

# House Study Bill 650

## Bill Text

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1 1 Section 1. Section [321G.4](#), unnumbered paragraph 2, Code  
1 2 Supplement 1999, is amended to read as follows:  
1 3 The owner of the all-terrain vehicle or snowmobile shall  
1 4 file an application for registration with the appropriate  
1 5 county recorder on forms provided by the commission. The  
1 6 application shall be completed and signed by the owner of the  
1 7 all-terrain vehicle or snowmobile and shall be accompanied by  
1 8 a fee of twenty-five dollars and a writing fee as provided in  
1 9 section 321G.27. An all-terrain vehicle or a snowmobile shall  
1 10 not be registered by the county recorder until the county  
1 11 recorder is presented with receipts, bills of sale, or other  
1 12 satisfactory evidence that the sales or use tax has been paid  
1 13 for the purchase of the all-terrain vehicle or snowmobile or  
1 14 that the owner is exempt from paying the tax. However, an  
1 15 owner of an all-terrain vehicle, except an all-terrain vehicle  
1 16 purchased new on or after January 1, 1990, may apply for  
1 17 registration without proof of sales or use tax paid until one  
1 18 year after January 1, 1990. An all-terrain vehicle or  
1 19 snowmobile that has an expired registration certificate from  
1 20 another state may be registered in this state upon proper  
1 21 application, payment of all applicable registration and  
1 22 writing fees, and payment of a penalty of five dollars.  
1 23 Sec. 2. Section [321G.27](#), Code 1999, is amended to read as  
1 24 follows:  
1 25 321G.27 WRITING FEES.  
1 26 The county recorder shall collect a writing fee of

~~one~~

-  
1 27

~~dollar~~

- two dollars for an all-terrain vehicle or snowmobile  
1 28 registration.

1 29 Sec. 3. Section [331.301](#), subsection 10, unnumbered  
1 30 paragraph 1, Code Supplement 1999, is amended to read as  
1 31 follows:

1 32 A county may enter into leases or lease-purchase contracts  
1 33 for real or personal property, subject to the approval of the  
1 34 board of supervisors, in accordance with the following terms  
1 35 and procedures:

2 1 Sec. 4. Section [331.301](#), subsection 10, paragraph d, Code  
2 2 Supplement 1999, is amended to read as follows:  
2 3 d.

~~The~~

- Unless otherwise provided, the board must follow

2 4 substantially the same authorization procedure required for  
2 5 the issuance of general obligation bonds issued for the same  
2 6 purpose to authorize a lease or a lease-purchase contract made  
2 7 payable from the debt service fund.

2 8 Sec. 5. Section [331.301](#), subsection 10, paragraph e,  
2 9 subparagraph (1), unnumbered paragraph 1, Code Supplement  
2 10 1999, is amended to read as follows:

2 11 The board must follow substantially the authorization  
2 12 procedures of section 331.443 to authorize a lease or lease-

2 13 purchase contract for personal property which is payable from  
2 14 the general fund. The board must follow substantially the  
2 15 authorization procedures of section 331.443 to authorize a  
2 16 lease or lease-purchase contract for real property which is  
2 17 payable from the general fund if the principal amount of the  
2 18 lease-purchase contract

~~does not exceed~~

- exceeds the following

2 19 limits:

2 20 Sec. 6. Section [331.301](#), subsection 10, Code Supplement  
2 21 1999, is amended by adding the following new paragraph:

2 22 NEW PARAGRAPH. j. The notice and hearing requirements of  
2 23 this subsection do not apply if the principal amount of the  
2 24 lease-purchase contract is twenty-five thousand dollars or  
2 25 less.

2 26 Sec. 7. Section [331.502](#), subsection 41, Code 1999, is  
2 27 amended by striking the subsection.

2 28 Sec. 8. Section [331.507](#), subsection 2, paragraph a, Code  
2 29 1999, is amended to read as follows:

2 30 a. For a transfer of property made in the transfer  
2 31 records,

~~five~~

- fifteen dollars for each separate parcel of real

2 32 estate described in a deed, contract for deed, or transfer of  
2 33 title certified by the clerk of the district court. However,  
2 34 the fee shall not exceed one hundred fifty dollars for a  
2 35 transfer of property which is described in one instrument of  
3 1 transfer.

