

Senate File 271 - Introduced

SENATE FILE 271
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 1118)

A BILL FOR

1 An Act concerning the alcoholic beverages division of the
2 department of commerce and alcoholic beverage control, and
3 making penalties applicable.

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

DIVISION I

APPLICATIONS, FORMS, AND RECORDS

1
2
3 Section 1. Section 123.3, subsection 6, Code 2013, is
4 amended to read as follows:

5 6. "*Application*" means a ~~formal~~ written request for the
6 issuance of a permit or license that is supported by a verified
7 statement of facts and submitted electronically, or in a manner
8 prescribed by the administrator.

9 Sec. 2. Section 123.19, subsections 1 and 2, Code 2013, are
10 amended to read as follows:

11 1. Any manufacturer, distiller, or importer of alcoholic
12 beverages shipping, selling, or having alcoholic beverages
13 brought into this state for resale by the state shall, as a
14 condition precedent to the privilege of so trafficking in
15 alcoholic liquors in this state, annually make application for
16 and hold a distiller's certificate of compliance which shall
17 be issued by the administrator for that purpose. No brand
18 of alcoholic liquor shall be sold by the division in this
19 state unless the manufacturer, distiller, importer, and all
20 other persons participating in the distribution of that brand
21 in this state have obtained a certificate. The certificate
22 of compliance shall expire at the end of one year from the
23 date of issuance and shall be renewed for a like period upon
24 application to the administrator unless otherwise suspended
25 or revoked for cause. Each application for a certificate of
26 compliance or renewal shall be ~~made~~ submitted electronically,
27 or in a manner ~~and upon forms~~ prescribed by the administrator,
28 and shall be accompanied by a fee of fifty dollars payable to
29 the division. However, this subsection need not apply to a
30 manufacturer, distiller, or importer who ships or sells in this
31 state no more than eleven gallons or its case equivalent during
32 any fiscal year as a result of "special orders" which might
33 be placed, as defined and allowed by divisional rules adopted
34 under this chapter.

35 2. At the time of applying for a certificate of compliance,

1 each applicant shall ~~file with~~ submit to the division
2 electronically, or in a manner prescribed by the administrator,
3 the name and address of its authorized agent for service of
4 process which shall remain effective until changed for another,
5 and a list of names and addresses of all representatives,
6 employees, or attorneys whom the applicant has appointed in the
7 state of Iowa to represent it for any purpose. The listing
8 shall be amended from time to time by the certificate holder as
9 necessary to keep the listing current with the division.

10 Sec. 3. Section 123.31, unnumbered paragraph 1, Code 2013,
11 is amended to read as follows:

12 Verified applications for the original issuance or the
13 renewal of liquor control licenses shall be ~~filed at the~~
14 ~~time and in the number of copies as the administrator shall~~
15 prescribe, on forms submitted electronically, or in a manner
16 prescribed by the administrator, and shall set forth under oath
17 the following information:

18 Sec. 4. Section 123.32, subsection 1, Code 2013, is amended
19 to read as follows:

20 1. *Filing of application.* An application for a class "A",
21 class "B", class "C", or class "E" liquor control license, for
22 a class "A" micro-distilled spirits permit, for a retail beer
23 permit as provided in sections 123.128 and 123.129, or for a
24 class "B", class "B" native, or class "C" native retail wine
25 permit as provided in section 123.178, 123.178A, or 123.178B,
26 accompanied by the necessary fee and bond, if required, shall
27 be filed with the appropriate city council if the premises for
28 which the license or permit is sought are located within the
29 corporate limits of a city, or with the board of supervisors
30 if the premises for which the license or permit is sought are
31 located outside the corporate limits of a city. An application
32 for a class "D" liquor control license and for a class "A"
33 beer or class "A" wine permit, accompanied by the necessary
34 fee and bond, if required, shall be ~~filed with~~ submitted to
35 the division electronically, or in a manner prescribed by the

1 administrator, which shall proceed in the same manner as in the
2 case of an application approved by local authorities.

