

in Ankeny, Iowa, and in the Lee Town News, a newspaper published in Des Moines, Iowa.

Approved March 13, 1981

I hereby certify that the foregoing Act, Senate File 112, was published in the Ankeny Press-Citizen, Ankeny, Iowa on March 19, 1981, and in the Lee Town News, Des Moines, Iowa on March 19, 1981.

MARY JANE ODELL, *Secretary of State*

CHAPTER 21
SECRETARY OF STATE FEES

S. F. 394

AN ACT increasing corporate and uniform commercial code filing fees.

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

Section 1. Section 9.4, Code 1981, is amended to read as follows:

9.4 FEES. The secretary of state shall collect all fees directed by law to be collected by ~~him~~ the secretary of state, including the following:

1. For certificate, with seal attached, ~~two~~ three dollars.
2. For a copy of any law or record, upon the request of any private person or corporation, a fee to be determined by the secretary of state not to exceed ten cents per page.

Sec. 2. Section 77.4, subsection 5, Code 1981, is amended to read as follows:

5. Remit the sum of ~~seven~~ fifteen dollars ~~fifty-cents~~ for the three-year period provided by law to the secretary of state.

Sec. 3. Section 96.14, subsection 8, paragraph a, Code 1981, is amended to read as follows:

a. By filing a copy of said original notice of suit with said secretary of state, together with a fee of ~~two~~ four dollars, and

Sec. 4. Section 106A.4, subsection 1, Code 1981, is amended to read as follows:

1. By filing a copy of said original notice of suit with said secretary of state, together with a fee of ~~two~~ four dollars, and

Sec. 5. Section 496A.7, subsection 5, unnumbered paragraph 2, Code 1981, is amended to read as follows:

Such election shall be made by filing with the secretary of state an application executed by an officer of the corporation, setting forth such assumed name and paying to the secretary of state a filing fee of ~~twenty~~ forty dollars.

Sec. 6. Section 496A.7, subsection 5, unnumbered paragraphs 3 and 4, Code 1981, are amended to read as follows:

At the time annual license fees are payable under this chapter, a corporation which has elected to adopt an assumed name shall pay to the secretary of state an annual fee of ~~five~~ ten dollars for such assumed name. However, if the assumed name was filed and became effective in December of any year, the first annual fee of ~~five~~ ten dollars shall be paid at the time of filing of the annual report in the second year following such December.

If the corporation fails to pay the annual fee when due and payable, the secretary of state shall give notice to the corporation of such nonpayment by registered or certified mail; and if such fee together with a penalty of ~~five~~ ten dollars is not paid within sixty days after such notice is mailed, the right to use such assumed name shall cease.

Sec. 7. Section 496A.124, Code 1981, is amended to read as follows:

496A.124 FEES FOR FILING DOCUMENTS AND ISSUING CERTIFICATES. The secretary of state shall charge and collect for:

1. Filing articles of incorporation and issuing a certificate of incorporation, ~~twenty~~ twenty five dollars.

2. Filing articles of amendment and issuing a certificate of amendment, ~~twenty~~ twenty five dollars.

3. Filing restated articles of incorporation, ~~twenty~~ twenty five dollars.

4. Filing articles of merger or consolidation and issuing a certificate of merger or consolidation, ~~twenty~~ twenty five dollars.

5. Filing an application to reserve a corporate name, ~~five~~ ten dollars.

6. Filing a notice of transfer of a reserved corporate name, ~~five~~ ten dollars.

7. Filing a statement of change of address of registered office or change of registered agent, or both, ~~one-dollar~~ five dollars. If a single statement of change changes the address of the registered office of more than one corporation, the fee shall be ~~one-dollar~~ five dollars for each corporation the address of whose registered office is changed thereby.

8. Filing a statement of the establishment of a series of shares, ~~five~~ ten dollars.

9. Filing a statement of cancellation of shares, ~~five~~ ten dollars.

10. Filing a statement of reduction of stated capital, ~~five~~ ten dollars.

11. Filing a statement of intent to dissolve, ~~one-dollar~~ five dollars.

12. Filing a statement of revocation of voluntary dissolution proceedings, ~~one-dollar~~ five dollars.

13. Filing articles of dissolution, ~~one-dollar~~ five dollars.

14. Filing an application of a foreign corporation for a certificate of authority to transact business in this state and issuing a certificate of authority, ~~twenty~~ twenty eight dollars.

15. Filing an application of a foreign corporation for an amended certificate of authority to transact business in this state and issuing an amended certificate of authority, ~~twenty~~ twenty eight dollars.

16. Filing a copy of an amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to transact business in this state, ~~ten~~ forty dollars.

17. Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to transact business in this state, ~~twenty~~ fifty dollars.

18. Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, ~~five~~ ten dollars.

19. Filing any other statement or report, except an annual report, of a domestic or foreign corporation, ~~one-dollar~~ five dollars.

~~20.---Recording-any-instrument,-document,-or-paper,-fifty-cents-per-page-~~

Sec. 8. Section 496A.125, Code 1981, is amended to read as follows:

496A.125 MISCELLANEOUS CHARGES. The secretary of state shall charge and collect:

1. For furnishing a certified copy of any document, instrument, or paper relating to a corporation, ~~fifty-cents~~ one dollar per page and ~~two~~ five dollars for the certificate and affixing the seal thereto; and for furnishing an uncertified copy, ~~fifty-cents~~ one dollar per page.

2. At the time of any service of process on ~~him~~ the secretary of state as resident agent of a corporation, ~~five~~ ten dollars, which amount may be recovered as taxable costs by the party to the suit or action causing such service to be made if such party prevails in the suit or action.

3. For a certificate of good standing, five dollars.

Sec. 9. Section 496A.126, Code 1981, is amended to read as follows:

496A.126 ANNUAL LICENSE FEES PAYABLE BY DOMESTIC CORPORATIONS. At the time of filing its annual report, each domestic corporation shall pay to the secretary of state an annual license fee for the calendar year, which shall be due on January 1, payable March 31, to be based on its stated capital, as follows:

		STATED CAPITAL		FEE	
Over	Not over	\$	20,000	\$	<u>5</u> <u>15</u>
\$	20,000		but not over		10 <u>20</u>
	40,000		but not over		15 <u>25</u>
	60,000		but not over		20 <u>30</u>
	80,000		but not over		25 <u>35</u>
	100,000		but not over		30 <u>40</u>
	150,000		but not over		35 <u>45</u>
	200,000		but not over		40 <u>50</u>
	250,000		but not over		45 <u>55</u>
	300,000		but not over		50 <u>60</u>
	350,000		but not over		55 <u>65</u>
	400,000		but not over		60 <u>70</u>
	500,000		but not over		70 <u>80</u>
	600,000		but not over		80 <u>90</u>
	700,000		but not over		90 <u>100</u>
	800,000		but not over		100 <u>110</u>
	900,000		but not over		110 <u>120</u>
	1,000,000		but not over		175 <u>185</u>
	2,500,000		but not over		250 <u>260</u>
	5,000,000		but not over		350 <u>360</u>
	10,000,000		but not over		800 <u>810</u>

50,000,000	but not over	100,000,000	1,200 <u>1,210</u>
100,000,000	but not over	200,000,000	1,600 <u>1,610</u>
200,000,000	but not over	300,000,000	2,000 <u>2,010</u>
300,000,000	but not over	500,000,000	2,500 <u>2,510</u>
500,000,000			3,000 <u>3,010</u>

Provided, that a domestic corporation having no stated capital, or a foreign corporation having no stated capital or no property in Iowa, shall pay an annual license fee of ~~five~~ fifteen dollars.

Sec. 10. Section 496A.127, Code 1981, is amended to read as follows:

496A.127 ANNUAL LICENSE FEES PAYABLE BY FOREIGN CORPORATIONS. At the time of filing its annual report, each foreign corporation having a permit to transact business in this state shall pay to the secretary of state an annual license fee for the calendar year, which shall be due on January 1, payable March 31, to be based on the sum total of the fair and reasonable value of all property employed and used in Iowa as of January 1 of the year in which the report is due, without deductions of sums due and owing by said foreign corporation. The annual license fee to be paid by said foreign corporation shall be based upon the sum so computed which shall be considered the stated capital in this state for the purpose of said annual license fee, and the fees to be paid thereon shall be computed by applying the schedule of annual license fees as in this chapter prescribed for domestic corporations.

A foreign corporation shall have the option, if it so elects, to pay its annual license fee upon its total stated capital, and said fee shall be computed by applying the schedule of annual license fees as in this chapter prescribed for domestic corporations.

The minimum annual license fee shall be ~~five~~ fifteen dollars.

Sec. 11. Section 496A.129, subsection 3, paragraph c, subparagraph (2), Code 1981, is amended to read as follows:

(2) The credit herein provided for may not be applied to the extent that it would reduce the annual license fee below the minimum of ~~five~~ fifteen dollars.

Sec. 12. Section 496A.130, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Each corporation, domestic or foreign, that fails or refuses to file its annual report for any year within the time prescribed by this chapter, shall be subject to a penalty of ten percent of the amount of the annual license fee determined by the secretary of state to be due and payable by such corporation for the period beginning January first of the year in which such report should have been filed. If the amount of the annual license fee originally determined by the secretary of state shall thereafter be adjusted in accordance with the provisions of this chapter, the amount of the penalty shall be likewise adjusted to ten percent of the amount of the adjusted license fee. In no event shall such penalty be less than ~~five~~ fifteen dollars. The amount of the license fee and the amount of the penalty shall be separately stated in any notice to the corporation with respect thereto.

Sec. 13. Section 496A.130, subsection 3, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The payment to the secretary of state by the corporation of all annual license fees and penalties then due and theretofore becoming due and an additional penalty of ~~one~~ two hundred dollars.

Sec. 14. Section 504A.85, Code 1981, is amended to read as follows:

504A.85 FEES FOR FILING DOCUMENTS AND ISSUING CERTIFICATES. The secretary of state shall charge and collect for:

1. Filing articles of incorporation and issuing a certificate of incorporation, ~~ten~~ twenty dollars.

2. Filing statement of election to accept the chapter, ~~one-dollar~~ five dollars.

3. Filing articles of amendment and issuing a certificate of amendment, ~~five~~ ten dollars.

4. Filing restated articles of incorporation, ~~ten~~ twenty dollars.

5. Filing articles of merger or consolidation and issuing a certificate of merger or consolidation, ~~five~~ twenty dollars.

6. Filing an application to reserve a corporate name, ~~five~~ ten dollars.

7. Filing a notice of transfer of a reserved corporate name, ~~five~~ ten dollars.

8. Filing a statement of change of address of registered office or change of registered agent, or both, ~~one-dollar~~ five dollars. If a single statement of change changes the address of the registered office of more than one corporation, the fee shall be ~~one-dollar~~ five dollars for each corporation the address of whose registered office is changed thereby.

9. Filing articles of dissolution, ~~one-dollar~~ five dollars.

10. Filing an application of a foreign corporation for a certificate of authority to conduct affairs in this state and issuing a certificate of authority, ~~ten~~ twenty dollars.

11. Filing an application of a foreign corporation for an amended certificate of authority to conduct affairs in this state and issuing an amended certificate of authority, ~~five~~ twenty dollars.

12. Filing a copy of an amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to conduct affairs in this state, ~~five~~ ten dollars.

13. Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to conduct affairs in this state, ~~five~~ twenty dollars.

14. Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, ~~one-dollar~~ five dollars.

15. Filing any other statement or report, ~~including an annual report~~, of a domestic or foreign corporation, ~~one-dollar~~ five dollars.

~~16. Recording any instrument, document, or paper, fifty cents per page.~~

Sec. 15. Section 504A.86, Code 1981, is amended to read as follows:

504A.86 MISCELLANEOUS CHARGES. The secretary of state shall charge and collect:

1. For furnishing a certified copy of any document, instrument, or paper relating to a corporation, ~~fifty cents~~ one dollar per page and ~~two~~ five dollars for the certificate and affixing the seal thereto; and for furnishing an uncertified copy, ~~fifty cents~~ one dollar per page.

2. At the time of any service of process on ~~him~~ the secretary of state as resident agent of a corporation, ~~five~~ ten dollars, which amount may be recovered as taxable costs by the party to the suit or action causing such service to be made if such party prevails in the suit or action.

3. For a certificate of good standing, ~~two~~ five dollars.

Sec. 16. Section 554.9403, subsection 5, Code 1981, is amended to read as follows:

5. The uniform fee for filing and indexing and for stamping a copy furnished by the secured party to show the date and place of filing shall be as follows:

a. ~~Three~~ Four dollars for an original financing statement if the statement is in the standard form prescribed by the secretary of state, and otherwise ~~four~~ five dollars.

b. ~~Two~~ Four dollars for a continuation statement if the statement is in the standard form prescribed by the secretary of state, and otherwise ~~three~~ five dollars.

Sec. 17. Section 554.9405, subsections 1 and 2, Code 1981, are amended to read as follows:

1. A financing statement may disclose an assignment of a security interest in the collateral described in the financing statement by indication in the financing statement of the name and address of the assignee or by an assignment itself or a copy thereof on the face or back of the statement. On presentation to the filing officer of such a financing statement the filing officer shall mark the same as provided in section 554.9403, subsection 4. The uniform fee for filing, indexing and furnishing filing data for a financing statement so indicating an assignment on a form conforming to standards prescribed by the secretary of state shall be ~~three~~ four dollars, or if such statement otherwise conforms to the requirements of this section, ~~four~~ five dollars.

2. A secured party may assign of record all or a part of ~~his~~ the rights under a financing statement by the filing in the place where the original financing statement was filed of a separate written statement of assignment signed by the secured party of record and setting forth the name of the secured party of record and the debtor, the file number and the date of filing of the financing statement and the name and address of the assignee and containing a description of the collateral assigned. A copy of the assignment is sufficient as a separate statement if it complies with the preceding sentence. On presentation to the filing officer of such a separate statement, the filing officer shall mark such separate statement with the date and hour of the filing. ~~He~~ The filing officer shall note the assignment on the index of the financing statement, or in the case of a fixture filing, or a filing covering timber to be cut, or covering minerals or the like (including oil and gas) or accounts subject to section 554.9103, subsection 5, ~~he~~ the filing officer shall index the assignment under the name of the assignor as grantor and, to the extent that the law of this state provides for indexing the assignment of a mortgage under the name of the assignee, ~~he~~ the filing officer shall index the assignment of the financing statement under the name of the assignee. The uniform fee for filing, indexing and

furnishing filing data about such a separate statement of assignment on a form conforming to standards prescribed by the secretary of state shall be ~~two~~ four dollars, or if such statement otherwise conforms to the requirements of this section, ~~three~~ five dollars. Notwithstanding the provisions of this subsection, an assignment of record of a security interest in a fixture contained in a mortgage effective as a fixture filing (section 554.9402, subsection 6), may be made only by an assignment of the mortgage in the manner provided by the law of this state other than this chapter.

For fixture filings there shall be a fee of three dollars per page for recording and a fee of three dollars per page for a total or partial release of the fixture filing.

Sec. 18. Section 554.9406, Code 1981, is amended to read as follows:

554.9406 RELEASE OF COLLATERAL--DUTIES OF FILING OFFICER--FEES. A secured party of record may by ~~his~~ a signed statement release all or a part of any collateral described in a filed financing statement. The statement of release is sufficient if it contains a description of the collateral being released, the name and address of the debtor, the name and address of the secured party, and the file number of the financing statement. A statement of release signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with section 554.9405, subsection 2, including payment of the required fee. Upon presentation of such a statement of release ~~to~~ the filing officer ~~he~~ shall mark the statement with the hour and date of filing and shall note the same upon the margin of the index of the filing of the financing statement. The uniform fee for filing and noting such a statement of release on a form conforming to standards prescribed by the secretary of state shall be ~~two~~ four dollars, or if such statement otherwise conforms to the requirements of this section, ~~three~~ five dollars.

Sec. 19. Section 554.9407, subsection 2, Code 1981, is amended to read as follows:

2. Upon request of any person, the filing officer shall issue ~~his~~ a certificate showing whether there is on file on the date and hour stated therein, any presently effective financing statement naming a particular debtor and any financing statement changes and if there is, giving the date and hour of filing of each such filing and the names and addresses of each secured party therein. The uniform fee for such a certificate shall be ~~two~~ four dollars if the request for the certificate is on a form conforming to standards prescribed by the secretary of state; otherwise, ~~three~~ five dollars. Upon request and the payment of the appropriate fee the filing officer shall furnish a certified copy of any filed financing statement or financing statement changes for a uniform fee of one dollar per page.

Sec. 20. Section 617.3, unnumbered paragraph 3, Code 1981, is amended to read as follows:

Service of such process or original notice shall be made (1) by filing duplicate copies of said process or original notice with said secretary of state, together with a fee of ~~five~~ ten dollars, and (2) by mailing to the defendant and to each of them if more than one, by registered or certified mail, a notification of said filing with the secretary of state, the same to

be so mailed within ten days after such filing with the secretary of state. Such notification shall be mailed to each ~~such~~ foreign corporation at the address of its principal office in the state or country under the laws of which it is incorporated and to each such nonresident person at ~~his~~ an address in the state of ~~his~~ residence. The defendant shall have sixty days from the date of such filing with the secretary of state within which to appear. Proof of service shall be made by filing in court the duplicate copy of the process or original notice with the secretary of state's certificate of filing, and the affidavit of the plaintiff or ~~his~~ the plaintiff's attorney of compliance herewith.

Approved May 18, 1981

CHAPTER 22
TRANSPORTATION REGULATION
S. F. 524

AN ACT establishing a transportation regulation authority to replace the three-member transportation regulation board with a January 1, 1982 effective date.

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

Section 1. Section 13.7, Code 1981, is amended to read as follows:

13.7 SPECIAL COUNSEL. No compensation shall be allowed to any person for services as an attorney or counselor to any executive department of the state government, or the head thereof, or to any state board or commission, but the executive council may employ legal assistance, at a reasonable compensation, in any pending action or proceeding to protect the interests of the state, but only upon a sufficient showing, in writing, made by the attorney general, that the department of justice cannot for reasons stated by the attorney general perform said service, which reasons and action of the council shall be entered upon its records. When the attorney general determines that the department of justice cannot perform legal service in an action or proceeding, the executive council shall request the department involved in the action or proceeding to recommend legal counsel to represent the department. If the attorney general concurs with the department that the person recommended is qualified and suitable to represent the department, the person recommended shall be employed. If the attorney general does not concur in the recommendation, the department shall submit a new recommendation. This section shall not affect the office of the commerce counsel, the transportation regulation ~~board~~ authority counsel, or the legal counsel of the Iowa department of job service.

Sec. 2. Section 307.1, subsection 4, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following: