

**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
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Senate Amendment to  
House File 440

H-1310

- 1 Amend House File 440, as passed by the House, as follows:
- 2 1. Page 1, after line 9 by inserting:
- 3 <Sec. \_\_\_\_ Section 176A.9, subsection 2, Code 2017, is
- 4 amended by striking the subsection.>
- 5 2. Title page, line 1, by striking <filing and publication>
- 6 and inserting <powers and>

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House File 517

H-1311

- 1 Amend the Senate amendment, H-1297, to House File 517, as  
2 amended, passed, and reprinted by the House, as follows:  
3 1. Page 6, after line 12 by inserting:  
4 <\_\_\_. Page 22, after line 23 by inserting:  
5 <Sec. \_\_\_. EFFECTIVE DATE. The following provision or  
6 provisions of this Act take effect July 1, 2018:  
7 1. The section of this Act amending section 8A.322.>>  
8 2. By renumbering as necessary.

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WOLFE of Clinton

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Senate Amendment to  
House File 308

H-1312

- 1 Amend House File 308, as passed by the House, as follows:
- 2 1. Page 1, line 5, after <request.> by inserting <However,
- 3 the recorder shall redact any social security number included
- 4 in a record made available pursuant to this paragraph.>

HF308.2116.S (1) 87

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House File 604

H-1313

1 Amend House File 604 as follows:

2 1. Page 1, after line 21 by inserting:

3 <Sec. \_\_\_\_\_. Section 321.20B, subsection 4, paragraph c, Code  
4 2017, is amended to read as follows:

5 c. (1) An owner or driver cited for a violation of  
6 subsection 1, who produces to the clerk of court prior to the  
7 date of the person's court appearance as indicated on the  
8 citation proof ~~that financial liability coverage was in effect~~  
9 ~~for the motor vehicle at the time the person was stopped and~~  
10 ~~cited of either of the following~~, shall not be convicted of  
11 such violation and the citation issued shall be dismissed by  
12 the ~~court~~, court:

13 (a) Financial liability coverage was in effect for the motor  
14 vehicle at the time the person was stopped and cited.

15 (b) Financial liability coverage was purchased on or after  
16 the date the citation was issued, is in effect for the motor  
17 vehicle, and covers the owner or driver. This subparagraph  
18 division (b) shall only apply if the violation is the owner's  
19 or driver's first violation of subsection 1 occurring on or  
20 after the effective date of this Act.

21 (2) Upon dismissal, the court or clerk of court shall assess  
22 the costs of the action against the defendant named on the  
23 citation.

24 Sec. \_\_\_\_\_. Section 321.20B, subsection 5, paragraph b, Code  
25 2017, is amended to read as follows:

26 b. Issue a citation.

27 (1) An owner or driver who produces to the clerk of court  
28 prior to the date of the person's court appearance as indicated  
29 on the citation proof ~~that the financial liability coverage~~  
30 ~~was in effect for the motor vehicle at the time the person was~~  
31 ~~stopped and cited, or if the driver is not the owner of the~~  
32 ~~motor vehicle, proof that liability coverage was in effect for~~  
33 ~~the driver with respect to the motor vehicle being driven at~~  
34 ~~the time the driver was stopped and cited in the same manner~~  
35 ~~as if the motor vehicle were owned by the driver of either of~~

HF604.2097 (4) 87

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1 the following, shall be given a receipt indicating that proof  
2 was provided, and the citation issued shall be dismissed by the  
3 ~~court.~~ court:

4     (a) Financial liability coverage was in effect for the motor  
5 vehicle at the time the person was stopped and cited, or if  
6 the driver is not the owner of the motor vehicle, proof that  
7 liability coverage was in effect for the driver with respect  
8 to the motor vehicle being driven at the time the driver was  
9 stopped and cited in the same manner as if the motor vehicle  
10 were owned by the driver.

11     (b) Financial liability coverage was purchased on or after  
12 the date the citation was issued, is in effect for the motor  
13 vehicle, and covers the owner or driver. This subparagraph  
14 division (b) shall only apply if the violation is the owner's  
15 or driver's first violation of subsection 1 occurring on or  
16 after the effective date of this Act.

17     (2) Upon dismissal, the court or clerk of court shall assess  
18 the costs of the action against the defendant named on the  
19 citation.

20     Sec. \_\_\_\_\_. Section 321.24, subsection 1, Code 2017, is  
21 amended to read as follows:

22     1. Upon receipt of the application for title and payment of  
23 the required fees for a motor vehicle, trailer, or semitrailer,  
24 the county treasurer or the department shall, when satisfied  
25 as to the application's genuineness and regularity, and, in  
26 the case of a mobile home or manufactured home, that taxes  
27 are not owing under [chapter 423](#) or [435](#), issue a certificate  
28 of title and, except for a mobile home or manufactured home,  
29 a registration receipt, and shall file the application, the  
30 manufacturer's or importer's certificate, the certificate of  
31 title, or other evidence of ownership, as prescribed by the  
32 department. The registration receipt shall be delivered to the  
33 owner and shall contain upon its face the date issued, the name  
34 and address of the owner, the registration number assigned to  
35 the vehicle, the amount of the fee paid, the type of fuel used,

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1 a description of the vehicle as determined by the department,  
2 and a form for notice of transfer of the vehicle. The name  
3 and address of any lessee of the vehicle shall not be printed  
4 on the registration receipt or certificate of title. Up to  
5 three owners may be listed on the registration receipt and  
6 certificate of title. The registration receipt shall contain  
7 upon its face the following notice in boldface, ten point type  
8 in substantially the following language:  
9 FAILURE TO CARRY MOTOR VEHICLE INSURANCE MAY RESULT IN THE  
10 SUSPENSION OF THIS REGISTRATION AND AFFECT YOUR ABILITY TO  
11 REGISTER A MOTOR VEHICLE.>  
12 2. Title page, line 1, by striking <establishing> and  
13 inserting <relating to motor vehicle insurance, including the  
14 establishment of>  
15 3. By renumbering as necessary.

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OLSON of Polk

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VANDER LINDEN of Mahaska

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Senate File 475

H-1314

1 Amend Senate File 475, as amended, passed, and reprinted by  
2 the Senate, as follows:

3 1. Page 13, after line 16 by inserting:

4 <DIVISION \_\_\_\_

5 MISCELLANEOUS EDUCATION PROVISIONS

6 Sec. \_\_\_\_\_. Section 256.11, subsection 5, paragraph b, Code  
7 2017, is amended to read as follows:

8 b. Five units of the social studies including instruction  
9 in voting statutes and procedures, voter registration  
10 requirements, the use of paper ballots and voting systems in  
11 the election process, and the method of acquiring and casting  
12 an absentee ballot. All students shall complete a minimum  
13 of one-half unit of United States government and one unit of  
14 United States history. The one-half unit of United States  
15 government shall include the voting procedure as described in  
16 this lettered paragraph and [section 280.9A](#). The government  
17 instruction shall also include a study of the Constitution  
18 of the United States and the Bill of Rights contained in the  
19 Constitution and an assessment of a student's knowledge of  
20 the Constitution and the Bill of Rights. This assessment  
21 requirement may be satisfied using the one hundred question  
22 civics portion of the naturalization examination administered  
23 by the United States citizenship and immigration services.>

24 2. By renumbering as necessary.

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HEARTSILL of Marion

SF475.2070 (1) 87

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Senate File 234

H-1315

1 Amend Senate File 234, as amended, passed, and reprinted by  
2 the Senate, as follows:

3 1. Page 2, after line 12 by inserting:

4 <Sec. \_\_\_\_\_. Section 321.299, Code 2017, is amended to read  
5 as follows:

6 **321.299 Overtaking a vehicle or bicycle.**

7 The following rules shall govern the overtaking and passing  
8 of vehicles and bicycles proceeding in the same direction,  
9 subject to those limitations, exceptions, and special rules  
10 hereinafter stated:

11 1. The driver of a vehicle overtaking another vehicle  
12 proceeding in the same direction shall pass to the left of the  
13 other vehicle at a safe distance and shall not again drive  
14 to the right side of the roadway until safely clear of the  
15 overtaken vehicle.

16 2. Except when overtaking and passing on the right is  
17 permitted, the driver of an overtaken vehicle shall give way  
18 to the right in favor of the overtaking vehicle and shall not  
19 increase the speed of the overtaken vehicle until completely  
20 passed by the overtaking vehicle.

21 3. The driver of a vehicle overtaking a person riding a  
22 bicycle proceeding in the same direction on a roadway shall  
23 pass to the left of the bicycle in an adjacent travel lane or  
24 on the opposite side of the roadway and shall not again drive  
25 to the right side of the roadway until safely clear of the  
26 overtaken bicycle in accordance with section 321.281. This  
27 subsection shall not apply to a vehicle overtaking a bicycle  
28 which is traveling on a paved shoulder or in a lane designated  
29 for the travel of bicycles.

30 Sec. \_\_\_\_\_. Section 321.304, Code 2017, is amended to read as  
31 follows:

32 **321.304 Prohibited passing.**

33 ~~No~~ A vehicle shall not, in overtaking and passing another  
34 vehicle, a bicycle, or at any other time, be driven to the left  
35 side of the roadway under the following conditions:

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1     1. When approaching the crest of a grade or upon a curve  
2 in the highway where the driver's view along the highway is  
3 obstructed for a distance of approximately seven hundred feet.

4     2. When approaching within one hundred feet of any narrow  
5 bridge, viaduct, or tunnel, when so signposted, or when  
6 approaching within one hundred feet of or traversing any  
7 intersection or railroad grade crossing.

8     3. Where official signs are in place directing that traffic  
9 keep to the right or a distinctive center line or off-center  
10 line is marked, which distinctive line also so directs traffic  
11 as declared in the sign manual adopted by the department of  
12 transportation. This subsection shall not apply to a vehicle  
13 overtaking and passing a bicycle, provided the vehicle complies  
14 with section 321.303.

15     Sec. \_\_\_\_\_. Section 321.385A, Code 2017, is amended to read  
16 as follows:

17     **321.385A Citation for unlighted headlamp, rear lamp, bicycle**  
18 **lamp, or rear registration plate light.**

19     1. *a.* A citation issued for failure to have headlamps  
20 as required under section 321.385 shall first provide for a  
21 ~~seventy-two hour~~ seventy-two-hour period within which the  
22 person charged with the violation shall replace or repair the  
23 headlamp.

24     *b.* A citation issued for failure to have rear lamps as  
25 required under section 321.387 or a rear registration plate  
26 light as required under section 321.388 shall first provide for  
27 a ~~seventy-two hour~~ seventy-two-hour period within which the  
28 person charged with the violation shall replace or repair the  
29 lamps or light.

30     *c.* A citation issued for failure to have a front or rear  
31 lamp on a bicycle or on a bicycle rider as required under  
32 section 321.397 shall first provide for a seventy-two-hour  
33 period within which the person charged with the violation shall  
34 replace or repair the lamp.

35     2. If the person complies with the directive to replace

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1 or repair the headlamp, rear lamps, bicycle lamp, or rear  
2 registration plate light within the allotted time period,  
3 the citation shall be expunged. If the person fails to  
4 comply within the allotted time period, the citation shall be  
5 processed in the same manner as other citations.

6 3. A citation issued under this section shall include  
7 a written notice of replacement or repair which shall  
8 indicate the date of replacement or repair and the manner in  
9 which the replacement or repair occurred and which shall be  
10 returned to the issuing authority within the ~~seventy-two hour~~  
11 seventy-two-hour time period.

12 Sec. \_\_\_\_\_. Section 321.397, Code 2017, is amended to read as  
13 follows:

14 **321.397 Lamps on bicycles.**

15 ~~Every~~ At any time from sunset to sunrise, a bicycle shall  
16 be equipped with a lamp on the front exhibiting a steady  
17 or flashing white light, ~~at the times specified in section~~  
18 ~~321.384,~~ visible from a distance of at least three hundred  
19 feet to the front, and every bicycle or bicycle rider shall  
20 be equipped with a lamp ~~on the rear~~ exhibiting a steady or  
21 flashing red light visible from a distance of three hundred  
22 feet to the rear; ~~except that a red reflector may be used in~~  
23 ~~lieu of a rear light.~~ A peace officer riding a police bicycle  
24 is not required to use either front or rear lamps if duty so  
25 requires.

26 Sec. \_\_\_\_\_. Section 321.423, subsection 2, Code 2017, is  
27 amended by adding the following new paragraph:

28 NEW PARAGRAPH. k. A flashing white or red light equipped on  
29 a bicycle operating on a highway pursuant to section 321.397  
30 is permitted.

31 Sec. \_\_\_\_\_. Section 321.423, subsection 7, paragraph a,  
32 unnumbered paragraph 1, Code 2017, is amended to read as  
33 follows:

34 Except as provided in section 321.373, subsection 7, and  
35 subsection 2, paragraphs "c", and "i", and "k" of this section,

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1 a flashing white light shall only be used on a vehicle in the  
2 following circumstances:>  
3 2. Title page, line 1, after <to> by inserting <public  
4 safety on highways, including>  
5 3. Title page, line 3, after <offense> by inserting <and the  
6 safe operation of bicycles>  
7 4. By renumbering as necessary.

