CHAPTER 252
ALCOHOLIC BEVERAGES REGULATION
H.F. 758

AN ACT permitting forfeiture of the penal bond when a class "E" liquor licensee violates the bootlegging law; permitting claims against penal bonds for failure or refusal to pay an alcoholic beverage control tax when due, establishing an administrative appeals process for disputed tax assessments, permitting the administrator to compromise disputed tax assessments, and permitting imposition of civil penalties on wholesalers for violations of law and administrative rules; and relating to coupons or rebates as incentives to purchase wine.

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

Section 1. Section 123.37, Code 1989, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. The administrator may compromise and settle doubtful and disputed claims for taxes imposed under this chapter or for taxes of doubtful collectibility, notwithstanding section 19.9. The administrator may enter into informal settlements pursuant to section 17A.10 to compromise and settle doubtful and disputed claims for taxes imposed under this chapter. The administrator may make a claim under a licensee's or permittee's penal bond for taxes of doubtful collectibility. Whenever a compromise or settlement is made, the administrator shall make a complete record of the case showing the tax assessed, reports and audits, if any, the licensee's or permittee's grounds for dispute or contest, together with all evidence of the dispute or contest, and the amounts, conditions, and settlement or compromise of the dispute or contest.

NEW UNNUMBERED PARAGRAPH. A licensee or permittee who disputes the amount of tax imposed must pay all tax and penalty pertaining to the disputed tax liability prior to appealing the disputed tax liability to the administrator.

NEW UNNUMBERED PARAGRAPH. The administrator shall adopt rules establishing procedures for payment of disputed taxes imposed under this chapter. If it is determined that the tax is not due in whole or in part, the division shall promptly refund the part of the tax payment which is determined not to be due.

NEW UNNUMBERED PARAGRAPH. Any party aggrieved by a decision of the administrator under this section may appeal the decision to the division's hearing board.

Sec. 2. Section 123.50, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 5. In addition to any other penalties imposed under this chapter, the division shall assess a civil penalty up to the amount of five thousand dollars upon a class "E" liquor control licensee when the class "E" liquor license is revoked for a violation of section 123.59. Failure to pay the civil penalty as required under this subsection shall result in forfeiture of the bond to the division.

Sec. 3. Section 123.135, subsection 5, Code 1989, is amended to read as follows:

5. Notwithstanding any other penalties provided by this chapter, any holder of a certificate of compliance or any class "A" permit holder who ~~shall violate any of the provisions of~~ violates this ~~section shall be~~ chapter or the rules adopted pursuant to this chapter is subject to a civil fine not to exceed one thousand dollars or suspension of the holder's certificate or permit for a period not to exceed one year, or both such civil fine and suspension. Civil fines imposed under this section shall be collected and retained by the division.

Sec. 4. Section 123.180, subsection 6, Code 1989, is amended to read as follows:

6. Regardless of any other penalties provided by this chapter, any holder of a certificate of compliance relating to wine, or a class "A" ~~or retail wine~~ permittee ~~or retail liquor licensee,~~ who violates ~~any of the provisions of~~ this ~~section~~ chapter or the rules adopted pursuant to

this chapter is subject to a civil fine not to exceed one thousand dollars or subject to suspension of the certificate of compliance, license, or permit for a period not to exceed thirty days one year, or to both civil fine and suspension. Civil fines imposed under this section shall be collected and retained by the division.

Sec. 5.   Section 123.181, subsection 3, Code 1989, is amended by striking the subsection.

Approved May 29, 1989

CHAPTER 253
MORTGAGE SATISFACTION ACKNOWLEDGMENT
H.F. 556

AN ACT relating to increasing the penalty and providing for attorney fees for failure to acknowledge satisfaction of a mortgage within thirty days.

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

Section 1.   Section 655.2, Code 1989, is amended to read as follows:
655.2 PENALTY.
If the mortgagee, mortgagee's personal representative or assignee, or those legally acting for the mortgagee fails fail to do so within thirty days after being requested in writing after the mortgage has been satisfied in full, that person shall forfeit to the mortgagor or any grantee of the property who has paid the mortgage, the sum of twenty-five one hundred dollars plus reasonable attorney fees incurred by the mortgagor or grantee in securing the release of the mortgage.

A mortgagor or grantee who has sought relief under the provisions of section 535B.11 is not entitled to attorney fees under this section. A penalty shall not be assessed under this section if penalties have been assessed pursuant to section 535B.11.

Approved May 29, 1989

CHAPTER 254
OUT-OF-STATE CONTRACTOR'S BOND
H.F. 643

AN ACT relating to the filing of a bond by out-of-state contractors.

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

Section 1.   Section 91C.7, Code 1989, is amended to read as follows:
91C.7 STATE CONTRACTS.
1. A contractor who is not registered with the labor commissioner as required by this chapter shall not be awarded a contract to perform work for the state or an agency of the state.
2. An out-of-state contractor, before commencing a contract in excess of five thousand dollars in value in Iowa, shall file a bond with the division of labor services of the department of employment services. The surety bond shall be executed by a surety company authorized to do business in this state, and the bond shall be continuous in nature until canceled by the