

JAN 14 2004
TRANSPORTATION

HOUSE FILE 2018
BY GREINER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to registration of vehicles by owners of
2 abandoned vehicles.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2018

1 Section 1. Section 321.30, subsection 14, unnumbered
2 paragraph 2, Code Supplement 2003, is amended to read as
3 follows:

4 15. The department or the county treasurer shall ~~also~~
5 refuse registration of a vehicle if the applicant for
6 registration of the vehicle has failed to pay the required
7 registration fees of any vehicle owned or previously owned
8 when the registration fee was required to be paid by the
9 applicant, and for which vehicle the registration was
10 suspended or revoked under section 321.101, subsection 1,
11 paragraph "d", or section 321.101A, until the fees are paid
12 together with any accrued penalties.

13 Sec. 2. Section 321.30, Code Supplement 2003, is amended
14 by adding the following new subsection:

15 NEW SUBSECTION. 16. The department, or the county
16 treasurer upon notice by the department, shall refuse
17 registration of a vehicle if the applicant for registration of
18 the vehicle is a registered owner of an abandoned vehicle for
19 which any fines, penalties, surcharges, or court costs related
20 to the abandonment have not been paid, or for which there are
21 outstanding obligations owing pursuant to section 321.89,
22 subsection 3.

23 Sec. 3. Section 321.40, Code Supplement 2003, is amended
24 by adding the following new unnumbered paragraph:

25 NEW UNNUMBERED PARAGRAPH. The county treasurer shall
26 refuse to renew the registration of a vehicle registered to an
27 applicant if the treasurer has been notified by the department
28 that the applicant is a registered owner of an abandoned
29 vehicle for which any fines, penalties, surcharges, or court
30 costs related to the abandonment have not been paid, or for
31 which there are outstanding obligations owing pursuant to
32 section 321.89, subsection 3.

33 Sec. 4. Section 321.89, subsection 3, paragraph a, Code
34 2003, is amended to read as follows:

35 a. A police authority or private entity ~~which~~ that takes

1 into custody an abandoned vehicle shall notify, within twenty
2 days, by certified mail, the last known registered owner of
3 the vehicle, all lienholders of record, and any other known
4 claimant to the vehicle or to personal property found in the
5 vehicle, addressed to their last known addresses of record,
6 that the abandoned vehicle has been taken into custody.
7 Notice shall be deemed given when mailed. The notice shall
8 describe the year, make, model, and serial number of the
9 vehicle, describe the personal property found in the vehicle,
10 set forth the location of the facility where the vehicle is
11 being held, and inform the persons receiving the notice of
12 their right to reclaim the vehicle and personal property
13 within ten days after the effective date of the notice upon
14 payment of all towing, preservation, and storage charges
15 resulting from placing the vehicle in custody and upon payment
16 of the costs of notice required pursuant to this subsection.
17 The notice shall also state that the failure of the owner,
18 lienholders, or claimants to exercise their right to reclaim
19 the vehicle or personal property within the time provided
20 shall be deemed a waiver by the owner, lienholders, and
21 claimants of all right, title, claim, and interest in the
22 vehicle or personal property and that failure to reclaim the
23 vehicle or personal property is deemed consent to the sale of
24 the vehicle at a public auction or disposal of the vehicle to
25 a demolisher and to disposal of the personal property by sale
26 or destruction. The notice shall state that any person
27 claiming rightful possession of the vehicle or personal
28 property who disputes the planned disposition of the vehicle
29 or property by the police authority or private entity or of
30 the assessment of fees and charges provided by this section
31 may ask for an evidentiary hearing before the police authority
32 to contest those matters. If the persons receiving the notice
33 do not ask for a hearing or exercise their right to reclaim
34 the vehicle or personal property within the ten-day reclaiming
35 period, the owner, lienholders, or claimants shall no longer

1 have any right, title, claim, or interest in or to the vehicle
2 or the personal property. A court in any case in law or
3 equity shall not recognize any right, title, claim, or
4 interest of the owner, lienholders, or claimants, after the
5 expiration of the ten-day reclaiming period. However, all
6 expenses related to towing, impoundment, custody, or storage
7 and, if applicable, sale or disposal of the abandoned vehicle
8 and personal property, including the costs of notice and
9 publication, are the obligation of the registered owner. The
10 notice shall state that the department may refuse to register
11 or renew the registration of another vehicle in the owner's
12 name as long as any part of that obligation or any related
13 fine, penalty, surcharge, or court costs remain unpaid.

14 Sec. 5. Section 321.89, subsection 4, unnumbered paragraph
15 3, Code 2003, is amended to read as follows:

16 The director of transportation shall establish by rule a
17 claims procedure to be followed by police authorities in
18 obtaining expenses and costs from the fund. If a private
19 entity has been hired, the police authority may file a claim
20 with the department for reimbursement of towing fees which
21 shall be paid from the road use tax fund. The department
22 shall maintain a list of vehicle owners obligated for expenses
23 and costs paid from the fund and shall make the list available
24 to county treasurers for purposes of refusal of vehicle
25 registration pursuant to sections 321.30 and 321.40.

26 Sec. 6. Section 602.8102, Code Supplement 2003, is amended
27 by adding the following new subsection:

28 NEW SUBSECTION. 50B. Assist the state department of
29 transportation in refusing registration of motor vehicles,
30 pursuant to section 321.30 or 321.40, by persons who fail to
31 timely pay criminal fines or penalties, surcharges, or court
32 costs related to the violation of a law regulating abandonment
33 of motor vehicles.

34

EXPLANATION

35 This bill provides that a person who is the registered

1 owner of an abandoned vehicle, and who is obligated for
2 expenses related to towing, impoundment, custody, storage,
3 sale, or disposal of the vehicle or related personal property,
4 shall be refused new registration or registration renewal of
5 another vehicle until all such obligations, and any applicable
6 fines, penalties, surcharges, or court costs, are paid in
7 full. The general notice sent to owners, lienholders, and
8 claimants of abandoned vehicles shall include notice of the
9 potential refusal of registration. The state department of
10 transportation is to notify county treasurers of those persons
11 who are to be refused motor vehicle registration or renewal.
12 The clerks of court are to assist the department in
13 identifying owners of abandoned motor vehicles with
14 outstanding debts owed to the court.

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