

Judiciary 4/2 D. Pass 4/11/91 (p. 1194)

MAR 22 1991

HOUSE FILE 602  
BY COMMITTEE ON JUDICIARY  
AND LAW ENFORCEMENT

Place On Calendar

(SUCCESSOR TO HSB 57)

Passed House, Date 3/28/91 (p. 942) Passed Senate, Date 4/17/91 (p. 1296)  
Vote: Ayes 95 Nays 0 Vote: Ayes 48 Nays 0  
Approved May 6, 1991 (p. 2141)

A BILL FOR

1 An Act relating to the transfer of ownership of a vehicle by  
2 operation of law.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 602

1 Section 1. Section 321.47, unnumbered paragraph 1, Code  
2 1991, is amended to read as follows:

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

1 probate without administration, the persons entitled to the  
2 possession and ownership of a vehicle owned in whole or in  
3 part by the decedent may file an affidavit, and upon  
4 fulfilling the other requirements of this chapter, are  
5 entitled to the issuance of a registration card for the  
6 interest of the decedent in the vehicle and a certificate of  
7 title to the vehicle. The affidavit shall contain the same  
8 information and indemnity agreement as is required in cases of  
9 intestacy pursuant to this section. No requirement of chapter  
10 450 or 451 shall be considered satisfied by the filing of the  
11 affidavit provided for in this section. If, from the records  
12 in the office of the county treasurer, there appear to be any  
13 liens on the vehicle, the certificate of title shall contain a  
14 statement of such liens unless the application is accompanied  
15 by proper evidence of their satisfaction or extinction.  
16 Evidence of extinction may consist of, but is not limited to,  
17 an affidavit of the applicant stating that a security interest  
18 was foreclosed as provided in Uniform Commercial Code, chapter  
19 554, Article 9, Part 5.

20 EXPLANATION

21 This bill provides that if a decedent dies testate, and the  
22 will is not probated or is admitted to probate without  
23 administration, the persons entitled to possession and  
24 ownership of the decedent's vehicles may transfer ownership by  
25 filing an affidavit with the county treasurer. Current law  
26 permits this procedure when a decedent dies with no will.

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HSB 57  
Judiciary & Law Enforcement

Jay CHAIR  
McKeon  
Poney

HOUSE FILE 602  
BY (PROPOSED COMMITTEE  
ON JUDICIARY AND LAW  
ENFORCEMENT BILL BY  
CHAIRPERSON JAY)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

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17 vehicle and upon payment of a fee of ten dollars and the  
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21 to it. The persons entitled under the laws of descent and  
22 distribution of an intestate's property to the possession and  
23 ownership of a vehicle owned in whole or in part by a  
24 decedent, upon filing an affidavit stating the name and date  
25 of death of the decedent, the right to possession and  
26 ownership of the persons filing the affidavit, and that there  
27 has been no administration of the decedent's estate, which  
28 instrument shall also contain an agreement to indemnify  
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31 the motor vehicle, are entitled upon fulfilling the other  
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35 testate, and either the will is not probated or is admitted to

1 probate without administration, the persons entitled to the  
2 possession and ownership of a vehicle owned in whole or in  
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HOUSE FILE 602

AN ACT  
RELATING TO THE TRANSFER OF OWNERSHIP OF A VEHICLE BY  
OPERATION OF LAW.

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

Section 1. Section 321.47, unnumbered paragraph 1, Code 1991, is amended to read as follows:

In the event of the transfer of ownership of 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 when the engine of a motor vehicle is replaced by another engine, or a vehicle is sold to satisfy an artisan's lien as provided in chapter 577, 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 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 the

vehicle and upon payment of a fee of ten dollars and the presentation of an application for registration and certificate of title, may issue to the applicant a registration card for the vehicle and a certificate of title to it. The 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 the affidavit, and that there has been no administration of the decedent's estate, which instrument shall also contain an agreement to indemnify creditors of the decedent who would be entitled to levy execution upon the motor vehicle to the extent of the value of the motor vehicle, are entitled upon fulfilling the other requirements of this chapter, to the issuance of a registration card for the interest of the decedent in the vehicle and a certificate of title to it. If a decedent dies testate, and either the will is not probated or is admitted to probate without administration, the persons entitled to the possession and ownership of a vehicle owned in whole or in part by the decedent may file an affidavit, and upon fulfilling the other requirements of this chapter, are entitled to the issuance of a registration card for the interest of the decedent in the vehicle and a certificate of title to the vehicle. The affidavit shall contain the same information and indemnity agreement as is required in cases of intestacy pursuant to this section. No requirement of 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 liens on the vehicle, 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.

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ROBERT C. ARNOULD  
Speaker of the House

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JOE J. WELSH  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 602, Seventy-fourth General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved May 6, 1991

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TERRY E. BRANSTAD  
Governor