

**61—5.3(453D) Applicability.** The attorney general may require quarterly payments from a nonparticipating manufacturer to which any of the following criteria apply:

**5.3(1) *No previous escrow deposit.*** The nonparticipating manufacturer has not previously established and funded a qualified escrow fund in Iowa;

**5.3(2) *No escrow deposit for more than one year.*** The nonparticipating manufacturer has not made any escrow deposits for more than one year;

**5.3(3) *Untimely or incomplete deposits.*** The nonparticipating manufacturer has failed to make a timely and complete escrow deposit for any prior calendar year;

**5.3(4) *Outstanding judgments.*** The nonparticipating manufacturer has failed to pay any judgment awarded to the state, including any civil penalty;

**5.3(5) *Large sales volume.*** The nonparticipating manufacturer sells more than 1,630,000 sticks or 147,000 ounces of roll-your-own product during a quarter.

**5.3(6) *Other reasonable cause.*** In addition to the criteria specified in subrules 5.3(1) to 5.3(5), the attorney general may require quarterly payments from a nonparticipating manufacturer if the attorney general has reasonable cause to believe that the nonparticipating manufacturer may not make its full required escrow deposit at the end of the sales year.