

REPRINTED

FEB 27 1998

Place On Calendar

HOUSE FILE 2487  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 624)

(P.607)  
Passed House, Date 3/11/98 Passed Senate, Date 4-1-98  
Vote: Ayes 96 Nays 0 Vote: Ayes 49 Nays 0  
Approved May 19, 1998

A BILL FOR

1 An Act relating to the fines and penalties applicable to the sale  
2 of alcohol to minors and providing an effective date.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE FILE 2487

H-8209

- 1 Amend House File 2487, as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Section 1. NEW SECTION. 123.49A RETENTION OF
- 5 IDENTIFICATION CARD.
- 6 As a condition of a person remaining in a licensed
- 7 premises, a liquor control licensee or wine or beer
- 8 permittee, or an employee of a licensee or permittee
- 9 may retain a motor vehicle license, a nonoperator
- 10 identification card, or other form of identification
- 11 submitted by the person to show the person's age while
- 12 the person remains in the licensed premises."
- 13 2. Title page, line 1, by inserting after the
- 14 word "penalties" the following: "and other
- 15 requirements".
- 16 3. Title page, line 2, by striking the words "to
- 17 minors".

By SCHERRMAN of Dubuque

H-8209 FILED MARCH 4, 1998  
*Adopted 3/11/98 P.606*

HF 2487

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1 Section 1. Section 123.50, subsection 1, Code Supplement  
2 1997, is amended to read as follows:

3 1. Any person who violates any of the provisions of  
4 section 123.49, except subsection 2, paragraph "h", shall be  
5 guilty of a simple misdemeanor. A person who violates section  
6 123.49, subsection 2, paragraph "h", commits a serious simple  
7 misdemeanor punishable by a fine of one thousand five hundred  
8 dollars as a scheduled violation under section 805.8,  
9 subsection 10, paragraph "a". ~~If the violation is committed~~  
10 ~~by a person who is employed by a licensee or permittee, the~~  
11 ~~licensee or permittee and the individual shall each be deemed~~  
12 ~~to have committed the violation and shall each be punished as~~  
13 ~~provided in this subsection.~~

14 Sec. 2. Section 123.50, subsection 3, paragraphs a, b, and  
15 c, Code Supplement 1997, are amended to read as follows:

16 a. Upon a first conviction, the violator's liquor control  
17 license, wine permit, or beer permit shall be suspended for a  
18 period of fourteen days. However, if the conviction is for a  
19 violation of section 123.49, subsection 2, paragraph "h", the  
20 violator's liquor control license or wine or beer permit shall  
21 not be suspended, but the violator shall be assessed a civil  
22 penalty in the amount of three five hundred dollars. Failure  
23 to pay the civil penalty as ordered under section 123.39 for a  
24 violation of section 123.49, subsection 2, paragraph "h", or  
25 this subsection will result in automatic suspension of the  
26 license or permit for a period of fourteen days.

27 b. Upon a second conviction within a period of two years,  
28 the violator's liquor control license, wine permit, or beer  
29 permit shall be suspended for a period of thirty days.  
30 However, if the conviction is for a violation of section  
31 123.49, subsection 2, paragraph "h", the violator shall also  
32 be assessed a civil penalty in the amount of one thousand five  
33 hundred dollars.

34 c. Upon a third conviction within a period of three years,  
35 the violator's liquor control license, wine permit, or beer

1 permit shall be suspended for a period of sixty days.  
2 However, if the conviction is for a violation of section  
3 123.49, subsection 2, paragraph "h", the violator shall also  
4 be assessed a civil penalty in the amount of one thousand five  
5 hundred dollars.

6 Sec. 3. Section 321.284, Code 1997, is amended to read as  
7 follows:

8 321.284 OPEN CONTAINERS IN MOTOR VEHICLES.

9 A person driving a motor vehicle shall not knowingly  
10 possess in a motor vehicle upon a public street or highway an  
11 open or unsealed bottle, can, jar, or other receptacle  
12 containing an alcoholic beverage, wine, or beer with the  
13 intent to consume the alcoholic beverage, wine, or beer while  
14 the motor vehicle is upon a public street or highway.  
15 Evidence that an open or unsealed receptacle containing an  
16 alcoholic beverage, wine, or beer was found during an  
17 authorized search in the glove compartment, utility  
18 compartment, console, front passenger seat, or any unlocked  
19 portable device and within the immediate reach of the driver  
20 while the motor vehicle is upon a public street or highway is  
21 evidence from which the court or jury may infer that the  
22 driver intended to consume the alcoholic beverage, wine, or  
23 beer while upon the public street or highway if the inference  
24 is supported by corroborative evidence. However, an open or  
25 unsealed receptacle containing an alcoholic beverage, wine, or  
26 beer may be transported at any time in the trunk of the motor  
27 vehicle or in some other area of the interior of the motor  
28 vehicle not designed or intended to be occupied by the driver  
29 and not readily accessible to the driver while the motor  
30 vehicle is in motion. A person convicted of a violation of  
31 this section is guilty of a simple misdemeanor punishable as a  
32 scheduled violation under section 805.8, subsection 10,  
33 paragraph "e" "b".

34 Sec. 4. Section 805.8, subsection 10, Code Supplement  
35 1997, is amended to read as follows:

1 10. ALCOHOLIC BEVERAGE VIOLATIONS.

2 a. For violations of section 123.49, subsection 2,  
3 paragraph "h", the scheduled fine is one hundred dollars.

4 b. For violations of section 321.284, the scheduled fine  
5 is fifty dollars.

6 Sec. 5. Section 805.8, subsection 10, Code Supplement  
7 1997, is amended to read as follows:

8 10. ALCOHOLIC BEVERAGE VIOLATIONS.

9 a. For violations of section 123.49, subsection 2,  
10 paragraph "h", the scheduled fine for a licensee or permittee  
11 is one thousand five hundred dollars and the scheduled fine  
12 for a person who is employed by a licensee or permittee is  
13 five hundred dollars.

14 b. For violations of section 321.284, the scheduled fine  
15 is fifty dollars.

16 Sec. 6. REPEAL AND EFFECTIVE DATE.

17 1. Section 4 of this Act is repealed December 31, 1998.

18 2. Section 5 of this Act takes effect January 1, 1999.

19 EXPLANATION

20 This bill makes changes in the fines and penalties which  
21 must be paid for sale of alcohol to minors. Currently, the  
22 offense is punishable as a serious misdemeanor punishable by a  
23 fine of \$1,500, which may be imputed to a licensee or  
24 permittee if the offense is committed by an employee of the  
25 licensee or permittee. The bill increases the civil penalties  
26 applicable to licensees or permittees relating to convictions  
27 for the sale of alcohol to minors. The civil penalty  
28 applicable to a first conviction is increased from \$300 to  
29 \$500. A civil penalty of \$1,500 is added to second and third  
30 convictions. The bill changes the penalty to a simple  
31 misdemeanor punishable by a scheduled fine of \$100 and removes  
32 the language that would impute liability to the licensee or  
33 permittee. Effective January 1, 1999, the scheduled fine  
34 amount is raised to \$1,500 for licensees and permittees and  
35 \$500 for persons who are employed by a licensee or permittee.

1 A reference change is made in another provision to accommodate  
2 the addition of the scheduled fine to the scheduled violation  
3 provisions of Code chapter 805.

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5-3/11/98 Judiciary  
2-3/17/98 Do Pass

HOUSE FILE **2487**  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 624)

(As Amended and Passed by the House, March 11, 1998)

Passed House, Date 4-13-98 (p. 1482)      Passed Senate, Date 4-1-98 (p. 1007)  
Vote: Ayes 95 Nays 0      Vote: Ayes 49 Nays 0  
Approved May 19, 1998

**A BILL FOR**

1 An Act relating to the fines and penalties and other requirements  
\* 2 applicable to the sale of alcohol and providing an effective  
3 date.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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New Language \_\_\_\_\_

Deleted Language \*

1 Section 1. NEW SECTION. 123.49A RETENTION OF  
2 IDENTIFICATION CARD.

3 As a condition of a person remaining in a licensed  
4 premises, a liquor control licensee or wine or beer permittee,  
5 or an employee of a licensee or permittee may retain a motor  
6 vehicle license, a nonoperator identification card, or other  
7 form of identification submitted by the person to show the  
8 person's age while the person remains in the licensed  
9 premises.

