

Law Transportation 3/30/87
Amend (3365) & to Sec 41 (p 1034)

MAR 12 1987

HOUSE FILE 494

Place On Calendar

BY COMMITTEE ON TRANSPORTATION

(Formerly House Study Bill 213)

Passed House, Date 3-11-87 (p. 664) Passed Senate, Date 4-14-87 (p. 1278)

Vote: Ayes 72 Nays 6 Vote: Ayes 49 Nays 0

Approved May 14, 1987

Repassed House as amended by Senate

4-21-87 (p. 1565)

95-0

A BILL FOR

1 An Act requiring mobile home dealers to apply for a certificate
2 of title for mobile homes received as a trade-in and making
3 penalties applicable.

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

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

HF 494

1 Section 1. Section 321.24, unnumbered paragraph 1, Code
2 1987, is amended to read as follows:

3 Upon receipt of the application for title and payment of
4 the required fees for a motor vehicle, trailer, or
5 semitrailer, the county treasurer shall, when satisfied as to
6 the application's genuineness and regularity, and, in the case
7 of a mobile home, that taxes are not owing under chapter 135D,
8 issue a certificate of title and, except for a mobile home, a
9 registration receipt, and shall file the application, the
10 manufacturer's or importer's certificate, the certificate of
11 title, or other evidence of ownership, as prescribed by the
12 department. The registration receipt shall be delivered to
13 the owner and shall contain upon its face the date issued, the
14 name and address of the owner, the registration number
15 assigned to the vehicle, the title number assigned to the
16 owner of the vehicle, the amount of the fee paid, the amount
17 of tax paid pursuant to section 423.7, the type of fuel used,
18 and a description of the vehicle as determined by the
19 department and upon the reverse side a form for notice of
20 transfer of the vehicle.

21 PARAGRAPH DIVIDED. The county treasurer shall maintain in
22 the county record system information contained on the
23 registration receipt. The information shall be accessible by
24 registration number and shall be open for public inspection
25 during reasonable business hours. Copies the department
26 requires shall be sent to the department in the manner and at
27 the time the department directs.

28 PARAGRAPH DIVIDED. The certificate of title shall contain
29 upon its face the identical information required upon the face
30 of the registration receipt. In addition, the certificate of
31 title shall contain a statement of the owner's title, the
32 amount of tax paid pursuant to section 423.7, the name and
33 address of the previous owner, and a statement of all security
34 interests and encumbrances, as shown in the application, upon
35 the vehicle described including the nature of the security

1 interest, date of notation, and name and address of the
2 secured party. The certificate shall bear the seal of the
3 county treasurer, the signature of the county treasurer or
4 that of the deputy county treasurer, and shall provide space
5 for the signature of the owner. The owner shall sign the
6 certificate of title in the space provided with pen and ink
7 upon its receipt. The certificate of title shall contain upon
8 the reverse side a form for assignment of title or interest
9 and warranty by the owner, for reassignments by a licensed
10 dealer and for application for a new certificate of title by
11 the transferee as provided in this chapter. However, titles
12 for mobile homes shall not provide for reassignments by
13 licensed dealers. All certificates of title shall be
14 typewritten or printed by other mechanical means.

15 PARAGRAPH DIVIDED. The original certificate of title shall
16 be delivered to the owner if no security interest or
17 encumbrance appears thereon on the certificate. Otherwise the
18 certificate of title shall be delivered by the county
19 treasurer to the person holding the first security interest or
20 encumbrance as shown in the certificate. The county treasurer
21 shall maintain in the county records system information
22 contained on the certificate of title. The information shall
23 be accessible by title certificate number for a period of
24 three years from the date of notification of cancellation of
25 title or that a new title has been issued as provided in this
26 chapter. Copies the department requires shall be sent to the
27 department in the manner and at the time the department
28 directs. The department shall designate a uniform system of
29 title numbers to indicate the county of issuance.

30 Sec. 2. Section 321.45, subsection 4, Code 1987, is
31 amended to read as follows:

32 4. Within seven days of the sale and delivery of a mobile
33 home, the dealer making the sale shall certify to the county
34 treasurer of the county where the unit is delivered, the name
35 and address of the purchaser, the point of delivery to the

1 purchaser, and the make, year of manufacture, taxable size,
2 and identification number of the unit. A mobile home dealer,
3 as defined in section 322B.2, shall within fifteen days of
4 receipt of a mobile home as a trade-in apply for and obtain
5 from the county treasurer of the county where the unit is
6 received a new certificate of title for the mobile home.

7 Sec. 3. Section 321.46, subsection 2, Code 1987, is
8 amended to read as follows:

9 2. Upon filing the application for a new registration and
10 a new title, the applicant shall pay a title fee of ten
11 dollars and a registration fee prorated for the remaining
12 unexpired months of the registration year. However, no title
13 fee shall be charged to a mobile home dealer applying for a
14 certificate of title for a trade-in mobile home, as required
15 under section 321.45, subsection 4. The county treasurer, if
16 satisfied of the genuineness and regularity of the
17 application, and in the case of a mobile home, that taxes are
18 not owing under chapter 135D, and that applicant has complied
19 with all the requirements of this chapter, shall issue a new
20 certificate of title and, except for a mobile home, a
21 registration card to the purchaser or transferee, shall cancel
22 the prior registration for the vehicle, and shall forward the
23 necessary copies to the department on the date of issuance, as
24 prescribed in section 321.24.

25 Sec. 4. Section 321.49, Code 1987, is amended by adding
26 the following new subsection:

27 NEW SUBSECTION. 3. A mobile home dealer who receives a
28 mobile home as a trade-in and who does not apply for and
29 obtain a certificate of title from the county treasurer of the
30 county where the unit is received within fifteen days of
31 receipt, as required under section 321.45, subsection 4, is
32 subject to a penalty of ten dollars. A certificate of title
33 shall not be issued to the mobile home dealer until the
34 penalty is paid.

35 Sec. 5. Section 321.104, subsection 6, Code 1987, is

1 amended to read as follows:

2 6. For a dealer to sell or transfer a mobile home without
3 delivering to the purchaser or transferee a certificate of
4 title, or a manufacturer's or importer's certificate properly
5 assigned to the purchaser, or to transfer a mobile home
6 without disclosing to the purchaser the owner of the mobile
7 home in a manner prescribed by the department pursuant to
8 rules, or to fail to certify within seven days to the proper
9 county treasurer the information required under section
10 321.45, subsection 4, or to fail to apply for and obtain a
11 certificate of title for a mobile home received by the dealer
12 as a trade-in within fifteen days of receipt as required under
13 section 321.45, subsection 4.

14 Sec. 6. Section 322B.6, Code 1987, is amended by adding
15 the following new subsection:

16 NEW SUBSECTION. 7. Failing to apply for and obtain from a
17 county treasurer a certificate of title for a mobile home
18 received as a trade-in within fifteen days of receipt, as
19 required under section 321.45, subsection 4.

20 EXPLANATION

21 This bill requires mobile home dealers to apply for and
22 receive a certificate of title for a mobile home received as a
23 trade-in within fifteen days of receipt. Failure to comply
24 with this provision is a simple misdemeanor and can also be
25 grounds for revocation, suspension, or denial of a license of
26 a mobile home dealer. The mobile home titles are to be issued
27 without payment of fee. However, an application for a
28 certificate of title made after the fifteen-day period is
29 subject to a penalty of ten dollars.

30
31
32
33
34
35

HOUSE FILE 494

365

1 Amend House File 494 as passed by the House as
2 follows:

3 1. Page 2, line 12, by striking the words
4 "provide for reassignments" and inserting the words
5 "be reassigned".

6 2. Page 3, by striking lines 4 through 6 and
7 inserting the following: "acquiring a used mobile
8 home, titled in Iowa, apply for and obtain from the
9 county treasurer of the dealer's county of residence a
10 new certificate of title for the mobile home."

11 3. Page 3, line 14, by striking the words "trade-
12 in mobile home" and inserting the words "used mobile
13 home, titled in Iowa".

14 4. Page 3, line 24, by inserting after the figure
15 "321.24." the following: "Mobile homes titled under
16 chapter 448 that have been subject under section
17 446.18 to a scavenger sale in a county, shall be
18 titled in the county's name, with no fee and the
19 county treasurer shall issue the title."

20 5. Page 3, by striking lines 27 through 31 and
21 inserting the following:

22 NEW SUBSECTION. 3. A mobile home dealer who
23 acquires a used mobile home, titled in Iowa, and who
24 does not apply for and obtain a certificate of title
25 from the county treasurer of the dealer's county of
26 residence within fifteen days of the date of
27 acquisition, as required under section 321.45,
28 subsection 4, is".

29 6. Page 4, by striking lines 11 and 12 and
30 inserting the following: "certificate of title for a
31 used mobile home, titled in Iowa, acquired by the
32 dealer within fifteen days from the date of
33 acquisition as required under".

34 7. Page 4, by striking lines 17 and 18 and
35 inserting the following: "county treasurer a
36 certificate of title for a used mobile home, titled in
37 Iowa, acquired by the dealer within fifteen days from
38 the date of acquisition, as".

39 8. Title page, line 2, by striking the words
40 "mobile homes received as a trade-in" and inserting
41 the following: "certain used mobile homes acquired by
42 the dealers".

S-3365

Filed April 1, 1987

Adopted 4/14/87 (p 1278)

BY COMMITTEE ON TRANSPORTATION
C. JOSEPH COLEMAN, Chairperson

SENATE AMENDMENT TO HOUSE FILE 494

H-3843

1 Amend House File 494 as passed by the House as
2 follows:

3 1. Page 2, line 12, by striking the words
4 "provide for reassignments" and inserting the words
5 "be reassigned".

6 2. Page 3, by striking lines 4 through 6 and
7 inserting the following: "acquiring a used mobile
8 home, titled in Iowa, apply for and obtain from the
9 county treasurer of the dealer's county of residence a
10 new certificate of title for the mobile home."

11 3. Page 3, line 14, by striking the words "trade-
12 in mobile home" and inserting the words "used mobile
13 home, titled in Iowa".

14 4. Page 3, line 24, by inserting after the figure
15 "321.24." the following: "Mobile homes titled under
16 chapter 448 that have been subject under section
17 446.18 to a scavenger sale in a county, shall be
18 titled in the county's name, with no fee and the
19 county treasurer shall issue the title."

20 5. Page 3, by striking lines 27 through 31 and
21 inserting the following:

22 NEW SUBSECTION. 3. A mobile home dealer who
23 acquires a used mobile home, titled in Iowa, and who
24 does not apply for and obtain a certificate of title
25 from the county treasurer of the dealer's county of
26 residence within fifteen days of the date of
27 acquisition, as required under section 321.45,
28 subsection 4, is".

29 6. Page 4, by striking lines 11 and 12 and
30 inserting the following: "certificate of title for a
31 used mobile home, titled in Iowa, acquired by the
32 dealer within fifteen days from the date of
33 acquisition as required under".

34 7. Page 4, by striking lines 17 and 18 and
35 inserting the following: "county treasurer a
36 certificate of title for a used mobile home, titled in
37 Iowa, acquired by the dealer within fifteen days from
38 the date of acquisition, as".

39 8. Title page, line 2, by striking the words
40 "mobile homes received as a trade-in" and inserting
41 the following: "certain used mobile homes acquired by
42 the dealers".

H-3843 FILED APRIL 16, 1987 RECEIVED FROM THE SENATE

House concurred 4/21/87 (p. 1565)

494

TRANSPORTATION

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring mobile home dealers to apply for a certificate
2 of title for mobile homes received as a trade-in and making
3 penalties applicable.

