

Sec. 82. Section 452A.6, Code 2005, is amended to read as follows:

452A.6 ETHANOL BLENDED GASOLINE AND OTHER PRODUCTS — BLENDER'S LICENSE.

1. a. A person other than a supplier, restrictive supplier, or importer licensed under this division, who blends gasoline with alcohol distilled from cereal grains so that the blend contains at least ten percent alcohol distilled from cereal grains ethanol as defined in section 214A.1 in order to formulate ethanol blended gasoline, shall obtain a blender's license.

b. A person who blends two or more special fuel products or sells one hundred percent bio-fuel shall obtain a blender's license.

2. The A blender's license shall be obtained by following the procedure under section 452A.4 and the blender's license is subject to the same restrictions as contained in that section.

3. A blender required to obtain a license pursuant to this section shall maintain records as required by section 452A.10 as to motor fuel, ~~alcohol~~ ethanol, ethanol blended gasoline, and special fuels.

DIVISION VIII CHANGE OF TERMS

Sec. 83. CHANGE OF TERMS.

1. Sections 8A.362, 101.21, 159A.4, 214.11, 214A.1, 214A.2, 214A.4, 214A.5, 214A.7, 214A.8, 214A.9, 214A.10, 214A.16, 214A.17, 214A.18, 306C.11, 312.1, 321.56, 423.14, 452A.63, 452A.66, and 452A.78, Code 2005, are amended by striking from the provisions the words "motor vehicle fuel" and inserting the following: "motor fuel".

2. Sections 214.3, 214.9, 214.11, and 214A.16, Code 2005, are amended by striking the words "motor vehicle fuel pump" or "motor vehicle fuel pumps" and inserting the following: "motor fuel pump" or "motor fuel pumps".

3. Sections 159A.3 and 214A.17, Code 2005, are amended by striking from the provisions the words "oxygenate octane enhancers" and inserting the following: "oxygenates".

4. Sections 214A.1, 214A.4, 214A.5, 214A.7, 214A.8, and 214A.10, Code 2005, are amended by striking from the provisions the words "oxygenate octane enhancer" and inserting the following: "oxygenate".²¹

Approved May 30, 2006

CHAPTER 1143

DEPARTMENT OF PUBLIC DEFENSE — MILITARY DIVISION AFFAIRS

H.F. 2765

AN ACT concerning the military division of the department of public defense.

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

Section 1. Section 29A.57, subsection 3, paragraph d, Code 2005, is amended to read as follows:

d. Grant a temporary or permanent easement with or without monetary consideration for utility, or public highway, or other purposes if granting the easement will not adversely affect use of the real estate for military purposes.

²¹ See chapter 1175, §18 herein

Sec. 2. Section 29A.99, Code 2005, is amended by striking the section and inserting in lieu thereof the following:

29A.99 MAXIMUM RATE OF INTEREST.

1. An obligation or liability bearing interest at a rate in excess of six percent per year that is incurred by a service member either individually or jointly with the service member's spouse before the service member enters military service shall not bear interest at a rate in excess of six percent per year during the service member's period of military service. Interest that would otherwise be incurred but for the prohibition in this section is forgiven. The amount of any periodic payment due from a service member under the terms of the instrument that created an obligation or liability covered by this section shall be reduced by the amount of the interest forgiven under this section that is allocable to the period for which such payment is made.

2. In order for an obligation or liability of a service member to be subject to the interest rate limitation in this section, the service member shall provide to the creditor written notice and a copy of the military orders calling the service member to military service and any orders further extending military service, not later than one hundred eighty days after the date of the service member's termination or release from military service. Upon receipt of written notice and a copy of orders calling a service member to military service, the creditor shall treat the debt in accordance with this section, effective as of the date on which the service member is called to military service.

3. A court may grant a creditor relief from the limitations of this section if, in the opinion of the court, the ability of the service member to pay interest upon the obligation or liability at a rate in excess of six percent per year is not materially affected by reason of the service member's military service.

4. As used in this section, the term "interest" includes service charges, renewal charges, fees, or any other charges, except for bona fide insurance, with respect to an obligation or liability.

Sec. 3. Section 29A.101A, Code 2005, is amended by striking the section and inserting in lieu thereof the following:

29A.101A TERMINATION OF LEASE BY SERVICE MEMBER — PENALTY.

