

JAN 24 2001  
TRANSPORTATION

HOUSE FILE 100  
BY HUSER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the registration and regulation of off-highway  
2 vehicles, providing fees, making penalties applicable, and  
3 providing an effective date.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 100

1 Section 1. Section 321G.1, Code 2001, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 9A. "Off-highway vehicle" means a motor  
4 vehicle, as defined in section 321.1, which is designed to  
5 travel on wheels or tracks in contact with the ground and  
6 which is designed for and generally and commonly used to  
7 transport persons for recreational purposes off of public  
8 roadways. "Off-highway vehicle" does not include any of the  
9 following:

- 10 a. A snowmobile.
- 11 b. An all-terrain vehicle.
- 12 c. A military vehicle.

13 Sec. 2. Section 321G.1, subsections 10 through 12, and 17,  
14 Code 2001, are amended to read as follows:

15 10. "Operate" means to ride in or on, other than as a  
16 passenger, use, or control the operation of an all-terrain  
17 vehicle, off-highway vehicle, or snowmobile in any manner,  
18 whether or not the all-terrain vehicle, off-highway vehicle,  
19 or snowmobile is moving.

20 11. "Operator" means a person who operates or is in actual  
21 physical control of an all-terrain vehicle, off-highway  
22 vehicle, or snowmobile.

23 12. "Owner" means a person, other than a lienholder,  
24 having the property right in or title to an all-terrain  
25 vehicle, off-highway vehicle, or snowmobile. The term  
26 includes a person entitled to the use or possession of an all-  
27 terrain vehicle, off-highway vehicle, or snowmobile subject to  
28 an interest in another person, reserved or created by  
29 agreement and securing payment or performance of an  
30 obligation, but the term excludes a lessee under a lease not  
31 intended as security.

32 17. "Safety certificate" means an all-terrain vehicle or  
33 snowmobile safety certificate issued by the commission to a  
34 qualified applicant who is twelve years of age or more.

35 "Safety certificate" also means an off-highway vehicle safety

1 certificate issued by the commission to a qualified applicant.

2 Sec. 3. Section 321G.2, Code 2001, is amended to read as  
3 follows:

4 321G.2 RULES.

5 The commission may adopt rules for the following purposes:

6 1. Registration of all-terrain vehicles, off-highway  
7 vehicles, and snowmobiles.

8 2. Use of all-terrain vehicles, off-highway vehicles, and  
9 snowmobiles as far as game and fish resources or habitats are  
10 affected.

11 3. Use of all-terrain vehicles, off-highway vehicles, and  
12 snowmobiles on public lands under the jurisdiction of the  
13 commission.

14 4. Use of all-terrain vehicles, off-highway vehicles, and  
15 snowmobiles on any waters of the state under the jurisdiction  
16 of the commission, while the waters are frozen.

17 5. Establish a program of grants, subgrants, and contracts  
18 to be administered by the department for the development and  
19 delivery of certified courses of instruction for the safe use  
20 and operation of all-terrain vehicles, off-highway vehicles,  
21 and snowmobiles by political subdivisions and incorporated  
22 private organizations.

23 6. Issuance of safety certificates.

24 7. Issuance of competition registrations and the  
25 participation of all-terrain vehicles, off-highway vehicles,  
26 and snowmobiles so registered in special events.

27 8. Equipment and operation requirements, including the use  
28 of safety belts and harnesses, for off-highway vehicles that  
29 are registered and titled as motor vehicles under chapter 321  
30 while they are in use primarily for off-highway purposes and  
31 for off-highway vehicles that are not registered and titled as  
32 motor vehicles under chapter 321.

33 The director of transportation may adopt rules not  
34 inconsistent with this chapter regulating the use of all-  
35 terrain vehicles, off-highway vehicles, and snowmobiles on

1 streets and highways. Cities may designate streets under the  
2 jurisdiction of cities within their respective corporate  
3 limits which may be used for snowmobiling and the sport of  
4 driving all-terrain vehicles.

5 In adopting the rules, consideration shall be given to the  
6 need to protect the environment and the public health, safety,  
7 and welfare; to protect private property, public parks, and  
8 other public lands; to protect wildlife and wildlife habitat;  
9 and to promote uniformity of rules relating to the use,  
10 operation, and equipment of all-terrain vehicles, off-highway  
11 vehicles, and snowmobiles. The commission shall consult with  
12 the Iowa association of four-wheel drive clubs in adopting  
13 rules applicable to off-highway vehicles. The rules shall be  
14 in conformance with chapter 17A.

15 Sec. 4. NEW SECTION. 321G.4A REGISTRATION OF OFF-HIGHWAY  
16 VEHICLES -- DAY PASSES -- FEE.

17 1. The owner of an off-highway vehicle used on public land  
18 of this state shall register the off-highway vehicle under  
19 this section, unless the off-highway vehicle is registered and  
20 titled as a motor vehicle under chapter 321 and is not used  
21 off public roadways other than for incidental purposes. The  
22 owner shall register the off-highway vehicle every two years  
23 with the county recorder of the county in which the owner  
24 resides or, if the owner is a nonresident, the owner shall  
25 register the off-highway vehicle in the county in which the  
26 off-highway vehicle is principally used. The commission has  
27 supervisory responsibility over the registration of off-  
28 highway vehicles and shall provide each county recorder with  
29 registration forms, certificates, and stickers.

30 2. The owner of the off-highway vehicle shall file an  
31 application for registration with the appropriate county  
32 recorder on forms provided by the commission. The owner of  
33 the off-highway vehicle shall complete and sign the  
34 application and pay a fee set by the commission by rule and a  
35 writing fee.

1 3. If an off-highway vehicle is registered and titled as a  
2 motor vehicle under chapter 321, the owner of the off-highway  
3 vehicle shall present the registration receipt for the vehicle  
4 to the county recorder upon application for registration under  
5 this section. If an off-highway vehicle is not registered and  
6 titled as a motor vehicle under chapter 321, the owner shall  
7 present to the county recorder receipts, bills of sale, or  
8 other satisfactory evidence that the sales or use tax has been  
9 paid for the purchase of the off-highway vehicle or that the  
10 owner is exempt from paying the tax.

