

Ways & Means  
Carr. Chair  
Rodgers  
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SENATE FILE 515

BY RODGERS

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

### A BILL FOR

1 An Act relating to the private sale, control, distribution,  
2 and taxation of wine containing more than five percent  
3 but not more than seventeen percent alcohol by weight,  
4 providing an excise tax on wine, declaring certain acts  
5 relating to wine to be unlawful and prescribing penalties.

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

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S.F. 515

1 Section 1. Chapter 123, Code 1983, is amended by adding  
2 sections 2 through 20 of this Act as a new division.

3 Sec. 2. NEW SECTION. 123.163 WINE PERMIT OR LICENSE  
4 REQUIRED. A person shall not cause the manufacture,  
5 importation, or sale of wine in this state unless a certificate  
6 or permit as provided in this division, or a liquor control  
7 license as provided in division I of this chapter, is first  
8 obtained which authorizes that manufacture, importation, or  
9 sale.

10 Sec. 3. NEW SECTION. 123.164 WINE PERMITS--CLASSES.  
11 Permits exclusively for the sale or manufacture and sale of  
12 wine shall be divided into three classes, and shall be known  
13 as class "A", "B", or "C" wine permits.

14 A class "A" wine permit allows the holder to manufacture  
15 and sell, or sell at wholesale, in this state, wine as defined  
16 in section 123.3, subsection 7. The holder of a class "A"  
17 wine permit may manufacture in this state wine having an  
18 alcoholic content greater than seventeen percent by weight  
19 for shipment outside this state only. A class "B" wine permit  
20 allows the holder to sell wine at retail for consumption off  
21 the premises. The holder of a class "B" wine permit is a  
22 wine store as defined in section 25 of this Act. A class  
23 "C" wine permit allows the holder to sell wine at retail for  
24 consumption off the premises and shall be issued only to a  
25 grocery store.

26 Sec. 4. NEW SECTION. 123.165 ISSUANCE OF WINE PERMITS.  
27 The director shall issue class "A", "B" and "C" wine permits  
28 as provided in this chapter, and may suspend or revoke a wine  
29 permit for cause as provided in this chapter.

30 Sec. 5. NEW SECTION. 123.166 PROHIBITED INTEREST. It  
31 is unlawful for a person to be a holder of, or either directly  
32 or indirectly interested in, more than one class of wine  
33 permit, except that a person holding a class "A" wine permit  
34 whose principal business is the sale of food or food products  
35 at wholesale may own one or more retail grocery stores which

1 have class "C" wine permits.

2 Sec. 6. NEW SECTION. 123.167 CLASS "A" APPLICATION.

3 Except as otherwise provided in this chapter, a class "A"  
4 wine permit shall be issued to a person who complies with  
5 all of the following:

6 1. Submits a written application for the permit and states  
7 on the application under oath:

8 a. The name and place of residence of the applicant and  
9 the length of time the applicant has lived at the place of  
10 residence.

11 b. That the applicant is a citizen of the state of Iowa,  
12 or if a corporation, that the applicant is authorized to do  
13 business in Iowa.

14 c. The place of birth of the applicant, and if the  
15 applicant is a naturalized citizen, the time and place of  
16 naturalization, or if a corporation, the state of in-  
17 corporation.

18 d. The location of the premises where the applicant intends  
19 to use the permit.

20 e. The name of the owner of the premises, and if that  
21 owner is not the applicant, that the applicant is the actual  
22 lessee of the premises.

23 2. Establishes all of the following:

24 a. That the applicant meets the test of good moral  
25 character as provided in section 123.3, subsection 11.

26 b. That the premises where the applicant intends to use  
27 the permit conform to all applicable laws, health regulations,  
28 and fire regulations, and constitute a safe and proper place  
29 or building.

30 3. Submits a bond in the amount of five thousand dollars  
31 in the form prescribed and furnished by the department with  
32 good and sufficient sureties to be approved by the department  
33 conditioned upon compliance with this chapter.

34 Sec. 7. NEW SECTION. 123.168 CLASS "B" APPLICATION.

35 Except as otherwise provided in this chapter, a class "B"

1 wine permit shall be issued to any person who complies with  
2 all of the following:

3 1. Submits a written application for the permit and states  
4 on the application under oath:

5 a. The name and place of residence of the applicant, and  
6 the length of time the applicant has lived at the place of  
7 residence.

8 b. That the applicant is a citizen of the state of Iowa,  
9 or if a corporation, that the applicant is authorized to do  
10 business in Iowa.

11 c. The place of birth of the applicant, and if the  
12 applicant is a naturalized citizen, the time and place of  
13 naturalization, or if a corporation, the place of in-  
14 corporation.

15 d. The location of the premises where the applicant intends  
16 to use the permit.

17 e. The name of the owner of the premises, and if that  
18 owner is not the applicant, that the applicant is the actual  
19 lessee of the premises.

20 2. Establishes all of the following:

21 a. That the applicant is a person of good moral character  
22 as provided in section 123.3, subsection 11.

23 b. That the premises where the applicant intends to use  
24 the permit conform to all applicable laws, health regulations,  
25 and fire regulations, and constitute a safe and proper place  
26 or building.

27 3. Submits a bond in the amount of one thousand dollars  
28 in the form prescribed and furnished by the department with  
29 good and sufficient sureties to be approved by the department  
30 conditioned upon compliance with this chapter. The bond shall  
31 be further conditioned as a part of the permit granted to  
32 the effect that the permittee and each surety shall consent  
33 to forfeiture of the principal sum of the bond in event of  
34 suspension or revocation of the permit pursuant to this  
35 chapter.

1 4. Declares that the principal business of the  
2 establishment for which the applicant is making application  
3 for the class "B" wine permit consists of the sale of wine  
4 for consumption off the premises.

5 Sec. 8. NEW SECTION. 123.169 CLASS "C" APPLICATION.  
6 Except as otherwise provided in this chapter, a class "C"  
7 wine permit shall be issued to any person who:

8 1. Submits a written application for the permit and states  
9 on the application under oath:

10 a. The name and place of residence of the applicant, and  
11 the length of time the applicant has lived at the place of  
12 residence.

13 b. That the applicant is a citizen of the state of Iowa,  
14 or if a corporation, that the applicant is authorized to do  
15 business in the state of Iowa.

16 c. The place of birth of the applicant, and if the  
17 applicant is a naturalized citizen, the time and place of  
18 naturalization, or if a corporation, the state of  
19 incorporation.

20 d. The location of the premises where the applicant intends  
21 to use the permit.

22 e. The name of the owner of the premises, and if that  
23 owner is not the applicant, that the applicant is the actual  
24 lessee of the premises.

25 2. Establishes that the applicant is a person of good  
26 moral character as provided in section 123.3, subsection 11.

27 3. Submits a bond in the amount of five hundred dollars  
28 to the department in the form prescribed and furnished by  
29 the department with good and sufficient sureties to be approved  
30 by the department conditioned upon compliance with this  
31 chapter.

32 4. Declares that the retail establishment for which  
33 application is made is a grocery store whose principal business  
34 consists of the sale of food or food products for consumption  
35 off the premises.

1     Sec. 9.   NEW SECTION.   123.170   AUTHORITY UNDER CLASS "A"  
2 PERMIT.

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

12    2.   A class "A" wine permit holder may purchase and resell  
13 only those brands of wine which are manufactured, fermented,  
14 bottled, shipped, or imported by a person holding a certificate  
15 of compliance issued pursuant to section 123.175.

16    Sec. 10. NEW SECTION.   123.171   AUTHORITY UNDER CLASS  
17 "B" PERMIT.

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

21    2.   A class "B" wine permittee having more than one place  
22 of business where wine is sold shall obtain a separate permit  
23 for each place of business.

24    Sec. 11. NEW SECTION.   123.172   AUTHORITY UNDER CLASS  
25 "C" PERMIT.

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

29    2.   A class "C" wine permittee having more than one place  
30 of business where wine is sold shall obtain a separate permit  
31 for each place of business.

32    Sec. 12. NEW SECTION.   123.173   NATIVE WINES. Subject  
33 to rules of the department, a person who manufactures native  
34 wines from grapes, cherries, other fruits, other fruit juices,  
35 vegetables, vegetable juices, dandelions, clover, honey, or

1 any combination of these ingredients and who holds a class  
2 "A" wine permit may sell, keep, or offer for sale and deliver  
3 those wines. Sales may be made at retail for off the premises  
4 consumption when sold on the premises of the manufacturer.  
5 Sales may also be made to class "A", "B", and "C" wine permit  
6 holders as authorized by the class "A" wine permit.

7 A manufacturer of native wines shall not sell those wines  
8 otherwise than as permitted in this chapter or allow any wine  
9 sold to be consumed upon the premises of the manufacturer.

10 A person may manufacture native wine for consumption on the  
11 person's own premises when none of the wine is manufactured  
12 for sale.

13 Sec. 13. NEW SECTION. 123.174 PERMIT FEES.

14 1. The annual permit fee for a class "A" wine permit is  
15 seven hundred fifty dollars.

16 2. The annual permit fee for a class "B" wine permit is  
17 five hundred dollars.

18 3. The annual permit fee for a class "C" wine permit is  
19 on a graduated scale based on the amount of interior floor  
20 space which comprises the retail sales area of the premises  
21 covered by the permit as follows:

22 a. Up to one thousand square feet, fifty dollars.

23 b. Over one thousand square feet and up to two thousand  
24 square feet, seventy-five dollars.

25 c. Over two thousand square feet and up to five thousand  
26 square feet, one hundred dollars.

27 d. Over five thousand square feet and up to ten thousand  
28 square feet, one hundred fifty dollars.

29 e. Over ten thousand square feet, two hundred dollars.

30 Sec. 14. NEW SECTION. 123.175 IMPORTER'S CERTIFICATE  
31 OF COMPLIANCE--PROHIBITED ACTS--PENALTIES.

32 1. A manufacturer, bottler, or vendor of wine or an agent  
33 of a manufacturer, bottler, or vendor desiring to cause the  
34 importation of wine into this state for resale by a class  
35 "A" wine permittee shall first make application for and be

1 issued by the director an importer's certificate of compliance.

2 An importer's certificate of compliance shall expire at  
3 the end of one year from the date of issuance and shall be  
4 renewed for a like period upon application to the director  
5 unless otherwise revoked for cause.

6 Each application for an importer's certificate of compliance  
7 or a renewal shall be accompanied by a fee of five hundred  
8 dollars payable to the department. Each applicant and holder  
9 of an importer's certificate of compliance shall furnish to  
10 the department reasonable information as the director requires.

11 A person who otherwise holds a class "A" wine permit to  
12 sell wine at wholesale in this state is exempt from the fee,  
13 but not from the terms and conditions provided in this section.

14 2. A person within this state who is an agent or employee  
15 of the holder of an importer's certificate of compliance shall  
16 register the person's name and address with the department.  
17 However, registration is not required of those persons who  
18 either are employed on the premises of a bottling plant or  
19 winery where wine is manufactured, fermented, or bottled in  
20 this state, or who are engaged in the transportation of that  
21 wine.

22 3. It is unlawful for a holder of an importer's certificate  
23 of compliance or an agent of a holder, or a class "A" wine  
24 permit holder or an agent of a holder, to grant to a retail  
25 wine permit holder, either directly or indirectly, rebates,  
26 free goods, special deals, allowances, discounts on wine,  
27 or directly or indirectly to extend credit for more than  
28 thirty days from delivery date.

29 4. It is unlawful for a holder of an importer's certificate  
30 of compliance or an agent of a holder to discriminate in  
31 price, allowance, rebate, refund, commission, discount, or  
32 service between class "A" wine permittees authorized to sell  
33 wine at wholesale, or directly or indirectly extend credit  
34 for more than thirty days from delivery date. The term  
35 "discriminate" means the granting of more favorable prices,

1 allowances, rebates, refunds, commissions, discounts, or  
2 services to one wine permit holder than to another.

3 5. Notwithstanding other penalties provided by this  
4 chapter, a holder of an importer's certificate of compliance  
5 or a class "A", "B" or "C" wine permittee who violates any  
6 of the provisions of this section is subject to a civil fine  
7 not to exceed one thousand dollars or to suspension of the  
8 certificate of compliance or permit for a period not to exceed  
9 sixty days or to both the civil fine and suspension.

10 Sec. 15. NEW SECTION. 123.176 WINE GALLONAGE TAX.

11 1. In addition to the annual permit fee to be paid by  
12 each class "A" wine permittee, there shall be levied and  
13 collected from each class "A" wine permittee on all wine  
14 manufactured for sale and sold in this state at wholesale  
15 and on all wine imported into this state for sale at wholesale  
16 and sold in this state at wholesale, a tax of fifty cents  
17 for every wine gallon and a like rate for the fractional parts  
18 of a wine gallon. A tax shall not be levied or collected  
19 on wine shipped outside this state by a class "A" wine  
20 permittee, on wine sold by one class "A" wine permittee to  
21 another class "A" wine permittee or on wine sold to the  
22 department. All revenue derived from the wine tax shall be  
23 deposited in the liquor control fund established by section  
24 123.53 and shall be distributed as follows:

25 a. Two-thirds of the revenue derived from the wine tax  
26 shall be distributed in accordance with section 123.53,  
27 subsections 3, 4, 5 and 6. However, the total amount so  
28 distributed shall not exceed an amount equal to the funds  
29 distributed pursuant to those subsections during the fiscal  
30 year ending on June 30 preceding the effective date of this  
31 Act, as adjusted by the percentage change in the gross sales  
32 of wine in the state liquor stores in each fiscal year  
33 thereafter.

34 b. One-third of the revenue derived from the wine tax  
35 shall be distributed in accordance with section 123.53,

1 subsection 7. However, the total amount so distributed shall  
2 not exceed an amount equal to the funds distributed pursuant  
3 to that subsection during the fiscal year ending June 30  
4 preceding the effective date of this Act, as adjusted by the  
5 percent change in the gross sales of wine of the state liquor  
6 stores in each year thereafter.

7 c. The revenue derived from the wine tax, remaining in  
8 the fund after the distributions required by paragraphs a  
9 and b of this subsection shall be transferred by the state  
10 comptroller to the general fund of the state.

11 Sec. 16. NEW SECTION. 123.177 REPORT OF GALLONAGE SALES-  
12 -PENALTY. Each class "A" wine permit holder on or before  
13 the tenth day of each calendar month commencing on the tenth  
14 day of the calendar month following the month in which the  
15 person is issued a permit, shall make a report under oath  
16 to the department upon forms to be furnished by the department  
17 showing the exact number of gallons of wine and fractional  
18 parts of gallons, sold by that permit holder during the  
19 preceding calendar month. The report also shall state whatever  
20 reasonable additional information the director requires.  
21 The permit holder at the time of filing this report shall  
22 pay to the department the amount of tax due at the rate fixed  
23 in section 123.176. A penalty of ten percent of the amount  
24 of the tax shall be assessed and collected if the report is  
25 not filed and the tax paid within the time required by this  
26 section.

