

1 ENGROSSED SENATE
BILL NO. 817

By: Bice of the Senate

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3 and

4 McEntire of the House
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6 An Act relating to alcoholic beverage licenses;
7 amending Section 30, Chapter 366, O.S.L. 2016, as
8 amended by Section 1, Chapter 307, O.S.L. 2019 (37A
9 O.S. Supp. 2019, Section 2-118), which relates to
10 airline, railroad and vessel licenses; adding
11 commercial passenger bus to licensure; requiring
12 certain alcoholic beverages be purchased from certain
13 licensees; amending Section 31, Chapter 366, O.S.L.
14 2016, as amended by Section 2, Chapter 307, O.S.L.
15 2019 (37A O.S. Supp. 2019, Section 2-119), which
16 relates to authority for licensure; modifying
17 language; amending Section 13, Chapter 366, O.S.L.
18 2016, as last amended by Section 2, Chapter 185,
19 O.S.L. 2019 (37A O.S. Supp. 2019, Section 2-101),
20 which relates to license fees; modifying license
21 name; providing an effective date; and declaring an
22 emergency.

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

24 SECTION 1. AMENDATORY Section 30, Chapter 366, O.S.L.
2016, as amended by Section 1, Chapter 307, O.S.L. 2019 (37A O.S.
Supp. 2019, Section 2-118), is amended to read as follows:

Section 2-118. A. An airline/railroad/commercial
vessel/commercial passenger bus beverage license shall authorize the
holder thereof:

1 1. To sell or serve alcoholic beverages in or from any size
2 container on a commercial passenger airplane, bus, vessel or
3 railroad operated in compliance with a valid license, permit or
4 certificate issued under the authority of the United States or this
5 state or its instrumentality, even though the airplane, bus, vessel
6 or train, in the course of its travel, may cross an area in which
7 the sale of alcoholic beverages by the individual drink is not
8 authorized; and

9 2. To store alcoholic beverages in sealed containers of any
10 size at any airport, facility or station regularly served by the
11 licensee, in accordance with rules promulgated by the ABLE
12 Commission.

13 B. Alcoholic beverages purchased by the holder of an
14 airline/railroad license from the holder of a wholesaler license or
15 beer distributor license shall be presumed to be purchased for
16 consumption outside the State of Oklahoma or in interstate commerce,
17 and shall be exempt from the excise tax provided in Section 5-101 of
18 this title. A commercial vessel operating solely on the waterways
19 within this state or a commercial passenger bus established or
20 operating within this state shall purchase alcoholic beverages from
21 the holder of a wholesaler license or beer distributor license and
22 shall not be exempt from the excise tax provided in Section 5-101 of
23 this title.

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1 SECTION 2. AMENDATORY Section 31, Chapter 366, O.S.L.
2 2016, as amended by Section 2, Chapter 307, O.S.L. 2019 (37A O.S.
3 Supp. 2019, Section 2-119), is amended to read as follows:

4 Section 2-119. An airline/railroad/commercial vessel/commercial
5 passenger bus beverage license may be issued to any corporation
6 operating a commercial airline, bus, vessel or railroad in or
7 through this state. Application and payment of the license fee
8 shall be made directly to the ABLE Commission.

9 SECTION 3. AMENDATORY Section 13, Chapter 366, O.S.L.
10 2016, as last amended by Section 2, Chapter 185, O.S.L. 2019 (37A
11 O.S. Supp. 2019, Section 2-101), is amended to read as follows:

12 Section 2-101. A. Except as otherwise provided in this
13 section, the licenses issued by the ABLE Commission, and the annual
14 fees therefor, shall be as follows:

- 15 1. Brewer License..... \$1,250.00
- 16 2. Small Brewer License..... \$125.00
- 17 3. Distiller License..... \$3,125.00
- 18 4. Winemaker License..... \$625.00
- 19 5. Small Farm Winery License..... \$75.00
- 20 6. Rectifier License..... \$3,125.00
- 21 7. Wine and Spirits Wholesaler License..... \$3,000.00
- 22 8. Beer Distributor License..... \$750.00
- 23 9. The following retail spirits license fees shall be
24 determined by the latest Federal Decennial Census:

1	a.	Retail Spirits License for cities and	
2		towns from 200 to 2,500 population.....	\$305.00
3	b.	Retail Spirits License for cities and	
4		towns from 2,501 to 5,000 population.....	\$605.00
5	c.	Retail Spirits License for cities and	
6		towns over 5,000 population.....	\$905.00
7	10.	Retail Wine License.....	\$1,000.00
8	11.	Retail Beer License.....	\$500.00
9	12.	Mixed Beverage License.....	\$1,005.00
10			(initial license)
11			\$905.00
12			(renewal)
13	13.	Mixed Beverage/Caterer Combination License.....	\$1,250.00
14	14.	On-Premises Beer and Wine License.....	\$500.00
15			(initial license)
16			\$450.00
17			(renewal)
18	15.	Bottle Club License.....	\$1,000.00
19			(initial license)
20			\$900.00
21			(renewal)
22	16.	Caterer License.....	\$1,005.00
23			(initial license)
24			\$905.00

1		(renewal)	
2	17.	Annual Special Event License.....	\$55.00
3	18.	Quarterly Special Event License.....	\$55.00
4	19.	Hotel Beverage License.....	\$1,005.00
5		(initial license)	
6			\$905.00
7		(renewal)	
8	20.	Airline/Railroad/Commercial Passenger Vessel/ <u>Commercial</u>	
9		<u>Passenger Bus</u> Beverage License.....	\$1,005.00
10		(initial license)	
11			\$905.00
12		(renewal)	
13	21.	Agent License.....	\$55.00
14	22.	Employee License.....	\$30.00
15	23.	Industrial License.....	\$23.00
16	24.	Carrier License.....	\$23.00
17	25.	Private Carrier License.....	\$23.00
18	26.	Bonded Warehouse License.....	\$190.00
19	27.	Storage License.....	\$23.00
20	28.	Nonresident Seller License or Manufacturer's	
21		License.....	\$750.00
22	29.	Manufacturer's Agent License.....	\$55.00
23	30.	Sacramental Wine Supplier License.....	\$100.00
24	31.	Charitable Auction License.....	\$1.00

1	32.	Charitable Alcoholic Beverage License.....	\$55.00
2	33.	Winemaker Self-Distribution License.....	\$750.00
3	34.	Annual Public Event License.....	\$1,005.00
4	35.	One-Time Public Event License.....	\$255.00
5	36.	Small Brewer Self-Distribution License.....	\$750.00
6	37.	Brewpub License.....	\$1,005.00
7	38.	Brewpub Self-Distribution License.....	\$750.00
8	39.	Complimentary Beverage License.....	\$75.00

9 B. 1. There shall be added to the initial or renewal fees for
10 a Mixed Beverage License an administrative fee, which shall not be
11 deemed to be a license fee, in the amount of Five Hundred Dollars
12 (\$500.00), which shall be paid at the same time and in the same
13 manner as the license fees prescribed by paragraph 12 of subsection
14 A of this section; provided, this fee shall not be assessed against
15 service organizations or fraternal beneficiary societies which are
16 exempt under Section 501(c)(19), (8) or (10) of the Internal Revenue
17 Code.

18 2. There shall be added to the fee for a Mixed Beverage/Caterer
19 Combination License an administrative fee, which shall not be deemed
20 to be a license fee, in the amount of Two Hundred Fifty Dollars
21 (\$250.00), which shall be paid at the same time and in the same
22 manner as the license fee prescribed by paragraph 13 of subsection A
23 of this section.

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1 C. Notwithstanding the provisions of subsection A of this
2 section:

3 1. The license fee for a mixed beverage or bottle club license
4 for those service organizations or fraternal beneficiary societies
5 which are exempt under Section 501(c)(19), (8) or (10) of the
6 Internal Revenue Code shall be Five Hundred Dollars (\$500.00) per
7 year; and

8 2. The renewal fee for an airline/railroad/~~commercial passenger~~
9 vessel/commercial passenger bus beverage license held by a railroad
10 described in 49 U.S.C., Section 24301, shall be One Hundred Dollars
11 (\$100.00).

12 D. An applicant may apply for and receive both an on-premises
13 beer and wine license and a caterer license.

14 E. All licenses, except as otherwise provided, shall be valid
15 for one (1) year from date of issuance unless revoked or
16 surrendered. Provided, all employee licenses shall be valid for two
17 (2) years.

18 F. The holder of a license, issued by the ABLE Commission, for
19 a bottle club located in a county of this state where the sale of
20 alcoholic beverages by the individual drink for on-premises
21 consumption has been authorized, may exchange the bottle club
22 license for a mixed beverage license or an on-premises beer and wine
23 license and operate the licensed premises as a mixed beverage
24 establishment or an on-premises beer and wine establishment subject

1 to the provisions of the Oklahoma Alcoholic Beverage Control Act.
2 There shall be no additional fee for such exchange and the mixed
3 beverage license or on-premises beer and wine license issued shall
4 expire one (1) year from the date of issuance of the original bottle
5 club license.

6 G. In addition to the applicable licensing fee, the following
7 surcharge shall be assessed annually on the following licenses:

- 8 1. Nonresident Seller or Manufacturer License..... \$2,500.00
- 9 2. Wine and Spirits Wholesaler License..... \$2,500.00
- 10 3. Beer Distributor..... \$1,000.00
- 11 4. Retail Spirits License for cities and towns
12 over 5,000 population..... \$250.00
- 13 5. Retail Spirits License for cities and towns
14 from 2,501 to 5,000 population..... \$200.00
- 15 6. Retail Spirits License for cities and towns
16 from 200 to 2,500 population..... \$150.00
- 17 7. Retail Wine License..... \$250.00
- 18 8. Retail Beer License..... \$250.00
- 19 9. Mixed Beverage License..... \$25.00
- 20 10. Mixed Beverage/Caterer Combination License..... \$25.00
- 21 11. Caterer License..... \$25.00
- 22 12. On-Premises Beer and Wine License..... \$25.00
- 23 13. Annual Public Event License..... \$25.00
- 24 14. Small Farm Winery License..... \$25.00

1 15. Small Brewer License..... \$35.00

2 16. Complimentary Beverage License..... \$25.00

3 The surcharge shall be paid concurrent with the licensee's
4 annual licensing fee and, in addition to Five Dollars (\$5.00) of the
5 employee license fee, shall be deposited in the Alcoholic Beverage
6 Governance Revolving Fund established pursuant to Section 5-128 of
7 this title.

8 H. Any license issued by the ABLE Commission under this title
9 may be relied upon by other licensees as a valid license, and no
10 other licensee shall have any obligation to independently determine
11 the validity of such license or be held liable solely as a
12 consequence of another licensee's failure to maintain a valid
13 license.

14 SECTION 4. This act shall become effective July 1, 2020.

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

1 Passed the Senate the 12th day of March, 2020.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2020.

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9 Presiding Officer of the House
10 of Representatives