

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1037 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 7.1-3-5-3 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The holder of a
- 5 beer dealer's permit shall be entitled to purchase beer for sale under the
- 6 permit only from a permittee entitled to sell to a beer dealer under this
- 7 title.
- 8 (b) A beer dealer shall be entitled to possess beer and sell it at retail
- 9 to a customer in permissible containers only.
- 10 (c) A beer dealer may not sell beer by the drink nor for consumption
- 11 on the licensed premises nor shall a beer dealer allow it to be consumed
- 12 on the licensed premises.
- 13 (d) Except as provided in subsection (e), a beer dealer shall be
- 14 entitled to sell beer to a customer and deliver it in permissible
- 15 containers to the customer on the licensed premises, or to the
- 16 customer's residence or office. A beer dealer shall not be entitled to sell
- 17 and deliver beer on the street or at the curb outside the licensed
- 18 premises, nor shall a beer dealer be entitled to sell beer at a place other
- 19 than the licensed premises. ~~A beer dealer shall not be entitled to sell~~
- 20 ~~beer and deliver beer for carry-out, or for delivery to a customer's~~
- 21 ~~residence or office, in a quantity that exceeds eight hundred sixty-four~~
- 22 ~~(864) ounces in a single transaction. However,~~ Notwithstanding
- 23 IC 7.1-5-10-11, a beer dealer who is licensed pursuant to IC 7.1-3-10-4
- 24 shall be entitled to sell and deliver warm or cold beer for carry-out, or

1 for delivery to a customer's residence, office, or a designated location
2 in barrels or other commercial containers that do not exceed two
3 thousand sixteen (2,016) ounces per container. This delivery may only
4 be performed by the permit holder or an employee who holds an
5 employee permit. The permit holder shall maintain a written record of
6 each delivery for at least one (1) year that shows the customer's name,
7 location of delivery, and quantity sold.

8 (e) Unless a beer dealer is a grocery store or drug store, a beer
9 dealer may not sell or deliver alcoholic beverages or any other item
10 through a window in the licensed premises to a patron who is outside
11 the licensed premises. A beer dealer that is a grocery store or drug store
12 may sell any item except alcoholic beverages through a window in the
13 licensed premises to a patron who is outside the licensed premises.

14 SECTION 2. IC 7.1-3-15-3 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The holder of a
16 wine dealer's permit shall be entitled to purchase wine only from a
17 permittee who is authorized to sell to a wine dealer under this title. A
18 wine dealer shall be entitled to sell wine for consumption off the
19 licensed premises only and not by the drink.

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

26 (c) Unless a wine dealer is a grocery store or drug store, a wine
27 dealer may not sell or deliver alcoholic beverages or any other item
28 through a window in the licensed premises to a patron who is outside
29 the licensed premises. A wine dealer that is a grocery store or drug
30 store may sell any item except alcoholic beverages through a window
31 in the licensed premises to a person who is outside the licensed
32 premises.

33 (d) However, a wine dealer who is licensed under IC 7.1-3-10-4 may
34 deliver wine only in permissible containers to a customer's residence,

1 office, or designated location. This delivery may only be performed by
2 the permit holder or an employee who holds an employee permit. The
3 permit holder shall maintain a written record of each delivery for at
4 least one (1) year that shows the customer's name, location of delivery,
5 and quantity sold."

6 Renumber all SECTIONS consecutively.
(Reference is to HB 1037 as printed February 20, 2009.)

Representative Noe