

3. If benefits are paid under this chapter and were payable, at any time, for the same injury, disability, or death pursuant to the laws of another state or country concerning workers' compensation, the employer shall have a credit toward the benefits payable under this chapter for any benefits paid in another state or country.

Approved May 2, 1997

CHAPTER 107

REGISTERED AGENTS OF CORPORATIONS, PARTNERSHIPS, AND LIMITED LIABILITY COMPANIES

S.F. 116

AN ACT relating to the appointment and resignation of registered agents of corporations, limited liability companies, and partnerships and their registered offices.

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

Section 1. Section 487.104, subsection 3, Code 1997, is amended to read as follows:

3. An agent for service of process may resign as agent ~~upon~~ by signing and delivering to the secretary of state an original statement of resignation for filing and recording in accordance with section 487.206 ~~a written notice of resignation, executed in duplicate, with the secretary of state. The secretary of state shall forthwith mail~~ agent shall send a copy of the statement of resignation by certified mail to the limited partnership at its principal place of business. The agent shall certify to the secretary of state that the copy has been sent to the limited partnership, including the date the copy was sent. The appointment of the agent terminates ~~upon the expiration of thirty days after receipt of the notice by~~ on the date on which the statement is filed by the secretary of state.

Sec. 2. Section 487.104A, subsection 1, paragraphs b and d, Code 1997, are amended by striking the paragraphs.

Sec. 3. Section 487.902, subsection 5, Code 1997, is amended to read as follows:

5. A statement that the secretary of state is the agent of the foreign limited partnership for service of process if the registered agent has resigned and an agent has not been appointed under subsection 4 or, if appointed, the agent's authority has been revoked, or if the agent cannot be found or served with the exercise of reasonable diligence.

Sec. 4. Section 487.909, Code 1997, is amended to read as follows:

487.909 RESIGNATION OF AGENT FOR SERVICE OF PROCESS.

An agent for service of process of a foreign limited partnership may resign as agent ~~upon filing a written notice of the resignation, executed in duplicate, with the secretary of state by signing and delivering to the secretary of state an original statement of resignation for filing in accordance with section 487.206. The secretary of state agent shall forthwith mail~~ send a copy of the statement of resignation by certified mail to the foreign limited partnership at its principal ~~office or office required to be maintained in the state of its organization~~ place of business. The agent shall certify to the secretary of state that the copy has been sent to the limited partnership, including the date the copy was sent. The appointment of the agent terminates ~~upon the expiration of thirty days after receipt of the notice by~~ on the date on which the statement is filed by the secretary of state.

Sec. 5. NEW SECTION. 487.911 CHANGE OF REGISTERED OFFICE OR REGISTERED AGENT.

1. A foreign limited partnership may change its registered office or registered agent by delivering to the secretary of state for filing a statement of change that sets forth all of the following:

- a. The name of the foreign limited partnership.
- b. If the current registered office is to be changed, the street address of the new registered office.
- c. If the current registered agent is to be changed, the name of the new registered agent and the new agent's written consent to the appointment, either on the statement or attached to the statement.
- d. That after the change or changes are made, the street addresses of its registered office and the business office of its registered agent will be identical.

2. If a registered agent changes the street address of the registered agent's business office, the registered agent may change the street address of the registered office of any foreign limited partnership for which the person is the registered agent by notifying the foreign limited partnership in writing of the change and signing, either manually or in facsimile, and delivering to the secretary of state for filing a statement that complies with the requirements of subsection 1 and recites that the foreign limited partnership has been notified of the change.

3. If a registered agent changes the registered agent's business address to another place, the registered agent may change the business address and the address of the registered agent by filing a statement as required in subsection 2 for each foreign limited partnership, or a single statement for all foreign limited partnerships named in the notice, except that the statement need be signed only by the registered agent or agents and need not be responsive to subsection 1, paragraph "c", and must recite that a copy of the statement has been mailed to each foreign limited partnership named in the notice.

4. A document delivered to the secretary of state for the purpose of changing a foreign limited partnership's registered agent or registered office may be executed by a general partner.

Sec. 6. Section 490.1701, subsection 3, paragraph c, unnumbered paragraph 2, Code 1997, is amended to read as follows:

If the county of the initial registered office as stated in the instrument is one which is other than the county where the principal place of business of the corporation, as designated in its articles of incorporation, was located, the ~~secretary of state~~ corporation shall forward ~~also~~ to the county recorder of the county in which the principal place of business of the corporation was located a copy of the instrument and the ~~secretary of state~~ corporation shall forward to the recorder of the county in which the initial registered office of the corporation is located, in addition to a copy of the original ~~of the~~ instrument, a copy of the articles of incorporation of the corporation together with all amendments to them as then on file in the secretary of state's office. The corporation shall, through an officer or director, certify to the secretary of state that a copy has been sent to each applicable county recorder, including the date each copy was sent.

Sec. 7. Section 490A.502, subsection 1, paragraphs b and d, Code 1997, are amended by striking the paragraphs.