3 2 Sec. 9. Section [462A.5](#), subsection 1, unnumbered paragraph  
3 3 2, Code 1999, is amended to read as follows:

3 4 The owner of the vessel shall file an application for  
3 5 registration with the appropriate county recorder on forms  
3 6 provided by the commission. The application shall be  
3 7 completed and signed by the owner of the vessel and shall be  
3 8 accompanied by the appropriate fee, and a writing fee

~~of one~~

-

3 9

~~dollar~~

- as provided in section 462A.53. Upon applying for

3 10 registration the owner shall display a bill of sale, receipt,  
3 11 or other satisfactory proof of ownership as provided by the  
3 12 rules of the commission to the county recorder. Upon receipt  
3 13 of the application in approved form accompanied by the  
3 14 required fees, the county recorder shall enter it upon the  
3 15 records of the recorder's office and shall issue to the  
3 16 applicant a pocket-size registration certificate. The  
3 17 certificate shall be executed in triplicate, one copy to be  
3 18 delivered to the owner, one copy to the commission, and one  
3 19 copy to be retained on file by the county recorder. The  
3 20 registration certificate shall bear the number awarded to the  
3 21 vessel, the passenger capacity of the vessel and the name and  
3 22 address of the owner. In the use of all vessels except  
3 23 nonpowered sailboats, nonpowered canoes and commercial  
3 24 vessels, the registration certificate shall be carried either  
3 25 in the vessel or on the person of the operator of the vessel  
3 26 when in use. In the use of nonpowered sailboats, nonpowered  
3 27 canoes or commercial vessels, the registration certificate may  
3 28 be kept on shore in accordance with rules adopted by the  
3 29 commission. The operator shall exhibit the certificate to a  
3 30 peace officer upon request, or, when involved in a collision  
3 31 or accident of any nature with another vessel or other  
3 32 personal property, to the owner or operator of the other

3 33 vessel or personal property.  
3 34 Sec. 10. Section [462A.5](#), subsection 4, unnumbered  
3 35 paragraphs 3 and 5, Code 1999, are amended to read as follows:  
4 1

~~No~~  
- A fee

~~shall~~

- ~~need not~~ be paid to the county recorder for  
4 2 making the changes mentioned in this subsection, unless the  
4 3 owner requests a new registration certificate showing the  
4 4 change, in which case a fee of one dollar plus a writing fee  
4 5 as provided in section 462A.53 shall be paid to the recorder.  
4 6 A fee of one dollar plus a writing fee as provided in  
4 7 section 462A.53 shall be paid to the county recorder for a  
4 8 duplicate registration certificate.

4 9 Sec. 11. Section [462A.5](#), subsection 6, Code 1999, is  
4 10 amended to read as follows:

4 11 6. The owner of each vessel which has a valid marine  
4 12 document issued by the bureau of customs of the United States  
4 13 government or any federal agency successor thereto shall  
4 14 register it every two years with the county recorder in the  
4 15 same manner prescribed for undocumented vessels and shall  
4 16 cause the registration validation decal to be placed on the  
4 17 vessel in the manner prescribed by the rules of the  
4 18 commission. When the vessel bears the identification required  
4 19 in the documentation, it is exempt from the placement of the  
4 20 identification numbers as required on undocumented vessels.  
4 21 The fee for such registration is twenty-five dollars plus a  
4 22 writing fee as provided in section 462A.53.

4 23 Sec. 12. Section [462A.5](#), subsection 7, Code 1999, is  
4 24 amended to read as follows:

4 25 7. If the owner of a currently registered vessel places  
4 26 the vessel in storage, the owner shall return the registration  
4 27 certificate to the county recorder with an affidavit stating  
4 28 that the vessel is placed in storage and the effective date of  
4 29 the storage. The county recorder shall notify the commission  
4 30 of each registered vessel placed in storage. When the owner  
4 31 of a stored vessel desires to renew the vessel's registration,  
4 32 the owner shall apply to the county recorder and pay the  
4 33 registration fees plus a writing fee as provided in  
4 34

~~subsections 1 and 3~~

- section 462A.53 without penalty.

~~No~~

- A

4 35 refund of registration fees shall not be allowed for a stored  
5 1 vessel.

5 2 Sec. 13. Section [462A.44](#), Code 1999, is amended to read as  
5 3 follows:

5 4 [462A.44](#) APPLICATION FOR TRANSFER.

5 5 The purchaser or transferee shall, except as otherwise  
5 6 provided by this chapter, within five days file a new  
5 7 application form with the county recorder with a fee of one  
5 8 dollar and

~~the appropriate~~

- a writing fee as provided in

5 9 section 462A.53, and a transfer of number shall be awarded in  
5 10 the same manner as provided for in an original registration.

5 11 Sec. 14. Section [462A.53](#), Code 1999, is amended to read as  
5 12 follows:

5 13 [462A.53](#) AMOUNT OF WRITING FEES.

