

Senate Amendment to
House File 777

H-8336

1 Amend House File 777, as passed by the House, as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 321.52, subsection 4, paragraph a, Code
5 2026, is amended to read as follows:

6 a. (1) Notwithstanding any other provision of law to the
7 contrary, an insurer may apply for and be issued a salvage
8 certificate of title for a motor vehicle without surrendering
9 the certificate of title or manufacturer's or importer's
10 statement of origin properly assigned if ownership of the
11 vehicle was transferred, or will transfer, to the insurer
12 pursuant to a settlement with the previous owner of the vehicle
13 arising from circumstances involving damage to the vehicle, and
14 at least thirty days have expired since the effective date of
15 such settlement.

16 (2) To obtain a salvage certificate of title pursuant to
17 this paragraph "a", the insurer ~~shall~~ must submit an application
18 for a salvage certificate of title to any county treasurer.

19 (a) The application ~~shall~~ must be accompanied by an
20 affidavit from the insurer in which the insurer certifies it
21 has made at least two written attempts to obtain a properly
22 assigned certificate of title or manufacturer's or importer's
23 statement of origin for the vehicle by contacting the previous
24 owner of the vehicle and all lienholders of record by certified
25 mail or a similar service that provides proof of service using
26 a return receipt, and has been unable to obtain the title
27 or statement of origin. The failure of a previous owner or
28 lienholder to provide a properly assigned certificate of title
29 or manufacturer's or importer's statement of origin shall be
30 deemed to be a waiver by the previous owner or lienholder of
31 all rights, title, claim, and interest in the vehicle.

32 (b) Notwithstanding chapter 9B, section 633B.105, or
33 any other provision to the contrary, a supporting document
34 submitted with the application, including but not limited to a
35 power of attorney described in section 321.49, a replacement

1 certificate of title application for the vehicle owner
2 described in section 321.42, or an odometer statement required
3 under section 321.71 if permitted under 49 C.F.R. pt. 580, may
4 be signed and affirmed under penalty of perjury in lieu of a
5 notarized signature and, in accordance with chapter 554D, the
6 signature may be electronic. The affirmation under penalty of
7 perjury is limited to the signature identifying the signer as
8 the owner or the signer's representation of the authority of
9 the named agent to sign on the owner's behalf.

10 (c) The application ~~shall~~ must also be accompanied by the
11 application fee required under paragraph "b", and proof of
12 payment of the total amount of the settlement by the insurer
13 to the previous owner of the vehicle. Upon receiving an
14 application that complies with this paragraph "a", the county
15 treasurer shall issue a salvage certificate of title to the
16 insurer which ~~shall be~~ is free and clear of all liens and
17 claims of ownership and ~~shall~~ must bear the word "SALVAGE"
18 stamped or printed on the face of the title in a manner
19 prescribed by the department.

20 (d) The department and a county treasurer may rely on
21 representations made in a supporting document submitted under
22 subparagraph division (b). The department or county treasurer
23 is not liable to any person for such reliance if the department
24 or county treasurer, as applicable, took reasonable steps to
25 verify the validity of the supporting document prior to issuing
26 the salvage certificate of title and had no knowledge that a
27 representation in the document was incorrect at the time the
28 title was issued.

29 Sec. 2. EFFECTIVE DATE. This Act takes effect January 1,
30 2027.>