

FILED MAR 06 2006

SENATE FILE 2352

BY COMMITTEE ON NATURAL RESOURCES  
AND ENVIRONMENT

(SUCCESSOR TO SSB 3205)

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

**A BILL FOR**

1 An Act relating to the regulation of all-terrain vehicles, and  
2 providing penalties for violations committed by snowmobile or  
3 all-terrain vehicle operators.

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

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SC 2352

1 Section 1. Section 321.234A, subsection 1, Code 2005, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. e. The all-terrain vehicle is operated for  
4 the purpose of mowing, installing approved trail signs, or  
5 providing maintenance on a snowmobile or all-terrain vehicle  
6 trail designated by the department of natural resources.

7 Sec. 2. Section 321.234A, subsection 3, Code 2005, is  
8 amended to read as follows:

9 3. An all-terrain vehicle that is owned by the owner of  
10 land adjacent to a highway, other than an interstate road, may  
11 be operated by the owner of the all-terrain vehicle, or by a  
12 member of the owner's family, on the portion of the highway  
13 right-of-way that is between the shoulder of the roadway, or  
14 at least five feet from the edge of the roadway, and the  
15 owner's property line. A person operating an all-terrain  
16 vehicle within the highway right-of-way under this subsection  
17 shall comply with the registration, safety, and age  
18 requirements under chapter 321I.

19 Sec. 3. Section 321I.1, Code 2005, is amended by adding  
20 the following new subsection:

21 NEW SUBSECTION. 01. "All-terrain utility vehicle" means a  
22 motorized flotation-tire vehicle with not less than four and  
23 not more than six low-pressure tires, that is limited in  
24 engine displacement to less than one thousand five hundred  
25 cubic centimeters and in total dry weight to not more than one  
26 thousand eight hundred pounds and that has a seat that is of  
27 bench design, not intended to be straddled by the operator,  
28 and a steering wheel for control.

29 Sec. 4. Section 321I.1, subsection 1, Code 2005, is  
30 amended to read as follows:

31 1. a. "All-terrain vehicle" means a motorized flotation-  
32 tire vehicle with not less than three ~~low-pressure-tires,~~ but  
33 and not more than six low-pressure tires, or a two-wheeled  
34 off-road motorcycle, that is limited in engine displacement to  
35 less than eight hundred cubic centimeters and in total dry

1 weight to less than eight hundred fifty pounds and that has a  
2 seat or saddle designed to be straddled by the operator and  
3 handlebars for steering control.

4 b. Two-wheeled off-road motorcycles shall be considered  
5 all-terrain vehicles for the purpose of registration. Two-  
6 wheeled off-road motorcycles shall also be considered all-  
7 terrain vehicles for the purpose of titling if a title has not  
8 previously been issued pursuant to chapter 321. An operator  
9 of a two-wheeled off-road motorcycle is exempt from the safety  
10 instruction and certification program requirements of sections  
11 321I.25 and 321I.26.

12 c. All-terrain utility vehicles shall be considered all-  
13 terrain vehicles for the purpose of registration, but are  
14 exempt from the titling requirements of this chapter. An  
15 operator of an all-terrain utility vehicle is subject to  
16 provisions governing the operation of all-terrain vehicles in  
17 section 321.234A and this chapter, but is exempt from the  
18 safety instruction and certification program requirements of  
19 sections 321I.25 and 321I.26. A motorized vehicle that was  
20 previously titled or is currently titled under chapter 321  
21 shall not be registered or operated as an all-terrain utility  
22 vehicle.

23 Sec. 5. Section 321I.1, Code 2005, is amended by adding  
24 the following new subsections:

25 NEW SUBSECTION. 5A. "Designated riding area" means an  
26 all-terrain vehicle riding area on any public land or ice  
27 under the jurisdiction of the department that has been  
28 designated by the department for all-terrain vehicle use.

29 NEW SUBSECTION. 5B. "Designated riding trail" means an  
30 all-terrain vehicle riding trail on any public land or ice  
31 under the jurisdiction of the department that has been  
32 designated by the department for all-terrain vehicle use.

33 NEW SUBSECTION. 5C. "Distributor" means a person,  
34 resident or nonresident, who sells or distributes all-terrain  
35 vehicles to all-terrain vehicle dealers in this state, or who

1 maintains distributor representatives.

2 Sec. 6. Section 321I.4, Code 2005, is amended to read as  
3 follows:

4 321I.4 REGISTRATION WITH-COUNTY-RECORDER -- FEE.

5 1. The owner of each all-terrain vehicle required to be  
6 numbered shall register it annually with the department  
7 through the county recorder of the county in which the owner  
8 resides or, if the owner is a nonresident, the owner shall  
9 register it in the county in which the all-terrain vehicle is  
10 principally used. The department shall develop and maintain  
11 an electronic system for the registration of all-terrain  
12 vehicles pursuant to this chapter. The commission-has  
13 supervisory-responsibility-over department shall establish  
14 forms and procedures as necessary for the registration of all-  
15 terrain vehicles and-shall-provide-each-county-recorder-with  
16 registration-forms-and-certificates-and-shall-allocate  
17 registration-numbers-to-each-county.

18 2. The owner of the all-terrain vehicle shall file an  
19 application for registration with the department through the  
20 appropriate county recorder on-forms-provided in the manner  
21 established by the commission. The application shall be  
22 completed and signed by the owner ~~of-the-all-terrain-vehicle~~  
23 and shall be accompanied by a fee of fifteen dollars and a  
24 writing fee. An all-terrain vehicle shall not be registered  
25 by the county recorder until the county recorder is presented  
26 with receipts, bills of sale, or other satisfactory evidence  
27 that the sales or use tax has been paid for the purchase of  
28 the all-terrain vehicle or that the owner is exempt from  
29 paying the tax. An all-terrain vehicle that has an expired  
30 registration certificate from another state may be registered  
31 in this state upon proper application, payment of all  
32 applicable registration and writing fees, and payment of a  
33 penalty of five dollars.

34 3. Upon receipt of the application in approved form  
35 accompanied by the required fees, the county recorder shall

1 ~~enter-it-upon-the-records~~ register the all-terrain vehicle  
2 with the department and shall issue to the applicant a  
3 registration certificate. ~~The-certificate-shall-be-executed~~  
4 ~~in-triplicate,-one-copy-to-be-delivered-to-the-owner,-one-copy~~  
5 ~~to-the-commission,-and-one-copy-to-be-retained-on-file-by-the~~  
6 ~~county-recorder.~~ The registration certificate shall bear the  
7 number awarded to the all-terrain vehicle and the name and  
8 address of the owner. The registration certificate shall be  
9 carried either in the all-terrain vehicle or on the person of  
10 the operator of the all-terrain vehicle when in use. The  
11 operator of an all-terrain vehicle shall exhibit the  
12 registration certificate to a peace officer upon request, to a  
13 person injured in an accident involving an all-terrain  
14 vehicle, to the owner or operator of another all-terrain  
15 vehicle or the owner of personal or real property when the  
16 all-terrain vehicle is involved in a collision or accident of  
17 any nature with another all-terrain vehicle or the property of  
18 another person, or to the property owner or tenant when the  
19 all-terrain vehicle is being operated on private property  
20 without permission from the property owner or tenant.

21 4. If an all-terrain vehicle is placed in storage, the  
22 owner shall return the current registration certificate to the  
23 county recorder with an affidavit stating that the all-terrain  
24 vehicle is placed in storage and the effective date of  
25 storage. The county recorder shall notify the commission  
26 department of each all-terrain vehicle placed in storage.  
27 When the owner of a stored all-terrain vehicle desires to  
28 renew the registration, the owner shall make application to  
29 through the county recorder and pay the registration and  
30 writing fees without penalty. A refund of the registration  
31 fee shall not be allowed for a stored all-terrain vehicle.

32 Sec. 7. Section 321I.5, unnumbered paragraph 2, Code 2005,  
33 is amended to read as follows:

34 User permits may be issued by a county recorder or a  
35 license depository agent pursuant to rules adopted by the

1 commission. The fee for a user permit shall be fifteen  
2 dollars plus an administrative fee established by the  
3 commission. A county recorder shall retain a writing fee of  
4 one dollar from the sale of each user permit issued by the  
5 county recorder's office. The writing fees retained by the  
6 county recorder shall be deposited in the general fund of the  
7 county. A license depository agent designated by the director  
8 pursuant to section 483A.11 shall retain a writing fee of one  
9 dollar from the sale of each permit issued by the agent.

10 Sec. 8. Section 321I.7, subsection 4, unnumbered paragraph  
11 1, Code 2005, is amended to read as follows:

12 Upon the transfer of ownership of an all-terrain vehicle,  
13 the owner shall complete the form on the back of the title, if  
14 any, and registration, if any, and deliver both to the  
15 purchaser or transferee when the all-terrain vehicle is  
16 delivered. If the all-terrain vehicle is not titled, the  
17 owner shall complete the form on the back of the current  
18 registration certificate and shall deliver the certificate to  
19 the purchaser or transferee at the time of delivering the all-  
20 terrain vehicle. If the all-terrain vehicle has not been  
21 titled and has not been registered, the owner shall deliver an  
22 affidavit for an unregistered and untitled all-terrain vehicle  
23 to the purchaser or transferee. The purchaser or transferee  
24 shall, within thirty days of transfer, file a new application  
25 form with the county recorder with a fee of one dollar and the  
26 writing fee, and a transfer of number shall be awarded in the  
27 same manner as provided ~~in~~ for an original registration. If  
28 the purchaser or transferee does not file a new application  
29 form within thirty days of transfer, the transfer of number  
30 shall be awarded upon payment of all applicable fees plus a  
31 penalty of five dollars. If the all-terrain vehicle has an  
32 expired registration at the time of transfer, the purchaser or  
33 transferee shall pay all applicable fees for the current  
34 registration period, plus a penalty of five dollars and the  
35 appropriate writing fee, and a transfer of number shall be

1 awarded in the same manner as provided for an original  
2 registration.

3 Sec. 9. Section 321I.7, Code 2005, is amended by adding  
4 the following new subsection:

5 NEW SUBSECTION. 7. The department shall develop and  
6 maintain an electronic system for residents to renew all-  
7 terrain vehicle registrations pursuant to this section. A  
8 county recorder or license agent may issue all-terrain vehicle  
9 registration renewals electronically pursuant to rules adopted  
10 by the commission. The fee for a registration renewal issued  
11 using an electronic system is fifteen dollars plus an  
12 administrative fee established by the commission. A county  
13 recorder shall retain a writing fee of one dollar and twenty-  
14 five cents for each registration renewal issued by the county  
15 recorder's office. The writing fees retained by the county  
16 recorder shall be deposited in the general fund of the county.  
17 A license agent designated by the director pursuant to section  
18 483A.11 shall retain a writing fee of one dollar for each  
19 registration renewal issued.

20 Sec. 10. Section 321I.9, subsection 3, Code 2005, is  
21 amended by striking the subsection.

22 Sec. 11. Section 321I.14, subsection 1, paragraph g, Code  
23 2005, is amended by striking the paragraph and inserting in  
24 lieu thereof the following:

25 g. In any park, wildlife area, preserve, refuge, game  
26 management area, or any portion of a meandered stream, or any  
27 portion of the bed of a nonmeandered stream which has been  
28 identified as a navigable stream or river by rule adopted by  
29 the department and which is covered by water, except on  
30 designated riding areas and designated riding trails. This  
31 paragraph does not prohibit the use of ford crossings of  
32 public roads or any other ford crossing when used for  
33 agricultural purposes; the operation of construction vehicles  
34 engaged in lawful construction, repair, or maintenance in a  
35 streambed; or the operation of all-terrain vehicles on ice.

1     Sec. 12. Section 321I.14, subsection 1, Code 2005, is  
2 amended by adding the following new paragraph:

3     NEW PARAGRAPH. i. On any designated riding area or  
4 designated riding trail without wearing the safety equipment  
5 required by department rules.

6     Sec. 13. Section 321I.14, Code 2005, is amended by adding  
7 the following new subsections:

8     NEW SUBSECTION. 4. A person shall not operate an all-  
9 terrain utility vehicle on a designated riding area or  
10 designated riding trail unless the riding area or trail is  
11 signed by the department as open to all-terrain utility  
12 vehicle operation.

13     NEW SUBSECTION. 5. A person shall not operate a vehicle  
14 other than an all-terrain vehicle on a designated riding area  
15 or designated riding trail unless the riding area or trail is  
16 signed by the department as open to such other use.

17     Sec. 14. Section 321I.16, Code 2005, is amended to read as  
18 follows:

19     321I.16 OPERATION PENDING REGISTRATION.

20     The commission shall furnish all-terrain vehicle dealers  
21 with pasteboard cards bearing the words "registration applied  
22 for" and space for the date of purchase. An unregistered all-  
23 terrain vehicle sold by a dealer shall bear one of these cards  
24 which entitles the purchaser to operate it for ~~ten~~ forty-five  
25 days immediately following the purchase. The purchaser of a  
26 registered all-terrain vehicle may operate it for ~~ten~~ forty-  
27 five days immediately following the purchase, without having  
28 completed a transfer of registration. An all-terrain vehicle  
29 dealer shall make application and pay all registration and  
30 title fees if applicable on behalf of the purchaser of an all-  
31 terrain vehicle.

32     Sec. 15. Section 321I.21, Code 2005, is amended to read as  
33 follows:

34     321I.21 MINORS-UNDER-TWELVE OPERATION BY MINORS --  
35 SUPERVISION.

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

6     2. A person at least twelve years of age but under sixteen  
7 years of age shall not operate an all-terrain vehicle on a  
8 designated riding area or designated riding trail except when  
9 under the direct supervision of a responsible person of at  
10 least eighteen years of age who is experienced in all-terrain  
11 vehicle operation and who possesses a valid driver's license,  
12 as defined in section 321.1, or a safety certificate issued  
13 under this chapter.

14     3. A person under the age of sixteen shall not operate an  
15 off-road motorcycle on a designated riding area or designated  
16 riding trail except when under the direct supervision of a  
17 responsible person of at least eighteen years of age who is  
18 experienced in off-road motorcycle operation and who possesses  
19 a valid driver's license, as defined in section 321.1, or a  
20 safety certificate issued under this chapter.

21     Sec. 16. Section 321I.22, subsection 2, Code 2005, is  
22 amended to read as follows:

23     2. Any Every manufacturer, distributor, or dealer may  
24 shall register with the department and, upon payment of a fee  
25 of fifteen dollars, make application to the commission, upon  
26 forms prescribed by the commission, for a special registration  
27 certificate containing a general identification number and for  
28 one or more duplicate special registration certificates. The  
29 applicant shall submit reasonable proof of the applicant's  
30 status as a bona fide manufacturer, distributor, or dealer as  
31 may be required by the commission.

32     Sec. 17. Section 321I.26, subsection 2, Code 2005, is  
33 amended to read as follows:

34     2. Upon application and payment of a fee of ~~five~~ twenty  
35 dollars, a qualified applicant shall be issued a safety

1 certificate which is valid until the certificate is suspended  
2 or revoked for a violation of a provision of this chapter or a  
3 rule of the commission or the director of transportation. The  
4 application shall be made on forms issued by the commission  
5 and shall contain information as the commission may reasonably  
6 require.

7 Sec. 18. NEW SECTION. 321I.36 REPEAT OFFENDER --  
8 RECORDS, ENFORCEMENT, AND PENALTIES.

9 1. The commission shall establish by rule a recordkeeping  
10 system and other administrative procedures necessary to  
11 administer this section.

12 2. A person who pleads guilty or is convicted of a  
13 violation of any provision of this chapter while the person's  
14 registration privilege is suspended or revoked under  
15 administrative procedures is guilty of a simple misdemeanor if  
16 the person had no other violations within the previous three  
17 years which occurred while the person's registration privilege  
18 was suspended or revoked.

19 3. A person who pleads guilty or is convicted of a  
20 violation of any provision of this chapter while the person's  
21 registration privilege is suspended or revoked under  
22 administrative procedures is guilty of a serious misdemeanor  
23 if the person had one other violation within the previous  
24 three years which occurred while the person's registration  
25 privilege was suspended or revoked.

26 4. A person who pleads guilty or is convicted of a  
27 violation of any provision of this chapter while the person's  
28 registration privilege is suspended or revoked under  
29 administrative procedures is guilty of an aggravated  
30 misdemeanor if the person had two or more convictions within  
31 the previous three years which occurred while the person's  
32 registration privilege was suspended or revoked.

33 Sec. 19. Section 805.8B, subsection 2, Code 2005, is  
34 amended to read as follows:

35 2. SNOWMOBILE AND-ALL-TERRAIN-VEHICLE VIOLATIONS.

1 a. For registration or user permit violations under  
2 sections section 321G.3 and 321F-3, the scheduled fine is  
3 twenty fifty dollars. When the scheduled fine is paid, the  
4 violator shall submit sufficient proof that a valid  
5 registration or user permit has been obtained.

6 b. (1) For operating violations under section 321G.9,  
7 subsections 1, 2, 3, 4, 5, 6, and 7, sections the scheduled  
8 fine is fifty dollars.

9 (2) For operating violations under sections 321G.117 and  
10 321G.13, subsection 1, paragraph "d", sections 321F-107,  
11 321F-127, and 321F-147, subsection 1, paragraph "d", the  
12 scheduled fine is twenty dollars.

13 (3) For operating violations under section 321G.13,  
14 subsection 1, paragraphs "a", "b", "e", "f", "g", and "h", and  
15 subsections 2 and 3, the scheduled fine is one hundred  
16 dollars.

17 c. For improper or defective equipment under sections  
18 section 321G.12 and 321F-13, the scheduled fine is twenty  
19 dollars.

20 d. For violations of sections section 321G.19 and 321F-20,  
21 the scheduled fine is twenty dollars.

22 e. For identification violations under sections section  
23 321G.5 and 321F-6, the scheduled fine is twenty dollars.

24 f. For stop signal violations under section 321G.17, the  
25 scheduled fine is one hundred dollars.

26 g. For violations of section 321G.20, the scheduled fine  
27 is fifty dollars.

28 Sec. 20. Section 805.8B, Code 2005, is amended by adding  
29 the following new subsection:

30 NEW SUBSECTION. 2A. ALL-TERRAIN VEHICLE VIOLATIONS.

31 a. For registration or user permit violations under  
32 section 321I.3, the scheduled fine is fifty dollars. When the  
33 scheduled fine is paid, the violator shall submit sufficient  
34 proof that a valid registration or user permit has been  
35 obtained.

1 b. (1) For operating violations under sections 321I.12,  
2 and 321I.14, subsection 1, paragraphs "d" and "i", the  
3 scheduled fine is twenty dollars.

4 (2) For operating violations under section 321I.10,  
5 subsections 1 and 4, and section 321I.21, the scheduled fine  
6 is fifty dollars.

7 (3) For operating violations under section 321I.14,  
8 subsection 1, paragraphs "a", "e", "f", "g", and "h", and  
9 subsections 2, 3, 4, and 5, the scheduled fine is one hundred  
10 dollars.

11 c. For improper or defective equipment under section  
12 321I.13, the scheduled fine is twenty dollars.

13 d. For violations of section 321I.20, the scheduled fine  
14 is twenty dollars.

15 e. For identification violations under section 321I.6, the  
16 scheduled fine is twenty dollars.

17 f. For stop signal violations under section 321I.18, the  
18 scheduled fine is one hundred dollars.

19 g. For safety certificate violations under section  
20 321I.26, subsection 1, the scheduled fine is fifty dollars.

21 h. For violations of section 321I.22, the scheduled fine  
22 is one hundred dollars.

23 EXPLANATION

24 This bill makes numerous changes to provisions relating to  
25 the ownership and use of all-terrain vehicles, as regulated by  
26 the department of natural resources.

27 The bill amends Code section 321.234A to allow the  
28 operation of an all-terrain vehicle on a highway when the  
29 vehicle is operated for the purpose of mowing, installing  
30 trail signs, or providing maintenance of designated trails.  
31 In addition, the bill specifies that the owner of an all-  
32 terrain vehicle or member of the owner's family who operates  
33 the all-terrain vehicle within the area between the shoulder  
34 of the roadway and the owner's property line must comply with  
35 the registration, safety, and age requirements applicable to

1 operators on public land.

2 The bill defines "all-terrain utility vehicles", which are  
3 larger vehicles with at least four wheels and outfitted with a  
4 bench seat. The bill subjects such vehicles to the  
5 registration requirements, but not the titling requirements,  
6 applicable to all-terrain vehicles, and specifies where they  
7 may be operated. The terms "designated riding area" and  
8 "designated riding trail" are defined as those areas and  
9 trails designated by the department for all-terrain vehicle  
10 use.

11 The bill provides for electronic registration of all-  
12 terrain vehicles through county recorders and requires the  
13 department to develop and maintain an electronic system for  
14 renewal of all-terrain vehicle registrations by license  
15 agents. Electronic registration renewals are subject to the  
16 current annual registration fee of \$15, plus an administrative  
17 fee to be established by the natural resource commission, and  
18 a \$1 writing fee for license agents or a \$1.25 writing fee for  
19 county recorders.

20 The bill provides that when an all-terrain vehicle with  
21 expired registration transfers ownership, the purchaser or  
22 transferee shall pay the fees for the current registration  
23 period, plus a \$5 penalty and a writing fee.

24 The bill strikes the current registration exemption for  
25 nonresidents' all-terrain vehicles that are licensed or  
26 registered in another state and are in this state for not more  
27 than 20 days.

28 The bill expands the description of the types of public  
29 areas that are off-limits for all-terrain vehicle operators.

