

321.47 Transfers by operation of law.

1. If ownership of a vehicle is transferred by operation of law upon inheritance, devise or bequest, dissolution decree, order in bankruptcy, insolvency, replevin, foreclosure or execution sale, abandoned vehicle sale, or when the engine of a motor vehicle is replaced by another engine, or a vehicle is sold or transferred to satisfy an artisan's lien as provided in [chapter 577](#), a landlord's lien as provided in [chapter 570](#), a self-service storage facility lien as provided in [section 578A.7](#), a storage lien as provided in [chapter 579](#), a judgment in an action for abandonment of a manufactured or mobile home as provided in [chapter 555B](#), upon presentation of an affidavit relating to the disposition of a valueless mobile, modular, or manufactured home as provided in [chapter 555C](#), or repossession is had upon default in performance of the terms of a security agreement, the county treasurer in the transferee's county of residence or, in the case of a mobile home or manufactured home, the county treasurer of the county where the mobile home or manufactured home is located, upon the surrender of the prior certificate of title or the manufacturer's or importer's certificate, or when that is not possible, upon presentation of satisfactory proof to the county treasurer of ownership and right of possession to the vehicle and upon payment of a fee of twenty dollars and the presentation of an application for registration and certificate of title, may issue to the applicant a registration card for the vehicle and a certificate of title to the vehicle. A person entitled to ownership of a vehicle under a decree of dissolution shall surrender a reproduction of a certified copy of the dissolution and upon fulfilling the other requirements of [this chapter](#) is entitled to a certificate of title and registration receipt issued in the person's name.

2. *a.* The persons entitled under the laws of descent and distribution to the possession and ownership of a vehicle owned in whole or in part by a decedent who died intestate, upon filing an affidavit stating the name and date of death of the decedent, the right to possession and ownership of the persons filing the affidavit, and that there has been no administration of the decedent's estate, which instrument must also contain an agreement by the affiant to indemnify creditors of the decedent who would be entitled to levy execution upon the motor vehicle to the extent of the value of the motor vehicle, shall, upon complying with the other title transfer requirements of [this chapter](#), be issued a registration card for the decedent's interest in the vehicle and a certificate of title to the vehicle. If a decedent died testate, and either the will is not probated or is admitted to probate without administration, the persons entitled to the possession and ownership of a vehicle owned in whole or in part by the decedent may file an affidavit and, upon complying with the other title transfer requirements of [this chapter](#), shall be issued a registration card for the decedent's interest in the vehicle and a certificate of title to the vehicle. The affidavit must contain the same information and indemnity agreement as is required in cases of intestacy under [this subsection](#). [Chapter 450](#) is not satisfied by the filing of the affidavit provided for in [this subsection](#). If, from the records in the office of the county treasurer, there appear to be any liens on the vehicle, the certificate of title must contain a statement of the liens unless the application is accompanied by proper evidence of the satisfaction or extinction of such liens. Evidence of extinction includes but is not limited to an affidavit of the applicant stating that a security interest was foreclosed as provided in [chapter 554, article 9, part 6](#). The department shall waive the certificate of title fee and surcharge required under [sections 321.20, 321.20A, 321.23, 321.46, 321.52, and 321.52A](#) if the person entitled to possession and ownership of a vehicle, as provided in [this subsection](#), is the surviving spouse of a decedent.

b. An affiant under [this subsection](#) is the agent of the owner of the vehicle solely for the purpose of completing the odometer disclosure statement under [section 321.71](#) and regulations promulgated under 49 U.S.C. ch. 327, and found in [49 C.F.R. pt. 580](#). The affiant may submit any required odometer disclosure statement together with the affidavit required by [this subsection](#).

3. Whenever ownership of a vehicle is transferred under the provisions of [this section](#), the registration plates shall be removed and forwarded to a county treasurer, or to the department if the vehicle is owned by a nonresident. Upon transfer the vehicle shall not be operated upon

the highways of this state until the person entitled to possession of the vehicle applies for and obtains registration for the vehicle.

4. A person convicted of a violation of [this section](#) is guilty of a simple misdemeanor punishable as a scheduled violation under [section 805.8A, subsection 2](#).

[S13, §1571-m9; C24, 27, 31, 35, §4963; C39, §**5002.03**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.47]

[84 Acts, ch 1243, §1](#); [84 Acts, ch 1305, §53](#); [91 Acts, ch 119, §1](#); [93 Acts, ch 154, §2](#); [95 Acts, ch 118, §11](#); [99 Acts, ch 83, §2](#); [2000 Acts, ch 1149, §165, 187](#); [2000 Acts, ch 1203, §2](#); [2001 Acts, ch 137, §5](#); [2001 Acts, ch 153, §15](#); [2001 Acts, ch 176, §80](#); [2004 Acts, ch 1092, §2](#); [2005 Acts, ch 34, §6, 26](#); [2008 Acts, ch 1113, §18, 21](#); [2008 Acts, ch 1119, §5](#); [2010 Acts, ch 1138, §51](#); [2010 Acts, ch 1190, §33](#); [2011 Acts, ch 38, §3](#); [2014 Acts, ch 1076, §14](#); [2019 Acts, ch 50, §15](#); [2021 Acts, ch 38, §3](#); [2023 Acts, ch 143, §1, 2](#)

Referred to in [§312.2](#), [321.52A](#), [321.69](#), [321.104](#), [321.105A](#), [321.113](#), [321.121](#), [321.122](#), [331.557](#), [555C.3](#), [578A.7](#), [805.8A\(2\)\(k\)](#)

Surcharge imposed; [§321.52A](#)

2023 amendment to subsection 2 applies retroactively to vehicles transferred on or after July 1, 2022; 2023 Acts, ch 143, §2

Subsection 2 amended