

MAY 24 1971

HOUSE FILE 711

SIFTING COMMITTEE

By COMMITTEE ON CONSERVATION  
AND RECREATION

*Cons. & Rec. Pass as amended 1/20*  
*Referred " " 1/25/72*  
*Amend. Pass 1/27/72*  
*Sen. Cons. & Rec. 2/24, Pass & w amend. 2/29*

Passed House, Date 2-16-72 Passed Senate, Date 3-17-72

Vote: Ayes 83 Nays 9 Vote: Ayes 44 Nays 0

Approved \_\_\_\_\_

*Passed House as amended by Senate & House*  
3-21-72  
*aye 86 nays 7*

*Repassed Senate* 3-22-72  
*aye 46 nays 1*

# A BILL FOR

1 An Act relating to registration and safety regulations for  
2 snowmobiles.

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

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1 Section 1. DECLARATION OF POLICY. It is the policy of  
2 this state to promote safety for persons, property, and the  
3 environment relating to the use, operation and equipment of  
4 snowmobiles and to promote uniformity of laws and rules re-  
5 lating thereto.

6 Sec. 2. Section three hundred twenty-one G point one  
7 (321G.1), Code 1971, is amended by striking the section and  
8 inserting in lieu thereof the following:

9 321G.1 DEFINITIONS. As used in this Act, unless the  
10 context otherwise requires:

11 1. "Commission" means the state conservation commission.

12 2. "Snowmobile" means any self-propelled vehicle weigh-  
13 ing less than one thousand pounds which utilizes wheels with  
14 low pressure tires and is designed to operate on land or ice  
15 or is equipped with sled-type runners or skis, endless belt-  
16 type tread, or any combination thereof, and is designed for  
17 travel upon snow, land or ice, except any vehicle registered  
18 as a motor vehicle under chapter three hundred twenty-one  
19 (321) of the Code.

20 3. "Person" means an individual, partnership, firm, cor-  
21 poration, association, and the state, its agencies, and  
22 political subdivisions.

23 4. "Owner" means a person, other than a lien holder, hav-  
24 ing the property right in or title to a snowmobile. The term  
25 includes a person entitled to the use or possession of a snow-  
26 mobile subject to an interest in another person, reserved  
27 or created by agreement and securing payment or performance  
28 of an obligation, but the term excludes a lessee under a lease  
29 not intended as security.

30 5. "Operate" means to ride in or on, other than as a  
31 passenger, use or control the operation of a snowmobile in  
32 any manner, whether or not the snowmobile is moving.

33 6. "Operator" means every person who operates or is in  
34 actual physical control of a snowmobile.

35 7. "Dealer" means every person engaged in the business

1 of buying, selling, or exchanging snowmobiles required to  
2 be registered under this Act and who has an established place  
3 of business for that purpose in this state.

4 8. "Manufacturer" means every person engaged in the busi-  
5 ness of constructing or assembling snowmobiles required to  
6 be registered under this Act and who has an established place  
7 of business for that purpose in this state.

8 9. "Established place of business" means the place ac-  
9 tually occupied either continuously or at regular periods  
10 by a dealer or manufacturer where his books and records are  
11 kept and his business is primarily transacted.

12 10. "Special event" means an organized race, exhibition,  
13 or demonstration of limited duration which is conducted ac-  
14 cording to a prearranged schedule and in which general pub-  
15 lic interest is manifested.

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

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

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

29 Sec. 3. Section three hundred twenty-one G point three  
30 (321G.3), Code 1971, is amended by adding the following new  
31 paragraph:

32 "A registration number shall be assigned, without payment  
33 of fee, to snowmobiles owned by the state of Iowa or its po-  
34 litical subdivisions upon application therefor, and the as-  
35 signed registration number shall be displayed on the snow-

1 mobile as required under section three hundred twenty-one  
2 G point five (321G.5) of the Code."

3 Sec. 4. Section three hundred twenty-one G point five  
4 (321G.5), Code 1971, is amended by adding the following new  
5 paragraph:

6 "The owner of any snowmobile which is used as a water-  
7 craft and is required to be numbered as a watercraft may  
8 display the watercraft number on the forward half of the  
9 snowmobile in lieu of the snowmobile identification number,  
10 but the current snowmobile registration decal shall also be  
11 affixed aft of the current watercraft registration decal."

12 Sec. 5. Section three hundred twenty-one G point eight  
13 (321G.8), subsection four (4), Code 1971, is amended as fol-  
14 lows:

15 Snowmobiles not registered or licensed in another state  
16 or country being used in this state ~~during-an-organized-race~~  
17 or-exhibition while engaged in a special event and not re-  
18 maining in the state for a period of more than ten days.

19 Sec. 6. Section three hundred twenty-one G point nine  
20 (321G.9), Code 1971, is amended by adding the following new  
21 subsection:

22 "The commission may authorize the holding of organized  
23 special events as defined in this chapter within this state.  
24 The commission shall adopt and may amend rules and regula-  
25 tions relating to the conduct of special events held under  
26 commission permits and designating the equipment and facili-  
27 ties necessary for safe operation of snowmobiles and for the  
28 safety of operators, participants, and observers in the spe-  
29 cial events. At least thirty days before the scheduled date  
30 of a special event in this state, an application shall be  
31 filed with the commission for authorization to conduct the  
32 special event. The application shall set forth the date,  
33 time and location of the proposed special event and any other  
34 information as the commission may require. The special event  
35 shall not be conducted without written authorization of the

1 commission. Copies of such rules and regulations shall be  
2 furnished by the commission to any person making an applica-  
3 tion therefor.

