

Senate Study Bill 1063 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON GARRETT)

A BILL FOR

1 An Act exempting co-owners of motor vehicles of deceased
2 persons from fees related to the issuance of certificates of
3 title.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.47, subsection 2, Code 2017, is
2 amended to read as follows:

3 2. The persons entitled under the laws of descent and
4 distribution of an intestate's property to the possession
5 and ownership of a vehicle owned in whole or in part by a
6 decedent, upon filing an affidavit stating the name and date of
7 death of the decedent, the right to possession and ownership
8 of the persons filing the affidavit, and that there has been
9 no administration of the decedent's estate, which instrument
10 shall also contain an agreement to indemnify creditors of
11 the decedent who would be entitled to levy execution upon
12 the motor vehicle to the extent of the value of the motor
13 vehicle, are entitled upon fulfilling the other requirements of
14 this chapter, to the issuance of a registration card for the
15 interest of the decedent in the vehicle and a certificate of
16 title to it. If a decedent dies testate, and either the will is
17 not probated or is admitted to probate without administration,
18 the persons entitled to the possession and ownership of a
19 vehicle owned in whole or in part by the decedent may file
20 an affidavit and, upon fulfilling the other requirements of
21 this chapter, are entitled to the issuance of a registration
22 card for the interest of the decedent in the vehicle and a
23 certificate of title to the vehicle. The affidavit shall
24 contain the same information and indemnity agreement as is
25 required in cases of intestacy pursuant to [this section](#). A
26 requirement of [chapter 450](#) shall not be considered satisfied by
27 the filing of the affidavit provided for in [this section](#). If,
28 from the records in the office of the county treasurer, there
29 appear to be any liens on the vehicle, the certificate of title
30 shall contain a statement of the liens unless the application
31 is accompanied by proper evidence of their satisfaction or
32 extinction. Evidence of extinction may consist of, but is
33 not limited to, an affidavit of the applicant stating that a
34 security interest was foreclosed as provided in chapter 554,
35 article 9, part 6. The department shall waive the certificate

1 of title fee and surcharge required under sections 321.20,
2 321.20A, 321.23, 321.46, 321.52, and 321.52A if the person
3 entitled to possession and ownership of a vehicle, as provided
4 in this subsection, is the surviving spouse of a decedent or a
5 co-owner listed on the certificate of title of the vehicle.

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 Under current law, a person who is entitled to possession
10 and ownership of a motor vehicle owned in whole or in part
11 by a deceased person is also entitled to the issuance of
12 a certificate of title for the vehicle. The department
13 of transportation (DOT) is required to waive the fees and
14 surcharges related to the issuance of the certificate of title
15 if the person is a surviving spouse of the deceased person.

16 This bill requires the DOT to also waive the fees and
17 surcharges related to the issuance of the certificate of title
18 if the person is a co-owner listed on the certificate of title
19 of the vehicle.