

CHAPTER 175

REGISTRATION OF MOTOR VEHICLES

H. F. 551

AN ACT relating to registration of motor vehicles.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section three hundred twenty-one point twenty
2 (321.20), subsection two (2), Code 1971, is amended as follows:

3 2. A description of the vehicle including, insofar as the hereinafter
4 specified data may exist with respect to a given vehicle, the make,
5 model, type of body, the number of cylinders, *the type of motor fuel*
6 *used*, the serial number of the vehicle, manufacturer's identification
7 number, the engine or other number of the vehicle and whether new
8 or used and if a new vehicle the date of sale by the manufacturer or
9 dealer to the person intending to operate such vehicle.

Approved April 26, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.
However, see Editor's note, page iii.

CHAPTER 176

MOTOR VEHICLE FEES

H. F. 12

AN ACT relating to motor vehicle fees collected by county treasurers, and to the amount of such fees retained by the county, and to the filing of instruments pertaining to motor vehicles.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section three hundred twenty-one point twenty
2 (321.20), unnumbered paragraph one (1), Code 1971, is amended as
3 follows:

4 Except as otherwise provided in this chapter, every owner of a
5 vehicle subject to registration hereunder shall make application to
6 the county treasurer, of the county of his residence, or to the depart-
7 ment, if a nonresident, for the registration and issuance of a certifi-
8 cate of title thereof upon the appropriate form or forms furnished by
9 the department, accompanied by a fee of [one dollar] *two dollars*,
10 and every such application shall bear the signature of the owner writ-
11 ten with pen and ink and said application shall contain:

1 SEC. 2. Section three hundred twenty-one point twenty-three
2 (321.23), subsection one (1), Code 1971, is amended as follows:

3 1. In the event the vehicle to be registered is a specially constructed,
4 reconstructed, or foreign vehicle, such fact shall be stated in the appli-
5 cation. A fee of [one dollar fifty cents] *two dollars* shall be paid by
6 the person making such application upon issuance of a certificate of
7 title by the county treasurer. With reference to every specially con-
8 structed or reconstructed motor vehicle subject to registration the
9 application shall be accompanied by a statement from the department
10 authorizing such motor vehicle to be titled and registered in this state.
11 The department shall cause a physical inspection to be made of all
12 specially constructed or reconstructed motor vehicles, upon application

13 therefor by the owner thereof, to determine whether such motor vehi-
14 cle is in a safe operating condition and that the integral component
15 parts thereof are properly identified and that the rightful ownership
16 is established before issuing such owner the authority to have the
17 motor vehicle registered and titled as herein provided. With refer-
18 ence to every foreign vehicle which has been registered heretofore
19 outside of this state the owner shall surrender to the treasurer all
20 registration plates, registration cards, and certificates of title, or, if
21 vehicle to be registered is from a nontitle state, such evidence of for-
22 eign registration and ownership as may be prescribed by the depart-
23 ment except as provided in subsection 2 hereof.

1 SEC. 3. Section three hundred twenty-one point thirty-four
2 (321.34), unnumbered paragraph four (4), Code 1971, is amended as
3 follows:

4 The owner of an automobile who holds an amateur radio license
5 issued by the federal communications commission may, upon written
6 application to the county treasurer accompanied by a fee of [two]
7 *five* dollars, order special registration plates bearing the call letters
8 authorized the radio station covered by his amateur radio license.
9 When received by the county treasurer, such special registration
10 plates shall be issued to the applicant in exchange for the registration
11 plates previously issued to him. Not more than one set of special reg-
12 istration plates may be issued to an applicant. Said fee shall be in
13 addition to and not in lieu of the fee for regular registration plates.

1 SEC. 4. Section three hundred twenty-one point forty-two (321.42),
2 Code 1971, is amended as follows:

3 **321.42. Lost or damaged certificates, cards, and plates.** In the
4 event any registration card or registration plate is lost, mutilated, or
5 becomes illegible the owner shall immediately make application for
6 and may obtain a duplicate upon the applicant furnishing information
7 satisfactory to the department together with the payment of a fee of
8 [fifty cents] *two dollars* for each such plate or registration card.

