

JAN 13 2006
STATE GOVERNMENT

HOUSE FILE 2058
BY FREVERT

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

A BILL FOR

1 An Act relating to increased criminal and civil penalties for
2 alcoholic beverage licensees, permittees, and employees who
3 serve alcohol to persons under legal age.

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

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HF 2058

1 Section 1. Section 123.50, subsection 3, paragraphs a, b,
2 and c, Code 2005, are amended to read as follows:

3 a. A first violation shall subject the licensee or
4 permittee to a civil penalty in the amount of two thousand
5 five hundred dollars. Failure to pay the civil penalty as
6 ordered under section 123.39 shall result in automatic
7 suspension of the license or permit for a period of fourteen
8 days.

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

13 c. A third violation within three years shall subject the
14 licensee or permittee to a sixty-day suspension and a civil
15 penalty in the amount of one ten thousand five-hundred
16 dollars.

17 Sec. 2. Section 805.8C, subsection 2, Code Supplement
18 2005, is amended to read as follows:

19 2. ALCOHOLIC BEVERAGE VIOLATIONS.

20 a. For violations of section 123.49, subsection 2,
21 paragraph "h", that do not result in serious injury or death,
22 the scheduled fine for a licensee or permittee is one thousand
23 five hundred dollars, and the scheduled fine for a person who
24 is employed by a licensee or permittee is five hundred
25 dollars.

26 b. For violations of section 123.49, subsection 2,
27 paragraph "h", that result in serious injury to any person,
28 the scheduled fine for a licensee or permittee is seven
29 thousand five hundred dollars, and the scheduled fine for a
30 person who is employed by a licensee or permittee is two
31 thousand five hundred dollars.

32 c. For violations of section 123.49, subsection 2,
33 paragraph "h", that result in the death of any person, the
34 scheduled fine for a licensee or permittee is fifteen thousand
35 dollars, and the scheduled fine for a person who is employed

1 by a licensee or permittee is five thousand dollars.

2 EXPLANATION

3 This bill concerns the civil and criminal penalties applied
4 to licensees, permittees, and their employees who serve or
5 sell alcohol to a person without taking reasonable care to
6 ascertain whether that person is under legal age.

7 The bill increases the civil penalty on licensees and
8 permittees or their employees for selling to or serving
9 persons under legal age from \$500 to \$2,500 for a first
10 violation, from \$1,500 to \$5,000 for a second violation, and
11 from \$1,500 to \$10,000 for a third violation.

12 As to criminal penalties, the bill increases the scheduled
13 violation fine for a violation of the provisions concerning
14 selling or serving alcohol to persons under legal age if the
15 violation resulted in the serious injury or death of any
16 person. If serious injury occurs, the bill makes the
17 scheduled fine \$7,500 for a licensee or permittee and \$2,500
18 for an employee. If death occurs, the bill makes the
19 scheduled fine \$15,000 for a licensee or permittee and \$5,000
20 for an employee. The bill retains the current fines of \$1,500
21 for a licensee or permittee and \$500 for an employee if the
22 violation does not result in serious injury or death.

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