

STATE OF IOWA
1968

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**IOWA
DEPARTMENTAL
RULES**

JANUARY
1968
SUPPLEMENT

Containing
The permanent rules and regulations of general application promulgated
by the state departments from July 19, 1967 to January 1, 1968



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NOTICE

The statutes provide that the Code Editor may publish cumulative, semi-annual supplements to the Iowa Departmental Rules. Inquiry should be made each six months of the Superintendent of Printing for distribution of these supplements.

PREFACE

This volume is published in compliance with section 14.3(7) of the Code. The rules of the various boards and departments are arranged in alphabetical order, using the names of the departments in general use.

Not all of the rules and regulations promulgated by the state departments have been included. The Act specifies "permanent" rules of "general application." Where rules have been omitted by the editor there is a notation indicating where such rules may be obtained.

January 1968

THE EDITOR.

PUBLICATION OF DEPARTMENTAL RULES

Section 14.3 of the Code, subsection 7, requires the Code Editor to:

"Prepare the manuscript copy, and cause to be printed by the state superintendent of printing in each year in which a Code is published, a volume which shall contain the permanent rules and regulations of general application, promulgated by each state board, commission, bureau, division or department, other than a court, having statewide jurisdiction and authority to make such rules. The Code Editor may omit from said volume all rules and regulations applying to professional and regulatory examining and licensing provisions and any rules and regulations of limited application. The Code Editor may make reference in the volume as to where said omitted rules and regulations may be procured.

"This volume shall be known as the Iowa departmental rules and any rule printed therein may be cited as -----I.D.R.----- giving the year of publication and the page where the particular rule, by number, may be found.

"The Code Editor may provide cumulative, semiannual supplements for insertion in the latest published volume and a place shall be provided in the binding of such volume for insertion of such supplements."

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IOWA DEPARTMENTAL RULES JANUARY 1968

AGRICULTURE DEPARTMENT

Pursuant to authority vested in the state department of agriculture by 164.4, 1966 Code of Iowa, the following rule is hereby adopted.

[Filed September 26, 1967]

DIVISION OF ANIMAL INDUSTRY

CHAPTER 1

LIVESTOCK DISEASES

(Sections 1.133 to 1.136, inclusive, are reserved for future use.)

1.137(164) Back tagging in bovine brucellosis control.

1.137(1) All bovine animals two years of age and older received for sale or shipment to a slaughtering establishment shall be identified with a back tag issued by the department. The back tag will be affixed to the animal as directed by the department.

1.137(2) It shall be the duty of every livestock trucker, when delivering to an out-of-state market, and every livestock dealer, livestock market operator, stockyards operator, and slaughtering establishment to identify all such bovine animals, not bearing a back tag, at the time of receiving possession or control of such animals. A livestock trucker may be exempted from this requirement if the animals are identified as to the farm of origin when delivered to a livestock market, stockyards, or slaughtering establishment agreeing to accept responsibility for back tag identification.

1.137(3) Every person required to identify animals under this rule shall file reports of such identification on forms prescribed by the department. Each such report will cover all animals identified during the preceding week.

[Effective thirty days after filing with the Secretary of State.]

AGRICULTURE DEPARTMENT

(continued)

Pursuant to authority of section 215.18 of the 1966 Code, the following rule is hereby amended.

[Filed November 15, 1967]

CHAPTER 14

WEIGHTS AND MEASURES

14.33(215) Permanent rule 14.33(215);

IDR Supplement is hereby amended by striking from line 8 thereof, the following words, to wit: "November 14, 1966" and inserting in lieu thereof, the words "August 31, 1967".
appearing at page 5 in the January, 1967

[This rule shall become effective November 14, 1967.]

AGRICULTURE DEPARTMENT

(continued)

Pursuant to authority vested in the state department of agriculture by 159.5(10) and 187.4, 1966 Code, as amended by the 62nd General Assembly, the following rules are hereby adopted.

[Filed September 26, 1967]

DIVISION OF ANIMAL INDUSTRY

CHAPTER 18

BRANDING OF LIVESTOCK

18.1(187) Location of brands on livestock.

18.1(1) Brands shall be recorded on one of either sides on the animals, in any

one of three locations, to wit: The shoulder, rib, or hip.

18.1(2) Each location is considered a separate brand and not in nor under conflict with the same or similar brand in a different location or on a different side.

18.2(187) Brands in conflict.

18.2(1) Whenever two or more brands are determined by the secretary, to be in or under conflict, the secretary shall give written notice to the brand owners.

18.2(2) When herds bearing a similar brand are maintained in close proximity

to each other, and the secretary determines that confusion or conflict may arise therefrom; then the secretary shall direct such change or changes in the position of the brands, so as to remove such confusion or conflict.

18.2(3) When two or more brands are determined, by the secretary, to be in or under conflict, then the owner having recorded said brand on the earliest date shall be given preference in retaining said brand.

[Effective thirty days after filing with the Secretary of State.]

AUDITOR OF STATE

Pursuant to the authority of section 536A.28 of the Code, the rules, of the auditor of state, pertaining to the industrial loan division, that appear in 1966 Iowa Department Rules, pages 54 and 55 and in the January, 1967 Supplement, pages 11 through 15 are rescinded and the following are adopted in lieu thereof.

[Filed November 15, 1967]

INDUSTRIAL LOAN DIVISION

CHAPTER 1

INDUSTRIAL LOANS

1.1(536A) Licenses. The license and current license renewal card of each licensee shall be prominently displayed and available for easy reading by the public in the place of business of the licensee.

1.2(536A) Multiple business authorization. This regulation shall be known as the "Multiple Business Regulation." Any authorization granted by this regulation shall be conditional upon full compliance with all parts thereof. Printed copies of the "Application for Multiple Business Authorization" shall be obtained from the office of Auditor of State, Division of Industrial Loan Audits, State Capitol Building, Des Moines, Iowa, 50319. The printed application form shall be used by each licensee when applying for multiple business authorization. All information shall be supplied in full and where space is inadequate for a full answer, a rider shall be attached.

1.3(536A) Other business in same office. The auditor of state, upon receiving a completed application from a licensee,

may authorize that licensee to conduct its industrial lending business within the same office, room, suite or place of business in which any other business is conducted except that no authorization will be granted to a licensee to conduct its industrial lending business within the same office, room, suite or place of business where the sale of tangible personal property is conducted; except that the sale of repossessed property shall be allowed.

1.4(536A) Examination of books. The auditor of state or his duly appointed representative shall have the right to examine and investigate the books, accounts and records wherever situated of all businesses authorized or conducted, by a licensee licensed pursuant to chapter 536A of the Code of Iowa. All books, accounts, and records pertaining to businesses conducted pursuant to such license, shall be made readily available to the examiners who may investigate without prior notice.

1.5(536A) Index. An alphabetical index shall be maintained for each borrower, endorser, comaker, surety or other party currently indebted to the licensee or to any other business operated within the same office, room, suite or place of business. The index shall show the following information.

1.5(1) Obligor. The name of the obligor, the account number assigned to the obligor's indebtedness, the type of indebtedness (small loan, industrial loan, insurance, receivable, etc.), information showing whether the obligor is other than a borrower, and sufficient information to locate all account ledger cards.

1.6(536A) Account ledger cards. Account ledger cards relating to each type of business operation must be filed in separate groups. Paid-in-full or renewed account ledger cards must also be filed in similar manner and must be retained as a separate group for at least three years following the annual examination.

1.7(536A) Account ledger card control. A record shall be maintained in the licensed office showing the total number and amount of the account ledger cards for each type of business conducted. This record shall be posted either daily or weekly.

1.8(536A) Dual loans. If any person or husband and wife, individually or together, are indebted in any amount under the provisions of the Iowa Small Loan Law, no loan shall be made by the same office to said person or husband and wife, individually or together, under the Iowa Industrial Loan Law.

1.9(536A) Loan conversion. If any person or husband and wife, individually or together, are indebted in any amount on a loan made under the provisions of the Iowa Industrial Loan Law, no loan shall be made to said person or husband and wife, individually or together, under the Iowa Small Loan Law unless the proceeds of the small loan, after deducting insurance premiums, exceeds by two hundred dollars or more the amount necessary to pay in full the balance due on the industrial loan, after the normal rebates have been made. The proceeds of the small loan shall, to the extent necessary, be applied to pay off the balance of the industrial loan.

1.10(536A) Advertising limitations. There shall be no direct or indirect indication whatsoever in any advertisements that loans made under the Iowa Industrial Loan Law are subject to the Iowa Small Loan Law; and likewise, no advertising for loans to be made under the Iowa Small Loan Law shall indicate that such loans are subject to the Iowa Industrial Loan Law.

1.11(536A) Type in advertising. The size and face of the type used in describing the two types of loans shall be the same.

1.12(536A) Multiple business revocation. If the licensee or other business affiliate fails to comply with all conditions set forth in this regulation, the auditor of state, upon giving ten days advance writ-

ten notice to the licensee by certified mail stating his contemplated action and the grounds thereof, and after granting the licensee an adequate hearing, may revoke the licensee's authorization to conduct a multiple business operation.

1.13(536A) Books and records. Licensees shall be required to preserve their books, accounts, and files for a minimum period of three years following the date of final entry recorded therein.

1.14(536A) Loan record. Records for loans made under the Iowa Industrial Loan Law shall be kept separate from other types of business conducted in the office of the licensee.

1.15(536A) Exceptions. Each licensee shall keep the following records in its place of business, except that combination forms and special office systems may be used in lieu thereof if approved by the auditor of state in writing.

1.15(1) Loan register.

a. The loan register shall contain the original entry and shall show for every loan the loan number, date of loan, name of borrower and amount of note.

b. The loan register shall be kept numerically by loan number in the order made.

1.15(2) Account ledger cards.

a. An individual account ledger card shall be kept for each account and shall show at least the loan number, name and address of the borrower, date of loan, date of first payment, date of final payment, terms of repayment, face amount of note, cash advanced to borrower, cash advanced to pay balance of previous industrial loan, interest or discount charge, service charge, appraisal fee, attorney fee, fee paid or to be paid to a public official for recording or filing a mortgage or for satisfying a judgment or lien on any real or personal property securing the loan, type and cost of credit life insurance, type and cost of health and accident insurance and type and cost of other insurance; except that if only one type of credit life or health and accident insurance is being provided by the licensee only the cost for each need be shown.

b. In the case of precharging or precollecting of releasing fees, there shall be evidence of the amount charged or collected posted to the account ledger card

and carried forward on all future account ledger cards until the amount is disbursed.

c. All payments shall be credited upon the account ledger card as of the same day they are received.

d. The account ledger card shall show the amount and date of each payment applied to the note, the unpaid balance of the note after applying such payment and the date and amount of any additional charge collected for delinquency or deferment.

e. If payment is made through the proceeds of an insurance claim or the sale of security, it shall be so designated.

f. No erasures whatsoever may be made in the payment section of any account ledger. In case of error, a line shall be drawn in ink through the improper entry and the correct entry made on the following line.

g. When a loan is prepaid in full, the account ledger card shall show the date of prepayment, the amount paid to discharge the loan, the amount of the interest or discount rebate and any deduction from the rebate for previously earned but uncollected delinquency charges.

h. When a loan is prepaid in full, by the borrower, any refund of the cost of credit life insurance, health and accident insurance or other insurance shall be recorded on the card.

i. Paid-in-full or renewed account ledger cards must be retained as a separate group until released by the auditor of state; except that no licensee shall be required to keep a card in this group for more than three years following the date of final payment.

1.15(3) Original paper file.

a. A separate file, envelope or folder shall be maintained for each borrower or loan account.

b. Such file shall contain all papers relating to the borrower or his loan with the exception of the promissory note which may be kept in a separate promissory note file. Exceptions to the above requirement are the note and security instrument which have so been sold, pledged or assigned as collateral security and any papers in the custody of a court or agent for collection.

c. All instruments evidencing or securing a loan must bear the loan number.

d. No instrument or part thereof shall be left blank for completion in the absence of signature by the borrower or borrowers.

1.15(4) Promissory note file. If the promissory notes are not kept in the file of original papers and have not been sold, pledged or assigned as collateral security or placed in the custody of a court or agent for collection, then they must be kept in a promissory note file.

1.16(536A) Insurance premium refunds. If the policy is surrendered for cancellation by the borrower, the refund or credit of an amount paid by the debtor for insurance shall be not less than the pro rata unearned gross premium in the following cases:

1.16(1) Decreasing term. All decreasing term credit life insurance or credit accident and sickness insurance except that payable by a single premium.

1.16(2) Level term. All level term credit life insurance.

1.17(536A) Single premium insurance refund. If the policy is surrendered for cancellation by the borrower, the refund or credit of an amount paid by the debtor for insurance, in the case of decreasing term credit life insurance or of credit accident and sickness insurance upon which a single premium is paid in advance, shall be not less than the amount computed by the "Direct Ratio Method," commonly known as the "Rule of 78's."

1.18(536A) Property insurance refunds. If the policy is surrendered for cancellation by the borrower, the refund or credit of an amount paid by the debtor for property insurance shall be not less than the amount required by the short rate refund table approved by and on file in the office of the Iowa commissioner of insurance.

1.19(536A) Refund exception. A premium refund or credit need not be made if the amount thereof is less than one dollar per type of insurance.

1.20(536A) Fees. All fees paid by a borrower to a licensee for recording or filing a chattel mortgage or security agreement or for satisfying a judgment or lien on any real or personal property securing a loan, shall be evidenced by a receipt or other satisfactory evidence of payment.

1.21(536A) Appraisal fees. All fees paid by a borrower to a licensee for actual expenses incurred by the licensee in appraising real or personal property offered by the borrower as security for a loan shall be evidenced by a written explanation of how the fee was computed. The following are acceptable as expenses incurred by a licensee in making appraisals:

1.21(1) The actual cost of transportation or a reasonable mileage cost estimate to and from the place where the appraisal is to be made.

1.21(2) The actual cost of the appraiser's time.

1.21(3) Meals and, if it is necessary for the appraiser to remain out of town overnight, lodging.

1.22(536A) Independent appraiser. The licensee, may choose to have the appraisal performed by an independent appraiser. In this case, the cost of the appraisal would be the amount charged by the independent appraiser as evidenced by his statement. The appraiser's statement shall be retained.

1.23(536A) Abstracting and opinion charges. A licensee may collect from a borrower the actual cost incurred in the

continuation of an abstract and an attorney's opinion as to the title to real property securing a loan. The charge shall be evidenced by a statement rendered by the individual or firm performing the service.

1.24(536A) Prepayment. Refunds for prepayment in full shall be computed by the "Direct Ratio Method," commonly referred to as the "Rule of 78's" method, based on the number of full months the loan is prepaid in full.

1.25(536A) Restrictions. No person other than an actual or bonafide employee of the lender or the principal borrower shall obtain the signature of one or more of the principal borrowers outside the loan office except under unusual circumstances or where the loan is made by mail.

1.26(536A) Penalty. It shall be the responsibility of each licensee to see that all management personnel are familiar with the Iowa Industrial Loan Law and all rules and regulations promulgated thereto.

The foregoing rules are intended to implement chapter 536A of the 1966 Code of Iowa.

[Effective upon filing with the Secretary of State.]

AUDITOR OF STATE

(continued)

Pursuant to the authority of sections 534.10, 534.31 and 534.42 of the Code, the following rules are adopted.

[Filed September 14, 1967]

SAVINGS AND LOAN DIVISION

CHAPTER 3

SAVINGS LIABILITY—DIVIDENDS

3.1(534) Classes of savings. In addition to regular savings share accounts, an association may, if its articles of incorporation permit and by resolution of its board of directors, classify savings according to the character, amount or duration thereof, or regularity of additions thereto. For this purpose, the classifications are defined.

3.1(1) Bonus accounts. Under the bonus arrangement, the association may agree, by issuance of a bonus security certificate, to pay an extra dividend at a specified rate in addition to the regular dividend rate.

Bonus accounts may be:

Fixed balance accounts of \$1,000 or a greater amount which is an integral multiple of \$1,000, maturing in thirty-six months, or

Accounts on a monthly payment basis, such monthly payments to be set forth in a bonus agreement, for a period of not less than thirty-six months nor more than ninety-six months.

a. Regular dividends shall be distributed as of the normal distribution dates and the bonus amount upon completion of the agreed upon maturity. In the event that the account is withdrawn prior to the maturity date specified, no bonus may be paid nor may a penalty be assessed. The association shall, on each regular dividend payment date, make appropriate debits and credits to a "Reserve for Bonus" which shall be maintained as long as bonus accounts are outstanding.

b. The bonus security form to be used shall be submitted to the supervisor for approval prior to initiation of any bonus plan.

c. Bonus certificates, issued under any plan prior to the effective date of this regulation, must be redeemed upon their date of maturity, which date shall, in no event, be later than July 1, 1968. Such certificates may be replaced by a regular savings share account or a plan conforming to one of the classes of savings set forth in this regulation.

3.1(2) *Variable rate accounts.* The association may indicate its intention to pay a higher rate or rates, specified by the board of directors, on variable rate accounts evidenced by a certificate or account book. Such higher rate or rates shall be determined by the board and not tied to the regular dividend rate.

Variable rate accounts may be:

Accounts evidenced by an account book, to be maintained in an amount of at least \$1,000 for a continuous period of not less than twelve months, or

Accounts evidenced by a certificate security form, to be maintained in an amount of at least \$1,000 for a continuous period of not less than six months nor more than twelve months, commencing on the date of the certificate.

a. If set forth as a condition on the security certificate form, funds in a variable rate certificate account; withdrawn before maturity, may receive dividends at less than the regular rate but in no event at less than fifty percent of the regular rate for the period or periods the funds remained in the association. If the board of directors, at its option, includes such condition for a lesser rate for early withdrawal of funds, no distribution of dividends, either regular or extra, shall be made until maturity of the account. If the

optional condition is not included, dividends at the regular rate shall be distributed as of the normal distribution dates and the extra rate upon maturity of the account.

b. A reserve for undistributed earnings on all variable rate accounts shall be maintained and appropriate credits and debits be made to the reserve as of the dates the association regularly distributes earnings on its regular savings shares.

c. The variable rate certificate or account book form to be used shall be submitted to the supervisor for approval prior to initiation of any variable rate plan.

3.1(3) *Nonearning accounts.* By resolution, the board of directors of an association may provide the following for savings accounts with a withdrawable value of less than fifty dollars:

a. Establish a minimum withdrawable value, below which no earnings shall be distributed.

b. Establish a minimum of a lesser amount, below which no earnings shall be distributed, for savings accounts in an established program for children for the encouragement of thrift.

3.2(534) *Distribution of earnings.* An association may, by resolution of its board of directors, provide for the distribution of earnings on amounts withdrawn from bonus accounts and variable rate accounts between the dates on which earnings are regularly distributed, provided that earnings on such withdrawals shall be for only that portion of the period during which the amount remained in the association and that the rate, exclusive of bonus or extra rate, is not in excess of the regular rate for that period.

[Effective upon filing with the Secretary of State.]

COMMERCE COMMISSION

Pursuant to authority of chapter 490A of the Code, the following rules are adopted.

[Filed December 12, 1967]

UTILITIES DIVISION

CHAPTER 22

TELEPHONE UTILITIES

22.1(490A) *General information.*

22.1(1) *Application of rules.* The rules shall apply to any telephone utility

operating within the state of Iowa subject to chapter 490A. Code of Iowa, 1966, and shall supersede all conflicting rules of any telephone utility which were in force and effect prior to the adoption of their superseding rules. These rules are intended to promote safe and adequate service to the public, to provide standards for uniform and reasonable practices by utilities, and to establish a basis for determining the reasonableness of such demands as may be made by the public upon the utilities.

22.1(2) Waiver and modification. If unreasonable hardship to a utility or to a customer results from the application of any rule herein prescribed, application may be made to the commission for the modification of the rule or for temporary or permanent exemption from its requirements.

