

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2798

By: Mass

AS INTRODUCED

An Act relating to intoxicating liquors; amending 37 O.S. 1991, Section 163.24, which relate to distance requirements for establishments licensed to sell nonintoxicating beverages for on-premises consumption; modifying method of determining distance; making retail license holders responsible for certain acts of others; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 37 O.S. 1991, Section 163.24, is amended to read as follows:

Section 163.24 A. From and after the effective date of this act, it shall be unlawful for any place licensed to sell nonintoxicating beverages as defined in paragraph (a) of Section 163.2 of this title, for on-premise consumption to be located within three hundred (300) feet from any public school or church property primarily and regularly used for worship services and religious activities. Provided, if any public school or church shall be established within three hundred (300) feet of any place which sells

nonintoxicating beverages for on-premise consumption after such place has been licensed, this shall not be a deterrent to the renewal of such license so long as there has not been a lapse of more than sixty (60) days.

When any place which has a permit to sell nonintoxicating beverages for on-premise consumption changes ownership and such change of ownership results in the same type of business being conducted on the premises, the prohibition of this section shall not be a deterrent to the issuance of a permit to the new owner, if otherwise qualified to sell nonintoxicating beverages for on-premise consumption.

B. The distance indicated in this section shall be measured from the nearest property line of such public school or church to the nearest ~~public entrance door~~ property line of the premises of any place licensed to sell such nonintoxicating beverages for on-premise consumption along the street right-of-way line providing the nearest direct route usually traveled by pedestrians between such points. For purposes of determining measured distance, property situated on the opposite side of the street from such public school or church shall be considered as if it were located on the same side of the street with the school or church.

C. Provided further, the above restrictions shall not affect premises already licensed to sell nonintoxicating beverages for on-premise consumption or premises which may presently or in the future be licensed to sell nonintoxicating beverages for on-premise consumption even though a school or church is subsequently established within three hundred (300) feet of such licensed premises.

SECTION 2. 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:

Each holder of a retail license or permit to sell nonintoxicating beverages, as defined in Section 163.2 of Title 37 of the Oklahoma Statutes, shall be held responsible for any violation of any provision of Title 37 of the Oklahoma Statutes pertaining to nonintoxicating beverages laws committed by a servant, agent, employee or representative or the license or permit holder.

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

44-2-8673

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