

**Senate File 292 - Introduced**

SENATE FILE 292

BY WESTRICH

**A BILL FOR**

1 An Act relating to writing fees required for certain  
2 all-terrain vehicle, snowmobile, and water vessel  
3 transactions completed by a county recorder.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321G.27, subsection 1, paragraphs a, b,  
2 and c, Code 2023, are amended by striking the paragraphs.

3 Sec. 2. Section 321G.27, subsection 1, Code 2023, is amended  
4 by adding the following new paragraph:

5 NEW PARAGRAPH. *Od.* The county recorder shall collect  
6 a writing fee of one dollar and twenty-five cents for each  
7 privilege under this chapter.

8 Sec. 3. Section 321G.29, subsection 3, Code 2023, is amended  
9 to read as follows:

10 3. An owner of a snowmobile shall apply to the county  
11 recorder for issuance of a certificate of title within thirty  
12 days after acquisition. The application shall be on forms  
13 the department prescribes and accompanied by the required fee  
14 specified in section 321G.30 and the writing fee specified in  
15 section 321G.27. The application shall include a certification  
16 signed in writing containing substantially the representation  
17 that statements made are true and correct to the best of the  
18 applicant's knowledge, information, and belief, under penalty  
19 of perjury. The application shall contain the date of sale  
20 and gross price of the snowmobile or the fair market value if  
21 no sale immediately preceded the transfer and any additional  
22 information the department requires. If the application is  
23 made for a snowmobile last previously registered or titled in  
24 another state or foreign country, the application shall contain  
25 this information and any other information the department  
26 requires.

27 Sec. 4. Section 321G.31, Code 2023, is amended to read as  
28 follows:

29 **321G.31 Transfer or repossession by operation of law.**

30 1. If ownership of a snowmobile is transferred by  
31 operation of law, such as by inheritance, order in bankruptcy,  
32 insolvency, replevin, or execution sale, the transferee, within  
33 thirty days after acquiring the right to possession of the  
34 snowmobile, shall mail or deliver to the county recorder of  
35 the transferee's county of residence satisfactory proof of

1 ownership as the county recorder requires, together with an  
2 application for a new certificate of title, and the required  
3 fee, plus the writing fee specified in section 321G.27.  
4 However, if the transferee is the surviving spouse of the  
5 deceased owner, the county recorder shall waive the required  
6 fee fees.

7 2. If a lienholder repossesses a snowmobile by operation of  
8 law and holds it for resale, the lienholder shall secure a new  
9 certificate of title and shall pay the required fee, plus the  
10 writing fee specified in section 321G.27.

11 Sec. 5. Section 321G.32, subsection 1, Code 2023, is amended  
12 by adding the following new paragraph:

13 NEW PARAGRAPH. *c.* The application shall be accompanied by  
14 the writing fee specified in section 321G.27.

15 Sec. 6. Section 321I.29, subsection 1, paragraphs a, b, and  
16 c, Code 2023, are amended by striking the paragraphs.

17 Sec. 7. Section 321I.29, subsection 1, Code 2023, is amended  
18 by adding the following new paragraph:

19 NEW PARAGRAPH. *od.* The county recorder shall collect  
20 a writing fee of one dollar and twenty-five cents for each  
21 privilege under this chapter.

22 Sec. 8. Section 321I.31, subsection 3, Code 2023, is amended  
23 to read as follows:

24 3. An owner of an all-terrain vehicle shall apply to  
25 the county recorder for issuance of a certificate of title  
26 within thirty days after acquisition. The application shall  
27 be on forms the department prescribes and accompanied by the  
28 required fee specified in section 321I.32 and the writing fee  
29 specified in section 321I.29. The application shall include a  
30 certification signed in writing containing substantially the  
31 representation that statements made are true and correct to the  
32 best of the applicant's knowledge, information, and belief,  
33 under penalty of perjury. The application shall contain the  
34 date of sale and gross price of the all-terrain vehicle or the  
35 fair market value if no sale immediately preceded the transfer

1 and any additional information the department requires. If the  
2 application is made for an all-terrain vehicle last previously  
3 registered or titled in another state or foreign country,  
4 the application shall contain this information and any other  
5 information the department requires.

