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FEB 22 1996  
Place On Calendar

HOUSE FILE 2310  
BY COMMITTEE ON COMMERCE AND  
REGULATION

(SUCCESSOR TO HSB 628)

Passed House, Date (p.473) 2/28/96 Passed Senate, Date (p.999) 3/25/96  
Vote: Ayes 93 Nays 0 Vote: Ayes 45 Nays 1  
Approved April 2, 1996

A BILL FOR

1 An Act relating to the regulation of insurance and amending  
2 provisions providing for setoff of premium, fraudulent  
3 submissions to insurers, availability of certain information  
4 to insurers, length of term of the board of directors of an  
5 insurer, notice of cancellation, delivery of certain policies  
6 in this state, and making a penalty applicable.

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

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HF 2310

1 Section 1. Section 507C.30, subsection 2, Code 1995, is  
2 amended to read as follows:

3 2. a. A setoff ~~or-counterclaim~~ shall not be allowed in  
4 favor of a person where any of the following are found:

5 ~~a-~~ (1) At the date of the filing of a petition for  
6 liquidation, the obligation of the insurer to the person would  
7 not entitle the person to share as a claimant in the assets of  
8 the insurer.

9 ~~b-~~ (2) The obligation of the insurer to the person was  
10 purchased by or transferred to the person with a view to its  
11 being used as a setoff.

12 ~~c-~~ (3) The obligation of the insurer is owed to the  
13 affiliate of such person, or any other entity or association  
14 other than the person.

15 ~~d-~~ (4) The obligation of the person is to pay an  
16 assessment levied against the members or subscribers of the  
17 insurer, or is to pay a balance upon a subscription to the  
18 capital stock of the insurer, or is in any other way in the  
19 nature of a capital contribution.

20 ~~e-~~ (5) The obligation of the person is to pay earned  
21 ~~premiums whether-earned-or-unearned~~ to the insurer.

22 b. Nothing in paragraph "a", however, restricts the right  
23 of a person to set off premium due to or from the insurer  
24 pursuant to a reinsurance contract.

25 Sec. 2. Section 507E.3, subsection 2, Code Supplement  
26 1995, is amended to read as follows:

27 2. A person commits a class "D" felony if the person, with  
28 the intent to defraud an insurer, does ~~either~~ any of the  
29 following:

30 a. Presents or causes to be presented to an insurer, any  
31 written document or oral statement, including a computer-  
32 generated document, as part of, or in support of, a claim for  
33 payment or other benefit pursuant to an insurance policy,  
34 knowing that such document or statement contains any false  
35 information concerning a material fact.

1 b. Assists, abets, solicits, or conspires with another to  
2 present or cause to be presented to an insurer, any written  
3 document or oral statement, including a computer-generated  
4 document, that is intended to be presented to any insurer in  
5 connection with, or in support of, any claim for payment or  
6 other benefit pursuant to an insurance policy, knowing that  
7 such document or statement contains any false information  
8 concerning a material fact.

9 c. Presents or causes to be presented to an insurer, any  
10 written document or oral statement, including a computer-  
11 generated document, as part of, or in, an application for  
12 insurance coverage, knowing that such document or statement  
13 contains false information concerning a material fact.

14 Sec. 3. Section 507E.7, subsection 1, Code 1995, is  
15 amended by adding the following new paragraph:

16 NEW PARAGRAPH. c. An authorized representative of an  
17 insurer.

18 Sec. 4. Section 515.29, Code 1995, is amended to read as  
19 follows:

20 515.29 CLASSIFICATION OF DIRECTORS.

21 A company may in its articles of incorporation provide that  
22 the board of directors be divided into classes holding for a  
23 term of not to exceed three five years and providing for the  
24 election of the members of one class at each annual meeting.

25 Sec. 5. Section 515.51, Code 1995, is amended to read as  
26 follows:

27 515.51 EXECUTION OF POLICIES.

28 All policies or contracts of insurance made or entered into  
29 by the company may be made either with or without the seal of  
30 said the company, but shall be subscribed by the president, or  
31 such other officer as may be designated by the directors for  
32 that purpose, and be attested to by the secretary thereof of  
33 the company. A policy or contract authorized by this chapter  
34 shall not be delivered in this state unless it is an  
35 individual policy or contract form.

