

Do. Res. 2/2 (p. 318)

Small Business & Economic
Development
Taylor, Chair
Hutchins
Gratias

9 1984

SENATE FILE 2002

Senate File 2002

TAYLOR

Small Business and Commerce: Groninga, Chair; Diemer and Lonergan.

Do. Res. 3/9 (p. 934)

Passed Senate, Date 2-8-84 (p. 356) Passed House, Date 3-27-84 (p. 1319)

Vote: Ayes 34 Nays 8 Vote: Ayes 89 Nays 6

Approved April 11, 1984 (p. 1493)

A BILL FOR

1 An Act relating to ownership rights to dies, molds, and forms.

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

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S. 2002

1 Section 1. NEW SECTION. DEFINITIONS. As used in this
2 Act unless the context requires otherwise:

3 1. "Customer" means a person who causes a molder to
4 fabricate, cast, or otherwise make a die, mold, or form to
5 be used for the manufacture of plastic products.

6 2. "Molder" means a person, including but not limited
7 to a tool or die maker, who fabricates, casts, or otherwise
8 makes a die, mold, or form to be used for the manufacture
9 of plastic products.

10 Sec. 2. NEW SECTION. RIGHTS TO DIE, MOLD, OR FORM.

11 1. In the absence of an agreement to the contrary, the
12 customer has all rights and title to a die, mold, or form
13 in the possession of the molder as provided in this section.

14 2. If a customer does not claim possession from a molder
15 of a die, mold, or form within three years following the last
16 use of the die, mold, or form, all rights and title to the
17 die, mold, or form are transferred to the molder for the
18 purpose of destroying or disposing of the die, mold, or form.

19 3. The molder shall notify the customer by certified mail
20 sent to the customer's last known address at least ninety
21 days prior to the transfer provided in subsection 2. The
22 notice shall indicate that all rights and title to the die,
23 mold, or form will be transferred pursuant to this section.

24 4. If the customer does not respond in person or by mail
25 within ninety days following the date the notice was sent
26 or does not make other contractual arrangements with the
27 molder for storage of the die, mold, or form the rights and
28 title of the customer to the die, mold, or form shall transfer
29 to the molder. After a transfer has occurred the molder may
30 destroy or otherwise dispose of the particular die, mold,
31 or form as the molder's own property without liability to
32 the customer. This section does not affect the right of the
33 customer under federal patent or copyright law or a state
34 or federal law relating to unfair competition.

35 Sec. 3. The three-year waiting period provided in this

1 Act shall begin on the effective date of this Act in the case
2 of dies, molds, and forms in the possession of the molder
3 on the effective date of this Act.

4 EXPLANATION

5 This bill provides that the ownership of a die, mold, or
6 form remains with the customer for three years from the last
7 use of the die, mold, or form. Thereafter unless the customer
8 has made other arrangements with the molder the rights and
9 title are transferred to the molder. The molder is required
10 to send notice to the customer at least ninety days prior
11 to any transfer of rights and title. This bill takes effect
12 July 1 following enactment.

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SENATE FILE 2002

AN ACT

RELATING TO OWNERSHIP RIGHTS TO DIES, MOLDS, AND FORMS.

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

Section 1. NEW SECTION. DEFINITIONS. As used in this Act unless the context requires otherwise:

1. "Customer" means a person who causes a molder to fabricate, cast, or otherwise make a die, mold, or form to be used for the manufacture of plastic products.

2. "Molder" means a person, including but not limited to a tool or die maker, who fabricates, casts, or otherwise makes a die, mold, or form to be used for the manufacture of plastic products.

Sec. 2. NEW SECTION. RIGHTS TO DIE, MOLD, OR FORM.

1. In the absence of an agreement to the contrary, the customer has all rights and title to a die, mold, or form in the possession of the molder as provided in this section.

2. If a customer does not claim possession from a molder of a die, mold, or form within three years following the last use of the die, mold, or form, all rights and title to the die, mold, or form are transferred to the molder for the purpose of destroying or disposing of the die, mold, or form.

3. The molder shall notify the customer by certified mail sent to the customer's last known address at least ninety days prior to the transfer provided in subsection 2. The notice shall indicate that all rights and title to the die, mold, or form will be transferred pursuant to this section.

4. If the customer does not respond in person or by mail within ninety days following the date the notice was sent or does not make other contractual arrangements with the molder for storage of the die, mold, or form the rights and

title of the customer to the die, mold, or form shall transfer to the molder. After a transfer has occurred the molder may destroy or otherwise dispose of the particular die, mold, or form as the molder's own property without liability to the customer. This section does not affect the right of the customer under federal patent or copyright law or a state or federal law relating to unfair competition.

Sec. 3. The three-year waiting period provided in this Act shall begin on the effective date of this Act in the case of dies, molds, and forms in the possession of the molder on the effective date of this Act.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2002, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved *Cipri* 11, 1984

TERRY E. BRANSTAD
Governor

S.F. 2002