

**CHAPTER 1112**

## TRANSPORTATION SERVICES AND AIRCRAFT REGULATION

H.F. 2193

**AN ACT** relating to modal transportation, including changes in transit coordination requirements and changes in the aircraft registration process.

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

DIVISION I  
TRANSIT COORDINATION

Section 1. Section 324A.2, unnumbered paragraphs 2 and 3, Code 2001, are amended by striking the unnumbered paragraphs.

Sec. 2. Section 324A.4, subsection 1, Code 2001, is amended to read as follows:

1. The department shall compile and maintain current information on ~~available and pending the use of~~ federal, state, local, and private aid affecting urban and rural public transit programs. Public, private, and private nonprofit organizations applying for or receiving federal, state, or local aid for providing transit services shall ~~provide a copy of their fiscal year operating budget annually prior to June 1 report to the department the costs of their transportation programs.~~ depicting funds used for public transit programs and such other information as the department may require prior to receiving any federal or state funds or any aid from a political subdivision of the state. The ~~operating budget report~~ shall list all of the funding sources of the organization along with the listing of funds expended by that organization during the preceding fiscal year. The department, in ~~co-operation~~ cooperation with the regional planning agencies as the responsible agency for annual updating the regional transit development programs, shall compile this information annually. ~~Any~~ A state agency or organization administering funds for transit services is required to submit all funding requests through the regional and state clearinghouse and the state department of transportation. ~~Any~~ An organization, state agency, political subdivision, ~~and~~ or public transit system, except public school transportation, receiving federal, state, or local aid to provide or contract for public transit services or transportation to the general public and specific client groups, must coordinate and consolidate funding and resulting service, to the maximum extent possible, with the urban or regional transit system.

Sec. 3. Section 324A.4, subsection 2, unnumbered paragraph 2, Code 2001, is amended to read as follows:

Eligibility to receive or expend federal, state, or local funds for transportation services by all agencies or organizations purchasing or providing these services shall be contingent upon compliance with these criteria as determined by the department, ~~except that services provided by or purchased by the department of human services, which include transportation, shall be subject to section 324A.5, subsection 3, paragraph "c".~~

Sec. 4. Section 324A.5, subsection 1, Code 2001, is amended by striking the subsection.

Sec. 5. Section 324A.5, subsection 3, paragraph c, Code 2001, is amended by striking the paragraph.

DIVISION II  
AIRCRAFT

Sec. 6. Section 328.21, subsection 6, Code 2001, is amended to read as follows:

6. An aircraft, unless exempt under section 328.35, which is ~~damaged,~~ is not airworthy, and

is not in flying condition is not subject to registration fees if the owner of the aircraft submits information required by the department. Upon receipt of that information, the department shall issue a certificate ~~which that~~ states that the registration fee has not been paid and that the aircraft shall not use the airports or the air space overlying the state until the fee has been paid.

Sec. 7. Section 328.27, Code 2001, is amended to read as follows:

328.27 ISSUANCE OF CERTIFICATES.

The department shall issue, upon receipt of proper application and fee for registration, a certificate of registration which shall be numbered and recorded by the department, shall state the name and address of the person to whom it is issued, shall be titled with the designation of the class of registrant covered and shall contain other information as the department may prescribe including, in the case of aircraft, a description of the aircraft. A certificate of registration ~~or special certificate~~ expires at midnight on the last day of the twelfth month of the registration year.

Sec. 8. Section 328.28, Code 2001, is amended to read as follows:

328.28 OPERATION UNDER SPECIAL CERTIFICATE.

1. A manufacturer or dealer owning ~~any an~~ aircraft otherwise required to be registered ~~hereunder under this chapter~~ may operate the same aircraft for purposes of transporting, testing, demonstrating, or selling the same aircraft without registering ~~each such the~~ aircraft, upon condition that ~~any such aircraft display therein~~ a special certificate issued to ~~such be obtained by the~~ owner as provided in this section and sections 328.29 ~~to through~~ 328.33.

