

Sec. 13. NEW SECTION. 515F.13 PROHIBITIONS ON CERTAIN OFFERS TO ACQUIRE SHARES.

Prior to and for a period of five years following the effective date of the conversion, and five years following the date of distribution of consideration to the policyholders in exchange for their membership interests, an officer or director, including family members and their spouses, of the mutual insurer or the successor stock company, shall not directly or indirectly offer to acquire or acquire control of the successor stock company unless the acquisition is made pursuant to a stock option or other plan approved by the commissioner, made pursuant to the plan of conversion, or made after the initial public offering from a broker or dealer of registered securities with the securities and exchange commission at the quoted price on the date of purchase, or made in connection with the defense against an acquisition of control of the reorganized company pursuant to any proposal not approved by the board of directors. As used in this section, "family member" includes a brother, sister, spouse, parent, grandparent, ancestor, or descendant of the officer or director.

Sec. 14. NEW SECTION. 515F.14 LIMITATION OF ACTIONS — SECURITY FOR ATTORNEY FEES.

An action challenging the validity of a conversion plan, or any part of a conversion plan, shall not be commenced more than thirty days following the date of approval by the commissioner.

The successor stock company or any defendant may require the plaintiff in such an action to give security for the reasonable attorney fees which may be incurred by any party to the action. The amount of the security may be increased or decreased in the discretion of the court having jurisdiction if a showing is made that the security provided is or may become inadequate or excessive.

Sec. 15. NEW SECTION. 515F.15 DUTIES OF SECRETARY OF STATE.

After approval of the conversion plan by the commissioner and the policyholders, the secretary of state shall accept for filing a verified copy of the amended articles of incorporation.

Approved March 27, 1990

CHAPTER 1084

WEIGHING AND MEASURING DEVICES

H.F. 2451

AN ACT relating to weighing and measuring devices, and establishing fees.

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

Section 1. Section 214.1, subsection 2, Code 1989, is amended to read as follows:

2. "Motor vehicle fuel pump" means a stationary pump, meter, or similar measuring device used for measuring retail motor vehicle fuel.

Sec. 2. Section 214.2, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

214.2 LICENSE.

A person who uses or displays for use any commercial weighing and measuring device, as defined in section 215.26, shall secure a license from the department.

Sec. 3. Section 214.3, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

214.3 FEE.

1. The license for inspection of a commercial weighing and measuring device shall expire on December 31 of each year, and for a motor vehicle fuel pump on June 30 of each year. The

amount of the fee due for each license shall be as provided in subsection 3, except that the fee for a motor vehicle fuel pump shall be three dollars if paid within one month from the date the license is due.

2. The license inspection fee on a commercial weighing and measuring device is due the day the device is placed into service. A license inspection fee shall be charged to the person owning or operating a commercial weighing and measuring device inspected in accordance with the class or section for devices as established by handbook 44 of the United States national institute of standards and technology.

3. The fee due under this section for a commercial weighing and measuring device shall be as follows:

a. CLASS S-III.

(1) Railroad track scales, seventy-one dollars.

(2) Other scales.

(a) 500 to 1,000 pounds capacity, eleven dollars.

(b) 1,001 to 30,000 pounds capacity, twenty-one dollars.

(c) 30,001 to 50,000 pounds capacity, forty-one dollars.

(d) 50,001 pounds capacity or more, fifty-six dollars.

(3) A minimum fee of thirty-one dollars shall be charged for each vehicle or livestock scale.

b. CLASS S-II and S-III, six dollars.

(1) Bench scale, six dollars.

(2) Counter scale, six dollars.

(3) Portable platform scale, six dollars.

(4) Livestock monorail scale, six dollars.

(5) Single animal scale, six dollars.

(6) Grain test scale, six dollars.

(7) Precious metal and gems scale, six dollars.

(8) Postal scale, six dollars.

c. (1) Grain moisture meters, sixteen dollars.

(2) Additional meters at the same location, eleven dollars.

d. CLASS M-I. One hundred-gallon prover.

(1) Bulk meters, six dollars.

(2) Bulk liquid petroleum gas meters, thirty-five dollars.

(3) Bulk refined fuel meters, six dollars.

(4) Mass flow meters, six dollars.

e. CLASS M-II. Five-gallon prover.

(1) Slow flow meters, six dollars.

(2) Retail motor vehicle fuel pump, six dollars.

Sec. 4. Section 214.5, Code 1989, is amended to read as follows:

214.5 INSPECTION STICKERS.

For each ~~scale, pump, or meter~~ commercial weighing and measuring device licensed, the department shall issue an inspection sticker, which shall not exceed two inches by two inches in size. The inspection sticker shall be displayed prominently on the front of the ~~scale, pump or meter,~~ commercial weighing and measuring device and the defacing or wrongful removal of the sticker shall be punished as provided in chapter 189. Absence of an inspection sticker is prima facie evidence that the ~~scale, pump, or meter~~ commercial weighing and measuring device is being operated contrary to law.

Sec. 5. Section 215.2, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

215.2 SPECIAL INSPECTION REQUEST.

The fee for special tests, including but not limited to, using state inspection equipment, for the calibration, testing, certification, or repair of a commercial weighing and measuring device shall be paid by the servicer or person requesting the special test in accordance with the following schedule:

1. Class S, scales, fifty dollars per hour.
2. Class M, meters, thirty-five dollars per hour.

Sec. 6. Section 215.3, Code 1989, is amended to read as follows:

215.3 PAYMENT BY PARTY COMPLAINING.

~~When such~~ If an inspection ~~shall be~~ is made upon the complaint of ~~any~~ a person other than the owner of the ~~scale~~ commercial weighing and measuring device, and upon examination the ~~scale~~ commercial weighing and measuring device is found by the department to be accurate for commercial weighing and measuring, the inspection fee for such inspection shall be paid by the person making the complaint.

Sec. 7. Section 215.4, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

215.4 LIMITATION ON INSPECTIONS.

A commercial weighing and measuring device found to be inaccurate upon inspection by the department shall be tagged "condemned until repaired" and the "licensed for commercial use" inspection sticker shall be removed. If notice is received by the department that the device has been repaired and upon reinspection the device is found to be accurate, the license fee shall not be charged for the reinspection. However, a second license fee shall be charged if upon reinspection the device is found to be inaccurate.

Sec. 8. Section 215.18, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

215.18 SPECIFICATIONS AND TOLERANCES.

The specifications, tolerances, and other technical requirements for commercial, law enforcement, data gathering, and other weighing and measuring devices, as adopted by the national conference on weights and measures and published in the national institute of standards and technology handbook 44, specifications, tolerances, and other technical requirements for weighing and measuring devices, shall apply to weighing and measuring devices in this state, except insofar as modified or rejected by rule and shall be observed in all inspections and tests.

Sec. 9. Section 215.20, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

215.20 LIQUID PETROLEUM GAS MEASUREMENT.

1. All liquefied petroleum gas, including but not limited to propane, butane, and mixtures of them, shall be kept, offered, exposed for sale, or sold by the pound, metered cubic foot of vapor, defined as one cubic foot at sixty degrees Fahrenheit, or by the gallon, defined as two hundred thirty-one cubic inches at sixty degrees Fahrenheit.

2. All metered sales exceeding one hundred gallons shall be corrected to a temperature of sixty degrees Fahrenheit through use of an approved meter with a sealed automatic compensation mechanism. All sale tickets for sales exceeding one hundred gallons shall show the stamped delivered gallons and shall state that the temperature correction was automatically made.

3. A reasonable tolerance within a maximum of plus or minus one percent shall be allowed on liquid petroleum gas meters licensed for commercial use in this state.

Sec. 10. Section 215.26, subsection 1, Code 1989, is amended to read as follows:

1. "Commercial weighing and measuring device" means a weight or measure or weighing or measuring device used to establish size, quantity, area or other quantitative measurement of a commodity sold by weight or measurement, or where the price to be paid for producing the commodity is based upon the weight or measurement of the commodity. The term includes an accessory attached to or used in connection with a commercial weighing or measuring device when the accessory is so designed or installed that its operation may affect the accuracy of the device. Commercial weighing and measuring device includes a public scale as defined under section 214.1.

Sec. 11. Section 215.26, Code 1989, is amended by adding the following new subsection:
NEW SUBSECTION. 5. "Liquefied petroleum gas" means liquids that do not remain in a liquid state at atmospheric pressures and temperatures composed predominantly of any of the following hydrocarbons, or mixtures of hydrocarbons: propane, propylene, butanes including normal butane or isobutane, and butylenes.

Sec. 12. Section 215A.9, unnumbered paragraph 1, Code 1989, is amended to read as follows:
The department shall charge, assess, and cause to be collected at the time of inspection an inspection fee of ten dollars for the first moisture measuring device required to be inspected under this chapter, and for each additional moisture measuring device inspected at the same time the fee shall be five dollars in accordance with the fee schedule established pursuant to section 214.3, subsection 3.

Approved March 27, 1990

CHAPTER 1085

CHRONIC SUBSTANCE ABUSE

H.F. 2508

AN ACT relating to the commitment and treatment of chronic substance abusers.

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

Section 1. Section 125.2, Code Supplement 1989, is amended by adding the following new subsections:

NEW SUBSECTION. 4A. "Chronic substance abuser" means a person who meets all of the following criteria:

a. Habitually lacks self control as to the use of chemical substances to the extent that the person is likely to seriously endanger the person's health, or to physically injure the person's self or others, if allowed to remain at liberty without treatment.

b. Lacks sufficient judgment to make responsible decisions with respect to the person's hospitalization or treatment.

NEW SUBSECTION. 14A. "Substance abuse" means the use of chemical substances by persons suffering from chemical dependency, persons who are incapacitated by a chemical substance, substance abusers, or chronic substance abusers.

Sec. 2. Section 125.2, subsection 2, Code Supplement 1989, is amended to read as follows:

2. "Chemical substance" means alcohol, wine, spirits, and beer as defined in chapter 123 and ~~drugs controlled substances as defined in section 203B.2~~ 204.101, subsection 7, which when used improperly could result in chemical dependency.

Sec. 3. Section 125.9, subsections 2 and 4, Code 1989, are amended to read as follows:

2. Make contracts necessary or incidental to the performance of the duties and the execution of the powers of the director, including contracts with public and private agencies, organizations and individuals to pay them for services rendered or furnished to substance abusers, chronic substance abusers, or intoxicated persons.

4. Co-ordinate the activities of the department and co-operate with substance abuse programs in this and other states, and make contracts and other joint or co-operative arrangements with state, local or private agencies in this and other states for the treatment of substance abusers, chronic substance abusers, and intoxicated persons and for the common advancement of substance abuse programs.