

### 123.50 Criminal and civil penalties.

1. Any person who violates any of the provisions of [section 123.49](#), except [section 123.49, subsection 2](#), paragraph “h”, or who fails to affix upon sale, defaces, or fails to record a keg identification label or produce a record of keg identification labels pursuant to [section 123.138](#), shall be guilty of a simple misdemeanor. A person who violates [section 123.49, subsection 2](#), paragraph “h”, commits a simple misdemeanor punishable as a scheduled violation under [section 805.8C, subsection 2](#).

2. The conviction of any retail alcohol licensee for a violation of any of the provisions of [section 123.49](#), subject to [subsection 3](#) of [this section](#), is grounds for the suspension or revocation of the license by the department or the local authority. However, if any retail alcohol licensee is convicted of any violation of [section 123.49, subsection 2](#), paragraph “a” or “e”, or any retail alcohol licensee, excluding a special class “B” or class “D” retail alcohol licensee, is convicted of a violation of [section 123.49, subsection 2](#), paragraph “d”, the retail alcohol license shall be revoked and shall immediately be surrendered by the holder, and the bond, if any, of the license holder shall be forfeited to the department. However, the department shall retain only that portion of the bond equal to the amount the department determines the license holder owes the department.

3. If any retail alcohol licensee or employee of a licensee is convicted or found in violation of [section 123.49, subsection 2](#), paragraph “h”, the director or local authority shall, in addition to criminal penalties fixed for violations by [this section](#), assess a civil penalty as follows:

a. A first violation shall subject the licensee to a civil penalty in the amount of five hundred dollars. Failure to pay the civil penalty as ordered under [section 123.39](#) shall result in automatic suspension of the license for a period of fourteen days.

b. A second violation within two years shall subject the licensee to a thirty-day suspension and a civil penalty in the amount of one thousand five hundred dollars.

c. A third violation within three years shall subject the licensee to a sixty-day suspension and a civil penalty in the amount of one thousand five hundred dollars.

d. A fourth violation within three years shall result in revocation of the license.

e. For purposes of [this subsection](#):

(1) The date of any violation shall be used in determining the period between violations.

(2) Suspension shall be limited to the specific license for the premises found in violation.

(3) Notwithstanding [section 123.40](#), revocation shall be limited to the specific license found in violation and shall not disqualify a licensee from holding a license at a separate location.

4. In addition to any other penalties imposed under [this chapter](#), the department shall assess a civil penalty up to the amount of five thousand dollars upon a class “E” retail alcohol licensee when the class “E” retail alcohol license is revoked for a violation of [section 123.59](#). Failure to pay the civil penalty as required under [this subsection](#) shall result in forfeiture of the bond to the department. However, the department shall retain only that portion of the bond equal to the amount the department determines the license holder owes the department.

5. If an employee of a retail alcohol licensee violates [section 123.49, subsection 2](#), paragraph “h”, the licensee shall not be assessed a penalty under [subsection 3](#), and the violation shall be deemed not to be a violation of [section 123.49, subsection 2](#), paragraph “h”, for the purpose of determining the number of violations for which a penalty may be assessed pursuant to [subsection 3](#), if the employee holds a valid certificate of completion of the alcohol compliance employee training program pursuant to [section 123.50A](#) at the time of the violation, and if the violation involves selling, giving, or otherwise supplying any alcoholic beverage to a person between the ages of eighteen and twenty years of age. A violation involving a person under the age of eighteen years of age shall not qualify for the bar against assessment of a penalty pursuant to [subsection 3](#), for a violation of [section 123.49, subsection 2](#), paragraph “h”. A licensee may assert only once in a four-year period the bar under [this subsection](#) against assessment of a penalty pursuant to [subsection 3](#), for a

violation of [section 123.49, subsection 2](#), paragraph “h”, that takes place at the same place of business location.

[C35, §1921-f46, 1921-f127; C39, §[1921.046](#), [1921.132](#); C46, 50, 54, 58, 62, 66, 71, §123.46, 124.37; C73, 75, 77, 79, 81, §123.50]

[84 Acts, ch 1275, §4](#); [84 Acts, ch 1292, §1](#); [85 Acts, ch 32, §43](#); [86 Acts, ch 1246, §745](#); [88 Acts, ch 1088, §6](#); [88 Acts, ch 1241, §14](#); [89 Acts, ch 252, §2](#); [93 Acts, ch 91, §18](#); [94 Acts, ch 1172, §5](#); [97 Acts, ch 126, §5, 6](#); [98 Acts, ch 1204, §1, 2](#); [2001 Acts, ch 137, §5](#); [2004 Acts, ch 1008, §1](#); [2007 Acts, ch 46, §1](#); [2011 Acts, ch 30, §6](#); [2013 Acts, ch 30, §23](#); [2014 Acts, ch 1026, §27](#); [2018 Acts, ch 1060, §37 – 39](#); [2019 Acts, ch 113, §32](#); [2022 Acts, ch 1099, §51, 52, 88](#); [2023 Acts, ch 19, §2420 – 2422](#); [2023 Acts, ch 66, §29 – 32](#)

Referred to in [§99B.3](#), [99B.55](#), [123.39](#), [123.141](#)

License suspension upon revocation of gambling license or amusement device registration; [§99B.3](#) and [§99B.55](#)

See Code editor’s note on simple harmonization at the beginning of this Code volume

Subsections 2 – 4 amended