

SHORT TITLE: Limited liability companies; clarifying language relating to purposes for formation; effective date.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 1129

By: Douglass

AS INTRODUCED

An Act relating to limited liability companies;

amending Section 3, Chapter 148, O.S.L. 1992 (18 O.S. Supp. 1993, Section 2002), which relates to purposes for formation of limited liability companies, and 37 O.S. 1991, Section 163.2, which relates to manufacture and sale of nonintoxicating beverages; clarifying language; adding statutory reference; modifying definition; and providing an effective date.

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

SECTION 1. AMENDATORY Section 3, Chapter 148, O.S.L. 1992 (18 O.S. Supp. 1993, Section 2002), is amended to read as follows:

Section 2002. A limited liability company may be organized under this act and may conduct business in any state for any lawful purpose, ~~except the business of banking and insurance;~~ however a limited liability company shall not be issued a certificate of authority to engage in the banking or trust company business pursuant to the Oklahoma Banking Code, Section 101 et seq. of Title 6 of the Oklahoma Statutes, nor may a limited liability company be issued a subsisting authority as an insurer pursuant to the Oklahoma Insurance Code, Section 101 et seq. of Title 36 of the Oklahoma Statutes.

SECTION 2. AMENDATORY 37 O.S. 1991, Section 163.2, is amended to read as follows:

Section 163.2 In the administration of this act, Section 163.1 et seq. of this title, the following words and phrases are given the meanings respectively indicated:

(a) "Nonintoxicating beverages" means and includes beverages containing more than one-half of one percent (1/2 of 1%) alcohol by volume, and not more than three and two-tenths percent (3.2%) alcohol by weight, including but not limited to beer or cereal malt beverages obtained by the alcoholic fermentation of an infusion of barley or other grain, malt or similar products.

(b) "Person" means and includes an individual, a trust or estate, a partnership, a limited liability company, an association or a corporation.

(c) "Manufacturer" means and includes any person who prepares for human consumption by the use of raw materials or other ingredients any nonintoxicating beverages, as defined herein, upon which a license fee and a tax are imposed by any law of this state.

(d) "Wholesaler" means and includes any person who sells any nonintoxicating beverage, as defined herein, to a licensed retail dealer, as hereinafter defined, for resale.

(e) "Retail dealer" means and includes any person who sells any nonintoxicating beverage, as defined herein, at retail for consumption or use, and such definitions include state and county fair associations, and special licenses may be issued for the sale of nonintoxicating beverages, as herein defined, by such associations, and to other persons for the sale of such nonintoxicating beverages at rodeos, picnics, or other organized temporary assemblages of people. The term "retail dealer" also includes railways for the sale of such beverages, and licenses may be issued for each dining car or railway train, which railways and

dining cars shall pay the same license fees as regular retail dealers.

(f) "Sale" or "sales", for the purpose of the collection of the taxes imposed by any law of the state upon nonintoxicating beverages, as defined herein, is hereby defined to mean and include all sales by all wholesalers within this state, for money or any other valuable consideration, to retail dealers for resale; and, also, the term "sale" or "sales" taxable under this act means and includes all sales from manufacturers or wholesalers from outside this state, to retail dealers for resale to consumers or otherwise. The term "sale", or "sales" shall also include sales from manufacturers without the state to wholesalers located within the state.

(g) "Meals" means foods commonly ordered at lunch or dinner and at least part of which is cooked on the licensed premises and requires the use of dining implements for consumption. Provided, that the service of only food such as appetizers, sandwiches, salads or desserts shall not be considered "meals".

(h) "Motion picture theater" means a place where motion pictures are exhibited and to which the general public is admitted, but does not include a place where meals, as defined by this section, are served, if only persons twenty-one (21) years of age or older are admitted.

SECTION 3. This act shall become effective September 1, 1994.

44-2-2066           KS