

VEHICLES

CHAPTER 400

VEHICLE REGISTRATION AND CERTIFICATE OF TITLE

[Prior to 6/3/87, Transportation Department[820]—(07,D)Ch 11]

761—400.1(321) Definitions. The definitions in Iowa Code section 321.1 are hereby made part of this chapter. In addition, the following words and phrases, when used in Iowa Code chapter 321 or this chapter, shall have the meanings respectively ascribed to them, except when the context otherwise requires.

400.1(1) “*Certificate of title*” means a document issued by the appropriate official which contains a statement of the owner’s title, the name and address of the owner, a description of the vehicle, a statement of all security interests and additional information required under the laws or rules of the jurisdiction in which the document was issued, and which is recognized as a matter of law as a document evidencing ownership of the vehicle described. The terms “title certificate,” “title only,” and “title” shall be synonymous with the term “Certificate of title.”

400.1(2) “*Dealer’s or manufacturer’s stock or inventory*” means a vehicle owned by a dealer which is being held for sale or trade and for which the dealer has a duly assigned ownership document as required by Iowa Code section 321.45.

400.1(3) “*Farm trailer*” means a trailer used exclusively by a farmer in the conduct of the farmer’s agricultural operation. The term shall not include a “semitrailer.”

400.1(4) “*Half-year fee*” means the first semiannual installment of an annual registration fee. The term “half-year registration” shall be synonymous with the term “half-year fee.”

400.1(5) “*Hearse*” means a motor vehicle used exclusively to transport a deceased person.

400.1(6) “*Housecar*” means a motor truck, other than a van-type vehicle, that has been converted to provide a temporary or recreational dwelling which is not permanently equipped with enough systems to meet the definition of a motor home.

400.1(7) “*Kit vehicle*” means a motor vehicle which has been assembled by a person other than a manufacturer of vehicles.

a. To be termed a “kit vehicle,” the assembled motor vehicle shall consist of a minimum of the following new parts:

(1) Truck or truck tractor: Vehicle cab and frame.

(2) Motorcycle or motorized bicycle: Vehicle frame. However, a new motorcycle or motorized bicycle which is delivered by a manufacturer, distributor or importer to a purchaser as an unassembled vehicle shall not be considered a kit vehicle.

(3) All other motor vehicles: Vehicle body.

b. The term “glider kit” shall be synonymous with the term “kit vehicle.”

400.1(8) “*Lien*” means an interest in a vehicle which secures payment or performance of an obligation. The term “security interest” shall be synonymous with the term “lien.”

400.1(9) “*Manufacturer’s certificate of origin*” means a certification signed by the manufacturer, distributor or importer that the vehicle described has been transferred to the person or dealer named and that the transfer is the first transfer of the vehicle in ordinary trade and commerce.

a. The terms “manufacturer’s statement,” “importer’s statement or certificate,” “MSO” and “MCO” shall be synonymous with the term “manufacturer’s certificate of origin.”

b. In addition to the requirements of Iowa Code subsection 321.45(1), the certificate shall contain a description of the vehicle which includes the make, model, style and vehicle identification number. The description of a motorized bicycle shall also specify the engine displacement and maximum speed.

c. For 1992 and subsequent model year vehicles, the form used for manufacturers' certificates of origin shall be the universal form adopted in 1990 by the American Association of Motor Vehicle Administrators (AAMVA). This requirement does not apply to trailer-type vehicles. A copy of this universal form is on file in the office of vehicle services at the address in subrule 400.6(1).

400.1(10) *"Model year,"* except where otherwise specified, means the year of original manufacture or the year certified by the manufacturer. For purposes of titling and registration, the model year shall advance one year each January 1.

400.1(11) *"Motor vehicle control number"* is described in subrule 400.3(2).

400.1(12) *"Registered"* means that the appropriate registration fee has been paid for a vehicle and a registration card evidencing payment has been issued to the owner.

400.1(13) *"Registration card"* means a document issued to the owner of a vehicle by the appropriate agency whose duty it is to register vehicles, which contains the name and address of the owner, a description of the vehicle and the certificate of title number issued for the vehicle if subject to issuance of a certificate of title, and which is issued to the owner when the vehicle has been registered. The term "registration certificate," "registration receipt" and "registration renewal receipt" shall be synonymous with the term "registration card."

