

Document: Final Rule, **Register Page Number:** 27 IR 2497

Source: May 1, 2004, Indiana Register, Volume 27, Number 8

Disclaimer: This document was created from the files used to produce the official CD-ROM Indiana Register.

**TITLE 905 ALCOHOL AND TOBACCO
COMMISSION**

LSA Document #03-96(F)

DIGEST

Adds 905 IAC 1-35.1 to establish rules regulating the sale of alcoholic beverages at auto race tracks under IC 7.1-3-6-16 and IC 7.1-3-14-6 and to provide definitions and procedures to implement said statutes. *NOTE: Under IC 4-22-2-40, LSA Document #03-96, printed at 26 IR 3745, was recalled by the Alcohol and Tobacco Commission, resubmitted for publication, and reprinted at 27 IR 1290.* Effective 30 days after filing with the secretary of state.

905 IAC 1-35.1

SECTION 1. 905 IAC 1-35.1 IS ADDED TO READ AS FOLLOWS:

Rule 35.1. Auto Race Tracks

905 IAC 1-35.1-1 Definitions

Authority: IC 7.1-2-3-7

Affected: IC 7.1-3-1-25; IC 7.1-3-6-16; IC 7.1-3-14-6; IC 7.1-5-7-11

Sec. 1. The following definitions apply throughout this rule:

(1) "Auto race track" means an outdoor facility with the main purpose and function being organized sporting competition, but does not include the following:

(A) A facility to which IC 7.1-3-1-25(a) applies.

(B) A tract located in a county containing a consolidated city that contains a premises used in connection with the operation of a paved track more than two (2) miles in length that is used primarily in the sport of auto racing.

(2) "Organized sporting competition" means a sporting event sanctioned by a nationally chartered and recognized governing or regulating body for automobile, motorcycle, or truck racing, including, without limitation, any practices, qualifications, or similar race-related activities open to the public for such events.

(Alcohol and Tobacco Commission; 905 IAC 1-35.1-1; filed Apr 8, 2004, 3:25 p.m.: 27 IR 2497)

905 IAC 1-35.1-2 Basic qualifications

Authority: IC 7.1-2-3-7

Affected: IC 7.1-3-6-16; IC 7.1-3-14-6

Sec. 2. In order to qualify as an auto race track, a premises shall meet the following requirements:

(1) Meet all of the requirements of the underlying one-way or two-way alcoholic beverage permit.

(2) Be totally enclosed by some type of finite boundary that prohibits free ingress and egress except for entrances and exits, which must be so designated that they are easily controlled by the permittee.

(3) Be regularly used (at least seasonally) for organized sporting competition.

(Alcohol and Tobacco Commission; 905 IAC 1-35.1-2; filed Apr 8, 2004, 3:25 p.m.: 27 IR 2497)

905 IAC 1-35.1-3 Ownership of the permit

Authority: IC 7.1-2-3-7

Affected: IC 7.1-3-4-2

Sec. 3. The holder of the alcoholic beverage permit must be either the owner or the lessee of the land and

of the buildings on which the auto race track is located. (*Alcohol and Tobacco Commission; 905 IAC 1-35.1-3; filed Apr 8, 2004, 3:25 p.m.: 27 IR 2497*)

905 IAC 1-35.1-4 Minimum food services required

Authority: IC 7.1-2-3-7

Affected: IC 7.1-3-6-16; IC 7.1-3-14-6

Sec. 4. The auto race track must maintain the minimum food requirements of 905 IAC 1-20, except for hot soup. Such food service must be available at all times when alcoholic beverages are being dispensed anywhere upon the licensed premises. (*Alcohol and Tobacco Commission; 905 IAC 1-35.1-4; filed Apr 8, 2004, 3:25 p.m.: 27 IR 2498*)

905 IAC 1-35.1-5 Floor plan approval

Authority: IC 7.1-2-3-7

Affected: IC 7.1-3

Sec. 5. The floor plan and any changes therein of the auto race track must be approved by the commission. (*Alcohol and Tobacco Commission; 905 IAC 1-35.1-5; filed Apr 8, 2004, 3:25 p.m.: 27 IR 2498*)

905 IAC 1-35.1-6 Dispensing alcoholic beverages and food

Authority: IC 7.1-2-3-7

Affected: IC 7.1-3-6-16; IC 7.1-3-14-6

Sec. 6. (a) Alcoholic beverages, for on-premises consumption only, may be dispensed within the approved boundaries of the auto race track.

(b) The facility shall contain at least one (1) snack stand, which must be a permanent or semipermanent structure or portable food cart and meet the minimum food requirements of 905 IAC 1-20, except for hot soup. (*Alcohol and Tobacco Commission; 905 IAC 1-35.1-6; filed Apr 8, 2004, 3:25 p.m.: 27 IR 2498*)

905 IAC 1-35.1-7 Sales of alcoholic beverages

Authority: IC 7.1-2-3-7; IC 7.1-3-1-14; IC 7.1-5-8-6; IC 7.1-5-10-1

Affected: IC 7.1-3-4-6

Sec. 7. (a) Alcoholic beverages may be served at any time providing the hours are within the statutory limits of IC 7.1-3-1-14 and IC 7.1-5-10-1.

(b) There shall be no carryout sales allowed from any location at any time. (*Alcohol and Tobacco Commission; 905 IAC 1-35.1-7; filed Apr 8, 2004, 3:25 p.m.: 27 IR 2498*)

905 IAC 1-35.1-8 Adherence to sporting rules

Authority: IC 7.1-2-3-7

Affected: IC 7.1-2

Sec. 8. The auto race track shall comply with all applicable rules and regulations of the recognized sanctioning body of a given sporting event regarding the service of alcoholic beverages. (*Alcohol and Tobacco Commission; 905 IAC 1-35.1-8; filed Apr 8, 2004, 3:25 p.m.: 27 IR 2498*)

905 IAC 1-35.1-9 Filing of sanctioning organizations

Authority: IC 7.1-2-3-7

Affected: IC 7.1-3-6-16; IC 7.1-3-14-6

Sec. 9. In addition to all other required paperwork for new permits or the renewal of any existing permit, the applicant or permit holder seeking approval to be classified as an auto race track shall file with the

commission a list of all sanctioning organizations that will or may be reasonably expected to sanction sporting competition at the auto race track. (*Alcohol and Tobacco Commission; 905 IAC 1-35.1-9; filed Apr 8, 2004, 3:25 p.m.: 27 IR 2498*)

LSA Document #03-96(F)

Notice of Intent Published: 26 IR 2651

Proposed Rule Published: August 1, 2003; 26 IR 2745; and January 1, 2004; 27 IR 1290

Hearing Held: January 26, 2004

Approved by Attorney General: March 26, 2004

Approved by Governor: April 6, 2004

Filed with Secretary of State: April 8, 2004, 3:25 p.m.

Incorporated Documents Filed with Secretary of State: None