

Sec. 4. NEW SECTION. 442.26A AID REDUCTION FOR EARLY SCHOOL STARTS.

State aid payments made pursuant to section 442.26 for a fiscal year shall be reduced by one one-hundred-eightieth for each day of that fiscal year for which the school district begins school before the earliest starting date specified in section 279.10, subsection 1. However, this section does not apply to a school district that has received approval from the director of the department of education under section 279.10, subsection 4, to commence classes for regularly established elementary and secondary schools in advance of the starting date established in section 279.10, subsection 1.

Approved April 14, 1988

CHAPTER 1088

BONDS FOR LIQUOR CONTROL LICENSES AND WINE AND BEER PERMITS

S.F. 2201

AN ACT to remove the bond required for class "A", "B", "C", and "D" liquor control licenses and retail wine and beer permits.

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

Section 1. Section 123.3, subsection 12, paragraph a, Code 1987, is amended to read as follows:

a. The person has such financial standing and good reputation as will satisfy the administrator that the person will comply with this chapter and all laws, ordinances, and regulations applicable to the person's operations under this chapter. However, the administrator shall not require the person to post a bond to meet the requirements of this paragraph.

Sec. 2. Section 123.30, subsection 1, unnumbered paragraph 1, Code Supplement 1987, is amended by striking the paragraph.

Sec. 3. Section 123.30, subsection 1, unnumbered paragraph 2, Code Supplement 1987, is amended to read as follows:

A liquor control license may be issued to any person who, or whose officers in the case of a club or corporation, or whose partners in the case of a partnership, are of good moral character as defined by this chapter. As a further condition for issuance of a liquor control license, the applicant must give consent to members of the fire, police, and health departments and the building inspector of cities; the county sheriff, deputy sheriff, and state agents, and any official county health officer to enter upon the premises without a warrant to inspect for violations of the provisions of this chapter or ordinances and regulations that cities and boards of supervisors may adopt. As a further condition for the issuance of a class "E" liquor control license, the applicant shall post a bond in a sum of not less than five thousand nor more than fifteen thousand dollars as determined on a sliding scale established by the division; however, a bond shall not be required if all purchases of alcoholic liquor from the division by the licensee are made by cash payment or by means that ensure that the division will receive full payment in advance of delivery of the alcoholic liquor.

Sec. 4. Section 123.32, subsections 1, 2, and 3, Code 1987, are amended to read as follows:

1. **FILING OF APPLICATION.** An application for a class "A", class "B", class "C", or class "E" liquor control license, for a retail beer permit as provided in sections 123.128 and 123.129, or for a class "B" retail wine permit as provided in section 123.176, accompanied by the required necessary fee and bond, if required, shall be filed with the appropriate city council if the premises for which the license or permit is sought are located within the corporate limits of a city, or

with the board of supervisors if the premises for which the license or permit is sought are located outside the corporate limits of a city. An application for a class "D" liquor control license and for a class "A" beer or class "A" wine permit, accompanied by the required necessary fee and bond, if required, shall be filed with the division, which shall proceed in the same manner as in the case of an application approved by local authorities.

2. ACTION BY LOCAL AUTHORITIES. The local authority shall either approve or disapprove the issuance of a liquor control license, retail wine permit, or retail beer permit, shall endorse its approval or disapproval on the application and shall forward the application along with the required necessary fee and bond, if required, to the division. Upon the initial application for a liquor control license, retail wine permit, or retail beer permit, the fact that the local authority determines that no liquor control license, retail wine permit, or retail beer permit shall be issued shall not be held to be arbitrary, capricious, or without reasonable cause. There is no limit upon the number of liquor control licenses, retail wine permits, or retail beer permits which may be approved for issuance by local authorities.

3. ACTION BY ADMINISTRATOR AND DEPARTMENT OF INSPECTIONS AND APPEALS. Upon receipt of an application having been disapproved by the local authority, the administrator shall disapprove the application, so notify the applicant by registered mail, and return the fee and any bond to the applicant. Upon receipt of an application having been approved by the local authority, the department of inspections and appeals shall make such investigation as the administrator deems necessary and may require the applicant to appear before the department of inspections and appeals and be examined under oath regarding any matters pertinent to the application, in which case a record shall be made of all testimony or evidence and the same shall become a part of the application. If the application is approved by the administrator, the license or permit applied for shall be issued. If the application is disapproved by the administrator, the applicant and the appropriate local authority shall be so notified by restricted certified mail, and the fee and any bond returned to the applicant.

