

1. A person convicted of a felony, or charged with or arrested for the commission of a felony, who intentionally escapes from ~~any~~ a detention facility, community-based correctional facility, or institution to which the person has been committed by reason of ~~such~~ the conviction, charge, or arrest, or from the custody of any public officer or employee to whom the person has been entrusted, commits a class "D" felony.

2. A person convicted of, charged with, or arrested for a misdemeanor, who intentionally escapes from ~~any~~ a detention facility, community-based correctional facility, or institution to which the person has been committed by reason of ~~such~~ the conviction, charge, or arrest, or from the custody of any public officer or employee to whom the person has been entrusted, commits a serious misdemeanor.

3. A person who has been committed to an institution under the control of the Iowa department of corrections, to a community-based correctional facility, or to a jail or correctional institution, who knowingly and voluntarily leaves a place where the person is required to be, commits a serious misdemeanor.

Approved April 8, 1986

---

**CHAPTER 1041**  
BED AND BREAKFAST HOMES  
*H.F. 340*

**AN ACT** relating to the operation of bed and breakfast homes.

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

Section 1. Section 170A.2, Code 1985, is amended by adding the following new subsection:  
**NEW SUBSECTION. 13.** "Bed and breakfast home" means a private residence which provides lodging and meals for guests, in which the host or hostess resides and in which no more than two guest families are lodged at the same time and which, while it may advertise and accept reservations, does not hold itself out to the public to be a restaurant, hotel or motel, does not require reservations and serves food only to overnight guests.

Sec. 2. **NEW SECTION. 170A.16 EXEMPTION.**

This chapter does not apply to bed and breakfast homes as defined in section 170A.2.

Sec. 3. **NEW SECTION. 170B.20 EXEMPTION.**

This chapter does not apply to bed and breakfast homes as defined in section 170A.2.

Approved April 8, 1986

---

**CHAPTER 1042**  
LOTTERY TICKETS AND OPERATIONS  
*H.F. 2197*

**AN ACT** relating to gambling by making changes in the operation of the state lottery and the Iowa lottery agency, the use of lottery tickets, making certain acts relating to lottery tickets or shares illegal, providing penalties, and providing for an effective date.

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

Section 1. Section 99B.1, Code 1985, is amended by adding the following new subsection:

**NEW SUBSECTION. 23.** "Merchandise" includes lottery tickets or shares sold or authorized under chapter 99E. The value of the ticket or share is the price of the ticket or share as established by the Iowa lottery agency pursuant to chapter 99E.

Sec. 2. Section 99B.7, subsection 1, paragraph 1, Code Supplement 1985, is amended to read as follows:

1. During the entire time that games permitted by this section are being engaged in, ~~no both~~ of the following are observed:

(1) ~~No other gambling is engaged in at the same location and no, except that lottery tickets or shares issued by the Iowa lottery agency may be sold pursuant to chapter 99E.~~

(2) ~~No free prize or other gift is given to a participant. However, one or more door prizes of a value not to exceed ten dollars each may be given by random drawing.~~

Sec. 3. Section 99E.9, subsection 3, Code Supplement 1985, is amended by adding the following new lettered paragraph:

**NEW LETTERED PARAGRAPH. o.** Requirement that a licensee either print or stamp the licensee's name and address on the back of each instant ticket.

Sec. 4. Section 99E.9, subsection 4, Code Supplement 1985, is amended to read as follows:

4. The board and the commissioner may enter into written agreements or compacts with another state or states or one or more political subdivisions of another state or states for the operation, marketing, and promotion of a joint lottery or joint lottery games.

Sec. 5. Section 99E.9, Code Supplement 1985, is amended by adding the following new subsection 5 and renumbering the subsequent subsection:

**NEW SUBSECTION. 5.** The board may authorize the commissioner to enter into written agreements with business entities for special lottery promotions in which, incident to the special lottery games, additional prizes, including annuities, may be purchased by the business entity and transferred to the lottery agency for payment to qualifying holders of lottery tickets or shares.

Sec. 6. Section 99E.10, subsection 1, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

Upon receipt of any revenue, the commissioner shall deposit the moneys in the lottery fund created pursuant to section 99E.20. As nearly as is practicable, at least fifty percent of the projected annual revenue, after deduction of the amount of the sales tax, and repayment to the general fund of the loan for start-up purposes of the Iowa lottery, computed on a year-round average basis for each type of lottery game accruing from the sale of tickets or shares is appropriated for payment of prizes to the holders of winning tickets. After the payment of prizes, all of the following shall be deducted from lottery revenue prior to disbursement:

Sec. 7. Section 99E.16, subsection 1, Code Supplement 1985, is amended to read as follows:

1. The commissioner shall license persons to sell lottery tickets or shares to best serve public convenience. ~~The lottery agency may sell tickets or shares to the public. A~~ Except for the lottery agency, a licensee shall not engage in business exclusively to sell lottery tickets or shares. However, the board may approve a special license to permit a licensee or the lottery agency itself to sell lottery tickets or shares to the public at special events approved by the board. Before issuing a license the commissioner shall consider the financial responsibility and security of the applicant, the applicant's business or activity, the accessibility of the applicant's place of business or activity to the public, the sufficiency of existing licensees to serve the public convenience, and the volume of expected sales. A licensee shall cooperate with the lottery by using point-of-purchase materials, posters, and other educational, informational, and marketing materials when requested to do so by the lottery. Lack of cooperation is sufficient cause for revocation of a person's license.

