

**476.51 Civil penalty.**

1. A public utility which, after written notice by the commission of a specific violation, violates the same provision of [this chapter](#), the same rule adopted by the commission, or the same provision of an order lawfully issued by the commission, is subject to a civil penalty, which may be levied by the commission, of not less than one hundred dollars nor more than two thousand five hundred dollars per violation.

2. A public utility which willfully, after written notice by the commission of a specific violation, violates the same provision of [this chapter](#), the same rule adopted by the commission, or the same provision of an order lawfully issued by the commission, is subject to a civil penalty, which may be levied by the commission, of not less than one thousand dollars nor more than ten thousand dollars per violation. For the purposes of [this section](#), “willful” means knowing and deliberate, with a specific intent to violate.

3. Each violation is a separate offense. In the case of a continuing violation, each day a violation continues, after the time specified for compliance in the written notice by the commission, is a separate and distinct offense. Any civil penalty may be compromised by the commission. In determining the amount of the penalty, or the amount agreed upon in a compromise, the commission may consider the appropriateness of the penalty in relation to the size of the public utility, the gravity of the violation, and the good faith of the public utility in attempting to achieve compliance following notification of a violation, and any other relevant factors.

4. The written notice given by the commission to a public utility under [this section](#) shall specify an appropriate time for compliance.

5. Civil penalties collected pursuant to [this section](#) from utilities providing water, electric, or gas service shall be forwarded by the chief operating officer of the commission to the treasurer of state to be credited to the general fund of the state and to be used only for the low income home energy assistance program and the weatherization assistance program administered by the department of health and human services. Civil penalties collected pursuant to [this section](#) from utilities providing telecommunications service shall be forwarded to the treasurer of state to be credited to the commerce revolving fund created in [section 546.12](#) to be used only for consumer education programs administered by the commission. Penalties paid by a rate-regulated public utility pursuant to [this section](#) shall be excluded from the utility’s costs when determining the utility’s revenue requirement, and shall not be included either directly or indirectly in the utility’s rates or charges to customers.

[83 Acts, ch 127, §34; 88 Acts, ch 1134, §92; 91 Acts, ch 260, §1238; 92 Acts, ch 1084, §1; 94 Acts, ch 1107, §81; 2003 Acts, ch 126, §4; 2009 Acts, ch 181, §48; 2018 Acts, ch 1160, §14; 2023 Acts, ch 19, §1175, 2676; 2024 Acts, ch 1170, §369](#)

Referred to in [§476.1A, 476.1B, 476.1C, 476.2, 476.20, 476.95A, 476.103](#)

Code editor directive applied