

Senate Study Bill 219

Bill Text

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1 1 Section 1. Section [123.47](#), Code 1997, is amended to read
1 2 as follows:
1 3 [123.47 PERSONS UNDER THE AGE OF EIGHTEEN - PENALTY.](#)
1 4 A person shall not sell, give, or otherwise supply
1 5 alcoholic liquor, wine, or beer to any person knowing or
1 6 having reasonable cause to believe that person to be under the
1 7 age of eighteen, and a person or persons under the age of
1 8 eighteen shall not purchase or attempt to purchase, or
1 9 individually or jointly have alcoholic liquor, wine, or beer
1 10 in their possession or control; except in the case of liquor,
1 11 wine, or beer given or dispensed to a person under the age of
1 12 eighteen within a private home and with the knowledge,
1 13 presence, and consent of the parent or guardian, for beverage
1 14 or medicinal purposes or as administered to the person by
1 15 either a physician or dentist for medicinal purposes and
1 16 except to the extent that a person under the age of eighteen
1 17 may handle alcoholic beverages, wine, and beer during the
1 18 regular course of the person's employment by a liquor control
1 19 licensee, or wine or beer permittee under this chapter. A
1 20 person, other than a licensee or permittee, who violates this
1 21 section regarding the purchase,

~~of or~~

~~attempt to purchase, or~~

1 22 possession of alcoholic liquor, wine, or beer

~~shall pay a~~

~~twenty five dollar penalty~~
1 23

~~commits a scheduled violation of~~

~~section 805.8, subsection 10.~~
1 24 section 805.8, subsection 10.

1 25 Sec. 2. Section [123.47A](#), subsection 1, Code 1997, is
1 26 amended to read as follows:

1 27 1. A person shall not sell, give, or otherwise supply
1 28 alcoholic liquor, wine, or beer to any person knowing or
1 29 having reasonable cause to believe that the person is age
1 30 eighteen, nineteen, or twenty. A person age eighteen,
1 31 nineteen, or twenty shall not attempt to purchase, purchase,
1 32 or possess alcoholic liquor, wine, or beer. However, a person
1 33 age eighteen, nineteen, or twenty may possess alcoholic
1 34 liquor, wine, or beer given to the person within a private
1 35 home with the knowledge, presence, and consent of the person's
2 1 parent or guardian, or with the signed, written consent of the
2 2 parent or guardian specifying the date and place for the
2 3 consumption and displayed by the person upon demand, and a
2 4 person age eighteen, nineteen, or twenty may handle alcoholic
2 5 liquor, wine, and beer during the course of the person's
2 6 employment by a liquor control licensee, or wine or beer
2 7 permittee. A person, other than a licensee or permittee, who
2 8

~~commits a first offense under~~

~~violates this section with~~

2 9 respect to the attempt to purchase, purchase, or possession of

2 10 an alcoholic beverage commits a scheduled violation of section
2 11 805.8, subsection 10. A person, other than a licensee or
2 12 permittee who commits a first offense under this section with
2 13 respect to the sale, giving, or supply of an alcoholic
2 14 beverage, commits a scheduled violation of section 805.8,
2 15 subsection 10. A person, other than a licensee or permittee,
2 16 who commits a second or subsequent violation of this section
2 17 with respect to the sale, giving, or supply of an alcoholic
2 18 license, commits a simple misdemeanor. A licensee or
2 19 permittee who violates this section with respect to a person
2 20 who is age nineteen or twenty is guilty of a simple
2 21 misdemeanor punishable by a fine of not more than fifty
2 22 dollars. The penalty provided under this section against a
2 23 licensee or permittee who violates this section with respect
2 24 to a person who is age nineteen or twenty is the only penalty
2 25 which shall be imposed against a licensee or permittee who
2 26 violates this section. A licensee or permittee who violates
2 27 this section with respect to a person who is age eighteen
2 28 commits a simple misdemeanor, and is subject to the criminal
2 29 and civil penalties provided pursuant to sections 123.49 and
2 30 123.50 with respect to selling, giving, or otherwise supplying
2 31 alcoholic beverages, liquor, wine, or beer to persons under
2 32 legal age.

2 33 Sec. 3. Section 725.7, Code 1997, is amended by adding the
2 34 following new subsection:

2 35 NEW SUBSECTION. 3. a. In addition to the scheduled fine
3 1 under section 805.8, subsection 13, for violations of section
3 2 123.47 or 123.47A with respect to the purchase, attempt to
3 3 purchase, or possession of an alcoholic beverage, the motor
3 4 vehicle license of the person shall be suspended by the state
3 5 department of transportation for a period of sixty days or, if
3 6 the person does not possess a motor vehicle license, the
3 7 person shall perform fifty hours of court-ordered, unpaid,
3 8 community service.

3 9 b. The clerk of the district court shall forward a copy of
3 10 the order suspending the motor vehicle license of the person
3 11 to the state department of transportation. The state
3 12 department of transportation shall suspend the license of the
3 13 person for the period prescribed in the order. The state
3 14 department of transportation shall adopt by rules for
3 15 suspending the motor vehicle licenses of such persons and for
3 16 issuing temporary restricted licenses under section 321.215,
3 17 as if such suspensions were ordered under chapter 321.

3 18 c. The state department of transportation shall, on
3 19 application, issue a temporary restricted license to a person
3 20 whose motor vehicle license is suspended under this subsection
3 21 allowing the person to drive to and from the person's home and
3 22 specified places at specified times which can be verified by
3 23 the department and which are required by the person's full-
3 24 time or part-time employment, continuing health care or the
3 25 continuing health care of another who is dependent upon the
3 26 person, continuing education while enrolled in an educational
3 27 institution on a part-time or full-time basis and while
3 28 pursuing a course of study leading to a diploma, degree, or
3 29 other certification of successful educational completion,
3 30 substance abuse treatment, or court-ordered community service
3 31 responsibilities.

3 32 d. A person for whom a motor vehicle license is suspended
3 33 under this subsection is not subject to chapter 321A and the
3 34 suspension shall not be grounds for determination of risk,
3 35 rates, or premiums in any policy of insurance issued to or for
4 1 the person.

4 2 e. The clerk of the district court shall attempt to notify
4 3 the parents or guardians of a person who has violated this
4 4 subsection of the violation and suspension.

4 5 Sec. 4. Section 805.8, subsection 10, paragraph a, Code
4 6 1997, is amended to read as follows:

4 7 a. For violations of section 123.47A, which constitute
4 8 first offenses

~~as provided in that section
for the sale.~~

4 9 ~~giving, or supply of an alcoholic beverage,~~ the scheduled fine
4 10 is fifteen dollars.

4 11 Sec. 5. Section [805.8](#), subsection 10, Code 1997, is
4 12 amended by adding the following new paragraph:

4 13 NEW PARAGRAPH. d. For violations of section 123.47 or
4 14 123.47A with respect to the purchase, attempt to purchase, or
4 15 possession of an alcoholic beverage, the scheduled fine is one
4 16 hundred dollars.

4 17 EXPLANATION

4 18 This bill provides that a person under 21 years of age who
4 19 attempts to purchase, purchases, or possesses an alcoholic
4 20 beverage commits a scheduled violation which is punishable by
4 21 a fine of \$100. In addition, the court is required to suspend
4 22 the violator's motor vehicle license for 60 days or, if the
4 23 violator does not possess a motor vehicle license, to order
4 24 the violator to perform 50 hours of community service.

4 25 However, a violator is entitled to receive a temporary
4 26 restricted license for certain specified school, employment,
4 27 health care, and community service purposes.

4 28 LSB 2094SC 77

4 29 tj/jw/5.1