Sec. 5. Section 123.35, unnumbered paragraph 2, Code 1987, is amended to read as follows:

Such application, accompanied by the required necessary fee and bond, if required, shall be filed in the same manner as is provided for filing the initial application.

Sec. 6. Section 123.50, subsection 2, Code 1987, is amended to read as follows:

2. The conviction of any liquor control licensee, wine permittee, or beer permittee for a violation of any of the provisions of section 123.49, subject to subsection 3 of this section, is grounds for the suspension or revocation of the license or permit by the division or the local authority. However, if any liquor control licensee is convicted of any violation of subsection 2, paragraphs "a", "d" or "e", of that section, or any wine or beer permittee is convicted of a violation of paragraph "a" or "e" of that section, the liquor control license, wine permit, or beer permit shall be revoked and shall immediately be surrendered by the holder, and the bond, if any, of the license or permit holder shall be forfeited to the division.

Sec. 7. Section 123.122, Code 1987, is amended to read as follows:

123.122 PERMIT OR LICENSE REQUIRED.

~~No~~ A person shall not manufacture for sale or sell beer at wholesale or retail unless a permit is first obtained as provided in this division or, a liquor control license authorizing the retail sale of beer is first obtained as provided in division I of this chapter. ~~No~~ A liquor control license holder shall be is not required to hold a separate class "B" beer permit ~~or to post a separate bond.~~

Sec. 8. Section 123.128, subsection 3, Code 1987, is amended by striking the subsection.

Sec. 9. Section 123.129, subsection 3, Code 1987, is amended by striking the subsection.

Sec. 10. Section 123.176, subsection 3, Code 1987, is amended by striking the subsection.

Approved April 15, 1988

CHAPTER 1089

MOTOR VEHICLE FRAUD AND THEFT, AND WRECKED, SALVAGED, JUNKED, AND REBUILT VEHICLES

S.F. 2285

AN ACT relating to the enforcement of laws concerning motor vehicle fraud, salvage, and theft, certificates of title, and transfer of ownership of foreign, wrecked, and salvage vehicles and making penalties applicable and providing effective dates.

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

Section 1. Section 307.37, Code 1987, is amended to read as follows:

307.37 MOTOR VEHICLE FRAUD AND ODOMETER LAW ENFORCEMENT.

The department shall investigate and prosecute violators of the laws concerning motor vehicle fraud including, but not limited to, the state and federal odometer law. The department shall refer available evidence concerning a possible violation of the laws concerning motor vehicle fraud including, but not limited to, section 321.71 or the federal odometer law or a rule or order issued under section 321.71 or the federal odometer law, to the attorney general. The attorney general, with or without the referral, may institute appropriate criminal proceedings or may direct the case to the appropriate county attorney to institute appropriate criminal proceedings. The attorney general may use those funds available to the department of justice for this purpose and law enforcement agencies may be reimbursed for expenses incurred in the enforcement of the state and federal odometer those laws, rules, or orders with the approval of the attorney general and concurrence by the department.

Sec. 2. Section 312.2, subsection 15, Code Supplement 1987, is amended to read as follows:

15. The treasurer of state, before making the allotments provided for in this section, shall credit annually to the state department of ~~transportation~~ justice from the road use tax fund an amount equal to twenty-five cents on each title issuance for motor vehicle fraud law enforcement and prosecution purposes including, but not limited to, the enforcement of state and federal odometer law enforcement purposes laws. This subsection is effective for the fiscal period beginning July 1, 1984 and ending June 30, 1989.

Sec. 3. Section 321.24, unnumbered paragraph 3, Code Supplement 1987, is amended to read as follows:

The certificate of title shall contain upon its face the identical information required upon the face of the registration receipt. In addition, the certificate of title shall contain a statement of the owner's title, the amount of tax paid pursuant to section 423.7, the name and address of the previous owner, and a statement of all security interests and encumbrances as shown in the application, upon the vehicle described, including the nature of the security interest, date of notation, and name and address of the secured party. If the prior certificate of title was a salvage, rebuilt, or junking certificate of title in any other state, or if the prior certificate of title in any other state indicates that the vehicle was salvaged, rebuilt, or junked, the new certificate of title shall contain the same information together with the name of the state