30 The bill adds a new provision relating to the use of safety  
31 equipment required by department rules by a person operating  
32 an all-terrain vehicle on a designated riding area or trail.

33 A violation of the requirement is a simple misdemeanor subject  
34 to a scheduled fine of \$20.

35 The bill prohibits all-terrain utility vehicle operation on

1 designated riding areas or trails unless the department has  
2 signed the area or trail for such use. The bill provides a  
3 similar prohibition against operating any other type of  
4 vehicle on an area or trail designated for all-terrain  
5 vehicles. A violation of either provision is a simple  
6 misdemeanor punishable by a scheduled fine of \$100.

7 The bill extends, from 10 to 45 days, the period of time a  
8 purchaser of a new or used all-terrain vehicle may operate the  
9 vehicle pending registration.

10 The bill imposes new requirements for the supervision of  
11 children operating vehicles on designated riding areas or  
12 trails. Under current law, a person under age 12 may not  
13 operate an all-terrain vehicle except while taking a safety  
14 course under the direct supervision of a certified instructor  
15 and a parent or guardian. The bill requires that a person who  
16 is at least 12 but under 16 years of age must be supervised by  
17 a responsible person at least 18 years of age when operating  
18 an all-terrain vehicle, and a person who is under 16 years of  
19 age must be supervised by a responsible person at least 18  
20 years of age when operating an off-road motorcycle. The  
21 supervising adult must be experienced in the vehicle's  
22 operation and possess a valid driver's license or an all-  
23 terrain vehicle safety certificate. A person who violates any  
24 of the requirements for operators under age 16 is subject to a  
25 scheduled fine of \$50.

26 The bill requires every all-terrain vehicle manufacturer,  
27 distributor, or dealer to register annually with the  
28 department for a fee of \$15, which qualifies the registrant to  
29 be issued a special registration certificate with a general  
30 identification number. Additional duplicate certificates are  
31 issued for \$2 each. All-terrain vehicles may be operated  
32 temporarily under such registration. Current law provides for  
33 annual registration upon payment of the \$15 fee on a voluntary  
34 basis. The bill provides that violations of requirements  
35 relating to registration by manufacturers, distributors, and

1 dealers are punishable by a scheduled fine of \$100.

2 The bill increases the fee for issuance of a safety  
3 certificate from \$5 to \$20.

4 The bill revises existing penalties for certain violations  
5 by all-terrain vehicle operators. For a violation of

6 registration or user permit requirements in Code section  
7 321I.3, the scheduled fine is increased from \$20 to \$50. For

8 operating an all-terrain vehicle on a highway or snowmobile  
9 trail in violation of Code section 321I.10, the scheduled fine

10 is increased from \$20 to \$50. For unlawful operation  
11 violations under Code section 321I.14, other than careless

12 operation, operating while intoxicated, and headlight and  
13 taillight violations, and for disregarding a peace officer's

14 signal to stop or eluding a peace officer under Code section  
15 321I.18, the penalty is changed from a simple misdemeanor to a

16 simple misdemeanor punishable as a scheduled violation,  
17 subject to a \$100 fine. The penalty for a violation of safety

18 certificate requirements under Code section 321I.26 is changed  
19 from a simple misdemeanor to a simple misdemeanor punishable

20 as a scheduled violation, subject to a fine of \$50.

21 The bill revises penalties for certain violations by  
22 snowmobile operators. For a violation of registration or user

23 permit requirements in Code section 321G.3, the scheduled fine  
24 is increased from \$20 to \$50. For a violation of operating

25 restrictions on highways in Code section 321G.9, the scheduled  
26 fine is increased from \$20 to \$50. For unlawful operation

27 violations under Code section 321G.13, other than operating  
28 while intoxicated and headlight and taillight violations, and

29 for disregarding a peace officer's signal to stop or eluding a  
30 peace officer under Code section 321G.17, the penalty is

31 changed from a simple misdemeanor to a simple misdemeanor  
32 punishable as a scheduled violation, subject to a \$100 fine.

33 The bill provides that an owner or operator who permits a  
34 person under 12 years of age to operate a snowmobile or a  
35 person under 12 years of age who unlawfully operates a

1 snowmobile under Code section 321G.20 commits a simple  
2 misdemeanor subject to a scheduled fine of \$50.

3     The bill requires the natural resource commission to  
4 administer a repeat offender system, with escalating penalties  
5 for all-terrain vehicle violations committed by a person whose  
6 registration privileges have been suspended or revoked under  
7 administrative procedures. For the first such offense  
8 committed within a three-year period, the penalty is a simple  
9 misdemeanor; for the second such violation, the penalty is a  
10 serious misdemeanor; for the third and subsequent violations,  
11 the penalty is an aggravated misdemeanor. This system mirrors  
12 the penalty schedule for repeated violations of hunting and  
13 fishing laws.

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SENATE FILE 2352

H-8456

1 Amend Senate File 2352, as passed by the Senate, as  
2 follows:

3 1. Page 1, by inserting after line 18 the  
4 following:

5 "Sec. \_\_\_\_ . Section 321G.1, subsection 9, Code  
6 Supplement 2005, is amended to read as follows:

7 9. "Nonambulatory person" means an individual with  
8 paralysis of the lower half of the body with the  
9 involvement of both legs, usually caused by disease of  
10 or injury to the spinal cord, or ~~caused by an~~  
11 individual who has suffered the loss of one or both  
12 legs or the loss of a part of both legs thereof.

13 Sec. \_\_\_\_ . Section 321G.13, subsection 2, Code  
14 Supplement 2005, is amended to read as follows:

15 2. A person shall not operate or ride a snowmobile  
16 with a firearm in the person's possession unless it is  
17 unloaded and enclosed in a carrying case. However, a  
18 nonambulatory person may carry an uncased and loaded  
19 or unloaded firearm while operating or riding a  
20 snowmobile on land other than a street or highway."

21 2. Page 3, by inserting after line 1 the  
22 following:

23 "Sec. \_\_\_\_ . Section 321I.1, subsection 8, Code  
24 2005, is amended to read as follows:

25 8. "Nonambulatory person" means an individual with  
26 paralysis of the lower half of the body with the  
27 involvement of both legs, usually caused by disease of  
28 or injury to the spinal cord, or ~~caused by an~~  
29 individual who has suffered the loss of one or both  
30 legs or the loss of a part of both legs thereof."

31 3. Page 7, by inserting after line 5 the  
32 following:

33 "Sec. \_\_\_\_ . Section 321I.14, subsection 2, Code  
34 2005, is amended to read as follows:

35 2. A person shall not operate or ride an all-  
36 terrain vehicle with a firearm in the person's  
37 possession unless it is unloaded and enclosed in a  
38 carrying case. However, a nonambulatory person may  
39 carry an uncased and loaded or unloaded firearm while  
40 operating or riding an all-terrain vehicle on land  
41 other than a street or highway."

42 4. Page 9, by inserting after line 32 the  
43 following:

44 "Sec. \_\_\_\_ . Section 481A.120, Code 2005, is amended  
45 by striking the section and inserting in lieu thereof  
46 the following:

47 481A.120 HUNTING FROM MOTORIZED VEHICLES OR  
48 AIRCRAFT PROHIBITED -- EXCEPTION.

49 1. A person, either singly or as one of a group of  
50 persons, shall not intentionally kill or wound,

H-8456

1 attempt to kill or wound, or pursue any animal, fowl,  
2 or fish from or with an aircraft of any kind or a  
3 motor-driven land conveyance on public or private  
4 land.

5 2. Notwithstanding subsection 1, a nonambulatory  
6 person may hunt game on public or private land, other  
7 than a street or highway, from a stationary motor-  
8 driven land conveyance, as provided by the commission  
9 by rules adopted pursuant to chapter 17A. For the  
10 purposes of this subsection, the following definitions  
11 apply:

12 a. "Nonambulatory person" means an individual with  
13 paralysis of the lower half of the body with the  
14 involvement of both legs, usually caused by disease of  
15 or injury to the spinal cord, or an individual who has  
16 suffered the loss of one or both legs or part thereof.

17 b. "Street" or "highway" means the entire width  
18 between property lines of every way or place of  
19 whatever nature when any part thereof is open to the  
20 use of the public, as a matter of right, for purposes  
21 of vehicular travel, except in public areas in which  
22 the boundary shall be thirty-three feet each side of  
23 the center line of the roadway.

24 3. For the purposes of this section, a "motor-  
25 driven land conveyance" includes but is not limited to  
26 a motor vehicle as defined in section 321.1, an all-  
27 terrain vehicle as defined in section 321I.1, an all-  
28 terrain utility vehicle as defined in section 321I.1,  
29 and a snowmobile as defined in section 321G.1."

30 5. Title page, line 1, by striking the words "of  
31 all-terrain" and inserting the following: "and use of  
32 certain".

33 6. Title page, line 1, by inserting after the  
34 word "vehicles," the following: "including the  
35 possession of and use of firearms while riding on  
36 certain motorized vehicles,".

37 7. By renumbering as necessary.

By BAUDLER of Adair

Hancock Co-Chair  
Johnson Co-Chair  
Schoenjahn  
Putney

Succeeded By  
SF/HF 2352

SSB# 3205  
Natural Resources

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
NATURAL RESOURCES BILL)

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

**A BILL FOR**

1 An Act relating to the regulation of all-terrain vehicles, and  
2 providing penalties.

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

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1 Section 1. Section 321.234A, subsection 1, Code 2005, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. e. The all-terrain vehicle is operated for  
4 the purpose of mowing, installing approved trail signs, or  
5 providing maintenance on a snowmobile or all-terrain vehicle  
6 trail designated by the department of natural resources.

7 Sec. 2. Section 321.234A, subsection 3, Code 2005, is  
8 amended to read as follows:

9 3. An all-terrain vehicle that is owned by the owner of  
10 land adjacent to a highway, other than an interstate road, may  
11 be operated by the owner of the all-terrain vehicle, or by a  
12 member of the owner's family, on the portion of the highway  
13 right-of-way that is between the shoulder of the roadway, or  
14 at least five feet from the edge of the roadway, and the  
15 owner's property line. A person operating an all-terrain  
16 vehicle within the highway right-of-way under this subsection  
17 shall comply with the registration, safety, and age  
18 requirements under chapter 321I.

19 Sec. 3. Section 321I.1, Code 2005, is amended by adding  
20 the following new subsection:

21 NEW SUBSECTION. 01. "All-terrain utility vehicle" means a  
22 motorized flotation-tire vehicle with not less than four and  
23 not more than six low-pressure tires, that is limited in  
24 engine displacement to less than one thousand five hundred  
25 cubic centimeters and in total dry weight to not more than one  
26 thousand eight hundred pounds and that has a seat that is of  
27 bench design, not intended to be straddled by the operator,  
28 and a steering wheel for control.

29 Sec. 4. Section 321I.1, subsection 1, Code 2005, is  
30 amended to read as follows:

31 1. a. "All-terrain vehicle" means a motorized flotation-  
32 tire vehicle with not less than three low-pressure-tires, ~~but~~  
33 and not more than six low-pressure tires, or a two-wheeled  
34 off-road motorcycle, that is limited in engine displacement to  
35 less than eight hundred cubic centimeters and in total dry

1 weight to less than eight hundred fifty pounds and that has a  
2 seat or saddle designed to be straddled by the operator and  
3 handlebars for steering control.

4 b. Two-wheeled off-road motorcycles shall be considered  
5 all-terrain vehicles for the purpose of registration. Two-  
6 wheeled off-road motorcycles shall also be considered all-  
7 terrain vehicles for the purpose of titling if a title has not  
8 previously been issued pursuant to chapter 321. An operator  
9 of a two-wheeled off-road motorcycle is exempt from the safety  
10 instruction and certification program requirements of sections  
11 321I.25 and 321I.26.

12 c. All-terrain utility vehicles shall be considered all-  
13 terrain vehicles for the purpose of registration, but are  
14 exempt from the titling requirements of this chapter. An  
15 operator of an all-terrain utility vehicle is subject to  
16 provisions governing the operation of all-terrain vehicles in  
17 section 321.234A and this chapter, but is exempt from the  
18 safety instruction and certification program requirements of  
19 sections 321I.25 and 321I.26. A motorized vehicle that was  
20 previously titled or is currently titled under chapter 321  
21 shall not be registered or operated as an all-terrain utility  
22 vehicle.

23 Sec. 5. Section 321I.1, Code 2005, is amended by adding  
24 the following new subsections:

25 NEW SUBSECTION. 5A. "Designated riding area" means an  
26 all-terrain vehicle riding area on any public land or ice  
27 under the jurisdiction of the department that has been  
28 designated by the department for all-terrain vehicle use.

29 NEW SUBSECTION. 5B. "Designated riding trail" means an  
30 all-terrain vehicle riding trail on any public land or ice  
31 under the jurisdiction of the department that has been  
32 designated by the department for all-terrain vehicle use.

33 NEW SUBSECTION. 5C. "Distributor" means a person,  
34 resident or nonresident, who sells or distributes all-terrain  
35 vehicles to all-terrain vehicle dealers in this state, or who

1 maintains distributor representatives.

2 Sec. 6. Section 321I.4, Code 2005, is amended to read as  
3 follows:

4 321I.4 REGISTRATION WITH-COUNTY-RECORDER -- FEE.

5 1. The owner of each all-terrain vehicle required to be  
6 numbered shall register it annually with the department  
7 through the county recorder of the county in which the owner  
8 resides or, if the owner is a nonresident, the owner shall  
9 register it in the county in which the all-terrain vehicle is  
10 principally used. The department shall develop and maintain  
11 an electronic system for the registration of all-terrain  
12 vehicles pursuant to this chapter. The commission-has  
13 supervisory-responsibility-over department shall establish  
14 forms and procedures as necessary for the registration of all-  
15 terrain vehicles ~~and-shall-provide-each-county-recorder-with~~  
16 ~~registration-forms-and-certificates-and-shall-allocate~~  
17 ~~registration-numbers-to-each-county.~~

18 2. The owner of the all-terrain vehicle shall file an  
19 application for registration with the department through the  
20 appropriate county recorder ~~on-forms-provided~~ in the manner  
21 established by the commission. The application shall be  
22 completed and signed by the owner ~~of-the-all-terrain-vehicle~~  
23 and shall be accompanied by a fee of fifteen dollars and a  
24 writing fee. An all-terrain vehicle shall not be registered  
25 by the county recorder until the county recorder is presented  
26 with receipts, bills of sale, or other satisfactory evidence  
27 that the sales or use tax has been paid for the purchase of  
28 the all-terrain vehicle or that the owner is exempt from  
29 paying the tax. An all-terrain vehicle that has an expired  
30 registration certificate from another state may be registered  
31 in this state upon proper application, payment of all  
32 applicable registration and writing fees, and payment of a  
33 penalty of five dollars.

