

FEB 18 2003  
STATE GOVERNMENT

HOUSE FILE 220  
BY DOLECHECK and REASONER

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, recording of the  
3 purchase of beer by the keg, and providing penalties.

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

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HF 220

1 Section 1. Section 123.50, subsection 1, Code 2003, 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 produce a record of  
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 805.8C, subsection 2.

11 Sec. 2. Section 123.50, subsection 3, unnumbered paragraph  
12 1, Code 2003, is amended to read as follows:

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

24 Sec. 3. Section 123.137, unnumbered paragraph 1, Code  
25 2003, is amended to read as follows:

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

1 Each class "A" permittee shall affix the identification number  
2 to each keg exceeding two gallons in capacity by means of a  
3 durable and permanent identification tag. The report shall  
4 also state information the administrator requires, and permit  
5 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 2003, 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", or class "C" permittee shall  
25 also keep a record of the identification number of each keg of  
26 beer which has a capacity exceeding two gallons sold by the  
27 permittee; the name, address, and driver's license or social  
28 security number of the purchaser; and the name of the employee  
29 selling the keg. This identification number, purchaser, and  
30 employee information shall be retained by the permittee for a  
31 minimum of six months.

32 EXPLANATION

33 This bill provides that a keg of beer with two gallons or  
34 more capacity shall have an identification number. The bill  
35 provides that the identification number shall be affixed to

1 the keg by means of a permanent and durable identification tag  
2 by the wholesaler and recorded by each permittee with the name  
3 and address of the purchaser of the keg, the purchaser's  
4 social security number or driver's license number, and the  
5 name of the employee selling the keg to the purchaser. The  
6 bill provides that the identification records shall be  
7 retained by the permittee for a minimum of six months.

8     The bill provides that a permittee who fails to affix a keg  
9 identification number or to keep a record of the number and  
10 the other identifying information required regarding the  
11 purchaser and employee of the permittee selling the keg is  
12 guilty of a simple misdemeanor punishable as a scheduled  
13 violation of \$1,500 for a permittee or \$500 for an employee of  
14 a permittee. A violator is also subject to a permit  
15 suspension of 14 days upon first conviction, 30 days for a  
16 second conviction within two years, and 60 days for a third  
17 conviction within three years, and is subject to a permit  
18 revocation for a fourth conviction within three years.

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