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NATURAL RESOURCES AND  
OUTDOOR RECREATION

HOUSE FILE 477

BY SCHRADER

Passed House, Date 3-27-89 p. 1021 Passed Senate, Date 4-12-89 (P. 1373)  
Vote: Ayes 89 Nays 1 Vote: Ayes 47 Nays 0  
Approved May 27, 1989

A BILL FOR

3504- 1 An Act relating to the ownership, operation, and regulation of  
2 snowmobiles and all-terrain vehicles, imposing fees,  
3 subjecting violators to penalties, and providing effective  
4 dates.

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

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HF 477

1 Section 1. Section 321G.1, subsection 2, Code 1989, is  
2 amended by striking the subsection and inserting in lieu  
3 thereof the following:

4 2. "Snowmobile" means a motorized vehicle weighing less  
5 than one thousand pounds which uses sled-type runners or skis,  
6 endless belt-type tread, or any combination of runners, skis,  
7 or tread, and is designed for travel on snow or ice.

8 Sec. 2. Section 321G.1, subsections 4 through 8 and 15,  
9 Code 1989, are amended to read as follows:

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

18 5. "Operate" means to ride in or on, other than as a  
19 passenger, use, or control the operation of a an all-terrain  
20 vehicle or snowmobile in any manner, whether or not the all-  
21 terrain vehicle or snowmobile is moving.

22 6. "Operator" means every a person who operates or is in  
23 actual physical control of a an all-terrain vehicle or  
24 snowmobile.

25 7. "Dealer" means every a person engaged in the business  
26 of buying, selling, or exchanging all-terrain vehicles or  
27 snowmobiles required to be registered under this chapter and  
28 who has an established place of business for that purpose in  
29 this state.

30 8. "Manufacturer" means every a person engaged in the  
31 business of constructing or assembling all-terrain vehicles or  
32 snowmobiles required to be registered under this chapter and  
33 who has an established place of business for that purpose in  
34 this state.

35 15. "Safety certificate" means a an all-terrain vehicle or

1 snowmobile safety certificate issued by the commission to a  
2 qualified ~~applicants~~ applicant who are is twelve years of age  
3 or more.

4 Sec. 3. Section 321G.1, Code 1989, is amended by adding  
5 the following new subsections:

6 NEW SUBSECTION. 17. "All-terrain vehicle" means a  
7 motorized flotation-tire vehicle with not less than three low  
8 pressure tires, but not more than six low pressure tires, that  
9 is limited in engine displacement to less than eight hundred  
10 cubic centimeters and in total dry weight to less than seven  
11 hundred fifty pounds and that has a seat or saddle designed to  
12 be straddled by the operator and handlebars for steering  
13 control.

14 NEW SUBSECTION. 18. "Department" means the department of  
15 natural resources.

16 Sec. 4. Section 321G.2, Code 1989, is amended to read as  
17 follows:

18 321G.2 RULES.

19 The commission ~~is hereby vested with the power to~~ may adopt  
20 rules for the following purposes:

21 1. Registration of all-terrain vehicles and snowmobiles.

22 2. Use of all-terrain vehicles and snowmobiles insofar as  
304 - 23 far as game and fish resources or habitat are affected.

24 3. Use of all-terrain vehicles and snowmobiles on public  
25 lands under the jurisdiction of the commission.

26 4. Use of all-terrain vehicles and snowmobiles on any  
27 waters of the state under the jurisdiction of the commission,  
28 while such the waters are frozen.

29 5. Establishment of ~~a course~~ certified courses of  
30 instruction for the safe use and operation of ~~a snowmobile~~  
31 all-terrain vehicles and snowmobiles.

32 6. Issuance of safety certificates.

33 7. Issuance of competition registrations and the  
34 participation of all-terrain vehicles and snowmobiles so  
35 registered in special events.

1 The director of transportation may adopt rules not  
2 inconsistent ~~herewith~~ with this chapter regulating the use of  
3 all-terrain vehicles and snowmobiles on streets and highways.  
4 Cities may designate streets under the jurisdiction of cities  
5 within their respective corporate limits which may be used for  
6 snowmobiling and the sport of driving all-terrain vehicles.

7 ~~In the promulgation of such~~ adopting the rules,  
8 consideration shall be given to the need to protect the  
9 environment and the public health, safety, and welfare; to  
10 protect private property, public parks, and other public  
11 lands; to protect wildlife and the wildlife habitat thereof;  
12 and to promote uniformity of rules relating to the use,  
13 operation, and equipment of all-terrain vehicles and  
14 snowmobiles. ~~Such~~ The rules shall be in conformance with  
15 chapter 17A.

16 Sec. 5. Section 321G.3, Code 1989, is amended to read as  
17 follows:

18 321G.3 REGISTRATION AND NUMBERING REQUIRED -- COMPETITION  
19 REGISTRATION.

20 ~~Every~~ Each all-terrain vehicle and snowmobile used on  
21 public ~~streets, highways,~~ land or ice of this state shall be  
22 currently registered and numbered. ~~No~~ A person shall not  
23 operate, maintain, or give permission for the operation or  
24 maintenance of ~~any such~~ an all-terrain vehicle or snowmobile  
25 on ~~such~~ public land or ice unless the all-terrain vehicle or  
26 snowmobile is numbered in accordance with this chapter, or in  
27 accordance with applicable federal laws, or in accordance with  
28 an approved numbering system of another state, and unless the  
29 identifying number set forth in the registration is displayed  
30 on each side of the forward half of ~~such~~ the snowmobile and on  
31 the rear fender of the all-terrain vehicle.

32 A registration number shall be assigned, without payment of  
33 fee, to all-terrain vehicles and snowmobiles owned by the  
34 state of Iowa or its political subdivisions upon application  
35 ~~therefor~~ for the number, and the assigned registration number

1 shall be displayed on the all-terrain vehicle or snowmobile as  
2 required under section 321G.5.

3 Upon proper application and payment of the registration fee  
4 provided in section 321G.6, the commission shall issue a  
5 competition registration for ~~a~~ an all-terrain vehicle or  
6 snowmobile. A competition registration authorizes the  
7 operation of the all-terrain vehicle or snowmobile only in  
8 special events in which the commission has authorized their  
9 its operation. The fees collected for the competition  
10 registration shall be deposited in the special conservation  
11 fund.

12 Sec. 6. Section 321G.4, Code 1989, is amended to read as  
13 follows:

14 321G.4 REGISTRATION WITH COUNTY RECORDER -- FEE.

15 The owner of each all-terrain vehicle or snowmobile  
16 required to be numbered shall register it every two years with  
17 the county recorder of the county in which the owner resides  
18 or, if the owner is a nonresident, the owner shall register it  
19 in the county in which ~~such~~ the all-terrain vehicle or  
20 snowmobile is principally used. The commission ~~shall have~~ has  
21 supervisory responsibility over the registration of ~~all~~ all-  
22 terrain vehicles and snowmobiles and shall provide each county  
23 recorder with registration forms and certificates and shall  
24 allocate identification numbers to each county.

25 The owner of the all-terrain vehicle or snowmobile shall  
26 file an application for registration with the appropriate  
27 county recorder on forms provided by the commission. The  
28 application shall be completed and signed by the owner of the  
29 all-terrain vehicle or snowmobile and shall be accompanied by  
30 a fee of twenty dollars and a writing fee. ~~Proof-of-payment~~  
31 ~~of-Iowa-sales-or-use-tax-must-accompany-all-applications-for~~  
32 ~~registration.~~ An all-terrain vehicle or a snowmobile shall  
33 not be registered by the county recorder until the county  
34 recorder is presented with receipts, bills of sale, or other  
35 satisfactory evidence that the sales or use tax has been paid

1 for the purchase of the all-terrain vehicle or snowmobile or  
2 that the owner is exempt from paying the tax. However, an  
3 owner of an all-terrain vehicle, except an all-terrain vehicle  
4 purchased new on or after the effective date of this Act, may  
5 apply for registration without proof of sales or use tax paid  
6 until one year after the effective date of this Act. Upon  
7 receipt of the application in approved form accompanied by the  
8 required fees, the county recorder shall enter it upon the  
9 records and shall issue to the applicant a pocket-size  
10 registration certificate. The certificate shall be executed  
11 in triplicate, one copy to be delivered to the owner, one copy  
12 to the commission, and one copy to be retained on file by the  
13 county recorder. The registration certificate shall bear the  
14 number awarded to the all-terrain vehicle or snowmobile and  
15 the name and address of the owner. The registration  
16 certificate shall be carried either in the all-terrain vehicle  
17 or snowmobile or on the person of the operator of the machine  
18 when in use. The operator of a an all-terrain vehicle or  
19 snowmobile shall exhibit the registration certificate to a  
20 peace officer upon request, to a person injured in an accident  
21 involving an all-terrain vehicle or snowmobile, or to the  
22 owner or operator of another all-terrain vehicle or snowmobile  
23 or the owner of personal or real property when the all-terrain  
24 vehicle or snowmobile is involved in a collision or accident  
25 of any nature with another all-terrain vehicle or snowmobile  
26 or the property of another person or to the property owner or  
27 tenant when the all-terrain vehicle or snowmobile is being  
28 operated on private property without permission from the  
29 property owner or tenant.

30 If a an all-terrain vehicle or snowmobile is placed in  
31 storage, the owner shall return the current registration  
32 certificate to the county recorder with an affidavit stating  
33 that the all-terrain vehicle or snowmobile is placed in  
34 storage and the effective date of storage. The county  
35 recorder shall notify the commission of each all-terrain

1 vehicle or snowmobile placed in storage. When the owner of a  
2 stored all-terrain vehicle or snowmobile desires to renew the  
3 registration, the owner shall make application to the county  
4 recorder and pay the registration and writing fees without  
5 penalty. A refund of the registration fee shall not be  
6 allowed for a stored all-terrain vehicle or snowmobile.

7 Sec. 7. Section 321G.5, Code 1989, is amended to read as  
8 follows:

9 321G.5 DISPLAY OF IDENTIFICATION NUMBERS.

10 The owner shall cause the identification number to be  
11 attached to each side of the forward half of the a snowmobile  
12 and to the rear fender of an all-terrain vehicle in such the  
13 manner as may be prescribed by the rules and regulations of  
14 the commission and. The identification number shall be  
15 maintained in legible condition at all times.

16 ~~The owner of any snowmobile which is used as a watercraft~~  
17 ~~and is required to be numbered as a watercraft may display the~~  
18 ~~watercraft number on the forward half of the snowmobile in~~  
19 ~~lieu of the snowmobile identification number, but the current~~  
20 ~~snowmobile registration decal shall also be affixed aft of the~~  
21 ~~current watercraft registration decal.~~

22 Sec. 8. Section 321G.6, unnumbered paragraphs 1 and 2,  
23 Code 1989, are amended to read as follows:

24 Every all-terrain vehicle or snowmobile registration  
25 certificate and number issued expires at midnight December 31,  
26 and renewals expire every two years thereafter unless sooner  
27 terminated or discontinued in accordance with this chapter.  
28 After the first day of September each even-numbered year, an  
29 unregistered snowmobiles all-terrain vehicle or snowmobile and  
30 renewals may be registered for the subsequent biennium  
31 beginning January 1. A An all-terrain vehicle or snowmobile  
32 registered between January 1 and September 1 of even-numbered  
33 years shall be registered for a fee of ten dollars for the  
34 remainder of the registration period.

35 After the first day of September in even-numbered years an

1 unregistered all-terrain vehicle or snowmobile may be  
2 registered for the remainder of the current registration  
3 period and for the subsequent registration period in one  
4 transaction. The fee shall be five dollars for the remainder  
5 of the current period, in addition to the registration fee of  
6 twenty dollars for the subsequent biennium beginning January  
7 1, and a writing fee. Registration certificates and numbers  
8 may be renewed upon application of the owner in the same  
9 manner as provided in securing the original registration. The  
10 all-terrain vehicle or snowmobile registration fee is in lieu  
11 of personal property tax for each year of the registration.

12 Sec. 9. Section 321G.6, unnumbered paragraph 3, Code 1989,  
13 is amended by striking the unnumbered paragraph and inserting  
14 in lieu thereof the following:

15 An expired all-terrain vehicle or snowmobile registration  
16 may be renewed for the same fee as if the owner is securing  
17 the original registration plus a penalty of five dollars and a  
18 writing fee.

19 Sec. 10. Section 321G.6, Code 1989, is amended by adding  
20 the following new unnumbered paragraph after unnumbered  
21 paragraph 3:

22 NEW UNNUMBERED PARAGRAPH. All all-terrain vehicles used on  
23 public land must be registered within six months following the  
24 effective date of this Act, unless otherwise exempt.

25 Sec. 11. Section 321G.6, unnumbered paragraphs 4 and 5,  
26 Code 1989, are amended to read as follows:

27 ~~Whenever-any~~ When a person, after registering ~~a~~ an all-  
28 terrain vehicle or snowmobile, moves from the address shown on  
29 the registration certificate, the person shall, within ten  
30 days, notify the county recorder in writing of ~~such-fact~~ the  
31 move and the person's new address.

32 Upon the transfer of ownership of ~~a~~ an all-terrain vehicle  
33 or snowmobile, the owner shall complete the form on the back  
34 of a current registration certificate and shall deliver it to  
35 the purchaser or transferee at the time of delivering the all-

1 terrain vehicle or snowmobile. The purchaser or transferee  
2 shall, within five days, file a new application form with the  
3 county recorder with a fee of one dollar and the writing fee,  
4 and a transfer of number shall be awarded in the same manner  
5 as provided in an original registration.

6 Sec. 12. Section 321G.7, Code 1989, is amended to read as  
7 follows:

8 321G.7 FEES REMITTED TO COMMISSION -- APPROPRIATION.

9 Within ten days after the end of each month, each county  
10 recorder shall remit to the commission ~~at~~ the all-terrain  
11 vehicle and snowmobile fees collected by the recorder during  
12 the previous month. Before January 10 of odd-numbered years,  
13 each recorder shall remit unused license forms from the  
14 previous biennium to the commission. Before January 10 of  
15 each year, each recorder shall summarize the transactions of  
16 the registration fees and penalties collected during the  
17 previous year.

18 <sup>3436</sup> The commission shall remit the fees to the treasurer of  
19 state, who shall place the money in a special conservation  
20 fund. The money is appropriated to the commission for the  
21 all-terrain vehicle and snowmobile program programs of the  
22 state. All-terrain vehicle fees shall be used only for all-  
23 terrain vehicle programs and snowmobile fees shall be used  
24 only for snowmobile programs. Joint programs shall be  
25 supported from both types of fees on a usage basis. The  
26 program programs shall include cost-sharing of all-terrain  
27 vehicle or snowmobile facilities and programs with political  
28 subdivisions or incorporated private organizations or both in  
29 accordance with rules adopted by the commission. At least  
30 fifty percent of the special fund shall be available for the  
31 political subdivisions or incorporated private organizations  
32 or both. Money from the special fund not utilized by the  
33 political subdivisions or incorporated private organizations,  
34 or both shall be utilized in the all-terrain vehicle or  
35 snowmobile program of the state.

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1 Sec. 13. Section 321G.8, Code 1989, is amended to read as  
2 follows:

3 321G.8 EXEMPT VEHICLES.

4 ~~No-registration~~ Registration shall not be required for the  
5 following described all-terrain vehicles and snowmobiles:

6 1. ~~Snowmobiles~~ All-terrain vehicles and snowmobiles owned  
7 and used by the United States, another state, or a political  
8 subdivision thereof of another state.

9 2. ~~Snowmobiles~~ All-terrain vehicles and snowmobiles  
10 registered in a country other than the United States  
11 ~~temporarily~~ used within this state for not more than twenty  
12 consecutive days.

13 3. ~~Snowmobiles~~ All-terrain vehicles and snowmobiles  
14 covered by a valid license of another state and which have not  
15 been within this state for more than twenty consecutive days.

