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SENATE FILE
BY REHBERG

153

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the regulation of snowmobiles and all-terrain
2 vehicles and making penalties applicable.

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

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SF 153
TRANSPORTATION

1 Section 1. Section 321G.1, subsection 1, Code 2003, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

4 1. "All-terrain vehicle" means the same as defined in
5 section 321I.1.

6 Sec. 2. Section 321G.1, subsections 4, 7, 10, 11, 12, 15,
7 and 17, Code 2003, are amended to read as follows:

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

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

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

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

24 12. "Owner" means a person, other than a lienholder,
25 having the property right in or title to ~~an-all-terrain~~
26 ~~vehicle-or~~ a snowmobile. The term includes a person entitled
27 to the use or possession of ~~an-all-terrain-vehicle-or~~ a
28 snowmobile subject to an interest in another person, reserved
29 or created by agreement and securing payment or performance of
30 an obligation, but the term excludes a lessee under a lease
31 not intended as security.

32 15. "Railroad right-of-way" ~~shall-mean~~ means the full
33 width of property owned, leased, or subject to easement for
34 railroad purposes and ~~shall-not-be~~ is not limited to those
35 areas on which tracks are located.

1 17. "Safety certificate" means ~~an all-terrain-vehicle or a~~
2 snowmobile safety certificate issued by the commission to a
3 qualified applicant who is twelve years of age or more.

4 Sec. 3. Section 321G.2, Code 2003, is amended to read as
5 follows:

6 321G.2 RULES.

7 The commission may adopt rules for the following purposes:

8 1. Registration and titling of ~~all-terrain-vehicles and~~
9 snowmobiles.

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

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

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

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

23 6. Issuance of safety certificates.

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

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

33 In adopting the rules, consideration shall be given to the
34 need to protect the environment and the public health, safety,
35 and welfare; to protect private property, public parks, and

1 other public lands; to protect wildlife and wildlife habitat;
2 and to promote uniformity of rules relating to the use,
3 operation, and equipment of ~~all-terrain-vehicles-and~~
4 snowmobiles. The rules shall be in conformance with chapter
5 17A.

6 Sec. 4. Section 321G.3, Code 2003, is amended to read as
7 follows:

8 321G.3 REGISTRATION AND NUMBERING REQUIRED.

9 1. Each ~~all-terrain-vehicle-and~~ snowmobile used on public
10 land or ice of this state shall be currently registered and
11 numbered. A person shall not operate, maintain, or give
12 permission for the operation or maintenance of ~~an-all-terrain~~
13 ~~vehicle-or~~ a snowmobile on public land or ice unless the ~~all-~~
14 ~~terrain-vehicle-or~~ snowmobile is numbered in accordance with
15 this chapter, or in accordance with applicable federal laws,
16 or in accordance with an approved numbering system of another
17 state, and unless the identifying number set forth in the
18 registration is displayed as prescribed by rules of the
19 commission.

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

34 Sec. 5. Section 321G.4, Code 2003, is amended to read as
35 follows:

1 321G.4 REGISTRATION WITH COUNTY RECORDER -- FEE.

2 The owner of each ~~all-terrain-vehicle-or~~ snowmobile
3 required to be numbered shall register it every two years with
4 the county recorder of the county in which the owner resides
5 or, if the owner is a nonresident, the owner shall register it
6 in the county in which the ~~all-terrain-vehicle-or~~ snowmobile
7 is principally used. The commission has supervisory
8 responsibility over the registration of ~~all-terrain-vehicles~~
9 and snowmobiles and shall provide each county recorder with
10 registration forms and certificates and shall allocate
11 identification registration numbers to each county.

12 The owner of the ~~all-terrain-vehicle-or~~ snowmobile shall
13 file an application for registration with the appropriate
14 county recorder on forms provided by the commission. The
15 application shall be completed and signed by the owner ~~of-the~~
16 ~~all-terrain-vehicle-or-snowmobile~~ and shall be accompanied by
17 a fee of twenty-five dollars and a writing fee. ~~An-all-~~
18 ~~terrain-vehicle-or-a~~ A snowmobile shall not be registered by
19 the county recorder until the county recorder is presented
20 with receipts, bills of sale, or other satisfactory evidence
21 that the sales or use tax has been paid for the purchase of
22 the ~~all-terrain-vehicle-or~~ snowmobile or that the owner is
23 exempt from paying the tax. ~~However, an owner of an all-~~
24 ~~terrain-vehicle, except an all-terrain-vehicle purchased new~~
25 ~~on or after January 17, 1990, may apply for registration~~
26 ~~without proof of sales or use tax paid until one year after~~
27 ~~January 17, 1990.~~ ~~An all-terrain-vehicle or~~ A snowmobile that
28 has an expired registration certificate from another state may
29 be registered in this state upon proper application, payment
30 of all applicable registration and writing fees, and payment
31 of a penalty of five dollars.

32 Upon receipt of the application in approved form
33 accompanied by the required fees, the county recorder shall
34 enter it upon the records and shall issue to the applicant a
35 pocket-size registration certificate. The certificate shall

1 be executed in triplicate, one copy to be delivered to the
2 owner, one copy to the commission, and one copy to be retained
3 on file by the county recorder. The registration certificate
4 shall bear the number awarded to the ~~all-terrain-vehicle-or~~
5 snowmobile and the name and address of the owner. The
6 registration certificate shall be carried either in the ~~all-~~
7 ~~terrain-vehicle-or~~ snowmobile or on the person of the operator
8 of the machine snowmobile when in use. The operator of an
9 ~~all-terrain-vehicle-or~~ a snowmobile shall exhibit the
10 registration certificate to a peace officer upon request, to a
11 person injured in an accident involving ~~an-all-terrain-vehicle~~
12 ~~or a~~ snowmobile, or to the owner or operator of another ~~all-~~
13 ~~terrain-vehicle-or~~ snowmobile or the owner of personal or real
14 property when the ~~all-terrain-vehicle-or~~ snowmobile is
15 involved in a collision or accident of any nature with another
16 ~~all-terrain-vehicle-or~~ snowmobile or the property of another
17 person, or to the property owner or tenant when the ~~all-~~
18 ~~terrain-vehicle-or~~ snowmobile is being operated on private
19 property without permission from the property owner or tenant.

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

32 Sec. 6. Section 321G.5, Code 2003, is amended to read as
33 follows:

34 321G.5 DISPLAY OF IDENTIFICATION NUMBERS.

35 The owner shall display the identification number on an

1 ~~all-terrain-vehicle-or~~ a snowmobile in the manner prescribed
2 by the rules of the commission.

3 Sec. 7. Section 321G.6, Code 2003, is amended to read as
4 follows:

5 321G.6 REGISTRATION -- RENEWAL -- TRANSFER.

6 1. a. Every ~~all-terrain-vehicle-or~~ snowmobile
7 registration certificate and number issued expires at midnight
8 December 31, and renewals expire every two years thereafter
9 unless sooner terminated or discontinued in accordance with
10 this chapter. After the first day of September each even-
11 numbered year, an unregistered ~~all-terrain-vehicle-or~~
12 snowmobile and renewals may be registered for the subsequent
13 biennium beginning January 1. ~~An-all-terrain-vehicle-or~~ A
14 snowmobile registered between January 1 and September 1 of
15 even-numbered years shall be registered for a fee of twelve
16 dollars and fifty cents for the remainder of the registration
17 period.

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

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

1 ~~All-all-terrain-vehicles-used-on-public-land-must-be~~
2 ~~registered-within-six-months-following-January-17-1990,-unless~~
3 ~~otherwise-exempt-~~

4 3. When a person, after registering ~~an-all-terrain-vehicle~~
5 ~~or a~~ snowmobile, moves from the address shown on the
6 registration certificate, the person shall, within ten days,
7 notify the county recorder in writing of the move and the
8 person's new address.

9 4. Upon the transfer of ownership of ~~an-all-terrain~~
10 ~~vehicle-or a~~ snowmobile, the owner shall complete the form on
11 the back of the title, if any, and registration, if any, and
12 deliver both to the purchaser or transferee when the ~~all-~~
13 ~~terrain-vehicle-or~~ snowmobile is delivered. If the ~~all-~~
14 ~~terrain-vehicle-or~~ snowmobile is not titled, the owner shall
15 complete the form on the back of the current registration
16 certificate and shall deliver the certificate to the purchaser
17 or transferee at the time of delivering the ~~all-terrain~~
18 ~~vehicle-or~~ snowmobile. If the ~~all-terrain-vehicle-or~~
19 snowmobile has not been titled and has not been registered,
20 the owner shall deliver an affidavit for an unregistered and
21 untitled ~~all-terrain-vehicle-or~~ snowmobile to the purchaser or
22 transferee. The purchaser or transferee shall, within thirty
23 days of transfer, file a new application form with the county
24 recorder with a fee of one dollar and the writing fee, and a
25 transfer of number shall be awarded in the same manner as
26 provided in an original registration. If the purchaser or
27 transferee does not file a new application form within thirty
28 days of transfer, the transfer of number shall be awarded upon
29 payment of all applicable fees plus a penalty of five dollars.

30 All registrations must be valid for the current
31 registration period prior to the transfer of any registration,
32 including assignment to a dealer.

33 5. Duplicate registrations may be issued upon application
34 therefore to the county recorder and the payment of the same
35 fees collected for the transfer of registrations.

1 A-motorcycle, as defined in section 321.17, subsection 40,
2 paragraph "a", may be registered as an all-terrain vehicle as
3 provided in this section. -- A motorcycle registered as an all-
4 terrain vehicle may participate in all programs established
5 for all-terrain vehicles under this chapter except for the
6 safety instruction and certification program.

7 Sec. 8. Section 321G.7, Code 2003, is amended to read as
8 follows:

9 321G.7 FEES REMITTED TO COMMISSION -- APPROPRIATION.

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

16 The department shall remit the fees to the treasurer of
17 state, who shall place the money in a special conservation
18 snowmobile fund. The money is appropriated to the department
19 for the all-terrain vehicle and snowmobile programs of the
20 state. All-terrain vehicle fees shall be used only for all-
21 terrain vehicle programs and snowmobile fees shall be used
22 only for snowmobile programs. -- Joint programs shall be
23 supported from both types of fees on a usage basis. The all-
24 terrain vehicle and snowmobile programs shall include grants,
25 subgrants, contracts, or cost-sharing of all-terrain vehicle
26 and snowmobile programs with political subdivisions or
27 incorporated private organizations or both in accordance with
28 rules adopted by the commission. All-all-terrain vehicle
29 programs using cost-sharing, grants, subgrants, or contracts
30 shall establish and implement a safety instruction program
31 either singly or in cooperation with other all-terrain vehicle
32 programs. Snowmobile fees may be used to support joint all-
33 terrain vehicle and snowmobile programs on a usage basis. At
34 least fifty percent of the special fund shall be available for
35 political subdivisions or incorporated private organizations

1 or both. Moneys from the special fund not used by the
2 political subdivisions or incorporated private organizations
3 or both shall remain in the ~~all-terrain-vehicle-or-snowmobile~~
4 ~~accounts---~~The fund and may be used by the department ~~may-use~~
5 ~~funds-from-these-accounts~~ for the administration of the ~~all-~~
6 ~~terrain-vehicle-and~~ snowmobile programs.

7 Sec. 9. Section 321G.8, Code 2003, is amended to read as
8 follows:

9 321G.8 EXEMPT VEHICLES.

10 Registration shall not be required for the following
11 described ~~all-terrain-vehicles-and~~ snowmobiles:

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

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

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

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

25 ~~5---All-terrain-vehicles-used-in-accordance-with-section~~
26 ~~321.234A-~~

27 ~~6- 5.~~ 5. Snowmobiles ~~and-all-terrain-vehicles~~ used
28 exclusively as farm implements.

29 Sec. 10. Section 321G.9, unnumbered paragraph 1, Code
30 2003, is amended to read as follows:

31 A person shall not operate ~~an-all-terrain-vehicle-or a~~
32 snowmobile upon roadways or highways, as defined in section
33 321.1, except as provided in ~~section-321:234A-and~~ this
34 chapter.

35 Sec. 11. Section 321G.9, subsections 1, 2, and 3, Code

1 2003, are amended to read as follows:

2 1. ~~An-all-terrain-vehicle-or~~ A snowmobile shall not be
3 operated at any time within the ~~right-of-way~~ right-of-way of
4 any interstate highway or freeway within this state except
5 ~~under-either-of-the-following-circumstances:~~

6 ~~a.--As-provided-in-section-321-234A-~~

7 ~~b.--When~~ when using an underpass located on an interstate
8 highway or freeway if all of the following apply:

9 ~~{1}~~ a. The underpass has been abandoned and is no longer
10 being used by motor vehicles or trains.

11 ~~{2}~~ b. Use of the underpass is the only alternative to the
12 use of a traveled roadway.

13 ~~{3}~~ c. Notwithstanding the provisions of chapter 321, use
14 of the underpass does not conflict with any rules or
15 regulations adopted by a federal governmental entity or this
16 state or a political subdivision of this state.

17 2. ~~An-all-terrain-vehicle-or~~ A snowmobile may make a
18 direct crossing of a street or highway provided all of the
19 following occur:

20 a. The crossing is made at an angle of approximately
21 ninety degrees to the direction of the highway and at a place
22 where no obstruction prevents a quick and safe crossing~~,-and.~~

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

26 c. The driver yields the ~~right-of-way~~ right-of-way to all
27 oncoming traffic which constitutes an immediate hazard~~,-and.~~

28 d. In crossing a divided highway, the crossing is made
29 only at an intersection of such highway with another public
30 street or highway.

31 3. ~~An-all-terrain-vehicle-or~~ A snowmobile shall not be
32 operated on public highways under any of the following
33 conditions:

34 a. On the roadway portion of a highway and adjacent
35 shoulder, or at least five feet on either side of the roadway,

1 except as provided in subsection 4 ~~of this section~~ and.

2 b. On limited access highways and approaches and.

3 c. For racing any moving object and.

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

6 Sec. 12. Section 321G.9, subsection 4, unnumbered
7 paragraph 1, Code 2003, is amended to read as follows:

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

10 Sec. 13. Section 321G.9, subsection 4, paragraph d, Code
11 2003, is amended to read as follows:

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

24 Sec. 14. Section 321G.9, subsection 4, paragraph f, Code
25 2003, is amended by striking the paragraph.

26 Sec. 15. Section 321G.9, subsections 6 and 7, Code 2003,
27 are amended to read as follows:

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

33 b. A person twelve to fifteen years of age and possessing
34 a valid safety certificate must be under the direct
35 supervision of a parent, guardian, or another adult authorized

1 by the parent or guardian, who is experienced in ~~all-terrain~~
2 ~~vehicle-or~~ snowmobile operation, and who possesses a valid
3 driver's license as defined in section 321.1, or a safety
4 certificate issued under this chapter.

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

11 Sec. 16. Section 321G.10, Code 2003, is amended to read as
12 follows:

13 321G.10 ACCIDENT REPORTS.

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

22 Sec. 17. Section 321G.11, subsections 1 and 2, Code 2003,
23 are amended to read as follows:

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

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

1 Sec. 18. Section 321G.12, Code 2003, is amended to read as
2 follows:

3 321G.12 ~~HEAD-LAMP~~ HEADLAMP -- TAIL LAMP -- BRAKES.

4 ~~Every all-terrain-vehicle-operated-during-the-hours-of~~
5 ~~darkness-shall-display-a-lighted-head-lamp-and-tail-lamp.~~
6 Every snowmobile shall be equipped with at least one head-lamp
7 headlamp and one tail lamp. Every ~~all-terrain-vehicle-and~~
8 snowmobile shall be equipped with brakes.

9 Sec. 19. Section 321G.13, subsection 1, unnumbered
10 paragraph 1, Code 2003, is amended to read as follows:

11 A person shall not drive or operate ~~an all-terrain-vehicle~~
12 or a snowmobile:

13 Sec. 20. Section 321G.13, subsection 1, paragraphs g and
14 h, Code 2003, are amended to read as follows:

15 g. In or on any park or fish and game areas except on
16 designated ~~all-terrain-vehicle-or~~ snowmobile trails.

17 h. Upon an operating railroad right-of-way. ~~An all-~~
18 ~~terrain-vehicle-or~~ A snowmobile may be driven directly across
19 a railroad right-of-way only at an established crossing and,
20 notwithstanding any other provisions of law, may, if
21 necessary, use the improved portion of the established
22 crossing after yielding to all oncoming traffic. This
23 paragraph does not apply to a law enforcement officer or
24 railroad employee in the lawful discharge of the officer's or
25 employee's duties or to an employee of a utility with
26 authority to enter upon the railroad right-of-way in the
27 lawful performance of the employee's duties.

28 Sec. 21. Section 321G.13, subsection 2, Code 2003, is
29 amended to read as follows:

30 2. A person shall not operate or ride in ~~an all-terrain~~
31 ~~vehicle-or~~ a snowmobile with a firearm in the person's
32 possession unless it is unloaded and enclosed in a carrying
33 case. However, a nonambulatory person may carry an uncased
34 and unloaded firearm while operating or riding ~~an all-terrain~~
35 ~~vehicle-or~~ a snowmobile.

1 Sec. 22. Section 321G.13, subsection 3, Code 2003, is
2 amended by striking the subsection.

3 Sec. 23. Section 321G.14, Code 2003, is amended to read as
4 follows:

5 321G.14 PENALTY.

6 Any person who ~~shall violate any provision of~~ violates this
7 chapter or ~~any regulation~~ a rule of the commission or director
8 of transportation ~~shall be~~ is guilty of a simple misdemeanor.

9 Chapter 232 shall have no application in the prosecution of
10 offenses which are committed in violation of this chapter, and
11 which constitute simple misdemeanors.

12 Sec. 24. Section 321G.15, Code 2003, is amended to read as
13 follows:

14 321G.15 OPERATION PENDING REGISTRATION.

15 The commission shall furnish snowmobile ~~and all-terrain~~
16 ~~vehicle~~ dealers with pasteboard cards bearing the words
17 "registration applied for" and space for the date of purchase.
18 An unregistered ~~all-terrain-vehicle or~~ snowmobile sold by a
19 dealer shall bear one of these cards which entitles the
20 purchaser to operate it for ten days immediately following the
21 purchase. The purchaser of a registered ~~all-terrain-vehicle~~
22 ~~or~~ snowmobile may operate it for ten days immediately
23 following the purchase, without having completed a transfer of
24 registration. A snowmobile ~~or all-terrain-vehicle~~ dealer
25 shall make application and pay all registration and title fees
26 if applicable on behalf of the purchaser of a snowmobile ~~or~~
27 ~~all-terrain-vehicle~~.

28 Sec. 25. Section 321G.16, Code 2003, is amended to read as
29 follows:

30 321G.16 SPECIAL EVENTS.

31 The department may authorize the holding of organized
32 special events as defined in this chapter within this state.
33 The department shall adopt rules relating to the conduct of
34 special events held under department permits and designating
35 the equipment and facilities necessary for safe operation of

1 ~~all-terrain-vehicles-and~~ snowmobiles or for the safety of
2 operators, participants, and observers in the special events.
3 ~~A special event for all-terrain-vehicles may include~~
4 ~~motorcycles upon payment of an entrance fee set by the~~
5 ~~organizer of the special event.--The department may require~~
6 ~~that part of the motorcycle entrance fee be credited to pay~~
7 ~~costs of all-terrain-vehicle programs authorized pursuant to~~
8 ~~section 3216-7.~~ At least thirty days before the scheduled
9 date of a special event in this state, an application shall be
10 filed with the department for authorization to conduct the
11 special event. The application shall set forth the date,
12 time, and location of the proposed special event and any other
13 information the department requires. The special event shall
14 not be conducted without written authorization of the
15 department. Copies of the rules shall be furnished by the
16 department to any person making an application.

17 Sec. 26. Section 321G.17, Code 2003, is amended to read as
18 follows:

19 321G.17 VIOLATION OF "STOP" SIGNAL.

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

26 Sec. 27. Section 321G.18, Code 2003, is amended to read as
27 follows:

28 321G.18 NEGLIGENCE.

29 The owner and operator of ~~an all-terrain-vehicle or a~~
30 snowmobile are liable for any injury or damage occasioned by
31 the negligent operation of the ~~all-terrain-vehicle or~~
32 snowmobile. The owner of ~~an all-terrain-vehicle or a~~
33 snowmobile shall be liable for any such injury or damage only
34 if the owner was the operator of the ~~all-terrain-vehicle or~~
35 snowmobile at the time the injury or damage occurred or if the

1 operator had the owner's consent to operate the ~~all-terrain~~
2 ~~vehicle-or~~ snowmobile at the time the injury or damage
3 occurred.

