

IC 7.1-3

ARTICLE 3. PERMITS

IC 7.1-3-1

Chapter 1. General Provisions

IC 7.1-3-1-0.1

Application of certain amendments to chapter

Sec. 0.1. The following amendments to this chapter apply as follows:

(1) The addition of section 28 of this chapter by P.L.204-2001 applies only to applications submitted after June 30, 2001.

(2) The amendments made to sections 5.5 and 5.6 of this chapter by P.L.204-2001 apply only to applications submitted after June 30, 2001. Applicants who submit an application before July 1, 2001, must comply with sections 5.5 and 5.6 of this chapter, as appropriate, as the provision was effective at the time the application was submitted.

As added by P.L.220-2011, SEC.171.

IC 7.1-3-1-1

Issuance of permits authorized

Sec. 1. Issuance of Permits Authorized. The commission may issue only the types of permits authorized by this article subject to the applicable provisions of this title.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-1-2

No property right in permit

Sec. 2. No Property Right in Permit. A permittee shall have no property right in a wholesaler's, retailer's, or dealer's permit of any type.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-1-3

Term of permits; renewal

Sec. 3. (a) A permit of any type issued by the commission, except as provided in subsections (b) and (f) or unless otherwise provided in this title, shall be in force for one (1) calendar year only, including the day upon which it is granted. At the end of the one (1) year period the permit shall be fully expired and null and void.

(b) Notwithstanding subsection (a), a permit that is subject to section 5.5 or 5.6 of this chapter is effective for two (2) calendar years, including the day upon which the permit is granted. However, a local board may recommend to the commission that the permit be issued or renewed for only a one (1) year period. The commission may issue or renew a permit for the period recommended by the local board.

(c) A permittee who is granted a two (2) year permit under subsection (b) or subsection (f) is liable for any annual fees assessed

by the commission. The annual fee is due on the annual anniversary date upon which the permit was granted.

(d) If the commission grants a two (2) year permit, the commission may ask a local board to hold a hearing to reconsider the duration of a permittee's permit. A hearing held under this subsection is subject to section 5.5 or 5.6 of this chapter. A local board shall hold the hearing requested by the commission within thirty (30) days before the permittee's next annual anniversary date and forward a recommendation to the commission following the hearing.

(e) If a permittee is granted a permit for more than one (1) year, the commission shall require the permittee to file annually with the commission the information required for an annual permit renewal.

(f) Notwithstanding subsection (a), the following are effective for two (2) calendar years, including the day upon which the permit is granted:

(1) A beer wholesaler's permit issued under IC 7.1-3-3-1.

(2) A wine wholesaler's permit issued under IC 7.1-3-13-1.

(3) A liquor wholesaler's permit issued under IC 7.1-3-8-1.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.52-1994, SEC.2; P.L.205-1999, SEC.8; P.L.250-2003, SEC.7; P.L.224-2005, SEC.2.

IC 7.1-3-1-3.1

Letters of extension

Sec. 3.1. (a) Notwithstanding section 3 of this chapter, any member of the commission may issue an original letter of extension extending the term of a permit for a maximum period of ninety (90) days for good cause shown upon the written request of the permittee and payment of the fee if required.

(b) Upon the expiration of an original letter of extension, or any renewal thereof, if good cause still exists, subsequent renewals of the extension may be granted to that permittee only upon the affirmative vote of a majority of the members of the commission.

As added by Acts 1982, P.L.69, SEC.5.

IC 7.1-3-1-3.5

Deposit of permits; business not in operation

Sec. 3.5. A permittee to whom a retailer or dealer permit has been issued under this title, may deposit that permit with the commission for a period of one (1) year if the permittee is unable to immediately operate the business to which the permit applies. The commission may extend the term of the deposit for not more than four (4) additional one (1) year periods if the permittee is able to show to the satisfaction of the commission that the permittee is making a good faith effort to put the permit into operation.

As added by Acts 1982, P.L.69, SEC.6. Amended by P.L.250-2003, SEC.8.

IC 7.1-3-1-4

Applications for permits; general

Sec. 4. The commission shall issue a permit authorized by this title only upon proper application. The application shall be in writing, and verified, upon forms prescribed and furnished by the commission. The application shall contain the terms and information required by this title or by the rules and regulations of the commission. The appropriate surety bond, if one is required, also shall be submitted with the application.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.204-2001, SEC.22.

