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April 10, 2025

ENGROSSED HOUSE
BILL NO. 1270

By: Hays of the House

and

Alvord of the Senate

An Act relating to alcoholic beverages; amending 37A O.S. 2021, Section 2-142, which relates to information furnished by license applicants; directing the Alcoholic Beverage Laws Enforcement (ABLE) Commission to notify applicants of deficiencies in submitted applications allowing applicants time to provide required information; providing time period and procedures for approving and denying applications; and providing an effective date.

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

SECTION 1. AMENDATORY 37A O.S. 2021, Section 2-142, is amended to read as follows:

Section 2-142. A. No license provided for in the Oklahoma Alcoholic Beverage Control Act shall be issued except pursuant to an application filed with the ABLE Commission. The ABLE Commission may, however, provide for a form of simplified application for renewal of a license. Payment of the prescribed fee shall accompany each application for a license.

1 B. Every applicant for an original license, except applicants
2 for an employee, charitable event, special event or airline/railroad
3 beverage license, shall also furnish the following:

4 1. A tax receipt proving payment of ad valorem taxes, including
5 real and personal taxes, or furnish to the ABLE Commission
6 satisfactory evidence that no taxes are due or delinquent;

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

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

21 4. Authorization, on forms furnished by the ABLE Commission,
22 for complete investigation of the applicant's current financial
23 status as it relates to the application for a license, including but
24

1 not limited to access to bank accounts, loan agreements and
2 financial statements;

3 5. A deed, management agreement, purchasing agreement or lease;
4 and

5 6. Proof of liability insurance covering both bodily injury and
6 property damage.

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

18 D. Municipalities and counties may grant conditional
19 certificates for premises proposed for licensed operations for which
20 construction, modification or alteration is not completed.
21 Conditional certificates shall indicate that the proposed premises
22 will comply with the municipal or county zoning, fire, safety and
23 health codes. The granting of conditional certificates shall not
24 relieve the applicant of the duty of obtaining the certificates

1 required by paragraphs 2 and 3 of subsection B of this section after
2 completion of the construction, modification, or alteration.

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

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

11 F. Within ten (10) days of the receipt of all information
12 required in subsections B through E of this section, the ABLE
13 Commission shall notify the applicant in writing of any deficiencies
14 in the application with a description of what actions need to be
15 taken to cure the deficiencies. The applicant will then have a
16 reasonable period of time to provide the additional information
17 sufficient to complete the application. Upon a completed
18 application, the ABLE Commission shall issue or deny the license
19 within twenty (20) days of the applicant's final submission. The
20 ABLE Commission's denial of issuance of a license shall be in
21 writing and shall state with specificity the reasons for the denial.

22 G. Upon issuance of any license, the ABLE Commission shall
23 furnish the Oklahoma Tax Commission with a list of such licenses.

1 ~~G.~~ H. In the event of denial of an application for a license,
2 the ABLE Commission shall refund to the applicant the amount of the
3 tendered fee, less ten percent (10%), which it shall retain as cost
4 of processing the application.

5 ~~H.~~ I. Any licensee, except an employee licensee, who fails to
6 renew the license prior to the expiration date of the license, shall
7 be subject to a late renewal penalty as provided by rules of the
8 ABLE Commission. Further, any licensee, except an employee
9 licensee, who fails to renew the license within sixty (60) days of
10 the expiration of the license shall be required to submit a new
11 license application. An employee licensee who fails to renew prior
12 to the expiration of the license shall be required to submit a new
13 license application; provided, however, that under no circumstances
14 shall any licensee, including an employee licensee, whose license to
15 serve or sell alcoholic beverages has expired, continue to serve or
16 sell alcoholic beverages.

17 ~~I.~~ J. The requirements in this section shall be required for a
18 public event license applicant, except for those certificates
19 required by paragraphs 2 and 3 of subsection B of this section as
20 the events are temporary in nature and the locations are not
21 permanently licensed.

22 SECTION 2. This act shall become effective November 1, 2025.

23 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND INSURANCE
24 April 10, 2025 - DO PASS