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KRESSIG of Black Hawk

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**House File 630 - Introduced**

HOUSE FILE 630  
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 559)  
(SUCCESSOR TO HSB 126)

**A BILL FOR**

1 An Act relating to banks, credit unions, and certain consumer  
2 credit transactions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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H.F. 630

1 Section 1. Section 524.213, Code 2017, is amended to read  
2 as follows:

3 **524.213 Duties and powers of superintendent.**

4 The superintendent shall have general control, supervision  
5 and regulation of all state banks and shall be charged with  
6 the administration, interpretation, and execution of the laws,  
7 rules, and regulations of this state and any other state or  
8 federal law or regulation relating to banks and banking and  
9 with such other duties and responsibilities as are imposed  
10 upon the superintendent by the laws of this state. The  
11 superintendent shall have power to adopt and promulgate such  
12 rules and regulations as necessary to carry out and enforce,  
13 properly and effectively, the provisions of **this chapter** and  
14 chapter 12C applicable to banks.

15 Sec. 2. Section 524.612, subsections 1, 2, and 5, Code 2017,  
16 are amended by striking the subsections.

17 Sec. 3. Section 524.612, subsection 3, Code 2017, is amended  
18 to read as follows:

19 3. A director shall not receive terms or be paid a rate  
20 of interest on deposits, by a state bank of which the person  
21 is a director, which are more favorable than that provided to  
22 any other customer under similar circumstances. Any waiver of  
23 ordinary or customary charges related to deposit accounts shall  
24 not violate this subsection.

25 Sec. 4. Section 524.613, subsection 2, Code 2017, is amended  
26 by striking the subsection.

27 Sec. 5. Section 524.706, subsection 1, Code 2017, is amended  
28 by striking the subsection.

29 Sec. 6. Section 524.706, subsection 2, Code 2017, is amended  
30 to read as follows:

31 2. Section 524.612, ~~subsection 2,~~ applies to executive  
32 officers, ~~and section 524.612, subsections 3 and 4, apply to~~  
33 ~~all officers and employees.~~

34 Sec. 7. Section 524.710, subsection 2, Code 2017, is amended  
35 by striking the subsection.

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1     Sec. 8. Section 524.1601, subsection 1, paragraph b, Code  
2 2017, is amended to read as follows:

3     b. The amount by which the director's, or executive  
4 ~~officer's, or employee's~~ deposit account in the state bank  
5 or bank holding company is overdrawn, ~~upon conviction of a~~  
6 ~~in violation of section 524.613, subsection 2, or of section~~  
7 ~~524.710, subsection 2~~ 12 C.F.R. §215.4(e).

8     Sec. 9. Section 524.1601, subsection 2, Code 2017, is  
9 amended to read as follows:

10    2. A director or officer who willfully makes or receives a  
11 loan in violation of ~~section 524.612, subsection 1, or section~~  
12 ~~524.706, subsection 1~~ 12 C.F.R. §215.4 or 215.5, shall be  
13 guilty of a serious misdemeanor and shall be subject to an  
14 additional fine equal to that amount of the loan in excess  
15 of the limitation imposed by such ~~subsections~~ regulations,  
16 and shall be forever disqualified from acting as a director  
17 or officer of any state bank or bank holding company. ~~For~~  
18 ~~the purpose of this subsection, amounts which are treated as~~  
19 ~~obligations of an officer or director pursuant to section~~  
20 ~~524.612, subsection 5, shall be considered in determining~~  
21 ~~whether the loan or extension of credit is in violation of~~  
22 section 524.612, subsection 1, and section 524.706, subsection  
23 1.

24    Sec. 10. Section 524.1806, Code 2017, is amended to read as  
25 follows:

26    **524.1806 Banks owned or controlled — officers and directors.**

27    An individual who is a director or an officer of a bank  
28 holding company, as specified by section 524.1801, is deemed  
29 to be a director or an officer, or both, as the case may be, of  
30 each bank so owned or controlled by that bank holding company,  
31 for the purposes of sections 524.612, 524.613 and 524.706, and  
32 for the purposes of 12 C.F.R. pt. 215.

33    Sec. 11. Section 533.205, subsection 7, Code 2017, is  
34 amended to read as follows:

35    7. A state credit union ~~shall not~~ may pay an overdraft of a

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1 director, officer, or employee of the state credit union on an  
2 account at the state credit union, ~~unless~~ subject to the rules  
3 of the superintendent, when the payment of funds is made in  
4 accordance with either any of the following:

5     a. A written, preauthorized, interest-bearing extension of  
6 credit plan that specifies a method of repayment.

7     b. A written, preauthorized transfer of collected funds  
8 from another account of the account holder at the state credit  
9 union.

10     c. The overdraft is paid pursuant to an overdraft protection  
11 plan or courtesy pay program.

12     Sec. 12. Section 537.2301, Code 2017, is amended by adding  
13 the following new subsection:

14     NEW SUBSECTION. 2A. A supervised loan made by a person in  
15 violation of subsection 2 shall be void and the consumer is  
16 not obligated to pay either the amount financed or the finance  
17 charge. If the consumer has paid any part of the amount  
18 financed or the finance charge, the consumer has a right to  
19 recover the payment from the person in violation of subsection  
20 2 or from an assignee of that person's rights who undertakes  
21 direct collection of payments or enforcement of rights arising  
22 from the debt. With respect to violations arising from  
23 loans made pursuant to open-end credit, no action pursuant  
24 to this subsection may be brought more than two years after  
25 the violation occurred. With respect to violations arising  
26 from other loans, no action pursuant to this subsection may  
27 be brought more than one year after the due date of the last  
28 scheduled payment of the agreement pursuant to which the charge  
29 was paid.

30     Sec. 13. Section 537.2501, subsection 1, paragraph f,  
31 subparagraph (1), Code 2017, is amended to read as follows:

32     (1) With respect to open-end credit pursuant to a credit  
33 card issued by the creditor which entitles the cardholder  
34 to purchase or lease goods or services from at least one  
35 hundred persons not related to the card issuer, the parties

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1 may contract for an over-limit charge ~~up to fifteen dollars in~~  
2 accordance with 12 C.F.R. §1026.52(b) if the balance of the  
3 account exceeds the credit limit established pursuant to the  
4 agreement. The over-limit charge under this paragraph shall  
5 not be assessed again in a subsequent billing cycle unless in a  
6 subsequent billing cycle the account balance has been reduced  
7 below the credit limit.

8 Sec. 14. Section 537.2501, subsection 1, paragraph g, Code  
9 2017, is amended to read as follows:

10 ~~g. A surcharge of not more than five percent of the amount~~  
11 ~~of the face value of the payment instrument or twenty dollars,~~  
12 ~~whichever is greater, for each dishonored payment instrument~~  
13 ~~provided that the fee is clearly and conspicuously disclosed~~  
14 ~~in the cardholder agreement. However, the amount of the~~  
15 ~~surcharge shall not exceed twenty dollars unless the check,~~  
16 ~~draft, or order was presented twice or the maker does not have~~  
17 ~~an account with the drawee. If the check, draft, or order was~~  
18 ~~presented twice or the maker does not have an account with the~~  
19 ~~drawee, the amount of the surcharge shall not exceed fifty~~  
20 ~~dollars as provided for in section 554.3512 for a dishonored~~  
21 ~~check, draft, or order that was accepted as payment for a~~  
22 consumer credit transaction payment. The surcharge shall not  
23 be assessed against the maker if the reason for the dishonor of  
24 the instrument is that the maker has stopped payment pursuant  
25 to section 554.4403.

26 Sec. 15. Section 537.2501, subsection 1, Code 2017, is  
27 amended by adding the following new paragraph:

28 NEW PARAGRAPH. k. Credit reporting charges.

29 Sec. 16. Section 537.2502, subsection 1, paragraph a,  
30 subparagraph (1), Code 2017, is amended to read as follows:

31 (1) Five percent of the unpaid amount of the installment, or  
32 a maximum of twenty thirty dollars.

33 Sec. 17. Section 537.2502, subsection 1, paragraph b, Code  
34 2017, is amended to read as follows:

35 *b.* For an interest-bearing transaction, an amount not

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1 exceeding five percent of the unpaid amount of the installment,  
2 or a maximum of ~~fifteen~~ thirty dollars.

3     Sec. 18. Section 537.2502, subsection 4, Code 2017, is  
4 amended to read as follows:

5     4. With respect to open-end credit, the parties may contract  
6 for a delinquency charge on any payment not paid in full when  
7 due, as originally scheduled or as deferred, in an amount up to  
8 ~~fifteen~~ thirty dollars.

9     Sec. 19. Section 537.2510, Code 2017, is amended by adding  
10 the following new subsection:

11     NEW SUBSECTION. 8. This section does not apply to a  
12 financial institution as defined in section 537.1301.

13     Sec. 20. Section 537.5201, subsection 3, Code 2017, is  
14 amended to read as follows:

15     3. If a creditor has contracted for or received a charge  
16 in excess of that allowed by this chapter, or if a consumer  
17 is entitled to a refund and a person liable to the consumer  
18 refuses to make a refund within a reasonable time after demand,  
19 the consumer may recover from the creditor or the person  
20 liable, in an action other than a class action, the excess  
21 charge or refund and a penalty in an amount determined by the  
22 court not less than ~~one~~ two hundred dollars or more than ~~one~~  
23 two thousand dollars. With respect to excess charges arising  
24 from sales or loans made pursuant to open-end credit, no action  
25 pursuant to this subsection may be brought more than two years  
26 after the time the excess charge was made. With respect to  
27 excess charges arising from other consumer credit transactions  
28 no action pursuant to this subsection may be brought more than  
29 one year after the due date of the last scheduled payment of  
30 the agreement pursuant to which the charge was made. For  
31 purposes of this subsection, a reasonable time is presumed to  
32 be thirty days.

33     Sec. 21. Section 537.5203, subsection 1, paragraph a, Code  
34 2017, is amended to read as follows:

35     a. Twice the amount of the finance charge in connection with

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1 the transaction, but the liability pursuant to this paragraph  
2 shall be not less than ~~one~~ two hundred dollars or more than ~~one~~  
3 two thousand dollars.

4 Sec. 22. Section 537.6113, subsection 2, Code 2017, is  
5 amended to read as follows:

6 2. The administrator may bring a civil action against a  
7 person to recover a civil penalty of no more than ~~five~~ ten  
8 thousand dollars for repeatedly and intentionally violating  
9 this chapter. No civil penalty pursuant to this subsection  
10 may be imposed for violations of this chapter occurring more  
11 than two years before the action is brought or for making  
12 unconscionable agreements or engaging in a course of fraudulent  
13 or unconscionable conduct.

14 Sec. 23. Section 537.6203, subsections 1 and 4, Code 2017,  
15 are amended to read as follows:

16 1. A person required to file notification shall pay to the  
17 administrator an annual fee of ~~ten~~ fifty dollars. The fee  
18 shall be paid with the filing of the first notification and on  
19 or before January 31 of each succeeding year.

20 4. In addition to the penalties provided by section  
21 537.6113, subsection 3, the administrator may collect a charge,  
22 established by rule, not exceeding ~~twenty-five~~ seventy-five  
23 dollars from each person required to pay fees under this  
24 section who fails to pay the fees in full within thirty days  
25 after they are due.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with  
28 the explanation's substance by the members of the general assembly.

29 This bill relates to banks, credit unions, and certain  
30 consumer credit transactions.

31 The bill modifies several provisions relating to state  
32 banks in Code chapter 524. The bill specifies that the  
33 superintendent of banking is charged with the administration,  
34 interpretation, and execution of the laws, rules, and  
35 regulations of any state or federal law or regulation relating

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1 to banking. The bill eliminates various provisions applicable  
2 to the directors and officers of state banks, including  
3 limitations on the receipt of loans and extensions of credit  
4 by such persons. However, the bill adds several references to  
5 federal law regulating loans to directors and officers in Code  
6 chapter 524.

7 Current Code section 533.205(7) provides that a state credit  
8 union shall not pay an overdraft of a director, officer, or  
9 employee, unless the payment is made in accordance with an  
10 extension of credit plan or transfer of funds from another  
11 account at the state credit union. The bill modifies this  
12 Code section by providing that a state credit union may pay  
13 an overdraft of a director, officer, or employee, subject to  
14 the rules of the superintendent, when the payment is made in  
15 accordance with an extension of credit plan, transfer of funds  
16 from another account at the state credit union, or pursuant to  
17 an overdraft protection plan or courtesy pay program.

18 Current Code section 537.2301 authorizes certain persons to  
19 make supervised loans. The bill provides that a supervised  
20 loan made by a person in violation of Code section 537.2301(2)  
21 is void and the consumer is not obligated to pay the amount  
22 financed or the finance charge. A consumer who has already  
23 paid any part of such amount or charge may recover the payment.  
24 With respect to violations arising from loans made pursuant  
25 to open-end credit, no action may be brought pursuant to the  
26 bill more than two years after the violation occurred. With  
27 respect to violations arising from other loans, no action may  
28 be brought pursuant to the bill more than one year after the  
29 due date of the last scheduled payment of the agreement for  
30 which the charge was paid.

31 Current Code section 537.2501 sets forth the charges that  
32 a creditor may receive in addition to a finance charge. The  
33 bill modifies the over-limit charge the parties to an open-end  
34 credit pursuant to a credit card transaction may contract for  
35 from up to \$15 to a charge in accordance with federal law. The

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1 bill modifies the surcharge in Code section 537.2501(1)(g) to  
2 authorize a surcharge for a dishonored check, draft, or order  
3 not to exceed \$30 as provided for in Code section 554.3512.  
4 The bill also provides that a creditor may receive credit  
5 reporting charges.

