

## **IC 7.1-4-6**

### **Chapter 6. Administration and Enforcement of Alcoholic Beverage Laws**

#### **IC 7.1-4-6-1**

##### **Powers of commission and department**

Sec. 1. The chairman and the department shall have the power to examine the books, papers, records, and premises of a manufacturer, wholesaler, retailer, dealer, or direct wine seller's permit holder under this title for the purpose of determining whether the excise taxes imposed by this title have been paid fully and whether the provisions of the title are being complied with.

*(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.17.)  
As amended by P.L.165-2006, SEC.36.*

#### **IC 7.1-4-6-2**

##### **Penalties for noncompliance**

Sec. 2. (a) The presence on the premises of, or the possession by, a person of alcoholic beverages or other articles subject to excise taxes or other fees, and upon which the taxes and fees have not been paid shall impose upon the possessor, or the owner, or person in control, of the premises, the duty to pay all the taxes and fees due and unpaid, even though the presence or the possession is unlawful under this title. In addition, penalties for unpaid fees shall be assessed as follows:

(1) In the case of fraud the department shall assess and collect a penalty in an amount equal to the unpaid fees.

(2) In the case of mistake, inadvertence, or negligence, not amounting to fraud, the department shall assess and collect a penalty in an amount equal to ten percent (10%) of the unpaid fees.

(b) With regard to unpaid taxes described under subsection (a), penalties shall be assessed under IC 6-8.1.

*(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.18.)  
As amended by Acts 1977, P.L.96, SEC.1; P.L.6-1987, SEC.16;  
P.L.103-1987, SEC.2; P.L.104-1987, SEC.3.*

#### **IC 7.1-4-6-2.1**

##### **Rules and regulations to enforce noncompliance penalties**

Sec. 2.1. (a) The department shall adopt rules under IC 4-22-2 to govern the assessment and collection of penalties provided in section 2 of this chapter.

(b) The commission may adopt rules under IC 4-22-2 to coordinate compliance with the laws, rules, and administrative policies governing the assessment and collection of sales taxes.

*As added by Acts 1977, P.L.96, SEC.2. Amended by P.L.204-2001, SEC.45.*

#### **IC 7.1-4-6-3**

##### **Collection of excise taxes**

Sec. 3. Collection of Excise Taxes. The department shall collect the excise taxes imposed by this title.

*(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.19.)*

#### **IC 7.1-4-6-3.5**

##### **Filing of returns**

Sec. 3.5. Filing of Returns. A person who is liable for the payment of an excise tax levied by this title shall file a monthly return with the department on or before the twentieth day of the month following the month in which the liability for the tax accrues by reason of the manufacture, sale, gift, or the withdrawal for sale or gift, of alcoholic beverages within this state. Payment of the excise tax due shall accompany the return.

*(Formerly: Acts 1973, P.L.56, SEC.20.)*

#### **IC 7.1-4-6-3.6**

##### **Rules and regulations**

Sec. 3.6. Rules and Regulations. The department, in consultation with the commission, shall have the power to promulgate rules and regulations governing the use of a unified system of reporting alcoholic beverage excise tax liability and the form of the returns.

*(Formerly: Acts 1973, P.L.56, SEC.21.)*

#### **IC 7.1-4-6-4**

##### **Discount for timely payment**

Sec. 4. Discount for Timely Payment. The department shall allow a taxpayer a discount of one and one-half percent (1 1/2%) of the amount of excise taxes otherwise due for the accurate reporting and timely remitting of the excise taxes imposed by this title.

*(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.22.)*

#### **IC 7.1-4-6-5**

##### **When sale is made**

Sec. 5. When Sale is Made. For alcoholic beverage excise tax purposes, a sale shall not be deemed to have been made until the goods leave the custody of the seller.

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

#### **IC 7.1-4-6-6**

##### **Floor stock tax not imposed**

Sec. 6. Floor Stock Tax Not Imposed. The provisions of this article shall not be construed as imposing a floor stock tax on the goods held by a permittee of any type under this title.

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

#### **IC 7.1-4-6-7**

##### **Appropriation for administration**

Sec. 7. Appropriation for Administration. There shall be an annual appropriation, from the sum of money allocated to the general fund by this title, of a sum of money necessary for the purpose of carrying

out the provisions of this title. The claims for operating expenses incurred under the provisions of this title shall be filed with and paid by the state auditor. Equipment shall be purchased only upon a requisition approved by the department of administration.

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

#### **IC 7.1-4-6-8**

##### **Duty of attorney general and local prosecutor**

Sec. 8. Duty of Attorney General and Local Prosecutor. If a person who holds a permit under this title fails to account for, or pay over to the chairman or the department, or both, an annual license fee, or excise tax, or other levy imposed by this title, or defaults in a condition of his bond, or if a person, licensed under this title or not, fails or refuses to pay to the chairman or the department an obligation, liability, forfeiture, or penalty imposed upon him by this title, the chairman or the department shall report that fact to the attorney general of Indiana who shall immediately institute the necessary action for the recovery of the sum due the state by reason of this title. The state shall be entitled to all liens and remedies allowed by law for the collection of the sum due the state. It is the duty of the prosecuting attorney of the proper county to assist the attorney general in these matters whenever the attorney general requests his assistance.

*(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.23.)*