

1 ENGROSSED SENATE
2 BILL NO. 1239

By: Mazzei of the Senate
and
McCall of the House

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5
6 [tax administration - payment of excise taxes -
7 procedures - ~~effective date~~ -
8 ~~emergency~~]
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10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. AMENDATORY 37 O.S. 2011, Section 163.5, as
12 amended by Section 1, Chapter 357, O.S.L. 2012 (37 O.S. Supp. 2015,
13 Section 163.5), is amended to read as follows:

14 Section 163.5. A. The excise tax levied by Section 163.3 of
15 this title on low-point beer shall be due and payable on or before
16 the twentieth day of each month for the preceding calendar month and
17 such tax shall be remitted electronically at the time the return is
18 electronically filed as prescribed by subsection B of this section.

19 B. At the time of paying ~~such tax~~ the tax as required by
20 subsection A of this section each taxpayer shall, ~~upon forms~~
21 ~~prescribed, prepared and furnished by the Tax Commission,~~ file
22 electronically with the Tax Commission a return, under oath, using
23 procedures prescribed by the Tax Commission, showing the total sales
24 of such beverages during the preceding calendar month, the amount of

1 taxes due, and such further information as the Tax Commission may
2 require to enable it to compute correctly and collect the taxes
3 levied under Section 163.1 et seq. of this title.

4 C. Any tax not paid within ten (10) days after the close of the
5 preceding calendar month shall be delinquent.

6 SECTION 2. AMENDATORY 37 O.S. 2011, Section 553, as
7 amended by Section 2, Chapter 357, O.S.L. 2012 (37 O.S. Supp. 2015,
8 Section 553), is amended to read as follows:

9 Section 553. A. Except as provided in paragraph 5 of this
10 subsection, an excise tax is hereby levied and imposed upon all
11 alcoholic beverages imported or manufactured, for sale, use or
12 distribution, or used or possessed in this state at the following
13 rates:

14 1. One Dollar and forty-seven cents (\$1.47) per liter, and a
15 proportionate rate on fractions thereof, on each liter of spirits;

16 2. Nineteen cents (\$0.19) per liter, and a proportionate rate
17 on fractions thereof, on each liter of wine;

18 3. Fifty-five cents (\$0.55) per liter, and a proportionate rate
19 on fractions thereof, on each liter of sparkling wine;

20 4. Twelve Dollars and fifty cents (\$12.50) per barrel (thirty-
21 one (31) wine gallons) and a proportionate rate on portions thereof,
22 on each barrel of beer; and

23 5. Beer manufactured in this state for export shall not be
24 taxed.

1 B. The excise tax levied on alcoholic beverages except beer
2 under subsection A of this section shall be paid as follows:

3 1. Payment of the excise tax levied by this section with
4 respect to all alcoholic beverages, other than beer, shall be made
5 by the person shipping the same into Oklahoma, or in the case of
6 direct imports from foreign countries by the importer, or in the
7 case of alcoholic beverages manufactured in Oklahoma by the first
8 seller thereof; and

9 2. On and after ~~January 1, 1981,~~ July 1, 2016, the due and
10 payable excise tax levied by this section shall be ~~made by~~ remitted
11 electronically simultaneously with tax returns electronically filed
12 with the Oklahoma Tax Commission using procedures prescribed by the
13 Tax Commission. The tax returns shall be made under oath by the
14 person liable for the tax on forms prescribed and provided by the
15 Oklahoma Tax Commission and shall be accompanied by payment of the
16 taxes due and any additional sums due as provided by this section.
17 Invoices describing all alcoholic beverages as described in this
18 section which are shipped into this state or which are first sold in
19 this state shall be delivered to the Oklahoma Tax Commission and to
20 the Alcoholic Beverage Laws Enforcement Commission immediately
21 following shipment of liquors into the state or delivery to the
22 first purchaser. Tax returns and payment of excise tax and other
23 sums due shall be ~~delivered to~~ electronically filed with the
24 Oklahoma Tax Commission no later than the twentieth day of the month

1 immediately succeeding the month of shipment, importation or first
2 sale of the alcoholic beverages as provided in paragraph 1 of this
3 subsection;

4 ~~3. All tax returns required to be filed during the twelve-month~~
5 ~~period beginning January 1, 1981, shall be accompanied by payment of~~
6 ~~the excise tax due plus an additional payment in the amount of~~
7 ~~twenty percent (20%) of said tax. Up to ten percent (10%) of the~~
8 ~~total payments made during said period may be made in the form of~~
9 ~~revenue stamps previously purchased pursuant to Section 540 of this~~
10 ~~title; and~~

11 ~~4. On and after February 1, 1982, each person required to file~~
12 ~~a tax return pursuant to this section shall remit the excise tax~~
13 ~~due, less an amount not to exceed two percent (2%) of the total of~~
14 ~~the additional payments made by said taxpayer pursuant to paragraph~~
15 ~~3 of this subsection. The total of said deductions shall not exceed~~
16 ~~the total of the additional payments made pursuant to paragraph 3 of~~
17 ~~this subsection. Up to ten percent (10%) of each tax payment made~~
18 ~~under this subsection may be made in the form of revenue stamps~~
19 ~~previously purchased pursuant to Section 540 of this title.~~

20 C. For the purpose of collecting and remitting the excise tax
21 imposed under this section, the person liable for such tax is hereby
22 declared to be the agent of the state for such purposes.

23 D. Nothing herein shall be construed to impose an additional
24 excise tax on intoxicating beverages held in inventory by

1 wholesalers and retailers upon which the excise tax was paid prior
2 to the effective date of any excise tax increase.

3 ~~SECTION 3. This act shall become effective July 1, 2016.~~

4 ~~SECTION 4. It being immediately necessary for the preservation~~
5 ~~of the public peace, health and safety, an emergency is hereby~~
6 ~~declared to exist, by reason whereof this act shall take effect and~~
7 ~~be in full force from and after its passage and approval.~~

8 Passed the Senate the 1st day of March, 2016.

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Presiding Officer of the Senate

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12 Passed the House of Representatives the ____ day of _____,
13 2016.

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Presiding Officer of the House
of Representatives

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