

CHAPTER 46**TIME OF VOLUNTEER FIRE FIGHTER'S EMPLOYMENT***S.F. 168*

AN ACT relating to the time period when volunteer fire fighters are acting in the course of employment for purposes of workers' compensation benefits.

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

Section 1. Section 85.61, subsection 6, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Personal injuries sustained by a volunteer fire fighter arise in the course of employment if the injuries are sustained at any time from the time the volunteer fire fighter is summoned to duty as a volunteer fire fighter until the time the volunteer fire fighter is discharged from duty by the chief of the volunteer fire department or the chief's designee.

Approved April 25, 1985

CHAPTER 47**RESALE RIGHTS OF MOTORCYCLE DEALERS***S.F. 183*

AN ACT to provide resale rights to a holder of a motorcycle or motorcycle parts franchise upon termination of the franchise.

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

Section 1. Section 322D.1, subsection 1, Code 1985, is amended to read as follows:

1. "Attachments" means a machine or part of a machine designed to be used on and in conjunction with a farm implement or a motorcycle.

Sec. 2. Section 322D.1, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. "Motorcycle" has the same meaning as defined in section 321.1, subsection 3, paragraph "a".

Sec. 3. Section 322D.1, subsection 3, paragraphs b and e, Code 1985, are amended to read as follows:

b. The franchisee is granted the right to offer and sell farm implements or motorcycles, or parts manufactured or distributed by the franchiser.

e. The operation of the franchisee's business is substantially reliant on the franchiser for the continued supply of farm implements, motorcycles, parts, and or attachments.

Sec. 4. Section 322D.1, subsections 4 and 5, Code 1985, are amended to read as follows:

4. "Franchisee" means a person who receives farm implements or motorcycles, or parts for farm implements or motorcycles from the franchiser under a franchise and who offers and sells the farm implements or motorcycles or their parts to the general public.

5. "Franchiser" means a person who manufactures, wholesales, or distributes farm implements or motorcycles or parts for farm implements or motorcycles and who enters into a franchise.

Sec. 5. Section 322D.2, subsection 1, unnumbered paragraph 1 and paragraph a, Code 1985, are amended to read as follows:

1. A franchisee who enters into a written franchise with a franchiser to maintain a stock of parts, attachments, or farm implements, or motorcycles has the following rights to payment, at the option of the franchisee, if the franchise is terminated:

a. One hundred percent of the net cost of new unused complete farm implements or motorcycles, including attachments, which were purchased from the franchiser, and in addition, transportation charges on the farm implements or motorcycles which have been paid by the franchisee.

Sec. 6. Section 322D.2, subsections 2 and 3, Code 1985, are amended to read as follows:

2. Upon receipt of the payments due under subsection 1, the franchiser is entitled to possession of and title to the farm implements, motorcycles, attachments, or parts.

3. The cost of farm implements, motorcycles, or attachments and the price of repair parts shall be determined by reference to the franchiser's price list or catalog in effect at the time of the franchise termination.

Sec. 7. Section 322D.2, subsection 4, Code 1985, is amended by striking the subsection.

Sec. 8. Section 322D.3, subsections 7 and 9, Code 1985, are amended to read as follows:

7. A farm implement or motorcycle which is not in new, unused, undamaged, or complete condition.

9. A farm implement or motorcycle which was purchased twenty-four months or more prior to the termination of the franchise.

Sec. 9. Section 322D.4, Code 1985, is amended to read as follows:

322D.4 FRANCHISER FAILURE TO COMPLY — CIVIL PENALTY.

In the event that any franchiser fails to make payment to the franchisee or the franchisee's heir or heirs as required by this chapter within sixty days after the inventory has been received by the franchiser, the franchiser shall be civilly liable for one hundred percent of the current net price of farm implements the inventory; transportation charges which have been paid by the franchisee; eighty-five percent of the current net price of repair parts; five percent of the current net price of repair parts to cover handling, packing and loading, if applicable; and attorney fees incurred by the franchisee or the franchisee's heir or heirs.

Sec. 10. The rights under section 322D.2, subsection 1, apply to farm implement franchise agreements in effect on July 1, 1984, which have no expiration date and are continuing agreements, and to those entered into or renewed after July 1, 1984, but only to farm implements and farm implement attachments and parts purchased after July 1, 1984. The rights under section 322D.2, subsection 1, apply to motorcycle franchise agreements in effect on July 1, 1985, which have no expiration date and are continuing agreements, and to those entered into or renewed after July 1, 1985, but only to motorcycles and motorcycle attachments and parts purchased after July 1, 1985.

Approved April 25, 1985