

Sec. 55. CODE EDITOR DIRECTIVE. The Code editor is directed to correct internal references in the Code as necessary due to the enactment of this Act.

Approved April 19, 2005

CHAPTER 39

WEED CONTROL

H.F. 252

AN ACT relating to the control of noxious weeds on land by providing alternative notice procedures to landowners and other responsible persons.

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

Section 1. Section 317.6, Code 2005, is amended to read as follows:

317.6 ENTERING LAND TO DESTROY WEEDS — NOTICE.

~~In case of~~ If there is a substantial failure by the owner or person in possession or control of any land to comply with any order of destruction pursuant to the provisions of this chapter, the county weed commissioner, including the weed commissioner's deputies and, or employees acting under the weed commissioner's direction ~~shall have full power and authority to~~ may enter upon any land within ~~their~~ the commissioner's county for the purpose of destroying noxious weeds. ~~Such~~ The entry may be made without the consent of the landowner or person in possession or control of the land ~~but~~. ~~However, the~~ actual work of destruction shall not be commenced until five days after the ~~service of a notice in writing on the landowner and on the person in possession or in control of the land~~ have been notified. The notice shall state the facts ~~as relating to failure of compliance with the county program of weed destruction order or orders made by the board of supervisors and shall be served in the same manner as an original notice except as hereinafter provided.~~ The notice may shall be served delivered by personal service on the owner and persons in possession and control of the land. The personal service may be served by the weed commissioner, ~~the weed commissioner's deputies or any person designated in writing by the weed commissioner and~~. ~~However, in lieu of personal service, the weed commissioner may provide that the notice be delivered by certified mail. A copy of the notice shall be filed in the office of the county auditor. Provided, however, that service on persons living temporarily or permanently outside of the county may be made by sending the written notice of noncompliance by certified mail to said person at the~~ The last known address ~~to of the owner or person in possession or control of the land may~~ be ascertained, if necessary, from the last tax list in the county treasurer's office. Where any person, ~~firm or corporation~~ owning land within the county has filed a written instrument in the office of the county auditor designating the name and address of its agent, the notice herein provided may be served ~~on~~ delivered to that agent. In computing time ~~hereunder for notice~~, it shall be from the date of service as evidenced on the return ~~or if of service. If delivery is~~ made by certified mail, it shall be from the date of mailing as evidenced by the certified mail book at the post office where mailed.

Sec. 2. Section 317.16, Code 2005, is amended to read as follows:

317.16 FAILURE TO COMPLY.

1. In case of a substantial failure to comply by the date prescribed in any order of destruction

of weeds made pursuant to this chapter, the weed commissioner ~~or the deputies may, subsequent to the time after service of the notice provided for in section 317.6 enter~~ do any of the following:

a. ~~Enter upon the land and as cause provided in section 317.6 and provide for the destruction of the weeds to be destroyed, or may impose as provided in section 317.6.~~

b. Impose a maximum penalty of a ten dollar fine for each day, up to ten days, that the owner or person in possession or control of the land fails to comply. If a penalty is imposed and the owner or person in possession or control of the land fails to comply, the weed commissioner shall cause the weeds to be destroyed.

2. If the weed commissioner enters the land and causes the weeds to be destroyed, the actual cost and expense of cutting, burning or otherwise destroying the weeds, along with the cost of servicing providing notice and special meetings or proceedings, if any, shall be paid by the county and, together with the additional assessment to apply toward costs of supervision and administration, be recovered by an assessment against the tract of real estate on which the weeds were growing, as provided in section 317.21. Any fine imposed under this section shall be recovered by a similar assessment.

Approved April 19, 2005

CHAPTER 40

REAL ESTATE BROKERAGE AGREEMENTS

H.F. 375

AN ACT relating to the duties imposed on a real estate broker by a brokerage agreement.

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

Section 1. Section 543B.5, subsection 7, Code 2005, is amended to read as follows:

7. "Brokerage agreement" means a contract between a broker and a client which establishes the relationship between the parties as to the brokerage services to be performed and contains the provisions required in section 543B.56A.

Sec. 2. **NEW SECTION.** 543B.56A BROKERAGE AGREEMENTS — CONTENTS.

A brokerage agreement shall specify that the broker shall, at a minimum, do all of the following:

1. Accept delivery of and present to the client offers and counteroffers to buy, sell, rent, lease, or exchange the client's property or the property the client seeks to purchase or lease.

2. Assist the client in developing, communicating, negotiating, and presenting offers or counteroffers until a rental agreement, lease, exchange agreement, offer to buy or sell, or purchase agreement is signed and all contingencies are satisfied or waived and the transaction is completed.

3. Answer the client's questions relating to the brokerage agreements, listing agreements, offers, counteroffers, notices, and contingencies.

4. Provide prospective buyers access to listed properties.

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