

123.38 Nature of permit or license — surrender — transfer.

1. A retail alcohol license, wine permit, or beer permit is a personal privilege and is revocable for cause. It is not property nor is it subject to attachment and execution nor alienable nor assignable, and it shall cease upon the death of the permittee or licensee. However, the director may in the director's discretion allow the executor or administrator of the estate of a permittee or licensee to operate the business of the decedent for a reasonable time not to exceed the expiration date of the permit or license. Every permit or license shall be issued in the name of the applicant and no person holding a permit or license shall allow any other person to use it.

2. *a.* Any licensee or permittee, or the executor or administrator of the estate of a licensee or permittee, or any person duly appointed by the court to take charge of and administer the property or assets of the licensee or permittee for the benefit of the licensee's or permittee's creditors, may voluntarily surrender a license or permit to the department. When a license or permit is surrendered, the department shall notify the local authority, and the department or the local authority shall refund to the person surrendering the license or permit, a proportionate amount of the fee received by the department or the local authority for the license or permit as follows:

(1) If a license or permit is surrendered during the first three months of the period for which it was issued, the refund shall be three-fourths of the amount of the fee.

(2) If surrendered more than three months but not more than six months after issuance, the refund shall be one-half of the amount of the fee.

(3) If surrendered more than six months but not more than nine months after issuance, the refund shall be one-fourth of the amount of the fee.

(4) No refund shall be made for any retail alcohol license, wine permit, or beer permit surrendered more than nine months after issuance.

b. For purposes of [this subsection](#), any portion of license or permit fees used for the purposes authorized in [section 331.424, subsection 1](#), paragraph "a", subparagraphs (1) and (2), shall not be deemed received either by the department or by a local authority.

c. No refund shall be made to any licensee or permittee upon the surrender of the license or permit if there is at the time of surrender a complaint filed with the department or local authority charging the licensee or permittee with a violation of [this chapter](#).

d. If upon a hearing on a complaint the license or permit is not revoked or suspended, then the licensee or permittee is eligible, upon surrender of the license or permit, to receive a refund as provided in [this section](#). However, if the license or permit is revoked or suspended upon hearing, the licensee or permittee is not eligible for the refund of any portion of the license or permit fee.

3. The local authority may in its discretion authorize a licensee or permittee to transfer the license or permit from one location to another within the same incorporated city, or within a county outside the corporate limits of a city, provided that the premises to which the transfer is to be made would have been eligible for a license or permit in the first instance and such transfer will not result in the violation of any law. All transfers authorized, and the particulars of same, shall be reported to the director by the local authority. The director may by rule establish a uniform transfer fee to be assessed by all local authorities upon licensees or permittees to cover the administrative costs of such transfers, such fee to be retained by the local authority involved.

[C35, §1921-f29, -f100; C39, §1921.029, 1921.100; C46, 50, 54, 58, 62, 66, 71, §123.29, 124.6; C73, 75, 77, 79, 81, §123.38]

[85 Acts, ch 32, §31](#); [95 Acts, ch 206, §5, 12](#); [2010 Acts, ch 1061, §162](#); [2016 Acts, ch 1008, §6](#); [2018 Acts, ch 1041, §39](#); [2018 Acts, ch 1060, §18](#); [2019 Acts, ch 59, §42, 43](#); [2021 Acts, ch 177, §79, 108](#); [2022 Acts, ch 1099, §31, 32, 88](#); [2023 Acts, ch 19, §2403 – 2406](#)

Subsection 1 amended

Subsection 2, paragraph a, unnumbered paragraph 1 amended

Subsection 2, paragraphs b and c amended

Subsection 3 amended