

House File 2626

H-8206

1 Amend House File 2626 as follows:

2 1. By striking everything after the enacting clause and  
3 inserting:

4 <DIVISION I

5 DEPARTMENTAL ORGANIZATION

6 Section 1. Section 159.5, subsection 7, Code 2020, is  
7 amended to read as follows:

8 ~~7. Establish and maintain a marketing news service bureau~~  
9 ~~in the department which shall, in cooperation with the~~  
10 ~~federal market news and grading division~~ Cooperate with the  
11 agricultural marketing service of the United States department  
12 of agriculture, to collect and disseminate data and information  
13 relative to the market prices and conditions of agricultural  
14 products raised, produced, and handled in the state.

15 Sec. 2. EFFECTIVE DATE. This division of this Act, being  
16 deemed of immediate importance, takes effect upon enactment.

17 DIVISION II

18 ANIMALS

19 PART A

20 COMMERCIAL ESTABLISHMENTS

21 Sec. 3. Section 162.2A, subsection 3, paragraph d, Code  
22 2020, is amended by striking the paragraph.

23 PART B

24 ANIMAL HEALTH

25 Sec. 4. NEW SECTION. 163.2A Part — definitions.

26 As used in this part, unless the context otherwise requires:

27 1. "*Animal*" means any livestock or agricultural animal as  
28 defined in section 717A.1.

29 2. "*Interested person*" means the owner of an animal; a  
30 person caring for the animal, if different from the owner of  
31 the animal; or a person holding a perfected agricultural lien  
32 or security interest in the animal under chapter 554.

33 Sec. 5. Section 163.3, Code 2020, is amended to read as  
34 follows:

35 163.3 Veterinary and special assistants.

1 The secretary or the secretary's designee may appoint one  
2 or more veterinarians licensed pursuant to [chapter 169](#) in each  
3 county as assistant veterinarians. The secretary may also  
4 appoint ~~such~~ one or more special assistants as may be necessary  
5 in cases of emergency, including as provided in [section 163.3A](#).

6 Sec. 6. Section 163.3A, subsection 1, Code 2020, is amended  
7 to read as follows:

8 1. The department may provide veterinary emergency  
9 preparedness and response services necessary to prevent or  
10 control a serious threat to the public health, public safety,  
11 or the state's economy caused by the transmission of disease  
12 among ~~livestock as defined in [section 717.1](#) or agricultural~~  
13 ~~animals as defined in [section 717A.1](#)~~. The services may include  
14 measures necessary to ensure that all such animals carrying  
15 disease are properly identified, segregated, treated, or  
16 destroyed as provided in this Code.

17 Sec. 7. Section 163.3C, subsection 1, Code 2020, is amended  
18 by striking the subsection.

19 Sec. 8. Section 163.3C, subsection 2, unnumbered paragraph  
20 1, Code 2020, is amended to read as follows:

21 The department shall develop and establish a foreign animal  
22 disease preparedness and response strategy for use by the  
23 department in order to prevent, control, or eradicate the  
24 transmission of foreign animal diseases among populations  
25 of ~~livestock~~ animals. The strategy may be part of the  
26 department's veterinary emergency preparedness and response  
27 services as provided in [section 163.3A](#). The strategy shall  
28 provide additional expertise and resources to increase  
29 biosecurity efforts that assist in the prevention of a foreign  
30 animal disease outbreak in this state. In developing and  
31 establishing the strategy, the department shall consult with  
32 interested persons including but not limited to the following:

33 Sec. 9. Section 163.3C, subsection 3, Code 2020, is amended  
34 to read as follows:

35 3. The department shall implement the foreign animal



1 provided in the authorization.

2 4. As part of the seizure of an abandoned animal, the  
3 department may take, impound, and retain custody of the animal,  
4 including by maintaining the animal in a manner and at a  
5 location determined by the department to be reasonable under  
6 the emergency circumstances. The department may take action as  
7 provided in this subtitle to ensure that all animals exposed to  
8 an infectious or contagious disease are properly identified,  
9 tested, segregated, treated, or destroyed as provided in this  
10 subtitle.

11 5. *a.* The department may seize an animal if the department  
12 has a reasonable suspicion the animal has been abandoned,  
13 including by entering onto public or private property or into a  
14 private motor vehicle, trailer, or semitrailer parked on public  
15 or private property, as provided in this subsection.

