
HOUSE BILL No. 1100

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-3-1; IC 7.1-5-10-1.

Synopsis: Alcoholic beverage permit matters. Makes certain changes concerning permits and sales of alcoholic beverages by wholesalers. Eliminates the requirement of a \$500 surety bond for alcoholic beverage wholesalers, wine bottlers, and alcoholic beverage carriers. Provides that payments required under the alcoholic beverage laws may be made by a check drawn on a business bank account.

Effective: July 1, 1999.

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January 6, 1999, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

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Introduced

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.

HOUSE BILL No. 1100

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 7.1-3-1-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) A permit of any
3 type issued by the commission, **except as provided in subsections (b)**
4 **and (f) or** unless otherwise provided in this title, shall be in force for
5 one (1) calendar year only, including the day upon which it is granted.
6 At the end of the one (1) year period the permit shall be fully expired
7 and null and void.

8 (b) Notwithstanding subsection (a), in a county containing a
9 consolidated city, a permit that is subject to section 5.5 or 5.6 of this
10 chapter is effective for two (2) calendar years, including the day upon
11 which the permit is granted. However, a local board may recommend
12 to the commission that the permit be issued or renewed for only a one
13 (1) year period. The commission may issue or renew a permit for the
14 period recommended by the local board.

15 (c) A permittee who is granted a two (2) year permit under
16 subsection (b) **or subsection (f)** is liable for any annual fees assessed
17 by the commission. The annual fee is due on the annual anniversary

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1 date upon which the permit was granted.

2 (d) If the commission grants a two (2) year permit, the commission
3 may ask a local board to hold a hearing to reconsider the duration of a
4 permittee's permit. A hearing held under this subsection is subject to
5 section 5.5 or 5.6 of this chapter. A local board shall hold the hearing
6 requested by the commission within thirty (30) days before the
7 permittee's next annual anniversary date and forward a
8 recommendation to the commission following the hearing.

9 (e) If a permittee is granted a permit for more than one (1) year, the
10 commission may require the permittee to file annually with the
11 commission the information required for an annual permit renewal.

12 **(f) Notwithstanding subsection (a), the following are effective**
13 **for two (2) calendar years, including the day upon which the**
14 **permit is granted:**

15 **(1) A beer wholesaler's permit issued under IC 7.1-3-3-1.**

16 **(2) A wine wholesaler's permit issued under IC 7.1-3-13-1.**

17 SECTION 2. IC 7.1-3-1-7 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) An applicant for
19 a brewer's permit, a distiller's permit, or a liquor wholesaler's permit
20 shall file with the commission a surety bond in the penal sum of ten
21 thousand dollars (\$10,000).

22 (b) An applicant for a rectifier's permit shall file with the
23 commission a surety bond in the penal sum of fifteen thousand dollars
24 (\$15,000).

25 (c) An applicant for a vintner's permit shall file with the commission
26 a surety bond in the penal sum of one thousand dollars (\$1,000).

27 ~~(d) An applicant for a wine wholesaler's permit, a wine bottler's~~
28 ~~permit, a beer wholesaler's permit, or a carrier's alcoholic permit shall~~
29 ~~file with the commission a surety bond in the penal sum of five~~
30 ~~hundred dollars (\$500):~~

31 SECTION 3. IC 7.1-3-1-13 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. ~~Payment in Cash.~~
33 Payment by a valid postal money order of the United States or by a **one**
34 **(1) of the following:**

35 **(1) Certified check;**

36 **(2) Cashier's check;**

37 **(3) Check drawn on the bank deposit of a business; or**

38 **(4) Bank draft; ~~of, or drawn upon,~~ a solvent bank or trust company**
39 **may be made in lieu of a cash payment whenever a sum is required to**
40 **be paid in cash under the provisions of this title. However, payment**
41 **made by one (1) of the methods listed in subdivisions (1) through**
42 **(4) must be of or drawn upon a solvent bank or trust company.**



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1 SECTION 4. IC 7.1-3-1-14 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. (a) It is lawful for
 3 an appropriate permittee, unless otherwise specifically provided in this
 4 title, to sell alcoholic beverages each day Monday through Saturday
 5 from 7 a.m., prevailing local time, until 3 a.m., prevailing local time,
 6 the following day. Sales shall cease wholly on Sunday at 3 a.m.,
 7 prevailing local time, and not be resumed until the following Monday
 8 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

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

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

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

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

29 (2) used in connection with the operation of a paved, oval track
 30 more than two (2) miles in circumference that is used primarily in
 31 the sport of auto racing; or

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

33 beginning one (1) hour before the scheduled starting time of the event
 34 or, if the scheduled starting time of the event is 1 p.m. or later,
 35 beginning at noon.

36 **(f) It is lawful for the holder of a valid beer, wine, or liquor**
 37 **wholesaler's permit to sell to the holder of a valid retailer's or**
 38 **dealer's permit at any time.**

39 SECTION 5. IC 7.1-5-10-1 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) **Except as**
 41 **provided in subsection (d)**, it is unlawful to sell alcoholic beverages
 42 at the following times:

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- 1 (1) At a time other than that made lawful by the provisions of
- 2 IC 7.1-3-1-14.
- 3 (2) On Christmas Day and until 7:00 o'clock in the morning,
- 4 prevailing local time, the following day.
- 5 (3) On primary election day, and general election day, from 3:00
- 6 o'clock in the morning, prevailing local time, until the voting polls
- 7 are closed in the evening on these days.
- 8 (4) During a special election under IC 3-10-8-9 (within the
- 9 precincts where the special election is being conducted), from
- 10 3:00 o'clock in the morning until the voting polls are closed in the
- 11 evening on these days.
- 12 (b) During the time when the sale of alcoholic beverages is
- 13 unlawful, no alcoholic beverages shall be sold, dispensed, given away,
- 14 or otherwise disposed of on the licensed premises and the licensed
- 15 premises shall remain closed to the extent that the nature of the
- 16 business carried on on the premises, as at a hotel or restaurant, permits.
- 17 (c) It is unlawful to sell alcoholic beverages on New Years Day for
- 18 off-premises consumption.
- 19 **(d) It is lawful for the holder of a valid beer, wine, or liquor**
- 20 **wholesaler's permit to sell to the holder of a valid retailer's or**
- 21 **dealer's permit at any time.**

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