



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

April 13, 2005

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

Senate File 74, an Act relating to financial institutions and insurers, by prohibiting the deceptive use of name, and providing remedies and penalties.

Senate File 215, an Act modifying the certified mail requirement concerning the service and delivery of certain civil rights complaints and orders.

The above Senate Files are hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Vilsack".

Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House





SENATE FILE 74

AN ACT

RELATING TO FINANCIAL INSTITUTIONS AND INSURERS, BY
PROHIBITING THE DECEPTIVE USE OF NAME, AND PROVIDING
REMEDIES AND PENALTIES.

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

Section 1. NEW SECTION. 547A.1 DEFINITION.

As used in this chapter, unless the context otherwise requires, "financial institution" means the same as defined in section 527.2, and "insurer" means an insurer organized under Title XIII, subtitle 1, or similar laws of any other state or the United States.

Sec. 2. NEW SECTION. 547A.2 MISUSE OF NAME -- PENALTY.

1. A person who uses the name, trademark, logo, or symbol of a financial institution or insurer in connection with the sale, offering for sale, distribution, or advertising of any product or service without the consent of the financial institution or insurer, if such use is misleading or deceptive as to the source of origin or sponsorship of, or the affiliation with, the product or service, is guilty of a serious misdemeanor.

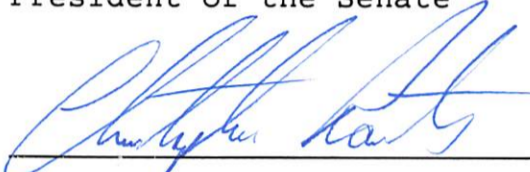
2. A financial institution or insurer may bring an action to enjoin the misleading or deceptive use prohibited in subsection 1 and recover all damages suffered by reason of the prohibited use, including reasonable attorney fees. The financial institution or insurer may recover any profits derived from the prohibited use. The state agency with regulatory authority over the financial institution or insurer may also bring an action to enjoin the misleading or deceptive

use prohibited in subsection 1. This subsection does not preclude any other remedy provided by law.



JOHN P. KIBBIE

President of the Senate



CHRISTOPHER C. RANTS

Speaker of the House

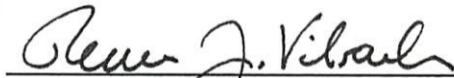
I hereby certify that this bill originated in the Senate and is known as Senate File 74, Eighty-first General Assembly.



MICHAEL E. MARSHALL

Secretary of the Senate

Approved April 13, 2005



THOMAS J. VILSACK

Governor