

**Senate File 2063 - Introduced**

SENATE FILE 2063

BY KETTERING

**A BILL FOR**

1 An Act relating to the operation of certain all-terrain  
2 vehicles on streets and highways upon registration with the  
3 department of transportation, providing a registration fee,  
4 and providing penalties.

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

1 Section 1. Section 321.1, subsections 4 and 32, Code  
2 Supplement 2011, are amended to read as follows:

3 4. "*All-terrain vehicle*" means a motor vehicle designed  
4 to travel on three or more wheels and designed primarily for  
5 off-road recreational use. "*All-terrain vehicle*" includes  
6 off-road utility vehicles ~~as defined in section 321I.1~~, but  
7 does not include farm tractors or equipment, construction  
8 equipment, forestry vehicles, or lawn and grounds maintenance  
9 vehicles.

10 32. "*Implement of husbandry*" means a vehicle or special  
11 mobile equipment manufactured, designed, or reconstructed  
12 for agricultural purposes and, except for incidental uses,  
13 exclusively used in the conduct of agricultural operations.  
14 "*Implements of husbandry*" includes all-terrain vehicles operated  
15 in compliance with section 321.234A, subsection 1, paragraph  
16 "*a*", but not registered for operation upon a highway pursuant  
17 to section 321.118; fence-line feeders; and vehicles used  
18 exclusively for the application of organic or inorganic plant  
19 food materials, organic agricultural limestone, or agricultural  
20 chemicals. To be considered an implement of husbandry, a  
21 self-propelled implement of husbandry must be operated at  
22 speeds of thirty-five miles per hour or less.

23 a. "*Reconstructed*", as used in this subsection, means  
24 materially altered from the original construction by the  
25 removal, addition, or substitution of essential parts, new or  
26 used.

27 b. A vehicle covered under this subsection, if it otherwise  
28 qualifies, may be operated as special mobile equipment  
29 and under such circumstances this subsection shall not be  
30 applicable to such vehicle, and such vehicle shall not be  
31 required to comply with sections 321.384 through 321.423, when  
32 such vehicle is moved during daylight hours; however, the  
33 provisions of section 321.383 shall remain applicable to such  
34 vehicle.

35 Sec. 2. Section 321.1, Code Supplement 2011, is amended by

1 adding the following new subsection:

2 NEW SUBSECTION. 47A. "*Off-road utility vehicle*" means as  
3 defined in section 321I.1, subsection 16, paragraph "a".

4 Sec. 3. Section 321.20, subsection 1, paragraph e, Code  
5 2011, is amended to read as follows:

6 e. The amount of the fee for new registration to be paid  
7 under section 321.105A, the amount of tax to be paid under  
8 section 423.26, subsection 1, ~~or~~ the amount of tax to be paid  
9 under section 423.26A, or the amount of sales tax paid under  
10 section 423.2.

11 Sec. 4. Section 321.105A, subsection 2, paragraph c,  
12 Code Supplement 2011, is amended by adding the following new  
13 subparagraph:

14 NEW SUBPARAGRAPH. (31) All-terrain vehicles, if the owner  
15 paid the sales tax required under section 423.2 at the time the  
16 vehicle was purchased.

17 Sec. 5. NEW SECTION. 321.118 **All-terrain vehicles.**

18 An all-terrain vehicle with four or more wheels and a  
19 combustion engine having a piston or rotor displacement of two  
20 hundred centimeters or more may be titled and registered under  
21 this chapter for operation on streets or highways for an annual  
22 fee of twenty dollars.

23 Sec. 6. Section 321.166, subsection 1, paragraph a, Code  
24 2011, is amended to read as follows:

25 a. Registration plates shall be of metal and of a size not  
26 to exceed six inches by twelve inches, except that the size  
27 of plates issued for use on all-terrain vehicles, motorized  
28 bicycles, motorcycles, motorcycle trailers, and trailers  
29 with an empty weight of two thousand pounds or less shall be  
30 established by the department.

31 Sec. 7. Section 321.166, subsection 4, Code 2011, is amended  
32 to read as follows:

33 4. The registration plate number, except on all-terrain  
34 vehicles, motorized bicycles, motorcycles, motorcycle trailers,  
35 and trailers with an empty weight of two thousand pounds

1 or less, shall be of sufficient size to be readable from a  
2 distance of one hundred feet during daylight.

3 Sec. 8. Section 321.234A, Code 2011, is amended by adding  
4 the following new subsection:

5 NEW SUBSECTION. 5. The provisions of this section do  
6 not apply to an all-terrain vehicle operated on a highway in  
7 accordance with section 321.234B.

8 Sec. 9. NEW SECTION. **321.234B Registered all-terrain**  
9 **vehicles — penalty.**

10 1. An all-terrain vehicle which is registered under this  
11 chapter may be operated by a person with a valid driver's  
12 license on a highway other than an interstate highway.

13 2. The motor vehicle laws apply to the operation of  
14 all-terrain vehicles registered for operation on highways,  
15 except for those provisions relating to required equipment  
16 which by their nature can have no practical application.

17 3. An all-terrain vehicle registered under this chapter  
18 and operated on a highway shall be equipped with headlights,  
19 taillights, turn signals, a rearview mirror, and safety belts.

20 4. A person convicted of a violation of a provision of  
21 this section is guilty of a simple misdemeanor punishable as a  
22 scheduled violation under section 805.8A, subsection 3.

23 Sec. 10. Section 321I.1, subsection 16, paragraph b, Code  
24 2011, is amended to read as follows:

25 *b.* An owner of an off-road utility vehicle may register  
26 or title an off-road utility vehicle in order to legally  
27 operate the off-road vehicle on public ice, a designated  
28 riding area, or a designated riding trail. The operator of an  
29 off-road utility vehicle is subject to provisions governing  
30 the operation of all-terrain vehicles in section 321.234A and  
31 this chapter, but is exempt from the safety instruction and  
32 certification program requirements of sections 321I.25 and  
33 321I.26. An operator of an off-road utility vehicle shall not  
34 operate the vehicle on a designated riding area or designated  
35 riding trail unless the department has posted signage

1 indicating the riding area or trail is open to the operation  
2 of off-road utility vehicles. Off-road utility vehicles are  
3 exempt from the dealer registration and titling requirements  
4 of this chapter. A motorized vehicle that was previously  
5 titled or is currently titled under chapter 321, except section  
6 321.118, shall not be registered or operated as an off-road  
7 utility vehicle under this chapter.

8 Sec. 11. Section 321I.9, unnumbered paragraph 1, Code 2011,  
9 is amended to read as follows:

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

12 Sec. 12. Section 321I.9, Code 2011, is amended by adding the  
13 following new subsection:

14 NEW SUBSECTION. 4. All-terrain vehicles registered under  
15 chapter 321 and used in accordance with section 321.234B.

16 Sec. 13. Section 321I.10, subsections 1, 2, and 3, Code  
17 2011, are amended to read as follows:

18 1. A person shall not operate an all-terrain vehicle ~~or~~  
19 ~~off-road utility vehicle~~ upon roadways or highways except as  
20 provided in section 321.234A, 321.234B, and this section.

21 2. ~~A registered~~ An all-terrain vehicle ~~or off-road utility~~  
22 ~~vehicle~~ registered under this chapter may be operated on  
23 the roadways of that portion of county highways designated  
24 by the county board of supervisors for such use during a  
25 specified period. The county board of supervisors shall  
26 evaluate the traffic conditions on all county highways and  
27 designate roadways on which all-terrain vehicles ~~or off-road~~  
28 ~~utility vehicles~~ may be operated for the specified period  
29 without unduly interfering with or constituting an undue  
30 hazard to conventional motor vehicle traffic. In designating  
31 such roadways, the board may authorize all-terrain vehicles  
32 ~~and off-road utility vehicles~~ to stop at service stations or  
33 convenience stores along a designated roadway.

34 3. Cities may designate streets under the jurisdiction of  
35 cities within their respective corporate limits which may be

1 used for the operation of ~~registered~~ all-terrain vehicles ~~or~~  
2 ~~registered off-road utility vehicles~~ under this chapter. In  
3 designating such streets, the city may authorize all-terrain  
4 vehicles ~~and off-road utility vehicles~~ to stop at service  
5 stations or convenience stores along a designated street.

6 Sec. 14. Section 321I.31, subsection 1, Code 2011, is  
7 amended to read as follows:

8 1. The owner of an all-terrain vehicle acquired on or  
9 after January 1, 2000, other than an all-terrain vehicle used  
10 exclusively as a farm implement, ~~or~~ a motorcycle previously  
11 issued a title pursuant to chapter 321, or an all-terrain  
12 vehicle titled and registered in accordance with section  
13 321.118, shall apply to the county recorder of the county in  
14 which the owner resides for a certificate of title for the  
15 all-terrain vehicle. The owner of an all-terrain vehicle  
16 used exclusively as a farm implement may obtain a certificate  
17 of title. A person who owns an all-terrain vehicle that is  
18 not required to have a certificate of title may apply for and  
19 receive a certificate of title for the all-terrain vehicle  
20 and, subsequently, the all-terrain vehicle shall be subject to  
21 the requirements of this chapter as if the all-terrain vehicle  
22 were required to be titled. All all-terrain vehicles that  
23 are titled under this chapter shall be registered under this  
24 chapter.

25 Sec. 15. Section 805.8A, subsection 3, Code Supplement  
26 2011, is amended by adding the following new paragraph:

27 NEW PARAGRAPH. *ob.* Section 321.234B..... \$ 50.

28 EXPLANATION

29 This bill provides for the registration of certain  
30 all-terrain vehicles for operation on noninterstate highways.

31 Under the bill, all-terrain vehicles with four or more  
32 wheels and a combustion engine having a piston or rotor  
33 displacement of 200 centimeters or more may be titled and  
34 registered with the department of transportation for operation  
35 on streets or highways. The annual registration fee is \$20.

1 The provision applies to off-road utility vehicles, which for  
2 purposes of motor vehicle regulation, are included in the  
3 definition of "all-terrain vehicle". Because all-terrain  
4 vehicles are currently subject to sales tax, the bill provides  
5 that the vehicles are exempt from the fee for new registration  
6 imposed on vehicles subject to registration, so long as the  
7 owner has paid the required sales tax at the time of purchase.

8 The bill states that a person must have a valid driver's  
9 license to operate a registered all-terrain vehicle on a  
10 highway and that motor vehicle laws apply to the operation of  
11 registered all-terrain vehicles except provisions relating to  
12 required equipment which by their nature can have no practical  
13 application. The bill requires a registered all-terrain  
14 vehicle operated on a highway to be equipped with headlights,  
15 taillights, turn signals, a rearview mirror, and safety  
16 belts. A registered all-terrain vehicle may not be driven on  
17 an interstate. A violation of these provisions is a simple  
18 misdemeanor, punishable by a scheduled fine of \$50.

19 Pursuant to Code section 321.234A, all-terrain vehicles are  
20 currently permitted on highways for limited purposes, including  
21 agricultural use, subject to specific restrictions. Those  
22 existing provisions are not amended in the bill and continue to  
23 apply to all-terrain vehicles which are not registered by the  
24 department of transportation under the bill.

25 Under current law, all-terrain vehicles operated on public  
26 land or ice or on designated riding areas or designated riding  
27 trails are required to be registered with the department  
28 of natural resources. All-terrain vehicles acquired after  
29 January 1, 2000, other than those used exclusively as farm  
30 implements, must also be titled by the department. The bill  
31 provides an exception to that titling requirement for an  
32 all-terrain vehicle titled and registered with the department  
33 of transportation. However, under the bill, an all-terrain  
34 vehicle which is titled and registered for highway operation  
35 must still be registered separately with the department of

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1 natural resources for operation on public lands or ice or on  
2 designated riding areas and designated riding trails.

3 Currently, local authorities are authorized to designate  
4 streets and highways under their jurisdiction for the operation  
5 of all-terrain vehicles registered with the department of  
6 natural resources. That authority is retained under the bill.