27 Sec. 17. NEW SECTION. 123.178 RECORDS REQUIRED. Each  
28 class "A" wine permittee shall keep books of account and  
29 records showing each sale of wine, which shall be at all times  
30 open to inspection by the director and agents of the  
31 department. Each class "B" and "C" wine permittee shall keep  
32 proper books of account and records showing each purchase  
33 of wine and the date and the amount of each purchase and the  
34 name of the person from whom each purchase was made, which  
35 shall be open to inspection by the director and agents of

1 the department during normal business hours of the permittee.

2 Sec. 18. NEW SECTION. 123.179 PURCHASE FROM A NONPERMIT  
3 HOLDER. It is unlawful for the holder of any class "B" or  
4 "C" wine permit to sell wine, except wine which is purchased  
5 from a person holding a class "A" wine permit and on which  
6 the tax imposed by section 123.176 has been paid or wine  
7 purchased from the department.

8 Sec. 19. NEW SECTION. 123.180 DISTRIBUTION OF FUNDS.  
9 Permit fees and taxes collected by the department pursuant  
10 to this division accrue to the general fund of the state,  
11 except as otherwise provided.

12 Sec. 20. NEW SECTION. 123.181 LABELS--CONCLUSIVE  
13 EVIDENCE. The label on a bottle or other container in which  
14 wine is offered for sale in this state, which label represents  
15 the alcoholic content of the wine as being in excess of  
16 seventeen per cent by weight, is conclusive evidence of the  
17 alcoholic content of that wine.

18 Sec. 21. Section 123.2, Code 1983, is amended to read  
19 as follows:

20 123.2 GENERAL PROHIBITION. It ~~shall-be~~ is unlawful to  
21 manufacture for sale, sell, offer or keep for sale, possess,  
22 or transport an alcoholic liquor-or-beer beverage except upon  
23 the terms, conditions, limitations, and restrictions enumerated  
24 in this chapter.

25 Sec. 22. Section 123.3, subsections 4, 7, 8, and 10, Code  
26 1983, are amended to read as follows:

27 4. "Local authority" means the city council of any an  
28 incorporated city in this state, or the county board of super-  
29 visors of any a county in this state, which is empowered by  
30 this chapter to approve or deny applications for retail beer  
31 or wine permits, and liquor control licenses; to recommend  
32 that ~~such~~ permits or licenses be granted and issued by the  
33 department; and to take ~~such~~ other actions ~~as-are~~ reserved  
34 to them by this chapter.

35 7. "Wine" means any an alcoholic beverage containing more

1 than five percent but not more than seventeen percent of  
2 alcohol by weight obtained by the fermentation of the natural  
3 sugar contents of fruits or other agricultural products.

4 8. "Alcoholic ~~liquor~~" - "alcoholic beverage" or  
5 "~~intoxicating liquor~~" means and ~~includes~~ the varieties of  
6 liquor defined in subsections 5, 6, and 7, beverages made  
7 as described in subsection 9 ~~which contain more than five~~  
8 ~~percent of alcohol by weight~~, and every other liquid or solid,  
9 patented or not, containing spirits or wine, and susceptible  
10 of being consumed by a human being, for beverage purposes.

11 "Alcoholic liquor" or "intoxicating liquor" means an alcoholic  
12 beverage, except beverages made as described in subsection  
13 9 which contain five percent or less alcohol by weight, and  
14 except wine. Alcohol manufactured in this state for use as  
15 fuel pursuant to an experimental distilled spirits plant  
16 permit or its equivalent issued by the federal bureau of  
17 alcohol, tobacco and firearms is not an "alcoholic liquor".

18 10. "Person" means any an individual, association,  
19 partnership, corporation, club, hotel or motel, or municipal  
20 corporation owning or operating a bona fide airport, marina,  
21 park, coliseum, auditorium, or recreational facility in or  
22 at which the sale of alcoholic ~~liquor or beer~~ beverages is  
23 only an incidental part of ~~such~~ the ownership or operation.

24 Sec. 23. Section 123.3, subsection 11, paragraph c, Code  
25 1983, is amended to read as follows:

26 c. He or she is not prohibited by the provisions of section  
27 123.40 from obtaining a ~~liquor control~~ license or beer permit.

28 Sec. 24. Section 123.3, subsection 13, Code 1983, is  
29 amended to read as follows:

30 13. "Permit" or "license" means an express written  
31 authorization issued by the department for the manufacture  
32 or sale, or both, of alcoholic liquor, wine, or beer.

33 Sec. 25. Section 123.3, subsection 16, Code 1983, is  
34 amended by striking the subsection and inserting in lieu  
35 thereof the following:

1 16. "Container" means a vessel or receptacle used for  
2 holding alcoholic liquor, wine or beer.

3 Sec. 26. Section 123.3, subsections 17, 19, 20, 25, 26,  
4 27, and 31, Code 1983, are amended to read as follows:

5 17. "Distillery", "winery", and "brewery" means not only  
6 the premises ~~wherein~~ where alcohol or spirits is distilled,  
7 or rectified wine is fermented, or beer is brewed, but in  
8 addition a person owning, representing, or in charge of such  
9 premises and the operations conducted ~~thereon~~ there, including  
10 the blending and bottling or other handling and preparation  
11 of alcoholic liquor, wine, or beer in any form.

12 19. "Importer" means ~~the~~ a person transporting or ordering,  
13 authorizing, or arranging the transportation of alcoholic  
14 ~~liquor-or-beer~~ beverages into this state whether ~~such~~ or not  
15 the person is a resident of this state ~~or-not~~.

16 20. "Import" means the transporting or ordering or  
17 arranging the transportation of alcoholic ~~liquor-or-beer~~  
18 beverages into this state ~~whether-by-a-resident-of-this-state~~  
19 ~~or-not~~.

20 25. The prohibited "sale" of an alcoholic ~~liquor-or-beer~~  
21 beverage under this chapter includes soliciting for sales,  
22 taking orders for sales, or keeping or exposing for sale,  
23 delivery or other trafficking for a valuable consideration  
24 promised or obtained, and procuring or allowing procurement  
25 for any other person.

26 26. "Wholesaler" means any person, other than a ~~brewer~~  
27 manufacturer or bottler of beer or wine, who shall sell,  
28 barter, exchange, offer for sale, or have in possession with  
29 intent to sell, deal or traffic in alcoholic ~~liquor-or-beer~~  
30 beverages. ~~No-wholesaler-shall-be-permitted-to-sell-for~~  
31 ~~consumption-upon-the-premises-~~

32 27. "Retailer" means any ~~person~~ licensee or permittee  
33 who shall sell, barter, exchange, offer for sale, or have  
34 in possession with intent to sell any alcoholic liquor or  
35 wine for consumption on the premises where sold, ~~or~~ beer for

1 consumption either on or off the premises where sold, or wine  
2 for consumption off the premises where sold.

3 31. "Licensed premises" or "premises" means all rooms,  
4 enclosures, contiguous areas, or places susceptible of precise  
5 description satisfactory to the director where alcoholic  
6 beverages ~~or beer-is~~ are sold or consumed under authority  
7 of a ~~liquor-control~~ license or ~~beer~~ permit. A single licensed  
8 premises may consist of multiple rooms, enclosures, areas  
9 or places if they are wholly within the confines of a single  
10 building or contiguous grounds.

11 Sec. 27. Section 123.3, Code 1983, is amended by adding  
12 the following new subsections:

13 NEW SUBSECTION. "Retail wine permit" means a class "B"  
14 or "C" wine permit issued under this chapter.

15 NEW SUBSECTION. "Wine store" means and includes any retail  
16 establishment, the principal business of which is the sale  
17 of wine, under the authority of a class "B" wine permit.

18 Sec. 28. Section 123.4, Code 1983, is amended to read  
19 as follows:

20 123.4 DEPARTMENT CREATED--PLACE OF BUSINESS. ~~There-is~~  
21 ~~hereby-created-an~~ An Iowa beer and liquor control department  
22 is created to administer and enforce the laws of this state  
23 concerning ~~beer-and~~ alcoholic ~~liquor~~ beverages. The principal  
24 place of business of the department shall be provided the  
25 department by the authority designated by law to provide such  
26 quarters or offices to state departments or agencies.

27 Sec. 29. Section 123.14, subsections 1 and 3, Code 1983,  
28 are amended to read as follows:

29 1. The division of beer and liquor law enforcement of  
30 the department of public safety, created pursuant to section  
31 80.25, ~~shall-be~~ is the primary ~~beer-and-liquor-law-enforcement~~  
32 authority ~~for~~ of this state for the enforcement of laws  
33 relating to alcoholic beverages.

34 3. The division of beer and liquor law enforcement shall  
35 be allowed full access to all records, reports, audits, tax

1 reports and all other documents and papers in the department  
2 pertaining to ~~liquor~~ licensees and ~~beer~~ permittees and their  
3 business businesses.

4 Sec. 30. Section 123.15, Code 1983, is amended to read  
5 as follows:

6 123.15 HEARING BOARD ESTABLISHED. ~~There-is-hereby-created~~  
7 a A three-member hearing board is created for the purpose  
8 of conducting departmental hearings relating to controversies  
9 concerning the issuance, suspension, or revocation of ~~special~~  
10 ~~liquor-permits,-liquor-control~~ licenses, and ~~beer~~ permits  
11 authorized under this chapter. One member shall be appointed  
12 by the council from its membership, which member may be  
13 periodically replaced by appointment of another council member;  
14 one member shall be the attorney general or ~~his~~ the attorney  
15 general's designee; and one member shall be the commissioner  
16 of public safety or ~~his~~ the commissioner's designee. The  
17 hearing board shall establish and adopt rules and procedures  
18 for conducting departmental hearings under this chapter.

19 Sec. 31. Section 123.16, subsection 2, paragraphs b and  
20 c, Code 1983, are amended to read as follows:

21 b. The granting or refusing of ~~liquor~~ licenses and permits,  
22 ~~and-beer-permits,~~ and the suspension or revocation of ~~such~~  
23 licenses and permits.

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

26 Sec. 32. Section 123.18, Code 1983, is amended to read  
27 as follows:

28 123.18 FAVORS FROM LICENSEE OR PERMITTEE. ~~No~~ A person  
29 responsible for the administration or enforcement of this  
30 chapter shall not accept or solicit donations, gratuities,  
31 political advertising, gifts, or other favors, directly or  
32 indirectly, from ~~any-liquor-control~~ a licensee or ~~beer~~  
33 permittee. A violation of this section ~~shall-subject~~ subjects  
34 the violator to the general penalties provided by this chapter.

35 Sec. 33. Section 123.19, Code 1983, is amended to read

1 as follows:

2 123.19 DISTILLER'S CERTIFICATE OF COMPLIANCE.

3 1. Any A manufacturer, distiller, ~~vintner~~, or importer  
4 of alcoholic ~~beverages~~ liquor shipping, selling, or having  
5 alcoholic ~~beverages~~ liquor brought into this state for resale  
6 by the state shall, as a condition precedent to the privilege  
7 of so trafficking in alcoholic liquors in this state, annually  
8 make application for and shall hold a distiller's certificate  
9 of compliance which shall be issued by the director for ~~such~~  
10 that purpose. No brand of alcoholic liquor shall be sold  
11 by the department in this state unless the manufacturer,  
12 distiller, ~~vintner~~, importer, and all other persons  
13 participating in the distribution of ~~such~~ that brand in this  
14 state have obtained ~~such~~ a certificate. ~~Such~~ The certificate  
15 of compliance shall expire at the end of one year from the  
16 date of issuance and shall be renewed for a like period upon  
17 application to the director unless otherwise suspended or  
18 revoked for cause. Each application for a distiller's  
19 certificate of compliance or renewal ~~thereof~~ shall be made  
20 in ~~such~~ a manner and upon ~~such~~ forms ~~as shall be~~ prescribed  
21 by the director and shall be accompanied by a fee of fifty  
22 dollars payable to the department. However, ~~the provisions~~  
23 ~~of~~ this subsection need not apply to a manufacturer, distiller,  
24 ~~vintner~~, or importer who ships or sells in this state no more  
25 than eleven gallons or its case equivalent during any fiscal  
26 year as a result of "special orders" which might be placed,  
27 as defined and allowed by departmental rules adopted under  
28 this chapter.

29 2. At the time of applying for a distiller's certificate  
30 of compliance, each applicant shall file with the department  
31 the name and address of its authorized agent for service of  
32 process which shall remain effective until changed for another  
33 and a list of names and addresses of all representatives,  
34 employees, or attorneys whom ~~they~~ the applicant may have  
35 appointed in the state of Iowa to represent ~~them~~ the applicant

1 for any purpose. The listing of ~~such~~ representatives,  
2 employees, or attorneys shall be amended from time to time  
3 by the certificate holder as necessary to keep ~~such~~ the listing  
4 current with the department.

5 3. The director and the attorney general ~~are-authorized~~  
6 ~~to~~ may require ~~any a distiller's~~ certificate holder or person  
7 listed as ~~his~~ the distiller's representative, employee, or  
8 attorney to disclose ~~such~~ financial and other records and  
9 transactions ~~as-may-be~~ considered relevant in discovering  
10 violations of this chapter or of rules ~~and-regulations~~ of  
11 the department or of any other provision of law by any person.

12 4. ~~Any A~~ violation of ~~the-requirements-of~~ this section,  
13 except subsection 3, shall subject the violator to the general  
14 penalties provided in this chapter and in addition ~~thereto~~  
15 ~~shall-be~~ is grounds for suspension or revocation of the  
16 distiller's certificate of compliance, after notice and hearing  
17 before the department hearing board. Willful failure to  
18 comply with requirements ~~which-may-be~~ imposed under subsection  
19 3 ~~shall-be~~ is grounds for suspension or revocation of the  
20 distiller's certificate of compliance only. Decisions of  
21 the hearing board concerning ~~such~~ suspension or revocation  
22 ~~shall-be~~ are binding upon all parties.

23 5. This section ~~shall~~ does not require the listing of  
24 those persons who are employed on premises where alcoholic  
25 beverages liquors are manufactured, processed, bottled or  
26 packaged in Iowa or to persons who are ~~thereafter~~ engaged  
27 in the transporting of such alcoholic beverages liquors to  
28 the department.

29 6. The attorney general may also proceed pursuant to ~~the~~  
30 ~~provisions-of~~ section 714.16 in order to gain compliance with  
31 subsection 3 of this section and may obtain an injunction  
32 prohibiting any further violations of this chapter or other  
33 provisions of law. ~~Any A~~ violation of that injunction shall  
34 be punished as contempt of court pursuant to chapter 665  
35 except that the maximum fine that may be imposed shall not

1 exceed fifty thousand dollars.

2 7. A manufacturer, bottler, vendor, or importer, whether  
3 or not holding a certificate issued pursuant to this section,  
4 shall not cause the importing of wine into this state for  
5 sale directly to a licensee or permittee as permitted by this  
6 chapter, unless the person has been issued a certificate of  
7 compliance pursuant to section 123.175.

8 Sec. 34. Section 123.20, subsections 1, 6, 7, and 8, Code  
9 1983, are amended to read as follows:

10 1. To purchase alcoholic liquors and wines for resale  
11 by the department in the manner set forth in this chapter.

12 ~~6. To grant and issue beer permits, special permits,~~  
13 ~~liquor-control licenses, and other licenses, and to suspend~~  
14 ~~or revoke all such permits and licenses for cause under this~~  
15 ~~chapter.~~

16 7. To license, inspect, and control the manufacture of  
17 ~~beer and~~ alcoholic liquors beverages and regulate the entire  
18 ~~beer and liquor~~ alcoholic beverage industry in the state.

19 8. To accept intoxicating liquors and wines ordered  
20 delivered to the  ~~Iowa-beer-and-liquor-control~~ department  
21 pursuant to section 127.8, subsection 1, and offer such  
22 intoxicating liquors and wines for sale through the state  
23 liquor stores, ~~unless the director determines that such~~  
24 ~~intoxicating liquors may be adulterated or contaminated.~~  
25 ~~if~~ However, if the director determines that such ~~intoxicating~~  
26 ~~liquors~~ alcoholic beverages may be adulterated or contaminated,  
27 the director shall order their destruction.

28 Sec. 35. Section 123.21, subsections 6, 7, 8, 9, and 10,  
29 Code 1983, are amended to read as follows:

30 6. Providing for the issuing and distributing of price  
31 lists showing the price to be paid by purchasers for each  
32 brand, class, or variety of ~~liquor~~ alcoholic beverage kept  
33 for sale by the department under this chapter. Provide for  
34 the filing or posting of prices between class "A" beer permit  
35 holders and retailers ~~as provided in this chapter~~ and between

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

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

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

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

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

23 Sec. 36. Section 123.22, Code 1983, is amended to read  
24 as follows:

25 123.22 STATE MONOPOLY. The department ~~shall-have~~ has  
26 the ~~sole-and~~ exclusive right of importation, into the state,  
27 of all forms of alcoholic liquor and wine, except as otherwise  
28 provided in this chapter, and no person shall ~~se~~ import any  
29 ~~such~~ alcoholic liquor or wine, except that an individual of  
30 legal age may import and have in ~~his~~ possession ~~an-amount~~  
31 of alcoholic liquor and wine not exceeding a total amount  
32 of one quart or, in the case of alcoholic liquor and wine  
33 personally obtained outside the United States, one gallon  
34 for personal consumption only in a private home or other  
35 private accommodation. No distillery, winery or brewery shall

1 sell any alcoholic ~~liquor~~ beverage within the state to any  
2 other person but only to the department, except as otherwise  
3 provided in this chapter. It is the intent of this section  
4 to vest in the department exclusive control within the state  
5 both as purchaser and vendor of all alcoholic liquor and wine  
6 sold ~~by distilleries~~ within the state or imported ~~therein~~  
7 into the state, except beer, and except as otherwise provided  
8 in this chapter.

9 No person, ~~by himself~~ either personally or through another  
10 acting for ~~him~~ the person, shall directly or indirectly, or  
11 upon any a pretense, or by any a device, manufacture, sell,  
12 exchange, barter, dispense, give in consideration of the  
13 purchase of any property or of any services or in evasion  
14 of this chapter, or keep for sale, or have possession of any  
15 intoxicating liquor or wine, except as provided in this  
16 chapter; or own, keep, or be in any way concerned, engaged,  
17 or employed in owning or keeping, ~~any~~ intoxicating liquor  
18 or wine with intent to violate any a provision of this chapter,  
19 or authorize or permit the same to be done; or manufacture,  
20 own, sell, or have possession of any manufactured or compounded  
21 article, mixture or substance, not in a liquid form, and  
22 containing alcohol which may be converted into a beverage  
23 by a process of pressing or straining the alcohol therefrom,  
24 or any instrument intended for use and capable of being used  
25 in the manufacture of intoxicating liquor or wine; or own  
26 or have possession of any material used exclusively in the  
27 manufacture of intoxicating liquor or wine; or use or have  
28 possession of any material with intent to use it in the  
29 manufacture of intoxicating ~~liquors, however~~ liquor or wine.  
30 However, alcohol may be manufactured for industrial and  
31 nonbeverage purposes by persons who have qualified for that  
32 purpose as provided by the laws of the United States and the  
33 laws of this state. Such alcohol, so manufactured, may be  
34 denatured, transported, used, possessed, sold, and bartered  
35 and dispensed, subject to the limitations, prohibitions and

1 restrictions imposed by the laws of the United States and  
2 this state. ~~Any~~ A person may manufacture, sell, or transport  
3 ingredients and devices other than alcohol for the making  
4 of home-made wine.

5 Sec. 37. Section 123.23, Code 1983, is amended to read  
6 as follows:

7 123.23 STATE LIQUOR STORES. The department shall establish  
8 and maintain in any city which the director ~~may-deem~~ deems  
9 advisable, a state liquor store or stores for the storage  
10 and sale of alcoholic liquor and wine in accordance with ~~the~~  
11 ~~provisions-of~~ this chapter. The department may, from time  
12 to time, as determined by the director, fix the prices of  
13 the different classes, varieties, or brands of alcoholic  
14 liquor and wine to be sold.

15 Sec. 38. Section 123.24, subsection 1 and subsection 2,  
16 paragraph a, Code 1983, are amended to read as follows:

17 1. In the conduct and management of state liquor stores,  
18 the director ~~is-empowered-to~~ may employ a person who shall  
19 be known as a "vendor" who shall, subject to the directions  
20 of the director, observe all provisions of this chapter and  
21 the rules and ~~regulations~~ policies of the department. No  
22 vendor of ~~any~~ a state liquor store shall sell ~~alcoholic-liquor~~  
23 merchandise to ~~any~~ a person except for cash or traveler's  
24 check.

25 a. Notwithstanding the preceding paragraph, a vendor may  
26 accept from a class "A", "B", "C" or "D" liquor control  
27 licensee, a cashier's check which shows the licensee is the  
28 remitter or a check issued by the licensee, in payment of  
29 ~~alcoholic-liquor~~ merchandise purchased for resale. ~~in-the~~  
30 ~~event~~ If a check is subsequently dishonored, the vendor shall  
31 cause a notice of nonpayment and penalty to be served upon  
32 the licensee or upon ~~any~~ a person in charge of the licensed  
33 premises. The notice shall state that if payment or  
34 satisfaction for the dishonored check is not made within ten  
35 days of the service of notice, the licensee's liquor control

1 license shall be suspended by the procedures of section 123.39.  
2 The notice of nonpayment and penalty shall be in a form  
3 prescribed by the director, and shall be served by a peace  
4 officer.

5 Sec. 39. Section 123.25, Code 1983, is amended to read  
6 as follows:

7 123.25 CONSUMPTION ON PREMISES. ~~No~~ A vendor, officer,  
8 clerk, agent, or employee of the department employed in any  
9 a state liquor store or state-owned warehouse shall not allow  
10 any alcoholic liquor or wine to be consumed on ~~such~~ the  
11 premises, nor shall any a person consume any alcoholic liquor  
12 or wine on ~~such~~ the premises.

13 Sec. 40. Section 123.26, Code 1983, is amended to read  
14 as follows:

15 123.26 RESTRICTIONS ON SALES--SEALS--LABELING. Alcoholic  
16 liquor or wine shall not be sold by the department to a  
17 purchaser except in a sealed container with identifying markers  
18 as prescribed by the director and affixed on the premises  
19 of a state warehouse or store and ~~no-such~~ the container shall  
20 not be opened upon the premises of a state warehouse or store.  
21 Possession of alcoholic liquors or wines which do not carry  
22 the prescribed identifying markers is a violation of this  
23 chapter except as provided in section 123.227-~~and-except-as~~  
24 ~~authorized-by-the-council-pursuant-to-section-123-567-subsec-~~  
25 ~~tion-4.~~

26 Sec. 41. Section 123.27, Code 1983, is amended to read  
27 as follows:

28 123.27 SALES PROHIBITED.

29 ~~It~~ It is unlawful to transact the sale or delivery of  
30 alcoholic liquor or wine in, on, or from the premises of a  
31 state liquor store or warehouse:

32 ~~a-~~ 1. After the closing hour as established by the direc-  
33 tor.

34 ~~b-~~ 2. On any a legal holiday except those designated by  
35 the director and approved by the executive council.

1 e- 3. On any a Sunday.

2 d- 4. During other periods or days as designated by the  
3 director.

4 ~~2.--The-director-shall-promulgate-rules,-subject-to-the~~  
5 ~~approval-of-the-council,-concerning-the-days-and-hours-that~~  
6 ~~manufacturers-of-native-wines-may-sell-native-wines-to-class~~  
7 ~~"A",-class-"B",-and-class-"C"-liquor-control-licensees-pursuant~~  
8 ~~to-section-123-56-~~

9 Sec. 42. Section 123.28, Code 1983, is amended to read  
10 as follows:

11 123.28 TRANSPORTATION PERMITTED. It ~~shall-be~~ is lawful  
12 to transport, carry, or convey alcoholic liquors and wine  
13 from the place of purchase by the department to any a state  
14 warehouse, store, or depot established by the department or  
15 from one such place to another and, when so permitted by this  
16 chapter, it ~~shall-be~~ is lawful for any a common carrier or  
17 other person to transport, carry, or convey alcoholic liquor  
18 and wine sold by a vendor from a state warehouse, store, depot  
19 or point of purchase by the state to any a place to which  
20 ~~such~~ the alcoholic liquor and wine may be lawfully delivered  
21 under this chapter. Notwithstanding section 321.230, sections  
22 321.225 and 321.226 do not apply to department employees in  
23 the regular course of their employment. A common carrier  
24 or other person shall not break or open or allow to be broken  
25 or opened any a container or package containing alcoholic  
26 liquor or wine or use or drink or allow to be used or drunk  
27 any alcoholic liquor or wine while it is being transported  
28 or conveyed, ~~but.~~ However, this section ~~shall~~ does not  
29 prohibit a private person from transporting individual bottles  
30 or containers of alcoholic liquor or wine exempted pursuant  
31 to section 123.22 and individual bottles or containers bearing  
32 the identifying mark prescribed in section 123.26 which have  
33 been opened previous to the commencement of ~~such the~~  
34 transportation. This section ~~shall~~ does not affect the right  
35 of ~~any-special~~ a permit or ~~liquor-control~~ license holder to

1 purchase, possess, or transport alcoholic liquors subject  
2 to ~~the provisions of~~ this chapter.

3 Sec. 43. Section 123.29, unnumbered paragraph 1, Code  
4 1983, is amended to read as follows:

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

15 Sec. 44. Section 123.29, subsection 4, paragraph c, Code  
16 1983, is amended to read as follows:

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

24 Sec. 45. Section 123.30, subsection 3, paragraphs a, b,  
25 c, and d, Code 1983, are amended to read as follows:

26 a. CLASS "A". A class "A" liquor control license may  
27 be issued to a club and shall authorize the holder to purchase  
28 alcoholic liquors from only the department, to purchase wine  
29 from the department and from class "A" wine permittees, and  
30 to purchase beer from class "A" beer permittees, and to  
31 purchase native wines from native wine manufacturers, and  
32 to sell ~~such liquors, and beer,~~ to bona fide members and their  
33 guests by the individual drink for consumption on the premises  
34 only. However, beer and wine also may be sold in their  
35 containers for consumption on the premises only.

1 b. CLASS "B". A class "B" liquor control license may  
2 be issued to a hotel or motel and shall authorize the holder  
3 to purchase alcoholic liquors from only the department, to  
4 purchase wine from the department and from class "A" wine  
5 permittees, to purchase beer from class "A" beer permittees,  
6 and to purchase native wines from native wine manufacturers,  
7 and to sell such ~~liquors, and beer,~~ to patrons by the  
8 individual drink for consumption on the premises only,  
9 however. However, beer and wine also may be sold in their  
10 containers for consumption on the premises only, and beer  
11 may also be sold for consumption off the premises. Each  
12 license shall be effective throughout the premises described  
13 in the application.

14 c. CLASS "C". A class "C" liquor control license may  
15 be issued to a commercial establishment but must be issued  
16 in the name of the individuals who actually own the entire  
17 business and shall authorize the holder to purchase alcoholic  
18 liquors from only the department, and to purchase wine from  
19 the department and from class "A" wine permittees, to purchase  
20 beer from class "A" beer permittees, and to purchase native  
21 wines from native wine manufacturers, and to sell ~~such liquors,~~  
22 ~~and beer,~~ to patrons by the individual drink for consumption  
23 on the premises only, however. However, beer and wine also  
24 may be sold in their containers for consumption on the premises  
25 only, and beer may also be sold for consumption off the  
26 premises.

27 A special class "C" liquor control license may be issued  
28 and shall authorize the holder ~~or holders~~ to purchase wine  
29 ~~containing not more than seventeen percent alcohol by weight~~  
30 from the department only and from class "A" wine permittees,  
31 and to sell ~~such~~ the wine, and beer, to patrons by the  
32 individual drink for consumption on the premises only,  
33 however. However, beer and wine may be sold in their  
34 containers for consumption on the premises only, and beer  
35 may also be sold for consumption off the premises. The license

1 issued to holders of a special class "C" license shall clearly  
2 state on its face "alcoholic ~~liquor~~ beverages, limited to  
3 wine and beer only."

4 d. CLASS "D". A class "D" liquor control license may  
5 be issued to a railway corporation, to an air common carrier,  
6 and to passenger-carrying boats or ships for hire with a  
7 capacity of twenty-five persons or more operating in inland  
8 or boundary waters, and shall authorize the holder to sell  
9 or furnish alcoholic beverages ~~and-beer~~ to passengers for  
10 consumption only on trains, watercraft as described herein,  
11 or aircraft, respectively. Each ~~such~~ license ~~shall-be~~ is  
12 valid throughout the state as a state license. Only one such  
13 license shall be required for all trains, watercraft, or  
14 aircraft operated in the state by the licensee.

15 Sec. 46. Section 123.32, subsections 1, 2, 3, and 4, Code  
16 1983, are amended to read as follows:

17 1. FILING OF APPLICATION. An application for a class  
18 "A", class "B", or class "C" liquor control license, and or  
19 for a retail beer permit as provided in sections 123.128 and  
20 123.129, or for a retail wine permit as provided in sections  
21 123.168 and 123.169, accompanied by the required fee and bond,  
22 shall be filed with the appropriate city council if the  
23 premises for which the license or permit is sought are located  
24 within the corporate limits of a city, or with the board of  
25 supervisors if the premises for which the license or permit  
26 is sought are located outside the corporate limits of a city.  
27 An application for a class "D" liquor control license, and  
28 for a class "A" beer permit, or for a class "A" wine permit,  
29 accompanied by the required fee and bond, shall be filed with  
30 the department, ~~which shall proceed in the same manner as~~  
31 ~~in the case of an application approved by local authorities.~~

32 2. ACTION BY LOCAL AUTHORITIES. The local authority shall  
33 either approve or disapprove the issuance of a liquor control  
34 license, ~~or~~ retail beer permit or retail wine permit, and  
35 shall endorse ~~such~~ its approval or disapproval on the

1 application and forward ~~same~~ the application along with the  
2 required fee and bond to the department. Upon the initial  
3 ~~issuance-of~~ application for a ~~liquor-control~~ license or ~~retail~~  
4 ~~beer~~ permit, the fact that the local authority determines  
5 that no ~~liquor-control~~ license or ~~retail-beer~~ permit shall  
6 be issued shall not be held to be arbitrary, capricious, or  
7 without reasonable cause. There ~~shall-be~~ is no limit upon  
8 the number of ~~liquor-control~~ licenses or ~~retail-beer~~ permits  
9 which may be approved for issuance by local authorities.