The adoption of these rules shall in no way preclude the commission from altering or amending them, pursuant to statute, or from making such modifications with respect to their application as may be found necessary to meet exceptional conditions.

22.1(3) Definitions. For the administration and interpretation of these rules, the following words and terms shall have the meaning indicated below:

a. "Average busy-season, busy-hour traffic" — The average traffic volume for the busy-season, busy-hours.

b. "Base rate area"—The developed portion or portions within each exchange service area as set forth in the telephone utility's tariffs, maps or descriptions. Main station service within this area is furnished at uniform rates without mileage charges. (See also "Rate Zone")

c. "Busy-hour"—The two consecutive half-hours during which the greatest volume of traffic is handled in the office.

d. "Busy-season"—That period of the year during which the greatest volume of traffic is handled in the office.

e. "Calls"—Customers' telephone messages attempted.

f. "Central office"—A switching unit, in a telephone system which provides service to the general public, having the necessary equipment and operating arrangements for terminating and interconnecting subscriber lines and trunks or trunks only. There may be more than one central office in a building.

g. "Channel"—An electrical path suitable for the transmission of communications.

h. "Class of service"—The various categories of service generally available to customers, such as business or residence.

i. "Commission" means the Iowa state commerce commission.

j. "Customer or subscriber"—Any person, firm, partnership, corporation, municipality, co-operative organization, governmental agency, etc., provided with telephone service by any telephone utility.

k. "Customer trouble report"—Any call or written statement from a subscriber or user of telephone service relating to a physical defect or to difficulty or dissatisfaction with the operation of telephone facilities. Each call or written statement received shall be considered a separate report, even though it may duplicate a previous report or merely involve an inquiry concerning progress on a previous report. Also, a separate report shall be counted for each telephone or PBX switchboard position reported in trouble when several items are reported by one customer at the same time, unless the group of troubles so reported is clearly related to a common cause.

l. "Exchange"—A unit established by a telephone utility for the administration of telephone service in a specified area which usually embraces a city, town, or village and its environs. It consists of one or more central offices together with associated plant used in furnishing communication service in that area.

m. "Exchange service" means telephone service furnished by means of exchange plant and facilities.

n. "Exchange service area" or "exchange area" means the general area in which the telephone utility holds itself out to furnish exchange telephone service.

o. "Exchange station" means communication equipment with an individual exchange or extension number located within an exchange service area which may be called by dial or otherwise from any other exchange station.

p. "Extended area service" means telephone service, furnished at flat rates, between subscribers' telephone stations located within an exchange area and all of the subscribers of one or more additional exchange areas.

q. "Flat rate service" means service furnished at a fixed monthly or periodic charge.

r. "Foreign exchange service" means exchange service furnished a sub-

scriber from an exchange other than the exchange regularly serving the area in which the subscriber is located.

s. "Grade of service"—The number of parties served on a telephone line such as one-party, two-party, four-party, etc.

t. "Held order for regrade" means an application for regrade of service not filled within thirty days of the date which the prospective customer desires service.

u. "Held order for service" means an application for establishment of service not filled within thirty days of the date which the prospective customer desires service.

v. "Local service" means telephone service furnished between subscriber stations located within an exchange area.

w. "Main station"—The primary or principal station directly connected by means of an individual line or party line circuit with a central office.

x. "Message"—A completed customer telephone call.

y. "Message rate service" means service for which the subscriber charges are based on message units depending in part upon the number of outgoing messages placed by the subscriber to stations receiving service from the same local or extended service area.

z. "Multipart service" means service provided on a channel designed for the connection of more than four main stations with the central office.

aa. "Outside plant"—The telephone equipment and facilities installed on, along, or under streets, alleys, highways, and private rights of way between customer locations, central offices, or the central office and customer location.

bb. "Percentage of fill" means the ratio of circuits and equipment in use to the total available.

cc. "Premises"—The space occupied in a single exchange by a customer in a building or in adjoining buildings not separated by a public thoroughfare.

dd. "Rate zone" means an area other than base rate area within an exchange service area where service generally is furnished at uniform rates without mileage charges.

ee. "Rural service" means service in an exchange area outside of a base rate area or generally outside a special rate area, as defined herein, furnished without mileage charge.

ff. "Service line"—Those facilities owned and maintained by a customer or group of customers, which lines are connected with the facilities of another telephone utility for communication service.

gg. "Special rate area" means an area within an exchange where service generally is furnished at uniform rates. Usually this comprises a developed area outside of the base rate area which is also known as a "locality rate area" and separated by some distance from the base rate area.

hh. "Subscriber line"—The wires or channels used to connect the telephone equipment at the subscriber's premises with the central office.

ii. "Switching service"—Switching performed for service lines.

jj. "Tariff"—The entire body of rates, tolls, rentals, charges, classifications, and rules, adopted and filed with the commission by a public utility providing service to the public.

kk. "Telephone station" means the telephone instrument installed for the use of a customer or subscriber.

ll. "Telephone utility"—Any person, partnership, business association, or corporation, domestic or foreign, owning or operating any facilities for furnishing communications service to the public for compensation.

mm. "Toll connecting trunks"—A general classification of trunks carrying toll traffic and ordinarily extending between a local office and a toll office.

nn. "Toll message" is a message made between different exchange areas for which a charge is made.

oo. "Toll rate" means the tariff charge prescribed for toll messages, usually based upon the duration of the message and the distance between the exchanges.

pp. "Toll station"—A telephone connected to a toll line or directly to a toll board.

qq. "Toll station service" means telephone service rendered from a toll station.

rr. "Traffic" means telephone call volume, based on number and duration of messages.

ss. "Traffic grade of service" means the percent of customer call attempts which do not encounter an all-trunks-busy condition during the average busy-season, busy-hour.

tt. "Wide area service" means service beyond the local or extended area provided at a flat monthly rate or on a basis differing from customary message toll rates.

22.1(4) Abbreviations.

AMA	—Automatic Message Accounting
ANC	—All Number Calling
ANI	—Automatic Number Identification
CAMA	—Centralized Automatic Message Accounting
CATV	—Community Antenna Television
CB	—Common Battery
CDO	—Community Dial Office
COE	—Central Office Equipment
DDD	—Direct Distance Dialing
D-TPL	—Dial-Terminal Per Line
D-TPS	—Dial-Terminal Per Station
EAS	—Extended Area Service
ESS	—Electronic Switching System
IMTS	—Improved Mobile Telephone Service
INWATS	—Inward Wide Area Telephone Service
MG	—Magneto
MMM	—Message Minute Miles
PABX	—Private Automatic Branch Exchange
PBX	—Private Branch Exchange
SLU	—Subscriber Line Usage
TSP	—Traffic Service Position
TSPS	—Traffic Service Position System
TWX	—Teletypewriter Exchange Service
WATS	—Outward Wide Area Telephone Service

22.1(5) *Switching service.* Effective with the adoption of these rules, telephone utilities shall not provide switching

service to additional lines which do not meet the technical criteria of these rules. Also, effective with the adoption of these rules, each telephone utility shall eliminate nonconforming switching service according to one of the following provisions:

a. By conversion to dial or other adequate service.

b. By changing all lines not upgraded to dial or other adequate service to company-owned stations within a period of five years.

22.1(6) *Basic utility obligations.* Each telephone utility shall provide telephone service to the public in its service area in accordance with its rules and tariffs on file with the commission. Such service shall normally meet or exceed the standards set forth in these regulations governing service supplied by "Telephone Utilities."

22.2(490A) Records and reports.

22.2(1) *Evaluation of records.* Each telephone utility has the obligation to continually study and evaluate its records and reports to insure that any irregularities in service that may cause customer dissatisfaction or complaint are corrected expeditiously and that all phases of construction, equipment maintenance, or operation are satisfactory.

22.2(2) *Retention of records.* Unless otherwise specified herein, all records required by these rules shall be preserved for the period of time specified in "Part 42—FCC Rules and Regulations." The latter shall be the unit of Volume X of the rules and regulations of the federal communications commission officially designated as "Part 42—Preservation of Records of Communication Common Carriers" as adopted by the federal communications commission in Docket 13080 and published in the Federal Register on October 4, 1960, and as amended by Transmittal Sheet No. X-9 to Volume X of Rules and Regulations, January, 1961 Edition, effective date September 1, 1965.

Where a telephone utility is operated in conjunction with any other enterprise, suitable records shall be maintained so that the results of the telephone operation may be determined upon reasonable notice and request by the commission.

22.2(3) *Location of records.* All records required by these rules or necessary

for the administration thereof, shall be kept within this state, unless otherwise authorized by the commission, or shall be made available to the commission or its authorized representatives at all reasonable hours.

22.2(4) Tariffs to be filed with the commission. The utility shall file its tariff with the commission, and shall maintain such tariff filing in a current status. A copy of the same tariff shall also be on file in all business offices of the telephone utility and shall be available for inspection by the public.

The schedules of rates of rate-regulated utilities and rules of all utilities shall be filed with the commission and shall be classified, designated, arranged and submitted so as to conform to the requirements of current tariff or rate schedule circulars and special instructions which have been or may from time to time be issued by the commission. Provisions of the schedules shall be definite and so stated as to minimize ambiguity or the possibility of misinterpretation. The form, identification, and content of tariffs shall be in accordance with these rules.

Utilities which are not subject to the rate regulation provided for by chapter 490A, Code of Iowa, 1966, shall not be required to file schedules of rates, or contracts primarily concerned with a rate schedule, with the commission but nothing contained in these rules shall be deemed to relieve any utility of the requirement of furnishing any of these same schedules or contracts which are needed by the commission in the performance of the commission duties upon request to do so by the commission.

22.2(5) Form and identification. All tariffs shall conform to the following regulations.

a. The tariff shall be printed, typewritten or otherwise reproduced on 8½x11-inch sheets of white paper equal in durability to twenty-pound bond paper with twenty-five percent cotton or rag content so as to result in a clear and permanent record. The sheets of the tariff should be ruled or spaced to set off a border on the left side suitable for binding. In the case of utilities subject to regulation by any federal agency the format of sheets of tariff as filed with the commission may be the same format as is required by the federal agency, provided

that the rules of the commission as to title page; identity of superseding, replacing or revising sheets; identity of amending sheets; identity of the filing utility, issuing official, date of issue and effective date; and the words "Filed with the I.S.C.C." shall be applied to modify the federal agency format for the purposes of filing with this commission.

b. The title page of every tariff and supplement shall show in the order named:

(1) The first page shall be the title page which shall show:

(Name of Public Utility)

Telephone Tariff

Filed with

Iowa State Commerce Commission

_____ (date)

(2) When a tariff is to be superseded or replaced in its entirety, the replacing tariff shall show on its title page that it is a revision of a tariff on file.

(3) When a revision or amendment is made to a filed tariff, the revision or amendment shall show on each sheet the designation of the original tariff or the number of the immediate preceding revision or amendment which it replaces. (See Exhibit A)

(4) When a new part of a tariff eliminates an existing part of a tariff it shall so state and clearly identify the part eliminated. (See Exhibit A)

c. Any tariff modifications as defined above shall be marked in the right-hand margin of the replacing tariff sheet with symbols as here described to indicate the place, nature and extent of the change in text.

— Symbols —

(C)—Changed Regulation

(D)—Discontinued Rate or Regulation

(I)—Increase in Rate

(N)—New Rate or Regulation

(R)—Reduction in Rate

(T)—Change in Text Only

d. All sheets except the title page shall have, in addition to the above-stated requirements, the following further information:

(1) (Name of public utility) Telephone Tariff under which shall be set forth the words "Filed with I. S. C. C." If the utility is not a corporation, and a trade name is used, the name of the individual or partners must precede the trade name.

(2) Issuing official and issue date.

(3) Effective date.

22.2(6) Content of tariffs.

a. A table of contents containing a list of exchange rate schedules and other sections in the order in which they appear showing the sheet number of the first page of each rate schedule or other section. In the event the utility filing the tariff elects to segregate a section such as general rules and regulations from the section containing the rate schedules or other sections, it may at its option prepare a separate table of contents or index for each such segregated section.

b. All rates of rate-regulated utilities for service defining the classes and grades of service that are available to the customers and to which each rate applies. With these rate schedules, a map shall be filed which shall clearly define the base rate boundary and any rural or special zones that are set forth in the tariff. The boundary line location on such maps shall be delineated from fixed reference points.

c. Any limitations on the type of equipment which may be connected, the length of billing period, and any special terms and conditions applicable. The discount for prompt payment or penalty for late payment, if any, and the period during which the net amount may be paid shall be specified.

d. Forms of standard contracts required of customers for the various types of service available other than those which are defined elsewhere in the tariff.

e. A designation, by exchange, of the EAS to other exchanges.

f. The list of exchange areas and the standard rates associated therewith, where rate control is authorized by law, shall be filed in such form as to facilitate ready determination of the rates available. If the utility has mileage extension charges, the areas where mileage rates apply shall be indicated.

g. Definitions of classes of customers.

h. Extension rules, under which extensions of service will be made, indicating what portion of the extension or cost thereof will be furnished by the utility; and if the rule is based on cost, the items of cost included as required in 22.3(5).

i. The type of construction which the utility requires the customer to provide if in excess of the Iowa electrical safety code or the requirements of the municipality having jurisdiction, whichever may be the most stringent in any particular.

j. Statement of the type of special construction commonly requested by customers which the utility allows to be connected, and the terms upon which such construction will be permitted, with due provision for the avoidance of unjust discrimination as between customers who request special construction and those who do not. This applies, for example, to a case where a customer desires underground service in overhead territory.

k. Rules with which prospective customers must comply as a condition of receiving service.

l. Rules governing the establishment of credit by customers for payment of service bills.

m. Rules governing the procedure followed in disconnecting and reconnecting service.

n. Notice by customer required for having service discontinued.

o. Rules covering temporary, emergency, auxiliary, and standby service.

p. Rules covering the type of equipment which may or may not be connected.

22.2(7) Annual, periodic and other reports to be filed with the commission.

a. *System maps.* The utility shall file annually a verification that it has a currently correct set of utility system maps in accordance with general requirement 22.3(6) and a statement as to the location of the utility's offices where such maps are accessible and available for examination by the commission or its staff. The verification and map location information shall also be reported to the commission upon other occasions when

significant changes occur in either the maps or location of the maps.

b. Each utility shall file with the commission a report of each accident in connection with the operation of the utility's telephone plant which results in an injury temporarily disabling an employee for two days or more or resulting in permanent disability or death. Prompt notice of fatal accidents shall be given to the commission by telephone. A written report of the accident shall be filed within ten days next following the occurrence of the accident on forms approved by the commission. Such written reports shall indicate the following information:

(1) The name, address, and age of the person or persons involved in the accident.

(2) The time and place where the accident occurred.

(3) The cause of the accident in detail.

(4) The name of the individual, company, corporation, city or town operating the telephone exchange service.

c. The utility shall file annually a report of all important additions to the telephone plant by exchange or location, the construction or acquisition of which was completed by the utility during the preceding year and that which is planned for the current year. For the purpose of this rule an important addition to plant shall mean a single project involving the expenditure of more than \$50,000 or an amount equivalent to more than twenty-five percent of the total telephone plant in service, whichever is less.

d. Each utility shall compile a monthly record by exchange of station, central office, and outside trouble reports and held applications. This information shall be supplied on forms approved by the commission. The records shall be compiled not later than thirty days after the end of the month covered and shall, upon and after compilation, be kept available for inspection by the commission or its staff. A summary of the twelve monthly records shall be attached to and submitted with the utility's annual report to the commission.

e. The utility shall keep the commission informed currently by written notice as to the location at which the utility

keeps the various classes of records required by these rules.

f. A copy of each standard type of customer bill form in current use shall be filed with the commission.

g. The name, title, address, and telephone number of the person who is authorized to receive, act upon and respond to communications from the commission in connection with the following:

- (1) General management duties.
- (2) Customer relations (complaints).
- (3) Engineering operations.
- (4) Emergencies during non-office hours.

22.3(490A) General service requirements.

22.3(1) Held applications.

a. During such period of time as telephone utilities may not be able to supply initial telephone service to prospective customers or upgrade existing customers within thirty days after the date applicant desires service, the telephone utility shall keep a record by exchanges showing the name and address of each applicant for service, the date of application, date that service is desired, the class and grade of service applied for, together with the reason for the inability to provide the new service or higher grade to the applicant.

b. When, because of shortage of facilities, a utility is unable to supply main telephone service on dates requested by applicants, first priority shall be given to furnishing those services which are essential to public health and safety. In cases of prolonged shortage or other emergency, the commission may require establishment of a priority plan, subject to its approval for clearing held orders, and may request periodic reports concerning the progress being made.

22.3(2) Directories. All directories published after the effective date of these rules shall conform to the following:

a. Telephone directories shall be regularly published, listing the name, address and telephone number of all customers, except public telephones and numbers unlisted at customer's request.

b. Upon issuance, a copy of each directory shall be distributed to all customers locally served by that directory. A

copy of each directory shall be furnished the commission at any time upon its request.

c. The year of issue shall appear on the front cover. Information pertaining to emergency calls, such as for the police and fire departments, for each exchange listed in the directory shall appear conspicuously on the back side of the front cover or on the front side of the first page of the directory.

d. The directory shall contain such instructions concerning placing local and long distance calls, calls to repair and information services, and location of telephone company business offices as may be appropriate to the area served by the directory. Rates between frequently called points may also be included.

e. Information or intercept operators shall maintain records of all telephone numbers (except telephone numbers not listed or published at customer request) in the area for which they are responsible for furnishing information service.

f. In the event of an error in the listed number of any customer, the telephone utility shall intercept all calls to the listed number for a reasonable period of time provided existing central office equipment will permit and the number is not in service. In the event of an error or omission, in the name listing of a customer, such customer's correct name and telephone number shall be in the files of the information or intercept operators and the correct number shall be furnished the calling party either upon request or interception.

g. Whenever any customer's telephone number is changed after a directory is published, the utility shall intercept all calls to the former number for a reasonable period of time and give the calling party the new number provided existing central office equipment will permit, and the customer so desires.

h. When additions or changes in plant, records or operations which will necessitate a large group of number changes are scheduled, reasonable notice shall be given to all customers so affected even though the additions or changes may be coincident with a directory issue.

22.3(3) *Grade of service.*

a. Within the base rate area, no utility shall connect more customers on

any line than are contemplated under the grade of service charged the customer on such line.

b. On rural lines where multiparty service is provided, no more than eight customers shall be connected to any one circuit, unless approved by the commission. All rural circuits now serving more than eight customers shall be changed to meet this requirement within a five-year period following adoption of these rules. If twenty percent or more of the customers of a utility are on rural service lines serving more than eight parties, the utility shall file with the commission within twelve months from the adoption of the rules a plan showing the proposed action for reducing these lines to a maximum of eight parties. The telephone utility may regroup customers in such a manner as may be necessary to carry out the provision of this rule. An application for extension of time may be made. Such application shall contain the following:

(1) An analysis of the original amount of work to be completed in meeting the provisions of this rule as to work completed and in service at time of extension application, work under construction at time of extension application, and work not yet begun.

(2) Estimated date of completion.

(3) Reasons why the total conversion plan has not yet been completed as previously scheduled.

(4) Justification of the additional time requested.

Upon completion in the meeting of this requirement a report to that effect shall be filed with the commission.

22.3(4) *Public telephone service.*

a. In each exchange the telephone utility shall supply at least one coin telephone that will be available to the public on a twenty-four-hour basis. This coin telephone shall be located in a prominent location in the exchange and shall be lighted at night. The utility may also establish other public telephone service at locations where the public convenience will be served. This requirement may be waived by the commission in cases of abusive vandalism or damage.

b. In other locations the telephone utility may provide semipublic telephone

service to subscribers. Semipublic service is used at locations where the installation of a public telephone is not warranted but where there is a demand for telephone service for transients or where there is a need of this service by guests, employees, members or occupants, or where there is a demand for service by a combination of transient and customer use.

