

**461A.5B Penalties.**

1. Except as provided in [subsection 2](#), a person who violates a provision of [section 461A.4](#) or of a departmental rule or refuses to comply with an order issued by the commission pursuant to [section 461A.4](#) is guilty of a simple misdemeanor.

2. The state may proceed against a person who violates a provision of [section 461A.4](#) or refuses to comply with an order issued by the commission pursuant to [section 461A.4](#) by initiating an alternative civil enforcement action in lieu of a criminal prosecution. The amount of the civil penalty shall not exceed five thousand dollars. Each day of a violation shall be considered a separate offense. The alternative civil enforcement action may be brought against the person as a contested case proceeding by the department under [chapter 17A](#) if the amount of the civil penalty is not more than ten thousand dollars or as a civil judicial proceeding by the attorney general upon referral by the department. In a contested case proceeding, the department may impose, assess, and collect the civil penalty.

[2008 Acts, ch 1161, §8](#)