34 3. Upon receipt of the application in approved form  
35 accompanied by the required fees, the county recorder shall

1 ~~enter-it-upon-the-records~~ register the all-terrain vehicle  
2 ~~with the department~~ and shall issue to the applicant a  
3 registration certificate. ~~The-certificate-shall-be-executed~~  
4 ~~in-triplicate, one-copy-to-be-delivered-to-the-owner, one-copy~~  
5 ~~to-the-commission, and one-copy-to-be-retained-on-file-by-the~~  
6 ~~county-recorder.~~ The registration certificate shall bear the  
7 number awarded to the all-terrain vehicle and the name and  
8 address of the owner. The registration certificate shall be  
9 carried either in the all-terrain vehicle or on the person of  
10 the operator of the all-terrain vehicle when in use. The  
11 operator of an all-terrain vehicle shall exhibit the  
12 registration certificate to a peace officer upon request, to a  
13 person injured in an accident involving an all-terrain  
14 vehicle, to the owner or operator of another all-terrain  
15 vehicle or the owner of personal or real property when the  
16 all-terrain vehicle is involved in a collision or accident of  
17 any nature with another all-terrain vehicle or the property of  
18 another person, or to the property owner or tenant when the  
19 all-terrain vehicle is being operated on private property  
20 without permission from the property owner or tenant.

21 4. If an all-terrain vehicle is placed in storage, the  
22 owner shall return the current registration certificate to the  
23 county recorder with an affidavit stating that the all-terrain  
24 vehicle is placed in storage and the effective date of  
25 storage. The county recorder shall notify the ~~commission~~  
26 department of each all-terrain vehicle placed in storage.  
27 When the owner of a stored all-terrain vehicle desires to  
28 renew the registration, the owner shall make application to  
29 through the county recorder and pay the registration and  
30 writing fees without penalty. A refund of the registration  
31 fee shall not be allowed for a stored all-terrain vehicle.

32 Sec. 7. Section 321I.5, unnumbered paragraph 2, Code 2005,  
33 is amended to read as follows:

34 User permits may be issued by a county recorder or a  
35 license ~~depository~~ agent pursuant to rules adopted by the

1 commission. The fee for a user permit shall be fifteen  
2 dollars plus an administrative fee established by the  
3 commission. A county recorder shall retain a writing fee of  
4 one dollar from the sale of each user permit issued by the  
5 county recorder's office. The writing fees retained by the  
6 county recorder shall be deposited in the general fund of the  
7 county. A license depository agent designated by the director  
8 pursuant to section 483A.11 shall retain a writing fee of one  
9 dollar from the sale of each permit issued by the agent.

10 Sec. 8. Section 321I.7, subsection 4, unnumbered paragraph  
11 1, Code 2005, is amended to read as follows:

12 Upon the transfer of ownership of an all-terrain vehicle,  
13 the owner shall complete the form on the back of the title, if  
14 any, and registration, if any, and deliver both to the  
15 purchaser or transferee when the all-terrain vehicle is  
16 delivered. If the all-terrain vehicle is not titled, the  
17 owner shall complete the form on the back of the current  
18 registration certificate and shall deliver the certificate to  
19 the purchaser or transferee at the time of delivering the all-  
20 terrain vehicle. If the all-terrain vehicle has not been  
21 titled and has not been registered, the owner shall deliver an  
22 affidavit for an unregistered and untitled all-terrain vehicle  
23 to the purchaser or transferee. The purchaser or transferee  
24 shall, within thirty days of transfer, file a new application  
25 form with the county recorder with a fee of one dollar and the  
26 writing fee, and a transfer of number shall be awarded in the  
27 same manner as provided in for an original registration. If  
28 the purchaser or transferee does not file a new application  
29 form within thirty days of transfer, the transfer of number  
30 shall be awarded upon payment of all applicable fees plus a  
31 penalty of five dollars. If the all-terrain vehicle has an  
32 expired registration at the time of transfer, the purchaser or  
33 transferee shall pay all applicable fees for the current  
34 registration period, plus a penalty of five dollars and the  
35 appropriate writing fee, and a transfer of number shall be

1 awarded in the same manner as provided for an original  
2 registration.

3 Sec. 9. Section 321I.7, Code 2005, is amended by adding  
4 the following new subsection:

5 NEW SUBSECTION. 7. The department shall develop and  
6 maintain an electronic system for residents to renew all-  
7 terrain vehicle registrations pursuant to this section. A  
8 county recorder or license agent may issue all-terrain vehicle  
9 registration renewals electronically pursuant to rules adopted  
10 by the commission. The fee for a registration renewal issued  
11 using an electronic system is fifteen dollars plus an  
12 administrative fee established by the commission. A county  
13 recorder shall retain a writing fee of one dollar and twenty-  
14 five cents for each registration renewal issued by the county  
15 recorder's office. The writing fees retained by the county  
16 recorder shall be deposited in the general fund of the county.  
17 A license agent designated by the director pursuant to section  
18 483A.11 shall retain a writing fee of one dollar for each  
19 registration renewal issued.

20 Sec. 10. Section 321I.9, subsection 3, Code 2005, is  
21 amended by striking the subsection.

22 Sec. 11. Section 321I.14, subsection 1, paragraph g, Code  
23 2005, is amended by striking the paragraph and inserting in  
24 lieu thereof the following:

25 g. In any park, wildlife area, preserve, refuge, game  
26 management area, or any portion of a meandered stream, or any  
27 portion of the bed of a nonmeandered stream which has been  
28 identified as a navigable stream or river by rule adopted by  
29 the department and which is covered by water, except on  
30 designated riding areas and designated riding trails. This  
31 paragraph does not prohibit the use of ford crossings of  
32 public roads or any other ford crossing when used for  
33 agricultural purposes; the operation of construction vehicles  
34 engaged in lawful construction, repair, or maintenance in a  
35 streambed; or the operation of all-terrain vehicles on ice.

1 Sec. 12. Section 321I.14, subsection 1, Code 2005, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. i. On any designated riding area or  
4 designated riding trail without wearing the safety equipment  
5 required by department rules.

6 Sec. 13. Section 321I.14, Code 2005, is amended by adding  
7 the following new subsections:

8 NEW SUBSECTION. 4. A person shall not operate an all-  
9 terrain utility vehicle on a designated riding area or  
10 designated riding trail unless the riding area or trail is  
11 signed by the department as open to all-terrain utility  
12 vehicle operation.

13 NEW SUBSECTION. 5. A person shall not operate a vehicle  
14 other than an all-terrain vehicle on a designated riding area  
15 or designated riding trail unless the riding area or trail is  
16 signed by the department as open to such other use.

17 Sec. 14. Section 321I.16, Code 2005, is amended to read as  
18 follows:

19 321I.16 OPERATION PENDING REGISTRATION.

