b. Definitions.

(1) Ownership document for the vehicle. The certificate of title, the manufacturer's certificate of origin, the junking certificate, or other evidence of ownership acceptable to the department.

(2) Ownership documents for essential parts. Bills of sale for all essential parts used to construct or reconstruct the vehicle. Each bill of sale shall contain a description of the part, the manufacturer's identification number of the part, if any, and the name, address, and telephone number of the seller.

400.16(2) *Motor vehicle.* If the motor vehicle to be titled and registered is a specially constructed, reconstructed, or kit vehicle, the following shall apply:

a. Application forms. The applicant shall complete Forms 411007, 417050, and 411041 and submit them to the county treasurer.

b. Exhibits. The following exhibits shall be submitted with the application forms:

(1) Two photographs of the vehicle: One which clearly shows the front and one side of the vehicle, and one which clearly shows the back and the other side of the vehicle.

(2) A photocopy of the face of the ownership document for the vehicle. If the applicant is unable to comply with this subparagraph, the applicant may follow the bonding procedure set out in rule 400.13(321).

(3) Photocopies of the ownership documents for essential parts.

(4) A pencil tracing of the vehicle identification number, unless no vehicle identification number is on the frame being used.

(5) A weigh ticket indicating the weight of the vehicle. However, a weigh ticket is not required for motorcycles, trucks, truck tractors, road tractors or trailer-type vehicles.

c. Examination.

(1) The county treasurer shall submit the application forms and exhibits to the department.

(2) Upon receipt of the application forms and exhibits, the department shall contact the applicant in person or by telephone and schedule a time and place for an examination of the motor vehicle and the ownership documents.

(3) The applicant, when appearing with the motor vehicle for the examination, shall submit to the department the ownership documents for the vehicle and essential parts.

d. Approval. If the department determines that the motor vehicle complies with 761—Chapter 450, that the integral parts and components have been identified as to ownership, and that the application forms have been completed properly:

(1) The department shall affix to the motor vehicle an assigned identification number plate with a distinguishing number, and the motor vehicle shall thereafter be identified by that number.

(2) If the motor vehicle is a passenger-type vehicle, the department shall determine its weight and value. The vehicle weight shall be fixed at the next even 100 pounds above the actual weight of the vehicle fully equipped, as provided in Iowa Code section 321.162. The weight and value shall constitute the basis for determining the annual registration fee under Iowa Code section 321.109, except as provided in Iowa Code section 321.113.

(3) The department shall complete, date, and sign those parts of the application forms reserved for departmental approval. This approval shall constitute authorization by the department to have the motor vehicle titled and registered under Iowa Code section 321.23.

(4) The department shall return the application forms, exhibits and ownership documents for the vehicle and essential parts to the applicant.

(5) Rescinded, effective 3/6/85.

(6) The applicant shall submit to the county treasurer an odometer statement completed by the seller; if the seller cannot be located, Form 411099, "Odometer Certification and Statement of Fact," shall be submitted in accordance with rule 400.52(321).

(7) The applicant shall submit the application forms, exhibits, and the ownership document for the vehicle to the county treasurer.

(8) The county treasurer shall then issue a certificate of title and registration receipt for the motor vehicle upon payment of the appropriate fees.

e. Disapproval. If the department determines that the motor vehicle does not comply with 761—Chapter 450, that the integral parts or components have not been identified as to ownership, or that the application forms have not been completed properly, then the department shall not approve the motor vehicle for titling and registration.

400.16(3) *Manufactured or mobile home, travel trailer, semitrailer, or trailer with empty weight exceeding 2000 pounds.* If the vehicle to be titled is a specially constructed or reconstructed manufactured or mobile home, or if the vehicle to be titled and registered is a specially constructed or reconstructed travel trailer, semitrailer, or a trailer with an empty weight exceeding 2000 pounds, the following shall apply:

a. Application forms. The applicant shall complete Forms 411007, 417050, and 411041 and submit them to the county treasurer.

b. Exhibits. The following exhibits shall be submitted with the application forms:

(1) Two photographs of the vehicle: one which clearly shows the front and one side of the vehicle, and one which clearly shows the back and the other side of the vehicle.

(2) A photocopy of the face of the ownership document for the vehicle. If the applicant is unable to comply with this subparagraph, the applicant may follow the bonding procedure set out in rule 400.13(321).

(3) Photocopies of the ownership documents for essential parts.

(4) A pencil tracing of the vehicle identification number, unless no vehicle identification number is on the frame being used.

c. Examination. The county treasurer shall submit the application forms and exhibits to the department.

d. Approval. If the application forms appear to be properly completed and the photographs indicate that the vehicle is a specially constructed or reconstructed vehicle:

(1) The department shall forward to the applicant the application forms and exhibits, an assigned identification number plate with a distinguishing number, and an information sheet which indicates the location for attachment of the assigned identification number plate and equipment requirements applicable to trailer-type vehicles.

(2) The applicant shall attach the assigned identification number plate to the vehicle as specified and shall certify and sign in the appropriate space on Form 411041 that the plate has been attached and that the vehicle is properly equipped.

(3) The applicant shall submit the application forms, exhibits, and the ownership document for the vehicle to the county treasurer.

(4) The county treasurer shall then issue a certificate of title and registration receipt for the vehicle upon payment of the appropriate fees. (EXCEPTION: A registration receipt is not issued for a manufactured or mobile home.)

e. Disapproval. If the department determines that the application forms have not been properly completed or that the vehicle is not a specially constructed or reconstructed vehicle, the department shall not authorize issuance of a certificate of title or registration receipt and shall notify the applicant in writing of the reason(s) within 30 days.

400.16(4) *Trailer with empty weight of 2000 pounds or less*. If the vehicle to be registered is a specially constructed or reconstructed trailer with an empty weight of 2000 pounds or less, the following shall apply:

a. *Application forms*. The applicant shall complete Forms 411007 and 417050 and submit them to the county treasurer.

b. *Exhibits*. The ownership document for the vehicle shall be submitted with the application forms.

c. *Issuance of registration*. When the application forms have been properly completed and the appropriate fees paid, the county treasurer shall register the vehicle, but shall not issue a certificate of title.

400.16(5) Reserved.

400.16(6) *Miscellaneous provisions*.

a. The model year of a specially constructed or reconstructed vehicle is the year the vehicle is first titled as a specially constructed or reconstructed vehicle.

b. The make, model, and model year of a kit vehicle shall be taken from the manufacturer's certificate of origin for the kit. The model shall be preceded by the word "kit" on the title and registration.

This rule is intended to implement Iowa Code sections 321.20, 321.23, 321.24, 321.52, 321.109 and 321.162.

761—400.17(321) Remanufactured vehicle. If the vehicle to be titled and registered is a remanufactured vehicle, the following shall apply:

400.17(1) *Application forms*.

a. The applicant shall complete the following forms and submit them to the Office of Motor Vehicle Enforcement, Iowa Department of Transportation, Park Fair Mall, 100 Euclid Avenue, P.O. Box 10382, Des Moines, Iowa 50306-0382:

(1) Form 420016, "Application for Remanufactured Vehicle."

(2) Form 411007, "Application for Certificate of Title and/or Registration for a Vehicle."

(3) Form 411041, "Application for Assigned Vehicle Identification Number Plate."

b. Form 420016 includes a certification by the applicant that the vehicle described meets all applicable equipment requirements of the Federal Motor Carrier Safety Regulations, 49 CFR Parts 390, 393, 396, and 399 as adopted in paragraph 761—520.1(1)*"a."* A copy of these regulations may be purchased from the office of motor vehicle enforcement at the address listed in paragraph *"a"* of this subrule.

400.17(2) *Exhibits*. The following exhibits shall be submitted with the application forms:

a. A photocopy of the face of the certificate of title for the original vehicle. The certificate of title for the original vehicle shall be in the applicant's name.

b. Photocopies of the invoices for all component parts used in assembling the remanufactured vehicle. Each invoice shall include a description of the part, the manufacturer's identification number of the part, if any, and the name, address and telephone number of the seller.

c. A photocopy of any other invoice or record of expense incurred by the applicant in remanufacturing the vehicle. A written description of any labor performed shall be required.

d. A photocopy of a document issued by the manufacturer of the cab of the chassis which shows the gross vehicle weight rating. However, this is not required if the rating as certified by the manufacturer is shown on the cab of the chassis.

400.17(3) *Examination and fee.*

a. Upon receipt of the application forms and exhibits, the department shall contact the applicant in person or by telephone and schedule a time and place for an examination of the vehicle and required documents.

b. The applicant, when appearing with the vehicle for the examination, shall submit to the department the certificate of title, the invoices or other records of expenses incurred, and an examination fee of $100. If the department disapproves the vehicle for titling and registration and the reasons for disapproval are corrected by the applicant, the vehicle shall be reexamined at no charge to the applicant.

400.17(4) *Approval.* If the department determines that the motor vehicle is a remanufactured vehicle as defined in Iowa Code section 321.1, that the integral parts and components have been identified as to ownership, that the diesel engine and tires have not been previously put into service and carry manufacturer's warranties, and that the application forms have been properly completed:

a. The department shall affix to the vehicle an assigned identification number plate with a distinguishing number, and the vehicle shall thereafter be identified by that number.

b. The department shall complete, date and sign those parts of the application forms reserved for departmental approval. This approval shall constitute authorization by the department to have the motor vehicle titled and registered under Iowa Code section 321.23.

c. The department shall return the application forms and exhibits, certificate of title, invoices and other records of expenses incurred to the applicant. The applicant shall keep a copy of the invoices and other records of expenses incurred for three years. These documents shall be made available to peace officers upon request.

d. Rescinded, effective 3/6/85.

e. The applicant shall submit the application forms, exhibits, and the certificate of title for the vehicle to the county treasurer within 15 days after the date of approval by the department.

f. The county treasurer shall then issue a certificate of title and registration receipt for the vehicle upon payment of the appropriate fees.

400.17(5) *Disapproval.* If the department determines that the vehicle does not meet the definition of a remanufactured vehicle under Iowa Code section 321.1, that the integral parts or components have not been properly identified as to ownership, that the diesel engine or any tire of the vehicle has been previously put into service or is not under a manufacturer's warranty, or that the application forms have not been properly completed, then the department shall not approve the vehicle for titling and registration.

400.17(6) *Miscellaneous provisions.*

a. The model year of a remanufactured vehicle shall be the year the vehicle is first registered as a remanufactured vehicle.

b. Reserved.

This rule is intended to implement Iowa Code sections 321.1 and 321.23.

761—400.18(321) Rescinded IAB 3/26/97, effective 4/30/97.

761—400.19(321) Temporary use of vehicle without plates or registration card.

400.19(1) *Temporary use of vehicle without plates.* A person who acquires a vehicle which is currently registered or in a dealer's inventory at the time of sale and who does not possess registration plates which may be assigned to and displayed on the vehicle may operate or permit the operation of the vehicle not to exceed 30 days from the date of purchase or transfer without registration plates displayed thereon, if ownership evidence is carried in the vehicle.

400.19(2) *Temporary use of vehicle without registration card*. A person who acquires a vehicle which is currently registered or in a dealer's inventory at the time of sale and who has possession of plates which may be attached to the vehicle acquired may operate or permit the operation of the vehicle not to exceed 45 days from the date of purchase or transfer without a registration card, if ownership evidence is carried in the vehicle.

400.19(3) *Ownership evidence*. Ownership evidence under this rule shall consist of the certificate of title or registration receipt, or a photocopy thereof, properly assigned to the person who has acquired the vehicle, or a bill of sale conveying ownership of the vehicle to the person who has acquired the vehicle. The ownership evidence shall be shown to any peace officer upon request.

This rule is intended to implement Iowa Code sections 321.25, 321.33 and 321.46.

761—400.20(321) Registration of motor vehicle weighing 55,000 pounds or more. When applying for registration or renewal of registration for a motor vehicle weighing 55,000 pounds or more, the owner shall present to the department or to the county treasurer proof of compliance with the federal heavy vehicle use tax required by the Surface Transportation Assistance Act of 1982 and 26 CFR Part 41 as amended in the Federal Register on May 23, 1985.

400.20(1) If the motor vehicle is used exclusively in the transportation of harvested forest products, the owner may present a written statement certifying that usage and the usage will be recorded.

400.20(2) If the motor vehicle is used primarily for farming purposes, the owner may present a written statement certifying that usage and the usage will be recorded.

This rule is intended to implement Iowa Code sections 307.30 and 321.20.

761—400.21(321) Registration of vehicles on a restricted basis. The department may register a vehicle which does not meet the equipment requirements of Iowa Code chapter 321, due to the particular use for which it is designed or intended. Registration may be accomplished upon payment of the appropriate fees and after inspection and certification by the department that the vehicle is not in an unsafe condition.

400.21(1) Operation of the vehicle may be restricted to a roadway to which a specific lawful speed limit applies, as specified in Iowa Code section 321.285, if the maximum speed of the vehicle is such that the operation of the vehicle would impede or block the normal and reasonable movement of traffic.

400.21(2) The department may also restrict the operation of the vehicle to daylight hours if operation of the vehicle during hours other than daylight would create a hazard.

400.21(3) A certificate of restriction shall be issued in conjunction with registration of the vehicle, listing the restrictions that apply to the operation of the vehicle.

a. Registration laws applicable to motor vehicles in general shall also apply to vehicles registered under a restricted registration.

b. The department may waive those equipment requirements of Iowa Code chapter 321 which cannot be met due to the particular use for which the vehicle is designed or intended.

400.21(4) The department shall not register an all-terrain vehicle. The department shall not register a vehicle manufactured only for off-road use except a vehicle operated exclusively by a person with a disability, which may be registered if the department, in its discretion, determines that the vehicle is not in an unsafe condition.

This rule is intended to implement Iowa Code sections 321.1 and 321.234A and subsections 321.23(4), 321.30(2), and 321.101(2).

761—400.22(321) Transfers of ownership by operation of law. When ownership of a vehicle is transferred by operation of law under Iowa Code section 321.47, the following, in addition to rule 400.4(321), shall apply:

400.22(1) The new certificate of title and registration shall be issued, upon receipt of the proper documentation, by the county treasurer of the county where the transferee resides.

