

CHAPTER 244**ALL-TERRAIN VEHICLES AND OTHER VEHICLE USE***H.F. 477*

AN ACT relating to certain motor vehicles, by providing for the ownership, operation, and regulation of snowmobiles and all-terrain vehicles, imposing fees, the operation of certain motor vehicles, subjecting violators to penalties, and providing effective dates.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321G.1, subsection 2, Code 1989, is amended by striking the subsection and inserting in lieu thereof the following:

2. "Snowmobile" means a motorized vehicle weighing less than one thousand pounds which uses sled-type runners or skis, endless belt-type tread, or any combination of runners, skis, or tread, and is designed for travel on snow or ice.

Sec. 2. Section 321G.1, subsections 4 through 8 and 15, Code 1989, are amended to read as follows:

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

5. "Operate" means to ride in or on, other than as a passenger, use, or control the operation of a an all-terrain vehicle or snowmobile in any manner, whether or not the all-terrain vehicle or snowmobile is moving.

6. "Operator" means every a person who operates or is in actual physical control of a an all-terrain vehicle or snowmobile.

7. "Dealer" means every a person engaged in the business of buying, selling, or exchanging all-terrain vehicles or snowmobiles required to be registered under this chapter and who has an established place of business for that purpose in this state.

8. "Manufacturer" means every a person engaged in the business of constructing or assembling all-terrain vehicles or snowmobiles required to be registered under this chapter and who has an established place of business for that purpose in this state.

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

Sec. 3. Section 321G.1, Code 1989, is amended by adding the following new subsections:

NEW SUBSECTION. 17. "All-terrain vehicle" means a motorized flotation-tire vehicle with not less than three low pressure tires, but not more than six low pressure tires, that is limited in engine displacement to less than eight hundred cubic centimeters and in total dry weight to less than seven hundred fifty pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

NEW SUBSECTION. 18. "Department" means the department of natural resources.

NEW SUBSECTION. 19. "Commission" means the natural resource commission of the department.

Sec. 4. Section 321G.2, Code 1989, is amended to read as follows:

321G.2 RULES.

The commission is hereby vested with the power to may adopt rules for the following purposes:

1. Registration of all-terrain vehicles and snowmobiles.
2. Use of all-terrain vehicles and snowmobiles insofar as far as game and fish resources or habitats are affected.

3. Use of all-terrain vehicles and snowmobiles on public lands under the jurisdiction of the commission.

4. Use of all-terrain vehicles and snowmobiles on any waters of the state under the jurisdiction of the commission, while such the waters are frozen.

5. Establishment of a course of instruction for the safe use and operation of a snowmobile Establish a program of grants, subgrants, and contracts to be administered by the department for the development and delivery of certified courses of instruction for the safe use and operation of all-terrain vehicles and snowmobiles by political subdivisions and incorporated private organizations.

6. Issuance of safety certificates.

7. Issuance of competition registrations and the participation of all-terrain vehicles and snowmobiles so registered in special events.

The director of transportation may adopt rules not inconsistent herewith with this chapter regulating the use of all-terrain vehicles and snowmobiles on streets and highways. Cities may designate streets under the jurisdiction of cities within their respective corporate limits which may be used for snowmobiling and the sport of driving all-terrain vehicles.

In the promulgation of such adopting the rules, consideration shall be given to the need to protect the environment and the public health, safety, and welfare; to protect private property, public parks, and other public lands; to protect wildlife and the wildlife habitat thereof; and to promote uniformity of rules relating to the use, operation, and equipment of all-terrain vehicles and snowmobiles. Such The rules shall be in conformance with chapter 17A.

Sec. 5. Section 321G.3, Code 1989, is amended to read as follows:

321G.3 REGISTRATION AND NUMBERING REQUIRED — ~~COMPETITION REGISTRATION.~~

~~Every~~ Each all-terrain vehicle and snowmobile used on public streets, highways, land or ice of this state shall be currently registered and numbered. ~~No~~ A person shall not operate, maintain, or give permission for the operation or maintenance of any such an all-terrain vehicle or snowmobile on such public land or ice unless the all-terrain vehicle or snowmobile is numbered in accordance with this chapter, or in accordance with applicable federal laws, or in accordance with an approved numbering system of another state, and unless the identifying number set forth in the registration is displayed on each side of the forward half of such the snowmobile and on the rear fender of the all-terrain vehicle.

