

**Senate Study Bill 3108 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
NATURAL RESOURCES BILL)

**A BILL FOR**

1 An Act relating to the process and fees associated with the  
2 registration and title of vessels.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 462A.5, subsection 1, unnumbered  
2 paragraph 1, Code 2018, is amended to read as follows:

3 The owner of each vessel required to be numbered by this  
4 state shall initially register it ~~every three years~~ with the  
5 commission through the county recorder of the county in which  
6 the owner resides, or, if the owner is a nonresident, the  
7 owner shall register it in the county in which such vessel  
8 is principally used. Both residents and nonresidents shall  
9 subsequently renew registration every three years with any  
10 county recorder. The commission shall develop and maintain  
11 an electronic system for the registration of vessels pursuant  
12 to this chapter. The commission shall establish forms and  
13 procedures as necessary for the registration of all vessels.

14 Sec. 2. Section 462A.5, subsection 3, paragraph c, Code  
15 2018, is amended to read as follows:

16 c. If ~~a timely~~ an application for renewal is made within  
17 sixty days of expiration, the applicant shall receive the same  
18 registration number allocated to the applicant for the previous  
19 registration period. If the application for registration for  
20 the three-year registration period is not made before ~~May 1~~  
21 June 30 of the last calendar year of the registration period,  
22 the applicant shall be charged a penalty of five dollars.

23 Sec. 3. Section 462A.5, subsection 4, paragraphs a, b, c,  
24 and d, Code 2018, are amended to read as follows:

25 a. If a person, after registering a vessel, moves from  
26 the address shown on the registration certificate, the person  
27 shall, within ten days, notify ~~the~~ any county recorder ~~in~~  
28 ~~writing of the old and new address. If appropriate, the county~~  
29 ~~recorder shall forward all past records of the vessel to the~~  
30 ~~recorder of the county in which the owner resides.~~

31 b. If the name of a person, who has registered a vessel,  
32 is changed, the person shall, within ten days, notify ~~the~~ any  
33 county recorder of the former and new name.

34 c. No fee shall be paid to ~~the~~ any county recorder for  
35 making the changes mentioned in this subsection, unless the

1 owner requests a new registration certificate showing the  
2 change, in which case a fee of one dollar plus a writing fee  
3 shall be paid to the recorder.

4 *d.* If a registration certificate is lost, mutilated or  
5 becomes illegible, the owner shall immediately make application  
6 for and obtain a duplicate registration certificate by  
7 furnishing information satisfactory to ~~the~~ any county recorder.  
8 A fee of one dollar plus a writing fee shall be paid to the  
9 county recorder for a duplicate registration certificate.

10 Sec. 4. Section 462A.43, Code 2018, is amended to read as  
11 follows:

12 **462A.43 Transfer of ownership.**

13 Upon the transfer of ownership of any vessel, the owner,  
14 ~~except as otherwise provided by this chapter,~~ shall complete,  
15 at the time of delivering the vessel, provide the purchaser  
16 or transferee with either the title of the vessel assigned in  
17 the purchaser's or transferee's name or, if there is no title,  
18 the registration certificate with the form on the back of the  
19 ~~registration certificate and shall deliver it to the purchaser~~  
20 ~~or transferee at the time of delivering the vessel~~ completely  
21 filled in. Once a vessel has been titled, a person shall not  
22 sell or transfer ownership without assigning and delivering  
23 the title to the purchaser or transferee. If a vessel has an  
24 expired registration at the time of transfer, the transferee  
25 shall pay all applicable fees for the current registration  
26 period, the appropriate writing fee, and a penalty of five  
27 dollars, and a transfer of number shall be awarded in the  
28 same manner as provided for in an original registration. All  
29 penalties collected pursuant to ~~this section~~ shall be forwarded  
30 by the commission to the treasurer of state, who shall place  
31 the money in the state fish and game protection fund. The  
32 money so collected is appropriated to the commission solely for  
33 the administration and enforcement of navigation laws and water  
34 safety.

35 Sec. 5. Section 462A.52, subsection 1, Code 2018, is amended

1 to read as follows:

2 1. ~~Within ten days after the end of each month, a A county~~  
3 recorder shall remit to the commission all fees collected by  
4 the recorder during the previous month. ~~Before May 10 of the~~  
5 ~~registration period beginning May 1 of that year, a county~~  
6 ~~recorder shall remit to the commission all unused license~~  
7 ~~blanks for the previous registration period through a process~~  
8 determined by the department. All fees collected for the  
9 registration of vessels shall be forwarded by the commission  
10 to the treasurer of the state, who shall place the money in the  
11 state fish and game protection fund. The money so collected is  
12 appropriated to the commission solely for the administration  
13 and enforcement of navigation laws and water safety.

14 Sec. 6. Section 462A.77, subsections 4 and 5, Code 2018, are  
15 amended to read as follows:

16 4. Every owner of a vessel subject to titling under this  
17 chapter shall apply to the county recorder for issuance of  
18 a certificate of title for the vessel within thirty days  
19 after acquisition. The application shall be on forms the  
20 department prescribes, and accompanied by the required  
21 fee. The application shall be signed and ~~sworn to before a~~  
22 ~~notarial officer as provided in chapter 9B~~ or shall include a  
23 certification signed in writing containing substantially the  
24 representation that statements made are true and correct to the  
25 best of the applicant's knowledge, information, and belief,  
26 under penalty of perjury. The application shall contain  
27 the date of sale and gross price of the vessel or the fair  
28 market value if no sale immediately preceded the transfer, and  
29 any additional information the department requires. If the  
30 application is made for a vessel last previously registered or  
31 titled in another state or foreign country, it shall contain  
32 this information and any other information the department  
33 requires.

34 5. If a dealer buys or acquires a used vessel for resale,  
35 ~~the dealer shall report the acquisition to the county recorder~~

1 ~~on the forms the department provides, or the dealer may apply~~  
2 for and obtain a certificate of title as provided in this  
3 chapter. ~~If a dealer buys or acquires a used unnumbered~~  
4 ~~vessel, the dealer shall apply for a certificate of title in~~  
5 ~~the dealer's name within fifteen days.~~ If a dealer buys or  
6 acquires a new vessel for resale, the dealer may apply for a  
7 certificate of title in the dealer's name.

8 Sec. 7. Section 462A.78, subsection 2, Code 2018, is amended  
9 to read as follows:

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~~ with any county recorder. The  
15 applicant shall furnish information the department requires  
16 concerning the original certificate and the circumstances of  
17 its loss, mutilation, or destruction. Mutilated or illegible  
18 certificates shall be returned to the department with the  
19 application for a duplicate.

20 EXPLANATION

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

23 This bill modifies provisions relating to the registration  
24 and titling of vessels.

25 The bill provides that a vessel shall initially be  
26 registered with the county recorder in the county in which  
27 the owner resides, but that registration may subsequently be  
28 renewed every three years with any county recorder. To receive  
29 the same vessel registration number, an applicant must apply  
30 for a registration renewal within 60 days of expiration of the  
31 registration, instead of the previous requirement that the  
32 application be submitted in a timely fashion. The bill changes  
33 the date after which a \$5 penalty will be charged for failure  
34 to renew registration from May 1 of the last calendar year of  
35 the registration period to June 1 of the last calendar year of

1 the registration period.

2 The bill removes the requirement that a registrant who moves  
3 notify the county recorder in writing of the registrant's old  
4 and new address. The registrant must simply inform any county  
5 recorder of the new address. The county recorder does not have  
6 to forward all past records of the vessel to the recorder of  
7 the county in which the owner now resides. The bill allows  
8 a registrant whose name has changed to inform any county  
9 recorder.

10 Under the bill, when a registration certificate is lost,  
11 mutilated, or becomes illegible, or when a certificate of title  
12 is lost, stolen, mutilated, destroyed, or becomes illegible,  
13 the owner (or first lienholder) shall apply for and obtain  
14 a duplicate document in any county, rather than applying to  
15 the county recorder of original registration for registration  
16 certificates and current registration for certificates of  
17 title.

18 The bill requires the owner to give the transferee either the  
19 title of the vessel under the transferee's name or, if there  
20 is no title, the registration certificate completely filled in  
21 at the time of delivery upon a transfer of ownership. Once a  
22 vessel is titled, a person must assign and deliver title to a  
23 purchaser or transferee upon sale or transfer. Current law  
24 requires, unless otherwise provided in Code chapter 462A, that  
25 an owner must provide a purchaser or transferee of a vessel the  
26 registration certificate for the vessel with the form on the  
27 back filled in completely.

28 The bill requires the department to determine a process for  
29 collecting fees and penalties from county recording offices  
30 and removes the requirement that a county recorder shall remit  
31 to the commission all unused license blanks for the previous  
32 registration period.

33 The bill removes the requirement that an application for  
34 a certificate of title must be sworn to before a notarial  
35 officer.

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 Under the bill, a dealer who buys or acquires a used  
2 vessel for resale no longer needs to report the acquisition  
3 to the county recorder on the forms the department provides.  
4 The dealer may apply for and obtain a certificate of title  
5 as provided in Code chapter 462A. The bill removes the  
6 requirement that the dealer apply for a certificate of title in  
7 the dealer's name if the dealer acquires an unnumbered vessel.