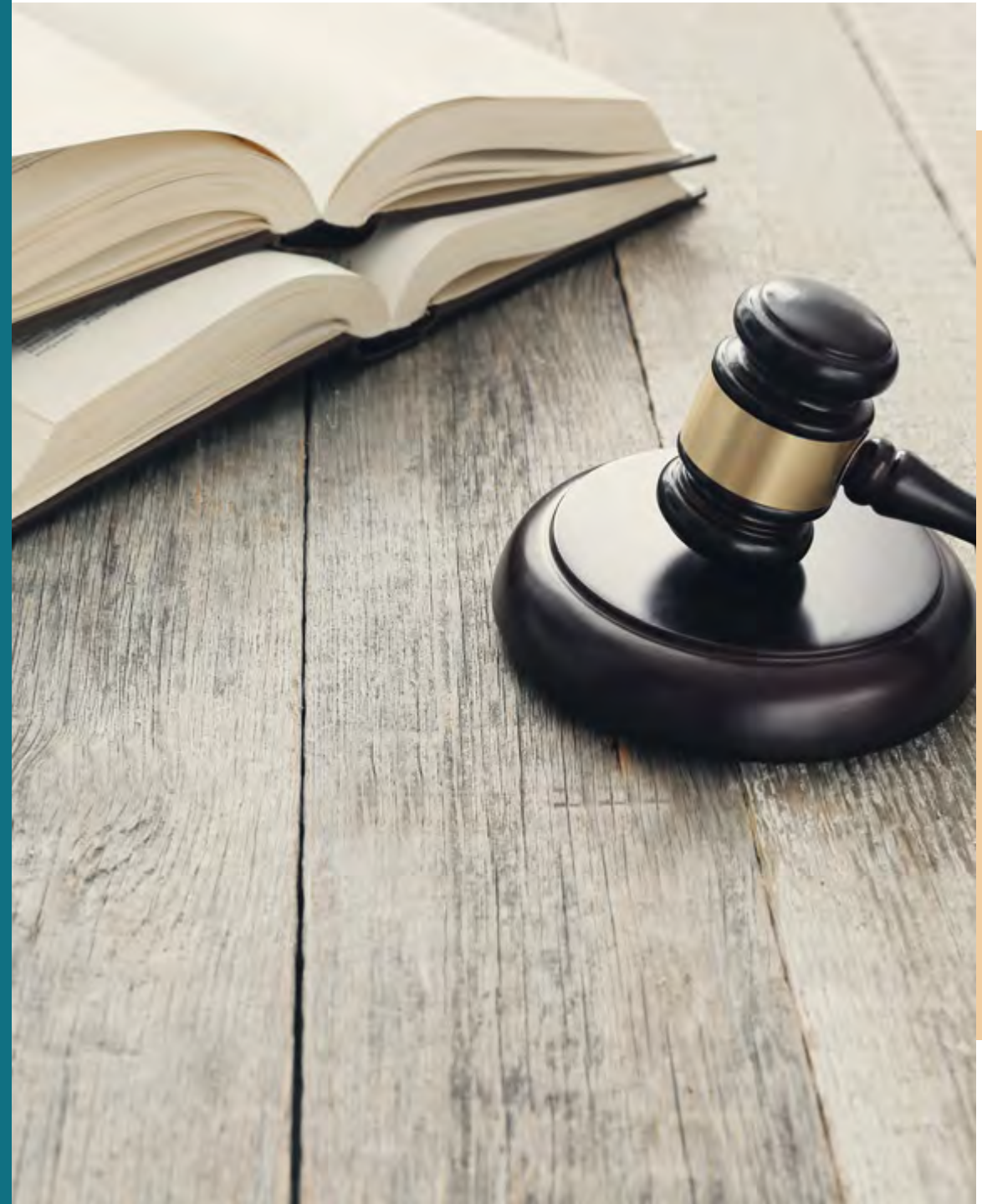
---

(d) The commission may approve under this section a seller training program conducted by a hotel management company or a hotel operating company for the employees of five or more hotels operated or managed by the company if:

(1) The seller training program is administered through the corporate offices of the company; and

(2) The hotels employ a total of at least 200 persons at one time during the license or permit year who sell, serve, or prepare alcoholic beverages.

