

FEB 27 2003
STATE GOVERNMENT

HOUSE FILE 347
BY RAECKER

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

A BILL FOR

1 An Act providing for revised civil penalties associated with
2 specified liquor control violations.

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

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HF 347

1 Section 1. Section 123.50, subsection 3, paragraph b, Code
2 2003, is amended to read as follows:

3 b. Upon a second conviction within a period of two years,
4 the violator's liquor control license, wine permit, or beer
5 permit shall be suspended for a period of thirty days.
6 However, if the conviction is for a violation of section
7 123.49, subsection 2, paragraph "h", ~~the violator shall also~~
8 ~~be assessed a civil penalty in the amount of one thousand five~~
9 ~~hundred dollars~~ the violator's liquor control license, wine
10 permit, or beer permit shall be revoked.

11 Sec. 2. Section 123.50, subsection 3, paragraphs c and d,
12 Code 2003, are amended by striking the paragraphs and
13 inserting in lieu thereof the following:

14 c. Upon a third conviction within a period of two years,
15 the violator's liquor control license, wine permit, or beer
16 permit shall be revoked.

17 EXPLANATION

18 This bill provides for reduced time frames within which
19 license revocation shall be imposed for specified liquor
20 control violations.

21 The bill concerns the provisions of Code section 123.50,
22 subsection 3, which deals with violations by a liquor control
23 licensee, wine permittee, beer permittee, or employee of a
24 licensee or permittee, relating to distribution of alcoholic
25 beverages, wine, or beer to underage persons or allowing the
26 mixing or adding of alcohol or any alcoholic beverage to beer,
27 wine, or any other beverage in or about a wine or beer
28 permittee's place of business. Civil penalties were
29 previously in place which provided for a temporary suspension
30 of a license or permit, in the case of a violation involving
31 the mixing or adding of alcohol, which increased depending
32 upon the number of violations and number of years over which
33 the violations occurred. The penalties previously in place
34 regarding distribution of alcoholic beverages, beer, or wine
35 to underage persons also increased, beginning with a civil

1 penalty and subsequently incorporating a license suspension.
2 Ultimately, Code section 123.50 provided for the revocation of
3 a license or permit after a fourth conviction during a three-
4 year period.

5 The bill provides changes in these penalties. The bill
6 provides for the revocation of a liquor control license, wine
7 permit, or beer permit for a second conviction within a two-
8 year period for distribution to a minor, and provides for
9 revocation upon a third conviction within a period of two
10 years in the case of the mixing or adding of alcohol to a
11 beverage.

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