

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1795

By: Dahm

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5  
6 AS INTRODUCED

7 An Act relating to alcohol licenses; amending Section  
8 58, Chapter 366 O.S.L. 2016, as last amended by  
9 Section 2, Chapter 424, O.S.L. 2019 (37A O.S. Supp.  
10 2019, Section 2-146), which relates to grounds to  
deny licenses; modifying language; decreasing certain  
residency requirement; and providing an effective  
date.

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

14 SECTION 1. AMENDATORY Section 58, Chapter 366, O.S.L.  
15 2016, as last amended by Section 2, Chapter 424, O.S.L. 2019 (37A  
16 O.S. Supp. 2019, Section 2-146), is amended to read as follows:

17 Section 2-146. A. The ABLE Commission shall refuse to issue a  
18 wine and spirits wholesaler, beer distributor, retail spirits,  
19 retail wine or retail beer license, either on an original  
20 application or a renewal application, if it has reasonable grounds  
21 to believe and finds any of the following to be true:

22 1. Except in the case of a beer distributor, retail spirits,  
23 retail wine or retail beer license, that the applicant is not a  
24 citizen of the United States or is not a qualified elector in this

1 state, or has not been a continuous resident of this state for the  
2 ~~five (5) years next~~ year immediately preceding the application for  
3 the license;

4 2. That the applicant is under twenty-one (21) years of age;

5 3. That the applicant or any partner, or spouse of the  
6 applicant or any partner, has been convicted of a felony;

7 4. That the applicant or any partner, or spouse of the  
8 applicant or any partner, has been convicted of a violation of any  
9 state or federal law relating to alcoholic beverages, has forfeited  
10 a bond while any charge of such violation was pending, nor may any  
11 license be granted for any purpose under the Oklahoma Alcoholic  
12 Beverage Control Act to an Oklahoma resident, who has held or whose  
13 spouse has held a Federal Liquor Stamp in Oklahoma before the  
14 adoption of Article XXVIII-A of the Oklahoma Constitution unless the  
15 Liquor Stamp was granted for supplying alcoholic beverages to a  
16 federal military installation, or was granted under the Oklahoma  
17 Alcoholic Beverage Control Act;

18 5. That the applicant or any partner has, within twelve (12)  
19 months ~~next~~ immediately preceding the date of the application,  
20 violated any provision of the Oklahoma Alcoholic Beverage Control  
21 Act or rule of the ABLE Commission promulgated pursuant hereto.  
22 Provided, however, that if the ABLE Commission has, during such  
23 twelve-month period, suspended any license sought to be renewed,  
24 such renewal application may be approved if the term of the

1 suspension has been completed and the applicant has complied with  
2 any special conditions imposed in connection with the suspension;

3 6. That the applicant is not of good moral character, or that  
4 the applicant is in the habit of using alcoholic beverages to  
5 excess, or is mentally incapacitated. Provided, that the record in  
6 any municipal court showing a conviction of violation of any  
7 municipal ordinances or state statutes involving moral character or  
8 public nuisance obtained after passage and approval of the Oklahoma  
9 Alcoholic Beverage Control Act shall be received in evidence by the  
10 ABLE Commission;

11 7. That the applicant does not own or have a written lease for  
12 the premises for which a license is sought;

13 8. That the applicant, within twelve (12) months ~~next~~  
14 immediately preceding the date of application, has been the holder  
15 of a license revoked for cause;

16 9. That the applicant is not the real party in interest, or  
17 intends to carry on the business authorized by the license as the  
18 agent of another;

19 10. That the applicant, in the case of an application for  
20 renewal of any license, would not be eligible for such license on a  
21 first application;

22 11. That the applicant is a person who appoints or is a law  
23 enforcement official or is an employee of the ABLE Commission;

1           12. That the proposed location of the licensed premises would  
2 violate a valid municipal nondiscriminatory zoning ordinance;

3           13. That, in the case of an application for a wine and spirits  
4 wholesaler license or beer distributor license, any brewer or  
5 manufacturer, including an officer, director or principal  
6 stockholder thereof or any partner, has any financial interest in  
7 the business to be conducted under the license, unless otherwise  
8 permitted by law;

9           14. That the issuance of the license applied for would result  
10 in a violation of any provision of the Oklahoma Alcoholic Beverage  
11 Control Act;

12           15. That, in the case of an application for a wine and spirits  
13 wholesaler or beer distributor license, the applicant or any  
14 partner, or spouse of the applicant or any partner, is the holder or  
15 partner of the holder of any other class of license issued under the  
16 provisions of the Oklahoma Alcoholic Beverage Control Act, other  
17 than an agent or employee license for employment by the applicant,  
18 or a storage license, bonded warehouse license, carrier license or  
19 private carrier license; provided, nothing shall prohibit a wine and  
20 spirits wholesaler, who is otherwise qualified, from maintaining  
21 beer distributor licenses in ~~the~~ this state, nor a beer distributor,  
22 who is otherwise qualified, from maintaining a wine and spirits  
23 wholesaler license in ~~the~~ this state;

1 16. That, in the case of an application for a retail spirits,  
2 retail wine or retail beer license, the applicant or any partner is  
3 the holder or partner of the holder, or employee of such holder of  
4 any other class of license issued under the provisions of the  
5 Oklahoma Alcoholic Beverage Control Act, other than a storage  
6 license or an employee license for the proposed licensed premises of  
7 the applicant; 7 provided, nothing in this title shall prohibit an  
8 applicant for a retail wine and/or retail beer license from  
9 maintaining a separate mixed beverage, caterer, mixed  
10 beverage/caterer combination license, and/or an on-premise beer and  
11 wine license; or

12 17. That the applicant or any partner, spouse, employee or  
13 other person affiliated with the applicant is not in compliance with  
14 the tax laws of this state as required in Article XXVIII-A of the  
15 Oklahoma Constitution.

16 B. The provisions of this section shall not operate to prohibit  
17 the issuance of a beer distributor license to a corporation or  
18 partnership or limited liability company.

19 SECTION 2. This act shall become effective November 1, 2020.

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