

# SENATE BILL No. 312

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 7.1-3-1-14; IC 7.1-5-8-4; IC 7.1-5-8-5.

**Synopsis:** Alcoholic beverages at auto racing facilities. Revises the description of auto racing facilities in the law concerning the time to begin Sunday sales of alcoholic beverages so that the law is not limited to an oval track. Provides that at certain auto racing facilities, the owner or operator may permit a person to enter with an alcoholic beverage for consumption at the facility and that a person may carry on, convey to, or consume, on or about the facility, an alcoholic beverage that was not then and there purchased at the facility.

**Effective:** Upon passage.

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**Clark**

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January 7, 1999, read first time and referred to Committee on Public Policy.

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First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

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## SENATE BILL No. 312



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 7.1-3-1-14 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) It is lawful  
3 for an appropriate permittee, unless otherwise specifically provided in  
4 this title, to sell alcoholic beverages each day Monday through  
5 Saturday from 7 a.m., prevailing local time, until 3 a.m., prevailing  
6 local time, the following day. Sales shall cease wholly on Sunday at 3  
7 a.m., prevailing local time, and not be resumed until the following  
8 Monday at 7 a.m., prevailing local time.

9 (b) It is lawful for the holder of a supplemental retailer's permit  
10 which is not specified in subsection (c) to sell the appropriate alcoholic  
11 beverages on Sunday from noon, prevailing local time, until 12:30 a.m.,  
12 prevailing local time, the following day.

13 (c) It is lawful for the holder of a supplemental retailer's permit to  
14 sell the appropriate alcoholic beverages on Sunday from 11:00 a.m.,  
15 prevailing local time, until 12:30 a.m., prevailing local time, the  
16 following day if the holder of the permit meets the following criteria:

17 (1) the holder of the permit is a hotel; or



1 (2) the holder of the permit meets the requirements of 905  
2 IAC 1-15.1-2(a).

3 (d) Notwithstanding subsections (b) and (c), if December 31 (New  
4 Year's Eve) is on a Sunday, it is lawful for the holder of a supplemental  
5 retailer's permit to sell the appropriate alcoholic beverages on Sunday,  
6 December 31 from the time provided in subsection (b) or (c) until 3  
7 a.m. the following day.

8 (e) It is lawful for the holder of a permit under this article to sell  
9 alcoholic beverages at athletic or sports events held on Sunday upon  
10 premises:

11 (1) described in section 25(a) of this chapter;

12 (2) **that are a facility** used in connection with the operation of a  
13 paved oval track more than two (2) miles in **circumference length**  
14 that is used primarily in the sport of auto racing; or

15 (3) being used for a professional or an amateur tournament;

16 beginning one (1) hour before the scheduled starting time of the event  
17 or, if the scheduled starting time of the event is 1 p.m. or later,  
18 beginning at noon.

19 SECTION 2. IC 7.1-5-8-4 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. ~~Serving of~~  
21 ~~Setups Prohibited:~~ (a) It is unlawful for a person who owns or operates  
22 a private or public restaurant or place of public or private entertainment  
23 to permit another person to come into ~~his~~ **the** establishment with an  
24 alcoholic beverage for sale or gift, or for consumption in the  
25 establishment by that person or another, or to serve a setup to a person  
26 who comes into ~~his~~ **the** establishment. However, the provisions of this  
27 section shall not apply to **the following**:

28 (1) A private room hired by a guest of a bona fide club or hotel  
29 that holds a retail permit.

30 (2) **A facility that is used in connection with the operation of**  
31 **a paved track of more than two (2) miles in length that is used**  
32 **primarily in the sport of auto racing.**

33 (b) An establishment operated in violation of this section ~~hereby~~ is  
34 declared to be a public nuisance and subject to abatement as other  
35 public nuisances are abated under the provisions of this title.

36 SECTION 3. IC 7.1-5-8-5 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. ~~Taking~~  
38 ~~Alcoholic Beverage On Licensed Premises Prohibited:~~ It is a Class C  
39 misdemeanor for a person, for ~~his~~ **the person's** own use, to knowingly  
40 carry on, convey to, or consume, on or about the licensed premises of  
41 a permittee, an alcoholic beverage that was not then and there  
42 purchased from that permittee. **However, this section does not apply**



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1 to a person at a facility that is used in connection with the  
2 operation of a paved track more than two (2) miles in length that  
3 is used primarily in the sport of auto racing.  
4 SECTION 4. An emergency is declared for this act.

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