

REPRINTED

3-17-97 Judiciary
4/2/97 Amend/Do Pass 453332
FILED MAR 17 1997

SENATE FILE **499**
BY IVERSON

(COMPANION TO LSB 2309HH
BY SIEGRIST)

Passed Senate, Date ^(P.934) 4/2/97
Vote: Ayes 47 Nays 0

Passed House, Date ^(P.1213) 4-14-97
Vote: Ayes 79 Nays 19

Approved April 23, 1997

A BILL FOR

1 An Act relating to privileges and prohibitions for certain
2 persons including those relating to motor vehicle licenses and
3 to the regulation of tobacco, tobacco products, or cigarettes,
4 and providing penalties.

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

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S.F. 499

1 Section 1. Section 321.189, subsection 6, Code 1997, is
2 amended to read as follows:

3 6. LICENSES ISSUED TO MINORS. A motor vehicle license
4 issued to a person under twenty-one eighteen years of age
5 shall be identical in form to any other motor vehicle license
6 except that the words "under twenty-one eighteen" shall appear
7 prominently on the face of the license. A motor vehicle
8 license issued to a person eighteen years of age or older but
9 less than twenty-one years of age shall be identical in form
10 to any other motor vehicle license except that the words
11 "under twenty-one" shall appear prominently on the face of the
12 license. Upon attaining the age of eighteen or upon attaining
13 the age of twenty-one, and upon payment of a one dollar fee,
14 the person shall be entitled to a new motor vehicle license or
15 nonoperator's identification card for the unexpired months of
16 the motor vehicle license or card.

17 Sec. 2. Section 321.190, subsection 1, paragraph b, Code
18 1997, is amended to read as follows:

19 b. The department shall not issue a card to a person
20 holding a motor vehicle license. However, a card may be
21 issued to a person holding a temporary permit under section
22 321.181. The card shall be identical in form to a driver's
23 license issued under section 321.189 except the word
24 "nonoperator" shall appear prominently on the face of the
25 card. A nonoperator's identification card issued to a person
26 under twenty-one eighteen years of age shall ~~include the word~~
27 "minor" be identical in form to any other nonoperator's
28 identification card except that the words "under eighteen"
29 shall appear prominently on the face of the card. A
30 nonoperator's identification card issued to a person eighteen
31 years of age or older but under twenty-one years of age shall
32 be identical in form to any other nonoperator's identification
33 card except that the words "under twenty-one" shall appear
34 prominently on the face of the card.

35 Sec. 3. Section 321.218, subsection 1, Code 1997, is

1 amended to read as follows:

2 1. A person whose motor vehicle license or operating
3 privilege has been denied, canceled, suspended, or revoked as
4 provided in this chapter, or as provided in section 252J.8, or
5 as provided in section 453A.3 and who operates a motor vehicle
6 upon the highways of this state while the license or privilege
7 is denied, canceled, suspended, or revoked, commits a serious
8 misdemeanor.

9 Sec. 4. Section 321A.17, Code 1997, is amended by adding
10 the following new subsection:

11 NEW SUBSECTION. 7. This section does not apply to a
12 person whose license is suspended under section 453A.3.

13 Sec. 5. Section 453A.3, Code 1997, is amended to read as
14 follows:

15 453A.3 PENALTY.

16 1. A person who violates section 453A.2, subsection 1, or
17 section 453A.39 is guilty of a simple misdemeanor.

18 2. A person who violates section 453A.2, subsection 2, for
19 whom the violation is a first offense, shall pay a civil
20 penalty pursuant to section 805.8, subsection 11. Failure to
21 pay the civil penalty imposed for a violation of section
22 453A.2, subsection 2, is a simple misdemeanor punishable as a
23 scheduled violation under section 805.8, subsection 11.
24 Notwithstanding section 602.8106 or any other provision to the
25 contrary, any civil penalty or fine paid under this subsection
26 shall be retained by the city or county enforcing the
27 violation.

28 3. a. A person who violates section 453A.2, subsection 2,
29 for whom the violation is a second or subsequent offense is
30 subject to the following:

31 (1) For a second offense, the motor vehicle license of the
32 person shall be suspended by the state department of
33 transportation for a period of sixty days, or the person shall
34 perform fifty hours of court-ordered, unpaid, community
35 service, or the person shall pay a civil penalty of two

1 hundred dollars.