IC 7.1-3-1-5

Applications for permits; disclosures

Sec. 5. Applications for Permits: Disclosures. An application for a permit to sell alcoholic beverages of any kind, and the required publication of notice, shall disclose the name of the applicant and the specific address where the alcoholic beverages are to be sold, and any assumed business name under which the business will be conducted. The application and notice also shall disclose the names and addresses of the president and secretary of the corporation, club, association or organization who will be responsible to the public for the sale of the alcoholic beverage if the applicant is a corporation, club, association, or other type of organization.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1982, P.L.69, SEC.7.

IC 7.1-3-1-5.3

Notice to plan commission of application, renewal, or transfer of permit within its jurisdiction

Sec. 5.3. (a) This section applies to an application for a new permit, renewal of a permit, or transfer of a permit authorized by this article for a location in a:

- (1) second or third class city; or
- (2) county other than a county containing a consolidated city.

(b) As used in this section, "plan commission" has the meaning set forth in IC 36-7-1-14.

(c) A director of a plan commission may request the commission to notify the plan commission that the commission has received an application for a permit for a location within the territory where the plan commission has jurisdiction.

(d) If the commission receives a request under subsection (c), the commission shall provide to the appropriate plan commission a copy of the notice that the commission submits for publication to meet the requirements of section 5 of this chapter. The commission shall mail the copy to the plan commission no later than the day that the commission submits the notice for publication.

As added by P.L.70-1997, SEC.1.

IC 7.1-3-1-5.5

Applications for permits; counties with consolidated city; notice; affidavit

Sec. 5.5. (a) This section applies only in a county having a consolidated city.

(b) As used in this section, "contiguous property owner" refers to a property owner who has real property that is geographically adjacent to or in contact with any point on the border of the property of a person who seeks a permit to sell alcoholic beverages for consumption on the licensed premises.

(c) As used in this section, "neighboring property owner" means:

(1) a contiguous property owner; or

(2) a property owner who has real property that:

(A) is geographically adjacent to or in contact with any point on the border of the property of a contiguous property owner; and

(B) some portion of which is within five hundred (500) feet of the property of a person who seeks a permit to sell alcoholic beverages for consumption on the licensed premises.

(d) As used in this section, "principal owner" means any person or entity holding at least a fifteen percent (15%) interest in the business for which a permit is sought to sell alcoholic beverages.

(e) As used in this section, "property owner" means any person whose name and address appears in the county assessor's real property tax assessment records as a person responsible for the payment of property taxes on a parcel of real property.

(f) Except as provided in section 28(d) of this chapter, subsection

(g) applies to a location in the consolidated city only if:

(1) the application is for a liquor dealer's permit for a location within the boundaries of the special fire service district, as determined in conformity with IC 7.1-3-22-8; or

(2) the local alcoholic beverage board requires the applicant to comply with subsection (g).

(g) In addition to the notice required by section 5 of this chapter, the applicant for a new permit, or a transfer of a permit to sell alcoholic beverages of any type or at any location must, at least fifteen (15) days before the date of the local alcoholic beverage board hearing, mail notice of the hearing at the applicant's expense to the following:

(1) Each neighboring property owner.

(2) The department of metropolitan development of the consolidated city.

(3) The following entities that have registered with the department of metropolitan development of the consolidated city:

(A) The principal, headmaster, or other primary administrator of each public, private, or parochial elementary or secondary school located less than one thousand (1,000) feet from the property line of the applicant's property.

(B) Each church that is located less than one thousand (1,000) feet from the property line of the applicant's

property.

(C) Each neighborhood association that represents the area in which the applicant's property is located.

(h) The notice that the applicant mails must provide the following information:

(1) The name and address of the applicant, or if the applicant is a corporation, a club, an association, or an organization, the name and address of the applicant's president, secretary, and principal owners who will be responsible to the public for the sale of alcoholic beverages.

(2) A statement that the applicant has filed an application with the alcohol and tobacco commission for the sale of alcoholic beverages.

(3) The specific address where alcoholic beverages are asked to be sold.

(4) The type of alcoholic beverage permit applied for.

(5) The date, time, and location of the public hearing before the local alcoholic beverage board regarding the application.

(6) That if there is a desire to remonstrate against the application, the recipient of the notice may attend this public hearing.

(i) The applicant shall furnish evidence of the applicant's compliance with this section by filing an affidavit with the local alcoholic beverage board at the public hearing on the application. The affidavit must list the names and addresses of the individuals or other entities to which notice was mailed by the applicant.

(j) In addition to the information required by subsection (i), the applicant shall file with the local alcoholic beverage board at the public hearing the following information:

(1) Verification from a department of the consolidated city designated by ordinance that the applicant is in compliance with zoning requirements for the premises to be licensed.

(2) Verification from the department of state revenue that the applicant does not have any outstanding income tax, excise tax, or sales tax liabilities.

(3) Verification from the county treasurer that the applicant does not have any outstanding property tax liability.

(k) Subsection (j)(1) does not apply to a permit holder that received and held a permit before September 1, 1987.

(l) Notwithstanding subsection (f)(1), an applicant seeking a transfer of a permit from a permit holder to a new permit holder when the new permit holder does not intend to change the nature of the business operated under the permit may apply to the local board for a waiver of the notice requirement in subsection (g). The local board may consider any information the local board considers relevant in making a determination to approve or deny the waiver request. The local board must approve or deny a waiver request at the first regularly scheduled meeting that occurs at least fifteen (15) days after the local board receives the waiver request from the applicant.

As added by P.L.112-1987, SEC.2. Amended by P.L.52-1994, SEC.3;

P.L.106-1995, SEC.4; P.L.70-1997, SEC.2; P.L.204-2001, SEC.23; P.L.10-2010, SEC.3.

IC 7.1-3-1-5.6

Permit renewal requirements

Sec. 5.6. (a) This section applies only in a county having a consolidated city.

(b) This section applies only to an application for the renewal of a permit to sell alcoholic beverages.

(c) The definitions set forth in section 5.5 of this chapter apply to this section.

(d) The renewal of a permit is subject to IC 7.1-3-19-9.5.

(e) Except as provided in section 28(d) of this chapter, subsections (f) and (g) apply to a location in the consolidated city only if the application is for a liquor dealer's permit.

(f) Notwithstanding subsection (d), if:

- (1) an applicant has been cited for a violation of law or a rule of the commission; or
- (2) the local alcoholic beverage board has received at least five (5) written complaints against the applicant alleging a violation of law or a rule of the commission;

then upon direction of the local board, the applicant shall, at least fifteen (15) days before the date of the local alcoholic beverage board hearing, mail notice of the hearing at the applicant's expense as provided in subsection (g).

(g) The applicant shall mail the notice required under subsection (f) to the following:

- (1) Each neighboring property owner.
- (2) The department of metropolitan development of the consolidated city.
- (3) The following entities that have registered with the department of metropolitan development of the consolidated city:

(A) The principal, headmaster, or other primary administrator of each public, private, or parochial elementary or secondary school located less than one thousand (1,000) feet from the property line of the applicant's property.

(B) Each church that is located less than one thousand (1,000) feet from the property line of the applicant's property.

(C) Each neighborhood association that represents the area in which the applicant's property is located.

(h) The notice that the applicant mails must provide the following information:

- (1) The name and address of the applicant, or if the applicant is a corporation, a club, an association, or an organization, the name and address of the applicant's president, secretary, and principal owners who will be responsible to the public for the sale of alcoholic beverages.

(2) A statement that the applicant has filed an application with the alcohol and tobacco commission for the sale of alcoholic beverages.

(3) The specific address where alcoholic beverages are asked to be sold.

(4) The type of alcoholic beverage permit applied for.

(5) The date, time, and location of the public hearing before the local alcoholic beverage board regarding the application.

(6) That if there is a desire to remonstrate against the application, the recipient of the notice may attend this public hearing.

(i) The applicant shall furnish evidence of the applicant's compliance with this section by filing an affidavit with the local alcoholic beverage board at the public hearing on the application. The affidavit must list the names and addresses of the persons to whom notice was mailed by the applicant.

(j) In addition to the information required by subsection (i), the applicant shall file with the local alcoholic beverage board at the public hearing the following information:

(1) Verification from the department of metropolitan development of the consolidated city that the applicant is in compliance with zoning requirements for the premises to be licensed.

(2) Verification from the department of state revenue that the applicant does not have any outstanding income tax, excise tax, or sales tax liabilities.

(3) Verification from the county treasurer that the applicant does not have any outstanding property tax liability.

(k) Subsection (j)(1) does not apply to a permit holder that received and held a permit before September 1, 1987.

