

CHAPTER 126

CHAUFFEUR DEFINED

S. F. 264

AN ACT to amend section three hundred twenty-one point one (321.1), subsection forty-three (43), Code 1950, relating to defining the term, "chauffeur".

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section three hundred twenty-one point one (321.1),
2 subsection forty-three (43), Code 1950, is hereby amended by striking
3 therefrom the lines one (1) to thirteen (13) inclusive and substituting
4 in lieu thereof the following:

5 "Chauffeur, means any person who operates a motor vehicle in the
6 transportation of persons, including school busses, for wages, com-
7 pensation or hire, or any person who operates a truck tractor, road
8 tractor or any motor truck which is required to be registered at a
9 gross weight classification exceeding five tons, or any such motor
10 vehicle exempt from registration which would be within such gross
11 weight classification if not so exempt except when such operation by
12 the owner or operator is occasional and merely incidental to his prin-
13 cipal business."

Approved April 29, 1958.

CHAPTER 127

MOTOR VEHICLE CERTIFICATES OF TITLE

S. F. 181

AN ACT relating to the origination of titles to motor vehicles, trailers and semi-trailers, the issuance and transfer of registrations and certificate of title to the same, the recording of liens thereon and to amend and repeal various sections of the Code relating thereto.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section three hundred twenty-one point eight (321.8),
2 Code 1950, is hereby amended as follows:

3 1. By inserting after the comma (,) following the word "cards" in
4 line three (3) thereof, the words "certificates of title";

5 2. By striking the period (.) in line eight (8) thereof and adding
6 thereto "except manufacturer's or importer's certificates."

1 SEC. 2. Section three hundred twenty-one point fourteen (321.14),
2 Code 1950, is hereby amended by inserting after the comma (,) fol-
3 lowing the word "card" in line two (2) thereof, the following "cer-
4 tificate of title,".

1 SEC. 3. Section three hundred twenty-one point twenty (321.20),
2 Code 1950, is hereby amended as follows:

3 1. By striking the word "Every" in line one (1) thereof and in-
4 serting in lieu thereof the following: "Except as otherwise provided
5 in this chapter, every";

6 2. By inserting the words "and issuance of a certificate of title"
7 following the word "registration" in line six (6), thereof:

8 3. By adding the following new subsection thereto:

9 "A statement of the applicant's title and of all liens or encumbrances
10 upon said vehicle and the names and addresses of all persons having
11 any interest therein and the nature of every such interest."

12 "When such application refers to a new vehicle, it shall be accom-
13 panied by a manufacturer's or importer's certificate duly assigned as
14 provided in section sixteen (16) of this Act."

1 SEC. 4. Section three hundred twenty-one point twenty-one
2 (321.21), Code 1950, is hereby repealed.

1 SEC. 5. Section three hundred twenty-one point twenty-two
2 (321.22), Code 1950, is hereby repealed.

1 SEC. 6. Section three hundred twenty-one point twenty-three
2 (321.23), Code 1950, is hereby repealed and the following is substi-
3 tuted in lieu thereof:

4 "1. In the event the vehicle to be registered is a specially con-
5 structed, reconstructed, or foreign vehicle, such fact shall be stated in
6 the application. A fee of seventy-five cents shall be paid by the per-
7 son making such application upon issuance of a certificate of title by
8 the county treasurer. With reference to every specially constructed
9 or reconstructed motor vehicle subject to registration the application
10 shall be accompanied by a statement from the department authorizing
11 such motor vehicle to be titled and registered in this state. The de-
12 partment shall cause a physical inspection to be made of all specially
13 constructed or reconstructed motor vehicles, upon application therefor
14 by the owner thereof, to determine whether such motor vehicle is in
15 a safe operating condition and that the integral component parts
16 thereof are properly identified and that the rightful ownership is
17 established before issuing such owner the authority to have the motor
18 vehicle registered and titled as herein provided. With reference to
19 every foreign vehicle which has been registered heretofore outside of
20 this state the owner shall surrender to the treasurer all registration
21 plates, registration cards, and certificates of title, or, if vehicle to be
22 registered is from a non-title state, such evidence of foreign registra-
23 tion and ownership as may be prescribed by the department except as
24 provided in subsection two (2) hereof.

25 "2. Where in the course of operation of a vehicle registered in an-
26 other state it is desirable to retain registration of said vehicle in such
27 other state, such applicant need not surrender but shall submit for
28 inspection said evidence of such foreign registration and the treasurer
29 upon a proper showing shall register said vehicle in this state but
30 shall not issue a certificate of title for such vehicle.

