

FILED JAN 26 2005

SENATE FILE 74  
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 1001)

Passed Senate, Date 1-27-05 Passed House, Date 3-30-05

Vote: Ayes 49 Nays 0 Vote: Ayes 98 Nays 0

Re-passed 50-0 Approved 4/13/05  
(4-5-05)

**A BILL FOR**

1 An Act relating to financial institutions, by prohibiting the  
2 deceptive use of name, and providing remedies and penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SC 74

1 Section 1. NEW SECTION. 535D.1 DEFINITION.

2 As used in this chapter, unless the context otherwise  
3 requires, "financial institution" means the same as defined in  
4 section 527.2.

5 Sec. 2. NEW SECTION. 535D.2 MISUSE OF NAME -- PENALTY.

6 1. A person who uses the name, trademark, logo, or symbol  
7 of a financial institution in connection with the sale,  
8 offering for sale, distribution, or advertising of any product  
9 or service without the consent of the financial institution,  
10 if such use is misleading or deceptive as to the source of  
11 origin or sponsorship of, or the affiliation with, the product  
12 or service, is guilty of a serious misdemeanor.

13 2. A financial institution may bring an action to enjoin  
14 the misleading or deceptive use prohibited in subsection 1 and  
15 recover all damages suffered by reason of the prohibited use,  
16 including reasonable attorney fees. The financial institution  
17 may recover any profits derived from the prohibited use. This  
18 subsection does not preclude any other remedy provided by law.

19 EXPLANATION

20 This bill prohibits the misleading and deceptive use of a  
21 financial institution's name, trademark, logo, or symbol.  
22 Violators are guilty of a serious misdemeanor. A serious  
23 misdemeanor is punishable by confinement for no more than one  
24 year and a fine of at least \$250 but not more than \$1,500.  
25 Financial institutions may seek to enjoin the prohibited use,  
26 and to recover damages and attorney fees.

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**EIGHTY-FIRST GENERAL ASSEMBLY  
2005 REGULAR SESSION  
DAILY  
HOUSE CLIP SHEET**

FEBRUARY 23, 2005

**SENATE FILE 74**

**H-1030**

1 Amend Senate File 74, as passed by the Senate, as  
2 follows:  
3 1. Page 1, line 1, by striking the figure  
4 "535D.1", and inserting the following: "547A.1".  
5 2. Page 1, line 4, by inserting after the figure  
6 "527.2" the following: ", and "insurer" means an  
7 insurer organized under Title XIII, subtitle 1, or  
8 similar laws of any other state or the United States".  
9 3. Page 1, line 5, by striking the figure  
10 "535D.2", and inserting the following: "547A.2".  
11 4. Page 1, line 7, by inserting after the word  
12 "institution" the following: "or insurer".  
13 5. Page 1, line 9, by inserting after the word  
14 "institution" the following: "or insurer".  
15 6. Page 1, line 13, by inserting after the word  
16 "institution" the following: "or insurer".  
17 7. Page 1, line 16, by inserting after the word  
18 "institution" the following: "or insurer".  
19 8. Title page, by inserting after the word  
20 "institutions" the following: "and insurers".

COMMITTEE ON COMMERCE, REGULATION AND LABOR  
JENKINS of Black Hawk, Chairperson

**H-1030** FILED FEBRUARY 22, 2005

**SENATE FILE 74**

**H-1031**

1 Amend Senate File 74, as passed by the Senate, as  
2 follows:  
3 1. Page 1, line 17, by inserting after the word  
4 "use." the following: "The state agency with  
5 regulatory authority over the financial institution or  
6 insurer may also bring an action to enjoin the  
7 misleading or deceptive use prohibited in subsection  
8 1."

