

Sec. 2. Section 543B.56, subsection 3, paragraph b, Code Supplement 1995, is amended to read as follows:

b. Act in a transaction on the licensee's own behalf, on behalf of the licensee's immediate family or brokerage, or on behalf of an organization or business entity in which the licensee has an interest, unless the licensee has the provided written ~~consent of~~ disclosure of the interest to all parties to the transaction.

Approved April 4, 1996

CHAPTER 1055

REGULATION OF PROFESSIONAL ENGINEERING, LAND SURVEYING, AND ARCHITECTURE

H.F. 2318

AN ACT relating to the licensure and practice of land surveying, to the unlawful practice of land surveying, architecture, and professional engineering, and establishing a civil penalty.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 542B.16, Code 1995, is amended to read as follows:

542B.16 SEAL - CERTIFICATE OF RESPONSIBILITY - REPRODUCTIONS.

1. Each ~~registrant licensee~~, upon ~~registration licensure~~, ~~may shall~~ obtain a seal. ~~If the registrant obtains or uses a seal, it shall be~~ of a design approved by the board, bearing the ~~registrant's licensee's~~ name, Iowa ~~registration license~~ number, and the words "professional engineer" or "land surveyor" or both, as the case may be. A legible rubber stamp or other facsimile of the seal may be used and shall have the same effect as the use of the actual seal.

2. All engineering documents and land surveying documents shall be dated and shall contain ~~all of~~ the following: ~~(1)~~

a. The signature of the ~~registrant licensee~~ in responsible charge; ~~(2) a certificate.~~

b. A certification that the work was done by ~~such registrant the licensee~~ or under the ~~registrant's licensee's~~ direct personal supervision; ~~and (3) the.~~

c. The Iowa registration number or legible seal of ~~such registrant the licensee.~~

~~If engineering documents or land surveying documents comply with this section, reproductions thereof also comply with this section if the date, signature, certificate, and registration number thereon are legibly reproduced.~~

3. ~~No An~~ agency, of this state ~~and no~~ subdivision, or municipal corporation of this state, ~~nor any or an officer thereof of the state, subdivision, or municipal corporation,~~ shall ~~not~~ file for record or approve any engineering document or land surveying document which does not comply with this section.

4. ~~No registrant~~ A licensee shall ~~not~~ place the ~~registrant's licensee's~~ signature or seal on any engineering document or land surveying document unless the ~~registrant licensee~~ was in responsible charge of the work, except that the ~~registrant licensee~~ may do so if the ~~registrant licensee~~ contributed to the work and the ~~registrant licensee~~ in responsible charge has signed and certified the work.

5. Violation of this section by a ~~registrant licensee~~ shall be deemed fraud and deceit in the ~~registrant's licensee's~~ practice.

Sec. 2.* NEW SECTION. 542B.27 CIVIL PENALTY.

*See chapter 1219, §29 herein

1. a. In addition to any other penalties provided for in this section, the board may by order impose a civil penalty upon a person who is not registered under this chapter as a professional engineer or a land surveyor and who does any of the following:

(1) Engages in or offers to engage in the practice of professional engineering or land surveying.

(2) Uses or employs the words "professional engineer" or "land surveyor", or implies authorization to provide or offer professional engineering or land surveying services, or otherwise uses or advertises any title, word, figure, sign, card, advertisement, or other symbol or description tending to convey the impression that the person is a professional engineer or land surveyor or is engaged in the practice of professional engineering or land surveying.

(3) Presents or attempts to use the certificate of registration or the seal of a professional engineer or land surveyor.

(4) Gives false or forged evidence of any kind to the board or any member of the board in obtaining or attempting to obtain a certificate of registration.

(5) Falsely impersonates any registered professional engineer or land surveyor.

(6) Uses or attempts to use an expired, suspended, revoked, or nonexistent certificate of registration.

(7) Knowingly aids or abets an unregistered person who engages in any activity identified in this paragraph.

b. A civil penalty imposed shall not exceed one thousand dollars for each offense. Each day of a continued violation constitutes a separate offense.

c. In determining the amount of a civil penalty to be imposed, the board may consider any of the following:

(1) Whether the amount imposed will be a substantial economic deterrent to the violation.

(2) The circumstances leading to the violation.

(3) The severity of the violation and the risk of harm to the public.

(4) The economic benefits gained by the violator as a result of noncompliance.

(5) The interest of the public.

d. Before issuing an order under this section, the board shall provide the person written notice and the opportunity to request a hearing on the record. The hearing must be requested within thirty days of the issuance of the notice and shall be conducted in the same manner as provided in section 542B.22.

e. The board, in connection with a proceeding under this subsection, may issue subpoenas to compel the attendance and testimony of witnesses and the disclosure of evidence, and may request the attorney general to bring an action to enforce the subpoena.

f. A person aggrieved by the imposition of a civil penalty under this subsection may seek judicial review in accordance with section 17A.19.

g. If a person fails to pay a civil penalty within thirty days after entry of an order under paragraph "a", or if the order is stayed pending an appeal within ten days after the court enters a final judgment in favor of the board, the board shall notify the attorney general. The attorney general may commence an action to recover the amount of the penalty, including reasonable attorney's fees and costs.

h. An action to enforce an order under this section may be joined with an action for an injunction.

Sec. 3. Section 544A.15, Code 1995, is amended to read as follows:

544A.15 UNLAWFUL PRACTICE - VIOLATIONS - PENALTY - CONSENT AGREEMENT - CIVIL PENALTY.