31 "3. In the event an applicant for registration of a foreign vehicle
32 for which a certificate of title has been issued is able to furnish evi-
33 dence of being the registered owner of the vehicle to the county treas-
34 urer of his residence, although unable to surrender such certificate of
35 title, the county treasurer may issue a registration receipt and plates
36 upon receipt of the required registration fee but shall not issue a
37 certificate of title thereto. Upon surrender of the certificate of title
38 from the foreign state, the county treasurer shall issue a certificate of

39 title to the owner, or person entitled thereto, of such vehicle as pro-
40 vided in this chapter."

1 SEC. 7. Section three hundred twenty-one point twenty-four
2 (321.24), Code 1950, as amended is hereby repealed and the following
3 is substituted in lieu thereof:
4 "Upon receipt of the application for title and payment of the re-
5 quired fees for motor vehicle, trailer, or semi-trailer, the county treas-
6 urer shall, when satisfied as to the genuineness and regularity thereof,
7 issue a registration receipt and certificate of title and shall file the
8 application, the manufacturer's or importer's certificate, certificate of
9 title, or other evidence of ownership, as prescribed by the department.
10 The registration receipt shall be delivered to the owner and shall con-
11 tain upon the face thereof the date issued, the name and address of
12 the owner, the registration number assigned to the vehicle, the title
13 number assigned to the owner of the vehicle, the amount of the fee
14 paid and such description of the vehicle as determined by the depart-
15 ment and upon the reverse side a form for notice of transfer of the
16 vehicle. One copy of the registration receipt shall be retained by the
17 county treasurer in a registration number file and said file shall be
18 open for public inspection during reasonable business hours. Two
19 copies shall be mailed to the department on date of issuance. The
20 certificate of title shall contain upon the face thereof the identical
21 information required upon the face of the registration receipt and
22 such information shall be so placed on the title form as to permit the
23 county treasurer to prepare the certificate of title simultaneously with
24 the registration receipt. In addition thereto, the certificate of title
25 shall contain a statement of the owner's title, name and address of
26 previous owner, and a statement of all liens and encumbrances as
27 shown in the application, upon the vehicle therein described including
28 the nature of the lien or liens, amount, date of notation and name and
29 address of lienholder or lienholders. Said certificate shall bear there-
30 on the seal of the county treasurer, his signature or that of his deputy,
31 and shall provide space for the signature of the owner. The owner
32 shall write his name in the space provided with pen and ink upon re-
33 ceipt of certificate of title. The certificate of title shall contain upon
34 the reverse side a form for assignment of title or interest and war-
35 ranty thereof by the owner, for reassignments by a licensed dealer
36 and for application for a new certificate of title by the transferee as
37 provided in this chapter. All certificates of title shall be typewritten
38 and shall be issued in triplicate. The original certificate of title shall
39 be delivered to the owner in the event no lien or encumbrance appears
40 thereon. Otherwise the certificate of title shall be delivered by the
41 county treasurer to the person holding the first lien or encumbrance
42 as shown in the certificate. One copy of the certificate shall be re-
43 tained by the county treasurer in a title number file in the manner
44 prescribed by the department and shall remain in the file of the county
45 issuing the title until notification of cancellation or that a new title
46 has been issued as provided in this chapter. One copy shall be mailed
47 to the department on the date of issuance. The department shall des-
48 ignate a uniform system of title numbers so as to indicate the county
49 of issuance."

1 SEC. 8. Section three hundred twenty-one point twenty-five
2 (321.25), Code 1950, is hereby amended as follows:

3 1. By inserting in line four (4) thereof following the word "regis-
4 tration" the words "and certificate of title";

5 2. By striking the words "both on the front and" in line ten (10)
6 and inserting in lieu thereof the words "on the";

7 3. By inserting after the comma (,) following the word "vehicle"
8 in line eleven (11) thereof, the following word "a", and by striking
9 the word "cards" and inserting in lieu thereof the word "card" in
10 line eleven (11) thereof.

1 SEC. 9. Section three hundred twenty-one point twenty-six
2 (321.26), Code 1950, is hereby amended as follows:

3 1. By inserting in line three (3) thereof, following the word "reg-
4 istration" the words "and certificate of title";

5 2. By striking the words "showing fee paid, by the person to whom
6 it is issued" in lines five (5) and six (6) and inserting in lieu thereof
7 the words "to the user of the card by such manufacturer or dealer
8 showing the fee paid by the person making the application, the county
9 treasurer, or proper county or state official if purchaser is from a for-
10 eign state, to whom fee was mailed or delivered and the date of mail-
11 ing or delivery of fee."

1 SEC. 10. Section three hundred twenty-one point thirty (321.30),
2 Code 1950, is hereby amended as follows:

3 1. By inserting in line one (1) thereof following the word "regis-
4 tration" the following words "and issuance of a certificate of title";

5 2. By inserting in line two (2) following the words "transfer of"
6 the words "title and";

7 3. By inserting in line six (6) of subsection one (1) thereof follow-
8 ing the word "registration" the words "and issuance of a certificate of
9 title";

10 4. By inserting in line four (4) subsection three (3) thereof fol-
11 lowing the word "registration" the words "and issuance of a certificate
12 of title";

13 5. By striking the period (.) in line one (1) of subsection five (5)
14 thereof and adding thereto "except as provided in section nineteen
15 (19) of this Act.";

16 6. By adding the following new subsections thereto:

17 a. "If application for registration and certificate of title for a new
18 vehicle is not accompanied by a manufacturer's or importer's certificate
19 duly assigned.

20 b. "If application for a transfer of registration and issuance of a
21 certificate of title for a used vehicle registered in this state is not
22 accompanied by a certificate of title duly assigned.

23 c. "If application and supporting documents are insufficient to
24 authorize the issuance of a certificate of title as provided by this
25 chapter, except that an initial registration or transfer of registration
26 may be issued as provided in section six (6) of this Act."

1 SEC. 11. Section three hundred twenty-one point thirty-one
2 (321.31), Code 1950, is hereby amended as follows:

3 1. By striking from lines two (2) and three (3) thereof following
4 the word "numerical" the words "and a motor number";

5 2. By adding after the period (.) in line ten (10) thereof the fol-
6 lowing: "The department shall also install and maintain an alphabeti-
7 cal file under the name of the owner for the state at large and not for
8 individual counties. Such file shall consist of a copy of the certificate
9 of title including the notations of all liens recorded and released and
10 such other information as the department deems necessary. The in-
11 formation to be kept in such file shall be entered therein within forty-
12 eight (48) hours after receipt insofar as is practical. The department
13 shall also install and maintain a file by motor number, or other iden-
14 tifying number of the vehicle, which shall contain a full description
15 of the vehicle as described on the certificate of title and the name and
16 address of the previous owner. This file shall constitute the perma-
17 nent history record of ownership of each vehicle titled under the laws
18 of this state."

1 SEC. 12. Section three hundred twenty-one point forty (321.40),
2 Code 1950, is hereby amended by adding thereto the following:

3 1. Registration receipts issued for renewals shall have the word
4 "renewal" imprinted thereon and, if the owner making a renewal ap-
5 plication has been issued a certificate of title, the title number shall
6 appear on the registration receipt. All registration receipts for re-
7 newals shall be typewritten or printed by other mechanical means and
8 shall be prepared in triplicate. The original registration receipt shall
9 be issued to the applicant, one copy retained in the county treasurer's
10 file and one copy shall be forwarded to the department.

11 2. "No registration of a vehicle shall be renewed for the year 1958
12 unless the owner thereof shall have obtained a certificate of title there-
13 for prior to such renewal. Any owner of a vehicle registered in this
14 state prior to the effective date of this Act and for which a certificate
15 of title has not previously been issued may apply for a certificate of
16 title for such vehicle as provided in section three hundred twenty-one
17 point twenty (321.20), Code 1950, as amended by this Act with the
18 exception that the current registration receipt only need accompany
19 the application. A fee of seventy-five (75) cents shall accompany
20 such application."

1 SEC. 13. Section three hundred twenty-one point forty-one
2 (321.41), Code 1950, is hereby amended by striking from line fifteen
3 (15) thereof the word "registration" and inserting in lieu thereof the
4 word "title."

1 SEC. 14. Section three hundred twenty-one point forty-two
2 (321.42), Code 1950, is hereby amended by adding the following: "In
3 the event of any lost or destroyed certificate of title, application shall be
4 made to the department by the owner of such vehicle, or the holder of
5 a lien thereon, for a certified copy of the same upon a form prescribed
6 by the department and accompanied by a fee of two (2) dollars. Such
7 application shall be signed and sworn to by the person making the
8 same. Thereupon the department shall mail a certified copy to the
9 person entitled to receive the certificate of title as indicated by the
10 records of the department at his most recent address shown by such
11 records. Such certified copy shall clearly be marked "duplicate" and
12 shall be identical in every respect to the original to include notation
13 upon the face thereon of liens or encumbrances disclosed by the rec-

14 ords of the department. Upon issuance of title the previous certificate
15 last issued shall be void. The new purchaser or transferee shall be
16 entitled to receive an original title upon presentation of the assigned
17 duplicate copy to the county treasurer of the county where such new
18 purchaser or transferee resides. Any purchaser of such vehicle may,
19 at the time of purchase, require the seller of same to indemnify him
20 and all subsequent purchasers of such vehicle against any loss which
21 he or they may suffer by reason of any claim or claims presented upon
22 the original certificate. Any person recovering an original certificate
23 of title for which a duplicate has been issued shall forthwith surrender
24 the same to a county treasurer or the department."

