

HOUSE FILE 2454 *Sub. 3/29 To Pass 4/1 (9-993)*

State Government
Tiedon, Chair
Schwengels
Slater

~~1981~~ 2 1982

State of Iowa

HOUSE FILE 2454

BY COMMITTEE ON HUMAN RESOURCES

(Formerly Study Bill 741)

Passed House, Date 3-24-82 (9976) Passed Senate, Date 4-8-81 (9112)

Vote: Ayes 75 Nays 22 Vote: Ayes 47 Nays 0

Approved April 30, 1982

A BILL FOR

1 An Act relating to the refund of fees when a mobile home park
2 license is denied, revoked, or suspended.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 135D.5, unnumbered paragraph 3, Code
2 1981, is amended to read as follows:

3 When the application is received by the state department
4 of health, ~~it~~ the department shall promptly cause the mobile
5 home park and appurtenances thereto to be inspected. When
6 ~~such~~ the inspection and report has been made and the state
7 department of health finds that all requirements of this
8 chapter and ~~such~~ conditions of health and safety as the state
9 department of health may require have been met by the appli-
10 cant, the state department of health shall ~~forthwith~~ issue
11 ~~such~~ the annual primary license in the name of the state.
12 The department shall not refund the fee if the department
13 denies the license pursuant to section 135D.8.

14 Sec. 2. Section 135D.17, Code 1981, is amended to read
15 as follows:

16 135D.17 REVOCATION AND SUSPENSION OF LICENSE. Any A
17 license granted ~~hereunder-shall-be~~ is subject to revocation
18 or suspension by a the district court of proper authority
19 ~~and-jurisdiction~~, and the state department of health shall
20 first serve or cause to be served a written notice specifying
21 a way or ways in which ~~said~~ the licensee has failed to comply
22 with the chapter, or any special rules ~~promulgated~~ adopted
23 by the state department of health ~~pertaining-thereto~~. ~~Said~~
24 The notice shall direct the licensee to remove or abate ~~such~~
25 the nuisance, or unsanitary or objectionable condition
26 specified in ~~said~~ the notice within five days, or within ~~such~~
27 a reasonable period of time or extended period of time as
28 may be reasonably allowed by the complaining officer. If
29 the licensee fails to comply with the terms and conditions
30 of ~~said~~ the notices, within the time specified ~~or-such-extended~~
31 ~~period-or-a-period-of-time~~, the complaining officer may require
32 the county attorney of the county in which ~~such~~ the violation
33 occurred to start a civil action to remove or abate ~~such~~ the
34 nuisance, or unsanitary, unhealthful, or objectionable
35 condition ~~as complained of~~, in the court of proper authority

1 and jurisdiction ~~of the city or county~~ in the name of the
2 state of Iowa, and if the licensee is found guilty a decision
3 may be entered by the court to revoke or suspend such the
4 license. The department shall not refund the fee pursuant
5 to section 135D.5 if the license is revoked or suspended.

6 EXPLANATION

7 This bill provides that the department of health shall
8 not refund the annual license fee for a mobile home park
9 license if the license is denied, revoked, or suspended.

10 The bill takes effect July 1 following enactment.

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HOUSE FILE 2454

AN ACT

RELATING TO THE REFUND OF FEES WHEN A MOBILE HOME PARK LICENSE IS DENIED, REVOKED, OR SUSPENDED.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 135D.5, unnumbered paragraph 3, Code 1981, is amended to read as follows:

When the application is received by the state department of health, ~~it~~ the department shall promptly cause the mobile home park and appurtenances thereto to be inspected. When such the inspection and report has been made and the state department of health finds that all requirements of this chapter and such conditions of health and safety as the state department of health may require have been met by the applicant, the state department of health shall ~~forthwith~~ issue such the annual primary license in the name of the state. The department shall not refund the fee if the department denies the license pursuant to section 135D.8.

Sec. 2. Section 135D.17, Code 1981, is amended to read as follows:

135D.17 REVOCATION AND SUSPENSION OF LICENSE. Any A license granted ~~hereunder-shall-be~~ is subject to revocation or suspension by a the district court ~~of-proper-authority and-jurisdiction~~, and the state department of health shall first serve or cause to be served a written notice specifying a way or ways in which said the licensee has failed to comply with the chapter, or any special rules ~~promulgated~~ adopted by the state department of health ~~pertaining-thereto~~. Said The notice shall direct the licensee to remove or abate such the nuisance, or unsanitary or objectionable condition specified in said the notice within five days, or within such a reasonable period of time or extended period of time as may be reasonably allowed by the complaining officer. If

the licensee fails to comply with the terms and conditions of said the notices, within the time specified ~~or-such-extended period-or-a-period-of-time~~, the complaining officer may require the county attorney of the county in which such the violation occurred to start a civil action to remove or abate such the nuisance, or unsanitary, unhealthful, or objectionable condition as complained of, in the court of proper authority and jurisdiction ~~of-the-city-or-county~~ in the name of the state of Iowa, and if the licensee is found guilty a decision may be entered by the court to revoke or suspend such the license. The department shall not refund the fee pursuant to section 135D.5 if the license is revoked or suspended.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2454, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved 4/30, 1982

ROBERT D. RAY
Governor

H.F. 2454