

sales price of the tobacco products, except little cigars as defined in section 98.42. Little cigars shall be subject to the same rate of tax imposed upon cigarettes in section 98.6, payable at the time and in the manner provided in section 98.6; and stamps shall be affixed as provided in division I of this chapter. The tax on tobacco products, excluding little cigars, shall be imposed at the time the distributor does any of the following:

a. Brings, or causes to be brought, into this state from without the state tobacco products for sale.

b. Makes, manufactures, or fabricates tobacco products in this state for sale in this state.

c. Ships or transports tobacco products to retailers in this state, to be sold by those retailers.

2. A tax is imposed upon the use or storage by consumers of tobacco products in this state, and upon the consumers, at the rate of ~~fifteen~~ nineteen percent of the cost of the tobacco products.

The tax imposed by this subsection shall not apply if the tax imposed by subsection 1 on the tobacco products has been paid.

This tax shall not apply to the use or storage of tobacco products in quantities of:

a. Less than 25 cigars.

b. Less than 10 oz. snuff or snuff powder.

c. Less than 1 lb. smoking or chewing tobacco or other tobacco products not specifically mentioned herein, in the possession of any one consumer.

Sec. 4. Notwithstanding any provision of section 98.8 or of other provisions of chapter 98, during the period beginning March 1, 1988, and ending April 15, 1988, a holder of a state distributor's permit issued under chapter 98 may at the permit holder's option purchase cigarette tax stamps on credit for a period of forty-five days following such purchase. At the end of the forty-five day period the permit holder shall remit the amount due. As a condition for this credit-purchase, the purchase must be made from the department of revenue and finance office in Des Moines, and the permit holder shall provide, at the time of such purchase, a bond to the department of revenue and finance to insure the payment of the face value of the tax stamps at the end of the forty-five day period. A permit holder is entitled to make only one credit purchase under this section.

Sec. 5. Sections 1 and 3 of this Act take effect on March 1, 1988.

Sec. 6. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved February 19, 1988

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## CHAPTER 1006

### NOTARIES PUBLIC

*H.F. 164*

**AN ACT** relating to notaries public.

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

Section 1. Section 77.1, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

#### 77.1 APPOINTMENT.

1. The secretary of state may appoint notaries public and may revoke an appointment for cause.

2. The secretary of state shall appoint members of the general assembly as notaries public and may revoke the appointment for cause.

Sec. 2. Section 77.2, Code 1987, is amended to read as follows:  
77.2 TERMS.

The term of a notary who is an Iowa resident is three years. The term of a notary who is a resident of a state bordering Iowa and whose place of work or business is in Iowa, is one year. The term of a notary who is a member of the general assembly is the member's term of office.

Sec. 3. Section 77.4, subsections 2, 3, and 4, Code 1987, are amended by striking the subsections.

Sec. 4. Section 77.4, subsection 5, unnumbered paragraph 1, Code 1987, is amended to read as follows:

Remit the sum of fifteen dollars to the secretary of state. Persons appointed as notaries under section 77.1, subsection 2, are not subject to the fee imposed by this subsection.

Sec. 5. Section 77.6, Code 1987, is amended to read as follows:  
77.6 REVOCATION – NOTICE.

Should the commission of any a person appointed notary public be revoked by the secretary of state, the secretary shall immediately notify such the person through the mail. The notice shall state the cause of the revocation and shall inform the person of the right to a hearing on the revocation. The secretary of state shall adopt rules under chapter 17A to provide for a hearing for persons whose commission is revoked.

Sec. 6. NEW SECTION. 77.8 DISCRETION – LIMITATION.

A notary public may exercise reasonable discretion in performing or declining to perform notarial services, but a notary shall not condition the performance of notarial services upon the requirement that the person served be a customer or client of the establishment by which the notary is employed.

The employer of a notary public shall not condition the performing of notarial services upon the requirement that the person served be a customer or client of the establishment by which the notary is employed.

Sec. 7. Sections 77.15 and 77.16, Code 1987, are repealed.

Approved February 19, 1988

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**CHAPTER 1007**  
**IN-TRANSIT STICKERS**  
*H.F. 2193*

**AN ACT** to increase the time period for which in-transit stickers are valid.

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

Section 1. Section 321.109, subsection 2, Code 1987, is amended to read as follows:

2. Dealers may, in addition to other provisions of this section, purchase from the department in-transit stickers, for which a fee of two dollars per sticker shall be paid at time of purchase. One such sticker shall be displayed on each vehicle purchased from a dealer by a