

January 29, 1957.  
Passed on File.

Senate File 126  
By TATE, BUTLER, ANDERSON,  
COLEMAN and MILLER.

Passed Senate, Date *2-11*  
Vote: Ayes *23* Nays *24*

Passed House, Date.....  
Vote: Ayes..... Nays.....

Approved.....

## A BILL FOR

An Act relating to the use of vending machines in the sale of cigarettes, providing for the licensing of such machines and providing a penalty for the illegal operation thereof.

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

1 Section 1. Paragraph six (6) of section ninety-eight  
2 point thirty-six (98.36), Code 1954, is hereby repealed.

1 Sec. 2. Section ninety-eight point thirteen (98.13),  
2 Code 1954, is hereby amended by adding to subsection three  
3 (3) thereof the following:

4 "The payment of the license fees herein provided shall  
5 authorize the holder of a retail permit to sell cigarettes  
6 through a vending machine or vending machines to be operated  
7 in the same place of business for which such permit has been  
8 granted; provided that the cigarette vending machine or  
9 machines are located in a place where the machine or machines  
10 are under the supervision of a responsible person of legal  
11 age who will see to it that minors are not permitted to use  
12 the machine or machines."

1 Sec. 3. Section ninety-eight point thirteen (98.13),  
2 Code 1954, is also amended by adding thereto as subsection  
3 eleven (11) as follows:

4 "Any sales of cigarettes made through a vending machine  
5 for which permit has been issued shall be subject to rules,  
6 regulations and penalties provided by this chapter in relation

HOUSE FILE 161 *SF 126*

- 1 Amend House File 161 as follows:  
2 1. Amend House File 161 by adding the following after  
3 the word "place" in line 9 of section 2 by inserting the  
4 words "not frequented by minor children and"  
5 2. Further amend House File 161 by adding thereto a  
6 new section as follows:  
7 "Section ninety-eight point fourteen (98.14), Code  
8 1954, is amended by adding after line 19 of subsection 1 thereof  
9 the following:  
10 "d. Vending machine operator permit not less than one  
11 thousand dollars (\$1000.00)".  
12 3. Further amend House File 161 by adding thereto the  
13 following new sections:  
14 1. Amend section ninety-eight point one (98.1), Code 1954, by  
adding  
15 the following:  
16 "Vending machine operator" shall mean any person who owns  
17 or operates a cigarette vending machine, except a retail permit  
18 holder owning and operating (on the premises described in his  
19 permit) such a machine.  
20 "Vending machine operator permit" shall mean a permit issued  
21 to a vending machine operator.  
22 2. Amend section ninety-eight point one (98.1), subsection  
23 seventeen (17), Code 1954, by inserting after the word "wholesalers"  
in  
24 line three (3) the following: ", vending machine operators".  
25 3. Amend section ninety-eight point thirteen (98.13), subsec-  
26 tion one (1), Code 1954, by inserting after the word "wholesaler" in  
lines  
27 two (2) and seven (7) the following: ", vending machine operator".  
28 4. Amend section ninety-eight point thirteen (98.13), sub-  
29 section two (2), Code 1954, by inserting after the word "wholesalers"  
in  
30 line two (2) the following: ", vending machine operators".  
31 5. Amend section ninety-eight point thirteen (98.13), sub-  
32 section three (3), Code 1954, by adding thereto the following:  
33 "The fees for the vending machine operator shall be as  
34 follows:  
35 a. An annual permit fee of one hundred dollars (\$100), *as amended*  
36 payable to the commission. *2-19*  
37 b. A license fee of five dollars (\$5) on each cigarette  
38 vending machine, payable to the city, town or county where the  
39 vending machine is operated. A license shall be in the form  
40 prescribed by the commission."  
41 6. Amend section ninety-eight point thirteen (98.13), sub-  
42 section five (a), Code 1954, by inserting after the word "wholesaler"  
in  
43 lines two (2) and four (4) the following: ", vending machine  
44 operator".  
45 7. Amend section ninety-eight point thirteen (98.13), sub-  
46 section six (6), Code 1954, by inserting after the word "wholesaler"  
in *SF 126*  
47 line two (2) the following: ", vending machine operator".  
48 8. Amend section ninety-eight point thirteen (98.13),  
49 subsection ten (10), Code 1954, by inserting after the word "whole-  
saler"  
50 in line three (3) the following: ", vending machine operator".

Filed  
February 15, 1957.

MCNEAL of Wright.  
WHITNEY of Cherokee.  
BURRIS of Jackson.  
JOHNS of Tama.

SENATE FILE 126

- 1 Amend the Miller and Tate amendment to Senate File 126
- 2 by striking out lines 25, 26, 27 and 28 and substituting the
- 3 following:
- 4 "b. An annual license fee of five dollars (\$5) on each
- 5 cigarette vending machine, payable to the city, town or
- 6 county where the vending machine is operated. A license
- 7 shall be in the form prescribed by the commission."

Filed  
February 12, 1957.

By PUTNEY.

