

CHAPTER 20

STATE BUILDING CODE AND PREEMPLOYMENT RECORDS CHECKS

H.F. 228

AN ACT relating to the duties of the department of public safety.

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

Section 1. Section 103A.12, Code 2001, is amended to read as follows:

103A.12 ADOPTION AND WITHDRAWAL — PROCEDURE.

The state building code is applicable in each governmental subdivision of the state in which the governing body has enacted an ordinance accepting the applicability of the code and has filed a certified copy of the ordinance in the office of the commissioner ~~and in the office of the secretary of state~~. The state building code becomes effective in the governmental subdivision upon the date fixed by the governmental subdivision ordinance, ~~if the date is~~ which must not be more than six months after the date of adoption of the ordinance.

A governmental subdivision in which the state building code is applicable may by ordinance, at any time after one year has elapsed since the code became applicable, withdraw from the application of the code, ~~if before the ordinance is voted upon, the~~. The local governing body holds shall hold a public hearing, after giving not less than four ~~nor~~ but not more than twenty days' public notice, together with written notice to the commissioner of the time, place, and purpose of the hearing, before the ordinance to withdraw is voted upon. A certified copy of the vote of the local governing body shall be transmitted within ten days after the vote is taken to the commissioner ~~and to the secretary of state for filing~~. The ordinance becomes effective at a time to be specified in ~~the ordinance~~, which must be not less than one hundred eighty days after the date of adoption. Upon the effective date of the ordinance, the state building code ceases to apply to the governmental subdivision except that construction of a building or structure pursuant to a permit previously issued is not affected by the withdrawal.

A governmental subdivision which has withdrawn from the application of the state building code may, at any time thereafter, restore the application of the code in the same manner as specified in this section.

Sec. 2. Section 135C.33, subsections 1 and 2, Code 2001, are amended to read as follows:

1. Beginning July 1, 1997, prior to employment of a person in a facility, the facility shall request that the department of public safety perform a criminal history check and the department of human services perform a dependent adult abuse record ~~checks~~ check of the person in this state. In addition, the facility may request that the department of human services perform a child abuse record check in this state. Beginning July 1, 1997, a facility shall inform all persons prior to employment regarding the performance of the records checks and shall obtain, from the persons, a signed acknowledgment of the receipt of the information. Additionally, a facility shall include the following inquiry in an application for employment: "Do you have a record of founded child or dependent adult abuse or have you ever been convicted of a crime, in this state or any other state?" If the person has been convicted of a crime under a law of any state or has a record of founded child or dependent adult abuse, the department of human services shall upon the facility's request perform an evaluation to determine whether the crime or founded child or dependent adult abuse warrants prohibition of employment in the facility. The evaluation shall be performed in accordance with procedures adopted for this purpose by the department of human services. If a person owns or operates more than one facility, and an employee of one of such facilities is transferred to another such facility without a lapse in employment, the facility is not required to request additional criminal and dependent adult abuse record checks of that employee.

2. If the department of public safety determines that a person has committed a crime ~~or has a record of founded dependent adult abuse~~ and is to be employed in a facility licensed under this chapter, the department of public safety shall notify the licensee that an evaluation, if requested by the facility, will be conducted by the department of human services to determine whether prohibition of the person's employment is warranted. If a department of human services child or dependent adult abuse ~~record~~ records check determines the person has a record of founded child or dependent adult abuse, the department of human services shall inform the licensee that an evaluation, if requested by the facility, will be conducted to determine whether prohibition of the person's employment is warranted.

Sec. 3. Section 135C.33, subsection 4, Code 2001, is amended to read as follows:

4. A person shall not be employed in a facility licensed under this chapter unless an evaluation has been performed by the department of human services. If the department of human services determines from the evaluation that the person has committed a crime or has a record of founded child or dependent adult abuse which warrants prohibition of employment, the person shall not be employed in a facility licensed under this chapter.

Sec. 4. Section 235B.6, subsection 2, paragraph b, subparagraph (2), Code 2001, is amended to read as follows:

(2) An employee or agent of the department responsible for the investigation of a dependent adult abuse report or for the purpose of performing record checks as required under section 135C.33.

Sec. 5. Section 235B.6, subsection 2, paragraph e, subparagraph (7), Code 2001, is amended by striking the subparagraph.

Approved March 30, 2001

CHAPTER 21

SECURED CONSUMER LOANS FOR MOTOR VEHICLES — BALLOON PAYMENTS

H.F. 269

AN ACT relating to balloon payments on consumer loans secured by a certificate of title in a motor vehicle.

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

Section 1. Section 537.3308, subsection 2, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. A consumer loan secured by a certificate of title in a motor vehicle.

Approved March 30, 2001