



January 29, 2016

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## SENATE BILL No. 169

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DIGEST OF SB 169 (Updated January 27, 2016 3:21 pm - DI 110)

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

**Synopsis:** Special permits. Provides that if a permit holder: (1) holds one-way, two-way, or three-way permits that are issued, without regard for quota restrictions, for certain premises; and (2) holds a permit for a microbrewery that is located on or adjacent to those premises; the permit holder may sell, at those premises, beer manufactured at the brewery. Adds one additional three-way permit to the number of three-way permits that the alcohol and tobacco commission may issue to the proprietor of a restaurant within or not more than 1,500 feet from a motorsports investment district.

**Effective:** July 1, 2016.

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### Alting, Lanane

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January 5, 2016, read first time and referred to Committee on Public Policy.  
January 28, 2016, amended, reported favorably — Do Pass.

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SB 169—LS 6555/DI 110





January 29, 2016

Second Regular Session 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

## SENATE BILL No. 169

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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 7.1-3-20-16, AS AMENDED BY P.L.121-2015,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2016]: 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. A permit  
9 issued under this subsection shall not be transferred to a location off  
10 the airport premises.

11 (c) **Except as provided in section 16.3 of this chapter**, the  
12 commission may issue a three-way, two-way, or one-way permit to sell  
13 alcoholic beverages for on-premises consumption only to an applicant  
14 who is the proprietor, as owner or lessee, or both, of a restaurant within  
15 a redevelopment project consisting of a building or group of buildings  
16 that:

17 (1) was formerly used as part of a union railway station;

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1 (2) has been listed in or is within a district that has been listed in  
 2 the federal National Register of Historic Places maintained  
 3 pursuant to the National Historic Preservation Act of 1966, as  
 4 amended; and

5 (3) has been redeveloped or renovated, with the redevelopment or  
 6 renovation being funded in part with grants from the federal,  
 7 state, or local government.

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

10 (d) Subject to section 16.1 of this chapter **and except as provided**  
 11 **in section 16.3 of this chapter**, the commission may issue a three-way,  
 12 two-way, or one-way permit to sell alcoholic beverages for on-premises  
 13 consumption only to an applicant who is the proprietor, as owner or  
 14 lessee, or both, of a 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. The ownership of a permit issued under this  
 19 subsection and the location for which the permit was issued may not be  
 20 transferred. The legislative body of the municipality in which the  
 21 municipal riverfront development project is located shall recommend  
 22 to the commission sites that are eligible to be permit premises. The  
 23 commission shall consider, but is not required to follow, the municipal  
 24 legislative body's recommendation in issuing a permit under this  
 25 subsection. A permit holder and any lessee or proprietor of the permit  
 26 premises are subject to the formal written commitment required under  
 27 IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5, if business operations  
 28 cease at the permit premises for more than six (6) months, the permit  
 29 shall revert to the commission. The permit holder is not entitled to any  
 30 refund or other compensation.

31 (e) **Except as provided in section 16.3 of this chapter**, the  
 32 commission may issue a three-way, two-way, or one-way permit to sell  
 33 alcoholic beverages for on-premises consumption only to an applicant  
 34 who is the proprietor, as owner or lessee, or both, of a restaurant within  
 35 a renovation project consisting of a building that:

36 (1) was formerly used as part of a passenger and freight railway  
 37 station; and

38 (2) was built before 1900.

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

41 (f) **Except as provided in section 16.3 of this chapter**, the  
 42 commission may issue a three-way permit for the sale of alcoholic



1 beverages for on-premises consumption at a cultural center for the  
2 visual and performing arts to the following:

3 (1) A town that:

4 (A) is located in a county having a population of more than  
5 four hundred thousand (400,000) but less than seven hundred  
6 thousand (700,000); and

7 (B) has a population of more than twenty thousand (20,000)  
8 but less than twenty-three thousand seven hundred (23,700).

9 (2) A city that has an indoor theater as described in section 26 of  
10 this chapter.

11 (g) **Except as provided in section 16.3 of this chapter**, the  
12 commission may issue not more than ten (10) new three-way, two-way,  
13 or one-way permits to sell alcoholic beverages for on-premises  
14 consumption to applicants, each of whom must be the proprietor, as  
15 owner or lessee, or both, of a restaurant located within a district, or not  
16 more than seven hundred (700) feet from a district, that meets the  
17 following requirements:

18 (1) The district has been listed in the National Register of Historic  
19 Places maintained under the National Historic Preservation Act  
20 of 1966, as amended.