20 The commission shall furnish all-terrain vehicle dealers  
21 with pasteboard cards bearing the words "registration applied  
22 for" and space for the date of purchase. An unregistered all-  
23 terrain vehicle sold by a dealer shall bear one of these cards  
24 which entitles the purchaser to operate it for ten forty-five  
25 days immediately following the purchase. The purchaser of a  
26 registered all-terrain vehicle may operate it for ten forty-  
27 five days immediately following the purchase, without having  
28 completed a transfer of registration. An all-terrain vehicle  
29 dealer shall make application and pay all registration and  
30 title fees if applicable on behalf of the purchaser of an all-  
31 terrain vehicle.

32 Sec. 15. Section 321I.21, Code 2005, is amended to read as  
33 follows:

34 321I.21 MINORS-UNDER-TWELVE OPERATION BY MINORS --  
35 SUPERVISION.

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

6     2. A person at least twelve years of age but under sixteen  
7 years of age shall not operate an all-terrain vehicle on a  
8 designated riding area or designated riding trail except when  
9 under the direct supervision of a responsible person of at  
10 least eighteen years of age who is experienced in all-terrain  
11 vehicle operation and who possesses a valid driver's license,  
12 as defined in section 321.1, or a safety certificate issued  
13 under this chapter.

14     3. A person under the age of sixteen shall not operate an  
15 off-road motorcycle on a designated riding area or designated  
16 riding trail except when under the direct supervision of a  
17 responsible person of at least eighteen years of age who is  
18 experienced in off-road motorcycle operation and who possesses  
19 a valid driver's license, as defined in section 321.1, or a  
20 safety certificate issued under this chapter.

21     Sec. 16. Section 321I.22, subsection 2, Code 2005, is  
22 amended to read as follows:

23     2. Any Every manufacturer, distributor, or dealer may  
24 shall register with the department and, upon payment of a fee  
25 of fifteen dollars, make application to the commission, upon  
26 forms prescribed by the commission, for a special registration  
27 certificate containing a general identification number and for  
28 one or more duplicate special registration certificates. The  
29 applicant shall submit reasonable proof of the applicant's  
30 status as a bona fide manufacturer, distributor, or dealer as  
31 may be required by the commission.

32     Sec. 17. Section 321I.26, subsection 2, Code 2005, is  
33 amended to read as follows:

34     2. Upon application and payment of a fee of five twenty  
35 dollars, a qualified applicant shall be issued a safety

1 certificate which is valid until the certificate is suspended  
2 or revoked for a violation of a provision of this chapter or a  
3 rule of the commission or the director of transportation. The  
4 application shall be made on forms issued by the commission  
5 and shall contain information as the commission may reasonably  
6 require.

7 Sec. 18. NEW SECTION. 321I.36 REPEAT OFFENDER --  
8 RECORDS, ENFORCEMENT, AND PENALTIES.

9 1. The commission shall establish by rule a recordkeeping  
10 system and other administrative procedures necessary to  
11 administer this section.

12 2. A person who pleads guilty or is convicted of a  
13 violation of any provision of this chapter while the person's  
14 registration privilege is suspended or revoked under  
15 administrative procedures is guilty of a simple misdemeanor if  
16 the person had no other violations within the previous three  
17 years which occurred while the person's registration privilege  
18 was suspended or revoked.

19 3. A person who pleads guilty or is convicted of a  
20 violation of any provision of this chapter while the person's  
21 registration privilege is suspended or revoked under  
22 administrative procedures is guilty of a serious misdemeanor  
23 if the person had one other violation within the previous  
24 three years which occurred while the person's registration  
25 privilege was suspended or revoked.

26 4. A person who pleads guilty or is convicted of a  
27 violation of any provision of this chapter while the person's  
28 registration privilege is suspended or revoked under  
29 administrative procedures is guilty of an aggravated  
30 misdemeanor if the person had two or more convictions within  
31 the previous three years which occurred while the person's  
32 registration privilege was suspended or revoked.

33 Sec. 19. Section 805.8B, subsection 2, Code 2005, is  
34 amended to read as follows:

35 2. SNOWMOBILE AND-ALL-TERRAIN-VEHICLE VIOLATIONS.

1 a. For registration ~~or user-permit~~ violations under  
2 ~~sections~~ section 321G.3 and ~~321F-3~~, the scheduled fine is  
3 twenty dollars. When the scheduled fine is paid, the violator  
4 shall submit sufficient proof that a valid registration or  
5 ~~user-permit~~ has been obtained.

6 b. For operating violations under section 321G.9,  
7 subsections 1, 2, 3, 4, 5, and 7, sections 321G.11, and  
8 321G.13, subsection 1, paragraph "d", ~~sections-321F-10,~~  
9 ~~321F-12, and-321F-14, subsection-1, paragraph-"d",~~ the  
10 scheduled fine is twenty dollars.

11 c. For improper or defective equipment under ~~sections~~  
12 section 321G.12 and ~~321F-13~~, the scheduled fine is twenty  
13 dollars.

14 d. For violations of ~~sections~~ section 321G.19 and ~~321F-20~~,  
15 the scheduled fine is twenty dollars.

16 e. For identification violations under ~~sections~~ section  
17 321G.5 and ~~321F-6~~, the scheduled fine is twenty dollars.

18 Sec. 20. Section 805.8B, Code 2005, is amended by adding  
19 the following new subsection:

20 NEW SUBSECTION. 2A. ALL-TERRAIN VEHICLE VIOLATIONS.

21 a. For registration or user permit violations under  
22 section 321I.3, the scheduled fine is fifty dollars. When the  
23 scheduled fine is paid, the violator shall submit sufficient  
24 proof that a valid registration or user permit has been  
25 obtained.

26 b. (1) For operating violations under sections 321I.12,  
27 and 321I.14, subsection 1, paragraphs "d" and "i", the  
28 scheduled fine is twenty dollars.

29 (2) For operating violations under section 321I.10,  
30 subsections 1 and 4, and section 321I.21, the scheduled fine  
31 is fifty dollars.

32 (3) For operating violations under section 321I.14,  
33 subsection 1, paragraphs "a", "e", "f", "g", and "h", and  
34 subsections 2, 3, 4, and 5, the scheduled fine is one hundred  
35 dollars.

1 c. For improper or defective equipment under section  
2 321I.13, the scheduled fine is twenty dollars.

3 d. For violations of section 321I.20, the scheduled fine  
4 is twenty dollars.

5 e. For identification violations under section 321I.6, the  
6 scheduled fine is twenty dollars.

7 f. For stop signal violations under section 321I.18, the  
8 scheduled fine is one hundred dollars.

9 g. For safety certificate violations under section  
10 321I.26, subsection 1, the scheduled fine is fifty dollars.

11 h. For violations of section 321I.22, the scheduled fine  
12 is one hundred dollars.

13 Sec. 21. PENALTY PROVISIONS -- CODE EDITOR DIRECTIVE. The  
14 sections of this Act amending section 805.8B, subsection 2,  
15 and enacting section 805.8B, subsection 2A, are intended to  
16 codify the penalty provisions relating to all-terrain vehicle  
17 violations, as amended in this Act, in a separate subsection  
18 from the penalty provisions relating to snowmobile violations.  
19 If penalties relating to snowmobile violations are amended in  
20 another Act of the general assembly during the 2006  
21 legislative session, the Code editor shall harmonize the  
22 provisions so as to give effect to the amendments to the  
23 snowmobile penalties in the other Act.

24

#### EXPLANATION

25 This bill makes numerous changes to provisions relating to  
26 the ownership and use of all-terrain vehicles, as regulated by  
27 the department of natural resources.

