

CHAPTER 68**CONVEYANCE OR ENCUMBRANCE OF HOMESTEADS —
LEGAL DESCRIPTION***H.F. 298*

AN ACT relating to the conveyance or encumbrance of a homestead and providing an effective and applicability date.

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

Section 1. Section 561.13, Code 2007, is amended to read as follows:

561.13 CONVEYANCE OR ENCUMBRANCE.

A conveyance or encumbrance of, or contract to convey or encumber the homestead, if the owner is married, is not valid, unless and until the spouse of the owner executes the same or a like instrument, or a power of attorney for the execution of the same or a like instrument, ~~and the instrument or power of attorney sets out the legal description of the homestead.~~ However, when the homestead is conveyed or encumbered along with or in addition to other real estate, it is not necessary to particularly describe or set aside the tract of land constituting the homestead, whether the homestead is exclusively the subject of the contract or not, but the contract may be enforced as to real estate other than the homestead at the option of the purchaser or encumbrancer. If a spouse who holds only homestead rights and surviving spouse's statutory share in the homestead specifically relinquishes homestead rights in an instrument, including a power of attorney constituting the other spouse as the husband's or wife's attorney in fact, as provided in section 597.5, it is not necessary for the spouse to join in the granting clause of the same or a like instrument.

Sec. 2. EFFECTIVE AND APPLICABILITY DATE. This Act, being deemed of immediate importance, takes effect upon enactment and applies to powers of attorney in existence on or after the effective date of this Act.

Approved April 16, 2007

CHAPTER 69**OPERATING NONCOMMERCIAL MOTOR VEHICLES
WHILE INTOXICATED — EFFECT ON
COMMERCIAL DRIVER'S LICENSE***H.F. 314*

AN ACT relating to a peace officer's statements to a person operating a noncommercial motor vehicle and holding a commercial driver's license who has been requested to submit to a chemical test in an operating-while-intoxicated case.

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

Section 1. Section 321J.8, subsection 3, unnumbered paragraph 1, Code 2007, is amended to read as follows:

a. If the person is operating a commercial motor vehicle as defined in section 321.1 and ei-