As added by P.L.52-1994, SEC.4. Amended by P.L.2-1995, SEC.38; P.L.106-1995, SEC.5; P.L.204-2001, SEC.24.

IC 7.1-3-1-6

Applications for permits; consent to search

Sec. 6. Applications for Permits: Consent to Search. An application for a permit shall contain the express statement of the applicant that he consents for the duration of the permit term, if it is issued to him, to the entrance, inspection, and search by an enforcement officer, without a warrant or other process, of his licensed premises and vehicles to determine whether he is complying with the provisions of this title. The consent required by this section is renewed and continued by the retention of a permit or its use by a permittee.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-1-6.5

Repealed

(Repealed by P.L.52-1994, SEC.7.)

IC 7.1-3-1-7

Surety bonds; amounts

Sec. 7. (a) An applicant for a brewer's permit, a distiller's permit, or a liquor wholesaler's permit shall file with the commission a surety bond in the penal sum of ten thousand dollars (\$10,000).

(b) An applicant for a rectifier's permit shall file with the commission a surety bond in the penal sum of fifteen thousand dollars (\$15,000).

(c) An applicant for a vintner's permit shall file with the commission a surety bond in the penal sum of one thousand dollars (\$1,000).

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.58-1984, SEC.1; P.L.205-1999, SEC.9.

IC 7.1-3-1-8

Terms and conditions of surety bond

Sec. 8. Terms and Conditions of Surety Bond. The required surety bond of an applicant shall meet with the approval of the commission. The bond shall be made payable to the State of Indiana and be conditioned that so long as the applicant holds his permit unrevoked, he will not violate a provision of this title or a rule or regulation of the commission relating to his permit. The bond also shall be conditioned that he will account for all taxes and fees levied by this title on the products manufactured, sold, or withdrawn for sale by the applicant under his permit. A permittee shall keep the bond in full force and effect continuously in order to keep his permit in force.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-1-9

Recovery on bond

Sec. 9. Recovery on Bond. The State of Indiana may recover the sum of one hundred dollars (\$100), and no more, in any one (1) action on a permittee's surety bond for the violation of a rule or regulation of the commission. The State of Indiana may recover no more than two hundred dollars (\$200) in any one (1) action on the surety bond for the violation of a provision of this title. Violations prior to the institution of the action on the bond shall be deemed one (1) continuing violation. However, the State of Indiana may recover the full amount of all taxes and fees due and owing by the permittee under this title in a single action on the bond. No person shall bring an action on the bond except the State of Indiana for the use and benefit of the state.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-1-10

Surety bond; approval

Sec. 10. Surety Bonds: Approval. The commission shall keep a surety bond filed under this title safely in its files. The commission shall not approve a surety bond unless the surety company is solvent and qualified to do business in this state. The commission, before

approving a surety bond, shall require the commissioner of the department of insurance to furnish to the commission copies of reports of the surety company and other information concerning the reserves and reliability of the company.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-1-11

Cash in lieu of bond

Sec. 11. Cash in Lieu of Bond. Cash, or bonds of the United States, or both, may be tendered to the commission in lieu of a surety bond required by the provisions of this title if it is tendered on the same terms and conditions as a surety bond.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-1-12

Cancellation of surety bond

Sec. 12. Cancellation of Surety Bond. A surety may not cancel or annul a surety bond filed in accordance with the provisions of this title after it has been approved by the commission. However, a surety, with the consent of the commission, may cancel a bond and be released from liability accruing after the effective date of the cancellation. The commission shall not approve a cancellation until the surety has paid and discharged in full its liability to the state on the bond to the date of the approval of the cancellation.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-1-13

Payments

Sec. 13. A person may make a payment to the commission:

- (1) in cash;
- (2) by a valid postal money order of the United States;
- (3) by certified check;
- (4) by cashier's check;
- (5) by check drawn on the bank deposit of a business;
- (6) by bank draft;
- (7) by money order;
- (8) by credit card, debit card, charge card, or similar method; or
- (9) if approved by the commission, by an electronic funds transfer (as defined in IC 4-8.1-2-7).

