

Reprinted 3/13

Transportation: Muhlbauer, Chair; Cooper and Corey.

In Pass per 5212 2/17 (p. 480)

JAN 30 1984

HOUSE FILE 2180

TRANSPORTATION

BY COREY

Passed House, Date 3-8-84 (p. 835) Passed Senate, Date _____

Vote: Ayes 95 Nays 0 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to vehicle requirements by allowing a county
 2 treasurer to transfer title by operation of law in the
 3 county of the new owner's residence, and making odometer
 4 statement requirements affect model years after the tenth
 5 year prior to the current registration year.

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

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HF 2180

1 Section 1. Section 321.47, unnumbered paragraph 1, Code
2 1983, is amended to read as follows:

3 In the event of the transfer of ownership of any a vehicle
4 by operation of law as upon inheritance, devise or bequest,
5 order in bankruptcy, insolvency, replevin, foreclosure or
6 execution sale, or ~~whenever~~ when the engine of a motor vehicle
7 is replaced by another engine, or ~~whenever~~ a vehicle is sold
8 to satisfy an artisan's lien as provided in chapter 577, ~~or~~
9 ~~is sold to satisfy~~ a landlord's lien as provided in chapter
10 570, or a storage lien as provided in chapter 579, or
11 repossession is had upon default in performance of the terms
12 of a security agreement, the ~~treasurer of the county in which~~
13 ~~the last certificate of title to any such vehicle was issued~~
14 county treasurer in the transferee's county of residence,
15 upon the surrender of the prior certificate of title or the
16 manufacturer's or importer's certificate, or when that is
17 not possible, upon presentation of satisfactory proof to the
18 county treasurer of ownership and right of possession to ~~such~~
19 the vehicle and upon payment of a fee of two dollars and the
20 presentation of an application for registration and certificate
21 of title, may issue to the applicant a registration card for
22 ~~such the~~ the vehicle and a certificate of title ~~thereon~~ to it.
23 The ~~person or~~ persons entitled under the laws of descent and
24 distribution of an intestate's property to the possession
25 and ownership of a vehicle owned in whole or in part by a
26 decedent, upon filing an affidavit stating the name and date
27 of death of the decedent, the right to possession and ownership
28 of the persons filing ~~said~~ the affidavit, and that there has
29 been no administration of the ~~said~~ decedent's estate, which
30 instrument shall also contain an agreement to indemnify any
31 creditors of the decedent who would be entitled to levy
32 execution upon ~~said~~ the motor vehicle to the extent of the
33 value of ~~said~~ the motor vehicle, ~~shall be~~ are entitled upon
34 fulfilling the other requirements of this chapter, to the
35 issuance of a registration card for the interest of the

1 decedent in ~~such~~ the vehicle and a certificate of title ~~therefor~~
2 to it. No requirement of ~~either~~ chapter 450 or 451 shall
3 be considered satisfied by the filing of the affidavit provided
4 for in this section. If, from the records in the office of
5 the county treasurer, there appear to be any ~~lien-or~~ liens
6 on ~~such~~ the vehicle, ~~such~~ the certificate of title shall
7 contain a statement of such liens unless the application is
8 accompanied by proper evidence of their satisfaction or
9 extinction. Evidence of extinction may consist of, but is
10 not limited to, an affidavit of the applicant stating that
11 a security interest was foreclosed as provided in Uniform
12 Commercial Code, chapter 554, Article 9, Part 5.

13 Sec. 2. Section 321.71, subsection 7, Code 1983, is amended
14 to read as follows:

15 7. As to motor vehicles of a model year subsequent to
16 the tenth model year ~~1968~~ prior to the current registration
17 year which were equipped with an odometer by the manufacturer,
18 no certificate of title shall be issued unless an odometer
19 statement which is in compliance with federal law and
20 regulations has been made by the transferor of ~~such~~ a vehicle
21 and is furnished with the application for certificate of
22 title. The new certificate of title shall record on ~~the~~ its
23 face ~~thereof~~ the odometer reading and if the odometer reading
24 is not the true mileage or the true mileage is unknown, then
25 the word "unknown" shall be recorded. However, a certificate
26 of title may be issued for a motor vehicle to a person who
27 moves into this state if ~~such~~ the person acquired ownership
28 of the motor vehicle prior to moving to this state. ~~The~~
29 ~~provisions-of-this~~ This subsection shall does not apply to
30 motor vehicles transferred by operation of law pursuant to
31 section 321.47 nor to motor vehicles having a registered gross
32 vehicle weight of more than sixteen thousand pounds.

33 Sec. 3. Section 321.71, subsection 9, Code 1983, is amended
34 to read as follows:

35 9. An Iowa licensed motor vehicle dealer shall not have

1 in his possession as inventory for sale any a used motor
2 vehicle acquired by the dealer after January-17-1972 the tenth
3 model year prior to the current registration year, for which
4 he the dealer does not have in his possession an odometer
5 statement by the transferor which is in compliance with federal
6 law and regulations unless a certificate of title has been
7 issued for such the vehicle in the name of the dealer.

8 EXPLANATION

9 This bill states that in the event of the transfer of
10 ownership of a vehicle, the responsibility of issuing a
11 registration card and certificate of title to the applicant
12 belongs to the county treasurer in the transferee's county
13 of residence. Also, the age of motor vehicles which require
14 odometer statements for title issuance and sales inventory
15 is changed from specific dates to the tenth model year prior
16 to the current registration. The bill takes effect July 1
17 following its enactment.

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HOUSE FILE 2180

H-5439

1 Amend House File 2180 as follows:

2 1. Page 2, by inserting after line 12 the
3 following:

4 "Sec. ____ . Section 321.52, subsection 3, Code
5 1983, is amended to read as follows:

54506 3. When a vehicle for which a certificate of title
7 is issued is junked or dismantled by the owner, the
8 owner shall detach the registration plates and
9 surrender the plates to the county treasurer, unless
10 the plates are properly assigned to another vehicle.
11 The owner shall also surrender the registration receipt
12 and certificate of title to the county treasurer.
13 Upon surrendering the certificate of title, the county
14 treasurer shall issue to such person, without fee,
15 a junking certificate, which shall authorize the
16 holder to possess, transport or transfer ownership
17 of the junked vehicle by endorsement of the junking
18 certificate. A The county treasurer shall hold the
19 surrendered certificate of title, registration receipt
20 and, if applicable, the registration plates and claim
21 for registration fee refund for a period of fourteen
22 days following the issuance of a junking certificate
23 under this subsection. Within the fourteen-day period
24 the person who was issued the junking certificate
25 may surrender to the county treasurer the junking
26 certificate, and upon the person's payment of a two
27 dollar fee, the county treasurer shall issue to the
28 person a restricted certificate of title and shall
29 cancel the person's claim for a registration fee
30 refund. After the expiration of the fourteen-day
31 period, a certificate of title shall not again be
32 issued for the junked vehicle for which a junking
33 certificate is issued. The county treasurer shall
34 cancel the record of the vehicle and forward the
35 certificate of title to the department."

36 2. Title page, line 3, by inserting after the
37 word "residence," the following: "allowing a county
38 treasurer to issue, under certain circumstances, a
39 restricted certificate of title to a person who was
40 issued a junking certificate,".

41 3. Renumber sections as necessary.

H-5439 FILED MARCH 6, 1984 BY STROMER of Hancock

Adopted as amended by 5450
3/8 (p. 834)

HOUSE FILE 2180

H-5212

1 Amend House File 2180 as follows:

- 2 1. Page 2, lines 15, 16, and 17, by striking the
3 words and figure "of a model year subsequent to the
4 tenth model year 1968 prior to the current registration
5 year" and inserting in lieu thereof the words and
6 figure "~~of a model year subsequent to the model year~~
7 1968 less than eleven model years old".
8 2. Page 3, line 2, by striking the word "tenth"
9 and inserting in lieu thereof the word "eleventh".
10 3. Page 3, line 4, by striking the words "have
11 in his possession" and inserting in lieu thereof the
12 words "have-in-his-possession possess".
13 4. Amend the title, line 4, by striking the word
14 "tenth" and inserting in lieu thereof the word
15 "eleventh".

H-5212 FILED FEB. 17, 1984 BY COMMITTEE ON TRANSPORTATION
Adopted 3/8 (p. 833)

HOUSE FILE 2180

H-5233

1 Amend House File 2180 as follows:

- 2 1. Page 1, line 6, by inserting after the word
3 "sale," the words "abandoned vehicle sale,".

H-5233 FILED FEB. 22, 1984 BY MUHLBAUER of Crawford
Adopted 3/2 (p. 833)

HOUSE FILE 2180

H-5450

1 Amend the Stromer amendment, H-5439, to House File
2 2180 as follows:

- 3 1. Page 1, lines 20 and 21, by striking the words
4 "and claim for registration fee refund".
5 2. Page 1, by striking lines 25 through 30 and
6 inserting in lieu thereof the following: "and to
7 whom the vehicle was titled or assigned may surrender
8 to the county treasurer the junking certificate, and
9 upon the person's payment of appropriate fees and
10 taxes and payment of any credit for registration fees
11 received by the person for the vehicle under section
12 321.46, subsection 3, the county treasurer shall issue
13 to the person a restricted certificate of title for
14 the vehicle. After the expiration of the fourteen-
15 day".

H-5450 FILED MARCH 7, 1984 BY STROMER of Hancock
Adopted 3/8 (p. 834)

Sen. Transportation 3/13 Do Pass 3/23 (p. 1005)

HOUSE FILE 2180

Transportation
Nystrom, Chair
Hall
Jensen

HOUSE FILE 2180

BY COREY

(As Amended and Passed by the House)

Passed House, Date 4-5-84 (p. 1684) Passed Senate, Date 4-2-84 (p. 1244)

Vote: Ayes 96 Nays 0 Vote: Ayes 45 Nays 0

Approved May 9, 1984

Approved Senate 4-11-84 (p. 1442)
46-0

A BILL FOR

1 An Act relating to vehicle requirements by allowing a county
 2 treasurer to transfer title by operation of law in the
 3 county of the new owner's residence, allowing a county
 4 treasurer to issue, under certain circumstances, a
 5 restricted certificate of title to a person who was
 6 issued a junking certificate, and making odometer
 7 statement requirements affect model years after the
 8 eleventh year prior to the current registration year.

