

Sec. 28. Section 907.3, subsection 1, unnumbered paragraph 2, Code 1981, is amended by adding the following new lettered subparagraph:

NEW LETTERED SUBPARAGRAPH. The offense is a violation of section 321.281 and, within the previous six years, the person has been convicted of a violation of that section or the person's driver's license has been revoked pursuant to that section or chapter 321B.

Approved May 11, 1982

CHAPTER 1168

DONATIONS OF PERISHABLE FOODS

H.F. 2340

AN ACT to limit the criminal or civil liability of donors of perishable food to charitable or nonprofit organizations and the liability of the organizations.

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

Section 1. Chapter 122, Code 1981, is amended by adding the following new section:

NEW SECTION. DONATIONS OF PERISHABLE FOOD—DONOR NOT LIABLE—PENALTY.

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

a. "Perishable food" means food which may spoil or otherwise become unfit for human consumption because of its nature or type of physical condition. This term includes, but is not limited to, fresh and processed meats, poultry, seafood, dairy products, eggs in the shell, fresh fruits and vegetables, and foods which have been packaged, refrigerated, or frozen.

b. "Canned foods" means canned foods that have been hermetically sealed or commercially processed and prepared for human consumption.

c. "Charitable or nonprofit organization" means an organization which is exempt from federal or state income taxation, except that the term does not include organizations which sell or offer to sell donated items of food. The assessment of a nominal fee or request for a donation in connection with the distribution of food by the charitable or nonprofit organization is not a sale.

d. "Gleaner" means a person who harvests, for free distribution, an agriculture crop that has been donated by the owner.

2. A gleaner or person who, in good faith, donates food to a charitable or nonprofit organization for ultimate free distribution to needy individuals is not subject to criminal or civil liability arising from the condition of the food if the donor reasonably inspects the food at the time of the donation and finds the food fit for human consumption. The immunity provided by this subsection does not extend to a donor or gleaner if damages result from the negligence, recklessness, or intentional misconduct of the donor, or if the donor or gleaner has, or should have had, actual or constructive knowledge that the food is tainted, contaminated, or harmful to the health or well-being of the ultimate recipient.

3. A bona fide charitable or nonprofit organization which receives, in good faith, donated food for ultimate distribution to needy individuals either for free or for a nominal fee is not subject to criminal or civil liability arising from the condition of the food, if the charitable or nonprofit organization reasonably inspects the food at the time of donation and at the time of distribution and finds the food fit for human consumption. The immunity provided by this subsection does not extend to a charitable or nonprofit organization if damages result from the negligence, recklessness, or intentional misconduct of the charitable or nonprofit organization or if the charitable or nonprofit organization has or should have had actual or constructive knowledge that the food is tainted, contaminated, or harmful to the health or well-being of the ultimate recipient.

4. The immunity provided by this section is applicable to the good faith donation of canned or perishable food or farm products not readily marketable due to appearance, freshness, grade, surplus or other considerations, but does not apply to canned goods that are defective or cannot be otherwise offered for sale to members of the general public. This does not restrict the authority of a lawful agency to otherwise regulate or ban the use of such food for human consumption. Charitable or nonprofit organizations which regularly accept donated food for distribution pursuant to this section shall request the appropriate local health authorities to inspect the food at regular intervals.

5. A person, including an employee or volunteer for a charitable or nonprofit organization, who sells, or offers to sell, for profit, food that the person knows to be donated pursuant to this section is guilty of a simple misdemeanor. For purposes of this subsection, the assessment of a nominal fee or request for a donation by the charitable or nonprofit organization is not a sale.

Approved May 10, 1982

CHAPTER 1169

EXAMINATION AND APPOINTMENT OF DEPUTY ASSESSORS

S.F. 2186

AN ACT relating to the examination and appointment of deputy assessors.

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

Section 1. Section 441.10, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Immediately after the appointment of the assessor, and at other times as the conference board directs, one or more deputy assessors may be appointed by the assessor. Appointments shall be made only from the list of eligible candidates provided by the director of revenue. The list of eligible candidates shall contain only the names of those persons who achieve a score of seventy percent or greater on the examination administered by the director of revenue. Each appointment shall be made from either the list of eligible candidates provided by the director of revenue, which shall contain only the names of those persons who achieve a score of seventy percent or greater on the examination administered by the director of revenue, or the list of candidates eligible for appointment as city or county assessor.