However, payment made by one (1) of the methods listed in subdivisions (3) through (6) must be of or drawn upon a solvent bank or trust company. However, if a payment is made by bank draft, check, cashier's check, or money order, the liability is not finally discharged and the person has not paid the obligation until the draft, check, or money order has been honored by the institution on which it is drawn. If the payment is made by credit card, debit card, charge card, or similar method, the liability is not finally discharged and the person has not paid the liability until the commission receives payment or credit from the institution responsible for making the payment or credit. The commission may contract with a bank or

credit card vendor for acceptance of bank or credit cards. However, if there is a vendor transaction charge or discount fee, whether billed to the commission or charged directly to the commission's account, the commission or credit card vendor may collect from the person using the bank or credit card a fee. The fee is a permitted additional charge under IC 24-4.5-3-202.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.205-1999, SEC.10; P.L.204-2001, SEC.25.

IC 7.1-3-1-14

Times when sales lawful; athletic or sports events in specified counties or cities; auto racing

Sec. 14. (a) It is lawful for an appropriate permittee, unless otherwise specifically provided in this title, to sell alcoholic beverages each day Monday through Saturday from 7 a.m., prevailing local time, until 3 a.m., prevailing local time, the following day. Sales shall cease wholly on Sunday at 3 a.m., prevailing local time, and not be resumed until the following Monday at 7 a.m., prevailing local time.

(b) It is lawful for the holder of a retailer's permit to sell the appropriate alcoholic beverages for consumption on the licensed premises only on Sunday from 7 a.m., prevailing local time, until 3 a.m., prevailing local time, the following day.

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

- (1) are described in section 25(a) of this chapter;
- (2) are a facility 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; or
- (3) are being used for a professional or an amateur tournament; beginning one (1) hour before the scheduled starting time of the event or, if the scheduled starting time of the event is 1 p.m. or later, beginning at noon.

(d) 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 permit at any time.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.60, SEC.2.) As amended by P.L.99-1983, SEC.1; P.L.102-1989, SEC.1; P.L.64-1990, SEC.1; P.L.72-1991, SEC.1; P.L.1-1992, SEC.28; P.L.106-1995, SEC.6; P.L.205-1999, SEC.11; P.L.136-2000, SEC.1; P.L.72-2004, SEC.4; P.L.224-2005, SEC.3; P.L.165-2006, SEC.3; P.L.10-2010, SEC.4.

IC 7.1-3-1-15

Service while standing

Sec. 15. Service While Standing. It is lawful for a retail permittee to serve an alcoholic beverage to a customer whether the customer is seated or standing. It also is lawful for a customer of a retail permittee to be served an alcoholic beverage and to consume it

whether he is seated or standing.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-1-16

Repealed

(Repealed by Acts 1973, P.L.58, SEC.2.)

IC 7.1-3-1-17

Transportation of alcoholic beverages; general

Sec. 17. Transportation of Alcoholic Beverages: General. The traffic and transportation of alcohol and alcoholic beverages for sale within this state shall be subject to the rules and regulations of the commission. Alcohol and alcoholic beverages shall be transported and delivered only in containers that are lawful under this title and permissible under the rules and regulations of the commission.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-1-18

Publication of notice

Sec. 18. (a) Whenever, under the provisions of this title, publication of notice of application for a permit is required, the publication shall be made in one (1) newspaper of general circulation published in the county where the permit is to be in effect.

(b) Publication required by this section may be made in any newspaper of general circulation published one (1) or more times each week.

(c) The rates which shall be paid for the advertising of a notice required under this title shall be those required to be paid in case of other notices published for or on behalf of the state.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.224-2005, SEC.4.

IC 7.1-3-1-19

Character of the business test

Sec. 19. Character of the Business Test. Whenever the character of the business in which an applicant is engaged is material to his being issued a permit under this article, or is material to his being qualified to continue to hold the permit, it must be made to appear to the satisfaction of the commission that a substantial portion of the business carried on, or to be carried on, in the premises in respect to which a permit is applied for is in the nature of the applicant's main business function in the premises.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-1-20

Display of permit

Sec. 20. A person to whom a permit has been issued to carry on any of the businesses or undertakings authorized by this title shall, before being fully qualified to do business, post and display, and keep posted and displayed, in the most conspicuous place in the

person's licensed premises the person's permit to do business.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.77-1988, SEC.1.

IC 7.1-3-1-21

Sponsoring amateur athletic event

Sec. 21. The holder of a permit of any type issued under the provisions of this title or a manufacturer of an alcoholic beverage may sponsor, finance, or promote in any way an amateur athletic contest, amateur athletic team, or amateur athletic sporting event of any kind.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.57-1984, SEC.3.

