

STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

HOUSE BILL 2789

By: Ortega

AS INTRODUCED

An Act relating to intoxicating liquors; amending 37 O.S. 2011, Section 518, which relates to license fees; reducing winemaker self-distribution license fee; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 37 O.S. 2011, Section 518, is amended to read as follows:

Section 518. A. Except as otherwise provided in this section, the licenses issued by the Alcoholic Beverage Laws Enforcement Commission, and the annual fees therefor, shall be as follows:

- 1. Brewer License..... \$1,250.00
- 2. Oklahoma Brewer License..... \$125.00
- 3. Distiller License
  - a. For each fiscal year ending after June 30, 2010..... \$3,125.00
  - b. For the fiscal years ending June 30, 2008, 2009 and 2010..... \$1,250.00

1	4.	Winemaker License.....	\$625.00
2	5.	Oklahoma Winemaker License.....	\$75.00
3	6.	Rectifier License	
4	a.	For each fiscal year ending	
5		after June 30, 2010.....	\$3,125.00
6	b.	For the fiscal years ending	
7		June 30, 2008, 2009 and 2010.....	\$1,250.00
8	7.	Wholesaler License.....	\$3,500.00
9	8.	Class B Wholesaler License.....	\$625.00
10	9.	The following package store license fees shall	
11		be determined by the latest Federal Decennial	
12		Census:	
13	a.	Package Store License for cities	
14		and towns from 200 to 2,500	
15		population.....	\$305.00
16	b.	Package Store License for cities	
17		and towns from 2,501 to 5,000	
18		population.....	\$605.00
19	c.	Package Store License for cities	
20		and towns over 5,000 population.....	\$905.00
21	10.	Mixed Beverage License.....	\$1,005.00
22			(initial license)
23			\$905.00
24			(renewal)

1	11. Mixed Beverage/Caterer Combination License.....	\$1,250.00
2	12. Beer and Wine License.....	\$500.00
3		(initial license)
4		\$450.00
5		(renewal)
6	13. Bottle Club License.....	\$1,000.00
7		(initial license)
8		\$900.00
9		(renewal)
10	14. Caterer License.....	\$1,005.00
11		(initial license)
12		\$905.00
13		(renewal)
14	15. Annual Special Event License.....	\$55.00
15	16. Quarterly Special Event License.....	\$55.00
16	17. Hotel Beverage License.....	\$1,005.00
17		(initial license)
18		\$905.00
19		(renewal)
20	18. Airline/Railroad Beverage License.....	\$1,005.00
21		(initial license)
22		\$905.00
23		(renewal)
24	19. Agent License.....	\$55.00

1	20.	Employee License.....	\$30.00
2	21.	Industrial License.....	\$23.00
3	22.	Carrier License.....	\$23.00
4	23.	Private Carrier License.....	\$23.00
5	24.	Bonded Warehouse License.....	\$190.00
6	25.	Storage License.....	\$23.00
7	26.	Nonresident Seller License.....	\$750.00
8	27.	Manufacturers Agent License.....	\$55.00
9	28.	Sacramental Wine Supplier License.....	\$100.00
10	29.	Charitable Auction License.....	\$1.00
11	30.	Winemaker Self-distribution License.....	<del>\$750.00</del>
12			<u>\$250.00</u>

13       There shall be added to the initial or renewal fees for a Mixed  
14 Beverage License an administrative fee, which shall not be deemed to  
15 be a license fee, in the amount of Five Hundred Dollars (\$500.00),  
16 which shall be paid at the same time and in the same manner as the  
17 license fees prescribed by paragraph 10 of this subsection;  
18 provided, this fee shall not be assessed against service  
19 organizations or fraternal beneficiary societies which are exempt  
20 under Section 501(c)(19), (8) or (10) of the Internal Revenue Code.  
21 There shall be added to the fee for a Mixed Beverage/Caterer  
22 Combination License an administrative fee, which shall not be deemed  
23 to be a license fee, in the amount of Two Hundred Fifty Dollars  
24 (\$250.00), which shall be paid at the same time and in the same

1 manner as the license fee prescribed by paragraph 11 of this  
2 subsection.

3 B. Notwithstanding the provisions of subsection A of this  
4 section:

5 1. The license fee for a mixed beverage or bottle club license  
6 for those service organizations or fraternal beneficiary societies  
7 which are exempt under Section 501(c)(19), (8) or (10) of the  
8 Internal Revenue Code shall be Five Hundred Dollars (\$500.00) per  
9 year;

10 2. The fees provided for in subsection A of this section for a  
11 brewer license and for a Class B wholesaler license shall be reduced  
12 by seventy-five percent (75%) if the applicant therefor is also the  
13 holder of a license to manufacture or wholesale any low-point beer  
14 as provided for in this title; and

15 3. The renewal fee for an airline/railroad beverage license  
16 held by a railroad described in 49 U.S.C., Section 24301, shall be  
17 One Hundred Dollars (\$100.00).

18 C. An applicant may apply for and receive both a beer and wine  
19 license and a caterer license.

20 D. All licenses, except as otherwise provided, shall be valid  
21 for one (1) year from date of issuance unless revoked or  
22 surrendered. Provided, all employee licenses issued on or after  
23 September 1, 1993, shall be valid for two (2) years.

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1 E. The holder of a license, issued by the ABLE Commission, for  
2 a bottle club located in a county of this state where the sale of  
3 alcoholic beverages by the individual drink for on-premises  
4 consumption has been authorized, may exchange the bottle club  
5 license for a mixed beverage license or a beer and wine license and  
6 operate the licensed premises as a mixed beverage establishment or a  
7 beer and wine establishment subject to the provisions of the  
8 Oklahoma Alcoholic Beverage Control Act. There shall be no  
9 additional fee for such exchange and the mixed beverage license or  
10 beer and wine license issued shall expire one (1) year from the date  
11 of issuance of the original bottle club license.

12 F. In addition to the applicable licensing fee, the following  
13 surcharge shall be assessed annually on the following licenses:

- 14 1. Nonresident Seller..... \$2,500.00
- 15 2. Wholesaler..... \$2,500.00
- 16 3. Class B Wholesaler without an active  
17 low-point beer license..... \$1,000.00
- 18 4. Class B Wholesaler with an active low-point  
19 beer license..... \$1,500.00
- 20 5. Package Store for cities and towns over 5,000  
21 population..... \$250.00
- 22 6. Package Store for cities and towns from 2,501  
23 to 5,000 population..... \$200.00
- 24 7. Package Store for cities and towns from 200 to

- 1           2,500 population..... \$150.00
- 2       8. Mixed Beverage..... \$25.00
- 3       9. Mixed Beverage/Caterer Combination..... \$25.00
- 4       10. Caterer..... \$25.00
- 5       11. Beer and Wine..... \$25.00

6 The surcharge shall be paid concurrent with the licensee's annual  
7 licensing fee and shall be deposited in the ABLE Commission  
8 Revolving Fund established pursuant to Section 567 of this title.

9       SECTION 2. This act shall become effective July 1, 2012.

10       SECTION 3. It being immediately necessary for the preservation  
11 of the public peace, health and safety, an emergency is hereby  
12 declared to exist, by reason whereof this act shall take effect and  
13 be in full force from and after its passage and approval.

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15       53-2-8402           CJB       12/12/11

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