A registration number shall be assigned, without payment of fee, to all-terrain vehicles and snowmobiles owned by the state of Iowa or its political subdivisions upon application ~~therefor~~ for the number, and the assigned registration number shall be displayed on the all-terrain vehicle or snowmobile as required under section 321G.5.

~~Upon proper application and payment of the registration fee provided in section 321G.6, the commission shall issue a competition registration for a snowmobile. A competition registration authorizes the operation of the snowmobile only in special events in which the commission has authorized their operation. The fees collected for the competition registration shall be deposited in the special conservation fund.~~

Sec. 6. Section 321G.4, Code 1989, is amended to read as follows:

321G.4 REGISTRATION WITH COUNTY RECORDER — FEE.

The owner of each all-terrain vehicle or snowmobile required to be numbered shall register it every two years with the county recorder of the county in which the owner resides or, if the owner is a nonresident, the owner shall register it in the county in which such the all-terrain vehicle or snowmobile is principally used. The commission ~~shall have~~ has supervisory responsibility over the registration of ~~all~~ all-terrain vehicles and snowmobiles and shall provide each county recorder with registration forms and certificates and shall allocate identification numbers to each county.

The owner of the all-terrain vehicle or snowmobile shall file an application for registration with the appropriate county recorder on forms provided by the commission. The application shall be completed and signed by the owner of the all-terrain vehicle or snowmobile and shall

be accompanied by a fee of twenty dollars and a writing fee. Proof of payment of Iowa sales or use tax must accompany all applications for registration. An all-terrain vehicle or a snowmobile shall not be registered by the county recorder until the county recorder is presented with receipts, bills of sale, or other satisfactory evidence that the sales or use tax has been paid for the purchase of the all-terrain vehicle or snowmobile or that the owner is exempt from paying the tax. However, an owner of an all-terrain vehicle, except an all-terrain vehicle purchased new on or after the effective date of this Act, may apply for registration without proof of sales or use tax paid until one year after the effective date of this Act. Upon receipt of the application in approved form accompanied by the required fees, the county recorder shall enter it upon the records and shall issue to the applicant a pocket-size registration certificate. The certificate shall be executed in triplicate, one copy to be delivered to the owner, one copy to the commission, and one copy to be retained on file by the county recorder. The registration certificate shall bear the number awarded to the all-terrain vehicle or snowmobile and the name and address of the owner. The registration certificate shall be carried either in the all-terrain vehicle or snowmobile or on the person of the operator of the machine when in use. The operator of an all-terrain vehicle or snowmobile shall exhibit the registration certificate to a peace officer upon request, to a person injured in an accident involving an all-terrain vehicle or snowmobile, or to the owner or operator of another all-terrain vehicle or snowmobile or the owner of personal or real property when the all-terrain vehicle or snowmobile is involved in a collision or accident of any nature with another all-terrain vehicle or snowmobile or the property of another person or to the property owner or tenant when the all-terrain vehicle or snowmobile is being operated on private property without permission from the property owner or tenant.

If a an all-terrain vehicle or snowmobile is placed in storage, the owner shall return the current registration certificate to the county recorder with an affidavit stating that the all-terrain vehicle or snowmobile is placed in storage and the effective date of storage. The county recorder shall notify the commission of each all-terrain vehicle or snowmobile placed in storage. When the owner of a stored all-terrain vehicle or snowmobile desires to renew the registration, the owner shall make application to the county recorder and pay the registration and writing fees without penalty. A refund of the registration fee shall not be allowed for a stored all-terrain vehicle or snowmobile.

Sec. 7. Section 321G.5, Code 1989, is amended to read as follows:

321G.5 DISPLAY OF IDENTIFICATION NUMBERS.

The owner shall cause the identification number to be attached to each side of the forward half of the a snowmobile and to the rear fender of an all-terrain vehicle in such the manner as may be prescribed by the rules and regulations of the commission and. The identification number shall be maintained in legible condition at all times.

The owner of any snowmobile which is used as a watercraft and is required to be numbered as a watercraft may display the watercraft number on the forward half of the snowmobile in lieu of the snowmobile identification number, but the current snowmobile registration decal shall also be affixed aft of the current watercraft registration decal.

Sec. 8. Section 321G.6, unnumbered paragraphs 1 and 2, Code 1989, are amended to read as follows:

Every all-terrain vehicle or snowmobile registration certificate and number issued expires at midnight December 31, and renewals expire every two years thereafter unless sooner terminated or discontinued in accordance with this chapter. After the first day of September each even-numbered year, an unregistered snowmobiles all-terrain vehicle or snowmobile and renewals may be registered for the subsequent biennium beginning January 1. A An all-terrain vehicle or snowmobile registered between January 1 and September 1 of even-numbered years shall be registered for a fee of ten dollars for the remainder of the registration period.

After the first day of September in even-numbered years an unregistered all-terrain vehicle or snowmobile may be registered for the remainder of the current registration period and for the subsequent registration period in one transaction. The fee shall be five dollars for the

remainder of the current period, in addition to the registration fee of twenty dollars for the subsequent biennium beginning January 1, and a writing fee. Registration certificates and numbers may be renewed upon application of the owner in the same manner as provided in securing the original registration. The all-terrain vehicle or snowmobile registration fee is in lieu of personal property tax for each year of the registration.

Sec. 9. Section 321G.6, unnumbered paragraph 3, Code 1989, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

An expired all-terrain vehicle or snowmobile registration may be renewed for the same fee as if the owner is securing the original registration plus a penalty of five dollars and a writing fee.

Sec. 10. Section 321G.6, Code 1989, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 3:

NEW UNNUMBERED PARAGRAPH. All all-terrain vehicles used on public land must be registered within six months following the effective date of this Act, unless otherwise exempt.

Sec. 11. Section 321G.6, unnumbered paragraphs 4 and 5, Code 1989, are amended to read as follows:

Whenever any When a person, after registering a an all-terrain vehicle or snowmobile, moves from the address shown on the registration certificate, the person shall, within ten days, notify the county recorder in writing of such fact the move and the person's new address.

Upon the transfer of ownership of a an all-terrain vehicle or snowmobile, the owner shall complete the form on the back of a current registration certificate and shall deliver it to the purchaser or transferee at the time of delivering the all-terrain vehicle or snowmobile. The purchaser or transferee shall, within five days, file a new application form with the county recorder with a fee of one dollar and the writing fee, and a transfer of number shall be awarded in the same manner as provided in an original registration.

Sec. 12. Section 321G.7, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

321G.7 FEES REMITTED TO COMMISSION — APPROPRIATION.

Within ten days after the end of each month, each county recorder shall remit to the commission the all-terrain vehicle and snowmobile fees collected by the recorder during the previous month. Before January 10 of odd-numbered years, each recorder shall remit unused license forms from the previous biennium to the commission. Before January 10 of each year, each recorder shall summarize the transactions of the registration fees and penalties collected during the previous year.

The department shall remit the fees to the treasurer of state, who shall place the money in a special conservation fund. The money is appropriated to the department for the all-terrain vehicle and snowmobile programs of the state. All-terrain vehicle fees shall be used only for all-terrain vehicle programs and snowmobile fees shall be used only for snowmobile programs. Joint programs shall be supported from both types of fees on a usage basis. The all-terrain vehicle and snowmobile programs shall include grants, subgrants, contracts, or cost-sharing of all-terrain vehicle and snowmobile programs with political subdivisions or incorporated private organizations or both in accordance with rules adopted by the commission. All all-terrain vehicle programs using cost-sharing, grants, subgrants, or contracts shall establish and implement a safety instruction program either singly or in cooperation with other all-terrain vehicle programs. At least fifty percent of the special fund shall be available for political subdivisions or incorporated private organizations or both. Moneys from the special fund not used by the political subdivisions or incorporated private organizations or both shall remain in the all-terrain vehicle or snowmobile accounts. The department may use funds from these accounts for the administration of the all-terrain vehicle and snowmobile programs.

