

MAR 14 1980

HOUSE FILE 2546

Place On Calendar

By COMMITTEE ON AGRICULTURE

(Formerly Study Bill 733)

Passed House, Date 3.25.80 (p. 1139) Passed Senate, Date _____

Vote: Ayes 21 Nays 11 Vote: Ayes _____ Nays _____

Approved May 22, 1980

A BILL FOR

1 An Act providing for an exemption for livestock sales from
2 the implied warranty provisions of the uniform commercial
3 code.

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

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HOUSE FILE 2546

H-5659

1 Amend House File 2546 as follows:
2 1. Page 1, by striking lines 1 through 5, and
3 by inserting in lieu thereof the following:
4 "Section 1. NEW SECTION. Notwithstanding
5 subsection two (2) of section five hundred fifty-
6 four point two thousand three hundred sixteen
7 (554.2316) of the Code, all implied warranties
8 arising under sections".

H-5659 FILED

BY CONLON of Muscatine

MARCH 24, 1980

Adopted 3/25 (p. 1135)

19

HOUSE FILE 2546

H-5673

1 Amend amendment H-5644 to House File 2546 as
2 follows:
3 1. Page 1, line 3, by striking the word "thirty"
4 and inserting in lieu thereof the word "ten".

H-5673 FILED

BY PERKINS of Greene

MARCH 25, 1980

4/8 3/25 (p. 1135)

2546

1 Section 1. Section five hundred fifty-four point two
2 thousand three hundred sixteen (554.2316), Code 1979, is
3 amended by adding the following new subsection:

4 NEW SUBSECTION. Notwithstanding subsection two (2) of
5 this section, all implied warranties arising under sections
6 five hundred fifty-four point two thousand three hundred
7 fourteen (554.2314) and five hundred fifty-four point two
8 thousand three hundred fifteen (554.2315) of the Code are
9 excluded from a sale of cattle, hogs, sheep and horses if
10 the following information is disclosed to the prospective
11 buyer or the buyer's agent in advance of the sale, and if
12 confirmed in writing at or before the time of acceptance of
13 the livestock when confirmation is requested by the buyer
14 or the buyer's agent:

15 a. That the animals to be sold have been inspected in
16 accordance with existing federal and state animal health
17 regulations and found apparently free from any infectious,
18 contagious, or communicable disease.

19 b. One of the following, as applicable:

20 (1) Except when the livestock have been comingled or as-
21 sembled within the meaning of subparagraph two (2) of this
22 paragraph, the name and address of the present owner, and
23 whether or not that owner has owned all of the livestock for
24 at least thirty days.

25 (2) If the livestock have been comingled with other live-
26 stock or assembled from two or more sources within the previous
27 thirty days, the livestock shall be represented as being "as-
28 sembled livestock". As used in this subparagraph "comingled"
29 means the placement of livestock in a livestock auction market,
30 yard, or other unitary facility with livestock from another
31 source, but does not include such comingling if for less than
32 forty-eight hours and at the facility where the sale takes
33 place.

34 In the case of an auction sale, the disclosure required
35 by this subsection shall be made verbally immediately before

1 the sale of the lot of livestock in question.

2

EXPLANATION

3 This bill provides for exclusion from the implied warranty
 4 provisions of the uniform commercial code of sales of cattle,
 5 hogs, sheep or horses in which certain disclosures are made
 6 to the buyer or the buyer's agent. In order to obtain an
 7 exclusion the seller would have to disclose that the animals
 8 have been inspected in accordance with applicable federal
 9 or state health regulations and found to be apparently free
 10 from disease. In addition, if the livestock have been
 11 comingled with other livestock or assembled from two or more
 12 sources the seller would disclose that the livestock are
 13 "assembled livestock". If not comingled or assembled, the
 14 name and address of the owner would have to be disclosed,
 15 and whether or not that owner has owned the livestock for
 16 at least thirty days.

17 The disclosures must be made prior to sale, and if requested
 18 by the buyer, the disclosures would have to be made or
 19 confirmed in writing.

20 The bill takes effect July first following its enactment.

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HOUSE FILE 2546

H-5635

- 1 Amend House File 2546 as follows:
2 1. Page 1, line 20, by striking the word
3 "comingled" and inserting in lieu thereof the
4 word "commingled".
5 2. Page 1, line 25, by striking the word
6 "comingled" and inserting in lieu thereof the
7 word "commingled".
8 3. Page 1, line 28, by striking the word
9 "comingled" and inserting in lieu thereof the
10 word "commingled".
11 4. Page 1, line 31, by striking the word
12 "comingling" and inserting in lieu thereof the
13 words "commingling".

H-5635 FILED
MARCH 21, 1980

BY WELSH of Dubuque

Loeb 3/25 (p. 1132)

HOUSE FILE 2546

H-5643

- 1 Amend House File 2546 as follows:
2 1. Page 1, by inserting after line 33 the
3 following:
4 "c. Whether any medication has been administered
5 to the animals within the last fifteen days before
6 sale and, if so, the type of medication administered."

H-5643 FILED
MARCH 21, 1980

BY PERKINS of Greene

Loeb 3/25 (p. 1132)

HOUSE FILE 2546

H-5644

- 1 Amend House File 2546 as follows:
2 1. Page 1, line 15, by inserting after the
3 word "inspected" the words "within the last thirty
4 days".

H-5644 FILED

BY PERKINS of Greene

Loeb 3/25 (p. 1132)

HOUSE FILE 2546

H-5645

- 1 Amend House File 2546 as follows:
2 1. Page 1, line 24, by striking the word
3 "thirty" and inserting in lieu thereof the word
4 "sixty".
5 2. Page 1, line 27, by striking the word
6 "thirty" and inserting in lieu thereof the word
7 "sixty".

H-5645 FILED MARCH 21, 1980

BY PERKINS of Greene

Loeb 3/25 (p. 1132)

Gen. Assembly 2/27
Amend. for 5666
to Sec 4/2 (p. 1258)

HOUSE FILE 2546

By COMMITTEE ON AGRICULTURE

(As Amended and Passed by the House)

Be Passed House, Date 4/22/50 (p. 2203) Passed Senate, Date 4/15/50 (p. 1452)

Vote: Ayes 95 Nays 0 Vote: Ayes 47 Nays 0

Approved May 22 1950
Repassed Senate 4/25/50 (p. 1715)
59-0

A BILL FOR

1 An Act providing for an exemption for livestock sales from
2 the implied warranty provisions of the uniform commercial
3 code.

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

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House Amendments _____

1 Section 1. NEW SECTION. Notwithstanding subsection two
2 (2) of section five hundred fifty-four point two thousand
3 three hundred sixteen (554.2316) of the Code, all implied
4 warranties arising under sections five hundred fifty-four
5 point two thousand three hundred fourteen (554.2314) and five
6 hundred fifty-four point two thousand three hundred fifteen
7 (554.2315) of the Code are excluded from a sale of cattle,
8 hogs, sheep and horses if the following information is
9 disclosed to the prospective buyer or the buyer's agent in
10 advance of the sale, and if confirmed in writing at or before
11 the time of acceptance of the livestock when confirmation
12 is requested by the buyer or the buyer's agent:

13 a. That the animals to be sold have been inspected in
14 accordance with existing federal and state animal health
15 regulations and found apparently free from any infectious,
16 contagious, or communicable disease.

17 b. One of the following, as applicable:

18 (1) Except when the livestock have been commingled or
19 assembled within the meaning of subparagraph two (2) of this
20 paragraph, the name and address of the present owner, and
21 whether or not that owner has owned all of the livestock for
22 at least thirty days.

23 (2) If the livestock have been commingled with other live-
24 stock or assembled from two or more sources within the previous
25 thirty days, the livestock shall be represented as being "as-
26 sembled livestock". As used in this subparagraph "commingled"
27 means the placement of livestock in a livestock auction market,
28 yard, or other unitary facility with livestock from another
29 source, but does not include such commingling if for less
30 than forty-eight hours and at the facility where the sale
31 takes place.

32 In the case of an auction sale, the disclosure required
33 by this subsection shall be made verbally immediately before
34 the sale of the lot of livestock in question.

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HOUSE FILE 2546

S-5666

1 Amend House File 2546 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 1, line 18, by striking the word
4 "commingled" and inserting in lieu thereof the words
5 "confined with livestock from another source".

6 2. Page 1, by striking lines 23 through 31 and
7 inserting in lieu thereof the following:

8 "(2) If the livestock have been confined with
9 livestock from another source or assembled from two
10 or more sources within the previous thirty days, the
11 livestock shall be represented as being "assembled
12 livestock". As used in this subparagraph, "confined
13 with livestock from another source" means the placement
14 of livestock in a livestock auction market, yard,
15 or other unitary facility in which livestock from
16 another source are confined, but does not include
17 livestock confined at the facility where the sale
18 takes place if such confinement is for less than
19 forty-eight hours prior to the day of sale; provided
20 that livestock which are not sold after being confined
21 with livestock from another source at a facility and
22 offered for sale shall be deemed "assembled livestock"
23 for the thirty-day period following the day when
24 offered for sale."

S-5666 FILED
APRIL 3, 1980

BY COMMITTEE ON AGRICULTURE
IRVIN BERGMAN, CHAIRPERSON

HOUSE FILE 2546

S-5706

1 Amend House File 2546, as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 1, line 34, by inserting after the word
4 "sale" the words "by the owner, an agent for the owner,
5 or the person who is conducting the auction".

6 2. Page 1, line 34, by inserting after the period
7 the following: "The exclusion of warranties shall not
8 apply if the disclosure contains representations that
9 are untrue except as to the person who is conducting
10 the auction, unless he or she knew or should have known
11 that the disclosures were untrue."

S-5706 FILED
APRIL 10, 1980

BY DICK RAMSEY
LUCAS J. DE KOSTER

Class. and order of order 4/15/80

HOUSE FILE 2546

S-5712

- 1 Amend House File 2546 as amended, passed and re-
2 printed by the House:
3 1. Page 1, line 22, by striking the word "thirty"
4 and inserting in lieu thereof the word "forty-five".

S-5712 FILED
APRIL 11, 1980
Adopted 4/15/80 (p. 1451)

BY BERL E. PRIEBE
ARNE WALDSTEIN

HOUSE FILE 2546

S-5713

- 1 Amend the Committee on Agriculture amendment S-5666
2 to House File 2546 as amended, passed and reprinted by
3 the House as follows:
4 1. Page 1, line 10, by striking the word "thirty"
5 and inserting in lieu thereof the word "forty-five".
6 2. Page 1, line 23, by striking the word "thirty-
7 day" and inserting in lieu thereof the word "forty-five
8 day".

S-5713 FILED
APRIL 11, 1980
Adopted 4/15/80 (p. 1451)

BY BERL E. PRIEBE
ARNE WALDSTEIN

HOUSE FILE 2546

S-5717

- 1 Amend House File 2546 as amended, passed and re-
2 printed by the House as follows:
3 1. Page 1, line 34, by inserting after the word
4 "sale" the words "by the owner, an agent for the owner,
5 or the person who is conducting the auction".
6 2. Page 1, line 34, by inserting after the period
7 the following: "The exclusion of warranties shall not
8 apply if the disclosure contains representations that
9 are untrue except as to the person who is conducting
10 the auction, unless he or she knew that the disclosures
11 were untrue."

S-5717 FILED
APRIL 11, 1980
Adopted 4/15/80 (p. 1452)

BY DICK RAMSEY

HOUSE FILE 2546

S-5735

- 1 Amend House File 2546, as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by adding after line 31 the following
- 4 new unnumbered paragraph:
- 5 "If the livestock are represented as being
- 6 "assembled livestock", the name and address of the
- 7 present owner shall be disclosed."

S-5735 FILED
APRIL 15, 1980
ADOPTED (P 1752)

BY BERL E. PRIEBE
DALE L. TIEDEN

HOUSE FILE 2546

S-5736

- 1 Amend House File 2546 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. Page 1, line 15, by striking the word "apparently".

S-5736 FILED
APRIL 15, 1980
WITHDRAWN (P 1452)

BY ARTHUR A. SMALL, JR.

HOUSE AMENDMENT TO SENATE AMENDMENT
TO HOUSE FILE 2546

S-5848

- 1 Amend the Senate Amendment H-6085 to House File
- 2 2546, as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 1, by striking lines 34 through 38 and
- 5 inserting in lieu thereof the following: "the
- 6 following: "Warranties shall be implied to the person
- 7 who is conducting the auction only if the disclosure
- 8 contains representations which he or she knew or had
- 9 reason to know were untrue.""

S-5848 FILED
APRIL 24, 1980

RECEIVED FROM THE HOUSE
Senate concurred 4/25 (P 1715)

HOUSE CLIP SHEET

WEDNESDAY, APRIL 16, 1980

SENATE AMENDMENT TO
HOUSE FILE 2546

H-6085

1 Amend House File 2546 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 1, line 18, by striking the word
4 "commingled" and inserting in lieu thereof the words
5 "confined with livestock from another source".

6 2. Page 1, by striking lines 23 through 31 and
7 inserting in lieu thereof the following:

8 "(2) If the livestock have been confined with
9 livestock from another source or assembled from two
10 or more sources within the previous thirty days, the
11 livestock shall be represented as being "assembled
12 livestock". As used in this subparagraph, "confined
13 with livestock from another source" means the placement
14 of livestock in a livestock auction market, yard,
15 or other unitary facility in which livestock from
16 another source are confined, but does not include
17 livestock confined at the facility where the sale
18 takes place if such confinement is for less than
19 forty-eight hours prior to the day of sale; provided
20 that livestock which are not sold after being confined
21 with livestock from another source at a facility and
22 offered for sale shall be deemed "assembled livestock"
23 for the thirty-day period following the day when
24 offered for sale."

25 3. Page 1, by adding after line 31 the following
26 new unnumbered paragraph:

27 "If the livestock are represented as being
28 "assembled livestock", the name and address of the
29 present owner shall be disclosed."

