

January 27, 1967  
Passed on File  
*Safety and Law Enforcement 1-30*

Senate File 75  
By RILEY, FREY and BUREN

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

An Act relating to the sale and distribution of wine containing not more than seventeen (17) percent alcohol by weight.

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

1 Section 1. Section one hundred twenty-four point one (124.1),  
2 Code 1966, is hereby amended by inserting in line three (3) after  
3 the word "beer" the words "or wine".

1 Sec. 2. Section one hundred twenty-four point two (124.2),  
2 subsection four (4), Code 1966, is hereby amended by inserting  
3 in line five (5) after the word "beer" the words "or wine".

1 Sec. 3. Section one hundred twenty-four point two (124.2),  
2 subsection five (5), Code 1966, is hereby amended by inserting  
3 in line three (3) after the word "beer" the words "or wine".

1 Sec. 4. Section one hundred twenty-four point two (124.2),  
2 Code 1966, is hereby amended by adding the following new sub-  
3 section:

4 "'Wine' for the purpose of this chapter shall mean any alco-  
5 holic beverage obtained by the fermentation of the natural sugar  
6 content of fruits (grapes, apples, etc.) or other agricultural  
7 products containing sugar (honey, milk, etc.) but which does  
8 not contain more than seventeen (17) percent alcohol by weight."

1 Sec. 5. Section one hundred twenty-four point three (124.3),  
2 Code 1966, is hereby amended as follows:

3 1. By inserting in line two (2) after the word "beer" the  
4 words "and wine".

5 2. By inserting in line seven (7) after the word "beer" the  
6 words "and wine".

7 3. By inserting in line ten (10) after the word "beer" the  
8 words "and wine".

9 4. By inserting in line thirteen (13) after the word "beer"  
10 the words "and wine".

11 5. By inserting in line sixteen (16) after the word "beer" the  
12 words "and wine".

1 Sec. 6. Section one hundred twenty-four point eleven (124.11),  
2 Code 1966, is hereby amended by inserting in line four (4) after  
3 the word "beer" the words "or wine".

1 Sec. 7. Section one hundred twenty-four point twelve (124.12),  
2 Code 1966, is hereby amended as follows:

3 1. By inserting in line four (4) after the word "beer" the  
4 words "and wine".

5 . By inserting in line thirteen (13) after the word "beer"  
6 the words "or wine".

7 3. By inserting in line fourteen (14) after the word "beer"  
8 the words "or wine".

1 Sec. 8. Section one hundred twenty-four point thirteen (124.13),  
2 Code 1966, is hereby amended as follows:

3 1. By inserting in line three (3) after the word "beer" the  
4 words "or wine".

5 2. By adding thereto the following:

6 "Class 'C' permit holders selling wine shall allow only those  
7 persons twenty-one (21) years of age and older to supervise the  
8 stocking, make the sale, check-out or deliver wine to consumers  
9 or purchasers."

1 Sec. 9. Section one hundred twenty-four point fourteen (124.14),  
2 Code 1966, is hereby amended by inserting in line twelve (12) after  
3 the word "beer" the words "and wine".

1 Sec. 10. Section one hundred twenty-four point fifteen (124.15),  
2 Code 1966, is hereby amended by inserting in line four (4) after  
3 the word "beer" the words "and wine".

1 Sec. 11. Section one hundred twenty-four point nineteen (124.19),  
2 Code 1966, is hereby amended by inserting in line two (2) after the  
3 word "beer" the words "or wine".

1       Sec. 12. Section one hundred twenty-four point twenty (124.20),  
2 Code 1966, is hereby amended as follows:

3       1. By inserting in line one (1) of subsection two (2) of such  
4 section after the word "beer" the words "or wine".

5       2. By inserting in line two (2) of subsection three (3) of  
6 such section after the word "beer" the words "or wine".

7       3. By inserting in line seven (7) of subsection three (3) of  
8 such section after the word "beer" the words "or wine".

9       4. By inserting in line three (3) of subsection four (4) of  
10 such section after the word "beer" the words "or wine".

11       5. By inserting in line four (4) of subsection five (5) of  
12 such section after the word "beer" the words "or wine".

1       Sec. 13. Section one hundred twenty-four point twenty-one  
2 (124.21), Code 1966, is hereby amended by inserting in line two  
3 (2) after the word "beer" the words "or wine".

1       Sec. 14. Section one hundred twenty-four point twenty-four  
2 (124.24), Code 1966, is hereby amended by striking from line twenty  
3 eight (28) the word "twenty-five" and inserting in lieu thereof  
4 the words "one hundred (100)".

