

5. Section 20, amending section 321E.8.
6. Section 21, amending section 321E.12.
7. Section 22, amending section 321J.13.
8. Section 28, repealing sections 309.42, 309.56, and 321.1*.

Approved April 7, 1999

CHAPTER 14
BALED SOLID WASTE DISPOSAL
H.F. 347

AN ACT relating to rulemaking duties of the department of natural resources regarding baled solid waste.

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

Section 1. Section 455D.9A, Code 1999, is amended to read as follows:

455D.9A DISPOSAL OF BALED SOLID WASTE AT A SANITARY LANDFILL — PROHIBITED.

Beginning January 1, 1992, a person shall not dispose of baled solid waste at a sanitary landfill and a sanitary landfill shall not accept baled solid waste for final disposal. Solid waste which is baled on-site may be disposed of at the sanitary landfill. ~~The department shall develop rules which define baled solid waste and provide for the safe and proper method of disposal of such waste.~~

Approved April 7, 1999

CHAPTER 15
CONSUMER CREDIT TRANSACTIONS — FEES AND CHARGES
H.F. 443

AN ACT relating to permissible fees and charges which may be assessed and collected with respect to certain consumer credit transactions.

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

Section 1. Section 535.10, subsection 3, Code 1999, is amended to read as follows:

3. a. A lender may collect in connection with establishing or renewing a home equity line of credit the costs listed in section 535.8, subsection 2, paragraph "b", charges for insurance as described in section 537.2501, subsection 2, and a loan processing fee as agreed between the borrower and the lender, and annually may collect an account maintenance fee of not more than fifteen dollars. Fees collected under this subsection shall be disregarded for purposes of determining the maximum charge permitted by subsection 4.

* Section 321.21 probably intended

b. The parties to a home equity line of credit which is not a consumer credit transaction, as defined in section 537.1301, may contract for a delinquency charge under terms no more favorable than those permitted for open-end credit under section 537.2502.

Sec. 2. NEW SECTION. 535.14 PROMPT PAYMENT ON LOANS SECURED BY RESIDENTIAL REAL PROPERTY.

A lender is subject to the requirements set forth in section 537.3206, regarding the prompt crediting of payments, with respect to a loan secured by a lien or security interest on owner-occupied residential real property. For purposes of this section, "residential real property" means residential real property as defined in section 535B.1.

Sec. 3. Section 537.2502, subsections 1, 2, and 3, Code 1999, are amended to read as follows:

1. With respect to a ~~precomputed~~ consumer credit transaction not pursuant to an open-end credit arrangement and other than a consumer lease or consumer rental purchase agreement, the parties may contract for a delinquency charge on any installment not paid in full within ten days after its due date, as originally scheduled or as deferred, in an amount ~~not exceeding the greater of either of the following as follows:~~

a. For a precomputed transaction, an amount not exceeding the greater of either of the following:

~~a-~~ (1) Five percent of the unpaid amount of the installment, or a maximum of twenty dollars.

~~b-~~ (2) The deferral charge that would be permitted to defer the unpaid amount of the installment for the period that it is delinquent.

b. For an interest-bearing transaction, an amount not exceeding five percent of the unpaid amount of the installment, or a maximum of fifteen dollars.

2. A delinquency charge under subsection 1, ~~paragraph "a"~~, may be collected only once on an installment however long it remains in default. No delinquency charge may be collected with respect to a deferred installment unless the installment is not paid in full within ten days after its deferred due date. A delinquency charge may be collected at the time it accrues or at any time afterward.

3. ~~No~~ A delinquency charge ~~may~~ shall not be collected under subsection 1, ~~paragraph "a"~~, on an installment which is paid in full within ten days after its scheduled or deferred installment due date even though an earlier maturing installment or a delinquency or deferral charge on an earlier installment may not have been paid in full. For purposes of this subsection payments are applied first to current installments and then to delinquent installments.

Sec. 4. Section 537.3206, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 4. a. A creditor shall credit a payment to the consumer's account as of the date of receipt, except when a delay in crediting does not result in a finance or other charge, including a late charge, or except as provided in paragraph "b". For purposes of this subsection, a delay in posting does not violate this subsection so long as the payment is credited as of the date of receipt.

b. If a creditor specifies requirements for the consumer to follow in making payments on the contract, payment coupon book, payment coupon or statement, or periodic statement, but accepts a payment that does not conform to the requirements, the creditor shall credit the payment within two days of receipt of such payment.

c. If a creditor fails to credit a payment as required by this subsection in time to avoid the imposition of a finance or other charge, including a delinquency charge, the creditor shall adjust the consumer's account so that the charges imposed are credited to the consumer's account during the next payment period.

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