

House File 592

H-1118

1 Amend House File 592 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 321.50, subsection 5, paragraph a, Code
5 2023, is amended to read as follows:

6 a. ~~When~~ Except as provided in section 321.48, subsection
7 1, paragraph "b", when a security interest is discharged, the
8 holder shall note a cancellation of the security interest
9 on the face of the certificate of title over the holder's
10 signature or may note the cancellation of the security interest
11 on a separate, notarized release form or letter. The holder
12 shall deliver the certificate of title and the form or letter,
13 if applicable, to the county treasurer where the title was
14 issued. In the case of a security interest that has been
15 delivered by electronic means, the holder shall notify the
16 department or the county treasurer, in a manner prescribed
17 by the department, of the release of the security interest.
18 The county treasurer shall immediately note the cancellation
19 of the security interest on the face of the certificate of
20 title, if applicable, and in the county records system. The
21 county treasurer shall on the same day deliver the certificate
22 of title, if applicable, and the separate, notarized release
23 form or letter, if applicable, to the then first secured party
24 or, if there is no such person, to the person as directed by
25 the owner, in writing, on a form prescribed by the department
26 or, if there is no person designated, then to the owner. The
27 cancellation of the security interest shall be noted on the
28 certificate of title by the county treasurer without charge.
29 The holder of a security interest discharged by payment who
30 fails to release the security interest within fifteen days
31 after being requested in writing to do so shall forfeit to the
32 person making the payment the sum of twenty-five dollars.

33 Sec. 2. Section 321.50, Code 2023, is amended by adding the
34 following new subsection:

35 NEW SUBSECTION. 5A. Notwithstanding subsection 5, when

1 an application for registration and issuance of a certificate
2 of title is made by the means described in section 321.20,
3 subsection 2, and the application includes a certificate of
4 title upon which a security interest has been discharged by the
5 secured party and the cancellation of the security interest is
6 noted by the secured party on the certificate of title above
7 the secured party's signature, the county treasurer shall
8 not require any other notation of the cancellation of the
9 security interest on the face of the certificate of title, and,
10 if applicable, the county treasurer shall notify the county
11 treasurer of the county where the certificate of title was
12 issued that the security interest has been released as of the
13 specified date and shall update such release on the applicable
14 program or computer system. A dealer licensed under chapter
15 322 or chapter 322C is authorized to sell such a vehicle
16 pursuant to section 321.48, subsection 1, paragraph "b".

17 Sec. 3. Section 322.2, Code 2023, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 20A. "*Remote sale*" means a sale of a
20 motor vehicle conducted via mail, either electronically or
21 by courier, including any offering, bartering, negotiating,
22 exchanging, and other communication regarding the sale of the
23 vehicle. "*Remote sale*" includes the delivery of the vehicle to
24 the residence of the buyer or another agreed-to location, if
25 requested by the buyer.

26 Sec. 4. Section 322.3, subsection 11, Code 2023, is amended
27 to read as follows:

28 11. A person who is engaged in the business of selling motor
29 vehicles at retail shall not sell, offer for sale, display,
30 represent, or advertise that the person intends to sell motor
31 vehicles from a location other than the person's place of
32 business, except as provided in subsection 11A or section
33 322.5.

34 Sec. 5. Section 322.3, Code 2023, is amended by adding the
35 following new subsection:

1 NEW SUBSECTION. 11A. A retail seller licensed under this
2 chapter may engage in remote sales of motor vehicles located
3 at a place of business of the retail seller, as listed on the
4 license, under all of the following conditions:

5 *a.* The dealer shall possess, at the time of the sale, the
6 certificate of title to any motor vehicle offered for remote
7 sale.

8 *b.* The dealer may transmit a proposed purchase agreement
9 from the dealer to the prospective buyer if such agreement is
10 the result of negotiation between the parties. The dealer
11 shall not negotiate and shall not deliver a proposed purchase
12 agreement to a buyer in person at a location other than the
13 dealer's place of business.

14 *c.* The dealer shall not sign a proposed purchase agreement
15 until the dealer receives an executed purchase agreement from
16 the buyer. A signed purchase agreement must be delivered to
17 the dealer's place of business.

18 *d.* The dealer shall not deliver a motor vehicle to a buyer
19 away from the dealer's place of business until the buyer's
20 purchase of the motor vehicle is completed.

21 *e.* Remote sales are subject to chapter 554D.>

22 2. Title page, by striking lines 1 through 3 and inserting
23 <An Act relating to licensed vehicle dealers, including
24 vehicles for resale subject to a security interest and remote
25 sales of motor vehicles.>

SIECK of Mills
