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3-25-97 No Pass

FILED FEB 27 1997
4/2/97 Referred from Calendar to W & M. Committee

SENATE FILE 246
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 161)

Passed Senate, Date 4/7/97 (p. 97A) Passed House, Date 4/22/97 (p. 1422)
Vote: Ayes 34 Nays 10 Vote: Ayes 94 Nays 3
Approved May 19, 1997

A BILL FOR

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

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

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S.F. 246

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DIVISION I
CERTIFICATES OF TITLE

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

1. The owner of a snowmobile or all-terrain vehicle shall apply to the county recorder of the county in which the owner resides for a certificate of title for the snowmobile or all-terrain vehicle.

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

3. An owner of a snowmobile or all-terrain vehicle 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 all-terrain vehicle 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 or all-terrain vehicle 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 or all-terrain vehicle for resale, the dealer shall report the acquisition to the county recorder on forms provided by the department and may apply for and obtain a certificate of title as provided in this chapter. If a dealer buys or acquires a used snowmobile or all-terrain vehicle, the dealer shall apply for a certificate of title in the dealer's name within fifteen

1 days. If a dealer buys or acquires a new snowmobile or all-
2 terrain vehicle for resale, the dealer may apply for a
3 certificate of title in the dealer's name.

4 5. A manufacturer or dealer shall not transfer ownership
5 of a new snowmobile or all-terrain vehicle without supplying
6 the transferee with the manufacturer's or importer's
7 certificate of origin signed by the manufacturer's or
8 importer's authorized agent. The certificate shall contain
9 information the department requires. The department may adopt
10 rules providing for the issuance of a certificate of origin
11 for a snowmobile or all-terrain vehicle by the department upon
12 good cause shown by the owner.

13 6. A dealer transferring ownership of a snowmobile or all-
14 terrain vehicle under this chapter shall assign the title to
15 the new owner, or in the case of a new snowmobile or all-
16 terrain vehicle, assign the certificate of origin. Within
17 fifteen days the dealer shall forward all moneys and
18 applications to the county recorder.

19 7. The county recorder shall maintain a record of any
20 certificate of title which the county recorder issues and
21 shall keep each certificate of title on record until the
22 certificate of title has been inactive for five years. When
23 issuing a title for a new snowmobile or all-terrain vehicle,
24 the county recorder shall obtain and keep on file the
25 certificate of origin.

26 8. A person shall not sell or transfer ownership of a
27 snowmobile or all-terrain vehicle without delivering to the
28 purchaser or transferee a certificate of title with an
29 assignment on it showing title in the purchaser or transferee.
30 A person shall not purchase or otherwise acquire a snowmobile
31 or all-terrain vehicle without obtaining a certificate of
32 title for it in that person's name.

33 9. The county recorder shall transmit a copy of the
34 certificate of title to the department, which shall be the
35 central repository of title information for snowmobiles and

1 all-terrain vehicles.

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

4 1. The county recorder shall charge a ten dollar fee to
5 issue a certificate of title, a transfer of title, a
6 duplicate, or a corrected certificate of title.

7 2. If a certificate of title is lost, stolen, mutilated,
8 destroyed, or becomes illegible, the first lienholder or, if
9 there is none, the owner named in the certificate, as shown by
10 the county recorder's records, shall within thirty days obtain
11 a duplicate by applying to the county recorder. The applicant
12 shall furnish information the department requires concerning
13 the original certificate and the circumstances of its loss,
14 mutilation, or destruction. Mutilated or illegible
15 certificates shall be returned to the department with the
16 application for a duplicate.

17 3. The duplicate certificate of title shall be marked
18 plainly "duplicate" across its face and mailed or delivered to
19 the applicant.

20 4. If a lost or stolen original certificate of title for
21 which a duplicate has been issued is recovered, the original
22 shall be surrendered promptly to the department for
23 cancellation.

24 5. Five dollars of the certificate of title fees collected
25 under this section shall be remitted by the county recorder to
26 the treasurer of state for deposit in the special conservation
27 fund created under section 321G.7. The remaining five dollars
28 shall be retained by the county and used only to offset the
29 costs of administering the certificate of title provisions of
30 this chapter.

31 Sec. 3. NEW SECTION. 321G.31 TRANSFER OR REPOSSESSION OF
32 SNOWMOBILE OR ALL-TERRAIN VEHICLE BY OPERATION OF LAW.

33 1. If ownership of a snowmobile or all-terrain vehicle is
34 transferred by operation of law, such as by inheritance, order
35 in bankruptcy, insolvency, replevin, or execution sale, the

1 transferee, within thirty days after acquiring the right to
2 possession of the snowmobile or all-terrain vehicle, shall
3 mail or deliver to the county recorder satisfactory proof of
4 ownership as the county recorder requires, together with an
5 application for a new certificate of title, and the required
6 fee.

7 2. If a lienholder repossesses a snowmobile or all-terrain
8 vehicle by operation of law and holds it for resale, the
9 lienholder shall secure a new certificate of title and shall
10 pay the required fee.

11 Sec. 4. NEW SECTION. 321G.32 SECURITY INTEREST --
12 PERFECTION AND TITLES -- FEE.

13 1. A security interest created in this state in a
14 snowmobile or all-terrain vehicle is not perfected until the
15 security interest is noted on the certificate of title.

16 a. To perfect the security interest, an application for
17 security interest must be presented along with the original
18 title. The county recorder shall note the security interest
19 on the face of the title and on the copy in the recorder's
20 office.

21 b. The application fee for a security interest is ten
22 dollars. Five dollars of the fee shall be credited to the
23 special conservation fund created under section 321G.7. The
24 remaining five dollars shall be retained by the county and
25 used only to offset the costs associated with this section.

26 2. The certificate of title shall be presented to the
27 county recorder when the application for security interest or
28 for assignment of the security interest is presented and a new
29 or endorsed certificate of title shall be issued to the
30 secured party with the name and address of the secured party
31 upon it.

32 3. The secured party shall present the certificate of
33 title to the county recorder when a release statement is filed
34 and a new or endorsed certificate shall be issued to the
35 owner.

DIVISION II

POINT OF SALE REGISTRATION

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3 Sec. 5. Section 321G.15, Code 1997, is amended to read as
4 follows:

5 321G.15 OPERATION PENDING REGISTRATION.

6 The commission shall furnish snowmobile and all-terrain
7 vehicle dealers with pasteboard cards bearing the words
8 "registration applied for" and space for the date of purchase.

9 An unregistered all-terrain vehicle or snowmobile sold by a
10 dealer shall bear one of these cards which entitles the
11 purchaser to operate it for ten days immediately following the
12 purchase. The purchaser of a registered all-terrain vehicle
13 or snowmobile may operate it for ten days immediately
14 following the purchase, without having completed a transfer of
15 registration. A person who purchases an all-terrain vehicle
16 or snowmobile from a dealer shall, within five days of the
17 purchase, apply for an all-terrain vehicle or snowmobile
18 registration or transfer of registration. A snowmobile dealer
19 shall make application and pay all registration fees on behalf
20 of the purchaser of a snowmobile.

21 DIVISION III

22 REGISTRATION FEES

23 Sec. 6. Section 321G.6, unnumbered paragraphs 1 and 2,
24 Code 1997, are amended to read as follows:

25 Every all-terrain vehicle or snowmobile registration
26 certificate and number issued expires at midnight December 31,
27 and renewals expire every two years thereafter unless sooner
28 terminated or discontinued in accordance with this chapter.
29 After the first day of September each even-numbered year, an
30 unregistered all-terrain vehicle or snowmobile and renewals
31 may be registered for the subsequent biennium beginning
32 January 1. An all-terrain vehicle or snowmobile registered
33 between January 1 and September 1 of even-numbered years shall
34 be registered for a fee of ten dollars for the remainder of
35 the registration period. A snowmobile registered between

1 January 1 and September 1 of even-numbered years shall be
2 registered for a fee of twelve dollars and fifty cents for the
3 remainder of the registration period.

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

18 EXPLANATION

19 Division I of the bill requires that snowmobiles and all-
20 terrain vehicles have certificates of title. The certificate
21 of title will be issued by a county recorder for a \$10 fee.
22 Five dollars of the fee is to be deposited in the special
23 conservation fund administered by the department of natural
24 resources to be used for state snowmobile and all-terrain
25 vehicle programs. The other \$5 is retained by the county to
26 defray the costs of administering the certificate of title
27 provisions.

28 Division I also provides for the obtaining and transferring
29 of manufacturers' certificates of origin by manufacturers and
30 dealers, the development of a repository of snowmobile and
31 all-terrain vehicle titles by the department, and provisions
32 for perfecting security interests in snowmobiles and all-
33 terrain vehicles. The fee for perfecting a security interest
34 in a snowmobile or all-terrain vehicle is \$10 and is
35 distributed the same as the fee for a title certificate.

1 Division II requires the snowmobile or all-terrain vehicle
2 dealer to complete the application for registration and pay
3 the registration fees on behalf of the purchaser.

4 Division III increases the snowmobile and all-terrain
5 vehicle registration fee from \$20 to \$25 for each biennium
6 and, for snowmobiles, from \$10 to \$12.50 for less than a year.

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**SENATE FILE 246
FISCAL NOTE**

A fiscal note for Senate File 246 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 246 provides for titling of snowmobiles and all-terrain vehicles. The Bill also changes the registration fee for snowmobiles and all-terrain vehicles.

ASSUMPTIONS

1. There are 34,600 snowmobiles and all-terrain vehicles registered.
2. The cost of registering a snowmobile or all-terrain vehicle for a two-year period is \$25.00, an increase of \$5.00.
3. The cost to title a snowmobile or all-terrain vehicle is \$10.00. Of that amount, the State will receive \$5.00 to be deposited in a special conservation fund and the county recorder will retain \$5.00 for a writing fee.
4. There will be a title transaction every seven years for a snowmobile or all-terrain vehicle.

FISCAL IMPACT

The estimated fiscal impact of Senate File 246 is an average increase in revenue of \$111,000 per year to a special conservation fund. Of that amount, the increase of \$86,500 per year is due to the increase in registration fees and the increase of \$24,500 per year is due to the establishment of titling fees for snowmobiles and all-terrain vehicles.

Of the revenue increase, 50.0% will be to support registration supplies, safety materials, law enforcement, and State programs and 50.0% to support local cost-share for trail development and grooming.

SOURCE

Department of Natural Resources

(LSB 2229sv, AMF)

FILED MARCH 26, 1997

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 246

S-3147

1 Amend Senate File 246 as follows:

2 1. Page 6, by inserting after line 17 the
3 following:

4 "DIVISION IV
5 DEFINITIONS

6 Sec. _____. Section 321.1, subsection 4, Code 1997,
7 is amended to read as follows:

8 4. "All-terrain vehicle" means a motor vehicle
9 designed to travel on three or more wheels and
10 designed primarily for off-road recreational use but
11 not including farm tractors or equipment, construction
12 equipment, forestry vehicles, or lawn and grounds
13 maintenance vehicles.

14 Sec. _____. Section 321G.1, subsection 1, Code 1997,
15 is amended to read as follows:

16 1. "All-terrain vehicle" means a motorized
17 flotation-tire vehicle with not less than three low
18 pressure tires, but not more than six low pressure
19 tires, or a two-wheeled off-road motorcycle, that is
20 limited in engine displacement to less than eight
21 hundred cubic centimeters and in total dry weight to
22 less than seven hundred fifty pounds and that has a
23 seat or saddle designed to be straddled by the
24 operator and handlebars for steering control."

25 2. Title page, line 1, by inserting after the
26 word "vehicles" the following: "including the
27 definition of all-terrain vehicle and".

28 3. By renumbering as necessary.

By BILL FINK

S-3147 FILED MARCH 18, 1997

ADOPTED

3-18-97

1 Amend Senate File 246 as follows:

2 1. Page 1, line 5, by inserting after the word
3 "vehicle" the following: ", other than a snowmobile
4 or all-terrain vehicle used exclusively as a farm
5 implement,".

6 2. Page 1, line 8, by inserting after the word
7 "vehicle." the following: "The owner of a snowmobile
8 or all-terrain vehicle used exclusively as a farm
9 implement may obtain a certificate of title."

10 3. Page 1, line 34, by striking the word "shall"
11 and inserting the following: "may".

12 4. Page 2, line 26, by striking the word "A" and
13 inserting the following: "Once titled, a".

14 5. Page 3, lines 28 through 30, by striking the
15 words "used only to offset the costs of administering
16 the certificate of title provisions of this chapter"
17 and inserting the following: "deposited into the
18 general fund of the county".

19 6. Page 4, line 25, by striking the words "used
20 only to offset the costs associated with this section"
21 and inserting the following: "deposited into the
22 general fund of the county".

23 7. Page 6, by inserting after line 17, the
24 following:

25 "DIVISION IV
26 EFFECTIVE DATE

27 Sec. ____ . EFFECTIVE DATE. This Act takes effect
28 January 1, 1998."

29 8. Title page, line 3, by striking the word
30 "and".

31 9. Title page, line 4, by inserting after the
32 word "registration" the following: ", and providing
33 an effective date".

34 10. By renumbering as necessary.

By MERLIN E. BARTZ
PATTY JUDGE

Adopted 3/18

S-3106 FILED MARCH 3, 1997

SENATE FILE 246

S-3104

1 Amend Senate File 246 as follows:

2 1. Page 6, by inserting after line 17 the
3 following:

4 "DIVISION IV

5 Sec. ____ . Section 321.1, subsection 4, Code 1997,
6 is amended to read as follows:

7 4. "All-terrain vehicle" means a motor vehicle
8 designed to travel on three or more wheels and
9 designed primarily for off-road use but not including
10 farm tractors or equipment, construction equipment,
11 forestry vehicles, or lawn and grounds maintenance
12 vehicles."

13 2. Title page, line 1, by inserting after the
14 word "vehicles" the following: "including the
15 definition of all-terrain vehicle and".

16 3. By renumbering as necessary.

By BILL FINK

S-3104 FILED MARCH 3, 1997

WITHDRAWN

3/18/97 (p. 686)

SENATE FILE 246

S-3163

1 Amend Senate File 246 as follows:

2 1. Page 6, by inserting after line 17 the
3 following:

4 "Sec. ____ . Section 321G.7, unnumbered paragraph 2,
5 Code 1997, is amended to read as follows:

6 The department shall remit the fees to the
7 treasurer of state, who shall place the money in a
8 special conservation fund. The special conservation
9 fund shall include moneys transferred pursuant to
10 section 452A.83. The money is appropriated to the
11 department for the all-terrain vehicle and snowmobile
12 programs of the state. All-terrain vehicle fees shall
13 be used only for all-terrain vehicle programs and
14 snowmobile fees shall be used only for snowmobile
15 programs. Joint programs shall be supported from both
16 types of fees on a usage basis. The all-terrain
17 vehicle and snowmobile programs shall include grants,
18 subgrants, contracts, or cost-sharing of all-terrain
19 vehicle and snowmobile programs with political
20 subdivisions or incorporated private organizations or
21 both in accordance with rules adopted by the
22 commission. All all-terrain vehicle programs using
23 cost-sharing, grants, subgrants, or contracts shall
24 establish and implement a safety instruction program
25 either singly or in cooperation with other all-terrain
26 vehicle programs. At least fifty percent of the
27 special fund shall be available for political
28 subdivisions or incorporated private organizations or
29 both. Moneys from the special fund not used by the
30 political subdivisions or incorporated private
31 organizations or both shall remain in the all-terrain
32 vehicle or snowmobile accounts. The department may
33 use funds from these accounts for the administration
34 of the all-terrain vehicle and snowmobile programs.

35 Sec. ____ . Section 452A.79, Code 1997, is amended
36 by adding the following new unnumbered paragraph:

37 NEW UNNUMBERED PARAGRAPH. All moneys derived from
38 the excise tax on the sale of motor fuel used in all-
39 terrain vehicles and snowmobiles shall be deposited in
40 the special conservation fund established under
41 section 321G.7.

42 Sec. ____ . NEW SECTION. 452A.83 TRANSFER TO
43 SPECIAL CONSERVATION FUND.

44 The treasurer of state shall transfer from the
45 motor fuel tax fund to the special conservation fund
46 established under section 321G.7 that portion of the
47 moneys collected under this chapter which are
48 attributable to motor fuel used in all-terrain
49 vehicles and snowmobiles, computed as follows:

50 1. Determine annually, during the first full

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S-3163

Page 2

1 business week in April, the total number of all-
 2 terrain vehicles and snowmobiles which are registered
 3 in the state.

4 2. Multiply the product of the total number of
 5 registered all-terrain vehicles and snowmobiles and
 6 fifty gallons times the amount of the excise tax
 7 charged per gallon of motor fuel to obtain the total
 8 amount of excise tax paid on all-terrain vehicle and
 9 snowmobile fuel.

10 3. Subtract from the total amount of excise tax
 11 paid on all-terrain vehicle and snowmobile fuel an
 12 amount which represents three percent of the total tax
 13 paid on all-terrain vehicle and snowmobile fuel, for
 14 payment of the administrative costs, which shall be
 15 allocated to the department of natural resources for
 16 administration of all-terrain vehicle and snowmobile
 17 programs."