5 14 A writing fee of

~~one dollar~~

- two dollars for each

5 15 transaction shall be collected by the county recorder. If two  
5 16 or more functions are transacted for the same vessel at one  
5 17 time, the writing fee is limited to

~~one dollar~~

- two dollars.

5 18 Sec. 15. Section [556F.2](#), Code 1999, is amended to read as  
5 19 follows:

5 20 556F.2 WARRANT APPRAISAL RETURN RECORD.

5 21

~~The~~

- When the affidavit is presented to the court, the

5 22 district judge, district associate judge, judicial magistrate,  
5 23 or district court clerk shall

~~thereupon~~

- issue a warrant,

5 24 directed to some peace officer, commanding the peace officer  
5 25 to summon three respectable householders of the neighborhood,  
5 26 who shall proceed without delay to examine and appraise the  
5 27 property, including cargo, tackle, rigging, and other  
5 28 appendages if applicable, and to submit a report regarding the  
5 29 examination and appraisal to the magistrate, judge, or clerk  
5 30 issuing the warrant, who shall transmit a certified copy to  
5 31 the county

~~auditor~~

- sheriff to be recorded in a lost property

5 32 book in the

~~auditor's~~

- sheriff's office.

5 33 Sec. 16. Section [556F.4](#), Code 1999, is amended to read as  
5 34 follows:

5 35 556F.4 VALUE EXCEEDING TWENTY DOLLARS.

6 1 If the value

~~thereof shall exceed~~

- of lost property as

6 2 described in section 556F.1 exceeds the sum of twenty dollars,  
6 3 the county

~~auditor~~

- sheriff, within five days from the time of

6 4 the reception of the magistrate, judge, or clerk's certificate  
6 5 at the

~~auditor's~~

- sheriff's office, shall cause

~~an~~

6 6

~~advertisement to be posted on the door of the courthouse, and~~

6 7

~~at three other of the most public places in the county, and~~

6 8

~~also~~

- a notice to be published once each week for three weeks  
6 9 successively, in some newspaper printed in this state; and if  
6 10

~~such~~  
- ~~the lost~~ property

~~be~~  
- ~~is~~ not claimed or proved within  
6 11 ninety days after

~~the advertisement of the same, as aforesaid~~

-  
6 12 the date of such publication, the finder shall deliver the  
6 13

~~same~~  
- property to the sheriff of the county

~~wherein it was~~

-  
6 14

~~taken up~~  
- where the property was found, who shall

~~thereupon~~

-  
6 15

~~proceed to~~

- sell it at public auction to the highest bidder for  
6 16 cash, having first given ten days' notice of the time and  
6 17 place of sale, and the proceeds of all such sales, after  
6 18 deducting the costs and other necessary expenses, shall be  
6 19 paid into the county treasury.

6 20 Sec. 17. Section [556F.7](#), Code 1999, is amended to read as  
6 21 follows:

6 22 556F.7 WHEN OWNER UNKNOWN.

6 23 If the owner is unknown, the finder shall, within five days  
6 24 after finding the property, take the money, bank notes, and a  
6 25 description of any other property before the county

~~auditor~~

-  
6 26 sheriff of the county where the property was found, and  
6 27 provide an affidavit describing the property, the time when  
6 28 and place where the property was found, and attesting that

~~no~~

-  
6 29 alteration has not been made in the appearance of the property  
6 30 since the finding. The county

~~auditor~~

- sheriff shall enter a  
6 31 description of the property and the value

~~thereof~~

- of the  
6 32 property, as nearly as the

~~auditor~~

- sheriff can determine it,  
6 33 in the

~~auditor's~~

- sheriff's lost property book, together with  
6 34 the affidavit of the finder.  
6 35 Sec. 18. Section [556F.9](#), Code 1999, is amended to read as  
7 1 follows:  
7 2 556F.9 RECORD OF PUBLICATION.  
7 3 Proof of publication of

~~said~~  
- the notice and of the posting  
7 4

~~thereof~~  
- of the notice shall be made by affidavits of the  
7 5 publisher and the person posting

~~said~~  
- the notices, and

~~said~~  
-  
7 6 the affidavits shall be filed in the office of the county  
7 7

~~auditor~~  
- sheriff of

~~said~~  
- the county.  
7 8 Sec. 19. Section [556F.10](#), Code 1999, is amended to read as  
7 9 follows:  
7 10 556F.10 ADDITIONAL PUBLICATION.  
7 11 The

~~affidavits provided for in section 556F.9 shall be~~  
-  
7 12

~~entered by the auditor~~  
- sheriff shall give notice of the  
7 13 affidavits to the county auditor who shall enter notice of the  
7 14 affidavits in the proceedings of the board of supervisors and  
7 15 the

