

1. The court may order that the plaintiff, and the defendant, and the children who are members of the household receive professional counseling, either from a private source approved by the court or from a source appointed by the court. Costs of counseling shall be paid in full or in part by the parties and taxed as court costs. If the court determines that the parties are unable to pay the costs, they may be paid in full or in part from the county treasury.

Sec. 2. Section 236.12, subsection 1, paragraph c, subparagraph (4), Code 1989, is amended to read as follows:

(4) Professional counseling for you, the children who are members of the household, and the defendant.

Approved May 1, 1989

CHAPTER 86

ELECTRONIC FUNDS TRANSFERS

S.F. 130

AN ACT relating to the establishment and operation of point-of-sale and automatic teller machine terminals and providing an effective date.

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

Section 1. Section 527.2, subsection 1, Code 1989, is amended to read as follows:

1. "Administrator" means and includes the superintendent of banking, the superintendent of savings and loan associations, and the superintendent of credit unions within the department of commerce and the supervisor of industrial loan companies within the office of the superintendent of banking. However, the powers of administration and enforcement of this chapter shall be exercised only as provided in sections 527.3, 527.5, subsection 7, 527.11, 527.12, and any other pertinent provision of this chapter.

Sec. 2. Section 527.2, subsection 2, Code 1989, is amended to read as follows:

2. "Batch basis" means the periodic delivery of an accumulation of messages representing multiple electronic funds transfer transactions authorized or rejected by the customer's financial institution at a prior time after completion of the transactions.

Sec. 3. Section 527.2, subsection 5, Code 1989, is amended to read as follows:

5. "Financial institution" means and includes any bank incorporated under the provisions of chapter 524 or federal law, any savings and loan association incorporated under the provisions of chapter 534 or federal law, any credit union organized under the provisions of chapter 533 or federal law, and any corporation licensed as an industrial loan company under chapter 536A, and any bank, savings and loan association, or credit union incorporated under federal law or the laws of a state other than Iowa which has an office located within this state.

Sec. 4. Section 527.2, subsection 8, Code 1989, is amended to read as follows:

8. "On-line real time basis" means the immediate and instantaneous delivery or return of an individual a message initiated at a satellite terminal through transmission of electronic impulses to or from a location remote from the location of the satellite terminal prior to completion of the transaction.

Sec. 5. Section 527.2, subsection 10, Code 1989, is amended to read as follows:

10. "Satellite terminal" means and includes any machine or device located off the premises of a financial institution, whether attended or unattended, by means of which the financial institution and its customers may engage through either the immediate transmission of electronic

impulses to or from the financial institution or the recording of electronic impulses or other indicia of a transaction for delayed transmission to the financial institution, in transactions which are incidental to the conduct of the business of the financial institution and which otherwise are specifically permitted by applicable law. "Satellite terminal" also includes any machine or device located on the premises of a financial institution only if the machine or device is available for use by customers of other financial institutions. However, the term "satellite terminal" does not include any such machine or device, wherever located, if that machine or device is not generally accessible to persons other than employees of a financial institution or an affiliate of a financial institution.

Sec. 6. Section 527.2, subsection 11, Code 1989, is amended by striking the subsection and inserting in lieu thereof the following:

11. "On-line point-of-sale terminal" means a satellite terminal that satisfies the requirements of section 527.4, subsection 3, paragraph "d" and is operated on an on-line real time basis.

Sec. 7. Section 527.2, Code 1989, is amended by adding the following new subsections:

NEW SUBSECTION. 12. "Off-line point-of-sale terminal" means a satellite terminal that satisfies the requirements of section 527.4, subsection 3, paragraph "d" and is other than an on-line point-of-sale terminal.

NEW SUBSECTION. 13. "Office" means and includes any business location in this state of a financial institution at which is offered the services of accepting deposits, originating loans, and dispensing cash, by financial institution personnel in the office.

NEW SUBSECTION. 14. "Access device" means a card, code, or other means of access to a customer's account, or any combination thereof, that may be used by the customer for the purpose of initiating a transaction by means of a satellite terminal.

NEW SUBSECTION. 15. "Personal terminal" means and includes a satellite terminal located in a personal residence and a telephone, wherever located, operated by a customer of a financial institution for the purpose of initiating a transaction affecting a noncommercial account of the customer.

NEW SUBSECTION. 16. "Completion of the transaction" means when the presence of the customer at a satellite terminal is no longer needed to consummate the sale of goods or services, to grant to the seller the right to receive payment for the goods or services, and to issue a receipt to the customer.

NEW SUBSECTION. 17. "Reciprocal basis" means that a financial institution whose licensed or principal place of business is located in this state has the express authority under the laws of a state other than Iowa to conduct business under qualifications and conditions which are no more restrictive than those imposed by the laws of the other state on financial institutions whose licensed or principal place of business is located in the other state, as determined by the administrator, and the laws of Iowa are no more restrictive of financial institutions whose licensed or principal place of business is located in such other state than they are of financial institutions whose licensed or principal place of business is located in this state.

