

IC 7.1-5-7

Chapter 7. Minors

IC 7.1-5-7-0.1

Application of certain amendments to chapter

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

(1) The amendments made to section 1 of this chapter by P.L.94-2008 apply to crimes committed after June 30, 2008.

(2) The amendments made to section 8 of this chapter by P.L.94-2008 apply only to offenses committed after June 30, 2008.

As added by P.L.220-2011, SEC.177.

IC 7.1-5-7-0.3

Commission adoption of certain rules

Sec. 0.3. Notwithstanding the amendments made to section 13 of this chapter by P.L.204-2001, not later than July 1, 2002, the commission shall adopt the rules required by section 13(b)(1), as amended by P.L.204-2001.

As added by P.L.220-2011, SEC.178.

IC 7.1-5-7-1

False statements of age

Sec. 1. (a) It is a Class C misdemeanor for a minor to knowingly or intentionally make a false statement of the minor's age or to present or offer false or fraudulent evidence of majority or identity to a permittee for the purpose of ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to procure an alcoholic beverage.

(b) In addition to the penalty under subsection (a), a minor who:

(1) uses a false or altered driver's license or the driver's license of another person as evidence of majority under this section; or

(2) is convicted of purchasing or procuring an alcoholic beverage with or without using a false or altered driver's license;

shall have the minor's driver's license suspended for up to one (1) year in accordance with IC 9-24-18-8 and IC 9-30-4-9.

(c) Upon entering a judgment of conviction for the misdemeanor under this section, the court shall forward a copy of the judgment to the bureau of motor vehicles for the purpose of complying with subsection (b).

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1982, P.L.69, SEC.11; P.L.102-1983, SEC.1; P.L.77-1988, SEC.6; P.L.67-1990, SEC.1; P.L.1-1993, SEC.45; P.L.94-2008, SEC.49.

IC 7.1-5-7-2

Furnishing false evidence of identification

Sec. 2. It is a Class C misdemeanor for a person to sell, give, or furnish to a minor false or fraudulent evidence of majority or identity

with the intent to violate a provision of this title.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1982, P.L.69, SEC.12; P.L.102-1983, SEC.2.

IC 7.1-5-7-3

Possession of false identity

Sec. 3. It is a Class C infraction for a minor to have in his possession false or fraudulent evidence of majority or identity with the intent to violate a provision of this title.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1982, P.L.69, SEC.13; P.L.102-1983, SEC.3.

IC 7.1-5-7-4

Statement of age

Sec. 4. A permittee shall have the right to demand of a customer a signed written statement, on a form prescribed by the commission, that the customer is not a minor. It is a Class C infraction for a minor to misrepresent his age on the statement.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1982, P.L.69, SEC.14; P.L.102-1983, SEC.4.

IC 7.1-5-7-5

Repealed

(Repealed by P.L.100-1983, SEC.8.)

IC 7.1-5-7-5.1

Defenses of permittee to charge of unlawfully furnishing alcoholic beverage to minor

Sec. 5.1. (a) A permittee in a criminal prosecution or in a proceeding before the commission or a local board based upon a charge of unlawfully furnishing an alcoholic beverage to a minor may offer either or both of the following proofs as a defense or defenses to the prosecution or proceeding:

(1) That:

(A) the purchaser:

(i) falsely represented the purchaser's age in a written statement, such as that prescribed by subsection (b), supported by two (2) forms of identification showing the purchaser to be at least twenty-one (21) years of age;

(ii) produced a driver's license bearing the purchaser's photograph;

(iii) produced a photographic identification card, issued under IC 9-24-16-1 or a similar card, issued under the laws of another state or the federal government, showing that the purchaser was of legal age to make the purchase; or

(iv) produced a government issued document bearing the purchaser's photograph and showing the purchaser to be at least twenty-one (21) years of age;

(B) the appearance of the purchaser was such that an ordinary prudent person would believe the purchaser to be

of legal age to make the purchase; and
(C) the sale was made in good faith based upon the reasonable belief that the purchaser was actually of legal age to make the purchase.

(2) That the permittee or the permittee's agent had taken all reasonable precautions in instructing the permittee's employees, in hiring the permittee's employees, and in supervising them as to sale of alcoholic beverages to minors.

(b) The following written statement is sufficient for the purposes of subsection (a)(1)(A)(i):

REPRESENTATION AND STATEMENT
OF AGE
FOR PURCHASE OF ALCOHOLIC
BEVERAGES

I understand that misrepresentation of age to induce the sale, service, or delivery of alcoholic beverages to me is cause for my arrest and prosecution, which can result in punishment as follows:

- (1) Possible payment of a fine of up to \$500.
- (2) Possible imprisonment for up to 60 days.
- (3) Possible loss or deferment of driver's license privileges for up to one year.
- (4) Possible requirement to participate in an alcohol education or treatment program.

