

House substituted for H 260 - 3/16

February 6, 1953  
Passed on File.

Senate File 181  
By MOTOR VEHICLES COMMITTEE.

Passed Senate, Date 2-20-53  
Vote: Ayes 45 Nays 1  
Passed House, Date 3-17-53  
Vote: Ayes 92 Nays 9  
Approved 3-23-53

House Calendar 2/23  
Senate Re passed 3/17  
47-0

## A BILL FOR

An Act relating to the origination of titles to Motor Vehicles, trailers and semi-trailers, the issuance and transfer of registrations and certificate of title to the same, the recording of liens thereon and to amend and repeal various sections of the Code relating thereto.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 Section 1. Section three hundred twenty-one point eight  
2 (321.8), Code 1950, is hereby amended as follows:

3 1. By inserting after the comma (,) following the word  
4 "cards" in line three (3) thereof, the words "certificates of  
5 title";

6 2. By striking the period (.) in line eight (8) thereof  
7 and adding thereto "except manufacturer's or importer's  
8 certificates."

1 Sec. 2. Section three hundred twenty-one point fourteen  
2 (321.14), Code 1950, is hereby amended by inserting after the  
3 comma (,) following the word "card" in line two (2) thereof,  
4 the following "certificate of title,"

1 Sec. 3. Section three hundred twenty-one point twenty  
2 (321.20), Code 1950, is hereby amended as follows:

3 1. By striking the word "Every" in line one (1) thereof  
4 and inserting in lieu thereof the following "Except as otherwise  
5 provided in this chapter, every":

6 2. By inserting the words "and issuance of a certificate  
7 of title" following the word "registration" in line six (6),  
8 thereof:

9 3. By adding the following new subsection thereto:

10 1. "A statement of the applicant's title and of all liens  
11 or encumbrances upon said vehicle and the names and addresses of  
12 all persons having any interest therein and the nature of every  
13 such interest."

14 2. "When such application refers to a new vehicle, it shall  
15 be accompanied by a manufacturer's or importer's certificate duly  
16 assigned as provided in section sixteen (16) of this Act."

1 Sec. 4. Section three hundred twenty-one point twenty-one  
2 (321.21), Code 1950, is hereby repealed.

1 Sec. 5. Section three hundred twenty-one point twenty-two  
2 (321.22) Code 1950, is hereby repealed.

1 Sec. 6. Section three hundred twenty-one point twenty-three  
2 (321.23), Code 1950, is hereby repealed and the following is  
3 substituted in lieu thereof:

4 "1. In the event the vehicle to be registered is a specially  
5 constructed, reconstructed, or foreign vehicle, such fact shall  
6 be stated in the application. A fee of seventy-five cents shall  
7 be paid by the person making such application upon issuance of  
8 a certificate of title by the county treasurer. With reference

9 to every specially constructed or reconstructed motor vehicle  
10 subject to registration the application shall be accompanied  
11 by a statement from the department authorizing such motor vehicle  
12 to be titled and registered in this state. The department shall  
13 cause a physical inspection to be made of all specially constructed  
14 or reconstructed motor vehicles, upon application therefor by the  
15 owner thereof, to determine whether such motor vehicle is in a  
16 safe operating condition and that the integral component parts  
17 thereof are properly identified and that the rightful ownership  
18 is established before issuing such owner the authority to have the  
19 motor vehicle registered and titled as herein provided. With  
20 reference to every foreign vehicle which has been registered  
21 heretofore outside of this state the owner shall surrender to  
22 the treasurer all registration plates, registration cards, and  
23 certificates of title, or, if vehicle to be registered is from  
24 a non-title state, such evidence of foreign registration and  
25 ownership as may be prescribed by the department except as  
26 provided in subsection two (2) hereof.

27 "2. Where in the course of operation of a vehicle registered  
28 in another state it is desirable to retain registration of said  
29 vehicle in such other state, such applicant need not surrender  
30 but shall submit for inspection said evidence of such foreign  
31 registration and the treasurer upon a proper showing shall  
32 register said vehicle in this state but shall not issue a certificate  
33 of title for such vehicle.

34 "3. In the event an applicant for registration of a foreign

35 vehicle for which a certificate of title has been issued is able  
36 to furnish evidence of being the registered owner of the vehicle  
37 to the county treasurer of his residence, although unable to  
38 surrender such certificate of title, the county treasurer may  
39 issue a registration receipt and plates upon receipt of the  
40 required registration fee but shall not issue a certificate of  
41 title thereto. Upon surrender of the certificate of title  
42 from the foreign state, the county treasurer shall issue a  
43 certificate of title to the owner, or person entitled thereto,  
44 of such vehicle as provided in this chapter.”

