

by rule adopted pursuant to chapter 17A, a fireworks permit system which authorizes the issuance of a limited number of permits to qualified persons to use or display fireworks in selected state parks and preserves. A person violating this subsection is guilty of a serious misdemeanor. The court may order restitution for damages caused by the violation which may include, but is not limited to community service. The court may also require that the violator provides proof of restitution.

Approved May 6, 1991

CHAPTER 102

CONSUMER FRAUDS AGAINST OLDER PERSONS

S.F. 211

AN ACT relating to consumer frauds against the elderly, providing a civil penalty, and creating a special fund.

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

Section 1. **NEW SECTION. 668B.1 CIVIL PENALTY AND CAUSE OF ACTION FOR CONSUMER FRAUDS COMMITTED AGAINST ELDERLY — FUND ESTABLISHED.**

1. If a person violates section 714.16, and the violation is committed against an older person, in addition to any other civil penalty, the court may impose an additional civil penalty not to exceed five thousand dollars for each such violation.

A civil penalty imposed pursuant to this section shall be paid to the treasurer of state, who shall deposit the money in the elderly victim fund, a separate fund created in the state treasury and administered by the attorney general for the investigation and prosecution of frauds against the elderly. Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state. An award of restitution pursuant to section 714.16 has priority over a civil penalty imposed by the court pursuant to this subsection.

2. In determining whether to impose a civil penalty under subsection 1, and the amount of any such penalty, the court shall consider the following:

- a. Whether the defendant's conduct was in willful disregard of the rights of the older person.
- b. Whether the defendant knew or should have known that the defendant's conduct was directed to an older person.
- c. Whether the older person was substantially more vulnerable to the defendant's conduct because of age, poor health, infirmity, impaired understanding, restricted mobility, or disability, than other persons.

d. Any other factors the court deems appropriate.

3. As used in this section, "older person" means a person who is sixty-five years of age or older.

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