Sec. 8. Section 99E.16, subsection 2, Code Supplement 1985, is amended to read as follows:

2. A licensee shall sell tickets or shares only on the premises stated in the license. The Except for the lottery agency, the licensee shall only sell a ticket or share in person and not over a telephone or through the mail. However, the lottery agency may sell lottery tickets or shares over the telephone or through mail. The licensee shall may accept payment in by cash only, check, money order, debit card, or electronic funds transfer. The licensee shall not extend or arrange credit for the purchase of a ticket or share. As used in this subsection "cash" means United States currency. ~~"Cash" does not mean any other form of payment including, but not limited to, check, credit card, or a negotiable instrument.~~

Sec. 9. Section 99E.18, subsection 4, Code Supplement 1985, is amended to read as follows:

4. A person who, with intent to defraud, falsely makes, alters, forges, utters, passes, or counterfeits a lottery ticket or share or attempts to falsely make, alter, forge, utter, pass, or counterfeit a lottery ticket or share is guilty of a class "D" felony.

Sec. 10. Section 321.19, subsection 1, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

The department shall furnish, on application, free of charge, distinguishing plates for vehicles thus exempted, which plates except plates on Iowa highway safety patrol vehicles shall bear the word "official" and the department shall keep a separate record. Registration plates issued for Iowa highway safety patrol vehicles, except unmarked patrol vehicles, shall bear two red stars on a yellow background, one before and one following the registration number on the plate, which registration number shall be the officer's badge number. Registration plates issued for a county sheriff's patrol vehicles shall display one seven pointed gold star on a green background followed by the letter "S" and the call number of the vehicle. However, the director of general services or the director of transportation may order the issuance of regular registration plates for any exempted vehicle used by peace officers in the enforcement of the law, persons enforcing chapter 204 and other laws relating to controlled substances, and persons in the department of justice who are regularly assigned to conduct investigations which cannot reasonably be conducted with a vehicle displaying "official" state registration plates, and persons in the Iowa lottery agency whose regularly assigned duties relating to security or the carrying of lottery tickets cannot reasonably be conducted with a vehicle displaying "official" registration plates. For purposes of sale of exempted vehicles, the exempted governmental body, upon the sale of the exempted vehicle, may issue for in-transit purposes a pasteboard card bearing the words "Vehicle in Transit", the name of the official body from which the vehicle was purchased, together with the date of the purchase plainly marked in at least one-inch letters, and other information ~~which may be required by the department.~~ The in-transit card ~~shall be is~~ valid for use only within forty-eight hours after the purchase date as indicated on the bill of sale which shall be carried by the driver.

Sec. 11. Section 422B.8, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

A local sales and services tax at the rate of not more than one percent may be imposed by a county on the gross receipts taxed by the state under chapter 422, division IV, except on the gross receipts from the sale of a lottery ticket or share in a lottery game conducted pursuant to chapter 99E. A local sales and services tax shall be imposed on the same basis as the state sales and services tax and may not be imposed on the sale of any property or on any service not taxed by the state. However, notwithstanding that the gross receipts from the sale or rental of the tangible personal property described in section 422.45, subsections 26 and 27 are taxable during the period beginning July 1, 1985 and ending June 30, 1987, a local sales and services tax shall not be imposed on the sale or rental of such property. A local sales and services tax is applicable to transactions within those incorporated and unincorporated areas of the county where it is imposed and shall be collected by all persons required to collect state

gross receipts taxes. All cities contiguous to each other shall be treated as part of one incorporated area and the tax would be imposed in each of those contiguous cities only if the majority of those voting in the total area covered by the contiguous cities favor its imposition.

Sec. 12. Section 715.1, subsection 2, Code 1985, is amended to read as follows:

2. Any deed, will or testamentary document, bill of sale, warehouse receipt, bill of lading, lottery ticket or share, or any writing which purports to convey an interest in some property, or to be evidence of or to establish a right in some property.

Sec. 13. Lottery agency expense incurred for educational and informational material for the lotto game for the period beginning April 1, 1986 and ending October 1, 1986 shall not exceed eight hundred and fifty thousand dollars and shall not be included to determine compliance with the four percent limitation imposed in section 99E.10. Marketing and promotional materials for the lotto game are subject to the four percent limitation.

Sec. 14. This Act, being deemed of immediate importance, takes effect from and after its publication in the Jasper County Tribune, a newspaper published in Colfax, Iowa, and in the Citizen Herald, a newspaper published in Jesup, Iowa.

Approved April 8, 1986

I hereby certify that the foregoing Act, House File 2197, was published in the Citizen Herald, Jesup, Iowa, on April 16, 1986, and in the Jasper County Tribune, Colfax, Iowa, on April 17, 1986.

MARY JANE ODELL, *Secretary of State*

## CHAPTER 1043

### SERVICE OF PROCESS ON A SPOUSE

*H.F. 721*

**AN ACT** relating to the service of process on an individual's spouse at a place other than the individual's dwelling house or usual place of abode.

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

Section 1. Rule of civil procedure 56.1, subsection a, Iowa court rules, second edition, is amended to read as follows:

(a) Upon any individual aged eighteen years or more who has not been adjudged incompetent, either by taking his the individual's signed, dated acknowledgment of service endorsed on the notice; or by serving him the individual personally; or by serving, at his the individual's dwelling house or usual place of abode, any person residing therein who is at least eighteen years old, but if such place is a rooming house, hotel, club or apartment building, the copy shall there be delivered to such a person who is either a member of his the individual's family or the manager, clerk, proprietor or custodian of such place; or upon the individual's spouse at a place other than the individual's dwelling house or usual place of abode if probable cause exists to believe that the spouse lives at the individual's dwelling house or usual place of abode.

Approved April 8, 1986