10 3. ACTION BY DIRECTOR. Upon receipt of an application  
11 ~~having-been~~ disapproved by the local authority, the director  
12 shall disapprove the application, so notify the applicant  
13 by registered mail, and return the fee and bond to the  
14 applicant. Upon receipt of an application ~~having-been~~ approved  
15 by the local authority, or upon receipt of an application  
16 for a class "D" liquor control license, a class "A" beer  
17 permit, or a class "A" wine permit, the director shall make  
18 ~~such an~~ an investigation as ~~he~~ the director deems necessary and  
19 may require the applicant to appear before ~~him~~ the director  
20 and be examined under oath regarding any matters pertinent  
21 to the application, in which case a record shall be made of  
22 all testimony or evidence and the ~~same~~ record shall become  
23 a part of the application. If the application is approved  
24 by the director, the license or permit applied for shall be  
25 issued. If the application is disapproved by the director,  
26 the applicant and in the case of a retail license or permit  
27 the appropriate local authority shall be so notified by  
28 restricted certified mail, and the fee and bond returned to  
29 the applicant.

30 4. APPEAL TO HEARING BOARD. ~~Any~~ An applicant for a ~~liquor~~  
31 ~~control~~ license or ~~beer~~ permit may appeal to the department  
32 hearing board, established pursuant to section 123.15, from  
33 the director's disapproval of an application for a license  
34 or permit. If, upon ~~such~~ such appeal, the hearing board ~~shall~~  
35 ~~determine~~ determines that ~~the~~ a local authority acted

1 arbitrarily, capriciously, or without reasonable cause in  
2 disapproving ~~the~~ an application, or that, where the local  
3 authority approved the application, the director's own  
4 disapproval should be reversed, it shall order issuance of  
5 a license or permit. The same right of appeal to the hearing  
6 board shall be afforded a ~~liquor-control~~ licensee or ~~beer~~  
7 permittee whose license or permit has been suspended or revoked  
8 under this chapter, and the hearing board shall reduce the  
9 period of suspension or order reinstatement of ~~such~~ the license  
10 or permit for good cause shown.

11 Sec. 47. Section 123.34, subsection 1, Code 1983, is  
12 amended to read as follows:

13 1. ~~Liquor-control-licenses~~ Licenses and ~~beer~~ permits,  
14 unless sooner suspended or revoked, expire one year from date  
15 of issuance. The director shall give sixty days' written  
16 notice of the expiration to each licensee or permittee.  
17 However, the director may issue six-month or eight-month  
18 seasonal licenses or class "B" ~~beer~~ or wine permits for a  
19 proportionate part of the license or permit fee or may issue  
20 fourteen-day ~~liquor~~ licenses or beer permits as provided in  
21 subsection 2. No refund shall be made for seasonal licenses  
22 or permits or for fourteen-day ~~liquor~~ licenses or beer permits.  
23 No seasonal license or permit shall be renewed except after  
24 a period of two months.

25 Sec. 48. Section 123.35, unnumbered paragraph 1, Code  
26 1983, is amended to read as follows:

27 The director shall prescribe simplified application forms  
28 for the renewal of ~~liquor-control~~ licenses and ~~beer~~ permits  
29 issued under ~~the provisions of~~ this chapter, which may be  
30 filed by licensees and permittees in lieu of a detailed renewal  
31 application form when qualifications and qualification  
32 information have not changed since the original issuance of  
33 the license or permit. ~~Such~~ This simplified form shall require  
34 the licensee or permittee to verify under oath that the  
35 information contained in the original application remains

1 current, and that no reason exists for the department's refusal  
2 to renew the license or permit as originally issued.

3 Sec. 49. Section 123.36, subsection 2, Code 1983, is  
4 amended to read as follows:

5 2. Class "A" liquor control licenses, the sum of six  
6 hundred dollars, except that for class "A" licenses in cities  
7 of less than two thousand population, and for clubs of less  
8 than two hundred fifty members, the license fee ~~shall be~~ is  
9 four hundred dollars; however, the fee ~~shall be~~ is two hundred  
10 dollars for any a club which is a post, branch, or chapter  
11 of a veterans organization chartered by the Congress of the  
12 United States, if ~~such the~~ the club does not sell or permit the  
13 consumption of alcoholic beverages ~~or-beer~~ on the premises  
14 more than one day in any a week, and if the application for  
15 a license states that ~~such the~~ the club does not and will not  
16 sell or permit the consumption of alcoholic beverages ~~or-beer~~  
17 on the premises more than one day in any a week.

18 Sec. 50. Section 123.36, subsection 5, paragraph c, and  
19 subsection 6, Code 1983, are amended to read as follows:

20 c. For air common carriers, each company shall pay a base  
21 annual fee of five hundred dollars and, in addition, shall  
22 quarterly remit to the department an amount equal to seven  
23 dollars for each gallon of alcoholic liquor and wine sold,  
24 given away, or dispensed in or over this state during the  
25 preceding calendar quarter. The class "D" license fee and  
26 tax for air common carriers ~~shall be~~ is in lieu of any other  
27 fee or tax collected from such carriers in this state for  
28 the possession and sale of alcoholic ~~liquor-and-beer~~ beverages.

29 6. Any A club, hotel, motel, or commercial establishment  
30 holding a liquor control license for whom the sale of goods  
31 and services other than alcoholic ~~liquor-or-beer~~ beverages  
32 constitutes fifty percent or more of the gross receipts from  
33 the licensed premises, subject to ~~the-provisions-of~~ section  
34 123.49, subsection 2, paragraph "b", may sell and dispense  
35 alcoholic ~~liquor~~ beverages except beer to patrons on Sunday

1 for consumption on the premises only, and beer for consumption  
2 on or off the premises between the hours of noon and ten p.m.  
3 on Sunday. For the privilege of selling beer and alcoholic  
4 ~~liquor~~ beverages on the premises on Sunday the ~~liquor-control~~  
5 license fee of the applicant shall be increased by twenty  
6 percent of the regular fee prescribed for the license pursuant  
7 to this section, and the privilege shall be noted on the  
8 ~~liquor-control~~ license. The department shall prescribe the  
9 nature and the character of the evidence ~~which shall be~~  
10 required of the applicant under this subsection.

11 Sec. 51. Section 123.36, subsection 7, unnumbered para-  
12 graph 1, Code 1983, is amended to read as follows:

13 Class "C" liquor control licenses which limit sales of  
14 alcoholic ~~liquor~~ beverages to wine ~~containing not more than~~  
15 ~~seventeen percent alcohol by weight~~ and beer, a sum as follows:

16 Sec. 52. Section 123.37, Code 1983, is amended to read  
17 as follows:

18 123.37 POWER TO LICENSE AND LEVY TAXES. The power to  
19 establish licenses and permits and levy taxes as imposed in  
20 title VI of the Code is vested exclusively with the state.  
21 Unless specifically provided, ~~no~~ a local authority shall not  
22 levy a local tax on the sale of alcoholic beverages ~~or beer~~,  
23 nor require the obtaining of a ~~special~~ local license or permit  
24 for ~~such~~ the sale ~~on any establishment~~, ~~or~~ nor require the  
25 obtaining of a license by any person as a condition precedent  
26 to ~~his~~ the person's employment in the sale, serving, or  
27 handling of alcoholic beverages ~~or beer~~ within an establishment  
28 operating under a license or permit.

29 Sec. 53. Section 123.38, unnumbered paragraphs 1 and 2,  
30 Code 1983, are amended to read as follows:

31 A special liquor permit, liquor control license, ~~or~~ beer  
32 permit ~~shall be~~, or wine permit is a purely personal privilege  
33 and ~~be~~ is revocable for cause. It ~~shall~~ does not constitute  
34 property nor ~~be~~ is it subject to attachment and execution  
35 nor ~~be~~ alienable nor assignable, and in any case it shall

1 cease upon the death of the permittee or licensee. However,  
2 the director may in ~~his~~ the director's discretion allow the  
3 executor or administrator of a permittee or licensee to operate  
4 the business of the decedent for a reasonable time not to  
5 exceed the expiration date of the permit or license. ~~Every~~  
6 A permit or license shall be issued in the name of the  
7 applicant and ~~no~~ a person holding a permit or license shall  
8 not allow any other person to use ~~same~~ it.

9 ~~Any-such~~ A licensee or permittee, or ~~his~~ an executor,  
10 administrator, or any person duly appointed by the court to  
11 take charge of and administer the property or assets of the  
12 licensee or permittee for the benefit of ~~his~~ creditors, may  
13 voluntarily surrender ~~such~~ the license or permit to the  
14 department and when so surrendered the department shall notify  
15 the local authority, and the department and ~~such~~ the local  
16 authority, or the local authority by itself in the case of  
17 a retail beer permit, shall refund to the person so  
18 surrendering the license or permit a proportionate amount  
19 of the fee paid for ~~such~~ the license or permit as follows:  
20 If surrendered during the first three months of the period  
21 for which ~~said-license-or-permit-was~~ issued, the refund shall  
22 ~~be~~ is three-fourths of the amount of the fee; if surrendered  
23 more than three months but not more than six months after  
24 issuance, the refund shall ~~be~~ is one-half of the amount of  
25 the fee; if surrendered more than six months but not more  
26 than nine months after issuance, the refund shall ~~be~~ is one-  
27 fourth of the amount of the fee. ~~No~~ A refund shall not be  
28 made, however, for ~~any~~ a special liquor permit, nor for a  
29 ~~liquor-control~~ any other license or ~~beer~~ permit surrendered  
30 more than nine months after issuance. ~~No~~ A refund shall not  
31 be made to ~~any~~ a licensee or permittee, upon the surrender  
32 of ~~his~~ a license or permit, if there is at the time of ~~said~~  
33 surrender a complaint filed with the department or local  
34 authority, charging ~~him~~ the person with a violation of ~~the~~  
35 ~~provisions-of~~ this chapter. If upon hearing on ~~any-such~~ the

1 complaint, the license or permit is not revoked or suspended,  
2 then the licensee or permittee ~~shall-be~~ is eligible, upon  
3 surrender of ~~his~~ the license or permit, to receive a refund  
4 ~~as-herein-provided~~. But However, if ~~his~~ the license or permit  
5 is revoked or suspended upon ~~such~~ hearing he, the person shall  
6 is not ~~be~~ eligible for the refund of any portion of ~~his~~ the  
7 license or permit fee.

8 Sec. 54. Section 123.39, Code 1983, is amended to read  
9 as follows:

10 123.39 SUSPENSION OR REVOCATION OF ~~LIQUOR~~ LICENSE OR BEER  
11 PERMIT. ~~Any-liquor-control~~ A certificate, license or beer  
12 permit issued under this chapter may, after notice in writing  
13 to the ~~licensee~~ licensee or permit holder and reasonable  
14 opportunity for hearing, and subject to section 123.50 where  
15 applicable, be suspended for a period not to exceed one year  
16 or revoked by the local authority having jurisdiction or the  
17 director for any of the following causes:

18 1. Misrepresentation of any a material fact in the  
19 application for ~~such~~ the license or permit.

20 2. Violation of any of the provisions of this chapter.

21 3. Any A change in the ownership or interest in the  
22 business operated under a class "A", class "B", or class "C"  
23 liquor control license, or any a wine or beer permit which  
24 change was not previously reported to and approved by the  
25 local authority and the department.

26 4. An event which would have resulted in disqualification  
27 from receiving ~~such~~ the license or permit when originally  
28 issued.

29 5. Any A sale, hypothecation, or transfer of ~~such~~ the  
30 license or permit.

31 6. The failure or refusal on the part of any a licensee  
32 or permittee to render any a report or remit any taxes to  
33 the department under this chapter when due.

34 Local authorities ~~shall-have-the-power-to~~ may suspend any  
35 a retail wine permit or retail beer permit or liquor control

1 license for a violation of ~~any an~~ ordinance or regulation  
 2 adopted by ~~such the~~ local authority. Local authorities are  
 3 ~~empowered-to~~ may adopt ordinances or regulations for the  
 4 location of the premises of retail beer, retail wine, and  
 5 liquor control licensed establishments and ~~are-empowered-to~~  
 6 may adopt ordinances, not in conflict with ~~the-provisions~~  
 7 of this chapter and that do not diminish the hours during  
 8 which ~~beer-or~~ alcoholic beverages may be sold or consumed  
 9 at retail, governing any other activities or matters which  
 10 may affect the retail sale and consumption of ~~beer-and~~  
 11 alcoholic ~~liquor~~ beverages and the health, welfare and morals  
 12 of the community involved.

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

33 Sec. 55. Section 123.40, Code 1983, is amended to read  
 34 as follows:

35 123.40 EFFECT OF REVOCATION. ~~Any-liquor-control~~ A licensee

1 or ~~beer~~ permittee whose license or permit is revoked under  
2 this chapter ~~shall~~ is not thereafter ~~be~~ permitted to hold  
3 a ~~liquor-control~~ license or ~~beer~~ permit in the state of Iowa  
4 for a period of two years from the date of ~~such~~ the revocation.  
5 The spouse and business associates holding ten percent or  
6 more of the capital stock or ownership interest in the business  
7 of a person whose license or permit has been revoked shall  
8 not be issued a ~~liquor-control~~ license or ~~beer~~ permit, and  
9 ~~no-liquor-control~~ a license or ~~beer~~ permit shall not be issued  
10 which covers any a business in which ~~such~~ the person has a  
11 financial interest for a period of two years from the date  
12 of ~~such~~ the revocation. ~~In-the-event~~ if a license or permit  
13 is revoked, the premises which had been covered by ~~such~~ the  
14 license or permit shall not be relicensed for one year.

15 Sec. 56. Section 123.44, Code 1983, is amended to read  
16 as follows:

17 123.44 GIFT OF LIQUORS PROHIBITED. ~~No~~ A manufacturer  
18 or wholesaler shall not give away any alcoholic liquor of  
19 any kind or description at any time in connection with ~~his~~  
20 the business except for testing or sampling purposes only.  
21 ~~No~~ A manufacturer, vintner, wholesaler, or importer, who is  
22 organized as a corporation pursuant to the laws of this state  
23 or any other state, and who deals in alcoholic ~~liquor-or-beer~~  
24 beverages subject to this chapter, shall not offer or give  
25 any thing of value to any a council member, an official or  
26 employee of the department or directly or indirectly contribute  
27 in any manner any money or thing of value to any a person  
28 seeking a public or appointive office or any a recognized  
29 political party or a group of persons seeking to become a  
30 recognized political party.

