

OFFICIAL AND PRIVATE BONDS

Footnotes

See also chapter 666

64.1 Definitions.

As used in this chapter, unless the context otherwise requires, "*book*", "*list*", "*record*", or "*schedule*" kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2000 Acts, ch 1148, §1

Former §64.1 transferred to §64.1A

64.1A Bond not required.

Bonds shall not be required of the following public officers:

1. Governor.
2. Lieutenant governor.
3. Members of the general assembly.
4. Judges of the supreme and district courts and district associate judges.
5. Township trustees.
6. City council members, including city commissioners and aldermen, other than mayors.

[C51, § 323; R60, § 553; C73, § 674; C97, § 1182; S13, § 1182; SS15, § 694-c11; C24, 27, 31, 35, 39, § **1058**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 64.1]

C2001, §64.1A

64.2 Conditions of bond of public officers.

All other public officers, except as otherwise specially provided, shall give bond with the conditions, in substance, as follows:

That as (naming the office), in (city, township, county, or state of Iowa), the officer will render a true account of the office and of the officer's doings therein to the proper authority, when required thereby or by law; that the officer will promptly pay over to the officer or person entitled thereto all moneys which may come into the officer's hands by virtue of the office; that the officer will promptly account for all balances of money remaining in the officer's hands at the termination of the office; that the officer will exercise all reasonable diligence and care in the preservation and lawful disposal of all money, books, papers, securities, or other property appertaining to that office, and deliver them to the officer's successor, or to any other person authorized to receive the same; and that the officer will faithfully and impartially, without fear, favor, fraud, or oppression, discharge all duties now or hereafter required of the office by law.

The attachment of a renewal certificate to an existing bond shall not constitute compliance with this section.

[C51, § 324; R60, § 554, 1084, 1132; C73, § 504, 514, 674; C97, § 1183; C24, 27, 31, 35, 39, § **1059**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 64.2]

Footnotes

Construction of public bonds, § 666.1

64.3 Liability of surety. Repealed by 88 Acts, ch 1108, §4.

64.4 Conditions of other bonds.

All other bonds required by law, when not otherwise specially provided, shall be conditioned as the bonds of public officers.

[S13, § 1177-a, -d; C24, 27, 31, 35, 39, § **1061**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 64.4]

64.5 Want of compliance effect.

All bonds required by law shall be construed as impliedly containing the conditions required by statute, anything in the terms of said bonds to the contrary notwithstanding.

[C51, § 337; R60, § 567; C73, § 689; C97, § 1192; S13, § 1177-c; C24, 27, 31, 35, 39, § **1062**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 64.5]

64.6 State officers blanket bonds.

State officials are not required to obtain bonds, but may be covered under a blanket bond for state employees. The blanket bond purchases shall be made in an amount and with the level of assumption of risk by the state that is determined by the department of administrative services. The state shall pay the reasonable cost of bonds under this section.

83 Acts, ch 14, § 2; 83 Acts, ch 96, § 157, 159; 83 Acts, ch 186, § 10027, 10201; 85 Acts, ch 212, § 21; 86 Acts, ch 1211, § 10; 86 Acts, ch 1245, § 1901; 89 Acts, ch 76, §5; 2003 Acts, ch 145, § 286

64.7 Amount of bond, when not fixed by law. Repealed by 86 Acts, ch 1211, § 46. See § 64.6.

64.8 Bonds of county officers.

The bonds of members of the boards of supervisors, county attorneys, recorders, auditors, sheriffs, and assessors shall each be in a penal sum of not less than twenty thousand dollars. The amount of each bond shall be determined by the board of supervisors.

[C51, § 326, 327; R60, § 556, 557; C73, § 678; C97, § 1185; S13, § 1182-a, 1185; C24, 27, 31, 35, 39, § **1065, 1066**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, § 64.8, 64.9; C81, § 64.8]

83 Acts, ch 186, § 10028, 10201; 88 Acts, ch 1108, §1

64.9 Repealed by 80 Acts, ch 1012, § 75. See § 64.8.

64.10 Bond of county treasurer.

The bond of the county treasurer shall be in the sum of not less than fifty thousand dollars. The amount of the

treasurer's bond shall be determined by the board of supervisors.

