

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 234 be amended to read as follows:

- 1 Page 6, between lines 1 and 2, begin a new paragraph and insert:
- 2 "SECTION 2. IC 6-2.5-8-7, AS AMENDED BY P.L.172-2011,
- 3 SECTION 52, IS AMENDED TO READ AS FOLLOWS
- 4 [EFFECTIVE UPON PASSAGE]: Sec. (a) The department may, for
- 5 good cause, revoke a certificate issued under section 1, 3, or 4 of this
- 6 chapter. However, the department must give the certificate holder at
- 7 least five (5) days notice before it revokes the certificate under this
- 8 subsection.
- 9 (b) The department shall revoke a certificate issued under section 1,
- 10 3, or 4 of this chapter if, for a period of three (3) years, the certificate
- 11 holder fails to:
- 12 (1) file the returns required by IC 6-2.5-6-1; or
- 13 (2) report the collection of any state gross retail or use tax on the
- 14 returns filed under IC 6-2.5-6-1.
- 15 However, the department must give the certificate holder at least five
- 16 (5) days notice before it revokes the certificate.
- 17 (c) The department may, for good cause, revoke a certificate issued
- 18 under section 1 of this chapter after at least five (5) days notice to the
- 19 certificate holder if:
- 20 (1) the certificate holder is subject to an innkeeper's tax under
- 21 IC 6-9; and
- 22 (2) a board, bureau, or commission established under IC 6-9 files
- 23 a written statement with the department.
- 24 (d) The statement filed under subsection (c) must state that:
- 25 (1) information obtained by the board, bureau, or commission

- 1 under IC 6-8.1-7-1 indicates that the certificate holder has not  
2 complied with IC 6-9; and
- 3 (2) the board, bureau, or commission has determined that  
4 significant harm will result to the county from the certificate  
5 holder's failure to comply with IC 6-9.
- 6 (e) The department shall revoke or suspend a certificate issued under  
7 section 1 of this chapter after at least five (5) days notice to the  
8 certificate holder if:
- 9 (1) the certificate holder owes taxes, penalties, fines, interest, or  
10 costs due under IC 6-1.1 that remain unpaid at least sixty (60)  
11 days after the due date under IC 6-1.1; and
- 12 (2) the treasurer of the county to which the taxes are due requests  
13 the department to revoke or suspend the certificate.
- 14 (f) The department shall reinstate a certificate suspended under  
15 subsection (e) if the taxes and any penalties due under IC 6-1.1 are paid  
16 or the county treasurer requests the department to reinstate the  
17 certificate because an agreement for the payment of taxes and any  
18 penalties due under IC 6-1.1 has been reached to the satisfaction of the  
19 county treasurer.
- 20 (g) The department shall revoke a certificate issued under section 1  
21 of this chapter after at least five (5) days notice to the certificate holder  
22 if the department finds in a public hearing by a preponderance of the  
23 evidence that the certificate holder has violated IC 35-45-5-3,  
24 IC 35-45-5-3.5, or IC 35-45-5-4.
- 25 (h) If a person makes a payment for the certificate under section 1  
26 or 3 of this chapter with a check, credit card, debit card, or electronic  
27 funds transfer, and the department is unable to obtain payment of the  
28 check, credit card, debit card, or electronic funds transfer for its full  
29 face amount when the check, credit card, debit card, or electronic funds  
30 transfer is presented for payment through normal banking channels, the  
31 department shall notify the person by mail that the check, credit card,  
32 debit card, or electronic funds transfer was not honored and that the  
33 person has five (5) days after the notice is mailed to pay the fee in cash,  
34 by certified check, or other guaranteed payment. If the person fails to  
35 make the payment within the five (5) day period, the department shall  
36 revoke the certificate.
- 37 **(i) If the department finds in a public hearing by a**  
38 **preponderance of the evidence that a person has been convicted of**  
39 **violating IC 35-48-4-10 and the conviction involved the sale or the**  
40 **offer to sell a synthetic drug by a retail merchant in a place of**  
41 **business for which the retail merchant has been issued a registered**  
42 **retail merchant certificate under section 1 of this chapter, the**  
43 **department:**
- 44 **(1) shall suspend the registered retail merchant certificate for**  
45 **the place of business for one (1) year; and**
- 46 **(2) may not issue another retail merchant certificate under**  
47 **section 1 of this chapter for one (1) year to any person:**

1           **(A) that:**  
2               **(i) applied for; or**  
3               **(ii) made a retail transaction under;**  
4           **the retail merchant certificate suspended under subdivision**  
5           **(1); or**  
6           **(B) that:**  
7               **(i) owned or co-owned, directly or indirectly; or**  
8               **(ii) was an officer, a director, a manager, or a partner of;**  
9           **the retail merchant that was issued the retail merchant**  
10           **certificate suspended under subdivision (1)."**  
11           Renumber all SECTIONS consecutively.  
              (Reference is to ESB 234 as printed February 17, 2012.)

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Representative McMillin