

House File 389 - Introduced

HOUSE FILE 389
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 44)

A BILL FOR

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

1 Section 1. Section 321G.29, subsection 6, Code 2019, is
2 amended to read as follows:

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

8 Sec. 2. Section 321I.31, subsection 6, Code 2019, is amended
9 to read as follows:

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

16 Sec. 3. Section 462A.5, subsection 1, unnumbered paragraph
17 1, Code 2019, is amended to read as follows:

18 The owner of each vessel required to be numbered by this
19 state shall initially register it ~~every three years~~ with the
20 commission through the county recorder of the county in which
21 the owner resides, or, if the owner is a nonresident, the
22 owner shall register it in the county in which such vessel
23 is principally used. Both residents and nonresidents shall
24 subsequently renew registration every three years with any
25 county recorder. The commission shall develop and maintain
26 an electronic system for the registration of vessels pursuant
27 to this chapter. The commission shall establish forms and
28 procedures as necessary for the registration of all vessels.

29 Sec. 4. Section 462A.5, subsection 3, paragraph c, Code
30 2019, is amended to read as follows:

31 c. ~~If a timely an application for renewal is made, the~~
32 ~~applicant shall receive the same registration number allocated~~
33 ~~to the applicant for the previous registration period. If the~~
34 ~~application for registration for the three-year registration~~
35 ~~period is not made before May 1~~ July 1 of the last calendar year

1 of the registration period, the applicant shall be charged a
2 penalty of five dollars.

3 Sec. 5. Section 462A.5, subsection 4, paragraphs a, b, c,
4 and d, Code 2019, are amended to read as follows:

5 a. If a person, after registering a vessel, moves from
6 the address shown on the registration certificate, the person
7 shall, within ten days, notify the any county recorder in
8 ~~writing of the old and new address. If appropriate, the county~~
9 ~~recorder shall forward all past records of the vessel to the~~
10 ~~recorder of the county in which the owner resides.~~

11 b. If the name of a person, who has registered a vessel,
12 is changed, the person shall, within ten days, notify the any
13 county recorder of the former and new name.

14 c. No fee shall be paid to the any county recorder for
15 making the changes mentioned in this subsection, unless the
16 owner requests a new registration certificate showing the
17 change, in which case a fee of one dollar plus a writing fee
18 shall be paid to the recorder.

19 d. If a registration certificate is lost, mutilated or
20 becomes illegible, the owner shall immediately make application
21 for and obtain a duplicate registration certificate by
22 furnishing information satisfactory to the any county recorder.
23 A fee of one dollar plus a writing fee shall be paid to the
24 county recorder for a duplicate registration certificate.

25 Sec. 6. Section 462A.43, Code 2019, is amended to read as
26 follows:

27 **462A.43 Transfer of ownership.**

28 Upon the transfer of ownership of any vessel, the owner,
29 ~~except as otherwise provided by this chapter, shall complete~~
30 shall, at the time of delivering the vessel, provide the
31 purchaser or transferee with either the title of the vessel
32 assigned in the purchaser's or transferee's name or, if there
33 is no title, the registration certificate with the form on
34 ~~the back of the registration certificate and shall deliver it~~
35 ~~to the purchaser or transferee at the time of delivering the~~

1 ~~vessel~~ completely filled in. Once a vessel has been titled, a
2 person shall not sell or transfer ownership without assigning
3 and delivering the title to the purchaser or transferee. If
4 a vessel has an expired registration at the time of transfer,
5 the transferee shall pay all applicable fees for the current
6 registration period, the appropriate writing fee, and a penalty
7 of five dollars, ~~and a transfer of number shall be awarded in~~
8 ~~the same manner as provided for in an original registration.~~
9 All penalties collected pursuant to **this section** shall be
10 forwarded by the commission to the treasurer of state, who
11 shall place the money in the state fish and game protection
12 fund. The money so collected is appropriated to the commission
13 solely for the administration and enforcement of navigation
14 laws and water safety.

15 Sec. 7. Section 462A.52, subsection 1, Code 2019, is amended
16 to read as follows:

17 1. ~~Within ten days after the end of each month, a~~ A county
18 recorder shall remit to the commission all fees collected by
19 the recorder ~~during the previous month. Before May 10 of the~~
20 ~~registration period beginning May 1 of that year, a county~~
21 ~~recorder shall remit to the commission all unused license~~
22 ~~blanks for the previous registration period~~ through a process
23 determined by the department. All fees collected for the
24 registration of vessels shall be forwarded by the commission
25 to the treasurer of the state, who shall place the money in the
26 state fish and game protection fund. The money so collected is
27 appropriated to the commission solely for the administration
28 and enforcement of navigation laws and water safety.

