

*3/20/00 Referred back to Comm. from Calendar*

FILED FEB 23 2000

SENATE FILE 2309  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2231)

Passed Senate, Date \_\_\_\_\_ Passed House, 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 providing a penalty.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

*SF 2309*

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1 Section 1. Section 123.50, subsection 1, Code 1999, is  
2 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", or fails to affix or  
7 record a keg identification number or to show a record of the  
8 keg identification numbers pursuant to section 123.137 or  
9 123.138, commits a simple misdemeanor punishable as a  
10 scheduled violation under section 805.8, subsection 10,  
11 paragraph "a".

12 Sec. 2. Section 123.50, subsection 3, unnumbered paragraph  
13 1, Code 1999, is amended to read as follows:

14 If any licensee, wine permittee, beer permittee, or  
15 employee of a licensee or permittee is convicted of a  
16 violation of section 123.49, subsection 2, paragraph "h", or  
17 if a retail wine or beer permittee is convicted of a violation  
18 of paragraph "i" of that subsection, or if a licensee, beer  
19 permittee, or employee of a licensee or permittee fails to  
20 affix or record a keg identification number or to show a  
21 record of the keg identification numbers pursuant to section  
22 123.137 or 123.138, the administrator or local authority  
23 shall, in addition to criminal penalties fixed for violations  
24 by this section, assess a civil penalty as follows:

25 Sec. 3. Section 123.137, unnumbered paragraph 1, Code  
26 1999, is amended to read as follows:

27 A person holding a class "A" or special class "A" permit  
28 shall on or before the tenth day of each calendar month  
29 commencing on the tenth day of the calendar month following  
30 the month in which the person is issued a permit, make a  
31 report under oath to the division upon forms to be furnished  
32 by the division for that purpose showing the exact number of  
33 barrels of beer, or fractional parts of barrels, sold by the  
34 permit holder during the preceding calendar month. Each keg  
35 of beer exceeding two gallons in capacity shall have an

1 identification number which shall be included in the report.  
2 Each class "A" permittee shall affix the identification number  
3 to each keg exceeding two gallons in capacity. The report  
4 shall also state information the administrator requires, and  
5 permit holders shall at the time of filing a report pay to the  
6 division the amount of tax due at the rate fixed in section  
7 123.136.

8 Sec. 4. Section 123.138, Code 1999, is amended to read as  
9 follows:

10 123.138 BOOKS OF ACCOUNT REQUIRED.

11 1. Each class "A" or special class "A" permittee shall  
12 keep proper books of account and records showing the amount of  
13 beer sold by the permittee, and these books of account shall  
14 be at all times open to inspection by the administrator and to  
15 other persons pursuant to section 123.30, subsection 1. Each  
16 class "B" and class "C" permittee shall keep proper books of  
17 account and records showing each purchase of beer made by the  
18 permittee, the keg identification number if applicable, and  
19 the date and the amount of each purchase and the name of the  
20 person from whom each purchase was made, which books of  
21 account and records shall be open to inspection pursuant to  
22 section 123.30, subsection 1, during normal business hours of  
23 the permittee.

24 2. Each class "A", class "B", and class "C" permittee  
25 shall also keep a record of the identification number of each  
26 keg of beer which has a capacity exceeding two gallons sold by  
27 the permittee and the name and address of the purchaser. This  
28 record shall also be open to inspection by peace officers  
29 pursuant to section 123.30, subsection 1, during normal  
30 business hours of the permittee.

31 EXPLANATION

32 This bill provides that a keg of beer exceeding two gallons  
33 in capacity shall have an identification number. The  
34 identification number shall be affixed to the keg by the  
35 wholesaler and recorded by each permittee with the name and

1 address of the purchaser of the beer keg. The records shall  
2 be open to inspection by peace officers and others.

3 A permittee who fails to affix a keg identification number  
4 or to keep a record of the identification number of each keg  
5 of beer which has a capacity exceeding two gallons sold by the  
6 permittee and the name and address of the purchaser is guilty  
7 of a simple misdemeanor punishable as a scheduled violation of  
8 \$1,500 for a permittee or \$500 for an employee of a permittee.  
9 A violator is also subject to a permit suspension of 14 days  
10 upon first conviction, 30 days for a second conviction within  
11 two years, and 60 days for a third conviction within three  
12 years, and is subject to a permit revocation for a fourth  
13 conviction within three years.

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