2. A transporter may operate ~~any such an~~ aircraft ~~described in subsection 1~~ solely for the purpose of delivery upon ~~likewise displaying therein, obtaining~~ a special certificate issued to the transporter as provided in ~~these sections this section and sections 328.29 through 328.33.~~

3. The provisions of this section and sections 328.29 ~~to through~~ 328.33 shall not apply to aircraft owned by a manufacturer, transporter, or dealer, which are used for hire or principally for transportation of persons and property, aside from the transporting of the aircraft itself, or testing or demonstrating thereof.

Sec. 9. Section 328.29, Code 2001, is amended to read as follows:

328.29 APPLICATION FOR SPECIAL CERTIFICATE — FEE.

~~At the time of annual registration, a~~ A manufacturer, transporter, or dealer, may, upon payment of a one hundred dollar fee ~~and an additional ten dollar fee for each aircraft~~, make application to the department upon such forms as the department may prescribe for a special certificate ~~issued for each aircraft in inventory~~. The applicant shall also submit such reasonable proof of the applicant's status as a bona fide manufacturer, transporter, or dealer as the department may require. Dealers in new aircraft shall furnish satisfactory evidence of a valid franchise with the manufacturer or distributor of such aircraft authorizing such dealership.

Sec. 10. Section 328.30, Code 2001, is amended to read as follows:

328.30 ISSUANCE OF SPECIAL CERTIFICATE.

The department upon granting an application shall issue to the applicant a special certificate ~~for each aircraft containing the applicant's name, and address, the distinguishing number assigned to the aircraft, and other information as the department may prescribe.~~

Sec. 11. Section 328.32, Code 2001, is amended to read as follows:

328.32 EXPIRATION OF SPECIAL CERTIFICATE.

A special certificate expires at midnight on ~~the last day of the registration year~~ June 30, and a new special certificate for the ensuing year may be obtained by the person to whom the expired special certificate was issued, upon application to the department, and payment of the fee provided by law in section 328.29.

Sec. 12. Section 328.33, Code 2001, is amended to read as follows:  
328.33 RECORDS REQUIRED.

~~Every~~ A manufacturer, transporter, or dealer shall keep a written record of the aircraft ~~upon which such special certificates are used in the manufacturer's, transporter's, or dealer's inventory,~~ which records shall be open to inspection of any ~~police~~ peace officer, or any officer or employee of the department.

Sec. 13. Section 328.35, subsection 1, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. An aircraft in the inventory of a manufacturer, transporter, or dealer who has a special certificate issued by the department and the special certificate is in effect.

Sec. 14. Section 328.37, Code 2001, is amended to read as follows:  
328.37 OPERATIONS UNLAWFUL WITHOUT CERTIFICATE.

Except as provided in section 328.35, it is unlawful for a person to operate, or cause or authorize to be operated, a civil aircraft, airport, or landing area in this state, unless there has been issued for the aircraft or to the airport or landing area an appropriate certificate of registration ~~or special certificate~~ by the department and the certificate is in effect.

Sec. 15. Section 328.31, Code 2001, is repealed.

Approved April 12, 2002

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## CHAPTER 1113

### DOCUMENTS AND RECORDS FILED WITH COUNTY RECORDER — SNOWMOBILE AND ALL-TERRAIN VEHICLE TITLES — REGISTRATION OF VESSELS

*H.F. 2365*

**AN ACT** relating to county recorders, including certain documents indexed and recorded with the county recorder and a method for issuing certificates of title for snowmobiles and all-terrain vehicles, and registration certificates for certain watercraft, for which ownership has not been conclusively established.

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

Section 1. Section 10A.108, subsection 5, Code 2001, is amended to read as follows:

5. The recorder shall endorse on each notice of lien the day and time received and shall preserve the notice. The recorder shall index the notice ~~in the index book~~ and shall record the lien in the manner provided for recording real estate mortgages. The lien shall be effective from the time of the indexing.

Sec. 2. Section 124C.4, subsection 3, Code 2001, is amended to read as follows:

3. Each notice of lien shall be endorsed with the day, hour, and minute when the notice was received, and the notice shall be preserved, indexed ~~in the index book~~, and recorded in the manner provided for recording real estate mortgages. The lien shall be effective from the time of its indexing. The department shall pay a recording fee as provided by section 331.604 for the recording of the lien or for its satisfaction.