[C24, § 1066; C27, 31, 35, § 1066-a1; C39, § **1066.1**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 64.10]

88 Acts, ch 1108, §2

64.11 Expense of bonds paid by county.

If a county treasurer, county attorney, recorder, auditor, sheriff, medical examiner, member of the veterans affairs commission, member of the board of supervisors, engineer, steward, or matron elects to furnish a bond with an association or incorporation as surety as provided in this chapter, the reasonable cost of the bond shall be paid by the county where the bond is filed.

[S13, § 1185; C24, 27, 31, 35, 39, § **1067**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 64.11]

83 Acts, ch 186, § 10029, 10201; 89 Acts, ch 83, §16

64.12 Township clerk expense of bond.

All bonds required of the township clerk shall be furnished and paid for by the township.

[C27, 31, 35, § 1067-b1; C39, § **1067.1**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 64.12]

64.13 Municipal officers.

The bonds of all municipal officers who are required to give bonds shall each be in such penal sum as may be provided by law or as the council shall from time to time prescribe by ordinance; but the council may provide for a surety bond running to the city and covering all city officers and employees not otherwise covered and conditioned as specified for bonds in section 64.2.

[R60, § 1084, 1132; C73, § 504, 514; C97, § 1185; S13, § 1185; C24, 27, 31, 35, 39, § **1068**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 64.13]

Footnotes

Bonds not required, § 64.1A

64.14 Repealed by 72 Acts, ch 1088, § 227.

64.15 Bonds of deputy officers and clerks.

Bonds required by law of deputy state, county, and city officers shall, unless otherwise provided, be in such amounts as may be fixed by the governor, board of supervisors, or the council, as the case may be, with sureties as required for the bonds of the principal, and filed with the same officer. Any loss of moneys caused by a deputy shall be paid by the deputy or the surety on the deputy's bond and the deputy's principal is not liable for the loss. The reasonable cost of the bonds required of deputy county officers, clerks, and cashiers employed by county officers shall be paid by the county where the bond is filed.

The exemptions provided in section 561.16 and chapter 627 are applicable to any claim made against a deputy state, county, or city officer and each bond shall so provide.

[C51, § 411; R60, § 642; C73, § 766; C97, § 1186; C24, 27, 31, 35, 39, § **1069**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 64.15]

89 Acts, ch 153, §1

Footnotes

Bonds of deputies, § 14A.1, 331.903(3)

See also § 63.11, 64.19

64.15A Exemptions applicable.

The exemptions provided in section 561.16 and chapter 627 are applicable to any claim made against a state, county, or city officer and each bond shall so provide.

89 Acts, ch 153, §2

64.16 Minimum number of sureties qualifications. Repealed by 88 Acts, ch 1108, §4.

64.17 Surety company bonds. Repealed by 88 Acts, ch 1108, §4.

64.18 Beneficiary of bond.

All bonds of public officers shall run to the state, and be for the use and benefit of any corporation, public or private, or person injured or sustaining loss, with a right of action in the name of the state for its or the corporation's or person's use.

[C51, § 325; R60, § 555; C73, § 677; C97, § 1188; S13, § 1188; C24, 27, 31, 35, 39, § **1072**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 64.18]

64.19 Approval of bonds.

Bonds shall be approved:

1. By the governor, in case of state and district officers, elective or appointive.
2. By the board of supervisors, in case of county officers, township clerks, and assessors.
3. By a judge of the district court for the county in question, in case of members of the board of supervisors.
4. By the township clerk, in case of other township officers.
5. By the council, or as provided by ordinance in case of city officers.
6. By the state court administrator in case of district court clerks and first deputy clerks.

[C51, § 330; R60, § 560; C73, § 680; C97, § 1188; S13, § 1182-a, 1188; C24, 27, 31, 35, 39, § **1073**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 64.19]

83 Acts, ch 186, § 10030, 10201; 93 Acts, ch 70, § 3

Footnotes

See § 63.11, 64.15

64.20 Time for approval.

All bonds shall be approved or disapproved within five days after their presentation for that purpose, and endorsed, in case of approval, to that effect and filed.

[C51, § 330; R60, § 560; C73, § 680; C97, § 1188; S13, § 1188; C24, 27, 31, 35, 39, § **1074**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 64.20]

64.21 Approval by auditor.

When a bond, approvable by the board of supervisors, of any public officer is presented after the final adjournment of the January session of said board, except those of the county auditor and treasurer, the auditor may approve such bond, in which case the auditor shall report that action to the board at its next session. The action of the auditor in approving the bond shall stand as the action of the board unless the board enters its disapproval. If such disapproval be entered, the new bond must be given within five days from the date of such decision, but the old bond shall stand good for all acts done up to the time of the approval of the new bond.

[C51, § 330; R60, § 560; C73, § 680; C97, § 1189; C24, 27, 31, 35, 39, § **1075**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 64.21]

64.22 Failure of board to approve application to judge.

If the board of supervisors refuses or neglects to approve the bond of any county officer, the officer may within five days thereafter, or after the expiration of the time allowed for such approval, present the same for approval to a judge of the district court of the proper district, who shall fix a day for the hearing. Notice of such hearing shall be given the board and return made in the same manner as in a civil action, and the court or judge at the time fixed shall, unless good cause for postponement be shown, proceed to hear the matter and approve the bond, if found sufficient, and such approval shall have the same force and effect as an approval by the board.

[C73, § 681; C97, § 1190; C24, 27, 31, 35, 39, § **1076**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 64.22]

Footnotes

Notice and return, chapter 617

64.23 Custody of bond.

The bonds and official oaths of public officers shall, after approval and proper record, be filed:

1. For all state officers, elective or appointive, except those of the secretary of state and judicial magistrates, with the secretary of state. Bonds and official oaths of judicial magistrates and court personnel shall be filed in the office of the state court administrator.
2. For the secretary of state, with the state auditor.
3. For county and township officers, except those of the county auditor, with the county auditor.
4. For county auditor, with the county treasurer.
5. For members of the board of supervisors, with the county auditor.

6. For officers of cities, and officers not otherwise provided for, in the office of the officer or clerk of the body approving the bond, or in cities, as otherwise provided by ordinance.

[C51, § 333; R60, § 563; C73, § 682; C97, § 1188, 1191; S13, § 1182-a, 1188; C24, 27, 31, 35, 39, § **1077**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 64.23]

83 Acts, ch 186, § 10031, 10201; 93 Acts, ch 70, § 4

64.24 Recording.

The secretary of state, each county auditor, district court clerk, and each auditor or clerk of a city shall keep a book, to be known as the "*Record of Official Bonds*", and all official bonds shall be recorded therein in full as follows:

1. In the record kept by the secretary of state, the official bonds of all state officers, elective or appointive, except the bonds of notaries public.
2. In the record kept by the county auditor, the official bonds of all county officers, elective or appointive, and township clerks.
3. In the record kept by the city auditor or clerk, the official bonds of all city officers, elective or appointive.
4. In the record kept by the district court clerk, the official bonds of judicial magistrates.

The records shall have an index which, under the title of each office, shall show the name of each principal and the date of the filing of the bond.

A bond when recorded shall be returned to the officer charged with the custody thereof.

[C73, § 683; C97, § 1196; S13, § 1196; C24, 27, 31, 35, 39, § **1078**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 64.24]

88 Acts, ch 1108, §3

64.25 Failure to give bond.

Action by any officer in an official capacity without giving bond when such bond is required shall constitute grounds for removal from office.

[C73, § 684; C97, § 1197; C24, 27, 31, 35, 39, § **1079**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 64.25]