

Do Pass 4/11/85

SENATE FILE 521

BY COMMITTEE ON JUDICIARY

118 335

Approved 2/22 (p. 46.1)

FILED MAR 26 1985

Passed Senate, Date 3-25-85 (p. 10.23) Passed House, Date 4-23-85 (p. 1751)

Vote: Ayes 48 Nays 0 Vote: Ayes 88 Nays 8

Approved Senate 4-25-85 (p. 16.60) Approved May 30, 1985
12-3

A BILL FOR

1 An Act providing that an order of the commissioner of
2 insurance or a court enforcing chapter 507B shall not
3 relieve or absolve a person affected by an order from
4 any other liability or penalty that might be applicable
5 under state or federal law.

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

S-3961

HOUSE AMENDMENT TO
SENATE FILE 521

1 Amend Senate File 521 as passed by the Senate as
2 follows:
3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:
5 "Section 1. Section 507B.4, subsection 1, Code
6 1985, is amended by adding the following new lettered
7 paragraph:
8 NEW LETTERED PARAGRAPH. i. Misrepresents any
9 insurance policy to consumers by using the terms
10 "burial insurance", "funeral insurance", "burial
11 plan", or "funeral plan" in its names or titles,
12 unless the policy is made with a funeral provider as
13 beneficiary who specifies and fixes a price under
14 contract with an insurance company. This paragraph
15 does not prevent insurers from stating or advertising
16 that insurance benefits may provide cash for funeral
17 or burial expenses."
18 2. Title page, by striking lines 1 through 5, and
19 inserting in lieu thereof the following: "An Act
20 relating to insurance trade practices and providing
21 penalties."

1 Section 1. NEW SECTION. 507B.15 OTHER LIABILITY OR PEN-
2 ALTY.

3 Except as provided in section 507B.13, an order of the
4 commissioner pursuant to this chapter or of a court to enforce
5 this chapter does not in any manner relieve or absolve a per-
6 son affected by the order from any other liability or penalty
7 applicable under state or federal law.

8 EXPLANATION

9 This bill provides that an order of the commissioner of
10 insurance or a court shall not relieve or absolve a person
11 affected by the order from any other liability or penalty
12 applicable under state or federal law.

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SENATE FILE 521

H-3811

1 Amend amendment H-3786 to Senate File 521 as passed
2 by the Senate as follows:
3 1. Page 1, by striking lines 5 and 6.
4 2. Page 1, line 7, by striking the word "order"
5 and inserting the following: "action".
6 3. Page 1, line 9, by inserting after the word
7 "chapter" the following: "is not the exclusive
8 enforcement mechanism or manner of redress for
9 violations of the provisions of this chapter and".
10 4. Page 1, line 12, by inserting after the word
11 "law." the following: "In any action for violations
12 of the provisions of this chapter, the person bringing
13 the action shall, if successful, be awarded reasonable
14 attorney fees."

H-3811 FILED APRIL 16, 1985 BY JAY of Appanoose
Placed o/c 4/23/85 (p. 1751)

SENATE FILE 521

H-3844

1 Amend Senate File 521 as passed by the Senate as
2 follows:
3 1. Page 1, line 3, by striking the word "order"
4 and inserting the following: "action".
5 2. Page 1, line 5, by inserting after the word
6 "chapter" the following: "is not the exclusive
7 enforcement mechanism or manner of redress for
8 violations of the provisions of this chapter and".
9 3. Page 1, line 7, by inserting after the word
10 "law." the following: "In any action for violations
11 of the provisions of this chapter, the person bringing
12 the action shall, if successful, be awarded reasonable
13 attorney fees."

