

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

FLOOR AMENDMENT

No. _____

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 1715, Page 40, Line 7 1/2, as follows:

By inserting a new SECTION 5 to read as per attached, by renumbering subsequent sections, and by amending the title to conform.

Submitted by:

Senator Ivester

Ivester-NP-FA-Req#3468
3/11/2014 3:05 PM

1 "SECTION 5. AMENDATORY 37 O.S. 2011, Section 523, is
2 amended to read as follows:

3 Section 523. A. No license provided for in the Oklahoma
4 Alcoholic Beverage Control Act shall be issued except pursuant to an
5 application filed with the Alcoholic Beverage Laws Enforcement
6 Commission. The ABLE Commission may, however, provide for a form of
7 simplified application for renewal of license. Payment of the
8 prescribed fee shall accompany each application for a license.

9 B. Every applicant for an original license, except applicants
10 for an employee, special event or airline/railroad beverage license,
11 shall also furnish the following:

12 1. A tax receipt proving payment of ad valorem taxes, including
13 real and personal taxes, or furnish to the ABLE Commission
14 satisfactory evidence that no taxes are due or delinquent;

15 2. A certificate of zoning issued by the municipality in which
16 the applicant proposes to locate the applicant's principal place of
17 business under the license, or by the county if ~~said~~ the principal
18 place of business is located outside the incorporated limits of a
19 municipality, certifying that the applicant's proposed location and
20 use thereof comply with all municipal zoning ordinances or county
21 zoning regulations if applicable;

22 3. A certificate issued by the municipality in which the
23 applicant proposes to locate the applicant's principal place of
24 business under the license, or by the county if ~~said~~ the principal

1 place of business is located outside the incorporated limits of a
2 municipality, certifying that the applicant's existing or proposed
3 operations under the license comply with all municipal or county
4 fire codes, safety codes, or health codes, if applicable;

5 4. Authorization, on forms furnished by the ABLE Commission,
6 for complete investigation of the applicant's current financial
7 status as it relates to the application for a license, including but
8 not limited to access to bank accounts, loan agreements, and
9 financial statements; ~~and~~

10 5. A deed, management agreement, purchasing agreement, or
11 lease; and

12 6. Proof of liquor liability insurance covering both bodily
13 injury and property damage.

14 C. The certificates required by paragraphs 2 and 3 of
15 subsection B of this section shall be signed by the mayor of the
16 municipality or the ~~chairman~~ chair of the board of county
17 commissioners issuing same, unless the municipality, by ordinance,
18 or the county designates some other officer or entity to issue the
19 certificates. Applications for such certificates shall be in
20 writing and shall contain information in such detail as the
21 municipality or county may reasonably require describing the
22 location and nature of operations to be conducted under the ABLE
23 license. Municipalities and counties shall be required to act on
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1 all applications for such certificates within twenty (20) days of
2 receipt of the written application.

3 D. Municipalities and counties may grant conditional
4 certificates for premises proposed for licensed operations for which
5 construction, modification, or alteration is not completed.

6 Conditional certificates shall indicate that the proposed premises
7 will comply with the municipal or county zoning, fire, safety, and
8 health codes. The granting of conditional certificates shall not
9 relieve the applicant of the duty of obtaining the certificates
10 required by paragraphs 2 and 3 of subsection B of this section after
11 completion of the construction, modification, or alteration.

12 E. A municipality or county shall issue the certificates
13 required by paragraphs 2 and 3 of subsection B of this section
14 within ten (10) days after all final inspections are completed.

15 Thereafter if a licensee fails to maintain compliance with
16 municipal or county zoning ordinances and codes, the mayor or
17 ~~chairman~~ chair of the board of county commissioners or their
18 designee, shall forthwith notify the ABLE Commission in writing
19 setting forth details of the noncompliance.

20 F. Upon issuance of any license, the ABLE Commission shall
21 furnish the Oklahoma Tax Commission with a list of such licenses.

22 G. In the event of denial of an application for a license, the
23 ABLE Commission shall refund to the applicant the amount of the
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1 tendered fee, less ten percent (10%), which it shall retain as cost
2 of processing the application.

3 H. Any licensee, except an employee licensee, who fails to
4 renew ~~his~~ the license prior to the expiration date of ~~said~~ the
5 license shall be subject to a late renewal penalty as provided by
6 ABLE Commission rules and regulations. Further, any licensee,
7 except an employee licensee, who fails to renew ~~his~~ the license
8 within sixty (60) days of the expiration of ~~said~~ the license shall
9 be required to submit a new license application. An employee
10 licensee who fails to renew prior to the expiration of the license
11 shall be required to submit a new license application; provided,
12 however, that under no circumstances shall any licensee, including
13 an employee licensee, whose license to serve or sell alcoholic
14 beverages has expired, continue to serve or sell alcoholic
15 beverages."

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