Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 571—Chapter 46
"All-Terrain Vehicles, Off-Road Motorcycles, and Off-Road Utility Vehicles"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 321I.2

State or federal law(s) implemented by the rulemaking: Iowa Code sections 321I.2 through 321I.36

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

September 25, 2024	6200 Park Avenue, Second Floor
12 noon to 1 p.m.	Des Moines, Iowa

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis. Written or oral comments in response to this Regulatory Analysis must be received by the Department of Natural Resources (Department) no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Jessica Flatt
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Phone Number: 515.975.8569
Email: jessica.flatt@dnr.iowa.gov

Purpose and Summary

Proposed Chapter 46 describes the requirements for registration, renewal, operation, and accident reporting for all-terrain vehicles, off-road utility vehicles, and off-road motorcycles. The chapter also regulates dealers that sell off-highway vehicles and describes regulations for designated riding areas. This chapter has been reviewed and edited consistent with Executive Order 10.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

- Classes of persons that will bear the costs of the proposed rulemaking:

Off-highway vehicle owners and off-highway vehicle dealers will bear minimal costs that are outweighed by the benefits of the rules.

- Classes of persons that will benefit from the proposed rulemaking:

Citizens of Iowa, off-highway vehicle owners, off-highway vehicle dealers, and program partners and sponsors will benefit.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- Quantitative description of impact:

Regulated vehicle owners that choose to register will incur costs.

- Qualitative description of impact:

The funds associated with the fees are utilized to develop and maintain designated riding areas and off-highway vehicle programs of the state.

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:

Costs to the agency are minimal and limited to staff time. The Department administers the program and provides law enforcement at designated riding areas.

- Anticipated effect on state revenues:

The proposed rules do not have any effect on state revenue.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The costs of the program are minimal to the State, and the benefits to regulated vehicle owners and citizens of Iowa are significant. The fees collected are used to develop and maintain designated riding areas and off-highway vehicle programs in the state.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

No less costly methods exist for achieving the purpose of the proposed rulemaking. The rulemaking is streamlined to implement the program consistent with the Iowa Code.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

The Department considered the use of a program guideline document in lieu of rules.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

Oversight and processes in rule better protect the user-generated funding source and ensure that Iowa Code requirements are met.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This proposed rulemaking does not have any impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 571—Chapter 46 and adopt the following **new** chapter in lieu thereof:

CHAPTER 46
ALL-TERRAIN VEHICLES, OFF-ROAD MOTORCYCLES AND
OFF-ROAD UTILITY VEHICLES

DIVISION I
REGISTRATION, RENEWAL, TITLING, DECAL
PLACEMENT AND ACCIDENT REPORTS

571—46.1(321I) Definitions. For purposes of this chapter, the following definitions shall apply:

"All-terrain vehicle" means the same as defined in Iowa Code section 321I.1.

"A scale" means the physical scale marked "A" and graduated in decibels on a sound level meter which meets the requirements of the American National Standards Institute, Incorporated, publication S1.4-2014, Electroacoustics—Sound Level Meters.

"Commission" means the same as defined in Iowa Code section 321I.1.

"Department" means the same as defined in Iowa Code section 321I.1.

"Designated riding area" means the same as defined in Iowa Code section 321I.1.

"Designated riding trail" means the same as defined in Iowa Code section 321I.1.

"Off-road motorcycle" means the same as defined in Iowa Code section 321I.1.

"Off-road utility vehicle" means the same as defined in Iowa Code section 321I.1.

"Operator" means the same as defined in Iowa Code section 321I.1.

"Owner" means the same as defined in Iowa Code section 321I.1.

"Public land" means the same as defined in Iowa Code section 321I.1.

"Regulated vehicle" means all-terrain vehicles, off-road motorcycles, and off-road utility vehicles, either collectively or individually.

"Roadway" means the same as defined in Iowa Code section 321I.1.

571—46.2(321I) Off-road motorcycles.

46.2(1) Off-road motorcycles shall be subject to the following:

a. Registration requirements of this chapter; and

b. Titling requirements of this chapter, if a title has not previously been issued under Iowa Code chapter 321.

46.2(2) An operator of an off-road motorcycle is subject to the provisions of Iowa Code chapter 321I and this chapter, except that the operator is exempt from the safety instruction and certification program requirements of Iowa Code chapter 321I.

571—46.3(321I) Off-road utility vehicles.

46.3(1) An owner of an off-road utility vehicle operating the off-road utility vehicle on public land or ice, a designated riding area, or a designated riding trail shall register the off-road utility vehicle in accordance with Iowa Code chapter 321I and this chapter.