Sec. 13. Section 321G.8, Code 1989, is amended to read as follows:

321G.8 EXEMPT VEHICLES.

~~No registration~~ Registration shall not be required for the following described all-terrain vehicles and snowmobiles:

1. ~~Snowmobiles~~ All-terrain vehicles and snowmobiles owned and used by the United States, another state, or a political subdivision thereof of another state.

2. ~~Snowmobiles~~ All-terrain vehicles and snowmobiles registered in a country other than the United States temporarily used within this state for not more than twenty consecutive days.

3. ~~Snowmobiles~~ All-terrain vehicles and snowmobiles covered by a valid license of another state and which have not been within this state for more than twenty consecutive days.

4. ~~Snowmobiles~~ All-terrain vehicles and snowmobiles not registered or licensed in another state or country being used in this state while engaged in a special event and not remaining in the state for a period of more than ten days.

5. All-terrain vehicles used in accordance with section 321.234A.

Sec. 14. Section 321G.9, unnumbered paragraph 1, Code 1989, is amended to read as follows: ~~No~~ A person shall not operate a an all-terrain vehicle or snowmobile upon roadways or highways, as defined in section 321.1, except as provided in section 321.234A and this chapter.

Sec. 15. Section 321G.9, subsection 1, Code 1989, is amended to read as follows:

1. Except as provided in section 321.234A, an all-terrain vehicle or snowmobile shall not be operated at any time within the right of way of any interstate highway or freeway within this state.

Sec. 16. Section 321G.9, subsection 2, unnumbered paragraph 1 and paragraph b, Code 1989, are amended to read as follows:

A An all-terrain vehicle or snowmobile may make a direct crossing of a street or highway provided:

b. The all-terrain vehicle or snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway; and

Sec. 17. Section 321G.9, subsection 3, unnumbered paragraph 1 and paragraph d, Code 1989, are amended to read as follows:

A registered An all-terrain vehicle or snowmobile shall not be operated on public highways:

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

Sec. 18. Section 321G.9, subsection 4, unnumbered paragraph 1 and paragraph d, Code 1989, are amended to read as follows:

A registered all-terrain vehicle or snowmobile may be operated under the following conditions:

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

Sec. 19. Section 321G.9, subsection 4, Code 1989, is amended by adding the following new lettered paragraphs:

NEW LETTERED PARAGRAPH. f. All-terrain vehicles shall not be operated on snowmobile trails except where designated by the controlling authority and the primary snowmobile trail sponsor.

NEW LETTERED PARAGRAPH. g. Snowmobiles shall not be operated on all-terrain vehicle trails except where designated by the controlling authority and the primary all-terrain vehicle trail sponsor.

Sec. 20. Section 321G.9, subsection 6, Code 1989, is amended to read as follows:

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

b. Any A person twelve to fifteen years of age and possessing a valid safety certificate must be accompanied by and under the direct supervision of a responsible person of at least eighteen years of age parent, guardian, or another adult authorized by the parent or guardian, who is experienced in all-terrain vehicle or snowmobile operation, and who possesses a valid operator's or chauffeur's license, instruction permit, restricted license or temporary permit issued under chapter 321, or a safety certificate issued under this chapter.

Sec. 21. Section 321G.9, subsection 7, Code 1989, is amended to read as follows:

7. A An all-terrain vehicle or snowmobile shall not be operated within the right of way of any a primary highway between the hours of sunset and sunrise except on the right-hand side of such the right of way and in the same direction as the motor vehicular traffic on the nearest lane of traveled portion of such the right of way.

Sec. 22. Section 321G.10, Code 1989, is amended to read as follows:

321G.10 ACCIDENT REPORTS.

If a an all-terrain vehicle or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to two hundred dollars or more, either the operator or someone acting for the operator shall immediately notify the county sheriff or another law enforcement agency in the state. The operator shall file with the commission a report of the accident, within forty-eight hours, containing information as the commission may require.

Sec. 23. Section 321G.11, unnumbered paragraphs 1 and 2, Code 1989, are amended to read as follows:

A An all-terrain vehicle or snowmobile shall not be operated without suitable and effective muffling devices which limit engine noise to not more than eighty-six decibels as measured on the "A" scale at a distance of fifty feet; and a snowmobile, manufactured after July 1, 1973, which is sold, offered for sale, or used in this state, except in an authorized special event, shall have a muffler system that limits engine noise to not more than eighty-two decibels as measured on the "A" scale at a distance of fifty feet.

The commission may adopt rules with respect to the inspection of all-terrain vehicles and snowmobiles and the testing of snowmobile their mufflers.

Sec. 24. Section 321G.12, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

321G.12 HEAD LAMP — TAIL LAMP — BRAKES.

Every all-terrain vehicle operated during the hours of darkness shall display a lighted head lamp and tail lamp. Every snowmobile shall be equipped with at least one head lamp and one tail lamp. Every all-terrain vehicle and snowmobile shall be equipped with brakes which conform to standards prescribed by the director of transportation.

Sec. 25. Section 321G.13, unnumbered paragraph 1 and subsections 7, 8, 10, and 11, Code 1989, are amended to read as follows:

It shall be unlawful for any A person to shall not drive or operate any an all-terrain vehicle or snowmobile:

7. In or on any park or fish and game areas except on designated all-terrain vehicle or snowmobile trails.

8. Upon an operating railroad right of way. A An all-terrain vehicle or snowmobile may be driven directly across a railroad right of way only at an established crossing and, notwithstanding any other provisions of law, may, where if necessary, use the improved portion of such the established crossing after yielding to all oncoming traffic. The provisions of this This subsection shall does not apply to any a law enforcement officer or railroad employee in the lawful discharge of the officer's or employee's duties.

10. On public land without a measurable snow cover except as provided in section 321.234A or in specific areas permitted by the commission, such as "all-terrain vehicle parks" which are designated and intended for use with or without snow.

11. ~~No~~ A person shall not operate or ride in any an all-terrain vehicle or snowmobile with ~~any~~ a firearm in the person's possession unless it is unloaded and enclosed in a carrying case, or any bow unless it is unstrung or enclosed in a carrying case.

Sec. 26. Section 321G.13, Code 1989, is amended by adding the following new subsection: NEW SUBSECTION. 12. A person shall not operate an all-terrain vehicle while carrying a passenger.

Sec. 27. Section 321G.15, Code 1989, is amended to read as follows:
321G.15 OPERATION PENDING REGISTRATION.

The commission shall furnish snowmobile and all-terrain vehicle dealers with pasteboard cards bearing the words "registration applied for" and space for the date of purchase. Any An unregistered all-terrain vehicle or snowmobile sold by a dealer shall bear one of these cards which shall entitle the purchaser to operate it for ten days immediately following the purchase. The purchaser of a registered all-terrain vehicle or snowmobile shall be entitled to may operate it for ten days immediately following the purchase, without having completed a transfer of registration. Any A person who purchases a an all-terrain vehicle or snowmobile from a dealer shall, within five days of the purchase, apply for a an all-terrain vehicle or snowmobile registration or transfer of registration.

Sec. 28. Section 321G.16, Code 1989, is amended to read as follows:
321G.16 SPECIAL EVENTS.

The commission may authorize the holding of organized special events as defined in this chapter within this state. The commission shall adopt and may amend rules and regulations relating to the conduct of special events held under commission permits and designating the equipment and facilities necessary for safe operation of all-terrain vehicle and snowmobiles or for the safety of operators, participants, and observers in the special events. At least thirty days before the scheduled date of a special event in this state, an application shall be filed with the commission for authorization to conduct the special event. The application shall set forth the date, time, and location of the proposed special event and any other information as the commission ~~may require~~ requires. The special event shall not be conducted without written authorization of the commission. Copies of ~~such the~~ the rules shall be furnished by the commission to any person making an application ~~therefor.~~

Sec. 29. Section 321G.17, Code 1989, is amended to read as follows:
321G.17 VIOLATION OF "STOP" SIGNAL.

~~It shall be unlawful for any A~~ person, after having received a visual or audible signal from ~~any a~~ peace officer to come to a stop, ~~to shall not operate a an~~ all-terrain vehicle or snowmobile in willful or wanton disregard of ~~such the~~ signal or interfere with or endanger the officer or any other person or vehicle, or increase speed or attempt to flee or elude the officer.

Sec. 30. Section 321G.18, Code 1989, is amended to read as follows:
321G.18 NEGLIGENCE.

The owner and operator of ~~any an~~ all-terrain vehicle or snowmobile ~~shall be~~ is liable for any injury or damage occasioned by the negligent operation of ~~such the~~ all-terrain vehicle or snowmobile.

Sec. 31. Section 321G.19, Code 1989, is amended to read as follows:
321G.19 RENTED SNOWMOBILES AND ALL-TERRAIN VEHICLES.

1. The owner of ~~any a~~ rented all-terrain vehicle or snowmobile shall keep a record of the name and address of each person renting the all-terrain vehicle or snowmobile, its identification number, the departure date and time, and the expected time of return. The records shall be preserved for six months.

2. The owner of a an all-terrain vehicle or snowmobile operated for hire shall not permit the use or operation of a rented all-terrain vehicle or snowmobile unless it ~~shall have~~ has been provided with all equipment required by this chapter or rules of the commission or the director of transportation, properly installed and in good working order.

Sec. 32. Section 321G.20, Code 1989, is amended by adding the following new unnumbered paragraph:

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

Sec. 33. Section 321G.21, subsections 1, 3, 6, 8, 9, and 10, Code 1989, are amended to read as follows:

1. A manufacturer, distributor, or dealer owning any all-terrain vehicle or snowmobile required to be registered under this chapter may operate the all-terrain vehicle or snowmobile for purposes of transporting, testing, demonstrating, or selling it without the all-terrain vehicle or snowmobile being registered, except that a special identification number issued to the owner as provided in this chapter shall be displayed on the all-terrain vehicle or snowmobile. The special identification number ~~may~~ shall not be used on ~~any~~ an all-terrain vehicle or snowmobile offered for hire or for any work or service performed by a manufacturer, distributor, or dealer.

3. The commission, upon granting an application, shall issue to the applicant a special registration certificate containing the applicant's name and address, the general identification number assigned to the applicant, the word "manufacturer", "dealer", or "distributor", and ~~such~~ other information as the commission ~~may prescribe~~ prescribes. The manufacturer, distributor, or dealer shall have the assigned number printed upon or attached to a removable sign or signs which may be temporarily but firmly mounted or attached to the all-terrain vehicle or snowmobile being used. The display shall meet the requirements of this chapter and the rules of the commission.

6. Every manufacturer, distributor, or dealer shall keep a written record of the all-terrain vehicles and snowmobiles upon which special registration certificates are used, which record shall be open to inspection by any law enforcement officer or any officer or employee of the commission.

8. Dealers using special certificates under the provisions of this chapter shall, before January 10 of each year, furnish the commission with a list of all used all-terrain vehicles and snowmobiles held by them for sale or trade, and upon which the registration fee for the current year has not been paid, giving the previous registration number, name of previous owner at the time ~~such~~ the all-terrain vehicle or snowmobile was transferred to the dealer, and ~~such~~ other information ~~as the commission may require~~ requires.

9. ~~When~~ If the purchaser or transferee of a an all-terrain vehicle or snowmobile is a dealer who holds the same for resale and operates the all-terrain vehicle or snowmobile only for purposes incidental to a resale and displays ~~thereon~~ the special dealer's certificate, or does not operate ~~such~~ the all-terrain vehicle or snowmobile or permit it to be operated, ~~such~~ the transferee ~~shall~~ is not be required to obtain a new registration certificate but upon transferring title or interest to another person shall sign the reverse side of the registration certificate of ~~such~~ the all-terrain vehicle or snowmobile indicating the name and address of the new purchaser. The purchaser may take the registration certificate to the county recorder and file a new application form with a fee of one dollar for transfer and the writing fee. The recorder shall award a transfer of the registration number. If the registration has expired while in the dealer's possession, the purchaser may renew the registration for the same fee and writing fee as if the purchaser is securing the original registration.

10. ~~Whenever~~ When a dealer purchases or otherwise acquires a an all-terrain vehicle or snowmobile registered in this state, the dealer shall issue a signed receipt to the previous owner,

indicating the date of purchase or acquisition, the name and address of ~~such~~ the previous owner, and the registration number of the all-terrain vehicle or snowmobile purchased or acquired. The original receipt shall be delivered to the previous owner and one copy shall be mailed or delivered by the dealer to the county recorder of the county in which the all-terrain vehicle or snowmobile is registered, and one copy shall be delivered to the commission within forty-eight hours.

Sec. 34. Section 321G.22, Code 1989, is amended to read as follows:

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

The state, its political subdivisions, and the owners or tenants of property adjoining public lands or the right of way of a public highway and their agents and employees owe no duty of care to keep the public lands, ditches, or land contiguous to a highway or roadway under the control of the state or a political subdivision safe for entry or use by persons operating a an all-terrain vehicle or snowmobile, or to give any warning of a dangerous condition, use, structure, or activity on ~~such~~ the premises to persons entering for such purposes, except in the case of willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity. The state, its political subdivisions, and the owners or tenants of property adjoining public lands or the right of way of a public highway, and their agents and employees are not liable for actions taken to allow or facilitate the use of public lands, ditches, or land contiguous to a highway or roadway except in the case of a willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity. This section does not create a duty of care or ground of liability on behalf of the state, its political subdivisions, or the owners or tenants of property adjoining public lands or the right of way of a public highway and their agents and employees for injury to persons or property in the operation of all-terrain vehicles or snowmobiles in a ditch or on land contiguous to a highway or roadway under the control of the state or a political subdivision. The state, its political subdivisions, and the owners or tenants of property adjoining public lands or the right of way of a public highway and their agents and employees are not liable for the operation of a an all-terrain vehicle or snowmobile in violation of this chapter.

Sec. 35. Section 321G.23, subsections 1 and 4, Code 1989, are amended to read as follows:

1. The commission shall provide, by rules adopted pursuant to section 321G.2, for the establishment of a ~~course~~ certified courses of instruction to be conducted throughout the state for the safe use and operation of all-terrain vehicles and snowmobiles. The curriculum shall include instruction in the lawful and safe use, operation, and equipping of all-terrain vehicles and snowmobiles consistent with the ~~provisions~~ of this chapter and rules adopted by the commission and the director of transportation and ~~such~~ other matters as the commission deems pertinent for a qualified all-terrain vehicle or snowmobile operator.

4. The commission shall provide safety material relating to the operation of all-terrain vehicles and snowmobiles for the use of private nonpublic or public elementary and secondary schools in this state.

Sec. 36. Section 321G.24, subsections 1 and 5, Code 1989, are amended to read as follows:

1. ~~Effective July 1, 1977, no~~ A person who is born after July 1, 1965 under eighteen years of age shall not operate a an all-terrain vehicle or snowmobile in this state without obtaining a valid safety certificate issued by the commission and having ~~such~~ the certificate in the person's possession, or unless the person is accompanied on the same ~~machine~~ snowmobile by a responsible person of at least eighteen years of age who is experienced in snowmobile operation and possesses a valid operator's or chauffeur's license, instruction permit, restricted license or temporary permit issued under chapter 321 or a safety certificate issued under this chapter.

5. A valid all-terrain vehicle or snowmobile safety certificate or license issued to a nonresident by a governmental authority of another state shall be considered a valid certificate or license in this state if the permit or license requirements of ~~such~~ the governmental authority, excluding fees, are substantially the same as the requirements of this chapter as determined by the commission.

Sec. 37. Section 321G.25, Code 1989, is amended to read as follows:

321G.25 STOPPING AND INSPECTING — WARNINGS.

A peace officer may stop and inspect a an all-terrain vehicle or snowmobile operated, parked, or stored on public streets, highways, public lands, or frozen waters of the state to determine if the all-terrain vehicle or snowmobile is registered, numbered, or equipped as required by this chapter and commission rules. The officer shall not inspect an area that is not essential to determine compliance with the requirements. If the officer determines that the all-terrain vehicle or snowmobile is not in compliance, the officer may issue a warning memorandum to the operator and forward a copy to the commission. The warning memorandum shall indicate the items found not in compliance and shall direct the owner or operator of the all-terrain vehicle or snowmobile to have the all-terrain vehicle or snowmobile in compliance and return a copy of the warning memorandum with the proof of compliance to the commission within fourteen days. If the proof of compliance is not provided within fourteen days, the owner or operator is in violation of this chapter.