2 (2) For a third or subsequent offense, the motor vehicle
3 license of the person shall be suspended by the state
4 department of transportation for a period of one year, or the
5 person shall perform one hundred hours of court-ordered,
6 unpaid, community service, or the person shall pay a civil
7 penalty of three hundred dollars.

8 b. The clerk of the district court shall forward a copy of
9 the order suspending the motor vehicle license of the person
10 to the state department of transportation. The state
11 department of transportation shall suspend the license of the
12 person for the period prescribed in the order. The state
13 department of transportation shall establish procedures by
14 rule for suspending the motor vehicle license of the person
15 and for issuing to the person a temporary restricted license
16 under section 321.215, as if the suspension was ordered under
17 chapter 321.

18 c. The state department of transportation shall, on
19 application, issue a temporary restricted license to a person
20 whose motor vehicle license is suspended under this subsection
21 allowing the person to drive to and from the person's home and
22 specified places at specified times which can be verified by
23 the department and which are required by the person's full-
24 time or part-time employment, continuing health care or the
25 continuing health care of another who is dependent upon the
26 person, continuing education while enrolled in an educational
27 institution on a part-time or full-time basis and while
28 pursuing a course of study leading to a diploma, degree, or
29 other certification of successful educational completion,
30 substance abuse treatment, or court-ordered community service
31 responsibilities.

32 d. A person for whom a motor vehicle license is suspended
33 under this section is not subject to chapter 321A and the
34 suspension shall not be grounds for determination of risk,
35 rates, or premiums in any policy of insurance issued to or for

1 the person.

2 e. The state department of transportation shall develop a
3 civil citation form for the purpose of citing persons under
4 this subsection. Judicial magistrates shall hear and
5 determine violations of this subsection. Notwithstanding
6 section 602.8106 or any other provision to the contrary, any
7 civil penalty paid under this subsection shall be retained by
8 the city or county enforcing the violation.

9 Sec. 6. Section 805.8, subsection 11, Code 1997, is
10 amended to read as follows:

11 11. SMOKING VIOLATIONS.

12 a. For violations of section 142B.6 ~~or 453A.2, subsection~~
13 ~~2~~, the scheduled fine is twenty-five dollars, and is a civil
14 penalty, and the criminal penalty surcharge under section
15 911.2 shall not be added to the penalty, and the court costs
16 pursuant to section 805.9, subsection 6, shall not be imposed.

17 If the civil penalty assessed for a violation of section
18 142B.6 is not paid in a timely manner, a citation shall be
19 issued for the violation in the manner provided in section
20 804.1. However, a person under age eighteen shall not be
21 detained in a secure facility for failure to pay the civil
22 penalty. The complainant shall not be charged a filing fee.

23 b. For violations of section 453A.2, subsection 2, if the
24 violation is a first offense, the scheduled fine is one
25 hundred dollars, and is a civil penalty, and the criminal
26 penalty surcharge under section 911.2 shall not be added to
27 the penalty, and the court costs pursuant to section 805.9,
28 subsection 6, shall not be imposed.

29 For failing to pay the civil penalty under section 453A.2,
30 subsection 1, the scheduled fine is twenty-five dollars and
31 under section 453A.2, subsection 2, if the violation is a
32 first offense, the scheduled fine is one hundred dollars.
33 Failure to pay the scheduled fine shall not result in the
34 person being detained in a secure facility. The complainant
35 shall not be charged a filing fee.

EXPLANATION

1
2 This bill makes changes relating to privileges related to
3 motor vehicle licenses and tobacco, tobacco products, and
4 cigarettes based upon the age of the person. The bill
5 requires that licenses or nonoperator's licenses issued to
6 persons under 18 years of age have the words "under eighteen"
7 predominately displayed on the face of the license and a
8 license or nonoperator's license issued to a person under 21
9 years of age but over 18 have the words "under twenty-one"
10 predominately displayed on the face of the license. The bill
11 also changes the penalty for smoking, using, possessing,
12 purchasing, or attempting to purchase tobacco, tobacco
13 products, or cigarettes by a person under 18 years of age from
14 a scheduled fine of \$25 to a three-tiered penalty. For a
15 first offense, the person is subject to a civil penalty of
16 \$100. Any civil penalty or fine paid is to be retained by the
17 city or county enforcing the violation. For a second offense,
18 the person is subject to suspension of the person's motor
19 vehicle license for 60 days, 50 hours of community service, or
20 a civil penalty of \$200. For a third or subsequent offense,
21 the person is subject to suspension of the person's motor
22 vehicle license for one year, 100 hours of community service,
23 or a civil penalty of \$300. Any civil penalty collected is to
24 be retained by the city or county enforcing the violation.
25 The bill also provides for the issuance of a temporary
26 restricted license, for certain activities, to a person for
27 whom a license is suspended, including employment and
28 education-related activities, and provides that suspension of
29 a person's license does not make the person subject to the
30 chapter relating to motor vehicle financial responsibility and
31 is not grounds for the determination of risk, rates, or
32 premiums in any insurance policy issued to or for the person.
33 However, the bill does provide that if a person drives while
34 the person's license is suspended, the person commits a
35 serious misdemeanor.

