

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1479 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 7.1-1-3-40.5 IS ADDED TO THE INDIANA
- 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2007]: **Sec. 40.5. "Sales clerk" means a**
- 6 **person who:**
- 7 **(1) rings up; or**
- 8 **(2) otherwise records;**
- 9 **an alcoholic beverage sale in the course of the person's employment**
- 10 **in a dealer establishment.**
- 11 SECTION 4. IC 7.1-3-1.5-2, AS ADDED BY P.L.161-2005,
- 12 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 13 JULY 1, 2007]: Sec. 2. As used in this chapter, "dealer permittee"
- 14 means a person who holds a ~~liquor~~ dealer permit. ~~under IC 7.1-3-10 for~~
- 15 ~~a package liquor store.~~
- 16 Page 4, between lines 13 and 14, begin a new paragraph and insert:
- 17 "SECTION 5. IC 7.1-3-5-3 IS AMENDED TO READ AS
- 18 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The holder of a
- 19 beer dealer's permit shall be entitled to purchase beer for sale under the
- 20 permit only from a permittee entitled to sell to a beer dealer under this
- 21 title.
- 22 (b) A beer dealer shall be entitled to possess beer and sell it at retail
- 23 to a customer in permissible containers only.
- 24 (c) A beer dealer may not sell beer by the drink nor for consumption

1 on the licensed premises nor shall a beer dealer allow it to be consumed
2 on the licensed premises.

3 (d) Except as provided in subsection (e), a beer dealer shall be
4 entitled to sell beer to a customer and to deliver it in permissible
5 containers to the customer on the licensed premises, or to the
6 customer's residence or office.

7 **(e) This subsection does not apply to a package liquor store.**
8 **Beer shall be displayed in a designated area separated from the**
9 **area where nonalcoholic retail merchandise is displayed. A minor**
10 **may not enter the designated area. The designated area shall be**
11 **monitored by an employee who, as part of the employee's job**
12 **responsibilities, shall ensure that a minor does not enter the**
13 **designated area. A sales clerk who rings up or otherwise records a**
14 **sale of beer must be at least twenty-one (21) years of age.**

15 (f) A beer dealer shall not be entitled to sell and deliver beer on the
16 street or at the curb outside the licensed premises, nor shall a beer
17 dealer be entitled to sell beer at a place other than the licensed
18 premises. A beer dealer shall not be entitled to sell beer and deliver
19 beer for carry-out, or for delivery to a customer's residence or office, in
20 a quantity that exceeds eight hundred sixty-four (864) ounces in a
21 single transaction. However, notwithstanding IC 7.1-5-10-11, a beer
22 dealer who is licensed pursuant to IC 7.1-3-10-4 shall be entitled to sell
23 and deliver warm or cold beer for carry-out, or for delivery to a
24 customer's residence, office, or a designated location in barrels or other
25 commercial containers that do not exceed two thousand sixteen (2,016)
26 ounces per container. This delivery may only be performed by the
27 permit holder or an employee who holds an employee permit. The
28 permit holder shall maintain a written record of each delivery for at
29 least one (1) year that shows the customer's name, location of delivery,
30 and quantity sold.

31 ~~(e)~~ (g) Unless a beer dealer is a grocery store or drug store, a beer
32 dealer may not sell or deliver alcoholic beverages or any other item
33 through a window in the licensed premises to a patron who is outside
34 the licensed premises. A beer dealer that is a grocery store or drug store
35 may sell any item except alcoholic beverages through a window in the
36 licensed premises to a patron who is outside the licensed premises."

37 Page 4, between lines 40 and 41, begin a new paragraph and insert:

38 "SECTION 7. IC 7.1-3-10-7 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) The holder of a
40 liquor dealer's permit shall be entitled to purchase liquor only from a
41 permittee entitled to sell to a liquor dealer under this title.

42 (b) A liquor dealer shall be entitled to possess liquor and sell it at
43 retail in its original package, to a customer only for consumption off the
44 licensed premises.

45 **(c) This subsection does not apply to a package liquor store.**
46 **Liquor shall be displayed in a designated area separated from the**

1 **area where nonalcoholic retail merchandise is displayed. A minor**
 2 **may not enter the designated area. The designated area shall be**
 3 **monitored by an employee who, as part of the employee's job**
 4 **responsibilities, shall ensure that a minor does not enter the**
 5 **designated area. A sales clerk who rings up or otherwise records a**
 6 **sale of liquor must be at least twenty-one (21) years of age.**

7 ~~(c)~~ (d) A liquor dealer may deliver liquor only in permissible
 8 containers to a customer's residence or office in a quantity that does not
 9 exceed twelve (12) quarts at any one (1) time. However, a liquor dealer
 10 who is licensed under IC 7.1-3-10-4 may deliver liquor in permissible
 11 containers to a customer's residence, office, or designated location.
 12 This delivery may only be performed by the permit holder or an
 13 employee who holds an employee permit. The permit holder shall
 14 maintain a written record of each delivery for at least one (1) year that
 15 shows the customer's name, location of delivery, and quantity sold.

