

MAR 10 1995

TRANSPORTATION

HOUSE FILE 357

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SHOULTZ, and MAY

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

A BILL FOR

1 An Act relating to snowmobiles by requiring certificates of
2 title, providing for point of sale registration, and
3 increasing snowmobile registration fees.

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

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DIVISION I

SNOWMOBILE CERTIFICATES OF TITLE

Section 1. NEW SECTION. 321G.29 OWNER'S CERTIFICATE OF
TITLE -- IN GENERAL.

1. The owner of a snowmobile shall apply to the county recorder of the county in which the owner resides for a certificate of title for the snowmobile.

2. Each certificate of title shall contain the information and shall be issued in a form the department prescribes.

3. Every owner of a snowmobile shall apply to the county recorder for issuance of a certificate of title within thirty days after acquisition. The application shall be on forms the department prescribes and accompanied by the required fee. The application shall be signed and sworn to before a notary public or other person who administers oaths, or shall include a certification signed in writing containing substantially the representation that statements made are true and correct to the best of the applicant's knowledge, information, and belief, under penalty of perjury. The application shall contain the date of sale and gross price of the snowmobile or the fair market value if no sale immediately preceded the transfer and any additional information the department requires. If the application is made for a snowmobile last previously registered or titled in another state or foreign country, the application shall contain this information and any other information the department requires.

4. If a dealer buys or acquires a snowmobile for resale, the dealer shall apply for and obtain a certificate of title as provided in this chapter. If a dealer buys or acquires a used snowmobile, the dealer shall apply for a certificate of title in the dealer's name within fifteen days. If a dealer buys or acquires a new snowmobile for resale, the dealer may apply for a certificate of title in the dealer's name.

5. Every dealer transferring a snowmobile under this chapter shall assign the title to the new owner, or in the

1 case of a new snowmobile, assign the certificate of origin.
2 Within fifteen days the dealer shall forward all moneys and
3 applications to the county recorder.

4 6. The county recorder shall maintain a record of any
5 certificate of title which the county recorder issues and
6 shall keep each certificate of title on record until the
7 certificate of title has been inactive for five years.

8 7. A person shall not sell, assign, or transfer a
9 snowmobile without delivering to the purchaser or transferee a
10 certificate of title with an assignment on it showing title in
11 the purchaser or transferee. A person shall not purchase or
12 otherwise acquire a snowmobile without obtaining a certificate
13 of title for it in that person's name.

14 Sec. 2. NEW SECTION. 321G.30 FEES -- SURCHARGE --
15 DUPLICATES.

16 1. The county recorder shall charge a five dollar fee to
17 issue a certificate of title, a transfer of title, a
18 duplicate, or a corrected certificate of title.

19 2. If a certificate of title is lost, stolen, mutilated,
20 destroyed, or becomes illegible, the first lienholder or, if
21 there is none, the owner named in the certificate, as shown by
22 the county recorder's records, shall within thirty days obtain
23 a duplicate by applying to the county recorder. The applicant
24 shall furnish information the department requires concerning
25 the original certificate and the circumstances of its loss,
26 mutilation, or destruction. Mutilated or illegible
27 certificates shall be returned to the department with the
28 application for a duplicate.

29 3. The duplicate certificate of title shall be marked
30 plainly "duplicate" across its face and mailed or delivered to
31 the applicant.

32 4. If a lost or stolen original certificate of title for
33 which a duplicate has been issued is recovered, the original
34 shall be surrendered promptly to the department for
35 cancellation.

1 5. The certificate of title fees collected under this
2 section shall be remitted by the county recorder to the
3 treasurer of state for deposit in the special conservation
4 fund created under section 321G.7.

5 Sec. 3. NEW SECTION. 321G.31 TRANSFER OR REPOSSESSION OF
6 SNOWMOBILE BY OPERATION OF LAW.

7 1. If ownership of a snowmobile is transferred by
8 operation of law, such as by inheritance, order in bankruptcy,
9 insolvency, replevin, or execution sale, the transferee,
10 within thirty days after acquiring the right to possession of
11 the snowmobile, shall mail or deliver to the county recorder
12 satisfactory proof of ownership as the county recorder
13 requires, together with an application for a new certificate
14 of title, and the required fee.