Sec. 38. Section 321G.26, Code 1989, is amended to read as follows:

321G.26 TERMINATION OF USE.

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

Sec. 39. Section 321G.27, Code 1989, is amended to read as follows:

321G.27 WRITING FEES.

The county recorder shall collect a writing fee of one dollar for an all-terrain vehicle or snowmobile registrations registration. ~~When two or more transactions for one snowmobile take place during the registration process the transactions shall be considered as a single registration.~~

Sec. 40. Section 321G.28, Code 1989, is amended to read as follows:

321G.28 CONSISTENT LOCAL LAWS — SPECIAL LOCAL RULES.

1. ~~The provisions of this~~ This chapter and other applicable laws of this state shall govern the operation, equipment, numbering, and all other matters relating to a an all-terrain vehicle or snowmobile ~~whenever~~ when the all-terrain vehicle or snowmobile is operated or maintained in this state. However, ~~nothing in this chapter shall be construed to~~ does not prevent the adoption of an ordinance or local law relating to the operation of or equipment of all-terrain vehicles or snowmobiles. The ordinances or local laws ~~shall be~~ are operative only so long as they are not inconsistent with the provisions of this chapter or the rules and regulations adopted by the commission.

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

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

Sec. 41. **NEW SECTION. 106.34A VEHICLES PROHIBITED IN STREAMBED.**

1. Except as provided in subsection 2, a person shall not operate a motor vehicle in any of the following:

- a. Any portion of a meandered stream.
- b. Any portion of the bed of a nonmeandered stream which has been identified as a navigable stream or river by rule adopted by the department and which is covered by water.
- c. Any portion of a stream identified as a trout stream by the department.

2. This section does not prohibit the use of ford crossings of public or private roads or any other ford crossing when used for agricultural purposes, the operation of construction vehicles engaged in lawful construction, repair, or maintenance in a streambed, or the operation of motor vehicles on ice.

3. The department of natural resources shall adopt rules identifying the navigable streams and rivers in which a motor vehicle may be operated. The department may exempt participants of organized special events from this section where the organized special event is approved by a state or local authority.

4. As used in this section, "motor vehicle" means a motor vehicle as defined in section 321.1, subsection 2.

Sec. 42. This Act takes effect on January 1, 1990.

Approved May 27, 1989

CHAPTER 245

INFECTIOUS WASTE

H.F. 722

AN ACT relating to infectious waste management.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION. 455B.490 REGULATION OF INFECTIOUS WASTE.**

1. As used in this section, unless the context otherwise requires:

a. "Infectious" means containing pathogens with sufficient virulence and quantity so that exposure to an infectious agent by a susceptible host could result in an infectious disease when the infectious agent is improperly treated, stored, transplanted, or disposed.

b. "Infectious waste" means waste, which is infectious, including but not limited to contaminated sharps, cultures, and stocks of infectious agents, blood and blood products, pathological waste, and contaminated animal carcasses from hospitals or research laboratories.

c. "Contaminated sharps" means all discarded sharp items derived from patient care in medical, research, or industrial facilities including glass vials containing materials defined as infectious, hypodermic needles, scalpel blades, and pasteur pipettes.

d. "Cultures and stocks of infectious agents" means specimen cultures collected from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biological agents, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, or mix cultures.

e. "Human blood and blood products" means human serum, plasma, other blood components, bulk blood, or containerized blood in quantities greater than twenty milliliters.

f. "Pathological waste" means human tissues and body parts that are removed during surgery or autopsy.

g. "Contaminated animal carcasses" means waste including carcasses, body parts, and bedding of animals that were exposed to infectious agents during research, production of biologicals, or testing of pharmaceuticals.

2. The department shall institute an infectious waste management program in cooperation with the Iowa department of public health. The program shall include all of the following elements:

a. Recommendations to the commission for revision of the rules which refer to infectious waste as hazardous or toxic waste.