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SENATE FILE 2046
BY ROSENBERG

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act establishing an alcohol-related motor vehicle accident
2 fund, providing for appropriations from the fund, imposing a
3 surtax on beer and wine wholesalers, and imposing a markup on
4 alcoholic liquor.

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

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SF 2046

1 Section 1. Section 123.24, Code Supplement 1993, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 6. Notwithstanding the markup under
4 subsection 4 and the bottle surcharge imposed under subsection
5 5, the price of alcoholic liquor shall include an additional
6 amount, to be determined by the division, which shall be
7 approximately equivalent to a three cent per gallon tax on
8 every alcoholic liquor gallon and a like rate for the
9 fractional parts of an alcoholic liquor gallon sold by the
10 division. The amount collected pursuant to this subsection
11 shall be credited to and deposited in the alcohol-related
12 motor vehicle accident fund created in section 123.190.

13 Sec. 2. Section 123.136, Code 1993, is amended to read as
14 follows:

15 123.136 BARREL TAX.

16 In addition to the annual permit fee to be paid by all
17 class "A" permittees under this chapter there shall be levied
18 and collected from the permittees on all beer manufactured for
19 sale or sold in this state at wholesale and on all beer
20 imported into this state for sale at wholesale and sold in
21 this state at wholesale, and from special class "A" permittees
22 on all beer manufactured for consumption on the premises, a
23 tax of ~~five-and-eighty-nine~~ six and eighty-two hundredths
24 dollars for every barrel containing thirty-one gallons, and at
25 a like rate for any other quantity or for the fractional part
26 of a barrel. However, no tax shall be levied or collected on
27 beer shipped outside this state by a class "A" permittee or
28 sold by one class "A" permittee to another class "A"
29 permittee.

30 All ~~Five~~ and eighty-nine hundredths dollars of the revenue
31 derived from each barrel of the barrel tax shall accrue to the
32 state general fund. ~~Ninety-three~~ hundredths of a dollar of
33 the revenue derived from each barrel of the barrel tax shall
34 be credited to and deposited in the alcohol-related motor
35 vehicle accident fund created in section 123.190.

1 All of the provisions of this chapter relating to the
2 administration of the barrel tax on beer shall apply to this
3 section.

4 Sec. 3. Section 123.183, Code 1993, is amended to read as
5 follows:

6 123.183 WINE GALLONAGE TAX.

7 In addition to the annual permit fee to be paid by each
8 class "A" wine permittee, there shall be levied and collected
9 from each class "A" wine permittee on all wine manufactured
10 for sale and sold in this state at wholesale and on all wine
11 imported into this state for sale at wholesale and sold in
12 this state at wholesale, a tax of one dollar and ~~seventy-five~~
13 seventy-eight cents for every wine gallon and a like rate for
14 the fractional parts of a wine gallon. A tax shall not be
15 levied or collected on wine sold by one class "A" wine
16 permittee to another class "A" wine permittee. Revenue Of the
17 revenue derived from the wine tax collected on wine
18 manufactured for sale and sold in this state one dollar and
19 seventy-five cents from every gallon shall be deposited in the
20 gallonage tax fund hereby created in the office of the
21 treasurer of state and three cents from every gallon shall be
22 credited to and deposited in the alcohol-related motor vehicle
23 accident fund created in section 123.190. Moneys deposited in
24 the gallonage tax fund shall not revert to the general fund of
25 the state without a specific appropriation by the general
26 assembly. ~~All-other~~ The remainder of gallonage tax revenue
27 derived from the wine tax shall be deposited in the liquor
28 control fund established by section 123.53 and shall be
29 transferred by the director of revenue and finance to the
30 general fund of the state.

31 Sec. 4. NEW SECTION. 123.190 ALCOHOL-RELATED MOTOR
32 VEHICLE ACCIDENT FUND.

33 1. A fund to be known as the alcohol-related motor vehicle
34 accident fund is established within the office of the
35 treasurer of state under the control of the commissioner of

1 insurance. The purpose of the fund shall be to compensate
2 persons involved in alcohol-related motor vehicle accidents
3 for bodily injuries. A percentage of the moneys derived from
4 the additional markup on alcoholic liquor under section
5 123.24, subsection 6, the barrel tax under section 123.136,
6 and the wine gallonage tax under section 123.183 shall be
7 credited to and deposited in the fund as directed by those
8 sections. Notwithstanding section 8.33, moneys credited to
9 and deposited in this fund shall not revert to the general
10 fund of the state.

11 2. The fund shall be administered by the commissioner of
12 insurance. Interest on investments made by the fund shall be
13 used to pay for the costs of administering the fund. The
14 commissioner shall develop a form for persons to file for
15 benefits under the fund. This form shall be distributed to
16 law enforcement officers who shall make the forms available to
17 any victim of an alcohol-related motor vehicle accident.

18 3. For purposes of this section, a person shall be
19 considered to have been a victim of an alcohol-related motor
20 vehicle accident if a determination is made by law enforcement
21 officials that the person primarily responsible for the motor
22 vehicle accident was operating while intoxicated in violation
23 of section 321J.2, if the person primarily responsible for the
24 motor vehicle accident entered a plea of guilty to a charge of
25 operating while intoxicated in violation of section 321J.2, or
26 if the person primarily responsible for the motor vehicle
27 accident was found guilty of operating while intoxicated in
28 violation of section 321J.2, or if a judge ordered payment
29 from the fund as part of a sentencing order. A person who is
30 primarily responsible for a motor vehicle accident is not
31 eligible for benefits under subsection 4.

32 4. a. For the fiscal year beginning July 1, 1994, and
33 ending June 30, 1995, and each fiscal year thereafter, five
34 hundred thousand dollars shall be appropriated for payment of
35 victim's benefits. The moneys shall be distributed in the

1 following manner:

2 (1) Five thousand dollars shall be paid to the estate of
3 any victim killed in an alcohol-related motor vehicle
4 accident.

5 (2) Ten thousand dollars shall be paid to any victim who
6 has sustained medical bills as a result of an alcohol-related
7 motor vehicle accident if the medical bills are in excess of
8 fifty thousand dollars. An additional ten thousand dollars
9 shall be paid to any victim who is permanently disabled as a
10 result of an alcohol-related motor vehicle accident.

11 (3) The moneys awarded under subparagraphs (1) and (2)
12 shall be doubled if the person primarily responsible for the
13 motor vehicle accident did not have valid and collectable
14 insurance.

15 b. For the fiscal year beginning July 1, 1994, and ending
16 June 30, 1995, and each fiscal year thereafter, the following
17 shall be appropriated from the fund:

18 (1) Four hundred thousand dollars to the division of
19 criminal and juvenile justice planning of the department of
20 human rights. Of the moneys appropriated, two hundred
21 thousand dollars shall be used to evaluate substance abuse
22 treatment programs and two hundred thousand dollars shall be
23 used for grants to establish innovative and promising
24 substance abuse treatment programs.

25 (2) Two hundred thousand dollars to the department of
26 public health for prenatal care prevention and intervention
27 programs to prevent fetal alcohol syndrome and drug-exposed
28 babies.

29 (3) Two hundred thousand dollars to the adult, children
30 and family services division of the department of human
31 services for grants to community centers or recreational
32 programs for afterschool and summer school programs for at-
33 risk children in at-risk neighborhoods.

34 c. Moneys under this subsection shall not be distributed
35 to any person or the estate of any person who is primarily

1 responsible for the motor vehicle accident.

2 5. Payments from this fund to victims shall not reduce any
3 collectable insurance awards or settlements to the victims.

4 EXPLANATION

5 This bill establishes an alcohol-related motor vehicle
6 accident fund to compensate victims involved in alcohol-
7 related motor vehicle accidents for bodily injuries and to
8 provide death benefits to the estate of a victim. Moneys for
9 the fund are derived from a 93 cent per barrel tax on beer
10 sold at wholesale, a three cent per gallon tax on wine sold at
11 wholesale, and a three cent per gallon markup on alcoholic
12 liquors. The fund is administered by the commissioner of
13 insurance who is directed to develop a form for persons
14 involved in alcohol-related motor vehicle accidents to claim
15 benefits from the fund. A person is considered to have been a
16 victim of an alcohol-related motor vehicle accident if a
17 determination is made by a law enforcement official that any
18 other person primarily responsible for the motor vehicle
19 accident was operating while intoxicated, if the person
20 primarily responsible for the accident entered a plea of
21 guilty to a charge of operating while intoxicated, if a person
22 primarily responsible for the accident was found guilty of
23 operating while intoxicated, or if a judge ordered payment
24 from the fund as part of a sentencing order.

25 The victim of an alcohol-related motor vehicle accident may
26 file a claim for benefits from the fund. Five thousand
27 dollars shall be paid to the estate of any victim killed in an
28 accident and \$10,000 shall be paid to any victim who has
29 sustained medical bills as a result of the accident in excess
30 of \$50,000. An additional \$10,000 shall be paid to any victim
31 who is permanently disabled as a result of the accident. If
32 the person who is responsible for the accident does not have
33 insurance, benefits are doubled. In addition to benefits
34 payable to victims of the accident, moneys are appropriated
35 from the fund to the division of criminal and juvenile justice

1 planning of the department of human rights. Two hundred
2 thousand dollars is allocated for evaluation of substance
3 abuse treatment programs, and \$200,000 is allocated for grants
4 to establish innovative and promising substance abuse
5 treatment programs. Additional moneys are allocated as
6 follows: \$200,000 to the department of public health for
7 prenatal care and prevention and intervention programs to
8 prevent fetal alcohol syndrome and drug-exposed babies, and
9 \$200,000 to the adult, children and family services division
10 of the department of human services for grants to community
11 centers or recreational programs for afterschool and summer
12 school programs for at-risk children.

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