31 Sec. 57. Section 123.45, Code 1983, is amended to read  
32 as follows:

33 123.45 INTEREST IN LIQUOR BUSINESS. Except as provided  
34 in section 123.6, a council member or department employee  
35 shall not, directly or indirectly, individually, or as a

1 member of a partnership or shareholder in a corporation, have  
2 ~~any an~~ interest in dealing in or in the manufacture of  
3 alcoholic ~~liquor-or-beer~~ beverages, and shall not receive  
4 any kind of profit nor have ~~any an~~ interest in the purchase  
5 or sale of alcoholic ~~liquor-or-beer~~ beverages by persons so  
6 authorized under this chapter. However, this provision shall  
7 does not prohibit ~~any-such~~ a member or employee from lawfully  
8 purchasing and keeping alcoholic ~~liquor-or-beer~~ beverages  
9 in ~~his-or-her~~ possession for personal use.

10 ~~No~~ A person engaged in the business of manufacturing,  
11 bottling, or wholesaling alcoholic beverages ~~or-beer-or~~  
12 ~~any or a~~ jobber or agent of ~~such the~~ person, shall not directly  
13 or indirectly supply, furnish, give, or pay for ~~any~~  
14 furnishings, fixtures, or equipment used in the storage,  
15 handling, serving, or dispensing of alcoholic beverages ~~or-beer~~  
16 or food within the place of business of a licensee or permittee  
17 authorized under ~~the-provisions-of~~ this chapter, to sell at  
18 retail; nor shall the person directly or indirectly extend  
19 ~~any~~ credit for alcoholic beverages ~~or-beer~~ or pay for any  
20 ~~such a~~ license or permit, nor directly or indirectly be  
21 interested in the ownership, conduct, or operation of the  
22 business of another licensee or permittee authorized under  
23 ~~the-provisions-of~~ this chapter to sell at retail, except that  
24 this restriction does not apply to the business organization  
25 of, or the business arrangements and transactions between  
26 a wholesale supplier which holds a class "A" wine permit and  
27 grocery stores which hold class "C" wine permits and which  
28 are owned in whole or in part by the class "A" permittee,  
29 and except that a person engaged in the business of  
30 manufacturing beer may sell beer at retail for consumption  
31 on or off the premises of the manufacturing facility and,  
32 notwithstanding any other provision of this chapter or the  
33 fact that ~~such-a~~ the person ~~may-be~~ is the holder of a class  
34 "A" beer permit, may be granted not more than one class "B"  
35 permit as defined in section 123.124 for ~~such~~ that purpose.

1 ~~Any~~ A licensee or permittee who ~~shall-permit~~ permits or ~~assent~~  
2 assents or ~~be~~ is a party in any way to any such violation  
3 or infringement of ~~the-provisions-of~~ this chapter ~~shall-be~~  
4 deemed is guilty of a violation of ~~the-provisions-of~~ this  
5 chapter.

6 Sec. 58. Section 123.46, Code 1983, is amended to read  
7 as follows:

8 123.46 CONSUMPTION IN PUBLIC PLACES--INTOXICATION. It  
9 is unlawful for any a person to use or consume alcoholic  
10 ~~liquors-or-beer~~ beverages upon the public streets or highways,  
11 or alcoholic liquors in any a public place, except premises  
12 covered by a liquor control license, or to possess or consume  
13 alcoholic ~~liquors-or-beer~~ beverages on any public school  
14 property or while attending any public or private school  
15 related functions, and ~~no~~ a person shall not be intoxicated  
16 nor simulate intoxication in a public place. As used in this  
17 section "school" means a school or that portion ~~thereof~~ of  
18 a school, which provides teaching for any grade from  
19 kindergarten through grade twelve. Any A person violating  
20 ~~any-provisions~~ a provision of this section ~~shall-be~~ is guilty  
21 of a simple misdemeanor.

22 Sec. 59. Section 123.47, Code 1983, is amended to read  
23 as follows:

24 123.47 PERSONS UNDER LEGAL AGE. ~~No~~ A person shall not  
25 sell, give, or otherwise supply alcoholic ~~liquor-or-beer~~  
26 beverages to any a person knowing or having reasonable cause  
27 to believe ~~him~~ the person to be under legal age, and ~~no~~ a  
28 person or persons under legal age shall not individually or  
29 jointly ~~have~~ possess or control alcoholic ~~liquor-or-beer-in~~  
30 ~~his-or-their-possession-or-control,~~ beverages, except in the  
31 case of ~~liquor-or-beer~~ an alcoholic beverage given or dispensed  
32 to a person under legal age within a private home and with  
33 the knowledge and consent of the parent or guardian for  
34 beverage or medicinal purposes or as administered to ~~him~~ the  
35 person by either a physician or dentist for medicinal purposes,

1 and except to the extent that a person under legal age may  
 2 handle alcoholic beverages ~~and beer~~ during the regular course  
 3 of ~~his or her~~ the person's employment by a ~~liquor control~~  
 4 licensee or ~~beer~~ permittee ~~under this chapter~~.

5 Sec. 60. Section 123.48, subsection 1, Code 1983, is  
 6 amended to read as follows:

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

13 Sec. 61. Section 123.49, subsection 1, Code 1983, is  
 14 amended to read as follows:

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

18 Sec. 62. Section 123.49, subsection 2, unnumbered paragraph  
 19 1, Code 1983, is amended to read as follows:

20 ~~No~~ A person ~~or club~~ holding a liquor control license,  
 21 retail wine permit, or retail beer permit under this chapter,  
 22 ~~her his~~ and the person's agents or employees, shall not do  
 23 any of the following:

24 Sec. 63. Section 123.49, subsection 2, paragraphs b through  
 25 i, Code 1983, are amended to read as follows:

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

1 c. Sell alcoholic beverages ~~or-beer~~ to any a person on  
2 credit, except with a bona fide credit card. This provision  
3 ~~shall~~ does not apply to sales by a club to its members nor  
4 to sales by a hotel or motel to bona fide registered guests.

5 d. Keep on premises covered by a liquor control license  
6 any an alcoholic ~~liquor~~ beverage in any a container ~~except~~  
7 other than the original ~~package-purchased-from-the-department~~  
8 ~~or-from-a-native-wine-manufacturer~~ container in which  
9 purchased, except ~~still-wines-placed-in-dispensing-or-serving~~  
10 ~~containers-for-temporary-storage~~ wine and beer served on the  
11 premises for immediate consumption, and except mixed drinks  
12 or cocktails mixed on the premises for immediate consumption.  
13 This prohibition does not apply to common carriers holding  
14 a class "D" liquor control license.

15 e. Reuse for packaging alcoholic liquor any or wine, a  
16 container or receptacle used originally for packaging alcoholic  
17 liquor or wine; or adulterate, by the addition of any  
18 substance, the contents or remaining contents of an original  
19 package container of an alcoholic liquor or wine; or knowingly  
20 possess any an original package container which has been so  
21 reused or adulterated.

22 f. Any Employ a person under eighteen years of age ~~shall~~  
23 ~~not-be-employed~~ in the sale or serving of alcoholic ~~liquor~~  
24 ~~or-beer~~ beverages for consumption on the premises where sold.

25 g. Allow any a person other than the licensee, permittee,  
26 or employees of ~~such~~ the licensee or permittee, to use or  
27 keep on the licensed premises any alcoholic liquor or wine  
28 in any a bottle or other container which is designed for the  
29 transporting of such beverages, except as permitted in section  
30 123.95. This paragraph ~~shall~~ does not apply to the lodging  
31 quarters of a class "B" liquor control licensee or beer  
32 permittee, or to common carriers holding a class "D" liquor  
33 control license.

34 h. Sell, give, or otherwise supply any an alcoholic  
35 beverage ~~or-beer~~ to any a person knowing or having reasonable

1 cause to believe ~~him~~ the person to be under legal age, or  
2 permit ~~any~~ a person knowing or having reasonable cause to  
3 believe ~~him~~ the person to be under legal age, to consume ~~any~~  
4 an alcoholic beverage ~~or-beer~~.

5 i. In the case of a retail beer or wine permittee,  
6 knowingly allow the mixing or adding of alcohol or ~~any~~ an  
7 alcoholic beverage to beer or wine or any other beverage in  
8 or about ~~his~~ the place of business.

9 Sec. 64. Section 123.49, subsections 3 and 4, Code 1983,  
10 are amended to read as follows:

11 3. ~~No~~ A person under legal age shall not misrepresent  
12 ~~his-or-her~~ the person's age for the purpose of purchasing  
13 or attempting to purchase ~~any~~ an alcoholic beverage ~~or-beer~~  
14 from ~~any~~ a licensee or permittee. If ~~any~~ a person under legal  
15 age ~~shall-misrepresent-his-or-her~~ misrepresents the person's  
16 age, and the licensee or permittee establishes that ~~he~~ the  
17 licensee or permittee made reasonable inquiry to determine  
18 whether ~~such~~ the prospective purchaser was over legal age,  
19 ~~such~~ the licensee or permittee shall is not be guilty of  
20 selling alcoholic ~~liquor-or-beer~~ beverages to minors.

21 4. ~~No~~ The privilege of selling alcoholic ~~liquor-or-beer~~  
22 beverages on Sunday as provided in sections 123.36, subsection  
23 6, and 123.134, subsection 5, shall not be granted to a club  
24 or other organization which places restrictions on admission  
25 or membership in the club or organization on the basis of  
26 sex, race, religion, or national origin. However, the  
27 privilege may be granted to a club or organization which  
28 places restrictions on membership on the basis of sex, if  
29 the club or organization has an auxiliary organization open  
30 to persons of the other sex.

31 Sec. 65. Section 123.50, subsections 2 and 3, Code 1983,  
32 are amended to read as follows:

33 2. The conviction of ~~any-liquor-entire~~ a licensee or  
34 ~~beer~~ permittee ~~for~~ of a violation of any of the provisions  
35 of section 123.49 shall, subject to subsection 3 of this

1 section, ~~be~~ is grounds for the suspension or revocation of  
2 the license or permit by the department or the local authority.  
3 However, if ~~any a~~ liquor control licensee is convicted of  
4 ~~any a~~ violation of subsection 2, ~~paragraphs~~ paragraph "a",  
5 "d" or "e", of ~~such that~~ that section, or ~~any a~~ wine permittee  
6 or beer permittee is convicted of a violation of paragraph  
7 "a" or "e" of that section, the ~~liquor-control~~ license or  
8 beer permit shall be revoked and shall immediately be  
9 surrendered by the holder, and the bond of the license or  
10 permit holder shall be forfeited to the department.

11 3. If ~~any a~~ licensee, ~~beer~~ or permittee, or an employee  
12 of ~~such the~~ licensee or permittee ~~shall-be~~ is convicted of  
13 a violation of section 123.49, subsection 2, paragraph "h",  
14 or if a retail beer permittee ~~shall-be~~ is convicted of a  
15 violation of paragraph "i" of ~~such the~~ the subsection, the director  
16 or local authority shall, in addition to the other penalties  
17 fixed for ~~such the~~ the violations by this section, assess a penalty  
18 as follows:

19 a. Upon a first conviction, the violator's ~~liquor-control~~  
20 license or ~~beer~~ permit shall be suspended for a period of  
21 fourteen days.

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

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

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

31 Sec. 66. Section 123.51, Code 1983, is amended by adding  
32 the following new subsection following subsection 3:

33 NEW SUBSECTION. 3A. Signs or other matter advertising  
34 a brand of wine shall not be erected or placed upon the out-  
35 side of premises occupied by a licensee or permittee au-

1 thorized to sell wine at retail. This subsection does not  
 2 prohibit the use of signs or other matter inside a fence or  
 3 similar enclosure which wholly or partially surrounds the  
 4 premises.

5 Sec. 67. Section 123.52, Code 1983, is amended to read  
 6 as follows:

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

15 Sec. 68. Section 123.55, subsections 8 and 9, Code 1983,  
 16 are amended to read as follows:

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

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

25 Sec. 69. Section 123.59, Code 1983, is amended to read  
 26 as follows:

27 123.59 BOOTLEGGING. Any A person who, ~~by-himself,~~  
 28 personally or through another acting for ~~him~~ the person, shall  
 29 keep keeps or carry carries on ~~his~~ the person, or in a vehicle,  
 30 or leave leaves in a place for another to secure, any alcoholic  
 31 ~~liquor-or-beer~~ beverage with intent to sell or dispense ~~of~~  
 32 ~~such-liquor-or-beer~~ the alcoholic beverage by gift or otherwise  
 33 in violation of law, or who shall, within this state, in any  
 34 manner, directly or indirectly, ~~sell~~ solicits, ~~take~~ takes,  
 35 or ~~accept-any~~ accepts an order for the purchase, sale,

1 shipment, or delivery of ~~such-alcoholic-liquor-or-beer~~  
2 alcoholic beverages in violation of law, or ~~aid aids~~ in the  
3 delivery and distribution of ~~any alcoholic liquor-or-beer~~  
4 beverages so ordered or shipped, or who ~~shall~~ in any manner  
5 ~~procure~~ procures for, ~~sell~~ sells, or ~~give-any~~ gives an  
6 alcoholic ~~liquor-or-beer~~ beverage to any person under legal  
7 age, for any purpose except as authorized and permitted in  
8 this chapter, ~~shall-be~~ is a bootlegger and ~~be~~ is subject to  
9 the general penalties provided by this chapter.

10 Sec. 70. Section 123.60, Code 1983, is amended to read  
11 as follows:

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

20 Sec. 71. Section 123.71, Code 1983, is amended to read  
21 as follows:

22 123.71 CONDITIONS. ~~In-no-case-shall-a~~ A bootlegger  
23 injunction proceeding, as provided in this chapter, shall  
24 not be maintained unless it ~~be~~ is shown to the court that  
25 efforts in good faith have been made to discover the base  
26 of supplies or place where the defendant charged as a  
27 bootlegger conducts ~~his~~ the unlawful business or receives  
28 or manufactures the alcoholic ~~liquor-or-beer,-of~~ beverage  
29 which ~~he~~ the defendant is charged with bootlegging.

30 Sec. 72. Section 123.72, Code 1983, is amended to read  
31 as follows:

32 123.72 ORDER OF ABATEMENT. If the existence of a nuisance  
33 is established in a civil or criminal action, an order of  
34 abatement shall be entered as a part of the judgment in the  
35 case. ~~Such~~ This order shall direct the confiscation of all

1 alcoholic ~~liquor-or-beer~~ beverages by the state; the removal  
2 from the premises involved of all fixtures, furniture, vessels,  
3 or movable property used in any way in conducting the unlawful  
4 business; the sale of all ~~such~~ the removed property as well  
5 as any vehicle or other means of conveyance which has been  
6 abated, ~~such~~ the sale to be conducted in the manner provided  
7 for the sale of chattels under execution; and the effective  
8 closing of the premises against use for the purpose of  
9 manufacture, sale, or consumption of alcoholic ~~liquor-or-beer~~  
10 beverages for a period of one year, unless sooner released  
11 by the court.

12 Sec. 73. Section 123.81, Code 1983, is amended to read  
13 as follows:

14 123.81 FORFEITURE OF BOND. If the owner of a property  
15 who has filed an abatement bond as provided in this chapter  
16 fails to abate the ~~liquor-or-beer~~ nuisance on the premises  
17 covered by the bond, or fails to prevent the maintenance of  
18 ~~any-liquor-or-beer~~ the nuisance on ~~said~~ the premises at any  
19 time within a period of one year after entry of the abatement  
20 order, the court shall, after a hearing in which ~~such~~ that  
21 fact is established, direct an entry of ~~such~~ the violation  
22 of the terms of the owner's bond, to be made on the record  
23 and the undertaking of ~~his~~ the owner's bond ~~thereupon~~ shall  
24 be forfeited.

25 Sec. 74. Section 123.84, Code 1983, is amended to read  
26 as follows:

27 123.84 JUDGMENT. If the court after hearing finds a  
28 ~~liquor-or-beer~~ nuisance has been maintained on the premises  
29 covered by the abatement bond and that ~~liquor-or-beer~~ ~~has~~  
30 alcoholic beverages have been sold or kept for sale on the  
31 premises contrary to law within one year from the date of  
32 the giving of ~~such~~ the bond, then the court shall order the  
33 forfeiture of the bond and enter judgment for the full amount  
34 of ~~such~~ the bond against the principal and sureties ~~thereof~~  
35 on the bond, and the lien on the real estate created pursuant

1 to section 123.79 shall be decreed foreclosed and the court  
2 shall provide for a special and general execution for the  
3 enforcement of ~~such~~ the decree and judgment.

4 Sec. 75. Section 123.91, subsection 2 and subsection 3,  
5 unnumbered paragraph 1, Code 1983, are amended to read as  
6 follows:

7 2. Any A provision of the prior laws of this state relating  
8 to ~~intoxicating-liquors-or-beer~~ alcoholic beverages which  
9 were in force prior to the enactment of this chapter.

10 Any A provision of the laws of the United States or of  
11 any other state relating to ~~intoxicating-liquors-or-beer~~  
12 alcoholic beverages, and who is thereafter convicted of a  
13 subsequent criminal offense against any a provision of this  
14 chapter is guilty of the following offenses:

15 Sec. 76. Section 123.92, unnumbered paragraph 1, Code  
16 1983, is amended to read as follows:

17 Every A husband, wife, child, parent, guardian, employer  
18 or other person who ~~shall-be~~ is injured in person or property  
19 or means of support by any an intoxicated person or resulting  
20 from the intoxication of ~~any-such~~ a person, ~~shall-have~~ has  
21 a right of action, severally or jointly, against any a licensee  
22 or permittee, who ~~shall-sell~~ sells or ~~give-any-beer-or~~  
23 ~~intoxicating-liquor~~ gives an alcoholic beverage to ~~any-such~~  
24 a person while ~~he-or-she~~ the person is intoxicated, or ~~serve~~  
25 ~~any-such~~ serves a person to a point where ~~such~~ the person  
26 is intoxicated, for all damages actually sustained. If the  
27 injury was caused by an intoxicated person, a permittee or  
28 licensee may establish as an affirmative defense that the  
29 intoxication did not contribute to the injurious action of  
30 the person.

31 Sec. 77. Section 123.95, Code 1983, is amended to read  
32 as follows:

33 123.95 PREMISES MUST BE LICENSED--EXCEPTION AS TO  
34 CONVENTIONS AND SOCIAL GATHERINGS. It is unlawful for any  
35 a person to allow the dispensing or consumption of ~~intoxicating~~

1 ~~liquor~~ alcoholic beverages, except sacramental wines and beer,  
 2 in any an establishment unless ~~such~~ the establishment is  
 3 licensed has been issued a retail license or permit under  
 4 this chapter.

5 However, bona fide conventions or meetings may bring their  
 6 own legal ~~liquor~~ alcoholic beverages onto the licensed premises  
 7 if ~~the-liquor-is~~ they are served to delegates or guests without  
 8 cost. All other provisions of this chapter ~~shall-be~~ are  
 9 applicable to ~~such~~ the premises. ~~The-provisions-of-this~~ This  
 10 section ~~shall-have~~ has no application to private social  
 11 gatherings of friends or relatives in a private home or a  
 12 private place which is not of a commercial nature nor where  
 13 goods or services may be purchased or sold nor any charge  
 14 or rent or other thing of value is exchanged for the use of  
 15 ~~such~~ the premises for any purpose other than for sleeping  
 16 quarters.

17 Sec. 78. Section 123.96, subsections 1 and 2, Code 1983,  
 18 are amended to read as follows:

19 1. Except as otherwise provided ~~by-section-123-567-sub-~~  
 20 ~~section-4,~~ there is imposed on every person licensed to sell  
 21 alcoholic ~~beverages~~ liquor for consumption on the premises  
 22 where sold, a special tax equivalent to fifteen percent of  
 23 the price established by the department on all alcoholic  
 24 ~~beverages~~ liquor for general sale to the public. The tax  
 25 shall be paid by all licensees at the point of purchase from  
 26 the state on all alcoholic ~~beverages~~ liquor intended or used  
 27 for resale for consumption on the premises of retail  
 28 establishments. The tax is in lieu of any other sales tax  
 29 applied at the state store and shall be shown as a separate  
 30 item on special sales slips provided by the department for  
 31 purchases by licensees.

32 2. Except as allowed under section 123.95 and, except  
 33 as ~~allowed-under-section-123-567-subsection-4~~ otherwise  
 34 provided, a licensee shall not knowingly keep on the licensed  
 35 premises nor use for resale purposes any alcoholic liquor

1 on which the special tax has not been paid to the state.  
2 The conviction of a violation of this section shall cause  
3 the license held to automatically be revoked and the license  
4 shall immediately be surrendered by the holder, and the bond  
5 of the license holder shall be forfeited to the department.

6 Sec. 79. Section 123.98, Code 1983, is amended to read  
7 as follows:

8 123.98 LABELING SHIPMENTS. It ~~shall-be~~ is unlawful for  
9 ~~any a~~ a common carrier or for any person to transport or convey  
10 by any means, whether for compensation or not, within this  
11 state, any intoxicating liquors or wines, unless the vessel  
12 or other package containing ~~such~~ those liquors ~~shall-be~~ or  
13 wines is plainly and correctly identified, showing the quantity  
14 and kind of liquors or wines contained ~~therein~~ in it, the  
15 name of the party to whom they are to be delivered, and the  
16 name of the shipper, or unless ~~such~~ this information is shown  
17 on a bill of lading or other document accompanying the  
18 shipment. ~~No~~ A person shall ~~be-authorized-to~~ not receive  
19 or keep ~~such~~ alcoholic liquors or wines unless ~~the-same-be~~  
20 they are marked or labeled as required by this section. The  
21 violation of ~~any a~~ a provision of this section by ~~any a~~ a common  
22 carrier, or ~~any an~~ an agent or employee of ~~any a~~ a carrier, or  
23 by any person, shall be punished under ~~the-provisions-of~~ this  
24 chapter.

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

31 Sec. 80. Section 123.99, Code 1983, is amended to read  
32 as follows:

33 123.99 FALSE STATEMENTS. If ~~any a~~ a person, for the purpose  
34 of procuring the shipment, transportation, or conveyance of  
35 ~~any~~ any intoxicating liquors or wines within this state, ~~shall~~

1 ~~make~~ makes to any a person, ~~company, corporation, or common~~  
 2 ~~carrier, or to any agent thereof,~~ any false statements as  
 3 to the character or contents of any a box, barrel, or other  
 4 vessel or package containing ~~such~~ alcoholic liquors or wines;  
 5 or ~~shall refuse~~ refuses to give correct and truthful  
 6 information as to the contents of any ~~such~~ a box, barrel,  
 7 or other vessel or package so sought to be transported or  
 8 conveyed; or ~~shall~~ falsely ~~mark, brand, or label~~ ~~such~~ marks,  
 9 brands, or labels a box, barrel, or other vessel or package  
 10 in order to conceal the fact that ~~the same~~ it contains  
 11 intoxicating liquors or wines; or ~~shall~~ by any device or  
 12 concealment ~~procure~~ procures or ~~attempt~~ attempts to procure  
 13 the unlawful conveyance or transportation of ~~such~~ liquors  
 14 ~~as herein prohibited~~ or wines, the person ~~shall be~~ is guilty  
 15 of a simple misdemeanor.

16 Sec. 81. Section 123.100, Code 1983, is amended to read  
 17 as follows:

18 123.100 PACKAGES IN TRANSIT. Any ~~A~~ peace officer of the  
 19 county under process or warrant ~~to him directed~~ ~~shall have~~  
 20 ~~the right to~~ may open any box, barrel, or other vessel or  
 21 package for examination, if ~~he~~ the peace officer has reasonable  
 22 ground for believing that it contains intoxicating liquors  
 23 or wines, either before or while ~~the same~~ it is being ~~so~~  
 24 transported or conveyed.

25 Sec. 82. Section 123.101, Code 1983, is amended to read  
 26 as follows:

27 123.101 RECORD OF SHIPMENTS. ~~It shall be the duty of~~  
 28 ~~all~~ All common carriers, or corporations, or persons who ~~shall~~  
 29 for hire carry any intoxicating liquors or wines into the  
 30 state, or from one point to another within the state, for  
 31 the purpose of delivery, and who ~~shall~~ deliver ~~such~~ the  
 32 intoxicating liquor or wine to any person, ~~company, or~~  
 33 ~~corporation, to~~ shall keep, at each station or office where  
 34 ~~it employs~~ they employ an agent or other person to make  
 35 delivery of freight and keep records relative ~~thereto~~ to it,

1 a record book, ~~wherein-such~~ where the carrier shall, promptly  
2 upon receipt and prior to delivery, enter in ink, in legible  
3 writing, and in full, the name of the consignor of each  
4 shipment of intoxicating liquor or wine to be delivered from  
5 or through ~~such~~ the station, from where shipped, the date  
6 of arrival, the quantity and kind of liquor or wine, so far  
7 as disclosed by lettering on the package or by the carrier's  
8 records, and to whom and where consigned, and the date  
9 delivered.

10 Sec. 83. Section 123.103, Code 1983, is amended to read  
11 as follows:

12 123.103 RECORD RECEIPT UPON DELIVERY. No shipment billed  
13 in whole or in part as intoxicating liquor or wine shall be  
14 delivered to the consignee until ~~such~~ the consignee upon ~~such~~  
15 the record book enters in ink, in legible writing, ~~his~~ the  
16 consignee's full name and residence or place of business,  
17 giving the name of the city, and the street name and number,  
18 if any, and certifies that ~~such~~ the liquor or wine is for  
19 ~~his~~ the consignee's own lawful purposes.

20 Sec. 84. Section 123.104, Code 1983, is amended to read  
21 as follows:

22 123.104 UNLAWFUL DELIVERY. It ~~shall-be~~ is a simple  
23 misdemeanor for ~~any-corporation,-common-carrier,-~~ a person,  
24 ~~or-any-agent-or-employee-thereof:~~

25 1. To deliver any intoxicating liquors or wines to any  
26 a person other than to the consignee.

27 2. To deliver any intoxicating liquors or wines without  
28 having ~~the-same~~ them receipted for as provided in section  
29 123.103.

30 3. To deliver any intoxicating liquors or wines where  
31 there is reasonable ground to believe that ~~such~~ the liquor  
32 or wine is intended for unlawful use.

33 Sec. 85. Section 123.106, Code 1983, is amended to read  
34 as follows:

35 123.106 FEDERAL STATUTES. The requirements of this chapter

1 relative to the shipment and delivery of intoxicating liquors  
2 or wines and the records to be kept ~~thereof~~ shall be construed  
3 in harmony with federal statutes relating to interstate  
4 commerce in ~~such~~ liquors and wines.

5 Sec. 86. Section 123.107, subsection 1, Code 1983, is  
6 amended to read as follows:

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

10 Sec. 87. Section 123.111, Code 1983, is amended to read  
11 as follows:

12 123.111 PURCHASER AS WITNESS. The person purchasing ~~any~~  
13 intoxicating liquor or wine sold in violation of this chapter  
14 ~~shall~~ is in all cases ~~be~~ a competent witness to prove ~~such~~  
15 the sale.

16 Sec. 88. Section 123.115, Code 1983, is amended to read  
17 as follows:

18 123.115 DEFENSE. In ~~any~~ a prosecution under this chapter  
19 for the unlawful transportation of intoxicating liquors or  
20 wines it ~~shall-be~~ is a defense that the character and contents  
21 of the shipment or thing transported were not known to the  
22 accused or to ~~his~~ the agent or employee of the accused.

23 Sec. 89. Section 123.116, Code 1983, is amended to read  
24 as follows:

25 123.116 RIGHT TO RECEIVE LIQUORS. The consignee of  
26 intoxicating liquors or wines shall, on demand of the carrier  
27 transporting ~~such~~ the liquors or wines, furnish the carrier,  
28 at the place of delivery, with legal proof of the consignee's  
29 legal right to receive ~~such~~ the liquors or wines at the time  
30 of delivery, and until ~~such~~ proof is furnished the carrier  
31 ~~shall-be~~ is not under ~~no~~ a legal obligation to make delivery  
32 nor ~~be~~ liable for failure to deliver.

33 Sec. 90. Section 123.117, Code 1983, is amended to read  
34 as follows:

35 123.117 DELIVERY TO SHERIFF. If ~~such~~ proof is not

1 furnished to the carrier within ten days after demand, the  
2 carrier may deliver ~~such~~ the liquors or wines to the sheriff  
3 of the county embracing the place of delivery, and ~~such~~ the  
4 delivery shall absolve the carrier from all liability  
5 pertaining to ~~such~~ the liquors or wines.

6 Sec. 91. Section 123.118, Code 1983, is amended to read  
7 as follows:

8 123.118 DESTRUCTION. The sheriff shall, on receipt of  
9 ~~such~~ the liquors or wines from the carrier, report the receipt  
10 to the district court of ~~his~~ the county, and the court shall  
11 proceed to summarily enter an order for the destruction or  
12 forfeiture to the state of ~~such~~ the liquors or wines.

13 Sec. 92. Section 123.119, Code 1983, is amended to read  
14 as follows:

15 123.119 EVIDENCE. In all actions, civil or criminal,  
16 under ~~the provisions of~~ this chapter, the finding of  
17 intoxicating liquors or wines or of instruments or utensils  
18 used in the manufacture of intoxicating liquors or wines,  
19 or materials which are being used, or are intended to be used  
20 in the manufacture of intoxicating liquors or wines, in the  
21 possession of or under the control of any a person, under  
22 and by authority of a search warrant or other process of law,  
23 and which ~~shall~~ have been finally adjudicated and declared  
24 forfeited by the court, ~~shall-be~~ is competent evidence of  
25 maintaining a nuisance or bootlegging, or of illegal  
26 transportation of intoxicating liquors or wines, as the case  
27 may be, by ~~such~~ that person.

28 Sec. 93. Section 123.120, Code 1983, is amended to read  
29 as follows:

30 123.120 ATTEMPT TO DESTROY. The destruction of or attempt  
31 to destroy any liquid by any a person while in the presence  
32 of peace officers or while a property is being searched by  
33 a peace officer, ~~shall-be~~ is competent evidence that ~~such~~  
34 the liquid is intoxicating liquor or wine and intended for  
35 unlawful purposes.

