

SENATE FILE 514  
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 219)

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

A BILL FOR

1 An Act relating to the attempt to purchase, purchase, or  
2 possession of an alcoholic beverage by a person under legal  
3 age, and providing penalties.

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

S.F. 514

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1 Section 1. Section 123.47, Code 1997, is amended to read  
2 as follows:

3 123.47 PERSONS UNDER THE AGE OF EIGHTEEN -- PENALTY.

4 A person shall not sell, give, or otherwise supply  
5 alcoholic liquor, wine, or beer to any person knowing or  
6 having reasonable cause to believe that person to be under the  
7 age of eighteen, and a person or persons under the age of  
8 eighteen shall not purchase or attempt to purchase, or  
9 individually or jointly have alcoholic liquor, wine, or beer  
10 in their possession or control; except in the case of liquor,  
11 wine, or beer given or dispensed to a person under the age of  
12 eighteen within a private home and with the knowledge,  
13 presence, and consent of the parent or guardian, for beverage  
14 or medicinal purposes or as administered to the person by  
15 either a physician or dentist for medicinal purposes and  
16 except to the extent that a person under the age of eighteen  
17 may handle alcoholic beverages, wine, and beer during the  
18 regular course of the person's employment by a liquor control  
19 licensee, or wine or beer permittee under this chapter. A  
20 person, other than a licensee or permittee, who violates this  
21 section regarding the purchase, ~~of-or~~ attempt to purchase, or  
22 possession of alcoholic liquor, wine, or beer shall pay a  
23 twenty-five-dollar penalty commits a scheduled violation of  
24 section 805.8, subsection 10. Notwithstanding section  
25 602.8106 or any other provision to the contrary, any fine paid  
26 under this section shall be retained by the city or county  
27 enforcing the violation.

28 Sec. 2. Section 123.47A, subsection 1, Code 1997, is  
29 amended to read as follows:

30 1. A person shall not sell, give, or otherwise supply  
31 alcoholic liquor, wine, or beer to any person knowing or  
32 having reasonable cause to believe that the person is age  
33 eighteen, nineteen, or twenty. A person age eighteen,  
34 nineteen, or twenty shall not attempt to purchase, purchase,  
35 or possess alcoholic liquor, wine, or beer. However, a person

1 age eighteen, nineteen, or twenty may possess alcoholic  
2 liquor, wine, or beer given to the person within a private  
3 home with the knowledge, presence, and consent of the person's  
4 parent or guardian, or with the signed, written consent of the  
5 parent or guardian specifying the date and place for the  
6 consumption and displayed by the person upon demand, and a  
7 person age eighteen, nineteen, or twenty may handle alcoholic  
8 liquor, wine, and beer during the course of the person's  
9 employment by a liquor control licensee, or wine or beer  
10 permittee. A person, other than a licensee or permittee, who  
11 ~~commits a first offense under~~ violates this section with  
12 respect to the attempt to purchase, purchase, or illegal  
13 possession of an alcoholic beverage commits a scheduled  
14 violation of section 805.8, subsection 10. A person, other  
15 than a licensee or permittee who commits a first offense under  
16 this section with respect to the sale, giving, or supply of an  
17 alcoholic beverage, commits a scheduled violation of section  
18 805.8, subsection 10. A person, other than a licensee or  
19 permittee, who commits a second or subsequent violation of  
20 this section with respect to the sale, giving, or supply of an  
21 alcoholic beverage, commits a simple misdemeanor. A licensee  
22 or permittee who violates this section with respect to a  
23 person who is age nineteen or twenty is guilty of a simple  
24 misdemeanor punishable by a fine of not more than fifty  
25 dollars. The penalty provided under this section against a  
26 licensee or permittee who violates this section with respect  
27 to a person who is age nineteen or twenty is the only penalty  
28 which shall be imposed against a licensee or permittee who  
29 violates this section. A licensee or permittee who violates  
30 this section with respect to a person who is age eighteen  
31 commits a simple misdemeanor, and is subject to the criminal  
32 and civil penalties provided pursuant to sections 123.49 and  
33 123.50 with respect to selling, giving, or otherwise supplying  
34 alcoholic beverages, liquor, wine, or beer to persons under  
35 legal age. Notwithstanding section 602.8106 or any other

1 provision to the contrary, any fine paid under this section  
2 shall be retained by the city or county enforcing the  
3 violation.

4 Sec. 3. Section 725.7, Code 1997, is amended by adding the  
5 following new subsection:

6 NEW SUBSECTION. 3. a. In addition to the scheduled fine  
7 under section 805.8, subsection 10, for violations of section  
8 123.47 or 123.47A with respect to the purchase, attempt to  
9 purchase, or possession of an alcoholic beverage, the motor  
10 vehicle license of the person for whom the violation is a  
11 first offense, shall be suspended by the state department of  
12 transportation for a period of sixty days or, if the person  
13 does not possess a motor vehicle license, the person shall  
14 perform fifty hours of court-ordered, unpaid, community  
15 service.

16 (1) For a second offense, the motor vehicle license of the  
17 person shall be suspended by the state department of  
18 transportation for a period of sixty days, or the person shall  
19 perform fifty hours of court-ordered, unpaid, community  
20 service, or the person shall pay a civil penalty of two  
21 hundred dollars.

22 (2) For a third or subsequent offense, the motor vehicle  
23 license of the person shall be suspended by the state  
24 department of transportation for a period of one year, or the  
25 person shall perform one hundred hours of court-ordered,  
26 unpaid, community service, or the person shall pay a civil  
27 penalty of three hundred dollars.

28 b. The clerk of the district court shall forward a copy of  
29 the order suspending the motor vehicle license of the person  
30 to the state department of transportation. The state  
31 department of transportation shall suspend the license of the  
32 person for the period prescribed in the order. The state  
33 department of transportation shall adopt rules for suspending  
34 the motor vehicle licenses of such persons and for issuing  
35 temporary restricted licenses under section 321.215, as if

1 such suspensions were ordered under chapter 321.

2 c. The state department of transportation shall, on  
3 application, issue a temporary restricted license to a person  
4 whose motor vehicle license is suspended under this subsection  
5 allowing the person to drive to and from the person's home and  
6 specified places at specified times which can be verified by  
7 the department and which are required by the person's full-  
8 time or part-time employment, continuing health care or the  
9 continuing health care of another who is dependent upon the  
10 person, continuing education while enrolled in an educational  
11 institution on a part-time or full-time basis and while  
12 pursuing a course of study leading to a diploma, degree, or  
13 other certification of successful educational completion,  
14 substance abuse treatment, or court-ordered community service  
15 responsibilities.

16 d. A person for whom a motor vehicle license is suspended  
17 under this subsection is not subject to chapter 321A and the  
18 suspension shall not be grounds for determination of risk,  
19 rates, or premiums in any policy of insurance issued to or for  
20 the person.

21 e. The clerk of the district court shall attempt to notify  
22 the parents or guardians of a person who has violated this  
23 subsection of the violation and suspension.

24 f. Notwithstanding section 602.8106 or any other provision  
25 to the contrary, any fine or civil penalty paid under this  
26 subsection shall be retained by the city or county enforcing  
27 the violation.

28 Sec. 4. Section 805.8, subsection 10, paragraph a, Code  
29 1997, is amended to read as follows:

30 a. For violations of section 123.47A, which constitute  
31 first offenses ~~as provided in that section~~ for the sale,  
32 giving, or supply of an alcoholic beverage, the scheduled fine  
33 is fifteen dollars.

34 Sec. 5. Section 805.8, subsection 10, Code 1997, is  
35 amended by adding the following new paragraph:

1 NEW PARAGRAPH. d. For violations of section 123.47 or  
2 123.47A with respect to the purchase, attempt to purchase, or  
3 possession of an alcoholic beverage, the scheduled fine is one  
4 hundred dollars.

5 EXPLANATION

6 This bill provides that a person under 21 years of age who  
7 attempts to purchase, purchases, or possesses an alcoholic  
8 beverage commits a scheduled violation which is punishable by  
9 a fine of \$100. In addition, the court is required to suspend  
10 the violator's motor vehicle license for 60 days or, if the  
11 violator does not possess a motor vehicle license, to order  
12 the violator to perform 50 hours of community service. For a  
13 second offense, the license suspension or the hours of  
14 community service remain the same, but an alternative civil  
15 penalty of \$200 is added. For a third or subsequent offense,  
16 the license suspension is increased to one year, the community  
17 service alternative is increased to 100 hours, and the civil  
18 penalty alternative is increased to \$300.

19 A fine paid in the enforcement of an under age purchase,  
20 use, or possession of an alcoholic beverage shall be retained  
21 by the city or county enforcing the violation. However, a  
22 violator is entitled to receive a temporary restricted license  
23 for certain specified school, employment, health care, and  
24 community service purposes.

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Lind  
Fink  
McLaren

SSB 219  
State Government

Succeeded By  
SENATE FILE SF/HF 514  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL  
BY CHAIRPERSON LIND)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
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12 eighteen within a private home and with the knowledge,  
13 presence, and consent of the parent or guardian, for beverage  
14 or medicinal purposes or as administered to the person by  
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16 except to the extent that a person under the age of eighteen  
17 may handle alcoholic beverages, wine, and beer during the  
18 regular course of the person's employment by a liquor control  
19 licensee, or wine or beer permittee under this chapter. A  
20 person, other than a licensee or permittee, who violates this  
21 section regarding the purchase, ~~of-er~~ attempt to purchase, or  
22 possession of alcoholic liquor, wine, or beer ~~shall-pay-a~~  
23 ~~twenty-five-dollar-penalty~~ commits a scheduled violation of  
24 section 805.8, subsection 10.

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1 parent or guardian, or with the signed, written consent of the  
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11 805.8, subsection 10. A person, other than a licensee or  
12 permittee who commits a first offense under this section with  
13 respect to the sale, giving, or supply of an alcoholic  
14 beverage, commits a scheduled violation of section 805.8,  
15 subsection 10. A person, other than a licensee or permittee,  
16 who commits a second or subsequent violation of this section  
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18 license, commits a simple misdemeanor. A licensee or  
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6 the person does not possess a motor vehicle license, the  
7 person shall perform fifty hours of court-ordered, unpaid,  
8 community service.

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19 application, issue a temporary restricted license to a person  
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22 specified places at specified times which can be verified by  
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26 person, continuing education while enrolled in an educational  
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28 pursuing a course of study leading to a diploma, degree, or  
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