

Reprinted 4/1/85

MAR 22 1985

Place On Calendar

HOUSE FILE 711

BY COMMITTEE ON TRANSPORTATION

(Formerly House Study Bill 356)

Passed House, Date 3-28-85 (p.1141) Passed Senate, Date 4-17-85 (p.1441)

Vote: Ayes 94 Nays 0 Vote: Ayes 40 Nays 0

Approved May 28, 1985

A BILL FOR

- 1 An Act relating to the application for registration and
- 2 titling of vehicles and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE FILE 711 FISCAL NOTE

REQUESTED BY REPRESENTATIVE WOODS

In compliance with a written request received March 26, 1985, a fiscal note for HOUSE FILE 711 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

HF 711

House File 711 allows for the owner of a motor vehicle to receive a copy of the original vehicle title. The five-day waiting period for issuance of the copy does not apply.

If the application for transfer of registration and certificate of title is submitted to the county treasurer beyond 15 days of the transfer assignment date, an \$10 penalty is assessed against the applicant.

Delinquencies and penalties do not accrue for a vehicle brought into the state until 30 days after the vehicle is brought into the state.

FISCAL EFFECT: The bill would not result in any significant fiscal effect.

Source: Office of Vehicle Registration, IDOT

(LSB 2566H, CEN)

FILED MARCH 27, 1985

BY DENNIS PROUTY, FISCAL DIRECTOR

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1 Section 1. Section 321.42, unnumbered paragraph 2, Code
2 1985, is amended to read as follows:

3 If a certificate of title is lost or destroyed, the owner
4 or lienholder shall apply for a certified copy of the original
5 certificate of title. The owner or lienholder of a motor
6 vehicle may also apply for a certified copy of the original
7 certificate of title as a replacement for the original
8 certificate of title upon surrender of the original
9 certificate of title with the application. The application
10 shall be made to the department or county treasurer who issued
11 the original certificate of title. The application shall be
12 signed by the owner or lienholder and accompanied by a fee of
13 ten dollars. After five days, the department or county
14 treasurer shall issue a certified copy to the applicant at the
15 applicant's most recent address, however, the five-day waiting
16 period does not apply to an applicant who has surrendered the
17 original certificate of title to the department or county
18 treasurer. The certified copy shall be clearly marked
19 "duplicate" and shall be identical to the original, including
20 notation of liens or encumbrances. When a certified copy has
21 been issued, the previous certificate is void. A new
22 purchaser or transferee is entitled to receive an original
23 title upon presenting the assigned duplicate copy to the
24 treasurer of the county where the new purchaser or transferee
25 resides. At the time of purchase, a purchaser may require the
26 seller to indemnify the purchaser and all future purchasers of
27 the vehicle against any loss which may be suffered due to
28 claims on the original certificate. A person recovering an
29 original certificate of title for which a duplicate has been
30 issued shall surrender the original certificate to the county
31 treasurer or the department.

32 Sec. 2. Section 321.49, subsection 1, Code 1985, is
33 amended to read as follows:

34 1. Except as provided in section 321.52, if an application
35 for transfer of registration and certificate of title is not

1 submitted to the county treasurer of the residence of the
2 transferee within ~~seven~~ fifteen days of the date of assignment
3 or transfer of title, a penalty of ten dollars shall accrue
4 against the applicant, and no registration card or certificate
5 of title shall be issued to the applicant for the vehicle
6 until the penalty is paid.

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7 Sec. 3. Section 321.135, Code 1985, is amended to read as
8 follows:

9 321.135 WHEN FEES DELINQUENT.

10 ~~Delinquencies~~ Except as otherwise provided, delinquencies
11 begin and penalties accrue the first of the month following
12 the purchase of a new vehicle, and ~~the first of the month~~
13 thirty days following the date a vehicle is brought into the
14 state, ~~except as otherwise provided.~~

15 EXPLANATION

16 Section 1 allows the owner or lienholder of a motor vehicle
17 to apply for a certified copy of the original certificate of
18 title as a replacement for the original certificate of title
19 upon application and fee, provided the original certificate of
20 title is surrendered. The normal five-day waiting period for
21 the issuance of the certified copy does not apply.

22 Section 2 makes the penalty for failure to apply for a
23 transfer of registration and certificate of title accrue
24 fifteen days after the date of assignment or transfer of
25 title. Effective July 1, 1983, the law was changed allowing
26 the transferee fifteen days to apply for the transfer of
27 registration and a new certificate of title (from seven days),
28 but the time the penalty applied was not correspondingly
29 changed to fifteen days.

30 Section 3 provides that delinquencies and penalties do not
31 accrue for a vehicle brought into the state until thirty days
32 after the date the vehicle is brought into the state.

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HOUSE FILE 711

H-3507

1 Amend House File 711 as follows:

2 1. Page 2, by inserting after line 6 the
3 following:

4 "Sec. 3. Section 321.52, subsection 3, Code 1985,
5 is amended to read as follows:

6 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
12 receipt and certificate of title to the county
13 treasurer. Upon surrendering the certificate of
14 title, the county treasurer shall issue to ~~such the~~
15 person, without fee, a junking certificate, which
16 shall authorize the holder to possess, transport or
17 transfer ownership of the junked vehicle by
18 endorsement of the junking certificate. The county
19 treasurer shall hold the surrendered certificate of
20 title, registration receipt and, if applicable, the
21 registration plates for a period of fourteen days
22 following the issuance of a junking certificate under
23 this subsection. Within the fourteen-day period the
24 person who was issued the junking certificate and to
25 whom the vehicle was titled or assigned may surrender
26 to the county treasurer the junking certificate, and
27 upon the person's payment of appropriate fees and
28 taxes and payment of any credit for registration fees
29 received by the person for the vehicle under section
30 321.46, subsection 3, the county treasurer shall issue
31 to the person a restricted certificate of title for
32 the vehicle. After the expiration of the fourteen-day
33 period, a county treasurer shall not issue a
34 certificate of title shall-not-again-be-issued for the
35 a junked vehicle for which a junking certificate is
36 issued. The county treasurer shall cancel the record
37 of the vehicle and forward the certificate of title to
38 the department.

39 However, upon application the department upon a
40 showing of good cause may issue a certificate of title
41 after the fourteen-day period for a junked vehicle for
42 which a junking certificate has been issued. For
43 purposes of this subsection, "good cause" means that
44 the junking certificate was obtained by mistake or
45 inadvertence. If a person's application to the
46 department is denied, the person may seek judicial
47 review as provided under sections 17A.19 and 17A.20."

H-3507 FILED MARCH 27, 1985 BY VARN of Johnson

Adopted 3/28/85 (p. 1141)

Sen Transportation 4/1/85 Do Pass 4/10 (p. 1375)

House File 711

TRANSPORTATION: Gettings, Chair; Drake and Doyle

HOUSE FILE 711

BY COMMITTEE ON TRANSPORTATION

(As Amended and Passed by the House March 28, 1985)

Passed House, Date 3-18-85 (p. 1141) Passed Senate, Date 4-17-85 (p. 1441)

Vote: Ayes 94 Nays 0 Vote: Ayes 40 Nays 0

Approved May 28, 1985

A BILL FOR

1 An Act relating to the application for registration and
2 titling of vehicles and providing penalties.

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

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House Amendments _____

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1 Section 1. Section 321.42, unnumbered paragraph 2, Code
2 1985, is amended to read as follows:

3 If a certificate of title is lost or destroyed, the owner
4 or lienholder shall apply for a certified copy of the original
5 certificate of title. The owner or lienholder of a motor
6 vehicle may also apply for a certified copy of the original
7 certificate of title as a replacement for the original
8 certificate of title upon surrender of the original
9 certificate of title with the application. The application
10 shall be made to the department or county treasurer who issued
11 the original certificate of title. The application shall be
12 signed by the owner or lienholder and accompanied by a fee of
13 ten dollars. After five days, the department or county
14 treasurer shall issue a certified copy to the applicant at the
15 applicant's most recent address, however, the five-day waiting
16 period does not apply to an applicant who has surrendered the
17 original certificate of title to the department or county
18 treasurer. The certified copy shall be clearly marked
19 "duplicate" and shall be identical to the original, including
20 notation of liens or encumbrances. When a certified copy has
21 been issued, the previous certificate is void. A new
22 purchaser or transferee is entitled to receive an original
23 title upon presenting the assigned duplicate copy to the
24 treasurer of the county where the new purchaser or transferee
25 resides. At the time of purchase, a purchaser may require the
26 seller to indemnify the purchaser and all future purchasers of
27 the vehicle against any loss which may be suffered due to
28 claims on the original certificate. A person recovering an
29 original certificate of title for which a duplicate has been
30 issued shall surrender the original certificate to the county
31 treasurer or the department.

32 Sec. 2. Section 321.49, subsection 1, Code 1985, is
33 amended to read as follows:

34 1. Except as provided in section 321.52, if an application
35 for transfer of registration and certificate of title is not

1 submitted to the county treasurer of the residence of the
2 transferee within ~~seven~~ fifteen days of the date of assignment
3 or transfer of title, a penalty of ten dollars shall accrue
4 against the applicant, and no registration card or certificate
5 of title shall be issued to the applicant for the vehicle
6 until the penalty is paid.

7 Sec. 3. Section 321.52, subsection 3, Code 1985, is
8 amended to read as follows:

9 3. When a vehicle for which a certificate of title is
10 issued is junked or dismantled by the owner, the owner shall
11 detach the registration plates and surrender the plates to the
12 county treasurer, unless the plates are properly assigned to
13 another vehicle. The owner shall also surrender the
14 registration receipt and certificate of title to the county
15 treasurer. Upon surrendering the certificate of title, the
16 county treasurer shall issue to such the person, without fee,
17 a junking certificate, which shall authorize the holder to
18 possess, transport or transfer ownership of the junked vehicle
19 by endorsement of the junking certificate. The county
20 treasurer shall hold the surrendered certificate of title,
21 registration receipt and, if applicable, the registration
22 plates for a period of fourteen days following the issuance of
23 a junking certificate under this subsection. Within the
24 fourteen-day period the person who was issued the junking
25 certificate and to whom the vehicle was titled or assigned may
26 surrender to the county treasurer the junking certificate, and
27 upon the person's payment of appropriate fees and taxes and
28 payment of any credit for registration fees received by the
29 person for the vehicle under section 321.46, subsection 3, the
30 county treasurer shall issue to the person a ~~restricted~~
31 certificate of title for the vehicle. After the expiration of
32 the fourteen-day period, a county treasurer shall not issue a
33 certificate of title ~~shall-not-again-be-issued~~ for the a
34 junked vehicle for which a junking certificate is issued. The
35 county treasurer shall cancel the record of the vehicle and

1 forward the certificate of title to the department.
2 However, upon application the department upon a showing of
3 good cause may issue a certificate of title after the
4 fourteen-day period for a junked vehicle for which a junking
5 certificate has been issued. For purposes of this subsection,
6 "good cause" means that the junking certificate was obtained
7 by mistake or inadvertence. If a person's application to the
8 department is denied, the person may seek judicial review as
9 provided under sections 17A.19 and 17A.20.

10 Sec. 4. Section 321.135, Code 1985, is amended to read as
11 follows:

12 321.135 WHEN FEES DELINQUENT.
13 Delinquencies Except as otherwise provided, delinquencies
14 begin and penalties accrue the first of the month following
15 the purchase of a new vehicle, and the-first-of-the-month
16 thirty days following the date a vehicle is brought into the
17 state, -except-as-otherwise-provided.

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Peterson Chair
Harbor now
Sullivan ~~March~~ 711

NSB 356

TRANSPORTATION

HOUSE FILE

711

BY (PROPOSED COMMITTEE ON TRANSPORTATION BILL)

Study Bill 356

Transportation: Peterson, Chair; Harbor and Sullivan.

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the application for registration and
2 titling of vehicles and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 321.42, unnumbered paragraph 2, Code
2 1985, is amended to read as follows:

3 If a certificate of title is lost or destroyed, the owner
4 or lienholder shall apply for a certified copy of the original
5 certificate of title. The owner or lienholder of a motor
6 vehicle may also apply for a certified copy of the original
7 certificate of title as a replacement for the original
8 certificate of title upon surrender of the original
9 certificate of title with the application. The application
10 shall be made to the department or county treasurer who issued
11 the original certificate of title. The application shall be
12 signed by the owner or lienholder and accompanied by a fee of
13 ten dollars. After five days, the department or county
14 treasurer shall issue a certified copy to the applicant at the
15 applicant's most recent address, however, the five-day waiting
16 period does not apply to an applicant who has surrendered the
17 original certificate of title to the department or county
18 treasurer. The certified copy shall be clearly marked
19 "duplicate" and shall be identical to the original, including
20 notation of liens or encumbrances. When a certified copy has
21 been issued, the previous certificate is void. A new
22 purchaser or transferee is entitled to receive an original
23 title upon presenting the assigned duplicate copy to the
24 treasurer of the county where the new purchaser or transferee
25 resides. At the time of purchase, a purchaser may require the
26 seller to indemnify the purchaser and all future purchasers of
27 the vehicle against any loss which may be suffered due to
28 claims on the original certificate. A person recovering an
29 original certificate of title for which a duplicate has been
30 issued shall surrender the original certificate to the county
31 treasurer or the department.

32 Sec. 2. Section 321.49, subsection 1, Code 1985, is
33 amended to read as follows:

34 1. Except as provided in section 321.52, if an application
35 for transfer of registration and certificate of title is not

1 submitted to the county treasurer of the residence of the
2 transferee within ~~seven~~ fifteen days of the date of assignment
3 or transfer of title, a penalty of ten dollars shall accrue
4 against the applicant, and no registration card or certificate
5 of title shall be issued to the applicant for the vehicle
6 until the penalty is paid.

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8 follows:

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13 thirty days following the date a vehicle is brought into the
14 state, ~~except as otherwise provided.~~

15 EXPLANATION

16 Section 1 allows the owner or lienholder of a motor vehicle
17 to apply for a certified copy of the original certificate of
18 title as a replacement for the original certificate of title
19 upon application and fee, provided the original certificate of
20 title is surrendered. The normal five-day waiting period for
21 the issuance of the certified copy does not apply.

22 Section 2 makes the penalty for failure to apply for a
23 transfer of registration and certificate of title accrue
24 fifteen days after the date of assignment or transfer of
25 title. Effective July 1, 1983, the law was changed allowing
26 the transferee fifteen days to apply for the transfer of
27 registration and a new certificate of title (from seven days),
28 but the time the penalty applied was not correspondingly
29 changed to fifteen days.

30 Section 3 provides that delinquencies and penalties do not
31 accrue for a vehicle brought into the state until thirty days
32 after the date the vehicle is brought into the state.

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HOUSE FILE 711

AN ACT

RELATING TO THE APPLICATION FOR REGISTRATION AND TITLING OF
VEHICLES AND PROVIDING PENALTIES.

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

Section 1. Section 321.42, unnumbered paragraph 2, Code 1985, is amended to read as follows:

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 owner or lienholder of a motor vehicle may also apply for a certified copy of the original certificate of title as a replacement for the original certificate of title upon surrender of the original certificate of title with the application. 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 ten dollars. After five days, the department or county

treasurer shall issue a certified copy to the applicant at the applicant's most recent address, however, the five-day waiting period does not apply to an applicant who has surrendered the original certificate of title to the department or county treasurer. 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 the new purchaser or transferee 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.

Sec. 2. Section 321.49, subsection 1, Code 1985, is amended to read as follows:

1. Except as provided in section 321.52, if an application for transfer of registration and certificate of title is not submitted to the county treasurer of the residence of the transferee within seven fifteen days of the date of assignment or transfer of title, a penalty of ten dollars shall accrue against the applicant, and no registration card or certificate of title shall be issued to the applicant for the vehicle until the penalty is paid.

Sec. 3. Section 321.52, subsection 3, Code 1985, is amended to read as follows:

3. When a vehicle for which a certificate of title is issued is junked or dismantled by the owner, the owner shall detach the registration plates and surrender the plates to the county treasurer, unless the plates are properly assigned to another vehicle. The owner shall also surrender the

registration receipt and certificate of title to the county treasurer. Upon surrendering the certificate of title, the county treasurer shall issue to each the person, without fee, a junking certificate, which shall authorize the holder to possess, transport or transfer ownership of the junked vehicle by endorsement of the junking certificate. The county treasurer shall hold the surrendered certificate of title, registration receipt and, if applicable, the registration plates for a period of fourteen days following the issuance of a junking certificate under this subsection. Within the fourteen-day period the person who was issued the junking certificate and to whom the vehicle was titled or assigned may surrender to the county treasurer the junking certificate, and upon the person's payment of appropriate fees and taxes and payment of any credit for registration fees received by the person for the vehicle under section 321.46, subsection 3, the county treasurer shall issue to the person a restricted certificate of title for the vehicle. After the expiration of the fourteen-day period, a county treasurer shall not issue a certificate of title shall not again be issued for the a junked vehicle for which a junking certificate is issued. The county treasurer shall cancel the record of the vehicle and forward the certificate of title to the department.

However, upon application the department upon a showing of good cause may issue a certificate of title after the fourteen-day period for a junked vehicle for which a junking certificate has been issued. For purposes of this subsection, "good cause" means that the junking certificate was obtained by mistake or inadvertence. If a person's application to the department is denied, the person may seek judicial review as provided under sections 17A.19 and 17A.20.

Sec. 4. Section 321.135, Code 1985, is amended to read as follows:

321.135 WHEN FEES DELINQUENT.

Delinquencies Except as otherwise provided, delinquencies begin and penalties accrue the first of the month following the purchase of a new vehicle, and the first of the month thirty days following the date a vehicle is brought into the state except as otherwise provided.

.....
DONALD D. AVENSON
Speaker of the House

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ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 711, Seventy-first General Assembly.

.....
JOSEPH O'HERN
Chief Clerk of the House

Approved *May 28*, 1985

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TERRY E. BRANSTAD
Governor