3 Sec. 5. Section 123.33, Code 2013, is amended to read as
4 follows:

5 **123.33 Records.**

6 Every holder of a liquor control license shall keep a
7 daily record, in printed or electronic format, of the gross
8 receipts of the holder's business. The records required and
9 the premises of the licensee shall be accessible and open to
10 inspection pursuant to section 123.30, subsection 1, during
11 normal business hours of the licensee.

12 Sec. 6. Section 123.41, subsection 1, Code 2013, is amended
13 to read as follows:

14 1. Upon Each application in the prescribed form to obtain
15 or renew a manufacturer's license shall be submitted to the
16 division electronically, or in a manner prescribed by the
17 administrator, and shall be accompanied by a fee of three
18 hundred fifty dollars, the payable to the division. The
19 administrator may in accordance with this chapter grant and
20 issue a manufacturer's license, valid for a one-year period
21 after date of issuance, to a manufacturer which shall allow
22 the manufacture, storage, and wholesale disposition and sale
23 of alcoholic liquors to the division and to customers outside
24 of the state.

25 Sec. 7. Section 123.42, subsection 1, Code 2013, is amended
26 to read as follows:

27 1. Prior to representing or promoting a distiller's
28 alcoholic liquor products in the state, the broker shall
29 ~~make~~ submit an application to the ~~administrator on forms~~
30 ~~provided~~ division electronically, or in a manner prescribed
31 by the ~~division~~ administrator, for a broker's permit. The
32 administrator may in accordance with this chapter issue a
33 broker's permit which shall be valid for one year from the
34 date of issuance unless it is sooner suspended or revoked
35 for a violation of this chapter. A broker's permit is valid

1 throughout the state, and a broker who represents more than one
2 distiller is required to obtain only one broker's permit.

3 Sec. 8. Section 123.127, subsection 1, paragraph a,
4 unnumbered paragraph 1, Code 2013, is amended to read as
5 follows:

6 Submits ~~a written~~ an application for ~~such permit~~
7 electronically, or in a manner prescribed by the administrator,
8 which ~~application~~ shall state under oath:

9 Sec. 9. Section 123.127, subsection 1, paragraph c, Code
10 2013, is amended to read as follows:

11 c. Furnishes a bond in ~~the form~~ a manner prescribed and
12 ~~to be furnished~~ by the ~~division~~ administrator, with good
13 and sufficient sureties to be approved by the administrator
14 conditioned upon the faithful observance of this chapter, in
15 the ~~penal~~ sum of five thousand dollars, payable to the state.

16 Sec. 10. Section 123.128, subsection 1, unnumbered
17 paragraph 1, Code 2013, is amended to read as follows:

18 Submits ~~a written~~ an application for ~~such permit~~
19 electronically, or in a manner prescribed by the administrator,
20 which ~~application~~ shall state under oath:

21 Sec. 11. Section 123.129, subsection 2, paragraph a, Code
22 2013, is amended to read as follows:

23 a. Submits ~~a written~~ an application for ~~such permit~~
24 electronically, or in a manner prescribed by the administrator,
25 which ~~application~~ shall state under oath all the information
26 required of a class "A" applicant by section 123.127,
27 subsection 1, paragraph "a".

28 Sec. 12. Section 123.135, subsections 1 and 3, Code 2013,
29 are amended to read as follows:

30 1. A manufacturer, brewer, bottler, importer, or vendor
31 of beer or any agent thereof desiring to ship or sell beer,
32 or have beer brought into this state for resale by a class
33 "A" permittee shall first make application for and be issued
34 a brewer's certificate of compliance by the administrator
35 for that purpose. The certificate of compliance expires at

1 the end of one year from the date of issuance and shall be
2 renewed for a like period upon application to the administrator
3 unless otherwise revoked for cause. Each application for a
4 certificate of compliance or renewal of a certificate shall
5 be submitted electronically, or in a manner prescribed by
6 the administrator, and shall be accompanied by a fee of five
7 hundred dollars payable to the division. Each holder of a
8 certificate of compliance shall furnish the information in the
9 ~~form~~ a manner the administrator requires.

