

the zones based on the populations of deer. However, a nonresident applicant may request one or more hunting zones, in order of preference, in which the applicant wishes to hunt. If the request cannot be fulfilled, the applicable fees shall be returned to the applicant. A nonresident applying for a deer hunting license must exhibit proof of having successfully completed a hunter safety and ethics education program as provided in section 483A.27 or its equivalent as determined by the department before the license is issued.

Sec. 6. Section 483A.8, Code 1997, is amended by adding the following new subsection:  
**NEW SUBSECTION.** 4. The commission may provide, by rule, for the issuance of an additional antlerless deer license to a person who has been issued an antlerless deer license. The rules shall specify the number of additional antlerless deer licenses which may be issued, and the season and zone in which the license is valid. The fee for an additional antlerless deer license shall be ten dollars for residents.

\*Sec. 7. **EFFECTIVE DATE.** Section 6 of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 19, 1998

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## CHAPTER 1204

### ALCOHOL SALES TO MINORS — FINES AND PENALTIES

H.F. 2487

**AN ACT** relating to the fines and penalties applicable to the sale of alcohol and providing an effective date.

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

Section 1. Section 123.50, subsection 1, Code Supplement 1997, is amended to read as follows:

1. Any person who violates any of the provisions of section 123.49, except subsection 2, paragraph "h", shall be guilty of a simple misdemeanor. A person who violates section 123.49, subsection 2, paragraph "h", commits a ~~serious simple~~ misdemeanor punishable by ~~a fine of one thousand five hundred dollars~~ as a scheduled violation under section 805.8, subsection 10, paragraph "a". ~~If the violation is committed by a person who is employed by a licensee or permittee, the licensee or permittee and the individual shall each be deemed to have committed the violation and shall each be punished as provided in this subsection.~~

Sec. 2. Section 123.50, subsection 3, paragraphs a, b, and c, Code Supplement 1997, are amended to read as follows:

a. Upon a first conviction, the violator's liquor control license, wine permit, or beer permit shall be suspended for a period of fourteen days. However, if the conviction is for a violation of section 123.49, subsection 2, paragraph "h", the violator's liquor control license or wine or beer permit shall not be suspended, but the violator shall be assessed a civil penalty in the amount of ~~three~~ five hundred dollars. Failure to pay the civil penalty as ordered under section 123.39 for a violation of section 123.49, subsection 2, paragraph "h", or this subsection will result in automatic suspension of the license or permit for a period of fourteen days.

b. Upon a second conviction within a period of two years, the violator's liquor control license, wine permit, or beer permit shall be suspended for a period of thirty days. However,

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\* See chapter 1223, §28 herein

if the conviction is for a violation of section 123.49, subsection 2, paragraph "h", the violator shall also be assessed a civil penalty in the amount of one thousand five hundred dollars.

c. Upon a third conviction within a period of three years, the violator's liquor control license, wine permit, or beer permit shall be suspended for a period of sixty days. However, if the conviction is for a violation of section 123.49, subsection 2, paragraph "h", the violator shall also be assessed a civil penalty in the amount of one thousand five hundred dollars.

Sec. 3. Section 321.284, Code 1997, is amended to read as follows:

321.284 OPEN CONTAINERS IN MOTOR VEHICLES.

A person driving a motor vehicle shall not knowingly possess in a motor vehicle upon a public street or highway an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage, wine, or beer with the intent to consume the alcoholic beverage, wine, or beer while the motor vehicle is upon a public street or highway. Evidence that an open or unsealed receptacle containing an alcoholic beverage, wine, or beer was found during an authorized search in the glove compartment, utility compartment, console, front passenger seat, or any unlocked portable device and within the immediate reach of the driver while the motor vehicle is upon a public street or highway is evidence from which the court or jury may infer that the driver intended to consume the alcoholic beverage, wine, or beer while upon the public street or highway if the inference is supported by corroborative evidence. However, an open or unsealed receptacle containing an alcoholic beverage, wine, or beer may be transported at any time in the trunk of the motor vehicle or in some other area of the interior of the motor vehicle not designed or intended to be occupied by the driver and not readily accessible to the driver while the motor vehicle is in motion. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 10, paragraph "e" "b".

Sec. 4. Section 805.8, subsection 10, Code Supplement 1997, is amended to read as follows:

10. ALCOHOLIC BEVERAGE VIOLATIONS.

a. For violations of section 123.49, subsection 2, paragraph "h", the scheduled fine is one hundred dollars.

b. For violations of section 321.284, the scheduled fine is fifty dollars.

Sec. 5. Section 805.8, subsection 10, Code Supplement 1997, is amended to read as follows:

10. ALCOHOLIC BEVERAGE VIOLATIONS.

a. For violations of section 123.49, subsection 2, paragraph "h", the scheduled fine for a licensee or permittee is one thousand five hundred dollars and the scheduled fine for a person who is employed by a licensee or permittee is five hundred dollars.

b. For violations of section 321.284, the scheduled fine is fifty dollars.

Sec. 6. REPEAL AND EFFECTIVE DATE.

1. Section 4 of this Act is repealed December 31, 1998.

2. Section 5 of this Act takes effect January 1, 1999.

Approved May 19, 1998