

# SENATE BILL No. 132

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 7.1-3-18.

**Synopsis:** Bartender licensing. Requires the Indiana alcoholic beverage commission to revoke or deny a bartender's permit if the bartender has two or more prior unrelated alcohol offense convictions.

**Effective:** July 1, 2000.

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### Alting, Meeks C

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January 10, 2000, read first time and referred to Committee on Public Policy.

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Introduced

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

## SENATE BILL No. 132

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 7.1-3-18-9, AS AMENDED BY P.L.205-1999,  
2 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2000]: Sec. 9. (a) The commission may issue an employee's  
4 permit to a person who desires to act as a clerk in a package liquor  
5 store or as a bartender, waiter, waitress, or manager in a retail  
6 establishment, excepting dining car and boat employees.  
7 (b) A permit authorized by this section is conditioned upon the  
8 compliance by the holder with reasonable rules relating to the permit  
9 which the commission may prescribe from time to time.  
10 (c) A permit issued under this section entitles its holder to work for  
11 any lawful employer. However, a person may work without an  
12 employee's permit for thirty (30) days from the date shown on a receipt  
13 for a cashier's check or money order payable to the commission for that  
14 person's employee's permit application.  
15 (d) A person who, for a package liquor store or retail establishment,  
16 is:  
17 (1) the sole proprietor;

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1 (2) a partner, a general partner, or a limited partner in a  
 2 partnership or limited partnership that owns the business  
 3 establishment;

4 (3) a member of a limited liability company that owns the  
 5 business establishment; or

6 (4) a stockholder in a corporation that owns the business  
 7 establishment;

8 is not required to obtain an employee's permit in order to perform any  
 9 of the acts listed in subsection (a).

10 (e) An applicant may declare on the application form that the  
 11 applicant will use the employee's permit only to perform volunteer  
 12 service that benefits a nonprofit organization. It is unlawful for an  
 13 applicant who makes a declaration under this subsection to use an  
 14 employee's permit for any purpose other than to perform volunteer  
 15 service that benefits a nonprofit organization.

16 (f) **The board shall:**

17 (1) **deny a permit applied for by a bartender; or**

18 (2) **revoke a permit issued to a bartender;**

19 **if the person who applies for the permit or holds the permit under**  
 20 **this section has two (2) or more prior unrelated alcohol offense**  
 21 **convictions. For purposes of this subsection, an "alcohol offense"**  
 22 **means a misdemeanor or a felony in which the possession, use,**  
 23 **abuse, delivery, transportation, or manufacture of alcohol is a**  
 24 **material element of the crime. The term includes an offense under**  
 25 **IC 9-30-5.**

26 SECTION 2. IC 7.1-3-18-11 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 11. (a) The commission  
 28 may issue a temporary bartender's permit to any person who is at least  
 29 twenty-one (21) years of age for any of the following purposes:

30 (1) To be a bartender at any activity or event for which a  
 31 temporary permit is issued under IC 7.1-3-6 (beer) or IC 7.1-3-16  
 32 (wine).

33 (2) To be a bartender at a nonprofit club for a maximum of four  
 34 (4) days in a year during the same time that a fair or festival is  
 35 held in the community where the club is located. However, the  
 36 commission may only issue a maximum of twenty (20) temporary  
 37 bartender's licenses for use in one (1) club during one (1) fair or  
 38 festival.

39 (b) A temporary bartender's permit is the only license that is  
 40 required for persons to serve as bartenders for the purposes described  
 41 in subsection (a).

42 (c) A temporary bartender at a club may dispense any alcoholic

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1 beverage that the club's permit allows the club to serve.  
2 (d) The fee for a temporary bartender's permit is four dollars (\$4).  
3 (e) The commission may by rule provide procedures for the issuance  
4 of a temporary bartender's permit.  
5 **(f) The board shall:**  
6 **(1) deny a permit applied for by a bartender; or**  
7 **(2) revoke a permit issued to a bartender;**  
8 **if the person who applies for the permit or holds the permit under**  
9 **this section has two (2) or more prior unrelated alcohol offense**  
10 **convictions. For purposes of this subsection, an "alcohol offense"**  
11 **means a misdemeanor or a felony in which the possession, use,**  
12 **abuse, delivery, transportation, or manufacture of alcohol is a**  
13 **material element of the crime. The term includes an offense under**  
14 **IC 9-30-5.**

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