



Iowa General Assembly

2013 Committee Briefings

Legislative Services Agency – Legal Services Division

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ALL-TERRAIN AND OFF-ROAD UTILITY VEHICLE STUDY COMMITTEE

Meeting Dates: [October 28, 2013](#)

Purpose. *This compilation of briefings on legislative interim committee meetings and other meetings and topics of interest to the Iowa General Assembly, written by the Legal Services Division staff of the nonpartisan Legislative Services Agency, describes committee activities or topics. The briefings were originally distributed in the Iowa Legislative Interim Calendar and Briefing. Official minutes, reports, and other detailed information concerning the committee or topic addressed by a briefing can be obtained from the committee's Internet page listed above, from the Iowa General Assembly's Internet page at <https://www.legis.iowa.gov/index.aspx>, or from the agency connected with the meeting or topic described.*

ALL-TERRAIN AND OFF-ROAD UTILITY VEHICLE STUDY COMMITTEE

October 28, 2013

Co-chairperson: Senator Chris Brase

Co-chairperson: Representative Brian Moore

Background. The All-Terrain and Off-Road Utility Vehicle Study Committee was created by the Legislative Council for the 2013 Legislative Interim and authorized to hold one meeting. The charge of the committee is to collect information from stakeholders and make recommendations to the General Assembly concerning the use of all-terrain and off-road utility vehicles.

The committee chose to focus primarily on issues raised by the introduction of HF 619 during the 2013 Legislative Session, particularly as the bill pertains to the operation of all-terrain vehicles (ATVs) and off-road utility vehicles (ORVs) on certain Iowa roads.

Vehicle Display. An ATV and an ORV were displayed in the legislative parking lot by Polaris Industries for members of the committee to view. Mr. J.R. Burke, Polaris Industries, explained some of the specifications of and differences between the two types of vehicles and answered questions. An ATV has a seat that is straddled by the operator and is steered by handlebars. An ORV has a bucket or bench seat and is steered by a steering wheel or control levers.

Mr. David Downing, Department of Natural Resources, Snowmobile and ATV Program Coordinator. Mr. Downing discussed types of off-highway vehicles (OHVs) including ATVs, ORVs, and off-road motorcycles (ORMs). He said that the goals of the OHV program are to manage OHV use as a recreational resource; develop OHV parks and trails for the use of registered machines; develop, maintain, and promote ATV safety education; remove OHVs from prohibited areas through education and enforcement; and provide an effective point-of-sale OHV registration, title, and lien system. Off-road utility vehicles known as side-by-sides are the fastest growing segment of OHV registrations in Iowa.

Off-highway vehicles must be registered to be legally operated on designated riding areas or trails, on public ice, and on highways and roadways under the jurisdiction of and designated by cities and counties. An OHV can be operated on a highway, roadway, street, or ditch area only with proof of liability insurance. An OHV can be operated on a highway only between sunrise and sunset, at a speed under 35 miles per hour, and by an operator with a valid driver's license. Local laws or ordinances related to ATVs cannot be inconsistent with state law.

Mr. Mark Lowe, Iowa Department of Transportation, Director, Motor Vehicle Division. Mr. Lowe discussed the differences between the statutory schemes that authorize operation of ATVs and ORVs on Iowa roads. Iowa Code §321.234A focuses on the purpose of the vehicle's use. Iowa Code §321.10 focuses on the place where the vehicle is used.

All-terrain vehicles and ORVs (off-road utility vehicles are also referred to as UTVs) are not currently defined as motor vehicles that are subject to registration under Iowa Code chapter 321. Such vehicles do not meet federal safety standards for motor vehicles. If ATVs and ORVs are subject to registration as motor vehicles under Iowa Code chapter 321, they will be subject to the fee for new registration under that chapter, which is five percent of the vehicle's sales price. Iowa Code §321.234A allows ATVs and ORVs to be operated on a public highway for specific purposes and on

streets and county roads designated for that use by a city or county board of supervisors as provided in Iowa Code §3211.10.

Research conducted by the University of Iowa shows that ATVs' design for off-road use makes them dangerous for road use. The narrow wheelbase, high center of gravity, and knobby, low-pressure tires make ATVs prone to rollover accidents on roads. More than one-half of fatal ATV accidents occur on roads. ATV operators who suffer a crash on a road are twice as likely to suffer severe trauma and three times more likely to suffer traumatic brain injury.

All-terrain vehicle manufacturers take the position that ATVs are not designed for road use and are not safe to operate on the road. The Specialty Vehicle Institute of America has taken the position that the use of such vehicles on roads should be prohibited.

Mr. Terry Rolling, Bellevue, Iowa. Mr. Rolling is a deputy sheriff in Jackson County, Iowa. Mr. Rolling opined that if ATVs are registered as motor vehicles, law enforcement authorities and others can use the license plate number to identify and find the vehicle if it is being used recklessly or is stolen and that Iowa is losing revenue by not registering ATVs for road use. ATVs are more fuel efficient than other motor vehicles, a safety course for ATV operators who are minors and who want to operate the vehicles on public land already exists, and lower speed limits are already required for ATV use on public roads. There are more accidents off road where the terrain is rougher. Mr. Rolling also opined that it is not fair to allow the operation of ATVs on roads for agricultural purposes but not allow such operation for other purposes.

Mr. Kelly Keeney, Delmar, Iowa. Mr. Keeney is a farmer who has ridden four-wheelers and snowmobiles for years. Use of such vehicles is an important part of his farming operation. He is not required to license his vehicles under the current exemption for agricultural use but would not object to doing so if the law is changed to require that in conjunction with allowing broader highway use.

Dr. Gerene Denning, ATV Injury Task Force Member. Dr. Denning, a University of Iowa researcher and ATV Injury Task Force member, said that her research has focused on ATVs. She said that the tires and high center of gravity on ATVs pose safety issues. Manufacturers of ATVs are strongly opposed to use of their products in unapproved ways. Dr. Denning has compiled a one-of-a-kind database of ATV crashes on and off roads. Her research shows more severe injuries, more head injuries, and more passenger deaths in ATV accidents that occur on roads. Two-thirds of nonfatal injuries on ATVs result from loss of control, not collisions. All neighboring states except Illinois have higher fatality rates than Iowa. Iowa ranks 27th among all states in ATV accident fatality rates.

Mr. Geoffrey Lauer, Executive Director, Brain Injury Alliance of Iowa. Mr. Lauer said that Iowa is home to more than 50,000 people with long-term traumatic brain injury. Brain injury is the leading cause of death for children and young adults. Fewer people are dying of brain injuries now because they receive faster and better medical treatment, but more people are living with brain injury disabilities. Frontal lobe injury to the brain is common in vehicle accidents where the person is moving forward in a linear fashion when the accident occurs. Riders of ATVs on roads are more likely to suffer severe brain injury in a crash.

Mr. J.R. Burke, Government Affairs, Polaris Industries. Polaris Industries manufactures ATVs and ORVs, among other products. Polaris has two manufacturing facilities in Iowa. Mr. Burke discussed the current statutory definition of an ATV in Iowa and proposed that the definition be updated to include other types of vehicles. The ATV market is flat with the average age of an ATV rider over 50, while the ORV or side-by-side market is booming. The outdoor recreation industry is important to Iowa, generating \$6.1 billion annually with \$1 billion of that amount representing motorized recreation. Iowans who ride side-by-side vehicles do not have as many or the same trails to enjoy as do ATV riders. Sustainable recreation options should meet the needs and wants of future riders and Polaris does significant market research to understand what those will be. There should be more trails available for use by side-by-sides. The statutory definition of an ATV should include flexibility to support continued product innovation as it occurs.

Constituents of Senator Beall. With the permission of the co-chairpersons, Senator Beall introduced two of his constituents, Mr. Dan Kleen, Pocahontas, President of the National Off-Highway Vehicle Conservation Council, and Mr. Alan Rodenborn, Fort Dodge, President of the Iowa Motorcycle Dealers Association, and asked them to make a few remarks. Mr. Kleen indicated that the National Off-Highway Vehicle Conservation Council is a nonprofit educational foundation composed of a national body of off-highway vehicle recreation enthusiasts dedicated to furthering a positive future for responsible OHV recreation. Mr. Rodenborn commented that ATVs and OHVs are already being used on roads in Iowa with rules implemented on a county-by-county basis and that it would be better to have the state set uniform statewide guidelines for such operation. Tires on such vehicles are rated for speed, not tread, and are being used on roads now for agricultural purposes. The current 35-mile-per-hour speed limit for those purposes has proven to be safe. A speed of 40 miles per hour is an even better speed for the operation of the machines. Wyoming and South Dakota allow on-road use of these vehicles and there is no indication that this has resulted in bad consequences in those states.

Committee Discussion and Recommendation. Co-chairperson Moore indicated that he was the original sponsor of HF 619 in 2013, with assistance from the Iowa DOT. The bill provides for operating ATVs and OHVs on roadways at a speed limit of 45 miles per hour. Other discussion included the need to address training requirements for operators of such

vehicles if they are allowed to be operated on roads. If HF 619 is to go forward there must be more effort made to make road use of the vehicles safer. Local control of such operation may be better because each county has different terrain and population density conditions to take into consideration. An advantage of registering such vehicles in the same manner as other motor vehicles is that if there is misuse of the vehicle, it can be more easily reported to and investigated by law enforcement. House File 619 is currently in the Senate and is eligible for consideration next year. This committee meeting is another step in the process of considering the bill. All persons are welcome to contact any member of the committee with comments concerning the issues addressed by the committee.

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