

# Senate Amendment 5242

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1 1 Amend Senate File 2364, as passed by the Senate, as  
1 2 follows:  
1 3 #1. Page 5, by inserting after line 28 the  
1 4 following:  
1 5 <Sec. \_\_\_\_\_. NEW SECTION. 505.29 SERVICE OF  
1 6 PROCESS == FEE.  
1 7 The commissioner of insurance, pursuant to rules  
1 8 adopted pursuant to chapter 17A, may collect a  
1 9 reasonable fee each time process is served on the  
1 10 commissioner as allowed by law. Fees collected by the  
1 11 commissioner under this section shall be used and are  
1 12 appropriated to the insurance division to offset the  
1 13 costs of receiving such service of process. The party  
1 14 to a proceeding causing service of process is entitled  
1 15 to recover this fee as costs if the party prevails in  
1 16 the proceeding.>  
1 17 #2. Page 9, line 7, by striking the word <one=  
1 18 third> and inserting the following: <forty=nine  
1 19 percent>.  
1 20 #3. Page 10, line 13, by striking the words  
1 21 <contract or> and inserting the following:  
1 22 <contractor>.  
1 23 #4. Page 10, by striking lines 18 through 26.  
1 24 #5. Page 12, by striking lines 7 through 14.  
1 25 #6. Page 12, line 15, by striking the figure <16.>  
1 26 and inserting the following: <15.>  
1 27 #7. Page 30, by striking lines 23 and 24.  
1 28 #8. Page 31, by striking lines 7 and 8.  
1 29 #9. Page 39, line 3, by striking the words <~~or~~  
1 30 process> and inserting the following: <or process>.  
1 31 #10. Page 40, line 1, by striking the words <~~or~~  
1 32 process> and inserting the following: <or process>.  
1 33 #11. Page 41, by striking lines 12 through 27.  
1 34 #12. Page 43, by striking lines 11 through 20.  
1 35 #13. By striking page 43, line 28, through page  
1 36 44, line 6.  
1 37 #14. By striking page 48, line 9, through page 50,  
1 38 line 2, and inserting the following:  
1 39 <Sec. \_\_\_\_\_. Section 516E.3, subsection 1, paragraph  
1 40 a, Code Supplement 2005, is amended to read as  
1 41 follows:  
1 42 a. A service contract shall not be issued, sold,  
1 43 or offered for sale in this state unless a true and  
1 44 correct copy of the service contract, and the service  
1 45 company's reimbursement insurance policy, if  
1 46 applicable, have been filed with the commissioner by  
1 47 the service company.  
1 48 Sec. \_\_\_\_\_. Section 516E.3, subsection 2, paragraph  
1 49 b, Code Supplement 2005, is amended to read as  
1 50 follows:  
2 1 b. A provider shall file a consent to service of  
2 2 process on the commissioner, a notice with the name  
2 3 and ownership of the provider, and such other  
2 4 information as the commissioner requires, annually  
2 5 with the commissioner no later than August 1. If  
2 6 August 1 falls on a weekend or a holiday, the date for  
2 7 filing shall be the next business day. In addition to  
2 8 the annual filing, the provider shall promptly file  
2 9 copies of any amended documents if material amendments  
2 10 have been made in the materials on file with the  
2 11 commissioner. If an annual filing is made after  
2 12 August 1 and sales have occurred during the period  
2 13 when the provider was in noncompliance with this  
2 14 section, the commissioner shall assess an additional  
2 15 filing fee that is two times the amount normally  
2 16 required for an annual filing. A fee shall not be  
2 17 charged for interim filings made to keep the materials  
2 18 filed with the division current and accurate. The  
2 19 annual filing shall be accompanied by a filing fee in  
2 20 the amount of one hundred dollars.>  
2 21 #15. Page 60, by striking lines 31 through 33 and  
2 22 inserting the following: <the association or upon the  
2 23 commissioner of insurance on its behalf. The  
2 24 commissioner shall promptly transmit any notice served

