

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1149 be amended to read as follows:

- 1 Page 8, after line 38, begin a new paragraph and insert:
2 "SECTION 9. IC 35-46-1-11.9 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2012]: **Sec. 11.9. Except as provided in subsection (b), a
5 person may not sell or distribute tobacco.**
6 **(b) A person may sell or distribute tobacco at the following
7 times:**
8 **(1) between 1 a.m. and 5 a.m. on Saturday or Sunday;**
9 **(2) after 11 p.m. on Sunday, Monday, Tuesday, Wednesday,
10 or Thursday; or**
11 **(3) before 5 a.m. on Monday, Tuesday, Wednesday, Thursday,
12 or Friday.**
13 **(c) A person that sells or distributes tobacco at times not
14 allowed under this section commits a Class C infraction.**
15 **Notwithstanding IC 34-28-5-4(c), a civil judgment for an infraction
16 committed under this section must be imposed as follows:**
17 **(1) If the person has not been issued a citation or summons for
18 a violation of this section in the previous one hundred eighty
19 (180) days, a civil penalty of up to two hundred dollars (\$200).**
20 **(2) If the person has had one (1) citation or summons issued
21 for a violation of this section in the previous one hundred
22 eighty (180) days, a civil penalty of up to four hundred dollars
23 (\$400).**
24 **(3) If the person has had two (2) citations or summonses
25 issued for a violation of this section in the previous one
26 hundred eighty (180) days, a civil penalty of up to seven
27 hundred dollars (\$700).**
28 **(4) If the person has had three (3) or more citations or
29 summonses issued for a violation of this section in the
30 previous one hundred eighty (180) days, a civil penalty of up**

1 **to one thousand dollars (\$1,000).**
2 **A person may not be issued a citation or summons for a violation**
3 **of this section more than once every twenty-four (24) hours.**
4 **(d) Notwithstanding IC 34-28-5-5(c), civil penalties collected**
5 **under this section must be deposited in the Richard D. Doyle youth**
6 **tobacco education and enforcement fund established under**
7 **IC 7.1-6-2-6.**
8 **(e) A person who violates this section at least six (6) times in any**
9 **one hundred eighty (180) day period commits a Class B**
10 **infraction."**
11 Renumber all SECTIONS consecutively.
 (Reference is to EHB 1149 as printed February 24, 2012.)

Senator BUCK