SENATE BILL No. 219

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-3-21.

Synopsis: Liquor wholesalers' permits. Removes provisions establishing residency requirements for liquor wholesalers. Removes the requirement that a partnership, in order to hold a liquor wholesaler permit, must consist of members who each satisfy the individual applicant requirements for a liquor wholesaler permit.

Effective: July 1, 2015.

Boots

January 6, 2015, read first time and referred to Committee on Public Policy.

Introduced

First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 219

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:

SECTION 1. IC 7.1-3-21-3, AS AMENDED BY P.L.165-2006, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. The commission shall not issue

~~(1)~~ an alcoholic beverage retailer's or dealer's permit of any type ~~or~~

~~(2) a liquor wholesaler's permit;~~

to a person who has not been a continuous and bona fide resident of Indiana for five (5) years immediately preceding the date of the application for a permit.

SECTION 2. IC 7.1-3-21-4, AS AMENDED BY P.L.165-2006, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. The commission shall not issue

~~(1) a liquor wholesaler's permit; or~~

~~(2)~~ an alcoholic beverage retailer's or dealer's permit

of any type to a partnership unless each member of the partnership possesses the same qualifications as those required of an individual

applicant for that particular type of permit.

SECTION 3. IC 7.1-3-21-5, AS AMENDED BY P.L.165-2006, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The commission shall not issue

~~(1)~~ an alcoholic beverage retailer's or dealer's permit of any type ~~or~~

~~(2) a liquor wholesaler's permit;~~

to a corporation unless sixty percent (60%) of the outstanding common stock is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

~~(b) The commission shall not issue a liquor wholesaler's permit to a corporation unless at least one (1) of the stockholders shall have been a resident, for at least one (1) year immediately prior to making application for the permit, of the county in which the licensed premises are to be situated.~~

~~(c)~~ **(b)** Each officer and stockholder of a corporation shall possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 4. IC 7.1-3-21-5.2, AS AMENDED BY P.L.165-2006, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5.2. (a) The commission shall not issue

~~(1)~~ an alcoholic beverage retailer's or dealer's permit of any type ~~or~~

~~(2) a liquor wholesaler's permit;~~

to a limited partnership unless at least sixty percent (60%) of the partnership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

~~(b) The commission shall not issue a liquor wholesaler's permit to a limited partnership unless for at least one (1) year immediately before making application for the permit, at least one (1) of the persons having a partnership interest has been a resident of the county in which the licensed premises are to be situated.~~

~~(c)~~ **(b)** Each general partner and limited partner of a limited partnership must possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 5. IC 7.1-3-21-5.4, AS AMENDED BY P.L.165-2006, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5.4. (a) The commission shall not issue

~~(1)~~ an alcoholic beverage retailer's or dealer's permit of any type ~~or~~

~~(2) a liquor wholesaler's permit;~~

to a limited liability company unless at least sixty percent (60%) of the

membership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

~~(b) The commission shall not issue a liquor wholesaler's permit to a limited liability company unless for at least one (1) year immediately before making application for the permit, at least one (1) of the persons having a membership interest has been a resident of the county in which the licensed premises are to be situated.~~

~~(c)~~ **(b)** Each manager and member of a limited liability company must possess all other qualifications required of an individual applicant for that particular type of permit.