400.22(2) If the vehicle is not currently registered in this state, the registration fee and penalties due shall be computed in accordance with the following:

a. If the vehicle is ordered confiscated or forfeited by a court under a judgment or forfeiture, the fee shall be computed on the remaining unexpired months in the registration year from the date of the court order.

b. If the vehicle is sold on a peace officer's bill of sale as an unclaimed, stolen, embezzled or abandoned vehicle, or as a vehicle seized under Iowa Code section 321.84, the fee shall be computed on the remaining unexpired months in the registration year from the date of the sale.

c. If the vehicle is sold or transferred under a judgment or order entered by a court in a civil action or proceeding, or is transferred under any provision of Iowa Code section 321.47 which is not covered in this subrule, the fee shall include any delinquent fees which have accrued during previous registration periods and accrued penalties. Penalties shall continue to accrue until paid.

d. If the vehicle was last titled or registered in a foreign state, the fee shall be based on the month the vehicle becomes subject to registration in this state, except as provided in paragraphs 400.22(2)*"a"* and *"b"* above.

This rule is intended to implement Iowa Code sections 321.47, 321.105, 321.106, 321.134, and 321.135.

761—400.23(321) Junked vehicle.

400.23(1) *Junking certificate.* The owner of a vehicle that is to be junked or dismantled shall obtain a junking certificate in accordance with Iowa Code subsection 321.52(3).

400.23(2) *Retitling a junked vehicle.* The department may authorize issuance of a new certificate of title to the vehicle owner named on the junking certificate only if the department determines that the junking certificate was issued in error.

a. The reasons a junking certificate was issued in error include but are not limited to the following:

(1) The owner inadvertently surrendered the wrong certificate of title. The owner shall submit to the department a photocopy of the ownership document for each vehicle and a signed statement explaining the circumstances that resulted in the error.

(2) A junking certificate was obtained in error and the vehicle continues to be registered. The owner shall submit to the department a photocopy of the current registration and a signed statement explaining the circumstances that resulted in the error.

(3) The owner intended to apply for a salvage title under Iowa Code subsection 321.52(4) but inadvertently submitted an application for a junking certificate. The owner shall submit to the department a bill of sale or other documentation from the previous owner stating that the vehicle was rebuildable when purchased and a signed statement explaining the owner's original intention to obtain a salvage title. The department shall inspect the vehicle to verify the rebuildable condition.

b. If the department determines that the junking certificate was issued in error, the department shall authorize the proper county treasurer to issue a certificate of title for the vehicle after payment by the owner of appropriate fees and taxes, including the return of any credit or refund for registration fees paid to the owner because of the error.

c. If the department determines that the junking certificate was not issued in error and denies the application for reinstatement of the certificate of title for the vehicle, the owner may apply for a certificate of title under the bonding procedure in rule 400.13(321) if the vehicle qualifies as an antique vehicle under Iowa Code subsection 321.115(1).

This rule is intended to implement Iowa Code subsection 321.52(3).

761—400.24(321) New vehicle registration fee. The registration fee shall be computed on the month of purchase of a new vehicle, except that the registration fee on a new vehicle acquired outside of this state shall be based on the month that the vehicle was brought into Iowa.

This rule is intended to implement Iowa Code sections 321.105 and 321.135.

761—400.25(321) Fees established by the department.

400.25(1) If a manufacturer or importer fails to provide a sworn statement of the retail list price and weight for a particular motor vehicle model registered under Iowa Code subsection 321.109(1) and sold or offered for sale in Iowa, the department shall determine a list price and weight. This subrule does not apply to multipurpose vehicles.

400.25(2) Beginning with the 1993 model year, if the manufacturer or importer fails to provide a list price and weight for a multipurpose vehicle, the department shall use the fee specified in Iowa Code paragraph 321.124(3)"*h*" to determine the annual registration fee due.

This rule is intended to implement Iowa Code sections 321.109, 321.124 and 321.159.

761—400.26(321) Anatomical gift. Voluntary contributions collected by the county treasurer or the department to the anatomical gift public awareness and transplantation fund shall be in whole dollar amounts. The county treasurer and the department shall remit contributions collected to the department of public health quarterly.

This rule is intended to implement Iowa Code section 321.44A.

761—400.27(321,322) Vehicles held for resale or trade by dealers. A motor vehicle dealer, as defined in Iowa Code section 321.1, is authorized to hold a motor vehicle for resale or trade under the following conditions.

400.27(1) *Assignment to dealer.* The certificate of title or manufacturer's certificate of origin for the vehicle shall be assigned to the dealer by the seller. The seller shall complete the assignment portion of the form, including the date of sale or trade and the name and address of the dealer, and shall sign the form. The date of the sale or trade shown in the assignment portion of the form shall be the date the dealer acquired the vehicle.

400.27(2) *New certificate of title and registration not required.*

a. A motor vehicle currently registered in Iowa may be held by a dealer without obtaining a new certificate of title or a new registration if the dealer holds for that vehicle a certificate of title or a manufacturer's certificate of origin properly assigned to the dealer.

b. A motor vehicle may also be held by a dealer without obtaining a new certificate of title or a new registration if the dealer has a title from a state that permits its titles to be reassigned by Iowa dealers and if a vacant reassignment space is available on the title.

400.27(3) *New certificate of title required.* A dealer shall obtain a new certificate of title, but is not required to pay registration fees for a vehicle if:

a. The vehicle has been registered in a foreign state or country that does not permit its titles to be reassigned by Iowa dealers.

b. Rescinded IAB 12/26/90, effective 1/30/91.

c. The reassignment area of the certificate of title has been used.

d. Rescinded IAB 12/26/90, effective 1/30/91.

e. The vehicle is not currently registered in Iowa at the time of sale. The delinquent fees and penalty shall be paid by the dealer from the first day the registration was due to the month the application for title is submitted.

f. In accordance with rules 761—Chapter 405, the dealer is required to obtain a salvage certificate of title.

400.27(4) *New certificate of title and registration fee required.* A dealer shall obtain both a new certificate of title and pay a registration fee for a vehicle if:

a. The vehicle has a foreign certificate of title but has never been registered and the dealer is not licensed under Iowa Code chapter 322 to sell that line make of vehicle. The registration fee due shall be prorated for the remaining unexpired months of the dealer's registration year.

b. The vehicle was placed in storage by the previous owner. The registration fee due shall be a full registration year fee.

c. The vehicle has been registered in a foreign state or country that does not permit its titles to be reassigned by Iowa dealers or all reassignment spaces on the title are full and the application for a new certificate of title is submitted more than 15 days after the date the vehicle entered Iowa. The registration fee due shall be prorated for the remaining unexpired months of the dealer's registration year.

400.27(5) *Registration fee required.* A vehicle owned by a dealer and used as a work or service vehicle, or offered for lease, rent or hire, shall become subject to a registration fee in the month that the vehicle is first used for that purpose. The registration fee shall be due annually unless the vehicle is transferred to the dealer's inventory. To transfer the vehicle, the dealer shall surrender the registration plates that were issued for the vehicle and assign the certificate of title to the dealership name, as provided in subrule 400.27(1).