1       Sec. 15. Section one hundred twenty-four point twenty-seven  
2 (124.27), Code 1966, is hereby amended as follows:

3       1. By inserting in line four (4) after the word "beer" the  
4 words "and wine".

5       2. By inserting in line nine (9) after the word "beer" the words  
6 "and wine".

1       Sec. 16. Section one hundred twenty-four point twenty-eight  
2 (124.28), Code 1966, is hereby amended by inserting in line six  
3 (6) after the word "beer" the words "or wine".

1       Sec. 17. Section one hundred twenty-four point twenty-nine  
2 (124.29), Code 1966, is hereby amended by inserting in line three  
3 (3) after the word "beer" the words "or wine".

1       Sec. 18. Section one hundred twenty-four point thirty-one  
2 (124.31), Code 1966, is hereby amended as follows:

3       1. By striking from line one (1) the word "No" and inserting  
4 in lieu thereof the following:

5       "Except as contemplated in chapter one hundred twenty-three (123.

6 of the Code, and wine as defined in section one hundred twenty-  
7 four point two (124.2) of the Code, no".

8 2. By inserting in line seventeen (17) after the word "beer"  
9 the words "and wine".

1 Sec. 19. Section one hundred twenty-four point thirty-two  
2 (124.32), Code 1966, is hereby amended as follows:

3 1. By inserting in line four (4) after the word "beer" the words  
4 "or wine".

5 2. By inserting in line five (5) after the word "beer" the  
6 words "or wine".

7 3. By inserting in line eight (8) after the numbers "124.25"  
8 the words "and the provisions of this Act."

9 4. By inserting in line sixteen (16) after the word "beer"  
10 the words "or wine".

1 Sec. 20. Section one hundred twenty-four point thirty-three  
2 (124.33), Code 1966, is hereby amended by inserting in line three  
3 (3) after the word "tax" the words "or in the case of wine the  
4 gallonage tax".

1 Sec. 21. Section one hundred twenty-four point thirty-four  
2 (124.34), Code 1966, is hereby amended as follows:

3 1. By inserting in line forty-five (45) after the word "beer"  
4 the words "or wine".

5 2. By inserting in line fifty-three (53) after the word "beer"  
6 the words "or wine".

7 3. By inserting in line fifty-six (56) after the word "beer" the  
8 words "or wine".

1 Sec. 22. Section one hundred twenty-four point thirty-five  
2 (124.35), Code 1966, is hereby amended as follows:

3 1. By inserting in line two (2) after the word "beer" the words  
4 "or wine".

5 2. By inserting in line thirteen (13) after the word "beer"  
6 the words "or wine".

7 3. By inserting in line sixteen (16) after the word "beer" the  
8 words "or wine".

1 Sec. 23. Section one hundred twenty-four point thirty-six

2 (124.36), Code 1966, is hereby amended as follows:

3 1. By inserting in line two (2) after the word "beer" the words  
4 "or wine".

5 2. By inserting in line four (4) after the word "beer" the  
6 words "or wine".

7 3. By inserting in line nine (9) after the word "beer" the  
8 words "or wine".

1 Sec. 24. Section one hundred twenty-four point thirty-seven  
2 (124.37), Code 1966, is hereby amended as follows:

3 1. By inserting in line four (4) after the word "beer" the  
4 words "or wine".

5 2. By inserting in line twenty-one (21) after the word "beer"  
6 the words "or wine".

1 Sec. 25. Chapter one hundred twenty-four (124), Code 1966, is  
2 hereby amended by the addition of the following new sections:

3 1. "No manufacturer, vintner, bottler, wholesaler, or importer  
4 of wines nor any jobber nor agent thereof shall directly or in-  
5 directly supply, furnish, give or pay for any furnishings, fixtures  
6 or equipment used in the storage, handling, serving or dispensing  
7 of wines or food within the place of business of any class 'B' or  
8 class 'C' permittee authorized under the provisions of this chap-  
9 ter to sell wine at retail; nor shall he directly or indirectly  
10 extend credit or pay for any such permit, nor directly or indirectly  
11 have a financial interest in the ownership, conduct, or operation  
12 of the business of a retail permittee authorized to sell wine. Any  
13 permittee who shall assent or be a party in any way to such viola-  
14 tion or infringement of the provisions of this chapter shall be  
15 deemed guilty of a violation of the provisions of this chapter."

16 2. "There shall be levied and collected from all class 'A'  
17 permittees selling wine on all wine manufactured for sale or sold  
18 in this state at wholesale and on all wine imported into this state  
19 for sale at wholesale and sold in this state at wholesale, a tax  
20 of fifty (50) cents for every wine gallon, and at a like rate for  
21 any other quantity or for the fractional parts of a wine gallon.

