

JAN 13 1999

JUDICIARY

HOUSE FILE

74

BY THOMSON

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the sales of beer kegs, by requiring an
2 identification number on each keg of beer, by recording the
3 purchase of beer by the keg, and subjecting violators to an
4 existing penalty.

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

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HF 74

1 Section 1. Section 123.137, unnumbered paragraph 1, Code
2 1999, is amended to read as follows:

3 A person holding a class "A" or special class "A" permit
4 shall on or before the tenth day of each calendar month
5 commencing on the tenth day of the calendar month following
6 the month in which the person is issued a permit, make a
7 report under oath to the division upon forms to be furnished
8 by the division for that purpose showing the exact number of
9 barrels of beer, or fractional parts of barrels, sold by the
10 permit holder during the preceding calendar month. Each keg
11 of beer exceeding six gallons in capacity shall have an
12 identification number which shall be included in the report.
13 The identification number shall be affixed to each keg
14 exceeding six gallons in capacity by the class "A" permittee.
15 The report shall also state information the administrator
16 requires, and permit holders shall at the time of filing a
17 report pay to the division the amount of tax due at the rate
18 fixed in section 123.136.

19 Sec. 2. Section 123.138, Code 1999, is amended to read as
20 follows:

21 123.138 BOOKS OF ACCOUNT REQUIRED.

22 1. Each class "A" or special class "A" permittee shall
23 keep proper books of account and records showing the amount of
24 beer sold by the permittee, and these books of account shall
25 be at all times open to inspection by the administrator and to
26 other persons pursuant to section 123.30, subsection 1. Each
27 class "B" and class "C" permittee shall keep proper books of
28 account and records showing each purchase of beer made by the
29 permittee, the keg identification number if applicable, and
30 the date and the amount of each purchase and the name of the
31 person from whom each purchase was made, which books of
32 account and records shall be open to inspection pursuant to
33 section 123.30, subsection 1, during normal business hours of
34 the permittee.

35 2. Each class "A", class "B", and class "C" permittee

1 shall also keep a record of the identification number of each
 2 keg of beer which has a capacity exceeding six gallons sold by
 3 the permittee and the name and address of the purchaser. This
 4 record shall also be open to inspection by peace officers
 5 pursuant to section 123.30, subsection 1, during normal
 6 business hours of the permittee.

7 EXPLANATION

8 This bill provides that a keg of beer exceeding six gallons
 9 in capacity shall have an identification number. The
 10 identification number shall be recorded by each permittee with
 11 the name and address of the purchaser of the beer keg. The
 12 records shall be open to inspection by peace officers.

13 A permittee who fails to keep a record of the
 14 identification number of each keg of beer which has a capacity
 15 exceeding six gallons sold by the permittee and the name and
 16 address of the purchaser is guilty under Code section 123.90
 17 of a serious misdemeanor which is punishable by a fine of at
 18 least \$250 but not more than \$1,500. The court may also order
 19 imprisonment for not more than one year.

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