1 Sec. 7. Section three hundred twenty-one point twenty-four  
2 (321.24), Code 1950, as amended is hereby repealed and the  
3 following is substituted in lieu thereof:

4 “Upon receipt of the application for title and payment of  
5 the required fees for motor vehicle, trailer, or semi-trailer,  
6 the county treasurer shall, when satisfied as to the genuineness  
7 and regularity thereof, issue a registration receipt and  
8 certificate of title and shall file the application, the  
9 manufacturer's or importer's certificate, certificate of title,  
10 or other evidence of ownership, as prescribed by the department.  
11 The registration receipt shall be delivered to the owner and  
12 shall contain upon the face thereof the date issued, the name  
13 and address of the owner, the registration number assigned to  
14 the vehicle, the title number assigned to the owner of the  
15 vehicle, the amount of the fee paid and such description of the  
16 vehicle as determined by the department and upon the reverse

17 side a form for notice of transfer of the vehicle. One copy  
18 of the registration receipt shall be retained by the county  
19 treasurer in a registration number file and said file shall  
20 be open for public inspection during reasonable business  
21 hours. Two copies shall be mailed to the department on  
22 date of issuance. The certificate of title shall contain  
23 upon the face thereof the identical information required upon  
24 the face of the registration receipt and such information shall  
25 be so placed on the title form as to permit the county treasurer  
26 to prepare the certificate of title simultaneously with the  
27 registration receipt. In addition thereto, the certificate of  
28 title shall contain a statement of the owner's title, name and  
29 address of previous owner, and a statement of all liens and  
30 encumbrances as shown in the application, upon the vehicle  
31 therein described including the nature of the lien or liens,  
32 amount, date of notation and name and address of lienholder or  
33 lienholders. Said certificate shall bear thereon the seal of  
34 the county treasurer, his signature or that of his deputy,  
35 and shall provide space for the signature of the owner. The  
36 owner shall write his name in the space provided with pen and  
37 ink upon receipt of certificate of title. The certificate of  
38 title shall contain upon the reverse side a form for assignment  
39 of title or interest and warranty thereof by the owner, for  
40 reassignments by a licensed dealer and for application for a  
41 new certificate of title by the transferee as provided in  
42 this chapter. All certificates of title shall be typewritten

43 and shall be issued in triplicate. The original certificate  
44 of title shall be delivered to the owner in the event no lien  
45 or encumbrance appears thereon. Otherwise the certificate of  
46 title shall be delivered by the county treasurer to the person  
47 holding the first lien or encumbrance as shown in the certificate .  
48 One copy of the certificate shall be retained by the county  
49 treasurer in a title number file in the manner prescribed by  
50 the department and shall remain in the file of the county  
51 issuing the title until notification of cancellation or that  
52 a new title has been issued as provided in this chapter. One  
53 copy shall be mailed to the department on the date of issuance.  
54 The department shall designate a uniform system of title  
55 numbers so as to indicate the county of issuance."

1 Sec. 8. Section three hundred twenty-one point twenty-five  
2 (321.25), Code 1950, is hereby amended as follows:

3 1. By inserting in line four (4) thereof following the  
4 word "registration" the words "and certificate of title";

5 2. By striking the words "both on the front and" in line  
6 ten (10) and inserting in lieu thereof the words "on the";

7 3. By inserting after the comma (,) following the word  
8 "vehicle" in line eleven (11) thereof, the following word "a",  
9 and by striking the word "cards" and inserting in lieu thereof  
10 the word "card" in line eleven (11) thereof.

1 Sec. 9. Section three hundred twenty-one point twenty-six  
2 (321.26), Code 1950, is hereby amended as follows:

3 1. By inserting in line three (3) thereof, following the

4 word "registration" the words "and certificate of title";

5 2. By striking the words "showing fee paid, by the person  
6 to whom it is issued" in lines five (5) and six (6) and inserting  
7 in lieu thereof the words "to the user of the card by such  
8 manufacturer or dealer showing the fee paid by the person making  
9 the application, the county treasurer, or proper county or state  
10 official if purchaser is from a foreign state, to whom fee was  
11 mailed or delivered and the date of mailing or delivery of fee."

1 Sec. 10. Section three hundred twenty-one point thirty  
2 (321.30), Code 1950, is hereby amended as follows:

3 1. By inserting in line one (1) thereof following the  
4 word "registration" the following words "and issuance of a  
5 certificate of title";

6 2. By inserting in line two (2) following the words  
7 "transfer of" the words "title and";

8 3. By inserting in line six (6) of subsection one (1)  
9 thereof following the word "registration" the words "and  
10 issuance of a certificate of title";

11 4. By inserting in line four (4) subsection three (3)  
12 thereof following the word "registration" the words "and issuance  
13 of a certificate of title";

14 5. By striking the period (.) in line one (1) of subsection  
15 five (5) thereof and adding thereto "except as provided in  
16 section nineteen (19) of this Act.";

17 6. By adding the following new subsections thereto:

18 a. "If application for registration and certificate of

19 title for a new vehicle is not accompanied by a manufacturer's  
20 or importer's certificate duly assigned.

21 b. "If application for a transfer of registration and issuance  
22 of a certificate of title for a used vehicle registered in this  
23 state is not accompanied by a certificate of title duly assigned.

24 c. "If application and supporting documents are insufficient  
25 to authorize the issuance of a certificate of title as provided  
26 by this chapter, except that an initial registration or transfer  
27 of registration may be issued as provided in section six (6) of  
28 this Act."

1 Sec. 11. Section three hundred twenty-one point thirty-one  
2 (321.31), Code 1950, is hereby amended as follows:

3 1. By striking from lines two (2) and three (3) thereof  
4 following the word "numerical" the words "and a motor number";

5 2. By adding after the period (.) in line ten (10)  
6 thereof the following: "The department shall also install and  
7 maintain an alphabetical file under the name of the owner for  
8 the state at large and not for individual counties. Such file  
9 shall consist of a copy of the certificate of title including  
10 the notations of all liens recorded and released and such other  
11 information as the department deems necessary. The information  
12 to be kept in such file shall be entered therein within  
13 forty-eight (48) hours after receipt insofar as is practical.

14 The department shall also install and maintain a file by motor  
15 number, or other identifying number of the vehicle, which shall  
16 contain a full description of the vehicle as described on the

17 certificate of title and the name and address of the previous  
18 owner. This file shall constitute the permanent history record  
19 of ownership of each vehicle titled under the laws of this state.”

1 Sec. 12. Section three hundred twenty-one point forty  
2 (321.40), Code 1950, is hereby amended by adding thereto the  
3 following:

4 1. Registration receipts issued for renewals shall have  
5 the word “renewal” imprinted thereon and, if the owner making  
6 a renewal application has been issued a certificate of title,  
7 the title number shall appear on the registration receipt. All  
8 registration receipts for renewals shall be typewritten or printed  
9 by other mechanical means and shall be prepared in triplicate.  
10 The original registration receipt shall be issued to the applicant,  
11 one copy retained in the county treasurer’s file and one copy  
12 shall be forwarded to the department.

13 2. “No registration of a vehicle shall be renewed for  
14 the year 1958 unless the owner thereof shall have obtained a  
15 certificate of title therefor prior to such renewal. Any  
16 owner of a vehicle registered in this state prior to the effective  
17 date of this Act and for which a certificate of title has not  
18 previously been issued may apply for a certificate of title  
19 for such vehicle as provided in section three hundred twenty-one  
20 point twenty (321.20), Code 1950, as amended by this Act with  
21 the exception that the current registration receipt only need  
22 accompany the application. A fee of seventy-five (75) cents  
23 shall accompany such application.”

1     Sec. 13. Section three hundred twenty-one point forty-one  
2 (321.41), Code 1950, is hereby amended by striking from line  
3 fifteen (15) thereof the word "registration" and inserting  
4 in lieu thereof the word "title."

1     Sec. 14. Section three hundred twenty-one point forty-two  
2 (321.42), Code 1950, is hereby amended by adding the following:  
3 "In the event of any lost or destroyed certificate of title,  
4 application shall be made to the department by the owner of  
5 such vehicle, or the holder of a lien thereon, for a certified  
6 copy of the same upon a form prescribed by the department and  
7 accompanied by a fee of two (2) dollars. Such application shall  
8 be signed and sworn to by the persons making the same. Thereupon  
9 the department shall mail a certified copy to the person entitled  
10 to receive the certificate of title as indicated by the records  
11 of the department at his most recent address shown by such records.  
12 Such certified copy shall clearly be marked "duplicate". The  
13 new purchaser or transferee shall be entitled to receive an  
14 original title upon presentation of the assigned duplicate copy  
15 to the county treasurer of the county where such new purchaser  
16 or transferee resides. Any purchaser of such vehicle may, at  
17 the time of purchase, require the seller of same to indemnify  
18 him and all subsequent purchasers of such vehicle against any  
19 loss which he or they may suffer by reason of any claim or  
20 claims presented upon the original certificate. Any person  
21 recovering an original certificate of title for which a duplicate  
22 has been issued shall forthwith surrender the same to a county

23 treasurer or the department.”

1     Sec. 15. Section three hundred twenty-one point forty-three  
2 (321.43), Code 1950, is hereby amended by inserting in line nine  
3 (9) thereof, following the word “registered” the words “and title”.

1     Sec. 16. Section three hundred twenty-one point forty-five  
2 (321.45), Code 1950, is hereby repealed and the following  
3 substituted in lieu thereof:

4     “1. No manufacturer, importer, dealer or other person  
5 shall sell or otherwise dispose of a new vehicle subject to  
6 registration under the provisions of this chapter to a dealer  
7 to be used by such dealer for purposes of display and lease or  
8 resale without delivering to such dealer a manufacturer’s or  
9 importer’s certificate duly executed and with such assignments  
10 thereon as may be necessary to show title in the purchaser  
11 thereof; nor shall such dealer purchase or acquire a new vehicle  
12 that is subject to registration without obtaining from the  
13 seller thereof such manufacturer’s or importer’s certificate.  
14 In addition to the assignments stated herein, such manufacturer’s  
15 or importer’s certificate shall contain thereon the identification  
16 and description of the vehicle delivered and the name and address  
17 of the dealer to whom said vehicle was originally sold over the  
18 signature of an authorized official of the manufacturer or  
19 importer who made the original delivery.

20     “2. Except as provided in section twenty-one (21) of this  
21 Act, no person shall acquire any right, title, claim or interest in  
22 or to any vehicle subject to registration under this chapter

23 from the owner thereof except by virtue of a certificate of  
24 title issued or assigned to him for such vehicle or by virtue  
25 of a manufacturer's or importer's certificate delivered to him  
26 for such vehicle; nor shall any waiver or estoppel operate in  
27 favor of any person claiming title to or interest in any vehicle  
28 against a person having possession of the certificate of title  
29 or manufacturer's or importer's certificate for such vehicle  
30 for a valuable consideration. No court in any case at law  
31 or equity shall recognize the right, title, claim or interest  
32 of any person in or to any vehicle subject to registration sold  
33 or disposed of, or mortgaged or encumbered, unless evidenced by  
34 a certificate of title or manufacturer's or importer's certificate  
35 duly issued in accordance with the provisions of this Chapter.

36 "3. Upon the transfer of any registered vehicle, the owner  
37 shall endorse an assignment and warranty of title upon the  
38 certificate of title for such vehicle with a statement of all  
39 liens and encumbrances thereon, which statement shall be  
40 verified under oath by the owner, and he shall deliver the  
41 certificate of title to the purchaser or transferee at the time,  
42 of delivering the vehicle except as otherwise provided in this  
43 chapter. The owner shall also sign the reverse side of the  
44 registration card issued for such vehicle indicating the name  
45 and address of the transferee and the date of the transfer."

1 Sec. 17. Section three hundred twenty-one point forty-six  
2 (321.46), Code 1950, is hereby repealed and the following  
3 substituted in lieu thereof:

4 "The purchaser or transferee shall immediately apply for  
5 and obtain from the county treasurer of his residence a transfer  
6 of registration and a new certificate of title for such vehicle  
7 except as provided in section nineteen (19) of this Act. The  
8 purchaser or transferee shall present with the application  
9 the certificate of title endorsed and assigned by the previous  
10 owner and the signed registration card."

11 "Upon filing the application for a registration transfer  
12 and a new title, the applicant shall pay a fee of seventy-five  
13 (75) cents. The county treasurer, if satisfied of the genuineness  
14 and regularity of the application and that applicant has complied  
15 with all the requirements of this chapter, shall forthwith issue  
16 a new certificate of title and registration card to the purchaser  
17 or transferee and shall forward the necessary copies to the  
18 department on the date of issuance, as prescribed in section  
19 seven (7) of this Act."

1 Sec. 18. Section three hundred twenty-one point forty-seven  
2 (321.47), Code 1950, is hereby repealed and the following  
3 enacted in lieu thereof:

4 "In the event of the transfer of ownership of any vehicle  
5 by operation of law as upon inheritance, devise or bequest,  
6 order in bankruptcy, insolvency, replevin, foreclosure or  
7 execution sale, or whenever the engine of a motor vehicle is  
8 replaced by another engine, or whenever a vehicle is sold to  
9 satisfy an artisan's lien as provided in chapter 577 of the  
10 Code, 1950, or repossession is had upon default in performance

11 of the terms of a chattel mortgage, trust receipt, conditional  
12 sales contract or other like agreement, the treasurer of the  
13 county in which the last certificate of title to any such vehicle  
14 was issued, upon the surrender of the prior certificate of title  
15 or manufacturer's or importer's certificate, or when that  
16 is not possible, upon presentation of satisfactory proof to  
17 the county treasurer of ownership and right of possession to such  
18 vehicle and upon payment of a fee of seventy-five (75) cents  
19 and the presentation of an application for registration and  
20 certificate of title, may issue to the applicant a registration  
21 card for such vehicle and a certificate of title thereto. If,  
22 from the records in the office of the county treasurer, there  
23 appear to be any lien or liens on such vehicle, such certificate  
24 of title shall contain a statement of such liens unless the  
25 application is accompanied by proper evidence of their satisfaction  
26 or extinction."

1 Sec. 19. Section three hundred twenty-one point forty-eight  
2 (321.48), Code 1950, is hereby repealed and the following  
3 substituted in lieu thereof:

4 "1. When the transferee or purchaser of a vehicle is a  
5 dealer who holds the same for resale and operates the same  
6 only for purposes incident to a resale and displays thereon  
7 the registration plates issued for such vehicle, or displays his  
8 dealer plates thereon or does not drive such vehicle or permit  
9 it to be driven upon the highways, such transferee shall not  
10 be required to obtain transfer of registration or a new certificate

11 of title but upon transferring his title or interest to another  
12 person shall execute and acknowledge an assignment and warranty  
13 of title upon the certificate of title assigned to him and  
14 deliver the same to the person to whom such transfer is made.  
15 The dealer shall also sign the reverse side of the registration  
16 card for such vehicle indicating the name and address of the  
17 new purchaser.”

18 “2. Any vehicle purchased or otherwise acquired by a  
19 dealer for the purposes of resale from an owner residing in a  
20 foreign state shall be issued a certificate of title thereto  
21 by the county treasurer of the dealer's residence upon proper  
22 application therefor as provided in this chapter and such dealer  
23 shall be exempt from the payment of any and all registration  
24 fees to such vehicle.”

