

JUDICIARY: Small, Chair, Deluhery and Taylor

NUMBER 6 1985

Do Pass 3/12/86 (p. 697)

Place On Calendar

HOUSE FILE 721

BY COMMITTEE ON JUDICIARY  
AND LAW ENFORCEMENT

(Formerly House Study Bill 390)

Passed House, Date 7-12-85 (p. 1502) Passed Senate, Date 3-27-86 (p. 910)

Vote: Ayes 83 Nays 12 Vote: Ayes 43 Nays 1

Approved April 8, 1986 (p. 1320)

## A BILL FOR

1 An Act relating to the service of process on an individual's  
2 spouse at a place other than the individual's dwelling  
3 house or usual place of abode.

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

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HF 721

1 Section 1. Rule of civil procedure 96.1, subsection a,  
2 Iowa court rules, second edition, is amended to read as fol-  
3 lows:

4 (a) Upon any individual aged eighteen years or more who  
5 has not been adjudged incompetent, either by taking ~~his~~ the  
6 individual's signed, dated acknowledgment of service endorsed  
7 on the notice; or by serving ~~him~~ the individual personally; or  
8 by serving, at ~~his~~ the individual's dwelling house or usual  
9 place of abode, any person residing therein who is at least  
10 eighteen years old, but if such place is a rooming house,  
11 hotel, club or apartment building, the copy shall there be  
12 delivered to such a person who is either a member of ~~his~~ the  
13 individual's family or the manager, clerk, proprietor or  
14 custodian of such place; or upon the individual's spouse at a  
15 place other than the individual's dwelling house or usual  
16 place of abode if probable cause exists to believe that the  
17 spouse lives at the individual's dwelling house or usual place  
18 of abode.

19 EXPLANATION

20 This bill authorizes the use of substitute service on an  
21 individual's spouse at a place other than the individual's  
22 dwelling or usual place of abode, so long as it is determined  
23 that the spouse lives at the individual's usual place of  
24 abode.

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HS B 390

Study Bill 390

Judiciary & Law Enforcement

Judiciary and Law Enforcement; Siegrist, Chair; Jay and Woods.

New  
HP 721

PROPOSED HOUSE FILE 721  
BY (PROPOSED COMMITTEE ON JUDICIARY  
AND LAW ENFORCEMENT BILL)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

### A BILL FOR

1 An Act relating to the service of process on an individual's  
2 spouse at a place other than the individual's dwelling  
3 house or usual place of abode.

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

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1 Section 1. Rule of civil procedure 56.1, subsection a,  
2 Iowa court rules, second edition, is amended to read as fol-  
3 lows:

4 (a) Upon any individual aged eighteen years or more who  
5 has not been adjudged incompetent, either by taking ~~his~~ the  
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8 or by serving, at ~~his~~ the individual's dwelling house or usual  
9 place of abode, any person residing therein who is at least  
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21 individual's spouse at a place other than the individual's  
22 dwelling or usual place of abode, so long as it is determined  
23 that the spouse lives at the individual's usual place of  
24 abode.

25 This bill takes effect July 1 following its enactment.

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spouse lives at the individual's dwelling house or usual place of abode.

HOUSE FILE 721

AN ACT

RELATING TO THE SERVICE OF PROCESS ON AN INDIVIDUAL'S SPOUSE  
AT A PLACE OTHER THAN THE INDIVIDUAL'S DWELLING HOUSE OR  
USUAL PLACE OF ABODE.

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

Section 1. Rule of civil procedure 56.1, subsection a, Iowa court rules, second edition, is amended to read as follows:

(a) Upon any individual aged eighteen years or more who has not been adjudged incompetent, either by taking his the individual's signed, dated acknowledgment of service endorsed on the notice; or by serving him the individual personally; or by serving, at his the individual's dwelling house or usual place of abode, any person residing therein who is at least eighteen years old, but if such place is a rooming house, hotel, club or apartment building, the copy shall there be delivered to such a person who is either a member of his the individual's family or the manager, clerk, proprietor or custodian of such place; or upon the individual's spouse at a place other than the individual's dwelling house or usual place of abode if probable cause exists to believe that the

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DONALD D. AVENSON  
Speaker of the House

\_\_\_\_\_  
ROBERT T. ANDERSON  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 721, Seventy-first General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House  
Approved April 8, 1986

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TERRY E. BRANSTAD  
Governor

H.F. 721