

SENATE FILE 407
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 297)

Passed Senate, Date 3/18/99 (P.687) Passed House, Date 4/15/99
Vote: Ayes 49 Nays 0 Vote: Ayes 93 Nays 0
Approved May 11, 1999

(P.1206) Repassed 4-20-99
Vote 48-1

A BILL FOR

1 An Act relating to registration of all-terrain vehicles and
2 snowmobiles and providing for and applying penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 407

1 Section 1. Section 321G.4, unnumbered paragraph 2, Code
2 1999, is amended to read as follows:

3 The owner of the all-terrain vehicle or snowmobile shall
4 file an application for registration with the appropriate
5 county recorder on forms provided by the commission. The
6 application shall be completed and signed by the owner of the
7 all-terrain vehicle or snowmobile and shall be accompanied by
8 a fee of twenty dollars and a writing fee. An all-terrain
9 vehicle or a snowmobile shall not be registered by the county
10 recorder until the county recorder is presented with receipts,
11 bills of sale, or other satisfactory evidence that the sales
12 or use tax has been paid for the purchase of the all-terrain
13 vehicle or snowmobile or that the owner is exempt from paying
14 the tax. However, an owner of an all-terrain vehicle, except
15 an all-terrain vehicle purchased new on or after January 1,
16 1990, may apply for registration without proof of sales or use
17 tax paid until one year after January 1, 1990. An all-terrain
18 vehicle or snowmobile that has an expired registration
19 certificate from another state may be registered in this state
20 upon proper application, payment of all applicable
21 registration and writing fees, and payment of a penalty of
22 five dollars.

23 PARAGRAPH DIVIDED. Upon receipt of the application in
24 approved form accompanied by the required fees, the county
25 recorder shall enter it upon the records and shall issue to
26 the applicant a pocket-size registration certificate. The
27 certificate shall be executed in triplicate, one copy to be
28 delivered to the owner, one copy to the commission, and one
29 copy to be retained on file by the county recorder. The
30 registration certificate shall bear the number awarded to the
31 all-terrain vehicle or snowmobile and the name and address of
32 the owner. The registration certificate shall be carried
33 either in the all-terrain vehicle or snowmobile or on the
34 person of the operator of the machine when in use. The
35 operator of an all-terrain vehicle or snowmobile shall exhibit

1 the registration certificate to a peace officer upon request,
2 to a person injured in an accident involving an all-terrain
3 vehicle or snowmobile, or to the owner or operator of another
4 all-terrain vehicle or snowmobile or the owner of personal or
5 real property when the all-terrain vehicle or snowmobile is
6 involved in a collision or accident of any nature with another
7 all-terrain vehicle or snowmobile or the property of another
8 person or to the property owner or tenant when the all-terrain
9 vehicle or snowmobile is being operated on private property
10 without permission from the property owner or tenant.

11 Sec. 2. Section 321G.6, unnumbered paragraph 6, Code 1999,
12 is amended to read as follows:

13 Upon the transfer of ownership of an all-terrain vehicle or
14 snowmobile, the owner shall complete the form on the back of a
15 current registration certificate and shall deliver it to the
16 purchaser or transferee at the time of delivering the all-
17 terrain vehicle or snowmobile. If an all-terrain vehicle or
18 snowmobile is stored by the transferor pursuant to section
19 321G.4 at the time of transfer, the transferor shall provide
20 the transferee with a copy of the affidavit filed with the
21 county recorder pursuant to section 321G.4 at the time of
22 delivering the all-terrain vehicle or snowmobile. The
23 purchaser or transferee shall, within five days of transfer,
24 file a new application form with the county recorder with a
25 fee of one dollar and the writing fee, and a transfer of
26 number shall be awarded in the same manner as provided in an
27 original registration. If the purchaser or transferee does
28 not file a new application form within five days of transfer,
29 the transfer of number shall be awarded upon payment of all
30 applicable fees plus a penalty of five dollars.

31 EXPLANATION

32 This bill amends Code section 321G.4 to specify that an
33 all-terrain vehicle or snowmobile that has an expired
34 registration certificate from another state may be registered
35 in this state upon proper application, payment of all

1 applicable registration and writing fees, and payment of a
2 penalty of five dollars.

3 The bill amends Code section 321G.6 to change the
4 requirements for transfer of an all-terrain vehicle or
5 snowmobile that was placed in storage by the transferor. The
6 bill allows the transferor to provide a copy of the affidavit
7 filed with the county recorder concerning the storage to the
8 transferee rather than requiring the transferor to renew the
9 registration prior to transfer.

10 Code section 321G.6 is also amended to provide a penalty of
11 five dollars for transferees of all-terrain vehicles and
12 snowmobiles who fail to file a new application form for
13 registration within five days of the transfer.

14 Violations of any of the provisions of the bill are
15 punishable as simple misdemeanors under Code section 321G.14.

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SENATE FILE 407

H-1278

1 Amend Senate File 407, as passed by the Senate, as
2 follows:
3 1. Page 2, by inserting after line 30 the
4 following:
5 "Sec. ____ . Section 321G.29, subsections 1 and 3
6 through 9, Code 1999, are amended to read as follows:
7 1. The owner of a snowmobile acquired on or after
8 January 1, 1998, or an all-terrain vehicle acquired on
9 or after January 1, 2000, other than a snowmobile or
10 all-terrain vehicle used exclusively as a farm
11 implement, shall apply to the county recorder of the
12 county in which the owner resides for a certificate of
13 title for the snowmobile or all-terrain vehicle. The
14 owner of a snowmobile or all-terrain vehicle used
15 exclusively as a farm implement may obtain a
16 certificate of title.
17 3. An owner of a snowmobile or all-terrain vehicle
18 shall apply to the county recorder for issuance of a
19 certificate of title within thirty days after
20 acquisition. The application shall be on forms the
21 department prescribes and accompanied by the required
22 fee. The application shall be signed and sworn to
23 before a notary public or other person who administers
24 oaths, or shall include a certification signed in
25 writing containing substantially the representation
26 that statements made are true and correct to the best
27 of the applicant's knowledge, information, and belief,
28 under penalty of perjury. The application shall
29 contain the date of sale and gross price of the
30 snowmobile or all-terrain vehicle or the fair market
31 value if no sale immediately preceded the transfer and
32 any additional information the department requires.
33 If the application is made for a snowmobile or all-
34 terrain vehicle last previously registered or titled
35 in another state or foreign country, the application
36 shall contain this information and any other
37 information the department requires.
38 4. If a dealer buys or acquires a snowmobile or
39 all-terrain vehicle for resale, the dealer shall
40 report the acquisition to the county recorder on forms
41 provided by the department and may apply for and
42 obtain a certificate of title as provided in this
43 chapter. If a dealer buys or acquires a used
44 snowmobile or all-terrain vehicle, the dealer may
45 apply for a certificate of title in the dealer's name
46 within fifteen days. If a dealer buys or acquires a
47 new snowmobile or all-terrain vehicle for resale, the
48 dealer may apply for a certificate of title in the
49 dealer's name.

50 5. A manufacturer or dealer shall not transfer

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1 ownership of a new snowmobile or new all-terrain
2 vehicle without supplying the transferee with the
3 manufacturer's or importer's certificate of origin
4 signed by the manufacturer's or importer's authorized
5 agent. The certificate shall contain information the
6 department requires. The department may adopt rules
7 providing for the issuance of a certificate of origin
8 for a snowmobile or all-terrain vehicle by the
9 department upon good cause shown by the owner.

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

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

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

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

37 Sec. ____ . Section 321G.31, Code 1999, is amended
38 to read as follows:

39 321G.31 TRANSFER OR REPOSSESSION OF SNOWMOBILE OR
40 ALL-TERRAIN VEHICLE BY OPERATION OF LAW.

41 1. If ownership of a snowmobile or all-terrain
42 vehicle is transferred by operation of law, such as by
43 inheritance, order in bankruptcy, insolvency,
44 replevin, or execution sale, the transferee, within
45 thirty days after acquiring the right to possession of
46 the snowmobile or all-terrain vehicle, shall mail or
47 deliver to the county recorder satisfactory proof of
48 ownership as the county recorder requires, together
49 with an application for a new certificate of title,
50 and the required fee.

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1 2. If a lienholder repossesses a snowmobile or
2 all-terrain vehicle by operation of law and holds it
3 for resale, the lienholder shall secure a new
4 certificate of title and shall pay the required fee.
5 Sec. _____. Section 321G.32, subsection 1,
6 unnumbered paragraph 1, Code 1999, is amended to read
7 as follows:
8 A security interest created in this state in a
9 snowmobile or all-terrain vehicle is not perfected
10 until the security interest is noted on the
11 certificate of title."
12 2. Title page, line 1, by inserting after the
13 words "relating to" the following: "title
14 certificates for and".

By COMMITTEE ON TRANSPORTATION
WELTER of Jones, Chairperson

H-1278 FILED MARCH 29, 1999

adopted
4/15/99

SENATE FILE 407

H-1413

1 Amend the amendment, H-1278, to Senate File 407, as
2 passed by the Senate, as follows:
3 1. Page 1, by inserting before line 3 the
4 following:
5 "_____. Page 1, by inserting before line 1 the
6 following:
7 "Section 1. Section 321G.1, subsection 1, Code
8 1999, is amended by adding the following new
9 unnumbered paragraph:
10 NEW UNNUMBERED PARAGRAPH. Two-wheeled off-road
11 motorcycles shall be considered all-terrain vehicles
12 only for the purpose of titling and registration and
13 not for purposes of regulation.""
14 2. By renumbering as necessary.

By BLODGETT of Cerro Gordo

H-1413 FILED APRIL 5, 1999

adopted 4/15/99

HOUSE AMENDMENT TO
SENATE FILE 407

S-3399

1 Amend Senate File 407, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 321G.1, subsection 1, Code
6 1999, is amended by adding the following new
7 unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. Two-wheeled off-road
9 motorcycles shall be considered all-terrain vehicles
10 only for the purpose of titling and registration and
11 not for purposes of regulation."

12 2. Page 2, by inserting after line 30 the
13 following:

14 "Sec. ____ . Section 321G.29, subsections 1 and 3
15 through 9, Code 1999, are amended to read as follows:

16 1. The owner of a snowmobile acquired on or after
17 January 1, 1998, or an all-terrain vehicle acquired on
18 or after January 1, 2000, other than a snowmobile or
19 all-terrain vehicle used exclusively as a farm
20 implement, shall apply to the county recorder of the
21 county in which the owner resides for a certificate of
22 title for the snowmobile or all-terrain vehicle. The
23 owner of a snowmobile or all-terrain vehicle used
24 exclusively as a farm implement may obtain a
25 certificate of title.

26 3. An owner of a snowmobile or all-terrain vehicle
27 shall apply to the county recorder for issuance of a
28 certificate of title within thirty days after
29 acquisition. The application shall be on forms the
30 department prescribes and accompanied by the required
31 fee. The application shall be signed and sworn to
32 before a notary public or other person who administers
33 oaths, or shall include a certification signed in
34 writing containing substantially the representation
35 that statements made are true and correct to the best
36 of the applicant's knowledge, information, and belief,
37 under penalty of perjury. The application shall
38 contain the date of sale and gross price of the
39 snowmobile or all-terrain vehicle or the fair market
40 value if no sale immediately preceded the transfer and
41 any additional information the department requires.
42 If the application is made for a snowmobile or all-
43 terrain vehicle last previously registered or titled
44 in another state or foreign country, the application
45 shall contain this information and any other
46 information the department requires.

47 4. If a dealer buys or acquires a snowmobile or
48 all-terrain vehicle for resale, the dealer shall
49 report the acquisition to the county recorder on forms
50 provided by the department and may apply for and

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

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

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

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

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

42 9. The county recorder shall transmit a copy of
43 the certificate of title to the department, which
44 shall be the central repository of title information
45 for snowmobiles and all-terrain vehicles.

46 Sec. ____ . Section 321G.31, Code 1999, is amended
47 to read as follows:

48 321G.31 TRANSFER OR REPOSSESSION OF SNOWMOBILE OR
49 ALL-TERRAIN VEHICLE BY OPERATION OF LAW.

50 1. If ownership of a snowmobile or all-terrain

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

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

14 Sec. _____. Section 321G.32, subsection 1,
15 unnumbered paragraph 1, Code 1999, is amended to read
16 as follows:

17 A security interest created in this state in a
18 snowmobile or all-terrain vehicle is not perfected
19 until the security interest is noted on the
20 certificate of title."

21 3. Title page, line 1, by inserting after the
22 words "relating to" the following: "title
23 certificates for and".

RECEIVED FROM THE HOUSE

S-3399 FILED APRIL 15, 1999

Senate Concurred
4/20/99
(P. 1206)

AN ACT

RELATING TO TITLE CERTIFICATES FOR AND REGISTRATION OF ALL-TERRAIN VEHICLES AND SNOWMOBILES AND PROVIDING FOR AND APPLYING PENALTIES.

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

Section 1. Section 321G.1, subsection 1, Code 1999, is amended by adding the following new unnumbered paragraph:
NEW UNNUMBERED PARAGRAPH. Two-wheeled off-road motorcycles shall be considered all-terrain vehicles only for the purpose of titling and registration and not for purposes of regulation.

