

H. Mayor Means 2/28

Do Pass 4/7 (p. 1466)

FILED FEB 13 1980

SENATE FILE 2197

By COMMITTEE ON STATE GOVERNMENT
Approved 2/7 (p. 439)
(FORMERLY SENATE STUDY BILL 2067)

Passed Senate, Date 2-25-80 (p. 559) Passed House, Date 4/16/80 (p. 1687)

Vote: Ayes 38 Nays 4 Vote: Ayes 74 Nays 24

Proposed Senate 4/18/80 (p. 1534) *Approved* May 21 1980

Reprinted House 4/26/80 (p. 2189)

Reconsidered & Repassed 4/23/80 (p. 1607)
⁴²⁻³
₄₀₋₆

A BILL FOR

78-18

1 An Act relating to the sale of wine and creating a license
2 therefor.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section one hundred twenty-three point thirty
2 (123.30), subsection three (3), paragraph c, is amended to
3 read as follows:

4 c. CLASS "C". A class "C" liquor control license may
5 be issued to a commercial establishment but must be issued
6 in the name of the individual or individuals who actually
7 own the entire business and shall authorize the holder or
8 holders to purchase alcoholic liquors from the department
9 only, and to sell such liquors, and beer, to patrons by the
10 individual drink for consumption on the premises only, however,
11 beer may also be sold for consumption off the premises.

12 A special class "C" liquor control license may be issued
13 and shall authorize the holder or holders to purchase wine
14 containing not more than seventeen percent alcohol by weight
15 from the department only, and to sell such wine, and beer,
16 to patrons by the individual drink for consumption on the
17 premises only, however, beer may also be sold for consumption
18 off the premises. The license issued to holders of a special
19 class "C" license shall clearly state on its face "alcoholic
20 liquor, limited to wine only."

21 Sec. 2. Section one hundred twenty-three point thirty-
22 six (123.36), Code 1979, is amended by adding the following
23 new subsection:

24 NEW SUBSECTION. Class "C" liquor control licenses which
25 limit sales of alcoholic liquor to wine containing not more
26 than seventeen percent alcohol by weight, a sum as follows:

27 a. Commercial establishments located within the corporate
28 limits of cities of ten thousand population and over, four
29 hundred fifty dollars.

30 b. Commercial establishments located within the corporate
31 limits of cities of over fifteen hundred and less than ten
32 thousand population, three hundred dollars.

33 c. Commercial establishments located within the corporate
34 limits of cities of fifteen hundred population or less, one
35 hundred fifty dollars.

1 d. Commercial establishments located outside the corporate
2 limits of any city, a sum equal to that charged in the
3 incorporated city located nearest the premises to be licensed,
4 and in case there is doubt as to which of two or more differing
5 corporate limits are the nearest, the license fee which is
6 the larger shall prevail.

7 EXPLANATION

8 This bill provides for a new class "C" liquor control
9 license, in addition to the present class "C" license, which
10 limits liquor sales to wine containing not more than seventeen
11 percent alcohol by weight. Beer may also be sold under this
12 new license.

13 The license fee for the new license is more than the cost
14 of a beer permit but less than a full class "C" liquor license.

15 The bill will be effective July first following its
16 enactment.

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SENATE FILE 2197
FISCAL NOTE

DATE: FEBRUARY 25, 1980
REQUESTED BY: SENATOR NYSTROM

In compliance with a written request received February 12, 1980, there is hereby submitted a Fiscal Note for SENATE FILE 2197 pursuant to Joint Rule 16. Background information used in developing this Fiscal Note is available from the Legislative Fiscal Bureau, to members of the Legislature upon request.

SF 2197: An Act relating to the sale of wine and creating a license therefor.

This bill provides for a new class "C" liquor control license, in addition to the present class "C" license, which limits liquor sales to wine containing not more than seventeen percent alcohol by weight. Beer may also be sold under this new license.

Fiscal Impact:

	<u>FY 1980-81</u>	<u>FY 1981-82</u>
Increased Wine Sales	\$ 163,000	\$ 166,260
35% of license fees	<u>10,342</u>	<u>10,342</u>
TOTAL REVENUE	<u>\$ 173,342</u>	<u>\$ 176,602</u>

The above estimate is based on the following assumptions:

1. Sales of this special class "C" liquor license would be 100 per year in lieu of 100 current class "B" beer permits.
2. Wine sales would increase \$163,000 or an average of \$1,630 per special "C" license holder. The second year these sales will increase 2%.

SOURCE: IOWA BEER & LIQUOR CONTROL DEPARTMENT

RECEIVED BY THE SECRETARY OF THE SENATE FEB. 26, 1980

FILED:
FEBRUARY 28, 1980

BY GERRY RANKIN, DIRECTOR
LEGISLATIVE FISCAL BUREAU

SENATE 17
APRIL 21, 1980

SENATE FILE 2197

S-5774

- 1 Amend the House amendment, S-5756, to Senate File
- 2 2197, as follows:
- 3 1. Page 1, by striking lines 20 through 42.

S-5774 FILED

BY STEPHEN W. BIENIUS

APRIL 18, 1980

4/18 4/23 p. 166

SENATE FILE 2197

S-5769

- 1 Amend the House Amendment, S-5756, to Senate File
- 2 2197 as passed by the Senate as follows:
- 3 1. Page 1, by striking line 35 and inserting in
- 4 lieu thereof the following: "jurisdictions. However,
- 5 ~~that-amount-remitted-to-the~~".
- 6 2. Page 1, line 36 by inserting before the word
- 7 "appropriate" the word "The".
- 8 3. Page 1, line 36 by striking the words "out of"
- 9 and inserting in lieu thereof the words "out-of to re-
- 10 ceive".
- 11 4. Page 1, line 37 by striking the word "shall"
- 12 and inserting in lieu thereof the word "shall".
- 13 5. Page 1, line 38 by striking the words "be de-
- 14 posited" and inserting in lieu thereof the words
- 15 "be-deposited is the appropriate county which shall
- 16 deposit the fee".

S-5769 FILED

BY ELIZABETH R. MILLER

APRIL 18, 1980

ADOPTED *(p. 1534)*

SENATE FILE 2197

S-5789

- 1 Amend House amendment, S-5756, to Senate File 2197;
- 2 as follows:
- 3 1. Page 1, by striking lines 2 through 19.
- 4 2. By renumbering to conform to this amendment.

S-5789 FILED

BY STEPHEN W. BIENIUS

APRIL 21, 1980

Adopted 4/23 p. 166

H-6113

1 Amend Senate File 2197 as follows:

2 1. Page 2, by inserting after line 6 the following:

3 "Sec. ____ Section one hundred twenty-three point
4 thirty-six (123.36), subsection seven (7), Code 1979,
5 is amended to read as follows:

6 7. The department shall credit all fees to the
7 beer and liquor control fund and. The department
8 shall remit to the appropriate local authority, a
9 sum equal to sixty-five percent of the fees collected
10 for each class "A", class "B", or class "C" license
11 except special class "C" licenses, covering premises
12 located within their respective jurisdictions. The
13 department shall remit to the appropriate local
14 authority a sum equal to seventy-five percent of the
15 fees collected for each special class "C" license
16 covering premises located within their respective
17 jurisdictions. However, that amount remitted to the
18 appropriate local authority out of the fee collected
19 for the privilege authorized under subsection 6 shall
20 be deposited in the county mental health and
21 institutions fund to be used only for the care and
22 treatment of persons admitted or committed to the
23 alcoholic treatment center at Oakdale or any facilities
24 as provided in chapter 125."

H-6113 FILED APRIL 16, 1980

BY WOODS of Polk

Adopted 4/16/80 (p. 1635)

SENATE FILE 2197

H-6098

1 Amend Senate File 2197 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:

4 "Section 1. Chapter one hundred twenty-three
5 (123), Code 1979, is amended by adding sections two
6 (2) through twenty (20) of this Act as a new division.

7 Sec. 2. NEW SECTION. PERMIT OR LICENSE REQUIRED.
8 A person shall not cause the manufacture, importation,
9 or sale of wine in this state unless a certificate
10 or permit as provided in this division, or a liquor
11 control license as provided in division one (I) of
12 this chapter, is first obtained which authorizes that
13 manufacture, importation, or sale.

14 Sec. 3. NEW SECTION. WINE PERMITS--CLASSES.
15 Permits exclusively for the manufacture and sale,
16 or sale of wine shall be divided into three classes,
17 and shall be known as either class "A", class "B",
18 or class "C" wine permits.

19 A class "A" wine permit shall allow the holder
20 to manufacture and sell or sell at wholesale in this
21 state, wine as defined in this Act. The holder of
22 a class "A" wine permit may manufacture in this state
23 wine having an alcoholic content greater than seventeen
24 percent by weight, for shipment outside this state
25 only. A class "B" wine permit shall allow the holder
26 to sell wine at retail for consumption off the
27 premises. The holder of a class "B" wine permit shall
28 be a wine store as defined in this Act. A class "C"
29 wine permit shall allow the holder to sell wine at
30 retail for consumption off the premises and may be
31 issued only to a grocery store.

32 Sec. 4. ISSUANCE OF PERMITS. The director shall
33 issue class "A", "B" and "C" wine permits as provided
34 in this chapter, and may suspend or revoke a wine
35 permit for cause as provided in this chapter.

36 Sec. 5. NEW SECTION. PROHIBITED INTEREST. It
37 shall be unlawful for a person to be a holder of or
38 either directly or indirectly interested in more than
39 one class of wine permit, except that this prohibition
40 shall not apply to a wholesale supplier who is an
41 owner of one or more retail grocery stores.

42 Sec. 6. NEW SECTION. CLASS "A" APPLICATION.
43 Except as otherwise provided in this chapter, a class
44 "A" wine permit shall be issued to any person who
45 complies with all of the following:

46 1. Submits a written application for a permit,
47 which application shall state under oath:

48 a. The name and place of residence of the applicant
49 and the length of time the applicant has lived at
50 such place of residence.

H-6098
Page Two

- 1 b. That the applicant is a citizen of the state
- 2 of Iowa.
- 3 c. The place of birth of the applicant, and if
- 4 the applicant is a naturalized citizen, the time and
- 5 place of naturalization.
- 6 d. The location of the place or building where
- 7 the applicant intends to operate.
- 8 e. The name of the owner of the building and if
- 9 that owner is not the applicant, that the applicant
- 10 is the actual lessee of the premises.
- 11 2. Establishes all of the following facts:
- 12 a. That the applicant meets the test of good moral
- 13 character as provided in subsection eleven (11) of
- 14 section one hundred twenty-three point three (123.3)
- 15 of the Code.
- 16 b. That the place or building where the applicant
- 17 intends to operate conforms to all laws, health and
- 18 fire regulations, applicable thereto, and is a safe
- 19 and proper place or building.
- 20 3. Submits a bond in the sum of five thousand
- 21 dollars, and in the form prescribed and furnished
- 22 by the department with good and sufficient sureties
- 23 to be approved by the department, which bond is
- 24 conditioned upon compliance with the provisions of
- 25 this chapter.
- 26 Sec. 7. NEW SECTION. CLASS "B" APPLICATION.
- 27 Except as otherwise provided in this chapter, a class
- 28 "B" wine permit shall be issued to any person who
- 29 complies with all of the following:
- 30 1. Submits a written application for a permit
- 31 which application shall state under oath all of the
- 32 following information:
- 33 a. The name and place of residence of the
- 34 applicant, and the length of time the applicant has
- 35 lived at such place of residence.
- 36 b. That the applicant is a citizen of the state
- 37 of Iowa.
- 38 c. The place of birth of the applicant, and if
- 39 the applicant is a naturalized citizen, the time and
- 40 place of naturalization.
- 41 d. The location of the place or building where
- 42 the applicant intends to operate.
- 43 e. The name of the owner of the building and if
- 44 that owner is not the applicant, that the applicant
- 45 is the actual lessee of the premises.
- 46 2. Establishes all of the following facts:
- 47 a. That the applicant is a person of good moral
- 48 character as provided in subsection eleven (11) of
- 49 section one hundred twenty-three point three (123.3)
- 50 of the Code.

H-6098
Page Three

1 b. That the place or building where the applicant
2 intends to operate conforms to all laws, health and
3 fire regulations applicable thereto, and is a safe
4 and proper place or building.

5 3. Submits a bond in the sum of one thousand
6 dollars in the form prescribed and furnished by the
7 department with good and sufficient sureties to be
8 approved by the department, which bond is conditioned
9 upon compliance with the provisions of this chapter.
10 The bond shall be further conditioned as a part of
11 the permit granted, to the effect that the permittee
12 and each surety shall consent to forfeiture of the
13 principal sum of the bond in event of suspension or
14 revocation pursuant to this chapter of the permit.

15 4. Declares that the principal business of the
16 establishment for which the applicant is making
17 application for a class "B" wine permit consists of
18 the sale of wine for consumption off the premises.

19 Sec. 8. NEW SECTION. CLASS "C" APPLICATION.
20 Except as otherwise provided in this chapter, a class
21 "C" wine permit shall be issued to any person who:

22 1. Submits a written application for a permit,
23 which application shall state under oath all of the
24 following:

25 a. The name and place of residence of the applicant
26 and the length of time the applicant has lived at
27 such place of residence.

