

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1316

By: Smith (David)

AS INTRODUCED

An Act relating to intoxicating liquors; authorizing municipalities to enact certain ordinances relating to nonintoxicating beverages; authorizing closing of certain establishments; requiring certain notice; amending 37 O.S. 1991, Section 503, which relates to the Alcoholic Beverage Control Act; authorizing municipalities to enact certain ordinances; authorizing closing of certain establishments; requiring certain notice; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 163.26 of Title 37, unless there is created a duplication in numbering, reads as follows:

Municipalities are hereby authorized to enact ordinances consistent with the provisions of Sections 241 through 246 of Title 37 of the Oklahoma Statutes and are hereby authorized to close any licensed retail establishment in violation of said ordinances, in addition to any other penalty provided by ordinance. Notice of the closing of a licensed establishment shall be given by the municipality to the district court of the county in which the

establishment is located and to the Oklahoma Tax Commission, within five (5) business days after the closing.

SECTION 2. AMENDATORY 37 O.S. 1991, Section 503, is amended to read as follows:

Section 503. A. The Oklahoma Alcoholic Beverage Control Act shall be deemed an exercise of the police power of the State of Oklahoma for the protection of the welfare, health, peace, temperance and safety of the people of the state, and all the provisions hereof shall be construed for the accomplishment of that purpose.

B. Municipalities are authorized to enact ordinances consistent with the provisions of the Oklahoma Alcoholic Beverage Control Act. In municipalities with populations of thirty-five thousand (35,000) or more these ordinances may provide for maximum penalties of fines not to exceed One Thousand Dollars (\$1,000.00) plus court costs, and imprisonment not to exceed ninety (90) days, or both such fine and imprisonment.

C. All municipalities of this state may enact ordinances prohibiting or regulating nudity or drink solicitation in establishments licensed pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act.

D. All municipalities of this state may enact ordinances prohibiting the sale or serving of alcoholic beverages to persons under twenty-one (21) years of age, consistent with the provisions of the Oklahoma Alcoholic Beverage Control Act. In addition, a municipality shall be authorized to close any establishment licensed pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act, if the establishment violates any such ordinance. Notice of the closing of a licensed establishment pursuant to this section shall be given by the municipality to the ABLE Commission within five (5) business days after the closing.

E. The provisions of this section shall not authorize any city or town to regulate by ordinance or issue any licenses for activities for which a license is required to be issued pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act.

SECTION 3. This act shall become effective September 1, 1993.

44-1-5366

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