

CHAPTER 196
LIQUOR VIOLATIONS
S.F. 295

AN ACT relating to the violation of laws concerning alcoholic liquor and beer by establishing the penalty for transporting an open container of alcoholic liquor or beer in a motor vehicle as a simple misdemeanor, and by removing the duty of a liquor control licensee to break empty liquor bottles.

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

Section 1. Section 123.28, unnumbered paragraph 2, Code 1985, is amended to read as follows:

A person driving a motor vehicle shall not knowingly possess in a motor vehicle upon a public street or highway ~~any~~ an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage or beer with the intent to consume the alcoholic beverage or beer while the motor vehicle is upon a public street or highway. Evidence that an open or unsealed receptacle containing an alcoholic beverage or beer was found during an authorized search in the glove compartment, utility compartment, console, front passenger seat, or any unlocked portable device and within the immediate reach of the driver while the motor vehicle is upon a public street or highway is evidence from which the court or jury may infer that the driver intended to consume the alcoholic beverage or beer while upon the public street or highway if the inference is supported by corroborative evidence. However, an open or unsealed receptacle containing an alcoholic beverage or beer may be transported at any time in the trunk of the motor vehicle or in some other area of the interior of the motor vehicle not designed or intended to be occupied by the driver and not readily accessible to the driver while the motor vehicle is in motion. A person convicted of a violation of this paragraph is guilty of a simple misdemeanor.

Sec. 2. Section 123.33, Code 1985, is amended to read as follows:

123.33 RECORDS.

Every holder of a liquor control license shall keep a daily record of the gross receipts of the holder's business. ~~Each bottle emptied, except beer bottles, shall be broken immediately by the licensee or the licensee's agent into a container provided for that purpose.~~ The records ~~herein~~ required and the premises of the licensee shall be open to agents of the division of beer and liquor law enforcement of the department of public safety during normal business hours of the licensee.

Approved May 24, 1985