Sec. 8. Section 527.4, subsection 1, Code 1989, is amended to read as follows:

1. A satellite terminal shall not be established within this state except by any a financial institution, except one whose principal place of business is located in this state, or one who which has a business location licensed in this state under chapter 536A, or one which has an office located in this state and which meets the requirements of subsection 4.

Sec. 9. Section 527.4, subsection 2, Code 1989, is amended to read as follows:

2. A financial institution whose licensed or principal place of business is located in this state shall not establish a satellite terminal at any location outside of this state unless the other state provides for the establishment of satellite terminals by Iowa financial institutions on a reciprocal basis.

Sec. 10. Section 527.4, subsection 3, Code 1989, is amended to read as follows:

3. ~~a.~~ A financial institution whose licensed or principal place of business is located within this state may establish any number of satellite terminals in any of the following locations:

~~(1) a.~~ Within the boundaries of a municipal corporation if the principal place of business or an office of the financial institution is also located within the boundaries of the municipal corporation.

~~(2) b.~~ Within the boundaries of an urban complex composed of two or more Iowa municipal corporations each of which is contiguous to or corners upon at least one of the other municipal corporations within the urban complex if the principal place of business or an office of the financial institution is also located in the urban complex.

~~(3)~~ Within the unincorporated area of a county in which the financial institution has its principal place of business or an office.

~~(4)~~ Within a municipal corporation located in the same county as the principal place of business or an office of the financial institution if another financial institution has not located its principal place of business or an office within the municipal corporation.

~~c.~~ Within the Iowa county in which the financial institution has its principal place of business or an office.

~~(5) d.~~ At any retail sales location in this state if any all of the following apply:

~~(a) (1)~~ The satellite terminal is not designed, configured, or operated to accept deposits or to dispense script scrip or other negotiable instruments.

~~(b) (2)~~ The satellite terminal is not designed, configured, or operated to dispense cash except when operated by the retailer as part of a retail sales transaction.

~~(c) (3)~~ The satellite terminal is utilized for the purpose of making payment to the retailer for goods or services purchased at the location of the satellite terminal.

~~(d)~~ The financial institution controls a satellite terminal described under subparagraph part (c) at a location of the retailer established pursuant to subparagraph (1), (2), (3), or (4).

A financial institution shall not establish a satellite terminal at any other location except pursuant to an agreement with a financial institution which is authorized by this paragraph "a" subsection to establish a satellite terminal at that location and which will utilize the satellite terminal at that location. This paragraph "a" subsection does not amend, modify, or supersede any provision of chapter 524 regulating the number or locations of bank offices of a state or national bank, or authorize the establishment by a financial institution of any offices or other facilities except satellite terminals at locations permitted by this paragraph "a" subsection.

~~b.~~ Paragraph "a" of this subsection does not apply to a corporation licensed under chapter 536A. A corporation licensed under that chapter may establish within the boundaries of a municipal corporation, or an urban complex composed of two or more Iowa municipal corporations each of which is contiguous to or corners upon at least one of the other municipal corporations within the complex, any number of satellite terminals which are satellite terminals of a licensed business location of the corporation which is located within the municipal corporation or urban complex. The corporation shall not establish a satellite terminal at any other location except pursuant to an agreement with another financial institution which is authorized by the preceding sentence to establish a satellite terminal at that location and which utilizes the satellite terminal so established.

Sec. 11. Section 527.4, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 4. A financial institution whose licensed or principal place of business is not located in this state may establish, control, maintain, or operate any number of satellite terminals at the locations identified in subsection 3, paragraphs "a", "b", "c", and "d" if both of the following apply:

a. The other state provides for the establishment, control, maintenance, or operation of satellite terminals by a financial institution, whose licensed or principal place of business is located in this state, on a reciprocal basis.

b. All satellite terminals, wherever located, that are owned, controlled, maintained, or operated by the financial institution are available for use on a nondiscriminatory basis by any other financial institution which engages in electronic transactions in this state and by all customers

who have minimum contact with this state and who have been designated by a financial institution using the satellite terminal and who have been provided with an access device, approved by the administrator, by which to engage in electronic transactions by means of the satellite terminal.

