

House Conference 3/10 To pass 4/14 (9 14/6)

Senate File 170
Commerce
Dieleman, chair
Koogler
Tauke

FILED MAR 1 1977

SENATE FILE 170

By COMMITTEE ON COMMERCE
approved 3/1/77 (535)

Passed Senate, Date 3-8-77 (542) Passed House, Date 5-2-77 (1782)
Vote: Ayes 43 Nays 2 Vote: Ayes 74 Nays 0
Approved May 18, 1977

A BILL FOR

1 An Act correcting certain erroneous amendments contained
2 in chapter one thousand two hundred ten (1210) of the
3 Acts of the Sixty-sixth General Assembly relating to
4 the Iowa insurance guaranty association.

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

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1 Section 1. Section five hundred fifteen B point fifteen
2 (515B.15), Code 1977, is amended by striking the section and
3 inserting in lieu thereof the following:

4 515B.15 STAY OF PROCEEDINGS. All proceedings to which
5 the insolvent insurer is a party or in which it is obligated
6 to defend a party shall be stayed from the date of the
7 insolvency to and including the date set as the deadline for
8 the filing of claims against the insolvent insurer or its
9 receiver. However, upon application, the court having
10 jurisdiction of the receivership, may lengthen or shorten
11 the period, either as to all claims or as to any particular
12 claim.

13 Sec. 2. Section five hundred fifteen B point sixteen
14 (515B.16), Code 1977, is amended by striking the section and
15 inserting in lieu thereof the following:

16 515B.16 ACTIONS AGAINST THE ASSOCIATION. Actions against
17 the association shall be brought against it in its own name
18 in the Polk county district court. Service of original notice
19 in actions against the association may be made on any officer
20 thereof or upon the commissioner of insurance on its behalf.
21 The commissioner shall promptly transmit any notice so served
22 upon him to the association.

23 Sec. 3. The provisions of sections one (1) and two (2)
24 of this Act are retroactive to July 1, 1976.

25 EXPLANATION

26 This bill corrects an error contained in H.F. 1483, Acts
27 of the Sixty-sixth General Assembly, 1976 Session. Section
28 8 of that Act was intended as a revision of Code section
29 515B.15. However, a typographical error resulted in the
30 amendment of Code section 515B.16. This bill rewrites section
31 515B.15 in the manner intended by H.F. 1483, and reenacts
32 section 515B.16 as it existed prior to the enactment of H.F.
33 1483. The bill is made retroactive to July 1, 1976, the
34 effective date of H.F. 1483, to clarify the intent.

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The commissioner shall promptly transmit any notice so served upon him to the association.

Sec. 3. The provisions of sections one (1) and two (2) of this Act are retroactive to July 1, 1976.

SENATE FILE 170

AN ACT

CORRECTING CERTAIN ERRONEOUS AMENDMENTS CONTAINED IN CHAPTER ONE THOUSAND TWO HUNDRED TEN (1210) OF THE ACTS OF THE SIXTY-SIXTH GENERAL ASSEMBLY RELATING TO THE IOWA INSURANCE GUARANTY ASSOCIATION.

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

Section 1. Section five hundred fifteen B point fifteen (515B.15), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

515B.15 STAY OF PROCEEDINGS. All proceedings to which the insolvent insurer is a party or in which it is obligated to defend a party shall be stayed from the date of the insolvency to and including the date set as the deadline for the filing of claims against the insolvent insurer or its receiver. However, upon application, the court having jurisdiction of the receivership, may lengthen or shorten the period, either as to all claims or as to any particular claim.

Sec. 2. Section five hundred fifteen B point sixteen (515B.16), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

515B.16 ACTIONS AGAINST THE ASSOCIATION. Actions against the association shall be brought against it in its own name in the Polk county district court. Service of original notice in actions against the association may be made on any officer thereof or upon the commissioner of insurance on its behalf.

ARTHUR A. HEU
President of the Senate

DALE M. COCHRAN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 170, Sixty-seventh General Assembly.

STEVEN C. CROSS
Secretary of the Senate

Approved *May 18*, 1977

ROBERT D. RAY
Governor