

House File 1052
Commerce—
McCartney, Chairman
Curtis
Palmer

1-31, Pass 2-28

HOUSE FILE 1052

By COMMITTEE ON TRANSPORTATION
(Committee on State Government)

Passed House, Date 1-29-74 (224) Passed Senate, Date 3-12-74 (733)
Vote: Ayes 77 Nays 13 Vote: Ayes 45 Nays 0
Approved 3-29-74

A BILL FOR

- 1 An Act relating to the period of time certificates of in-
- 2 spection of motor vehicles are valid.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 4

H—2065

- 1 Amend House File 1052, page 2, by inserting after
- 2 the comma in line 25 the following: "except transfers
- 3 from an individual to the same individual and
- 4 another,"

H—2065 Filed - *Withdrawn 1/29* By WYCKOFF of Benton
January 28, 1974

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1 Section 1. Section three hundred twenty-one point two
2 hundred thirty-eight (321.238), subsection ten (10), unnumbered
3 paragraph two (2), Code 1973, is amended to read as follows:

4 Upon completion of inspection of a vehicle and determination
5 that its equipment is in adequate condition and proper adjust-
6 ment to warrant issuance of a certificate of inspection, the
7 inspection station which has made the inspection shall affix
8 an official certificate of inspection to such vehicle in the
9 manner specified by the commissioner. Except as otherwise
10 provided, the certificate shall be valid for the period com-
11 mencing with the calendar month of issue and ending at mid-
12 night on the last day of the twelfth calendar month following
13 the month of issue and shall not be valid thereafter. The
14 certificate shall cease to be valid if the vehicle is sold
15 at retail during the twelve-month period.

16 Sec. 2. Section three hundred twenty-one point two hun-
17 dred thirty-eight (321.238), subsection twelve (12), Code
18 1973, as amended by Acts of the Sixty-fifth General Assembly,
19 1973 Session, chapter two hundred eight (208), section six
20 (6), is amended to read as follows:

21 12. Every motor vehicle subject to registration under
22 the laws of this state, except motor vehicles registered under
23 section 321.115, when first registered in this state and each
24 time when sold at retail or otherwise transferred for use
25 within this state, or when registration is changed from a
26 registration as provided in section three hundred twenty-one
27 point one hundred fifteen (321.115) of the Code to a regular
28 registration, except transfers by operation of law as set
29 out in section 321.47, shall be inspected at an authorized
30 inspection station, unless there is affixed to the motor
31 vehicle a valid certificate of inspection which was issued
32 for ~~such~~ the motor vehicle not more than sixty days prior
33 to the date on which ~~such~~ the vehicle was sold and the vehicle
34 has not been sold at retail during the sixty-day period.

35 However, the certificate of inspection for a new motor vehicle

1 which has not previously been sold at retail and which is
2 not sold within sixty days after the date the inspection was
3 performed may be revalidated by the inspection station without
4 another inspection provided the motor vehicle has not been
5 driven more than one hundred miles since the inspection was
6 performed. If the motor vehicle is subject to inspection,
7 the authorized inspection station shall issue and affix a
8 valid certificate of inspection or certificate of rejection,
9 as the case may be, in accordance with the results of the
10 inspection. The applicant shall file with an application
11 for title to the vehicle or for registration thereof under
12 the provisions of section 321.23, subsection 2 or 3, with
13 the county treasurer of the county of his residence, a
14 statement on a form provided by the commissioner, signed by
15 an authorized inspection station certifying the date that
16 a certificate of inspection was issued for and affixed to
17 the vehicle. The county treasurer shall not issue a title
18 to the vehicle to the applicant or register the vehicle unless
19 such statement is filed with the application showing that
20 the inspection of the vehicle was made not more than sixty
21 days prior to the date of sale or transfer, or unless the
22 vehicle was purchased out of this state by a resident of this
23 state who resides outside of this state, but desires to
24 maintain his Iowa residency and he executes a statement to
25 that effect in form and content as prescribed by the
26 commissioner. The county treasurer shall stamp the
27 registration card for such vehicle with the words "NOT
28 INSPECTED". A vehicle so registered shall be inspected at
29 an authorized inspection station within fifteen days after
30 being brought into this state. The county treasurer shall
31 mail the statement of inspection or statement of out-of-state
32 residency to the department at the time of mailing copies
33 of the registration receipt. The department may destroy any
34 forms, certificates or statements after one year from the
35 date they are filed unless they relate to pending appeals.

EXPLANATION

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2 This bill clarifies the requirement of the motor vehicle
3 inspection law, Section 321.238 that a vehicle must be inspected
4 each time it is sold at retail. Some question has arisen
5 as to whether the inspection law requires another inspection
6 of a vehicle being sold if the vehicle has passed inspection
7 within 60 days of the sale, even though the vehicle had been
8 resold in the meantime. This bill makes it clear that an
9 inspection is required under those circumstances.

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