

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WITHDRAWN	Noes _____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 7.1-3-1.5-1, AS ADDED BY P.L.161-2005,
- 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2007]: Sec. 1. As used in this chapter, "alcohol server" means
- 6 the following:
- 7 (†) a person who works on the licensed premises of a retailer
- 8 permittee as a:
- 9 (A) (1) manager;
- 10 (B) (2) bartender; or
- 11 (C) (3) waiter or a waitress.
- 12 (‡) A person who works on the licensed premises of a dealer
- 13 permittee as a:
- 14 (A) manager; or
- 15 (B) sales clerk.
- 16 SECTION 2. IC 7.1-3-1.5-8, AS AMENDED BY P.L.165-2006,
- 17 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 18 JULY 1, 2007]: Sec. 8. (a) A trainer certificate issued under this
- 19 chapter expires three (3) years after the date the trainer certificate was
- 20 issued.
- 21 (b) The commission shall notify a
- 22 (†) dealer permittee at the time the dealer permittee renews a
- 23 permit described in section 2 of this chapter; and
- 24 (‡) retailer permittee at the time the retailer permittee renews a

1 permit described in section 4 of this chapter
2 of the renewal requirements for a trainer certificate under this chapter.

3 SECTION 3. IC 7.1-3-1.5-13, AS AMENDED BY P.L.165-2006,
4 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2007]: Sec. 13. (a) A retailer permittee ~~or dealer permittee~~
6 who operates an establishment where alcoholic beverages are served
7 or sold must:

8 (1) ensure that each alcohol server completes a program
9 established or approved under section 6 of this chapter not later
10 than one hundred twenty (120) days after the date the alcohol
11 server begins employment at the establishment;

12 (2) require each alcohol server to attend a refresher course that
13 includes the dissemination of new information concerning the
14 program subject areas described in section 6 of this chapter every
15 three (3) years after the date the alcohol server completes a
16 program; and

17 (3) maintain training verification records of each alcohol server.

18 (b) A retailer permittee ~~a dealer permittee~~, or a management
19 representative of a retailer ~~or dealer~~ permittee must complete a
20 program established or approved under section 6 of this chapter:

21 (1) not later than one hundred twenty (120) days after the date
22 ~~(A) the dealer permittee is issued a permit described in section~~
23 ~~2 of this chapter; or~~

24 ~~(B) the retailer permittee is issued a permit described in~~
25 ~~section 4 of this chapter; and~~

26 (2) every five (5) years after the date the retailer permittee ~~dealer~~
27 ~~permittee~~; or management representative of the retailer ~~or dealer~~
28 ~~permittee~~ completes a program.

29 (c) The commission shall notify a

30 ~~(1) dealer permittee at the time the dealer permittee renews a~~
31 ~~permit described in section 2 of this chapter; and~~

32 ~~(2) retailer permittee at the time the retailer permittee renews a~~
33 ~~permit described in section 4 of this chapter~~

34 of the requirements under subsections (a) and (b).

35 (d) The commission may suspend or revoke a retailer permittee's ~~or~~
36 ~~dealer permittee's~~ permit or fine a retailer permittee ~~or dealer permittee~~
37 for noncompliance with this section in accordance with IC 7.1-3-23."

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

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

44 ~~(1) a clerk in a package liquor store;~~

45 ~~(2) (1) an employee who serves wine at a farm winery; or~~

46 ~~(3) (2) a bartender, waiter, waitress, or manager in a retail~~

1 establishment. ~~excepting dining car and boat employees.~~

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

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

10 (d) A person who, for a ~~package liquor store~~ or retail establishment,
11 is:

- 12 (1) the sole proprietor;
- 13 (2) a partner, a general partner, or a limited partner in a
14 partnership or limited partnership that owns the business
15 establishment;
- 16 (3) a member of a limited liability company that owns the
17 business establishment; or
- 18 (4) a stockholder in a corporation that owns the business
19 establishment;

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

22 (e) An applicant may declare on the application form that the
23 applicant will use the employee's permit only to perform volunteer
24 service that benefits a nonprofit organization. It is unlawful for an
25 applicant who makes a declaration under this subsection to use an
26 employee's permit for any purpose other than to perform volunteer
27 service that benefits a nonprofit organization.

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

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

- 34 (1) the first conviction occurred less than ten (10) years before the
35 date of the applicant's application for the permit; and
- 36 (2) the applicant completed the sentence for the second
37 conviction, including any term of probation or parole, less than
38 two (2) years before the date of the applicant's application for the
39 permit.

40 (h) If an applicant for an employee's permit has at least three (3)
41 unrelated convictions for operating while intoxicated in the ten (10)
42 years immediately preceding the date of the applicant's application for
43 the permit, the commission may not grant the issuance of the permit.
44 If, in the ten (10) years immediately preceding the date of the
45 applicant's application the applicant has:

- 46 (1) one (1) conviction for operating while intoxicated, and the

1 applicant is not subject to subsection (f); or
 2 (2) two (2) unrelated convictions for operating while intoxicated,
 3 and the applicant is not subject to subsection (f) or (g);
 4 the commission may grant or deny the issuance of a permit.

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

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

9 (2) the employee is convicted of operating while intoxicated after
 10 the issuance of the permit.

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

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

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

17 "SECTION 11. IC 7.1-5-6-3 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) It is unlawful for
 19 a person to act as a clerk in a package liquor store, or as a bartender,
 20 waiter, waitress, or manager for a retailer permittee in a position that
 21 is listed in IC 7.1-3-18-9(a) unless that person has applied for and
 22 been issued the appropriate an employee's permit. This section does
 23 not apply to dining car or boat employees or to a person described in
 24 IC 7.1-3-18-9(d).

25 (b) It is a defense to a charge under this section if, within thirty (30)
 26 days after being cited by the commission, the person who was cited
 27 produces evidence that the appropriate permit was issued by the
 28 commission on the date of the citation.

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

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

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

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

38 SECTION 12. IC 7.1-5-7-11, AS AMENDED BY P.L.224-2005,
 39 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2007]: Sec. 11. (a) The provisions of sections 9 and 10 of this
 41 chapter shall not apply if the public place involved is one (1) of the
 42 following:

43 (1) Civic center.

44 (2) Convention center.

45 (3) Sports arena.

46 (4) Bowling center.

- 1 (5) Bona fide club.
 2 (6) Drug store.
 3 (7) Grocery store.
 4 (8) Boat.
 5 (9) Dining car.
 6 (10) Pullman car.
 7 (11) Club car.
 8 (12) Passenger airplane.
 9 (13) Horse racetrack facility holding a recognized meeting permit
 10 under IC 4-31-5.
 11 (14) Satellite facility (as defined in IC 4-31-2-20.5).
 12 (15) Catering hall under IC 7.1-3-20-24 that is not open to the
 13 public.
 14 (16) That part of a hotel or restaurant which is separate from a
 15 room in which is located a bar over which alcoholic beverages are
 16 sold or dispensed by the drink.
 17 (17) Entertainment complex.
 18 (18) Indoor golf facility.
 19 (19) A recreational facility such as a golf course, bowling center,
 20 or similar facility that has the recreational activity and not the sale
 21 of food and beverages as the principal purpose or function of the
 22 person's business.
 23 (20) A licensed premises owned or operated by an educational
 24 institution of higher learning (as defined in IC 20-12-15-1).
 25 (21) An automobile racetrack.

26 **(22) Package liquor store.**

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

- 32 (1) The minor is eighteen (18) years of age or older.
 33 (2) The minor is in the company of a parent, guardian, or family
 34 member who is twenty-one (21) years of age or older.
 35 (3) The purpose for being on the licensed premises is the
 36 consumption of food and not the consumption of alcoholic
 37 beverages.

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

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

- 1 (A) selling;
- 2 (B) furnishing, other than serving;
- 3 (C) consuming; or
- 4 (D) otherwise dealing in;
- 5 alcoholic beverages.
- 6 (2) A person at least eighteen (18) years of age but less than
- 7 twenty-one (21) years of age from ringing up a sale of alcoholic
- 8 beverages in the course of the person's employment.
- 9 (3) A person at least nineteen (19) years of age but less than
- 10 twenty-one (21) years of age who:
- 11 (A) has successfully completed an alcohol server training
- 12 program certified under IC 7.1-3-1.5; and
- 13 (B) serves alcoholic beverages in a dining area or family room
- 14 of a restaurant or hotel:
- 15 (i) in the course of a person's employment as a waiter,
- 16 waitress, or server; and
- 17 (ii) under the supervision of a person who is at least
- 18 twenty-one (21) years of age, is present at the restaurant or
- 19 hotel, and has successfully completed an alcohol server
- 20 training program certified under IC 7.1-3-1.5 by the
- 21 commission.
- 22 This subdivision does not allow a person at least nineteen (19)
- 23 years of age but less than twenty-one (21) years of age to be a
- 24 bartender."
- 25 Page 6, between lines 34 and 35, begin a new paragraph and insert:
- 26 "SECTION 15. IC 7.1-3-1.5-2 IS REPEALED [EFFECTIVE JULY
- 27 1, 2007]."
- 28 Renummer all SECTIONS consecutively.
- (Reference is to HB 1479 as printed February 9, 2007.)

Representative Burton