28 b. That the applicant is a citizen of the state
29 of Iowa.

30 c. The place of birth of the applicant and if
31 the applicant is a naturalized citizen, the time and
32 place of naturalization.

33 d. The location of the place or building where
34 the applicant intends to operate.

35 e. The name of the owner of the building and if
36 that owner is not the applicant that the applicant
37 is the actual lessee of the premises.

38 2. Establishes that the applicant is a person
39 of good moral character as provided in subsection
40 eleven (11) of section one hundred twenty-three point
41 three (123.3) of the Code.

42 3. Submits a bond in the sum of five hundred
43 dollars to the department in the form prescribed and
44 furnished by the department, with good and sufficient
45 sureties to be approved by the department, which bond
46 is conditioned upon compliance with the provisions
47 of this chapter.

48 4. Declares that the retail establishment for
49 which application is made is a grocery store whose
50 principal business consists of the sale of food or

H-6098
Page Four

1 food products for consumption off the premises.

2 Sec. 9. NEW SECTION. AUTHORITY UNDER CLASS "A"
3 WINE PERMIT.

4 1. A person holding a class "A" wine permit may
5 manufacture and sell, or sell at wholesale, wine for
6 consumption off the premises. Sales within the state
7 may be made only to persons holding class "A", class
8 "B", or class "C" wine permits, and to the department,
9 and to persons holding a class "A", "B", "C", or "D"
10 liquor control license. A class "A" wine permittee
11 having more than one place of business shall be
12 required to obtain a separate wine permit for each
13 place of business where wine is to be stored,
14 warehoused, or sold.

15 2. A class "A" wine permit holder may purchase
16 and resell only those brands of wine which are
17 manufactured, fermented, bottled, shipped or imported
18 by a person holding a certificate of compliance issued
19 pursuant to section fourteen (14) of this Act.

20 Sec. 10. NEW SECTION. AUTHORITY UNDER CLASS "B"
21 WINE PERMIT.

22 1. A person holding a class "B" wine permit may
23 sell wine at retail for consumption off the premises.
24 Wine shall be sold in original containers only.

25 2. A class "B" wine permittee having more than
26 one place of business where wine is sold shall be
27 required to obtain a separate wine permit for each
28 place of business.

29 Sec. 11. NEW SECTION. AUTHORITY UNDER CLASS "C"
30 WINE PERMIT.

31 1. A person holding a class "C" wine permit may
32 sell wine for consumption off the premises only.
33 Wine shall be sold in original containers only.

34 2. A class "C" wine permittee having more than
35 one place of business where wine is sold shall be
36 required to obtain a separate wine permit for each
37 place of business.

38 Sec. 12. NEW SECTION. NATIVE WINES. Subject
39 to rules of the department, a person who manufactures
40 native wines either from fruits or other agricultural
41 products and who holds a class "A" wine permit may
42 sell, keep, or offer for sale and deliver those wines.
43 Sales may be made at retail for off the premises
44 consumption when sold on the premises of the
45 manufacturer.

46 A manufacturer of native wines shall not sell those
47 wines otherwise than as permitted in this chapter
48 or allow any wine sold to be consumed upon the premises
49 of the manufacturer. Any person may manufacture
50 native wine for consumption on his or her own premises

H-6098
Page Five

1 when none of the wine is manufactured for sale.

2 Sec. 13. NEW SECTION. WINE PERMIT FEES.

3 1. The annual permit fee for a class "A" wine
4 permit shall be seven hundred fifty dollars.

5 2. The annual permit fee for a class "B" wine
6 permit shall be five hundred dollars.

7 3. The annual permit fee for a class "C" wine
8 permit shall be on a graduated scale based on the
9 amount of interior floor space which comprises the
10 retail sales area of the premises covered by the
11 permit as follows:

12 a. Up to one thousand square feet, the sum of
13 fifty dollars.

14 b. Over one thousand square feet and up to two
15 thousand square feet, the sum of seventy-five dollars.

16 c. Over two thousand square feet and up to five
17 thousand square feet, the sum of one hundred dollars.

18 d. Over five thousand square feet and up to ten
19 thousand square feet, the sum of one hundred fifty
20 dollars.

21 e. Over ten thousand square feet, the sum of two
22 hundred dollars.

23 Sec. 14. NEW SECTION. IMPORTERS CERTIFICATE OF
24 COMPLIANCE--PROHIBITED ACTS.

25 1. A manufacturer, bottler, or vendor of wine
26 or any agent desiring to cause the importation of
27 wine into this state for resale by a class "A" wine
28 permittee shall first make application for and be
29 issued by the director a certificate of compliance.

30 A certificate of compliance shall expire at the
31 end of one year from the date of issuance and shall
32 be renewed for a like period upon application to the
33 director unless otherwise revoked for cause.

34 Each application for a certificate of compliance
35 or a renewal shall be accompanied by a fee of five
36 hundred dollars payable to the department. Each
37 applicant and holder of a certificate of compliance
38 shall furnish to the department any information the
39 director may require.

40 A person who otherwise holds a class "A" wine
41 permit to sell wine at wholesale in this state shall
42 be exempt from the fee, but not from the terms and
43 conditions provided in this section.

44 2. Any person who within this state is an agent
45 or employee of the holder of a certificate of
46 compliance shall register his or her name and address
47 with the department: However, registration shall
48 not be required of those persons who either are
49 employed on the premises of a bottling plant or winery
50 where wine is manufactured, fermented or bottled in

H-6098
Page Six

1 this state, or who thereafter are engaged in the
2 transportation of that wine.

3 3. It shall be unlawful for any holder of a
4 certificate of compliance or an agent, or any class
5 "A" wine permit holder or an agent, to grant to any
6 retail wine permit holder either directly or
7 indirectly, any rebates, free goods, special deals,
8 allowances, or discounts on wine, or directly or
9 indirectly to extend credit for more than thirty days
10 from delivery date.

11 4. It shall be unlawful for any holder of a
12 certificate of compliance or an agent to discriminate
13 in price, allowance, rebate, refund, commission,
14 discount, or service between class "A" wine permittees
15 authorized to sell wine at wholesale, or directly
16 or indirectly extend credit for more than thirty days
17 from delivery date. The term "discriminate" shall
18 mean the granting of more favorable prices, allowances,
19 rebates, refunds, commissions, discounts, or services
20 to one permit holder than to another.

21 5. Notwithstanding any other penalties provided
22 by this chapter, any holder of a certificate of
23 compliance or any class "A", class "B", or class "C"
24 wine permittee who violates any of the provisions
25 of this section shall be subject to a fine not to
26 exceed one thousand dollars or be subject to suspension
27 of the certificate of compliance or permit for a
28 period not to exceed sixty days or be subject to both
29 the fine and suspension.

30 Sec. 15. NEW SECTION. GALLONAGE TAX.

31 1. In addition to the annual permit fee to be
32 paid by each class "A" wine permittee, there shall
33 be levied and collected from each class "A" wine
34 permittee on all wine manufactured for sale and sold
35 in this state at wholesale and on all wine imported
36 into this state for sale at wholesale and sold in
37 this state at wholesale, a tax of fifty cents for
38 every wine gallon, and the like rate for any other
39 quantity or for the fractional parts of a wine gallon.
40 A tax shall not be levied or collected on wine shipped
41 outside this state by a class "A" permittee, on wine
42 sold by one class "A" permittee to another class "A"
43 permittee, or on wine sold to the department. All
44 revenue derived from the wine tax shall be deposited
45 in the liquor control fund established by section
46 one hundred twenty-three point fifty-three (123.53)
47 of the Code and shall be distributed as follows:

48 a. Two-thirds of the revenue derived from the
49 wine tax shall be distributed in accordance with
50 subsections three (3), four (4), five (5) and six

H-6098
Page Seven

1 (6) of section one hundred twenty-three point fifty-
2 three (123.53) of the Code; however, the total amount
3 so distributed shall not exceed an amount equal to
4 the funds distributed pursuant to those subsections
5 during the fiscal year ending June 30, 1980, as
6 adjusted by the percent change in the gross sales
7 of wine in the state liquor stores in each year
8 thereafter.

9 b. One-third of the revenue derived from the wine
10 tax shall be distributed in accordance with subsection
11 seven (7) of section one hundred twenty-three point
12 fifty-three (123.53) of the Code; however, the total
13 amount so distributed shall not exceed an amount equal
14 to the funds distributed pursuant to such subsection
15 during the fiscal year ending June 30, 1980, as
16 adjusted by the percent change in the gross sales
17 of wine of the state liquor stores in each year
18 thereafter.

19 c. The revenue derived from the wine tax, remaining
20 in the fund after the distributions required by
21 paragraphs a and b of this subsection shall be
22 transferred by the state comptroller to the general
23 fund of the state.

24 Sec. 16. NEW SECTION. REPORT OF GALLONAGE SALES-
25 -PENALTY. Each class "A" wine permit holder on or
26 before the tenth day of each calendar month commencing
27 on the tenth day of the calendar month following the
28 month in which the person is issued a permit, shall
29 make a report under oath to the department upon forms
30 to be furnished by the department showing the exact
31 number of gallons of wine and fractional parts thereof,
32 sold by that permit holder during the preceding
33 calendar month. The report also shall state whatever
34 additional information the director may require.
35 Each permit holder at the time of filing this report,
36 shall pay to the department the amount of tax due
37 at the rate fixed in section fifteen (15) of this
38 Act. A penalty of ten percent of the amount of the
39 tax shall be assessed and collected if the report
40 is not filed and the tax paid within the time required
41 by this section.

42 Sec. 17. NEW SECTION. RECORDS REQUIRED. Each
43 class "A" wine permittee shall keep books of account
44 and records showing each sale of wine, which shall
45 be at all times open to inspection by the director
46 and agents of the department. Each class "B" and
47 class "C" wine permittee shall keep proper books of
48 account and records showing each purchase of wine,
49 and the date and the amount of each purchase and the
50 name of the person from whom each purchase was made,

H-6098
Page Eight

1 which shall be open to inspection by the director
2 and agents of the department during normal business
3 hours of the permittee.

4 Sec. 18. NEW SECTION. PURCHASE FROM A NONPERMIT
5 HOLDER. It shall be unlawful for the holder of any
6 class "B" or class "C" wine permit to sell wine,
7 except wine which is purchased from a person holding
8 a class "A" wine permit and on which the tax imposed
9 by section fifteen (15) of this Act has been paid
10 or wine purchased from the department.

11 Sec. 19. NEW SECTION. DISTRIBUTION OF FUNDS.
12 All permit fees and taxes collected by the department
13 pursuant to this division shall accrue to the general
14 fund of the state, except as otherwise provided.

15 Sec. 20. NEW SECTION. LABELS--CONCLUSIVE EVIDENCE.
16 The label on any bottle or other container in which
17 wine is offered for sale in this state, which label
18 represents the alcoholic content of that wine as being
19 in excess of seventeen per cent by weight, shall be
20 conclusive evidence of the alcoholic content of that
21 wine.

22 Sec. 21. Section one hundred twenty-three point
23 two (123.2), Code 1979, is amended to read as follows:

24 123.2 GENERAL PROHIBITION. It shall be unlawful
25 to manufacture for sale, sell, offer or keep for sale,
26 possess, or transport an alcoholic liquor-or-beer
27 beverage except upon the terms, conditions,
28 limitations, and restrictions enumerated in this
29 chapter.

30 Sec. 22. Section one hundred twenty-three point
31 three (123.3), subsection seven (7), Code 1979, is
32 amended to read as follows:

33 7. "Wine" means any beverage containing alcohol
34 by weight obtained by the fermentation of the natural
35 sugar contents of fruits or other agricultural products
36 and containing more than five percent but not more
37 than seventeen percent alcohol by weight.

38 Sec. 23. Section one hundred twenty-three point
39 three (123.3), subsection eight (8), Code 1979, is
40 amended to read as follows:

41 8. "~~Alcoholic liquor~~"--"~~alcoholic beverage~~" or
42 "~~intoxicating liquor~~" means and includes the three
43 varieties of ~~liquor~~ defined in subsections 5, 6, and
44 7, ~~except and~~ beer as defined in subsection 9 but
45 ~~including all beverages made as described in such~~
46 ~~subsection which contain more than four percent of~~
47 ~~alcohol by weight~~, and every other liquid or solid,
48 patented or not, containing ~~alcohol~~ spirits, or wine,
49 and susceptible of being consumed by a human being,
50 for beverage purposes. "Alcoholic liquor" or

H-6098
Page Nine

1 "intoxicating liquor" means and includes every
2 alcoholic beverage, except beer containing five percent
3 or less of alcohol by weight, and except wine
4 containing seventeen percent or less of alcohol by
5 weight.

6 Sec. 24. Section one hundred twenty-three point
7 three (123.3), subsection ten (10), Code 1979, is
8 amended to read as follows:

9 10. "Person" means any individual, association,
10 partnership, corporation, club, hotel or motel, or
11 municipal corporation owning or operating a bona fide
12 airport, marina, park, coliseum, auditorium, or
13 recreational facility in or at which the sale of
14 alcoholic ~~liquor~~-~~or-beer~~ beverages is only an
15 incidental part of such ownership or operation.

16 Sec. 25. Section one hundred twenty-three point
17 three (123.3), subsection eleven (11), paragraph c,
18 Code 1979, is amended to read as follows:

19 c. He or she is not prohibited by the provisions
20 of section 123.40 from obtaining a ~~liquor~~-~~control~~
21 license or beer permit.

22 Sec. 26. Section one hundred twenty-three point
23 three (123.3), subsection thirteen (13), Code 1979,
24 is amended to read as follows:

25 13. "Permit" or "license" means an express written
26 authorization issued by the department for the
27 manufacture or sale, or both, of alcoholic liquor,
28 wine, or beer.

29 Sec. 27. Section one hundred twenty-three point
30 three (123.3), subsection sixteen (16), Code 1979,
31 is amended by striking the subsection and inserting
32 in lieu thereof the following:

33 16. "Container" means and includes every vessel
34 or receptacle used for holding alcoholic liquor or
35 wine or beer.

36 Sec. 28. Section one hundred twenty-three point
37 three (123.3), subsections nineteen (19) and twenty
38 (20), Code 1979, are amended to read as follows:

39 19. "Importer" means the a person transporting
40 or ordering, authorizing, or arranging the
41 transportation of alcoholic ~~liquor~~-~~or-beer~~ beverages
42 into this state whether such or not the person is
43 a resident of this state ~~or not.~~

44 20. "Import" means the transporting or ordering
45 or arranging the transportation of alcoholic ~~liquor~~
46 ~~or-beer~~ beverages into this state ~~whether-by-a-resident~~
47 ~~of-this-state-or-not.~~

48 Sec. 29. Section one hundred twenty-three point
49 three (123.3), subsections twenty-five (25), twenty-
50 six (26), and twenty-seven (27), Code 1979, are amended

H-6098
Page Ten

1 to read as follows:

2 25. The prohibited "sale" of an alcoholic liquor
3 or-beer beverage under this chapter means and includes
4 soliciting for sales, taking orders for sales, or
5 keeping or exposing for sale, delivery or other
6 trafficking for a valuable consideration promised
7 or obtained, and procuring or allowing procurement
8 for any other person.

9 26. "Wholesaler" means any person, other than
10 a brewer manufacturer or bottler of beer or wine,
11 who shall sell, barter, exchange, offer for sale,
12 or have in possession with intent to sell, deal or
13 traffic in alcoholic liquor-or-beer beverages. No
14 wholesaler shall be permitted to sell for consumption
15 upon the premises.

16 27. "Retailer" means any person licensee or
17 permittee who shall sell, barter, exchange, offer
18 for sale, or have in possession with intent to sell
19 any alcoholic liquor for consumption on the premises
20 where sold, or beer for consumption either on or off
21 the premises where sold, or wine for consumption off
22 the premises where sold.

23 Sec. 30. Section one-hundred twenty-three point
24 three (123.3), subsection thirty-one (31), Code 1979,
25 is amended to read as follows:

26 31. "Licensed premises" or "premises" means all
27 rooms, enclosures, contiguous areas, or places
28 susceptible of precise description satisfactory to
29 the director where alcoholic beverages or-beer is
30 sold or consumed under authority of a liquor-centrel
31 license or beer permit. A single licensed premises
32 may consist of multiple rooms, enclosures, areas or
33 places if they are wholly within the confines of a
34 single building or contiguous grounds.

35 Sec. 31. Section one hundred twenty-three point
36 three (123.3), Code 1979, is amended by adding the
37 following new subsections:

38 NEW SUBSECTION. "Retail wine permit" means a class
39 "B" or a class "C" wine permit issued under the
40 provisions of this chapter.

41 NEW SUBSECTION. "Wine store" means and includes
42 any retail establishment, the principal business of
43 which is the sale of wine under the authority of a
44 class "B" wine permit.

45 Sec. 32. Section one hundred twenty-three point
46 four (123.4), Code 1979, is amended to read as follows:

47 123.4 DEPARTMENT CREATED--PLACE OF BUSINESS.
48 There is hereby created an Iowa beer and liquor control
49 department to administer and enforce the laws of this
50 state concerning beer-and alcoholic liquor beverages.

H-6098
Page Eleven

1 The principal place of business of the department
2 shall be provided the department by the authority
3 designated by law to provide such quarters or offices
4 to state departments or agencies.

5 Sec. 33. Section one hundred twenty-three point
6 fourteen (123.14), subsections one (1) and three (3),
7 Code 1979, are amended to read as follows:

8 .1. The division of beer and liquor law enforcement
9 of the department of public safety, created pursuant
10 to section 80.25, shall be the primary ~~beer-and-liquor~~
11 ~~law-enforcement~~ authority for of this state for the
12 enforcement of laws relating to alcoholic beverages.

13 3. The division of beer and liquor law enforcement
14 shall be allowed full access to all records, reports,
15 audits, tax reports and all other documents and papers
16 in the department pertaining to ~~liquor~~ licensees and
17 ~~beer~~ permittees and their business businesses.

18 Sec. 34. Section one hundred twenty-three point
19 fifteen (123.15), Code 1979, is amended to read as
20 follows:

21 123.15 HEARING BOARD ESTABLISHED. There is hereby
22 created a three-member hearing board for the purpose
23 of conducting departmental hearings relating to
24 controversies concerning the issuance, suspension,
25 or revocation of ~~special-liquor-permits, -liquor-control~~
26 ~~licenses, and beer permits~~ authorized under this
27 chapter. One member shall be appointed by the council
28 from its membership, which member may be periodically
29 replaced by appointment of another council member;
30 one member shall be the attorney general or his or
31 the attorney general's designee; and one member shall
32 be the commissioner of public safety or his the
33 commissioner's designee. The hearing board shall
34 establish and adopt rules and procedures for conducting
35 departmental hearings under this chapter.

36 Sec. 35. Section one hundred twenty-three point
37 sixteen (123.16), subsection two (2), paragraphs b
38 and c, Code 1979, are amended to read as follows:

39 b. The granting or refusing of ~~liquor~~ licenses
40 and permits, ~~and-beer-permits,~~ and the suspension
41 or revocation of ~~such~~ licenses and permits.

42 c. The establishment of ~~retail~~ prices of alcoholic
43 liquor and wine sold at state liquor stores.

44 Sec. 36. Section one hundred twenty-three point
45 eighteen (123.18), Code 1979, is amended to read as
46 follows:

47 123.18 FAVORS FROM LICENSEE OR PERMITTEE. No
48 A person responsible for the administration or
49 enforcement of this chapter shall not accept or solicit
50 donations, gratuities, political advertising, gifts,

H-6098
Page Twelve

1 or other favors, directly or indirectly, from any
2 ~~liquor-control~~ licensee or beer permittee. A violation
3 of this section shall subject the violator to the
4 general penalties provided by this chapter.

5 Sec. 37. Section one hundred twenty-three point
6 nineteen (123.19), Code 1979, is amended by adding
7 the following new subsection:

8 NEW SUBSECTION. A manufacturer, bottler, vendor
9 or importer, whether or not holding a certificate
10 issued pursuant to this section, shall not cause the
11 importing of wine into this state for sale directly
12 to a licensee or permittee as permitted by this Act,
13 unless the person has been issued a certificate
14 pursuant to section fourteen (14) of this Act.

15 Sec. 38. Section one hundred twenty-three point
16 twenty (123.20), subsections one (1), six (6), seven
17 (7) and eight (8), Code 1979, are amended to read
18 as follows:

19 1. To purchase alcoholic liquors and wines for
20 resale by the department in the manner set forth in
21 this chapter.

22 6. To grant and issue beer permits, ~~special~~
23 ~~permits, liquor-control licenses,~~ and other licenses,
24 and to suspend or revoke all ~~such~~ permits and licenses
25 for cause under this chapter.

26 7. To license, inspect, and control the manufacture
27 of ~~beer and alcoholic liquors~~ beverages and regulate
28 the entire ~~beer and liquor~~ alcoholic beverage industry
29 in the state.

30 8. To accept ~~intoxicating liquors~~ alcoholic
31 beverages ordered delivered to the ~~Iowa beer and~~
32 ~~liquor-control~~ department pursuant to section 751.31,
33 subsections 1 and 2, and offer such ~~intoxicating~~
34 ~~liquors~~ for sale through the state liquor stores,
35 ~~unless the director determines that such intoxicating~~
36 ~~liquors may be adulterated or contaminated.~~ If,
37 however, the director determines that such intoxicating
38 liquors may be adulterated or contaminated he or she
39 shall order their destruction.

40 Sec. 39. Section one hundred twenty-three point
41 twenty-one (123.21), subsections six (6), seven (7),
42 eight (8), nine (9), and ten (10), Code 1979, are
43 amended to read as follows:

44 6. Providing for the issuing and distributing
45 of price lists showing the price to be paid by
46 purchasers for each brand, class, or variety of ~~liquor~~
47 alcoholic beverage kept for sale by the department
48 under this chapter. Provide for the filing or posting
49 of prices between class "A" beer permit holders and
50 ~~retailers as provided in this chapter~~ and between

H-6098
Page Thirteen

1 class "A" wine permit holders and retailers, and
2 establish or control such prices as may be based on
3 minimum standards of fill, quantity, or alcoholic
4 content for each individual sale of intoxicating
5 liquor or beer as deemed necessary for retail or
6 consumer protection.

7 7. Prescribing the official seals, labels, or
8 other markings which shall be attached to or stamped
9 on packages of alcoholic ~~liquor~~ beverages except beer
10 sold under this chapter.

11 8. Prescribing, subject to this chapter, the days
12 and hours during which state liquor stores shall be
13 kept open for the purpose of the sale of alcoholic
14 ~~liquors~~ beverages except beer.

15 9. Prescribing the place and the manner in which
16 alcoholic ~~liquor~~ beverages except beer may be lawfully
17 kept or stored by the licensed manufacturer under
18 this chapter.

19 10. Prescribing the time, manner, means, and
20 method by which distillers, vintners, vendors, or
21 others authorized under this chapter may deliver or
22 transport alcoholic ~~liquors~~ beverages except beer
23 and prescribing the time, manner, means, and methods
24 by which alcoholic ~~liquor~~ beverages except beer may
25 be lawfully conveyed, carried, or transported.

26 Sec. 40. Section one hundred twenty-three point
27 twenty-two (123.22), Code 1979, is amended to read
28 as follows:

29 123.22 STATE MONOPOLY. The department shall have
30 the sole and exclusive right of importation, into
31 the state, of all forms of alcoholic liquor and wine,
32 except as otherwise provided in this chapter, and
33 no person shall so import any such alcoholic liquor
34 or wine, except that an individual of legal age may
35 import and have in his or her possession an amount
36 of alcoholic liquor and wine not exceeding a total
37 amount of one quart or, in the case of alcoholic
38 liquor and wine personally obtained outside the United
39 States, one gallon for personal consumption only in
40 a private home or other private accommodation. No
41 distillery, winery or brewery shall sell any alcoholic
42 ~~liquor~~ beverage within the state to any person but
43 only to the department, except as otherwise provided
44 in this chapter. It is the intent of this section
45 to vest in the department exclusive control within
46 the state both as purchaser and vendor of all alcoholic
47 liquor and wine sold by ~~distilleries~~ within the state
48 or imported therein, ~~except beer,~~ and except as
49 otherwise provided in this chapter.

50 No person, by himself either personally or through

H-6098

Page Fourteen

1 another acting for him or her shall directly or
2 indirectly, or upon any pretense, or by any device,
3 manufacture, sell, exchange, barter, dispense, give
4 in consideration of the purchase of any property or
5 of any services or in evasion of this chapter, or
6 keep for sale, or have possession of any intoxicating
7 liquor or wine, except as provided in this chapter;
8 or own, keep, or be in any way concerned, engaged,
9 or employed in owning or keeping, any intoxicating
10 liquor or wine with intent to violate any provision
11 of this chapter, or authorize or permit the same to
12 be done; or manufacture, own, sell, or have possession
13 of any manufactured or compounded article, mixture
14 or substance, not in a liquid form, and containing
15 alcohol which may be converted into a beverage by
16 a process of pressing or straining the alcohol
17 therefrom, or any instrument intended for use and
18 capable of being used in the manufacture of
19 intoxicating liquor or wine; or own or have possession
20 of any material used exclusively in the manufacture
21 of intoxicating liquor or wine; or use or have
22 possession of any material with intent to use it in
23 the manufacture of intoxicating liquors; ~~however~~ or
24 wine. However, alcohol may be manufactured for
25 industrial and non-beverage purposes by persons who
26 have qualified for that purpose as provided by the
27 laws of the United States and the laws of this state.
28 Such alcohol, so manufactured, may be denatured,
29 transported, used, possessed, sold, and bartered and
30 dispensed, subject to the limitations, prohibitions
31 and restrictions imposed by the laws of the United
32 States and this state. Any person may manufacture,
33 sell, or transport ingredients and devices other than
34 alcohol for the making of home-made wine.