1 SEC. 15. Section three hundred twenty-one point forty-three
2 (321.43), Code 1950, is hereby amended by inserting in line nine (9)
3 thereof, following the word "registered" the words "and titled".

1 SEC. 16. Section three hundred twenty-one point forty-five
2 (321.45), Code 1950, is hereby repealed and the following substituted
3 in lieu thereof:

4 "1. No manufacturer, importer, dealer or other person shall sell or
5 otherwise dispose of a new vehicle subject to registration under the
6 provisions of this chapter to a dealer to be used by such dealer for
7 purposes of display and lease or resale without delivering to such
8 dealer a manufacturer's or importer's certificate duly executed and
9 with such assignments thereon as may be necessary to show title in
10 the purchaser thereof; nor shall such dealer purchase or acquire a
11 new vehicle that is subject to registration without obtaining from the
12 seller thereof such manufacturer's or importer's certificate. In addi-
13 tion to the assignments stated herein, such manufacturer's or import-
14 er's certificate shall contain thereon the identification and description
15 of the vehicle delivered and the name and address of the dealer to
16 whom said vehicle was originally sold over the signature of an author-
17 ized official of the manufacturer or importer who made the original
18 delivery.

19 "2. Except as provided in section twenty-one (21) of this Act, no
20 person shall acquire any right, title, claim or interest in or to any
21 vehicle subject to registration under this chapter from the owner
22 thereof except by virtue of a certificate of title issued or assigned to
23 him for such vehicle or by virtue of a manufacturer's or importer's
24 certificate delivered to him for such vehicle; nor shall any waiver or
25 estoppel operate in favor of any person claiming title to or interest in
26 any vehicle against a person having possession of the certificate of
27 title or manufacturer's or importer's certificate for such vehicle for
28 a valuable consideration. No court in any case at law or equity shall
29 recognize the right, title, claim or interest of any person in or to any
30 vehicle subject to registration sold or disposed of, or mortgaged or en-
31 cumbered, unless evidenced by a certificate of title or manufacturer's
32 or importer's certificate duly issued in accordance with the provisions
33 of this chapter.

34 "3. Upon the transfer of any registered vehicle, the owner shall
35 endorse an assignment and warranty of title upon the certificate of
36 title for such vehicle with a statement of all liens and encumbrances
37 thereon, which statement shall be verified under oath by the owner,
38 and he shall deliver the certificate of title to the purchaser or trans-

39 feree at the time of delivering the vehicle except as otherwise pro-
40 vided in this chapter. The owner shall also sign the reverse side of
41 the registration card issued for such vehicle indicating the name and
42 address of the transferee and the date of the transfer."

1 SEC. 17. Section three hundred twenty-one point forty-six (321.46),
2 Code 1950, is hereby repealed and the following substituted in lieu
3 thereof:

4 "The purchaser or transferee shall immediately apply for and ob-
5 tain from the county treasurer of his residence a transfer of registra-
6 tion and a new certificate of title for such vehicle except as provided
7 in section nineteen (19) of this Act. The purchaser or transferee shall
8 present with the application the certificate of title endorsed and as-
9 signed by the previous owner and the signed registration card."
10 "Upon filing the application for a registration transfer and a new
11 title, the applicant shall pay a fee of seventy-five (75) cents. The
12 county treasurer, if satisfied of the genuineness and regularity of the
13 application and that applicant has complied with all the requirements
14 of this chapter, shall forthwith issue a new certificate of title and
15 registration card to the purchaser or transferee and shall forward
16 the necessary copies to the department on the date of issuance, as
17 prescribed in section seven (7) of this Act."

1 SEC. 18. Section three hundred twenty-one point forty-seven
2 (321.47), Code 1950, is hereby repealed and the following enacted
3 in lieu thereof:

4 "In the event of the transfer of ownership of any vehicle by opera-
5 tion of law as upon inheritance, devise or bequest, order in bankruptcy,
6 insolvency, replevin, foreclosure or execution sale, or whenever the
7 engine of a motor vehicle is replaced by another engine, or whenever
8 a vehicle is sold to satisfy an artisan's lien as provided in chapter 577
9 of the Code, 1950, or repossession is had upon default in performance
10 of the terms of a chattel mortgage, trust receipt, conditional sales con-
11 tract or other like agreement, the treasurer of the county in which the
12 last certificate of title to any such vehicle was issued, upon the sur-
13 render of the prior certificate of title or the manufacturer's or import-
14 er's certificate, or when that is not possible, upon presentation of
15 satisfactory proof to the county treasurer of ownership and right of
16 possession to such vehicle and upon payment of a fee of seventy-five
17 (75) cents and the presentation of an application for registration and
18 certificate of title, may issue to the applicant a registration card for
19 such vehicle and a certificate of title thereto. If, from the records in
20 the office of the county treasurer, there appear to be any lien or liens
21 on such vehicle, such certificate of title shall contain a statement of
22 such liens unless the application is accompanied by proper evidence of
23 their satisfaction or extinction."

