

BILL SUMMARY

1st Session of the 59th Legislature

Bill No.:	SB796
Version:	FA1
Request Number:	8325
Author:	Rep. Marti
Date:	4/27/2023
Impact:	See below

Research Analysis

The floor substitute for SB 796 requires the report submitted to the ABLE Commission relating to the delivery of wine to any person in the state to be submitted quarterly and to contain evidence of a signature by a person 21 years of age or older for each completed shipment as well as the name and license number of the common or permit carrier engaged in the shipment.

The measure also provides that no express company, common carrier, or contract carrier nor any representative, agent, or employee on behalf of an express company, common carrier, or contract carrier shall knowingly deliver any shipping container that fails to comply with provisions of law relating to reporting requirements to the ABLE Commission. Such entities are also prohibited from shipping any container that carries or transports alcoholic beverages to persons under the 21 years of age. Such entities shall be subject to a maximum fine of \$1,500.00 for the first violation, \$2,500.00 for the second violation, and \$5,000.00 for third and subsequent violations. An express company, common carrier, and contract carrier may be held vicariously liable for the actions of its representatives, agents, and employees.

The measure requires that a common carrier shall not deliver a shipment of wine shall not unless the carrier has verified the validity of the Direct Wine Shipper's Permit prior to accepting shipment. The Commission is required to notify common carriers of all shipments it has good cause to believe were made unlawfully into this state whether those made through a licensed shipper, fulfillment providers, or an unlicensed entity.

Prepared By: Matthew Brenchley

Fiscal Analysis

In its current form, SB796 requires Direct Wine Shippers to file detailed quarterly reports with the Alcoholic Beverage Laws Enforcement (ABLE) Commission. The measure also requires common carriers to file quarterly reports with the ABLE Commission, forbids carriers from shipping wine without verifying the wine shipper's permit, and provides for penalties for wine shippers that violate the act. SB796 also requires certain actions from the ABLE Commission with regard to potentially illegal shipments.

Officials from the ABLE Commission declare that the impact to the agency is dependent on the method by which they receive information constituting *good cause* to believe a shipment was unlawful. The ABLE Commission finds that, in order implement the necessary changes, multiple full-time employees (FTEs) would be required. If the ABLE Commission hires additional FTEs, there would be a potential impact to the state budget to fund new employee salaries and benefits. As final numbers are still being determined, the impact is currently unknown.

Prepared By: Zachary Penrod, House Fiscal Staff

Other Considerations

None.

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