

**CHAPTER 260****MOBILE HOMES**

S.F. 291

**AN ACT** relating to security interests in mobile homes by permitting the secured party to retain the mobile home title, and by permitting secured parties, including mortgagees, to apply for reconversion of a mobile home from real property to personal property.

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

Section 1. Section 135D.26, subsection 2, Code 1989, is amended to read as follows:

2. After complying with subsection 1, the owner shall notify the assessor who shall inspect the new premises for compliance. If a security interest is noted on the certificate of title, the assessor shall require an affidavit, as defined in section 622.85, from the mobile home owner, declaring that the owner has complied with subsection 1, paragraph "c", and ~~shall send notice of the proposed conversion to the secured party by regular mail not less than ten days before the conversion becomes effective. When the mobile home is properly converted, the assessor shall then collect the mobile home vehicle title and enter the property upon the tax rolls setting forth the method of compliance.~~

a. If compliance with subsection 1, paragraph "c", has been accomplished by the secured party accepting the tender of a mortgage, the assessor shall collect the mobile home vehicle title and enter the property upon the tax rolls.

b. If compliance with subsection 1, paragraph "c", has been accomplished by the secured party consenting to the conversion without accepting a mortgage, the secured party shall retain the mobile home vehicle title and the assessor shall note the conversion on the assessor's records and enter the property upon the tax rolls.

Sec. 2. Section 135D.27, subsection 2, Code 1989, is amended to read as follows:

2. If the vehicular frame of the former mobile home can be modified to return it to the status of a mobile home, the owner or a secured party holding a mortgage or certificate of title pursuant to section 135D.26 who has obtained possession of the mobile home may apply to the county treasurer as provided in section 321.20 for a certificate of title for the mobile home. If a mortgage exists on the real estate, a security interest in the mobile home shall be given to the a secured party not applying for reconversion and noted on the certificate of title with the same priority or a higher priority than the secured party's mortgage interest. A reconversion shall not occur without the written consent of the mortgagee every secured party holding a mortgage or certificate of title.

If the secured party has elected to retain the mobile home vehicle title pursuant to section 135D.26, subsection 2, paragraph "b", an owner applying for reconversion shall present to the county treasurer written consent to the reconversion from all secured parties and an affirmation from the secured party holding the title that the title is in its possession and is intact. Upon receipt of the affirmation, the county treasurer shall notify the assessor of the reconversion, which notification constitutes compliance by the owner with subsection 3.

Sec. 3. Section 321.50, subsection 1, Code 1989, is amended to read as follows:

1. A security interest in a vehicle subject to registration under the laws of this state or a mobile home, except trailers whose empty weight is two thousand pounds or less, and except new or used vehicles held by a dealer or manufacturer as inventory for sale, is perfected by the delivery to the county treasurer of the county where the certificate of title was issued or, in the case of a new certificate, to the county treasurer where the certificate will be issued, of an application for certificate of title which lists the security interest, or an application for notation of security interest signed by the owner, or by one owner of a vehicle owned jointly by more than one person, or a certificate of title from another jurisdiction which shows the security interest, and a fee of five dollars for each security interest shown. If the owner or secured party is in possession of the certificate of title, it must also be delivered at this time

in order to perfect the security interest. If a vehicle is subject to a security interest when brought into this state, the validity of the security interest and the date of perfection is determined by section 554.9103. Delivery as provided in this subsection is an indication of a security interest on a certificate of title for purposes of chapter 554.

Approved May 30, 1989

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## CHAPTER 261

### CITY CIVIL ACTION FOR DAMAGES

*S.F. 366*

**AN ACT** authorizing a city to seek a judgment against a property owner for improvements made to the property.

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

Section 1. Section 364.12, Code 1989, is amended by adding the following new subsection:

**NEW SUBSECTION. 4.** In addition to any other remedy provided by law, a city may also seek reimbursement for costs incurred in performing any act authorized by this section by a civil action for damages against a property owner. However, a city shall not seek reimbursement for costs incurred in performing an act if the same act has not been performed by the city on adjoining city-owned property. For the purposes of this subsection, a county acquiring property for delinquent taxes shall not be considered a property owner.

Approved May 30, 1989

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## CHAPTER 262

### PEER REVIEW COURT FOR YOUTHFUL OFFENDERS

*H.F. 71*

**AN ACT** establishing pilot projects for a peer review court as a diversion program for offenders ten through seventeen years of age.

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

Section 1. **NEW SECTION. 602.6110 PEER REVIEW COURT — PILOT PROJECTS.**

1. A peer review court is established as a pilot program to divert youthful offenders from the criminal or juvenile justice systems. The court shall consist of a qualified adult to act as judge with prosecutor, defense counsel, court attendant, clerk, and jury composed of persons ten through seventeen years of age.

2. The jurisdiction of the peer review court extends to those persons ten through seventeen years of age who have committed misdemeanor offenses or delinquent acts which would be misdemeanor offenses if committed by an adult and who have entered a plea of guilty, entered into an informal adjustment agreement, or agreed to the entry of a consent decree to those offenses in district or juvenile court. Those persons may then elect to appear before the peer review court to receive sentence. The peer review court shall not determine guilt or innocence. The peer review court shall only determine the sentence for the offense. The sentence