

Sec. 29. NEW SECTION. 808B.8 CIVIL DAMAGES AUTHORIZED – CIVIL AND CRIMINAL IMMUNITY – INJUNCTIVE RELIEF.

1. A person whose wire communication or oral communication is intercepted, disclosed, or used in violation of this chapter shall:

a. Have a civil cause of action against any person who intercepts, discloses, or uses or procures any other person to intercept, disclose, or use such communications.

b. Be entitled to recover from any such person all of the following:

(1) Actual damages, but not less than liquidated damages computed at the rate of one hundred dollars a day for each day of violation, or one thousand dollars, whichever is higher.

(2) Punitive damages upon a finding of a willful, malicious, or reckless violation of this chapter.

(3) A reasonable attorney's fee and other litigation costs reasonably incurred.

2. A good faith reliance on a court order shall constitute a complete defense to any civil or criminal action brought under this chapter.

3. A person whose wire communication or oral communication is intercepted, disclosed, or used in violation of this chapter may seek an injunction, either temporary or permanent, against any person who violates this chapter.

Sec. 30. NEW SECTION. 808B.9 REPEAL.

This chapter is repealed effective July 1, 1994.

Sec. 31. The legislative council is requested to establish an interim study committee to study illegal drug activities in the state of Iowa and efforts to combat this growing problem. If established, the study committee shall study the appropriate aid to be provided to state and local law enforcement agencies for the apprehension of persons engaged in unlawful activities relating to drugs, the proper role for state government in coordinating these enforcement activities, the treatment of substance abusers, the relationship between the use of illegal drugs and the commission of criminal offenses not related to illegal drugs in Iowa, and other related matters. The study committee should report its findings and recommendations to the legislative council and the general assembly by January 15, 1990.

Sec. 32. Section 204.414, Code 1989, is repealed.

Sec. 33. Sections 18 through 21 of this Act apply retroactively to January 1, 1989, for tax years beginning on or after that date.

Sec. 34. Section 5 of this Act is effective July 1, 1990.

Approved May 26, 1989

CHAPTER 226

HARASSMENT

H.F. 672

AN ACT relating to harassment and providing penalties.

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

Section 1. Section 708.7, Code 1989, is amended to read as follows:

708.7 HARASSMENT.

1. A person commits harassment when, with intent to intimidate, annoy or alarm another person, the person does any of the following:

‡ a. Communicates with another by telephone, telegraph, or writing without legitimate purpose and in a manner likely to cause the other person annoyance or harm.

2 b. Places any a simulated explosive or simulated incendiary device in or near any a building, vehicle, airplane, railroad engine or railroad car, or boat occupied by such another person.

3 c. Orders merchandise or services in the name of another, or to be delivered to another, without such the other person's knowledge or consent.

4 d. Reports or causes to be reported false information to a law enforcement authority implicating another in some criminal activity, knowing that the information is false, or reports the alleged occurrence of a criminal act, knowing the same act did not occur.

Harassment is a simple misdemeanor.

2. A person commits harassment in the first degree when the person commits harassment involving a threat to commit a forcible felony, or commits harassment and has previously been convicted of harassment three or more times under this section or any similar statute during the preceding ten years.

Harassment in the first degree is an aggravated misdemeanor.

3. A person commits harassment in the second degree when the person commits harassment involving a threat to commit bodily injury, or commits harassment and has previously been convicted of harassment two times under this section or any similar statute during the preceding ten years.

Harassment in the second degree is a serious misdemeanor.

4. Any other act of harassment is harassment in the third degree. Harassment in the third degree is a simple misdemeanor.

Approved May 26, 1989

CHAPTER 227

INSURANCE AGENTS AND ADMINISTRATORS

S.F. 272

AN ACT relating to insurance by providing for notice and review of contracts between insurers and managing general agents and providing for regulation of third-party administrators.

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

DIVISION I

Section 1. NEW SECTION. 515.161 DEFINITIONS.

For purposes of this subchapter, unless the context requires otherwise:

"Managing general agent" means a person, acting as an independent contractor with respect to a domestic insurer, except a county mutual association that operates only within a given county and counties contiguous to that county, who performs an underwriting or claims function for the insurer, but does not include any of the following:

1. A licensed attorney retained for the defense of an insured, as required or allowed by the policy of insurance issued by the domestic insurer.

2. A licensed insurance agent who is extended settlement authority by an insurer as an incidental part of the agent's duties as an agent.

3. An independent claims adjuster who receives periodic assignments of claims from an insurer.

4. A person retained for the purpose of obtaining photographs, diagrams, or otherwise verifying information submitted on applications for insurance, and who does not perform any other claim or underwriting services for the insurer.

Sec. 2. NEW SECTION. 515.162 CONTRACTS WITH MANAGING GENERAL AGENTS.

A domestic insurer shall not enter into a contract with a managing general agent unless the domestic insurer notifies the commissioner in writing of its intention to enter into the