10 Sec. 2. Section 123.50, subsection 1, Code Supplement  
11 1997, is amended to read as follows:

12 1. Any person who violates any of the provisions of  
13 section 123.49, except subsection 2, paragraph "h", shall be  
14 guilty of a simple misdemeanor. A person who violates section  
15 123.49, subsection 2, paragraph "h", commits a serious simple  
16 misdemeanor punishable by a fine of one thousand five hundred  
17 dollars as a scheduled violation under section 805.8,  
18 subsection 10, paragraph "a". ~~If the violation is committed~~  
19 ~~by a person who is employed by a licensee or permittee, the~~  
20 ~~licensee or permittee and the individual shall each be deemed~~  
21 ~~to have committed the violation and shall each be punished as~~  
22 ~~provided in this subsection.~~

23 Sec. 3. Section 123.50, subsection 3, paragraphs a, b, and  
24 c, Code Supplement 1997, are amended to read as follows:

25 a. Upon a first conviction, the violator's liquor control  
26 license, wine permit, or beer permit shall be suspended for a  
27 period of fourteen days. However, if the conviction is for a  
28 violation of section 123.49, subsection 2, paragraph "h", the  
29 violator's liquor control license or wine or beer permit shall  
30 not be suspended, but the violator shall be assessed a civil  
31 penalty in the amount of ~~three~~ five hundred dollars. Failure  
32 to pay the civil penalty as ordered under section 123.39 for a  
33 violation of section 123.49, subsection 2, paragraph "h", or  
34 this subsection will result in automatic suspension of the  
35 license or permit for a period of fourteen days.

1 b. Upon a second conviction within a period of two years,  
2 the violator's liquor control license, wine permit, or beer  
3 permit shall be suspended for a period of thirty days.  
4 However, if the conviction is for a violation of section  
5 123.49, subsection 2, paragraph "h", the violator shall also  
6 be assessed a civil penalty in the amount of one thousand five  
7 hundred dollars.

8 c. Upon a third conviction within a period of three years,  
9 the violator's liquor control license, wine permit, or beer  
10 permit shall be suspended for a period of sixty days.  
11 However, if the conviction is for a violation of section  
12 123.49, subsection 2, paragraph "h", the violator shall also  
13 be assessed a civil penalty in the amount of one thousand five  
14 hundred dollars.

15 Sec. 4. Section 321.284, Code 1997, is amended to read as  
16 follows:

17 321.284 OPEN CONTAINERS IN MOTOR VEHICLES.

18 A person driving a motor vehicle shall not knowingly  
19 possess in a motor vehicle upon a public street or highway an  
20 open or unsealed bottle, can, jar, or other receptacle  
21 containing an alcoholic beverage, wine, or beer with the  
22 intent to consume the alcoholic beverage, wine, or beer while  
23 the motor vehicle is upon a public street or highway.  
24 Evidence that an open or unsealed receptacle containing an  
25 alcoholic beverage, wine, or beer was found during an  
26 authorized search in the glove compartment, utility  
27 compartment, console, front passenger seat, or any unlocked  
28 portable device and within the immediate reach of the driver  
29 while the motor vehicle is upon a public street or highway is  
30 evidence from which the court or jury may infer that the  
31 driver intended to consume the alcoholic beverage, wine, or  
32 beer while upon the public street or highway if the inference  
33 is supported by corroborative evidence. However, an open or  
34 unsealed receptacle containing an alcoholic beverage, wine, or  
35 beer may be transported at any time in the trunk of the motor



1 vehicle or in some other area of the interior of the motor  
2 vehicle not designed or intended to be occupied by the driver  
3 and not readily accessible to the driver while the motor  
4 vehicle is in motion. A person convicted of a violation of  
5 this section is guilty of a simple misdemeanor punishable as a  
6 scheduled violation under section 805.8, subsection 10,  
7 paragraph "c" "b".

8 Sec. 5. Section 805.8, subsection 10, Code Supplement  
9 1997, is amended to read as follows:

10 10. ALCOHOLIC BEVERAGE VIOLATIONS.

