

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 789 By: Johnson (Rob) of the Senate  
3 and  
4 Jackson of the House  
5  
6

7 [ intoxicating liquors - nonresident seller licenses  
8 - prices for certain goods - effective date ]  
9

10 AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
11 entire bill and insert

12 "An Act relating to intoxicating liquors; prohibiting  
13 certain acts relating to low-point beer; allowing  
14 for the recovery of certain damages, court costs and  
15 attorney fees; amending 37 O.S. 2011, Section 524,  
16 which relates to nonresident seller licenses;  
17 clarifying prices for certain goods; allowing  
18 wholesalers to sell certain quantities of alcoholic  
19 beverages at agreed-upon prices in certain  
20 circumstances; setting limits on total lots that can  
21 be sold; providing for codification; and providing  
22 an effective date.  
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20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 163.19A of Title 37, unless  
23 there is created a duplication in numbering, reads as follows:  
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1       A. No state agency or political subdivision thereof, county or  
2 political subdivision thereof, or municipalities or political  
3 subdivisions thereof shall use public or private funds, employees or  
4 resources to alter, obliterate, mark or modify low-point beer  
5 packaging on the premises of a retail dealer or to promote or  
6 support such alteration, obliteration, marking or modification of  
7 low-point beer packaging on the premises of a retail dealer.

8       B. If a state agency or political subdivision thereof, county  
9 or political subdivision thereof, or a municipality or political  
10 subdivision thereof is found to have violated the provisions of  
11 subsection A of this section, the party aggrieved by the actions of  
12 such entity shall be entitled to recover against such entity any  
13 damages, court costs or attorney fees incurred by the aggrieved  
14 party contesting the actions of the state agency or political  
15 subdivision thereof, county or political subdivision thereof, or a  
16 municipality or political subdivision thereof.

17       SECTION 2.       AMENDATORY       37 O.S. 2011, Section 524, is  
18 amended to read as follows:

19       Section 524. A. A nonresident seller license shall be required  
20 of all out-of-state distillers, winemakers, brewers, importers,  
21 brokers and others who sell alcoholic beverages to wholesalers and  
22 Class B wholesalers in Oklahoma regardless of whether such sales are  
23 consummated within or without the State of Oklahoma.

24

1 A nonresident seller license shall authorize the holder thereof  
2 to solicit and take orders for alcoholic beverages from the holders  
3 of licenses authorized to import the same into this state, and to  
4 ship or deliver, or cause to be shipped or delivered, alcoholic  
5 beverages into Oklahoma pursuant to such sales.

6 B. The Alcoholic Beverage Laws Enforcement (ABLE) Commission  
7 may, subject to the provisions of the Oklahoma Alcoholic Beverage  
8 Control Act requiring notice and hearing in the case of sanctions  
9 against holders of licenses, suspend or revoke a nonresident seller  
10 license for any violation of the Oklahoma Alcoholic Beverage Control  
11 Act by the holder thereof.

12 C. No licensee in this state authorized to import alcoholic  
13 beverages into this state shall purchase or receive any alcoholic  
14 beverages from without this state from any person not holding a  
15 valid and existing nonresident seller license. Every nonresident  
16 seller license shall expire on the June 30 following its issuance or  
17 renewal, and shall be eligible for subsequent renewal terms of one  
18 (1) year beginning on the July 1 following each expiration. License  
19 fees for a new or initial nonresident seller license applied for  
20 after July 1 may be prorated through the following June 30 on a  
21 quarterly basis.

22 D. The holder of a nonresident seller license shall, promptly  
23 upon consignment of any alcoholic beverages to an importer in  
24 Oklahoma, forward to the ABLE Commission a true copy of the invoice,

1 bill of lading, or other document as the ABLE Commission may by  
2 regulations prescribe, showing the details of such shipment.

3 E. Any person, not otherwise a dealer in alcoholic beverages,  
4 coming into possession of any alcoholic beverages as security for or  
5 in payment of a debt, or as an insurer (or its transferee or  
6 assignee) for the salvage or liquidation of an insured casualty or  
7 damage or loss, or as an executor, administrator, trustee or other  
8 fiduciary may sell the beverages in one lot or parcel to a duly  
9 licensed wholesaler at an agreed-upon price without regard to  
10 current posted prices. However, immediately after taking possession  
11 of the alcoholic beverages, the person shall register with the  
12 Director and furnish to him a detailed list of the alcoholic  
13 beverages and post with the Director a bond in such amount as the  
14 Director deems sufficient to protect the state from any taxes due on  
15 the alcoholic beverages. The person shall pay to the Director a  
16 registration fee of Ten Dollars (\$10.00), which fee shall permit the  
17 sale of only the alcoholic beverages detailed in the registration  
18 request. A wholesaler receiving a lot or parcel of alcoholic  
19 beverages pursuant to this subsection may sell it in one lot or  
20 parcel or more than one lot or parcel to a licensed package store or  
21 mixed beverage licensee or more than one licensed package store or  
22 mixed beverage licensee at an agreed-upon price without regard to  
23 current posted prices; provided, the total of the lots sold by the  
24 wholesaler shall not exceed four lots in total.

