



# FINAL REPORT

## All-Terrain and Off-Road Utility Vehicle Study Committee

December 2013

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### MEMBERS:

Senator Chris Brase, Co-chairperson  
Senator Daryl Beall  
Senator Tod Bowman  
Senator Ken Rozenboom  
Senator Dan Zumbach

Representative Brian Moore, Co-chairperson  
Representative Dwayne Alons  
Representative Jake Highfill  
Representative Curtis Hanson  
Representative Sally Stutsman

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### AUTHORIZATION AND APPOINTMENT

The Legislative Council established the All-Terrain and Off-Road Utility Vehicle Study Committee to hold one meeting during the 2013 Legislative Interim to collect information from stakeholders and make recommendations to the General Assembly concerning the use of all-terrain and off-road utility vehicles.



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### **I. Committee Proceedings**

The committee conducted one meeting at the Statehouse during the 2013 Legislative Interim on Monday, October 28, 2013.

### **II. October 28, 2013, Meeting**

#### **A. Overview**

The committee viewed a display of all-terrain vehicles (ATVs) and off-road utility vehicles (ORVs) in the legislative parking lot; considered presentations by the Department of Natural Resources (DNR), the Iowa Department of Transportation (DOT), the ATV Injury Task Force, the Brain Injury Alliance of Iowa, and Polaris Industries, Inc.; and heard testimony from interested citizens.

#### **B. All-Terrain Vehicle and Off-Road Utility Vehicle Display**

Members of the committee assembled in the legislative parking lot, where a traditional ATV and a “side-by-side” ORV were on display. Mr. J.R. Burke, Specialist, Government Relations, Polaris Industries, Inc. (Polaris), explained the differences between ATVs and ORVs. An ATV has a seat that is straddled by the operator and handlebars for steering, and an ORV has a bucket or bench seat and a steering wheel. An ORV might have a more powerful engine and be heavier and longer than an ATV, but they are generally the same width. Mr. Burke pointed out that, in accordance with federal law, the vehicles display a warning label that advises the operator to avoid use on paved surfaces. He explained that, because ATVs and ORVs are designed for off-road use, they handle differently than a motor vehicle. However, newer side-by-side vehicles offer safety features including power steering, seat belts, and roll-over protection.

#### **C. Department of Natural Resources — Off-Highway Vehicle Program**

Mr. David Downing, Off-Highway Vehicle and Snowmobile Program Coordinator, DNR, gave an overview of the Off-Highway Vehicle Program administered by the DNR. The program includes regulation of ATVs, ORVs (also known as UTVs), and off-road motorcycles (ORMs), referred to collectively as off-highway vehicles (OHVs). The goals of the program are to manage OHVs as a recreational resource; develop OHV parks and trails; develop, maintain, and promote ATV safety education (Iowa’s operator education requirements for persons between 12 and 18 years of age apply only to the operation of ATVs, not ORVs); keep OHVs from prohibited areas through education and enforcement; and provide point-of-sale OHV registration and a title and lien system. There are eight DNR-designated OHV parks in Iowa, and six of those are open to ORVs as well as ATVs. In 2013, the DNR registered 51,153 OHVs including 28,222 ATVs, 7,874 ORMs, 7,907 ORVs, and 4,835 farm vehicles (2,212 ATVs and 2,623 ORVs), and also including the issuance of 2,315 nonresident user permits.

Mr. Downing explained that registration and titling of OHVs with the DNR is accomplished through the county recorders, and renewals can be processed in person or over the Internet. Iowa employs a point-of-sale registration and titling process through OHV dealers. In addition, the DNR accepts affidavits of ownership for unregistered and untitled vehicles, assigns vehicle identification numbers (VINs), and processes certain changes in ownership.



Registered OHVs may be operated in designated riding areas and on designated trails, on public ice, and on certain highways and roadways designated by local jurisdictions. When an OHV is operated on a highway, roadway, street, or ditch area, the operator must have proof of financial liability coverage. Operation on a highway must be between sunrise and sunset, the vehicle's speed must not exceed 35 miles per hour, and the operator must have a valid driver's license.

Mr. Downing discussed the provisions in Iowa Code chapter [321I](#) that authorize cities and counties to permit OHV operation within their local jurisdictions. A city may designate streets under its jurisdiction which may be used for the operation of ATVs and ORVs, and may authorize ATVs and ORVs to stop at service stations or convenience stores along a designated street. The direction given to counties is more specific: A county may designate highways where ATVs or ORVs may be operated on roadways during a specified period. The board of supervisors must evaluate traffic conditions on highways and roadways where ATVs and ORVs may be operated without unduly interfering with or constituting an undue hazard to conventional motor vehicle traffic. The board may also authorize ATVs and ORVs to stop at service stations or convenience stores along a designated roadway.

### D. Department of Transportation

Mr. Mark Lowe, Director, Motor Vehicle Division, DOT, gave a presentation relating to the operation of ATVs and UTVs on Iowa roads. He first explained that under existing law, the definitions of "all-terrain vehicle" and "off-road utility vehicle" in Iowa Code chapters [321](#) and [321I](#) are inconsistent — the definition of "all-terrain vehicle" in Iowa Code section [321.1](#) includes UTVs, and the definition of "off-road utility vehicle" describes different tires and different total dry weight than the definition in Iowa Code chapter 321I. He commented that Iowa Code section [321.234A](#) focuses on the purposes for which ATVs and UTVs can be used on Iowa roads, while Iowa Code section [321I.10](#) focuses on places of use.

Currently, ATVs and UTVs are not "motor vehicles subject to registration," and Iowa law prohibits registration and titling of vehicles that do not meet federal motor vehicle safety standards (for on-road operation). However, Iowa law does require registration with the DNR of ATVs and UTVs operated on public lands, public ice, or designated riding trails, with exceptions for government-owned vehicles, vehicles operated on roads for purposes incidental to their use in agriculture, and vehicles used exclusively as farm implements. In regard to the operation of ATVs and UTVs by licensed drivers, Mr. Lowe pointed out that although ATVs and UTVs handle differently than motor vehicles on roadways, Iowa law does not currently require any special licensing or endorsements for ATV or UTV operators, as is the case with motorcycle operators.

Mr. Lowe highlighted four key issues that should be considered in relation to proposed legislation to allow the use of ATVs and UTVs on Iowa roads:

- (1) The fee for new registration of a vehicle.** Since ATVs and UTVs are currently subject to sales tax, legislation providing for their registration by the DOT must clarify whether and how the fee for new registration of a motor vehicle under Iowa Code chapter [321](#) would apply. Mr. Lowe expressed concern that the owner of a vehicle who fails to maintain



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documentation of payment of sales tax could end up paying both the sales tax and the fee for new registration of the vehicle, which is 5 percent of the vehicle's purchase price.

**(2) Dealer requirements.** Unless an exception is created, making ATVs and UTVs subject to registration would subject those vehicles to motor vehicle dealer requirements under Iowa Code chapter [322](#).

**(3) Inconsistencies in safety standards.** Iowa Code section [321.30](#), which prohibits registration of a vehicle that does not meet federal motor vehicle safety standards, and Iowa Code section [321.440](#), which prohibits the use of tires marked “not for highway use,” “for racing purposes only,” or “unsafe for highway use,” would probably have to be amended in order to allow registration and widespread use of ATVs and UTVs on roads.

**(4) Inconsistency with registration of low-speed vehicles.** Low-speed vehicles meet federal motor vehicle safety standards but have a top speed of 25 miles per hour. They are currently registered under the weight and value system, but there are vehicles currently registered as low-speed vehicles that would qualify for flat fee registration as UTVs under the proposed legislation.

Mr. Lowe concluded by citing research conducted by the University of Iowa Hospitals and Clinics, which shows that ATVs' design for off-road use makes them dangerous for on-road use. Their narrow wheelbase, high center of gravity, and low-pressure tires promote loss of control, making ATVs prone to rollover accidents on roadways. More than half of ATV accident deaths occur on roads, and since 1998, fatal road crashes have increased twice as fast as fatal off-road crashes. Road crash victims are twice as likely to suffer severe trauma and three times more likely to suffer traumatic brain injury. Mr. Lowe emphasized that ATV manufacturers are not in favor of highway use of ATVs. The Specialty Vehicle Institute of America (SVIA), the national not-for-profit trade association representing manufacturers and distributors of ATVs in the United States, has published a statement entitled “Position in Opposition to On-Road Operation of ATVs,” which urges that on-highway use of ATVs be prohibited. In addition, all ATVs bear a label warning that they are not safe for highway use.

During the discussion that followed, Chairperson Moore asked Mr. Lowe to provide the committee with information comparing bicyclist and pedestrian deaths to ATV-related deaths.

