

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 SUBCOMMITTEE RECOMMENDATION  
4 FOR

5 HOUSE BILL NO. 3129

6 By: Jackson

7 SUBCOMMITTEE RECOMMENDATION

8 An Act relating to intoxicating liquors; amending 37  
9 O.S. 2011, Section 163.28, which relates to licensees  
10 authorized to sell low-point beer for consumption off  
11 the premises; modifying penalties and procedure for  
12 collection of fines; and providing an effective date.

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

14 SECTION 1. AMENDATORY 37 O.S. 2011, Section 163.28, is  
15 amended to read as follows:

16 Section 163.28 A. This section applies to a licensee or  
17 permittee who is authorized to sell low-point beer to an ultimate  
18 consumer for consumption off the premises.

19 B. The holder of a license or permit described in subsection A  
20 of this section may resell low-point beer only in the packaging in  
21 which the holder received the low-point beer or may resell the  
22 contents of the packages as individual containers.

23 C. Except for purposes of resale as individual containers, a  
24 licensee or permittee shall not:

1 1. Mutilate, tear apart, or cut apart original packaging in  
2 which low-point beer was received; or

3 2. Repackage low-point beer in a manner misleading to the  
4 consumer or that results in required labeling being omitted or  
5 obscured.

6 D. The Oklahoma Tax Commission shall impose the following  
7 penalties for ~~a~~ an intentional violation of subsection B or C of  
8 this section:

9 1. After notice and hearing, immediately revoke the license or  
10 permit of the licensee or permittee committing the violation; ~~and~~

11 2. Impose a fine of not more than One Thousand Dollars  
12 (\$1,000.00) for each violation; or

13 3. Impose a fine and, after notice and hearing, revoke the  
14 license or permit of the licensee or permittee committing the  
15 violation.

16 Any licensee or permittee whose license or permit is revoked  
17 pursuant to this subsection shall not be eligible to reapply for a  
18 license for at least three (3) months from the date of the  
19 revocation. Any stock of low-point beer in the possession of such  
20 licensee or permittee shall be repurchased by the wholesaler.

21 E. Administrative fines ~~collected~~ imposed pursuant to this  
22 section shall be ~~enforceable in the district courts of this state~~  
23 recoverable by the Oklahoma Tax Commission in the same manner as all  
24 other taxes due and owing to the state. All administrative fines

1 collected by the Oklahoma Tax Commission pursuant to this section  
2 shall be forwarded to the State Treasurer for deposit in the General  
3 Revenue Fund.

4 F. To assure and control quality, the holder of a distributor's  
5 license or wholesaler's permit, at the time of a regular delivery,  
6 may withdraw with the permission of the retailer, a quantity of low-  
7 point beer in undamaged original packaging from the retailer's stock  
8 if:

9 1. The distributor or wholesaler replaces the stock with low-  
10 point beer of identical brands, quantities, and packages as the low-  
11 point beer withdrawn;

12 2. The stock is withdrawn before the date, or immediately after  
13 the date considered by the manufacturer of the product to be the  
14 date the product becomes inappropriate for sale to a consumer.

15 G. A consignment sale of low-point beer is not authorized under  
16 subsection F of this section.

17 SECTION 2. This act shall become effective November 1, 2014.

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19 54-2-10333 GRS 02/24/14

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