9 In the event of any lost or destroyed certificate of title, application
10 shall be made to the department by the owner of such vehicle, or the
11 holder of a lien thereon, for a certified copy of the same upon a form
12 prescribed by the department and accompanied by a fee of [two] *five*
13 dollars. Such application shall be signed by the person making the
14 same. Thereupon the department shall mail a certified copy to the
15 person entitled to receive the certificate of title as indicated by the
16 records of the department at his most recent address shown by such
17 records. Such certified copy shall clearly be marked "duplicate" and
18 shall be identical in every respect to the original to include notation
19 upon the face thereon of liens or encumbrances disclosed by the rec-
20 ords of the department. Upon issuance of title the previous certifi-
21 cate last issued shall be void. The new purchaser or transferee shall
22 be entitled to receive an original title upon presentation of the as-
23 signed duplicate copy to the county treasurer of the county where
24 such new purchaser or transferee resides. Any purchaser of such
25 vehicle may, at the time of purchase, require the seller of same to in-
26 demnify him and all subsequent purchasers of such vehicle against any
27 loss which he or they may suffer by reason of any claim or claims pre-
28 sented upon the original certificate. Any person recovering an origi-

29 nal certificate of title for which a duplicate has been issued shall forth-
30 with surrender the same to a county treasurer or the department.

1 SEC. 5. Section three hundred twenty-one point forty-six (321.46),
2 unnumbered paragraph two (2), Code 1971, is amended as follows:
3 Upon filing the application for a registration transfer and a new
4 title, the applicant shall pay a fee of [one dollar] *two dollars*. The
5 county treasurer, if satisfied of the genuineness and regularity of the
6 application and that applicant has complied with all the requirements
7 of this chapter, shall forthwith issue a new certificate of title and reg-
8 istration card to the purchaser or transferee and shall forward the
9 necessary copies to the department on the date of issuance, as pre-
10 scribed in section 321.24.

1 SEC. 6. Section three hundred twenty-one point forty-six (321.46),
2 Code 1971, is amended by adding thereto the following new paragraph:
3 The seller or transferor may file an affidavit on forms prescribed
4 and provided by the department with the county treasurer of the
5 county where the vehicle is registered certifying the sale or transfer
6 of ownership of such vehicle and the assignment and delivery of the
7 certificate of title for such vehicle. Upon receipt of such affidavit the
8 county treasurer shall file such affidavit with the copy of the regis-
9 tration receipt for such vehicle on file in his office and on that day he
10 shall forward copies of the affidavit to the department and to the
11 county treasurer of the county of residence of the purchaser or trans-
12 feree. Upon filing such affidavit it shall be presumed that the seller or
13 transferor has assigned and delivered the certificate of title for such
14 vehicle.

1 SEC. 7. Section three hundred twenty-one point forty-seven
2 (321.47), Code 1971, is amended as follows:
3 **321.47 Transfers by operation of law.** In the event of the trans-
4 fer of ownership of any vehicle by operation of law as upon inherit-
5 ance, devise or bequest, order in bankruptcy, insolvency, replevin, fore-
6 closure or execution sale, or whenever the engine of a motor vehicle
7 is replaced by another engine, or whenever a vehicle is sold to satisfy
8 an artisan's lien as provided in chapter 577, or is sold to satisfy a
9 landlord's lien as provided in chapter 570, or a storage lien as provided
10 in chapter 579, or repossession is had upon default in performance of
11 the terms of a security agreement, the treasurer of the county in
12 which the last certificate of title to any such vehicle was issued, upon
13 the surrender of the prior certificate of title or the manufacturer's or
14 importer's certificate, or when that is not possible, upon presentation
15 of satisfactory proof to the county treasurer of ownership and right
16 of possession to such vehicle and upon payment of a fee of [one dollar
17 fifty cents] *two dollars* and the presentation of an application for reg-
18 istration and certificate of title, may issue to the applicant a regis-
19 tration card for such vehicle and a certificate of title thereto. The
20 person or persons entitled under the laws of descent and distribution
21 of an intestate's property to the possession and ownership of a vehicle
22 owned in whole or in part by a decedent, upon filing an affidavit stating
23 the name and date of death of the decedent, the right to possession
24 and ownership of the persons filing said affidavit, and that there has
25 been no administration of the said decedent's estate, which instru-

26 ment shall also contain an agreement to indemnify any creditors of
27 the decedent who would be entitled to levy execution upon said motor
28 vehicle to the extent of the value of said motor vehicle, shall be en-
29 titled upon fulfilling the other requirements of this chapter, to the
30 issuance of a registration card for the interest of the decedent in such
31 vehicle and a certificate of title thereto. No requirement of either
32 chapter 450 or 451 shall be considered satisfied by the filing of the
33 affidavit provided for in this section. If, from the records in the
34 office of the county treasurer, there appear to be any lien or liens on
35 such vehicle, such certificate of title shall contain a statement of such
36 liens unless the application is accompanied by proper evidence of
37 their satisfaction or extinction. Evidence of extinction may consist
38 of, but is not limited to, an affidavit of the applicant stating that a
39 security interest was foreclosed as provided in Uniform Commercial
40 Code, chapter 554, article 9, part 5.

1 SEC. 8. Section three hundred twenty-one point forty-eight
2 (321.48), subsection two (2), Code 1971, is amended as follows:

3 2. Any foreign registered vehicle purchased or otherwise acquired
4 by a dealer for the purpose of resale shall be issued a certificate of
5 title thereto by the county treasurer of the dealer's residence upon
6 proper application therefor as provided in this chapter and upon
7 payment of a fee of [one dollar fifty cents] *two dollars* and such dealer
8 shall be exempt from the payment of any and all registration fees for
9 such vehicle. Such application for certificate of title shall be made
10 within forty-eight hours after said vehicle comes within the border of
11 the state.

1 SEC. 9. Section three hundred twenty-one point fifty (321.50), sub-
2 section one (1), Code 1971, is amended as follows:

3 1. A security interest in a vehicle subject to registration under the
4 laws of this state, except trailers whose empty weight is two thousand
5 pounds or less, and wagon box trailers subject to a registration fee
6 of five dollars or less, and new or used vehicles held by a dealer or
7 manufacturer as inventory for sale, is perfected by the delivery to
8 the county treasurer of the county where the certificate of title was
9 issued or, in the case of a new certificate, to the county treasurer
10 where the certificate will be issued of an application for certificate of
11 title which lists such security interest, or an application for notation
12 of security interest signed by the owner, or a certificate of title from
13 another jurisdiction which shows such security interest, and a fee
14 of [one dollar] *two dollars* for each security interest shown. If the
15 owner or secured party is in possession of the certificate of title, it
16 must also be delivered at this time in order to perfect the security
17 interest. If a vehicle is subject to a security interest when brought
18 into this state, the validity of the security interest and the date of
19 perfection is determined by the Uniform Commercial Code, section
20 554.9103.

1 SEC. 10. Section three hundred twenty-one point fifty (321.50),
2 Code 1971, is amended by adding thereto the following new subsection:

3 Any person obtaining possession of a certificate of title for a vehi-
4 cle not already subject to a perfected security interest, except new
5 or used vehicles held by a dealer or manufacturer as inventory for
6 sale, who purports to have a security interest in such vehicle shall,

7 within thirty days from the receipt of the certificate of title, deliver
8 such certificate of title to the county treasurer of the county where it
9 was issued to note such security interest and, if such person fails to
10 do so, his purported security interest in the vehicle shall be void and
11 unenforceable and such person shall forthwith deliver the certificate
12 of title to the county treasurer of the county where it was issued. If
13 no security interest has been filed for notation on the certificate of
14 title, the certificate shall be mailed by the treasurer to the owner of
15 the vehicle. For purposes of determining the commencement date of
16 the thirty-day period provided by this subsection, it shall be presumed
17 that the purported security interest holder received the certificate of
18 title on the date of the creation of his purported security interest in
19 the vehicle or the date of the issuance of the certificate of title, which-
20 ever is the latter. Any person collecting a fee from the owner of the
21 vehicle for the purpose of perfecting a security interest in such vehi-
22 cle who does not cause such security interest to be noted on the cer-
23 tificate of title by the county treasurer shall remit such fee to the
24 department of revenue of this state.

1 SEC. 11. Section three hundred twenty-one point one hundred five
2 (321.105), Code 1971, is amended by adding at the end of the second
3 unnumbered paragraph the following:

4 Any owner may, when applying for registration or reregistration
5 of his motor vehicle or trailer, request that the plates be mailed to
6 his post office address. His request shall be accompanied by a mailing
7 fee as determined annually by the commissioner of public safety. Said
8 fee shall be deposited in the county general fund.

1 SEC. 12. Section three hundred twenty-one point one hundred nine
2 (321.109), subsection one (1), Code 1971, is amended as follows:

3 1. The annual fee for all motor vehicles including vehicles desig-
4 nated by manufacturers as station wagons, except motor trucks,
5 hearses, motorcycles, and motor bicycles, shall be equal to one per-
6 cent of the value as fixed by the department plus forty cents for each
7 one hundred pounds or fraction thereof of weight of vehicle, as fixed
8 by the department. The weight of a motor vehicle, fixed by the depart-
9 ment for registration purposes, shall include the weight of a battery,
10 heater, bumpers, spare tire, and wheel. Provided, however, that for
11 any new vehicle purchased in this state by a nonresident for removal
12 to his state of residence the purchaser may make application to the
13 county treasurer in the county of purchase for a transit plate for
14 which a fee of five dollars shall be paid. And provided, however, that
15 for any used vehicle held by a registered dealer and not currently
16 registered in this state, or for any vehicle held by an individual and
17 currently registered in this state, when purchased in this state by a
18 nonresident for removal to his state of residence, the purchaser may
19 make application to the county treasurer in the county of purchase
20 for a transit plate for which a fee of three dollars shall be paid. The
21 county treasurer shall issue a nontransferable certificate of registra-
22 tion for which no refund shall be allowed; and the transit plates shall
23 be void thirty days after issuance. Such purchaser may apply for a
24 certificate of title by surrendering the manufacturer's or importer's
25 certificate or certificate of title, duly assigned as provided in this
26 chapter. In this event, the treasurer in the county of purchase shall,

27 when satisfied with the genuineness and regularity of the application,
 28 and upon payment of a fee of [seventy-five cents] *two dollars*, issue a
 29 certificate of title in the name and address of such nonresident pur-
 30 chaser delivering the same to the person entitled thereto as provided
 31 in this chapter.

1 SEC. 13. Section three hundred twenty-one point one hundred
 2 forty-five (321.145), Code 1971, is amended as follows:

3 **321.145 Disposition.** The money, except fines and forfeitures, and
 4 except operator's and chauffeur's license fees, *certificate of title fees*
 5 *and lien or encumbrance notation fees* collected pursuant to the pro-
 6 visions of this chapter shall be credited by the treasurer of state to
 7 the following funds:

8 1. Three percent of the gross fees and penalties thereon[,] to the
 9 general fund of the state.

10 2. The balance of said money, less the collection fees [of fifty cents]
 11 retained by the county treasurer *pursuant to section 321.152* [on each
 12 registration,] and less the one percent received by the department as
 13 a reimbursement fund from which to pay refunds, to the road use tax
 14 fund.

