

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 POLICY COMMITTEE
4 RECOMMENDATION

5 FOR

6 HOUSE BILL NO. 1270

7 By: Hays

8 POLICY COMMITTEE RECOMMENDATION

9 An Act relating to alcoholic beverages; amending 37A
10 O.S. 2021, Section 2-142, which relates to
11 information furnished by license applicants;
12 providing that the Oklahoma Alcoholic Beverage Law
13 Enforcement Commission (ABLE) shall notify an
14 applicant in writing of any deficiencies in the
15 application with a description of what actions need
16 to be taken to cure the deficiencies within a certain
17 time period; providing that applicant will then have
18 a reasonable period of time to provide the required
19 information; providing time period for ABLE to
20 approve or deny an application; providing for manner
21 of a denial to be delivered and what information must
22 be given to the applicant by ABLE; providing that the
23 failure of ABLE to adhere to provided provisions
24 shall result in a presumptive issuance of the license
subject to review by the ABLE Commission; 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:

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

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

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

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

20 3. A certificate issued by the municipality in which the
21 applicant proposes to locate the applicant's principal place of
22 business under the license, or by the county if the principal place
23 of business is located outside the incorporated limits of a
24 municipality, certifying that the applicant's existing or proposed

1 operations under the license comply with all municipal or county
2 fire codes, safety codes, or health codes, if applicable;

3 4. Authorization, on forms furnished by the ABLE Commission,
4 for complete investigation of the applicant's current financial
5 status as it relates to the application for a license, including but
6 not limited to access to bank accounts, loan agreements and
7 financial statements;

8 5. A deed, management agreement, purchasing agreement or lease;
9 and

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

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

23 D. Municipalities and counties may grant conditional
24 certificates for premises proposed for licensed operations for which

1 construction, modification or alteration is not completed.
2 Conditional certificates shall indicate that the proposed premises
3 will comply with the municipal or county zoning, fire, safety and
4 health codes. The granting of conditional certificates shall not
5 relieve the applicant of the duty of obtaining the certificates
6 required by paragraphs 2 and 3 of subsection B of this section after
7 completion of the construction, modification, or alteration.

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

11 Thereafter if a licensee fails to maintain compliance with
12 municipal or county zoning ordinances and codes, the mayor or chair
13 of the board of county commissioners or their designee, shall
14 forthwith notify the ABLE Commission in writing setting forth
15 details of the noncompliance.

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

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

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

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

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

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

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