22.3(5) Extension plan. Each utility shall develop a plan, acceptable to the commission, for the extensions of facilities, where they are in excess of those included in the regular rates for service and for which the customer shall be required to pay all or part of the cost. This plan must be related to the investment that prudently can be made for the probable revenue. No utility shall make or refuse to make any extensions except as permitted by the approved extension plan.

22.3(6) Maps.

a. Each telephone utility shall maintain in a current status exchange maps showing the exchange service area for each telephone exchange operated, and the map shall be in sufficient detail to reasonably permit locating the exchange service area boundaries in the field. A copy of such maps shall be available to the commission or its authorized representatives at any time upon request.

b. The maps shall show:

- (1) Base rate area.
- (2) Exchange boundary.
- (3) Location of central office.
- (4) Name of communities (P. O. designations) served.
- (5) State boundary crossings (if any).
- (6) Interexchange routes and circuit information. (This information may be otherwise provided on forms approved by the commission.)

22.3(7) Traffic rules.

a. Suitable practices shall be adopted by each telephone utility concerning the operating methods to be employed by operators with the objective of providing efficient and pleasing service to the customers.

b. Telephone operators shall be instructed to be courteous, considerate and efficient in the handling of all calls, and

to comply with the provisions of the Communications Act of 1934 in maintaining the secrecy of communications.

c. All operator-handled calls shall be carefully supervised and disconnects made promptly.

d. When an operator is notified by a customer that he has reached a wrong number on a direct dialed call, the customer shall be given credit on his bill when the claim has been substantiated.

22.4(490A) Customer relations.

22.4(1) Customer information.

a. Each utility shall:

(1) Maintain up-to-date maps, plans, or records of its entire exchange systems, together with such other information as may be necessary to enable the utility to advise prospective customers, and others entitled to the information, as to the facilities available for serving prospective customers in its service area.

(2) Inform the customer or prospective customer of the basic grades of service available at his subscriber location and the charges associated therewith.

(3) Notify customers affected by a change in rates or schedule classification.

(4) Post a notice in a conspicuous place in each office of the utility where applications for service are received, informing the public that copies of the rate schedules and rules relating to the service of the utility, as filed with the commission, are available for inspection.

(5) Furnish such additional information as the customer may reasonably request.

b. Employees responsible for the receiving of customer telephone calls and customer office visits shall be properly qualified and instructed in the screening and prompt handling of complaints to assure prompt reference of the complaint to the person or department capable of effective handling of the matter complained of and to obviate the necessity of the customer's preliminary repetition of the entire complaint to employees lacking in ability and authority to take appropriate action.

22.4(2) Customer deposits. Each utility may require from any customer or pro-

spective customer a deposit intended to guarantee payment of bills for service.

a. Such deposit shall not be less than five dollars nor more in amount than the maximum charge for two months local exchange service plus two months estimated toll service, or as may reasonably be required by the utility in cases involving service for short periods or special occasions.

b. Interest on deposit.

(1) Simple interest on deposits at the rate of at least five percent per annum shall be paid by the utility to each customer required to make such a deposit for the time held by the utility. Interest shall be paid from the date of deposit to the date of refund or the date upon which the customer's account becomes delinquent, whichever is earlier, unless such period be less than six months.

(2) Payment of interest to the customer shall be made annually if requested by the customer, or at the time the deposit is returned.

(3) The interest shall be accrued annually.

(4) The deposit shall cease to draw interest on the date it is returned, on the date upon which the customer's account becomes delinquent, or on the date notice is sent to the customer's last known address that the deposit is no longer required.

c. Each utility shall keep records to show:

(1) The name and address of each depositor.

(2) The amount and date of the deposit.

(3) Each transaction concerning the deposit.

d. Each utility shall issue a receipt of deposit to each customer from whom a deposit is received, and shall provide means whereby a depositor may establish his claim if his receipt is lost.

e. The deposit shall be refunded upon request of the customer after twelve consecutive months of prompt payments, and, without such request, shall be refunded by the utility after thirty-six consecutive months of prompt payment. In no case, however, must a deposit be re-

funded if the customer's credit standing is not satisfactory to the utility.

f. A record of each unclaimed deposit must be maintained for at least three years during which time the utility shall make a reasonable effort to return the deposit.

g. Unclaimed deposits, together with accrued interest, shall be credited to an appropriate account.

h. A new or additional deposit may be required upon reasonable written notice of the need for such a requirement in any case where a deposit has been refunded or if found to be inadequate to cover the amount as provided for in "a" above, or where a customer's credit standing is not satisfactory to the utility. The service of any customer who fails to comply with these requirements may be disconnected upon five days written notice.

22.4(3) Customer billing. Bills to customers shall be rendered regularly and clearly list all charges. Reasonable customer requests for an itemized statement of charges shall be complied with.

22.4(4) Customer complaints. Complaints concerning the charges, practices, facilities, or service of the utility shall be investigated promptly and thoroughly. The utility shall keep a record of such complaint showing the name and address of the complainant, the date and nature of the complaint, its disposition, and all other pertinent facts dealing with the complaint, which will enable the utility to review and analyze its procedure and actions. The records maintained by the utility under this rule shall be available for inspection by the commission or its staff upon request.

22.4(5) Discontinuance, suspension or refusal of service.

a. In the event of nonpayment of any sum due for exchange, toll, or other service, the telephone utility may with respect to such service suspend or discontinue the service without suspension, or following suspension of service sever the connection and remove any of its equipment from the customer's premises, provided that the utility has made a reasonable attempt to effect collection and has given the customer written notice that he has at least five days in which to make settlement of his account or make a deposit in accordance with paragraph 22.4(2) *Customer deposits.* In unusual

credit circumstances or abnormal usage of service which would result in undue revenue loss, the requirement of a five-day written notice would not apply.

b. In the event there is disagreement or dispute concerning a bill for telephone service, the telephone company may require the customer to pay a sum of money equal to the amount of the undisputed portion of the bill to the telephone utility pending settlement and thereby avoid discontinuance of service for non-payment of such disputed bill.

c. No deposit shall be required as a condition for establishment of service other than as provided in the utility's rules and tariffs on file with the commission.

d. Service may be denied to any applicant for failure to comply with applicable requirements of these rules, or of the utility's rules, or the requirements of municipal ordinances, or law pertaining to the services.

e. Delinquency in payment for service rendered to a previous occupant of the premises to be served and unpaid charges for services or facilities not ordered by the present or prospective subscriber shall not constitute a sufficient cause for refusal of service to a present or prospective subscriber.

22.4(6) Temporary service. When the utility renders temporary service to a customer, it may require that the customer bear all the cost of installing and removing the service facilities in excess of any salvage realized.

22.5(490A) Engineering.

22.5(1) Requirement for good engineering practice. The telephone plant of the utility shall be constructed, installed, maintained and operated subject to the provisions of the Iowa electrical safety code or the requirements of any municipality having jurisdiction, whichever may be the more stringent, and in accordance with accepted good engineering practice in the communication industry to assure, as far as reasonably possible, continuity of service, uniformity in the quality of service furnished, and the safety of persons and property.

22.5(2) Adequacy of service.

a. Each utility shall employ recognized engineering and administrative pro-

cedures to determine the adequacy of service being provided to the customer.

b. Traffic studies shall be made and records maintained to determine that sufficient equipment and an adequate operating force are provided during the busy-season, busy-hour.

c. Each telephone utility shall provide emergency service in all exchanges operated in which regular service is not available at certain periods during the twenty-four hours of the day. When service is not continuous for the full twenty-four-hour day, proper arrangements shall be made for handling emergency calls during the off periods by the use of alarms maintained in proper condition with someone conveniently available so that emergency calls will be given prompt attention.

d. Each utility shall employ adequate procedures for assignment of facilities. The assignment record shall be kept up-to-date and checked periodically to determine if adjustments are necessary to maintain proper balance in all groups.

22.5(3) Manual switchboard requirements.

a. Switchboards shall be provided with sufficient cord pairs to handle the calls of an average busy-season, busy-hour so that ninety-six percent of the calls are answered on the initial attempt.

b. The position requirements shall be engineered on the basis of each position handling no more than 230 traffic units during the average busy-season, busy-hour. (This shall be applicable to all types of switchboards.)

22.5(4) Dial service requirements.

a. Each utility shall employ appropriate procedures to determine the adequacy of central office equipment. Sufficient central office capacity and equipment shall be provided to meet the following minimum requirements during average busy-season, busy-hour:

(1) Dial tone within three seconds on at least ninety-five percent of telephone calls.

(2) Complete dialing of called numbers on at least ninety percent of telephone calls without encountering an all-trunks-busy condition within the central office.

b. Each telephone utility shall engineer all new and additional central office equipment requirements using sound engineering practice, consistent with the practices of the telephone industry.

c. Rural lines shall be engineered for a line fill of no more than eight customers per line. Whenever practical, all new dial offices shall be engineered on a terminal per station basis.

d. Each central office shall be provided with alarms to indicate improper functioning of equipment.

22.5(5) Grounded circuits. On and after the effective date of these rules, no additional telephone lines shall be constructed as a single wire with ground return. Telephone utilities shall provide full metallic circuits for all customers located within the base rate area, and so far as economically feasible, to all rural multi-party customers located beyond the base rate area. Telephone utilities operating ground return rural circuits which are affected by inductive interference should cooperate to the fullest extent possible with all interested parties in correcting this condition, and where necessary to eliminate inductive or conductive interference full metallic circuits, properly transposed, shall be provided.

22.5(6) Interexchange trunks.

a. When trunk lines or toll circuits for communication are furnished by one or more telephone utilities between exchanges, the circuits connecting such exchanges shall be nongrounded. No customer's instruments other than toll stations shall be regularly connected thereto.

b. Interexchange trunks shall be provided so that at least ninety-five percent of telephone calls offered to the group will not encounter an all-trunks-busy condition. For toll connecting trunks, this figure shall be at least ninety-seven percent.

22.5(7) Transmission requirements. Telephone utilities shall furnish and maintain adequate plant, equipment and facilities to provide satisfactory transmission of communications between customers in their service areas. Transmission shall be at adequate volume levels and free of excessive distortion. Levels of noise and cross talk shall be such as not to impair communications.

22.5(8) Minimum transmission objectives.

a. The transmission objectives set forth herein are based upon the use of standard telephone sets connected to a 48-volt dial central office, and measured at a frequency of 1,000 cycles.

b. With the foregoing conditions a subscriber line that provides satisfactory pulsing and supervision normally will provide acceptable and adequate transmission. Such line should, in general, have a loop resistance not exceeding the operating design of the associated central office equipment.

c. The over-all transmission loss, including terminating equipment, on local interexchange or interoffice trunks should be no more than ten decibels.

d. Whenever feasible, the overall transmission loss, including terminating equipment, on intertoll trunks and on terminating links should be no more than five decibels measured at multiple frequencies between 200 and 3,000 cycles. Because these trunks may be only one of several connected links on some toll routes, it may be necessary to provide better facilities in order to keep the overall net circuit losses within the five decibel limit so as to provide satisfactory message transmission.

22.5(9) Joint use. Where joint construction is mutually agreed upon, it shall be subject to the provisions of the Iowa electrical safety code or such other appropriate regulation as may be prescribed.

22.5(10) Provisions for testing. Each telephone utility shall provide or have access to test facilities which will enable it to determine the operating and transmission capabilities of circuit and switching equipment, either for routine maintenance or for fault location.

22.5(11) Answering time. At manual exchanges ninety-five percent of the local calls shall be answered by the operator within ten seconds. In large manual exchanges it should be possible to answer the majority of such calls within three seconds except during periods of momentary peak loads. It is not contemplated that this rule can be observed during periods of emergency when an abnormal and unexpected volume of traffic occurs. In manual toll offices, ninety percent of trunk signals shall be answered within

ten seconds. On the average, calls shall be answered within five seconds. The average time interval between operator's answer of the customer's signal and the initial signal or report as to the called number should be no more than ninety seconds unless delayed due to reference to rate and route operators.

22.5(12) Maintenance of plant and equipment.

a. Each telephone utility shall adopt and pursue a maintenance program aimed at achieving efficient operation of its system so as to permit the rendering of safe, adequate, and continuous service at all times.

b. Maintenance shall include keeping all plant and equipment in a good state of repair consistent with safe and adequate service performance. Broken, damaged, or deteriorated parts which are no longer serviceable shall be repaired or replaced. Adjustable apparatus and equipment shall be readjusted as necessary when found by preventive routines or fault location tests to be in unsatisfactory operating condition. Electrical faults, such as leakage or poor insulation, noise induction, cross talk, or poor transmission characteristics shall be corrected to the extent practicable within the design capability of the plant affected.

c. In all exchanges, periodic leakage tests shall be made on all circuits by use of proper instruments to determine that sufficient insulation is being maintained and further to discover any substantial change in insulation values which might cause future service difficulties. Loop resistance tests or transmission loss tests should be made on local circuits when transmission is poor, in an endeavor to locate the source of trouble.

d. Maintenance of aerial plant shall include the replacement of broken or missing insulators; broken or badly deteriorated poles, crossarms and brackets; rusted wires; and broken-down guys. Defective splices shall be replaced, slack wire retensioned, wires properly transposed, and adequate clearance provided between the wires and trees or brush.

e. Switchboard maintenance shall include the replacement of frayed cords, the periodic gauging of jack ferrules, and plugs, and the replacement of ferrules and plugs worn beyond reasonable tolerance. The night alarm circuit for each

line and the ringoff drops on the cord circuits shall be tested periodically and adjustments made where necessary. Central office batteries shall be replaced when required to maintain good telephone service.

f. Dial central office equipment shall be inspected and routine tested at regular intervals, and such repairs, adjustments or replacements made as are found to be necessary and as are required to insure the proper functioning of dial switching equipment.

g. All station apparatus shall be properly maintained including replacement of transmitters and receivers and cords when broken, damaged, or when necessary for good transmission. Utility owned station batteries on magneto systems shall be replaced when the voltage per cell is one volt or less.

h. All station dry cells shall show either the date of original installation or the date of manufacture, or in lieu thereof the telephone utility may keep a record at each central office of the dates of installation of station batteries used at stations served from that central office.

i. Records of various tests and inspections shall be kept on file in the office of the telephone utility for a minimum of one year. These records shall show the line or station tested or inspected, the reason for the test, the general conditions under which the test was made, the general result of the test, and such corrections as were made when the test indicated need for same.

22.6(490A) Standards of quality of service.

22.6(1) Service interruption.

a. Each telephone utility shall make all reasonable efforts to prevent interruptions of service. When interruptions occur, the utility shall re-establish service with the shortest possible delay. The following objectives in the clearing of trouble reports shall be observed:

(1) In central offices in excess of 10,000 terminals:

Business service: Eighty percent cleared within two hours

Residence service: Eighty percent cleared within four hours

(2) In central offices with less than 10,000 terminals:

Business service: Eighty percent cleared in eight hours

Residence service: Eighty percent cleared in twenty-four hours

b. Each telephone utility shall inform the commission as soon as possible of any occurrence of an unusual nature which apparently will result in prolonged and serious interruption of service to a large number of customers.

c. Arrangements shall be made to have personnel available to receive and record trouble reports twenty-four hours daily and also to clear trouble of an emergency nature; at night, on holidays, and weekends, as well as during regular working hours.

d. Whenever service must be interrupted during regular working hours for the purpose of working on the lines, cable or equipment, the work shall be done at a time which will cause the least inconvenience to the customers, and any who would be seriously affected by such interruption shall, so far as possible, be notified in advance.

e. Each telephone utility shall keep a written record showing all interruptions affecting service in an entire exchange service area or any major portion thereof for a minimum of six years. This record shall show the date, time, duration, time cleared and extent and cause of the interruption. This record shall be available to the commission or its authorized representatives upon request at any time within the period prescribed for retention of such records.

f. Whenever a trouble report is received, a record should be made by the company and if repeated within a thirty-day period by the same customer, this case shall be referred to a supervisor for permanent correction.

g. When a customer's telephone is reported or found to be out of order, it shall be restored to service as promptly as possible. In the event it remains out of order in excess of forty-eight consecutive hours after being reported or known to be out of order, the utility shall refund to the customer the prorata part of that month's charges for the period of days during which the telephone was out of order if the customer so requests. This refund may be accomplished by a credit on a subsequent bill for telephone service.

h. In the event of a catastrophe, as determined by the commission, the matter of refund and out of service as outlined above does not apply.

i. It shall be a minimum objective to so maintain the service that the average rate of customer trouble reports in an exchange is no greater than fourteen per one hundred telephones per month.

22.6(2) *Emergency operation.*

a. Each telephone utility shall make reasonable provisions to meet emergencies resulting from failures of lighting or power service, sudden and prolonged increases in traffic, illness of operators, or from fire, storm, or acts of God, and each telephone utility shall inform employees as to procedures to be followed in the event of emergency in order to prevent or mitigate interruption or impairment of telephone service.

b. It is essential that all central offices have adequate provision for emergency power. In offices without installed emergency power facilities, there shall be access to a mobile power unit which can be delivered on short notice.

c. In toll centers and in exchanges exceeding 10,000 terminals, it is essential that a permanent auxiliary power unit is installed.

22.7(490A) *Safety.*

22.7(1) *Protective measures.*

a. Each utility shall exercise reasonable care to reduce the hazards to which its employees, its customers, and the general public may be subjected.

b. The utility shall give reasonable assistance to the commission in the investigation of the cause of accidents and in the determination of suitable means of preventing accidents.

c. Each utility shall maintain a summary of all reportable accidents arising from its operations.

22.7(2) *Safety program.* Each utility shall adopt and execute a safety program, fitted to the size and type of its operations. As a minimum, the safety program should:

a. Require employees to use suitable tools and equipment in order that they may perform their work in a safe manner.

COMMERCE COMMISSION

b. Instruct employees in safe methods of performing their work.

hazard of electrical shock, asphyxiation or drowning, in accepted methods of artificial respiration.

c. Instruct employees who, in the course of their work, are subject to the

EXHIBIT A

(Name of Company) Telephone Tariff

Filed with I. S. C. C.

Part No. _____

Sheet No. _____

Canceling (or revising) _____ Sheet No. _____

Amending _____ Sheet No. _____

EXAMPLE

Issued _____ Effective _____
(Date) (Date)

By _____

These rules and regulations are intended to implement sections 490A.2 and 490A.8, Code of Iowa, 1966.

These Rules shall become effective on January 1, 1968.

COMMERCE COMMISSION

(continued)

Pursuant to authority of chapter 490A of the Code of Iowa the following rules are adopted.

[Filed December 12, 1967]

UTILITIES DIVISION

CHAPTER 23

ANNUAL REPORT

23.1(490A) General information.

23.1(1) Every public utility is required to keep and render its books, ac-

counts, papers and records accurately and faithfully in the manner and form prescribed by the commission and to comply with all directions of the commission relating to such books, accounts, papers, and records.

23.1(2) In order that the commission may keep informed regarding the manner and method in which a utility business is conducted, and in order to obtain information on which to apportion the costs of operation of the utilities division of the commerce commission as prescribed by

chapter 490A, all public utilities coming under the provision of chapter 490A, Code of Iowa, shall file with this commission, annual reports as hereinafter described in these rules, on or before April 1 of each year covering their operations during the immediately preceding calendar year. In the event that a utility has ceased operations through merger or sale of its plant during the calendar year, each of the involved utilities shall be responsible for filing an annual report with the commission which reflects the operations of the properties which were subject to such sale or merger. The annual report covering the portion of the calendar year operations to the date of sale or merger shall be filed with the commission within ninety days after such transaction.

23.1(3) All pages of the report must be completed and submitted to the commission. The words "none" or "not applicable" may be used to complete a schedule when they accurately and fully state the facts. The commission shall be notified of the nature, amount and purpose of any accounts used in addition to those prescribed in utilities division chapter 16, "Accounting Rules and Regulations". See paragraphs 16.1(4), 16.2(4), 16.3(1), 16.4(4), and 16.5(1). A copy shall be retained in the respondent's file. All reports are to be prepared for and certified to the Iowa state commerce commission.

