

IC 7.1-5-11

Chapter 11. Unlawful Transportation

IC 7.1-5-11-1

Importation limited

Sec. 1. Importation Limited. It is unlawful for a person to import liquor into this state unless he is specifically authorized to do so by this title.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-5-11-1.5

Shipments of alcoholic beverages to residents not having valid wholesaler permits

Sec. 1.5. (a) Except as provided in IC 7.1-3-26, it is unlawful for a person in the business of selling alcoholic beverages in Indiana or outside Indiana to ship or cause to be shipped an alcoholic beverage directly to a person in Indiana who does not hold a valid wholesaler permit under this title. This includes the ordering and selling of alcoholic beverages over a computer network (as defined by IC 35-43-2-3(a)).

(b) Upon a determination by the commission that a person has violated subsection (a), a wholesaler may not accept a shipment of alcoholic beverages from the person for a period of up to one (1) year as determined by the commission.

(c) The commission shall adopt rules under IC 4-22-2 to implement this section.

As added by P.L.121-1998, SEC.2. Amended by P.L.165-2006, SEC.38.

IC 7.1-5-11-2

Transportation limited

Sec. 2. Transportation Limited. It is unlawful for a carrier who is required to obtain a carrier's alcoholic permit by IC 1971, 7.1-3-18, to transport alcoholic beverages over or along a public highway within this state unless he has applied for, and been issued, a carrier's alcoholic permit.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-5-11-3

Transportation in non-registered vehicles prohibited

Sec. 3. Transportation in Non-Registered Vehicles Prohibited. It is unlawful for the holder of a carrier's alcoholic permit to import or transport alcoholic beverages in a vehicle that has not been registered with the commission as required by this title.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-5-11-4

Deliveries limited

Sec. 4. Deliveries Limited. It is unlawful for an officer, agent, or employee of a railroad company, express company, or other common

carrier to recklessly deliver:

- (1) an alcoholic beverage to a person other than the person to whom it is consigned;
- (2) it without a written order by the consignee; or
- (3) it to a person when the alcoholic beverage has been consigned to a fictitious person or a person under a fictitious name.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1978, P.L.2, SEC.724.

IC 7.1-5-11-5 Version a

Transportation of untaxed beverage prohibited

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 5. Transportation of Untaxed Beverage Prohibited. It is a Class D felony for a person to transport an alcoholic beverage on a public highway, knowing that any of the taxes due the state on it are not paid. This section does not apply to a permittee, or a duly licensed carrier for a permittee, who is lawfully entitled to hold or possess an alcoholic beverage without the payment of the excise tax on it prior to the time that it is withdrawn for sale.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1978, P.L.2, SEC.725; P.L.1-1999, SEC.20.

IC 7.1-5-11-5 Version b

Transportation of untaxed beverage prohibited

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 5. It is a Level 6 felony for a person to transport an alcoholic beverage on a public highway, knowing that any of the taxes due the state on it are not paid. This section does not apply to a permittee, or a duly licensed carrier for a permittee, who is lawfully entitled to hold or possess an alcoholic beverage without the payment of the excise tax on it prior to the time that it is withdrawn for sale.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1978, P.L.2, SEC.725; P.L.1-1999, SEC.20; P.L.158-2013, SEC.129.

IC 7.1-5-11-6

Devious transportation prohibited

Sec. 6. Devious Transportation Prohibited. It is unlawful for a person to use or employ, or agree to use or employ, a method of transportation, or device, or fictitious name, or fictitious routing, or to enter into a scheme or method of transportation, or to resort to a trick or device, with the intent to evade, avoid, or defeat the collection of a tax imposed by this title, or to evade or prevent the enforcement of a provision of this title.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-5-11-7

False shipments prohibited

Sec. 7. False Shipments Prohibited. It is unlawful for a consignee to accept or receive a package that contains an alcoholic beverage upon which appears a statement, label, address, superscription, shipping direction, legend, or design which is known to him to be false or misleading. It is unlawful, also, for a carrier, or other person, to consign, ship, transport, or deliver a package that contains an alcoholic beverage knowing a statement label, address, superscription, shipping direction, legend, or design on it to be false or misleading.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-5-11-8