400.27(6) *Violations.*

a. Failure to comply with this rule is a violation of Iowa Code subsection 321.104(2).

b. Failure to obtain a certificate of title when required shall result in a title penalty of $10, as specified in Iowa Code subsection 321.49(1).

This rule is intended to implement Iowa Code sections 321.45, 321.46, 321.48, 321.49, 321.67, 321.70, 321.104 and chapter 322.

761—400.28(321) Special trucks. The owner of a truck tractor registered as a special truck shall certify to the owner's county treasurer annually at the time of renewal that the truck tractor is not operated more than 15,000 miles annually.

This rule is intended to implement Iowa Code subsection 321.1(76) and section 321.121.

761—400.29(321) Vehicles previously registered under Iowa Code chapter 326. The registration fee for a vehicle whose registration under Iowa Code chapter 326 has ended shall be based on the month that the vehicle was last registered under that chapter.

This rule is intended to implement Iowa Code sections 321.70 and 321.106.

761—400.30(321) Registration of vehicles registered in another state or country.

400.30(1) The registration fee for a vehicle from another state or country shall be due in the month that the vehicle becomes subject to registration in Iowa.

400.30(2) A vehicle registered in another state or country shall become subject to registration in Iowa and payment of the Iowa registration fee in:

a. The month of sale or transfer to an Iowa resident, or

b. The month that a nonresident owner establishes Iowa residency or accepts employment in Iowa of 90 days duration or longer. The county treasurer or the department may require from the applicant a written statement giving the date that the applicant established residency in Iowa.

400.30(3) Rescinded IAB 2/6/02, effective 3/13/02.

This rule is intended to implement Iowa Code sections 321.20, 321.53 to 321.55, 321.101 and 321.135.

761—400.31 Rescinded, effective 12/1/83.

761—400.32(321) Vehicles owned by nonresident members of the armed services.

400.32(1) A vehicle owner who is a nonresident and a member of the armed services shall not be required to register the vehicle in Iowa if it is properly registered in the person's state of residence.

400.32(2) A vehicle owner who is a nonresident and a member of the armed services may register the vehicle in Iowa under the following conditions:

a. The vehicle is owned entirely by nonresidents.

b. The fee for a passenger-type vehicle registered under Iowa Code section 321.109 shall be based only on the weight of the vehicle; the part of the fee based on value shall be excluded. The fees for all other vehicles shall be determined as specified in Iowa Code chapter 321.

c. The application for vehicle registration shall include a certification by the person's commanding officer of the person's state of residence and assignment to Iowa.

400.32(3) If ownership of a passenger-type vehicle is transferred to another person, the vehicle shall be subject to registration in Iowa.

This rule is intended to implement Iowa Code sections 321.53 to 321.55 and 321.109.

761—400.33(321) Disabled veterans exemption from payment of registration fees. Seriously disabled veterans shall be exempt from payment of motor vehicle registration fees upon compliance with the following subrules and Iowa Code section 321.105:

400.33(1) The exemption from payment of the registration fee shall be limited to one motor vehicle owned in whole or in part by the disabled veteran entitled to the exemption.

400.33(2) The disabled veteran shall submit a certification from the Veterans Administration that the motor vehicle has been provided by the United States government. The certification shall be submitted to the county treasurer in the veteran's county of residence when the motor vehicle is first registered. Another certification may be required for the first registration of a newly acquired vehicle or when the veteran moves to another county.

400.33(3) The motor vehicle to which the exemption is applied shall become subject to the payment of the registration fee on the first day of the month following the death of the disabled veteran. The registration fee shall be prorated for the remaining unexpired months of the registration year.

This rule is intended to implement Iowa Code sections 321.47, 321.105 and 321.106.

761—400.34(321) Multipurpose vehicle registration fee. The registration fee for multipurpose vehicles including van-type vehicles shall be applicable subject to the following provisions:

400.34(1) If the owner of a vehicle which appears to be a multipurpose vehicle according to the information listed on the ownership document certifies in writing to the county treasurer of the owner's residence that the vehicle is not equipped with rear seats and is in fact a motor truck, the county treasurer shall register the vehicle as a motor truck.

400.34(2) A vehicle that appears to be a multipurpose vehicle according to the information on the ownership document but is certified to and registered as a motor truck shall not be operated or moved upon the highway when it is equipped with a rear seat.

400.34(3) The owner of a multipurpose vehicle that is registered as such may operate or move the vehicle with or without the vehicle being equipped with rear seats.

400.34(4) A van-type multipurpose vehicle shall not include a van equipped to transport more than ten persons nor a van equipped with one bench seat or two individual seats with all floor space behind the seat or seats reserved exclusively for the transportation of property, except as provided in subrule 400.34(3).

This rule is intended to implement Iowa Code sections 321.1 and 321.124.

761—400.35(321) Registration of vehicles equipped for persons with disabilities. The registration fee shall be reduced for a multipurpose vehicle with permanent equipment for assisting a person with a disability or for a multipurpose vehicle used by a person who uses a wheelchair as the person's only means of mobility. To qualify for the reduction, the owner of the vehicle must certify at first registration and each renewal on forms provided by the department:

400.35(1) That the multipurpose vehicle has permanently installed equipment manufactured for and necessary to assist a person with a disability, as defined in Iowa Code section 321L.1, to enter or exit the vehicle, or

400.35(2) That the owner or a member of the owner's household uses a wheelchair as the person's only means of mobility.

This rule is intended to implement Iowa Code sections 321.109, 321.124 and 321L.1.

761—400.36(321) Land and water-type travel trailers registration fee. The registration fee for trailer-type vehicles designed to be used as a travel trailer and for use upon water shall be registered as a travel trailer. The exterior measurements used to determine the registration fee shall not include any pen deck area or area occupied by a trailer hitch.

This rule is intended to implement Iowa Code sections 321.1 and 321.123.

761—400.37(321) Motorcycle primarily designed or converted to transport property. A motorcycle primarily designed or converted to transport less than 1000 pounds of property shall be registered as a motorcycle. A motorcycle primarily designed or converted to transport 1000 pounds of property or more shall be registered as a motor truck.

This rule is intended to implement Iowa Code sections 321.1 and 321.117.

761—400.38(321) Rescinded IAB 3/26/97, effective 4/30/97.

761—400.39(321) Automobile converted to truck. An automobile converted to a truck with a carrying capacity of 1000 pounds or more shall be registered as a reconstructed motor vehicle.

This rule is intended to implement Iowa Code sections 321.23 and 321.111.

761—400.40(321) Manufactured or mobile home converted to or from real property.

400.40(1) *Conversion to real property.* When a manufactured or mobile home is converted to real property under Iowa Code section 435.26, the assessor shall collect its vehicle certificate of title. The assessor shall note the conversion on the face of the certificate of title above the assessor's signature, date the notation and deliver the title to the county treasurer. The county treasurer shall note the conversion on the vehicle record in the county treasurer's office, cancel the record, keep the certificate of title and notify the department of the cancellation. The department shall cancel its record for that manufactured or mobile home.

400.40(2) *Reconversion from real property.*

a. When a manufactured or mobile home is reconverted from real property by adding a vehicular frame, the owner may apply to the county treasurer for a certificate of title.

b. The owner shall submit a record of existing liens obtained from a local abstracter. The record shall identify the owner of the property, list all liens and encumbrances against the property, and shall be signed by the abstracter.

c. The owner shall also submit written consent to the reconversion from any person holding a mortgage on the real property (mortgagee). An existing mortgage shall be noted as a security interest on the certificate of title.

d. The county treasurer shall submit written notice of the reconversion to the county assessor's office.

This rule is intended to implement Iowa Code sections 321.1, 435.1, 435.26 and 435.27.

761—400.41(321) Special registration plates. Rescinded IAB 3/1/95, effective 4/5/95.

761—400.42(321) Church bus registration fee. The church bus registration fee shall not apply if the bus is used in a manner other than provided by law or if ownership of the bus is transferred to a person who is not entitled to register the vehicle as a church bus.

400.42(1) When the church bus registration fee does not apply, the bus shall be registered under the provisions of Iowa Code section 321.122.

400.42(2) When Iowa Code section 321.122 applies and the bus is currently registered as a church bus, the registration fee shall be prorated for the remaining unexpired months of the registration year.

This rule is intended to implement Iowa Code sections 321.119 and 321.122.

761—400.43(321) Storage of vehicles. The owner of a vehicle upon which the registration fee is not delinquent may surrender all registration plates for the vehicle to the county treasurer where the vehicle is registered and shall have the right to register the vehicle later upon payment of the annual registration fee. The registration plates which have been surrendered shall be retained and reissued to the owner if the vehicle is registered again within 30 days from the date of surrender of the plates. If the vehicle is not registered within the 30-day period, the plates shall be destroyed and new plates assigned to the owner when the vehicle is registered, without payment of a replacement plate fee. The owner of a motor vehicle which is placed in storage when the owner enters the military service of the United States shall comply with Iowa Code subsection 321.126(3) and this rule shall not apply.

This rule is intended to implement Iowa Code sections 321.126 and 321.134.

761—400.44(321) Penalty on registration fees.

400.44(1) *Monthly basis*. The penalty on the delinquent payment of a registration fee shall be computed on a monthly basis, rounded to the nearest whole dollar.

400.44(2) *Vehicle purchased*. The penalty on the registration fee shall accrue from the first day of the month following the date of purchase, unless the application for a certificate of title is submitted within 30 days after the date of purchase.

400.44(3) *Vehicle moved into Iowa*. The penalty on the registration fee shall accrue on the first day of the month following 30 days from the date a vehicle is moved into Iowa.

400.44(4) *When delinquency extends beyond the current year.* When the penalty on a delinquent registration fee extends beyond the current year, the penalty shall continue to accrue until paid. Penalty shall only accrue on the fee applicable at the time the delinquency accrued and shall not be applicable to subsequent registration fees which have not been paid.

400.44(5) *Specific penalty date*. When a specific penalty date is provided by law, the penalty shall accrue from that date, even if the day is a Saturday, Sunday or holiday.

400.44(6) *Statement of nonuse*. If the owner of a vehicle, on which the registration fees have not been paid for more than three complete registration years, certifies to the county treasurer of the owner's residence that the vehicle has not been moved or operated upon the highway since the year it was last registered, the county treasurer may register the vehicle upon payment of the current year's registration fee.

This rule is intended to implement Iowa Code sections 321.46, 321.47, 321.49, 321.134 and 321.135.

761—400.45(321) Suspension, revocation or denial of registration.

400.45(1) The department shall suspend or revoke registration and plates under Iowa Code section 321.101 when a written request is received from a peace officer or the county treasurer's office that issued the registration and plates.

a. A request from a peace officer shall be submitted on Form 411012, "Request for Cancellation of Title or Revocation or Suspension of Registration and Plates," signed by the officer's supervisor.

b. A request from a county treasurer's office shall be signed by the county treasurer.

400.45(2) When the registration of a vehicle has been revoked as provided in Iowa Code sections 321.101 and 321.101A, the registration fee and penalty shall accrue as if the plates had never been issued, unless waiver of registration fees and penalties is specifically provided for in Iowa Code chapter 321.

400.45(3) In accordance with Iowa Code sections 252J.8 and 261.126, the department shall suspend or deny the issuance or renewal of registration and plates upon receipt of a certificate of noncompliance from the child support recovery unit or the college student aid commission.

a. The suspension or denial shall become effective 30 days after notice to the vehicle owner and continue until the department receives a withdrawal of the certificate of noncompliance from the child support recovery unit or the college student aid commission.

b. If a person who is the named individual on a certificate of noncompliance subsequently purchases a vehicle, the vehicle shall be titled and registered, but the registration shall be immediately suspended.

This rule is intended to implement Iowa Code sections 252J.1, 252J.8, 252J.9, 261.126, 321.127, 321.101 and 321.101A.

761—400.46(321) Termination of suspension of registration. Upon termination of the suspension of registration of a vehicle, the county treasurer shall issue new plates for the vehicle. If the new plates replace a current series of plates, there shall be a replacement fee as provided in Iowa Code section 321.42. If the vehicle is not currently registered at the time the suspension is lifted, the registration fee and penalties due shall be determined as follows:

400.46(1) If the registration fee was delinquent at the time that the suspension became effective, the penalty shall continue to accrue on the registration fee until the suspension became lifted and the registration fee is paid. In addition, if the suspension was for failure to pay an additional registration fee, the additional registration fee shall be paid before the suspension is lifted.

400.46(2) If the registration fee was not delinquent when the suspension became effective and the suspension is lifted after the beginning of another registration year, the annual registration fee for that year shall be due in the month the suspension is lifted. The penalty shall accrue on the registration fee the first day of the month following the month that the suspension was lifted. The annual registration fee on a recovered stolen vehicle for which the registration has been suspended shall be prorated for the remaining unexpired months of the registration year.

400.46(3) If the registration fee was not delinquent at the time that the suspension became effective and the suspension is lifted during the same registration period, no additional registration fees shall be due unless the suspension was for failure to pay an additional registration fee, in which event the additional registration fee shall be paid before the suspension is lifted.

This rule is intended to implement Iowa Code sections 321.42, 321.105 and 321.134.

761—400.47(321) Raw farm products. A vehicle may be operated with a gross weight of 25 percent in excess of the gross weight for which it is registered when transporting a load of raw farm products or soil fertilizers under Iowa Code section 321.466. In addition, the following products shall be considered raw farm products. This list shall not be deemed conclusive and shall not exclude other commodities which might be considered raw farm products:

Animals which are dead	Hides
Berries, fresh	Honey, comb or extracted
Blood	Melons
Corn, ear corn including hybrids	Milk, raw
Corn, shelled	Nursery stock
Corn, cobs	Potatoes
Cream, separated	Peat
Eggs, fresh or frozen in shell	Poultry, live
Flax	Saw logs
Flaxseed	Sod
Fodder	Soybeans
Fruit, fresh	Straw, baled or loose
Grain, threshed or unthreshed	Vegetables, fresh
Hair	Wood, cord or stove wood
Hay, baled or loose	Wool

This rule is intended to implement Iowa Code section 321.466, subsections (6) and (7).

761—400.48(321) Special mobile equipment. Rescinded IAB 3/7/90, effective 4/11/90.

761—400.49(321) Special mobile equipment transported on a registered vehicle. Rescinded IAB 3/7/90, effective 4/11/90.

761—400.50(321,326) Refund of registration fees.

400.50(1) *Vehicles registered by county treasurer.*

a. The department shall refund fees for vehicles registered by the county treasurer pursuant to Iowa Code section 321.126.

b. The owner of the motor vehicle shall claim the refund by submitting Form 411047 and the registration receipt to the treasurer's office in the county where the vehicle is registered. The form may be obtained from the county treasurer or from the office of vehicle services at the address in subrule 400.6(1). If the registration receipt was submitted to claim a credit, the county treasurer will provide a complete copy of the registration receipt to be used for claiming the refund.

c. The owner shall also submit the registration plates with the claim if the vehicle is placed in storage or registered for proportional registration, or if the plates have not been assigned to a replacement vehicle.

d. If one or both plates have been lost or stolen, the owner shall pay the required fee for duplicate plates in lieu of surrendering the registration plates.

e. If the sold or junked vehicle was a trailer not subject to titling, the owner may obtain a free duplicate registration receipt from the county treasurer for the purpose of claiming a refund.

f. The date on the junking certificate or the date entered on the registration receipt shall determine the date the vehicle was sold or junked.

g. If the claim for refund is for excess credit or no replacement vehicle:

(1) The county treasurer shall enter into the state motor vehicle computer system the information required to process the refund. The information shall be entered within three days of receipt of the claim for refund.

(2) The county treasurer shall write the computer-assigned claim number on the refund form and forward, daily, to the office of vehicle services processed claims for refund and registration receipts in claim number order.

(3) The claim for refund shall be approved or denied by the office of vehicle services.

h. All other claims for refund shall be forwarded to the office of vehicle services for processing.

400.50(2) *Vehicles registered by department.* Forms and instructions for claiming a refund on apportioned registration fees under Iowa Code section 326.15 may be obtained from the office of motor carrier services at the address in subrule 400.6(2). The claim for refund shall be filed at the same address.

400.50(3) *Disapproved claim.* If the department does not approve payment of the refund because it appears that the claimant has not complied with this rule or Iowa Code section 321.126, the claimant may file a claim with the state appeal board. If the claim is not approved by the board, the claim will be reviewed by the general assembly.

This rule is intended to implement Iowa Code sections 321.126 to 321.128 and 326.15.

761—400.51(321) Assigned identification numbers. The department is authorized to assign a distinguishing number to a vehicle or component part and to issue to the owner of the vehicle or component part a special plate bearing the distinguishing number. The vehicle shall be registered and titled under the distinguishing number. The distinguishing number assigned to a component part shall be used only for identification purposes of the component part. The issuance of a distinguishing number shall be in accordance with the following:

400.51(1) *Assignment of a distinguishing number.* The department shall assign a distinguishing number to a vehicle or component part whenever:

a. The original vehicle identification number or component part identification number has been destroyed, removed or obliterated.

b. The vehicle has had a cab, body, or frame change and the replacement cab, body, or frame is within the manufacturer's interchangeability parts specifications catalog and is compatible with the make, model, and year of the vehicle. If the replacement cab, body, or frame change is not within the manufacturer's interchangeability parts specifications catalog or is not compatible with the make, year, and model of the vehicle, the vehicle shall be considered reconstructed and subject to rule 400.16(321).

c. The vehicle is a reconstructed, specially constructed, or kit vehicle.

400.51(2) *Application for assignment of a distinguishing number.* Whenever an assigned vehicle identification number is required under subrule 400.51(1), the owner of the vehicle or component part, or the person holding lawful custody, shall apply to the county treasurer on Form 411041, "Application for an Assigned Vehicle Identification Number Plate."

a. *Motor vehicle—not specially constructed, reconstructed, or kit vehicle.* If the application refers to a motor vehicle which is not a specially constructed, reconstructed, or kit vehicle, or to a component part, the county treasurer shall forward the application to a motor vehicle investigator assigned to that county. The investigator shall contact the applicant and schedule a time and place for an examination of the vehicle and ownership documents.

(1) If the vehicle has had a cab, body, or frame change, the applicant shall have for evidence of ownership for the replacement cab, body, or frame, a bill of sale with a description of the part, complete with the manufacturer's identification number, if any, and the name, address, and telephone number of the seller. The bill of sale, the vehicle, and the cab, body, or frame that has been replaced shall be made available for examination at the time and place scheduled.

(2) The investigator upon approval of the application shall affix to the vehicle the assigned identification number plate and return the application to the owner, who shall submit the application form, the certificate of title, and the registration card issued for the vehicle to the county treasurer of the owner's residence or to the department if the owner is a nonresident. If the certificate of title is in the possession of a secured party, the county treasurer or the department shall notify the secured party to return the certificate of title to the county treasurer or the department for the purpose of issuing a corrected title. Upon receipt of the notification, the secured party shall submit the certificate of title within ten days. The county treasurer or the department, upon receipt of the certificate of title, the registration card and the application form, shall issue a corrected title and registration card listing as the vehicle identification number the assigned identification number attached to the vehicle by the investigator and certified on the application.

(3) If the assigned identification number is for a component part, the investigator shall affix to the component part the assigned identification number plate and return the application to the owner which shall be retained by the owner as a record of issuance and attachment. The application, certified by a motor vehicle investigator, shall be made available on demand by any peace officer for examination.

b. Trailer-type vehicle not specially constructed or reconstructed. If the application for an assigned identification number refers to a trailer-type vehicle and is not specially constructed or reconstructed, the county treasurer shall forward the application to the department. The department upon receipt of the application shall issue an assigned identification number plate. The department shall deliver the assigned identification number plate, the application form and an information sheet to the owner who shall cause the assigned identification number plate to be attached to the vehicle in a manner prescribed on the information sheet. In the appropriate space provided on the application form, the owner shall certify that the plate has been attached to the vehicle. The applicant shall submit the certificate of title, registration card and the application form to the county treasurer of the owner's residence or to the department if the owner is a nonresident. If the certificate of title is in possession of a secured party, the county treasurer or the department shall notify the secured party to return the certificate of title to the county treasurer or the department for the purpose of issuing a corrected certificate of title. Upon receipt of the notice, the secured party shall return the certificate of title within ten days. Upon receipt of the certificate of title, registration card and application, the county treasurer or the department shall issue a corrected certificate of title and registration listing thereon the assigned identification number in the same manner as listed on the application form by the department.

c. Specially constructed, reconstructed, or kit vehicle. If the application for an assigned identification number refers to a specially constructed, reconstructed, or kit vehicle, the procedure in rule 400.16(321) shall be followed.

400.51(3) *Fees*. A certificate of title fee and a fee for a notation of a security interest, if applicable, shall be collected by the county treasurer or the department upon issuance of a corrected certificate of title.

400.51(4) *Availability of application form*. Form 411041, "Application for Assigned Vehicle Identification Number Plate" may be obtained from the office of any county treasurer or from the office of vehicle registration at the address in subrule 400.6(1).

This rule is intended to implement Iowa Code sections 321.43 and 321.92.

761—400.52(321) Odometer statement.

400.52(1) Pursuant to Iowa Code section 321.71 and the Truth in Mileage Act of 1986 (15 U.S.C. 1988), an odometer disclosure statement shall be submitted with an application for certificate of title for a motor vehicle. The statement shall provide a current odometer reading and reflect whether the mileage is "actual," "not actual" or "exceeds mechanical limits."

400.52(2) If the transferor failed to provide an odometer disclosure statement or if the transferee lost the statement, and the transferee has attempted in good faith to contact the transferor to obtain a statement, the transferee may file a sworn statement of these facts on Form 411099 which is available from a county treasurer or the department. The sworn statement shall be accepted by the county treasurer or the department in lieu of the required odometer disclosure statement. The subsequent title issued from Form 411099 will record "not actual" mileage.

400.52(3) A model year formula for odometer statements shall be the current year minus ten. The resulting number represents the first model year for which a motor vehicle is exempt from the odometer statement requirements incident to a transfer.

This rule is intended to implement Iowa Code section 321.71.

761—400.53(321) Stickers.

400.53(1) *Placement of validation sticker.* The validation sticker shall be affixed to the lower left corner of the rear registration plate. EXCEPTION: For motorcycle and small trailer plates, the validation sticker shall be affixed to the upper left corner of the plate.

400.53(2) *Special fuel user identification sticker.* If the vehicle uses a special fuel as defined in subrule 400.1(15) of this chapter, a special fuel user identification sticker shall be issued. This sticker shall be displayed on the cover of the fuel inlet of the motor vehicle or on the outside panel of the motor vehicle within 3 inches of the fuel inlet so as to be in view when fuel is delivered into the motor vehicle.

400.53(3) *Persons with disabilities parking sticker.* A persons with disabilities special registration plate parking sticker shall be affixed to the lower right corner of the rear registration plate.

This rule is intended to implement Iowa Code sections 321.34, 321.40, 321.41, and 321.166.

761—400.54(321) Registration card issued for trailer-type vehicles. The registration card issued for trailer-type vehicles shall be carried in the vehicle which is described on the card or the registration card may be carried in the driver's compartment of the towing vehicle. If the registration card is carried in the vehicle which is described on such card, the registration card shall be enclosed in a registration card holder and the holder shall be attached to the vehicle so that the registration card may be viewed by any peace officer upon request.

This rule is intended to implement Iowa Code section 321.32.

761—400.55(321) Damage disclosure statement.

400.55(1) Pursuant to Iowa Code section 321.69, a damage disclosure statement shall be submitted with an application for certificate of title for a motor vehicle. The damage disclosure statement in the assignment/reassignment area on the back of the title shall be used. However, if this is not available or if a separate disclosure document is required, the damage disclosure statement shall be made on a separate form approved by the department for this purpose.

400.55(2) If the transferor failed to provide a damage disclosure statement or if the transferee lost the statement, and the transferee has attempted in good faith to contact the transferor to obtain a statement, the transferee may file a sworn statement of these facts. The transferee shall also complete section 1, question 2, of a separate disclosure document, Form No. 411108, and sign on the buyer's line. The sworn statement and disclosure document completed by the transferee shall be accepted by the county treasurer or the department in lieu of the damage disclosure statement required from the transferor.

400.55(3) Any damage disclosed by a damage disclosure statement shall be rounded to the nearest whole dollar when recorded on the face of the title.

400.55(4) The county treasurer shall retain the damage disclosure statement for the life of the title.

400.55(5) A model year formula for damage disclosure statements shall be the current year minus ten. The resulting number represents the first model year for which a motor vehicle is exempt from the damage disclosure statement requirements incident to a transfer.

This rule is intended to implement Iowa Code section 321.69.

761—400.56(321) Hearings. A person whose certificate of title, vehicle registration, license, or permit has been revoked, suspended, canceled, or denied may contest the decision under Iowa Code chapter 17A and rules 761—Chapter 13, Iowa Administrative Code. The request shall be submitted in writing to the director of the office of vehicle services at the address in subrule 400.6(1).

This rule is intended to implement Iowa Code sections 17A.10 to 17A.19, 321.101 and 321.102.

761—400.57(321) Non-resident-owned vehicles. Rescinded IAB 2/6/02, effective 3/13/02.

761—400.58(321) Motorized bicycles. The following rules shall apply to motorized bicycles.

400.58(1) *Maximum speed.* If the department has reasonable cause to believe that a particular vehicle or model is capable of speeds exceeding 25 miles per hour, the department may conduct independent tests to determine the maximum speed of the vehicle or model. If the department determines that the maximum speed of the particular vehicle or model exceeds 25 miles per hour, the vehicle or model shall not be registered as a motorized bicycle.

400.58(2) *Identification of a vehicle as a motorized bicycle*. Registration plates issued for motorcycles shall also be issued for motorized bicycles.

This rule is intended to implement Iowa Code section 321.1.

761—400.59(321) Registration documents lost or damaged in transit through the United States postal service. To obtain without cost the reissuance of registration documents that were sent by the county treasurer to the owner through the United States postal service and which were lost or damaged in transit, the owner of the vehicle shall file application for reissuance within 60 days of the date the documents were issued by the county treasurer.

This rule is intended to implement Iowa Code section 321.42.

761—400.60(321) Credit of registration fees.

400.60(1) *Credit for unexpired registration fee.* The applicant may claim credit, as specified in Iowa Code subsection 321.46(3), toward the registration fee for one newly acquired replacement vehicle.

a. On the reverse side of the application form, the applicant shall indicate if any credit is due; if no credit is due, the applicant shall write "none."

b. The credit may be claimed only when the owner of the newly acquired vehicle is applying for a certificate of title and registration (or just registration if the vehicle is not subject to titling provisions) for the newly acquired vehicle.

c. The registration receipt for the formerly owned or junked vehicle shall be submitted with the application form. If applicable, the applicant shall fill in the blanks on the registration receipt to show the transfer of ownership. If the registration receipt has been lost and if the applicant has traded the formerly owned vehicle to a dealer and purchased a replacement vehicle from that dealer, the dealer may obtain a replacement registration receipt from the dealer's county treasurer. If a titled vehicle has been junked by the vehicle's owner, the junking certificate issued under Iowa Code section 321.52 shall also be submitted.

(1) The date entered on the registration receipt or on the junking certificate shall determine the date the vehicle was transferred or junked.

(2) If the sold or junked vehicle was a trailer not subject to titling, the owner may obtain a free duplicate registration receipt from the county treasurer for the purpose of claiming credit.

d. Excess credit shall not be applied toward the registration fee for a second vehicle.

e. Credit shall be allowed for one or two vehicles which have been sold, traded or junked toward one replacement vehicle. Credit shall be based on the remaining unexpired months of the registration year(s) of the vehicle(s) sold, traded or junked.

400.60(2) *Credit for transfer to spouse, parent or child.* Credit shall be allowed toward a new registration for a vehicle being transferred to the applicant from the applicant's spouse, parent or child, or from a former spouse pursuant to a dissolution of marriage decree, if application for the certificate of title and registration (or just registration if the vehicle is not subject to titling provisions) is made within 30 days after the date of transfer. The registration receipt, showing assignment to the applicant, shall be submitted with the application. If the owner is deceased, credit may be transferred under rule 400.14(321) of this chapter.

400.60(3) *Credit from/to proportional registration.*

a. Pursuant to Iowa Code section 321.46A, an owner may claim credit toward the registration fees due when changing a vehicle's registration from proportional registration under Iowa Code chapter 326 to registration under Iowa Code chapter 321. The owner shall surrender proof of proportional registration to the county treasurer. Credit shall be allowed for the unexpired complete calendar months remaining in the registration year from the date the application is filed with the county treasurer.

b. Pursuant to Iowa Code sections 321.126 and 321.127, the owner or lessee of a motor vehicle may claim credit for the proportional registration fees due when changing the vehicle's registration from registration by the county treasurer to proportional registration. Application for proportional registration shall be submitted to the department's office of motor carrier services; see 761—Chapter 500.

400.60(4) *Assignment of credit and registration plates from lessor to lessee.* When a lessee purchases the leased vehicle and within 15 days requests the assignment of the vehicle's fee credit and registration plates, the lessor shall assign the registration fee credit and registration plates for the purchased vehicle to the lessee. The lessor shall fill in the blanks on the registration receipt and shall enter the date that the lessee requested the assignment of the registration fee credit and registration plates.

This rule is intended to implement Iowa Code sections 321.46, 321.46A, 321.48, 321.126 and 321.127.

761—400.61(321) Reassignment of registration plates.

400.61(1) Registration plates may be reassigned if one of the owners listed on the registration receipt before the transfer is also a listed owner following the transfer.

400.61(2) Registration plates may be reassigned when credit is allowed toward a new registration for a vehicle being transferred to the owner's spouse, parent, or child, or to a former spouse pursuant to a dissolution of marriage decree. The owner's copy of the registration receipt, showing assignment to the transferee, shall be submitted. If the owner is deceased, plates may be transferred under rule 400.14(321).

400.61(3) Registration plates shall not be reassigned between a natural person or persons and a corporation, association, copartnership, company, or firm.

400.61(4) Registration plates may be reassigned and credit allowed if two or more corporations, associations, partnerships, or firms merge into one corporation, association, partnership or firm. The owner's copy of the registration receipt showing assignment to the new entity shall be submitted.

400.61(5) Registration plates may be assigned and credit allowed if an owner listed on the certificate of title and registration transfers ownership of the vehicle to a trust created by that owner. The owner's copy of the registration receipt showing assignment to the trust shall be submitted.

This rule is intended to implement Iowa Code sections 321.34 and 321.46.

761—400.62(321) Storage of registration plates, certificate of title forms and registration forms. Registration plates, certificate of title forms and registration forms which are consigned to county treasurers by the department shall be stored in a secure location. The location may be within the office of the county treasurer which is accessible only to authorized persons or in a storage area located outside the general office area assigned to the county treasurer. Any storage area located outside the general office area assigned to the county treasurer shall be of the construction that it is accessible only to authorized persons, as designated by the county treasurer or department.

This rule is intended to implement Iowa Code sections 321.5, 321.8, and 321.167.

761—400.63(321) Issuance and disposal of registration plates.

400.63(1) *Issuance in sequence.* The county treasurer shall issue registration plates in alphabetical or numerical sequence, as consigned to the county treasurer by the department.

400.63(2) *Disposal.* The county treasurer shall either destroy plates that have been surrendered to the county treasurer or return the surrendered plates to Iowa state industries for recycling.

This rule is intended to implement Iowa Code sections 321.5, 321.169 and 321.171.

761—400.64(321) County treasurer's report of motor vehicle collections and funds. The county treasurer shall file the report provided for in Iowa Code section 321.153 in duplicate on the form entitled "County Treasurer's Report of Motor Vehicle Collections and Funds." The report shall be filed in the following manner:

400.64(1) Part One of the report shall be received by the department on or before the tenth day of the month following the month for which the fees were collected. If the tenth day falls on a Saturday, Sunday or legal holiday, the report shall be received the next working day. The amount of total collections less the amount the county treasurer is entitled to retain shall be electronically transmitted to the department on or before the due date of the report.

400.64(2) Upon determining that the report is in proper order, the department shall send a receipt to the county treasurer's office for the amount remitted to the department.

400.64(3) Part Two of the report shall be retained by the county treasurer.

This rule is intended to implement Iowa Code section 321.153.

761—400.65 to **400.69** Reserved.

761—400.70(321) Removal of registration and plates by peace officer under financial liability coverage law. This rule applies to instances when a peace officer issues a citation and removes the registration receipt and registration plates of a motor vehicle registered in this state when the driver of the motor vehicle is unable to provide proof of financial liability coverage. This rule applies regardless of whether the vehicle was also impounded.

400.70(1) The peace officer shall forward the registration receipt and evidence of the violation to the county treasurer of the county in which the motor vehicle is registered. Evidence of the violation is one of the following:

a. A copy of the citation. The citation must either reference Iowa Code subparagraph 321.20B(4)"*a*"(3) or 321.20B(4)"*a*"(4), as applicable, or reference Iowa Code section 321.20B and indicate whether or not the vehicle was impounded.

b. A written statement from the peace officer listing the plate number of the registration plate removed from the vehicle and the vehicle owner's name. The statement must either reference Iowa Code subparagraph 321.20B(4)"*a*"(3) or 321.20B(4)"*a*"(4), as applicable, or reference Iowa Code section 321.20B and indicate whether or not the vehicle was impounded. The statement must be signed by the peace officer or an employee of the law enforcement agency.

400.70(2) The peace officer may either destroy removed plates or deliver the removed plates to the county treasurer for destruction.

This rule is intended to implement Iowa Code section 321.20B.

761—400.71(321) Lemon law designation.

400.71(1) A certificate of title issued to a manufacturer of a motor vehicle pursuant to Iowa Code section 322G.12 shall contain the designation of "lemonbuyback."

400.71(2) When a motor vehicle has been titled in accord with subrule 400.71(1), the "lemonbuyback" designation shall be carried forward to all subsequent Iowa titles and registration receipts issued for the motor vehicle. Exception: see subrule 400.71(4).

400.71(3) If the prior certificate of title for a motor vehicle is a foreign title indicating that the vehicle was returned to the manufacturer pursuant to Iowa Code chapter 322G or a law of another state similar to chapter 322G, the new Iowa title and registration receipt issued for the vehicle and all subsequent Iowa titles and registration receipts issued shall contain the designation of "lemonbuyback." Exception: see subrule 400.71(4).

400.71(4) Notwithstanding subrules 400.71(2) and 400.71(3), when a designation of "prior salvage," "rebuilt," "flood," "fire," "vandalism" or "theft" is required pursuant to 761—Chapter 405, that designation supersedes a "lemonbuyback" designation.

This rule is intended to implement Iowa Code sections 321.24, 321.52 and 322G.12.

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