10 3. All class "A" permit holders shall sell only those brands
11 of beer which are manufactured, brewed, bottled, shipped,
12 or imported by a person holding a current certificate of
13 compliance. Any employee or agent working for or representing
14 the holder of a certificate of compliance within this state
15 shall ~~register~~ submit electronically, or in a manner prescribed
16 by the administrator, the employee's or agent's name and
17 address with the division, ~~which names and addresses shall be~~
18 ~~filed with the division's copy of the certificate of compliance~~
19 ~~issued.~~

20 Sec. 13. Section 123.137, unnumbered paragraph 1, Code
21 2013, is amended to read as follows:

22 A person holding a class "A" or special class "A" permit
23 shall on or before the tenth day of each calendar month
24 commencing on the tenth day of the calendar month following the
25 month in which the person is issued a permit, make a report
26 under oath to the division ~~upon forms to be furnished by~~
27 ~~the division for that purpose~~ electronically, or in a manner
28 prescribed by the administrator, showing the exact number of
29 barrels of beer, or fractional parts of barrels, sold by the
30 permit holder during the preceding calendar month. The report
31 shall also state information the administrator requires, and
32 permit holders shall at the time of filing a report pay to the
33 division the amount of tax due at the rate fixed in section
34 123.136.

35 Sec. 14. Section 123.173, subsection 4, Code 2013, is

1 amended to read as follows:

2 4. When a class "B" or class "B" native wine permittee who
3 also holds a class "E" liquor control license sells wine to a
4 class "A", class "B", or class "C" liquor control licensee, the
5 liquor control licensee shall sign a report attesting to the
6 purchase. The class "B" or class "B" native wine permittee who
7 also holds a class "E" liquor control license shall submit a
8 report to the division electronically, on forms supplied by the
9 division or in a manner prescribed by the administrator, not
10 later than the tenth of each month ~~a report~~ stating each sale
11 of wine to class "A", class "B", and class "C" liquor control
12 licensees during the preceding month, the date of each sale,
13 and the brands and numbers of bottles with each sale. A class
14 "B" permittee who holds a class "E" liquor control license
15 may sell to class "A", class "B", or class "C" liquor control
16 licensees only if the licensed premises of the liquor control
17 licensee is located within the geographic territory of the
18 class "A" wine permittee from which the wine was originally
19 purchased by the class "B" wine permittee.

20 Sec. 15. Section 123.175, subsection 1, unnumbered
21 paragraph 1, Code 2013, is amended to read as follows:

22 Submits ~~a written~~ an application electronically, or in a
23 manner prescribed by the administrator, for the permit and
24 states on the application which shall state under oath:

25 Sec. 16. Section 123.175, subsection 3, Code 2013, is
26 amended to read as follows:

27 3. Submits, in the case of a class "A" wine permit, a bond
28 in the amount of five thousand dollars in ~~the form~~ a manner
29 prescribed and furnished by the division administrator with
30 good and sufficient sureties to be approved by the division
31 conditioned upon compliance with this chapter.

32 Sec. 17. Section 123.180, subsection 1, Code 2013, is
33 amended to read as follows:

34 1. A manufacturer, vintner, bottler, importer, or vendor
35 of wine or an agent thereof desiring to ship, sell, or have

1 wine brought into this state for resale by the division or for
 2 sale at wholesale by a class "A" permittee shall first make
 3 application for and shall be issued a vintner's certificate
 4 of compliance by the administrator for that purpose. The
 5 vintner's certificate of compliance shall expire at the end of
 6 one year from the date of issuance and shall be renewed for
 7 a like period upon application to the administrator unless
 8 otherwise revoked for cause. Each application for a vintner's
 9 certificate of compliance or renewal of a certificate shall
 10 be submitted electronically, or in a manner prescribed by the
 11 administrator, and shall be accompanied by a fee of one hundred
 12 dollars payable to the division. Each holder of a vintner's
 13 certificate of compliance shall furnish the information
 14 required by the administrator in the form the administrator
 15 requires. A vintner or wine bottler whose plant is located in
 16 Iowa and who otherwise holds a class "A" wine permit to sell
 17 wine at wholesale is exempt from the fee, but not the other
 18 terms and conditions. The holder of a vintner's certificate of
 19 compliance may also hold a class "A" wine permit.

20 Sec. 18. Section 123.184, Code 2013, is amended to read as
 21 follows:

22 **123.184 Report of gallonage sales — penalty.**

23 Each class "A" wine permit holder on or before the tenth
 24 day of each calendar month commencing on the tenth day of the
 25 calendar month following the month in which the person is
 26 issued a permit, shall make a report under oath to the division
 27 upon forms to be furnished by the division electronically, or
 28 in a manner prescribed by the administrator, showing the exact
 29 number of gallons of wine and fractional parts of gallons, sold
 30 by that permit holder during the preceding calendar month.
 31 The report also shall state whatever reasonable additional
 32 information the administrator requires. The permit holder
 33 at the time of filing this report shall pay to the division
 34 the amount of tax due at the rate fixed in section 123.183.
 35 A penalty of ten percent of the amount of the tax shall be

1 assessed and collected if the report is not filed and the tax
2 paid within the time required by this section.

3 Sec. 19. Section 123.187, subsection 2, paragraph a, Code
4 2013, is amended to read as follows:

5 a. The administrator shall issue a wine direct shipper
6 license to a wine manufacturer who submits ~~a written~~ an
7 application for the license on a form to be established
8 electronically, or in a manner prescribed by the administrator
9 ~~by rule~~, accompanied by a true copy of the manufacturer's
10 current alcoholic beverage license or permit and a copy of the
11 manufacturer's winery license issued by the federal alcohol and
12 tobacco tax and trade bureau.

13 DIVISION II

14 COMMISSION AND DIVISION DUTIES — BONDS, PAYMENTS, AND REPORTS

15 Sec. 20. Section 123.10, unnumbered paragraph 1, Code 2013,
16 is amended to read as follows:

17 The governor shall appoint the administrator of the
18 alcoholic beverages division, subject to confirmation by the
19 senate, to a four-year term. A vacancy in an unexpired term
20 shall be filled in the same manner as a full-term appointment
21 is made. The administrator shall not be a member of the
22 commission. The administrator's salary shall be fixed by the
23 general assembly. The administrator shall be qualified to
24 perform the administrator's duties by managerial ability and
25 experience as a business executive. ~~The administrator shall~~
26 ~~post a bond paid from the state general fund in an amount~~
27 ~~established by the governor to insure proper discharge of the~~
28 ~~administrator's duties.~~

29 Sec. 21. Section 123.24, subsections 2 and 3, Code 2013, are
30 amended to read as follows:

31 2. a. The division may accept from a class "E" liquor
32 control licensee ~~a cashier's check which shows the licensee~~
33 ~~is the remitter or a check issued by the licensee~~ electronic
34 funds transferred by automated clearing house, wire transfer,
35 or another method deemed acceptable by the administrator,

1 in payment of alcoholic liquor. If a ~~check~~ payment is
2 subsequently dishonored, the division shall cause a notice
3 of nonpayment and penalty to be served upon the class "E"
4 liquor control licensee or upon any person in charge of the
5 licensed premises. The notice shall state that if payment
6 or satisfaction for the dishonored ~~check~~ payment is not made
7 within ten days of the service of notice, the licensee's liquor
8 control license may be suspended under section 123.39. The
9 notice of nonpayment and penalty shall be in a form prescribed
10 by the administrator, and shall be sent by certified mail.

11 *b.* If upon notice and hearing under section 123.39 and
12 pursuant to the provisions of chapter 17A concerning a
13 contested case hearing, the administrator determines that
14 the class "E" liquor control licensee failed to satisfy the
15 obligation for which the ~~check~~ payment was issued within ten
16 days after the notice of nonpayment and penalty was served on
17 the licensee as provided in paragraph "a" of this subsection,
18 the administrator may suspend the licensee's class "E" liquor
19 control license for a period not to exceed ten days.

20 3. The administrator may refuse to sell alcoholic liquor
21 to a class "E" liquor control licensee who tenders a ~~check~~
22 ~~or electronic funds transfer~~ payment which is subsequently
23 dishonored until the outstanding obligation is satisfied.

24 Sec. 22. Section 123.55, unnumbered paragraph 1, Code 2013,
25 is amended to read as follows:

26 The commission shall cause to be prepared an annual report to
27 the governor of the state, ending with June 30 of each fiscal
28 year, showing fully the results of on the operations operation
29 and financial position of the division ~~covering the period~~
30 ~~since the last previous report~~ for the preceding fiscal year.
31 ~~Such~~ The report shall show include but is not limited to the
32 following information:

33 Sec. 23. REPEAL. Section 123.8, Code 2013, is repealed.

34 DIVISION III
35 BEER AND WINE PROVISIONS

1 Sec. 24. Section 123.3, subsections 7 and 19, Code 2013, are
2 amended to read as follows:

3 7. "*Beer*" means any liquid capable of being used for
4 beverage purposes made by the fermentation of an infusion
5 in potable water of barley, malt, and hops, with or without
6 unmalted grains or decorticated and degerminated grains or made
7 by the fermentation of or by distillation of the fermented
8 products of fruit, fruit extracts, or other agricultural
9 products, containing more than one-half of one percent of
10 alcohol by volume but not more than five percent of alcohol by
11 weight or six and twenty-five hundredths percent of alcohol by
12 volume but not including mixed drinks or cocktails mixed on the
13 premises.

14 19. "*High alcoholic content beer*" means beer which
15 contains more than five percent of alcohol by weight or six
16 and twenty-five hundredths percent of alcohol by volume, but
17 not more than twelve percent of alcohol by weight or fifteen
18 percent of alcohol by volume, that is made by the fermentation
19 of an infusion in potable water of barley, malt, and hops, with
20 or without unmalted grains or decorticated and degerminated
21 grains. Not more than one and five-tenths percent of the
22 volume of a "*high alcoholic content beer*" may consist of alcohol
23 derived from added flavors and other nonbeverage ingredients
24 containing alcohol. The added flavors and other nonbeverage
25 ingredients may not include added caffeine or other added
26 stimulants including but not limited to guarana, ginseng, and
27 taurine.

28 Sec. 25. Section 123.99, Code 2013, is amended to read as
29 follows:

30 **123.99 False statements.**

31 If any person, for the purpose of procuring the shipment,
32 transportation, or conveyance of any intoxicating ~~liquors~~
33 liquor, wine, or beer within this state, shall make to any
34 person, company, corporation, or common carrier, or to any
35 agent thereof, any false statements as to the character

1 or contents of any box, barrel, or other vessel or package
2 containing such ~~liquors~~ liquor, wine, or beer; or shall refuse
3 to give correct and truthful information as to the contents of
4 any such box, barrel, or other vessel or package so sought to
5 be transported or conveyed; or shall falsely mark, brand, or
6 label such box, barrel, or other vessel or package in order to
7 conceal the fact that the same contains intoxicating ~~liquors~~
8 liquor, wine, or beer; or shall by any device or concealment
9 procure or attempt to procure the conveyance or transportation
10 of such ~~liquors~~ liquor, wine, or beer as herein prohibited, the
11 person shall be guilty of a simple misdemeanor.

12 Sec. 26. Section 123.100, Code 2013, is amended to read as
13 follows:

14 **123.100 Packages in transit.**

15 Any peace officer of the county under process or warrant to
16 the peace officer directed shall have the right to open any
17 box, barrel, or other vessel or package for examination, if
18 the peace officer has reasonable ground for believing that it
19 contains intoxicating ~~liquors~~ liquor, wine, or beer, either
20 before or while the same is being so transported or conveyed.

21 Sec. 27. Section 123.101, Code 2013, is amended to read as
22 follows:

23 **123.101 Record of shipments.**

24 It shall be the duty of all common carriers, or corporations,
25 or persons who shall for hire carry any intoxicating ~~liquors~~
26 liquor, wine, or beer into the state, or from one point to
27 another within the state, for the purpose of delivery, and
28 who shall deliver such intoxicating liquor, wine, or beer to
29 any person, company, or corporation, to ~~keep, at each station~~
30 ~~or office where it employs an agent or other person to make~~
31 ~~delivery of freight and keep records relative thereto, a record~~
32 ~~book, wherein such carrier shall, promptly upon receipt and~~
33 ~~prior to delivery, enter in ink, in legible writing, in full,~~
34 maintain a proper record of the name of the consignor of each
35 shipment of intoxicating liquor ~~to be delivered from or through~~

1 ~~such station,~~ wine, or beer from where shipped, the date of
2 arrival, the quantity and kind of intoxicating liquor, wine,
3 or beer, so far as disclosed by lettering on the package or by
4 the carrier's records, and to whom and where consigned, and the
5 date delivered.

6 Sec. 28. Section 123.102, Code 2013, is amended to read as
7 follows:

8 **123.102 Inspection of shipping records.**

9 The ~~record book~~ records required by section 123.101 shall,
10 during business hours, be open to inspection by any peace or
11 law enforcing officer. It ~~shall be~~ is a simple misdemeanor to
12 refuse such inspection.

13 Sec. 29. Section 123.103, Code 2013, is amended to read as
14 follows:

15 **123.103 Record receipt upon delivery.**

16 ~~No shipment billed in whole or in part as intoxicating~~
17 ~~liquor shall be delivered to the consignee until such consignee~~
18 ~~upon such record book enters in ink, in legible writing, the~~
19 ~~consignee's~~ The full name and residence or place of business,
20 ~~giving the name of the city, and the street name and number if~~
21 ~~any, and certifies~~ of the consignee of a shipment billed in
22 whole or in part as intoxicating liquor, wine, or beer, shall
23 be properly recorded at the time of delivery and the consignee
24 shall certify that such the intoxicating liquor, wine, or beer
25 is for the consignee's own lawful purposes.

26 Sec. 30. Section 123.104, Code 2013, is amended to read as
27 follows:

28 **123.104 Unlawful delivery.**

29 It ~~shall be~~ is a simple misdemeanor for any corporation,
30 common carrier, person, or any agent or employee thereof:

31 1. To deliver any intoxicating ~~liquors~~ liquor, wine, or beer
32 to any person other than to the consignee.

33 2. To deliver any intoxicating ~~liquors~~ liquor, wine, or
34 beer without having the same ~~receipted for~~ properly recorded
35 as provided in section 123.103.

1 3. To deliver any intoxicating ~~liquors~~ liquor, wine, or
2 beer where there is reasonable ground to believe that such
3 intoxicating liquor, wine, or beer is intended for unlawful
4 use.

5 Sec. 31. Section 123.106, Code 2013, is amended to read as
6 follows:

7 **123.106 Federal statutes.**

8 The requirements of this chapter relative to the shipment
9 and delivery of intoxicating ~~liquors~~ liquor, wine, or beer and
10 the records to be kept thereof shall be construed in harmony
11 with federal statutes relating to interstate commerce in such
12 ~~liquors~~ liquor, wine, or beer.

13 Sec. 32. Section 123.107, subsection 1, paragraph a, Code
14 2013, is amended to read as follows:

15 a. To set out exactly the kind or quantity of intoxicating
16 ~~liquors~~ liquor, wine, or beer manufactured, sold, given in
17 evasion of the statute, or kept for sale.

18 Sec. 33. Section 123.111, Code 2013, is amended to read as
19 follows:

20 **123.111 Purchaser as witness.**

21 The person purchasing any intoxicating liquor, wine, or
22 beer sold in violation of this chapter shall in all cases be a
23 competent witness to prove such sale.

24 Sec. 34. Section 123.115, Code 2013, is amended to read as
25 follows:

26 **123.115 Defense.**

27 In any prosecution under this chapter for the unlawful
28 transportation of intoxicating ~~liquors~~ liquor, wine, or beer
29 it shall be a defense that the character and contents of the
30 shipment or thing transported were not known to the accused or
31 to the accused's agent or employee.

32 Sec. 35. Section 123.116, Code 2013, is amended to read as
33 follows:

34 **123.116 Right to receive ~~liquors~~ liquor, wine, or beer.**

35 The consignee of intoxicating ~~liquors~~ liquor, wine, or beer

1 shall, on demand of the carrier transporting such ~~liquors~~
2 liquor, wine, or beer, furnish the carrier, at the place of
3 delivery, with legal proof of the consignee's legal right to
4 receive such ~~liquors~~ liquor, wine, or beer at the time of
5 delivery, and until such proof is furnished the carrier shall
6 be under no legal obligation to make delivery nor be liable for
7 failure to deliver.

8 Sec. 36. Section 123.117, Code 2013, is amended to read as
9 follows:

10 **123.117 Delivery to sheriff.**

11 If such proof is not furnished the carrier within ten days
12 after demand, the carrier may deliver such ~~liquors~~ liquor,
13 wine, or beer to the sheriff of the county embracing the place
14 of delivery, and such delivery shall absolve the carrier from
15 all liability pertaining to such ~~liquors~~ liquor, wine, or beer.

16 Sec. 37. Section 123.118, Code 2013, is amended to read as
17 follows:

18 **123.118 Destruction.**

19 The sheriff shall, on receipt of such ~~liquors~~ liquor, wine,
20 or beer from the carrier, report the receipt to the district
21 court of the sheriff's county, and the court shall proceed to
22 summarily enter an order for the destruction or forfeiture to
23 the state of such ~~liquors~~ liquor, wine, or beer.

24 Sec. 38. Section 123.120, Code 2013, is amended to read as
25 follows:

26 **123.120 Attempt to destroy.**

27 The destruction of or attempt to destroy any liquid by
28 any person while in the presence of peace officers or while
29 a property is being searched by a peace officer, shall be
30 competent evidence that such liquid is intoxicating liquor,
31 wine, or beer and intended for unlawful purposes.

32 Sec. 39. Section 123.121, unnumbered paragraph 2, Code
33 2013, is amended to read as follows:

34 In any prosecution under this chapter for the unlawful
35 transportation of intoxicating liquor, wine, or beer,

1 the offense shall be held to have been committed in any
2 county in which such liquor, wine, or beer is received for
3 transportation, through which it is transported, or in which it
4 is delivered.

5 Sec. 40. Section 123.138, subsection 1, Code 2013, is
6 amended to read as follows:

7 1. Each class "A" or special class "A" permittee shall
8 keep proper ~~books of account and~~ records showing the amount of
9 beer sold by the permittee, and these ~~books of account~~ records
10 shall be at all times open to inspection by the administrator

11 and to other persons pursuant to section 123.30, subsection
12 1. Each class "B" ~~and~~ permittee, class "C" permittee, and
13 retail liquor control licensee shall keep proper ~~books of~~
14 ~~account and~~ records showing each purchase of beer made by the
15 permittee and licensee, and the date and the amount of each
16 purchase and the name of the person from whom each purchase
17 was made, which ~~books of account and~~ records shall be open to
18 inspection pursuant to section 123.30, subsection 1, during
19 normal business hours of the permittee or licensee.

