

Sec. 3. Section 453A.3, Code 1997, is amended to read as follows:

453A.3 PENALTY.

1. A person who violates section 453A.2, subsection 1, or section 453A.39 is guilty of a simple misdemeanor.

2. A person who violates section 453A.2, subsection 2, shall pay a civil penalty pursuant to section 805.8, subsection 11. Failure to pay the civil penalty imposed for a violation of section 453A.2, subsection 2, is a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 11. Notwithstanding section 602.8106 or any other provision to the contrary, any civil penalty or fine paid under this subsection shall be retained by the city or county enforcing the violation to be used for enforcement of section 453A.2.

Sec. 4. Section 805.8, subsection 11, Code 1997, is amended to read as follows:

11. SMOKING VIOLATIONS.

a. ~~For violations of section 142B.6 or 453A.2, subsection 2, the scheduled fine is twenty-five dollars, and is a civil penalty, and the criminal penalty surcharge under section 911.2 shall not be added to the penalty, and the court costs pursuant to section 805.9, subsection 6, shall not be imposed. If the civil penalty assessed for a violation of section 142B.6 is not paid in a timely manner, a citation shall be issued for the violation in the manner provided in section 804.1. However, a person under age eighteen shall not be detained in a secure facility for failure to pay the civil penalty. The complainant shall not be charged a filing fee.~~

b. (1) For violations of section 453A.2, subsection 2, the scheduled fine is as follows and is a civil penalty, and the criminal penalty surcharge under section 911.2 shall not be added to the penalty, and the court costs pursuant to section 805.9, subsection 6, shall not be imposed:

(a) If the violation is a first offense, the scheduled fine is twenty-five dollars.

(b) If the violation is a second offense, the scheduled fine is fifty dollars.

(c) If the violation is a third or subsequent offense, the scheduled fine is one hundred dollars.

(2) For failing to pay the civil penalty under section 453A.2, subsection 2, the scheduled fine is twenty-five dollars if the violation is a first offense, fifty dollars if the violation is a second offense, and one hundred dollars if the violation is a third or subsequent offense. Failure to pay the scheduled fine shall not result in the person being detained in a secure facility. The complainant shall not be charged a filing fee.

Approved April 23, 1997

---

**CHAPTER 75**  
**LEGAL SETTLEMENT**  
S.F. 522

AN ACT relating to legal settlement regarding providers of treatment or services.

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

Section 1. Section 252.16, subsection 8, Code 1997, is amended to read as follows:

8. A person receiving treatment or support services from any ~~community-based~~ provider ~~of, whether organized for pecuniary profit or not or whether supported by charitable or public or private funds, that provides~~ treatment or services for mental retardation, developmental disabilities, mental health, brain injury, or substance abuse does not acquire legal settlement in the ~~host~~ county in which the site of the provider is located unless the person

continuously resides in ~~the host~~ that county for one year from the date of the last treatment or support service received by the person.

Approved April 23, 1997

---

## CHAPTER 76

### HIGHWAY INFORMATION CENTERS AND REST AREAS

H.F. 383

**AN ACT** relating to information centers and rest areas on interstate or primary highways and providing effective and retroactive applicability dates.

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

Section 1. Section 306C.21, Code 1997, is amended to read as follows:

**306C.21 INFORMATION CENTERS AND REST AREAS.**

The department may establish or enter into agreements with private persons, firms, or corporations for the establishment of information centers in rest areas on the interstate, freeway primary, and primary highways, subject to the approval of the appropriate authority of the federal government. After January 1, 1997, private persons, firms, or corporations entering into an agreement with the department under this section shall not develop, establish, or own any commercial business located on land adjacent to the rest area which is subject to the agreement. An interstate rest area shall be located entirely on the interstate right-of-way, including, but not limited to, all entrance and exit ramps, all rest area buildings including information centers, and all parking facilities. Department money and resources shall not be used for any other type of interstate rest area. Whenever an interstate rest area is reconstructed, the area available for parking shall be equal to or more than the area available for parking prior to the reconstruction.

Sec. 2. **EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.** This Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 1997.

Approved April 23, 1997

---

## CHAPTER 77

### CONTROLLED SUBSTANCES — EPHEDRINE

H.F. 384

**AN ACT** to include certain products containing ephedrine as schedule V controlled substances.

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

Section 1. Section 124.212, Code 1997, is amended by adding the following new subsection: