

**Senate File 307 - Introduced**

SENATE FILE 307

BY FEENSTRA

**A BILL FOR**

1 An Act relating to the operation of all-terrain vehicles on  
2 highways and making a penalty applicable.

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

1 Section 1. Section 321.1, subsection 32, Code 2011, is  
2 amended to read as follows:

3 32. *“Implement of husbandry”* means a vehicle or special  
4 mobile equipment manufactured, designed, or reconstructed  
5 for 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  
9 ± 3, paragraph *“a”*, fence-line feeders, and vehicles used  
10 exclusively for the application of organic or inorganic plant  
11 food materials, organic agricultural limestone, or agricultural  
12 chemicals. To be considered an implement of husbandry, a  
13 self-propelled implement of husbandry must be operated at  
14 speeds of thirty-five miles per hour or less. *“Reconstructed”*  
15 as used in this subsection means materially altered from the  
16 original construction by the removal, addition, or substitution  
17 of essential parts, new or used.

18 A vehicle covered under this subsection, if it otherwise  
19 qualifies, may be operated as special mobile equipment  
20 and under such circumstances this subsection shall not be  
21 applicable to such vehicle, and such vehicle shall not be  
22 required to comply with sections 321.384 through 321.423, when  
23 such vehicle is moved during daylight hours; however, the  
24 provisions of section 321.383 shall remain applicable to such  
25 vehicle.

26 Sec. 2. Section 321.234A, Code 2011, is amended to read as  
27 follows:

28 **321.234A All-terrain vehicles — highway use.**

29 ~~1. All-terrain vehicles shall not be operated on a highway~~  
30 ~~unless one or more of the following conditions apply:~~

31 1. Except as otherwise provided in chapter 321I, a person  
32 who operates an all-terrain vehicle on a highway is subject to  
33 the safety, education, and registration requirements of chapter  
34 321I.

35 2. Except as otherwise provided in this section, a person

1 shall not operate an all-terrain vehicle on a highway unless  
2 the all-terrain vehicle is equipped as follows:

3 a. With rear lamps and brake lights as described in sections  
4 321.387 and 321.404.

5 b. With two headlamps that comply with the requirements of  
6 this chapter.

7 c. With directional signal devices or lights as described  
8 in section 321.317.

9 d. With a horn as described in section 321.432.

10 e. With a bicycle safety flag.

11 3. Subsection 2 does not apply to the operation of an  
12 all-terrain vehicle if any of the following conditions apply:

13 a. The operation is between sunrise and sunset and is  
14 incidental to the vehicle's use for agricultural purposes. For  
15 purposes of this paragraph, "incidental to the vehicle's use  
16 for agricultural purposes" includes stopping in the course of  
17 agricultural use to obtain fuel for the all-terrain vehicle or  
18 to obtain food or a nonalcoholic beverage for the operator.

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

21 c. The all-terrain vehicle is operated by an employee or  
22 agent of a political subdivision or public utility for the  
23 purpose of construction or maintenance on or adjacent to the  
24 highway.

25 d. The all-terrain vehicle is operated by an employee or  
26 agent of a public agency as defined in section 34.1 for the  
27 purpose of providing emergency services or rescue.

28 e. The all-terrain vehicle is operated for the purpose  
29 of mowing, installing approved trail signs, or providing  
30 maintenance on a snowmobile or all-terrain vehicle trail  
31 designated by the department of natural resources.

32 ~~f. The all-terrain vehicle is operated on a county roadway~~  
33 ~~in accordance with section 321I.10, subsection 2, or a city~~  
34 ~~street in accordance with section 321I.10, subsection 3.~~

35 2. 4. A person operating an all-terrain vehicle on a

1 highway shall have a valid driver's license and the vehicle  
2 shall be operated at speeds of thirty-five miles per hour or  
3 less.

4 ~~3.~~ 5. An all-terrain vehicle that is owned by the owner  
5 of land adjacent to a highway, other than an interstate road,  
6 may be operated by the owner of the all-terrain vehicle, or by  
7 a member of the owner's family, on the portion of the highway  
8 right-of-way that is between the shoulder of the roadway, or at  
9 least five feet from the edge of the roadway, and the owner's  
10 property line. A person operating an all-terrain vehicle  
11 within the highway right-of-way under this subsection shall  
12 comply with the registration, safety, and age requirements  
13 under chapter 321I, but is not subject to the equipment  
14 requirements of subsection 2 or the licensing requirements of  
15 subsection 4.

16 6. A person shall not operate an all-terrain vehicle on an  
17 interstate highway.

18 7. This section does not apply to the lawful operation of  
19 an all-terrain vehicle on a trail crossing as provided under  
20 section 321I.10.

21 ~~4.~~ 8. A person convicted of a violation of this section  
22 is guilty of a simple misdemeanor punishable as a scheduled  
23 violation under section 805.8A, subsection 3.

24 Sec. 3. Section 321.423, subsection 2, paragraph i, Code  
25 2011, is amended to read as follows:

26 *i.* Modulating headlamps in conformance with 49 C.F.R.  
27 § 571.108 S7.9.4. are permitted on a motorcycle or on an  
28 all-terrain vehicle operated pursuant to section 321.234A.

29 Sec. 4. Section 321I.9, subsection 2, Code 2011, is amended  
30 to read as follows:

31 2. All-terrain vehicles used in accordance with section  
32 321.234A, subsection ~~1~~ 3, paragraph "a".

33 Sec. 5. Section 321I.10, subsection 2, Code 2011, is amended  
34 by striking the subsection and inserting in lieu thereof the  
35 following:

1     2. A person may operate an all-terrain vehicle on a highway  
2 for the purpose of crossing the highway if the operation is  
3 within a trail crossing which is part of an all-terrain vehicle  
4 trail designated by the department, a county, or a city.

5     Sec. 6. Section 321I.10, subsection 3, Code 2011, is amended  
6 by striking the subsection.

7

EXPLANATION

8     This bill allows the operation of all-terrain vehicles on  
9 noninterstate highways provided certain requirements are met.

10     The bill provides that a person who operates an all-terrain  
11 vehicle on a highway is subject to the safety, education, and  
12 registration requirements of Code chapter 321I, which provides  
13 for the regulation of all-terrain vehicles by the department of  
14 natural resources. However, certain all-terrain vehicles are  
15 exempt from the registration requirements, including vehicles  
16 used as farm implements and vehicles operated between sunrise  
17 and sunset for agricultural purposes.

18     The bill requires that an all-terrain vehicle operated  
19 on a highway must be equipped with headlamps which may be  
20 modulating headlamps similar to motorcycle headlamps, rear  
21 lamps, brake lights, turn signals, a horn, and a bicycle safety  
22 flag. However, the equipment requirements for operation on  
23 a highway do not apply for all-terrain vehicle operation  
24 on a highway as permitted under current law, which are the  
25 following: operation of an all-terrain vehicle between the  
26 hours of sunrise and sunset if the operation is incidental  
27 to the vehicle's use for agricultural purposes; operation by  
28 a licensed engineer or land surveyor for purposes of land  
29 surveying; operation by an employee or agent of a political  
30 subdivision or public utility for the purpose of construction  
31 or maintenance on or adjacent to the highway; operation by an  
32 employee or agent of a public agency for purposes of providing  
33 emergency services or rescue; and operation for the purpose of  
34 mowing, installing trail signs, or providing maintenance on  
35 a snowmobile or all-terrain vehicle trail designated by the

1 department of natural resources.

2 The bill requires a person operating an all-terrain vehicle  
3 on a highway to have a valid driver's license and to operate at  
4 speeds of 35 miles per hour or less.

5 The bill does not affect current provisions relating to  
6 the operation of a landowner's all-terrain vehicle within the  
7 highway right-of-way between the shoulder of the roadway and  
8 the landowner's property line.

9 The bill contains provisions to allow a person on an  
10 all-terrain vehicle to cross a highway if the crossing is made  
11 within a trail crossing that is part of an all-terrain vehicle  
12 trail designated by the department of natural resources, a  
13 county, or a city. The equipment and licensing requirements of  
14 the bill do not apply for an all-terrain vehicle used within  
15 a trail crossing.

16 The bill strikes current provisions in Code section 321I.10  
17 which provide for limited use of certain streets or highways  
18 by all-terrain vehicle operators as authorized by a city or  
19 county.

20 Pursuant to current law, a violation of provisions relating  
21 to operation of an all-terrain vehicle on a highway is a simple  
22 misdemeanor, punishable by a scheduled fine of \$50.