16 *b.* The department may enter onto private property or into  
17 a private motor vehicle, trailer, or semitrailer to seize an  
18 abandoned animal if the department obtains a search warrant  
19 issued by a court, or enters onto the premises in a manner  
20 consistent with the laws of this state and the United States,  
21 including Article I, section 8, of the Constitution of the  
22 State of Iowa, or the fourth amendment to the Constitution of  
23 the United States.

24 *c.* An abandoned animal shall only be seized by the  
25 department pursuant to the following conditions:

26 (1) The department provides written notice of its  
27 abandonment determination to all reasonably identifiable  
28 interested persons. The department shall make a good-faith  
29 effort to provide the notice to interested persons by regular  
30 mail, hand delivery, telephone, electronic mail, or other  
31 reasonable means. The notice shall include all of the  
32 following:

33 (a) The name and address of the department.

34 (b) A description of the animal subject to seizure.

35 (c) The delivery date of the notice.

1 (d) A statement informing the interested person that the  
2 animal may be seized pursuant to this chapter within one day  
3 following the delivery date of the notice. The statement  
4 must specify a date, time, and location for delivery of the  
5 interested person's response designated by the department, as  
6 provided in this subsection.

7 (e) A statement informing the interested person that in  
8 order to avoid seizure of the animal, the person must respond  
9 to the notice in writing, stating that the animal has not been  
10 abandoned and identifying what measures are being taken to care  
11 for and manage the animal.

12 (2) Notwithstanding subparagraph (1), if the department  
13 determines that it is not feasible to provide direct notice  
14 of its abandonment determination to an interested person,  
15 the department shall deliver a constructive notice of the  
16 determination to that person by any reasonable manner, which  
17 may include posting the notice at or near the place where  
18 the animal is located. The department shall also post the  
19 constructive notice on the department's internet site.

20 d. The department may seize the animal if the department  
21 fails to receive a written response by the interested person by  
22 the end of normal office hours of the next day the department  
23 is available to receive the response after written notice of  
24 the department's abandonment determination is delivered.

25 e. Upon a determination by the department that exigent  
26 circumstances exist, the department may enter onto private  
27 property without a warrant and may seize an abandoned animal,  
28 in a manner consistent with the laws of this state and  
29 the United States, including Article I, section 8, of the  
30 Constitution of the State of Iowa, or the fourth amendment to  
31 the Constitution of the United States.

32 6. If an animal is seized pursuant to this section, the  
33 department shall post a notice in a conspicuous place at the  
34 location where the animal was seized. The notice shall state  
35 the animal has been seized by the department pursuant to this

1 section and at least briefly describe where and when the animal  
2 was seized, the species and number of animals seized, and that  
3 a dispositional proceeding is to be conducted pursuant to  
4 section 163.3E.

5     Sec. 11. NEW SECTION. 163.3E **Emergency measures —**  
6 **abandoned animals — dispositional proceeding.**

7     1. *a.* The department shall file a petition with the  
8 district court for the disposition of an animal seized pursuant  
9 to section 163.3D as soon as practicable.

10    *b.* The court shall notify the department and all interested  
11 persons of the dispositional proceeding in a manner determined  
12 reasonable by the court. The court shall hear the matter  
13 within twenty-four hours from the time the department's  
14 petition is filed. The court may grant a continuance by a  
15 motion of the department or upon petition by an interested  
16 person. However, the interested person shall post a bond or  
17 other security with the department in an amount determined by  
18 the court, which shall not be more than the amount sufficient  
19 to provide for the maintenance of the animal for the duration  
20 of the continuance.

21    2. Upon a determination by the department that exigent  
22 circumstances exist, the dispositional proceeding may be  
23 conducted by an administrative law judge in the same manner  
24 as an emergency adjudicative proceeding pursuant to section  
25 17A.18A. The administrative law judge shall notify the  
26 department and all interested persons of the dispositional  
27 proceeding in a manner determined reasonable by the  
28 administrative law judge given the circumstances in the case.  
29 The procedures provided in this section may be supplemented  
30 or modified by a declaration or proclamation issued by the  
31 governor or an order issued by the secretary or the secretary's  
32 designee pursuant to section 163.3D.

33    3. *a.* A court or administrative law judge shall issue an  
34 order for the disposition of the animal after making any of the  
35 following determinations:

1 (1) That no interested person holds a legal interest in  
2 the seized animal. In that case, the animal shall be deemed  
3 abandoned and the order shall extinguish all prior legal  
4 interests in the animal. The order shall grant an undivided  
5 ownership interest in the animal free from any security  
6 interest or other agricultural lien or encumbrance to the  
7 department.

