

February 24, 1965.
Passed on File.

Senate File 355
By JUDICIARY COMMITTEE
(Judiciary Committee).

Passed Senate, Date 3/29 Passed House, Date 4/2

Vote: Ayes 55 Nays 0 Vote: Ayes 79 Nays 12

Approved April 12, 1965

A BILL FOR

Judiciary 7/2
substituted for HF 375-4/3

An Act relating to the Rules of Civil Procedure to changes therein reported by the Supreme Court of Iowa and amending Rule two hundred fifteen point one (215.1) thereof.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. The changes in rules of civil procedure reported
2 to the 61st general assembly by the supreme court on January 28,
3 1965 and printed in the journals of the House of Representatives
4 and Senate of said assembly on that date are hereby disapproved
5 in each and every item by the general assembly at said session.

1 Sec. 2. Rule of Civil Procedure number two hundred fifteen
2 point one (215.1) is amended by adding at the end thereof the
3 following:

4 "The trial court may, in its discretion, and shall upon a
5 showing that such dismissal was the result of oversight, mistake
6 or other reasonable cause, reinstate the action or actions so
7 dismissed. Application for such reinstatement, setting forth
8 the grounds therefor, shall be filed within six months from the
9 date of dismissal. Any action heretofore dismissed pursuant to
10 the provisions of Rule 215.1, in any Court of this state, may
11 be reinstated upon application being filed therefor within six
12 months from the effective date of this Rule as amended, to-wit:
13 July 4, 1965, whether or not such action was barred by the stat-
14 ute of limitations at the time of reinstatement."

15 "The same notice of the filing of such application for re-
16 instatement shall be given to the adverse party as is required
17 for the commencement of actions as set forth in Division III of
18 the Rules of Civil Procedure."

SENATE FILE 355

1 Amend Senate File 355 by striking all after the enacting
2 clause and inserting in lieu thereof the following:
3 Section 1. The changes in rules of civil procedure reported
4 to the Sixty-first General Assembly by the supreme court on January 28,
5 1965, and printed in the journals of the House of Representatives
6 and Senate of said assembly on that date are hereby disapproved
7 in each and every item, except the revision of rule one hundred
8 twenty-three (123) and the proposed new rule two hundred fifty-
9 three point one (253.1) which rules are approved.
10 Sec. 2. Rule of Civil Procedure number two hundred fifteen
11 point one (215.1) is amended by adding at the end thereof the
12 following:
13 "The trial court may, in its discretion, and shall upon a
14 showing that such dismissal was the result of oversight, mis-
15 take or other reasonable cause, reinstate the action or actions
16 so dismissed. Application for such reinstatement, setting forth
17 the grounds therefor, shall be filed within six months from the
18 date of dismissal."

Filed
March 15, 1965.

adopted 3/15/65

By SCHROEDER.