

JAN 11 1971

TRANS. BILL, Pass 1-20
County Book 2/11/71, Pass 2/17

HOUSE FILE 12

By DRAKE, FISHER of Greene,
and SHAW
(Curran, Smith, and Neu)

Passed House, Date 2-8-71 Passed Senate, Date _____

Vote: Ayes 80 Nays 13 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to motor vehicle fees collected by county
2 treasurers, and to the amount of such fees retained by
3 the county.

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

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1 Section 1. Section three hundred twenty-one point
2 forty-two (321.42), Code 1971, is amended as follows:

3 321.42. LOST OR DAMAGED CERTIFICATES, CARDS, AND PLATES.
4 In the event any registration card or registration plate is
5 lost, mutilated, or becomes illegible the owner shall
6 immediately make application for and may obtain a dupli-
7 cate upon the applicant furnishing information satisfac-
8 tory to the department together with the payment of a fee
9 of fifty-cents two dollars for each such plate or registra-
10 tion card.

11 In the event of any lost or destroyed certificate of
12 title, application shall be made to the department by the
13 owner of such vehicle, or the holder of a lien thereon, for
14 a certified copy of the same upon a form prescribed by the
15 department and accompanied by a fee of two five dollars.
16 Such application shall be signed by the person making the
17 same. Thereupon the department shall mail a certified copy
18 to the person entitled to receive the certificate of title
19 as indicated by the records of the department at his most
20 recent address shown by such records. Such certified copy
21 shall clearly be marked "duplicate" and shall be identical
22 in every respect to the original to include notation upon
23 the face thereon of liens or encumbrances disclosed by the
24 records of the department. Upon issuance of title the
25 previous certificate last issued shall be void. The new
26 purchaser or transferee shall be entitled to receive an
27 original title upon presentation of the assigned duplicate
28 copy to the county treasurer of the county where such new
29 purchaser or transferee resides. Any purchaser of such
30 vehicle may, at the time of purchase, require the seller
31 of same to indemnify him and all subsequent purchasers of
32 such vehicle against any loss which he or they may suffer
33 by reason of any claim or claims presented upon the original
34 certificate. Any person recovering an original certificate
35 of title for which a duplicate has been issued shall forth-

1 with surrender the same to a county treasurer or the depart-
2 ment.

3 Sec. 2. Section three hundred twenty-one point forty-
4 six (321.46), unnumbered paragraph two (2), Code 1971, is
5 amended as follows:

6 Upon filing the application for a registration transfer
7 and a new title, the applicant shall pay a fee of one-dollar
8 two dollars. The county treasurer, if satisfied of the
9 genuineness and regularity of the application and that
10 applicant has complied with all the requirements of this
11 chapter, shall forthwith issue a new certificate of title
12 and registration card to the purchaser or transferee and
13 shall forward the necessary copies to the department on the
14 date of issuance, as prescribed in section 321.24.

15 Sec. 3. Section three hundred twenty-one point forty-
16 eight (321.48), subsection two (2), Code 1971, is amended
17 as follows:

18 2. Any foreign registered vehicle purchased or otherwise
19 acquired by a dealer for the purpose of resale shall be
20 issued a certificate of title thereto by the county treasurer
21 of the dealer's residence upon proper application therefor as
22 provided in this chapter and upon payment of a fee of one
23 dollar-fifty-cents two dollars and such dealer shall be
24 exempt from the payment of any and all registration fees
25 for such vehicle. Such application for certificate of title
26 shall be made within forty-eight hours after said vehicle
27 comes within the border of the state.

28 Sec. 4. Section three hundred twenty-one point fifty
29 (321.50), subsection one (1), Code 1971, is amended as
30 follows:

31 1. A security interest in a vehicle subject to registra-
32 tion under the laws of this state, except trailers whose
33 empty weight is two thousand pounds or less, and wagon box
34 trailers subject to a registration fee of five dollars or
35 less, and new or used vehicles held by a dealer or

S.F. _____

H.F. 12

1 manufacturer as inventory for sale, is perfected by the
2 delivery to the county treasurer of the county where the
3 certificate of title was issued or, in the case of a new
4 certificate, to the county treasurer where the certificate
5 will be issued of an application for certificate of title
6 which lists such security interest, or an application for
7 notation of security interest signed by the owner, or a
8 certificate of title from another jurisdiction which shows
9 such security interest, and a fee of one-dollar two dollars
10 for each security interest shown. If the owner or secured
11 party is in possession of the certificate of title, it must
12 also be delivered at this time in order to perfect the
13 security interest. If a vehicle is subject to a security
14 interest when brought into this state, the validity of the
15 security interest and the date of perfection is determined
16 by the Uniform Commercial Code, section 554.9103.

17 Sec. 5. Section three hundred twenty-one point one
18 hundred fifty-two (321.152), Code 1971, is amended as follows:

19 321.152 FEE FOR COUNTY. Each county treasurer shall be
20 allowed to retain, ~~for the use and benefit of the county~~
21 ~~general fund, seventy-five cents for each vehicle registration~~
22 ~~issued by him out of money collected in each year for the~~
23 ~~registration of such vehicles and sixty-five cents for each~~
24 ~~certificate of title and sixty-five cents for each notation~~
25 ~~of a lien or encumbrance when a fee therefor is prescribed~~
26 ~~by the provisions of this chapter, the same to~~ for deposit
27 in the county general fund, seventy-five cents for each
28 annual vehicle registration and each duplicate registration
29 card or plate issued; sixty-five percent of all fees collected
30 for certificates of title and notations of lien or encumbrance;
31 and one dollar for each duplicate certificate of title. The
32 moneys retained shall be deducted, and reported to the
33 department, when the county treasurer transfers the money
34 collected under the provisions of this chapter; provided,
35 however, that no such deduction shall be lawful unless the

1 county treasurer has complied with the provisions of sections
2 321.24 and 321.153.

