

45:10-3-16. Insufficient fund checks prohibited

No holder of a Retail Spirit, Retail Beer, Retail Wine, Beer and Wine, Mixed Beverage or Caterer's license or employee thereof shall give a check drawn upon any bank to a licensed Wine and Spirits Wholesaler, Beer Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, or Winemaker Self-Distributor in payment for alcoholic beverage purchases without having sufficient funds on deposit in said bank to pay said check upon presentment for payment. Any check which is not paid when presented for payment by reason of insufficient or no funds being on deposit in said bank with which to pay the same, shall be prima facie evidence that the maker of said check has accepted and received credit from the licensed Wine and Spirits Wholesaler, Beer Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, or Winemaker Self-Distributor to whom said check was issued. If any Retail Spirit, Retail Beer, Retail Wine, Beer and Wine, Mixed Beverage or Caterer licensee shall issue an insufficient or no-fund check for the purchase of alcoholic beverages, which check was not paid as required by 45:10-3-17 within three (3) business days following notice of dishonor, the Wine and Spirits Wholesaler, Beer Distributor, Self-Distributing Brewer, Self-Distributing Winery, or Brewpub Self-Distributor shall immediately notify the ABLE Commission of such fact and, the ABLE Commission shall, upon determining such fact immediately notify all Wine and Spirit Wholesalers, Beer Distributors, Self-Distributing Brewers, Self-Distributing Wineries, and Brewpub Self-Distributors that the issuing licensee shall not be permitted to purchase any alcoholic beverage until the licensee has paid the outstanding invoice at issue.

[Source: Amended at 35 Ok Reg 801, eff 10-1-18]

45:10-3-17. Payment of insufficient fund checks

If any holder of a Retail Spirit, Retail Beer, Retail Wine, Beer and Wine, Mixed Beverage, or Caterer's license or employee shall give an insufficient or no-fund check to a licensed Wine and Spirits Wholesaler, Beer Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, or Winemaker Self-Distributor in payment for alcoholic beverages purchased by said licensee, said check shall be paid only by cash, bank draft, cashier's check, express or postal money order. Under no circumstances shall another personal check of said licensee be accepted or received by said licensed Wine and Spirits Wholesaler, Beer Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, or Winemaker Self-Distributor in payment of said check; PROVIDED, if such licensee or employee has on deposit for collection in the bank upon which such insufficient check should be drawn sufficient funds to pay such check, then in that event, any such check given to a licensed Wine and Spirits Wholesaler, Beer Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, or Winemaker Self-Distributor shall not be construed to mean an insufficient or no-fund check.

[Source: Amended at 35 Ok Reg 801, eff 10-1-18]

45:10-3-18. Notice of dishonored check

(a) Whenever a licensed Wine and Spirits Wholesaler, Beer Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, or Winemaker Self-Distributor shall receive from the holder of a Retail Spirit, Retail Beer, Retail Wine, Beer and Wine, Mixed Beverage or Caterer's license a check in payment of alcoholic beverages purchased, which check is returned dishonored, and not thereafter paid as required by 45:10-3-17

within three (3) business days after notice of dishonor, said licensed Wine and Spirits Wholesaler, Beer Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, or Winemaker Self-Distributor shall, immediately following the close of the third business day after receipt of the notice of dishonor, notify the Commission in writing of such fact and shall furnish in duplicate the following information to the Commission:

(1) Name, address and license number of the licensee issuing the check.

(2) The date and amount of said check.

(3) Copy of invoice or invoices for which said check was given in payment.

(4) The name and address of the bank upon which said check was drawn.

(5) The name and address of the bank in which said check was deposited by the licensed Wine and Spirits Wholesaler, Beer Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, or Winemaker Self-Distributor.

(6) The dates upon which said check was deposited and returned.

(7) A statement that demand for payment of the dishonored check has been made upon the issuing licensee, and that the dishonored check has not been paid within three (3) business days.

(b) If any licensed Wine and Spirits Wholesaler, Beer Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, or Winemaker Self-Distributor shall fail, neglect or refuse to notify the Commission or furnish information required by this rule, or shall, having knowledge that a licensee is prohibited from purchasing alcoholic beverages, accept the personal or business check of such licensee in return for alcoholic beverages during such probationary period, such acceptance, failure, neglect or refusal shall be deemed an extension of credit from said Wine and Spirits wholesaler, Beer Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, or Winemaker Self-Distributor to the said Retail Spirit, Retail Beer, Retail Wine, Beer and Wine, mixed beverage or caterer licensee and a violation of Section 3-119 of Title 37A of the Oklahoma Statutes.

[Source: Amended at 35 Ok Reg 801, eff 10-1-18]