

Document: Final Rule, **Register Page Number:** 27 IR 2282

Source: April 1, 2004, Indiana Register, Volume 27, Number 7

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**TITLE 905 ALCOHOL AND TOBACCO
COMMISSION**

LSA Document #03-40(F)

DIGEST

Amends 905 IAC 1-13-3 concerning service to nonmembers in clubs to conform with IC 7.1-3-20-8.6. Adds 905 IAC 1-13-6 to require the public posting of operating dates prior to operating under the provisions of IC 7.1-3-20-2.5 (Sunday sales) and IC 7.1-3-20-8.6 (guest nights), to require notification and approval of the state excise police district office prior to operating, to require adherence to the dates publicly posted, and to provide penalties for failure to post operating dates as well as for operation on dates other than those approved and posted. Effective 30 days after filing with the secretary of state.

905 IAC 1-13-3

905 IAC 1-13-6

SECTION 1. 905 IAC 1-13-3 IS AMENDED TO READ AS FOLLOWS:

905 IAC 1-13-3 Service to nonmembers

Authority: IC 7.1-2-3-7

Affected: IC 7.1-3-20-1

Sec. 3. **(a)** Club permits shall be granted for consumption of alcoholic beverages on the permit premises only. No holder of a club permit shall sell or give alcoholic beverages to any person not a member of the club and unless said person's name and address is included in the membership lists filed with the commission, as amended and revised by the last report to the commission, except said person be a new member of less than six **(6)** months' membership.

(b) Club permittees shall have the privilege, under this ~~regulation, section,~~ of inviting guests on one **(1)** night only of each ~~quarter~~ **month** of the year, said night designated as guest night in the records of the club permittee **pursuant to section 6 of this rule.** (*Alcohol and Tobacco Commission; Reg 27, Sec 3; filed Mar 5, 1946, 10:30 a.m.: Rules and Regs. 1947, p. 647; filed Feb 14, 1950, 2:37 p.m.: Rules and Regs. 1950, p. 29; readopted filed Oct 4, 2001, 3:15 p.m.: 25 IR 941; filed Mar 4, 2004, 10:00 a.m.: 27 IR 2283*)

SECTION 2. 905 IAC 1-13-6 IS ADDED TO READ AS FOLLOWS:

905 IAC 1-13-6 Requirement to publicly post operating dates

Authority: IC 7.1-2-3-7

Affected: IC 7.1-3-20-2.5; IC 7.1-3-20-8.6

Sec. 6. No holder of a club permit may operate under the provisions of IC 7.1-3-20-2.5 (Sunday sales) or IC 7.1-3-20-8.6 (guest nights) without the notification and approval in writing of the local state excise police district office prior to operating. The notification and written approval sent to and received from the state excise police district office must be publicly posted in a conspicuous place on the premises prior to operating under this section. A holder of a club permit who:

(1) operates under this section on a date other than that approved and posted; or

(2) fails to post operating dates as required under this section;

may be fined in an amount not to exceed one thousand dollars (\$1,000) for each day of operation in violation of this section or have the permit at issue suspended or revoked. (*Alcohol and Tobacco Commission; 905 IAC 1-13-6; filed Mar 4, 2004, 10:00 a.m.: 27 IR 2283*)

LSA Document #03-40(F)

Notice of Intent Published: 26 IR 1965

Proposed Rule Published: May 1, 2003; 26 IR 2689

Hearing Held: January 26, 2004

Approved by Attorney General: February 25, 2004

Approved by Governor: February 27, 2004

Filed with Secretary of State: March 4, 2004, 10:00 a.m.

Incorporated Documents Filed with Secretary of State: None