4 Sec. 28. Section 321G.19, Code 2003, is amended to read as
5 follows:

6 321G.19 RENTED SNOWMOBILES ~~AND-ALL-TERRAIN-VEHICLES.~~

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

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

19 Sec. 29. Section 321G.20, unnumbered paragraph 2, Code
20 2003, is amended by striking the unnumbered paragraph.

21 Sec. 30. Section 321G.21, subsections 1, 3, 6, 8, 9, and
22 10, Code 2003, are amended to read as follows:

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

35 3. The commission, upon granting an application, shall

1 issue to the applicant a special registration certificate
2 containing the applicant's name and address, the general
3 identification number assigned to the applicant, the word
4 "manufacturer", "dealer", or "distributor", and other
5 information the commission prescribes. The manufacturer,
6 distributor, or dealer shall have the assigned number printed
7 upon or attached to a removable sign or signs which may be
8 temporarily but firmly mounted or attached to the ~~all-terrain~~
9 ~~vehicle-or~~ snowmobile being used. The display shall meet the
10 requirements of this chapter and the rules of the commission.

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

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

25 9. If the purchaser or transferee of ~~an-all-terrain~~
26 ~~vehicle-or~~ a snowmobile is a dealer who holds the same for
27 resale and operates the ~~all-terrain-vehicle-or~~ snowmobile only
28 for purposes incidental to a resale and displays the special
29 dealer's certificate, or does not operate the ~~all-terrain~~
30 ~~vehicle-or~~ snowmobile or permit it to be operated, the
31 transferee is not required to obtain a new registration
32 certificate but upon transferring title or interest to another
33 person shall sign the reverse side of the title, if any, and
34 the registration certificate of the ~~all-terrain-vehicle-or~~
35 snowmobile indicating the name and address of the new

1 purchaser. A dealer shall make application and pay all
2 registration and title fees if applicable on behalf of the
3 purchaser of ~~an-all-terrain-vehicle-or~~ a snowmobile. The
4 recorder shall award a transfer of the registration number.
5 If the registration has expired while in the dealer's
6 possession, the purchaser may renew the registration for the
7 same fee and writing fee as if the purchaser is securing the
8 original registration.

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

20 Sec. 31. Section 321G.22, Code 2003, is amended to read as
21 follows:

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

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

1 political subdivisions, and the owners or tenants of property
2 adjoining public lands or the ~~right-of-way~~ right-of-way of a
3 public highway, and their agents and employees are not liable
4 for actions taken to allow or facilitate the use of public
5 lands, ditches, or land contiguous to a highway or roadway
6 except in the case of a willful or malicious failure to guard
7 or warn against a dangerous condition, use, structure, or
8 activity.

9 This section does not create a duty of care or ground of
10 liability on behalf of the state, its political subdivisions,
11 or the owners or tenants of property adjoining public lands or
12 the ~~right-of-way~~ right-of-way of a public highway and their
13 agents and employees for injury to persons or property in the
14 operation of ~~all-terrain-vehicles-or~~ snowmobiles in a ditch or
15 on land contiguous to a highway or roadway under the control
16 of the state or a political subdivision. The state, its
17 political subdivisions, and the owners or tenants of property
18 adjoining public lands or the ~~right-of-way~~ right-of-way of a
19 public highway and their agents and employees are not liable
20 for the operation of ~~an-all-terrain-vehicle-or~~ a snowmobile in
21 violation of this chapter.

22 Sec. 32. Section 321G.23, subsections 1 and 4, Code 2003,
23 are amended to read as follows:

24 1. The commission shall provide, by rules adopted pursuant
25 to section 321G.2, for the establishment of certified courses
26 of instruction to be conducted throughout the state for the
27 safe use and operation of ~~all-terrain-vehicles-and~~
28 snowmobiles. The curriculum shall include instruction in the
29 lawful and safe use, operation, and equipping of ~~all-terrain~~
30 ~~vehicles-and~~ snowmobiles consistent with this chapter and
31 rules adopted by the commission and the director of
32 transportation and other matters the commission deems
33 pertinent for a qualified ~~all-terrain-vehicle-or~~ snowmobile
34 operator.

35 4. The commission shall provide safety material relating

1 to the operation of ~~all-terrain-vehicles-and~~ snowmobiles for
2 the use of nonpublic or public elementary and secondary
3 schools in this state.

4 Sec. 33. Section 321G.24, subsections 1, 4, and 5, Code
5 2003, are amended to read as follows:

6 1. A person under eighteen years of age shall not operate
7 a snowmobile on public land or land purchased with snowmobile
8 registration funds in this state without obtaining a valid
9 safety certificate issued by the department and having the
10 certificate in the person's possession, unless the person is
11 accompanied on the same snowmobile by a responsible person of
12 at least eighteen years of age who is experienced in
13 snowmobile operation and possesses a valid driver's license,
14 as defined in section 321.1, or a safety certificate issued
15 under this chapter. ~~A-person-under-eighteen-years-of-age
16 shall-not-operate-an-all-terrain-vehicle-on-public-land-or
17 land-purchased-with-all-terrain-vehicle-registration-funds-in
18 this-state-without-obtaining-a-valid-safety-certificate-issued
19 by-the-department-and-having-the-certificate-in-the-person's
20 possession.~~

21 4. The permit fees collected under this section shall be
22 credited to the state-conservation special snowmobile fund
23 created under section 321G.7 and shall be used for safety and
24 educational programs.

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

32 Sec. 34. Section 321G.25, Code 2003, is amended to read as
33 follows:

34 321G.25 STOPPING AND INSPECTING -- WARNINGS.

35 A peace officer may stop and inspect ~~an-all-terrain-vehicle~~

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

18 Sec. 35. Section 321G.26, Code 2003, is amended to read as
19 follows:

20 321G.26 TERMINATION OF USE.

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

27 Sec. 36. Section 321G.27, Code 2003, is amended to read as
28 follows:

29 321G.27 WRITING FEES.

30 The county recorder shall collect a writing fee of one
31 dollar for ~~an-all-terrain-vehicle-or~~ a snowmobile
32 registration.

33 Sec. 37. Section 321G.28, Code 2003, is amended to read as
34 follows:

35 321G.28 CONSISTENT LOCAL LAWS -- SPECIAL LOCAL RULES.

1 1. This chapter and other applicable laws of this state
2 shall govern the operation, equipment, numbering, and all
3 other matters relating to ~~an all-terrain-vehicle or a~~
4 snowmobile when the ~~all-terrain-vehicle or~~ snowmobile is
5 operated or maintained in this state. However, this chapter
6 does not prevent the adoption of an ordinance or local law
7 relating to the operation ~~of~~ or equipment of ~~all-terrain~~
8 ~~vehicles or~~ snowmobiles. The ordinances or local laws are
9 operative only so long as they are not inconsistent with this
10 chapter or the rules adopted by the commission.

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

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

23 Sec. 38. Section 321G.29, Code 2003, is amended to read as
24 follows:

25 321G.29 OWNER'S CERTIFICATE OF TITLE -- IN GENERAL.

26 1. The owner of a snowmobile acquired on or after January
27 1, 1998, ~~or an all-terrain-vehicle acquired on or after~~
28 ~~January 17, 2000~~, other than a snowmobile ~~or all-terrain~~
29 ~~vehicle~~ used exclusively as a farm implement, shall apply to
30 the county recorder of the county in which the owner resides
31 for a certificate of title for the snowmobile ~~or all-terrain~~
32 ~~vehicle~~. The owner of a snowmobile ~~or all-terrain-vehicle~~
33 used exclusively as a farm implement may obtain a certificate
34 of title. A person who owns a snowmobile ~~or all-terrain~~
35 ~~vehicle~~ that is not required to have a certificate of title

1 may apply for and receive a certificate of title for the
2 snowmobile ~~or-all-terrain-vehicle~~ and, subsequently, the
3 snowmobile ~~or-all-terrain-vehicle~~ shall be subject to the
4 requirements of this chapter as if the snowmobile ~~or-all-~~
5 ~~terrain-vehicle~~ were required to be titled. All snowmobiles
6 ~~or-all-terrain-vehicles~~ that are titled shall be registered.

7 2. A certificate of title shall contain the information
8 and shall be issued on a form the department prescribes.

9 3. An owner of a snowmobile ~~or-all-terrain-vehicle~~ shall
10 apply to the county recorder for issuance of a certificate of
11 title within thirty days after acquisition. The application
12 shall be on forms the department prescribes and accompanied by
13 the required fee. The application shall be signed and sworn
14 to before a notary public or other person who administers
15 oaths, or shall include a certification signed in writing
16 containing substantially the representation that statements
17 made are true and correct to the best of the applicant's
18 knowledge, information, and belief, under penalty of perjury.
19 The application shall contain the date of sale and gross price
20 of the snowmobile ~~or-all-terrain-vehicle~~ or the fair market
21 value if no sale immediately preceded the transfer and any
22 additional information the department requires. If the
23 application is made for a snowmobile ~~or-all-terrain-vehicle~~
24 last previously registered or titled in another state or
25 foreign country, the application shall contain this
26 information and any other information the department requires.

27 4. If a dealer buys or acquires a snowmobile ~~or-all-~~
28 ~~terrain-vehicle~~ for resale, the dealer shall report the
29 acquisition to the county recorder on forms provided by the
30 department and may apply for and obtain a certificate of title
31 as provided in this chapter. If a dealer buys or acquires a
32 used snowmobile ~~or-all-terrain-vehicle~~, the dealer may apply
33 for a certificate of title in the dealer's name within thirty
34 days. If a dealer buys or acquires a new snowmobile ~~or-all-~~
35 ~~terrain-vehicle~~ for resale, the dealer may apply for a

1 certificate of title in the dealer's name.

2 5. A manufacturer or dealer shall not transfer ownership
3 of a new snowmobile ~~or-new-all-terrain-vehicle~~ without
4 supplying the transferee with the manufacturer's or importer's
5 certificate of origin signed by the manufacturer's or
6 importer's authorized agent. The certificate shall contain
7 information the department requires. The department may adopt
8 rules providing for the issuance of a certificate of origin
9 for a snowmobile ~~or-all-terrain-vehicle~~ by the department upon
10 good cause shown by the owner.

11 6. A dealer transferring ownership of a snowmobile ~~or-all-~~
12 ~~terrain-vehicle~~ under this chapter shall assign the title to
13 the new owner, or in the case of a new snowmobile ~~or-new-all-~~
14 ~~terrain-vehicle~~, assign the certificate of origin. Within
15 fifteen days the dealer shall forward all moneys and
16 applications to the county recorder.

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

28 8. Once titled, a person shall not sell or transfer
29 ownership of a snowmobile ~~or-all-terrain-vehicle~~ without
30 delivering to the purchaser or transferee a certificate of
31 title with an assignment on it showing title in the purchaser
32 or transferee. A person shall not purchase or otherwise
33 acquire a snowmobile ~~or-all-terrain-vehicle~~ without obtaining
34 a certificate of title for it in that person's name.