8 (2) That an interested person holds a legal interest in  
9 the seized animal, and the department has reasonable suspicion  
10 to believe that the animal has been exposed to an infectious  
11 or contagious disease. In that case, the order shall provide  
12 for the disposition of the animal in the same manner as if the  
13 department had identified the animal as having been exposed to  
14 the infectious or contagious disease under the authorization  
15 provided in section 163.3D.

16 (3) That a person holds a legal interest in the seized  
17 animal, and there is no reasonable suspicion that the seized  
18 animal has been exposed to an infectious or contagious disease.  
19 In that case, the order shall direct the department to transfer  
20 custody of the animal to the interested person. In the event  
21 the animal is returned to the interested person, the department  
22 shall not be subject to any claim for damages caused by the  
23 seizure if the department's actions were taken pursuant to  
24 the department's emergency efforts to establish and maintain  
25 quarantine in response to a disease outbreak, as set forth in  
26 section 669.14, subsection 3.

27 *b.* A reasonable suspicion asserted by the department may  
28 be based on any credible evidence that shows the animal's  
29 possible exposure to an infectious or contagious disease or the  
30 animal was abandoned. This paragraph "b" does not require the  
31 department to conduct a test of an animal to determine whether  
32 an animal has been exposed.

33 *c.* If two or more interested parties may be transferred  
34 custody of an animal by the department pursuant to paragraph  
35 "a", subparagraph (3), the court or administrative law judge

1 shall order the department to transfer the animal to the owner  
2 or otherwise to the interested person best able to care for the  
3 animal without prejudicing the rights of any other interested  
4 person. However, in any cause of action brought by an  
5 interested person contesting the order to transfer under this  
6 subsection, the department shall not be included as a party.

7 4. a. In a dispositional proceeding conducted by a court or  
8 administrative law judge under this section, or in a separate  
9 cause of action brought by the department against an interested  
10 person, the court or administrative law judge may award the  
11 department all of the following:

12 (1) An amount necessary to reimburse the department for  
13 expenses incurred in seizing and maintaining an abandoned  
14 animal as well as any costs for the disposition of the  
15 abandoned animal.

16 (2) Expenses related to the investigation and adjudication  
17 of the case.

18 b. In a dispositional proceeding conducted by a court under  
19 this section, or in a separate cause of action brought by the  
20 department against an interested person, the court may award  
21 the department court costs and reasonable attorney fees.

22 c. An award ordered under this subsection shall be paid  
23 by an interested party who is transferred a seized animal by  
24 the court or administrative law judge, or the owner of the  
25 seized animal as determined by the court or administrative law  
26 judge. The amount awarded the department shall be subtracted  
27 from the proceeds, if any, received by the department from the  
28 disposition of the animal. Any amount awarded by a court shall  
29 be taxed as part of the costs of the cause of action.

30 d. If more than one interested person holds a legal interest  
31 in the animal, the court or administrative law judge shall  
32 calculate the respective contributions of the interested  
33 persons based upon the percentage of legal interest in the  
34 seized animal held by each interested person. The amount paid  
35 to the department shall be sufficient to allow the department



1 to repay the livestock remediation fund as provided in section  
2 459.501 and fully reimburse the department for all costs, fees,  
3 and expenses incurred by the department under this section.

4 Sec. 12. NEW SECTION. 163.3F **Interference with official**  
5 **acts.**

6 1. A person shall not interfere with an official act of the  
7 department taken in the performance of a duty to prevent or  
8 control the transmission of an infectious or contagious disease  
9 among a population or species of animals, if the official act  
10 is authorized as part of any of the following:

11 a. A veterinary emergency preparedness and response service  
12 pursuant to section 163.3A.

13 b. A foreign animal disease preparedness and response  
14 strategy pursuant to section 163.3C.

15 c. An emergency measure pursuant to section 163.3D or  
16 163.3E.

17 2. Under this section, an official act of the department  
18 may be performed by a departmental employee, or a veterinary or  
19 special assistant appointed pursuant to section 163.3.

20 Sec. 13. NEW SECTION. 163.33 **Feral swine.**

21 1. "*Feral swine*" means any swine running at large.

22 2. A person shall not knowingly release swine to become  
23 feral swine.