3 EXPLANATION

4 This bill implements Recommendation #10, page 96,
5 Governor's Economy Committee Report as well as suggestions
6 submitted by the Department of Public Safety at the request
7 of a legislative subcommittee. The bill increases the fee
8 for a motor vehicle registration transfer and new title
9 from one to two dollars; the fee for registration of a
10 foreign vehicle from \$1.50 to \$2.00; the fee for each
11 security interest shown on a certificate of title from \$1
12 to \$2; and the fee for duplicate registration plates and
13 registration certificates from 50¢ to \$2. The bill permits
14 county treasurers to keep 75¢ for each duplicate registration
15 plate or card issued; 65% of the fees collected for certifi-
16 cates of title and notations of lien or encumbrance; and
17 one dollar for each duplicate certificate of title.

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24 LSB 92
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FISCAL NOTE

Date prepared December 21, 1970

Requested by: Representative Fisher and Representative Drake

Prepared in regard to LSB 92 A Bill for an Act relating to motor vehicle fees collected by county treasurers, and to the amount of fees retained by the county.

following is the fiscal effect in dollars of the legislative proposal as required by House Rule 48.

DUPLICATE REGISTRATION RECEIPT FEE

(Based on issuance of 39,917 duplicate registration receipts which constitutes the number issued in 1969)

Fees Collected in 1969		Projected Fees, \$2.00 Duplicate Fee	
\$19,958.50		\$79,834.00	
State Share	\$19,958.50	State Share	\$49,896.25
County Share	None	County Share	29,937.75
	State Increase	\$29,937.75	
	County Increase	29,937.75	

DUPLICATE REGISTRATION (LICENSE) PLATE FEES

(Based on issuance of 14,347 duplicate plates, which constitutes the number issued in 1969)

Fees Collected in 1969		Projected Fees, \$2.00 Duplicate Fee	
\$7,173.50		\$28,694.00	
State Share	\$7,173.50	State Share	\$17,993.75
County Share	None	County Share	10,760.25
	State Increase	\$10,819.50	
	County Retention	10,760.25	

Legislative Fiscal Director

Page 2
Fiscal Note
Representative Fisher and Representative Drake
LSB 92

DUPLICATE TITLE CERTIFICATE FEES

(Based on issuance of 20,997 duplicate title certificates, which constitutes the number issued in 1969)

Fees Collected in 1969		Projected Fees, \$5.00 Duplicate Fee	
\$41,994.00		\$104,985.00	
State Share	\$41,994.00	State Share	\$83,988.00
County Share	None	County Share	20,997.00
	State Increase	\$41,994.00	
	County Retention	20,997.00	

CERTIFICATE OF TITLE FEES

(Based on issuance of 816,326 title certificates, which constitutes number issued in 1969)

Fees Collected in 1969		Projected Fees, \$2.00 Title Fee	
\$868,783.00		\$1,632,652.00	
State Share	\$338,171.10	State Share	\$ 571,428.20
County Share	530,611.90	County Share	1,061,123.80
	State Increase	\$233,257.10	
	County Increase	530,611.90	

SECURITY INTEREST (LIEN) NOTATION FEES

(Based on notation of 265,685 security interests which constitutes number issued in 1969)

Fees Collected in 1969		Projected Fees, \$2.00 Notation Fee	
\$265,685.00		\$531,370.00	
State Share	\$ 92,989.75	State Share	\$185,979.50
County Share	173,695.25	County Share	345,390.50
	State Increase	\$ 92,989.75	
	County Increase	173,695.25	

TOTAL STATE INCREASE \$408,998.10
TOTAL COUNTY INCREASE \$766,002.15

The above data is based on the calendar year 1969, which is the most recent available.

Source: Department of Public Safety, Motor Vehicle Division

HOUSE FILE 12

1 Amend House File 12 as follows:

2 1. Page 3, by inserting after line 14 the following:

3 "Sec. 3. Section three hundred twenty-one point forty-six
4 (321.46), Code 1971, is amended by adding thereto the following
5 new paragraph:

6 The seller or transferor may file an affidavit on forms
7 prescribed and provided by the department with the county
8 treasurer of the county where the vehicle is registered certify-
9 ing the sale or transfer of ownership of such vehicle and the
10 assignment and delivery of the certificate of title for such
11 vehicle. Upon receipt of such affidavit the county treasurer
12 shall file such affidavit with the copy of the registration
13 receipt for such vehicle on file in his office and on that day
14 he shall forward copies of the affidavit to the department and
15 to the county treasurer of the county of residence of the
16 purchaser or transferee. Upon filing such affidavit it shall
17 be presumed that the seller or transferor has assigned and
18 delivered the certificate of title for such vehicle."

19 2. Page 4, by inserting after line 16 the following:

20 "Sec. 6. Section three hundred twenty-one point fifty
21 (321.50), Code 1971, is amended by adding thereto the following
22 new subsection:

23 Any person obtaining possession of a certificate of title
24 for a vehicle not already subject to a perfected security
25 interest, except new or used vehicles held by a dealer or manu-
26 facturer as inventory for sale, who purports to have a security
27 interest in such vehicle shall, within fifteen days from the
28 receipt of the certificate of title, deliver such certificate of
29 title to the county treasurer of the county where it was issued
30 to note such security interest and, if such person fails to do
31 so, his purported security interest in the vehicle shall be
32 void and unenforceable and such person shall forthwith deliver
33 the certificate of title to the county treasurer of the county
34 where it was issued. If no security interest has been filed
35 for notation on the certificate of title, the certificate shall
36 be mailed by the treasurer to the owner of the vehicle. For
37 purposes of determining the commencement date of the fifteen-
38 day period provided by this subsection, it shall be presumed
39 that the purported security interest holder received the
40 certificate of title on the date of the creation of his purported
41 security interest in the vehicle or the date of the issuance of
42 the certificate of title, whichever is the latter. Any person
43 collecting a fee from the owner of the vehicle for the purpose
44 of perfecting a security interest in such vehicle who does not
45 cause such security interest to be noted on the certificate of
46 title by the county treasurer shall remit such fee to the
47 department of revenue of this state."

48 3. Page 5, by inserting after line 2 the following:

49 "Sec. 8. Section three hundred thirty-five point eighteen
50 (335.18), Code 1971, is amended as follows:

51 335.18 REAL ESTATE LIENS FILED WITH RECORDER.

52 1. Notices of liens upon real property for taxes payable
53 to the United States, and certificates and notices affecting
54 the liens shall be filed in the office of the recorder of the
55 county in which the real property subject to a federal tax
56 lien is situated.

57 2. Notices of liens upon personal property, whether
58 tangible or intangible, other than vehicles for which a
59 certificate of title is required under the provisions of
60 chapter 321, for taxes payable to the United States and
61 certificates and notices affecting the liens shall be filed
62 as follows:

63 a. If the person against whose interest the tax lien
64 applies is a corporation or a partnership whose principal
65 executive office is in this state, as these entities are
66 defined in the internal revenue laws of the United States, in
67 the office of the secretary of state.

68 b. In all other cases, in the office of the recorder of
69 the county where the taxpayer resides at the time of filing
70 of the notice of lien.

71 3. In the event a lien encumbers a vehicle for which a
72 certificate of title is required under the provisions of
73 chapter 321, a security interest in such vehicle is perfected
74 by the delivery of federal notice of attachment to the county
75 treasurer of the county where the certificate of title was
76 issued and it shall take priority according to the order of
77 time in which the same is placed on the certificate of title
78 for the vehicle to which said lien applies by the county
79 treasurer and as provided in sections 321.45 and 321.50. The
80 county treasurer shall note such lien without fee."

81 4. By renumbering the sections accordingly.

82 5. Page 1, amend the title by inserting in line 3 after the
83 word "county" the words "and to the filing of instruments
84 pertaining to motor vehicles".

Filed - *Adopted 2/8*
February 4, 1971

By NYSTROM of Boone,	District 55
DRAKE of Muscatine,	District 71
FISHER of Greene,	District 56
KEHE of Bremer-Chickasaw,	District 12
SHAW of Scott,	District 78

House 6
Feb. 5, 1971

FISCAL NOTE
HOUSE FILE 12

Date prepared February 4, 1971

Requested by Representative Nystrom.

Prepared in regard to Amendment to H.F. 12, an Act relating to motor vehicle fees collected by county treasurers, and to the amount of such fees retained by the county. Following is the fiscal effect in dollars of the legislative proposal as required by House Rule 48.

During 1968, which is the most recent year for which statistics are available, 53% of all passenger cars were sold in installment credit or other borrowing. (1) Based on the issuance of 816,326 (2) title certificates in Iowa during 1969, this would indicate that 432,653 lien notations should have been made during 1969 instead of 265,685.

<u>Actual Lien Notations</u>	<u>Possible Lien Notations</u>	<u>Increase</u>	<u>Notation Fee</u>	<u>Estimated Increased Revenue</u>
265,685	432,653	166,968	\$1.00	
				State \$ 58,439
				County 108,529
				Total \$166,968
			\$2.00	
				State \$116,878
				County 217,058
				Total \$333,936

Source: (1) 1970 Automobile Facts and Figures, published by The Automobile Manufacturers Association. (2) Department of Public Safety, Motor Vehicle Registration Division.

Filed
February 4, 1971

By GERRY D, RANKIN
Legislative Fiscal Director

HOUSE CLIP SHEET

Tuesday, February 2, 1971

HOUSE FILE 12

1 Amend House File 12 as follows:

2 1. Page 2, by inserting before line 1 the following:

3 Section 1. Section three hundred twenty-one point twenty
4 (321.20), unnumbered paragraph one (1), Code 1971, is amended
5 as follows:

6 Except as otherwise provided in this chapter, every owner
7 of a vehicle subject to registration hereunder shall make
8 application to the county treasurer, of the county of his
9 residence, or to the department, if a nonresident, for the
10 registration and issuance of a certificate of title thereof
11 upon the appropriate form or forms furnished by the

12 accompanied by a fee of ~~one-dollar~~ two dollars, and every
13 application shall bear the signature of the owner written
14 pen and ink and said application shall contain:, with
15

16 Sec. 2. Section three hundred twenty-one point twenty-
17 (321.23), subsection one (1), Code 1971, is amended as
18 follows:

19 1. In the event the vehicle to be registered is a
20 specially
21 constructed, reconstructed, or foreign vehicle, such fact
22 shall
23 be stated in the application. A fee of ~~one-dollar-fifty~~
24 two dollars shall be paid by the person making such
25 cents

26 application
27 upon issuance of a certificate of title by the county
28 treasurer.

29 With reference to every specially constructed or
reconstructed
motor vehicle subject to registration the application shall
be
accompanied by a statement from the department authorizing
such

motor vehicle to be titled and registered in this state. The
department shall cause a physical inspection to be made of
all specially constructed or reconstructed motor vehicles,
upon

application therefor by the owner thereof, to determine
whether
such motor vehicle is in a safe operating condition and that

30 the integral component parts thereof are properly identified
31 and that the rightful ownership is established before issuing
32 such owner the authority to have the motor vehicle registered
33 and titled as herein provided. With reference to every
34 foreign vehicle which has been registered heretofore outside
35 of this state the owner shall surrender to the treasurer all
36 registration plates, registration cards, and certificates of
37 title, or, if vehicle to be registered is from a nontitle
38 state, such evidence of foreign registration and ownership as may
39 be prescribed by the department except as provided in
40 subsection 2 hereof.

41 2. Page 2, line 1, by striking the numeral "1" and
42 inserting in lieu thereto the numeral "3".

43 3. Page 3, line 3, by striking the numeral "2" and
44 inserting in lieu thereto the numeral "4".

