

### 214A.11 Penalties.

1. Except as otherwise provided in [subsection 3](#), a person who violates a provision of [this chapter](#) is guilty of a serious misdemeanor or is subject to an alternative civil enforcement action under [subsection 2](#). Each day that a continuing violation occurs shall be considered a separate offense.

2. The state may proceed against a person who violates [this chapter](#) by initiating an alternative civil enforcement action in lieu of a prosecution. The alternative civil enforcement action may be brought against the person as a contested case proceeding by the department under [chapter 17A](#) or as a civil judicial proceeding by the attorney general upon referral by the department. The department may impose, assess, and collect the civil penalty. The civil penalty shall be for at least one hundred dollars but not more than one thousand dollars for each violation. Each day that a continuing violation occurs shall be considered a separate offense.

a. Except as provided in paragraph “b”, the state is precluded from prosecuting a violation pursuant to [subsection 1](#) if the state is a party in the alternative civil enforcement action, the department has made a final decision in the contested case proceeding, or a court has entered a final judgment.

b. If a party to an alternative civil enforcement action fails to pay the civil penalty to the department within thirty days after the party has exhausted the party’s administrative remedies and the party has not sought judicial review in accordance with [section 17A.19](#), the department may order that its final decision be vacated. When the department’s final decision is vacated, the state may initiate a criminal prosecution, but shall be precluded from bringing an alternative civil enforcement action. If a party to an alternative civil enforcement action fails to pay the civil penalty within thirty days after a court has entered a final judgment, the department may request that the attorney general petition the court to vacate its final judgment. When the court’s judgment has been vacated, the state may initiate a criminal prosecution, but shall be precluded from bringing an alternative civil enforcement action.

3. a. (1) A retail dealer who submits an application for an E-15 unavailability waiver order under [section 214A.34](#) that the retail dealer knows includes information that is not true and correct commits perjury as provided in [section 720.2](#).

(2) (a) This paragraph “a” shall be implemented on January 1, 2023.

(b) This subparagraph is repealed January 2, 2023.

b. (1) A retail dealer who submits an application for an E-15 incompatible infrastructure waiver order under [section 214A.35](#) that the retail dealer knows is not true and correct commits perjury as provided in [section 720.2](#).

(2) A certified professional retail motor fuel site installer who submits an inspection report as part of an application for an E-15 incompatible infrastructure waiver order under [section 214A.35](#) that the installer knows is not true and correct commits perjury under [section 720.2](#).

(3) (a) This paragraph “b” shall be implemented on January 1, 2023.

(b) This subparagraph is repealed on January 2, 2023.

c. (1) A retail dealer who submits an application for a small retail motor fuel site exemption administrative order under [section 214A.36](#) that the retail dealer knows is not true and correct commits perjury as provided in [section 720.2](#).

(2) (a) This paragraph “c” shall be implemented on January 1, 2023.

(b) This subparagraph is repealed January 2, 2023.

[C31, 35, §5093-d11; C39, §5095.11; C46, 50, 54, 58, 62, 66, 71, §323.11; C73, 75, 77, 79, 81, §214A.11]

2006 Acts, ch 1142, §14; 2022 Acts, ch 1067, §19, 20

Referred to in §214A.36

Subsection 1 amended

NEW subsection 3