SENATE FILE 499

S-3332

- 1 Amend Senate File 499 as follows:
2 1. By striking page 1, line 35, through page 2,
3 line 12.
4 2. Page 2, lines 18 and 19, by striking the words
5 "for whom the violation is a first offense".
6 3. By striking page 2, line 28, through page 4,
7 line 8.
8 4. Page 4, by striking lines 23 through 28 and
9 inserting the following:
10 "b. (1) For violations of section 453A.2,
11 subsection 2, the scheduled fine is as follows and is
12 a civil penalty, and the criminal penalty surcharge
13 under section 911.2 shall not be added to the penalty,
14 and the court costs pursuant to section 805.9,
15 subsection 6, shall not be imposed:
16 (a) If the violation is a first offense, the
17 scheduled fine is twenty-five dollars.
18 (b) If the violation is a second offense, the
19 scheduled fine is fifty dollars.
20 (c) If the violation is a third or subsequent
21 offense, the scheduled fine is one hundred dollars."
22 5. Page 4, line 29, by striking the word "For"
23 and inserting the following: "(2) For".
24 6. Page 4, by striking lines 30 through 32 and
25 inserting the following: "subsection 2, the scheduled
26 fine is twenty-five dollars if the violation is a
27 first offense, fifty dollars if the violation is a
28 second offense, and one hundred dollars if the
29 violation is a third or subsequent offense."
30 7. By renumbering as necessary.

By COMMITTEE ON JUDICIARY
ANDY McKEAN, Chairperson

S-3332 FILED APRIL 2, 1997
ADOPTED 4/2/97 (P. 934)

SENATE FILE 499

S-3339

- 1 Amend the amendment, S-3332, to Senate File 499 as
2 follows:
3 1. Page 1, by inserting after line 5 the
4 following:
5 " . Page 2, line 27, by inserting after the
6 word "violation" the following: "to be used for
7 enforcement of section 453A.2"."
8 2. By renumbering as necessary.

By ROD HALVORSON
ANDY McKEAN
O. GENE MADDOX

S-3339 FILED APRIL 2, 1997
ADOPTED 4/2/97 (P. 934)

H- 4/3/97 Local Gov.
H- 4/7/97 No Pass
H- 4/10/97 refferred Business Calendar

SENATE FILE 499
BY IVERSON

(COMPANION TO LSB 2309HH
BY SIEGRIST)

(AS AMENDED AND PASSED BY THE SENATE APRIL 2, 1997)

 - New Language by the Senate

* - Language Stricken by the Senate (P.1213)

Passed Senate, Date _____ Passed House, Date 4-14-97

Vote: Ayes _____ Nays _____ Vote: Ayes 79 Nays 19

Approved April 23, 1997

A BILL FOR

1 An Act relating to privileges and prohibitions for certain
2 persons including those relating to motor vehicle licenses and
3 to the regulation of tobacco, tobacco products, or
4 cigarettes, and providing penalties.

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

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S.F. 499

1 Section 1. Section 321.189, subsection 6, Code 1997, is
2 amended to read as follows:

3 6. LICENSES ISSUED TO MINORS. A motor vehicle license
4 issued to a person under twenty-one eighteen years of age
5 shall be identical in form to any other motor vehicle license
6 except that the words "under twenty-one eighteen" shall appear
7 prominently on the face of the license. A motor vehicle
8 license issued to a person eighteen years of age or older but
9 less than twenty-one years of age shall be identical in form
10 to any other motor vehicle license except that the words
11 "under twenty-one" shall appear prominently on the face of the
12 license. Upon attaining the age of eighteen or upon attaining
13 the age of twenty-one, and upon payment of a one dollar fee,
14 the person shall be entitled to a new motor vehicle license or
15 nonoperator's identification card for the unexpired months of
16 the motor vehicle license or card.

17 Sec. 2. Section 321.190, subsection 1, paragraph b, Code
18 1997, is amended to read as follows:

19 b. The department shall not issue a card to a person
20 holding a motor vehicle license. However, a card may be
21 issued to a person holding a temporary permit under section
22 321.181. The card shall be identical in form to a driver's
23 license issued under section 321.189 except the word
24 "nonoperator" shall appear prominently on the face of the
25 card. A nonoperator's identification card issued to a person
26 under twenty-one eighteen years of age shall ~~include-the-word~~
27 "minor" be identical in form to any other nonoperator's
28 identification card except that the words "under eighteen"
29 shall appear prominently on the face of the card. A
30 nonoperator's identification card issued to a person eighteen
31 years of age or older but under twenty-one years of age shall
32 be identical in form to any other nonoperator's identification
33 card except that the words "under twenty-one" shall appear
34 prominently on the face of the card.

* 35 Sec. 3. Section 453A.3, Code 1997, is amended to read as

1 follows:

2 453A.3 PENALTY.

3 1. A person who violates section 453A.2, subsection 1, or
4 section 453A.39 is guilty of a simple misdemeanor.

5 2. A person who violates section 453A.2, subsection 2,
*6 shall pay a civil penalty pursuant to section 805.8,
7 subsection 11. Failure to pay the civil penalty imposed for a
8 violation of section 453A.2, subsection 2, is a simple
9 misdemeanor punishable as a scheduled violation under section
10 805.8, subsection 11. Notwithstanding section 602.8106 or any
11 other provision to the contrary, any civil penalty or fine
12 paid under this subsection shall be retained by the city or
13 county enforcing the violation to be used for enforcement of
14 section 453A.2.

*15 Sec. 4. Section 805.8, subsection 11, Code 1997, is
16 amended to read as follows:

17 11. SMOKING VIOLATIONS.

18 a. For violations of section 142B.6 ~~or 453A.2, subsection~~
19 ~~2~~, the scheduled fine is twenty-five dollars, and is a civil
20 penalty, and the criminal penalty surcharge under section
21 911.2 shall not be added to the penalty, and the court costs
22 pursuant to section 805.9, subsection 6, shall not be imposed.

23 If the civil penalty assessed for a violation of section
24 142B.6 is not paid in a timely manner, a citation shall be
25 issued for the violation in the manner provided in section
26 804.1. However, a person under age eighteen shall not be
27 detained in a secure facility for failure to pay the civil
28 penalty. The complainant shall not be charged a filing fee.

29 b. (1) For violations of section 453A.2, subsection 2,
30 the scheduled fine is as follows and is a civil penalty, and
31 the criminal penalty surcharge under section 911.2 shall not
32 be added to the penalty, and the court costs pursuant to
33 section 805.9, subsection 6, shall not be imposed:

34 (a) If the violation is a first offense, the scheduled
35 fine is twenty-five dollars.

1 (b) If the violation is a second offense, the scheduled
2 fine is fifty dollars.

3 (c) If the violation is a third or subsequent offense, the
4 scheduled fine is one hundred dollars.

5 (2) For failing to pay the civil penalty under section
6 453A.2, subsection 2, the scheduled fine is twenty-five
7 dollars if the violation is a first offense, fifty dollars if
8 the violation is a second offense, and one hundred dollars if
9 the violation is a third or subsequent offense. Failure to
10 pay the scheduled fine shall not result in the person being
11 detained in a secure facility. The complainant shall not be
12 charged a filing fee.

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SENATE FILE 499

H-1566

1 Amend Senate File 499, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 142B.6, unnumbered paragraph
 6 3, Code 1997, is amended by striking the paragraph."
 7 2. Page 2, by inserting after line 14 the
 8 following:
 9 "Sec. _____. Section 453A.56, Code 1997, is amended
 10 by striking the section and inserting in lieu thereof
 11 the following:
 12 453A.56 LOCAL LAWS AND REGULATIONS.
 13 A city or county may adopt laws or regulations
 14 specifically targeted to reduce or eliminate access
 15 to, sale to, or use of cigarettes or tobacco products
 16 by persons under eighteen years of age."
 17 3. By renumbering as necessary.

By MYERS of Johnson

H-1566 FILED APRIL 7, 1997

Not Hermone 4-14-97 (p. 1209)

SENATE FILE 499

H-1577

1 Amend Senate File 499, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, by inserting after line 12 the
 4 following:
 5 "Sec. _____. CIGARETTE AND TOBACOO PRODUCTS --
 6 ADVERTISING -- INTERIM. The legislative council is
 7 requested to establish an interim committee to review
 8 the effects of the advertising of cigarette and
 9 tobacco products on persons under the age of eighteen.
 10 The committee shall make recommendations to the
 11 general assembly on or before December 15, 1997, which
 12 include measures which may be implemented to address
 13 such advertising."

By FALLON of Polk

H-1577 FILED APRIL 7, 1997

*Withdrawn
4-14-97
(p. 1211)*

SENATE FILE 499

H-1705

1 Amend Senate File 499, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 14 the
4 following:

5 "Sec. 101. Section 453A.36, subsection 6, Code
6 1997, is amended to read as follows:

7 6. Except as provided in this subsection, sales of
8 cigarettes and tobacco products shall only be made in
9 a direct face-to-face exchange. Any sales of
10 cigarettes or tobacco products made through a
11 cigarette vending machine are subject to rules and
12 penalties relative to retail sales of cigarettes and
13 tobacco products provided for in this chapter. No
14 cigarettes shall be sold through any cigarette vending
15 machine unless the cigarettes have been properly
16 stamped or metered as provided by this division, and
17 in case of violation of this provision, the permit of
18 the dealer authorizing retail sales of cigarettes
19 shall be canceled. Payment of the license fee as
20 provided in section 453A.13 authorizes a cigarette
21 vendor to sell cigarettes or tobacco products through
22 vending machines, ~~provided that the following~~
23 ~~conditions are met:--the machines are located in~~
24 ~~places where the machines are under the supervision of~~
25 ~~a person of legal age who is responsible for~~
26 ~~prevention of purchase by minors from the machines;~~
27 ~~the machines are equipped with a lock-out device under~~
28 ~~the control of a person of legal age who shall~~
29 ~~directly regulate the sale of items through the~~
30 ~~machines, and which shall include a mechanism to~~
31 ~~prevent the machines from functioning if the power~~
32 ~~source for the lock-out device fails or if the lock-~~
33 ~~out device is disabled, and a mechanism to ensure that~~
34 ~~only one pack of cigarettes or one tobacco product is~~
35 ~~dispensed at a time; and the location where the~~
36 ~~machines are placed is covered by a local retail~~
37 ~~permit. However, a lock-out device is not required~~
38 ~~for machines operated in the following locations, if~~
39 ~~the machines are not to be placed in a doorway or~~
40 ~~other area readily accessible to minors:--a commercial~~
41 ~~establishment holding a class "C" liquor license or a~~
42 ~~class "B" beer permit under chapter 123, if the~~
43 ~~establishment is not also licensed as a food service~~
44 ~~establishment under chapter 137B; a private facility~~
45 ~~not open to the public; or a workplace not open to the~~
46 ~~public. However, cigarettes or tobacco products shall~~
47 not be sold through a vending machine unless the
48 vending machine is located in a place where the
49 retailer ensures that no person younger than eighteen
50 years of age is present or permitted to enter at any

H-1705

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H-1705

Page 2

1 time. This section does not require a retail licensee
2 to buy a cigarette vendor's permit if the retail
3 licensee is in fact the owner of the cigarette vending
4 machines and the machines are operated in the location
5 described in the retail permit."

6 2. Page 3, by inserting after line 12 the
7 following:

8 "Sec. ____ . Section 101, amending section 453A.36,
9 subsection 6, takes effect August 28, 1997."

10 3. Title page, line 4, by inserting after the
11 word "penalties" the following: "and an effective
12 date".

By DODERER of Johnson

H-1705 FILED APRIL 14, 1997

Not Hermane (p. 1211)
4-14-97

SENATE FILE 499

H-1709

1 Amend amendment H-1705, to Senate File 499, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 49, by striking the word "eighteen"
5 and inserting the following: "twenty-one".