25 “3. Whenever a dealer purchases or otherwise acquires a  
26 vehicle registered in this state he shall issue a signed receipt  
27 to the previous owner, indicating the date of purchase or  
28 acquisition, the name and address of such previous owner and the  
29 registration number of the vehicle purchased or acquired. The  
30 original receipt shall be delivered to the owner on the date of  
31 purchase or acquisition and two copies shall be mailed or delivered  
32 by the dealer to the county treasurer of his residence within  
33 forty-eight (48) hours after purchase or acquisition. The county  
34 treasurer shall forward one copy to the department. Forms for  
35 such receipts shall be furnished by the department.

36 “4. Nothing in this section shall be construed to prohibit

37 a dealer from obtaining a new certificate of title and transfer  
38 of registration in the same manner as other purchasers.”

1 Sec. 20. Section three hundred twenty-one point forty-nine  
2 (321.49), Code 1950, is hereby repealed and the following  
3 substituted in lieu thereof:

4 “1. If an application for transfer of registration and  
5 certificate of title is not submitted to the county treasurer  
6 of the residence of purchaser or transferee within five (5)  
7 days of actual change of possession, a penalty of five (5)  
8 dollars shall accrue against said vehicle, and no registration  
9 card or certificate of title shall thereafter be issued until  
10 penalty is paid.”

11 “2. Certificates of title to vehicles may be assigned by  
12 an attorney in fact of the owner under a power of attorney  
13 appointed and so empowered on forms provided by the department.  
14 Such power of attorney shall be filed by the transferee with the  
15 application for title.”

1 Sec. 21. Section three hundred twenty-one point fifty  
2 (321.50), Code 1950, is hereby repealed and the following  
3 substituted in lieu thereof:

4 “The provisions of chapter 556, Code 1950, shall never be  
5 construed to apply to or permit or require the deposit, filing  
6 or other record whatsoever, of a chattel mortgage, conveyance  
7 intended to operate as a mortgage, trust receipt, conditional  
8 sales contract, or similar instrument, or any copy of the same  
9 covering a vehicle subject to registration under the laws of

10 this state. Any mortgage, conveyance intended to operate as  
11 a mortgage, trust receipt, conditional sales contract or similar  
12 instrument covering such vehicle, if such instrument is accompanied  
13 by delivery of such manufacturer's or importer's certificate and  
14 followed by actual and continued possession of the same by the  
15 holder of said instrument or, in the case of the certificate of  
16 title, if a notation of same has been made by the county treasurer  
17 on the face thereof, shall be valid as against the creditors of  
18 the mortgagor, whether armed with process or not, and subsequent  
19 purchasers, mortgagees and other lienholders or claimants, but  
20 otherwise shall not be valid against them. All liens, mortgages  
21 and encumbrances, noted on a certificate of title, shall take  
22 priority according to the order of time in which the same are  
23 noted thereon by the county treasurer. Exposure for sale of  
24 any such vehicle by the owner thereof, with the knowledge and  
25 consent of the holder of any lien, mortgage or encumbrance  
26 thereon, shall not render the same void or ineffective as against  
27 subsequent purchasers or the creditors of such owner or holder  
28 of subsequent liens, mortgages or encumbrances upon such motor  
29 vehicle or trailer. The holder of a chattel mortgage, trust receipt,  
30 conditional sales contract, or similar instrument, upon presentation  
31 of such instrument or certified true copy thereof, to the  
32 treasurer of the county where such certificate of title was  
33 issued, together with the certificate of title and a fee of  
34 seventy-five (75) cents, may have a notation of such lien made  
35 on the face of such certificate of title. The county treasurer

36 shall enter said notation and the date thereof over the signature  
37 of such officer or deputy and the seal of office, and he shall  
38 also note such lien and the date thereof on the duplicate of  
39 same on file, and on that day shall notify the department on  
40 forms provided by the department, which shall note such liens  
41 on the duplicate title in its file. The county treasurer shall  
42 also indicate by appropriate notation on such instrument itself  
43 or certified true copy thereof, the fact that such lien has been  
44 noted on the certificate of title. The county treasurer upon  
45 receipt of a lien duly executed in the manner prescribed by law  
46 governing such lien instruments, together with the fee prescribed  
47 for notation of lien, shall mail a notification to the first  
48 lienholder at the address of such first lienholder as indicated  
49 by records of the county treasurer, to deliver to the county  
50 treasurer, within fifteen (15) days from the date of notice,  
51 the certificate of title to permit notation of such junior lien.  
52 After such notation of lien, the county treasurer shall deliver  
53 the certificate of title to the first lienholder. The holder of  
54 a certificate of title who refuses to deliver a certificate of  
55 title to the county treasurer for the purpose of showing the junior  
56 lien on such certificate of title within fifteen (15) days from  
57 the date when notified to do so by the county treasurer, shall  
58 be liable for damages to such junior lienholder for the amount  
59 of damages such junior lienholder suffered by reason of the  
60 holder of the certificate of title refusing to permit the  
61 showing of such lien on the said certificate of title. When a

