

introduced 4/8, Pass 4/17

MAR 11 1975

HOUSE FILE 432

Place On Calendar

By COMMITTEE ON TRANSPORTATION

Passed House, Date 4-2-75 (836) Passed Senate, Date 4-18-75 (1001)
Vote: Ayes 95 Nays 1 Vote: Ayes 35 Nays 0
Approved 5-2-75

A BILL FOR

1 An Act relating to the requirement that motor vehicles be
2 inspected upon transfer and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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H-3309

1 Amend House File 432, page 1, by striking all the
2 words after the period in line 21 and by striking all
3 of lines 22 and 23 and inserting in lieu thereof the
4 following: "A vehicle inspection is not required
5 when the transfer of the vehicle or an interest in
6 the vehicle is between spouses or when required
7 pursuant to a decree for dissolution of marriage
8 between former spouses."

1 Section 1. Section three hundred twenty-one point two
2 hundred thirty-eight (321.238), subsections twelve (12) and
3 eighteen (18), Code 1975, are amended to read as follows:
4 12. Every motor vehicle subject to registration under
5 the laws of this state, except motor vehicles registered under
6 section 321.115, when first registered in this state and each
7 time when ~~sold-at-retail-or-otherwise~~ transferred for use
8 within this state, or when registration is changed from a
9 registration as provided in section 321.115 to a regular
10 registration, ~~except-transfers-by-operation-of-law-as-set~~
11 out-in-section-321.47 other than transfers to a dealer licensed
12 under chapter three hundred twenty-two (322), shall be
13 inspected at an authorized inspection station, unless there
14 is affixed to the motor vehicle a valid certificate of
15 inspection which was issued for the motor vehicle not more
16 than sixty days prior to the date on which the vehicle was
17 ~~sold~~ transferred and the vehicle has not been ~~sold-at-retail~~
18 transferred during the sixty-day period, provided that during
19 a one-year period the vehicle may be transferred between
20 parents and their children or between spouses without another
21 inspection. A vehicle inspection is not required for a vehicle
22 when the title is changed by the spouses to reflect the
23 creation or termination of a joint tenancy between spouses.
24 However, the certificate of inspection for a new motor vehicle
25 which has not previously been sold at retail and which is
26 not sold within sixty days after the date the inspection was
27 performed may be revalidated by the inspection station without
28 another inspection provided the motor vehicle has not been
29 driven more than one hundred miles since the inspection was
30 performed. If the motor vehicle is subject to inspection,
31 the authorized inspection station shall issue and affix a
32 valid certificate of inspection or certificate of rejection,
33 as the case may be, in accordance with the results of the
34 inspection. ~~The~~ If an inspection is required, an applicant
35 shall file with an application for title to the vehicle or

1 for registration thereof under the provisions of section
 2 321.23, subsection 2 or 3, with the county treasurer of the
 3 county of his residence, a statement on a form provided by
 4 the director, signed by an authorized inspection station
 5 certifying the date that a certificate of inspection was issued
 6 for and affixed to the vehicle. ~~The~~ If an inspection is
 7 required the county treasurer shall not issue a title to the
 8 vehicle to the applicant or register the vehicle unless such
 9 statement is filed with the application showing that the
 10 inspection of the vehicle was made not more than sixty days
 11 prior to the date of sale or transfer, or unless the vehicle
 12 was purchased out of this state by a resident of this state
 13 who resides outside of this state, but desires to maintain
 14 his Iowa residency and he executes a statement to that effect
 15 in form and content as prescribed by the director. The county
 16 treasurer shall stamp the registrtrion card for such vehicle
 17 with the words "NOT INSPECTED." A vehicle so registered shall
 18 be inspected at an authorized inspection station within fifteen
 19 days after being brought into this state. The county treasurer
 20 shall mail the statement of inspection or statement of out-
 21 of-state residency to the department at the time of mailing
 22 copies of the registration receipt. The department may destroy
 23 any forms, certificates or statements after one year from
 24 the date they are filed unless they relate to pending appeals.

25 18. A If an inspection is required by this section a
 26 person shall not ~~sell-or~~ transfer any motor vehicle, other
 27 than transfers to a dealer licensed under chapter 322, and
 28 ~~other-than-transfers-by-operation-of-law-as-set-out-in-section~~
 29 ~~321.47~~ unless there is a valid official certificate of
 30 inspection affixed to such vehicle at the time of ~~sale~~
 31 transfer. Any person violating the provisions of this ~~section~~
 32 subsection shall be subject to a fine of one hundred dollars
 33 and shall be liable to the purchaser in damages for all costs
 34 involved in obtaining a valid certificate of inspection for
 35 such vehicle.

1 Sec. 2. Section three hundred twenty-one point two hundred
2 thirty-eight (321.238), subsection nineteen (19), Code 1975,
3 is amended by adding the following new unnumbered paragraph:
4 NEW UNNUMBERED PARAGRAPH. As used in this section
5 "transfer" means sale or any manner by which the title to
6 a vehicle is conveyed from one person or corporation to another
7 or the delivery of possession of a vehicle with the intent
8 to transfer ownership.

9 EXPLANATION

10 This bill allows transfers between spouses and between
11 parents and children if an inspection certificate has been
12 obtained any time in the preceding sixty days. This bill
13 eliminates an exception from the inspection requirements for
14 transfers by operation of law, and extends the requirements
15 for inspections to all transfers, subject to specific
16 exceptions.

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HOUSE FILE 432

AN ACT

RELATING TO THE REQUIREMENT THAT MOTOR VEHICLES BE INSPECTED UPON TRANSFER AND PROVIDING A PENALTY.

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

Section 1. Section three hundred twenty-one point two hundred thirty-eight (321.238), subsections twelve (12) and eighteen (18), Code 1975, are amended to read as follows:

12. Every motor vehicle subject to registration under the laws of this state, except motor vehicles registered under section 321.115, when first registered in this state and each time when ~~sold-at-retail-or-otherwise~~ transferred for use within this state, or when registration is changed from a registration as provided in section 321.115 to a regular registration, ~~except-transfers-by-operation-of-law-as-set-out-in-section-321-47~~ other than transfers to a dealer licensed under chapter three hundred twenty-two (322), shall be inspected at an authorized inspection station, unless there is affixed to the motor vehicle a valid certificate of inspection which was issued for the motor vehicle not more than sixty days prior to the date on which the vehicle was ~~sold transferred~~ and the vehicle has not been ~~sold-at-retail transferred~~ during the sixty-day period, provided that during a one-year period the vehicle may be transferred between parents and their children or between spouses without another inspection. A vehicle inspection is not required when the transfer of the vehicle or an interest in the vehicle is between spouses or when required pursuant to a decree for dissolution of marriage between former spouses. However, the certificate of inspection for a new motor vehicle which has not previously been sold at retail and which is not sold within sixty days after the date the inspection was performed may be revalidated by the inspection station without another inspection provided the motor vehicle has not been driven more than one hundred miles since the inspection was performed.

If the motor vehicle is subject to inspection, the authorized inspection station shall issue and affix a valid certificate of inspection or certificate of rejection, as the case may be, in accordance with the results of the inspection. The If an inspection is required, an applicant shall file with an application for title to the vehicle or for registration thereof under the provisions of section 321.23, subsection 2 or 3, with the county treasurer of the county of his residence, a statement on a form provided by the director, signed by an authorized inspection station certifying the date that a certificate of inspection was issued for and affixed to the vehicle. The If an inspection is required the county treasurer shall not issue a title to the vehicle to the applicant or register the vehicle unless such statement is filed with the application showing that the inspection of the vehicle was made not more than sixty days prior to the date of sale or transfer, or unless the vehicle was purchased out of this state by a resident of this state who resides outside of this state, but desires to maintain his Iowa residency and he executes a statement to that effect in form and content as prescribed by the director. The county treasurer shall stamp the registration card for such vehicle with the words "NOT INSPECTED." A vehicle so registered shall be inspected at an authorized inspection station within fifteen days after being brought into this state. The county treasurer shall mail the statement of inspection or statement of out-of-state residency to the department at the time of mailing copies of the registration receipt. The department may destroy any forms, certificates or statements after one year from the date they are filed unless they relate to pending appeals.

18. A If an inspection is required by this section a person shall not ~~sell-or~~ transfer any motor vehicle, other than transfers to a dealer licensed under chapter 322, and ~~other-than-transfers-by-operation-of-law-as-set-out-in-section 321-47~~ unless there is a valid official certificate of inspection affixed to such vehicle at the time of ~~sale transfer~~. Any person violating the provisions of this ~~section subsection~~ shall be subject to a fine of one hundred dollars

and shall be liable to the purchaser in damages for all costs involved in obtaining a valid certificate of inspection for such vehicle.

Sec. 2. Section three hundred twenty-one point two hundred thirty-eight (321.238), subsection nineteen (19), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. As used in this section "transfer" means sale or any manner by which the title to a vehicle is conveyed from one person or corporation to another or the delivery of possession of a vehicle with the intent to transfer ownership.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 432, Sixty-sixth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved _____, 1975

ROBERT D. RAY
Governor