15 2. If a lienholder repossesses a snowmobile by operation
16 of law and holds it for resale, the lienholder shall secure a
17 new certificate of title and shall pay the required fee.

18 Sec. 4. NEW SECTION. 321G.32 SECURITY INTEREST --
19 PERFECTION AND TITLES -- FEE.

20 1. A security interest created in this state in a
21 snowmobile is not perfected until the security interest is
22 noted on the certificate of title.

23 a. To perfect the security interest, an application for
24 security interest must be presented along with the original
25 title. The county recorder shall note the security interest
26 on the face of the title and on the copy in the recorder's
27 office.

28 b. The application fee for a security interest is five
29 dollars. The fee shall be credited to the special
30 conservation fund created under section 321G.7.

31 2. The certificate of title shall be presented to the
32 county recorder when the application for security interest or
33 for assignment of the security interest is presented and a new
34 or endorsed certificate of title shall be issued to the
35 secured party with the name and address of the secured party

1 upon it.

2 3. The secured party shall present the certificate of
3 title to the county recorder when a release statement is filed
4 and a new or endorsed certificate shall be issued to the
5 owner.

6 DIVISION II

7 POINT OF SALE REGISTRATION

8 Sec. 5. Section 321G.15, Code 1995, is amended to read as
9 follows:

10 321G.15 OPERATION PENDING REGISTRATION.

11 The commission shall furnish snowmobile and all-terrain
12 vehicle dealers with pasteboard cards bearing the words
13 "registration applied for" and space for the date of purchase.
14 An unregistered all-terrain vehicle or snowmobile sold by a
15 dealer shall bear one of these cards which entitles the
16 purchaser to operate it for ten days immediately following the
17 purchase. The purchaser of a registered all-terrain vehicle
18 or snowmobile may operate it for ten days immediately
19 following the purchase, without having completed a transfer of
20 registration. A person who purchases an all-terrain vehicle
21 ~~or-snowmobile~~ from a dealer shall, within five days of the
22 purchase, apply for an all-terrain vehicle ~~or-snowmobile~~
23 registration or transfer of registration. A snowmobile dealer
24 shall make application and pay all registration fees on behalf
25 of the purchaser of a snowmobile.

26 DIVISION III

27 SNOWMOBILE REGISTRATION FEES

28 Sec. 6. Section 321G.6, unnumbered paragraphs 1 and 2,
29 Code 1995, are amended to read as follows:

30 Every all-terrain vehicle or snowmobile registration
31 certificate and number issued expires at midnight December 31,
32 and renewals expire every two years thereafter unless sooner
33 terminated or discontinued in accordance with this chapter.
34 After the first day of September each even-numbered year, an
35 unregistered all-terrain vehicle or snowmobile and renewals

1 may be registered for the subsequent biennium beginning
2 January 1. An all-terrain vehicle ~~or snowmobile~~ registered
3 between January 1 and September 1 of even-numbered years shall
4 be registered for a fee of ten dollars for the remainder of
5 the registration period. A snowmobile registered between
6 January 1 and September 1 of even-numbered years shall be
7 registered for a fee of twelve dollars and fifty cents for the
8 remainder of the registration period.

9 After the first day of September in even-numbered years an
10 unregistered all-terrain vehicle or snowmobile may be
11 registered for the remainder of the current registration
12 period and for the subsequent registration period in one
13 transaction. The fee shall be five dollars for the remainder
14 of the current period, in addition to the registration fee of
15 twenty dollars for an all-terrain vehicle and twenty-five
16 dollars for a snowmobile for the subsequent biennium beginning
17 January 1, and a writing fee. Registration certificates and
18 numbers may be renewed upon application of the owner in the
19 same manner as provided in securing the original registration.
20 The all-terrain vehicle or snowmobile registration fee is in
21 lieu of personal property tax for each year of the
22 registration.

23 EXPLANATION

24 Division I of the bill requires that snowmobiles have
25 certificates of title. The certificate of title will be
26 issued by a county recorder for a \$5 fee. The fee is to be
27 deposited in the special conservation fund administered by the
28 department of natural resources to be used for state
29 snowmobile programs.

30 Division II requires the snowmobile dealer to complete the
31 application for registration and pay the registration fees on
32 behalf of the purchaser.

33 Division III increases the snowmobile registration fee from
34 \$20 to \$25 for each biennium and from \$10 to \$12.50 for less
35 than a year.