6 Current Code section 537.2502 allows the parties in certain  
7 consumer credit transactions to contract for delinquency  
8 charges. For a precomputed consumer credit transaction, the  
9 maximum delinquency charge is increased from the greater of 5  
10 percent of the unpaid installment or \$20, to the greater of  
11 5 percent of the unpaid installment or \$30, or the deferral  
12 charge amount. For an interest-bearing consumer credit  
13 transaction, the maximum delinquency charge is increased from 5  
14 percent of the unpaid installment or \$15, to 5 percent of the  
15 unpaid installment or \$30. For an open-credit arrangement, the  
16 maximum delinquency charge is increased from \$15 to \$30.

17 Current Code section 537.2510 requires creditors to rebate  
18 certain amounts to consumers upon the prepayment of precomputed  
19 consumer credit transactions. The bill provides that Code  
20 section 537.2510 does not apply to financial institutions as  
21 defined in Code section 537.1301. This would include banks,  
22 savings and loan associations, or state banks incorporated  
23 under state or federal law, and credit unions organized under  
24 state or federal law.

25 Current Code section 537.5201 sets forth the remedies  
26 available to consumers for violations of Code chapter 537. The  
27 bill increases the penalty a creditor must pay for contracting  
28 for or receiving a charge in excess of that allowed by Code  
29 chapter 537 from not less than \$100 or more than \$1,000, to not  
30 less than \$200 or more than \$2,000.

31 Current Code section 537.5203 sets forth the civil liability  
32 of a creditor who fails to disclose information to a person  
33 entitled to the information under Code chapter 537. The bill  
34 increases the amount a creditor is liable to such person from  
35 not less than \$100 or more than \$1,000 to not less than \$200 or

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1 more than \$2,000.

2     Current Code section 537.6113 allows the attorney general to  
3 bring civil actions to recover moneys under Code chapter 537.  
4 The bill increases the civil penalty the attorney general may  
5 recover from a person for repeated and intentional violations  
6 of Code chapter 537 from no more than \$5,000 to no more than  
7 \$10,000.

8     Current Code section 537.6203 sets forth various fees and  
9 charges for persons required to file notification pursuant to  
10 Code chapter 537. The bill increases the annual fee for a  
11 person required to file notification from \$10 to \$50. The bill  
12 also increases the late charge for failure to pay a fee within  
13 30 days that it is due from no more than \$25 per person to no  
14 more than \$75 per person.

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House Amendment to  
Senate File 471

S-3289

1 Amend Senate File 471, as amended, passed, and reprinted by  
2 the Senate, as follows:

3 1. By striking everything after the enacting clause and  
4 inserting:

<DIVISION I

PREREQUISITES FOR ABORTION

7 Section 1. Section 146A.1, Code 2017, is amended by striking  
8 the section and inserting in lieu thereof the following:

9 **146A.1 Prerequisites for abortion — ultrasound — licensee**  
10 **discipline — interpretation.**

11 1. A physician performing an abortion shall obtain written  
12 certification from the pregnant woman of all of the following  
13 at least seventy-two hours prior to performing an abortion:

14 a. That the woman has undergone an ultrasound imaging of the  
15 unborn child that displays the approximate age of the unborn  
16 child.

17 b. That the woman was given the opportunity to see the  
18 unborn child by viewing the ultrasound image of the unborn  
19 child.

20 c. That the woman was given the option of hearing a  
21 description of the unborn child based on the ultrasound image  
22 and hearing the heartbeat of the unborn child.

23 d. (1) That the woman has been provided information  
24 regarding all of the following, based upon the materials  
25 developed by the department of public health pursuant to  
26 subparagraph (2):

27 (a) The options relative to a pregnancy, including  
28 continuing the pregnancy to term and retaining parental rights  
29 following the child's birth, continuing the pregnancy to  
30 term and placing the child for adoption, and terminating the  
31 pregnancy.

32 (b) The indicators, contra-indicators, and risk factors  
33 including any physical, psychological, or situational factors  
34 related to the abortion in light of the woman's medical history  
35 and medical condition.

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1       (2) The department of public health shall make available to  
2 physicians, upon request, all of the following information:

3       (a) Geographically indexed materials designed to inform the  
4 woman about public and private agencies and services available  
5 to assist a woman through pregnancy, at the time of childbirth,  
6 and while the child is dependent. The materials shall include  
7 a comprehensive list of the agencies available, categorized by  
8 the type of services offered, and a description of the manner  
9 by which the agency may be contacted.

10       (b) Materials that encourage consideration of placement for  
11 adoption. The materials shall inform the woman of the benefits  
12 of adoption, including the requirements of confidentiality in  
13 the adoption process, the importance of adoption to individuals  
14 and society, and the state's interest in promoting adoption by  
15 preferring adoption over abortion.

16       (c) Materials that contain objective information describing  
17 the methods of abortion procedures commonly used, the medical  
18 risks commonly associated with each such procedure, and the  
19 possible detrimental physical and psychological effects of  
20 abortion.

21       2. Compliance with the prerequisites of this section shall  
22 not apply to any of the following:

23       a. An abortion performed to save the life of a pregnant  
24 woman.

25       b. An abortion performed in a medical emergency.

26       c. The performance of a medical procedure by a physician  
27 that in the physician's reasonable medical judgment is designed  
28 to or intended to prevent the death or to preserve the life of  
29 the pregnant woman.

30       3. A physician who violates this section is subject to  
31 licensee discipline pursuant to section 148.6.

32       4. This section shall not be construed to impose civil  
33 or criminal liability on a woman upon whom an abortion is  
34 performed, or to prohibit the sale, use, prescription, or  
35 administration of a measure, drug, or chemical designed for the



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1 purposes of contraception.

2 5. The board of medicine shall adopt rules pursuant to  
3 chapter 17A to administer this section.

4 6. As used in this section, "*unborn child*" means an  
5 individual organism of the species homo sapiens from  
6 fertilization to live birth.

7 DIVISION II

8 PROHIBITIONS ON ABORTION — TWENTY WEEKS POSTFERTILIZATION

9 Sec. 2. NEW SECTION. 146B.1 Definitions.

10 As used in this chapter, unless the context otherwise  
11 requires:

12 1. "*Abortion*" means the termination of a human pregnancy  
13 with the intent other than to produce a live birth or to remove  
14 a dead fetus.

15 2. "*Attempt to perform an abortion*" means an act, or  
16 an omission of a statutorily required act, that, under the  
17 circumstances as the actor believes them to be, constitutes a  
18 substantial step in a course of conduct planned to culminate in  
19 the performing of an abortion.

20 3. "*Department*" means the department of public health.

21 4. "*Fertilization*" means the fusion of a human spermatozoon  
22 with a human ovum.

23 5. "*Major bodily function*" includes but is not limited  
24 to functions of the immune system, normal cell growth, and  
25 digestive, bowel, bladder, neurological, brain, respiratory,  
26 circulatory, endocrine, and reproductive functions.

27 6. "*Medical emergency*" means a situation in which an  
28 abortion is performed to preserve the life of the pregnant  
29 woman whose life is endangered by a physical disorder, physical  
30 illness, or physical injury, including a life-endangering  
31 physical condition caused by or arising from the pregnancy, or  
32 when continuation of the pregnancy will create a serious risk  
33 of substantial and irreversible impairment of a major bodily  
34 function of the pregnant woman.

35 7. "*Medical facility*" means any public or private hospital,

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1 clinic, center, medical school, medical training institution,  
2 health care facility, physician's office, infirmary,  
3 dispensary, ambulatory surgical center, or other institution or  
4 location where medical care is provided to any person.

5 8. *"Perform", "performed", or "performing"*, relative to an  
6 abortion, means the use of any means, including medical or  
7 surgical, to terminate the pregnancy of a woman known to be  
8 pregnant with the intent other than to produce a live birth or  
9 to remove a dead fetus.

10 9. *"Physician"* means a person licensed under chapter 148.

11 10. *"Postfertilization age"* means the age of the unborn  
12 child as calculated from fertilization.

13 11. *"Probable postfertilization age"* means what, in  
14 reasonable medical judgment, will with reasonable probability  
15 be the postfertilization age of the unborn child at the time  
16 the abortion is to be performed.

17 12. *"Reasonable medical judgment"* means a medical judgment  
18 made by a reasonably prudent physician who is knowledgeable  
19 about the case and the treatment possibilities with respect to  
20 the medical conditions involved.

21 13. *"Unborn child"* means an individual organism of the  
22 species homo sapiens from fertilization until live birth.

23 Sec. 3. NEW SECTION. **146B.2 Determination of**  
24 **postfertilization age — abortion prohibited at twenty or**  
25 **more weeks postfertilization age — exceptions — reporting**  
26 **requirements — penalties.**

27 1. Except in the case of a medical emergency, in addition  
28 to compliance with the prerequisites of chapter 146A, an  
29 abortion shall not be performed or be attempted to be performed  
30 unless the physician performing the abortion has first made  
31 a determination of the probable postfertilization age of the  
32 unborn child or relied upon such a determination made by  
33 another physician. In making such a determination, a physician  
34 shall make such inquiries of the pregnant woman and perform or  
35 cause to be performed such medical examinations and tests the

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1 physician considers necessary in making a reasonable medical  
2 judgment to accurately determine the postfertilization age of  
3 the unborn child.

4     2. *a.* A physician shall not perform or attempt to perform  
5 an abortion upon a pregnant woman when it has been determined,  
6 by the physician performing the abortion or by another  
7 physician upon whose determination that physician relies,  
8 that the probable postfertilization age of the unborn child  
9 is twenty or more weeks unless, in the physician's reasonable  
10 medical judgment, any of the following applies:

11     (1) The pregnant woman has a condition which the physician  
12 deems a medical emergency.

13     (2) The abortion is necessary to preserve the life of an  
14 unborn child.

15     *b.* If an abortion is performed under this subsection, the  
16 physician shall terminate the human pregnancy in the manner  
17 which, in the physician's reasonable medical judgment, provides  
18 the best opportunity for an unborn child to survive, unless, in  
19 the physician's reasonable medical judgment, termination of the  
20 human pregnancy in that manner would pose a greater risk than  
21 any other available method of the death of the pregnant woman  
22 or of the substantial and irreversible physical impairment of a  
23 major bodily function. A greater risk shall not be deemed to  
24 exist if it is based on a claim or diagnosis that the pregnant  
25 woman will engage in conduct which would result in the pregnant  
26 woman's death or in substantial and irreversible physical  
27 impairment of a major bodily function.

28     3. A physician who performs or attempts to perform an  
29 abortion shall report to the department, on a schedule and in  
30 accordance with forms and rules adopted by the department, all  
31 of the following:

32     *a.* If a determination of probable postfertilization age of  
33 the unborn child was made, the probable postfertilization age  
34 determined and the method and basis of the determination.

35     *b.* If a determination of probable postfertilization age of

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1 the unborn child was not made, the basis of the determination  
2 that a medical emergency existed.

3     *c.* If the probable postfertilization age of the unborn  
4 child was determined to be twenty or more weeks, the basis of  
5 the determination of a medical emergency, or the basis of the  
6 determination that the abortion was necessary to preserve the  
7 life of an unborn child.

8     *d.* The method used for the abortion and, in the case of  
9 an abortion performed when the probable postfertilization age  
10 was determined to be twenty or more weeks, whether the method  
11 of abortion used was one that, in the physician's reasonable  
12 medical judgment, provided the best opportunity for an unborn  
13 child to survive or, if such a method was not used, the basis  
14 of the determination that termination of the human pregnancy  
15 in that manner would pose a greater risk than would any other  
16 available method of the death of the pregnant woman or of the  
17 substantial and irreversible physical impairment of a major  
18 bodily function.

19     4. *a.* By June 30, annually, the department shall issue a  
20 public report providing statistics for the previous calendar  
21 year, compiled from the reports for that year submitted in  
22 accordance with subsection 3. The department shall ensure that  
23 none of the information included in the public reports could  
24 reasonably lead to the identification of any woman upon whom an  
25 abortion was performed.

26     *b.* (1) A physician who fails to submit a report by the end  
27 of thirty days following the due date shall be subject to a  
28 late fee of five hundred dollars for each additional thirty-day  
29 period or portion of a thirty-day period the report is overdue.

30     (2) A physician required to report in accordance with  
31 subsection 3 who has not submitted a report or who has  
32 submitted only an incomplete report more than one year  
33 following the due date, may, in an action brought in the  
34 manner in which actions are brought to enforce chapter 148,  
35 be directed by a court of competent jurisdiction to submit a

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1 complete report within a time period stated by court order or  
2 be subject to contempt of court.

3 (3) A physician who intentionally or recklessly falsifies  
4 a report required under this section is subject to a civil  
5 penalty of one hundred dollars.

6 5. Any medical facility in which a physician is authorized  
7 to perform an abortion shall implement written medical  
8 policies and procedures consistent with the requirements and  
9 prohibitions of this chapter.

10 6. The department shall adopt rules to implement this  
11 section.

12 Sec. 4. NEW SECTION. **146B.3 Civil actions and penalties.**

13 1. Failure of a physician to comply with any provision of  
14 section 146B.2, with the exception of the late filing of a  
15 report or failure to submit a complete report in compliance  
16 with a court order, is grounds for licensee discipline under  
17 chapter 148.

18 2. A woman upon whom an abortion has been performed in  
19 violation of this chapter may maintain an action against the  
20 physician who performed the abortion in intentional or reckless  
21 violation of this chapter for actual damages.