30 4. Page 1, line 34, by inserting after the word
31 "sale" the words "by the owner, an agent for the
32 owner, or the person who is conducting the auction".

33 5. Page 1, line 34, by inserting after the period
34 the following: "The exclusion of warranties shall
35 not apply if the disclosure contains representations
36 that are untrue except as to the person who is
37 conducting the auction, unless he or she knew that
38 the disclosures were untrue."

H-6085 FILED APRIL 15, 1980

RECEIVED FROM THE SENATE

House amended & concurred 4/23/80 (p. 2002)

HOUSE FILE 2546

H-6158

- 1 Amend amendment H-6085 to House File 2546, as
- 2 amended, passed and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 33 through 38.

H-6158 FILED APRIL 17, 1980 By JESSE of Polk

ADO 4/23 (p. 2002)

HOUSE FILE 2546

H-6162

- 1 Amend the Senate Amendment, H-6085, to House
- 2 File 2546, as amended and passed by the House, as
- 3 follows:
- 4 1. Page 1, line 37, by inserting after the
- 5 word "knew" the words ", or had reason to know,".

H-6162 FILED APRIL 17, 1980 By CONLON of Muscatine

Out of order 4/23 (p. 2002)

HOUSE FILE 2546

H-6253

- 1 Amend amendment H-6085 to House File 2546, as
- 2 amended, passed and reprinted by the House as
- 3 follows:
- 4 1. Page 1, by striking lines 34 through 38
- 5 and inserting in lieu thereof the following:
- 6 "the following: "Warranties shall be implied to
- 7 the person who is conducting the auction only if
- 8 he or she makes representations which he or she
- 9 knew or should have known were untrue."

H-6253 FILED APRIL 21, 1980 By JESSE of Polk

ADO 4/23 (p. 2002)

HOUSE FILE 2546

H-6315

- 1 Amend amendment H-6085 to House File 2546, as
- 2 amended, passed and reprinted by the House as
- 3 follows:
- 4 1. Page 1, by striking lines 34 through 38
- 5 and inserting in lieu thereof the following:
- 6 "the following: "Warranties shall be implied to
- 7 the person who is conducting the auction only if
- 8 the disclosure contains representations which he
- 9 or she knew or had reason to know were untrue."

H-6315 FILED APRIL 23, 1980 By JESSE of Polk

ADOPTED *(p. 2002)*

PERKINS of Greene

CONLON of Muscatine

HOUSE FILE 2546

AN ACT

PROVIDING FOR AN EXEMPTION FOR LIVESTOCK SALES FROM THE IMPLIED WARRANTY PROVISIONS OF THE UNIFORM COMMERCIAL CODE.

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

Section 1. NEW SECTION. Notwithstanding subsection two (2) of section five hundred fifty-four point two thousand three hundred sixteen (554.2316) of the Code, all implied warranties arising under sections five hundred fifty-four point two thousand three hundred fourteen (554.2314) and five hundred fifty-four point two thousand three hundred fifteen (554.2315) of the Code are excluded from a sale of cattle, hogs, sheep and horses if the following information is disclosed to the prospective buyer or the buyer's agent in

advance of the sale, and if confirmed in writing at or before the time of acceptance of the livestock when confirmation is requested by the buyer or the buyer's agent:

a. That the animals to be sold have been inspected in accordance with existing federal and state animal health regulations and found apparently free from any infectious, contagious, or communicable disease.

b. One of the following, as applicable:

(1) Except when the livestock have been confined with livestock from another source or assembled within the meaning of subparagraph two (2) of this paragraph, the name and address of the present owner, and whether or not that owner has owned all of the livestock for at least thirty days.

(2) If the livestock have been confined with livestock from another source or assembled from two or more sources within the previous thirty days, the livestock shall be represented as being "assembled livestock". As used in this subparagraph, "confined with livestock from another source" means the placement of livestock in a livestock auction market, yard, or other unitary facility in which livestock from another source are confined, but does not include livestock confined at the facility where the sale takes place if such confinement is for less than forty-eight hours prior to the day of sale; provided that livestock which are not sold after being confined with livestock from another source at a facility and offered for sale shall be deemed "assembled livestock" for the thirty-day period following the day when offered for sale.

If the livestock are represented as being "assembled livestock", the name and address of the present owner shall be disclosed.

In the case of an auction sale, the disclosure required by this subsection shall be made verbally immediately before the sale by the owner, an agent for the owner, or the person who is conducting the auction of the lot of livestock in

question. Warranties shall be implied to the person who is conducting the auction only if the disclosure contains representations which he or she knew or had reason to know were untrue.

WILLIAM H. HARBOR
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2546, Sixty-eighth General Assembly.

BRUCE GRAHAM
Assistant Chief Clerk of the House

Approved May 22, 1980

ROBERT D. RAY
Governor