

a patient and a practitioner. Nothing in the rules shall prohibit a hospital from limiting, restricting, or revoking clinical privileges of a practitioner for violation of hospital rules, regulations, or procedures established under this paragraph, when applied in good faith and in a non-discriminatory manner. Nothing in this paragraph shall require a hospital to expand the hospital's current scope of service delivery solely to offer the services of a class of providers not currently providing services at the hospital. Nothing in this section shall be construed to require a hospital to establish rules which are inconsistent with the scope of practice established for licensure of practitioners to whom this paragraph applies. This section shall not be construed to authorize the denial of clinical privileges to a practitioner or class of practitioners solely because a hospital has as employees of the hospital identically licensed practitioners providing the same or similar services.

The rules shall require that a hospital establish and implement written criteria for the granting of clinical privileges. The written criteria shall include but are not limited to consideration of the ability of an applicant for privileges to provide patient care services independently and appropriately in the hospital; the license held by the applicant to practice; training, experience, and competence of the applicant; the relationship between the applicant's request for the granting of privileges and the hospital's current scope of patient care services, as well as the hospital's determination of the necessity to grant privileges to a practitioner authorized to provide comprehensive, appropriate, and cost-effective services.

Approved May 6, 1993

CHAPTER 109

RECORDING OF INSTRUMENTS IN COUNTY RECORDER'S OFFICE

S.F. 245

AN ACT relating to the recording of certain instruments in the office of county recorder.

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

Section 1. Section 161A.7, subsection 18, paragraph b, Code 1993, is amended to read as follows:

b. The title page of the district plan and a notification stating where the plan may be reviewed shall be filed recorded with the recorder in the county in which the district is located, and updated as necessary, after the committee approves and the administrator of the division signs the district plan. The commissioners shall provide notice of the ~~filed~~ recording and may provide a copy of the approved district plan to the county board of supervisors in the county where the district is located. The district plan shall be filed with the division as part of the state soil and water resource conservation plan provided in section 161A.4.

Sec. 2. Section 321.251, subsection 3, Code 1993, is amended to read as follows:

3. The titleholder of real property under subsection 2 may elect to waive the right to have the vehicular traffic provisions of this chapter, or the ordinances, rules, or regulations of the local authority where the real property is located, apply to the real property and any persons located on the real property, by ~~filed~~ recording a waiver with the county recorder of each county in which the property is located. The waiver shall include the legal description of the real property and shall bind the titleholder of the real property and any successors in interest. The waiver may only be rescinded if each law enforcement jurisdiction, in which the titleholder of real property wishes to obtain the benefit of this section, consents to the rescission of the waiver through adoption of a resolution.

Sec. 3. Section 504A.9, unnumbered paragraphs 2, 3, 5, 6, and 7, Code 1993, are amended to read as follows:

The statement shall be delivered to the secretary of state for filing and recording in the secretary of state's office, and the statement shall be filed and recorded in the office of the county recorder. If the registered office is changed from one county to another, the statement shall be filed and recorded in the office of the county recorder of the county to which the registered office is changed, and a certified copy of the statement shall be furnished by the secretary of state and delivered to the office of the county recorder for filing in the county in which the registered office was located prior to the filing of the statement.

If the registered office is changed from one county to another, the corporation shall also cause to be filed and recorded forthwith in the office of the recorder of the county to which such registered office is changed, its original articles of incorporation and all amendments thereto, or copies thereof certified by the secretary of state, or its restated articles and all amendments thereto, or copies thereof certified by the secretary of state. The

The change of address of registered office or the change of registered agent or agents or both registered office and agent or agents, as the case may be, shall become effective upon the filing of such statement by the secretary of state, but until such statement is recorded in the office of the recorder as above prescribed, service of process, notice or demand required or permitted by law to be served upon the corporation may be served upon the person who was its registered agent at its registered office prior to the filing of such statement with the same force and effect as if no change in registered office or registered agent had been made.