### **E. ATV Injury Task Force**

Dr. Gerene Denning, University of Iowa, spoke on behalf of the ATV Injury Task Force. She explained that as an injury prevention researcher, her work focuses on ATVs, and not UTVs. She favors the safety courses required in Iowa for ATV operators under 18 years of age, and she stressed that not riding on public roads is one of the “golden rules” of ATV safety. Dr. Denning presented two common misperceptions about ATV safety. The first is the belief that roads are safer than off-road terrain because they have fewer obstacles. This perception is incorrect because riding on smooth pavement makes it easier to travel at unsafe speeds, while riding on rough off-road terrain makes it difficult to drive as fast. An ATV crash database created by Dr. Denning demonstrates that on-road crashes are more serious than off-road crashes. The second



misperception is the belief that riding on country roads is safer than riding in town. While acknowledging that traffic density is an issue in the city, Dr. Denning stated that almost two-thirds of fatal ATV crashes result from loss of control, not collision with other vehicles. And because the “golden hour” after an accident is the time frame for the most effective emergency medical care, a person who has an accident in a less populated area is less likely to receive timely care from a trauma center.

Dr. Denning discussed several issues of concern relating to ATV use on roads, including inadequate operator safety training, especially for adults; the impossibility of defining safe speeds for ATVs because of highly complex operator-vehicle-environmental interactions when riding on ATVs; the vulnerability of teen operators because of their higher rate of crashes, physical and mental immaturity, propensity for risk-taking, and susceptibility to traumatic brain injuries; the use of alcohol — 40-50 percent of all fatal ATV crashes and 20-30 percent of nonfatal ATV crashes in the United States involve alcohol; difficulty in determining undue traffic hazards for ATVs because of the difference in vehicle dynamics between ATVs and other types of vehicles; and the difficulty in measuring the effects of laws and policies.

Dr. Denning refuted the common argument that allowing ATVs on roads will increase the economic benefits of tourism to the state, citing statistics that show that the financial cost of one death (estimated at \$8 million) or four traumatic brain injuries (estimated at \$1.3 million each for hospitalization costs) would outweigh the state’s projected financial benefit from tourism (estimated at \$6 million annually). She concluded her remarks by praising the partnership between the DOT, the DNR, and OHV parks in promoting safe recreational riding. She sees the expansion of OHV parks and trails as an investment that will pay off in tourism and safety.

### **F. Brain Injury Alliance of Iowa**

Mr. Geoffrey Lauer, Executive Director, Brain Injury Alliance of Iowa, explained that his agency provides services and support to persons with brain injury and their families. He stated that there are more than 50,000 people in Iowa with long-term disability from traumatic brain injury. Brain injury is the leading cause of death in children. The primary cause of brain injury in young adults is car accidents. The number of deaths from brain injury is being reduced by faster and more effective medical treatment, especially during the golden hour after injury. The most common type of brain injury in vehicle accidents is damage to the frontal lobe, which can cause loss of function, damage personal relationships, and bring challenges like substance abuse, depression, and employment problems. A rider is more likely to sustain a brain injury in an ATV crash than in a motor vehicle crash, and the brain injury is more likely to be severe. The estimated cost per injury is around \$4 million. In conclusion, Mr. Lauer emphasized the need to weigh the economic and human costs of allowing ATVs on roads.

### **G. Polaris Industries, Inc.**

Mr. Burke from Polaris addressed the committee concerning the definition of “all-terrain vehicle” in Iowa law and access to ATV parks and trails. Polaris manufactures ATVs, ORVs, and similar machines and has two manufacturing facilities in Iowa. Mr. Burke stated that the industry spends millions of dollars annually to understand trends in the OHV market. Polaris is proposing an update to Iowa’s statutory ATV definition to reflect the varied skill levels of ATV and ORV riders;



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the mixture of machines that might be ridden within a group, such as a family; market demand for the latest technology and innovation; the aging of the ATV market — the average ATV rider is 50-plus years of age; and the fact that the ATV market is flat, while the side-by-side ORV market is booming. Statutory flexibility would allow the DNR to plan for future needs. According to a Western Governor's Association study, the outdoor recreation industry generates \$6.1 billion annually in the state of Iowa, and \$1 billion of that is from motorized recreation. Consumer trends favor ORVs with side-by-side seating, which are more comfortable to ride than single-seat ATVs and allow users to bring gear along on the ride. In Iowa, those who transition from a straddle-type ATV to a side-by-side ORV find that there are fewer trails where they can ride. Market trends indicate that the popularity of ATVs is down 60 percent from 2005 levels, while interest in side-by-sides is trending upward. Mr. Burke asked for legislators' support for statutory flexibility in order to meet the needs of future riders.