1     Sec. 94. Section 123.121, Code 1983, is amended to read  
2 as follows:

3     123.121 VENUE. In any a prosecution under this chapter  
4 for the unlawful sale of alcoholic ~~liquor or beer~~ beverages,  
5 a sale ~~of alcoholic liquor or beer~~ which requires a shipment  
6 or delivery of ~~such liquor or beer~~ the alcoholic beverage  
7 shall be deemed to be made in the county in which ~~such~~ the  
8 delivery is made by the carrier to the consignee, ~~his~~ or to  
9 the consignee's agent, or employee.

10     In any a prosecution under this chapter for the unlawful  
11 transportation of intoxicating liquor or wine, the offense  
12 shall be held to have been committed in any county in which  
13 ~~such~~ the liquor or wine is received for transportation, through  
14 which it is transported, or in which it is delivered.

15     Sec. 95. Section 123.122, Code 1983, is amended to read  
16 as follows:

17     123.122 PERMIT OR LICENSE REQUIRED. ~~No~~ A person shall  
18 not manufacture for sale or sell beer at wholesale or retail  
19 unless a beer permit is first obtained as provided in this  
20 division or, a liquor control license authorizing the retail  
21 sale of beer is first obtained as provided in division I of  
22 this chapter. ~~No~~ A liquor control license holder ~~shall be~~  
23 is not required to hold a separate class "B" beer permit or  
24 to post a separate bond.

25     Sec. 96. Section 123.124, Code 1983, is amended to read  
26 as follows:

27     123.124 PERMITS--CLASSES. Permits for the manufacture  
28 and sale, or sale of beer shall be divided into three classes,  
29 and shall be known as either class "A", "B", or "C" beer  
30 permits. A class "A" beer permit shall allow the holder to  
31 manufacture and sell beer at wholesale. The holder of a class  
32 "A" beer permit may manufacture beer of more than five percent  
33 of alcohol by weight for shipment outside this state only.  
34 However, a class "A" beer permit does not grant authority  
35 to manufacture wine as defined in section 123.3, subsection

1 7 nor a beverage made as described in section 123.3, subsection  
2 7, containing over seventeen percent of alcohol by weight.

3 A class "B" beer permit shall allow the holder to sell beer  
4 at retail for consumption on or off the premises. A class  
5 "C" beer permit shall allow the holder to sell beer at retail  
6 for consumption off the premises.

7 Sec. 97. Section 123.127, unnumbered paragraph 1, Code  
8 1983, is amended to read as follows:

9 A class "A" beer permit shall be issued by the director  
10 to ~~any~~ a person who:

11 Sec. 98. Section 123.128, unnumbered paragraph 1, Code  
12 1983, is amended to read as follows:

13 A class "B" beer permit shall be issued by the director  
14 to ~~any~~ a person who:

15 Sec. 99. Section 123.129, unnumbered paragraph 1, Code  
16 1983, is amended to read as follows:

17 ~~No~~ A class "C" beer permit shall not be issued to ~~any~~ a  
18 person except the owner or proprietor of a grocery store or  
19 pharmacy.

20 Sec. 100. Section 123.130, Code 1983, is amended to read  
21 as follows:

22 123.130 AUTHORITY UNDER CLASS "A" BEER PERMIT. Any A  
23 person holding a class "A" beer permit issued by the department  
24 ~~shall-be-authorized-to~~ may manufacture and sell, or sell at  
25 wholesale, beer for consumption off the premises, ~~such the~~  
26 sales within the state to be made only to persons holding  
27 ~~subsisting~~ existing class "A", "B" or "C" beer permits, or  
28 liquor control licenses issued in accordance with ~~the~~  
29 ~~provisions-of~~ this chapter.

30 Sec. 101. Section 123.131, Code 1983, is amended to read  
31 as follows:

32 123.131 AUTHORITY UNDER CLASS "B" BEER PERMIT. Subject  
33 to ~~the-provisions-of~~ this chapter, any a person holding a  
34 class "B" beer permit ~~shall-be-authorized-to~~ may sell beer  
35 for consumption on or off the premises. However, unless

1 otherwise provided in this chapter, ~~no~~ a sale of beer shall  
2 not be made for consumption on the premises unless the place  
3 where ~~such~~ the service is made is equipped with tables and  
4 seats sufficient to accommodate not less than twenty-five  
5 persons at one time.

6 Sec. 102. Section 123.132, Code 1983, is amended to read  
7 as follows:

8 123.132 AUTHORITY UNDER CLASS "C" BEER PERMIT. Any A  
9 person holding a class "C" beer permit ~~shall-be-allowed-to~~  
10 may sell beer for consumption off the premises. ~~Such~~ The  
11 sales shall be in original containers only.

12 Sec. 103. Section 123.133, Code 1983, is amended to read  
13 as following:

14 123.133 SALE ON TRAINS--BOND. Subject to ~~the-provisions~~  
15 ~~of~~ this chapter, any a dining car company, sleeping car  
16 company, railroad company, or railway company may make  
17 application to the director for a special class "B" beer  
18 permit, and the director may issue a permit to ~~any-such~~ the  
19 company which shall authorize the holder to keep for sale  
20 and sell beer on any a dining car, sleeping car, buffet car,  
21 or observation car operated by ~~such~~ the applicant in, through,  
22 or across the state. The application for ~~such~~ a permit shall  
23 be in ~~such~~ a form and contain ~~such~~ information as ~~may-be~~  
24 required by the director. ~~Such-such~~ A permit shall be good  
25 throughout the state as a state permit. Only one ~~such~~ permit  
26 shall be required for all cars operated in this state by ~~such~~  
27 an applicant, but a duplicate of ~~such~~ the permit shall be  
28 posted in each car in which ~~such~~ the beverages are sold; and  
29 no further permit shall be required or tax levied for the  
30 privilege of selling beer for consumption in such cars. As  
31 a condition precedent to the issuing of ~~any-such~~ a permit,  
32 the applicant shall give bond to the department, with good  
33 and sufficient sureties ~~thereon~~ to be approved by the director,  
34 conditioned upon faithful compliance with ~~the-provisions-of~~  
35 this chapter in the penal sum of one thousand dollars.

1 Sec. 104. Section 123.134, subsection 1, Code 1983, is  
2 amended to read as follows:

3 1. The annual permit fee for a class "A" beer permit ~~shall~~  
4 ~~be~~ is two hundred fifty dollars.

5 Sec. 105. Section 123.134, subsection 2, unnumbered  
6 paragraph 1, Code 1983, is amended to read as follows:

7 The annual permit fee for a class "B" beer permit ~~shall~~  
8 ~~be~~ is graduated according to population as follows:

9 Sec. 106. Section 123.134, subsection 3, unnumbered  
10 paragraph 1, Code 1983, is amended to read as follows:

11 The annual permit fee for a class "C" beer permit ~~shall~~  
12 ~~be~~ is graduated on the basis of the amount of interior floor  
13 space which comprises the retail sales area of the premises  
14 covered by the permit, as follows:

15 Sec. 107. Section 123.134, subsection 4, Code 1983, is  
16 amended to read as follows:

17 4. The annual permit fee for a special class "B" beer  
18 permit, issued under section 123.133, ~~shall-be~~ is one hundred  
19 dollars, and three dollars for each duplicate permit, which  
20 fees shall be paid to the department. The department shall  
21 issue duplicates of ~~such~~ the permits ~~from-time-to-time~~ as  
22 applied for by each ~~such~~ company.

23 Sec. 108. Section 123.135, Code 1983, is amended to read  
24 as follows:

25 123.135 BREWER'S CERTIFICATE OF COMPLIANCE--PENALTY.

26 1. Any A manufacturer, brewer, bottler, importer, or  
27 vendor of beer or any agent thereof desiring to ship, sell,  
28 or have beer brought into this state for resale by a class  
29 "A" beer permittee shall first make application for and shall  
30 be issued a brewer's certificate of compliance by the director  
31 for ~~such~~ that purpose. ~~Such~~ The certificate of compliance  
32 shall expire at the end of one year from the date of issuance  
33 and shall be renewed for a like period upon application to  
34 the director unless otherwise revoked for cause. Each  
35 application for a brewer's certificate of compliance or renewal

1 ~~thereof~~ shall be accompanied by a fee of one hundred dollars  
2 payable to the department. Each holder of a brewer's  
3 certificate of compliance shall furnish ~~such~~ information ~~and~~  
4 in ~~such~~ a form as the director ~~may-require~~ requires. Any  
5 brewer whose plant is located in Iowa and who otherwise holds  
6 a class "A" beer permit to sell beer at wholesale ~~shall-be~~  
7 is exempt from the fee, but not ~~of~~ the other terms and  
8 conditions, ~~as-herein-provided~~.

9 2. At the time of applying for a brewer's certificate  
10 of compliance, ~~each~~ an applicant shall file with the department  
11 a list of all class "A" beer permittees with whom it intends  
12 to do business and shall designate the geographic area in  
13 which its products are to be distributed by ~~such-permittee~~  
14 the permittees. The listing of class "A" beer permittees  
15 and geographic area as filed with the department may be amended  
16 from time to time by the holder of a the certificate of  
17 compliance.

18 3. ~~All-class~~ Class "A" beer permit holders shall sell  
19 only those brands of beer which are manufactured, brewed,  
20 bottled, shipped, or imported by a person holding a current  
21 brewer's certificate of compliance. ~~Any~~ An employee or agent  
22 working for or representing the holder of a brewer's  
23 certificate of compliance within this state shall register  
24 ~~his~~ the employee's or agent's name and address with the  
25 department, which names and addresses shall be filed with  
26 the department's copy of the certificate of compliance issued.

27 4. It ~~shall-be~~ is unlawful for ~~any~~ a holder of a brewer's  
28 certificate of compliance or ~~his~~ the holder's agent, or ~~any~~  
29 a class "A" beer permit holder or ~~his~~ holder's agent, to grant  
30 to ~~any~~ a retail beer permit holder, directly or indirectly,  
31 any rebates, free goods, or quantity discounts on beer which  
32 are not uniformly offered to all retail permittees.

33 5. Notwithstanding any other penalties provided by this  
34 chapter, ~~any~~ a holder of a brewer's certificate of compliance  
35 or ~~any~~ a class "A" beer permit holder who ~~shall-violate~~

1 violates any of the provisions of this section ~~shall-be~~ is  
2 subject to a civil fine not to exceed one thousand dollars  
3 or suspension of ~~his~~ the holder's certificate or permit for  
4 a period not to exceed one year or both ~~such~~ civil fine and  
5 suspension.

6 Sec. 109. Section 123.136, unnumbered paragraph 1, Code  
7 1983, is amended to read as follows:

8 In addition to the annual permit fee to be paid by all  
9 class "A" beer permittees under ~~the-provisions-of~~ this chapter,  
10 there shall be levied and collected from ~~such~~ the permittees  
11 on all beer manufactured for sale or sold in this state at  
12 wholesale and on all beer imported into this state for sale  
13 at wholesale and sold in this state at wholesale, a tax of  
14 four and thirty-four hundredths dollars for every barrel  
15 containing thirty-one gallons, and at a like rate for any  
16 other quantity or for the fractional part of a barrel.  
17 However, no tax shall be levied or collected on beer shipped  
18 outside this state by a class "A" beer permittee or sold by  
19 one class "A" beer permittee to another class "A" beer  
20 permittee.

21 Sec. 110. Section 123.137, unnumbered paragraph 1, Code  
22 1983, is amended to read as follows:

23 Every A person holding a class "A" beer permit shall on  
24 or before the tenth day of each calendar month commencing  
25 on the tenth day of the calendar month following the month  
26 in which ~~such~~ the person is issued a permit, make a report  
27 under oath to the department upon forms to be furnished by  
28 the department ~~for-such-purpose~~ showing the exact number of  
29 barrels of beer, or fractional parts ~~thereof~~ of barrels, sold  
30 by ~~such~~ the permit holder during the preceding calendar month.  
31 ~~Such~~ The report shall also state ~~such~~ information as the  
32 director ~~may-require~~ requires, and ~~such~~ permit holders shall  
33 at the time of filing ~~said~~ the report pay to the department  
34 the amount of tax due at the rate fixed in section 123.136.

35 Sec. 111. Section 123.138, Code 1983, is amended to read

1 as follows:

2 123.138 BOOKS OF ACCOUNT REQUIRED. Each class "A" beer  
3 permittee shall keep proper books of account and records  
4 showing the amount of beer sold ~~by-him~~, which books of account  
5 shall be at all times open to inspection by the director.  
6 Each class "B" and class "C" beer permittee shall keep proper  
7 books of account and records showing each purchase of beer  
8 made ~~by-him~~, and the date and the amount of each purchase  
9 and the name of the person from whom each purchase was made,  
10 which books of account and records shall be open to inspection  
11 by the director and agents of the division of beer and liquor  
12 law enforcement of the department of public safety during  
13 normal business hours of the permittee.

14 Sec. 112. Section 123.139, Code 1983, is amended to read  
15 as follows:

16 123.139 SEPARATE LOCATIONS--CLASS "A" BEER PERMIT. Every  
17 A class "A" beer permittee having more than one place of  
18 business ~~shall-be~~ is required to have a separate permit for  
19 each separate place of business maintained by ~~such~~ the  
20 permittee ~~wherein-such~~ where beer is stored, warehoused, or  
21 sold.

22 Sec. 113. Section 123.140, Code 1983, is amended to read  
23 as follows:

24 123.140 SEPARATE LOCATIONS--CLASS "B" OR "C" BEER PERMIT.  
25 Every A person holding a class "B" or class "C" beer permit  
26 having more than one place of business where ~~such~~ beer is  
27 sold which places do not constitute a single premises within  
28 the meaning of section 123.3, subsection 31 ~~shall-be~~ is  
29 required to have a separate license for each separate place  
30 of business, except as otherwise provided by this chapter.

31 Sec. 114. Section 123.141, Code 1983, is amended to read  
32 as follows:

33 123.141 KEEPING LIQUOR WHERE BEER IS SOLD. No alcoholic  
34 liquor for beverage purposes or wine shall be used, or kept  
35 for any purpose in the place of business of class "B" beer

1 permittees, or on the premises of ~~such~~ class "B" beer  
2 permittees, at any time. A violation of ~~any a~~ provision of  
3 this section ~~shall-be~~ is grounds for suspension or revocation  
4 of the permit pursuant to section 123.50, subsection 3. This  
5 section ~~shall~~ does not apply in any manner or in any way,  
6 to ~~any a~~ railway car of ~~any a~~ dining car company, sleeping  
7 car company, railroad company or railway company, having a  
8 special class "B" beer permit; to the premises of ~~any a~~ hotel  
9 or motel for which a class "B" beer permit has been issued,  
10 other than that part of ~~such~~ the premises regularly used by  
11 the hotel or motel for the principal purpose of selling beer  
12 or food to the general public; or to drug stores regularly  
13 and continuously employing a registered pharmacist; from  
14 having alcohol in stock for medicinal and compounding purposes.

15 Sec. 115. Section 123.142, Code 1983, is amended to read  
16 as follows:

17 123.142 PURCHASE FROM NONPERMIT HOLDER. It ~~shall-be~~ is  
18 unlawful for the holder of ~~any a~~ class "B" beer or class "C"  
19 beer permit issued under ~~the-provisions-of~~ this chapter to  
20 sell beer, except beer purchased from a person holding a  
21 ~~subsisting~~ an existing class "A" beer permit issued in  
22 accordance with ~~the-provisions-of~~ this chapter, and on which  
23 the tax provided in section 123.136 has been paid. However,  
24 ~~the-provisions-of~~ this section ~~shall~~ does not apply to the  
25 holders of special class "B" beer permits issued under section  
26 123.133 for sales in cars engaged in interstate commerce nor  
27 to class "D" liquor control licensees as provided in this  
28 chapter.

29 It ~~shall-be~~ is unlawful for ~~any a~~ person not holding a  
30 class "A" beer permit to import beer into this state for the  
31 purpose of sale or resale.

32 Sec. 116. Section 123.143, Code 1983, is amended to read  
33 as follows:

34 123.143 DISTRIBUTION OF FUNDS. The revenues obtained  
35 from beer permit fees and the barrel tax collected under the

1 ~~provisions-of~~ this chapter shall be distributed as follows:

2 1. All retail beer permit fees collected by any a local  
3 authority at the time application for the permit is made shall  
4 be retained by the local authority. A certified copy of the  
5 receipt for the beer permit fee shall be submitted to the  
6 department with the application and the local authority shall  
7 be notified at the time the permit is issued. Those amounts  
8 retained by the appropriate local authority out of the fee  
9 collected for the privilege authorized under section 123.134,  
10 subsection 5, shall be deposited in the county mental health  
11 and institutions fund to be used only for the care and  
12 treatment of persons admitted or committed to the alcoholic  
13 treatment center at Oakdale or any facilities as provided  
14 in chapter 125.

15 2. All beer permit fees and taxes collected by the  
16 department under this division shall accrue to the state  
17 general fund, except as otherwise provided.

18 Sec. 117. Section 123.144, Code 1983, is amended to read  
19 as follows:

20 123.144 BOTTLING BEER. ~~No~~ A person shall not bottle beer  
21 within the state of Iowa for purposes other than for individual  
22 consumption in a private home, except class "A" beer permittees  
23 who have complete equipment for bottling beer and who have  
24 received the approval of the local board of health as to  
25 sanitation, and ~~it shall be the duty of~~ local boards of health  
26 to shall inspect the premises and equipment of class "A" beer  
27 permittees who desire to bottle beer.

28 Sec. 118. Section 123.146, subsections 1, 2 and 3, Code  
29 1983, are amended to read as follows:

30 1. Any A class "A" beer permittee which owns and operates  
31 a brewery located in Iowa and which is not disqualified under  
32 subsection 3 of this section is entitled to the barrel tax  
33 rebate provided in subsection 2 of this section.

34 2. Upon application, a class "A" beer permittee entitled  
35 to a rebate under this section shall receive a rebate of fifty

1 percent of the barrel tax paid under section 123.136 for each  
2 barrel of the first fifty thousand barrels taxed in each year.  
3 The rebate shall be paid to the class "A" beer permittee en-  
4 titled ~~thereto~~ to it whether the barrel tax was collected  
5 from ~~such~~ that class "A" beer permittee or from another class  
6 "A" beer permittee. The rebate provided in this subsection  
7 ~~shall~~ does not apply to any penalty incurred.

8 3. A class "A" beer permittee which owns and operates  
9 a brewery located in Iowa ~~shall-be~~ is disqualified for the  
10 barrel tax rebate provided in subsection 2 of this section  
11 if either of the following apply:

12 a. The amount of beer manufactured in this state by that  
13 class "A" beer permittee and sold in this state, but excluding  
14 ~~any~~ amounts shipped outside of this state by ~~any~~ a class "A"  
15 beer permittee, exceeds one hundred fifty thousand barrels  
16 of beer annually.

17 b. That class "A" beer permittee, together with all other  
18 persons controlling, controlled by, or under common control  
19 with that class "A" beer permittee, manufacture at one or  
20 more locations within or without Iowa, an amount sold in this  
21 state, but excluding ~~any~~ amounts shipped outside of this state  
22 by ~~any~~ a class "A" beer permittee, which exceeds one hundred  
23 fifty thousand barrels of beer annually.

24 Sec. 119. Section 123.150, unnumbered paragraph 1, Code  
25 1983, is amended to read as follows:

26 Notwithstanding section 123.36, subsection 6, section  
27 123.49, subsection 2, paragraph "b", and section 123.134,  
28 subsection 5, a holder of any class of liquor control license  
29 or the holder of a class "B" beer permit may sell or dispense  
30 ~~such~~ liquor, wine, or beer to patrons for consumption on the  
31 premises between the hours of noon on Sunday and two a.m.  
32 on Monday when that Monday is New Years Day and beer for con-  
33 sumption off the premises between the hours of noon Sunday  
34 and ten p.m. Sunday when that Sunday is the day before New  
35 Years Day. A holder of a class "B" or "C" wine permit may

1 sell wine for consumption off the premises between the hours  
2 of noon Sunday and ten p.m. Sunday when that Sunday is the  
3 day before New Years Day. The ~~liquor-control~~ license fee  
4 or ~~beer~~ permit fee of licensees and permittees permitted to  
5 sell or dispense ~~such~~ liquor, wine, or beer on a Sunday when  
6 that Sunday is the day before New Years Day shall not be  
7 increased because of this privilege.

8 Sec. 120. Section 123.153, subsections 2, 4, 5, and 6,  
9 Code 1983, are amended to read as follows:

10 2. "Gross revenue" means all income or receipts derived  
11 from the operation of liquor and wine sale activities.

12 4. "Operating expense" means salaries, wages, costs of  
13 maintenance and operation, materials, supplies, inventories,  
14 insurance, and other items in relation to liquor and wine  
15 sale activities included under recognized public agency  
16 accounting practices, but does not include allowances for  
17 depreciation in the value of physical property.

18 5. "Revenue bond" or "bond" means a negotiable bond issued  
19 by the state and payable from the net revenues of liquor and  
20 wine sale activities or of any part or project ~~thereof~~ of  
21 the activities.

22 6. "Liquor and wine sale activities" means **any** activities  
23 conducted by the council and the department with reference  
24 to the sale of alcoholic liquor and wine.

25 Sec. 121. Section 123.155, unnumbered paragraph 3, Code  
26 1983, is amended to read as follows:

27 The proceedings authorizing the issuance of the bonds may  
28 provide for the establishment of reserve funds or sinking  
29 funds as ~~deemed~~ necessary for the application of surplus net  
30 revenues, and for the continuation of liquor and wine sale  
31 activities on a revenue producing basis and the maintenance  
32 of net revenues at levels at least sufficient to pay principal  
33 of and interest on the revenue bonds as they become due and  
34 to maintain reserves or sinking funds ~~therefor.~~

35 Sec. 122. Section 127.2, Code 1983, is amended to read

1 as follows:

2 127.2 SEIZURE UNDER TRANSPORTATION. A peace officer who  
3 discovers that intoxicating liquor as defined in section  
4 123.3, subsection 8, or wine as defined in section 123.3,  
5 subsection 7, has been or is being transported in violation  
6 of law, shall summarily arrest the offender and ~~likewise~~ shall  
7 seize said the intoxicating liquor or wine, and shall seize  
8 the liquor and the conveyance used to effect said the  
9 transportation.

10 Sec. 123. Section 127.7, Code 1983, is amended to read  
11 as follows:

12 127.7 LIQUOR SUBJECT TO FORFEITURE. The court, upon  
13 conviction, shall enter a judgment of forfeiture of the  
14 intoxicating liquor or wine, and the vessels seized and shall  
15 file with the clerk of the district court a certified  
16 transcript of ~~such~~ the order.

17 Sec. 124. Section 127.8, Code 1983, is amended to read  
18 as follows:

19 127.8 DISPOSITION OF FORFEITED LIQUORS. When a judgment  
20 has been entered decreeing a forfeiture of ~~any~~ intoxicating  
21 ~~liquors~~ liquor or wine, the magistrate shall direct the  
22 disposition of ~~such-liquors~~ the intoxicating liquor or wine,  
23 and the vessels containing ~~the-same~~ it:

24 1. By ordering that forfeited intoxicating ~~liquors~~ liquor  
25 or wine, which ~~have~~ has a valid unbroken federal liquor tax  
26 stamp properly affixed to the vessel and which the magistrate  
27 has no reason to believe is adulterated or contaminated, be  
28 delivered to the Iowa beer and liquor control department.

29 2. By ordering the destruction of forfeited intoxicating  
30 ~~liquors~~ liquor or wine which ~~do~~ does not have a valid federal  
31 liquor tax stamp properly affixed to the vessel or which the  
32 magistrate has reason to believe is contaminated or  
33 adulterated.

34 3. By ordering any portion ~~thereof~~ consisting of alcohol,  
35 brandies, wine, or whiskey, to be delivered, for medicinal

1 or scientific purposes, to any a state or other reputable  
2 hospital in the county, or in adjoining counties, or to the  
3 board of control of state institutions, or to any a reputable  
4 educational institution in the state for scientific purposes.

5 Sec. 125. Section 127.9, Code 1983, is amended to read  
6 as follows:

7 127.9 CONVEYANCE SUBJECT TO FORFEITURE. Any A conveyance  
8 which is used to transport a quantity of unlawful intoxicating  
9 liquor or unlawful wine, which is large enough to give rise  
10 to a presumption that the ~~liquors-are~~ liquor or wine is being  
11 transported for the purpose of sale and the transportation  
12 of ~~such-liquors~~ the liquor or wine is not incidental to the  
13 transportation of persons or other property is subject to  
14 forfeiture to the state.

15 Sec. 126. Section 127.10, Code 1983, is amended to read  
16 as follows:

17 127.10 INFORMATION. An information, under oath, and in  
18 substantially the following form, shall be filed in the  
19 district court against a conveyance promptly upon the its  
20 seizure ~~thereof,-to-wit:~~

21 "State of Iowa  
22 vs.

23 One certain automobile (or other conveyance as the case may  
24 be)

25 ..... being duly sworn do say on oath that (here describe  
26 the conveyance with reasonable certainty) was, on the  
27 ..... day of ....., 19....., in the county of  
28 ....., in the state of Iowa, employed in the  
29 transportation of intoxicating liquors or wine, in violation  
30 of law, and, because of ~~such~~ that unlawful use, was at ~~said~~  
31 that time and place seized and is now in the custody of the  
32 sheriff of ~~said~~ that county; that to the best knowledge and  
33 belief of this affiant ~~said~~ the conveyance belongs to  
34 ..... Wherefore it is asked that ~~said~~ the  
35 conveyance be dealt with as provided by law."

1 Sec. 127. Section 127.12, subsections 1, 2, and 3, Code  
2 1983, are amended to read as follows:

3 1. The quantity of intoxicating liquor or wine transported  
4 is large enough to give rise to a presumption that the liquor  
5 or wine was being transported for the purpose of sale.

6 2. The transportation of the intoxicating liquor or wine  
7 was not incidental to the transportation of persons or other  
8 property.

9 3. One of the owners or lien holders knew or consented  
10 to the transportation of the intoxicating liquor or wine.

11 Sec. 128. Section 127.13, Code 1983, is amended to read  
12 as follows:

13 127.13 EFFECT OF FORFEITURE ON OWNERS AND LIEN HOLDERS.

14 An order of forfeiture ~~shall~~ is only be effective against  
15 the property interest of an owner or lien holder who knew  
16 or consented to the transportation of the intoxicating liquor  
17 or wine. The property interest of an owner or lien holder  
18 who did not consent or know of the transportation of the  
19 intoxicating liquor or wine shall not be affected by the  
20 order.

21 Sec. 129. Section 455C.1, subsection 1, Code 1983, is  
22 amended to read as follows:

23 1. "Beverage" means wine as defined in section 123.3,  
24 subsection 7, alcoholic liquor as defined in section 123.3,  
25 subsection 8, beer as defined in section 123.3, subsection  
26 9, mineral water, soda water and similar carbonated soft  
27 drinks in liquid form and intended for human consumption.

28 Sec. 130. Section 455C.2, subsection 1, Code 1983, is  
29 amended to read as follows:

30 1. Except purchases of wine as defined in section 123.3,  
31 subsection 7, or alcoholic liquor as defined in section 123.3,  
32 subsection 8, by holders of class "A", "B" and "C" liquor  
33 control licenses or class "A", "B", or "C" wine permits, a  
34 refund value of not less than five cents shall be paid by  
35 the consumer on each beverage container sold in this state

1 by a dealer for consumption off the premises. Upon return  
2 of the empty beverage container upon which a refund value  
3 has been paid to the dealer or person operating a redemption  
4 center and acceptance of the empty beverage container by the  
5 dealer or person operating a redemption center, the dealer  
6 or person operating a redemption center shall return the  
7 amount of the refund value to the consumer.

8 Sec. 131. Section 455C.3, subsection 2, Code 1983, is  
9 amended to read as follows:

10 2. A distributor shall accept and pick up from a dealer  
11 served by the distributor or a redemption center for a dealer  
12 served by the distributor any empty beverage container of  
13 the kind, size and brand sold by the distributor, and shall  
14 pay to the dealer or person operating a redemption center  
15 the refund value of a beverage container and the reimbursement  
16 as provided under section 455C.2. This subsection ~~shall~~ does  
17 not apply to a distributor selling alcoholic liquor or wine  
18 to the Iowa beer and liquor control department.

19 Sec. 132. Section 123.56, Code 1983, is repealed.

20 EXPLANATION

21 This bill would place wines containing more than five but  
22 not more than seventeen percent alcohol by weight under private  
23 distribution and sale by wholesalers, wine stores, and grocery  
24 stores. However, under this bill state liquor stores may  
25 continue to sell wine.

26 Wholesalers, and retailers dealing primarily in wine, would  
27 be required to obtain a separate and distinct wine permit.  
28 A retail liquor licensee who presently has the privilege of  
29 selling wine for on-premise consumption would not need  
30 additional authority.

31 Wine containing more than seventeen percent alcohol by  
32 weight would continue to be subject to the present alcoholic  
33 beverage provisions. Wine containing more than five percent  
34 but less than seventeen percent could be imported, wholesaled,  
35 and retailed through private facilities in addition to the

1 state's retailing. Importer's and wholesaler's certificates  
2 and permits would be approved and issued by the department.

3 Fees for the issuance of wine permits are of fixed rate  
4 except for the class "C" fee which is based upon sales volume  
5 and the size of the wine sales area of the outlet.

6 The bill also establishes an excise tax of fifty cents  
7 per gallon on wine sold for retail sale within this state  
8 which wine was not purchased from or sold by the Iowa beer  
9 and liquor control department. This tax is imposed in place  
10 of the current state revenue from these sales, and is imposed  
11 at the wholesale level.

12 The bill provides for the distribution of the gallonage  
13 tax. Basically, two-thirds of the revenue will be distributed  
14 to the cities and one-third will be distributed to the military  
15 service tax fund, subject to the maximum amounts so distrib-  
16 utable as provided in section 15 of the bill.

17 The bill creates a new division in chapter 123 with sections  
18 numbered 123.163 through 123.181, and refers to some of these  
19 sections.

20 The bill takes effect July 1 following enactment.

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