Delivery to non-consignee prohibited

Sec. 8. Delivery to Non-Consignee Prohibited. It is unlawful for a person to present, or tender for transportation, to a carrier or a person acting or assuming to act for a carrier, an alcoholic beverage for delivery to a person other than the consignee designated by the person offering the alcoholic beverage for shipment, or for the purpose of effecting a delivery of the alcoholic beverage to a person not permitted to receive it as consignee under the provisions of this title, or of a rule and regulation of the commission, or to a person not the bona fide consignee of the shipment.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-5-11-9

Violation of transportation contract prohibited

Sec. 9. Violation of Transportation Contract Prohibited. It is unlawful for a carrier or a person acting or assuming to act for a carrier, to deliver an alcoholic beverage in this state to a person, or at a place, other than the person, or place, or both, designated in the bill of lading or transportation contract. It is unlawful, also, for a person to accept for transportation a shipment containing an alcoholic beverage, knowing that the shipment is intended for a person not permitted to receive it under the provisions of this title, or of a rule or regulation of the commission.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-5-11-10

Transportation of liquor limited

Sec. 10. Transportation of Liquor Limited. It is unlawful for a person to transport liquor or cause it to be transported, upon a public highway into this state from another state, territory, or country, or to transport or cause it to be transported along or over a public highway in this state, unless there is displayed on the outside of the package, in plain view, a mark or label of identification as the commission, by rule or regulation, may require.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.36.)

IC 7.1-5-11-11

Bill of lading required

Sec. 11. Bill of Lading Required. It is unlawful for a person to transport into this state upon a public highway of this state, an alcoholic beverage from another state, territory or country, unless the person accompanying, or in charge of the shipment, shall have present and available for exhibition a bill of lading, or other evidence of ownership or shipment as the commission, by rule or regulation, may require. It is unlawful, also, for a person to refuse to exhibit, or permit to be read or examined, the bill of lading or other evidence of ownership or shipment upon a lawful demand of the chairman, or of a police officer of the state, or of a governmental subdivision of it.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-5-11-12

Use of highway for evasion prohibited

Sec. 12. Use of Highway for Evasion Prohibited. It is unlawful for a person to use or employ a public highway in this state for the purpose of evading a provision of this title.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-5-11-13

Keeping of record required

Sec. 13. Keeping of Record Required. A railroad company, an express company, and a common carrier shall keep in the office at which delivery of an alcoholic beverage to a consignee is made, a separate record in which shall be entered the information required by this title for the shipment of an alcoholic beverage. This record shall be open to the inspection of the chairman. It is unlawful for an agent, officer, or employee of a railroad company, express company, or common carrier to violate a provision of this section.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-5-11-14

False statement prohibited

Sec. 14. False Statement Prohibited. It is unlawful for a person to make a false statement to a railroad, express, or transportation company for the purpose of obtaining an alcoholic beverage. It is unlawful, also, for a person to make a false statement to a person engaged in the business of transporting goods, wares, and merchandise for the purpose of obtaining the shipment, transportation, or delivery of an alcoholic beverage.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-5-11-15

Transportation of unowned goods limited

Sec. 15. It is unlawful for a person to import or transport an alcoholic beverage that is not at that time the absolute property of an authorized permittee under this title. This section shall not apply to the shipment of an alcoholic beverage from another state in continuous transit through this state into another state unless the shipment is intended to evade a provision of this title. This section

shall not prohibit a person, other than permittee, from bringing into this state a quantity of:

(1) wine not exceeding eighteen (18) liters; or

(2) liquor not exceeding one (1) quart;

if the person is a traveler in the ordinary course of travel and if it is not intended for sale to another person.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.165-2006, SEC.39.

IC 7.1-5-11-16

Transportation on Sunday prohibited

Sec. 16. Transportation on Sunday Prohibited. It is a Class C misdemeanor for a person to deliver or transport an alcoholic beverage to the holder of a retailer's or dealer's permit of any type, except a temporary beer or wine permit, on Sunday.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.59, SEC.9.) As amended by Acts 1978, P.L.2, SEC.726.