22 3. A woman upon whom an abortion has been attempted in  
23 violation of this chapter may maintain an action against the  
24 physician who attempted the abortion in intentional or reckless  
25 violation of this chapter for actual damages.

26 4. A cause of action for injunctive relief to prevent a  
27 physician from performing abortions may be maintained against a  
28 physician who has intentionally violated this chapter by the  
29 woman upon whom the abortion was performed or attempted, by  
30 a parent or guardian of the woman if the woman is less than  
31 eighteen years of age at the time the abortion was performed  
32 or attempted, by a current or former licensed health care  
33 provider of the woman, by a county attorney with appropriate  
34 jurisdiction, or by the attorney general.

35 5. If the plaintiff prevails in an action brought under

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1 this section, the plaintiff shall be entitled to an award for  
2 reasonable attorney fees.

3     6. If the defendant prevails in an action brought under  
4 this section and the court finds that the plaintiff's suit was  
5 frivolous and brought in bad faith, the defendant shall be  
6 entitled to an award for reasonable attorney fees.

7     7. Damages and attorney fees shall not be assessed against  
8 the woman upon whom an abortion was performed or attempted  
9 except as provided in subsection 6.

10    8. In a civil proceeding or action brought under this  
11 chapter, the court shall rule whether the anonymity of any  
12 woman upon whom an abortion has been performed or attempted  
13 shall be preserved from public disclosure if the woman does not  
14 provide consent to such disclosure. The court, upon motion  
15 or on its own motion, shall make such a ruling and, upon  
16 determining that the woman's anonymity should be preserved,  
17 shall issue orders to the parties, witnesses, and counsel  
18 and shall direct the sealing of the record and exclusion of  
19 individuals from courtrooms or hearing rooms to the extent  
20 necessary to safeguard the woman's identity from public  
21 disclosure. Each such order shall be accompanied by specific  
22 written findings explaining why the anonymity of the woman  
23 should be preserved from public disclosure, why the order is  
24 essential to that end, how the order is narrowly tailored to  
25 serve that interest, and why no reasonable less restrictive  
26 alternative exists. In the absence of written consent of the  
27 woman upon whom an abortion has been performed or attempted,  
28 anyone, other than a public official, who brings an action  
29 under this section shall do so under a pseudonym. This  
30 subsection shall not be construed to conceal the identity  
31 of the plaintiff or of witnesses from the defendant or from  
32 attorneys for the defendant.

33    9. This chapter shall not be construed to impose civil  
34 or criminal liability on a woman upon whom an abortion is  
35 performed or attempted.

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1                                   DIVISION III

2                                   LEGISLATIVE INTENT

3       Sec. 5. LEGISLATIVE INTENT. It is the intent of the  
4 general assembly to enact policies that protect all unborn  
5 life. However, this Act shall not be interpreted to create or  
6 recognize a right to an abortion or to prohibit abortion prior  
7 to an unborn child reaching a postfertilization age of twenty  
8 weeks.

9                                   DIVISION IV

10                               SEVERABILITY — EFFECTIVE DATE

11       Sec. 6. SEVERABILITY CLAUSE. If any provision of this Act  
12 or its application to a person or circumstance is held invalid,  
13 the invalidity does not affect other provisions of applications  
14 of this Act which can be given effect without the invalid  
15 provision or application, and to this end the provisions of  
16 this Act are severable.

17       Sec. 7. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
18 immediate importance, takes effect upon enactment.>

19       2. Title page, by striking lines 1 and 2 and inserting  
20 <An Act relating to limitations on and prerequisites for an  
21 abortion, providing for licensee discipline, providing civil  
22 penalties, and including effective date provisions.>

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House File 393

S-3290

1 Amend House File 393, as amended, passed, and reprinted by  
2 the House, as follows:

3 1. Page 52, after line 25 by inserting:

4 <DIVISION \_\_\_\_

5 ACCESS TO RECORDS — STATE REGISTRAR

6 Sec. \_\_\_\_\_. Section 144.11, Code 2017, is amended to read as  
7 follows:

8 **144.11 Public access to records.**

9 The county registrar shall allow public access to public  
10 records under the custody of the county registrar as authorized  
11 by the state registrar during normal business hours for county  
12 offices in the county.

13 Sec. \_\_\_\_\_. Section 144.43, subsection 3, unnumbered  
14 paragraph 1, Code 2017, is amended to read as follows:

15 However, the following vital statistics records may be  
16 inspected and copied as ~~of right under~~ chapter 22 authorized by  
17 the state registrar when ~~they~~ the records are in the custody of  
18 a county registrar or when ~~they~~ the records are in the custody  
19 of the state archivist and are at least seventy-five years  
20 old:>

21 2. By renumbering as necessary.

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MARK COSTELLO



**Iowa General Assembly**  
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House File 308

S-3291

- 1 Amend House File 308, as passed by the House, as follows:
- 2 1. Page 1, line 5, after <request.> by inserting <However,
- 3 the recorder shall redact any social security number included
- 4 in a record made available pursuant to this paragraph.>

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TIM KRAAYENBRINK

**Iowa General Assembly**  
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House File 566

S-3292

1 Amend House File 566, as amended, passed, and reprinted by  
2 the House, as follows:

3 1. Page 22, after line 35 by inserting:

4 <4. This section shall not take effect if this Act takes  
5 effect after July 1, 2019.

6 DIVISION \_\_\_\_

7 EFFECTIVE DATE

8 Sec. \_\_\_\_ . EFFECTIVE DATE. Notwithstanding any section of  
9 this Act to the contrary, a division of this Act takes effect  
10 when the state commissioner of elections provides notice to the  
11 legislative council and the Iowa code editor that each county  
12 has updated geographic information systems mapping technology  
13 and updated shapefiles for election precincts or on the date  
14 specified in a division of this Act, whichever is later.>

15 2. By renumbering as necessary.

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KEVIN KINNEY

**Iowa General Assembly**  
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**Senate File 499 - Introduced**

SENATE FILE 499  
BY COMMITTEE ON GOVERNMENT  
OVERSIGHT

(SUCCESSOR TO SSB 1184)

**A BILL FOR**

1 An Act prohibiting the use of certain monitoring devices  
2 in certain locations open to the public, and including  
3 effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2666SV (3) 87  
tr/rj

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S.F. 499

1     Section 1. NEW SECTION.   27.1   Definitions.

2     1.   For purposes of this section:

3     a.   *"Monitoring device"* means a digital video or audio  
4 streaming or recording device that is part of a system of  
5 monitoring activity in an area or building using a system in  
6 which signals are transmitted from a video camera or microphone  
7 to the receivers by cables or wirelessly, forming a closed  
8 circuit.

9     b.   *"Public hospital"* means a hospital licensed pursuant to  
10 chapter 135B and governed pursuant to chapter 145A, 347, 347A,  
11 or 392.

12    c.   *"Public library"* means a library district as described  
13 in chapter 336.

14    d.   *"Public school"* means a school district as described in  
15 chapter 274.

16    e.   *"Reasonable expectation of privacy"* means a person's  
17 reasonable belief, under the circumstances, that the person can  
18 disrobe or partially disrobe in privacy without being concerned  
19 that the person is being viewed, photographed, or filmed when  
20 doing so.

21    Sec. 2. NEW SECTION.   27.2   Monitoring devices prohibited.

22    The state or a political subdivision of the state, including  
23 but not limited to a public library, public school, or  
24 other government office open to the public, shall not use a  
25 monitoring device in a toilet, bath, or shower facility; locker  
26 room; common area within such a facility or room, including an  
27 area where a sink or changing table is located; or other space  
28 open to the public where a person has a reasonable expectation  
29 of privacy.

30    Sec. 3. NEW SECTION.   27.3   Removal of monitoring devices.

31    On or before July 1, 2017, the state or a political  
32 subdivision of the state, including but not limited to a public  
33 library, public school, or other government office open to the  
34 public, using a monitoring device in a toilet, bath, or shower  
35 facility; locker room; common area within such a facility or

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1/3

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1     The bill requires the state or a political subdivision of the  
2 state using a monitoring device to cease doing so and to remove  
3 the monitoring device by July 1, 2017. The bill nullifies  
4 any local ordinance, resolution, rule, or other measure that  
5 permits the use of a monitoring device in a toilet, bath, or  
6 shower facility, locker room, or other space where a person has  
7 a reasonable expectation of privacy.

8     The bill does not apply to a public hospital where use of a  
9 monitoring device is necessary to protect the health or safety  
10 of a patient during a patient's course of treatment.

11    The bill takes effect upon enactment.

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**Senate File 500 - Introduced**

SENATE FILE 500  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SF 454)  
(SUCCESSOR TO SSB 1082)

**A BILL FOR**

1 An Act relating to 911 emergency telephone and internet  
2 communication systems and making appropriations.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1189SZ (1) 87  
gh/rj

Iowa General Assembly  
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S.F. 500

1 Section 1. Section 29C.2, subsection 6, Code 2017, is  
2 amended to read as follows:

3 6. *"Local emergency management agency"* means a countywide  
4 joint county-municipal public safety agency organized to  
5 administer this chapter under the authority of a commission.

6 Sec. 2. Section 34A.1, Code 2017, is amended to read as  
7 follows:

8 **34A.1 Purpose.**

9 The general assembly finds that ~~enhanced~~ 911 emergency  
10 telephone communication systems and other emergency 911  
11 notification devices further the public interest and protect  
12 the health, safety, and welfare of the people of Iowa. The  
13 purpose of this chapter is to enable the orderly development,  
14 installation, and operation of ~~enhanced~~ 911 emergency telephone  
15 communication systems and other emergency 911 notification  
16 devices statewide. These systems are to be operated under  
17 governmental management and control for the public benefit.

18 Sec. 3. Section 34A.2, Code 2017, is amended to read as  
19 follows:

20 **34A.2 Definitions.**

21 As used in this chapter, unless the context otherwise  
22 requires:

23 1. *"911 service area"* means the geographic area encompassing  
24 at least one entire county, and which may encompass a  
25 geographical area outside the one entire county not restricted  
26 to county boundaries, serviced or to be serviced under a 911  
27 service plan.

28 2. *"911 service plan"* means a plan that includes the  
29 following information:

30 a. A description of the 911 service area.

31 b. A list of all public and private safety agencies within  
32 the 911 service area.

33 c. The number of public safety answering points within the  
34 911 service area.

35 d. Identification of the agency responsible for management

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1 and supervision of the 911 emergency communication system.

2 e. (1) A statement of estimated costs to be incurred by  
3 the joint 911 service board or the department of public safety,  
4 including separate estimates of the following:

5 (a) Nonrecurring costs, including but not limited to public  
6 safety answering points, network equipment, software, database,  
7 addressing, training, and other capital expenditures, including  
8 the purchase or lease of subscriber names, addresses, and  
9 telephone information from the local exchange service provider.

10 (b) Recurring costs, including but not limited to  
11 network access fees and other telephone charges, software,  
12 equipment, and database management, and maintenance, including  
13 the purchase or lease of subscriber names, addresses, and  
14 telephone information from the local exchange service provider.  
15 Recurring costs shall not include personnel costs for a public  
16 safety answering point.

17 (2) Funds deposited in a 911 service fund are appropriated  
18 and shall be used for the payment of costs that are limited to  
19 nonrecurring and recurring costs directly attributable to the  
20 receipt and disposition of the 911 call. Costs do not include  
21 expenditures for any other purpose, and specifically exclude  
22 costs attributable to other emergency services or expenditures  
23 for buildings or personnel, except for the costs of personnel  
24 for database management and personnel directly associated with  
25 addressing.

26 f. Current equipment operated by affected local exchange  
27 service providers, and central office equipment and technology  
28 upgrades necessary for the provider to implement 911 service  
29 within the 911 service area.

30 g. A schedule for implementation of the plan throughout  
31 the 911 service area. The schedule may provide for phased  
32 implementation.

33 h. The number of telephone access lines and voice over  
34 internet protocol service connections capable of access to 911  
35 in the 911 service area.

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1     *i.*    The total property valuation in the 911 service area.

2     *j.*    A plan to migrate to a next generation 911 network.

3     ~~1.~~   3. "Access line" means an exchange access line that  
4     has the ability to access dial tone and reach a public safety  
5     answering point.

6     ~~2.~~   4. "Communications service" means a service capable  
7     of accessing, connecting with, or interfacing with a 911  
8     system by dialing, initializing, or otherwise activating the  
9     system exclusively through the digits 911 by means of a local  
10    telephone device, ~~or~~ wireless communications device, or any  
11   other device capable of interfacing with the 911 system.

12    ~~3. "Communications service provider" means a service~~  
13    ~~provider, public or private, that transports information~~  
14    ~~electronically via landline, wireless, internet, cable, or~~  
15    ~~satellite.~~

16    ~~4.~~   5. "Competitive local exchange service provider" means  
17    the same as defined in [section 476.96](#).

18    ~~5.~~   6. "Director" means the director of the department of  
19    homeland security and emergency management.

20    ~~6.~~   7. "Emergency communications service surcharge" means a  
21    charge established by the program manager in accordance with  
22    section 34A.7A.

23    8. "Emergency services internet protocol network" or "ESInet"  
24    means a system using broadband packet-switched technology that  
25    is capable of supporting the transmission of varying types of  
26    data to be shared by all public or private safety agencies that  
27    are involved in an emergency.

28    ~~7.~~   9. "Enhanced 911" or "E911" means a service that  
29    provides the user of a communications service with the ability  
30    to reach a public safety answering point by using the digits  
31    911, and that has the following additional features:

32    a.    Routes an incoming 911 call to the appropriate public  
33    safety answering point.

