



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

April 13, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 2146, an Act making changes to sex offender registry requirements for persons convicted of incest against a dependent adult.

House File 2201, an Act providing for exemptions from massage therapy licensure requirements.

House File 2490, an Act relating to the Uniform Electronic Transactions Act.

House File 2496, an Act relating to the use of title pertaining to physical therapy and providing a penalty.

The above House Files are hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Vilsack", written over a horizontal line.

Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House





HOUSE FILE 2490

AN ACT

RELATING TO THE UNIFORM ELECTRONIC TRANSACTIONS ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 554D.101, Code 2003, is amended to read as follows:

554D.101 SHORT TITLE.

This section and sections 554D.102 through 554D.124 of this chapter shall-be-known-and may be cited as the "Uniform Electronic Transactions Act".

Sec. 2. Section 554D.103, subsections 4, 5, and 7, Code 2003, are amended by striking the subsections.

Sec. 3. Section 554D.103, subsection 19, Code 2003, is amended to read as follows:

19. "Transaction" means an action or set of actions occurring between two or more persons relating to the conduct of business, ~~consumer~~, commercial, or governmental affairs.

Sec. 4. Section 554D.104, subsection 2, Code Supplement 2003, is amended to read as follows:

2. ~~a. (1) This chapter does not apply to the following:~~
~~(a) An application which would involve construction of a rule of law that is clearly inconsistent with the manifest intent of the body imposing the requirement or repugnant to the context of the same rule of law. However, the mere requirement that information be in writing, written, or printed shall not by itself be sufficient to establish an intent which is inconsistent with the requirement of this section.~~

~~(b) With respect to a consumer transaction, a record that serves as a unique and transferable physical expression of~~

~~rights-and-obligations-including,-without-limitation,-
negotiable-instruments-and-other-instruments-of-title-where
possession-of-the-instrument-is-deemed-to-confer-title-~~

~~(c)--An-electronic-transaction-initiated-at-a-satellite
terminal,-as-defined-in-section-527.2,-or-the-processing-and
routing-of-transaction-data-by-a-central-routing-unit-or-a
data-processing-center,-each-as-defined-in-section-527.2-~~

~~(2)--Except-as-provided-under-paragraph-"b",-this~~ This
chapter does not apply to a transaction to the extent it is
governed by any of the following:

~~(a)--A-disclosure-requirement-associated-with-a-consumer
transaction,-including,-but-not-limited-to,-such-disclosures
required-under-chapter-13C,-sections-321.69-and-321.71,-
chapters-516D,-523A,-523B,-523G,-533D,-537,-537B,-538A,-552,
552A,-555A,-557A,-557B,-558A,-562A,-and-562B,-section-714.16,
and-chapters-714B-and-714D,-or-an-administrative-rule-adopted
pursuant-to-such-sections-or-chapters-~~

~~(b) a.~~ A rule of law governing the creation or execution
of ~~a-will-or-trust,-living-will,-a-general,-durable,-or
healthcare-power-of-attorney,-or-a-voluntary,-involuntary,-or
standby-guardianship-or-conservatorship~~ wills, codicils, or
testamentary trusts.

~~(c) b.~~ Chapter 554 other than articles 2 and 13 and
sections 554.1107 and 554.1206.

~~b.--This-chapter-applies-to-an-electronic-record-or
electronic-signature-otherwise-excluded-from-the-application
of-this-chapter-under-paragraph-"a"-to-the-extent-it-is
governed-by-a-law-other-than-those-specified-in-paragraph-"a",-
subparagraph-(2)-~~

Sec. 5. Section 554D.110, subsection 4, paragraph b, Code
2003, is amended to read as follows:

b. A requirement under a law other than this chapter to
send, communicate, or transmit a record by ~~delivery-in-person,-
by~~ first-class mail postage prepaid, ~~or-by-courier~~ may be
varied by agreement to the extent permitted by the other law.

Sec. 6. Section 554D.111, subsection 3, Code 2003, is
amended by striking the subsection.

Sec. 7. Section 554D.114, subsection 7, Code 2003, is
amended to read as follows:

7. This section does not preclude a governmental agency of
this state from specifying additional requirements for the
retention of a record subject to the agency's jurisdiction.


Sec. 8. Section 554D.120, subsection 5, Code Supplement 2003, is amended by striking the subsection.

Sec. 9. NEW SECTION. 554D.124 SEVERABILITY.

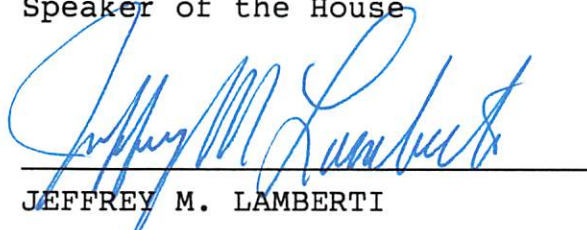
If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or application and, to this end, the provisions of this chapter are severable.

Sec. 10. Sections 554D.102, 554D.105, 554D.109, 554D.122, and 554D.123, Code 2003, are repealed.

Sec. 11. CODE EDITOR DIRECTIVE. The Code editor is directed to renumber section 554D.104, subsection 4, as new section 554D.125, and to change any references to subsection 4 as necessary.



CHRISTOPHER C. RANTS
Speaker of the House



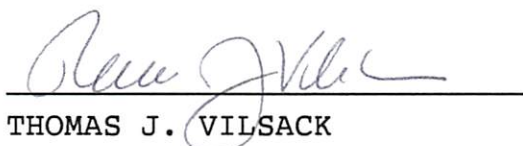
JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2490, Eightieth General Assembly.



MARGARET THOMSON
Chief Clerk of the House

Approved April 13, 2004



THOMAS J. VILSACK
Governor