Knowing the possible penalties for misstatement, I hereby represent and state, for the purpose of inducing _____

(Name of licensee)

to sell, serve, or deliver alcoholic beverages to me, that I was born:

_____, _____, _____ and am ____ years of age.

(Month) (Day) (Year)

Date _____

Signed _____

Address _____

Other Identification

Presented:

Nonphoto driver's
license: (number & state)

Signature of person
who witnessed completion
of this statement
by patron:

Social Security Number

Other _____

*As added by P.L.100-1983, SEC.5. Amended by P.L.79-1986, SEC.2;
P.L.2-1991, SEC.56; P.L.10-2010, SEC.9.*

IC 7.1-5-7-6

Repealed

(Repealed by Acts 1978, P.L.2, SEC.727.)

IC 7.1-5-7-7

Illegal possession

Sec. 7. (a) It is a Class C misdemeanor for a minor to knowingly:

- (1) possess an alcoholic beverage;
- (2) consume it; or
- (3) transport it on a public highway when not accompanied by at least one (1) of his parents or guardians.

(b) If a minor is found to have violated subsection (a) while operating a motor vehicle, the court may order the minor's driver's license suspended for up to one (1) year. However, if the minor is less than eighteen (18) years of age, the court shall order the minor's driver's license suspended for at least sixty (60) days.

(c) The court shall deliver any order suspending the minor's driver's license under this section to the bureau of motor vehicles, which shall suspend the minor's driver's license under IC 9-24-18-12 for the period ordered by the court.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1978, P.L.2, SEC.710; Acts 1982, P.L.69, SEC.15; P.L.53-1994, SEC.1.

IC 7.1-5-7-8

Sales to minors prohibited

Sec. 8. (a) It is a Class B misdemeanor for a person to recklessly, knowingly, or intentionally sell, barter, exchange, provide, or furnish an alcoholic beverage to a minor.

(b) However, the offense described in subsection (a) is:

- (1) a Class A misdemeanor if the person has a prior unrelated conviction under this section; and
- (2) a Class D felony if the consumption, ingestion, or use of the alcoholic beverage is the proximate cause of the serious bodily injury or death of any person.

(c) This section shall not be construed to impose civil liability upon any postsecondary educational institution, including public and private universities and colleges, business schools, vocational schools, and schools for continuing education, or its agents for injury to any person or property sustained in consequence of a violation of this section unless such institution or its agent sells, barter, exchanges, provides, or furnishes an alcoholic beverage to a minor.
(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1975, P.L.74, SEC.1.) As amended by Acts 1982, P.L.69, SEC.16; P.L.102-1983, SEC.5; P.L.100-1983, SEC.6; P.L.79-1986, SEC.3; P.L.2-2007, SEC.132; P.L.94-2008, SEC.50.

IC 7.1-5-7-9

Parent taking child into tavern prohibited

Sec. 9. (a) It is a Class C infraction for a parent, guardian, trustee, or other person having custody of a child under eighteen (18) years of age to take that child into a tavern, bar, or other public place where alcoholic beverages are sold, bartered, exchanged, given away, provided, or furnished.

(b) It is a Class C infraction for a permittee to permit the parent, guardian, trustee, or other person having custody of the child under

eighteen (18) years of age to be in or around the prohibited place with the child.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1982, P.L.69, SEC.17; P.L.102-1983, SEC.6.

IC 7.1-5-7-10

Minors in taverns prohibited

Sec. 10. (a) It is a Class C misdemeanor for a minor to recklessly be in a tavern, bar, or other public place where alcoholic beverages are sold, bartered, exchanged, given away, provided, or furnished. In addition to other penalties under this subsection, the minor's driver's license shall be suspended for up to one (1) year in accordance with IC 9-24-18-8 and IC 9-30-4-9.

(b) It is a Class C misdemeanor for a permittee to recklessly permit a minor to be in the prohibited place beyond a reasonable time in which an ordinary prudent person can check identification to confirm the age of a patron.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1982, P.L.69, SEC.18; P.L.102-1983, SEC.7; P.L.79-1986, SEC.4; P.L.77-1988, SEC.7; P.L.1-1993, SEC.46.

IC 7.1-5-7-11

Exception for certain public places

Sec. 11. (a) The provisions of sections 9 and 10 of this chapter shall not apply if the public place involved is one (1) of the following:

- (1) Civic center.
- (2) Convention center.
- (3) Sports arena.
- (4) Bowling center.
- (5) Bona fide club.
- (6) Drug store.
- (7) Grocery store.
- (8) Boat.
- (9) Dining car.
- (10) Pullman car.
- (11) Club car.
- (12) Passenger airplane.
- (13) Horse racetrack facility holding a recognized meeting permit under IC 4-31-5.
- (14) Satellite facility (as defined in IC 4-31-2-20.5).
- (15) Catering hall under IC 7.1-3-20-24 that is not open to the public.
- (16) That part of a hotel or restaurant which is separate from a room in which is located a bar over which alcoholic beverages are sold or dispensed by the drink.
- (17) Entertainment complex.
- (18) Indoor golf facility.
- (19) A recreational facility such as a golf course, bowling center, or similar facility that has the recreational activity and

not the sale of food and beverages as the principal purpose or function of the person's business.

