

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Department of Transportation adopts amendments to Chapter 400, “Vehicle Registration and Certificate of Title,” Chapter 401, “Special Registration Plates,” Chapter 405, “Salvage,” Chapter 415, “Driver’s Privacy Protection—Certificates of Title and Vehicle Registration,” Chapter 425, “Motor Vehicle and Travel Trailer Dealers, Manufacturers, Distributors and Wholesalers,” Chapter 431, “Vehicle Recyclers,” Chapter 450, “Motor Vehicle Equipment,” and Chapter 480, “Abandoned Vehicles,” Iowa Administrative Code.

Notice of Intended Action for these amendments was published in the June 30, 2010, Iowa Administrative Bulletin as **ARC 8869B**.

The purpose of this rule making is to amend the rules to conform to recent legislation and the Iowa Code, to clarify and streamline procedures, to clean up and clarify rules, and to rescind rules no longer valid. The following paragraphs summarize the amendments by rule chapter:

The amendments to Chapter 400 add a definition of “social security number”; allow for a certification of trust to be accepted as proof of application for a certificate of title or registration; amend the titling procedure on a restitution or forfeiture lien; clarify that the bonded title application shall be accompanied by evidence of ownership; remove the requirement that a motor vehicle investigator examine the vehicle to verify that the certificate of title application is correct; make necessary amendments relating to certificates of title and registration plates for specialty vehicles to comply with 2008 Iowa Acts, chapter 1044; make changes to the Department’s authority to register unconventional vehicles; clarify that the dealer must pay delinquent fees if the vehicle is not currently registered when the dealer acquires the vehicle; remove the requirement that a dealer must assign the title to the dealer; make necessary revisions relating to the registration of vehicles equipped for persons with disabilities to comply with 2008 Iowa Acts, chapter 1042; discontinue the ability to register a truck tractor as a motor home with a minor conversion to avoid commercial driver’s license requirements, fuel tax and registration fees; clarify when a fee is not required for a vehicle that is put in or taken out of storage; amend the procedure concerning stored vehicles; and add new rules to clarify appeal time frames.

The amendments to Chapter 401 allow the Department to grant an extension if 500 paid applications for processed emblem plates are not submitted within one year after the date the Department approved the plate and clarify that, although a person that qualifies for the legion of merit plate may apply for more than one set of plates, the person is only allowed the reduced registration fee for one vehicle.

The amendment to Chapter 405 removes the requirement that the previous fees due and the year the vehicle became salvage be entered on an Iowa salvage title.

The amendments to Chapter 415 clarify and update the process, requirements and restrictions for obtaining a vehicle and title information protected by the Driver’s Privacy Protection Act. These changes comply with 2009 Iowa Acts, chapter 126.

The amendments to Chapter 425 change “designated location” to “principal place of business”; allow the Department to rescind revocation of a dealer’s license that was revoked for failure to file a surety bond if the applicant timely obtained a reinstated or new surety bond meeting the requirements but due to mistake or inadvertence failed to file the original bond; stipulate that a temporary license will no longer be granted; clarify the proper documentation needed by motor vehicle franchisers; and amend the process used to notify persons of pending revocations and appeal requests to comply with Iowa Code chapter 322A.

The amendments to Chapter 431 change “designated location” to “principal place of business.”

The amendments to Chapter 450 define motorized vehicle classifications and vehicle component working order and conditions for titling and registration of specially constructed or reconstructed vehicles to comply with 2008 Iowa Acts, chapter 1044.

The amendment to Chapter 480 adds a definition of “abandoned vehicle” for consistency and clarification of Iowa Code section 321.18.

These rules do not provide for waivers. Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

One change was made from the Notice of Intended Action. In Item 28, "may" was changed to "shall" in the introductory paragraph of subrule 415.4(1) as follows:

"**415.4(1)** The department or a county treasurer shall require a requestor to:"

These amendments are intended to implement Iowa Code chapters 17A, 321, 321H, 321L, 322 and 322C.

These amendments will become effective October 13, 2010.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Chs 400, 401, 405, 415, 425, 431, 450, 480] is being omitted. With the exception of the change noted above, these amendments are identical to those published under Notice as **ARC 8869B**, IAB 6/30/10.

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[For replacement pages for IAC, see IAC Supplement 9/8/10.]