

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 3905

By: Fetgatter

AS INTRODUCED

An Act relating to alcoholic beverages; amending Section 104, Chapter 366, O.S.L. 2016, as amended by Section 13, Chapter 205, O.S.L. 2017 (37A O.S. Supp. 2019, Section 5-101), which relates to excise taxation upon alcoholic beverages; modifying provisions related to incident of tax; requiring remittance of tax by designated license holders; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 104, Chapter 366, O.S.L. 2016, as amended by Section 13, Chapter 205, O.S.L. 2017 (37A O.S. Supp. 2019, Section 5-101), is amended to read as follows:

Section 5-101. A. Except as provided in this subsection, an excise tax is hereby levied and imposed upon all alcoholic beverages imported or manufactured, for sale, use or distribution, or used or possessed in this state at the following rates:

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

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

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

5        4. Twelve Dollars and fifty cents (\$12.50) per barrel (thirty-  
6 one (31) wine gallons) and a proportionate rate on portions thereof,  
7 on each barrel of beer; provided, beer manufactured in this state  
8 for export shall not be taxed.

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

11        1. Payment of the excise tax levied by this section with  
12 respect to all alcoholic beverages, other than beer, shall be made  
13 ~~by the person shipping the same into Oklahoma, or in the case of~~  
14 ~~direct imports from foreign countries by the importer, or in the~~  
15 ~~case of alcoholic beverages manufactured in Oklahoma by the first~~  
16 ~~seller thereof~~ as follows:

17            a. the excise tax on all wine and spirits shall be  
18            collected and remitted by the Oklahoma wine and  
19            spirits wholesaler who purchases the alcoholic  
20            beverages for sale within the state, unless otherwise  
21            provided by subparagraph b of this paragraph,

22            b. the excise tax on all wine shipped directly to a  
23            consumer by a winery maintaining a Winemaker Self-  
24            Distribution License pursuant Section 2-105 of this

1                   title or a winery maintaining a Direct Wine Shipper's  
2                   Permit pursuant to Section 3-106 of this title shall  
3                   be collected and remitted by the winery maintaining  
4                   this license or permit; and

5           2. The due and payable excise tax levied by this section shall  
6 be remitted electronically simultaneously with tax returns  
7 electronically filed with the Oklahoma Tax Commission using  
8 procedures prescribed by the Tax Commission. The tax returns shall  
9 be made under oath by the person liable for the tax on forms  
10 prescribed and provided by the Tax Commission and shall be  
11 accompanied by payment of the taxes due and any additional sums due  
12 as provided by this section. Invoices describing all alcoholic  
13 beverages as described in this section which are shipped into this  
14 state or which are first sold in this state shall be delivered to  
15 the Tax Commission immediately following shipment of liquors into  
16 the state or delivery to the first purchaser. Tax returns and  
17 payment of excise tax and other sums due shall be electronically  
18 filed with the Tax Commission no later than the twentieth day of the  
19 month immediately succeeding the month of shipment, importation or  
20 first sale of the alcoholic beverages as provided in paragraph 1 of  
21 this subsection.

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

1 D. Nothing herein shall be construed to impose an additional  
2 excise tax on alcoholic beverages held in inventory by wholesalers  
3 and retailers upon which the excise tax was paid prior to the  
4 effective date of any excise tax increase.

5 E. The retail sale of alcoholic beverages shall be subject to  
6 the sales tax statutes enacted by the Legislature.

7 SECTION 2. This act shall become effective July 1, 2020.

8 SECTION 3. It being immediately necessary for the preservation  
9 of the public peace, health or safety, an emergency is hereby  
10 declared to exist, by reason whereof this act shall take effect and  
11 be in full force from and after its passage and approval.

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