

Sec. 21. Section 595.16, Code 1995, is amended to read as follows:
595.16 SPOUSE RESPONSIBLE FOR RETURN.

When a marriage is consummated without the services of a cleric or magistrate, the required return thereof of the marriage may be made to the ~~clerk~~ county registrar by either spouse.

Sec. 22. Section 602.8102, subsection 83, Code 1995, is amended by striking the subsection.

Sec. 23. Section 602.8105, subsection 2, paragraph a, Code 1995, is amended by striking the paragraph.

Sec. 24. TRANSFER OF RECORDS. All records in the custody of the clerk of the district court which relate to vital statistics duties being transferred to the county recorder or a successor county officer shall be transferred to the county recorder or a successor county officer on the effective date of this Act.

Sec. 25. TRANSITION - MODERNIZATION OF SYSTEM. During a transitional period prior to July 1, 1997, the clerks of the district court and the county recorders or their successor county officers shall cooperate to implement a modernization of the vital statistics records system within the counties.

Sec. 26. EFFECTIVE DATES.

1. Sections 1 through 24 of this Act take effect July 1, 1997.
2. Section 25 of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 1, 1995

CHAPTER 125

LANDLORDS AND TENANTS

H.F. 492

AN ACT relating to the exclusion of certain nonprofit transitional housing from landlord-tenant agreements and remedies, tenant remedies for landlord noncompliance with a rental agreement, landlord remedies for tenant noncompliance with a rental agreement and acts constituting a clear and present danger and providing an effective date.

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

Section 1. Section 535.2, subsection 7, Code 1995, is amended to read as follows:

7. This section does not apply to a charge imposed for late payment of rent. However, in the case of a residential lease, a late payment fee shall not exceed ~~three dollars a day for the first five days the rent is late and one dollar a day for the next twenty-five days~~ ten dollars a day or forty dollars per month.

Sec. 2. Section 562A.5, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 8. Occupancy in housing owned by a nonprofit organization whose purpose is to provide transitional housing for persons released from drug or alcohol treatment facilities and in housing for homeless persons.

Sec. 3. Section 562A.6, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 15. "Transitional housing" means temporary or nonpermanent housing.

Sec. 4. Section 562A.21, subsection 1, unnumbered paragraph 1, Code 1995, is amended to read as follows:

Except as provided in this chapter, if there is a material noncompliance by the landlord with the rental agreement or a noncompliance with section 562A.15 materially affecting health and safety, the tenant may elect to commence an action under this section and shall deliver a written notice to the landlord specifying the acts and omissions constituting the breach and that the rental agreement will terminate upon a date not less than ~~thirty seven~~ thirty seven days after receipt of the notice if the breach is not remedied in ~~fourteen seven~~ fourteen seven days, and the rental agreement shall terminate and the tenant shall surrender as provided in the notice subject to the following:

Sec. 5. Section 562A.21, subsection 1, paragraph b, Code 1995, is amended to read as follows:

b. If substantially the same act or omission which constituted a prior noncompliance of which notice was given recurs within six months, the tenant may terminate the rental agreement upon at least ~~fourteen seven~~ fourteen seven days' written notice specifying the breach and the date of termination of the rental agreement unless the landlord has exercised due diligence and effort to remedy the breach which gave rise to the noncompliance.

Sec. 6. Section 562A.27, subsection 1, Code 1995, is amended to read as follows:

1. Except as provided in this chapter, if there is a material noncompliance by the tenant with the rental agreement or a noncompliance with section 562A.17 materially affecting health and safety, the landlord may deliver a written notice to the tenant specifying the acts and omissions constituting the breach and that the rental agreement will terminate upon a date not less than ~~thirty seven~~ thirty seven days after receipt of the notice if the breach is not remedied in ~~fourteen seven~~ fourteen seven days, and the rental agreement shall terminate as provided in the notice subject to the provisions of this section. If the breach is remediable by repairs or the payment of damages or otherwise and the tenant adequately remedies the breach prior to the date specified in the notice, the rental agreement shall not terminate. If substantially the same act or omission which constituted a prior noncompliance of which notice was given recurs within six months, the landlord may terminate the rental agreement upon at least ~~fourteen seven~~ fourteen seven days' written notice specifying the breach and the date of termination of the rental agreement.

Sec. 7. Section 562A.27, subsection 4, paragraph b, Code 1995, is amended to read as follows:

b. That the tenant notified the landlord at least ~~fourteen seven~~ fourteen seven days prior to the due date of the tenant's rent payment of the tenant's intention to correct the condition constituting the breach referred to in paragraph "a" ~~of this subsection~~ at the landlord's expense; and

Sec. 8. Section 562A.27A, subsection 1, Code 1995, is amended to read as follows:

1. Notwithstanding section 562A.27 or 648.3, if a tenant has created or maintained a threat constituting a clear and present danger to the health or safety of other tenants, the landlord, ~~or the landlord's employee or agent,~~ or other persons on or within one thousand feet of the landlord's property, the landlord, after a single three days' written notice of termination and notice to quit, may file suit against the tenant for recovery of possession of the premises pursuant to chapter 648, except as otherwise provided in subsection 3. The petition shall state the incident or incidents giving rise to the notice of termination and notice to quit. The tenant shall be given the opportunity to contest the termination in the court proceedings by notice thereof at least ~~five~~ three days prior to the hearing.

