

Freeman
Fink
Lundby

SSB-1084
Natural Resources

Succeeded By
SENATE/HOUSE FILE SE/HF 4.37
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

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

A BILL FOR

1 An Act relating to the registration and titling of all-terrain
2 vehicles and snowmobiles, and subjecting violators to a
3 penalty.

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

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~~1~~ Section 1. Section 321G.1, subsection 1, unnumbered

2 paragraph 2, Code 2001, is amended to read as follows:

3 Two-wheeled off-road motorcycles shall be considered all-
4 terrain vehicles only for the purpose of titling and
5 registration ~~and-not-for-purposes-of-regulation~~. An operator
6 of a two-wheeled off-road motorcycle is exempt from the safety
7 instruction and certification program requirements of sections
8 321G.23 and 321G.24.

9 Sec. 2. Section 321G.2, subsection 1, Code 2001, is
10 amended to read as follows:

11 1. Registration and titling of all-terrain vehicles and
12 snowmobiles.

13 Sec. 3. Section 321G.3, Code 2001, is amended to read as
14 follows:

15 321G.3 REGISTRATION AND NUMBERING REQUIRED.

16 Each all-terrain vehicle and snowmobile used on public land
17 or ice of this state shall be currently registered and
18 numbered. A person shall not operate, maintain, or give
19 permission for the operation or maintenance of an all-terrain
20 vehicle or snowmobile on public land or ice unless the all-
21 terrain vehicle or snowmobile is numbered in accordance with
22 this chapter, or in accordance with applicable federal laws,
23 or in accordance with an approved numbering system of another
24 state, and unless the identifying number set forth in the
25 registration is displayed ~~on-each-side-of-the-forward-half-of~~
26 ~~the-snowmobile-and-on-the-rear-fender-of-the-all-terrain~~
27 vehicle as prescribed by rules of the commission.

28 A registration number shall be assigned, without payment of
29 fee, to all-terrain vehicles and snowmobiles owned by the
30 state of Iowa or its political subdivisions upon application
31 for the number, and the assigned registration number shall be
32 displayed on the all-terrain vehicle or snowmobile as required
33 under section 321G.5. A registration number shall be
34 assigned, without payment of fee, to an all-terrain vehicle or
35 snowmobile which is exempt from registration but is being

1 titled. A decal displaying a registration number shall not be
 2 issued and the registration shall not expire while the all-
 3 terrain vehicle or snowmobile is exempt. The application for
 4 registration shall indicate the reason for exemption from the
 5 fee. The registration certificate shall indicate the reason
 6 for exemption.

7 Sec. 4. Section 321G.5, Code 2001, is amended by striking
 8 the section and inserting in lieu thereof the following:

9 321G.5 DISPLAY OF IDENTIFICATION NUMBERS.

10 The owner shall display the identification number on an
 11 all-terrain vehicle or snowmobile in the manner prescribed by
 12 the rules of the commission.

13 Sec. 5. Section 321G.6, unnumbered paragraph 6, Code 2001,
 14 is amended to read as follows:

15 Upon the transfer of ownership of an all-terrain vehicle or
 16 snowmobile, the owner shall complete the form on the back of
 17 the title, if any, and deliver the title to the purchaser or
 18 transferee when the all-terrain vehicle or snowmobile is
 19 delivered. If the all-terrain vehicle or snowmobile is not
 20 titled, the owner shall complete the form on the back of the
 21 current registration certificate and shall deliver it the
 22 certificate to the purchaser or transferee at the time of
 23 delivering the all-terrain vehicle or snowmobile. If the all-
 24 terrain vehicle or snowmobile has not been titled and has not
 25 been registered, the owner shall deliver an affidavit for an
 26 unregistered and untitled all-terrain vehicle or snowmobile to
 27 the purchaser or transferee. The purchaser or transferee
 28 shall, within five thirty days of transfer, file a new
 29 application form with the county recorder with a fee of one
 30 dollar and the writing fee, and a transfer of number shall be
 31 awarded in the same manner as provided in an original
 32 registration. If the purchaser or transferee does not file a
 33 new application form within five thirty days of transfer, the
 34 transfer of number shall be awarded upon payment of all
 35 applicable fees plus a penalty of five dollars.

1 Sec. 6. Section 321G.21, subsection 9, Code 2001, is
2 amended to read as follows:

3 9. If the purchaser or transferee of an all-terrain
4 vehicle or snowmobile is a dealer who holds the same for
5 resale and operates the all-terrain vehicle or snowmobile only
6 for purposes incidental to a resale and displays the special
7 dealer's certificate, or does not operate the all-terrain
8 vehicle or snowmobile or permit it to be operated, the
9 transferee is not required to obtain a new registration
10 certificate but upon transferring title or interest to another
11 person shall sign the reverse side of the title, if any, or
12 the registration certificate, if no title, of the all-terrain
13 vehicle or snowmobile indicating the name and address of the
14 new purchaser. ~~The purchaser may take the registration~~
15 ~~certificate to the county recorder and file a new application~~
16 ~~form with a fee of one dollar for transfer and the writing~~
17 ~~fee. A dealer shall make application and pay all registration~~
18 ~~and title fees if applicable on behalf of the purchaser of an~~
19 ~~all-terrain vehicle or snowmobile.~~ The recorder shall award a
20 transfer of the registration number. If the registration has
21 expired while in the dealer's possession, the purchaser may
22 renew the registration for the same fee and writing fee as if
23 the purchaser is securing the original registration.