16 4. ~~Snowmobiles~~ All-terrain vehicles and snowmobiles not  
17 registered or licensed in another state or country being used  
18 in this state while engaged in a special event and not  
19 remaining in the state for a period of more than ten days.

20 5. All-terrain vehicles used in accordance with section  
21 321.234A.

22 Sec. 14. Section 321G.9, unnumbered paragraph 1, Code  
23 1989, is amended to read as follows:

24 ~~No~~ A person shall not operate ~~a~~ an all-terrain vehicle or  
25 snowmobile upon roadways or highways, as defined in section  
26 321.1, except as provided in section 321.234A and this  
27 chapter.

28 Sec. 15. Section 321G.9, subsection 1, Code 1989, is  
29 amended to read as follows:

30 1. Except as provided in section 321.234A, an all-  
31 terrain vehicle or snowmobile shall not be operated at any  
32 time within the right of way of any interstate highway or  
33 freeway within this state.

34 Sec. 16. Section 321G.9, subsection 2, unnumbered  
35 paragraph 1 and paragraph b, Code 1989, are amended to read as

1 follows:

2 A An all-terrain vehicle or snowmobile may make a direct  
3 crossing of a street or highway provided:

4 b. The all-terrain vehicle or snowmobile is brought to a  
5 complete stop before crossing the shoulder or main traveled  
6 way of the highway; and

7 Sec. 17. Section 321G.9, subsection 3, unnumbered  
8 paragraph 1 and paragraph d, Code 1989, are amended to read as  
9 follows:

344-10 A registered all-terrain vehicle or snowmobile shall not be  
11 operated on public highways:

12 d. Abreast with one or more other all-terrain vehicles or  
13 snowmobiles on a city highway.

14 Sec. 18. Section 321G.9, subsection 4, unnumbered  
15 paragraph 1 and paragraph d, Code 1989, are amended to read as  
16 follows:

17 A registered all-terrain vehicle or snowmobile may be  
18 operated under the following conditions:

19 d. On the roadways of that portion of county highways  
20 designated by the county board of supervisors for such use  
21 during a specified period. The county board of supervisors  
22 shall evaluate the traffic conditions on all county highways  
23 and designate roadways on which all-terrain vehicles or  
24 snowmobiles may be operated for the specified period without  
25 unduly interfering with or constituting an undue hazard to  
26 conventional motor vehicle traffic. Signs warning of the  
27 operation of all-terrain vehicles or snowmobiles on the  
28 roadway shall be placed and maintained on the portions of  
29 highway thus designated during the period specified for such  
30 the operation.

31 Sec. 19. Section 321G.9, subsection 4, Code 1989, is  
32 amended by adding the following new lettered paragraphs:

33 NEW LETTERED PARAGRAPH. f. All-terrain vehicles shall not  
34 be operated on snowmobile trails except where designated by  
35 the controlling authority and the primary snowmobile trail

1 sponsor.

2 NEW LETTERED PARAGRAPH. g. Snowmobiles shall not be  
3 operated on all-terrain vehicle trails except where designated  
4 by the controlling authority and the primary all-terrain  
5 vehicle trail sponsor.

6 Sec. 20. Section 321G.9, subsection 6, Code 1989, is  
7 amended to read as follows:

8 6. a. A An all-terrain vehicle or snowmobile shall not be  
9 operated on or across a public highway by a person under  
10 sixteen years of age who does not have in the person's  
11 possession a safety certificate issued to the person pursuant  
12 to this chapter.

13 b. Any A person twelve to fifteen years of age and  
14 possessing a valid safety certificate must be ~~accompanied-by~~  
15 ~~and~~ under the direct supervision of a ~~responsible-person-of-at~~  
16 ~~least-eighteen-years-of-age~~ parent, guardian, or another adult  
17 authorized by the parent or guardian, who is experienced in  
18 all-terrain vehicle or snowmobile operation, and who possesses  
19 a valid operator's or chauffeur's license, instruction permit,  
20 restricted license or temporary permit issued under chapter  
21 321, or a safety certificate issued under this chapter.

22 Sec. 21. Section 321G.9, subsection 7, Code 1989, is  
23 amended to read as follows:

24 7. A An all-terrain vehicle or snowmobile shall not be  
25 operated within the right of way of any a primary highway  
26 between the hours of sunset and sunrise except on the right-  
27 hand side of such the right of way and in the same direction  
28 as the motor vehicular traffic on the nearest lane of traveled  
29 portion of such the right of way.

30 Sec. 22. Section 321G.10, Code 1989, is amended to read as  
31 follows:

32 321G.10 ACCIDENT REPORTS.

33 If a an all-terrain vehicle or snowmobile is involved in an  
34 accident resulting in injury or death to anyone or property  
35 damage amounting to two hundred dollars or more, either the

1 operator or someone acting for the operator shall immediately  
2 notify the county sheriff or another law enforcement agency in  
3 the state. The operator shall file with the commission a  
4 report of the accident, within forty-eight hours, containing  
5 information as the commission may require.

6 Sec. 23. Section 321G.11, unnumbered paragraphs 1 and 2,  
7 Code 1989, are amended to read as follows:

8 A An all-terrain vehicle or snowmobile shall not be  
9 operated without suitable and effective muffling devices which  
10 limit engine noise to not more than eighty-six decibels as  
11 measured on the "A" scale at a distance of fifty feet; and a  
12 snowmobile, manufactured after July 1, 1973, which is sold,  
13 offered for sale, or used in this state, except in an  
14 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 with respect to the  
18 inspection of all-terrain vehicles and snowmobiles and the  
19 testing of snowmobile their mufflers.

20 Sec. 24. Section 321G.12, Code 1989, is amended by  
21 striking the section and inserting in lieu thereof the  
22 following:

23 321G.12 HEAD LAMP -- TAIL LAMP -- BRAKES.

24 Every all-terrain vehicle operated during the hours of  
25 darkness shall display a lighted head lamp and tail lamp.  
26 Every snowmobile shall be equipped with at least one head lamp  
27 and one tail lamp. Every all-terrain vehicle and snowmobile  
28 shall be equipped with brakes which conform to standards  
29 prescribed by the director of transportation.

30 Sec. 25. Section 321G.13, unnumbered paragraph 1 and  
31 subsections 7, 8, 10, and 11, Code 1989, are amended to read  
32 as follows:

33 ~~It shall be unlawful for any~~ A person to shall not drive or  
34 operate any an all-terrain vehicle or snowmobile:

35 7. In or on any park or fish and game areas except on

1 designated all-terrain vehicle or snowmobile trails.

2 8. Upon an operating railroad right of way. A An all-  
3 terrain vehicle or snowmobile may be driven directly across a  
4 railroad right of way only at an established crossing and,  
5 notwithstanding any other provisions of law, may, where if  
6 necessary, use the improved portion of such the established  
7 crossing after yielding to all oncoming traffic. ~~The~~  
8 ~~provisions-of-this~~ This subsection ~~shall~~ does not apply to any  
9 a law enforcement officer or railroad employee in the lawful  
10 discharge of the officer's or employee's duties.

11 10. On public land without a measurable snow cover except  
12 as provided in section 321.324A or in specific areas permitted  
13 by the department, such as "all-terrain vehicle parks" which  
14 are designated and intended for use with or without snow.

15 11. ~~No~~ A person shall not operate or ride in any an all-  
16 terrain vehicle or snowmobile with any a firearm in the  
17 person's possession unless it is unloaded and enclosed in a  
18 carrying case, or any bow unless it is unstrung or enclosed in  
19 a carrying case.

20 Sec. 26. Section 321G.13, Code 1989, is amended by adding  
21 the following new subsection:

22 NEW SUBSECTION. 12. A person shall not operate an all-  
23 terrain vehicle while carrying a passenger.

24 Sec. 27. Section 321G.15, Code 1989, is amended to read as  
25 follows:

26 321G.15 OPERATION PENDING REGISTRATION.

27 The commission shall furnish snowmobile and all-terrain  
28 vehicle dealers with pasteboard cards bearing the words  
29 "registration applied for" and space for the date of purchase.  
30 Any An unregistered all-terrain vehicle or snowmobile sold by  
31 a dealer shall bear one of these cards which ~~shall~~ entitle the  
32 purchaser to operate it for ten days immediately following the  
33 purchase. The purchaser of a registered all-terrain vehicle  
34 or snowmobile shall-be-entitled-to may operate it for ten days  
35 immediately following the purchase, without having completed a

1 transfer of registration. Any A person who purchases a an  
2 all-terrain vehicle or snowmobile from a dealer shall, within  
3 five days of the purchase, apply for a an all-terrain vehicle  
4 or snowmobile registration or transfer of registration.

5 Sec. 28. Section 321G.16, Code 1989, is amended to read as  
6 follows:

7 321G.16 SPECIAL EVENTS.

8 The commission may authorize the holding of organized  
9 special events as defined in this chapter within this state.  
10 The commission shall adopt and may amend rules ~~and regulations~~  
11 relating to the conduct of special events held under  
12 commission permits and designating the equipment and  
13 facilities necessary for safe operation of all-terrain vehicle  
14 and snowmobiles or for the safety of operators, participants,  
15 and observers in the special events. At least thirty days  
16 before the scheduled date of a special event in this state, an  
17 application shall be filed with the commission for  
18 authorization to conduct the special event. The application  
19 shall set forth the date, time, and location of the proposed  
20 special event and any other information as the commission may  
21 ~~require~~ requires. The special event shall not be conducted  
22 without written authorization of the commission. Copies of  
23 ~~such~~ the rules shall be furnished by the commission to any  
24 person making an application therefor.

25 Sec. 29. Section 321G.17, Code 1989, is amended to read as  
26 follows:

27 321G.17 VIOLATION OF "STOP" SIGNAL.

28 ~~It shall be unlawful for any~~ A person, after having  
29 received a visual or audible signal from any a peace officer  
30 to come to a stop, ~~to~~ shall not operate a an all-terrain  
31 vehicle or snowmobile in willful or wanton disregard of such  
32 the signal or interfere with or endanger the officer or any  
33 other person or vehicle, or increase speed or attempt to flee  
34 or elude the officer.

35 Sec. 30. Section 321G.18, Code 1989, is amended to read as

1 follows:

2 321G.18 NEGLIGENCE.

3 The owner and operator of any an all-terrain vehicle or  
4 snowmobile ~~shall be~~ is liable for any injury or damage  
5 occasioned by the negligent operation of ~~such~~ the all-terrain  
6 vehicle or snowmobile.

7 Sec. 31. Section 321G.19, Code 1989, is amended to read as  
8 follows:

9 321G.19 RENTED SNOWMOBILES AND ALL-TERRAIN VEHICLES.

10 1. The owner of any a rented all-terrain vehicle or  
11 snowmobile shall keep a record of the name and address of each  
12 person renting the all-terrain vehicle or snowmobile, its  
13 identification number, the departure date and time, and the  
14 expected time of return. The records shall be preserved for  
15 six months.

16 2. The owner of ~~a~~ an all-terrain vehicle or snowmobile  
17 operated for hire shall not permit the use or operation of a  
18 rented all-terrain vehicle or snowmobile unless it ~~shall have~~  
19 has been provided with all equipment required by this chapter  
20 or rules of the commission or the director of transportation,  
21 properly installed and in good working order.

22 Sec. 32. Section 321G.20, Code 1989, is amended by adding  
23 the following new unnumbered paragraph:

24 NEW UNNUMBERED PARAGRAPH. A person under twelve years of  
25 age shall not operate an all-terrain vehicle on public lands  
26 unless the person is taking a prescribed safety training  
27 course under the direct supervision of a certified all-terrain  
28 vehicle safety instructor and a parent or guardian.

29 Sec. 33. Section 321G.21, subsections 1, 3, 6, 8, 9, and  
30 10, Code 1989, are amended to read as follows:

31 1. A manufacturer, distributor, or dealer owning any all-  
32 terrain vehicle or snowmobile required to be registered under  
33 this chapter may operate the all-terrain vehicle or snowmobile  
34 for purposes of transporting, testing, demonstrating, or  
35 selling it without the all-terrain vehicle or snowmobile being

1 registered, except that a special identification number issued  
2 to the owner as provided in this chapter shall be displayed on  
3 the all-terrain vehicle or snowmobile. The special  
4 identification number ~~may~~ shall not be used on any an all-  
5 terrain vehicle or snowmobile offered for hire or for any work  
6 or service performed by a manufacturer, distributor, or  
7 dealer.

8 3. The commission, upon granting an application, shall  
9 issue to the applicant a special registration certificate  
10 containing the applicant's name and address, the general  
11 identification number assigned to the applicant, the word  
12 "manufacturer", "dealer", or "distributor", and ~~such~~ other  
13 information as the commission ~~may-prescribe~~ prescribes. The  
14 manufacturer, distributor, or dealer shall have the assigned  
15 number printed upon or attached to a removable sign or signs  
16 which may be temporarily but firmly mounted or attached to the  
17 all-terrain vehicle or snowmobile being used. The display  
18 shall meet the requirements of this chapter and the rules of  
19 the commission.

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

25 8. Dealers using special certificates under ~~the-provisions~~  
26 of this chapter shall, before January 10 of each year, furnish  
27 the commission with a list of all used all-terrain vehicles  
28 and snowmobiles held by them for sale or trade, and upon which  
29 the registration fee for the current year has not been paid,  
30 giving the previous registration number, name of previous  
31 owner at the time ~~such~~ the all-terrain vehicle or snowmobile  
32 was transferred to the dealer, and ~~such~~ other information as  
33 the commission ~~may-require~~ requires.

34 9. When If the purchaser or transferee of a an all-terrain  
35 vehicle or snowmobile is a dealer who holds the same for

1 resale and operates the all-terrain vehicle or snowmobile only  
2 for purposes incidental to a resale and displays thereon the  
3 special dealer's certificate, or does not operate such the  
4 all-terrain vehicle or snowmobile or permit it to be operated,  
5 such the transferee shall is not be required to obtain a new  
6 registration certificate but upon transferring title or  
7 interest to another person shall sign the reverse side of the  
8 registration certificate of such the all-terrain vehicle or  
9 snowmobile indicating the name and address of the new  
10 purchaser. The purchaser may take the registration  
11 certificate to the county recorder and file a new application  
12 form with a fee of one dollar for transfer and the writing  
13 fee. The recorder shall award a transfer of the registration  
14 number. If the registration has expired while in the dealer's  
15 possession, the purchaser may renew the registration for the  
16 same fee and writing fee as if the purchaser is securing the  
17 original registration.

18 10. Whenever When a dealer purchases or otherwise acquires  
19 a an all-terrain vehicle or snowmobile registered in this  
20 state, the dealer shall issue a signed receipt to the previous  
21 owner, indicating the date of purchase or acquisition, the  
22 name and address of such the previous owner, and the  
23 registration number of the all-terrain vehicle or snowmobile  
24 purchased or acquired. The original receipt shall be  
25 delivered to the previous owner and one copy shall be mailed  
26 or delivered by the dealer to the county recorder of the  
27 county in which the all-terrain vehicle or snowmobile is  
28 registered, and one copy shall be delivered to the commission  
29 within forty-eight hours.

30 Sec. 34. Section 321G.22, Code 1989, is amended to read as  
31 follows:

32 321G.22 LIMITATION OF LIABILITY BY PUBLIC BODIES AND  
33 ADJOINING OWNERS.

34 The state, its political subdivisions, and the owners or  
35 tenants of property adjoining public lands or the right of way

1 of a public highway and their agents and employees owe no duty  
2 of care to keep the public lands, ditches, or land contiguous  
3 to a highway or roadway under the control of the state or a  
4 political subdivision safe for entry or use by persons  
5 operating a an all-terrain vehicle or snowmobile, or to give  
6 any warning of a dangerous condition, use, structure, or  
7 activity on ~~such~~ the premises to persons entering for such  
8 purposes, except in the case of willful or malicious failure  
9 to guard or warn against a dangerous condition, use,  
10 structure, or activity. The state, its political  
11 subdivisions, and the owners or tenants of property adjoining  
12 public lands or the right of way of a public highway, and  
13 their agents and employees are not liable for actions taken to  
14 allow or facilitate the use of public lands, ditches, or land  
15 contiguous to a highway or roadway except in the case of a  
16 willful or malicious failure to guard or warn against a  
17 dangerous condition, use, structure, or activity. This  
18 section does not create a duty of care or ground of liability  
19 on behalf of the state, its political subdivisions, or the  
20 owners or tenants of property adjoining public lands or the  
21 right of way of a public highway and their agents and  
22 employees for injury to persons or property in the operation  
23 of all-terrain vehicles or snowmobiles in a ditch or on land  
24 contiguous to a highway or roadway under the control of the  
25 state or a political subdivision. The state, its political  
26 subdivisions, and the owners or tenants of property adjoining  
27 public lands or the right of way of a public highway and their  
28 agents and employees are not liable for the operation of a an  
29 all-terrain vehicle or snowmobile in violation of this  
30 chapter.

31 Sec. 35. Section 321G.23, subsections 1 and 4, Code 1989,  
32 are amended to read as follows:

33 1. The commission shall provide, by rules adopted pursuant  
34 to section 321G.2, for the establishment of ~~a course~~ certified  
35 courses of instruction to be conducted throughout the state

1 for the safe use and operation of all-terrain vehicles and  
2 snowmobiles. The curriculum shall include instruction in the  
3 lawful and safe use, operation, and equipping of all-terrain  
4 vehicles and snowmobiles consistent with the-provisions-of  
5 this chapter and rules adopted by the commission and the  
6 director of transportation and such other matters as the  
7 commission deems pertinent for a qualified all-terrain vehicle  
8 or snowmobile operator.

9 4. The commission shall provide safety material relating  
10 to the operation of all-terrain vehicles and snowmobiles for  
11 the use of private nonpublic or public elementary and  
12 secondary schools in this state.

13 Sec. 36. Section 321G.24, subsections 1 and 5, Code 1989,  
14 are amended to read as follows:

15 1. ~~Effective July 1, 1977, no~~ A person who is born after  
16 July 1, 1965 under eighteen years of age shall not operate a  
17 an all-terrain vehicle or snowmobile in this state without  
18 obtaining a valid safety certificate issued by the commission  
19 and having such the certificate in the person's possession, or  
20 unless the person is accompanied on the same machine  
21 snowmobile by a responsible person of at least eighteen years  
22 of age who is experienced in snowmobile operation and  
23 possesses a valid operator's or chauffeur's license,  
24 instruction permit, restricted license or temporary permit  
25 issued under chapter 321 or a safety certificate issued under  
26 this chapter.

27 5. A valid all-terrain vehicle or snowmobile safety  
28 certificate or license issued to a nonresident by a  
29 governmental authority of another state shall be considered a  
30 valid certificate or license in this state if the permit or  
31 license requirements of such the governmental authority,  
32 excluding fees, are substantially the same as the requirements  
33 of this chapter as determined by the commission.

34 Sec. 37. Section 321G.25, Code 1989, is amended to read as  
35 follows:

1 321G.25 STOPPING AND INSPECTING -- WARNINGS.

2 A peace officer may stop and inspect a an all-terrain  
3 vehicle or snowmobile operated, parked, or stored on public  
4 streets, highways, public lands, or frozen waters of the state  
5 to determine if the all-terrain vehicle or snowmobile is  
6 registered, numbered, or equipped as required by this chapter  
7 and commission rules. The officer shall not inspect an area  
8 that is not essential to determine compliance with the  
9 requirements. If the officer determines that the all-terrain  
10 vehicle or snowmobile is not in compliance, the officer may  
11 issue a warning memorandum to the operator and forward a copy  
12 to the commission. The warning memorandum shall indicate the  
13 items found not in compliance and shall direct the owner or  
14 operator of the all-terrain vehicle or snowmobile to have the  
15 all-terrain vehicle or snowmobile in compliance and return a  
16 copy of the warning memorandum with the proof of compliance to  
17 the commission within fourteen days. If the proof of  
18 compliance is not provided within fourteen days, the owner or  
19 operator is in violation of this chapter.

20 Sec. 38. Section 321G.26, Code 1989, is amended to read as  
21 follows:

22 321G.26 TERMINATION OF USE.

23 A person who receives a warning memorandum for a an all-  
24 terrain vehicle or snowmobile shall stop using the all-terrain  
25 vehicle or snowmobile as soon as possible and shall not  
26 operate it on public streets, highways, public lands, or  
27 frozen waters of the state until the all-terrain vehicle or  
28 snowmobile is in compliance.

29 Sec. 39. Section 321G.27, Code 1989, is amended to read as  
30 follows:

31 321G.27 WRITING FEES.

32 The county recorder shall collect a writing fee of one  
33 dollar for an all-terrain vehicle or snowmobile registrations  
34 registration. ~~When two or more transactions for one~~  
35 ~~snowmobile take place during the registration process the~~

~~1 transactions shall be considered as a single registration.~~

2 Sec. 40. Section 321G.28, Code 1989, is amended to read as  
3 follows:

4 321G.28 CONSISTENT LOCAL LAWS -- SPECIAL LOCAL RULES.

5 1. ~~The provisions of this~~ This chapter and other  
6 applicable laws of this state shall govern the operation,  
7 equipment, numbering, and all other matters relating to a an  
8 all-terrain vehicle or snowmobile whenever when the all-  
9 terrain vehicle or snowmobile is operated or maintained in  
10 this state. However, ~~nothing in this chapter shall be~~  
11 ~~construed to~~ does not prevent the adoption of an ordinance or  
12 local law relating to the operation of or equipment of all-  
13 terrain vehicles or snowmobiles. The ordinances or local laws  
14 ~~shall be~~ are operative only so long as they are not  
15 inconsistent with ~~the provisions of~~ this chapter or the rules  
16 ~~and regulations~~ adopted by the commission.

17 2. A subdivision of this state, after public notice by  
18 publication in a newspaper having a general circulation in the  
19 subdivision, may make formal application to the commission for  
20 special rules concerning the operation of all-terrain vehicles  
21 or snowmobiles within the territorial limits of the  
22 subdivision and shall provide the commission with the reasons  
23 the special rules are necessary.

24 3. The commission, upon application by local authorities  
25 and in conformity with this chapter, may make special rules  
26 concerning the operation of all-terrain vehicles or  
27 snowmobiles within the territorial limits of a subdivision of  
28 this state.

34267  
29 Sec. 41. This Act takes effect on January 1, 1990.

30 EXPLANATION

31 This bill provides a definition of all-terrain vehicle  
32 separate from the definition of snowmobile currently used  
33 under chapter 321G.

34 The bill also provides registration fees for all-terrain  
35 vehicles which are the same as for snowmobiles. The biennial

1 registration fee remains unchanged at twenty dollars. An all-  
2 terrain vehicle may be registered for one year after the  
3 effective date of the bill without proof of payment of sales  
4 or use tax unless it is a new vehicle. There is a reduced  
5 registration fee for all-terrain vehicles and snowmobiles  
6 registered during the second year of the biennium.

7 The bill provides that most regulations relating to the  
8 operation of snowmobiles also apply to all-terrain vehicles.  
9 Exceptions are that all-terrain vehicles cannot be operated  
10 with passengers and identification numbers are displayed  
11 differently. Snowmobiles and all-terrain vehicles are  
12 generally restricted to their own separate trails.

13 The bill provides a certified training and safety course of  
14 instruction for all-terrain vehicle operators.

15 The bill takes effect on January 1, 1990.

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HOUSE FILE 477

H-3426

1 Amend House File 477 as follows:

2 1. Page 8, by striking lines 26 through 29 and  
3 inserting the following: program programs shall  
4 include cost-sharing of snowmobile facilities and  
5 programs with political subdivisions or incorporated  
6 private organizations or both, and cost-sharing of all-  
7 terrain vehicle facilities and programs with  
8 incorporated private organizations in accordance with  
9 rules adopted by the commission. At least".

10 2. Page 9, by inserting before line 1 the  
11 following:

12 "Sec. \_\_\_\_ . Section 321G.7, Code 1989, is amended  
13 by adding the following new unnumbered paragraph:  
14 NEW UNNUMBERED PARAGRAPH. From funds received  
15 under this chapter relating to all-terrain vehicles,  
16 the department of natural resources shall acquire, by  
17 lease or purchase, one or more parks which shall be  
18 developed, operated, and maintained for the use of  
19 off-road vehicles."

20 3. Page 13, line 12, by striking the figure  
21 "321.324A" and inserting the following: "321.234A".

22 4. Page 21, by inserting after line 28 the  
23 following:

24 "Sec. \_\_\_\_ . NEW SECTION. 106.34A VEHICLES  
25 PROHIBITED IN STREAMBED.

26 1. Except as provided in subsection 2, a person  
27 shall not operate a motor vehicle in any of the  
28 following:

- 29 a. Any portion of a meandered stream.
- 30 b. Any portion of the bed of a nonmeandered stream  
31 which has been identified as a navigable stream or  
32 river by rule adopted by the department and which is  
33 covered by water.
- 34 c. Any portion of a stream identified as a trout  
35 stream by the department.

36 2. This section does not prohibit the use of ford  
37 crossings of public or private roads or any other ford  
38 crossing when used for agricultural purposes, the  
39 operation of construction vehicles engaged in lawful  
40 construction, repair, or maintenance in a streambed,  
41 or the operation of motor vehicles on ice.

42 3. The department of natural resources shall adopt  
43 rules identifying the navigable streams and rivers in  
44 which a motor vehicle may be operated. The department  
45 may exempt participants of organized special events  
46 from this section where the organized special event is  
47 approved by a state or local authority.

48 4. As used in this section, "motor vehicle" means  
49 a motor vehicle as defined in section 321.1,  
50 subsection 2."

Page 2

1 5. By renumbering sections as necessary.  
By COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION  
BLACK of Jasper,  
Chairperson

HOUSE FILE 477

H-3504

1 Amend House File 477 as follows:

2 1. Page 2, line 23, by striking the word  
3 "habitat" and inserting the following: "habitats".

4 2. Title page, line 1, by inserting after the  
5 word "to" the following: "certain motor vehicles, by  
6 providing for".

7 3. Title page, line 2, by inserting after the  
8 word "fees," the following: "the operation of certain  
9 motor vehicles,".

By SCHRADER of Marion  
BLACK of Jasper

H-3504 FILED MARCH 21, 1989  
adopted 3-27-89, p. 1020

HOUSE FILE 477

H-3441

1 Amend House File 477 as follows:

2 1. Page 10, line 10, by striking the words "A  
3 registered" and inserting the following: "A  
4 registered An".

By SPEAR of Lee

H-3441 FILED MARCH 17, 1989  
adopted 3-27-89, p. 1020

Sen. Neffles  
DO PASS 4-5-89 (p. 1200)  
per amend. 5501

HOUSE FILE 477  
BY SCHRADER

(As Amended and Passed by the House March 27, 1989)

Re Passed House, Date 4-24-89 (p. 835) Passed Senate, Date 4-12-89 (p. 1373)  
Vote: Ayes 95 Nays 4 Vote: Ayes 47 Nays 0

Approved May 27 1989  
Repassed by Senate 4-25-89 (p. 1673) A BILL FOR  
Ays 47 Nays 0 Motion to Reconsider  
4-12-89 (p. 1383)  
Withdrawn 4-12-89 (p. 1403)

1 An Act relating to certain motor vehicles, by providing for the  
2 ownership, operation, and regulation of snowmobiles and all-  
3 terrain vehicles, imposing fees, the operation of certain  
4 motor vehicles, subjecting violators to penalties, and  
5 providing effective dates.

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

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House Amendments \_\_\_\_\_

1 Section 1. Section 321G.1, subsection 2, Code 1989, is  
2 amended by striking the subsection and inserting in lieu  
3 thereof the following:

4 2. "Snowmobile" means a motorized vehicle weighing less  
5 than one thousand pounds which uses sled-type runners or skis,  
6 endless belt-type tread, or any combination of runners, skis,  
7 or tread, and is designed for travel on snow or ice.

8 Sec. 2. Section 321G.1, subsections 4 through 8 and 15,  
9 Code 1989, are amended to read as follows:

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

18 5. "Operate" means to ride in or on, other than as a  
19 passenger, use, or control the operation of a an all-terrain  
20 vehicle or snowmobile in any manner, whether or not the all-  
21 terrain vehicle or snowmobile is moving.

22 6. "Operator" means every a person who operates or is in  
23 actual physical control of a an all-terrain vehicle or  
24 snowmobile.

25 7. "Dealer" means every a person engaged in the business  
26 of buying, selling, or exchanging all-terrain vehicles or  
27 snowmobiles required to be registered under this chapter and  
28 who has an established place of business for that purpose in  
29 this state.

30 8. "Manufacturer" means every a person engaged in the  
31 business of constructing or assembling all-terrain vehicles or  
32 snowmobiles required to be registered under this chapter and  
33 who has an established place of business for that purpose in  
34 this state.

35 15. "Safety certificate" means a an all-terrain vehicle or

1 snowmobile safety certificate issued by the commission to a  
2 qualified applicants applicant who are is twelve years of age  
3 or more.

4 Sec. 3. Section 321G.1, Code 1989, is amended by adding  
5 the following new subsections:

6 NEW SUBSECTION. 17. "All-terrain vehicle" means a  
7 motorized flotation-tire vehicle with not less than three low  
8 pressure tires, but not more than six low pressure tires, that  
9 is limited in engine displacement to less than eight hundred  
10 cubic centimeters and in total dry weight to less than seven  
11 hundred fifty pounds and that has a seat or saddle designed to  
12 be straddled by the operator and handlebars for steering  
13 control.

14 NEW SUBSECTION. 18. "Department" means the department of  
15 natural resources.

16 Sec. 4. Section 321G.2, Code 1989, is amended to read as  
17 follows:

18 321G.2 RULES.

19 The commission ~~is hereby vested with the power to~~ may adopt  
20 rules for the following purposes:

21 1. Registration of all-terrain vehicles and snowmobiles.

22 2. Use of all-terrain vehicles and snowmobiles insofar as  
23 far as game and fish resources or habitats are affected.

24 3. Use of all-terrain vehicles and snowmobiles on public  
25 lands under the jurisdiction of the commission.

26 4. Use of all-terrain vehicles and snowmobiles on any  
27 waters of the state under the jurisdiction of the commission,  
28 while such the waters are frozen.

29 5. Establishment of a-course certified courses of  
30 instruction for the safe use and operation of a-snowmobile  
31 all-terrain vehicles and snowmobiles.

32 6. Issuance of safety certificates.

33 7. Issuance of competition registrations and the  
34 participation of all-terrain vehicles and snowmobiles so  
35 registered in special events.

4038, 3561

4038, 3561

1 The director of transportation may adopt rules not  
2 inconsistent ~~herewith~~ with this chapter regulating the use of  
3 all-terrain vehicles and snowmobiles on streets and highways.  
4 Cities may designate streets under the jurisdiction of cities  
5 within their respective corporate limits which may be used for  
6 snowmobiling and the sport of driving all-terrain vehicles.

7 ~~In the promulgation of such~~ adopting the rules,  
8 consideration shall be given to the need to protect the  
9 environment and the public health, safety, and welfare; to  
10 protect private property, public parks, and other public  
11 lands; to protect wildlife and the wildlife habitat thereof;  
12 and to promote uniformity of rules relating to the use,  
13 operation, and equipment of all-terrain vehicles and  
14 snowmobiles. ~~Such~~ The rules shall be in conformance with  
15 chapter 17A.