20 Sec. 41. Section 123.144, Code 2013, is amended to read as
21 follows:

22 **123.144 Bottling beer.**

23 1. No person shall bottle beer within the state of Iowa ~~for~~
24 ~~purposes other than for individual consumption in a private~~
25 ~~home, except class "A", special class "A", class "AA", and~~
26 special class "AA" permittees who have complete equipment for
27 bottling beer and who have received the approval of the local
28 board of health as to sanitation, ~~and it.~~ It shall be the duty
29 of local boards of health to inspect the premises and equipment
30 of class "A", special class "A", class "AA", and special class
31 "AA" permittees who desire to bottle beer.

32 2. However, any person of legal age may bottle beer for
33 personal use and if it is not sold or offered in exchange for
34 any type of consideration. In addition, such beer may be
35 removed from the premises where it was bottled for personal use

1 including use at bona fide exhibitions, competitions, contests,
2 tastings, or judged events, if the beer is not sold or offered
3 in exchange for any type of consideration.

4 Sec. 42. Section 123.185, Code 2013, is amended to read as
5 follows:

6 **123.185 Records required.**

7 Each class "A" wine permittee shall keep ~~books of account and~~
8 records showing each sale of wine, which shall be at all times
9 open to inspection by the administrator and pursuant to section
10 123.30, subsection 1. Each class "B" wine permittee shall keep
11 proper ~~books of account and~~ records showing each purchase of
12 wine and the date and the amount of each purchase and the name
13 of the person from whom each purchase was made, which shall be
14 open to inspection pursuant to section 123.30, subsection 1,
15 during normal business hours of the permittee.

16 EXPLANATION

17 This bill makes several changes relative to the alcoholic
18 beverages division of the department of commerce and alcoholic
19 beverage control.

20 Division I, concerning applications, forms, and records,
21 amends several provisions of Code chapter 123 to provide that
22 various forms and applications currently submitted to and
23 supplied by the division in written form shall be submitted or
24 supplied electronically, or in a manner as prescribed by the
25 administrator of the division.

26 Division II concerns certain reports, payments, and bonding
27 requirements relative to the alcoholic beverages commission and
28 division.

29 Code section 123.10, concerning the duties of the
30 administrator of the division, is amended to remove the
31 requirement that the administrator post a surety bond.

32 Code section 123.24, concerning alcoholic liquor sales by
33 the division, is amended to provide that payment for liquor
34 sales by liquor control licensees can be made by electronic
35 funds transfer, wire transfer, or other method deemed

1 acceptable by the administrator.

2 Code section 123.55, concerning the annual report of the
3 commission, is amended to clarify that the report covers a
4 fiscal year and concerns the operation and financial position
5 of the division.

6 Code section 123.8, requiring alcoholic beverages commission
7 members and certain division employees to post a surety bond,
8 is repealed.

9 Division III of the bill makes changes relative to alcoholic
10 beverage control of wine and beer.

11 Code section 123.3(7) and (19), concerning the definitions
12 of beer and high alcoholic content beer, are amended to provide
13 the allowable alcoholic content of beer and high alcoholic
14 content beer by volume. Current law defines the allowable
15 alcoholic content of beer and high alcoholic content beer by
16 weight.

17 Code sections 123.99, 123.100, 123.101, 123.103, 123.104,
18 123.106, 123.107, 123.111, 123.115, 123.116, 123.120, and
19 123.121, generally related to the shipment and delivery of
20 intoxicating liquors, and applicable criminal penalties, are
21 amended to provide that the requirements of these sections also
22 apply to wine and beer.

23 Code section 123.138(1), concerning records a permittee is
24 required to maintain relative to the sale of beer, is amended
25 to extend this requirement to retail liquor control licensees
26 that also sell beer.

27 Code section 123.144, concerning bottling beer, is amended
28 to allow beer bottled for personal use to be used other
29 than where it was bottled for use at bona fide exhibitions,
30 competitions, contests, tastings, and judged events, if
31 the beer is not sold or offered in exchange for any type of
32 consideration.

33 Code sections 123.138 and 123.185, concerning records a
34 permittee is required to maintain, are amended by striking
35 language relative to keeping books of account.