24 3. Upon discovery of feral swine on public or private  
25 property, the department may destroy or order the destruction  
26 of the feral swine. However, the department shall not destroy  
27 the feral swine or order the feral swine's destruction, unless  
28 the department concludes, after conducting a reasonable inquiry  
29 in the area where the feral swine is located, that the feral  
30 swine's ownership cannot be determined. The department may  
31 call upon a peace officer or appropriate state or federal  
32 agency, including but not limited to the department of natural  
33 resources or the department of public safety, to enforce this  
34 section as set forth in section 159.16.

35 4. A person may destroy feral swine if the feral swine is

1 on the person's property or is damaging the person's personal  
2 property. The person shall immediately notify the department  
3 of the destruction of the feral swine and allow for possible  
4 testing of the feral swine by the department.

5 5. This section shall not be construed to limit the powers  
6 of the department otherwise granted by law.

7 Sec. 14. Section 163.61, subsection 3, Code 2020, is amended  
8 by adding the following new paragraph:

9 NEW PARAGRAPH. c. A person who interferes with an official  
10 act as provided in section 163.3F shall be subject to a civil  
11 penalty of at least one hundred dollars but not more than ten  
12 thousand dollars. In the case of a continuing violation,  
13 each day of the continuing violation is a separate violation.  
14 However, a person shall not be subject to a civil penalty  
15 totaling more than two hundred fifty thousand dollars arising  
16 out of the same violation.

17 Sec. 15. Section 459.501, subsection 3, paragraph a, Code  
18 2020, is amended by adding the following new subparagraph:

19 NEW SUBPARAGRAPH. (3) (a) To allocate moneys to the  
20 department of agriculture and land stewardship for the payment  
21 of expenses incurred by the department of agriculture and land  
22 stewardship associated with all of the following:

23 (i) Providing for seizure of animals pursuant to sections  
24 169.3D and 169.3E.

25 (ii) Court costs, reasonable attorney fees, and expenses  
26 related to the investigation and prosecution of the case  
27 arising from the seizure of animals.

28 (b) The department of natural resources shall allocate  
29 any amount of unencumbered and unobligated moneys demanded in  
30 writing by the department of agriculture and land stewardship  
31 as provided in this subparagraph. The department of natural  
32 resources shall complete the allocation upon receiving the  
33 demand.

34 (c) The department of agriculture and land stewardship  
35 shall repay the fund any amount received from an interested

1 person pursuant to an order by a court in a dispositional  
2 proceeding conducted pursuant to section 163.3E.

3 Sec. 16. REPEAL. Section 166D.3, Code 2020, is repealed.

4 Sec. 17. CODE EDITOR DIRECTIVE.

5 1. The Code editor is directed to make the following  
6 transfer:

7 Section 163.3 to section 163.3G.

8 2. The Code editor shall correct internal references in the  
9 Code and in any enacted legislation as necessary due to the  
10 enactment of this section.

11 Sec. 18. CODE EDITOR DIRECTIVE. The Code editor shall  
12 divide chapter 163, subchapter I, into parts, including  
13 sections 163.1 and 163.2 as part A, sections 163.2A through  
14 163.5, including sections amended or enacted as provided in  
15 this part of this division of this Act, as part B, and sections  
16 163.6 through 163.25 as part C.

17 PART C

18 FOOD ANIMALS

19 Sec. 19. NEW SECTION. 716.7A Food operation trespass.

20 1. As used in this section, unless the context otherwise  
21 requires:

22 a. "Apiary" and "bee" mean the same as defined in section  
23 160.1A.

24 b. "Food animal" means an animal belonging to the bovine,  
25 caprine, ovine, or porcine species; farm deer as defined in  
26 section 170.1; turkeys, chickens, or other poultry; fish or  
27 other aquatic organisms confined in private waters for human  
28 consumption; or bees.

29 c. "Food establishment", "food processing plant", and  
30 "farmers market" mean the same as defined in section 137F.1.

31 d. "Food operation" means any of the following:

32 (1) A location where a food animal is produced, maintained,  
33 or otherwise housed or kept, or processed in any manner.

34 (2) A location other than as described in subparagraph (1)  
35 where a food animal is kept, including an apiary, livestock

1 market, vehicle or trailer attached to a vehicle, fair,  
2 exhibition, or a business operated by a person licensed to  
3 practice veterinary medicine pursuant to chapter 169.