1 Sec. 6. Section 515D.4, Code 1995, is amended to read as  
2 follows:

3 515D.4 NOTICE OF CANCELLATION -- REASONS.

4 1. ~~No~~ A policy ~~may shall not~~ be canceled except by notice  
5 to the insured as provided in this chapter. ~~No-notice~~ Notice  
6 of cancellation of a policy ~~shall-be~~ is not effective unless  
7 it is based on one or more of the following reasons:

8 1- a. Nonpayment of premium.

9 2- b. Nonpayment of dues to an association or organization  
10 other than an insurance association or organization, where  
11 payment of dues is a prerequisite to obtaining or continuing  
12 insurance in force and the dues payment requirement was in  
13 effect prior to January 1, 1969.

14 3- c. Fraud or material misrepresentation affecting the  
15 policy or the presentation of a claim.

16 4- d. Violation of terms or conditions of the policy.

17 ~~5- The named insured or any operator who either resides in~~  
18 ~~the same household or customarily operates an automobile~~  
19 ~~insured under the policy has that person's driver's license~~  
20 ~~suspended or revoked during the policy term or, if the policy~~  
21 ~~is a renewal, during its term or the one hundred eighty days~~  
22 ~~immediately preceding its effective date.~~

23 1A. Coverage under a policy shall not be cancelled except  
24 by notice to the insured as provided in this chapter. Notice  
25 of cancellation of coverage under a policy is not effective  
26 unless it is based on one or more of the following reasons:

27 a. The named insured or any operator who either resides in  
28 the same household or customarily operates an automobile  
29 insured under the policy has that person's driver's license  
30 suspended or revoked during the policy term or, if the policy  
31 is a renewal, during its term or the one hundred eighty days  
32 immediately preceding its effective date.

33 b. The named insured or any operator who either resides in  
34 the same household or customarily operates an automobile  
35 insured under the policy has during the term of the policy

1 engaged in a competitive speed contest while operating an  
2 automobile insured under the policy.

3 c. The named insured or any operator who either resides in  
4 the same household or customarily operates an automobile  
5 insured under the policy, during the thirty-six months  
6 immediately preceding the notice of cancellation or  
7 nonrenewal, has been convicted of or forfeited bail for any of  
8 the following:

9 (1) Criminal negligence resulting in death, homicide, or  
10 assault and arising out of the operation of a motor vehicle.

11 (2) Operating a motor vehicle while intoxicated or while  
12 under the influence of a drug.

13 (3) A violation of section 321.261.

14 2. This section shall not apply to any policy or coverage  
15 which has been in effect less than sixty days at the time  
16 notice of cancellation is mailed or delivered by the insurer  
17 unless it is a renewal policy. This section shall not apply  
18 to the nonrenewal of a policy.

19 3. During the policy period ~~no~~, a modification of  
20 automobile physical damage coverage, ~~except~~ other than  
21 coverage for loss caused by collision, ~~whereby~~ where provision  
22 is made for the application of a deductible amount not  
23 exceeding one hundred dollars, shall ~~not~~ be deemed a  
24 cancellation of the coverage or of the policy.

25 EXPLANATION

26 This bill amends several provisions regarding insurance  
27 regulation and related to setoff of premium, fraudulent  
28 submissions to insurers, availability of certain information  
29 to insurers, length of term of the board of directors of an  
30 insurer, and notice of cancellation with respect to automobile  
31 liability insurance.

32 Section 507C.30 is amended by providing that a person has a  
33 right to set off premium due to or from an insurer pursuant to  
34 a reinsurance contract.

35 Section 507E.3 is amended to provide that it is a class "D"

1 felony for a person, with the intent to defraud an insurer, to  
2 present or cause to be presented to an insurer, a written  
3 document or oral statement as part of an application for  
4 insurance coverage, knowing that the document or statement  
5 contains false information regarding a material fact.

6 Section 507E.7 is amended to provide that a person is not  
7 liable civilly as a result of filing a report or furnishing  
8 other information concerning alleged acts violating chapter  
9 507E (insurance fraud), if the report or other information is  
10 filed or furnished without malice, fraudulent intent, or bad  
11 faith to an authorized representative of an insurer.

12 Currently, this immunity applies to a report or other  
13 information filed or furnished to law enforcement officials,  
14 the national association of insurance commissioners, the  
15 insurance division, a federal or state governmental agency or  
16 bureau established to detect and prevent fraudulent insurance  
17 acts, or any other organization established for such purpose.

18 Section 515.29 is amended to extend the term of a class of  
19 a board of directors of an insurance company from three to  
20 five years.

21 Section 515.51 is amended to provide that a policy or  
22 contract of insurance authorized under chapter 515 (insurance  
23 other than life insurance) delivered in this state must be an  
24 individual policy or contract form.

25 Section 515D.4 is amended to provide that coverage under a  
26 policy of automobile liability insurance may be canceled if  
27 the named insured or another operator who either resides in  
28 the same household or customarily operates an automobile  
29 insured under the policy has engaged in a speed contest during  
30 the term of the policy and while operating an automobile  
31 insured under the policy. The section is also amended to  
32 provide that such coverage may be canceled if the named  
33 insured or another operator who either resides in the same  
34 household or customarily operates an automobile insured under  
35 the policy, during the 36 months immediately preceding the

1 notice of cancellation or nonrenewal, has been convicted of or  
2 forfeited bail for criminal negligence resulting in the death,  
3 homicide, or assault and arising out of the operation of a  
4 motor vehicle, for operating a motor vehicle while intoxicated  
5 or while under the influence of a drug, or for leaving the  
6 scene of a motor vehicle accident without stopping to report  
7 such accident.

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Haluorsen, Chair  
Renken  
McCoy

HSB 628

COMMERCE - REGULATION

Succeeded By

HOUSE FILE SF 1(H) 23/10

BY (PROPOSED COMMITTEE ON

COMMERCE AND REGULATION

BILL BY CHAIRPERSON METCALF)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the regulation of insurance and amending  
2 provisions providing for setoff of premium, fraudulent  
3 submissions to insurers, availability of certain information  
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1 Section 1. Section 507C.30, subsection 2, Code 1995, is  
2 amended to read as follows:

3 2. a. A setoff or counterclaim shall not be allowed in  
4 favor of a person where any of the following are found:

5 a. (1) At the date of the filing of a petition for  
6 liquidation, the obligation of the insurer to the person would  
7 not entitle the person to share as a claimant in the assets of  
8 the insurer.

9 b. (2) The obligation of the insurer to the person was  
10 purchased by or transferred to the person with a view to its  
11 being used as a setoff.

12 c. (3) The obligation of the insurer is owed to the  
13 affiliate of such person, or any other entity or association  
14 other than the person.

15 d. (4) The obligation of the person is to pay an  
16 assessment levied against the members or subscribers of the  
17 insurer, or is to pay a balance upon a subscription to the  
18 capital stock of the insurer, or is in any other way in the  
19 nature of a capital contribution.

20 e. (5) The obligation of the person is to pay earned  
21 premiums whether-earned-or-unearned to the insurer.

22 b. Nothing in paragraph "a", however, restricts the right  
23 of a person to set off premium due to or from the insurer  
24 pursuant to a reinsurance contract.

25 Sec. 2. Section 507E.3, subsection 2, Code Supplement  
26 1995, is amended to read as follows:

27 2. A person commits a class "D" felony if the person, with  
28 the intent to defraud an insurer, does either any of the  
29 following:

30 a. Presents or causes to be presented to an insurer, any  
31 written document or oral statement, including a computer-  
32 generated document, as part of, or in support of, a claim for  
33 payment or other benefit pursuant to an insurance policy,  
34 knowing that such document or statement contains any false  
35 information concerning a material fact.

1 b. Assists, abets, solicits, or conspires with another to  
2 present or cause to be presented to an insurer, any written  
3 document or oral statement, including a computer-generated  
4 document, that is intended to be presented to any insurer in  
5 connection with, or in support of, any claim for payment or  
6 other benefit pursuant to an insurance policy, knowing that  
7 such document or statement contains any false information  
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9 c. Presents or causes to be presented to an insurer, any  
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14 Sec. 3. Section 507E.7, subsection 1, Code 1995, is  
15 amended by adding the following new paragraph:

16 NEW PARAGRAPH. c. An authorized representative of an  
17 insurer.

18 Sec. 4. Section 515.29, Code 1995, is amended to read as  
19 follows:

20 515.29 CLASSIFICATION OF DIRECTORS.

21 A company may in its articles of incorporation provide that  
22 the board of directors be divided into classes holding for a  
23 term of not to exceed three five years and providing for the  
24 election of the members of one class at each annual meeting.

25 Sec. 5. Section 515D.4, Code 1995, is amended to read as  
26 follows:

27 515D.4 NOTICE OF CANCELLATION -- REASONS.

28 1. No A policy may shall not be canceled except by notice  
29 to the insured as provided in this chapter. No-notice Notice  
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31 it is based on one or more of the following reasons:

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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 insurance in force and the dues payment requirement was in  
2 effect prior to January 1, 1969.

3 3- c. Fraud or material misrepresentation affecting the  
4 policy or the presentation of a claim.

5 4- d. Violation of terms or conditions of the policy.

6 5- e. The named insured or any operator who either resides  
7 in the same household or customarily operates an automobile  
8 insured under the policy has that person's driver's license  
9 suspended or revoked during the policy term or, if the policy  
10 is a renewal, during its term or the one hundred eighty days  
11 immediately preceding its effective date.

12 f. The named insured or any operator who either resides in  
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14 insured under the policy has during the term of the policy  
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16 automobile insured under the policy.

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21 nonrenewal, has been convicted of or forfeited bail for any of  
22 the following:

23 (1) Criminal negligence resulting in death, homicide, or  
24 assault and arising out of the operation of a motor vehicle.

25 (2) Operating a motor vehicle while intoxicated or while  
26 under the influence of a drug.

27 (3) Leaving the scene of a motor vehicle accident without  
28 stopping to report such accident.

29 2. This section shall not apply to any policy or coverage  
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6 This bill amends several provisions regarding insurance  
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27 Currently, this immunity applies to a report or other  
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31 bureau established to detect and prevent fraudulent insurance  
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13 bail for criminal negligence resulting in the death, homicide,  
14 or assault and arising out of the operation of a motor  
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HOUSE FILE 2310

AN ACT

RELATING TO THE REGULATION OF INSURANCE AND AMENDING PROVISIONS PROVIDING FOR SETOFF OF PREMIUM, FRAUDULENT SUBMISSIONS TO INSURERS, AVAILABILITY OF CERTAIN INFORMATION TO INSURERS, LENGTH OF TERM OF THE BOARD OF DIRECTORS OF AN INSURER, NOTICE OF CANCELLATION, DELIVERY OF CERTAIN POLICIES IN THIS STATE, AND MAKING A PENALTY APPLICABLE.

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

Section 1. Section 507C.30, subsection 2, Code 1995, is amended to read as follows:

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b- (2) The obligation of the insurer to the person was purchased by or transferred to the person with a view to its being used as a setoff.

c- (3) The obligation of the insurer is owed to the affiliate of such person, or any other entity or association other than the person.

d- (4) The obligation of the person is to pay an assessment levied against the members or subscribers of the insurer, or is to pay a balance upon a subscription to the capital stock of the insurer, or is in any other way in the nature of a capital contribution.

e- (5) The obligation of the person is to pay earned premiums ~~whether-earned-or-uneared~~ to the insurer.

b. Nothing in paragraph "a", however, restricts the right of a person to set off premium due to or from the insurer

pursuant to a reinsurance contract.