34    b.    Automatically provides voice, displays the name, address  
35    or location, and telephone number of an incoming 911 call and

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1 public safety agency servicing the location.

2 ~~8. "Enhanced 911 service area" means the geographic area~~  
3 ~~to be serviced, or currently serviced under an enhanced 911~~  
4 ~~service plan, provided that an enhanced 911 service area must~~  
5 ~~at minimum encompass one entire county. The enhanced 911~~  
6 ~~service area may encompass more than one county, and need not~~  
7 ~~be restricted to county boundaries.~~

8 ~~9. "Enhanced 911 service plan" means a plan that includes~~  
9 ~~the following information:~~

10 ~~a. A description of the enhanced 911 service area.~~

11 ~~b. A list of all public and private safety agencies within~~  
12 ~~the enhanced 911 service area.~~

13 ~~c. The number of public safety answering points within the~~  
14 ~~enhanced 911 service area.~~

15 ~~d. Identification of the agency responsible for management~~  
16 ~~and supervision of the enhanced 911 emergency communication~~  
17 ~~system.~~

18 ~~e. (1) A statement of estimated costs to be incurred by the~~  
19 ~~joint E911 service board or the department of public safety,~~  
20 ~~including separate estimates of the following:~~

21 ~~(a) Nonrecurring costs, including but not limited to public~~  
22 ~~safety answering points, network equipment, software, database,~~  
23 ~~addressing, training, and other capital expenditures, including~~  
24 ~~the purchase or lease of subscriber names, addresses, and~~  
25 ~~telephone information from the local exchange service provider.~~

26 ~~(b) Recurring costs, including but not limited to~~  
27 ~~network access fees and other telephone charges, software,~~  
28 ~~equipment, and database management, and maintenance, including~~  
29 ~~the purchase or lease of subscriber names, addresses, and~~  
30 ~~telephone information from the local exchange service provider.~~  
31 ~~Recurring costs shall not include personnel costs for a public~~  
32 ~~safety answering point.~~

33 ~~(2) Funds deposited in an E911 service fund are appropriated~~  
34 ~~and shall be used for the payment of costs that are limited to~~  
35 ~~nonrecurring and recurring costs directly attributable to the~~

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1 receipt and disposition of the 911 call. Costs do not include  
2 expenditures for any other purpose, and specifically exclude  
3 costs attributable to other emergency services or expenditures  
4 for buildings or personnel, except for the costs of personnel  
5 for database management and personnel directly associated with  
6 addressing.

7 ~~f.~~ Current equipment operated by affected local exchange  
8 service providers, and central office equipment and technology  
9 upgrades necessary for the provider to implement enhanced 911  
10 service within the enhanced 911 service area.

11 ~~g.~~ A schedule for implementation of the plan throughout  
12 the E911 service area. The schedule may provide for phased  
13 implementation.

14 ~~h.~~ The number of telephone access lines capable of access to  
15 911 in the enhanced 911 service area.

16 ~~i.~~ The total property valuation in the enhanced 911 service  
17 area.

18 ~~j.~~ A plan to migrate to an internet protocol-enabled next  
19 generation network.

20 10. "Geographic information system" or "GIS" means a system  
21 designed to capture, store, manipulate, analyze, manage, and  
22 present spatial or geographical data.

23 ~~10.~~ 11. "Local exchange carrier" means the same as defined  
24 in section 476.96.

25 ~~11.~~ 12. "Local exchange service provider" means a vendor  
26 engaged in providing telecommunications service between  
27 points within an exchange and includes but is not limited to  
28 a competitive local exchange service provider and a local  
29 exchange carrier.

30 13. "Next generation 911 network" means an internet  
31 protocol-enabled system that enables the public to transmit  
32 digital information to public safety answering points  
33 and replaces enhanced 911, and that includes ESInet, GIS,  
34 cybersecurity, and other system components.

35 14. "Originating service provider" means a communications

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1 provider that allows its users or subscribers to originate  
2 911 voice or non-voice messages from the public to public  
3 safety answering points, including but not limited to wireline,  
4 wireless, and voice over internet protocol services.

5 ~~12.~~ 15. *"Prepaid wireless telecommunications service"*  
6 means a wireless communications service that provides the  
7 right to utilize mobile wireless service as well as other  
8 nontelecommunications services, including the download  
9 of digital products delivered electronically, content and  
10 ancillary services, which must be paid for in advance and that  
11 is sold in predetermined units or dollars of which the amount  
12 declines with use in a known amount.

13 ~~13.~~ 16. *"Program manager"* means the ~~E911~~ 911 program  
14 manager appointed pursuant to [section 34A.2A](#).

15 ~~14.~~ 17. *"Provider"* means a vendor who provides, or offers  
16 to provide, ~~E911~~ 911 equipment, installation, maintenance, or  
17 exchange access services within the ~~enhanced~~ 911 service area.

18 ~~15.~~ 18. *"Public or private safety agency"* means a unit  
19 of state or local government, a local emergency management  
20 agency as defined in section 29C.2, a special purpose district,  
21 or a private firm which provides or has the authority to  
22 provide fire fighting, police, ambulance, or emergency medical  
23 services, or hazardous materials response.

24 ~~16.~~ 19. *"Public safety answering point"* means a  
25 twenty-four-hour public safety communications facility that  
26 receives ~~enhanced~~ 911 service calls and directly dispatches  
27 emergency response services or relays calls to the appropriate  
28 public or private safety agency.

29 20. "Voice over internet protocol service" means a service to  
30 which all of the following apply:

31 a. The service provides real-time two-way voice  
32 communications transmitted using internet protocol, and a  
33 successor protocol.

34 b. The service is offered to the public, or such classes of  
35 users as to be effectively available to the public.

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1     c. The service has the capability to originate traffic  
2 to, and terminate traffic from, the public switched telephone  
3 network or a successor network.

4     ~~17.~~ 21. *"Wireless communications service"* means commercial  
5 mobile radio service. *"Wireless communications service"*  
6 includes any wireless two-way communications used in cellular  
7 telephone service, personal communications service, or the  
8 functional or competitive equivalent of a radio-telephone  
9 communications line used in cellular telephone service, a  
10 personal communications service, or a network access line.  
11 *"Wireless communications service"* does not include a service  
12 whose customers do not have access to 911 or 911-like service,  
13 a communications channel utilized only for data transmission,  
14 or a private telecommunications system.

15     ~~18.~~ 22. *"Wireless communications service provider"* means a  
16 company that offers wireless communications service to users  
17 of wireless devices including but not limited to cellular,  
18 personal communications services, mobile satellite services,  
19 and enhanced specialized mobile radio.

20     ~~19.~~ 23. *"Wireless E911 phase 1"* means a 911 call made from  
21 a wireless device in which the wireless communications service  
22 provider delivers the call-back number and address of the  
23 tower that received the call to the appropriate public safety  
24 answering point.

25     ~~20.~~ 24. *"Wireless E911 phase 2"* means a 911 call made from  
26 a wireless device in which the wireless communications service  
27 provider delivers the call-back number and the latitude and  
28 longitude coordinates of the wireless device to the appropriate  
29 public safety answering point.

30     ~~21.~~ 25. *"Wire-line E911 911 service surcharge"* means a  
31 charge set by the ~~E911~~ 911 service area operating authority  
32 and assessed on each wire-line access line which physically  
33 terminates within the ~~E911~~ 911 service area in accordance with  
34 section 34A.7.

35     Sec. 4. Section 34A.2A, subsections 1 and 2, Code 2017, are

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1 amended to read as follows:

2 1. The director of the department of homeland security  
3 and emergency management shall appoint ~~an E911~~ a 911 program  
4 manager to administer *this chapter*.

5 2. The ~~E911~~ 911 program manager shall act under the  
6 supervisory control of the director of the department of  
7 homeland security and emergency management, and in consultation  
8 with the ~~E911~~ 911 communications council, and shall perform the  
9 duties specifically set forth in *this chapter* and as assigned  
10 by the director.

11 Sec. 5. Section 34A.3, Code 2017, is amended to read as  
12 follows:

13 **34A.3 Joint ~~E911~~ 911 service board — 911 service plan —**  
14 **implementation — waivers.**

15 1. *Joint ~~E911~~ 911 service boards — plans.*

16 a. The board of supervisors of each county shall maintain a  
17 joint ~~E911~~ 911 service board.

18 (1) Each political subdivision of the state having a public  
19 safety agency serving territory within the county and each  
20 local emergency management agency as defined in section 29C.2  
21 operating within the area is entitled to voting membership on  
22 the joint ~~E911~~ 911 service board. For the purposes of this  
23 section, a township that operates a volunteer fire department  
24 providing fire protection services to the township, or a city  
25 which provides fire protection services through the operation  
26 of a volunteer fire department not financed through city  
27 government, shall be considered a political subdivision of the  
28 state having a public safety agency serving territory within  
29 the county. Each private safety agency operating within the  
30 area is entitled to nonvoting membership on the board.

31 (2) A township that does not operate its own public safety  
32 agency, but contracts for the provision of public safety  
33 services, is not entitled to membership on the joint ~~E911~~ 911  
34 service board, but its contractor is entitled to membership  
35 according to the contractor's status as a public or private

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1 safety agency.

2     **b.** The joint ~~E911~~ 911 service board shall maintain an  
3 enhanced a 911 service plan encompassing at minimum the entire  
4 county, unless an exemption is granted by the program manager  
5 permitting a smaller ~~E911~~ 911 service area.

6     (1) The program manager may grant a discretionary exemption  
7 from the single county minimum service area requirement based  
8 upon a joint ~~E911~~ 911 service board's or other ~~E911~~ 911 service  
9 plan operating authority's presentation of evidence which  
10 supports the requested exemption if the program manager finds  
11 that local conditions make adherence to the minimum standard  
12 unreasonable or technically infeasible and that the purposes  
13 of **this chapter** would be furthered by granting an exemption.  
14 The minimum size requirement is intended to prevent unnecessary  
15 duplication of public safety answering points and minimize  
16 other administrative, personnel, and equipment expenses.

17     (2) The program manager may order the inclusion of a  
18 specific territory in an adjoining ~~E911~~ 911 service plan area  
19 to avoid the creation by exclusion of a territory smaller than  
20 a single county not serviced by surrounding ~~E911~~ 911 service  
21 plan areas upon request of the joint ~~E911~~ 911 service board  
22 representing the territory.

23     **c.** The ~~E911~~ 911 service plan operating authority shall  
24 submit proposed changes to the plan to all of the following:

25     (1) The program manager.

26     (2) Public and private safety agencies in the enhanced 911  
27 service area.

28     (3) Local exchange service providers affected by the  
29 enhanced 911 service plan.

30     **2. Compliance waivers available in limited circumstances.**

31     **a.** The program manager may extend the time period for plan  
32 implementation by issuing a compliance waiver.

33     **b.** The compliance waiver shall be based upon a joint ~~E911~~  
34 911 service board's presentation of evidence which supports an  
35 extension if the program manager finds that local conditions

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1 make implementation financially unreasonable or technically  
2 infeasible by the originally scheduled plan of implementation.  
3     *c.* The compliance waiver shall be for a set period of time,  
4 and subject to review and renewal or denial of renewal upon its  
5 expiration.

6     *d.* The waiver may cover all or a portion of a 911 service  
7 plan's ~~enhanced~~ 911 service area to facilitate phased  
8 implementation when possible.

9     *e.* The granting of a compliance waiver does not create  
10 a presumption that the identical or similar waiver will be  
11 extended in the future.

12     *f.* Consideration of compliance waivers shall be on a  
13 case-by-case basis.

14     3. *Chapter 28E agreement — alternative to joint ~~E911~~ 911*  
15 *service board.*

16     *a.* A legal entity created pursuant to [chapter 28E](#) by a  
17 county or counties, other political divisions, and public  
18 or private agencies to jointly plan, implement, and operate  
19 a countywide, or larger, ~~enhanced~~ 911 service system may be  
20 substituted for the joint ~~E911~~ 911 service board required under  
21 subsection 1. An alternative legal entity created pursuant to  
22 chapter 28E as a substitute for a joint ~~E911~~ 911 service board,  
23 as permitted by [this subsection](#), may be created by either:

24         (1) Agreement of the parties entitled to voting membership  
25 on a joint ~~E911~~ 911 service board.

26         (2) Agreement of the members of a joint ~~E911~~ 911 service  
27 board.

28     *b.* An alternative [chapter 28E](#) entity has all of the powers  
29 of a joint ~~E911~~ 911 service board and any additional powers  
30 granted by the agreement. As used in [this chapter](#), "*joint ~~E911~~*  
31 *911 service board*" includes an alternative [chapter 28E](#) entity  
32 created for that purpose, except as specifically limited by  
33 the [chapter 28E](#) agreement or unless clearly provided otherwise  
34 in [this chapter](#). A [chapter 28E](#) agreement related to ~~E911~~ 911  
35 service shall permit the participation of a private safety

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1 agency or other persons allowed to participate in a joint ~~E911~~  
2 911 service board, but the terms, scope, and conditions of  
3 participation are subject to the **chapter 28E** agreement.

4 4. *Participation in joint ~~E911~~ 911 service board required.* A  
5 political subdivision having a public or private safety agency  
6 within its territory or jurisdiction shall participate in a  
7 joint ~~E911~~ 911 service board and cooperate in maintaining the  
8 ~~E911~~ 911 service plan.

