

TITLE 45. ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION

CHAPTER 1. ADMINISTRATIVE OPERATIONS

Subchapter 3. Organization, Operations, Procedures and Forms

45:1-3-3. Availability of records and forms [AMEND]

The forms described in this Title, together with all rules and all other written statements of policy or interpretations and all final Orders, decisions and opinions, formulated, adopted or used by the Commission in the discharge of its functions are available for public inspection in the office of the Oklahoma Alcoholic Beverage Laws Enforcement Commission, ~~3812 North Santa Fe Avenue, Suite 20050~~ NE 23rd Street, Oklahoma City, Oklahoma 73105.

45:1-3-4. Manner of obtaining information [AMEND]

Any person desiring any information concerning the Commission, its employees, its policies or procedures or any pertinent information concerning said organization or any licensee in the liquor industry may obtain the same, or make submissions or requests to the Commission, either in person, by mail, or by email, by directing such submissions or requests to the Director or other employees of the Commission at ~~3812 North Santa Fe Avenue, Suite 20050~~ NE 23rd Street, Oklahoma City, Oklahoma 73105.

Subchapter 7. Director of the Commission

45:1-7-1. Duties and responsibilities [AMEND]

(a) The Director is hereby specifically authorized and shall have all of the duties and responsibilities as set out in Section 1-108 of Title 37A of the Oklahoma Statutes, and in addition thereto, he is hereby empowered and authorized to conduct any hearing and make any investigations which he may deem necessary in connection with any violations of the provisions of the Act and the Rules adopted by the Commission, and to make a report of such hearings and investigations. He is further empowered and authorized at said hearings and in conducting such investigations, or at any other time, to administer oaths and to examine under oath any person, and cause the same to be reduced to writing, and to examine, or cause to be examined, books, accounts and records of any licensee or other person, to hear testimony and take proof material for the Commission's information and the discharge of its duties under the law, and to issue subpoenas, which shall bear the seal of this Commission, for the attendance of witnesses and the production of books, accounts, or records, which shall be effective in any part of this State, requiring their attendance before the Director at the time and place to be specified herein by him. The District or Superior Court or any Judge thereof is hereby respectfully requested, by its proper order, to require the attendance of all such witnesses so subpoenaed, and that the Court or Judge compel obedience to its or his order by proceedings for contempt as provided for in Sections 1-108 and 1-107(11) of Title 37A of the Oklahoma Statutes.

(b) In addition to the authority given the Director to issue all licenses provided for in the Act, there is further delegated to the Director the duty and authority to refuse to issue a Wine and Spirits Wholesaler, Beer Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, Winemaker Self-Distributor, Retail Spirit, Retail Beer, Retail Wine, Beer and Wine, Mixed Beverage, ~~Bottle Club~~ or Caterer license either on an original application or a renewal application, if he has reasonable grounds to believe and finds to be true any of the disqualifications outlined as set out in Section 2-146 of Title 37A of the Oklahoma Statutes. There is further delegated to the Director the duty and authority to refuse to issue a Mixed Beverage, Beer and Wine, ~~Bottle Club~~, Public Event, Caterer, Retail Wine, Retail Beer, or any other such license as provided in Section 2-101 of Title 37A of the Oklahoma Statutes, either on an original application or a renewal application, if he has reasonable grounds to believe and finds to be true any of the disqualifications as set out in Section 2-147 of Title 37A of the Oklahoma Statutes.

(c) There is also delegated to the Director the duty and authority to refuse to issue any other type of license covered by the Oklahoma Alcoholic Beverage Control Act, if he has reasonable grounds to believe and finds that, under the provisions of the Oklahoma Alcoholic Beverage Control Act and the Rules of the Commission, that the applicant for any such license is not entitled thereto. There is further delegation to the Director of the duty and authority of giving notice of a denial by the Director, or a denial by the Commission, or a suspension or revocation of a license by the Commission as provided for in Section 2-149 of Title 37A of the Oklahoma Statutes. However, any person aggrieved by any Order or Notice of the Director shall have the right to be heard by the Commission upon the filing of a written request therefore with the Commission within fifteen (15) days after receipt of notice thereof.

