

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1212 be amended to read as follows:

- 1 Delete everything after the enacting clause and insert the
- 2 following:
- 3 SECTION 1. IC 7.1-5-1-9.5 IS ADDED TO THE INDIANA
- 4 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 1998]: **Sec. 9.5. A person who knowingly**
- 6 **violates IC 7.1-5-11-1.5(b) or IC 7.1-5-11-1.5(c) commits a Class A**
- 7 **infraction.**
- 8 SECTION 2. IC 7.1-5-11-1.5 IS ADDED TO THE INDIANA
- 9 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 10 [EFFECTIVE JULY 1, 1998]: **Sec. 1.5. (a) This section applies**
- 11 **notwithstanding any other law.**
- 12 **(b) It is unlawful for a seller of alcoholic beverages located in**
- 13 **a state or country other than Indiana to ship an alcoholic beverage**
- 14 **directly to a person in Indiana if:**
- 15 **(1) the person is less than twenty-one (21) years of age;**
- 16 **(2) the person does not hold a valid wholesaler permit under**
- 17 **this title and resells or attempts to resell the alcoholic**
- 18 **beverage for pecuniary gain; and**
- 19 **(3) the seller does not comply with subsection (c).**
- 20 **(c) This subsection applies to a seller of alcoholic beverages**
- 21 **located in a state or country other than Indiana who holds a valid**
- 22 **license to sell alcoholic beverages from the state or country where**
- 23 **the person is located. The seller may ship a maximum of sixty (60)**
- 24 **bottles of alcoholic beverage within a twelve (12) month period**

1 from the date the seller registers with the commission directly to a
2 person in Indiana who is at least twenty-one (21) years of age and
3 purchases the alcoholic beverage for the person's personal
4 consumption, if the seller does the following:

5 (1) Registers annually with the commission.

6 (2) Pays an annual fee of one hundred dollars (\$100) to the
7 commission.

8 (3) Provides the commission with a copy of the seller's
9 current license to sell alcoholic beverages.

10 (4) For each shipment of alcoholic beverage:

11 (A) accompanies the shipment with an invoice that
12 provides details of the transaction; and

13 (B) files a copy of the invoice with the department of
14 state revenue.

15 (5) Provides annually to the department of state revenue the
16 following:

17 (A) An annual report for alcoholic beverage shipped
18 into Indiana showing:

19 (i) the total number of cases;

20 (ii) the type; and

21 (iii) the brand name.

22 (B) A certified check for the alcoholic beverage taxes
23 due to Indiana for the total amount of alcoholic
24 beverage shipped into Indiana.

25 (d) Upon determination by the commissioner that a wine
26 producer holding a basic permit from the Bureau of Alcohol,
27 Tobacco, and Firearms has made an illegal shipment to a person
28 in Indiana, the commissioner shall notify the Bureau of Alcohol,
29 Tobacco, and Firearms in writing and by certified mail of the
30 commissioner's determination and ask the bureau to take
31 appropriate action.

(Reference is to HB 1212 as printed January 29, 1998.)

Representative Cochran