16 Sec. 5. Section 321G.3, Code 1989, is amended to read as  
17 follows:

428,356-18 321G.3 REGISTRATION AND NUMBERING REQUIRED -- COMPETITION  
19 REGISTRATION.

20 Every ~~Each~~ all-terrain vehicle and snowmobile used on  
21 public ~~streets, highways,~~ land or ice of this state shall be  
22 currently registered and numbered. ~~No~~ A person shall not  
23 operate, maintain, or give permission for the operation or  
24 maintenance of ~~any such~~ an all-terrain vehicle or snowmobile  
25 on such public land or ice unless the all-terrain vehicle or  
26 snowmobile is numbered in accordance with this chapter, or in  
27 accordance with applicable federal laws, or in accordance with  
28 an approved numbering system of another state, and unless the  
29 identifying number set forth in the registration is displayed  
30 on each side of the forward half of such the snowmobile and on  
31 the rear fender of the all-terrain vehicle.

32 A registration number shall be assigned, without payment of  
33 fee, to all-terrain vehicles and snowmobiles owned by the  
34 state of Iowa or its political subdivisions upon application  
35 therefor for the number, and the assigned registration number

1 shall be displayed on the all-terrain vehicle or snowmobile as  
2 required under section 321G.5.

4038, 3561-3 3 Upon proper application and payment of the registration fee  
4 provided in section 321G.6, the commission shall issue a  
5 competition registration for a an all-terrain vehicle or  
6 snowmobile. A competition registration authorizes the  
7 operation of the all-terrain vehicle or snowmobile only in  
8 special events in which the commission has authorized their  
9 its operation. The fees collected for the competition  
10 registration shall be deposited in the special conservation  
11 fund.

12 Sec. 6. Section 321G.4, Code 1989, is amended to read as  
13 follows:

14 321G.4 REGISTRATION WITH COUNTY RECORDER -- FEE.

15 The owner of each all-terrain vehicle or snowmobile  
16 required to be numbered shall register it every two years with  
17 the county recorder of the county in which the owner resides  
18 or, if the owner is a nonresident, the owner shall register it  
19 in the county in which such the all-terrain vehicle or  
20 snowmobile is principally used. The commission ~~shall have~~ has  
21 supervisory responsibility over the registration of all-  
22 terrain vehicles and snowmobiles and shall provide each county  
23 recorder with registration forms and certificates and shall  
24 allocate identification numbers to each county.

25 The owner of the all-terrain vehicle or snowmobile shall  
26 file an application for registration with the appropriate  
27 county recorder on forms provided by the commission. The  
28 application shall be completed and signed by the owner of the  
29 all-terrain vehicle or snowmobile and shall be accompanied by  
30 a fee of twenty dollars and a writing fee. ~~Proof-of-payment~~  
31 ~~of-Iowa-sales-or-use-tax-must-accompany-all-applications-for~~  
32 ~~registration.~~ An all-terrain vehicle or a snowmobile shall  
33 not be registered by the county recorder until the county  
34 recorder is presented with receipts, bills of sale, or other  
35 satisfactory evidence that the sales or use tax has been paid

1 for the purchase of the all-terrain vehicle or snowmobile or  
2 that the owner is exempt from paying the tax. However, an  
3 owner of an all-terrain vehicle, except an all-terrain vehicle  
4 purchased new on or after the effective date of this Act, may  
5 apply for registration without proof of sales or use tax paid  
6 until one year after the effective date of this Act. Upon  
7 receipt of the application in approved form accompanied by the  
8 required fees, the county recorder shall enter it upon the  
9 records and shall issue to the applicant a pocket-size  
10 registration certificate. The certificate shall be executed  
11 in triplicate, one copy to be delivered to the owner, one copy  
12 to the commission, and one copy to be retained on file by the  
13 county recorder. The registration certificate shall bear the  
14 number awarded to the all-terrain vehicle or snowmobile and  
15 the name and address of the owner. The registration  
16 certificate shall be carried either in the all-terrain vehicle  
17 or snowmobile or on the person of the operator of the machine  
18 when in use. The operator of a an all-terrain vehicle or  
19 snowmobile shall exhibit the registration certificate to a  
20 peace officer upon request, to a person injured in an accident  
21 involving an all-terrain vehicle or snowmobile, or to the  
22 owner or operator of another all-terrain vehicle or snowmobile  
23 or the owner of personal or real property when the all-terrain  
24 vehicle or snowmobile is involved in a collision or accident  
25 of any nature with another all-terrain vehicle or snowmobile  
26 or the property of another person or to the property owner or  
27 tenant when the all-terrain vehicle or snowmobile is being  
28 operated on private property without permission from the  
29 property owner or tenant.

30 If a an all-terrain vehicle or snowmobile is placed in  
31 storage, the owner shall return the current registration  
32 certificate to the county recorder with an affidavit stating  
33 that the all-terrain vehicle or snowmobile is placed in  
34 storage and the effective date of storage. The county  
35 recorder shall notify the commission of each all-terrain

1 vehicle or snowmobile placed in storage. When the owner of a  
2 stored all-terrain vehicle or snowmobile desires to renew the  
3 registration, the owner shall make application to the county  
4 recorder and pay the registration and writing fees without  
5 penalty. A refund of the registration fee shall not be  
6 allowed for a stored all-terrain vehicle or snowmobile.

7 Sec. 7. Section 321G.5, Code 1989, is amended to read as  
8 follows:

9 321G.5 DISPLAY OF IDENTIFICATION NUMBERS.

10 The owner shall cause the identification number to be  
11 attached to each side of the forward half of the a snowmobile  
12 and to the rear fender of an all-terrain vehicle in such the  
13 manner ~~as may be~~ prescribed by the rules and regulations of  
14 the commission ~~and~~. The identification number shall be  
15 maintained in legible condition at all times.

16 ~~The owner of any snowmobile which is used as a watercraft~~  
17 ~~and is required to be numbered as a watercraft may display the~~  
18 ~~watercraft number on the forward half of the snowmobile in~~  
19 ~~lieu of the snowmobile identification number, but the current~~  
20 ~~snowmobile registration decal shall also be affixed aft of the~~  
21 ~~current watercraft registration decal.~~

22 Sec. 8. Section 321G.6, unnumbered paragraphs 1 and 2,  
23 Code 1989, are amended to read as follows:

24 Every all-terrain vehicle or snowmobile registration  
25 certificate and number issued expires at midnight December 31,  
26 and renewals expire every two years thereafter unless sooner  
27 terminated or discontinued in accordance with this chapter.  
28 After the first day of September each even-numbered year, an  
29 unregistered snowmobiles all-terrain vehicle or snowmobile and  
30 renewals may be registered for the subsequent biennium  
31 beginning January 1. A An all-terrain vehicle or snowmobile  
32 registered between January 1 and September 1 of even-numbered  
33 years shall be registered for a fee of ten dollars for the  
34 remainder of the registration period.

35 After the first day of September in even-numbered years an

1 unregistered all-terrain vehicle or snowmobile may be  
2 registered for the remainder of the current registration  
3 period and for the subsequent registration period in one  
4 transaction. The fee shall be five dollars for the remainder  
5 of the current period, in addition to the registration fee of  
6 twenty dollars for the subsequent biennium beginning January  
7 1, and a writing fee. Registration certificates and numbers  
8 may be renewed upon application of the owner in the same  
9 manner as provided in securing the original registration. The  
10 all-terrain vehicle or snowmobile registration fee is in lieu  
11 of personal property tax for each year of the registration.

12 Sec. 9. Section 321G.6, unnumbered paragraph 3, Code 1989,  
13 is amended by striking the unnumbered paragraph and inserting  
14 in lieu thereof the following:

15 An expired all-terrain vehicle or snowmobile registration  
16 may be renewed for the same fee as if the owner is securing  
17 the original registration plus a penalty of five dollars and a  
18 writing fee.

19 Sec. 10. Section 321G.6, Code 1989, is amended by adding  
20 the following new unnumbered paragraph after unnumbered  
21 paragraph 3:

22 NEW UNNUMBERED PARAGRAPH. All all-terrain vehicles used on  
23 public land must be registered within six months following the  
24 effective date of this Act, unless otherwise exempt.

25 Sec. 11. Section 321G.6, unnumbered paragraphs 4 and 5,  
26 Code 1989, are amended to read as follows:

27 ~~Whenever-any~~ When a person, after registering a an all-  
28 terrain vehicle or snowmobile, moves from the address shown on  
29 the registration certificate, the person shall, within ten  
30 days, notify the county recorder in writing of ~~such-fact~~ the  
31 move and the person's new address.

32 Upon the transfer of ownership of a an all-terrain vehicle  
33 or snowmobile, the owner shall complete the form on the back  
34 of a current registration certificate and shall deliver it to  
35 the purchaser or transferee at the time of delivering the all-

1 terrain vehicle or snowmobile. The purchaser or transferee  
 2 shall, within five days, file a new application form with the  
 3 county recorder with a fee of one dollar and the writing fee,  
 4 and a transfer of number shall be awarded in the same manner  
 5 as provided in an original registration.

6 Sec. 12. Section 321G.7, Code 1989, is amended to read as  
 7 follows:

8 321G.7 FEES REMITTED TO COMMISSION -- APPROPRIATION.

9 Within ten days after the end of each month, each county  
 10 recorder shall remit to the commission ~~all~~ the all-terrain  
 11 vehicle and snowmobile fees collected by the recorder during  
 12 the previous month. Before January 10 of odd-numbered years,  
 13 each recorder shall remit unused license forms from the  
 14 previous biennium to the commission. Before January 10 of  
 15 each year, each recorder shall summarize the transactions of  
 16 the registration fees and penalties collected during the  
 17 previous year.

4638  
3561 18 The commission shall remit the fees to the treasurer of  
 19 state, who shall place the money in a special conservation  
 20 fund. The money is appropriated to the commission for the  
 21 all-terrain vehicle and snowmobile program programs of the  
 22 state. All-terrain vehicle fees shall be used only for all-  
 23 terrain vehicle programs and snowmobile fees shall be used  
 24 only for snowmobile programs. Joint programs shall be  
 25 supported from both types of fees on a usage basis. The  
 26 program programs shall include cost-sharing of snowmobile  
 27 facilities and programs with political subdivisions or  
 28 incorporated private organizations or both, and cost-sharing of  
 29 all-terrain vehicle facilities and programs with incorporated  
 30 private organizations in accordance with rules adopted by the  
 31 commission. At least fifty percent of the special fund shall  
 32 be available for the political subdivisions or incorporated  
 33 private organizations or both. Money from the special fund  
 34 not utilized by the political subdivisions or incorporated  
 35 private organizations, or both shall be utilized in the all-

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1 terrain vehicle or snowmobile program of the state.

2 Sec. 13. Section 321G.7, Code 1989, is amended by adding  
3 the following new unnumbered paragraph:

4 NEW UNNUMBERED PARAGRAPH. From funds received under this  
5 chapter relating to all-terrain vehicles, the department of  
6 natural resources shall acquire, by lease or purchase, one or  
7 more parks which shall be developed, operated, and maintained  
8 for the use of off-road vehicles.

9 Sec. 14. Section 321G.8, Code 1989, is amended to read as  
10 follows:

11 321G.8 EXEMPT VEHICLES.

12 No-registration Registration shall not be required for the  
13 following described all-terrain vehicles and snowmobiles:

14 1. Snowmobiles All-terrain vehicles and snowmobiles owned  
15 and used by the United States, another state, or a political  
16 subdivision thereof of another state.

17 2. Snowmobiles All-terrain vehicles and snowmobiles  
18 registered in a country other than the United States  
19 temporarily used within this state for not more than twenty  
20 consecutive days.

21 3. Snowmobiles All-terrain vehicles and snowmobiles  
22 covered by a valid license of another state and which have not  
23 been within this state for more than twenty consecutive days.

24 4. Snowmobiles All-terrain vehicles and snowmobiles not  
25 registered or licensed in another state or country being used  
26 in this state while engaged in a special event and not  
27 remaining in the state for a period of more than ten days.

28 5. All-terrain vehicles used in accordance with section  
29 321.234A.

30 Sec. 15. Section 321G.9, unnumbered paragraph 1, Code  
31 1989, is amended to read as follows:

32 No A person shall not operate a an all-terrain vehicle or  
33 snowmobile upon roadways or highways, as defined in section  
34 321.1, except as provided in section 321.234A and this  
35 chapter.

1 Sec. 16. Section 321G.9, subsection 1, Code 1989, is  
2 amended to read as follows:

3 1. A Except as provided in section 321.234A, an all-  
4 terrain vehicle or snowmobile shall not be operated at any  
5 time within the right of way of any interstate highway or  
6 freeway within this state.

7 Sec. 17. Section 321G.9, subsection 2, unnumbered  
8 paragraph 1 and paragraph b, Code 1989, are amended to read as  
9 follows:

10 A An all-terrain vehicle or snowmobile may make a direct  
11 crossing of a street or highway provided:

12 b. The all-terrain vehicle or snowmobile is brought to a  
13 complete stop before crossing the shoulder or main traveled  
14 way of the highway; and

15 Sec. 18. Section 321G.9, subsection 3, unnumbered  
16 paragraph 1 and paragraph d, Code 1989, are amended to read as  
17 follows:

18 A-registered An all-terrain vehicle or snowmobile shall not  
19 be operated on public highways:

20 d. Abreast with one or more other all-terrain vehicles or  
21 snowmobiles on a city highway.

22 Sec. 19. Section 321G.9, subsection 4, unnumbered  
23 paragraph 1 and paragraph d, Code 1989, are amended to read as  
24 follows:

25 A registered all-terrain vehicle or snowmobile may be  
26 operated under the following conditions:

27 d. On the roadways of that portion of county highways  
28 designated by the county board of supervisors for such use  
29 during a specified period. The county board of supervisors  
30 shall evaluate the traffic conditions on all county highways  
31 and designate roadways on which all-terrain vehicles or  
32 snowmobiles may be operated for the specified period without  
33 unduly interfering with or constituting an undue hazard to  
34 conventional motor vehicle traffic. Signs warning of the  
35 operation of all-terrain vehicles or snowmobiles on the

1 roadway shall be placed and maintained on the portions of  
2 highway thus designated during the period specified for such  
3 the operation.

4 Sec. 20. Section 321G.9, subsection 4, Code 1989, is  
5 amended by adding the following new lettered paragraphs:

6 NEW LETTERED PARAGRAPH. f. All-terrain vehicles shall not  
7 be operated on snowmobile trails except where designated by  
8 the controlling authority and the primary snowmobile trail  
9 sponsor.

10 NEW LETTERED PARAGRAPH. g. Snowmobiles shall not be  
11 operated on all-terrain vehicle trails except where designated  
12 by the controlling authority and the primary all-terrain  
13 vehicle trail sponsor.

14 Sec. 21. Section 321G.9, subsection 6, Code 1989, is  
15 amended to read as follows:

16 6. a. A An all-terrain vehicle or snowmobile shall not be  
17 operated on or across a public highway by a person under  
18 sixteen years of age who does not have in the person's  
19 possession a safety certificate issued to the person pursuant  
20 to this chapter.

21 b. Any A person twelve to fifteen years of age and  
22 possessing a valid safety certificate must be accompanied-by  
23 and under the direct supervision of a responsible-person-of-at  
24 least-eighteen-years-of-age parent, guardian, or another adult  
25 authorized by the parent or guardian, who is experienced in  
26 all-terrain vehicle or snowmobile operation, and who possesses  
27 a valid operator's or chauffeur's license, instruction permit,  
28 restricted license or temporary permit issued under chapter  
29 321, or a safety certificate issued under this chapter.

30 Sec. 22. Section 321G.9, subsection 7, Code 1989, is  
31 amended to read as follows:

32 7. A An all-terrain vehicle or snowmobile shall not be  
33 operated within the right of way of any a primary highway  
34 between the hours of sunset and sunrise except on the right-  
35 hand side of such the right of way and in the same direction

1 as the motor vehicular traffic on the nearest lane of traveled  
2 portion of ~~such~~ the right of way.