23.1(4) Annual report requirements specified in "Regulations Governing Service Supplied by Gas, Electric, Telephone, or Water Utilities", utilities division, chapters 19, 20, 21, and 22, shall be included with the annual reports set forth in the following paragraphs. The reporting utility should use their own format in preparing such reports.

23.2(490A) Annual report requirements—rate-regulated utilities. Two copies each of the following report forms must be completed and filed with the commission.

23.2(1) Electric utilities:

a. Class A & B—Form IE-1, Annual Report—Rate-Regulated Electric Utilities (including FPC Annual Report Form No. 1).

b. Class C & D—Form IE-1, Annual Report—Rate-Regulated Electric Utilities (including FPC Annual Report Form No. 1F).

23.2(2) Gas utilities:

a. Class A & B—Form IG-1, Annual Report—Rate-Regulated Gas Utilities (including FPC Annual Report Form No. 2).

b. Class C & D—Form IG-1, Annual Report—Rate-Regulated Gas Utilities (including FPC Annual Report Form No. 2A).

23.2(3) Telegraph utilities:

a. Form RTG-1, Annual Reports—Rate-Regulated Telegraph Utilities (including FCC Annual Report Form—R & O).

23.2(4) Telephone utilities:

a. Form RRT-1, Annual Report—Rate-Regulated Telephone Utilities (including FCC Annual Report Form M).

23.2(5) Water utilities:

a. Class A & B—Form WA-1, Annual Report—Rate-Regulated Water Utilities.

b. Class C & D—Form WD-1, Annual Report—Rate-Regulated Water Utilities.

23.2(6) Reports by rate-regulated utilities which have multistate operations shall provide information concerning their Iowa operations on the schedules listed below. Such schedules shall be prepared using the same format used in reporting total company data and shall be clearly labeled "Iowa Operations" at the top of each schedule. It shall include:

a. Summary of utility plant and accumulated depreciation and amortization reserves.

b. Plant in service by primary account.

c. Materials and supplies.

d. Contributions in aid of construction.

e. Accumulated deferred income taxes.

f. Accumulated investment credit.

g. Statement of income for the year.

h. Operating revenues.

i. Operating and maintenance expenses.

j. Taxes charged during year.

Statements shall be included setting forth the method or basis used in making allocations between states.

23.2(7) In addition to the above-mentioned reports, the respondent shall also file with the commission, immediately upon publication, two copies of any financial, statistical or operational reviews or reports that a company may prepare for distribution to stockholders, bondholders, or any other interested parties.

23.3(490A) Annual report requirements—nonrate-regulated utilities.

23.3(1) *Municipally owned electric:*

a. Form ME-1, Annual Report—Municipal Electric Plant and Operations (including one copy of "Report of Utilities" prepared for the state auditor's office).

23.3(2) *Municipally owned gas utilities:*

a. Form MG-1, Annual Report—Municipal Gas Plant and Operation (including one copy of "Report of Utilities" prepared for the state auditor's office).

23.3(3) *Nonrate-regulated telephone utilities:*

a. Form NRT-1, Annual Report—Telephone Plant and Operations.

23.3(4) *Co-operative electric utility corporations or associations:*

a. Form EC-1, Annual Report—Co-operative Electric Plant and Operations.

These rules and regulations are intended to implement sections 490A.2, 490A.9, 490A.10 and 490A.22, Code of Iowa, 1966.

These Rules shall become effective on January 1, 1968.

CONSERVATION COMMISSION

Pursuant to the authority of section 106.26, Code 1966, the following rule is hereby adopted.

[Filed December 13, 1967]

DIVISION OF LANDS AND WATERS

Departmental Rule No. 33, [January, 1967, IDR Supplement, page 51] filed September 13, 1966, is hereby rescinded and the following adopted in lieu thereof.

ZONING OF LITTLE WALL LAKE

33.1(106) *General.* No motorboat shall be operated at a speed which will create a wake within the zoned area designated

by regulatory buoys on Little Wall Lake in Hamilton County, Iowa.

33.1(1) *Zoned area.* The zoned area will not exceed approximately twenty acres in the northeast portion of the lake identified by a line from a point on the high-water mark approximately 296.6 feet west of the southeast corner of the southwest quarter of Section 10, Township 86 North, Range 24 West; thence northwest to the high-water mark which is 775 feet south and 319 feet west of the northeast corner of the northwest quarter southwest quarter of Section 10, Township 86 North, Range 24 West.

These rules shall become effective when filed with the Secretary of State.

CONSERVATION COMMISSION

(continued)

Pursuant to the authority of section 110A.5, [of the Code as amended by] Acts of the 62nd General Assembly, the following rule is hereby adopted.

[Filed August 23, 1967]

DIVISION OF FISH AND GAME

PERMANENT MARKING OF WATERFOWL RELEASED FOR SHOOTING PURPOSES

49.1(110A) All waterfowl released for shooting purposes shall be physically marked by removal of the hind toe from the right foot at not more than four weeks of age.

These rules shall become effective October, 1967.

CONSERVATION COMMISSION

(continued)

Pursuant to the authority of section 106.26, Code 1966, the following rule is hereby adopted.

[Filed December 13, 1967]

DIVISION OF LANDS AND WATERS ZONING OF OFF-CHANNEL WATERS OF THE WAPSIPINICON RIVER IN "PINICON RIDGE PARK" IN LINN COUNTY

58.1(106) General. No motorboat shall be operated at speed which will create a wake within the zoned area designated by

regulatory buoys and/or signs on the off-channel waters of the Wapsipinicon river above the dam at Central City, Linn county, Iowa.

58.1(1) Zoned area. The zoned area will be the off-channel waters created in and adjacent to the developed recreation area's of the "Pinicon Ridge Park" on the west and south bank of the Wapsipinicon river above the dam at Central City, Linn county, Iowa.

These rules shall become effective when filed with the Secretary of State.

HEALTH DEPARTMENT

SANITARY CONDITIONS IN COSMETOLOGY SCHOOLS AND PLACES WHERE COSMETOLOGY IS PRACTICED

Pursuant to the authority of sections 135.11 and 157.6, Code of Iowa, 1966, the rules relating to the sanitary conditions in cosmetology schools and places where cosmetology is practiced that appear in 1966 I.D.R. 268 and 269 are rescinded and the following adopted in lieu thereof.

[Filed October 13, 1967]

Section 1(157) Rules and inspection reports. The owner or manager of every cosmetology school and place where cosmetology is practiced shall keep a copy of these rules to be furnished by the state department of health. All inspection sheets and sanitary rules shall be posted in a place so that they may be readily seen by the patrons. It is the responsibility of the manager to see that these rules are enforced. This includes all cosmetology schools and places where cosmetology is practiced.

Sec. 2(157) Proper quarters. Every cosmetology school and place where cosmetology is practiced shall be well-lighted, well-ventilated, and kept in a clean, orderly and sanitary condition at all times. All cosmetology work shall be practiced only in quarters especially equipped for such services.

2.1 Practice of cosmetology in home.

a. No cosmetology establishment shall be maintained in a home, unless a separate room is provided for that pur-

pose. Such establishments shall have an outside, separate entrance leading directly to the establishment and any inside doors of said establishment leading to living quarters must be closed at all times during the business day.

b. From and after January 1, 1968, cosmetology shall not be practiced in a home, unless in addition to the aforesaid requirements, all doors of such establishments, leading to the living quarters are permanently sealed. This provision shall not apply to cosmetology establishments within a home in operation before January 1, 1968, unless the ownership of that establishment changes.

2.2 Practice of cosmetology in connection with other business. Cosmetology establishments operated in connection with any other business, except where food is handled, shall be separated either by complete or partial partitions. Should the cosmetology establishment be operated immediately adjacent with a business where food is handled, such establishment shall be entirely separated by a closed partition, and the door to such cosmetology establishment shall be closed at all times except when used for ingress and egress.

Sec. 3(157) Sanitation and disinfection. Except as set forth in section 3.3 all instruments in use in any cosmetology school or place in which cosmetology is practiced shall each time after use, be cleansed thoroughly with soap and hot water and then be immersed at least twenty minutes in an approved disinfect-

tant solution in a covered flat container large enough to immerse completely all instruments, after which they should be dried and placed in a closed cabinet. All disinfectant solutions shall be labeled. The following disinfectant solutions have been approved by the state department of health: Formalin ten percent solution; isopropyl alcohol, seventy percent solution; potassium mercuric iodide, one to one thousand solution; mercuric bichloride, one to one thousand solution; saponated cresol, two percent solution; or other solutions approved by the state department of health.

3.1 Every cosmetologist shall wash his hands with soap and water immediately before serving each patron.

3.2 Head coverings, hair pins, clips, rollers and curlers shall be washed and sanitized after each use as above directed.

3.3 All metallic instruments with a cutting edge shall be kept clean by wiping carefully after each use with cotton saturated with an approved disinfectant solution. It is recommended that the solutions used with metallic instruments be the isopropyl alcohol, seventy percent solution, or saponated cresol, two percent solution.

Sec. 4(157) Towels, containers, and other supplies. A clean and freshly laundered towel shall be used for each patron. A closed cabinet or drawer shall be provided for clean towels and linen and a covered hamper for soiled towels and linen. Whenever a haircloth or cape is used, as in cutting the hair or shampooing, a newly laundered towel or tissue paper neck strip shall be placed around the neck to prevent the haircloth or cape from touching the skin.

4.1 The headrest of every cosmetology chair shall be protected with fresh clean paper or cloth before its use for any patron. Rubber protective headrests are not permitted.

4.2 If a gown is used, each patron shall be furnished a freshly laundered gown.

4.3 Every operator shall have a minimum of twelve finger waving combs and brushes.

4.4 The use of dusters, common powder puffs, nail buffers, and sponges is hereby prohibited.

Sec. 5(157) Dispensers. Fluids and powders shall be applied to patrons from a shaker-type or aerosol dispenser. Creams and other semisolid substances shall be removed from the containers with a clean spatula or similar article. Removing such substances with the fingers is prohibited. Creams shall be kept covered when not in use.

Sec. 6(157) Permanent wave equipment. Spacers and rods, including rods used in cold waving permanent methods, shall be cleansed with soap and hot water after each use and placed in a closed cabinet.

Sec. 7(157) Haircutting department. Anyone maintaining a hair cutting department within a cosmetology establishment shall observe all rules on sanitation as prescribed for cosmetologists.

Sec. 8(157) Water—sewer. Every cosmetology school or place where cosmetology is practiced shall be supplied with an adequate supply of potable hot and cold water under pressure. Water shall be applied to a patron by the use of a spray. The sewage disposal system shall not create a nuisance or result in pollution of a stream or watercourse.

Sec. 9(157) Equipment, fixtures, furnishings. Shampoo boards, bowls, floors, walls, fixtures, and furniture of all cosmetology schools and places where cosmetology is practiced shall be of a washable nature and kept clean at all times. Furnishings other than those required for the operation of the facility are prohibited. Laundry equipment shall be in a completely separate room from a place where cosmetology is practiced.

Sec. 10(157) Communicable diseases. No person shall act as a cosmetologist who is known to be infected with a communicable disease. A patron with open sores such as occur with ringworm, impetigo or other communicable diseases, shall not be served in a public cosmetology establishment.

Sec. 11(157) Other disease carriers. Dogs, except guide dogs for the blind, cats, birds, and other pets shall not be permitted in a cosmetology school or place where cosmetology is practiced.

These rules are intended to implement sections 135.11 and 157.6, Code of Iowa, 1966.

These rules shall be effective January 1, 1968.

HEALTH DEPARTMENT

(continued)

Pursuant to authority of section 147.90, Code 1966, the rules that appear in 1966 I.D.R. 284, 285 and 286 relating to the Board of Optometry Examiners are rescinded and the following adopted in lieu thereof.

[Filed November 14, 1967]

BOARD OF OPTOMETRY EXAMINERS

CHAPTER 1

EXAMINATIONS AND LICENSURE BY RECIPROCITY OR INTERSTATE ENDORSEMENT

1.1(147) Rules for examinations.

1.1(1) All applicants for examination shall apply to the State Department of Health, State Office Building, Des Moines, Iowa 50319 for application forms.

1.1(2) The forms properly filled in shall be filed with the state department of health, together with satisfactory evidence of compliance with section 154.3, subsections 1 and 2, Code of Iowa, fifteen days prior to the examination.

1.1(3) The examination for admission to practice optometry in Iowa shall consist of two parts:

a. Parts one and two of the written examination of the national board of examiners in optometry, which parts include the subjects of physiology of the eye, optical physics, anatomy of the eye, ophthalmology, and practical optometry passage of which shall satisfy the requirements of this part of the examination; and

b. Oral and practical examination as given by the Iowa board of optometry examiners with general average of not less than seventy-five percent correct answers as a requirement for passing.

1.1(4) Any applicant failing in his first examination shall be entitled to a second examination within fourteen months after the first examination without filing a new application or fee.

1.2(147) Licensure by reciprocity or interstate endorsement.

1.2(1) All reciprocal agreements adopted and in force between the Iowa board of optometry examiners and other

state licensing boards shall be governed by these rules.

1.2(2) Applicants for licensure to practice optometry in the state of Iowa, who are licensed by examination by any other state licensing board maintaining equal practice privileges, will be considered on an individual basis.

1.2(3) A license may be granted by the Iowa board of optometry examiners without an examination, or as much examination as may be required to establish proficiency and desirability to any such applicant, who, at the date of the original license issued, fully conformed to the educational and licensure requirements of said board of optometry examiners in Iowa.

1.2(4) All applications for reciprocity shall be made on the official forms supplied by the State Department of Health, State Office Building, Des Moines, Iowa.

1.2(5) The application forms properly filled in, accompanied by (a) a fee of forty dollars, (b) the state licensing certificate (or duplicate copy of same) of the state from which applicant desires to reciprocate, and (c) the optometry college diploma or in lieu thereof a certified statement from the authorities of the optometry college, regarding the issuance of the diploma and the date of same, shall be filed with the state department of health, at least fifteen days prior to date of examination or board meeting.

1.2(6) Each applicant must furnish certified evidence of three or more years practice in the state from which he desires to reciprocate, immediately preceding the filing of his application for reciprocity.

1.2(7) The statements made in the application must be reviewed and verified by the secretary of the state examining board issuing the original certificate, who will also certify as to the schedule of subjects in which the applicant was examined, and the rating given thereon and the general average attained.

1.2(8) If the examination failed to include one or more of the subjects required by the Iowa board, the applicant may be required to take a supplementary examination before this board in the subjects

omitted, and ratings awarded thereon shall be added to those of his former examination in order to determine his general average.

1.2(9) Each applicant will be required to make on the application form a sworn statement of the number and date of each examination taken by him prior to his application to this board together with the ratings obtained thereon at each, a statement as to all the places where he has practiced, the character of practice engaged in (general, special or itinerant), and the length of time so engaged in each and whether or not any certificate issued to him has ever been suspended or revoked.

CHAPTER 2

RULES GOVERNING STUDY COMPLIANCE FOR LICENSE RENEWAL

2.1(147) General.

2.1(1) The optometric study compliance year shall extend from June 1 through May 31 during which period attendance at approved study sessions may be used as evidence of study fulfillment requirements for the subsequent license renewal year beginning July 1 and expiring June 30.

2.1(2) The educational requirement of two days shall be twelve clock hours of attendance and study at approved study sessions.

2.1(3) The required number of study hours may be obtained by one or all of the following methods:

a. The annual educational program or clinic of the Iowa optometric association;

b. Postgraduate study sessions or seminars at an accredited school of optometry;

c. Local study group programs approved by the board;

d. Other meetings or seminars either within or without the state of Iowa that may be approved in advance by the board with such request for approval to be made to the board at least fourteen days prior to said meeting or seminar.

e. Home study material specified and approved by the board in cases of extenuating circumstances. Such will be al-

lowed only upon submission of satisfactory evidence to the board of such circumstance and inability to acquire the number of study hours.

2.1(4) Certification to the board of attendance at any of the foregoing study sessions shall be made within seven days of said meeting by the secretary or chairman of the organization or group sponsoring said meeting, the dean of optometry school, or in the case of special meetings approved by the board, a person so designated by the board.

2.2(147) Local study groups.

2.2(1) Application to establish an authorized study group must be filed with the secretary of the board of optometry examiners by April 30 for subsequent study compliance year June 1 through May 31. Late applications may, with the judgment of the board, be acceptable, but the attendance to study groups making late application will be valid only from date of approval by the board of optometry examiners.

2.2(2) Each study group must apply to and be approved by the board of optometry examiners each study compliance year on appropriate forms to be obtained from the secretary of the board of examiners.

2.2(3) Failure of a study group to apply to and be approved by the state board of optometry examiners during any study compliance year will render attendance to the unapproved study group invalid as evidence for study compliance for license renewal for the subsequent license year.

2.2(4) An application for study group recognition will not be approved if the proposed meeting place is within twenty-five miles radius of the meeting place of an already existing study group.

2.2(5) No study group will be recognized that does not maintain a minimum membership of eight optometrists and each group must conduct not less than nine sessions or meetings during any one study compliance year. Each session or meeting shall not exceed two hours in duration and credit for study compliance for more than that amount of time will not be allowed, provided, however, that on prior request to the board approval may be given by the board in special circumstances for a session or meeting to exceed two hours.

2.2(6) The secretary of the board shall give written notice to all optometrists, licensed and practicing in Iowa, prior to June 1 of each year of all local study groups that have been approved by the board and the name of the person in each such approved study group that may be contacted for information concerning the dates, location, and subject matter of the various study meetings to be held by the particular study group. The secretary

also at such time shall give notice of all other special meetings or seminars, if any, that have been approved as of June 1 by the board for credit toward the required hours for study compliance.

These rules are intended to implement section 147.90, Code 1966.

These rules shall be effective immediately after filing with the Secretary of State.

HEALTH DEPARTMENT

(continued)

Pursuant to authority of sections 135.11(17) and 139.4, Code 1966 and section 8, subsection 5 and section 11 of chapter 163, Acts of the Sixty-second General Assembly, the rules and regulations relating to the organization and duties of a county board of health found in 1966 I.D.R. 287 and 288 are hereby rescinded and the following adopted in lieu thereof.

[Filed October 10, 1967]

CHAPTER 5

LOCAL BOARDS OF HEALTH

5.1(Ch.163, 62G.A.) Organization of local boards of health.

5.1(1) *Officers of local board of health.* Each local board of health shall, at its first meeting during any calendar year, elect one of its members to serve as chairman until the first meeting of the following calendar year.

a. The local board of health may elect a vice-chairman, secretary, or other such officers as it may deem advisable.

b. In case of a vacancy of the office of chairman due to death, resignation, or other cause, a successor shall be elected at the next meeting of the board, who shall serve the remainder of the term.

5.1(2) *Meetings of local board of health.* The place, date and time of regular meetings of the local board of health shall be determined by vote of the board, and shall be published in a newspaper of general circulation, in the area in which the local board has jurisdiction.

a. Each local board of health shall meet at least four times yearly.

b. Special meetings of the board may be called as needed by the chairman, or by any three board members. At least

twenty-four hours notice shall be given of special meetings, except in case of emergency.

5.1(3) *Quorum of local board of health.* Fifty percent or more of the board membership shall constitute a quorum.

5.2(Ch.163, 62G.A.) Operating procedures of local boards of health.

5.2(1) The following information shall be submitted to the state department of health:

a. Names, addresses, and telephone numbers of members of the local board of health, which shall be submitted within one month after their appointment.

b. Names of the chairman and any other officers elected by the board, which shall be submitted within one month after their election.

c. Names, addresses, and telephone numbers of board employees, information as to whether these are full- or part-time employees, and the salary they are to receive, which shall be submitted within one month following their employment.

d. Notice of resignation, discharge or other termination of the services of any employee, which shall be submitted within one month following termination.

e. A copy of the minutes of each regular and special meeting of the board, which shall include at least

(1) the date and place of the meeting,

(2) a list of members present,

(3) a report of any official board actions

and shall be submitted within one month of the date of the meeting.