H-3844 FILED APRIL 16, 1985 BY JAY of Appanoose
o/c 4/23/85 (p. 1751)

SENATE FILE 521

H-3877

1 Amend Senate File 521 as passed by the Senate as
2 follows:
3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:
5 "Section 1. Section 507B.4, subsection 1, Code
6 1985, is amended by adding the following new lettered
7 paragraph:
8 NEW LETTERED PARAGRAPH. i. Misrepresents any
9 insurance policy to consumers by using the terms
10 "burial insurance", "funeral insurance", "burial
11 plan", or "funeral plan" in its names or titles,
12 unless the policy is made with a funeral provider as
13 beneficiary who specifies and fixes a price under
14 contract with an insurance company. This paragraph
15 does not prevent insurers from stating or advertising
16 that insurance benefits may provide cash for funeral
17 or burial expenses."
18 2. Title page, by striking lines 1 through 5, and
19 inserting in lieu thereof the following: "An Act
20 relating to insurance trade practices and providing
21 penalties." *Adopted 4/23 (p. 1751)*

H-3877 FILED APRIL 17, 1985 BY BRAMMER of Linn

SENATE FILE 521

H-3786

1 Amend Senate File 521 as passed by the Senate as
2 follows:

3 1. Page 1, by striking lines 3 through 7 and
4 inserting the following:

5 "This chapter is regulatory in nature and does not
6 create a cause of action for damages to a person.
7 Except as provided in section 507B.13, an order of the
8 commissioner pursuant to this chapter or of a court to
9 enforce this chapter does not in any manner relieve or
10 absolve a person affected by the order from any other
11 liability or penalty applicable under state or federal
12 law."

H-3786 FILED APRIL 15, 1985 BY WOODS of Polk

Placed o/o 4/23/85 (j.1751)

SENATE FILE 521

H-3803

1 Amend Senate File 521 as passed by the Senate as
2 follows:

3 1. Page 1, by inserting before line 1, the
4 following:

5 "Section 1. Section 507B.4, subsection 1, Code
6 1985, is amended by adding the following new lettered
7 paragraph:

8 NEW LETTERED PARAGRAPH. i. Misrepresents any
9 insurance policy to consumers by using the terms
10 "burial insurance", "funeral insurance", "burial
11 plan", or "funeral plan" in its names or titles,
12 unless the policy is made with a funeral provider as
13 beneficiary who specifies and fixes a price under
14 contract with an insurance company. This paragraph
15 does not prevent insurers from stating or advertising
16 that insurance benefits may provide cash for funeral
17 or burial expenses."

18 2. Title page, by striking lines 1 through 5, and
19 inserting in lieu thereof the following: "An Act
20 relating to insurance trade practices and providing
21 penalties."

22 3. By renumbering to conform to this amendment.

H-3803 FILED APRIL 16, 1985 BY BRAMMER of Linn

Placed o/o 4/23 (j.1751)

New
SF 521

SSB335
Judiciary
SENATE FILE _____

BY (PROPOSED COMMITTEE ON
JUDICIARY BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing that an order of the commissioner of
2 insurance or a court enforcing chapter 507B shall not
3 relieve or absolve a person affected by an order from
4 any other liability or penalty that might be applica-
5 ble under state or federal law.

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

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1 Section 1. NEW SECTION. 507B.15 OTHER LIABILITY OR PEN-
2 ALTY.

3 Except as provided in section 507B.13, an order of the
4 commissioner pursuant to this chapter or of a court to enforce
5 this chapter does not in any manner relieve or absolve a per-
6 son affected by the order from any other liability or penalty
7 applicable under state or federal law.

8 EXPLANATION

9 This bill provides that an order of the commissioner of
10 insurance or a court shall not relieve or absolve a person
11 affected by the order from any other liability or penalty
12 applicable under state or federal law.

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prevent insurers from stating or advertising that insurance benefits may provide cash for funeral or burial expenses.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

SENATE FILE 521

AN ACT

RELATING TO INSURANCE TRADE PRACTICES AND PROVIDING PENALTIES.

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

Section 1. Section 507B.4, subsection 1, Code 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. 1. Misrepresents any insurance policy to consumers by using the terms "burial insurance", "funeral insurance", "burial plan", or "funeral plan" in its names or titles, unless the policy is made with a funeral provider as beneficiary who specifies and fixes a price under contract with an insurance company. This paragraph does not

I hereby certify that this bill originated in the Senate and is known as Senate File 521, Seventy-first General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved *May 30*, 1985

TERRY E. BRANSTAD
Governor