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**TITLE 905 ALCOHOL AND TOBACCO
COMMISSION**

Proposed Rule
LSA Document #03-96

DIGEST

Adds 905 IAC 1-35.1 to establish rules regulating the sale of alcoholic beverages at auto race tracks under IC 7.1-3-6-16 and IC 7.1-3-14-6 and to provide definitions and procedures to implement said statutes. *NOTE: Under IC 4-22-2-40, LSA Document #03-96, printed at 26 IR 3745, was recalled by the Alcohol and Tobacco Commission. This document was revised and resubmitted for publication.* Effective 30 days after filing with the secretary of state.

905 IAC 1-35.1

SECTION 1. 905 IAC 1-35.1 IS ADDED TO READ AS FOLLOWS:

Rule 35.1. Auto Race Tracks

905 IAC 1-35.1-1 Definitions

Authority: IC 7.1-2-3-7

Affected: IC 7.1-3-1-25; IC 7.1-3-6-16; IC 7.1-3-14-6; IC 7.1-5-7-11

Sec. 1. The following definitions apply throughout this rule:

(1) "Auto race track" means an outdoor facility with the main purpose and function being organized sporting competition but does not include the following:

(A) A facility to which IC 7.1-3-1-25(a) applies.

(B) A tract that contains a premises used in connection with the operation of a paved track more than two (2) miles in length that is used primarily in the sport of auto racing.

(2) "Organized sporting competition" means a sporting event sanctioned by a nationally chartered and recognized governing or regulating body for automobile, motorcycle, or truck racing.

(Alcohol and Tobacco Commission; 905 IAC 1-35.1-1)

905 IAC 1-35.1-2 Basic qualifications

Authority: IC 7.1-2-3-7

Affected: IC 7.1-3-6-16; IC 7.1-3-14-6

Sec. 2. In order to qualify as an auto race track, a premises shall meet the following requirements:

(1) Meet all of the requirements of the underlying one-way or two-way alcoholic beverage permit.

(2) Be totally enclosed by some type of finite boundary that prohibits free ingress and egress except for entrances and exits, which must be so designated that they are easily controlled by the permittee.

(3) Be regularly used (at least seasonally) for organized sporting competition.

(Alcohol and Tobacco Commission; 905 IAC 1-35.1-2)

905 IAC 1-35.1-3 Ownership of the permit

Authority: IC 7.1-2-3-7

Affected: IC 7.1-3-4-2

Sec. 3. The holder of the alcoholic beverage permit must be either the owner or the lessee of the land and of the buildings on which the auto race track is located. *(Alcohol and Tobacco Commission; 905 IAC 1-35.1-3)*

905 IAC 1-35.1-4 Minimum food services required

Authority: IC 7.1-2-3-7

Affected: IC 7.1-3-6-16; IC 7.1-3-14-6

Sec. 4. The auto race track must maintain the minimum food requirements of 905 IAC 1-20. Such food service must be available at all times when alcoholic beverages are being dispensed anywhere upon the licensed premises. *(Alcohol and Tobacco Commission; 905 IAC 1-35.1-4)*

905 IAC 1-35.1-5 Floor plan approval

Authority: IC 7.1-2-3-7

Affected: IC 7.1-3

Sec. 5. The floor plan and any changes therein of the auto race track must be approved by the commission. *(Alcohol and Tobacco Commission; 905 IAC 1-35.1-5)*

905 IAC 1-35.1-6 Areas where alcoholic beverages may be dispensed

Authority: IC 7.1-2-3-7

Affected: IC 7.1-3-6-16; IC 7.1-3-14-6

Sec. 6. (a) Alcoholic beverages, for on-premises consumption only, may be dispensed only from the service window and snack stands within the approved boundaries of the auto race track.

(b) The snack stands must be a permanent or semipermanent structure and meet the minimum food requirements of 905 IAC 1-20, except for hot soup. A tent is not acceptable. *(Alcohol and Tobacco Commission; 905 IAC 1-35.1-6)*

905 IAC 1-35.1-7 Sales of alcoholic beverages

Authority: IC 7.1-2-3-7; IC 7.1-3-1-14; IC 7.1-5-8-6; IC 7.1-5-10-1

Affected: IC 7.1-3-4-6

Sec. 7. (a) Alcoholic beverages may be dispensed from the snack stand beginning one (1) hour prior to the start of an organized sporting competition and must cease within one (1) hour after the end of the competition providing the hours are within the statutory limits of IC 7.1-3-1-14 and IC 7.1-5-10-1.

(b) There shall be no carryout sales allowed from any location at any time.

(c) No alcoholic beverages may be carried into or upon the auto race track whether or not alcoholic beverages are being dispensed by the permit holder. *(Alcohol and Tobacco Commission; 905 IAC 1-35.1-7)*

905 IAC 1-35.1-8 Adherence to sporting rules

Authority: IC 7.1-2-3-7

Affected: IC 7.1-2

Sec. 8. The auto race track shall comply with all applicable rules and regulations of the recognized sanctioning body of a given sporting event regarding the service of alcoholic beverages. *(Alcohol and Tobacco Commission; 905 IAC 1-35.1-8)*

905 IAC 1-35.1-9 Filing of sanctioning organizations

Authority: IC 7.1-2-3-7

Affected: IC 7.1-3-6-16; IC 7.1-3-14-6

Sec. 9. In addition to all other required paperwork for new permits or the renewal of any existing permit, the applicant or permit holder seeking approval to be classified as an auto race track shall file with the commission a list of all sanctioning organizations that will or may be reasonably expected to sanction sporting competition at the auto race track. *(Alcohol and Tobacco Commission; 905 IAC 1-35.1-9)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on January 26, 2004 at 10:00 a.m., at the Indiana Government Center-South, 302 West Washington Street, Room E114, Indianapolis, Indiana the Alcohol and Tobacco Commission will hold a public hearing on proposed rules to establish the procedures for the sale of alcoholic beverages at auto race tracks. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E114 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Mark C. Webb
Executive Secretary
Alcohol and Tobacco Commission