5.2(2) An annual report of expenditures for the previous calendar year, to be submitted on forms provided by the state department of health, which shall be submitted prior to March 15, 1969, and each year thereafter.

ITEM

Pursuant to authority of section 139.4, Code 1966, amend section I, subsection 1 found in 1966 I.D.R. 177 by striking the following:

“ORGANIZATION. The local board of health shall consist:

a. In cities and towns, of the mayor, the health physician and members of the city or town council.

b. In townships or counties, of members of the board of township trustees or of the county board of health.”

These rules are intended to implement section 139.4, Code 1966, and chapter 163 section 11, Acts of the Sixty-second General Assembly.

[Effective thirty days after filing with the Secretary of State.]

HEALTH DEPARTMENT

(continued)

Pursuant to authority of section 135.11(17), Code 1966, and chapter 106, section 3, Acts of the Sixty-second General Assembly, the following rules and regulations applying to the state registrar relating to vital records are hereby adopted.

[Filed October 10, 1967]

CHAPTER 25

VITAL RECORDS

25.1(Ch.106, 62G.A.) Specification. The state registrar may require that a person requesting a copy of a vital record, examination, or search for a vital record specify in writing the name of the person whose vital records are to be copied, examined, or searched; the purpose of such request; and the signature and address of the person making the request.

25.2(Ch.106, 62G.A.) Handling. Equipment or vital records shall not be physically handled except by the state registrar, deputy or authorized personnel. This rule shall not prevent copying vital records.

25.3(Ch.106, 62G.A.) Birth certificates. The medical portion of a birth certificate shall be considered confidential.

25.4(Ch.106, 62G.A.) Fee. A fee shall be charged by the state registrar of five dollars for each hour or portion thereof for supervision provided during search of records by applicant. All fees collected by the state registrar shall be added to the general fund of the state of Iowa.

These rules are intended to implement chapter 106, section 3, Acts of the Sixty-second General Assembly.

[Effective thirty days after filing with the Secretary of State.]

HIGHWAY COMMISSION

Pursuant to authority of chapter 306B of the Code the following amendments and additions to the rules appearing in the July 1966 Supplement IDR 45-48 are hereby adopted.

[Filed November 22, 1967]

The rules appearing in the July 1966 Supplement IDR 45 are amended by striking from Rule 5.2(4), line 2, all after the word “means” and inserting in lieu thereof the following: “all segments of that system of primary highways officially designated as part of the National System of Interstate and Defense Highways and approved by the appropriate authority of the federal government except: (a) Those segments of said system located without the boundaries of incorporated municipalities as such boundaries existed on Sep-

tember 21, 1959, wherein the land use as of September 21, 1959, was clearly established by Iowa law as industrial or commercial. (b) Those segments of said system located within the boundaries of incorporated municipalities as such boundaries existed on September 21, 1959, wherein the use of the real property adjacent to said system is subject to municipal regulation or control and which traverse areas zoned on or after September 21, 1959, industrial or commercial.”

The rules appearing in the July 1966 Supplement IDR 45-46 are amended by adding to Rule 5.2 the following definitions:

5.2(22) “Advertising area” means portions of protected areas which are either zoned or unzoned commercial or industrial areas.

5.2(23) "Zoned commercial or industrial areas" mean those portions of protected areas zoned industrial or commercial under authority of any law, regulation or ordinance of the state or any of its subdivisions.

5.2(24) "Unzoned commercial or industrial areas" means those portions of protected areas not zoned by state or local law, regulation or ordinance, which are occupied by one or more industrial or commercial activity, other than outdoor advertising signs, and the lands along interstate highways for a distance of six hundred and sixty feet immediately adjacent to the activities.

All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the activities in from the property lines of the activities, and shall be along or parallel to the edge of pavement of the highway. Measurements shall not be from the property lines of the activities; unless said property lines coincide with the limits of the activities. Unzoned industrial or commercial areas shall not include land on the opposite side of the highway from the activities or land predominantly used for residential purposes.

5.2(25) "Commercial or industrial activity" means those activities generally recognized as commercial or industrial by zoning authorities in this state except that none of the following activities shall be considered commercial or industrial:

- a. Outdoor advertising structures.
- b. Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands.
- c. Transient or temporary activities.
- d. Activities not visible from the main-traveled way.
- e. Activities more than three hundred feet from the nearest edge of the right of way.
- f. Activities conducted in a building principally used as a residence.
- g. Railroad tracks and minor spurs.
- h. Activities normally and regularly in operation less than five months per year.

i. Should any commercial or industrial activity, which has been used in defining or delineating an unzoned area, be abandoned, any sign located within the former unzoned area shall be nonconforming.

5.2(26) "Advertised activity" means regularly used buildings, parking lots, storage or processing areas used in furtherance of the activity or activities being conducted on the property on which they are located.

5.2(27) "Premise" means those lands for sale or lease or used in the operation of the advertised activity. Except where the advertising device advertises the sale or lease of the real property the property line is not to be considered the boundary of the premise unless the land on which the sign is located is used in furtherance of the advertised activity for purpose other than outdoor advertising.

5.2(28) "Informational site" means an area or site established and maintained within or adjacent to the right of way of a highway on the Interstate System by or under the supervision or control of the Iowa state highway commission wherein panels for the display of advertising and informational signs may be erected and maintained.

5.2(29) "Structure" means any sign supporting device including but not limited to buildings."

The rules appearing in the July 1966 Supplement IDR 47 are amended by striking from Rule 5.5(2), line 1, "(2)" and inserting in lieu thereof the following: "(1)".

The rules appearing in the July 1966 Supplement IDR 47 are amended by striking from Rule 5.5(3), line 1, "(3)" and inserting in lieu thereof the following: "(2)".

The rules appearing in the July 1966 Supplement IDR 47 are amended by rescinding Rule 5.5(4) and inserting in lieu thereof the following:

5.5(3) Class 3—*Signs which advertise activities being conducted within twelve air miles.* Signs in compliance with national policy and these rules and regulations which advertise activities being conducted within twelve air miles of the place where such signs are located.

The rules appearing in the July 1966

Supplement IDR 47 are amended by adding to Rule 5.5 the following:

5.5(4) Class 4—Signs in the specific interest of the traveling public. Signs in compliance with national policy and these rules and regulations which are designed to give information in the specific interest of the traveling public.

The rules appearing in the July 1966 Supplement IDR 47 are amended by inserting in Rule 5.5(5) after the words "Class 2", line 1, the words "or Class 3"; by inserting after the words "or product sold", line 5, the words ", used or otherwise handled more than twelve air miles from such sign"; and by inserting after the words "advertised activity", line 7, the words "which is within twelve air miles of such sign".

The rules appearing in the July 1966 Supplement IDR 47 are amended by striking from Rule 5.5(6), line 18, the words "Class 3" and inserting in lieu thereof the following: "Class 4".

The rules appearing in the July 1966 Supplement IDR 47 are amended by inserting in Rule 5.5(7), lines 2 and 3, after the words "Class 2" the words "or Class 3".

The rules appearing in the July 1966 Supplement IDR 47 are amended by adding to Rule 5.5 the following:

5.5(8) Notwithstanding the provisions of Rule 5.5 (Ch. 260, 61 G.A.) Class 3 and Class 4 signs may be erected only in advertising areas.

The rules appearing in the July 1966 Supplement IDR 47 are amended by inserting in Rule 5.6(1), line 1, after the words "No Class 2" the words ", Class 3 or Class 4".

The rules appearing in the July 1966 Supplement IDR 45-48 are amended by adding the following new rules:

5.8 (Ch. 260, 61 G.A.) Class 3 and 4 signs within informational sites.

5.8(1) Informational sites for the erection and maintenance of Class 3 and [Class] 4 advertising and informational signs may be established in accordance with the regulations for the administration of federal aid for highways. The location and frequency of such sites shall be as determined by agreements between the appropriate federal authority and the Iowa state highway commission.

5.8(2) Class 3 and [Class] 4 signs may be permitted within such informational sites in protected areas in a manner consistent with the following provisions:

a. No sign may be permitted which is not placed upon a panel.

b. No panel may be permitted to exceed thirteen feet in height or twenty-five feet in length, including border and trim, but excluding supports.

c. No sign may be permitted to exceed twelve square feet in area, and nothing on such sign may be permitted to be legible from any place on the main-traveled way or in a turning roadway.

d. Not more than one sign concerning a single activity or place may be permitted within any one informational site.

e. Signs concerning a single activity or place may be permitted within more than one informational site, but no Class 3 sign which does not also qualify as a Class 4 sign may be permitted within any informational site more than twelve air miles from the advertised activity.

f. No sign may be permitted which moves or has any animated or moving parts.

g. Illumination of panels by other than white lights may not be permitted, and no sign placed on any panel may be permitted to contain, include, or be illuminated by any other lights, or any flashing, intermittent, or moving lights.

h. No lighting may be permitted to be used in any way in connection with any panel unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main-traveled way of the Interstate System, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.

5.9(Ch. 260, 61G.A.) [Rule number inserted by editor]

5.9(1) The erection or maintenance of the following signs may be permitted within advertising areas outside informational sites.

a. Class 3 signs which are visible only to Interstate highway traffic not served by an informational site within twelve air miles of the advertised activity.

b. Class 4 signs which are more than twelve miles from the nearest panel within an informational site serving Interstate highway traffic to which such signs are visible.

c. Signs that qualify both as Class 3 and [Class] 4 signs may be permitted in accordance with either paragraphs "a" or "b" of this subsection.

5.9(2) The erection or maintenance of signs permitted under subsection 5.9(1) of this section may not be permitted in any manner inconsistent with the following:

a. In advertising areas in advance of an intersection of the main-traveled way of an Interstate highway and an exit roadway, such signs visible to Interstate highway traffic approaching such intersection may not be permitted to exceed the following number:

Distance from intersection	Number of signs
0—2 miles	0
2—5 miles	6
more than 5 miles	one per 1,000 feet

The specified distances shall be measured to the nearest point of the intersection of the traveled way of the exit roadway and the main-traveled way of the Interstate highway.

b. No Class 3 or Class 4 signs may be permitted in advertising areas to be less than one thousand feet apart. For purposes of this measurement, the same shall be made without reference to any structure or Class 2 sign or signs.

c. Such signs may not be permitted in advertising areas adjacent to any Interstate highway right of way upon any part of the width of which is constructed an entrance or exit roadway.

d. Such signs visible to Interstate highway traffic which is approaching or has passed an entrance roadway may not be permitted in advertising areas for one thousand feet beyond the furthest point of the intersection between the traveled way of such entrance roadway and the main-traveled way of the Interstate highway.

e. No such signs may be permitted in scenic areas designated as scenic beautification areas under authority of section 313.67, Code 1966.

f. Not more than one such sign advertising activities being conducted as a single enterprise or giving information about a single place may be permitted to be erected or maintained in such manner as to be visible to traffic moving in any one direction on any one Interstate highway.

5.9(3) No Class 3 or 4 signs other than those permitted by this section may be permitted to be erected or maintained within advertising areas, outside informational sites.

5.10 (Ch. 260, 61G.A.) Authorization procedures.

5.10(1) All persons either maintaining signs or intending to erect and maintain signs within controlled portions of protected areas shall make application to the Iowa state highway commission for an erection and maintenance permit.

a. Erection and maintenance permits shall serve to:

- (1) Inventory controlled portions of the Interstate System, and
- (2) Evidence authorization to maintain signs erected or to erect and maintain signs, and
- (3) Evidence compliance with the Act and these rules and regulations.

b. Application for erection and maintenance permits shall:

- (1) Be initiated through the Iowa state highway commission resident maintenance engineer in charge of the county in which the sign is or is to be located.
- (2) Contain a written description with plat sufficient so as to enable said engineer to determine the proposed location of the sign.
- (3) Contain a general description including the height, width, and area including border and trim but excluding supports of the sign which is the subject of the application.
- (4) Where applicable, evidence of tentative approval of appropriate city or county officials (in instances of city or county zoning) must accompany the application.
- (5) Applications for the erection and maintenance of signs shall not be

submitted less than thirty days prior to need of authorization.

5.11 (Ch. 260, 61G.A.) Compliance procedures.

5.11(1) The Iowa state highway commission shall acquire by gifts, purchase or condemnation all rights and interests of all persons in and to signs erected prior to the effective date of these amendments and additions to the May 18, 1966, rules and regulations which were erected either prior to the effective date of the Act or after the effective date of the Act and which did comply with national policy and rules and regulations promulgated by the Iowa state highway commission when erected within controlled portions of the Interstate System where the real property upon which the sign is located is:

a. Not within an advertising area in cases of Class 3 and Class 4 signs, and

b. Within advertising areas where Class 3 or Class 4 signs may be located but not on real property eligible for the erection and maintenance of such signs under these rules and regulations, and

c. Within advertising areas in the cases of Class 3 or Class 4 signs or either within or without advertising areas in cases of Class 2 signs more than fifty feet from the advertised activity on real property eligible for the erection of such signs and the sign does not comply with these rules and regulations as amended and are not made to so comply within thirty days after notice by certified mail to the owner of the device and the owner of the land upon which the sign is located, and

5.11(2) Where necessary to determine which Class 3 or Class 4 sign or signs shall be authorized, preference shall be given first, to those signs erected within advertising areas located on real property eligible for the erection of such signs which do comply with these rules and regulations, as amended, and second, to those signs located on real property eligible for the erection of such signs which do not but can be made to comply with these rules and regulations, as amended, and, third, to the applicants by order of their application. For this purpose, the second preference shall expire and the Iowa state highway commission shall not consider any application for an erection and maintenance permit therefor, except as it must under the third preference, unless the sign owner makes application for an erection and maintenance permit within thirty

days from the effective date of these amended and additional rules and regulations, and the sign is made to comply with the same on or before the 20th day of December, 1967.

5.11(3) Any sign is a public nuisance where erected within controlled portions of the Interstate System.

a. After the effective date of the Act which violates the provisions of the Act, or

b. After the effective date of those rules and regulations filed May 18, 1966, which fails to comply with such rules and regulations, or

c. After the effective date of these amendments and additions to the May 18, 1966, rules and regulations which fail to comply with the same.

5.11(4) The Iowa state highway commission shall after thirty days notice to remove, by certified mail, to the owner of the sign and to the owner of the land upon which the sign is located, file a petition in the district court of the county where such sign is located to abate any public nuisance where the real property upon which the sign is located is:

a. Not within an advertising area in cases of Class 3 and Class 4 signs, and

b. Within advertising areas where Class 3 or Class 4 signs may be located but not on real property eligible for the erection and maintenance of such signs under these rules and regulations.

5.11(5) The Iowa state highway commission shall after thirty days notice to comply or have removed, by certified mail, to the owner of the sign and to the owner of the land upon which the sign is located and where the land owner or the sign owner fails to comply with such notice within the required thirty days, file a petition in the district court of the county where such sign is located to abate any public nuisance where the real property upon which the sign is located is within advertising areas in case of Class 3 and Class 4 signs, or either within or without advertising areas in case of Class 2 signs more than fifty feet from the advertised activity, on real property eligible for the erection of such signs and the sign does not comply with these rules and regulations as amended."

[Effective thirty days after filing with the Secretary of State.]

INSURANCE DEPARTMENT

BENEVOLENT ASSOCIATIONS

Regulation W-1

Pursuant to the authority granted in chapter 368, [section 2], Acts 62nd General Assembly, the following rules and regulations are adopted.

[Filed November 30, 1967]

1.1 Reserved for future use.

1.2 Reserved for future use.

1.3(Ch.368, 62G.A.) Organization. Before any new benevolent association shall form or operate in this state, it shall first file with the commissioner for examination and approval one copy of its general plan of organization and operation, an original and two copies of its articles of incorporation, an original and one copy of any bylaws, and two copies of its certificate of membership with application blank. All fees for examination and filing in the office of the commissioner and the secretary of state as prescribed by law must accompany the association's submission.

1.3(1) The plan of organization and operation must set forth in detail any and all fees, dues and assessments to be made against the membership, the intended size and grouping of the membership, the method of member enrollment and procedure for replacement of deceased or left members, the establishment of any reserves or surplus funds, and the intended name and business address of the association. The plan shall also contain a biographical sketch of all organizers and officers and comply with the laws and regulations governing benevolent associations.

1.3(2) If an association is organized or becomes organized under chapter 504A, Code of Iowa 1966, for the purpose of selling or offering for sale stock to the public of this state such offer must be fully disclosed in the plan of organization and if such offer is exempt from registration the specific exemption must be set forth in the plan.

1.3(3) Reserved for future use.

1.3(4) Except where a public stock offer is made, the plan of operation for associations existing prior to the adoption of this regulation may be contained in its bylaws, however, such plan shall be in

accordance with the laws and regulations pertaining to such associations.

1.4(Ch.368, 62G.A.) Membership. Each association shall have one or more groups or units consisting of not more than twelve hundred and fifty members per group or unit who may make voluntary contributions to the association for distribution to the beneficiary of a deceased member or to the members as contributions toward expenses incurred by accident or sickness.

1.4(1) If membership in the association is conditioned upon the payment of benefit assessments levied against the members, such loss or cancellation of membership shall take place only if a member, after being notified by mail of such assessment, has failed to remit his contribution within thirty days from the date of mailing of the benefit assessment notice. The association may thereafter serve notice of cancellation of membership which shall provide that if all delinquencies are not paid within ten days after mailing of such notice, all benefits of membership shall be fully terminated.

1.4(2) When a member has voluntarily contributed through benefit assessments an amount equal to the maximum benefits allowed through membership in the association, he shall be allowed to maintain his membership in good standing without further benefit contributions to the association. Such members shall be required to pay expense assessments.

1.5(Ch.368, 62G.A.) Fees, dues and assessments. Benevolent associations may make charges against the membership in the form of benefit assessments, enrollment fees or dues and operational expense fees.

1.5(1) An enrollment fee or dues to cover initial expenses may be charged but such fees or dues shall not exceed ten dollars per enrollee membership. If two or more enrollees are in one family, the enrollment fee shall not exceed eight dollars for each person, provided that the family unit enrolls at the same time.

1.5(2) A benefit assessment may be made against the group or unit membership to cover each valid claim presented by a member or the named beneficiary of a deceased member of that unit or group. The benefit portion of the assessment shall not exceed the maximum benefit payable as stated upon the certificate of

membership by more than twenty percent of the maximum benefit payable to the claiming member or beneficiary of a member.

1.5(3) In addition to the benefit contribution an expense fee may be added as a separate item to each assessment or as a separate periodical assessment, provided the expense portion of any assessment represents actual costs directly related to the collection and payment of the certificate benefit, and further provided that said fee is identified as an expense charge. Reasonable directors' fees and salaries of officers shall be considered as expenses to the association.

1.5(4) Any assessment levied against the members of a group or unit, other than any reasonable corporate dividends or undivided profits as declared by the board of directors, shall be considered as trust funds belonging to the members of the group and shall not become the property of the association itself, except for that portion of the assessment or contribution added as a separate item for expenses in the collection and distribution of such fund.

1.6(Ch.368, 62G.A.) **Reserve fund.** Any moneys remaining after the payment of a benefit by the association, except the expense contribution and any reasonable corporate dividends or undivided profits, shall be maintained as a reserve fund to be used only for the benefit of the members of the specific group or unit from which it was collected. Such reserve funds shall be used periodically as determined by the board of directors to pay benefits to a claiming member or the beneficiary of a member without making an assessment against the membership of the group or unit.

1.6(1) Any association in existence before January 1, 1967, having presently in use an equally equitable plan for the periodic distribution of the reserve funds, can continue to use such plan provided it is fully disclosed in writing to the commissioner and has been approved by him for use.

