



Reprinted  
February 2, 2000

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## SENATE BILL No. 186

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DIGEST OF SB 186 (Updated February 1, 2000 2:23 PM - DI 71)

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

**Synopsis:** Alcoholic beverage license revocation. Requires the Indiana alcoholic beverage commission to revoke a bartender's permit if the bartender, knowing a person to be intoxicated, serves an alcoholic beverage to the intoxicated person. Allows the alcoholic beverage commission to suspend the bartender's permit of a bartender who has been charged with knowingly serving an alcoholic beverage to an intoxicated person until the disposition of the charges.

**Effective:** July 1, 2000.

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### Alting, Meeks C, Wyss

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January 10, 2000, read first time and referred to Committee on Public Policy.  
January 27, 2000, reported favorably — Do Pass.  
February 1, 2000, read second time, amended, ordered engrossed.

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SB 186—LS 6456/DI 100+



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February 2, 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.

## SENATE BILL No. 186

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 commission shall revoke a permit issued to a bartender**  
 17 **under this section if the bartender violates IC 7.1-5-10-15(a).**

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

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

25 (2) To be a bartender at a nonprofit club for a maximum of four  
 26 (4) days in a year during the same time that a fair or festival is  
 27 held in the community where the club is located. However, the  
 28 commission may only issue a maximum of twenty (20) temporary  
 29 bartender's licenses for use in one (1) club during one (1) fair or  
 30 festival.

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

34 (c) A temporary bartender at a club may dispense any alcoholic  
 35 beverage that the club's permit allows the club to serve.

36 (d) The fee for a temporary bartender's permit is four dollars (\$4).

37 (e) The commission may by rule provide procedures for the issuance  
 38 of a temporary bartender's permit.

39 **(f) The commission shall revoke a permit issued to a bartender**  
 40 **under this section if the bartender violates IC 7.1-5-10-15(a).**

41 SECTION 3. IC 7.1-3-23-7 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 7. ~~Suspension: General~~

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1 **Rule:** (a) **Except as provided in subsection (b)**, the commission, after  
 2 notice and hearing, and for cause other than that expressly provided in  
 3 this title, may suspend a permit to manufacture, transport or sell  
 4 alcoholic beverages for not longer than thirty (30) days for the violation  
 5 of a provision of this title, or for the failure or the refusal to comply  
 6 with a rule or regulation of the commission.

7 (b) **This subsection applies to an individual charged with a**  
 8 **violation of IC 7.1-5-10-15(a). Upon receiving notice of charges**  
 9 **filed under IC 7.1-5-10-15(a), the commission:**

10 (1) **shall hold a hearing under section 6 of this chapter; and**

11 (2) **may suspend the permit of the individual charged with the**  
 12 **violation until the disposition of the charges.**

13 SECTION 4. IC 7.1-5-10-15 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 15. (a) It is unlawful for  
 15 a person to sell, barter, deliver, or give away an alcoholic beverage to  
 16 another person who is in a state of intoxication if the person knows that  
 17 the other person is intoxicated.

18 (b) In any civil proceeding in which damages are sought from a  
 19 permittee or a permittee's agent for the refusal to serve a person an  
 20 alcoholic beverage, it is a complete defense if the permittee or agent  
 21 reasonably believed that the person was intoxicated or was otherwise  
 22 not entitled to be served an alcoholic beverage.

23 (c) **After charges have been filed against a person for a violation**  
 24 **of subsection (a), the prosecuting attorney shall notify the**  
 25 **commission of the charges filed.**

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SENATE MOTION

Mr. President: I move that Senator Wyss be added as coauthor of Senate Bill 186.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 186, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 186 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 10, Nays 0.

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## SENATE MOTION

Mr. President: I move that Senate Bill 186 be amended to read as follows:

Page 1, line 1, after "7.1-3-18-9" insert ", AS AMENDED BY P.L.205-1999, SECTION 15,".

Page 2, after line 40, begin a new paragraph and insert:

"SECTION 3. IC 7.1-3-23-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 7. ~~Suspension: General Rule:~~ **(a) Except as provided in subsection (b)**, the commission, after notice and hearing, and for cause other than that expressly provided in this title, may suspend a permit to manufacture, transport or sell alcoholic beverages for not longer than thirty (30) days for the violation of a provision of this title, or for the failure or the refusal to comply with a rule or regulation of the commission.

**(b) This subsection applies to an individual charged with a violation of IC 7.1-5-10-15(a). Upon receiving notice of charges filed under IC 7.1-5-10-15(a), the commission:**

- (1) shall hold a hearing under section 6 of this chapter; and**
- (2) may suspend the permit of the individual charged with the violation until the disposition of the charges.**

SECTION 4. IC 7.1-5-10-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 15. (a) It is unlawful for a person to sell, barter, deliver, or give away an alcoholic beverage to another person who is in a state of intoxication if the person knows that the other person is intoxicated.

(b) In any civil proceeding in which damages are sought from a permittee or a permittee's agent for the refusal to serve a person an alcoholic beverage, it is a complete defense if the permittee or agent reasonably believed that the person was intoxicated or was otherwise not entitled to be served an alcoholic beverage.

**(c) After charges have been filed against a person for a violation of subsection (a), the prosecuting attorney shall notify the commission of the charges filed."**

(Reference is to SB 186 as printed January 28, 2000.)

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