24 Sec. 7. Section 321G.29, subsections 1, 4, and 7, Code
25 2001, are amended to read as follows:

26 1. The owner of a snowmobile acquired on or after January
27 1, 1998, or an all-terrain vehicle acquired on or after
28 January 1, 2000, other than a snowmobile or all-terrain
29 vehicle used exclusively as a farm implement, shall apply to
30 the county recorder of the county in which the owner resides
31 for a certificate of title for the snowmobile or all-terrain
32 vehicle. The owner of a snowmobile or all-terrain vehicle
33 used exclusively as a farm implement may obtain a certificate
34 of title. A person who owns a snowmobile or all-terrain
35 vehicle that is not required to have a certificate of title

1 may apply for and receive a certificate of title for the
 2 snowmobile or all-terrain vehicle and, subsequently, the
 3 snowmobile or all-terrain vehicle shall be subject to the
 4 requirements of this chapter as if the snowmobile or all-
 5 terrain vehicle were required to be titled. All snowmobiles
 6 or all-terrain vehicles that are titled shall be registered.

7 4. If a dealer buys or acquires a snowmobile or all-
 8 terrain vehicle for resale, the dealer shall report the
 9 acquisition to the county recorder on forms provided by the
 10 department and may apply for and obtain a certificate of title
 11 as provided in this chapter. If a dealer buys or acquires a
 12 used snowmobile or all-terrain vehicle, the dealer may apply
 13 for a certificate of title in the dealer's name within fifteen
 14 thirty days. If a dealer buys or acquires a new snowmobile or
 15 all-terrain vehicle for resale, the dealer may apply for a
 16 certificate of title in the dealer's name.

17 7. The county recorder shall maintain a record of any
 18 certificate of title which the county recorder issues and
 19 shall keep each certificate of title on record until the
 20 certificate of title has been inactive for five years. When
 21 issuing a title for a new snowmobile or new all-terrain
 22 vehicle, the county recorder shall obtain and keep on file the
 23 certificate of origin. When issuing a title for a used
 24 snowmobile or all-terrain vehicle for which there is no title
 25 or registration, the county recorder shall obtain and keep on
 26 file the affidavit for unregistered and untitled snowmobile or
 27 all-terrain vehicle.

28 Sec. 8. NEW SECTION. 321G.33 VEHICLE IDENTIFICATION
 29 NUMBER.

30 1. The department may assign a distinguishing number to an
 31 all-terrain vehicle or snowmobile when the serial number on
 32 the all-terrain vehicle or snowmobile is destroyed or
 33 obliterated and issue to the owner a special plate bearing the
 34 distinguishing number which shall be affixed to the all-
 35 terrain vehicle or snowmobile in a position to be determined

1 by the department. The all-terrain vehicle or snowmobile
2 shall be registered and titled under the distinguishing number
3 in lieu of the former serial number. Every all-terrain
4 vehicle or snowmobile shall have an identification number
5 assigned and affixed as required by the department.

6 2. The commission shall adopt, by rule, the procedures for
7 application and for issuance of an identification number for
8 homebuilt all-terrain vehicles or snowmobiles.

9 3. A person shall not destroy, remove, alter, cover, or
10 deface the manufacturer's vehicle identification number, the
11 plate bearing it, or any vehicle identification number the
12 department assigns to an all-terrain vehicle or snowmobile
13 without the department's permission.

14 4. A person other than a manufacturer who constructs or
15 rebuilds an all-terrain vehicle or snowmobile for which there
16 is no legible identification number shall submit to the
17 department an affidavit which describes the all-terrain
18 vehicle or snowmobile. In cooperation with the county
19 recorder, the department shall assign an identification number
20 to the all-terrain vehicle or snowmobile. The applicant shall
21 permanently affix the identification number to the all-terrain
22 vehicle or snowmobile in a manner that such alteration,
23 removal, or replacement of the identification number would be
24 obvious.

25 EXPLANATION

26 This bill amends various sections of Code chapter 321G
27 relating to the registration and titling of all-terrain
28 vehicles and snowmobiles. The operators of two-wheeled off-
29 road motorcycles are exempt from the safety instruction and
30 certification program which applies to other all-terrain
31 vehicle operators. Code section 321G.3 is amended to allow
32 the natural resource commission to determine where the
33 registration numbers of all-terrain vehicles and snowmobiles
34 are to be displayed. The Code section also provides for the
35 assignment of a registration number to an all-terrain vehicle

1 or snowmobile which is exempt from registration but is being
2 titled.

3 Code section 321G.5 provides that the owner of an all-
4 terrain vehicle or snowmobile must display the registration
5 identification on the vehicle in the manner prescribed by rule
6 of the natural resource commission.

7 Code sections 321G.6, 321G.21, and 321G.29 are amended to
8 provide procedures for the transfer of the titles and
9 registrations of all-terrain vehicles and snowmobiles. If a
10 title or registration is available for a vehicle, the owner
11 shall complete the form on the back of the title or
12 registration certificate as applicable and deliver it to the
13 purchaser upon transfer. If a vehicle has no title or no
14 registration, the owner shall deliver an affidavit for
15 unregistered and untitled vehicles to the purchaser upon
16 transfer. The bill allows a purchaser of a vehicle 30 days
17 instead of five days after purchase to apply for a new
18 registration number at the office of county recorder. A
19 dealer is required to make application and pay all
20 registration and title fees, if applicable, on behalf of the
21 purchaser of the vehicle. The owner of an all-terrain vehicle
22 or snowmobile which is not required to be titled may have the
23 vehicle titled. If the vehicle is titled, the vehicle must
24 also be registered and the vehicle is subject to all
25 requirements of Code chapter 321G. The bill also provides
26 that a dealer may apply for a certificate of title in the
27 dealer's name for a used snowmobile or all-terrain vehicle
28 within 30 days in lieu of 15 days after the date of
29 acquisition. When issuing a title for a used vehicle for
30 which there is no title or registration, each county recorder
31 shall obtain and keep on file the affidavit for the untitled
32 and unregistered vehicle.

33 New Code section 321G.33 authorizes the department of
34 natural resources to assign a distinguishing number to an all-
35 terrain vehicle or snowmobile if its serial number is

1 destroyed or obliterated. The new Code section directs the
2 natural resource commission to adopt procedures for
3 application and issuance of an identification number for a
4 homebuilt vehicle or a rebuilt vehicle that has no legible
5 identification number. The destruction or defacing of a
6 vehicle identification number is prohibited. Violators of the
7 general provisions of Code chapter 321G or rules adopted
8 pursuant to Code chapter 321G are guilty of a simple
9 misdemeanor. A registration violation under Code section
10 321G.3 is punishable by a scheduled fine of \$20 and an
11 identification violation under Code section 321G.5 is
12 punishable by a scheduled fine of \$10. Other violations for
13 which a scheduled fine is not provided are punishable by
14 imprisonment not to exceed 30 days or a fine of at least \$50
15 but not to exceed \$100.

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1084

DEPARTMENT OF NATURAL RESOURCES

THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

LYLE W. ASELL, INTERIM DIRECTOR

To: General Assmebly
From: Lyle Asell, Interim Director
Iowa Department of Natural Resources
Date: November 20, 2000
Re: Registration and Titling of All-Terrain Vehicles and Snowmobiles

The purpose of the proposed code changes are to clean up inconsistencies in 321G and make clear for public and recorders what documents are needed to register and title all-terrain vehicles and snowmobiles. The following are the changes.

- Clarification of "not for the purpose of regulation". The intent of this language was to exempt motor cycle riders from the snowmobile safety instruction and certification program. This bill clarifies that exemption.
- Currently the Code specifies that the assigned registration number must be displayed on the rear fender. However, all machines do not have rear fenders. This bill would allow the department to determine, by rule, where the number can be displayed.
- Database updating of titles and registration. The current databases maintained by the Department and the various county recorder offices were designed prior to titling, so cannot accept data without the registration number as the unique identifier for a machine. This bill will allow for all machines that are titled to be assigned a registration number thereby allowing the machine information to be entered into the current databases.
- Inconsistent methods of ownership transfer, that result in confusion, illegal and erroneous transactions. Currently, some machines are required to be titled, but are exempt from registration. Assignment of the title is the method of transfer of ownership in this case. Some machines are required to be registered, but are exempt from titling. Assignment of the registration certificate is the method of transfer of ownership in this case. Some machines are not required to be registered or titled. A written affidavit or bill of sale is the method of transfer of ownership in this case.
- The current process for facilitating change of ownership is confusing to the public. The proposed changes will honor the exemptions within the Code, while at the same time providing a consistent, understandable process that will verify the chain of ownership and remove the opportunity to register stolen vehicles. The changes will make the title the instrument of transfer or the registration the instrument of transfer in the absence of title, and provide for a uniform affidavit for transferring machines that are neither titled nor registered.
- The bill will make the time limits for registrations and title updates consistent. It would provide sufficient time for lien processes to be accomplished.
- The bill will require the dealer make application and pay fees on behalf of the purchaser, as is currently done by automobile dealers.
- This bill will provide a process for the assignment and display of an assigned serial number for machines that have been rebuilt. This provision is intended to eliminate the registration and titling of stolen machines.

H-2/13/02 Amend/DO Pass
W/A-8047

FILED MAR 13 '01

SENATE FILE 437
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 1084)

Passed Senate, Date (p. 863) 3-27-01 Passed House, Date (p. 416) 2/19/02
Vote: Ayes 49 Nays 0 Vote: Ayes 93 Nays 1

Approved March 28, 2002
Repassed 3-12-02
Vote 47-0

A BILL FOR

1 An Act relating to the registration and titling of all-terrain
2 vehicles and snowmobiles, and subjecting violators to a
3 penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5

SENATE FILE 437

H-1435

1 Amend Senate File 437, as passed by the Senate, as
2 follows:
3 1. Page 2, line 12, by inserting after the word
4 "commission." the following: "The rules shall provide
5 that the identification number is readable at a
6 distance for law enforcement purposes."

By CORMACK of Webster

H-1435 FILED APRIL 5, 2001

w/d 2/19/02 (p. 412)

SF 437

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1 Section 1. Section 321G.1, subsection 1, unnumbered
2 paragraph 2, Code 2001, is amended to read as follows:

3 Two-wheeled off-road motorcycles shall be considered all-
4 terrain vehicles only for the purpose of titling and
5 registration ~~and not for purposes of regulation~~. An operator
6 of a two-wheeled off-road motorcycle is exempt from the safety
7 instruction and certification program requirements of sections
8 321G.23 and 321G.24.

9 Sec. 2. Section 321G.2, subsection 1, Code 2001, is
10 amended to read as follows:

11 1. Registration and titling of all-terrain vehicles and
12 snowmobiles.

13 Sec. 3. Section 321G.3, Code 2001, is amended to read as
14 follows:

15 321G.3 REGISTRATION AND NUMBERING REQUIRED.

16 Each all-terrain vehicle and snowmobile used on public land
17 or ice of this state shall be currently registered and
18 numbered. A person shall not operate, maintain, or give
19 permission for the operation or maintenance of an all-terrain
20 vehicle or snowmobile on public land or ice unless the all-
21 terrain vehicle or snowmobile is numbered in accordance with
22 this chapter, or in accordance with applicable federal laws,
23 or in accordance with an approved numbering system of another
24 state, and unless the identifying number set forth in the
25 registration is displayed ~~on each side of the forward half of~~
26 ~~the snowmobile and on the rear fender of the all-terrain~~
27 ~~vehicle~~ as prescribed by rules of the commission.

28 A registration number shall be assigned, without payment of
29 fee, to all-terrain vehicles and snowmobiles owned by the
30 state of Iowa or its political subdivisions upon application
31 for the number, and the assigned registration number shall be
32 displayed on the all-terrain vehicle or snowmobile as required
33 under section 321G.5. A registration number and certificate
34 shall be assigned, without payment of fee, to an all-terrain
35 vehicle or snowmobile which is exempt from registration but is

1 being titled. A decal displaying an audit number shall not be
2 issued and the registration shall not expire while the all-
3 terrain vehicle or snowmobile is exempt. The application for
4 registration shall indicate the reason for exemption from the
5 fee. The registration certificate shall indicate the reason
6 for exemption.

7 Sec. 4. Section 321G.5, Code 2001, is amended by striking
8 the section and inserting in lieu thereof the following:

9 321G.5 DISPLAY OF IDENTIFICATION NUMBERS.

10 The owner shall display the identification number on an
11 all-terrain vehicle or snowmobile in the manner prescribed by
12 the rules of the commission.

13 Sec. 5. Section 321G.6, unnumbered paragraph 6, Code 2001,
14 is amended to read as follows:

15 Upon the transfer of ownership of an all-terrain vehicle or
16 snowmobile, the owner shall complete the form on the back of
17 the title, if any, and registration, if any, and deliver both
18 to the purchaser or transferee when the all-terrain vehicle or
19 snowmobile is delivered. If the all-terrain vehicle or
20 snowmobile is not titled, the owner shall complete the form on
21 the back of the current registration certificate and shall
22 deliver it the certificate to the purchaser or transferee at
23 the time of delivering the all-terrain vehicle or snowmobile.
24 If the all-terrain vehicle or snowmobile has not been titled
25 and has not been registered, the owner shall deliver an
26 affidavit for an unregistered and untitled all-terrain vehicle
27 or snowmobile to the purchaser or transferee. The purchaser
28 or transferee shall, within five thirty days of transfer, file
29 a new application form with the county recorder with a fee of
30 one dollar and the writing fee, and a transfer of number shall
31 be awarded in the same manner as provided in an original
32 registration. If the purchaser or transferee does not file a
33 new application form within five thirty days of transfer, the
34 transfer of number shall be awarded upon payment of all
35 applicable fees plus a penalty of five dollars.

1 Sec. 6. Section 321G.8, Code 2001, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 6. Snowmobiles and all-terrain vehicles
4 used exclusively as farm implements.

5 Sec. 7. Section 321G.21, subsection 9, Code 2001, is
6 amended to read as follows:

7 9. If the purchaser or transferee of an all-terrain
8 vehicle or snowmobile is a dealer who holds the same for
9 resale and operates the all-terrain vehicle or snowmobile only
10 for purposes incidental to a resale and displays the special
11 dealer's certificate, or does not operate the all-terrain
12 vehicle or snowmobile or permit it to be operated, the
13 transferee is not required to obtain a new registration
14 certificate but upon transferring title or interest to another
15 person shall sign the reverse side of the title, if any, and
16 the registration certificate of the all-terrain vehicle or
17 snowmobile indicating the name and address of the new
18 purchaser. ~~The purchaser may take the registration~~
19 ~~certificate to the county recorder and file a new application~~
20 ~~form with a fee of one dollar for transfer and the writing~~
21 fee. A dealer shall make application and pay all registration
22 and title fees if applicable on behalf of the purchaser of an
23 all-terrain vehicle or snowmobile. The recorder shall award a
24 transfer of the registration number. If the registration has
25 expired while in the dealer's possession, the purchaser may
26 renew the registration for the same fee and writing fee as if
27 the purchaser is securing the original registration.

28 Sec. 8. Section 321G.29, subsections 1, 4, and 7, Code
29 2001, are amended to read as follows:

30 1. The owner of a snowmobile acquired on or after January
31 1, 1998, or an all-terrain vehicle acquired on or after
32 January 1, 2000, other than a snowmobile or all-terrain
33 vehicle used exclusively as a farm implement, shall apply to
34 the county recorder of the county in which the owner resides
35 for a certificate of title for the snowmobile or all-terrain

1 vehicle. The owner of a snowmobile or all-terrain vehicle
2 used exclusively as a farm implement may obtain a certificate
3 of title. A person who owns a snowmobile or all-terrain
4 vehicle that is not required to have a certificate of title
5 may apply for and receive a certificate of title for the
6 snowmobile or all-terrain vehicle and, subsequently, the
7 snowmobile or all-terrain vehicle shall be subject to the
8 requirements of this chapter as if the snowmobile or all-
9 terrain vehicle were required to be titled. All snowmobiles
10 or all-terrain vehicles that are titled shall be registered.