45 4. Page 3, by inserting after line 14 the following:
46 Sec. 5. Section three hundred twenty-one point forty-
47 seven (321.47), Code 1971, is amended as follows:
48 321.47 TRANSFERS BY OPERATION OF LAW. In the event of
49 the transfer of ownership of any vehicle by operation of law as
50 upon inheritance, devise or bequest, order in bankruptcy,
51 insolvency, replevin, foreclosure or execution sale, or
52 when- ever the engine of a motor vehicle is replaced by another
53 engine, or whenever a vehicle is sold to satisfy an artisan's lien
54 as provided in chapter 577, or is sold to satisfy a landlord's
55 lien as provided in chapter 570, or a storage lien as
56 provided in chapter 579, or repossession is had upon default in
57 perform- ance of the terms of a security agreement, the treasurer of
58 the county in which the last certificate of title to any
59 such vehicle was issued, upon the surrender of the prior
60 certificate of title or the manufacturer's or importer's certificate, or
61 when that is not possible, upon presentation of satisfactory
62 proof to the county treasurer of ownership and right of
63 possession to such vehicle and upon payment of a fee of ~~one~~
64 ~~dollar-fifty-cents~~ two dollars and the presentation of an
65 application for registration and certificate of title, may

66 issue to the applicant a registration card for such vehicle
67 and
68 a certificate of title thereto. The person or persons
69 entitled
70 under the laws of descent and distribution of an intestate's
71 property to the possession and ownership of a vehicle owned
72 in
73 whole or in part by a decedent, upon filing an affidavit
74 stating
75 the name and date of death of the decedent, the right to
76 possession and ownership of the persons filing said
77 affidavit,
78 and that there has been no administration of the said
79 decedent's
80 estate, which instrument shall also contain an agreement to
81 indemnify any creditors of the decedent who would be
82 entitled
83 to levy execution upon said motor vehicle to the extent of
84 the value of said motor vehicle, shall be entitled upon ful-
85 filling the other requirements of this chapter, to the
86 issuance
87 of a registration card for the interest of the decedent in
88 such
89 vehicle and a certificate of title thereto. No requirement
90 of either chapter 450 or 451 shall be considered satisfied
91 by
92 the filing of the affidavit provided for in this section.
93 If,
94 from the records in the office of the county treasurer,
95 there
96 appear to be any lien or liens on such vehicle, such
97 certificate
98 of title shall contain a statement of such liens unless the
99 application is accompanied by proper evidence of their
100 satisfac-
101 tion or extinction. Evidence of extinction may consist of,
102 but
103 is not limited to, an affidavit of the applicant stating
104 that
105 a security interest was foreclosed as provided in Uniform
106 Commercial Code, chapter 554, Article 9, Part 5.
107 5. Page 3, line 15, by striking the numeral "3" and
108 insert-
109 ing in lieu thereto the numeral "6".
110 6. Page 3, line 28, by striking the numeral "4" and
111 insert-
112 ing in lieu thereto the numeral "7".
113 7. Page 4, by inserting after line 16 the following:
114 Sec. 8. Section three hundred twenty-one point one
115 hundred
116 nine (321.109), subsection one (1), Code 1971, is amended as
117 follows:
118

February 18, 1971

HOUSE FILE 12

By DRAKE, FISHER of Greene, and SHAW

(Curran, Smith, and Neu)

(AS AMENDED AND PASSED BY THE HOUSE)

per conference report committee report
Passed House, Date 4-2-71 Passed Senate, Date 3-5-71

Vote: Ayes 69 Nays 5 Vote: Ayes 39 Nays 5

Approved 4-29-71

A BILL FOR

Passed per Conference Committee Report
4-5-71 *Conference Committee 3/24*

- 1 An Act relating to motor vehicle fees collected by county
- 2 treasurers, and to the amount of such fees retained by
- 3 the county, and to the filing of instruments pertaining
- 4 to motor vehicles.

*Senators Messerly,
Shordaw, Stephens, Collins
Representatives Drake,
Fisher, Kike, and Wells
motion to reconsider filed
4/6, withdrawn 4/13*

5 *Be It Enacted by the General Assembly of the State of Iowa:*

1 Section 1. Section three hundred twenty-one point
2 twenty (321.20), unnumbered paragraph one (1), Code 1971,
3 is amended as follows:

4 Except as otherwise provided in this chapter, every
5 owner of a vehicle subject to registration hereunder shall
6 make application to the county treasurer, of the county of
7 his residence, or to the department, if a nonresident, for
8 the registration and issuance of a certificate of title
9 thereof upon the appropriate form or forms furnished by
10 the department, accompanied by a fee of [one dollar] *two*
11 *dollars*, and every such application shall bear the
12 signature of the owner written with pen and ink and said
13 application shall contain:.

14 Sec. 2. Section three hundred twenty-one point twenty-
15 three (321.23), subsection one (1), Code 1971, is amended
16 as follows:

17 1. In the event the vehicle to be registered is a
18 specially constructed, reconstructed, or foreign vehicle,
19 such fact shall be stated in the application. A fee of
20 [one dollar fifty cents] *two dollars* shall be paid by the
21 person making such application upon issuance of a certificate
22 of title by the county treasurer. With reference to every
23 specially constructed or reconstructed motor vehicle subject
24 to registration the application shall be accompanied by a
25 statement from the department authorizing such motor vehicle
26 to be titled and registered in this state. The department

1 shall cause a physical inspection to be made of all
2 specially constructed or reconstructed motor vehicles,
3 upon application therefor by the owner thereof, to
4 determine whether such motor vehicle is in a safe operating
5 condition and that the integral component parts thereof
6 are properly identified and that the rightful ownership
7 is established before issuing such owner the authority to
8 have the motor vehicle registered and titled as herein
9 provided. With reference to every foreign vehicle which
10 has been registered heretofore outside of this state
11 the owner shall surrender to the treasurer all registration
12 plates, registration cards, and certificates of title,
13 or, if vehicle to be registered is from a nontitle state,
14 such evidence of foreign registration and ownership as may
15 be prescribed by the department except as provided in
16 subsection 2 hereof.

17 Sec. 3. Section three hundred twenty-one point
18 forty-two (321.42), Code 1971, is amended as follows:

19 321.42 LOST OR DAMAGED CERTIFICATES, CARDS, AND
20 PLATES.

21 In the event any registration card or registration plate is
22 lost, mutilated, or becomes illegible the owner shall
23 immediately make application for and may obtain a dupli-
24 cate upon the applicant furnishing information satisfac-
25 tory to the department together with the payment of a fee
26 of [fifty cents] *two dollars* for each such plate or registra-
27 tion card.

