

# House File 2475

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## AN ACT

RELATING TO PERSONS DOING BUSINESS AS SWINE DEALERS AND  
PERSONS ENGAGED IN THE BUSINESS OF BUYING OR SELLING FEEDER  
PIGS AND PROVIDING AN EFFECTIVE DATE.

1 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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1 10 Section 1. Section 163.61, subsections 2 and 3, Code 2003,  
1 11 are amended to read as follows:

1 12 2. ~~a-~~ Except as provided in paragraph "b" subsection 3, a  
1 13 person violating a provision of this chapter, or a rule  
1 14 adopted pursuant to this chapter, shall be subject to a civil  
1 15 penalty of at least one hundred dollars but not more than one  
1 16 thousand dollars. In the case of a continuing violation, each  
1 17 day of the continuing violation is a separate violation.  
1 18 However, a person shall not be subject to a civil penalty  
1 19 totaling more than twenty-five thousand dollars.

1 20 ~~b- 3.~~ Notwithstanding the provisions of paragraph "a"  
1 21 subsection 2, ~~a~~ all of the following apply:

1 22 a. A person who falsifies a health certificate,  
1 23 veterinarian inspection certificate, or certificate of  
1 24 inspection shall be subject to a civil penalty of not more  
1 25 than five thousand dollars for each reference to an animal  
1 26 falsified on the certificate. However, a person who falsifies  
1 27 a certificate of inspection issued pursuant to chapter 166D  
1 28 shall be subject to a civil penalty as provided in this  
1 29 section or section 166D.16, but not both. A person shall not  
1 30 be subject to a civil penalty totaling more than twenty-five  
1 31 thousand dollars for falsifying a certificate, regardless of  
1 32 the number of animals falsified on the certificate.

1 33 b. A person required to be licensed as a dealer pursuant  
1 34 to section 163.30 and who is not issued a license by the  
1 35 department pursuant to that section, but does business as a  
2 1 dealer, shall be subject to a civil penalty of at least one  
2 2 thousand dollars but not more than five thousand dollars.  
2 3 Each day that the person does business as a dealer without  
2 4 being issued a license constitutes a separate offense. A  
2 5 person shall not be subject to a civil penalty totaling more  
2 6 than twenty-five thousand dollars during any one year.

2 7 ~~3- 4.~~ Moneys collected from civil penalties shall be  
2 8 deposited into the general fund of the state.

2 9 Sec. 2. Section 202C.1, subsection 4, Code Supplement  
2 10 2003, is amended to read as follows:

2 11 4. "Financial institution" means a bank or savings and  
2 12 loan association authorized by this state or by the laws of  
2 13 the United States, which is a member of the federal deposit  
2 14 insurance corporation, ~~or~~ the federal savings and loan  
2 15 insurance corporation, or the national bank for cooperatives  
2 16 established in the Agricultural Credit Act, Pub. L. No. 100-  
2 17 233.

2 18 Sec. 3. Section 202C.2, subsection 3, Code Supplement  
2 19 2003, is amended to read as follows:

2 20 3. The amount of the evidence of financial responsibility  
2 21 shall be established by rules which shall be adopted by the  
2 22 department. Unless the department otherwise has good cause,  
2 23 the rules shall be based upon the volume of sales reported by  
2 24 the dealer to the United States department of agriculture  
2 25 grain inspection, packers and stockyards administration.  
2 26 However, the evidence of financial responsibility shall not be  
2 27 for less than ~~fifty five~~ thirty thousand dollars or for more than  
2 28 three hundred twenty-five thousand dollars. The department  
2 29 may increase the amount of the evidence of financial  
2 30 responsibility for a dealer upon a showing of good cause.

2 31 Sec. 4. Section 202C.3, Code Supplement 2003, is amended  
2 32 by adding the following new subsection:

2 33 NEW SUBSECTION. 3. A legal action brought by a purchaser  
2 34 against the surety on the bond or the issuer of the  
2 35 irrevocable letter of credit shall be brought not later than  
3 1 one hundred eighty days after the date that the dealer  
3 2 delivers the feeder pigs to the purchaser pursuant to the  
3 3 sales agreement.

3 4 Sec. 5. IMPLEMENTATION. In implementing this Act, the  
3 5 department may adopt rules pursuant to section 17A.4,

3 6 subsection 2, and section 17A.5, subsection 2, paragraph "b".  
3 7 Sec. 6. EFFECTIVE DATE. This Act, being deemed of  
3 8 immediate importance, takes effect upon enactment.

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3 12 \_\_\_\_\_  
3 13 CHRISTOPHER C. RANTS  
3 14 Speaker of the House

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3 16 \_\_\_\_\_

3 17 JEFFREY M. LAMBERTI  
3 18 President of the Senate

3 19  
3 20 I hereby certify that this bill originated in the House and  
3 21 is known as House File 2475, Eightieth General Assembly.

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3 23 \_\_\_\_\_

3 24 MARGARET THOMSON  
3 25 Chief Clerk of the House

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3 27 Approved \_\_\_\_\_, 2004

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3 31 THOMAS J. VILSACK  
3 32 Governor