1. It is unlawful for a person to engage in or to offer to engage in the practice of architecture in this state or use in connection with the person's name the title "architect", "registered architect", or "architectural designer", or to imply that the person provides or offers to provide professional architectural services, or to otherwise assume, use, or advertise

any title, word, figure, sign, card, advertisement, or other symbol or description tending to convey the impression that the person is an architect or is engaged in the practice of architecture unless the person is qualified by registration as provided in this chapter.

2. A person who violates this section is guilty of a serious misdemeanor.

3. a. In addition to the criminal penalty provided for in this section, the board may by order impose a civil penalty upon a person who is not registered under this chapter as an architect pursuant to this chapter and who does any of the following:

(1) Engages in or offers to engage in the practice of architecture.

(2) Uses or employs the words "architect", "registered architect", "architectural designer", or implies authorization to provide or offer professional architectural services, or otherwise uses or advertises any title, word, figure, sign, card, advertisement, or other symbol or description tending to convey the impression that the person or entity is an architect or is engaged in the practice of architecture.

(3) Presents or attempts to use the certificate of registration or the seal of an architect.

(4) Gives false or forged evidence of any kind to the board or any member of the board in obtaining or attempting to obtain a certificate of registration.

(5) Falsely impersonates any other registered architect.

(6) Uses or attempts to use an expired, suspended, revoked, or nonexistent certificate of registration.

(7) Knowingly aids or abets an unregistered person who engages in any activity identified in this paragraph.

b. A civil penalty imposed shall not exceed one thousand dollars for each offense. Each day of a continued violation constitutes a separate offense.

c. In determining the amount of a civil penalty to be imposed, the board may consider any of the following:

(1) Whether the amount imposed will be a substantial economic deterrent to the violation.

(2) The circumstances leading to the violation.

(3) The severity of the violation and the risk of harm to the public.

(4) The economic benefits gained by the violator as a result of noncompliance.

(5) The interest of the public.

d. Before issuing an order under this section, the board shall provide the person written notice and the opportunity to request a hearing on the record. The hearing must be requested within thirty days of the issuance of the notice and shall be conducted in the same manner as provided for disciplinary proceedings involving a registered architect.

e. The board, in connection with a proceeding under this subsection, may issue subpoenas to compel the attendance and testimony of witnesses and the disclosure of evidence, and may request the attorney general to bring an action to enforce the subpoena.

f. A person aggrieved by the imposition of a civil penalty under this subsection may seek judicial review in accordance with section 17A.19.

g. If a person fails to pay a civil penalty within thirty days after entry of an order under paragraph "a", or if the order is stayed pending an appeal, within ten days after the court enters a final judgment in favor of the board, the board shall notify the attorney general. The attorney general may commence an action to recover the amount of the penalty, including reasonable attorney's fees and costs.

h. An action to enforce an order under this section may be joined with an action for an injunction.

4. The board at its discretion and in lieu of prosecuting a first offense described in under this section may enter into a consent agreement with a violator, or with a person guilty of aiding or abetting a violator, which acknowledges the violation and the violator's agreement to refrain from any further violations.

Sec. 4. Sections 542B.1 and 542B.26, Code Supplement 1995, are amended by striking from the sections the word "registered" and inserting in lieu thereof the word "licensed".

Sec. 5. Sections 542B.3, 542B.10, 542B.11, 542B.18, 542B.20, and 542B.35, Code 1995, are amended by striking from the sections the word "registered" and inserting in lieu thereof the word "licensed".

Sec. 6. Sections 542B.6, 542B.10, 542B.11, 542B.15, 542B.18, 542B.19, 542B.20, 542B.25, and 542B.30, Code 1995, are amended by striking from the sections the word "registration" and inserting in lieu thereof the word "licensure".

Sec. 7. Sections 542B.13, 542B.14, 542B.17, 542B.21, and 542B.26, Code Supplement 1995, are amended by striking from the sections the word "registration" and inserting in lieu thereof the word "licensure".

Sec. 8. Section 542B.18, Code 1995, is amended by striking from the section the word "registrant" and inserting in lieu thereof the word "licensee".

Sec. 9. Section 542B.20, Code 1995, is amended by striking from the section the word "registrants" and inserting in lieu thereof the word "licensees".

Sec. 10. Section 542B.21, Code Supplement 1995, is amended by striking from the section the word "registrant's" and inserting in lieu thereof the word "licensee's".

Sec. 11. Section 542B.21, Code Supplement 1995, is amended by striking from the section the word "registrant" and inserting in lieu thereof the word "licensee".

Approved April 4, 1996

CHAPTER 1056

BANK REGULATION AND RELATED MATTERS

H.F. 2409

AN ACT relating to the regulation of activities of state banks and state bank affiliates, interstate branching or banking, and personnel of the banking division, state banks, and state bank affiliates, and the regulation of financial transactions involving such entities and personnel.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 524.103, subsection 8, Code Supplement 1995, is amended to read as follows:

8. "Bank" means a corporation organized under this chapter or ~~Title 12 of the United States Code~~ 12 U.S.C. § 21.

Sec. 2. Section 524.107, subsection 3, Code Supplement 1995, is amended to read as follows:

3. Notwithstanding subsections 1 and 2, an organization formed for educational purposes in association with an accredited elementary or secondary school which engages in the receipt of deposits ~~of no more than twenty dollars per depositor~~, may use the words "educational bank", the use of which is otherwise restricted in subsection 2, and such an educational bank is not a bank within the meaning or scope of regulation of this chapter.

Sec. 3. Section 524.211, subsections 2, 3, and 4, Code Supplement 1995, are amended to read as follows: