

State of Iowa

1964

472 6 1354

# IOWA DEPARTMENTAL RULES

JANUARY  
1964  
SUPPLEMENT

Containing

The permanent rules and regulations of general application promulgated  
by the state departments from July 1, 1963 to January 1, 1964



CHARLES W. BARLOW  
CODE EDITOR

WAYNE A. FAUPEL  
DEPUTY CODE EDITOR

PUBLISHED BY THE  
STATE OF IOWA  
UNDER AUTHORITY OF CHAPTER 14, CODE 1962

**IOWA STATE LAW LIBRARY**  
State House  
DES MOINES, IOWA



## TABLE OF CONTENTS

	Page
Adjutant General .....	4
Agriculture, Department of .....	6
Health, State Department of .....	13
Industrial Commissioner .....	14
Insurance Department .....	32
Liquor Control Commission .....	37
Public Instruction Department .....	43
Public Safety, Department of .....	44
Real Estate Commission .....	44
Reciprocity Board .....	44
Social Welfare, State Department of .....	46
Treasurer, State .....	48

## PREFACE

This volume is published in compliance with section 14.3(7) of the Code. The rules of the various boards and departments are arranged in alphabetical order, using the names of the departments in general use.

Not all of the rules and regulations promulgated by the state departments have been included. The Act specifies "permanent" rules of "general application." Where rules have been omitted by the editor there is a notation indicating where such rules may be obtained.

January 1964 THE EDITOR

## PUBLICATION OF DEPARTMENTAL RULES

Section 14.3 of the Code, subsection 7, requires the Code Editor to:

"Prepare the manuscript copy, and cause to be printed by the state superintendent of printing in each year in which a Code is published, a volume which shall contain the permanent rules and regulations of general application, promulgated by each state board, commission, bureau, division or department, other than a court, having statewide jurisdiction and authority to make such rules. The code editor may omit from said volume all rules and regulations applying to professional and regulatory examining and licensing provisions and any rules and regulations of limited application. The code editor may make reference in the volume as to where said omitted rules and regulations may be procured.

"This volume shall be known as the Iowa departmental rules and any rule printed therein may be cited as-----I.D.R.-----giving the year of publication and the page where the particular rule, by number, may be found.

"The code editor may provide cumulative, semiannual supplements for insertion in the latest published volume and a place shall be provided in the binding of such volume for insertion of such supplements."

# IOWA DEPARTMENTAL RULES JANUARY 1964

## ADJUTANT GENERAL

(Filed Aug. 6, 1963)

**Rule No. 1.1(29)** The following forms are prescribed by the Adjutant General of Iowa pursuant to the provisions of Section 29.77, Code of Iowa, 1962, and shall be used by all military courts in the issuance of all process, including writs and warrants necessary and proper to carry into full effect the powers vested in such courts. Such process may be directed to appropriate military personnel, the sheriff of any county or any other peace officer of the state. It shall be the duty of all persons to whom such process may be so directed to execute the same and make return of their acts thereunder according to the requirements of the same.

The keepers and wardens of all city or county jails and of all other jails, penitentiaries or prisons, designated by the Governor or the Adjutant General of the state, shall receive the bodies of persons committed by such process of a military court and confine them in the manner provided by law for civilian offenders.

### 1.1(1) Form of Warrant of Arrest

STATE OF IOWA — NATIONAL GUARD

WARRANT FOR ARREST OF DEFENDANT.

(Summary - Special - General) Court-Martial

TO: \_\_\_\_\_ NO. \_\_\_\_\_

(Military Official, Sheriff, or Peace Officer)

\_\_\_\_\_ having disobeyed an order in writing from the convening authority of the above Court to appear before said Court, a copy of the said charge or charges having been delivered to the accused with such order, you are therefore, in accordance with Sections 29.76 and 29.77 of the Code of Iowa, commanded to arrest \_\_\_\_\_ and bring him forthwith before this Court, or hold him for said Court by delivering him into the custody of the Sheriff of \_\_\_\_\_ County.

The said \_\_\_\_\_ has been charged with

\_\_\_\_\_  
(President — Summary Court Officer)

RETURN

Received the within Warrant the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_, and executed by

\_\_\_\_\_ at \_\_\_\_\_  
on \_\_\_\_\_ 19\_\_\_\_.

(This rule is intended to implement Sections 29.76 and 29.77 Code of Iowa.)

### 1.1(2) Form of Judgment and Commitment

STATE OF IOWA — NATIONAL GUARD

JUDGMENT AND COMMITMENT

STATE OF IOWA \_\_\_\_\_ Court-Martial

VS

No. \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the defendant herein was tried by \_\_\_\_\_ Court-Martial on the charge of \_\_\_\_\_

and the Court has entered a finding of guilty (and the defendant has pleaded guilty of such charge).

It is adjudged that the defendant is hereby committed to the custody of \_\_\_\_\_ for imprisonment for a period of \_\_\_\_\_

The \_\_\_\_\_  
 (Summary Court-Martial) (Special Court-Martial) (General Court-Martial)  
 convened at \_\_\_\_\_ imposed a sentence upon said  
 defendant by fining him the sum of \$ \_\_\_\_\_ and the defendant  
 is in default on the payment of said fine, and it is therefore adjudged that defendant for said de-  
 fault be hereby committed to the custody of \_\_\_\_\_ for  
 a period of \_\_\_\_\_

Therefore, under the provisions of Section 29.77 of the Code of Iowa, you are hereby directed  
 to take into custody the person of the said \_\_\_\_\_  
 and confine him to the \_\_\_\_\_ (County or City) Jail of  
 \_\_\_\_\_ County, therein to be confined in accordance with the  
 sentence aforesaid and for so doing this shall be sufficient warrant.

I, \_\_\_\_\_ (Summary Court Officer) (President)  
 certify that the above judgment is a true and correct copy of the record thereof.

RETURN

I have executed the within judgment and commitment as follows: Defendant delivered on  
 \_\_\_\_\_ to \_\_\_\_\_

Defendant noted appeal on \_\_\_\_\_  
 Defendant released on \_\_\_\_\_

(This rule is intended to implement Section 29.77, Code of Iowa.)

1.1(3) Form of Subpoena

STATE OF IOWA — NATIONAL GUARD

SUBPOENA  
 STATE OF IOWA  
 COUNTY OF \_\_\_\_\_ } SS

The State of Iowa to \_\_\_\_\_

You are hereby commanded to appear before the \_\_\_\_\_  
 (General - Special - Summary) Court-Martial at \_\_\_\_\_  
 in \_\_\_\_\_ Iowa, at 9:00 O'Clock A.M. on the \_\_\_\_\_ day of  
 \_\_\_\_\_ 19\_\_\_\_\_, to give evidence in a case between the State of Iowa,  
 Plaintiff, and \_\_\_\_\_, Defendant, on the part  
 of the said \_\_\_\_\_ and this you shall in no wise  
 omit, under penalty of the law.

Witness my hand hereunder affixed at \_\_\_\_\_, Iowa this  
 \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

(Summary Court Officer — President)

RETURN

I received the within subpoena the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_,  
 and served the same on the following witnesses by reading and showing the original to each of  
 them and delivering to each of them a copy thereof; all done in \_\_\_\_\_ County,  
 Iowa.

BY: \_\_\_\_\_ Deputy

(This rule is intended to implement Sections 29.76 and 29.77, Code of Iowa.)

1.1(4) Form of Subpoena — Duces Tecum

SUBPOENA — DUCES TECUM  
 STATE OF IOWA, \_\_\_\_\_ COUNTY, SS.

The State of Iowa to \_\_\_\_\_

You are hereby commanded to appear before the \_\_\_\_\_ Court-  
 Martial of the State of Iowa, at 9:00 O'Clock A.M. on the \_\_\_\_\_ day of  
 \_\_\_\_\_, 19\_\_\_\_\_, to give evidence in a case between the State of Iowa,  
 Plaintiff, and \_\_\_\_\_ Defendant, on the  
 part of said \_\_\_\_\_ and that you have  
 then with you \_\_\_\_\_

and this you shall in no wise omit, under penalty of the law.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

RETURN

Received the within subpoena the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and served the same on the following witnesses by reading and showing the original to each of them and delivering to each of them a copy thereof; all done in \_\_\_\_\_ County, Iowa.  
 BY: \_\_\_\_\_  
 Deputy

(This rule is intended to implement Sections 29.76 and 29.77, Code of Iowa.)

These rules shall become effective as provided in Chapter 17A of the Code after filing in the office of the Secretary of State upon approval by the Departmental Rules Review Committee.

(Filed Aug. 6, 1963)

AGRICULTURE DEPARTMENT

SEEDS

Pursuant to authority of Section 199.3, Subsection 2(b) and also Section 199.11, Subsection 2, the following rule is adopted:  
 (Filed Sept. 17, 1963)

8.3(199) Agricultural Seeds. For lawn and turf mixtures the name of the kind or kind and variety of seed components to be named in order of their predominance may be met by naming the kind or kind and variety of seed components in the order of their predominance under the separate headings "Fine Textured Grasses" and "Coarse Kinds." The following shall be named as "Fine Textured Grasses": colonial bentgrass (*Agrostis tenuis*), creeping bentgrass (*Agrostis palustris*), velvet bentgrass (*Agrostis canina*), Kentucky bluegrass (*Poa pratensis*), rough bluegrass (*Poa trivialis*), wood bluegrass (*Poa nemoralis*), Canada bluegrass (*Poa compressa*), red fescue (*Festuca rubra*), chewing fescue (*Festuca rubra var. commutata*) and sheep fescue (*Festuca ovina*). All other kinds or kinds and varieties must be listed under the heading "Coarse Kinds."

The above rule shall become effective on July 1, 1964, as provided in Chapter 66, of the Acts of the 60th General Assembly after filing in the office of the Secretary of State, upon approval by the Departmental Rules Review Committee.  
 (Filed Sept. 17, 1963)

BULK TANKS FOR MILK

(Filed Nov. 18, 1963)

Pursuant to authority of Chapter 159, 1962 Code, Chapter 136, 60th G. A., the following rules 1 to 13 are adopted, which are to be cited as,

Chapter 10

1963 Rules, Bulk Tanks On Farms For Milk

10.1 (60 G.A., Chapter 136) The milk room may be built inside of a barn or other building if completely enclosed, properly ventilated and kept in a sanitary condition. A vestibule is not required.

10.2 (60 G.A., Chapter 136) The milk room shall have a floor drain with a trap, and the floor shall be so graded as to provide proper drainage. A drain opening through the wall will not be permitted.

10.3 (60 G.A., Chapter 136) The walls and ceilings of the milk room shall be sealed and of material that can be easily cleaned.

10.4 (60 G.A., Chapter 136) All windows that open or can be opened shall be screened against flies or other insects.

10.5 (60 G. A., Chapter 136) Doors shall be self-closing, made of solid material, and open outward. Doors swinging both ways will not be approved, but may have sliding doors, if self-closing. The outside door may be a screen door opening outward.

10.6 (60 G. A., Chapter 136) A well-ventilated room shall mean a room in which the air is changing or moving so as to keep it free from moisture, bad odors, excessive heat and dust.

10.7 (60 G. A., Chapter 136) The bulk tank shall be located in such a manner that the drain is accessible for cleaning and rodding.

10.8 (60 G. A., Chapter 136) The hose port shall be located on the exterior wall of the milk room in such a manner that the hose can be kept clean and sanitary at all times.

10.9 (60 G. A., Chapter 136) The usual safety regulations for a 220 volt weather proof electrical connection for a milk pump shall be followed. The switch box shall be placed on the inside wall of the milk room.

10.10 (60 G. A., Chapter 136) A properly located tank shall mean one with easy access to all areas for cleaning and servicing. There must be space for a person to move around on all sides of the tank for proper cleaning.

These rules shall become effective as provided in Chapter 66 of the Acts of the 60th G.A., thirty days after filing in the office of the Secretary of State, upon approval by the Departmental Rules Review Committee, and shall apply only to bulk tanks installed for milk produced for manufacturing purposes on July 4, 1963, and thereafter; but as to bulk tank installations existing prior to July 4, 1963, these rules shall become effective only on and after July 1, 1965.  
 (Filed Nov. 18, 1963)

WEIGHTS AND MEASURES RULES

(Filed Nov. 18, 1963)

Pursuant to authority of Section 215.18, 1962 Code the following rules 30 to 33 are adopted, and rules 5, 7, 14, 18, 26 and 29 are amended, which are to be cited as:

Chapter 14

"Weights and Measures Rules and Amendments"

14.30 (215) G-S.4. All weighing or measuring devices shall be provided with appropriate recording or indicating elements, which shall be definite, accurate and easily read under any conditions of normal operation of the device. Graduations and a suitable indicator shall be provided

in connection with indications and recorded representations designed to advance continuously. Graduations shall not be required in connection with indications or recorded representations designed to advance intermittently or with indications or recorded representations of the selector type.

14.31 (215) S20-1. All gasoline or oil metering devices shall be equipped with an effective air eliminator to prevent passage of air or vapor through the meter. The vent from such eliminator shall not be closed or obstructed.

14.32 (215) S20-2. No means shall be provided by which any measured liquid can be diverted from the measuring chamber of the meter or the discharge line therefrom. However, two or more delivery outlets may be installed, if automatic means is provided to insure that liquid can flow from only one such outlet at one time, and the direction of flow for which the mechanism may be set at any time is definitely and conspicuously indicated.

14.33 (215) The specifications, tolerances, and regulations for commercial weighing and measuring devices, together with amendments thereto, as recommended by the National Bureau of Standards and published in National Bureau of Standards Handbook 44 - 2nd Edition and supplements thereto up to August 31, 1964, shall be the specifications, tolerances, and regulations for commercial weighing and measuring devices in the State of Iowa, except as modified by state statutes, or by rules, adopted and published by the Iowa Department of Agriculture, and not rescinded. (This includes many amendments and additions to current date, as the prior Handbook 44, published September 1949 had been adopted previously by Secretary of Agriculture, pursuant to Section 215.18, 1954 Code.)

#### Amendments

The rules that appear in 1962 IDR 35 Department of Agriculture Weights and Measures Rules are amended:

#### 1962 IDR 35

(a) by striking from line 7 of Rule 5 to the end thereof the schedule of loads and tolerance readings on counter scales and inserting in lieu thereof the following:

Nominal capacity	Minimum tolerance value
Pounds	Ounce
3 or less .....	1/16
4 to 7, incl. ....	1/8
8 to 14, incl. ....	1/4
15 to 23, incl. ....	3/8
24 to 39, incl. ....	1/2
40 to 50, incl. ....	5/8

(b) by adding to the second paragraph, designated "T.1.2.2 On Automatic-Indicating Scales" of Rule 7, 1962 IDR 36, the following:

"However, on a prepackaging scale (see D.11, D.12) having graduated intervals of less than one-half ounce, the maintenance tolerances applied shall not be smaller than one-eighth ounce and the acceptance tolerances applied shall be not smaller than one-sixteenth ounce."

(c) by striking the period at the end of the

fourth paragraph, designated "Pivots" of Rule 14 1962 IDR 36, and adding the following:

"and cone-pivot points shall be sharp."

(d) by striking the seventh and eighth paragraphs, designated "S.4 Marking" of Rule 18 1962 IDR 36, 37, and inserting in lieu thereof the following:

"S.4.1 Nominal Capacity, Marking—The nominal capacity shall be conspicuously marked (a) on any scale equipped with unit weights, (b) on any scale with which counterpoise or equal-arm weights are intended to be used, and (c) on any automatic-indicating or recording scale so constructed that the capacities of the several individual indicating and recording elements are not immediately apparent."

"A small capacity uncompensated spring scale shall be conspicuously marked to show that the scale is illegal for use in the retail sale of food-stuffs other than fruits and vegetables."

(e) by striking the period at the end of Rule 26, 1962 IDR 37, and adding the following:

" , or means for applying counterpoise weights or both."

(f) by striking all of Rule 29, 1962 IDR 38, and inserting in lieu thereof the following:

"If a meter is found to be incorrect and also capable of further adjustment, said meter shall be adjusted, rechecked and sealed. If a seal is broken for any cause other than by a state inspector, the Department of Agriculture shall be promptly notified of same."

The above rules and amendments to rules shall become effective, as provided in Chapter 66 of the Acts of the 60th General Assembly, thirty days after filing in the office of the Secretary of State, upon approval by the Departmental Rules Review Committee.

(Filed Nov. 18, 1963)

#### PESTICIDE ACT RULES

(Filed Dec. 2, 1963)

After due publication and public hearing, duly held on notice on November 7, 1963 and pursuant to authority of Chapter 159, 1962 Code of Iowa. Sections 3 and 6 of Chapter 139, Acts 60 G. A. hereinafter referred to as "Pesticide Act" the following rules are adopted which are to be cited as

#### Chapter 9

#### Pesticide Act Rules 1963

#### 9.1 (60 G.A. Chapter 139) Definitions and Standards.

9.1(1) The following definitions are hereby adopted.

a. The term "insecticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects and related forms which may be present in any environment whatsoever.

b. The term "fungicide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any fungi.

c. The term "rodenticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating rodents or any other vertebrate animal which the secretary shall designate to be a pest.

d. The term "herbicide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed or undesirable plant.

e. The term "nematocide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating nematodes or subterranean pests.

f. The term "defoliant" means any substance or mixtures of substances intended for causing the leaves or foliage to drop from the plant with or without causing abscission.

g. The term "desiccant" means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue.

h. The term "nematode" means invertebrate animals of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants or plant parts; may also be called nemas or eelworms.

i. The term "insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class Insecta, comprising six-legged, usually winged forms, as, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as, for example, spiders, mites, ticks, centipedes, and wood lice.

j. The term "fungi" means all non-chlorophyll-bearing thallophytes, that is, all non-chlorophyll-bearing plants of a lower order than mosses and liverworts as, for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in living man or other animals.

k. The term "rodent" means any animal of the order Rodentia, including, but not limited to, rats, mice, rabbits, gophers, prairie dogs, and squirrels.

l. The term "weed" means any plant which grows where not wanted.

9.1(2) Additional definitions and standards which are consistent and applicable to the Pesticide Act shall be those established by the Association of American Pesticide Control Officials.

9.2 (60 G. A. Chapter 139) Methods of Analysis.

9.2(1) The current methods of analysis of the Association of Official Agricultural Chemists of North America shall be adopted as the official methods insofar as they are applicable, and such other methods shall be used as may be necessary to determine whether the product complies with the law.

9.3 (60 G. A. Chapter 139) Registration Required.

9.3(1) No person shall distribute, give, sell, or offer to sell any pesticide which has not been registered with the Department of Agriculture.

9.4 (60 G. A. Chapter 139) Registration of Products.

9.4(1) Two exact copies of the labeling of each proposed product shall be submitted with the application. Also, there shall be submitted an ingredient statement, which shall comply with the provisions of Section 13 herein, the proposed

directions for use of the product, and a list of the specific pests, for control of which it is to be sold, if such information is not contained in the labeling. Other pertinent information concerning inert ingredients and physical properties of the product shall also be included on request by the secretary.

9.5 (60 G. A. Chapter 139) Registration, General Application of.

9.5(1) A registration of a pesticide is held to apply to the product even though manufactured at or shipped from other than the registered address. When a product has been registered by a manufacturer or jobber, no registration shall be required of other sellers of the product so registered, provided shipments or deliveries thereof are in the manufacturer's or registrant's original, unopened, and properly labeled container.

9.6 (60 G. A. Chapter 139) Conditional Refusal or Cancellation of Registration, and Registration Under Protest.

9.6(1) Any of the following causes is sufficient to justify a conditional refusal or cancellation of registration of a product, with notice to the registrant of the manner in which the article, label, or other material fails to comply with the Pesticide Act, and with opportunity for the registrant to make necessary corrections before resubmitting the product and the label.

a. If the labeling bears any statement, design or graphic representation relative thereto, or to its ingredients, which is false or misleading in any particular;

b. If the product is found to be an imitation of, or illegally offered for sale under the name of another pesticide;

c. If the labeling bears reference to Iowa registration number;

d. If the labeling accompanying the pesticide does not contain directions for use which are necessary and, if complied with, adequate for the protection of the public;

e. If the label does not contain a warning or caution statement which may be necessary and, if complied with, adequate to prevent injury to living man and other vertebrate animals;

f. If the label does not bear an ingredient statement on that part of the immediate container and on the outside container or wrapper, if there be one, through which the ingredient statement on the immediate container cannot be clearly read under customary conditions of purchase. Provided, however, the secretary may permit the ingredient statement to appear prominently on some other part of the container, if the size or form of the container makes it impracticable to place it on the part of the retail package which is displayed;

g. If any word, statement, or other information required to appear on the label or labeling is omitted or not prominently placed thereon and in such terms as to render it likely to be read and understood under customary conditions of purchase and use;

h. If an insecticide, nematocide, antibiotic, bactericide, fungicide or herbicide is found to be injurious to living man or other useful vertebrate

animals, or to vegetation (except weeds), to which it is applied or to the person applying such pesticide when used as directed or in accordance with commonly recognized safe practice; or if a plant regulator, defoliant or desiccant when used as directed is found to be injurious to living man or other vertebrate animals or vegetation to which it is applied, or to the person applying such pesticide; provided, however, that physical or physiological effect on plants or parts thereof shall not be deemed to be injurious, when this is the purpose for which the plant regulator, defoliant, or desiccant was applied in accordance with label claims and recommendations;

i. If the pesticide is misbranded;

j. If the registrant has been guilty of fraudulent and deceptive practices in the evasion or attempted evasion of the Pesticide Act or any rules and regulations promulgated thereunder; provided, however, that no registration shall be revoked until the registrant shall have been given an opportunity for a hearing by the secretary or his agent;

k. If the registrant upon notice insists that corrections in the article, labeling, or other material as specified are not necessary, and requests in writing that the article be registered, the secretary shall register the article under protest and shall warn the registrant in writing of the apparent failure of the article to comply with the provisions of the Pesticide Act and regulations thereunder. In such event the secretary shall publicize the fact through releases to duly recognized mass news media.

#### 9.7 (60 G. A. Chapter 139) Changes in Labeling or Ingredient Statement.

9.7(1) Changes in the labeling or ingredient statement in registered pesticides shall be submitted in advance to the secretary for his approval. The registrant must describe the exact change desired and proposed effective date and such other pertinent information that justify such changes. After the effective date of a change in labeling or ingredient statement the product shall be marketed only under the new claims or ingredient statement, except that a reasonable time may be allowed by the secretary for disposal of properly labeled stocks of the old product. Changes in the composition shall not be allowed if such changes would result in a lowering of the product's value as a pesticide.

#### 9.8 (60 G. A. Chapter 139) Label Requirements.

9.8(1) Each package of pesticide sold separately shall bear a complete label. The label shall contain the name, brand or trade-mark of the product; name and address of the manufacturer, registrant or person for whom manufactured; directions for use which are necessary and if complied with, adequate for protection of the public; statement of net content in terms of weight or measure in general use; and an ingredient statement. The label of every pesticide, if necessary to prevent injury to man, other animals, and useful vegetation, must contain a warning or caution statement, in nontechnical language based on the hazard involved in the use of the pesticide. In addition, any pesticide highly toxic to man shall be labeled with a skull and

cross-bones and with the word "poison" prominently in red on a background of distinctly contrasting color; the first-aid antidote for the poison shall be given and instructions for safe disposal of containers. Note: Products subject to deterioration may bear on their label a statement such as "not to be sold or used after . . . date . . . ." The use of such a statement, however, in no way relieves the manufacturer of his responsibility for label claims.

#### 9.9 (60 G. A. Chapter 139) Directions for Use — When Necessary.

9.9(1) Directions for use are required whenever they are necessary for the protection of the public. The public includes not only users of pesticides but also those who handle them or may be affected by their use, handling, or storage. Directions for use are considered necessary in the case of most small retail containers which go into the hands of users, and in the case of larger containers with the following exception:

a. Directions may be omitted if the pesticide is to be used by manufacturers in their regular manufacturing processes; Provided: The label clearly shows that the product is intended for use only in manufacturing processes, and bears an ingredient statement giving the name and percentage of each of the active ingredients.

#### 9.10 (60 G. A. Chapter 139) Other Claims.

9.10(1) No claim shall be made for products in any written, printed or graphic matter accompanying the product at any time which differ in substance from written representations made in connection with registration.

#### 9.11 (60 G. A. Chapter 139) Name of Product.

9.11(1) The name of the product shall appear on the labeling so as not to emphasize any one ingredient, or otherwise be misleading. It shall not be arranged on the label in such a manner as to be confused with other terms, trade names, or legends.

#### 9.12 (60 G. A. Chapter 139) Brand Names, Duplication of, or Infringement on.

9.12(1) A brand name is distinctive with reference to the material to which it applies and the registration of a pesticide under the same brand name by two or more manufacturers or shippers should be denied or refused. This principle applies also to the registration of brand names so similar in character as to be likely to be confused by the purchaser. In the event the same name or a closely similar one is offered by another manufacturer, the secretary may decline the said name a second time, for registration unless required to do so by an order of court.

#### 9.13 (60 G. A. Chapter 139) Ingredient Statement.

9.13(1) Location of ingredient statement. The ingredient statement must appear on that part of the label displayed under customary conditions of purchase except in cases where the secretary determines that, due to the size or form of the container, a statement on that portion of the label is impractical, and permits such statement to appear on another side or panel of the label. When so permitted, the ingredient

statement must be in larger type and more prominent than would otherwise be possible. The ingredient statement must run parallel with other printed matter on the panel of the label on which it appears and must be on a clear contrasting background not obscured or crowded.

**9.13(2) Names of ingredients.** The well-known common name of the ingredient must be given or, if the ingredient has no common name, the correct chemical name. If there is no common name and the chemical composition is unknown or complex, the secretary may permit the use of a new or coined name which he finds to be appropriate for the information and protection of the user. If the use of a new or coined name is permitted, the secretary may prescribe the terms under which it may be used. A trade-mark or trade name may not be used as the name of an ingredient except when it has become a common name.

**9.13(3) Percentages of ingredients.** Percentages of ingredients shall be determined by weight and the sum of the percentages of the ingredients shall be 100. Sliding scale forms of ingredient statements shall not be used.

**9.13(4) Designation of ingredients.**

a. Active ingredients and inert ingredients shall be so designated, and the term "inert ingredient" shall appear in the same size type and be equally as prominent as the term "active ingredients."

b. If the name but not the percentage of each active ingredient is given, the names of the active and inert ingredients shall, respectively be shown in the descending order of the percentage of each present in each classification and the name of each ingredient shall be given equal prominence.

**9.13(5) Active ingredient content.** As long as a pesticide is subject to the Act the percentages of active ingredients declared in the ingredient statement shall be the percentages of such ingredients in the pesticide.

**9.14 (60 G. A. Chapter 139) Net Contents.**

**9.14(1)** Each package of pesticide shall show the net weight or measure of content, either stenciled or printed on the package or container, or on a tag attached thereto. Indefinite statements of content such as "...oz. when packed" shall not be used. Statements of liquid measure, or of specific gravity or density of liquid preparations, or expression of composition in terms of pounds per gallon, shall be made on the basis of 68°F. (20°C.) except when other basis has been established through trade custom.

**9.15 (60 G. A. Chapter 139) Coloration of Highly Toxic Materials.**

**9.15(1)** The white powder pesticides herein-after named shall be colored or discolored in accordance with this section. Provided, however, that any such white powder pesticide which is intended solely for use by a textile manufacturer or commercial laundry, cleaner, or dyer as a moth proofing agent, which would not be suitable for such use if colored and which will not come into the hands of the public except when in-

corporated into a fabric, shall not be required to be so colored or discolored in accordance with this section. The hues, values, and chromas specified are those contained in the Munsell Book of Color, Munsell Color Company, 10 East Franklin Street, Baltimore, Maryland.

a. The coloring agent must produce a uniformly-colored product not subject to change in color beyond the minimum requirements during ordinary conditions of marketing and storage and must not cause the product to become less effective or cause damage when used as directed or in accordance with commonly recognized safe practice.

b. Standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, and barium fluosilicate shall be colored any hue, except the yellows and reds, having a value of not more than 8 or a chroma of not less than 4, or shall be discolored to a neutral lightness value not over 7.

c. Sodium fluoride and sodium fluosilicate shall be colored blue or green having a value of not more than 8 and a chroma of not less than 4, or shall be discolored to a neutral lightness value not over 7.

d. Others. Other white powder pesticides may be required to be colored or discolored after investigation and public hearing.

e. The secretary may permit other hues to be used for any particular purpose if the prescribed hues are not feasible for such purposes, and if such action will not be injurious to the public.

f. The coloration requirements above shall apply to the materials named therein, and not to nonhighly toxic mixtures consisting of other ingredients with highly toxic materials.

**9.16 (60 G. A. Chapter 139) Illegal Acts.**

**9.16(1)** All pesticides, whether registered or not, sold or offered for sale shall comply with the provisions of Section 3, subsection 1 of the Pesticide Act.

a. The secretary shall examine pesticides from time to time, and if it appears at any time that a pesticide fails to comply with any provision of the Pesticide Act, notice may be given to the manufacturer or seller thereof and an opportunity to present his views either orally or in writing about the alleged violation. If it then appears that the provisions of this Act have been violated, a statement of the facts may be sent to the county attorney in the county in which the violation occurred for the purpose of instituting criminal proceedings.

b. Also, if a pesticide, its labeling and other materials do not comply with the Act at any time, the secretary may cancel the registration and issue a registration under protest and publicize the said protest.

**9.17 (60 G. A. Chapter 139) Guarantee of Pesticide.**

a. Any manufacturer or distributor or other person residing in the United States may furnish to any person to whom it sells a pesticide a guarantee that the pesticide was lawfully registered at the time of sale and delivery to such person, and that the pesticide complies with all

the requirements of the Act and regulations herein.

b. No reference to or suggestion that a guarantee of registration has been given shall be made in the labeling of any pesticide.

**9.18 (60 G. A. Chapter 139) Shipments for Experimental Use.**

9.18(1) A pesticide shipped or delivered for experimental use shall not be considered a violation of Section 3, subsection 1 of the Pesticide Act.

a. When the pesticide is shipped or delivered for experimental use under the supervision of any federal or state agency authorized by law to conduct research.

b. By others if the pesticide is not sold and if the container thereof is plainly and conspicuously marked "For Experimental Use Only — Not To Be Sold."

c. Or provided that a written permit has been obtained from the secretary either specific or general subject to such restrictions or conditions as may be set forth in the permit. The application for such a permit shall contain such information as may be required by the secretary; and in addition the proposed labeling thereon shall bear (1) the prominent statement "For Experimental Use Only" on the container label; (2) a caution or warning statement which may be necessary and if complied with adequate for the protection of those who may handle or be exposed to the experimental products; (3) the name and address of the applicant; (4) the name or designation of the formulation; (5) if the pesticide is to be sold, the statement of the names and percentages of the principal active ingredients in the product.

d. A pesticide intended for experimental use shall not be offered for general sale by a retailer or others, or advertised for general sale.

**9.19 (60 G. A. Chapter 139) Enforcement.**

a. Collection of samples. Samples of pesticides and devices shall be collected by an official investigator or by any employee of the state who has been duly designated by the secretary, by entry into any place during reasonable business hours.

b. Notice of apparent violation. If from an examination or analysis a pesticide appears to be in violation of the Pesticide Act, a notice in writing shall be sent to the person against whom criminal proceedings are contemplated, giving him an opportunity to offer such written explanation as he may desire. The notice shall state the manner in which the sample fails to meet the requirements of the Act and the regulations.

c. Any person may in addition to his reply to such notice, file within 20 days of its receipt a written request for an opportunity to present his views orally in connection therewith.

d. No notice or hearing shall be required prior to the seizure of any pesticide or device. Any pesticide or device may be seized for confiscation by condemnation if it is being distributed, sold, or offered for sale in violation of law as provided in Section 10 of the Pesticide Act.

e. If an article is condemned, it shall after entry of court decree be disposed of by destruc-

tion or sale and the net proceeds, if any, shall be paid to the State Treasurer.

**9.20 (60 G. A. Chapter 139) Chemical Deterioration of Products:**

9.20(1) The following pesticides are subject to deterioration because of lapse of time since manufacture:

- a. Pyrethrum (dust and wettable powder)
- b. Rotenone (dust and wettable powder)
- c. Diazinon-starter fertilizer mixtures
- d. Mixtures of zineb and malathion
- e. DDVP (syrup baits)

9.20(2) The label on such pesticides shall bear the confidential code number or designation approved by the secretary which shows the date of manufacture.

**9.21 (60 G. A. Chapter 139) Highly Toxic.**

9.21(1) A pesticide which falls within any of the following categories when tested on laboratory animals (mice, rats and rabbits) is highly toxic to man within the meaning of these principles:

a. Oral Toxicity. Those which produce death within 14 days in half or more than half the animals of any species at a dosage of 50 milligrams at a single dose, or less, per kilogram of body weight when administered orally to ten or more such animals of each species.

b. Toxicity on Inhalation. Those which produce death within 14 days in half or more than half of the animals of any species at a dosage of 200 parts or less by volume of the gas or vapor per million parts by volume of air when administered by continuous inhalation for one hour or less to ten or more animals of each species, provided such concentration is likely to be encountered by man when the pesticide is used in any reasonably foreseeable manner.

c. Toxicity by Skin Absorption. Those which produce death within 14 days in half or more than half of the animals (rabbits only) tested at a dosage of 200 milligrams or less per kilogram of body weight when administered by continuous contact with the bare skin for 24 hours or less to ten or more animals.

d. Provided, however, that the secretary may exempt any pesticide which meets the above standard but which is not in fact highly toxic to man, from these principles with respect to pesticides highly toxic to man, and may after a hearing designate as highly toxic to man any pesticide which experience has shown to be so in fact.

e. If the secretary finds, after opportunity for hearing that available data on human experience with any pesticide indicates a toxicity greater than that indicated from the above described tests on animals, the human data shall take precedence and if he finds that protection of the public health so requires, the secretary shall declare such pesticide to be highly toxic to man for the purposes of this Act and the regulations thereunder.

**9.22 (60 G. A. Chapter 139) Sale or Possession of Sodium Fluoroacetate.**

9.22(1) No person shall sell or possess any sodium fluoroacetate except federal, state, county,

municipal officers or their deputies for use in their official duties in pest control; research or chemical laboratories in their respective fields; regularly licensed pest control operators for use in their own service work; and wholesalers or jobbers of pesticides for sale to the aforementioned persons; or for export.

**9.23 (60 G. A. Chapter 139) Sale or Possession of Thallium.**

9.23(1) No person shall sell or possess any thallium or thallium compound except federal, state, county, municipal officers or their deputies for use in their official duties in pest control; research or chemical laboratories in their respective fields; regularly licensed pest control operators for use in their own service work; properly registered ant, mole, and rodent poisons containing thallium expressed as metallic not more than 1%; wholesalers or jobbers of pesticides for sale to the aforementioned persons; or for export.

**9.24 (60 G. A. Chapter 139) Warning, Caution and Antidote Statements.**

9.24(1) In order to promote uniformity between the requirements of the Iowa Pesticide Act and requirements of the several states and the federal government, Section 6 of the Iowa Pesticide Act provides for the adoption of rules and regulations in conformity with those prescribed by the United States Department of Agriculture. Warning, caution and antidote statements required to appear on labels of pesticides under the Pesticide Act shall conform to the warning, caution and antidote statements required under Interpretation 18 and revisions thereof of the Regulations for the Enforcement of the federal Insecticide, Fungicide, and Rodenticide Act, which Interpretation 18 and revisions thereof are hereby incorporated into this rule by this reference and made a part hereof.

**9.25 (60 G. A. Chapter 139) Forms of Plant and Animal Life and Viruses Declared To Be Pests.**

9.25(1) Each of the following forms of plant and animal life and viruses is declared to be a pest under the Act when it exists under circumstances that make it injurious to plants, man, domestic animals, other useful vertebrates, useful invertebrates, of other articles or substances:

- a. Mammals, including but not limited to dogs, cats, moles, bats, wild carnivores, armadillos, and deer;
- b. Birds, including but not limited to starlings, English sparrows, crows, and blackbirds;
- c. Fishes, including but not limited to the jawless fishes such as the sea lamprey, the cartilaginous fishes such as the sharks, and bony fishes such as the carp;
- d. Amphibians and reptiles, including but not limited to poisonous snakes;
- e. Aquatic and terrestrial invertebrates, including but not limited to slugs, snails, and crayfish;
- f. Roots and other plant parts growing where not wanted;
- g. Viruses, other than those on or in living man or other animals.

**9.26 (60 G. A. Chapter 139) Regulations Dealing With Commercial Applicators.**

9.26(1) All licensed commercial applicators shall establish and maintain a program of continued training of personnel who apply or disperse pesticides.

9.26(2) The secretary shall administer a testing program designed to test an applicator's knowledge of the usage, the rates of application and precautions to be taken in use of any or all products which he will be applying.

9.26(3) All commercial applicators of pesticides shall be required to have a license. The secretary shall require proof of competence and responsibility before issuing a license, and for this purpose may require the commercial applicator and his or its foremen who supervise the application of any pesticide in this state, to pass a written examination before issuing the license.

9.26(4) Every public official or foreman, who applies pesticides on public property or supervises such application shall be licensed and shall pass a written examination and be required to qualify as competent, before issuing his license.

9.26(5) Employees of state or federal research organizations (USDA Plant Pest Control Division, Iowa Agricultural Experiment Station and other official agencies authorized by law to conduct research in the field of pesticides) are not required to take the written examination or to be issued a license.

9.26(6) Every licensee shall make records of his activities which shall include on each pesticide applied:

- a. The name of the licensee
- b. The name and address of the landowner or customer
- c. An adequate and precise description of the land area involved in treatment outdoors, and the exact address or location of any building or buildings treated, wherever located.
- d. The date of application
- e. The pesticide product used
- f. The quantity used and rate of application
- g. The direction and estimated velocity of wind at time of application to any outdoor area.

9.26(7) A copy of such records shall in every case be kept in the applicator's file for a period of five (5) years from date of application. If any claim or suit is brought within such period of time, said records shall be kept on file available for subpoena until final disposition of the claim or suit. Any such records shall be made available to the secretary or his representative upon request at any time.

9.26(8) Any person seeking to obtain a commercial applicator's license in this state shall submit proof of financial responsibility to the secretary, and upon obtaining a license such person shall maintain proof of financial responsibility at all times while such license shall be in effect. Proof of financial responsibility may consist of:

- a. Proof of unencumbered financial net worth of the applicant or licensee if a resident of

this state, in an amount not less than \$5,000; exclusive of his homestead, or

b. The deposit with the secretary of a surety bond in favor of any person or persons who may suffer damage from the application of a pesticide, issued by a corporate surety company authorized to do business in this state, which surety bond shall be in an amount not less than \$5,000, however, that the aggregate liability of the surety to all such persons shall, in no event, exceed the amount of such bond; or

c. The filing of an insurance policy of an insurer authorized to do business in this state, insuring the licensee and any of his agents against liability resulting from the application of a pesticide, which insurance policy shall be in an amount not less than \$5,000 against damage to persons or property.

d. Regardless of the method of proof which may be used by the applicant under this rule, the form and substance of said proof must meet with approval of the secretary of agriculture.

9.26(9) The secretary may revoke or suspend any license of a commercial applicator after conviction of the holder for violation of any pro-

vision of the Pesticide Act.

9.26(10) If upon an investigation of the commercial applicator it appears at any time that said applicator has failed to comply with or has violated any provision of the Pesticide Act or has failed to pay any final judgment rendered against him for damages within 60 days, or has failed or refused to follow safe and recommended procedures for the application of any pesticide a written notice shall be given to said applicator and an opportunity to present his views orally or in writing about the alleged acts or violation and after said notice and an opportunity to appear, the secretary may refuse to renew the applicator's license.

9.26(11) Custom fertilizer manufacturers who add a pesticide to their custom blends shall register a label for each guaranteed level of each pesticide added to fertilizer mixtures. The applicator who drives a spreader truck applying fertilizer pesticide mixtures shall be required to have an applicator's license, unless he is under the supervision of a licensee.

(Filed Dec. 2, 1963)

## HEALTH DEPARTMENT

Pursuant to authority of sections 154.6, 154.7, and 154.8 of the Code the following rules are adopted.

### OPTOMETRY EXAMINERS

#### Study Compliance (Filed Nov. 18, 1963)

1.1(154) Attendance requirements for renewal of licenses.

1.1(1) Attendance to two (2) days of education, comprising at least six (6) hours, at the Annual Educational Congress, I. O. A. or two (2) full days attendance to Graduate Clinic Foundation Seminars conducted in Iowa under the auspices of a Board approved local study group, or at any equivalent educational program which has been approved by the Board prior to the holding of said equivalent educational program.

(This rule is intended to implement section one hundred fifty-four point six (154.6).)

1.2(154) Postgraduate study as requisite.

1.2(1) Attendance to at least six (6) sessions of Board recognized study groups.

1.2(2) Two (2) full days attendance to Graduate Clinic Foundation Seminars conducted in Iowa under the auspices of a Board approved local study group.

1.2(3) Home study material specified by the Board as equivalent to the foregoing in cases involving extenuating circumstances. This only upon proper submission of evidence of extenuating circumstances to the Board and subsequent Board approval for such home study material.

(This rule is intended to implement section one hundred fifty-four point eight (154.8).)

These rules shall become effective on January 1, 1964, as provided in Chapter 17A of the Code after filing in the office of the Secretary of State upon approval by the Departmental Rules Review Committee.

(Filed Nov. 18, 1963)

**INDUSTRIAL COMMISSIONER**

Workmen's Compensation Service

Pursuant to authority of section 86.8, of the Code, the following rules are adopted:

Rules of Practice

(Filed Nov. 18, 1963)

1.1 (86) **Injury and Settlement Reports.** The following blanks shall be prepared and distributed by the industrial commissioner for the computation, adjustment and settlement of noncontroverted workmen's compensation claims.

(This rule is intended to implement section 86.8, subsection 2.)

1.1 (1) **Form No. 1. First Report of Injury.** Under section 86.11, of the Code, employers are required to file this form with the industrial commissioner within forty-eight hours after having notice or knowledge of an injury which temporarily disables an employee for more than seven days, or results in permanent disability, or death.

**State of Iowa**

STANDARD FORM FOR WORKMEN'S COMPENSATION SERVICE

**EMPLOYER'S FIRST REPORT OF INJURY**

Employers are required to file this report with the Iowa Industrial Commissioner, State Office Bldg., Des Moines, Iowa, when an injury temporarily disables an employee for more than seven days, or results in permanent disability, or death. Heads of all state departments must report all injuries if any medical or hospital expense is involved.

Employers are also required to report injuries resulting in disability of two days or more to the State Bureau of Labor, and should report all injuries to their insurance carrier.

<b>EMPLOYER</b>	1. Name of Employer _____
	2. Address: No. and st. _____ city or town _____
	3. Nature of business _____
	4. Insured by _____
	5. Address _____
<b>TIME AND PLACE</b>	6. Location of place where injury occurred _____
	7. Date of injury _____ 19____ Hour of injury _____ A.M. _____ P.M.
	8. Date disability began _____ Was injured paid in full for this day? _____
	9. When did employer or foreman first know of injury? _____
<b>INJURED EMPLOYEE</b>	10. Name of injured _____
	11. Address: No. and St. _____ city or town _____
	12. Check (✓) Married _____ Single _____ Male _____ Female _____ Age _____
	13. Children under 16, or incapacitated regardless of age _____
	14. Job classification _____ How long employed by you? _____
	15. No. hours worked per day _____ Wages per hour \$ _____
	16. No. of days worked per week _____ Wages per day \$ _____
	17. Additional amount employee received in room, board, tips, laundry, \$ _____
<b>THE INJURY</b>	18. Machine, tool, or thing causing injury _____
	19. Was injury caused by failure of injured to use or observe safety appliance or regulation? _____
	20. Describe how injury occurred: _____ _____ _____
	21. Nature and extent of injury _____ _____ _____
	22. Has injured returned to work? _____ If so, date and hour _____
	23. If not, probable length of disability _____
	24. Name and address of physician _____
	25. Name and address of hospital _____
	26. Names and addresses of witnesses _____ _____
	27. Has injured died? _____ If so, give date of death _____
<b>FATAL CASES</b>	28. Name and address of widow or other dependents _____ _____

Do not write in this space

Date of this report \_\_\_\_\_ Firm name \_\_\_\_\_  
 Signed by \_\_\_\_\_  
 Official Title \_\_\_\_\_

1.1 (2) Form No. 2. Surgeon's Report. This report, or an equivalent report in letter form, must be filed with the industrial commissioner in support of an application for commutation and application for compromise settlement, and in other cases when requested.

Form No. 2

STANDARD FORM FOR  
**SURGEON'S REPORT**

Approved by I. A. I. A. B. C.

The Patient	1. Name of Injured Person: ..... Age: ..... Sex: ..... 2. Address: No. and St. .... City or Town ..... State ..... 3. Name and address of Employer: .....
The Injury	4. Date of injury: ..... Hour ..... M. Date disability began ..... 5. State in patient's own words where and how injury occurred ..... 6. Give accurate description of nature and extent of injury and your objective findings: ..... 7. Will the injury result in (a) Permanent defect? ..... If so, what? ..... (b) Facial or head disfigurement? ..... <small>(Permanent disability such as loss of whole or parts of fingers, facial or head disfigurement, etc., must be accurately marked on the chart on reverse side of this report.)</small> 8. Is injury above referred to the only cause of patient's condition? ..... If not, state contributing causes: ... 9. Is patient suffering from any disease of the heart, lungs, brain, kidneys, blood, vascular system or any other disabling condition not due to this injury? ..... Give particulars ..... 10. Has patient any physical impairment due to previous injury or disease? ..... Give particulars ..... 11. Has normal recovery been delayed for any reason? ..... Give particulars: .....
Treatment	12. Date of your first treatment: ..... Who engaged your services? ..... 13. Describe treatment given by you ..... 14. Were X-Rays taken? ..... By whom? ..... When? ..... <small>(Name and Address)</small> 15. X-Ray diagnosis: ..... <small>(Name and Address)</small> 16. Was patient treated by anyone else? ..... By whom? ..... When ..... 17. Was patient hospitalized? ..... Name and address of hospital ..... 18. Date of admission to hospital ..... Date of discharge ..... 19. Is further treatment needed? ..... For how long? .....
Disability	20. Patient <sup>will be</sup> <sub>was</sub> able to resume work on: ..... 21. Patient <sup>will be</sup> <sub>was</sub> able to resume light work on: ..... 22. If death ensued give date: .....
	REMARKS: (Give any information not included above) ..... I am a duly licensed physician in the state of ..... I was graduated from ..... Medical School in ..... Year ..... Date of this report: ..... (Signed) ..... This report must be signed personally by physician. Address: ..... Telephone .....

(Note. Mark affected parts on chart, reverse side.) (Over)



1.1 (3) Form No. 4. Memorandum of Agreement. Under section 86.13 of the Code, the employer or insurance carrier is required to file this form within thirty days after the payment of weekly compensation is begun. It is not necessary for the employee to sign the Memorandum of Agreement.

# IOWA MEMORANDUM OF AGREEMENT as to Compensation

This memorandum to be filed by the employer or insurer with the Industrial Commissioner upon the first payment of weekly compensation.

_____ EMPLOYEE	_____ ADDRESS
_____ EMPLOYER	_____ ADDRESS
_____ INSURANCE CARRIER	_____ ADDRESS

Date of injury \_\_\_\_\_ Date disability began \_\_\_\_\_ If fatal, date of death \_\_\_\_\_

If temporary disability, probable duration thereof \_\_\_\_\_

Nature of injury \_\_\_\_\_

Cause and place of injury \_\_\_\_\_

Number of dependent children under 16 years or incapacitated \_\_\_\_\_

Name of dependent payee in death case \_\_\_\_\_

Employee's actual average daily earnings for the number of hours commonly regarded as a day's work for employment \_\_\_\_\_

Temporary disability and healing period weekly rate . . . . . \$ \_\_\_\_\_

Permanent partial disability and permanent total disability weekly rate . \$ \_\_\_\_\_

Death benefit weekly rate . . . . . \$ \_\_\_\_\_

Disfigurement (face or head) weekly rate . . . . . \$ \_\_\_\_\_

Weekly rates computed as follows: The actual daily wage x 300 ÷ 52 x 66 2/3%, which rates are shown immediately above and which the undersigned agrees to pay in accordance with the requirements of the Iowa Workmen's Compensation Act. Agreement as to liability under the provisions thereof is being furnished to the Industrial Commissioner for his consideration, in compliance with the provisions of Code Sec. 86.13.

APPROVED

SIGNED

\_\_\_\_\_  
DEPUTY INDUSTRIAL COMMISSIONER

\_\_\_\_\_  
EMPLOYER

\_\_\_\_\_  
DATE

\_\_\_\_\_  
INSURANCE CARRIER

By \_\_\_\_\_

Date \_\_\_\_\_

1.1 (4) Form No. 5. Employer's Receipt. This report is to be signed by the employee when compensation is terminated or interrupted, and is to be filed with the industrial commissioner by the employer or insurance carrier, as the closing supplement to Form No. 4.

### Employers Report of Workmen's Compensation Benefit Payments Made in This Case and Employee's Receipt for Payments Made

(This form is required and must be submitted to the Department in order to show the amount paid for medical, burial and/or weekly benefits.)

NAME OF EMPLOYEE \_\_\_\_\_ ADDRESS \_\_\_\_\_  
 NAME OF EMPLOYER \_\_\_\_\_ ADDRESS \_\_\_\_\_  
 NAME OF INS. CARRIER \_\_\_\_\_ ADDRESS \_\_\_\_\_

BASIS OF SETTLEMENT AND PAYMENTS MADE <small>(IF SELF-INSURED MAKE OUT AND SIGN AS EMPLOYER OTHERWISE AS INSURANCE CARRIER)</small>		AMOUNT PAID
Date of Injury _____ 19____	<b>WEEKLY COMPENSATION PAID:</b>	
Disability Began _____ 19____	TEMPORARY DISABILITY or HEALING PERIOD: _____ week at \$ _____ per week	\$ _____
Memo. Agreement Filed _____ 19____	<b>PERMANENT PARTIAL DISABILITY:</b>	
First payment of Compensation made on _____ 19____	_____ weeks at \$ _____ per week based on _____ % loss, or loss of use of, thumb, _____	
Last payment of Compensation made on _____ 19____	finger, hand, arm, eye, _____	
Period Disabled from Work _____ Weeks.	toe, foot, leg, etc. _____	\$ _____
_____ Days	<b>PERMANENT TOTAL DISABILITY:</b>	
Signed _____	_____ %; _____ weeks at \$ _____ per week	\$ _____
By _____ <small>(Employer or Ins. Carrier)</small>	DISFIGUREMENT: _____ weeks at \$ _____ per week	\$ _____
	DEATH _____ weeks at \$ _____ per week	\$ _____
	COMMUTATION _____ weeks . . . . .	\$ _____
	SPECIAL SETTLEMENT . . . . .	\$ _____
	MEDICAL . . . . . \$ _____	
	HOSPITAL . . . . . \$ _____	
	OTHER EXPENSE . . . . . \$ _____	
	BURIAL . . . . . \$ _____	\$ _____
	TOTAL . . . . . \$ _____	\$ _____

#### EMPLOYEE'S RECEIPT

(TO BE SIGNED WHEN WEEKLY OR OTHER BENEFITS ARE PAID DIRECT TO CLAIMANT)

RECEIVED \_\_\_\_\_ DOLLARS (\$ \_\_\_\_\_)

Which with \$ \_\_\_\_\_ heretofore paid making \$ \_\_\_\_\_ represents the payments made on a claim for workmen's compensation benefits on account of injuries sustained by the above named employee.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

In the presence of \_\_\_\_\_  
(Name of Witness)

\_\_\_\_\_  
(SIGNATURE OF INJURED - BENEFICIARY)

\_\_\_\_\_  
(STREET AND NUMBER)

\_\_\_\_\_  
(CITY)

\_\_\_\_\_  
(STATE)

USE REVERSE SIDE FOR  
FURTHER DETAIL IF NECESSARY



_____	Claimant	} ACCEPTANCE OF SERVICE ON APPLICATION FOR LUMP SUM SETTLEMENT AND WAIVER OF PRESENTATION OF PETITION TO THE DISTRICT COURT
vs.		
_____	Employer	
_____	Insurance Carrier	

Service of notice of application for lump sum settlement on the part of claimant in the above entitled case is hereby accepted and the employer and insurance carrier hereby waive presentation of the application to the district court and consent that the merits of the application may be determined, passed upon and decided by the Iowa Industrial Commissioner within the contemplation of the law.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
Employer

\_\_\_\_\_  
Insurance Carrier

1.1 (6) Form No. 10. Notice of Election to Provide, Secure and Pay Compensation By Persons Engaged in Agricultural Pursuits, as provided by section 85.1 (3) of the Code.

Form No. 10 PB22834SP

NOTICE OF ELECTION TO PROVIDE, SECURE AND PAY WORKMEN'S COMPENSATION

TO THE INDUSTRIAL COMMISSIONER OF IOWA:

..... Employer

..... Address

The undersigned corporation ( ), partnership ( ), or individual ( ), states that they ( ), or he ( ), come within the exception of paragraph three (3) of section eighty-five point one (85.1) of Code 1954, by reason of operating a business under the name of..... at..... which comes within the purview of the Workmen's Compensation Act of Iowa, and also employ persons in an agricultural pursuit at....., who are not covered by the act.

Based on these facts the said..... employer has elected to provide, secure and pay workmen's compensation to all of his or their employees whether engaged in agriculture or not, in accordance with the provisions of the Iowa Workmen's Compensation Law, as set out in Chapters 85, 86, 87 — Code 1954, as amended by the Fifty-fourth (54th) General Assembly of Iowa, and hereby gives notice to the Commissioner of that election.

Dated this.....day of.....195.....

..... Firm Name

..... Signed by

..... Official Title

1.1 (7) Form No. 12. Waiver on Account of Physical Defect, as provided by section 85.55, of the Code.

Form No. 12  
SM-3-83  
PB 11413

WORKMEN'S COMPENSATION SERVICE  
(Ink or Typewriter to Be Used in Filling Out All Forms)  
WAIVER ON ACCOUNT OF PHYSICAL DEFECT  
(To be mailed to the Industrial Commissioner in triplicate for approval and filing)

Sections 85.55 of the Iowa Workmen's Compensation Law as amended provides as follows:

"No employee or dependent to whom this chapter applies shall have power to waive any of the provisions of this chapter in regard to the amount of compensation which may be payable to such employee or dependent hereunder. However, any person who has some physical defect which increases the risk of injury, may, subject to the approval of the Industrial Commissioner, enter into a written agreement with his employer waiving compensation for injuries which may occur directly or indirectly because of such physical defect, provided, however, that such waiver shall not affect the employees's benefits to be paid from the second injury fund under the provisions of section 85.64."

This is to certify that the undersigned, a practicing physician for \_\_\_\_\_ years, having an office in \_\_\_\_\_ has examined \_\_\_\_\_ on \_\_\_\_\_, 19\_\_\_\_, and finds that he has the following physical defect:

and is able to perform such work as:

without undue hazard to his health or life.

\_\_\_\_\_, M. D.  
I, \_\_\_\_\_, of \_\_\_\_\_, aged \_\_\_\_\_ years, in accordance with the terms of the aforesaid section, hereby waive compensation on behalf of myself, and in case of death resulting therefrom, for my dependents, for any injury sustained by me while in the employ of \_\_\_\_\_ of \_\_\_\_\_ which may occur directly or indirectly because of such aforesaid physical defect.

Dated at \_\_\_\_\_, 19\_\_\_\_

Witnesses to Employee's Signature:

\_\_\_\_\_  
Employee's Signature  
No. \_\_\_\_\_ Street

Concurring parent or guardian if employee be a minor:

\_\_\_\_\_  
Parent Guardian  
The undersigned employer agrees to this waiver and that the above employee will not be requested or required to do work of a more strenuous or hazardous nature than that suggested or recommended by the above named doctor, dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
Employer

I find the foregoing waiver appears to be in order and hereby approve the same.

\_\_\_\_\_, 19\_\_\_\_  
IOWA INDUSTRIAL COMMISSIONER

Submitted by: \_\_\_\_\_  
NAME ADDRESS

**1.2 (84, 86) Compromise Settlements.** All agreements providing for the final compromise settlement of a case where liability under the Workmen's Compensation Act is disputed shall be reduced to writing and submitted to the industrial commissioner for approval, together with such testimony or other evidence as he may require to establish that a bona fide dispute exists and liability is doubtful. Any such settlement, when approved by the industrial commissioner shall be binding upon the parties thereto and not subject to review under section 86.34 of the Code.

(This rule is intended to implement section 85.22, subsection 3, and section 86.14.)

**1.3 (85) Commutation.** In all proceedings where commutation may be approved by the industrial commissioner as provided in sections 85.45 - 48, a First Report of Injury and an approved Memorandum of Agreement or award of compensation must be filed. All doctors' reports relating to the extent of disability shall be submitted to the industrial commissioner with the Application for Commutation, together with such testimony or other evidence as the industrial

commissioner may require to establish the required conditions. Only the unaccrued weekly benefits will be commuted and benefits will be considered as running from the first day of disability after the injury, less any periods when the employee was not disabled. Unless the employee is represented by a lawyer, or unless a hearing is held before the industrial commissioner, a full commutation entitling the employer to a release will not be ordered for a permanent injury to the body as a whole. In death cases, commutation will be ordered only where benefits are equitably apportioned among the widow and any minor dependents.

(This rule is intended to implement sections 85.45, 85.46, 85.47 and 85.48.)

**1.4 (85) Rate Computation.** The weekly Compensation Rate Table in the "Iowa Workmen's Compensation Law" published by the industrial commissioner is authorized for use under sections 85.36 and 85.37 of the Code.

(This rule is intended to implement sections 85.36 and 85.37.)

Actual Daily Earnings	Weekly Compensation Rate						
\$4.68	18.00	5.08	19.54	5.48	21.08	5.88	22.62
4.69	18.04	5.09	19.58	5.49	21.12	5.89	22.65
4.70	18.08	5.10	19.62	5.50	21.15	5.90	22.69
4.71	18.12	5.11	19.65	5.51	21.19	5.91	22.73
4.72	18.15	5.12	19.69	5.52	21.23	5.92	22.77
4.73	18.19	5.13	19.73	5.53	21.27	5.93	22.81
4.74	18.23	5.14	19.77	5.54	21.31	5.94	22.85
4.75	18.27	5.15	19.81	5.55	21.35	5.95	22.88
4.76	18.31	5.16	19.85	5.56	21.38	5.96	22.92
4.77	18.35	5.17	19.88	5.57	21.42	5.97	22.96
4.78	18.38	5.18	19.92	5.58	21.46	5.98	23.00
4.79	18.42	5.19	19.96	5.59	21.50	5.99	23.04
4.80	18.46	5.20	20.00	5.60	21.54	6.00	23.08
4.81	18.50	5.21	20.04	5.61	21.58	6.01	23.12
4.82	18.54	5.22	20.08	5.62	21.62	6.02	23.15
4.83	18.58	5.23	20.12	5.63	21.65	6.03	23.19
4.84	18.62	5.24	20.15	5.64	21.69	6.04	23.23
4.85	18.65	5.25	20.19	5.65	21.73	6.05	23.27
4.86	18.69	5.26	20.23	5.66	21.77	6.06	23.31
4.87	18.73	5.27	20.27	5.67	21.81	6.07	23.35
4.88	18.77	5.28	20.31	5.68	21.85	6.08	23.38
4.89	18.81	5.29	20.35	5.69	21.88	6.09	23.42
4.90	18.85	5.30	20.38	5.70	21.92	6.10	23.46
4.91	18.88	5.31	20.42	5.71	21.96	6.11	23.50
4.92	18.92	5.32	20.46	5.72	22.00	6.12	23.54
4.93	18.96	5.33	20.50	5.73	22.04	6.13	23.58
4.94	19.00	5.34	20.54	5.74	22.08	6.14	23.62
4.95	19.04	5.35	20.58	5.75	22.12	6.15	23.65
4.96	19.08	5.36	20.62	5.76	22.15	6.16	23.69
4.97	19.12	5.37	20.65	5.77	22.19	6.17	23.73
4.98	19.15	5.38	20.69	5.78	22.23	6.18	23.77
4.99	19.19	5.39	20.73	5.79	22.27	6.19	23.81
5.00	19.23	5.40	20.77	5.80	22.31	6.20	23.85
5.01	19.27	5.41	20.81	5.81	22.35	6.21	23.88
5.02	19.31	5.42	20.85	5.82	22.38	6.22	23.92
5.03	19.35	5.43	20.88	5.83	22.42	6.23	23.96
5.04	19.38	5.44	20.92	5.84	22.46	6.24	24.00
5.05	19.42	5.45	20.96	5.85	22.50	6.25	24.04
5.06	19.46	5.46	21.00	5.86	22.54	6.26	24.08
5.07	19.50	5.47	21.04	5.87	22.58	6.27	24.12

Actual Daily Earnings	Weekly Compensation Rate						
6.28	24.15	6.94	26.69	7.60	29.23	8.26	31.77
6.29	24.19	6.95	26.73	7.61	29.27	8.27	31.81
6.30	24.23	6.96	26.77	7.62	29.31	8.28	31.85
6.31	24.27	6.97	26.81	7.63	29.35	8.29	31.88
6.32	24.31	6.98	26.85	7.64	29.38	8.30	31.92
6.33	24.35	6.99	26.88	7.65	29.42	8.31	31.96
6.34	24.38	7.00	26.92	7.66	29.46	8.32	32.00
6.35	24.42	7.01	26.96	7.67	29.50	8.33	32.04
6.36	24.46	7.02	27.00	7.68	29.54	8.34	32.08
6.37	24.50	7.03	27.04	7.69	29.58	8.35	32.11
6.38	24.54	7.04	27.08	7.70	29.62	8.36	32.15
6.39	24.58	7.05	27.12	7.71	29.65	8.37	32.19
6.40	24.62	7.06	27.15	7.72	29.69	8.38	32.23
6.41	24.65	7.07	27.19	7.73	29.73	8.39	32.27
6.42	24.69	7.08	27.23	7.74	29.77	8.40	32.31
6.43	24.73	7.09	27.27	7.75	29.81	8.41	32.34
6.44	24.77	7.10	27.31	7.76	29.85	8.42	32.38
6.45	24.81	7.11	27.35	7.77	29.88	8.43	32.42
6.46	24.85	7.12	27.38	7.78	29.92	8.44	32.46
6.47	24.88	7.13	27.42	7.79	29.96	8.45	32.50
6.48	24.92	7.14	27.46	7.80	30.00	8.46	32.54
6.49	24.96	7.15	27.50	7.81	30.04	8.47	32.58
6.50	25.00	7.16	27.54	7.82	30.08	8.48	32.61
6.51	25.04	7.17	27.58	7.83	30.12	8.49	32.65
6.52	25.08	7.18	27.62	7.84	30.15	8.50	32.69
6.53	25.12	7.19	27.65	7.85	30.19	8.51	32.73
6.54	25.15	7.20	27.69	7.86	30.23	8.52	32.77
6.55	25.19	7.21	27.73	7.87	30.27	8.53	32.81
6.56	25.23	7.22	27.77	7.88	30.31	8.54	32.84
6.57	25.27	7.23	27.81	7.89	30.35	8.55	32.88
6.58	25.31	7.24	27.85	7.90	30.38	8.56	32.92
6.59	25.35	7.25	27.88	7.91	30.42	8.57	32.96
6.60	25.38	7.26	27.92	7.92	30.46	8.58	33.00
6.61	25.42	7.27	27.96	7.93	30.50	8.59	33.04
6.62	25.46	7.28	28.00	7.94	30.54	8.60	33.08
6.63	25.50	7.29	28.04	7.95	30.58	8.61	33.11
6.64	25.54	7.30	28.08	7.96	30.62	8.62	33.15
6.65	25.58	7.31	28.12	7.97	30.65	8.63	33.19
6.66	25.62	7.32	28.15	7.98	30.69	8.64	33.23
6.67	25.65	7.33	28.19	7.99	30.73	8.65	33.27
6.68	25.69	7.34	28.23	8.00	30.77	8.66	33.31
6.69	25.73	7.35	28.27	8.01	30.81	8.67	33.34
6.70	25.77	7.36	28.31	8.02	30.85	8.68	33.38
6.71	25.81	7.37	28.35	8.03	30.88	8.69	33.42
6.72	25.85	7.38	28.38	8.04	30.92	8.70	33.46
6.73	25.88	7.39	28.42	8.05	30.96	8.71	33.50
6.74	25.92	7.40	28.46	8.06	31.00	8.72	33.54
6.75	25.96	7.41	28.50	8.07	31.04	8.73	33.58
6.76	26.00	7.42	28.54	8.08	31.08	8.74	33.61
6.77	26.04	7.43	28.58	8.09	31.12	8.75	33.65
6.78	26.08	7.44	28.62	8.10	31.15	8.76	33.69
6.79	26.12	7.45	28.65	8.11	31.19	8.77	33.73
6.80	26.15	7.46	28.69	8.12	31.23	8.78	33.77
6.81	26.19	7.47	28.73	8.13	31.27	8.79	33.81
6.82	26.23	7.48	28.77	8.14	31.31	8.80	33.84
6.83	26.27	7.49	28.81	8.15	31.35	8.81	33.88
6.84	26.31	7.50	28.85	8.16	31.38	8.82	33.92
6.85	26.35	7.51	28.88	8.17	31.42	8.83	33.96
6.86	26.38	7.52	28.92	8.18	31.46	8.84	34.00
6.87	26.42	7.53	28.96	8.19	31.50	8.85	34.04
6.88	26.46	7.54	29.00	8.20	31.54	8.86	34.08
6.89	26.50	7.55	29.04	8.21	31.58	8.87	34.11
6.90	26.54	7.56	29.08	8.22	31.62	8.88	34.15
6.91	26.58	7.57	29.12	8.23	31.65	8.89	34.19
6.92	26.62	7.58	29.15	8.24	31.69	8.90	34.23
6.93	26.65	7.59	29.19	8.25	31.73	8.91	34.27

Actual Daily Earnings	Weekly Compensation Rate						
8.92	34.31	9.58	36.84	10.24	39.38	10.90	41.92
8.93	34.34	9.59	36.88	10.25	39.42	10.91	41.96
8.94	34.38	9.60	36.92	10.26	39.46	10.92	42.00
8.95	34.42	9.61	36.96	10.27	39.50	10.93	42.04
8.96	34.46	9.62	37.00	10.28	39.54	10.94	42.08
8.97	34.50	9.63	37.04	10.29	39.58	10.95	42.11
8.98	34.54	9.64	37.08	10.30	39.61	10.96	42.15
8.99	34.58	9.65	37.11	10.31	39.65	10.97	42.19
9.00	34.61	9.66	37.15	10.32	39.69	10.98	42.23
9.01	34.65	9.67	37.19	10.33	39.73	10.99	42.27
9.02	34.69	9.68	37.23	10.34	39.77	11.00	42.31
9.03	34.73	9.69	37.27	10.35	39.81	11.01	42.34
9.04	34.77	9.70	37.31	10.36	39.84	11.02	42.38
9.05	34.81	9.71	37.34	10.37	39.88	11.03	42.42
9.06	34.84	9.72	37.38	10.38	39.92	11.04	42.46
9.07	34.88	9.73	37.42	10.39	39.96	11.05	42.50
9.08	34.92	9.74	37.46	10.40	40.00	11.06	42.54
9.09	34.96	9.75	37.50	10.41	40.04	11.07	42.58
9.10	35.00	9.76	37.54	10.42	40.08	11.08	42.61
9.11	35.04	9.77	37.58	10.43	40.11	11.09	42.65
9.12	35.08	9.78	37.61	10.44	40.15	11.10	42.69
9.13	35.11	9.79	37.65	10.45	40.19	11.11	42.73
9.14	35.15	9.80	37.69	10.46	40.23	11.12	42.77
9.15	35.19	9.81	37.73	10.47	40.27	11.13	42.81
9.16	35.23	9.82	37.77	10.48	40.31	11.14	42.84
9.17	35.27	9.83	37.81	10.49	40.34	11.15	42.88
9.18	35.31	9.84	37.84	10.50	40.38	11.16	42.92
9.19	35.34	9.85	37.88	10.51	40.42	11.17	42.96
9.20	35.38	9.86	37.92	10.52	40.46	11.18	43.00
9.21	35.42	9.87	37.96	10.53	40.50	11.19	43.04
9.22	35.46	9.88	38.00	10.54	40.54	11.20	43.08
9.23	35.50	9.89	38.04	10.55	40.58	11.21	43.11
9.24	35.54	9.90	38.08	10.56	40.61	11.22	43.15
9.25	35.58	9.91	38.11	10.57	40.65	11.23	43.19
9.26	35.61	9.92	38.15	10.58	40.69	11.24	43.23
9.27	35.65	9.93	38.19	10.59	40.73	11.25	43.27
9.28	35.69	9.94	38.23	10.60	40.77	11.26	43.31
9.29	35.73	9.95	38.27	10.61	40.81	11.27	43.34
9.30	35.77	9.96	38.31	10.62	40.84	11.28	43.38
9.31	35.81	9.97	38.34	10.63	40.88	11.29	43.42
9.32	35.84	9.98	38.38	10.64	40.92	11.30	43.46
9.33	35.88	9.99	38.42	10.65	40.96	11.31	43.50
9.34	35.92	10.00	38.46	10.66	41.00	11.32	43.54
9.35	35.96	10.01	38.50	10.67	41.04	11.33	43.58
9.36	36.00	10.02	38.54	10.68	41.08	11.34	43.61
9.37	36.04	10.03	38.58	10.69	41.11	11.35	43.65
9.38	36.08	10.04	38.61	10.70	41.15	11.36	43.69
9.39	36.11	10.05	38.65	10.71	41.19	11.37	43.73
9.40	36.15	10.06	38.69	10.72	41.23	11.38	43.77
9.41	36.19	10.07	38.73	10.73	41.27	11.39	43.81
9.42	36.23	10.08	38.77	10.74	41.31	11.40	43.84
9.43	36.27	10.09	38.81	10.75	41.34	11.41	43.88
9.44	36.31	10.10	38.84	10.76	41.38	11.42	43.92
9.45	36.34	10.11	38.88	10.77	41.42	11.43	43.96
9.46	36.38	10.12	38.92	10.78	41.46	11.44	44.00
9.47	36.42	10.13	38.96	10.79	41.50	11.45	44.04
9.48	36.46	10.14	39.00	10.80	41.54	11.46	44.08
9.49	36.50	10.15	39.04	10.81	41.58	11.47	44.11
9.50	36.54	10.16	39.08	10.82	41.61	11.48	44.15
9.51	36.58	10.17	39.11	10.83	41.65	11.49	44.19
9.52	36.61	10.18	39.15	10.84	41.69	11.50	44.23
9.53	36.65	10.19	39.19	10.85	41.73	11.51	44.27
9.54	36.69	10.20	39.23	10.86	41.77	11.52	44.31
9.55	36.73	10.21	39.27	10.87	41.81	11.53	44.34
9.56	36.77	10.22	39.31	10.88	41.84	11.54	44.38
9.57	36.81	10.23	39.34	10.89	41.88	11.55	44.42

Actual Daily Earnings	Weekly Compensation Rate						
11.56	44.46	11.93	45.88	12.30	47.31	12.67	48.73
11.57	44.50	11.94	45.92	12.31	47.34	12.68	48.77
11.58	44.54	11.95	45.96	12.32	47.38	12.69	48.81
11.59	44.58	11.96	46.00	12.33	47.42	12.70	48.84
11.60	44.61	11.97	46.04	12.34	47.46	12.71	48.88
11.61	44.65	11.98	46.08	12.35	47.50	12.72	48.92
11.62	44.69	11.99	46.11	12.36	47.54	12.73	48.96
11.63	44.73	12.00	46.15	12.37	47.58	12.74	49.00
11.64	44.77	12.01	46.19	12.38	47.61	12.75	49.04
11.65	44.81	12.02	46.23	12.39	47.65	12.76	49.08
11.66	44.84	12.03	46.27	12.40	47.69	12.77	49.11
11.67	44.88	12.04	46.31	12.41	47.73	12.78	49.15
11.68	44.92	12.05	46.34	12.42	47.77	12.79	49.19
11.69	44.96	12.06	46.38	12.43	47.81	12.80	49.23
11.70	45.00	12.07	46.42	12.44	47.84	12.81	49.27
11.71	45.04	12.08	46.46	12.45	47.88	12.82	49.31
11.72	45.08	12.09	46.50	12.46	47.92	12.83	49.34
11.73	45.11	12.10	46.54	12.47	47.96	12.84	49.38
11.74	45.15	12.11	46.58	12.48	48.00	12.85	49.42
11.75	45.19	12.12	46.61	12.49	48.04	12.86	49.46
11.76	45.23	12.13	46.65	12.50	48.08	12.87	49.50
11.77	45.27	12.14	46.69	12.51	48.11	12.88	49.54
11.78	45.31	12.15	46.73	12.52	48.15	12.89	49.58
11.79	45.34	12.16	46.77	12.53	48.19	12.90	49.61
11.80	45.38	12.17	46.81	12.54	48.23	12.91	49.65
11.81	45.42	12.18	46.84	12.55	48.27	12.92	49.69
11.82	45.46	12.19	46.88	12.56	48.31	12.93	49.73
11.83	45.50	12.20	46.92	12.57	48.34	12.94	49.77
11.84	45.54	12.21	46.96	12.58	48.38	12.95	49.81
11.85	45.58	12.22	47.00	12.59	48.42	12.96	49.84
11.86	45.61	12.23	47.04	12.60	48.46	12.97	49.88
11.87	45.65	12.24	47.08	12.61	48.50	12.98	49.92
11.88	45.69	12.25	47.11	12.62	48.54	12.99	49.96
11.89	45.73	12.26	47.15	12.63	48.58	13.00	50.00
11.90	45.77	12.27	47.19	12.64	48.61		
11.91	45.81	12.28	47.23	12.65	48.65		
11.92	45.84	12.29	47.27	12.66	48.69		

1.5 (85) Commutation Table. The commutation table in the Iowa Workmen's Compensation Law published by the industrial commissioner is authorized for use under section 85.47 of the Code.

This rule is intended to implement sections 85.45, 85.46, 85.47 and 85.48.

This table shows the present value of any number of One Dollar future weekly payments discounted at five (5) per centum, as authorized by section 85.47, Code of 1962, for commuted lump sum settlements in advance of the dates due. For weekly payments of larger amounts multiply the tabular fraction by the number of dollars in the weekly payments.