3 Sec. 23. Section 321G.10, Code 1989, is amended to read as  
4 follows:

5 321G.10 ACCIDENT REPORTS.

6 If a an all-terrain vehicle or snowmobile is involved in an  
7 accident resulting in injury or death to anyone or property  
8 damage amounting to two hundred dollars or more, either the  
9 operator or someone acting for the operator shall immediately  
10 notify the county sheriff or another law enforcement agency in  
11 the state. The operator shall file with the commission a  
12 report of the accident, within forty-eight hours, containing  
13 information as the commission may require.

14 Sec. 24. Section 321G.11, unnumbered paragraphs 1 and 2,  
15 Code 1989, are amended to read as follows:

16 A An all-terrain vehicle or snowmobile shall not be  
17 operated without suitable and effective muffling devices which  
18 limit engine noise to not more than eighty-six decibels as  
19 measured on the "A" scale at a distance of fifty feet; and a  
20 snowmobile, manufactured after July 1, 1973, which is sold,  
21 offered for sale, or used in this state, except in an  
22 authorized special event, shall have a muffler system that  
23 limits engine noise to not more than eighty-two decibels as  
24 measured on the "A" scale at a distance of fifty feet.

25 The commission may adopt rules with respect to the  
26 inspection of all-terrain vehicles and snowmobiles and the  
27 testing of ~~snowmobile~~ their mufflers.

28 Sec. 25. Section 321G.12, Code 1989, is amended by  
29 striking the section and inserting in lieu thereof the  
30 following:

31 321G.12 HEAD LAMP -- TAIL LAMP -- BRAKES.

32 Every all-terrain vehicle operated during the hours of  
33 darkness shall display a lighted head lamp and tail lamp.  
34 Every snowmobile shall be equipped with at least one head lamp  
35 and one tail lamp. Every all-terrain vehicle and snowmobile

1 shall be equipped with brakes which conform to standards  
2 prescribed by the director of transportation.

3 Sec. 26. Section 321G.13, unnumbered paragraph 1 and  
4 subsections 7, 8, 10, and 11, Code 1989, are amended to read  
5 as follows:

6 ~~it shall be unlawful for any~~ A person to shall not drive or  
7 operate any an all-terrain vehicle or snowmobile:

8 7. In or on any park or fish and game areas except on  
9 designated all-terrain vehicle or snowmobile trails.

10 8. Upon an operating railroad right of way. A An all-  
11 terrain vehicle or snowmobile may be driven directly across a  
12 railroad right of way only at an established crossing and,  
13 notwithstanding any other provisions of law, may, where if  
14 necessary, use the improved portion of such the established  
15 crossing after yielding to all oncoming traffic. ~~The~~  
16 ~~provisions of this~~ This subsection ~~shall~~ does not apply to any  
17 a law enforcement officer or railroad employee in the lawful  
18 discharge of the officer's or employee's duties.

19 10. On public land without a measurable snow cover except  
20 as provided in section 321.234A or in specific areas permitted  
21 by the department, such as "all-terrain vehicle parks" which  
22 are designated and intended for use with or without snow.

23 11. ~~No~~ A person shall not operate or ride in any an all-  
24 terrain vehicle or snowmobile with any a firearm in the  
25 person's possession unless it is unloaded and enclosed in a  
26 carrying case, or any bow unless it is unstrung or enclosed in  
27 a carrying case.

28 Sec. 27. Section 321G.13, Code 1989, is amended by adding  
29 the following new subsection:

30 NEW SUBSECTION. 12. A person shall not operate an all-  
31 terrain vehicle while carrying a passenger.

32 Sec. 28. Section 321G.15, Code 1989, is amended to read as  
33 follows:

34 321G.15 OPERATION PENDING REGISTRATION.

35 The commission shall furnish snowmobile and all-terrain

1 vehicle dealers with pasteboard cards bearing the words  
2 "registration applied for" and space for the date of purchase.  
3 Any An unregistered all-terrain vehicle or snowmobile sold by  
4 a dealer shall bear one of these cards which ~~shall~~ entitle the  
5 purchaser to operate it for ten days immediately following the  
6 purchase. The purchaser of a registered all-terrain vehicle  
7 or snowmobile ~~shall-be-entitled-to~~ may operate it for ten days  
8 immediately following the purchase, without having completed a  
9 transfer of registration. Any A person who purchases a an  
10 all-terrain vehicle or snowmobile from a dealer shall, within  
11 five days of the purchase, apply for a an all-terrain vehicle  
12 or snowmobile registration or transfer of registration.

13 Sec. 29. Section 321G.16, Code 1989, is amended to read as  
14 follows:

15 321G.16 SPECIAL EVENTS.

16 The commission may authorize the holding of organized  
17 special events as defined in this chapter within this state.  
18 The commission shall adopt and may amend rules and ~~regulations~~  
19 relating to the conduct of special events held under  
20 commission permits and designating the equipment and  
21 facilities necessary for safe operation of all-terrain vehicle  
22 and snowmobiles or for the safety of operators, participants,  
23 and observers in the special events. At least thirty days  
24 before the scheduled date of a special event in this state, an  
25 application shall be filed with the commission for  
26 authorization to conduct the special event. The application  
27 shall set forth the date, time, and location of the proposed  
28 special event and any other information as the commission may  
29 ~~require~~ requires. The special event shall not be conducted  
30 without written authorization of the commission. Copies of  
31 ~~such~~ the rules shall be furnished by the commission to any  
32 person making an application therefor.

33 Sec. 30. Section 321G.17, Code 1989, is amended to read as  
34 follows:

35 321G.17 VIOLATION OF "STOP" SIGNAL.

1 ~~it shall be unlawful for any~~ A person, after having  
2 received a visual or audible signal from any a peace officer  
3 to come to a stop, ~~to shall not operate a~~ an all-terrain  
4 vehicle or snowmobile in willful or wanton disregard of ~~such~~  
5 the signal or interfere with or endanger the officer or any  
6 other person or vehicle, or increase speed or attempt to flee  
7 or elude the officer.

8 Sec. 31. Section 321G.18, Code 1989, is amended to read as  
9 follows:

10 321G.18 NEGLIGENCE.

11 The owner and operator of ~~any an~~ an all-terrain vehicle or  
12 snowmobile ~~shall be~~ is liable for any injury or damage  
13 occasioned by the negligent operation of ~~such the~~ the all-terrain  
14 vehicle or snowmobile.

15 Sec. 32. Section 321G.19, Code 1989, is amended to read as  
16 follows:

17 321G.19 RENTED SNOWMOBILES AND ALL-TERRAIN VEHICLES.

18 1. The owner of ~~any a~~ a rented all-terrain vehicle or  
19 snowmobile shall keep a record of the name and address of each  
20 person renting the all-terrain vehicle or snowmobile, its  
21 identification number, the departure date and time, and the  
22 expected time of return. The records shall be preserved for  
23 six months.

24 2. The owner of ~~a an~~ an all-terrain vehicle or snowmobile  
25 operated for hire shall not permit the use or operation of a  
26 rented all-terrain vehicle or snowmobile unless it ~~shall have~~  
27 has been provided with all equipment required by this chapter  
28 or rules of the commission or the director of transportation,  
29 properly installed and in good working order.

30 Sec. 33. Section 321G.20, Code 1989, is amended by adding  
31 the following new unnumbered paragraph:

32 NEW UNNUMBERED PARAGRAPH. A person under twelve years of  
33 age shall not operate an all-terrain vehicle on public lands  
34 unless the person is taking a prescribed safety training  
35 course under the direct supervision of a certified all-terrain

1 vehicle safety instructor and a parent or guardian.

2 Sec. 34. Section 321G.21, subsections 1, 3, 6, 8, 9, and  
3 10, Code 1989, are amended to read as follows:

4 1. A manufacturer, distributor, or dealer owning any all-  
5 terrain vehicle or snowmobile required to be registered under  
6 this chapter may operate the all-terrain vehicle or snowmobile  
7 for purposes of transporting, testing, demonstrating, or  
8 selling it without the all-terrain vehicle or snowmobile being  
9 registered, except that a special identification number issued  
10 to the owner as provided in this chapter shall be displayed on  
11 the all-terrain vehicle or snowmobile. The special  
12 identification number ~~may~~ shall not be used on any an all-  
13 terrain vehicle or snowmobile offered for hire or for any work  
14 or service performed by a manufacturer, distributor, or  
15 dealer.

16 3. The commission, upon granting an application, shall  
17 issue to the applicant a special registration certificate  
18 containing the applicant's name and address, the general  
19 identification number assigned to the applicant, the word  
20 "manufacturer", "dealer", or "distributor", and such other  
21 information ~~as the commission may prescribe~~ prescribes. The  
22 manufacturer, distributor, or dealer shall have the assigned  
23 number printed upon or attached to a removable sign or signs  
24 which may be temporarily but firmly mounted or attached to the  
25 all-terrain vehicle or snowmobile being used. The display  
26 shall meet the requirements of this chapter and the rules of  
27 the commission.

28 6. Every manufacturer, distributor, or dealer shall keep a  
29 written record of the all-terrain vehicles and snowmobiles  
30 upon which special registration certificates are used, which  
31 record shall be open to inspection by any law enforcement  
32 officer or any officer or employee of the commission.

33 8. Dealers using special certificates under ~~the provisions~~  
34 ~~of~~ this chapter shall, before January 10 of each year, furnish  
35 the commission with a list of all used all-terrain vehicles

1 and snowmobiles held by them for sale or trade, and upon which  
2 the registration fee for the current year has not been paid,  
3 giving the previous registration number, name of previous  
4 owner at the time such the all-terrain vehicle or snowmobile  
5 was transferred to the dealer, and such other information as  
6 the commission may-require requires.

7 9. When If the purchaser or transferee of a an all-terrain  
8 vehicle or snowmobile is a dealer who holds the same for  
9 resale and operates the all-terrain vehicle or snowmobile only  
10 for purposes incidental to a resale and displays thereon the  
11 special dealer's certificate, or does not operate such the  
12 all-terrain vehicle or snowmobile or permit it to be operated,  
13 such the transferee shall is not be required to obtain a new  
14 registration certificate but upon transferring title or  
15 interest to another person shall sign the reverse side of the  
16 registration certificate of such the all-terrain vehicle or  
17 snowmobile indicating the name and address of the new  
18 purchaser. The purchaser may take the registration  
19 certificate to the county recorder and file a new application  
20 form with a fee of one dollar for transfer and the writing  
21 fee. The recorder shall award a transfer of the registration  
22 number. If the registration has expired while in the dealer's  
23 possession, the purchaser may renew the registration for the  
24 same fee and writing fee as if the purchaser is securing the  
25 original registration.

26 10. Whenever When a dealer purchases or otherwise acquires  
27 a an all-terrain vehicle or snowmobile registered in this  
28 state, the dealer shall issue a signed receipt to the previous  
29 owner, indicating the date of purchase or acquisition, the  
30 name and address of such the previous owner, and the  
31 registration number of the all-terrain vehicle or snowmobile  
32 purchased or acquired. The original receipt shall be  
33 delivered to the previous owner and one copy shall be mailed  
34 or delivered by the dealer to the county recorder of the  
35 county in which the all-terrain vehicle or snowmobile is

1 registered, and one copy shall be delivered to the commission  
2 within forty-eight hours.

3 Sec. 35. Section 321G.22, Code 1989, is amended to read as  
4 follows:

5 321G.22 LIMITATION OF LIABILITY BY PUBLIC BODIES AND  
6 ADJOINING OWNERS.

7 The state, its political subdivisions, and the owners or  
8 tenants of property adjoining public lands or the right of way  
9 of a public highway and their agents and employees owe no duty  
10 of care to keep the public lands, ditches, or land contiguous  
11 to a highway or roadway under the control of the state or a  
12 political subdivision safe for entry or use by persons  
13 operating a an all-terrain vehicle or snowmobile, or to give  
14 any warning of a dangerous condition, use, structure, or  
15 activity on such the premises to persons entering for such  
16 purposes, except in the case of willful or malicious failure  
17 to guard or warn against a dangerous condition, use,  
18 structure, or activity. The state, its political  
19 subdivisions, and the owners or tenants of property adjoining  
20 public lands or the right of way of a public highway, and  
21 their agents and employees are not liable for actions taken to  
22 allow or facilitate the use of public lands, ditches, or land  
23 contiguous to a highway or roadway except in the case of a  
24 willful or malicious failure to guard or warn against a  
25 dangerous condition, use, structure, or activity. This  
26 section does not create a duty of care or ground of liability  
27 on behalf of the state, its political subdivisions, or the  
28 owners or tenants of property adjoining public lands or the  
29 right of way of a public highway and their agents and  
30 employees for injury to persons or property in the operation  
31 of all-terrain vehicles or snowmobiles in a ditch or on land  
32 contiguous to a highway or roadway under the control of the  
33 state or a political subdivision. The state, its political  
34 subdivisions, and the owners or tenants of property adjoining  
35 public lands or the right of way of a public highway and their

1 agents and employees are not liable for the operation of a an  
2 all-terrain vehicle or snowmobile in violation of this  
3 chapter.

4 Sec. 36. Section 321G.23, subsections 1 and 4, Code 1989,  
5 are amended to read as follows:

6 1. The commission shall provide, by rules adopted pursuant  
7 to section 321G.2, for the establishment of a-course certified  
8 courses of instruction to be conducted throughout the state  
9 for the safe use and operation of all-terrain vehicles and  
10 snowmobiles. The curriculum shall include instruction in the  
11 lawful and safe use, operation, and equipping of all-terrain  
12 vehicles and snowmobiles consistent with the-provisions-of  
13 this chapter and rules adopted by the commission and the  
14 director of transportation and ~~such~~ other matters as the  
15 commission deems pertinent for a qualified all-terrain vehicle  
16 or snowmobile operator.

17 4. The commission shall provide safety material relating  
18 to the operation of all-terrain vehicles and snowmobiles for  
19 the use of private nonpublic or public elementary and  
20 secondary schools in this state.

21 Sec. 37. Section 321G.24, subsections 1 and 5, Code 1989,  
22 are amended to read as follows:

23 1. ~~Effective-July-17-1977,-no~~ A person who-is-born-after  
24 July-17-1965 under eighteen years of age shall not operate a  
25 an all-terrain vehicle or snowmobile in this state without  
26 obtaining a valid safety certificate issued by the commission  
27 and having ~~such~~ the certificate in the person's possession, or  
28 unless the person is accompanied on the same ~~machine~~  
29 snowmobile by a responsible person of at least eighteen years  
30 of age who is experienced in snowmobile operation and  
31 possesses a valid operator's or chauffeur's license,  
32 instruction permit, restricted license or temporary permit  
33 issued under chapter 321 or a safety certificate issued under  
34 this chapter.

35 5. A valid all-terrain vehicle or snowmobile safety

1 certificate or license issued to a nonresident by a  
2 governmental authority of another state shall be considered a  
3 valid certificate or license in this state if the permit or  
4 license requirements of such the governmental authority,  
5 excluding fees, are substantially the same as the requirements  
6 of this chapter as determined by the commission.

7 Sec. 38. Section 321G.25, Code 1989, is amended to read as  
8 follows:

9 321G.25 STOPPING AND INSPECTING -- WARNINGS.

10 A peace officer may stop and inspect a an all-terrain  
11 vehicle or snowmobile operated, parked, or stored on public  
12 streets, highways, public lands, or frozen waters of the state  
13 to determine if the all-terrain vehicle or snowmobile is  
14 registered, numbered, or equipped as required by this chapter  
15 and commission rules. The officer shall not inspect an area  
16 that is not essential to determine compliance with the  
17 requirements. If the officer determines that the all-terrain  
18 vehicle or snowmobile is not in compliance, the officer may  
19 issue a warning memorandum to the operator and forward a copy  
20 to the commission. The warning memorandum shall indicate the  
21 items found not in compliance and shall direct the owner or  
22 operator of the all-terrain vehicle or snowmobile to have the  
23 all-terrain vehicle or snowmobile in compliance and return a  
24 copy of the warning memorandum with the proof of compliance to  
25 the commission within fourteen days. If the proof of  
26 compliance is not provided within fourteen days, the owner or  
27 operator is in violation of this chapter.