28 In the event of any lost or destroyed certificate of
29 title, application shall be made to the department by the
30 owner of such vehicle, or the holder of a lien thereon, for
31 a certified copy of the same upon a form prescribed by the
32 department and accompanied by a fee of [two] *five* dollars.
33 Such application shall be signed by the person making the
34 same. Thereupon the department shall mail a certified copy
35 to the person entitled to receive the certificate of title
as indicated by the records of the department at his most

36 recent address shown by such records. Such certified copy
37 shall clearly be marked "duplicate" and shall be identical
38 in every respect to the original to include notation upon
39 the face thereon of liens or encumbrances disclosed by the
40 records of the department. Upon issuance of title the
41 previous certificate last issued shall be void. The new
42 purchaser or transferee shall be entitled to receive an
43 original title upon presentation of the assigned duplicate
44 copy to the county treasurer of the county where such new
45 purchaser or transferee resides. Any purchaser of such
46 vehicle may, at the time of purchase, require the seller
47 of same to indemnify him and all subsequent purchasers of
48 such vehicle against any loss which he or they may suffer
49 by reason of any claim or claims presented upon the original
50 certificate. Any person recovering an original certificate
51 of title for which a duplicate has been issued shall forth-

1 with surrender the same to a county treasurer or the depart-
2 ment.

3 Sec. 4. Section three hundred twenty-one point forty-
4 six (321.46), unnumbered paragraph two (2), Code 1971, is
5 amended as follows:

6 Upon filing the application for a registration transfer
7 and a new title, the applicant shall pay a fee of [one dollar]
8 *two dollars*. The county treasurer, if satisfied of the
9 genuineness and regularity of the application and that
10 applicant has complied with all the requirements of this
11 chapter, shall forthwith issue a new certificate of title
12 and registration card to the purchaser or transferee and
13 shall forward the necessary copies to the department on the
14 date of issuance, as prescribed in section 321.24.

15 Sec. 5. Section three hundred twenty-one point
16 forty-six (321.46), Code 1971, is amended by adding
17 thereto the following new paragraph:

18 The seller or transferor may file an affidavit on
19 forms prescribed and provided by the department with the
20 county treasurer of the county where the vehicle is
21 registered certifying the sale or transfer of ownership
22 of such vehicle and the assignment and delivery of the
23 certificate of title for such vehicle. Upon receipt of
24 such affidavit the county treasurer shall file such
25 affidavit with the copy of the registration receipt for
26 such vehicle on file in his office and on that day he shall
27 forward copies of the affidavit to the department and to
28 the county treasurer of the county of residence of the
29 purchaser or transferee. Upon filing such affidavit it shall
30 be presumed that the seller or transferor has assigned and
31 delivered the certificate of title for such vehicle.

32 Sec. 6. Section three hundred twenty-one point forty-
33 seven (321.47), Code 1971, is amended as follows:

34 321.47 TRANSFERS BY OPERATION OF LAW. In the event
35 the transfer of ownership of any vehicle by operation of
of

36 law as upon inheritance, devise or bequest, order in
37 bankruptcy, insolvency, replevin, foreclosure or execution
38 sale, or whenever the engine of a motor vehicle is
39 replaced by another engine, or whenever a vehicle is sold
40 to satisfy an artisan's lien as provided in chapter 577,

1 or is sold to satisfy a landlord's lien as provided in
2 chapter 570, or a storage lien as provided in chapter
3 579, or repossession is had upon default in performance
4 of the terms of a security agreement, the treasurer of
5 the county in which the last certificate of title to
6 any such vehicle was issued, upon the surrender of the
7 prior certificate of title or the manufacturer's or
8 importer's certificate, or when that is not possible,
9 upon presentation of satisfactory proof to the county
10 treasurer of ownership and right of possession to such
11 vehicle and upon payment of a fee of [one dollar fifty
12 cents] *two dollars* and the presentation of an application
13 for registration and certificate of title, may issue to
14 the applicant a registration card for such vehicle and
15 a certificate of title thereto. The person or persons
16 entitled under the laws of descent and distribution of an
17 intestate's property to the possession and ownership of
18 a vehicle owned in whole or in part by a decedent, upon
19 filing an affidavit stating the name and date of death of
20 the decedent, the right to possession and ownership of
21 the persons filing said affidavit, and that there has been
22 no administration of the said decedent's estate, which
23 instrument shall also contain an agreement to indemnify any
24 creditors of the decedent who would be entitled to levy

1 execution upon said motor vehicle to the extent of
2 the value of said motor vehicle, shall be entitled upon
3 fulfilling the other requirements of this chapter, to
4 the issuance of a registration card for the interest of
5 the decedent in such vehicle and a certificate of title
6 thereto. No requirement of either chapter 450 or 451
7 shall be considered satisfied by the filing of the
8 affidavit provided for in this section. If, from the
9 records in the office of the county treasurer, there
10 appear to be any lien or liens on such vehicle, such
11 certificate of title shall contain a statement of such
12 liens unless the application is accompanied by proper
13 evidence of their satisfaction or extinction. Evidence
14 of extinction may consist of, but is not limited to,
15 an affidavit of the applicant stating that a security
16 interest was foreclosed as provided in Uniform Commercial
17 Code, chapter 554, article 9, part 5.

18 Sec. 7. Section three hundred twenty-one point forty-
19 eight (321.48), subsection two (2), Code 1971, is amended
20 as follows:

21 2. Any foreign registered vehicle purchased or otherwise
22 acquired by a dealer for the purpose of resale shall be
23 issued a certificate of title thereto by the county treasurer
24 of the dealer's residence upon proper application therefor as
25 provided in this chapter and upon payment of a fee of [one
26 dollar fifty cents] *two dollars* and such dealer shall be
27 exempt from the payment of any and all registration fees
28 for such vehicle. Such application for certificate of title
29 shall be made within forty-eight hours after said vehicle
30 comes within the border of the state.

31 Sec. 8. Section three hundred twenty-one point fifty
32 (321.50), subsection one (1), Code 1971, is amended as
33 follows:

34 1. A security interest in a vehicle subject to registra-
35 tion under the laws of this state, except trailers whose

36 empty weight is two thousand pounds or less, and wagon box
37 trailers subject to a registration fee of five dollars or
38 less, and new or used vehicles held by a dealer or

1 manufacturer as inventory for sale, is perfected by the
2 delivery to the county treasurer of the county where the
3 certificate of title was issued or, in the case of a new
4 certificate, to the county treasurer where the certificate
5 will be issued of an application for certificate of title
6 which lists such security interest, or an application for
7 notation of security interest signed by the owner, or a
8 certificate of title from another jurisdiction which shows
9 such security interest, and a fee of [one dollar] *two dollars*
10 for each security interest shown. If the owner or secured
11 party is in possession of the certificate of title, it must
12 also be delivered at this time in order to perfect the
13 security interest. If a vehicle is subject to a security
14 interest when brought into this state, the validity of the
15 security interest and the date of perfection is determined
16 by the Uniform Commercial Code, section 554.9103.

17 **Sec. 9. Section three hundred twenty-one point**
18 **fifty (321.50), Code 1971, is amended by adding thereto**
19 **the following new subsection:**

20 **Any person obtaining possession of a certificate of**
21 **title for a vehicle not already subject to a perfected**
22 **security interest, except new or used vehicles held by**
23 **a dealer or manufacturer as inventory for sale, who**
24 **purports to have a security interest in such vehicle**
25 **shall, within fifteen days from the receipt of the**
26 **certificate of title, deliver such certificate of title**
27 **to the county treasurer of the county where it was**
28 **issued to note such security interest and, if such**
29 **person fails to do so, his purported security interest**
30 **in the vehicle shall be void and unenforceable and**
31 **such person shall forthwith deliver the certificate of**
32 **title to the county treasurer of the county where it**
33 **was issued. If no security interest has been filed for**
34 **notation on the certificate of title, the certificate**
35 **shall be mailed by the treasurer to the owner of the**

36 vehicle. For purposes of determining the commencement
37 date of the fifteen-day period provided by this sub-
38 section, it shall be presumed that the purported security
39 interest holder received the certificate of title on the
40 date of the creation of his purported security interest
41 in the vehicle or the date of the issuance of the

1 certificate of title, whichever is the latter. Any
2 person collecting a fee from the owner of the vehicle
3 for the purpose of perfecting a security interest in such
4 vehicle who does not cause such security interest to
5 be noted on the certificate of title by the county
6 treasurer shall remit such fee to the department of
7 revenue of this state.

8 Sec. 10. Section three hundred twenty-one point
9 one hundred nine (321.109), subsection one (1), Code
10 1971, is amended as follows:

11 1. The annual fee for all motor vehicles including
12 vehicles designated by manufacturers as station wagons,
13 except motor trucks, hearses, motorcycles, and motor
14 bicycles, shall be equal to one percent of the value as
15 fixed by the department plus forty cents for each one
16 hundred pounds or fraction thereof of weight of vehicle,
17 as fixed by the department. The weight of a motor
18 vehicle, fixed by the department for registration purposes,
19 shall include the weight of a battery, heater, bumpers,
20 spare tire, and wheel. Provided, however, that for any
21 new vehicle purchased in this state by a nonresident for
22 removal to his state of residence the purchaser may make
23 application to the county treasurer in the county of
24 purchase for a transit plate for which a fee of five dollars

1 shall be paid. And provided, however, that for any used
2 vehicle held by a registered dealer and not currently
3 registered in this state, or for any vehicle held by an
4 individual and currently registered in this state, when
5 purchased in this state by a nonresident for removal to
6 his state of residence, the purchaser may make application
7 to the county treasurer in the county of purchase for a
8 transit plate for which a fee of three dollars shall be
9 paid. The county treasurer shall issue a nontransferable
10 certificate of registration for which no refund shall be
11 allowed; and the transit plates shall be void thirty
12 days after issuance. Such purchaser may apply for a
13 certificate of title by surrendering the manufacturer's
14 or importer's certificate or certificate of title, duly
15 assigned as provided in this chapter. In this event, the
16 treasurer in the county of purchase shall, when satisfied
17 with the genuineness and regularity of the application,
18 and upon payment of a fee of [seventy-five cents] *two*
19 *dollars*, issue a certificate of title in the name and
20 address of such nonresident purchaser delivering the same
21 to the person entitled thereto as provided in this chapter.

22 Sec. 11. Section three hundred twenty-one point one
23 hundred fifty-two (321.152), Code 1971, is amended as follows:

24 321.152 FEE FOR COUNTY. Each county treasurer shall be
25 allowed to retain[, for the use and benefit of the county
26 general fund, seventy-five cents for each vehicle registration
27 issued by him out of money collected in each year for the
28 registration of such vehicles and sixty-five cents for each
29 certificate of title and sixty-five cents for each notation
30 of a lien or encumbrance when a fee therefor is prescribed
31 by the provisions of this chapter, the same to] *for deposit*
32 *in the county general fund, seventy-five cents for each*
33 *annual vehicle registration and each duplicate registration*
34 *card or plate issued; sixty-five percent of all fees collected*
35 *for certificates of title and notations of lien or encumbrance;*

36 *and one dollar for each duplicate certificate of title. The*
37 *moneys retained shall* be deducted and reported to the
38 department, when the county treasurer transfers the money
39 collected under the provisions of this chapter ; provided,
40 however, that no such deduction shall be lawful unless the

1 county treasurer has complied with the provisions of sections
2 321.24 and 321.153.

3 **Sec. 12. Section three hundred thirty-five point**
4 **eighteen (335.18), Code 1971, is amended as follows:**

5 **335.18 REAL ESTATE LIENS FILED WITH RECORDER.**

6 **1. Notices of liens upon real property for taxes**
7 **payable to the United States, and certificates and**
8 **notices affecting the liens shall be filed in the office**
9 **of the recorder of the county in which the real property**
10 **subject to a federal tax lien is situated.**

11 **2. Notices of liens upon personal property, whether**
12 **tangible or intangible, other than vehicles for which a**
13 **certificate of title is required under the provisions of**
14 **chapter 321, for taxes payable to the United States and**
15 **certificates and notices affecting the liens shall be**
16 **filed as follows:**

17 **a. If the person against whose interest the tax lien**
18 **applies is a corporation or a partnership whose principal**
19 **executive office is in this state, as these entities are**
20 **defined in the internal revenue laws of the United States,**
21 **in the office of the secretary of state.**

22 **b. In all other cases, in the office of the recorder of**
23 **the county where the taxpayer resides at the time of filing**
24 **of the notice of lien.**

25 **3. In the event a lien encumbers a vehicle for which a**
26 **certificate of title is required under the provisions of**
27 **chapter 321, a security interest in such vehicle is perfected**
28 **by the delivery of federal notice of attachment to the county**

1 *treasurer of the county where the certificate of title*
2 *was issued and it shall take priority according to the*
3 *order of time in which the same is placed on the*
4 *certificate of title for the vehicle to which said lien*
5 *applies by the county treasurer and as provided in*
6 *sections 321.45 and 321.50. The county treasurer shall*
7 *note such lien without fee.*

8

EXPLANATION

9 This bill implements Recommendation #10, page 96,
10 Governor's Economy Committee Report as well as suggestions
11 submitted by the Department of Public Safety at the request
12 of a legislative subcommittee. The bill increases the fee
13 for a motor vehicle registration transfer and new title
14 from one to two dollars; the fee for registration of a
15 foreign vehicle from \$1.50 to \$2.00; the fee for each
16 security interest shown on a certificate of title from \$1
17 to \$2; and the fee for duplicate registration plates and
18 registration certificates from 50c to \$2. The bill permits
19 county treasurers to keep 75c for each duplicate registration
20 plate or card issued; 65% of the fees collected for certifi-
21 cates of title and notations of lien or encumbrance; and
22 one dollar for each duplicate certificate of title.

1 Amend House File 12 as amended and passed by the
2 House and reprinted as follows:
3 1. Page 7A, line 25, by striking the word
4 "fifteen" and inserting the word "thirty".
5 2. Page 7b, line 37, by striking the word
6 "fifteen" and inserting the word "thirty".

Filed - *adopted 2/23*
February 22, 1971

By COMMITTEE ON COUNTY GOVERNMENT

1 Amend House File 12, as amended, passed, and re-
2 printed by the House as follows:
3 1. Page 9A, by inserting after line 21 the follow-
4 ing section:
5 "Sec. 11. Section three hundred twenty-one point
6 one hundred forty-five (321.145), subsection two (2),
7 Code 1971, is amended as follows:
8 2. The balance of said money, less the collection
9 fee of ~~fifty-cents~~ one dollar retained by the county
10 treasurer on each registration, and less the one percent
11 received by the department as a reimbursement fund from
12 which to pay refunds, to the road use tax fund."
13 2. By renumbering the remaining sections according-
14 ly.

Filed - *adopted, Motion to reconsider filed 3/4 Lost 3/5*
February 23, 1971 By GAUDINEER and BRILES

HOUSE FILE 12

1 Amend the Gaudineer and Briles amendment filed on Feb-
2 ruary 23, 1971 to House File 12, by striking in line 9 the
3 words "one dollar" and inserting the words "seventy-five
4 cents".

Filed - *Withdrawn 3/4*
February 24, 1971

By KYHL

HOUSE FILE 12

1 Amend House File 12, as amended and passed by the House,
2 page 8, by inserting after line 7 the following:
3 Sec. 10. Section three hundred twenty-one point one hun-
4 dred five (321.105), Code 1971, is amended by adding at the
5 end of the second unnumbered paragraph the following:
6 "Any owner may, when applying for registration or re-
7 registration of his motor vehicle or trailer, request that
8 the plates be mailed to his post office address. His request
9 shall be accompanied by a mailing fee as determined annually
10 by the commissioner of public safety. Said fee shall be
11 deposited in the county general fund."

Filed - *adopted 3/4*
February 24, 1971

By MESSERLY and TAPSCOTT

HOUSE FILE 12

- 1 Amend the Gaudineer and Briles amendment filed
2 February 23, 1971 to House File 12, as follows:
3 1. Line 8, by striking the word "collection" and
4 inserting in lieu thereof the words "collection fees".
5 2. Line 9, by striking the words "fee of fifty
6 cents one dollar" and inserting in lieu thereof the
7 words "fee-of-fifty-cents".
8 3. Line 10, by striking the words "on each regis-
9 tration" and inserting in lieu thereof the words "on
10 each registration as provided in this chapter .

Filed - *Withdrawn 3/4*
February 25, 1971

By KYHL

HOUSE FILE 12

- 1 Amend House File 12 as amended, passed, and re-
2 printed as follows:
3 1. Page 9A, by inserting before line 22 the follow-
4 ing:
5 "Sec. ___ Section three hundred twenty-one point
5 one hundred fifty-two (321.151), Code 1971, is amended
7 as follows:
8 321.152 FEE FOR COUNTY. Each county treasurer
9 shall be allowed to retain, for the use and benefit of
10 the county general fund, seventy-five-cents one dollar
11 for each vehicle registration issued by him out of money
12 collected in each year for the registration of such
13 vehicles and sixty-five cents for each certificate of
14 title and sixty-five cents for each notation of a lien
15 or encumbrance when a fee therefor is prescribed by the
16 provisions of this chapter, the same to be deducted, and
17 reported to the department, when the county treasurer
18 transfers the money collected under the provisions of
19 this chapter; provided, however, that no such deduction
20 shall be lawful unless the county treasurer has complied
21 with the provisions of sections 321.24 and 321.153."
22 2. By renumbering the remaining sections according-
23 ly.

Filed - *Withdrawn 3/5*
Adopted as amended, Motion to reconsider filed 3/4, Lost 3/5
February 25, 1971

BY GAUDINEER and BRILES

- 1 Amend House File 12 as amended and passed by the
2 House and reprinted, page 9A, line 32, by striking the
3 words, "seventy-five cent" and by inserting in lieu
4 thereof the words, "one dollar".

Filed - *Adopted 3/5*
February 26, 1971

By GAUDINEER

HOUSE FILE 12

- 1 Amend House File 12, as passed, amended and reprinted by the
- 2 House, page 1, as follows:
- 3 1. Line 3, by striking the word "and".
- 4 2. Line 4, by inserting after the word "vehicles" the
- 5 following: "and real estate liens".

