

CHAPTER 1068

BEER AND LIQUOR CONTROL

H. F. 351

AN ACT to clarify and further define "licensed premises" or "premises"; to remove the restriction that the Iowa beer and liquor control department's headquarters and principal place of business be located only in the city of Des Moines; to prevent premises on which a liquor control license or beer permit has been suspended from being relicensed within a designated period of time; to prohibit a person holding a liquor control license or beer permit from permitting or engaging in illegal activities on the licensed premises; and to remove the restriction that a retail beer permittee can own only one class of retail beer permit.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section one hundred twenty-three point three (123.3), subsection thirty-one (31), Code 1977, is amended to read as follows:

31. "Licensed premises" or "premises" means all rooms ~~or~~ enclosures, contiguous areas, or places susceptible of precise description satisfactory to the director where alcoholic beverages or beer ~~are~~ is sold or consumed under authority of a liquor control license or beer permit. A single licensed premises may consist of multiple rooms, enclosures, areas or places if they are wholly within the confines of a single building or contiguous grounds.

Sec. 2. Section one hundred twenty-three point four (123.4), Code 1977, is amended to read as follows:

123.4 DEPARTMENT CREATED--PLACE OF BUSINESS. There is hereby created an Iowa beer and liquor control department to administer and enforce the laws of this state concerning beer and alcoholic liquor. The principal place of business of the department shall be ~~in-the-city-of-Des-Moines,-and suitable-quarters-or-offices-shall-be~~ provided the department ~~in-such-city~~ by the authority designated by law to provide such quarters or offices to state departments or agencies.

Sec. 3. Section one hundred twenty-three point thirty-nine (123.39), Code 1977, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. When a liquor license or beer permit is suspended after a hearing as a result of violations of the provisions of this chapter by the licensee, permittee or his or her agents or employees, the premises which were licensed by such license or permit shall not be relicensed

for a new applicant until the suspension has terminated or time of suspension has elapsed, or ninety days has elapsed since the commencement of the suspension, whichever occurs first. However, nothing in this section shall prohibit the premises from being relicensed to a new applicant before the suspension has terminated or before the time of suspension has elapsed or before ninety days have elapsed from the commencement of the suspension, if the premises prior to the time of the suspension had been purchased under contract, and the vendor under that contract exercised the person's rights under chapter six hundred fifty-six (656) of the Code and sold the property to a different person who is not related to the previous licensee or permittee by marriage or within the third degree of consanguinity or affinity and if the previous licensee or permittee does not have a financial interest in the business of the new applicant.

Sec. 4. Section one hundred twenty-three point forty-nine (123.49), subsection two (2), Code 1977, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH.

j. Knowingly permit or engage in any criminal activity on the premises covered by the license or permit.

Sec. 5. Section one hundred twenty-three point one hundred forty (123.140), Code 1977, is amended to read as follows:

123.140 SEPARATE LOCATIONS--CLASS "B" OR "C". Every person holding a class "B" or class "C" permit having more than one place of business where such beer is sold which places do not constitute a single premises within the meaning of section one hundred twenty-three point three (123.3), subsection thirty-one (31) of the Code shall be required to have a separate license for each separate place of business, except as otherwise provided by this chapter.

Sec. 6. Section seven hundred twenty-eight point five (728.5), Code 1977 Supplement, is amended by adding the following new subsection:

NEW SUBSECTION. If such person advertises that any activity prohibited by this section is allowed or permitted in such licensed premises.

Sec. 7. Section one hundred twenty-three point one hundred twenty-six (123.126), Code 1977, is repealed.

Approved May 16, 1978