4 Sec. 7. Section three hundred twenty-one G point eleven  
5 (321G.11), Code 1971, is amended by striking the section and  
6 inserting in lieu thereof the following:

7 321G.11 MUFFLERS. On or after July 1, 1971, except when  
8 operated or used in an authorized special event, a snowmobile  
9 shall not be operated without suitable and effective muffling  
10 devices which limit engine noise to not more than eighty-six  
11 decibels as measured on the "A" scale at a distance of fifty  
12 feet; and a snowmobile, manufactured after July 1, 1972, which  
13 is sold, offered for sale or used in this state, except in  
14 an authorized special event, shall have a muffler system that  
15 limits engine noise to not more than eighty-two decibels as  
16 measured on the "A" scale at a distance of fifty feet.

17 The commission may adopt rules and regulations with respect  
18 to the inspection of snowmobiles and the testing of snowmobile  
19 mufflers.

20 On or after July 1, 1971, a separate placard shall be af-  
21 fixed, permanently and conspicuously, to any new snowmobile  
22 sold or offered for sale in this state that does not meet  
23 the muffler requirements as stated above. The placard shall  
24 designate each snowmobile which does not meet the muffler  
25 requirements.

26 Sec. 8. Section three hundred twenty-one G point thirteen  
27 (321G.13), Code 1971, is amended by striking subsection six  
28 (6) and inserting in lieu thereof the following new subsec-  
29 tions:

30 6. With any firearm in or on the snowmobile unless the  
31 firearm be completely enclosed in a case and its firing cham-  
32 ber and magazines are unloaded, except if the firearm is in  
33 the possession of a peace officer. No firearm carried in  
34 or on any snowmobile shall be discharged within fifty feet  
35 of the snowmobile, except in the case of a peace officer.

1 7. On any public land, ice, or snow, in violation of of-  
2 ficial signs of the commission prohibiting such operation  
3 in the interest of safety for persons, property, or the en-  
4 vironment. Any officer appointed by the commission may post  
5 an official sign in an emergency for the protection of per-  
6 sons, property, or the environment.

7 8. In or on any park or fish and game areas except on  
8 designated snowmobile trails.

9 Sec. 9. Section three hundred twenty-one G point fourteen  
10 (321G.14), Code 1971, is amended by adding the following new  
11 paragraph:

12 "Chapter two hundred thirty-two (232) of the Code shall  
13 have no application in the prosecution of offenses which are  
14 committed in violation of this chapter or rules and regula-  
15 tions adopted under this chapter, and which are punishable  
16 by a fine of not more than one hundred dollars or by impri-  
17 sonment for not more than thirty days.

18 Sec. 10. Chapter three hundred twenty-one G (321G), Code  
19 1971, is amended by adding the following new sections:

20 1. "It shall be unlawful for any person, after having  
21 received a visual or audible signal from any officer to come  
22 to a stop, to operate a snowmobile in willful or wanton dis-  
23 regard of such signal or interfere with or endanger the of-  
24 ficer or any other person or vehicle, or increase his speed  
25 or attempt to flee or elude the officer."

26 2. "The owner and operator of any snowmobile shall be  
27 liable for any injury or damage occasioned by the negligent  
28 operation of such snowmobile."

29 3. "1. The owner of any rented snowmobile shall keep  
30 a record of the name and address of each person renting the  
31 snowmobile, its identification number, the departure date  
32 and time, and the expected time of return. The records shall  
33 be preserved for six months.

34 2. The owner of a snowmobile operated for hire shall not  
35 permit the use or operation of a rented snowmobile unless

1 it shall have been provided with all equipment required by  
2 this chapter or rules of the commission or the commissioner  
3 of public safety, properly installed and in good working  
4 order."

5 4. "No owner or operator of any snowmobile having an  
6 engine rating of three hundred cubic centimeters or more shall  
7 permit any person under twelve years of age to operate the  
8 snowmobile except when accompanied by a responsible person  
9 of at least eighteen years of age who is experienced in snow-  
10 mobile operation."

11 5. "A manufacturer, distributor, or dealer owning any  
12 snowmobile required to be registered under this chapter may  
13 operate the snowmobile for purposes of transporting, testing,  
14 demonstrating, or selling it without the snowmobile being  
15 registered, except that a special identification number is-  
16 sued to the owner as provided in this chapter shall be dis-  
17 played on the snowmobile. The special identification number  
18 may not be used on any snowmobile offered for hire or for  
19 any work or service performed by a manufacturer, distributor,  
20 or dealer."

21 6. "Any manufacturer, distributor, or dealer may, upon  
22 payment of a fee of fifteen dollars, make application to the  
23 commission, upon forms prescribed by the commission, for a  
24 special registration certificate containing a general identi-  
25 fication number and for one or more duplicate special regis-  
26 tration certificates. The applicant shall submit reasonable  
27 proof of his status as a bona fide manufacturer, distributor  
28 or dealer as may be required by the commission."

29 7. "The commission, upon granting an application, shall  
30 issue to the applicant a special registration certificate  
31 containing the applicant's name and address, the general  
32 identification number assigned to the applicant, the word  
33 'manufacturer', 'dealer' or 'distributor', and such other  
34 information as the commission may prescribe. The manufac-  
35 turer, distributor, or dealer shall have the assigned number

1 printed upon or attached to a removable sign or signs which  
2 may be temporarily but firmly mounted or attached to the  
3 snowmobile being used. The display shall meet the require-  
4 ments of this chapter and the rules and regulations of the  
5 commission."

6 8. "The commission shall also issue duplicate special  
7 registration certificates which shall have displayed thereon  
8 the general identification number assigned to the applicant.  
9 Each duplicate special registration certificate so issued  
10 shall contain a number or symbol identifying it from every  
11 other duplicate special registration certificate bearing the  
12 same general identification number. The fee for each addi-  
13 tional duplicate special registration certificate shall be  
14 two dollars."

15 9. "Each special registration certificate issued here-  
16 under shall expire on April thirtieth of each year, and a  
17 new special registration certificate for the ensuing twelve  
18 months may be obtained upon application to the commission  
19 and payment of the fee provided by law."

20 10. "Every manufacturer, distributor, or dealer shall  
21 keep a written record of the snowmobiles upon which special  
22 registration certificates are used, which record shall be  
23 open to inspection by any law enforcement officer or any  
24 officer or employee of the commission."

25 11. "If a manufacturer, distributor, or dealer has an  
26 established place of business in more than one location, he  
27 shall secure a separate and distinct special registration  
28 certificate and general identification number for each place  
29 of business."

30 EXPLANATION

31 This bill provides for the registration of snowmobiles  
32 by private owners, manufacturers and distributors, and the  
33 establishment of safety regulations for snowmobiles by the  
34 State Conservation Commission. The Commission may also  
35 regulate snowmobile races and exhibitions.

1 Amend House File 711, as amended and passed by the  
2 House, as follows:  
3 1. Page 7, line 2, by inserting after the number  
4 and comma "1972," the words "except when operated or  
5 used in an authorized special event,".  
6 2. Page 7, by striking lines 25 through 27, inclusive, and  
7 on page 8, by striking lines 1 through 4, inclusive.  
8 3. Page 8, line 5, by striking the number "7" and insert-  
9- ing in lieu thereof the number "6".  
10 4. Page 8, line 12, by striking the number "8" and insert-  
11 ing in lieu thereof the number "7".

Filed  
February 28, 1972

*adapted*  
3/10

By COMMITTEE ON CONSERVATION AND  
RECREATION

1 Amend House File 711, as amended and passed by the  
2 House, as follows:  
3 1. Page 13, by inserting after line 15 the follow-  
4 ing new section:  
5 "Sec. \_\_\_\_\_. Section three hundred twenty-one G point  
6 nine (321G.9), Code 1971, is amended by adding the follow-  
7 ing new subsection:  
8 7. The operation of snowmobiles on the right-of-way  
9 of a public highway shall be at the owner's and operator's  
10 risk and the state, counties, municipalities of the state,  
11 and the owners of the property adjoining the right-of-way  
12 of a public highway and their employees and agents shall be  
13 immune from liability for any damages sustained by the owner  
14 or operator of the snowmobile, except in case of willful  
15 or gross negligence. Governmental liability for willful  
16 or gross negligence shall be governed by the provisions of  
17 chapters twenty-five A (25A) and six hundred thirteen A  
18 (613A) of the Code."  
19 2. Page 1, line 2, amend the title by inserting  
20 after the word "snowmobiles" the words ", to liability  
21 for use of snowmobiles,".

Filed  
March 3, 1972

*Last*  
3/10 - motion to reconsider vote 3/10  
W. D. 3/17 (1022)  
By CURRAN, ERSKINE and KEITH

1 Amend House File 711 as amended and passed by the House  
2 as follows:  
3 1. Page 6, by striking lines 26 through 27 inclusive and  
4 Page 7 by striking lines 1 through 20 inclusive.  
5 2. Renumber the subsequent sections accordingly.

Filed and lost  
March 17, 1972

By COLEMAN

1 Amend House File 711 as amended and passed by the House as  
2 follows:  
3 1. Page 4, after line 7, by adding the following new subsec-  
4 tion and renumbering the subsequent subsection accordingly.  
5 " \_\_\_\_\_. Railroad right-of-way shall mean the full width of  
6 property owned, leased or subject to easement for railroad  
7 and shall not be limited to those areas on which tracks are  
8 located."  
9 2. Page 8, after line 13, by adding the following new  
10 subsection:  
11 " \_\_\_\_\_. Upon an operating railroad right-of-way. A snowmobile  
12 may be driven directly across a railroad right-of-way only at an  
13 established crossing and, notwithstanding any other provisions  
14 of law, may, where necessary, use the improved portion of such  
15 established crossing after yielding to all oncoming traffic. The  
16 provisions of this subsection shall not apply to any law-enforce-  
17 ment officer or railroad employee in the lawful discharge of his  
18 duties."

