

CHAPTER 1062

NOTICE OF LEVY OF EXECUTION

H.F. 2384

AN ACT relating to the notice to be given to a judgment debtor when the debtor's property is levied upon.

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

Section 1. Section 626.50, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The officer making the levy shall promptly serve written notice of the levy on the defendant. The notice shall be served in the same manner as provided for original notice.

Approved April 12, 1988

CHAPTER 1063

AIRCRAFT REGISTRATION

H.F. 2156

AN ACT relating to the registration of aircraft, and making penalties applicable.

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

Section 1. Section 328.1, Code 1987, is amended by adding the following new subsection:
NEW SUBSECTION. 23. "Owner" means a person owning or renting an aircraft, or having the exclusive use of an aircraft, for a period of more than thirty days.

Sec. 2. Section 328.20, Code 1987, is amended to read as follows:

328.20 REGISTRATION OF AIRCRAFT.

Every A civil aircraft owned either wholly or in part by persons residing in this state, or operated, or otherwise controlled within the boundaries of the state for a period of more than thirty days, unless specifically excepted under the provisions of this chapter, shall be registered annually with the department, by the owner thereof.

The registration year begins on the first day of the calendar month in which the civil aircraft is registered for the first time in the state and ends on the last day of the twelfth month of the registration year.

For aircraft registered in this state before July 1, 1988, the registration year begins on the first day of the calendar month assigned by the department and ends on the last day of the twelfth month of the registration year.

Sec. 3. Section 328.21, subsections 2 and 6, Code 1987, are amended to read as follows:

2. After said aircraft has been registered once the The second year's registration fee shall be is seventy-five percent of the rate as fixed for the first registration; after two times the third year's fee is fifty percent; and after three times the fourth and subsequent year's fee is twenty-five percent; provided, however, that no an aircraft shall not be registered for a registration fee of less than fifteen thirty-five dollars.

6. Any An aircraft thirty years old, or older, which is used exclusively for noncommercial purposes, shall be registered as an antique aircraft for a registration fee of fifteen thirty-five dollars.

Sec. 4. Section 328.21, subsection 3, Code 1987, is amended by striking the subsection.

Sec. 5. Section 328.21, Code 1987, is amended by adding the following new subsections:

NEW SUBSECTION. 7. A lighter than air aircraft that is not engine driven shall be registered for a fee of thirty-five dollars. However, a lighter than air aircraft, not owned wholly or in part by a person residing in this state, which is located within the boundaries of this state in excess of thirty days for purposes of display or competition, is exempt from registration under this chapter.

NEW SUBSECTION. 8. An aircraft, unless exempt under section 328.35, which is damaged, is not airworthy, and is not in flying condition is not subject to registration fees if the owner of the aircraft submits information required by the department. Upon receipt of that information, the department shall issue a certificate which states that the registration fee has not been paid and that the aircraft shall not use the airports or the air space overlying the state until the fee has been paid.

NEW SUBSECTION. 9. The registration fee for a helicopter used exclusively as an air ambulance is one thousand dollars.

Sec. 6. Section 328.24, unnumbered paragraph 2, Code 1987, is amended to read as follows:

The registration fee for the unexpired portion of the year shall be refunded pro rata to the nearest full calendar month, except that a refund shall not be allowed if the unused portion of the fee is less than thirty-five dollars per aircraft.

Sec. 7. Section 328.27, Code 1987, is amended to read as follows:

328.27 ISSUANCE OF CERTIFICATES.

The department shall ~~forthwith~~ issue, upon receipt of proper application and fee for registration, a certificate of registration which shall be numbered and recorded by the department, shall state the name and address of the person to whom it is issued, shall be ~~entitled~~ titled with the designation of the class of registrant covered ~~thereby~~ and shall contain ~~such~~ other information as the department may prescribe including, in the case of aircraft, a description ~~thereof~~ of the aircraft. ~~Every~~ A certificate of registration or special certificate ~~issued hereunder shall expire~~ expires at midnight on the ~~thirtieth day of June of each last day of the twelfth month of the registration year.~~

Sec. 8. Section 328.32, Code 1987, is amended to read as follows:

328.32 EXPIRATION OF SPECIAL CERTIFICATE.

~~Every~~ A special certificate ~~issued hereunder shall expire~~ expires at midnight on the ~~thirtieth day of June of each last day of the registration year,~~ and a new special certificate for the ensuing year may be obtained by the person to whom ~~any such~~ the expired special certificate was issued, upon application to the department, and payment of the fee provided by law.

Sec. 9. Section 328.37, Code 1987, is amended to read as follows:

328.37 OPERATIONS UNLAWFUL WITHOUT CERTIFICATE.

Except as provided in section 328.35, it ~~shall be~~ is unlawful for ~~any~~ a person to operate, or cause or authorize to be operated, ~~any~~ a civil aircraft, airport, ~~or~~ landing area, ~~or~~ other air navigation facility, ~~or~~ air school, ~~or~~ to engage in aeronautics as an ~~airperson~~ or aeronautics ~~instructor~~ in this state, unless there has been issued ~~therefor~~ for the aircraft or thereto to the airport or landing area an appropriate certificate of registration or special certificate by the department and ~~such~~ the certificate is in force and effect.

Sec. 10. Section 328.48, Code 1987, is amended to read as follows:

328.48 ATTACHMENT OF LIEN.

The lien of the original registration fee ~~shall attach~~ attaches at the time ~~the same~~ it is first payable as provided by law and the lien of all renewals of registration ~~shall attach on July 1, the first day of each registration year thereafter.~~

Sec. 11. Section 328.50, Code 1987, is amended to read as follows:

328.50 PENALTY ON DELINQUENT REGISTRATION.

~~On August 1 of each year the first day of the second month following the end of an aircraft registration period, a penalty of five percent of the annual registration fee shall be added to all fees a fee not paid by that date, and five percent of the annual registration fee shall be added to such fees the fee on the first day of each following month thereafter, that the same fee remains unpaid until paid, provided that said; however, the penalty in no case shall not be less than one dollar.~~

Sec. 12. NEW SECTION. 328.56A STAGGERED REGISTRATION – IMPLEMENTATION.

To implement the change from fiscal year registration to the registration system provided for in this chapter, aircraft registered after July 1, 1988, shall be registered as follows:

1. Aircraft shall be registered for the registration year as defined in this chapter. If the registration period is for a period of less than twelve months, the registration fee shall be prorated for the remaining unexpired months, except as provided in subsection 2.

2. The owner of an aircraft for which the registration year begins on August 1 may elect to register the aircraft for a period of one month or thirteen months. The owner of an aircraft for which the registration year begins on September 1 may elect to register the aircraft for a period of two months or fourteen months. The owner of an aircraft for which the registration year begins on October 1 may elect to register the aircraft for a period of three months or fifteen months.

Sec. 13. Section 328.23, Code 1987, is repealed.

Approved April 12, 1988

CHAPTER 1064**INHERITANCE LAWS***H.F. 2123*

AN ACT relating to the inheritance laws by providing for the power of a surviving spouse's conservator to elect to take or refuse to take under a will or to elect to occupy the homestead, eliminating the time requirement when the share of a surviving spouse may be set off by referees when the spouse elects to take against the will, and providing for a share of an estate of a child born or adopted after execution of a testator's last will.

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

Section 1. Section 633.236, Code 1987, is amended to read as follows:

633.236 RIGHT OF SURVIVING SPOUSE TO ELECT TO TAKE AGAINST WILL.

When a married person dies testate as to any part of the person's estate, the surviving spouse shall have the right to elect to take against the will under the provisions of sections 633.237 to 633.246. If the surviving spouse has a conservator, the court may authorize or direct the conservator to elect to take under or against the will as the court deems appropriate under the circumstances.