*Cont.*

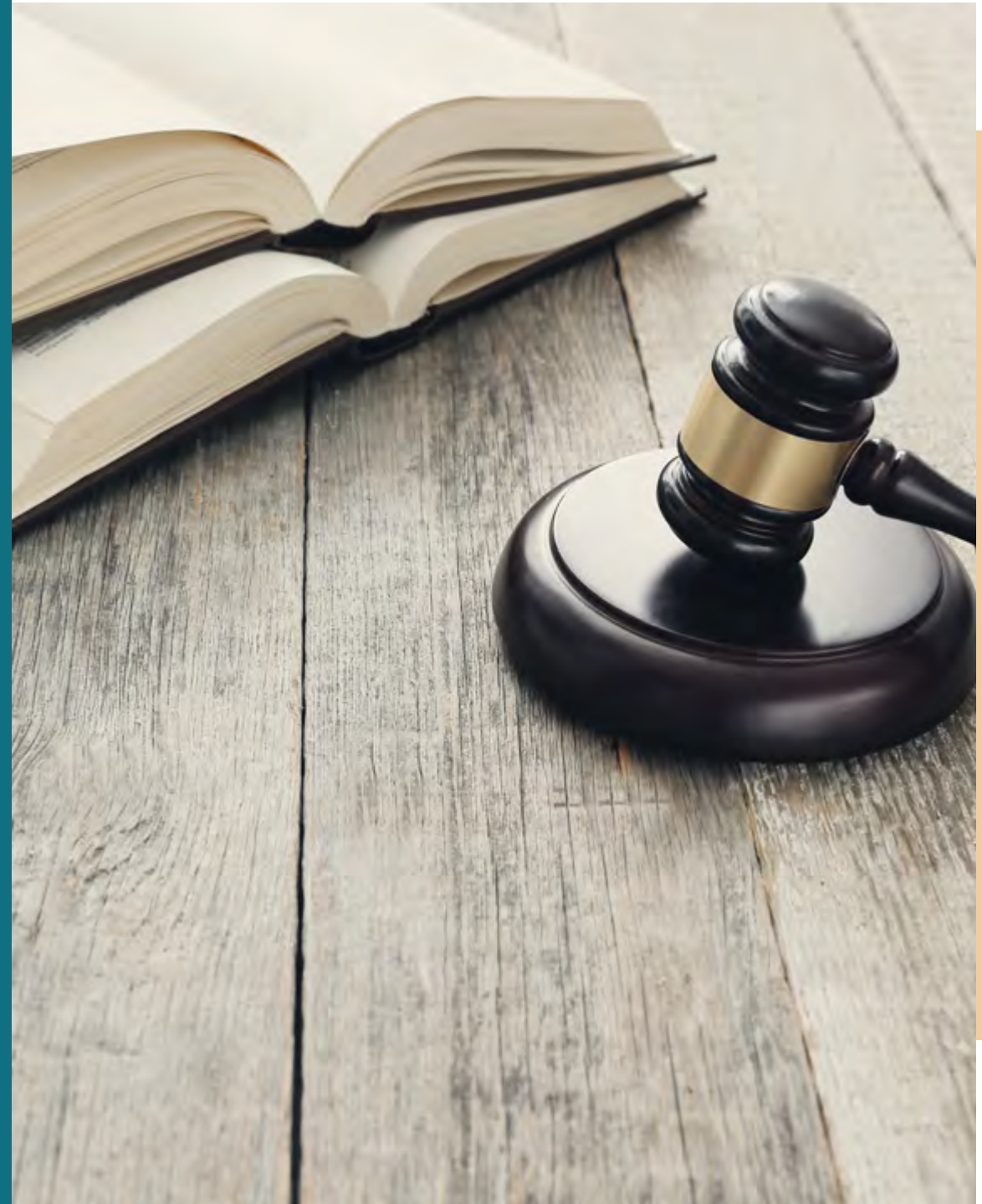




## Sec. 106.14. Actions of Employee, continued.

---

(e) After notice and hearing, the commission may cancel or suspend the commission's approval of a seller training program, the commission's certification of a trainer to teach a seller training program, or the commission's certification of a seller-server if the program, trainer, or seller-server violates this code or a commission rule. The commission may give a program, trainer, or seller-server the opportunity to pay a civil penalty rather than be subject to suspension under this subsection. Sections 11.62 through 11.67 apply to the program approval or certification as if the program approval or certification were a license or permit under this code.







# Module Summary

---

Students should now be able to:



**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.**



## This module included:

- ✓ Definitions
- ✓ Responsibilities of a Seller-Server
- ✓ Safe Harbor for Employers
- ✓ Seller-Server Certification
- ✓ Keys To This Course