

in 2000 3/19 (p. 744)

Transportation
A. Miller, Chairperson
Bisenius
Jensen

HOUSE FILE 740

BY COMMITTEE ON TRANSPORTATION

MAR 9 1981

(Formerly Study Bill 201)

Place On Calendar

Passed House, Date 3-12-81 (p. 732) Passed Senate, Date 4-15-81 (p. 1276)

Vote: Ayes 67 Nays 24 Vote: Ayes 26 Nays 17

Approved April 28, 1981

A BILL FOR

1 An Act to increase the fee for a duplicate registration
2 card, plate, or pair of plates and the form of restricted
3 certificates of title.

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

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1 Section 1. Section 321.42, Code 1981, is amended by strik-
2 ing the section and inserting in lieu thereof the following:

3 321.42 LOST OR DAMAGED CERTIFICATES, CARDS, AND PLATES.

4 If a registration card, plate, or pair of plates is lost or
5 becomes illegible, the owner shall immediately apply for
6 replacement. The fee for a replacement registration card
7 shall be three dollars. The fee for a replacement plate or
8 pair of plates shall be five dollars. When the owner has
9 furnished information required by the department and paid
10 the proper fee, a duplicate, substitute, or new registration
11 card, plate, or pair of plates may be issued.

12 If a certificate of title is lost or destroyed, the owner
13 or lienholder shall apply for a certified copy of the original
14 certificate of title. The application shall be made to the
15 department or county treasurer who issued the original
16 certificate of title. The application shall be signed by
17 the owner or lienholder and accompanied by a fee of five
18 dollars. After five days, the department or county treasurer
19 shall issue a certified copy to the applicant at the
20 applicant's most recent address. The certified copy shall
21 be clearly marked "duplicate" and shall be identical to the
22 original, including notation of liens or encumbrances. When
23 a certified copy has been issued, the previous certificate
24 is void. A new purchaser or transferee is entitled to receive
25 an original title upon presenting the assigned duplicate
26 copy to the treasurer of the county where he or she resides.
27 At the time of purchase, a purchaser may require the seller
28 to indemnify the purchaser and all future purchasers of the
29 vehicle against any loss which may be suffered due to claims
30 on the original certificate. A person recovering an original
31 certificate of title for which a duplicate has been issued
32 shall surrender the original certificate to the county
33 treasurer or the department.

34 If a county treasurer mails vehicle registration documents
35 which become lost or are damaged in transit through the United

1 States postal service, the person to whom the documents were
2 being sent may apply for reissuance without cost. The
3 application shall be made with the county treasurer who
4 originally issued the documents not less than twenty days
5 from the date the documents were placed with the United States
6 postal service. If the original documents are received after
7 reissuance of duplicates, the original documents shall be
8 surrendered to the county treasurer within five days of the
9 time they are received.

10 Sec. 2. Section 321.51, subsection 4, Code 1981, is amended
11 to read as follows:

12 4. Except as provided in section 321.52, the county
13 treasurer of the county of residence of the transferee upon
14 receipt of the application for a new certificate of title,
15 the appropriate fee, and the affidavit as provided in
16 subsection 2 ~~of this section~~, and when satisfied as to the
17 genuineness and regularity of the application, shall issue
18 a restricted certificate of title to the applicant but shall
19 not issue registration plates or a registration card. A
20 restricted certificate of title shall be coded in the manner
21 prescribed by the department and shall be red in color and
22 shall have conspicuously imprinted thereon in bold print,
23 in a manner prescribed by the department, the words "RESTRICTED
24 CERTIFICATE OF TITLE--CANNOT BE REGISTERED AND OPERATED ON
25 THE HIGHWAYS WITHOUT A VALID APPROVED CERTIFICATE OF INSPECTION
26 EXCEPT AS PROVIDED IN SECTION 321.51 OF THE CODE OF IOWA."
27 A county treasurer may also issue a restricted certificate
28 of title which is not red in color but shall have the words
29 "RED TITLE" in bold letters and the words "RESTRICTED--CANNOT
30 BE REGISTERED WITHOUT A VALID APPROVED CERTIFICATE OF
31 INSPECTION" stamped on the face of the title in red ink. At
32 such the time as the transferee surrenders a valid approved
33 certificate of inspection and the restricted certificate of
34 title to the county treasurer of the county of residence,
35 the county treasurer, upon payment of the appropriate fees,

1 shall issue a certificate of title that is not restricted
2 for the vehicle and shall also issue a registration card and
3 registration plates to the applicant if the applicant is not
4 in possession of registration plates which may be attached
5 to the vehicle, however, if the registration fee for the
6 vehicle has been paid for the current year, the county
7 treasurer shall issue a registration card and registration
8 plates to the applicant if the applicant is not in possession
9 of registration plates which may be attached to the vehicle
10 upon payment of an additional registration fee of five dollars.
11 A vehicle with a restricted certificate of title shall not
12 have a registration plate attached to the vehicle.

