

JAN 28 2004  
ENVIRONMENTAL PROTECTION

HOUSE FILE 2106  
BY GREIMANN

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to enforcement of the beverage containers control  
2 law and providing a penalty.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF-2106

1 Section 1. NEW SECTION. 455C.12A VIOLATIONS.

2 1. The commission or the director may issue any order  
3 necessary to secure compliance with or prevent a violation of  
4 a provision of this chapter or a rule adopted pursuant to this  
5 chapter. The attorney general shall, upon request by the  
6 department, institute any civil or criminal legal proceeding  
7 necessary to obtain compliance with an order of the commission  
8 or director or to prosecute a person for a violation of a  
9 provision of this chapter or a rule adopted pursuant to this  
10 chapter.

11 2. Unless otherwise provided in this chapter, a person who  
12 violates a provision of this chapter, a rule adopted pursuant  
13 to this chapter, or a condition of an order issued pursuant to  
14 this chapter shall be subject to a civil penalty not to exceed  
15 five thousand dollars for each day of such violation.

16 EXPLANATION

17 This bill relates to the enforcement of the provisions of  
18 Code chapter 455C and provides a civil penalty. Code chapter  
19 455C relates to the beverage containers control law, also  
20 known as the bottle bill.

21 The bill provides that the environmental protection  
22 commission or the director of the department of natural  
23 resources may issue any order necessary to secure compliance  
24 with or prevent a violation of a provision of Code chapter  
25 455C or a rule adopted pursuant to Code chapter 455C. The  
26 bill requires the attorney general, upon request by the  
27 department, to institute any civil or criminal legal  
28 proceeding necessary to obtain compliance with an order of the  
29 commission or director or to prosecute a person for a  
30 violation of a provision of this chapter or a rule adopted  
31 pursuant to this chapter.

32 The bill provides that, unless otherwise provided, a person  
33 who violates a provision of Code chapter 455C, a rule adopted  
34 pursuant to Code chapter 455C, or a condition of an order  
35 issued pursuant to Code chapter 455C shall be subject to a

1 civil penalty not to exceed \$5,000 for each day of such  
2 violation.

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