16 ~~(d)~~ (e) A liquor dealer may not sell or deliver alcoholic beverages
 17 or any other item through a window in the licensed premises to a patron
 18 who is outside the licensed premises. However, a liquor dealer that is
 19 a drug store may sell prescription drugs and health and beauty aids
 20 through a window in the licensed premises to a patron who is outside
 21 the licensed premises."

22 Page 6, between lines 8 and 9, begin a new paragraph and insert:

23 "SECTION 8. IC 7.1-3-15-3 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The holder of a
 25 wine dealer's permit shall be entitled to purchase wine only from a
 26 permittee who is authorized to sell to a wine dealer under this title. A
 27 wine dealer shall be entitled to sell wine, for consumption off the
 28 licensed premises only and not by the drink.

29 **(b) This subsection does not apply to a package liquor store.**
 30 **Wine shall be displayed in a designated area separated from the**
 31 **area where nonalcoholic retail merchandise is displayed. A minor**
 32 **may not enter the designated area. The designated area shall be**
 33 **monitored by an employee who, as part of the employee's job**
 34 **responsibilities, shall ensure that a minor does not enter the**
 35 **designated area. A sales clerk who rings up or otherwise records a**
 36 **sale of wine must be at least twenty-one (21) years of age.**

37 ~~(b)~~ (c) A wine dealer shall be entitled to sell wine in permissible
 38 containers in a quantity of not more than three (3) standard cases, as
 39 determined under the rules of the commission, in a single transaction.
 40 However, a wine dealer who is licensed under IC 7.1-3-10-4 may
 41 possess wine and sell it at retail in its original package to a customer
 42 only for consumption off the licensed premises.

43 ~~(c)~~ (d) Unless a wine dealer is a grocery store or drug store, a wine
 44 dealer may not sell or deliver alcoholic beverages or any other item
 45 through a window in the licensed premises to a patron who is outside
 46 the licensed premises. A wine dealer that is a grocery store or drug

1 store may sell any item except alcoholic beverages through a window
 2 in the licensed premises to a person who is outside the licensed
 3 premises.

4 ~~(d)~~ (e) However, a wine dealer who is licensed under IC 7.1-3-10-4
 5 may deliver wine only in permissible containers to a customer's
 6 residence, office, or designated location. This delivery may only be
 7 performed by the permit holder or an employee who holds an employee
 8 permit. The permit holder shall maintain a written record of each
 9 delivery for at least one (1) year that shows the customer's name,
 10 location of delivery, and quantity sold.

11 SECTION 9. IC 7.1-3-18-9, AS AMENDED BY P.L.165-2006,
 12 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2007]: Sec. 9. (a) **Except as provided in subsection (j)**, the
 14 commission may issue an employee's permit to a person who desires to
 15 act as:

16 (1) a sales clerk in a package liquor store; a dealer
 17 establishment;

18 (2) an employee who serves wine at a farm winery; or

19 (3) a bartender, waiter, waitress, or manager in a retail
 20 establishment. ~~excepting dining car and boat employees.~~

21 (b) A permit authorized by this section is conditioned upon the
 22 compliance by the holder with reasonable rules relating to the permit
 23 which the commission may prescribe from time to time.

24 (c) A permit issued under this section entitles its holder to work for
 25 any lawful employer. However, a person may work without an
 26 employee's permit for thirty (30) days from the date shown on a receipt
 27 for a cashier's check or money order payable to the commission for that
 28 person's employee's permit application.

29 (d) A person who, for a package liquor store or retail establishment,
 30 is:

31 (1) the sole proprietor;

32 (2) a partner, a general partner, or a limited partner in a
 33 partnership or limited partnership that owns the business
 34 establishment;

35 (3) a member of a limited liability company that owns the
 36 business establishment; or

37 (4) a stockholder in a corporation that owns the business
 38 establishment;

39 is not required to obtain an employee's permit in order to perform any
 40 of the acts listed in subsection (a).

41 (e) An applicant may declare on the application form that the
 42 applicant will use the employee's permit only to perform volunteer
 43 service that benefits a nonprofit organization. It is unlawful for an
 44 applicant who makes a declaration under this subsection to use an
 45 employee's permit for any purpose other than to perform volunteer
 46 service that benefits a nonprofit organization.

1 (f) The commission may not issue an employee's permit to an
 2 applicant while the applicant is serving a sentence for a conviction for
 3 operating while intoxicated, including any term of probation or parole.

4 (g) The commission may not issue an employee's permit to an
 5 applicant who has two (2) unrelated convictions for operating while
 6 intoxicated if:

7 (1) the first conviction occurred less than ten (10) years before the
 8 date of the applicant's application for the permit; and

9 (2) the applicant completed the sentence for the second
 10 conviction, including any term of probation or parole, less than
 11 two (2) years before the date of the applicant's application for the
 12 permit.

13 (h) If an applicant for an employee's permit has at least three (3)
 14 unrelated convictions for operating while intoxicated in the ten (10)
 15 years immediately preceding the date of the applicant's application for
 16 the permit, the commission may not grant the issuance of the permit.
 17 If, in the ten (10) years immediately preceding the date of the
 18 applicant's application the applicant has:

19 (1) one (1) conviction for operating while intoxicated, and the
 20 applicant is not subject to subsection (f); or

21 (2) two (2) unrelated convictions for operating while intoxicated,
 22 and the applicant is not subject to subsection (f) or (g);

23 the commission may grant or deny the issuance of a permit.

24 (i) The commission shall revoke a permit issued to an employee
 25 under this section if:

26 (1) the employee is convicted of a Class B misdemeanor for
 27 violating IC 7.1-5-10-15(a); or

28 (2) the employee is convicted of operating while intoxicated after
 29 the issuance of the permit.

30 The commission may revoke a permit issued to an employee under this
 31 section for any violation of this title or the rules adopted by the
 32 commission.

33 **(j) This section does not apply to a dining car, boat, or airline
 34 employee."**

35 Page 6, between lines 20 and 21, begin a new paragraph and insert:

36 "SECTION 10. IC 7.1-5-6-3 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) It is unlawful for
 38 a person to act as a ~~clerk in a package liquor store, or as a bartender,~~
 39 ~~waiter, waitress, or manager for a retailer permittee~~ **in a position that**
 40 **is listed in IC 7.1-3-18-9(a)** unless that person has applied for and
 41 been issued ~~the appropriate~~ **an employee's** permit. ~~This section does~~
 42 ~~not apply to dining car or boat employees or to a person described in~~
 43 ~~IC 7.1-3-18-9(d).~~

44 (b) It is a defense to a charge under this section if, within thirty (30)
 45 days after being cited by the commission, the person who was cited
 46 produces evidence that the appropriate permit was issued by the

1 commission on the date of the citation.

2 (c) It is a defense to a charge under this section for a new applicant
3 for a permit if, within thirty (30) days after being cited by the
4 commission, the new applicant who was cited produces a receipt for a
5 cashier's check or money order showing that an application for the
6 appropriate permit was applied for on the date of the citation.

7 **(d) It is a defense to a charge under this section that the person**
8 **who was cited:**

9 **(1) acted as a dining car, boat, or airline employee; or**

10 **(2) is a person described in IC 7.1-3-18-9(d).**

11 SECTION 11. IC 7.1-5-7-13, AS AMENDED BY P.L.161-2005,
12 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2007]: Sec. 13. Section 12 of this chapter does not prohibit the
14 following:

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

20 (A) selling;

21 (B) furnishing, other than serving;

22 (C) consuming; or

23 (D) otherwise dealing in;

24 alcoholic beverages.

25 (2) A person at least eighteen (18) years of age but less than
26 twenty-one (21) years of age from ringing up a sale of alcoholic
27 beverages in the course of the person's employment **in a dining**
28 **area or family room of a restaurant or hotel.**

29 (3) A person at least nineteen (19) years of age but less than
30 twenty-one (21) years of age who:

31 (A) has successfully completed an alcohol server training
32 program certified under IC 7.1-3-1.5; and

33 (B) serves alcoholic beverages in a dining area or family room
34 of a restaurant or hotel:

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

37 (ii) under the supervision of a person who is at least
38 twenty-one (21) years of age, is present at the restaurant or
39 hotel, and has successfully completed an alcohol server
40 training program certified under IC 7.1-3-1.5 by the
41 commission.

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

45 Page 6, between lines 30 and 31, begin a new paragraph and insert:
46 "SECTION 12. IC 7.1-5-10-24 IS ADDED TO THE INDIANA

1 CODE AS A NEW SECTION TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2007]: **Sec. 24. (a) It is unlawful for a person**
3 **who is the proprietor of a package liquor store, drug store, or**
4 **grocery store to allow a purchaser of alcoholic beverages, or any**
5 **other person who is not a sales clerk, to ring up or otherwise**
6 **record an alcoholic beverage sale.**
7 (b) It is unlawful for a purchaser of alcoholic beverages, or any
8 other person who is not a sales clerk, to ring up or otherwise
9 record an alcoholic beverage sale in a:
10 (1) drug store;
11 (2) grocery store; or
12 (3) package liquor store."
13 Renumber all SECTIONS consecutively.
(Reference is to HB 1479 as printed February 9, 2007.)

Representative Burton