

Withdrawn

4/13/04

MAR 8 2004
Place On Calendar

HOUSE FILE 2494
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 638)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing penalties for specified liquor control
2 violations involving a retail liquor control license, wine
3 permit, or beer permit.

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

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HOUSE FILE 2494

H-8208

1 Amend House File 2494 as follows:
2 1. Page 1, by striking lines 21 through 29, and
3 inserting the following:
4 "d. A fourth violation within three years shall
5 result in revocation of the license or permit.
6 e. For purposes of this subsection:
7 (1) The date of any violation shall be used in
8 determining the period between violations.
9 (2) Suspension shall be limited to the specific
10 license or permit for the premises found in violation.
11 (3) Notwithstanding section 123.40, revocation
12 shall be limited to the specific license or permit
13 found in violation and shall not disqualify a licensee
14 or permittee from holding a license or permit at a
15 separate location."

By SANDS of Louisa

H-8208 FILED MARCH 9, 2004

HF 2494

1 Section 1. Section 123.50, subsection 3, Code 2003, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

4 3. If any licensee, wine permittee, beer permittee, or
5 employee of a licensee or permittee is convicted or found in
6 violation of section 123.49, subsection 2, paragraph "h", the
7 administrator or local authority shall, in addition to
8 criminal penalties fixed for violations by this section,
9 assess a civil penalty as follows:

10 a. A first violation shall subject the licensee or
11 permittee to a civil penalty in the amount of five hundred
12 dollars. Failure to pay the civil penalty as ordered under
13 section 123.39 shall result in automatic suspension of the
14 license or permit for a period of fourteen days.

15 b. A second violation within two years shall subject the
16 licensee or permittee to a thirty-day suspension and a civil
17 penalty in the amount of one thousand five hundred dollars.

18 c. A third violation within three years shall subject the
19 licensee or permittee to a sixty-day suspension and a civil
20 penalty in the amount of one thousand five hundred dollars.

21 d. A fourth violation within three years shall result in
22 revocation of the license or permit. Notwithstanding section
23 123.40, revocation under this subsection shall be limited to
24 the specific license or permit found in violation and shall
25 not disqualify a licensee or permittee from holding a license
26 or permit at a separate location.

27 e. For purposes of this subsection, the date of any
28 violation shall be used in determining the period between
29 violations.

30 EXPLANATION

31 This bill relates to the penalties associated with
32 specified liquor control violations.

33 Currently, Code section 123.50, subsection 3, imposes civil
34 penalties for violations of Code section 123.49, subsection 2,
35 paragraph "h", which relates to the sale, gift, or supplying

1 of any alcoholic beverage, wine, or beer to a person, knowing
2 or failing to exercise reasonable care to ascertain whether
3 the person is under legal age, or permitting any person,
4 knowing or failing to exercise reasonable care to ascertain
5 whether the person is under legal age, to consume any
6 alcoholic beverage, wine, or beer. Code section 123.50,
7 subsection 3, also currently imposes civil penalties for
8 violations of Code section 123.49, subsection 2, paragraph
9 "i", which relates to retail beer or wine permittees knowingly
10 allowing the mixing or adding of alcohol or any alcoholic
11 beverage to beer, wine, or any other beverage in or about the
12 permittee's place of business. The penalties associated with
13 violations of the two paragraphs currently differ, with
14 monetary penalties imposed for convictions of violations of
15 paragraph "h" for specified violations which are not imposed
16 for convictions of violations of paragraph "i".

17 The bill removes references to Code section 123.49,
18 subsection 2, paragraph "i", from the penalty provisions of
19 Code section 123.50, subsection 3, with the result that the
20 existing penalty provisions of that subsection shall apply
21 strictly to violations of Code section 123.49, subsection 2,
22 paragraph "h".

23 The bill additionally provides that the penalties shall be
24 applicable to "violations" of paragraph "h", instead of the
25 current application to "convictions for violations".

26 The bill also provides that for the purposes of Code
27 section 123.50, subsection 3, the revocation of a license or
28 permit shall be limited to the specific license or permit
29 found to be in violation, and will not apply to permits or
30 licenses held by a permittee or licensee relating to a
31 separate location.

32 The bill additionally provides that for the purpose of
33 determining the length of time between violations, which
34 dictate which penalty shall be applicable, the date of any
35 violation shall be used in determining the period of time

S.F. _____ H.F. _____

1 between violations.

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Succ. led Br.
SF 08494

HSB 638
PUBLIC SAFETY

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the suspension or revocation of a retail
2 liquor control license, wine permit, or beer permit for
3 specified liquor control violations.

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

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1 Section 1. Section 123.50, Code 2003, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5. Notwithstanding subsections 2 and 3,
4 if a retail permit is suspended or revoked under this section,
5 the suspension or revocation shall apply only to the place of
6 business at which the violation resulting in suspension or
7 revocation occurred, and shall not apply to any other place of
8 business to which the retail permit applies but at which a
9 violation did not occur.

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EXPLANATION

11 This bill relates to the scope of a suspension or
12 revocation of a retail liquor control license, wine permit, or
13 beer permit for specified liquor control violations, when more
14 than one place of business is operated by the licensee or
15 permittee. The bill provides that if a retail permit is
16 suspended or revoked pursuant to Code section 123.50, which
17 imposes penalties for violations of Code section 123.49, the
18 suspension or revocation shall apply only to the place of
19 business at which the violation resulting in suspension or
20 revocation occurred, and shall not apply to any other place of
21 business to which the retail permit applies but at which a
22 violation did not occur.

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