

House Study Bill 120

Bill Text

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1 1 Section 1. Section [321G.1](#), subsection 1, unnumbered
1 2 paragraph 2, Code 2001, is amended to read as follows:
1 3 Two-wheeled off-road motorcycles shall be considered all-
1 4 terrain vehicles only for the purpose of titling and
1 5 registration

~~and not for purposes of regulation~~

~~-. An operator~~

1 6 ~~of a two-wheeled off-road motorcycle is exempt from the safety~~
1 7 ~~instruction and certification program requirements of sections~~
1 8 ~~321G.23 and 321G.24.~~

1 9 Sec. 2. Section [321G.2](#), subsection 1, Code 2001, is
1 10 amended to read as follows:

1 11 1. Registration and titling of all-terrain vehicles and
1 12 snowmobiles.

1 13 Sec. 3. Section [321G.3](#), Code 2001, is amended to read as
1 14 follows:

1 15 321G.3 REGISTRATION AND NUMBERING REQUIRED.

1 16 Each all-terrain vehicle and snowmobile used on public land
1 17 or ice of this state shall be currently registered and
1 18 numbered. A person shall not operate, maintain, or give
1 19 permission for the operation or maintenance of an all-terrain
1 20 vehicle or snowmobile on public land or ice unless the all-
1 21 terrain vehicle or snowmobile is numbered in accordance with
1 22 this chapter, or in accordance with applicable federal laws,
1 23 or in accordance with an approved numbering system of another
1 24 state, and unless the identifying number set forth in the
1 25 registration is displayed

~~on each side of the forward half of~~

1 26

~~the snowmobile and on the rear fender of the all terrain~~

1 27

~~vehicle~~

~~- as prescribed by rules of the commission.~~

1 28 A registration number shall be assigned, without payment of
1 29 fee, to all-terrain vehicles and snowmobiles owned by the
1 30 state of Iowa or its political subdivisions upon application
1 31 for the number, and the assigned registration number shall be
1 32 displayed on the all-terrain vehicle or snowmobile as required
1 33 under section 321G.5. A registration number shall be
1 34 assigned, without payment of fee, to an all-terrain vehicle or
1 35 snowmobile which is exempt from registration but is being
2 1 titled. A decal displaying a registration number shall not be
2 2 issued and the registration shall not expire while the all-
2 3 terrain vehicle or snowmobile is exempt. The application for
2 4 registration shall indicate the reason for exemption from the
2 5 fee. The registration certificate shall indicate the reason
2 6 for exemption.

2 7 Sec. 4. Section [321G.5](#), Code 2001, is amended by striking
2 8 the section and inserting in lieu thereof the following:

2 9 321G.5 DISPLAY OF IDENTIFICATION NUMBERS.

2 10 The owner shall display the identification number on an
2 11 all-terrain vehicle or snowmobile in the manner prescribed by
2 12 the rules of the commission.
2 13 Sec. 5. Section [321G.6](#), unnumbered paragraph 6, Code 2001,
2 14 is amended to read as follows:
2 15 Upon the transfer of ownership of an all-terrain vehicle or
2 16 snowmobile, the owner shall complete the form on the back of
2 17 the title, if any, and deliver the title to the purchaser or
2 18 transferee when the all-terrain vehicle or snowmobile is
2 19 delivered. If the all-terrain vehicle or snowmobile is not
2 20 titled, the owner shall complete the form on the back of the
2 21 current registration certificate and shall deliver

~~it~~

~~the~~

2 22 certificate to the purchaser or transferee at the time of
2 23 delivering the all-terrain vehicle or snowmobile. If the all-
2 24 terrain vehicle or snowmobile has not been titled and has not
2 25 been registered, the owner shall deliver an affidavit for an
2 26 unregistered and untitled all-terrain vehicle or snowmobile to
2 27 the purchaser or transferee. The purchaser or transferee
2 28 shall, within

~~five~~

~~thirty~~ days of transfer, file a new
2 29 application form with the county recorder with a fee of one
2 30 dollar and the writing fee, and a transfer of number shall be
2 31 awarded in the same manner as provided in an original
2 32 registration. If the purchaser or transferee does not file a
2 33 new application form within

~~five~~

~~thirty~~ days of transfer, the
2 34 transfer of number shall be awarded upon payment of all
2 35 applicable fees plus a penalty of five dollars.
3 1 Sec. 6. Section [321G.21](#), subsection 9, Code 2001, is
3 2 amended to read as follows:
3 3 9. If the purchaser or transferee of an all-terrain
3 4 vehicle or snowmobile is a dealer who holds the same for
3 5 resale and operates the all-terrain vehicle or snowmobile only
3 6 for purposes incidental to a resale and displays the special
3 7 dealer's certificate, or does not operate the all-terrain
3 8 vehicle or snowmobile or permit it to be operated, the
3 9 transferee is not required to obtain a new registration
3 10 certificate but upon transferring title or interest to another
3 11 person shall sign the reverse side of the title, if any, or
3 12 the registration certificate, if no title, of the all-terrain
3 13 vehicle or snowmobile indicating the name and address of the
3 14 new purchaser.

~~The purchaser may take the registration~~

~~3 15~~

~~certificate to the county recorder and file a new application~~

~~3 16~~

~~form with a fee of one dollar for transfer and the writing~~

~~3 17~~

~~fee~~

~~A dealer shall make application and pay all registration~~
3 18 and title fees if applicable on behalf of the purchaser of an
3 19 all-terrain vehicle or snowmobile. The recorder shall award a
3 20 transfer of the registration number. If the registration has

3 21 expired while in the dealer's possession, the purchaser may
3 22 renew the registration for the same fee and writing fee as if
3 23 the purchaser is securing the original registration.

3 24 Sec. 7. Section [321G.29](#), subsections 1, 4, and 7, Code
3 25 2001, are amended to read as follows:

3 26 1. The owner of a snowmobile acquired on or after January
3 27 1, 1998, or an all-terrain vehicle acquired on or after
3 28 January 1, 2000, other than a snowmobile or all-terrain
3 29 vehicle used exclusively as a farm implement, shall apply to
3 30 the county recorder of the county in which the owner resides
3 31 for a certificate of title for the snowmobile or all-terrain
3 32 vehicle. The owner of a snowmobile or all-terrain vehicle
3 33 used exclusively as a farm implement may obtain a certificate
3 34 of title. A person who owns a snowmobile or all-terrain
3 35 vehicle that is not required to have a certificate of title
4 1 may apply for and receive a certificate of title for the
4 2 snowmobile or all-terrain vehicle and, subsequently, the
4 3 snowmobile or all-terrain vehicle shall be subject to the
4 4 requirements of this chapter as if the snowmobile or all-
4 5 terrain vehicle were required to be titled. All snowmobiles
4 6 or all-terrain vehicles that are titled shall be registered.

4 7 4. If a dealer buys or acquires a snowmobile or all-
4 8 terrain vehicle for resale, the dealer shall report the
4 9 acquisition to the county recorder on forms provided by the
4 10 department and may apply for and obtain a certificate of title
4 11 as provided in this chapter. If a dealer buys or acquires a
4 12 used snowmobile or all-terrain vehicle, the dealer may apply
4 13 for a certificate of title in the dealer's name within

~~fifteen~~

4 14 thirty days. If a dealer buys or acquires a new snowmobile or
4 15 all-terrain vehicle for resale, the dealer may apply for a
4 16 certificate of title in the dealer's name.

4 17 7. The county recorder shall maintain a record of any
4 18 certificate of title which the county recorder issues and
4 19 shall keep each certificate of title on record until the
4 20 certificate of title has been inactive for five years. When
4 21 issuing a title for a new snowmobile or new all-terrain
4 22 vehicle, the county recorder shall obtain and keep on file the
4 23 certificate of origin. When issuing a title for a used
4 24 snowmobile or all-terrain vehicle for which there is no title
4 25 or registration, the county recorder shall obtain and keep on
4 26 file the affidavit for unregistered and untitled snowmobile or
4 27 all-terrain vehicle.

4 28 Sec. 8. NEW SECTION. 321G.33 VEHICLE IDENTIFICATION
4 29 NUMBER.

4 30 1. The department may assign a distinguishing number to an
4 31 all-terrain vehicle or snowmobile when the serial number on
4 32 the all-terrain vehicle or snowmobile is destroyed or
4 33 obliterated and issue to the owner a special plate bearing the
4 34 distinguishing number which shall be affixed to the all-
4 35 terrain vehicle or snowmobile in a position to be determined
5 1 by the department. The all-terrain vehicle or snowmobile
5 2 shall be registered and titled under the distinguishing number
5 3 in lieu of the former serial number. Every all-terrain
5 4 vehicle or snowmobile shall have an identification number
5 5 assigned and affixed as required by the department.