IC 7.1-3-1-22

Medical exemption

Sec. 22. Medical Exemption. A regularly licensed physician, a dentist, or a person holding a license to practice medicine, or to engage in a profession in which the treatment of the human body, or of an animal body, is necessarily involved, a clinic, a noncommercial laboratory, a hospital or a sanitarium, may acquire, own and dispense for medicinal, mechanical or scientific purposes only, and not for beverage purposes, an alcoholic beverage or ethyl alcohol without a permit being issued under this title.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-1-23

Pharmacy exemption

Sec. 23. Pharmacy Exemption. A registered pharmacist who owns or manages a regularly licensed drug store and who is not the holder of a drug store permit issued pursuant to the provisions of IC 1971, 7.1-3-10, but who is the holder of an unrevoked permit of the Indiana Board of Pharmacy, may acquire, own and use only in the compounding of physician's prescriptions two (2) gallons of ethyl alcohol per year without a permit being issued under this title.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-1-23.5

Wine appreciation course instructor exemption

Sec. 23.5. An instructor teaching a class on wine appreciation at an accredited college or university (as described under IC 24-4-11-2) may purchase, acquire, possess, and dispense wine for educational purposes within the class without a permit under this title.

As added by P.L.54-2008, SEC.1.

IC 7.1-3-1-24

Religious exemption

Sec. 24. Religious Exemption. A pastor, rabbi, minister, or priest may purchase, acquire, possess and dispense wine for sacramental purposes or for performing a religious rite only without a permit

being issued under this title.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-1-25

Authorization to permit the sale of alcoholic beverages at certain public facilities

Sec. 25. (a) A city or county listed in this subsection that by itself or in combination with any other municipal body acquires by ownership or by lease any stadium, exhibition hall, auditorium, theater, convention center, or civic center may permit the retail sale of alcoholic beverages upon the premises if the governing board of the facility first applies for and secures the necessary permits as required by this title. The cities and counties to which this subsection applies are as follows:

- (1) A consolidated city or its county.
- (2) A city of the second class.
- (3) A county having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000).
- (4) A county having a population of more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000).
- (5) A county having a population of more than one hundred thirty thousand (130,000) but less than one hundred forty-five thousand (145,000).
- (6) A county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).
- (7) A city having a population of more than five thousand one hundred thirty-five (5,135) but less than five thousand two hundred (5,200).
- (8) A county having a population of more than one hundred twenty thousand (120,000) but less than one hundred thirty thousand (130,000).
- (9) A county having a population of more than one hundred eighty thousand (180,000) but less than one hundred eighty-two thousand seven hundred ninety (182,790).

(b) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) or a township located in such a county that has established a public park with a golf course within its jurisdiction under IC 36-10-3 or IC 36-10-7 may be issued a permit for the retail sale of alcoholic beverages on the premises of any community center within the park, including a clubhouse, social center, or pavilion.

(c) A township that:

- (1) is located in a county having a population of more than one hundred five thousand (105,000) but less than one hundred ten thousand (110,000); and
 - (2) acquires ownership of a golf course;
- may permit the retail sale of alcoholic beverages upon the premises

of the golf course, if the governing board of the golf course first applies for and secures the necessary permits required by this title.

(d) A township:

- (1) having a population of more than thirty-five thousand (35,000) but less than one hundred thousand (100,000); and
- (2) located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000);

may be issued a permit for the retail sale of alcoholic beverages on the premises of any community center or social center that is located within the township and operated by the township.

(e) A city that owns a golf course may permit the retail sale of alcoholic beverages upon the premises of the golf course if the governing board of the golf course first applies for and secures the necessary permits required by this title.

(f) A city that:

- (1) has a population of more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800); and
- (2) owns or leases a marina;

may permit the retail sale of alcoholic beverages upon the premises of the marina, if the governing board of the marina first applies for and secures the necessary permits required by this title. The permit may include the carryout sale of alcoholic beverages in accordance with IC 7.1-3-4-6(c), IC 7.1-3-9-9(c), IC 7.1-3-14-4(c), and 905 IAC 1-29 but may not include at-home delivery of alcoholic beverages.

