

## CHAPTER 121

## MOTOR VEHICLES

S. F. 336

AN ACT to amend chapter two hundred fifty-one (251) of title XIII of the code, 1924, so as to provide for the detection, seizure and disposition of motor vehicles, the serial or engine number of which has been unlawfully defaced, altered or tampered with.

*Be it enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. That the law as it appears in chapter two hundred  
2 fifty-one (251) of Title XIII of the code, 1924, be amended by in-  
3 serting immediately after section five thousand eighty-three (5083)  
4 of the code, 1924, the following:

5 "5083-b1. It shall be the duty of any peace officer who finds a  
6 motor vehicle, the serial or engine number of which has been altered,  
7 defaced or tampered with, and who has reasonable cause to believe  
8 that the possessor of such motor vehicle wrongfully holds the same,  
9 to forthwith seize the same, either with or without warrant, and  
10 deliver the same to the sheriff of the county in which it is seized.

11 "5083-b2. The sheriff shall hold any motor vehicle seized under  
12 this act for six (6) months after the date of seizure, unless the  
13 vehicle shall be released as provided in the following section. Pro-  
14 vided, however, that the sheriff may at any time without resort  
15 being had to such proceeding release such motor vehicle to the per-  
16 son from whom it was taken, should the sheriff be satisfied that such  
17 person is rightfully entitled to the same.

18 "5083-b3. Any person claiming to be the lawful owner of the  
19 motor vehicle seized under this act may make application to a judge  
20 of the district court, either in term time or in vacation, requiring  
21 the motor vehicle to be turned over to him as its lawful owner. If  
22 the court is satisfied, upon proof being submitted, that the applicant  
23 is the lawful owner of the vehicle, he shall order the same turned  
24 over to him; otherwise he shall deny the application. In the event  
25 that such motor vehicle is not returned within six months to the  
26 possession of the person from whom it was taken, the sheriff shall  
27 sell the same at public auction upon giving such notice as the dis-  
28 trict court or a judge thereof may prescribe, and shall turn over to  
29 the county treasurer the proceeds of such sale after deducting the  
30 costs and expense of the seizure, retention and sale, and the county  
31 treasurer shall dispose of such proceeds in the same manner as is  
32 provided by law relative to the proceeds of fines.

33 "5083-b4. When a motor vehicle, seized under the provisions of  
34 this act, is released by the court to its lawful owner as determined  
35 by the court, or is sold by the sheriff, the county treasurer shall  
36 designate a number to take the place of the number thereon which  
37 has been altered, defaced or tampered with, upon certificate of the  
38 sheriff showing the sale of the vehicle in case of sale by the sheriff,

39 or upon filing with him a certified copy of the order of the judge  
40 where the car is returned to its lawful owner.

41 "5083-b5. Where it appears that a factory, serial or motor number  
42 has been altered, defaced or tampered with, any sheriff, state agent  
43 or peace officer of the department of justice, or inspector employed  
44 by the motor vehicle department, or any other person acting under  
45 their direction, may apply any recognized process or test to the part  
46 containing such number for the purpose of determining the true num-  
47 ber, and there shall be no liability on the part of such officer, inspector  
48 or other person for any injury that may occur to such motor vehicle  
49 by reason of the application of said process or test.

50 "5083-b6. Peace officers and inspectors employed in the motor  
51 vehicle department under the supervision of the secretary of state  
52 are hereby given authority to inspect any motor vehicle found upon  
53 the public highway or in any public garage or enclosure in which  
54 motor vehicles are kept for sale, storage, hire or repair and for that  
55 purpose may enter any such public garage or enclosure."

Approved April 15, A. D. 1927.

## CHAPTER 122

### PEACE OFFICERS

S. F. '30

AN ACT to repeal section 5181 (fifty-one hundred eighty-one) of the code and to enact a substitute therefor, declaring the specific duties of peace officers.

*Be it enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section 5181 (fifty-one hundred eighty-one) of the  
2 code is repealed and the following is enacted in lieu thereof:

3 "13405-b1. **Duties.** It shall be the duty of a peace officer and his  
4 deputy, if any, throughout the county, township, or municipality of  
5 which he is such officer, to preserve the peace, to ferret out crime, to  
6 apprehend and arrest all criminals, and in so far as it is within his  
7 power, to secure evidence of all crimes committed, and present the  
8 same to the county attorney, grand jury, mayor or police courts, and  
9 to file informations against all persons whom he knows, or has reason  
10 to believe, to have violated the laws of the state, and to perform all  
11 other duties, civil or criminal, pertaining to his office or enjoined  
12 upon him by law. Nothing herein shall be deemed to curtail the  
13 powers and duties otherwise granted to or imposed upon peace of-  
14 ficers."

Approved February 22, A. D. 1927.