

STATE OF OKLAHOMA, TITLE 2
DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
FUEL ALCOHOL ACT

§2-11-20. Short title.

Sections 108 through 115 of this act shall be known and may be cited as the "Oklahoma Fuel Alcohol Act".

Added by Laws 1980, c. 2, § 1, emerg. eff. Feb. 6, 1980.
Amended by Laws 2001, c. 146, § 108, emerg. eff. April 30, 2001. Renumbered from § 1901 of this title by Laws 2001, c. 146, § 260, emerg. eff. April 30, 2001.

§2-11-21. Permit required.

It shall be unlawful for any person within this state to engage in the production of alcohol for use as a motor fuel, unless the person has obtained the required permit for either an experimental plant or a distilled spirits plant from the Bureau of Alcohol, Tobacco and Firearms of the United States Department of the Treasury and has, in addition thereto, received a permit from the State Department of Agriculture in accordance with the provisions of the Oklahoma Fuel Alcohol Act.

Added by Laws 1980, c. 2, § 2, emerg. eff. Feb. 6, 1980.
Amended by Laws 2001, c. 146, § 109, emerg. eff. April 30, 2001. Renumbered from § 1902 of this title by Laws 2001, c. 146, § 260, emerg. eff. April 30, 2001.

§2-11-22. Kinds of permits - Fees - Rules.

A. The kinds of permits which may be issued by the Department of Agriculture, and the annual fees therefor, shall be as follows:

1. Alcohol Fuel Producer Permit
(Small) \$ 25.00
2. Alcohol Fuel Producer Permit
(Medium) \$100.00
3. Alcohol Fuel Producer Permit
(Large) \$250.00

The alcohol fuel producer is required to obtain a state permit as defined by the Bureau of Alcohol, Tobacco and Firearms of the United States Department of the Treasury. If a different person purchases or acquires control of an alcohol fuel producing plant, that person must file a new application.

B. Alcohol fuel produced shall be rendered unfit at time of production for beverage use in conformity with Bureau regulations.

C. The premises of an alcohol fuel plant include all areas where distilled spirits are produced, processed, stored, used or held for distribution. The proprietor shall maintain security adequate to deter diversion of the spirits, and shall determine and record the quantities of spirits produced, received, rendered unfit for beverage use and used or removed from the premises.

D. Distilled spirits withdrawn from plant premises may be used only for fuel purposes and meet all Bureau requirements for withdrawal. Before withdrawing spirits from plant premises, the proprietor must render the spirits unfit for beverage use, with the only exception being for those spirits transferred to other alcohol fuel producing plants.

E. The Corporation Commission shall have the authority to promulgate such rules to govern the sale of ethanol (ethyl alcohol) and gasoline mixtures.

Added by Laws 1980, c. 2, § 3, emerg. eff. Feb. 6, 1980.
Amended by Laws 1981, c. 29, § 1, emerg. eff. April 6, 1981; Laws 2001, c. 146, § 110, emerg. eff. April 30, 2001.
Renumbered from § 1903 of this title by Laws 2001, c. 146, § 260, emerg. eff. April 30, 2001.

§2-11-23. Application for permit - Display of permit.

To obtain a permit from the Department of Agriculture, each applicant shall submit a copy of his or her valid federal permit, such application form as the Department may establish and the appropriate fee. The permit shall be conspicuously displayed in the producer's plant.

Added by Laws 1980, c. 2, § 4, emerg. eff. Feb. 6, 1980.
Amended by Laws 2001, c. 146, § 111, emerg. eff. April 30, 2001. Renumbered from § 1904 of this title by Laws 2001, c. 146, § 260, emerg. eff. April 30, 2001.

§2-11-24. Revocation of permit.

The state permit issued pursuant to the Oklahoma Fuel Alcohol Act shall be revoked if the permit holder's federal permit is revoked, the alcohol produced is diverted for any unauthorized use, the holder violates any provisions of the Oklahoma Fuel Alcohol Act, or if the annual fee is not paid.

Added by Laws 1980, c. 2, § 5, emerg. eff. Feb. 6, 1980.
Amended by Laws 2001, c. 146, § 112, emerg. eff. April 30, 2001. Renumbered from § 1905 of this title by Laws 2001, c. 146, § 260, emerg. eff. April 30, 2001.

§2-11-25. List of registered alcohol producers.

The Department of Agriculture shall maintain for public information a current list of all alcohol producers registered under the Oklahoma Fuel Alcohol Act. The list shall specify the type permit issued to each producer. A copy of the list shall monthly be filed with the Alcoholic Beverage Laws Enforcement Commission.

Added by Laws 1980, c. 2, § 6, emerg. eff. Feb. 6, 1980.
Amended by Laws 2001, c. 146, § 113, emerg. eff. April 30, 2001. Renumbered from § 1906 of this title by Laws 2001, c. 146, § 260, emerg. eff. April 30, 2001.

§2-11-26. Violations - Penalties.

Any person who violates any provision of the Oklahoma Fuel Alcohol Act shall be guilty of a felony, and shall upon conviction thereof be fined not more than Twenty-five Thousand Dollars (\$25,000.00), or imprisoned in the State Penitentiary for not more than five (5) years or both.

Added by Laws 1980, c. 2, § 7, emerg. eff. Feb. 6, 1980.
Amended by Laws 1997, c. 133, § 105, eff. July 1, 1999;
Laws 1999, 1st Ex. Sess., c. 5, § 41, eff. July 1, 1999;
Laws 2001, c. 146, § 114, emerg. eff. April 30, 2001.
Renumbered from § 1907 of this title by Laws 2001, c. 146, § 260, emerg. eff. April 30, 2001.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 105 from July 1, 1998, to July 1, 1999.

§2-11-27. Rules - Inspection of plants.

The Department of Agriculture shall have the authority to establish the rules necessary to carry out the provisions of the Oklahoma Fuel Alcohol Act and shall periodically inspect all plants registered pursuant to the Oklahoma Fuel Alcohol Act.

Added by Laws 1980, c. 2, § 8, emerg. eff. Feb. 6, 1980.
Amended by Laws 2001, c. 146, § 115, emerg. eff. April 30, 2001. Renumbered from § 1908 of this title by Laws 2001, c. 146, § 260, emerg. eff. April 30, 2001.