

HOUSE FILE 77  
3/11

*Do pass 2/16*

Judiciary  
Ramsey, Chairperson  
Rush  
DeKoster

8 1977

HOUSE FILE 77

By LIPSKY

House File 77  
Judiciary and Law ~~mass~~ *Do pass 4/3 (224)*  
Enforcement  
Doyle, chair  
Smalley  
Pelton

Passed House, Date 3-3-77 (p. 684) Passed Senate, Date 3-18-77 (p. 684)

Vote: Ayes 82 Nays 0 Vote: Ayes 46 Nays 0

Approved April 1, 1977

## A BILL FOR

1 An Act relating to the time when an action is deemed to have  
2 been commenced for purposes of section six hundred seventeen  
3 point three (617.3) of the Code.

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

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1 Section 1. Section six hundred seventeen point three  
2 (617.3), unnumbered paragraph five (5), Code 1977, is re-  
3 pealed.

4 EXPLANATION

5 This bill repeals the provision which specifies that for  
6 purposes of determining whether or not an action has been  
7 commenced within the period required by the statute of  
8 limitations, an action against a nonresident who contracted  
9 or committed a tort in Iowa is deemed to commence when the  
10 original notice is delivered to the secretary of state for  
11 service on the nonresident.

12 The provision being repealed is inconsistent with new Rule  
13 55 of the Rules of Civil Procedure. Section 684.19 of the  
14 Code provides that a rule of civil procedure when adopted  
15 supersedes any pre-existing statutes which conflict with the  
16 rule. New Rule 55 provides that an action is commenced when  
17 original notice is filed with the clerk, and thus the special  
18 provision contained in unnumbered paragraph 5 of section 617.3  
19 is no longer necessary.

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LSB 426H  
lb/jw/5

AN ACT

RELATING TO THE TIME WHEN AN ACTION IS DEEMED TO HAVE BEEN COMMENCED FOR PURPOSES OF SECTION SIX HUNDRED SEVENTEEN POINT THREE (617.3) OF THE CODE.

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

Section 1. Section six hundred seventeen point three (617.3), unnumbered paragraph five (5), Code 1977, is repealed.

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DALE M. COCHRAN  
Speaker of the House

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ARTHUR A. NEU  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 77, Sixty-seventh General Assembly.

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DAVID L. WRAY  
Chief Clerk of the House

Approved April 1, 1977

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ROBERT D. RAY  
Governor