1.7(Ch.368, 62G.A.) **Certificates.** In addition to the requirements of section 7 of Senate File 601, [chapter 368], Acts of the 62nd General Assembly as they concern the membership certificates, said certificate shall also contain sufficient information to inform a member or a member's beneficiary on the proper procedure in

the filing of a claim, including any limitations or exclusions affecting the claim.

1.8(Ch.368, 62G.A.) **Beneficiaries.** In the application for membership, the applicant may designate a beneficiary or beneficiaries. If no beneficiary is named or the named beneficiary or beneficiaries do not survive the member, the estate shall become the beneficiary.

1.8(1) Each association shall have forms to provide for the change of beneficiary in the event a member wishes to change or add a beneficiary.

1.9(Ch.368, 62G.A.) **Mergers.** Should the membership of a group or unit fall below fifty percent of its established size as set forth in the plan of operation, such group or unit shall be merged into another existing group in the association and any funds of the depleted membership group shall become the reserve funds of the group into which it is merged.

1.9(1) If the entire membership of an association falls below sixty percent of its established size as described in its plan of operation, such association must make a bona fide attempt to merge with another such association to protect the interests of the remaining members. Any reserve funds of the merging association shall become the reserve funds of the surviving merged association. If merger attempts are unsuccessful, the association must present a plan of reorganization to the commissioner for his approval.

1.10(Ch.368, 62G.A.) **Directors and officers.** Each benevolent association shall have at least three persons on its board of directors at all times and shall have more than one person act as corporate officer.

1.11(Ch.368, 62G.A.) **Stockholders.** If any benevolent association issues stock, such association shall have its stock owned by more than one stockholder.

1.12(Ch.368, 62G.A.) **Bookkeeping and accounts.** Each benevolent association shall maintain a set of books and records in accordance with normally accepted accounting procedures. Such books and records shall be used to supply the information requested in the annual statement provided each year by the insurance commissioner.

These rules are intended to implement chapter 368, Acts Regular Session, 62nd General Assembly.

These rules become effective on January 1, 1968.

INSURANCE DEPARTMENT

(continued)

The rules appearing in IDR January 1967 Supplement, page 56, entitled "LIFE INSURANCE COMPANIES", are amended as follows:

[Filed December 20, 1967, without approval of the Departmental Rules Review Committee after consideration as provided in 17A.8 of the Code]

a. In Rule 2.4(508), Subrule 2.4(1), line 4, after the word "group" add the following: "or individual".

b. In Rule 2.4(508) strike Subrule 2.4(2).

These amendments become effective January 31, 1968.

JUSTICE DEPARTMENT

Consistent with the repeal of sections 682.48 to 682.59, inclusive, Code of Iowa, 1962, by chapter 432, section 69, Acts of the 61st General Assembly, the departmental rules of the Department of Justice, promulgated pursuant to sections 682.48 to 682.59, inclusive, Code of Iowa, 1962, appearing in 1966 I.D.R. 336, 337, are hereby rescinded.

[Filed December 13, 1967]

These rules are intended to implement the repeal of sections 682.48 to 682.59, inclusive, Code of Iowa, 1962, by chapter 432, section 69, Acts of the 61st General Assembly.

These rules shall become effective as provided in chapter 17A, Code of Iowa, 1966, after filing in the office of the Secretary of State.

PUBLIC INSTRUCTION DEPARTMENT

The Sixty-second General Assembly by chapter 244 [S.F. 616], section 29, revised the departmental rule 5.4(8) relating to area vocational schools and community colleges appearing in the January 1967 Supplement to the Iowa Departmental Rules, pages 126 and 127 as follows:

5.4(8) *Faculty development.* The administration of the college shall encourage the continued development of faculty potential by: (1) Regularly stimulating department chairmen or heads to meet their responsibilities in this regard; (2) light-

ening the teaching loads of first-year instructors whose course preparation and in-service training demand it; (3) stimulating curricular evaluation; and (4) encouraging the development of an atmosphere in which the faculty brings a wide range of ideas and experiences to the students, each other, and the community.

[The above rule as herein printed will also appear in the new editions of the Code of Iowa in chapter 280A since it is an enactment by the general assembly.]

PUBLIC INSTRUCTION, BOARD OF

Pursuant to authority conferred by section 257.10(11), Code of Iowa, and section 257.25(8,b), Code of Iowa; and for the purpose of implementing same, chapter 19, Division VII, Rules of the department of public instruction, 1966 I.D.R. 425, is amended as follows.

[Filed October 31, 1967]

Section 19.17(257), Rules of the department of public instruction, 1966, I.D.R. 425, is hereby rescinded and the following adopted in lieu thereof:

19.17(257) **Qualifications for guidance personnel.**

19.17(1) *Elementary level.* For approval as an elementary-school guidance counselor, the applicant shall have met the requirements for a professional certificate indorsed for teaching at the elementary-school level and, in addition thereto, shall possess a master's degree in guidance and counseling from a recognized institution, based upon an approved program of study in which emphasis was placed upon guidance and counseling at the elementary-school level, which program included supervised guidance and counseling experience under the supervision of such institution, or actual experience recognized as the equivalent thereof by such institution.

Applicant shall also present evidence of successful teaching experience.

19.17(2) *Secondary level.* For approval as a secondary-school guidance counselor, applicant shall have met the requirements for a professional certificate indorsed for teaching at the secondary-school level and, in addition thereto, shall possess a master's degree in guidance and counseling from a recognized institution, based upon an approved program of study in which emphasis was placed upon guidance and counseling at the secondary level, which program included supervised guidance and counseling experience under the supervision of such institution, or actual experience recognized as the equivalent thereof by such institution. Applicant shall also present evidence of successful teaching experience.

19.17(3) *Elementary-secondary level.* For authorization by indorsement to serve as guidance counselor in kindergarten and in grades one through fourteen, the applicant must possess a current valid professional certificate indorsed for teaching at either the elementary- or secondary-school level and, in addition thereto, must possess a master's degree and have com-

pleted an approved graduate program of at least forty-five semester hours for the preparation of guidance counselors, which program may include courses completed in fulfillment of the requirements for said master's degree and shall include supervised counseling experience at both elementary- and secondary-school level. In addition, the applicant shall present evidence of successful teaching experience.

19.17(4) *Director of guidance services.* For authorization by indorsement to serve as a director of guidance services in kindergarten and grades one through twelve, the applicant must meet the qualifications for a school guidance counselor and, in addition, shall have completed an additional approved graduate program of at least thirty semester hours in guidance and counseling in kindergarten and grades one through twelve and in the administration and supervision of guidance programs. The applicant shall also present evidence of successful practical experience in guidance and counseling at both elementary and secondary level.

[Effective thirty days after filing with the Secretary of State.]

PUBLIC INSTRUCTION, BOARD OF

(continued)

Pursuant to authority conferred by section 257.10(11), Code of Iowa, and for the purpose of implementing said section; Title XI, Rules of the department of public instruction, relating to the issuance and renewal of teachers' certificates and approval of certificate holders to teach or serve in various subject-matter fields or service areas, which Title appears at pages 404 to 428 of 1966 I.D.R., is amended as follows.

[Filed October 31, 1967]

ITEM 1.

Section 13.19(257), Rules of the department of public instruction, 1966 I.D.R. 406, is hereby rescinded and the following adopted in lieu thereof:

13.19(257) *Validation of credit from nonaccredited institutions.* Applicants whose preparation has taken place at a college not accredited within the meaning of the definition herein set forth but whose teacher-education programs have been approved by the state board or other

agency which has jurisdiction over teacher education and certification in the state in which such college is located and which college is accredited by the regional accrediting agency of the territory in which it is located may be issued a temporary certificate valid for a one-year term. If teaching performed under such temporary certificate is evaluated by the applicant's supervisor as successful, a professional certificate will then be issued to the applicant or, at the recommendation of such supervisor, said temporary certificate may be renewed.

Applicants whose preparation has taken place at a college not accredited by the regional accrediting agency of the territory in which such college is located but which is approved by the state board or other agency which has jurisdiction over teacher education and certification within the state in which such college is located may qualify for certification after admission to a graduate school recognized by the state board of public instruction and by successful completion of six semester

hours of graduate-level courses at said graduate school.

The principal responsibility for recommending applicants for certification under the provisions of this section will rest in all cases with the college at which the applicant completed his teacher-education program. In those cases where qualification has been completed by the taking of six semester hours of graduate courses, additional recommendation may be obtained from the graduate school at which the work was successfully completed.

Applicants who have qualified for certification except for the admission to a recognized graduate school and the completion of six semester hours of graduate work, as hereinabove provided, may be issued a temporary certificate, valid for one year, pending the successful completion of such work.

ITEM 2.

Section 14.9(257), Rules of the department of public instruction, 1966 I.D.R. 410, is hereby rescinded and the following adopted in lieu thereof:

14.9(257) Elementary-secondary and other specialized indorsements.

14.9(1) Type of service authorized. Authorization to teach only in special subjects or to serve in special service areas in nursery school, kindergarten, grades one through fourteen or limited groupings associated therewith.

14.9(2) Special subjects. The special subjects for which such indorsements are available are: Art, industrial arts, music, and physical education.

14.9(3) Special service areas and specialized indorsements. The special service areas for which such indorsements are available are: Speech clinician, librarian, director of library services, public school health nurse, educational media specialist, hearing clinician, reading clinician, and special education. The indorsement for special education may be further subdivided by approval area to authorize its holder to render services primarily to the emotionally or socially maladjusted, the mentally handicapped, those handicapped in hearing, the visually handicapped, the physically handicapped, and those handicapped in their ability to communicate with others. A specialized indorsement is available for the area of nursery school-kindergarten.

14.9(4) General requirements. The requirements for the foregoing indorsements shall include four years of approved college preparation and a baccalaureate degree in all cases.

14.9(5) Special requirements. The following requirements shall be applicable to the specific indorsements indicated:

a. Speech clinician. For authorization by indorsement to provide clinical speech services in kindergarten and grades one through fourteen, the applicant must possess a master's degree based upon completion of a program of graduate study in which major emphasis was placed upon speech pathology for school speech clinicians.

b. Director of library services. For authorization by indorsement to serve as director of library services, the applicant shall have met the requirements for a professional certificate indorsed for elementary- or secondary-school teaching and shall possess a master's degree or its equivalent in library science. The applicant must present evidence of successful completion of a course or courses of study in the administration of school library services, which course or courses may be either included in, or in addition to, the work leading to said degree.

c. Nursery-kindergarten teacher. For authorization by indorsement to serve as a teacher in nursery school and kindergarten, the applicant shall possess a bachelor's degree and have completed an approved program of study for the preparation of nursery-kindergarten teachers, which program may be either included in, or in addition to, the work leading to said degree.

d. Educational media specialist. For authorization by indorsement to serve as an educational media specialist in kindergarten and grades one through fourteen, the applicant shall have met the requirements for a professional certificate indorsed for elementary- or secondary-school teaching and shall possess a master's degree based upon an approved program in the specialized area of educational media.

e. Hearing clinician. For authorization by indorsement to provide clinical hearing services in kindergarten and grades one through fourteen, the applicant shall possess a master's degree based upon an approved program of study in

which emphasis was placed upon audiology for school hearing clinicians.

f. Reading clinician. For authorization by indorsement to provide diagnostic and instructional services on an individual basis as reading clinician in kindergarten and grades one through fourteen for children with severe reading disabilities, the applicant shall have met the requirements for a professional certificate indorsed for either elementary- or secondary- school teaching and shall present evidence of completion of an approved program of graduate study of thirty or more semester hours in the area of clinical reading. In addition, such applicant shall present evidence of at least two years of successful teaching experience.

g. School psychologist. For approval by indorsement for service as school psychologist in kindergarten and grades one through fourteen, the applicant shall possess a master's degree in psychology from a recognized institution of higher learning and shall present evidence of completion of an approved program of graduate study in preparation for service as a school psychologist, either included in, or in addition to, the work leading to said master's degree. In addition, applicant shall present evidence of two years of successful teaching experience.

ITEM 3.

Section 14.24(3), Rules of the department of public instruction, 1966 I.D.R. 412, is amended by striking from line two (2) of the second unnumbered paragraph the word "six" and inserting in lieu thereof the word "three". Further amend said paragraph by striking from line five (5) the words "preprofessional or". Further amend said paragraph by adding at the end thereof the following:

"No temporary certificate will be issued or renewed under the provisions of this subsection from and after August 31, 1970."

ITEM 4.

Section 14.24(257), Rules of the department of public instruction, 1966 I.D.R. 413, is amended by adding the following new subsection:

14.24(6) Issued for the performance of supervisory or monitorial services for the purpose of relieving certificated teachers for other duties. This certificate is available to persons employed in the

schools for the performance of various nonteaching duties involving the supervision of pupils and for the purposes of rendering such assistance to teachers as will enable them to perform more effectively their teaching duties. The applicant shall have completed at least sixty semester hours of college preparation at a recognized institution of higher learning.

The applicant shall show moral and physical fitness for the position and freedom from communicable diseases.

Application for such certificate shall be accompanied by a statement, from the local superintendent or administrative officer of the employing district or school, which contains a description of the work for which the applicant is proposed to be employed and states that said superintendent or officer has examined the qualifications of the said applicant and finds him physically, mentally, and morally fit for the performance of such duties.

Certificates issued under the provisions of this subsection will be indorsed for the performance of the specific duties named in the job description and annually renewable at the request of the employer.

ITEM 5.

Section 19.8(6), Rules of the department of public instruction, 1966 I.D.R. 422, is amended by striking from paragraph (1) the italicized note.

ITEM 6.

Section 19.10(1), Rules of the department of public instruction, 1966 I.D.R. 424, is hereby rescinded and the following adopted in lieu thereof:

19.10(1) High school only. The teacher of a special subject in high school only or in junior high school only shall hold a certificate valid for teaching at the grade levels involved and shall have completed thirty semester hours of preparation in the special subject. Temporary annual approval will be granted an applicant who has completed fifteen semester hours of work in such special subject, provided that he undertakes to complete an additional fifteen semester hours at an approved institution within a period of three years and furnishes evidence with each annual renewal application that he has completed or is enrolled in five or more semester hours of work in such year.

ITEM 7.

Section 19.10(2), Rules of the department of public instruction, 1966 I.D.R. 424, is hereby rescinded and the following adopted in lieu thereof:

19.10(2) *Elementary grades only.* The teacher of a special subject in the elemen-

tary grades only shall hold a certificate valid for teaching in the elementary grades and shall have completed preparation in the special subject in the same amount and manner as is required for a high school teacher in section 19.10(1).

[Effective thirty days after filing with the Secretary of State.]

REVENUE DEPARTMENT (FORMERLY TAX COMMISSION)

Pursuant to authority of section 421.14, Code 1966, the following rules are adopted implementing chapter 348, Acts of the 62nd General Assembly.

[Filed September 30, 1967]

CHAPTER 5

SALES AND USE TAX ON SERVICES

Preamble. The Code, section 423.2, as amended, imposes, on and after October 1, 1967, a complementary tax on the use in this state of the enumerated services rendered, furnished, or performed in Iowa, or on the use in Iowa of the product or result of such services obtained outside this state. The following regulations specifically deal with the interpretation of each service taxed as enumerated in the Code, section 422.43, as amended. All of the following regulations are applicable to the tax imposed by both sections 422.43 and 423.2, of the Code, as amended, unless otherwise stated. The rules and regulations governing the administration of the Retail Sales Tax, chapter 422 of the Code, as amended, and the Use Tax, chapter 423 of the Code, as amended, applicable to tangible personal property also apply to the administration of such sales and use tax on the gross receipts from the rendering, furnishing, or performing of services, imposed by sections 422.43 and 423.2 of the Code, as amended.

5.1(Ch.348 62GA) Definition. The phrase "persons engaged in the business of" as used herein shall mean persons who offer the named service to the public or to others for a consideration whether such persons offer the service continuously, part time, seasonally, or for short periods.

5.2(Ch.348 62GA) Alteration and garment repair. Persons engaged in the business of altering or repairing any type of garment or clothing are rendering, furnishing, or performing a service the gross receipts from which are subject to tax. Included are the services rendered, furnished, or performed by tailors, dressmak-

ers, furriers, and others engaged in similar occupations. When the vendor of garments or clothing agrees to alter same without charge when an individual purchases such garments or clothing, no tax on services in addition to the sales tax paid on the purchase price of the article shall be charged. However, if the vendor makes an additional charge for alteration, that additional charge shall be subject to the tax on the gross receipts from the services.

5.3(Ch.348 62GA) Armored car. Persons engaged in the business of providing armored car service to others are rendering, furnishing, or performing a service the gross receipts from which are subject to tax. "Armored car" shall mean a wheeled vehicle affording defensive protection by use of a metal covering, or other elements of ordnance.

5.4(Ch.348 62GA) Automobile repair. Persons engaged in the business of repairing motor vehicles are rendering, furnishing, or performing a service the gross receipts from which are subject to tax. "Repair" shall include any type of restoration, renovation, or replacement of any motor, engine, working parts, accessories, body, or interior of the motor vehicles, but shall not include installation of new parts or accessories, which are not replacements, added to the motor vehicles. "Motor vehicle" shall mean a vehicle commonly used on a highway propelled by any power other than muscular power.

5.5(Ch.348 62GA) Battery, tire, and allied. Persons engaged in the business of installing, repairing, maintaining, restoring, or recharging batteries, and services joined and connected therewith; and persons engaged in the business of installing, repairing, maintaining tires, and services joined or connected therewith, for any type of vehicle or conveyance are rendering, furnishing, or performing a service the gross receipts from which are subject to tax.

5.6(Ch.348 62GA) Investment counseling. Persons engaged in the business of counseling others, for a consideration, as to investing in and disposition of both real and personal property, tangible as well as intangible, are engaged in and are rendering, furnishing, or performing a service the gross receipts from which are subject to tax. Persons engaged in the business of counseling others relative to investment in or disposition of property or rights, whether real, personal, tangible, or intangible, where a charge is made for such counseling, are rendering, furnishing, or performing services, the gross receipts from which are subject to tax. Where such services are rendered incidental to trust services, as in the case of trustees, guardians, executors, administrators, and conservators, the gross receipts from such incidental services are not subject to tax.

5.7(Ch.348 62GA) Bank service charges. The gross receipts from bank services rendered, furnished, or performed by banks and charged to the customer are receipts which are subject to the tax.

“Bank service charges” are all charges assessed to and collected from the depositor in cash or by debit in connection with and arising out of a periodic analysis of his checking account, whether based on activity, balance maintained, fixed maintenance cost allocation, or any combination thereof, and all service charges made in connection with checking accounts. For example, but not limited to:

Flat charge by account or activity.

Per check or average balance.

Thrifty accounts. PAYC (pay as you check) accounts.

Deposits. (Per item or out-of-town checks.)

“Bank” is an institution empowered to do all banking business, such as power and right to issue negotiable notes, discount notes and receive deposits, and “banking business” consists in receiving deposits payable on demand and buying and selling bills of exchange.

5.8(Ch.348 62GA) Barber and beauty. Persons engaged in the business of hair cutting, hair styling, hair coloring, wig care, manicuring, pedicuring, applying facial and skin preparations, and all like activities which tend to enhance the appearance of the individual are rendering,

furnishing, or performing a service the gross receipts from which are subject to tax. Each “barber, beauty, or other beautification shop or establishment” shall receive only one sales tax permit and remit the tax as one enterprise no matter what business arrangement exists between the owner of the shop and those who work therein.

5.9(Ch.348 62GA) Boat repair. Persons engaged in the business of repairing watercraft are rendering, furnishing, or performing a service the gross receipts from which are subject to tax. “Repair” shall include any type of restoration, renovation, or replacement of any motor, engine, working part, accessory, hull, or interior of the watercraft, but shall not include installation of new parts or accessories, which are not replacements, added to such watercraft.

5.10(Ch.348 62GA) Car wash and wax. Persons engaged in the business of washing or waxing cars are rendering, furnishing, or performing a service the gross receipts from which are subject to tax. The gross receipts from such service shall be taxable whether it is performed by hand, machine, or coin-operated devices. “Cars” are defined as any motor vehicle as defined in chapter 321 of the Code.

