

JAN 25 2005
STATE GOVERNMENT

HOUSE FILE 124
BY VAN ENGELENHOVEN

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

A BILL FOR

1 An Act relating to the sales of beer kegs by requiring an
2 identification number on each keg of beer, recording of the
3 purchase of beer by the keg, and providing penalties.

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

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

HF 124

1 Section 1. Section 123.50, subsection 1, Code 2005, is
2 amended to read as follows:

3 1. Any person who violates any of the provisions of
4 section 123.49, except subsection 2, paragraph "h", shall be
5 guilty of a simple misdemeanor. A person who violates section
6 123.49, subsection 2, paragraph "h", or fails to affix or
7 record a keg identification number or to produce a record of
8 keg identification numbers pursuant to section 123.137 or
9 123.138, commits a simple misdemeanor punishable as a
10 scheduled violation under section 805.8C, subsection 2.

11 Sec. 2. Section 123.50, subsection 3, unnumbered paragraph
12 1, Code 2005, is amended to read as follows:

13 If any licensee, wine permittee, beer permittee, or
14 employee of a licensee or permittee is convicted or found in
15 violation of section 123.49, subsection 2, paragraph "h", or
16 if a licensee, beer permittee, or employee of a licensee or
17 permittee fails to affix or record a keg identification number
18 or to produce a record of keg identification numbers pursuant
19 to section 123.137 or 123.138, the administrator or local
20 authority shall, in addition to criminal penalties fixed for
21 violations by this section, assess a civil penalty as follows:

22 Sec. 3. Section 123.137, unnumbered paragraph 1, Code
23 2005, is amended to read as follows:

24 A person holding a class "A" or special class "A" permit
25 shall on or before the tenth day of each calendar month
26 commencing on the tenth day of the calendar month following
27 the month in which the person is issued a permit, make a
28 report under oath to the division upon forms to be furnished
29 by the division for that purpose showing the exact number of
30 barrels of beer, or fractional parts of barrels, sold by the
31 permit holder during the preceding calendar month. Each keg
32 of beer exceeding two gallons in capacity shall have an
33 identification number which shall be included in the report.
34 Each class "A" permittee shall affix the identification number
35 to each keg exceeding two gallons in capacity by means of a

1 durable and permanent identification tag. The report shall
2 also state information the administrator requires, and permit
3 holders shall at the time of filing a report pay to the
4 division the amount of tax due at the rate fixed in section
5 123.136.

6 Sec. 4. Section 123.138, Code 2005, is amended to read as
7 follows:

8 123.138 BOOKS OF ACCOUNT REQUIRED.

9 1. Each class "A" or special class "A" permittee shall
10 keep proper books of account and records showing the amount of
11 beer sold by the permittee, and these books of account shall
12 be at all times open to inspection by the administrator and to
13 other persons pursuant to section 123.30, subsection 1. Each
14 class "B" and class "C" permittee shall keep proper books of
15 account and records showing each purchase of beer made by the
16 permittee, the keg identification number if applicable, and
17 the date and the amount of each purchase and the name of the
18 person from whom each purchase was made, which books of
19 account and records shall be open to inspection pursuant to
20 section 123.30, subsection 1, during normal business hours of
21 the permittee.

22 2. Each class "A", class "B", or class "C" permittee shall
23 also keep a record of the identification number of each keg of
24 beer which has a capacity exceeding two gallons sold by the
25 permittee; the name, address, and driver's license or social
26 security number of the purchaser; and the name of the employee
27 selling the keg. This identification number, purchaser, and
28 employee information shall be retained by the permittee for a
29 minimum of six months.

30 EXPLANATION

31 This bill provides that a keg of beer with two gallons or
32 more capacity shall have an identification number. The bill
33 provides that the identification number shall be affixed to
34 the keg by means of a permanent and durable identification tag
35 by the wholesaler and recorded by each permittee with the name

1 and address of the purchaser of the keg, the purchaser's
2 social security number or driver's license number, and the
3 name of the employee selling the keg to the purchaser. The
4 bill provides that the identification records shall be
5 retained by the permittee for a minimum of six months.

6 The bill provides that a permittee who fails to affix a keg
7 identification number or to keep a record of the number and
8 the other identifying information required regarding the
9 purchaser and employee of the permittee selling the keg is
10 guilty of a simple misdemeanor punishable as a scheduled
11 violation of \$1,500 for a permittee or \$500 for an employee of
12 a permittee. A violator is also subject to a permit
13 suspension of 14 days if the violator fails to pay a civil
14 penalty of \$500, upon first conviction, 30 days and a civil
15 penalty of \$1,500 for a second conviction within two years,
16 and 60 days and a civil penalty of \$1,500 for a third
17 conviction within three years, and is subject to a permit
18 revocation for a fourth conviction within three years.

19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35