



THOMAS J. VILSACK  
GOVERNOR

**OFFICE OF THE GOVERNOR**

SALLY J. PEDERSON  
LT. GOVERNOR

March 29, 2004

The Honorable Chester Culver  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit:

**Senate File 2070**, an Act relating to duties and activities of the State Department of Transportation, including the registration and titling of motor vehicles, regulation of electric personal assistive mobility devices, and issuance of commercial driver's licenses, and providing effective dates.

**Senate File 2118**, an Act regarding public utility rights-of-way and providing an effective date.

**Senate File 2167**, an Act relating to the Iowa Probate Code, including provisions relating to estate recovery of medical assistance benefits, the power to disclaim property interests, and trusts.

**Senate File 2199**, an Act relating to residential landlord-tenant law, by making certain changes concerning family violence and domestic abuse.

The above Senate Files are hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Vilsack", with a stylized flourish at the end.

Thomas J. Vilsack  
Governor

TJV:jmc

cc: Secretary of the Senate  
Chief Clerk of the House





SENATE FILE 2070

AN ACT

RELATING TO DUTIES AND ACTIVITIES OF THE STATE DEPARTMENT OF TRANSPORTATION, INCLUDING THE REGISTRATION AND TITLING OF MOTOR VEHICLES, REGULATION OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES, AND ISSUANCE OF COMMERCIAL DRIVER'S LICENSES, AND PROVIDING EFFECTIVE DATES.

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

Section 1. Section 321.1, subsection 20B, Code Supplement 2003, is amended to read as follows:

20B. "Electric personal assistive mobility device" means a self-balancing, nontandem two-wheeled device powered by an electric propulsion system that averages seven hundred fifty watts, ~~has two nontandem wheels,~~ and is designed to transport one person, with a maximum speed on a paved level surface of less than twenty miles per hour. The maximum speed shall be calculated based on operation of the device by a person who weighs one hundred seventy pounds when the device is powered solely by the electric propulsion system. For purposes of this chapter, "electric personal assistive mobility device" does not include an assistive device as defined in section 216E.1.

Sec. 2. Section 321.15, Code 2003, is amended to read as follows:

321.15 PUBLICATION OF LAW.

The department shall issue, in pamphlet or electronic form, such parts of this chapter ~~in pamphlet form,~~ together with such rules, instructions, and explanatory matter as may seem advisable. ~~Copies of such pamphlet~~ Such information shall be given as wide distribution distributed as determined by the

department ~~shall-determine~~ and ~~a-supply~~ shall be furnished to each county treasurer.

Sec. 3. Section 321.20, Code Supplement 2003, is amended to read as follows:

321.20 APPLICATION FOR REGISTRATION AND CERTIFICATE OF TITLE.

Except as provided in this chapter, an owner of a vehicle subject to registration shall make application to the county treasurer, of the county of the owner's residence, or if a nonresident, to the county treasurer of the county where the primary users of the vehicle are located, or if a lessor of the vehicle pursuant to chapter 321F which vehicle has a gross vehicle weight of less than ten thousand pounds, to the county treasurer of the county of the lessee's residence, for the registration and issuance of a certificate of title for the vehicle upon the appropriate form furnished by the department. However, upon the transfer of ownership, the owner of a vehicle subject to the proportional registration provisions of chapter 326 shall make application for registration and issuance of a certificate of title to either the department or the appropriate county treasurer. The application shall be accompanied by a fee of ten dollars, and shall bear the owner's signature ~~written-with-pen-and-ink~~. A nonresident owner of two or more vehicles subject to registration may make application for registration and issuance of a certificate of title for all vehicles subject to registration to the county treasurer of the county where the primary user of any of the vehicles is located. The owner of a mobile home or ~~of-a~~ manufactured home shall make application for a certificate of title under this section. The application shall contain:

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;~~ Iowa driver's license number, ~~whether-the-license-was-issued-by-this-state, another-state, another-country, or-is-an-international-driver's-license~~ or Iowa nonoperator's identification card number; 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 bona fide 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 ten thousand pounds or more.