22 "No tax shall be levied or collected on wine shipped outside  
23 this state by a class 'A' permittee or sold by one class 'A'

24 permittee. All revenue derived from the tax hereby imposed shall  
25 accrue to the state general fund. All of the provisions of this  
26 chapter relating to the administration of the wine tax shall apply  
27 to this section."

28 3. "Every person holding a class 'A' permit and selling wine  
29 shall on or before the tenth (10th) day of each calendar month  
30 commencing on the tenth (10th) day of the calendar month following  
31 the month in which such person is issued a permit, make a report  
32 under oath to the state tax commission upon forms furnished by  
33 the commission for such purpose showing the exact number of wine  
34 gallons of wine or fractional parts thereof, sold by such permit  
35 holder during the preceding calendar month. Such report shall  
36 also state such other information as the state tax commission may  
37 require, and such permit holders shall at the time of filing said  
38 report pay to the state tax commission the amount of tax due at  
39 the rate fixed in accordance with the provisions of this chapter."

40 4. "A penalty of ten (10) percent of the amount of the tax  
41 shall be added thereto if the report is not filed and the tax paid  
42 to the commission by said tenth (10th) day of the calendar month."

43 5. "As a condition precedent to any vintner, manufacturer,  
44 bottler, broker, jobber, importer or any other person, firm or  
45 corporation selling or shipping wine to a class 'A' permittee, they  
46 shall first register with the state tax commission on forms pro-  
47 vided for that purpose containing such information as the state  
48 tax commission may require."

49 6. "A registration fee of one hundred (100) dollars shall ac-  
50 company each registration and shall be paid by the person so regis-  
51 tering. In return for such registration, the state tax commission  
52 shall issue a certificate of compliance to those registered. Each  
53 certificate shall be good for a period of one (1) year from date  
54 of issuance unless otherwise revoked as herein provided or sur-  
55 rendered. All holders of the certificate of compliance shall on  
56 or before the tenth (10th) day of each calendar month commencing  
57 on the tenth (10th) day of the calendar month following the month

58 in which such person is issued a certificate, make a report under  
59 oath to the state tax commission upon forms to be furnished by  
60 it for such purpose showing the exact number of cases and gallons  
61 and types of wine sold and shipped to individual class 'A' per-  
62 mittees during the preceding calendar month along with such other  
63 information as might be reasonably requested."

64 7. "At the time of applying for a certificate of compliance,  
65 each applicant shall file with the state tax commission a list of  
66 class 'A' permittees with whom it shall do business and shall  
67 designate the territory in which its products are to be distributed  
68 by such permittee. The listing of class 'A' permittees and terri-  
69 tories as filed with the commission may be amended from time to  
70 time by the holder of a certificate of compliance. However, before  
71 such amendments shall become effective, notification shall be made  
72 in writing to the state tax commission and the class 'A' permittee  
73 affected at least ninety (90) days prior to such change unless  
74 mutually agreed upon between the holder of a certificate of com-  
75 pliance, the class 'A' permittee affected and with the approval  
76 of the state tax commission upon forms provided by the commission  
77 for that purpose."

78 8. "The state tax commission is hereby empowered to revoke  
79 such certificate upon noncompliance with this section or any other  
80 section of this chapter and the holder thereof shall be barred from  
81 selling or shipping wine to any class 'A' permittee and class 'A'  
82 permittees shall be barred from receiving such wine within this  
83 state."

1 Sec. 26. Section one hundred twenty-three point three (123.3),  
2 Code 1966, is hereby amended by inserting in line five (5) after  
3 the word "except" in lines four (4) and five (5) the following:  
4 "wine containing not more than seventeen (17) percent alcohol by  
5 weight and".

1 Sec. 27. Section one hundred twenty-three point five (123.5),  
2 Code 1966, is hereby amended by inserting in line twenty-three (23)  
3 after the numbers "124" the words "or wine containing not more than  
4 seventeen (17) percent alcohol by weight".

1     Sec. 28. Section one hundred twenty-three point fifty-six  
2 (123.56), Code 1966, is hereby amended by adding at the end thereof  
3 the following: "This section shall apply only to those wines which  
4 contain more than seventeen (17) percent alcohol by weight."

1     Sec. 29. Section one hundred twenty-five point two (125.2),  
2 Code 1966, is hereby amended by inserting in line twelve (12)  
3 after the word "weight" the following: "or wine as defined in  
4 chapter one hundred twenty-four (124) of the Code as amended."