**By** SANDS of Louisa

**H-1031** FILED FEBRUARY 22, 2005

**EIGHTY FIRST GENERAL ASSEMBLY  
2005 REGULAR SESSION  
DAILY  
SENATE CLIP SHEET**

MARCH 31, 2005

**HOUSE AMENDMENT TO  
SENATE FILE 74**

**S-3073**

1 Amend Senate File 74, as passed by the Senate, as  
2 follows:  
3 1. Page 1, line 1, by striking the figure  
4 "535D.1", and inserting the following: "547A.1".  
5 2. Page 1, line 4, by inserting after the figure  
6 "527.2" the following: ", and "insurer" means an  
7 insurer organized under Title XIII, subtitle 1, or  
8 similar laws of any other state or the United States".  
9 3. Page 1, line 5, by striking the figure  
10 "535D.2", and inserting the following: "547A.2".  
11 4. Page 1, line 7, by inserting after the word  
12 "institution" the following: "or insurer".  
13 5. Page 1, line 9, by inserting after the word  
14 "institution" the following: "or insurer".  
15 6. Page 1, line 13, by inserting after the word  
16 "institution" the following: "or insurer".  
17 7. Page 1, line 16, by inserting after the word  
18 "institution" the following: "or insurer".  
19 8. Page 1, line 17, by inserting after the word  
20 "use." the following: "The state agency with  
21 regulatory authority over the financial institution or  
22 insurer may also bring an action to enjoin the  
23 misleading or deceptive use prohibited in subsection  
24 1."  
25 9. Title page, by inserting after the word  
26 "institutions" the following: "and insurers".  
27 10. By renumbering, relettering, or redesignating  
28 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

**S-3073 FILED MARCH 30, 2005**

Lettering  
Rielly  
Stewart  
Zawn

Succeeded By  
SF/HF 74

SSB# 1001  
Commerce

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
COMMERCE BILL BY  
CO-CHAIRPERSONS BEHN  
and WARNSTADT)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to financial institutions, by prohibiting the  
2 deceptive use of name, and providing remedies and penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 524A.1 DEFINITION.

2 As used in this chapter, unless the context otherwise  
3 requires, "financial institution" means the same as defined in  
4 section 527.2.

5 Sec. 2. NEW SECTION. 524A.2 MISUSE OF NAME -- PENALTY.

6 1. A person who uses the name, trademark, logo, or symbol  
7 of a financial institution in connection with the sale,  
8 offering for sale, distribution, or advertising of any product  
9 or service without the consent of the financial institution,  
10 if such use is misleading or deceptive as to the source of  
11 origin or sponsorship of, or the affiliation with, the product  
12 or service, is guilty of a serious misdemeanor.

13 2. A financial institution may bring an action to enjoin  
14 the misleading or deceptive use prohibited in subsection 1 and  
15 recover all damages suffered by reason of the prohibited use,  
16 including reasonable attorney fees. The financial institution  
17 may recover any profits derived from the prohibited use. This  
18 subsection does not preclude any other remedy provided by law.

19 EXPLANATION

20 This bill prohibits the misleading and deceptive use of a  
21 financial institution's name, trademark, logo, or symbol.  
22 Violators are guilty of a serious misdemeanor. A serious  
23 misdemeanor is punishable by confinement for no more than one  
24 year and a fine of at least \$250 but not more than \$1,500.  
25 Financial institutions may seek to enjoin the prohibited use,  
26 damages, and attorney fees.

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SENATE FILE 74

AN ACT  
RELATING TO FINANCIAL INSTITUTIONS AND INSURERS, BY  
PROHIBITING THE DECEPTIVE USE OF NAME, AND PROVIDING  
REMEDIES AND PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 547A.1 DEFINITION.

As used in this chapter, unless the context otherwise requires, "financial institution" means the same as defined in section 527.2, and "insurer" means an insurer organized under Title XIII, subtitle 1, or similar laws of any other state or the United States.

Sec. 2. NEW SECTION. 547A.2 MISUSE OF NAME -- PENALTY.

1. A person who uses the name, trademark, logo, or symbol of a financial institution or insurer in connection with the sale, offering for sale, distribution, or advertising of any product or service without the consent of the financial institution or insurer, if such use is misleading or deceptive as to the source of origin or sponsorship of, or the affiliation with, the product or service, is guilty of a serious misdemeanor.

2. A financial institution or insurer may bring an action to enjoin the misleading or deceptive use prohibited in subsection 1 and recover all damages suffered by reason of the prohibited use, including reasonable attorney fees. The financial institution or insurer may recover any profits derived from the prohibited use. The state agency with regulatory authority over the financial institution or insurer may also bring an action to enjoin the misleading or deceptive

use prohibited in subsection 1. This subsection does not preclude any other remedy provided by law.

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JOHN P. KIBBIE  
President of the Senate

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CHRISTOPHER C. RANTS  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 74, Eighty-first General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved 4/13, 2005

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THOMAS J. VILSACK  
Governor