Filed - *adopted 3/17/72*  
March 15, 1972

By ARBUCKLE

1 Amend House File 711, as amended and passed by the  
2 House, as follows:  
3 1. Page 12, by striking line 25 and inserting in  
4 lieu thereof the following: "7. The state, its  
5 political subdivisions, and the owners of property  
6 adjoining the right-of-way of a public highway and  
7 their agents and employees owe no".  
8 2. Page 13, line 8, by striking the words "or  
9 any" and inserting in lieu thereof a comma.  
10 3. Page 13, line 9, by striking the word "of"  
11 and inserting after the word "subdivisions" the  
12 following: ", or the owners of property adjoining  
13 the right-of-way of a public highway and their agents  
14 and employees".  
15 4. Page 13, line 13, by striking the word "or"  
16 and inserting in lieu thereof a comma and inserting  
17 before the word "shall" the words "and the owners of  
18 property adjoining the right-of-way of a public  
19 highway and their agents and employees".  
20 5. Page 1, line 1, amend the title by inserting  
21 after the word "relating" the words ", to liability  
22 arising out of the use of snowmobiles,".

Filed - *adopted 3/17/72 (1023)*  
March 15, 1972

By CURRAN, ERSKINE and KEITH

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 711

1 Amend Senate amendment to House File 711 by striking  
2 lines 9, 10 and 11.

Received from the House  
March 22, 1972

House 16  
January 21, 1972

HOUSE FILE 711

- 1 Amend House File 711 as follows:  
2 1. Page 5, line 7, by striking the figures  
3 "1971" and inserting in lieu thereof the figures  
4 "1972".  
5 2. Page 5, line 12, by striking the figures  
6 "1972" and inserting in lieu thereof the figures  
7 "1973".  
8 3. Page 5, line 20, by striking the figures  
9 "1971" and inserting in lieu thereof the figures  
10 "1972".  
11 4. Page 5, by striking lines 26 thru 35 and  
12 inserting in lieu thereof the following:  
13 "Sec. 8. Section three hundred twenty-one  
14 G point thirteen (321G.13), subsection six (6),  
15 Code 1971, is amended to read as follows:  
16 6. With any firearms in or on the vehicle,  
17 except in the possession of a peace officer.  
18 Sec. 9. Section three hundred twenty-one  
19 G point thirteen (321G.13), Code 1971, is amended by  
20 adding the following subsection:."  
21 2. By renumbering the remaining sections.

Filed - *withdrew 1/21/72*  
January 20, 1972

By COMMITTEE ON CONSERVATION AND  
RECREATION

- 1 Amend House File 711, page 7, by striking all of  
2 lines 5 through 10 inclusive, and by renumbering the  
3 following subsections.

Filed - *withdrew 1/21/72*  
January 21, 1972

By UBAN of Black Hawk

HOUSE FILE 711

1 Amend House File 711 as follows:

2 1. Page 4, after line 11, by inserting the following  
3 new section:

4 "Sec. 5. Section three hundred twenty-one G point  
5 six (321G.6), unnumbered paragraphs one (1), two (2),  
6 and three (3), Code 1971, are amended to read as follows:

7 Every registration certificate and number issued  
8 shall expire at midnight ~~April-30~~ December 31, unless  
9 sooner terminated or discontinued in accordance with  
10 the provisions of this chapter. After the first day  
11 of ~~January~~ September each year, any unregistered  
12 snowmobile and renewals of registration may be so  
13 registered for the subsequent year beginning May January 1

14 After the first day of ~~January~~ September any  
15 unregistered snowmobile may be registered for the  
16 remainder of the current registration period and for  
17 the subsequent registration period in one transaction.  
18 The fee shall be three dollars for the remainder of  
19 the current period, in addition to the registration  
20 fee of six dollars for the subsequent year beginning  
21 ~~May~~ January 1, and a writing fee of fifty cents.

22 Registration certificates and numbers may be renewed  
23 upon application of the owner in the same manner as  
24 provided for in securing the original registration.

25 If the application for registration for the subsequent  
26 year is not made before ~~May~~ January 1 of each year,  
27 the applicant shall be charged a penalty of one dollar  
28 for each six month's delinquency, or any portion thereof.

29 2. Page 8, line 16, by striking the words "April  
30 thirtieth" and inserting in lieu thereof the word and  
31 figure "December 31".

32 3. By renumbering the sections as necessary.