28 The bill amends Code section 321.234A to allow the  
29 operation of an all-terrain vehicle on a highway when the  
30 vehicle is operated for the purpose of mowing, installing  
31 trail signs, or providing maintenance of designated trails.  
32 In addition, the bill specifies that the owner of an all-  
33 terrain vehicle or member of the owner's family who operates  
34 the all-terrain vehicle within the area between the shoulder  
35 of the roadway and the owner's property line must comply with

1 the registration, safety, and age requirements applicable to  
2 operators on public land.

3 The bill defines "all-terrain utility vehicles", which are  
4 larger vehicles with at least four wheels and outfitted with a  
5 bench seat. The bill subjects such vehicles to the  
6 registration requirements, but not the titling requirements,  
7 applicable to all-terrain vehicles, and specifies where they  
8 may be operated. The terms "designated riding area" and  
9 "designated riding trail" are defined as those areas and  
10 trails designated by the department for all-terrain vehicle  
11 use.

12 The bill provides for electronic registration of all-  
13 terrain vehicles through county recorders and requires the  
14 department to develop and maintain an electronic system for  
15 renewal of all-terrain vehicle registrations by license  
16 agents. Electronic registration renewals are subject to the  
17 current annual registration fee of \$15, plus an administrative  
18 fee to be established by the natural resource commission, and  
19 a \$1 writing fee for license agents or a \$1.25 writing fee for  
20 county recorders.

21 The bill provides that when an all-terrain vehicle with  
22 expired registration transfers ownership, the purchaser or  
23 transferee shall pay the fees for the current registration  
24 period, plus a \$5 penalty and a writing fee.

25 The bill strikes the current registration exemption for  
26 nonresidents' all-terrain vehicles that are licensed or  
27 registered in another state and are in this state for not more  
28 than 20 days.

29 The bill expands the description of the types of public  
30 areas that are off-limits for all-terrain vehicle operators.

31 The bill adds a new provision relating to the use of safety  
32 equipment required by department rules by a person operating  
33 an all-terrain vehicle on a designated riding area or trail.  
34 A violation of the requirement is a simple misdemeanor subject  
35 to a scheduled fine of \$20.

1 The bill prohibits all-terrain utility vehicle operation on  
2 designated riding areas or trails unless the department has  
3 signed the area or trail for such use. The bill provides a  
4 similar prohibition against operating any other type of  
5 vehicle on an area or trail designated for all-terrain  
6 vehicles. A violation of either provision is a simple  
7 misdemeanor punishable by a scheduled fine of \$100.

8 The bill extends, from 10 to 45 days, the period of time a  
9 purchaser of a new or used all-terrain vehicle may operate the  
10 vehicle pending registration.

11 The bill imposes new requirements for the supervision of  
12 children operating vehicles on designated riding areas or  
13 trails. Under current law, a person under age 12 may not  
14 operate an all-terrain vehicle except while taking a safety  
15 course under the direct supervision of a certified instructor  
16 and a parent or guardian. The bill requires that a person who  
17 is at least 12 but under 16 years of age must be supervised by  
18 a responsible person at least 18 years of age when operating  
19 an all-terrain vehicle, and a person who is under 16 years of  
20 age must be supervised by a responsible person at least 18  
21 years of age when operating an off-road motorcycle. The  
22 supervising adult must be experienced in the vehicle's  
23 operation and possess a valid driver's license or an all-  
24 terrain vehicle safety certificate. A person who violates any  
25 of the requirements for operators under age 16 is subject to a  
26 scheduled fine of \$50.

27 The bill requires every all-terrain vehicle manufacturer,  
28 distributor, or dealer to register annually with the  
29 department for a fee of \$15, which qualifies the registrant to  
30 be issued a special registration certificate with a general  
31 identification number. Additional duplicate certificates are  
32 issued for \$2 each. All-terrain vehicles may be operated  
33 temporarily under such registration. Current law provides for  
34 annual registration upon payment of the \$15 fee on a voluntary  
35 basis. The bill provides that violations of requirements

1 relating to registration by manufacturers, distributors, and  
2 dealers are punishable by a scheduled fine of \$100.

3 The bill increases the fee for issuance of a safety  
4 certificate from \$5 to \$20.

5 The bill revises existing penalties for certain violations  
6 by all-terrain vehicle operators. For a violation of  
7 registration or user permit requirements in Code section  
8 321I.3, the scheduled fine is increased from \$20 to \$50. For  
9 operating an all-terrain vehicle on a highway or snowmobile  
10 trail in violation of Code section 321I.10, the scheduled fine  
11 is increased from \$20 to \$50. For unlawful operation  
12 violations under Code section 321I.14, other than careless  
13 operation, operating while intoxicated, and headlight and  
14 taillight violations, and for disregarding a peace officer's  
15 signal to stop or eluding a peace officer under Code section  
16 321I.18, the penalty is changed from a simple misdemeanor to a  
17 simple misdemeanor punishable as a scheduled violation,  
18 subject to a \$100 fine. The penalty for a violation of safety  
19 certificate requirements under Code section 321I.26 is changed  
20 from a simple misdemeanor to a simple misdemeanor punishable  
21 as a scheduled violation, subject to a fine of \$50.

22 The bill requires the natural resource commission to  
23 administer a repeat offender system, with escalating penalties  
24 for all-terrain vehicle violations committed by a person whose  
25 registration privileges have been suspended or revoked under  
26 administrative procedures. For the first such offense  
27 committed within a three-year period, the penalty is a simple  
28 misdemeanor; for the second such violation, the penalty is a  
29 serious misdemeanor; for the third and subsequent violations,  
30 the penalty is an aggravated misdemeanor. This system mirrors  
31 the penalty schedule for repeated violations of hunting and  
32 fishing laws.

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# STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR  
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES  
JEFFREY R. VONK, DIRECTOR

To: General Assembly  
From: Jeffrey R. Vonk, Director *Jeffrey R. Vonk*  
Iowa Department of Natural Resources  
Date: January 20, 2006  
Re: ATV Safety and Registration Improvements

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The proposed bill will make it easier for residents to register all-terrain vehicles for use on the state designated riding areas and improve rider safety by making the following changes:

- Establish an electronic registration system for residents, similar to the current nonresident registration system, and improve the process for the registration of used all-terrain vehicles by allowing either the seller or purchaser of an all-terrain vehicle to bring the registration to current status.
- Require adult supervision on state designated riding areas for riders less than sixteen years of age.
- Provide clarification that all-terrain vehicle operation by adjacent land owners on public right-of-way areas requires operators meet the safety and registration requirements of the chapter.
- Establish repeat offender record keeping system and administrative process, similar to the system used to track repeat violators of fish and game statutes.
- Define all-terrain utility vehicles (Gators, Mules, Rhinos) and provide clarification on their use, including user permits for use on designated public property.
- Provide for all-terrain vehicle use to mow or maintain a designated trail system as defined by this chapter.
- Strengthen penalties for illegal all-terrain vehicle operation from \$20 to \$50 for safety equipment requirements, \$100 plus cost for illegal operation.

The current penalties for illegal all-terrain vehicle operation have not been changed since 1974 and are far below neighboring states. This proposed legislation has been developed in a cooperative effort by the Iowa Motorized Recreation Advisory Committee, ABATE, Iowa State Snowmobile Association, Iowa Motorcycle Dealers Association and the Iowa Motor Sports Coalition.