Any registered agent of a corporation may resign as such agent upon filing a written notice thereof, executed in duplicate, with the secretary of state, who shall record one copy and forthwith mail the other copy thereof to the corporation in care of an officer, who is not the resigning registered agent, at the address of such officer as shown by the most recent annual report of the corporation. The copy recorded by the secretary of state shall be sent by the secretary to the county recorder of the county in which the registered office is located for recording in the county recorder's office. The appointment of such agent shall terminate upon the expiration of thirty days after receipt of such notice by the secretary of state.

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 report pursuant to section 504A.83, provided that the form contains the information required in this section. If the secretary of state determines that an annual report does not contain the information required by section 504A.83 but otherwise meets the requirements of this section 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 before returning the annual report to the corporation pursuant to section 504A.84. The secretary of state shall deliver a notice certifying the change in registered office or registered agent to the office of the county recorder for filing and recording. A statement of change of registered office or registered agent pursuant to this paragraph shall be executed by a person authorized to execute the annual report.

Sec. 4. Section 504A.30, Code 1993, is amended to read as follows:

504A.30 FILING AND RECORDING OF ARTICLES OF INCORPORATION.

The articles of incorporation shall be delivered to the secretary of state for filing and recording in the secretary of state's office, and the same shall be filed and recorded in the office of the county recorder. The secretary of state upon the filing of such articles shall issue a certificate of incorporation and send the same certificate to the corporation or its representative.

Sec. 5. Section 504A.32, subsection 1, paragraph c, Code 1993, is amended by striking the paragraph.

Sec. 6. Section 504A.37, Code 1993, is amended to read as follows:

504A.37 FILING OF ARTICLES OF AMENDMENT.

The articles of amendment shall be delivered to the secretary of state for filing and recording in the secretary of state's office, and the same shall be filed and recorded in the office of

the county recorder. The secretary of state upon the filing of the articles of amendment shall issue a certificate of amendment and send the same certificate to the corporation or its representative.

Sec. 7. Section 504A.39, subsection 4, unnumbered paragraph 4, Code 1993, is amended to read as follows:

The restated articles of incorporation shall be delivered to the secretary of state for filing and recording in the secretary of state's office ~~and the same shall be filed and recorded in the office of the county recorder.~~

Sec. 8. Section 504A.43, unnumbered paragraph 2, Code 1993, is amended to read as follows:

The articles of merger or articles of consolidation shall be delivered to the secretary of state for filing and recording in the secretary of state's office, ~~and the same shall be filed and recorded in the office of the recorder of each county in which the registered office of each domestic merging or consolidating corporation was located prior to the merger or consolidation and, if the new corporation into which the corporations have consolidated is a domestic corporation, in the office of the recorder of the county in which the registered office of the new corporation is located.~~

Sec. 9. Section 504A.52, unnumbered paragraph 1, Code 1993, is amended to read as follows:

Such articles of dissolution shall be delivered to the secretary of state for filing and recording in the secretary of state's office; ~~and the same shall be filed and recorded in the office of the county recorder.~~

Sec. 10. Section 504A.62, Code 1993, is amended to read as follows:

504A.62 FILING OF DECREE OF DISSOLUTION.

In case the court shall enter a decree dissolving a corporation, it shall be the duty of the clerk of such court to cause certified copies of the decree to be filed with and recorded by the secretary of state ~~and the county recorder of the county in which is located the corporation's registered office.~~ No fee shall be charged by the secretary of state or said county recorder for the filing or recording thereof.

Sec. 11. Section 504A.73, unnumbered paragraph 5, Code 1993, is amended to read as follows:

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 report pursuant to section 504A.83, provided that the form contains the information required in this section. If the secretary of state determines that an annual report does not contain the information required by section 504A.83 but otherwise meets the requirements of this section 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 before returning the annual report to the corporation pursuant to section 504A.84. ~~The secretary of state shall deliver a notice certifying the change in registered office or registered agent to the office of the county recorder for filing and recording.~~ A statement of change of registered office or registered agent pursuant to this paragraph shall be executed by a person authorized to execute the annual report.

