

321I.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"All-terrain vehicle"* means a motorized flotation-tire vehicle with not less than three low-pressure tires, but not more than six low-pressure tires, or a two-wheeled off-road motorcycle, that is limited in engine displacement to less than eight hundred cubic centimeters and in total dry weight to less than eight hundred fifty pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

Two-wheeled off-road motorcycles shall be considered all-terrain vehicles for the purpose of registration. Two-wheeled off-road motorcycles shall also be considered all-terrain vehicles for the purpose of titling if a title has not previously been issued pursuant to chapter 321. An operator of a two-wheeled off-road motorcycle is exempt from the safety instruction and certification program requirements of sections 321I.25 and 321I.26.

2. *"A' scale"* means the physical scale marked "A" graduated in decibels on a sound level meter which meets the requirements of the American national standards institute, incorporated, publication S1.4-1961, general purpose sound level meters.

3. *"Commission"* means the natural resource commission of the department.

4. *"Dealer"* means a person engaged in the business of buying, selling, or exchanging all-terrain vehicles required to be registered under this chapter and who has an established place of business for that purpose in this state.

5. *"Department"* means the department of natural resources.

6. *"Established place of business"* means the place actually occupied either continuously or at regular periods by a dealer or manufacturer where the books and records are kept and the dealer's or manufacturer's business is primarily transacted.

7. *"Manufacturer"* means a person engaged in the business of constructing or assembling all-terrain vehicles required to be registered under this chapter and who has an established place of business for that purpose in this state.

8. *"Nonambulatory person"* means an individual with paralysis of the lower half of the body with the involvement of both legs, usually caused by disease of or injury to the spinal cord, or caused by the loss of both legs or the loss of a part of both legs.

9. *"Nonresident"* means a person who is not a resident of this state.

10. *"Operate"* means to ride in or on, other than as a passenger, use, or control the operation of an all-terrain vehicle in any manner, whether or not the all-terrain vehicle is moving.

11. *"Operator"* means a person who operates or is in actual physical control of an all-terrain vehicle.

12. *"Owner"* means a person, other than a lienholder, having the property right in or title to an all-terrain vehicle. The term includes a person entitled to the use or possession of an all-terrain vehicle subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

13. *"Person"* means an individual, partnership, firm, corporation, association, and the state, its agencies, and

political subdivisions.

14. "*Public land*" means land owned by the federal government, the state, or political subdivisions of the state and land acquired or developed for public recreation pursuant to section 321I.8.

15. "*Railroad right-of-way*" means the full width of property owned, leased, or subject to easement for railroad purposes and is not limited to those areas on which tracks are located.

16. "*Resident*" means a person who meets the requirements for residency described in section 321.1A.

17. "*Roadway*" means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

18. "*Safety certificate*" means an all-terrain vehicle safety certificate, approved by the commission, issued to a qualified applicant who is twelve years of age or older.

19. "*Snowmobile*" means the same as defined in section 321G.1.

20. "*Special event*" means an organized race, exhibition, or demonstration of limited duration which is conducted on public land or ice under the jurisdiction of the commission according to a prearranged schedule and in which general public interest is manifested.

21. "*Street*" or "*highway*" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular travel, except in public areas in which the boundary shall be thirty-three feet each side of the center line of the roadway.

2004 Acts, ch 1132, §44