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

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House Amendments _____

1 Section 1. Section 321.47, unnumbered paragraph 1, Code
2 1983, is amended to read as follows:

3 In the event of the transfer of ownership of any a vehicle
4 by operation of law as upon inheritance, devise or bequest,
5 order in bankruptcy, insolvency, replevin, foreclosure or
6 execution sale, abandoned vehicle sale, or ~~whenever~~ when the
7 engine of a motor vehicle is replaced by another engine, or
8 ~~whenever~~ a vehicle is sold to satisfy an artisan's lien as
9 provided in chapter 577, ~~ex-is-sold-to-satisfy~~ a landlord's
10 lien as provided in chapter 570, or a storage lien as provided
11 in chapter 579, or repossession is had upon default in
12 performance of the terms of a security agreement, the ~~treasurer~~
13 ~~of-the-county-in-which-the-last-certificate-of-title-to-any~~
14 ~~such-vehicle-was-issued~~ county treasurer in the transferee's
15 county of residence, upon the surrender of the prior
16 certificate of title or the manufacturer's or importer's
17 certificate, or when that is not possible, upon presentation
18 of satisfactory proof to the county treasurer of ownership
19 and right of possession to ~~such~~ the vehicle and upon payment
20 of a fee of two dollars and the presentation of an application
21 for registration and certificate of title, may issue to the
22 applicant a registration card for ~~such~~ the vehicle and a
23 certificate of title ~~thereto~~ to it. The ~~person-or~~ persons
24 entitled under the laws of descent and distribution of an
25 intestate's property to the possession and ownership of a
26 vehicle owned in whole or in part by a decedent, upon filing
27 an affidavit stating the name and date of death of the
28 decedent, the right to possession and ownership of the persons
29 filing ~~said~~ the affidavit, and that there has been no
30 administration of the ~~said~~ decedent's estate, which instrument
31 shall also contain an agreement to indemnify any creditors
32 of the decedent who would be entitled to levy execution upon
33 ~~said~~ the motor vehicle to the extent of the value of ~~said~~
34 the motor vehicle, ~~shall-be~~ are entitled upon fulfilling the
35 other requirements of this chapter, to the issuance of a

1 registration card for the interest of the decedent in such
2 the vehicle and a certificate of title ~~thereto~~ to it. No
3 requirement of ~~either~~ chapter 450 or 451 shall be considered
4 satisfied by the filing of the affidavit provided for in this
5 section. If, from the records in the office of the county
6 treasurer, there appear to be any ~~lien-or~~ liens on ~~such~~ the
7 vehicle, ~~such~~ the certificate of title shall contain a
8 statement of such liens unless the application is accompanied
9 by proper evidence of their satisfaction or extinction.
10 Evidence of extinction may consist of, but is not limited
11 to, an affidavit of the applicant stating that a security
12 interest was foreclosed as provided in Uniform Commercial
13 Code, chapter 554, Article 9, Part 5.

14 Sec. 2. Section 321.52, subsection 3, Code 1983, is amended
15 to read as follows:

16 3. When a vehicle for which a certificate of title is
17 issued is junked or dismantled by the owner, the owner shall
18 detach the registration plates and surrender the plates to
19 the county treasurer, unless the plates are properly assigned
20 to another vehicle. The owner shall also surrender the
21 registration receipt and certificate of title to the county
22 treasurer. Upon surrendering the certificate of title, the
23 county treasurer shall issue to such person, without fee,
24 a junking certificate, which shall authorize the holder to
25 possess, transport or transfer ownership of the junked vehicle
26 by endorsement of the junking certificate. A The county
27 treasurer shall hold the surrendered certificate of title,
28 registration receipt and, if applicable, the registration
29 plates for a period of fourteen days following the issuance
30 of a junking certificate under this subsection. Within the
31 fourteen-day period the person who was issued the junking
32 certificate and to whom the vehicle was titled or assigned
33 may surrender to the county treasurer the junking certificate,
34 and upon the person's payment of appropriate fees and taxes
35 and payment of any credit for registration fees received by

1 the person for the vehicle under section 321.46, subsection
2 3, the county treasurer shall issue to the person a restricted
3 certificate of title for the vehicle. After the expiration
4 of the fourteen-day period, a certificate of title shall not
5 again be issued for the junked vehicle for which a junking
6 certificate is issued. The county treasurer shall cancel
7 the record of the vehicle and forward the certificate of title
8 to the department.

9 Sec. 3. Section 321.71, subsection 7, Code 1983, is amended
10 to read as follows:

11 7. As to motor vehicles ~~of-a-model-year-subsequent-to~~
12 ~~the-model-year-1968~~ less than eleven model years old which
13 were equipped with an odometer by the manufacturer, no
14 certificate of title shall be issued unless an odometer
15 statement which is in compliance with federal law and
16 regulations has been made by the transferor of ~~such~~ a vehicle
17 and is furnished with the application for certificate of
18 title. The new certificate of title shall record on ~~the~~ its
19 face ~~thereof~~ the odometer reading and if the odometer reading
20 is not the true mileage or the true mileage is unknown, then
21 the word "unknown" shall be recorded. However, a certificate
22 of title may be issued for a motor vehicle to a person who
23 moves into this state if ~~such~~ the person acquired ownership
24 of the motor vehicle prior to moving to this state. ~~The~~
25 ~~provisions-of-this~~ This subsection shall does not apply to
26 motor vehicles transferred by operation of law pursuant to
27 section 321.47 nor to motor vehicles having a registered gross
28 vehicle weight of more than sixteen thousand pounds.

29 Sec. 4. Section 321.71, subsection 9, Code 1983, is amended
30 to read as follows:

31 9. An Iowa licensed motor vehicle dealer shall not have
32 in ~~his~~ possession as inventory for sale any a used motor
33 vehicle acquired by the dealer after ~~January-17-1972~~ the
34 eleventh model year prior to the current registration year,
35 for which he the dealer does not have-in-his-possession possess

1 an odometer statement by the transferor which is in compliance
2 with federal law and regulations unless a certificate of title
3 has been issued for ~~such~~ the vehicle in the name of the dealer.

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HOUSE FILE 2180

S-5715

- 1 Amend House File 2180 as amended, passed, and re-
- 2 printed by the House as follows:
- 3 1. By striking page 2, line 14 through page 3, line 8.

S-5715 FILED
APRIL 2, 1984

BY RICHARD F. DRAKE
JACK NYSTROM

Adopted 4/2 (p. 1247)

SENATE AMENDMENT TO HOUSE FILE 2180

H-6052

- 1 Amend House File 2180 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. By striking page 2, line 14 through page 3, line 8.

H-6052 FILED APRIL 3, 1984

RECEIVED FROM THE SENATE

Have amended & concurred 4/5 (p. 1684)

HOUSE FILE 2180

H-6107

- 1 Amend amendment H-6052, the Senate amendment to
- 2 House File 2180, as amended, passed and reprinted by
- 3 the House as follows:
- 4 1. Page 1, by inserting after line 3, the
- 5 following:
- 6 "_____. Title page, by striking lines 3 through 6,
- 7 and inserting in lieu thereof the following: "county
- 8 of the new owner's residence, and making odometer".

H-6107 FILED APRIL 5, 1984

BY MUHLBAUER of Crawford

ADOPTED (p. 1684)

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 2180

S-5831

- 1 Amend amendment H-6052, the Senate Amendment to
- 2 House File 2180, as amended, passed and reprinted
- 3 by the House as follows:
- 4 1. Page 1, by inserting after line 3, the
- 5 following:
- 6 "_____. Title page, by striking lines 3 through
- 7 6, and inserting in lieu thereof the following:
- 8 "county of the new owner's residence, and making
- 9 odometer".

S-5831 FILED
APRIL 9, 1984

RECEIVED FROM THE HOUSE

Senate concurred 4/11 (p. 1442)

HOUSE FILE 2180

AN ACT

RELATING TO VEHICLE REQUIREMENTS BY ALLOWING A COUNTY TREASURER TO TRANSFER TITLE BY OPERATION OF LAW IN THE COUNTY OF THE NEW OWNER'S RESIDENCE, AND MAKING ODOMETER STATEMENT REQUIREMENTS AFFECT MODEL YEARS AFTER THE ELEVENTH YEAR PRIOR TO THE CURRENT REGISTRATION YEAR.

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

Section 1. Section 321.47, unnumbered paragraph 1, Code 1983, is amended to read as follows:

In the event of the transfer of ownership of any a vehicle by operation of law as upon inheritance, devise or bequest, order in bankruptcy, insolvency, replevin, foreclosure or execution sale, abandoned vehicle sale, or ~~whenever~~ when the

engine of a motor vehicle is replaced by another engine, or ~~whenever~~ a vehicle is sold to satisfy an artisan's lien as provided in chapter 577, ~~or is sold to satisfy~~ a landlord's lien as provided in chapter 570, or a storage lien as provided in chapter 579, or repossession is had upon default in performance of the terms of a security agreement, the ~~treasurer of the county in which the last certificate of title to any such vehicle was issued~~ county treasurer in the transferee's county of residence, upon the surrender of the prior certificate of title or the manufacturer's or importer's certificate, or when that is not possible, upon presentation of satisfactory proof to the county treasurer of ownership and right of possession to ~~such~~ the vehicle and upon payment of a fee of two dollars and the presentation of an application for registration and certificate of title, may issue to the applicant a registration card for ~~such~~ the vehicle and a certificate of title ~~thereto to it~~. The ~~person or~~ persons entitled under the laws of descent and distribution of an intestate's property to the possession and ownership of a vehicle owned in whole or in part by a decedent, upon filing an affidavit stating the name and date of death of the decedent, the right to possession and ownership of the persons filing ~~said~~ the affidavit, and that there has been no administration of the ~~said~~ decedent's estate, which instrument shall also contain an agreement to indemnify ~~any~~ creditors of the decedent who would be entitled to levy execution upon ~~said~~ the motor vehicle, to the extent of the value of ~~said~~ the motor vehicle, ~~shall be~~ are entitled upon fulfilling the other requirements of this chapter, to the issuance of a registration card for the interest of the decedent in ~~such~~ the vehicle and a certificate of title ~~thereto to it~~. No requirement of either chapter 450 or 451 shall be considered satisfied by the filing of the affidavit provided for in this section. If, from the records in the office of the county treasurer, there appear to be any ~~ten-~~ liens on ~~such~~ the

vehicle, ~~such~~ the certificate of title shall contain a statement of such liens unless the application is accompanied by proper evidence of their satisfaction or extinction. Evidence of extinction may consist of, but is not limited to, an affidavit of the applicant stating that a security interest was foreclosed as provided in Uniform Commercial Code, chapter 554, Article 9, Part 5.

Sec. 2. Section 321.71, subsection 7, Code 1983, is amended to read as follows:

7. ~~As to motor vehicles of-a-model-year-subsequent-to-the-model-year-1968 less than eleven model years old~~ which were equipped with an odometer by the manufacturer, no certificate of title shall be issued unless an odometer statement which is in compliance with federal law and regulations has been made by the transferor of ~~such a~~ vehicle and is furnished with the application for certificate of title. The new certificate of title shall record on ~~the~~ its face ~~thereof~~ the odometer reading and if the odometer reading is not the true mileage or the true mileage is unknown, then the word "unknown" shall be recorded. However, a certificate of title may be issued for a motor vehicle to a person who moves into this state if ~~such the~~ person acquired ownership of the motor vehicle prior to moving to this state. ~~The provisions-of-this~~ This subsection ~~shall does~~ not apply to motor vehicles transferred by operation of law pursuant to section 321.47 nor to motor vehicles having a registered gross vehicle weight of more than sixteen thousand pounds.

Sec. 3. Section 321.71, subsection 9, Code 1983, is amended to read as follows:

9. An Iowa licensed motor vehicle dealer shall not have in ~~his~~ possession as inventory for sale ~~any~~ a used motor vehicle acquired by the dealer after ~~January-17-1972~~ the eleventh model year prior to the current registration year, for which ~~he the dealer does not have-in-his-possession~~ possess an odometer statement by the transferor which is in compliance

with federal law and regulations unless a certificate of title has been issued for ~~such the~~ vehicle in the name of the dealer

DONALD D. AVENSON
Speaker of the House

CHARLES F. MILLER
President Pro Tempore of the
Senate

I hereby certify that this bill originated in the House and is known as House File 2180, Seventieth General Assembly.

JOSEPE O'HERN
Chief Clerk of the House

Approved *Nov 9* 1984

TERRY E. BRANSTAD
Governor