

House File 2091 - Introduced

HOUSE FILE 2091
BY FREVERT

A BILL FOR

1 An Act relating to the operation of off-road vehicles on
2 highways, providing a registration fee, and making a penalty
3 applicable.

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

1 Section 1. Section 321.1, Code Supplement 2009, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 47A. *"Off-road vehicle"* means any
4 self-propelled vehicle designed to travel on two or more
5 wheels and designed primarily to be operated on land other
6 than a highway. *"Off-road vehicle"* includes but is not
7 limited to all-terrain vehicles, dune buggies, and any vehicle
8 whose manufacturer's statement of origin or manufacturer's
9 certificate of origin states that the vehicle is not for
10 highway use.

11 Sec. 2. Section 321.117, Code 2009, is amended to read as
12 follows:

13 **321.117 Motorcycle, off-road vehicle, motorized**
14 **bicycle, ambulance, and hearse fees.**

15 ~~For all motorcycles the annual registration fee shall~~
16 ~~be twenty dollars. For all motorized bicycles the annual~~
17 ~~registration fee shall be seven dollars. When the motorcycle~~
18 ~~is more than five model years old, the annual registration fee~~
19 ~~shall be ten dollars.~~

20 1. The annual registration fee for a motorcycle is twenty
21 dollars. When the motorcycle is more than five model years
22 old, the fee is ten dollars. For purposes of registration
23 under this section, "motorcycle" includes an off-road vehicle as
24 provided in section 321.234A, subsection 4.

25 2. The annual registration fee for a motorized bicycle is
26 seven dollars.

27 3. The annual registration fee for ambulances and hearses
28 ~~shall be~~ is fifty dollars. Passenger car plates shall be
29 issued for ambulances and hearses.

30 Sec. 3. Section 321.234A, Code 2009, is amended to read as
31 follows:

32 **321.234A ~~All-terrain~~ Off-road vehicles — highway use.**

33 1. ~~All-terrain~~ Except as provided in subsection 4,
34 off-road vehicles shall not be operated on a highway unless one
35 or more of the following conditions apply:

1 *a.* The operation is between sunrise and sunset and is
2 incidental to the vehicle's use for agricultural purposes.

3 *b.* The operation is incidental to the vehicle's use for the
4 purpose of surveying by a licensed engineer or land surveyor.

5 *c.* The ~~all-terrain~~ off-road vehicle is operated by an
6 employee or agent of a political subdivision or public utility
7 for the purpose of construction or maintenance on or adjacent
8 to the highway.

9 *d.* The ~~all-terrain~~ off-road vehicle is operated by an
10 employee or agent of a public agency as defined in section 34.1
11 for the purpose of providing emergency services or rescue.

12 *e.* The ~~all-terrain~~ off-road vehicle is operated for
13 the purpose of mowing, installing approved trail signs, or
14 providing maintenance on a snowmobile trail or all-terrain
15 vehicle trail designated by the department of natural
16 resources.

17 2. A person operating an ~~all-terrain~~ off-road vehicle on a
18 highway shall have a valid driver's license ~~and the~~. Unless
19 registered pursuant to subsection 4, an off-road vehicle shall
20 be operated at speeds of thirty-five miles per hour or less.

21 3. An ~~all-terrain~~ off-road vehicle that is owned
22 by the owner of land adjacent to a highway, other than
23 an interstate road, may be operated by the owner of the
24 ~~all-terrain~~ off-road vehicle, or by a member of the owner's
25 family, on the portion of the highway right-of-way that is
26 between the shoulder of the roadway, or at least five feet
27 from the edge of the roadway, and the owner's property line.
28 A person operating an ~~all-terrain~~ off-road vehicle within the
29 highway right-of-way under this subsection shall comply with
30 the registration, safety, and age requirements under chapter
31 321I.

32 4. *a.* An all-terrain vehicle with four or more wheels and
33 a combustion engine having a piston or rotor displacement of
34 two hundred centimeters or more may be issued a certificate
35 of title under this chapter and registered as a motorcycle

1 pursuant to section 321.117 to be operated on highways. An
2 all-terrain vehicle registered as a motorcycle is subject
3 to the lighting and equipment requirements applicable to
4 motorcycles under this chapter.

5 b. A person shall not operate an all-terrain vehicle
6 registered as a motorcycle on an interstate.

7 ~~4.~~ 5. A person convicted of a violation of this section
8 is guilty of a simple misdemeanor punishable as a scheduled
9 violation under section 805.8A, subsection 3, paragraph "f".

10 Sec. 4. Section 321I.1, subsection 16, paragraph b, Code
11 Supplement 2009, is amended to read as follows:

12 b. An owner of an off-road utility vehicle may register
13 or title an off-road utility vehicle in order to legally
14 operate the off-road vehicle on public ice, a designated
15 riding area, or a designated riding trail. The operator of an
16 off-road utility vehicle is subject to provisions governing the
17 operation of ~~all-terrain~~ off-road vehicles in section 321.234A
18 and this chapter, but is exempt from the safety instruction
19 and certification program requirements of sections 321I.25 and
20 321I.26. An operator of an off-road utility vehicle shall not
21 operate the vehicle on a designated riding area or designated
22 riding trail unless the department has posted signage
23 indicating the riding area or trail is open to the operation
24 of off-road utility vehicles. Off-road utility vehicles are
25 exempt from the dealer registration and titling requirements
26 of this chapter. A motorized vehicle that was previously
27 titled or is currently titled under chapter 321 shall not be
28 registered or operated as an off-road utility vehicle.

29 Sec. 5. Section 321I.9, unnumbered paragraph 1, Code 2009,
30 is amended to read as follows:

31 Registration under this chapter shall not be required for
32 the following described all-terrain vehicles:

33 Sec. 6. Section 321I.9, Code 2009, is amended by adding the
34 following new subsection:

35 NEW SUBSECTION. 4. All-terrain vehicles, as defined in

1 section 321.1, which are titled and registered in accordance
2 with section 321.234A, subsection 4.

3 Sec. 7. Section 321I.31, subsection 1, Code 2009, is amended
4 to read as follows:

5 1. The owner of an all-terrain vehicle acquired on or
6 after January 1, 2000, other than an all-terrain vehicle used
7 exclusively as a farm implement ~~or~~, an all-terrain vehicle
8 titled and registered in accordance with section 321.234A,
9 subsection 4, or a motorcycle previously issued a title
10 pursuant to chapter 321, shall apply to the county recorder
11 of the county in which the owner resides for a certificate of
12 title for the all-terrain vehicle. The owner of an all-terrain
13 vehicle used exclusively as a farm implement may obtain
14 a certificate of title. A person who owns an all-terrain
15 vehicle that is not required to have a certificate of title
16 may apply for and receive a certificate of title for the
17 all-terrain vehicle and, subsequently, the all-terrain vehicle
18 shall be subject to the requirements of this chapter as if
19 the all-terrain vehicle were required to be titled. All
20 all-terrain vehicles that are titled shall be registered.

21

EXPLANATION

22 This bill addresses a broad category of vehicles referred
23 to as "off-road" vehicles and provides for the operation of
24 certain off-road vehicles on noninterstate highways.

25 The bill defines "off-road vehicle" to mean any
26 self-propelled vehicle designed to travel on two or more wheels
27 and designed primarily to be operated on land other than a
28 highway. The definition includes all-terrain vehicles, dune
29 buggies, and any vehicle whose manufacturer's statement of
30 origin or manufacturer's certificate of origin states that the
31 vehicle is not for highway use.

32 Current Code provisions restricting the operation of
33 all-terrain vehicles on highways are revised to apply to all
34 vehicles meeting the definition of "off-road vehicle". An
35 off-road vehicle may be operated on a highway at speeds of

1 less than 35 miles per hour by a person with a valid driver's
2 license as follows: between the hours of sunrise and sunset
3 when the operation is for agricultural purposes; by a licensed
4 engineer or land surveyor for the purpose of land surveying; by
5 an employee or agent of a political subdivision for the purpose
6 of construction or maintenance on or adjacent to a highway;
7 by an employee or agent of a public agency for the purpose of
8 providing emergency services or rescue; or for the purpose
9 of mowing, installing approved trail signs, or providing
10 maintenance on a snowmobile trail or all-terrain vehicle
11 trail designated by the department of natural resources. In
12 addition, the owner of an off-road vehicle who owns land
13 adjacent to a noninterstate highway may operate the off-road
14 vehicle on the right-of-way between the shoulder and the
15 owner's property line. The operating privilege extends to
16 the property owner's family members and is conditioned upon
17 compliance with the registration, safety, and age requirements
18 applicable for the operation of all-terrain vehicles on public
19 lands.

20 Under the bill, an off-road vehicle classified as an
21 all-terrain vehicle that has four or more wheels and a
22 combustion engine having a piston or rotor displacement of two
23 hundred centimeters or more may be issued a certificate of
24 title by the county treasurer and registered as a motorcycle
25 for operation on highways, subject to the lighting and
26 equipment requirements applicable to motorcycles. The annual
27 registration fee is \$20, and when the vehicle is more than
28 five model years old, the fee is reduced to \$10. Pursuant to
29 current law, a vehicle subject to registration is also subject
30 to a fee for new registration in the amount of five percent
31 of the purchase price, payable upon application for a new
32 registration and certificate of title. A person operating
33 any off-road vehicle on a highway is required to have a valid
34 driver's license. The bill specifies that an all-terrain
35 vehicle registered as a motorcycle is not subject to the

1 35-mile-per-hour speed limitation, but operation is restricted
2 to noninterstate highways.

3 The bill makes conforming amendments to provide that
4 an all-terrain vehicle that is titled and registered as a
5 motorcycle for operation on highways under Code chapter 321
6 is exempt from the registration requirements for all-terrain
7 vehicles and off-road utility vehicles administered by the
8 department of natural resources under Code chapter 321I.

9 A violation of provisions governing the operation of
10 off-road vehicles on a highway is a simple misdemeanor,
11 punishable by a scheduled fine of \$50.