

House Energy & Environment, Protect  
DO PASS 4-6-89, (P. 1406)  
FILED MAR 17 1989

SENATE FILE 490  
BY COMMITTEE ON ENVIRONMENT AND  
ENERGY UTILITIES

(SUCCESSOR TO SSB 344)

Passed Senate, Date 3-29-89 (p. 1072) Passed House, Date 4-1-89 (p. 1406)  
Vote: Ayes 46 Nays 1 Vote: Ayes 97 Nays 0  
Approved 5-4-89 (p. 1945)

A BILL FOR

1 An Act relating to the sale, lease, rental, or advertising of  
2 water treatment systems.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4

SENATE FILE 490

S-3353

1 Amend Senate File 490 as follows:  
2 1. Page 1, by inserting after line 22, the  
3 following:  
4 "Sec. \_\_\_\_ . Section 714.16, subsection 2, paragraph  
5 h, subparagraph (3), unnumbered paragraph 2, Code  
6 1989, is amended to read as follows:  
7 The manufacturer's performance data sheet shall be  
8 given to the buyer and shall be signed and dated by  
9 the buyer and the seller prior to the consummation of  
10 the sale or at the time of the sale of the water  
11 treatment system. If the seller delivers the  
12 manufacturer's performance data sheet at the time of  
13 the sale, the buyer shall have at least ten days to  
14 return the water treatment system to the seller, and  
15 upon receipt of the returned merchandise, the seller  
16 shall promptly return the purchase price, tax, and  
17 reasonable shipping charges associated with the return  
18 to the buyer. The manufacturer's performance data  
19 sheet shall contain information including, but not  
20 limited to:"

21 2. By renumbering as necessary.  
By BERL E. PREIBE DALE TIEDEN  
EMIL J. HUSAK JOHN E. SOORHOLTZ  
S-3353 FILED MARCH 21, 1989 Out of Order 3-29-89 (p. 1072)

1 Section 1. Section 714.16, subsection 2, paragraph h,  
2 subparagraph 1, Code 1989, is amended to read as follows:

3 (1) Has been performance tested by a third-party testing  
4 agency that has been authorized by the Iowa department of  
5 public health. Alternatively, in lieu of third-party  
6 performance testing of the manufacturer's water treatment  
7 system, the manufacturer may rely upon the manufacturer's own  
8 test data after approval of the data by an accepted third-  
9 party evaluator as provided in this subparagraph. The Iowa  
10 department of public health shall review the qualifications of  
11 a third-party evaluator proposed by the manufacturer. The  
12 department may accept or reject a proposed third-party  
13 evaluator based upon the required review. If a third-party  
14 evaluator, accepted by the Iowa department of public health,  
15 finds that the manufacturer's test data is reliable, adequate,  
16 and fairly presented, the manufacturer may rely upon that data  
17 to satisfy the requirements of this subparagraph after filing  
18 a copy of the test data and the report of the third-party  
19 evaluator with the Iowa department of public health. The  
20 testing agency shall use, or the evaluator shall review for  
21 the use of, approved methods of performance testing determined  
22 to be appropriate by the state hygienic laboratory.

3353  
H-3986

23 EXPLANATION

24 This bill permits a manufacturer to have the manufacturer's  
25 own test data evaluated by a third party as an alternative to  
26 actual third-party testing of the actual water treatment  
27 system.

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SENATE FILE 490

H-3986

1 Amend Senate File 490, as passed by the Senate, as  
2 follows:

3 1. Page 1, by inserting after line 22, the  
4 following:

5 "Sec. \_\_\_\_ . Section 714.16, subsection 2, paragraph  
6 h, subparagraph (3), unnumbered paragraph 2, Code  
7 1989, is amended to read as follows:

8 The manufacturer's performance data sheet shall be  
9 given to the buyer and shall be signed and dated by  
10 the buyer and the seller prior to the consummation of  
11 the sale or at the time of the sale of the water  
12 treatment system. If the seller delivers the  
13 manufacturer's performance data sheet at the time of  
405-14 the sale, the buyer shall have at least ten days to  
15 return the water treatment system to the seller, and  
16 upon receipt of the returned merchandise, the seller  
17 shall promptly return the purchase price, tax, and  
18 reasonable shipping charges associated with the return  
19 to the buyer. The manufacturer's performance data  
20 sheet shall contain information including, but not  
21 limited to:"

22 2. By renumbering as necessary.