2. A description of the vehicle including, insofar as the specified data may exist with respect to a given vehicle, the make, model, type of body, the number of cylinders, the type of motor fuel used, the ~~serial-number-of-the-vehicle,~~ manufacturer's vehicle identification number, ~~the-engine~~ or other assigned number, ~~of-the-vehicle~~ and whether new or used and, if a new vehicle, the date of sale by the manufacturer or dealer to the person intending to operate such the vehicle. If the vehicle is a new low-speed vehicle, the manufacturer's or importer's certificate required to accompany the application under subsection 4 shall certify that the vehicle was manufactured in compliance with the national highway and traffic safety administration standards for low-speed vehicles in 49 C.F.R. § 571.500.

3. Such further information as may reasonably be required by the department.

4. A statement of the applicant's title and of all liens or encumbrances upon ~~said~~ the vehicle and the names and bona fide addresses of all persons having any interest ~~therein in~~ the vehicle and the nature of every such interest. When such the application refers to a new vehicle, it shall be accompanied by a manufacturer's or importer's certificate duly assigned as provided in section 321.45.

5. The amount of tax to be paid under section 423.7.

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, Iowa driver's license number, ~~whether-the-license-was~~ ~~issued-by-this-state,~~ ~~another-state,~~ ~~another-country,~~ ~~or-is-an~~ ~~international-driver's-license,~~ or Iowa nonoperator's identification card number, 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 bona fide

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.

Notwithstanding contrary provisions of this chapter or chapter 326 regarding titling and registration by means other than electronic means, the department may develop and implement a program to ~~test-the-feasibility-of~~ allow for electronic applications, titling, registering, and electronic funds transfer for vehicles ~~traveling-in-interstate-commerce~~ subject to registration in order to improve the efficiency and timeliness of the processes and to reduce costs for all parties involved.

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

Sec. 4. Section 321.20A, subsection 1, Code 2003, 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 or the appropriate county treasurer for a certificate of title. The application for certificate of title shall be made within thirty days of purchase or transfer and shall be accompanied by a ten dollar title fee and the appropriate use tax. The department or the county treasurer shall deliver the certificate of title to the owner if there is no security interest or encumbrance appears on the certificate or to the person holding the first security interest or encumbrance shown on the certificate of title. If there is a security interest, the title, when issued, shall be delivered to the first secured party. Delivery may be made using electronic means.

Sec. 5. Section 321.24, subsections 3, 7, 8, and 11, Code Supplement 2003, are amended to read as follows:

3. 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~~ perfection, and name and address of the secured party.

7. The certificate shall ~~bear-the-seal~~ contain the name of the county treasurer or of the department, ~~and, if the certificate of title is printed,~~ the signature of the county treasurer, the deputy county treasurer, or the department director or deputy designee. 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 homes 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.

8. The original certificate of title shall be delivered to the owner if there is no security interest ~~or-encumbrance appears-on-the-certificate~~. Otherwise the certificate of title shall be delivered by the county treasurer or the department to the person holding the first security interest ~~or-encumbrance-as-shown-in-the-certificate~~. Delivery may be made using electronic means.

11. If the county treasurer or department is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, or a junking certificate has been issued for the vehicle but a certificate of title will not be reissued under section 321.52, subsection 3, and the vehicle qualifies as an antique vehicle under section 321.115, subsection 1, the county treasurer or department may register the vehicle but shall, as a condition of issuing a certificate of title and registration receipt, require the

applicant to file with the department a bond in the form prescribed by the department and executed by the applicant, and either accompanied by the deposit of cash with the department or also executed by a person authorized to conduct a surety business in this state. The bond shall be in an amount equal to one and one-half times the current value of the vehicle as determined by the department and conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss, or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of title of the vehicle or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, and any deposit accompanying it, shall be returned at the end of three years or prior thereto if the vehicle is no longer registered in this state and the currently valid certificate of title is surrendered to the department, unless the department has been notified of the pendency of an action to recover on the bond. The department may authorize issuance of a certificate of title as provided in this subsection for a vehicle with an unreleased security interest upon presentation of satisfactory evidence that the security interest has been extinguished and the holder of the security interest cannot be located to release the security interest as provided in section 321.50.

Sec. 6. Section 321.31, subsection 2, unnumbered paragraph 1, Code Supplement 2003, is amended to read as follows:

Each county treasurer's office shall maintain a county records system for vehicle registration and certificate of title documents. The records system shall consist of information from the certificate of title, including the notation date of perfection and cancellation of security interests, and information from the registration receipt. The information shall be maintained in a manner approved by the department.

Sec. 7. Section 321.34, subsection 11, paragraph d, Code Supplement 2003, is amended to read as follows:

d. Upon receipt of the special registration plates, the applicant shall surrender the current registration ~~receipt-and~~ plates to the county treasurer. The county treasurer shall validate the special registration plates in the same manner as regular registration plates are validated under this section. The annual special natural resources fee for letter number designated plates is ten dollars which shall be paid in addition to the regular annual registration fee. The annual fee for personalized natural resources plates is five dollars which shall be paid in addition to the annual special natural resources fee and the regular annual registration fee. The annual special natural resources fee shall be credited as provided under paragraph "c".

Sec. 8. Section 321.34, subsection 11A, paragraph d, Code Supplement 2003, is amended to read as follows:

d. Upon receipt of the special registration plates, the applicant shall surrender the current registration ~~receipt-and~~ plates to the county treasurer. The county treasurer shall validate the special registration plates in the same manner as regular registration plates are validated under this section. The annual special love our kids fee for letter number designated plates is ten dollars, which shall be paid in addition to the regular annual registration fee. The annual fee for personalized love our kids plates is five dollars, which shall be paid in addition to the annual special love our kids fee and the regular annual registration fee. The annual love our kids fee shall be credited as provided under paragraph "c".

Sec. 9. Section 321.34, subsection 11B, paragraph d, Code Supplement 2003, is amended to read as follows:

d. Upon receipt of the special registration plates, the applicant shall surrender the current registration ~~receipt-and~~ plates to the county treasurer. The county treasurer shall validate the special registration plates in the same manner as regular registration plates are validated under this section. The annual special motorcycle rider education fee for letter number designated plates is ten dollars, which shall be paid in addition to the regular annual registration fee. The annual fee for personalized motorcycle rider education plates



is five dollars, which shall be paid in addition to the annual special motorcycle rider education fee and the regular annual registration fee. The annual motorcycle rider education fee shall be credited as provided under paragraph "c".

Sec. 10. Section 321.34, subsection 23, paragraph d, Code Supplement 2003, is amended to read as follows:

d. Upon receipt of the special registration plates, the applicant shall surrender the current registration ~~receipt-and~~ plates to the county treasurer. The county treasurer shall validate the special registration plates in the same manner as regular registration plates are validated under this section. The annual special breast cancer awareness fee for letter number designated plates is ten dollars, which shall be paid in addition to the regular annual registration fee. The annual special fee for personalized breast cancer awareness plates is five dollars, which shall be paid in addition to the annual special breast cancer awareness fee and the regular annual registration fee. The annual special breast cancer awareness fee shall be credited and transferred as provided under paragraph "c".

Sec. 11. Section 321.42, subsection 2, paragraph b, Code 2003, is amended to read as follows:

b. After five days, the department or county treasurer shall issue a replacement copy ~~to using the applicant-at-the~~ applicant's most recent bona fide 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 replacement copy shall be clearly marked "replacement" and shall include ~~notation-of~~ security interests and liens or encumbrances. When a replacement copy has been issued, the previous certificate is void. The department or county treasurer is not authorized to refund fees collected for a replacement title under this section or section 321.52A.

Sec. 12. Section 321.45, subsection 2, paragraph a, Code Supplement 2003, is amended to read as follows:

a. The perfection of a lien or security interest ~~by notation-on-the-certificate-of-title~~ as provided in section 321.50, or

Sec. 13. Section 321.46, subsection 1, Code 2003, is amended to read as follows:

1. The transferee shall, within 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, 321.48, or 322G.12. 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. ~~Unless the transferee is a manufacturer obtaining a new certificate of title pursuant to section 322G.12, the transferee shall be required to list a driver's license number.~~

Sec. 14. Section 321.46, subsection 3, paragraph f, Code 2003, is amended by striking the paragraph.

