

CHAPTER 431
VEHICLE RECYCLERS

[Prior to 6/3/87, Transportation Department[820]—(07,D)Ch 6]

761—431.1(321H) General.

431.1(1) Information. Information and blank forms relating to this chapter may be obtained from and completed forms shall be submitted to the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278. Information and forms are also available on the department's website at www.iowadot.gov.

431.1(2) Definitions.

"Principal place of business" means a building actually occupied where the public and the department may contact the owner or operator during regular business hours.

"Regular business hours" means to be consistently open to the public on a weekly basis at hours reported to the motor vehicle division. Regular business hours shall include a minimum of 32 posted hours between 7 a.m. and 9 p.m., Monday through Friday.

This rule is intended to implement Iowa Code sections 321H.2 and 321H.4.
[ARC 9048B, IAB 9/8/10, effective 10/13/10; ARC 0136C, IAB 5/30/12, effective 7/4/12; ARC 6489C, IAB 9/7/22, effective 10/12/22]

761—431.2(321H) Criteria for a vehicle recycler license.

431.2(1) General qualifications. Every authorized vehicle recycler shall:

a. Maintain regular business hours and telephone service at the principal place of business which shall include separate and adequate office space for the recycler's business records. Telephone service must be a land line and not cellular phone service.

b. Comply with local zoning laws.

c. Comply with the provisions of Iowa Code chapter 306C, relating to the Iowa junkyard control law, when applicable.

d. If subject to the requirements of 28 CFR Section 25.56, as adopted in Iowa Code section 321H.4A(2) "a," do all of the following:

(1) Obtain and maintain a registered account with the National Motor Vehicle Title Information System (NMVTIS).

(2) Report, or verify reporting of, inventory to the NMVTIS.

(3) If applicable, verify the seller of a vehicle purchased by the recycler has complied with 28 CFR Section 25.56 and document such verification on a form prescribed by the department if third-party electronic records are insufficient to verify compliance with 28 CFR Section 25.56 because the vehicle has been crushed or flattened by mechanical means, as stated in Iowa Code section 321H.4A.

(4) Retain records of compliance, including verification forms completed under subparagraph 431.2(1) "d"(3), at the vehicle recycler's principal place of business for at least three years after the purchase of the vehicle. Records may be stored either in hard copy or electronically. Records of compliance shall be open for inspection by any peace officer during normal business hours.

431.2(2) Vehicle rebuilder qualifications. For every licensed location, a vehicle rebuilder must have:

a. An unobstructed area inside a building for rebuilding and restoring vehicles. The inside measurement of the unobstructed area must be at least 14 feet by 24 feet.

b. Sufficient storage for all vehicles in the rebuilder's inventory.

c. Equipment necessary to perform rebuilding and restoring of vehicles in the inventory, such as frame-straightening equipment, a hydraulic jack, alignment and calibration equipment, and tools.

431.2(3) Used vehicle parts dealer qualifications. For every licensed location, a used vehicle parts dealer must have sufficient storage for the vehicle parts in the dealer's inventory.

431.2(4) Vehicle salvager qualifications. For every licensed location, a vehicle salvager must have:

a. Sufficient storage for vehicles, vehicle parts, and vehicle bodies included in the salvager's inventory.

b. Sufficient equipment necessary to perform dismantling, scrapping or storing of vehicles and vehicle parts in the inventory.

This rule is intended to implement Iowa Code sections 321H.4 and 321H.4A.
[ARC 9048B, IAB 9/8/10, effective 10/13/10; ARC 6489C, IAB 9/7/22, effective 10/12/22]

761—431.3(321H) Application. The application for a vehicle recycler's license shall be made on a form prescribed by the department.

431.3(1) The application shall include the name, bona fide business address, and telephone number under which the applicant will conduct business as an authorized vehicle recycler.

431.3(2) If the owner of the business is an individual, the application shall include the legal name, bona fide address, and telephone number of the individual. If the owner is a partnership, the application shall include the legal name, bona fide address, and telephone number of two partners. If the owner is a corporation, the application shall include the legal name, bona fide address, and telephone number of two corporate officers. In all cases, the telephone number must be a number where the individual, partner, or corporate officer can be reached during normal business hours.

431.3(3) The application shall include the federal employer identification number of the business. However, if the business is owned by an individual who is not required to have a federal employer identification number, the application shall include the individual's social security number, Iowa nonoperator's identification number or Iowa driver's license number.

431.3(4) The application shall include the address of any extension of the applicant's place of business.

431.3(5) The application shall indicate the type of business the applicant is engaged in and include the applicant's certification that it complies with the requirements for this type of business.

431.3(6) A letter issued by the office responsible for the enforcement of zoning ordinances in the city or county where the applicant's place of business is located must accompany the application. The letter shall state that the business complies with all applicable zoning provisions or is a legal nonconforming use. A compliance letter is also required for any extension of the applicant's place of business.

431.3(7) The application shall include a statement of the previous criminal history of the applicant. If the applicant is a corporation, the statement shall be required from each officer. If the applicant is a partnership, the statement shall be required from each partner.

431.3(8) The applicant shall include the unique NMVTIS identification number as proof of compliance with registration requirements.

This rule is intended to implement Iowa Code sections 321H.4 and 321H.4A.
[ARC 6489C, IAB 9/7/22, effective 10/12/22]

761—431.4(321H) Firm name. A recycler shall not represent or advertise the business under any name or style other than that which appears on the recycler's license.

This rule is intended to implement Iowa Code section 321H.4.

761—431.5(321H) Denial, suspension or revocation of license.

431.5(1) If an applicant fails to comply with rule 761—431.2(321H) or rule 761—431.3(321H), the department shall deny the application.

431.5(2) If a recycler fails to comply with any of the provisions of this chapter of rules, the department may suspend or revoke the recycler's license.

431.5(3) The department may deny, revoke or suspend a license for any of the reasons stated in Iowa Code section 321H.6.

431.5(4) A person who is aggrieved by a decision of the department and who is entitled to a hearing may contest the decision pursuant to 761—Chapter 13.

This rule is intended to implement Iowa Code chapter 17A and section 321H.6.

761—431.6(321) Right of inspection. Peace officers shall have the authority to inspect vehicles or component parts of vehicles and the records and documents required to be kept by a recycler.

This rule is intended to implement Iowa Code section 321.95.

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