



January 29, 2010

HOUSE BILL No. 1028

DIGEST OF HB 1028 (Updated January 27, 2010 1:55 pm - DI 14)

Citations Affected: IC 3-10; IC 7.1-3; IC 7.1-5.

Synopsis: Regulation of alcohol sales. Allows alcoholic beverages to be sold on election day. Allows the holder of a retailer's permit to sell alcoholic beverages for consumption on the premises from Sunday at 10 a.m. until Monday at 3 a.m. (Under current law, retailers can sell alcoholic beverages until 3 a.m. all other days of the week.)

Effective: July 1, 2010.

Bell, Van Haaften, Pelath

January 5, 2010, read first time and referred to Committee on Public Policy.
January 28, 2010, amended, reported — Do Pass.

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HB 1028—LS 6264/DI 87+



January 29, 2010

Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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HOUSE BILL No. 1028

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-10-8-4.5, AS AMENDED BY P.L.145-2006,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2010]: Sec. 4.5. Whenever the election division receives a
4 notice under section 4 of this chapter, the election division shall notify
5 the following offices and agencies that a special election will be
6 conducted within all or part of Indiana:

- 7 (1) Each agency serving persons with disabilities and designated
8 as a voter registration site under IC 3-7-16.
9 (2) Armed forces recruitment offices in accordance with
10 procedures established under IC 3-7-17.
11 (3) Each agency designated as a voter registration site and subject
12 to IC 3-7-18.
13 ~~(4) The alcohol and tobacco commission for purposes of~~
14 ~~enforcing IC 7.1-5-10-1.~~
15 ~~(5) (4) The bureau of motor vehicles for voter registration~~
16 ~~purposes under IC 9-24-2.5.~~
17 ~~(6) (5) The adjutant general for purposes of enforcing~~

HB 1028—LS 6264/DI 87+



- 1 IC 10-16-7-17.
- 2 ~~(7)~~ (6) The division of family resources for voter registration
- 3 purposes under IC 12-14-1.5, IC 12-14-25, and IC 12-15-1.5.
- 4 ~~(8)~~ (7) The state department of health for voter registration
- 5 purposes under IC 16-35-1.6.
- 6 ~~(9)~~ (8) The Federal Voting Assistance Program of the United
- 7 States Department of Defense, for notification of absent
- 8 uniformed services voters and overseas voters.

9 SECTION 2. IC 3-10-8-9 IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2010]: Sec. 9. (a) If the special election occurs
 11 during the period when registration is open under IC 3-7-13, the
 12 registration period continues through the twenty-ninth day before the
 13 special election occurs and resumes on the date specified by
 14 IC 3-7-13-10(d).

15 (b) The election board conducting the special election shall provide
 16 poll lists for use at the precincts that include the names of voters in the
 17 precinct who:

- 18 (1) have registered through the twenty-ninth day before the
- 19 special election is to be conducted; or
- 20 (2) are absent uniformed services voters or overseas voters
- 21 registered under IC 3-7-36.

22 (c) This subsection applies when a special election is ordered by a
 23 court under IC 3-12-8-17 or the state recount commission under
 24 IC 3-12-11-18. A candidate may not be placed on the special election
 25 ballot unless the candidate was on the ballot or was a declared write-in
 26 candidate for the office at the general election preceding the special
 27 election.

28 ~~(d) The restrictions on the sale of alcoholic beverages set forth in~~
 29 ~~IC 7.1-5-10-1 apply in each precinct in which the special election is~~
 30 ~~conducted.~~

31 SECTION 3. IC 7.1-3-1-14, AS AMENDED BY P.L.165-2006,
 32 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2010]: Sec. 14. (a) It is lawful for an appropriate permittee,
 34 unless otherwise specifically provided in this title, to sell alcoholic
 35 beverages each day Monday through Saturday from 7 a.m., prevailing
 36 local time, until 3 a.m., prevailing local time, the following day. Sales
 37 shall cease wholly on Sunday at 3 a.m., prevailing local time, and not
 38 be resumed until the following Monday at 7 a.m., prevailing local time.

39 (b) It is lawful for the holder of a retailer's permit to sell the
 40 appropriate alcoholic beverages for consumption on the licensed
 41 premises only on Sunday from 10 a.m., prevailing local time, until
 42 ~~12:30 a.m.~~, 3 a.m., prevailing local time, the following day.

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1 (c) It is lawful for the holder of a permit under this article to sell
2 alcoholic beverages at athletic or sports events held on Sunday upon
3 premises that:

- 4 (1) are described in section 25(a) of this chapter;
- 5 (2) are a facility used in connection with the operation of a paved
6 track more than two (2) miles in length that is used primarily in
7 the sport of auto racing; or
- 8 (3) are being used for a professional or an amateur tournament;
9 beginning one (1) hour before the scheduled starting time of the event
10 or, if the scheduled starting time of the event is 1 p.m. or later,
11 beginning at noon.

12 (d) It is lawful for the holder of a valid beer, wine, or liquor
13 wholesaler's permit to sell to the holder of a valid retailer's or dealer's
14 permit at any time.

15 ~~(e) Notwithstanding subsection (b), if December 31 (New Year's~~
16 ~~Eve) is on a Sunday, it is lawful for the holder of a retailer's permit to~~
17 ~~sell the appropriate alcoholic beverages on Sunday, December 31, from~~
18 ~~10 a.m., prevailing local time, until 3 a.m., prevailing local time, the~~
19 ~~following day.~~

20 SECTION 4. IC 7.1-5-10-1, AS AMENDED BY P.L.1-2009,
21 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2010]: Sec. 1. (a) Except as provided in subsection (c), it is
23 unlawful to sell alcoholic beverages at the following times:

- 24 (1) At a time other than that made lawful by the provisions of
25 IC 7.1-3-1-14.
- 26 (2) On Christmas Day and until 7:00 o'clock in the morning,
27 prevailing local time, the following day.
- 28 ~~(3) On primary election day, and general election day, from 3:00~~
29 ~~o'clock in the morning, prevailing local time, until the voting polls~~
30 ~~are closed in the evening on these days:~~
- 31 ~~(4) During a special election under IC 3-10-8-9 (within the~~
32 ~~precincts where the special election is being conducted), from~~
33 ~~3:00 o'clock in the morning until the voting polls are closed in the~~
34 ~~evening on these days:~~

35 (b) During the time when the sale of alcoholic beverages is
36 unlawful, no alcoholic beverages shall be sold, dispensed, given away,
37 or otherwise disposed of on the licensed premises and the licensed
38 premises shall remain closed to the extent that the nature of the
39 business carried on at the premises, as at a hotel or restaurant, permits.

40 (c) It is lawful for the holder of a valid beer, wine, or liquor
41 wholesaler's permit to sell to the holder of a valid retailer's or dealer's
42 permit at any time.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1028, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-10-8-4.5, AS AMENDED BY P.L.145-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4.5. Whenever the election division receives a notice under section 4 of this chapter, the election division shall notify the following offices and agencies that a special election will be conducted within all or part of Indiana:

- (1) Each agency serving persons with disabilities and designated as a voter registration site under IC 3-7-16.
- (2) Armed forces recruitment offices in accordance with procedures established under IC 3-7-17.
- (3) Each agency designated as a voter registration site and subject to IC 3-7-18.
- ~~(4) The alcohol and tobacco commission for purposes of enforcing IC 7-1-5-10-1.~~
- ~~(5) (4) The bureau of motor vehicles for voter registration purposes under IC 9-24-2.5.~~
- ~~(6) (5) The adjutant general for purposes of enforcing IC 10-16-7-17.~~
- ~~(7) (6) The division of family resources for voter registration purposes under IC 12-14-1.5, IC 12-14-25, and IC 12-15-1.5.~~
- ~~(8) (7) The state department of health for voter registration purposes under IC 16-35-1.6.~~
- ~~(9) (8) The Federal Voting Assistance Program of the United States Department of Defense, for notification of absent uniformed services voters and overseas voters.~~

SECTION 2. IC 3-10-8-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 9. (a) If the special election occurs during the period when registration is open under IC 3-7-13, the registration period continues through the twenty-ninth day before the special election occurs and resumes on the date specified by IC 3-7-13-10(d).

(b) The election board conducting the special election shall provide poll lists for use at the precincts that include the names of voters in the precinct who:

- (1) have registered through the twenty-ninth day before the

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special election is to be conducted; or

(2) are absent uniformed services voters or overseas voters registered under IC 3-7-36.

(c) This subsection applies when a special election is ordered by a court under IC 3-12-8-17 or the state recount commission under IC 3-12-11-18. A candidate may not be placed on the special election ballot unless the candidate was on the ballot or was a declared write-in candidate for the office at the general election preceding the special election.

~~(d) The restrictions on the sale of alcoholic beverages set forth in IC 7.1-5-10-1 apply in each precinct in which the special election is conducted."~~

Page 2, after line 14, begin a new paragraph and insert:

"SECTION 4. IC 7.1-5-10-1, AS AMENDED BY P.L.1-2009, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) Except as provided in subsection (c), it is unlawful to sell alcoholic beverages at the following times:

(1) At a time other than that made lawful by the provisions of IC 7.1-3-1-14.

(2) On Christmas Day and until 7:00 o'clock in the morning, prevailing local time, the following day.

~~(3) On primary election day, and general election day, from 3:00 o'clock in the morning, prevailing local time, until the voting polls are closed in the evening on these days.~~

~~(4) During a special election under IC 3-10-8-9 (within the precincts where the special election is being conducted); from 3:00 o'clock in the morning until the voting polls are closed in the evening on these days.~~

(b) During the time when the sale of alcoholic beverages is unlawful, no alcoholic beverages shall be sold, dispensed, given away, or otherwise disposed of on the licensed premises and the licensed premises shall remain closed to the extent that the nature of the business carried on at the premises, as at a hotel or restaurant, permits.

(c) It is lawful for the holder of a valid beer, wine, or liquor wholesaler's permit to sell to the holder of a valid retailer's or dealer's

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permit at any time."

Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to HB 1028 as introduced.)

VAN Haaften, Chair

Committee Vote: yeas 11, nays 0.

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