

January 29, 1998

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## HOUSE BILL No. 1212

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DIGEST OF HB 1212 (Updated January 28, 1998 2:48 pm - DI 58)

**Citations Affected:** IC 7.1-5.

**Synopsis:** Alcoholic beverages. Makes it unlawful for a person engaged in the business of selling alcoholic beverages to ship an alcoholic beverage directly to an Indiana resident who does not hold a valid wholesaler's permit. Provides that a person who knowingly ships an alcoholic beverage directly to an Indiana resident who does not hold a valid wholesaler's permit commits a Class C misdemeanor. Provides that the offense is a Class A misdemeanor if the person has an unrelated citation for the offense within two years before the date of the offense. Provides that the offense is a Class D felony if the person has two unrelated citations for the offense within two years before the date of the offense. Makes it unlawful for a common carrier to deliver an alcoholic beverage to a minor.

**Effective:** See text of bill.

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**Tincher, Ayres, Kruse, Stevenson**

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January 8, 1998, read first time and referred to Committee on Ways and Means.  
January 28, 1998, amended, reported — Do Pass.

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HB 1212—LS 6911/DI 73



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January 29, 1998

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

## HOUSE BILL No. 1212

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A BILL FOR AN ACT to amend the Indiana Code concerning alcoholic beverages.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 7.1-5-1-9.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 1998]: **Sec. 9.5. (a) A person who knowingly violates**  
4 **IC 7.1-5-11-1.5 commits a Class C misdemeanor.**

5 **(b) The offense is a Class A misdemeanor if the person has a**  
6 **prior, unrelated conviction for an offense under this section**  
7 **committed within two (2) years before the date of the offense.**

8 **(c) The offense is a Class D felony if the person has at least two**  
9 **(2) prior, unrelated convictions for an offense under this section**  
10 **committed within two (2) years before the date of the offense.**

11 SECTION 2. IC 7.1-5-11-1.5 IS ADDED TO THE INDIANA  
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 1998]: **Sec. 1.5. (a) It is unlawful for a person**  
14 **in the business of selling alcoholic beverages in another state or**  
15 **country to ship or cause to be shipped an alcoholic beverage**  
16 **directly to an Indiana resident who does not hold a valid**  
17 **wholesaler permit under this title. This includes the ordering and**

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1 selling of alcoholic beverages over a computer network (as defined  
2 by IC 35-43-2-3(a)).  
3 (b) Upon a determination by the commission that a person has  
4 violated subsection (a), a wholesaler may not accept a shipment of  
5 alcoholic beverages from the person for not more than one (1) year.  
6 (c) The commission shall adopt rules under IC 4-22-2 to  
7 implement this section.  
8 SECTION 3. IC 7.1-5-11-4 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. Deliveries Limited.  
10 It is unlawful for an officer, agent, or employee of a railroad company,  
11 express company, or other common carrier to recklessly deliver (†) an  
12 alcoholic beverage:  
13 (1) to a person other than the person to whom it is consigned;  
14 (2) it without a written order by the consignee; ~~or~~  
15 (3) it to a person when the alcoholic beverage has been consigned  
16 to a fictitious person or a person under a fictitious name; ~~or~~  
17 (4) to a minor.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1212, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning alcoholic beverages.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to House Bill 1212 as introduced.)

BAUER, Chair

Committee Vote: yeas 9, nays 7.

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