

3 **510.12 Publication of report—examination and expense.** The com-
 4 missioner of insurance shall publish such annual statement in detail in
 5 his report, and for the purpose of verifying it he may make or cause
 6 to be made an examination of the affairs of any such association at its
 7 expense, which shall be, if done by him or his clerk, necessary hotel
 8 and traveling expenses only, if, by a person not regularly employed in
 9 his office, the actual cost thereof, ~~not exceeding ten dollars per day~~ for
 10 the time required and actual expenses; but the examination herein
 11 provided for shall be in addition to those authorized by the provisions
 12 of section 507.2.

1 **SEC. 3.** Section five hundred ten point twenty-one (510.21), Code
 2 1973, is amended to read as follows:

3 **510.21 Examiner's fee—payment.** If the commissioner appoints
 4 someone not receiving a regular salary in his office to make this exami-
 5 nation, such examiner shall receive ~~ten dollars per day a per diem in~~
 6 *an amount fixed by the commissioner* for his services in addition to
 7 his actual traveling and hotel expenses, to be paid by the association
 8 examined, or by the state on the approval of the executive council, if
 9 the association fails to pay the same.

1 **SEC. 4.** Section five hundred twelve point twenty (512.20), Code
 2 1973, is amended to read as follows:

3 **512.20 Expense.** The expense of such examination shall be ~~limited~~
 4 ~~to five dollars per day fixed by the commissioner and shall include a~~
 5 *per diem charge for the examiners* and the necessary expenses of
 6 travel and for hotel bills.

Approved March 4, 1974

CHAPTER 1240

RECIPROCAL ENFORCEMENT AGAINST INSURERS

H. F. 1177

AN ACT to provide for reciprocal enforcement of court orders against insurers.

Be It Enacted by the General Assembly of the State of Iowa:

1 **SECTION 1.** Section five hundred seven A point six (507A.6), Code
 2 1973, is amended by striking subsection six (6).

1 **SEC. 2.** Chapter five hundred seven A (507A), Code 1973, is
 2 amended by adding the following new section:

3 **NEW SECTION.** The attorney general upon request of the commis-
 4 sioner of insurance may proceed in the courts of this state or any
 5 reciprocal state to enforce an order or decision in any court proceed-
 6 ing or in any administrative proceeding before the commissioner of
 7 insurance.

8 1. As used in this section, unless the context otherwise requires:
 9 a. "Reciprocal state" means any state or territory of the United
 10 States the laws of which contain procedures substantially similar to
 11 those specified in this section for the enforcement of decrees or orders
 12 in equity issued by courts located in other states or territories of the

13 United States, against any insurer incorporated or authorized to do
14 business in said state or territory.

15 b. "Foreign decree" means any decree or order in equity of a court
16 located in a reciprocal state, including a court of the United States
17 located therein, against any insurer incorporated or authorized to do
18 business in this state.

19 c. "Qualified party" means a state regulatory agency acting in its
20 capacity to enforce the insurance laws of its state.

21 2. The commissioner of insurance shall determine which states and
22 territories qualify as reciprocal states and shall maintain at all times
23 an up-to-date list of such states.

24 3. A copy of any foreign decree authenticated in accordance with
25 the statutes of this state may be filed in the office of the clerk of any
26 district court of this state. The clerk, upon verifying with the insur-
27 ance commissioner that the decree or order qualifies as a foreign
28 decree, shall treat the foreign decree in the same manner as a decree
29 of a district court of this state. A foreign decree so filed has the same
30 effect and shall be deemed as a decree of a district court of this state,
31 and is subject to the same procedures, defenses and proceedings for
32 reopening, vacating, or staying as a decree of a district court of this
33 state and may be enforced or satisfied in like manner.

34 4. a. At the time of the filing of the foreign decree, the attorney
35 general shall make and file with the clerk of the court an affidavit
36 setting forth the name and last known post office address of the
37 defendant.

38 b. Promptly upon the filing of the foreign decree and the affidavit,
39 the clerk shall mail notice of the filing of the foreign decree to the
40 defendant at the address given and to the insurance commissioner of
41 this state and shall make a note of the mailing in the docket. In addi-
42 tion, the attorney general may mail a notice of the filing of the foreign
43 decree to the defendant and to the insurance commissioner of this
44 state and may file proof of mailing with the clerk. Lack of mailing
45 notice of filing by the clerk shall not affect the enforcement proceed-
46 ings if proof of mailing by the attorney general has been filed.

47 c. No execution or other process for enforcement of a foreign decree
48 filed under this section shall issue until thirty days after the date the
49 decree is filed.

50 5. a. If the defendant shows the district court that an appeal from
51 the foreign decree is pending or will be taken, or that a stay of execu-
52 tion has been granted, the court shall stay enforcement of the foreign
53 decree until the appeal is concluded, the time for appeal expires, or
54 the stay of execution expires or is vacated, upon proof that the defend-
55 ant has furnished the security for the satisfaction of the decree
56 required by the state in which it was rendered.

57 b. If the defendant shows the district court any ground upon which
58 enforcement of a decree of any district court of this state would be
59 stayed, the court shall stay enforcement of the foreign decree for an
60 appropriate period, upon requiring the same security for satisfaction
61 of the decree which is required in this state.

62 6. Any person filing a foreign decree shall pay to the clerk of court
63 twenty-five dollars. Fees for docketing, transcription or other enforce-
64 ment proceedings shall be as provided for decrees of the district court.

Approved April 19, 1974