

January 26, 1965.

Judiciary. *Pass 2/3*

House File 66

By COFFMAN, SCOTT and WILSON.

Passed House, Date *2-10-65 4/7* Passed Senate, Date *4/2*

Vote: Ayes *106 85* Nays *10 39* Vote: Ayes *114* Nays *3*

Approved *April 13, 1965*

*in session file 2/11
Judiciary 2/12
Pass 2/24
Referred 2/19 3/23*

A BILL FOR

An Act for the provision of a suspension of the permit for violation of the beer laws.

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

1 Section 1. Section one hundred twenty-four point five (124.5),
2 Code 1962, is hereby amended by inserting after the word "revoke"
3 in line eight (8) the following: "or suspend".

4 Further amend said section by inserting in line sixteen (16)
5 after the word "revoke" the following: "or suspend".

1 Sec. 2. Section one hundred twenty-four point twenty (124.20),
2 Code 1962, is amended by inserting after the word "revocation"
3 in line thirty (30) the following: "or suspension by the local
4 issuing authorities for not less than thirty nor more than sixty
5 days".

1 Sec. 3. Section one hundred twenty-four point thirty (124.30),
2 Code 1962, is amended by striking all after line thirteen (13)
3 and inserting in lieu thereof the following: "may be revoked or
4 may be suspended for a period of not more than sixty days by the
5 authorities issuing same."

1 Sec. 4. Section one hundred twenty-four point thirty-one
2 (124.31), Code 1962, is amended by striking therefrom the second
3 sentence of said section.

1 Sec. 5. Section one hundred twenty-four point thirty-four
2 (124.34), Code 1962, is amended by inserting after the word

3 "revoke" in line five (5) the following: "or suspend for a
4 period of not more than sixty days".

1 Sec. 6. Section one hundred twenty-four point thirty-seven
2 (124.37), Code 1962, is amended by inserting after the word
3 "revocation" in line eight (8) the following: "or suspension".

1 Sec. 7. Section one hundred twenty-four point forty (124.40),
2 Code 1962, is amended by inserting in line two (2) after the
3 word "revocation" the following: "or suspension".

4 Further amend said section by inserting in line forty-six
5 (46) after the word "revocation" the following "or suspension"
6 and in line forty-seven (47) following the word "revoke" insert
7 "or suspend" and in line forty-nine (49) following the word
8 "forfeited" insert "if the permit is revoked".

EXPLANATION OF HOUSE FILE 66

The purpose of this bill is to provide other penalties for the violation of the beer law other than the only penalty presently provided in the way of a mandatory revocation of the permit. Under present law, an operator or permittee can violate a city ordinance of a simple nature and subject himself to the loss of his beer permit. A suspension feature has been written into the liquor law and as a practical matter, such a feature should be inserted in the beer law.

HOUSE FILE 66

1 Amend House File 66 by striking all of sections 2,
2 3, and 4, inserting the following new sections
3 in lieu thereof, and renumbering the remaining sections:
4 "Sec. 2. Subsection six (6) of section one hundred twenty-
5 four point two (124.2), Code 1962, is repealed and the follow-
6 ing is substituted therefor:
7 "6. The term 'person of good moral character' as used in
8 this chapter shall mean any person who meets all of the
9 following requirements:
10 a. He has such financial standing and good reputation as
11 will satisfy the issuing authority that he will comply with
12 this chapter and all laws, ordinances, and regulations appli-
13 cable to his operations under this chapter.
14 b. He does not possess a federal gambling stamp.
15 c. He is not prohibited by the provisions of section one
16 hundred twenty-four point thirty (124.30), Code 1962, from
17 obtaining a permit.
18 d. He has not been convicted of a felony. However, if
19 his conviction of a felony occurred more than five (5) years
20 before the late of the application for a permit, and if his
21 rights of citizenship have been restored by the governor, the
22 issuing authority may determine that he is a person of good
23 moral character notwithstanding such conviction.
24 e. If such person is a corporation, firm copartnership,
25 or association, the requirements of this subsection shall
26 apply to each of the officers, directors, and partners of such
27 person, and to any person who directly or indirectly owns or
28 controls ten (10) per cent or more of any class of stock of
29 such person or has an interest of ten (10) per cent or more
30 in the ownership or profits of such person. For the purposes
31 of this provision, an individual and his spouse shall be
32 regarded as one person.

33 "Sec. 3. Section one hundred twenty-four point two
34 (124.2), Code 1962, is amended by adding the following new
35 subsection:
36 "Minor as used in this chapter shall mean any person
37 under the age of twenty-one (21) years."
38 "Sec. 4. Section one hundred twenty-four point twenty
39 (124.20), Code 1962, is amended by numbering the first two
40 (2) paragraphs as subsections one (1) and two (2) and by
41 striking the third (3rd) paragraph and inserting the follow-
42 ing in lieu thereof:
43 "3. No person shall knowingly sell, give, supply, or
44 offer any alcoholic beverage or beer to any minor, except
45 within a private home and with the knowledge and consent of
46 the parent or guardian of said minor. No person shall know-
47 ingly permit any minor to purchase or consume any alcoholic
48 beverage or beer on the premises of a class 'B' or class 'C'
49 permit holder.
50 "4. No minor shall purchase, obtain, or attempt to pur-
51 chase or obtain any alcoholic beverage or beer from any
52 person, except within a private home and with the knowledge
53 and consent of the parent or guardian of said minor.
54 "5. No minor shall misrepresent his or her age for the
55 purpose of purchasing, obtaining, or attempting to purchase
56 or obtain any alcoholic beverage or beer. If any minor shall
57 misrepresent his or her age, and if the permit holder shall
58 establish that he made reasonable inquiry to determine
59 whether such prospective purchaser is a minor, the permit
60 holder shall not be guilty of selling to a minor.
61 "6. No class 'B' or 'C' permit holder shall knowingly
62 permit any gaming, gambling, solicitation for immoral purposes, im-
63 moral or disorderly conduct in or about his place of business.
64 "7. No class 'B' or 'C' permit holder shall knowingly
65 allow the mixing or adding of alcohol or any alcoholic
66 beverage to beer or any other beverage in or about his place
67 of business, except as permitted under a license issued under
68 chapter one hundred twenty-three (123) of the Code."
69 "Sec. 5. Section one hundred twenty-four point thirty
70 (124.30), Code 1962, is repealed and the following is substi-
71 tuted therefor:
72 "The permit under this chapter shall automatically be
73 revoked and shall immediately be surrendered by the permit
74 holder, and the bond of the permit holder shall be forfeited,
75 upon any of the following events:
76 1. If the permit holder is convicted of any violation of
77 subsection three (3), six (6), or seven (7) of section one
78 hundred twenty-four point twenty (124.20), of the Code.
79 2. If the permit holder is convicted of any violation of
80 section one hundred twenty-four point thirty-one (124.31)
81 of the Code.
82 3. If any agent or employee of the permit holder is con-
83 victed of any violation of subsection three (3) of section one
84 hundred twenty-four point twenty (124.20) of the Code in or
85 about the place of business for which the permit is issued.
86 4. If the permit holder is convicted of a felony.
87 "If after the effective date of this Act any permit is
88 revoked under the provisions of this section or revoked for
89 cause under any other provision of this section, the person
90 whose permit is revoked shall not thereafter be allowed to
91 obtain or hold a permit under this chapter. The spouse of
92 such person shall not thereafter be allowed to obtain or hold
93 a permit under this chapter. No permit under this chapter
94 shall be issued which covers any business in which such per-
95 son directly or indirectly owns or controls ten (10) per cent
96 or more of any class of stock or has an interest of ten (10)
97 per cent or more in the ownership or profits of such business;
98 and for the purposes of this provision an individual and his
99 spouse shall be regarded as one person.
100 However, a conviction of a felony shall not prevent the
101 issuance of a permit if (a) the conviction occurred more than
102 five (5) years before the date of the application for a permit,
103 (b) the rights of citizenship of such person have been restored
104 by the governor, and (c) the issuing authority determines that
105 such person is a person of good moral character notwithstanding
106 such convictions.
107 "If a permit is revoked upon any of the events specified
108 in subsections one (1), two (2), and three (3) of this section,
109 no permit under this chapter shall be issued for the place of
110 business covered by the revoked permit during the period of
111 one (1) year after such revocation."

Filed
April 1, 1965.

advised 4/2 *House concurred 4/7*
By STANLEY AND REPPERT.