4 (3) A location where a meat food product, poultry product,  
5 milk or milk product, eggs or an egg product, aquatic product,  
6 or honey is prepared for human consumption, including a food  
7 processing plant, a slaughtering establishment operating under  
8 the provisions of 21 U.S.C. §451 et seq. or 21 U.S.C. §601  
9 et seq.; or a slaughtering establishment subject to state  
10 inspection as provided in chapter 189A.

11 (4) A food establishment or farmers market that sells or  
12 offers for sale a meat food product, poultry product, milk  
13 or milk product, eggs or an egg product, aquatic product, or  
14 honey.

15 e. *"Meat food product"*, *"poultry product"*, and *"prepared"*  
16 mean the same as defined in section 189A.2.

17 2. A person commits food operation trespass by entering  
18 or remaining on the property of a food operation without the  
19 consent of a person who has real or apparent authority to allow  
20 the person to enter or remain on the property.

21 3. Subsection 2 does not apply to any of the following:

22 a. A person entering a right-of-way, if the person has not  
23 been notified or requested by posted signage or other means to  
24 abstain from entering onto the right-of-way or to vacate the  
25 right-of-way.

26 b. A person having lawful authority to enter onto the  
27 property of the food operation, including but not limited to a  
28 federal, state, or local government official.

29 c. A person who is given express permission by the owner of  
30 the food operation to enter onto or remain on the property of  
31 the food operation.

32 d. A person employed by a food operation while acting in the  
33 course of employment.

34 Sec. 20. Section 716.8, Code 2020, is amended by adding the  
35 following new subsection:

1 NEW SUBSECTION. 8. *a.* For a first offense, a person who  
2 commits food operation trespass is guilty of an aggravated  
3 misdemeanor.

4 *b.* For a second or subsequent offense, a person who commits  
5 food operation trespass is guilty of a class "D" felony.

6 PART D

7 EFFECTIVE DATE

8 Sec. 21. EFFECTIVE DATE. This division of this Act, being  
9 deemed of immediate importance, takes effect upon enactment.

10 DIVISION III

11 FERTILIZERS AND SOIL CONDITIONERS

12 Sec. 22. Section 200.3, subsection 24, Code 2020, is amended  
13 by striking the subsection.

14 Sec. 23. Section 200.14, Code 2020, is amended to read as  
15 follows:

16 **200.14 Rules.**

17 1. *a.* ~~The secretary is authorized, after public hearing,~~  
18 ~~following due notice, to~~ department may adopt rules setting  
19 forth pursuant to chapter 17A providing minimum general  
20 safety standards for the design, construction, location,  
21 installation, and operation of equipment for storage, handling,  
22 transportation by tank truck or tank trailer, and utilization  
23 of ~~anhydrous ammonia~~ fertilizers and soil conditioners.

24 ~~*a.*~~ *b.* The rules shall be such as are reasonably necessary  
25 for the protection and safety of the public and persons using  
26 ~~anhydrous ammonia~~ fertilizers or soil conditioners, and shall  
27 be in substantial conformity with the generally accepted  
28 standards of safety.

29 ~~*b.*~~ Rules that are in substantial conformity with the  
30 ~~published standards of the agricultural ammonia institute for~~  
31 ~~the design, installation and construction of containers and~~  
32 ~~pertinent equipment for the storage and handling of anhydrous~~  
33 ~~ammonia,~~ shall be deemed to be in substantial conformity with  
34 ~~the generally accepted standards of safety.~~

35 2. *c.* ~~Anhydrous ammonia~~ Fertilizer and soil conditioner

1 equipment shall be installed and maintained in a safe operating  
2 condition and in conformity with rules adopted by the ~~secretary~~  
3 department.

4 ~~3. 2. The secretary shall enforce this chapter and, after~~  
5 ~~due publicity and due public hearing,~~ department may adopt such  
6 reasonable rules as may be necessary in order to carry into  
7 effect the purpose, ~~and intent~~ and to secure the efficient  
8 administration, of this chapter.

9 ~~4. 3. This chapter~~ does not prohibit the use of storage  
10 tanks smaller than transporting tanks nor the transfer of all  
11 kinds of ~~fertilizer including anhydrous ammonia fertilizers~~  
12 or soil conditioners directly from transporting tanks to  
13 implements of husbandry, if proper safety precautions are  
14 observed.

15 Sec. 24. EFFECTIVE DATE. This division of this Act, being  
16 deemed of immediate importance, takes effect upon enactment.

