

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 942

BY: FISHER of the SENATE

and

LITTLEFIELD of the HOUSE

AS INTRODUCED

AN ACT RELATING TO INTOXICATING LIQUORS; AMENDING 37
O.S. 1991, SECTION 596, WHICH RELATES TO THE
OKLAHOMA ALCOHOLIC BEVERAGE CONTROL ACT; PROVIDING
CERTAIN EXCEPTION; PROVIDING THAT ACTIONS OF
SERVANT, AGENT, EMPLOYEE OR REPRESENTATIVE ARE NOT
ATTRIBUTABLE TO CERTAIN LICENSEES UNDER CERTAIN
CIRCUMSTANCES; SPECIFYING CIRCUMSTANCES UNDER WHICH
PROVISIONS NOT APPLICABLE; REQUIRING ALCOHOLIC
BEVERAGES LAWS ENFORCEMENT COMMISSION TO PROMULGATE
CERTAIN RULES AND REGULATIONS; PROVIDING PROCEDURES
FOR APPROVAL OF ALCOHOL SERVER TRAINING PROGRAMS
AND CERTIFICATION OF PROVIDERS; SPECIFYING CERTAIN
TIME LIMITS; AUTHORIZING CERTAIN FEES; PROVIDING
PROCEDURES FOR CERTIFICATION OF SERVANT, AGENT,
EMPLOYEE OR REPRESENTATIVE; AND DECLARING AN
EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 37 O.S. 1991, Section 596, is amended to read as follows:

Section 596. ~~Each~~ A. Except as otherwise provided in this section, each bottle club or mixed beverage, caterer or special event licensee shall be held responsible for violation of any alcoholic beverage law or administrative rule of the Alcoholic Beverage Laws Enforcement Commission affecting his license privileges and for any act or omission of his servant, agent, employee or representative in violation of any law, municipal ordinance or administrative rule affecting his license privileges.

B. The actions of a servant, agent, employee or representative of a bottle club, mixed beverage, caterer or special event licensee in an administrative action pursuant to Section 529 of this title shall not be attributable to the licensee if:

1. The violation relates to the sale, service, dispensing or delivery of alcoholic beverages to an intoxicated person or person adjudged insane or mentally deficient or the consumption of alcoholic beverages by an intoxicated person or person adjudged insane or mentally deficient;

2. The licensee requires its employees to attend an alcohol server training program approved by the Commission;

3. The servant, agent, employee or representative has attended and passed an alcohol server training program approved by the Commission; and

4. The licensee has not directly or indirectly encouraged the employee to commit the violation.

Provided, the provisions of this subsection shall not apply if a servant, agent, employee or representative who has attended and passed an approved alcohol server training program has committed two or more violations specified in paragraph 1 of this subsection within a twelve-month period.

C. The Commission shall promulgate rules and regulations establishing criteria for alcohol server training programs and for certification of providers of such programs. Upon application, the Commission shall approve alcohol server training programs and certify providers meeting such criteria. Each provider who is certified to conduct such programs shall receive a certificate from the Commission which shall be valid for three (3) years from the date of certification. The Commission may charge an application fee of up to One Hundred Dollars (\$100.00) for an initial certification and up to Fifty Dollars (\$50.00) for a renewal of certification to defray the expense of processing the certifications and related administrative expenses.

D. Each servant, agent, employee or representative who successfully completes an approved alcohol server training program shall receive a certificate from the Commission which shall be valid for two (2) years from the date of completion of the program. The Commission may charge the providers of approved alcohol server training programs no more than Two Dollars (\$2.00) per pupil to defray the expense of processing the certifications and related administrative expenses.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.