Sec. 8. Section 490A.502, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The change of address of a registered office or the change of registered agent becomes effective upon the filing of such statement by the secretary of state.

Sec. 9. Section 490A.503, Code 1997, is amended to read as follows:
490A.503 RESIGNATION OF REGISTERED AGENT.

1. A registered agent may resign the agent's agency appointment by signing and delivering to the secretary of state for filing ~~the signed an original and two exact copies or conformed copies of~~ a statement of resignation. The statement may include a statement that the registered office is also discontinued. ~~After filing the statement the secretary of state~~ The registered agent shall mail one send a copy of the statement of resignation to the registered office, if not discontinued, and the other copy to the limited liability company at its principal office. The agent shall certify to the secretary of state that the copy has been sent to the limited liability company, including the date the copy was sent.

2. The agency appointment is terminated, and the registered office discontinued if so provided, on the ~~thirty first day after the date on which the statement was is~~ filed by the secretary of state.

Sec. 10. Section 504A.9, Code 1997, is amended to read as follows:

504A.9 CHANGE OF REGISTERED OFFICE OR REGISTERED AGENT.

1. A corporation may change its registered office or ~~change its registered agent or agents, or both office and agent or agents upon filing in the office of~~ by delivering to the secretary of state for filing a statement setting of change that sets forth all of the following:

1. a. The name of the corporation.

2. ~~The address of its then registered office.~~

3. ~~b.~~ If the address of its current registered office is to be changed, the street address to which of the new registered office is to be changed.

4. ~~The name of its then registered agent or agents.~~

5. ~~c.~~ If its the current registered agent or agents are is to be changed, the name of its successor new registered agent or agents, and the new agent's or agents' written consent to the appointment, either on the statement, or by attaching the agent's or agents' consent to the appointment or attached to the statement.

6. ~~d.~~ That after the change or changes are made, the address street addresses of its registered office and the address of the business office of its registered agent or agents, as changed, will be identical.

2. The statement shall be delivered to the secretary of state for filing ~~and recording~~ in the secretary of state's office.

3. If a registered agent ~~or agents change~~ changes the agent's ~~or agents'~~ business address to another place within the same county, the agent ~~or agents~~ may change the address of the registered office of any corporations of which that person is a registered agent by filing a statement as required ~~above in subsection 1~~ for each corporation, or a single statement for all corporations named ~~therein in the statement~~, except that ~~it~~ the statement need be signed only by the registered agent ~~or agents~~ and need not be responsive to subsection ~~5 above 1, paragraph "c", and but~~ must recite that notification of such change has been mailed to each ~~such~~ corporation named in the statement.

4. 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~~ becomes effective upon the filing of such statement by the secretary of state.

5. ~~Any A~~ registered agent of a corporation may resign as such agent ~~upon by signing and delivering to the secretary of state for 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 an original statement of resignation. The statement of resignation may also include a statement that the registered office is also discontinued. The registered agent shall send a copy of the statement of resignation by certified mail to the corporation at its principal office and to the registered office, if the registered office is not discontinued. The appointment of such the agent shall terminate upon the expiration of thirty days after receipt of such notice by terminates on the date on which the statement is filed by the secretary of state. If the~~

statement of resignation contains a statement that the registered office is discontinued, such office is discontinued on the date on which the statement of resignation is filed by the secretary of state.

6. 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. 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.

Approved May 2, 1997

CHAPTER 108

DEPARTMENT OF TRANSPORTATION — MISCELLANEOUS PROVISIONS

S.F. 132

AN ACT relating to state department of transportation operations, including regulating hazardous materials transport, regulating motor vehicle dealers, eliminating requirements that the department adopt administrative rules in certain instances, and establishing, making applicable, or enhancing penalties.

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

Section 1. Section 321.1, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 0A. "Agricultural hazardous material" means a hazardous material, other than hazardous waste, whose end use directly supports the production of an agricultural commodity, including, but not limited to, a fertilizer, pesticide, soil conditioner, or fuel. "Agricultural hazardous material" is limited to material in class 3, 8, or 9, division 2.1, 2.2, 5.1, or 6.1, or an ORM-D material as defined in 49 C.F.R. § 171.8.

Sec. 2. Section 321.1, subsection 42, paragraph c, Code 1997, is amended to read as follows:

c. "New motor vehicle or new car" means a ~~car~~ motor vehicle subject to registration which has not been sold "at retail" as defined in chapter 322.

Sec. 3. Section 321.11, unnumbered paragraph 3, Code 1997, is amended to read as follows:

Notwithstanding other provisions of this section to the contrary, the department shall not release personal information to a person, other than to an officer or employee of a law enforcement agency or a licensed private investigation agency or a licensed security service or a licensed employee of either, if the information is requested by the presentation of a registration plate number. However, a law enforcement agency may release the name, address, and telephone number of a motor vehicle registrant to a person requesting the information by the presentation of a registration plate number if the law enforcement agency