1 SEC. 19. Section three hundred twenty-one point forty-eight
2 (321.48), Code 1950, is hereby repealed and the following substituted
3 in lieu thereof:

4 "1. When the transferee or purchaser of a vehicle is a dealer who
5 holds the same for resale and operates the same only for purposes in-
6 cident to a resale and displays thereon the registration plates issued
7 for such vehicle, or displays his dealer plates thereon or does not drive

8 such vehicle or permit it to be driven upon the highways, such transferee shall not be required to obtain transfer of registration or a new certificate of title but upon transferring his title or interest to another person shall execute and acknowledge an assignment and warranty of title upon the certificate of title assigned to him and deliver the same to the person to whom such transfer is made. The dealer shall also sign the reverse side of the registration card for such vehicle indicating the name and address of the new purchaser."

16 "2. Any foreign registered vehicle purchased or otherwise acquired by a dealer for the purpose of resale shall be issued a certificate of title thereto by the county treasurer of the dealer's residence upon proper application therefor as provided in this chapter and upon payment of a fee of seventy-five (75) cents and such dealer shall be exempt from the payment of any and all registration fees for such vehicle. Such application for certificate of title shall be made within forty-eight (48) hours after said vehicle comes within the border of the state."

25 "3. Whenever a dealer purchases or otherwise acquires a vehicle registered in this state he shall issue a signed receipt to the previous owner, indicating the date of purchase or acquisition, the name and address of such previous owner and the registration number of the vehicle purchased or acquired. The original receipt shall be delivered to the owner on the date of purchase or acquisition and two copies shall be mailed or delivered by the dealer to the county treasurer of his residence within forty-eight (48) hours after purchase or acquisition. The county treasurer shall forward one copy to the department. Forms for such receipts shall be furnished by the department."

34 "4. Nothing in this section shall be construed to prohibit a dealer from obtaining a new certificate of title and transfer of registration in the same manner as other purchasers."

1 SEC. 20. Section three hundred twenty-one point forty-nine
2 (321.49), Code 1950, is hereby repealed and the following substituted
3 in lieu thereof:

4 "1. If an application for transfer of registration and certificate
5 of title is not submitted to the county treasurer of the residence of
6 purchaser or transferee within five (5) days of actual change of possession, a penalty of five (5) dollars shall accrue against said vehicle, and no registration card or certificate of title shall thereafter be issued until penalty is paid."

10 "2. Certificates of title to vehicles may be assigned by an attorney
11 in fact of the owner under a power of attorney appointed and so empowered on forms provided by the department. Such power of attorney shall be filed by the transferee with the application for title."

1 SEC. 21. Section three hundred twenty-one point fifty (321.50),
2 Code 1950, is hereby repealed and the following substituted in lieu
3 thereof:

4 "The provisions of chapter 556, Code 1950, shall never be construed
5 to apply to or permit or require the deposit, filing or other record whatsoever, of a chattel mortgage, conveyance intended to operate as a mortgage, trust receipt, conditional sales contract, or similar instrument, or any copy of the same covering a vehicle subject to registration under the laws of this state, except trailers subject to a registra-

10 tion fee of ten dollars (\$10.00) or less. Any mortgage, conveyance
11 intended to operate as a mortgage, trust receipt, conditional sales
12 contract or similar instrument covering such vehicle, if such instru-
13 ment is accompanied by delivery of such manufacturer's or importer's
14 certificate and followed by actual and continued possession of the same
15 by the holder of said instrument or, in the case of the certificate of
16 title, if a notation of same has been made by the county treasurer on
17 the face thereof, shall be valid as against the creditors of the mort-
18 gator, whether armed with process or not, and subsequent purchasers,
19 mortgagees and other lienholders or claimants, but otherwise shall not
20 be valid against them. The county treasurer shall note upon the cer-
21 tificate of title all liens shown in the application for such certificate
22 of title, upon the payment of a fee of seventy-five (75) cents for each
23 lien appearing on such application. All liens, mortgages and encum-
24 brances, noted on a certificate of title, shall take priority according
25 to the order of time in which the same are noted thereon by the county
26 treasurer. Exposure for sale of any such vehicle by the owner there-
27 of, with the knowledge and consent of the holder of any lien, mortgage
28 or encumbrance thereon, shall not render the same void or ineffective
29 as against subsequent purchasers or the creditors of such owner or
30 holder of subsequent liens, mortgages or encumbrances upon such
31 motor vehicle or trailer. The holder of a chattel mortgage, trust re-
32 ceipt, conditional sales contract, or similar instrument, upon presen-
33 tation of such instrument or certified true copy thereof, to the treasurer
34 of the county where such certificate of title was issued, together with
35 the certificate of title and a fee of seventy-five (75) cents, may have
36 a notation of such lien made on the face of such certificate of title.
37 The county treasurer shall enter said notation and the date thereof
38 over the signature of such officer or deputy and the seal of office, and
39 he shall also note such lien and the date thereof on the duplicate of
40 same on file, and on that day shall notify the department on forms
41 provided by the department, which shall note such liens on the dup-
42 licate title in its file. The county treasurer shall also indicate by appro-
43 priate notation on such instrument itself or certified true copy thereof,
44 the fact that such lien has been noted on the certificate of title. The
45 county treasurer upon receipt of a lien duly executed in the manner
46 prescribed by law governing such lien instruments, together with the
47 fee prescribed for notation of lien, shall mail a notification to the first
48 lienholder at the address of such first lienholder as indicated by rec-
49 ords of the county treasurer, to deliver to the county treasurer, within
50 fifteen (15) days from the date of notice, the certificate of title to
51 permit notation of such junior lien. After such notation of lien, the
52 county treasurer shall deliver the certificate of title to the first lien-
53 holder. The holder of a certificate of title who refuses to deliver a
54 certificate of title to the county treasurer for the purpose of showing
55 the junior lien on such certificate of title within fifteen (15) days from
56 the date when notified to do so by the county treasurer, shall be liable
57 for damages to such junior lienholder for the amount of damages such
58 junior lienholder suffered by reason of the holder of the certificate of
59 title refusing to permit the showing of such lien on the said certificate
60 of title. When a lien is discharged, the holder thereof shall execute
61 a notarized release within twenty (20) days after payment is re-
62 ceived, such release to contain the certificate of title number, the

63 amount of the lien and the date of the notation thereof. The holder
64 shall also note a cancellation of same on the face of the certificate of
65 title over his, her or its signature, and deliver the release and certifi-
66 cate of title to the county treasurer where title was issued who shall
67 note the cancellation of said lien on the face of the certificate of title
68 and on the duplicate of same on file in his office, and on the same day
69 shall notify the department, which shall note such release on the dupli-
70 cate title in its file. The county treasurer shall then deliver the cer-
71 tificate of title to the then first lienholder, or, if there is no such per-
72 son, to the owner, or as otherwise directed by the owner. Said cancel-
73 lation of lien shall be noted on the certificate of title by the county
74 treasurer without charge. The provisions of chapter 556 shall contin-
75 ue to apply to the deposit, filing, refiling or other record whatsoever
76 of a chattel mortgage, conveyance intended to operate as a mortgage,
77 trust receipt, conditional sales contract, or other similar instrument, or
78 any copy of same, made prior to October 1, 1953, and covering a motor
79 vehicle, semi-trailer or trailer."

1 SEC. 22. Section three hundred twenty-one point fifty-two (321.52),
2 Code 1950, is hereby repealed and the following substituted in lieu
3 thereof:

4 "1. When a vehicle is permanently dismantled or destroyed so that
5 it can no longer be used on the public highway or is sold by the owner,
6 dealer or otherwise, for junk, the owner shall detach the registration
7 plates and registration card and surrender same along with the cer-
8 tificate of title to the county treasurer who shall cancel same on his
9 records and forward the certificate of title to the department. The
10 certificate of title surrendered by the owner shall have noted thereon
11 the purpose of cancellation and the name of the purchaser if sold for
12 junk and such notation shall be duly signed by the owner. The depart-
13 ment shall notify the title issuing county, if other than the county
14 where title was surrendered, authorizing the treasurer to cancel and
15 destroy all records pertaining to the particular vehicle. The depart-
16 ment is not authorized to make a refund of license fees on a disman-
17 tled, destroyed or junked vehicle unless and until the certificate of
18 title thereto has been surrendered.