28 Sec. 39. Section 321G.26, Code 1989, is amended to read as  
29 follows:

30 321G.26 TERMINATION OF USE.

31 A person who receives a warning memorandum for a an all-  
32 terrain vehicle or snowmobile shall stop using the all-terrain  
33 vehicle or snowmobile as soon as possible and shall not  
34 operate it on public streets, highways, public lands, or  
35 frozen waters of the state until the all-terrain vehicle or

1 snowmobile is in compliance.

2 Sec. 40. Section 321G.27, Code 1989, is amended to read as  
3 follows:

4 321G.27 WRITING FEES.

5 The county recorder shall collect a writing fee of one  
6 dollar for an all-terrain vehicle or snowmobile registrations  
7 registration. ~~When two or more transactions for one~~

8 ~~snowmobile take place during the registration process the~~  
9 ~~transactions shall be considered as a single registration.~~

10 Sec. 41. Section 321G.28, Code 1989, is amended to read as  
11 follows:

12 321G.28 CONSISTENT LOCAL LAWS -- SPECIAL LOCAL RULES.

13 1. ~~The provisions of this~~ This chapter and other  
14 applicable laws of this state shall govern the operation,  
15 equipment, numbering, and all other matters relating to a an  
16 all-terrain vehicle or snowmobile ~~whenever~~ when the all-  
17 terrain vehicle or snowmobile is operated or maintained in  
18 this state. However, ~~nothing in~~ this chapter shall be  
19 ~~construed to~~ does not prevent the adoption of an ordinance or  
20 local law relating to the operation of or equipment of all-  
21 terrain vehicles or snowmobiles. The ordinances or local laws  
22 ~~shall be~~ are operative only so long as they are not  
23 inconsistent with ~~the provisions of~~ this chapter or the rules  
24 ~~and regulations~~ adopted by the commission.

25 2. A subdivision of this state, after public notice by  
26 publication in a newspaper having a general circulation in the  
27 subdivision, may make formal application to the commission for  
28 special rules concerning the operation of all-terrain vehicles  
29 or snowmobiles within the territorial limits of the  
30 subdivision and shall provide the commission with the reasons  
31 the special rules are necessary.

32 3. The commission, upon application by local authorities  
33 and in conformity with this chapter, may make special rules  
34 concerning the operation of all-terrain vehicles or  
35 snowmobiles within the territorial limits of a subdivision of

1 this state.

2 Sec. 42. NEW SECTION. 106.34A VEHICLES PROHIBITED IN  
3 STREAMBED.

4 1. Except as provided in subsection 2, a person shall not  
5 operate a motor vehicle in any of the following:

6 a. Any portion of a meandered stream.

7 b. Any portion of the bed of a nonmeandered stream which  
8 has been identified as a navigable stream or river by rule  
9 adopted by the department and which is covered by water.

10 c. Any portion of a stream identified as a trout stream by  
11 the department.

12 2. This section does not prohibit the use of ford  
13 crossings of public or private roads or any other ford  
14 crossing when used for agricultural purposes, the operation  
15 of construction vehicles engaged in lawful construction,  
16 repair, or maintenance in a streambed, or the operation of  
17 motor vehicles on ice.

18 3. The department of natural resources shall adopt rules  
19 identifying the navigable streams and rivers in which a motor  
20 vehicle may be operated. The department may exempt  
21 participants of organized special events from this section  
22 where the organized special event is approved by a state or  
23 local authority.

24 4. As used in this section, "motor vehicle" means a motor  
25 vehicle as defined in section 321.1, subsection 2.

26 Sec. 43. This Act takes effect on January 1, 1990.

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35

## HOUSE FILE 477

S-3561

1 Amend House File 477, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 15 the  
4 following:

5 "NEW SUBSECTION. 19. "Commission" means the  
6 natural resource commission of the department.

7 2. Page 2, by striking lines 29 through 31 and  
8 inserting the following:

9 "~~5. Establishment of a course of instruction for~~  
10 ~~the safe use and operation of a snowmobile~~ Establish a  
11 program of grants, subgrants, and contracts to be  
12 administered by the department for the development and  
13 delivery of certified courses of instruction for the  
14 safe use and operation of all-terrain vehicles and  
15 snowmobiles by political subdivisions and incorporated  
16 private organizations.

17 3. Page 3, lines 18 and 19, by striking the words  
18 "-- COMPETITION REGISTRATION" and inserting the  
19 following: "~~---COMPETITION-REGISTRATION~~".

20 4. Page 4, by striking lines 3 through 11 and  
21 inserting the following:

22 "~~Upon proper application and payment of the~~  
23 ~~registration fee provided in section 3216.6, the~~  
24 ~~commission shall issue a competition registration for~~  
25 ~~a snowmobile. A competition registration authorizes~~  
26 ~~the operation of the snowmobile only in special events~~  
27 ~~in which the commission has authorized their~~  
28 ~~operation. The fees collected for the competition~~  
29 ~~registration shall be deposited in the special~~  
30 ~~conservation fund."~~

31 5. By striking page 8, line 18 through page 9,  
32 line 1 and inserting the following:

33 "The commission department shall remit the fees to  
34 the treasurer of state, who shall place the money in a  
35 special conservation fund. The money is appropriated  
36 to the commission department for the all-terrain  
37 vehicle and snowmobile program of the state programs.  
38 All-terrain vehicle fees shall be used only for all-  
39 terrain vehicle programs and snowmobile fees shall be  
40 used only for snowmobile programs. Joint programs  
41 shall be supported from both types of fees on a usage  
42 basis. The snowmobile program shall include cost-  
43 sharing of snowmobile facilities and programs with  
44 political subdivisions or incorporated private  
45 organizations or both in accordance with rules adopted  
46 by the commission. The all-terrain vehicle program  
47 shall consist only of grants, subgrants, and contracts  
48 with political subdivisions or incorporated private  
49 organizations for all-terrain vehicle facilities and  
50 programs, including safety programs. All grantees,

S-3561

Page 2

1 subgrantees, or contractors of the all-terrain vehicle  
2 program must establish and implement a safety  
3 instruction program either singly or in cooperation  
4 with other grantees, subgrantees, or contractors. At  
5 least fifty percent of the special fund shall be  
6 available for the political subdivisions or  
7 incorporated private organizations or both. Money  
8 from the special fund not utilized by the political  
9 subdivisions or incorporated private organizations, or  
10 both shall be utilized remain in the all-terrain  
11 vehicle or snowmobile program-of-the-state accounts.  
12 The department may utilize funds from these accounts  
13 for the administration of the all-terrain vehicle and  
14 snowmobile programs."

15 6. Page 13, line 21, by striking the word  
16 "department" and inserting the following:  
17 "commission".

By COMMITTEE ON NATURAL RESOURCES  
KENNETH SCOTT, Chairperson

S-3561 FILED APRIL 5, 1989

Adopted 4-12-89 (p. 1373)

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HOUSE FILE 477

S-3665

1 Amend House File 477 as amended, passed and reprinted  
2 by the House as follows:  
3 1. Page 9, by striking lines 2 through 8.  
By DALE L. TIEDEN

S-3665 FILED APRIL 12, 1989

ADOPTED 4-12-89 (p. 1373)

SENATE AMENDMENT TO HOUSE FILE 477

H-4038

1 Amend House File 477 as amended, passed and  
2 reprinted by the House as follows:

3 1. Page 2, by inserting after line 15 the  
4 following:

5 "NEW SUBSECTION. 19. "Commission" means the  
6 natural resource commission of the department.

7 2. Page 2, by striking lines 29 through 31 and  
8 inserting the following:

9 "5. Establishment-of-a-course-of-instruction-for  
10 the-safe-use-and-operation-of-a-snowmobile Establish a  
11 program of grants, subgrants, and contracts to be  
12 administered by the department for the development and  
13 delivery of certified courses of instruction for the  
14 safe use and operation of all-terrain vehicles and  
15 snowmobiles by political subdivisions and incorporated  
16 private organizations.

17 3. Page 3, lines 18 and 19, by striking the words  
18 "-- COMPETITION REGISTRATION" and inserting the  
19 following: "---COMPETITION-REGISTRATION".

20 4. Page 4, by striking lines 3 through 11 and  
21 inserting the following:

22 "Upon-proper-application-and-payment-of-the  
23 registration-fee-provided-in-section-3216-67-the  
24 commission-shall-issue-a-competition-registration-for  
25 a-snowmobile---A-competition-registration-authorizes  
26 the-operation-of-the-snowmobile-only-in-special-events  
27 in-which-the-commission-has-authorized-their  
28 operation---The-fees-collected-for-the-competition  
29 registration-shall-be-deposited-in-the-special  
30 conservation-fund."

31 5. By striking page 8, line 18 through page 9,  
32 line 1 and inserting the following:

33 "The commission department shall remit the fees to  
34 the treasurer of state, who shall place the money in a  
35 special conservation fund. The money is appropriated  
36 to the commission department for the all-terrain  
37 vehicle and snowmobile program-of-the-state programs.  
38 All-terrain vehicle fees shall be used only for all-  
39 terrain vehicle programs and snowmobile fees shall be  
40 used only for snowmobile programs. Joint programs  
41 shall be supported from both types of fees on a usage  
42 basis. The snowmobile program shall include cost-  
43 sharing of snowmobile facilities and programs with  
44 political subdivisions or incorporated private  
45 organizations or both in accordance with rules adopted  
46 by the commission. The all-terrain vehicle program  
47 shall consist only of grants, subgrants, and contracts  
48 with political subdivisions or incorporated private  
49 organizations for all-terrain vehicle facilities and  
50 programs, including safety programs. All grantees,

H-4036

Page 2

1 subgrantees, or contractors of the all-terrain vehicle  
2 program shall establish and implement a safety  
3 instruction program either singly or in cooperation  
4 with other grantees, subgrantees, or contractors. At  
5 least fifty percent of the special fund shall be  
6 available for the political subdivisions or  
7 incorporated private organizations or both. Money  
8 from the special fund not utilized by the political  
9 subdivisions or incorporated private organizations or  
10 both shall be utilized remain in the all-terrain  
11 vehicle or snowmobile program-of-the-state accounts.  
12 The department may utilize funds from these accounts  
13 for the administration of the all-terrain vehicle and  
14 snowmobile programs."

15 6. Page 9, by striking lines 2 through 8.

16 7. Page 13, line 21, by striking the word  
17 "department" and inserting the following:  
18 "commission".

19 8. By renumbering, relettering, or redesignating  
20 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-4036 FILED APRIL 14, 1989

House Concurred 4-24-89 (p1834)

HOUSE FILE 477

-4065

Amend the amendment, H-4038, to House File 477, as amended, passed, and reprinted by the House, as follows:

1. By striking page 1, line 31, through page 2, line 14, and inserting the following:

"\_\_\_\_\_. By striking page 8, line 6, through page 9, line 1, and inserting the following:

"Sec. 12. Section 321G.7, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

321G.7 FEES REMITTED TO COMMISSION -- APPROPRIATION.

Within ten days after the end of each month, each county recorder shall remit to the commission the all-terrain vehicle and snowmobile fees collected by the recorder during the previous month. Before January 10 of odd-numbered years, each recorder shall remit unused license forms from the previous biennium to the commission. Before January 10 of each year, each recorder shall summarize the transactions of the registration fees and penalties collected during the previous year.

The department shall remit the fees to the treasurer of state, who shall place the money in a special conservation fund. The money is appropriated to the department for the all-terrain vehicle and snowmobile programs of the state. All-terrain vehicle fees shall be used only for all-terrain vehicle programs and snowmobile fees shall be used only for snowmobile programs. Joint programs shall be supported from both types of fees on a usage basis. The all-terrain vehicle and snowmobile programs shall include grants, subgrants, contracts, or cost-sharing of all-terrain vehicle and snowmobile programs with political subdivisions or incorporated private organizations or both in accordance with rules adopted by the commission. All all-terrain vehicle programs using cost-sharing, grants, subgrants, or contracts shall establish and implement a safety instruction program either singly or in cooperation with other all-terrain vehicle programs. At least fifty percent of the special fund shall be available for political subdivisions or incorporated private organizations or both. Moneys from the special fund not used by the political subdivisions or incorporated private organizations or both shall remain in the all-terrain vehicle or snowmobile accounts. The department may use funds from these accounts for the administration of the all-terrain vehicle and snowmobile programs."

By SCHRADER of Marion

4065 FILED APRIL 17, 1989

*Adopted 4/24/89 (p. 1835)*

HOUSE AMENDMENT TO SENATE AMENDMENT  
TO HOUSE FILE 477

S-3897

1 Amend the amendment, H-4038, to House File 477, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. By striking page 1, line 31, through page 2,  
5 line 14, and inserting the following:

6 " \_\_\_\_\_. By striking page 8, line 6, through page 9,  
7 line 1, and inserting the following:

8 "Sec. 12. Section 321G.7, Code 1989, is amended by  
9 striking the section and inserting in lieu thereof the  
10 following:

11 321G.7 FEES REMITTED TO COMMISSION -- APPRO-  
12 PRIATION.

13 Within ten days after the end of each month, each  
14 county recorder shall remit to the commission the all-  
15 terrain vehicle and snowmobile fees collected by the  
16 recorder during the previous month. Before January 10  
17 of odd-numbered years, each recorder shall remit  
18 unused license forms from the previous biennium to the  
19 commission. Before January 10 of each year, each  
20 recorder shall summarize the transactions of the  
21 registration fees and penalties collected during the  
22 previous year.

23 The department shall remit the fees to the  
24 treasurer of state, who shall place the money in a  
25 special conservation fund. The money is appropriated  
26 to the department for the all-terrain vehicle and  
27 snowmobile programs of the state. All-terrain vehicle  
28 fees shall be used only for all-terrain vehicle  
29 programs and snowmobile fees shall be used only for  
30 snowmobile programs. Joint programs shall be  
31 supported from both types of fees on a usage basis.  
32 The all-terrain vehicle and snowmobile programs shall  
33 include grants, subgrants, contracts, or cost-sharing  
34 of all-terrain vehicle and snowmobile programs with  
35 political subdivisions or incorporated private  
36 organizations or both in accordance with rules adopted  
37 by the commission. All all-terrain vehicle programs  
38 using cost-sharing, grants, subgrants, or contracts  
39 shall establish and implement a safety instruction  
40 program either singly or in cooperation with other  
41 all-terrain vehicle programs. At least fifty percent  
42 of the special fund shall be available for political  
43 subdivisions or incorporated private organizations or  
44 both. Moneys from the special fund not used by the  
45 political subdivisions or incorporated private  
46 organizations or both shall remain in the all-terrain  
47 vehicle or snowmobile accounts. The department may  
48 use funds from these accounts for the administration  
49 of the all-terrain vehicle and snowmobile programs."

RECEIVED FROM THE HOUSE

S-3897 FILED APRIL 25, 1989

*Senate Concurred 4-25-89 (p. 16th)*

HOUSE FILE 477

AN ACT

RELATING TO CERTAIN MOTOR VEHICLES, BY PROVIDING FOR THE OWNERSHIP, OPERATION, AND REGULATION OF SNOWMOBILES AND ALL-TERRAIN VEHICLES, IMPOSING FEES, THE OPERATION OF CERTAIN MOTOR VEHICLES, SUBJECTING VIOLATORS TO PENALTIES, AND PROVIDING EFFECTIVE DATES.