35 Sec. 41. Section one hundred twenty-three point
36 twenty-three (123.23), Code 1979, is amended to read
37 as follows:

38 123.23 STATE LIQUOR STORES. The department shall
39 establish and maintain in any city which the director
40 may deem advisable, a state liquor store or stores
41 for the storage and sale of alcoholic liquor and wine
42 in accordance with the provisions of this chapter.
43 The department may, from time to time, as determined
44 by the director, fix the prices of the different
45 classes, varieties, or brands of alcoholic liquor
46 and wine to be sold.

47 Sec. 42. Section one hundred twenty-three point
48 twenty-four (123.24), unnumbered paragraph one (1),
49 Code 1979, is amended to read as follows:

50 1. In the conduct and management of state liquor

H-6098
Page Fifteen

1 stores, the director is empowered to employ a person
2 who shall be known as a "vendor" who shall, subject
3 to the directions of the director, observe all
4 provisions of this chapter and the rules and
5 ~~regulations~~ policies of the department. No vendor
6 of any state liquor store shall sell ~~alcoholic-liquor~~
7 merchandise to any person except for cash or traveler's
8 check.

9 Sec. 43. Section one hundred twenty-three point
10 twenty-four (123.24), unnumbered paragraph two (2),
11 Code 1979, is amended by striking the paragraph and
12 inserting in lieu thereof the following:

13 2. a. Notwithstanding the preceding paragraph,
14 a vendor may accept from a class "A", "B", "C" or
15 "D" liquor control licensee, a cashier's check which
16 shows the licensee is the remitter or a check issued
17 by the licensee, in payment of merchandise purchased
18 for resale. In the event a check is subsequently
19 dishonored, the vendor shall cause a notice of
20 nonpayment and penalty to be served upon the licensee
21 or upon any person in charge of the licensed premises.
22 The notice shall state that if payment or satisfaction
23 for the dishonored check is not made within ten days
24 of the service of notice, the licensee's liquor control
25 license shall be suspended by the procedures of section
26 one hundred twenty-three point thirty-nine (123.39)
27 of the Code. The notice of nonpayment and penalty
28 shall be in a form prescribed by the director, and
29 shall be served by a peace officer.

30 b. If upon notice and hearing under the procedures
31 specified in section one hundred twenty-three point
32 thirty-nine (123.39) of the Code and pursuant to the
33 provisions of chapter seventeen A (17A) of the Code
34 concerning a contested case hearing, the director
35 determines that the licensee failed to satisfy the
36 obligation for which the check was issued within ten
37 days after the notice of nonpayment and penalty was
38 served on the licensee as provided in paragraph a
39 of this subsection, the director shall suspend the
40 licensee's liquor control license for not less than
41 three days but not more than thirty days.

42 Sec. 44. Section one hundred twenty-three point
43 twenty-five (123.25), Code 1979, is amended to read
44 as follows:

45 123.25 CONSUMPTION ON PREMISES. No vendor,
46 officer, clerk, agent, or employee of the department
47 employed in any state liquor store or state-owned
48 warehouse shall allow any alcoholic liquor or wine
49 to be consumed on such premises, nor shall any person
50 consume any alcoholic liquor or wine on such premises.

H-6098
Page Sixteen

1 Sec. 45. Section one hundred twenty-three point
2 twenty-six (123.26), Code 1979, is amended to read
3 as follows:
4 123.26 RESTRICTIONS ON SALES--SEALS--LABELING.
5 No alcoholic liquor or wine shall be sold by the
6 department to any purchaser except in a sealed
7 container with such identifying markers as shall be
8 prescribed by the director and affixed on the premises
9 of a state warehouse or store and no such container
10 shall be opened upon the premises of any state
11 warehouse or store. Possession of alcoholic liquors
12 or wines which do not carry the prescribed identifying
13 markers shall be a violation of this chapter except
14 as provided in section 123.22.

15 Sec. 46. Section one hundred twenty-three point
16 twenty-seven (123.27), unnumbered paragraph one (1),
17 Code 1979, is amended to read as follows:

18 It shall be unlawful to transact the sale or
19 delivery of any alcoholic liquor or wine in, on, or
20 from the premises of any state liquor store or
21 warehouse:

22 Sec. 47. Section one hundred twenty-three point
23 twenty-eight (123.28), Code 1979, is amended to read
24 as follows:

25 123.28 TRANSPORTATION PERMITTED. It shall be
26 lawful to transport, carry, or convey alcoholic liquors
27 or wines from the place of purchase by the department
28 to any state warehouse, store, or depot established
29 by the department or from one such place to another
30 and, when so permitted by this chapter, it shall be
31 lawful for any common carrier or other person to
32 transport, carry, or convey alcoholic liquor and wine
33 sold by a vendor from a state warehouse, store, depot
34 or point of purchase by the state to any place to
35 which such ~~liquor~~ may be lawfully delivered under
36 this chapter. ~~No~~ A common carrier or other person
37 shall not break or open or allow to be broken or
38 opened any container or package containing an alcoholic
39 liquor or wine or use or drink or allow to be used
40 or drunk any alcoholic liquor or wine while it is
41 being transported or conveyed. ~~But~~ However, this
42 section shall not prohibit a ~~private~~ person from
43 transporting individual bottles or containers of
44 alcoholic liquor or wine exempted pursuant to section
45 123.22 and individual bottles or containers bearing
46 the identifying mark prescribed in section 123.26
47 which have been opened previous to the commencement
48 of such transportation. Nothing in this section shall
49 affect the right of any special permit or liquor
50 ~~center~~ license holder to purchase, possess, or

H-6098
Page Seventeen

1 transport alcoholic liquors subject to the provisions
2 of this chapter.

3 Sec. 48. Section one hundred twenty-three point
4 twenty-nine (123.29), unnumbered paragraph one (1),
5 and subsection four (4), paragraph c, Code 1979, are
6 amended to read as follows:

7 A special permit for the purchase, possession,
8 or transportation of alcoholic liquors or wines for
9 the purposes specified in those permits may be issued
10 by the director upon application being made to the
11 department in the form and manner prescribed by the
12 director, accompanied by payment of the prescribed
13 fee, and upon the director being satisfied that the
14 applicant has complied with departmental rules
15 established for the issuance of such permit. ~~Such~~
16 These special permits may be issued to the following
17 persons and for the following purposes:

18 c. That neither the applicant, if he or she is
19 an individual, nor any members of the firm or officers
20 of the corporation, if the applicant is not an
21 individual, has been convicted of any violation of
22 the laws of this state with reference to the sale
23 of alcoholic ~~liquors-or-beer~~ beverages within the
24 three years preceding the date of the affidavit.

25 Sec. 49. Section one hundred twenty-three point
26 thirty (123.30), subsection three (3), Code 1979,
27 is amended to read as follows:

28 3. Liquor control licenses issued under this
29 chapter shall be of the following classes:

30 a. Class "A". A class "A" liquor control license
31 may be issued to a club and shall authorize the holder
32 to purchase alcoholic liquors from the department
33 only, to purchase wine from the department and from
34 class "A" wine permittees, and to purchase beer from
35 class "A" beer permittees, and to sell such liquors,
36 and-beer, to bona fide members and their guests by
37 the individual drink for consumption on the premises
38 only. However, beer and wine also may be sold in
39 their containers for consumption on the premises only.

40 b. Class "B". A class "B" liquor control license
41 may be issued to a hotel or motel and shall authorize
42 the holder to purchase alcoholic liquors from the
43 department only, to purchase wine from the department
44 and from class "A" wine permittees, and to purchase
45 beer from class "A" beer permittees, and to sell such
46 liquors--and-beer, to patrons by the individual drink
47 for consumption on the premises only--however,
48 However, beer and wine also may be sold in their
49 containers for consumption on the premises only, and
50 beer may also be sold for consumption off the premises.

H-6098
Page Eighteen

1 Each such license shall be effective throughout the
2 premises described in the application."

3 2. Page 1, by striking lines 1 through 11 and
4 inserting in lieu thereof the following:
5 "c. Class "C". A class "C" liquor control license
6 may be issued to a commercial establishment but must
7 be issued in the name of the individual or individuals
8 who actually own the entire business and shall
9 authorize the holder or holders to purchase alcoholic
10 liquors from the department only, and to purchase
11 wine from the department and from class "A" wine
12 permittees, and to purchase beer from class "A" beer
13 permittees, and to sell such liquors,--and-beer, to
14 patrons by the individual drink for consumption on
15 the premises only;--however, . However, beer and wine
16 also may be sold in their containers for consumption
17 on the premises only, and beer may also be sold for
18 consumption off the premises."

19 3. Page 1, by inserting after line 20 the follow-
20 ing:

21 "d. Class "D". A class "D" liquor control license
22 may be issued to a railway corporation, to an air
23 common carrier, and to passenger-carrying boats or
24 ships for hire with a capacity of twenty-five persons
25 or more operating in inland or boundary waters, and
26 shall authorize the holder to sell or furnish alcoholic
27 beverages ~~and-beer~~ to passengers for consumption only
28 on trains, watercraft as described herein, or aircraft,
29 respectively. Each such license shall be valid
30 throughout the state as a state license. Only one
31 such license shall be required for all trains,
32 watercraft, or aircraft operated in the state by the
33 licensee.

34 Sec. 50. Section one hundred twenty-three point
35 thirty-two (123.32), subsections one (1), two (2),
36 three (3) and four (4), Code 1979, are amended to
37 read as follows:

38 1. FILING OF APPLICATION. An application for
39 a class "A", class "B", or class "C" liquor control
40 license, and or for a retail beer permit as provided
41 in sections 123.128 and 123.129, or for a retail wine
42 permit as provided in sections seven (7) and eight
43 (8) of this Act, accompanied by the required fee and
44 bond, shall be filed with the appropriate city council
45 if the premises for which the license or permit is
46 sought are located within the corporate limits of
47 a city, or with the board of supervisors if the
48 premises for which the license or permit is sought
49 are located outside the corporate limits of a city.
50 An application for a class "D" liquor control license

H-6098
Page Nineteen

1 ~~and, or for a class "A" beer permit, or for a class~~
2 ~~"A" wine permit, accompanied by the required fee and~~
3 ~~bond, shall be filed with the department,--which shall~~
4 ~~proceed in the same manner as in the case of an~~
5 ~~application approved by local authorities.~~
6 2. ACTION BY LOCAL AUTHORITIES. The local
7 authority shall either approve or disapprove the
8 issuance of a liquor control license or retail beer
9 permit or retail wine permit, and shall endorse such
10 approval or disapproval on the application and forward
11 same along with the required fee and bond to the
12 department. Upon the initial issuance of a ~~liquor~~
13 ~~control~~ license or ~~retail-beer~~ permit, the fact that
14 the local authority determines that no ~~liquor-control~~
15 license or ~~retail-beer~~ permit shall be issued shall
16 not be held to be arbitrary, capricious, or without
17 reasonable cause. There shall be no limit upon the
18 number of ~~liquor-control~~ licenses or ~~retail-beer~~
19 permits which may be approved for issuance by local
20 authorities.
21 3. ACTION BY DIRECTOR. Upon receipt of an
22 application having been disapproved by the local
23 authority, the director shall disapprove the
24 application, so notify the applicant by registered
25 mail, and return the fee and bond to the applicant.
26 Upon receipt of an application having been approved
27 by the local authority, or upon receipt of an
28 application for a class "D" liquor control license,
29 or a class "A" beer permit, or a class "A" wine permit,
30 the director shall make such investigation as he or
31 she deems necessary and may require the applicant
32 to appear before him or her and be examined under
33 oath regarding any matters pertinent to the
34 application, in which case a record shall be made
35 of all testimony or evidence and the same shall become
36 a part of the application. If the application is
37 approved by the director, the license or permit applied
38 for shall be issued. If the application is disapproved
39 by the director, the applicant and in the case of
40 a retail license or permit the appropriate local
41 authority shall be so notified by restricted certified
42 mail, and the fee and bond returned to the applicant.
43 4. APPEAL TO HEARING BOARD. Any applicant for
44 a ~~liquor-control~~ license or ~~beer~~ permit may appeal
45 to the department hearing board, established pursuant
46 to section 123.15, from the director's disapproval
47 of an application for a license or permit. If, upon
48 such appeal the hearing board shall determine that
49 the a local authority acted arbitrarily, capriciously,
50 or without reasonable cause in disapproving the an

H-6098

Page Twenty

1 application, or that, where the local authority
2 approved the application, the director's own
3 disapproval should be reversed, it shall order issuance
4 of a license or permit. The same right of appeal
5 to the hearing board shall be afforded a ~~liquor-control~~
6 licensee or ~~beer~~ permittee whose license or permit
7 has been suspended or revoked under this chapter,
8 and the hearing board shall reduce the period of
9 suspension or order reinstatement of such license
10 or permit for good cause shown.

11 Sec. 51. Section one hundred twenty-three point
12 thirty-four (123.34), Code 1979, is amended to read
13 as follows:

14 123.34 EXPIRATION--SEASONAL LICENSE OR PERMIT.

15 All ~~liquor-control~~ licenses and ~~beer~~ permits, unless
16 sooner suspended or revoked, shall expire one year
17 from date of issuance. The director shall cause sixty
18 days' notice of such expiration to be given to each
19 licensee or permittee in writing. However, the
20 director may issue six-month or eight-month seasonal
21 licenses or class "B" beer permits or class "B" wine
22 permits for a proportionate part of the license or
23 permit fee. No A refund shall not be made for seasonal
24 licenses or permits. No A seasonal license or permit
25 shall not be renewed except after a period of two
26 months.

27 Sec. 52. Section one hundred twenty-three point
28 thirty-five (123.35), unnumbered paragraph one (1),
29 Code 1979, is amended to read as follows:

30 The director shall prescribe simplified application
31 forms for the renewal of ~~liquor-control~~ licenses and
32 beer permits issued under the provisions of this
33 chapter, which may be filed by licensees and permittees
34 in lieu of a detailed renewal application form when
35 qualifications and qualification information have
36 not changed since the original issuance of the license
37 or permit. ~~Each~~ This simplified form shall require
38 the licensee or permittee to verify under oath that
39 the information contained in the original application
40 remains current, and that no reason exists for the
41 department's refusal to renew the license or permit
42 as originally issued.

43 Sec. 53. Section one hundred twenty-three point
44 thirty-six (123.36), subsection two (2), Code 1979,
45 is amended to read as follows:

46 2. Class "A" liquor control licenses, the sum
47 of six hundred dollars, except that for class "A"
48 licenses in cities of less than two thousand
49 population, and for clubs of less than two hundred
50 fifty members, the license fee shall be four hundred

1 dollars; however, the fee shall be two hundred dollars
2 for any club which is a post, branch, or chapter of
3 a veterans organization chartered by the Congress
4 of the United States, if such club does not sell or
5 permit the consumption of alcoholic beverages ~~or-beer~~
6 on the premises more than one day in any week, and
7 if the application for a license states that such
8 club does not and will not sell or permit the
9 consumption of alcoholic beverages ~~or-beer~~ on the
10 premises more than one day in any week.

11 Sec. 54. Section one hundred twenty-three point
12 thirty-six (123.36), subsection six (6), Code 1979,
13 is amended to read as follows:

14 6. Any club, hotel, motel, or commercial
15 establishment holding a liquor control license for
16 whom the sale of goods and services other than
17 alcoholic ~~liquor-or-beer~~ beverages constitutes fifty
18 percent or more of the gross receipts from the licensed
19 premises, subject to the provisions of section 123.49,
20 subsection 2, paragraph "b", may sell and dispense
21 alcoholic ~~liquor~~ beverages except beer to patrons
22 on Sunday for consumption on the premises only, and
23 beer for consumption on or off the premises between
24 the hours of noon and ten p.m. on Sunday.

25 For the privilege of selling ~~beer-and~~ alcoholic
26 ~~liquor~~ beverages on the premises on Sunday the ~~liquor~~
27 ~~entire~~ license fee of the applicant shall be increased
28 by twenty percent of the regular fee prescribed for
29 the license pursuant to this section, and the privilege
30 shall be noted on the ~~liquor-entire~~ license. The
31 department shall prescribe the nature and the character
32 of the evidence which shall be required of the
33 applicant under this subsection."

34 3. Page 1, line 21, by striking the figure "2"
35 and inserting in lieu thereof the figure "55".

36 4. Page 2, by inserting after line 6 the follow-
37 ing:

38 "Sec. 56. Section one hundred twenty-three point
39 thirty-seven (123.37), Code 1979, is amended to read
40 as follows:

41 123.37 POWER TO LICENSE AND LEVY TAXES. The power
42 to establish licenses and permits and levy taxes as
43 imposed in title VI of the Code is vested exclusively
44 with the state. Unless specifically provided, no
45 a local authority shall not levy a local tax on the
46 sale of alcoholic beverages ~~or-beer~~, nor require the
47 obtaining of a ~~special~~ local license or permit for
48 such sale ~~on-any-establishment~~, or nor require the
49 obtaining of a license by any person as a condition
50 precedent to his or her employment in the sale,

H-6098
Page Twenty-Two

1 serving, or handling of alcoholic beverages ~~or~~ beer
2 within an establishment operating under a license
3 or permit.
4 Sec. 57. Section one hundred twenty-three point
5 thirty-eight (123.38), unnumbered paragraphs one (1)
6 and two (2), Code 1979, are amended to read as follows:
7 A special liquor permit, liquor control license,
8 ~~or~~ beer permit or wine permit shall be a purely
9 personal privilege and shall be revocable for cause.
10 It shall not constitute property nor be subject to
11 attachment and execution nor be alienable nor
12 assignable, and in any case it shall cease upon the
13 death of the permittee or licensee. However, the
14 director may in his or her discretion allow the
15 executor or administrator of a permittee or licensee
16 to operate the business of the decedent for a
17 reasonable time not to exceed the expiration date
18 of the permit or license. Every permit or license
19 shall be issued in the name of the applicant and no
20 person holding a permit or license shall allow any
21 other person to use same.
22 Any such licensee or permittee, or his or her
23 executor, administrator, or any person duly appointed
24 by the court to take charge of and administer the
25 property or assets of the licensee or permittee for
26 the benefit of his or her creditors, may voluntarily
27 surrender such license or permit to the department
28 and when so surrendered the department shall notify
29 the local authority, and the department and such local
30 authority, or the local authority by itself in the
31 case of a retail beer permit, shall refund to the
32 person so surrendering the license or permit a
33 proportionate amount of the fee paid for such license
34 or permit as follows: If surrendered during the first
35 three months of the period for which said license
36 or permit was issued the refund shall be three-fourths
37 of the amount of the fee; if surrendered more than
38 three months but not more than six months after
39 issuance the refund shall be one-half of the amount
40 of the fee; if surrendered more than six months but
41 not more than nine months after issuance the refund
42 shall be one-fourth of the amount of the fee. No
43 refund shall be made, however, for any special liquor
44 permit, nor for a liquor control license ~~or~~ beer
45 permit, or wine permit surrendered more than nine
46 months after issuance. No refund shall be made to
47 any licensee or permittee, upon the surrender of his
48 or her license or permit, if there is at the time
49 of said surrender a complaint filed with the department
50 or local authority, charging him or her with a

H-6098
Page Twenty-Three

1 violation of the provisions of this chapter. If upon
2 hearing on any such complaint the license or permit
3 is not revoked or suspended, then the licensee or
4 permittee shall be eligible, upon surrender of his
5 or her license or permit, to receive a refund as
6 herein provided. But if his or her license or permit
7 is revoked or suspended upon such hearing he or she
8 shall not be eligible for the refund of any portion
9 of ~~his~~ the license or permit fee.

10 Sec. 53. Section one hundred twenty-three point
11 thirty-nine (123.39), Code 1979, is amended to read
12 as follows:

13 123.39 SUSPENSION OR REVOCATION OF LIQUOR LICENSE
14 OR BEER PERMIT. Any ~~liquor-control~~ certificate license
15 or beer permit issued under this chapter may, after
16 notice in writing to the ~~licensee~~ licensee or permit
17 holder and reasonable opportunity for hearing, and
18 subject to section 123.50 where applicable, be
19 suspended for a period not to exceed one year or
20 revoked by the local authority having jurisdiction
21 or the director for any of the following causes:

22 1. Misrepresentation of any material fact in the
23 application for such license or permit.

24 2. Violation of any of the provisions of this
25 chapter.

26 3. Any change in the ownership or interest in
27 the business operated under a class "A", class "B",
28 or class "C" liquor control license, or any wine or
29 beer permit which change was not previously reported
30 to and approved by the local authority and the
31 department.

32 4. An event which would have resulted in
33 disqualification from receiving such license or permit
34 when originally issued.

35 5. Any sale, hypothecation, or transfer of such
36 license or permit.

37 6. The failure or refusal on the part of any
38 licensee or permittee to render any report or remit
39 any taxes to the department under this chapter when
40 due.

41 Local authorities shall have the power to suspend
42 any retail wine permit or retail beer permit or liquor
43 control license for a violation of any ordinance or
44 regulation adopted by ~~such~~ the local authority. Local
45 authorities are empowered to adopt ordinances or
46 regulations for the location of the premises of retail
47 beer, retail wine and liquor control licensed
48 establishments and are empowered to adopt ordinances,
49 not in conflict with the provisions of this chapter
50 and that do not diminish the hours during which beer

H-6098

Page Twenty-Four

1 ~~ex~~ alcoholic beverages may be sold or consumed at
2 retail, governing any other activities or matters
3 which may affect the retail sale and consumption of
4 ~~beer-and~~ alcoholic ~~liquor~~ beverages and the health,
5 welfare and morals of the community involved.

6 When a liquor license, wine permit or beer permit
7 is suspended after a hearing as a result of violations
8 of the provisions of this chapter by the licensee,
9 permittee or his or her agents or employees, the
10 premises which were licensed by such license or permit
11 shall not be relicensed for a new applicant until
12 the suspension has terminated or time of suspension
13 has elapsed, or ninety days have elapsed since the
14 commencement of the suspension, whichever occurs
15 first. However, nothing in this section shall prohibit
16 the premises from being relicensed to a new applicant
17 before the suspension has terminated or before the
18 time of suspension has elapsed or before ninety days
19 have elapsed from the commencement of the suspension,
20 if the premises prior to the time of the suspension
21 had been purchased under contract, and the vendor
22 under that contract exercised the person's rights
23 under chapter 656 and sold the property to a different
24 person who is not related to the previous licensee
25 or permittee by marriage or within the third degree
26 of consanguinity or affinity and if the previous
27 licensee or permittee does not have a financial
28 interest in the business of the new applicant.

29 Sec. 59. Section one hundred twenty-three point
30 forty (123.40), Code 1979, is amended to read as
31 follows:

32 123.40 EFFECT OF REVOCATION. Any ~~liquor-control~~
33 licensee or ~~beer~~ permittee whose license or permit
34 is revoked under this chapter shall not thereafter
35 be permitted to hold a ~~liquor-control~~ license or ~~beer~~
36 permit in the state of Iowa for a period of two years
37 from the date of ~~such~~ the revocation. The spouse
38 and business associates holding ten percent or more
39 of the capital stock or ownership interest in the
40 business of a person whose license or permit has been
41 revoked shall not be issued a ~~liquor-control~~ license
42 or ~~beer~~ permit, and ~~no-liquor-control~~ a license or
43 ~~beer~~ permit shall not be issued which covers any
44 business in which such person has a financial interest
45 for a period of two years from the date of ~~such~~ the
46 revocation. In the event a license or permit is
47 revoked the premises which had been covered by such
48 license or permit shall not be relicensed for one
49 year.

50 Sec. 60. Section one hundred twenty-three point

1 forty-four (123.44), Code 1979, is amended to read
2 as follows:
3 123.44 GIFT OF LIQUORS PROHIBITED. No A
4 manufacturer or wholesaler shall not give away any
5 alcoholic liquor of any kind or description at any
6 time in connection with his or her business except
7 for testing or sampling purposes only. No A
8 manufacturer, vintner, wholesaler, or importer, who
9 is organized as a corporation pursuant to the laws
10 of this state or any other state, and who deals in
11 alcoholic ~~liquor~~-~~or~~-~~beer~~ beverages subject to this
12 chapter shall not offer or give any thing of value
13 to any council member, official or employee of the
14 department or directly or indirectly contribute in
15 any manner any money or thing of value to any person
16 seeking a public or appointive office or any recognized
17 political party or a group of persons seeking to
18 become a recognized political party.

19 Sec. 61. Section one hundred twenty-three point
20 forty-five (123.45), Code 1979, is amended to read
21 as follows:

22 123.45 INTEREST IN LIQUOR BUSINESS.

23 1. No A council member or department employee
24 shall not, directly or indirectly, individually, or
25 as a member of a partnership or shareholder in a
26 corporation, have any interest in dealing in or in
27 the manufacture of alcoholic ~~liquor~~-~~or~~-~~beer~~ beverages
28 nor receive any kind of profit nor have any interest
29 in the purchase or sale of alcoholic ~~liquor~~-~~or~~-~~beer~~
30 beverages by persons so authorized under this chapter
31 ~~except that.~~ However, this provision shall not prevent
32 any such member or employee from lawfully purchasing
33 and keeping alcoholic ~~liquor~~-~~or~~-~~beer~~ beverages in
34 his or her possession for personal use.

35 2. No person engaged in the business of
36 manufacturing, bottling, or wholesaling alcoholic
37 beverages ~~or beer~~, nor any jobber or agent of such
38 person, shall directly or indirectly supply, furnish,
39 give, or pay for any furnishings, fixtures, or
40 equipment used in the storage, handling, serving,
41 or dispensing of alcoholic beverages ~~or beer~~, or food
42 within the place of business of a licensee or permittee
43 authorized under the provisions of this chapter, to
44 sell at retail; nor shall he or she directly or
45 indirectly extend any credit for alcoholic beverages
46 ~~or beer~~ or pay for any such license or permit, nor
47 directly or indirectly be interested in the ownership,
48 conduct, or operation of the business of another
49 licensee or permittee authorized under the provisions
50 of this chapter to sell at retail. Any licensee or

H-6098
Page Twenty-Six

1 permittee who shall permit or assent or be a party
2 in any way to any such violation or infringement of
3 the provisions of this ~~chapter shall be deemed guilty~~
4 of section commits a violation of the provisions of
5 this chapter.

6 3. Subsection two (2) of this section shall not
7 apply to the business organization of, or the business
8 arrangements and transactions between a wholesale
9 supplier which holds class "A" wine permit and grocery
10 stores which hold class "C" wine permits and which
11 are owned in whole or in part by the class "A"
12 permittee.

13 Sec. 62. Section one hundred twenty-three point
14 forty-six (123.46), Code 1979, is amended to read
15 as follows:

16 123.46 CONSUMPTION IN PUBLIC PLACES--INTOXICATION.
17 It is unlawful for any person to use or consume
18 alcoholic ~~liquors or beer~~ beverages upon the public
19 streets or highways, or alcoholic liquors in any
20 public place, except premises covered by a liquor
21 control license, or to possess or consume alcoholic
22 ~~liquors or beer~~ beverages on any public school property
23 or while attending any public or private school related
24 functions, and no person shall be intoxicated nor
25 simulate intoxication in a public place. As used
26 in this section "school" means a school or that portion
27 thereof, which provides teaching for any grade from
28 kindergarten through grade twelve. Any person
29 violating any provisions of this section shall be
30 guilty of a simple misdemeanor.

31 Sec. 63. Section one hundred twenty-three point
32 forty-seven (123.47), Code 1979, is amended to read
33 as follows:

34 123.47 PERSONS UNDER LEGAL AGE. No A person shall
35 not sell, give, or otherwise supply alcoholic ~~liquor~~
36 ~~or beer~~ beverages to any person knowing or having
37 reasonable cause to believe ~~him~~ the person to be under
38 legal age, and ~~no~~ a person or persons under legal
39 age shall not individually or jointly have alcoholic
40 ~~liquor or beer~~ beverages in his-~~or-their~~ possession
41 or control, except in the case of ~~liquor or beer~~
42 an alcoholic beverage given or dispensed to a person
43 under legal age within a private home and with the
44 knowledge and consent of the parent or guardian for
45 beverage or medicinal purposes or as administered
46 to him or her by either a physician or dentist for
47 medicinal purposes, and except to the extent that
48 a person under legal age may handle alcoholic beverages
49 ~~and beer~~ during the regular course of his or her
50 employment by a ~~liquor control~~ licensee or beer

1 ~~permittee under this chapter.~~

2 Sec. 64. Section one hundred twenty-three point
3 forty-eight (123.48), subsection one (1), Code 1979
4 Supplement, is amended to read as follows:

5 1. Upon attempt to purchase alcoholic liquor or
6 wine in any state liquor store by any person who
7 appears to the vendor to be under legal age, ~~such~~
8 the vendor shall demand and the prospective purchaser
9 upon such demand shall display satisfactory evidence
10 that ~~he~~ the prospective purchaser is of legal age.

11 Sec. 65. Section one hundred twenty-three point
12 forty-nine, (123.49), subsection one (1), Code 1979,
13 is amended to read as follows:

14 1. ~~No~~ A person shall not sell, dispense, or give
15 to any intoxicated person, or one simulating
16 intoxication, any alcoholic ~~liquor or beer~~ beverage.

17 Sec. 66. Section one hundred twenty-three point
18 forty-nine (123.49), subsection two (2), unnumbered
19 paragraph one (1), and paragraphs b, c, d, e, f, g,
20 and h, Code 1979, are amended to read as follows:

21 2. No person ~~or club~~ holding a liquor control
22 license, retail wine permit or retail beer permit
23 under this chapter, nor ~~his~~ agents or employees of
24 the person, shall do any of the following:

25 b. Sell or dispense any alcoholic beverage ~~or~~
26 beer on the premises covered by the license or permit,
27 or permit the consumption thereon between the hours
28 of two a.m. and six a.m. on any weekday, and between
29 the hours of two a.m. on Sunday and six a.m. on the
30 following Monday, however, a holder of a liquor control
31 license or retail beer permit granted the privilege
32 of selling alcoholic ~~liquor~~ beverages or beer on
33 Sunday may sell or dispense such liquor alcoholic
34 beverages or beer between the hours of noon and ten
35 p.m. on Sunday.

36 c. Sell alcoholic beverages ~~or beer~~ to any person
37 on credit, except with a bona fide credit card. This
38 provision shall not apply to sales by a club to its
39 members nor to sales by a hotel or motel to bona fide
40 registered guests.

41 d. Keep on any premises covered by a liquor control
42 license any alcoholic ~~liquor~~ beverage in any container
43 except other than the original package-purchased-from
44 the department container in which purchased, except
45 still-wines-placed-in-dispensing-or-serving-containers
46 for temporary storage wine and beer served on the
47 premises for immediate consumption, and except mixed
48 drinks or cocktails mixed on the premises for
49 immediate consumption. This prohibition shall not
50 apply to common carriers holding a class "D" liquor

H-6098

Page Twenty-Eight

1 control license.
2 e. Reuse for packaging alcoholic liquor or wine
3 any container or receptacle used originally for
4 packaging alcoholic liquor or wine; or adulterate,
5 by the addition of any substance, the contents or
6 remaining contents of an original package container
7 of an alcoholic liquor or wine; or knowingly possess
8 any original package container which has been so
9 reused or adulterated.
10 f. Any person under eighteen years of age shall
11 not be employed in the sale or serving of alcoholic
12 ~~liquor-beer~~ beverages for consumption on the
13 premises where sold.
14 g. Allow any person other than the licensee,
15 permittee, or employees of such licensee or permittee,
16 to use or keep on the licensed premises any alcoholic
17 liquor or wine in any bottle or other container which
18 is designed for the transporting of such beverages,
19 except as permitted in section 123.95. This paragraph
20 shall not apply to the lodging quarters of a class
21 "B" liquor control licensee or beer permittee, or
22 to common carriers holding a class "D" liquor control
23 license.
24 h. Sell, give, or otherwise supply any alcoholic
25 beverage ~~ex-beer~~ to any person knowing or having
26 reasonable cause to believe ~~him~~ the person to be under
27 legal age, or permit any person knowing or having
28 reasonable cause to believe ~~him~~ the person to be under
29 legal age, to consume any alcoholic beverage ~~ex-beer~~.
30 Sec. 67. Section one hundred twenty-three point
31 forty-nine (123.49), subsections three (3) and four
32 (4), Code 1979, are amended to read as follows:
33 3. ~~No~~ A person under legal age shall not
34 misrepresent his or her age for the purpose of
35 purchasing or attempting to purchase any alcoholic
36 beverage ~~ex-beer~~ from any licensee or permittee.
37 If any person under legal age shall misrepresent his
38 or her age, and the licensee or permittee establishes
39 that ~~he~~ the licensee or permittee made reasonable
40 inquiry to determine whether such prospective purchaser
41 was over legal age, such licensee or permittee shall
42 not be found guilty of selling alcoholic ~~liquor-ex~~
43 ~~beer~~ beverages to minors.
44 4. ~~No~~ The privilege of selling alcoholic ~~liquor~~
45 ~~or-beer~~ beverages on Sunday as provided in sections
46 123.35, subsection 6, and 123.134, subsection 5, shall
47 not be granted to a club or other organization which
48 places restrictions on admission or membership in
49 the club or organization on the basis of sex, race,
50 religion, or national origin. However, the privilege

H-6098
Page Twenty-Nine

1 may be granted to a club or organization which places
2 restrictions on membership on the basis of sex, if
3 the club or organization has an auxiliary organization
4 open to persons of the other sex.

5 Sec. 68. Section one hundred twenty-three point
6 fifty (123.50), subsection two (2), Code 1979, is
7 amended to read as follows:

8 2. The conviction of any ~~liquor-control~~ licensee
9 or ~~beer~~ permittee for of a violation of any of the
10 provisions of section 123.49 shall, subject to
11 subsection 3 of this section, be grounds for the
12 suspension or revocation of the license or permit
13 by the department or the local authority. However,
14 if any liquor control licensee is convicted of any
15 violation of subsection 2, paragraphs "a", "d" or
16 "e", of such section, or any wine permittee or beer
17 permittee is convicted of a violation of paragraph
18 "a", the ~~liquor-control~~ license or ~~beer~~ permit shall
19 be revoked and shall immediately be surrendered by
20 the holder, and the bond of the license or permit
21 holder shall be forfeited to the department.

22 Sec. 69. Section one hundred twenty-three point
23 fifty (123.50), subsection three (3), Code 1979, is
24 amended to read as follows:

25 3. If any licensee, ~~beer~~ or permittee, or any
26 employee of such the licensee or permittee shall-be
27 is convicted of a violation of section 123.49,
28 subsection 2, paragraph "h", or if a retail beer
29 permittee shall-be is convicted of a violation of
30 paragraph "i" of such the subsection, the director
31 or local authority shall, in addition to the other
32 penalties fixed for such violations by this section,
33 assess a penalty as follows:

34 a. Upon a first conviction, the violator's ~~liquor~~
35 ~~control~~ license or ~~beer~~ permit shall be suspended
36 for a period of fourteen days.

37 b. Upon a second conviction within a period of
38 two years, the violator's ~~liquor-control~~ license or
39 ~~beer~~ permit shall be suspended for a period of thirty
40 days.

41 c. Upon a third conviction within a period of
42 five years, the violator's ~~liquor-control~~ license
43 or ~~beer~~ permit shall be suspended for a period of
44 sixty days.

45 d. Upon a fourth conviction within a period of
46 five years, the violator's ~~liquor-control~~ license
47 or ~~beer~~ permit shall be revoked.

48 Sec. 70. Section one hundred twenty-three point
49 fifty-two (123.52), Code 1979, is amended to read
50 as follows:

H-6098
Page Thirty

1 123.52 PROHIBITED SALE. No A person not expressly
2 authorized by this chapter to deal in alcoholic ~~liquors~~
3 ~~shall within the state~~ beverages shall not keep for
4 sale or offer for sale anything which is capable of
5 being mistaken for a package containing an alcoholic
6 liquor beverage and which is either labeled or branded
7 with the name of any kind of alcoholic liquor beverage,
8 whether the same contains any alcoholic liquor beverage
9 or not.

10 Sec. 71. Section one hundred twenty-three point
11 fifty-five (123.55), subsections eight (8) and nine
12 (9), Code 1979, are amended to read as follows:

13 8. The number of ~~liquor-control~~ licenses and beer
14 permits issued, by class, the number in effect on
15 the last day included in the report, and the number
16 which have been suspended or revoked during the period
17 covered by the report.

18 9. Amount of fees paid to the department from
19 ~~liquor-control~~ licenses and beer permits, in gross,
20 and the amount of ~~liquor-control-license~~ fees returned
21 to local subdivisions of government as provided under
22 this chapter.

23 Sec. 72. Section one hundred twenty-three point
24 fifty-nine (123.59), Code 1979, is amended to read
25 as follows:

26 123.59 BOOTLEGGING. Any person who, ~~by himself~~
27 personally, or through another acting for him or her,
28 shall keep or carry on his or her person, or in a
29 vehicle, or leave in a place for another to secure,
30 any alcoholic ~~liquor-or-beer~~ beverage with intent
31 to sell or dispense of such ~~liquor-or-beer~~ by gift
32 or otherwise in violation of law, or who shall, within
33 this state, in any manner, directly or indirectly,
34 solicit, take, or accept any order for the purchase,
35 sale, shipment, or delivery of ~~such alcoholic liquor~~
36 ~~or-beer~~ alcoholic beverages in violation of law, or
37 aid in the delivery and distribution of any alcoholic
38 liquor-or-beer beverages so ordered or shipped, or
39 who shall in any manner procure for, sell, or give
40 any alcoholic ~~liquor-or-beer~~ beverage to any person
41 under legal age, for any purpose except as authorized
42 and permitted in this chapter, shall be a bootlegger
43 and shall be subject to the general penalties provided
44 by this chapter.

45 Sec. 73. Section one hundred twenty-three point
46 fifty-one (123.51), Code 1979, is amended by adding
47 the following new subsection:

48 NEW SUBSECTION. No ~~signs~~ Signs or other matter
49 advertising any brand of wine shall not be erected
50 or placed upon the outside of any premises occupied

H-6098
Page Thirty-One

1 by a licensee or permittee authorized to sell wine
2 at retail. This subsection shall not prohibit the
3 use of signs or other matter inside a fence or similar
4 enclosure which wholly or partially surrounds the
5 premises.

6 Sec. 74. Section one hundred twenty-three point
7 sixty (123.60), Code 1979, is amended to read as
8 follows:

9 123.60 NUISANCES. The premises where the unlawful
10 manufacture or sale, or keeping with intent to sell,
11 use or give away, of alcoholic ~~liquors or beer~~
12 beverages is carried on, and any vehicle or other
13 means of conveyance used in transporting ~~such liquor~~
14 or beer alcoholic beverages in violation of law, and
15 the furniture, fixtures, vessels and contents, kept
16 or used in connection with ~~such these~~ activities are
17 nuisances and shall be abated as provided in this
18 chapter.

19 Sec. 75. Section one hundred twenty-three point
20 seventy-one (123.71), Code 1979, is amended to read
21 as follows:

22 123.71 CONDITIONS. In no case shall a bootlegger
23 injunction proceeding, as provided in this chapter,
24 be maintained unless it be shown to the court that
25 efforts in good faith have been made to discover the
26 base of supplies or place where the defendant charged
27 as a bootlegger conducts ~~his~~ the unlawful business
28 or receives or manufactures the alcoholic ~~liquor or~~
29 beer beverage of which he the defendant is charged
30 with bootlegging.