62 lien is discharged, the holder thereof shall execute a notarized  
63 release within twenty (20) days after payment is received, such  
64 release to contain the certificate of title number, the amount  
65 of the lien and the date of the notation thereof. The holder  
66 shall also note a cancellation of same on the face of the  
67 certificate of title over his, her or its signature, and deliver  
68 the release and certificate of title to the county treasurer  
69 where title was issued who shall note the cancellation of said  
70 lien on the face of the certificate of title and on the duplicate  
71 of same on file in his office, and on the same day shall notify  
72 the department, which shall note such release on the duplicate  
73 title in its file. The county treasurer shall then deliver  
74 the certificate of title to the then first lienholder, or, if  
75 there is no such person, to the owner, or as otherwise directed  
76 by the owner. Said cancellation of lien shall be noted on the  
77 certificate of title by the county treasurer without charge.  
78 The provisions of chapter 556 shall continue to apply to the  
79 deposit, filing, refiling or other record whatsoever of a  
80 chattel mortgage, conveyance intended to operate as a mortgage,  
81 trust receipt, conditional sales contract, or other similar  
82 instrument, or any copy of same, made prior to October 1, 1953,  
83 and covering a motor vehicle, semi-trailer or trailer.”

1     Sec. 22. Section three hundred twenty-one point fifty-two  
2     (321.52), Code 1950, is hereby repealed and the following  
3     substituted in lieu thereof.

4     “1. When a vehicle is permanently dismantled or destroyed

5 so that it can no longer be used on the public highway or is  
6 sold by the owner, dealer or otherwise, for junk, the owner  
7 shall detach the registration plates and registration card and  
8 surrender same along with the certificate of title to the  
9 county treasurer who shall cancel same on his records and forward  
10 the certificate of title to the department. The certificate of  
11 title surrendered by the owner shall have noted thereon the  
12 purpose of cancellation and the name of the purchaser if sold  
13 for junk and such notation shall be duly signed by the owner.  
14 The department shall notify the title issuing county, if other  
15 than the county where title was surrendered, authorizing the  
16 treasurer to cancel and destroy all records pertaining to the  
17 particular vehicle. The department is not authorized to make a  
18 refund of license fees on a dismantled, destroyed or junked  
19 vehicle unless and until the certificate of title thereto has  
20 been surrendered.

21 "2. When a vehicle is sold outside the state for purposes  
22 other than for junk the owner, dealer or otherwise, thereof,  
23 shall detach the registration plates and registration card and  
24 shall indicate on the reverse side of such registration card  
25 the name and address of the foreign purchaser or transferee  
26 over his signature. The owner shall surrender the plates and  
27 registration card to the county treasurer who shall cancel his  
28 records and shall destroy the plates and forward the registration  
29 card to the department. The department shall make a notation  
30 on the records of the out-of-state sale, and, after a reasonable

31 period, may destroy the files to that particular vehicle except  
32 the motor file. The department is not authorized to make a  
33 refund of license fees on a vehicle sold out-of-state unless  
34 and until it receives the registration card completed as herein  
35 provided.”

1     Sec. 23. Section three hundred twenty-one point sixty-seven  
2 (321.67), Code 1950, is hereby repealed and the following  
3 substituted in lieu thereof:

4     “1. No person, except as provided in section six (6) and  
5 sixteen (16) of this Act shall sell or otherwise dispose of a  
6 registered vehicle or a vehicle subject to  
7 registration without delivering to the purchaser or transferee  
8 thereof a certificate of title with such assignment thereon  
9 as may be necessary to show title in the purchaser.

10    “2. No person shall purchase or otherwise acquire or  
11 bring into this state a registered vehicle or a vehicle  
12 subject to registration without obtaining a certificate of  
13 title thereto except for temporary use or as provided in  
14 section six (6) and sixteen (16) of this Act.

1     Sec. 24. Section three hundred twenty-one point sixty-eight  
2 (321.68), Code 1950, is hereby amended as follows:

3     1. By striking the period (.) in line seven (7) of  
4 paragraph (a) of subsection one (1) thereof and substituting in lieu  
5 thereof the following: “with a certification signed by both  
6 the vendee and the vendor that the certificates of title  
7 pertaining to all the used motor vehicles listed on the inventory

8 have been duly assigned to the vendee as prescribed in this  
9 chapter.”;

10 2. By repealing paragraph (b) of subsection one (1)  
11 thereof;

12 3. By repealing subsection three (3) thereof.

1 Sec. 25. Section three hundred twenty-one point seventy  
2 (321.70), Code 1950, is hereby amended by striking the word  
3 “repossessed” in line sixteen (16) thereof.

1 Sec. 26. Section three hundred twenty-one point seventy-one  
2 (321.71), Code 1950, is hereby repealed.

1 Sec. 27. Section three hundred twenty-one point ninety-three  
2 (321.93), Code 1950, is hereby amended by striking the words  
3 “registration and transfer” in lines six (6) and seven (7)  
4 thereof and substituting in lieu thereof the word “title”.

1 Sec. 28. Section three hundred twenty-one point  
2 ninety-six (321.96), Code 1950, is hereby amended by striking  
3 the word “certificate” in line five (5) thereof and inserting in  
4 lieu thereof the following: “receipt, certificate of title.”

1 Sec. 29. Section three hundred twenty-one point  
2 ninety-seven (321.97), Code 1950, is hereby amended by inserting  
3 after the word “of” in line three (3) thereof the following:  
4 “or certificate of title to”.