13 Sec. 3. Section 321.52, subsection 4, unnumbered paragraph
14 1, Code 1981, is amended to read as follows:

15 A vehicle rebuilder or a motor vehicle dealer licensed
16 under chapter 322, upon acquisition of a wrecked or salvage
17 vehicle, shall surrender the certificate of title and
18 registration receipt or manufacturer's or importer's statement
19 of origin properly assigned, together with an application
20 for a salvage certificate of title to the county treasurer
21 of the county of residence of the purchaser or transferee
22 within fourteen days after the date of assignment of the
23 certificate of title for the wrecked or salvage motor vehicle.
24 ~~The provisions of this~~ This subsection shall apply applies
25 only to vehicles with a fair market value of five hundred
26 dollars or more, based on the value before the vehicle became
27 wrecked or salvage. Upon payment of a fee of two dollars,
28 the county treasurer shall issue a salvage certificate of
29 title which shall ~~be of a distinctive color and bear the words~~
30 "SALVAGE-CERTIFICATE-OF-TITLE" bear the word "SALVAGE" stamped
31 on the face of the title in bold letters and coded in a manner
32 prescribed by the department. A salvage certificate of title
33 may be assigned to any person. Notwithstanding any other
34 provisions in this section a vehicle on which ownership has
35 transferred to an insurer of ~~such~~ the vehicle, as a result

1 of a settlement with the owner of the vehicle arising out
2 of damage to, or unrecovered theft of the vehicle, shall be
3 deemed to be a wrecked or salvage vehicle and the insurer
4 shall comply with ~~the provisions of~~ this subsection to obtain
5 a salvage certificate of title within fourteen days after
6 the date of assignment of the certificate of title of the
7 vehicle. Any owner, except an insurer of vehicles, who
8 transfers a wrecked or salvage vehicle with a fair market
9 value less than five hundred dollars, based on the value
10 before it became wrecked or salvage, shall comply with ~~the~~
11 ~~provisions of~~ section 321.51.

12 EXPLANATION

13 The bill rewrites section 321.42 and increases the fee
14 for duplicate plates to five dollars. The fee for a duplicate
15 registration card is increased to three dollars. The bill
16 also changes the form of restricted certificates of title.
17 The bill takes effect July 1 following enactment.

18
19 FISCAL NOTE
20 House File 740
21 Requested by Representative Harbor
22 March 6, 1981

23 In compliance with a written request there is hereby submitted a
24 Fiscal Note for H. F. 740 pursuant to Joint Rule 16.

25 H.F. 740, An Act to increase the fee for a duplicate registration card, plate, or
26 pair of plates and the form of restricted certificates of title.

27 This bill rewrites section 321.42 and increases the fee for duplicate plates from
28 \$2 to \$5. The fee for a duplicate registration card is increased from \$2 to \$3.
29 The bill also changes the form of restricted certificates of title.

30 The fiscal impact of this bill would be an increase in revenue of \$142,000 per year.
31 There would also be an annual savings of \$16,000 in administrative costs.

32 Source: Dept. of Transportation BY GERRY D. RANKIN
33 FILED MARCH 10, 1981 Legislative Fiscal Bureau

HOUSE FILE 740

S-3464

1 Amend House File 740, as passed by the House, as
2 follows:
3 1. Page 4, by inserting after line 11 the following
4 new sections:
5 "Sec. ____ . Section 321.271, unnumbered paragraph
6 2, Code 1981, is amended to read as follows:
7 All written reports filed by a law enforcement
8 officer as required under section 321.266 shall be
9 made available to any party to an accident, ~~his~~ the
10 party's insurance company or its agent, or ~~his~~ the
11 party's attorney on written request to the department
12 and the payment of a fee of ~~two~~ five dollars for each
13 copy.
14 Sec. ____ . Section 321A.3, Code 1981, is amended
15 to read as follows:
16 321A.3 DIRECTOR TO FURNISH OPERATING RECORD--FEES
17 TO BE CHARGED AND DISPOSITION OF FEES. The director
18 shall upon request furnish any person a certified
19 abstract of the operating record of any person subject
20 ~~to the provisions of~~ this chapter, which abstract
21 shall also fully designate the motor vehicles, if
22 any, registered in the name of ~~such~~ the person, and,
23 if there shall be no record of any conviction of ~~such~~
24 the person having violated any law relating to the
25 operation of a motor vehicle or of any injury or
26 damage caused by ~~such~~ the person, the director shall
27 so certify. A fee of ~~two~~ five dollars shall be paid
28 for each ~~such~~ abstract except by state, county, city
29 or court officials. ~~Such~~ The abstracts shall not
30 be admissible as evidence in any action for damages
31 or criminal proceedings arising out of a motor vehicle
32 accident."
33 2. Renumber sections and correct internal
34 references as are necessary in accordance with this
35 amendment.

S-3464 FILED BY RICHARD F. DRAKE
APRIL 10, 1981
Revised not germane 4/15/81 (p. 1276)

HOUSE FILE 740

S-3499

1 Amend the Drake amendment, S-3464, to House
2 File 740, as passed by the House, as follows:
3 1. Page 1, line 27, by striking the word
4 "five" and inserting in lieu thereof the word
5 "three".

S-3499 FILED BY RICHARD F. DRAKE
APRIL 14, 1981
Adopted 4/15 (p. 1276)

HOUSE FILE 740

AN ACT

TO INCREASE THE FEE FOR A DUPLICATE REGISTRATION CARD, PLATE,
OR PAIR OF PLATES AND THE FORM OF RESTRICTED CERTIFICATES
OF TITLE.

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

Section 1. Section 321.42, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

321.42 LOST OR DAMAGED CERTIFICATES, CARDS, AND PLATES.

If a registration card, plate, or pair of plates is lost or becomes illegible, the owner shall immediately apply for replacement. The fee for a replacement registration card shall be three dollars. The fee for a replacement plate or pair of plates shall be five dollars. When the owner has furnished information required by the department and paid the proper fee, a duplicate, substitute, or new registration card, plate, or pair of plates may be issued.

If a certificate of title is lost or destroyed, the owner or lienholder shall apply for a certified copy of the original certificate of title. The application shall be made to the department or county treasurer who issued the original certificate of title. The application shall be signed by the owner or lienholder and accompanied by a fee of five dollars. After five days, the department or county treasurer shall issue a certified copy to the applicant at the applicant's most recent address. The certified copy shall be clearly marked "duplicate" and shall be identical to the original, including notation of liens or encumbrances. When a certified copy has been issued, the previous certificate is void. A new purchaser or transferee is entitled to receive an original title upon presenting the assigned duplicate copy to the treasurer of the county where he or she resides. At the time of purchase, a purchaser may require the seller to indemnify the purchaser and all future purchasers of the

vehicle against any loss which may be suffered due to claims on the original certificate. A person recovering an original certificate of title for which a duplicate has been issued shall surrender the original certificate to the county treasurer or the department.

If a county treasurer mails vehicle registration documents which become lost or are damaged in transit through the United States postal service, the person to whom the documents were being sent may apply for reissuance without cost. The application shall be made with the county treasurer who originally issued the documents not less than twenty days from the date the documents were placed with the United States postal service. If the original documents are received after reissuance of duplicates, the original documents shall be surrendered to the county treasurer within five days of the time they are received.

Sec. 2. Section 321.51, subsection 4, Code 1981, is amended to read as follows:

4. Except as provided in section 321.52, the county treasurer of the county of residence of the transferee upon receipt of the application for a new certificate of title, the appropriate fee, and the affidavit as provided in subsection 2 ~~of this section~~, and when satisfied as to the genuineness and regularity of the application, shall issue a restricted certificate of title to the applicant but shall not issue registration plates or a registration card. A restricted certificate of title shall be coded in the manner prescribed by the department and shall be red in color and shall have conspicuously imprinted thereon in bold print, in a manner prescribed by the department, the words "RESTRICTED CERTIFICATE OF TITLE--CANNOT BE REGISTERED AND OPERATED ON THE HIGHWAYS WITHOUT A VALID APPROVED CERTIFICATE OF INSPECTION EXCEPT AS PROVIDED IN SECTION 321.51 OF THE CODE OF IOWA." A county treasurer may also issue a restricted certificate of title which is not red in color but shall have the words "RED TITLE" in bold letters and the words "RESTRICTED--CANNOT BE REGISTERED WITHOUT A VALID APPROVED CERTIFICATE OF