31 Sec. 76. Section one hundred twenty-three point
32 seventy-two (123.72), Code 1979, is amended to read
33 as follows:

34 123.72 ORDER OF ABATEMENT. If the existence of
35 a nuisance is established in a civil or criminal
36 action, an order of abatement shall be entered as
37 a part of the judgment in the case. ~~Such~~ This order
38 shall direct the confiscation of all alcoholic ~~liquor~~
39 or beer beverages by the state; the removal from the
40 premises involved of all fixtures, furniture, vessels,
41 or movable property used in any way in conducting
42 the unlawful business; the sale of all ~~such~~ the removed
43 property as well as any vehicle or other means of
44 conveyance which has been abated, such sale to ~~be~~
45 conducted in the manner provided for the sale of
46 chattels under execution; and the effective closing
47 of the premises against use for the purpose of
48 manufacture, sale, or consumption of alcoholic ~~liquor~~
49 or beer beverages for a period of one year, unless
50 sooner released by the court.

H-6098
Page Thirty-Two

1 Sec. 77. Section one hundred twenty-three point
2 eighty-one (123.81), Code 1979, is amended to read
3 as follows:

4 123.81 FORFEITURE OF BOND. If the owner of a
5 property who has filed an abatement bond as provided
6 in this chapter fails to abate the ~~liquor-ex-beer~~
7 nuisance on the premises covered by the bond, or fails
8 to prevent the maintenance of any ~~liquor-ex-beer~~ the
9 nuisance on said the premises at any time within a
10 period of one year after entry of the abatement order,
11 the court shall, after a hearing in which such fact
12 is established, direct an entry of such the violation
13 of the terms of the owner's bond, to be made on the
14 record and the undertaking of his or her bond thereupon
15 forfeited.

16 Sec. 78. Section one hundred twenty-three point
17 eighty-four (123.84), Code 1979, is amended to read
18 as follows:

19 123.84 JUDGMENT. If the court after hearing finds
20 a ~~liquor-ex-beer~~ nuisance has been maintained on the
21 premises covered by the abatement bond and that ~~liquor~~
22 ~~ex-beer~~ has alcoholic beverages have been sold or
23 kept for sale on the premises contrary to law within
24 one year from the date of the giving of such the bond,
25 then the court shall order the forfeiture of the bond
26 and enter judgment for the full amount of such the
27 bond against the principal and sureties thereof, and
28 the lien on the real estate created pursuant to section
29 123.79 shall be decreed foreclosed and the court shall
30 provide for a special and general execution for the
31 enforcement of such the decree and judgment.

32 Sec. 79. Section one hundred twenty-three point
33 ninety-one (123.91), subsection two (2) and subsection
34 three (3), unnumbered paragraph one (1), Code 1979,
35 are amended to read as follows:

36 2. Any provision of the prior laws of this state
37 relating to ~~intoxicating-liquors-ex-beer~~ alcoholic
38 beverages which were in force prior to the enactment
39 of this chapter.

40 Any provision of the laws of the United States
41 or of any other state relating to ~~intoxicating-liquors~~
42 ~~ex-beer~~ alcoholic beverages, and who is thereafter
43 convicted of a subsequent criminal offense against
44 any provision of this chapter shall be punished as
45 follows:

46 Sec. 80. Section one hundred twenty-three point
47 ninety-two (123.92), unnumbered paragraph one (1),
48 Code 1979, is amended to read as follows:

49 123.92 CIVIL LIABILITY APPLICABLE TO SALE OR GIFT
50 OF BEER OR INTOXICANTS BY LICENSEES. Every husband,

H-6098
Page Thirty-Three

1 wife, child, parent, guardian, employer or other
2 person who shall be injured in person or property
3 or means of support by any intoxicated person or
4 resulting from the intoxication of any such person,
5 shall have a right of action, severally or jointly,
6 against any licensee or permittee, who shall sell
7 or give any ~~beer or intoxicating liquor~~ alcoholic
8 beverage to any such person while he or she is
9 intoxicated, or serve any such person to a point where
10 such person is intoxicated, for all damages actually
11 sustained.

12 If the injury was caused by an intoxicated person,
13 a permittee or licensee may establish as an affirmative
14 defense that the intoxication did not contribute to
15 the injurious action of the person.

16 Sec. 81. Section one hundred twenty-three point
17 ninety-five (123.95), Code 1979, is amended to read
18 as follows:

19 123.95 PREMISES MUST BE LICENSED--EXCEPTION AS
20 TO CONVENTIONS AND SOCIAL GATHERINGS. It is unlawful
21 for any person to allow the dispensing or consumption
22 of ~~intoxicating liquor~~ alcoholic beverages, except
23 sacramental wines and beer, in any establishment
24 unless such the establishment is licensed has been
25 issued a retail license or permit under this chapter.

26 However, bona fide conventions or meetings may
27 bring their own legal ~~liquor~~ alcoholic beverages onto
28 the licensed premises if ~~the liquor~~ it is served to
29 delegates or guests without cost. All other provisions
30 of this chapter shall be applicable to such premises.
31 The provisions of this section shall have no
32 application to private social gatherings of friends
33 or relatives in a private home or a private place
34 which is not of a commercial nature nor where goods
35 or services may be purchased or sold nor any charge
36 or rent or other thing of value is exchanged for the
37 use of such premises for any purpose other than for
38 sleeping quarters.

39 Sec. 82. Section one hundred twenty-three point
40 ninety-six (123.96), subsection one (1), Code 1979,
41 is amended to read as follows:

42 1. There is imposed on every person licensed to
43 sell alcoholic ~~beverages~~ liquor for consumption on
44 the premises where sold, a special tax equivalent
45 to fifteen percent of the price established by the
46 department on all alcoholic ~~beverages~~ liquor for
47 general sale to the public. ~~Such~~ This tax shall be
48 paid by all licensees at the point of purchase from
49 the state on all alcoholic ~~beverages~~ liquor intended
50 or used for resale for consumption on the premises

H-6098
Page Thirty-Four

1 of retail establishments. ~~Such~~ This tax shall be
2 in lieu of any other sales tax applied at the state
3 store and shall be shown as a separate item on special
4 sales slips provided by the department for purchases
5 by licensees.

6 Sec. 83. Section one hundred twenty-three point
7 ninety-eight (123.98), Code 1979, is amended to read
8 as follows:

9 123.98 LABELING SHIPMENTS. It shall be unlawful
10 for any common carrier or for any person to transport
11 or convey by any means, whether for compensation or
12 not, within this state, any intoxicating liquors or
13 wines, unless the vessel or other package containing
14 ~~such those~~ liquors shall be or wines is plainly and
15 correctly identified, showing the quantity and kind
16 of liquors or wines contained therein, the name of
17 the party to whom they are to be delivered, and the
18 name of the shipper, or unless ~~such~~ this information
19 is shown on a bill of lading or other document
20 accompanying the shipment. ~~No~~ A person shall not
21 be authorized to receive or keep ~~such~~ alcoholic liquors
22 or wines unless the same be marked or labeled as
23 required by this section. The violation of any
24 provision of this section by any common carrier, or
25 any agent or employee of any carrier, or by any person,
26 shall be punished under the provisions of this chapter.

27 ~~Liquors~~ Alcoholic liquors or wines conveyed,
28 carried, transported, or delivered in violation of
29 this section, whether in the hands of the carrier
30 or someone to whom they shall have been delivered,
31 shall be subject to seizure and condemnation, as
32 ~~liquors~~ alcoholic beverages kept for illegal sale.

33 Sec. 84. Section one hundred twenty-three point
34 ninety-nine (123.99), Code 1979, is amended to read
35 as follows:

36 123.99. FALSE STATEMENTS. If any person, for the
37 purpose of procuring the shipment, transportation,
38 or conveyance of any intoxicating liquors or wines
39 within this state, shall make to any person, company,
40 corporation, or common carrier, or to any agent
41 thereof, any false statements as to the character
42 or contents of any box, barrel, or other vessel or
43 package containing such alcoholic liquors or wines;
44 or shall refuse to give correct and truthful
45 information as to the contents of any such box, barrel,
46 or other vessel or package so sought to be transported
47 or conveyed; or shall falsely mark, brand, or label
48 such box, barrel, or other vessel or package in order
49 to conceal the fact that the same contains intoxicating
50 liquors or wines; or shall by any device or concealment

H-6098
Page Thirty-Five

1 procure or attempt to procure the unlawful conveyance
2 or transportation of such liquors ~~as herein prohibited~~
3 or wines, the person shall be guilty of a simple
4 misdemeanor.

5 Sec. 85. Section one hundred twenty-three point
6 one hundred (123.100), Code 1979, is amended to read
7 as follows:

8 123.100 PACKAGES IN TRANSIT. Any peace officer
9 of the county under process or warrant ~~to him directed~~
10 shall have the right to open any box, barrel, or other
11 vessel or package for examination, if he the peace
12 officer has reasonable ground for believing that it
13 contains intoxicating liquors or wines, either before
14 or while the same is being so transported or conveyed.

15 Sec. 86. Section one hundred twenty-three point
16 one hundred one (123.101), Code 1979, is amended to
17 read as follows:

18 123.101 RECORD OF SHIPMENTS. It shall be the
19 duty of all common carriers, or corporations, or
20 persons who ~~shall~~ for hire carry any intoxicating
21 liquors or wines into the state, or from one point
22 to another within the state, for the purpose of
23 delivery, and who shall deliver such intoxicating
24 liquor or wine to any person, company, or corporation,
25 to keep, at each station or office where it employs
26 an agent or other person to make delivery of freight
27 and keep records relative thereto, a record book,
28 wherein such carrier shall, promptly upon receipt
29 and prior to delivery, enter in ink, in legible
30 writing, in full, the name of the consignor of each
31 shipment of intoxicating liquor or wine to be delivered
32 from or through such station, from where shipped,
33 the date of arrival, the quantity and kind of liquor
34 or wine, so far as disclosed by lettering on the
35 package or by the carrier's records, and to whom and
36 where consigned, and the date delivered.

37 Sec. 87. Section one hundred twenty-three point
38 one hundred three (123.103), Code 1979, is amended
39 to read as follows:

40 123.103 RECORD RECEIPT UPON DELIVERY. No shipment
41 billed in whole or in part as intoxicating liquor
42 or wine shall be delivered to the consignee until
43 ~~such the~~ consignee upon such record book enters in
44 ink, in legible writing, his or her full name and
45 residence or place of business, giving the name of
46 the city, and the street name and number if any, and
47 certifies that ~~such the~~ liquor or wine is for his
48 or her own lawful purposes.

49 Sec. 88. Section one hundred twenty-three point
50 one hundred four (123.104), Code 1979, is amended

H-6098

Page Thirty-Six

1 to read as follows:

2 123.104 UNLAWFUL DELIVERY. It shall be simple
3 a misdemeanor for any corporation, common carrier,
4 person, or any agent or employee thereof:

5 1. To deliver any intoxicating liquors or wines
6 to any person other than to the consignee.

7 2. To deliver any intoxicating liquors or wines
8 without having the same receipted for as provided
9 in section 123.103.

10 3. To deliver any intoxicating liquors or wines
11 where there is reasonable ground to believe that such
12 liquor or wine is intended for unlawful use.

13 Sec. 89. Section one hundred twenty-three point
14 one hundred six (123.106), Code 1979, is amended to
15 read as follows:

16 123.106 FEDERAL STATUTES. The requirements of
17 this chapter relative to the shipment and delivery
18 of intoxicating liquors or wines and the records to
19 be kept thereof shall be construed in harmony with
20 federal statutes relating to interstate commerce in
21 such liquors and wines.

22 Sec. 90. Section one hundred twenty-three point
23 one hundred seven (123.107), subsection one (1), Code
24 1979, is amended to read as follows:

25 1. To set out exactly the kind or quantity of
26 intoxicating liquors and wines manufactured, sold,
27 given in evasion of the statute, or kept for sale.

28 Sec. 91. Section one hundred twenty-three point
29 one hundred eleven (123.111), Code 1979, is amended
30 to read as follows:

31 123.111 PURCHASER AS WITNESS. The person
32 purchasing any intoxicating liquor or wine sold in
33 violation of this chapter shall in all cases be a
34 competent witness to prove such sale.

35 Sec. 92. Section one hundred twenty-three point
36 one hundred fifteen (123.115), Code 1979, is amended
37 to read as follows:

38 123.115 DEFENSE. In any prosecution under this
39 chapter for the unlawful transportation of intoxicating
40 liquors or wines it shall be a defense that the
41 character and contents of the shipment or thing
42 transported were not known to the accused or to his
43 or her agent or employee.

44 Sec. 93. Section one hundred twenty-three point
45 one hundred sixteen (123.116), Code 1979, is amended
46 to read as follows:

47 123.116 RIGHT TO RECEIVE LIQUORS. The consignee
48 of intoxicating liquors or wines shall, on demand
49 of the carrier transporting such liquors or wines,
50 furnish the carrier, at the place of delivery, with

H-6098
Page Thirty-Seven

1 legal proof of the consignee's legal right to receive
2 such liquors or wines at the time of delivery, and
3 until such proof is furnished the carrier shall not
4 be under ~~no~~ a legal obligation to make delivery nor
5 be liable for failure to deliver.