By BISIGNANO of Polk

H-3986 FILED APRIL 12, 1989

NECUMANO 4-17-89 (p. 209)

SENATE FILE 490

H-4055

1 Amend amendment, H-3986, to Senate File 490, as  
2 passed by the Senate, as follows:

3 1. Page 1, line 14, by striking the word "ten"  
4 and inserting the following: "twenty-five".

By BISIGNANO of Polk

H-4055 FILED APRIL 17, 1989

ADOPTED 4-17-89 (p. 209)

testing agency shall use, or the evaluator shall review for the use of, approved methods of performance testing determined to be appropriate by the state hygienic laboratory.

SENATE FILE 490

AN ACT  
RELATING TO THE SALE, LEASE, RENTAL, OR ADVERTISING OF  
WATER TREATMENT SYSTEMS.

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

Section 1. Section 714.16, subsection 2, paragraph h, subparagraph (1), Code 1989, is amended to read as follows:

(1) Has been performance tested by a third-party testing agency that has been authorized by the Iowa department of public health. Alternatively, in lieu of third-party performance testing of the manufacturer's water treatment system, the manufacturer may rely upon the manufacturer's own test data after approval of the data by an accepted third-party evaluator as provided in this subparagraph. The Iowa department of public health shall review the qualifications of a third-party evaluator proposed by the manufacturer. The department may accept or reject a proposed third-party evaluator based upon the required review. If a third-party evaluator, accepted by the Iowa department of public health, finds that the manufacturer's test data is reliable, adequate, and fairly presented, the manufacturer may rely upon that data to satisfy the requirements of this subparagraph after filing a copy of the test data and the report of the third-party evaluator with the Iowa department of public health. The

JO ANN ZIMMERMAN  
President of the Senate

DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 490, Seventy-third General Assembly.

JOHN F. DWYER  
Secretary of the Senate

Approved May 4, 1989

TERRY E. BRANSTAD  
Governor

SF 490

STURGEON, CH.  
MILLER  
PATE

SSB 344  
ENVIRONMENT +  
ENERGY UTILITIES  
SENATE FILE 490  
BY (PROPOSED COMMITTEE ON  
ENVIRONMENT AND ENERGY  
UTILITIES BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the sale, lease, rental, or advertising of  
2 water treatment systems.

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

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1 Section 1. Section 714.16, subsection 2, paragraph h,  
2 subparagraph 1, Code 1989, is amended to read as follows:

3 (1) Has been performance tested by a third-party testing  
4 agency that has been authorized by the Iowa department of  
5 public health. Alternatively, in lieu of third-party  
6 performance testing of the manufacturer's water treatment  
7 system, the manufacturer may rely upon the manufacturer's own  
8 test data after approval of the data by an accepted third-  
9 party evaluator as provided in this subparagraph. The Iowa  
10 department of public health shall review the qualifications of  
11 a third-party evaluator proposed by the manufacturer. The  
12 department may accept or reject a proposed third-party  
13 evaluator based upon the required review. If a third-party  
14 evaluator, accepted by the Iowa department of public health,  
15 finds that the manufacturer's test data is reliable, adequate,  
16 and fairly presented, the manufacturer may rely upon that data  
17 to satisfy the requirements of this subparagraph after filing  
18 a copy of the test data and the report of the third-party  
19 evaluator with the Iowa department of public health. The  
20 testing agency shall use, or the evaluator shall review for  
21 the use of, approved methods of performance testing determined  
22 to be appropriate by the state hygienic laboratory.

23 Sec. 2. Section 714.16, subsection 2, paragraph h,  
24 subparagraph 3, unnumbered paragraph 2, Code 1989, is amended  
25 to read as follows:

26 The manufacturer's performance data sheet shall be given to  
27 the buyer and shall be signed and dated by the buyer and the  
28 seller prior-to-the-consummation at the time of the sale of  
29 the water treatment system. The manufacturer's performance  
30 data sheet shall contain information including, but not  
31 limited to:

32 EXPLANATION

33 This bill permits a manufacturer to have the manufacturer's  
34 own test data evaluated by a third party as an alternative to  
35 actual third-party testing of the actual water treatment

1 system. The bill also permits acknowledgement of receipt of  
2 the required notice at the time of a sale, rather than prior  
3 to the sale as currently required.

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