

b. Direct that payment of the civil penalty be suspended or deferred under conditions imposed by the court.

c. Grant appropriate alternative relief ordering the defendant to abate or cease the violation.

d. Authorize the city to abate or correct the violation.

e. Order that the city's costs for abatement or correction of the violation be entered as a personal judgement against the defendant or assessed against the property where the violation occurred, or both.

PARAGRAPH DIVIDED. If a defendant willfully fails to pay the civil penalty or violates the terms of any other an order imposed by the court, the failure is contempt.

The magistrate or district associate judge shall have jurisdiction to assess or enter judgment for costs of abatement or correction in an amount not to exceed the jurisdictional amount for a money judgment in a civil action pursuant to section 631.1, subsection 1, for magistrates and section 602.6306, subsection 2, for district associate judges. If the city seeks abatement or correction costs in excess of those amounts, the case shall be referred to the district court for hearing and entry of an appropriate order. The procedure for hearing in the district court shall be the same procedure as that for a small claims appeal pursuant to section 631.13.

10. A The defendant against whom a judgement is entered or the city may file a motion for a new trial or a motion for a reversal of a judgment as provided by law or rule of civil procedure may appeal the decision of the magistrate or district associate judge to the district court. The procedure on appeal shall be the same as for a small claim pursuant to section 631.13. A factual determination made by the trial court, supported by substantial evidence as shown in the record, is binding for purposes of appeal relating to the violation at issue, but shall not be admissible or binding as to any future violation for the same or similar ordinance provision by the same defendant.

12. The issuance of a civil citation for a municipal infraction or the ensuing court proceedings do not provide an action for false arrest, false imprisonment, or malicious prosecution.

Sec. 9. Section 331.307, subsection 12, Code 1987, which was inadvertently omitted in the 1987 Code Supplement and the 1989 Code, shall be published in the 1989 Code Supplement, with the amendment enacted in this Act.

Approved May 8, 1989

CHAPTER 151

SORGHUM PRODUCTS

H.F. 650

AN ACT relating to products derived from sorghum, including labeling requirements, and making a penalty applicable.

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

Section 1. Section 189.14, Code 1989, is amended by adding the following new subsection:
NEW SUBSECTION. 3. A person shall not package a liquid or semisolid product, or label the product, as sorghum, imitation sorghum, or sorghum blend, or use the word "sorghum" in a prominent location on the label of the product or sell or offer for sale a product labeled as sorghum, imitation sorghum, or sorghum blend or which contains a label with the word "sorghum" prominently displayed, unless the product label states that the product is sorghum syrup as defined in section 190.1, imitation sorghum, or a sorghum blend. As used in this subsection, "imitation sorghum" means a product that has the flavor of sorghum but contains no sorghum

syrup as defined in section 190.1. "Sorghum blend" means a product that is not entirely sorghum syrup as defined in section 190.1.

Sec. 2. Section 190.1, subsection 68, Code 1989, is amended to read as follows:

68. SORGHUM SYRUP. Sorghum syrup is liquid food derived by the concentration and heat treatment of the juice of sorghum cane including sorgo and sorghum vulgare. Sorghum syrup must contain not less than seventy-four percent by weight of soluble solids derived solely from juices of sorghum cane.

Approved May 8, 1989

CHAPTER 152

FUEL PRICE SURVEYS

H.F. 660

AN ACT requiring the performance of monthly fuel surveys by the department of natural resources.

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

Section 1. Section 93.7, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 13. Perform monthly fuel surveys which establish a statistical average of motor fuel prices for various motor fuels provided throughout the state. Additionally, the department shall perform monthly fuel surveys in cities with populations of over fifty thousand which establish a statistical average of motor fuel prices for various motor fuels provided in those individual cities. The survey results shall be publicized in a monthly press release issued by the department.

Approved May 8, 1989

CHAPTER 153

SURETY BONDS FOR PUBLIC OFFICERS

H.F. 668

AN ACT relating to bonds for state, county, and city officers, including waiver of the exemption of a homestead from execution and liability of the officers.

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

Section 1. Section 64.15, Code 1989, is amended to read as follows:

64.15 BONDS OF DEPUTY OFFICERS AND CLERKS.

Bonds required by law of deputy state, county, and city officers shall, unless otherwise provided, be in such amounts as may be fixed by the governor, board of supervisors, or the council, as the case may be, with sureties as required for the bonds of the principal, and filed with the same officer. The giving of such bond shall not relieve the principal from liability for the official acts of the deputy. Any loss of moneys caused by a deputy shall be paid by the deputy or the surety on the deputy's bond and the deputy's principal is not liable for the