

collect and remit the fee under this section if the person has made a good faith effort to collect the fee from the parent. The fees collected by the county registrar and state registrar shall be remitted to the treasurer of state for deposit in the general fund of the state. It is the intent of the general assembly that the funds generated from the registration fees be appropriated and used for primary and secondary child abuse prevention programs. It is the intent of the general assembly that the funds generated from the fees as established under section 144.46 for the mailing of the certified copy of the birth certificate be appropriated and used to support the distribution of the automatic birth certificate and the implementation of the electronic birth certificate system.

Sec. 4. Section 147.76, Code 1991, is amended to read as follows:
147.76 RULES ADOPTED.

The examining boards for the various professions shall adopt all necessary and proper rules to implement and interpret this chapter and chapters 147A through 158, except ~~chapters~~ chapter 148D and 153A.

Sec. 5. Section 157.3, subsection 1, paragraph a, Code 1991, is amended by striking the paragraph.

Sec. 6. Section 158.3, subsection 1, paragraph a, Code 1991, is amended by striking the paragraph.

Sec. 7. Chapter 153A, Code 1991, is repealed.

Approved April 15, 1992

CHAPTER 1098

LABOR SERVICES DIVISION — MISCELLANEOUS PROVISIONS

H.F. 2390

AN ACT relating to the recovery of interest, court costs, and attorney fees by the labor commissioner, occupational safety and health penalties, elevator inspections, boiler inspection, amusement park permit and inspection fees, and providing a retroactive applicability date and an effective date.

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

Section 1. Section 88.14, subsections 1, 3, 4, and 9, Code Supplement 1991, are amended to read as follows:

1. **WILLFUL VIOLATIONS.** Any employer who willfully or repeatedly violates the requirements of section 88.4, any standard, rule, or order adopted or issued pursuant to section 88.5, or ~~regulations prescribed~~ rules adopted pursuant to this chapter, may be assessed a civil penalty of ~~not less than five thousand dollars and not more than seventy thousand dollars for each violation, but not less than five thousand dollars for each willful violation.~~

3. **NONSERIOUS VIOLATIONS.** Any employer who has received a citation for a violation of the requirements of section 88.4, of any standard, rule or order ~~promulgated~~ adopted or issued pursuant to section 88.5 or of rules prescribed pursuant to this chapter and ~~such~~ the violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of up to ~~one seven~~ seven thousand dollars for each ~~such~~ violation.

4. **FAILURE TO CORRECT.** Any employer who fails to correct a violation for which a citation has been issued under section 88.7, subsection 1, within the period permitted for its correction (~~which period shall not begin to run until the date of the final order of the appeal board~~

in the case of any review proceeding under section 88.8 initiated by the employer in good faith and not solely for delay or avoidance of penalties), may be assessed a civil penalty of not more than ~~one~~ seven thousand dollars for each day during which ~~such~~ the failure or violation continues. The period for correction shall not begin until the date of the final order of the appeal board of any review proceeding under section 88.8 initiated by the employer in good faith and not solely for delay or avoidance of penalties.

9. VIOLATION OF POSTING REQUIREMENTS. Any employer who violates any of the posting, reporting, or ~~record-keeping~~ recordkeeping requirements as prescribed under the provisions of this chapter, shall be assessed a civil penalty of up to ~~one~~ seven thousand dollars for each violation.

Sec. 2. Section 88A.4, Code 1991, is amended to read as follows:

88A.4 PERMIT AND INSPECTION FEES.

Annual inspection fees under this chapter shall be as follows:

1. Permit fees.
 - a. One through ten rides, or devices or concessions, ~~ten~~ twenty dollars.
 - b. Eleven or more rides, or devices or concessions, ~~twenty~~ thirty dollars.
2. Mechanical and electrical inspection fees for amusement rides and devices.
 - a. For rides which are designed for seventy-five pounds or less per passenger unit, ~~fifty~~ sixty dollars for each inspection.
 - b. For rides which are designed for seventy-five pounds or more and for which the manufacturer's recommended assembly time is less than forty work hours, ~~seventy-five~~ ninety dollars for each inspection.
 - c. For rides for which the manufacturer's recommended assembly time is forty work hours or more, one hundred ~~twenty~~ dollars for each inspection.
3. Electrical inspection of concession booths, and amusement devices fees, ~~twenty-five~~ thirty-five dollars each.
4. Special inspectors authorization fee, ~~two~~ twenty-five dollars each. The special inspectors authorization shall allow a person to perform inspections only on rides, devices, and concession booths of an operator who makes the request for the special inspectors authorization. The failure of a special inspector to inform the commissioner of violations shall not subject the commissioner to liability for any damages incurred.

Sec. 3. Section 89.2, subsection 4, Code 1991, is amended to read as follows:

4. "Place of public assembly" means any building or portion of a building designed, intended, and used for occupation by persons for purposes of entertainment, instruction, or amusement and shall include theaters, motion picture theaters, hospitals, places of worship, schools, colleges, and institutions of health and custodial care, but does not include eating and drinking establishments.

Sec. 4. Section 89.4, subsection 1, Code 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. Hot water heating boilers used for heating pools or spas where burner input is no greater than eighteen thousand seven hundred seventy-two British thermal units per hour.

Sec. 5. Section 89A.6, subsection 5, Code 1991, is amended to read as follows:

5. A report of every inspection shall be filed with the commissioner by the inspector or special inspector, on a form approved by and containing all information required by the commissioner, after the inspection has been completed and within the time provided by rule, but not to exceed thirty days. The report shall include all information required by the commissioner to determine whether the owner of the facility has complied with applicable rules. For the inspection required by subsection 1, the report shall indicate whether the facility has been installed in accordance with the detailed plans and specifications approved by the commissioner, and meets the requirements of the applicable rules. The failure of a special inspector to inform the commissioner of violations shall not subject the commissioner to liability for any damages incurred.

Sec. 6. Section 91.4, Code Supplement 1991, is amended by adding the following new subsections:

NEW SUBSECTION. 8. Except as provided in chapter 91A, the commissioner may recover interest, court costs, and any attorney fees incurred in recovering any amounts due. The recovery shall only take place after final agency action is taken under chapter 17A, or upon judicial review, after final disposition of the case by the court. Attorney fees recovered in an action brought under the jurisdiction of the commissioner shall be deposited in the general fund of the state. The commissioner is exempt from the payment of any filing fee or other court costs including but not limited to fees paid to county sheriffs.

NEW SUBSECTION. 9. The commissioner may establish rules pursuant to chapter 17A to assess and collect interest on fees, penalties, and other amounts due the division.

Sec. 7. The portion of section 1 of this Act which amends section 88.14, subsection 1, applies retroactively to July 1, 1991, for cases still pending.

Sec. 8. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 17, 1992

CHAPTER 1099

RENEWABLE FUEL — ETHANOL PRODUCTION

H.F. 2456

AN ACT relating to the production of ethanol, providing for the appropriation and allocation of moneys, providing applicability and effective dates, and providing for the repeal and recodification of provisions of the Act.

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

Section 1. Section 159A.5, subsection 2, Code Supplement 1991, is amended to read as follows:

2. The committee shall monitor conditions, practices, policies, programs, and procedures affecting the production and consumption of renewable fuels fuel.

Sec. 2. Section 159A.5, subsection 5, Code Supplement 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. Review the distribution of ethanol production incentive payments to qualified persons, pursuant to section 159A.8.

Sec. 3. Section 159A.6, unnumbered paragraph 2, Code Supplement 1991, is amended to read as follows:

The committee shall develop standards for decals required pursuant to section 214A.16, which shall be designed to promote the advantages of using renewable fuel. The standards may be incorporated within a model decal adopted by the ~~board~~ committee and approved by the office.

Sec. 4. Section 159A.7, Code Supplement 1991, is amended to read as follows:

159A.7 RENEWABLE FUEL FUND.

1. A renewable fuel fund is created in the state treasury under the control of the office of renewable fuel. The fund is composed of moneys accepted by the office. Moneys in the fund shall be deposited into the renewable fuel activities account or the ethanol production incentive account. The fund may include moneys appropriated by the general assembly, and other moneys available to and obtained or accepted by the office, including moneys from the United States, other states in the union, foreign nations, state agencies, political subdivisions, and private sources.