

Senate Study Bill 97

Conference Committee Text

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1 1 Section 1. Section [321G.1](#), Code 1995, is amended by adding
1 2 the following new subsections:
1 3 NEW SUBSECTION. 6A. "Freeway" means a highway constructed
1 4 as a fully controlled access facility with no access to the
1 5 facility except at established interchanges.
1 6 NEW SUBSECTION. 8A. "Median" means the portion of a
1 7 divided highway separating opposing lanes of traffic. Medians
1 8 may be depressed, raised, or painted.
1 9 Sec. 2. Section [321G.8](#), subsection 5, Code 1995, is
1 10 amended to read as follows:
1 11 5. All-terrain vehicles

~~used in accordance with section~~

~~-~~
1 12

~~321.234A~~

~~- only when operated on a highway between sunrise and~~
1 13 ~~sunset and the operation is incidental to the vehicle's use~~
1 14 ~~for agricultural purposes.~~

1 15 Sec. 3. Section [321G.9](#), unnumbered paragraph 1, Code 1995,
1 16 is amended to read as follows:

1 17 A person shall not operate an all-terrain vehicle or
1 18 snowmobile upon roadways or highways, as defined in section
1 19 321.1, except as provided in

~~section 321.234A and~~

~~- this~~

1 20 chapter.
1 21 Sec. 4. Section [321G.9](#), subsection 1, Code 1995, is
1 22 amended to read as follows:

1 23 1. An all-terrain vehicle or snowmobile shall not be
1 24 operated at any time within the right of way of any

~~interstate~~

~~-~~
1 25

~~highway or~~

~~- freeway or freeway ramp~~ within this state except
1 26

~~under either of the following circumstances:~~

~~-~~
1 27

~~a. As provided in section 321.234A.~~

~~-~~
1 28

~~b. When~~

~~- when~~ using an underpass located on

~~an interstate~~

~~-~~
1 29

~~highway or~~

- a freeway if all of the following apply:

1 30

~~(1)~~

- a. The underpass has been abandoned and is no longer

1 31 being used by motor vehicles or trains.

1 32

~~(2)~~

- b. Use of the underpass is the only alternative to the

1 33 use of a traveled roadway.

1 34

~~(3)~~

- c. Notwithstanding the provisions of chapter 321, use

1 35 of the underpass does not conflict with any rules or

2 1 regulations adopted by a federal governmental entity or this

2 2 state or a political subdivision of this state.

2 3 Sec. 5. Section [321G.9](#), subsection 3, Code 1995, is

2 4 amended to read as follows:

2 5 3. An all-terrain vehicle or snowmobile shall not be

2 6 operated

~~on public highways~~

- ~~under any of the following~~

2 7 ~~circumstances:~~

2 8 a. On the roadway portion of a highway and adjacent

2 9 shoulder, or at least five feet on either side of the roadway,

2 10 except as provided in subsection 4 of this section

~~, and~~

~~-~~

2 11

~~b. On limited access highways and approaches, and~~

~~-~~

2 12

~~c.~~

- b. For racing any moving object

~~, and~~

- ~~on a public~~

2 13 ~~highway.~~

2 14

~~d.~~

- c. Abreast with one or more other all-terrain vehicles

2 15 or snowmobiles on a city highway.

2 16 d. ~~In highway medians.~~

2 17 Sec. 6. Section [321G.9](#), subsection 6, Code 1995, is

2 18 amended by adding the following new paragraph:

2 19 NEW PARAGRAPH. c. A person operating an all-terrain

2 20 vehicle pursuant to section 321G.8, subsection 5, shall have a

2 21 valid all-terrain vehicle safety certificate as provided by

2 22 this subsection or a valid motor vehicle license. The vehicle

2 23 shall be operated at speeds of less than thirty miles per

2 24 hour.

2 25 Sec. 7. Section [321G.13](#), subsection 10, Code 1995, is

2 26 amended to read as follows:

2 27 10. On public land without a measurable snow cover except

2 28 as provided in

~~section 321.234A~~

- ~~this chapter~~ or in specific

2 29 areas permitted by the commission, such as "all-terrain
2 30 vehicle parks" which are designated and intended for use with
2 31 or without snow.

2 32 Sec. 8. REPEAL. Section [321.234A](#), Code 1995, is repealed.
2 33 EXPLANATION

2 34 This bill concerns the operation of all-terrain vehicles
2 35 and snowmobiles on roads. The bill defines freeways and
3 1 medians and provides that these vehicles cannot operate in
3 2 medians or on freeways except under limited circumstances
3 3 provided for by chapter 321G. The bill restricts all-terrain
3 4 vehicles from operating on freeways and restricts all-terrain
3 5 vehicles and snowmobiles from operating in any median of a
3 6 divided highway at any time. The bill repeals section
3 7 321.234A dealing with all-terrain vehicles and incorporates
3 8 the provisions of that section within the chapter dealing
3 9 exclusively with all-terrain vehicles and snowmobiles, chapter
3 10 321G.

3 11 A person who violates any provision of chapter 321G is
3 12 guilty of a simple misdemeanor. Violations of section 321G.9,
3 13 subsections 1, 2, 3, 4, 5, and 7 are subject to a scheduled
3 14 fine of \$20.

3 15 BACKGROUND STATEMENT
3 16 SUBMITTED BY THE AGENCY

3 17 The bill concerns the operation of all-terrain vehicles and
3 18 snowmobiles on roads. The bill defines "freeway" as a fully
3 19 controlled access highway where access is available only at
3 20 interchanges. The bill also defines "median" as the portion
3 21 of a divided highway separating the traveled ways from
3 22 opposing traffic.

3 23 To be consistent with current snowmobile regulations, all-
3 24 terrain vehicles will not be allowed to operate on a freeway
3 25 except under extremely limited circumstances.

3 26 Currently, snowmobiles and all-terrain vehicles can operate
3 27 within the median of a four-lane divided highway during the
3 28 daytime but are prohibited at night. In the interest of
3 29 safety for all vehicular and recreational traffic, this bill
3 30 prohibits snowmobiles and all-terrain vehicles from operating
3 31 in medians of all four-lane divided highways at all times.

3 32 LSB 1154DP 76

3 33 ec/cf/24.1