



January 22, 1999

SENATE BILL No. 55

DIGEST SB0055 (Updated January 21, 1999 3:56 pm - DI 84)

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

Synopsis: Alcoholic beverages. Makes numerous changes concerning alcoholic beverages, including the following: (1) Corrects a reference to the Indiana Administrative Code in order to cite the current rule on Sunday sales of alcoholic beverages by certain retailers. (2) 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. (3) 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. (4) Provides that the alcoholic beverage commission may not issue a beer retailer's permit to a person who, within ten years before the date of application, has been convicted of certain federal or state crimes. (5) Provides that
(Continued next page)

Effective: Upon passage; July 1, 1999.

Clark, Wyss

January 6, 1999, read first time and referred to Committee on Rules and Legislative Procedure.
January 21, 1999, amended; reassigned to Committee on Public Policy.

SB 55—LS 6140/DI 13+



C
O
P
Y

Digest Continued

the holder of an alcoholic beverages club permit may keep a guest book listing members and their nonmember guests, except on designated guest days. (6) Allows minors to be present in indoor golf facilities where alcoholic beverages are sold.

C
o
p
y



January 22, 1999

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.

C
O
P
Y

SENATE BILL No. 55

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 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

SB 55—LS 6140/DI 13+



1 following day if the holder of the permit meets the following criteria:

- 2 (1) the holder of the permit is a hotel; or
 3 (2) the holder of the permit meets the requirements of ~~905~~
 4 ~~IAC 1-15.1-2(a)~~. **905 IAC 1-41-2(a)**.

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

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

- 13 (1) described in section 25(a) of this chapter;
 14 (2) **that are a facility** used in connection with the operation of a
 15 paved ~~oval~~ track more than two (2) miles in **circumference length**
 16 that is used primarily in the sport of auto racing; or
 17 (3) being used for a professional or an amateur tournament;
 18 beginning one (1) hour before the scheduled starting time of the event
 19 or, if the scheduled starting time of the event is 1 p.m. or later,
 20 beginning at noon.

21 SECTION 2. IC 7.1-3-4-2 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The commission
 23 shall not issue a beer retailer's permit, except as otherwise authorized
 24 in this title and subject to the other restrictions contained in this title,
 25 to the following persons:

- 26 (1) An alien.
 27 (2) A person who:
 28 (A) is not of good moral character and of good repute in the
 29 community in which the person resides; or
 30 (B) **has been convicted within ten (10) years before the date**
 31 **of application of:**
 32 (i) **a federal crime having a sentence of at least one (1)**
 33 **year;**
 34 (ii) **an Indiana Class A, Class B, or Class C felony; or**
 35 (iii) **a crime in a state other than Indiana having a**
 36 **penalty equal to the penalty for an Indiana Class A,**
 37 **Class B, or Class C felony.**

38 (3) A person who does not own the premises to which the permit
 39 will be applicable, or who does not have a bona fide lease on the
 40 premises for the full period for which the permit is to be issued.

41 (4) A law enforcement officer or an officer who is not an elected
 42 officer of a municipal corporation, or governmental subdivision,



C
O
P
Y

- 1 or of this state, charged with any duty or function in the
 2 enforcement of this title.
- 3 (5) An officer or employee of a person engaged in the alcoholic
 4 beverage traffic, which person is a nonresident of this state, or is
 5 engaged in carrying on any phase of the manufacture of, traffic in,
 6 or transportation of alcoholic beverages without a permit under
 7 this title when a permit is required by this title.
- 8 (6) If the permit applicant does not hold a brewer's permit, a
 9 person who leases from a person, or an officer or agent of that
 10 person, who holds a brewer's permit or a beer wholesaler's permit.
- 11 (7) If the permit applicant does not hold a brewer's permit, a
 12 person who is indebted to a person who holds a brewer's permit
 13 or a beer wholesaler's permit, or an officer or agent of that person,
 14 for a debt secured by a lien, mortgage, or otherwise, upon the
 15 premises for which the beer retailer's permit is to be applicable,
 16 or upon any of the property or fixtures on the premises, or used,
 17 or to be used in connection with the premises.
- 18 (8) A person whose place of business is conducted by a manager
 19 or agent, unless the manager or agent possesses the same
 20 qualifications required for the issuance of a beer retailer's permit
 21 to the person.
- 22 (9) A minor.
- 23 (10) A person non compos mentis.
- 24 (11) A person who has held a permit under this title and who has
 25 had that permit revoked within one (1) year prior to the date of
 26 application for a beer retailer's permit.
- 27 (12) A person who has made an application for a permit of any
 28 type which has been denied less than one (1) year prior to the
 29 person's application for a beer retailer's permit unless the first
 30 application was denied by reason of a procedural or technical
 31 defect.
- 32 (13) A person who is not the proprietor of a restaurant located and
 33 being operated on the premises described in the application for
 34 the beer retailer's permit, or of a hotel, or of a club, owning, or
 35 leasing the premises as a part of it. The disqualification contained
 36 in this subdivision shall not apply to the qualifications for or
 37 affect the privileges to be accorded under a beer dealer's permit
 38 or a dining car beer permit.
- 39 (b) Subsection (a)(9) does not prevent a minor from being a
 40 stockholder in a corporation.
- 41 SECTION 3. IC 7.1-3-20-8.6 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8.6. (a) The holder of