5.11(Ch.348 62GA) Carpentry. Persons engaged in the business of building, making, or repairing, as a carpenter, as the trade is known in the usual course of business, of any structures are rendering, furnishing, or performing a service the gross receipts from which are subject to tax. Such structures may be either real or personal property. Services described herein are not applicable to new construction.

5.12(Ch.348 62GA) Roof, shingle, and glass repair. Persons engaged in the business of repairing, restoring, or renovating roofs, or shingles, or restoring or replacing glass, whether such glass is personal property or affixed to real property, are rendering, furnishing, or performing a service the gross receipts from which are subject to tax.

5.13(Ch.348 62GA) Dance schools and dance studios. The gross receipts from services rendered, furnished, or performed by dance schools or dance studios are subject to tax. A “dance school” is any institution established primarily for the purpose of teaching any one or more types of dancing. A “dance studio” is any room

or group of rooms in which any one or more types of dancing are taught. If other activities such as acrobatics, exercise, baton twirling, tumbling, or modeling are taught in dance schools or studios, the gross receipts from the teaching of such activities are subject to tax.

5.14(Ch.348 62GA) Dry cleaning, pressing, dyeing, and laundering. Persons engaged in the business of rendering, furnishing, or performing dry cleaning, pressing, dyeing, and laundering services, including those who engage in such business by means of coin-operated washers, ironers or mangles, dryers, and dry cleaning machines are rendering, furnishing, or performing a service the gross receipts from which are subject to tax.

5.15(Ch.348 62GA) Electrical repair and installation. Persons engaged in the business of repairing or installing electrical wiring, fixtures, switches in or on real property, or repairing or installing any article of personal property powered by electric current are rendering, furnishing, or performing a service the gross receipts from which are subject to tax. "Repair" shall include mending or renovation of existing parts, replacing of defective parts, or cleaning of the article. "Installation" shall include affixing electrical wiring, fixtures, or switches to real property, affixing any article of personal property powered by electric current to any other article of personal property, or making any article of personal property, powered by electric current, operative with respect to its intended functional purpose. The service of installation as described herein is not applicable to new construction.

5.16(Ch.348 62GA) Engraving, photography and retouching. Persons engaged in the business of engraving on wood, metal, stone, or any other material, taking photographs, or renovating or retouching an existing likeness or design are rendering, furnishing, or performing a service the gross receipts from which are subject to tax.

5.17(Ch.348 62GA) Equipment rental. Persons engaged in the business of furnishing equipment to other persons for their use are rendering, furnishing, or performing a service subject to tax measured by the gross receipts of fees charged for the use of such equipment. For this purpose "equipment" is defined as any functional personal property, the function of

which contributes to the purposes of the person who shall have obtained it for use, whether such use involves equipment which functions in a state of rest or in a state of motion. This rule is not to be so construed as to be at variance with subsection 2 of section 422.45 of the Code.

5.17(1) Contract entered into prior to June 15, 1967. Where equipment rented pursuant to a contract entered into prior to June 15, 1967, results in gross receipts from charges for such rental, such gross receipts attributable to the portion of the rental period occurring prior to June 15, 1969, pursuant to such contract, shall not be a basis for the tax; gross receipts, under such contract, attributable to the portion of the rental period occurring on and after June 15, 1969, shall be a basis for the tax.

5.17(2) Contract entered into after June 15, 1967. Where equipment rented pursuant to a contract entered into after June 15, 1967, and prior to October 1, 1967, results in gross receipts from charges for such rental, such gross receipts attributable to the portion of the rental period occurring before October 1, 1967, pursuant to such contract, shall not be a basis for the tax; but such gross receipts as are attributable to the portion of the rental period occurring on and after October 1, 1967, shall be a basis for the tax. Correspondingly, gross receipts of rental charges for such equipment pursuant to rental periods beginning on and after October 1, 1967, shall be a basis for the tax.

5.18(Ch.348 62GA) Excavating and grading. Persons engaged in the business of excavating and grading for the purpose of constructing roads, highways, thoroughfares for travel or transportation from place to place, driveways, paths, routes, roadbeds and borrow pits, or any other type of way; the excavating and digging of basements and any other type of recessional dugout, or the forming of any type of cavity, by concaving or convexing in the ground by digging or scooping; also the digging of pipe lines of all types, sewers, cesspools or septic pools, swimming and water areas, for recreational or any other purpose, drainage ditches and creeks and the general forming of earth by contouring, terracing, damming, sloping, or ridging to retard erosion or speed drainage, and building a line connecting the various points on a line surface that have the same elevation, and any other

type of earth moving, forming, or moulding are rendering, furnishing, or performing a service the gross receipts from which are subject to tax. Services described herein are not applicable when rendered for purposes of new construction.

5.19(Ch.348 62GA) Farm implement repair. Persons engaged in the business of repairing, restoring, or renovating implements, tools, machines, vehicles, or equipment, but not including installation of new parts or accessories which are not replacements, used in the operation of farms, ranches, or acreages on which growing crops of all kinds, livestock, poultry, or fur-bearing animals are raised or used for any purpose are rendering, furnishing, or performing a service the gross receipts from which are subject to tax.

5.20(Ch.348 62GA) Flying service. Persons engaged in the business of teaching a course of instruction in the art of operation and flying of an airplane, and instructions in repairing, renovating, or reconditioning an airplane are rendering, furnishing, or performing a service the gross receipts from which are subject to tax.

5.21(Ch.348 62GA) Furniture, rug, upholstery, repair and cleaning. Persons engaged in the business of repairing, restoring, renovating, or cleaning furniture, rugs, or upholstery are rendering, furnishing, or performing a service the gross receipts from which are subject to tax. "Furniture" shall include all indoor and outdoor furnishings wherever used. "Rugs" shall include all types of rugs and carpeting. "Upholstery" shall include all materials used to stuff or cover any piece of furniture.

5.22(Ch.348 62GA) Fur storage and repair. Persons engaged in the business of storing for preservation and future use, refurbishing, repairing, and renovating, including addition of new skins, furs are rendering, furnishing, or performing a service the gross receipts from which are subject to tax. The term "furs" shall include both natural and manufactured simulated products resembling furs.

5.23(Ch.348 62GA) Golf and country clubs and all commercial recreation. Fees, dues, or charges paid to golf and country clubs are subject to tax. "Country clubs" shall include all clubs or clubhouses providing social activities, including golf and other recreation for members. Persons

providing facilities for recreation for a charge are rendering, furnishing, or performing a service the gross receipts from which are subject to tax. "Recreation" shall include all activities pursued for pleasure, including sports, games, and activities which promote physical fitness, but shall not include admissions otherwise taxed under section 422.43 of the Code.

5.24(Ch.348 62GA) House and building moving. Persons engaged in the business of moving houses, or buildings from one location to another, whether for repair or otherwise, are rendering, furnishing, or performing a service the gross receipts from which are subject to tax.

5.25(Ch.348 62GA) Household appliance, television, and radio repair. Persons engaged in the business of repairing household appliances, television sets, or radio sets, but not including installation of new parts or accessories which are not replacements [see 5.15(Ch.348 62GA)], are rendering, furnishing, or performing a service the gross receipts from which are subject to tax. "Repair" shall include mending or renovation of existing parts of such appliances, television sets, radio sets, and all other household appliances as well as replacing defective parts of such articles. "Household appliances" shall include all mechanical devices normally used in the home, whether or not used therein.

5.26(Ch.348 62GA) Jewelry and watch repair. Persons engaged in the business of repairing jewelry or watches are rendering, furnishing, or performing a service the gross receipts from which are subject to tax. "Jewelry or watch repair" shall include any type of mending, restoration, or renovation of parts, or replacement of defective parts.

5.27(Ch.348 62GA) Machine operator. Persons engaged in the business of operating machines of all kinds, where a fee is charged, are rendering, furnishing, or performing a service the gross receipts from which are subject to tax. "Machine operator" is a person who exercises the privilege of managing, controlling, and conducting a mechanical device or a combination of mechanical powers and devices used to perform some function and thereby produce a certain effect or result. For the purpose of this rule, the meaning ascribed to "machine" in 5.28(Ch.348 62GA) shall apply. This rule is not to be

so construed as to be at variance with subsection 2 of section 422.45 of the Code. Services described herein are not applicable when performed as a part of new construction.

5.28(Ch.348 62GA) Machine repair of all kinds. Persons engaged in the business of repairing machines of all kinds are rendering, furnishing, or performing a service the gross receipts from which are subject to tax. "Machine" shall include all devices having moving parts and operated by hand, powered by a motor, engine, or other form of energy. It is a mechanical device or combination of mechanical powers and devices used to perform some function and produce a certain effect or result.

5.29(Ch.348 62GA) Meat, fish, and fowl processing. Persons engaged in the business of processing meat, fish, or fowl for another for the use or consumption of such other person are rendering, furnishing, or performing a service the gross receipts from which are subject to tax. A meat, fish, or fowl packer or processor who processes such products for sale at retail to the ultimate consumer [said processing including, but not limited to, freezing or cold storage thereof by the packer or processor, or by a person performing such service for the packer or processor] would not be rendering, furnishing, or performing a service the gross receipts from which would be subject to tax. However, if a person purchases meat, fish, or fowl and then hires another to process that product for use or consumption by such person, the gross receipts from the rendering, furnishing, or performing such services are subject to tax.

5.30(Ch.348 62GA) Motor repair. Persons engaged in the business of repairing motors powered by any means whatsoever are rendering, furnishing, or performing a service the gross receipts from which are subject to tax. "Repair" shall include mending or renovation of parts, replacement of defective parts or subassemblies of the motor, but shall not include installation of new parts or accessories which are not replacements.

5.31(Ch.348 62GA) Motorcycle, scooter, and bicycle repair. Persons engaged in the business of repairing motorcycles, scooters, and bicycles are rendering, furnishing, or performing a service the gross receipts from which are subject to tax. "Repair" shall include mending or renovation

of parts, replacement of defective parts or subassemblies, but shall not include installation of new parts or accessories which are not replacements.

5.32(Ch.348 62GA) Advertising. Persons engaged in the business of publishing, broadcasting, or otherwise producing advertising in the media of newspapers, directories, shopper's guides and shopper's newspapers, magazines, radio, movie, or television are rendering, furnishing, or performing a "service" within the purview of the Act.

5.32(1) Definitions. "Advertiser" as used herein, shall mean the person for whose commercial benefit any product, idea, or service is being offered. "Advertising medium" as used herein, shall mean the person, or persons, who publishes, broadcasts, televises, produces, or otherwise distributes, propels, or disseminates the advertising message.

5.32(2) Application of tax. Beginning October 1, 1967, receipts from all acts or services rendered, furnished, or performed as advertising in the state of Iowa, are subject to a service tax of three percent of the value of said advertising as provided in chapter 348, Acts of the 62nd General Assembly, subject to all the provisions of Division IV of chapter 422 and chapter 423 of the 1966 Code, both as amended. The advertising medium having rendered, furnished, or performed such services shall collect from the advertiser or his agent and remit the tax to the department of revenue.

Items of tangible personal property (such as mats, engravings, recordings, films, etc.) used in Iowa as instrumentalities to effect advertising service are taxable under Iowa "Sales Tax" if purchased in this state by persons rendering the taxable advertising service. When such items are purchased without Iowa for such use here, the use tax applies if the items come to rest in Iowa before any claimed use in interstate commerce. In the same manner, the "service tax" applies where the result or product of such services, rendered without Iowa, is used in this state.

5.32(3) Outdoor and point-of-purchase advertising. See 5.33 (Ch.348 62GA).

5.32(4) Promotion and direct mail advertising. See 5.42(Ch.348 62GA).

5.32(5) Classes of advertising. There are five classes of advertising service de-

finable by their separate characteristics. The separate classes are herein accorded congruent treatment insofar as their separate characteristics will permit in the discretion of the department of revenue. The classes of advertising and corresponding application to "advertiser" and "advertising medium" are enumerated as follows:

a. Printed messages distributed through a circulation plan by which deliveries are made to recipients of the message.

b. Oral and oral-visual broadcasts transmitted mechanically capable of being received by mechanical means and rendered audible or audible and visual by such machinery as is adapted for this purpose.

c. Oral and oral-visual productions rendered directly perceivable by the natural functions of the human organism.

d. *Outdoor and point-of-purchase performance advertising.* See 5.33 (Ch.348 62GA).

e. *Promotion and direct mail advertising.* See 5.42 (Ch.348 62GA).

5.33(Ch.348 62GA) Outdoor and point-of-purchase performance advertising. Persons engaged in the business of providing advertising for others by means of outdoor and point-of-purchase performance advertising are rendering, furnishing, or performing a service the gross receipts from which are subject to tax where such service be rendered, furnished, or performed in this state, or where the product of such service is used in this state by the purchaser thereof.

5.33(1) Outdoor advertising. Outdoor advertising service may be rendered, furnished, or performed by:

a. Erection of signs bearing an advertising message by either printed expressions or depicted messages.

b. Speaker systems utilizing the natural, amplified, or modified voice.

c. Dramatic presentation through use of actors or properties wherein either voice or pantomime by persons or objects is employed.

d. Any combination of the above-enumerated means.

5.33(2) Point-of-purchase performance advertising. Where advertising is

purchased at a point or location for exposure, transmittal, or distribution at or from the point or location of purchase, such advertising performance shall be deemed to be an advertising service the gross receipts from which are subject to the tax, if the point of purchase be in this state or if the product of the service is used in this state by the purchaser thereof.

5.33(3) Application of use tax. Where advertising is purchased as aforementioned outside this state for exposure entirely within this state, the entire gross cost of such advertising shall be subject to the use tax. Where advertising is purchased as aforementioned outside this state for exposure both within and outside this state, then the gross cost of such advertising shall be subject to use tax in the proportion that the number of exposures within this state bears to the total number of exposures both within and outside this state. Persons claiming exemption from use tax on basis of exposures outside the state must substantiate their claim to such exemption by an accounting of the total number of exposures everywhere and the total number of exposures within this state.

5.34(Ch.348 62GA) Oilers and lubricators. Persons engaged in the business of oiling, changing oils, or lubricating and greasing vehicles and machines of all types having moving parts or powered by a motor or engine, or other form of energy, heavy equipment vehicles or implements, whether such equipment functions in a state of rest or in a state of motion, are rendering, furnishing, or performing a service the gross receipts from which are subject to tax.

5.35(Ch.348 62GA) Office and business machine repair. Persons engaged in the business of repairing office and business machines are rendering, furnishing, or performing a service the gross receipts from which are subject to tax. "Repair" shall include mending and renovation of existing parts, replacement of defective parts or subassemblies, but shall not include installation of new parts or accessories which are not replacements.

5.36(Ch.348 62GA) Painting, papering, and interior decorating. Persons engaged in the business of painting, papering, and interior decorating are rendering, furnishing, or performing a service the gross receipts from which are subject to tax.

"Painting" shall mean covering of both interior and exterior surfaces of tangible personal or real property with a coloring matter and a mixture of a pigment, or sealant, with some suitable liquid to form a solid adherent when spread on in thin coats for decoration, protection, or preservation purposes, and all necessary preparations therefor. "Papering" shall mean applying wallpaper or wall fabric to the interior of houses or buildings and all necessary preparations thereto including surface preparation. "Interior decoration" shall mean the service of designing or decorating the interiors of houses or buildings, counseling with respect to such designing or decoration, or the procurement of furniture, fixtures, or home or building decorations. When any person provides interior decorating service without charge as an incident to the sale of real or personal property, no sales tax in addition to that paid on the purchase price or any part thereof of the personal property shall be charged. The above-described services are not taxable when performed on new construction.

5.37(Ch.348 62GA) Parking lots. Persons engaged in the business of providing parking space for any vehicle are rendering, furnishing, or performing a service the gross receipts from which are subject to tax, irrespective of the method of collection utilized. "Parking lots" shall include any facility used primarily for parking vehicles, whether an outdoor lot or a building. "Parking lots" shall also include any parking facility provided by the lessor of a building to his lessees if the lessor makes a separate charge for the parking space above and beyond the rental charge for other space in the building. "Parking lots" shall also include any facility used primarily for parking vehicles even if such facility is used seasonally or for even shorter duration, such as providing parking space at the time of a show, fair, carnival, or similar event.

5.38(Ch.348 62GA) Pipe fitting and plumbing. Persons engaged in the business of pipe fitting and plumbing are rendering, furnishing, or performing a service the gross receipts from which are subject to tax. "Pipe fitting and plumbing" shall mean the trade of fitting, threading, installing, and repairing of pipes, fixtures, or apparatus used for heating, refrigerating, air conditioning, or concerned with the introduction, distribution, and disposal of a natural or artificial sub-

stance. The above-described services are not taxable when performed on new construction.

5.39(Ch.348 62GA) Wood preparation. Persons engaged in the business of wood preparation or treatment for others are rendering, furnishing, or performing a service the gross receipts from which are subject to tax. "Wood preparation" shall include all processes whereby wood is sawed from logs into measured dimensions, planed, sanded, oiled, or treated in any manner before being used to repair an existing structure or create a new structure or part thereof. But where such preparation is engaged in solely for the purpose of processing lumber or wood products for ultimate sale at retail, such "preparation" may not be deemed as rendering, furnishing, or performing a service the gross receipts from which would be subject to tax.

5.40(Ch.348 62GA) Private employment agencies. Persons engaged in the business of providing listings of available employment, counseling others with respect to future employment, or aiding another in any way to procure employment are rendering, furnishing, or performing a service the gross receipts from which are subject to tax.

5.41(Ch.348 62GA) Printing and binding. Persons engaged in the business of printing or binding any printed matter other than for the purpose of ultimate sale at retail, are rendering, furnishing, or performing a service the gross receipts from which are subject to tax. "Printing" shall include any type of printing, lithographing, mimeographing, multigraphing, typing incidental to multiple reproduction(s) listed herein, photocopying, and similar reproduction. The following activities are representative of services the gross receipts from which are subject to tax: The printing of pamphlets, leaflets, stationery, envelopes, folders, bond and stock certificates, abstracts, law briefs, business cards, matches, mechanical pencils and pens, campaign posters, and banners for the users thereof.

5.42(Ch.348 62GA) Promotion and direct mail. Persons engaged in the business in this state of promotion of an interest, plan, proposal, or any advancement of any personal, corporate, or property right or interest for the benefit of another or engaged in providing a direct mailing service are rendering, furnishing, or perform-

ing a service the gross receipts from which are subject to tax. Where a fee is charged or received for promotion or direct mail as aforementioned for any person(s), the benefit of which promotion or direct mail accrues to such person(s) entirely in this state, such fee is deemed to be gross receipts subject to tax. Where such benefit accrues to person(s) both within and outside this state, that portion of the fee as shall have been charged or received for benefits accrued in this state is deemed to be gross receipts subject to tax. The portion of the fee subject to the tax shall be determined by the ratio that the points or locations where the benefit of promotion or direct mail may be realized in Iowa bears to the total points or locations where the benefits of promotion or direct mail may be realized. Where fees are thus apportioned for tax purposes, it shall be the duty of the vendor of the taxable service to maintain records for the establishment and substantiation of the apportionment ratio.

5.42(1) Application of use tax. Persons using services described above obtained from sources outside of Iowa and used entirely in this state shall be subject to the Iowa use tax (subject to credit granted under section 423.25 of the Code) upon the gross cost thereof. Where persons use such services, obtained outside this state, both within this state and outside this state, the portion of the gross cost thereof subject to the tax shall be determined by the ratio that the number of Iowa locations where the benefits of promotion or direct mail may be realized bears to the total number of locations where the benefits of promotion or direct mail may be realized. Where gross costs are thus apportioned, it shall be the duty of the user to maintain records for the establishment and substantiation of the ratio.

