

MAR 10 1995

TRANSPORTATION

3-20-95 Do Pass  
S. 4/6/95 Transportation  
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S. 4/13/95 floored on Unfinished  
Business calendar

HOUSE FILE 340

BY O'BRIEN S. 4/26/95 Motion to Rf by

S. 5/2/95 Delaney  
Motion Withdrawn  
(P. 1426) by Delaney

Passed House (P. 1283) Date 4/5/95

Passed Senate, Date 4/26/95

Vote: Ayes 98 Nays 0

Vote: Ayes 49 Nays 0

Approved May 16, 1995

A BILL FOR

1 An Act providing for the operation of snowmobiles and all-terrain  
2 vehicles by defining public land.

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

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HF 340

1 Section 1. Section 321G.1, Code 1995, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 13A. "Public land" means land owned by  
4 the federal government, the state, or political subdivisions  
5 of the state and land acquired or developed for public  
6 recreation pursuant to section 321G.7.

7 EXPLANATION

8 This bill provides that public land, for the purposes of  
9 snowmobiles and all-terrain vehicles, includes land acquired  
10 for public recreation pursuant to an appropriation from the  
11 special conservation fund which receives moneys acquired from  
12 snowmobile and all-terrain vehicle fees. The chapter  
13 governing snowmobiles and all-terrain vehicles provides  
14 restrictions on the operation of these vehicles, including  
15 certain registration requirements, when the vehicle is  
16 operated on public lands.

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## HOUSE FILE 340

S-3387

1 Amend House File 340, as passed by the House, as  
2 follows:

3 1. Page 1, line 2, by striking the word  
4 "subsection:" and inserting the following:  
5 "subsections:".

6 2. Page 1, by inserting after line 2 the  
7 following:

8 "NEW SUBSECTION. 6A. "Freeway" means a highway  
9 constructed as a fully controlled access facility with  
10 no access to the facility except at established  
11 interchanges.

12 NEW SUBSECTION. 8A. "Median" means the portion of  
13 a divided highway separating opposing lanes of  
14 traffic. Medians may be depressed, raised, or  
15 painted."

16 3. Page 1, by inserting after line 6 the  
17 following:

18 "Sec. \_\_\_\_ . Section 321G.8, subsection 5, Code  
19 1995, is amended to read as follows:

20 5. All-terrain vehicles ~~used-in-accordance-with~~  
21 ~~section-321-234A~~ only when operated on a highway  
22 between sunrise and sunset and the operation is  
23 incidental to the vehicle's use for agricultural  
24 purposes.

25 Sec. \_\_\_\_ . Section 321G.9, unnumbered paragraph 1,  
26 Code 1995, is amended to read as follows:

27 A person shall not operate an all-terrain vehicle  
28 or snowmobile upon roadways or highways, as defined in  
29 section 321.1, except as provided in ~~section-321-234A~~  
30 ~~and~~ this chapter.

31 Sec. \_\_\_\_ . Section 321G.9, subsection 1, Code 1995,  
32 is amended to read as follows:

33 1. An all-terrain vehicle or snowmobile shall not  
34 be operated at any time within the right of way of any  
35 ~~interstate-highway-or~~ freeway or freeway ramp within  
36 this state ~~except under-either-of-the-following~~  
37 ~~circumstances:~~

38 ~~a:--As-provided-in-section-321-234A-~~

39 ~~b:--When~~ when using an underpass located on an  
40 ~~interstate-highway-or~~ a freeway if all of the  
41 following apply:

42 ~~{1}~~ a. The underpass has been abandoned and is no  
43 longer being used by motor vehicles or trains.

44 ~~{2}~~ b. Use of the underpass is the only  
45 alternative to the use of a traveled roadway.

46 ~~{3}~~ c. Notwithstanding the provisions of chapter  
47 321, use of the underpass does not conflict with any  
48 rules or regulations adopted by a federal governmental  
49 entity or this state or a political subdivision of  
50 this state.

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Page 2

1 Sec. \_\_\_\_\_. Section 321G.9, subsection 3, Code 1995,  
2 is amended to read as follows:

3 3. An all-terrain vehicle or snowmobile shall not  
4 be operated ~~on public highways~~ under any of the  
5 following circumstances:

6 a. On the roadway portion of a highway and  
7 adjacent shoulder, or at least five feet on either  
8 side of the roadway, except as provided in subsection  
9 4 of this section, ~~and.~~

10 ~~b. On limited-access highways and approaches, and~~  
11 ~~e. b.~~ For racing any moving object, ~~and on a~~  
12 public highway.

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

15 d. In highway medians.

16 Sec. \_\_\_\_\_. Section 321G.9, subsection 6, Code 1995,  
17 is amended by adding the following new paragraph:

18 NEW PARAGRAPH. c. A person operating an all-  
19 terrain vehicle pursuant to section 321G.8, subsection  
20 5, shall have a valid all-terrain vehicle safety  
21 certificate as provided by this subsection or a valid  
22 motor vehicle license. The vehicle shall be operated  
23 at speeds of less than thirty miles per hour.

24 Sec. \_\_\_\_\_. Section 321G.13, subsection 10, Code  
25 1995, is amended to read as follows:

26 10. On public land without a measurable snow cover  
27 except as provided in ~~section 321.234A~~ this chapter or  
28 in specific areas permitted by the commission, such as  
29 "all-terrain vehicle parks" which are designated and  
30 intended for use with or without snow.

31 Sec. \_\_\_\_\_. REPEAL. Section 321.234A, Code 1995, is  
32 repealed."

33 4. Title page, line 2, by striking the words "by  
34 defining public land" and inserting the following:  
35 "on roads and public land and applying penalties".

36 5. By renumbering as necessary.

By DON E. GETTINGS

S-3387 FILED APRIL 11, 1995

WITHDRAWN 4/25/95 (p. 1394)

of the state and land acquired or developed for public recreation pursuant to section 321G.7.

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RON J. CORBETT  
Speaker of the House

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LEONARD L. BOSWELL  
President of the Senate

HOUSE FILE 340

AN ACT  
PROVIDING FOR THE OPERATION OF SNOWMOBILES AND ALL-TERRAIN  
VEHICLES BY DEFINING PUBLIC LAND.

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

Section 1. Section 321G.1, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 13A. "Public land" means land owned by the federal government, the state, or political subdivisions

I hereby certify that this bill originated in the House and is known as House File 340, Seventy-sixth General Assembly.

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ELIZABETH ISAACSON  
Chief Clerk of the House

Approved  , 1995

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TERRY E. BRANSTAD  
Governor