

45:30-3-7. Wine and Spirits Wholesaler's price registration

(a) All Wine and Spirits Wholesalers selling non-designated products shall file with the Commission on the 15th day of each posting month a proposed category Percentage Markup, as defined in 45:30-1-2.

(b) The proposed markups will be computed by "Percentage" in the five categories, (1) Spirits, (2) Cordials and Specialties, (3) Wines-Domestic, (4) Wines-Imported, and (5) Decanters. In reporting to the Commission, the proposed markups will be set forth in the following categories and order.

(1) (Category 1) Spirits: Straights; Blends; Bonds; Corn; Rye; Scotch; Canadian; Irish; Vodka; Gin; Rum; Brandy Alcohol; Tequila.

(2) (Category 2) Cordials and Specialties: Cocktails; Cordials; Domestic and Imported; Miscellaneous Specialties.

(3) (Category 3) Wines-Domestic: Vermouth American; Fortified American; Light American; Champagne American.

(4) (Category 4) Wines-Imported: Vermouth Imported; Fortified Imported; Light French, Light German; Light Other Imported; Champagne Imported.

(5) (Category 5) Decanters: Includes only those items approved by the Director for sale in this State in decanter bottles, regardless of content.

(c) When a Wine and Spirits Wholesaler desires to charge for expenses incurred in handling of individual bottles in fractional cases, or for transportation of his alcoholic beverage to the holder of a Retail Spirit, Retail Wine, Mixed Beverage, Caterer or Special Event license, he shall

on the 15th day of each posting month include with his proposed percentage posting the separate amounts if any, to be charged for (1) bottle handling and/or (2) the amount of transportation, respectively to be charged per case.

(d) The proposed posting by the Wine and Spirits Wholesaler shall list the percentage posting, the handling and/or transportation cost without discrimination, to all licensees regardless of their distance from the wholesale warehouse.

(e) The Commission shall immediately upon receipt of all proposed category percentage postings, prepare a summation of the proposal and mail a copy to all Wine and Spirits Wholesalers. The summation will contain the proposed percentage posting for each category, including proposed transportation charges as submitted by the individual Wine and Spirits Wholesaler.

(f) After filing the report required by (a) of this Section, any and all Wine and Spirits Wholesalers shall be permitted to register on or before the 25th day of each posting month an "adjusted price," as defined in 45:30-1-2. The "adjusted price" shall be no lower than the lowest percentage posted on the 15th day of said month by any Wine and Spirits Wholesaler.

(g) The "adjusted price" posted by a Wine and Spirits Wholesaler in response to the lowest percentage posted by any Wine and Spirits Wholesaler may, but need not be, posted in terms of a percentage, and if not so stated, shall state the price at which the Wine and Spirits Wholesaler proposes to sell each individual item or size of item which he proposes to offer for sale during the posting period. The price postings, except for unmodified percentage markups, shall describe each item by

brand, size, age, type and proof. Wines and champagnes shall reflect the alcoholic contents thereof.

(h) The Percentage Markup utilized by a Wine and Spirits Wholesaler in calculating his adjusted prices may be at any level between his originally posted Percentage Markup and the lowest Percentage Markup originally posted by any Wine and Spirits Wholesaler, but not be above his original posting nor below the lowest percentage posted by any Wine and Spirits Wholesaler. Any fraction within four (4) decimals in determining final prices of bottles shall be raised to the next higher cent.

(i) Each Wine and Spirits Wholesaler may, upon the 25th day of the posting month, adjust his transportation and handling charges to a level no lower than that of a competitor nor higher than his initial proposal on the 15th day of the posting month. Such bottle handling and/or transportation charge shall be in effect for the duration of the price posting which it accompanies. PROVIDED, that if a licensee shall order any item in full case lots and the Wine and Spirits Wholesaler does not have in inventory such item in full case lots, no bottle handling charge may be assessed to the licensee for the partial case.

(j) All Wine and Spirits Wholesalers shall, on the same date of filing an "Adjusted Price" posting with the Commission, mail a copy of such report to all licensed Wine and Spirits Wholesalers in this State. Each Wine and Spirits Wholesaler shall notify all licensees of transportation expenses in accordance with the requirements stated in 45:30-3-8.

(k) A licensed Wine and Spirits Wholesaler may include a minimum order charge of no less than One Dollar (\$1.00) for any order of alcoholic beverages to a Retail Spirit, Retail Wine, Mixed Beverage, Caterer or

Special Event licensee that does not exceed the amount that such Wine and Spirits Wholesaler designates as a minimum order in his proposed price posting. The minimum charge, if it is more than One Dollar (\$1.00), and the amount of the minimum order must be included in the price posting.

(l) All price postings, as adjusted, shall become effective on the first day of the following month and remain in effect for a period of two months. No other charge may be assessed by the Wine and Spirits Wholesaler to the licensee, except those expressly authorized by the provisions of the Oklahoma Alcoholic Beverage Control Act or the rules of the Commission.

(m) A price posting on a "New Item" not previously stocked by a Wine and Spirits Wholesaler shall be filed with the Commission prior to offering for sale, but no such item shall be listed at a lower price than is then, or will be, in effect during the price period for which the "New Item" is filed, and within the "Percentage" in the proper category of said Wine and Spirits Wholesaler. In the event of a "New Item" posting, mailings to Wine and Spirits Wholesalers and holders of Retail Spirit, Retail Wine, Mixed Beverage, Caterer or Special Events licenses, as herein required, shall be sent on the same date as the postings.

(n) When a Wine and Spirits Wholesaler discontinues an item, or does not have an item in his warehouse, or on order, the item will be deleted from his price posting. When or if the item is restocked or replaced in the inventory of a Wine and Spirits Wholesaler, it will be reentered into the price postings as would a "New Item" .

(o) The sale of or the offer to sell, alcoholic beverages at the prices

quoted in such price posting before the same, is in force and effect shall be grounds for the suspension or revocation of any such licensed Wine and Spirits Wholesaler's license if the "New Price" varies from the price then in effect.

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

[Source: Amended at 15 Ok Reg 1535, eff 7-27-98 ; Amended at 35 Ok Reg 657, eff 7-16-18 (emergency); Amended at 35 Ok Reg 833, eff 10-1-18]