11 4. If a dealer buys or acquires a snowmobile or all-
12 terrain vehicle for resale, the dealer shall report the
13 acquisition to the county recorder on forms provided by the
14 department and may apply for and obtain a certificate of title
15 as provided in this chapter. If a dealer buys or acquires a
16 used snowmobile or all-terrain vehicle, the dealer may apply
17 for a certificate of title in the dealer's name within **fifteen**
18 thirty days. If a dealer buys or acquires a new snowmobile or
19 all-terrain vehicle for resale, the dealer may apply for a
20 certificate of title in the dealer's name.

21 7. The county recorder shall maintain a record of any
22 certificate of title which the county recorder issues and
23 shall keep each certificate of title on record until the
24 certificate of title has been inactive for five years. When
25 issuing a title for a new snowmobile or new all-terrain
26 vehicle, the county recorder shall obtain and keep on file the
27 certificate of origin. When issuing a title and registration
28 for a used snowmobile or all-terrain vehicle for which there
29 is no title or registration, the county recorder shall obtain
30 and keep on file the affidavit for the unregistered and
31 untitled snowmobile or all-terrain vehicle.

32 Sec. 9. NEW SECTION. 321G.33 VEHICLE IDENTIFICATION
33 NUMBER.

34 1. The department may assign a distinguishing number to an
35 all-terrain vehicle or snowmobile when the serial number on

1 the all-terrain vehicle or snowmobile is destroyed or
2 obliterated and issue to the owner a special plate bearing the
3 distinguishing number which shall be affixed to the all-
4 terrain vehicle or snowmobile in a position to be determined
5 by the department. The all-terrain vehicle or snowmobile
6 shall be registered and titled under the distinguishing number
7 in lieu of the former serial number. Every all-terrain
8 vehicle or snowmobile shall have an identification number
9 assigned and affixed as required by the department.

10 2. The commission shall adopt, by rule, the procedures for
11 application and for issuance of an identification number for
12 homebuilt all-terrain vehicles or snowmobiles.

13 3. A person shall not destroy, remove, alter, cover, or
14 deface the manufacturer's vehicle identification number, the
15 plate bearing it, or any vehicle identification number the
16 department assigns to an all-terrain vehicle or snowmobile
17 without the department's permission.

18 4. A person other than a manufacturer who constructs or
19 rebuilds an all-terrain vehicle or snowmobile for which there
20 is no legible identification number shall submit to the
21 department an affidavit which describes the all-terrain
22 vehicle or snowmobile. In cooperation with the county
23 recorder, the department shall assign an identification number
24 to the all-terrain vehicle or snowmobile. The applicant shall
25 permanently affix the identification number to the all-terrain
26 vehicle or snowmobile in a manner that such alteration,
27 removal, or replacement of the identification number would be
28 obvious.

29 EXPLANATION

30 This bill amends various sections of Code chapter 321G
31 relating to the registration and titling of all-terrain
32 vehicles and snowmobiles. The operators of two-wheeled off-
33 road motorcycles are exempt from the safety instruction and
34 certification program which applies to other all-terrain
35 vehicle operators. Code section 321G.3 is amended to allow

1 the natural resource commission to determine where the
2 registration numbers of all-terrain vehicles and snowmobiles
3 are to be displayed. The Code section also provides for the
4 assignment of a registration number to an all-terrain vehicle
5 or snowmobile which is exempt from registration but is being
6 titled.

7 Code section 321G.5 provides that the owner of an all-
8 terrain vehicle or snowmobile must display the registration
9 identification on the vehicle in the manner prescribed by rule
10 of the natural resource commission.

11 Code section 321G.8 is amended to specify that snowmobiles
12 and all-terrain vehicles used exclusively as farm implements
13 need not be registered.

14 Code sections 321G.6, 321G.21, and 321G.29 are amended to
15 provide procedures for the transfer of the titles and
16 registrations of all-terrain vehicles and snowmobiles. If a
17 title or registration is available for a vehicle, the owner
18 shall complete the form on the back of the title or
19 registration certificate as applicable and deliver it to the
20 purchaser upon transfer. If a vehicle has no title or no
21 registration, the owner shall deliver an affidavit for
22 unregistered and untitled vehicles to the purchaser upon
23 transfer. The bill allows a purchaser of a vehicle 30 days
24 instead of five days after purchase to apply for a new
25 registration number at the office of county recorder. A
26 dealer is required to make application and pay all
27 registration and title fees, if applicable, on behalf of the
28 purchaser of the vehicle. The owner of an all-terrain vehicle
29 or snowmobile which is not required to be titled may have the
30 vehicle titled. If the vehicle is titled, the vehicle must
31 also be registered and the vehicle is subject to all
32 requirements of Code chapter 321G. The bill also provides
33 that a dealer may apply for a certificate of title in the
34 dealer's name for a used snowmobile or all-terrain vehicle
35 within 30 days in lieu of 15 days after the date of

1 acquisition. When issuing a title for a used vehicle for
2 which there is no title or registration, each county recorder
3 shall obtain and keep on file the affidavit for the untitled
4 and unregistered vehicle.

5 New Code section 321G.33 authorizes the department of
6 natural resources to assign a distinguishing number to an all-
7 terrain vehicle or snowmobile if its serial number is
8 destroyed or obliterated. The new Code section directs the
9 natural resource commission to adopt procedures for
10 application and issuance of an identification number for a
11 homebuilt vehicle or a rebuilt vehicle that has no legible
12 identification number. The destruction or defacing of a
13 vehicle identification number is prohibited. Violators of the
14 general provisions of Code chapter 321G or rules adopted
15 pursuant to Code chapter 321G are guilty of a simple
16 misdemeanor. A registration violation under Code section
17 321G.3 is punishable by a scheduled fine of \$20 and an
18 identification violation under Code section 321G.5 is
19 punishable by a scheduled fine of \$10. Other violations for
20 which a scheduled fine is not provided are punishable by
21 imprisonment not to exceed 30 days or a fine of at least \$50
22 but not to exceed \$100.