46.3(2) An operator of an off-road utility vehicle is subject to the provisions of Iowa Code section 321.234A and chapter 321I and this chapter, except that the operator is exempt from the safety instruction and certification program requirements of Iowa Code chapter 321I.

571—46.4(321I) Operation on roadways, highways, streets, and snowmobile trails. A person shall not operate a regulated vehicle upon roadways, highways, streets, or snowmobile trails except as provided in Iowa Code sections 321.234A and 321I.10.

NOTE: Additional driving and operation limitations are listed in Iowa Code section 321I.14.

571—46.5(321I) Registration for regulated vehicles.

46.5(1) *General.* A person shall not operate, maintain, or give permission for the operation or maintenance of a regulated vehicle on public land, a designated riding area, a designated riding trail, or ice unless the regulated vehicle:

a. Is registered in accordance with the requirements of Iowa Code chapter 321I and this chapter;

b. Displays a current nonresident user permit decal issued as provided in 571—46.6(321I); or

c. Is exempt from registration pursuant to Iowa Code section 321I.9.

46.5(2) *Registration requirements.*

a. The owner of each regulated vehicle required to be registered shall file an application for registration with the department through a county recorder and pay all applicable fees pursuant to Iowa Code section 321I.4 and these rules, except that a dealer of regulated vehicles shall make application and pay all applicable registration and title fees on behalf of a purchaser of a regulated vehicle.

(1) Application forms. Applications for registration shall be made on forms provided by the department. In the event the applicant does not have required documentation, the applicant may be required to secure a bond consistent with the requirements of 571—Chapter 50.

(2) Fees. The applicant shall pay the following fees: $15 for the permit fee; $1 for the writing fee; and $1.50 for the administrative fee. In addition, a county recorder may collect an additional 25 cents for the writing fee if the county recorder issues the registration.

b. At such time the department or the county recorder is satisfied with the application and has received the required fees, the department or county recorder shall issue to the applicant a registration certificate and registration decal.

46.5(3) *Preregistration grace period.*

a. Dealer purchases. An unregistered regulated vehicle sold by a dealer to an Iowa resident for use in Iowa shall bear a card that includes the words "registration applied for" and the date of purchase. Such card shall entitle the purchaser to operate the regulated vehicle for 45 days immediately following the purchase. The purchaser shall place this card on the rear of the all-terrain vehicle or off-road utility vehicle and the steering yoke of an off-road motorcycle in a position so as to be clearly visible at all times and maintained in a legible manner. The operator of any regulated vehicle displaying a "registration applied for" card described in this paragraph shall carry and provide upon request to any peace officer a valid bill of sale for the regulated vehicle.

b. Nondealer purchases. Regulated vehicles may be sold by nondealers, and the registration grace period may apply depending on the current registration of the vehicle.

(1) A regulated vehicle that is currently registered in the state of Iowa may be legally operated for 30 days before it is registered under the purchaser's name.

(2) A regulated vehicle not currently registered in the state of Iowa shall not be operated until it is titled and registered in the purchaser's name. Valid registration in another state does not authorize preregistration operation.

46.5(4) *Registration—renewals.* Every regulated vehicle registration certificate and registration decal expires at midnight December 31 of the year issued or at the time specified on the registration decal. Applications for renewal shall be completed pursuant to Iowa Code section 321I.7.

571—46.6(321I) Nonresident user permits.

46.6(1) A nonresident wishing to operate a regulated vehicle, other than such vehicle owned by a resident and registered pursuant to Iowa Code chapter 321I, on public land, a designated riding area, a designated riding trail, or ice of this state must first obtain a user permit from the department.

46.6(2) The department, a county recorder or license agent designated by the director may issue nonresident user permits. The applicant shall pay the following fees for a user permit: $15 for the permit fee; $1 for a writing fee; and $1.50 for an administrative fee. In the event the county recorder issues such a permit, the county recorder may charge an additional 25 cents for the writing fee.

46.6(3) A nonresident user permit issued under this rule shall be valid for the calendar year or time period specified in the permit and be limited to the vehicle specified at the time of application.

46.6(4) Nonresident user permits are issued to a vehicle and are not transferable.

571—46.7(321I) Display of registration and nonresident user permit decals. The owner shall display the registration decal or nonresident user permit decal as follows:

46.7(1) *All-terrain vehicle.* The decal shall be affixed to the rear of the all-terrain vehicle so that the decal is clearly visible.