COMMUTATION TABLE—IOWA

One Dollar Payments—First 52 Weeks				One Dollar Payments—Third 52 Weeks			
Weeks	Value	Weeks	Value	Weeks	Value	Weeks	Value
1	\$ 0.999	27	\$26.644	105	\$ 99.998	131	\$123.346
2	1.997	28	27.617	106	100.906	132	124.233
3	2.994	29	28.590	107	101.812	133	125.120
4	3.990	30	29.562	108	102.719	134	126.006
5	4.986	31	30.534	109	103.624	135	126.892
6	5.980	32	31.504	110	104.529	136	127.776
7	6.973	33	32.473	111	105.432	137	128.660
8	7.966	34	33.442	112	106.335	138	129.543
9	8.957	35	34.409	113	107.238	139	130.426
10	9.948	36	35.376	114	108.139	140	131.307
11	10.937	37	36.341	115	109.040	141	132.188
12	11.926	38	37.306	116	109.940	142	133.068
13	12.913	39	38.270	117	110.839	143	133.948
14	13.900	40	39.233	118	111.737	144	134.826
15	14.886	41	40.195	119	112.635	145	135.704
16	15.871	42	41.157	120	113.531	146	136.582
17	16.855	43	42.117	121	114.427	147	137.458
18	17.838	44	43.077	122	115.323	148	138.334
19	18.820	45	44.035	123	116.217	149	139.209
20	19.801	46	44.993	124	117.111	150	140.083
21	20.781	47	45.950	125	118.004	151	140.956
22	21.761	48	46.906	126	118.896	152	141.829
23	22.739	49	47.861	127	119.788	153	142.701
24	23.717	50	48.815	128	120.678	154	143.573
25	24.693	51	49.769	129	121.568	155	144.443
26	25.669	52	50.721	130	122.457	156	145.313
One Dollar Payments—Second 52 Weeks				One Dollar Payments—Fourth 52 Weeks			
53	\$51.673	79	\$76.115	157	\$146.182	183	\$168.529
54	52.623	80	77.044	158	147.051	184	169.379
55	53.573	81	77.972	159	147.918	185	170.229
56	54.522	82	78.899	160	148.785	186	171.077
57	55.471	83	79.825	161	149.652	187	171.925
58	56.418	84	80.751	162	150.517	188	172.773
59	57.364	85	81.675	163	151.382	189	173.619
60	58.310	86	82.599	164	152.246	190	174.465
61	59.255	87	83.522	165	153.109	191	175.310
62	60.199	88	84.444	166	153.972	192	176.155
63	61.142	89	85.366	167	154.834	193	176.999
64	62.084	90	86.286	168	155.695	194	177.842
65	63.025	91	87.206	169	156.556	195	178.684
66	63.966	92	88.125	170	157.416	196	179.526
67	64.905	93	89.043	171	158.275	197	180.367
68	65.844	94	89.960	172	159.133	198	181.207
69	66.782	95	90.877	173	159.991	199	182.047
70	67.719	96	91.792	174	160.848	200	182.886
71	68.655	97	92.707	175	161.704	201	183.725
72	69.591	98	93.621	176	162.560	202	184.562
73	70.525	99	94.535	177	163.415	203	185.399
74	71.459	100	95.447	178	164.269	204	186.236
75	72.392	101	96.359	179	165.122	205	187.072
76	73.324	102	97.270	180	165.975	206	187.907
77	74.255	103	98.180	181	166.827	207	188.741
78	75.186	104	99.089	182	167.679	208	189.575

One Dollar Payments—Fifth 52 Weeks				Weeks	Value	Weeks	Value
Weeks	Value	Weeks	Value				
209	\$190.408	235	\$211.837	331	287.350	348	300.170
210	191.240	236	212.652	332	288.108	349	300.919
211	192.072	237	213.467	333	288.866	350	301.668
212	192.903	238	214.281	334	289.623	351	302.416
213	193.733	239	215.094	335	290.380	352	303.164
214	194.563	240	215.907	336	291.137	353	303.911
215	195.392	241	216.720	337	291.892	354	304.657
216	196.220	242	217.531	338	292.648	355	305.403
217	197.048	243	218.342	339	293.402	356	306.149
218	197.875	244	219.153	340	294.156	357	306.894
219	198.702	245	219.963	341	294.910	358	307.638
220	199.528	246	220.772	342	295.663	359	308.382
221	200.353	247	221.580	343	296.415	360	309.125
222	201.177	248	222.388	344	297.167	361	309.868
223	202.001	249	223.195	345	297.919	362	310.611
224	202.824	250	224.002	346	298.670	363	311.352
225	203.647	251	224.808	347	299.420	364	312.094
226	204.469	252	225.613	<b>One Dollar Payments—Eighth 52—Weeks</b>			
227	205.290	253	226.418	365	\$312.834	391	\$331.911
228	206.110	254	227.222	366	313.575	392	332.638
229	206.930	255	228.026	367	314.314	393	333.364
230	207.750	256	228.829	368	315.053	394	334.090
231	208.568	257	229.631	369	315.792	395	334.815
232	209.386	258	230.433	370	316.530	396	335.540
233	210.204	259	231.234	371	317.268	397	336.264
234	211.020	260	232.034	372	318.005	398	336.988
<b>One Dollar Payments—Sixth 52 Weeks</b>				373	318.741	399	337.711
261	\$232.834	287	\$253.417	374	319.477	400	338.434
262	233.633	288	254.200	375	320.213	401	339.15882
263	234.432	289	254.983	376	320.948	402	339.88059
264	235.230	290	255.766	377	321.682	403	340.60186
265	236.027	291	256.547	378	322.416	404	341.32264
266	236.824	292	257.329	379	323.150	405	342.04291
267	237.620	293	258.109	380	323.883	406	342.76269
268	238.415	294	258.889	381	324.615	407	343.48197
269	239.210	295	259.669	382	325.347	408	344.20076
270	240.005	296	260.448	383	326.078	409	344.91905
271	240.798	297	261.226	384	326.809	410	345.63685
272	241.592	298	262.004	385	327.540	411	346.35415
273	242.384	299	262.781	386	328.270	412	347.07096
274	243.176	300	263.558	387	328.999	413	347.78728
275	243.967	301	264.334	388	329.728	414	348.50311
276	244.758	302	265.109	389	330.456	415	349.21844
277	245.548	303	265.884	390	331.184	416	349.93329
278	246.338	304	266.658	<b>One Dollar Payments—Ninth 52 Weeks</b>			
279	247.127	305	267.432	417	\$350.64765	437	364.83295
280	247.915	306	268.205	418	351.36151	438	365.53717
281	248.703	307	268.978	419	352.07489	439	366.24093
282	249.490	308	269.750	420	352.78778	440	366.94420
283	250.276	309	270.521	421	353.50018	441	367.64700
284	251.062	310	271.292	422	354.21210	442	368.34933
285	251.848	311	272.062	423	354.92353	443	369.05119
286	252.632	312	272.832	424	355.63448	444	369.75257
<b>One Dollar Payments—Seventh 52 Weeks</b>				425	356.34494	445	370.45348
313	\$273.601	322	280.498	426	357.05492	446	371.15392
314	274.370	323	281.261	427	357.76442	447	371.85389
315	275.138	324	282.024	428	358.47343	448	372.55340
316	275.905	325	282.787	429	359.18196	449	373.25243
317	276.672	326	283.549	430	359.89001	450	373.95099
318	277.438	327	284.310	431	360.59758	451	374.64909
319	278.204	328	285.071	432	361.30467	452	375.34672
320	278.969	329	285.831	433	362.01128	453	376.04388
321	279.734	330	286.590	434	362.71742	454	376.74058
				435	363.42307	455	377.43681
				436	364.12825	456	378.13258

Weeks	Value	Weeks	Value	Weeks	Value	Weeks	Value
457	378.82789	463	382.99001	477	392.63750	489	400.83633
458	379.52273	464	383.68208	478	393.32320	490	401.51667
459	380.21711	465	384.37370	479	394.00846	491	402.19656
460	380.91102	466	385.06485	480	394.69326	492	402.87601
461	381.60448	467	385.75555	481	395.37761	493	403.55502
462	382.29747	468	386.44579	482	396.06512	494	404.23358
<b>One Dollar Payments—Final 52 Weeks</b>				483	396.74497	495	404.91171
				484	397.42798	496	405.58939
469	\$387.13558	473	389.89017	485	398.11055	497	406.26663
470	387.82491	474	390.57768	486	398.79266	498	406.94343
471	388.51378	475	391.26474	487	399.47433	499	407.61980
472	389.20220	476	391.95134	488	400.15555	500	408.29572

1.6 (86) Forms in Disputed Cases. Form No. 6, Application for Review-Reopening, and Form No. 8, Application for Arbitration, as published by the industrial commissioner, or a drafted equivalent thereof, shall be used in disputes arising under sections 86.14 and 86.34 of the Code.

This rule is intended to implement section 86.8, subsection 2, sections 86.14, 86.34 and 86.35.



# Workmen's Compensation Service

		Claimant	} APPLICATION for ARBITRATION
Address	v.		
		Employer	
Address			
		Insurance Carrier	

To the Industrial Commissioner:

This claimant respectfully states that \_\_\_\_\_  
 sustained a personal injury or occupational disease arising out of and in the course of the employment  
 at \_\_\_\_\_  
 on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. This claimant is the \_\_\_\_\_  
 \_\_\_\_\_ (if dependent, state relationship).

1. Check (  ) Married \_\_\_\_\_ Single \_\_\_\_\_ Male \_\_\_\_\_ Female \_\_\_\_\_; Age \_\_\_\_\_
2. Children under 16 or incapacitated regardless of age \_\_\_\_\_
3. Job classification \_\_\_\_\_ Length of time employed before injury \_\_\_\_\_
4. Employee was earning when injured \$ \_\_\_\_\_ per hour; \$ \_\_\_\_\_ per day; \$ \_\_\_\_\_ per week.
5. Describe how injury occurred. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
6. Nature of injury \_\_\_\_\_  
 \_\_\_\_\_
7. Length of time disabled from working (give dates) \_\_\_\_\_
8. Nature and extent of permanent disability, if any \_\_\_\_\_  
 \_\_\_\_\_
9. Names and addresses of doctors who treated employee \_\_\_\_\_  
 \_\_\_\_\_
10. Was treatment authorized or supplied by employer? \_\_\_\_\_
11. If not, what are your expenses for doctors? \$ \_\_\_\_\_  
 \_\_\_\_\_  
 Hospitals and medicine \$ \_\_\_\_\_
12. What is the dispute in this case? \_\_\_\_\_  
 \_\_\_\_\_
13. In what counties or towns do you agree that hearing be held? \_\_\_\_\_
14. The claimant will be ready for hearing after \_\_\_\_\_ (date)

Having failed to reach an agreement as provided by Sec. 86.14, Code of Iowa, your claimant prays that the above named defendants be required to answer this application for arbitration, that a time and place be fixed for hearing hereof and due notice thereof given, and that upon such hearing, an order or award be made granting such relief as the said claimant may be entitled to in the premises.

Dated \_\_\_\_\_ Signed \_\_\_\_\_ CLAIMANT

\_\_\_\_\_  
 NAME AND ADDRESS OF ATTORNEY

File original and two copies with: INDUSTRIAL COMMISSIONER,  
 STATE OFFICE BUILDING, DES MOINES, IOWA

**1.7 (86) Procedure In Disputed Cases.** Practice and procedure at hearings before the industrial commissioner or his deputies will conform generally to that in any ordinary civil action.

A claimant seeking relief under any section of the Workmen's Compensation Act shall file his or her application with the industrial commissioner, together with two copies. Thereupon, the industrial commissioner shall serve notice of filing said application, together with a copy of the application, on the adverse party, who shall have fifteen days in which to file answer or pleading. A reply to new matter in an answer, or for the purpose of raising points of law appearing on the face of the answer, shall be filed within ten days after the answer.

(This rule is intended to implement sections 86.14, 86.17, 86.18, 86.24, 86.34 and 86.35.)

**1.8 (86) Bringing In New Parties.** When the presence of new parties is required to grant complete relief in any proceeding arising under the Workmen's Compensation Act, the industrial commissioner may upon application, or his own motion, order them brought in by serving them with Notice of Filing an application, together with a copy of the application.

(This rule is intended to implement sections 86.14, 86.17 and 86.18.)

**1.9 (86) Amendments.** Amendments may be made to any pleading before hearing or to conform to proof.

(This rule is intended to implement sections 86.17 and 86.18.)

**1.10 (86) Answer.** In the answer, the employer and insurance carrier shall admit or deny each allegation of the claimant's application. The answer shall state the conceded extent of temporary or permanent disability, the wage rate, and the amount of benefits paid, and shall state in what counties or towns the employer and insurance carrier agree that the hearing be held. A defense other than a general denial must be plead as a special defense.

(This rule is intended to implement sections 86.14 and 86.35.)

**1.11 (86) Prehearing Procedure.** After issues are joined the industrial commissioner may in his discretion direct the parties in any proceeding brought under the Workmen's Compensation Act to appear before him at such place as the law provides to consider all matters which may aid, expedite or simplify the hearing of any proceeding.

(This rule is intended to implement sections 86.14, 86.17, 86.18 and 86.35.)

**1.12 (86) Extending Time and Continuances.** For good cause the industrial commissioner may extend the time to comply with any rule or regulation. For good cause and when timely requested, the industrial commissioner may allow a continuance of adjournment of a hearing on such conditions as are fair and just.

(This rule is intended to implement sections 86.14, 86.17, 86.18 and 86.35.)

**1.13 (86) Shorthand Reporter.** When he deems it necessary, the industrial commissioner shall hire a shorthand reporter to report any proceeding, or the employer or insurance carrier shall arrange for a shorthand reporter to attend any proceeding when ordered by the industrial commissioner, and in either case he shall tax the expenses thereof as costs.

(This rule is intended to implement section 86.19.)

**1.14 (86) Depositions.** Any party to a proceeding under the Workmen's Compensation Act may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories, for the purpose of discovery or for use as evidence in the proceeding, or for both purposes.

(This rule is intended to implement section 86.21.)

(Filed Nov. 18, 1963)

## INSURANCE DEPARTMENT

**DOMESTIC INSURANCE COMPANIES**  
Implementing the provisions of Senate File 445 (ch. 299) as amended by Senate File 473 (ch. 300), Acts of the 60th General Assembly.

Pursuant to authority granted in Senate File 445 (ch. 299) as amended by Senate File 473 (ch. 300), Acts of the 60th General Assembly, the following rules are adopted.

(Filed Nov. 21, 1963)

### 1.1(506) Definitions.

**1.1(1) Promoters.** Promoters shall mean any incorporator, organizer, founder or other person or corporation who, acting alone or in concert with other persons, is initiating or directing, or has within one year initiated or directed, the organization of a new insurance company.

**1.1(2) Public monies.** Public monies shall mean the price paid by persons other than promoters for securities.

**1.2(506) Promoters' contributions.** Promoters shall invest of their own funds at least 20% of the proposed issue in cash. If something other than cash is contemplated to meet the requirements of this rule, it shall be valued by the Commissioner of Insurance in accordance with the provisions of section 492.7 of the 1962 Code of Iowa.

**1.3(506) Escrow.** All public monies shall be escrowed 100% until the issue is sold unless sooner released by written order of the Commissioner of Insurance; in the event the issue is not completely sold, all expenses incurred in corporate organization, sale of securities, and

cost of liquidation shall be paid from funds acquired from promoters.

**1.4(506) Alienation.** In the event of a public offering, no securities held by promoters shall, for a three year period from the date of acquisition, be alienated or hypothecated (except by operation of law) unless the operation of the insurance company produces earned surplus for two consecutive years.

**1.5(506) Sales to promoters.** In the event of a public offering, no securities shall be acquired by promoters at less than the public offering price.

**1.6(506) Options.** In the event of a public offering, stock options or warrants acquired by promoters shall not exceed 10% of the issue.

**1.7(506) Qualifications of management.** The general plan of organization as contemplated in paragraph three of Senate File 445 (ch. 299) as amended by Senate File 473 (ch. 300), Acts of the 60th General Assembly, shall include proposed management personnel with biographical sketches, including state of residence and complete insurance experience of each.

**1.8(506) Chief executive.** The chief executive officer of a newly organized insurance company shall be a bona fide resident of Iowa and unless removed for cause and while acting in this capacity shall devote his entire time to such duties unless this requirement is specifically waived by written order of the Commissioner of Insurance. For purposes of this rule, a newly organized insurance company shall be deemed to be a company in existence for three years or less.

**1.9(506) Directors.** The majority of the directors shall be bona fide residents of the state of Iowa unless specifically waived by written permission of the Commissioner of Insurance.

(These rules are intended to implement Subparagraph 1, Section 1, of Senate File 445 (ch. 299), Acts of the 60th General Assembly.)

These rules shall become effective on 12-28-63 as provided in Chapter 17A of the Code after filing in the office of the Secretary of State upon approval by the Departmental Rules Review Committee.

(Filed Nov. 21, 1963)

#### UNEARNED PREMIUM RESERVES ON MORTGAGE GUARANTY INSURANCE POLICIES

Pursuant to authority granted in House File 319 (ch. 308), Acts of the 60th General Assembly, the following rules are adopted.

(Filed Nov. 21, 1963)

**2.1(515) Unearned premium reserve factors.** In the case of premiums paid in advance on 10 year policies, mortgage guaranty insurers shall apply the following annual factors or comparable monthly factors in determining the unearned premium reserve:

Years policy is in force	Unearned premium factor	Years policy is in force	Unearned premium factor
1	81.8	6	18.2
2	65.5	7	10.9
3	50.9	8	5.5
4	38.2	9	1.8
5	27.3	10	-0-

**2.2(515) Contingency reserve.** From the premium remaining after applying the appropriate factor from the table in 2.1(515) above, there shall be maintained a contingency reserve as prescribed in Section 4, House File 319, Acts of the 60th General Assembly.

(These rules are intended to implement Section 3 of House File 319 (ch. 308), Acts of the 60th General Assembly.)

These rules shall become effective on 12-28-63 as provided in Chapter 17A of the Code after filing in the office of the Secretary of State upon approval by the Departmental Rules Review Committee.

#### LIFE INSURANCE POLICIES

Implementing Section 508.28 Code 1962

Pursuant to the authority granted in section 508.25 Code of 1962, the following rules are adopted:

(Filed Nov. 21, 1963)

**1.1(508) Purpose.** In the best interest of the citizens of Iowa and to maintain a fair and honest life insurance market, certain types of life policy forms and certain policy provisions shall be either prohibited, altered or clarified as set out herein.

**1.2(508) Scope.** These rules shall apply to all insurance policies issued by insurance companies holding a certificate of authority under the provisions of chapter 508 Code of Iowa.

**1.3(508) Definitions.** Certain life insurance policy forms and provisions referred to herein shall have the following meaning:

**1.3(1) Founders policy.** The term or name assigned to a policy of insurance offered to the public by a newly organized stock life insurance company, issued on a participating basis with the representations that the purchasers will share preferentially in the future divisible surplus earnings of the company arising from all classes of business, both participating and non-participating, and all plans of insurance.

**1.3(2) Profit-sharing policy.** It is any policy form which contains provisions or is represented in such a way that the policyholder will be eligible to preferentially participate in any future distribution of general corporate profits.

**1.3(3) Coupon policy.** It is any policy or contract of life insurance, other than annuity, which contains in addition to basic life insurance benefits a series of annual pure endowment benefits evidenced in the policy contract by a series of coupons each of which matures on the maturation date of an annual pure endowment. For the purposes of these rules, policies containing annual pure endowments evidenced by coupons, pass books, or other devices generally acquainted with savings, banking, or investment institutions shall be considered coupon policies.

**1.3(4) Pure endowment benefit.** It is a guaranteed insurance benefit, actuarially determined, the payment of which is contingent upon the survival of the insured to a specific point in time.

**1.4(508) Prohibitions, regulations and disclosure requirements.** In accordance with the purpose expressed in Section 1.1(508) of this rule and in conjunction with the intent of Section 508.28 of the Code, the use of certain types of policy forms and policy provisions shall be subject to the following prohibitions and regulations:

**1.4(1) Policy names.** Any insurance policy labeled or described as a founders, charter, or coupon policy or names of similar connotation shall not be approved for use in this state on or after the effective date of these rules, and furthermore no policies so named or labeled heretofore approved shall be issued or delivered in this state on or after March 1, 1964.

**1.4(2) Founders policy.** No founders policy as herein defined shall be approved for use in this state on or after the effective date of these rules, and furthermore, no founders policy as herein defined, heretofore approved shall be issued or delivered in this state on or after March 1, 1964.

**1.4(3) Profit-sharing policy.** No profit-sharing policy shall be approved for use in this state on or after the effective date of these rules, and furthermore no profit-sharing policy heretofore approved shall be issued or delivered in this state on or after March 1, 1964. This subsection does not intend to restrict or prohibit the sale in this state of any participating life insurance policy where the dividend or abatement of premium is derived solely from the profits of that class of participating business.

**1.4(4) Coupon policy.** No coupon policy shall be approved or issued in this state after the effective date of these rules, and furthermore no coupon policy heretofore approved shall be issued or delivered in this state on or after March 1, 1964.

**1.4(5) Guaranteed pure endowment benefits.** No policy containing a series of guaranteed pure endowment benefits shall be approved for use after the effective date of these rules unless it meets the following requirements:

a. The gross premium charged for this benefit shall be separately stated in a size and style of type equal in prominence to that stating the gross premium for the other benefits contained in the policy.

b. The payment of any guaranteed pure endowment benefit shall not be made contingent upon the payment of premiums falling due on or after the time the pure endowment benefit has matured.

c. The amount of the guaranteed series of pure endowment benefits shall be expressed in dollar amounts and shall not be presented or defined, either in the policy or any sales and advertising material, as a "percentage" of any of the premiums or benefits contained therein.

d. No participating policy shall include as part of its benefits a guaranteed pure endowment benefit.

e. The language and terminology of the policy or any of the sales and advertising materials used in connection with any policy which has a series of pure endowment benefits therein, shall not purport to represent the pure endowment benefit of the policy to be anything other than a guaranteed insurance benefit for which a premium is being paid by the policyholder.