### H. Testimony From Interested Citizens

**Mr. Terry Rolling, Bellevue.** Mr. Rolling spoke in favor of registering ATVs for on-road use. Mr. Rolling is a deputy sheriff in Jackson County. He pointed out that if ATVs were registered, the VIN would be available to law enforcement to assist with identifying stolen vehicles. In addition, a license plate would help with identification of lawbreakers. He cited the popularity of on-road use of ATVs in Wisconsin as evidence that people would ride ATVs on roads in Iowa if it were allowed, and that it would bring new revenue to the state, as people are spending \$300 to \$400 to ride for a weekend in Wisconsin. He proposed an annual registration fee of \$100 for ATVs and speculated that, if allowed to register their vehicles, people would ride ATVs to work and save money on fuel. He mentioned the versatility of ATVs — they can go from the highway into timber — and stated that since the highway is more level terrain, it is likely that more ATV accidents occur in timber than on the road. Mr. Rolling favors allowing 16-year-olds to ride ATVs on the road, since they are currently allowed to ride motorcycles, and he favors a 35 mile-per-hour speed limit for ATVs. He expressed the opinion that the current farm exemption is not fair, and that ATVs should be allowed on the road for other purposes as well. Finally, Mr. Rolling told the committee that other employees of the Jackson County Sheriff's Department favor licensing ATVs for road use.

**Mr. Kelly Keeney, Delmar.** Mr. Keeney told the committee that he is 82 years old and has ridden ATVs and four-wheelers for many years. He farms in Delmar, and such vehicles are an important part of his farming operation. He is not currently required to register his OHV because it is used for farming. However, if the option were available and he wanted to use the OHV to get around his neighborhood, he would not object to registering it with the DOT.

**Mr. Dan Kleen, Pocahontas.** Mr. Kleen is president of the National Off-Highway Vehicle Conservation Council (NOHVCC), a national body of OHV recreation enthusiasts whose mission is to further a positive future for responsible OHV recreation. He remarked that the proposed legislation allowing on-road use of OHVs would help solve the current problem of inconsistency between the OHV policies of Iowa counties.

**Mr. Alan Rodenborn, Fort Dodge.** Mr. Rodenborn, president of the Iowa Motorcycle Dealer's Association, indicated to the committee that the use of ORVs on roads is already happening in Iowa, and there is a need for consistency in regulation statewide. He dismissed the warning against on-road use on the manufacturer's label as a limitation of liability issue, since side-by-side



ORVs are not crash-tested like other motor vehicles. He commented that there are federally approved tires for ORVs that provide on-road and off-road capability. Finally, he offered his opinion that since the 35 mile-per-hour speed limit for agricultural use of ATVs on roads has been working, it should not be an issue to impose that speed limit for all ORVs, although the most comfortable speed for such vehicles is 40 miles per hour.

### III. Committee Discussion and Recommendations

Co-chairperson Moore stated that when [HF 619](#) was written with input from local authorities and the DOT, it was decided to keep ORV registration with the DNR and allow information from that registration to be used for licensing by the DOT for on-road use. Also, the bill established a 45 mile-per-hour speed limit to allow ORVs to keep up with the flow of traffic, but that speed limit is open to further discussion. Co-chairperson Brase stated that if legislation is to go forward, there is a need to address training and licensing requirements. Other issues mentioned by members of the committee include the importance of personal responsibility, concern for safety, and the importance of local control for counties due to local differences in terrain and population density. [HF 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. The committee did not consider or approve formal recommendations. Although the committee has no more meetings scheduled, all persons are welcome to contact any member of the committee with comments concerning the issues addressed by the committee.

### IV. Materials Filed with the Legislative Services Agency

The materials listed were distributed at or in connection with the meeting and are filed with the Legislative Services Agency. The materials may be accessed from the “Committee Documents” link on the committee’s Internet site:

<https://www.legis.iowa.gov/committees/committee?endYear=2013&groupID=19054>

1. Revised Tentative Agenda
2. Committee Member Contact Information (in “Committee Meeting Packet”)
3. Charge (in “Committee Meeting Packet”)
4. Proposed Rules (in “Committee Meeting Packet”)
5. Background Information Memorandum (in “Committee Meeting Packet”)
6. House File 619 (in “Committee Meeting Packet”)
7. Off-Highway Vehicle Program — DNR
8. Iowa ATV Definition and Access — Polaris Industries, Inc.
9. DOT Presentation to ATV/Off-Road Utility Vehicle Study Committee
10. ATV Injury Task Force — Committee Handout



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11. Letter from Dr. Gerene Denning — ATV Injury Task Force
12. Stakeholder Comments to Committee — Mr. Richard Steines
13. Stakeholder Comments to Committee — Mr. Al Deal
14. Stakeholder Comments to Committee — Ms. Chris Henning

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