

An Act

ENROLLED SENATE
BILL NO. 1239

By: Mazzei of the Senate

and

McCall of the House

An Act relating to intoxicating liquors; amending 37 O.S. 2011, Section 163.5, as amended by Section 1, Chapter 357, O.S.L. 2012 (37 O.S. Supp. 2015, Section 163.5), which relates to low-point beer excise tax; requiring electronic remittance of such tax; modifying procedures related to remittance of taxes; amending 37 O.S. 2011, Section 553, as amended by Section 2, Chapter 357, O.S.L. 2012 (37 O.S. Supp. 2015, Section 553), which relates to alcoholic beverage excise tax; requiring electronic remittance of such tax; modifying procedures related to remittance of taxes; deleting requirement for certain additional payments; providing an effective date; and declaring an emergency.

SUBJECT: Tax administration

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

SECTION 1. AMENDATORY 37 O.S. 2011, Section 163.5, as amended by Section 1, Chapter 357, O.S.L. 2012 (37 O.S. Supp. 2015, Section 163.5), is amended to read as follows:

Section 163.5 A. The excise tax levied by Section 163.3 of this title on low-point beer shall be due and payable on or before the twentieth day of each month for the preceding calendar month and

such tax shall be remitted electronically at the time the return is electronically filed as prescribed by subsection B of this section.

B. At the time of paying ~~such tax~~ the tax as required by subsection A of this section each taxpayer shall, ~~upon forms prescribed, prepared and furnished by the Tax Commission,~~ file electronically with the Tax Commission a return, under oath, using procedures prescribed by the Tax Commission, showing the total sales of such beverages during the preceding calendar month, the amount of taxes due, and such further information as the Tax Commission may require to enable it to compute correctly and collect the taxes levied under Section 163.1 et seq. of this title.

C. Any tax not paid within ten (10) days after the close of the preceding calendar month shall be delinquent.

SECTION 2. AMENDATORY 37 O.S. 2011, Section 553, as amended by Section 2, Chapter 357, O.S.L. 2012 (37 O.S. Supp. 2015, Section 553), is amended to read as follows:

Section 553. A. Except as provided in paragraph 5 of this subsection, an excise tax is hereby levied and imposed upon all alcoholic beverages imported or manufactured, for sale, use or distribution, or used or possessed in this state at the following rates:

1. One Dollar and forty-seven cents (\$1.47) per liter, and a proportionate rate on fractions thereof, on each liter of spirits;
2. Nineteen cents (\$0.19) per liter, and a proportionate rate on fractions thereof, on each liter of wine;
3. Fifty-five cents (\$0.55) per liter, and a proportionate rate on fractions thereof, on each liter of sparkling wine;
4. Twelve Dollars and fifty cents (\$12.50) per barrel (thirty-one (31) wine gallons) and a proportionate rate on portions thereof, on each barrel of beer; and
5. Beer manufactured in this state for export shall not be taxed.

B. The excise tax levied on alcoholic beverages except beer under subsection A of this section shall be paid as follows:

1. Payment of the excise tax levied by this section with respect to all alcoholic beverages, other than beer, shall be made by the person shipping the same into Oklahoma, or in the case of direct imports from foreign countries by the importer, or in the case of alcoholic beverages manufactured in Oklahoma by the first seller thereof; and

2. On and after ~~January 1, 1981,~~ July 1, 2016, the due and payable excise tax levied by this section shall be ~~made by~~ remitted electronically simultaneously with tax returns electronically filed with the Oklahoma Tax Commission using procedures prescribed by the Tax Commission. The tax returns shall be made under oath by the person liable for the tax on forms prescribed and provided by the Oklahoma Tax Commission and shall be accompanied by payment of the taxes due and any additional sums due as provided by this section. Invoices describing all alcoholic beverages as described in this section which are shipped into this state or which are first sold in this state shall be delivered to the Oklahoma Tax Commission and to the Alcoholic Beverage Laws Enforcement Commission immediately following shipment of liquors into the state or delivery to the first purchaser. Tax returns and payment of excise tax and other sums due shall be ~~delivered to~~ electronically filed with the Oklahoma Tax Commission no later than the twentieth day of the month immediately succeeding the month of shipment, importation or first sale of the alcoholic beverages as provided in paragraph 1 of this subsection.

~~3. All tax returns required to be filed during the twelve month period beginning January 1, 1981, shall be accompanied by payment of the excise tax due plus an additional payment in the amount of twenty percent (20%) of said tax. Up to ten percent (10%) of the total payments made during said period may be made in the form of revenue stamps previously purchased pursuant to Section 540 of this title; and~~

~~4. On and after February 1, 1982, each person required to file a tax return pursuant to this section shall remit the excise tax due, less an amount not to exceed two percent (2%) of the total of the additional payments made by said taxpayer pursuant to paragraph~~

~~3 of this subsection. The total of said deductions shall not exceed the total of the additional payments made pursuant to paragraph 3 of this subsection. Up to ten percent (10%) of each tax payment made under this subsection may be made in the form of revenue stamps previously purchased pursuant to Section 540 of this title.~~

C. For the purpose of collecting and remitting the excise tax imposed under this section, the person liable for such tax is hereby declared to be the agent of the state for such purposes.

D. Nothing herein shall be construed to impose an additional excise tax on intoxicating beverages held in inventory by wholesalers and retailers upon which the excise tax was paid prior to the effective date of any excise tax increase.

SECTION 3. This act shall become effective July 1, 2016.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 28th day of April, 2016.

Eddie Field
Presiding Officer of the Senate

Passed the House of Representatives the 13th day of April, 2016.

Lee R. Thompson
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 2nd

day of May, 20 16, at 2:40 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 5th

day of May, 20 16, at 3:06 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 5th

day of May, 20 16, at 3:38 o'clock P M.

By: Chris Benz