45:1-7-2. Authority to conduct hearings [AMEND]

In addition to the authority heretofore delegated by the Commission to the Director, he is hereby authorized, as provided for in Sections 1-108, 2-150, 2-151, and 2-152 of Title 37A of the Oklahoma Statutes, to conduct hearings on all violations of the Rules and Regulations of the Commission or the Oklahoma Alcoholic Beverage Control Act and the amendments thereto, by licensees, and to deny any license or renewal thereof, and to suspend or revoke, after proper notice is given, any license issued under the Act, impose probation, and assess a fine for any violations found as a result of hearing, if by preponderance of the evidence, it appears that any licensee has committed the violation alleged in the notice, subject to the limitations hereinafter set out:

(1) No order denying a renewal, or order of revocation, order of suspension or fine shall be made by the Director unless a sufficient legal notice shall have been mailed by certified mail or served upon the licensee at least fifteen (15) days prior to such hearing. The notice shall set forth the grounds for the proposed agency action. Any licensee aggrieved by the action of the Director, may, in cases where a license or renewal thereof is denied, or a suspension or revocation thereof is ordered, or a fine imposed, within fifteen (15) days of the issuance of the Order or Notice of the Director, file with the Commission a written request for a review of the Order of the Director before the Commission, and shall be accorded such hearing in compliance with the provisions of the Act. The Director shall cause a transcript of the testimony heard by him or his Hearing

Officer/**Examiner** to be presented to the Commission on or before the date of the hearing by the Commission.

(2) In such cases as necessary, before a final order has been issued, the Director may appoint and assign a Hearing Officer/Examiner to hear the matter.

(3) The Director may, within his discretion for good cause, defer any matter to a hearing before the Commission for final determination.

(4) The Director shall make a monthly report to this Commission of any and all suspensions or revocations ordered by him under the provisions of this Section and, after the same becomes final, shall notify the District Attorney of the county wherein the licensee's premises are located, as required by the Act.

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CHAPTER 10. PROVISIONS AND PENALTIES APPLICABLE TO ALL LICENSEES

Subchapter 3. Provisions Applicable to All Licensees

45:10-3-1. Denial of application [AMEND]

Grounds for which license applications may be denied wherein the applicant:

- (1) Fails to complete all questions on said application.
- (2) Omits any information required on said application.
- (3) Falsifies any information required by said application.
- (4) Is determined ineligible on other grounds set forth in the Oklahoma Alcoholic Beverage Control Act, the Oklahoma Charity Games Act, or the rules of the ABLE Commission.

45:10-3-4. Notice of intent to apply for license [AMEND]

All applicants for original Brewer's, Distiller's, Winemaker's, Rectifier's, Wine and Spirits Wholesaler's, Beer Distributor's, Small Brewer Self-Distributor, Brewpub Self-Distributor, Winemaker Self-Distributor, Retail Spirit, Retail Beer, Retail Wine, Beer and Wine, Mixed Beverage, ~~Bottle Club~~ and Caterer licenses shall, prior to applying for such license, twice publish a notice of its intention to apply, once every eight (8) days within two (2) successive weeks.

45:10-3-5. Application filing period [AMEND]

All applicants for original Brewer's, Distiller's, Winemaker's, Rectifier's, Wine and Spirits Wholesaler's, Beer Distributor's, Small Brewer Self-Distributor's, Brewpub Self-Distributor's, Winemaker Self-Distributor's, Retail Spirit, Retail Beer, Retail Wine, Beer and Wine, Mixed Beverage, ~~Bottle Club~~, or Caterer licenses shall file with the Director or the Commission their application within sixty (60) days from the date of the first publication of Notice of Intention to Apply for an Alcoholic Beverage License, or said Notice of Intention shall be null and void.

