

## **Motor Vehicle Division Informational Memo # 22-07**

### ***Updates to Administrative Rule Chapters 400 and 450 (certifications of trust, documentary fee and window tinting exemption for law enforcement vehicles)***

**DATE:** April 11, 2022

**FROM:** MVD Policy & Compliance Team

**TO:** All Vehicle and Motor Carrier Services staff, Iowa County Treasurers and County Treasurer's staff

#### **SUBJECT**

This informational memo explains updates to administrative rule chapters 761—400, Vehicle Registration and Certificate of Title and 761—450, Motor Vehicle Equipment and is most applicable to staff involved with titling and registering vehicles subject to a trust and may be of interest to staff involved in processing suspension notices for illegal window tint.

#### **SUMMARY**

The updates to these rule chapters align with 2021 legislation related to certification of trust documents accepted for vehicle transactions, motor vehicle dealer documentary fees and legal window tint for law enforcement vehicles. The following paragraphs further explain the amendments:

**Certifications of trust.** The rule amendments change provisions in chapter 400 relating to vehicle transaction applications by a trust and vehicle ownership by a trust to incorporate new requirements for certification of trust documents established by the 2021 legislation. The legislation provided that a certification of trust must list the names of all currently acting trustees and if there is more than one currently acting trustee, is required to state whether the trustees may act individually, must act by majority decision, or must act by unanimous decision. *Please see PM 21-05, which has been revised to coincide with issuance of this memo, for more in-depth information on certification of trust requirements.*

**Documentary fee.** The rule updates align with 2021 legislation that removed a provision from Iowa Code section 322.19A that would have reduced by \$25 the documentary fee a person pays when purchasing a vehicle from a motor vehicle dealer upon the DOT's implementation of the Electronic Registration and Titling (ERT) system.

**Window tint for law enforcement vehicles.** The rule amendments also clarify that a person operating a motor vehicle owned or leased by a federal, state, or local law enforcement agency is exempt from Iowa's window tinting laws. While we did not see many window tint violations by peace officers prior to this law taking effect, this law is expected to reduce those violations even further. Of note, FMCSA regulation 49 CFR 393.60 still prohibits commercial motor vehicle (CMV) side windows from being tinted below 70% light transmittance, so we could still see some window tint violations written under Iowa Code section 321.449 if the law enforcement officer is driving a CMV with side windows tinted below 70% light transmittance.

**The administrative rule amendments are effective April 13, 2022.**

## **LINK TO ADMINISTRATIVE RULES**

<https://www.legis.iowa.gov/docs/aco/arc/6219C.pdf>

## **CURRENT**

Administrative rule chapters 761—400 and 761—450 as written did not address the 2021 legislative changes related to certification of trust documents accepted for vehicle transactions, documentary fees, and the law enforcement exemption from Iowa’s window tinting laws. However, based on the 2021 legislative changes, we have already changed our processes to adopt these requirements into our current processes and procedures.

You may wish to review previous informational memos (IM 21-25 and IM 21-28) we issued when the 2021 legislation became effective for more information about the background of the legislation. We have also revised policy memo 21-05 regarding certifications of trust to coincide with these administrative rule updates. Please refer to PM 21-05 for a full explanation of the policy related to certification of trust documents accepted for vehicle transactions.

For internal DOT employees, you may find PM 21-05 and IM 21-25 in the W drive at the address below:

*W:\MotorVehicle\Memorandums\Legislation-vehicle*

For internal DOT employees, you may find IM 21-28 in the W drive at the address below:

*W:\MotorVehicle\Memorandums\Legislation-MVD*

For County Treasurers and staff, you may find PM 21-05, IM 21-25 and IM 21-28 at the links to the county treasurer’s manual below:

<https://iowadot.gov/mvd/ctmanual/memos/PM-21-05.pdf>

<https://iowadot.gov/mvd/ctmanual/memos/IM-21-25.pdf>

<https://iowadot.gov/mvd/ctmanual/memos/IM-21-28.pdf>

## **NEW**

As of April 13, 2022, the rules will align with Iowa Code and our current processes as described in the summary above.

## **BUSINESS IMPACT**

This memo does not impact the way that MVD operates as we have already updated our processes to implement the legislation, rather this memo is just informing you that the administrative rules have now been updated.