6 Sec. 9. Section 321I.33, Code 2023, is amended to read as  
7 follows:

8 **321I.33 Transfer or repossession by operation of law.**

9 1. If ownership of an all-terrain vehicle is transferred by  
10 operation of law, such as by inheritance, order in bankruptcy,  
11 insolvency, replevin, or execution sale, the transferee,  
12 within thirty days after acquiring the right to possession of  
13 the all-terrain vehicle, shall mail or deliver to the county  
14 recorder of the transferee's county of residence satisfactory  
15 proof of ownership as the county recorder requires, together  
16 with an application for a new certificate of title, and  
17 the required fee, plus the writing fee specified in section  
18 321I.29. However, if the transferee is the surviving spouse  
19 of the deceased owner, the county recorder shall waive the  
20 required fee fees.

21 2. If a lienholder repossesses an all-terrain vehicle by  
22 operation of law and holds it for resale, the lienholder shall  
23 secure a new certificate of title and shall pay the required  
24 fee, plus the writing fee specified in section 321I.29.

25 Sec. 10. Section 321I.34, subsection 1, Code 2023, is  
26 amended by adding the following new paragraph:

27 NEW PARAGRAPH. c. The application shall be accompanied by  
28 the writing fee specified in section 321I.29.

29 Sec. 11. Section 462A.77, subsection 4, Code 2023, is  
30 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 a  
33 certificate of title for the vessel within thirty days after  
34 acquisition. The application shall be on forms the department  
35 prescribes, and accompanied by the required fee specified

1 in section 462A.78 and the writing fee specified in section  
2 462A.53. The application shall be signed and 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 Sec. 12. Section 462A.82, subsections 1 and 2, Code 2023,  
15 are amended to read as follows:

16 1. If ownership of a vessel is transferred by operation of  
17 law, such as by inheritance, order in bankruptcy, insolvency,  
18 replevin, execution sale, or in compliance with [section 578A.7](#),  
19 the transferee, within thirty days after acquiring the right  
20 to possession of the vessel by operation of law, shall mail or  
21 deliver to the county recorder satisfactory proof of ownership  
22 as the county recorder requires, together with an application  
23 for a new certificate of title, and the required fee, plus the  
24 writing fee specified in section 462A.53. However, if the  
25 transferee is the surviving spouse of the deceased owner, the  
26 county recorder shall waive the required fee fees. A title tax  
27 is not required on these transactions.

28 2. If a lienholder repossesses a vessel by operation of  
29 law and holds it for resale, the lienholder shall secure a new  
30 certificate of title and shall pay the required fee, plus the  
31 writing fee specified in section 462A.53.

32 Sec. 13. Section 462A.84, subsection 1, Code 2023, is  
33 amended by adding the following new paragraph:

34 NEW PARAGRAPH. c. The application shall be accompanied by  
35 the writing fee specified in section 462A.53.

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EXPLANATION

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

This bill relates to writing fees required for certain all-terrain vehicle, snowmobile, and water vessel transactions completed by a county recorder.

WATER VESSELS. Under current law, a county recorder collects a writing fee of \$1.25 for "each privilege" under Code chapter 462A (water navigation regulations). A writing fee is paid by the boat owner to the county recorder for handling the transaction. The writing fee is specifically required with applications for registration, including new or duplicate certificates of registration (Code section 462A.5). The writing fee is also specifically required for transfers of ownership of vessels with an expired registration, due when the transferee pays all applicable fees for the current registration period (Code section 462A.43), and with applications for transfer (Code section 462A.44). The writing fee is not specifically mentioned for applications for issuance of a certificate of title (Code section 462A.77), which requires the application to be accompanied by the required fee. The required fee for issuance of a certificate of title, a transfer of title, a duplicate, or a corrected certificate of title is \$5 plus a surcharge of \$5 (Code section 462A.78). Likewise, the writing fee is not specifically mentioned for perfection of a security interest, for which the application fee is \$5 (Code section 462A.84). The bill specifies that applications for a certificate of title or perfection of a security interest are subject to the writing fee.

SNOWMOBILES AND ALL-TERRAIN VEHICLES. In contrast to water vessels, the writing fee provisions for snowmobiles and all-terrain vehicles explicitly impose the \$1.25 writing fee only for registration or renewal, user permits, and duplicate special registration certificates (Code sections 321G.27 and 321I.29). The bill alters these provisions to instead apply

1 to "each privilege" under the respective Code chapter, and  
2 specifies that applications for a certificate of title or  
3 perfection of a security interest are subject to the writing  
4 fee.

5 Current law provides that a license agent shall collect a  
6 writing fee of \$1 for each snowmobile or all-terrain vehicle  
7 registration or renewal and for the sale of each user permit.  
8 The bill does not amend these provisions.