18 2. Title page, line 2, by striking the word
 19 "increasing" and inserting the following: "providing
 20 for".

21 3. By renumbering as necessary.

By JOHN P. KIBBIE

S-3163 FILED MARCH 18, 1997

RULED OUT OF ORDER

3-18-97

SENATE CLIP SHEET

MARCH 19, 1997

Page 4

SENATE FILE 246

S-3153

1 Amend Senate File 246 as follows:

2 1. Page 5, by striking lines 15 through 18 and
 3 inserting the following: "registration. A person who
 4 ~~purchases an all-terrain vehicle or snowmobile from a~~
 5 ~~dealer shall, within five days of the purchase, apply~~
 6 ~~for an all-terrain vehicle or snowmobile registration~~
 7 ~~or transfer of registration. A snowmobile or all-~~
 8 ~~terrain vehicle dealer".~~

9 2. Page 5, line 20, by inserting after the word
 10 "snowmobile" the following: "or all-terrain vehicle".

11 3. Page 5, line 32, by striking the words "or
 12 snowmobile" and inserting the following: "or
 13 snowmobile".

14 4. Page 5, line 34, by striking the words "ten
 15 dollars" and inserting the following: "ten dollars
 16 twelve dollars and fifty cents".

17 5. By striking page 5, line 35, through page 6,
 18 line 3, and inserting the following: "the
 19 registration period."

By MERLIN E. BARTZ

S-3153 FILED MARCH 18, 1997

ADOPTED

3/18/97

DIVISION I

CERTIFICATES OF TITLE

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

5 1. The owner of a snowmobile or all-terrain vehicle, other
6 than a snowmobile or all-terrain vehicle used exclusively as a
7 farm implement, shall apply to the county recorder of the
8 county in which the owner resides for a certificate of title
9 for the snowmobile or all-terrain vehicle. The owner of a
10 snowmobile or all-terrain vehicle used exclusively as a farm
11 implement may obtain a certificate of title.

12 2. A certificate of title shall contain the information
13 and shall be issued on a form the department prescribes.

14 3. An owner of a snowmobile or all-terrain vehicle shall
15 apply to the county recorder for issuance of a certificate of
16 title within thirty days after acquisition. The application
17 shall be on forms the department prescribes and accompanied by
18 the required fee. The application shall be signed and sworn
19 to before a notary public or other person who administers
20 oaths, or shall include a certification signed in writing
21 containing substantially the representation that statements
22 made are true and correct to the best of the applicant's
23 knowledge, information, and belief, under penalty of perjury.
24 The application shall contain the date of sale and gross price
25 of the snowmobile or all-terrain vehicle or the fair market
26 value if no sale immediately preceded the transfer and any
27 additional information the department requires. If the
28 application is made for a snowmobile or all-terrain vehicle
29 last previously registered or titled in another state or
30 foreign country, the application shall contain this
31 information and any other information the department requires.

32 4. If a dealer buys or acquires a snowmobile or all-
33 terrain vehicle for resale, the dealer shall report the
34 acquisition to the county recorder on forms provided by the
35 department and may apply for and obtain a certificate of title

1 as provided in this chapter. If a dealer buys or acquires a
2 used snowmobile or all-terrain vehicle, the dealer may apply
3 for a certificate of title in the dealer's name within fifteen
4 days. If a dealer buys or acquires a new snowmobile or all-
5 terrain vehicle for resale, the dealer may apply for a
6 certificate of title in the dealer's name.

7 5. A manufacturer or dealer shall not transfer ownership
8 of a new snowmobile or all-terrain vehicle without supplying
9 the transferee with the manufacturer's or importer's
10 certificate of origin signed by the manufacturer's or
11 importer's authorized agent. The certificate shall contain
12 information the department requires. The department may adopt
13 rules providing for the issuance of a certificate of origin
14 for a snowmobile or all-terrain vehicle by the department upon
15 good cause shown by the owner.

16 6. A dealer transferring ownership of a snowmobile or all-
17 terrain vehicle under this chapter shall assign the title to
18 the new owner, or in the case of a new snowmobile or all-
19 terrain vehicle, assign the certificate of origin. Within
20 fifteen days the dealer shall forward all moneys and
21 applications to the county recorder.

22 7. The county recorder shall maintain a record of any
23 certificate of title which the county recorder issues and
24 shall keep each certificate of title on record until the
25 certificate of title has been inactive for five years. When
26 issuing a title for a new snowmobile or all-terrain vehicle,
27 the county recorder shall obtain and keep on file the
28 certificate of origin.

29 8. Once titled, a person shall not sell or transfer
30 ownership of a snowmobile or all-terrain vehicle without
31 delivering to the purchaser or transferee a certificate of
32 title with an assignment on it showing title in the purchaser
33 or transferee. A person shall not purchase or otherwise
34 acquire a snowmobile or all-terrain vehicle without obtaining
35 a certificate of title for it in that person's name.

1 9. The county recorder shall transmit a copy of the
2 certificate of title to the department, which shall be the
3 central repository of title information for snowmobiles and
4 all-terrain vehicles.

5 Sec. 2. NEW SECTION. 321G.30 FEES -- SURCHARGE --
6 DUPLICATES.

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8 issue a certificate of title, a transfer of title, a
9 duplicate, or a corrected certificate of title.

10 2. If a certificate of title is lost, stolen, mutilated,
11 destroyed, or becomes illegible, the first lienholder or, if
12 there is none, the owner named in the certificate, as shown by
13 the county recorder's records, shall within thirty days obtain
14 a duplicate by applying to the county recorder. The applicant
15 shall furnish information the department requires concerning
16 the original certificate and the circumstances of its loss,
17 mutilation, or destruction. Mutilated or illegible
18 certificates shall be returned to the department with the
19 application for a duplicate.

20 3. The duplicate certificate of title shall be marked
21 plainly "duplicate" across its face and mailed or delivered to
22 the applicant.

23 4. If a lost or stolen original certificate of title for
24 which a duplicate has been issued is recovered, the original
25 shall be surrendered promptly to the department for
26 cancellation.

27 5. Five dollars of the certificate of title fees collected
28 under this section shall be remitted by the county recorder to
29 the treasurer of state for deposit in the special conservation
30 fund created under section 321G.7. The remaining five dollars
31 shall be retained by the county and deposited into the general
32 fund of the county.

33 Sec. 3. NEW SECTION. 321G.31 TRANSFER OR REPOSSESSION OF
34 SNOWMOBILE OR ALL-TERRAIN VEHICLE BY OPERATION OF LAW.

35 1. If ownership of a snowmobile or all-terrain vehicle is

1 transferred by operation of law, such as by inheritance, order
2 in bankruptcy, insolvency, replevin, or execution sale, the
3 transferee, within thirty days after acquiring the right to
4 possession of the snowmobile or all-terrain vehicle, shall
5 mail or deliver to the county recorder satisfactory proof of
6 ownership as the county recorder requires, together with an
7 application for a new certificate of title, and the required
8 fee.

9 2. If a lienholder repossesses a snowmobile or all-terrain
10 vehicle by operation of law and holds it for resale, the
11 lienholder shall secure a new certificate of title and shall
12 pay the required fee.

13 Sec. 4. NEW SECTION. 321G.32 SECURITY INTEREST --
14 PERFECTION AND TITLES -- FEE.

15 1. A security interest created in this state in a
16 snowmobile or all-terrain vehicle is not perfected until the
17 security interest is noted on the certificate of title.

18 a. To perfect the security interest, an application for
19 security interest must be presented along with the original
20 title. The county recorder shall note the security interest
21 on the face of the title and on the copy in the recorder's
22 office.

23 b. The application fee for a security interest is ten
24 dollars. Five dollars of the fee shall be credited to the
25 special conservation fund created under section 321G.7. The
26 remaining five dollars shall be retained by the county and
27 deposited into the general fund of the county.

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

34 3. The secured party shall present the certificate of
35 title to the county recorder when a release statement is filed

1 and a new or endorsed certificate shall be issued to the
2 owner.

3 DIVISION II

4 POINT OF SALE REGISTRATION

5 Sec. 5. Section 321G.15, Code 1997, is amended to read as
6 follows:

7 321G.15 OPERATION PENDING REGISTRATION.

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

24 DIVISION III

25 REGISTRATION FEES

26 Sec. 6. Section 321G.6, unnumbered paragraphs 1 and 2,
27 Code 1997, are amended to read as follows:

28 Every all-terrain vehicle or snowmobile registration
29 certificate and number issued expires at midnight December 31,
30 and renewals expire every two years thereafter unless sooner
31 terminated or discontinued in accordance with this chapter.
32 After the first day of September each even-numbered year, an
33 unregistered all-terrain vehicle or snowmobile and renewals
34 may be registered for the subsequent biennium beginning
35 January 1. An all-terrain vehicle or snowmobile registered

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

18 DIVISION IV

19 DEFINITIONS

20 Sec. 7. Section 321.1, subsection 4, Code 1997, is amended
21 to read as follows:

22 4. "All-terrain vehicle" means a motor vehicle designed to
23 travel on three or more wheels and designed primarily for off-
24 road recreational use but not including farm tractors or
25 equipment, construction equipment, forestry vehicles, or lawn
26 and grounds maintenance vehicles.

27 Sec. 8. Section 321G.1, subsection 1, Code 1997, is
28 amended to read as follows:

29 1. "All-terrain vehicle" means a motorized flotation-tire
30 vehicle with not less than three low pressure tires, but not
31 more than six low pressure tires, or a two-wheeled off-road
32 motorcycle, that is limited in engine displacement to less
33 than eight hundred cubic centimeters and in total dry weight
34 to less than seven hundred fifty pounds and that has a seat or
35 saddle designed to be straddled by the operator and handlebars

1 for steering control.

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DIVISION V
EFFECTIVE DATE

Sec. 9. EFFECTIVE DATE. This Act takes effect January 1, 1998.

SENATE FILE 246

H-1799

1 Amend Senate File 246, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 5 through 11 and
4 inserting the following:

5 "1. Certificates of title for snowmobiles and all-
6 terrain vehicles shall be obtained from the county
7 recorder of the county in which the owner resides."

8 2. Page 1, line 16, by striking the words "The
9 application" and inserting the following: "However, a
10 snowmobile or all-terrain vehicle owned on December
11 31, 1997, and any snowmobile or all-terrain vehicle
12 used exclusively as a farm implement are not required
13 to be titled until transferred to a new owner or for
14 use as other than a farm implement. A snowmobile or
15 all-terrain vehicle owned on December 31, 1997, or
16 used exclusively as a farm implement may voluntarily
17 be titled.

18 The application".

19 3. Page 7, by inserting after line 1 the
20 following:

21 "Two-wheeled off-road motorcycles shall be
22 considered all-terrain vehicles only for the purpose
23 of titling and registration and not for purposes of
24 regulation."

By BLODGETT of Cerro Gordo

H-1799 FILED APRIL 17, 1997

w/d 4/22/97 (p. 1421)

SENATE FILE 246

H-1843

1 Amend Senate File 246, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 5, by inserting after the word
4 "snowmobile" the following: "acquired on or after
5 January 1, 1998".

By BLODGETT of Cerro Gordo

H-1843 FILED APRIL 22, 1997

Adopted (p. 1421)

SENATE FILE 246

H-1665

- 1 Amend Senate File 246, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 5, by striking the words "or all-
- 4 terrain vehicle".
- 5 2. Page 1, line 6, by striking the words "or all-
- 6 terrain vehicle".
- 7 3. Page 1, line 9, by striking the words "or all-
- 8 terrain vehicle".
- 9 4. Page 1, line 10, by striking the words "or
- 10 all-terrain vehicle".
- 11 5. Page 1, line 14, by striking the words "or
- 12 all-terrain vehicle".
- 13 6. Page 1, line 25, by striking the words "or
- 14 all-terrain vehicle".
- 15 7. Page 1, line 28, by striking the words "or
- 16 all-terrain vehicle".
- 17 8. Page 1, lines 32 and 33, by striking the words
- 18 "or all-terrain vehicle".
- 19 9. Page 2, line 2, by striking the words "or all-
- 20 terrain vehicle".
- 21 10. Page 2, lines 4 and 5, by striking the words
- 22 "or all-terrain vehicle".
- 23 11. Page 2, line 8, by striking the words "or
- 24 all-terrain vehicle".
- 25 12. Page 2, line 14, by striking the words "or
- 26 all-terrain vehicle".
- 27 13. Page 2, lines 16 and 17, by striking the
- 28 words "or all-terrain vehicle".
- 29 14. Page 2, lines 18 and 19, by striking the
- 30 words "or all-terrain vehicle".
- 31 15. Page 2, line 26, by striking the words "or
- 32 all-terrain vehicle".
- 33 16. Page 2, line 30, by striking the words "or
- 34 all-terrain vehicle".
- 35 17. Page 2, line 34, by striking the words "or
- 36 all-terrain vehicle".
- 37 18. Page 3, lines 3 and 4, by striking the words
- 38 "and all-terrain vehicles".
- 39 19. Page 3, line 34, by striking the words "OR
- 40 ALL-TERRAIN VEHICLE".
- 41 20. Page 3, line 35, by striking the words "or
- 42 all-terrain vehicle".
- 43 21. Page 4, line 4, by striking the words "or
- 44 all-terrain vehicle".
- 45 22. Page 4, lines 9 and 10, by striking the words
- 46 "or all-terrain vehicle".
- 47 23. Page 4, line 16, by striking the words "or
- 48 all-terrain vehicle".

By SCHRADER of Marion

H-1665 FILED APRIL 9, 1997

Adopted 4/22/97 (p. 1419)

HOUSE AMENDMENT TO
SENATE FILE 246

S-3684

- 1 Amend Senate File 246, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 5, by inserting after the word
- 4 "snowmobile" the following: "acquired on or after
- 5 January 1, 1998".
- 6 2. Page 1, line 5, by striking the words "or all-
- 7 terrain vehicle".
- 8 3. Page 1, line 6, by striking the words "or all-
- 9 terrain vehicle".
- 10 4. Page 1, line 9, by striking the words "or all-
- 11 terrain vehicle".
- 12 5. Page 1, line 10, by striking the words "or
- 13 all-terrain vehicle".
- 14 6. Page 1, line 14, by striking the words "or
- 15 all-terrain vehicle".
- 16 7. Page 1, line 25, by striking the words "or
- 17 all-terrain vehicle".
- 18 8. Page 1, line 28, by striking the words "or
- 19 all-terrain vehicle".
- 20 9. Page 1, lines 32 and 33, by striking the words
- 21 "or all-terrain vehicle".
- 22 10. Page 2, line 2, by striking the words "or
- 23 all-terrain vehicle".
- 24 11. Page 2, lines 4 and 5, by striking the words
- 25 "or all-terrain vehicle".
- 26 12. Page 2, line 8, by striking the words "or
- 27 all-terrain vehicle".
- 28 13. Page 2, line 14, by striking the words "or
- 29 all-terrain vehicle".
- 30 14. Page 2, lines 16 and 17, by striking the
- 31 words "or all-terrain vehicle".
- 32 15. Page 2, lines 18 and 19, by striking the
- 33 words "or all-terrain vehicle".
- 34 16. Page 2, line 26, by striking the words "or
- 35 all-terrain vehicle".
- 36 17. Page 2, line 30, by striking the words "or
- 37 all-terrain vehicle".
- 38 18. Page 2, line 34, by striking the words "or
- 39 all-terrain vehicle".
- 40 19. Page 3, lines 3 and 4, by striking the words
- 41 "and all-terrain vehicles".
- 42 20. Page 3, line 34, by striking the words "OR
- 43 ALL-TERRAIN VEHICLE".
- 44 21. Page 3, line 35, by striking the words "or
- 45 all-terrain vehicle".
- 46 22. Page 4, line 4, by striking the words "or
- 47 all-terrain vehicle".
- 48 23. Page 4, lines 9 and 10, by striking the words
- 49 "or all-terrain vehicle".
- 50 24. Page 4, line 16, by striking the words "or

S-3684

-1-

S-3684

Page 2

- 1 all-terrain vehicle".
- 2 25. By renumbering, relettering, or redesignating
- 3 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE
Senate Concurred 4/24/97
S-3684 FILED APRIL 22, 1997 (P. 1427)

Bartz, chair
Borleng
Judge

SSB 161
Natural Resources

Succeeded By
SENATE FILE SF/HF 246
BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES AND
ENVIRONMENT BILL BY
CHAIRPERSON BARTZ)

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

A BILL FOR

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

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. A certificate of title shall contain the information and shall be issued on a form the department prescribes.

3. An 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 report the acquisition to the county recorder on forms provided by the department and may 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.

1 5. A manufacturer or dealer shall not transfer ownership
2 of a new snowmobile without supplying the transferee with the
3 manufacturer's or importer's certificate of origin signed by
4 the manufacturer's or importer's authorized agent. The
5 certificate shall contain information the department requires.
6 The department may adopt rules providing for the issuance of a
7 certificate of origin for a snowmobile by the department upon
8 good cause shown by the owner.

9 6. A dealer transferring ownership of a snowmobile under
10 this chapter shall assign the title to the new owner, or in
11 the case of a new snowmobile, assign the certificate of
12 origin. Within fifteen days the dealer shall forward all
13 moneys and applications to the county recorder.

14 7. The county recorder shall maintain a record of any
15 certificate of title which the county recorder issues and
16 shall keep each certificate of title on record until the
17 certificate of title has been inactive for five years. When
18 issuing a title for a new snowmobile, the county recorder
19 shall obtain and keep on file the certificate of origin.

20 8. A person shall not sell or transfer ownership of a
21 snowmobile without delivering to the purchaser or transferee a
22 certificate of title with an assignment on it showing title in
23 the purchaser or transferee. A person shall not purchase or
24 otherwise acquire a snowmobile without obtaining a certificate
25 of title for it in that person's name.

26 9. The county recorder shall transmit a copy of the
27 certificate of title to the department, which shall be the
28 central repository of title information for snowmobiles.

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

31 1. The county recorder shall charge a ten dollar fee to
32 issue a certificate of title, a transfer of title, a
33 duplicate, or a corrected certificate of title.

34 2. If a certificate of title is lost, stolen, mutilated,
35 destroyed, or becomes illegible, the first lienholder or, if

1 there is none, the owner named in the certificate, as shown by
2 the county recorder's records, shall within thirty days obtain
3 a duplicate by applying to the county recorder. The applicant
4 shall furnish information the department requires concerning
5 the original certificate and the circumstances of its loss,
6 mutilation, or destruction. Mutilated or illegible
7 certificates shall be returned to the department with the
8 application for a duplicate.

9 3. The duplicate certificate of title shall be marked
10 plainly "duplicate" across its face and mailed or delivered to
11 the applicant.

12 4. If a lost or stolen original certificate of title for
13 which a duplicate has been issued is recovered, the original
14 shall be surrendered promptly to the department for
15 cancellation.

16 5. Five dollars of the certificate of title fees collected
17 under this section shall be remitted by the county recorder to
18 the treasurer of state for deposit in the special conservation
19 fund created under section 321G.7. The remaining five dollars
20 shall be retained by the county and used only to offset the
21 costs of administering the snowmobile certificate of title
22 provisions of this chapter.

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

25 1. If ownership of a snowmobile is transferred by
26 operation of law, such as by inheritance, order in bankruptcy,
27 insolvency, replevin, or execution sale, the transferee,
28 within thirty days after acquiring the right to possession of
29 the snowmobile, shall mail or deliver to the county recorder
30 satisfactory proof of ownership as the county recorder
31 requires, together with an application for a new certificate
32 of title, and the required fee.

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

1 Sec. 4. NEW SECTION. 321G.32 SECURITY INTEREST --
2 PERFECTION AND TITLES -- FEE.

3 1. A security interest created in this state in a
4 snowmobile is not perfected until the security interest is
5 noted on the certificate of title.

6 a. To perfect the security interest, an application for
7 security interest must be presented along with the original
8 title. The county recorder shall note the security interest
9 on the face of the title and on the copy in the recorder's
10 office.

11 b. The application fee for a security interest is ten
12 dollars. Five dollars of the fee shall be credited to the
13 special conservation fund created under section 321G.7. The
14 remaining five dollars shall be retained by the county and
15 used only to offset the costs associated with this section.

16 2. The certificate of title shall be presented to the
17 county recorder when the application for security interest or
18 for assignment of the security interest is presented and a new
19 or endorsed certificate of title shall be issued to the
20 secured party with the name and address of the secured party
21 upon it.

22 3. The secured party shall present the certificate of
23 title to the county recorder when a release statement is filed
24 and a new or endorsed certificate shall be issued to the
25 owner.

26 DIVISION II

27 POINT OF SALE REGISTRATION

28 Sec. 5. Section 321G.15, Code 1997, is amended to read as
29 follows:

30 321G.15 OPERATION PENDING REGISTRATION.

31 The commission shall furnish snowmobile and all-terrain
32 vehicle dealers with pasteboard cards bearing the words
33 "registration applied for" and space for the date of purchase.
34 An unregistered all-terrain vehicle or snowmobile sold by a
35 dealer shall bear one of these cards which entitles the

1 purchaser to operate it for ten days immediately following the
2 purchase. The purchaser of a registered all-terrain vehicle
3 or snowmobile may operate it for ten days immediately
4 following the purchase, without having completed a transfer of
5 registration. A person who purchases an all-terrain vehicle
6 or-snowmobile from a dealer shall, within five days of the
7 purchase, apply for an all-terrain vehicle or-snowmobile
8 registration or transfer of registration. A snowmobile dealer
9 shall make application and pay all registration fees on behalf
10 of the purchaser of a snowmobile.

11 DIVISION III

12 SNOWMOBILE REGISTRATION FEES

13 Sec. 6. Section 321G.6, unnumbered paragraphs 1 and 2,
14 Code 1997, are amended to read as follows:

15 Every all-terrain vehicle or snowmobile registration
16 certificate and number issued expires at midnight December 31,
17 and renewals expire every two years thereafter unless sooner
18 terminated or discontinued in accordance with this chapter.
19 After the first day of September each even-numbered year, an
20 unregistered all-terrain vehicle or snowmobile and renewals
21 may be registered for the subsequent biennium beginning
22 January 1. An all-terrain vehicle or-snowmobile registered
23 between January 1 and September 1 of even-numbered years shall
24 be registered for a fee of ten dollars for the remainder of
25 the registration period. A snowmobile registered between
26 January 1 and September 1 of even-numbered years shall be
27 registered for a fee of twelve dollars and fifty cents for the
28 remainder of the registration period.