~~same~~  
- notice shall be published with the proceedings of  
7 16

~~said~~  
- the board.  
7 17 Sec. 20. Section [556F.11](#), Code 1999, is amended to read as  
7 18 follows:  
7 19 556F.11 VESTING OF TITLE.  
7 20 If no person appears to claim and prove ownership to

~~said~~  
-  
7 21 the goods, money, bank notes, or other things within twelve  
7 22 months of the date when proof of

~~said~~  
- the publication and  
7 23 posting is filed in the office of the county

~~auditor~~  
- sheriff,  
7 24 the right to such property shall irrevocably vest in

~~—said~~

~~— the~~

7 25 finder.

7 26 Sec. 21. Section [556F.16](#), Code 1999, is amended to read as  
7 27 follows:

7 28 556F.16 RESPONSIBILITY OF TAKER-UP.

7 29 If the taker-up of any watercraft, logs, or lumber, or  
7 30 finder of lost goods, bank notes, or other things, takes  
7 31 reasonable care of the property, and any unavoidable accident  
7 32 happens to the property without the fault or neglect of the  
7 33 finder or taker-up before the owner has an opportunity of  
7 34 reclaiming the property, the taker-up or finder shall not be  
7 35 accountable for the unavoidable accident, if within ten days  
8 1 of the accident, the finder or taker-up certifies the accident  
8 2 to the county

~~—auditor~~

~~— sheriff~~, who shall make an entry of the  
8 3 accident in the

~~—auditor's~~

~~— sheriff's~~ lost property book.

8 4 Sec. 22. Section [558.57](#), unnumbered paragraph 1, Code  
8 5 1999, is amended to read as follows:

8 6 The recorder shall not record any deed or other instrument  
8 7 unconditionally conveying real estate or any contract for deed  
8 8 until the proper entries have been made upon the transfer  
8 9 books in the auditor's office, and endorsement made upon the  
8 10 deed or other instrument properly dated and officially signed,  
8 11 in substantially the following form:

8 12 Sec. 23. Section [598.21](#), subsection 1, unnumbered  
8 13 paragraph 1, Code Supplement 1999, is amended to read as  
8 14 follows:

8 15 Upon every judgment of annulment, dissolution or separate  
8 16 maintenance the court shall divide the property of the parties  
8 17 and transfer the title of the property accordingly, including  
8 18 issuing a quitclaim deed or a change of title for tax purposes  
8 19 and recording with the county recorder of the county where the  
8 20 property is located and assigning payment of the cost of  
8 21 issuance and recording to one or both of the parties. The  
8 22 court may protect and promote the best interests of children  
8 23 of the parties by setting aside a portion of the property of  
8 24 the parties in a separate fund or conservatorship for the  
8 25 support, maintenance, education, and general welfare of the  
8 26 minor children. The court shall divide all property, except  
8 27 inherited property or gifts received by one party, equitably  
8 28 between the parties after considering all of the following:

8 29 EXPLANATION

8 30 This bill makes changes to the law relating to powers and  
8 31 duties of the county auditor, recorder, and sheriff, the  
8 32 county board of supervisors, and the district court as it  
8 33 relates to the duties of county recorders.

8 34 The bill increases the writing fee collected by the county  
8 35 recorder from \$1 to \$2 for boats, snowmobiles, and all-terrain  
9 1 vehicles. The writing fee is a processing or handling fee and  
9 2 is not the registration fee for the vessel or vehicle.

9 3 The bill allows a county to bypass the notice and hearing  
9 4 requirements before entering into a lease-purchase contract if  
9 5 the principal amount of the contract is \$25,000 or less. The  
9 6 bill also specifies that lease-purchase contracts entered into  
9 7 by a county are subject to the approval of the board of  
9 8 supervisors.

9 9 The bill increases the fees for filing transfers of  
9 10 property from \$5 to \$15 and includes a contract for deed as a  
9 11 transfer document. The maximum fee that may be charged for  
9 12 transfers described in one instrument of transfer is increased  
9 13 from \$50 to \$150.

9 14 The bill transfers the powers and duties related to lost  
9 15 property from the office of county auditor to the county  
9 16 sheriff.

9 17 Finally, the bill requires that, upon the court dividing  
9 18 and transferring property involved in a dissolution of  
9 19 marriage, a quitclaim deed to any real estate be issued and  
9 20 recorded with the county recorder with the court assigning  
9 21 payment of the costs involved in issuing and recording the  
9 22 deed.

9 23 LSB 5836HC 78

9 24 sc/cf/24