

Senate Amendment 3054

PAG LIN

1 1 Amend Senate File 360 as follows:
1 2 #1. By striking page 35, line 27 through page 36,
1 3 line 6, and inserting the following:
1 4 <Sec. _____. NEW SECTION. 522B.17A INJUNCTIVE
1 5 RELIEF.
1 6 1. An association with at least twenty-five
1 7 insurance producer members may bring an action in
1 8 district court to enjoin a person from selling,
1 9 soliciting, or negotiating insurance in violation of
1 10 section 522B.2. However, before bringing an action in
1 11 district court to enjoin a person pursuant to this
1 12 section, an association shall file a complaint with
1 13 the insurance division alleging that the person is
1 14 selling, soliciting, or negotiating insurance in
1 15 violation of section 522B.2.
1 16 2. If the division makes a determination to
1 17 proceed administratively against the person for a
1 18 violation of section 522B.2, the complainant shall not
1 19 bring an action in district court against the person
1 20 pursuant to this section based upon the allegations
1 21 contained in the complaint filed with the division.
1 22 3. If the division does not make a determination
1 23 to proceed administratively against the person for a
1 24 violation of section 522B.2, the division shall issue,
1 25 on or before ninety days from the date of filing of
1 26 the complaint, a release to the complainant that
1 27 permits the complainant to bring an action in district
1 28 court pursuant to this section.
1 29 4. The filing of a complaint with the division
1 30 pursuant to this section tolls the statute of
1 31 limitations pursuant to section 614.1 as to the
1 32 alleged violation for a period of one hundred twenty
1 33 days from the date of filing the complaint.
1 34 5. Any action brought in district court by a
1 35 complainant against a person pursuant to this section,
1 36 based upon the allegations contained in the complaint
1 37 filed with the division, shall be brought within one
1 38 year after the ninety-day period following the filing
1 39 of the complaint with the division, or the date of the
1 40 issuance of a release by the division, whichever is
1 41 earlier.
1 42 6. If the court finds that the person is in
1 43 violation of section 522B.2 and enjoins the person
1 44 from selling, soliciting, or negotiating insurance in
1 45 violation of that section, the court's findings of
1 46 fact and law, and the judgment and decree, when final,
1 47 shall be admissible in any proceeding initiated
1 48 pursuant to section 522B.17 by the commissioner
1 49 against the person enjoined and the person enjoined
1 50 shall be precluded from contesting in that proceeding
2 1 the court's determination that the person sold,
2 2 solicited, or negotiated insurance in violation of
2 3 section 522B.2.>
2 4 #2. By renumbering as necessary.
2 5
2 6
2 7
2 8 _____
2 8 MICHAEL E. GRONSTAL
2 9 SF 360.501 81
2 10 av/pj/2502