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

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

SUB COMMITTEE ASSIGNMENTS

CHAIR: *Bernard*

COMMITTEE: *Transportation*

3/4/87

1 Section 1. Section 321.24, unnumbered paragraph 1, Code
2 1987, is amended to read as follows:

3 Upon receipt of the application for title and payment of
4 the required fees for a motor vehicle, trailer, or
5 semitrailer, the county treasurer shall, when satisfied as to
6 the application's genuineness and regularity, and, in the case
7 of a mobile home, that taxes are not owing under chapter 135D,
8 issue a certificate of title and, except for a mobile home, a
9 registration receipt, and shall file the application, the
10 manufacturer's or importer's certificate, the certificate of
11 title, or other evidence of ownership, as prescribed by the
12 department. The registration receipt shall be delivered to
13 the owner and shall contain upon its face the date issued, the
14 name and address of the owner, the registration number
15 assigned to the vehicle, the title number assigned to the
16 owner of the vehicle, the amount of the fee paid, the amount
17 of tax paid pursuant to section 423.7, the type of fuel used,
18 and a description of the vehicle as determined by the
19 department and upon the reverse side a form for notice of
20 transfer of the vehicle.

21 PARAGRAPH DIVIDED. The county treasurer shall maintain in
22 the county record system information contained on the
23 registration receipt. The information shall be accessible by
24 registration number and shall be open for public inspection
25 during reasonable business hours. Copies the department
26 requires shall be sent to the department in the manner and at
27 the time the department directs.

28 PARAGRAPH DIVIDED. The certificate of title shall contain
29 upon its face the identical information required upon the face
30 of the registration receipt. In addition, the certificate of
31 title shall contain a statement of the owner's title, the
32 amount of tax paid pursuant to section 423.7, the name and
33 address of the previous owner, and a statement of all security
34 interests and encumbrances, as shown in the application, upon
35 the vehicle described including the nature of the security

1 interest, date of notation, and name and address of the
2 secured party. The certificate shall bear the seal of the
3 county treasurer, the signature of the county treasurer or
4 that of the deputy county treasurer, and shall provide space
5 for the signature of the owner. The owner shall sign the
6 certificate of title in the space provided with pen and ink
7 upon its receipt. The certificate of title shall contain upon
8 the reverse side a form for assignment of title or interest
9 and warranty by the owner, for reassignments by a licensed
10 dealer and for application for a new certificate of title by
11 the transferee as provided in this chapter. However, titles
12 for mobile homes shall not provide for reassignments by
13 licensed dealers. All certificates of title shall be
14 typewritten or printed by other mechanical means.

15 PARAGRAPH DIVIDED. The original certificate of title shall
16 be delivered to the owner if no security interest or
17 encumbrance appears thereon on the certificate. Otherwise the
18 certificate of title shall be delivered by the county
19 treasurer to the person holding the first security interest or
20 encumbrance as shown in the certificate. The county treasurer
21 shall maintain in the county records system information
22 contained on the certificate of title. The information shall
23 be accessible by title certificate number for a period of
24 three years from the date of notification of cancellation of
25 title or that a new title has been issued as provided in this
26 chapter. Copies the department requires shall be sent to the
27 department in the manner and at the time the department
28 directs. The department shall designate a uniform system of
29 title numbers to indicate the county of issuance.

30 Sec. 2. Section 321.45, subsection 4, Code 1987, is
31 amended to read as follows:

32 4. Within seven days of the sale and delivery of a mobile
33 home, the dealer making the sale shall certify to the county
34 treasurer of the county where the unit is delivered, the name
35 and address of the purchaser, the point of delivery to the

1 purchaser, and the make, year of manufacture, taxable size,
2 and identification number of the unit. A mobile home dealer,
3 as defined in section 322B.2, shall within seven days of
4 receipt of a mobile home as a trade-in apply for and obtain
5 from the county treasurer of the county where the unit is
6 received a new certificate of title for the mobile home.

