

## CHAPTER 1167

## NOXIOUS WEEDS

H. F. 1123

AN ACT relating to noxious weeds.

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

- 1 SECTION 1. Section three hundred seventeen point one (317.1), subsection two  
 2 (2), Code 1975, is amended to read as follows:  
 3 2. Secondary noxious weeds, which shall include butterprint (*Abutilon*  
 4 *theophrasti*) annual, cocklebur (*Xanthium commune*) annual, wild mustard  
 5 (*Brassica arvensis*) annual, wild carrot (*Daucus carota*) biennial, buckhorn  
 6 (*Plantago lanceolata*) perennial, sheep sorrel (*Rumex acetosella*) perennial, sour  
 7 dock (*Rumex crispus*) perennial, smooth dock (*Rumex altissimus*) perennial,  
 8 *poison hemlock (conium maculatum)*, *wild sunflower (wild strain of Helianthus annus*  
 9 *L.) annual*, puncture vine (*Tribulus terrestris*) annual, teasel (*Dipsacus*) biennial.

Approved June 23, 1976

## CHAPTER 1168

## VEHICLE ANTITHEFT LAW

H. F. 1407

AN ACT relating to a vehicle anti-theft law and providing penalties.

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

- 1 SECTION 1. Section three hundred twenty-one point one (321.1), Code 1975, as  
 2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapters  
 3 sixty-seven (67) and one hundred seventy (170), is amended by adding the  
 4 following new subsections:  
 5 NEW SUBSECTION. "Component part" means any part of a vehicle, other than  
 6 a tire, having a component part number.  
 7 NEW SUBSECTION. "Component part number" means the vehicle identification  
 8 derivative consisting of numerical and alphabetical designations affixed to a  
 9 component part by the manufacturer or the department or affixed by, or caused  
 10 to be affixed by, the owner pursuant to rules promulgated by the department as a  
 11 means of identifying the component part.  
 12 NEW SUBSECTION. "Vehicle identification number" or the initials VIN mean  
 13 the numerical and alphabetical designations affixed to a vehicle or a component  
 14 part of a vehicle by the manufacturer or the department or affixed by, or caused  
 15 to be affixed by, the owner pursuant to rules promulgated by the department as a  
 16 means of identifying the vehicle.  
 17 NEW SUBSECTION. "Demolisher" means any agency or person whose business  
 18 is to convert a vehicle to junk, processed scrap or scrap metal, or otherwise to  
 19 wreck or dismantle vehicles.
- 1 SEC. 2. Section three hundred twenty-one point seventy-six (321.76), Code  
 2 1975, is amended to read as follows:

3 **321.76 Operating without consent.** ~~If any chauffeur or other~~ *Any person who*  
 4 shall without the consent of the owner take, or cause to be taken, any ~~automobile~~  
 5 ~~or~~ motor vehicle, and operate or drive, or cause the same to be operated or  
 6 driven, ~~he~~ shall be imprisoned in the penitentiary not to exceed one year, or be  
 7 imprisoned in the county jail not to exceed six months, or be fined not to exceed  
 8 five hundred dollars.

1 SEC. 3. Section three hundred twenty-one point eighty (321.80), Code 1975, is  
 2 amended to read as follows:

3 **321.80 Vehicles without manufacturers' numbers.** Any person who knowingly  
 4 buys, receives, disposes of, sells, offers for sale, or has in his *or her* possession any  
 5 ~~motor~~ vehicle, or ~~engine removed from any component part of a motor~~ vehicle,  
 6 from which the manufacturer's serial or engine number or other distinguishing  
 7 number or identification mark or number placed thereon under assignment from  
 8 ~~the department~~ vehicle identification number or component part number has been  
 9 removed, defaced, covered, altered, or destroyed for the purpose of concealing or  
 10 misrepresenting the identity of said ~~motor~~ *the* vehicle or ~~engine component part~~ is  
 11 guilty of a misdemeanor punishable as provided in section 321.482.

1 SEC. 4. Section three hundred twenty-one point eighty-one (321.81), Code  
 2 1975, is amended to read as follows:

3 **321.81 Presumptive evidence.** Whoever shall conceal, barter, sell, *possess* or  
 4 dispose of any ~~motor~~ vehicle *or component part* which has been stolen, or shall  
 5 disguise, alter, or change such ~~motor~~ vehicle *or component part, or the factory or*  
 6 ~~serial number~~ *vehicle identification number or component part number* thereof, or  
 7 remove or change the registration plate thereon, or do any act designed to prevent  
 8 identification of such ~~motor~~ vehicle *or component part*, shall be presumed to have  
 9 knowledge that such ~~motor~~ vehicle *or component part* had been stolen.

1 SEC. 5. Section three hundred twenty-one point eighty-two (321.82), Code  
 2 1975, is amended to read as follows:

3 **321.82 Larceny of motor vehicle.** If any person *shall* steal, take and carry  
 4 away, irrespective of value, any ~~motor~~ vehicle, *he or she* shall be punished by  
 5 imprisonment in the penitentiary not more than ten years, or by fine of not more  
 6 than one thousand dollars, or by both such fine and imprisonment.

1 SEC. 6. Section three hundred twenty-one point eighty-three (321.83), Code  
 2 1975, is amended to read as follows:

3 **321.83 Jurisdiction.** Jurisdiction of such offense may be in the county where  
 4 ~~such motor~~ *the* vehicle *or component part* was stolen, or through or into which it  
 5 was taken, carried, or transported by the person or persons who committed the  
 6 theft, or by any person or persons confederated with him or them in ~~such~~ *the*  
 7 theft.

1 SEC. 7. Section three hundred twenty-one point eighty-four (321.84), Code  
 2 1975, is amended to read as follows:

3 **321.84 Seizure of vehicles.** It shall be the duty of any peace officer who  
 4 finds a ~~motor~~ vehicle *or component part*, the ~~serial or engine~~ vehicle identification  
 5 number *or component part number* of which has been altered, defaced, or  
 6 tampered with, and who has reasonable cause to believe that the possessor of  
 7 ~~such motor~~ *the* vehicle *or component part* wrongfully holds ~~the same~~ *it*, to  
 8 forthwith seize ~~the same~~ *it*, either with or without warrant, and deliver ~~the same~~ *it*  
 9 to the sheriff of the county in which it is seized.

1 SEC. 8. Section three hundred twenty-one point eighty-five (321.85), Code  
 2 1975, is amended to read as follows:

3 **321.85 Stolen vehicles or component parts.** Whenever any ~~motor~~ vehicle *or*  
 4 *component part* is seized under section 321.84 or whenever any ~~motor~~ vehicle *or*  
 5 *component part* is stolen or embezzled, and is not claimed by the owner before the  
 6 date on which the person charged with ~~the~~ *its* stealing or embezzling ~~of same~~ is

7 convicted, then the officer having the ~~motor~~ vehicle or component part in his or her  
 8 custody must, on ~~such~~ that date by certified mail, notify the department that he or  
 9 she has such a ~~motor~~ vehicle or component part in his or her possession, giving a  
 10 full and complete description of ~~same~~ it, including all marks of identification,  
 11 ~~factory and serial~~ vehicle identification numbers and component part numbers.

1 SEC. 9. Section three hundred twenty-one point eighty-six (321.86), Code  
 2 1975, is amended to read as follows:

3 **321.86 Notice by director.** The director shall, if the owner appears of record  
 4 in his or her office, notify ~~such~~ the owner of the fact that ~~such~~ the ~~motor~~ vehicle or  
 5 component part is in the custody of ~~such~~ the officer, and if not of record in his or  
 6 her office, ~~said~~ the director shall mail ~~such~~ the description to the county treasurer  
 7 of each county.

1 SEC. 10. Section three hundred twenty-one point eighty-seven (321.87), Code  
 2 1975, is amended to read as follows:

3 **321.87 Delivery to owner.** If, within forty days thereafter, the owner of ~~such~~  
 4 the ~~motor~~ vehicle or component part appears and properly identifies ~~same~~ it, the  
 5 officer having ~~said~~ ~~motor~~ the vehicle or component part in his or her custody shall  
 6 delivery ~~same~~ it to such owner upon payment by him or her of the costs incurred  
 7 incident to the apprehension of ~~said~~ ~~motor~~ the vehicle or component part and the  
 8 location of ~~such~~ the owner.

1 SEC. 11. Section three hundred twenty-one point ninety-one (321.91), Code  
 2 1975, is amended to read as follows:

3 **321.91 Limitation on liability—penalty for abandonment.**

4 1. No person, firm, corporation, unit of government, garagekeeper or police  
 5 authority upon whose property an abandoned ~~motor~~ vehicle is found or who  
 6 disposes of such abandoned vehicle in accordance with sections 321.89 and 321.90  
 7 shall be liable for damages by reason of the removal, sale, or disposal of such  
 8 ~~motor~~ vehicle.

9 2. Any person who abandons a ~~motor~~ vehicle shall be guilty of a misdemeanor.

1 SEC. 12. Section three hundred twenty-one point ninety-two (321.92), Code  
 2 1975, is amended to read as follows:

3 **321.92 Altering or changing numbers.** No person shall with fraudulent intent,  
 4 deface, destroy, or alter the ~~manufacturer's serial or engine~~ vehicle identification  
 5 number or component part number or other distinguishing number or identification  
 6 mark of a ~~motor~~ vehicle or component part nor shall any person place or stamp  
 7 any serial, engine, or other number or mark upon a ~~motor~~ vehicle or component  
 8 part, except one assigned thereto by the department. Any violation of this  
 9 provision is a felony punishable as provided in section 321.483.