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SENATE FILE 437

H-1424

1 Amend Senate File 437, as passed by the Senate, as
2 follows:

3 1. Page 2, by inserting after line 35 the
4 following:

5 "Sec. ____ . Section 321G.7, unnumbered paragraph 2,
6 Code 2001, is amended to read as follows:

7 The department shall remit the fees to the
8 treasurer of state, who shall place the money in a
9 special conservation fund. The special conservation
10 fund shall also include moneys transferred to the fund
11 pursuant to section 452A.84. The ~~money is~~ moneys in
12 the fund are appropriated to the department for the
13 all-terrain vehicle and snowmobile programs of the
14 state. All-terrain vehicle fees shall be used only
15 for all-terrain vehicle programs and snowmobile fees
16 shall be used only for snowmobile programs. Joint
17 programs shall be supported from both types of fees on
18 a usage basis. The all-terrain vehicle and snowmobile
19 programs shall include grants, subgrants, contracts,
20 or cost-sharing of all-terrain vehicle and snowmobile
21 programs with political subdivisions or incorporated
22 private organizations or both in accordance with rules
23 adopted by the commission. All all-terrain vehicle
24 programs using cost-sharing, grants, subgrants, or
25 contracts shall establish and implement a safety
26 instruction program either singly or in cooperation
27 with other all-terrain vehicle programs. At least
28 fifty percent of the special fund shall be available
29 for political subdivisions or incorporated private
30 organizations or both. Moneys from the special fund
31 not used by the political subdivisions or incorporated
32 private organizations or both shall remain in the all-
33 terrain vehicle or snowmobile accounts. The
34 department may use funds from these accounts for the
35 administration of the all-terrain vehicle and
36 snowmobile programs."

37 2. Page 5, by inserting after line 28 the
38 following:

39 "Sec. ____ . Section 452A.79, Code 2001, is amended
40 to read as follows:

41 452A.79 USE OF REVENUE.

42 1. The Except as otherwise provided in this
43 section, the net proceeds of the excise tax on the
44 diesel special fuel and the excise tax on motor fuel
45 and other special fuel, and penalties collected under
46 the provision of this chapter, shall be credited to
47 the road use tax fund.

48 2. Annually, the first four hundred eleven
49 thousand three hundred eleven dollars derived from the
50 excise tax on the sale of motor fuel used in

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1 watercraft, computed pursuant to section 452A.84,
2 shall be deposited in the general fund of the state.
3 The moneys in excess of four hundred eleven thousand
4 three hundred eleven dollars shall be deposited in the
5 rebuild Iowa infrastructure fund. Moneys deposited to
6 the general fund and to the rebuild Iowa
7 infrastructure fund under this ~~section~~ subsection and
8 section 452A.84 are subject to the requirements of
9 section 8.60 and are subject to appropriation by the
10 general assembly to the department of natural
11 resources for use in its recreational boating program,
12 which may include but is not limited to:

13 ~~1.~~ a. Dredging and renovation of lakes of this
14 state.

15 ~~2.~~ b. Acquisition, development, and maintenance of
16 access to public boating waters.

17 ~~3.~~ c. Development and maintenance of boating
18 facilities and navigation aids.

19 ~~4.~~ d. Administration, operation, and maintenance
20 of recreational boating activities of the department
21 of natural resources.

22 ~~5.~~ e. Acquisition, development, and maintenance of
23 recreation facilities associated with recreational
24 boating.

25 3. Annually, the moneys derived from the excise
26 tax on the sale of motor fuels used in all-terrain
27 vehicles and snowmobiles, computed pursuant to section
28 452A.84, shall be transferred to the special
29 conservation fund created in section 321G.7.

30 Sec. _____. Section 452A.84, Code 2001, is amended
31 to read as follows:

32 452A.84 TRANSFER TO ~~STATE GENERAL FUND~~ FUNDS.

33 1. The treasurer of state shall transfer from the
34 motor fuel tax fund to the general fund of the state
35 that portion of moneys collected under this chapter
36 attributable to motor fuel used in watercraft computed
37 as follows:

38 ~~1.~~ a. Determine monthly the total amount of motor
39 fuel tax collected under this chapter and multiply the
40 amount by nine-tenths of one percent.

41 ~~2.~~ b. Subtract from the figure computed pursuant
42 to ~~subsection 1 of this section~~ paragraph "a", three
43 percent of the figure for administrative costs and
44 further subtract from the figure the amounts refunded
45 to commercial fishers pursuant to section 452A.17,
46 subsection 1, paragraph "a", subparagraph (7). All
47 moneys remaining after claims for refund and the cost
48 of administration have been made shall be transferred
49 to the general fund of the state.

50 2. The treasurer of state shall transfer from the

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- 1 motor fuel tax fund to the special conservation fund
 2 credited in section 321G.7 that portion of moneys
 3 collected under this chapter attributable to motor
 4 fuel used in all-terrain vehicles and snowmobiles
 5 computed as follows:
 6 a. Determine monthly the total amount of motor
 7 fuel tax collected under this chapter and multiply the
 8 amount by twenty-five hundredths of one percent.
 9 b. Subtract from the figure computed pursuant to
 10 paragraph "a", three percent of the figure for
 11 administrative costs."
 12 3. Title page, line 2, by inserting after the
 13 word "snowmobiles" the following: "and authorizing
 14 funding for all-terrain vehicle and snowmobile trails
 15 and programs".
 16 4. By renumbering as necessary.