17 DIVISION IV

18 WEIGHTS AND MEASURES

19 PART A

20 GENERAL

21 Sec. 25. Section 214.1, Code 2020, is amended by adding the  
22 following new subsection:

23 NEW SUBSECTION. 7. "*Weighmaster*" means a person who keeps  
24 and regularly uses a commercial weighing and measuring device  
25 to accurately weigh objects for others as part of the person's  
26 business operated on a profit, cooperative, or nonprofit basis.

27 Sec. 26. Section 214.3, subsection 1, Code 2020, is amended  
28 to read as follows:

29 1. ~~The A license issued by the department for the inspection~~  
30 of a commercial weighing and measuring device shall expire on  
31 December 31 of each year, and for a motor fuel pump on June 30  
32 of each year. ~~The amount of the fee due for each license shall~~  
33 ~~be as provided in subsection 3, except that the fee for a motor~~  
34 ~~fuel pump shall be four dollars and fifty cents if paid within~~  
35 ~~one month from the date the license is due.~~

1     Sec. 27. Section 214.3, subsection 3, paragraph e,  
2 subparagraph (2), Code 2020, is amended to read as follows:

3     (2) Retail motor fuel pump, ~~nine~~ four dollars and fifty  
4 cents.

5     Sec. 28. Section 214.4, subsection 1, unnumbered paragraph  
6 1, Code 2020, is amended to read as follows:

7     If the department does not receive payment of the license  
8 fee required pursuant to [section 214.3](#) within one month from  
9 the due date, the department shall ~~send~~ deliver a notice to  
10 the owner or operator of the device. ~~The notice shall be~~  
11 ~~delivered by certified mail.~~ The notice shall state all of the  
12 following:

13     Sec. 29. Section 214.6, Code 2020, is amended to read as  
14 follows:

15     **214.6 Oath Duties of weighmasters weighmaster.**

16     ~~All persons keeping a commercial weighing and measuring~~  
17 ~~device, before entering upon their duties as weighmasters, A~~  
18 ~~weighmaster shall be sworn before some person having authority~~  
19 ~~to administer oaths, to keep their~~ ensure that a commercial  
20 weighing and measuring device is correctly balanced, to make  
21 true weights, and ~~to~~ shall render a correct account to the  
22 person having weighing done.

23     Sec. 30. Section 214.11, Code 2020, is amended to read as  
24 follows:

25     **214.11 Inspections — recalibrations — penalty.**

26     1. The department shall provide for annual inspections  
27 of all motor fuel pumps, including but not limited to motor  
28 fuel blender pumps, licensed under [this chapter](#). Inspections  
29 shall be for the purpose of determining the accuracy ~~of the~~  
30 ~~pumps' measuring mechanisms, and for such~~ and correctness of  
31 motor fuel pumps. For that purpose the department's inspectors  
32 may enter upon the premises of any wholesale dealer or retail  
33 dealer, ~~as they are defined in [section 214A.1](#),~~ of motor fuel  
34 ~~or fuel oil within this state.~~

35     2. Upon completion of an inspection, the inspector shall

1 affix the department's seal to the measuring mechanism of the  
2 motor fuel pump. The seal shall be appropriately marked,  
3 dated, and recorded by the inspector. If the owner of an  
4 inspected and sealed motor fuel pump is registered with the  
5 department as a servicer in accordance with [section 215.23](#),  
6 or employs a person so registered as a servicer, the owner  
7 or other servicer may open the motor fuel pump, break the  
8 department's seal, recalibrate the measuring mechanism if  
9 necessary, and reseal the motor fuel pump as long as the  
10 department is notified of the recalibration within forty-eight  
11 hours, ~~on a form~~ in a manner provided by the department.

12 ~~2.~~ 3. A person violating a provision of [this section](#) is,  
13 upon conviction, guilty of a simple misdemeanor.

14 PART B

15 MOTOR FUEL

16 Sec. 31. Section 214A.2A, subsection 1, Code 2020, is  
17 amended to read as follows:

18 1. Fuel which is sold or is kept, offered, or exposed for  
19 sale as kerosene shall be labeled as kerosene. The label  
20 shall include the word "kerosene" ~~and a~~ or the designation as  
21 ~~either "K1" or "K2"~~ "K1 kerosene", and shall indicate that  
22 the kerosene is in compliance with the standard specification  
23 adopted by A.S.T.M. international specification D3699 (1982).