Sec. 9. Section 562A.27A, subsection 2, unnumbered paragraph 1, Code 1995, is amended to read as follows:

A clear and present danger to the health or safety of other tenants, the landlord, ~~or~~ the landlord's employees or agents, or other persons on or within one thousand feet of the landlord's property includes, but is not limited to, any of the following activities of the tenant or of any person on the premises with the consent of the tenant:

Sec. 10. Section 562A.28, Code 1995, is amended to read as follows:

562A.28 FAILURE TO MAINTAIN.

If there is noncompliance by the tenant with section 562A.17, materially affecting health and safety, that can be remedied by repair or replacement of a damaged item or cleaning, and the tenant fails to comply as promptly as conditions require in case of emergency or within ~~fourteen~~ seven days after written notice by the landlord specifying the breach and requesting that the tenant remedy it within that period of time, the landlord may enter the dwelling unit and cause the work to be done in a competent manner and submit an itemized bill for the actual and reasonable cost or the fair and reasonable value of it as rent on the next date when periodic rent is due, or if the rental agreement has terminated, for immediate payment.

Sec. 11. Section 562B.25A, subsection 1, Code 1995, is amended to read as follows:

1. Notwithstanding section 562B.25 or 648.3, if a tenant has created or maintained a threat constituting a clear and present danger to the health or safety of other tenants, the landlord, ~~or~~ the landlord's employee or agent, or other persons on or within one thousand feet of the landlord's property, the landlord, after a single three days' written notice of termination and notice to quit, may file suit against the tenant for recovery of possession of the premises pursuant to chapter 648, except as otherwise provided in subsection 3. The petition shall state the incident or incidents giving rise to the notice of termination and notice to quit. The tenant shall be given the opportunity to contest the termination in the court proceedings by notice thereof at least ~~five~~ three days prior to the hearing.

Sec. 12. Section 562B.25A, subsection 2, unnumbered paragraph 1, Code 1995, is amended to read as follows:

A clear and present danger to the health or safety of other tenants, the landlord, or the landlord's employees or agents, or other persons on or within one thousand feet of the landlord's property includes, but is not limited to, any of the following activities of the tenant or of any person on the premises with the consent of the tenant:

Sec. 13. Section 631.4, subsection 2, paragraph b, Code 1995, is amended to read as follows:

b. Original notice shall be served personally upon each defendant as provided in rule 56.1 of the rules of civil procedure, which service shall be made at least ~~five~~ three days prior to the date set for hearing. Upon receipt of the prescribed costs the clerk shall cause the original notice to be delivered to a peace officer or other person for service upon each defendant.

Sec. 14. Section 648.5, Code 1995, is amended to read as follows:

648.5 JURISDICTION - HEARING - PERSONAL SERVICE.

The court within the county shall have jurisdiction of actions for the forcible entry or detention of real property. They shall be tried as equitable actions. Unless commenced as a small claim, a petition shall be presented to a district court judge. Upon receipt of the petition, the court shall order a hearing which shall not be later than ~~fourteen~~ seven days from the date of the order. Personal service shall be made upon the defendant not less than ~~five~~ three days prior to the hearing. In the event that personal service cannot be completed in time to give the defendant the minimum notice required by this section, the court may set a new hearing date. A default cannot be made upon a defendant unless the ~~five~~ three days' notice has been given.

Sec. 15. Section 648.22, Code 1995, is amended to read as follows:
648.22 JUDGMENT - EXECUTION - COSTS.

If the defendant is found guilty, judgment shall be entered that the defendant be removed from the premises, and that the plaintiff be put in possession of the premises, and an execution for the defendant's removal within ~~ten~~ three days from the judgment shall issue accordingly, to which shall be added a clause commanding the officer to collect the costs as in ordinary cases.

Sec. 16. EFFECTIVE DATE. The amendments in this Act to sections 562A.5 and 562A.6, being deemed of immediate importance, take effect upon enactment.

Approved May 1, 1995

CHAPTER 126

USE OF DANGEROUS WEAPONS IN FORCIBLE FELONIES - MINIMUM SENTENCE S.F. 293

AN ACT relating to providing for a five-year minimum prison term for a person who uses a dangerous weapon in the commission of a forcible felony.

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

Section 1. Section 902.7, Code 1995, is amended to read as follows:
902.7 MINIMUM SENTENCE - USE OF A ~~FIREARM~~ DANGEROUS WEAPON.

At the trial of a person charged with participating in a forcible felony, if the trier of fact finds beyond a reasonable doubt that the person is guilty of a forcible felony and that the person represented that the person was in the immediate possession and control of a ~~firearm dangerous weapon~~, displayed a ~~firearm dangerous weapon~~ in a threatening manner, or was armed with a ~~firearm dangerous weapon~~ while participating in the forcible felony the convicted person shall serve a minimum of five years of the sentence imposed by law. A person sentenced pursuant to this section shall not be eligible for parole until the person has served the minimum sentence of confinement imposed by this section.

Approved May 1, 1995

CHAPTER 127

ENFORCEMENT PROVISIONS FOR FAILURE TO PAY RESTITUTION S.F. 373

AN ACT to permit the court to find a person in contempt for failure to pay restitution after the period of probation, work release, parole, or the person's sentence has ended and providing for the entry of a civil judgment for restitution owed to a victim.

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

Section 1. Section 910.4, unnumbered paragraph 1, Code 1995, is amended to read as follows: