

42 render any unused stamps for ~~exchange~~ *refund* upon demand of the
43 department.

44 5. The department shall keep a record of all stamps sold ~~or ex-~~
45 ~~changed~~ by the department and of all refunds made by the depart-
46 ment.

Approved June 3, 1975

*See U.S. Surgeon General's warning on use

CHAPTER 96

CIGARETTE PERMITS

H. F. 725

AN ACT relating to the issuance of permits for the sale of cigarettes.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section ninety-eight point one (98.1), subsections four
2 (4) and seventeen (17), Code 1975, are amended to read as follows:

3 4. "Place of business" is construed to mean and include any place
4 where cigarettes are sold or where cigarettes are stored *within or with-*
5 *out the state of Iowa by the holder of an Iowa permit* or kept for the
6 purpose of sale or consumption; or if sold from any vehicle or train,
7 the vehicle or train on which or from which such cigarettes are sold
8 shall constitute a place of business.

9 17. "State permit" shall mean and include permits issued by the de-
10 partment to distributors, wholesalers, and retailers ~~within the state~~.

1 SEC. 2. Section ninety-eight point ten (98.10), Code 1975, is amend-
2 ed to read as follows:

3 **98.10 Affixing of stamps by distributors.** Except as provided in
4 section 98.17, every distributor ~~in this state holding an Iowa permit~~
5 shall cause to be affixed, *within or without the state of Iowa*, upon
6 every individual package of cigarettes received by him *in this state or*
7 *for distribution in this state*, upon which no sufficient tax stamp is al-
8 ready affixed, a stamp or stamps of an amount equal to the tax due
9 thereon. Such stamps shall be affixed within forty-eight hours, exclu-
10 sive of Sundays and legal holidays, from the hour the cigarettes were
11 received, and shall be affixed before such distributor sells, offers for
12 sale, consumes, or otherwise distributes or transports the same. It shall
13 be unlawful for any person, other than a distributing agent or distribu-
14 tor, bonded pursuant to section 98.14, or common carrier to receive or
15 accept delivery of any cigarettes without stamps affixed to evidence
16 the payment of the tax, or without having in his possession the requi-
17 site amount or number of stamps necessary to stamp such cigarettes,
18 and the possession of any unstamped cigarettes, without the possession
19 of the requisite amount or number of stamps, shall be prima-facie evi-
20 dence of the violation of this provision.

1 SEC. 3. Section ninety-eight point thirteen (98.13), subsection one
2 (1), Code 1975, is amended to read as follows:

3 1. Permits required. Every distributor, wholesaler, cigarette vendor,
4 and retailer ~~in this state~~, now engaged or who desires to become en-
5 gaged in the sale or use of cigarettes, upon which a tax is required to

6 be paid, shall obtain a state or retail cigarette permit as a distributor,
7 wholesaler, cigarette vendor, or retailer, as the case may be.

1 SEC. 4. Section ninety-eight point thirteen (98.13), subsection five
2 (5), paragraph b, Code 1975, is amended to read as follows:

3 b. The principal office, residence, and place of business ~~in Iowa~~, for
4 which the permit is to apply.

1 SEC. 5. Section ninety-eight point nineteen (98.19), subsection one
2 (1), Code 1975, is amended to read as follows:

3 1. For the purpose of enabling the department to determine the tax
4 liability of permit holders or any other person dealing in cigarettes or
5 to determine whether a tax liability has been incurred, the department
6 shall have the right to inspect any premises *of the holder of an Iowa*
7 *permit located within or without the state of Iowa* where cigarettes
8 are manufactured, produced, made, stored, transported, sold, or of-
9 fered for sale or exchange, and to examine all of the records required
10 to be kept or any other records that may be kept incident to the con-
11 duct of the cigarette business of said permit holder or any other person
12 dealing in cigarettes.

1 SEC. 6. Section ninety-eight point nineteen (98.19), Code 1975, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. In the case of any departmental inspection con-
4 ducted under this section requiring department personnel to travel out-
5 side the state of Iowa, any additional costs incurred by the department
6 for out-of-state travel expenses shall be borne by the permittee. These
7 additional costs shall be those costs in excess of the costs of a similar
8 inspection conducted at the geographical point located within the state
9 of Iowa nearest to the out-of-state inspection point. In lieu of conduct-
10 ing an on premises out-of-state inspection, the department shall have
11 the authority to direct the permittee to assemble and transport all rec-
12 ords described in subsection one (1), of this section to the nearest prac-
13 tical and convenient geographical location in Iowa for inspection by
14 the department.

Approved July 8, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 97

CIGARETTE STAMPS

H. F. 899

AN ACT relating to the printing and custody of cigarette and little cigar tax stamps.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section ninety-eight point seven (98.7), Code 1975, is
2 amended to read as follows:

3 **98.7 Printing and custody of stamps.** The state printing board
4 director of the department of general services shall be and is hereby
5 required to design and have printed or manufactured, cigarette and
6 little cigar tax stamps of such design, size, denomination, and type
7 and in such quantities as may be determined by the director of reve-