

See Transportation 4/2/85

Senate File 537

Transportation: Woods, Chair: Cooper and Van Camp. _____

SENATE FILE 537

BY COMMITTEE ON TRANSPORTATION
Approved 3/22 (p. 174)

FILED MAR 22 1985

Passed Senate, Date 3-28-85 (p. 1109) Passed House, Date _____
Vote: Ayes 42 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act to require owners of vehicles subject to proportional
2 registration to make application to the department of
3 transportation for registration and issuance of certificate
4 of title, and providing an effective date.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 Section 1. Section 321.20, unnumbered paragraph 1, Code
2 1985, is amended to read as follows:

3 Except as provided in this chapter, every owner of a
4 vehicle subject to registration shall make application to the
5 county treasurer, of the county of the owner's residence, or
6 if a nonresident, to the county treasurer of the county where
7 the primary users of the vehicle are located, for the
8 registration and issuance of a certificate of title for the
9 vehicle upon the appropriate form furnished by the
10 department. However, the owner of a vehicle subject to the
11 proportional registration provisions of chapter 326 shall make
12 application for registration and issuance of a certificate of
13 title to the department. The application shall be accompanied
14 by a fee of ten dollars, and every-applicator shall bear the
15 owner's signature of-the-owner written with pen and ink.
16 However, a nonresident owner of two or more vehicles subject
17 to registration may make application for registration and
18 issuance of a certificate of title for all vehicles subject to
19 registration to the county treasurer of the county where the
20 primary user of any of the vehicles is located. The owner of
21 a mobile home shall make application for a certificate of
22 title under this section. The application shall contain:

23 Sec. 2. Section 321.24, unnumbered paragraph 1, Code 1985,
24 is amended to read as follows:

25 Upon receipt of the application for title and payment of
26 the required fees for motor vehicle, trailer, or semitrailer,
27 the county treasurer or the department shall, when satisfied
28 as to the application's genuineness and regularity, and, in
29 the case of a mobile home, that taxes are not owing under
30 chapter 135D, issue a certificate of title and, except for a
31 mobile home, a registration receipt and shall file the
32 application, the manufacturer's or importer's certificate,
33 certificate of title, or other evidence of ownership, as
34 prescribed by the department. The registration receipt shall
35 be delivered to the owner and shall contain upon its face the

1 date issued, the name and address of the owner, the
2 registration number assigned to the vehicle, the title number
3 assigned to the owner of the vehicle, the amount of the fee
4 paid, the amount of tax paid pursuant to section 423.7, type
5 of fuel used and a description of the vehicle as determined by
6 the department and upon the reverse side a form for notice of
7 transfer of the vehicle.

8 PARAGRAPH DIVIDED. The county treasurer shall maintain in
9 the county record system information contained on the
10 registration receipt. The information shall be accessible by
11 registration number and shall be open for public inspection
12 during reasonable business hours. Copies the department
13 requires shall be sent to the department in the manner and at
14 the time the department directs.

15 PARAGRAPH DIVIDED. The certificate of title shall contain
16 upon its face the identical information required upon the face
17 of the registration receipt. In addition, the certificate of
18 title shall contain a statement of the owner's title, the
19 amount of tax paid pursuant to section 423.7, the name and
20 address of the previous owner, and a statement of all security
21 interests and encumbrances as shown in the application, upon
22 the vehicle described including the nature of the security
23 interest, date of notation and name and address of the secured
24 party. The certificate shall bear the seal of the county
25 treasurer or of the department, and the signature of the
26 county treasurer, ~~or that of~~ the deputy county treasurer, and
27 or the department director or deputy designee. The
28 certificate shall provide space for the signature of the
29 owner. The owner shall sign the certificate of title in the
30 space provided with pen and ink upon its receipt. The
31 certificate of title shall contain upon the reverse side a
32 form for assignment of title or interest and warranty by the
33 owner, for reassignments by a licensed dealer and for
34 application for a new certificate of title by the transferee
35 as provided in this chapter. All certificates of title shall

1 be typewritten or printed by other mechanical means. The
2 original certificate of title shall be delivered to the owner
3 if no security interest or encumbrance appears thereon.
4 Otherwise the certificate of title shall be delivered by the
5 county treasurer or the department to the person holding the
6 first security interest or encumbrance as shown in the
7 certificate.

8 PARAGRAPH DIVIDED. The county treasurer or the department
9 shall maintain in the county or department records system
10 information contained on the certificate of title. The
11 information shall be accessible by title certificate number
12 for a period of three years from the date of notification of
13 cancellation of title or that a new title has been issued as
14 provided in this chapter. Copies the department requires
15 shall be sent to the department in the manner and at the time
16 the department directs. The department shall designate a
17 uniform system of title numbers to indicate the county of
18 issuance.

19 Sec. 3. Section 321.30, unnumbered paragraph 1, Code 1985,
20 is amended to read as follows:

21 The department or the county treasurer shall refuse
22 registration and issuance of a certificate of title or any
23 transfer of title and registration upon any of the following
24 grounds:

25 Sec. 4. Section 321.30, subsection 3, Code 1985, is
26 amended to read as follows:

27 3. That the department or the county treasurer has
28 reasonable ground to believe that the vehicle is a stolen or
29 embezzled vehicle or that the granting of registration and
30 issuance of a certificate of title would constitute a fraud
31 against the rightful owner.

32 Sec. 5. Section 321.30, unnumbered paragraph 2, Code 1985,
33 is amended to read as follows:

34 The department or the county treasurer shall also refuse
35 registration of any vehicle if the applicant for registration

1 of ~~such~~ the vehicle has failed to pay the required
2 registration fees of any vehicle owned or previously owned
3 when the registration fee was required to be paid by the
4 applicant and for which vehicle the registration was suspended
5 or revoked under ~~the provisions of~~ section 321.101, subsection
6 4, until such the fees are paid together with any accrued
7 penalties.

8 Sec. 6. Section 326.30, Code 1985, is amended to read as
9 follows:

10 326.30 MOTOR VEHICLE LAW APPLICABLE.

11 All provisions of chapter 321 insofar as applicable, are
12 hereby ~~specifically~~ extended to include owners who register
13 and title vehicles in this state on a proportional
14 registration basis or who operate interstate on Iowa highways
15 under reciprocity.

16 Sec. 7. Section 326.45, Code 1985, is amended to read as
17 follows:

18 326.45 ISSUANCE -- TITLE OBLIGATION.

19 Upon receiving application for and payment of the
20 registration fee and notification of title ~~from the county~~
21 ~~treasurer~~, the department shall issue registration
22 identification to the applicant carrier and send the
23 certificate of title to the vehicle owner or lienholder. The
24 department shall adopt rules pursuant to chapter 17A to
25 process registration of vehicles titled in other states.

26 Sec. 8. This Act takes effect January 1, 1987.

27 EXPLANATION

28 This bill provides for the titling of vehicles subject to
29 proportioned registration by the department of transportation
30 rather than through the counties. The bill simplifies and
31 centralizes the title and registration process for vehicles
32 eligible for apportioned registration. An effective date of
33 January 1, 1987, will allow necessary rule and procedural work
34 to be accomplished prior to implementation.

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