

# HOUSE BILL No. 1052

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 7.1-3-20-16.

**Synopsis:** Alcoholic beverage permits at certain airports. Eliminates the requirement that a publicly owned airport be served by a scheduled commercial passenger airline in order for a restaurant located in the passenger terminal to be eligible for a permit to sell beer, wine, and liquor.

**Effective:** July 1, 2010.

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January 5, 2010, read first time and referred to Committee on Public Policy.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

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# HOUSE BILL No. 1052



A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 7.1-3-20-16, AS AMENDED BY P.L.165-2006,  
2 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2010]: Sec. 16. (a) A permit that is authorized by this section  
4 may be issued without regard to the quota provisions of IC 7.1-3-22.

5 (b) The commission may issue a three-way permit to sell alcoholic  
6 beverages for on-premises consumption only to an applicant who is the  
7 proprietor, as owner or lessee, or both, of a restaurant facility in the  
8 passenger terminal complex of a publicly owned airport. ~~which is~~  
9 ~~served by a scheduled commercial passenger airline certified to~~  
10 ~~enplane and deplane passengers on a scheduled basis by a federal~~  
11 ~~aviation agency.~~ A permit issued under this subsection shall not be  
12 transferred to a location off the airport premises.

13 (c) The commission may issue a three-way, two-way, or one-way  
14 permit to sell alcoholic beverages for on-premises consumption only to  
15 an applicant who is the proprietor, as owner or lessee, or both, of a  
16 restaurant within a redevelopment project consisting of a building or  
17 group of buildings that:



- 1 (1) was formerly used as part of a union railway station;
- 2 (2) has been listed in or is within a district that has been listed in
- 3 the federal National Register of Historic Places maintained
- 4 pursuant to the National Historic Preservation Act of 1966, as
- 5 amended; and
- 6 (3) has been redeveloped or renovated, with the redevelopment or
- 7 renovation being funded in part with grants from the federal,
- 8 state, or local government.

9 A permit issued under this subsection shall not be transferred to a  
 10 location outside of the redevelopment project.

11 (d) The commission may issue a three-way, two-way, or one-way  
 12 permit to sell alcoholic beverages for on-premises consumption only to  
 13 an applicant who is the proprietor, as owner or lessee, or both, of a  
 14 restaurant:

- 15 (1) on land; or
  - 16 (2) in a historic river vessel;
- 17 within a municipal riverfront development project funded in part with  
 18 state and city money. A permit issued under this subsection may not be  
 19 transferred.

20 (e) The commission may issue a three-way, two-way, or one-way  
 21 permit to sell alcoholic beverages for on-premises consumption only to  
 22 an applicant who is the proprietor, as owner or lessee, or both, of a  
 23 restaurant within a renovation project consisting of a building that:

- 24 (1) was formerly used as part of a passenger and freight railway  
 25 station; and
- 26 (2) was built before 1900.

27 The permit authorized by this subsection may be issued without regard  
 28 to the proximity provisions of IC 7.1-3-21-11.

29 (f) The commission may issue a three-way permit for the sale of  
 30 alcoholic beverages for on-premises consumption at a cultural center  
 31 for the visual and performing arts to a town that:

- 32 (1) is located in a county having a population of more than four  
 33 hundred thousand (400,000) but less than seven hundred thousand  
 34 (700,000); and
- 35 (2) has a population of more than twenty thousand (20,000) but  
 36 less than twenty-three thousand (23,000).

