

2004 Legislative Session

SF 2070

Transportation Changes

- Sections 1 and 29 Amend Code section 321.1 and 321.235A to clarify that the definition of “electric personal assistive mobility device” does not include an assistive device for persons with disabilities, as defined in Code section 216E.1. Takes effect upon enactment.
- Section 2 Amends Code section 321.15 to allow the DOT to distribute laws, pamphlets and procedural manuals to county treasurers using electronic means.
- Section 3 Amends Code section 321.20 related to application for vehicle registration and certificate of title. Makes various procedural changes in the application process, including allowing for electronic signatures, requiring provision of an Iowa driver’s license number or nonoperator’s identification card number, and requiring a bona fide address. Allows the DOT to implement electronic liens and titles for all motor vehicles subject to registration, not just those operating in interstate commerce, and references the adoption of rules by the DOT.
- Section 4 Amends Code section 321.20A to allow the DOT or county treasurer to deliver a certificate of title to the owner or first secured party by electronic means.
- Section 5 Amends Code section 321.24 to facilitate electronic procedures and electronic delivery of titles, including removing requirements that a title application be attached to a certificate of title, that a title be typewritten or printed by mechanical means, and that a title bear the county treasurer’s seal. Allows the DOT to authorize issuance of a certificate of title when a security interest has been satisfied but the holder cannot be located to release the security interest.

Section 6	Amends Code section 321.31 and requires county treasurer to maintain a record of the date of perfection of security interests noted on certificate of title documents.
Sections 7, 8, 9 and 10	Amend Code section 321.34 to eliminate the requirement that a motor vehicle owner surrender the current registration receipt when exchanging regular registration plates for special registration plates. With the change, only the current plates need to be surrendered.
Section 11	Amends Code section 321.42 to state that the fees collected for replacement of a certificate of title are not refundable.
Section 12	Amends Code section 321.45 to strike language that requires a lien to be noted on a title in order to be perfected.
Section 13	Amends Code section 321.46 to strike the requirement that a motor vehicle transferee list a driver's license number on the application for title.
Section 14	Amends Code section 321.46 to strike the requirement that the owner of a vehicle that was sold, traded or junked provide a copy of the registration receipt in order to receive credit for the unused portion of registration fees. Relates to amendments to Code sections 321.126 and 326.15. Takes effect upon enactment.
Section 15	Amends Code section 321.50 related to security interests in motor vehicles. Allows for an electronic signature on an application for a security interest; requires the use of the federal employer identification number or social security number; requires the county treasurer to note the time of delivery of lien applications delivered electronically; and clarifies that the date of delivery of an application for security interest is the date of perfection of the security interest in the vehicle, regardless of the date the security interest is noted on the title.

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| Section 16 | Amends Code section 321.50, subsection 6, to repeal the subsection on January 1, 2005, rather than July 1, 2004. Repeal of the section will result in security interests being perfected on the date the application for a security interest is delivered to the county treasurer, not when the lien is “noted” on the title. Repeal of the subsection on January 1, 2005, allows this change to be implemented in concert with the new electronic lien and title provisions. |
| Section 17 | Amends Code section 321.50 to require the county treasurer to certify, upon request of any person, whether there are any security interests or liens against a vehicle. |
| Section 18 | Amends Code section 321.74 to require the DOT to suspend the registration of a vehicle that is reported through the National Motor Vehicle Information Title System as stolen or embezzled. Allows the DOT to be notified electronically of the vehicle’s recovery. |
| Section 19 | Amends Code section 321.101 to require the DOT, upon canceling a certificate of title, to provide notice of the cancellation to each lienholder who has a perfected lien on the title. |
| Section 20 | Amends Code section 321.109 to allow a nonresident who purchases a vehicle in Iowa for removal to another state to list, on the application for title, the purchaser’s social security number, passport number, or number of a driver’s license issued in Iowa, another state, or another country. |
| Section 21 | Amends Code section 321.126 to strike the requirement that the owner of a vehicle that was sold or junked provide a copy of the registration receipt when applying for a refund for the unused portion of registration fees. Relates to amendments to Code sections 321.46 and 326.15. Takes effect upon enactment. |
| Section 22 | Amends Code section 321.131 to make a technical correction related to the perfection of a security interest to correspond with changes made in previous sections. |

- Section 23 Amends Code section 321.134 to require the DOT to waive the penalties imposed for late payment of motor vehicle registration fees for an owner who is in the United States military service and who has been relocated as a result of being placed on active duty on or after September 11, 2001. Requires the DOT to adopt rules. Takes effect upon enactment.

Section 24 Amends Code section 321.149 to remove the requirement that documents furnished by the DOT to county treasurers be in paper format. This change allows the DOT to utilize electronic versions of required documents when applicable.

Section 25 Amends Code section 321.152 to make a technical correction stating that county treasurers retain 60 percent of all fees collected for the perfection of security interests, not for the notation of security interests.

Section 26 Amends Code section 321.153 to allow electronic submission to the DOT of a county treasurer's monthly statement of fees and penalties, by striking language that requires the county treasurer to use the county seal and certain forms.

Section 27 Amends Code section 321.160 to require the DOT to maintain a current statement of registered motor vehicle makes and models rather than update it annually. Allows for electronic distribution of the statement.

Section 28 Amends Code section 321.188 to require a commercial driver who applies for a hazardous material endorsement to comply with federal application and security threat assessment requirements, pursuant to procedures established by the DOT. Takes effect upon enactment.

Section 30 Amends Code section 321J.1A to allow the DOT to use electronic means to distribute publications containing information on Iowa's OWI laws.

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| Section 31 | Amends Code section 322.13 to remove the requirement that the DOT mail copies of each new rule or regulation to licensed motor vehicle manufacturers, distributors, and dealers. The DOT may provide notice of a new rule or regulation by a posting on the DOT's Internet web site. |
| Section 32 | Amends Code section 326.15 to allow qualified fleet owners to certify the destruction of registration plates for motor vehicles registered under Code chapter 326, instead of returning the plates to the DOT to be destroyed. Provides that refunds for unused registration fees be in accordance with Code section 321.126. Requires the DOT to adopt rules. Takes effect upon enactment. |
| Sections 33 and 34 | Repeal amendments to Code sections 321.24, 321.45 and 321.50, and effective dates for these amendments, enacted as a result of legislation passed during the 2003 session. The repeals take effect upon enactment. |
| Section 35 | States that the Act takes effect January 1, 2005, except as otherwise provided. |