Filed - *withdrawn 2/6/72 (506)* By REX of Hamilton  
January 24, 1972

HOUSE FILE 711

1 Amend House File 711, page 8 by inserting the  
2 following after line 29:

3 12. "The state or its political subdivisions owe  
4 no duty of care to keep the ditches or land contiguous  
5 to a highway or roadway under the control of the state  
6 or a political subdivision safe for entry or use by  
7 persons operating a snowmobile, or to give any warning  
8 of a dangerous condition, use, structure, or activity  
9 on such premises to persons entering for such purposes  
10 except in the case of willful or malicious failure to  
11 guard or warn against a dangerous condition, use,  
12 structure, or activity. This section shall not be  
13 construed to create a duty of care or ground of liability  
14 on behalf of the state or any of its political  
15 subdivisions for injury to persons or property in the  
16 operation of snowmobiles in a ditch or on land contiguous  
17 to a highway or roadway under the control of the state  
18 or a political subdivision. The state or its political  
19 subdivisions shall, in no event, be liable for the  
20 operation of a snowmobile in violation of the provisions  
21 of this chapter."

Filed - *withdrawn 2/6/72 (506)* By SCOTT of Franklin  
January 24, 1972 MONROE of Des Moines

1 Amend House File 711 as follows:  
2 1. Amend the title by striking the period in  
3 line 2 and inserting in lieu thereof the following:  
4 "and providing a penalty for the violation thereof."  
5 2. Amend the conservation and recreation  
6 committee amendment filed January 27, 1972, as follows:  
7 a. By adding after the period in line 86  
8 the following: "Such rules shall be in conformance  
9 with chapter seventeen A (17A) of the Code."  
10 b. By striking from line 144 the word  
11 "county" and inserting in lieu thereof the word  
12 "country".

Filed  
February 7, 1972

By TIEDEN of Clayton

(Corrected amendment)

1 Amend the committee on conservation and recreation  
2 amendment to House File 711, filed January 27, 1972,  
3 as follows:  
4 1. By adding after the period in line 86 the  
5 following: "Such rules shall be in conformance with  
6 chapter seventeen A (17A) of the Code."  
7 2. By striking from line 144 the word "county"  
8 and inserting in lieu thereof the word "country".  
9 3. By adding after line 333 the following:  
10 "Amend the title by striking the period in line 2  
11 and inserting in lieu thereof the following: "and  
12 providing a penalty for the violation thereof."

Filed - *Adopted 2/16/72 (505)*  
February 7, 1972

By TIEDEN of Clayton

1 Amend the Conservation and Recreation Committee  
2 amendment to House File 711, dated January 28, 1972,  
3 by striking all of lines 251 through 256 inclusive.

Filed - *Lost 2/16/72*  
February 1, 1972

By UBAN of Black Hawk

1 Amend the Committee on Conservation and Recreation  
2 amendment to House File 711, filed January 27, 1972,  
3 by striking from lines 151 and 152 the words "except  
4 when operated or used in an authorized special event,".

Filed - *Adopted 2/16/72 (505)*  
February 1, 1972

By HOLDEN of Scott

1 Amend the Committee on Conservation and Recreation  
2 amendment to House File 711, filed January 27, 1972,  
3 by striking all of lines 172 through 182 and inserting  
4 in lieu thereof the following:  
5 "Sec. 9. Section three hundred twenty-one G  
6 point thirteen (321G.13), Code 1971, is amended by  
7 adding thereto the following new subsections:".

Filed - *Lost 2/16/72*  
February 1, 1972

By KRUSE of O'Brien  
WYCKOFF of Benton

SENATE AMENDMENT TO HOUSE FILE 711

- 1 Amend House File 711 as amended and passed by the House as  
2 follows:
- 3 1. Page 4, by adding after line 7 the following new subsection  
4 and renumbering the subsequent subsection accordingly.  
5 "\_\_\_\_. Railroad right-of-way shall mean the full width of  
6 property owned, leased or subject to easement for railroad  
7 purposes and shall not be limited to those areas on which  
8 tracks are located."
  - 9 2. Page 7, line 2, by inserting after the number and comma  
10 "1972," the words "except when operated or used in an  
11 authorized special event,".
  - 12 3. Page 7, by striking lines 25 through 27, inclusive, and  
13 on page 8, by striking lines 1 through 4, inclusive.
  - 14 4. Page 8, line 5, by striking the number "7" and inserting  
15 in lieu thereof the number "6".
  - 16 5. Page 8, line 12, by striking the number "8" and inserting  
17 in lieu thereof the number "7".
  - 18 6. Page 8, by adding after line 13 the following new sub-  
19 section:  
20 "\_\_\_\_. Upon an operating railroad right-of-way. A snowmobile  
21 may be driven directly across a railroad right-of-way only at an  
22 established crossing and, notwithstanding any other provisions  
23 of law, may, where necessary, use the improved portion of such  
24 established crossing after yielding to all oncoming traffic. The  
25 provisions of this subsection shall not apply to any law enforce-  
26 ment officer or railroad ~~emp~~loyee in the lawful discharge of his  
27 duties."
  - 28 7. Page 12, by striking line 25 and inserting in lieu thereof  
29 the following: "7. The state, its political subdivisions,  
30 and the owners of property adjoining the right-of-way of a  
31 public highway and their agents and employees owe no".
  - 32 8. Page 13, line 8, by striking the words "or any" and  
33 inserting in lieu thereof a comma.
  - 34 9. Page 13, line 9, by striking the word "of" and insert-  
35 ing after the word "subdivisions" the following: ", or the  
36 owners of property adjoining the right-of-way of a public  
37 highway and their agents and employees".
  - 38 10. Page 13, line 13, by striking the word "or" and insert-  
39 ing in lieu thereof a comma and inserting before the word  
40 "shall" the words "and the owners of property adjoining the  
41 right-of-way of a public highway and their agents and employees".
  - 42 11. Page 1, line 1, amend the title by inserting after the  
43 word "relating" the words ", to liability arising out of the  
44 use of snowmobiles,".