Sec. 2. Section 321G.4, unnumbered paragraph 2, Code 1999, is amended to read as follows:

The owner of the all-terrain vehicle or snowmobile shall file an application for registration with the appropriate county recorder on forms provided by the commission. The application shall be completed and signed by the owner of the all-terrain vehicle or snowmobile and shall be accompanied by a fee of twenty dollars and a writing fee. An all-terrain vehicle or a snowmobile shall not be registered by the county recorder until the county recorder is presented with receipts, bills of sale, or other satisfactory evidence that the sales or use tax has been paid for the purchase of the all-terrain vehicle or snowmobile or that the owner is exempt from paying the tax. However, an owner of an all-terrain vehicle, except an all-terrain vehicle purchased new on or after January 1,

1990, may apply for registration without proof of sales or use tax paid until one year after January 1, 1990. An all-terrain vehicle or snowmobile that has an expired registration certificate from another state may be registered in this state upon proper application, payment of all applicable registration and writing fees, and payment of a penalty of five dollars.

PARAGRAPH DIVIDED. Upon receipt of the application in approved form accompanied by the required fees, the county recorder shall enter it upon the records and shall issue to the applicant a pocket-size registration certificate. The certificate shall be executed in triplicate, one copy to be delivered to the owner, one copy to the commission, and one copy to be retained on file by the county recorder. The registration certificate shall bear the number awarded to the all-terrain vehicle or snowmobile and the name and address of the owner. The registration certificate shall be carried either in the all-terrain vehicle or snowmobile or on the person of the operator of the machine when in use. The operator of an all-terrain vehicle or snowmobile shall exhibit the registration certificate to a peace officer upon request, to a person injured in an accident involving an all-terrain vehicle or snowmobile, or to the owner or operator of another all-terrain vehicle or snowmobile or the owner of personal or real property when the all-terrain vehicle or snowmobile is involved in a collision or accident of any nature with another all-terrain vehicle or snowmobile or the property of another person or to the property owner or tenant when the all-terrain vehicle or snowmobile is being operated on private property without permission from the property owner or tenant.

Sec. 3. Section 321G.6, unnumbered paragraph 6, Code 1999, is amended to read as follows:

Upon the transfer of ownership of an all-terrain vehicle or snowmobile, the owner shall complete the form on the back of a current registration certificate and shall deliver it to the

purchaser or transferee at the time of delivering the all-terrain vehicle or snowmobile. If an all-terrain vehicle or snowmobile is stored by the transferor pursuant to section 321G.4 at the time of transfer, the transferor shall provide the transferee with a copy of the affidavit filed with the county recorder pursuant to section 321G.4 at the time of delivering the all-terrain vehicle or snowmobile. The purchaser or transferee shall, within five days of transfer, file a new application form with the county recorder with a fee of one dollar and the writing fee, and a transfer of number shall be awarded in the same manner as provided in an original registration. If the purchaser or transferee does not file a new application form within five days of transfer, the transfer of number shall be awarded upon payment of all applicable fees plus a penalty of five dollars.

Sec. 4. Section 321G.29, subsections 1 and 3 through 9, Code 1999, are amended to read as follows:

1. The owner of a snowmobile acquired on or after January 1, 1998, or an all-terrain vehicle acquired on or after January 1, 2000, other than a snowmobile or all-terrain vehicle 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 or all-terrain vehicle. The owner of a snowmobile or all-terrain vehicle used exclusively as a farm implement may obtain a certificate of title.

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 may apply for a certificate of title in the dealer's name within fifteen days. If a dealer buys or acquires a new snowmobile or all-terrain vehicle 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 or new all-terrain vehicle 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 or all-terrain vehicle by the department upon good cause shown by the owner.

6. A dealer transferring ownership of a snowmobile or all-terrain vehicle under this chapter shall assign the title to the new owner, or in the case of a new snowmobile or new all-terrain vehicle, 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 or new all-terrain vehicle, 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 or all-terrain vehicle 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 or all-terrain vehicle 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 and all-terrain vehicles.

Sec. 5. Section 321G.31, Code 1999, is amended to read as follows:

321G.31 TRANSFER OR REPOSSESSION OF SNOWMOBILE OR ALL-TERRAIN VEHICLE BY OPERATION OF LAW.

1. If ownership of a snowmobile or all-terrain vehicle 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 or all-terrain vehicle, 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 or all-terrain vehicle 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. 6. Section 321G.32, subsection 1, unnumbered paragraph 1, Code 1999, is amended to read as follows:

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

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 407, Seventy-eighth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved May 11, 1999

THOMAS J. VILSACK
Governor