

FEB 13 2003
TRANSPORTATION

HOUSE FILE 198
BY MERTZ

(COMPANION TO LSB
1386SS BY KIBBIE)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the operation of all-terrain vehicles in
2 cities of a certain size, providing a fee, and making
3 penalties applicable.

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

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

HF-198

1 Section 1. Section 321.1, subsection 32, unnumbered
2 paragraph 1, Code 2003, is amended to read as follows:

3 "Implement of husbandry" means a vehicle or special mobile
4 equipment manufactured, designed, or reconstructed for
5 agricultural purposes and, except for incidental uses,
6 exclusively used in the conduct of agricultural operations.
7 "Implements of husbandry" includes all-terrain vehicles
8 operated in compliance with section 321.234A, subsection 1,
9 fence-line feeders, and vehicles used exclusively for the
10 application of organic or inorganic plant food materials,
11 organic agricultural limestone, or agricultural chemicals. To
12 be considered an implement of husbandry, a self-propelled
13 implement of husbandry must be operated at speeds of thirty-
14 five miles per hour or less. "Reconstructed" as used in this
15 subsection means materially altered from the original
16 construction by the removal, addition, or substitution of
17 essential parts, new or used.

18 Sec. 2. Section 321.20B, subsection 6, Code 2003, is
19 amended to read as follows:

20 6. This section does not apply to a snowmobile or all-
21 terrain vehicle, except an all-terrain vehicle operated as
22 provided in section 321.234A, subsection 2, or to a motor
23 vehicle identified in section 321.18, subsections 1 through 6,
24 and subsection 8.

25 Sec. 3. Section 321.109, subsection 1, unnumbered
26 paragraph 1, Code 2003, is amended to read as follows:

27 The annual fee for all motor vehicles including vehicles
28 designated by manufacturers as station wagons, and 1993 and
29 subsequent model years for multipurpose vehicles, except motor
30 trucks, motor homes, ambulances, hearses, motorcycles, motor
31 bicycles, all-terrain vehicles, and 1992 and older model years
32 for multipurpose vehicles, shall be equal to one percent of
33 the value as fixed by the department plus forty cents for each
34 one hundred pounds or fraction thereof of weight of vehicle,
35 as fixed by the department. The weight of a motor vehicle,

1 fixed by the department for registration purposes, shall
2 include the weight of a battery, heater, bumpers, spare tire,
3 and wheel. Provided, however, that for any new vehicle
4 purchased in this state by a nonresident for removal to the
5 nonresident's state of residence the purchaser may make
6 application to the county treasurer in the county of purchase
7 for a transit plate for which a fee of ten dollars shall be
8 paid. And provided, however, that for any used vehicle held
9 by a registered dealer and not currently registered in this
10 state, or for any vehicle held by an individual and currently
11 registered in this state, when purchased in this state by a
12 nonresident for removal to the nonresident's state of
13 residence, the purchaser may make application to the county
14 treasurer in the county of purchase for a transit plate for
15 which a fee of three dollars shall be paid. The county
16 treasurer shall issue a nontransferable certificate of
17 registration for which no refund shall be allowed; and the
18 transit plates shall be void thirty days after issuance. Such
19 purchaser may apply for a certificate of title by surrendering
20 the manufacturer's or importer's certificate or certificate of
21 title, duly assigned as provided in this chapter. In this
22 event, the treasurer in the county of purchase shall, when
23 satisfied with the genuineness and regularity of the
24 application, and upon payment of a fee of ten dollars, issue a
25 certificate of title in the name and address of the
26 nonresident purchaser delivering the same to the person
27 entitled to the title as provided in this chapter. The
28 provisions of this subsection relating to multipurpose
29 vehicles are effective January 1, 1993, for all 1993 and
30 subsequent model years. The annual registration fee for
31 multipurpose vehicles that are 1992 model years and older
32 shall be in accordance with section 321.124.

33 Sec. 4. Section 321.117, Code 2003, is amended to read as
34 follows:

35 321.117 MOTORCYCLE, ALL-TERRAIN VEHICLE, AMBULANCE, AND

1 HEARSE FEES.

2 For all motorcycles the annual registration fee ~~shall-be~~ is
3 twenty dollars. For all motorized bicycles the annual
4 registration fee ~~shall-be~~ is seven dollars. When the a
5 motorcycle is more than five model years old, the annual
6 registration fee ~~shall-be~~ is ten dollars. The annual
7 registration fee for all-terrain vehicles operated under
8 section 321.234A, subsection 2, is twenty dollars. The annual
9 registration fee for ambulances and hearses ~~shall-be~~ is fifty
10 dollars. Passenger car plates shall be issued for ambulances
11 and hearses.

12 Sec. 5. Section 321.166, subsection 1, unnumbered
13 paragraph 1, Code 2003, is amended to read as follows:

14 Registration plates shall be of metal and of a size not to
15 exceed six inches by twelve inches, except that the size of
16 plates issued for use on all-terrain vehicles operated under
17 section 321.234A, subsection 2, motorized bicycles,
18 motorcycles, motorcycle trailers, and trailers with an empty
19 weight of two thousand pounds or less shall be established by
20 the department.