11 4. Upon receipt of an application in approved form  
12 accompanied by the required fees, the county recorder shall  
13 enter the application upon the records and issue to the  
14 applicant a pocket-size registration certificate and a  
15 numbered registration sticker. The registration certificate  
16 shall be executed in triplicate, one copy to be delivered to  
17 the owner, one copy to the commission, and one to be retained  
18 on file by the county recorder. The certificate shall be  
19 carried either in the off-highway vehicle or on the person of  
20 the operator of the off-highway vehicle when in use. The  
21 operator of an off-highway vehicle shall exhibit the  
22 registration certificate to a peace officer upon request, to a  
23 person injured in an accident involving the off-highway  
24 vehicle, or to the owner or operator of another off-highway  
25 vehicle or the owner of personal or real property when the  
26 off-highway vehicle is involved in a collision or accident of  
27 any nature with another off-highway vehicle or the property of  
28 another person or to the property owner or tenant when the  
29 off-highway vehicle is being operated on private property  
30 without permission from the property owner or tenant.

31 5. The owner of the off-highway vehicle shall affix the  
32 registration sticker on the lower right corner of the rear  
33 license plate if the off-highway vehicle is registered and  
34 titled as a motor vehicle under chapter 321. If the off-  
35 highway vehicle is not registered and titled under chapter

1 321, the owner shall provide a plate not less than four inches  
2 high and seven and a half inches wide. The plate must be  
3 attached to the rear of the vehicle at least twelve inches  
4 from the ground. The sticker shall be affixed on the lower  
5 right corner of the plate. Plates and registration stickers  
6 shall be maintained in a clean and legible condition.

7 6. If an off-highway vehicle is placed in storage, the  
8 owner shall return the current registration certificate to the  
9 county recorder with an affidavit stating that the off-highway  
10 vehicle is placed in storage and the effective date of  
11 storage. The county recorder shall notify the commission of  
12 each off-highway vehicle placed in storage. When the owner of  
13 a stored off-highway vehicle desires to renew the  
14 registration, the owner shall make application to the county  
15 recorder and pay the registration fee without penalty. A  
16 refund of the registration fee shall not be allowed for a  
17 stored off-highway vehicle.

18 7. An owner of an off-highway vehicle not registered under  
19 this section may apply to the county recorder for a day pass  
20 authorizing the vehicle's operation in this state for off-  
21 highway purposes for up to three days. The off-highway  
22 vehicle must meet the equipment, operation, and other  
23 requirements for day pass applicants adopted by the commission  
24 by rule. A person operating an off-highway vehicle for which  
25 a day pass has been issued under this subsection shall carry  
26 the pass with the operator and shall comply with all off-  
27 highway vehicle operation and use provisions of this chapter.

28 Sec. 5. Section 321G.6, Code 2001, is amended to read as  
29 follows:

30 321G.6 REGISTRATION -- RENEWAL -- TRANSFER.

31 1. Every all-terrain vehicle or snowmobile registration  
32 certificate and number and every off-highway vehicle  
33 registration certificate and sticker issued expires at  
34 midnight December 31, and renewals expire every two years  
35 thereafter unless sooner terminated or discontinued in

1 accordance with this chapter. After the first day of  
2 September each even-numbered year, an unregistered all-terrain  
3 vehicle, off-highway vehicle, or snowmobile and renewals may  
4 be registered for the subsequent biennium beginning January 1.  
5 An all-terrain vehicle or snowmobile registered between  
6 January 1 and September 1 of even-numbered years shall be  
7 registered for a fee of twelve dollars and fifty cents for the  
8 remainder of the registration period. An off-highway vehicle  
9 registered between January 1 and September 1 of even-numbered  
10 years shall be registered for a fee equal to one-half of the  
11 fee set by the commission under section 321G.4A for the  
12 remainder of the registration period.

13 2. After the first day of September in even-numbered years  
14 an unregistered all-terrain vehicle, off-highway vehicle, or  
15 snowmobile may be registered for the remainder of the current  
16 registration period and for the subsequent registration period  
17 in one transaction. The fee for all-terrain vehicles and  
18 snowmobiles shall be five dollars for the remainder of the  
19 current period, in addition to the registration fee of twenty-  
20 five dollars ~~for an all-terrain vehicle and twenty-five~~  
21 ~~dollars for a snowmobile~~ for the subsequent biennium beginning  
22 January 1, and a writing fee. The fee for off-highway  
23 vehicles for the remainder of the current period shall be set  
24 by the commission, in addition to the full registration fee  
25 and writing fee for the subsequent biennium beginning January  
26 1. Registration certificates, and numbers, and stickers may  
27 be renewed upon application of the owner in the same manner as  
28 provided in securing the original registration. The all-  
29 terrain vehicle, off-highway vehicle, or snowmobile  
30 registration fee is in lieu of personal property tax for each  
31 year of the registration.

32 3. An expired all-terrain vehicle, off-highway vehicle, or  
33 snowmobile registration may be renewed for the same fee as if  
34 the owner is securing the original registration plus a penalty  
35 of five dollars and a writing fee.

1 ~~All-all-terrain-vehicles-used-on-public-land-must-be~~  
2 ~~registered-within-six-months-following-January-17-1990,-unless~~  
3 ~~otherwise-exempt.~~

4 4. When a person, after registering an all-terrain  
5 vehicle, off-highway vehicle, or snowmobile, moves from the  
6 address shown on the registration certificate, the person  
7 shall, within ten days, notify the county recorder in writing  
8 of the move and the person's new address.

9 5. Upon the transfer of ownership of an all-terrain  
10 vehicle, off-highway vehicle, or snowmobile, the owner shall  
11 complete the form on the back of the current registration  
12 certificate and shall deliver it to the purchaser or  
13 transferee at the time of delivering the all-terrain vehicle,  
14 off-highway vehicle, or snowmobile. The purchaser or  
15 transferee shall, within five days of transfer, file a new  
16 application form with the county recorder with a fee of one  
17 dollar and the writing fee, and a transfer of number shall be  
18 awarded in the same manner as provided in an original  
19 registration. If the purchaser or transferee does not file a  
20 new application form within five days of transfer, the  
21 transfer of number shall be awarded upon payment of all  
22 applicable fees plus a penalty of five dollars.

23 6. All registrations must be valid for the current  
24 registration period prior to the transfer of any registration,  
25 including assignment to a dealer.

26 7. Duplicate registrations may be issued upon application  
27 therefor and the payment of the same fees collected for the  
28 transfer of registrations.

29 8. A motorcycle, as defined in section 321.1, subsection  
30 40, paragraph "a", may be registered as an all-terrain vehicle  
31 as provided in this section. A motorcycle registered as an  
32 all-terrain vehicle may participate in all programs  
33 established for all-terrain vehicles under this chapter except  
34 for the safety instruction and certification program.

35 Sec. 6. Section 321G.7, Code 2001, is amended to read as

1 follows:

2 321G.7 FEES REMITTED TO COMMISSION -- APPROPRIATION.

3 1. Within ten days after the end of each month, a county  
4 recorder shall remit to the commission the all-terrain  
5 vehicle, off-highway vehicle, and snowmobile fees collected by  
6 the recorder during the previous month. Before January 10 of  
7 odd-numbered years, a recorder shall remit unused ~~license~~  
8 registration forms from the previous biennium to the  
9 commission.

10 2. The department shall remit the fees to the treasurer of  
11 state, who shall place the money in a special conservation  
12 fund. The money is appropriated to the department for the  
13 all-terrain vehicle, off-highway vehicle, and snowmobile  
14 programs of the state. All-terrain vehicle fees shall be used  
15 only for all-terrain vehicle programs, off-highway vehicle  
16 fees shall be used only for off-highway vehicle programs, and  
17 snowmobile fees shall be used only for snowmobile programs.  
18 Joint programs shall be supported from both the types of fees  
19 on a usage basis. The all-terrain vehicle, off-highway  
20 vehicle, and snowmobile programs shall include grants,  
21 subgrants, contracts, or cost-sharing of all-terrain vehicle,  
22 off-highway vehicle, and snowmobile programs with political  
23 subdivisions or incorporated private organizations or both in  
24 accordance with rules adopted by the commission. All all-  
25 terrain vehicle programs using cost-sharing, grants,  
26 subgrants, or contracts shall establish and implement a safety  
27 instruction program either singly or in cooperation with other  
28 all-terrain vehicle programs. All off-highway vehicle  
29 programs using cost sharing, grants, subgrants, or contracts  
30 shall establish and implement a safety instruction program  
31 either singly or in cooperation with other off-highway vehicle  
32 programs. At least fifty percent of the special fund shall be  
33 available for political subdivisions or incorporated private  
34 organizations or both. Moneys from the special fund not used  
35 by the political subdivisions or incorporated private

1 organizations or both shall remain in the all-terrain vehicle,  
2 off-highway vehicle, or snowmobile accounts. The department  
3 may use funds from these accounts for the administration of  
4 the all-terrain vehicle, off-highway vehicle, and snowmobile  
5 programs.

6 Sec. 7. Section 321G.8, unnumbered paragraph 1, Code 2001,  
7 is amended to read as follows:

8 Registration shall not be required for the following  
9 described all-terrain vehicles, off-highway vehicles, and  
10 snowmobiles:

11 Sec. 8. Section 321G.8, subsection 1, Code 2001, is  
12 amended to read as follows:

13 1. All-terrain vehicles, off-highway vehicles, and  
14 snowmobiles owned and used by the United States, another  
15 state, or a political subdivision of another state.

16 Sec. 9. NEW SECTION. 321G.8A APPLICABILITY TO OFF-  
17 HIGHWAY VEHICLES.

18 The provisions in this chapter relating to the operation or  
19 use of off-highway vehicles shall only apply to off-highway  
20 vehicles that are not registered and titled as motor vehicles  
21 under chapter 321 and to off-highway vehicles that are  
22 registered and titled as motor vehicles under chapter 321  
23 while they are in use primarily for off-road purposes. The  
24 provisions in sections 321G.29 through 321G.32 shall only  
25 apply to off-highway vehicles that are not registered and  
26 titled as motor vehicles under chapter 321.

27 Sec. 10. Section 321G.9, Code 2001, is amended to read as  
28 follows:

29 321G.9 OPERATION ON ROADWAYS AND HIGHWAYS.

30 A person shall not operate an all-terrain vehicle or  
31 snowmobile upon roadways or highways, as defined in section  
32 321.1, except as provided in section 321.234A and this  
33 chapter. A person shall not operate an off-highway vehicle  
34 upon such roadways or highways except as provided in this  
35 chapter.

1 1. An all-terrain vehicle, off-highway vehicle, or  
2 snowmobile shall not be operated at any time within the right  
3 of way of any interstate highway or freeway within this state  
4 except under either of the following circumstances:

5 a. As provided in section 321.234A.

6 b. When using an underpass located on an interstate  
7 highway or freeway if all of the following apply:

8 (1) The underpass has been abandoned and is no longer  
9 being used by motor vehicles or trains.

10 (2) Use of the underpass is the only alternative to the  
11 use of a traveled roadway.

12 (3) Notwithstanding the provisions of chapter 321, use of  
13 the underpass does not conflict with any rules or regulations  
14 adopted by a federal governmental entity or this state or a  
15 political subdivision of this state.

16 2. An all-terrain vehicle, off-highway vehicle, or  
17 snowmobile may make a direct crossing of a street or highway  
18 provided:

19 a. The crossing is made at an angle of approximately  
20 ninety degrees to the direction of the highway and at a place  
21 where no obstruction prevents a quick and safe crossing, ~~and~~.

22 b. The all-terrain vehicle, off-highway vehicle, or  
23 snowmobile is brought to a complete stop before crossing the  
24 shoulder or main traveled way of the highway, ~~and~~.

25 c. The driver yields the right of way to all oncoming  
26 traffic which constitutes an immediate hazard, ~~and~~.

27 d. In crossing a divided highway, the crossing is made  
28 only at an intersection of such highway with another public  
29 street or highway.

30 3. An all-terrain vehicle, off-highway vehicle, or  
31 snowmobile shall not be operated on public highways in any of  
32 the following manners:

33 a. On the roadway portion of a highway and or adjacent  
34 shoulder, or at least within five feet on of either side of  
35 the roadway, except as provided in subsection 4 ~~of this~~

1 section and.

2 b. On limited access highways and or approaches and.

3 c. For racing any moving object and.

4 d. Abreast with one or more other all-terrain vehicles,  
5 off-highway vehicles, or snowmobiles on a city highway.

6 4. A registered all-terrain vehicle, off-highway vehicle,  
7 or snowmobile may be operated under the following conditions:

8 a. Upon city highways which have not been plowed during  
9 the snow season or on such highways as designated by the  
10 governing body of a municipality.

11 b. On that portion of county roadways that have not been  
12 plowed during the snow season or not maintained or utilized  
13 for the operation of conventional two-wheel drive motor  
14 vehicles.

15 c. On highways in an emergency during the period of time  
16 when and at locations where snow upon the roadway renders  
17 travel by conventional motor vehicles impractical.

18 d. On the roadways of that portion of county highways  
19 designated by the county board of supervisors for such use  
20 during a specified period. The county board of supervisors  
21 shall evaluate the traffic conditions on all county highways  
22 and designate roadways on which all-terrain vehicles, off-  
23 highway vehicles, or snowmobiles may be operated for the  
24 specified period without unduly interfering with or  
25 constituting an undue hazard to conventional motor vehicle  
26 traffic. Signs warning of the operation of all-terrain  
27 vehicles, off-highway vehicles, or snowmobiles on the roadway  
28 shall be placed and maintained on the portions of highway thus  
29 designated during the period specified for the operation.

30 e. On the roadway or shoulder when necessary to cross a  
31 bridge or culvert, or avoid an obstruction which makes it  
32 impossible to travel on the portion of the highway not  
33 intended for motor vehicles, if the all-terrain vehicle, off-  
34 highway vehicle, or snowmobile is brought to a complete stop  
35 before entering onto the roadway or shoulder and the driver

1 yields the right of way to any approaching vehicle on the  
2 roadway.

3 f. All-terrain vehicles and off-highway vehicles shall not  
4 be operated on snowmobile trails except where designated by  
5 the controlling authority and the primary snowmobile trail  
6 sponsor.

7 g. Snowmobiles and off-highway vehicles shall not be  
8 operated on all-terrain vehicle trails except where designated  
9 by the controlling authority and the primary all-terrain  
10 vehicle trail sponsor.

11 h. All-terrain vehicles and snowmobiles shall not be  
12 operated on off-highway vehicle trails or in off-highway  
13 vehicle use areas except where designated by the controlling  
14 authority and the primary off-highway vehicle trail or use  
15 area sponsor.

16 5. The headlight and taillight shall be lighted during the  
17 operation on a public highway at any time from sunset to  
18 sunrise, and at such other times when conditions such as fog,  
19 snow, sleet, or rain provide insufficient lighting to render  
20 clearly discernible persons and vehicles at a distance of five  
21 hundred feet ahead.

22 6. a. An all-terrain vehicle or snowmobile shall not be  
23 operated on or across a public highway by a person under  
24 sixteen years of age who does not have in the person's  
25 possession a safety certificate issued to the person pursuant  
26 to this chapter.

27 b. A person twelve to fifteen years of age and possessing  
28 a valid safety certificate must be under the direct  
29 supervision of a parent, guardian, or another adult authorized  
30 by the parent or guardian, who is experienced in all-terrain  
31 vehicle or snowmobile operation, and who possesses a valid  
32 driver's license as defined in section 321.1, or a safety  
33 certificate issued under this chapter.

34 7. An all-terrain vehicle, off-highway vehicle, or  
35 snowmobile shall not be operated within the right of way of a

1 primary highway between the hours of sunset and sunrise except  
2 on the right-hand side of the right of way and in the same  
3 direction as the motor vehicular traffic on the nearest lane  
4 of traveled portion of the right of way.

5 Sec. 11. Section 321G.10, Code 2001, is amended to read as  
6 follows:

7 321G.10 ACCIDENT REPORTS.

8 If an all-terrain vehicle or snowmobile is involved in an  
9 accident resulting in injury or death to anyone or property  
10 damage amounting to two hundred dollars or more, either the  
11 operator or someone acting for the operator shall immediately  
12 notify the county sheriff or another law enforcement agency in  
13 the state. If an off-highway vehicle is involved in an  
14 accident resulting in injury or death to anyone or property  
15 damage amounting to one thousand dollars or more, either the  
16 operator or someone acting for the operator shall immediately  
17 notify the county sheriff or another law enforcement agency in  
18 the state. The operator shall file with the commission a  
19 report of the accident, within forty-eight hours, containing  
20 information as the commission may require.

21 Sec. 12. Section 321G.11, unnumbered paragraphs 1 and 2,  
22 Code 2001, are amended to read as follows:

23 An all-terrain vehicle or snowmobile shall not be operated  
24 without suitable and effective muffling devices which limit  
25 engine noise to not more than eighty-six decibels as measured  
26 on the "A" scale at a distance of fifty feet; and a  
27 snowmobile, manufactured after July 1, 1973, which is sold,  
28 offered for sale, or used in this state, except in an  
29 authorized special event, shall have a muffler system that  
30 limits engine noise to not more than eighty-two decibels as  
31 measured on the "A" scale at a distance of fifty feet. An  
32 off-highway vehicle shall not be operated pursuant to this  
33 chapter without a muffler that meets the requirements of  
34 section 321.436 and rules adopted under that section.

35 The commission may adopt rules with respect to the

1 inspection of all-terrain vehicles, off-highway vehicles, and  
2 snowmobiles and testing of their mufflers.

3 Sec. 13. Section 321G.13, unnumbered paragraph 1, Code  
4 2001, is amended to read as follows:

5 A person shall not drive or operate an all-terrain vehicle,  
6 off-highway vehicle, or snowmobile:

7 Sec. 14. Section 321G.13, subsections 4, 7, 8, 10, and 11,  
8 Code 2001, are amended to read as follows:

9 4. Without a lighted headlight and taillight from sunset  
10 to sunrise and at such other times when conditions provide  
11 insufficient lighting to render clearly discernible persons  
12 and vehicles at a distance of five hundred feet ahead. A  
13 person shall not operate an off-highway vehicle between sunset  
14 and sunrise unless the vehicle's headlights and taillights are  
15 lighted and only when participating in a special event  
16 authorized by the department under section 321G.16. A person  
17 shall not operate an off-highway vehicle without lighted  
18 headlights and taillights when conditions provide insufficient  
19 lighting to render clearly discernible persons and vehicles at  
20 a distance of five hundred feet ahead.

21 7. In or on any park or fish and game areas except on  
22 designated all-terrain vehicle, off-highway vehicle, or  
23 snowmobile trails or use areas.

24 8. Upon an operating railroad right-of-way. An all-  
25 terrain vehicle, off-highway vehicle, or snowmobile may be  
26 driven directly across a railroad right-of-way only at an  
27 established crossing and, notwithstanding any other provisions  
28 of law, may, if necessary, use the improved portion of the  
29 established crossing after yielding to all oncoming traffic.  
30 This subsection does not apply to a law enforcement officer or  
31 railroad employee in the lawful discharge of the officer's or  
32 employee's duties or to an employee of a utility with  
33 authority to enter upon the railroad right-of-way in the  
34 lawful performance of the employee's duties.

35 10. On public land without a measurable snow cover except

1 as provided in section 321.234A or in specific areas permitted  
2 by the commission, such as "all-terrain vehicle parks" or off-  
3 highway vehicle trails or use areas which are designated and  
4 intended for use with or without snow.

5 11. A person shall not operate or ride in an all-terrain  
6 vehicle, off-highway vehicle, or snowmobile with a firearm in  
7 the person's possession unless it is unloaded and enclosed in  
8 a carrying case. However, a nonambulatory person may carry an  
9 uncased and unloaded firearm while operating or riding an all-  
10 terrain vehicle, off-highway vehicle, or a snowmobile.

11 Sec. 15. Section 321G.16, Code 2001, is amended to read as  
12 follows:

13 321G.16 SPECIAL EVENTS.

14 The department may authorize the holding of organized  
15 special events as defined in this chapter within this state.  
16 The department shall adopt rules relating to the conduct of  
17 special events held under department permits and designating  
18 the equipment and facilities necessary for safe operation of  
19 all-terrain vehicles, off-highway vehicles, and snowmobiles or  
20 for the safety of operators, participants, and observers in  
21 the special events. A special event for all-terrain vehicles  
22 may include motorcycles upon payment of an entrance fee set by  
23 the organizer of the special event. The department may  
24 require that part of the motorcycle entrance fee be credited  
25 to pay costs of all-terrain vehicle programs authorized  
26 pursuant to section 321G.7. At least thirty days before the  
27 scheduled date of a special event in this state, an  
28 application shall be filed with the department for  
29 authorization to conduct the special event. The application  
30 shall set forth the date, time, and location of the proposed  
31 special event and any other information the department  
32 requires. The special event shall not be conducted without  
33 written authorization of the department. Copies of the rules  
34 shall be furnished by the department to any person making an  
35 application.

1     Sec. 16. Section 321G.17, Code 2001, is amended to read as  
2 follows:

3     321G.17 VIOLATION OF "STOP" SIGNAL.

4     A person, after having received a visual or audible signal  
5 from a peace officer to come to a stop, shall not operate an  
6 all-terrain vehicle, off-highway vehicle, or snowmobile in  
7 willful or wanton disregard of the signal or interfere with or  
8 endanger the officer or any other person or vehicle, or  
9 increase speed or attempt to flee or elude the officer.

10    Sec. 17. Section 321G.18, Code 2001, is amended to read as  
11 follows:

12    321G.18 NEGLIGENCE.

13    The owner and operator of an all-terrain vehicle, off-  
14 highway vehicle, or snowmobile are liable for any injury or  
15 damage occasioned by the negligent operation of the all-  
16 terrain vehicle, off-highway vehicle, or snowmobile. The  
17 owner of an all-terrain vehicle, off-highway vehicle, or  
18 snowmobile shall be liable for any such injury or damage only  
19 if the owner was the operator of the all-terrain vehicle, off-  
20 highway vehicle, or snowmobile at the time the injury or  
21 damage occurred or if the operator had the owner's consent to  
22 operate the all-terrain vehicle, off-highway vehicle, or  
23 snowmobile at the time the injury or damage occurred.

24    Sec. 18. Section 321G.19, Code 2001, is amended to read as  
25 follows:

26    321G.19 RENTED SNOWMOBILES, OFF-HIGHWAY VEHICLES, AND ALL-  
27 TERRAIN VEHICLES.

28    1. The owner of a rented all-terrain vehicle, off-highway  
29 vehicle, or snowmobile shall keep a record of the name and  
30 address of each person renting the all-terrain vehicle, off-  
31 highway vehicle, or snowmobile, its identification number, the  
32 departure date and time, and the expected time of return. The  
33 records shall be preserved for six months.

34    2. The owner of an all-terrain vehicle, off-highway  
35 vehicle, or snowmobile operated for hire shall not permit the

1 use or operation of a rented all-terrain vehicle, off-highway  
2 vehicle, or snowmobile unless it has been provided with all  
3 equipment required by this chapter or rules of the commission  
4 or the director of transportation, properly installed and in  
5 good working order.

6 Sec. 19. Section 321G.20, Code 2001, is amended to read as  
7 follows:

8 321G.20 ~~MINORS-UNDER-TWELVE-~~ OPERATION BY MINORS --  
9 DRIVER'S LICENSE.

10 1. An owner or operator of a snowmobile shall not permit a  
11 person under twelve years of age to operate and a person less  
12 than twelve years of age shall not operate, a snowmobile  
13 except when accompanied on the same snowmobile by a  
14 responsible person of at least eighteen years of age who is  
15 experienced in snowmobile operation and who possesses a valid  
16 driver's license, as defined in section 321.1, or a safety  
17 certificate issued under this chapter.

18 2. A person under twelve years of age shall not operate an  
19 all-terrain vehicle on public lands unless the person is  
20 taking a prescribed safety training course under the direct  
21 supervision of a certified all-terrain vehicle safety  
22 instructor and a parent or guardian.

23 3. A person shall not operate an off-highway vehicle  
24 unless the person possesses a safety certificate and a valid  
25 driver's license, as defined in section 321.1.

26 Sec. 20. Section 321G.22, Code 2001, is amended to read as  
27 follows:

28 321G.22 LIMITATION OF LIABILITY BY PUBLIC BODIES AND  
29 ADJOINING OWNERS.

30 The state, its political subdivisions, and the owners or  
31 tenants of property adjoining public lands or the right of way  
32 of a public highway and their agents and employees owe no duty  
33 of care to keep the public lands, ditches, or land contiguous  
34 to a highway or roadway under the control of the state or a  
35 political subdivision safe for entry or use by persons

1 operating an all-terrain vehicle, off-highway vehicle, or  
2 snowmobile, or to give any warning of a dangerous condition,  
3 use, structure, or activity on the premises to persons  
4 entering for such purposes, except in the case of willful or  
5 malicious failure to guard or warn against a dangerous  
6 condition, use, structure, or activity. The state, its  
7 political subdivisions, and the owners or tenants of property  
8 adjoining public lands or the right of way of a public  
9 highway, and their agents and employees are not liable for  
10 actions taken to allow or facilitate the use of public lands,  
11 ditches, or land contiguous to a highway or roadway except in  
12 the case of a willful or malicious failure to guard or warn  
13 against a dangerous condition, use, structure, or activity.

14 This section does not create a duty of care or ground of  
15 liability on behalf of the state, its political subdivisions,  
16 or the owners or tenants of property adjoining public lands or  
17 the right of way of a public highway and their agents and  
18 employees for injury to persons or property in the operation  
19 of all-terrain vehicles, off-highway vehicles, or snowmobiles  
20 in a ditch or on land contiguous to a highway or roadway under  
21 the control of the state or a political subdivision. The  
22 state, its political subdivisions, and the owners or tenants  
23 of property adjoining public lands or the right of way of a  
24 public highway and their agents and employees are not liable  
25 for the operation of an all-terrain vehicle, off-highway  
26 vehicle, or snowmobile in violation of this chapter.

27 Sec. 21. Section 321G.23, subsection 1, Code 2001, is  
28 amended to read as follows:

29 1. The commission shall provide, by rules adopted pursuant  
30 to section 321G.2, for the establishment of certified courses  
31 of instruction to be conducted throughout the state for the  
32 safe use and operation of all-terrain vehicles, off-highway  
33 vehicles, and snowmobiles. The curriculum shall include  
34 instruction in the lawful and safe use, operation, and  
35 equipping of all-terrain vehicles, off-highway vehicles, and

1 snowmobiles consistent with this chapter and rules adopted by  
2 the commission and the director of transportation and other  
3 matters the commission deems pertinent for a qualified all-  
4 terrain vehicle, off-highway vehicle, or snowmobile operator.

5 Sec. 22. Section 321G.24, subsections 1 and 5, Code 2001,  
6 are amended to read as follows:

7 1. A person under eighteen years of age shall not operate  
8 a snowmobile on public land or land purchased with snowmobile  
9 registration funds in this state without obtaining a valid  
10 safety certificate issued by the department and having the  
11 certificate in the person's possession, unless the person is  
12 accompanied on the same snowmobile by a responsible person of  
13 at least eighteen years of age who is experienced in  
14 snowmobile operation and possesses a valid driver's license,  
15 as defined in section 321.1, or a safety certificate issued  
16 under this chapter. A person under eighteen years of age  
17 shall not operate an all-terrain vehicle on public land or  
18 land purchased with all-terrain vehicle registration funds in  
19 this state without obtaining a valid safety certificate issued  
20 by the department and having the certificate in the person's  
21 possession. A person shall not operate an off-highway vehicle  
22 on public land or land purchased with off-highway vehicle  
23 registration funds in this state without obtaining a valid  
24 safety certificate issued by the department and having the  
25 certificate in the person's possession.

26 5. A valid all-terrain vehicle, off-highway vehicle, or  
27 snowmobile safety certificate or license issued to a  
28 nonresident by a governmental authority of another state shall  
29 be considered a valid certificate or license in this state if  
30 the permit or license requirements of the governmental  
31 authority, excluding fees, are substantially the same as the  
32 requirements of this chapter as determined by the commission.

33 Sec. 23. Section 321G.25, Code 2001, is amended to read as  
34 follows:

35 321G.25 STOPPING AND INSPECTING -- WARNINGS.

1 A peace officer may stop and inspect an all-terrain  
2 vehicle, off-highway vehicle, or snowmobile operated, parked,  
3 or stored on public streets, highways, public lands, or frozen  
4 waters of the state to determine if the all-terrain vehicle,  
5 off-highway vehicle, or snowmobile is registered, numbered, or  
6 equipped as required by this chapter and commission rules.  
7 The officer shall not inspect an area that is not essential to  
8 determine compliance with the requirements. If the officer  
9 determines that the all-terrain vehicle, off-highway vehicle,  
10 or snowmobile is not in compliance, the officer may issue a  
11 warning memorandum to the operator and forward a copy to the  
12 commission. The warning memorandum shall indicate the items  
13 found not in compliance and shall direct the owner or operator  
14 of the all-terrain vehicle, off-highway vehicle, or snowmobile  
15 to have the all-terrain vehicle, off-highway vehicle, or  
16 snowmobile in compliance and return a copy of the warning  
17 memorandum with the proof of compliance to the commission  
18 within fourteen days. If the proof of compliance is not  
19 provided within fourteen days, the owner or operator is in  
20 violation of this chapter.

21 Sec. 24. Section 321G.26, Code 2001, is amended to read as  
22 follows:

23 321G.26 TERMINATION OF USE.

24 A person who receives a warning memorandum for an all-  
25 terrain vehicle, off-highway vehicle, or snowmobile shall stop  
26 using the all-terrain vehicle, off-highway vehicle, or  
27 snowmobile as soon as possible and shall not operate it on  
28 public streets, highways, public lands, or frozen waters of  
29 the state until the all-terrain vehicle, off-highway vehicle,  
30 or snowmobile is in compliance.

31 Sec. 25. Section 321G.27, Code 2001, is amended to read as  
32 follows:

33 321G.27 WRITING FEES.

34 The county recorder shall collect a writing fee of one  
35 dollar for an all-terrain vehicle, off-highway vehicle, or

1 snowmobile registration.

2 Sec. 26. Section 321G.28, Code 2001, is amended to read as  
3 follows:

4 321G.28 CONSISTENT LOCAL LAWS -- SPECIAL LOCAL RULES.

5 1. This chapter and other applicable laws of this state  
6 shall govern the operation, equipment, numbering, and all  
7 other matters relating to an all-terrain vehicle, off-highway  
8 vehicle, or snowmobile when the all-terrain vehicle, off-  
9 highway vehicle, or snowmobile is operated or maintained in  
10 this state. However, this chapter does not prevent the  
11 adoption of an ordinance or local law relating to the  
12 operation of or equipment of all-terrain vehicles, off-highway  
13 vehicles, or snowmobiles. The ordinances or local laws are  
14 operative only so long as they are not inconsistent with this  
15 chapter or the rules adopted by the commission.

16 2. A subdivision of this state, after public notice by  
17 publication in a newspaper having a general circulation in the  
18 subdivision, may make formal application to the commission for  
19 special rules concerning the operation of all-terrain  
20 vehicles, off-highway vehicles, or snowmobiles within the  
21 territorial limits of the subdivision and shall provide the  
22 commission with the reasons the special rules are necessary.

23 3. The commission, upon application by local authorities  
24 and in conformity with this chapter, may make special rules  
25 concerning the operation of all-terrain vehicles, off-highway  
26 vehicles, or snowmobiles within the territorial limits of a  
27 subdivision of this state.

28 Sec. 27. Section 321G.29, subsections 1, 3, 4, 8, and 9,  
29 Code 2001, are amended to read as follows:

30 1. The owner of a snowmobile acquired on or after January  
31 1, 1998, or an all-terrain vehicle acquired on or after  
32 January 1, 2000, other than a snowmobile or all-terrain  
33 vehicle used exclusively as a farm implement, shall apply to  
34 the county recorder of the county in which the owner resides  
35 for a certificate of title for the snowmobile or all-terrain

1 vehicle. The owner of an off-highway vehicle acquired on or  
2 after July 1, 2001, shall apply to the county recorder of the  
3 county in which the owner resides for a certificate of title  
4 for the off-highway vehicle if the vehicle is not registered  
5 and titled as a motor vehicle under chapter 321. The owner of  
6 a snowmobile or all-terrain vehicle used exclusively as a farm  
7 implement may obtain a certificate of title.

8 3. An owner of a snowmobile, off-highway vehicle, or all-  
9 terrain vehicle shall apply to the county recorder for  
10 issuance of a certificate of title within thirty days after  
11 acquisition. The application shall be on forms the department  
12 prescribes and accompanied by the required fee. The  
13 application shall be signed and sworn to before a notary  
14 public or other person who administers oaths, or shall include  
15 a certification signed in writing containing substantially the  
16 representation that statements made are true and correct to  
17 the best of the applicant's knowledge, information, and  
18 belief, under penalty of perjury. The application shall  
19 contain the date of sale and gross price of the snowmobile,  
20 off-highway vehicle, or all-terrain vehicle or the fair market  
21 value if no sale immediately preceded the transfer and any  
22 additional information the department requires. If the  
23 application is made for a snowmobile, off-highway vehicle, or  
24 all-terrain vehicle last previously registered or titled in  
25 another state or foreign country, the application shall  
26 contain this information and any other information the  
27 department requires.

28 4. If a dealer buys or acquires a snowmobile or all-  
29 terrain vehicle for resale, the dealer shall report the  
30 acquisition to the county recorder on forms provided by the  
31 department and may apply for and obtain a certificate of title  
32 as provided in this chapter. If a dealer buys or acquires a  
33 used snowmobile or all-terrain vehicle, the dealer may apply  
34 for a certificate of title in the dealer's name within fifteen  
35 days. If a dealer buys or acquires a new snowmobile or all-

1 terrain vehicle for resale, the dealer may apply for a  
2 certificate of title in the dealer's name. If a person  
3 dealing in the sale of used off-highway vehicles acquires a  
4 used off-highway vehicle for resale, the person shall comply  
5 with rules adopted by the commission, in consultation with the  
6 state department of transportation, for the titling of the  
7 vehicle.

8 8. Once titled, a person shall not sell or transfer  
9 ownership of a snowmobile, off-highway vehicle, or all-terrain  
10 vehicle without delivering to the purchaser or transferee a  
11 certificate of title with an assignment on it showing title in  
12 the purchaser or transferee. A person shall not purchase or  
13 otherwise acquire a snowmobile, off-highway vehicle, or all-  
14 terrain vehicle without obtaining a certificate of title for  
15 it in that person's name.

16 9. The county recorder shall transmit a copy of the  
17 certificate of title to the department, which shall be the  
18 central repository of title information for snowmobiles, and  
19 all-terrain vehicles, and off-highway vehicles.

20 Sec. 28. Section 321G.31, Code 2001, is amended to read as  
21 follows:

22 321G.31 TRANSFER OR REPOSSESSION OF SNOWMOBILE, OFF-  
23 HIGHWAY VEHICLE, OR ALL-TERRAIN VEHICLE BY OPERATION OF LAW.

24 1. If ownership of a snowmobile, off-highway vehicle, or  
25 all-terrain vehicle is transferred by operation of law, such  
26 as by inheritance, order in bankruptcy, insolvency, replevin,  
27 or execution sale, the transferee, within thirty days after  
28 acquiring the right to possession of the snowmobile, off-  
29 highway vehicle, or all-terrain vehicle, shall mail or deliver  
30 to the county recorder satisfactory proof of ownership as the  
31 county recorder requires, together with an application for a  
32 new certificate of title, and the required fee.

33 2. If a lienholder repossesses a snowmobile, off-highway  
34 vehicle, or all-terrain vehicle by operation of law and holds  
35 it for resale, the lienholder shall secure a new certificate

1 of title and shall pay the required fee.

2 Sec. 29. Section 321G.32, subsection 1, unnumbered  
3 paragraph 1, Code 2001, is amended to read as follows:

4 A security interest created in this state in a snowmobile,  
5 off-highway vehicle, or all-terrain vehicle is not perfected  
6 until the security interest is noted on the certificate of  
7 title.

8 Sec. 30. Section 331.602, subsection 16, Code 2001, is  
9 amended to read as follows:

10 16. Issue snowmobile, all-terrain vehicle, and off-highway  
11 vehicle registrations as provided in sections 321G.4, 321G.4A,  
12 321G.6, and 321G.21.

13 Sec. 31. Section 331.605, subsection 4, Code 2001, is  
14 amended to read as follows:

15 4. For the issuance of snowmobile, all-terrain vehicle,  
16 and off-highway vehicle registrations, the fees specified in  
17 section 321G.4 or 321G.4A.

18 Sec. 32. Section 805.8, subsection 4, paragraph a, Code  
19 2001, is amended to read as follows:

20 a. For registration violations under section 321G.3 or  
21 321G.4A, the scheduled fine is twenty dollars. When the  
22 scheduled fine is paid, the violator shall submit sufficient  
23 proof that a valid registration has been obtained.

24 Sec. 33. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
25 3, shall not apply to this Act.

26 Sec. 34. EFFECTIVE DATE. This Act, being deemed of  
27 immediate importance, takes effect upon enactment.

28 EXPLANATION

29 This bill amends Code chapter 321G to provide for the  
30 registration and regulation of off-highway vehicles and for  
31 the use of off-highway vehicle registration fees for off-  
32 highway vehicle programs. The bill defines "off-highway  
33 vehicle" as a motor vehicle which is designed to travel on  
34 wheels or tracks in contact with the ground and which is  
35 designed for and generally and commonly used to transport

1 persons for recreational purposes off of public roadways.  
2 "Off-highway vehicle" does not include a snowmobile, an all-  
3 terrain vehicle, or a military vehicle.

4 The bill provides that the natural resource commission of  
5 the department of natural resources may adopt rules regarding  
6 the registration and use of off-highway vehicles, including  
7 equipment and operation requirements.

8 The bill requires an off-highway vehicle used on public  
9 land to be registered with the appropriate county recorder  
10 under Code chapter 321G unless the off-highway vehicle is  
11 registered and titled as a motor vehicle under Code chapter  
12 321 and is not used off of public roadways other than for  
13 incidental purposes. The bill also allows owners of off-  
14 highway vehicles not so registered to be issued day passes for  
15 the operation of the vehicles for off-highway purposes in the  
16 state.

17 The bill establishes the procedure for registering an off-  
18 highway vehicle under Code chapter 321G essentially in the  
19 same manner as the procedure for registering snowmobiles and  
20 all-terrain vehicles. However, if an off-highway vehicle is  
21 registered and titled as a motor vehicle under Code chapter  
22 321, the owner must present the registration receipt to the  
23 county recorder upon application for registration under Code  
24 chapter 321G. If an off-highway vehicle is not registered and  
25 titled as a motor vehicle under Code chapter 321, the owner  
26 must present satisfactory evidence that the sales or use tax  
27 has been paid or that the owner is exempt from the tax.

28 The bill provides that the county recorder shall issue a  
29 registration certificate and sticker for an off-highway  
30 vehicle registered under Code chapter 321G. The sticker is to  
31 be affixed on the lower right corner of the rear license plate  
32 if the off-highway vehicle is registered and titled under Code  
33 chapter 321 and on the lower right corner of a plate provided  
34 by the owner of the vehicle and attached to the vehicle as  
35 described in the bill.

1 The bill regulates the use of off-highway vehicles for off-  
2 highway purposes essentially in the same manner that  
3 snowmobiles and all-terrain vehicles are regulated in Code  
4 chapter 321G. However, the bill requires a person to possess  
5 a valid driver's license and off-highway vehicle safety  
6 certificate in order to operate an off-highway vehicle for  
7 off-highway purposes. Currently, Code chapter 321G allows  
8 certain persons between the ages of 12 and 15 to operate  
9 snowmobiles and all-terrain vehicles.

10 The bill also amends the scheduled violation provisions in  
11 Code section 805.8 applicable to snowmobiles and all-terrain  
12 vehicles to provide that the fines for registration  
13 violations, certain operating violations, improper or  
14 defective equipment violations, and rental violations, ranging  
15 from \$10 to \$20 apply to off-highway vehicles if the violation  
16 occurred while the vehicle was being used for off-highway  
17 purposes.

18 The bill may include a state mandate as defined in Code  
19 section 25B.3. The bill makes inapplicable Code section  
20 25B.2, subsection 3, which would relieve a political  
21 subdivision from complying with a state mandate if funding for  
22 the cost of the state mandate is not provided or specified.  
23 Therefore, political subdivisions are required to comply with  
24 any state mandate included in the bill.

25 The bill is effective upon enactment.

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