7 Sec. 3. Section 321.46, subsection 2, Code 1987, is
8 amended to read as follows:

9 2. Upon filing the application for a new registration and
10 a new title, the applicant shall pay a title fee of ten
11 dollars and a registration fee prorated for the remaining
12 unexpired months of the registration year. However, no title
13 fee shall be charged to a mobile home dealer applying for a
14 certificate of title for a trade-in mobile home, as required
15 under section 321.45, subsection 4. The county treasurer, if
16 satisfied of the genuineness and regularity of the
17 application, and in the case of a mobile home, that taxes are
18 not owing under chapter 135D, and that applicant has complied
19 with all the requirements of this chapter, shall issue a new
20 certificate of title and, except for a mobile home, a
21 registration card to the purchaser or transferee, shall cancel
22 the prior registration for the vehicle, and shall forward the
23 necessary copies to the department on the date of issuance, as
24 prescribed in section 321.24.

25 Sec. 4. Section 321.104, subsection 6, Code 1987, is
26 amended to read as follows:

27 6. For a dealer to sell or transfer a mobile home without
28 delivering to the purchaser or transferee a certificate of
29 title, or a manufacturer's or importer's certificate properly
30 assigned to the purchaser, or to transfer a mobile home
31 without disclosing to the purchaser the owner of the mobile
32 home in a manner prescribed by the department pursuant to
33 rules, or to fail to certify within seven days to the proper
34 county treasurer the information required under section
35 321.45, subsection 4, or to fail to apply for and obtain a

1 certificate of title for a mobile home received by the dealer
2 as a trade-in within seven days of receipt as required under
3 section 321.45, subsection 4.

4 Sec. 5. Section 322B.6, Code 1987, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 7. Failing to apply for and obtain from a
7 county treasurer a certificate of title for a mobile home
8 received as a trade-in within seven days of receipt, as
9 required under section 321.45, subsection 4.

10 EXPLANATION

11 This bill requires mobile home dealers to apply for and
12 receive a certificate of title for a mobile home received as a
13 trade-in within seven days of receipt. Failure to comply with
14 this provision is a simple misdemeanor and can also be grounds
15 for revocation, suspension, or denial of a license of a mobile
16 home dealer. The mobile home titles are to be issued without
17 payment of fee.

18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 494

AN ACT

REQUIRING MOBILE HOME DEALERS TO APPLY FOR A CERTIFICATE OF TITLE FOR CERTAIN USED MOBILE HOMES ACQUIRED BY THE DEALERS AND MAKING PENALTIES APPLICABLE.

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

Section 1. Section 321.24, unnumbered paragraph 1, Code 1987, is amended to read as follows:

Upon receipt of the application for title and payment of the required fees for a motor vehicle, trailer, or semitrailer, the county treasurer shall, when satisfied as to the application's genuineness and regularity, and, in the case of a mobile home, that taxes are not owing under chapter 135D, issue a certificate of title and, except for a mobile home, a registration receipt, and shall file the application, the manufacturer's or importer's certificate, the certificate of title, or other evidence of ownership, as prescribed by the department. The registration receipt shall be delivered to the owner and shall contain upon its face the date issued, the name and address of the owner, the registration number assigned to the vehicle, the title number assigned to the owner of the vehicle, the amount of the fee paid, the amount of tax paid pursuant to section 423.7, the type of fuel used, and a description of the vehicle as determined by the department and upon the reverse side a form for notice of transfer of the vehicle.

PARAGRAPH DIVIDED. The county treasurer shall maintain in the county record system information contained on the

registration receipt. The information shall be accessible by registration number and shall be open for public inspection during reasonable business hours. Copies the department requires shall be sent to the department in the manner and at the time the department directs.

