

CHAPTER 82

DISCLOSURES BY REAL ESTATE LICENSEES

H.F. 644

AN ACT relating to the relationship between a real estate broker or salesperson and parties to certain real estate transactions and providing an effective date.

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

Section 1. Section 543B.57, subsections 1 and 2, Code 1997, are amended to read as follows:

1. A licensee shall not represent any party or parties to a transaction or otherwise as a licensee unless that licensee makes ~~an affirmative written~~ a disclosure to all parties to the transaction identifying which party that person represents in the transaction. ~~The disclosure shall be acknowledged by separate signatures of all parties to the transaction.~~

2. a. The disclosure required in subsection 1 shall be made by the licensee at the time the licensee provides specific assistance to the client, ~~or prior to any offer being made or accepted by any party to a transaction, whichever is sooner.~~ A change in a licensee's representation that makes the initial disclosure incomplete, misleading, or inaccurate requires that a new disclosure be made immediately.

b. For purposes of this section, "specific assistance" means eliciting or accepting confidential information about a party's real estate needs, motivation, or financial qualifications, or eliciting or accepting information involving a proposed or preliminary offer associated with specific real estate. "Specific assistance" does not mean an open house showing, preliminary conversations concerning price range, location, and property styles, or responding to general factual questions concerning properties which have been advertised for sale or lease.

c. A written disclosure is required to be made prior to an offer being made or accepted by any party to a transaction. The written disclosure shall be acknowledged by separate signatures of all parties to the transaction prior to any offer being made or accepted by any party to a transaction.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 23, 1997

CHAPTER 83

ELECTIONS IN SPECIAL LAND USE DISTRICTS

S.F. 193

AN ACT relating to the election of trustees for special land use districts.

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

Section 1. Section 303.49, subsections 2, 3, and 4, Code 1997, are amended to read as follows:

2. Following the initial special election, an annual election shall be held ~~on the second Tuesday of each September~~ at a single polling place within the district* designated by the

* The words "at a single polling place within the district" erroneously underscored

county auditor for the purpose of electing a trustee to replace a trustee whose term will expire. The board of trustees, in consultation with the county auditor, shall select the election date. The county auditor shall perform all other acts with reference to the election and conduct it in like manner, as nearly as may be, as provided in chapters 45 and 49. Each registered voter at the election may vote for one person whom the voter desires as a trustee for each expiring term. The term of office for each trustee elected shall be three years.

3. Vacancies in the office of trustee of a land use district ~~shall~~ may be filled by the remaining members of the board of trustees for the period extending to the ~~second Tuesday in September~~ next annual election at which time the registered voters of the district shall elect a new trustee to fill the vacancy for the unexpired term. Expenses incurred in carrying out the annual elections of trustees shall be paid for by the land use district.

4. When the initial board of trustees is elected under this section the trustees shall be ranked in the order of votes received from highest to lowest. Any ties shall be resolved by a random method. The last ranked trustee shall receive an initial term expiring at the next annual election for trustees ~~in September~~, the sixth and fifth ranked trustees receive an initial term expiring one year later, the fourth ranked trustee receives an initial term expiring two years after that election, the third and second ranked trustees receive initial terms expiring three years after that election, and the first ranked trustee shall receive an initial term expiring four years after that election.

Approved April 29, 1997

CHAPTER 84

STUDENT SEARCHES

H.F. 331

AN ACT relating to the authorization of school officials to conduct searches of students, student protected areas, lockers, desks, and other facilities and spaces and including effective and applicability provisions.

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

Section 1. Section 808A.1, subsection 1, paragraph d, Code 1997, is amended by striking the paragraph.

Sec. 2. Section 808A.1, subsection 5, Code 1997, is amended to read as follows:

5. "Student search rule" means a rule established by the school board of a public school, pursuant to section 279.8 or 279.9, or the authorities in charge of a nonpublic school controlling the manner of the searching of students or protected student areas and school lockers, desks, and other facilities or spaces owned by the school. A student search rule, to be valid for purposes of this chapter, ~~must~~ shall require that all searches of students or protected student areas be reasonable reasonably related in scope to the circumstances which gave rise to the need for the search and ~~shall be~~ based upon consideration of relevant factors which include, but are not limited to, the following:

- a. The ~~seriousness~~ nature of the violation for which a the search ~~may be~~ is being instituted.
- b. The age or ages and gender of the students ~~which~~ who may be searched pursuant to the rule.
- c. The ~~information or suspicion which must exist to warrant the institution of a~~ objectives to be accomplished by the search.