2 25 upon the commissioner to the association.>  
2 26 #16. By striking page 60, line 34, through page  
2 27 61, line 33.  
2 28 #17. By striking page 69, line 15, through page  
2 29 70, line 16.  
2 30 #18. Page 72, line 3, by striking the word  
2 31 <subsections> and inserting the following:  
2 32 <subsection>.  
2 33 #19. Page 72, by striking lines 4 through 9.  
2 34 #20. Page 75, line 18, by striking the word <an>  
2 35 and inserting the following: ~~an~~ a written>.  
2 36 #21. Page 75, line 20, by striking the word <a>  
2 37 and inserting the following: ~~a~~ the owner of the  
2 38 property on which the cemetery or burial site is  
2 39 located or to a public or>.  
2 40 #22. Page 75, line 21, by inserting after the word  
2 41 <preservation.> the following: <The governmental  
2 42 subdivision shall not enter into an agreement with a  
2 43 public or private organization to preserve and protect  
2 44 the cemetery or burial site unless the property owner  
2 45 has been offered the opportunity to enter into such an  
2 46 agreement and has declined to do so.>  
2 47 #23. Page 75, by striking lines 25 through 30 and  
2 48 inserting the following:  
2 49 <c. If a governmental subdivision proposes to  
2 50 enter into an agreement with a public or private  
3 1 organization pursuant to this subsection to preserve  
3 2 and protect a cemetery or burial site that is located  
3 3 on property owned by another person within the  
3 4 jurisdiction of the governmental subdivision, the  
3 5 proposed agreement shall be written, and the  
3 6 governmental subdivision shall provide written notice  
3 7 by ordinary mail of the proposed agreement to the  
3 8 property owner at least fourteen days prior to the  
3 9 date of the meeting at which such proposed agreement  
3 10 will be authorized. The notice shall include the  
3 11 location of the cemetery or burial site and a copy of  
3 12 the proposed agreement, and explain that the property  
3 13 owner is required to permit members of the public or  
3 14 private organization reasonable ingress and egress for  
3 15 the purposes of preserving and protecting the cemetery  
3 16 or burial site pursuant to the proposed agreement.  
3 17 The notice shall also include the date, time, and  
3 18 place of the meeting and a statement that the property  
3 19 owner has a right to attend the meeting and to comment  
3 20 regarding the proposed agreement.  
3 21 d. Subject to chapter 670, a governmental  
3 22 subdivision that enters into an agreement with a  
3 23 public or private organization pursuant to this  
3 24 subsection is liable for any personal injury or  
3 25 property damage that occurs in connection with the  
3 26 preservation or protection of the cemetery or burial  
3 27 site or access to the cemetery or burial site by the  
3 28 governmental subdivision or the public or private  
3 29 organization.  
3 30 For the purposes of this paragraph, "liable" means  
3 31 liability for every civil wrong which results in  
3 32 wrongful death or injury to a person or injury to  
3 33 property or injury to personal or property rights and  
3 34 includes but is not restricted to actions based upon  
3 35 negligence; error or omission; nuisance; breach of  
3 36 duty, whether statutory or other duty; or denial or  
3 37 impairment of any right under any constitutional  
3 38 provision, statute, or rule of law.  
3 39 e. A property owner who is required to permit  
3 40 members of a public or private organization reasonable  
3 41 ingress and egress for the purpose or preserving or  
3 42 protecting a cemetery or burial site on that owner's  
3 43 property and who acts in good faith and in a  
3 44 reasonable manner pursuant to this subsection is not  
3 45 liable for any personal injury or property damage that  
3 46 occurs in connection with the preservation or  
3 47 protection of the cemetery or burial site or access to  
3 48 the cemetery or burial site.  
3 49 f. For the purposes of this subsection, reasonable  
3 50 ingress and egress to a cemetery or burial site shall  
4 1 include the following:  
4 2 (1) A member of a public or private organization  
4 3 that has entered into a written agreement with the  
4 4 governmental subdivision who desires to visit such a  
4 5 cemetery or burial site shall give the property owner

4 6 at least ten days' written notice of the intended  
4 7 visit.

4 8 (2) If the property owner cannot provide  
4 9 reasonable access to the cemetery or burial site on  
4 10 the desired date, the property owner shall provide  
4 11 reasonable alternative dates when the property owner  
4 12 can provide access to the member.

4 13 (3) A property owner is not required to make any  
4 14 improvements to that person's property to satisfy the  
4 15 requirement to provide reasonable access to a cemetery  
4 16 or burial site pursuant to this subsection.>

4 17 #24. By striking page 76, line 3, through page 77,  
4 18 line 26.

4 19 #25. Page 78, by inserting after line 1, the  
4 20 following:

4 21 <Sec. \_\_\_\_\_. Section 616.15, Code 2005, is amended  
4 22 to read as follows:

4 23 616.15 SURETY COMPANIES.

4 24 1. Suit may be brought against any company or  
4 25 corporation furnishing or pretending to furnish  
4 26 surety, fidelity, or other bonds in this state, in any  
4 27 county in which the principal place of business of  
4 28 such company or corporation is maintained in this  
4 29 state, or in any county wherein is maintained its  
4 30 general office for the transaction of its Iowa  
4 31 business, or in the county where the principal resides  
4 32 at the time of bringing suit, or in the county where  
4 33 the principal did reside at the time the bond or other  
4 34 undertaking was executed; and in the case of bonds  
4 35 furnished by any such company or corporation for any  
4 36 building or improvement, either public or private,  
4 37 action may be brought in the county wherein said  
4 38 building or improvement, or any part thereof is  
4 39 located.

4 40 2. The secretary of state shall serve as the agent  
4 41 for service of process for the purposes of 31 U.S.C. }  
4 42 9306, of any surety company or corporation for a  
4 43 surety bond written by that surety company or  
4 44 corporation for the federal government and issued in  
4 45 this state as required or permitted under federal law,  
4 46 if the surety company or corporation is licensed in  
4 47 this state and cannot be otherwise served with  
4 48 process. Notwithstanding section 507.14, upon request  
4 49 of the secretary of state, the commissioner of  
4 50 insurance shall provide the secretary of state with  
5 1 the name and address of the person designated for  
5 2 consent to service of process by the surety company or  
5 3 corporation which is on file with the commissioner.>

5 4 #26. Page 78, by striking lines 2 through 16 and  
5 5 inserting the following:

5 6 <Sec. \_\_\_\_\_. Sections 509B.4, 521.9, 521.11, and  
5 7 521.12, Code 2005, are repealed.

5 8 Sec. \_\_\_\_\_. Section 516E.17, Code Supplement 2005,  
5 9 is repealed.>

5 10 #27. Title page, line 5, by inserting after the  
5 11 word <procedures> the following: <including fees and  
5 12 an appropriation>.

5 13 #28. By renumbering, relettering, or redesignating  
5 14 and correcting internal references as necessary.

5 15 SF 2364.H  
5 16 av/es/25