Sec. 12. Section 527.5, subsection 2, Code 1989, is amended to read as follows:

2. a. ~~The A~~ satellite terminal shall be available for use on a nondiscriminatory basis by any other financial institution which has its principal place of business within this state, and by all customers who have been designated by a financial institution using the satellite terminal and who have been provided with a ~~physical object or other method~~ an access device, approved by the administrator, by which to engage in electronic transactions by means of the satellite terminal.

b. ~~No A~~ financial institution shall not be required to join, be a member or shareholder of, or otherwise participate in any corporation, association, partnership, co-operative, or other enterprise as a condition of its utilizing any satellite terminal located within this state.

c. For the purposes of complying with paragraph "a", an on-line point-of-sale terminal is not required to be available for use by customers of a financial institution by means of an access device by which an off-line point-of-sale terminal can be used to engage in electronic transactions.

d. All off-line point-of-sale terminals located at the retail location or retail locations within this state of a single retailer are exempt from paragraph "a" if electronic transactions can be initiated at each of such terminals only by an access device unique to the retailer.

e. Paragraph "a" applies to a financial institution whose licensed or principal place of business is located in a state other than Iowa if all satellite terminals owned, controlled, operated, or maintained by the financial institution, wherever located, are available on a reciprocal basis to any financial institution whose licensed or principal place of business is located in this state, and to all customers who have been designated by a financial institution using the satellite terminal and who have been provided with an access device.

Sec. 13. Section 527.5, subsection 9, paragraph b, subparagraph (2), Code 1989, is amended to read as follows:

(2) The transaction does not affect a deposit account held by a financial institution with its principal office in this state.

Sec. 14. Section 527.5, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 10. A personal terminal may be utilized by a financial institution to the extent permitted by this chapter if the use and operation of the personal terminal is governed by a written agreement between the controlling financial institution and its customer and if the personal terminal is utilized and maintained in compliance with subsection 9 and all other applicable sections of this chapter. A telephone located at other than a personal residence and used primarily as a personal terminal must be utilized and maintained in compliance with this section.

Sec. 15. Section 527.8, subsection 1, Code 1989, is amended to read as follows:

1. As a condition of exercising the privilege of utilizing a satellite terminal, a financial institution is liable to each of its customers for all losses incurred by the customer as a result of the transmission or recording of electronic impulses as a part of a transaction not authorized by the customer or to which the customer was not a party. However, if the financial institution has provided the customer with a ~~physical object or other method~~ of an access device for engaging in a transaction at a satellite terminal which is unique to the customer, and losses are incurred by the customer as a result of the theft, loss or other compromise of that ~~physical object or other method of engagement~~ access device, the liability of the financial institution pursuant to this section shall not include the first fifty dollars of any losses incurred prior to the time the customer notifies the financial institution of the theft, loss or compromise except that the financial institution shall have no liability if the losses are a result of the customer's fraudulent acts or omissions.

Sec. 16. Section 527.9, subsection 2, paragraph e, Code 1989, is amended to read as follows:
e. An agreement by the applicant that the proposed central routing unit will be capable of accepting and routing, and will be operated to accept and route, transmissions of data originating at any satellite terminal located in this state and controlled by the same type of financial institution as those financial institutions previously utilizing the services of the applicant central routing unit, whether receiving from that terminal or from a data processing center or other central routing unit. For the purposes of this paragraph the term "type of financial institution" shall, notwithstanding the issuer of the financial institution's charter, mean either (1) banks; or (2) savings and loan associations; or (3) credit unions.

Sec. 17. Section 10 of this Act takes effect January 1, 1990.

Approved May 1, 1989

CHAPTER 87

DEER AND WILD TURKEY HUNTING LICENSES

H.F. 6

AN ACT relating to issuance of hunting licenses to landowners and tenants for deer and wild turkey.

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

Section 1. Section 109.38, subsection 2, Code 1989, is amended to read as follows:

2. If the commission finds that the number of hunters licensed or the type of license issued to take deer or wild turkey should be limited or further regulated the commission shall conduct a drawing to determine which applicants shall receive a license and the type of license. Applications for licenses shall be received during a period established by the commission. At the end of the period a drawing shall be conducted. The commission may establish rules to issue licenses after the established application period. If an applicant receives a deer license which is more restrictive than licenses issued to others for the same period and place, the applicant shall receive a certificate with the license entitling the applicant to priority in the drawing for the less restrictive deer licenses the following year. The certificate must accompany that person's application the following year, or the applicant will not receive this priority. Persons purchasing a deer license for the gun season under this section and under section 110.1 are not eligible for a gun deer-hunting license under section 110.24, except as authorized by rules of the department. This subsection does not apply to the hunting of wild turkey on game breeding and shooting preserves licensed under chapter 110A.

Sec. 2. Section 110.24, unnumbered paragraph 2, and subsections 1 through 4, Code 1989, are amended by striking the unnumbered paragraph and the subsections and inserting in lieu thereof the following:

Upon written application, the department shall issue annually a deer or wild turkey hunting license, or both, to the owner of a farm unit or a member of the family of the farm owner and to the tenant or a member of the family of the tenant.

Sec. 3. Section 110.24, Code 1989, is amended by adding immediately after unnumbered paragraph 3 the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. An owner of a farm unit or a member of the owner's family who resides with the owner and a tenant or a member of the tenant's family who resides with the tenant, who do not reside on the farm unit but who are actively engaged in farming the farm unit, are also eligible for a free deer license and a wild turkey license as provided