1. For purposes of this section, unless the context otherwise requires:

a. "Premises lease" means a lease of premises occupied, or intended to be occupied, by a service member or a service member's dependents for a residential, professional, business, agricultural, or similar purpose if either of the following applies:

(1) The lease is executed by or on behalf of a person who thereafter and during the term of the lease enters military service.

(2) The service member, while in military service, executes the lease and thereafter receives military orders for a permanent change of station or to deploy with a military unit, or as an individual in support of a military operation, for a period of not less than ninety days.

b. "Vehicle lease" means a lease of a motor vehicle used, or intended to be used, by a service member or a service member's dependents for personal or business transportation if either of the following applies:

(1) The lease is executed by or on behalf of a person who thereafter and during the term of the lease enters military service under a call or order specifying a period of service of not less than ninety days, or who enters military service under a call or order specifying a period of ninety days of service or less and who, without a break in service, receives orders extending the period of military service to a period of not less than ninety days.

(2) The service member, while in military service, executes the lease and thereafter receives military orders to deploy with a military unit, or as an individual in support of a military operation, for a period of not less than ninety days.

2. A service member may terminate a premises lease or vehicle lease pursuant to the requirements of this section. Termination of a premises lease or vehicle lease shall be made as follows:

a. By delivery by the lessee of written notice of such termination, and a copy of the service

member's military orders, to the lessor or the lessor's grantee, or to the lessor's agent or the agent's grantee. A lessee's termination of a lease pursuant to this subsection shall terminate any obligation a dependent of the lessee may have under the lease. For purposes of this paragraph, written notice may be accomplished by hand delivery, by private business carrier, or by placing the written notice in an envelope with sufficient postage and with return receipt requested, and addressed as designated by the lessor or the lessor's grantee or to the lessor's agent or the agent's grantee, and depositing the written notice in the United States mail.

b. In the case of a vehicle lease, by return of the motor vehicle by the lessee to the lessor or the lessor's grantee, or to the lessor's agent or the agent's grantee, not later than fifteen days after the date of the delivery of written notice under paragraph "a". A lessee's termination of a lease pursuant to this subsection shall terminate any obligation a dependent of the lessee may have under the lease.

3. In the case of a premises lease that provides for monthly payment of rent, termination of the lease is effective thirty days after the first date on which the next rental payment is due and payable after the date on which the notice is delivered. In the case of any other premises lease, termination of the lease is effective on the last day of the month following the month in which the notice is delivered.

4. In the case of a vehicle lease, termination of the lease is effective on the day on which the vehicle is delivered to the lessor or the lessor's grantee.

5. Rents or lease amounts unpaid for the period preceding the effective date of the lease termination shall be paid on a prorated basis. In the case of a vehicle lease, the lessor may not impose an early termination charge, but any taxes, summonses, and title and registration fees and any other obligation and liability of the lessee in accordance with the terms of the lease, including reasonable charges to the lessee for excess wear, use, and mileage, that are due and unpaid at the time of termination of the lease shall be paid by the lessee.

6. Rents or lease amounts paid in advance for a period after the effective date of the termination of the lease shall be refunded to the lessee by the lessor or the lessor's assignee or the assignee's agent within thirty days of the effective date of the termination of the lease.

7. Upon application by the lessor to a court before the termination date provided in the written notice, relief granted by this section to a service member may be modified as justice and equity require.

8. a. Any person who knowingly seizes, holds, or detains the personal effects, security deposit, or other property of a service member or a service member's dependent who lawfully terminates a lease covered by this section, or who knowingly interferes with the removal of such property from premises covered by such lease, for the purpose of subjecting or attempting to subject any of such property to a claim for rent accruing subsequent to the date of termination of such lease, or attempts to do so, commits a simple misdemeanor.

b. The remedy and rights provided under this section are in addition to and do not preclude any remedy for wrongful conversion otherwise available under law to the person claiming relief under this section.

Sec. 4. Section 29A.102, subsection 1, Code 2005, is amended to read as follows:

1. The creditor of a service member who, prior to entry into military service, has entered into an installment contract for the purchase or lease of real or personal property, including a motor vehicle, shall not terminate the contract or repossess the property for nonpayment or for any breach occurring during military service without an order from a court of competent jurisdiction.

Approved May 30, 2006