

~~in the expansion to a seven-member board the additional members necessary to establish a five-member or seven-member board and shall provide that, of the additional members added to the board by appointment, one-half of the additional members added shall serve until the next succeeding general or city election, and for the appointment of the one or two other the remaining additional members shall serve until the second succeeding general or city election. The ordinance shall also provide that the determination of which election an appointed additional member shall be required to seek election be determined by lot.~~ Thereafter, the terms of office of such additional members shall be four years. However, if a city has adopted an ordinance which increases the number of members of the board of trustees to five or seven members and the terms of office of four of the five members or six of the seven members end in the same year, the date of expiration of the term of one of the four members or two of the six members, to be determined by lot, shall be extended by an additional two years.

Approved March 29, 2000

CHAPTER 1016

MOTOR VEHICLE REGULATION — MISCELLANEOUS PROVISIONS

S.F. 2147

AN ACT relating to motor vehicles, including motor vehicle enforcement, titling, and registration, the renewal of certain licenses related to selling vehicles, and motor carrier regulation, making penalties applicable, and providing effective dates.

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

DIVISION I

MOTOR VEHICLE REGISTRATION AND TITLING, DEALER LICENSING, AND MOTOR VEHICLE AND MOTOR CARRIER ENFORCEMENT

Section 1. Section 321.1, Code Supplement 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 83A. "Towing or recovery vehicle" means a motor vehicle equipped with booms, winches, slings, or wheel lifts used to tow, recover, or transport other motor vehicles.

Sec. 2. Section 321.20A, subsection 1, Code 1999, is amended to read as follows:

1. Notwithstanding other provisions of this chapter, the owner of a commercial vehicle subject to the proportional registration provisions of chapter 326, may make application to the department for a certificate of title. The application for certificate of title shall be made within ~~fifteen~~ **thirty** days of purchase or transfer and accompanied by a ten dollar title fee and appropriate use tax.

Sec. 3. Section 321.25, unnumbered paragraph 1, Code Supplement 1999, is amended to read as follows:

A vehicle may be operated upon the highways of this state without registration plates for a period of forty-five days after the date of delivery of the vehicle to the purchaser from a dealer if a card bearing the words "registration applied for" is attached on the rear of the vehicle. The card shall have plainly stamped or stenciled the registration number of the dealer from whom the vehicle was purchased and the date of delivery of the vehicle. In addition, a dealer licensed to sell new motor vehicles may attach the card to a new motor

vehicle delivered by the dealer to the purchaser even if the vehicle was purchased from an out-of-state dealer and the card shall bear the registration number of the dealer that delivered the vehicle. A dealer shall not issue a card to a person known to the dealer to be in possession of registration plates which may be attached to the vehicle. A dealer shall not issue a card unless an application for registration and certificate of title has been made by the purchaser and a receipt issued to the purchaser of the vehicle showing the fee paid by the person making the application. Dealers' records shall indicate the agency to which the fee is sent and the date the fee is sent. The dealer shall forward the application by the purchaser to the county treasurer or state office within ~~fifteen~~ thirty calendar days from the date of delivery of the vehicle. However, if the vehicle is subject to a security interest and has been offered for sale pursuant to section 321.48, subsection 1, the dealer shall forward the application by the purchaser to the county treasurer or state office within thirty calendar days from the date of the delivery of the vehicle to the purchaser.

Sec. 4. Section 321.30, subsection 13, unnumbered paragraph 2, Code Supplement 1999, is amended to read as follows:

The department or the county treasurer shall also refuse registration of a vehicle if the applicant for registration of the vehicle has failed to pay the required registration fees of any vehicle owned or previously owned when the registration fee was required to be paid by the applicant, and for which vehicle the registration was suspended or revoked under section 321.101, subsection 4 1, paragraph "d", or section 321.101A, until the fees are paid together with any accrued penalties.

Sec. 5. Section 321.30, Code Supplement 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 14. The department or the county treasurer shall refuse registration of a vehicle if the applicant is under the age of eighteen years, unless the applicant has an Iowa driver's license or the application is being made by more than one applicant and one of the applicants is at least eighteen years of age.

Sec. 6. Section 321.46, subsection 1, Code Supplement 1999, is amended to read as follows:

1. The transferee shall within ~~fifteen~~ thirty calendar days after purchase or transfer apply for and obtain from the county treasurer of the person's residence, or if a nonresident, the county treasurer of the county where the primary users of the vehicle are located or the county where all other vehicles owned by the nonresident are registered, a new registration and a new certificate of title for the vehicle except as provided in section 321.25 or 321.48. The transferee shall present with the application the certificate of title endorsed and assigned by the previous owner and shall indicate the name of the county in which the vehicle was last registered and the registration expiration date. The transferee shall be required to list a driver's license number.

Sec. 7. Section 321.50, subsection 4, unnumbered paragraph 2, Code Supplement 1999, is amended to read as follows:

~~If a title is presented for transfer, and the~~ If a lien has been released by the lienholder but has not been sent to the county of record for clearance of the lien, the any county of transfer may note the release on the face of the title and shall notify the county of record that the lien has been released as of the specified date, and shall make entry upon the computer system; ~~and shall proceed to transfer the title.~~ Notification to the county of record shall be made by an automated statewide system, or by sending a photocopy of the released title to the county of record.

Sec. 8. Section 321.52, subsection 2, Code 1999, is amended to read as follows:

2. The purchaser or transferee of a motor vehicle for which a certificate of title is issued which is sold for scrap or junk shall surrender the certificate of title, properly endorsed and signed by the previous owner, to the county treasurer of the county of residence of the

transferee, and shall apply for a junking certificate from the county treasurer, within ~~fifteen~~ thirty days after assignment of the certificate of title. The county treasurer shall issue to such person without fee a junking certificate. A junking certificate shall authorize the holder to possess, transport or transfer by endorsement the ownership of the junked vehicle. A certificate of title shall not again be issued for the vehicle subsequent to the issuance of a junking certificate except as provided in subsection 3. The county treasurer shall cancel the record of the vehicle. The junking certificate shall be printed on the registration receipt form and shall be imprinted with the words "junking certificate", as prescribed by the department. A space for transfer by endorsement shall be on the reverse side of the junking certificate. A separate form for the notation of the transfer of component parts shall be attached to the junking certificate when the certificate is issued.

Sec. 9. Section 321.52, subsection 4, paragraph a, Code 1999, is amended to read as follows:

a. A vehicle rebuilder or a person engaged in the business of buying, selling, or exchanging vehicles of a type required to be registered in this state, upon acquisition of a wrecked or salvage vehicle, shall surrender the certificate of title or manufacturer's or importer's statement of origin properly assigned, together with an application for a salvage certificate of title to the county treasurer of the county of residence of the purchaser or transferee within ~~fifteen~~ thirty days after the date of assignment of the certificate of title for the wrecked or salvage motor vehicle. This subsection applies only to vehicles with a fair market value of five hundred dollars or more, based on the value before the vehicle became wrecked or salvage. Upon payment of a fee of two dollars, the county treasurer shall issue a salvage certificate of title which shall bear the word "SALVAGE" stamped or printed on the face of the title in a manner prescribed by the department. A salvage certificate of title may be assigned to an educational institution, a new motor vehicle dealer licensed under chapter 322, a person engaged in the business of purchasing bodies, parts of bodies, frames or component parts of vehicles for sale as scrap metal, a salvage pool, or an authorized vehicle recycler licensed under chapter 321H. An authorized vehicle recycler licensed under chapter 321H or a new motor vehicle dealer licensed under chapter 322 may assign a salvage certificate of title to any person. A vehicle on which ownership has transferred to an insurer of the vehicle, as a result of a settlement with the owner of the vehicle arising out of damage to, or unrecovered theft of the vehicle, shall be deemed to be a wrecked or salvage vehicle and the insurer shall comply with this subsection to obtain a salvage certificate of title within ~~fifteen~~ thirty days after the date of assignment of the certificate of title of the vehicle.

Sec. 10. Section 321.58, Code 1999, is amended to read as follows:

321.58 APPLICATION.

All dealers, transporters, new motor vehicle wholesalers licensed under chapter 322, and mobile home dealers licensed under chapter 322B, upon payment of a fee of seventy dollars for two years, one hundred forty dollars for four years, or two hundred ten dollars for six years, may make application to the department upon the appropriate form for a certificate containing a general distinguishing number and for one or more special plates as appropriate to various types of vehicles subject to registration. The applicant shall also submit proof of the applicant's status as a bona fide transporter, new motor vehicle wholesaler licensed under chapter 322, mobile home dealer licensed under chapter 322B, or dealer, as reasonably required by the department. Dealers in new vehicles shall furnish satisfactory evidence of a valid franchise with the manufacturer of the vehicles authorizing the dealership. ~~A dealer licensed as a wholesaler for a new motor vehicle model pursuant to chapter 322, shall furnish satisfactory evidence of valid written authorization from the manufacturer of the new motor vehicle of the dealer's status as a wholesaler of the new motor vehicle model.~~

Sec. 11. Section 321.89, subsection 4, unnumbered paragraph 1, Code 1999, is amended to read as follows:

If an abandoned vehicle has not been reclaimed as provided for in subsection 3, the police authority or private entity shall make a determination as to whether or not the vehicle shall

be sold for use upon the highways. If the vehicle is not sold for use upon the highways, it shall be sold for junk, or demolished and sold as scrap. The police authority or private entity shall sell the vehicle at public auction. Notwithstanding any other provision of this section, a police authority or private entity, which has taken into possession any abandoned vehicle which lacks an engine, two or more wheels, another part which renders the vehicle totally inoperable, or which has a fair market value of less than five hundred dollars as determined by the police authority or private entity, may dispose of the vehicle to a demolisher for junk without public auction after complying with the notification procedures in subsection 3. The purchaser of the vehicle takes title free and clear of all liens and claims of ownership, shall receive a sales receipt from the police authority or private entity, and is entitled to register the vehicle and receive a certificate of title if sold for use upon the highways. If the vehicle is sold or disposed of to a demolisher for junk, the demolisher shall make application for a junking certificate to the county treasurer within ~~fifteen~~ thirty days of purchase and shall surrender the sales receipt in lieu of the certificate of title.

Sec. 12. Section 321.101, Code Supplement 1999, is amended to read as follows:

321.101 SUSPENSION OR REVOCATION OF REGISTRATION OR CANCELLATION OF CERTIFICATE OF TITLE BY DEPARTMENT.

1. The department is hereby authorized to suspend or revoke the registration of a vehicle, registration card, registration plate, or any nonresident or other permit in any of the following events:

~~1.~~ a. When the department is satisfied that such registration card, plate, or permit was fraudulently or erroneously issued.

~~2.~~ b. When the department determines that a registered vehicle is mechanically unfit or unsafe to be operated or moved upon the highways.

~~3.~~ c. When a registered vehicle has been dismantled or wrecked.

~~4.~~ d. When the department determines that the required fee has not been paid and the ~~same~~ fee is not paid upon reasonable notice and demand.

~~5.~~ e. When a registration card, registration plate, or permit is knowingly displayed upon a vehicle other than the one for which issued.

~~6.~~ f. When the department determines that the owner has committed any offense under this chapter involving the registration card, plate, or permit to be suspended or revoked.

~~7.~~ g. When the department is so authorized under any other provision of law.

~~8.~~ h. If a commercial motor vehicle has been assigned to be operated by a commercial motor carrier whose ability to operate has been terminated or denied by a federal agency.

~~9.~~ 2. The department shall cancel a certificate of title that appears to have been improperly issued or fraudulently obtained or in the case of a mobile home or manufactured housing, if taxes were owing under chapter 435 at the time the certificate was issued and have not been paid. However, before the certificate to a mobile home or manufactured housing ~~where for~~ which taxes were owing can be canceled, notice and opportunity to pay the taxes must be given to the person to whom the certificate was issued. Upon cancellation of any certificate of title the department shall notify the county treasurer who issued it, who shall enter the cancellation upon the records. The department shall also notify the person to whom the certificate of title was issued, as well as any lienholders appearing ~~thereon on the certificate of title~~, of the cancellation and shall demand the surrender of the certificate of title, but the cancellation shall not affect the validity of any lien noted ~~thereon on the certificate of title~~.

~~9.~~ h. If a commercial motor vehicle has been assigned to be operated by a commercial motor carrier whose ability to operate has been terminated or denied by a federal agency.

~~10.~~ 3. Notice of suspension or revocation of the registration of a vehicle, registration card, registration plate, or any nonresident or other permit under the terms of this section shall be by personal delivery of ~~said the~~ the notice to the person to be so notified or by certified mail addressed to ~~such the~~ the person at the person's address as shown on the registration record. ~~No A~~ A return acknowledgment ~~shall be is~~ is not necessary to prove such latter service.

If a vehicle, for which the registration has been suspended or revoked pursuant to subsection 4 of this section 1, paragraph "d", or section 321.101A, is transferred to a bona fide purchaser for value without actual knowledge of such suspension or revocation then the vehicle shall be deemed to be registered and the provisions of sections 321.28 and 321.30, subsections 4 and 5, shall not be applicable to such vehicle for the failure of the previous owner to pay the required fees.

Sec. 13. NEW SECTION. 321.101A REVOCATION OF REGISTRATION BY COUNTY TREASURER.

The county treasurer may revoke the registration and registration plates of a vehicle if the registration fees are paid by check and the check is not honored by the payer's financial institution upon reasonable notice and demand. The owner of the vehicle or person in possession of the registration and registration plates for the vehicle shall immediately return the revoked registration and registration plates to the appropriate county treasurer's office.

Sec. 14. Section 321.123, subsection 2, Code Supplement 1999, is amended by striking the subsection.

Sec. 15. Section 321.454, Code 1999, is amended to read as follows:
321.454 WIDTH OF VEHICLES.

The total outside width of any a vehicle or the load on the vehicle shall not exceed eight feet ~~except that a motor home, commercial motor vehicle, motor truck or trailer hauling grain or livestock, travel trailer, fifth wheel travel trailer, or bus having a total outside width not exceeding eight feet six inches, exclusive of safety equipment, is exempt from the permit requirements of chapter 321E and may be operated on the public highways of the state. This limitation on the total outside width of a vehicle or the load on the vehicle does not include safety equipment on a vehicle or incidental appurtenances or retracted awnings on motor homes, travel trailers, or fifth-wheel travel trailers if the incidental appurtenance or retracted awning is less than six inches in width.~~ However, if hay, straw, or stover is moved on ~~any~~ an implement of husbandry and the total width of load of the implement of husbandry exceeds eight feet ~~in width~~ six inches, the implement of husbandry is not subject to the permit requirements of chapter 321E. If hay, straw, or stover is moved on any other vehicle subject to registration, the moves are subject to the permit requirements for transporting loads exceeding eight feet six inches in width as required under chapter 321E.

Sec. 16. Section 321.457, subsection 2, paragraph f, Code 1999, is amended to read as follows:

f. A trailer or semitrailer, laden or unladen, shall not have an overall length in excess of fifty-three feet when operating in a truck tractor-semitrailer combination exclusive of retractable extensions used to support the load. However, when a trailer or semitrailer is used exclusively for the transportation of passenger vehicles, light delivery trucks, panel delivery trucks, pickup trucks, recreational vehicle chassis, or boats, the load carried on the trailer or semitrailer may extend up to three feet beyond the front bumper and up to four feet beyond the rear bumper of the trailer or semitrailer. A lowboy semitrailer, laden, or unladen, which is designed and exclusively used for the transportation of construction equipment shall not have an overall length in excess of fifty-seven feet when used in a truck tractor-semitrailer combination.

Sec. 17. Section 321.463, subsection 10, Code Supplement 1999, is amended to read as follows:

10. a. A person who operates a vehicle in violation of ~~the provisions of~~ this section, and an owner, or any other person, employing or otherwise directing the operator of a vehicle, who requires or knowingly permits the operation of a vehicle in violation of ~~the provisions of~~ this section shall be fined according to the following schedule:

AXLE, TANDEM AXLE,
AND GROUP OF AXLES
WEIGHT VIOLATIONS

<u>Pounds Overloaded</u>	<u>Amount of Fine</u>
Up to and including 1,000 pounds	\$10 plus one half cent per pound \$12
Over 1,000 pounds up to and including 2,000 pounds	\$15 plus one half cent per pound \$22
Over 2,000 pounds up to and including 3,000 pounds	\$30 plus three cents per pound \$155
Over 3,000 pounds up to and including 4,000 pounds	\$100 plus four cents per pound \$240
Over 4,000 pounds up to and including 5,000 pounds	\$150 plus five cents per pound \$375
Over 5,000 pounds up to and including 6,000 pounds	\$200 plus seven cents per pound \$585
Over 6,000 pounds up to and including 7,000 pounds	\$200 plus ten cents per pound \$850
Over 7,000 pounds up to and including 8,000 pounds	\$950
Over 8,000 pounds up to and including 9,000 pounds	\$1,050
Over 9,000 pounds up to and including 10,000 pounds	\$1,150
Over 10,000 pounds up to and including 11,000 pounds	\$1,300
Over 11,000 pounds up to and including 12,000 pounds	\$1,400
Over 12,000 pounds up to and including 13,000 pounds	\$1,500
Over 13,000 pounds up to and including 14,000 pounds	\$1,600
Over 14,000 pounds up to and including 15,000 pounds	\$1,700
Over 15,000 pounds up to and including 16,000 pounds	\$1,800
Over 16,000 pounds up to and including 17,000 pounds	\$1,900
Over 17,000 pounds up to and including 18,000 pounds	\$2,000
Over 18,000 pounds up to and including 19,000 pounds	\$2,100
Over 19,000 pounds up to and including 20,000 pounds	\$2,200
Over 20,000 pounds	\$2,200 plus ten cents per pound in excess of 20,000 pounds

b. Fines for gross weight violations for vehicles or combinations of vehicles shall be assessed at one-half of the fine rate schedule for axle, tandem axle, and groups of axles weight violations.

c. Except as otherwise provided, the amount of the fine to be assessed shall be computed on the difference between the actual weight and the maximum legal weight specified in this section by applying the appropriate rate in the preceding schedule for the total amount of overload.

d. The schedule of fines may be assessed in addition to any other penalties provided for in this chapter.

Sec. 18. Section 321F.4, subsection 2, Code 1999, is amended to read as follows:

2. A license is valid for two years, four years, or six years and expires on the last day of the last month of the two-year, four-year, or six-year period, as applicable. A licensee shall have the month of expiration and the month after the month of expiration to renew the license. A person who fails to renew a license by the end of this time period and desires to hold a license shall file a new license application and pay the required fee.

Sec. 19. Section 321H.4, subsection 2, unnumbered paragraph 1, Code 1999, is amended to read as follows:

Application for a license as an authorized vehicle recycler shall be made to the department on forms provided by the department. The application shall be accompanied by a fee of seventy dollars for a two-year license, one hundred forty dollars for a four-year license, or two hundred ten dollars for a six-year license. The license shall be approved or disapproved within thirty days after application for the license. A license is valid for two years, four years, or six years and expires on the last day of the last month of the two-year, four-year, or six-year period, as applicable. A licensee shall have the month of expiration and the month after the month of expiration to renew the license. A person who fails to renew a license by the end of this time period and desires to hold a license shall file a new license application and pay the required fee. A separate license shall be obtained for each county in which an applicant conducts operations.

Sec. 20. Section 322.7, subsection 4, Code 1999, is amended to read as follows:

4. The motor vehicle dealer license provided for in this chapter shall be renewed upon application in the form and content prescribed by the department and upon payment of the required fee. A licensee shall have the month of expiration and the month after the month of expiration to renew the license. A person who fails to renew a license by the end of this time period and desires to hold a license shall file a new license application and pay the required fee.

Sec. 21. Section 322.29, unnumbered paragraphs 1 and 4, Code 1999, are amended to read as follows:

Application for license shall be made to the department by a manufacturer, distributor, or wholesaler, in a form and containing information as the department requires and shall be accompanied by the required license fee. ~~Licenses~~ The license shall be granted or refused within thirty days after application, and shall expire, unless sooner revoked or suspended, on December 31 of the calendar year for which ~~they are~~ it is granted. A licensee shall have the month of December of the calendar year for which the license was granted and the following month of January to renew the license. A person who fails to renew a license by the end of this time period and desires to hold a license shall file a new license application and pay the required fee.

A Upon payment of the license fee as provided in this section, a person who rebuilds new completed motor vehicles by fabricating, altering, adding, or replacing essential parts, components, or equipment for the purpose of building an ambulance, rescue vehicle, ~~or~~ fire vehicle, or towing or recovery vehicle as defined in chapter 321 may be issued a license as a wholesaler of new motor vehicles of the make and model rebuilt without written authorization from the manufacturer.

Sec. 22. Section 322.29, Code 1999, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Upon payment of the license fee as provided in this section, a person who installs cranes, hook loaders, buckets, aerial ladders, or tanks on new completed motor trucks with a gross vehicle weight rating of nineteen thousand pounds or

more may be issued a license as a wholesaler of new motor vehicles of the make and model on which the equipment is installed without written authorization from the manufacturer.

Sec. 23. Section 322B.4, Code 1999, is amended to read as follows:

322B.4 LICENSE APPLICATION AND FEES.

Upon application and payment of a thirty-five dollar fee, a person may be licensed as a manufacturer or distributor of mobile homes. The application shall be in the form and shall contain information as the department prescribes. The license shall be granted or refused within thirty days after application. The license expires, unless sooner revoked or suspended by the department, on December 31 of the calendar year for which the license was granted. A licensee shall have the month of December of the calendar year for which the license was granted and the following month of January to renew the license. A person who fails to renew a license by the end of this time period and desires to hold a license shall file a new license application and pay the required fee.

Sec. 24. Section 322C.2, subsection 12, Code 1999, is amended to read as follows:

12. "Travel trailer" means a vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and designed to permit the vehicle to be used as a place of human habitation by one or more persons. The vehicle may be up to eight feet six inches in width and its overall length shall not exceed forty feet.

Sec. 25. Section 322C.4, subsection 2, Code 1999, is amended to read as follows:

2. The license shall be granted or refused within thirty days after application. A license is valid for a two-year, four-year, or six-year period and expires, unless revoked or suspended by the department, on the last day of the last month of the two-year, four-year, or six-year period, as applicable. A licensee shall have the month of expiration and the month after the month of expiration to renew the license. A person who fails to renew a license by the end of this time period and desires to hold a license shall file a new license application and pay the required fee. A separate license shall be obtained for each county in which an applicant does business as a travel trailer dealer.

Sec. 26. Section 322C.9, subsection 1, Code 1999, is amended to read as follows:

1. Upon application and payment of a thirty-five-dollar fee, a person may be licensed as a manufacturer or distributor of travel trailers. The application shall be in the form and shall contain information as the department prescribes. The license shall be granted or refused within thirty days after application. The license expires, unless sooner revoked or suspended by the department, on December 31 of the calendar year for which the license was granted. A licensee shall have the month of December of the calendar year for which the license was granted and the following month of January to renew the license. A person who fails to renew a license by the end of this time period and desires to hold a license shall file a new license application and pay the required fee.

Sec. 27. Section 325A.3, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 5. A motor carrier shall keep a permit or certificate issued to the motor carrier under this section, or a copy of such permit or certificate, in the vehicle being operated by the motor carrier and shall show the permit or certificate, or copy thereof, to any peace officer upon request.

Sec. 28. Section 805.8, subsection 2, paragraph ag, Code Supplement 1999, is amended to read as follows:

ag. For violation of section 325A.3, subsection 5, or section 325A.8, the scheduled fine is fifty dollars. For violation of chapter 325A, other than a violation of section 325A.3, subsection 5, or section 325A.8, the scheduled fine is two hundred fifty dollars.

Sec. 29. EFFECTIVE DATE. The amendment to section 321.457, subsection 2, in this division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION II
MOTOR CARRIER AUTHORITY

Sec. 30. Section 325A.2, subsection 2, Code 1999, is amended to read as follows:

2. A local authority, as defined in section 321.1, shall not impose any regulations, including special registration or inspection requirements, upon the operation of motor carriers that are more restrictive than any of the provisions of this chapter, or section 321.449 or 321.450.

Sec. 31. Section 325A.3, subsection 2, paragraph g, Code 1999, is amended by striking the paragraph.

Sec. 32. Section 325A.3, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 6. The department may deny issuance of a permit or certificate if the department determines that evidence exists showing that the motor carrier cannot comply with the requirements of this chapter or the rules adopted pursuant to this chapter, including safety regulations and financial fitness and insurance requirements.

Sec. 33. Section 325A.13, subsection 1, Code 1999, is amended to read as follows:

1. It is unlawful for a charter carrier to transport passengers by motor vehicle for hire from any ~~point or~~ place in this state to another place in this state irrespective of the route or highway traversed, without first having obtained a charter passenger certificate from the department ~~a certificate declaring that public convenience and necessity require the operation.~~

Sec. 34. Section 325A.13, subsection 2, paragraphs a and f, Code 1999, are amended to read as follows:

a. It is unlawful for a regular-route motor carrier of passengers to transport passengers for hire upon the highways of this state in intrastate commerce without first having obtained from the department a regular-route passenger certificate. The department shall issue a regular-route passenger certificate ~~without hearing~~, if the department finds that the applicant is fit, willing, and able.

f. A regular-route motor carrier of passengers shall not operate as a charter carrier in this state unless it possesses a charter passenger certificate ~~of convenience and necessity to engage in the business of a charter carrier.~~

Sec. 35. Section 325A.13, subsection 2, Code 1999, is amended by adding the following new paragraph after paragraph f:

NEW PARAGRAPH. ff. A charter carrier shall not operate as a regular-route passenger carrier in this state unless it possesses a regular-route passenger certificate.

Sec. 36. Section 325A.16, Code 1999, is amended by striking the section and inserting in lieu thereof the following:

325A.16 HEARINGS.

A person whose application for a permit or certificate under this chapter has been denied, or whose permit or certificate has been suspended, may contest the decision under chapter 17A and in accordance with rules adopted by the department. The request for a hearing shall be in writing to the director of the division of motor carrier services, state department of transportation, at its office in the capital city's metropolitan area.

Sec. 37. Section 325A.21, Code 1999, is amended to read as follows:

325A.21 TRANSFERABILITY OF REGULAR-ROUTE CERTIFICATE.

~~1. A certificate of convenience and necessity shall not be sold, transferred, leased, or assigned and a contract or agreement with reference to or affecting a certificate shall not be~~

~~entered into without the written approval of the department. The department may request the department of inspections and appeals to hold a hearing regarding the transfer of the certificate. The state department of transportation shall approve the sale, transfer, lease, or assignment upon a finding by the department of inspections and appeals that there has been continuous service under the certificate for at least ninety days prior to the transfer, that the transferee is fit, willing, and able to perform the operations authorized by the certificate, and that the transfer is consistent with the public interest. Pending determination of an application filed with the department for approval of a sale, transfer, lease, or assignment, the department may grant temporary approval of the proposed operation upon a finding of good cause.~~

2. A regular-route passenger certificate shall not be sold, transferred, leased, or assigned without the approval of the department. The department shall approve the sale, transfer, lease, or assignment if the person obtaining or seeking to obtain ownership or control of a certificate is found to be fit, willing, and able to perform the service proposed. In determining the fitness of the person seeking transfer of the certificate, the department shall consider only the person's compliance with safety, financial fitness, and insurance requirements.

Sec. 38. Sections 325A.14, 325A.15, 325A.17, 325A.18, 325A.19, and 325A.20, Code 1999, are repealed.

DIVISION III MOTOR VEHICLE REGISTRATION AND TITLING SYSTEM

Sec. 39. Section 321.20, subsection 1, Code Supplement 1999, is amended to read as follows:

1. The full legal name; social security number or, if the owner does not have a social security number but has a passport, the passport number; driver's license number, whether the license was issued by this state, another state, another country, or is an international driver's license; date of birth; bona fide residence; and mailing address of the owner and of the lessee if the vehicle is being leased. If the owner or lessee is a firm, association, or corporation, the application shall contain the business address and federal employer identification number of the owner or lessee. Up to three owners' names may be listed on the application. Information relating to the lessee of a vehicle shall not be required on an application for registration and a certificate of title for a vehicle with a gross vehicle weight rating of twenty-six¹ thousand pounds or more.

Sec. 40. Section 321.20, Code Supplement 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 6. If the vehicle is owned by a nonresident but is subject to issuance of an Iowa certificate of title or registration, the application shall also contain the full legal name; social security number, or, if the primary user does not have a social security number but has a passport, the passport number; driver's license number, whether the license was issued by this state, another state, another country, or is an international driver's license; date of birth; bona fide residence; and mailing address of the primary user of the vehicle. If the primary user is a firm, association, or corporation, the application shall contain the business address and federal employer identification number of the primary user. The primary user's name and address shall not be printed on the registration receipt or the certificate of title.

Sec. 41. Section 321.20, Code Supplement 1999, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department shall adopt rules on the method for providing signatures for applications made by electronic means.

¹ See chapter 1134, §1 herein

Sec. 42. Section 321.24, unnumbered paragraphs 1, 3, and 6, Code Supplement 1999, are amended to read as follows:

Upon receipt of the application for title and payment of the required fees for a motor vehicle, trailer, or semitrailer, the county treasurer or the department shall, when satisfied as to the application's genuineness and regularity, and, in the case of a mobile home or manufactured housing, that taxes are not owing under chapter 435, issue a certificate of title and, except for a mobile home or manufactured housing, a registration receipt, and shall file the application, the manufacturer's or importer's certificate, the certificate of title, or other evidence of ownership, as prescribed by the department. The registration receipt shall be delivered to the owner and shall contain upon its face the date issued, the name and address of the owner, the registration number assigned to the vehicle, ~~the title number assigned to the owner of the vehicle,~~ the amount of the fee paid, the amount of tax paid pursuant to section 423.7, the type of fuel used, and a description of the vehicle as determined by the department, and upon the reverse side a form for notice of transfer of the vehicle. The name and address of any lessee of the vehicle shall not be printed on the registration receipt or certificate of title. Up to three owners may be listed on the registration receipt and certificate of title.

The certificate of title shall contain upon its face the identical information required upon the face of the registration receipt. In addition, the certificate of title shall contain a statement of the owner's title, the title number assigned to the owner or owners of the vehicle, the amount of tax paid pursuant to section 423.7, the name and address of the previous owner, and a statement of all security interests and encumbrances as shown in the application, upon the vehicle described, including the nature of the security interest, date of notation, and name and address of the secured party.

The certificate shall bear the seal of the county treasurer or of the department, and the signature of the county treasurer, the deputy county treasurer, or the department director or deputy designee. ~~The certificate shall provide space for the signature of the owner. The owner shall sign the certificate of title in the space provided with pen and ink upon its receipt.~~ The certificate of title shall contain upon the reverse side a form for assignment of title or interest and warranty by the owner, for reassignments by a dealer licensed in this state or in another state if the state in which the dealer is licensed permits Iowa licensed dealers to similarly reassign certificates of title. Attached to the certificate of title shall be an application for a new certificate of title by the transferee as provided in this chapter. However, titles for mobile homes or manufactured housing shall not be reassigned by licensed dealers. All certificates of title shall be typewritten or printed by other mechanical means. Notwithstanding section 321.1, subsection 17, as used in this paragraph "dealer" means every person engaged in the business of buying, selling, or exchanging vehicles of a type required to be registered under this chapter.

Sec. 43. Section 321.42, subsection 2, paragraphs a, b, and d, Code Supplement 1999, are amended to read as follows:

a. If a certificate of title is lost or destroyed, the owner or lienholder shall apply for a certified replacement copy of the original certificate of title. The owner or lienholder of a motor vehicle may also apply for a certified replacement copy of the original certificate of title ~~as a replacement for the original certificate of title~~ upon surrender of the original certificate of title with the application. The application shall be made to the department or county treasurer who issued the original certificate of title. The application shall be signed by the owner or lienholder and accompanied by a fee of ten dollars.

b. After five days, the department or county treasurer shall issue a certified replacement copy to the applicant at the applicant's most recent address, however, the five-day waiting period does not apply to an applicant who has surrendered the original certificate of title to the department or county treasurer. The certified replacement copy shall be clearly marked "~~duplicate~~" "replacement" and shall be identical to the original, ~~including include~~ notation of liens or encumbrances. When a certified replacement copy has been issued, the previous certificate is void.

d. A new purchaser or transferee is entitled to receive an original title upon presenting the assigned ~~duplicate replacement~~ copy to the treasurer of the county where the new purchaser or transferee resides. At the time of purchase, a purchaser may require the seller to indemnify the purchaser and all future purchasers of the vehicle against any loss which may be suffered due to claims on the original certificate. A person recovering an original certificate of title for which a ~~duplicate replacement~~ has been issued shall surrender the original certificate to the county treasurer or the department.

Sec. 44. Section 321.50, subsection 1, Code Supplement 1999, is amended to read as follows:

1. A security interest in a vehicle subject to registration under the laws of this state or a mobile home or manufactured housing, except trailers whose empty weight is two thousand pounds or less, and except new or used vehicles held by a dealer or manufacturer as inventory for sale, is perfected by the delivery to the county treasurer of the county where the certificate of title was issued or, in the case of a new certificate, to the county treasurer where the certificate will be issued, of an application for certificate of title which lists the security interest, or an application for notation of security interest signed by the owner, or by one owner of a vehicle owned jointly by more than one person, or a certificate of title from another jurisdiction which shows the security interest, and a fee of five dollars for each security interest shown. Up to three security interests may be perfected against a vehicle and shown on an Iowa certificate of title. If the owner or secured party is in possession of the certificate of title, it must also be delivered at this time in order to perfect the security interest. If a vehicle is subject to a security interest when brought into this state, the validity of the security interest and the date of perfection is determined by section 554.9103. Delivery as provided in this subsection is an indication of a security interest on a certificate of title for purposes of chapter 554.

Sec. 45. Section 321.157, Code 1999, is amended to read as follows:

321.157 SCHEDULE OF PRICES AND WEIGHTS.

1. ~~Every~~ A manufacturer or importer of a motor vehicle sold or offered for sale ~~within in~~ this state, either by the manufacturer, importer, distributor, dealer, or any other person, shall file in the office of the department a sworn statement showing the various models manufactured by the manufacturer, importer, distributor, dealer, or other person, and the retail list price and weight of each model concurrently with a public announcement of such prices or concurrently with notification of such prices to dealers licensed to sell such motor vehicles under chapter 322, whichever comes first. The manufacturer, importer, distributor, dealer, or other person shall also make the same report on subsequent new models manufactured.

2. In lieu of filing the sworn statement required under subsection 1, a manufacturer or importer of a motor vehicle sold or offered for sale in this state may electronically provide the information required in subsection 1 to the department, or, if the manufacturer or importer provides the required information to a third-party vendor, the manufacturer or importer shall make the required information available to the department through the third-party vendor.

Sec. 46. Section 321.159, Code 1999, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For a current year model of a motor vehicle for which the manufacturer or importer of the motor vehicle has not provided the weight and list price, the department shall set the annual registration fee at ten dollars greater than the annual registration fee for the previous year model. Once the manufacturer or importer provides the required information, the information shall be used to set the registration or registration renewal fee for the succeeding registration or registration renewal time for the motor vehicle.

Sec. 47. EFFECTIVE DATE. This division of this Act takes effect July 1, 2001.