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Updated: November 8, 2011

**PREVENTION OF YOUTH ACCESS TO
ALCOHOLIC BEVERAGES AND
LOW-POINT BEER ACT
TITLE 37**

O.S. §601 Thru §606.

601. Citation

Section 59 through 64 of this act shall be known and may be cited as the “Prevention of Youth Access to Alcoholic Beverages and Low-Point Beer Act”.

602. Definitions

As used in Sections 59 through 64 of this act:

1. “Alcoholic beverage” means any beverage so defined pursuant to Section 506 of Title 37 of the Oklahoma Statutes;
2. “Low-point beer” means any beverage so defined pursuant to Section 163.2 of Title 37 of the Oklahoma Statutes;
3. “Person” means any individual, firm, fiduciary, partnership, corporation, trust, or association, however formed; and
4. “Proof of age” means a driver license or a card issued for identification only pursuant to Section 6-105 of Title 47 of the Oklahoma Statutes, or other generally accepted means of identification that describes the individuals as twenty-one (21) years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid.

603. Retail sale of alcoholic beverages or low-point beer—Posting of signs—Penalty

A. Every person who sells alcoholic beverages at retail shall post conspicuously and keep so posted at the place of business a sign stating the following: “IT’S THE LAW. WE DO NOT SELL ALCOHOLIC BEVERAGES TO PERSONS UNDER 21 YEARS OF AGE”. Every person who sells low-point beer at retail shall post conspicuously and keep so posted at the place of business a sign stating the following: “IT’S THE LAW. WE DO NOT SELL LOW-POINT BEER TO PERSONS UNDER 21 YEARS OF AGE”.

B. A violation of subsection A of this section constitutes a misdemeanor and upon conviction thereof a violator shall be assessed a fine not to exceed fifty dollars (\$50.00) for each day such offense occurred. The notices required by subsection A of this section shall be the only notices required to be posted or maintained in any store that sells alcoholic beverages or low-point beer at retail.

604. Sale of alcoholic beverages or low-point beer—Notice to employees

A. Every person engaged in the business of selling alcoholic beverages or low-point beer at retail shall notify each individual employed by that person as a retail sales clerk or server that state law:

1. Prohibits the sale or distribution of alcoholic beverages and low-point beer to any person under twenty-one (21) years of age and the purchase or receipt of alcoholic beverages and low-point beer by any person under twenty-one (21) years of age; and
2. Requires that proof of age be demanded from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser or recipient may be under twenty-one (21) years of age.

B. This notice shall be provided before the individual commences work as a retail sales clerk or server, or, in the case of an individual employed as a retail sales clerk or server on the date when this section becomes effective, within thirty (30) days of that date. The

individual shall signify that he or she has received the notice required by this section of signing a form stating as follows:

“I understand that state law prohibits the sale or distribution of alcoholic beverages and low-point beer to persons under twenty-one (21) years of age, and requires proof of age of purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser or recipient may be under twenty-one (21) years of age. I have been advised on the law and I understand the penalty for violating it.”

605. Enforcement of act—Enlistment of persons under 21 years of age

A. All law enforcement agencies are authorized and empowered to enforce the provisions of this act. The provisions shall be enforced in a manner that can reasonably be expected to reduce the extent to which alcoholic beverages and low-point beer are sold or distributed to persons under twenty-one (21) years of age.

B. Persons under twenty-one (21) years of age may be enlisted by law enforcement agencies to assist in enforcement. Provided, however, that such persons may be used to test compliance only if the testing is conducted under the direct supervision of the law enforcement agency; provided, written parental consent shall be obtained prior to the use of any person under the age of eighteen (18) years. Any other use of persons under twenty-one (21) years of age to test compliance shall be unlawful and punishable by assessment of an administrative fine of One Hundred Dollars (\$100.00).

606. Other penalties authorized by law not excluded

Nothing in the Prevention of Youth Access to Alcoholic beverages and Low-Point Beer Act shall be construed to prevent the imposition of any penalty as otherwise specified in the Oklahoma Statutes.

607. REPEALED - April 30, 2007

~~—It shall be unlawful for any person to commit any of the acts specified in paragraph 1 or 2 of this section in relation to an Oklahoma driver license or identification card authorized to be issued by the Department of Public Safety pursuant to the provisions of Section 6-101 through 6-309 of Title 47 of the Oklahoma Statutes or any driver license or other evidence of driving privilege or identification card authorized to be issued by the state of origin.~~

~~—1. It is a misdemeanor for any licensee:~~

~~— a. to lend one's own license or identification card to any other person or knowingly permit the use thereof by another,~~

~~— b. to display or cause or permit to be displayed or to possess a license or identification card issued to oneself which bears altered information concerning the date of birth, expiration date, sex, height, eye color, weight or license or card number,~~

~~— c. to permit any unlawful use of a license or identification card issued to oneself,~~
~~or~~

~~— d. to add to, delete from, alter, or deface the required information on a driver license or identification card.~~

~~—2. It is a felony for any person:~~

~~— a. to create, publish or otherwise manufacture an Oklahoma or other state license or identification card or facsimile thereof, or to create, manufacture or possess an~~

~~engraved plate or other such device, card, laminate, digital image or file, or software for the printing of an Oklahoma or other state license or identification card or facsimile thereof, except as authorized pursuant to Title 47 of the Oklahoma Statutes,~~

~~—— b. to display or cause or permit to be displayed or to knowingly possess any state counterfeit or fictitious license or identification card,~~

~~—— c. to display or cause to be displayed or to knowingly possess any state license or identification card bearing a fictitious or forged name or signature,~~

~~—— d. to display or cause to be displayed or to knowingly possess any state license or identification card bearing the photograph of any person, other than the person named thereon as licensee,~~

~~—— e. to display or represent as one's own, any license or identification card not issued to the person, for the purpose of committing a fraud in any commercial transaction or to mislead a peace officer in the performance of his or her duties, or~~

~~—— f. to use a false or fictitious name in any application for a license or identification card or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application.~~

~~—— 3. Any person who violates any of the provisions of paragraph 1 of this section shall, upon conviction, be guilty of a misdemeanor and shall be punished by a fine of not less than Twenty five Dollars (\$25.00), nor more than Two Hundred Dollars (\$200.00). Any person who violates any of the provisions of paragraph 2 of this section shall, upon conviction, be guilty of a felony and shall be punished by a fine of not more than Ten Thousand Dollars (\$10,000.00), or by a term of imprisonment in the custody of the Department of Corrections for not more than seven (7) years, or by both such fine and imprisonment.~~

~~—— 4. Notwithstanding any provision of this section, the Commission of the Department of Public Safety may, upon the request of the chief administrator of a law enforcement, military, or intelligence agency, authorize the issuance to and display, and possession of a person of a license which would otherwise be a violation of this section, for the sole purpose of aiding in a criminal investigation or a military or intelligence operation. While acting pursuant to such authorization by the Commissioner, such person shall not be prosecuted for a violation under this section. Upon termination of such investigation or operation or upon request of the Commissioner, the chief administrator shall forthwith cause such license to be returned to the Commissioner.~~