

FEB 19 2016
TRANSPORTATION

HOUSE FILE 255
BY GREINER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to registration of vehicles by owners of
2 abandoned vehicles and providing an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 255

1 Section 1. Section 321.30, subsection 14, unnumbered
2 paragraph 2, Code 2005, is amended to read as follows:

3 15. The department or the county treasurer shall ~~also~~
4 refuse registration of a vehicle if the applicant for
5 registration of the vehicle has failed to pay the required
6 registration fees of any vehicle owned or previously owned
7 when the registration fee was required to be paid by the
8 applicant, and for which vehicle the registration was
9 suspended or revoked under section 321.101, subsection 1,
10 paragraph "d", or section 321.101A, until the fees are paid
11 together with any accrued penalties.

12 Sec. 2. Section 321.30, Code 2005, is amended by adding
13 the following new subsection:

14 NEW SUBSECTION. 16. The department, or the county
15 treasurer upon notice by the department, shall refuse
16 registration of a vehicle if the applicant for registration of
17 the vehicle is a registered owner of an abandoned vehicle for
18 which any fines, penalties, surcharges, or court costs related
19 to the abandonment have not been paid, or for which there are
20 outstanding obligations owing pursuant to section 321.89,
21 subsection 3.

22 Sec. 3. Section 321.40, Code 2005, is amended by adding
23 the following new unnumbered paragraph:

24 NEW UNNUMBERED PARAGRAPH. The county treasurer shall
25 refuse to renew the registration of a vehicle registered to an
26 applicant if the treasurer has been notified by the department
27 that the applicant is a registered owner of an abandoned
28 vehicle for which any fines, penalties, surcharges, or court
29 costs related to the abandonment have not been paid, or for
30 which there are outstanding obligations owing pursuant to
31 section 321.89, subsection 3.

32 Sec. 4. Section 321.89, subsection 3, paragraph a, Code
33 2005, is amended to read as follows:

34 a. A police authority or private entity ~~which~~ that takes
35 into custody an abandoned vehicle shall notify, within twenty

1 days, by certified mail, the last known registered owner of
2 the vehicle, all lienholders of record, and any other known
3 claimant to the vehicle or to personal property found in the
4 vehicle, addressed to their the parties' last known addresses
5 of record, that the abandoned vehicle has been taken into
6 custody. Notice shall be deemed given when mailed. The
7 notice shall describe the year, make, model, and serial number
8 of the vehicle, describe the personal property found in the
9 vehicle, set forth the location of the facility where the
10 vehicle is being held, and inform the persons receiving the
11 notice of their right to reclaim the vehicle and personal
12 property within ten days after the effective date of the
13 notice upon payment of all towing, preservation, and storage
14 charges resulting from placing the vehicle in custody and upon
15 payment of the costs of notice required pursuant to this
16 subsection. The notice shall also state that the failure of
17 the owner, lienholders, or claimants to exercise their right
18 to reclaim the vehicle or personal property within the time
19 provided shall be deemed a waiver by the owner, lienholders,
20 and claimants of all right, title, claim, and interest in the
21 vehicle or personal property and that failure to reclaim the
22 vehicle or personal property is deemed consent to the sale of
23 the vehicle at a public auction or disposal of the vehicle to
24 a demolisher and to disposal of the personal property by sale
25 or destruction. The notice shall state that any person
26 claiming rightful possession of the vehicle or personal
27 property who disputes the planned disposition of the vehicle
28 or property by the police authority or private entity or of
29 the assessment of fees and charges provided by this section
30 may ask for an evidentiary hearing before the police authority
31 to contest those matters. If the persons receiving the notice
32 do not ask for a hearing or exercise their right to reclaim
33 the vehicle or personal property within the ten-day reclaiming
34 period, the owner, lienholders, or claimants shall no longer
35 have any right, title, claim, or interest in or to the vehicle

1 or the personal property. A court in any case in law or
2 equity shall not recognize any right, title, claim, or
3 interest of the owner, lienholders, or claimants, after the
4 expiration of the ten-day reclaiming period. However, all
5 expenses related to towing, impoundment, custody, or storage
6 and, if applicable, sale or disposal of the abandoned vehicle
7 and personal property, including the costs of notice and
8 publication, are the obligation of the registered owner of the
9 vehicle. The notice shall state that the department may
10 refuse to register or renew the registration of another
11 vehicle in the owner's name as long as any part of that
12 obligation or any related fine, penalty, surcharge, or court
13 costs remain unpaid.

14 Sec. 5. Section 321.89, subsection 4, unnumbered paragraph
15 3, Code 2005, is amended to read as follows:

16 The director of transportation shall establish by rule a
17 claims procedure to be followed by police authorities in
18 obtaining expenses and costs from the fund. If a private
19 entity has been hired, the police authority may file a claim
20 with the department for reimbursement of towing fees which
21 shall be paid from the road use tax fund. The department
22 shall maintain a list of vehicle owners obligated for expenses
23 and costs paid from the fund and shall make the list available
24 to county treasurers for the purpose of refusal of vehicle
25 registration pursuant to sections 321.30 and 321.40.

26 Sec. 6. Section 602.8102, Code 2005, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. 50B. Assist the state department of
29 transportation in refusing registration of motor vehicles,
30 pursuant to section 321.30 or 321.40, by persons who fail to
31 timely pay criminal fines or penalties, surcharges, or court
32 costs related to the violation of a law regulating abandonment
33 of motor vehicles.

34 Sec. 7. EFFECTIVE DATE. This Act takes effect January 1,
35 2006.

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EXPLANATION

This bill provides that a person who is the registered owner of an abandoned vehicle, and who is obligated for expenses related to towing, impoundment, custody, storage, sale, or disposal of the vehicle or related personal property, shall be refused new registration or registration renewal of another vehicle until all such obligations, and any applicable fines, penalties, surcharges, or court costs, are paid in full. The general notice sent to owners, lienholders, and claimants of abandoned vehicles shall include notice of the potential refusal of registration. The state department of transportation is to notify county treasurers of those persons who are to be refused motor vehicle registration or renewal. The clerks of court are to assist the department in identifying owners of abandoned motor vehicles with outstanding debts owed to the court.

The bill takes effect January 1, 2006.