

Adopted          Rejected

# COMMITTEE REPORT

**YES:                    9**  
**NO:                     7**

**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:*

- 1            Delete the title and insert the following:
- 2            A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 alcoholic beverages.
- 4            Delete everything after the enacting clause and insert the
- 5 following:
- 6            SECTION 1. IC 7.1-5-1-9.5 IS ADDED TO THE INDIANA
- 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 8 [EFFECTIVE JULY 1, 1998]: **Sec. 9.5. (a) A person who knowingly**
- 9 **violates IC 7.1-5-11-1.5 commits a Class C misdemeanor.**
- 10            **(b) The offense is a Class A misdemeanor if the person has a**
- 11 **prior, unrelated conviction for an offense under this section**
- 12 **committed within two (2) years before the date of the offense.**
- 13            **(c) The offense is a Class D felony if the person has at least two**
- 14 **(2) prior, unrelated convictions for an offense under this section**
- 15 **committed within two (2) years before the date of the offense.**

1 SECTION 2. IC 7.1-5-11-1.5 IS ADDED TO THE INDIANA  
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 1998]: **Sec. 1.5. (a) It is unlawful for a person**  
 4 **in the business of selling alcoholic beverages in another state or**  
 5 **country to ship or cause to be shipped an alcoholic beverage**  
 6 **directly to an Indiana resident who does not hold a valid**  
 7 **wholesaler permit under this title. This includes the ordering and**  
 8 **selling of alcoholic beverages over a computer network (as defined**  
 9 **by IC 35-43-2-3(a)).**

10 **(b) Upon a determination by the commission that a person has**  
 11 **violated subsection (a), a wholesaler may not accept a shipment of**  
 12 **alcoholic beverages from the person for not more than one (1) year.**

13 **(c) The commission shall adopt rules under IC 4-22-2 to**  
 14 **implement this section.**

15 SECTION 3. IC 7.1-5-11-4 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. Deliveries Limited.  
 17 It is unlawful for an officer, agent, or employee of a railroad company,  
 18 express company, or other common carrier to recklessly deliver ~~(†)~~ an  
 19 alcoholic beverage:

- 20 **(1) to a person other than the person to whom it is consigned;**  
 21 **(2) it without a written order by the consignee; ~~or~~**  
 22 **(3) ~~it~~ to a person when the alcoholic beverage has been**  
 23 **consigned to a fictitious person or a person under a fictitious**  
 24 **name; ~~or~~**  
 25 **(4) to a minor.**

(Reference is to HB 1212 as introduced.)

**and when so amended that said bill do pass.**

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Representative Bauer