35 9. If the county recorder is not satisfied as to the

1 ownership of the snowmobile or ~~all-terrain-vehicle~~ or that
2 there are no undisclosed security interests in the snowmobile
3 ~~or-all-terrain-vehicle~~, the county recorder may issue a
4 certificate of title for the snowmobile ~~or-all-terrain-vehicle~~
5 but, as a condition of such issuance, may require the
6 applicant to file with the department a bond in the form
7 prescribed by the department and executed by the applicant,
8 and also executed by a person authorized to conduct a surety
9 business in this state. The form and amount of the bond shall
10 be established by rule of the department. The bond shall be
11 conditioned to indemnify any prior owner and secured party and
12 any subsequent purchaser of the snowmobile or ~~all-terrain~~
13 ~~vehicle~~ or person acquiring any security interest in the
14 snowmobile ~~or-all-terrain-vehicle~~, and their respective
15 successors in interest, against any expense, loss, or damage,
16 including reasonable attorney fees, by reason of the issuance
17 of the certificate of title of the snowmobile ~~or-all-terrain~~
18 ~~vehicle~~ or on account of any defect in or undisclosed security
19 interest upon the right, title, and interest of the applicant
20 in and to the snowmobile ~~or-all-terrain-vehicle~~. Any such
21 interested person has a right of action to recover on the bond
22 for any breach of its conditions, but the aggregate liability
23 of the surety to all persons shall not exceed the amount of
24 the bond. The bond shall be returned at the end of three
25 years or prior thereto if the snowmobile ~~or-all-terrain~~
26 ~~vehicle~~ is no longer registered in this state and the
27 certificate of title is surrendered to the department, unless
28 the department has been notified of the pendency of an action
29 to recover on the bond.

30 10. The county recorder shall transmit a copy of the
31 certificate of title to the department, which shall be the
32 central repository of title information for snowmobiles and
33 ~~all-terrain-vehicles~~.

34 Sec. 39. Section 321G.30, subsection 5, Code 2003, is
35 amended to read as follows:

1 5. Five dollars of the certificate of title fees collected
2 under this section shall be remitted by the county recorder to
3 the treasurer of state for deposit in the special **conservation**
4 snowmobile fund created under section 321G.7. The remaining
5 five dollars shall be retained by the county and deposited
6 into the general fund of the county.

7 Sec. 40. Section 321G.31, Code 2003, is amended to read as
8 follows:

9 321G.31 ~~TRANSFER OR REPOSSESSION OF-SNOWMOBILE-OR-ALL-~~
10 ~~TERRAIN-VEHICLE~~ BY OPERATION OF LAW.

11 1. If ownership of a snowmobile ~~or-all-terrain-vehicle~~ is
12 transferred by operation of law, such as by inheritance, order
13 in bankruptcy, insolvency, replevin, or execution sale, the
14 transferee, within thirty days after acquiring the right to
15 possession of the snowmobile ~~or-all-terrain-vehicle~~, shall
16 mail or deliver to the county recorder satisfactory proof of
17 ownership as the county recorder requires, together with an
18 application for a new certificate of title, and the required
19 fee.

20 2. If a lienholder repossesses a snowmobile ~~or-all-terrain~~
21 ~~vehicle~~ by operation of law and holds it for resale, the
22 lienholder shall secure a new certificate of title and shall
23 pay the required fee.

24 Sec. 41. Section 321G.32, subsection 1, unnumbered
25 paragraph 1, Code 2003, is amended to read as follows:

26 A security interest created in this state in a snowmobile
27 ~~or-all-terrain-vehicle~~ is not perfected until the security
28 interest is noted on the certificate of title.

29 Sec. 42. Section 321G.32, subsection 1, paragraph b, Code
30 2003, is amended to read as follows:

31 b. The application fee for a security interest is ten
32 dollars. Five dollars of the fee shall be credited to the
33 special **conservation** snowmobile fund created under section
34 321G.7. The remaining five dollars shall be retained by the
35 county and deposited into the general fund of the county.

1 Sec. 43. Section 321G.33, Code 2003, is amended to read as
2 follows:

3 321G.33 VEHICLE IDENTIFICATION NUMBER.

4 1. The department may assign a distinguishing number to an
5 ~~all-terrain-vehicle-or~~ a snowmobile when the serial number on
6 the ~~all-terrain-vehicle-or~~ snowmobile is destroyed or
7 obliterated and issue to the owner a special plate bearing the
8 distinguishing number which shall be affixed to the ~~all-~~
9 ~~terrain-vehicle-or~~ snowmobile in a position to be determined
10 by the department. The ~~all-terrain-vehicle-or~~ snowmobile
11 shall be registered and titled under the distinguishing number
12 in lieu of the former serial number. Every ~~all-terrain~~
13 ~~vehicle-or~~ snowmobile shall have an a vehicle identification
14 number assigned and affixed as required by the department.

15 2. The commission shall adopt, by rule, the procedures for
16 application and for issuance of an a vehicle identification
17 number for homebuilt ~~all-terrain-vehicles-or~~ snowmobiles.

18 3. A person shall not destroy, remove, alter, cover, or
19 deface the manufacturer's vehicle identification number, the
20 plate bearing it, or any vehicle identification number the
21 department assigns to an ~~all-terrain-vehicle-or~~ a snowmobile
22 without the department's permission.

23 4. A person other than a manufacturer who constructs or
24 rebuilds an ~~all-terrain-vehicle-or~~ a snowmobile for which
25 there is no legible vehicle identification number shall submit
26 to the department an affidavit which describes the ~~all-terrain~~
27 ~~vehicle-or~~ snowmobile. In cooperation with the county
28 recorder, the department shall assign an a vehicle
29 identification number to the ~~all-terrain-vehicle-or~~
30 snowmobile. The applicant shall permanently affix the vehicle
31 identification number to the ~~all-terrain-vehicle-or~~ snowmobile
32 in a manner that such alteration, removal, or replacement of
33 the vehicle identification number would be obvious.

34 Sec. 44. NEW SECTION. 321I.1 DEFINITIONS.

35 As used in this chapter, unless the context otherwise

1 requires:

2 1. "All-terrain vehicle" means a motorized flotation-tire
3 vehicle with not less than three low-pressure tires, but not
4 more than six low-pressure tires, or a two-wheeled off-road
5 motorcycle, that is limited in engine displacement to less
6 than eight hundred cubic centimeters and in total dry weight
7 to less than seven hundred fifty pounds and that has a seat or
8 saddle designed to be straddled by the operator and handlebars
9 for steering control.

10 Two-wheeled off-road motorcycles shall be considered all-
11 terrain vehicles only for the purpose of titling and
12 registration. An operator of a two-wheeled off-road
13 motorcycle is exempt from the safety instruction and
14 certification program requirements of sections 321I.23 and
15 321I.24.

16 2. "'A" scale" means the physical scale marked "A"
17 graduated in decibels on a sound level meter which meets the
18 requirements of the American national standards institute,
19 incorporated, publication S1.4-1961, general purpose sound
20 level meters.

21 3. "Commission" means the natural resource commission of
22 the department.

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

27 5. "Department" means the department of natural resources.

28 6. "Established place of business" means the place
29 actually occupied either continuously or at regular periods by
30 a dealer or manufacturer where the books and records are kept
31 and the dealer's or manufacturer's business is primarily
32 transacted.

33 7. "Manufacturer" means a person engaged in the business
34 of constructing or assembling all-terrain vehicles required to
35 be registered under this chapter and who has an established

1 place of business for that purpose in this state.

2 8. "Nonambulatory person" means an individual with
3 paralysis of the lower half of the body with the involvement
4 of both legs, usually caused by disease of or injury to the
5 spinal cord, or caused by the loss of both legs or the loss of
6 a part of both legs.

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

11 10. "Operator" means a person who operates or is in actual
12 physical control of an all-terrain vehicle.

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

20 12. "Person" means an individual, partnership, firm,
21 corporation, association, and the state, its agencies, and
22 political subdivisions.

23 13. "Public land" means land owned by the federal
24 government, the state, or political subdivisions of the state
25 and land acquired or developed for public recreation pursuant
26 to section 321I.7.

27 14. "Railroad right-of-way" means the full width of
28 property owned, leased, or subject to easement for railroad
29 purposes and is not limited to those areas on which tracks are
30 located.

31 15. "Roadway" means that portion of a highway improved,
32 designed, or ordinarily used for vehicular travel.

33 16. "Safety certificate" means an all-terrain vehicle
34 safety certificate issued by the commission to a qualified
35 applicant who is twelve years of age or more.

1 17. "Snowmobile" means the same as defined in section
2 321G.1.

3 18. "Special event" means an organized race, exhibition,
4 or demonstration of limited duration which is conducted
5 according to a prearranged schedule and in which general
6 public interest is manifested.

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

13 Sec. 45. NEW SECTION. 321I.2 RULES.

14 The commission may adopt rules for the following purposes:

15 1. Registration and titling of all-terrain vehicles.

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

18 3. Use of all-terrain vehicles on public lands under the
19 jurisdiction of the commission.

20 4. Use of all-terrain vehicles on any waters of the state
21 under the jurisdiction of the commission, while the waters are
22 frozen.

23 5. Establishment of a program of grants, subgrants, and
24 contracts to be administered by the department for the
25 development and delivery of certified courses of instruction
26 for the safe use and operation of all-terrain vehicles by
27 political subdivisions and incorporated private organizations.

28 6. Issuance of safety certificates.

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

32 The director of transportation may adopt rules not
33 inconsistent with this chapter regulating the use of all-
34 terrain vehicles on streets and highways. Cities may
35 designate streets under the jurisdiction of cities within

1 their respective corporate limits which may be used for the
2 sport of driving all-terrain vehicles.

3 In adopting the rules, consideration shall be given to the
4 need to protect the environment and the public health, safety,
5 and welfare; to protect private property, public parks, and
6 other public lands; to protect wildlife and wildlife habitat;
7 and to promote uniformity of rules relating to the use,
8 operation, and equipment of all-terrain vehicles. The rules
9 shall be in conformance with chapter 17A.

10 Sec. 46. NEW SECTION. 321I.3 REGISTRATION AND NUMBERING
11 REQUIRED.

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

22 2. A registration number shall be assigned, without
23 payment of fee, to all-terrain vehicles owned by the state of
24 Iowa or its political subdivisions upon application for the
25 number, and the assigned registration number shall be
26 displayed on the all-terrain vehicle as required under section
27 321I.5. A registration number and certificate shall be
28 assigned, without payment of fee, to an all-terrain vehicle
29 which is exempt from registration but is being titled. A
30 decal displaying an audit number shall not be issued and the
31 registration shall not expire while the all-terrain vehicle is
32 exempt. The application for registration shall indicate the
33 reason for exemption from the fee. The registration
34 certificate shall indicate the reason for exemption.

35 Sec. 47. NEW SECTION. 321I.4 REGISTRATION WITH COUNTY

1 RECORDER -- FEE.

2 The owner of each all-terrain vehicle required to be
3 numbered shall register it every two years with the county
4 recorder of the county in which the owner resides or, if the
5 owner is a nonresident, the owner shall register it in the
6 county in which the all-terrain vehicle is principally used.
7 The commission has supervisory responsibility over the
8 registration of all-terrain vehicles and shall provide each
9 county recorder with registration forms and certificates and
10 shall allocate registration numbers to each county.

11 The owner of the all-terrain vehicle shall file an
12 application for registration with the appropriate county
13 recorder on forms provided by the commission. The application
14 shall be completed and signed by the owner of the all-terrain
15 vehicle and shall be accompanied by a fee of twenty-five
16 dollars and a writing fee. An all-terrain vehicle shall not
17 be registered by the county recorder until the county recorder
18 is presented with receipts, bills of sale, or other
19 satisfactory evidence that the sales or use tax has been paid
20 for the purchase of the all-terrain vehicle or that the owner
21 is exempt from paying the tax. An all-terrain vehicle that
22 has an expired registration certificate from another state may
23 be registered in this state upon proper application, payment
24 of all applicable registration and writing fees, and payment
25 of a penalty of five dollars.

26 Upon receipt of the application in approved form
27 accompanied by the required fees, the county recorder shall
28 enter it upon the records and shall issue to the applicant a
29 pocket-size registration certificate. The certificate shall
30 be executed in triplicate, one copy to be delivered to the
31 owner, one copy to the commission, and one copy to be retained
32 on file by the county recorder. The registration certificate
33 shall bear the number awarded to the all-terrain vehicle and
34 the name and address of the owner. The registration
35 certificate shall be carried either in the all-terrain vehicle

1 or on the person of the operator of the all-terrain vehicle
2 when in use. The operator of an all-terrain vehicle shall
3 exhibit the registration certificate to a peace officer upon
4 request, to a person injured in an accident involving an all-
5 terrain vehicle, to the owner or operator of another all-
6 terrain vehicle or the owner of personal or real property when
7 the all-terrain vehicle is involved in a collision or accident
8 of any nature with another all-terrain vehicle or the property
9 of another person, or to the property owner or tenant when the
10 all-terrain vehicle is being operated on private property
11 without permission from the property owner or tenant.

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

23 Sec. 48. NEW SECTION. 321I.5 DISPLAY OF IDENTIFICATION
24 NUMBERS.

25 The owner shall display the identification number on an
26 all-terrain vehicle in the manner prescribed by rules of the
27 commission.

28 Sec. 49. NEW SECTION. 321I.6 REGISTRATION -- RENEWAL --
29 TRANSFER.

30 1. a. Every all-terrain vehicle registration certificate
31 and number issued expires at midnight December 31, and
32 renewals expire every two years thereafter unless sooner
33 terminated or discontinued in accordance with this chapter.
34 After the first day of September each even-numbered year, an
35 unregistered all-terrain vehicle and renewals may be

1 registered for the subsequent biennium beginning January 1.
2 An all-terrain vehicle registered between January 1 and
3 September 1 of even-numbered years shall be registered for a
4 fee of twelve dollars and fifty cents for the remainder of the
5 registration period.

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

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

22 3. When a person, after registering an all-terrain
23 vehicle, moves from the address shown on the registration
24 certificate, the person shall, within ten days, notify the
25 county recorder in writing of the move and the person's new
26 address.

27 4. Upon the transfer of ownership of an all-terrain
28 vehicle, the owner shall complete the form on the back of the
29 title, if any, and registration, if any, and deliver both to
30 the purchaser or transferee when the all-terrain vehicle is
31 delivered. If the all-terrain vehicle is not titled, the
32 owner shall complete the form on the back of the current
33 registration certificate and shall deliver the certificate to
34 the purchaser or transferee at the time of delivering the all-
35 terrain vehicle. If the all-terrain vehicle has not been

1 titled and has not been registered, the owner shall deliver an
2 affidavit for an unregistered and untitled all-terrain vehicle
3 to the purchaser or transferee. The purchaser or transferee
4 shall, within thirty days of transfer, file a new application
5 form with the county recorder with a fee of one dollar and the
6 writing fee, and a transfer of number shall be awarded in the
7 same manner as provided in an original registration. If the
8 purchaser or transferee does not file a new application form
9 within thirty days of transfer, the transfer of number shall
10 be awarded upon payment of all applicable fees plus a penalty
11 of five dollars.

12 All registrations must be valid for the current
13 registration period prior to the transfer of any registration,
14 including assignment to a dealer.

15 5. Duplicate registrations may be issued upon application
16 to the county recorder and the payment of the same fees
17 collected for the transfer of registrations.

18 6. A motorcycle, as defined in section 321.1, subsection
19 40, paragraph "a", may be registered as an all-terrain vehicle
20 as provided in this section. A motorcycle registered as an
21 all-terrain vehicle may participate in all programs
22 established for all-terrain vehicles under this chapter except
23 for the safety instruction and certification program.

24 Sec. 50. NEW SECTION. 321I.7 FEES REMITTED TO COMMISSION
25 -- APPROPRIATION.

26 Within ten days after the end of each month, a county
27 recorder shall remit to the commission the all-terrain vehicle
28 fees collected by the recorder during the previous month.
29 Before January 10 of odd-numbered years, a recorder shall
30 remit unused license forms from the previous biennium to the
31 commission.

32 The department shall remit the fees to the treasurer of
33 state, who shall place the money in a special all-terrain
34 vehicle fund. The money is appropriated to the department for
35 the all-terrain vehicle programs of the state. The programs

1 shall include grants, subgrants, contracts, or cost-sharing of
2 all-terrain vehicle programs with political subdivisions or
3 incorporated private organizations or both in accordance with
4 rules adopted by the commission. All programs using cost-
5 sharing, grants, subgrants, or contracts shall establish and
6 implement a safety instruction program either singly or in
7 cooperation with other all-terrain vehicle programs. All-
8 terrain vehicle fees may be used to support joint all-terrain
9 vehicle and snowmobile programs on a usage basis. At least
10 fifty percent of the special fund shall be available for
11 political subdivisions or incorporated private organizations
12 or both. Moneys from the special fund not used by the
13 political subdivisions or incorporated private organizations
14 or both shall remain in the fund and may be used by the
15 department for the administration of the all-terrain vehicle
16 programs.

17 Sec. 51. NEW SECTION. 321I.8 EXEMPT VEHICLES.

18 Registration shall not be required for the following
19 described all-terrain vehicles:

- 20 1. All-terrain vehicles owned and used by the United
21 States, another state, or a political subdivision of another
22 state.
- 23 2. All-terrain vehicles registered in a country other than
24 the United States used within this state for not more than
25 twenty consecutive days.
- 26 3. All-terrain vehicles covered by a valid license of
27 another state and which have not been within this state for
28 more than twenty consecutive days.
- 29 4. All-terrain vehicles not registered or licensed in
30 another state or country being used in this state while
31 engaged in a special event and not remaining in the state for
32 a period of more than ten days.
- 33 5. All-terrain vehicles used in accordance with section
34 321.234A.
- 35 6. All-terrain vehicles used exclusively as farm

1 implements.

2 Sec. 52. NEW SECTION. 321I.9 OPERATION ON ROADWAYS AND
3 HIGHWAYS.

4 A person shall not operate an all-terrain vehicle upon
5 roadways or highways, as defined in section 321.1, except as
6 provided in section 321.234A and this chapter.

7 1. An all-terrain vehicle shall not be operated at any
8 time within the right-of-way of any interstate highway or
9 freeway within this state except under either of the following
10 circumstances:

11 a. As provided in section 321.234A.

12 b. When using an underpass located on an interstate
13 highway or freeway if all of the following apply:

14 (1) The underpass has been abandoned and is no longer
15 being used by motor vehicles or trains.

16 (2) Use of the underpass is the only alternative to the
17 use of a traveled roadway.

18 (3) Notwithstanding the provisions of chapter 321, use of
19 the underpass does not conflict with any rules or regulations
20 adopted by a federal governmental entity or this state or a
21 political subdivision of this state.

22 2. An all-terrain vehicle may make a direct crossing of a
23 street or highway provided all of the following occur:

24 a. The crossing is made at an angle of approximately
25 ninety degrees to the direction of the highway and at a place
26 where no obstruction prevents a quick and safe crossing.

27 b. The all-terrain vehicle is brought to a complete stop
28 before crossing the shoulder or main traveled way of the
29 highway.

30 c. The driver yields the right-of-way to all oncoming
31 traffic which constitutes an immediate hazard.

32 d. In crossing a divided highway, the crossing is made
33 only at an intersection of such highway with another public
34 street or highway.

35 3. An all-terrain vehicle shall not be operated on public

1 highways under any of the following conditions:

2 a. On the roadway portion of a highway and adjacent
3 shoulder, or at least five feet on either side of the roadway,
4 except as provided in subsection 4.

5 b. On limited access highways and approaches.

6 c. For racing any moving object.

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

9 4. A registered all-terrain vehicle may be operated under
10 the following conditions:

11 a. Upon city highways which have not been plowed during
12 the snow season or on such highways as designated by the
13 governing body of a municipality.

14 b. On that portion of county roadways that have not been
15 plowed during the snow season or not maintained or utilized
16 for the operation of conventional two-wheel drive motor
17 vehicles.

18 c. On highways in an emergency during the period of time
19 when and at locations where snow upon the roadway renders
20 travel by conventional motor vehicles impractical.

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

32 e. On the roadway or shoulder when necessary to cross a
33 bridge or culvert, or avoid an obstruction which makes it
34 impossible to travel on the portion of the highway not
35 intended for motor vehicles, if the all-terrain vehicle is

1 brought to a complete stop before entering onto the roadway or
2 shoulder and the driver yields the right-of-way to any
3 approaching vehicle on the roadway.

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

7 5. The headlight and taillight shall be lighted during the
8 operation on a public highway at any time from sunset to
9 sunrise, and at such other times when conditions such as fog,
10 snow, sleet, or rain provide insufficient lighting to render
11 clearly discernible persons and vehicles at a distance of five
12 hundred feet ahead.

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

17 b. A person twelve to fifteen years of age and possessing
18 a valid safety certificate must be under the direct
19 supervision of a parent, guardian, or another adult authorized
20 by the parent or guardian, who is experienced in all-terrain
21 vehicle operation, and who possesses a valid driver's license
22 as defined in section 321.1, or a safety certificate issued
23 under this chapter.

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

29 Sec. 53. NEW SECTION. 321I.10 ACCIDENT REPORTS.

30 If an all-terrain vehicle is involved in an accident
31 resulting in injury or death to anyone or property damage
32 amounting to two hundred dollars or more, either the operator
33 or someone acting for the operator shall immediately notify
34 the county sheriff or another law enforcement agency in the
35 state. The operator shall file with the commission a report

1 of the accident, within forty-eight hours, containing
2 information as the commission may require.

3 Sec. 54. NEW SECTION. 321I.11 MUFFLERS REQUIRED --
4 INSPECTIONS.

5 1. An all-terrain vehicle shall not be operated without
6 suitable and effective muffling devices which limit engine
7 noise to not more than eighty-six decibels as measured on the
8 "A" scale at a distance of fifty feet.

9 2. The commission may adopt rules with respect to the
10 inspection of all-terrain vehicles and testing of their
11 mufflers.

12 Sec. 55. NEW SECTION. 321I.12 HEADLAMP -- TAIL LAMP --
13 BRAKES.

14 Every all-terrain vehicle operated during the hours of
15 darkness shall display a lighted headlamp and tail lamp.

16 Every all-terrain vehicle shall be equipped with brakes.

17 Sec. 56. NEW SECTION. 321I.13 UNLAWFUL OPERATION.

18 1. A person shall not drive or operate an all-terrain
19 vehicle:

20 a. At a rate of speed greater than reasonable or proper
21 under all existing circumstances.

22 b. In a careless, reckless, or negligent manner so as to
23 endanger the person or property of another or to cause injury
24 or damage thereto.

25 c. While under the influence of intoxicating liquor or
26 narcotics or habit-forming drugs.

27 d. Without a lighted headlight and taillight from sunset
28 to sunrise and at such other times when conditions provide
29 insufficient lighting to render clearly discernible persons
30 and vehicles at a distance of five hundred feet ahead.

31 e. In any tree nursery or planting in a manner which
32 damages or destroys growing stock.

33 f. On any public land, ice, or snow, in violation of
34 official signs of the commission prohibiting such operation in
35 the interest of safety for persons, property, or the

1 environment. Any officer appointed by the commission may post
2 an official sign in an emergency for the protection of
3 persons, property, or the environment.

4 g. In or on any park or fish and game areas except on
5 designated all-terrain vehicle trails.

6 h. Upon an operating railroad right-of-way. An all-
7 terrain vehicle may be driven directly across a railroad
8 right-of-way only at an established crossing and,
9 notwithstanding any other provisions of law, may, if
10 necessary, use the improved portion of the established
11 crossing after yielding to all oncoming traffic. This
12 paragraph does not apply to a law enforcement officer or
13 railroad employee in the lawful discharge of the officer's or
14 employee's duties or to an employee of a utility with
15 authority to enter upon the railroad right-of-way in the
16 lawful performance of the employee's duties.

17 2. A person shall not operate or ride in an all-terrain
18 vehicle with a firearm in the person's possession unless it is
19 unloaded and enclosed in a carrying case. However, a
20 nonambulatory person may carry an uncased and unloaded firearm
21 while operating or riding an all-terrain vehicle.

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

24 Sec. 57. NEW SECTION. 321I.14 PENALTY.

25 Any person who violates this chapter or a rule of the
26 commission or director of transportation is guilty of a simple
27 misdemeanor.

28 Chapter 232 shall have no application in the prosecution of
29 offenses which are committed in violation of this chapter, and
30 which constitute simple misdemeanors.

31 Sec. 58. NEW SECTION. 321I.15 OPERATION PENDING
32 REGISTRATION.

33 The commission shall furnish all-terrain vehicle dealers
34 with pasteboard cards bearing the words "registration applied
35 for" and space for the date of purchase. An unregistered all-

1 terrain vehicle sold by a dealer shall bear one of these cards
2 which entitles the purchaser to operate it for ten days
3 immediately following the purchase. The purchaser of a
4 registered all-terrain vehicle may operate it for ten days
5 immediately following the purchase, without having completed a
6 transfer of registration. An all-terrain vehicle dealer shall
7 make application and pay all registration and title fees if
8 applicable on behalf of the purchaser of an all-terrain
9 vehicle.

10 Sec. 59. NEW SECTION. 321I.16 SPECIAL EVENTS.

11 The department may authorize the holding of organized
12 special events as defined in this chapter within this state.
13 The department shall adopt rules relating to the conduct of
14 special events held under department permits and designating
15 the equipment and facilities necessary for safe operation of
16 all-terrain vehicles or for the safety of operators,
17 participants, and observers in the special events. A special
18 event for all-terrain vehicles may include motorcycles upon
19 payment of an entrance fee set by the organizer of the special
20 event. The department may require that part of the motorcycle
21 entrance fee be credited to pay costs of all-terrain vehicle
22 programs authorized pursuant to section 321I.7. At least
23 thirty days before the scheduled date of a special event in
24 this state, an application shall be filed with the department
25 for authorization to conduct the special event. The
26 application shall set forth the date, time, and location of
27 the proposed special event and any other information the
28 department requires. The special event shall not be conducted
29 without written authorization of the department. Copies of
30 the rules shall be furnished by the department to any person
31 making an application.

32 Sec. 60. NEW SECTION. 321I.17 VIOLATION OF "STOP"
33 SIGNAL.

34 A person, after having received a visual or audible signal
35 from a peace officer to come to a stop, shall not operate an

1 all-terrain vehicle in willful or wanton disregard of the
2 signal or interfere with or endanger the officer or any other
3 person or vehicle, or increase speed or attempt to flee or
4 elude the officer.

5 Sec. 61. NEW SECTION. 321I.18 NEGLIGENCE.

6 The owner and operator of an all-terrain vehicle are liable
7 for any injury or damage occasioned by the negligent operation
8 of the all-terrain vehicle. The owner of an all-terrain
9 vehicle shall be liable for any such injury or damage only if
10 the owner was the operator of the all-terrain vehicle at the
11 time the injury or damage occurred or if the operator had the
12 owner's consent to operate the all-terrain vehicle at the time
13 the injury or damage occurred.

14 Sec. 62. NEW SECTION. 321I.19 RENTED ALL-TERRAIN
15 VEHICLES.

16 1. The owner of a rented all-terrain vehicle shall keep a
17 record of the name and address of each person renting the all-
18 terrain vehicle, its registration number, the departure date
19 and time, and the expected time of return. The records shall
20 be preserved for six months.

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

27 Sec. 63. NEW SECTION. 321I.20 MINORS UNDER TWELVE.

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

33 Sec. 64. NEW SECTION. 321I.21 MANUFACTURER, DISTRIBUTOR,
34 OR DEALER -- SPECIAL REGISTRATION.

35 1. A manufacturer, distributor, or dealer owning an all-

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

10 2. Any manufacturer, distributor, or dealer may, upon
11 payment of a fee of fifteen dollars, make application to the
12 commission, upon forms prescribed by the commission, for a
13 special registration certificate containing a general
14 identification number and for one or more duplicate special
15 registration certificates. The applicant shall submit
16 reasonable proof of the applicant's status as a bona fide
17 manufacturer, distributor, or dealer as may be required by the
18 commission.

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

30 4. The commission shall also issue duplicate special
31 registration certificates which shall have displayed thereon
32 the general identification number assigned to the applicant.
33 Each duplicate registration certificate so issued shall
34 contain a number or symbol identifying it from every other
35 duplicate special registration certificate bearing the same

1 general identification number. The fee for each additional
2 duplicate special registration certificate shall be two
3 dollars.

4 5. Each special registration certificate issued hereunder
5 shall expire on December 31 of each year, and a new special
6 registration certificate for the ensuing twelve months may be
7 obtained upon application to the commission and payment of the
8 fee provided by law.

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

14 7. If a manufacturer, distributor, or dealer has an
15 established place of business in more than one location, the
16 manufacturer, distributor, or dealer shall secure a separate
17 and distinct special registration certificate and general
18 identification number for each place of business.

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

27 9. If the purchaser or transferee of an all-terrain
28 vehicle is a dealer who holds the same for resale and operates
29 the all-terrain vehicle only for purposes incidental to a
30 resale and displays the special dealer's certificate, or does
31 not operate the all-terrain vehicle or permit it to be
32 operated, the transferee is not required to obtain a new
33 registration certificate but upon transferring title or
34 interest to another person shall sign the reverse side of the
35 title, if any, and the registration certificate of the all-

1 terrain vehicle indicating the name and address of the new
2 purchaser. A dealer shall make application and pay all
3 registration and title fees if applicable on behalf of the
4 purchaser of an all-terrain vehicle. The recorder shall award
5 a transfer of the registration number. If the registration
6 has expired while in the dealer's possession, the purchaser
7 may renew the registration for the same fee and writing fee as
8 if the purchaser is securing the original registration.

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

20 11. Nothing in this section shall prohibit a dealer from
21 obtaining a new registration and transfer of registration in
22 the same manner as other purchasers.

23 Sec. 65. NEW SECTION. 321I.22 LIMITATION OF LIABILITY BY
24 PUBLIC BODIES AND ADJOINING OWNERS.

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

1 state, its political subdivisions, and the owners or tenants
2 of property adjoining public lands or the right-of-way of a
3 public highway and their agents and employees are not liable
4 for actions taken to allow or facilitate the use of public
5 lands, ditches, or land contiguous to a highway or roadway
6 except in the case of a willful or malicious failure to guard
7 or warn against a dangerous condition, use, structure, or
8 activity.

9 This section does not create a duty of care or ground of
10 liability on behalf of the state, its political subdivisions,
11 or the owners or tenants of property adjoining public lands or
12 the right-of-way of a public highway and their agents and
13 employees for injury to persons or property in the operation
14 of all-terrain vehicles in a ditch or on land contiguous to a
15 highway or roadway under the control of the state or a
16 political subdivision. The state, its political subdivisions,
17 and the owners or tenants of property adjoining public lands
18 or the right-of-way of a public highway and their agents and
19 employees are not liable for the operation of an all-terrain
20 vehicle in violation of this chapter.

21 Sec. 66. NEW SECTION. 321I.23 COURSE OF INSTRUCTION.

22 1. The commission shall provide, by rules adopted pursuant
23 to section 321I.2, for the establishment of certified courses
24 of instruction to be conducted throughout the state for the
25 safe use and operation of all-terrain vehicles. The
26 curriculum shall include instruction in the lawful and safe
27 use, operation, and equipping of all-terrain vehicles
28 consistent with this chapter and rules adopted by the
29 commission and the director of transportation and other
30 matters the commission deems pertinent for a qualified all-
31 terrain vehicle operator.

32 2. The commission may certify any experienced, qualified
33 operator to be an instructor of a class established under
34 subsection 1. Each instructor shall be at least eighteen
35 years of age.

1 3. Upon completion of the course of instruction, the
2 commission shall provide for the administration of a written
3 test to any student who wishes to qualify for a safety
4 certificate.

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

9 Sec. 67. NEW SECTION. 321I.24 SAFETY CERTIFICATE -- FEE.

10 1. A person under eighteen years of age shall not operate
11 an all-terrain vehicle on public land or land purchased with
12 all-terrain vehicle registration funds in this state without
13 obtaining a valid safety certificate issued by the department
14 and having the certificate in the person's possession.

15 2. Upon application and payment of a fee of three dollars,
16 a qualified applicant shall be issued a safety certificate
17 which is valid until the certificate is suspended or revoked
18 for a violation of a provision of this chapter or a rule of
19 the commission or the director of transportation. The
20 application shall be made on forms issued by the commission
21 and shall contain information as the commission may reasonably
22 require.

23 3. Any person who is required to have a safety certificate
24 under this chapter and who has completed a course of
25 instruction established under section 321I.2, subsection 5,
26 including the successful passage of an examination which
27 includes a written test relating to such course of
28 instruction, shall be considered qualified to apply for a
29 safety certificate. The commission may waive the requirement
30 of completing such course of instruction if such person
31 successfully passes a written test based on such course of
32 instruction.

33 4. The permit fees collected under this section shall be
34 credited to the special all-terrain vehicle fund and shall be
35 used for safety and educational programs.

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

8 Sec. 68. NEW SECTION. 321I.25 STOPPING AND INSPECTING --
9 WARNINGS.

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

27 Sec. 69. NEW SECTION. 321I.26 TERMINATION OF USE.

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

33 Sec. 70. NEW SECTION. 321I.27 WRITING FEES.

34 The county recorder shall collect a writing fee of one
35 dollar for an all-terrain vehicle registration.

1 Sec. 71. NEW SECTION. 321I.28 CONSISTENT LOCAL LAWS --
2 SPECIAL LOCAL RULES.

3 1. This chapter and other applicable laws of this state
4 shall govern the operation, equipment, numbering, and all
5 other matters relating to an all-terrain vehicle when the all-
6 terrain vehicle is operated or maintained in this state.
7 However, this chapter does not prevent the adoption of an
8 ordinance or local law relating to the operation or equipment
9 of all-terrain vehicles. The ordinances or local laws are
10 operative only so long as they are not inconsistent with this
11 chapter or the rules adopted by the commission.

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

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

23 Sec. 72. NEW SECTION. 321I.29 OWNER'S CERTIFICATE OF
24 TITLE -- IN GENERAL.

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

1 all-terrain vehicle were required to be titled. All all-
2 terrain vehicles that are titled shall be registered.

3 2. A certificate of title shall contain the information
4 and shall be issued on a form the department prescribes.

5 3. An owner of an all-terrain vehicle shall apply to the
6 county recorder for issuance of a certificate of title within
7 thirty days after acquisition. The application shall be on
8 forms the department prescribes and accompanied by the
9 required fee. The application shall be signed and sworn to
10 before a notary public or other person who administers oaths,
11 or shall include a certification signed in writing containing
12 substantially the representation that statements made are true
13 and correct to the best of the applicant's knowledge,
14 information, and belief, under penalty of perjury. The
15 application shall contain the date of sale and gross price of
16 the all-terrain vehicle or the fair market value if no sale
17 immediately preceded the transfer and any additional
18 information the department requires. If the application is
19 made for an all-terrain vehicle last previously registered or
20 titled in another state or foreign country, the application
21 shall contain this information and any other information the
22 department requires.

23 4. If a dealer buys or acquires an all-terrain vehicle for
24 resale, the dealer shall report the acquisition to the county
25 recorder on forms provided by the department and may apply for
26 and obtain a certificate of title as provided in this chapter.
27 If a dealer buys or acquires a used all-terrain vehicle, the
28 dealer may apply for a certificate of title in the dealer's
29 name within thirty days. If a dealer buys or acquires a new
30 all-terrain vehicle for resale, the dealer may apply for a
31 certificate of title in the dealer's name.

32 5. A manufacturer or dealer shall not transfer ownership
33 of a new all-terrain vehicle without supplying the transferee
34 with the manufacturer's or importer's certificate of origin
35 signed by the manufacturer's or importer's authorized agent.

1 The certificate shall contain information the department
2 requires. The department may adopt rules providing for the
3 issuance of a certificate of origin for an all-terrain vehicle
4 by the department upon good cause shown by the owner.

5 6. A dealer transferring ownership of an all-terrain
6 vehicle under this chapter shall assign the title to the new
7 owner, or in the case of a new all-terrain vehicle, assign the
8 certificate of origin. Within fifteen days the dealer shall
9 forward all moneys and applications to the county recorder.

10 7. The county recorder shall maintain a record of any
11 certificate of title which the county recorder issues and
12 shall keep each certificate of title on record until the
13 certificate of title has been inactive for five years. When
14 issuing a title for a new all-terrain vehicle, the county
15 recorder shall obtain and keep on file the certificate of
16 origin. When issuing a title and registration for a used all-
17 terrain vehicle for which there is no title or registration,
18 the county recorder shall obtain and keep on file the
19 affidavit for the unregistered and untitled all-terrain
20 vehicle.

21 8. Once titled, a person shall not sell or transfer
22 ownership of an all-terrain vehicle without delivering to the
23 purchaser or transferee a certificate of title with an
24 assignment on it showing title in the purchaser or transferee.
25 A person shall not purchase or otherwise acquire an all-
26 terrain vehicle without obtaining a certificate of title for
27 it in that person's name.

28 9. If the county recorder is not satisfied as to the
29 ownership of the all-terrain vehicle or that there are no
30 undisclosed security interests in the all-terrain vehicle, the
31 county recorder may issue a certificate of title for the all-
32 terrain vehicle but, as a condition of such issuance, may
33 require the applicant to file with the department a bond in
34 the form prescribed by the department and executed by the
35 applicant, and also executed by a person authorized to conduct

1 a surety business in this state. The form and amount of the
2 bond shall be established by rule of the department. The bond
3 shall be conditioned to indemnify any prior owner and secured
4 party and any subsequent purchaser of the all-terrain vehicle
5 or person acquiring any security interest in the all-terrain
6 vehicle, and their respective successors in interest, against
7 any expense, loss, or damage, including reasonable attorney
8 fees, by reason of the issuance of the certificate of title of
9 the all-terrain vehicle or on account of any defect in or
10 undisclosed security interest upon the right, title, and
11 interest of the applicant in and to the all-terrain vehicle.
12 Any such interested person has a right of action to recover on
13 the bond for any breach of its conditions, but the aggregate
14 liability of the surety to all persons shall not exceed the
15 amount of the bond. The bond shall be returned at the end of
16 three years or prior thereto if the all-terrain vehicle is no
17 longer registered in this state and the certificate of title
18 is surrendered to the department, unless the department has
19 been notified of the pendency of an action to recover on the
20 bond.

21 10. The county recorder shall transmit a copy of the
22 certificate of title to the department, which shall be the
23 central repository of title information for all-terrain
24 vehicles.

25 Sec. 73. NEW SECTION. 321I.30 FEES -- DUPLICATES.

26 1. The county recorder shall charge a ten dollar fee to
27 issue a certificate of title, a transfer of title, a
28 duplicate, or a corrected certificate of title.

29 2. If a certificate of title is lost, stolen, mutilated,
30 destroyed, or becomes illegible, the first lienholder or, if
31 there is none, the owner named in the certificate, as shown by
32 the county recorder's records, shall within thirty days obtain
33 a duplicate by applying to the county recorder. The applicant
34 shall furnish information the department requires concerning
35 the original certificate and the circumstances of its loss,

1 mutilation, or destruction. Mutilated or illegible
2 certificates shall be returned to the department with the
3 application for a duplicate.

4 3. The duplicate certificate of title shall be marked
5 plainly "duplicate" across its face and mailed or delivered to
6 the applicant.

7 4. If a lost or stolen original certificate of title for
8 which a duplicate has been issued is recovered, the original
9 shall be surrendered promptly to the department for
10 cancellation.

11 5. Five dollars of the certificate of title fees collected
12 under this section shall be remitted by the county recorder to
13 the treasurer of state for deposit in the special all-terrain
14 vehicle fund created under section 321I.7. The remaining five
15 dollars shall be retained by the county and deposited into the
16 general fund of the county.

17 Sec. 74. NEW SECTION. 321I.31 TRANSFER OR REPOSSESSION
18 BY OPERATION OF LAW.

19 1. If ownership of an all-terrain vehicle is transferred
20 by operation of law, such as by inheritance, order in
21 bankruptcy, insolvency, replevin, or execution sale, the
22 transferee, within thirty days after acquiring the right to
23 possession of the all-terrain vehicle, shall mail or deliver
24 to the county recorder satisfactory proof of ownership as the
25 county recorder requires, together with an application for a
26 new certificate of title, and the required fee.

27 2. If a lienholder repossesses an all-terrain vehicle by
28 operation of law and holds it for resale, the lienholder shall
29 secure a new certificate of title and shall pay the required
30 fee.

31 Sec. 75. NEW SECTION. 321I.32 SECURITY INTEREST --
32 PERFECTION AND TITLES -- FEE.

33 1. A security interest created in this state in an all-
34 terrain vehicle is not perfected until the security interest
35 is noted on the certificate of title.

1 a. To perfect the security interest, an application for
2 security interest must be presented along with the original
3 title. The county recorder shall note the security interest
4 on the face of the title and on the copy in the recorder's
5 office.

6 b. The application fee for a security interest is ten
7 dollars. Five dollars of the fee shall be credited to the
8 special all-terrain vehicle fund created under section 321I.7.
9 The remaining five dollars shall be retained by the county and
10 deposited into the general fund of the county.

11 2. The certificate of title shall be presented to the
12 county recorder when the application for security interest or
13 for assignment of the security interest is presented and a new
14 or endorsed certificate of title shall be issued to the
15 secured party with the name and address of the secured party
16 upon it.

17 3. The secured party shall present the certificate of
18 title to the county recorder when a release statement is filed
19 and a new or endorsed certificate shall be issued to the
20 owner.

21 Sec. 76. NEW SECTION. 321I.33 VEHICLE IDENTIFICATION
22 NUMBER.

23 1. The department may assign a distinguishing number to an
24 all-terrain vehicle when the serial number on the all-terrain
25 vehicle is destroyed or obliterated and issue to the owner a
26 special plate bearing the distinguishing number which shall be
27 affixed to the all-terrain vehicle in a position to be
28 determined by the department. The all-terrain vehicle shall
29 be registered and titled under the distinguishing number in
30 lieu of the former serial number. Every all-terrain vehicle
31 shall have a vehicle identification number assigned and
32 affixed as required by the department.

33 2. The commission shall adopt, by rule, the procedures for
34 application and for issuance of a vehicle identification
35 number for homebuilt all-terrain vehicles.

1 3. A person shall not destroy, remove, alter, cover, or
2 deface the manufacturer's vehicle identification number, the
3 plate bearing it, or any vehicle identification number the
4 department assigns to an all-terrain vehicle without the
5 department's permission.

6 4. A person other than a manufacturer who constructs or
7 rebuilds an all-terrain vehicle for which there is no legible
8 vehicle identification number shall submit to the department
9 an affidavit which describes the all-terrain vehicle. In
10 cooperation with the county recorder, the department shall
11 assign a vehicle identification number to the all-terrain
12 vehicle. The applicant shall permanently affix the vehicle
13 identification number to the all-terrain vehicle in a manner
14 that such alteration, removal, or replacement of the vehicle
15 identification number would be obvious.

16 Sec. 77. Section 232.8, subsection 1, paragraph b, Code
17 2003, is amended to read as follows:

18 b. Violations by a child of provisions of chapter 321,
19 321G, 321I, 453A, 461A, 461B, 462A, 481A, 481B, 483A, 484A, or
20 484B, which would be simple misdemeanors if committed by an
21 adult, and violations by a child of county or municipal curfew
22 or traffic ordinances, are excluded from the jurisdiction of
23 the juvenile court and shall be prosecuted as simple
24 misdemeanors as provided by law. A child convicted of a
25 violation excluded from the jurisdiction of the juvenile court
26 under this paragraph shall be sentenced pursuant to section
27 805.8, where applicable, and pursuant to section 903.1,
28 subsection 3, for all other violations.

29 Sec. 78. Section 322D.1, subsection 1, Code 2003, is
30 amended to read as follows:

31 1. "All-terrain vehicle" means the same as defined in
32 section ~~321G.1~~ 321I.1.

33 Sec. 79. Section 322F.1, subsection 1, Code 2003, is
34 amended to read as follows:

35 1. "All-terrain vehicle" means the same as defined in

1 section ~~321G.1~~ 321I.1.

2 Sec. 80. Section 322F.1, subsection 4, paragraph a,
3 subparagraph (2), Code 2003, is amended to read as follows:

4 (2) All-terrain vehicles, as defined in section ~~321G.1~~
5 321I.1.

6 Sec. 81. Section 331.362, subsection 9, Code 2003, is
7 amended to read as follows:

8 9. A county may regulate traffic on and use of the
9 secondary roads, in accordance with sections 321.236 to
10 321.250, 321.254, 321.255, 321.285, subsection 5, sections
11 321.352, 321.471 to 321.473, and other applicable provisions
12 of chapter 321, and sections 321G.9, and 327G.15, 321I.9, and
13 321I.15.

14 Sec. 82. Section 331.427, subsection 1, unnumbered
15 paragraph 1, Code 2003, is amended to read as follows:

16 Except as otherwise provided by state law, county revenues
17 from taxes and other sources for general county services shall
18 be credited to the general fund of the county, including
19 revenues received under sections 9I.11, 101A.3, 101A.7,
20 123.36, 123.143, 142B.6, 176A.8, 321.105, 321.152, 321G.7,
21 321I.7, section 331.554, subsection 6, sections 341A.20,
22 364.3, 368.21, 422A.2, 428A.8, 430A.3, 433.15, 434.19, 445.57,
23 453A.35, 458A.21, 483A.12, 533.24, 556B.1, 583.6, 602.8108,
24 904.908, and 906.17, and chapter 405A, and the following:

25 Sec. 83. Section 331.602, subsection 16, Code 2003, is
26 amended to read as follows:

27 16. Issue snowmobile and all-terrain vehicle registrations
28 as provided in sections 321G.4, 321G.6, and 321G.21, 321I.4,
29 321I.6, and 321I.21.

30 Sec. 84. Section 331.605, Code 2003, is amended by adding
31 the following new subsection:

32 NEW SUBSECTION. 4A. For the issuance of all-terrain
33 vehicle registrations, the fees specified in section 321I.4.

34 Sec. 85. Section 350.5, Code 2003, is amended to read as
35 follows:

1 350.5 REGULATIONS -- PENALTY -- OFFICERS.

2 The county conservation board may make, alter, amend or
3 repeal regulations for the protection, regulation, and control
4 of all museums, parks, preserves, parkways, playgrounds,
5 recreation centers, and other property under its control. The
6 regulations shall not be contrary to, or inconsistent with,
7 the laws of this state. The regulations shall not take effect
8 until ten days after their adoption by the board and after
9 their publication as provided in section 331.305 and after a
10 copy of the regulations has been posted near each gate or
11 principal entrance to the public ground to which they apply.
12 After the publication and posting, a person violating a
13 provision of the regulations which are then in effect is
14 guilty of a simple misdemeanor. The board may designate the
15 director and those employees as the director may designate as
16 police officers who shall have all the powers conferred by law
17 on police officers, peace officers, or sheriffs in the
18 enforcement of the laws of this state and the apprehension of
19 violators upon all property under its control within and
20 without the county. The board may grant the director and
21 those employees of the board designated as police officers the
22 authority to enforce the provisions of chapters 321G, 321I,
23 461A, 462A, 481A, and 483A on land not under the control of
24 the board within the county.

25 Sec. 86. Section 455A.4, subsection 1, paragraph b, Code
26 2003, is amended to read as follows:

27 b. Provide overall supervision, direction, and
28 coordination of functions to be administered by the
29 administrators under chapters 321G, 321I, 455B, 455C, 456,
30 456A, 456B, 457A, 458A, 459, subchapters I, II, III, IV, and
31 VI, chapters 461A, 462A, 462B, 464A, 465C, 473, 481A, 481B,
32 483A, 484A, and 484B.

33 Sec. 87. Section 455A.5, subsection 6, paragraphs a, b,
34 and d, Code 2003, are amended to read as follows:

35 a. Establish policy and adopt rules, pursuant to chapter

1 17A, necessary to provide for the effective administration of
2 chapter 321G, 321I, 456A, 456B, 457A, 461A, 462A, 462B, 464A,
3 465C, 481A, 481B, 483A, 484A, or 484B.

4 b. Hear appeals in contested cases pursuant to chapter 17A
5 on matters relating to actions taken by the director under
6 chapter 321G, 321I, 456A, 456B, 457A, 461A, 462A, 462B, 464A,
7 465C, 481A, 481B, 483A, 484A, or 484B.

8 d. Approve the budget request prepared by the director for
9 the programs authorized by chapters 321G, 321I, 456A, 456B,
10 457A, 461A, 462A, 462B, 464A, 481A, 481B, 483A, 484A, and
11 484B. The commission may increase, decrease, or strike any
12 item within the department budget request for the specified
13 programs before granting approval.

14 Sec. 88. Section 456A.14, Code 2003, is amended to read as
15 follows:

16 456A.14 TEMPORARY APPOINTMENTS -- PEACE OFFICER STATUS.

17 The director may appoint temporary officers for a period
18 not to exceed six months and may adopt minimum physical,
19 educational, mental, and moral requirements for the temporary
20 officers. Chapter 80B does not apply to the temporary
21 officers. Temporary officers have all the powers of peace
22 officers in the enforcement of this chapter and chapters 321G,
23 321I, 456B, 461A, 461B, 462A, 462B, 463B, 465C, 481A, 481B,
24 482, 483A, 484A, and 484B, and the trespass laws.

25 Sec. 89. Section 456A.24, subsection 12, Code 2003, is
26 amended to read as follows:

27 12. Adopt rules authorizing officers and employees of the
28 department who are peace officers to issue warning citations
29 for violations of this chapter and chapters 321G, 321I, 350,
30 456B, 457A, 461A through 461C, 462A, 462B, 463B, 464A, 465A
31 through 465C, 481A, 481B, 482, 483A, 484A, and 484B.

32 Sec. 90. Section 805.8B, subsection 2, Code 2003, is
33 amended to read as follows:

34 2. SNOWMOBILE AND ALL-TERRAIN VEHICLE VIOLATIONS.

35 a. For registration violations under section sections

1 321G.3 and 321I.3, the scheduled fine is twenty dollars. When
2 the scheduled fine is paid, the violator shall submit
3 sufficient proof that a valid registration has been obtained.

4 b. For operating violations under section 321G.9,
5 subsections 1, 2, 3, 4, 5, and 7, sections 321G.11, and
6 321G.13, subsection 1, paragraph "d", section 321I.9,
7 subsections 1, 2, 3, 4, 5, and 7, and sections 321I.11 and
8 321I.13, subsection 1, paragraph "d", the scheduled fine is
9 twenty dollars.

10 c. For improper or defective equipment under section
11 sections 321G.12 and 321I.12, the scheduled fine is ten
12 dollars.

13 d. For violations of section sections 321G.19 and 321I.19,
14 the scheduled fine is fifteen dollars.

15 e. For identification violations under section sections
16 321G.5 and 321I.5, the scheduled fine is ten dollars.

17 Sec. 91. Section 805.16, subsection 1, Code 2003, is
18 amended to read as follows:

19 1. Except as provided in subsection 2 of this section, a
20 peace officer shall issue a police citation or uniform
21 citation and complaint, in lieu of making a warrantless
22 arrest, to a person under eighteen years of age accused of
23 committing a simple misdemeanor under chapter 321, 321G, 321I,
24 461A, 461B, 462A, 481A, 481B, 483A, 484A, 484B, or a local
25 ordinance not subject to the jurisdiction of the juvenile
26 court, and shall not detain or confine the person in a
27 facility regulated under chapter 356 or 356A.

28 Sec. 92. Section 903.1, subsection 3, Code 2003, is
29 amended to read as follows:

30 3. A person under eighteen years of age convicted of a
31 simple misdemeanor under chapter 321, 321G, 321I, 453A, 461A,
32 461B, 462A, 481A, 481B, 483A, 484A, or 484B, or a violation of
33 a county or municipal curfew or traffic ordinance, except for
34 an offense subject to section 805.8, may be required to pay a
35 fine, not to exceed one hundred dollars, as fixed by the

1 court, or may be required to perform community service as
2 ordered by the court.

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EXPLANATION

This bill provides for the regulation of snowmobiles and all-terrain vehicles under separate Code chapters. Under the bill, current provisions relating to snowmobile regulation remain in Code chapter 321G, and current provisions relating to all-terrain vehicles are moved to new Code chapter 321I. The bill creates separate funds in the state treasury for deposit of snowmobile fees and all-terrain vehicle fees. The authority of the department of natural resources to administer snowmobile and all-terrain vehicle laws is retained in both chapters. The bill makes corresponding technical amendments to other sections of the Code affected by the change.