15 *The treasurer of state shall credit certificate of title fees, and lien*
 16 *or encumbrance fees, to the general fund of the state, less the fees*
 17 *retained by the county treasurer pursuant to section 321.152.*

1 SEC. 14. Section three hundred twenty-one point one hundred
 2 fifty-two (321.152), Code 1971, is amended as follows:

3 **321.152 Fee for county.** Each county treasurer shall be allowed
 4 to retain[, for the use and benefit of the county general fund, seventy-
 5 five cents for each vehicle registration issued by him out of money
 6 collected in each year for the registration of such vehicles and sixty-
 7 five cents for each certificate of title and sixty-five cents for each nota-
 8 tion of a lien or encumbrance when a fee therefor is prescribed by
 9 the provisions of this chapter, the same to] *for deposit in the county*
 10 *general fund, seventy-five cents for each annual vehicle registration*
 11 *and each duplicate registration card or plate issued; sixty-five per-*
 12 *cent of all fees collected for certificates of title and notations of lien*
 13 *or encumbrance; and one dollar for each duplicate certificate of title.*
 14 *The moneys retained shall be deducted, and reported to the depart-*
 15 *ment, when the county treasurer transfers the money collected under*
 16 *the provisions of this chapter; provided, however, that no such deduc-*
 17 *tion shall be lawful unless the county treasurer has complied with the*
 18 *provisions of sections 321.24 and 321.153.*

1 SEC. 15. Section three hundred thirty-five point eighteen (335.18),
 2 Code 1971, is amended as follows:

3 **335.18 Real estate liens filed with recorder.**

4 1. Notices of liens upon real property for taxes payable to the
 5 United States, and certificates and notices affecting the liens shall be
 6 filed in the office of the recorder of the county in which the real
 7 property subject to a federal tax lien is situated.

8 2. Notices of liens upon personal property, whether tangible or in-
 9 tangible, *other than vehicles for which a certificate of title is re-*
 10 *quired under the provisions of chapter 321,* for taxes payable to the
 11 United States and certificates and notices affecting the liens shall be
 12 filed as follows:

13 a. If the person against whose interest the tax lien applies is a
14 corporation or a partnership whose principal executive office is in
15 this state, as these entities are defined in the internal revenue laws of
16 the United States, in the office of the secretary of state.

17 b. In all other cases, in the office of the recorder of the county
18 where the taxpayer resides at the time of filing of the notice of lien.

19 3. *In the event a lien encumbers a vehicle for which a certificate of*
20 *title is required under the provisions of chapter 321, a security interest*
21 *in such vehicle is perfected by the delivery of federal notice of attach-*
22 *ment to the county treasurer of the county where the certificate of*
23 *title was issued and it shall take priority according to the order of time*
24 *in which the same is placed on the certificate of title for the vehicle*
25 *to which said lien applies by the county treasurer and as provided in*
26 *sections 321.45 and 321.50. The county treasurer shall note such lien*
27 *without fee.*

Approved April 29, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.
However, see Editor's note, page iii.

CHAPTER 177

MOTOR VEHICLE REGISTRATION PLATES

S. F. 433

AN ACT to provide for annual validation of motor vehicle registration plates.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section three hundred twenty-one point thirty-four
2 (321.34), unnumbered paragraph three (3), Code 1971, is amended
3 as follows:

4 In lieu of issuing new registration plates each year for a vehicle
5 renewing registration, the department may reassign the registration
6 plates previously issued to such vehicle and may adopt and prescribe
7 [a distinctive type of emblem] *an annual validation sticker* indicating
8 payment of registration fee, which [emblem shall be displayed in the
9 upper right hand corner of the windshield of the vehicle for which it
10 is issued or it may prescribe corner plates to] *annual validation*
11 *sticker shall* be attached to said registration plates bearing the numer-
12 als indicating the year for which the original plates are validated.

Approved May 27, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.
However, see Editor's note, page iii.

CHAPTER 178

MOTOR VEHICLE ODOMETERS

S. F. 250

AN ACT relating to the changing and regulation of mileage measurements contained on motor vehicle odometers and providing penalties for violating the Act.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Chapter three hundred twenty-one (321), Code 1971,
2 is amended by adding the following new section: