

FILED JAN 23 1974

Reprinted 2/1/74
SENATE FILE 1043

By COMMITTEE ON COUNTY GOVERNMENT
(Committee on County Government)

Passed Senate, Date 2-1-74 (282) Passed House, Date _____
Vote: Ayes 45 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the issuance of duplicate certificates of
2 title for vehicles.

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

4 Section 1. Section three hundred twenty-one point forty-
5 two (321.42), unnumbered paragraph two (2), Code 1973, is
6 amended to read as follows:

7 In the event of any lost or destroyed certificate of title,
8 application shall be made to the ~~department~~ county treasurer
9 by the owner of such vehicle, or the holder of a lien thereon,
10 for a certified copy of the original certificate of title same
11 ~~upon-a-form-prescribed-by-the-department-and~~ accompanied by a
12 fee of five dollars. Such application shall be signed by the
13 person making the same. Thereupon the ~~department~~ county
14 treasurer shall mail a certified copy to the person entitled
15 to receive the certificate of title as indicated by the records
16 of the department at his most recent address shown by such
17 records. Such certified copy shall clearly be marked "duplicate"
18 and shall be identical in every respect to the original to include
19 notation upon the face thereon of liens or encumbrances disclosed
20 by the records of the department. Upon issuance of title the
21 previous certificate last issued shall be void. The new pur-
22 chaser or transferee shall be entitled to receive an original
23 title upon presentation of the assigned duplicate copy to the
24 county treasurer of the county where such new purchaser or
25 transferee resides. Any purchaser of such vehicle may, at the

1 time of purchase, require the seller of same to indemnify him
2 and all subsequent purchasers of such vehicle against any loss
3 which he or they may suffer by reason of any claim or claims
4 presented upon the original certificate. Any person recovering
5 an original certificate of title for which a duplicate has been
6 issued shall forthwith surrender the same to a county treasurer
7 or the department.

8 EXPLANATION

9 This bill provides for the issuance of a certified copy
10 of the original certificate of title by the county treasurer
11 instead of the Department of Public Safety.

12
S-2115

1 Amend Senate File 1043 as follows:

2 1. Page 1, line 8, by striking the words "department
3 county treasurer" and inserting in lieu thereof the words
4 "department or county treasurer who issued the original
5 document".

6 2. Page 1, lines 13 and 14, by striking the words
7 "department county treasurer" and inserting in lieu
8 thereof the words "department ~~shall mail~~ or county
9 treasurer shall, after a period of five days, issue".

10 3. Page 2, by inserting after line 7 the following
11 section:

12 Sec. _____. Section three hundred twenty-one point
13 one hundred fifty-two (321.152), Code 1973, is amended
14 to read as follows:

15 321.152 FEE FOR COUNTY. Each county treasurer shall
16 be allowed to retain for deposit in the county general
17 fund, seventy-five cents for each annual or semiannual
18 vehicle registration and each duplicate registration
19 card or plate issued; sixty-five percent of all fees
20 collected for certificates of title and, notations of
21 lien or encumbrance, ~~and one dollar for each duplicate,~~
22 and a certified copy of a certificate of title. The
23 moneys retained shall be deducted, and reported to the
24 department, when the county treasurer transfers the
25 money collected under the provisions of this chapter;

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1 provided, however, that no such deduction shall be lawful
2 unless the county treasurer has complied with the provi-
3 sions of sections 321.24 and 321.153.

February 4, 1974
Her County Govt., Page 3/5

SENATE FILE 1043

By COMMITTEE ON COUNTY GOVERNMENT
(Committee on County Government)

SENATE AMENDMENTS
SHOWN IN BOLD FACE

(AS PASSED BY THE SENATE)

Passed Senate, Date *2-1-74 (282)*. Passed House, Date *2-22-74 (1185)*

Vote: Ayes *45* Nays *0* Vote: Ayes *89* Nays *0*

Approved *4-4-74*

A BILL FOR

1 An Act relating to the issuance of duplicate certificates of
2 title for vehicles.
3 *Be It Enacted by the General Assembly of the State of Iowa:*
4 Section 1. Section three hundred twenty-one point forty-
5 two (321.42), unnumbered paragraph two (2), Code 1973, is
6 amended to read as follows:
7 In the event of any lost or destroyed certificate of title,
8 application shall be made to the **department or county**
9 *treasurer who issued the original document*
10 by the owner of such vehicle, or the holder of a lien thereon,
11 for a certified copy of the *original certificate of title* [same
12 upon a form prescribed by the department and] accompanied by a
13 fee of five dollars. Such application shall be signed by the
14 person making the same. Thereupon the **department** [shall
15 **mail**] *or county treasurer shall, after a period of five days,*
16 **issue** a certified copy to the person entitled
17 to receive the certificate of title as indicated by the records
18 of the department at his most recent address shown by such
19 records. Such certified copy shall clearly be marked "duplicate"
20 and shall be identical in every respect to the original to include
21 notation upon the face thereon of liens or encumbrances disclosed
22 by the records of the department. Upon issuance of title the
23 previous certificate last issued shall be void. The new pur-
24 chaser or transferee shall be entitled to receive an original
25 title upon presentation of the assigned duplicate copy to the

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26 county treasurer of the county where such new purchaser or
27 transferee resides. Any purchaser of such vehicle may, at the

1 time of purchase, require the seller of same to indemnify him
2 and all subsequent purchasers of such vehicle against any loss
3 which he or they may suffer by reason of any claim or claims
4 presented upon the original certificate. Any person recovering
5 an original certificate of title for which a duplicate has been
6 issued shall forthwith surrender the same to a county treasurer
7 or the department.

8 Sec. 2. Section three hundred twenty-one point one
9 hundred fifty-two (321.152), Code 1973, is amended to
10 read as follows:

11 321.152 FEE FOR COUNTY. Each county treasurer shall
12 be allowed to retain for deposit in the county general fund,
13 seventy-five cents for each annual or semiannual vehicle
14 registration and each duplicate registration card or plate
15 issued; sixty-five percent of all fees collected for
16 certificates of title [and], notations of lien or encumbrance[,
17 and one dollar for each duplicate], and a certified copy of a
18 certificate of title. The moneys retained shall be deducted,
19 and reported to the department, when the county treasurer
20 transfers the money collected under the provisions of this
21 chapter; provided, however, that no such deduction shall be
22 lawful unless the county treasurer has complied with the
23 provisions of sections 321.24 and 321.153.

24 EXPLANATION

25 This bill provides for the issuance of a certified copy
26 of the original certificate of title by the county treasurer
27 instead of the Department of Public Safety.