

~~migratory waterfowl game bird fee. Each stamp shall be validated by the signature of the licensee written across the face of such stamp. The commission director shall determine the form of the stamp and shall furnish the stamps to the county recorders and their designated depositories for issuance or sale in the same manner as hunting licenses are issued or sold under chapter 483A means and method of collecting the migratory game bird fees.~~

Sec. 24. Section 484A.4, unnumbered paragraph 1, Code 1997, is amended to read as follows:

All revenue generated from the migratory game bird fee shall be used for projects approved by the commission for the purpose of protecting and propagating migratory waterfowl game birds and for the acquisition, development, restoration, maintenance or preservation of wetlands, except for that part which is specified by the commission for use in paying administrative expenses as provided in section 456A.17.

Sec. 25. Section 484B.10, subsection 2, Code 1997, is amended to read as follows:

2. Waterfowl shall not be shot over any area where pen-reared mallards may serve as live decoys for wild waterfowl. All persons hunting game birds or ungulates upon a licensed hunting preserve shall secure a hunting license to do so in accordance with the game laws of Iowa, with the exception that an unlicensed person may secure an annual hunting preserve license restricted to hunting preserves only for a license fee of five dollars. ~~A wildlife habitat stamp shall be required of all~~ All persons who hunt on hunting preserves shall pay the wildlife habitat fee.

Sec. 26. Sections 483A.16 and 484A.3, Code 1997, are repealed.

Sec. 27. EFFECTIVE AND APPLICABILITY DATES. This Act takes effect December 15, 1998, and applies to licenses and fees for hunting, fishing, fur harvesting, and related wildlife and game activities for the calendar year beginning January 1, 1999.\*

Approved May 19, 1998

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## CHAPTER 1200

### CONSUMER FRAUDS

S.F. 490

**AN ACT** relating to the consumer fraud law by providing limited immunity from prosecution for providing certain information, authorizing the attorney general to commence an action related to telemarketing, and authorizing the attorney general to establish and accept a civil penalty in settlement of an investigation.

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

Section 1. Section 714.16, subsection 4, paragraphs b and c, Code 1997, are amended by striking the paragraphs and inserting in lieu thereof the following:

b. Subject to paragraph "c", information, documents, testimony, or other evidence provided to the attorney general by a person pursuant to paragraph "a" or subsection 3, or provided by a person as evidence in any civil action brought pursuant to this section, shall not be admitted in evidence, or used in any manner whatsoever, in any criminal prosecution or forfeiture proceeding against that person. If a criminal prosecution or forfeiture proceeding is initiated in a state court against a person who has provided information pursuant to

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\* See chapter 1223, §30 herein

paragraph "a" or subsection 3, the state shall have the burden of proof that the information provided was not used in any manner to further the criminal investigation, prosecution, or forfeiture proceeding.

c. Paragraph "b" does not apply unless the person has first asserted a right against self-incrimination and the attorney general has elected to provide the person with a written statement that the information, documents, testimony, or other evidence at issue are subject to paragraph "b". After a person has been provided with such a written statement by the attorney general, a claim of privilege against self-incrimination is not a defense to any action or proceeding to obtain the information, documents, testimony, or other evidence. The limitation on the use of evidence in a criminal proceeding contained in this section does not apply to any prosecution or proceeding for perjury or contempt of court committed in the course of the giving or production of the information, documents, testimony, or other evidence.

Sec. 2. Section 714.16, subsection 6, Code 1997, is amended to read as follows:

6. If ~~any~~ a person fails or refuses to file ~~any~~ a statement or report, or obey any subpoena issued by the attorney general, the attorney general may, after notice, apply to a the Polk county district court or the district court for the county in which the person resides or is located and, after hearing ~~thereof~~, request an order:

a. Granting injunctive relief, restraining the sale or advertisement of any merchandise by such persons;

b. Dissolving a corporation created by or under the laws of this state or revoking or suspending the certificate of authority to do business in this state of a foreign corporation or revoking or suspending any other licenses, permits, or certificates issued pursuant to law to such person which are used to further the allegedly unlawful practice; ~~and~~

c. Granting such other relief as may be required; until the person files the statement or report, or obeys the subpoena.

Sec. 3. Section 714.16, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 15. The attorney general may bring an action on behalf of the residents of this state, or as *parens patriae*, under the federal Telemarketing and Consumer Fraud and Abuse Prevention Act, Pub. L. No. 103-297, and pursue any and all enforcement options available under that Act. Subsequent amendments to that Act which do not substantially alter its structure and purpose shall not be construed to affect the authority of the attorney general to pursue an action pursuant to this section, except to the extent the amendments specifically restrict the authority of the attorney general.

Sec. 4. Section 714.16A, subsection 1, Code 1997, is amended to read as follows:

1. If a person violates section 714.16, and the violation is committed against an older person, in an action brought by the attorney general, in addition to any other civil penalty, the court may impose an additional civil penalty not to exceed five thousand dollars for each such violation. Additionally, the attorney general may accept a civil penalty as determined by the attorney general in settlement of an investigation of a violation of section 714.16, regardless of whether an action has been filed pursuant to section 714.16.

A civil penalty imposed by a court or determined and accepted by the attorney general pursuant to this section shall be paid to the treasurer of state, who shall deposit the money in the elderly victim fund, a separate fund created in the state treasury and administered by the attorney general for the investigation and prosecution of frauds against the elderly. Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state. An award of reimbursement pursuant to section 714.16 has priority over a civil penalty imposed by the court pursuant to this subsection.