

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. _____

COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 817, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Bice

Bice-NP-FS-Req#4011
3/9/2020 1:52 PM

(Floor Amendments Only) Date and Time Filed: _____

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 817

6 By: Bice of the Senate

7 and

8 McEntire of the House

9 FLOOR SUBSTITUTE

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

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

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:

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

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

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

16 B. Alcoholic beverages purchased by the holder of an
17 airline/railroad license from the holder of a wholesaler license or
18 beer distributor license shall be presumed to be purchased for
19 consumption outside the State of Oklahoma or in interstate commerce,
20 and shall be exempt from the excise tax provided in Section 5-101 of
21 this title. A commercial vessel operating solely on the waterways
22 within this state or a commercial passenger bus established or
23 operating within this state shall purchase alcoholic beverages from
24 the holder of a wholesaler license or beer distributor license and

1 shall not be exempt from the excise tax provided in Section 5-101 of
2 this title.

3 SECTION 2. AMENDATORY Section 31, Chapter 366, O.S.L.
4 2016, as amended by Section 2, Chapter 307, O.S.L. 2019 (37A O.S.
5 Supp. 2019, Section 2-119), is amended to read as follows:

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

11 SECTION 3. AMENDATORY Section 13, Chapter 366, O.S.L.
12 2016, as last amended by Section 2, Chapter 185, O.S.L. 2019 (37A
13 O.S. Supp. 2019, Section 2-101), is amended to read as follows:

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

- 17 1. Brewer License..... \$1,250.00
- 18 2. Small Brewer License..... \$125.00
- 19 3. Distiller License..... \$3,125.00
- 20 4. Winemaker License..... \$625.00
- 21 5. Small Farm Winery License..... \$75.00
- 22 6. Rectifier License..... \$3,125.00
- 23 7. Wine and Spirits Wholesaler License..... \$3,000.00
- 24 8. Beer Distributor License..... \$750.00

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

1	30.	Sacramental Wine Supplier License.....	\$100.00
2	31.	Charitable Auction License.....	\$1.00
3	32.	Charitable Alcoholic Beverage License.....	\$55.00
4	33.	Winemaker Self-Distribution License.....	\$750.00
5	34.	Annual Public Event License.....	\$1,005.00
6	35.	One-Time Public Event License.....	\$255.00
7	36.	Small Brewer Self-Distribution License.....	\$750.00
8	37.	Brewpub License.....	\$1,005.00
9	38.	Brewpub Self-Distribution License.....	\$750.00
10	39.	Complimentary Beverage License.....	\$75.00

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

20 2. There shall be added to the fee for a Mixed Beverage/Caterer
21 Combination License an administrative fee, which shall not be deemed
22 to be a license fee, in the amount of Two Hundred Fifty Dollars
23 (\$250.00), which shall be paid at the same time and in the same
24

1 manner as the license fee prescribed by paragraph 13 of subsection A
2 of this section.

3 C. Notwithstanding the provisions of subsection A of this
4 section:

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

10 2. The renewal fee for an airline/railroad/commercial ~~passenger~~
11 vessel/commercial passenger bus beverage license held by a railroad
12 described in 49 U.S.C., Section 24301, shall be One Hundred Dollars
13 (\$100.00).

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

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

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

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

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

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

- 1 13. Annual Public Event License..... \$25.00
- 2 14. Small Farm Winery License..... \$25.00
- 3 15. Small Brewer License..... \$35.00
- 4 16. Complimentary Beverage License..... \$25.00

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

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

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

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

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22 57-2-4011 NP 3/9/2020 1:52:31 PM
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