Received from the Senate  
March 17, 1972

- 1 Amend the Senate amendment to House File 711  
2 by striking lines 9, 10, and 11.

Offered from the floor and adopted  
March 21, 1972 By UBAN of Black Hawk

1 House File 711 is amended by striking all after the  
2 enacting clause and inserting in lieu thereof the  
3 following:

4 Section 1. DECLARATION OF POLICY. It is the  
5 policy of this state to promote safety for persons,  
6 property, and the environment relating to the use,  
7 operation and equipment of snowmobiles and to promote  
8 uniformity of laws and rules relating thereto.

9 Sec. 2. Section three hundred twenty-one G point  
10 one (321G.1), Code 1971, is amended by striking the  
11 section and inserting in lieu thereof the following:

12 321G.1 DEFINITIONS. As used in this Act, unless  
13 the context otherwise requires:

14 1. "Commission" means the state conservation  
15 commission.

16 2. "Snowmobiles" means any self-propelled  
17 vehicle weighing less than one thousand pounds which  
18 utilizes wheels with low pressure tires and is  
19 designed to operate on land or ice or is equipped  
20 with sled-type runners or skis, endless belt-type  
21 tread, or any combination thereof, and is designed  
22 for travel upon snow, land or ice, except any vehicle  
23 registered as a motor vehicle under chapter three  
24 hundred twenty-one (321) of the Code.

25 3. "Person" means an individual, partnership,  
26 firm, corporation, association, and the state, its  
27 agencies, and political subdivisions.

28 4. "Owner" means a person, other than a lien  
29 holder, having the property right in or title to a  
30 snowmobile. The term includes a person entitled to  
31 the use or possession of a snowmobile subject to an  
32 interest in another person, reserved or created by  
33 agreement and securing payment or performance of an  
34 obligation, but the term excludes a lessee under a  
35 lease not intended as security.

36 5. "Operate" means to ride in or on, other than  
37 as a passenger, use or control the operation of a  
38 snowmobile in any manner, whether or not the snow-  
39 mobile is moving.

40 6. "Operator" means every person who operates  
41 or is in actual physical control of a snowmobile.

42 7. "Dealer" means every person engaged in the  
43 business of buying, selling, or exchanging snowmobiles  
44 required to be registered under this Act and who has  
45 an established place of business for that purpose  
46 in this state.

47 8. "Manufacturer" means every person engaged in  
48 the business of constructing or assembling snowmobiles  
49 required to be registered under this Act and who has  
50 an established place of business for that purpose  
51 in this state.

52 9. "Established place of business" means the  
53 place actually occupied either continuously or at  
54 regular periods by a dealer or manufacturer where  
55 his books and records are kept and his business is  
56 primarily transacted.

57 10. "Special event" means an organized race,  
58 exhibition, or demonstration of limited duration  
59 which is conducted according to a prearranged schedule  
60 and in which general public interest is manifested.

61 11. "Roadway" means that portion of a highway  
62 improved, designed, or ordinarily used for vehicular  
63 travel.

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

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

76 Sec. 3. Section three hundred twenty-one G  
77 point two (321G.2), Code 1971, is amended by adding  
78 the following new paragraph:

79 "In the promulgation of such rules and regula-  
80 tions, consideration shall be given to the need to  
81 protect the environment and the public health,  
82 safety and welfare; to protect private property,  
83 public parks and other public lands; to protect  
84 wildlife and the habitat thereof; and to promote  
85 uniformity of rules relating to the use, operation  
86 and equipment of snowmobiles.

87 Sec. 4. Section three hundred twenty-one G  
88 point three (321G.3), Code 1971, is amended by  
89 adding the following new paragraph:

90 "A registration number shall be assigned, without  
91 payment of fee, to snowmobiles owned by the state of  
92 Iowa or its political subdivisions upon application  
93 therefor, and the assigned registration number shall

94 be displayed on the snowmobile as required under  
95 section three hundred twenty-one G point five (321G.5)  
96 of the Code."

97 Sec. 5. Section three hundred twenty-one G  
98 point five (321G.5), Code 1971, is amended by adding  
99 the following new paragraph:

100 "The owner of any snowmobile which is used as a  
101 watercraft and is required to be numbered as a water-  
102 craft may display the watercraft number on the forward  
103 half of the snowmobile in lieu of the snowmobile  
104 identification number, but the current snowmobile  
105 registration decal shall also be affixed aft of the  
106 current watercraft registration decal."

107 Sec. 6. Section three hundred twenty-one G  
108 point six (321G.6), unnumbered paragraphs one (1),  
109 two (2), and three (3), Code 1971, are amended to  
110 read as follows:

111 Every registration certificate and number issued  
112 shall expire at midnight ~~April 30~~ December 31, unless  
113 sooner terminated or discontinued in accordance with  
114 the provisions of this chapter. Provided that  
115 registration of any snowmobile prior to the effective  
116 date of this Act shall be valid for the time specified  
117 on that registration. After the first day of ~~January~~  
118 September each year, any unregistered snowmobile and  
119 renewals of registration may be so registered for the  
120 subsequent year beginning ~~May~~ January 1.

121 After the first day of ~~January~~ September any  
122 unregistered snowmobile may be registered for the  
123 remainder of the current registration period and for  
124 the subsequent registration period in one transaction.  
125 The fee shall be three dollars for the remainder of  
126 the current period, in addition to the registration  
127 fee of six dollars for the subsequent year beginning  
128 ~~May~~ January 1, and a writing fee of fifty cents.  
129 Registration certificates and numbers may be renewed  
130 upon application of the owner in the same manner as  
131 provided for in securing the original registration.  
132 The snowmobile registration fee shall be in lieu of  
133 personal property tax for the calendar year of said  
134 registration.

135 If the application for registration for the  
136 subsequent year is not made before ~~May~~ January 1 of  
137 each year the applicant shall be charged a penalty of  
138 one dollar for each six month's delinquency, or any  
139 portion thereof.

140 Sec. 7. Section three hundred twenty-one G point  
141 eight (321G.8), subsection four (4), Code 1971, is  
142 amended as follows:

143 Snowmobiles not registered or licensed in another  
144 state or county being used in this state ~~during an~~  
145 organized-race-or-exhibition while engaged in a special

146 event and not remaining in the state for a period of  
147 more than ten days.

148 Sec. 8. Section three hundred twenty-one G point  
149 eleven (321G.11), Code 1971, is amended by striking  
150 the section and inserting in lieu thereof the following:

151 321G.11 MUFFLERS. On or after July 1, 1972, except  
152 when operated or used in an authorized special event,  
153 a snowmobile shall not be operated without suitable  
154 and effective muffling devices which limit engine  
155 noise to not more than eighty-six decibels as  
156 measured on the "A" scale at a distance of fifty feet;  
157 and a snowmobile, manufactured after July 1, 1973,  
158 which is sold, offered for sale or used in this state,  
159 except in an authorized special event, shall have a  
160 muffler system that limits engine noise to not more  
161 than eighty-two decibels as measured on the "A" scale  
162 at a distance of fifty feet.

163 The commission may adopt rules and regulations  
164 with respect to the inspection of snowmobiles and  
165 the testing of snowmobile mufflers.

166 On or after July 1, 1972, a separate placard  
167 shall be affixed, permanently and conspicuously, to  
168 any new snowmobile sold or offered for sale in this  
169 state that does not meet the muffler requirements as  
170 stated above. The placard shall designate each  
171 snowmobile which does not meet the muffler requirements.

172 Sec. 9. Section three hundred twenty-one G point  
173 thirteen (321G.13), Code 1971, is amended by striking  
174 subsection six (6) and inserting in lieu thereof the  
175 following new subsections:

176 6. With any firearms in or on the snowmobile  
177 except shotguns completely enclosed in a case with  
178 the firing chamber and magazine thereof unloaded and  
179 excepting any firearms in the possession of a peace  
180 officer. No firearm carried in or on a snowmobile  
181 shall be discharged within one hundred (100) feet of  
182 said snowmobile, except in the case of a peace officer.

183 7. On any public land, ice, or snow, in violation  
184 of official signs of the commission prohibiting such  
185 operation in the interest of safety for persons,  
186 property, or the environment. Any officer appointed  
187 by the commission may post an official sign in an  
188 emergency for the protection of persons, property,  
189 or the environment.

190 8. In or on any park or fish and game areas  
191 except on designated snowmobile trails.

192 Sec. 10. Section three hundred twenty-one G  
193 point fourteen (321G.14), Code 1971, is amended as  
194 follows:

195 321G.14 PENALTY. Any person who shall violate  
196 any provision of this chapter or any regulation of the  
197 commission or commissioner of public safety shall be  
198 guilty of a misdemeanor and punished by a fine of not

199 more than one hundred dollars, or by imprisonment for  
200 not more than ~~ninety~~ thirty days.

201 Chapter two hundred thirty-two (232) of the Code  
202 shall have no application in the prosecution of  
203 offenses which are committed in violation of this  
204 chapter, and which are punishable by a fine of not  
205 more than one hundred dollars or by imprisonment for  
206 not more than thirty days.

207 Sec. 11. Chapter three hundred twenty-one G  
208 (321G), Code 1971, is amended by adding the following  
209 new sections:

210 1. The commission may authorize the holding of  
211 organized special events as defined in this chapter  
212 within this state. The commission shall adopt and  
213 may amend rules and regulations relating to the conduct  
214 of special events held under commission permits and  
215 designating the equipment and facilities necessary  
216 for safe operation of snowmobiles or for the safety  
217 of operators, participants, and observers in the  
218 special events. At least thirty days before the  
219 scheduled date of a special event in this state, an  
220 application shall be filed with the commission for  
221 authorization to conduct the special event. The  
222 application shall set forth the date, time and location  
223 of the proposed special event and any other information  
224 as the commission may require. The special event shall  
225 not be conducted without written authorization of the  
226 commission. Copies of such rules and regulations shall  
227 be furnished by the commission to any person making  
228 an application therefor.

