

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 789

By: Johnson (Rob) of the Senate

and

Jackson of the House

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9 COMMITTEE SUBSTITUTE

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

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

22 SECTION 1. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 163.19A of Title 37, unless
24 there is created a duplication in numbering, reads as follows:

A. No state agency or political subdivision thereof, county or
political subdivision thereof, or municipalities or political
subdivisions thereof shall use public or private funds, employees or

1 resources to alter, obliterate, mark or modify low-point beer
2 packaging on the premises of a retail dealer or to promote or
3 support such alteration, obliteration, marking or modification of
4 low-point beer packaging on the premises of a retail dealer.

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

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

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

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

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

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

19 D. The holder of a nonresident seller license shall, promptly
20 upon consignment of any alcoholic beverages to an importer in
21 Oklahoma, forward to the ABLE Commission a true copy of the invoice,
22 bill of lading, or other document as the ABLE Commission may by
23 regulations prescribe, showing the details of such shipment.

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1 E. Any person, not otherwise a dealer in alcoholic beverages,
2 coming into possession of any alcoholic beverages as security for or
3 in payment of a debt, or as an insurer (or its transferee or
4 assignee) for the salvage or liquidation of an insured casualty or
5 damage or loss, or as an executor, administrator, trustee or other
6 fiduciary may sell the beverages in one lot or parcel to a duly
7 licensed wholesaler at an agreed-upon price without regard to
8 current posted prices. However, immediately after taking possession
9 of the alcoholic beverages, the person shall register with the
10 Director and furnish to him a detailed list of the alcoholic
11 beverages and post with the Director a bond in such amount as the
12 Director deems sufficient to protect the state from any taxes due on
13 the alcoholic beverages. The person shall pay to the Director a
14 registration fee of Ten Dollars (\$10.00), which fee shall permit the
15 sale of only the alcoholic beverages detailed in the registration
16 request. A wholesaler receiving a lot or parcel of alcoholic
17 beverages pursuant to this subsection may sell it in one lot or
18 parcel or more than one lot or parcel to a licensed package store or
19 mixed beverage licensee or more than one licensed package store or
20 mixed beverage licensee at an agreed-upon price without regard to
21 current posted prices; provided, the total of the lots sold by the
22 wholesaler shall not exceed four lots in total.
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SECTION 3. This act shall become effective November 1, 2013.

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