

Reprint 3/9

FILED FEB 26 1982

SENATE FILE 2210

BY COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

(FORMERLY SSB 2201)

Approved (p 535)

Passed Senate, Date 3-5-82 (p 611) Passed House, Date _____

Vote: Ayes 46 Nays 0 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

- 1 An Act relating to the enforcement of the Iowa state elevator
- 2 code, and providing a civil penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 2210

S-5194

- 1 Amend Senate File 2210 as follows:
- 2 1. Page 1, by striking line 21 and inserting in
- 3 lieu thereof the following: "to enforce payment of
- 4 the civil penalty. No record of assessment against
- 5 or payment of a civil penalty by any person for a
- 6 violation of this section shall be admissible as
- 7 evidence in any court in any civil action. Revenue
- 8 from the".

S-5194 FILED
MARCH 4, 1982

Adopted 3/5 (p 611)

BY LUCAS J. DeKOSTER
NORMAN J. GOODWIN

SENATE FILE 2210
FISCAL NOTE

REQUESTED BY SENATOR HULSE

In compliance with a written request there is hereby submitted a Fiscal Note for Senate File 2210 pursuant to Joint Rule 16.

S.F. 2210 is An Act relating to the enforcement of the Iowa state elevator code and providing a civil penalty.

The bill will reduce possible lawsuits against the state in regard to elevator inspection. Last year's tort liability resulted in \$15,000 cost to the state. The expense to the general fund through court action would be minimal.

FILED:
MARCH 4, 1982

BY GERRY RANKIN, FISCAL DIRECTOR

1 Section 1. Section 104.6, subsection 3, Code 1981, is
2 amended to read as follows:

3 3. Every facility shall be inspected not less frequently
4 than annually, except that the commissioner may adopt rules
5 providing for inspections of facilities at intervals other
6 than annually.

7 Sec. 2. Chapter 104, Code 1981, is amended by adding the
8 following new section:

9 NEW SECTION. CIVIL PENALTY. If upon notice and hearing
10 the commissioner determines that an owner has operated a
11 facility after an order of the commissioner that suspends,
12 revokes, or refuses to issue an operating permit for the
13 facility has become final under section 104.10, subsection
14 2, the commissioner may assess a civil penalty against the
15 owner in an amount not exceeding five hundred dollars, as
16 determined by the commissioner. An order assessing a civil
17 penalty is subject to appeal and judicial review under section
18 104.10, subsection 2, in the same manner and to the same
19 extent as decisions referred to in that subsection. The
20 commissioner may commence an action in the district court
21 to enforce payment of the civil penalty. Revenue from the
22 penalty provided in this section shall be remitted to the
23 treasurer of state for deposit in the state general fund.

24 EXPLANATION

25 This bill relates to enforcement of the state elevator
26 code by the labor commissioner.

27 Section 1 authorizes the commissioner to adopt rules that
28 provide for inspections of elevators and other facilities
29 at intervals other than one year.

30 Section 2 authorizes the commissioner to impose a civil
31 fine against an owner of a facility who operates a facility
32 in violation of a final order of the commissioner that
33 suspends, revokes, or refuses to issue an operating permit
34 for the facility.

35 The bill would take effect July 1 following enactment.

See Labor 3/10

Senate File 2210

Labor and Industrial Relations: Conlon, Chair; Stueland and Sturgeon.

Do. House 3/17 (p. 1100)

SENATE FILE 2210

By COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

(AS AMENDED AND PASSED BY THE SENATE MARCH 5, 1982)

Passed Senate, Date 3-5-82 (p. 611) Passed House, Date 3-30-82 (p. 1101)

Vote: Ayes 46 Nays 0 Vote: Ayes 95 Nays 0

Approved March 9, 1982 (p. 1147)

A BILL FOR

1 An Act relating to the enforcement of the Iowa state elevator
2 code, and providing a civil penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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 = New Language
by the Senate

SENATE FILE 2210

H-5497

1 Amend Senate File 2210 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 21 through 24 and
4 inserting in lieu thereof the words "to enforce payment
5 of the civil penalty. Revenue from the penalty".

H-5497 FILED
MARCH 19, 1982
Post 3/30 (p. 1100)

BY CONNORS of Polk
RUNNING of Linn

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1 Section 1. Section 104.6, subsection 3, Code 1981, is
2 amended to read as follows:

3 3. Every facility shall be inspected not less frequently
4 than annually, except that the commissioner may adopt rules
5 providing for inspections of facilities at intervals other
6 than annually.

7 Sec. 2. Chapter 104, Code 1981, is amended by adding the
8 following new section:

9 NEW SECTION. CIVIL PENALTY. If upon notice and hearing
10 the commissioner determines that an owner has operated a
11 facility after an order of the commissioner that suspends,
12 revokes, or refuses to issue an operating permit for the
13 facility has become final under section 104.10, subsection
14 2, the commissioner may assess a civil penalty against the
15 owner in an amount not exceeding five hundred dollars, as
16 determined by the commissioner. An order assessing a civil
17 penalty is subject to appeal and judicial review under section
18 104.10, subsection 2, in the same manner and to the same
19 extent as decisions referred to in that subsection. The
20 commissioner may commence an action in the district court
21 to enforce payment of the civil penalty. No record of
22 assessment against or payment of a civil penalty by any person
23 for a violation of this section shall be admissible as evidence
24 in any court in any civil action. Revenue from the penalty
25 provided in this section shall be remitted to the treasurer
26 of state for deposit in the state general fund.

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provided in this section shall be remitted to the treasurer of state for deposit in the state general fund.

SENATE FILE 2210

AN ACT

RELATING TO THE ENFORCEMENT OF THE IOWA STATE ELEVATOR CODE,
AND PROVIDING A CIVIL PENALTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 104.6, subsection 3, Code 1981, is amended to read as follows:

3. Every facility shall be inspected not less frequently than annually, except that the commissioner may adopt rules providing for inspections of facilities at intervals other than annually.

Sec. 2. Chapter 104, Code 1981, is amended by adding the following new section:

NEW SECTION. CIVIL PENALTY. If upon notice and hearing the commissioner determines that an owner has operated a facility after an order of the commissioner that suspends, revokes, or refuses to issue an operating permit for the facility has become final under section 104.10, subsection 2, the commissioner may assess a civil penalty against the owner in an amount not exceeding five hundred dollars, as determined by the commissioner. An order assessing a civil penalty is subject to appeal and judicial review under section 104.10, subsection 2, in the same manner and to the same extent as decisions referred to in that subsection. The commissioner may commence an action in the district court to enforce payment of the civil penalty. No record of assessment against or payment of a civil penalty by any person for a violation of this section shall be admissible as evidence in any court in any civil action. Revenue from the penalty

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2210, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved March 9, 1982

ROBERT D. RAY
Governor

S.F. 2210