

ENROLLED SENATE
BILL NO. 702

By: Cole of the Senate

and

Davis and Roberts of the
House

An Act relating to low-point beer; amending Section 58, Chapter 274, O.S.L. 1995 and 37 O.S. 1991, Section 244, as amended by Section 42, Chapter 274, O.S.L. 1995 (37 O.S. Supp. 1995, Sections 219.1 and 244), which relate to low-point beer; providing and modifying certain penalties; requiring revocation of permit authorizing sale of low-point beer under certain circumstances; prohibiting sale, delivery or furnishing of low-point beer to intoxicated person and providing penalties; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY Section 58, Chapter 274, O.S.L. 1995 (37 O.S. Supp. 1995, Section 219.1), is amended to read as follows:

Section 219.1 The sale of low-point beer, as defined in Section 163.2 of this title, for off-premises consumption is hereby prohibited between the hours of two o'clock a.m. and six o'clock a.m. of the same day. Any holder of a retail license or permit to sell low-point beer, or an employee or agent of a holder of such a license or permit, who sells low-point beer in violation of the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a term of not more than six (6) months, or by both such fine and imprisonment. Such violation shall be additional grounds for revocation of any license or permit for the sale of low-point beer, as and in the manner provided by law.

SECTION 2. AMENDATORY 37 O.S. 1991, Section 244, as amended by Section 42, Chapter 274, O.S.L. 1995 (37 O.S. Supp. 1995, Section 244), is amended to read as follows:

Section 244. A. The violation by any person of the provisions of Sections 241 or 243 of this title or any statute pertaining to the sale of low-point beer, as defined in Section 163.2 of this

title, shall be sufficient ground for revocation by the judge of the district court of any permit held by such person authorizing the sale of low-point beer. The permit shall be revoked if the person is convicted of a violation of the provisions of Section 241 or 243 of this title after a prior conviction of the provisions of Section 241 or 243 of this title. No new permit shall be issued to such person or to a relative of such person for a period of twelve (12) months after such revocation. The permit shall be revoked if a servant, agent, employee or representative of the permit holder is convicted of a violation of the provisions of Section 241 or 243 of this title after that person has been convicted of a prior violation of the provisions of Section 241 or 243 of this title within the previous twelve (12) months.

B. Each holder of a retail license or permit to sell and dispense low-point beer, as defined in Section 163.2 of this title, shall be held responsible for any violation of Section 241 or 243 of this title committed by a servant, agent, employee or representative of the license or permit holder.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 247 of Title 37, unless there is created a duplication in numbering, reads as follows:

No holder of a retail license or permit to sell low-point beer, or an employee or agent of a holder of such a license or permit, shall knowingly, willfully and wantonly sell, deliver or furnish low-point beer to an intoxicated person. Any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a term of not more than six (6) months, or by both such fine and imprisonment. Such violation shall be additional grounds for revocation of any license or permit for the sale of low-point beer as and in the manner provided by law.

SECTION 4. This act shall become effective November 1, 1996.