5.42(2) U.S. postal charges. Where materials and messages are mailed to addresses in behalf of another, whether such other specifically furnishes addresses or otherwise, U.S. postal charges shall be deducted in determining gross taxable service.

5.43(Ch.348 62GA) Sewing and stitching. Persons engaged in the business of sewing and stitching are rendering, furnishing, or performing a service the gross receipts from which are subject to tax.

5.44(Ch.348 62GA) Sign painting. Persons engaged in the business of painting signs, banners, posters, and the renovation thereof are rendering, furnishing, or performing a service the gross receipts from which are subject to tax. "Sign painting" shall mean the covering of a flexible or solid background with a compound, or compounds, for the conveyance of a message or announcement.

5.45(Ch.348 62GA) Shoe repair and shoeshine. Persons engaged in the business of repairing any type of footwear such as shoes, boots, and sandals are rendering, furnishing, or performing a service the gross receipts from which are subject to tax. "Repair" shall include the mending or renovation of existing parts and the replacement of defective parts, but shall not include installation of new parts or accessories which are not replacements, of the footwear in any manner. "Shoeshine service" is meant to be the shining of shoes in connection with the repair thereof and shoeshine service administered alone would not require the vendor to charge the user of the service the specified tax.

5.46(Ch.348 62GA) Storage warehouse and storage locker. Persons providing facilities for storing any type of personal property are rendering, furnishing, or performing a service the gross receipts from which are subject to tax. "Storage warehouses and storage lockers" shall include, but are not limited to, any facility provided for the purpose of storing household or building furnishings, foods, clothes, and furs, luggage, automobiles, airplanes, or any other tangible personal property. (See "Warehouses" Infra)

5.47(Ch.348 62GA) Telephone answering service. Persons engaged in the business of providing telephone answering service, whether by person or machine, are rendering, furnishing, or performing a service the gross receipts from which are subject to tax.

5.48(Ch.348 62GA) Test laboratories. Persons engaged in the business of operating a laboratory for testing any substance for any experimental, scientific, or commercial purpose are rendering, furnishing, or performing a service the gross receipts from which are subject to tax. Testing directly related to personal health services is not subject to tax under this rule.

5.49(Ch.348 62GA) Termite, bug, roach, and pest eradicators. Persons engaged in

the business of eradicating, or preventing the infestation by termites, bugs, roaches, and all other living pests are rendering, furnishing, or performing a service the gross receipts from which are subject to tax. Persons who eradicate, prevent, or control the infestation of any type of pest by means of spraying are rendering, furnishing, or performing a service the gross receipts from which are subject to tax. This rule is not to be so construed as to be at variance with subsection 3 of section 422.42 of the Code.

5.50(Ch.348 62GA) Tin and sheet metal repair. Persons engaged in the business of repairing tin or sheet metal, whether the same has or has not been formed into a finished product are rendering, furnishing, or performing a service the gross receipts from which are subject to tax.

5.51(Ch.348 62GA) Turkish baths, massage, and reducing salons. Persons engaged in the business of operating turkish baths, reducing salons, or in the business of massaging are rendering, furnishing, or performing a service the gross receipts from which are subject to tax. "Turkish baths" shall mean any type of facility wherein the individual is warmed by steam or dry heat. "Reducing salons" shall mean any type of establishment which offers facilities or a program of activities for the purpose of weight reduction. "Massaging" shall include the kneading, rubbing, or manipulating of the body to condition the body, but not include any body manipulation undertaken as a practice of one or more of the healing arts. Persons engaged in the business of operating health studios which, as a part of their operation, offer any or all of the services of turkish baths, massages, or reducing facilities or programs shall be subject to tax upon the gross receipts from the above-named service.

5.52(Ch.348 62GA) Vulcanizing, recapping, or retreading. Persons engaged in the business of recapping or retreading tires for any vehicle, or vulcanizing any type of product, for others are rendering, furnishing, or performing a service the gross receipts from which are subject to tax.

5.53(Ch.348 62GA) Warehouses. Persons engaged in the business of warehousing goods for others are rendering, furnishing, or performing a service the gross receipts from which are subject to tax. A

"warehouse" is a building or place adapted to the reception and storage of goods and merchandise, and, in a more limited sense, is a building or place in which a warehouseman deposits the goods of others in the course of his business.

5.54(Ch.348 62GA) Weighing. Persons engaged in the business of weighing any item of tangible personal property are rendering, furnishing, or performing a service the gross receipts from which are subject to tax.

5.55(Ch.348 62GA) Welding. Persons engaged in the business of welding materials whether for the purpose of mending existing articles, adding to them, or creating new articles are rendering, furnishing, or performing a service the gross receipts from which are subject to tax. "Welding" is the act of fusing materials by means of heating to a plastic, adhesive state and uniting them with one another or to a material commonly united to each. The above-described services are not taxable when performed on new construction.

5.56(Ch.348 62GA) Well Drilling. Persons engaged in the business of drilling or digging wells for extracting water, oil, natural gas, or any other natural substance or for the introduction, distribution, storage, or disposal of a natural or contrived substance are rendering, furnishing, or performing a service the gross receipts from which are subject to tax.

5.57(Ch.348 62GA) Wrapping, packing, and packaging of merchandise. Persons engaged in the business of wrapping, packing, and packaging of merchandise are rendering, furnishing, or performing a service the gross receipts from which are subject to tax. If the person "wraps, packs, or packages" merchandise as a service incidental to the sale of such merchandise and does not charge for the service, no sales or use tax in addition to that paid on the purchase price of the merchandise need be collected, or remitted. However, if a separate charge be made for wrapping, packing, or packaging", the gross receipts therefrom are subject to the tax.

5.58(Ch.348 62GA) Wrecking service. Persons engaged in the business of wrecking, tearing down, defacing, or demolishing, tangible personal or real property, or any parts thereof, are rendering, furnishing, or performing a service the gross receipts from which are subject to tax.

5.59(Ch.348 62GA) Wrecker and towing. Persons engaged in the business of towing any vehicle by means of pushing, pulling, or carrying, or freeing any vehicle from mud, snow, or any other impediment, including hoisting incidental thereto, are rendering, furnishing, or performing a service the gross receipts from which are subject to tax. The gross receipts from service charges made when any person travels to any place to lift, extricate, or tow any vehicle or to salvage any vehicle are subject to the tax. Towing does not include transporting operable vehicles from one location to another where no operative aspect of such vehicle is integral to such transporting. A "vehicle" is that

in or on which a person or thing is, or may be, carried from one place to another.

5.60(Ch.348 62GA) Buildings and structures erected for the improvement of realty. Persons engaged in the business of the repair of existing buildings, and existing residential or industrial structures are rendering, furnishing, or performing a service the gross receipts from which are subject to tax under the statute.

[Effective October 1, 1967]

Editor's Note. An advisory opinion to these rules was filed by the attorney general September 27, 1967. It was not concurred in by the commission nor the departmental rules review committee.

SECRETARY OF STATE

Pursuant to the authority of chapter 390, Acts of the 62nd General Assembly, the following rules are promulgated.

[Filed November 14, 1967]

CHAPTER 1

UNIFORM COMMERCIAL CODE

1.1(554) Forms for financing statements.

1.1(1) The form to be used for filing financing statements pursuant to section 554.9403, Code of Iowa, 1966, as amended by chapter 390, Acts of the 62nd General Assembly, shall conform to the following standards in order to be entitled to be filed for a fee of one dollar and fifty cents.

a. The forms shall be eight inches wide and either five or ten inches in length with all information printed on one side.

b. The debtor block shall be in the extreme upper left-hand corner.

c. The secured party block shall be immediately adjacent to the right of the debtor block.

d. Filing officers block shall be in the extreme upper right-hand corner.

e. The signature(s) of the secured party(ies) and debtor(s) shall be located in the lower right- and left-hand corners and identified accordingly.

f. It shall consist of three copies, to wit: An alphabetical, numerical and acknowledgment copy.

1.1(2) Forms not conforming to the above standards, but otherwise conform-

ing to the requirements of the law are entitled to be filed for a fee of two dollars and fifty cents.

1.1(3) Forms conforming to the above standards and accompanied by an additional document or writing are entitled to be filed for a fee of two dollars and fifty cents.

1.2(554) Forms for financing statement changes.

1.2(1) The form to be used for filing financing statement changes pursuant to section 554.9404, 554.9405 and 554.9406, Code of Iowa, 1966, as amended by chapter 390, Acts of the 62nd General Assembly, shall conform to the following standards in order to be entitled to be filed for a fee of one dollar and fifty cents.

a. The form shall be eight inches wide and five inches in length with all information printed on one side.

b. The debtor block shall be in the extreme upper left-hand corner.

c. The secured party block shall be immediately adjacent to the right of the debtor block.

d. Filing officers block shall be in the extreme upper right-hand corner.

e. The form may be used for continuation, partial release, assignment, termination or amendment and must clearly indicate by express use of one of the above-capitalized terms for which purpose it is being used.

f. The signature(s) of the secured party(ies) shall be located in a lower corner.

g. If an amendment, the signature of the debtor(s) shall be located in a lower corner.

h. It shall consist of three copies, to wit: An alphabetical, numerical and acknowledgement copy.

i. The acknowledgment copy of an original financing statement filing may be used for termination by execution of the termination portion thereof.

1.2(2) Forms not conforming to the above standards, but otherwise conforming to the requirements of the law are entitled to be filed for a fee of two dollars and fifty cents.

1.2(3) Forms conforming to the above standards and accompanied by an additional document or writing are entitled to be filed for a fee of two dollars and fifty cents.

1.3(554) Forms for requests of information.

1.3(1) The form to be used for filing requests for information, pursuant to section 554.9407, Code of Iowa, 1966, as amended by chapter 390, Acts of the 62nd General Assembly, shall conform to the following standards in order to be entitled to be filed for a fee of two dollars.

a. The forms shall be eight inches wide and ten inches in length with all information printed on one side.

b. The debtor block shall be in the extreme upper left-hand corner.

c. The party requesting information block shall be immediately adjacent to the right of the debtor block.

d. Filing officers block shall be in the extreme upper right-hand corner.

e. It shall contain a space for reporting file number, number of pages, date and hour of filing, and names and addresses of secured parties.

f. It shall consist of two copies, to wit: A copy for certification and a filing officer's accounting copy.

1.3(2) Forms not conforming to the above standards but otherwise conforming to the requirements of the law are entitled to be filed for a fee of three dollars.

1.4(554) Requests for copies. Requests for copies of filings must clearly specify the file number, number of pages and date and hour of filing for all copies requested.

1.5(554) Telephone requests. Requests for information on UCC filings by telephone will not be honored by the office of the secretary of state. County recorders are not required to honor such requests.

1.6(554) Real estate index. Financing statements and financing statement changes covering fixtures or crops and containing a description of real estate shall not be indexed in the real estate index in the county recorders' offices.

These rules are intended to implement chapter 554, Code of Iowa, 1966, as amended by chapter 390, Acts of the 62nd General Assembly.

These rules shall become effective on the date of filing with the Secretary of State.

SOCIAL WELFARE DEPARTMENT

(SOCIAL SERVICES DEPARTMENT)

Pursuant to the authority granted the state board of social welfare by section 238.16, Code 1966 and to implement and enforce the provision of chapter 238, Code 1966 to license child-placing agencies and to prescribe the rules and regulations for the conduct of such agencies the following rules are adopted.

[Filed December 14, 1967]

TITLE XII

CHILD-PLACING AGENCIES

CHAPTER 150

LICENSING

150.1(238) Issuance and renewal. The state board of social welfare will issue or

renew a license on an annual basis, without cost, for any child-placing agency which meets the following minimum standards applicable to all child-placing agencies as defined by chapter 238, Code of Iowa.

150.1(1) Applications. An organization or corporation applying for a license must use forms provided by the state board of social welfare. The application signed by the operator or the appropriate officer shall be submitted to the state board of social welfare. It shall indicate the type of facility for which application is made.

a. Withdrawal or cancellation of the application shall be reported to the state board of social welfare within thirty days.

b. Each application shall be evaluated by the state board of social welfare.

c. Reports shall be submitted as requested by the state board of social welfare.

150.2(238) Provisional license. If all required standards are not fully met, but plans are under way to correct the defect, a provisional license for a period of one year may be issued at the discretion of the state board of social welfare. This can be renewed only on special review of reasons for delay in removing the deficiency and its possible effect on the children in care.

CHAPTER 151 ORGANIZATION AND ADMINISTRATION

151.1(238) Incorporation. The agency shall define its purpose and functions broadly in its articles of incorporation or if unincorporated, in written constitution and bylaws. The articles of incorporation or if unincorporated, written constitution and bylaws shall be submitted to the state board of social welfare.

151.2(238) Board. The agency shall have a governing board which together with the executive shall be responsible for making agency policy and for financing and general management of the agency.

151.2(1) Membership. The agency shall provide for continuity of board membership.

151.2(2) Meetings. The board shall meet regularly for the purpose of insuring the proper operation of the agency according to its defined purpose.

151.2(3) Minutes. The minutes of each meeting of the board shall be kept and made a part of the permanent records of the agency.

151.2(4) Annual report. The governing board shall require the executive to submit to them a written annual report, a copy of which shall also be sent to the state board of social welfare.

151.3(238) Financing and accounting. The agency shall have a sound plan of financing which gives assurance of sufficient funds to carry it through its first

year of operation in order to carry out its defined purposes and provide proper care for children. Thereafter, it shall have sufficient resources, predictable income, or both, not totally dependent on fees, for a three-month operating period.

151.3(1) Audit. A certified public accountant shall conduct an audit of all financial accounts at least once a year and his report made a part of agency records. A financial record of all receipts, disbursements, assets and liabilities shall be maintained.

CHAPTER 152 PERSONNEL AND PERSONNEL PRACTICES

152.1(238) Staff. Staff members shall be persons of sound character, emotional stability and of sufficient ability and education to carry out adequately the duties assigned to them by the agency.

152.1(1) Social work staff. Each agency shall have sufficient trained social work staff to provide satisfactory service.

152.1(2) Executive. The executive shall be a person of broad knowledge and competent to administer the agency according to its stated objectives and have the qualifications of a casework supervisor if none is employed. He shall have proven executive ability and an understanding of children and their needs as well as vision and leadership.

152.1(3) Casework supervisor. The casework supervisor, if employed, shall have had one year of experience in casework practice and shall have successfully completed two years of training in an accredited school of social work or have been accepted as a member of Academy of Certified Social Workers.

152.1(4) Clerical. Every agency shall have clerical services to keep correspondence, records, bookkeeping, and files current and in good order.

152.2(238) Personnel practices. The agency shall have a written statement of personnel practices adopted by the board. This statement shall be made available to an employee at the time of his employment and shall cover the following areas: Job classification for both professional and clerical positions, beginning salary, salary increases, vacation, sick leave, educational leave, retirement provisions, in-

insurance covering workmen's compensation, attendance at social work conferences and institutes, probationary period in accordance with agency policies, an evaluation plan, and hours of work.

152.2(1) Exception. If the employing agency does not have any of the above-enumerated policies, the written statement made available to the employee shall so state.

152.3(238) Personnel records. A personnel record shall be maintained for each employee or staff member and shall contain the following information: Application showing qualification and experience, statements from previous employers and personal references, reports of job performance including the annual evaluation, medical reports if any, dates of employment, separation and reason for separation.

152.3(1) Annual evaluation. The work and performance of each staff member shall be evaluated each year, made known to employee and made part of his record.

152.4(238) Staff development. Provision shall be made for improvement of staff competence through an in-service training program, attendance at professional conferences and workshops, and the use of current professional literature.

CHAPTER 153

SOCIAL SERVICES

153.1(238) Program services. An agency shall have an adequate social service program to meet the needs of the children under its care.

153.1(1) Social study. A complete social study shall be made prior to acceptance of a child for care, or in an emergency, within a reasonable period following acceptance.

153.1(2) Home studies. An adequate home study shall be made of all adoptive homes and foster family homes to determine their abilities to meet the needs of the individual children to be placed.

153.1(3) Preschool children. Children five years of age or under shall be placed in foster family homes while awaiting adoption except with special approval of the state board of social welfare.

153.1(4) Placement agreement. The agency shall obtain a signed placement agreement from the child's parents or

guardian prior to accepting the child for placement.

a. The agreement shall authorize the agency to place the child.

b. The agreement shall authorize emergency medical treatment including the administering of anesthesia.

c. The agreement shall set forth the terms of payment for care.

153.1(5) Limited case loads. The number of cases carried by each worker shall be limited so as to allow time for effective service to each child and his family accepted for service. A maximum of sixty children or the equivalent shall be considered a case load for an individual caseworker.

153.1(6) Supervision. The agency shall provide its casework staff with adequate supervision to carry out the casework program.

153.2(238) Continuing social services. The agency shall make provision for continued social services while the child is in its care.

153.2(1) Parent-child contacts. Contacts between parents and children shall be encouraged except where visits are clearly detrimental to the child's welfare of where permanent separation is planned.

153.2(2) Casework with the child. The child shall have continued casework services which include evaluations of the child's progress, understanding of his changing needs, the use he is making of placement and the ultimate long-range plan.

153.2(3) Supervision of foster home. Frequency of supervisory visits will vary dependent upon the needs of the individual child and foster parents, but shall be frequent enough to insure adequate service to both.

153.2(4) Adoption studies. The agency shall prior to placement of a child for adoption secure and evaluate information regarding the adoptive family's emotional maturity, finances, health, relationships, and all factors which may affect their ability to accept the child, care for him and provide him an adequate home as he matures.

153.2(5) Discharge and aftercare. Before a child is discharged to parents or

the court who placed him, the agency shall take responsibility for evaluating the future plan for the child. Follow-up service and supervision shall be provided for, either by the agency or referral to another appropriate agency in accordance with the individual's needs and desires of the child and his parents.

153.3(238) Licensing of foster family homes. All foster family homes shall be licensed prior to placing a child in the home.

153.3(1) Home study. A foster family home study shall be completed before a recommendation to license is submitted to the state department of social welfare.

CHAPTER 154

RECORDS

154.1(238) Case records. The agency shall be responsible for maintaining case records of all children accepted for care, all adoptive homes, and all foster family homes.

154.1(1) Access. Authorized representatives of the department of social welfare shall have access to all records and shall respect their confidential nature.

154.1(2) Contents. The child's case record shall contain the intake study, parent's placement agreement, full identifying information, an explanation of custody or legal responsibility, reports of the child's progress, psychiatric or psychological reports, and plans for discharge.

154.2(238) Medical records. The agency shall maintain a medical record for each child in care.

154.2(1) Contents. The medical record shall contain a record of all illnesses, immunizations, communicable diseases, and follow-up treatments.

CHAPTER 155

RELIGION

155.1(238) Religious preferences. The religious preference of the natural parents shall be given consideration in the placement of the child.

CHAPTER 156

HEALTH SERVICES

156.1(238) Medical care. The agency shall see that each child under its care receives needed medical care.

156.1(1) Health examination. The agency shall require a thorough health examination of each child on admission to care.

a. The initial examination of the child shall include developmental history, previous illnesses, injuries, and operations.

156.1(2) Rehabilitation. The agency shall take the necessary steps to assure physical rehabilitation, if indicated, of every child to fullest extent possible.

156.1(3) Written authorization. The agency shall obtain from parent or guardian written authorization for medical and surgical care including anesthesia and for necessary immunizations and vaccinations.

156.1(4) Treatment. Provision shall be made for prompt treatment in case of illness and for carrying out corrective measures and treatment of remedial defects or deformities, if possible.

156.2(238) Dental care. A thorough dental examination shall be made as soon as possible after acceptance for placement and at least once a year thereafter.

156.3(238) Hospital care. The agency shall provide hospitalization as needed for children under care.

156.4(238) Clothing. The agency shall assure adequate and individualized clothing for each child under care.

CHAPTER 157

EDUCATION

157.1(238) Education. The agency shall provide academic or vocational training in accordance with the abilities and needs of the individual children.

[Effective thirty days after filing with Secretary of State.]