10 This section shall not prohibit the restoration by an ~~owner~~ of an original ~~serial,~~  
 11 ~~engine~~ vehicle identification number, component part number or other number or  
 12 mark when such restoration is made ~~under permit~~ issued by the department, nor  
 13 prevent any manufacturer from placing in the ordinary course of business  
 14 numbers or marks upon ~~motor~~ vehicles or component parts ~~thereof~~.

1 SEC. 13. Section three hundred twenty-one point ninety-three (321.93), Code  
 2 1975, is amended to read as follows:

3 **321.93 Defense.** Under a charge of possessing a ~~motor~~ vehicle or component  
 4 part, the ~~serial or engine~~ vehicle identification number or component part number of  
 5 which is defaced, altered, or tampered with, it shall be a complete defense that the  
 6 accused at the time of such possession had in his or her possession a certificate of  
 7 title from the officer whose duty it is to register ~~motor~~ vehicles and component  
 8 parts in the state in which ~~said~~ ~~motor~~ the vehicle or component part is registered,  
 9 showing good and sufficient reason why numbers are defaced, changed, or  
 10 tampered with, the original ~~serial or engine~~ vehicle identification number or  
 11 component part number, and the ownership of ~~said~~ ~~motor~~ the vehicle or component  
 12 part.

1 SEC. 14. Section three hundred twenty-one point ninety-four (321.94), Code  
2 1975, is amended to read as follows:

3 **321.94 Test to determine true number.** Where it appears that a ~~factory, serial~~  
4 ~~or motor~~ *vehicle identification number or component part* number has been altered,  
5 defaced or tampered with, any sheriff, state agent or peace officer ~~of the~~  
6 ~~department of justice~~, or inspector employed by the department, or any other  
7 person acting under their direction, may apply any recognized process or test to  
8 the part containing such number for the purpose of determining the true number.

1 SEC. 15. Section three hundred twenty-one point ninety-five (321.95), Code  
2 1975, is amended to read as follows:

3 **321.95 Right of inspection.** Peace officers ~~and~~ *or* examiners employed in the  
4 department ~~are hereby given~~ *shall have* the authority to inspect any ~~motor~~ vehicle  
5 *or component part in possession of a demolisher or found upon the public highway*  
6 *or in any public garage or enclosure in which motor vehicles or component parts*  
7 *are kept for sale, storage, hire or repair and for that purpose may enter any such*  
8 *public garage or enclosure. Every person doing business as a demolisher or having*  
9 *used engines or transmissions which are component parts for sale shall keep an*  
10 *accurate and complete record of all vehicles demolished and of such component parts*  
11 *purchased or received in the course of business. These records shall contain the name*  
12 *and address of the person from whom each such vehicle or component part was*  
13 *purchased or received and the date when the purchase or receipt occurred. These*  
14 *records shall be open for inspection by any police authority at any time during normal*  
15 *business hours. Records required by this section shall be kept for at least three years*  
16 *after the transaction which they record.*

1 SEC. 16. Section three hundred twenty-one point ninety-six (321.96), Code  
2 1975, is amended to read as follows:

3 **321.96 Prohibited plates—certificates—badges.** No person shall display or  
4 cause or permit to be displayed, or have in his *or her* possession, *any vehicle*  
5 *identification number or component part number except as provided in this chapter, or*  
6 *any canceled, revoked, altered, or fictitious registration number plates,*  
7 *registration receipt, certificate of title, chauffeur's license certificate, or*  
8 *chauffeur's badge, as the same are respectively provided for in this chapter.*

1 SEC. 17. Section three hundred twenty-one point one hundred (321.100),  
2 subsection one (1), Code 1975, is amended to read as follows:

3 1. To alter with a fraudulent intent any certificate of title, manufacturer's or  
4 importer's certificate, registration card, registration plate, *manufacturer's vehicle*  
5 *identification plate, or permit issued by the department or county treasurer.*

1 SEC. 18. Section three hundred twenty-one point one hundred (321.100), Code  
2 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION. To hold or use any certificate of title, manufacturer's or  
4 importer's certificate, registration card, registration plate, manufacturer's vehicle  
5 identification plate, or permit issued by the department or county treasurer, for  
6 any vehicle to which such document or plate is not legally assigned.

1 SEC. 19. Chapter three hundred twenty-one (321), Code 1975, is amended by  
2 adding the following new section:

3 NEW SECTION. Every person selling new implements of husbandry at retail  
4 with a retail list price in excess of five thousand (5,000) dollars upon which the  
5 manufacturer has affixed a vehicle identification number shall maintain a record  
6 of such number, the name and address of the purchaser and the date of sale for a  
7 period of ten years.

Approved June 23, 1976