9 Sec. 6. Section 34A.4, Code 2017, is amended to read as  
10 follows:

11 **34A.4 Requirements of pay telephones and other**  
12 **telecommunications devices to allow 911 calls without depositing**  
13 **coins or other charge.**

14 In ~~an enhanced~~ a 911 service area, a person shall not install  
15 or offer for use within the ~~enhanced~~ 911 service area a pay  
16 station telephone or other fixed device unless the telephone or  
17 device is capable of making a 911 call without prior insertion  
18 of a coin or payment of any other charge, and unless the  
19 telephone or device displays notice of free 911 service.

20 Sec. 7. Section 34A.5, Code 2017, is amended to read as  
21 follows:

22 **34A.5 Private listing subscribers and 911 service.**

23 Private listing subscribers in ~~an enhanced~~ a 911 service  
24 area waive the privacy afforded by nonlisted or nonpublished  
25 numbers to the extent that the name and address associated  
26 with the telephone number may be furnished to the ~~enhanced~~ 911  
27 service system, for all routing, for automatic retrieval of  
28 location information, and for associated emergency services.

29 Sec. 8. Section 34A.7, Code 2017, is amended to read as  
30 follows:

31 **34A.7 Funding — wire-line ~~E911~~ 911 service surcharge.**

32 When ~~an E911~~ a 911 service plan is implemented, the costs of  
33 providing ~~E911~~ 911 service within ~~an E911~~ a 911 service area  
34 are the responsibility of the joint ~~E911~~ 911 service board and  
35 the member political subdivisions. Costs in excess of the

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1 amount raised by imposition of the ~~E911~~ 911 service surcharge  
2 provided for under subsection 1 shall be paid by the joint  
3 ~~E911~~ 911 service board from such revenue sources allocated  
4 among the member political subdivisions as determined by the  
5 joint ~~E911~~ 911 service board. Funding is not limited to the  
6 surcharge, and surcharge revenues may be supplemented by other  
7 permissible local and state revenue sources. A joint ~~E911~~  
8 911 service board shall not commit a political subdivision to  
9 appropriate property tax revenues to fund ~~an E911~~ a 911 service  
10 plan without the consent of the political subdivision. A  
11 joint ~~E911~~ 911 service board may approve ~~an E911~~ a 911 service  
12 plan, including a funding formula requiring appropriations by  
13 participating political subdivisions, subject to the approval  
14 of the funding formula by each political subdivision. However,  
15 a political subdivision may agree in advance to appropriate  
16 property tax revenues or other moneys according to a formula or  
17 plan developed by an alternative chapter 28E entity.

18 1. *Local wire-line ~~E911~~ 911 service surcharge imposition.*

19 a. To encourage local implementation of ~~E911~~ 911 service,  
20 one source of funding for ~~E911~~ 911 emergency communication  
21 systems shall come from a surcharge per month, per access line  
22 on each access line subscriber, of one dollar.

23 b. The surcharge shall be imposed by order of the program  
24 manager as follows:

25 (1) The program manager shall notify a local exchange  
26 service provider scheduled to provide exchange access line  
27 service to ~~an E911~~ a 911 service area that implementation of ~~an~~  
28 ~~E911~~ a 911 service plan has been approved by the joint ~~E911~~ 911  
29 service board and that collection of the surcharge is to begin  
30 within sixty days.

31 (2) The program manager shall also provide notice to all  
32 affected public safety answering points.

33 2. *Surcharge collected by local exchange service providers.*

34 a. The surcharge shall be collected as part of the access  
35 line service provider's periodic billing to a subscriber. In

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1 compensation for the costs of billing and collection, the local  
2 exchange service provider may retain one percent of the gross  
3 surcharges collected. If the compensation is insufficient to  
4 fully recover a local exchange service provider's costs for  
5 billing and collection of the surcharge, the deficiency shall  
6 be included in the local exchange service provider's costs  
7 for ratemaking purposes to the extent it is reasonable and  
8 just under [section 476.6](#). The surcharge shall be remitted to  
9 the ~~E911~~ [911](#) service operating authority for deposit into the  
10 ~~E911~~ [911](#) service fund quarterly by the local exchange service  
11 provider. The total amount for multiple exchanges may be  
12 combined.

13     **b.** A local exchange service provider is not liable for an  
14 uncollected surcharge for which the local exchange service  
15 provider has billed a subscriber but not been paid. The  
16 surcharge shall appear as a single line item on a subscriber's  
17 periodic billing entitled, "~~E911~~ [911](#) emergency communications  
18 service surcharge".

19     **c.** The joint ~~E911~~ [911](#) service board may request, not more  
20 than once each quarter, the following information from the  
21 local exchange service provider:

22         (1) The identity of the exchange from which the surcharge  
23 is collected.

24         (2) The number of lines to which the surcharge was applied  
25 for the quarter.

26         (3) The number of refusals to pay per exchange if  
27 applicable.

28         (4) Write-offs applied per exchange if applicable.

29         (5) The number of lines exempt per exchange.

30         (6) The amount retained by the local exchange service  
31 provider generated from the one percent administration fee.

32     **d.** Access line counts and surcharge remittances are  
33 confidential public records as provided in [section 34A.8](#).

34     **3. Maximum limit per subscriber billing for surcharge.** An  
35 individual subscriber shall not be required to pay on a single

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1 periodic billing the surcharge on more than one hundred access  
2 lines, or their equivalent, in an ~~E911~~ a 911 service area. A  
3 subscriber shall pay the surcharge in each ~~E911~~ 911 service  
4 area in which the subscriber receives access line service.

5 4. ~~E911~~ 911 service fund. Each joint ~~E911~~ 911 service board  
6 shall establish and maintain as a separate account an ~~E911~~ a  
7 911 service fund. Any funds remaining in the account at the  
8 end of each fiscal year shall not revert to the general funds  
9 of the member political subdivisions, except as provided in  
10 subsection 5, but shall remain in the ~~E911~~ 911 service fund.  
11 Moneys in an ~~E911~~ a 911 service fund may only be used for  
12 nonrecurring and recurring costs of the ~~E911~~ 911 service plan  
13 as approved by the program manager, as those terms are defined  
14 by [section 34A.2](#).

15 5. *Use of moneys in fund — priority and limitations on*  
16 *expenditure.*

17 a. Moneys deposited in the ~~E911~~ a 911 service fund shall be  
18 used for the repayment of any bonds issued for the benefit of  
19 or loan made to the joint ~~E911~~ 911 service board pursuant to  
20 sections 34A.20 through 34A.22, and as long as any such bond  
21 or loan remains unpaid the surcharge shall not be reduced or  
22 eliminated. Moneys deposited in the fund shall be subject to  
23 such terms and conditions as may be contained in the relevant  
24 bond documents, trust indenture, resolution, loan agreement, or  
25 other instrument pursuant to which bonds are issued or a loan  
26 is made, without regard to any limitation otherwise provided  
27 by law.

28 b. Moneys deposited in the ~~E911~~ a 911 service fund shall be  
29 used for the following, in order of priority if paragraph "a"  
30 does not apply:

31 (1) Money shall first be spent for actual recurring costs of  
32 operating the ~~E911~~ 911 service plan.

33 (2) If money remains in the fund after fully paying for  
34 recurring costs incurred in the preceding year, the remainder  
35 may be spent to pay for nonrecurring costs, not to exceed

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1 actual nonrecurring costs as approved by the program manager.

2 (3) If money remains in the fund after fully paying  
3 obligations under subparagraphs (1) and (2), the remainder may  
4 be accumulated in the fund as a carryover operating surplus.

5 6. *Limitation of actions — provider not liable on cause of*  
6 *action related to provision of 911 services.* A claim or cause  
7 of action does not exist based upon or arising out of an act or  
8 omission in connection with a land-line or wireless provider's  
9 participation in ~~an E911~~ a 911 service plan or provision of 911  
10 or local exchange access service, unless the act or omission is  
11 determined to be willful and wanton negligence.

12 Sec. 9. Section 34A.7A, Code 2017, is amended to read as  
13 follows:

14 **34A.7A Emergency communications service surcharge — fund**  
15 **established — distribution and permissible expenditures.**

16 1. a. The director shall adopt by rule a monthly surcharge  
17 of one dollar to be imposed on each ~~communications~~ originating  
18 service number provided in this state. The surcharge shall  
19 be imposed uniformly on a statewide basis and simultaneously  
20 on all ~~communications~~ originating service numbers as provided  
21 by rule of the director. The surcharge shall not be imposed  
22 on wire-line-based communications or prepaid wireless  
23 telecommunications service.

24 b. The program manager shall provide no less than  
25 sixty days' notice of the surcharge to be imposed to each  
26 ~~communications~~ originating service provider.

27 c. (1) The surcharge shall be collected as part of the  
28 ~~communications~~ originating service provider's periodic billing  
29 to a subscriber. The surcharge shall appear as a single line  
30 item on a subscriber's periodic billing indicating that the  
31 surcharge is for ~~E911~~ 911 emergency communications service.

32 (2) In compensation for the costs of billing and collection,  
33 the ~~communications~~ originating service provider may retain one  
34 percent of the gross surcharges collected.

35 (3) The surcharges shall be remitted quarterly by the

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1 ~~communications~~ originating service provider to the program  
2 manager for deposit into the fund established in [subsection 2](#).

3 (4) ~~A communications~~ An originating service provider  
4 is not liable for an uncollected surcharge for which the  
5 ~~communications~~ originating service provider has billed a  
6 subscriber but which has not been paid.

7 2. Moneys collected pursuant to [subsection 1](#) and section  
8 34A.7B, subsection 2, shall be deposited in a separate ~~E911~~  
9 911 emergency communications fund within the state treasury  
10 under the control of the program manager. [Section 8.33](#) shall  
11 not apply to moneys in the fund. Moneys earned as income,  
12 including as interest, from the fund shall remain in the fund  
13 until expended as provided in [this section](#). Moneys in the fund  
14 shall be expended and distributed in the following priority  
15 order:

16 a. An amount as appropriated by the general assembly to the  
17 director shall be allocated to the director and program manager  
18 for implementation, support, and maintenance of the functions  
19 of the director and program manager and to employ the auditor  
20 of state to perform an annual audit of the ~~E911~~ 911 emergency  
21 communications fund.

22 b. (1) The program manager shall allocate to each joint  
23 ~~E911~~ 911 service board and to the department of public safety a  
24 minimum of one thousand dollars per calendar quarter for each  
25 public safety answering point within the service area of the  
26 department of public safety or joint ~~E911~~ 911 service board  
27 that has submitted an annual written request to the program  
28 manager in a form approved by the program manager by May 15 of  
29 each year.

30 (2) The amount allocated under this paragraph "b" shall be  
31 sixty percent of the total amount of surcharge generated per  
32 calendar quarter allocated as follows:

33 (a) Sixty-five percent of the total dollars available for  
34 allocation shall be allocated in proportion to the square miles  
35 of the service area to the total square miles in this state.

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1     (b) Thirty-five percent of the total dollars available for  
2 allocation shall be allocated in proportion to the wireless  
3 ~~E911~~ 911 calls taken at the public safety answering point in  
4 the service area to the total number of wireless ~~E911~~ 911 calls  
5 originating in this state.

6     (c) Notwithstanding subparagraph divisions (a) and (b), the  
7 minimum amount allocated to each joint ~~E911~~ 911 service board  
8 and to the department of public safety shall be no less than  
9 one thousand dollars for each public safety answering point  
10 within the service area of the department of public safety or  
11 joint ~~E911~~ 911 service board.

12     (3) The funds allocated in this paragraph "b" shall be  
13 used by the public safety answering points for the receipt and  
14 disposition of 911 calls.

15     c. From July 1, 2013, until June 30, 2026, the program  
16 manager shall allocate ten percent of the total amount of  
17 surcharge generated to wireless carriers to recover their costs  
18 to deliver E911 phase 1 services. If the allocation in this  
19 paragraph is insufficient to reimburse all wireless carriers  
20 for such carrier's eligible expenses, the program manager  
21 shall allocate a prorated amount to each wireless carrier  
22 equal to the percentage of such carrier's eligible expenses as  
23 compared to the total of all eligible expenses for all wireless  
24 carriers for the calendar quarter during which such expenses  
25 were submitted. When prorated expenses are paid, the remaining  
26 unpaid expenses shall no longer be eligible for payment under  
27 this paragraph.

28     d. (1) The program manager shall reimburse ~~communications~~  
29 originating service providers on a calendar quarter basis for  
30 carriers' eligible expenses for transport costs between the  
31 selective router and the public safety answering points related  
32 to the delivery of wireless E911 phase 1 services and the  
33 integration of ~~an internet protocol-enabled~~ the next generation  
34 911 network.

35     (2) The program manager may also provide grants to joint

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1 911 service boards and the department of public safety for the  
2 purpose of developing and maintaining GIS data to be used in  
3 support of the next generation 911 network.

4 e. The program manager shall reimburse wire-line carriers  
5 and third-party ~~E911~~ 911 automatic location information  
6 identification database providers on a calendar quarterly  
7 basis for the costs of maintaining and upgrading the ~~E911~~ 911  
8 components and functionalities beyond the input to the ~~E911~~ 911  
9 selective router, including the ~~E911~~ 911 selective router and  
10 the automatic location information identification database.

11 f. The department of homeland security and emergency  
12 management may, in a reserve account established within the  
13 ~~E911~~ 911 emergency communications fund, credit each fiscal  
14 year an amount of up to twelve and one-half percent of the  
15 annual 911 emergency communications service surcharge collected  
16 pursuant to subsection 1 and the prepaid wireless ~~E911~~ 911  
17 surcharge collected pursuant to section 34A.7B, subsection 2.  
18 However, the moneys contained in such reserve account shall  
19 not exceed twelve and one-half percent of the total surcharges  
20 collected for each fiscal year. Moneys credited to the reserve  
21 account shall only be used by the department for the purpose of  
22 repairing or replacing equipment in the event of a catastrophic  
23 equipment failure, as determined by the director.

24 ~~g. The program manager shall allocate four million three~~  
25 ~~hundred eighty-three thousand dollars to the department of~~  
26 ~~public safety in the fiscal year beginning July 1, 2016, and~~  
27 ~~ending June 30, 2017, for payments and other costs due under~~  
28 ~~a financing agreement entered into by the treasurer of state~~  
29 ~~for building the statewide interoperable communications system~~  
30 ~~pursuant to section 29C.23, subsection 2.~~

31 ~~h.~~ g. (1) If moneys remain in the fund after fully paying  
32 all obligations under paragraphs "a", "b", "c", "d", "e", and  
33 "f", and ~~"g"~~, an amount of up to ~~four~~ seven million ~~four hundred~~  
34 ~~thousand~~ dollars shall, for the fiscal year beginning July  
35 1, ~~2016~~ 2017, and ending June 30, ~~2017~~ 2018, be expended and

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1 distributed in the following priority order:

2     (a) (i) The director, in consultation with the program  
3 manager and the ~~E911~~ 911 communications council, may provide  
4 grants to any public safety answering point agreeing to  
5 consolidate. For purposes of this subparagraph division,  
6 "*consolidate*" means the consolidation of all public safety  
7 answering point systems, functions, ~~enhanced~~ 911 service areas,  
8 and physical facilities of two or more public safety answering  
9 points, resulting in the consolidated public safety answering  
10 point being responsible for all call answering and dispatch  
11 functions for the combined ~~enhanced~~ 911 service area, ~~or the~~  
12 ~~consolidation of two or more public safety answering points~~  
13 ~~utilizing shared services technology to combine public safety~~  
14 ~~answering point systems, including but not limited to 911~~  
15 ~~call processing equipment, computer-aided dispatch, mapping,~~  
16 ~~radio, and logging recorders.~~ Such a grant to a public safety  
17 answering point shall not exceed one-half of the projected cost  
18 of consolidation, or two hundred thousand dollars, whichever  
19 is less.

20     (ii) Grants provided under this subparagraph may, subject  
21 to available funding, be provided until June 30, 2022.

22     (iii) The director, in consultation with the program  
23 manager and the ~~E911~~ 911 communications council, shall  
24 adopt rules governing the eligibility for and the ~~E911~~ 911  
25 communications council's distribution of grants to public  
26 safety answering points pursuant to this subparagraph division.

27     (b) The program manager, in consultation with the ~~E911~~ 911  
28 communications council, shall allocate an amount, not to exceed  
29 one hundred thousand dollars per fiscal year, for development  
30 of public awareness and educational programs related to the  
31 use of 911 by the public, educational programs for personnel  
32 responsible for the maintenance, operation, and upgrading of  
33 local ~~E911~~ 911 systems, and the expenses of members of the ~~E911~~  
34 911 communications council for travel, monthly meetings, and  
35 training, provided, however, that the members have not received

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1 reimbursement funds for such expenses from another source.

2 (c) The program manager shall allocate an equal amount of  
3 moneys to each public safety answering point for ~~the following~~  
4 ~~costs~~ related to the receipt and disposition of 911 calls,  
5 including hardware and software for the next generation 911  
6 network and local costs related to accessing the state's  
7 interoperable communications system.

8 ~~(i) Costs related to the receipt and disposition of~~  
9 ~~911 calls, including hardware and software for an internet~~  
10 ~~protocol-enabled next generation 911 network.~~

11 ~~(ii) Local costs related to access the state's~~  
12 ~~interoperable communications system.~~

13 (2) Notwithstanding [section 8.33](#), any moneys remaining in  
14 the fund at the end of each fiscal year shall not revert to the  
15 general fund of the state but shall remain available for the  
16 purposes of the fund.

17 i. The director, in consultation with the program manager  
18 and the ~~E911~~ 911 communications council, shall adopt rules  
19 pursuant to [chapter 17A](#) governing the distribution of  
20 the surcharge collected and distributed pursuant to this  
21 subsection. The rules shall include provisions that all joint  
22 ~~E911~~ 911 service boards and the department of public safety  
23 which answer or service wireless ~~E911~~ 911 calls are eligible to  
24 receive an equitable portion of the receipts.

25 3. a. The program manager shall submit an annual  
26 report by January 15 of each year to the general assembly's  
27 standing committees on government oversight advising the  
28 general assembly of the status of ~~E911~~ 911 implementation and  
29 operations, including both wire-line and wireless services, the  
30 distribution of surcharge receipts, and an accounting of the  
31 revenues and expenses of the ~~E911~~ 911 program.

32 b. The program manager shall submit a calendar quarter  
33 report of the revenues and expenses of the ~~E911~~ 911 program  
34 to the fiscal services division of the legislative services  
35 agency.

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1     c. The general assembly's standing committees on government  
2 oversight shall review the priorities of distribution of funds  
3 under [this chapter](#) at least every two years.

4     4. The amount collected from ~~a communications~~ an  
5 originating service provider and deposited in the fund,  
6 pursuant to [section 22.7, subsection 6](#), information provided by  
7 ~~a communications~~ an originating service provider to the program  
8 manager consisting of trade secrets, pursuant to section 22.7,  
9 subsection 3, and other financial or commercial operations  
10 information provided by ~~a communications~~ an originating service  
11 provider to the program manager, shall be kept confidential as  
12 provided under [section 22.7](#). [This subsection](#) does not prohibit  
13 the inclusion of information in any report providing aggregate  
14 amounts and information which does not identify numbers of  
15 accounts or customers, revenues, or expenses attributable to an  
16 individual ~~communications~~ originating service provider.

17     5. a. The program manager, in consultation with the  
18 ~~E911~~ 911 communications council and the auditor of state,  
19 shall establish a methodology for determining and collecting  
20 comprehensive public safety answering point cost and expense  
21 data through the county joint ~~E911~~ 911 service boards. The  
22 methodology shall include the collection of data for all costs  
23 and expenses related to the operation of a public safety  
24 answering point and account for the extent to which identified  
25 costs and expenses are compensated for or addressed through  
26 ~~E911~~ 911 surcharges versus other sources of funding.

27     b. Data collection pursuant to paragraph "a" shall commence  
28 no later than January 1, 2014, and shall be subject to an audit  
29 by the auditor of state beginning July 1, 2014. The program  
30 manager shall prepare a report detailing the methodology  
31 developed and the data collected after such data has been  
32 collected for a two-year period. The report and the results of  
33 the initial audit shall be submitted to the general assembly by  
34 March 1, 2016. A new report regarding data collection and the  
35 results of an ongoing audit for each successive two-year period

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1 shall be submitted by March 1 every two years thereafter.  
2 Expenses associated with the audit shall be paid to the auditor  
3 of state by the program manager from the ~~E911~~ 911 emergency  
4 communications fund established in subsection 2.

5     *c.* A county joint ~~E911~~ 911 service board which fails  
6 to submit expenses and costs pursuant to the methodology  
7 developed pursuant to paragraph *"a"* by March 31 of each year  
8 shall be allocated sixty-five cents out of the one dollar  
9 911 emergency communications service surcharge until March  
10 31 of the following year. Remaining funds shall be held in  
11 the carryover operating surplus fund until the expenses and  
12 cost report is submitted by the county joint ~~E911~~ 911 service  
13 board. If the county joint ~~E911~~ 911 service board submits the  
14 expense and cost report before March 30 of the following year,  
15 the set aside funds shall be provided to the county joint ~~E911~~  
16 911 service board. If the county joint ~~E911~~ 911 service board  
17 fails to submit the expense and cost report within one year,  
18 funds shall revert to the carryover operating surplus fund and  
19 be used in accordance with subsection 2, paragraph *"h"* *"g"*.

20     Sec. 10. Section 34A.7B, Code 2017, is amended to read as  
21 follows:

22     **34A.7B Prepaid wireless ~~E911~~ 911 surcharge.**

23     1. As used in this section, unless the context otherwise  
24 requires:

25     *a.* *"Consumer"* means a person who purchases prepaid wireless  
26 telecommunications service in a retail transaction.

27     *b.* *"Department"* means the department of revenue.

28     *c.* *"Prepaid wireless ~~E911~~ 911 surcharge"* means the surcharge  
29 that is required to be collected by a seller from a consumer in  
30 the amount established under this section.

31     *d.* *"Provider"* means a person who provides prepaid wireless  
32 telecommunications service pursuant to a license issued by the  
33 federal communications commission.

34     *e.* *"Retail transaction"* means the purchase of prepaid  
35 wireless telecommunications service from a seller for any

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1 purpose other than resale.

2     *f.* “*Seller*” means a person who sells prepaid wireless  
3 telecommunications service to another person.

4     2. There is imposed a prepaid wireless ~~E911~~ 911 surcharge of  
5 thirty-three cents on each retail transaction or, on or after  
6 the determination of an adjusted rate as determined pursuant to  
7 subsection 7, the adjusted rate.

8     3. The prepaid wireless ~~E911~~ 911 surcharge shall be  
9 collected by the seller from the consumer with respect to each  
10 retail transaction occurring in this state. The amount of the  
11 prepaid wireless ~~E911~~ 911 surcharge shall be either separately  
12 stated on an invoice, receipt, or other similar document  
13 that is provided to the consumer by the seller, or otherwise  
14 disclosed to the consumer.

15     4. For purposes of [subsection 3](#), a retail transaction that  
16 is effected in person by a consumer at a business location  
17 of the seller shall be treated as occurring in this state if  
18 that business location is in this state, and any other retail  
19 transaction shall be treated as occurring in this state if the  
20 retail transaction is treated as occurring in this state for  
21 purposes of [section 423.20](#) as that section applies to sourcing  
22 of a prepaid wireless calling service.

23     5. The prepaid wireless ~~E911~~ 911 surcharge is the liability  
24 of the consumer and not of the seller or of any provider,  
25 except that the seller shall be liable to remit all prepaid  
26 wireless ~~E911~~ 911 surcharges that the seller collects from  
27 consumers as provided in [subsection 3](#), including all such  
28 surcharges that the seller is deemed to collect where the  
29 amount of the surcharge has not been separately stated on an  
30 invoice, receipt, or other similar document provided to the  
31 consumer by the seller.

32     6. The amount of the prepaid wireless ~~E911~~ 911 surcharge  
33 that is collected by a seller from a consumer, if such amount  
34 is separately stated on an invoice, receipt, or other similar  
35 document provided to the consumer by the seller, shall not

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1 be included in the base for measuring any tax, fee, other  
2 surcharge, or other charge that is imposed by this state, any  
3 political subdivision of this state, or any intergovernmental  
4 agency.

5 7. The prepaid wireless ~~E911~~ 911 surcharge shall be  
6 increased or reduced, as applicable, in an amount proportionate  
7 to any change to the surcharge imposed under section 34A.7A,  
8 subsection 1. The proportional increase or reduction shall  
9 be effective on the first day of the calendar month after the  
10 effective date of the change to the surcharge imposed under  
11 section 34A.7A, subsection 1. The department shall provide  
12 not less than thirty days' advance notice of such increase or  
13 reduction on the department's internet site.

14 8. If a minimal amount of prepaid wireless  
15 telecommunications service is sold with a prepaid wireless  
16 device for a single, nonitemized price, the seller may elect  
17 not to apply the prepaid wireless ~~E911~~ 911 surcharge to the  
18 retail transaction. For purposes of [this subsection](#), an amount  
19 of service denominated as ten minutes or less, or five dollars  
20 or less, shall be regarded as a minimal amount of service.

21 9. Prepaid wireless ~~E911~~ 911 surcharges collected by  
22 sellers shall be remitted to the department at the times and in  
23 the manner provided by [chapter 423](#) with respect to the sales  
24 and use tax. The department shall establish registration  
25 and payment procedures that substantially coincide with the  
26 registration and payment procedures that apply to sellers under  
27 chapter 423.

28 10. A seller may deduct and retain three percent of prepaid  
29 wireless ~~E911~~ 911 surcharges that are collected by the seller  
30 from consumers.

31 11. The audit, appeal, collection, and enforcement  
32 procedures and other pertinent provisions applicable to the  
33 sales and use tax imposed under [chapter 423](#) shall apply to  
34 prepaid wireless ~~E911~~ 911 surcharges.

35 12. The department shall establish procedures by which

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1 a seller of prepaid wireless telecommunications service  
2 may document that a sale is not a retail transaction, which  
3 procedures shall substantially coincide with the procedures for  
4 documenting sale for resale transactions under [chapter 423](#).

5 13. The department shall transfer all remitted prepaid  
6 wireless ~~E911~~ [911](#) surcharges to the treasurer of state for  
7 deposit in the ~~E911~~ [911](#) emergency communications fund created  
8 under [section 34A.7A, subsection 2](#), within thirty days of  
9 receipt after deducting an amount, not to exceed two percent of  
10 collected surcharges, that shall be retained by the department  
11 to reimburse its direct costs of administering the collection  
12 and remittance of prepaid wireless ~~E911~~ [911](#) surcharges.

