

CHAPTER 22**FINANCIAL INSTITUTION OR INSURER NAMES,
TRADEMARKS, LOGOS, OR SYMBOLS — PROHIBITED USE***S.F. 74*

AN ACT relating to financial institutions and insurers, by prohibiting the deceptive use of name, and providing remedies and penalties.

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

Section 1. NEW SECTION. 547A.1 DEFINITION.

As used in this chapter, unless the context otherwise requires, “financial institution” means the same as defined in section 527.2, and “insurer” means an insurer organized under Title XIII, subtitle 1, or similar laws of any other state or the United States.

Sec. 2. NEW SECTION. 547A.2 MISUSE OF NAME — PENALTY.

1. A person who uses the name, trademark, logo, or symbol of a financial institution or insurer in connection with the sale, offering for sale, distribution, or advertising of any product or service without the consent of the financial institution or insurer, if such use is misleading or deceptive as to the source of origin or sponsorship of, or the affiliation with, the product or service, is guilty of a serious misdemeanor.

2. A financial institution or insurer may bring an action to enjoin the misleading or deceptive use prohibited in subsection 1 and recover all damages suffered by reason of the prohibited use, including reasonable attorney fees. The financial institution or insurer may recover any profits derived from the prohibited use. The state agency with regulatory authority over the financial institution or insurer may also bring an action to enjoin the misleading or deceptive use prohibited in subsection 1. This subsection does not preclude any other remedy provided by law.

Approved April 13, 2005

CHAPTER 23**CIVIL RIGHTS COMMISSION —
SERVICE AND DELIVERY OF COMPLAINTS AND ORDERS***S.F. 215*

AN ACT modifying the certified mail requirement concerning the service and delivery of certain civil rights complaints and orders.

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

Section 1. Section 216.15, subsection 3, paragraph a, Code 2005, is amended to read as follows:

a. After the filing of a verified complaint, a true copy shall be served within twenty days by ~~certified mail~~ on the person against whom the complaint is filed. If the first named respondent on a complaint is not a governmental entity, service of a true copy on the respondent shall be by certified mail. An authorized member of the commission staff shall make a prompt inves-

tigation and shall issue a recommendation to an administrative law judge employed either by the commission or by the division of administrative hearings created by section 10A.801, who shall then issue a determination of probable cause or no probable cause.

Sec. 2. Section 216.15, subsection 3, paragraph c, Code 2005, is amended to read as follows:

c. If the administrative law judge concurs with the investigating official that probable cause exists regarding the allegations of the complaint, the staff of the commission shall promptly endeavor to eliminate the discriminatory or unfair practice by conference, conciliation, and persuasion. If the administrative law judge finds that no probable cause exists, the administrative law judge shall issue a final order dismissing the complaint and shall promptly mail a copy to the complainant and to the respondent ~~by certified mail~~. A finding of probable cause shall not be introduced into evidence in an action brought under section 216.16.

Sec. 3. Section 216.15, subsection 10, Code 2005, is amended to read as follows:

10. If, upon taking into consideration all of the evidence at a hearing, the commission finds that a respondent has not engaged in any such discriminatory or unfair practice, the commission shall issue an order denying relief and stating the findings of fact and conclusions of the commission, and shall cause a copy of the order dismissing the complaint to be served ~~by certified mail~~ on the complainant and the respondent.

Sec. 4. Section 216.17, subsection 1, unnumbered paragraph 2, Code 2005, is amended to read as follows:

For purposes of the time limit for filing a petition for judicial review under the Iowa administrative procedure Act, chapter 17A, specified by section 17A.19, the issuance of a final decision of the commission under this chapter occurs on the date notice of the decision is mailed ~~by certified mail~~, to the parties.

Approved April 13, 2005

CHAPTER 24

INTERNAL REVENUE CODE REFERENCES AND INCOME TAX REVISIONS

H.F. 186

AN ACT updating the Code references to the Internal Revenue Code and including retroactive applicability and effective date provisions.

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

Section 1. Section 15.335, subsection 4, unnumbered paragraph 2, Code 2005, is amended to read as follows:

For purposes of this section, "Internal Revenue Code" means the Internal Revenue Code in effect on January 1 ~~31, 2004~~ 2005.

Sec. 2. Section 15A.9, subsection 8, paragraph e, unnumbered paragraph 2, Code 2005, is amended to read as follows:

For purposes of this subsection, "Internal Revenue Code" means the Internal Revenue Code in effect on January 1 ~~31, 2004~~ 2005.