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SENATE FILE 282

BY LAMBERTI

(COMPANION TO LSB 2489HH

BY HUSER)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to registration and regulation of off-highway  
2 vehicles by the state department of transportation,  
3 establishing fees, making an appropriation, and providing  
4 penalties.

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

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SF 282  
TRANSPORTATION

1 Section 1. Section 321.1, Code 2003, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 45A. "Off-highway vehicle" means a motor  
4 vehicle which is designed to travel on wheels or tracks in  
5 contact with the ground and which is designed for and  
6 generally and commonly used to transport persons for  
7 recreational purposes off-road. "Off-highway vehicle" does  
8 not include any of the following:

- 9 a. A snowmobile.
- 10 b. An all-terrain vehicle.
- 11 c. A military vehicle.

12 NEW SUBSECTION. 47A. "Off-road" means on public or  
13 private trails or across natural terrain.

14 Sec. 2. Section 321.18, subsection 2, is amended to read  
15 as follows:

16 2. Any such vehicle, except an off-highway vehicle, which  
17 is driven or moved upon a highway only for the purpose of  
18 crossing such highway from one property to another.

19 Sec. 3. Section 321.105, unnumbered paragraph 1, Code  
20 2003, is amended to read as follows:

21 An annual registration fee shall be paid for each vehicle  
22 operated upon the public highways of this state, and for each  
23 off-highway vehicle, unless the vehicle is specifically  
24 exempted under this chapter. If a vehicle, which has been  
25 registered for the current registration year, is transferred  
26 during the registration year, the transferee shall reregister  
27 the vehicle as provided in section 321.46.

28 Sec. 4. NEW SECTION. 321.118 OFF-HIGHWAY VEHICLES.

29 For off-highway vehicles not intended for highway use and  
30 not subject to the fee required under section 321.109, the  
31 annual registration fee is ten dollars.

32 Sec. 5. NEW SECTION. 321N.1 DEFINITIONS.

33 As used in this chapter, unless the context otherwise  
34 requires:

- 35 1. "Department" means the state department of

1 transportation.

2 2. "Off-highway vehicle" means an off-highway vehicle as  
3 defined in section 321.1, that is registered as a motor  
4 vehicle subject to a registration fee under section 321.109 or  
5 321.118, when it is operated off-road.

6 3. "Off-road" means the same as defined in section 321.1.

7 Sec. 6. NEW SECTION. 321N.2 OFF-ROAD USER PERMIT -- FEE.

8 1. A person shall not operate an off-highway vehicle off-  
9 road unless the person has in the person's possession a valid  
10 driver's license and a valid off-road user permit. Permits  
11 shall be issued by the department and may be issued by a  
12 county recorder pursuant to rules adopted by the director.  
13 The annual fee for an off-road user permit is ten dollars plus  
14 a writing fee, if applicable.

15 2. A person found guilty of violating this section commits  
16 a simple misdemeanor punishable as a scheduled violation under  
17 section 805.8A, subsection 14, paragraph "j".

18 Sec. 7. NEW SECTION. 321N.3 OFF-HIGHWAY VEHICLE FUND.

19 Fees collected from the sale of off-road user permits shall  
20 be remitted by the department to the treasurer of state, who  
21 shall place the money in a special off-highway vehicle fund.  
22 The money in the fund is appropriated to the department for  
23 the development of off-highway vehicle programs in the state.  
24 Such programs may include grants, contracts, or cost-sharing  
25 of off-highway vehicle programs with political subdivisions or  
26 incorporated private organizations, or both, in accordance  
27 with rules adopted by the director of transportation. At  
28 least fifty percent of the funds shall be available to  
29 political subdivisions or incorporated private organizations  
30 or both. Moneys from the fund not used by political  
31 subdivisions or incorporated private organizations shall  
32 remain in the fund and may be used by the department for  
33 administration of off-highway vehicle programs.  
34 Notwithstanding section 8.33, moneys remaining in the off-  
35 highway vehicle fund at the end of a fiscal year shall not

1 revert to the general fund of the state. Notwithstanding  
2 section 12C.7, subsection 2, interest or earnings on moneys  
3 deposited in the fund shall be credited to the fund.

4 Sec. 8. NEW SECTION. 321N.4 OFF-HIGHWAY VEHICLES -- OFF-  
5 ROAD OPERATION.

6 1. A person shall not operate an off-highway vehicle  
7 except on trails designated for such use by a political  
8 subdivision or incorporated private organization, or on  
9 private property with the owner's consent.

10 2. A person shall not operate an off-highway vehicle at a  
11 rate of speed greater than reasonable or proper under the  
12 existing circumstances; in a careless, reckless, or negligent  
13 manner; or while under the influence of an alcoholic beverage  
14 or controlled substance as those terms are defined in section  
15 321J.1. A person operating an off-highway vehicle is subject  
16 to the provisions of chapter 321J.

17 3. A person shall not operate an off-highway vehicle  
18 without lighted headlights and taillights between sunrise and  
19 sunset or at any time when conditions provide insufficient  
20 lighting for a person to clearly see obstacles at a distance  
21 of five hundred feet ahead. A person who violates this  
22 subsection is guilty of a simple misdemeanor punishable as a  
23 scheduled violation under section 805.8A, subsection 14,  
24 paragraph "j".

25 4. A person shall not operate or ride in an off-highway  
26 vehicle with a firearm in the person's possession unless it is  
27 unloaded and enclosed in a carrying case.

28 Sec. 9. NEW SECTION. 321N.5 PERSONS EXEMPT.

29 This chapter does not apply to the following persons:

30 1. A person performing the person's duties as an employee  
31 or agent of a unit of government or a public safety agency as  
32 defined in section 34.1.

33 2. A person operating an off-highway vehicle used  
34 exclusively as an implement of husbandry as defined in section  
35 321.1.

1 3. A person operating an off-highway vehicle on the  
2 person's own property.

3 Sec. 10. NEW SECTION. 321N.6 ADMINISTRATIVE RULES.

4 The department may adopt rules pursuant to chapter 17A as  
5 necessary for the administration of this chapter. The rules  
6 may include, but shall not be limited to, equipment and safety  
7 requirements for off-highway vehicles and operators, including  
8 the use of seat belts and harnesses; incidental operation of  
9 off-highway vehicles on or across highways and railroad right-  
10 of-ways; and off-road user permits for nonresidents.

11 Sec. 11. NEW SECTION. 321N.7 PENALTY.

12 A person who violates this chapter or a rule of the  
13 department pursuant to this chapter for which a penalty is not  
14 otherwise specified is guilty of a simple misdemeanor.

15 Sec. 12. Section 232.8, subsection 1, paragraph b, Code  
16 2003, is amended to read as follows:

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

28 Sec. 13. Section 805.8A, subsection 14, Code 2003, is  
29 amended by adding the following new paragraph:

30 NEW PARAGRAPH. j. OFF-HIGHWAY VEHICLE VIOLATIONS. For  
31 violations of sections 321N.2 and 321N.4, subsection 3, the  
32 scheduled fine is twenty dollars.

33 Sec. 14. Section 805.16, subsection 1, Code 2003, is  
34 amended to read as follows:

35 1. Except as provided in subsection 2 of this section, a

1 peace officer shall issue a police citation or uniform  
2 citation and complaint, in lieu of making a warrantless  
3 arrest, to a person under eighteen years of age accused of  
4 committing a simple misdemeanor under chapter 321, 321G, 321N,  
5 461A, 461B, 462A, 481A, 481B, 483A, 484A, 484B, or a local  
6 ordinance not subject to the jurisdiction of the juvenile  
7 court, and shall not detain or confine the person in a  
8 facility regulated under chapter 356 or 356A.

9 Sec. 15. Section 903.1, subsection 3, Code 2003, is  
10 amended to read as follows:

11 3. A person under eighteen years of age convicted of a  
12 simple misdemeanor under chapter 321, 321G, 321N, 453A, 461A,  
13 461B, 462A, 481A, 481B, 483A, 484A, or 484B, or a violation of  
14 a county or municipal curfew or traffic ordinance, except for  
15 an offense subject to section 805.8, may be required to pay a  
16 fine, not to exceed one hundred dollars, as fixed by the  
17 court, or may be required to perform community service as  
18 ordered by the court.

19 EXPLANATION

20 This bill provides for the registration and regulation of  
21 off-highway vehicles by the state department of  
22 transportation. The bill defines "off-highway vehicle" as a  
23 motor vehicle which is designed to travel on wheels or tracks  
24 in contact with the ground and which is designed for and  
25 generally and commonly used to transport persons for  
26 recreational purposes off-road. "Off-highway vehicle" does  
27 not include a snowmobile, an all-terrain vehicle, or a  
28 military vehicle. Off-highway vehicles that are intended to  
29 be ridden off-road only are required to be registered and  
30 titled as motor vehicles. The annual registration fee for  
31 such vehicles is \$10.

32 The bill creates a new Code chapter 321N to provide for the  
33 regulation of persons operating off-highway vehicles off-road,  
34 which is defined as on public or private trails or across  
35 natural terrain. Such operators are required to obtain an

1 annual off-road user permit from the department for a fee of  
2 \$10. The department may adopt rules to allow for the issuance  
3 of off-road user permits by county recorders. The fees  
4 collected from the permits are to be placed in a special off-  
5 highway vehicle fund and are appropriated to the department  
6 for the development of off-highway vehicle programs in the  
7 state. The programs may include grants, contracts, or cost-  
8 sharing arrangements to involve political subdivisions or  
9 incorporated private organizations, or both. At least 50  
10 percent of the money from fees is available for programs of  
11 political subdivisions or incorporated private organizations.  
12 Remaining moneys may be used by the department for  
13 administration of off-highway vehicle programs and do not  
14 revert to the general fund of the state at the end of a fiscal  
15 year.

16 A person is prohibited from operating an off-highway  
17 vehicle off-road except on trails designated for such use by a  
18 political subdivision or incorporated private organization, or  
19 on private property with the owner's consent. The bill sets  
20 out certain safety requirements for off-highway vehicles and  
21 operators, and authorizes the department to adopt additional  
22 requirements by rule.

23 The bill provides that government and public safety agency  
24 employees or agents, persons operating implements of  
25 husbandry, and persons operating off-highway vehicles on their  
26 own property are exempt from regulation under the new Code  
27 chapter. Off-highway vehicles operated by such persons would  
28 still be subject to the registration requirements for off-road  
29 vehicles under Code chapter 321.

30 A person found guilty of operating an off-highway vehicle  
31 off-road without a permit, or operating an off-highway vehicle  
32 without the prescribed lighting equipment when circumstances  
33 require it, commits a simple misdemeanor punishable by a  
34 scheduled fine of \$20. The penalty provisions in Code chapter  
35 321J for the offense of operating while intoxicated apply to

1 persons operating off-highway vehicles both on the highway and  
2 off-road. Other violations of the new Code chapter are simple  
3 misdemeanors punishable by confinement for no more than 30  
4 days or a fine of at least \$50 but not more than \$500 or by  
5 both. A violation of new Code chapter 321N committed by a  
6 person under 18 years of age is excluded from the jurisdiction  
7 of the juvenile court if the violation is a simple  
8 misdemeanor, and such violator may be required to pay a fine  
9 or be sentenced to perform community service.

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