

Reported Recommending
Ind. Postponed
Passed Senate
Failed to Pass Senate
Passed House
Failed to Pass House

House File 303

February 19, 1947.
Ways and Means.

By LONG.

A BILL FOR

An Act relating to revenue; to provide for the issuance of permits to distributors of motion pictures and film products within the state of Iowa by the Iowa tax commission, to prescribe the annual permit fees to be paid by said distributors; to regulate the purchase of motion pictures and film products by exhibitors from distributors; to define terms used herein; to provide that the permit fees charged to and collected from distributors shall be deemed occupation taxes and not license moneys and shall inure to the Old Age Assistance fund with the cost of administration deducted; to provide penalties for the violation of this act; and to declare an emergency.

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

1 Section 1. The Iowa tax commission hereafter called the
2 commission, shall have the power to regulate, and shall have
3 jurisdiction over the sale and distribution of motion picture
4 films and film products in the state of Iowa. The commission
5 shall have the power and authority to fix and collect permit
6 fees and to revoke permits in accordance with the rules and
7 regulations which are herein provided or which may be hereafter
8 established within the provisions of this act.

1 Sec. 2. (a) The word "distributor" as used herein shall
2 mean and include any person, firm or corporation that sells,

3 leases or in any manner furnishes or disposes of the film
4 products of any motion picture company, person or corporation
5 that are to be used or exhibited in the state of Iowa in any
6 theater, show or other place of amusement whatsoever, where any
7 charge is made for the showing thereof. (b) The word "exhibitor"
8 shall mean and include any person, firm or corporation showing
9 motion picture films or film products and includes the shows and
10 other places of amusement using said film products.

1 Sec. 3. It shall be unlawful for any such distributor to
2 sell, lease or in any manner dispose of or furnish the film
3 products of any motion picture company, person, firm or
4 corporation within the state of Iowa without first having procured
5 a permit from the commission, and which permit shall give said
6 distributor legal authority to sell, lease, rent or dispose of
7 film products within this state.

1 Sec. 4. Any distributor desiring to do business in this
2 state shall file his application in writing, on forms to be
3 provided by said commission, with said commission, together with
4 an annual fee in the amount of one thousand dollars. An additional
5 fee of one dollar per reel for any motion picture, news reel, or
6 any other kind of film shall be paid in addition to the one
7 thousand dollar annual permit fee for any and all reels sent into
8 the state of Iowa for use where an admission fee is charged. An
9 affidavit shall be filed by the resident agent or manager of every
10 distributor as to the number of reels sent into the state of Iowa;
11 and said affidavit shall be filed on the first day of January each

12 year. Upon the filing of such application and the payment of the
13 required fee, such distributor shall make and file a certificate
14 signed by the owner if such distributor is a person, or by the
15 owners if such distributor is a firm or partnership, or by the
16 president or secretary, if such distributor is a corporation; and
17 said certificate shall be recorded in the office of the secretary
18 of state and also in the office of the register of deeds of the
19 county in which such distributor's place of business in this
20 state is located if any, designating the principal place of
21 business in this state, if any, or without the state in case no
22 such place of business is located in this state, and appointing
23 an agent or agents in this state who shall be designated by his
24 or their official titles upon whom process or other legal notice
25 of the commencement of any legal proceeding, or in the prosecution
26 thereof, may be served; and such service of process or of any
27 such other legal notice, as aforesaid, upon the commission or upon
28 any such agent or agents shall constitute valid service upon such
29 distributor in all courts of this state, in counties where the
30 cause of action or some part thereof arose, or in counties where
31 the contract or portion thereof entered into by such distributor
32 has been violated or is to be performed. It is further provided
33 that no person within the state of Iowa shall represent any such
34 distributor in the sale, lease, distribution or disposal of any
35 film product until the above requirements are complied with and
36 permit issued by the commission to such distributor. Upon complying
37 with the above conditions said distributor shall furnish proof

38 thereof by filing with the commission a certified copy of the
39 written instrument appointing said commission or other agents for
40 service, and the commission shall issue a permit in such form as
41 it shall prescribe. Original permits shall be applied for by
42 distributors to the commission and shall be issued by the commission
43 within thirty days after the effective date of this act; and
44 said permits shall be renewed each twelve months thereafter
45 in the same manner and upon the payment of the same fee as in
46 the case of the original permit.

1 Sec. 5. It shall be unlawful for any exhibitor to purchase,
2 receive, acquire, accept or have possession of any motion picture
3 film or film product which shall be acquired from any distributor
4 unless said distributor shall have first secured from the
5 commission the permit herein required to carry on the business
6 of distributing motion picture films and film products within
7 this state.

1 Sec. 6. It shall be unlawful for any exhibitor to increase,
2 charge or collect from the total number of individual paid
3 admissions or ticket holders an amount in excess of the gross
4 total of the fees paid by distributor as of the same calendar
5 date of the preceding year under this act, and charged by
6 distributor to exhibitor in any or each day or period.

1 Sec. 7. The permit fees provided for herein are intended
2 as occupation taxes and shall be construed as such. So much of
3 the said permit fees collected during any biennium as the legislature
4 shall specifically appropriate for such purpose shall be used by the

5 commission for the administration of the act during any biennium
 6 and the balance of the permit fees so collected shall be paid to
 7 the state treasurer and by him shall be credited to the Old Age
 8 Assistance Fund of the state.

1 Sec. 8. Any person violating any of the provisions of this
 2 act shall, upon conviction thereof, be fined in a sum not to exceed
 3 five thousand dollars for each separate and distinct offense.

1 Sec. 9. This act being deemed of immediate importance
 2 shall be in full force and effect from and after its passage
 3 and publication in the, a newspaper
 4 published at, Iowa, and in the
 5, a newspaper published at
 6, Iowa.

EXPLANATION OF H. F. 303

The title of this bill is considered as the explanation. This bill is designed as an "Occupation Tax" and inures to the "Old Age Assistance Fund" with the cost of administration deducted.