(These rules are intended to implement Section 508.28 Code 1962.)

These rules shall become effective on December 28, 1963, as provided in Chapter 17A of the Code, as repealed and re-enacted by the 60th General Assembly, after filing in the office of the Secretary of State and upon approval by the Departmental Rules Review Committee.

#### UNAUTHORIZED INSURANCE CARRIERS

Implementing the provisions of House File 222 (ch. 307), Acts of the 60th General Assembly (Filed Aug. 1, 1963)

Pursuant to the authority granted in House File 222(ch. 307), Acts of the 60th General Assembly, the following rules are promulgated, effective July 4, 1963, for the placement of insurance in unauthorized insurance carriers by licensed Iowa insurance agents:

**1.1(515) Affidavit required.** Within 30 days subsequent to the effective date of coverage on property in this state placed in unlicensed insurers, the agent shall file with the Commissioner of Insurance a sworn statement on Form #SL163, a copy of which is attached hereto and by reference made a part hereof. Copies of Form #SL163 are available in the office of the Insurance commissioner and will be forwarded upon receipt of a request therefor from a qualified licensed insurance agent.

**1.2(515) Evidence of coverage.** Each agent placing coverage in unlicensed insurers shall deliver to the purchaser written evidence of the coverage listing the names and addresses of the insurers providing coverages and their relative participation in the risk. Said evidence shall plainly state on its face that the coverage is placed pursuant to House File 222, Acts of the 60th General Assembly, and that it is placed with an insurer or insurers not licensed to transact an insurance business in Iowa.

**1.3(515) Escrow of taxes.** Each agent placing coverage in unauthorized insurers shall maintain a separate bank account in which all sums due the State of Iowa in the form of taxes on unauthorized insurance premiums shall be held. Failure to establish and maintain such accounts shall be deemed grounds for the revocation of all licenses held by said agent under the provisions of Chapter 522, Code of Iowa.

**1.4(515) Annual report.** On or before March 1 of each year, every agent who has placed insurance in unauthorized insurers during the preceding calendar year shall file with the Commissioner of Insurance a sworn report of all such business written during the preceding calendar year. Said report shall be accompanied by a remittance to cover the taxes due on said business and shall be filed on Form #SL263,

a copy of which is attached hereto, and by reference made a part hereof. Failure to file said return or pay the taxes imposed by House File 222 (ch. 307), Acts of the 60th General Assembly, will be deemed grounds for the revocation of all licenses issued to the violator by the Insurance Department.

1.5(515) Prohibited insurers. From time to time the Commissioner of Insurance shall add the name or names of insurers in which it shall be unlawful to place business to a list contemplated by Subsection 2, Section 1, of House File 222 (ch. 307), Acts of the 60th General Assembly.

The names of said insurers shall be added by posting them in a conspicuous place in the office of the Insurance Department and by such other methods as in the opinion of the Insurance Commissioner will give all qualified agents in Iowa actual notice of his actions.

(These rules are intended to implement Section 4 of House File 222 (ch. 307), Acts of the 60th General Assembly.)

These rules shall become effective as provided in Chapter 17A of the Code after filing in the office of the Secretary of State upon approval by the Departmental Rules Review Committee.

(Filed Aug. 1, 1963)

STATE OF IOWA

# \_\_\_\_\_

SURPLUS LINES AFFIDAVIT

Each agent should number his affidavits consecutively

\_\_\_\_\_, of \_\_\_\_\_, Iowa, being duly sworn on oath, deposes and says:

That affiant is a resident insurance agent, qualified and licensed under the provisions of Chapter 522, Code of Iowa to write the kind of insurance herein referred to.

That affiant has made a diligent effort to place this insurance in authorized insurers and has either exhausted the capacity of authorized insurers or has been unable to obtain the desired coverage.

That the amounts of insurance shown are required for this risk:

1. Name and address of risk: \_\_\_\_\_

\_\_\_\_\_

2. Perils insured against: \_\_\_\_\_

\_\_\_\_\_

3. Amount of insurance procurable from licensed insurers: \_\_\_\_\_

\_\_\_\_\_

4. Additional amount of coverage necessary and names and addresses of insurers: \_\_\_\_\_

\_\_\_\_\_

5. Licensed companies who refused to accept risk: \_\_\_\_\_

\_\_\_\_\_

That affiant agrees to escrow all amounts due the State of Iowa for premium tax on this insurance and understands that failure to pay said tax on or before March 31 of the next calendar year will result in the loss of any and all agent's licenses issued by the Iowa Insurance Department.

\_\_\_\_\_  
(Agent)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Agent's Qualification #)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

The following report must be filed with the  
Commissioner of Insurance, State of Iowa, on or before March 1, 19\_\_\_\_\_.

## REPORT OF SURPLUS LINES INSURANCE

For the Year Ending December 31, 19\_\_\_\_\_.

Agent \_\_\_\_\_ Business Address \_\_\_\_\_ Date \_\_\_\_\_

Affidavit No. and Date*	Name of Insured	Name of Insurer Or Insurers	Contract No.	Term and Effective Date	Premiums Written	Premiums Refunded
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Make checks payable to: Commissioner of Insurance, State of Iowa

- (a) Premiums written (total of Column 6) \$ \_\_\_\_\_  
 (b) Premiums refunded (total of Column 7) \$ \_\_\_\_\_  
 (c) Difference between (a) and (b) \$ \_\_\_\_\_  
 (d) Amount enclosed (2% of (c)) \$ \_\_\_\_\_

\*Affidavits are to be numbered consecutively.

I, \_\_\_\_\_, being duly sworn, say and depose  
on oath, that I have examined the matter reported in this return, and that the amounts set  
forth therein are correct to the best of my knowledge and belief.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_

(Notary Public)

SL263

## SECURITIES DEPARTMENT

## (DEALER AND SALESMAN EXAMINATIONS)

Pursuant to authority of House File 196 (ch. 297), Acts of the 60th General Assembly, the following rules are adopted.

(Filed Aug. 1, 1963)

**1.1(502) General.** On and after July 4, 1963, an applicant for registration as securities dealer, issuer-dealer or salesman will be required to pass a written examination to determine the skill, competency, and knowledge of such applicant in respect to general securities matters and the Iowa Securities Law.

**1.2(502) Composition.** The examination shall be composed of two (2) parts:

1. Part one (1) shall cover general securities subject matter.
2. Part two (2) shall cover the Iowa Securities Law.

**1.3(502) Exemptions — Parts 1 and 2.** The following classes of persons shall be exempt from parts one (1) and two (2) of the examination:

1. Dealer or issuer-dealer applicants who have been registered as a dealer or issuer-dealer under the Iowa Securities Law previous to July 4, 1963.
2. Salesman applicants who have been registered as a salesman under the Iowa Securities Law previous to July 4, 1963.
3. Salesman applicants who have been registered as a dealer under the Iowa Securities Law previous to July 4, 1963.

**1.4(502) Exemptions — Part 1.** The following classes of persons shall be exempt from part one (1) of the examination:

1. Applicants who have passed the New York Stock Exchange or National Association of Securities Dealers examination given on or after July 1, 1963.

2. Applicants who have passed an examination of essentially identical subject matter in another state, provided that the passing score attained on such examination was at least as high as required by this department.

**1.5(502) Dealer applicants.** In the case of dealer applicants, the following classes of persons shall be subject to examination:

1. The principal of a sole proprietorship.
2. General partners of a partnership.
3. The executive officers of a corporation, provided that if it can be shown to the satisfaction of the Commissioner of Insurance that certain corporate officers are not active in the conduct of the applicant's business in Iowa, such officers shall not be required to take the examination.

**1.6(502) Issuer-dealers — general.** The executive officer (or officers) of an issuer-dealer who will have charge of and supervise the issuance of his company's securities shall be subject to examination.

**1.6(1) Issuer-dealers — waiver of examination.** Issuer-dealer examination shall be subject to waiver if it can be demonstrated to the satisfaction of the Commissioner of Insurance that, owing to the nature of the securities issue under consideration or the proposed manner of distribution, the public interest would not be served by requiring that an examination be taken.

**1.6(2) Issuer-dealers — salesmen.** Nothing contained in this rule shall be construed to exempt from examination securities salesmen appointed by an issuer-dealer.

**1.7(502) Passing score.** The passing score on each part of the examination shall be seventy (70) percent for salesmen and issuer-dealers and eighty (80) percent for dealers.

**1.8(502) When given.** The examination shall be given at such times and places as the Commissioner of Insurance may determine.

**1.9(502) Retakes.** Applicants who fail any part of the examination may take the examination again, but upon a second failure they must wait a minimum period of three (3) months before again taking the examination. Upon a third failure they must wait a further minimum period of one (1) year before again taking the examination.

**1.10(502) Applications.** All registration applications involving an individual subject to examination must be filed with the Securities Department at least five (5) days prior to the date of examination.

(These rules are intended to implement the provisions of House File 196 (ch. 297), Acts of the 60th General Assembly.

These rules shall become effective as provided in Chapter 17A of the Code after filing in the office of the Secretary of State upon approval by the Departmental Rules Review Committee.

## LIQUOR CONTROL COMMISSION

Pursuant to the authority conferred by Section 123.17, Code of Iowa, the following rules are adopted:

(Filed Oct. 1, 1963)

### LIQUOR CONTROL LICENSES

#### 1.1(123) Improper conduct.

**1.1(1) Illegality on premises.** No licensee, his agent, or employee shall engage in any illegal occupation or illegal act on the licensed premises.

**1.1(2) Cooperation with law enforcement officers.** No licensee, his agent, or employee shall refuse, fail or neglect to cooperate with any law enforcement officer in the performance of such officer's duties to enforce the provisions of Title VI, Code of Iowa, 1962, as amended by the 60th G.A., and the Rules and Regulations promulgated thereunder.

**1.1(3) Immoral activities.** No licensee, his agent, or employee shall knowingly allow in or upon his licensed premises any improper conduct, disturbances, lewdness, immoral activities, indecent, profane or obscene language, songs, entertainment, literature, pictures or advertising material, or cause to have printed or distributed any lewd, immoral, indecent, or obscene literature, pictures, or advertising material.

**1.1(4) Molesting patrons.** No licensee, his agent, or employee shall knowingly allow in or upon his licensed premises the annoying or molesting of patrons or employees by other patrons or employees, nor any accosting or soliciting for immoral purposes.

**1.1(5) Frequenting premises.** No licensee, his agent, or employee shall knowingly permit his licensed premises to be frequented by or to become the meeting place, hangout, or rendezvous for known prostitutes, homosexuals, vagrants, or those who are known to engage in the use, sale or distribution of narcotics or in any other illegal occupation or business.

(This rule is intended to implement Section 123.46, Code of Iowa, as amended by Senate File 437 (ch. 114), 60th General Assembly.)

**1.2(123) Violation by agent, servant, or employee.** Any violation of the within Rules and Regulations of the Iowa Liquor Control Act as amended, by any employee, agent, or servant of a licensee shall be deemed to be the act of said licensee and shall subject the liquor license of said licensee to suspension or revocation.

(This rule is intended to implement Sections 123.32 and 123.46, Code of Iowa, as amended by Senate File 437, 60th General Assembly.)

**1.3(123) Gambling evidence.** The presence of any gambling device, machine or apparatus referred to in 123.46, as amended, upon the premises of any establishment licensed by the Commission shall be prima facie evidence of a violation thereof.

(This rule is intended to implement Sections 123.32 and 123.46, Code of Iowa, as amended by Senate File 437, 60th General Assembly.)

**1.4(123) Bars and tables.** No licensee shall serve to or permit any patron to consume any alcoholic liquor unless such patron is either seated or standing at a bar or seated at a table or counter.

(This rule is intended to implement Sections 123.43, and 123.46, Code of Iowa, as amended by Senate File 437, 60th General Assembly.)

#### 1.5(123) Sanitation.

**1.5(1) All establishments that shall come within the purview of the Iowa Liquor Control Act as amended and that are to be erected in the future shall conform to all of the within Rules and Regulations.**

However, all establishments in existence on midnight, July 3, 1963, that come within the purview of the Iowa Liquor Control Act as amended, that are now in compliance with their respective cities, towns or county regulations pertaining to health and sanitation, shall be deemed in compliance with the within Rules and Regulations pertaining to sanitation. However, these establishments shall conform to the within regulations in regard to health and sanitation on or before 12:00 a.m. July 4, 1963.

**1.5(2) Water.** All licensed establishments shall be equipped with hot and cold running water from a source approved by an authorized health department.

#### 1.5(3) General cleanliness.

a. All bars, tables, counters, coolers, extra beer tap rods, refrigerators, and all other fixtures or equipment, and all basements, rooms or other places used to serve or store beer, wine or liquor,

shall be kept in a clean and sanitary manner at all times.

b. All open windows, doors and other openings to the outside shall be screened and protected against flies.

1.5(4) Licensees and employees shall wear clean clothing and be clean about their person. No person or persons who have any contagious or infectious disease of any kind are allowed to operate or work in such a place of business. Proprietors are held responsible, and any violation will be prosecuted under the state law. No person shall prepare or serve food who is infected with any communicable disease. Smoking by proprietors, cooks and help is strictly forbidden while preparing or serving food. Proprietors are held responsible, under the state law, when help violates this rule. Female employees should wear hair nets at all times while preparing or serving food and male employees should wear caps while preparing the food.

#### 1.5(5) Utensil cleansing.

a. **Hot water method.** All utensils must be thoroughly cleansed before sterilization. Immersion for at least 2 minutes in clean, hot water at a temperature of at least 170° F. or for ½ minute in boiling water. Unless actually boiling water is used an approved thermomoter shall be available convenient to the vat. The pouring of scalding water over washed utensils shall not be accepted as satisfactory compliance. Where hot water is used for bactericidal treatment there shall be provided a hot water heater (preferably controlled by a thermostat) capable of maintaining a water temperature of at least 170° F. in the vat at all times during business hours. The heating device may be integral with the immersion vat. It is considered that even in the case of roadside stands hot water may be obtained through the use of gasoline or kerosene stoves, which may, if the wash and rinse vats are correctly constructed, be placed directly thereunder. Care shall be taken in the treatment of utensils by immersion in hot water to prevent the trapping of air in the container, thus preventing contact with the entire surface of the utensil. This may be accomplished by placing all glasses, cups and utensils in a venting position so that air will not be trapped. All glasses shall be inverted for drying on a corrugated surface and remain so until used. The use of drying towels is not approved.

b. **Chlorine method.** All utensils must first be thoroughly cleansed in water containing a good chemical cleanser, then immersed in a chlorine solution containing 100 ppm of available chlorine for a period of two minutes. At no time shall the solution be used after the strength of same has been reduced below 50 ppm. Fresh solution shall be made daily and shall not be re-used on any succeeding day. In making the chlorine solution, follow the instructions on the label of the commercial product used. If a third rinse is used to relieve the utensils of the chlorine taste, the rinse must contain not less than 30 ppm of available chlorine. The department inspector shall satisfy himself by the use of the Orthotolidins test that all solutions in actual use are of the required available chlorine strength. Care

shall be taken in the treatment of utensils by immersion in chlorine rinse to prevent the trapping of air in the container, thus preventing contact with the entire surface of the utensil. This may be accomplished by placing all glasses, cups and utensils in a venting position so that air will not be trapped. All glasses shall be inverted for drying on a corrugated surface and remain so until used. The use of drying towels is not approved.

c. **Quaternary ammonium compound method.** All utensils must first be thoroughly cleaned, using a good detergent, not soap, then immersed in a rinse containing 200 ppm of a quaternary ammonium compound for a period of at least 115 seconds. At no time shall the solution be used after the strength of same has been reduced below 100 ppm. Rinse tank shall be filled daily with fresh solution and more often if the carry-over of water from previous tank is sufficient to cause a dilution of 100 ppm, or if this rinse becomes dirty in appearance. If three tanks are used—(1) wash, (2) rinse-warm water, (3) quaternary ammonium compound used. The department inspector shall satisfy himself, by the use of a standard test for the compound used, that the strength of all solutions in actual use are of the required strength. Care shall be taken in the treatment of utensils in immersion in quaternary ammonium compound, rinse in a manner to prevent the trapping of air in the container, solution shall contact the entire surface of the utensil. This may be accomplished by placing all glasses, cups and utensils in a venting position so that air will not be trapped. All glasses shall be placed bottoms up for drying on a corrugated surface and so remain until used. The use of drying towels is discouraged.

#### 1.5(6) Toilets.

a. All licensed establishments dispensing alcoholic beverages shall provide properly designated flush toilets for each sex. Such toilets shall be so constructed as to assure complete privacy as to segregation of sexes. Toilets shall be easily accessible with no entrance through a kitchen or living quarters. Each toilet shall have outside ventilation, or be vented thereto (vents to be six inches in diameter).

b. The minimum floor space of each toilet shall be five feet by seven feet or 35 square feet. The floor of each toilet shall be made of a non-absorbent material which shall extend eight inches on the walls above the floor level and be equipped with a drain.

c. Toilets for men shall have the following equipment: One wash bowl with running water, one intermittent or flush type wall urinal (minimum length three feet), one flush stool complete with cover (same to be segregated from urinal by a partition) for each 100 patrons based on seating capacity of establishment, individual sanitary towels, plenty of soap, sanitary toilet paper and a metal receptacle for accumulated waste.

d. Toilets for women shall have the same equipment as for men except urinal, the amount of equipment to be determined the same as for men.

e. All toilets and wash rooms, including walls, floors, ceilings and fixtures shall be kept in a clean and sanitary condition; walls and ceilings shall be painted with a light colored waterproof oil paint or enamel.

f. The foregoing regulations shall in no way be construed as to prevent any county, city or town from setting up an ordinance, more restrictive regulations governing such establishments within their jurisdiction.

(This rule is intended to implement Section 123.27, Code of Iowa, as amended by Senate File 437, 60th General Assembly.)

**1.6(123) Display of license, permit, signs.** All licenses, permits and signs issued by the Iowa Liquor Control Commission must be framed under glass and shall be prominently displayed in full view of the licensed premises.

(This rule is intended to implement Section 123.27(6), Code of Iowa, as amended by Senate File 437, 60th General Assembly.)

**1.7(123) Employees mingling with patrons.** No licensee shall permit any employee engaged in the serving of food or alcoholic liquor in his establishment to eat, drink, or mingle with the patrons.

(This rule is intended to implement Section 123.46, Code of Iowa, as amended by Senate File 437, 60th General Assembly.)

**1.8(123) Out-door service.** Any licensee having tables out of doors may serve the type of alcoholic liquor permitted by his license at such tables, provided that such tables are immediately adjacent to the indoor premises.

(This rule is intended to implement Section 123.27(6), Code of Iowa, as amended by Senate File 437, 60th General Assembly.)

**1.9(123) Allowing other to use permit.** No licensee shall permit the sale of alcoholic liquor upon any portion of his premises for which he may have leased, sold or transferred the right of possession to another person not licensed by this Commission.

(This rule is intended to implement Section 123.29, Code of Iowa, as amended by Senate File 437, 60th General Assembly.)

**1.10(123) Defacing of seals.**

**1.10(1) Reuse of seals — destruction of such.** No licensee shall reuse defaced or canceled Iowa Liquor Control Commission seals from any box, case, package or container.