Sec. 15. Section 321.50, subsections 1 through 4, Code Supplement 2003, are 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 home, 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 signed through electronic means as determined by the department, or a certificate of title from another jurisdiction which shows the security interest, and payment of a fee of five dollars for each security interest shown. The department shall require the federal employer identification number of a secured party who is a firm, association, or corporation or, if a natural person, the social security number. Upon delivery of the application and payment of the fee, the county treasurer shall note the date of delivery on the application. If the delivery is by electronic means and

the time is electronically recorded on the application along with the date, the time shall be included with the date on all subsequent documents and records where the date of perfection is required under this chapter. The date of delivery shall be the date of perfection of the security interest in the vehicle, regardless of the date the security interest is noted on the certificate of title. 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 554.9303. Delivery as provided in this subsection ~~is-an-indication~~ constitutes perfection of a security interest on a certificate of title for purposes of this chapter and chapter 554.

2. Upon receipt of the application and the required fee, if the certificate of title was not delivered to the county treasurer along with the application, the county treasurer shall notify the holder of the certificate of title to deliver to the county treasurer, within five days from the receipt of notice, the certificate of title to permit notation of the security interest. If the holder of the certificate of title ~~shall-fail~~ fails to deliver it within ~~the-said~~ five days, the holder shall be liable to anyone harmed by the holder's failure.

3. Upon receipt of the application, the certificate of title, if any, and the required fee, the county treasurer shall note ~~such~~ the security interest, and the date thereof, of perfection of the security interest on the certificate ~~over the signature of such officer or deputy and the seal of office~~ of title. The county treasurer shall also note ~~such~~ the security interest and the date thereof of perfection of the security interest in the county records system. Upon receipt of a certificate of title issued by a foreign jurisdiction, on which a security interest has been noted, the county treasurer shall note the security interest and the date the security interest was noted on the foreign certificate of title, if available, or if not, the date of issuance of the foreign certificate of title, on the face of the new certificate of

title. The county treasurer shall also note the security interest and the date that was noted on the certificate of title in the county records system. The county treasurer shall then ~~mail~~ deliver the certificate of title to the first secured party as shown thereon.

3A. Notwithstanding any provision of this section to the contrary, if a security interest has been delivered by electronic means, the county treasurer or department shall not print a certificate of title until all security interests have been released, but shall provide the first security interest holder with an electronic record of the certificate of title. When a vehicle is subject to an electronic lien, the certificate of title for the vehicle shall be considered to be physically held by the lienholder for purposes of compliance with odometer disclosure requirements under section 321.71.

4. a. When a security interest is discharged, the holder shall note a cancellation of ~~same~~ the security interest on the face of the certificate of title over the holder's signature, and deliver the certificate of title to the county treasurer where the title was issued. In the case of a security interest that has been delivered by electronic means, the holder shall notify the department or the county treasurer, in a manner prescribed by the department, of the release of the security interest. The county treasurer shall immediately note the cancellation of the security interest on the face of the certificate of title, if applicable, and in the county records system. The county treasurer shall on the same day deliver the certificate of title, if applicable, to the then first secured party or, if there is no such person, to the person as directed by the owner, in writing, on a form prescribed by the department or, if there is no person designated, then to the owner. The cancellation of the security interest shall be noted on the certificate of title by the county treasurer without charge. The holder of a security interest discharged by payment who fails to release the security interest within fifteen days after being requested in writing to do so shall forfeit to the person making the payment the sum of twenty-five dollars.

b. If a lien has been released by the lienholder but has not been sent to the county of record for clearance of the lien, any county 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. 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.

c. When a security interest is discharged, the lienholder shall note the cancellation of the security interest on the face of the title and, if applicable, may note the cancellation of the security interest on a form prescribed by the department and deliver a copy of the form in lieu of the title to the department or to the treasurer of the county in which the title was issued. The form may be delivered by electronic means. The department or county treasurer shall note the release of the security interest upon the statewide computer system and the county's records. A copy of the form, if used, shall be attached to the title by the lienholder, if the title is held by the lienholder, and shall be evidence of the release of the security interest. ~~The~~ If the title is held by the lienholder, the lienholder shall deliver the title to the first lienholder, or if there is no such person, to the person as designated by the owner, or if there is no such person designated, to the owner. If a certificate of title has not been issued, upon release of a security interest, the lienholder shall notify the department or the county treasurer, in a manner prescribed by the department, of the release of the security interest.

