

479.31 Civil penalty.

1. A person who violates [this chapter](#) or any rule or order issued pursuant to [this chapter](#) shall be subject to a civil penalty levied by the board in accordance with [49 C.F.R. §190.223](#). Each day that the violation continues shall constitute a separate offense. Civil penalties collected pursuant to [this section](#) shall be forwarded by the chief operating officer of the board to the treasurer of state to be credited to the general fund of the state and appropriated to the department of health and human services for purposes of the low income home energy assistance program and the weatherization assistance program.

2. Any civil penalty may be compromised by the board. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of the penalty to the size of the business of the person charged, the gravity of the violation, and the good faith of the person charged in attempting to achieve compliance, after notification of a violation, shall be considered. The amount of the penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owed by the state to the person charged, or may be recovered in a civil action.

[C71, 73, 75, §490.31; C77, 79, §479.29; C81, §479.31]

[91 Acts, ch 112, §3](#); [95 Acts, ch 192, §14](#); [2013 Acts, ch 2, §1](#); [2017 Acts, ch 169, §45, 49](#); [2018 Acts, ch 1160, §26](#); [2021 Acts, ch 75, §3](#); [2023 Acts, ch 19, §1179](#)

Referred to in [§479.29](#)

Subsection 1 amended