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

Section 1. Section 321G.1, subsection 2, Code 1989, is amended by striking the subsection and inserting in lieu thereof the following:

2. "Snowmobile" means a motorized vehicle weighing less than one thousand pounds which uses sled-type runners or skis, endless belt-type tread, or any combination of runners, skis, or tread, and is designed for travel on snow or ice.

Sec. 2. Section 321G.1, subsections 4 through 8 and 15, Code 1989, are amended to read as follows:

4. "Owner" means a person, other than a lienholder, having the property right in or title to a an all-terrain vehicle or snowmobile. The term includes a person entitled to the use or possession of a an all-terrain vehicle or snowmobile 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.

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

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

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

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

15. "Safety certificate" means a an all-terrain vehicle or snowmobile safety certificate issued by the commission to a qualified applicants applicant who are is twelve years of age or more.

Sec. 3. Section 321G.1, Code 1989, is amended by adding the following new subsections:

NEW SUBSECTION. 17. "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, that is limited in engine displacement to less than eight hundred cubic centimeters and in total dry weight to less than seven hundred fifty pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

NEW SUBSECTION. 18. "Department" means the department of natural resources.

NEW SUBSECTION. 19. "Commission" means the natural resource commission of the department.

Sec. 4. Section 321G.2, Code 1989, is amended to read as follows:

321G.2 RULES.

The commission ~~is hereby vested with the power to~~ may adopt rules for the following purposes:

1. Registration of all-terrain vehicles and snowmobiles.

2. Use of all-terrain vehicles and snowmobiles insofar as far as game and fish resources or habitats are affected.

3. Use of all-terrain vehicles and snowmobiles on public lands under the jurisdiction of the commission.

4. Use of all-terrain vehicles and snowmobiles on any waters of the state under the jurisdiction of the commission, while such the waters are frozen.

5. ~~Establishment-of-a-course-of-instruction-for-the-safe use-and-operation-of-a-snowmobile~~ Establish a program of grants, subgrants, and contracts to be administered by the department for the development and delivery of certified courses of instruction for the safe use and operation of all-terrain vehicles and snowmobiles by political subdivisions and incorporated private organizations.

6. Issuance of safety certificates.

7. Issuance of competition registrations and the participation of all-terrain vehicles and snowmobiles so registered in special events.

The director of transportation may adopt rules not inconsistent herewith with this chapter regulating the use of all-terrain vehicles and snowmobiles on streets and highways. Cities may designate streets under the jurisdiction of cities within their respective corporate limits which may be used for snowmobiling and the sport of driving all-terrain vehicles.

In the ~~promotion~~ promotion of such ~~adopting~~ adopting the rules, consideration shall be given to the need to protect the environment and the public health, safety, and welfare; to protect private property, public parks, and other public lands; to protect wildlife and the wildlife habitat thereof; and to promote uniformity of rules relating to the use, operation, and equipment of all-terrain vehicles and snowmobiles. Such ~~the~~ the rules shall be in conformance with chapter 17A.

Sec. 5. Section 321G.3, Code 1989, is amended to read as follows:

321G.3 REGISTRATION AND NUMBERING REQUIRED ~~---COMPETITION~~  
REGISTRATION.

~~Every~~ Each all-terrain vehicle and snowmobile used on public ~~streets, highways,~~ land or ice of this state shall be currently registered and numbered. ~~No~~ A person shall not operate, maintain, or give permission for the operation or maintenance of ~~any such an~~ an all-terrain vehicle or snowmobile on such public land or ice unless the all-terrain vehicle or snowmobile is numbered in accordance with this chapter, or in accordance with applicable federal laws, or in accordance with an approved numbering system of another state, and unless the identifying number set forth in the registration is displayed on each side of the forward half of such the snowmobile and on the rear fender of the all-terrain vehicle.

A registration number shall be assigned, without payment of fee, to all-terrain vehicles and snowmobiles owned by the state of Iowa or its political subdivisions upon application therefor for the number, and the assigned registration number shall be displayed on the all-terrain vehicle or snowmobile as required under section 321G.5.

~~Upon proper application and payment of the registration fee provided in section 321G.6, the commission shall issue a competition registration for a snowmobile. A competition registration authorizes the operation of the snowmobile only in special events in which the commission has authorized their operation. The fees collected for the competition registration shall be deposited in the special conservation fund.~~

Sec. 6. Section 321G.4, Code 1989, is amended to read as follows:

321G.4 REGISTRATION WITH COUNTY RECORDER -- FEE.

The owner of each all-terrain vehicle or snowmobile required to be numbered shall register it every two years with the county recorder of the county in which the owner resides or, if the owner is a nonresident, the owner shall register it

in the county in which such the all-terrain vehicle or snowmobile is principally used. The commission ~~shall have~~ has supervisory responsibility over the registration of ~~all all-~~ all-terrain vehicles and snowmobiles and shall provide each county recorder with registration forms and certificates and shall allocate identification numbers to each county.

The owner of the all-terrain vehicle or snowmobile shall file an application for registration with the appropriate county recorder on forms provided by the commission. The application shall be completed and signed by the owner of the all-terrain vehicle or snowmobile and shall be accompanied by a fee of twenty dollars and a writing fee. Proof-of-payment of Iowa sales or use tax must accompany all applications for registration. An all-terrain vehicle or a snowmobile shall not be registered by the county recorder until the county recorder is presented with receipts, bills of sale, or other satisfactory evidence that the sales or use tax has been paid for the purchase of the all-terrain vehicle or snowmobile or that the owner is exempt from paying the tax. However, an owner of an all-terrain vehicle, except an all-terrain vehicle purchased new on or after the effective date of this Act, may apply for registration without proof of sales or use tax paid until one year after the effective date of this Act. Upon receipt of the application in approved form accompanied by the required fees, the county recorder shall enter it upon the records and shall issue to the applicant a pocket-size registration certificate. The certificate shall be executed in triplicate, one copy to be delivered to the owner, one copy to the commission, and one copy to be retained on file by the county recorder. The registration certificate shall bear the number awarded to the all-terrain vehicle or snowmobile and the name and address of the owner. The registration certificate shall be carried either in the all-terrain vehicle or snowmobile or on the person of the operator of the machine when in use. The operator of a an all-terrain vehicle or

snowmobile shall exhibit the registration certificate to a peace officer upon request, to a person injured in an accident involving an all-terrain vehicle or snowmobile, or to the owner or operator of another all-terrain vehicle or snowmobile or the owner of personal or real property when the all-terrain vehicle or snowmobile is involved in a collision or accident of any nature with another all-terrain vehicle or snowmobile or the property of another person or to the property owner or tenant when the all-terrain vehicle or snowmobile is being operated on private property without permission from the property owner or tenant.

If a an all-terrain vehicle or snowmobile is placed in storage, the owner shall return the current registration certificate to the county recorder with an affidavit stating that the all-terrain vehicle or snowmobile is placed in storage and the effective date of storage. The county recorder shall notify the commission of each all-terrain vehicle or snowmobile placed in storage. When the owner of a stored all-terrain vehicle or snowmobile desires to renew the registration, the owner shall make application to the county recorder and pay the registration and writing fees without penalty. A refund of the registration fee shall not be allowed for a stored all-terrain vehicle or snowmobile.

Sec. 7. Section 321G.5, Code 1989, is amended to read as follows:

321G.5 DISPLAY OF IDENTIFICATION NUMBERS.

The owner shall cause the identification number to be attached to each side of the forward half of the a snowmobile and to the rear fender of an all-terrain vehicle in such the manner as may be prescribed by the rules and regulations of the commission and. The identification number shall be maintained in legible condition at all times.

~~The owner of any snowmobile which is used as a watercraft and is required to be numbered as a watercraft may display the watercraft number on the forward half of the snowmobile in~~

~~lieu of the snowmobile identification number; but the current snowmobile registration decal shall also be affixed aft of the current watercraft registration decal.~~

Sec. 8. Section 321G.6, unnumbered paragraphs 1 and 2, Code 1989, are amended to read as follows:

Every all-terrain vehicle or snowmobile registration certificate and number issued expires at midnight December 31, and renewals expire every two years thereafter unless sooner terminated or discontinued in accordance with this chapter. After the first day of September each even-numbered year, an unregistered snowmobiles all-terrain vehicle or snowmobile and renewals may be registered for the subsequent biennium beginning January 1. A An all-terrain vehicle or snowmobile registered between January 1 and September 1 of even-numbered years shall be registered for a fee of ten dollars for the remainder of the registration period.

After the first day of September in even-numbered years an unregistered all-terrain vehicle or snowmobile may be registered for the remainder of the current registration period and for the subsequent registration period in one transaction. The fee shall be five dollars for the remainder of the current period, in addition to the registration fee of twenty dollars for the subsequent biennium beginning January 1, and a writing fee. Registration certificates and numbers may be renewed upon application of the owner in the same manner as provided in securing the original registration. The all-terrain vehicle or snowmobile registration fee is in lieu of personal property tax for each year of the registration.

Sec. 9. Section 321G.6, unnumbered paragraph 3, Code 1989, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

An expired all-terrain vehicle or snowmobile registration may be renewed for the same fee as if the owner is securing the original registration plus a penalty of five dollars and a writing fee.

Sec. 10. Section 321G.6, Code 1989, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 3:

NEW UNNUMBERED PARAGRAPH. All all-terrain vehicles used on public land must be registered within six months following the effective date of this Act, unless otherwise exempt.

Sec. 11. Section 321G.6, unnumbered paragraphs 4 and 5, Code 1989, are amended to read as follows:

~~Whenever any~~ When a person, after registering a an all-terrain vehicle or snowmobile, moves from the address shown on the registration certificate, the person shall, within ten days, notify the county recorder in writing of ~~such fact~~ the move and the person's new address.

Upon the transfer of ownership of a an all-terrain vehicle or snowmobile, the owner shall complete the form on the back of a current registration certificate and shall deliver it to the purchaser or transferee at the time of delivering the all-terrain vehicle or snowmobile. The purchaser or transferee shall, within five days, file a new application form with the county recorder with a fee of one dollar and the writing fee, and a transfer of number shall be awarded in the same manner as provided in an original registration.

Sec. 12. Section 321G.7, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

321G.7 FEES REMITTED TO COMMISSION -- APPROPRIATION.

Within ten days after the end of each month, each county recorder shall remit to the commission the all-terrain vehicle and snowmobile fees collected by the recorder during the previous month. Before January 10 of odd-numbered years, each recorder shall remit unused license forms from the previous biennium to the commission. Before January 10 of each year, each recorder shall summarize the transactions of the registration fees and penalties collected during the previous year.

The department shall remit the fees to the treasurer of state, who shall place the money in a special conservation fund. The money is appropriated to the department for the all-terrain vehicle and snowmobile programs of the state. All-terrain vehicle fees shall be used only for all-terrain vehicle programs and snowmobile fees shall be used only for snowmobile programs. Joint programs shall be supported from both types of fees on a usage basis. The all-terrain vehicle and snowmobile programs shall include grants, subgrants, contracts, or cost-sharing of all-terrain vehicle and snowmobile programs with political subdivisions or incorporated private organizations or both in accordance with rules adopted by the commission. All all-terrain vehicle programs using cost-sharing, grants, subgrants, or contracts shall establish and implement a safety instruction program either singly or in cooperation with other all-terrain vehicle programs. At least fifty percent of the special fund shall be available for political subdivisions or incorporated private organizations or both. Moneys from the special fund not used by the political subdivisions or incorporated private organizations or both shall remain in the all-terrain vehicle or snowmobile accounts. The department may use funds from these accounts for the administration of the all-terrain vehicle and snowmobile programs.

Sec. 13. Section 321G.8, Code 1989, is amended to read as follows:

321G.8 EXEMPT VEHICLES.

No-registration ~~Registration~~ shall not be required for the following described all-terrain vehicles and snowmobiles:

1. Snowmobiles All-terrain vehicles and snowmobiles owned and used by the United States, another state, or a political subdivision thereof of another state.

2. Snowmobiles All-terrain vehicles and snowmobiles registered in a country other than the United States temporarily used within this state for not more than twenty consecutive days.

3. Snowmobiles All-terrain vehicles and snowmobiles covered by a valid license of another state and which have not been within this state for more than twenty consecutive days.

4. Snowmobiles All-terrain vehicles and snowmobiles not registered or licensed in another state or country being used in this state while engaged in a special event and not remaining in the state for a period of more than ten days.

5. All-terrain vehicles used in accordance with section 321.234A.

Sec. 14. Section 321G.9, unnumbered paragraph 1, Code 1989, is amended to read as follows:

No ~~A~~ person shall not operate a an all-terrain vehicle or snowmobile upon roadways or highways, as defined in section 321.1, except as provided in section 321.234A and this chapter.

Sec. 15. Section 321G.9, subsection 1, Code 1989, is amended to read as follows:

1. A Except as provided in section 321.234A, an all-terrain vehicle or snowmobile shall not be operated at any time within the right of way of any interstate highway or freeway within this state.

Sec. 16. Section 321G.9, subsection 2, unnumbered paragraph 1 and paragraph b, Code 1989, are amended to read as follows:

A An all-terrain vehicle or snowmobile may make a direct crossing of a street or highway provided:

b. The all-terrain vehicle or snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway; and

Sec. 17. Section 321G.9, subsection 3, unnumbered paragraph 1 and paragraph d, Code 1989, are amended to read as follows:

A-registered An all-terrain vehicle or snowmobile shall not be operated on public highways:

d. Abreast with one or more other all-terrain vehicles or snowmobiles on a city highway.

Sec. 18. Section 321G.9, subsection 4, unnumbered paragraph 1 and paragraph d, Code 1989, are amended to read as follows:

A registered all-terrain vehicle or snowmobile may be operated under the following conditions:

d. On the roadways of that portion of county highways designated by the county board of supervisors for such use during a specified period. The county board of supervisors shall evaluate the traffic conditions on all county highways and designate roadways on which all-terrain vehicles or snowmobiles may be operated for the specified period without unduly interfering with or constituting an undue hazard to conventional motor vehicle traffic. Signs warning of the operation of all-terrain vehicles or snowmobiles on the roadway shall be placed and maintained on the portions of highway thus designated during the period specified for such the operation.

Sec. 19. Section 321G.9, subsection 4, Code 1989, is amended by adding the following new lettered paragraphs:

NEW LETTERED PARAGRAPH. f. All-terrain vehicles shall not be operated on snowmobile trails except where designated by the controlling authority and the primary snowmobile trail sponsor.

NEW LETTERED PARAGRAPH. g. Snowmobiles shall not be operated on all-terrain vehicle trails except where designated by the controlling authority and the primary all-terrain vehicle trail sponsor.

Sec. 20. Section 321G.9, subsection 6, Code 1989, is amended to read as follows:

6. a. A an all-terrain vehicle or snowmobile shall not be operated on or across a public highway by a person under sixteen years of age who does not have in the person's possession a safety certificate issued to the person pursuant to this chapter.

b. Any A person twelve to fifteen years of age and possessing a valid safety certificate must be accompanied by and under the direct supervision of a responsible person of at least eighteen years of age parent, guardian, or another adult authorized by the parent or guardian, who is experienced in all-terrain vehicle or snowmobile operation, and who possesses a valid operator's or chauffeur's license, instruction permit, restricted license or temporary permit issued under chapter 321, or a safety certificate issued under this chapter.

Sec. 21. Section 321G.9, subsection 7, Code 1989, is amended to read as follows:

7. A An all-terrain vehicle or snowmobile shall not be operated within the right of way of any a primary highway between the hours of sunset and sunrise except on the right-hand side of such the right of way and in the same direction as the motor vehicular traffic on the nearest lane of traveled portion of such the right of way.

Sec. 22. Section 321G.10, Code 1989, is amended to read as follows:

321G.10 ACCIDENT REPORTS.