19 "2. When a vehicle is sold outside the state for purposes other than
20 for junk the owner, dealer or otherwise, thereof, shall detach the reg-
21 istration plates and registration card and shall indicate on the reverse
22 side of such registration card the name and address of the foreign
23 purchaser or transferee over his signature. The owner shall surren-
24 der the plates and registration card to the county treasurer who shall
25 cancel his records and shall destroy the plates and forward the regis-
26 tration card to the department. The department shall make a notation
27 on the records of the out-of-state sale, and, after a reasonable period,
28 may destroy the files to that particular vehicle except the motor file.
29 The department is not authorized to make a refund of license fees on
30 a vehicle sold out-of-state unless and until it receives the registration
31 card completed as herein provided."

1 SEC. 23. Section three hundred twenty-one point sixty-seven
2 (321.67), Code 1950, is hereby repealed and the following substituted
3 in lieu thereof:

4 "1. No person, except as provided in section* six (6) and sixteen
5 (16) of this Act shall sell or otherwise dispose of a registered vehicle
6 or a vehicle subject to registration without delivering to the purchaser
7 or transferee thereof a certificate of title with such assignment thereon
8 as may be necessary to show title in the purchaser.

9 "2. No person shall purchase or otherwise acquire or bring into
10 this state a registered vehicle or a vehicle subject to registration with-
11 out obtaining a certificate of title thereto except for temporary use
12 or as provided in section* six (6) and sixteen (16) of this Act.

1 SEC. 24. Section three hundred twenty-one point sixty-eight
2 (321.68), Code 1950, is hereby amended as follows:

3 1. By striking the period (.) in line seven (7) of paragraph (a) of
4 subsection one (1) thereof and substituting in lieu thereof the follow-
5 ing: "with a certification signed by both the vendee and the vendor
6 that the certificates of title pertaining to all the used motor vehicles
7 listed on the inventory have been duly assigned to the vendee as pre-
8 scribed in this chapter.";

9 2. By repealing paragraph (b) of subsection one (1) thereof;

10 3. By repealing subsection three (3) thereof.

1 SEC. 25. Section three hundred twenty-one point seventy (321.70),
2 Code 1950, is hereby amended by striking the word "repossessed" in
3 line sixteen (16) thereof.

1 SEC. 26. Section three hundred twenty-one point seventy-one
2 (321.71), Code 1950, is hereby repealed.

1 SEC. 27. Section three hundred twenty-one point ninety-three
2 (321.93), Code 1950, is hereby amended by striking the words "regis-
3 tration and transfer" in lines six (6) and seven (7) thereof and sub-
4 stituting in lieu thereof the word "title".

1 SEC. 28. Section three hundred twenty-one point ninety-six
2 (321.96), Code 1950, is hereby amended by striking the word "certifi-
3 cate" in line five (5)* thereof and inserting in lieu thereof the follow-
4 ing: "receipt, certificate of title,".

1 SEC. 29. Section three hundred twenty-one point ninety-seven
2 (321.97), Code 1950, is hereby amended by inserting after the word
3 "of" in line three (3) thereof the following: "or certificate of
4 title to".

1 SEC. 30. Section three hundred twenty-one point ninety-eight
2 (321.98), Code 1950, is hereby amended as follows:

3 1. By inserting, following the word "registered" in line four (4)
4 thereof the words "and titled";

5 2. By inserting following the word "year" in line nine (9) thereof
6 the words "and unless a certificate of title has been issued for such
7 vehicle".

1 SEC. 31. Section three hundred twenty-one point one hundred
2 (321.100), Code 1950, is hereby amended by inserting after the word
3 "any" in line one (1) of subsection one (1) thereof the following:
4 "certificate of title, manufacturer's or importer's certificate,".

*According to enrolled Act.

1 SEC. 32. Section three hundred twenty-one point one hundred one
 2 (321.101), Code 1950, is hereby amended by adding the following:
 3 "The department is hereby authorized, and it shall be its duty, to
 4 cancel a certificate of title that appears to have been improperly issued
 5 or fraudulently obtained. Upon cancellation of any certificate of title
 6 the department shall notify the county treasurer who issued the same,
 7 who shall forthwith enter the cancellation upon his records. The de-
 8 partment shall also notify the person to whom such certificate of title
 9 was issued, as well as any lienholders appearing thereon, of the can-
 10 cellation and shall demand the surrender of such certificate of title,
 11 but the cancellation shall not affect the validity of any lien noted
 12 thereon."

1 SEC. 33. Section three hundred twenty-one point one hundred three
 2 (321.103), Code 1950, is hereby amended as follows:

3 1. By inserting after the word "vehicle" in line three (3) thereof
 4 the following: ", or certificate of title.";

5 2. By inserting after the comma (,) following the word "registra-
 6 tion" in line eight (8) thereof the following: "certificate of title,".