C
O
P
Y

- 1 a club permit may do the following:
- 2 (1) Designate one (1) day in each month as "guest day".
- 3 (2) Keep a record of all designated guest days.
- 4 (3) Invite guests who are not members of the club to attend the
- 5 club on a guest day.
- 6 (4) Sell or give alcoholic beverages to guests for consumption on
- 7 the permit premises on a guest day.
- 8 **(5) Keep a guest book listing members and their nonmember**
- 9 **guests, except on a designated guest day.**
- 10 (b) This subsection applies to a club that furnishes alcoholic
- 11 beverages on not more than two (2) days in each week.
- 12 Notwithstanding subsection (a)(1), the holder of a club permit to which
- 13 this subsection applies may designate twenty-four (24) guest days in
- 14 each calendar year rather than one (1) guest day in each month.
- 15 SECTION 4. IC 7.1-5-7-11 IS AMENDED TO READ AS
- 16 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 11. (a) The provisions
- 17 of sections 9 and 10 of this chapter shall not apply if the public place
- 18 involved is one (1) of the following:
- 19 (1) Civic center.
- 20 (2) Convention center.
- 21 (3) Sports arena.
- 22 (4) Bowling center.
- 23 (5) Bona fide club.
- 24 (6) Drug store.
- 25 (7) Grocery store.
- 26 (8) Boat.
- 27 (9) Dining car.
- 28 (10) Pullman car.
- 29 (11) Club car.
- 30 (12) Passenger airplane.
- 31 (13) Horse racetrack facility holding a recognized meeting permit
- 32 under IC 4-31-5.
- 33 (14) Satellite facility (as defined in IC 4-31-2-20.5).
- 34 (15) Catering hall under IC 7.1-3-20-24 that is not open to the
- 35 public.
- 36 (16) That part of a hotel or restaurant which is separate from a
- 37 room in which is located a bar over which alcoholic beverages are
- 38 sold or dispensed by the drink.
- 39 (17) Entertainment complex.
- 40 **(18) An indoor golf facility.**
- 41 (b) For the purpose of this subsection, "food" means meals prepared
- 42 on the licensed premises. It is lawful for a minor to be on licensed

C
O
P
Y

1 premises in a room in which is located a bar over which alcoholic
 2 beverages are sold or dispensed by the drink if all the following
 3 conditions are met:

4 (1) The minor is eighteen (18) years of age or older.

5 (2) The minor is in the company of a parent, guardian, or family
 6 member who is twenty-one (21) years of age or older.

7 (3) The purpose for being on the licensed premises is the
 8 consumption of food and not the consumption of alcoholic
 9 beverages.

10 SECTION 5. IC 7.1-5-8-4 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. ~~Serving of~~
 12 ~~Setups Prohibited:~~ (a) It is unlawful for a person who owns or operates
 13 a private or public restaurant or place of public or private entertainment
 14 to permit another person to come into ~~his the~~ establishment with an
 15 alcoholic beverage for sale or gift, or for consumption in the
 16 establishment by that person or another, or to serve a setup to a person
 17 who comes into ~~his the~~ establishment. However, the provisions of this
 18 section shall not apply to **the following:**

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

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

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

27 SECTION 6. IC 7.1-5-8-5 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. ~~Taking~~
 29 ~~Alcoholic Beverage On Licensed Premises Prohibited:~~ It is a Class C
 30 misdemeanor for a person, for ~~his the person's~~ own use, to knowingly
 31 carry on, convey to, or consume, on or about the licensed premises of
 32 a permittee, an alcoholic beverage that was not then and there
 33 purchased from that permittee. **However, this section does not apply**
 34 **to a person at a facility that is used in connection with the**
 35 **operation of a paved track more than two (2) miles in length that**
 36 **is used primarily in the sport of auto racing.**

37 SECTION 7. An emergency is declared for this act.

C
O
P
Y



SENATE MOTION

Mr. President: I move that Senator Garton be removed as author of Senate Bill 55 and that Senator Clark be substituted therefor.

GARTON

SENATE MOTION

Mr. President: I move that Senator Wyss be added as second author of Senate Bill 55.

CLARK

C
o
p
y



COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 55, has had the same under consideration and begs leave to report the same back to the Senate 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 be reassigned to the Senate Committee on Public Policy.

(Reference is to SB 55 as introduced.)

GARTON, Chairperson

C
O
P
Y