46.7(2) *Off-road motorcycle.* The decal shall be affixed to the steering yoke in such a manner that the decal does not cover up the vehicle identification number and is clearly visible.

46.7(3) *Off-road utility vehicle.* The decal shall be affixed to the rear of the vehicle so that the decal is clearly visible.

571—46.8(321I) Registration certificate.

46.8(1) An operator of a regulated vehicle shall carry the registration certificate either in such vehicle or on the person of the operator when the regulated vehicle is in use.

46.8(2) The operator of a regulated vehicle shall exhibit the registration certificate to all of the following:

a. To a peace officer or department personnel upon request;

b. To a person injured in an accident involving the regulated vehicle, or that person's agent;

c. To the owner or operator of another regulated vehicle when the regulated vehicle is involved in a collision or accident with the other regulated vehicle, or that person's agent;

d. To the owner of personal or real property when the regulated vehicle is involved in a collision or accident with the property of the other person, or that person's agent; and

e. To the property owner or tenant when the regulated vehicle is being operated on private property without permission from the property owner or tenant, or that person's agent.

571—46.9(321I) Owner's certificate of title. The owner of a regulated vehicle acquired on or after January 1, 2000, other than an all-terrain vehicle or an off-road utility vehicle used exclusively as a farm implement or an off-road motorcycle previously issued a title pursuant to Iowa Code chapter 321, shall apply to the county recorder of the county in which the owner resides for a certificate of title for the regulated vehicle. The owner shall make application within 30 days after acquisition of the regulated vehicle, using forms provided by the department, and shall include the required fees set out in Iowa Code section 321I.32.

571—46.10(321I) Procedures for application and for issuance of a vehicle identification number (VIN) for homebuilt regulated vehicles.

46.10(1) A person, other than a manufacturer, who constructs or rebuilds a regulated vehicle for which there is no legible VIN may make application to the department on forms provided by the department for the issuance of a new VIN. The application process shall include an inspection of the regulated vehicle by the department. If the application is approved, the VIN shall be affixed to the vehicle by a peace officer. The completed application shall then be surrendered to the county recorder.

46.10(2) The peace officer shall permanently affix the VIN as follows:

a. *All-terrain vehicle.* The VIN shall be affixed to the frame under the seat.

b. *Off-road motorcycle.* The VIN shall be affixed to the steering yoke.

c. *Off-road utility vehicle.* The VIN shall be affixed to the frame under the seat.

571—46.11(321I) Accident report.

46.11(1) Whenever any regulated vehicle is involved in an accident resulting in injury or death to any person or property damage amounting to $1,500 or more, the operator or a person acting for the operator shall immediately notify the county sheriff or another law enforcement agency in the state.

46.11(2) If the accident occurred on public land, a designated riding area, a designated riding trail, or ice under the jurisdiction of the commission, the operator shall file a report of the accident with the department within 72 hours. The report shall be on forms provided by the department.

46.11(3) Accidents other than those specified in 46.11(2) shall be reported as required in Iowa Code section 321.266.

571—46.12(321I) Sound level limitation. No person shall operate an all-terrain vehicle or off-road motorcycle that is constructed or altered in a manner that noise emitted from the all-terrain vehicle or off-road motorcycle exceeds 96 decibels on the A scale when measured in the manner prescribed in the revised 2017-04, Society of Automotive Engineers Standard J1287, titled "Measurement of Exhaust Sound Pressure Levels of Stationary Motorcycles."

DIVISION II
ALL-TERRAIN VEHICLE DEALERS

571—46.13(321I) Purpose. The rules in this division apply to registered regulated vehicle dealers, manufacturers, and distributors. These rules establish minimum standards for dealers as authorized under Iowa Code section 321I.22(9).

571—46.14(321I) Definitions. For purposes of this division, the following definitions shall apply:

"Dealer" means the same as defined in Iowa Code section 321I.1.

"Distributor" means the same as defined in Iowa Code section 321I.1.

"Engaged in the business," or similar wording, means doing any of the following acts for the purpose of selling all-terrain vehicles at retail: acquiring, selling, exchanging, holding, offering, displaying, brokering, accepting on consignment or conducting a retail auction, or acting as an agent for the purpose of doing any of these acts. A person selling at retail more than five regulated vehicles during a 12-month period may be presumed to be engaged in the business.

"Established place of business" means the same as defined in Iowa Code section 321I.1.

"Manufacturer" means the same as defined in Iowa Code section 321I.1.