SENATE FILE 126

- 1 Amend the Miller and Tate amendment to
- 2 senate file 126 dated February 11, 1957 as follows:
- 3 1. Strike the words and figure "one dollar
- 4 (1.00)" in line 25 thereof and insert in lieu the words
- 5 and figure "ten dollars (\$10.00)".

Filed  
February 13, 1957.

By DAILEY.

HOUSE FILE 161 SF 126

- 1 Amend the McNeal amendment to House File 161 by
- 2 striking the period at the end of line forty (40) and
- 3 inserting in lieu thereof the following: ", provided,
- 4 however, that no license shall be granted under this
- 5 subsection except for use upon the premises of a holder
- 6 of a local retail permit."

Filed and adopted  
February 19, 1957.

GOODE of Davis.

HOUSE FILE 161 SF 126

- 1 Amend House File 161 by striking all amendments heretofore
- 2 filed and adopted and substitute in lieu thereof the following:
- 3 1. Strike Section 1 and substitute therefore the following:
- 4 "Section 1. Subsection six (6) of section ninety-eight
- 5 point thirty-six (98.36), Code 1954, is hereby repealed and the
- 6 following enacted in lieu thereof:
- 7 'It shall be unlawful for any person other than the holder
- 8 of a retail permit to own or operate a vending machine for the
- 9 purpose of selling or vending cigarettes at retail, and no
- 10 person other than the holder of a retail permit shall operate
- 11 vending machines on the premises specified in a retail permit.
- 12 For the purpose of this subsection: "to own" means clear title
- 13 or ownership acquired by purchase upon which a minimum down  
payment
- 14 of at least ten percent of the purchase price must have been paid
- 15 and the balance of the purchase price must be paid during a period
- 16 of not more than one (1) year from the date of purchase; "operate"
- 17 means to manage or conduct, to act or control, or to manage
- 18 authoritatively and implies the exercise of activity in connection
- 19 with the thing operated.'
- 20 2. Amend section 2 by adding after the word "place" in
- 21 line 9 the following: "not frequented by minor children and".

Filed  
March 12, 1957.

By TATE and BUTLER.

7 to the retail sale of cigarettes. No permit holder shall  
8 permit the sale of cigarettes through any vending machine unless  
9 such cigarettes shall have been properly stamped or metered as  
10 provided by this chapter, and in case of violation of this pro-  
11 vision the permit of the dealer authorizing a retail sale of  
12 cigarettes shall be cancelled."

1 Sec. 4. Section ninety-eight point fourteen (98.14),  
2 Code 1954, is amended by adding to line eleven (11) of  
3 subsection one (1) thereof the following:

4 "No separate bond shall be required from any holder of  
5 a retail permit selling cigarettes through vending machines,  
6 but such bond shall be extended to cover sales of cigarettes  
7 through vending machines in the same manner as if such sales  
8 were made under the provisions of a retail permit."

- 1 Amend Senate File 126 by adding thereto the following new  
2 sections:
- 3 1. Amend section ninety-eight point one (98.1) by adding the  
4 following:  
5 "Vending machine operator" shall mean any person who owns or  
6 operates a cigarette vending machine, except a retail permit holder  
7 owning and operating (on the premises described in his permit) such  
8 a machine.  
9 "Vending machine operator permit" shall mean a permit issued  
10 to a vending machine operator.
  - 11 2. Amend section ninety-eight point one (98.1), subsection  
12 seventeen (17), by inserting after the word "wholesalers" in line  
13 three (3) the following: ", vending machine operators".
  - 14 3. Amend section ninety-eight point thirteen (98.13), sub-  
15 section one (1) by inserting after the word "wholesaler" in lines  
16 two (2) and seven (7) the following: ", vending machine operator".
  - 17 4. Amend section ninety-eight point thirteen (98.13), sub-  
18 section two (2), by inserting after the word "wholesalers" in line  
19 two (2) the following: ", vending machine operators".
  - 20 5. Amend section ninety-eight point thirteen (98.13), sub-  
21 section three (3) by adding thereto the following:  
22 "The fees for the vending machine operator shall be as follows:  
23 a. An annual permit fee of one hundred dollars (\$100), payable  
24 to the commission.  
25 b. A license fee of one dollar (\$1) on each cigarette vending  
26 machine, payable to the city, town or county where the vending  
27 machine is operated. A license shall be in the form prescribed  
28 by the commission.
  - 29 6. Amend section ninety-eight point thirteen (98.13), sub-  
30 section five (a) by inserting after the word "wholesaler" in lines  
31 two (2) and four (4) the following: ", vending machine operator".
  - 32 7. Amend section ninety-eight point thirteen (98.13), sub-  
33 section six (6) by inserting after the word "wholesaler" in line  
34 two (2) the following: ", vending machine operator".
  - 35 8. Amend section ninety-eight point thirteen (98.13), sub-  
36 section ten (10) by inserting after the word "wholesaler" in line  
37 three (3) the following: ", vending machine operator".