

b. (2) In which the consumer is accorded the right of rescission by the provisions of the Consumer Credit Protection Act, 15 U.S.C. § 1635, or rules issued pursuant to this chapter.

e. (3) In which the buyer has initiated the contact and the goods or services are needed to meet a bona fide immediate personal emergency of the buyer, and the buyer furnishes the seller with a separate dated and signed personal statement in the buyer's handwriting describing the situation requiring immediate remedy and expressly acknowledging and waiving the right to cancel the sale within three business days.

d. (4) Conducted and consummated entirely by mail or telephone; and without any other contact between the buyer and the seller or its representative prior to delivery of the goods or performance of the services.

e. (5) In which the buyer has initiated the contact and specifically requested the seller to visit the buyer's home for the purpose of repairing or performing maintenance upon the buyer's personal property. If in the course of such a visit, the seller sells the buyer the right to receive additional services or goods other than replacement parts necessarily used in performing the maintenance or in making the repairs, the sale of those additional goods or services would not fall within this exclusion.

f. (6) Pertaining to the sale or rental of real property, to the sale of insurance and prepaid health service plans, or to the sale of securities or commodities by a broker-dealer registered with the securities and exchange commission.

4. b. "Door-to-door sale", irrespective of the place or manner of sale, also means a the following:

(1) A sale of funeral services or funeral merchandise regulated under chapter 523A, irrespective of the place or manner of sale.

(2) A sale of a social referral service or an ancillary service. For purposes of this subparagraph, "social referral service" means a service for a fee providing matching or introduction of individuals for the purpose of dating, matrimony, or general social contact not otherwise prohibited by law, and "ancillary service" means goods or services directly or indirectly related to or to be provided in connection with a social referral service.

Sec. 4. Section 552.15, Code 1999, is repealed.

Approved March 30, 2000

CHAPTER 1022

CORPORATE REPORTING TO SECRETARY OF STATE

S.F. 2388

AN ACT relating to the filing of reports with the secretary of state by corporate entities.

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

Section 1. Section 9H.9, subsection 2, Code 1999, is amended to read as follows:

2. The total number of hogs and the total number of cattle owned and fed more than thirty days by the processor during the preceding calendar year or fiscal year.

Sec. 2. NEW SECTION. 10B.4A. SUSPENSION OF OTHER FILING REQUIREMENTS.

The secretary of state shall not prepare or distribute forms for reports or file reports otherwise required pursuant to section 9H.5A, 501.103, or 567.8. A person required to file a report pursuant to this chapter is not required to file a report under those sections.

Sec. 3. Section 495.3, Code 1999, is amended to read as follows:

495.3 ~~ANNUAL~~ BIENNIAL REPORT — FEE.

All corporations subject to the provisions of this chapter are hereby required to pay the ~~annual~~ fee and to make the ~~annual~~ biennial report in the form and manner and at the time as specified in chapter 490.

Sec. 4. Section 496C.21, unnumbered paragraph 1, Code 1999, is amended to read as follows:

Each ~~annual~~ biennial report of a professional corporation or foreign professional corporation shall, in addition to the information required by the Iowa business corporation Act, set forth:

Sec. 5. Section 496C.21, unnumbered paragraph 3, Code 1999, is amended by striking the unnumbered paragraph, and inserting in lieu thereof the following:

A corporation subject to the provisions of this chapter shall pay the biennial filing fee and make the biennial report in a form and manner and at the time specified in chapter 490.

Sec. 6. Section 497.26, Code 1999, is amended to read as follows:

497.26 CANCELLATION.

If the ~~annual~~ biennial report required is not filed and penalties paid on or before the last day of June the secretary of state shall, on the first day of July following, cancel the name of any delinquent corporation from the list of live corporations in the secretary of state's office, and enter such cancellation on the proper records.

Sec. 7. Section 498.28, Code 1999, is amended to read as follows:

498.28 CANCELLATION.

If the ~~annual~~ biennial report required is not filed and penalties paid on or before the last day of June the secretary of state shall, on the first day of July following, cancel the name of any delinquent corporation from the list of live corporations in the secretary of state's office, and enter such cancellation on the proper records.

Sec. 8. Section 499.43A, subsection 2, unnumbered paragraph 1, Code 1999, is amended to read as follows:

The instrument shall be filed with the secretary of state. The cooperative association shall amend its articles of incorporation pursuant to section 499.41 to comply with the provisions of this chapter. The secretary of state shall not file the instrument unless the cooperative association is in compliance with the provisions of chapter 498 at the time of filing. A cooperative association shall file ~~an annual~~ a biennial report which is due pursuant to section 499.49. Upon filing the instrument with the secretary, all of the following shall apply:

Sec. 9. Section 499.53, Code 1999, is amended to read as follows:

499.53 QUO WARRANTO.

The right of an association to exist or continue under this chapter may be inquired into by the attorney general, but not otherwise. If from its ~~annual~~ biennial report or otherwise, the secretary of state is informed that it is not functioning as a cooperative, the secretary shall so notify the attorney general, who, if the attorney general finds reasonable cause so to believe, shall bring action to oust it and wind up its affairs.

Sec. 10. Section 499.73, subsection 4, Code 1999, is amended to read as follows:

4. An association may also appoint or change its registered office or registered agent in its ~~annual~~ biennial report.

Sec. 11. Section 499.76, subsection 1, Code 1999, is amended to read as follows:

1. The association has not delivered ~~an annual~~ a biennial report to the secretary of state in a form that meets the requirements of section 499.49, within sixty days after it is due.

Sec. 12. Section 501.106, subsection 4, Code 1999, is amended to read as follows:

4. A cooperative may also change its registered office or registered agent in its ~~annual~~ biennial report.

Sec. 13. Section 501.701, subsection 5, paragraph g, Code Supplement 1999, is amended to read as follows:

g. Its most recent ~~annual~~ biennial report delivered to the secretary of state under section 501.713.

Sec. 14. Section 501.713, subsection 1, unnumbered paragraph 1, Code Supplement 1999, is amended to read as follows:

Each cooperative authorized to transact business in this state shall deliver to the secretary of state for filing ~~an annual~~ a biennial report that sets forth all of the following:

Sec. 15. Section 501.713, subsections 2 through 5, Code Supplement 1999, are amended to read as follows:

2. Information in the ~~annual~~ biennial report must be current as of the first day of January of the year in which the report is due. The report shall be executed on behalf of the cooperative and signed as provided in section 501.105 or by any other person authorized by the board of directors of the cooperative.

3. The first ~~annual~~ biennial report shall be delivered to the secretary of state between January 1 and April 1 of the first even-numbered year following the calendar year in which a cooperative was organized. Subsequent ~~annual~~ biennial reports must be delivered to the secretary of state between January 1 and April 1 of the following even-numbered calendar years. A filing fee for the ~~annual~~ biennial report shall be determined by the secretary of state.

4. If ~~an annual~~ a biennial report does not contain the information required by this section, the secretary of state shall promptly notify the reporting cooperative in writing and return the report to the cooperative for correction.

5. The secretary of state may provide for the change of registered office or registered agent on the form prescribed by the secretary of state for the ~~annual~~ biennial report, provided that the form contains the information required in section 501.106. If the secretary of state determines that ~~an annual~~ a biennial report does not contain the information required by this section but otherwise meets the requirements of section 501.106 for the purpose of changing the registered office or registered agent, the secretary of state shall file the statement of change of registered office or registered agent, effective as provided in section 501.105, before returning the ~~annual~~ biennial report to the cooperative as provided in this section. A statement of change of registered office or agent pursuant to this subsection shall be executed by a person authorized to execute the ~~annual~~ biennial report.

Sec. 16. Section 501.811, subsection 1, Code 1999, is amended to read as follows:

1. The cooperative has not delivered ~~an annual~~ a biennial report to the secretary of state in a form that meets the requirements of section 501.713, within sixty days after it is due, or has not paid the filing fee as determined by the secretary of state, within sixty days after it is due.

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