11 a. For violations of section 123.49, subsection 2,  
12 paragraph "h", the scheduled fine is one hundred dollars.

13 b. For violations of section 321.284, the scheduled fine  
14 is fifty dollars.

15 Sec. 6. Section 805.8, subsection 10, Code Supplement  
16 1997, is amended to read as follows:

17 10. ALCOHOLIC BEVERAGE VIOLATIONS.

18 a. For violations of section 123.49, subsection 2,  
19 paragraph "h", the scheduled fine for a licensee or permittee  
20 is one thousand five hundred dollars and the scheduled fine  
21 for a person who is employed by a licensee or permittee is  
22 five hundred dollars.

23 b. For violations of section 321.284, the scheduled fine  
24 is fifty dollars.

25 Sec. 7. REPEAL AND EFFECTIVE DATE.

26 1. Section 5 of this Act is repealed December 31, 1998.

27 2. Section 6 of this Act takes effect January 1, 1999.

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S-5454

- 1 Amend House File 2487, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by striking lines 18 through 22 and  
 4 inserting the following: "subsection 10, paragraph  
 5 "a", for a first or second offense. If the violation  
 6 is committed by a person who is employed by a licensee  
 7 or permittee and the employee failed to exercise  
 8 reasonable care to ascertain whether the person in  
 9 violation is under legal age, the licensee or  
 10 permittee ~~and the individual~~ shall each also be deemed  
 11 to have committed the violation and shall each also be  
 12 punished as provided in this subsection. A licensee  
 13 or permittee shall not be deemed to have committed the  
 14 violation, however, if the employee knew that the  
 15 person was under legal age. A person who violates  
 16 section 123.49, subsection 2, paragraph "h", and who  
 17 has been previously convicted twice of the same  
 18 offense commits a serious misdemeanor."  
 19 2. Page 3, line 11, by inserting after the word  
 20 "For" the following: "first and second convictions  
 21 for".  
 22 3. Page 3, line 18, by inserting after the word  
 23 "For" the following: "first and second convictions  
 24 for".

By ROD HALVORSON

S-5454 FILED MARCH 31, 1998

*Lost 4-1-98 (P. 1007)*

## SENATE AMENDMENT TO HOUSE FILE 2487

H-8863

- 1 Amend House File 2487, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by striking lines 1 through 9.  
 4 2. Title page, line 1, by striking the words "and  
 5 other requirements".  
 6 3. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-8863 FILED APRIL 1, 1998

*House Concurred  
4-9-98 (P. 1482)*

HOUSE FILE 2487

S-5309

- 1 Amend House File 2487, as amended, passed, and
  - 2 reprinted by the House, as follows:
  - 3 1. Page 1, by striking lines 6 and 7 and
  - 4 inserting the following: "vehicle license or a
  - 5 nonoperator identification card issued by the state of
  - 6 Iowa which is submitted by the person to show the".
- By JOHNIE HAMMOND

S-5309 FILED MARCH 23, 1998

DEFERRED

*O/Order 3/24/98*

HOUSE FILE 2487

S-5337

- 1 Amend the amendment, S-5309, to House File 2487, as
  - 2 amended, passed, and reprinted by the House, as
  - 3 follows:
  - 4 1. Page 1, line 6, by inserting after the word
  - 5 "Iowa" the following: "or any other state".
- By JEFF ANGELO

S-5337 FILED MARCH 23, 1998

*O/Order 3/24/98*

HOUSE FILE 2487

S-5350

- 1 Amend House File 2487, as amended, passed, and
  - 2 reprinted by the House, as follows:
  - 3 1. Page 1, by striking lines 1 through 9.
  - 4 2. Title page, line 1, by striking the words "and
  - 5 other requirements".
  - 6 3. By renumbering as necessary.
- By JEFF ANGELO

S-5350 FILED MARCH 24, 1998

ADOPTED

*(P. 871)*

HSB 624

JUDICIARY

*Sue up 7 ch  
Garman  
Kreiman*

HOUSE FILE

SF (HF) 2487

BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON LAMBERTI)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the fines applicable to the sale of alcohol to  
2 minors and providing an effective date.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 123.50, subsection 1, Code Supplement  
2 1997, is amended to read as follows:

3 1. Any person who violates any of the provisions of  
4 section 123.49, except subsection 2, paragraph "h", shall be  
5 guilty of a simple misdemeanor. A person who violates section  
6 123.49, subsection 2, paragraph "h", commits a serious simple  
7 misdemeanor punishable by a fine of one thousand five hundred  
8 dollars as a scheduled violation under section 805.8,  
9 subsection 10, paragraph "a". If the violation is committed  
10 by a person who is employed by a licensee or permittee, the  
11 licensee or permittee and the individual shall each be deemed  
12 to have committed the violation and shall each be punished as  
13 provided in this subsection.

14 Sec. 2. Section 321.284, Code 1997, is amended to read as  
15 follows:

16 321.284 OPEN CONTAINERS IN MOTOR VEHICLES.

17 A person driving a motor vehicle shall not knowingly  
18 possess in a motor vehicle upon a public street or highway an  
19 open or unsealed bottle, can, jar, or other receptacle  
20 containing an alcoholic beverage, wine, or beer with the  
21 intent to consume the alcoholic beverage, wine, or beer while  
22 the motor vehicle is upon a public street or highway.  
23 Evidence that an open or unsealed receptacle containing an  
24 alcoholic beverage, wine, or beer was found during an  
25 authorized search in the glove compartment, utility  
26 compartment, console, front passenger seat, or any unlocked  
27 portable device and within the immediate reach of the driver  
28 while the motor vehicle is upon a public street or highway is  
29 evidence from which the court or jury may infer that the  
30 driver intended to consume the alcoholic beverage, wine, or  
31 beer while upon the public street or highway if the inference  
32 is supported by corroborative evidence. However, an open or  
33 unsealed receptacle containing an alcoholic beverage, wine, or  
34 beer may be transported at any time in the trunk of the motor  
35 vehicle or in some other area of the interior of the motor

1 vehicle not designed or intended to be occupied by the driver  
2 and not readily accessible to the driver while the motor  
3 vehicle is in motion. A person convicted of a violation of  
4 this section is guilty of a simple misdemeanor punishable as a  
5 scheduled violation under section 805.8, subsection 10,  
6 paragraph "c" "b".

7 Sec. 3. Section 805.8, subsection 10, Code Supplement  
8 1997, is amended to read as follows:

9 10. ALCOHOLIC BEVERAGE VIOLATIONS.

10 a. For violations of section 123.49, subsection 2,  
11 paragraph "h", the scheduled fine is one hundred dollars.

12 b. For violations of section 321.284, the scheduled fine  
13 is fifty dollars.

14 Sec. 4. Section 805.8, subsection 10, Code Supplement  
15 1997, is amended to read as follows:

16 10. ALCOHOLIC BEVERAGE VIOLATIONS.

17 a. For violations of section 123.49, subsection 2,  
18 paragraph "h", the scheduled fine for a licensee or permittee  
19 is one thousand five hundred dollars and the scheduled fine  
20 for a person who is employed by a licensee or permittee is  
21 five hundred dollars.

22 b. For violations of section 321.284, the scheduled fine  
23 is fifty dollars.

24 Sec. 5. REPEAL AND EFFECTIVE DATE.

25 1. Section 3 of this Act is repealed December 31, 1998.

26 2. Section 4 of this Act takes effect January 1, 1999.

27 EXPLANATION

28 This bill makes changes in the fines which must be paid for  
29 sale of alcohol to minors. Currently, the offense is  
30 punishable as a serious misdemeanor punishable by a fine of  
31 \$1,500, which may be imputed to a licensee or permittee if the  
32 offense is committed by an employee of the licensee or  
33 permittee. The bill changes the penalty to a simple  
34 misdemeanor punishable by a scheduled fine of \$100 and removes  
35 the language that would impute liability to the licensee or

S.F. \_\_\_\_\_

LSB 624  
H.F. \_\_\_\_\_

1 permittee. Effective January 1, 1999, the scheduled fine  
2 amount is raised to \$1,500 for licensees and permittees and  
3 \$500 for persons who are employed by a licensee or permittee.  
4 A reference change is made in another provision to accommodate  
5 the addition of the scheduled fine to the scheduled violation  
6 provisions of Code chapter 805.