"Manufacturer's certificate of origin" means a certification signed by the manufacturer, distributor or importer that the regulated vehicle described has been transferred to the person or dealer named, and that the transfer is the first transfer of the vehicle in ordinary trade and commerce. A manufacturer's certificate of origin may also be referred to as a manufacturer's statement of origin.

571—46.15(321I) Dealer's established place of business. A dealer's established place of business shall include phone service and an adequate office area for keeping business records, manufacturers' certificates of origin, certificates of title or other evidence of ownership for regulated vehicles offered for sale.

571—46.16(321I) Zoning. Dealers licensed under these rules must comply with applicable local zoning ordinances. Upon request by the department, a dealer shall provide to the department written evidence, issued by the office responsible for the enforcement of zoning ordinances in the city or county where the dealer's established place of business is located, that the dealer's established place of business complies with all applicable zoning provisions.

571—46.17(321I) Sales tax permit. A dealer shall provide to the department written evidence that the dealer has obtained a sales tax permit issued by the department of revenue.

571—46.18(321I) Special registration certificates for manufacturers, distributors, and dealers.

46.18(1) A manufacturer, distributor, or dealer owning a regulated vehicle required to be registered under Iowa Code chapter 321I and this chapter may operate the unregistered regulated vehicle for purposes of transporting, testing, demonstrating, or selling it if both of the following requirements are met:

a. The manufacturer, distributor, or dealer obtains from the department a special registration certificate containing a general identification number in accordance with Iowa Code section 321I.22. An application for a special registration certificate shall be submitted on forms provided by the department; and

b. The manufacturer, distributor, or dealer has the assigned identification number printed upon or attached to a removable sign which is temporarily but firmly attached to the regulated vehicle being used.

46.18(2) If a manufacturer, distributor, or dealer has an established place of business in more than one location, the manufacturer, distributor, or dealer shall obtain from the department a separate and distinct special registration certificate and general identification number for each place of business.

46.18(3) Duplicate special registration certificates may be obtained pursuant to the conditions set forth in Iowa Code section 321I.22.

571—46.19(321I) Information provided to purchaser. At the time of sale, a dealer shall provide all purchasers of all-terrain vehicles with information on how to access the department's website. The department shall provide regulations related to regulated vehicle use. Information provided on the department's website shall be deemed current information for purposes of this rule.

571—46.20(321I) Right of inspection. The department or any peace officer has the authority to inspect the following at any dealer location: (1) regulated vehicles or component parts of vehicles, (2) business records, and (3) manufacturers' certificates of origin, certificates of title and other evidence of ownership for regulated vehicles offered for sale. The department has the right at any time to verify compliance with all statutory and regulatory requirements by a dealer registered under Iowa Code chapter 321I.

571—46.21(321I) Denial or revocation. The department may deny a dealer application or revoke a dealer registration certificate when the director determines the applicant or dealer has violated any rule of this chapter or Iowa Code chapter 321I or when continuation of the permit is not in the public interest. Such denial or revocation shall become effective upon a date specified in the notice. The notice shall state the extent of the denial or revocation and the reasons for the action. Within 30 days following receipt of the notice of a revocation or denial, the applicant or dealer, whichever is applicable, may file a notice of appeal, requesting a contested case pursuant to 561—Chapter 7. The notice of appeal shall specify the basis for requesting that the permit be issued or reinstated.

DIVISION III
REGULATION OF DESIGNATED RIDING AREAS

571—46.22(321I) Definitions. In addition to the definitions in division I and division II of this chapter, the following definitions shall apply:

"Direct supervision" means the same as defined in Iowa Code section 321I.1.

"Local sponsor" means the entity that owns the designated riding area or is otherwise responsible for the day-to-day operations of the designated riding area. A local sponsor may or may not be a unit of government.

"Operate" means the same as defined in Iowa Code section 321I.1.

571—46.23(321I) Designated riding areas.

46.23(1) Designated riding areas shall be considered to be public land, available and open to the public to use consistent with these rules.

46.23(2) The following areas are hereby established as designated riding areas:

a. Bluff Creek OHV Park, Mahaska County.

b. Lakeview OHV Park, Johnson County.

c. Gypsum City OHV Park, Webster County.

d. Nicholson-Ford OHV Park, Marshall County.

e. Rathbun OHV Park, Appanoose County.

f. River Valley OHV Park, Pottawattamie County.

g. Riverview OHV Park, Black Hawk County.

h. Tama County OHV Park, Tama County.

46.23(3) A local sponsor may request that the commission adopt the local sponsor's riding area as a designated riding area by contacting the department in writing and providing information, as requested by the department, that demonstrates that the local sponsor's proposed designated riding area meets the minimum qualifications described in these rules. All studies or surveys required by these rules shall be at the local sponsor's expense. The department may require additional surveys or studies and conduct an on-site evaluation for each proposed designated riding area to determine whether the department should recommend that the commission adopt the proposed area as a designated riding area. The commission may adopt additional designated riding areas that meet the following minimum qualifications:

a. The site and plan for development and management is suitable for off-highway vehicle recreation. The department shall consider sites that were previously disturbed areas, such as agricultural lands, mining operations, road surfaces or other intensive land uses that have resulted in the elimination of high-quality natural areas, native plant communities, critical habitats and cultural resources.

b. There is demand for the proposed designated riding area. Consideration shall be given to nearby populations, distance to other OHV facilities, partnership possibilities and local support.

c. The local sponsor, through a letter of support, demonstrates a willingness and ability to maintain the proposed designated riding area consistent with these rules.

d. There is evidence that adjacent property owners, including those within the viewshed and within earshot of the proposed designated riding area, that exist at the time of establishment have been notified of the plan and their concerns have been addressed.

e. The proposed development and management of the proposed designated riding area comply with local, state or federal laws.

f. Any federal- or state-listed threatened or endangered species are identified and a plan to ensure that the development and management of the proposed designated riding area would not negatively impact those species is included.

g. Any cultural, historical or high-quality natural resources on the site are identified and a plan to ensure that the development and management of the proposed designated riding area would not negatively impact those resources is included. High-quality areas include those areas of high-quality native plant communities, highly restorable native plant communities or other areas which provide critical wildlife habitat. In addition, if a site contains fragments of high-quality areas, but has been determined by the commission as suitable for use as a designated riding area, the local sponsor shall include in the plan how it will protect and enhance those fragments.

46.23(4) Designated riding areas approved by the commission shall be subject to these rules and shall be managed according to the plan approved by the commission. Major modifications to the plan, including expansions, must be approved by the commission for the designated riding area to continue to be a recognized designated riding area under these rules.

571—46.24(321I) Department law enforcement at designated riding areas. A local sponsor may request that the department provide law enforcement and other management assistance and oversight at the designated riding area, including adjacent parking and unloading areas, and at camping areas if applicable. The department, in its sole discretion, may provide such law enforcement and other management assistance and oversight it deems appropriate, provided that the local sponsor and the department enter into a written agreement describing what role and responsibilities the department shall have at the designated riding area and affording the department the right to terminate such agreement at any time, for any reason.

571—46.25(321I) General rules for regulated vehicle operation in designated riding areas. Operation on designated riding areas is limited to regulated vehicles as defined in this chapter and as described below:

46.25(1) *Allowable vehicles.* Persons shall operate only the vehicles allowed at a designated riding area that is signed as open for the specified vehicle.

46.25(2) *Compliance with signs.* Persons at designated riding areas shall comply with all signs erected and maintained by the local sponsor or the department consistent with its relationship to the local sponsor under 571—46.53(321I).

46.25(3) *Hours of operation.* Designated riding areas shall be open from sunrise to sunset. There may be instances when operating regulated vehicles in dark conditions is permissible. In those instances, persons operating regulated vehicles between sunset and sunrise, or in otherwise dark conditions, in designated riding areas must have headlights and taillights equipped on their regulated vehicles and use such lights.

46.25(4) *Registration required.* A person shall not operate, maintain, or give permission for the operation or maintenance of a regulated vehicle in a designated riding area unless the regulated vehicle is registered and such registration is displayed in accordance with Iowa Code chapter 321I and these rules. This requirement includes nonresidents operating regulated vehicles in a designated riding area who are required to have nonresident user permits for their regulated vehicles.

46.25(5) *Safety equipment required.* All operators and their passengers shall wear helmets while operating a regulated vehicle on a designated riding area, including parking and unloading areas. The local sponsor, or the department consistent with its relationship to the local sponsor under 571—46.53(321I), may post signs that require operators to wear additional safety gear depending on conditions.

46.25(6) *Working brakes.* Every regulated vehicle operated in a designated riding area, including parking and unloading areas, shall be equipped with working brakes.

46.25(7) *Minors—supervision.* A person under 12 years of age shall not operate an all-terrain vehicle or an off-road motorcycle on a designated riding area unless one of the following applies:

a. The person is taking an education training course, and the operation of the vehicle is under the direct supervision of a certified education instructor.

b. The operation is under the direct supervision of a parent or guardian of at least 18 years of age who is experienced in all-terrain vehicle or off-road motorcycle operation and who possesses a valid driver's license as defined in Iowa Code section 321.1.