By DODERER of Johnson

H-1709 FILED APRIL 14, 1997

ADOPTED BY UNANIMOUS CONSENT

SENATE FILE 499

AN ACT

RELATING TO PRIVILEGES AND PROHIBITIONS FOR CERTAIN
PERSONS INCLUDING THOSE RELATING TO MOTOR VEHICLE
LICENSES AND TO THE REGULATION OF TOBACCO, TOBACCO
PRODUCTS, OR CIGARETTES, AND PROVIDING PENALTIES.

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

Section 1. Section 321.189, subsection 6, Code 1997, is amended to read as follows:

6. LICENSES ISSUED TO MINORS. A motor vehicle license issued to a person under twenty-one eighteen years of age shall be identical in form to any other motor vehicle license except that the words "under twenty-one eighteen" shall appear prominently on the face of the license. A motor vehicle license issued to a person eighteen years of age or older but less than twenty-one years of age shall be identical in form

to any other motor vehicle license except that the words "under twenty-one" shall appear prominently on the face of the license. Upon attaining the age of eighteen or upon attaining the age of twenty-one, and upon payment of a one dollar fee, the person shall be entitled to a new motor vehicle license or nonoperator's identification card for the unexpired months of the motor vehicle license or card.

Sec. 2. Section 321.190, subsection 1, paragraph b, Code 1997, is amended to read as follows:

b. The department shall not issue a card to a person holding a motor vehicle license. However, a card may be issued to a person holding a temporary permit under section 321.181. The card shall be identical in form to a driver's license issued under section 321.189 except the word "nonoperator" shall appear prominently on the face of the card. A nonoperator's identification card issued to a person under twenty-one eighteen years of age shall ~~include the word "minor"~~ be identical in form to any other nonoperator's identification card except that the words "under eighteen" shall appear prominently on the face of the card. A nonoperator's identification card issued to a person eighteen years of age or older but under twenty-one years of age shall be identical in form to any other nonoperator's identification card except that the words "under twenty-one" shall appear prominently on the face of the card.

Sec. 3. Section 453A.3, Code 1997, is amended to read as follows:

453A.3 PENALTY.

1. A person who violates section 453A.2, subsection 1, or section 453A.39 is guilty of a simple misdemeanor.
2. A person who violates section 453A.2, subsection 2, shall pay a civil penalty pursuant to section 805.8, subsection 11. Failure to pay the civil penalty imposed for a violation of section 453A.2, subsection 2, is a simple misdemeanor punishable as a scheduled violation under section

805.8, subsection 11. Notwithstanding section 602.8106 or any other provision to the contrary, any civil penalty or fine paid under this subsection shall be retained by the city or county enforcing the violation to be used for enforcement of section 453A.2.

Sec. 4. Section 805.8, subsection 11, Code 1997, is amended to read as follows:

11. SMOKING VIOLATIONS.

a. For violations of section 142B.6 or 453A.27-subsection 2, the scheduled fine is twenty-five dollars, and is a civil penalty, and the criminal penalty surcharge under section 911.2 shall not be added to the penalty, and the court costs pursuant to section 805.9, subsection 6, shall not be imposed. If the civil penalty assessed for a violation of section 142B.6 is not paid in a timely manner, a citation shall be issued for the violation in the manner provided in section 804.1. However, a person under age eighteen shall not be detained in a secure facility for failure to pay the civil penalty. The complainant shall not be charged a filing fee.

b. (1) For violations of section 453A.2, subsection 2, the scheduled fine is as follows and is a civil penalty, and the criminal penalty surcharge under section 911.2 shall not be added to the penalty, and the court costs pursuant to section 805.9, subsection 6, shall not be imposed:

(a) If the violation is a first offense, the scheduled fine is twenty-five dollars.

(b) If the violation is a second offense, the scheduled fine is fifty dollars.

(c) If the violation is a third or subsequent offense, the scheduled fine is one hundred dollars.

(2) For failing to pay the civil penalty under section 453A.2, subsection 2, the scheduled fine is twenty-five dollars if the violation is a first offense, fifty dollars if the violation is a second offense, and one hundred dollars if the violation is a third or subsequent offense. Failure to

pay the scheduled fine shall not result in the person being detained in a secure facility. The complainant shall not be charged a filing fee.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 499, Seventy-seventh General Assembly.

MARY PAT GUNDERSON
Secretary of the Senate

Approved April 23, 1997

TERRY E. BRANSTAD
Governor