**1.10(2)** Every licensee when he has removed the last bottle or container from any original case or carton of alcoholic beverages, except beer, must destroy or deface any federal government marks, brands, tax stamps, or serial numbers.

(This rule is intended to implement Section 123.22(c), Code of Iowa, as amended by Senate File 437, 60th General Assembly.)

**1.11(123) Retail price to include mix.** The retail price of each alcoholic beverage drink sold by the licensee, his agents, servants, or employees shall include the price of the mix, ice or any fluids of any kind used with alcoholic drinks, and shall be prepared by the licensee, his agents, servants, or employees.

(This rule is intended to implement Section 34 of Senate File 437, 60th General Assembly.)

**1.12(123) Identification cards.** At the time of application for a license, each applicant is requested to state the name or names of employees who will make purchases for the licensee from the Iowa Liquor stores. Identity cards for these persons will be issued by the Commission. If and when any of these persons are no longer in the employ of the licensee, it will be the duty of the licensee to return the identity card to the Commission and a new identity card will be issued to the new employee.

(This rule is intended to implement Section 123.27 (8) (f), Code of Iowa, as amended by Senate File 437, 60th General Assembly.)

**1.13(123) Advertising.**

**1.13(1) Brand name prohibited, except on menus, or bill of fare and price list.** Advertising of spirits by brand name on the premises of a retail licensee is prohibited, except on menus or price lists. The printing, lettering, or type size shall be the same size for all brand names listed.

**1.13(2) Political Advertising.** All political advertising designed to advance or promote the candidacy of any individual seeking public office at the hands of the electorate, such as poster signs, placards, handbills, or any other matter purporting to bring the public's attention to such candidacy, is prohibited in licensed establishments.

**1.13(3) Advertising upon article.** No retail licensee of the Liquor Control Commission shall advertise upon any article which has utility or secondary use or purpose aside from its actual advertising value, nor shall any retail licensee give away any article or thing of value as advertising or in connection with his business: Provided, however, that this regulation shall not apply to book matches, nor to ordinary calendars which can be used only for calendars and to which no article or thing of value is attached; nor to Specialty Advertising carrying a prominent advertising imprint, for the primary purpose of advertising.

**1.13(4) Window displays.** No licensee of any class shall expose any alcoholic liquor or containers in window displays.

**1.13(5) Limitation on wording and size of sign.** No existing exterior sign and no exterior sign to be erected in the future which states that alcoholic beverages are sold or available, cannot exceed the size of ten and one-half (10½) square feet, and must not contain the word "liquor".

(This rule is intended to implement Section 123.47, Code of Iowa, as amended by Senate File 437, 60th General Assembly.)

**1.14(123) Prohibited interest in business of licensee.** No licensee or any agent or employee thereof shall accept any aid or assistance by gifts, loan of money, free merchandise, treats, discounts, premiums, or rebates or property of any description or other valuable things, from any alcoholic liquor distiller, wholesaler, warehouseman, or their agents.

**1.14(1) Liquor distiller interest.** No alcoholic liquor distiller, warehouseman, or wholesaler, shall have any financial interest, directly or indirectly, in the establishment, maintenance, operation or promotion of business of any other licensee. No alcoholic distiller, broker or wholesaler, nor any stockholder thereof shall have any interest by ownership in fee, leasehold, mortgage, or otherwise, directly or indirectly, in the establishment, maintenance, operation or promotion of the business of any licensee. No alcoholic liquor distiller, broker, or wholesaler shall have any interest directly or indirectly by interlocking directors in a corporation or by interlocking stock ownership in a corporation in the establishment, maintenance, operation, or promotion of the business of any licensee.

**1.14(2) Donations by distiller.** No alcoholic liquor distiller, broker, specially designated distributor or any other licensee shall directly or indirectly make any contribution or donation of any kind to any other licensee or specially designated distributor, nor to any club, lodge, order or any fraternal, social, patriotic or religious organization for tickets, grand openings, anniversaries or otherwise, and no licensee shall directly or indirectly solicit or accept any such contribution or donation.

(This rule is intended to implement section 123.40 Code of Iowa, as amended by Senate File 437, 60th General Assembly.)

**1.15(123) Transfer of license to another location.** No licensee shall transfer location of his license nor make any alterations in the physical structure of his licensed premises, nor install any additional bars, without the consent of the Liquor Control Commission being first duly obtained.

(This rule is intended to implement section 123.29, Code of Iowa, as amended by Senate File 437, 60th General Assembly.)

**1.16(123) Prohibited storage of alcoholic beverages.** No licensee shall permit alcoholic beverages, purchased under authority of his liquor control license, to be kept or stored upon any premises other than those licensed.

(This rule is intended to implement section 123.46(9) and section 30 of Senate File 437, 60th General Assembly.)

**1.17(123) Inspection and audits of licensees.** The premises of any licensee shall be open at all reasonable times for the inspection of auditors, accountants, investigators, agents of the Enforcement Division of the Iowa Liquor Control Commission and other law enforcement agencies, and all stocks and books and records appertaining to the business of the licensee shall likewise be available for examination and inspection by such officers and agents at all reasonable times. A search warrant shall not be required for said inspection.

(This rule is intended to implement sections 123.17 (2) (n), 123.27 (6) (d), Code of Iowa as amended by Senate File 437, 60th General Assembly.)

**1.18(123) Orders of the commission.** No licensee shall fail, refuse or neglect to obey any

written order of the Commission issued relative to the operation of his licensed establishment.

(This rule is intended to implement section 123.17, Code of Iowa, as amended by Senate File 437, 60th General Assembly.)

**1.19(123) Public notice of suspension.** At the time of the suspension of any license by the Commission there shall be placed in a conspicuous place in the front door or window of the licensed establishment, a placard furnished by the Commission showing that the license of that establishment has been suspended by the Commission and such placard shall also show the number of days and the reason for the suspension. No licensee or other person shall remove, alter, obscure or destroy said placard without the express written approval of the Iowa Liquor Control Commission.

(This rule is intended to implement section 123.32, Code of Iowa, as amended by Senate File 437, 60th General Assembly.)

**1.20(123) Sales prohibited during period of suspension.** No licensee shall sell, serve or allow consumption of any alcoholic beverages upon the licensee's premises during the period his license is suspended or revoked by the Commission.

(This rule is intended to implement section 123.32, Code of Iowa, as amended by Senate File 437, 60th General Assembly.)

**1.21(123) Dram shop liability insurance requirements.** For the purpose of providing proof of financial responsibility as required by Sec. 29 of S. F. 437 (ch. 114), Acts of the 60th G. A., a liability insurance policy must meet the following requirements:

**1.21(1)** It must be issued by a company holding a current certificate of Authority from the Iowa Insurance Commissioner authorizing the company to issue Dram Shop Liability Insurance in Iowa.

**1.21(2)** It must be countersigned by a resident insurance agent licensed by the issuing company.

**1.21(3)** It must provide the following minimum limits of liability, exclusive of interests and costs of actions, per accident: (For the purpose of this sub-section, the word "accident" shall mean any one occurrence, on any one accident, or series of accidents or occurrences arising out of any one event or any one case of intoxication.)

a. \$10,000 in respect to any one person who shall be injured in person.

b. Subject to the limitation above — stated as respects any one person, \$20,000 in respect to all persons who shall be injured in person.

c. \$5,000 in respect to any and all persons who shall be injured in means of support.

**1.21(4)** It must contain a provision that the policy cannot be cancelled by either the company or the insured until after the Iowa Liquor Control Commission at its office in Des Moines, Iowa, has received thirty days prior written notice of said cancellation.

**1.21(5)** Subject to these conditions and exclusions usually found in a policy of Dram Shop

Liability Insurance, it must contain coverage to insure against all civil tort liability of the insured created under the provisions of Title VI, Code of Iowa, as it now exists or may hereafter be amended.

1.21(6) A licensee shall be deemed to have furnished proof of financial responsibility as contemplated by Section 29 of S. F. 437 (ch. 114), Acts of the 60th G. A., when it has filed with the Liquor Control Commission at its office in Des Moines, Iowa, a properly executed copy of Form #10, a copy of which is attached hereto and by reference made a part hereof.

1.21(7) Copies of Form #10 shall not be deemed properly executed unless the authorized company representative executing the same shall first have filed with the Iowa Liquor Control Commission a sample of his signature. Facsimile signatures will be acceptable.

1.21(8) Applications to post bond in lieu of providing a liability insurance policy to show proof of financial responsibility as contemplated by Sec. 29 of the S. F. 437 (ch. 114), Acts of the 60th G. A., must be made in writing to the Iowa Liquor Control Commission and the form and the amount of such bond will be determined on each application individually.

LIQUOR — STATE OF IOWA  
 LIQUOR CONTROL COMMISSION  
 LIQUOR CONTROL LICENSEE  
 DRAM SHOP LIABILITY CERTIFICATE  
 OF INSURANCE  
 Filed With  
 IOWA LIQUOR CONTROL COMMISSION  
 East Seventh and Court  
 Des Moines 8, Iowa  
 (Execute in Duplicate)

THIS IS TO CERTIFY, that the \_\_\_\_\_  
 (Name of Company)  
 (hereinafter called Company) of \_\_\_\_\_ has issued to  
 (Home office address of Co.)  
 \_\_\_\_\_ of \_\_\_\_\_  
 (Name of Assured) (Address of Assured)  
 Policy No. \_\_\_\_\_ Effective from \_\_\_\_\_  
 to \_\_\_\_\_

The policy of insurance herein described contains coverage to comply with the provisions of Title VI, Code of Iowa, 1962 as amended by S. F. 437 (ch. 114), and S. F. 485 (ch. 115), Acts of the 60th General Assembly, and all regulations of the Iowa Liquor Control Commission promulgated thereunder.

The policy described herein may be cancelled by the Company or the Assured giving thirty (30) days notice in writing to the Iowa Liquor Control Commission at its office, Des Moines, Iowa said thirty (30) days notice to commence to run from date notice is actually received at the office of the Commission.

Whenever requested by the Commission, the Company agrees to furnish to the Commission a duplicate original of said policy and all endorsements thereon.

Countersigned at \_\_\_\_\_  
 this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

\_\_\_\_\_  
 Authorized Company Representative

\_\_\_\_\_  
 Iowa Resident Agent

Form L-10

(This rule is intended to implement Section 29, Senate File 437, 60th General Assembly.)

1.22(123) Surety bond requirements. A \$5,000 penal bond must be filed with the Commission with each application for a liquor control license and must meet the following requirements:

1.22(1) It must be issued by a company holding a current certificate of authority from the Iowa Insurance Commissioner authorizing the company to issue bonds in Iowa.

1.22(2) It must be in penal sum of five thousand dollars (\$5,000) to insure the payment of all taxes and penalties due the Iowa Liquor Control Commission.

1.22(3) It must contain a provision for the principal and his surety to consent to the forfeiture of the principal sum of the bond in the event of the revocation of the Liquor License held by the principal if said revocation is the result of a conviction of any violations of paragraphs a, d, e, or h of subsection 4, of section 123.46, Code of Iowa, as it was amended by Senate File 437 (ch. 114), Acts of the 60th General Assembly.

1.22(4) It must contain a provision that the bond cannot be cancelled by either the principal or the surety until after the Iowa Liquor Control Commission at its office in Des Moines, Iowa, has received thirty (30) days prior written notice of said cancellation and the cancellation or notice thereof will be of no force and effect in the event of revocation.

1.22(5) A licensee shall be deemed to have furnished a surety bond as contemplated by Section 10 of S. F. 437 (ch. 114), Acts of the 60th General Assembly, when it has filed with the Iowa Liquor Control Commission at its office at Des Moines, Iowa, a copy of Form L-11, a copy of which is attached hereto and by references made a part hereof.

1.22(6) Applications to post a bond in lieu of providing a surety bond as contemplated by Section 10 of Senate File 437 (ch. 114), Acts of the 60th General Assembly, must be made in writing to the Iowa Liquor Control Commission and each application will be determined individually.

STATE OF IOWA  
LIQUOR CONTROL COMMISSION  
DES MOINES, IOWA

This bond issued in connection with an application for a Class \_\_\_\_\_ Liquor Control License.

BOND

KNOW ALL MEN BY THESE PRESENTS

That \_\_\_\_\_ of \_\_\_\_\_ County  
(Principal) (City and/or County)

State of Iowa as Principal, and \_\_\_\_\_ of \_\_\_\_\_  
(City and State)

as Surety, are held and firmly bound unto the STATE OF IOWA in the penal sum of FIVE THOUSAND DOLLARS (\$5,000), lawful money of the United States, for the payment of which, in Des Moines, Polk County, Iowa, we bond ourselves, our successors and our legal representatives firmly by these presents.

THE CONDITION of the foregoing is such that the principal and his surety consent to forfeiture of the principal sum of said bond in event of revocation of the license held by the principal under the provisions of Chapter 123, Code of Iowa, as amended by Senate File 485 (ch. 115), Acts of the 60th G. A., if said revocation is a result of a conviction of any violation of paragraphs a, d, e, or h of subsection 4, of section 123.46, Code of Iowa, as it was amended by Senate File 437 (ch. 114), Acts of the 60th General Assembly.

NOW, THEREFORE, if the said \_\_\_\_\_, shall well and truly observe and obey all of the provisions of Chapter 123, Code of Iowa, as amended by Senate File 437, and Senate File 485, Acts of the 60th General Assembly, including the payments of all taxes as provided therein, then this bond shall be void, otherwise to remain in full force and effect.

THIS BOND shall be effective on \_\_\_\_\_, 19\_\_\_\_\_, and shall remain effective continuously without cumulative liability until cancelled. This bond may be cancelled by the principal or the surety by giving written notice to the other party and the Iowa Liquor Control Commission at its office in Des Moines, Iowa, stating the date of cancellation, which in no event shall be less than 30 days after actual receipt of said notice; however, no cancellation shall be effective as to forfeiture in the event proceedings for the revocation of the principal's liquor control license have been or are commenced prior to the effective date of such cancellation.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
Principal  
\_\_\_\_\_  
Surety  
\_\_\_\_\_

NOTE: Surety on this bond must be by a surety company holding a current Certificate of Authority from the Iowa Insurance Commissioner.  
Form L-11

(This rule is intended to implement Section 123.26, Code of Iowa, as amended by Senate File 437, 60th General Assembly.)

1.23(123) Alcoholic liquors levied upon or bankruptcy proceedings by licensee. Alcoholic liquors purchased and possessed by a liquor control licensee, and levied upon under execution on a valid judgment, or under a bankruptcy proceeding against such licensee, must be sold under the following provisions;

1.23(1) An inventory must be made of all alcoholic liquors and the sheriff, or other official, must contact the Iowa Liquor Control Commission, or one of its duly authorized agents, furnishing them a copy of the inventory.

1.23(2) The Commission, or its duly authorized agency, may purchase the entire stock, or any part thereof, of the alcoholic liquors levied upon under execution at a wholesale cost to the Commission or arrange the disposition of the alcoholic liquors in a manner to be determined by the Commission.

(This rule is intended to implement sections 123.17 and 123.16 (9), Code of Iowa, as amended by Senate File 437, 60th General Assembly.)

1.24(123) The sentences, sections and provisions of these regulations are declared to be severable, and any portion which is declared inoperative for any reason by a court of competent jurisdiction shall in no way affect the remaining sentences, sections, or provisions of these regulations.

(This rule is intended to implement Section 123.37, Code of Iowa, as amended by Senate File 437, 60th General Assembly.)

These rules shall become effective on September 10, 1963, as provided in Chapter 17A of the Code as amended after filing in the office of the Secretary of State upon approval by the Departmental Rules Review Committee.

(Filed Oct. 1, 1963)

## PUBLIC INSTRUCTION DEPARTMENT

### SPECIAL EDUCATION

Pursuant to authority conferred upon said board by provision of sections 257.10 (12) and 281.3 (12) the rules and regulations relating to special education that appear in 1962 I.D.R. starting on the bottom of page 335, the first column of page 336, and the second column on page 336 down to the division of transportation be rescinded.

(Filed Sept. 24, 1963)

### CERTIFICATION AND APPROVAL OF SCHOOL PERSONNEL

Pursuant to authority of sections 257.10 (11) and 257.18 (13) of the Code the following amendments to the rules and regulations governing the certification and approval of school personnel that appear in 1962 I.D.R. 314 through 335 are adopted.

(Filed Dec. 2, 1963)

**Amendment No. 1:** (This rule is intended to implement section 257.10 (11).)

Amend, effective August 31, 1964, 1962 I.D.R., page 316, column 1, by striking the caption "D. How to Secure Endorsement of Professional Certificate for Both Elementary- and Secondary-School Teaching" and all material under said caption and relettering the succeeding lettered captions appearing on successive pages through page 318, column 1.

**Amendment No. 2:** (This rule is intended to implement section 257.10 (11).)

Amend, effective December 31, 1963, 1962 I.D.R., page 318, column 2, "F. Professional Commitment Certificate," by striking the period (.) in line 4 after the word "certificate" and adding the following: " provided that, effective December 31, 1963, the professional commitment certificate shall not be available for original issue."

**Amendment No. 3:** (This rule is intended to implement section 257.10 (11).)

Amend, effective December 31, 1963, 1962 I.D.R., page 319, column 1, by inserting after B. 2. b. (2), after line 3 ending with the word "institution," the following and relettering the succeeding lettered captions under B. 2. through 2. h., page 320, column 2:

#### c. Community or Junior College

(1) Type of Service Authorized  
Authorization to teach in a community or junior college

#### (2) Requirements

A master's degree from a recognized institution in an approved program of graduate study with a graduate major in a principal field of instruction and including also 6 semester hours of appropriate professional preparation for college teaching.

**Amendment No. 4:** (This rule is intended to implement section 257.10 (11).)

Amend, effective August 31, 1964, 1962 I.D.R., page 321, column 2, by striking from caption 3. c. the number "Seventy-five" and inserting in lieu thereof the number One hundred." Amend the paragraph under this caption by striking from line 3 the figures "75" and inserting in lieu thereof the figures "100."

**Amendment No. 5:** (This rule is intended to implement section 257.10 (11).)

Amend, effective December 31, 1963, 1962 I.D.R., page 321, column 2, under the caption 3. d. by striking the paragraph beginning on line 6 with the word "The" and ending on line 8 with the word "completed." Further amend the material appearing under this caption by striking the paragraph beginning on line 9 with the word "This" and ending on line 15 with the word "successful." and inserting said paragraph under caption 3. c., after line 12, ending with the word "nine."

**Amendment No. 6:** (This rule is intended to implement section 257.10 (11).)

Amend, effective December 31, 1963, 1962 I.D.R., page 322, columns 1 and 2, "F. Professional Commitment Certificate," by striking items 1., 2., and 3., and by renumbering item 4. as item 1.

These amendments shall each become effective on the respective dates indicated in each one as provided in Chapter 17A of the Code after filing in the office of the Secretary of State upon approval by the Departmental Rules Review Committee.

(Filed Dec. 2, 1963)

## PUBLIC SAFETY DEPARTMENT

### MOTOR VEHICLE DEALERS

Pursuant to authority of section 322.13 of the Code the following rules are adopted for the aid and guidance to motor vehicle dealers governing the hiring of salesmen, and for persons that are licensed as motor vehicle dealers.

(Filed Nov. 26, 1963)

#### 6. Salesmen.

6.1 No motor vehicle dealer shall act as a salesman for any other motor vehicle dealer.

6.2 No unlicensed person employed as a salesman of motor vehicles by a licensed new or used motor vehicle dealer shall act as a salesman,

or represent or imply, either directly or indirectly, that he is a salesman for any other new or used motor vehicle dealer.