29 Sec. 8. Section 462A.77, subsections 4, 5, and 6, Code 2019,
30 are amended to read as follows:

31 4. Every owner of a vessel subject to titling under this
32 chapter shall apply to the county recorder for issuance of
33 a certificate of title for the vessel within thirty days
34 after acquisition. The application shall be on forms the
35 department prescribes, and accompanied by the required

1 fee. The application shall be signed and ~~sworn to before a~~
2 ~~notarial officer as provided in chapter 9B~~ or shall include a
3 certification signed in writing containing substantially the
4 representation that statements made are true and correct to the
5 best of the applicant's knowledge, information, and belief,
6 under penalty of perjury. The application shall contain
7 the date of sale and gross price of the vessel or the fair
8 market value if no sale immediately preceded the transfer, and
9 any additional information the department requires. If the
10 application is made for a vessel last previously registered or
11 titled in another state or foreign country, it shall contain
12 this information and any other information the department
13 requires.

14 5. If a dealer buys or acquires a used vessel for resale,
15 ~~the dealer shall report the acquisition to the county recorder~~
16 ~~on the forms the department provides, or the dealer may apply~~
17 for and obtain a certificate of title as provided in this
18 chapter. ~~If a dealer buys or acquires a used unnumbered~~
19 ~~vessel, the dealer shall apply for a certificate of title in~~
20 ~~the dealer's name within fifteen days.~~ If a dealer buys or
21 acquires a new vessel for resale, the dealer may apply for a
22 certificate of title in the dealer's name.

23 6. Every dealer transferring a vessel requiring titling
24 under [this chapter](#) shall assign the title to the new owner, or
25 in the case of a new vessel assign the certificate of origin.
26 Within ~~fifteen~~ thirty days the dealer shall forward all moneys
27 and applications to the county recorder.

28 Sec. 9. Section 462A.78, subsection 2, Code 2019, is amended
29 to read as follows:

30 2. If a certificate of title is lost, stolen, mutilated,
31 destroyed, or becomes illegible, the first lienholder or, if
32 there is none, the owner named in the certificate, as shown by
33 the county recorder's records, shall within thirty days obtain
34 a duplicate by applying ~~to the~~ with any county recorder. The
35 applicant shall furnish information the department requires

1 concerning the original certificate and the circumstances of
2 its loss, mutilation, or destruction. Mutilated or illegible
3 certificates shall be returned to the department with the
4 application for a duplicate.

5

EXPLANATION

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

7

8 This bill modifies provisions relating to the registration
9 and titling of vessels.

10 The bill provides that a vessel shall initially be
11 registered with the county recorder in the county in which
12 the owner resides, but that registration may subsequently be
13 renewed every three years with any county recorder. To receive
14 the same vessel registration number, an applicant must apply
15 for a registration renewal within 60 days of expiration of the
16 registration, instead of the previous requirement that the
17 application be submitted in a timely fashion. The bill changes
18 the date after which a \$5 penalty will be charged for failure
19 to renew registration from May 1 of the last calendar year of
20 the registration period to July 1 of the last calendar year of
21 the registration period.

22 The bill removes the requirement that a registrant who moves
23 notify the county recorder in writing of the registrant's old
24 and new address. The registrant must simply inform any county
25 recorder of the new address. The county recorder does not have
26 to forward all past records of the vessel to the recorder of
27 the county in which the owner now resides. The bill allows
28 a registrant whose name has changed to inform any county
29 recorder.

30 Under the bill, when a registration certificate is lost,
31 mutilated, or becomes illegible, or when a certificate of title
32 is lost, stolen, mutilated, destroyed, or becomes illegible,
33 the owner (or first lienholder) shall apply for and obtain
34 a duplicate document in any county, rather than applying to
35 the county recorder of original registration for registration

1 certificates and current registration for certificates of
2 title.

3 The bill requires the owner to give the transferee either
4 the title of the vessel under the transferee's name or, if
5 there is no title, the registration certificate completely
6 filled in at the time of delivery upon a transfer of ownership.
7 Once a vessel is titled, a person must assign and deliver
8 title to a purchaser or transferee upon sale or transfer.
9 Contrary to current law, if the registration of a vessel is
10 expired at the time of transfer, a transfer of number does
11 not need to be awarded in the same manner as provided for in
12 an original registration. Current law also requires, unless
13 otherwise provided in Code chapter 462A, that an owner must
14 provide a purchaser or transferee of a vessel the registration
15 certificate for the vessel with the form on the back filled in
16 completely.

17 The bill requires the department to determine a process for
18 collecting fees and penalties from county recording offices
19 and removes the requirement that a county recorder shall remit
20 to the commission all unused license blanks for the previous
21 registration period.

22 The bill removes the requirement that an application for
23 a certificate of title must be sworn to before a notarial
24 officer.

25 Under the bill, a dealer who buys or acquires a used
26 vessel for resale no longer needs to report the acquisition
27 to the county recorder on the forms the department provides.
28 The dealer may apply for and obtain a certificate of title
29 as provided in Code chapter 462A. The bill removes the
30 requirement that the dealer apply for a certificate of title in
31 the dealer's name if the dealer acquires an unnumbered vessel.
32 A dealer who transfers ownership of a snowmobile, all-terrain
33 vehicle, or vessel will have 30 days to forward all moneys and
34 applications to the county recorder.