(g) A city listed in this subsection that owns a marina may be issued a permit for the retail sale of alcoholic beverages on the premises of the marina. The permit may include the carryout sale of alcoholic beverages in accordance with IC 7.1-3-4-6(c), IC 7.1-3-9-9(c), IC 7.1-3-14-4(c), and 905 IAC 1-29 but may not include at-home delivery of alcoholic beverages. However, the city must apply for and secure the necessary permits that this title requires. This subsection applies to the following cities:

- (1) A city having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).
- (2) A city having a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000).
- (3) A city having a population of more than thirty-two thousand eight hundred (32,800) but less than thirty-three thousand (33,000).
- (4) A city having a population of more than thirty-three thousand (33,000) but less than thirty-six thousand (36,000).
- (5) A city having a population of more than twenty-seven thousand (27,000) but less than twenty-seven thousand four hundred (27,400).

(h) Notwithstanding subsection (a), the commission may issue a civic center permit to a person that:

- (1) by the person's self or in combination with another person is the proprietor, as owner or lessee, of an entertainment complex; or

(2) has an agreement with a person described in subdivision (1) to act as a concessionaire for the entertainment complex for the full period for which the permit is to be issued.

As added by Acts 1980, P.L.8, SEC.64. Amended by Acts 1982, P.L.1, SEC.22; P.L.100-1983, SEC.1; P.L.57-1984, SEC.4; P.L.85-1985, SEC.4; P.L.112-1987, SEC.3; P.L.103-1989, SEC.1; P.L.12-1992, SEC.55; P.L.87-1993, SEC.1; P.L.71-1996, SEC.3; P.L.71-1997, SEC.1; P.L.205-1999, SEC.12; P.L.136-2000, SEC.2; P.L.170-2002, SEC.54; P.L.165-2006, SEC.4.

IC 7.1-3-1-26

Sales among collectors

Sec. 26. No permit is required for the sale, purchase, or gift by a collector to another collector of a container that is:

- (1) a ceramic commemorative bottle; or
- (2) a uniquely designed decanter.

An unbroken federal tax stamp must be on the container at the time of the sale, purchase, or gift.

As added by P.L.57-1984, SEC.5.

IC 7.1-3-1-27

Affidavit of compliance by retailer permittee; financial statements

Sec. 27. (a) Notwithstanding any other provision of this article, a retailer permittee who is required to comply with the gross food and beverage sales, or gross food sales, standards contained in this article as a condition of receiving, continuing to hold, or renewing, the permittee's permit, or otherwise doing business, may attest to the permittee's compliance with those standards by filing an affidavit of compliance with the commission.

(b) The affidavit of compliance authorized by subsection (a) must be in writing and signed by the permittee, or by a responsible officer or partner, under the penalties of perjury, that the representations contained in it are true.

(c) If the commission has reasonable grounds to doubt the truthfulness of an affidavit filed pursuant to subsection (a), it may require the permittee to support it by audited financial statements. If the audited financial statements do not support the affidavit and show the required compliance with the applicable standards of this article, the commission may revoke the permit.

As added by P.L.112-1987, SEC.4.

IC 7.1-3-1-28

Posting notice of application

Sec. 28. (a) This section applies to the initial issuance, transfer of location, or transfer of ownership of the following:

- (1) Any form of retailer's permit issued under this title.
- (2) Any form of dealer's permit issued under this title.

(b) To qualify for approval of an application, an applicant must show proof to the commission that the applicant has provided notice concerning the application in conformity with this section.

(c) Except as provided in subsection (d), the applicant shall post a sign for the period, in the location, and in the form specified in the rules adopted by the commission to indicate to the public that the applicant is seeking the issuance of a retailer's or dealer's permit. The rules adopted by the commission must require that:

- (1) the wording on the sign be in a sufficiently large type size; and
- (2) the sign be posted in a sufficient manner in a window or another area;

so that the sign is visible from the largest public thoroughfare or the nearest public thoroughfare in the vicinity of the applicant's location. The commission may require an applicant to use a sign prepared by the commission. The commission may charge a fee for a sign prepared by the commission that does not exceed the cost of the sign.

(d) This subsection applies to a county having a consolidated city. If the application is for a permit other than a liquor dealer's permit, the applicant may:

- (1) post notice of the application as set forth in subsection (c); or
- (2) mail notice in accordance with:
 - (A) section 5.5 of this chapter if the application is for a new permit or transfer of a permit; or
 - (B) section 5.6 of this chapter if the application is for renewal of a permit.

As added by P.L.204-2001, SEC.26.