21 Sec. 6. Section 321.166, subsections 3 and 4, Code 2003,
22 are amended to read as follows:

23 3. The registration plate number shall be displayed in
24 characters which shall not exceed a height of four inches nor
25 a stroke width exceeding five-eighths of an inch. Special
26 plates issued to dealers shall display the alphabetical
27 character "D", which shall be of the same size as the
28 characters in the registration plate. The registration plate
29 number issued for all-terrain vehicles operated under section
30 321.234A, subsection 2, motorized bicycles, motorcycles,
31 trailers with an empty weight of two thousand pounds or less,
32 and motorcycle trailers shall be a size prescribed by the
33 department.

34 4. The registration plate number, except on all-terrain
35 vehicles operated under section 321.234A, subsection 2,

1 motorized ~~bicycle~~ bicycles, ~~motorcycle~~ motorcycles, motorcycle
2 ~~traier~~ trailers, and trailers with an empty weight of two
3 thousand pounds or less shall be of sufficient size to be
4 readable from a distance of one hundred feet during daylight.

5 Sec. 7. Section 321.234A, Code 2003, is amended to read as
6 follows:

7 321.234A ALL-TERRAIN VEHICLES -- HIGHWAY USE -- OPERATION
8 IN CITIES.

9 1. a. All-terrain Except as provided in subsection 2,
10 all-terrain vehicles shall be operated on a highway only
11 between sunrise and sunset and only when the operation on the
12 highway is incidental to the vehicle's use for agricultural
13 purposes. A person operating an all-terrain vehicle on a
14 highway shall have a valid driver's license and the vehicle
15 shall be operated at speeds of thirty-five miles per hour or
16 less.

17 2. b. A person convicted of a violation of this ~~section~~
18 subsection is guilty of a simple misdemeanor punishable as a
19 scheduled violation under section 805.8A, subsection 3,
20 paragraph "f".

21 2. An all-terrain vehicle may be operated on a highway
22 within a city with a population of less than two thousand,
23 provided all of the following conditions are met:

24 a. The all-terrain vehicle is registered as a motor
25 vehicle under chapter 321 and bears the license plates
26 required under section 321.166.

27 b. The operator of the all-terrain vehicle is at least
28 eighteen years of age and possesses a valid driver's license.

29 c. The operator of the all-terrain vehicle is covered by
30 an owner's policy of liability insurance or other financial
31 liability coverage, as defined in section 321.1, in effect for
32 the all-terrain vehicle being operated.

33 d. The all-terrain vehicle is equipped with rear lamps and
34 brake lights as described in sections 321.387 and 321.404, and
35 if operating during the times specified in section 321.384,

1 with two headlamps as described in section 321.385.

2 The motor vehicle laws and penalties applicable to
3 operators of motor vehicles pursuant to this chapter apply to
4 a person operating, on a public highway, an all-terrain
5 vehicle registered as a motor vehicle, to the extent
6 practically applicable. A violation of a provision of this
7 subsection not otherwise punishable under this chapter is
8 punishable as a scheduled violation under section 805.8A,
9 subsection 3, paragraph "f".

10 Registration and operation of an all-terrain vehicle under
11 this subsection does not constitute an exemption from the
12 provisions of chapter 321G.

13 Sec. 8. Section 321G.8, unnumbered paragraph 1, Code 2003,
14 is amended to read as follows:

15 Registration under this chapter shall not be required for
16 the following described all-terrain vehicles and snowmobiles:

17 Sec. 9. Section 321G.8, subsection 5, Code 2003, is
18 amended to read as follows:

19 5. All-terrain vehicles used in accordance with section
20 321.234A, subsection 1.

21 EXPLANATION

22 This bill modifies the prohibition on operation of all-
23 terrain vehicles on public highways by authorizing their
24 operation in cities with a population of less than 2,000 under
25 certain conditions. The person operating an all-terrain
26 vehicle in such a city must be at least 18 years of age and
27 licensed as a motor vehicle driver. The operator must be
28 covered by liability insurance or other financial liability
29 coverage in effect for the vehicle being operated.

30 The all-terrain vehicle must be equipped with rear lamps
31 and brake lights, and with two headlamps if conditions
32 warrant. The vehicle is required to be registered as a motor
33 vehicle under Code chapter 321. The all-terrain vehicle must
34 display registration plates of a size and design to be
35 established by the state department of transportation. The

1 annual fee for registration of an all-terrain vehicle as a
2 motor vehicle is \$20.

3 A person operating an all-terrain vehicle registered as a
4 motor vehicle on city streets would be subject to the same
5 laws and penalties, including scheduled fines, that apply to
6 drivers of other motor vehicles, to the extent practically
7 applicable. A violation of a provision of law uniquely
8 applicable to an all-terrain vehicle being operated as a motor
9 vehicle, not otherwise punishable as a motor vehicle offense,
10 would be a simple misdemeanor punishable by a scheduled fine
11 of \$50.

12 Registration of an all-terrain vehicle for the purpose of
13 operating it on city streets would not exempt the owner from
14 the registration and regulation requirements administered by
15 the department of natural resources.

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35