45:10-3-10. Prohibited conduct on licensed premises [AMEND]

(a) No licensee shall engage in, allow, permit or suffer in or upon his licensed premises any disturbances, lewdness, immoral activities or displays, brawls, or unnecessary noises, or allow, permit, or suffer the licensed premises to be conducted in such a manner as to create public censure or to become a nuisance.

(b) No licensee shall permit any fire exit to be blocked or locked so that its immediate use during an emergency is not assured, in accordance with the International Fire Code, as adopted and approved by the Office of the State Fire Marshal.

45:10-3-24. Acceptance of certain inducements prohibited [AMEND]

All licensed Oklahoma Wine and Spirits Wholesalers, Beer Distributors, Small Brewer Self-Distributor, Brewpub Self-Distributor, Winemaker Self-Distributor, Retail

Spirit, Retail Beer, Retail Wine, Beer and Wine, ~~Bottle Club~~, Mixed Beverage, Public Event, Brewer, Small Brewer, Winemaker, Small Farm Winery, Caterer or Special Event licensees, their agents or employees are prohibited from accepting, directly or indirectly, any electronic or non-electronic refrigerated equipment, fixture, dispensing equipment, outdoor electric or non-electric advertising structure displaying the retailer's name, permanent shelving, supplies, discount, retailer rebate, premiums, free goods, gifts, services of any employee including but not limited to affixing price labels or tags, routinely stocking product on shelves other than the stocking of cold boxes, entering information into a retailer's computer system, handling product that was not sold to the retailer by the licensee, paying a slotting fee, selling on consignment, operating a retailer's cash register, conducting janitorial services, decoration, samples of alcoholic beverages, personal property, or other inducements from any Manufacturer, Brewer, Distiller, Rectifier, Nonresident Seller, Wine and Spirits Wholesaler, Beer Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, Winemaker Self-Distributor or their agents or employees, except in compliance with Title 27 CFR Chapter 1 Part 6, Subparts A through D or as allowed by 45:10-3-25.

45:10-3-28. Refunds ~~for erroneous or excessive collections~~ [AMEND]

(a) ~~The following shall be considered as erroneous or excessive collections and refunds therefore shall be made~~ Refunds of monies paid to the Agency for licensing or brand registration will be made in the following circumstances:

- (1) ~~Whenever the amount payable for a~~ an original license or renewal has been received by the Director and ~~the such application or renewal has been denied, license is not issued or, if issued, is not used by the licensee, or~~
- (2) ~~Whenever a license is transferred from one location to another, calling for a smaller license fee, in which event the pro rata difference will be refunded.~~
- (3) Whenever the applicant has withdrawn the application for a license or renewal before a final decision has been made to grant or deny the application or renewal.
- (4) Whenever an applicant has erroneously made duplicate payments for the same license application, or
- (5) Whenever an application for a brand registration has been denied.

(b) If a license fee has been paid and the license has been denied or the applicant withdrew the application before a final decision was made, the Agency shall refund to the applicant the amount of the tendered fee, less ten percent (10%) which the agency shall retain as a cost of processing the application.

(c) If the application for a brand registration fee has been paid and the brand registration has been denied, the Agency shall refund the amount of the tendered registration fee, less 25% of such fee which the Agency shall retain as a cost of processing the application.

(d) No claim for refund will be considered unless it is filed within 30 days of the date of payment by the applicant or licensee or the date of withdrawal by the applicant or denial by the Agency (whichever is later), with the Director by June 30th of the present year for which the license has been applied for or issued. Further, no claim for refund after denial will be considered until the time for hearing or appeal has passed and the Agency's decision has become final. Finally, refund requests must be sent via email to able_finance@able.ok.gov for review by the Director. This rule shall not be construed to limit or modify Section 2-142 of Title 37A of the Oklahoma Statutes.