Filed - *Withdrawn 3/5*
February 26, 1971

By STEPHENS

HOUSE FILE 12

- 1 Amend the Gaudineer and Briles amendment filed February
- 2 23, 1971, to House File 12, by striking all after line 4
- 3 and inserting the following:
- 4 "Sec. 11. Section three hundred twenty-one point one
- 5 hundred forty-five (321.145), Code 1971, is amended as
- 6 follows:
- 7 321.145 DISPOSITION. The money, except fines and for-
- 8 feitures, and except operator's and chauffeur's license
- 9 fees, certificate of title fees and lien or encumbrance
- 10 notation fees collected pursuant to the provisions of this
- 11 chapter shall be credited by the treasurer of state to the
- 12 following funds:
- 13 1. Three percent of the gross fees and penalties thereon
- 14 to the general fund of the state.
- 15 2. The balance of said money, less the collection fees
- 16 of-fifty-cents-retained by the county treasurer pursuant to
- 17 section 321.152 on-each-registration, and less the one per-
- 18 cent received by the department as a reimbursement fund
- 19 from which to pay refunds, to the road use tax fund.
- 20 The treasurer of state shall credit certificate of title
- 21 fees, and lien or encumbrance fees, to the general fund of
- 22 the state, less the fees retained by the county treasurer
- 23 pursuant to section 321.152."
- 24 2. By renumbering the remaining sections accordingly.

Filed - *adopted 3/4, Motion to reconsider filed 3/4*
March 1, 1971 By MESSERLY

1 Amend House File 12 as amended, passed, and re-
2 printed by the House, page 3A by adding the following new
3 section after line 16, and renumbering the remaining
4 sections.

5 Sec. 3. Section three hundred twenty-one point thirty-
6 four (321.34), unnumbered paragraph 4, Code 1971 is
7 amended as follows:

8 The owner of an automobile who holds an amateur radio
9 license issued by the federal communications commission
10 may, upon written application to the county treasurer
11 accompanied by a fee of ~~two~~ five dollars, order special
12 registration plates bearing the call letters authorized
13 the radio station covered by his amateur radio license.
14 When received by the county treasurer, such special
15 registration plates shall be issued to the applicant in
16 exchange for the registration plates previously issued
17 to him. Not more than one set of special registration
18 plates may be issued to an applicant. Said fee shall be
19 in addition to and not in lieu of the fee for regular
20 registration plates.

Filed - *Adopted 3/4*
March 2, 1971

By VAN DRIE

HOUSE CLIP SHEET
Tuesday, March 9, 1971

SENATE AMENDMENT TO HOUSE FILE 12

1 Amend House File 12 as amended, passed and reprinted by the
2 House as follows:

3 1. Page 3A, by adding the following new section after line 16,
4 and renumbering the remaining sections.

5 Sec. 3. Section three hundred twenty-one point thirty-
6 four (321.34), unnumbered paragraph four (4), Code 1971, is
7 amended as follows:

8 The owner of an automobile who holds a amateur radio
9 license issued by the federal communications commission may,
10 upon written application to the county treasurer accompanied
11 by a fee of ~~two~~ five dollars, order special registration plates
12 bearing the call letters authorized the radio station covered
13 by his amateur radio license. When received by the county
14 treasurer, such special registration plates shall be issued
15 to the applicant in exchange for the registration plates pre-
16 viously issued to him. Not more than one set of special
17 registration plates may be issued to an applicant. Said fee
18 shall be in addition to and not in lieu of the fee for regular
19 registration plates.

20 2. Page 7A, line 25, by striking the word "fifteen" and
21 inserting the word "thirty".

22 3. Page 7B, line 37, by striking the word "fifteen" and
23 inserting the word "thirty".

24 4. Page 8, by inserting after line 7 the following:

25 Sec. 10. Section three hundred twenty-one point one
26 hundred five (321.105), Code 1971, is amended by adding at
27 the end of the second unnumbered paragraph the following:

28 "Any owner may, when applying for registration or re-
29 registration of his motor vehicle or trailer, request that
30 the plates be mailed to his post office address. His request
31 shall be accompanied by a mailing fee as determined annually
32 by the commissioner of public safety. Said fee shall be
33 deposited in the county general fund."

34 5. Page 9A, by inserting after line 21, the following section:

35 Sec. 11. Section three hundred twenty-one point one
36 hundred forty-five (321.145), Code 1971, is amended as follows:

37 321.145 DISPOSITION. The money, except fines and for-
38 feitures, and except operator's and chauffeur's license fees,
39 certificate of title fees and lien or encumbrance notation fees
40 collected pursuant to the provisions of this chapter shall be
41 credited by the treasurer of state to the following funds: *

42 1. Three percent of the gross fees and penalties thereon
43 to the general fund of the state.

44 2. The balance of said money, less the collection fees

House 2
March 9, 1971

45 of-fifty-cents retained by the county treasurer pursuant to
 46 section 321.152 on-each-registration; and less the one per-
 47 cent received by the department as a reimbursement fund
 48 from which to pay refunds, to the road use tax fund. } *
 49 The treasurer of state shall credit certificate of title
 50 fees, and lien or encumbrance fees, to the general fund of
 51 the state, less the fees retained by the county treasurer
 52 pursuant to section 321.152.
 53 6. Page 9A, line 32, by striking the words "seventy-five
 54 cents" and by inserting in lieu thereof the words "one dollar". } *
 55 7. By renumbering sections and cross references in accordance
 56 with the foregoing amendments.

Received from the Senate
March 8, 1971

House concurred in amendments 1, 2, 3, 4, 7
 * " refused to concur " " 5, 6
Senate inserted an " " 3/24

CONFERENCE COMMITTEE REPORT ON
HOUSE FILE 12

House adopted 4/2
Senate adopted 4/5

1 To the President of the Senate and the Speaker of the
 2 House of Representatives:
 3 We, the undersigned members of the conference
 4 committee appointed to consider the difference between
 5 the Senate and the House of Representatives on House
 6 File 12, a bill for an Act relating to motor vehicle
 7 fees collected by county treasurers, and to the amount
 8 of such fees retained by the county, and to the filing
 9 of instruments pertaining to motor vehicles, respect-
 10 fully submit the following recommendations:
 11 1. That the Senate recede from Division 6 of its
 12 amendment.
 13 2. That the House concur in Division 5 of the
 14 Senate amendment.

Filed
April 1, 1971

On the part of the Senate:	On the part of the House:
Francis L Messerly, Chairman	Richard F. Drake, Chairman
Harold A. Thordsen	C. Raymond Fisher
Richard L. Stephens	Luvern W. Kehe
C. Joseph Coleman	James D. Wells