

FILED FEB 18 1971

Commerce 2/18/71 *Pass for amendment 3/2*

SENATE FILE 250

By KYHL
(Nystrom)

Passed Senate, Date 3-12-71 Passed House, Date 4-1-71

Vote: Ayes 37 Nays 1 Vote: Ayes 75 Nays 14

Approved April 9, 1971

S. No. for H.F. 296

A BILL FOR

1 An Act relating to the changing and regulation of mileage
2 measurements contained on motor vehicle odometers and
3 providing penalties for violating the Act.

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

5 Section 1. Chapter three hundred twenty-one (321), Code
6 1971, is amended by adding the following new section:

7 *1. For the purposes of this section the following words
8 and phrases shall have the meanings respectively ascribed
9 to them:

10 a. 'Intent and purpose of this section' is and shall mean
11 to achieve the end that odometers of motor vehicles shall
12 at all times correctly show the true mileage that the motor
13 vehicle has been driven.

14 b. 'True mileage' is the mileage driven by the motor
15 vehicle as registered by the odometer within the manufac-
16 turer's designed tolerance.

17 2. No person shall knowingly tamper with, adjust, alter,
18 change, set back, disconnect or fail to connect the odometer
19 of any motor vehicle, or cause any of the foregoing to occur
20 to an odometer of a motor vehicle, so as to reflect a lower
21 mileage than the true mileage driven by the motor vehicle.

22 3. No person shall conspire with any other person to evade
23 the intent and purpose of this section.

24 4. No person shall operate a motor vehicle on any street
25 or highway knowing that the odometer of the motor vehicle

1 is disconnected or nonfunctional with the intent to cause
2 the odometer of the motor vehicle to reflect a lower mileage
3 than the true mileage thereof.

4 5. No person shall advertise for sale, sell, use or in-
5 stall on any part of a motor vehicle or on any odometer in
6 a motor vehicle any device which causes the odometer to
7 register any mileage other than the true mileage.

8 6. In the event any odometer is repaired or replaced,
9 the reading of the repaired or replaced odometer shall be
10 set at the reading of the odometer repaired or replaced immedi-
11 ately prior to repair or replacement, and the adjustment shall
12 not be deemed a violation of any provision of this section.

13 7. No certificate of title shall be issued for a motor
14 vehicle which was equipped with an odometer by the manufac-
15 turer unless the statement required in subsection eight (8)
16 of this section has been furnished by the transferor. How-
17 ever a certificate of title may be issued for a motor vehicle
18 to a person who moves into this state if such person acquired
19 ownership of the motor vehicle prior to moving to this state.

20 8. Except where a transfer is made by operation of law
21 as set out in section three hundred twenty-one point forty-
22 seven (321.47) of the Code, the transferor of any motor
23 vehicle, which was equipped with an odometer by the
24 manufacturer, shall provide to the buyer a statement signed
25 by the transferor which shall set forth the mileage on the
26 odometer at the time of transfer and which shall state that
27 to the transferor's best knowledge the belief it is the true
28 mileage. If the transferor has knowledge that the mileage
29 shown on the odometer is not the true mileage traveled by
30 the motor vehicle, he shall so indicate on the statement and
31 he shall state the true mileage to his best knowledge and
32 belief. The statement required in this subsection and in
33 subsection nine (9) of this section shall be on the application
34 for certificate of title or on a form prescribed and provided
35 by the department and shall be submitted with the application

1 for certificate of title. The new certificate of title issued
2 in the name of the buyer shall have the mileage recorded on
3 the face thereof.

4 9. Any nonresident of the state furnishing a statement
5 required by subsection eight (8) shall also include in that
6 statement a clause consenting to jurisdiction of the depart-
7 ment of public safety in any hearing held under the provi-
8 sions of this section.

9 10. In the event any person for himself or as agent for
10 a transferor makes a false statement under the provisions
11 of this section, a statement of such person or the transferor
12 or any other person acting as agent of the transferor shall
13 not be accepted in connection with any application for a
14 certificate of title for a period of at least twenty days
15 but not more than one year as provided in an order entered
16 by the department after hearing thereon as hereinafter pro-
17 vided.

18 11. In the event any person shall conspire with another
19 to effect a transfer of title by any plan of evasion of the
20 intent and purpose of this section, a statement of such per-
21 son or of the transferor or of any other person acting as
22 agent for the transferor shall not be accepted in connection
23 with any application for certificate of title for a period
24 of at least twenty days but not more than one year as pro-
25 vided in an order entered by the department after hearing
26 thereon as provided in this section.

27 12. An Iowa licensed motor vehicle dealer shall not have
28 in his possession as inventory for sale any used motor vehicle
29 acquired by the dealer after the effective date of this Act
30 for which he does not have in his possession a statement from
31 his transferor as provided in subsections eight (8) and nine
32 (9) of this section unless a certificate of title has been
33 issued for such vehicle in the name of the dealer.

34 13. In the event that the department determines that a
35 hearing should be held under the provisions of this section,

1 the department shall give written notices of the time and
2 place of hearing to the transferor at the transferor's ad-
3 dress as shown in the application for transfer of title and
4 to all other persons to whom the department directs, which
5 notice shall be sent by certified or registered mail.

6 14. Upon hearing the department shall determine whether
7 there has been a violation of any provision of this section,
8 and if the department finds that any person whom it has noti-
9 fied of the hearing is guilty of a violation of any provi-
10 sion of this section, the department may enter an order deny-
11 ing the right of any such person to file a statement under
12 subsection eight (8) of this section for a period of at least
13 twenty days but not more than one year as deemed appropriate
14 by the department under the facts and circumstances of the
15 case. Upon entry of such order, the department shall send
16 copies of the order to the county treasurer of the counties
17 of this state as the department determines should be so noti-
18 fied.

19 15. A transferee of a motor vehicle reassigning the
20 certificate of title to such motor vehicle pursuant to the
21 provisions of subsection one (1) of section three hundred
22 twenty-one point forty-eight (321.48) of the Code shall not
23 be guilty of a violation of this section if such transferee
24 has in his possession the statement signed by his transferor
25 as required by subsection eight (8) of this section and if
26 he has no knowledge that the statement is false and that he has
27 no knowledge that the odometer does not reflect the true
28 mileage of such motor vehicle.

29 16. Any person who violates the provisions of this sec-
30 tion shall be punished by a fine of not less than four hun-
31 dred dollars and not more than one thousand dollars or by
32 imprisonment in the county jail for a period not to exceed
33 ninety days, or punished by both such fine and imprisonment."

34

EXPLANATION

35 This bill provides for the regulation of odometers (speed-

1 ometers) of motor vehicles. It prohibits changing odometers,
2 conspiring to change such odometers, provides administrative
3 procedures for ascertaining the true mileage of odometers,
4 and provides penalties for violation of provisions of the
5 Act.
6

- 1 Amend Senate File 250 as follows:
- 2 1. Page 1, line 24, by inserting after the word "shall" the words
- 3 "with the intent to defraud".
- 4 2. Page 2, lines 1, 2 and 3, by striking the words "with the
- 5 intent to cause the odometer of the motor vehicle to reflect a
- 6 lower mileage than the true mileage thereof".
- 7 3. Page 2, line 23, by inserting after the word "vehicle" the
- 8 words "of a model year subsequent to the model year 1968".

Filed - *Adopted 3/12*
March 8, 1971

By COMMITTEE on COMMERCE
MOWRY

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1 Amend the Committee on Commerce amendment to
2 Senate File 250, filed March 8, 1971, line 6, by
3 inserting after the word, "thereof" the words, ". A
4 person shall have a reasonable time to have a non-
5 functional odometer repaired."

Filed - *Withdrawn 3/12*
March 11, 1971

By GAUDINEER