229 2. It shall be unlawful for any person, after  
230 having received a visual or audible signal from any  
231 officer to come to a stop, to operate a snowmobile in  
232 willful or wanton disregard of such signal or interfere  
233 with or endanger the officer or any other person or  
234 vehicle, or increase his speed or attempt to flee or  
235 elude the officer.

236 3. The owner and operator of any snowmobile shall  
237 be liable for any injury or damage occasioned by the  
238 negligent operation of such snowmobile.

239 4. a. The owner of any rented snowmobile shall  
240 keep a record of the name and address of each person  
241 renting the snowmobile, its identification number,  
242 the departure date and time, and the expected time  
243 of return. The records shall be preserved for six  
244 months.

245 b. The owner of a snowmobile operated for hire  
246 shall not permit the use or operation of a rented  
247 snowmobile unless it shall have been provided with  
248 all equipment required by this chapter or rules of the  
249 commission or the commissioner of public safety,  
250 properly installed and in good working order.

251 5. No owner or operator of any snowmobile having

252 an engine rating of three hundred cubic centimeters  
253 or more shall permit any person under twelve years of  
254 age to operate the snowmobile except when accompanied  
255 by a responsible person of at least eighteen years of  
256 age who is experienced in snowmobile operation.

257 6. a. A manufacturer, distributor, or dealer  
258 owning any snowmobile required to be registered under  
259 this chapter may operate the snowmobile for purposes  
260 of transporting, testing, demonstrating, or selling  
261 it without the snowmobile being registered, except  
262 that a special identification number issued to the  
263 owner as provided in this chapter shall be displayed  
264 on the snowmobile. The special identification number  
265 may not be used on any snowmobile offered for hire or  
266 for any work or service performed by a manufacturer,  
267 distributor, or dealer.

268 b. Any manufacturer, distributor, or dealer may,  
269 upon payment of a fee of fifteen dollars, make applica-  
270 tion to the commission, upon forms prescribed by the  
271 commission, for a special registration certificate  
272 containing a general identification number and for one  
273 or more duplicate special registration certificates.  
274 The applicant shall submit reasonable proof of his  
275 status as a bona fide manufacturer, distributor or  
276 dealer as may be required by the commission.

277 c. The commission, upon granting an application,  
278 shall issue to the applicant a special registration  
279 certificate containing the applicant's name and address,  
280 the general identification number assigned to the  
281 applicant, the word "manufacturer", "dealer" or  
282 "distributor", and such other information as the  
283 commission may prescribe. The manufacturer, distributor,  
284 or dealer shall have the assigned number printed upon  
285 or attached to a removable sign or signs which may be  
286 temporarily but firmly mounted or attached to the  
287 snowmobile being used. The display shall meet the  
288 requirements of this chapter and the rules and regula-  
289 tions of the commission.

290 d. The commission shall also issue duplicate  
291 special registration certificates which shall have  
292 displayed thereon the general identification number  
293 assigned to the applicant.  
294 Each duplicate registration certificate so issued shall  
295 contain a number or symbol identifying it from every  
296 other duplicate special registration certificate  
297 bearing the same general identification number. The  
298 fee for each additional duplicate special registration  
299 certificate shall be two dollars.

300 e. Each special registration certificate issued  
301 hereunder shall expire on December 31 of each year,  
302 and a new special registration certificate for the  
303 ensuing twelve months may be obtained upon application

304 to the commission and payment of the fee provided by law.  
305 f. Every manufacturer, distributor, or dealer shall  
306 keep a written record of the snowmobiles upon which  
307 special registration certificates are used, which  
308 record shall be open to inspection by any law-enforcement  
309 officer or any officer or employee of the commission.

310 g. If a manufacturer, distributor, or dealer has  
311 an established place of business in more than one  
312 location, he shall secure a separate and distinct  
313 special registration certificate and general identifica-  
314 tion number for each place of business.

315 7. The state, or its political subdivisions,  
316 owes no duty of care to keep the ditches or land  
317 contiguous to a highway or roadway under the control  
318 of the state or a political subdivision safe for entry  
319 or use by persons operating a snowmobile, or to give  
320 any warning of a dangerous condition, use, structure,  
321 or activity on such premises to persons entering for  
322 such purposes except in the case of willful or malicious  
323 failure to guard or warn against a dangerous condition,  
324 use, structure, or activity. This section shall not be  
325 construed to create a duty of care or ground of  
326 liability on behalf of the state or any of its  
327 political subdivisions for injury to persons or  
328 property in the operation of snowmobiles in a ditch  
329 or on land contiguous to a highway or roadway under  
330 the control of the state or a political subdivision.  
331 The state or its political subdivisions shall, in no  
332 event, be liable for the operation of a snowmobile  
333 in violation of the provisions of this chapter.

Filed - *Amended as adopted 2/14/72*  
January 27, 1972

By COMMITTEE ON CONSERVATION AND  
RECREATION