400.1(14) *"Security interest"* means an interest in a vehicle which secures payment or performance of an obligation. The term "lien" shall be synonymous with the term "security interest."

400.1(15) *"Special fuel"* means any type of fuel, other than gasoline or gasohol, that propels a motor vehicle, including fuel which is manufactured from gasoline by-products and any type of fuel that does not meet the definition of motor fuel in Iowa Code subsection 452A.2(1).

This rule is intended to implement Iowa Code sections 321.1, 321.8, 321.20, 321.23, 321.24, 321.40, 321.41, 321.45, 321.50, 321.123, 321.134 and 321.157.

761—400.2(321) Vehicle registration and certificate of title—general provisions.

400.2(1) *Vehicles subject to registration.* A vehicle subject to registration under the laws of Iowa shall be required to be registered at the time the vehicle is first operated or moved upon a highway in this state.

400.2(2) *Vehicles exempt from titling or registration.* A certificate of title shall not be issued for a vehicle which is exempt from the titling or registration provisions of Iowa Code chapter 321, unless issuance of a certificate of title is specifically authorized in chapter 321.

400.2(3) *Issuance of a certificate of title upon payment of registration fees.* Except as otherwise provided in Iowa Code chapter 321 or this chapter of rules, the current year registration fee and any delinquent registration fees and penalties, if any, shall be paid prior to issuance of a certificate of title.

400.2(4) *Trailers with an empty weight of 2000 pounds or less.* Certificates of title shall not be issued for trailers with an empty weight of 2000 pounds or less. However, these trailers shall be subject to the registration fees provided in Iowa Code section 321.123.

400.2(5) *Vehicles owned by the government.* A certificate of title shall be issued for a vehicle owned by the government when the vehicle is first registered. However, vehicles owned by the government shall be exempted from registration and titling fees. Also, a certificate of title shall not be issued for a government-owned vehicle if a certificate of title would not be issued if the vehicle were owned by someone other than the government.

400.2(6) *Vehicles leased by the government.* Vehicles leased by the government for a period of 60 days or more are exempted from payment of registration fees. A copy of the lease agreement, certificate of lease, or other evidence that the vehicle is being leased by the government shall be required in order to obtain this exemption. However, the lessor is not exempted from the requirements for obtaining a certificate of title as set out in Iowa Code chapter 321 and these rules, including payment of the appropriate certificate of title fee.

400.2(7) *Special mobile equipment.* Rescinded IAB 3/7/90, effective 4/11/90.

400.2(8) *Private school buses, fire trucks, and transit buses.* In accordance with Iowa Code sections 321.18, 321.19 and 321.22, private school buses, fire trucks not owned or operated for a pecuniary profit, and urban and regional transit system buses are exempted from the payment of registration fees. However, these vehicles are not exempted from the requirements for obtaining a certificate of title as set out in Iowa Code chapter 321, including payment of the appropriate certificate of title fee.

400.2(9) Rescinded, effective 12/1/83.

400.2(10) Rescinded, effective 12/1/83.

400.2(11) Rescinded, IAB 7/13/88, effective 7/1/88.

This rule is intended to implement Iowa Code sections 321.18 to 321.22, 321.24 and 321.123.

761—400.3(321) Application for certificate of title or registration for a vehicle.

400.3(1) *Application form.* To apply for a certificate of title or registration for a vehicle, Form 411007 shall be completed by the applicant. Application shall be made in accordance with Iowa Code sections 321.20, 321.23, 321.46, and 321.71, this rule, and other applicable provisions of law.

400.3(2) *Motor vehicle control number.*

a. If the applicant is an individual:

(1) The individual's driver's license number and social security number shall be listed on the application form. If the individual does not have a social security number but has a passport, the passport number shall be listed. If the individual does not have a driver's license, a social security number or a passport, the department shall assign a unique, temporary motor vehicle control number valid for two months. Before the expiration of two months, the individual shall return to the county treasurer's office and report the newly acquired driver's license, social security or passport number.

(2) The individual's Iowa driver's license number is the motor vehicle control number. If the individual does not have an Iowa driver's license, the individual's social security number is the motor vehicle control number.

b. If the applicant is a partnership, corporation, association, or governmental subdivision, the federal employer's identification number shall be listed on the application form. This number is the entity's motor vehicle control number. If the organization does not have a federal employer's identification number, the department shall assign a unique motor vehicle control number.

c. Motor vehicle control numbers are coded and listed on the title and registration as follows:

1 - Iowa driver's license number

2 - Social security number

3 - Federal employer's identification number

If an individual has neither an Iowa driver's license number nor a social security number, a motor vehicle control number shall not be listed on the title and registration.

400.3(3) *Plate number and validation number.* If the applicant has registration plates that have been assigned to the applicant and affixed to the vehicle, the applicant shall list the plate number on the application form. The validation number from the validation sticker shall also be listed.

400.3(4) *Birth or registration month.* If the applicant is an individual, the individual's month of birth shall be listed on the application form and shall determine the registration year. If the vehicle is owned by two or more individuals, the month of birth of one of the individuals shall be listed and shall determine the registration year. If the vehicle is owned by a partnership, corporation, association, governmental subdivision, etc., the birth or registration month shall be left blank by the applicant; the county treasurer shall determine the month of registration.

400.3(5) *Model year.* The applicant shall list on the application form the model year of the vehicle.

400.3(6) *Seller and date of purchase.* The applicant shall state on the application form the name and address of the seller and the date of purchase or acquisition.

400.3(7) *Vehicle color.* The applicant shall list the vehicle color on the application form.

400.3(8) Foreign registered vehicle. If the vehicle is registered in a foreign jurisdiction, the applicant shall list on the application form the date the vehicle was brought into Iowa.

400.3(9) Signature of applicant. The applicant shall sign the application form in ink.

400.3(10) Dealer certification.

a. If the vehicle is a new vehicle which has been sold to the applicant by a dealer, as defined in Iowa Code section 321.1, the dealer shall certify the following on the application form: sale price of the vehicle, the amount allowed for property traded-in, the tax price of the vehicle, the date that a "Registration Applied For" card was issued, and the registration fee collected.

b. The certification shall include the dealer's number and name and shall be signed in ink by the dealer or an authorized representative of the dealer.

400.3(11) Weigh ticket. If application is being made to lower the tonnage on any motor truck or truck tractor, the county treasurer may require a copy of a stamped weigh ticket issued by any public scale.

400.3(12) Credit for unexpired registration fee. See 400.60(1).

400.3(13) Credit for transfer to spouse, parent or child. See 400.60(2).

400.3(14) Credit from/to proportional registration. See 400.60(3).

400.3(15) Assignment of credit and registration plates from lessor to lessee. See 400.60(4).

400.3(16) Leased vehicle. As required by Iowa Code section 423.7A, the lessor shall list the lease price of the vehicle on the application form.

400.3(17) Registration fee credit. See rule 400.60(321).

400.3(18) to 400.3(19) Reserved.

400.3(20) Transfer of ownership with Iowa title. When transferring ownership of a vehicle with an Iowa title, the application provided with the certificate of title may be used in lieu of Form 411007.

This rule is intended to implement Iowa Code sections 321.1, 321.8, 321.20, 321.23 to 321.26, 321.31, 321.34, 321.46, 321.122 and 423.7A.

761—400.4(321) Supporting documents required. This rule describes the basic supporting documents to be submitted by an applicant for a certificate of title or registration.

400.4(1) New vehicle. If application is made for a new vehicle, a manufacturer's certificate of origin, properly assigned to the applicant, shall be submitted. A manufacturer's certificate of origin shall not be accepted if the assignment to the applicant is made by any person other than the manufacturer, importer, distributor or a licensed motor vehicle dealer franchised to sell that line make of vehicle.

a. The first person, including a dealer not franchised to sell that line make of vehicle, who is assigned the manufacturer's certificate of origin shall obtain a certificate of title and register the vehicle.

b. An uncanceled security interest noted on the reverse side of a manufacturer's certificate of origin (MCO) shall be noted as a separate security interest on the certificate of title, in addition to any security interest acknowledged by the applicant, unless the applicant indicates in the security interest area on the title application that the security interest is the same as the one noted on the reverse side of the MCO.

c. If a 1980 or subsequent model year vehicle is manufactured by a person other than the original manufacturer, both the original manufacturer's certificate of origin and the final manufacturer's certificate of origin shall be submitted. All assignments or reassignments of ownership of the vehicle shall be made on the final manufacturer's certificate of origin. The face of the original manufacturer's certificate of origin shall be stamped in bold type with the statement: "Final manufacturer's MSO has been issued on this vehicle." The original manufacturer's vehicle identification number shall be listed on the final manufacturer's certificate of origin.

400.4(2) Used vehicle registered or titled in this state. The last issued certificate of title, properly assigned to the applicant, shall be submitted. An uncanceled security interest noted on the face of the certificate of title shall be noted on the face of the certificate of title issued to the applicant, in addition to any security interest acknowledged by the applicant. If the vehicle is not subject to titling provisions, the last issued registration receipt, properly assigned to the applicant, shall be submitted.

400.4(3) *Used vehicle from a foreign jurisdiction.* If the vehicle was subject to the issuance of a certificate of title in the foreign jurisdiction, the certificate of title issued by the foreign jurisdiction to the applicant or properly assigned to the applicant shall be submitted.

a. A security interest, noted on the face of the foreign certificate of title, which has not been canceled, shall be noted on the face of the certificate of title issued to the applicant, in addition to any security interest acknowledged by the applicant.

b. A certificate of title issued in a foreign jurisdiction may be assigned to a motor vehicle dealer in another jurisdiction, and the dealer may reassign the certificate of title to the applicant. An assignment or reassignment form issued by a foreign jurisdiction may be used with a foreign title to complete an assignment or reassignment of ownership from a foreign motor vehicle dealer to the applicant, provided the ownership chain is complete.

c. An Iowa licensed motor vehicle dealer who acquires a vehicle registered in another state or country may reassign the foreign certificate of title to the applicant, as provided in Iowa Code subsection 321.48(2) and rule 761—400.27(321,322).

d. A person who registers a foreign vehicle under Iowa Code subsection 321.23(3) shall be issued a nontransferable-nonnegotiable registration. To transfer ownership of the vehicle, the owner must first obtain an Iowa certificate of title except as follows: If ownership is transferred to an Iowa licensed motor vehicle dealer as provided in Iowa Code subsection 321.23(3), the foreign certificate of title may be assigned to the dealer; the owner is not required to obtain an Iowa title. The dealer may then reassign the foreign title, as provided in Iowa Code subsection 321.48(2) and rule 761—400.27(321,322).

e. If the vehicle was not subject to the issuance of a certificate of title in the foreign jurisdiction, the registration document issued by the foreign jurisdiction to the applicant or properly assigned to the applicant shall be submitted.

(1) If the foreign registration document is not issued in the applicant's name and does not contain an assignment of ownership form, a bill of sale conveying ownership from the owner as listed on the foreign registration document to the applicant shall be submitted with the foreign registration document.

(2) Upon receipt of the foreign registration document, the county treasurer shall issue a nontransferable—nonnegotiable registration unless the foreign registration document has been approved by the department.

(3) Acceptance of the foreign registration document shall be determined by the department on an individual basis, if the county treasurer of the county where the certificate of title is to be issued cannot determine whether the document is acceptable.

f. If a trailer weighing 2000 lbs. or less is exempt from the issuance of a certificate of title and registration in the foreign jurisdiction, a bill of sale conveying ownership to the applicant, if acquired by a resident from a nonresident, or an affidavit of ownership signed by the applicant, if the applicant is establishing residence in this state, shall be submitted.

g. If a motor vehicle is exempt from the issuance of a certificate of title and registration in the foreign jurisdiction, the bonding procedures as provided in Iowa Code section 321.24 shall be followed.

400.4(4) *Used vehicle acquired by a resident of this state from a government agency.* If the vehicle was acquired from an agency of the federal government, the applicant shall surrender the government bill of sale, Form 97 or 97A, properly assigned to the applicant. If the vehicle was acquired from the state of Iowa or a subdivision of government the applicant shall surrender the Iowa certificate of title issued in the name of the agency, properly assigned to the applicant.

400.4(5) *Mobile home.* If the vehicle described on the application is a mobile home with an Iowa title, the applicant shall submit a tax clearance form to show that no taxes are owing, unless the title has been issued to a dealer licensed under Iowa Code chapter 322B. The form may be obtained by any owner of record of the mobile home from the county treasurer.

400.4(6) *Vehicle acquired by a resident of this state by operation of law.* If the vehicle was acquired by the applicant by operation of law as upon inheritance, devise or bequest, order in bankruptcy, insolvency, replevin, foreclosure or execution sale, under the laws of descent and distribution, artisan's lien sale, storage lien sale or abandoned vehicle sale, the last issued certificate of title shall be submitted by the applicant, or when that is not possible, presentation of satisfactory proof of the applicant's ownership and right of possession to the vehicle shall be submitted by the applicant. Proof of ownership may consist of a foreclosure sale affidavit, artisan's or storage lien affidavit, affidavit of death intestate, abandoned vehicle sales receipt, peace officers bill of sale or court order.

400.4(7) *Foreign ownership document issued in a language other than English.* A foreign ownership document issued in a language other than English may be required to be reproduced in writing in English and certified to be a correct translation by a person qualified to translate that particular language. The English translation and certification shall be submitted with the foreign ownership document.

400.4(8) *Titles from foreign jurisdictions.*

a. Except as provided in paragraph "b" of this subrule, a certificate of title issued by a foreign jurisdiction shall not be accepted if the title contains an alteration or erasure.

b. An affidavit of correction form issued by a foreign jurisdiction that corrects the certificate of title issued by the foreign jurisdiction shall be accepted only for the reason listed on the affidavit of correction form. However, acceptance of an affidavit of correction form that corrects an odometer statement or a designation shall be determined by the department on an individual basis.

400.4(9) *Supporting document retained by county treasurer.* All supporting documents shall be retained by the county treasurer.

This rule is intended to implement Iowa Code sections 321.20, 321.23, 321.24, 321.30, 321.31, 321.45 to 321.50, 321.67, and 321.71.

761—400.5(321) Where to apply for registration or certificate of title. Application for the registration of a vehicle or a certificate of title for a vehicle, or transfers thereof, shall be made to the county treasurer as described in Iowa Code chapter 321. Exceptions:

400.5(1) Application shall be made to the department's office of vehicle services for the following:

a. Titling and registration of vehicles owned by the government. This requirement does not apply to mobile homes subject to a scavenger sale pursuant to Iowa Code subsection 321.46(2).

b. Registration of vehicles leased by the government for a period of 60 days or more.

c. Registration of urban and regional transit system buses.

d. Registration of fire trucks not owned and operated for a pecuniary profit.

e. Registration of private school buses.

f. Registration of vehicles under the provisions of Iowa Code subsection 321.23(4), relating to restricted use vehicles.

400.5(2) Rescinded IAB 11/3/99, effective 12/8/99.

400.5(3) Application for a certificate of title for a vehicle subject to proportional registration under Iowa Code chapter 326 may be made to either the county treasurer or to the office of motor carrier services.

400.5(4) Application for proportional registration shall be made to the office of motor carrier services. See 761—Chapter 500.

This rule is intended to implement Iowa Code sections 321.18 to 321.23, 321.46(2), and 321.170.

761—400.6(17A) Addresses, information and forms. Information and forms for vehicle registration, certificate of title, or other procedures covered under Iowa Code sections 321.18 to 321.173 may be obtained from the county treasurer or these department offices:

400.6(1) Office of vehicle services, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278. The office is located in Park Fair Mall, 100 Euclid Avenue, Des Moines.

400.6(2) Office of Motor Carrier Services, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382. The office is located in Park Fair Mall, 100 Euclid Avenue, Des Moines.

This rule is intended to implement Iowa Code section 17A.3.

761—400.7(321) Information shown on title and registration. In addition to the requirements of Iowa Code sections 321.24, 321.52 and 321.71 and rules 761—Chapter 405, the following information shall be shown on a certificate of title or registration receipt when applicable:

400.7(1) Registration expiration date.

400.7(2) Owner's motor vehicle control number and code, as explained in subrule 400.3(2), and registration month, as explained in subrule 400.3(4).

400.7(3) Name and address of last titled owner.

400.7(4) Description of the vehicle, including the following items. These items may be represented on the title and registration by code letters or numbers.

a. Vehicle identification number.

b. Type, such as automobile, trailer, truck, etc.

c. Style.

d. Make, model, and model year.

e. Series.

(1) The series of a motor home shall be the letters "MH" followed by the class designation of the motor home—"A," "B" or "C."

(2) Reserved.

f. The designation required by 761—Chapter 405.

g. Number of engine cylinders.

h. Color.

i. Weight and registered gross weight.

j. The square footage of floor space of a mobile home or travel trailer, as determined by measuring the exterior.

k. The odometer mileage and whether the mileage is "actual," "not actual," or "exceeds mechanical limits."

400.7(5) Previous Iowa title number or the name of the foreign jurisdiction if the previous title is a foreign title.

400.7(6) Plate number and previous registration number.

400.7(7) List price or value.

400.7(8) Fee code, penalties, and security interest receipt number.

400.7(9) The following phrase stamped on the reassignment portion of a mobile home title or a salvage title: "Dealer reassignment not authorized on this certificate of title."

This rule is intended to implement Iowa Code sections 321.24, 321.31, 321.40, 321.45, 321.48, 321.52, 321.71, and 321.124.

761—400.8(321) Release form for cancellation of security interest.

400.8(1) A secured party may use Form 411168 to note the cancellation of a security interest.

400.8(2) The secured party may also note the cancellation in a statement written on the secured party's letterhead if the statement contains the following information: county that issued the title; title number; security interest number; vehicle identification number; vehicle owner's name; secured party's name, street address, city, state and ZIP code; date the security interest was canceled; and signature of an authorized representative of the secured party.

400.8(3) The secured party shall forward the original release form (Form 411168 or the signed statement) to the department or to the county treasurer of the county where the title was issued. Facsimiles and photocopies are not acceptable.

400.8(4) The secured party shall note the cancellation on the face of the title, attach a copy of the release form to the title as evidence of cancellation, and forward the title to the next secured party or, if there is no other secured party, to the person designated by the owner or, if there is no person designated, to the owner.

This rule is intended to implement Iowa Code subsection 321.50(4) as amended by 1999 Iowa Acts, Senate File 203, section 9.

761—400.9(321) Security interest notation, 30-day limit. The presumption that a purported security interest holder received a certificate of title on the date of creation of the purported security interest in the vehicle or the date of the issuance of the certificate of title, whichever is the latter, as provided for in Iowa Code subsection 321.50(6), may be overcome if the purported security interest holder did not actually come into possession of the certificate of title at that time. This may be accomplished by filing with the county treasurer a statement in writing, indicating the date that the certificate of title did come into the possession of the purported secured party. If the time listed in the statement is within 30 days of the date the certificate of title is delivered to the county treasurer, the county treasurer shall note the security interest on the certificate of title.

This rule is intended to implement Iowa Code subsection 321.50(6).

761—400.10(321) Assignment of security interest. A security interest noted on a certificate of title may be assigned to another secured party without losing the seniority of the security interest by complying with the procedure in Iowa Code section 321.50 or with the following procedure:

400.10(1) Notice of assignment. The secured party listed on the title certificate shall make the following notation in the cancellation portion of the certificate of title where security interest is noted “Assigned to (name of assignee).” The date, name of secured party and signature of the person noting the assignment shall be completed in the cancellation portion pertaining to the security interest.

400.10(2) Application for notation of security interest. The assignee shall complete an application for notation of a security interest on the form provided by the department. The application form shall be signed by the assignee in the space where the signature of the owner is ordinarily required. The signature of the owner shall not be required on an assignment of a security interest.

400.10(3) Submission of documents to county treasurer. The certificate of title, application for notation of security interest and appropriate notation fee shall be submitted to the county treasurer of the county where the certificate of title was issued.

a. The county treasurer shall not be required to cancel the security interest previously noted and shall note the security interest of the assignee in the second security interest portion of the face of the certificate of title, or on a subsequent security interest form if the security interest that has been assigned is a second security interest.

b. In the event there are additional security interests noted on the certificate of title, the seniority of the assignee’s security interest may be preserved by issuance of a certificate of title in lieu of the original, on which the assignee’s security interest shall be noted in the same seniority as the assignor’s.

c. In either event, a receipt for notation of security interest form shall be processed and the new receipt number shall be listed in the appropriate space provided. The original notation date shall also be listed and the words “by assignment” shall be listed following the name of the assignee.

This rule is intended to implement Iowa Code section 321.50.

761—400.11(321) Sheriff’s levy noted as a security interest. A sheriff’s levy may be noted as a security interest on a certificate of title if the sheriff so desires.

Form 411046, “Application for Notation of Security Interest,” shall be completed and shall be signed by the sheriff or the sheriff’s deputy in the space where the signature of the owner is ordinarily required. The signature of the owner shall not be required. The appropriate notation fee shall be submitted with the application form to the county treasurer of the county where the certificate of title was issued. If the certificate of title is not surrendered with the application, the county treasurer shall notify the holder of the certificate of title in the manner prescribed in Iowa Code section 321.50.

This rule is intended to implement Iowa Code section 321.50.

761—400.12(321) Duplicate certificate of title.

400.12(1) When a certificate of title is lost, destroyed or altered, the owner or lienholder shall apply for a duplicate certificate of title. If a security interest noted on the certificate of title was released by the secured party on a separate form, but the secured party has not delivered the original certificate of title to the appropriate party, the owner may apply for a duplicate certificate of title as provided in Iowa Code section 321.42.

400.12(2) Application for a duplicate certificate of title shall be made on Form 411033, Application for Duplicate of Iowa Certificate of Title to a Motor Vehicle. All owners of the vehicle as listed on the certificate of title shall sign the application form. If an owner is deceased, the signatures and documents specified in subrules 400.14(4) and 400.14(5) shall be required in lieu of the deceased owner's signature. A person entitled to vehicle ownership under the laws of descent and distribution shall sign the required forms and shall insert the words "heir at law" following the signature.

This rule is intended to implement Iowa Code section 321.42.

761—400.13(321) Bond required before title issued. If an applicant for a certificate of title cannot provide the supporting documents required in rule 400.4(321), the following shall apply:

400.13(1) Application. Form 411008, "Application for Registration and Certificate of Title for a Vehicle upon which the County Treasurer or Department of Transportation is not Satisfied as to the Ownership Thereof," shall be completed by the applicant and submitted to the department.

400.13(2) Exhibits. The following exhibits shall be submitted with the application:

- a. A photograph of the vehicle which shows the front and one side of the vehicle.
- b. The written ownership document received at the time the vehicle was acquired.
- c. A pencil tracing of the vehicle identification number. If the vehicle identification number is missing or has been defaced or altered, the applicant shall complete and submit Form 411041, "Application for Assigned Vehicle Identification Number Plate."

400.13(3) Examination.

a. After a properly completed application and the required exhibits have been submitted, the department shall search the state files to determine if there is an owner of record for the vehicle and if the vehicle has been reported stolen or embezzled.

b. If a record is found, the applicant shall be advised to send a certified letter return receipt requested to the owner of record at the last known address stating that the applicant is the present owner of the vehicle and requesting a duplicate title with an assignment to the applicant on the reverse side. The applicant shall submit the returned receipt to the department.

c. If a record of a junking certificate is found, the applicant may request reinstatement of the certificate of title to the vehicle if the junking certificate was issued in error, as explained in rule 400.23(321). If the department determines that the vehicle was not junked in error and denies the request, the applicant may complete application for a certificate of title by submitting a copy of the denial letter, resubmitting Form 411008 with the required exhibits, and filing the required bond.

400.13(4) Approval.

a. If the department determines that the applicant has complied with this rule, that there is sufficient evidence to indicate that the applicant is the rightful owner, and that there is no known unsatisfied security interest, the department shall:

- (1) Determine the current value of the vehicle.
- (2) Notify the applicant to deposit cash or file a surety bond with the department in an amount equal to one and one-half times the current value of the vehicle.

b. After the cash deposit or surety bond has been received, the department shall:

- (1) If applicable, affix an assigned identification number plate to the vehicle.
- (2) Notify the county treasurer in writing that a certificate of title and registration receipt may be issued for the vehicle.

c. Rescinded, effective 3/6/85.

d. The applicant shall submit to the county treasurer a completed Form 411007, “Application for Certificate of Title and/or Registration for a Vehicle.”

e. 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).

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

400.13(5) *Disapproval.* If the department determines that the applicant has not complied with this rule, that there is sufficient evidence to indicate that the applicant may not be the rightful owner, or that there is an unsatisfied security interest, then 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).

This rule is intended to implement Iowa Code sections 321.24 and 321.52.

761—400.14(321) Transfer of ownership. The following procedures shall apply for all titling and registration purposes:

400.14(1) *Transfer of vehicle owned by more than one person.*

a. If the names of the owners of a vehicle on the certificate of title or on the manufacturer’s certificate of origin are joined by the word “or,” as in “John Doe or Mary Doe,” then the signature of either owner is sufficient to transfer title or to junk the vehicle.

b. If ownership of a vehicle is stated as a name or names followed by the words “Doing Business As” or the initials “DBA” and another name, only the name of an owner followed by the signature of an authorized representative of an owner is required to transfer title or to junk the vehicle.

EXAMPLE: Ownership is stated as “John Smith and Mary Smith DBA Smith Repair.” Jane Doe is an authorized representative of John Smith and Mary Smith. To transfer ownership, Jane Doe may sign as “John Smith and Mary Smith DBA Smith Repair, by Jane Doe,” “John Smith and Mary Smith by Jane Doe,” or Smith Repair by Jane Doe.”

c. In all other cases the signature of each named owner is required.

400.14(2) *Assignment of title to two or more persons.* If a certificate of title or a manufacturer’s certificate of origin is assigned to two or more persons with their names joined by the word “or,” as in “John Doe or Mary Doe,” then a certificate of title may be issued to either person or to both persons with their names joined by the word “or.” However, a certificate of title shall only be issued to persons who have signed the application for title.

400.14(3) *Organizational ownership.* When a vehicle is owned by a partnership, corporation, association, governmental unit, or private organization, the name of the owner and the signature of its authorized representative shall be required.

400.14(4) *Death with a will.* When ownership is transferred according to a decedent’s will, a certified copy of the court order or the letter of appointment appointing the person assigning the title as executor of the will shall be required.

400.14(5) *Death without a will.* When ownership is transferred from a decedent without a will and there is no administration of the estate, a certificate of death intestate form signed by the clerk of court shall be required. When ownership is transferred from a decedent without a will but there is an administration of the estate, a copy of the court order or the letter of appointment appointing the person assigning the title as administrator shall be required.

400.14(6) *Power of attorney.* An attorney in fact may act for the owner(s) if the appointment is shown on a power of attorney form. Power of attorney forms are available from the department but other forms may be accepted if they contain all necessary information. The power of attorney form or a certified true copy shall be kept by the county treasurer and attached to the document to which it applies.

This rule is intended to implement Iowa Code sections 321.45, 321.49, and 321.67.

761—400.15(321) Cancellation of a certificate of title. The department shall cancel a certificate of title when authorized by any other provision of law or when it has reasonable grounds to believe that the title has not been surrendered to the country treasurer as provided in Iowa Code section 321.52 or that the vehicle has been stolen or embezzled from the rightful owner or seized under the provisions of Iowa Code section 321.84, and the person holding the certificate of title, purportedly issued for the vehicle, has no immediate right to possession of the vehicle.

This rule is intended to implement Iowa Code section 321.101.

761—400.16(321) Application for certificate of title or original registration for a specially constructed, reconstructed, or kit vehicle.

400.16(1) *Forms and definitions applicable to this rule.*

a. Forms.

- (1) Form 411007, "Application for Certificate of Title and/or Registration for a Vehicle."
- (2) Form 417050, "Application for Registration and Certificate of Title for a Specially Constructed or Reconstructed Vehicle."
- (3) Form 411041, "Application for Assigned Vehicle Identification Number Plate."