

sum equal to sixty-five percent of the fees collected for each class "A", class "B", or class "C" license except special class "C" licenses, covering premises located within their respective jurisdictions. The department shall remit to the appropriate local authority a sum equal to seventy-five percent of the fees collected for each special class "C" license covering premises located within their respective jurisdictions. ~~However, that amount remitted to--the~~ The appropriate local authority ~~out-of~~ to receive the fee collected for the privilege authorized under subsection 6 ~~shall--be--deposited~~ is the appropriate county which shall deposit the fee in the county mental health and institutions fund to be used only for the care and treatment of persons admitted or committed to the alcoholic treatment center at Oakdale or any facilities as provided in chapter 125.

Approved May 21, 1980

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CHAPTER 1043  
DRAMSHOP LAW DEFENSE  
S. F. 2154

AN ACT relating to the civil liability resulting from the sale or giving of beer or intoxicating liquor, by liquor control licensees or beer permittees.

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

Section 1. Section one hundred twenty-three point ninety-two (123.92), Code 1979, is amended to read as follows:

123.92 CIVIL LIABILITY APPLICABLE TO SALE OR GIFT OF BEER OR INTOXICANTS BY LICENSEES. Every husband, wife, child, parent, guardian, employer or other person who shall be injured in person or property or means of support by any intoxicated person or resulting from the intoxication of any such person, shall have a right of action, severally or jointly, against any licensee or permittee, who shall sell or give any beer or intoxicating liquor to any such person while he or she is intoxicated, or serve any such person to a point where such person is intoxicated, for all damages actually sustained. If the injury was caused by an intoxicated person, a permittee or licensee may establish as an affirmative defense that the intoxication did not contribute to the injurious action of the person.

Every liquor control licensee and class "B" beer permittee shall furnish proof of financial responsibility either by the existence of a liability

insurance policy or by posting bond in such amount as determined by the department.

Sec. 2. This Act is effective January first following its enactment.

Approved May 13, 1980

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CHAPTER 1044  
HEALTH CARE COMPLAINTS  
S. F. 431

AN ACT relating to complaints alleging violations of provisions relating to health care facilities.

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

Section 1. Section one hundred thirty-five C point eleven (135C.11), subsection two (2), Code 1979, is amended to read as follows:

2. The procedure governing hearings authorized by this section shall be in accordance with the rules promulgated by the department. A full and complete record shall be kept of all proceedings, and all testimony shall be reported but need not be transcribed unless judicial review is sought pursuant to section 135C.13. ~~A copy or copies~~ Copies of the transcript may be obtained by an interested party upon payment of the cost of preparing ~~such copy or~~ the copies. Witnesses may be subpoenaed by either party and shall be allowed fees at a rate prescribed by the ~~aforsaid~~ department's rules. The commissioner may, ~~with the advice and consent of~~ after advising the care review committee established pursuant to section 135C.25, either proceed in accordance with section six (6) of this Act, or remove all residents and suspend the license or licenses of any health care facility, prior to a hearing, when ~~he~~ the commissioner finds that the health or safety of residents of the health care facility requires such action on an emergency basis. The fact that no care review committee has been appointed for a particular facility shall not bar the commissioner from exercising the emergency powers granted by this subsection with respect to that facility.

Sec. 2. Section one hundred thirty-five C point twelve (135C.12), Code 1979, is amended to read as follows:

135C.12 CONDITIONAL OPERATION. ~~In any case where~~ If the department ~~shall have~~ has the authority under section one hundred thirty-five C point ten (135C.10) of the Code to deny, suspend or revoke a license, the department ~~shall have the authority to conditionally~~ or commissioner may, as an alternative to those actions:

1. Apply to the district court of the county in which the licensee's health care facility is located for appointment by the court of a receiver for the facility pursuant to section six (6) of this Act.