37 (g) After June 30, 2005, the commission may issue not more than  
 38 ten (10) new three-way, two-way, or one-way permits to sell alcoholic  
 39 beverages for on-premises consumption to applicants, each of whom  
 40 must be the proprietor, as owner or lessee, or both, of a restaurant  
 41 located within a district, or not more than five hundred (500) feet from  
 42 a district, that meets the following requirements:

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1 (1) The district has been listed in the National Register of Historic  
 2 Places maintained under the National Historic Preservation Act  
 3 of 1966, as amended.  
 4 (2) A county courthouse is located within the district.  
 5 (3) A historic opera house listed on the National Register of  
 6 Historic Places is located within the district.  
 7 (4) A historic jail and sheriff's house listed on the National  
 8 Register of Historic Places is located within the district.  
 9 The legislative body of the municipality in which the district is located  
 10 shall recommend to the commission sites that are eligible to be permit  
 11 premises. The commission shall consider, but is not required to follow,  
 12 the municipal legislative body's recommendation in issuing a permit  
 13 under this subsection. An applicant is not eligible for a permit if, less  
 14 than two (2) years before the date of the application, the applicant sold  
 15 a retailer's permit that was subject to IC 7.1-3-22 and that was for  
 16 premises located within the district described in this section or within  
 17 five hundred (500) feet of the district. A permit issued under this  
 18 subsection shall not be transferred. The cost of an initial permit issued  
 19 under this subsection is six thousand dollars (\$6,000).  
 20 (h) The commission may issue a three-way permit for the sale of  
 21 alcoholic beverages for on-premises consumption to an applicant who  
 22 will locate as the proprietor, as owner or lessee, or both, of a restaurant  
 23 within an economic development area under IC 36-7-14 in:  
 24 (1) a town with a population of more than twenty thousand  
 25 (20,000); or  
 26 (2) a city with a population of more than twenty-seven thousand  
 27 (27,000) but less than twenty-seven thousand four hundred  
 28 (27,400);  
 29 located in a county having a population of more than ninety thousand  
 30 (90,000) but less than one hundred thousand (100,000). The  
 31 commission may issue not more than five (5) licenses under this  
 32 section to premises within a municipality described in subdivision (1)  
 33 and not more than five (5) licenses to premises within a municipality  
 34 described in subdivision (2). The commission shall conduct an auction  
 35 of the permits under IC 7.1-3-22-9, except that the auction may be  
 36 conducted at any time as determined by the commission.  
 37 Notwithstanding any other law, the minimum bid for an initial license  
 38 under this subsection is thirty-five thousand dollars (\$35,000), and the  
 39 renewal fee for a license under this subsection is one thousand three  
 40 hundred fifty dollars (\$1,350). Before the district expires, a permit  
 41 issued under this subsection may not be transferred. After the district  
 42 expires, a permit issued under this subsection may be renewed, and the

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1 ownership of the permit may be transferred, but the permit may not be  
2 transferred from the permit premises.

3 (i) After June 30, 2006, the commission may issue not more than  
4 five (5) new three-way, two-way, or one-way permits to sell alcoholic  
5 beverages for on-premises consumption to applicants, each of whom  
6 must be the proprietor, as owner or lessee, or both, of a restaurant  
7 located within a district, or not more than five hundred (500) feet from  
8 a district, that meets all of the following requirements:

9 (1) The district is within an economic development area, an area  
10 needing redevelopment, or a redevelopment district as established  
11 under IC 36-7-14.

12 (2) A unit of the National Park Service is partially located within  
13 the district.

14 (3) An international deep water seaport is located within the  
15 district.

16 An applicant is not eligible for a permit under this subsection if, less  
17 than two (2) years before the date of the application, the applicant sold  
18 a retailers' permit that was subject to IC 7.1-3-22 and that was for  
19 premises located within the district described in this subsection or  
20 within five hundred (500) feet of the district. A permit issued under this  
21 subsection may not be transferred. If the commission issues five (5)  
22 new permits under this subsection, and a permit issued under this  
23 subsection is later revoked or is not renewed, the commission may  
24 issue another new permit, as long as the total number of active permits  
25 issued under this subsection does not exceed five (5) at any time. The  
26 commission shall conduct an auction of the permits under  
27 IC 7.1-3-22-9, except that the auction may be conducted at any time as  
28 determined by the commission.

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