24 Sec. 32. REPEAL. Section 214A.15, Code 2020, is repealed.

25 PART C

26 INSPECTIONS

27 Sec. 33. Section 215.4, Code 2020, is amended to read as  
28 follows:

29 **215.4 Tag for inaccurate or incorrect device — reinspection**  
30 **— license fee.**

31 A commercial weighing and measuring device found to be  
32 inaccurate or incorrect upon inspection by the department  
33 shall be rejected or tagged "condemned until repaired" and  
34 the ~~"licensed for commercial use"~~ inspection sticker shall be  
35 removed. If notice is received by the department that the



1 device has been repaired and upon reinspection the device is  
2 found to be accurate or correct, ~~the a~~ license fee ~~shall not~~  
3 may be charged for the reinspection. However, a second license  
4 fee shall be charged if upon reinspection the device is found  
5 to be inaccurate. The device shall be tagged "condemned" and  
6 removed from service if a third reinspection fails.

7 Sec. 34. Section 215.7, Code 2020, is amended to read as  
8 follows:

9 **215.7 Transactions by false weights or measures.**

10 1. A person shall be deemed to have violated the provisions  
11 of this chapter and ~~shall be punished as provided in chapter~~  
12 ~~189~~, if the person does any of the following apply:

13 ~~1. a.~~ Sells, trades, delivers, charges  
14 for, or claims to have delivered to a purchaser an amount  
15 of any commodity which is less in weight or measure than  
16 that which is asked for, agreed upon, claimed to have been  
17 delivered, or noted on the delivery ticket.

18 ~~2. b.~~ Makes a settlement for or enters  
19 a credit, based upon any false weight or measurement, for any  
20 commodity purchased.

21 ~~3. c.~~ Makes a settlement for or enters  
22 a credit, based upon any false weight or measurement, for any  
23 labor where the price of producing or mining is determined by  
24 weight or measure.

25 ~~4. d.~~ Records a false weight or  
26 measurement upon the weight ticket or book.

27 2. The department may adopt rules pursuant to chapter 17A  
28 that allow for reasonable variations and exceptions for small  
29 packages.

30 3. A person who violates this section is guilty of a simple  
31 misdemeanor.

32 Sec. 35. Section 215.23, Code 2020, is amended to read as  
33 follows:

34 **215.23 Servicer's license.**

35 1. ~~A servicer shall not install, service, or repair a~~

1 ~~commercial weighing and measuring device until the servicer~~  
2 ~~has demonstrated that the servicer has available adequate~~  
3 ~~testing equipment, and that the servicer possesses a working~~  
4 ~~knowledge of all devices the servicer intends to install or~~  
5 ~~repair and of all appropriate weights, measures, statutes, and~~  
6 ~~rules, as evidenced by passing a qualifying examination to~~  
7 ~~be conducted by the department and obtaining a license. The~~  
8 ~~secretary of agriculture shall establish by rule pursuant to~~  
9 ~~chapter 17A, requirements for and contents of the examination.~~  
10 The department may adopt rules pursuant to chapter 17A setting  
11 forth qualification requirements for persons applying for a  
12 servicer's license, including an examination.

13 2. In determining ~~these~~ a servicer's qualifications, the  
14 ~~secretary shall~~ department may consider the specifications  
15 of the United States national institute of standards and  
16 technology, handbook 44, "Specifications, Tolerances, and  
17 Technical Requirements for Weighing and Measuring Devices",  
18 or the current successor or equivalent specifications adopted  
19 by the United States national institute of standards and  
20 technology.

21 3. The ~~secretary shall~~ department may require ~~an annual~~ the  
22 payment of license fee ~~of not more than five dollars~~ for an  
23 amount established by rule for each license issued under this  
24 section.

25 4. Each A license shall expire ~~one year~~ two years from its  
26 date of issuance.

27 Sec. 36. REPEAL. Sections 215.3 and 215.8, Code 2020, are  
28 repealed.

#### PART D

#### EFFECTIVE DATE

31 Sec. 37. EFFECTIVE DATE. This division of this Act, being  
32 deemed of immediate importance, takes effect upon enactment.>

33 2. Title page, by striking lines 1 through 4 and inserting  
34 <An Act relating to agriculture and the powers and duties of  
35 the department of agriculture and land stewardship, including

1 by providing for administration, programs, and regulations,  
2 providing fees, providing penalties, making penalties  
3 applicable, and including effective date provisions.>

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