45:30-3-7. Wholesaler’s transition price registration
(a) All Wholesalers 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. August 2018 shall be deemed a posting month. On the 15th day of August, 2018, a Wholesaler shall post a proposed category Percentage Markup which is equal to or lower than the Percentage Markup then in effect for the Wholesaler.
(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 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, 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 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 Wholesalers. The summation will contain the proposed percentage posting for each category, including proposed transportation charges as submitted by the individual Wholesaler.
(f) After filing the report required by (a) of this Section, any and all 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 Wholesaler.
(g) The "adjusted price" posted by a Wholesaler in response to the lowest percentage posted by any Wholesaler may, but need not be, posted in terms of a percentage, and if not so stated, shall state the price at which the 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 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 Wholesaler, but not be above his original posting nor below the lowest percentage posted by any Wholesaler. Any fraction within four (4) decimals in determining final prices of bottles shall be raised to the next higher cent.

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

(k) A licensed Wholesaler may include a minimum order charge of no less than One Dollar ($1.00) for any order of alcoholic beverages to a Retail, Mixed Beverage, Caterer or Special Event licensee that does not exceed the amount that such 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. PROVIDED, that if a licensee shall order merchandise in excess of the Wholesaler's designated minimum order and the Wholesaler shall not be able to deliver any ordered item of the Top 18 Brands, no delivery charge shall be assessed on such shorted order.

(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. Provided that postings made in July 2018 will be in effect only for the month of August 2018 and postings made during August 2018 will be in effect only for the month of September 2018. No other charge may be assessed by the 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 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 Wholesaler. In the event of a "New Item" posting, mailings to Wholesalers and holders of Retail, Mixed Beverage, Caterer or Special Events licenses, as herein required, shall be sent on the same date as the postings.

(n) When a 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 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 Wholesaler's license if the "New Price" varies from the price then in effect.
(p) There shall be a fee of One Dollar ($1.00) collected for the identification (tax) stamp affixed to each bottle of spirits or wine, regardless of the size of the bottle, sold to the holder of a Mixed Beverage, Caterer or Special Event license in accordance with Section 581 of Title 37 of the Oklahoma Statutes. The Wholesaler may also include a service charge for affixing identification stamps to the bottles, however, such charge must be included in the Wholesaler's price posting.

(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.