

Senate File 2289

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AN ACT

RELATING TO VARIOUS DUTIES OF THE COUNTY TREASURER AND TO
CERTAIN FEES COLLECTED BY THE COUNTY TREASURER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 9 Section 1. NEW SECTION. 321.23A AFFIDAVIT OF CORRECTION.
1 10 When information is printed incorrectly on a certificate of
1 11 title, application for certificate of title, damage disclosure
1 12 statement, or other document required for a title transfer or
1 13 when these documents contain an alteration or erasure, the
1 14 county treasurer may accept a notarized affidavit of
1 15 correction. This subsection does not apply to an odometer
1 16 certification statement. The department shall consult with a
1 17 representative of the Iowa state county treasurer's
1 18 association and shall promulgate rules and adopt a standard
1 19 affidavit form or forms to administer this section.

1 20 Sec. 2. Section 321.47, unnumbered paragraph 1, Code 2003,
1 21 is amended to read as follows:

1 22 If ownership of a vehicle is transferred by operation of
1 23 law upon inheritance, devise or bequest, dissolution decree,
1 24 order in bankruptcy, insolvency, replevin, foreclosure or
1 25 execution sale, abandoned vehicle sale, or when the engine of
1 26 a motor vehicle is replaced by another engine, or a vehicle is
1 27 sold or transferred to satisfy an artisan's lien as provided
1 28 in chapter 577, a landlord's lien as provided in chapter 570,
1 29 a storage lien as provided in chapter 579, a judgment in an
1 30 action for abandonment of a manufactured or mobile home as
1 31 provided in chapter 555B, upon presentation of an affidavit
1 32 relating to the disposition of a valueless mobile, modular, or
1 33 manufactured home as provided in chapter 555C, or repossession
1 34 is had upon default in performance of the terms of a security
1 35 agreement, the county treasurer in the transferee's county of
2 1 residence, upon the surrender of the prior certificate of
2 2 title or the manufacturer's or importer's certificate, or when
2 3 that is not possible, upon presentation of satisfactory proof
2 4 to the county treasurer of ownership and right of possession
2 5 to the vehicle and upon payment of a fee of ten dollars and
2 6 the presentation of an application for registration and
2 7 certificate of title, may issue to the applicant a
2 8 registration card for the vehicle and a certificate of title
2 9 to the vehicle. A person entitled to ownership of a vehicle
2 10 under a decree of dissolution shall surrender a reproduction
2 11 of a certified copy of the dissolution and upon fulfilling the
2 12 other requirements of this chapter is entitled to a
2 13 certificate of title and registration receipt issued in the
2 14 person's name.

2 15 Sec. 3. Section 321.50, subsection 1, Code Supplement
2 16 2003, is amended to read as follows:

2 17 1. A security interest in a vehicle subject to
2 18 registration under the laws of this state or a mobile home or
2 19 manufactured home, except trailers whose empty weight is two
2 20 thousand pounds or less, and except new or used vehicles held
2 21 by a dealer or manufacturer as inventory for sale, is
2 22 perfected by the delivery to the county treasurer of the
2 23 county where the certificate of title was issued or, in the
2 24 case of a new certificate, to the county treasurer where the
2 25 certificate will be issued, of an application for certificate
2 26 of title which lists the security interest, or an application
2 27 for notation of security interest signed by the owner, or by
2 28 one owner of a vehicle owned jointly by more than one person,
2 29 or a certificate of title from another jurisdiction which
2 30 shows the security interest, and a fee of ~~five ten~~ dollars for
2 31 each security interest shown. Up to three security interests
2 32 may be perfected against a vehicle and shown on an Iowa
2 33 certificate of title. If the owner or secured party is in
2 34 possession of the certificate of title, it must also be
2 35 delivered at this time in order to perfect the security
3 1 interest. If a vehicle is subject to a security interest when
3 2 brought into this state, the validity of the security interest
3 3 and the date of perfection is determined by section 554.9303.
3 4 Delivery as provided in this subsection is an indication of a
3 5 security interest on a certificate of title for purposes of

3 6 chapter 554.