By QUIRK of Chickasaw

H-1424 FILED APRIL 3, 2001

Adopted
2/19/02
(P. 416)

SENATE FILE 437**H-8047**

- 1 Amend Senate File 437, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 13, by inserting after the word
 4 "Code" the following: "Supplement".
 5 2. Page 1, line 16, by inserting before the word
 6 "Each" the following: "1."
 7 3. Page 1, line 28, by inserting before the word
 8 "A" the following: "2."
 9 4. Page 2, line 7, by inserting after the word
 10 "Code" the following: "Supplement".

By COMMITTEE ON NATURAL RESOURCES
 ARNOLD of Lucas, Chairperson

H-8047 FILED FEBRUARY 13, 2002

Adopted
2/19/02
(P. 412)

SENATE FILE 437

H-8067

1 Amend the amendment, H-1424, to Senate File 437, as
2 passed by the Senate, as follows:

3 1. By striking page 1, line 3, through page 4,
4 line 15, and inserting the following:

5 "____. Page 3, by inserting after line 4 the
6 following:

7 "Sec. ____ Section 321G.13, subsection 10, Code
8 Supplement 2001, is amended by striking the
9 subsection.

10 Sec. ____ Section 321G.13, Code Supplement 2001,
11 is amended by adding the following new unnumbered
12 paragraph:

13 NEW UNNUMBERED PARAGRAPH. A person shall not drive
14 or operate a snowmobile on public land without a
15 measurable snow cover.""

16 2. Page 4, by inserting before line 16 the
17 following:

18 "____. Title page, line 2, by inserting after the
19 word "snowmobile" the following: "and removing the
20 restriction on the use of an all-terrain vehicle on
21 public land without a measurable snow cover"."

By QUIRK of Chickasaw

H-8067 FILED FEBRUARY 19, 2002

*Adopted
2/19/02
(H.416)*

HOUSE AMENDMENT TO
SENATE FILE 437

5052

- 1 Amend Senate File 437, as passed by the Senate, as
2 follows:
- 3 1. Page 1, line 13, by inserting after the word
4 "Code" the following: "Supplement".
- 5 2. Page 1, line 16, by inserting before the word
6 "Each" the following: "1."
- 7 3. Page 1, line 28, by inserting before the word
8 "A" the following: "2."
- 9 4. Page 2, line 7, by inserting after the word
10 "Code" the following: "Supplement".
- 11 5. Page 3, by inserting after line 4 the
12 following:
- 13 "Sec. _____. Section 321G.13, subsection 10, Code
14 Supplement 2001, is amended by striking the
15 subsection.
- 16 Sec. _____. Section 321G.13, Code Supplement 2001,
17 is amended by adding the following new unnumbered
18 paragraph:
- 19 NEW UNNUMBERED PARAGRAPH. A person shall not drive
20 or operate a snowmobile on public land without a
21 measurable snow cover."
- 22 6. Title page, line 2, by inserting after the
23 word "snowmobiles" the following: "and removing the
24 restriction on the use of an all-terrain vehicle on
25 public land without a measurable snow cover".
- 26 7. By renumbering, relettering, or redesignating
27 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

Senate Concurred 3/12/02
S-5052 FILED FEBRUARY 20, 2002 (P. 584)

SENATE FILE 437

S-5142

- 1 Amend the House amendment, S-5052, to Senate File
2 437, as passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 11 through 25.
- By MIKE SEXTON

S-5142 FILED MARCH 11, 2002

W/D

3/12/02 (P. 584)

SENATE FILE 437

AN ACT

RELATING TO THE REGISTRATION AND TITLING OF ALL-TERRAIN VEHICLES AND SNOWMOBILES AND REMOVING THE RESTRICTION ON THE USE OF AN ALL-TERRAIN VEHICLE ON PUBLIC LAND WITHOUT A MEASURABLE SNOW COVER, AND SUBJECTING VIOLATORS TO A PENALTY.

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

Section 1. Section 321G.1, subsection 1, unnumbered paragraph 2, Code 2001, is amended to read as follows:

Two-wheeled off-road motorcycles shall be considered all-terrain vehicles only for the purpose of titling and registration ~~and not for purposes of regulation~~. An operator of a two-wheeled off-road motorcycle is exempt from the safety instruction and certification program requirements of sections 321G.23 and 321G.24.

Sec. 2. Section 321G.2, subsection 1, Code 2001, is amended to read as follows:

1. Registration and titling of all-terrain vehicles and snowmobiles.

Sec. 3. Section 321G.3, Code Supplement 2001, is amended to read as follows:

321G.3 REGISTRATION AND NUMBERING REQUIRED.

1. Each all-terrain vehicle and snowmobile used on public land or ice of this state shall be currently registered and numbered. A person shall not operate, maintain, or give permission for the operation or maintenance of an all-terrain vehicle or snowmobile on 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~~

~~the snowmobile and on the rear fender of the all-terrain vehicle as prescribed by rules of the commission.~~

2. 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 for the number, and the assigned registration number shall be displayed on the all-terrain vehicle or snowmobile as required under section 321G.5. A registration number and certificate shall be assigned, without payment of fee, to an all-terrain vehicle or snowmobile which is exempt from registration but is being titled. A decal displaying an audit number shall not be issued and the registration shall not expire while the all-terrain vehicle or snowmobile is exempt. The application for registration shall indicate the reason for exemption from the fee. The registration certificate shall indicate the reason for exemption.