29 After the first day of September in even-numbered years an
30 unregistered all-terrain vehicle or snowmobile may be
31 registered for the remainder of the current registration
32 period and for the subsequent registration period in one
33 transaction. The fee shall be five dollars for the remainder
34 of the current period, in addition to the registration fee of
35 twenty dollars for an all-terrain vehicle and twenty-five

1 dollars for a snowmobile for the subsequent biennium beginning
2 January 1, and a writing fee. Registration certificates and
3 numbers may be renewed upon application of the owner in the
4 same manner as provided in securing the original registration.
5 The all-terrain vehicle or snowmobile registration fee is in
6 lieu of personal property tax for each year of the
7 registration.

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EXPLANATION

9 Division I of the bill requires that snowmobiles have
10 certificates of title. The certificate of title will be
11 issued by a county recorder for a \$10 fee. Five dollars of
12 the fee is to be deposited in the special conservation fund
13 administered by the department of natural resources to be used
14 for state snowmobile programs. The other \$5 is retained by
15 the county to defray the costs of administering the snowmobile
16 certificate of title provisions.

17 Division I also provides for the obtaining and transferring
18 of manufacturers' certificates of origin by manufacturers and
19 dealers, the development of a repository of snowmobile titles
20 by the department, and provisions for perfecting security
21 interests in snowmobiles. The fee for perfecting a security
22 interest in a snowmobile is \$10 and is distributed the same as
23 the fee for a title certificate.

24 Division II requires the snowmobile dealer to complete the
25 application for registration and pay the registration fees on
26 behalf of the purchaser.

27 Division III increases the snowmobile registration fee from
28 \$20 to \$25 for each biennium and from \$10 to \$12.50 for less
29 than a year.

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SENATE FILE 246

AN ACT

RELATING TO SNOWMOBILES AND ALL-TERRAIN VEHICLES
INCLUDING THE DEFINITION OF ALL-TERRAIN VEHICLE AND
BY REQUIRING TITLE CERTIFICATES, INCREASING SNOWMOBILE
AND ALL-TERRAIN VEHICLE REGISTRATION FEES, PROVIDING
FOR POINT OF SALE REGISTRATION, AND PROVIDING AN
EFFECTIVE DATE.

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

DIVISION I
CERTIFICATES OF TITLE

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

1. The owner of a snowmobile acquired on or after January 1, 1998, other than a snowmobile used exclusively as a farm implement, shall apply to the county recorder of the county in which the owner resides for a certificate of title for the snowmobile. The owner of a snowmobile used exclusively as a farm implement may obtain a certificate of title.

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

3. An 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 report the acquisition to the county recorder on forms provided by the department and may apply for and obtain a certificate of title as provided in this chapter. If a dealer buys or acquires a used snowmobile, the dealer may 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. A manufacturer or dealer shall not transfer ownership of a new snowmobile without supplying the transferee with the manufacturer's or importer's certificate of origin signed by the manufacturer's or importer's authorized agent. The certificate shall contain information the department requires. The department may adopt rules providing for the issuance of a certificate of origin for a snowmobile by the department upon good cause shown by the owner.

6. A dealer transferring ownership of a snowmobile under this chapter shall assign the title to the new owner, or in the case of a new snowmobile, assign the certificate of origin. Within fifteen days the dealer shall forward all moneys and applications to the county recorder.

7. The county recorder shall maintain a record of any certificate of title which the county recorder issues and shall keep each certificate of title on record until the certificate of title has been inactive for five years. When issuing a title for a new snowmobile, the county recorder shall obtain and keep on file the certificate of origin.

8. Once titled, a person shall not sell or transfer ownership of a snowmobile without delivering to the purchaser or transferee a certificate of title with an assignment on it showing title in the purchaser or transferee. A person shall not purchase or otherwise acquire a snowmobile without obtaining a certificate of title for it in that person's name.

9. The county recorder shall transmit a copy of the certificate of title to the department, which shall be the central repository of title information for snowmobiles.

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

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

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

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

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

5. Five dollars of the certificate of title fees collected under this section shall be remitted by the county recorder to the treasurer of state for deposit in the special conservation fund created under section 321G.7. The remaining five dollars

shall be retained by the county and deposited into the general fund of the county.

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

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

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

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

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

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

b. The application fee for a security interest is ten dollars. Five dollars of the fee shall be credited to the special conservation fund created under section 321G.7. The remaining five dollars shall be retained by the county and deposited into the general fund of the county.

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

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

DIVISION II

POINT OF SALE REGISTRATION

Sec. 5. Section 321G.15, Code 1997, is amended to read as follows:

321G.15 OPERATION PENDING REGISTRATION.

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

DIVISION III

REGISTRATION FEES

Sec. 6. Section 321G.6, unnumbered paragraphs 1 and 2, Code 1997, are amended to read as follows:

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

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

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

DIVISION IV

DEFINITIONS

Sec. 7. Section 321.1, subsection 4, Code 1997, is amended to read as follows:

4. "All-terrain vehicle" means a motor vehicle designed to travel on three or more wheels and designed primarily for off-road recreational use but not including farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehicles.

Sec. 8. Section 321G.1, subsection 1, Code 1997, is amended to read as follows:

1. "All-terrain vehicle" means a motorized flotation-tire vehicle with not less than three low pressure tires, but not more than six low pressure tires, or a two-wheeled off-road motorcycle, that is limited in engine displacement to less than eight hundred cubic centimeters and in total dry weight

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to less than seven hundred fifty pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

DIVISION V
EFFECTIVE DATE

Sec. 9. EFFECTIVE DATE. This Act takes effect January 1, 1998.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 246, Seventy-seventh General Assembly.

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Approved _____, 1997
MARY PAT GUNDERSON
Secretary of the Senate

TERRY E. BRANSTAD
Governor