5 6 2. The commission shall adopt, by rule, the procedures for
5 7 application and for issuance of an identification number for
5 8 homebuilt all-terrain vehicles or snowmobiles.

5 9 3. A person shall not destroy, remove, alter, cover, or
5 10 deface the manufacturer's vehicle identification number, the
5 11 plate bearing it, or any vehicle identification number the
5 12 department assigns to an all-terrain vehicle or snowmobile
5 13 without the department's permission.

5 14 4. A person other than a manufacturer who constructs or

5 15 rebuilds an all-terrain vehicle or snowmobile for which there
5 16 is no legible identification number shall submit to the
5 17 department an affidavit which describes the all-terrain
5 18 vehicle or snowmobile. In cooperation with the county
5 19 recorder, the department shall assign an identification number
5 20 to the all-terrain vehicle or snowmobile. The applicant shall
5 21 permanently affix the identification number to the all-terrain
5 22 vehicle or snowmobile in a manner that such alteration,
5 23 removal, or replacement of the identification number would be
5 24 obvious.

5 25 EXPLANATION

5 26 This bill amends various sections of Code chapter 321G
5 27 relating to the registration and titling of all-terrain
5 28 vehicles and snowmobiles. The operators of two-wheeled off-
5 29 road motorcycles are exempt from the safety instruction and
5 30 certification program which applies to other all-terrain
5 31 vehicle operators. Code section 321G.3 is amended to allow
5 32 the natural resource commission to determine where the
5 33 registration numbers of all-terrain vehicles and snowmobiles
5 34 are to be displayed. The Code section also provides for the
5 35 assignment of a registration number to an all-terrain vehicle
6 1 or snowmobile which is exempt from registration but is being
6 2 titled.

6 3 Code section 321G.5 provides that the owner of an all-
6 4 terrain vehicle or snowmobile must display the registration
6 5 identification on the vehicle in the manner prescribed by rule
6 6 of the natural resource commission.

6 7 Code sections 321G.6, 321G.21, and 321G.29 are amended to
6 8 provide procedures for the transfer of the titles and
6 9 registrations of all-terrain vehicles and snowmobiles. If a
6 10 title or registration is available for a vehicle, the owner
6 11 shall complete the form on the back of the title or
6 12 registration certificate as applicable and deliver it to the
6 13 purchaser upon transfer. If a vehicle has no title or no
6 14 registration, the owner shall deliver an affidavit for
6 15 unregistered and untitled vehicles to the purchaser upon
6 16 transfer. The bill allows a purchaser of a vehicle 30 days
6 17 instead of five days after purchase to apply for a new
6 18 registration number at the office of county recorder. A
6 19 dealer is required to make application and pay all
6 20 registration and title fees, if applicable, on behalf of the
6 21 purchaser of the vehicle. The owner of an all-terrain vehicle
6 22 or snowmobile which is not required to be titled may have the
6 23 vehicle titled. If the vehicle is titled, the vehicle must
6 24 also be registered and the vehicle is subject to all
6 25 requirements of Code chapter 321G. The bill also provides
6 26 that a dealer may apply for a certificate of title in the
6 27 dealer's name for a used snowmobile or all-terrain vehicle
6 28 within 30 days in lieu of 15 days after the date of
6 29 acquisition. When issuing a title for a used vehicle for
6 30 which there is no title or registration, each county recorder
6 31 shall obtain and keep on file the affidavit for the untitled
6 32 and unregistered vehicle.

6 33 New Code section 321G.33 authorizes the department of
6 34 natural resources to assign a distinguishing number to an all-
6 35 terrain vehicle or snowmobile if its serial number is
7 1 destroyed or obliterated. The new Code section directs the
7 2 natural resource commission to adopt procedures for
7 3 application and issuance of an identification number for a
7 4 homebuilt vehicle or a rebuilt vehicle that has no legible
7 5 identification number. The destruction or defacing of a
7 6 vehicle identification number is prohibited. Violators of the
7 7 general provisions of Code chapter 321G or rules adopted
7 8 pursuant to Code chapter 321G are guilty of a simple
7 9 misdemeanor. A registration violation under Code section
7 10 321G.3 is punishable by a scheduled fine of \$20 and an
7 11 identification violation under Code section 321G.5 is

7 12 punishable by a scheduled fine of \$10. Other violations for
7 13 which a scheduled fine is not provided are punishable by
7 14 imprisonment not to exceed 30 days or a fine of at least \$50
7 15 but not to exceed \$100.
7 16 LSB 1040DP 79
7 17 tj/pj/5.1