571—46.26(321I) Unauthorized vehicles. The local sponsor, or the department consistent with its relationship to the local sponsor under 571—46.53(321I), may tow unauthorized vehicles, including hauling equipment. Towing shall be at the owner's expense.

571—46.27(321I) Parking and unloading areas. All vehicles, other than regulated vehicles, and trailers shall be parked in designated parking areas. No such vehicles, other than regulated vehicles, shall be left unattended in any park drive access point, unloading area, road or highway, except in the case of an emergency.

571—46.28(321I) Operation with passengers.

46.28(1) Persons shall not operate regulated vehicles on designated riding areas with a passenger unless the regulated vehicle is designed and constructed according to the manufacturer's specifications to carry a passenger. Passengers shall not ride on regulated vehicles that have been modified from the manufacturer's original design and construction to carry a passenger.

46.28(2) A person shall not operate a regulated vehicle in a designated riding area with a passenger without possession of a valid driver's license as defined in Iowa Code section 321.1.

46.28(3) The number of passengers on a regulated vehicle in a designated riding area shall not exceed the manufacturer's capacity recommendation and shall not exceed the number of passenger restraints originally installed by the manufacturer.

46.28(4) A passenger on an all-terrain vehicle or off-road motorcycle must be seated behind the operator and have the physical ability to securely hold on to the operator or passenger handles.

46.28(5) Passengers on an off-road utility vehicle must be able to place both feet flat on the floor boards with their backs resting against the seat back.

571—46.29(321I) Off-road utility vehicle requirements. The following additional restrictions apply to the operation of off-road utility vehicle operation in designated riding areas signed open to such use:

46.29(1) Driver's license required. A person shall not operate an off-road utility vehicle in a designated riding area without possession of a valid driver's license as defined in Iowa Code section 321.1.

46.29(2) Vehicles shall not be homebuilt or substantially modified from the manufacturer's specifications in the sole opinion of a peace officer.

46.29(3) Vehicles must be equipped with a roll-over protection system (ROPS) installed by the manufacturer.

46.29(4) Vehicles must be equipped with manufacturer seat belts or equivalent that are in good working order. The operator and all passengers must wear seat belts at all times the vehicle is in motion.

46.29(5) The operator and all passengers must keep their hands, arms, legs, and feet inside the vehicle at all times the vehicle is in motion.

46.29(6) The vehicle must be no wider than 65 inches.

571—46.30(321I) Youth operational areas. The local sponsor, or the department consistent with its relationship to the local sponsor under 571—46.53(321I), may establish areas for youth all-terrain vehicle and off-road motorcycle operation on designated riding areas; may restrict the age of the operator and the size of the all-terrain vehicle; may limit the engine displacement for both all-terrain vehicles and off-road motorcycles; and shall post such restrictions.

571—46.31(321I) Unlawful operation. A person shall not operate a regulated vehicle in any of the following instances:

46.31(1) At a rate of speed greater than reasonable or proper under all existing circumstances or greater than the posted speed, whichever is less. In no event shall a person operate any vehicle in a parking area of or adjacent to a designated riding area in excess of five miles per hour.

46.31(2) In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.

46.31(3) While under the influence of intoxicating substances or narcotics or habit-forming drugs.

46.31(4) Without a lighted headlight and taillight from sunset to sunrise and at such other times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of 500 feet ahead.

46.31(5) Off established or marked trails or in prohibited areas.

46.31(6) In violation of official signs posted by the local sponsor or by the department consistent with its relationship to the local sponsor under 571—46.53(321I).

46.31(7) If the person's license to operate a motor vehicle is under suspension, revocation, bar, disqualification, cancellation or denial by this state or any other state.

571—46.32(321I) Alcohol prohibited. Persons shall not consume or possess alcohol in designated riding areas, except that the consumption and possession of alcohol shall be permitted at designated camping areas.

571—46.33(321I) Pets. Pets shall not be permitted in designated riding areas, except for parking and camping areas, if any.

571—46.34(321I) Camping. Camping shall not be permitted in designated riding areas, except for areas specifically designed for and identified by the local sponsor, or the department consistent with its relationship to the local sponsor under 571—46.53(321I), for such use. In such instances, camping rules shall be posted in such areas.

These rules are intended to implement Iowa Code chapter 321I.