

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3129

By: Jackson

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5  
6 AS INTRODUCED

7 An Act relating to intoxicating liquors; amending 37  
8 O.S. 2011, Section 163.28, which relates to licensees  
9 authorized to sell low-point beer for consumption off  
10 the premises; making certain penalties discretionary;  
11 modifying procedure for collection of fines;  
12 prohibiting certain act by distributors and  
13 wholesalers and providing penalty therefor; and  
14 providing an effective date.

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

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

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

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

C. Except for purposes of resale as individual containers, a  
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~~ may impose the following  
7 penalties for a violation of subsection B ~~or~~, C or F of this  
8 section:

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

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

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

18 E. Administrative fines ~~collected~~ imposed pursuant to this  
19 section shall be ~~enforceable in the district courts of this state~~  
20 recoverable by the Oklahoma Tax Commission in the same manner as all  
21 other taxes due and owing to the state. All administrative fines  
22 collected by the Oklahoma Tax Commission pursuant to this section  
23 shall be forwarded to the State Treasurer for deposit in the General  
24 Revenue Fund.

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

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

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

12 No distributor or wholesaler shall replace or fund stock that  
13 has been damaged while in the possession of the retailer. Dealers  
14 or wholesalers found in violation of this prohibition shall be  
15 subject to the penalties provided in subsection D of this section.

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

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

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20 54-2-8741 SD 12/23/13

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