Sec. 16. Section 321.50, subsection 6, unnumbered paragraph 2, Code Supplement 2003, is amended to read as follows:

This subsection is repealed effective ~~July 17, 2004~~ January 1, 2005.

Sec. 17. Section 321.50, subsection 7, Code Supplement 2003, is amended to read as follows:

7. Upon request of any person, the county treasurer shall ~~issue a certificate showing~~ certify whether there are, on the date and hour stated therein, any security interests ~~noted on a particular vehicle's certificate of title,~~ or liens against a vehicle and the name and address of each secured party ~~whose security interest is noted thereon.~~ The uniform fee for a ~~written certificate~~ certification shall be two dollars if the request for the ~~certificate~~ certification is on a form

conforming to standards prescribed by the secretary of state; otherwise, three dollars. Upon request and payment of the appropriate fee, the county treasurer shall furnish a certified copy of any security ~~interest-notations~~ interests for a uniform fee of one dollar per page.

Sec. 18. Section 321.74, Code 2003, is amended to read as follows:

321.74 ACTION BY DEPARTMENT.

The department, upon receiving a report of a stolen or embezzled vehicle as ~~hereinbefore~~ provided in section 321.72 or 321.73 or through the national motor vehicle title information system, shall file and appropriately index the same and shall immediately suspend the registration of the vehicle so reported and shall not transfer the certificate of title or registration of the same vehicle until such time as ~~it~~ the department is notified ~~in-writing~~ that ~~such~~ the vehicle has been recovered.

Sec. 19. Section 321.101, subsection 2, Code 2003, is amended to read as follows:

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 home, 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 home 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 a 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-on-the-certificate-of-title~~ each lienholder who has a perfected lien, 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-on-the-certificate-of-title~~ perfected lien.

Sec. 20. Section 321.109, subsection 1, unnumbered paragraph 1, Code 2003, is amended to read as follows:

The annual fee for all motor vehicles including vehicles designated by manufacturers as station wagons, and 1993 and

subsequent model years for multipurpose vehicles, except motor trucks, motor homes, ambulances, hearses, motorcycles, motor bicycles, and 1992 and older model years for multipurpose vehicles, shall be equal to one percent of the value as fixed by the department plus forty cents for each one hundred pounds or fraction thereof of weight of vehicle, as fixed by the department. The weight of a motor vehicle, fixed by the department for registration purposes, shall include the weight of a battery, heater, bumpers, spare tire, and wheel.

Provided, however, that for any new vehicle purchased in this state by a nonresident for removal to the nonresident's state of residence the purchaser may make application to the county treasurer in the county of purchase for a transit plate for which a fee of ten dollars shall be paid. And provided, however, that for any used vehicle held by a registered dealer and not currently registered in this state, or for any vehicle held by an individual and currently registered in this state, when purchased in this state by a nonresident for removal to the nonresident's state of residence, the purchaser may make application to the county treasurer in the county of purchase for a transit plate for which a fee of three dollars shall be paid. The county treasurer shall issue a nontransferable certificate of registration for which no refund shall be allowed; and the transit plates shall be void thirty days after issuance. Such purchaser may apply for a certificate of title by surrendering the manufacturer's or importer's certificate or certificate of title, duly assigned as provided in this chapter. In this event, the treasurer in the county of purchase shall, when satisfied with the genuineness and regularity of the application, and upon payment of a fee of ten dollars, issue a certificate of title in the name and address of the nonresident purchaser delivering the same to the person entitled to the title as provided in this chapter. The application requirements of section 321.20 apply to a title issued as provided in this subsection, except that a natural person who applies for a certificate of title shall provide either the person's social security number, passport number, or driver's license number, whether the license was issued by this state, another state, or another country. The provisions of this subsection relating to multipurpose vehicles are effective January 1, 1993, for all 1993 and

subsequent model years. The annual registration fee for multipurpose vehicles that are 1992 model years and older shall be in accordance with section 321.124.

Sec. 21. Section 321.126, subsection 6, paragraph b, Code 2003, is amended by striking the paragraph.

Sec. 22. Section 321.131, Code 2003, is amended to read as follows:

321.131 LIEN OF FEE.

All registration or other fees provided for in this chapter shall ~~be-and-continue~~ constitute a lien against the vehicle for which ~~said~~ the fees are payable unless otherwise provided in this section until such time as they are paid as provided by law, with any accrued penalties. The county treasurer may perfect a security interest in a vehicle for the amount of such fees ~~by-noting-the-lien-upon-the-certificate-of-title-for-the-vehicle~~ as provided in section 321.50. If the lien is not perfected as provided in this section, the lien shall not be valid against a bona fide purchaser of the vehicle without actual notice to the purchaser.

Sec. 23. Section 321.134, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The department shall waive the penalties imposed by this section for an owner who is in the military service of the United States and who has been relocated as a result of being placed on active duty on or after September 11, 2001. The department shall adopt rules to implement this subsection, including, if necessary, procedures for refunding penalties collected prior to the effective date of this Act.

Sec. 24. Section 321.149, Code Supplement 2003, is amended to read as follows:

321.149 BLANKS SUPPLIES.

The department shall ~~not-later-than-November-15-of-each-year~~ prepare and furnish to the treasurer of each county ~~all blank-books, blank-forms, and~~ all supplies required for the administration of this chapter, ~~including applications for registration and transfer of vehicles, quintuple receipts, and original remittance sheets to be used in remitting fees to the department,~~ in such form as the department may prescribe. Contracts for the ~~blank-books, blank-forms, and~~ supplies shall be awarded by the director of the department of administrative



services to persons, firms, partnerships, or corporations engaged in the business of printing in Iowa unless, or through them, the persons, firms, partnerships, or corporations cannot provide the required printing set forth in this section. In lieu of purchasing under competitive bids, the director of the department of administrative services shall have authority to arrange with the director of the department of corrections to furnish the supplies as can be made in the state institutions.

Sec. 25. Section 321.152, subsection 4, Code 2003, is amended to read as follows:

4. Sixty percent of all fees collected for ~~notation~~ perfection of security interests.

Sec. 26. Section 321.153, unnumbered paragraph 1, Code 2003, is amended to read as follows:

The county treasurer on the tenth day of each month shall certify ~~under-county-seal~~ to the department, ~~on-forms~~ ~~furnished-by-it,~~ a full and complete statement of all fees and penalties received by the county treasurer during the preceding calendar month and shall remit all moneys not retained for deposit under section 321.152 to the treasurer of state.

Sec. 27. Section 321.160, Code 2003, is amended to read as follows:

321.160 DEPARTMENT TO PREPARE MAINTAIN STATEMENT.

The department shall ~~prepare,~~ ~~annually,~~ maintain a statement showing all the different makes and models of motor vehicles previously registered in the department, and all the different makes and models of motor vehicles, statements of which have been filed in the office by the manufacturers as ~~heretofore~~ provided in section 321.157, together with the retail list price and weight of the ~~same~~ vehicles.

Copies of the statement shall be furnished to each county treasurer and additional copies may be sold by the department to other persons, at a price to be set by the department, covering the approximate cost of ~~same~~ the copies and service involved. Copies of the statement required by this section may be provided electronically. All funds received shall be forwarded by the department to the treasurer of state.

Sec. 28. Section 321.188, subsection 3, Code 2003, is amended to read as follows:

3. An applicant for a hazardous material endorsement must pass a knowledge test as required under 49 C.F.R. § 383.121 as adopted by rule by the department to obtain or retain the endorsement. However, an applicant for license issuance who was previously issued a commercial driver's license from another state may retain the hazardous material endorsement from the previously issued license if the applicant successfully passed the endorsement test within the preceding twenty-four months. Pursuant to procedures established by the department, an applicant for a hazardous material endorsement must also comply with the application and security threat assessment requirements established under 49 C.F.R. pt. 383, 384, and 1572. A hazardous material endorsement shall be revoked or denied if the department determines that the applicant has not complied with or met the security threat assessment standards.

Sec. 29. Section 321.235A, unnumbered paragraph 1, Code 2003, is amended to read as follows:

An electric personal assistive mobility device, which is a two-wheeled device as defined in section 321.1, subsection 20B, may be operated by a person at least sixteen years of age on sidewalks and bikeways in accordance with this section.

Sec. 30. Section 321J.1A, subsection 2, Code 2003, is amended to read as follows:

2. The department shall publish pamphlets containing the criminal and administrative penalties for drunk driving, and related laws, rules, instructions, and explanatory matter. This information may be included in pamphlets publications containing information related to other motor vehicle laws, published issued pursuant to section 321.15. Copies of such the pamphlets shall be given wide distribution, and a supply shall be made available to each county treasurer.

Sec. 31. Section 322.13, subsection 1, Code 2003, is amended to read as follows:

1. The department shall have full authority to prescribe reasonable rules for the administration and enforcement of this chapter, in addition hereto and not inconsistent herewith. All rules shall be filed and entered by the department in its office in an indexed, permanent book or record, with the effective date thereof suitably indicated, and such book or record shall be a public document. **Whenever**

The department may provide notice of a new rule or regulation is-adopted-by-the-department,-a-copy-of-the-same-shall-be mailed-by-it-to-each-licensee-hereunder by a posting on the department's internet website.

Sec. 32. Section 326.15, Code 2003, is amended by striking the section and inserting in lieu thereof the following:

326.15 REFUNDS OF REGISTRATION FEES.

Refunds of registration fees paid for motor vehicles under this chapter shall be in accordance with section 321.126. In addition, if a motor vehicle is removed from an apportioned fleet, the owner in whose name the motor vehicle was registered shall return the registration plate to the department and make a claim for refund. A refund shall not be allowed without documentation of the subsequent registration of the motor vehicle.

A qualified fleet owner may certify to the department that the registration plate has been destroyed in lieu of surrendering the plate. The department shall adopt rules to define a qualified fleet owner.

Sec. 33. 2003 Iowa Acts, chapter 8, sections 9, 10, and 12, are repealed.

Sec. 34. 2003 Iowa Acts, chapter 8, section 29, subsection 3, is repealed.

Sec. 35. EFFECTIVE DATES.

1. Except as provided in subsections 2 through 4, this Act takes effect January 1, 2005.

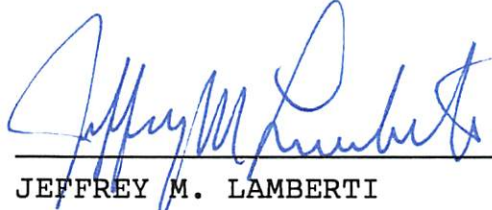
2. The sections of this Act amending section 321.46, subsection 3, paragraph "f"; section 321.126, subsection 6, paragraph "b"; and section 326.15, being deemed of immediate importance, take effect upon enactment.

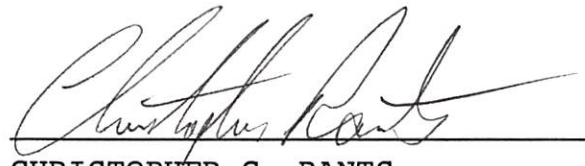
3. The section of this Act enacting section 321.134, subsection 5, being deemed of immediate importance, takes effect upon enactment.

4. The section of this Act amending section 321.188, subsection 3, being deemed of immediate importance, takes effect upon enactment.


5. The sections of this Act amending section 321.1, subsection 20B, and section 321.235A, unnumbered paragraph 1, being deemed of immediate importance, take effect upon enactment.

6. The sections of this Act amending 2003 Iowa Acts, chapter 8, being deemed of immediate importance, take effect upon enactment.


  
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JEFFREY M. LAMBERTI  
President of the Senate

  
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CHRISTOPHER C. RANTS  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2070, Eightieth General Assembly.

  
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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved March 29, 2004

  
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THOMAS J. VILSACK  
Governor