1 SEC. 34. Section three hundred twenty-one point one hundred four
 2 (321.104), Code 1950, is hereby repealed and the following substituted
 3 in lieu thereof:

4 "It is a misdemeanor, punishable as provided in section three hun-
 5 dred twenty-one point four hundred eighty-two (321.482), Code 1950,
 6 for any person to commit any of the following acts:

7 "1. To operate any motor vehicle upon the highways upon which the
 8 certificate of title has been canceled, or while a certificate of registra-
 9 tion of a motor vehicle is suspended or revoked.

10 "2. For a dealer, or a person acting on behalf of a dealer to ac-
 11 quire, purchase, hold or display for sale a motor vehicle without having
 12 obtained a manufacturer's or importer's certificate or a certificate of
 13 title, or assignments thereof, unless otherwise provided in this chapter.

14 "3. Any person who shall fail to surrender any certificate of title
 15 or registration card or license plates upon cancellation, suspension
 16 or revocation of the same by the department and notice thereof as pre-
 17 scribed in this chapter.

18 "4. Any person whoever shall purport to sell or transfer a motor
 19 vehicle, trailer or semi-trailer without delivering to the purchaser or
 20 transferee thereof a certificate of title or a manufacturer's or import-
 21 er's certificate thereto duly assigned to such purchaser as provided
 22 in this chapter.

23 "5. Any person whoever shall violate any of the other provisions
 24 of this chapter or any lawful rules or regulation promulgated pur-
 25 suant to the provisions of this chapter."

1 SEC. 35. Section three hundred twenty-one point one hundred nine
 2 (321.109), Code 1950, is hereby amended as follows:

3 1. By striking the word "shall" in line sixteen (16) thereof and
 4 substituting in lieu thereof the word "may";

5 2. By adding to said section the following: "Such purchaser may
 6 apply for a certificate of title by surrendering the manufacturer's or
 7 importer's certificate of title, duly assigned as provided in this chapter.
 8 In this event, the treasurer in the county of purchase shall, when sat-

9 isfied with the genuineness and regularity of the application, and upon
10 payment of a fee of seventy-five (75) cents, issue a certificate of title
11 in the name and address of such non-resident purchaser delivering the
12 same to the person entitled thereto as provided in this chapter.

13 3. By striking the word "shall" in line eight (8) section one (1)
14 of chapter one hundred fourteen (114), Laws of the Fifty-fourth Gen-
15 eral Assembly, and substituting in lieu thereof the word "may".

1 SEC. 36. Section three hundred twenty-one point one hundred
2 twenty-six (321.126), Code 1950, is hereby amended:

3 1. By adding to subsection one (1) thereof the following: "With
4 reference to the destruction or dismantling of a vehicle, the affidavit
5 shall be accompanied by the certificate of title as provided in section
6 twenty-two (22) of this Act. With reference to the removal of a
7 vehicle from this state as provided herein, the affidavit shall contain a
8 statement indicating the foreign registration number of such vehicle,
9 the name and address of the official of the foreign state to whom the
10 Iowa certificate of title has been surrendered and the number of the
11 foreign certificate of title issued for such vehicle, if registered in a
12 title law state."

13 2. By striking the figures "321.45" in line six (6) thereof and in-
14 serting in lieu thereof the following: "twenty-two (22) of this Act".

1 SEC. 37. Section eleven (11) of chapter one hundred thirty-seven
2 (137), Laws of the Fifty-fourth General Assembly, is hereby amended
3 by striking from lines three (3) and four (4) thereof the word "twen-
4 ty-five" and inserting in lieu thereof the word "forty".

1 SEC. 38. Section three hundred twenty-one point one hundred fifty-
2 two (321.152), Code 1950, is hereby amended as follows:

3 1. By striking from line seven (7) thereof the words "transfer of
4 registration" and inserting in lieu thereof the following: "title and
5 for each notation of a lien or encumbrance when a fee therefore is
6 prescribed by the provisions of this chapter";

7 2. By striking from line thirteen (13) thereof the figures "321.24"
8 and inserting in lieu thereof the following: "seven (7) of this Act".

1 SEC. 39. The effective date of this Act shall be October 1, 1953.

1 SEC. 40. Provided, however, trailers subject to a registration fee
2 of ten dollars (\$10.00) or less shall be exempt from the certificate of
3 title and lien provisions of this Act.

1 SEC. 41. Section three hundred twenty-one point one hundred thir-
2 ty-four (321.134), Code 1950, is hereby amended by striking from line
3 twenty-one (21) the word "thirty" and substituting in lieu thereof the
4 word "seventy".

Approved March 23, 1953.