Sec. 2. Section 507E.3, subsection 2, Code Supplement 1995, is amended to read as follows:

2. A person commits a class "D" felony if the person, with the intent to defraud an insurer, does ~~either~~ any of the following:

a. Presents or causes to be presented to an insurer, any written document or oral statement, including a computer-generated document, as part of, or in support of, a claim for payment or other benefit pursuant to an insurance policy, knowing that such document or statement contains any false information concerning a material fact.

b. Assists, abets, solicits, or conspires with another to present or cause to be presented to an insurer, any written document or oral statement, including a computer-generated document, that is intended to be presented to any insurer in connection with, or in support of, any claim for payment or other benefit pursuant to an insurance policy, knowing that such document or statement contains any false information concerning a material fact.

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NEW PARAGRAPH. c. An authorized representative of an insurer.

Sec. 4. Section 515.29, Code 1995, is amended to read as follows:

515.29 CLASSIFICATION OF DIRECTORS.

A company may in its articles of incorporation provide that the board of directors be divided into classes holding for a term of not to exceed three five years and providing for the

election of the members of one class at each annual meeting.

Sec. 5. Section 515.51, Code 1995, is amended to read as follows:

515.51 EXECUTION OF POLICIES.

All policies or contracts of insurance made or entered into by the company may be made either with or without the seal of ~~said~~ the company, but shall be subscribed by the president, or such other officer as may be designated by the directors for that purpose, and be attested to by the secretary thereof of the company. A policy or contract authorized by this chapter shall not be delivered in this state unless it is an individual policy or contract form.

Sec. 6. Section 515D.4, Code 1995, is amended to read as follows:

515D.4 NOTICE OF CANCELLATION -- REASONS.

1. No A policy may shall not be canceled except by notice to the insured as provided in this chapter. No-notice Notice of cancellation of a policy ~~shall be~~ is not effective unless it is based on one or more of the following reasons:

~~1-~~ a. Nonpayment of premium.

~~2-~~ b. Nonpayment of dues to an association or organization other than an insurance association or organization, where payment of dues is a prerequisite to obtaining or continuing insurance in force and the dues payment requirement was in effect prior to January 1, 1969.

~~3-~~ c. Fraud or material misrepresentation affecting the policy or the presentation of a claim.

~~4-~~ d. Violation of terms or conditions of the policy.

~~5- The named insured or any operator who either resides in the same household or customarily operates an automobile insured under the policy has that person's driver's license suspended or revoked during the policy term or, if the policy is a renewal, during its term or the one hundred eighty days immediately preceding its effective date.~~

1A. Coverage under a policy shall not be cancelled except by notice to the insured as provided in this chapter. Notice of cancellation of coverage under a policy is not effective unless it is based on one or more of the following reasons:

a. The named insured or any operator who either resides in the same household or customarily operates an automobile insured under the policy has that person's driver's license suspended or revoked during the policy term or, if the policy is a renewal, during its term or the one hundred eighty days immediately preceding its effective date.

b. The named insured or any operator who either resides in the same household or customarily operates an automobile insured under the policy has during the term of the policy engaged in a competitive speed contest while operating an automobile insured under the policy.

c. The named insured or any operator who either resides in the same household or customarily operates an automobile insured under the policy, during the thirty-six months immediately preceding the notice of cancellation or nonrenewal, has been convicted of or forfeited bail for any of the following:

(1) Criminal negligence resulting in death, homicide, or assault and arising out of the operation of a motor vehicle.

(2) Operating a motor vehicle while intoxicated or while under the influence of a drug.

(3) A violation of section 321.261.

2. This section shall not apply to any policy or coverage which has been in effect less than sixty days at the time notice of cancellation is mailed or delivered by the insurer unless it is a renewal policy. This section shall not apply to the nonrenewal of a policy.

3. During the policy period no, a modification of automobile physical damage coverage, except other than coverage for loss caused by collision, whereby where provision is made for the application of a deductible amount not

exceeding one hundred dollars, shall not be deemed a cancellation of the coverage or of the policy.

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RON J. CORBETT  
Speaker of the House

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LEONARD L. BOSWELL  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2310, Seventy-sixth General Assembly.

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ELIZABETH ISAACSON  
Chief Clerk of the House

Approved April 2, 1996

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TERRY E. BRANSTAD  
Governor

**HF 2310**