



January 28, 2000

SENATE BILL No. 353

DIGEST OF SB 353 (Updated January 25, 2000 3:20 PM - DI 71)

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

Synopsis: Alcoholic beverages at auto racing facilities. 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. 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.

Effective: Upon passage.

Clark, Wyss

January 10, 2000, read first time and referred to Committee on Public Policy.
January 27, 2000, reported favorably — Do Pass.

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SB 353—LS 6768/DI 22+



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.

SENATE BILL No. 353

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, AS AMENDED BY P.L.205-1999,
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 14. (a) It is lawful for an appropriate
4 permittee, unless otherwise specifically provided in this title, to sell
5 alcoholic beverages each day Monday through Saturday from 7 a.m.,
6 prevailing local time, until 3 a.m., prevailing local time, the following
7 day. Sales shall cease wholly on Sunday at 3 a.m., prevailing local
8 time, and not be resumed until the following Monday at 7 a.m.,
9 prevailing local time.
- 10 (b) It is lawful for the holder of a supplemental retailer's permit
11 which is not specified in subsection (c) to sell the appropriate alcoholic
12 beverages on Sunday from noon, prevailing local time, until 12:30 a.m.,
13 prevailing local time, the following day.
- 14 (c) It is lawful for the holder of a supplemental retailer's permit to
15 sell the appropriate alcoholic beverages on Sunday from 11:00 a.m.,
16 prevailing local time, until 12:30 a.m., prevailing local time, the
17 following day if the holder of the permit meets the following criteria:

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1 (1) the holder of the permit is a hotel; or

2 (2) the holder of the permit meets the requirements of 905
3 IAC 1-41-2(a).

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

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

12 (1) **are** described in section 25(a) of this chapter;

13 (2) **are a facility** used in connection with the operation of a paved
14 ~~oval~~ track more than two (2) miles in ~~circumference~~ **length** that
15 is used primarily in the sport of auto racing; or

16 (3) **are** being used for a professional or an amateur tournament;
17 beginning one (1) hour before the scheduled starting time of the event
18 or, if the scheduled starting time of the event is 1 p.m. or later,
19 beginning at noon.

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

23 SECTION 2. IC 7.1-5-8-4 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. ~~Serving of~~
25 ~~Setups Prohibited.~~ (a) It is unlawful for a person who owns or operates
26 a private or public restaurant or place of public or private entertainment
27 to permit another person to come into ~~his~~ **the** establishment with an
28 alcoholic beverage for sale or gift, or for consumption in the
29 establishment by that person or another, or to serve a setup to a person
30 who comes into ~~his~~ **the** establishment. However, the provisions of this
31 section shall not apply to **the following:**

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

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

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

40 SECTION 3. IC 7.1-5-8-5, AS AMENDED BY P.L.177-1999,
41 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 UPON PASSAGE]: Sec. 5. (a) This section does not apply to a person

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1 who, on or about a licensed premises, carries, conveys, or consumes
2 beer or wine:

- 3 (1) described in IC 7.1-1-2-3(a)(4); and
- 4 (2) not sold or offered for sale.

5 (b) **This section does not apply to a person at a facility that is**
6 **used in connection with the operation of a paved track more than**
7 **two (2) miles in length that is used primarily in the sport of auto**
8 **racing.**

9 (c) It is a Class C misdemeanor for a person, for ~~his~~ **the person's**
10 own use, to knowingly carry on, convey to, or consume on or about the
11 licensed premises of a permittee, an alcoholic beverage that was not
12 then and there purchased from that permittee.

13 SECTION 4. **An emergency is declared for this act.**

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SENATE MOTION

Mr. President: I move that Senator Wyss be added as second author of Senate Bill 353.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 353, 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 353 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 7, Nays 0.

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