

House File 2393 - Introduced

HOUSE FILE 2393
BY MASCHER

A BILL FOR

1 An Act imposing a registration surcharge on certain new luxury
2 or fuel-inefficient motor vehicles.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 29A.101A, subsection 5, Code 2009, is
2 amended to read as follows:

3 5. Rents or lease amounts unpaid for the period preceding
4 the effective date of the lease termination shall be paid
5 on a prorated basis. In the case of a vehicle lease, the
6 lessor shall not impose an early termination charge, but any
7 summonses, title and registration fees, including the fee for
8 new registration under section 321.105A, the new motor vehicle
9 registration surcharge under section 321.105B if applicable,
10 and any other obligation and liability of the lessee in
11 accordance with the terms of the lease, including reasonable
12 charges to the lessee for excess wear, use, and mileage, that
13 are due and unpaid at the time of termination of the lease
14 shall be paid by the lessee.

15 Sec. 2. Section 321.2, subsection 4, Code 2009, is amended
16 to read as follows:

17 4. The director of revenue shall administer and enforce
18 the collection of the fee for new registration as provided
19 in section 321.105A and the new motor vehicle registration
20 surcharge as provided in section 321.105B.

21 Sec. 3. Section 321.20, subsection 1, Code 2009, is amended
22 by adding the following new paragraph:

23 NEW PARAGRAPH. *Of.* The amount of the new motor vehicle
24 registration surcharge to be paid under section 321.105B.

25 Sec. 4. Section 321.23, subsection 3, Code Supplement 2009,
26 is amended to read as follows:

27 3. In the event an applicant for registration of a
28 foreign vehicle for which a certificate of title has been
29 issued is able to furnish evidence of being the registered
30 owner of the vehicle to the county treasurer of the owner's
31 residence, although unable to surrender such certificate of
32 title, the county treasurer may issue a registration receipt
33 and plates upon receipt of the required annual registration
34 fee and the fee for new registration, plus the new motor
35 vehicle registration surcharge if applicable, but shall not

1 issue a certificate of title thereto. Upon surrender of
2 the certificate of title from the foreign state, the county
3 treasurer shall issue a certificate of title to the owner,
4 or person entitled thereto, of such vehicle as provided in
5 this chapter. The owner of a vehicle registered under this
6 subsection shall not be required to obtain a certificate of
7 title in this state and may transfer ownership of the vehicle
8 to a motor vehicle dealer licensed under chapter 322 if, at the
9 time of the transfer, the certificate of title is held by a
10 secured party and the dealer has forwarded to the secured party
11 the sum necessary to discharge the security interest pursuant
12 to section 321.48, subsection 1.

13 Sec. 5. Section 321.24, subsection 10, Code Supplement
14 2009, is amended to read as follows:

15 10. A vehicle shall be registered for the registration
16 year. A vehicle registered for the first time in this state
17 shall be registered for the remaining unexpired months of
18 the registration year and pay an annual registration fee
19 prorated for the remaining unexpired months of the registration
20 year, plus a fee for new registration if applicable pursuant
21 to section 321.105A, and a new motor vehicle registration
22 surcharge if applicable pursuant to section 321.105B.

23 Except for a vehicle registered under chapter 326, a vehicle
24 registered for the first time during the eleventh month of the
25 owner's registration year may be registered for the remaining
26 unexpired months of the registration year as provided in
27 this paragraph or for the remaining unexpired months of the
28 registration year and for the next registration year, upon
29 payment of the applicable registration fees.

30 Sec. 6. Section 321.30, subsection 3, Code 2009, is amended
31 to read as follows:

32 3. The department or the county treasurer shall refuse
33 registration of a vehicle if the applicant for registration of
34 the vehicle has failed to pay the required annual registration
35 fee, or the fee for new registration, or the new motor vehicle

1 registration surcharge if applicable, of any vehicle owned or
2 previously owned when the fee was required to be paid by the
3 applicant, and for which vehicle the registration was suspended
4 or revoked under section 321.101, subsection 1, paragraph "d",
5 or section 321.101A, until the fee is paid together with any
6 accrued penalties.

7 Sec. 7. Section 321.46, subsection 2, Code 2009, is amended
8 to read as follows:

9 2. Upon filing the application for a new registration
10 and a new title, the applicant shall pay a title fee of
11 twenty dollars, an annual registration fee prorated for the
12 remaining unexpired months of the registration year, and a fee
13 for new registration if applicable, and a new motor vehicle
14 registration surcharge if applicable. A manufacturer applying
15 for a certificate of title pursuant to section 322G.12 shall
16 pay a title fee of ten dollars. However, a title fee shall
17 not be charged to a manufactured or mobile home retailer
18 applying for a certificate of title for a used mobile home or
19 manufactured home, titled in Iowa, as required under section
20 321.45, subsection 4. The county treasurer, if satisfied of
21 the genuineness and regularity of the application, and in the
22 case of a mobile home or manufactured home, that taxes are
23 not owing under chapter 435, and that applicant has complied
24 with all the requirements of this chapter, shall issue a
25 new certificate of title and, except for a mobile home,
26 manufactured home, or a vehicle returned to and accepted by a
27 manufacturer as described in section 322G.12, a registration
28 card to the purchaser or transferee, shall cancel the prior
29 registration for the vehicle, and shall forward the necessary
30 copies to the department on the date of issuance, as prescribed
31 in section 321.24. Mobile homes or manufactured homes titled
32 under chapter 448 that have been subject under section 446.18
33 to a public bidder sale in a county shall be titled in the
34 county's name, with no fee, and the county treasurer shall
35 issue the title.

1 Sec. 8. Section 321.101A, Code 2009, is amended to read as
2 follows:

3 **321.101A Revocation of registration by county treasurer.**

4 The county treasurer may revoke the registration and
5 registration plates of a vehicle if the annual registration
6 fee, ~~or~~ the fee for new registration, or the new motor vehicle
7 registration surcharge is paid by check, electronic payment, or
8 credit card and the check, electronic payment, or credit card
9 is not honored by the payer's financial institution or credit
10 card company, upon reasonable notice and demand. The owner
11 of the vehicle or person in possession of the registration
12 and registration plates for the vehicle shall immediately
13 return the revoked registration and registration plates to the
14 appropriate county treasurer's office.

15 Sec. 9. Section 321.105A, subsection 1, unnumbered
16 paragraph 1, Code Supplement 2009, is amended to read as
17 follows:

18 The following terms, when used in this section or section
19 321.105B, shall have the following meanings, except in those
20 instances where the context clearly indicates otherwise:

21 Sec. 10. NEW SECTION. **321.105B New motor vehicle**
22 **registration surcharge — new luxury vehicles and new**
23 **fuel-inefficient vehicles.**

24 1. In addition to the fee for new registration, a new motor
25 vehicle registration surcharge is imposed in the amount of four
26 tenths of one percent of the purchase price of a new motor
27 vehicle subject to the fee for new registration under section
28 321.105A, subsection 2, or four tenths of one percent of the
29 leased price of a new motor vehicle subject to the fee for new
30 registration under section 321.105A, subsection 3, if the new
31 motor vehicle is also subject to registration based on the
32 weight and value of the motor vehicle under section 321.109,
33 subsection 1. The surcharge shall be paid by the owner of the
34 vehicle to the county treasurer at the time application is
35 made for registration and certificate of title, in the manner

1 provided in section 321.105A.

2 2. A motor vehicle is exempt from the surcharge imposed
3 under this section if both of the following apply:

4 a. The purchase price or leased price of the motor vehicle
5 is less than forty-five thousand dollars.

6 b. The fuel economy of the motor vehicle, as determined by
7 the United States environmental protection agency administrator
8 in accordance with 26 U.S.C. § 4064(c), is nineteen miles per
9 gallon or more.

10 3. The director of revenue, in consultation with the
11 department of transportation, shall administer and enforce the
12 surcharge imposed under this section as nearly as possible
13 in conjunction with the administration of the fee for new
14 registration as provided in section 321.105A, subsection 4.

15 4. Moneys collected from the surcharge imposed pursuant to
16 this section shall be deposited in the road use tax fund.

17 Sec. 11. Section 321.129, subsection 3, Code 2009, is
18 amended to read as follows:

19 3. This section does not apply to the fee for new
20 registration administered by the department of revenue pursuant
21 to section 321.105A or the new motor vehicle registration
22 surcharge administered by the department of revenue pursuant to
23 section 321.105B.

24 Sec. 12. Section 321.151, Code 2009, is amended to read as
25 follows:

26 **321.151 Duty and liability of treasurer.**

27 The county treasurer shall collect the registration fee, the
28 fee for new registration, the new motor vehicle registration
29 surcharge, and penalties on each vehicle registered by the
30 county treasurer and shall be responsible on the county
31 treasurer's bond for such amount. The county treasurer shall
32 remit such amount to the treasurer of state as provided in this
33 chapter. Fees collected pursuant to participation in county
34 issuance of driver's licenses under chapter 321M shall be
35 governed by the provisions of that chapter.

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1 vehicle's purchase price or leased price. The surcharge
2 applies to motor vehicles that are registered annually for
3 a fee based on the weight and value of the vehicle and are
4 subject to the fee for new registration (formerly the vehicle
5 use tax).

6 The new motor vehicle registration surcharge is collected
7 at the time a new motor vehicle is first registered with a
8 county treasurer. The department of revenue will administer
9 the surcharge under the same provisions that apply for
10 administration of the fee for new vehicle registration.

11 Revenues from the new motor vehicle registration surcharge
12 are to be deposited in the road use tax fund.