

Sen. Trans.
DO pass - 54-89 (p.194)

APR 27 1989

HOUSE FILE 784
BY ARNOULD and STROMER

TRANSPORTATION
DO pass 54-89 (p.2403)

Passed House, Date 54-89 (p.2403) Passed Senate, Date 54-89 (p.1942)
Vote: Ayes 87 Nays 7 Vote: Ayes 46 Nays 3
Approved May 22, 1989

A BILL FOR

1 An Act relating to motor vehicle registrations and certificates
2 of title and providing penalties and effective dates.

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

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HF 784

1 Section 1. Section 321.24, unnumbered paragraph 3, Code
2 1989, is amended to read as follows:

3 The certificate of title shall contain upon its face the
4 identical information required upon the face of the
5 registration receipt. In addition, the certificate of title
6 shall contain a statement of the owner's title, the amount of
7 tax paid pursuant to section 423.7, the name and address of
8 the previous owner, and a statement of all security interests
9 and encumbrances as shown in the application, upon the vehicle
10 described, including the nature of the security interest, date
11 of notation, and name and address of the secured party. If
12 the prior certificate of title was a salvage, rebuilt, or
13 junking certificate of title in any other state, or if the
14 prior certificate of title in any other state indicates that
15 the vehicle was salvaged, rebuilt, or junked, the new
16 certificate of title shall contain the same information
17 together with the name of the state issuing the prior salvage,
18 rebuilt, or junking certificate of title and a salvage,
19 rebuilt, or junking designation together with the name of the
20 state issuing the prior salvage, rebuilt, or junking
21 certificate of title shall be retained on all subsequent Iowa
22 certificates of title for the vehicle, except as provided in
23 section 321.52. In the event a vehicle which previously had a
24 salvage certificate of title from another state is repaired
25 and a regular certificate of title is to be issued for it
26 pursuant to section 321.52 without the designation rebuilt,
27 the regular certificate of title shall indicate the state
28 which had issued the prior salvage certificate of title in the
29 same location in which Iowa certificates of title show the
30 designation salvage or rebuilt, in addition to the name and
31 address of the previous owner, in lieu of the salvage
32 designation. The name of the state which had issued the prior
33 salvage certificate of title shall remain in that location on
34 every Iowa certificate of title issued thereafter for the
35 vehicle. The department shall adopt rules to determine how

1 other states' designations are to be indicated on Iowa titles.
2 The certificate shall bear the seal of the county treasurer or
3 of the department, and the signature of the county treasurer,
4 the deputy county treasurer, or the department director or
5 deputy designee. The certificate shall provide space for the
6 signature of the owner. The owner shall sign the certificate
7 of title in the space provided with pen and ink upon its
8 receipt. The certificate of title shall contain upon the
9 reverse side a form for assignment of title or interest and
10 warranty by the owner, for reassignments by a licensed dealer,
11 ~~and-for.~~ Attached to the certificate of title shall be an
12 application for a new certificate of title by the transferee
13 as provided in this chapter. However, titles for mobile homes
14 shall not be reassigned by licensed dealers. All certificates
15 of title shall be typewritten or printed by other mechanical
16 means.

17 Sec. 2. Section 321.31, subsection 2, Code 1989, is
18 amended to read as follows:

19 2. County records system. Each county treasurer's office
20 shall maintain a county records system for vehicle
21 registration and certificate of title documents. The records
22 system shall consist of information from the certificate of
23 title including the notation and cancellation of security
24 interests, and information from the registration receipt, ~~and~~
25 ~~such.~~ The information shall be maintained ~~by retention of one~~
26 ~~copy of the registration receipt~~ in a registration-number-file
27 ~~and one copy of the title certificate in a title-number-file.~~
28 ~~In lieu of retaining one copy of the registration receipt and~~
29 ~~one copy of the title certificate, the information may be~~
30 ~~maintained in such other manner as may be approved by the~~
31 ~~department, provided such information is accessible by title~~
32 ~~certificate number and registration number.~~

33 ~~The county treasurer may make photostatic, microfilm, or~~
34 ~~other photographic copies of certificates of title,~~
35 ~~registration receipts, or other records, reports or documents~~

1 ~~which are required to be retained by the county treasurer.~~
2 ~~When copies of records have been made, the county treasurer~~
3 ~~may destroy the original records three years after they have~~
4 ~~been issued, in such manner as prescribed by the department.~~
5 ~~When copies of records are no longer of use, they may be~~
6 ~~destroyed in a manner prescribed by the department.~~ Records
7 of vehicle certificates of title for vehicles that are
8 delinquent for five or more consecutive years may be destroyed
9 by the county treasurer. Photostatic, Automated files,
10 optical disks, microfiche records, and photostatic, microfilm
11 or other photographic copies of records shall be admissible in
12 evidence when duly certified and authenticated by the officer
13 having custody and control of the ~~copies of~~ records.

14 Sec. 3. Section 321.52, subsection 4, Code 1989, is
15 amended by adding the following new paragraph:

16 NEW PARAGRAPH. e. A person who titled the person's motor
17 vehicle before May 1, 1989, may have a title issued on that
18 motor vehicle to the person without the "REBUILT" designation,
19 if the person can show adequate proof that the wrecked or
20 salvage motor vehicle was inspected by a peace officer prior
21 to being repaired prior to September 1, 1988, and show proof
22 through receipts of used parts and photos of the damage to the
23 wrecked or salvage motor vehicle that the motor vehicle did
24 not have major damage requiring repairs or replacement of more
25 than two of the vehicle's component parts. Upon proper
26 application and payment of a two dollar fee, the county
27 treasurer shall issue to the person the title to the person's
28 motor vehicle without the "REBUILT" designation.

29 Sec. 4. Section 321.134, Code 1989, is amended to read as
30 follows:

31 321.134 MONTHLY PENALTY.

32 1. On the first day of the second month following the
33 beginning of each registration year a penalty of five percent
34 of the annual registration fee shall be added to the
35 registration fees not paid by that date and an additional

1 penalty of five percent shall be added the first day of each
2 succeeding month, until the fee is paid. A penalty shall not
3 be less than five dollars. If the owner of a vehicle
4 surrenders the registration plates for a vehicle prior to the
5 plates becoming delinquent, to the county treasurer of the
6 county where the vehicle is registered, or to the department
7 if the vehicle is registered under chapter 326, the owner may
8 register the vehicle any time thereafter upon payment of the
9 registration fee for the registration year without penalty.
10 The penalty on vehicles registered under chapter 326 shall
11 accrue February 1 of each year.

12 2. The annual registration fee for trucks, truck tractors,
13 and road tractors, as provided in sections 321.121 and
14 321.122, may be payable in two equal semiannual installments
15 if the annual registration fee exceeds the registration fee
16 for a vehicle with a gross weight exceeding five tons. The
17 penalties provided in ~~the preceding unnumbered paragraph~~
18 subsection 1 shall be computed on the amount of the first
19 installment only and on the first day of the seventh month of
20 the registration period the same rate of penalty shall apply
21 to the second installment, until the fee is paid. Semiannual
22 installments do not apply to commercial vehicles subject to
23 proportional registration, with a base state other than the
24 state of Iowa, as defined in section 326.2, subsection 6. The
25 penalty on vehicles registered under chapter 326 accrues
26 August 1 of each year.

27 3. If a penalty applies to a vehicle registration fee
28 provided for in sections 321.121 and 321.122, the same penalty
29 shall be assessed on the fees collected to increase the
30 registered gross weight of the vehicle, if the increased gross
31 weight is requested within forty-five days from the date the
32 delinquent vehicle is registered for the current registration
33 period.

34 4. Notwithstanding subsections 1 through 3, if a vehicle
35 registration is delinquent for twenty-four months or more, a

1 flat penalty and fee shall be assessed for the delinquent
2 period in addition to the current registration fee. The flat
3 penalty and fee shall be one hundred fifty percent of the
4 current annual registration fee.

5 Sec. 5. Section 321.153, Code 1989, is amended to read as
6 follows:

7 321.153 TREASURER'S REPORT TO DEPARTMENT.

8 The county treasurer shall on the tenth day of each month
9 ~~report-under-oath~~ certify under county seal to the department,
10 on forms furnished by it, ~~giving~~ a full and complete statement
11 of all fees and penalties ~~so~~ received by the county treasurer
12 during the preceding calendar month, ~~and shall forward to the~~
13 ~~treasurer of state a duplicate of such report.~~

14 Sec. 6. Section 2 and this section of this Act, being
15 deemed of immediate importance, take effect upon enactment.

16 EXPLANATION

17 This bill eliminates specific language on the retention of
18 motor vehicle records by the county treasurers and the
19 requirement to keep paper copies for three years. It requires
20 record retention systems to be maintained in a manner approved
21 by the state department of transportation. The bill provides
22 for a standard fee and penalty for the delinquent portion of
23 vehicle registrations 24 months or more delinquent, the
24 standard fee and penalty being one hundred fifty percent of
25 the current annual registration fee. It eliminates the
26 requirement for county treasurers to have the monthly
27 statement of all fees and penalties reported under oath and in
28 its place requires the monthly statement to be certified under
29 county seal. The bill also eliminates the requirement for
30 county treasurers to send a duplicate of this report to the
31 treasurer of state.

32 The bill also strikes a provision where a certificate of
33 title is to contain on its reverse side an application for a
34 new certificate of title by the transferee. However, the
35 application for a new certificate of title is to be attached

1 to the certificate of title when it is issued.

2 The bill provides that a person who titled the person's
3 motor vehicle before May 1, 1989, may have a title issued on
4 that motor vehicle to the person without the "REBUILT"
5 designation, if the person can show adequate proof that the
6 wrecked or salvage motor vehicle was inspected by a peace
7 officer prior to being repaired prior to September 1, 1988,
8 and show proof through receipts of used parts and photos of
9 the damage to the wrecked or salvage motor vehicle that the
10 motor vehicle did not have major damage requiring repairs or
11 replacement of more than two of the vehicle's component parts.

12 The provisions of the bill relating to recordkeeping by
13 county treasurers under section 2 of the bill take effect upon
14 the bill's enactment.

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HOUSE FILE 784

AN ACT

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together with the name of the state issuing the prior salvage,
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~~The county treasurer may make photostatic, microfilm, or other photographic copies of certificates of title, registration receipts, or other records, reports or documents which are required to be retained by the county treasurer. When copies of records have been made, the county treasurer may destroy the original records three years after they have been issued, in such manner as prescribed by the department. When copies of records are no longer of use, they may be destroyed in a manner prescribed by the department.~~ Records of vehicle certificates of title for vehicles that are delinquent for five or more consecutive years may be destroyed by the county treasurer. Photostatic, Automated files, optical disks, microfiche records, and photostatic, microfilm or other photographic copies of records shall be admissible in evidence when duly certified and authenticated by the officer having custody and control of the ~~copies of records.~~

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Sec. 6. Section 2 and this section of this Act, being deemed of immediate importance, take effect upon enactment.

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 784, Seventy-third General Assembly.

Approved May 22, 1989

JOSEPH O'HERN
Chief Clerk of the House

TERRY E. BRANSTAD
Governor