PARAGRAPH DIVIDED. The certificate of title shall contain upon its face the identical information required upon the face of the registration receipt. In addition, the certificate of title shall contain a statement of the owner's title, the amount of tax paid pursuant to section 423.7, the name and address of the previous owner, and a statement of all security interests and encumbrances, as shown in the application, upon the vehicle described including the nature of the security interest, date of notation, and name and address of the secured party. The certificate shall bear the seal of the county treasurer, the signature of the county treasurer or that of the deputy county treasurer, and shall provide space for the signature of the owner. The owner shall sign the certificate of title in the space provided with pen and ink upon its receipt. The certificate of title shall contain upon the reverse side a form for assignment of title or interest and warranty by the owner, for reassignments by a licensed dealer and for application for a new certificate of title by the transferee as provided in this chapter. However, titles for mobile homes shall not be reassigned by licensed dealers. All certificates of title shall be typewritten or printed by other mechanical means.

PARAGRAPH DIVIDED. The original certificate of title shall be delivered to the owner if no security interest or encumbrance appears thereon on the certificate. Otherwise the certificate of title shall be delivered by the county treasurer to the person holding the first security interest or encumbrance as shown in the certificate. The county treasurer shall maintain in the county records system information contained on the certificate of title. The information shall

be accessible by title certificate number for a period of three years from the date of notification of cancellation of title or that a new title has been issued as provided in this chapter. Copies the department requires shall be sent to the department in the manner and at the time the department directs. The department shall designate a uniform system of title numbers to indicate the county of issuance.

Sec. 2. Section 321.45, subsection 4, Code 1987, is amended to read as follows:

4. Within seven days of the sale and delivery of a mobile home, the dealer making the sale shall certify to the county treasurer of the county where the unit is delivered, the name and address of the purchaser, the point of delivery to the purchaser, and the make, year of manufacture, taxable size, and identification number of the unit. A mobile home dealer, as defined in section 322B.2, shall within fifteen days of acquiring a used mobile home, titled in Iowa, apply for and obtain from the county treasurer of the dealer's county of residence a new certificate of title for the mobile home.

Sec. 3. Section 321.46, subsection 2, Code 1987, is amended to read as follows:

2. Upon filing the application for a new registration and a new title, the applicant shall pay a title fee of ten dollars and a registration fee prorated for the remaining unexpired months of the registration year. However, no title fee shall be charged to a mobile home dealer applying for a certificate of title for a used mobile home, titled in Iowa, as required under section 321.45, subsection 4. The county treasurer, if satisfied of the genuineness and regularity of the application, and in the case of a mobile home, that taxes are not owing under chapter 135D, and that applicant has complied with all the requirements of this chapter, shall issue a new certificate of title and, except for a mobile home, a registration card to the purchaser or transferee, shall cancel the prior registration for the vehicle, and shall

forward the necessary copies to the department on the date of issuance, as prescribed in section 321.24. Mobile homes titled under chapter 446 that have been subject under section 446.18 to a scavenger sale in a county, shall be titled in the county's name, with no fee and the county treasurer shall issue the title.

Sec. 4. Section 321.49, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A mobile home dealer who acquires a used mobile home, titled in Iowa, and who does not apply for and obtain a certificate of title from the county treasurer of the dealer's county of residence within fifteen days of the date of acquisition, as required under section 321.45, subsection 4, is subject to a penalty of ten dollars. A certificate of title shall not be issued to the mobile home dealer until the penalty is paid.

Sec. 5. Section 321.104, subsection 6, Code 1987, is amended to read as follows:

6. For a dealer to sell or transfer a mobile home without delivering to the purchaser or transferee a certificate of title, or a manufacturer's or importer's certificate properly assigned to the purchaser, or to transfer a mobile home without disclosing to the purchaser the owner of the mobile home in a manner prescribed by the department pursuant to rules, or to fail to certify within seven days to the proper county treasurer the information required under section 321.45, subsection 4, or to fail to apply for and obtain a certificate of title for a used mobile home, titled in Iowa, acquired by the dealer within fifteen days from the date of acquisition as required under section 321.45, subsection 4.

Sec. 6. Section 322B.6, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Failing to apply for and obtain from a county treasurer a certificate of title for a used mobile home, titled in Iowa, acquired by the dealer within fifteen

days from the date of acquisition, as required under section 321.45, subsection 4.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 494, Seventy-second General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 14, 1987

TERRY E. BRANSTAD
Governor

HF 494