

**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

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**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-

ther refuses to submit to the test or submits to the test and the results indicate an alcohol concentration of 0.04 or more, the person is disqualified from operating a commercial motor vehicle for the applicable period under section 321.208 in addition to any revocation of the person's driver's license or nonresident operating privilege which may be applicable under this chapter.

b. If the person is operating a noncommercial motor vehicle and holding a commercial driver's license as defined in section 321.1 and either refuses to submit to the test or operates a motor vehicle while under the influence of an alcoholic beverage or other drug or controlled substance or a combination of such substances, the person is disqualified from operating a commercial motor vehicle for the applicable period under section 321.208 in addition to any revocation of the person's driver's license or nonresident operating privilege which may be applicable under this chapter.

Approved April 16, 2007

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## CHAPTER 70

### ACQUIRED IMMUNE DEFICIENCY SYNDROME AND HUMAN IMMUNODEFICIENCY VIRUS — MISCELLANEOUS CHANGES

*H.F. 610*

**AN ACT** relating to acquired immune deficiency syndrome and the human immunodeficiency virus.

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

Section 1. Section 141A.1, subsections 2, 8, and 11, Code 2007, are amended to read as follows:

2. "AIDS-related conditions" means ~~the human immunodeficiency virus, or any other condition~~ resulting from the human immunodeficiency virus infection that meets the definition of AIDS as established by the centers for disease control and prevention of the United States department of health and human services.

8. "Health care provider" means a person licensed ~~or certified under chapter 148, 148C, 150, 150A, 152, or 153 to provide professional health care service to a person during the person's medical care, treatment, or confinement to practice medicine and surgery, osteopathic medicine and surgery, osteopathy, chiropractic, podiatry, nursing, dentistry, or optometry, or as a physician assistant, dental hygienist, or acupuncturist.~~

11. "HIV-related test" means a diagnostic test conducted by a laboratory approved pursuant to the federal Clinical Laboratory ~~Improvements Act~~ Improvement Amendments for determining the presence of HIV or antibodies to HIV.

Sec. 2. Section 141A.1, Code 2007, is amended by adding the following new subsection: NEWSUBSECTION. 10A. "HIV-related condition" means any condition resulting from the human immunodeficiency virus infection.

Sec. 3. Section 141A.2, subsections 1, 4, and 6, Code 2007, are amended to read as follows:

1. The department is designated as the lead agency in the coordination and implementation