

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 789

By: Johnson (Rob) of the Senate

and

6 Jackson of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to intoxicating liquors; amending 37
11 O.S. 2011, Section 524, which relates to nonresident
12 seller licenses; clarifying prices for certain goods;
13 allowing wholesalers to sale certain quantities of
alcoholic beverages at agreed upon prices in certain
circumstances; setting limits on total lots that can
be sold; and providing an effective date.

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

17 SECTION 1. AMENDATORY 37 O.S. 2011, Section 524, is
18 amended to read as follows:

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

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 Commission (ABLE
7 Commission) may, subject to the provisions of the Oklahoma Alcoholic
8 Beverage Control Act requiring notice and hearing in the case of
9 sanctions against holders of licenses, suspend or revoke a
10 nonresident seller license for any violation of the Oklahoma
11 Alcoholic Beverage Control 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 (4) lots in total.

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SECTION 2. This act shall become effective November 1, 2013.

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