

1 **SENATE FLOOR VERSION**

2 February 21, 2013

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 789

By: Johnson (Rob) of the Senate

and

Jackson of the House

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

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

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

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

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

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

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

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

22 E. Any person, not otherwise a dealer in alcoholic beverages,
23 coming into possession of any alcoholic beverages as security for or
24 in payment of a debt, or as an insurer (or its transferee or

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

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

21 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE
22 February 21, 2013 - DO PASS AS AMENDED
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