

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1676

By: Ivester

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5
6 AS INTRODUCED

7 An Act relating to intoxicating beverages; amending
8 37 O.S. 2011, Section 523, which relates to issuance
9 of licenses; requiring proof of certain liability
insurance as condition for license application; and
providing an effective date.

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

13 SECTION 1. AMENDATORY 37 O.S. 2011, Section 523, is
14 amended to read as follows:

15 Section 523. A. No license provided for in the Oklahoma
16 Alcoholic Beverage Control Act shall be issued except pursuant to an
17 application filed with the Alcoholic Beverage Laws Enforcement
18 Commission. The ABLE Commission may, however, provide for a form of
19 simplified application for renewal of license. Payment of the
20 prescribed fee shall accompany each application for a license.

21 B. Every applicant for an original license, except applicants
22 for an employee, special event or airline/railroad beverage license,
23 shall also furnish the following:
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1 1. A tax receipt proving payment of ad valorem taxes, including
2 real and personal taxes, or furnish to the ABLE Commission
3 satisfactory evidence that no taxes are due or delinquent;

4 2. A certificate of zoning issued by the municipality in which
5 the applicant proposes to locate the applicant's principal place of
6 business under the license, or by the county if ~~said~~ the principal
7 place of business is located outside the incorporated limits of a
8 municipality, certifying that the applicant's proposed location and
9 use thereof comply with all municipal zoning ordinances or county
10 zoning regulations if applicable;

11 3. A certificate issued by the municipality in which the
12 applicant proposes to locate the applicant's principal place of
13 business under the license, or by the county if ~~said~~ the principal
14 place of business is located outside the incorporated limits of a
15 municipality, certifying that the applicant's existing or proposed
16 operations under the license comply with all municipal or county
17 fire codes, safety codes, or health codes, if applicable;

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

23 5. A deed, management agreement, purchasing agreement, or
24 lease; and

1 6. Proof of liquor liability insurance covering both bodily
2 injury and property damage.

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

15 D. Municipalities and counties may grant conditional
16 certificates for premises proposed for licensed operations for which
17 construction, modification, or alteration is not completed.
18 Conditional certificates shall indicate that the proposed premises
19 will comply with the municipal or county zoning, fire, safety, and
20 health codes. The granting of conditional certificates shall not
21 relieve the applicant of the duty of obtaining the certificates
22 required by paragraphs 2 and 3 of subsection B of this section after
23 completion of the construction, modification, or alteration.

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

4 Thereafter if a licensee fails to maintain compliance with
5 municipal or county zoning ordinances and codes, the mayor or
6 ~~chairman~~ chair of the board of county commissioners or their
7 designee, shall forthwith notify the ABLE Commission in writing
8 setting forth details of the noncompliance.

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

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

15 H. Any licensee, except an employee licensee, who fails to
16 renew ~~his~~ the license prior to the expiration date of ~~said~~ the
17 license shall be subject to a late renewal penalty as provided by
18 ABLE Commission rules and regulations. Further, any licensee,
19 except an employee licensee, who fails to renew ~~his~~ the license
20 within sixty (60) days of the expiration of ~~said~~ the license shall
21 be required to submit a new license application. An employee
22 licensee who fails to renew prior to the expiration of the license
23 shall be required to submit a new license application; provided,
24 however, that under no circumstances shall any licensee, including

1 an employee licensee, whose license to serve or sell alcoholic
2 beverages has expired, continue to serve or sell alcoholic
3 beverages.

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

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