13 14. The limitation of actions provisions under section  
14 34A.7, subsection 6, shall apply to providers and sellers of  
15 prepaid wireless telecommunications service. In addition,  
16 a provider or seller of prepaid wireless telecommunications  
17 service shall not be liable for damages to any person resulting  
18 from or incurred in connection with the provision of any lawful  
19 assistance to any investigative or law enforcement officer of  
20 the United States, this or any other state, or any political  
21 subdivision of this or any other state, in connection with any  
22 lawful investigation or other law enforcement activity by such  
23 investigative or law enforcement officer.

24 15. The prepaid wireless ~~E911~~ [911](#) surcharge imposed  
25 pursuant to [this section](#) shall be the only ~~E911~~ [911](#) funding  
26 obligation imposed with respect to prepaid wireless  
27 telecommunications service in this state, and no tax, fee,  
28 surcharge, or other charge shall be imposed by this state, any  
29 political subdivision of this state, or any intergovernmental  
30 agency, for ~~E911~~ [911](#) funding purposes, upon any provider,  
31 seller, or consumer with respect to the sale, purchase, use, or  
32 provision of prepaid wireless telecommunications service.

33 Sec. 11. Section 34A.8, Code 2017, is amended to read as  
34 follows:

35 **34A.8 Local exchange service information — penalty.**

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1     1. A local exchange service provider shall furnish to the  
2 ~~E911~~ 911 service provider, designated by the joint ~~E911~~ 911  
3 service board, all names, addresses, and telephone number  
4 information concerning its subscribers which will be served  
5 by the ~~E911~~ 911 system and shall periodically update the  
6 local exchange service information. The ~~E911~~ 911 service  
7 provider shall furnish the addresses and telephone number  
8 information received from the local exchange service provider  
9 to the director for use in the mass notification and emergency  
10 messaging system as defined in [section 29C.2](#). The local  
11 exchange service provider shall receive as compensation for  
12 the provision of local exchange service information charges  
13 according to its tariffs on file with and approved by the Iowa  
14 utilities board. The tariff charges shall be the same whether  
15 or not the local exchange service provider is designated as the  
16 ~~E911~~ 911 service provider by the joint ~~E911~~ 911 service board.  
17     2. *a.* Subscriber information remains the property of the  
18 local exchange service provider.  
19     *b.* The director, program manager, joint ~~E911~~ 911 service  
20 board, local emergency management commission established  
21 pursuant to [section 29C.9](#), the designated ~~E911~~ 911 service  
22 provider, and the public safety answering point, their agents,  
23 employees, and assigns shall use local exchange service  
24 information provided by the local exchange service provider  
25 solely for the purposes of providing ~~E911~~ 911 emergency  
26 telephone service or providing related mass notification and  
27 emergency messaging services as described in [section 29C.17A](#)  
28 utilizing only the subscriber's information, and it shall  
29 otherwise be kept confidential. A person who violates this  
30 section is guilty of a simple misdemeanor.  
31     *c.* [This chapter](#) does not require a local exchange service  
32 provider to sell or provide its subscriber names, addresses, or  
33 telephone number information to any person other than the ~~E911~~  
34 911 service provider designated by the joint ~~E911~~ 911 service  
35 board.

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1     Sec. 12. Section 34A.10, Code 2017, is amended to read as  
2 follows:

3     **34A.10 ~~E911 selective router~~ Next generation 911 network**  
4 **access.**

5     On and after July 1, ~~2004~~ 2017, only the program manager  
6 shall approve access to the ~~E911 selective router~~ next  
7 generation 911 network.

8     Sec. 13. Section 34A.11, Code 2017, is amended to read as  
9 follows:

10    **34A.11 Communications — single point-of-contact.**

11    1. The joint ~~E911~~ 911 service board in each ~~enhanced~~ 911  
12 service area shall designate a person to serve as a single  
13 point-of-contact to facilitate the communication of needs,  
14 issues, or concerns regarding emergency communications,  
15 interoperability, and other matters applicable to emergency  
16 ~~E911~~ 911 communications and migration to an ~~internet~~  
17 ~~protocol-enabled~~ the next generation 911 network. The person  
18 designated as the single point-of-contact shall be responsible  
19 for facilitating the communication of such needs, issues, or  
20 concerns between public or private safety agencies within  
21 the service area, the ~~E911~~ 911 program manager, the ~~E911~~  
22 911 communications council, the statewide interoperable  
23 communications system board established in [section 80.28](#),  
24 and any other person, entity, or agency the person deems  
25 necessary or appropriate. The person designated shall also  
26 be responsible for responding to surveys or requests for  
27 information applicable to the service area received from a  
28 federal, state, or local agency, entity, or board.

29    2. In the event a joint ~~E911~~ 911 service board fails to  
30 designate a single point-of-contact by November 1, 2013, the  
31 chairperson of the joint ~~E911~~ 911 service board shall serve in  
32 that capacity. The ~~E911~~ 911 service board shall submit the  
33 name and contact information for the person designated as the  
34 single point-of-contact to the ~~E911~~ 911 program manager by  
35 January 1 annually.

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1     3. The provisions of **this section** shall be equally  
2 applicable to an alternative legal entity created pursuant to  
3 chapter 28E if such an entity is established as an alternative  
4 to a joint ~~E911~~ 911 service board as provided in section  
5 34A.3. If such an entity is established, the governing body  
6 of that entity shall designate the single point-of-contact for  
7 the entity, and the chairperson or representative official  
8 of the governing body shall serve in the event a single  
9 point-of-contact is not designated.

10    Sec. 14. Section 34A.15, subsection 1, unnumbered paragraph  
11 1, Code 2017, is amended to read as follows:

12    ~~An E911~~ A 911 communications council is established. The  
13 council consists of the following ~~thirteen~~ fourteen members:

14    Sec. 15. Section 34A.15, subsection 1, Code 2017, is amended  
15 by adding the following new paragraph:

16    ~~NEW PARAGRAPH.~~ 1. One person appointed by the Iowa  
17 geographic information council established by executive order  
18 of the governor.

19    Sec. 16. Section 34A.20, Code 2017, is amended to read as  
20 follows:

21    **34A.20 ~~E911~~ 911 financing program — definitions — funding**  
22 **— bonds and notes.**

23    1. As used in **this subchapter**, unless the context otherwise  
24 requires, “*authority*” means the Iowa finance authority.

25    2. The authority shall cooperate with the director in the  
26 creation, administration, and funding of the ~~E911~~ 911 program  
27 established in **subchapter I**.

28    3. The authority may issue its bonds and notes for the  
29 purpose of funding ~~E911~~ 911 nonrecurring and recurring costs of  
30 one or more ~~E911~~ 911 service areas.

31    4. The authority may issue its bonds and notes for the  
32 purposes of **this chapter** and may enter into one or more lending  
33 agreements or purchase agreements with one or more bondholders  
34 or noteholders containing the terms and conditions of the  
35 repayment of and the security for the bonds or notes. The

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1 authority and the bondholders or noteholders or a trustee  
2 agent designated by the authority may enter into agreements to  
3 provide for any of the following:

4     *a.* That the proceeds of the bonds and notes and the  
5 investments of the proceeds may be received, held, and  
6 disbursed by the authority or by a trustee or agent designated  
7 by the authority.

8     *b.* That the bondholders or noteholders or a trustee or  
9 agent designated by the authority may collect, invest, and  
10 apply the amount payable under the loan agreements or any  
11 other instruments securing the debt obligations under the loan  
12 agreements.

13     *c.* That the bondholders or noteholders may enforce the  
14 remedies provided in the loan agreements or other instruments  
15 on their own behalf without the appointment or designation of a  
16 trustee. If there is a default in the principal of or interest  
17 on the bonds or notes or in the performance of any agreement  
18 contained in the loan agreements or other instruments, the  
19 payment or performance may be enforced in accordance with the  
20 loan agreement or other instrument.

21     *d.* Other terms and conditions as deemed necessary or  
22 appropriate by the authority.

23     5. The powers granted the authority under [this section](#) are  
24 in addition to other powers contained in [chapter 16](#). All other  
25 provisions of [chapter 16](#), except section 16.28, subsection  
26 4, apply to bonds or notes issued and powers granted to the  
27 authority under [this section](#), except to the extent they are  
28 inconsistent with [this section](#).

29     6. All bonds or notes issued by the authority in connection  
30 with the program are exempt from taxation by this state and the  
31 interest on the bonds or notes is exempt from state income tax,  
32 both personal and corporate.

33     Sec. 17. Section 34A.21, subsection 1, paragraph c, Code  
34 2017, is amended to read as follows:

35     *c.* The amounts on deposit in the ~~E911~~ 911 service fund of

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1 a joint ~~E911~~ 911 service board, including, but not limited to  
2 revenues from a local option ~~E911~~ 911 service surcharge.

3       Sec. 18. PLAN FOR CONSOLIDATION OF NEXT GENERATION 911  
4 NETWORK. The department of homeland security and emergency  
5 management shall develop a plan that identifies the process  
6 required to combine the wireline 911 network with the next  
7 generation 911 network. The plan shall describe anticipated  
8 costs associated with the development, deployment, operation,  
9 and maintenance of the combined next generation 911 network,  
10 and how the surcharges provided in chapter 34A may support  
11 implementation of such plan. The plan shall provide for the  
12 combined next generation 911 system to utilize shared services  
13 technology for the virtual consolidation of public safety  
14 answering point call processing equipment. The plan shall  
15 include suggested amendments to chapter 34A that may be needed  
16 to allow the implementation of the plan. The department shall  
17 submit the plan to the general assembly no later than January  
18 15, 2018.

19                               EXPLANATION

20                               The inclusion of this explanation does not constitute agreement with  
21                               the explanation's substance by the members of the general assembly.

22       This bill modifies several provisions that relate to 911  
23 emergency telephone communication systems.

24       The bill modifies the definition of "local emergency  
25 management agency" in Code section 29C.2 by specifying that  
26 such an agency is a public safety agency.

27       The bill makes several changes to the terminology used in  
28 Code chapter 34A. The bill replaces the word "E911" with "911"  
29 throughout Code chapter 34A, except in certain circumstances.  
30 The bill removes the word "enhanced" from the definitions of  
31 "enhanced 911 service area" and "enhanced 911 service plan",  
32 and removes the word "enhanced" in all corresponding uses of  
33 these terms in Code chapter 34A. "Enhanced" is also removed  
34 from all uses of the term "enhanced 911 emergency telephone  
35 communication systems" in Code chapter 34A. The bill replaces

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1 the word "E911" with "911" throughout Code chapter 34A, except  
2 in certain circumstances. The bill defines "emergency services  
3 internet protocol network" or "ESInet" to mean a system using  
4 broadband technology capable of transmitting varying types of  
5 data that can be shared by all public safety agencies involved  
6 in an emergency. The bill defines "geographic information  
7 system" or "GIS" to mean a system designed to capture, store,  
8 manipulate, analyze, and present spatial or geographical  
9 data. The bill defines "next generation 911 network" to mean  
10 an internet protocol-enabled system that allows the public  
11 to transmit digital information to public safety answering  
12 points (PSAPs) and that replaces enhanced 911. The bill  
13 replaces all references to an "internet protocol enabled next  
14 generation network" contained in Code chapter 34A with "next  
15 generation 911 network". The bill defines "originating service  
16 provider" to mean a communications provider that allows its  
17 users to originate 911 messages from the public to public  
18 safety answering points. The bill removes the definition of  
19 "communications service provider" and replaces "communications  
20 service provider" with "originating service provider" in all  
21 corresponding uses of this term in Code chapter 34A. The bill  
22 adds local emergency management agencies to the definition of  
23 "public or private safety agency". The bill defines "voice  
24 over internet protocol service" to mean a service that provides  
25 real-time two-way voice communications transmitted using  
26 internet protocol and a successor protocol, is offered to the  
27 public, and has the capability to originate and terminate  
28 traffic to and from the public switched telephone network or a  
29 successor network.

30 The bill provides local emergency management agencies with  
31 voting membership on joint 911 service boards, in addition to  
32 political subdivisions served by public safety agencies, as  
33 currently provided in Code section 34A.3.

34 The bill modifies several provisions in Code section 34A.7A,  
35 which relates to the distribution and permissible expenditures

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1 of the 911 emergency communications service surcharge. The  
2 bill allows the 911 program manager to provide grants to 911  
3 service boards and the department of public safety (DPS) to  
4 develop and maintain GIS data to support a next generation  
5 911 network. The bill removes the allocation of \$4,383,000  
6 to DPS for costs due under a financing agreement to build  
7 the statewide interoperable communications system. The bill  
8 allocates \$7 million for distribution to the obligations listed  
9 in Code section 34A.7A(2)(h) for the fiscal year beginning July  
10 1, 2017. The bill limits the definition of consolidate with  
11 respect to grants provided to PSAPs agreeing to consolidate.

12 The bill adds a fourteenth member to the 911 communications  
13 council who is to be appointed by the Iowa geographic  
14 information council.

15 The bill requires the department of homeland security  
16 and emergency management to develop a plan to combine the  
17 wireline 911 network with the next generation 911 network. The  
18 plan must describe anticipated costs, use of surcharges, and  
19 utilization of shared services technology. The plan must also  
20 include suggested amendments to Code chapter 34A to allow the  
21 implementation of the plan. The department must submit the  
22 plan to the general assembly no later than January 15, 2018.