

ALCOHOLIC BEVERAGES DIVISION[185]

Adopted and Filed

Pursuant to the authority of Iowa Code section 123.21, the Alcoholic Beverages Division hereby amends Chapter 5, “License and Permit Division,” and Chapter 12, “Forms,” Iowa Administrative Code.

The amendments in Item 1 update citations to the Iowa Code. In addition, the amendments add language to describe the contents of the dramshop liability certificate of insurance and authorize the Division to request a duplicate copy of the policy, including endorsements. The contents of the dramshop liability certificate of insurance, including the provision allowing the Division to request a duplicate copy of the policy, are currently in Chapter 12 and are being relocated to Chapter 5 for accessibility.

The amendments in Item 2 further define occurrence-based policies. The amendments in Item 2 are a result of stakeholder consensus following a series of working meetings.

The amendment in Item 3 adds language to clarify and accurately reflect the current practices of the Division on acceptable methods for notifying the Division of a dramshop liability insurance policy cancellation. The amendment in Item 3 is a result of stakeholder consensus following a series of working meetings.

The amendment in Item 4 strikes the unnecessary word “all” in language that requires a dramshop policy to contain coverage to insure against civil tort liability of the insured. The amendment in Item 4 is a result of stakeholder consensus following a series of working meetings.

The amendments in Item 5 strike and add language to update the reference to a subrule and to accurately reflect the current practices of the Division. The amendments illustrate how the licensee or permittee provides proof of financial responsibility to the Division. The amendments in Item 5 are a result of stakeholder consensus following a series of working meetings.

The amendments in Item 6 add language to clarify the intent of the rule and strike language that is either unnecessary or redundant. The amendments clarify that a licensee or a permittee who owns and operates multiple licensed establishments may obtain a single dramshop insurance policy to cover all establishments. The amendments clarify that the single dramshop insurance policy that covers multiple licensed establishments must provide the minimum level of insurance coverage for all covered incidents that occur at each and every location during the license and policy term. The amendments clarify that the single dramshop insurance policy that covers multiple licensed establishments must meet all other provisions of the dramshop rule. The amendments in Item 6 are a result of stakeholder consensus following a series of working meetings.

The amendment in Item 7 rescinds subrule 12.2(12) containing the Dramshop Liability Certificate of Insurance form and its contents. The contents of the Dramshop Liability Certificate of Insurance form have been relocated to subrule 5.8(1) for accessibility.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 0157C** on June 13, 2012. A public hearing was held on Tuesday, July 3, 2012, and no comments were received. Therefore, the amendments are identical to those published under Notice.

The Alcoholic Beverages Commission adopted these rules on July 19, 2012.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapters 123 and 17A.

These amendments will become effective September 12, 2012.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [5.8, 12.2(12)] is being omitted. These amendments are identical to those published under Notice as **ARC 0157C**, IAB 6/13/12.

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[For replacement pages for IAC, see IAC Supplement 8/8/12.]