

House File 583 - Enrolled

House File 583

AN ACT

RELATING TO THE TRANSFER OF CERTAIN MOTOR VEHICLES BY OPERATION OF LAW, INCLUDING ASSOCIATED ODOMETER DISCLOSURE STATEMENTS, AND INCLUDING RETROACTIVE APPLICABILITY PROVISIONS.

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

Section 1. Section 321.47, subsection 2, Code 2023, is amended to read as follows:

2. a. The persons entitled under the laws of descent and distribution ~~of an intestate's property~~ 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 ~~shall~~ 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, ~~are entitled shall~~, upon ~~fulfilling complying with~~ the other title transfer requirements of this chapter, ~~to the issuance of~~ be issued a registration card for the decedent's interest ~~of the decedent~~ in the vehicle and a certificate of title to ~~it~~ the vehicle. If a decedent ~~dies~~ 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 ~~fulfilling complying with~~ the other title transfer requirements of this chapter, ~~are entitled to the issuance of~~ shall be issued a registration card for the decedent's interest ~~of the decedent~~ in the vehicle and a certificate of title to the vehicle. The affidavit ~~shall~~ must contain the same information and indemnity agreement as is required in cases of intestacy ~~pursuant to~~ under this section subsection. ~~A requirement of chapter~~ Chapter 450 ~~shall not be considered is not~~ satisfied by the filing of the affidavit provided for in this section 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 ~~shall~~ must contain a statement of the liens unless the application is accompanied by proper evidence of ~~their~~ the satisfaction or extinction of such liens. Evidence of extinction ~~may consist of,~~ 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.

Sec. 2. RETROACTIVE APPLICABILITY. This Act applies retroactively to vehicles transferred on or after July 1, 2022.

PAT GRASSLEY
Speaker of the House

AMY SINCLAIR
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 583, Ninetieth General Assembly.

MEGHAN NELSON
Chief Clerk of the House

Approved _____, 2023

KIM REYNOLDS
Governor