

~~such~~ the recognition must have been general and notorious, or else in writing. Under such circumstances, if the recognition has been mutual, and the child has not been adopted, the father may inherit from his illegitimate child.

Approved April 16, 1986

CHAPTER 1087
REGISTRATION OF DISTINCTIVE MARKS
H.F. 2384

AN ACT relating to the registration of a mark which has become distinctive of the applicant's goods or services.

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

Section 1. Section 548.2, subsection 1, paragraph e, Code 1985, is amended by striking the paragraph and inserting in lieu thereof the following:

e. Consists of a mark which is one of the following:

(1) When applied to the goods or services of the applicant, is merely descriptive or deceptively misdescriptive of them.

(2) When applied to the goods or services of the applicant, is primarily geographically descriptive or geographically misdescriptive of them.

(3) Is primarily merely a surname.

This paragraph "e" does not prevent the registration of a mark used in this state by the applicant which has become distinctive of the applicant's goods or services. The secretary of state may accept as evidence that the mark has become distinctive, as applied to the applicant's goods or services, proof of continuous use thereof as a mark by the applicant in this state or elsewhere for the five years next preceding the date of the filing of the application for registration, or,

Sec. 2. Section 548.2, subsection 1, paragraph f, Code 1985, is amended by striking the subsection.

Approved April 16, 1986

CHAPTER 1088
DEFERRAL OF FEES AND COSTS
H.F. 2426

AN ACT relating to the deferral of fees, costs, or security in civil or criminal actions, and providing a penalty.

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

Section 1. NEW SECTION. 669.1 AFFIDAVIT -- CONTENTS.

A court of the district court, court of appeals, or supreme court shall authorize the commencement, prosecution, or defense of a suit, action, proceeding, or appeal, whether civil or criminal, without the prepayment of fees, costs, or security upon a showing that the person is unable to pay such costs or give security. The person shall submit an affidavit stating the nature of the suit, action, proceeding, or appeal and the affiant's belief that there is an entitlement to redress. Such affidavit shall also include a brief financial statement showing the person's inability to pay costs, fees, or give security. Any authorization to proceed without

prepayment of fees, costs, or security under this chapter may be made by the court without hearing. The filing of an affidavit to proceed without the prepayment of fees, costs, or security tolls the applicable statute of limitations. Upon the denial of an application and affidavit to proceed without the prepayment of fees, costs, or security, the person shall have the remainder of the limitations period in which to pay fees, costs, or give security.

Sec. 2. NEW SECTION. 669.2 FILING OF AFFIDAVIT — DIRECTIONS BY COURT.

When an affidavit pursuant to this chapter is filed with the court in a civil or criminal action, the court shall direct the appropriate officers of the court to issue and serve all necessary writs, process, and proceedings.

Sec. 3. NEW SECTION. 669.3 DEFERRAL OF COSTS.

When an affidavit is filed and a civil or criminal proceeding is instituted, the court shall order that all fees, costs, and security be deferred until final disposition of the proceeding.

Sec. 4. NEW SECTION. 669.4 ORDER TO PAY FEES, COSTS, OR SECURITY — DISMISSAL FOR FAILURE.

If after entry of an order authorizing prosecution of the case without prepayment of fees, costs, or security, the court finds that the affidavit of inability to pay was without merit, the court may order the person to pay the fees, costs, or security within fourteen days or the case will be dismissed.

Sec. 5. NEW SECTION. 669.6 PENALTY.

A person who knowingly and wrongfully invokes the privileges of this chapter without just cause, or who knowingly makes a false statement regarding the person's inability to pay fees, costs, or security, is guilty of perjury and shall be punished as provided in section 720.2.

Approved April 16, 1986

CHAPTER 1089

RELINQUISHMENT OF SENIORITY RIGHTS

S.F. 476

AN ACT to prohibit the relinquishment of prior seniority rights as a condition of employment.

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

Section 1. NEW SECTION. 731.9 RELINQUISHMENT OF SENIORITY RIGHTS AS A CONDITION OF EMPLOYMENT PROHIBITED.

It is unlawful for any person to refuse or deny employment to a person because the person refuses to relinquish seniority rights earned at a prior place of employment.

Approved April 16, 1986