

FILED JAN 26 1998

COMMERCIAL

SENATE FILE 2065

BY FLYNN

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

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

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act requiring promoters of certain services which are  
2 available from a governmental body to provide notices to  
3 consumers, and providing a penalty.

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

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**SENATE FILE 2065**

**S-5060**

1 Amend Senate File 2065 as follows:  
2 1. Page 2, line 8, by inserting after the word  
3 "misdemeanor." the following: "A violation of this  
4 section is also an unlawful practice under section  
5 714.16."

By TOM FLYNN

**S-5060 FILED FEBRUARY 24, 1998**

S.F. 2065

1 Section 1. NEW SECTION. 714.17A PROMOTING DUPLICATIVE  
2 SERVICES AVAILABLE FROM GOVERNMENTAL BODIES.

3 1. As used in this section, unless the context otherwise  
4 requires:

5 a. "Duplicative service" means a service provided by a  
6 person other than a governmental body who is engaged in the  
7 business of selling or offering to sell information, goods, or  
8 functions, if the information, goods, or functions are  
9 obtained from a governmental body and are routinely provided  
10 by the governmental body to persons generally without charge.  
11 A duplicative service does not include a service provided by a  
12 person including a professional practice, business, or  
13 nonprofit corporation, if the service is provided as one of  
14 the following:

15 (1) An incidental part of other services provided by the  
16 person which are not duplicative.

17 (2) A means to allow a person to receive information,  
18 goods, or functions in a convenient manner, including the  
19 provision of information in an electronic format as or part of  
20 a compilation of materials.

21 b. "Governmental body" means the government of this state,  
22 including its agencies and political subdivisions; the  
23 government of the United States, including its agencies; the  
24 government of another state, including its agencies and  
25 political subdivisions; and the District of Columbia.

26 c. "Promote" means to present a commercial message in any  
27 medium, including but not limited to, print, radio,  
28 television, sign, display, label, tag, or articulation.

29 d. "Promoter" means a person other than a governmental  
30 body who promotes the availability of a duplicative service.

31 2. a. A promoter shall not promote the availability of a  
32 duplicative service in this state, unless the promoter  
33 provides the following disclaimer:

34 NOTICE TO CONSUMERS  
35 DUPLICATIVE SERVICES

1 THE SERVICES OFFERED HERE ARE AVAILABLE WITHOUT CHARGE FROM  
2 (HERE INSERT NAME OF GOVERNMENTAL BODY). BEFORE PAYING ANY  
3 MONEY TO THIS BUSINESS YOU ARE ADVISED TO CONTACT (HERE INSERT  
4 NAME OF GOVERNMENTAL BODY) FOR FURTHER ASSISTANCE.

5 b. If the promotion is made in a document, the notice  
6 shall appear in fourteen-point boldface type.

7 3. A person violating this section is guilty of a serious  
8 misdemeanor.

9 EXPLANATION

10 This bill regulates duplicative services, which are defined  
11 in the bill to mean any service provided by a person other  
12 than a governmental body who is engaged in the business of  
13 selling or offering to sell information, goods, or functions,  
14 if the information, goods, or functions are obtained from a  
15 governmental body and are routinely provided by the  
16 governmental body to persons generally without charge. A  
17 duplicative service does not include a service provided by a  
18 person as an incidental part of other services provided by the  
19 person which are not duplicative of a service which provides  
20 information, goods, or functions for the convenience of a  
21 consumer.

22 The bill provides that a person who promotes such a service  
23 must provide a notice to consumers advising them to contact  
24 the appropriate governmental body for further assistance prior  
25 to paying any money for the offered service.

26 A person who does not provide such a notice is guilty of a  
27 serious misdemeanor.

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