45:10-3-31. Designated bar areas [AMEND]

(a) Entities or establishments licensed by the ABLE Commission which have as their main purpose some objective other than the sale of alcoholic beverages may file a written request with the Commission to have a portion of their licensed premises designated for use as a separate or enclosed lounge or bar area. The request shall state the main purpose of the business and the licensee shall have the burden of showing that the business qualifies for a separate or enclosed lounge or bar area.

(b) In order to qualify for a separate or enclosed lounge or bar area, a licensee must show that the total income derived from the stated main purpose exceeds the total income derived from the sale of alcoholic beverages. However, a licensee who asserts that the service of food is its main purpose must show that it operates a full kitchen, sells food items from a full menu, and has thirty-five percent (35%) or more of its monthly gross sales attributable to food items. In determining the total income derived from the stated main purpose, a licensee may not include income derived from secondary sources which are not related to the stated main purpose or income derived as an incidental service from coin-operated game or vending machines, snacks or short order foods that were purchased premade and ready for service without the preparation of the licensee.

(c) If the main purpose of a business is such that in the operation of a business of that type a portion of its income would be derived from an admission charge, the admission charge may be counted as income derived from the stated main purpose. If, however an admission charge would not normally be imposed by a business of that type or if customers are entitled to free or discounted alcoholic beverages after paying an admission charge, the admission charge may not be counted.

(d) A newly established business which claims as its main purpose some objective other than the sale, mixing or serving of alcoholic beverages may be granted a separate or enclosed lounge or bar area for a period of ninety (90) days. At the end of the ninety (90) day period, the licensee shall have the burden of showing that the business continues to qualify for a separate or enclosed lounge or bar area.

(e) The Commission shall have the authority to designate the portions of the licensed premises of a qualifying business which may be used as a separate or enclosed lounge or bar area. Any licensee aggrieved by the denial of a request for a separate or enclosed lounge or bar area may, within fifteen (15) days of receiving notice of the denial, file a written request for a hearing before the Commission.

45:10-3-33. Requirement to update contact information [NEW]

All licensees shall be required to update ABLE of any changes in contact information, including but not limited to address, phone number, or email within thirty (30) days of the change. Licensees shall update contact information by accessing their license record through the licensee online portal.

Subchapter 5. Penalties

45:10-5-1. General penalty [AMEND]

It is hereby provided that the violation by any licensee of any provision of the Oklahoma Alcoholic Beverage Control Act or any rule now existing or which may be hereafter adopted may constitute grounds for the revocation or suspension of any license for such period of time as, in the judgment of this Commission, may be determined, unless the punishment for any violation be prescribed within the statute or rule violated. The violation by any licensee of any provision of the Oklahoma Alcoholic Beverage Control Act or any rule for which no specific suspension period or fine is provided may be subject to a suspension of 5 days or a fine of up to \$250.00, or subject to both such suspension and fine, for the first offense and increasing suspension periods and fines for successive violations, as set forth in the penalty schedule included in Appendix B of this Chapter.

45:10-5-3. Penalty schedules [AMEND]

Violations of the Oklahoma Alcoholic Beverage Control Act, 37A O.S., Section 1-101 et seq., and the Oklahoma Charity Games Act, 3A O.S., Section 401 et seq., may result in suspension, fine, suspension and fine, or revocation of a license. The specific penalties for violating ~~the~~these Act/Acts are listed in the Commission's penalty schedule. The penalty schedule is divided into two categories enumerating major and minor violations of the Act. Probation may be granted for minor violations. The major violations penalty schedule is listed in Appendix A of this Chapter and the minor violations penalty schedule is listed in Appendix B of this Chapter.

Appendix A. Major Violations Penalty Schedule [AMEND]

(See separate Penalty Schedule with revisions.)

Appendix B. Minor Violations Penalty Schedule [AMEND]

(See separate Penalty Schedule with revisions.)

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CHAPTER 25. WINEMAKERS, SELF-DISTRIBUTION, DIRECT SHIPMENT

Subchapter 5. Direct Shipment of Wine

45:25-5-2. Limited amount to be shipped [AMEND]

No Direct Shipper's Permit holder shall ship more than the equivalent of six (6) nine-liter 9-liter cases of wine per year to any one individual, and no Permit holder shall ship wine intended for resale.

45:25-5-3. Label, signature, and other shipping requirements [AMEND]

Every Direct Shipper's Permit holder shall be required to affix a label on every package being shipped to a consumer in this State with the words: "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY". Said label shall be at a minimum four (4) inches by six (6) inches in size which shall be approved by the Director prior to use by the permit holder. Delivery confirmation for every direct shipment to a consumer including a signature or an electronic signature of the receiving person must be received by the Direct Shipper's Permit holder.

45:25-5-4. Reporting required [AMEND]

No later than February January 15th, April 15th, July 15th, and October 15th of each year, every Direct Shipper's Permit holder shall submit an a annualquarterly report to the Commission containing the amount of wine it directly shipped into the State, and to how many separate individual consumers such wine was shipped during the previous calendar year. Failure of a licensee to annually report such information to the Commission shall result in the revocation of the Direct Shipper's Permit.

45:25-5-6. Reporting required [NEW]

No later than January 15th, April 15th, July 15th, and October 15th of each year, every express company, common carrier, contract carrier and every firm or corporation that shall bring, carry or transport wine for delivery to any person in the state, except wine or spirit wholesalers or beer distributors, shall prepare and file a quarterly report with the Commission regarding all known wine shipments.

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CHAPTER 30. MANUFACTURERS, WINE AND SPIRIT WHOLESALERS, BREWERS, NONRESIDENT SELLERS AND BEER DISTRIBUTORS

Subchapter 3. Manufacturers and Wine and Spirits Wholesalers

45:30-3-2. Manufacturer's brand name label registration [AMEND]

(a) No alcoholic beverage shall be sold or offered for sale to an Oklahoma licensed Wine and Spirits Wholesaler unless the brand name label shall have been registered with and approved by the Director of the Oklahoma Alcoholic Beverage Laws Enforcement Commission, and the required registration fee paid.

(b) The registration shall be prepared on a form approved by the Commission and shall include the price, brand, type, size, age, and proof of each item of spirits, wines, cordials, and specialties. All items of champagnes and wines shall show the brand, price, size and alcoholic content thereof.

(c) The registration shall be accompanied by a certified check, bank officer's check or draft, or money order in the amount of Three Hundred Seventy-Five Dollars (\$375) for each brand or label that such Nonresident Seller, Manufacturer, or Wine and Spirits Wholesaler proposes to offer for sale.

(d) Should the application for registration of a brand name label be denied, the registration fee shall be returned to the applicant, less twenty-five percent (25%) of such fee.

(e) A separate fee will be required for each brand name label of spirits that differs as to name, class, type, age, or proof. Items that differ only as to color or flavor may be considered as one. Each different label other than container size will be considered a separate item.

(f) A separate fee will be required for each brand of cordials and specialties. When items of the brand vary only as to flavor, they may be considered as one. A separate fee in the amount of Three Hundred Seventy-Five Dollars (\$375) shall be required for cordials in the following categories, to wit;

- (1) fortified,
- (2) flavored brandies.

(g) A separate fee in the amount to Two Hundred Dollars (\$200) shall be required for each brand name label used for domestic American wines in the following categories or types;

- (1) fortified,
- (2) specialties,
- (3) table or light wines,
- (4) sparkling wines.

(h) A separate fee in the amount of Two Hundred Dollars (\$200) shall be required of each brand name label used for imported or foreign wines. Imported or foreign wines with the same country of origin will be considered the same brand name label within each of the following classes or types;

- (1) light red wine,

- (2) light rose wine,
- (3) light white wine,
- (4) fortified wines,
- (5) sparkling wines, and
- (6) specialties

(i) In determining the fee for filing a brand name label or brand under the provisions of this Section, no additional fee shall be ~~shall be~~ charged for variations in net contents, vintage age or year, or bottling locations shown on the label. In determining the brand name label, reference may be made to the brand name label as registered with the Federal Government under the Federal Alcohol Administration Act. ATF Form 1649, Application For And Certification Of Label Approval Under Federal Administration Act, will be submitted with each registration of a brand name label to aid in determining the appropriate registration fee.

(j) Each brand name label registered and approved pursuant to this Section shall be valid for a term which shall run concurrently with the term of the license of the brand owner, or nonresident seller, representing the brand owner, registering such label and shall be valid for such license only and shall not be transferable.

(k) All items that are shipped into the State must be properly registered with the Commission and the fee paid regardless of when the merchandise was ordered. Back orders may not be shipped unless the requirements are of this Section are satisfied.

(l) Each new item offered for sale must comply with the Oklahoma Alcoholic Beverage Control Act and rules of the Commission in regard to labeling and container size.

(m) All spirits and wines being offered for sale must be posted at a case price and all sales must be made in case lots. Each case must have containers of the same size, shape and design, and each container must contain merchandise of the same category.

(n) No brand or label will be listed on a price list or offered for sale in more than one place, method, different containers, nor at more than one price, except as provided for by the Director.

(o) The bottling, packaging, sale or possession by any licensee of any alcoholic beverage not registered in conformity with this Section and the provisions of Section ~~5735-132~~ of Title 37A of the Oklahoma Statutes shall be grounds for suspension, revocation or cancellation of the license.

(p) The provisions of this Section are severable and if any provision thereof shall be void, the decision of the court so holding shall not affect or impair the remaining parts or provisions of this Section.

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CHAPTER 35. EVENTS, AIRLINE/RAILROAD, HOTEL/MOTEL

Subchapter 1. Special Events

45:35-1-1. Application [AMEND]

Application for a Special Event License shall be made to the Commission (on forms prescribed by the Commission) by an organization, association or non-profit corporation for the authority to sell and distribute alcoholic beverages on a premises which is licensed and approved by the Commission. The application must be received at least ten (10) business days before the proposed event to allow adequate time for the premises to be inspected. Any application received less than ten days before the proposed event may be denied.

Subchapter 3. Public Events

45:35-3-1. Application [AMEND]

Application for a Public Event License shall be made to the Commission (on forms prescribed by the Commission) by an organization, association or non-profit corporation for the authority to sell and distribute alcoholic beverages on a premises which is licensed and approved by the Commission. The application must be received at least ten (10) business days before the proposed event to allow adequate time for the premises to be inspected. Any application received less than ten days before the proposed event may be denied.

Subchapter 5. Charitable Events

45:35-5-1. Application [AMEND]

Application for a Charitable Alcoholic Beverage License shall be made to the Commission (on forms prescribed by the Commission) by a non-profit or charitable organization recognized by the IRS as a 501(c) 3,4,5,6,7,8,9,10 or 19 for the authority to provide alcoholic beverages on a premises which is licensed and approved by the Commission. The application must be received at least ten (10) business days before the proposed event to allow adequate time for the premises to be inspected. Any application received less than ten days before the proposed event may be denied.

Subchapter 9. Hotels and Motels

45:35-9-4. Size of containers to be sold [AMEND]

In a mini-bar, A hotel beverage licensee shall only sell ~~or~~ alcoholic beverages in the following quantities:

- (1) 50 milliliter container for spirits,
- (2) 187 milliliter container for wine, and/or
- (3) 12-ounce container for malt beverages ~~containers in its mini-bars.~~

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CHAPTER 40. TRANSPORTATION, CONTAINERS AND CHANGES IN STATUS OR LOCATION

Subchapter 7. Changes in Status or Location

45:40-7-1. Change in location [AMEND]

The requirements for change in location of a Wine and Spirits Wholesaler, Beer Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, Retail Spirit, Retail Beer, Retail Wine, Mixed Beverage, ~~Bottle Club~~ or Caterer premises from the original premises to a new location are:

- (1) A letter of request to the Director requesting permission to move to a new location, which shall be described by street number and by lot or block number giving the name of the town and county in which it would be located.
- (2) Publication of Notice of Intent to apply for permission to change the premises or warehouse from one location to another, by two publications in which Notice of Intent of both the old and new location shall be accurately given by street address and by lot and block number. Proof of Publication must be furnished.
- (3) The letter giving permission shall state that all alcoholic beverages must be transported in licensee's vehicle or by a carrier licensed by this Commission, and that such transfer of alcoholic beverages shall be made during the daylight hours of a day or days during which such move is made.
- (4) Prior to permission being given, the original license, and any renewal thereof, shall be surrendered for modification to show the new address.
- (5) A valid lease shall be provided this Commission showing the right of the licensee to occupy the new location for a period of one (1) year. Also, a Certificate of Compliance from the municipality or county certifying that the proposed location complies with all municipal or county fire codes, safety codes, health codes and zoning codes, if applicable.

45:40-7-2. Sale of entire stock of merchandise [AMEND]

The requirements for the sale by a Wine and Spirits Wholesaler, Beer Distributor, Retail Spirit, Retail Beer, Retail Wine, Mixed Beverage, or Caterer Licensee of his entire stock of merchandise to another licensee are:

- (1) A written request to sell by the Retail Spirit, Retail Beer, Retail Wine, Beer and Wine, Mixed Beverage, or Caterer licensee desiring to sell to another Retail Spirit, Retail Beer, Retail Wine, Mixed Beverage, Caterer, Wine and Spirits Wholesaler, or Beer Distributor licensee, or a Wine and Spirits Wholesaler licensee desiring to sell to another Wine and Spirits Wholesaler licensee, shall be sent to the Commission.
- (2) An inventory of the entire stock of alcoholic beverages shall accompany such request (two (2) copies).

(3) The licensee's original license, and any renewal thereof, shall be surrendered for cancellation at the same time, and the statement that it is being surrendered for cancellation shall be included in the request to sell.

(4) A written request shall also be made by the licensed purchaser requesting permission to make such purchase and a report to the Director in writing of the quantity, brands, and types of such alcoholic beverages which he desires to purchase, and the address to which it is actually to be delivered shall be given in said report. No sale or purchase shall be undertaken by any licensee until written permission has actually been received. No one but a licensee may purchase a business from another.

(5) A letter giving permission will instruct that the transfer shall only be made during daylight hours and shall be made in a vehicle owned by the purchaser or by a carrier properly licensed by this Department.

(6) No bottles or containers that have been opened or that are partially filled may be sold or transferred, except as set forth in 37A O.S. § 2-155.

45:40-7-3. Operation by legal representative [AMEND]

The requirements for the operation of a Wine and Spirits Wholesaler, Beer Distributor, Retail Spirit, Retail Beer, Retail Wine, Beer and Wine, Mixed Beverage, ~~Bottle Club~~, or Caterer premises by a legal representative in cases where the licensee has died, or the trustees of an insolvent or bankrupt licensee, or the legal guardian of a licensee who has been adjudged to be incompetent or insane are:

(1) The legal representative (administrator or executor) shall file with this Commission a petition or application requesting authority to operate the Wine and Spirits Wholesaler, Beer Distributor, Retail Spirit, Retail Beer, Retail Wine, Beer and Wine, Mixed Beverage, ~~Bottle Club~~, or Caterer premises during the pendency of the probate proceedings or for a period of not to exceed two (2) years. Such petition or application shall be accompanied by certified copies of Letters of Administration or Letter Testamentary, and the original license, and any renewal thereof, shall be sent to this Department for amendment.

(2) A letter authorizing the operation of a Wine and Spirits Wholesaler, Beer Distributor, Retail Spirit, Retail Beer, Retail Wine, Beer and Wine, Mixed Beverage, ~~Bottle Club~~ or Caterer premises can be written immediately upon the receipt of such petition and letters.