



January 28, 2000

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## SENATE BILL No. 132

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DIGEST OF SB 132 (Updated January 25, 2000 3:27 PM - DI 71)

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

**Synopsis:** Bartender licensing. Requires a person who files an application for a bartender's permit to submit a state police department criminal history record to the Indiana alcoholic beverage commission. Requires the commission to refuse to renew 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, Wyss

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November 23, 1999, read first time and referred to Committee on Public Policy.  
January 27, 2000, amended, reported favorably — Do Pass.

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SB 132—LS 6350/DI 100+



January 28, 2000

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.

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## 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) A person who files an application under this section for a**  
 17 **permit to be a bartender or a bartender who files an application to**  
 18 **renew a permit issued under this section, shall submit a state police**  
 19 **department criminal history record to the commission. If a person**  
 20 **resided in another state at any time before the person applies for**  
 21 **a permit to be a bartender, the person must also submit a criminal**  
 22 **history check from the person's prior state of residency, unless the**  
 23 **person has resided in Indiana continuously for at least two (2)**  
 24 **years.**

25 **(g) The board may:**

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

27 **(2) refuse to renew a bartender permit issued under this**  
 28 **section;**

29 **if the person who applies for the permit or holds the permit under**  
 30 **this section has two (2) or more prior unrelated alcohol offense**  
 31 **convictions. For purposes of this subsection, an "alcohol offense"**  
 32 **means a Class A misdemeanor or a felony in which the possession,**  
 33 **use, abuse, delivery, transportation, or manufacture of alcohol is**  
 34 **a material element of the crime. The term includes an offense**  
 35 **under IC 9-30-5.**

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 132, 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:

Page 2, between lines 15 and 16, begin a new paragraph and insert:

**"(f) A person who files an application under this section for a permit to be a bartender or a bartender who files an application to renew a permit issued under this section, shall submit a state police department criminal history record to the commission. If a person resided in another state at any time before the person applies for a permit to be a bartender, the person must also submit a criminal history check from the person's prior state of residency, unless the person has resided in Indiana continuously for at least two (2) years."**

Page 2, line 16, delete "(f)" and insert "(g)".

Page 2, line 16, delete "shall" and insert "**may**".

Page 2, line 17, before "permit" insert "**bartender**".

Page 2, line 17, delete "bartender" and insert "**person**".

Page 2, line 18, delete "revoke a permit issued to a bartender" and insert "**refuse to renew a bartender permit issued under this section**".

Page 2, line 22, before "misdemeanor" insert "**Class A**".

Page 2, delete lines 26 through 42.

Delete page 3.

and when so amended that said bill do pass.

(Reference is to SB 132 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 9, Nays 0.

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