6 Sec. 94. Section one hundred twenty-three point
7 one hundred seventeen (123.117), Code 1979, is amended
8 to read as follows:

9 123.117 DELIVERY TO SHERIFF. If such proof is
10 not furnished the carrier within ten days after demand,
11 the carrier may deliver such liquors or wines to the
12 sheriff of the county embracing the place of delivery,
13 and such delivery shall absolve the carrier from all
14 liability pertaining to such liquors or wines.

15 Sec. 95. Section one hundred twenty-three point
16 one hundred eighteen (123.118), Code 1979, is amended
17 to read as follows:

18 123.118 DESTRUCTION. The sheriff shall, on receipt
19 of such liquors and wines from the carrier, report
20 the receipt to the district court of his or her county,
21 and the court shall proceed to summarily enter an
22 order for the destruction or forfeiture to the state
23 of such liquors or wines.

24 Sec. 96. Section one hundred twenty-three point
25 one hundred nineteen (123.119), Code 1979, is amended
26 to read as follows:

27 123.119 EVIDENCE. In all actions, civil or
28 criminal, under the provisions of this chapter, the
29 finding of intoxicating liquors or wines or of
30 instruments or utensils used in the manufacture of
31 intoxicating liquors or wines, or materials which
32 are being used, or are intended to be used in the
33 manufacture of intoxicating liquors or wines, in the
34 possession of or under the control of any person,
35 under and by authority of a search warrant or other
36 process of law, and which shall have been finally
37 adjudicated and declared forfeited by the court, shall
38 be competent evidence of maintaining a nuisance or
39 bootlegging, or of illegal transportation of
40 intoxicating liquors or wines, as the case may be,
41 by such person.

42 Sec. 97. Section one hundred twenty-three point
43 one hundred twenty (123.120), Code 1979, is amended
44 to read as follows:

45 123.120 ATTEMPT TO DESTROY. The destruction of
46 or attempt to destroy any liquid by any person while
47 in the presence of peace officers or while a property
48 is being searched by a peace officer, shall be
49 competent evidence that such liquid is intoxicating
50 liquor or wine and intended for unlawful purposes.

H-6098
Page Thirty-Eight

3 Sec. 98. Section one hundred twenty-three point
4 one hundred twenty-one (123.121), Code 1979, is amended
5 to read as follows:

6 123.121 VENUE. In any prosecution under this
7 chapter for the unlawful sale of alcoholic ~~liquor~~
8 ~~or-beer beverages~~, a sale of ~~alcoholic-liquor-or-beer~~
9 which requires a shipment or delivery of such liquor
10 or-beer the alcoholic beverage shall be deemed to
11 be made in the county in which such delivery is made
12 by the carrier to the consignee, or to his or her
13 agent, or employee.

14 In any prosecution under this chapter for the
15 unlawful transportation of intoxicating liquor or
16 wine, the offense shall be held to have been committed
17 in any county in which such liquor or wine is received
18 for transportation, through which it is transported,
19 or in which it is delivered.

20 Sec. 99. Section one hundred twenty-three point
21 one hundred twenty-four (123.124), Code 1979, is
22 amended to read as follows:

23 123.124 PERMITS--CLASSES. Permits for the
24 manufacture and sale, or sale of beer shall be divided
25 into three classes, and shall be known as either class
26 "A", "B", or "C" permits, sell beer at wholesale.
27 The holder of a class "A" permit may manufacture beer
28 of more than ~~four~~ five percent of alcohol by weight
29 for shipment outside this state only. However, a
30 class "A" beer permit does not grant authority to
31 manufacture wine as defined in section one hundred
32 twenty-three point three (123.3), subsection seven
33 (7) of the Code. A class "B" permit shall allow the
34 holder to sell beer at retail for consumption on or
35 off the premises. A class "C" permit shall allow
36 the holder to sell beer at retail for consumption
37 off the premises.

38 Sec. 100. Section one hundred twenty-three point
39 one hundred forty-one (123.141), Code 1979, is amended
40 to read as follows:

41 123.141 KEEPING LIQUOR WHERE BEER IS SOLD. No
42 alcoholic liquor for beverage purposes and no wine
43 shall be used, or kept for any purpose in the place
44 of business of class "B" permittees, or on the premises
45 of such class "B" permittees, at any time. A violation
46 of any provision of this section shall be grounds
47 for suspension or revocation of the permit pursuant
48 to section 123.50, subsection 3. This section shall
49 not apply in any manner or in any way, to any railway
50 car of any dining car company, sleeping car company,
51 railroad company or railway company, having a special
52 class "B" permit; to the premises of any hotel or

H-6098
Page Thirty-Nine

1 motel for which a class "B" permit has been issued,
2 other than that part of such premises regularly used
3 by the hotel or motel for the principal purpose of
4 selling beer or food to the general public; or to
5 drug stores regularly and continuously employing a
6 registered pharmacist, from having alcohol in stock
7 for medicinal and compounding purposes.

8 Sec. 101. Section one hundred twenty-three point
9 one hundred fifty (123.150), unnumbered paragraph
10 one (1), Code 1979, is amended to read as follows:

11 Notwithstanding ~~sections~~ section 123.2, section
12 123.36, subsection 6, section 123.49, subsection 2,
13 paragraph "b", and section 123.134, subsection 5,
14 a holder of any class of liquor control license or
15 the holder of a class "B" beer permit or a holder
16 of a retail wine permit may sell or dispense such
17 liquor, wine or beer to patrons for consumption on
18 the premises between the hours of noon on Sunday and
19 two a.m. on Monday when that Monday is New Years Day
20 and beer or wine for consumption off the premises
21 between the hours of noon Sunday and ten p.m. Sunday
22 when that Sunday is the day before New Years Day.
23 The ~~liquor-control~~ license fee or beer permit fee
24 of licensees and permittees permitted to sell or
25 dispense such liquor, wine or beer on a Sunday when
26 that sunday is the day before New Years Day shall
27 not be increased because of this privilege.

28 Sec. 102. Section one hundred twenty-three point
29 fifty-six (123.56), Code 1979, is repealed.

30 Sec. 103. This Act takes effect on January 1,
31 1981."

H-6098 FILED BY JESSE of Polk
APRIL 16, 1980
RULED GERMANE, LOST (p. 1635)

SENATE FILE 2197

H-6097

1 Amend Senate File 2197 as follows:

2 1. Page 1, by inserting after line 20 the
3 following:

4 "Sec. _____. Section one hundred twenty-three point
5 thirty-four (123.34), Code 1979, is amended by adding
6 the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. A class "B" beer permit
8 holder who wishes to convert to a special class "C"
9 liquor control license for the unexpired portion of
10 the class "B" beer permit may apply to the department.
11 The fee for the special class "C" liquor control
12 license for the unexpired portion of the beer permit
13 shall be computed by taking the difference between
14 the applicable full fee for the permit holder's class
15 "B" permit and the applicable full fee for the special
16 class "C" liquor control license and prorating the
17 difference so the person who receives the converted
18 license pays an additional fee proportionate to the
19 unexpired term of the new license."

H-6097 FILED APRIL 16, 1980 BY WOODS of Polk

HOUSE AMENDMENT TO SENATE FILE 2197

S-5756

1 Amend Senate File 2197 as follows:

2 1. Page 1, by inserting after line 20 the
3 following:

4 "Sec. ____ . Section one hundred twenty-three point
5 thirty-four (123.34), Code 1979, is amended by adding
6 the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. A class "B" beer permit
8 holder who wishes to convert to a special class "C"
9 liquor control license for the unexpired portion of
10 the class "B" beer permit may apply to the department.
11 The fee for the special class "C" liquor control
12 license for the unexpired portion of the beer permit
13 shall be computed by taking the difference between
14 the applicable full fee for the permit holder's class
15 "B" permit and the applicable full fee for the special
16 class "C" liquor control license and prorating the
17 difference so the person who receives the converted
18 license pays an additional fee proportionate to the
19 unexpired term of the new license."

20 2. Page 2, by inserting after line 6 the following:

21 "Sec. ____ . Section one hundred twenty-three point
22 thirty-six (123.36), subsection seven (7), Code 1979,
23 is amended to read as follows:

24 7. The department shall credit all fees to the
25 beer and liquor control fund and. The department
26 shall remit to the appropriate local authority, a
27 sum equal to sixty-five percent of the fees collected
28 for each class "A", class "B", or class "C" license
29 except special class "C" licenses, covering premises
30 located within their respective jurisdictions. The
31 department shall remit to the appropriate local
32 authority a sum equal to seventy-five percent of the
33 fees collected for each special class "C" license
34 covering premises located within their respective
35 jurisdictions. However, that amount remitted to the
36 appropriate local authority out of the fee collected
37 for the privilege authorized under subsection 6 shall
38 be deposited in the county mental health and
39 institutions fund to be used only for the care and
40 treatment of persons admitted or committed to the
41 alcoholic treatment center at Oakdale or any facilities
42 as provided in chapter 125."

S-5756 FILED
APRIL 17, 1980

RECEIVED FROM THE HOUSE

*First amended also S-5759, concurred 4/18 (p. 1524)
Reconciled, further amended by S-789, concurred 4/25 (p. 1600)*

SENATE AMENDMENT TO HOUSE AMENDMENT
TO SENATE FILE 2197

H-6316

- 1 Amend the House amendment, S-5756, to Senate File
2 2197 as follows:
3 1. Page 1, by striking lines 2 through 19.
4 2. Page 1, by striking line 35, and inserting
5 in lieu thereof the following: "jurisdictions.
6 ~~However, that amount remitted to the~~".
7 3. Page 1, line 36, by inserting before the word
8 "appropriate" the word "The".
9 4. Page 1, line 36, by striking the words "out
10 of" and inserting in lieu thereof the words "out-of
11 to receive".
12 5. Page 1, line 37, by striking the word "shall"
13 and inserting in lieu thereof the word "shall".
14 6. Page 1, line 38, by striking the words "be
15 deposited" and inserting in lieu thereof the words
16 "be-deposited is the appropriate county which shall
17 deposit the fee".
18 7. Renumbering to conform to this amendment.

H-6316 FILED APRIL 23, 1980

RECEIVED FROM THE SENATE

Howe concurred 4/23 (p. 25)

SENATE FILE 2197

AN ACT

RELATING TO THE SALE OF WINE AND CREATING A LICENSE THEREFOR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section one hundred twenty-three point thirty (123.30), subsection three (3), paragraph c, is amended to read as follows:

c. CLASS "C". A class "C" liquor control license may be issued to a commercial establishment but must be issued in the name of the individual or individuals who actually own the entire business and shall authorize the holder or holders to purchase alcoholic liquors from the department only, and to sell such liquors, and beer, to patrons by the individual drink for consumption on the premises only, however, beer may also be sold for consumption off the premises.

A special class "C" liquor control license may be issued and shall authorize the holder or holders to purchase wine containing not more than seventeen percent alcohol by weight from the department only, and to sell such wine, and beer, to patrons by the individual drink for consumption on the premises only, however, beer may also be sold for consumption off the premises. The license issued to holders of a special class "C" license shall clearly state on its face "alcoholic liquor, limited to wine only."

Sec. 2. Section one hundred twenty-three point thirty-six (123.36), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Class "C" liquor control licenses which limit sales of alcoholic liquor to wine containing not more than seventeen percent alcohol by weight, a sum as follows:

a. Commercial establishments located within the corporate limits of cities of ten thousand population and over, four hundred fifty dollars.

b. Commercial establishments located within the corporate limits of cities of over fifteen hundred and less than ten thousand population, three hundred dollars.

c. Commercial establishments located within the corporate limits of cities of fifteen hundred population or less, one hundred fifty dollars.

d. Commercial establishments located outside the corporate limits of any city, a sum equal to that charged in the incorporated city located nearest the premises to be licensed, and in case there is doubt as to which of two or more differing corporate limits are the nearest, the license fee which is the larger shall prevail.

Sec. 3. Section one hundred twenty-three point thirty-six (123.36), subsection seven (7), Code 1979, is amended to read as follows:

7. The department shall credit all fees to the beer and liquor control fund and. The department shall remit to the appropriate local authority, a sum equal to sixty-five percent of the fees collected for each class "A", class "B", or class "C" license except special class "C" licenses, covering premises located within their respective jurisdictions. The department shall remit to the appropriate local authority a sum equal to seventy-five percent of the fees collected for each special class "C" license covering premises located within their respective jurisdictions. However, that amount remitted to the The appropriate local authority one-of to receive the fee collected for the privilege authorized under subsection 6 shall-be-deposited is the appropriate county which shall deposit the fee in the county mental health and

S.F. 2197

institutions fund to be used only for the care and treatment of persons admitted or committed to the alcoholic treatment center at Oakdale or any facilities as provided in chapter 125.

TERRY E. BRANSTAD
President of the Senate

WILLIAM H. HARBOR
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2197, Sixty-eighth General Assembly.

FRANK J. STORK
Secretary of the Senate

Approved May 21, 1980

ROBERT D. RAY
Governor