Sec. 4. Section 321G.5, Code Supplement 2001, is amended by striking the section and inserting in lieu thereof the following:

321G.5 DISPLAY OF IDENTIFICATION NUMBERS.

The owner shall display the identification number on an all-terrain vehicle or snowmobile in the manner prescribed by the rules of the commission.

Sec. 5. Section 321G.6, unnumbered paragraph 6, Code 2001, is amended to read as follows:

Upon the transfer of ownership of an all-terrain vehicle or snowmobile, the owner shall complete the form on the back of the title, if any, and registration, if any, and deliver both to the purchaser or transferee when the all-terrain vehicle or snowmobile is delivered. If the all-terrain vehicle or snowmobile is not titled, the owner shall complete the form on the back of the current registration certificate and shall deliver ~~it~~ the certificate to the purchaser or transferee at the time of delivering the all-terrain vehicle or snowmobile. If the all-terrain vehicle or snowmobile has not been titled

and has not been registered, the owner shall deliver an affidavit for an unregistered and untitled all-terrain vehicle or snowmobile to the purchaser or transferee. The purchaser or transferee shall, within five thirty days of transfer, 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. If the purchaser or transferee does not file a new application form within five thirty days of transfer, the transfer of number shall be awarded upon payment of all applicable fees plus a penalty of five dollars.

Sec. 6. Section 321G.8, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Snowmobiles and all-terrain vehicles used exclusively as farm implements.

Sec. 7. Section 321G.13, subsection 10, Code Supplement 2001, is amended by striking the subsection.

Sec. 8. Section 321G.13, Code Supplement 2001, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A person shall not drive or operate a snowmobile on public land without a measurable snow cover.

Sec. 9. Section 321G.21, subsection 9, Code 2001, is amended to read as follows:

9. If the purchaser or transferee of 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 the special dealer's certificate, or does not operate the all-terrain vehicle or snowmobile or permit it to be operated, the transferee is not required to obtain a new registration certificate but upon transferring title or interest to another person shall sign the reverse side of the title, if any, and the registration certificate of 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.~~ A dealer shall make application and pay all registration and title fees if applicable on behalf of the purchaser of an all-terrain vehicle or snowmobile. 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.

Sec. 10. Section 321G.29, subsections 1, 4, and 7, Code 2001, are amended to read as follows:

1. The owner of a snowmobile acquired on or after January 1, 1998, or an all-terrain vehicle acquired on or after January 1, 2000, other than a snowmobile or all-terrain vehicle used exclusively as a farm implement, shall apply to the county recorder of the county in which the owner resides for a certificate of title for the snowmobile or all-terrain vehicle. The owner of a snowmobile or all-terrain vehicle used exclusively as a farm implement may obtain a certificate of title. A person who owns a snowmobile or all-terrain vehicle that is not required to have a certificate of title may apply for and receive a certificate of title for the snowmobile or all-terrain vehicle and, subsequently, the snowmobile or all-terrain vehicle shall be subject to the requirements of this chapter as if the snowmobile or all-terrain vehicle were required to be titled. All snowmobiles or all-terrain vehicles that are titled shall be registered.

4. If a dealer buys or acquires a snowmobile or all-terrain vehicle for resale, the dealer shall report the acquisition to the county recorder on forms provided by the department and may apply for and obtain a certificate of title as provided in this chapter. If a dealer buys or acquires a used snowmobile or all-terrain vehicle, the dealer may apply for a certificate of title in the dealer's name within fifteen

thirty days. If a dealer buys or acquires a new snowmobile or all-terrain vehicle for resale, the dealer may apply for a certificate of title in the dealer's name.

7. The county recorder shall maintain a record of any certificate of title which the county recorder issues and shall keep each certificate of title on record until the certificate of title has been inactive for five years. When issuing a title for a new snowmobile or new all-terrain vehicle, the county recorder shall obtain and keep on file the certificate of origin. When issuing a title and registration for a used snowmobile or all-terrain vehicle for which there is no title or registration, the county recorder shall obtain and keep on file the affidavit for the unregistered and untitled snowmobile or all-terrain vehicle.

Sec. 11. NEW SECTION. 321G.33 VEHICLE IDENTIFICATION NUMBER.

1. The department may assign a distinguishing number to an all-terrain vehicle or snowmobile when the serial number on the all-terrain vehicle or snowmobile is destroyed or obliterated and issue to the owner a special plate bearing the distinguishing number which shall be affixed to the all-terrain vehicle or snowmobile in a position to be determined by the department. The all-terrain vehicle or snowmobile shall be registered and titled under the distinguishing number in lieu of the former serial number. Every all-terrain vehicle or snowmobile shall have an identification number assigned and affixed as required by the department.

2. The commission shall adopt, by rule, the procedures for application and for issuance of an identification number for homebuilt all-terrain vehicles or snowmobiles.

3. A person shall not destroy, remove, alter, cover, or deface the manufacturer's vehicle identification number, the plate bearing it, or any vehicle identification number the department assigns to an all-terrain vehicle or snowmobile without the department's permission.

4. A person other than a manufacturer who constructs or rebuilds an all-terrain vehicle or snowmobile for which there is no legible identification number shall submit to the department an affidavit which describes the all-terrain vehicle or snowmobile. In cooperation with the county recorder, the department shall assign an identification number to the all-terrain vehicle or snowmobile. The applicant shall permanently affix the identification number to the all-terrain vehicle or snowmobile in a manner that such alteration, removal, or replacement of the identification number would be obvious.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 437, Seventy-ninth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved March 28, 2002

THOMAS J. VILSACK
Governor