

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 383

By: Johnson (Rob)

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5  
6 AS INTRODUCED

7 An Act relating to low-point beer; amending 37 O.S.  
8 2001, Section 163.18H, which relates to penalties for  
9 violation of the Low-Point Beer Distribution Act;  
10 increasing penalty; and declaring an emergency.

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

13 SECTION 1. AMENDATORY 37 O.S. 2001, Section 163.18H, is  
14 amended to read as follows:

15 Section 163.18H A. In addition to any other powers conferred  
16 on the Oklahoma Tax Commission to impose penalties for violations of  
17 Sections 163.1 through 163.25 and 231 of this title, whenever in the  
18 judgment of the Commission any person has committed an act which  
19 constitutes a violation of the Low-Point Beer Distribution Act and  
20 Section 231 of this title, the Commission may:

21 1. After notice and hearing, issue a cease and desist order to  
22 any person that is licensed as a manufacturer or wholesaler;

23 2. Impose a fine of not more than ~~Five Thousand Dollars~~  
24 ~~(\$5,000.00)~~ Five Thousand One Hundred Dollars (\$5,100.00) for each

1 violation in the event that after the issuance of an order to cease  
2 and desist the illegal activity, the person that the order is  
3 directed to commits any act in violation of the order; and

4 3. Make application to the appropriate court for an order  
5 enjoining such acts or practices, and upon a showing by the  
6 Commission that such violations have occurred, an injunction,  
7 restraining order, or such other order as may be appropriate shall  
8 be granted by such court, without bond.

9 B. Each day a violation is continuing shall constitute a  
10 separate offense.

11 C. Administrative fines imposed pursuant to the provisions of  
12 this section shall be enforceable in the district courts of this  
13 state.

14 D. All administrative fines collected by the Commission  
15 pursuant to the provisions of this section shall be forwarded to the  
16 State Treasurer for deposit in the General Revenue Fund.

17 E. Any manufacturer or wholesaler injured by a violation of the  
18 Low-Point Beer Distribution Act may:

19 1. Bring an action for recovery of damages. Judgment shall be  
20 entered for actual damages plus reasonable attorney's fees and  
21 costs; and

22 2. Bring an action to restrain and enjoin the violation of the  
23 Low-Point Beer Distribution Act.

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1       SECTION 2. It being immediately necessary for the preservation  
2 of the public peace, health and safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval.

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