If a an all-terrain vehicle or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to two hundred dollars or more, either the operator or someone acting for the operator shall immediately notify the county sheriff or another law enforcement agency in the state. The operator shall file with the commission a report of the accident, within forty-eight hours, containing information as the commission may require.

Sec. 23. Section 321G.11, unnumbered paragraphs 1 and 2, Code 1989, are amended to read as follows:

A An all-terrain vehicle or snowmobile shall not be operated without suitable and effective muffling devices which limit engine noise to not more than eighty-six decibels as measured on the "A" scale at a distance of fifty feet; and a snowmobile, manufactured after July 1, 1973, which is sold,

offered for sale, or used in this state, except in an authorized special event, shall have a muffler system that limits engine noise to not more than eighty-two decibels as measured on the "A" scale at a distance of fifty feet.

The commission may adopt rules with respect to the inspection of all-terrain vehicles and snowmobiles and the testing of snowmobile their mufflers.

Sec. 24. Section 321G.12, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

321G.12 HEAD LAMP -- TAIL LAMP -- BRAKES.

Every all-terrain vehicle operated during the hours of darkness shall display a lighted head lamp and tail lamp. Every snowmobile shall be equipped with at least one head lamp and one tail lamp. Every all-terrain vehicle and snowmobile shall be equipped with brakes which conform to standards prescribed by the director of transportation.

Sec. 25. Section 321G.13, unnumbered paragraph 1 and subsections 7, 8, 10, and 11, Code 1989, are amended to read as follows:

~~It shall be unlawful for any~~ A person to shall not drive or operate any an all-terrain vehicle or snowmobile:

7. In or on any park or fish and game areas except on designated all-terrain vehicle or snowmobile trails.

8. Upon an operating railroad right of way. ~~A An~~ all-terrain vehicle or snowmobile may be driven directly across a railroad right of way only at an established crossing and, notwithstanding any other provisions of law, may, where if necessary, use the improved portion of ~~such the~~ established crossing after yielding to all oncoming traffic. ~~The provisions of this~~ This subsection shall does not apply to any a law enforcement officer or railroad employee in the lawful discharge of the officer's or employee's duties.

10. On public land without a measurable snow cover except as provided in section 321.234A or in specific areas permitted

by the commission, such as "all-terrain vehicle parks" which are designated and intended for use with or without snow.

11. No A person shall not operate or ride in any an all-terrain vehicle or snowmobile with any a firearm in the person's possession unless it is unloaded and enclosed in a carrying case, or any bow unless it is unstrung or enclosed in a carrying case.

Sec. 26. Section 321G.13, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 12. A person shall not operate an all-terrain vehicle while carrying a passenger.

Sec. 27. Section 321G.15, Code 1989, is amended to read as follows:

321G.15 OPERATION PENDING REGISTRATION.

The commission shall furnish snowmobile and all-terrain vehicle dealers with pasteboard cards bearing the words "registration applied for" and space for the date of purchase. Any An unregistered all-terrain vehicle or snowmobile sold by a dealer shall bear one of these cards which shall entitle the purchaser to operate it for ten days immediately following the purchase. The purchaser of a registered all-terrain vehicle or snowmobile shall ~~be entitled to~~ may operate it for ten days immediately following the purchase, without having completed a transfer of registration. Any A person who purchases a an all-terrain vehicle or snowmobile from a dealer shall, within five days of the purchase, apply for a an all-terrain vehicle or snowmobile registration or transfer of registration.

Sec. 28. Section 321G.16, Code 1989, is amended to read as follows:

321G.16 SPECIAL EVENTS.

The commission may authorize the holding of organized special events as defined in this chapter within this state. The commission shall adopt and may amend rules ~~and regulations~~ relating to the conduct of special events held under commission permits and designating the equipment and

facilities necessary for safe operation of all-terrain vehicle and snowmobiles or for the safety of operators, participants, and observers in the special events. At least thirty days before the scheduled date of a special event in this state, an application shall be filed with the commission for authorization to conduct the special event. The application shall set forth the date, time, and location of the proposed special event and any other information as the commission may require requires. The special event shall not be conducted without written authorization of the commission. Copies of such the rules shall be furnished by the commission to any person making an application therefor.

Sec. 29. Section 321G.17, Code 1989, is amended to read as follows:

321G.17 VIOLATION OF "STOP" SIGNAL.

~~It shall be unlawful for any~~ A person, after having received a visual or audible signal from any a peace officer to come to a stop, to shall not operate ~~a~~ an all-terrain vehicle or snowmobile in willful or wanton disregard of such the signal or interfere with or endanger the officer or any other person or vehicle, or increase speed or attempt to flee or elude the officer.

Sec. 30. Section 321G.18, Code 1989, is amended to read as follows:

321G.18 NEGLIGENCE.

The owner and operator of any an all-terrain vehicle or snowmobile shall be is liable for any injury or damage occasioned by the negligent operation of such the all-terrain vehicle or snowmobile.

Sec. 31. Section 321G.19, Code 1989, is amended to read as follows:

321G.19 RENTED SNOWMOBILES AND ALL-TERRAIN VEHICLES.

1. The owner of any a rented all-terrain vehicle or snowmobile shall keep a record of the name and address of each person renting the all-terrain vehicle or snowmobile, its

identification number, the departure date and time, and the expected time of return. The records shall be preserved for six months.

2. The owner of a an all-terrain vehicle or snowmobile operated for hire shall not permit the use or operation of a rented all-terrain vehicle or snowmobile unless it ~~shall have~~ has been provided with all equipment required by this chapter or rules of the commission or the director of transportation, properly installed and in good working order.

Sec. 32. Section 321G.20, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A person under twelve years of age shall not operate an all-terrain vehicle on public lands unless the person is taking a prescribed safety training course under the direct supervision of a certified all-terrain vehicle safety instructor and a parent or guardian.

Sec. 33. Section 321G.21, subsections 1, 3, 6, 8, 9, and 10, Code 1989, are amended to read as follows:

1. A manufacturer, distributor, or dealer owning any all-terrain vehicle or snowmobile required to be registered under this chapter may operate the all-terrain vehicle or snowmobile for purposes of transporting, testing, demonstrating, or selling it without the all-terrain vehicle or snowmobile being registered, except that a special identification number issued to the owner as provided in this chapter shall be displayed on the all-terrain vehicle or snowmobile. The special identification number ~~may~~ shall not be used on any an all-terrain vehicle or snowmobile offered for hire or for any work or service performed by a manufacturer, distributor, or dealer.

3. The commission, upon granting an application, shall issue to the applicant a special registration certificate containing the applicant's name and address, the general identification number assigned to the applicant, the word "manufacturer", "dealer", or "distributor", and such other

information as the commission may prescribe prescribes. The manufacturer, distributor, or dealer shall have the assigned number printed upon or attached to a removable sign or signs which may be temporarily but firmly mounted or attached to the all-terrain vehicle or snowmobile being used. The display shall meet the requirements of this chapter and the rules of the commission.

6. Every manufacturer, distributor, or dealer shall keep a written record of the all-terrain vehicles and snowmobiles upon which special registration certificates are used, which record shall be open to inspection by any law enforcement officer or any officer or employee of the commission.

8. Dealers using special certificates under the provisions of this chapter shall, before January 10 of each year, furnish the commission with a list of all used all-terrain vehicles and snowmobiles held by them for sale or trade, and upon which the registration fee for the current year has not been paid, giving the previous registration number, name of previous owner at the time such the all-terrain vehicle or snowmobile was transferred to the dealer, and such other information as the commission may require requires.

9. When if the purchaser or transferee of a an all-terrain vehicle or snowmobile is a dealer who holds the same for resale and operates the all-terrain vehicle or snowmobile only for purposes incidental to a resale and displays thereon the special dealer's certificate, or does not operate such the all-terrain vehicle or snowmobile or permit it to be operated, such the transferee shall is not be required to obtain a new registration certificate but upon transferring title or interest to another person shall sign the reverse side of the registration certificate of such the all-terrain vehicle or snowmobile indicating the name and address of the new purchaser. The purchaser may take the registration certificate to the county recorder and file a new application form with a fee of one dollar for transfer and the writing

fee. The recorder shall award a transfer of the registration number. If the registration has expired while in the dealer's possession, the purchaser may renew the registration for the same fee and writing fee as if the purchaser is securing the original registration.

10. Whenever When a dealer purchases or otherwise acquires a an all-terrain vehicle or snowmobile registered in this state, the dealer shall issue a signed receipt to the previous owner, indicating the date of purchase or acquisition, the name and address of such the previous owner, and the registration number of the all-terrain vehicle or snowmobile purchased or acquired. The original receipt shall be delivered to the previous owner and one copy shall be mailed or delivered by the dealer to the county recorder of the county in which the all-terrain vehicle or snowmobile is registered, and one copy shall be delivered to the commission within forty-eight hours.

Sec. 14. Section 321G.22, Code 1989, is amended to read as follows:

321G.22 LIMITATION OF LIABILITY BY PUBLIC BODIES AND ADJOINING OWNERS.

The state, its political subdivisions, and the owners or tenants of property adjoining public lands or the right of way of a public highway and their agents and employees owe no duty of care to keep the public lands, ditches, or land contiguous to a highway or roadway under the control of the state or a political subdivision safe for entry or use by persons operating a an all-terrain vehicle or snowmobile, or to give any warning of a dangerous condition, use, structure, or activity on such the premises to persons entering for such purposes, except in the case of willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity. The state, its political subdivisions, and the owners or tenants of property adjoining public lands or the right of way of a public highway, and

their agents and employees are not liable for actions taken to allow or facilitate the use of public lands, ditches, or land contiguous to a highway or roadway except in the case of a willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity. This section does not create a duty of care or ground of liability on behalf of the state, its political subdivisions, or the owners or tenants of property adjoining public lands or the right of way of a public highway and their agents and employees for injury to persons or property in the operation of all-terrain vehicles or snowmobiles in a ditch or on land contiguous to a highway or roadway under the control of the state or a political subdivision. The state, its political subdivisions, and the owners or tenants of property adjoining public lands or the right of way of a public highway and their agents and employees are not liable for the operation of a an all-terrain vehicle or snowmobile in violation of this chapter.

Sec. 35. Section 321G.23, subsections 1 and 4, Code 1989, are amended to read as follows:

1. The commission shall provide, by rules adopted pursuant to section 321G.2, for the establishment of a course certified courses of instruction to be conducted throughout the state for the safe use and operation of all-terrain vehicles and snowmobiles. The curriculum shall include instruction in the lawful and safe use, operation, and equipping of all-terrain vehicles and snowmobiles consistent with the provisions of this chapter and rules adopted by the commission and the director of transportation and such other matters as the commission deems pertinent for a qualified all-terrain vehicle or snowmobile operator.

4. The commission shall provide safety material relating to the operation of all-terrain vehicles and snowmobiles for the use of private nonpublic or public elementary and secondary schools in this state.

Sec. 36. Section 321G.24, subsections 1 and 5, Code 1989, are amended to read as follows:

1. ~~Effective July 17, 1977, no~~ A person who is born after July 17, 1965 under eighteen years of age shall not operate a an all-terrain vehicle or snowmobile in this state without obtaining a valid safety certificate issued by the commission and having such the certificate in the person's possession, or unless the person is accompanied on the same machine snowmobile by a responsible person of at least eighteen years of age who is experienced in snowmobile operation and possesses a valid operator's or chauffeur's license, instruction permit, restricted license or temporary permit issued under chapter 321 or a safety certificate issued under this chapter.

5. A valid all-terrain vehicle or snowmobile safety certificate or license issued to a nonresident by a governmental authority of another state shall be considered a valid certificate or license in this state if the permit or license requirements of such the governmental authority, excluding fees, are substantially the same as the requirements of this chapter as determined by the commission.

Sec. 37. Section 321G.25, Code 1989, is amended to read as follows:

321G.25 STOPPING AND INSPECTING -- WARNINGS.

A peace officer may stop and inspect a an all-terrain vehicle or snowmobile operated, parked, or stored on public streets, highways, public lands, or frozen waters of the state to determine if the all-terrain vehicle or snowmobile is registered, numbered, or equipped as required by this chapter and commission rules. The officer shall not inspect an area that is not essential to determine compliance with the requirements. If the officer determines that the all-terrain vehicle or snowmobile is not in compliance, the officer may issue a warning memorandum to the operator and forward a copy to the commission. The warning memorandum shall indicate the

items found not in compliance and shall direct the owner or operator of the all-terrain vehicle or snowmobile to have the all-terrain vehicle or snowmobile in compliance and return a copy of the warning memorandum with the proof of compliance to the commission within fourteen days. If the proof of compliance is not provided within fourteen days, the owner or operator is in violation of this chapter.

Sec. 38. Section 321G.26, Code 1989, is amended to read as follows:

321G.26 TERMINATION OF USE.

A person who receives a warning memorandum for a an all-terrain vehicle or snowmobile shall stop using the all-terrain vehicle or snowmobile as soon as possible and shall not operate it on public streets, highways, public lands, or frozen waters of the state until the all-terrain vehicle or snowmobile is in compliance.

Sec. 39. Section 321G.27, Code 1989, is amended to read as follows:

321G.27 WRITING FEES.

The county recorder shall collect a writing fee of one dollar for an all-terrain vehicle or snowmobile registrations registration. When two or more transactions for one snowmobile take place during the registration process the transactions shall be considered as a single registration.

Sec. 40. Section 321G.28, Code 1989, is amended to read as follows:

321G.28 CONSISTENT LOCAL LAWS -- SPECIAL LOCAL RULES.

1. ~~The provisions of this~~ This chapter and other applicable laws of this state shall govern the operation, equipment, numbering, and all other matters relating to a an all-terrain vehicle or snowmobile whenever when the all-terrain vehicle or snowmobile is operated or maintained in this state. However, ~~nothing in this chapter shall be construed to does not~~ prevent the adoption of an ordinance or local law relating to the operation of or equipment of all-

terrain vehicles or snowmobiles. The ordinances or local laws ~~shall be~~ are operative only so long as they are not inconsistent with the ~~provisions of~~ provisions of this chapter or the rules ~~and regulations~~ adopted by the commission.

2. A subdivision of this state, after public notice by publication in a newspaper having a general circulation in the subdivision, may make formal application to the commission for special rules concerning the operation of all-terrain vehicles or snowmobiles within the territorial limits of the subdivision and shall provide the commission with the reasons the special rules are necessary.

3. The commission, upon application by local authorities and in conformity with this chapter, may make special rules concerning the operation of all-terrain vehicles or snowmobiles within the territorial limits of a subdivision of this state.

Sec. 41. NEW SECTION. 106.34A VEHICLES PROHIBITED IN STREAMBED.

1. Except as provided in subsection 2, a person shall not operate a motor vehicle in any of the following:

- a. Any portion of a meandered stream.
- b. Any portion of the bed of a nonmeandered stream which has been identified as a navigable stream or river by rule adopted by the department and which is covered by water.
- c. Any portion of a stream identified as a trout stream by the department.

2. This section does not prohibit the use of ford crossings of public or private roads or any other ford crossing when used for agricultural purposes, the operation of construction vehicles engaged in lawful construction, repair, or maintenance in a streambed, or the operation of motor vehicles on ice.

3. The department of natural resources shall adopt rules identifying the navigable streams and rivers in which a motor vehicle may be operated. The department may exempt

participants of organized special events from this section where the organized special event is approved by a state or local authority.

4. As used in this section, "motor vehicle" means a motor vehicle as defined in section 321.1, subsection 2.

Sec. 42. This Act takes effect on January 1, 1990.

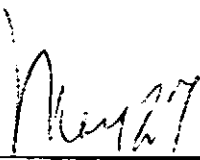
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DONALD D. AVENSON  
Speaker of the House

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JO ANN ZIMMERMAN  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 477, Seventy-third General Assembly.

Approved , 1989

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JOSEPH O'HERN  
Chief Clerk of the House

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TERRY E. BRANSTAD  
Governor