

# HOUSE BILL No. 1299

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## DIGEST OF INTRODUCED BILL

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

**Synopsis:** Permit transfers and tax hold extensions. Allows the alcohol and tobacco commission (commission) to transfer a beer wholesaler's permit from the beer wholesaler permittee (permittee) to the permittee's immediate relative (immediate relative) who holds a majority share in another wholesaler permit, if: (1) the permittee is at least 75 years of age; and (2) the permittee and the immediate relative have each held their respective wholesaler permits for at least 10 years. Allows the commission to extend, one time and for not more than 90 days, the permit term of an applicant for permit renewal that is delinquent in paying a listed tax.

**Effective:** July 1, 2022.

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## Smaltz

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January 11, 2022, read first time and referred to Committee on Public Policy.

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Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

## HOUSE BILL No. 1299

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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 7.1-3-3-4, AS AMENDED BY P.L.94-2008,  
2 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2022]: Sec. 4. (a) The premises to be used as a warehouse by  
4 an applicant shall be described in the application for the permit. The  
5 commission shall not issue a beer wholesaler's permit to an applicant  
6 for any other warehouse or premises than that described in the  
7 application. The commission shall issue only one (1) beer wholesaler's  
8 permit to an applicant, but a permittee may be permitted to transfer the  
9 permittee's warehouse to another location within the county that is not  
10 required to be within the corporate limits of an incorporated city or  
11 town, upon application to, and approval of, the commission.

12 (b) As used in this subsection, "immediate relative" means the  
13 father, the mother, a brother, a sister, a son, or a daughter of a  
14 wholesaler permittee. Notwithstanding subsection (a), **if a wholesaler  
15 permittee is:**

- 16 (1) **dead;**  
17 (2) **legally adjudged to be mentally incapacitated; or**



1           **(3) at least seventy-five (75) years of age and has held an**  
 2           **interest in the wholesaler's permit for at least ten (10) years;**  
 3 the commission, ~~upon the death or legally adjudged mental~~  
 4 ~~incapacitation of a wholesaler permittee~~, may allow the transfer of the  
 5 wholesaler permit only to an immediate relative of the wholesaler  
 6 permittee who concurrently holds a majority share in a valid wholesaler  
 7 permit. **In the case of a permit transfer from a wholesaler permittee**  
 8 **under subsection (b)(3), the immediate relative to whom the permit**  
 9 **is transferred must concurrently hold a majority share in a valid**  
 10 **wholesaler permit and must have held an interest in the wholesaler**  
 11 **permit for at least ten (10) years.**

12           SECTION 2. IC 7.1-3-21-15, AS AMENDED BY P.L.86-2018,  
 13 SECTION 120, IS AMENDED TO READ AS FOLLOWS  
 14 [EFFECTIVE JULY 1, 2022]: Sec. 15. (a) This section does not apply  
 15 to an employee's permit under IC 7.1-3-18-9.

16           (b) The commission shall not renew or transfer a wholesaler,  
 17 retailer, dealer, or other permit of any type if the applicant:

18           (1) is seeking a renewal and the applicant has not paid all the  
 19 property taxes under IC 6-1.1 and the innkeeper's tax under IC 6-9  
 20 that are due currently;

21           (2) is seeking a transfer and the applicant has not paid all the  
 22 property taxes under IC 6-1.1 and innkeeper's tax under IC 6-9 for  
 23 the assessment periods during which the transferor held the  
 24 permit;

25           (3) is seeking a renewal or transfer and is at least thirty (30) days  
 26 delinquent in remitting state gross retail taxes under IC 6-2.5 or  
 27 withholding taxes required to be remitted under IC 6-3-4;

28           (4) is on the most recent tax warrant list supplied to the  
 29 commission by the department of state revenue; or

30           (5) does not provide the commission with property tax clearance  
 31 Form 1 with an embossed seal from the county treasurer.

32           (c) The commission shall renew or transfer a permit that the  
 33 commission denied under subsection (b) when the appropriate one (1)  
 34 of the following occurs:

35           (1) The person, if seeking a renewal, provides to the commission  
 36 a statement from the county treasurer of the county in which the  
 37 property of the applicant was assessed indicating that all the  
 38 property taxes under IC 6-1.1 and, in a county where the county  
 39 treasurer collects the innkeeper's tax, the innkeeper's tax under  
 40 IC 6-9 that were delinquent have been paid.

41           (2) The person, if seeking a transfer of ownership, provides to the  
 42 commission a statement from the county treasurer of the county



1 in which the property of the transferor was assessed indicating  
 2 that all the property taxes under IC 6-1.1 and, in a county where  
 3 the county treasurer collects the innkeeper's tax, the innkeeper's  
 4 tax under IC 6-9 have been paid for the assessment periods during  
 5 which the transferor held the permit.

6 (3) The person provides to the commission a statement from the  
 7 commissioner of the department of state revenue indicating that  
 8 the person's tax warrant has been satisfied, including any  
 9 delinquency in innkeeper's tax if the state collects the innkeeper's  
 10 tax for the county in which the person seeks the permit.

11 (4) The commission receives a notice from the commissioner of  
 12 the department of state revenue under IC 6-8.1-8-2(k).

13 (5) The commission receives a notice from the commissioner of  
 14 the department of state revenue stating that the state gross retail  
 15 and withholding taxes described in subsection (b)(3) have been  
 16 remitted to the department.

17 (d) The commission shall not issue a new wholesaler, retailer,  
 18 dealer, or other permit of any type if the applicant:

19 (1) has not paid all the applicant's property taxes under IC 6-1.1  
 20 and innkeeper's tax under IC 6-9 that are due;

21 (2) is at least thirty (30) days delinquent in remitting state gross  
 22 retail taxes under IC 6-2.5 or withholding taxes required to be  
 23 remitted under IC 6-3-4;

24 (3) is on the most recent tax warrant list supplied to the  
 25 commission by the department of state revenue; or

26 (4) does not provide the commission with property tax clearance  
 27 Form 1 with an embossed seal from the county treasurer.

28 (e) The commission shall issue a new permit that the commission  
 29 denied under subsection (d) when one (1) of the following occurs:

30 (1) The applicant provides to the commission a statement from  
 31 the commissioner of the department of state revenue indicating  
 32 that the applicant's tax warrant has been satisfied, including any  
 33 delinquency in innkeeper's tax if the state collects the innkeeper's  
 34 tax for the county in which the applicant seeks the permit.

35 (2) The commission receives a notice of release from the  
 36 commissioner of the department of state revenue under  
 37 IC 6-8.1-8-2(k).

38 (3) The commission receives a notice from the commissioner of  
 39 the department of state revenue stating that the state gross retail  
 40 and withholding taxes described in subsection (d)(2) have been  
 41 remitted to the department.

42 (f) An applicant for issuance of a new permit, renewal, or transfer



1 may not be considered delinquent in the payment of a listed tax (as  
2 defined by IC 6-8.1-1-1) if the applicant has filed a proper protest  
3 under IC 6-8.1-5-1 contesting the remittance of those taxes. The  
4 applicant shall be considered delinquent in the payment of those taxes  
5 if the applicant does not remit the taxes owed to the state department  
6 of revenue after the later of the following:

7 (1) The expiration of the period in which the applicant may appeal  
8 the listed tax to the tax court, in the case of an applicant who does  
9 not file a timely appeal of the listed tax.

10 (2) When a decision of the tax court concerning the applicant's  
11 appeal of the listed tax becomes final, in the case of an applicant  
12 who files a timely appeal of the listed tax.

13 (g) The commission may require that an applicant for the issuance  
14 of a new permit, renewal, or transfer of a wholesaler's, retailer's, or  
15 dealer's, or other permit of any type furnish proof of the payment of a  
16 listed tax (as defined by IC 6-8.1-1-1), tax warrant, or taxes imposed by  
17 IC 6-1.1 or receipt of property tax clearance Form 1 with an embossed  
18 seal from the county treasurer.

19 **(h) The commission may issue to any applicant for renewal of a**  
20 **permit that is delinquent in the payment of a listed tax (as defined**  
21 **in IC 6-8.1-1-1) not more than one (1) ninety (90) day extension of**  
22 **the term of the permit.**