1 Sec. 30. Section three hundred twenty-one point  
2 ninety-eight (321.98), Code 1950, is hereby amended as follows:

3 1. By inserting, following the word “registered” in line  
4 four (4) thereof the words “and titled”;

5 2. By inserting following the word "year" in line nine  
6 (9) thereof the words "and unless a certificate of title has  
7 been issued for such vehicle".

1 Sec. 31. Section three hundred twenty-one point one  
2 hundred (321.100), Code 1950, is hereby amended by inserting  
3 after the word "any" in line one (1) of subsection one (1)  
4 thereof the following: "certificate of title, manufacturer's  
5 or importer's certificate,".

1 Sec. 32. Section three hundred twenty-one point one  
2 hundred one (321.101), Code 1950, is hereby amended by adding  
3 the following: "The department is hereby authorized, and it  
4 shall be its duty, to cancel a certificate of title that appears  
5 to have been improperly issued. Upon cancellation of any  
6 certificate of title the department shall notify the county  
7 treasurer who issued the same, who shall forthwith enter the  
8 cancellation upon his records. The department shall also notify  
9 the person to whom such certificate of title was issued, as  
10 well as any lienholders appearing thereon, of the cancellation  
11 and shall demand the surrender of such certificate of title,  
12 but the cancellation shall not affect the validity of any lien  
13 noted thereon."

1 Sec. 33. Section three hundred twenty-one point one  
2 hundred three (321.103), Code 1950, is hereby amended as  
3 follows:

4 1. By inserting after the word "vehicle" in line three (3)  
5 thereof the following: ", or certificate of title.";

6 2. By inserting after the comma (,) following the word  
7 "registration" in line eight (8) thereof the following:  
8 "certificate of title,".

1 Sec. 34. Section three hundred twenty-one point one hundred  
2 four (321.104), Code 1950, is hereby repealed and the following  
3 substituted in lieu thereof:

4 "It is a misdemeanor, punishable as provided in section  
5 three hundred twenty-one point four hundred eighty-two (321.482),  
6 Code 1950, for any person to commit any of the following acts:

7 "1. To operate any motor vehicle upon the highways upon  
8 which the certificate of title has been canceled, or while a  
9 certificate of registration of a motor vehicle is suspended  
10 or revoked.

11 "2. For a dealer, or a person acting on behalf of a dealer  
12 to acquire, purchase, hold or display for sale a motor vehicle  
13 without having obtained a manufacturer's or importer's certificate  
14 or a certificate of title, or assignments thereof, unless  
15 otherwise provided in this chapter.

16 "3. Any person who shall fail to surrender any certificate  
17 of title or registration card or license plates upon cancellation,  
18 suspension or revocation of the same by the department and notice  
19 thereof as prescribed in this chapter.

20 "4. Any person whoever shall purport to sell or transfer  
21 a motor vehicle, trailer or semi-trailer without delivering  
22 to the purchaser or transferee thereof a certificate of title or  
23 a manufacturer's or importer's certificate thereto duly

24 assigned to such purchaser as provided in this chapter.

25 "5. Any person whoever shall violate any of the other  
26 provisions of this chapter or any lawful rules or regulation  
27 promulgated pursuant to the provisions of this chapter."

1 Sec. 35. Section three hundred twenty-one point one  
2 hundred nine (321.109), Code 1950, is hereby amended as follows:

3 1. By striking the word "shall" in line sixteen (16)  
4 thereof and substituting in lieu thereof the word "may";

5 2. By adding to said section the following: "Such purchaser  
6 may apply for a certificate of title by surrendering the  
7 manufacturer's or importer's certificate of title, duly  
8 assigned as provided in this chapter. In this event, the  
9 treasurer in the county of purchase shall, when satisfied with  
10 the genuiness and regularity of the application, and upon payment  
11 of a fee of seventy-five (75) cents, issue a certificate of  
12 title in the name and address of such non-resident purchaser  
13 delivering the same to the person entitled thereto as provided  
14 in this chapter.

15 3. By striking the word "shall" in line eight (8) section  
16 one (1) of chapter one hundred fourteen (114), Laws of the  
17 Fifty-fourth General Assembly, and substituting in lieu thereof  
18 the word "may".

1 Sec. 36. Section three hundred twenty-one point one  
2 hundred twenty-six (321.126), Code 1950, is hereby amended:

3 1. By adding to subsection one (1) thereof the following:  
4 "With reference to the destruction or dismantling of a vehicle,

5 the affidavit shall be accompanied by the certificate of title  
6 as provided in section twenty-two (22) of this Act. With  
7 reference to the removal of a vehicle from this state as provided  
8 herein, the affidavit shall contain a statement indicating the  
9 foreign registration number of such vehicle, the name and address  
10 of the official of the foreign state to whom the Iowa certificate  
11 of title has been surrendered and the number of the foreign  
12 certificate of title issued for such vehicle, if registered in  
13 a title law state."

14 2. By striking the figures "321.45" in line six (6)  
15 thereof and inserting in lieu thereof the following: "twenty-two  
16 (22) of this Act".

1 Sec. 37. Section eleven (11) of chapter one hundred  
2 thirty-seven (137), Laws of the Fifty-fourth General Assembly,  
3 is hereby amended by striking from lines three (3) and four (4)  
4 thereof the word "twenty-five" and inserting in lieu thereof  
5 the word "forty".

1 Sec. 38. Section three hundred twenty-one point one  
2 hundred fifty-two (321.152), Code 1950, is hereby amended  
3 as follows:

4 1. By striking from line seven (7) thereof the words  
5 "transfer of registration" and inserting in lieu thereof the  
6 following: "title and for each notation of a lien or encumbrance  
7 when a fee therefore is prescribed by the provisions of this  
8 chapter";

9 2. By striking from line thirteen (13) thereof the

10 figures "321.24" and inserting in lieu thereof the following:

1 "seven (7) of this Act".

1 Sec. 39. The effective date of this Act shall be October

2 1, 1953.

1 1. Amend Senate File 181, section 7, by striking  
2 the word "inidcate" in line 55 thereof and inserting  
3 in lieu thereof the word "indicate".

4 2. Further amend Senate File 181, section 14,  
5 by striking the period (.) after the word "duplicate" in line  
6 12, and adding the following: "and shall be  
7 identical in every respect to the original to include notation  
8 upon the face thereon of liens or encumbrances disclosed by the  
9 records of the department. Upon issuance of title the previous  
10 certificate last issued shall be void."

11 3. Further amend Senate File 181, section 15, by  
12 striking the word "title" in line 3 and inserting  
13 in lieu thereof the word "titled".

14 4. Further amend Senate File 181, section 19, by  
15 striking all of subsection 2 and substituting therefor  
16 the following subsection:

17 "2. Any foreign registered vehicle purchased or otherwise  
18 acquired by a dealer for the purpose of resale shall be issued a  
19 certificate of title thereto by the county treasurer of the  
20 dealer's residence upon proper application therefor as provided  
21 in this chapter and upon payment of a fee of seventy-five (75)  
22 cents and such dealer shall be exempt from the payment of any and  
23 all registration fees for such vehicle."

24 5. Further amend Senate File 181, section 32,  
25 by striking the period (.) after the word "issued" in line  
26 5, and adding the following: "or fraudulently obtained."

Filed *Adopted 2/20*  
February 19, 1953.

By COMMITTEE ON MOTOR VEHICLES.

1 Amend section 21, Senate File 181, by inserting in line 20  
2 following the period in said line the following "The county  
3 treasurer shall note upon the certificate of title all liens  
4 shown in the application for such certificate of title, upon  
5 the payment of a fee of seventy-five cents (75c) for each lien  
6 appearing on such application."

Filed and adopted  
February 20, 1953.

By VEST.

*Adopted 2/20*

- 1 Amend Senate File 181 by adding a new section:
- 2 Section three hundred twenty-one point one hundred thirty-
- 3 four (321.134), Code 1950, is hereby amended by striking from
- 4 line twenty-one (21) the word: "thirty" and substituting the
- 5 word: "seventy" in lieu thereof.

Filed  
March 13, 1953.

MOOTY of Grundy.  
GOODE of Davis.

*adopted*  
*3/16*  
*Senate*  
*concurrent*  
*3/17*

- 1 1. Amend Senate File 181 by striking the period (.)
- 2 after the word "state" in line ten (10) of section twenty-
- 3 one (21) and adding the following: ", except trailers subject
- 4 to a registration fee of ten dollars (\$10) or less."
- 5 2. Further amend by adding the following new section
- 6 "Provided, however, trailers subject to a registration fee
- 7 of ten dollars (\$10) or less shall be exempt from the
- 8 certificate of title and lien provisions of this act."

Filed  
March 16, 1953.

HANSON of Lyon.  
MEYER of Sac.  
WESTON of Buchanan.  
PAUL of Poweshick.  
VAN ZWOL of O'Brien.  
NELSON of Woodbury.

*Amendment*  
*3/16*  
*adopted*  
*3/17*  
*Senate*  
*concurrent*  
*3/17*  
*adopted*  
*3/17*  
*Senate*  
*concurrent*  
*3/17*

- 1 Amend the Senate committee amendment of Senate File 181 by
- 2 adding following the period in line twenty-three (23) of section
- 3 nineteen (19) the following: "Such application for certificate of
- 4 title shall be made within forty-eight (48) hours after said vehicle
- 5 comes within the border of the state."

Filed  
March 16, 1953.

MOOTY of Grundy.

*adopted*  
*3/17*  
*Senate*  
*concurrent*  
*3/17*

- 1 Amend Senate File 181 by striking sec-
- 2 tion twenty-five (25)
- 3 therefrom and renumbering the remaining
- 4 sections.

Amendment lost  
March 17, 1953.

WATSON of Warren.

*Lost*

- 1 Amend the title of Senate File 181 by striking all of
- 2 said title following the word "thereon" in line four (4)
- 3 and inserting in lieu thereof the following: ", to prescribe
- 4 certain annual registration fees for trucks, tractors and
- 5 road-trailers, to amend or repeal various sections of Code
- 6 1950 relating thereto and to allocate moneys resulting from
- 7 certain license fee increases to the primary road fund."

Amendment lost  
March 17, 1953.

KERR of Shelby.

*Lost*