21 (2) A county courthouse is located within the district.

22 (3) A historic opera house listed on the National Register of  
23 Historic Places is located within the district.

24 (4) A historic jail and sheriff's house listed on the National  
25 Register of Historic Places is located within the district.

26 The legislative body of the municipality in which the district is located  
27 shall recommend to the commission sites that are eligible to be permit  
28 premises. The commission shall consider, but is not required to follow,  
29 the municipal legislative body's recommendation in issuing a permit  
30 under this subsection. An applicant is not eligible for a permit if, less  
31 than two (2) years before the date of the application, the applicant sold  
32 a retailer's permit that was subject to IC 7.1-3-22 and that was for  
33 premises located within the district described in this section or within  
34 seven hundred (700) feet of the district. The ownership of a permit  
35 issued under this subsection and the location for which the permit was  
36 issued shall not be transferred. A permit holder and any lessee or  
37 proprietor of the permit premises is subject to the formal written  
38 commitment required under IC 7.1-3-19-17. Notwithstanding  
39 IC 7.1-3-1-3.5, if business operations cease at the permit premises for  
40 more than six (6) months, the permit shall revert to the commission.  
41 The permit holder is not entitled to any refund or other compensation.  
42 The total number of active permits issued under this subsection may



1 not exceed ten (10) at any time. The cost of an initial permit issued  
 2 under this subsection is six thousand dollars (\$6,000).

3 (h) **Except as provided in section 16.3 of this chapter**, the  
 4 commission may issue a three-way permit for the sale of alcoholic  
 5 beverages for on-premises consumption to an applicant who will locate  
 6 as the proprietor, as owner or lessee, or both, of a restaurant within an  
 7 economic development area under IC 36-7-14 in:

8 (1) a town with a population of more than twenty thousand  
 9 (20,000); or

10 (2) a city with a population of more than forty-four thousand five  
 11 hundred (44,500) but less than forty-five thousand (45,000);

12 located in a county having a population of more than one hundred ten  
 13 thousand (110,000) but less than one hundred eleven thousand  
 14 (111,000). The commission may issue not more than five (5) licenses  
 15 under this section to premises within a municipality described in  
 16 subdivision (1) and not more than five (5) licenses to premises within  
 17 a municipality described in subdivision (2). The commission shall  
 18 conduct an auction of the permits under IC 7.1-3-22-9, except that the  
 19 auction may be conducted at any time as determined by the  
 20 commission. Notwithstanding any other law, the minimum bid for an  
 21 initial license under this subsection is thirty-five thousand dollars  
 22 (\$35,000), and the renewal fee for a license under this subsection is one  
 23 thousand three hundred fifty dollars (\$1,350). Before the district  
 24 expires, a permit issued under this subsection may not be transferred.  
 25 After the district expires, a permit issued under this subsection may be  
 26 renewed, and the ownership of the permit may be transferred, but the  
 27 permit may not be transferred from the permit premises.

28 (i) After June 30, 2006, **and except as provided in section 16.3 of**  
 29 **this chapter**, the commission may issue not more than five (5) new  
 30 three-way, two-way, or one-way permits to sell alcoholic beverages for  
 31 on-premises consumption to applicants, each of whom must be the  
 32 proprietor, as owner or lessee, or both, of a restaurant located within a  
 33 district, or not more than five hundred (500) feet from a district, that  
 34 meets all of the following requirements:

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

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

40 (3) An international deep water seaport is located within the  
 41 district.

42 An applicant is not eligible for a permit under this subsection if, less



1 than two (2) years before the date of the application, the applicant sold  
 2 a retailers' permit that was subject to IC 7.1-3-22 and that was for  
 3 premises located within the district described in this subsection or  
 4 within five hundred (500) feet of the district. A permit issued under this  
 5 subsection may not be transferred. If the commission issues five (5)  
 6 new permits under this subsection, and a permit issued under this  
 7 subsection is later revoked or is not renewed, the commission may  
 8 issue another new permit, as long as the total number of active permits  
 9 issued under this subsection does not exceed five (5) at any time. The  
 10 commission shall conduct an auction of the permits under  
 11 IC 7.1-3-22-9, except that the auction may be conducted at any time as  
 12 determined by the commission.

13 (j) Subject to section 16.2 of this chapter **and except as provided**  
 14 **in section 16.3 of this chapter**, the commission may issue not more  
 15 than six (6) new three-way, two-way, or one-way permits to sell  
 16 alcoholic beverages for on-premises consumption only to an applicant  
 17 who is the proprietor, as owner or lessee, or both, of a restaurant on  
 18 land within a municipal lakefront development project funded in part  
 19 with state, local, and federal money. A permit issued under this  
 20 subsection may not be transferred. If the commission issues six (6) new  
 21 permits under this subsection, and a permit issued under this subsection  
 22 is later revoked or is not renewed, the commission may issue another  
 23 new permit, as long as the total number of active permits issued under  
 24 this subsection does not exceed six (6) at any time. The commission  
 25 shall conduct an auction of the permits under IC 7.1-3-22-9, except that  
 26 the auction may be conducted at any time as determined by the  
 27 commission. Notwithstanding any other law, the minimum bid for an  
 28 initial permit under this subsection is ten thousand dollars (\$10,000).

29 (k) **Except as provided in section 16.3 of this chapter**, the  
 30 commission may issue not more than ~~eight (8)~~ **nine (9)** new three-way  
 31 permits to sell alcoholic beverages for on-premises consumption to  
 32 applicants, each of whom must be a proprietor, as owner or lessee, or  
 33 both, of a restaurant located:

- 34 (1) within a motorsports investment district (as defined in  
 35 IC 5-1-17.5-11); or  
 36 (2) not more than one thousand five hundred (1,500) feet from a  
 37 motorsports investment district.

38 The ownership of a permit issued under this subsection and the location  
 39 for which the permit was issued shall not be transferred. If the  
 40 commission issues ~~eight (8)~~ **nine (9)** new permits under this  
 41 subsection, and a permit issued under this subsection is later revoked  
 42 or is not renewed, the commission may issue another new permit, as



1 long as the total number of active permits issued under this subsection  
 2 does not exceed ~~eight (8)~~ **nine (9)** at any time. A permit holder and any  
 3 lessee or proprietor of the permit premises are subject to the formal  
 4 written commitment required under IC 7.1-3-19-17. Notwithstanding  
 5 IC 7.1-3-1-3.5, if business operations cease at the permit premises for  
 6 more than six (6) months, the permit shall revert to the commission.  
 7 The permit holder is not entitled to any refund or other compensation.

8 **(l) Except as provided in section 16.3 of this chapter,** the  
 9 commission may issue not more than two (2) new three-way permits to  
 10 sell alcoholic beverages for on-premises consumption for premises  
 11 located within a qualified motorsports facility (as defined in  
 12 IC 5-1-17.5-14). The ownership of a permit issued under this  
 13 subsection and the location for which the permit was issued shall not  
 14 be transferred. If the commission issues two (2) new permits under this  
 15 subsection, and a permit issued under this subsection is later revoked  
 16 or is not renewed, the commission may issue another new permit, as  
 17 long as the total number of active permits issued under this subsection  
 18 does not exceed two (2) at any time. A permit holder and any lessee or  
 19 proprietor of the permit premises are subject to the formal written  
 20 commitment required under IC 7.1-3-19-17. Notwithstanding  
 21 IC 7.1-3-1-3.5, if business operations cease at the permit premises for  
 22 more than six (6) months, the permit shall revert to the commission.  
 23 The permit holder is not entitled to any refund or other compensation.

24 SECTION 2. IC 7.1-3-20-16.3 IS ADDED TO THE INDIANA  
 25 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 26 [EFFECTIVE JULY 1, 2016]: **Sec. 16.3. If the holder of a permit**  
 27 **holds a:**

28 **(1) permit issued under section 16(c) through 16(l) of this**  
 29 **chapter to sell beer for on-premises consumption; and**

30 **(2) permit for a brewery described in IC 7.1-3-2-7(5) that is**  
 31 **located on or adjacent to the premises for which the permit**  
 32 **holder holds a permit described in subdivision (1);**

33 **the permit holder may sell for carryout, at the premises for which**  
 34 **the permit holder holds a permit described in subdivision (1), beer**  
 35 **manufactured at the brewery.**





## COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 169, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 5, line 30, strike "eight (8)" and insert "**nine (9)**".

Page 5, line 40, strike "eight (8)" and insert "**nine (9)**".

Page 6, line 2, strike "eight (8)" and insert "**nine (9)**".

and when so amended that said bill do pass.

(Reference is to SB 169 as introduced.)

ALTING, Chairperson

Committee Vote: Yeas 8, Nays 0.