(20) A licensed premises owned or operated by a postsecondary educational institution described in IC 21-17-6-1.

(21) An automobile racetrack.

(22) An indoor theater under IC 7.1-3-20-26.

(b) For the purpose of this subsection, "food" means meals prepared on the licensed premises. It is lawful for a minor to be on licensed premises in a room in which is located a bar over which alcoholic beverages are sold or dispensed by the drink if all the following conditions are met:

(1) The minor is eighteen (18) years of age or older.

(2) The minor is in the company of a parent, guardian, or family member who is twenty-one (21) years of age or older.

(3) The purpose for being on the licensed premises is the consumption of food and not the consumption of alcoholic beverages.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1975, P.L.74, SEC.2.) As amended by P.L.100-1983, SEC.7; P.L.15-1994, SEC.10; P.L.105-1995, SEC.6; P.L.71-1996, SEC.5; P.L.72-1996, SEC.22; P.L.117-2000, SEC.1; P.L.72-2004, SEC.16; P.L.224-2005, SEC.33; P.L.2-2007, SEC.133; P.L.10-2010, SEC.10.

IC 7.1-5-7-12

Employment of minors prohibited

Sec. 12. Except as provided in section 13 of this chapter, it is a Class B misdemeanor for a person to employ a minor in or about a place where alcoholic beverages are sold, furnished, or given away for consumption either on or off the licensed premises, in a capacity which requires or allows the minor to sell, furnish, or otherwise deal in alcoholic beverages.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1982, P.L.69, SEC.19; P.L.204-2001, SEC.52.

IC 7.1-5-7-13

Employment of minors; exceptions

Sec. 13. Section 12 of this chapter does not prohibit the following:

(1) The employment of a person at least eighteen (18) years of age but less than twenty-one (21) years of age on or about licensed premises where alcoholic beverages are sold, furnished, or given away for consumption either on or off the licensed premises, for a purpose other than:

(A) selling;

(B) furnishing, other than serving;

(C) consuming; or

(D) otherwise dealing in;

alcoholic beverages.

(2) A person at least nineteen (19) years of age but less than twenty-one (21) years of age from ringing up a sale of alcoholic beverages in the course of the person's employment.

(3) A person who is at least nineteen (19) years of age but less than twenty-one (21) years of age and who has successfully completed an alcohol server training program certified under IC 7.1-3-1.5 from serving alcoholic beverages in a dining area or family room of a restaurant or hotel:

(A) in the course of a person's employment as a waiter, waitress, or server; and

(B) under the supervision of a person who:

(i) is at least twenty-one (21) years of age;

(ii) is present at the restaurant or hotel; and

(iii) has successfully completed an alcohol server training program certified under IC 7.1-3-1.5 by the commission.

This subdivision does not allow a person at least nineteen (19) years of age but less than twenty-one (21) years of age to be a bartender.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.204-2001, SEC.53; P.L.161-2005, SEC.3; P.L.3-2008, SEC.70; P.L.94-2008, SEC.51.

IC 7.1-5-7-14

Notice from parents

Sec. 14. Notice From Parents. It is a Class B misdemeanor for a permittee to permit a minor to be in or around the licensed premises after receiving written notice from the parent, guardian, or other person having custody of the minor that the person is in fact a minor and directing that he be excluded from the licensed premises.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1982, P.L.69, SEC.20.

IC 7.1-5-7-15

Aiding unlawful possession

Sec. 15. A person twenty-one (21) years of age or older who knowingly or intentionally encourages, aids, or induces a minor to unlawfully possess an alcoholic beverage commits a Class C infraction.

As added by P.L.102-1983, SEC.8.

IC 7.1-5-7-16

Inspections

Sec. 16. The commission shall conduct random unannounced inspections at locations where alcoholic beverages are sold or distributed to ensure compliance with this title. Only the commission may conduct the random unannounced inspections. The commission may use retired or off duty law enforcement officers to conduct inspections under this section.

As added by P.L.94-2008, SEC.52. Amended by P.L.216-2011, SEC.2.

IC 7.1-5-7-17

Enforcement actions

Sec. 17. (a) Notwithstanding any other law, an enforcement officer vested with full police powers and duties may engage a person who is:

(1) at least eighteen (18) years of age; and

(2) less than twenty-one (21) years of age;

to receive or purchase alcoholic beverages as part of an enforcement action under this article.

(b) The initial or contemporaneous receipt or purchase of an alcoholic beverage under this section by a person described in subsection (a) must:

(1) occur under the direction of an enforcement officer vested with full police powers and duties; and

(2) be a part of the enforcement action.

As added by P.L.94-2008, SEC.53.