Sec. 12. Section 504A.87, unnumbered paragraph 6, Code 1993, is amended to read as follows:

The secretary of state, upon filing the application for reinstatement, shall issue a certificate of reinstatement and file and record the same in the secretary of state's office and, if the application for reinstatement shall set forth a change in the name of the corporation, as required by this section, the same shall constitute an amendment to the articles of incorporation of the corporation and the certificate of reinstatement shall set forth such fact ~~and shall be filed and recorded in the office of the county recorder.~~ Upon the issuance of the certificate of reinstatement, the corporation shall be entitled to continue to act as a corporation for the unexpired portion of its corporate period as fixed by its articles of incorporation, except, that the corporation shall not be entitled to use the name of the corporation at the time of the issuance of the certificate of cancellation if another corporation or foreign corporation is entitled to use such name or such name is then reserved as provided in this chapter.

Sec. 13. Section 504A.100, subsection 3, paragraph c, Code 1993, is amended to read as follows:

c. As to domestic corporations such instrument shall be delivered to the secretary of state for filing and recording in the secretary of state's office, and the same shall be filed and recorded in the office of the county recorder.

If the county of the initial registered office as stated in such instrument is one which is other than the county wherein the principal office or place of business of such corporation, as theretofore designated in its articles of incorporation, was located, the secretary of state shall forward also to the county recorder of the county in which the said principal office or place of business of said corporation was located a copy of such instrument and the secretary shall forward to the recorder of the county in which the initial registered office of such corporation is located, in addition to the original of such instrument, a copy of the articles of incorporation of said corporation together with all amendments thereto as then on file in the secretary of state's office.

Sec. 14. Section 558.66, unnumbered paragraph 2, Code 1993, is amended to read as follows:

An affidavit of or on behalf of a surviving spouse may be filed recorded with the auditor county recorder only when real estate owned by a decedent, who died on or after January 1, 1988, was held in joint tenancy with right of survivorship solely with the surviving spouse and shall be in the following form:

Approved May 11, 1993

CHAPTER 110

FINES AND PENALTIES — COLLECTION AND DISPOSITION — MINIMUM FINES S.F. 370

***AN ACT** relating to setting minimum fines for certain criminal convictions, increasing the civil penalty assessed for certain motor vehicle license revocations, collecting delinquent fines, penalties, costs, and restitution, and allowing community service in lieu of a fine.

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

Section 1. Section 321J.17, Code 1993, is amended to read as follows:

321J.17 CIVIL PENALTY — VICTIM COMPENSATION FUND — REINSTATEMENT.

When the department revokes a person's motor vehicle license or nonresident operating privilege under this chapter, the department shall assess the person a civil penalty of one two hundred dollars. The money collected by the department under this section shall be transmitted to the treasurer of state who shall deposit one-half of the money in the separate fund established in section 912.14 and one-half of the money shall be deposited in the general fund of the state. A temporary restricted license shall not be issued or a motor vehicle license or nonresident operating privilege reinstated until the civil penalty has been paid.

Sec. 2. Section 331.756, subsection 5, Code 1993, is amended to read as follows:

5. Enforce all forfeited bonds and recognizances and prosecute all proceedings necessary for the recovery of debts, revenues, moneys, fines, penalties, restitution of court-appointed attorney fees or expense of a public defender, and forfeitures accruing to the state or the county or to a school district or road district in the county, and all suits in the county against public service corporations which are brought in the name of the state. To assist in this duty, the county attorney may procure professional collection services provided by persons or organizations, including private attorneys, which are generally considered to have knowledge and

*Estimate of additional local revenue expenditures required by state mandate on file with the Secretary of State