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LSB 3924YC 77

lh/cf/24

HOUSE FILE 2487

AN ACT

RELATING TO THE FINES AND PENALTIES APPLICABLE TO THE SALE OF  
ALCOHOL AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 123.50, subsection 1, Code Supplement  
1997, is amended to read as follows:

1. Any person who violates any of the provisions of  
section 123.49, except subsection 2, paragraph "h", shall be  
guilty of a simple misdemeanor. A person who violates section  
123.49, subsection 2, paragraph "h", commits a serious simple  
misdemeanor punishable by a fine of one thousand five hundred  
dollars as a scheduled violation under section 805.8,  
subsection 10, paragraph "a". ~~If the violation is committed~~  
~~by a person who is employed by a licensee or permittee, the~~  
~~licensee or permittee and the individual shall each be deemed~~  
~~to have committed the violation and shall each be punished as~~  
~~provided in this subsection.~~

Sec. 2. Section 123.50, subsection 3, paragraphs a, b, and  
c, Code Supplement 1997, are amended to read as follows:

a. Upon a first conviction, the violator's liquor control  
license, wine permit, or beer permit shall be suspended for a  
period of fourteen days. However, if the conviction is for a  
violation of section 123.49, subsection 2, paragraph "h", the  
violator's liquor control license or wine or beer permit shall  
not be suspended, but the violator shall be assessed a civil  
penalty in the amount of three five hundred dollars. Failure  
to pay the civil penalty as ordered under section 123.39 for a  
violation of section 123.49, subsection 2, paragraph "h", or  
this subsection will result in automatic suspension of the  
license or permit for a period of fourteen days.

b. Upon a second conviction within a period of two years,  
the violator's liquor control license, wine permit, or beer  
permit shall be suspended for a period of thirty days.  
However, if the conviction is for a violation of section  
123.49, subsection 2, paragraph "h", the violator shall also  
be assessed a civil penalty in the amount of one thousand five  
hundred dollars.

c. Upon a third conviction within a period of three years,  
the violator's liquor control license, wine permit, or beer  
permit shall be suspended for a period of sixty days.  
However, if the conviction is for a violation of section  
123.49, subsection 2, paragraph "h", the violator shall also  
be assessed a civil penalty in the amount of one thousand five  
hundred dollars.

Sec. 3. Section 321.284, Code 1997, is amended to read as  
follows:

321.284 OPEN CONTAINERS IN MOTOR VEHICLES.

A person driving a motor vehicle shall not knowingly  
possess in a motor vehicle upon a public street or highway an  
open or unsealed bottle, can, jar, or other receptacle  
containing an alcoholic beverage, wine, or beer with the  
intent to consume the alcoholic beverage, wine, or beer while  
the motor vehicle is upon a public street or highway.  
Evidence that an open or unsealed receptacle containing an



alcoholic beverage, wine, 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, wine, 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, wine, 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 section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 10, paragraph "c" "b".

Sec. 4. Section 805.8, subsection 10, Code Supplement 1997, is amended to read as follows:

10. ALCOHOLIC BEVERAGE VIOLATIONS.

a. For violations of section 123.49, subsection 2, paragraph "h", the scheduled fine is one hundred dollars.

b. For violations of section 321.284, the scheduled fine is fifty dollars.

Sec. 5. Section 805.8, subsection 10, Code Supplement 1997, is amended to read as follows:

10. ALCOHOLIC BEVERAGE VIOLATIONS.

a. For violations of section 123.49, subsection 2, paragraph "h", the scheduled fine for a licensee or permittee is one thousand five hundred dollars and the scheduled fine for a person who is employed by a licensee or permittee is five hundred dollars.

b. For violations of section 321.284, the scheduled fine is fifty dollars.

Sec. 6. REPEAL AND EFFECTIVE DATE.

1. Section 4 of this Act is repealed December 31, 1998.
2. Section 5 of this Act takes effect January 1, 1999.

---

RON J. CORBETT  
Speaker of the House

---

MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2487, Seventy-seventh General Assembly.

---

ELIZABETH ISAACSON  
Chief Clerk of the House

Approved May 19, 1998

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TERRY E. BRANSTAD  
Governor