

S-4/2/01 Not. Kes.
S. Amend/Do Pass
S-3296

MAR 8 2001
Place On Calendar

HOUSE FILE 561
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HF 278)

Passed House, Date 3-29-01 (P.977) Passed Senate, Date 4-10-01 (P.1066)
Vote: Ayes 72 Nays 24 Vote: Ayes 40 Nays 9
~~Approved~~ VETO 5/22
(P.1564) Passed 4-26-01
Vote 79-15

A BILL FOR

1 An Act repealing the requirement to fly a flag or pennant on an
2 all-terrain vehicle or snowmobile when operating on a public
3 road or street.

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

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HF 561

1 Section 1. Section 321G.13, subsection 9, Code 2001, is
2 amended by striking the subsection.

3 EXPLANATION

4 This bill repeals the requirement that the operator of an
5 all-terrain vehicle or snowmobile on a public road or street
6 fly a flag or pennant on the all-terrain vehicle or
7 snowmobile.

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HOUSE FILE 561

S-3296

- 1 Amend House File 561, as passed by the House, as
2 follows:
- 3 1. Page 1, by inserting before line 1, the
4 following:
5 "Section 1. Section 321.234A, Code 2001, is
6 amended by striking the section and inserting in lieu
7 thereof the following:
8 321.234A ALL-TERRAIN VEHICLES -- BICYCLE SAFETY
9 FLAG REQUIRED.
- 10 1. All-terrain vehicles shall be operated on a
11 highway only between sunrise and sunset and only when
12 the operation on the highway is incidental to the
13 vehicle's use for agricultural purposes. A person
14 operating an all-terrain vehicle on a highway shall
15 have a valid driver's license and the vehicle shall be
16 operated at speeds of thirty-five miles per hour or
17 less.
- 18 2. A person convicted of a violation of this
19 section is guilty of a simple misdemeanor punishable
20 as a scheduled violation under section 805.8,
21 subsection 4, paragraph "b".
- 22 2. Page 1, by inserting after line 2, the
23 following:
24 "Sec. ____ . Section 321G.13, subsection 12, Code
25 2001, is amended to read as follows:
26 12. A person shall not operate an all-terrain
27 vehicle while carrying ~~a passenger~~ more passengers
28 than the all-terrain vehicle is designed to carry.
- 29 Sec. ____ . Section 805.8, subsection 4, paragraph
30 b, Code 2001, is amended to read as follows:
31 b. For operating violations under section 321G.9,
32 subsections 1, 2, 3, 4, 5, and 7, sections 321G.11,
33 and 321G.13, ~~subsections 4 and 9~~ subsection 4, the
34 scheduled fine is twenty dollars. For violations of
35 section 321.234A, the scheduled fine is one hundred
36 dollars."
- 37 3. Title page, by striking line 1, and inserting
38 the following: "An Act modifying prohibitions
39 relating to the operation of an".
- 40 4. Title page, lines 2 and 3, by striking the
41 words "when operating on a public road or street."
- 42 5. By renumbering as necessary.

By COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT
MIKE SEXTON, CHAIRPERSON

S-3296 FILED APRIL 3, 2001

adopted
4-16-01
(P. 1066)

HOUSE FILE 561

S-3309

1 Amend the amendment, S-3296, to House File 561, as
2 passed by the House, as follows:

3 1. Page 1, by striking lines 26 through 28 and
4 inserting the following:

5 "12. A person shall not operate an all-terrain
6 vehicle while carrying a passenger if the all-terrain
7 vehicle has no passenger designation. However, a
8 person may operate an all-terrain vehicle while
9 carrying up to the number of passengers for which the
10 all-terrain vehicle is designed."

By MERLIN E. BARTZ

S-3309 FILED APRIL 9, 2001

DEFERRED 0/0 4/10/01 (P.1066)

HOUSE FILE 561

S-3327

1 Amend the amendment, S-3296, to House File 561, as
2 passed by the House, as follows:

3 1. Page 1, by striking lines 27 and 28 and
4 inserting the following: "vehicle on a public highway
5 while carrying a passenger if the all-terrain vehicle
6 has no passenger designation. However, a person may
7 operate an all-terrain vehicle while carrying up to
8 the number of passengers for which the all-terrain
9 vehicle is designed."

By JERRY BEHN
TOM FLYNN
NANCY BOETTGER

S-3327 FILED APRIL 10, 2001

RULED OUT OF ORDER P.1066

HOUSE FILE 561

S-3328

1 Amend the amendment, S-3296, to House File 561, as
2 passed by the House, as follows:

3 1. Page 1, by striking lines 25 through 28 and
4 inserting the following: "2001, is amended by
5 striking the subsection."

By JERRY BEHN
TOM FLYNN
NANCY BOETTGER

S-3328 FILED APRIL 10, 2001

ADOPTED (P.1066)

SENATE AMENDMENT TO HOUSE FILE 561

H-1480

- 1 Amend House File 561, as passed by the House, as
2 follows:
- 3 1. Page 1, by inserting before line 1, the
4 following:
5 "Section 1. Section 321.234A, Code 2001, is
6 amended by striking the section and inserting in lieu
7 thereof the following:
8 321.234A ALL-TERRAIN VEHICLES -- BICYCLE SAFETY
9 FLAG REQUIRED.
- 10 1. All-terrain vehicles shall be operated on a
11 highway only between sunrise and sunset and only when
12 the operation on the highway is incidental to the
13 vehicle's use for agricultural purposes. A person
14 operating an all-terrain vehicle on a highway shall
15 have a valid driver's license and the vehicle shall be
16 operated at speeds of thirty-five miles per hour or
17 less.
- 18 2. A person convicted of a violation of this
19 section is guilty of a simple misdemeanor punishable
20 as a scheduled violation under section 805.8,
21 subsection 4, paragraph "b".
- 22 2. Page 1, by inserting after line 2, the
23 following:
24 "Sec. ____ . Section 321G.13, subsection 12, Code
25 2001, is amended by striking the subsection.
26 Sec. ____ . Section 805.8, subsection 4, paragraph
27 b, Code 2001, is amended to read as follows:
28 b. For operating violations under section 321G.9,
29 subsections 1, 2, 3, 4, 5, and 7, sections 321G.11,
30 and 321G.13, ~~subsections 4 and 9~~ subsection 4, the
31 scheduled fine is twenty dollars. For violations of
32 section 321.234A, the scheduled fine is one hundred
33 dollars."
- 34 3. Title page, by striking line 1, and inserting
35 the following: "An Act modifying prohibitions
36 relating to the operation of an".
- 37 4. Title page, lines 2 and 3, by striking the
38 words "when operating on a public road or street."
- 39 5. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-1480 FILED APRIL 11, 2001

House Concurrent
4-26-01
(P. 1564)



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

May 22, 2001

The Honorable Chester Culver
Secretary of State
State Capitol
LOCAL

Dear Mr. Secretary:

I hereby transmit House File 561, an Act modifying prohibitions relating to the operation of an all-terrain vehicle or snowmobile. •

I am unable to approve House File 561. Maintaining safe and peaceful communities is an important part of my vision for making Iowa the best place to live, work, and raise a family. One of the goals of this administration to accomplish that vision has been to reduce preventable injuries and deaths. This bill goes against that goal by removing current safety requirements for the operation of all-terrain vehicles (ATV) and snowmobiles. Specifically, this bill removes from Iowa Code the requirement that a person shall not operate an all-terrain vehicle while carrying a passenger.

The Iowa Off Highway Vehicle Association, representing agricultural, recreational, and competitive riders from across the state, has shared its concern and opposition to removing the single rider requirement. I have also heard from local dealers and the Specialty Vehicle Institute of America (SVIA) about the danger in riding with passengers. The SVIA cited a Consumer Product Safety Commission study that found 38 percent of ATVs involved in accidents were carrying passengers.

ATVs are not designed for carrying passengers. Allowing this practice to begin in Iowa would undermine the warning labels on the vehicles and in the owners' manuals cautioning riders against this practice. More importantly, it would result in injury and death of some Iowans.

For the above reasons, I hereby respectfully disapprove House File 561.

Sincerely,


Thomas J. Vilsack
Governor

TJV:jmc

CC: Secretary of the Senate
Chief Clerk of the House



HOUSE FILE 561

AN ACT
MODIFYING PROHIBITIONS RELATING TO THE OPERATION OF AN
ALL-TERRAIN VEHICLE OR SNOWMOBILE.

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

Section 1. Section 321.234A, Code 2001, is amended by striking the section and inserting in lieu thereof the following:

321.234A ALL-TERRAIN VEHICLES -- BICYCLE SAFETY FLAG
REQUIRED.

1. All-terrain vehicles shall be operated on a highway only between sunrise and sunset and only when the operation on the highway is incidental to the vehicle's use for agricultural purposes. A person operating an all-terrain vehicle on a highway shall have a valid driver's license and the vehicle shall be operated at speeds of thirty-five miles per hour or less.

2. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 4, paragraph "b".

Sec. 2. Section 321G.13, subsection 9, Code 2001, is amended by striking the subsection.

Sec. 3. Section 321G.13, subsection 12, Code 2001, is amended by striking the subsection.

Sec. 4. Section 805.8, subsection 4, paragraph b, Code 2001, is amended to read as follows:

b. For operating violations under section 321G.9, subsections 1, 2, 3, 4, 5, and 7, sections 321G.11, and 321G.13, ~~subsections 4 and 9~~ subsection 4, the scheduled fine

is twenty dollars. For violations of section 321.234A, the scheduled fine is one hundred dollars.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 561, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Vetoed 5/22
Approved _____, 2001

THOMAS J. VILSACK
Governor