3 7 Sec. 4. Section 321.134, subsection 1, Code 2003, is
3 8 amended to read as follows:

3 9 1. On the first day of the second month following the
3 10 beginning of each registration year a penalty of five percent
3 11 of the annual registration fee shall be added to the
3 12 registration fees not paid by that date and an additional
3 13 penalty of five percent shall be added the first day of each
3 14 succeeding month, until the fee is paid. A penalty shall not
3 15 be less than five dollars. If the owner of a vehicle
3 16 surrenders the registration plates for a vehicle prior to the
3 17 plates becoming delinquent, to the county treasurer of the
3 18 county where the vehicle is registered, or to the department
3 19 if the vehicle is registered under chapter 326, the owner may
3 20 register the vehicle any time thereafter upon payment of the
3 21 registration fee for the registration year without penalty.
3 22 The penalty on vehicles registered under chapter 326 shall
3 23 accrue February 1 of each year. To avoid a penalty or an
3 24 additional penalty in the case of a delinquent registration,
3 25 if the last calendar day of a month falls on Saturday, Sunday,
3 26 or a holiday, the payment deadline is extended to include the
3 27 first business day of the following month. For payments made
3 28 through a county treasurer's authorized website only, if the
3 29 last day of the month falls on a Saturday, Sunday, or a
3 30 holiday, the electronic payment must be initiated by midnight
3 31 on the first business day of the next month. However, an All
3 32 other electronic payment payments must be initiated by
3 33 midnight on the last day of the month preceding the delinquent
3 34 date.

3 35 Sec. 5. Section 331.552, Code Supplement 2003, is amended
4 1 by adding the following new subsection:

4 2 NEW SUBSECTION. 35. Destroy special assessment records
4 3 required by section 445.11 within the county system after ten
4 4 years have elapsed from the end of the fiscal year in which
4 5 the special assessment was paid in full. The county treasurer
4 6 shall also destroy the resolution of necessity, plat, and
4 7 schedule of assessments required by section 384.51 after ten
4 8 years have elapsed from the end of the fiscal year in which
4 9 the entire schedule was paid in full.

4 10 Sec. 6. Section 331.553, subsection 4, Code Supplement
4 11 2003, is amended to read as follows:

4 12 4. Charge five dollars, as an administrative expense, for
4 13 every rate, charge, rental, or special assessment certified as
4 14 a lien to the treasurer for collection. This amount shall be
4 15 added to the amount of the lien, collected at the time of
4 16 payment from the payor, and credited to the county general
4 17 fund. If the amount of the lien is paid in annual
4 18 installments, an administrative expense charge shall be added
4 19 to each annual installment.

4 20 Sec. 7. Section 445.37, unnumbered paragraph 4, Code 2003,
4 21 is amended to read as follows:

4 22 To avoid interest on current or delinquent taxes, an for
4 23 payments made through a county treasurer's authorized website
4 24 only, if the last day of the month falls on a Saturday,
4 25 Sunday, or a holiday, the electronic payment must be initiated
4 26 by midnight on the first business day of the next month. All
4 27 other electronic payment payments must be initiated by
4 28 midnight on the last day of the month preceding the delinquent
4 29 date.

4 30 Sec. 8. Section 446.16, subsection 2, Code 2003, is
4 31 amended to read as follows:

4 32 2. The treasurer may establish and collect a reasonable
4 33 registration fee from each purchaser registered bidder at the
4 34 tax sale. The fee shall not be assessed against a county or
4 35 municipality as a purchaser. The total of the fees collected
5 1 shall not exceed the total costs of the tax sale.
5 2 Registration fees collected shall be deposited in the general
5 3 fund of the county.

5 4 Sec. 9. Section 555C.3, Code 2003, is amended to read as
5 5 follows:

5 6 555C.3 NEW TITLE == THIRD PARTY.

5 7 If a new title to a valueless home is to be issued to a
5 8 third party, the county treasurer shall issue a new title,
5 9 upon receipt of the affidavit required in section 555C.2, a
5 10 new title upon and payment of a fee equal to the fee specified
5 11 in section 321.42 for replacement certificates of title for
5 12 vehicles pursuant to section 321.47. Any tax lien levied
5 13 pursuant to chapter 435 is canceled and the ownership interest
5 14 of the previous owner or occupant of the valueless home is
5 15 terminated as of the date of issuance of the new title. The
5 16 new title owner shall take the title free of all rights and

5 17 interests even though the manufactured home community or
5 18 mobile home park owner fails to comply with the requirements
5 19 of this chapter or any judicial proceedings, if the new title
5 20 owner acts in good faith.

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5 24 JEFFREY M. LAMBERTI
5 25 President of the Senate
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5 28 CHRISTOPHER C. RANTS
5 29 Speaker of the House
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5 32 I hereby certify that this bill originated in the Senate and
5 33 is known as Senate File 2289, Eightieth General Assembly.

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6 2 MICHAEL E. MARSHALL
6 3 Secretary of the Senate

6 4 Approved _____, 2004

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6 7 THOMAS J. VILSACK
6 8 Governor
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