(This rule is intended to implement section 322.3, paragraph 3.)

These rules shall become effective on December 26, 1963, as provided in Chapter 17A of the Code after filing in the office of the Secretary of State.

(Filed Nov. 26, 1963 without approval or disapproval within 60 days by the Departmental Rules Review Committee.)

## REAL ESTATE COMMISSION

### AMENDMENT OF RULES AND REGULATIONS

#### RELATING TO THE DATE OF THE REGULAR MONTHLY MEETINGS OF THE IOWA REAL ESTATE COMMISSION

(Filed Jan. 15, 1963)

Pursuant to the provisions of Chapter 117; Section 117.9, Code of Iowa, 1962 Rule & Regulation No. 17 appearing in the 1962 I.D.R., page 466 be amended as follows: by striking out the words "Thursday following" in lines 6 & 7, and inserting in lieu thereof the words "Friday of the following week of".

## RECIPROCITY BOARD

The following rules, regulations, and policies have been promulgated by the Iowa Reciprocity Board in accordance with the statutory authority of said board as provided in Chapter 326, Code of Iowa, 1962.

(Filed Jan. 15, 1963)

#### I. Rules and Regulations Regarding Trip Leased Vehicles.

The reciprocal and/or proration agreements negotiated by the Iowa Reciprocity Board on behalf of the State of Iowa extend benefits to leased vehicles on the basis of the residence of the lessee with the exception of household goods carriers. Theoretically, the State of Iowa could require a prorate carrier to file a supplemental application to include any vehicles leased even though the duration of the lease were for a shorter period of time than thirty days. The Iowa Reciprocity Board has broad statutory authority to negotiate agreements with such conditions, restrictions, and privileges or lack of them as the Board might deem advisable. To avoid undue restriction of interstate and intrastate commerce, the Board has developed the following policy with respect to restrictions on single trip lease operations:

1. Prior to a single trip lease movement of a commercial vehicle (tractor, truck, and/or semitrailer) by a carrier who has prorated his

fleet, the lessee must complete an Iowa Trip Lease Identification Card if:

a. The leased vehicle is not registered fully in Iowa or if:

b. The leased vehicle has not already been prorated in Iowa at a per cent equal to or greater than the per cent for which the lessee's fleet has been prorated.

2. The Iowa Trip Lease Identification Card is obtained from the Iowa Reciprocity Board. The applicant must estimate his needs in advance and secure the cards necessary to comply with these requirements. There is a charge of \$1.00 for each set of identification cards. No expiration date is shown on the card, so the applicant need not hesitate to purchase same in advance of need.

3. At the close of each calendar quarter the carrier is required to file a single trip mileage report, and at that time the carrier is billed a prorate fee for each trip. The fee due Iowa for each single trip lease is computed by dividing the single trip Iowa miles by the average annual miles operated by the lessee's vehicles in the Compact States during the base period multiplied by the full annual Iowa registration fee for the vehicle leased. The Iowa Reciprocity Board makes the necessary adjustment when the leased vehicle has already been prorated with Iowa at a lower per cent. Under no circumstances is the

carrier permitted to trip lease a vehicle owned or under a lease of thirty days duration or longer to the lessee.

The Iowa carrier who has not registered his vehicles on a prorate basis is permitted to trip lease any vehicle fully licensed in Iowa or prorated with Iowa without carrying the Iowa Trip Lease Identification. If the vehicle being operated on a trip lease basis is registered in another state and has not been prorated with Iowa, the following requirements must be met:

A. There must be documentary evidence that the vehicle is being operated pursuant to a trip lease arrangement.

B. The vehicle must be registered in the state of residence of the registered owner.

C. State of registration must be a state with whom Iowa has reciprocity.

D. If the vehicle is a truck or tractor having a laden gross weight in excess of 12,000 pounds, the vehicle must be identified with an Iowa Reciprocity Permit.

E. The vehicle must be "headed" towards its home state.

The nonresident carrier who is not subject to prorate registration in Iowa is permitted to trip lease any vehicle fully licensed in Iowa or prorated with Iowa without carrying the Iowa Trip Lease Identification. If the vehicle so operated is registered outside Iowa and has not been prorated with Iowa, the following requirements must be met:

A. There must be documentary evidence that the vehicle is being operated pursuant to a trip lease arrangement.

B. The vehicle must be registered in the state of residence of the registered owner.

C. State of registration must be a state with whom Iowa has reciprocity.

D. If the vehicle is a truck or tractor having a laden gross weight in excess of 12,000 pounds, the vehicle must be identified with an Iowa Reciprocity Permit.

E. The vehicle must be "headed" towards its home state.

## II. Restrictions on Trailer Interchange and Trailer Interline.

The prorate carrier may apply for the privilege of interchange and/or interline of trailers by completing the appropriate Iowa form. To qualify for this privilege the applicant must certify that he has included all his trailers (owned or under permanent lease) in his Iowa prorate registration application; and that if any trailers are added to the fleet during the registration year that these additional trailers will also be prorated with Iowa. In addition, the applicant must prorate at least one trailer for each tractor to qualify for the privilege of trailer interchange and/or interline.

1. The privilege will not extend to any trailer owned or under permanent lease to a carrier who has qualified as a prorate fleet operator in Iowa for the current registration year unless that trailer is carrying the proper evidence of its prorate registration in Iowa.

2. The privilege will not extend to any trailer owned or under permanent lease to the nonprorate carrier unless the vehicle is properly

registered in a state with whom Iowa has reciprocity. The vehicle must be registered in the state of residence of the owner.

3. The privilege will not extend to any trailer for which there is not documentary evidence displayed of a bona fide interchange or interline.

The prorate carrier who has qualified for this privilege is issued Iowa registration receipts or cab cards for its power units stamped "Interchange."

4. An operation by a qualified carrier of an interchanged trailer will be permitted if the documentary evidence contained in the interchange agreement, between carriers, indicates that the trailer "traded" is properly registered in Iowa.

5. An operation by a qualified carrier of an interlined trailer will be permitted if the registration on the trailer is from the state of residence of the owner of the trailer and from a state with which Iowa has reciprocity. The load must be a through load having originated with the owner of the trailer if the movement is in the direction away from the home state of the trailer owner and state of registration. Any subsequent movements of the trailer regardless of load must be in the general direction back toward the home state of the owner of the trailer.

## III. Iowa Temporary Registrations.

To facilitate the movement of vehicles in interstate and/or intrastate commerce by the carrier who has registered his vehicles on a prorate basis, Iowa issues the Iowa Temporary Proration Registration which may be completed by the carrier at the time the vehicle is added to the fleet whether by lease or by purchase. This method was devised to reduce the operation cost of the carrier who had prior thereto found it necessary to telephone the office for telegraphic authority. The Iowa Temporary Proration Registration is purchased in advance for \$1.00 each from the Iowa Reciprocity Board and must be completed in triplicate — one copy to be retained by the carrier, one copy to be carried in the cab of the vehicle, and the third copy to be mailed to the Iowa Reciprocity Board. These temporary proration registrations are valid for a period of 15 days and are not renewable. These registrations are issued with the understanding that the carrier will prepare immediately a supplemental proration registration application to qualify the vehicle in question.

## IV. Iowa Reciprocity Permits.

The nonresident carrier who does not qualify as a fleet operator and is not subject to proration is required to have an Iowa Reciprocity Permit on any truck or tractor having a combined laden gross weight in excess of 12,000 pounds when operated interstate on the Iowa highways. In addition, the carrier who does not qualify as a fleet operator but whose vehicle or vehicles is licensed in one of the states with which Iowa has prorate agreements is required to have an Iowa Reciprocity Permit on the trailing units as well as the power units. There is an annual fee of \$1.00 for each reciprocity permit. The vehicle covered by the reciprocity permit is permitted to

engage only in interstate commerce in the State of Iowa. The vehicle which is being operated under reciprocity permit is not permitted to engage in intrastate commerce even though that movement might be simultaneous with the movement in interstate commerce.

The vehicle covered by the Iowa Reciprocity Permit is authorized to engage in interstate operation in Iowa provided the carrier has proper operating authority, as required, from the Iowa State Commerce Commission. The vehicle is not permitted to operate in Iowa at a greater weight than shown on his registration, and the vehicle cannot operate in Iowa on a license plate whereunder the registration is limited geographically, purposewise, or mileagewise.

**V. Denial of Reciprocal Privileges.**

It is the policy of the Iowa Reciprocity Board to afford a carrier the opportunity to be heard prior to the withdrawal of any benefits or privileges granted by the State of Iowa pursuant to the Uniform Vehicle Proration and Reciprocity Compact and the Midwest Vehicle Proration Compact. It is also the policy of the Iowa Reciprocity Board to afford a resident carrier the opportunity to be heard if the benefits or privileges granted pursuant to either compact agreement are withdrawn, in whole or in part, by a contracting State. The Iowa Reciprocity Board

then determines if it should intercede on behalf of the carrier; however, such intercession is not mandatory.

**VI. Organizational Data.**

The Iowa Reciprocity Board meets in regular session on the first Thursday of each month at 9:00 a.m. in the Hearing Room of the Iowa State Commerce Commission; however, the chairman or a majority of the members of the Board may call a special meeting at anytime. All meetings are open to the public. It is the policy of the board to require all individuals or groups or delegations to submit requests for hearings to the Iowa Reciprocity Board in writing fifteen days in advance of such hearing, stating fully the subject to be presented.

**VII. Policy with Respect to Allowance of Credit.**

If a vehicle is deleted from the prorated fleet and replaced with a comparable unit, the unexpired registration fees paid to the State of Iowa on the deleted unit are to be applied to fees due Iowa on the replacement units. If the deleted unit is a leased vehicle, the carrier must complete a notarized certification that any unexpired registration fees paid by the lessor to the lessee have been refunded to the lessor prior to the request that credit for these fees be applied to a replacement unit.

**SOCIAL WELFARE DEPARTMENT**

Pursuant to authority of Chapter 249A of the Code, the following rules are adopted.

**MEDICAL ASSISTANCE FOR THE AGED**

(Filed Aug. 7, 1963)

**1 (249A) Age.** The applicant is considered to have fulfilled the age requirement on the first day of the month in which he attains his 65th birthday. Where acceptable information establishes the year in which the individual was born but the month and day cannot be determined July 1 shall be used as the anniversary date in establishing age.

**2 (249A) Residence in Public Institution.**

2(1) A public institution is defined as a place which provides shelter or care to persons and is managed or controlled in whole or in part by or through any public instrumentality, official or employee acting in an official capacity.

2(2) A medical institution is defined as a hospital licensed by the State Department of Health for treatment for other than tuberculosis or psychosis.

2(3) A patient is defined as one who is in a medical institution and is receiving planned medical care.

**3 (249A) Residence in a Private Institution.** A person who is residing in a private institution is not eligible if there is a contract or an agreement obliging the institution to provide services available under medical assistance for the aged.

**4 (249A) Need for Medical Care.** Need for one or more of the medical and health services available under the program must be established for

each type of service requested at the time of application and at least annually thereafter.

**5 (249A) Incurred Medical Expenses.** The care and services for which the applicant has paid or obligated himself to pay the sum of \$50.00 during the year immediately preceding application may be those provided by any health practitioner or supplier of health services or goods. A payment on behalf of the applicant through another public assistance program, by an insurance company, relatives or any other source will also count in the determination of the necessary \$50.00 paid or obligated.

**6 (249A) Income.** Monthly income in excess of the exempt amount is considered available to apply toward the costs of medical services received during that month. Payment may be made through medical assistance for the aged only for those services or for that part of the cost of a service which cannot be covered by any income in excess of the exempt amount for that month.

**7 (249A) Resources.** Resources include both real and personal property owned by the applicant and his spouse. Resources beyond the limitations are considered available to meet medical needs and the applicant or recipient will be ineligible until the amount beyond limitations has been reduced. In determination of the value of real and personal property, the net cash value of the property is considered to represent its value to the applicant or recipient.

**8 (249A) Transfer of Property.** If it is established that within five years of the date of application the applicant has transferred or encumbered real or personal property for the purpose of creating eligibility for assistance it will be necessary to establish that the value of the property, if in the possession of the applicant, would create ineligibility. The ineligibility of the applicant will continue for such time as the value of the applicant's equity in the property minus the consideration received might reasonably be expected to meet the medical expenses of the applicant and his spouse.

**9 (249A) Medical Resources.** Medical resources include health and accident insurance, benefits available through governmental, veterans, fraternal or other organizations and other resources for meeting medical need. Medical resources must be used when available. Medical assistance for the aged is intended to supplement rather than substitute for other medical resources. Payment may be made through medical assistance for the aged only for those services or for that part of the cost of a service for which medical resources do not exist.

**10 (249A) Responsible Relatives.** Information shall be secured from the responsible relative regarding his ability and willingness to make a contribution. The responsible relative's statement as to his ability and the amount he will contribute will be accepted. If the relative indicates that he will make a contribution it will be considered as income available to the applicant or recipient.

**11 (249A) Investigation.**

11(1) In establishing eligibility the County Department shall make a record of the source of the information. It is not necessary to make documents a part of the record but pertinent parts of the record or document shall be quoted and the place where the record or document can be found shall be noted together with the worker's remarks or comments regarding its authenticity.

11(2) If an application has been filed but the applicant dies before completion of the investigation the investigation will be pursued and the determination of eligibility made. If the applicant is found eligible payment may be made for services rendered during the period of eligibility.

**12 (249A) Date of Approval of Assistance.** The effective date of approval will be the first day of the month preceding the month in which application was made providing the applicant was eligible on that date. If the applicant was not eligible during the month preceding application the effective date of approval will be the first day of the month in which application was made. No payment will be made for services rendered prior to the effective date of approval.

**13 (249A) Reinvestigation.** Reinvestigation should be made as often as circumstances indicate but in no instance shall the period of time between reinvestigations exceed twelve months.

**14 (249A) Period of Eligibility.** Unless changes in circumstances render him ineligible at an

earlier date the person for whom eligibility has been established will be considered eligible for care provided under the program for a period of twelve months from the effective date of approval. If at the expiration of this period it is determined no medical care has been received for a six month period the case should be closed without reinvestigation.

**15 (249A) Scope of Medical and Health Services.** Medical and health services for which payment may be made by the Department include care in the home, office, clinic, hospital or nursing home provided or prescribed by medical doctors, osteopaths, chiropractors, podiatrists, dentists and optometrists licensed to practice in the state of Iowa or by members of such professions in other states provided such practitioners are duly licensed in that state. Such services shall include prescribed drugs, medications, laboratory, diagnostic, therapeutic and dental services and such other services and supplies as may be authorized by practitioners within the scope of their practice and the limitations of the program.

**16 (249A) Quantity and Cost Standards.** Quantity and cost standards shall be developed by the Department's technical and professional staff, with the help and advice of professional committees.

**17 (249A) Principles Upon which Plan for Medical Care is Based.**

17(1) Free choice by recipients of practitioners and suppliers of care and service.

17(2) Protection of the rights and dignity of the patient, including confidential information regarding the patient's illness.

17(3) Provision for care within the limitations of the program of a quality and adequacy consistent with good professional practice, as economically as is compatible with good standards of care and fair compensation to the providers of care.

**18 (249A) Procedure and Method of Payment.**

18(1) Vendors will submit monthly billings for services rendered eligible persons directly to the fiscal agent. The fiscal agent will audit all billings in accordance with standards developed by the Department. Following audit the fiscal agent will make payment to vendors.

18(2) The amount of any payment made directly to the vendor by the recipient, relatives or any other source shall be deducted from the established cost standard for the service provided, to establish the amount of payment to be made by the Department.

**19 (249A) Disciplinary Action Against Vendor.** The Department reserves the right to remove from participation in the program any practitioner or vendor who has violated the Department's requirements for participation.

These rules shall become effective as provided in Chapter 17A of the Code after filing in the office of the Secretary of State upon approval by the Departmental Rules Review Committee.

(Filed Aug. 7, 1963)

OLD-AGE ASSISTANCE

(Filed Aug. 6, 1963)

Pursuant to the authority of Chapter 249 of the Code, the rules that appear in 1962 I.D.R. are amended by adding the following paragraph (1) to Rule 249.9:

"(1) If the value of a mobile home owned by the applicant or recipient when added to other personalty causes the total value of personal property to exceed limitations, the applicant or recipient shall offer to transfer title of the mobile home to the State Board. This will be required as a condition of granting assistance unless the applicant or recipient chooses to dispose of the mobile home. Willingness on the part of the applicant or recipient to transfer title satisfies the eligibility requirement in this respect. Decision will be made by the State Board. If no transfer of title is required, eligibility will not be affected and the value of the mobile home will be disregarded in subsequent determinations of the value of personal property."

These rules shall become effective as provided in Chapter 17A of the Code after filing in the office of the Secretary of State upon approval by the Departmental Rules Review Committee.

(Filed Aug. 6, 1963)

Relative's Liability

(Filed Aug. 6, 1963)

Pursuant to authority of Section 234.6 of the Code the rules that appear in the 1962 I.D.R. are amended by striking from paragraph (d) of rule number 249.26 the second paragraph thereof and the Table of Exemptions and inserting the following:

"In accordance with the provisions of the Code of Iowa, the following Table of Exemptions has

been established on the basis of those personal exemptions allowed in the filing of Iowa Individual Income Tax Returns plus an additional allowance of seventy-five per cent to compensate for the present day cost of living."

Marital Status of Responsible Relative	Yearly Exemption of Net Taxable Income
Single person .....	\$2,625.00
Man and wife .....	4,083.00
Man, wife and 1 dependant .....	4,667.00
Man, wife and 2 dependants .....	5,250.00
Man, wife and 3 dependants .....	5,687.00
Man, wife and 4 dependants .....	6,125.00
Man, wife and 5 dependants .....	6,562.00
Man, wife and 6 dependants .....	7,000.00
Man, wife and 7 dependants .....	7,350.00
Man, wife and 8 dependants .....	7,700.00
Man, wife and 9 dependants .....	8,050.00
Man, wife and 10 dependants .....	8,400.00

In the event the relative or his spouse is blind or over the age of 65 the following exemptions are applicable effective January 1, 1964:

Single person (blind or aged) ....	\$4,083.00
Single person (blind and aged) ..	5,250.00
Married couple	
Entitled to three tax credits ...	5,250.00
Entitled to four tax credits ....	6,125.00
Entitled to five tax credits .....	7,000.00
Entitled to six tax credits .....	7,700.00

These rules shall become effective as provided in Chapter 17A of the Code after filing in the office of the Secretary of State upon approval by the Departmental Rules Review Committee.

(Filed Aug. 6, 1963)

TREASURER OF STATE

MOTOR VEHICLE FUEL TAX DIVISION

Pursuant to authority of Section 324.58 of the Code the following rules are adopted:

9(324) The application for motor fuel or special fuel tax credit memorandum shall contain the following information:

- a. Date of job or work.
- b. Type of job or work.
- c. Amount of work performed each job.
- d. Customer name and address.
- e. Invoice or Bill of Lading number of each job.

f. Type of fuel used each job.

g. Gallons of fuel used for each nonhighway job or operation for which the application is made.

h. Application for tax credit memorandum on the fuel used for nonhighway purpose must be submitted with the motor vehicle fuel tax report of the same month. Claims submitted covering any other period will not be allowed.

(This rule is intended to implement Section 324.16.)