

SENATE FILE 297
BY COMMITTEE ON TRANSPORTATION
(SUCCESSOR TO SF 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, establishing fees, providing penalties, and
3 providing applicability dates.

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

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S.F. 297

SENATE FILE 297

S-3042
1 Amend Senate File 297 as follows:
2 1. Page 22, line 18, by striking the word "one"
3 and inserting the following: "ene".
4 2. Page 22, line 19, by striking the words
5 "dollar and twenty-five cents" and inserting the
6 following: "~~dollar~~ two dollars".
7 3. Page 49, line 15, by striking the word "one"
8 and inserting the following: "two".
9 4. Page 49, line 16, by striking the words
10 "dollar and twenty-five cents" and inserting the
11 following: "dollars".

By DENNIS H. BLACK

S-3042 FILED MARCH 18, 2003
LOST 3124/03

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 17, and 19, 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, approved by the
3 commission, issued to a qualified applicant who is twelve
4 years of age or more older.

5 19. "Special event" means an organized race, exhibition,
6 or demonstration of limited duration which is conducted on
7 public land or ice under the jurisdiction of the commission
8 according to a prearranged schedule and in which general
9 public interest is manifested.

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

12 321G.2 RULES.

13 The commission may adopt rules for the following purposes:

14 1. Registration and titling of ~~all-terrain-vehicles and~~
15 snowmobiles.

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

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

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

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

29 6. Issuance of safety certificates.

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

33 The director of transportation may adopt rules not
34 inconsistent with this chapter regulating the use of ~~all-~~
35 ~~terrain-vehicles and~~ snowmobiles on streets and highways.

1 Cities may designate streets under the jurisdiction of cities
2 within their respective corporate limits which may be used for
3 snowmobiling ~~and the sport of driving all-terrain vehicles.~~

4 In adopting the rules, consideration shall be given to the
5 need to protect the environment and the public health, safety,
6 and welfare; to protect private property, public parks, and
7 other public lands; to protect wildlife and wildlife habitat;
8 and to promote uniformity of rules relating to the use,
9 operation, and equipment of ~~all-terrain vehicles and~~
10 snowmobiles. The rules shall be in conformance with chapter
11 17A.

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

14 321G.3 REGISTRATION AND NUMBERING REQUIRED.

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

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

1 not expire while the ~~all-terrain-vehicle-or~~ snowmobile is
2 exempt. The application for registration shall indicate the
3 reason for exemption from the fee. The registration
4 certificate shall indicate the reason for exemption.

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

7 321G.4 REGISTRATION WITH COUNTY RECORDER -- FEE.

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

18 The owner of the ~~all-terrain-vehicle-or~~ snowmobile shall
19 file an application for registration with the appropriate
20 county recorder on forms provided by the commission. The
21 application shall be completed and signed by the owner ~~of-the~~
22 ~~all-terrain-vehicle-or-snowmobile~~ and shall be accompanied by
23 a fee of ~~twenty-five~~ fifteen dollars and a writing fee. An
24 ~~all-terrain-vehicle-or-a~~ A snowmobile shall not be registered
25 by the county recorder until the county recorder is presented
26 with receipts, bills of sale, or other satisfactory evidence
27 that the sales or use tax has been paid for the purchase of
28 the ~~all-terrain-vehicle-or~~ snowmobile or that the owner is
29 exempt from paying the tax. ~~However,-an-owner-of-an-all-~~
30 ~~terrain-vehicle,-except-an-all-terrain-vehicle-purchased-new~~
31 ~~on-or-after-January-1,-1990,-may-apply-for-registration~~
32 ~~without-proof-of-sales-or-use-tax-paid-until-one-year-after~~
33 ~~January-1,-1990.-An-all-terrain-vehicle-or~~ A snowmobile that
34 has an expired registration certificate from another state may
35 be registered in this state upon proper application, payment

1 of all applicable registration and writing fees, and payment
2 of a penalty of five dollars.

3 Upon receipt of the application in approved form
4 accompanied by the required fees, the county recorder shall
5 enter it upon the records and shall issue to the applicant a
6 ~~pocket-size~~ registration certificate. The certificate shall
7 be executed in triplicate, one copy to be delivered to the
8 owner, one copy to the commission, and one copy to be retained
9 on file by the county recorder. The registration certificate
10 shall bear the number awarded to the ~~all-terrain-vehicle-or~~
11 snowmobile and the name and address of the owner. The
12 registration certificate shall be carried either in the ~~all-~~
13 ~~terrain-vehicle-or~~ snowmobile or on the person of the operator
14 of the machine snowmobile when in use. The operator of an
15 ~~all-terrain-vehicle-or~~ a snowmobile shall exhibit the
16 registration certificate to a peace officer upon request, to a
17 person injured in an accident involving ~~an-all-terrain-vehicle~~
18 or a snowmobile, or to the owner or operator of another ~~all-~~
19 ~~terrain-vehicle-or~~ snowmobile or the owner of personal or real
20 property when the ~~all-terrain-vehicle-or~~ snowmobile is
21 involved in a collision or accident of any nature with another
22 ~~all-terrain-vehicle-or~~ snowmobile or the property of another
23 person, or to the property owner or tenant when the ~~all-~~
24 ~~terrain-vehicle-or~~ snowmobile is being operated on private
25 property without permission from the property owner or tenant.

26 If ~~an-all-terrain-vehicle-or~~ a snowmobile is placed in
27 storage, the owner shall return the current registration
28 certificate to the county recorder with an affidavit stating
29 that the ~~all-terrain-vehicle-or~~ snowmobile is placed in
30 storage and the effective date of storage. The county
31 recorder shall notify the commission of each ~~all-terrain~~
32 ~~vehicle-or~~ snowmobile placed in storage. When the owner of a
33 stored ~~all-terrain-vehicle-or~~ snowmobile desires to renew the
34 registration, the owner shall make application to the county
35 recorder and pay the registration and writing fees without

1 penalty. A refund of the registration fee shall not be
2 allowed for a stored ~~all-terrain-vehicle-or~~ snowmobile.

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

5 321G.5 DISPLAY OF IDENTIFICATION NUMBERS.

6 The owner shall display the identification number on an
7 ~~all-terrain-vehicle-or~~ a snowmobile in the manner prescribed
8 by the rules of the commission.

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

11 321G.6 REGISTRATION -- RENEWAL -- TRANSFER.

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

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

1 lieu-of-personal-property-tax-for-each-year-of-the
2 registration.

3 2. An expired all-terrain-vehicle-or-snowmobile
4 registration may be renewed for the same fee as if the owner
5 is securing the original registration plus a penalty of five
6 dollars and a writing fee.

7 All-all-terrain-vehicles-used-on-public-land-must-be
8 registered-within-six-months-following-January-17-19907-unless
9 otherwise-exempt.

10 3. When a person, after registering an-all-terrain-vehicle
11 or a snowmobile, moves from the address shown on the
12 registration certificate, the person shall, within ten thirty
13 days, notify the county recorder in writing of the move and
14 the person's new address.

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

1 All registrations must be valid for the current
2 registration period prior to the transfer of any registration,
3 including assignment to a dealer.

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

7 ~~A motorcycle as defined in section 321.17 subsection 40~~
8 ~~paragraph "a" may be registered as an all-terrain vehicle as~~
9 ~~provided in this section. A motorcycle registered as an all-~~
10 ~~terrain vehicle may participate in all programs established~~
11 ~~for all-terrain vehicles under this chapter except for the~~
12 ~~safety instruction and certification program.~~

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

15 321G.7 FEES REMITTED TO COMMISSION -- APPROPRIATION.

16 Within ten days after the end of each month, a county
17 recorder shall remit to the commission the ~~all-terrain vehicle~~
18 ~~and snowmobile~~ fees collected by the recorder during the
19 previous month. Before January 10 of ~~odd-numbered years~~ each
20 year, a recorder shall remit to the commission unused license
21 forms from the previous ~~biennium to the commission year~~.

22 The department shall remit the fees to the treasurer of
23 state, who shall place the money in a special ~~conservation~~
24 snowmobile fund. The money is appropriated to the department
25 for the ~~all-terrain vehicle and snowmobile~~ programs of the
26 state. ~~All-terrain vehicle fees shall be used only for all-~~
27 ~~terrain vehicle programs and snowmobile fees shall be used~~
28 ~~only for snowmobile programs. Joint programs shall be~~
29 ~~supported from both types of fees on a usage basis.~~ The ~~all-~~
30 ~~terrain vehicle and snowmobile~~ programs shall include grants,
31 subgrants, contracts, or cost-sharing of ~~all-terrain vehicle~~
32 ~~and snowmobile~~ programs with political subdivisions or
33 incorporated private organizations or both in accordance with
34 rules adopted by the commission. ~~All-all-terrain vehicle~~
35 ~~programs using cost sharing, grants, subgrants, or contracts~~

1 ~~shall establish and implement a safety instruction program~~
2 ~~either singly or in cooperation with other all-terrain-vehicle~~
3 ~~programs.~~ Snowmobile fees may be used to support snowmobile
4 programs on a usage basis. At least fifty percent of the
5 special fund shall be available for political subdivisions or
6 incorporated private organizations or both. Moneys from the
7 special fund not used by the political subdivisions or
8 incorporated private organizations or both shall remain in the
9 ~~all-terrain-vehicle or snowmobile accounts.~~ The fund and may
10 be used by the department may use funds from these accounts
11 for the administration of the ~~all-terrain-vehicle and~~
12 snowmobile programs. Notwithstanding section 8.33, moneys in
13 the special fund shall not revert to the general fund of the
14 state at the end of a fiscal year. Notwithstanding section
15 12C.7, subsection 2, interest or earnings on moneys in the
16 special fund shall remain in the fund.

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

19 321G.8 EXEMPT VEHICLES.

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

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

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

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

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

35 5. ~~All-terrain-vehicles used in accordance with section~~

1 ~~321-234A-~~

2 ~~6-~~ 5. Snowmobiles ~~and-all-terrain-vehicles~~ used
3 exclusively as farm implements.

4 Sec. 10. Section 321G.9, unnumbered paragraph 1, Code
5 2003, is amended to read as follows:

6 A person shall not operate ~~an-all-terrain-vehicle-or~~ a
7 snowmobile upon roadways or highways, as defined in section
8 321.1, except as provided in ~~section-321-234A-and~~ this
9 chapter.

10 Sec. 11. Section 321G.9, subsections 1, 2, and 3, Code
11 2003, are amended to read as follows:

12 1. ~~An-all-terrain-vehicle-or~~ A snowmobile shall not be
13 operated at any time within the ~~right-of-way~~ right-of-way of
14 any interstate highway or freeway within this state except
15 ~~under-either-of-the-following-circumstances-~~

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

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

19 ~~{1}~~ a. The underpass has been abandoned and is no longer
20 being used by motor vehicles or trains.

21 ~~{2}~~ b. Use of the underpass is the only alternative to the
22 use of a traveled roadway.

23 ~~{3}~~ c. Notwithstanding the provisions of chapter 321, use
24 of the underpass does not conflict with any rules or
25 regulations adopted by a federal governmental entity or this
26 state or a political subdivision of this state.

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

30 a. The crossing is made at an angle of approximately
31 ninety degrees to the direction of the highway and at a place
32 where no obstruction prevents a quick and safe crossing; ~~and.~~

33 b. The ~~all-terrain-vehicle-or~~ snowmobile is brought to a
34 complete stop before crossing the shoulder or main traveled
35 way of the highway; ~~and.~~

1 c. The driver yields the ~~right-of-way~~ right-of-way to all
2 oncoming traffic which constitutes an immediate hazard~~7-and.~~

3 d. In crossing a divided highway, the crossing is made
4 only at an intersection of such highway with another public
5 street or highway.

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

9 a. On the roadway portion of a highway and adjacent
10 shoulder, or at least five feet on either side of the roadway,
11 except as provided in subsection 4 ~~of this section7-and.~~

12 b. On limited access highways and approaches~~7-and.~~

13 c. For racing any moving object~~7-and.~~

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

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

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

20 Sec. 13. Section 321G.9, subsection 4, paragraph d, Code
21 2003, is amended to read as follows:

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

34 Sec. 14. Section 321G.9, subsection 4, paragraph f, Code
35 2003, is amended by striking the paragraph.

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

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

8 b. A person twelve to fifteen years of age and possessing
9 a valid safety certificate must be under the direct
10 supervision of a parent, guardian, or another adult authorized
11 by the parent or guardian, who is experienced in ~~all-terrain~~
12 ~~vehicle-or~~ snowmobile operation, and who possesses a valid
13 driver's license as defined in section 321.1, or a safety
14 certificate issued under this chapter.

15 7. ~~An-all-terrain-vehicle-or~~ A snowmobile shall not be
16 operated within the ~~right-of-way~~ right-of-way of a primary
17 highway between the hours of sunset and sunrise except on the
18 right-hand side of the ~~right-of-way~~ right-of-way and in the
19 same direction as the motor vehicular traffic on the nearest
20 lane of traveled portion of the ~~right-of-way~~ right-of-way.

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

23 321G.10 ACCIDENT REPORTS.

24 If ~~an-all-terrain-vehicle-or~~ a snowmobile is involved in an
25 accident resulting in injury or death to anyone or property
26 damage amounting to ~~two-hundred~~ one thousand dollars or more,
27 either the operator or someone acting for the operator shall
28 immediately notify the county sheriff or another law
29 enforcement agency in the state. ~~The~~ If the accident occurred
30 on public land or ice under the jurisdiction of the
31 commission, the operator shall file with the commission a
32 report of the accident, within ~~forty-eight~~ seventy-two hours,
33 containing information as the commission may require. All
34 other accidents shall be reported as required under section
35 321.266.

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

3 1. ~~An-all-terrain-vehicle-or~~ A snowmobile shall not be
4 operated without suitable and effective muffling devices which
5 limit engine noise to not more than eighty-six decibels as
6 measured on the "A" scale at a distance of fifty feet; and a
7 snowmobile, manufactured after July 1, 1973, which is sold,
8 offered for sale, or used in this state, except in an
9 authorized special event, shall have a muffler system that
10 limits engine noise to not more than eighty-two decibels as
11 measured on the "A" scale at a distance of fifty feet.

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

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

17 321G.12 ~~HEAD-BAMP~~ HEADLAMP -- TAIL LAMP -- BRAKES.

18 ~~Every-all-terrain-vehicle-operated-during-the-hours-of~~
19 ~~darkness-shall-display-a-lighted-head-lamp-and-tail-lamp-~~
20 Every snowmobile shall be equipped with at least one head-lamp
21 headlamp and one tail lamp. Every ~~all-terrain-vehicle-and~~
22 snowmobile shall be equipped with brakes.

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

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

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

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

31 h. Upon an operating railroad right-of-way. ~~An-all-~~
32 ~~terrain-vehicle-or~~ A snowmobile may be driven directly across
33 a railroad right-of-way only at an established crossing and,
34 notwithstanding any other provisions of law, may, if
35 necessary, use the improved portion of the established

1 crossing after yielding to all oncoming traffic. This
2 paragraph does not apply to a law enforcement officer or
3 railroad employee in the lawful discharge of the officer's or
4 employee's duties or to an employee of a utility with
5 authority to enter upon the railroad right-of-way in the
6 lawful performance of the employee's duties.

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

9 2. A person shall not operate or ride ~~in-an-all-terrain~~
10 ~~vehicle-or~~ a snowmobile with a firearm in the person's
11 possession unless it is unloaded and enclosed in a carrying
12 case. However, a nonambulatory person may carry an uncased
13 and unloaded firearm while operating or riding ~~an-all-terrain~~
14 ~~vehicle-or~~ a snowmobile.

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

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

19 321G.14 PENALTY.

20 Any A person who ~~shall-violate-any-provision-of~~ violates
21 this chapter or ~~any-regulation~~ a rule of the commission or
22 director of transportation ~~shall-be~~ is guilty of a simple
23 misdemeanor.

24 Chapter 232 shall have no application in the prosecution of
25 offenses which are committed in violation of this chapter, and
26 which constitute simple misdemeanors.

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

29 321G.15 OPERATION PENDING REGISTRATION.

30 The commission shall furnish snowmobile ~~and-all-terrain~~
31 ~~vehicle~~ dealers with pasteboard cards bearing the words
32 "registration applied for" and space for the date of purchase.
33 An unregistered ~~all-terrain-vehicle-or~~ snowmobile sold by a
34 dealer shall bear one of these cards which entitles the
35 purchaser to operate it for ten days immediately following the

1 purchase. The purchaser of a registered ~~all-terrain-vehicle~~
2 or snowmobile may operate it for ten days immediately
3 following the purchase, without having completed a transfer of
4 registration. A snowmobile or ~~all-terrain-vehicle~~ dealer
5 shall make application and pay all registration and title fees
6 if applicable on behalf of the purchaser of a snowmobile or
7 ~~all-terrain-vehicle~~.

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

10 321G.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-and~~ snowmobiles or for the safety of
17 operators, participants, and observers in the special events.
18 ~~A-special-event-for-all-terrain-vehicles-may-include~~
19 ~~motorcycles-upon-payment-of-an-entrance-fee-set-by-the~~
20 ~~organizer-of-the-special-event.--The-department-may-require~~
21 ~~that-part-of-the-motorcycle-entrance-fee-be-credited-to-pay~~
22 ~~costs-of-all-terrain-vehicle-programs-authorized-pursuant-to~~
23 ~~section-321G-7.~~ At least thirty days before the scheduled
24 date of a special event in this state, an application shall be
25 filed with the department for authorization to conduct the
26 special event. The application shall set forth the date,
27 time, and location of the proposed special event and any other
28 information the department requires. The special event shall
29 not be conducted without written authorization of the
30 department. Copies of the rules shall be furnished by the
31 department to any person making an application.

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

34 321G.17 VIOLATION OF "~~STOP~~" STOP SIGNAL.

35 A person, after having received a visual or audible signal

1 from a peace officer to come to a stop, shall not operate an
2 ~~all-terrain-vehicle-or~~ a snowmobile in willful or wanton
3 disregard of the signal or interfere with or endanger the
4 officer or any other person or vehicle, or increase speed or
5 attempt to flee or elude the officer.

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

8 321G.18 NEGLIGENCE.

9 The owner and operator of ~~an-all-terrain-vehicle-or~~ a
10 snowmobile are liable for any injury or damage occasioned by
11 the negligent operation of the ~~all-terrain-vehicle-or~~
12 snowmobile. The owner of ~~an-all-terrain-vehicle-or~~ a
13 snowmobile shall be liable for any such injury or damage only
14 if the owner was the operator of the ~~all-terrain-vehicle-or~~
15 snowmobile at the time the injury or damage occurred or if the
16 operator had the owner's consent to operate the ~~all-terrain~~
17 ~~vehicle-or~~ snowmobile at the time the injury or damage
18 occurred.

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

21 321G.19 RENTED SNOWMOBILES ~~AND-ALL-TERRAIN-VEHICLES~~.

22 1. The owner of a rented ~~all-terrain-vehicle-or~~ snowmobile
23 shall keep a record of the name and address of each person
24 renting the ~~all-terrain-vehicle-or~~ snowmobile, its
25 ~~identification~~ registration number, the departure date and
26 time, and the expected time of return. The records shall be
27 preserved for six months.

28 2. The owner of ~~an-all-terrain-vehicle-or~~ a snowmobile
29 operated for hire shall not permit the use or operation of a
30 rented ~~all-terrain-vehicle-or~~ snowmobile unless it has been
31 provided with all equipment required by this chapter or rules
32 of the commission or the director of transportation, properly
33 installed and in good working order.

34 Sec. 29. Section 321G.20, unnumbered paragraph 2, Code
35 2003, is amended by striking the unnumbered paragraph.

1 Sec. 30. Section 321G.21, subsections 1, 3, 6, 8, 9, and
2 10, Code 2003, are amended to read as follows:

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

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

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

31 8. Dealers using special certificates under this chapter
32 shall, before January 10 of each year, furnish the commission
33 with a list of all used ~~all-terrain-vehicles-and~~ snowmobiles
34 held by them for sale or trade, and upon which the
35 registration fee for the current year has not been paid,

1 giving the previous registration number, name of previous
2 owner at the time the ~~all-terrain-vehicle-or~~ snowmobile was
3 transferred to the dealer, and other information the
4 commission requires.

5 9. If the purchaser or transferee of an ~~all-terrain~~
6 ~~vehicle-or~~ a snowmobile is a dealer who holds the same for
7 resale and operates the ~~all-terrain-vehicle-or~~ snowmobile only
8 for purposes incidental to a resale and displays the special
9 dealer's certificate, or does not operate the ~~all-terrain~~
10 ~~vehicle-or~~ snowmobile or permit it to be operated, the
11 transferee is not required to obtain a new registration
12 certificate but upon transferring title or interest to another
13 person shall sign the reverse side of the title, if any, and
14 the registration certificate of the ~~all-terrain-vehicle-or~~
15 snowmobile indicating the name and address of the new
16 purchaser. A dealer shall make application and pay all
17 registration and title fees if applicable on behalf of the
18 purchaser of an ~~all-terrain-vehicle-or~~ a snowmobile. The
19 recorder shall award a transfer of the registration number.
20 If the registration has expired while in the dealer's
21 possession, the purchaser may renew the registration for the
22 same fee and writing fee as if the purchaser is securing the
23 original registration.

24 10. When a dealer purchases or otherwise acquires an ~~all-~~
25 ~~terrain-vehicle-or~~ a snowmobile registered in this state, the
26 dealer shall issue a signed receipt to the previous owner,
27 indicating the date of purchase or acquisition, the name and
28 address of the previous owner, and the registration number of
29 the ~~all-terrain-vehicle-or~~ snowmobile purchased or acquired.
30 The original receipt shall be delivered to the previous owner
31 and one copy shall be mailed or delivered by the dealer to the
32 county recorder of the county in which the ~~all-terrain-vehicle~~
33 ~~or~~ snowmobile is registered, and one copy shall be delivered
34 to the commission within forty-eight hours.

35 Sec. 31. Section 321G.22, Code 2003, is amended to read as

1 follows:

2 321G.22 LIMITATION OF LIABILITY BY PUBLIC BODIES AND
3 ADJOINING OWNERS.

4 The state, its political subdivisions, and the owners or
5 tenants of property adjoining public lands or the ~~right-of-way~~
6 right-of-way of a public highway and their agents and
7 employees owe no duty of care to keep the public lands,
8 ditches, or land contiguous to a highway or roadway under the
9 control of the state or a political subdivision safe for entry
10 or use by persons operating ~~an-all-terrain-vehicle-or a~~
11 snowmobile, or to give any warning of a dangerous condition,
12 use, structure, or activity on the premises to persons
13 entering for such purposes, except in the case of willful or
14 malicious failure to guard or warn against a dangerous
15 condition, use, structure, or activity. The state, its
16 political subdivisions, and the owners or tenants of property
17 adjoining public lands or the ~~right-of-way~~ right-of-way of a
18 public highway, and their agents and employees are not liable
19 for actions taken to allow or facilitate the use of public
20 lands, ditches, or land contiguous to a highway or roadway
21 except in the case of a willful or malicious failure to guard
22 or warn against a dangerous condition, use, structure, or
23 activity.

24 This section does not create a duty of care or ground of
25 liability on behalf of the state, its political subdivisions,
26 or the owners or tenants of property adjoining public lands or
27 the ~~right-of-way~~ right-of-way of a public highway and their
28 agents and employees for injury to persons or property in the
29 operation of ~~all-terrain-vehicles-or~~ snowmobiles in a ditch or
30 on land contiguous to a highway or roadway under the control
31 of the state or a political subdivision. The state, its
32 political subdivisions, and the owners or tenants of property
33 adjoining public lands or the ~~right-of-way~~ right-of-way of a
34 public highway and their agents and employees are not liable
35 for the operation of ~~an-all-terrain-vehicle-or a~~ snowmobile in

1 violation of this chapter.

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

4 1. The commission shall provide, by rules adopted pursuant
5 to section 321G.2, for the establishment of certified courses
6 of instruction to be conducted throughout the state for the
7 safe use and operation of ~~all-terrain-vehicles-and~~
8 snowmobiles. The curriculum shall include instruction in the
9 lawful and safe use, operation, and equipping of ~~all-terrain~~
10 ~~vehicles-and~~ snowmobiles consistent with this chapter and
11 rules adopted by the commission and the director of
12 transportation and other matters the commission deems
13 pertinent for a qualified ~~all-terrain-vehicle-or~~ snowmobile
14 operator.

15 4. The commission shall provide safety material relating
16 to the operation of ~~all-terrain-vehicles-and~~ snowmobiles for
17 the use of nonpublic or public elementary and secondary
18 schools in this state.

19 Sec. 33. Section 321G.24, subsections 1, 2, 4, and 5, Code
20 2003, are amended to read as follows:

21 1. A person under eighteen years of age shall not operate
22 a snowmobile on public land or ice or land purchased with
23 snowmobile registration funds in this state without obtaining
24 a valid safety certificate issued by the department and having
25 the certificate in the person's possession, unless the person
26 is accompanied on the same snowmobile by a responsible person
27 of at least eighteen years of age who is experienced in
28 snowmobile operation and possesses a valid driver's license,
29 as defined in section 321.1, or a safety certificate issued
30 under this chapter. ~~A-person-under-eighteen-years-of-age~~
31 ~~shall-not-operate-an-all-terrain-vehicle-on-public-land-or~~
32 ~~land-purchased-with-all-terrain-vehicle-registration-funds-in~~
33 ~~this-state-without-obtaining-a-valid-safety-certificate-issued~~
34 ~~by-the-department-and-having-the-certificate-in-the-person's~~
35 ~~possession.~~

1 2. Upon application and payment of a fee of three five
2 dollars, a qualified applicant shall be issued a safety
3 certificate which is valid until the certificate is suspended
4 or revoked for a violation of a provision of this chapter or a
5 rule of the commission or the director of transportation. The
6 application shall be made on forms issued by the commission
7 and shall contain information as the commission may reasonably
8 require.

9 4. The permit fees collected under this section shall be
10 credited to the state-conservation special snowmobile fund
11 created under section 321G.7 and shall be used for safety and
12 educational programs.

13 5. A valid ~~all-terrain-vehicle-or~~ snowmobile safety
14 certificate or license issued to a nonresident by a
15 governmental authority of another state shall be considered a
16 valid certificate or license in this state if the permit or
17 license requirements of the governmental authority, excluding
18 fees, are substantially the same as the requirements of this
19 chapter as determined by the commission.

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

22 321G.25 STOPPING AND INSPECTING -- WARNINGS.

23 A peace officer may stop and inspect ~~an-all-terrain-vehicle~~
24 ~~or a~~ snowmobile operated, parked, or stored on public streets,
25 highways, public lands, or frozen waters of the state to
26 determine if the ~~all-terrain-vehicle-or~~ snowmobile is
27 registered, numbered, or equipped as required by this chapter
28 and commission rules. The officer shall not inspect an area
29 that is not essential to determine compliance with the
30 requirements. If the officer determines that the ~~all-terrain~~
31 ~~vehicle-or~~ snowmobile is not in compliance, the officer may
32 issue a warning memorandum to the operator and forward a copy
33 to the commission. The warning memorandum shall indicate the
34 items found not in compliance and shall direct the owner or
35 operator of the ~~all-terrain-vehicle-or~~ snowmobile to have the

1 ~~all-terrain-vehicle-or~~ snowmobile in compliance and return a
2 copy of the warning memorandum with the proof of compliance to
3 the commission within fourteen days. If the proof of
4 compliance is not provided within fourteen days, the owner or
5 operator is in violation of this chapter.

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

8 321G.26 TERMINATION OF USE.

9 A person who receives a warning memorandum for an-~~all-~~
10 ~~terrain-vehicle-or~~ a snowmobile shall stop using the ~~all-~~
11 ~~terrain-vehicle-or~~ snowmobile as soon as possible and shall
12 not operate it on public streets, highways, public lands, or
13 frozen waters of the state until the ~~all-terrain-vehicle-or~~
14 snowmobile is in compliance.

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

17 321G.27 WRITING FEES.

18 The county recorder shall collect a writing fee of one
19 dollar and twenty-five cents for an-~~all-terrain-vehicle-or~~ a
20 snowmobile registration.

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

23 321G.28 CONSISTENT LOCAL LAWS -- SPECIAL LOCAL RULES.

24 1. This chapter and other applicable laws of this state
25 shall govern the operation, equipment, numbering, and all
26 other matters relating to an-~~all-terrain-vehicle-or~~ a
27 snowmobile when the ~~all-terrain-vehicle-or~~ snowmobile is
28 operated or maintained in this state. However, this chapter
29 does not prevent the adoption of an ordinance or local law
30 relating to the operation of or equipment of ~~all-terrain~~
31 ~~vehicles-or~~ snowmobiles. The ordinances or local laws are
32 operative only so long as they are not inconsistent with this
33 chapter or the rules adopted by the commission.

34 2. A subdivision of this state, after public notice by
35 publication in a newspaper having a general circulation in the

1 subdivision, may make formal application to the commission for
2 special rules concerning the operation of ~~all-terrain-vehicles~~
3 ~~or~~ snowmobiles within the territorial limits of the
4 subdivision and shall provide the commission with the reasons
5 the special rules are necessary.

6 3. The commission, upon application by local authorities
7 and in conformity with this chapter, may make special rules
8 concerning the operation of ~~all-terrain-vehicles-or~~
9 snowmobiles within the territorial limits of a subdivision of
10 this state.

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

13 321G.29 OWNER'S CERTIFICATE OF TITLE -- IN GENERAL.

14 1. The owner of a snowmobile acquired on or after January
15 1, 1998, ~~or-an-all-terrain-vehicle-acquired-on-or-after~~
16 ~~January-17-2000~~, other than a snowmobile ~~or-all-terrain~~
17 ~~vehicle~~ used exclusively as a farm implement, shall apply to
18 the county recorder of the county in which the owner resides
19 for a certificate of title for the snowmobile ~~or-all-terrain~~
20 ~~vehicle~~. The owner of a snowmobile ~~or-all-terrain-vehicle~~
21 used exclusively as a farm implement may obtain a certificate
22 of title. A person who owns a snowmobile ~~or-all-terrain~~
23 ~~vehicle~~ that is not required to have a certificate of title
24 may apply for and receive a certificate of title for the
25 snowmobile ~~or-all-terrain-vehicle~~ and, subsequently, the
26 snowmobile ~~or-all-terrain-vehicle~~ shall be subject to the
27 requirements of this chapter as if the snowmobile ~~or-all-~~
28 ~~terrain-vehicle~~ were required to be titled. All snowmobiles
29 ~~or-all-terrain-vehicles~~ that are titled shall be registered.

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

32 3. An owner of a snowmobile ~~or-all-terrain-vehicle~~ shall
33 apply to the county recorder for issuance of a certificate of
34 title within thirty days after acquisition. The application
35 shall be on forms the department prescribes and accompanied by

1 the required fee. The application shall be signed and sworn
2 to before a notary public or other person who administers
3 oaths, or shall include a certification signed in writing
4 containing substantially the representation that statements
5 made are true and correct to the best of the applicant's
6 knowledge, information, and belief, under penalty of perjury.
7 The application shall contain the date of sale and gross price
8 of the snowmobile ~~or-all-terrain-vehicle~~ or the fair market
9 value if no sale immediately preceded the transfer and any
10 additional information the department requires. If the
11 application is made for a snowmobile ~~or-all-terrain-vehicle~~
12 last previously registered or titled in another state or
13 foreign country, the application shall contain this
14 information and any other information the department requires.

15 4. If a dealer buys or acquires a snowmobile ~~or-all-~~
16 ~~terrain-vehicle~~ for resale, the dealer shall report the
17 acquisition to the county recorder on forms provided by the
18 department and may apply for and obtain a certificate of title
19 as provided in this chapter. If a dealer buys or acquires a
20 used snowmobile ~~or-all-terrain-vehicle~~, the dealer may apply
21 for a certificate of title in the dealer's name within thirty
22 days. If a dealer buys or acquires a new snowmobile ~~or-all-~~
23 ~~terrain-vehicle~~ for resale, the dealer may apply for a
24 certificate of title in the dealer's name.

25 5. A manufacturer or dealer shall not transfer ownership
26 of a new snowmobile ~~or-new-all-terrain-vehicle~~ without
27 supplying the transferee with the manufacturer's or importer's
28 certificate of origin signed by the manufacturer's or
29 importer's authorized agent. The certificate shall contain
30 information the department requires. The department may adopt
31 rules providing for the issuance of a certificate of origin
32 for a snowmobile ~~or-all-terrain-vehicle~~ by the department upon
33 good cause shown by the owner.

34 6. A dealer transferring ownership of a snowmobile ~~or-all-~~
35 ~~terrain-vehicle~~ under this chapter shall assign the title to

1 the new owner, or in the case of a new snowmobile ~~or-new-all-~~
2 ~~terrain-vehicle~~, assign the certificate of origin. Within
3 fifteen days the dealer shall forward all moneys and
4 applications to the county recorder.

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

16 8. Once titled, a person shall not sell or transfer
17 ownership of a snowmobile ~~or-all-terrain-vehicle~~ without
18 delivering to the purchaser or transferee a certificate of
19 title with an assignment on it showing title in the purchaser
20 or transferee. A person shall not purchase or otherwise
21 acquire a snowmobile ~~or-all-terrain-vehicle~~ without obtaining
22 a certificate of title for it in that person's name.

23 9. If the county recorder is not satisfied as to the
24 ownership of the snowmobile or ~~all-terrain-vehicle~~ or that
25 there are no undisclosed security interests in the snowmobile
26 ~~or-all-terrain-vehicle~~, the county recorder may issue a
27 certificate of title for the snowmobile ~~or-all-terrain-vehicle~~
28 but, as a condition of such issuance, may require the
29 applicant to file with the department a bond in the form
30 prescribed by the department and executed by the applicant,
31 and also executed by a person authorized to conduct a surety
32 business in this state. The form and amount of the bond shall
33 be established by rule of the department. The bond shall be
34 conditioned to indemnify any prior owner and secured party and
35 any subsequent purchaser of the snowmobile or ~~all-terrain~~

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

18 10. The county recorder shall transmit a copy of the
19 certificate of title to the department, which shall be the
20 central repository of title information for snowmobiles and
21 ~~all-terrain-vehicles~~.

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

24 5. Five dollars of the certificate of title fees collected
25 under this section shall be remitted by the county recorder to
26 the treasurer of state for deposit in the special conservation
27 snowmobile fund created under section 321G.7. The remaining
28 five dollars shall be retained by the county and deposited
29 into the general fund of the county.

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

32 321G.31 ~~TRANSFER OR REPOSSESSION OF-SNOWMOBILE-OR-ALL-~~
33 ~~TERRAIN-VEHICLE~~ BY OPERATION OF LAW.

34 1. If ownership of a snowmobile ~~or-all-terrain-vehicle~~ is
35 transferred by operation of law, such as by inheritance, order

1 in bankruptcy, insolvency, replevin, or execution sale, the
2 transferee, within thirty days after acquiring the right to
3 possession of the snowmobile ~~or all-terrain-vehicle~~, shall
4 mail or deliver to the county recorder satisfactory proof of
5 ownership as the county recorder requires, together with an
6 application for a new certificate of title, and the required
7 fee.

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

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

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

17 Sec. 42. Section 321G.32, subsection 1, paragraph b, Code
18 2003, is amended to read as follows:

19 b. The application fee for a security interest is ten
20 dollars. Five dollars of the fee shall be credited to the
21 special conservation snowmobile fund created under section
22 321G.7. The remaining five dollars shall be retained by the
23 county and deposited into the general fund of the county.

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

26 321G.33 VEHICLE IDENTIFICATION NUMBER.

27 1. The department may assign a distinguishing number to an
28 ~~all-terrain-vehicle-or~~ a snowmobile when the serial number on
29 the ~~all-terrain-vehicle-or~~ snowmobile is destroyed or
30 obliterated and issue to the owner a special plate bearing the
31 distinguishing number which shall be affixed to the ~~all-~~
32 ~~terrain-vehicle-or~~ snowmobile in a position to be determined
33 by the department. The ~~all-terrain-vehicle-or~~ snowmobile
34 shall be registered and titled under the distinguishing number
35 in lieu of the former serial number. Every ~~all-terrain~~

1 ~~vehicle-or~~ snowmobile shall have an a vehicle identification
2 number assigned and affixed as required by the department.

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

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

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

22 Sec. 44. NEW SECTION. 3211.1 DEFINITIONS.

23 As used in this chapter, unless the context otherwise
24 requires:

25 1. "All-terrain vehicle" means a motorized flotation-tire
26 vehicle with not less than three low-pressure tires, but not
27 more than six low-pressure tires, or a two-wheeled off-road
28 motorcycle, that is limited in engine displacement to less
29 than eight hundred cubic centimeters and in total dry weight
30 to less than seven hundred fifty pounds and that has a seat or
31 saddle designed to be straddled by the operator and handlebars
32 for steering control.

33 Two-wheeled off-road motorcycles shall be considered all-
34 terrain vehicles for the purpose of registration. Two-wheeled
35 off-road motorcycles shall also be considered all-terrain

1 vehicles for the purpose of titling if a title has not
2 previously been issued pursuant to chapter 321. An operator
3 of a two-wheeled off-road motorcycle is exempt from the safety
4 instruction and certification program requirements of sections
5 321I.24 and 321I.25.

6 2. "'A" scale" means the physical scale marked "A"
7 graduated in decibels on a sound level meter which meets the
8 requirements of the American national standards institute,
9 incorporated, publication S1.4-1961, general purpose sound
10 level meters.

11 3. "Commission" means the natural resource commission of
12 the department.

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

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

18 6. "Established place of business" means the place
19 actually occupied either continuously or at regular periods by
20 a dealer or manufacturer where the books and records are kept
21 and the dealer's or manufacturer's business is primarily
22 transacted.

23 7. "Manufacturer" means a person engaged in the business
24 of constructing or assembling all-terrain vehicles required to
25 be registered under this chapter and who has an established
26 place of business for that purpose in this state.

27 8. "Nonambulatory person" means an individual with
28 paralysis of the lower half of the body with the involvement
29 of both legs, usually caused by disease of or injury to the
30 spinal cord, or caused by the loss of both legs or the loss of
31 a part of both legs.

32 9. "Nonresident" means a person who is not a resident of
33 this state.

34 10. "Operate" means to ride in or on, other than as a
35 passenger, use, or control the operation of an all-terrain

1 vehicle in any manner, whether or not the all-terrain vehicle
2 is moving.

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

5 12. "Owner" means a person, other than a lienholder,
6 having the property right in or title to an all-terrain
7 vehicle. The term includes a person entitled to the use or
8 possession of an all-terrain vehicle subject to an interest in
9 another person, reserved or created by agreement and securing
10 payment or performance of an obligation, but the term excludes
11 a lessee under a lease not intended as security.

12 13. "Person" means an individual, partnership, firm,
13 corporation, association, and the state, its agencies, and
14 political subdivisions.

15 14. "Public land" means land owned by the federal
16 government, the state, or political subdivisions of the state
17 and land acquired or developed for public recreation pursuant
18 to section 321I.8.

19 15. "Railroad right-of-way" means the full width of
20 property owned, leased, or subject to easement for railroad
21 purposes and is not limited to those areas on which tracks are
22 located.

23 16. "Resident" means a person who meets the requirements
24 for residency described in section 321.1A.

25 17. "Roadway" means that portion of a highway improved,
26 designed, or ordinarily used for vehicular travel.

27 18. "Safety certificate" means an all-terrain vehicle
28 safety certificate, approved by the commission, issued to a
29 qualified applicant who is twelve years of age or older.

30 19. "Snowmobile" means the same as defined in section
31 321G.1.

32 20. "Special event" means an organized race, exhibition,
33 or demonstration of limited duration which is conducted on
34 public land or ice under the jurisdiction of the commission
35 according to a prearranged schedule and in which general

1 public interest is manifested.

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

8 Sec. 45. NEW SECTION. 3211.2 RULES.

9 The commission may adopt rules for the following purposes:

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

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

13 3. Use of all-terrain vehicles on public lands under the
14 jurisdiction of the commission.

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

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

23 6. Issuance of safety certificates.

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

27 8. Issuance of annual user permits for nonresidents and
28 establishment of administrative fees for the issuance of the
29 permits.

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

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

8 Sec. 46. NEW SECTION. 321I.3 REGISTRATION AND NUMBERING
9 REQUIRED.

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

21 2. A registration number shall be assigned, without
22 payment of fee, to all-terrain vehicles owned by the state of
23 Iowa or its political subdivisions upon application for the
24 number, and the assigned registration number shall be
25 displayed on the all-terrain vehicle as required under section
26 321I.6. A registration number and certificate shall be
27 assigned, without payment of fee, to an all-terrain vehicle
28 which is exempt from registration but is being titled. A
29 decal displaying an audit number shall not be issued and the
30 registration shall not expire while the all-terrain vehicle 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. 47. NEW SECTION. 321I.4 REGISTRATION WITH COUNTY
35 RECORDER -- FEE.

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

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

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

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

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

22 Sec. 48. NEW SECTION. 321I.5 NONRESIDENT USER PERMITS.

23 A nonresident wishing to operate an all-terrain vehicle,
24 other than an all-terrain vehicle owned by a resident and
25 registered pursuant to this chapter, on public land or ice of
26 this state shall first obtain a user permit from the
27 department. A user permit shall be issued for the all-terrain
28 vehicle specified at the time of application and is not
29 transferable. A user permit shall be valid for the calendar
30 year specified in the permit.

31 User permits may be issued by a county recorder or a
32 license depository pursuant to rules adopted by the
33 commission. The fee for a user permit shall be fifteen
34 dollars plus an administrative fee established by the
35 commission. A county recorder shall retain a writing fee of

1 one dollar from the sale of each user permit issued by the
2 county recorder's office. The writing fees retained by the
3 county recorder shall be deposited in the general fund of the
4 county. A license depository designated by the director
5 pursuant to section 483A.11 shall retain a writing fee of one
6 dollar from the sale of each permit issued by the agent.

7 Sec. 49. NEW SECTION. 321I.6 DISPLAY OF IDENTIFICATION
8 NUMBERS.

9 The owner shall display the identification number on an
10 all-terrain vehicle in the manner prescribed by rules of the
11 commission.

12 Sec. 50. NEW SECTION. 321I.7 REGISTRATION -- RENEWAL --
13 TRANSFER.

14 1. a. Every all-terrain vehicle registration certificate
15 and number issued expires at midnight December 31 unless
16 sooner terminated or discontinued in accordance with this
17 chapter. After the first day of September each year, an
18 unregistered all-terrain vehicle may be registered or a
19 registration may be renewed for the subsequent year beginning
20 January 1.

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

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

1 writing fee.

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

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

27 All registrations must be valid for the current
28 registration period prior to the transfer of any registration,
29 including assignment to a dealer.

30 5. Duplicate registrations may be issued upon application
31 to the county recorder and the payment of the same fees
32 collected for the transfer of registrations.

33 6. A motorcycle, as defined in section 321.1, subsection
34 40, paragraph "a", may be registered as an all-terrain vehicle
35 as provided in this section. A motorcycle registered as an

1 all-terrain vehicle may participate in all programs
2 established for all-terrain vehicles under this chapter except
3 for the safety instruction and certification program.

4 Sec. 51. NEW SECTION. 321I.8 FEES REMITTED TO COMMISSION
5 -- APPROPRIATION.

6 Within ten days after the end of each month, a county
7 recorder shall remit to the commission the all-terrain vehicle
8 fees collected by the recorder during the previous month.
9 Before January 10 of each year, a recorder shall remit to the
10 commission unused license forms from the previous year.

11 The department shall remit the fees, including fees
12 collected pursuant to section 321I.4 and user fees collected
13 pursuant to section 321I.5, to the treasurer of state, who
14 shall place the money in a special all-terrain vehicle fund.
15 The money is appropriated to the department for the all-
16 terrain vehicle programs of the state. The programs shall
17 include grants, subgrants, contracts, or cost-sharing of all-
18 terrain vehicle programs with political subdivisions or
19 incorporated private organizations or both in accordance with
20 rules adopted by the commission. All programs using cost-
21 sharing, grants, subgrants, or contracts shall establish and
22 implement a safety instruction program either singly or in
23 cooperation with other all-terrain vehicle programs. All-
24 terrain vehicle fees may be used to support all-terrain
25 vehicle programs on a usage basis. At least fifty percent of
26 the special fund shall be available for political subdivisions
27 or incorporated private organizations or both. Moneys from
28 the special fund not used by the political subdivisions or
29 incorporated private organizations or both shall remain in the
30 fund and may be used by the department for the administration
31 of the all-terrain vehicle programs. Notwithstanding section
32 8.33, moneys in the special fund shall not revert to the
33 general fund of the state at the end of a fiscal year.
34 Notwithstanding section 12C.7, subsection 2, interest or
35 earnings on moneys in the special fund shall remain in the

1 fund.

2 Sec. 52. NEW SECTION. 321I.9 EXEMPT VEHICLES.

3 Registration shall not be required for the following
4 described all-terrain vehicles:

5 1. All-terrain vehicles owned and used by the United
6 States, another state, or a political subdivision of another
7 state.

8 2. All-terrain vehicles registered in a country other than
9 the United States used within this state for not more than
10 twenty consecutive days.

11 3. All-terrain vehicles covered by a valid license of
12 another state and which have not been within this state for
13 more than twenty consecutive days.

14 4. All-terrain vehicles not registered or licensed in
15 another state or country being used in this state while
16 engaged in a special event and not remaining in the state for
17 a period of more than ten days.

18 5. All-terrain vehicles used in accordance with section
19 321.234A, subsection 1, paragraph "a".

20 6. All-terrain vehicles used exclusively as farm
21 implements.

22 Sec. 53. NEW SECTION. 321I.10 OPERATION ON ROADWAYS AND
23 HIGHWAYS -- SNOWMOBILE TRAILS.

24 1. A person shall not operate an all-terrain vehicle upon
25 roadways or highways except as provided in section 321.234A
26 and this section.

27 2. A registered all-terrain vehicle may be operated on the
28 roadways of that portion of county highways designated by the
29 county board of supervisors for such use during a specified
30 period. The county board of supervisors shall evaluate the
31 traffic conditions on all county highways and designate
32 roadways on which all-terrain vehicles may be operated for the
33 specified period without unduly interfering with or
34 constituting an undue hazard to conventional motor vehicle
35 traffic. Signs warning of the operation of all-terrain

1 vehicles on the roadway shall be placed and maintained on the
2 portions of highway thus designated during the period
3 specified for the operation.

4 3. 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 Sec. 54. NEW SECTION. 321I.11 ACCIDENT REPORTS.

8 If an all-terrain vehicle is involved in an accident
9 resulting in injury or death to anyone or property damage
10 amounting to one thousand dollars or more, either the operator
11 or someone acting for the operator shall immediately notify
12 the county sheriff or another law enforcement agency in the
13 state. If the accident occurred on public land or ice under
14 the jurisdiction of the commission, the operator shall file
15 with the commission a report of the accident, within seventy-
16 two hours, containing information as the commission may
17 require. All other accidents shall be reported as required in
18 section 321.266.

19 Sec. 55. NEW SECTION. 321I.12 MUFFLERS REQUIRED --
20 INSPECTIONS.

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

25 2. The commission may adopt rules with respect to the
26 inspection of all-terrain vehicles and testing of their
27 mufflers.

28 Sec. 56. NEW SECTION. 321I.13 HEADLAMP -- TAIL LAMP --
29 BRAKES.

30 Every all-terrain vehicle operated during the hours of
31 darkness shall display a lighted headlamp and tail lamp.
32 Every all-terrain vehicle shall be equipped with brakes.

33 Sec. 57. NEW SECTION. 321I.14 UNLAWFUL OPERATION.

34 1. A person shall not drive or operate an all-terrain
35 vehicle:

1 a. At a rate of speed greater than reasonable or proper
2 under all existing circumstances.

3 b. In a careless, reckless, or negligent manner so as to
4 endanger the person or property of another or to cause injury
5 or damage thereto.

6 c. While under the influence of intoxicating liquor or
7 narcotics or habit-forming drugs.

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

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

14 f. On any public land, ice, or snow, in violation of
15 official signs of the commission prohibiting such operation in
16 the interest of safety for persons, property, or the
17 environment. Any officer appointed by the commission may post
18 an official sign in an emergency for the protection of
19 persons, property, or the environment.

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

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

33 2. A person shall not operate or ride an all-terrain
34 vehicle with a firearm in the person's possession unless it is
35 unloaded and enclosed in a carrying case. However, a

1 nonambulatory person may carry an uncased and unloaded firearm
2 while operating or riding an all-terrain vehicle.

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

5 Sec. 58. NEW SECTION. 321I.15 PENALTY.

6 A person who violates this chapter or a rule of the
7 commission or director of transportation is guilty of a simple
8 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. 59. NEW SECTION. 321I.16 OPERATION PENDING
13 REGISTRATION.

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

26 Sec. 60. NEW SECTION. 321I.17 SPECIAL EVENTS.

27 The department may authorize the holding of organized
28 special events as defined in this chapter within this state.
29 The department shall adopt rules relating to the conduct of
30 special events held under department permits and designating
31 the equipment and facilities necessary for safe operation of
32 all-terrain vehicles or for the safety of operators,
33 participants, and observers in the special events. A special
34 event for all-terrain vehicles may include motorcycles upon
35 payment of an entrance fee set by the organizer of the special

1 event. The department may require that part of the motorcycle
2 entrance fee be credited to pay costs of all-terrain vehicle
3 programs authorized pursuant to section 321I.8. At least
4 thirty days before the scheduled date of a special event in
5 this state, an application shall be filed with the department
6 for authorization to conduct the special event. The
7 application shall set forth the date, time, and location of
8 the proposed special event and any other information the
9 department requires. The special event shall not be conducted
10 without written authorization of the department. Copies of
11 the rules shall be furnished by the department to any person
12 making an application.

13 Sec. 61. NEW SECTION. 321I.18 VIOLATION OF STOP SIGNAL.

14 A person, after having received a visual or audible signal
15 from a peace officer to come to a stop, shall not operate an
16 all-terrain vehicle in willful or wanton disregard of the
17 signal or interfere with or endanger the officer or any other
18 person or vehicle, or increase speed or attempt to flee or
19 elude the officer.

20 Sec. 62. NEW SECTION. 321I.19 NEGLIGENCE.

21 The owner and operator of an all-terrain vehicle are liable
22 for any injury or damage occasioned by the negligent operation
23 of the all-terrain vehicle. The owner of an all-terrain
24 vehicle shall be liable for any such injury or damage only if
25 the owner was the operator of the all-terrain vehicle at the
26 time the injury or damage occurred or if the operator had the
27 owner's consent to operate the all-terrain vehicle at the time
28 the injury or damage occurred.

29 Sec. 63. NEW SECTION. 321I.20 RENTED ALL-TERRAIN
30 VEHICLES.

31 1. The owner of a rented all-terrain vehicle shall keep a
32 record of the name and address of each person renting the all-
33 terrain vehicle, its registration number, the departure date
34 and time, and the expected time of return. The records shall
35 be preserved for six months.

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

7 Sec. 64. NEW SECTION. 321I.21 MINORS UNDER TWELVE.

8 A person under twelve years of age shall not operate an
9 all-terrain vehicle on public lands unless the person is
10 taking a prescribed safety training course under the direct
11 supervision of a certified all-terrain vehicle safety
12 instructor and a parent or guardian.

13 Sec. 65. NEW SECTION. 321I.22 MANUFACTURER, DISTRIBUTOR,
14 OR DEALER -- SPECIAL REGISTRATION.

15 1. A manufacturer, distributor, or dealer owning an all-
16 terrain vehicle required to be registered under this chapter
17 may operate the all-terrain vehicle for purposes of
18 transporting, testing, demonstrating, or selling it without
19 the all-terrain vehicle being registered, except that a
20 special identification number issued to the owner as provided
21 in this chapter shall be displayed on the all-terrain vehicle.
22 The special identification number shall not be used on an all-
23 terrain vehicle offered for hire or for any work or service
24 performed by a manufacturer, distributor, or dealer.

25 2. Any manufacturer, distributor, or dealer may, upon
26 payment of a fee of fifteen dollars, make application to the
27 commission, upon forms prescribed by the commission, for a
28 special registration certificate containing a general
29 identification number and for one or more duplicate special
30 registration certificates. The applicant shall submit
31 reasonable proof of the applicant's status as a bona fide
32 manufacturer, distributor, or dealer as may be required by the
33 commission.

34 3. The commission, upon granting an application, shall
35 issue to the applicant a special registration certificate

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

10 4. The commission shall also issue duplicate special
11 registration certificates which shall have displayed thereon
12 the general identification number assigned to the applicant.
13 Each duplicate registration certificate so issued shall
14 contain a number or symbol identifying it from every other
15 duplicate special registration certificate bearing the same
16 general identification number. The fee for each additional
17 duplicate special registration certificate shall be two
18 dollars.

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

24 6. Every manufacturer, distributor, or dealer shall keep a
25 written record of the all-terrain vehicles upon which special
26 registration certificates are used, which record shall be open
27 to inspection by any law enforcement officer or any officer or
28 employee of the commission.

29 7. If a manufacturer, distributor, or dealer has an
30 established place of business in more than one location, the
31 manufacturer, distributor, or dealer shall secure a separate
32 and distinct special registration certificate and general
33 identification number for each place of business.

34 8. Dealers using special certificates under this chapter
35 shall, before January 10 of each year, furnish the commission

1 with a list of all used all-terrain vehicles held by them for
2 sale or trade, and upon which the registration fee for the
3 current year has not been paid, giving the previous
4 registration number, name of previous owner at the time the
5 all-terrain vehicle was transferred to the dealer, and other
6 information the commission requires.

7 9. If the purchaser or transferee of an all-terrain
8 vehicle is a dealer who holds the same for resale and operates
9 the all-terrain vehicle only for purposes incidental to a
10 resale and displays the special dealer's certificate, or does
11 not operate the all-terrain vehicle or permit it to be
12 operated, the transferee is not required to obtain a new
13 registration certificate but upon transferring title or
14 interest to another person shall sign the reverse side of the
15 title, if any, and the registration certificate of the all-
16 terrain vehicle indicating the name and address of the new
17 purchaser. A dealer shall make application and pay all
18 registration and title fees if applicable on behalf of the
19 purchaser of an all-terrain vehicle. The recorder shall award
20 a transfer of the registration number. If the registration
21 has expired while in the dealer's possession, the purchaser
22 may renew the registration for the same fee and writing fee as
23 if the purchaser is securing the original registration.

24 10. When a dealer purchases or otherwise acquires an all-
25 terrain vehicle registered in this state, the dealer shall
26 issue a signed receipt to the previous owner, indicating the
27 date of purchase or acquisition, the name and address of the
28 previous owner, and the registration number of the all-terrain
29 vehicle purchased or acquired. The original receipt shall be
30 delivered to the previous owner and one copy shall be mailed
31 or delivered by the dealer to the county recorder of the
32 county in which the all-terrain vehicle is registered, and one
33 copy shall be delivered to the commission within forty-eight
34 hours.

35 11. Nothing in this section shall prohibit a dealer from

1 obtaining a new registration and transfer of registration in
2 the same manner as other purchasers.

3 Sec. 66. NEW SECTION. 321I.23 LIMITATION OF LIABILITY BY
4 PUBLIC BODIES AND ADJOINING OWNERS.

5 The state, its political subdivisions, and the owners or
6 tenants of property adjoining public lands or the right-of-way
7 of a public highway and their agents and employees owe no duty
8 of care to keep the public lands, ditches, or land contiguous
9 to a highway or roadway under the control of the state or a
10 political subdivision safe for entry or use by persons
11 operating an all-terrain vehicle, or to give any warning of a
12 dangerous condition, use, structure, or activity on the
13 premises to persons entering for such purposes, except in the
14 case of willful or malicious failure to guard or warn against
15 a dangerous condition, use, structure, or activity. The
16 state, its political subdivisions, and the owners or tenants
17 of property adjoining public lands or the right-of-way of a
18 public highway and their agents and employees are not liable
19 for actions taken to allow or facilitate the use of public
20 lands, ditches, or land contiguous to a highway or roadway
21 except in the case of a willful or malicious failure to guard
22 or warn against a dangerous condition, use, structure, or
23 activity.

24 This section does not create a duty of care or ground of
25 liability on behalf of the state, its political subdivisions,
26 or the owners or tenants of property adjoining public lands or
27 the right-of-way of a public highway and their agents and
28 employees for injury to persons or property in the operation
29 of all-terrain vehicles in a ditch or on land contiguous to a
30 highway or roadway under the control of the state or a
31 political subdivision. The state, its political subdivisions,
32 and the owners or tenants of property adjoining public lands
33 or the right-of-way of a public highway and their agents and
34 employees are not liable for the operation of an all-terrain
35 vehicle in violation of this chapter.

1 Sec. 67. NEW SECTION. 321I.24 COURSE OF INSTRUCTION.

2 1. The commission shall provide, by rules adopted pursuant
3 to section 321I.2, for the establishment of certified courses
4 of instruction to be conducted throughout the state for the
5 safe use and operation of all-terrain vehicles. The
6 curriculum shall include instruction in the lawful and safe
7 use, operation, and equipping of all-terrain vehicles
8 consistent with this chapter and rules adopted by the
9 commission and the director of transportation and other
10 matters the commission deems pertinent for a qualified all-
11 terrain vehicle operator.

12 2. The commission may certify any experienced, qualified
13 operator to be an instructor of a class established under
14 subsection 1. Each instructor shall be at least eighteen
15 years of age.

16 3. Upon completion of the course of instruction, the
17 commission shall provide for the administration of a written
18 test to any student who wishes to qualify for a safety
19 certificate.

20 4. The commission shall provide safety material relating
21 to the operation of all-terrain vehicles for the use of
22 nonpublic or public elementary and secondary schools in this
23 state.

24 Sec. 68. NEW SECTION. 321I.25 SAFETY CERTIFICATE -- FEE.

25 1. A person under eighteen years of age shall not operate
26 an all-terrain vehicle on public land or ice or land purchased
27 with all-terrain vehicle registration funds in this state
28 without obtaining a valid safety certificate issued by the
29 department and having the certificate in the person's
30 possession.

31 2. Upon application and payment of a fee of five dollars,
32 a qualified applicant shall be issued a safety certificate
33 which is valid until the certificate is suspended or revoked
34 for a violation of a provision of this chapter or a rule of
35 the commission or the director of transportation. The

1 application shall be made on forms issued by the commission
2 and shall contain information as the commission may reasonably
3 require.

4 3. Any person who is required to have a safety certificate
5 under this chapter and who has completed a course of
6 instruction established under section 321I.2, subsection 5,
7 including the successful passage of an examination which
8 includes a written test relating to such course of
9 instruction, shall be considered qualified to apply for a
10 safety certificate. The commission may waive the requirement
11 of completing such course of instruction if such person
12 successfully passes a written test based on such course of
13 instruction.

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

17 5. A valid all-terrain vehicle safety certificate or
18 license issued to a nonresident by a governmental authority of
19 another state shall be considered a valid certificate or
20 license in this state if the permit or license requirements of
21 the governmental authority, excluding fees, are substantially
22 the same as the requirements of this chapter as determined by
23 the commission.

24 Sec. 69. NEW SECTION. 321I.26 STOPPING AND INSPECTING --
25 WARNINGS.

26 A peace officer may stop and inspect an all-terrain vehicle
27 operated, parked, or stored on public streets, highways,
28 public lands, or frozen waters of the state to determine if
29 the all-terrain vehicle is registered, numbered, or equipped
30 as required by this chapter and commission rules. The officer
31 shall not inspect an area that is not essential to determine
32 compliance with the requirements. If the officer determines
33 that the all-terrain vehicle is not in compliance, the officer
34 may issue a warning memorandum to the operator and forward a
35 copy to the commission. The warning memorandum shall indicate

1 the items found not in compliance and shall direct the owner
2 or operator of the all-terrain vehicle to have the all-terrain
3 vehicle in compliance and return a copy of the warning
4 memorandum with the proof of compliance to the commission
5 within fourteen days. If the proof of compliance is not
6 provided within fourteen days, the owner or operator is in
7 violation of this chapter.

8 Sec. 70. NEW SECTION. 321I.27 TERMINATION OF USE.

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

14 Sec. 71. NEW SECTION. 321I.28 WRITING FEES.

15 The county recorder shall collect a writing fee of one
16 dollar and twenty-five cents for an all-terrain vehicle
17 registration.

18 Sec. 72. NEW SECTION. 321I.29 CONSISTENT LOCAL LAWS --
19 SPECIAL LOCAL RULES.

20 1. This chapter and other applicable laws of this state
21 shall govern the operation, equipment, numbering, and all
22 other matters relating to an all-terrain vehicle when the all-
23 terrain vehicle is operated or maintained in this state.
24 However, this chapter does not prevent the adoption of an
25 ordinance or local law relating to the operation or equipment
26 of all-terrain vehicles. The ordinances or local laws are
27 operative only so long as they are not inconsistent with this
28 chapter or the rules adopted by the commission.

29 2. A subdivision of this state, after public notice by
30 publication in a newspaper having a general circulation in the
31 subdivision, may make formal application to the commission for
32 special rules concerning the operation of all-terrain vehicles
33 within the territorial limits of the subdivision and shall
34 provide the commission with the reasons the special rules are
35 necessary.

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

5 Sec. 73. NEW SECTION. 321I.30 OWNER'S CERTIFICATE OF
6 TITLE -- IN GENERAL.

7 1. The owner of an all-terrain vehicle acquired on or
8 after January 1, 2000, other than an all-terrain vehicle used
9 exclusively as a farm implement or a motorcycle previously
10 issued a title pursuant to chapter 321, shall apply to the
11 county recorder of the county in which the owner resides for a
12 certificate of title for the all-terrain vehicle. The owner
13 of an all-terrain vehicle used exclusively as a farm implement
14 may obtain a certificate of title. A person who owns an all-
15 terrain vehicle that is not required to have a certificate of
16 title may apply for and receive a certificate of title for the
17 all-terrain vehicle and, subsequently, the all-terrain vehicle
18 shall be subject to the requirements of this chapter as if the
19 all-terrain vehicle were required to be titled. All all-
20 terrain vehicles that are titled shall be registered.

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

23 3. An owner of an all-terrain vehicle shall apply to the
24 county recorder for issuance of a certificate of title within
25 thirty days after acquisition. The application shall be on
26 forms the department prescribes and accompanied by the
27 required fee. The application shall be signed and sworn to
28 before a notary public or other person who administers oaths,
29 or shall include a certification signed in writing containing
30 substantially the representation that statements made are true
31 and correct to the best of the applicant's knowledge,
32 information, and belief, under penalty of perjury. The
33 application shall contain the date of sale and gross price of
34 the all-terrain vehicle or the fair market value if no sale
35 immediately preceded the transfer and any additional

1 information the department requires. If the application is
2 made for an all-terrain vehicle last previously registered or
3 titled in another state or foreign country, the application
4 shall contain this information and any other information the
5 department requires.

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

15 5. A manufacturer or dealer shall not transfer ownership
16 of a new all-terrain vehicle without supplying the transferee
17 with the manufacturer's or importer's certificate of origin
18 signed by the manufacturer's or importer's authorized agent.
19 The certificate shall contain information the department
20 requires. The department may adopt rules providing for the
21 issuance of a certificate of origin for an all-terrain vehicle
22 by the department upon good cause shown by the owner.

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

28 7. The county recorder shall maintain a record of any
29 certificate of title which the county recorder issues and
30 shall keep each certificate of title on record until the
31 certificate of title has been inactive for five years. When
32 issuing a title for a new all-terrain vehicle, the county
33 recorder shall obtain and keep on file the certificate of
34 origin. When issuing a title and registration for a used all-
35 terrain vehicle for which there is no title or registration,

1 the county recorder shall obtain and keep on file the
2 affidavit for the unregistered and untitled all-terrain
3 vehicle.

4 8. Once titled, a person shall not sell or transfer
5 ownership of an all-terrain vehicle without delivering to the
6 purchaser or transferee a certificate of title with an
7 assignment on it showing title in the purchaser or transferee.
8 A person shall not purchase or otherwise acquire an all-
9 terrain vehicle without obtaining a certificate of title for
10 it in that person's name.

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

1 is surrendered to the department, unless the department has
2 been notified of the pendency of an action to recover on the
3 bond.

4 10. The county recorder shall transmit a copy of the
5 certificate of title to the department, which shall be the
6 central repository of title information for all-terrain
7 vehicles.

8 11. A motorcycle that has been issued a certificate of
9 title pursuant to this section may be issued a title pursuant
10 to chapter 321 upon proper application and surrender of the
11 existing title. Upon issuance of a title pursuant to chapter
12 321, the certificate of title previously issued pursuant to
13 this section shall be returned to the issuing county recorder.

14 Sec. 74. NEW SECTION. 321I.31 FEES -- DUPLICATES.

15 1. The county recorder shall charge a ten dollar fee to
16 issue a certificate of title, a transfer of title, a
17 duplicate, or a corrected certificate of title.

18 2. If a certificate of title is lost, stolen, mutilated,
19 destroyed, or becomes illegible, the first lienholder or, if
20 there is none, the owner named in the certificate, as shown by
21 the county recorder's records, shall within thirty days obtain
22 a duplicate by applying to the county recorder. The applicant
23 shall furnish information the department requires concerning
24 the original certificate and the circumstances of its loss,
25 mutilation, or destruction. Mutilated or illegible
26 certificates shall be returned to the department with the
27 application for a duplicate.

28 3. The duplicate certificate of title shall be marked
29 plainly "duplicate" across its face and mailed or delivered to
30 the applicant.

31 4. If a lost or stolen original certificate of title for
32 which a duplicate has been issued is recovered, the original
33 shall be surrendered promptly to the department for
34 cancellation.

35 5. Five dollars of the certificate of title fees collected

1 under this section shall be remitted by the county recorder to
2 the treasurer of state for deposit in the special all-terrain
3 vehicle fund created under section 321I.8. The remaining five
4 dollars shall be retained by the county and deposited into the
5 general fund of the county.

6 Sec. 75. NEW SECTION. 321I.32 TRANSFER OR REPOSSESSION
7 BY OPERATION OF LAW.

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

16 2. If a lienholder repossesses an all-terrain vehicle by
17 operation of law and holds it for resale, the lienholder shall
18 secure a new certificate of title and shall pay the required
19 fee.

20 Sec. 76. NEW SECTION. 321I.33 SECURITY INTEREST --
21 PERFECTION AND TITLES -- FEE.

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

25 a. To perfect the security interest, an application for
26 security interest must be presented along with the original
27 title. The county recorder shall note the security interest
28 on the face of the title and on the copy in the recorder's
29 office.

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

35 2. The certificate of title shall be presented to the

1 county recorder when the application for security interest or
2 for assignment of the security interest is presented and a new
3 or endorsed certificate of title shall be issued to the
4 secured party with the name and address of the secured party
5 upon it.

6 3. The secured party shall present the certificate of
7 title to the county recorder when a release statement is filed
8 and a new or endorsed certificate shall be issued to the
9 owner.

10 Sec. 77. NEW SECTION. 321I.34 VEHICLE IDENTIFICATION
11 NUMBER.

12 1. The department may assign a distinguishing number to an
13 all-terrain vehicle when the serial number on the all-terrain
14 vehicle is destroyed or obliterated and issue to the owner a
15 special plate bearing the distinguishing number which shall be
16 affixed to the all-terrain vehicle in a position to be
17 determined by the department. The all-terrain vehicle shall
18 be registered and titled under the distinguishing number in
19 lieu of the former serial number. Every all-terrain vehicle
20 shall have a vehicle identification number assigned and
21 affixed as required by the department.

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

25 3. A person shall not destroy, remove, alter, cover, or
26 deface the manufacturer's vehicle identification number, the
27 plate bearing it, or any vehicle identification number the
28 department assigns to an all-terrain vehicle without the
29 department's permission.

30 4. A person other than a manufacturer who constructs or
31 rebuilds an all-terrain vehicle for which there is no legible
32 vehicle identification number shall submit to the department
33 an affidavit which describes the all-terrain vehicle. In
34 cooperation with the county recorder, the department shall
35 assign a vehicle identification number to the all-terrain

1 vehicle. The applicant shall permanently affix the vehicle
2 identification number to the all-terrain vehicle in a manner
3 that such alteration, removal, or replacement of the vehicle
4 identification number would be obvious.

5 Sec. 78. Section 232.8, subsection 1, paragraph b, Code
6 2003, is amended to read as follows:

7 b. Violations by a child of provisions of chapter 321,
8 321G, 321I, 453A, 461A, 461B, 462A, 481A, 481B, 483A, 484A, or
9 484B, which would be simple misdemeanors if committed by an
10 adult, and violations by a child of county or municipal curfew
11 or traffic ordinances, are excluded from the jurisdiction of
12 the juvenile court and shall be prosecuted as simple
13 misdemeanors as provided by law. A child convicted of a
14 violation excluded from the jurisdiction of the juvenile court
15 under this paragraph shall be sentenced pursuant to section
16 805.8, where applicable, and pursuant to section 903.1,
17 subsection 3, for all other violations.

18 Sec. 79. Section 321.1, subsection 32, unnumbered
19 paragraph 1, Code 2003, is amended to read as follows:

20 "Implement of husbandry" means a vehicle or special mobile
21 equipment manufactured, designed, or reconstructed for
22 agricultural purposes and, except for incidental uses,
23 exclusively used in the conduct of agricultural operations.

24 "Implements of husbandry" includes all-terrain vehicles
25 operated in compliance with section 321.234A, subsection 1,
26 paragraph "a", fence-line feeders, and vehicles used
27 exclusively for the application of organic or inorganic plant
28 food materials, organic agricultural limestone, or
29 agricultural chemicals. To be considered an implement of
30 husbandry, a self-propelled implement of husbandry must be
31 operated at speeds of thirty-five miles per hour or less.

32 "Reconstructed" as used in this subsection means materially
33 altered from the original construction by the removal,
34 addition, or substitution of essential parts, new or used.

35 Sec. 80. Section 321.234A, Code 2003, is amended to read

1 as follows:

2 321.234A ALL-TERRAIN VEHICLES -- HIGHWAY USE.

3 1. All-terrain vehicles shall not be operated on a highway
4 only unless one or more of the following conditions apply:

5 a. The operation is between sunrise and sunset and only
6 when-the-operation-on-the-highway is incidental to the
7 vehicle's use for agricultural purposes.

8 b. The operation is incidental to the vehicle's use for
9 the purpose of surveying by a licensed engineer or land
10 surveyor.

11 c. The all-terrain vehicle is operated by an employee or
12 agent of a political subdivision or public utility for the
13 purpose of construction or maintenance on or adjacent to the
14 highway.

15 d. The all-terrain vehicle is operated by an employee or
16 agent of a public agency as defined in section 34.1 for the
17 purpose of providing emergency services or rescue.

18 2. A person operating an all-terrain vehicle on a highway
19 shall have a valid driver's license and the vehicle shall be
20 operated at speeds of thirty-five miles per hour or less.

21 ~~2-~~ 3. A person convicted of a violation of this section is
22 guilty of a simple misdemeanor punishable as a scheduled
23 violation under section 805.8A, subsection 3, paragraph "f".

24 Sec. 81. Section 322D.1, subsection 1, Code 2003, is
25 amended to read as follows:

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

28 Sec. 82. Section 322F.1, subsection 1, Code 2003, is
29 amended to read as follows:

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

32 Sec. 83. Section 322F.1, subsection 4, paragraph a,
33 subparagraph (2), Code 2003, is amended to read as follows:

34 (2) All-terrain vehicles, as defined in section ~~321G-1~~
35 321I.1.

1 Sec. 84. Section 331.362, subsection 9, Code 2003, is
2 amended to read as follows:

3 9. A county may regulate traffic on and use of the
4 secondary roads, in accordance with sections 321.236 to
5 321.250, 321.254, 321.255, 321.285, subsection 5, sections
6 321.352, 321.471 to 321.473, and other applicable provisions
7 of chapter 321, and sections 321G.9, and 327G.15, 321I.10, and
8 321I.16.

9 Sec. 85. Section 331.427, subsection 1, unnumbered
10 paragraph 1, Code 2003, is amended to read as follows:

11 Except as otherwise provided by state law, county revenues
12 from taxes and other sources for general county services shall
13 be credited to the general fund of the county, including
14 revenues received under sections 9I.11, 101A.3, 101A.7,
15 123.36, 123.143, 142B.6, 176A.8, 321.105, 321.152, 321G.7,
16 321I.8, section 331.554, subsection 6, sections 341A.20,
17 364.3, 368.21, 422A.2, 428A.8, 430A.3, 433.15, 434.19, 445.57,
18 453A.35, 458A.21, 483A.12, 533.24, 556B.1, 583.6, 602.8108,
19 904.908, and 906.17, and chapter 405A, and the following:

20 Sec. 86. Section 331.602, subsection 16, Code 2003, is
21 amended to read as follows:

22 16. Issue snowmobile registrations and all-terrain vehicle
23 registrations and user permits as provided in sections 321G.4,
24 321G.6, and 321G.21, 321I.4, 321I.5, 321I.7, and 321I.22.

25 Sec. 87. Section 331.605, Code 2003, is amended by adding
26 the following new subsection:

27 NEW SUBSECTION. 4A. For the issuance of all-terrain
28 vehicle registrations and user permits, the fees specified in
29 sections 321I.4 and 321I.5.

30 Sec. 88. Section 350.5, Code 2003, is amended to read as
31 follows:

32 350.5 REGULATIONS -- PENALTY -- OFFICERS.

33 The county conservation board may make, alter, amend or
34 repeal regulations for the protection, regulation, and control
35 of all museums, parks, preserves, parkways, playgrounds,

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

21 Sec. 89. Section 455A.4, subsection 1, paragraph b, Code
22 2003, is amended to read as follows:

23 b. Provide overall supervision, direction, and
24 coordination of functions to be administered by the
25 administrators under chapters 321G, 321I, 455B, 455C, 456,
26 456A, 456B, 457A, 458A, 459, subchapters I, II, III, IV, and
27 VI, chapters 461A, 462A, 462B, 464A, 465C, 473, 481A, 481B,
28 483A, 484A, and 484B.

29 Sec. 90. Section 455A.5, subsection 6, paragraphs a, b,
30 and d, Code 2003, are amended to read as follows:

31 a. Establish policy and adopt rules, pursuant to chapter
32 17A, necessary to provide for the effective administration of
33 chapter 321G, 321I, 456A, 456B, 457A, 461A, 462A, 462B, 464A,
34 465C, 481A, 481B, 483A, 484A, or 484B.

35 b. Hear appeals in contested cases pursuant to chapter 17A

1 on matters relating to actions taken by the director under
2 chapter 321G, 321I, 456A, 456B, 457A, 461A, 462A, 462B, 464A,
3 465C, 481A, 481B, 483A, 484A, or 484B.

4 d. Approve the budget request prepared by the director for
5 the programs authorized by chapters 321G, 321I, 456A, 456B,
6 457A, 461A, 462A, 462B, 464A, 481A, 481B, 483A, 484A, and
7 484B. The commission may increase, decrease, or strike any
8 item within the department budget request for the specified
9 programs before granting approval.

10 Sec. 91. Section 456A.14, Code 2003, is amended to read as
11 follows:

12 456A.14 TEMPORARY APPOINTMENTS -- PEACE OFFICER STATUS.

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

21 Sec. 92. Section 456A.24, subsection 12, Code 2003, is
22 amended to read as follows:

23 12. Adopt rules authorizing officers and employees of the
24 department who are peace officers to issue warning citations
25 for violations of this chapter and chapters 321G, 321I, 350,
26 456B, 457A, 461A through 461C, 462A, 462B, 463B, 464A, 465A
27 through 465C, 481A, 481B, 482, 483A, 484A, and 484B.

28 Sec. 93. Section 805.8B, subsection 2, Code 2003, is
29 amended to read as follows:

30 2. SNOWMOBILE AND ALL-TERRAIN VEHICLE VIOLATIONS.

31 a. For registration or user permit violations under
32 section sections 321G.3 and 321I.3, the scheduled fine is
33 twenty one hundred dollars. When the scheduled fine is paid,
34 the a registration violator shall submit sufficient proof that
35 a valid registration has been obtained.

1 b. For operating violations under section 321G.9,
2 subsections 1, 2, 3, 4, 5, and 7, sections 321G.11, and
3 321G.13, subsection 1, paragraph "d", sections 321I.10,
4 321I.12, and 321I.14, subsection 1, paragraph "d", the
5 scheduled fine is twenty one hundred dollars.

6 c. For improper or defective equipment under section
7 sections 321G.12 and 321I.13, the scheduled fine is ten twenty
8 dollars.

9 d. For violations of section sections 321G.19 and 321I.20,
10 the scheduled fine is fifteen twenty dollars.

11 e. For identification violations under section sections
12 321G.5 and 321I.6, the scheduled fine is ten twenty dollars.

13 Sec. 94. Section 805.16, subsection 1, Code 2003, is
14 amended to read as follows:

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

24 Sec. 95. Section 903.1, subsection 3, Code 2003, is
25 amended to read as follows:

26 3. A person under eighteen years of age convicted of a
27 simple misdemeanor under chapter 321, 321G, 321I, 453A, 461A,
28 461B, 462A, 481A, 481B, 483A, 484A, or 484B, or a violation of
29 a county or municipal curfew or traffic ordinance, except for
30 an offense subject to section 805.8, may be required to pay a
31 fine, not to exceed one hundred dollars, as fixed by the
32 court, or may be required to perform community service as
33 ordered by the court.

34 Sec. 96. APPLICABILITY -- NEW REGISTRATIONS AND RENEWALS.
35 The annual registration fees required for snowmobiles and all-

1 terrain vehicles pursuant to this Act apply to new
2 registrations and renewals effective for years beginning on or
3 after January 1, 2004. A registration in effect on June 30,
4 2003, which will expire on December 31, 2004, shall remain in
5 effect through December 31, 2004, without payment of
6 additional fees, but shall be renewed for the year beginning
7 January 1, 2005, and subsequent years, upon payment of the
8 annual \$15 registration fee. A registration issued during the
9 period beginning July 1, 2003, and ending December 31, 2003,
10 shall be subject to the fee provided in this Act for a
11 snowmobile or all-terrain vehicle registered after September
12 1.

13 EXPLANATION

14 This bill provides for the regulation of snowmobiles and
15 all-terrain vehicles under separate Code chapters. Under the
16 bill, current provisions relating to snowmobile regulation
17 remain in Code chapter 321G, and current provisions relating
18 to all-terrain vehicles are moved to new Code chapter 321I.
19 The bill creates separate funds in the state treasury for
20 deposit of snowmobile fees and all-terrain vehicle fees. The
21 authority of the department of natural resources to administer
22 snowmobile and all-terrain vehicle laws is retained in both
23 chapters. The director of transportation retains authority to
24 adopt rules relating to the operation of snowmobiles and all-
25 terrain vehicles on highways.

26 The bill requires annual registration of snowmobiles and
27 all-terrain vehicles upon payment of a \$15 registration fee.
28 Current law provides for biennial registration for a fee of
29 \$25. The writing fee for county recorders for issuance of
30 registrations is increased from \$1 to \$1.25. The fee for
31 safety certificates required for snowmobile and all-terrain
32 vehicle operators under 18 years of age operating on public
33 land is increased from \$3 to \$5.

34 The deadline for notifying the county recorder of a change
35 in address by a snowmobile or all-terrain vehicle registrant

1 is changed from 10 days to 30 days.

2 Provisions relating to the filing of accident reports by
3 snowmobile and all-terrain vehicle operators are changed to
4 require that a report be filed with the county sheriff or
5 other law enforcement agency immediately if there is property
6 damage amounting to \$1,000 or more. Accidents occurring on
7 public land or ice under the jurisdiction of the natural
8 resource commission must be reported to the commission within
9 72 hours. All other accidents must be reported in the manner
10 prescribed for motor vehicle accidents.

11 The bill prohibits the operation of snowmobiles on all-
12 terrain vehicle trails, and all-terrain vehicles on snowmobile
13 trails.

14 The new Code chapter 321I contains several new provisions
15 applicable only to all-terrain vehicle operators, in addition
16 to provisions formerly contained in Code chapter 321G.

17 The bill provides that a two-wheeled off-road motorcycle
18 shall be considered an all-terrain vehicle for the purpose of
19 titling only if the motorcycle has not previously been issued
20 a motor vehicle title. A motorcycle that has been issued a
21 title as an all-terrain vehicle can apply for and be issued a
22 motor vehicle title upon surrender of the existing title.
23 Two-wheeled off-road motorcycles continue to be considered
24 all-terrain vehicles for the purpose of registration.

25 The bill requires that in order to operate an all-terrain
26 vehicle or snowmobile on public land or ice of this state, a
27 nonresident must obtain a user permit from the department of
28 natural resources. User permits are valid for the calendar
29 year specified in the permit and are nontransferable. The
30 permits may be issued by county recorders or license
31 depositaries designated by the department in a manner similar
32 to the issuance of hunting and fishing licenses. The fee for
33 an annual user permit is \$15 plus an administrative fee.
34 County recorders and depositaries shall also charge a \$1
35 writing fee. A person who violates the requirement to obtain

1 a user permit is subject to a fine of \$100.

2 The bill prohibits operation of an all-terrain vehicle on a
3 highway, except on a roadway designated by a county board of
4 supervisors for a specified period. Exceptions are made for
5 all-terrain vehicles operated between sunrise and sunset for
6 agricultural purposes and vehicles operated by engineers and
7 land surveyors, certain governmental and public utility
8 employees or agents, and emergency services or rescue
9 personnel.

10 The bill increases the scheduled fines applicable to
11 certain violations by snowmobile and all-terrain vehicle
12 operators. The fines for registration and operating
13 violations are increased from \$20 to \$100. The fines for
14 defective equipment and identification violations are
15 increased from \$10 to \$20. The fine for vehicle rental
16 violations is increased from \$15 to \$20.

17 The bill provides applicability provisions to provide for
18 the transition to annual registration of all-terrain vehicles
19 and snowmobiles. Two-year registrations due to expire in
20 December 2004 remain in effect until due for renewal in
21 January 2005. At that time, the registrations will be renewed
22 on an annual basis. New registrations are subject to the
23 annual fee beginning January 1, 2004. An additional fee of \$5
24 applies for new all-terrain vehicle registrations issued
25 between July 1, 2003, and January 1, 2004.

26 The bill makes corresponding technical amendments to other
27 chapters of the Code affected by the addition of new Code
28 chapter 321I.

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SENATE FILE 297

S-3047

1 Amend Senate File 297 as follows:

2 1. Page 37, lines 11 and 12, by striking the
3 words "fees collected pursuant to section 321I.4 and".

4 2. Page 37, line 20, by inserting after the word
5 "commission." the following: "All-terrain vehicle
6 fees may be used for the establishment, maintenance,
7 and operation of all-terrain vehicle recreational
8 riding areas through the awarding of grants
9 administered by the department. All-terrain vehicle
10 recreational riding areas established, maintained, or
11 operated by the use of such grants shall not be
12 operated for profit."

13 3. Page 47, by inserting before line 1, the
14 following:

15 "Sec. ____ . NEW SECTION. 321I.23A RECREATIONAL
16 RIDING AREA -- LIMITATION OF LIABILITY OF LANDOWNERS.

17 A public or private owner of land on which an all-
18 terrain vehicle recreational riding area is
19 established, maintained, or operated and the public or
20 private owner of property adjoining such land owe no
21 duty of care to keep the land and the adjoining land
22 safe for entry or use by persons operating an all-
23 terrain vehicle or other recreational vehicle, or to
24 give any warning of a dangerous condition, use,
25 structure, or activity on such premises to persons
26 entering for such purposes. A lessee or other agent
27 of the owner and any prior owners of the land and
28 adjoining land shall have no greater duty of care than
29 the current owner or current adjoining owner."

30 4. By renumbering as necessary.

By KITTY REHBERG

S-3047 FILED MARCH 18, 2003

Adopted 3/24/03

SENATE FILE 297

S-3065

1 Amend Senate File 297 as follows:

2 1. Page 28, line 30, by striking the word "seven"
3 and inserting the following: "eight".

4 2. Page 41, lines 3 and 4, by striking the words
5 "while carrying a passenger" and inserting the
6 following: "with more persons on the vehicle than it
7 was designed to carry".

By KITTY REHBERG

S-3065 FILED MARCH 19, 2003

Adopted 3/24/03

SF 297 – All Terrain Vehicles (LSB 1441 SV)

Analyst: Mary Beth Mellick (Phone: (515) 281-8223) (marybeth.mellick@legis.state.ia.us)

Fiscal Note Version – New

Description

Senate File 297 provides several policy changes to the Department of Natural Resources (DNR), including but not limited to the following:

- Creates separate funds in the State treasury for snowmobile fees and all-terrain vehicle fees.
- Specifies that moneys in the special snowmobile fund and all-terrain vehicle fund shall not revert to the State General Fund.
- Changes the registration fee for snowmobiles and all-terrain vehicles from a biennial fee of \$25.00 to an annual fee of \$15.00. New registrations are subject to the annual fee beginning January 1, 2004. To provide for the transition from biennial to annual payment:
 - Two-year registrations due to expire on December 31, 2004, will remain in effect until January 1, 2005, at which time the registrations will be renewed on an annual basis.
 - An additional fee of \$5.00 applies for new all-terrain vehicle registrations issued between July 1, 2003, and January 1, 2004.
- The writing fee collected by county recorders for issuance of registrations is increased from \$1.00 to \$1.25.
- Increases the fee for safety certificates issued to snowmobile and all-terrain vehicle operators under 18 years of age from \$3.00 to \$5.00.
- Requires nonresident operators of all-terrain vehicles to obtain a user permit at a cost of \$15 plus an administrative fee. County recorders will charge a \$1.00 writing fee.
- Provides a fine of \$100 to nonresidents who do not obtain a user permit.
- Increases fines for the following snowmobile and all-terrain vehicle violations:
 - For certain operating violations, an increase from \$20.00 to \$100.00.
 - For defective equipment and identification violations, an increase from \$10.00 to \$20.00.
 - For vehicle rental violations, an increase from \$15.00 to \$20.00.

Assumptions

1. The Department of Natural Resources estimates there are 35,000 snowmobiles and 24,000 all-terrain vehicles registered in Iowa.
2. Based on a seven-year average, registration fees currently collected by the DNR for all-terrain vehicles and snowmobiles total approximately \$894,000 in the first year of the biennial year and \$470,000 in the second year:

First Year

- All-Terrain Vehicles: \$571,000
- Snowmobiles: \$323,000

Second Year

- All-Terrain Vehicles: \$155,000
- Snowmobiles: \$315,000

3. Under the proposed law, registration fees collected by the DNR for all-terrain vehicles and snowmobiles will total approximately \$855,000 annually:
 - All-Terrain Vehicles: \$503,000
 - Snowmobiles: \$352,000
 4. The number of new all-terrain vehicle registrations that will be issued between July 1, 2003 and January 1, 2004 is unknown.
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5. The DNR estimates there will be approximately 200 nonresident operators of snowmobiles and all-terrain vehicles annually, and therefore, administrative fees collected by nonresident operators will be minimal.
6. The fees collected for safety certificates are minimal. A portion of safety certificates are issued by the Department, however, the majority are issued by mail through a private company upon purchasing the all-terrain vehicle or snowmobile.
7. Under the current and proposed laws, expenditures total approximately \$650,000 annually. Expenditures include costs associated with salaries, land acquisition, park maintenance, equipment, and liability insurance.
8. The number of snowmobile and all-terrain vehicle registrations are not expected to increase.

Correctional Impact

The correctional impact of Senate File 297 is expected to be minimal.

Fiscal Impact

The estimated net fiscal impact of Senate File 297 is as follows:

	First Year			Second Year		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Revenues						
Snowmobile Fund	\$ 571,000	\$ 503,000	\$ - 68,000	\$ 155,000	\$ 503,000	\$ 348,000
All-Terrain Vehicle Fund	323,000	352,000	29,000	315,000	352,000	37,000
Total Revenues	\$ 894,000	\$ 855,000	\$ - 39,000	\$ 470,000	\$ 855,000	\$ 385,000
Expenditures						
Salaries	\$ 150,000	\$ 150,000	\$ 0	\$ 150,000	\$ 150,000	\$ 0
Support	10,000	10,000	0	10,000	10,000	0
Other*	490,000	490,000	0	490,000	490,000	0
Total Expenditures	\$ 650,000	\$ 650,000	\$ 0	\$ 650,000	\$ 650,000	\$ 0
Net Total	\$ 244,000	\$ 205,000	\$ - 39,000	\$ - 180,000	\$ 205,000	\$ 385,000

* Other includes groomers, land acquisition, park maintenance, equipment, and liability insurance.

Additional moneys associated with increases in writing fees, safety fees, nonoperator fees, and fines are expected to be minimal.

Sources

Department of Natural Resources
 Department of Human Rights, Criminal and Juvenile Justice Planning Division

/s/ Dennis C Prouty

March 18, 2003

SENATE FILE 297
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 153)

(AS AMENDED AND PASSED BY THE SENATE MARCH 24, 2003

_____ - New Language by the Senate

* - Language Stricken by the Senate

Passed Senate, Date Passed 3/24/03 Passed House, Date 4/15/04

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved 5/6/04

Sent to gov. 4/20/04

A BILL FOR

1 An Act relating to the regulation of snowmobiles and all-terrain
2 vehicles, establishing fees, providing penalties, and
3 providing applicability dates.

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

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S.F. 297

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 17, and 19, 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, approved by the
3 commission, issued to a qualified applicant who is twelve
4 years of age or more older.

5 19. "Special event" means an organized race, exhibition,
6 or demonstration of limited duration which is conducted on
7 public land or ice under the jurisdiction of the commission
8 according to a prearranged schedule and in which general
9 public interest is manifested.

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

12 321G.2 RULES.

13 The commission may adopt rules for the following purposes:

14 1. Registration and titling of ~~all-terrain-vehicles-and~~
15 snowmobiles.

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

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

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

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

29 6. Issuance of safety certificates.

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

33 The director of transportation may adopt rules not
34 inconsistent with this chapter regulating the use of ~~all-~~
35 ~~terrain-vehicles-and~~ snowmobiles on streets and highways.

1 Cities may designate streets under the jurisdiction of cities
2 within their respective corporate limits which may be used for
3 snowmobiling ~~and the sport of driving all-terrain vehicles.~~

4 In adopting the rules, consideration shall be given to the
5 need to protect the environment and the public health, safety,
6 and welfare; to protect private property, public parks, and
7 other public lands; to protect wildlife and wildlife habitat;
8 and to promote uniformity of rules relating to the use,
9 operation, and equipment of ~~all-terrain vehicles and~~
10 snowmobiles. The rules shall be in conformance with chapter
11 17A.

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

14 321G.3 REGISTRATION AND NUMBERING REQUIRED.

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

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

1 not expire while the ~~all-terrain-vehicle-or~~ snowmobile is
2 exempt. The application for registration shall indicate the
3 reason for exemption from the fee. The registration
4 certificate shall indicate the reason for exemption.

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

7 321G.4 REGISTRATION WITH COUNTY RECORDER -- FEE.

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

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

1 of all applicable registration and writing fees, and payment
2 of a penalty of five dollars.

3 Upon receipt of the application in approved form
4 accompanied by the required fees, the county recorder shall
5 enter it upon the records and shall issue to the applicant a
6 ~~pocket-size~~ registration certificate. The certificate shall
7 be executed in triplicate, one copy to be delivered to the
8 owner, one copy to the commission, and one copy to be retained
9 on file by the county recorder. The registration certificate
10 shall bear the number awarded to the ~~all-terrain-vehicle-or~~
11 snowmobile and the name and address of the owner. The
12 registration certificate shall be carried either in the ~~all-~~
13 ~~terrain-vehicle-or~~ snowmobile or on the person of the operator
14 of the ~~machine~~ snowmobile when in use. The operator of an
15 ~~all-terrain-vehicle-or~~ a snowmobile shall exhibit the
16 registration certificate to a peace officer upon request, to a
17 person injured in an accident involving an ~~all-terrain-vehicle~~
18 or a snowmobile, ~~or~~ to the owner or operator of another ~~all-~~
19 ~~terrain-vehicle-or~~ snowmobile or the owner of personal or real
20 property when the ~~all-terrain-vehicle-or~~ snowmobile is
21 involved in a collision or accident of any nature with another
22 ~~all-terrain-vehicle-or~~ snowmobile or the property of another
23 person, or to the property owner or tenant when the ~~all-~~
24 ~~terrain-vehicle-or~~ snowmobile is being operated on private
25 property without permission from the property owner or tenant.

26 If an ~~all-terrain-vehicle-or~~ a snowmobile is placed in
27 storage, the owner shall return the current registration
28 certificate to the county recorder with an affidavit stating
29 that the ~~all-terrain-vehicle-or~~ snowmobile is placed in
30 storage and the effective date of storage. The county
31 recorder shall notify the commission of each ~~all-terrain~~
32 ~~vehicle-or~~ snowmobile placed in storage. When the owner of a
33 stored ~~all-terrain-vehicle-or~~ snowmobile desires to renew the
34 registration, the owner shall make application to the county
35 recorder and pay the registration and writing fees without

1 penalty. A refund of the registration fee shall not be
2 allowed for a stored ~~all-terrain-vehicle-or~~ snowmobile.

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

5 321G.5 DISPLAY OF IDENTIFICATION NUMBERS.

6 The owner shall display the identification number on an
7 ~~all-terrain-vehicle-or~~ a snowmobile in the manner prescribed
8 by the rules of the commission.

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

11 321G.6 REGISTRATION -- RENEWAL -- TRANSFER.

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

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

1 lieu-of-personal-property-tax-for-each-year-of-the
2 registration.

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

7 ~~All-all-terrain-vehicles-used-on-public-land-must-be~~
8 ~~registered-within-six-months-following-January-17-1990-unless~~
9 ~~otherwise-exempt.~~

10 3. When a person, after registering ~~an-all-terrain-vehicle~~
11 ~~or a~~ snowmobile, moves from the address shown on the
12 registration certificate, the person shall, within ten thirty
13 days, notify the county recorder in writing of the move and
14 the person's new address.

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

1 All registrations must be valid for the current
2 registration period prior to the transfer of any registration,
3 including assignment to a dealer.

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

7 ~~A-motorcycle, as defined in section 321.17, subsection 40,~~
8 ~~paragraph "a", may be registered as an all-terrain vehicle as~~
9 ~~provided in this section. -- A motorcycle registered as an all-~~
10 ~~terrain vehicle may participate in all programs established~~
11 ~~for all-terrain vehicles under this chapter except for the~~
12 ~~safety instruction and certification program.~~

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

15 321G.7 FEES REMITTED TO COMMISSION -- APPROPRIATION.

16 Within ten days after the end of each month, a county
17 recorder shall remit to the commission the ~~all-terrain vehicle~~
18 ~~and snowmobile~~ fees collected by the recorder during the
19 previous month. Before January 10 of ~~odd-numbered years~~ each
20 year, a recorder shall remit to the commission unused license
21 forms from the previous ~~biennium to the commission year~~.

22 The department shall remit the fees to the treasurer of
23 state, who shall place the money in a special ~~conservation~~
24 snowmobile fund. The money is appropriated to the department
25 for the ~~all-terrain vehicle and snowmobile~~ programs of the
26 state. ~~All-terrain vehicle fees shall be used only for all-~~
27 ~~terrain vehicle programs and snowmobile fees shall be used~~
28 ~~only for snowmobile programs. -- Joint programs shall be~~
29 ~~supported from both types of fees on a usage basis.~~ The ~~all-~~
30 ~~terrain vehicle and snowmobile~~ programs shall include grants,
31 subgrants, contracts, or cost-sharing of ~~all-terrain vehicle~~
32 ~~and snowmobile~~ programs with political subdivisions or
33 incorporated private organizations or both in accordance with
34 rules adopted by the commission. ~~All-all-terrain vehicle~~
35 ~~programs using cost sharing, grants, subgrants, or contracts~~

1 ~~shall establish and implement a safety instruction program~~
2 ~~either singly or in cooperation with other all-terrain vehicle~~
3 ~~programs.~~ Snowmobile fees may be used to support snowmobile
4 programs on a usage basis. At least fifty percent of the
5 special fund shall be available for political subdivisions or
6 incorporated private organizations or both. Moneys from the
7 special fund not used by the political subdivisions or
8 incorporated private organizations or both shall remain in the
9 ~~all-terrain vehicle or snowmobile accounts.~~ The fund and may
10 be used by the department may use funds from these accounts
11 for the administration of the ~~all-terrain vehicle and~~
12 snowmobile programs. Notwithstanding section 8.33, moneys in
13 the special fund shall not revert to the general fund of the
14 state at the end of a fiscal year. Notwithstanding section
15 12C.7, subsection 2, interest or earnings on moneys in the
16 special fund shall remain in the fund.

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

19 321G.8 EXEMPT VEHICLES.

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

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

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

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

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

35 5. ~~All-terrain vehicles used in accordance with section~~

1 ~~321-234A-~~

2 6- 5. Snowmobiles and ~~all-terrain-vehicles~~ used
3 exclusively as farm implements.

4 Sec. 10. Section 321G.9, unnumbered paragraph 1, Code
5 2003, is amended to read as follows:

6 A person shall not operate ~~an-all-terrain-vehicle-or~~ a
7 snowmobile upon roadways or highways, as defined in section
8 321.1, except as provided in ~~section-321-234A-and~~ this
9 chapter.

10 Sec. 11. Section 321G.9, subsections 1, 2, and 3, Code
11 2003, are amended to read as follows:

12 1. ~~An-all-terrain-vehicle-or~~ A snowmobile shall not be
13 operated at any time within the ~~right-of-way~~ right-of-way of
14 any interstate highway or freeway within this state except
15 ~~under-either-of-the-following-circumstances-~~

16 ~~a--As-provided-in-section-321-234A-~~

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

19 ~~{1}~~ a. The underpass has been abandoned and is no longer
20 being used by motor vehicles or trains.

21 ~~{2}~~ b. Use of the underpass is the only alternative to the
22 use of a traveled roadway.

23 ~~{3}~~ c. Notwithstanding the provisions of chapter 321, use
24 of the underpass does not conflict with any rules or
25 regulations adopted by a federal governmental entity or this
26 state or a political subdivision of this state.

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

30 a. The crossing is made at an angle of approximately
31 ninety degrees to the direction of the highway and at a place
32 where no obstruction prevents a quick and safe crossing~~-and.~~

33 b. The ~~all-terrain-vehicle-or~~ snowmobile is brought to a
34 complete stop before crossing the shoulder or main traveled
35 way of the highway~~-and.~~

1 c. The driver yields the ~~right-of-way~~ right-of-way to all
2 oncoming traffic which constitutes an immediate hazard~~;~~ and.

3 d. In crossing a divided highway, the crossing is made
4 only at an intersection of such highway with another public
5 street or highway.

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

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

12 b. On limited access highways and approaches~~;~~ and.

13 c. For racing any moving object~~;~~ and.

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

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

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

20 Sec. 13. Section 321G.9, subsection 4, paragraph d, Code
21 2003, is amended to read as follows:

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

34 Sec. 14. Section 321G.9, subsection 4, paragraph f, Code
35 2003, is amended by striking the paragraph.

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

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

8 b. A person twelve to fifteen years of age and possessing
9 a valid safety certificate must be under the direct
10 supervision of a parent, guardian, or another adult authorized
11 by the parent or guardian, who is experienced in ~~all-terrain~~
12 ~~vehicle-or~~ snowmobile operation, and who possesses a valid
13 driver's license as defined in section 321.1, or a safety
14 certificate issued under this chapter.

15 7. ~~An-all-terrain-vehicle-or~~ A snowmobile shall not be
16 operated within the ~~right-of-way~~ right-of-way of a primary
17 highway between the hours of sunset and sunrise except on the
18 right-hand side of the ~~right-of-way~~ right-of-way and in the
19 same direction as the motor vehicular traffic on the nearest
20 lane of traveled portion of the ~~right-of-way~~ right-of-way.

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

23 321G.10 ACCIDENT REPORTS.

24 If ~~an-all-terrain-vehicle-or~~ a snowmobile is involved in an
25 accident resulting in injury or death to anyone or property
26 damage amounting to ~~two-hundred~~ one thousand dollars or more,
27 either the operator or someone acting for the operator shall
28 immediately notify the county sheriff or another law
29 enforcement agency in the state. ~~The~~ If the accident occurred
30 on public land or ice under the jurisdiction of the
31 commission, the operator shall file with the commission a
32 report of the accident, within ~~forty-eight~~ seventy-two hours,
33 containing information as the commission may require. All
34 other accidents shall be reported as required under section
35 321.266.

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

3 1. ~~An all-terrain-vehicle or~~ A snowmobile shall not be
4 operated without suitable and effective muffling devices which
5 limit engine noise to not more than eighty-six decibels as
6 measured on the "A" scale at a distance of fifty feet; and a
7 snowmobile, manufactured after July 1, 1973, which is sold,
8 offered for sale, or used in this state, except in an
9 authorized special event, shall have a muffler system that
10 limits engine noise to not more than eighty-two decibels as
11 measured on the "A" scale at a distance of fifty feet.

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

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

17 321G.12 ~~HEAD-LAMP~~ HEADLAMP -- TAIL LAMP -- BRAKES.

18 ~~Every all-terrain-vehicle-operated-during-the-hours-of~~
19 ~~darkness-shall-display-a-lighted-head-lamp-and-tail-lamp-~~
20 Every snowmobile shall be equipped with at least one head-lamp
21 headlamp and one tail lamp. Every ~~all-terrain-vehicle-and~~
22 snowmobile shall be equipped with brakes.

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

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

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

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

31 h. Upon an operating railroad right-of-way. ~~An all-~~
32 ~~terrain-vehicle-or~~ A snowmobile may be driven directly across
33 a railroad right-of-way only at an established crossing and,
34 notwithstanding any other provisions of law, may, if
35 necessary, use the improved portion of the established

1 crossing after yielding to all oncoming traffic. This
2 paragraph does not apply to a law enforcement officer or
3 railroad employee in the lawful discharge of the officer's or
4 employee's duties or to an employee of a utility with
5 authority to enter upon the railroad right-of-way in the
6 lawful performance of the employee's duties.

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

9 2. A person shall not operate or ride ~~in-an-all-terrain~~
10 ~~vehicle-or~~ a snowmobile with a firearm in the person's
11 possession unless it is unloaded and enclosed in a carrying
12 case. However, a nonambulatory person may carry an uncased
13 and unloaded firearm while operating or riding ~~an-all-terrain~~
14 ~~vehicle-or~~ a snowmobile.

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

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

19 321G.14 PENALTY.

20 Any A person who ~~shall-violate-any-provision-of~~ violates
21 this chapter or ~~any-regulation~~ a rule of the commission or
22 director of transportation ~~shall-be~~ is guilty of a simple
23 misdemeanor.

24 Chapter 232 shall have no application in the prosecution of
25 offenses which are committed in violation of this chapter, and
26 which constitute simple misdemeanors.

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

29 321G.15 OPERATION PENDING REGISTRATION.

30 The commission shall furnish snowmobile ~~and-all-terrain~~
31 ~~vehicle~~ dealers with pasteboard cards bearing the words
32 "registration applied for" and space for the date of purchase.
33 An unregistered ~~all-terrain-vehicle-or~~ snowmobile sold by a
34 dealer shall bear one of these cards which entitles the
35 purchaser to operate it for ten days immediately following the

1 purchase. The purchaser of a registered ~~all-terrain-vehicle~~
2 ~~or~~ snowmobile may operate it for ten days immediately
3 following the purchase, without having completed a transfer of
4 registration. A snowmobile ~~or-all-terrain-vehicle~~ dealer
5 shall make application and pay all registration and title fees
6 if applicable on behalf of the purchaser of a snowmobile ~~or~~
7 ~~all-terrain-vehicle~~.

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

10 321G.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-and~~ snowmobiles or for the safety of
17 operators, participants, and observers in the special events.
18 ~~A-special-event-for-all-terrain-vehicles-may-include~~
19 ~~motorcycles-upon-payment-of-an-entrance-fee-set-by-the~~
20 ~~organizer-of-the-special-event.--The-department-may-require~~
21 ~~that-part-of-the-motorcycle-entrance-fee-be-credited-to-pay~~
22 ~~costs-of-all-terrain-vehicle-programs-authorized-pursuant-to~~
23 ~~section-321G-7.~~ At least thirty days before the scheduled
24 date of a special event in this state, an application shall be
25 filed with the department for authorization to conduct the
26 special event. The application shall set forth the date,
27 time, and location of the proposed special event and any other
28 information the department requires. The special event shall
29 not be conducted without written authorization of the
30 department. Copies of the rules shall be furnished by the
31 department to any person making an application.

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

34 321G.17 VIOLATION OF ~~"STOP"~~ STOP SIGNAL.

35 A person, after having received a visual or audible signal

1 from a peace officer to come to a stop, shall not operate an
2 ~~all-terrain-vehicle-or~~ a snowmobile in willful or wanton
3 disregard of the signal or interfere with or endanger the
4 officer or any other person or vehicle, or increase speed or
5 attempt to flee or elude the officer.

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

8 321G.18 NEGLIGENCE.

9 The owner and operator of ~~an-all-terrain-vehicle-or~~ a
10 snowmobile are liable for any injury or damage occasioned by
11 the negligent operation of the ~~all-terrain-vehicle-or~~
12 snowmobile. The owner of ~~an-all-terrain-vehicle-or~~ a
13 snowmobile shall be liable for any such injury or damage only
14 if the owner was the operator of the ~~all-terrain-vehicle-or~~
15 snowmobile at the time the injury or damage occurred or if the
16 operator had the owner's consent to operate the ~~all-terrain~~
17 ~~vehicle-or~~ snowmobile at the time the injury or damage
18 occurred.

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

21 321G.19 RENTED SNOWMOBILES AND-ALL-TERRAIN-VEHICLES.

22 1. The owner of a rented ~~all-terrain-vehicle-or~~ snowmobile
23 shall keep a record of the name and address of each person
24 renting the ~~all-terrain-vehicle-or~~ snowmobile, its
25 ~~identification~~ registration number, the departure date and
26 time, and the expected time of return. The records shall be
27 preserved for six months.

28 2. The owner of ~~an-all-terrain-vehicle-or~~ a snowmobile
29 operated for hire shall not permit the use or operation of a
30 rented ~~all-terrain-vehicle-or~~ snowmobile unless it has been
31 provided with all equipment required by this chapter or rules
32 of the commission or the director of transportation, properly
33 installed and in good working order.

34 Sec. 29. Section 321G.20, unnumbered paragraph 2, Code
35 2003, is amended by striking the unnumbered paragraph.

1 Sec. 30. Section 321G.21, subsections 1, 3, 6, 8, 9, and
2 10, Code 2003, are amended to read as follows:

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

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

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

31 8. Dealers using special certificates under this chapter
32 shall, before January 10 of each year, furnish the commission
33 with a list of all used ~~all-terrain-vehicles-and~~ snowmobiles
34 held by them for sale or trade, and upon which the
35 registration fee for the current year has not been paid,

1 giving the previous registration number, name of previous
2 owner at the time the ~~all-terrain-vehicle-or~~ snowmobile was
3 transferred to the dealer, and other information the
4 commission requires.

5 9. If the purchaser or transferee of ~~an-all-terrain~~
6 ~~vehicle-or~~ a snowmobile is a dealer who holds the same for
7 resale and operates the ~~all-terrain-vehicle-or~~ snowmobile only
8 for purposes incidental to a resale and displays the special
9 dealer's certificate, or does not operate the ~~all-terrain~~
10 ~~vehicle-or~~ snowmobile or permit it to be operated, the
11 transferee is not required to obtain a new registration
12 certificate but upon transferring title or interest to another
13 person shall sign the reverse side of the title, if any, and
14 the registration certificate of the ~~all-terrain-vehicle-or~~
15 snowmobile indicating the name and address of the new
16 purchaser. A dealer shall make application and pay all
17 registration and title fees if applicable on behalf of the
18 purchaser of ~~an-all-terrain-vehicle-or~~ a snowmobile. The
19 recorder shall award a transfer of the registration number.
20 If the registration has expired while in the dealer's
21 possession, the purchaser may renew the registration for the
22 same fee and writing fee as if the purchaser is securing the
23 original registration.

24 10. When a dealer purchases or otherwise acquires ~~an-all-~~
25 ~~terrain-vehicle-or~~ a snowmobile registered in this state, the
26 dealer shall issue a signed receipt to the previous owner,
27 indicating the date of purchase or acquisition, the name and
28 address of the previous owner, and the registration number of
29 the ~~all-terrain-vehicle-or~~ snowmobile purchased or acquired.
30 The original receipt shall be delivered to the previous owner
31 and one copy shall be mailed or delivered by the dealer to the
32 county recorder of the county in which the ~~all-terrain-vehicle~~
33 ~~or~~ snowmobile is registered, and one copy shall be delivered
34 to the commission within forty-eight hours.

35 Sec. 31. Section 321G.22, Code 2003, is amended to read as

1 follows:

2 321G.22 LIMITATION OF LIABILITY BY PUBLIC BODIES AND
3 ADJOINING OWNERS.

4 The state, its political subdivisions, and the owners or
5 tenants of property adjoining public lands or the ~~right-of-way~~
6 right-of-way of a public highway and their agents and
7 employees owe no duty of care to keep the public lands,
8 ditches, or land contiguous to a highway or roadway under the
9 control of the state or a political subdivision safe for entry
10 or use by persons operating ~~an-all-terrain-vehicle-or a~~
11 snowmobile, or to give any warning of a dangerous condition,
12 use, structure, or activity on the premises to persons
13 entering for such purposes, except in the case of willful or
14 malicious failure to guard or warn against a dangerous
15 condition, use, structure, or activity. The state, its
16 political subdivisions, and the owners or tenants of property
17 adjoining public lands or the ~~right-of-way~~ right-of-way of a
18 public highway, and their agents and employees are not liable
19 for actions taken to allow or facilitate the use of public
20 lands, ditches, or land contiguous to a highway or roadway
21 except in the case of a willful or malicious failure to guard
22 or warn against a dangerous condition, use, structure, or
23 activity.

24 This section does not create a duty of care or ground of
25 liability on behalf of the state, its political subdivisions,
26 or the owners or tenants of property adjoining public lands or
27 the ~~right-of-way~~ right-of-way of a public highway and their
28 agents and employees for injury to persons or property in the
29 operation of ~~all-terrain-vehicles-or~~ snowmobiles in a ditch or
30 on land contiguous to a highway or roadway under the control
31 of the state or a political subdivision. The state, its
32 political subdivisions, and the owners or tenants of property
33 adjoining public lands or the ~~right-of-way~~ right-of-way of a
34 public highway and their agents and employees are not liable
35 for the operation of ~~an-all-terrain-vehicle-or a~~ snowmobile in

1 violation of this chapter.

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

4 1. The commission shall provide, by rules adopted pursuant
5 to section 321G.2, for the establishment of certified courses
6 of instruction to be conducted throughout the state for the
7 safe use and operation of ~~all-terrain-vehicles-and~~
8 snowmobiles. The curriculum shall include instruction in the
9 lawful and safe use, operation, and equipping of ~~all-terrain~~
10 ~~vehicles-and~~ snowmobiles consistent with this chapter and
11 rules adopted by the commission and the director of
12 transportation and other matters the commission deems
13 pertinent for a qualified ~~all-terrain-vehicle-or~~ snowmobile
14 operator.

15 4. The commission shall provide safety material relating
16 to the operation of ~~all-terrain-vehicles-and~~ snowmobiles for
17 the use of nonpublic or public elementary and secondary
18 schools in this state.

19 Sec. 33. Section 321G.24, subsections 1, 2, 4, and 5, Code
20 2003, are amended to read as follows:

21 1. A person under eighteen years of age shall not operate
22 a snowmobile on public land or ice or land purchased with
23 snowmobile registration funds in this state without obtaining
24 a valid safety certificate issued by the department and having
25 the certificate in the person's possession, unless the person
26 is accompanied on the same snowmobile by a responsible person
27 of at least eighteen years of age who is experienced in
28 snowmobile operation and possesses a valid driver's license,
29 as defined in section 321.1, or a safety certificate issued
30 under this chapter. ~~A-person-under-eighteen-years-of-age~~
31 ~~shall-not-operate-an-all-terrain-vehicle-on-public-land-or~~
32 ~~land-purchased-with-all-terrain-vehicle-registration-funds-in~~
33 ~~this-state-without-obtaining-a-valid-safety-certificate-issued~~
34 ~~by-the-department-and-having-the-certificate-in-the-person's~~
35 ~~possession.~~

1 2. Upon application and payment of a fee of ~~three~~ five
2 dollars, a qualified applicant shall be issued a safety
3 certificate which is valid until the certificate is suspended
4 or revoked for a violation of a provision of this chapter or a
5 rule of the commission or the director of transportation. The
6 application shall be made on forms issued by the commission
7 and shall contain information as the commission may reasonably
8 require.

9 4. The permit fees collected under this section shall be
10 credited to the ~~state-conservation~~ special snowmobile fund
11 created under section 321G.7 and shall be used for safety and
12 educational programs.

13 5. A valid ~~all-terrain-vehicle-or~~ snowmobile safety
14 certificate or license issued to a nonresident by a
15 governmental authority of another state shall be considered a
16 valid certificate or license in this state if the permit or
17 license requirements of the governmental authority, excluding
18 fees, are substantially the same as the requirements of this
19 chapter as determined by the commission.

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

22 321G.25 STOPPING AND INSPECTING -- WARNINGS.

23 A peace officer may stop and inspect ~~an-all-terrain-vehicle~~
24 ~~or a~~ snowmobile operated, parked, or stored on public streets,
25 highways, public lands, or frozen waters of the state to
26 determine if the ~~all-terrain-vehicle-or~~ snowmobile is
27 registered, numbered, or equipped as required by this chapter
28 and commission rules. The officer shall not inspect an area
29 that is not essential to determine compliance with the
30 requirements. If the officer determines that the ~~all-terrain~~
31 ~~vehicle-or~~ snowmobile is not in compliance, the officer may
32 issue a warning memorandum to the operator and forward a copy
33 to the commission. The warning memorandum shall indicate the
34 items found not in compliance and shall direct the owner or
35 operator of the ~~all-terrain-vehicle-or~~ snowmobile to have the

1 ~~all-terrain-vehicle-or~~ snowmobile in compliance and return a
2 copy of the warning memorandum with the proof of compliance to
3 the commission within fourteen days. If the proof of
4 compliance is not provided within fourteen days, the owner or
5 operator is in violation of this chapter.

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

8 321G.26 TERMINATION OF USE.

9 A person who receives a warning memorandum for ~~an-all-~~
10 ~~terrain-vehicle-or~~ a snowmobile shall stop using the ~~all-~~
11 ~~terrain-vehicle-or~~ snowmobile as soon as possible and shall
12 not operate it on public streets, highways, public lands, or
13 frozen waters of the state until the ~~all-terrain-vehicle-or~~
14 snowmobile is in compliance.

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

17 321G.27 WRITING FEES.

18 The county recorder shall collect a writing fee of one
19 dollar and twenty-five cents for ~~an-all-terrain-vehicle-or~~ a
20 snowmobile registration.

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

23 321G.28 CONSISTENT LOCAL LAWS -- SPECIAL LOCAL RULES.

24 1.. This chapter and other applicable laws of this state
25 shall govern the operation, equipment, numbering, and all
26 other matters relating to ~~an-all-terrain-vehicle-or~~ a
27 snowmobile when the ~~all-terrain-vehicle-or~~ snowmobile is
28 operated or maintained in this state. However, this chapter
29 does not prevent the adoption of an ordinance or local law
30 relating to the operation ~~of~~ equipment of ~~all-terrain~~
31 ~~vehicles-or~~ snowmobiles. The ordinances or local laws are
32 operative only so long as they are not inconsistent with this
33 chapter or the rules adopted by the commission.

34 2. A subdivision of this state, after public notice by
35 publication in a newspaper having a general circulation in the

1 subdivision, may make formal application to the commission for
2 special rules concerning the operation of ~~all-terrain-vehicles~~
3 or snowmobiles within the territorial limits of the
4 subdivision and shall provide the commission with the reasons
5 the special rules are necessary.

6 3. The commission, upon application by local authorities
7 and in conformity with this chapter, may make special rules
8 concerning the operation of ~~all-terrain-vehicles-or~~
9 snowmobiles within the territorial limits of a subdivision of
10 this state.

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

13 321G.29 OWNER'S CERTIFICATE OF TITLE -- IN GENERAL.

14 1. The owner of a snowmobile acquired on or after January
15 1, 1998, ~~or-an-all-terrain-vehicle-acquired-on-or-after~~
16 ~~January-17-2000~~, other than a snowmobile ~~or-all-terrain~~
17 ~~vehicle~~ used exclusively as a farm implement, shall apply to
18 the county recorder of the county in which the owner resides
19 for a certificate of title for the snowmobile ~~or-all-terrain~~
20 ~~vehicle~~. The owner of a snowmobile ~~or-all-terrain-vehicle~~
21 used exclusively as a farm implement may obtain a certificate
22 of title. A person who owns a snowmobile ~~or-all-terrain~~
23 ~~vehicle~~ that is not required to have a certificate of title
24 may apply for and receive a certificate of title for the
25 snowmobile ~~or-all-terrain-vehicle~~ and, subsequently, the
26 snowmobile ~~or-all-terrain-vehicle~~ shall be subject to the
27 requirements of this chapter as if the snowmobile ~~or-all-~~
28 ~~terrain-vehicle~~ were required to be titled. All snowmobiles
29 ~~or-all-terrain-vehicles~~ that are titled shall be registered.

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

32 3. An owner of a snowmobile ~~or-all-terrain-vehicle~~ shall
33 apply to the county recorder for issuance of a certificate of
34 title within thirty days after acquisition. The application
35 shall be on forms the department prescribes and accompanied by

1 the required fee. The application shall be signed and sworn
2 to before a notary public or other person who administers
3 oaths, or shall include a certification signed in writing
4 containing substantially the representation that statements
5 made are true and correct to the best of the applicant's
6 knowledge, information, and belief, under penalty of perjury.
7 The application shall contain the date of sale and gross price
8 of the snowmobile ~~or-all-terrain-vehicle~~ or the fair market
9 value if no sale immediately preceded the transfer and any
10 additional information the department requires. If the
11 application is made for a snowmobile ~~or-all-terrain-vehicle~~
12 last previously registered or titled in another state or
13 foreign country, the application shall contain this
14 information and any other information the department requires.

15 4. If a dealer buys or acquires a snowmobile ~~or-all-~~
16 ~~terrain-vehicle~~ for resale, the dealer shall report the
17 acquisition to the county recorder on forms provided by the
18 department and may apply for and obtain a certificate of title
19 as provided in this chapter. If a dealer buys or acquires a
20 used snowmobile ~~or-all-terrain-vehicle~~, the dealer may apply
21 for a certificate of title in the dealer's name within thirty
22 days. If a dealer buys or acquires a new snowmobile ~~or-all-~~
23 ~~terrain-vehicle~~ for resale, the dealer may apply for a
24 certificate of title in the dealer's name.

25 5. A manufacturer or dealer shall not transfer ownership
26 of a new snowmobile ~~or-new-all-terrain-vehicle~~ without
27 supplying the transferee with the manufacturer's or importer's
28 certificate of origin signed by the manufacturer's or
29 importer's authorized agent. The certificate shall contain
30 information the department requires. The department may adopt
31 rules providing for the issuance of a certificate of origin
32 for a snowmobile ~~or-all-terrain-vehicle~~ by the department upon
33 good cause shown by the owner.

34 6. A dealer transferring ownership of a snowmobile ~~or-all-~~
35 ~~terrain-vehicle~~ under this chapter shall assign the title to

1 the new owner, or in the case of a new snowmobile ~~or-new-all-~~
2 ~~terrain-vehicle~~, assign the certificate of origin. Within
3 fifteen days the dealer shall forward all moneys and
4 applications to the county recorder.

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

16 8. Once titled, a person shall not sell or transfer
17 ownership of a snowmobile ~~or-all-terrain-vehicle~~ without
18 delivering to the purchaser or transferee a certificate of
19 title with an assignment on it showing title in the purchaser
20 or transferee. A person shall not purchase or otherwise
21 acquire a snowmobile ~~or-all-terrain-vehicle~~ without obtaining
22 a certificate of title for it in that person's name.

23 9. If the county recorder is not satisfied as to the
24 ownership of the snowmobile or ~~all-terrain-vehicle-or~~ that
25 there are no undisclosed security interests in the snowmobile
26 ~~or-all-terrain-vehicle~~, the county recorder may issue a
27 certificate of title for the snowmobile ~~or-all-terrain-vehicle~~
28 but, as a condition of such issuance, may require the
29 applicant to file with the department a bond in the form
30 prescribed by the department and executed by the applicant,
31 and also executed by a person authorized to conduct a surety
32 business in this state. The form and amount of the bond shall
33 be established by rule of the department. The bond shall be
34 conditioned to indemnify any prior owner and secured party and
35 any subsequent purchaser of the snowmobile or ~~all-terrain~~

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

18 10. The county recorder shall transmit a copy of the
19 certificate of title to the department, which shall be the
20 central repository of title information for snowmobiles and
21 ~~all-terrain-vehicles~~.

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

24 5. Five dollars of the certificate of title fees collected
25 under this section shall be remitted by the county recorder to
26 the treasurer of state for deposit in the special ~~conservation~~
27 snowmobile fund created under section 321G.7. The remaining
28 five dollars shall be retained by the county and deposited
29 into the general fund of the county.

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

32 321G.31 ~~TRANSFER OR REPOSSESSION OF-SNOWMOBILE-OR-ALL-~~
33 ~~TERRAIN-VEHICLE~~ BY OPERATION OF LAW.

34 1. If ownership of a snowmobile ~~or-all-terrain-vehicle~~ is
35 transferred by operation of law, such as by inheritance, order

1 in bankruptcy, insolvency, replevin, or execution sale, the
2 transferee, within thirty days after acquiring the right to
3 possession of the snowmobile ~~or-all-terrain-vehicle~~, shall
4 mail or deliver to the county recorder satisfactory proof of
5 ownership as the county recorder requires, together with an
6 application for a new certificate of title, and the required
7 fee.

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

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

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

17 Sec. 42. Section 321G.32, subsection 1, paragraph b, Code
18 2003, is amended to read as follows:

19 b. The application fee for a security interest is ten
20 dollars. Five dollars of the fee shall be credited to the
21 special ~~conservation~~ snowmobile fund created under section
22 321G.7. The remaining five dollars shall be retained by the
23 county and deposited into the general fund of the county.

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

26 321G.33 VEHICLE IDENTIFICATION NUMBER.

27 1. The department may assign a distinguishing number to an
28 ~~all-terrain-vehicle-or~~ a snowmobile when the serial number on
29 the ~~all-terrain-vehicle-or~~ snowmobile is destroyed or
30 obliterated and issue to the owner a special plate bearing the
31 distinguishing number which shall be affixed to the ~~all-~~
32 ~~terrain-vehicle-or~~ snowmobile in a position to be determined
33 by the department. The ~~all-terrain-vehicle-or~~ snowmobile
34 shall be registered and titled under the distinguishing number
35 in lieu of the former serial number. Every ~~all-terrain~~

1 ~~vehicle-or~~ snowmobile shall have an a vehicle identification
2 number assigned and affixed as required by the department.

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

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

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

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

23 As used in this chapter, unless the context otherwise
24 requires:

25 1. "All-terrain vehicle" means a motorized flotation-tire
26 vehicle with not less than three low-pressure tires, but not
27 more than six low-pressure tires, or a two-wheeled off-road
28 motorcycle, that is limited in engine displacement to less
29 than eight hundred cubic centimeters and in total dry weight
30 to less than eight hundred fifty pounds and that has a seat or
31 saddle designed to be straddled by the operator and handlebars
32 for steering control.

33 Two-wheeled off-road motorcycles shall be considered all-
34 terrain vehicles for the purpose of registration. Two-wheeled
35 off-road motorcycles shall also be considered all-terrain

1 vehicles for the purpose of titling if a title has not
2 previously been issued pursuant to chapter 321. An operator
3 of a two-wheeled off-road motorcycle is exempt from the safety
4 instruction and certification program requirements of sections
5 321I.24 and 321I.25.

6 2. "A" scale" means the physical scale marked "A"
7 graduated in decibels on a sound level meter which meets the
8 requirements of the American national standards institute,
9 incorporated, publication S1.4-1961, general purpose sound
10 level meters.

11 3. "Commission" means the natural resource commission of
12 the department.

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

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

18 6. "Established place of business" means the place
19 actually occupied either continuously or at regular periods by
20 a dealer or manufacturer where the books and records are kept
21 and the dealer's or manufacturer's business is primarily
22 transacted.

23 7. "Manufacturer" means a person engaged in the business
24 of constructing or assembling all-terrain vehicles required to
25 be registered under this chapter and who has an established
26 place of business for that purpose in this state.

27 8. "Nonambulatory person" means an individual with
28 paralysis of the lower half of the body with the involvement
29 of both legs, usually caused by disease of or injury to the
30 spinal cord, or caused by the loss of both legs or the loss of
31 a part of both legs.

32 9. "Nonresident" means a person who is not a resident of
33 this state.

34 10. "Operate" means to ride in or on, other than as a
35 passenger, use, or control the operation of an all-terrain

1 vehicle in any manner, whether or not the all-terrain vehicle
2 is moving.

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

5 12. "Owner" means a person, other than a lienholder,
6 having the property right in or title to an all-terrain
7 vehicle. The term includes a person entitled to the use or
8 possession of an all-terrain vehicle subject to an interest in
9 another person, reserved or created by agreement and securing
10 payment or performance of an obligation, but the term excludes
11 a lessee under a lease not intended as security.

12 13. "Person" means an individual, partnership, firm,
13 corporation, association, and the state, its agencies, and
14 political subdivisions.

15 14. "Public land" means land owned by the federal
16 government, the state, or political subdivisions of the state
17 and land acquired or developed for public recreation pursuant
18 to section 321I.8.

19 15. "Railroad right-of-way" means the full width of
20 property owned, leased, or subject to easement for railroad
21 purposes and is not limited to those areas on which tracks are
22 located.

23 16. "Resident" means a person who meets the requirements
24 for residency described in section 321.1A.

25 17. "Roadway" means that portion of a highway improved,
26 designed, or ordinarily used for vehicular travel.

27 18. "Safety certificate" means an all-terrain vehicle
28 safety certificate, approved by the commission, issued to a
29 qualified applicant who is twelve years of age or older.

30 19. "Snowmobile" means the same as defined in section
31 321G.1.

32 20. "Special event" means an organized race, exhibition,
33 or demonstration of limited duration which is conducted on
34 public land or ice under the jurisdiction of the commission
35 according to a prearranged schedule and in which general

1 public interest is manifested.

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

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

9 The commission may adopt rules for the following purposes:

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

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

13 3. Use of all-terrain vehicles on public lands under the
14 jurisdiction of the commission.

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

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

23 6. Issuance of safety certificates.

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

27 8. Issuance of annual user permits for nonresidents and
28 establishment of administrative fees for the issuance of the
29 permits.

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

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

8 Sec. 46. NEW SECTION. 321I.3 REGISTRATION AND NUMBERING
9 REQUIRED.

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

21 2. A registration number shall be assigned, without
22 payment of fee, to all-terrain vehicles owned by the state of
23 Iowa or its political subdivisions upon application for the
24 number, and the assigned registration number shall be
25 displayed on the all-terrain vehicle as required under section
26 321I.6. A registration number and certificate shall be
27 assigned, without payment of fee, to an all-terrain vehicle
28 which is exempt from registration but is being titled. A
29 decal displaying an audit number shall not be issued and the
30 registration shall not expire while the all-terrain vehicle 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. 47. NEW SECTION. 321I.4 REGISTRATION WITH COUNTY
35 RECORDER -- FEE.

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

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

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

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

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

22 Sec. 48. NEW SECTION. 321I.5 NONRESIDENT USER PERMITS.

23 A nonresident wishing to operate an all-terrain vehicle,
24 other than an all-terrain vehicle owned by a resident and
25 registered pursuant to this chapter, on public land or ice of
26 this state shall first obtain a user permit from the
27 department. A user permit shall be issued for the all-terrain
28 vehicle specified at the time of application and is not
29 transferable. A user permit shall be valid for the calendar
30 year specified in the permit.

31 User permits may be issued by a county recorder or a
32 license depository pursuant to rules adopted by the
33 commission. The fee for a user permit shall be fifteen
34 dollars plus an administrative fee established by the
35 commission. A county recorder shall retain a writing fee of

1 one dollar from the sale of each user permit issued by the
2 county recorder's office. The writing fees retained by the
3 county recorder shall be deposited in the general fund of the
4 county. A license depository designated by the director
5 pursuant to section 483A.11 shall retain a writing fee of one
6 dollar from the sale of each permit issued by the agent.

7 Sec. 49. NEW SECTION. 321I.6 DISPLAY OF IDENTIFICATION
8 NUMBERS.

9 The owner shall display the identification number on an
10 all-terrain vehicle in the manner prescribed by rules of the
11 commission.

12 Sec. 50. NEW SECTION. 321I.7 REGISTRATION -- RENEWAL --
13 TRANSFER.

14 1. a. Every all-terrain vehicle registration certificate
15 and number issued expires at midnight December 31 unless
16 sooner terminated or discontinued in accordance with this
17 chapter. After the first day of September each year, an
18 unregistered all-terrain vehicle may be registered or a
19 registration may be renewed for the subsequent year beginning
20 January 1.

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

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

1 writing fee.

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

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

27 All registrations must be valid for the current
28 registration period prior to the transfer of any registration,
29 including assignment to a dealer.

30 5. Duplicate registrations may be issued upon application
31 to the county recorder and the payment of the same fees
32 collected for the transfer of registrations.

33 6. A motorcycle, as defined in section 321.1, subsection
34 40, paragraph "a", may be registered as an all-terrain vehicle
35 as provided in this section. A motorcycle registered as an

1 all-terrain vehicle may participate in all programs
2 established for all-terrain vehicles under this chapter except
3 for the safety instruction and certification program.

4 Sec. 51. NEW SECTION. 321I.8 FEES REMITTED TO COMMISSION
5 -- APPROPRIATION.

6 Within ten days after the end of each month, a county
7 recorder shall remit to the commission the all-terrain vehicle
8 fees collected by the recorder during the previous month.
9 Before January 10 of each year, a recorder shall remit to the
10 commission unused license forms from the previous year.

* 11 The department shall remit the fees, including user fees
12 collected pursuant to section 321I.5, to the treasurer of
13 state, who shall place the money in a special all-terrain
14 vehicle fund. The money is appropriated to the department for
15 the all-terrain vehicle programs of the state. The programs
16 shall include grants, subgrants, contracts, or cost-sharing of
17 all-terrain vehicle programs with political subdivisions or
18 incorporated private organizations or both in accordance with
19 rules adopted by the commission. All-terrain vehicle fees may
20 be used for the establishment, maintenance, and operation of
21 all-terrain vehicle recreational riding areas through the
22 awarding of grants administered by the department. All-
23 terrain vehicle recreational riding areas established,
24 maintained, or operated by the use of such grants shall not be
25 operated for profit. All programs using cost-sharing, grants,
26 subgrants, or contracts shall establish and implement a safety
27 instruction program either singly or in cooperation with other
28 all-terrain vehicle programs. All-terrain vehicle fees may be
29 used to support all-terrain vehicle programs on a usage basis.
30 At least fifty percent of the special fund shall be available
31 for political subdivisions or incorporated private
32 organizations or both. Moneys from the special fund not used
33 by the political subdivisions or incorporated private
34 organizations or both shall remain in the fund and may be used
35 by the department for the administration of the all-terrain

1 vehicle programs. Notwithstanding section 8.33, moneys in the
2 special fund shall not revert to the general fund of the state
3 at the end of a fiscal year. Notwithstanding section 12C.7,
4 subsection 2, interest or earnings on moneys in the special
5 fund shall remain in the fund.

6 Sec. 52. NEW SECTION. 321I.9 EXEMPT VEHICLES.

7 Registration shall not be required for the following
8 described all-terrain vehicles:

9 1. All-terrain vehicles owned and used by the United
10 States, another state, or a political subdivision of another
11 state.

12 2. All-terrain vehicles registered in a country other than
13 the United States used within this state for not more than
14 twenty consecutive days.

15 3. All-terrain vehicles covered by a valid license of
16 another state and which have not been within this state for
17 more than twenty consecutive days.

18 4. All-terrain vehicles not registered or licensed in
19 another state or country being used in this state while
20 engaged in a special event and not remaining in the state for
21 a period of more than ten days.

22 5. All-terrain vehicles used in accordance with section
23 321.234A, subsection 1, paragraph "a".

24 6. All-terrain vehicles used exclusively as farm
25 implements.

26 Sec. 53. NEW SECTION. 321I.10 OPERATION ON ROADWAYS AND
27 HIGHWAYS -- SNOWMOBILE TRAILS.

28 1. A person shall not operate an all-terrain vehicle upon
29 roadways or highways except as provided in section 321.234A
30 and this section.

31 2. A registered all-terrain vehicle may be operated on the
32 roadways of that portion of county highways designated by the
33 county board of supervisors for such use during a specified
34 period. The county board of supervisors shall evaluate the
35 traffic conditions on all county highways and designate

1 roadways on which all-terrain vehicles may be operated for the
2 specified period without unduly interfering with or
3 constituting an undue hazard to conventional motor vehicle
4 traffic. Signs warning of the operation of all-terrain
5 vehicles on the roadway shall be placed and maintained on the
6 portions of highway thus designated during the period
7 specified for the operation.

8 3. All-terrain vehicles shall not be operated on
9 snowmobile trails except where designated by the controlling
10 authority and the primary snowmobile trail sponsor.

11 Sec. 54. NEW SECTION. 321I.11 ACCIDENT REPORTS.

12 If an all-terrain vehicle is involved in an accident
13 resulting in injury or death to anyone or property damage
14 amounting to one thousand dollars or more, either the operator
15 or someone acting for the operator shall immediately notify
16 the county sheriff or another law enforcement agency in the
17 state. If the accident occurred on public land or ice under
18 the jurisdiction of the commission, the operator shall file
19 with the commission a report of the accident, within seventy-
20 two hours, containing information as the commission may
21 require. All other accidents shall be reported as required in
22 section 321.266.

23 Sec. 55. NEW SECTION. 321I.12 MUFFLERS REQUIRED --
24 INSPECTIONS.

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

29 2. The commission may adopt rules with respect to the
30 inspection of all-terrain vehicles and testing of their
31 mufflers.

32 Sec. 56. NEW SECTION. 321I.13 HEADLAMP -- TAIL LAMP --
33 BRAKES.

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

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

2 Sec. 57. NEW SECTION. 321I.14 UNLAWFUL OPERATION.

3 1. A person shall not drive or operate an all-terrain
4 vehicle:

5 a. At a rate of speed greater than reasonable or proper
6 under all existing circumstances.

7 b. In a careless, reckless, or negligent manner so as to
8 endanger the person or property of another or to cause injury
9 or damage thereto.

10 c. While under the influence of intoxicating liquor or
11 narcotics or habit-forming drugs.

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

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

18 f. On any public land, ice, or snow, in violation of
19 official signs of the commission prohibiting such operation in
20 the interest of safety for persons, property, or the
21 environment. Any officer appointed by the commission may post
22 an official sign in an emergency for the protection of
23 persons, property, or the environment.

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

26 h. Upon an operating railroad right-of-way. An all-
27 terrain vehicle may be driven directly across a railroad
28 right-of-way only at an established crossing and,
29 notwithstanding any other provisions of law, may, if
30 necessary, use the improved portion of the established
31 crossing after yielding to all oncoming traffic. This
32 paragraph does not apply to a law enforcement officer or
33 railroad employee in the lawful discharge of the officer's or
34 employee's duties or to an employee of a utility with
35 authority to enter upon the railroad right-of-way in the

1 lawful performance of the employee's duties.

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

7 3. A person shall not operate an all-terrain vehicle with
8 more persons on the vehicle than it was designed to carry.

9 Sec. 58. NEW SECTION. 321I.15 PENALTY.

10 A person who violates this chapter or a rule of the
11 commission or director of transportation is guilty of a simple
12 misdemeanor.

13 Chapter 232 shall have no application in the prosecution of
14 offenses which are committed in violation of this chapter, and
15 which constitute simple misdemeanors.

16 Sec. 59. NEW SECTION. 321I.16 OPERATION PENDING
17 REGISTRATION.

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

30 Sec. 60. NEW SECTION. 321I.17 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 or for the safety of operators,
2 participants, and observers in the special events. A special
3 event for all-terrain vehicles may include motorcycles upon
4 payment of an entrance fee set by the organizer of the special
5 event. The department may require that part of the motorcycle
6 entrance fee be credited to pay costs of all-terrain vehicle
7 programs authorized pursuant to section 321I.8. At least
8 thirty days before the scheduled date of a special event in
9 this state, an application shall be filed with the department
10 for authorization to conduct the special event. The
11 application shall set forth the date, time, and location of
12 the proposed special event and any other information the
13 department requires. The special event shall not be conducted
14 without written authorization of the department. Copies of
15 the rules shall be furnished by the department to any person
16 making an application.

17 Sec. 61. NEW SECTION. 321I.18 VIOLATION OF STOP SIGNAL.

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

24 Sec. 62. NEW SECTION. 321I.19 NEGLIGENCE.

25 The owner and operator of an all-terrain vehicle are liable
26 for any injury or damage occasioned by the negligent operation
27 of the all-terrain vehicle. The owner of an all-terrain
28 vehicle shall be liable for any such injury or damage only if
29 the owner was the operator of the all-terrain vehicle at the
30 time the injury or damage occurred or if the operator had the
31 owner's consent to operate the all-terrain vehicle at the time
32 the injury or damage occurred.

33 Sec. 63. NEW SECTION. 321I.20 RENTED ALL-TERRAIN
34 VEHICLES.

35 1. The owner of a rented all-terrain vehicle shall keep a

1 record of the name and address of each person renting the all-
2 terrain vehicle, its registration number, the departure date
3 and time, and the expected time of return. The records shall
4 be preserved for six months.

5 2. The owner of an all-terrain vehicle operated for hire
6 shall not permit the use or operation of a rented all-terrain
7 vehicle unless it has been provided with all equipment
8 required by this chapter or rules of the commission or the
9 director of transportation, properly installed and in good
10 working order.

11 Sec. 64. NEW SECTION. 321I.21 MINORS UNDER TWELVE.

12 A person under twelve years of age shall not operate an
13 all-terrain vehicle on public lands unless the person is
14 taking a prescribed safety training course under the direct
15 supervision of a certified all-terrain vehicle safety
16 instructor and a parent or guardian.

17 Sec. 65. NEW SECTION. 321I.22 MANUFACTURER, DISTRIBUTOR,
18 OR DEALER -- SPECIAL REGISTRATION.

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

29 2. Any manufacturer, distributor, or dealer may, upon
30 payment of a fee of fifteen dollars, make application to the
31 commission, upon forms prescribed by the commission, for a
32 special registration certificate containing a general
33 identification number and for one or more duplicate special
34 registration certificates. The applicant shall submit
35 reasonable proof of the applicant's status as a bona fide

1 manufacturer, distributor, or dealer as may be required by the
2 commission.

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

14 4. The commission shall also issue duplicate special
15 registration certificates which shall have displayed thereon
16 the general identification number assigned to the applicant.
17 Each duplicate registration certificate so issued shall
18 contain a number or symbol identifying it from every other
19 duplicate special registration certificate bearing the same
20 general identification number. The fee for each additional
21 duplicate special registration certificate shall be two
22 dollars.

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

28 6. Every manufacturer, distributor, or dealer shall keep a
29 written record of the all-terrain vehicles upon which special
30 registration certificates are used, which record shall be open
31 to inspection by any law enforcement officer or any officer or
32 employee of the commission.

33 7. If a manufacturer, distributor, or dealer has an
34 established place of business in more than one location, the
35 manufacturer, distributor, or dealer shall secure a separate

1 and distinct special registration certificate and general
2 identification number for each place of business.

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

11 9. If the purchaser or transferee of an all-terrain
12 vehicle is a dealer who holds the same for resale and operates
13 the all-terrain vehicle only for purposes incidental to a
14 resale and displays the special dealer's certificate, or does
15 not operate the all-terrain vehicle or permit it to be
16 operated, the transferee is not required to obtain a new
17 registration certificate but upon transferring title or
18 interest to another person shall sign the reverse side of the
19 title, if any, and the registration certificate of the all-
20 terrain vehicle indicating the name and address of the new
21 purchaser. A dealer shall make application and pay all
22 registration and title fees if applicable on behalf of the
23 purchaser of an all-terrain vehicle. The recorder shall award
24 a transfer of the registration number. If the registration
25 has expired while in the dealer's possession, the purchaser
26 may renew the registration for the same fee and writing fee as
27 if the purchaser is securing the original registration.

28 10. When a dealer purchases or otherwise acquires an all-
29 terrain vehicle registered in this state, the dealer shall
30 issue a signed receipt to the previous owner, indicating the
31 date of purchase or acquisition, the name and address of the
32 previous owner, and the registration number of the all-terrain
33 vehicle purchased or acquired. The original receipt shall be
34 delivered to the previous owner and one copy shall be mailed
35 or delivered by the dealer to the county recorder of the

1 county in which the all-terrain vehicle is registered, and one
2 copy shall be delivered to the commission within forty-eight
3 hours.

4 11. Nothing in this section shall prohibit a dealer from
5 obtaining a new registration and transfer of registration in
6 the same manner as other purchasers.

7 Sec. 66. NEW SECTION. 321I.23 LIMITATION OF LIABILITY BY
8 PUBLIC BODIES AND ADJOINING OWNERS.

9 The state, its political subdivisions, and the owners or
10 tenants of property adjoining public lands or the right-of-way
11 of a public highway and their agents and employees owe no duty
12 of care to keep the public lands, ditches, or land contiguous
13 to a highway or roadway under the control of the state or a
14 political subdivision safe for entry or use by persons
15 operating an all-terrain vehicle, or to give any warning of a
16 dangerous condition, use, structure, or activity on the
17 premises to persons entering for such purposes, except in the
18 case of willful or malicious failure to guard or warn against
19 a dangerous condition, use, structure, or activity. The
20 state, its political subdivisions, and the owners or tenants
21 of property adjoining public lands or the right-of-way of a
22 public highway and their agents and employees are not liable
23 for actions taken to allow or facilitate the use of public
24 lands, ditches, or land contiguous to a highway or roadway
25 except in the case of a willful or malicious failure to guard
26 or warn against a dangerous condition, use, structure, or
27 activity.

28 This section does not create a duty of care or ground of
29 liability on behalf of the state, its political subdivisions,
30 or the owners or tenants of property adjoining public lands or
31 the right-of-way of a public highway and their agents and
32 employees for injury to persons or property in the operation
33 of all-terrain vehicles in a ditch or on land contiguous to a
34 highway or roadway under the control of the state or a
35 political subdivision. The state, its political subdivisions,

1 and the owners or tenants of property adjoining public lands
2 or the right-of-way of a public highway and their agents and
3 employees are not liable for the operation of an all-terrain
4 vehicle in violation of this chapter.

5 Sec. 67. NEW SECTION. 321I.23A RECREATIONAL RIDING AREA
6 -- LIMITATION OF LIABILITY OF LANDOWNERS.

7 A public or private owner of land on which an all-terrain
8 vehicle recreational riding area is established, maintained,
9 or operated and the public or private owner of property
10 adjoining such land owe no duty of care to keep the land and
11 the adjoining land safe for entry or use by persons operating
12 an all-terrain vehicle or other recreational vehicle, or to
13 give any warning of a dangerous condition, use, structure, or
14 activity on such premises to persons entering for such
15 purposes. A lessee or other agent of the owner and any prior
16 owners of the land and adjoining land shall have no greater
17 duty of care than the current owner or current adjoining
18 owner.

19 Sec. 68. NEW SECTION. 321I.24 COURSE OF INSTRUCTION.

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

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

34 3. Upon completion of the course of instruction, the
35 commission shall provide for the administration of a written

1 test to any student who wishes to qualify for a safety
2 certificate.

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

7 Sec. 69. NEW SECTION. 321I.25 SAFETY CERTIFICATE -- FEE.

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

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

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

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

35 5. A valid all-terrain vehicle safety certificate or

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

7 Sec. 70. NEW SECTION. 321I.26 STOPPING AND INSPECTING --
8 WARNINGS.

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

26 Sec. 71. NEW SECTION. 321I.27 TERMINATION OF USE.

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

32 Sec. 72. NEW SECTION. 321I.28 WRITING FEES.

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

1 Sec. 73. NEW SECTION. 321I.29 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. 74. NEW SECTION. 321I.30 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 or a motorcycle previously
28 issued a title pursuant to chapter 321, shall apply to the
29 county recorder of the county in which the owner resides for a
30 certificate of title for the all-terrain vehicle. The owner
31 of an all-terrain vehicle used exclusively as a farm implement
32 may obtain a certificate of title. A person who owns an all-
33 terrain vehicle that is not required to have a certificate of
34 title may apply for and receive a certificate of title for the
35 all-terrain vehicle and, subsequently, the all-terrain vehicle

1 shall be subject to the requirements of this chapter as if the
2 all-terrain vehicle were required to be titled. All all-
3 terrain vehicles that are titled shall be registered.

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

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

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

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

1 signed by the manufacturer's or importer's authorized agent.
2 The certificate shall contain information the department
3 requires. The department may adopt rules providing for the
4 issuance of a certificate of origin for an all-terrain vehicle
5 by the department upon good cause shown by the owner.

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

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

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

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

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

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

26 11. A motorcycle that has been issued a certificate of
27 title pursuant to this section may be issued a title pursuant
28 to chapter 321 upon proper application and surrender of the
29 existing title. Upon issuance of a title pursuant to chapter
30 321, the certificate of title previously issued pursuant to
31 this section shall be returned to the issuing county recorder.

32 Sec. 75. NEW SECTION. 321I.31 FEES -- DUPLICATES.

33 1. The county recorder shall charge a ten dollar fee to
34 issue a certificate of title, a transfer of title, a
35 duplicate, or a corrected certificate of title.

1 2. If a certificate of title is lost, stolen, mutilated,
2 destroyed, or becomes illegible, the first lienholder or, if
3 there is none, the owner named in the certificate, as shown by
4 the county recorder's records, shall within thirty days obtain
5 a duplicate by applying to the county recorder. The applicant
6 shall furnish information the department requires concerning
7 the original certificate and the circumstances of its loss,
8 mutilation, or destruction. Mutilated or illegible
9 certificates shall be returned to the department with the
10 application for a duplicate.

11 3. The duplicate certificate of title shall be marked
12 plainly "duplicate" across its face and mailed or delivered to
13 the applicant.

14 4. If a lost or stolen original certificate of title for
15 which a duplicate has been issued is recovered, the original
16 shall be surrendered promptly to the department for
17 cancellation.

18 5. Five dollars of the certificate of title fees collected
19 under this section shall be remitted by the county recorder to
20 the treasurer of state for deposit in the special all-terrain
21 vehicle fund created under section 321I.8. The remaining five
22 dollars shall be retained by the county and deposited into the
23 general fund of the county.

24 Sec. 76. NEW SECTION. 321I.32 TRANSFER OR REPOSSESSION
25 BY OPERATION OF LAW.

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

34 2. If a lienholder repossesses an all-terrain vehicle by
35 operation of law and holds it for resale, the lienholder shall

1 secure a new certificate of title and shall pay the required
2 fee.

3 Sec. 77. NEW SECTION. 321I.33 SECURITY INTEREST --
4 PERFECTION AND TITLES -- FEE.

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

8 a. To perfect the security interest, an application for
9 security interest must be presented along with the original
10 title. The county recorder shall note the security interest
11 on the face of the title and on the copy in the recorder's
12 office.

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

18 2. The certificate of title shall be presented to the
19 county recorder when the application for security interest or
20 for assignment of the security interest is presented and a new
21 or endorsed certificate of title shall be issued to the
22 secured party with the name and address of the secured party
23 upon it.

24 3. The secured party shall present the certificate of
25 title to the county recorder when a release statement is filed
26 and a new or endorsed certificate shall be issued to the
27 owner.

28 Sec. 78. NEW SECTION. 321I.34 VEHICLE IDENTIFICATION
29 NUMBER.

30 1. The department may assign a distinguishing number to an
31 all-terrain vehicle when the serial number on the all-terrain
32 vehicle is destroyed or obliterated and issue to the owner a
33 special plate bearing the distinguishing number which shall be
34 affixed to the all-terrain vehicle in a position to be
35 determined by the department. The all-terrain vehicle shall

1 be registered and titled under the distinguishing number in
2 lieu of the former serial number. Every all-terrain vehicle
3 shall have a vehicle identification number assigned and
4 affixed as required by the department.

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

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

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

23 Sec. 79. Section 232.8, subsection 1, paragraph b, Code
24 2003, is amended to read as follows:

25 b. Violations by a child of provisions of chapter 321,
26 321G, 321I, 453A, 461A, 461B, 462A, 481A, 481B, 483A, 484A, or
27 484B, which would be simple misdemeanors if committed by an
28 adult, and violations by a child of county or municipal curfew
29 or traffic ordinances, are excluded from the jurisdiction of
30 the juvenile court and shall be prosecuted as simple
31 misdemeanors as provided by law. A child convicted of a
32 violation excluded from the jurisdiction of the juvenile court
33 under this paragraph shall be sentenced pursuant to section
34 805.8, where applicable, and pursuant to section 903.1,
35 subsection 3, for all other violations.

1 Sec. 80. Section 321.1, subsection 32, unnumbered
2 paragraph 1, Code 2003, is amended to read as follows:

3 "Implement of husbandry" means a vehicle or special mobile
4 equipment manufactured, designed, or reconstructed for
5 agricultural purposes and, except for incidental uses,
6 exclusively used in the conduct of agricultural operations.
7 "Implements of husbandry" includes all-terrain vehicles
8 operated in compliance with section 321.234A, subsection 1,
9 paragraph "a", fence-line feeders, and vehicles used
10 exclusively for the application of organic or inorganic plant
11 food materials, organic agricultural limestone, or
12 agricultural chemicals. To be considered an implement of
13 husbandry, a self-propelled implement of husbandry must be
14 operated at speeds of thirty-five miles per hour or less.
15 "Reconstructed" as used in this subsection means materially
16 altered from the original construction by the removal,
17 addition, or substitution of essential parts, new or used.

18 Sec. 81. Section 321.234A, Code 2003, is amended to read
19 as follows:

20 321.234A ALL-TERRAIN VEHICLES -- HIGHWAY USE.

21 1. All-terrain vehicles shall not be operated on a highway
22 only unless one or more of the following conditions apply:

23 a. The operation is between sunrise and sunset and only
24 when-the-operation-on-the-highway is incidental to the
25 vehicle's use for agricultural purposes.

26 b. The operation is incidental to the vehicle's use for
27 the purpose of surveying by a licensed engineer or land
28 surveyor.

29 c. The all-terrain vehicle is operated by an employee or
30 agent of a political subdivision or public utility for the
31 purpose of construction or maintenance on or adjacent to the
32 highway.

33 d. The all-terrain vehicle is operated by an employee or
34 agent of a public agency as defined in section 34.1 for the
35 purpose of providing emergency services or rescue.

1 2. A person operating an all-terrain vehicle on a highway
2 shall have a valid driver's license and the vehicle shall be
3 operated at speeds of thirty-five miles per hour or less.

4 ~~2-~~ 3. A person convicted of a violation of this section is
5 guilty of a simple misdemeanor punishable as a scheduled
6 violation under section 805.8A, subsection 3, paragraph "f".

7 Sec. 82. Section 322D.1, subsection 1, Code 2003, is
8 amended to read as follows:

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

11 Sec. 83. Section 322F.1, subsection 1, Code 2003, is
12 amended to read as follows:

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

15 Sec. 84. Section 322F.1, subsection 4, paragraph a,
16 subparagraph (2), Code 2003, is amended to read as follows:

17 (2) All-terrain vehicles, as defined in section ~~321G.1~~
18 321I.1.

19 Sec. 85. Section 331.362, subsection 9, Code 2003, is
20 amended to read as follows:

21 9. A county may regulate traffic on and use of the
22 secondary roads, in accordance with sections 321.236 to
23 321.250, 321.254, 321.255, 321.285, subsection 5, sections
24 321.352, 321.471 to 321.473, and other applicable provisions
25 of chapter 321, and sections 321G.9, and 327G.15, 321I.10, and
26 321I.16.

27 Sec. 86. Section 331.427, subsection 1, unnumbered
28 paragraph 1, Code 2003, is amended to read as follows:

29 Except as otherwise provided by state law, county revenues
30 from taxes and other sources for general county services shall
31 be credited to the general fund of the county, including
32 revenues received under sections 9I.11, 101A.3, 101A.7,
33 123.36, 123.143, 142B.6, 176A.8, 321.105, 321.152, 321G.7,
34 321I.8, section 331.554, subsection 6, sections 341A.20,
35 364.3, 368.21, 422A.2, 428A.8, 430A.3, 433.15, 434.19, 445.57,

1 453A.35, 458A.21, 483A.12, 533.24, 556B.1, 583.6, 602.8108,
2 904.908, and 906.17, and chapter 405A, and the following:

3 Sec. 87. Section 331.602, subsection 16, Code 2003, is
4 amended to read as follows:

5 16. Issue snowmobile registrations and all-terrain vehicle
6 registrations and user permits as provided in sections 321G.4,
7 321G.6, and 321G.21, 321I.4, 321I.5, 321I.7, and 321I.22.

8 Sec. 88. Section 331.605, Code 2003, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 4A. For the issuance of all-terrain
11 vehicle registrations and user permits, the fees specified in
12 sections 321I.4 and 321I.5.

13 Sec. 89. Section 350.5, Code 2003, is amended to read as
14 follows:

15 350.5 REGULATIONS -- PENALTY -- OFFICERS.

16 The county conservation board may make, alter, amend or
17 repeal regulations for the protection, regulation, and control
18 of all museums, parks, preserves, parkways, playgrounds,
19 recreation centers, and other property under its control. The
20 regulations shall not be contrary to, or inconsistent with,
21 the laws of this state. The regulations shall not take effect
22 until ten days after their adoption by the board and after
23 their publication as provided in section 331.305 and after a
24 copy of the regulations has been posted near each gate or
25 principal entrance to the public ground to which they apply.
26 After the publication and posting, a person violating a
27 provision of the regulations which are then in effect is
28 guilty of a simple misdemeanor. The board may designate the
29 director and those employees as the director may designate as
30 police officers who shall have all the powers conferred by law
31 on police officers, peace officers, or sheriffs in the
32 enforcement of the laws of this state and the apprehension of
33 violators upon all property under its control within and
34 without the county. The board may grant the director and
35 those employees of the board designated as police officers the

1 authority to enforce the provisions of chapters 321G, 321I,
2 461A, 462A, 481A, and 483A on land not under the control of
3 the board within the county.

4 Sec. 90. Section 455A.4, subsection 1, paragraph b, Code
5 2003, is amended to read as follows:

6 b. Provide overall supervision, direction, and
7 coordination of functions to be administered by the
8 administrators under chapters 321G, 321I, 455B, 455C, 456,
9 456A, 456B, 457A, 458A, 459, subchapters I, II, III, IV, and
10 VI, chapters 461A, 462A, 462B, 464A, 465C, 473, 481A, 481B,
11 483A, 484A, and 484B.

12 Sec. 91. Section 455A.5, subsection 6, paragraphs a, b,
13 and d, Code 2003, are amended to read as follows:

14 a. Establish policy and adopt rules, pursuant to chapter
15 17A, necessary to provide for the effective administration of
16 chapter 321G, 321I, 456A, 456B, 457A, 461A, 462A, 462B, 464A,
17 465C, 481A, 481B, 483A, 484A, or 484B.

18 b. Hear appeals in contested cases pursuant to chapter 17A
19 on matters relating to actions taken by the director under
20 chapter 321G, 321I, 456A, 456B, 457A, 461A, 462A, 462B, 464A,
21 465C, 481A, 481B, 483A, 484A, or 484B.

22 d. Approve the budget request prepared by the director for
23 the programs authorized by chapters 321G, 321I, 456A, 456B,
24 457A, 461A, 462A, 462B, 464A, 481A, 481B, 483A, 484A, and
25 484B. The commission may increase, decrease, or strike any
26 item within the department budget request for the specified
27 programs before granting approval.

28 Sec. 92. Section 456A.14, Code 2003, is amended to read as
29 follows:

30 456A.14 TEMPORARY APPOINTMENTS -- PEACE OFFICER STATUS.

31 The director may appoint temporary officers for a period
32 not to exceed six months and may adopt minimum physical,
33 educational, mental, and moral requirements for the temporary
34 officers. Chapter 80B does not apply to the temporary
35 officers. Temporary officers have all the powers of peace

1 officers in the enforcement of this chapter and chapters 321G,
2 321I, 456B, 461A, 461B, 462A, 462B, 463B, 465C, 481A, 481B,
3 482, 483A, 484A, and 484B, and the trespass laws.

4 Sec. 93. Section 456A.24, subsection 12, Code 2003, is
5 amended to read as follows:

6 12. Adopt rules authorizing officers and employees of the
7 department who are peace officers to issue warning citations
8 for violations of this chapter and chapters 321G, 321I, 350,
9 456B, 457A, 461A through 461C, 462A, 462B, 463B, 464A, 465A
10 through 465C, 481A, 481B, 482, 483A, 484A, and 484B.

11 Sec. 94. Section 805.8B, subsection 2, Code 2003, is
12 amended to read as follows:

13 2. SNOWMOBILE AND ALL-TERRAIN VEHICLE VIOLATIONS.

14 a. For registration or user permit violations under
15 ~~section~~ sections 321G.3 and 321I.3, the scheduled fine is
16 twenty one hundred dollars. When the scheduled fine is paid,
17 ~~the a registration~~ violator shall submit sufficient proof that
18 a valid registration has been obtained.

19 b. For operating violations under section 321G.9,
20 subsections 1, 2, 3, 4, 5, and 7, sections 321G.11, and
21 321G.13, subsection 1, paragraph "d", sections 321I.10,
22 321I.12, and 321I.14, subsection 1, paragraph "d", the
23 scheduled fine is twenty one hundred dollars.

24 c. For improper or defective equipment under ~~section~~
25 sections 321G.12 and 321I.13, the scheduled fine is ~~ten~~ twenty
26 dollars.

27 d. For violations of ~~section~~ sections 321G.19 and 321I.20,
28 the scheduled fine is ~~fifteen~~ twenty dollars.

29 e. For identification violations under ~~section~~ sections
30 321G.5 and 321I.6, the scheduled fine is ~~ten~~ twenty dollars.

31 Sec. 95. Section 805.16, subsection 1, Code 2003, is
32 amended to read as follows:

33 1. Except as provided in subsection 2 of this section, a
34 peace officer shall issue a police citation or uniform
35 citation and complaint, in lieu of making a warrantless

1 arrest, to a person under eighteen years of age accused of
2 committing a simple misdemeanor under chapter 321, 321G, 321I,
3 461A, 461B, 462A, 481A, 481B, 483A, 484A, 484B, or a local
4 ordinance not subject to the jurisdiction of the juvenile
5 court, and shall not detain or confine the person in a
6 facility regulated under chapter 356 or 356A.

7 Sec. 96. Section 903.1, subsection 3, Code 2003, is
8 amended to read as follows:

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

17 Sec. 97. APPLICABILITY -- NEW REGISTRATIONS AND RENEWALS.
18 The annual registration fees required for snowmobiles and all-
19 terrain vehicles pursuant to this Act apply to new
20 registrations and renewals effective for years beginning on or
21 after January 1, 2004. A registration in effect on June 30,
22 2003, which will expire on December 31, 2004, shall remain in
23 effect through December 31, 2004, without payment of
24 additional fees, but shall be renewed for the year beginning
25 January 1, 2005, and subsequent years, upon payment of the
26 annual \$15 registration fee. A registration issued during the
27 period beginning July 1, 2003, and ending December 31, 2003,
28 shall be subject to the fee provided in this Act for a
29 snowmobile or all-terrain vehicle registered after September
30 1.

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SF 297 – All Terrain Vehicles (LSB 1441 SV.1)

Analyst: Mary Beth Mellick (Phone: (515) 281-8223) (marybeth.mellick@legis.state.ia.us)

Fiscal Note Version – SF 297 as Amended and Passed by the Senate

Description

Senate File 297, as amended and passed by the Senate, provides several changes to the Department of Natural Resources (DNR), including but not limited to the following:

- Creates separate funds in the State treasury for snowmobile fees and all-terrain vehicle fees.
- Specifies that moneys in the special snowmobile fund and all-terrain vehicle fund shall not revert to the State General Fund.
- Changes the registration fee for snowmobiles and all-terrain vehicles from a biennial fee of \$25.00 to an annual fee of \$15.00. New registrations are subject to the annual fee beginning January 1, 2004. To provide for the transition from biennial to annual payment:
 - Two-year registrations due to expire on December 31, 2004, will remain in effect until January 1, 2005, at which time the registrations will be renewed on an annual basis.
 - An additional fee of \$5.00 applies for new all-terrain vehicle registrations issued between July 1, 2003, and January 1, 2004.
- The writing fee collected by county recorders for issuance of registrations is increased from \$1.00 to \$1.25.
- Increases the fee for safety certificates issued to snowmobile and all-terrain vehicle operators under 18 years of age from \$3.00 to \$5.00.
- Requires nonresident operators of all-terrain vehicles to obtain a user permit at a cost of \$15.00 plus an administrative fee. County recorders will charge a \$1.00 writing fee.
- Provides a fine of \$100.00 to nonresidents who do not obtain a user permit.
- Allows moneys appropriated to the Department for all-terrain vehicle programs to be used for establishment, maintenance, and operation of all-terrain vehicle riding areas.
- Increases fines for the following snowmobile and all-terrain vehicle violations:
 - For certain operating violations, an increase from \$20.00 to \$100.00.
 - For defective equipment and identification violations, an increase from \$10.00 to \$20.00.
 - For vehicle rental violations, an increase from \$15.00 to \$20.00.

Assumptions

1. The Department of Natural Resources estimates there are 35,000 snowmobiles and 24,000 all-terrain vehicles registered in Iowa.
2. Based on a seven-year average, registration fees currently collected by the DNR for all-terrain vehicles and snowmobiles total approximately \$894,000 in the first year of the biennial year and \$470,000 in the second year:

First Year

- All-Terrain Vehicles: \$323,000
- Snowmobiles: \$571,000

Second Year

- All-Terrain Vehicles: \$155,000
- Snowmobiles: \$315,000

3. Under the proposed law, registration fees collected by the DNR for all-terrain vehicles and snowmobiles will total approximately \$855,000 annually:
 - All-Terrain Vehicles: \$503,000
 - Snowmobiles: \$352,000
-

4. The number of new all-terrain vehicle registrations that will be issued between July 1, 2003, and January 1, 2004, is unknown.
5. The DNR estimates there will be approximately 200 nonresident operators of snowmobiles and all-terrain vehicles annually, and therefore, administrative fees collected by nonresident operators will be minimal.
6. The fees collected for safety certificates are minimal. A portion of safety certificates are issued by the Department, however, the majority are issued by mail through a private company upon purchasing the all-terrain vehicle or snowmobile.
7. Under the current and proposed laws, expenditures total approximately \$650,000 annually. Expenditures include costs associated with salaries, land acquisition, park maintenance, equipment, and liability insurance.
8. The number of snowmobile and all-terrain vehicle registrations are not expected to increase.

Correctional Impact

The correctional impact of Senate File 297, as amended and passed by the Senate, is expected to be minimal.

Fiscal Impact

The estimated net fiscal impact of Senate File 297, as amended and passed by the Senate, is as follows:

Snowmobile Fund and All-Terrain Vehicle Fund Department of Natural Resources

	First Year			Second Year		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Revenues						
Snowmobile Fund	\$ 571,000	\$ 503,000	\$ - 68,000	\$ 155,000	\$ 503,000	\$ 348,000
All-Terrain Vehicle Fund	323,000	352,000	29,000	315,000	352,000	37,000
Total Revenues	\$ 894,000	\$ 855,000	\$ - 39,000	\$ 470,000	\$ 855,000	\$ 385,000
Expenditures						
Salaries	\$ 150,000	\$ 150,000	\$ 0	\$ 150,000	\$ 150,000	\$ 0
Support	10,000	10,000	0	10,000	10,000	0
Other*	490,000	490,000	0	490,000	490,000	0
Total Expenditures	\$ 650,000	\$ 650,000	\$ 0	\$ 650,000	\$ 650,000	\$ 0
Net Total	\$ 244,000	\$ 205,000	\$ - 39,000	\$ - 180,000	\$ 205,000	\$ 385,000

* Other includes groomers, land acquisition, park maintenance, equipment, and liability insurance.

Additional moneys associated with increases in safety fees, nonoperator fees, and fines are expected to be minimal.

Counties' General Fund

Additional moneys associated with increases in writing fees, and moneys collected from nonresident writing fees are expected to be minimal.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Natural Resources

/s/ Dennis C Prouty

March 27, 2003

H-8146

- 1 Amend Senate File 297, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 5, by inserting after the word
4 "Code" the following: "Supplement".
- 5 2. Page 4, line 17, by striking the words
6 "~~identification registration~~" and inserting the
7 following: "registration".
- 8 3. Page 16, line 19, by inserting after the word
9 "Code" the following: "Supplement".
- 10 4. Page 16, line 25, by striking the words
11 "~~identification registration~~" and inserting the
12 following: "registration".
- 13 5. Page 27, line 24, by inserting after the word
14 "Code" the following: "Supplement".
- 15 6. Page 28, line 1, by striking the words "~~an a~~
16 vehicle" and inserting the following: "a vehicle".
- 17 7. Page 28, line 4, by striking the words "~~an a~~
18 vehicle" and inserting the following: "a vehicle".
- 19 8. Page 28, line 13, by striking the word
20 "vehicle" and inserting the following: "vehicle".
- 21 9. Page 28, line 16, by striking the words "~~an a~~
22 vehicle" and inserting the following: "a vehicle".
- 23 10. Page 28, line 18, by striking the word
24 "vehicle" and inserting the following: "vehicle".
- 25 11. Page 28, line 21, by striking the word
26 "vehicle" and inserting the following: "vehicle".
- 27 12. Page 57, line 2, by inserting after the word
28 "Code" the following: "Supplement".
- 29 13. Page 58, line 7, by inserting after the word
30 "Code" the following: "Supplement".
- 31 14. Page 58, line 11, by striking the word and
32 figure "1, Code" and inserting the following: "2,
33 Code Supplement".
- 34 15. Page 58, line 13, by striking the figure "1."
35 and inserting the following: "2."
- 36 16. Page 58, by striking lines 15 through 18.
- 37 17. Page 58, line 19, by inserting after the word
38 "Code" the following: "Supplement".
- 39 18. Page 58, lines 25 and 26, by striking the
40 words and figures "~~and~~ 327G.15, 321I.10, and 321I.16."
41 and inserting the following: "321I.10, and 327G.15."
- 42 19. Page 58, line 28, by inserting after the word
43 "Code" the following: "Supplement".
- 44 20. Page 59, line 2, by striking the words and
45 figure "~~and chapter 405A,~~".
- 46 21. Page 59, line 3, by inserting after the word
47 "Code" the following: "Supplement".
- 48 22. Page 60, line 4, by inserting after the word
49 "Code" the following: "Supplement".
- 50 23. Page 62, by inserting after line 16 the

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Page 2

1 following:

2 "Sec. ____ Section 321G.22A, Code Supplement 2003,
3 is repealed."4 24. Page 62, by striking lines 21 through 30 and
5 inserting the following: "after January 1, 2005."6 25. Title page, line 3, by striking the words
7 "applicability dates." and inserting the following:

8 "an applicability date."

9 26. By renumbering as necessary.

By COMMITTEE ON WAYS AND MEANS

Jamie Van Fossen, Chairperson

H-8146 FILED FEBRUARY 25, 2004**SENATE FILE 297****H-8248**1 Amend the amendment, H-8146, to Senate File 297, as
2 amended, passed, and reprinted by the Senate, as
3 follows:4 1. Page 1, by inserting after line 26 the
5 following:6 "____. Page 47, line 6, by inserting before the
7 word "LANDOWNERS" the following: "PRIOR".8 _____. Page 47, by striking lines 7 through 18 and
9 inserting the following:10 "Prior owners of land on which an all-terrain
11 vehicle recreational riding area is established,
12 maintained, or operated owe no duty of care to keep
13 the land safe for entry or use by persons operating an
14 all-terrain vehicle or to give any warning of a
15 dangerous condition, use, structure, or activity on
16 such premises that would make the land unsafe for all-
17 terrain vehicle usage.""**By** LUKAN of Dubuque

MILLER of Webster

H-8248 FILED MARCH 16, 2004**SENATE FILE 297****H-8294**1 Amend Senate File 297, as amended, passed, and
2 reprinted by the Senate, as follows:3 1. Page 38, line 29, by striking the words
4 "roadways or highways" and inserting the following:
5 "the roadway portion of a highway and adjacent
6 shoulder, or at least five feet on either side of the
7 roadway,".**By** ALONS of Sioux

VAN ENGELENHOVEN of Marion

H-8294 FILED MARCH 23, 2004

SENATE FILE 297

H-8316

1 Amend Senate File 297, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 61, by inserting after line 10, the
4 following:

5 "Sec. _____. Section 462A.5, subsection 3,
6 unnumbered paragraphs 2 and 3, Code 2003, are amended
7 to read as follows:

8 Every registration certificate and number issued
9 becomes delinquent at midnight ~~April 30~~ May 31 of odd-
10 numbered years unless terminated or discontinued in
11 accordance with this chapter. After January 1 in odd-
12 numbered years, an unregistered vessel and a renewal
13 of registration may be registered for the two-year
14 registration period beginning ~~May~~ June 1 of that year.
15 After January 1 in even-numbered years, unregistered
16 vessels may be registered for the remainder of the
17 current registration period at fifty percent of the
18 appropriate registration fee.

19 If a timely application for renewal is made, the
20 applicant shall receive the same registration number
21 allocated to the applicant for the previous
22 registration period. If the application for
23 registration for the biennium is not made before ~~May~~
24 June 1 of each odd-numbered year, the applicant shall
25 be charged a penalty of five dollars.

26 Sec. _____. Section 462A.39, Code 2003, is amended
27 to read as follow:

28 462A.39 EXPIRATION DATE.

29 Each special certificate issued hereunder shall
30 expire at midnight on ~~April 30~~ May 31 of each odd-
31 numbered year, and a new special certificate for the
32 ensuing biennium may be obtained upon application to
33 the commission and payment of the fee provided by law.

34 Sec. _____. Section 462A.42, Code 2003, is amended
35 to read as follows:

36 462A.42 LIST OF USED BOATS ON HAND FURNISHED.

37 Dealers using special certificates under the
38 provisions of this chapter shall, before ~~May~~ June 5 of
39 each year, furnish the commission with a list of all
40 used vessels held by them for sale or trade, and upon
41 which the registration fee for the current year has
42 not been paid, giving the previous registration
43 number, name of previous owner at the time such vessel
44 was transferred to the dealer, and such other
45 information as the commission may require.

46 Sec. _____. Section 462A.52, Code 2003, is amended
47 to read as follows:

48 462A.52 FEES REMITTED TO COMMISSION.

49 Within ten days after the end of each month, a
50 county recorder shall remit to the commission all fees

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Page 2

1 collected by the recorder during the previous month.
2 Before ~~May~~ June 10 in odd-numbered years, a county
3 recorder shall remit to the commission all unused
4 license blanks for the previous biennium. All fees
5 collected for the registration of vessels shall be
6 forwarded by the commission to the treasurer of the
7 state, who shall place the money in a special
8 conservation fund. The money so collected is
9 appropriated to the commission solely for the
10 administration and enforcement of navigation laws and
11 water safety."

12 2. Title page, line 1, by inserting after the
13 word "snowmobiles" the following: ", vessels,".

14 3. By renumbering, redesignating, and correcting
15 internal references as necessary.

By STEVENS of Dickinson

H-8316 FILED MARCH 24, 2004

SENATE FILE 297

H-8317

1 Amend Senate File 297, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 58, by inserting after line 3 the
4 following:

5 "3. An all-terrain vehicle that is owned by the
6 owner of land adjacent to a highway, other than an
7 interstate road, may be operated by the owner of the
8 all-terrain vehicle, or by a member of the owner's
9 family, on the portion of the highway right-of-way
10 that is between the shoulder of the roadway, or at
11 least five feet from the edge of the roadway, and the
12 owner's property line."

13 2. Page 58, line 4, by striking the figure "3."
14 and inserting the following: "4."

By ALONS of Sioux
LUKAN of Dubuque

H-8317 FILED MARCH 25, 2004

SENATE FILE 297

H-1289

1 Amend Senate File 297, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 18, line 35, through page 20,
4 line 1.

5 2. By striking page 46, line 7, through page 47,
6 line 18.

7 3. Page 62, by inserting after line 16 the
8 following:

9 "Sec. ____ . Section 321G.22, Code 2003, is
10 repealed."

11 4. By renumbering as necessary.

By HOGG of Linn

H-1289 FILED APRIL 8, 2003

SENATE FILE 297

H-1244

1 Amend Senate File 297, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 61, line 23, by striking the words
4 "twenty one hundred" and inserting the following:
5 "twenty".

By COMMITTEE ON NATURAL RESOURCES
FREEMAN of Buena Vista, C

H-1244 FILED APRIL 2, 2003

SENATE FILE 297

H-1258

1 Amend Senate File 297, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 61, line 16, by striking the words
4 "twenty one hundred" and inserting the following:
5 "twenty".
6 2. Page 61, line 17, by striking the words "the a
7 registration" and inserting the following: "the".
8 3. Page 61, line 18, by inserting after the word
9 "registration" the following: "or user permit".

By BAUDLER of Adair

H-1258 FILED APRIL 2, 2003

Legislative Fiscal Bureau

Fiscal Note

SF 297 – All Terrain Vehicles (LSB 1441 SV.2)

Analyst: Mary Beth Mellick (Phone: (515) 281-8223) (marybeth.mellick@legis.state.ia.us)

Fiscal Note Version – SF 297 as Amended and Passed by the Senate - Revised

Description

Senate File 297, as amended and passed by the Senate, provides several changes to the Department of Natural Resources (DNR), including but not limited to the following:

- Creates separate funds in the State treasury for snowmobile fees and all-terrain vehicle fees.
- Specifies that moneys in the special snowmobile fund and all-terrain vehicle fund shall not revert to the State General Fund.
- Changes the registration fee for snowmobiles and all-terrain vehicles from a biennial fee of \$25.00 to an annual fee of \$15.00. New registrations are subject to the annual fee beginning January 1, 2004. To provide for the transition from biennial to annual payment:
 - Two-year registrations due to expire on December 31, 2004, will remain in effect until January 1, 2005, at which time the registrations will be renewed on an annual basis.
 - An additional fee of \$5.00 applies for new all-terrain vehicle registrations issued between July 1, 2003, and January 1, 2004.
- Increases the writing fee collected by county recorders for issuance of registrations from \$1.00 to \$1.25.
- Increases the fee for safety certificates issued to snowmobile and all-terrain vehicle operators under 18 years of age from \$3.00 to \$5.00.
- Requires nonresident operators of all-terrain vehicles to obtain a user permit at a cost of \$15.00 plus an administrative fee. County recorders will charge a \$1.00 writing fee.
- Provides a fine of \$100.00 to nonresidents who do not obtain a user permit.
- Allows moneys appropriated to the Department for all-terrain vehicle programs to be used for establishment, maintenance, and operation of all-terrain vehicle riding areas.
- Increases fines for the following snowmobile and all-terrain vehicle violations:
 - For certain operating violations, an increase from \$20.00 to \$100.00.
 - For defective equipment and identification violations, an increase from \$10.00 to \$20.00.
 - For vehicle rental violations, an increase from \$15.00 to \$20.00.

Assumptions

1. The Department of Natural Resources estimates there are 35,000 snowmobiles and 24,000 all-terrain vehicles registered in Iowa.
2. Based on a seven-year average, registration fees currently collected by the DNR for all-terrain vehicles and snowmobiles total approximately \$894,000 in the first year of the biennial year and \$470,000 in the second year:

First Year

- Snowmobiles: \$571,000
- All-Terrain Vehicles: \$323,000

Second Year

- Snowmobiles: \$315,000
- All-Terrain Vehicles: \$155,000

3. Under the proposed law, registration fees collected by the DNR for all-terrain vehicles and snowmobiles will total approximately \$855,000 annually:
 - Snowmobiles: \$503,000
 - All-Terrain Vehicles: \$352,000
4. The number of new all-terrain vehicle registrations that will be issued between July 1, 2003, and January 1, 2004, is unknown.
5. The DNR estimates there will be approximately 200 nonresident operators of snowmobiles and all-terrain vehicles annually, and therefore, administrative fees collected by nonresident operators will be minimal.

6. The fees collected for safety certificates are minimal. A portion of safety certificates are issued by the Department, however, the majority are issued by mail through a private company upon purchasing the all-terrain vehicle or snowmobile.
7. Under the current and proposed laws, expenditures total approximately \$650,000 annually. Expenditures include costs associated with salaries, land acquisition, park maintenance, equipment, and liability insurance.
8. The number of snowmobile and all-terrain vehicle registrations are not expected to increase.

Correctional Impact

The correctional impact of Senate File 297, as amended and passed by the Senate, is expected to be minimal.

Fiscal Impact

The estimated net fiscal impact of Senate File 297, as amended and passed by the Senate, is as follows:

**Snowmobile Fund and All-Terrain Vehicle Fund
Department of Natural Resources**

	First Year			Second Year		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Revenues</u>						
Snowmobile Fund	\$ 571,000	\$ 503,000	\$ - 68,000	\$ 315,000	\$ 503,000	\$ 188,000
All-Terrain Vehicle Fund	323,000	352,000	29,000	155,000	352,000	197,000
Total Revenues	\$ 894,000	\$ 855,000	\$ - 39,000	\$ 470,000	\$ 855,000	\$ 385,000
<u>Expenditures</u>						
Salaries	\$ 150,000	\$ 150,000	\$ 0	\$ 150,000	\$ 150,000	\$ 0
Support	10,000	10,000	0	10,000	10,000	0
Other*	490,000	490,000	0	490,000	490,000	0
Total Expenditures	\$ 650,000	\$ 650,000	\$ 0	\$ 650,000	\$ 650,000	\$ 0
Net Total	\$ 244,000	\$ 205,000	\$ - 39,000	\$ - 180,000	\$ 205,000	\$ 385,000

* Other includes groomers, land acquisition, park maintenance, equipment, and liability insurance.

Additional moneys associated with increases in safety fees, nonoperator fees, and fines are expected to be minimal.

Counties' General Fund

Additional moneys associated with increases in writing fees, and moneys collected from nonresident writing fees are expected to be minimal.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Natural Resources

Dennis C Prouty

March 16, 2004

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

HOUSE AMENDMENT TO
SENATE FILE 297

S-5217

- 1 Amend Senate File 297, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 5, by inserting after the word
4 "Code" the following: "Supplement".
- 5 2. Page 4, line 17, by striking the words
6 "~~identification registration~~" and inserting the
7 following: "registration".
- 8 3. Page 16, line 19, by inserting after the word
9 "Code" the following: "Supplement".
- 10 4. Page 16, line 25, by striking the words
11 "~~identification registration~~" and inserting the
12 following: "registration".
- 13 5. Page 27, line 24, by inserting after the word
14 "Code" the following: "Supplement".
- 15 6. Page 28, line 1, by striking the words "~~an a~~
16 vehicle" and inserting the following: "a vehicle".
- 17 7. Page 28, line 4, by striking the words "~~an a~~
18 vehicle" and inserting the following: "a vehicle".
- 19 8. Page 28, line 13, by striking the word
20 "vehicle" and inserting the following: "vehicle".
- 21 9. Page 28, line 16, by striking the words "~~an a~~
22 vehicle" and inserting the following: "a vehicle".
- 23 10. Page 28, line 18, by striking the word
24 "vehicle" and inserting the following: "vehicle".
- 25 11. Page 28, line 21, by striking the word
26 "vehicle" and inserting the following: "vehicle".
- 27 12. Page 47, line 6, by inserting before the word
28 "LANDOWNERS" the following: "PRIOR".
- 29 13. Page 47, by striking lines 7 through 18 and
30 inserting the following:
31 "Prior owners of land on which an all-terrain
32 vehicle recreational riding area is established,
33 maintained, or operated owe no duty of care to keep
34 the land safe for entry or use by persons operating an
35 all-terrain vehicle or to give any warning of a
36 dangerous condition, use, structure, or activity on
37 such premises that would make the land unsafe for all-
38 terrain vehicle usage."
39 14. Page 57, line 2, by inserting after the word
40 "Code" the following: "Supplement".
- 41 15. Page 58, by inserting after line 3 the
42 following:
43 "3. An all-terrain vehicle that is owned by the
44 owner of land adjacent to a highway, other than an
45 interstate road, may be operated by the owner of the
46 all-terrain vehicle, or by a member of the owner's
47 family, on the portion of the highway right-of-way
48 that is between the shoulder of the roadway, or at
49 least five feet from the edge of the roadway, and the
50 owner's property line."

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Page 2

- 1 16. Page 58, line 4, by striking the figure "3."
2 and inserting the following: "4."
- 3 17. Page 58, line 7, by inserting after the word
4 "Code" the following: "Supplement".
- 5 18. Page 58, line 11, by striking the word and
6 figure "1, Code" and inserting the following: "2,
7 Code Supplement".
- 8 19. Page 58, line 13, by striking the figure "1."
9 and inserting the following: "2."
- 10 20. Page 58, by striking lines 15 through 18.
- 11 21. Page 58, line 19, by inserting after the word
12 "Code" the following: "Supplement".
- 13 22. Page 58, lines 25 and 26, by striking the
14 words and figures "~~and~~ 327G.15, 321I.10, and 321I.16."
15 and inserting the following: "321I.10, and 327G.15."
- 16 23. Page 58, line 28, by inserting after the word
17 "Code" the following: "Supplement".
- 18 24. Page 59, line 2, by striking the words and
19 figure "and chapter 405A,".
- 20 25. Page 59, line 3, by inserting after the word
21 "Code" the following: "Supplement".
- 22 26. Page 60, line 4, by inserting after the word
23 "Code" the following: "Supplement".
- 24 27. Page 61, line 16, by striking the words
25 "~~twenty one hundred~~" and inserting the following:
26 "twenty".
- 27 28. Page 61, line 17, by striking the words "~~the~~
28 a registration" and inserting the following: "the".
- 29 29. Page 61, line 18, by inserting after the word
30 "registration" the following: "or user permit".
- 31 30. Page 61, line 23, by striking the words
32 "~~twenty one hundred~~" and inserting the following:
33 "twenty".
- 34 31. Page 62, by inserting after line 16 the
35 following:
36 "Sec. __. Section 321G.22A, Code Supplement 2003,
37 is repealed."
- 38 32. Page 62, by striking lines 21 through 30 and
39 inserting the following: "after January 1, 2005."
- 40 33. Title page, line 3, by striking the words
41 "applicability dates." and inserting the following:
42 "an applicability date."
- 43 34. By renumbering, relettering, or redesignating
44 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5217 FILED MARCH 30, 2004

SENATE FILE 297

AN ACT

RELATING TO THE REGULATION OF SNOWMOBILES AND ALL-TERRAIN VEHICLES, ESTABLISHING FEES, PROVIDING PENALTIES, AND PROVIDING AN APPLICABILITY DATE.

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

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

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

Sec. 2. Section 321G.1, subsections 4, 7, 10, 11, 12, 15, 17, and 19, Code 2003, are amended to read as follows:

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

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

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

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

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

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

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

19. "Special event" means an organized race, exhibition, or demonstration of limited duration which is conducted on public land or ice under the jurisdiction of the commission according to a prearranged schedule and in which general public interest is manifested.

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

321G.2 RULES.

The commission may adopt rules for the following purposes:

1. Registration and titling of ~~all-terrain-vehicles-and~~ snowmobiles.
2. Use of ~~all-terrain-vehicles-and~~ snowmobiles as far as game and fish resources or habitats are affected.
3. Use of ~~all-terrain-vehicles-and~~ snowmobiles on public lands under the jurisdiction of the commission.
4. Use of ~~all-terrain-vehicles-and~~ snowmobiles on any waters of the state under the jurisdiction of the commission, while the waters are frozen.

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

6. Issuance of safety certificates.

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

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

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

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

321G.3 REGISTRATION AND NUMBERING REQUIRED.

1. Each ~~all-terrain-vehicle-and~~ snowmobile used on public land or ice of this state shall be currently registered and numbered. A person shall not operate, maintain, or give permission for the operation or maintenance of an ~~all-terrain-vehicle-or~~ a snowmobile on public land or ice unless the ~~all-terrain-vehicle-or~~ snowmobile is numbered in accordance with this chapter, ~~or-in-accordance-with~~ applicable federal laws, ~~or in-accordance-with~~ an approved numbering system of another

state, and unless the identifying number set forth in the registration is displayed as prescribed by rules of the commission.

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

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

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

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

The owner of the ~~all-terrain-vehicle-or~~ snowmobile shall file an application for registration with the appropriate county recorder on forms provided by the commission. The application shall be completed and signed by the owner ~~of-the~~ ~~all-terrain-vehicle-or-snowmobile~~ and shall be accompanied by

a fee of ~~twenty-five~~ fifteen dollars and a writing fee. An ~~all-terrain-vehicle-or-a~~ A snowmobile shall not be registered by the county recorder until the county recorder is presented with receipts, bills of sale, or other satisfactory evidence that the sales or use tax has been paid for the purchase of the ~~all-terrain-vehicle-or~~ snowmobile or that the owner is exempt from paying the tax. ~~However, an owner of an all-terrain-vehicle, except an all-terrain-vehicle purchased new on or after January 17, 1990, may apply for registration without proof of sales or use tax paid until one year after January 17, 1990.~~ An ~~all-terrain-vehicle-or~~ A snowmobile that has an expired registration certificate from another state may be registered in this state upon proper application, payment of all applicable registration and writing fees, and payment of a penalty of five dollars.

Upon receipt of the application in approved form accompanied by the required fees, the county recorder shall enter it upon the records and shall issue to the applicant a pocket-size registration certificate. The certificate shall be executed in triplicate, one copy to be delivered to the owner, one copy to the commission, and one copy to be retained on file by the county recorder. The registration certificate shall bear the number awarded to the ~~all-terrain-vehicle-or~~ snowmobile and the name and address of the owner. The registration certificate shall be carried either in the ~~all-terrain-vehicle-or~~ snowmobile or on the person of the operator of the machine snowmobile when in use. The operator of an ~~all-terrain-vehicle-or~~ a snowmobile shall exhibit the registration certificate to a peace officer upon request, to a person injured in an accident involving an ~~all-terrain-vehicle-or~~ a snowmobile, or to the owner or operator of another ~~all-terrain-vehicle-or~~ snowmobile or the owner of personal or real property when the ~~all-terrain-vehicle-or~~ snowmobile is involved in a collision or accident of any nature with another ~~all-terrain-vehicle-or~~ snowmobile or the property of another

person, or to the property owner or tenant when the ~~all-terrain-vehicle-or~~ snowmobile is being operated on private property without permission from the property owner or tenant.

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

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

321G.5 DISPLAY OF IDENTIFICATION NUMBERS.

The owner shall display the identification number on an ~~all-terrain-vehicle-or~~ a snowmobile in the manner prescribed by the rules of the commission.

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

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

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

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

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

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

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

4. Upon the transfer of ownership of an all-terrain vehicle or a snowmobile, the owner shall complete the form on the back of the title, if any, and registration, if any, and deliver both to the purchaser or transferee when the all-terrain vehicle or snowmobile is delivered. If the all-terrain vehicle or snowmobile is not titled, the owner shall complete the form on the back of the current registration certificate and shall deliver the certificate to the purchaser or transferee at the time of delivering the all-terrain

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

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

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

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

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

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

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

The department shall remit the fees to the treasurer of state, who shall place the money in a special conservation

~~snowmobile~~ fund. The money is appropriated to the department for the ~~all-terrain-vehicle-and~~ snowmobile programs of the state. ~~All-terrain-vehicle-fees-shall-be-used-only-for-all-terrain-vehicle-programs-and-snowmobile-fees-shall-be-used-only-for-snowmobile-programs.--Joint-programs-shall-be supported-from-both-types-of-fees-on-a-usage-basis.~~ The ~~all-terrain-vehicle-and-snowmobile~~ programs shall include grants, subgrants, contracts, or cost-sharing of ~~all-terrain-vehicle and snowmobile~~ programs with political subdivisions or incorporated private organizations or both in accordance with rules adopted by the commission. ~~All-all-terrain-vehicle programs-using-cost-sharing,grants,-subgrants,-or-contracts shall-establish-and-implement-a-safety-instruction-program either-singly-or-in-cooperation-with-other-all-terrain-vehicle programs.~~ Snowmobile fees may be used to support snowmobile programs on a usage basis. At least fifty percent of the special fund shall be available for political subdivisions or incorporated private organizations or both. Moneys from the special fund not used by the political subdivisions or incorporated private organizations or both shall remain in the ~~all-terrain-vehicle-or-snowmobile-accounts.--The fund and may be used by the~~ department ~~may-use-funds-from-these-accounts~~ for the administration of the ~~all-terrain-vehicle-and snowmobile~~ programs. Notwithstanding section 8.33, moneys in the special fund shall not revert to the general fund of the state at the end of a fiscal year. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the special fund shall remain in the fund.

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

321G.8 EXEMPT VEHICLES.

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

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

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

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

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

~~5.--All-terrain-vehicles-used-in-accordance-with-section 321-234A.~~

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

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

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

Sec. 11. Section 321G.9, subsections 1, 2, and 3, Code 2003, are amended to read as follows:

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

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

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

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

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

{3} c. Notwithstanding the provisions of chapter 321, use of the underpass does not conflict with any rules or

regulations adopted by a federal governmental entity or this state or a political subdivision of this state.

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

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

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

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

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

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

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

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

c. For racing any moving object; ~~and.~~

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

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

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

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

d. On the roadways of that portion of county highways designated by the county board of supervisors for such use during a specified period. The county board of supervisors

shall evaluate the traffic conditions on all county highways and designate roadways on which ~~all-terrain-vehicles or~~ snowmobiles may be operated for the specified period without unduly interfering with or constituting an undue hazard to conventional motor vehicle traffic. Signs warning of the operation of ~~all-terrain-vehicles or~~ snowmobiles on the roadway shall be placed and maintained on the portions of highway thus designated during the period specified for the operation.

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

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

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

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

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

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

321G.10 ACCIDENT REPORTS.

If an ~~all-terrain-vehicle~~ or a snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to ~~two-hundred~~ one thousand dollars or more, either the operator or someone acting for the operator shall immediately notify the county sheriff or another law enforcement agency in the state. ~~The~~ If the accident occurred on public land or ice under the jurisdiction of the commission, the operator shall file with the commission a report of the accident, within ~~forty-eight~~ seventy-two hours, containing information as the commission may require. All other accidents shall be reported as required under section 321.266.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

321G.14 PENALTY.

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

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

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

321G.15 OPERATION PENDING REGISTRATION.

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

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

321G.16 SPECIAL EVENTS.

The department may authorize the holding of organized special events as defined in this chapter within this state. The department shall adopt rules relating to the conduct of special events held under department permits and designating the equipment and facilities necessary for safe operation of ~~all-terrain-vehicles-and~~ snowmobiles or for the safety of operators, participants, and observers in the special events. ~~A special event for all-terrain-vehicles may include motorcycles upon payment of an entrance fee set by the organizer of the special event. The department may require that part of the motorcycle entrance fee be credited to pay costs of all-terrain-vehicle programs authorized pursuant to section 321G.7.~~ At least thirty days before the scheduled

date of a special event in this state, an application shall be filed with the department for authorization to conduct the special event. The application shall set forth the date, time, and location of the proposed special event and any other information the department requires. The special event shall not be conducted without written authorization of the department. Copies of the rules shall be furnished by the department to any person making an application.

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

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

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

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

321G.18 NEGLIGENCE.

The owner and operator of an ~~all-terrain-vehicle-or~~ a snowmobile are liable for any injury or damage occasioned by the negligent operation of the ~~all-terrain-vehicle-or~~ snowmobile. The owner of an ~~all-terrain-vehicle-or~~ a snowmobile shall be liable for any such injury or damage only if the owner was the operator of the ~~all-terrain-vehicle-or~~ snowmobile at the time the injury or damage occurred or if the operator had the owner's consent to operate the ~~all-terrain-vehicle-or~~ snowmobile at the time the injury or damage occurred.

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

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

1. The owner of a rented ~~all-terrain-vehicle-or~~ snowmobile shall keep a record of the name and address of each person

renting the ~~all-terrain-vehicle-or~~ snowmobile, its registration number, the departure date and time, and the expected time of return. The records shall be preserved for six months.

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

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

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

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

3. The commission, upon granting an application, shall issue to the applicant a special registration certificate containing the applicant's name and address, the general identification number assigned to the applicant, the word "manufacturer", "dealer", or "distributor", and other information the commission prescribes. The manufacturer, distributor, or dealer shall have the assigned number printed upon or attached to a removable sign or signs which may be temporarily but firmly mounted or attached to the ~~all-terrain-~~

~~vehicle-or~~ snowmobile being used. The display shall meet the requirements of this chapter and the rules of the commission.

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

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

9. If the purchaser or transferee of an ~~all-terrain-vehicle-or~~ a snowmobile is a dealer who holds the same for resale and operates the ~~all-terrain-vehicle-or~~ snowmobile only for purposes incidental to a resale and displays the special dealer's certificate, or does not operate the ~~all-terrain-vehicle-or~~ snowmobile or permit it to be operated, the transferee is not required to obtain a new registration certificate but upon transferring title or interest to another person shall sign the reverse side of the title, if any, and the registration certificate of the ~~all-terrain-vehicle-or~~ snowmobile indicating the name and address of the new purchaser. A dealer shall make application and pay all registration and title fees if applicable on behalf of the purchaser of an ~~all-terrain-vehicle-or~~ a snowmobile. The recorder shall award a transfer of the registration number. If the registration has expired while in the dealer's possession, the purchaser may renew the registration for the same fee and writing fee as if the purchaser is securing the original registration.

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

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

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

The state, its political subdivisions, and the owners or tenants of property adjoining public lands or the ~~right-of-way~~ right-of-way of a public highway and their agents and employees owe no duty of care to keep the public lands, ditches, or land contiguous to a highway or roadway under the control of the state or a political subdivision safe for entry or use by persons operating ~~an-all-terrain-vehicle-or~~ a snowmobile, or to give any warning of a dangerous condition, use, structure, or activity on the premises to persons entering for such purposes, except in the case of willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity. The state, its political subdivisions, and the owners or tenants of property adjoining public lands or the ~~right-of-way~~ right-of-way of a public highway, and their agents and employees are not liable for actions taken to allow or facilitate the use of public lands, ditches, or land contiguous to a highway or roadway except in the case of a willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity.

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

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

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

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

Sec. 33. Section 321G.24, subsections 1, 2, 4, and 5, Code 2003, are amended to read as follows:

1. A person under eighteen years of age shall not operate a snowmobile on public land or ice or land purchased with snowmobile registration funds in this state without obtaining

a valid safety certificate issued by the department and having the certificate in the person's possession, unless the person is accompanied on the same snowmobile by a responsible person of at least eighteen years of age who is experienced in snowmobile operation and possesses a valid driver's license, as defined in section 321.1, or a safety certificate issued under this chapter. ~~A person under eighteen years of age shall not operate an all-terrain vehicle on public land or land purchased with all-terrain vehicle registration funds in this state without obtaining a valid safety certificate issued by the department and having the certificate in the person's possession.~~

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

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

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

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

321G.25 STOPPING AND INSPECTING -- WARNINGS.

A peace officer may stop and inspect ~~an all-terrain vehicle or a~~ snowmobile operated, parked, or stored on public streets, highways, public lands, or frozen waters of the state to determine if the ~~all-terrain vehicle or~~ snowmobile is registered, numbered, or equipped as required by this chapter and commission rules. The officer shall not inspect an area that is not essential to determine compliance with the requirements. If the officer determines that the ~~all-terrain vehicle or~~ snowmobile is not in compliance, the officer may issue a warning memorandum to the operator and forward a copy to the commission. The warning memorandum shall indicate the items found not in compliance and shall direct the owner or operator of the ~~all-terrain vehicle or~~ snowmobile to have the ~~all-terrain vehicle or~~ snowmobile in compliance and return a copy of the warning memorandum with the proof of compliance to the commission within fourteen days. If the proof of compliance is not provided within fourteen days, the owner or operator is in violation of this chapter.

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

321G.26 TERMINATION OF USE.

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

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

321G.27 WRITING FEES.

The county recorder shall collect a writing fee of one dollar and twenty-five cents for ~~an all-terrain vehicle or a~~ snowmobile registration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. If the county recorder is not satisfied as to the ownership of the snowmobile or ~~all-terrain-vehicle~~ or that

there are no undisclosed security interests in the snowmobile ~~or all-terrain-vehicle~~, the county recorder may issue a certificate of title for the snowmobile ~~or all-terrain-vehicle~~ but, as a condition of such issuance, may require the applicant to file with the department a bond in the form prescribed by the department and executed by the applicant, and also executed by a person authorized to conduct a surety business in this state. The form and amount of the bond shall be established by rule of the department. The bond shall be conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the snowmobile or ~~all-terrain vehicle~~ or person acquiring any security interest in the snowmobile ~~or all-terrain-vehicle~~, and their respective successors in interest, against any expense, loss, or damage, including reasonable attorney fees, by reason of the issuance of the certificate of title of the snowmobile ~~or all-terrain vehicle~~ or on account of any defect in or undisclosed security interest upon the right, title, and interest of the applicant in and to the snowmobile ~~or all-terrain-vehicle~~. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond shall be returned at the end of three years or prior thereto if the snowmobile ~~or all-terrain vehicle~~ is no longer registered in this state and the certificate of title is surrendered to the department, unless the department has been notified of the pendency of an action to recover on the bond.

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

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

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

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

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

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

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

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

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

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

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

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

321G.33 VEHICLE IDENTIFICATION NUMBER.

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

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

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

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

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

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

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

Two-wheeled off-road motorcycles shall be considered all-terrain vehicles for the purpose of registration. Two-wheeled off-road motorcycles shall also be considered all-terrain vehicles for the purpose of titling if a title has not previously been issued pursuant to chapter 321. An operator of a two-wheeled off-road motorcycle is exempt from the safety instruction and certification program requirements of sections 321I.24 and 321I.25.

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

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

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

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

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

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

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

9. "Nonresident" means a person who is not a resident of this state.

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

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

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

13. "Person" means an individual, partnership, firm, corporation, association, and the state, its agencies, and political subdivisions.

14. "Public land" means land owned by the federal government, the state, or political subdivisions of the state and land acquired or developed for public recreation pursuant to section 321I.8.

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

16. "Resident" means a person who meets the requirements for residency described in section 321.1A.

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

18. "Safety certificate" means an all-terrain vehicle safety certificate, approved by the commission, issued to a qualified applicant who is twelve years of age or older.

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

20. "Special event" means an organized race, exhibition, or demonstration of limited duration which is conducted on public land or ice under the jurisdiction of the commission according to a prearranged schedule and in which general public interest is manifested.

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

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

The commission may adopt rules for the following purposes:

1. Registration and titling of all-terrain vehicles.
2. Use of all-terrain vehicles as far as game and fish resources or habitats are affected.
3. Use of all-terrain vehicles on public lands under the jurisdiction of the commission.
4. Use of all-terrain vehicles on any waters of the state under the jurisdiction of the commission, while the waters are frozen.
5. Establishment of a program of grants, subgrants, and contracts to be administered by the department for the development and delivery of certified courses of instruction for the safe use and operation of all-terrain vehicles by political subdivisions and incorporated private organizations.
6. Issuance of safety certificates.

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

8. Issuance of annual user permits for nonresidents and establishment of administrative fees for the issuance of the permits.

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

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

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

1. Each all-terrain vehicle used on public land or ice of this state shall be currently registered and numbered. A person shall not operate, maintain, or give permission for the operation or maintenance of an all-terrain vehicle on public land or ice unless the all-terrain vehicle is numbered in accordance with this chapter or applicable federal laws, or unless the all-terrain vehicle displays a current annual user permit for the all-terrain vehicle. If the all-terrain vehicle is required to be registered in this state, the identifying number set forth in the registration shall be displayed as prescribed by rules of the commission.

2. A registration number shall be assigned, without payment of fee, to all-terrain vehicles owned by the state of Iowa or its political subdivisions upon application for the

number, and the assigned registration number shall be displayed on the all-terrain vehicle as required under section 321I.6. A registration number and certificate shall be assigned, without payment of fee, to an all-terrain vehicle which is exempt from registration but is being titled. A decal displaying an audit number shall not be issued and the registration shall not expire while the all-terrain vehicle is exempt. The application for registration shall indicate the reason for exemption from the fee. The registration certificate shall indicate the reason for exemption.

Sec. 47. NEW SECTION. 321I.4 REGISTRATION WITH COUNTY RECORDER -- FEE.

The owner of each all-terrain vehicle required to be numbered shall register it annually with the county recorder of the county in which the owner resides or, if the owner is a nonresident, the owner shall register it in the county in which the all-terrain vehicle is principally used. The commission has supervisory responsibility over the registration of all-terrain vehicles and shall provide each county recorder with registration forms and certificates and shall allocate registration numbers to each county.

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

Upon receipt of the application in approved form accompanied by the required fees, the county recorder shall enter it upon the records and shall issue to the applicant a registration certificate. The certificate shall be executed in triplicate, one copy to be delivered to the owner, one copy to the commission, and one copy to be retained on file by the county recorder. The registration certificate shall bear the number awarded to the all-terrain vehicle and the name and address of the owner. The registration certificate shall be carried either in the all-terrain vehicle or on the person of the operator of the all-terrain vehicle when in use. The operator of an all-terrain vehicle shall exhibit the registration certificate to a peace officer upon request, to a person injured in an accident involving an all-terrain vehicle, to the owner or operator of another all-terrain vehicle or the owner of personal or real property when the all-terrain vehicle is involved in a collision or accident of any nature with another all-terrain vehicle or the property of another person, or to the property owner or tenant when the all-terrain vehicle is being operated on private property without permission from the property owner or tenant.

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

Sec. 48. NEW SECTION. 321I.5 NONRESIDENT USER PERMITS.

A nonresident wishing to operate an all-terrain vehicle, other than an all-terrain vehicle owned by a resident and

registered pursuant to this chapter, on public land or ice of this state shall first obtain a user permit from the department. A user permit shall be issued for the all-terrain vehicle specified at the time of application and is not transferable. A user permit shall be valid for the calendar year specified in the permit.

User permits may be issued by a county recorder or a license depository pursuant to rules adopted by the commission. The fee for a user permit shall be fifteen dollars plus an administrative fee established by the commission. A county recorder shall retain a writing fee of one dollar from the sale of each user permit issued by the county recorder's office. The writing fees retained by the county recorder shall be deposited in the general fund of the county. A license depository designated by the director pursuant to section 483A.11 shall retain a writing fee of one dollar from the sale of each permit issued by the agent.

Sec. 49. NEW SECTION. 321I.6 DISPLAY OF IDENTIFICATION NUMBERS.

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

Sec. 50. NEW SECTION. 321I.7 REGISTRATION -- RENEWAL -- TRANSFER.

1. a. Every all-terrain vehicle registration certificate and number issued expires at midnight December 31 unless sooner terminated or discontinued in accordance with this chapter. After the first day of September each year, an unregistered all-terrain vehicle may be registered or a registration may be renewed for the subsequent year beginning January 1.

b. After the first day of September an unregistered all-terrain vehicle may be registered for the remainder of the current registration year and for the subsequent registration year in one transaction. The fee shall be five dollars for

the remainder of the current year, in addition to the registration fee of fifteen dollars for the subsequent year beginning January 1, and a writing fee. Registration certificates and numbers may be renewed upon application of the owner in the same manner as provided in securing the original registration. The all-terrain vehicle registration fee is in lieu of personal property tax for each year of the registration.

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

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

4. Upon the transfer of ownership of an all-terrain vehicle, the owner shall complete the form on the back of the title, if any, and registration, if any, and deliver both to the purchaser or transferee when the all-terrain vehicle is delivered. If the all-terrain vehicle is not titled, the owner shall complete the form on the back of the current registration certificate and shall deliver the certificate to the purchaser or transferee at the time of delivering the all-terrain vehicle. If the all-terrain vehicle has not been titled and has not been registered, the owner shall deliver an affidavit for an unregistered and untitled all-terrain vehicle to the purchaser or transferee. The purchaser or transferee shall, within thirty days of transfer, file a new application form with the county recorder with a fee of one dollar and the writing fee, and a transfer of number shall be awarded in the same manner as provided in an original registration. If the purchaser or transferee does not file a new application form within thirty days of transfer, the transfer of number shall

be awarded upon payment of all applicable fees plus a penalty of five dollars.

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

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

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

Sec. 51. NEW SECTION. 321I.8 FEES REMITTED TO COMMISSION -- APPROPRIATION.

Within ten days after the end of each month, a county recorder shall remit to the commission the all-terrain vehicle fees collected by the recorder during the previous month. Before January 10 of each year, a recorder shall remit to the commission unused license forms from the previous year.

The department shall remit the fees, including user fees collected pursuant to section 321I.5, to the treasurer of state, who shall place the money in a special all-terrain vehicle fund. The money is appropriated to the department for the all-terrain vehicle programs of the state. The programs shall include grants, subgrants, contracts, or cost-sharing of all-terrain vehicle programs with political subdivisions or incorporated private organizations or both in accordance with rules adopted by the commission. All-terrain vehicle fees may be used for the establishment, maintenance, and operation of all-terrain vehicle recreational riding areas through the awarding of grants administered by the department. All-terrain vehicle recreational riding areas established, maintained, or operated by the use of such grants shall not be

operated for profit. All programs using cost-sharing, grants, subgrants, or contracts shall establish and implement a safety instruction program either singly or in cooperation with other all-terrain vehicle programs. All-terrain vehicle fees may be used to support all-terrain vehicle programs on a usage basis. At least fifty percent of the special fund shall be available for political subdivisions or incorporated private organizations or both. Moneys from the special fund not used by the political subdivisions or incorporated private organizations or both shall remain in the fund and may be used by the department for the administration of the all-terrain vehicle programs. Notwithstanding section 8.33, moneys in the special fund shall not revert to the general fund of the state at the end of a fiscal year. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the special fund shall remain in the fund.

Sec. 52. NEW SECTION. 321I.9 EXEMPT VEHICLES.

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

1. All-terrain vehicles owned and used by the United States, another state, or a political subdivision of another state.
2. All-terrain vehicles registered in a country other than the United States used within this state for not more than twenty consecutive days.
3. All-terrain vehicles covered by a valid license of another state and which have not been within this state for more than twenty consecutive days.
4. All-terrain vehicles not registered or licensed in another state or country being used in this state while engaged in a special event and not remaining in the state for a period of more than ten days.
5. All-terrain vehicles used in accordance with section 321.234A, subsection 1, paragraph "a".

6. All-terrain vehicles used exclusively as farm implements.

Sec. 53. NEW SECTION. 321I.10 OPERATION ON ROADWAYS AND HIGHWAYS -- SNOWMOBILE TRAILS.

1. A person shall not operate an all-terrain vehicle upon roadways or highways except as provided in section 321.234A and this section.

2. A registered all-terrain vehicle may be operated on the roadways of that portion of county highways designated by the county board of supervisors for such use during a specified period. The county board of supervisors shall evaluate the traffic conditions on all county highways and designate roadways on which all-terrain vehicles may be operated for the specified period without unduly interfering with or constituting an undue hazard to conventional motor vehicle traffic. Signs warning of the operation of all-terrain vehicles on the roadway shall be placed and maintained on the portions of highway thus designated during the period specified for the operation.

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

Sec. 54. NEW SECTION. 321I.11 ACCIDENT REPORTS.

If an all-terrain vehicle is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand dollars or more, either the operator or someone acting for the operator shall immediately notify the county sheriff or another law enforcement agency in the state. If the accident occurred on public land or ice under the jurisdiction of the commission, the operator shall file with the commission a report of the accident, within seventy-two hours, containing information as the commission may require. All other accidents shall be reported as required in section 321.266.

Sec. 55. NEW SECTION. 321I.12 MUFFLERS REQUIRED -- INSPECTIONS.

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

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

Sec. 56. NEW SECTION. 321I.13 HEADLAMP -- TAIL LAMP -- BRAKES.

Every all-terrain vehicle operated during the hours of darkness shall display a lighted headlamp and tail lamp. Every all-terrain vehicle shall be equipped with brakes.

Sec. 57. NEW SECTION. 321I.14 UNLAWFUL OPERATION.

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

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

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

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

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

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

f. On any public land, ice, or snow, in violation of official signs of the commission prohibiting such operation in the interest of safety for persons, property, or the environment. Any officer appointed by the commission may post an official sign in an emergency for the protection of persons, property, or the environment.

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

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

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

3. A person shall not operate an all-terrain vehicle with more persons on the vehicle than it was designed to carry.

Sec. 58. NEW SECTION. 321I.15 PENALTY.

A person who violates this chapter or a rule of the commission or director of transportation is guilty of a simple misdemeanor.

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

Sec. 59. NEW SECTION. 321I.16 OPERATION PENDING REGISTRATION.

The commission shall furnish all-terrain vehicle dealers with pasteboard cards bearing the words "registration applied for" and space for the date of purchase. An unregistered all-terrain vehicle sold by a dealer shall bear one of these cards which entitles the purchaser to operate it for ten days immediately following the purchase. The purchaser of a

registered all-terrain vehicle may operate it for ten days immediately following the purchase, without having completed a transfer of registration. An all-terrain vehicle dealer shall make application and pay all registration and title fees if applicable on behalf of the purchaser of an all-terrain vehicle.

Sec. 60. NEW SECTION. 321I.17 SPECIAL EVENTS.

The department may authorize the holding of organized special events as defined in this chapter within this state. The department shall adopt rules relating to the conduct of special events held under department permits and designating the equipment and facilities necessary for safe operation of all-terrain vehicles or for the safety of operators, participants, and observers in the special events. A special event for all-terrain vehicles may include motorcycles upon payment of an entrance fee set by the organizer of the special event. The department may require that part of the motorcycle entrance fee be credited to pay costs of all-terrain vehicle programs authorized pursuant to section 321I.8. At least thirty days before the scheduled date of a special event in this state, an application shall be filed with the department for authorization to conduct the special event. The application shall set forth the date, time, and location of the proposed special event and any other information the department requires. The special event shall not be conducted without written authorization of the department. Copies of the rules shall be furnished by the department to any person making an application.

Sec. 61. NEW SECTION. 321I.18 VIOLATION OF STOP SIGNAL.

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

Sec. 62. NEW SECTION. 321I.19 NEGLIGENCE.

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

Sec. 63. NEW SECTION. 321I.20 RENTED ALL-TERRAIN VEHICLES.

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

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

Sec. 64. NEW SECTION. 321I.21 MINORS UNDER TWELVE.

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

Sec. 65. NEW SECTION. 321I.22 MANUFACTURER, DISTRIBUTOR, OR DEALER -- SPECIAL REGISTRATION.

1. A manufacturer, distributor, or dealer owning an all-terrain vehicle required to be registered under this chapter may operate the all-terrain vehicle for purposes of transporting, testing, demonstrating, or selling it without the all-terrain vehicle being registered, except that a special identification number issued to the owner as provided

in this chapter shall be displayed on the all-terrain vehicle. The special identification number shall not be used on an all-terrain vehicle offered for hire or for any work or service performed by a manufacturer, distributor, or dealer.

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

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

4. The commission shall also issue duplicate special registration certificates which shall have displayed thereon the general identification number assigned to the applicant. Each duplicate registration certificate so issued shall contain a number or symbol identifying it from every other duplicate special registration certificate bearing the same general identification number. The fee for each additional duplicate special registration certificate shall be two dollars.

5. Each special registration certificate issued hereunder shall expire on December 31 of each year, and a new special

registration certificate for the ensuing twelve months may be obtained upon application to the commission and payment of the fee provided by law.

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

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

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

9. If the purchaser or transferee of an all-terrain vehicle is a dealer who holds the same for resale and operates the all-terrain vehicle only for purposes incidental to a resale and displays the special dealer's certificate, or does not operate the all-terrain vehicle or permit it to be operated, the transferee is not required to obtain a new registration certificate but upon transferring title or interest to another person shall sign the reverse side of the title, if any, and the registration certificate of the all-terrain vehicle indicating the name and address of the new purchaser. A dealer shall make application and pay all registration and title fees if applicable on behalf of the purchaser of an all-terrain vehicle. The recorder shall award a transfer of the registration number. If the registration

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

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

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

Sec. 66. NEW SECTION. 321I.23 LIMITATION OF LIABILITY BY PUBLIC BODIES AND ADJOINING OWNERS.

The state, its political subdivisions, and the owners or tenants of property adjoining public lands or the right-of-way of a public highway and their agents and employees owe no duty of care to keep the public lands, ditches, or land contiguous to a highway or roadway under the control of the state or a political subdivision safe for entry or use by persons operating an all-terrain vehicle, or to give any warning of a dangerous condition, use, structure, or activity on the premises to persons entering for such purposes, except in the case of willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity. The state, its political subdivisions, and the owners or tenants of property adjoining public lands or the right-of-way of a public highway and their agents and employees are not liable for actions taken to allow or facilitate the use of public lands, ditches, or land contiguous to a highway or roadway

except in the case of a willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity.

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

Sec. 67. NEW SECTION. 321I.23A RECREATIONAL RIDING AREA -- LIMITATION OF LIABILITY OF PRIOR LANDOWNERS.

Prior owners of land on which an all-terrain vehicle recreational riding area is established, maintained, or operated owe no duty of care to keep the land safe for entry or use by persons operating an all-terrain vehicle or to give any warning of a dangerous condition, use, structure, or activity on such premises that would make the land unsafe for all-terrain vehicle usage.

Sec. 68. NEW SECTION. 321I.24 COURSE OF INSTRUCTION.

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

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

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

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

Sec. 69. NEW SECTION. 321I.25 SAFETY CERTIFICATE -- FEE.

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

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

3. Any person who is required to have a safety certificate under this chapter and who has completed a course of instruction established under section 321I.2, subsection 5, including the successful passage of an examination which includes a written test relating to such course of instruction, shall be considered qualified to apply for a safety certificate. The commission may waive the requirement of completing such course of instruction if such person

successfully passes a written test based on such course of instruction.

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

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

Sec. 70. NEW SECTION. 321I.26 STOPPING AND INSPECTING -- WARNINGS.

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

Sec. 71. NEW SECTION. 321I.27 TERMINATION OF USE.

A person who receives a warning memorandum for an all-terrain vehicle shall stop using the all-terrain vehicle as soon as possible and shall not operate it on public streets,

highways, public lands, or frozen waters of the state until the all-terrain vehicle is in compliance.

Sec. 72. NEW SECTION. 321I.28 WRITING FEES.

The county recorder shall collect a writing fee of one dollar and twenty-five cents for an all-terrain vehicle registration.

Sec. 73. NEW SECTION. 321I.29 CONSISTENT LOCAL LAWS -- SPECIAL LOCAL RULES.

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

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

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

Sec. 74. NEW SECTION. 321I.30 OWNER'S CERTIFICATE OF TITLE -- IN GENERAL.

1. The owner of an all-terrain vehicle acquired on or after January 1, 2000, other than an all-terrain vehicle used exclusively as a farm implement or a motorcycle previously issued a title pursuant to chapter 321, shall apply to the county recorder of the county in which the owner resides for a

certificate of title for the all-terrain vehicle. The owner of an all-terrain vehicle used exclusively as a farm implement may obtain a certificate of title. A person who owns an all-terrain vehicle that is not required to have a certificate of title may apply for and receive a certificate of title for the all-terrain vehicle and, subsequently, the all-terrain vehicle shall be subject to the requirements of this chapter as if the all-terrain vehicle were required to be titled. All all-terrain vehicles that are titled shall be registered.

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

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

4. If a dealer buys or acquires an all-terrain vehicle for resale, the dealer shall report the acquisition to the county recorder on forms provided by the department and may apply for and obtain a certificate of title as provided in this chapter. If a dealer buys or acquires a used all-terrain vehicle, the dealer may apply for a certificate of title in the dealer's

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

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

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

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

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

9. If the county recorder is not satisfied as to the ownership of the all-terrain vehicle or that there are no undisclosed security interests in the all-terrain vehicle, the county recorder may issue a certificate of title for the all-terrain vehicle but, as a condition of such issuance, may require the applicant to file with the department a bond in the form prescribed by the department and executed by the applicant, and also executed by a person authorized to conduct a surety business in this state. The form and amount of the bond shall be established by rule of the department. The bond shall be conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the all-terrain vehicle or person acquiring any security interest in the all-terrain vehicle, and their respective successors in interest, against any expense, loss, or damage, including reasonable attorney fees, by reason of the issuance of the certificate of title of the all-terrain vehicle or on account of any defect in or undisclosed security interest upon the right, title, and interest of the applicant in and to the all-terrain vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond shall be returned at the end of three years or prior thereto if the all-terrain vehicle is no longer registered in this state and the certificate of title is surrendered to the department, unless the department has been notified of the pendency of an action to recover on the bond.

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

11. A motorcycle that has been issued a certificate of title pursuant to this section may be issued a title pursuant to chapter 321 upon proper application and surrender of the

existing title. Upon issuance of a title pursuant to chapter 321, the certificate of title previously issued pursuant to this section shall be returned to the issuing county recorder.

Sec. 75. NEW SECTION. 321I.31 FEES -- DUPLICATES.

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

2. If a certificate of title is lost, stolen, mutilated, destroyed, or becomes illegible, the first lienholder or, if there is none, the owner named in the certificate, as shown by the county recorder's records, shall within thirty days obtain a duplicate by applying to the county recorder. The applicant shall furnish information the department requires concerning the original certificate and the circumstances of its loss, mutilation, or destruction. Mutilated or illegible certificates shall be returned to the department with the application for a duplicate.

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

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

5. Five dollars of the certificate of title fees collected under this section shall be remitted by the county recorder to the treasurer of state for deposit in the special all-terrain vehicle fund created under section 321I.8. The remaining five dollars shall be retained by the county and deposited into the general fund of the county.

Sec. 76. NEW SECTION. 321I.32 TRANSFER OR REPOSSESSION BY OPERATION OF LAW.

1. If ownership of an all-terrain vehicle is transferred by operation of law, such as by inheritance, order in bankruptcy, insolvency, replevin, or execution sale, the

transferee, within thirty days after acquiring the right to possession of the all-terrain vehicle, shall mail or deliver to the county recorder satisfactory proof of ownership as the county recorder requires, together with an application for a new certificate of title, and the required fee.

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

Sec. 77. NEW SECTION. 321I.33 SECURITY INTEREST -- PERFECTION AND TITLES -- FEE.

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

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

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

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

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

Sec. 78. NEW SECTION. 321I.34 VEHICLE IDENTIFICATION NUMBER.

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

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

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

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

Sec. 79. Section 232.8, subsection 1, paragraph b, Code 2003, is amended to read as follows:

b. Violations by a child of provisions of chapter 321, 321G, 321I, 453A, 461A, 461B, 462A, 481A, 481B, 483A, 484A, or 484B, which would be simple misdemeanors if committed by an

adult, and violations by a child of county or municipal curfew or traffic ordinances, are excluded from the jurisdiction of the juvenile court and shall be prosecuted as simple misdemeanors as provided by law. A child convicted of a violation excluded from the jurisdiction of the juvenile court under this paragraph shall be sentenced pursuant to section 805.8, where applicable, and pursuant to section 903.1, subsection 3, for all other violations.

Sec. 80. Section 321.1, subsection 32, unnumbered paragraph 1, Code Supplement 2003, is amended to read as follows:

"Implement of husbandry" means a vehicle or special mobile equipment manufactured, designed, or reconstructed for agricultural purposes and, except for incidental uses, exclusively used in the conduct of agricultural operations. "Implements of husbandry" includes all-terrain vehicles operated in compliance with section 321.234A, subsection 1, paragraph "a", fence-line feeders, and vehicles used exclusively for the application of organic or inorganic plant food materials, organic agricultural limestone, or agricultural chemicals. To be considered an implement of husbandry, a self-propelled implement of husbandry must be operated at speeds of thirty-five miles per hour or less. "Reconstructed" as used in this subsection means materially altered from the original construction by the removal, addition, or substitution of essential parts, new or used.

Sec. 81. Section 321.234A, Code 2003, is amended to read as follows:

321.234A ALL-TERRAIN VEHICLES -- HIGHWAY USE.

1. All-terrain vehicles shall not be operated on a highway only unless one or more of the following conditions apply:

a. The operation is between sunrise and sunset and only when the operation on the highway is incidental to the vehicle's use for agricultural purposes.

b. The operation is incidental to the vehicle's use for the purpose of surveying by a licensed engineer or land surveyor.

c. The all-terrain vehicle is operated by an employee or agent of a political subdivision or public utility for the purpose of construction or maintenance on or adjacent to the highway.

d. The all-terrain vehicle is operated by an employee or agent of a public agency as defined in section 34.1 for the purpose of providing emergency services or rescue.

2. A person operating an all-terrain vehicle on a highway shall have a valid driver's license and the vehicle shall be operated at speeds of thirty-five miles per hour or less.

3. An all-terrain vehicle that is owned by the owner of land adjacent to a highway, other than an interstate road, may be operated by the owner of the all-terrain vehicle, or by a member of the owner's family, on the portion of the highway right-of-way that is between the shoulder of the roadway, or at least five feet from the edge of the roadway, and the owner's property line.

~~2-~~ 4. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 3, paragraph "f".

Sec. 82. Section 322D.1, subsection 1, Code Supplement 2003, is amended to read as follows:

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

Sec. 83. Section 322F.1, subsection 2, Code Supplement 2003, is amended to read as follows:

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

Sec. 84. Section 331.362, subsection 9, Code Supplement 2003, is amended to read as follows:

9. A county may regulate traffic on and use of the secondary roads, in accordance with sections 321.236 to

321.250, 321.254, 321.255, 321.285, subsection 5, sections 321.352, 321.471 to 321.473, and other applicable provisions of chapter 321, and sections 321G.9, 321I.10, and 327G.15.

Sec. 85. Section 331.427, subsection 1, unnumbered paragraph 1, Code Supplement 2003, is amended to read as follows:

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

Sec. 86. Section 331.602, subsection 16, Code Supplement 2003, is amended to read as follows:

16. Issue snowmobile registrations and all-terrain vehicle registrations and user permits as provided in sections 321G.4, 321G.6, and 321G.21, 321I.4, 321I.5, 321I.7, and 321I.22.

Sec. 87. Section 331.605, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. For the issuance of all-terrain vehicle registrations and user permits, the fees specified in sections 321I.4 and 321I.5.

Sec. 88. Section 350.5, Code 2003, is amended to read as follows:

350.5 REGULATIONS -- PENALTY -- OFFICERS.

The county conservation board may make, alter, amend or repeal regulations for the protection, regulation, and control of all museums, parks, preserves, parkways, playgrounds, recreation centers, and other property under its control. The regulations shall not be contrary to, or inconsistent with, the laws of this state. The regulations shall not take effect until ten days after their adoption by the board and after

their publication as provided in section 331.305 and after a copy of the regulations has been posted near each gate or principal entrance to the public ground to which they apply. After the publication and posting, a person violating a provision of the regulations which are then in effect is guilty of a simple misdemeanor. The board may designate the director and those employees as the director may designate as police officers who shall have all the powers conferred by law on police officers, peace officers, or sheriffs in the enforcement of the laws of this state and the apprehension of violators upon all property under its control within and without the county. The board may grant the director and those employees of the board designated as police officers the authority to enforce the provisions of chapters 321G, 321I, 461A, 462A, 481A, and 483A on land not under the control of the board within the county.

Sec. 89. Section 455A.4, subsection 1, paragraph b, Code Supplement 2003, is amended to read as follows:

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

Sec. 90. Section 455A.5, subsection 6, paragraphs a, b, and d, Code 2003, are amended to read as follows:

a. Establish policy and adopt rules, pursuant to chapter 17A, necessary to provide for the effective administration of chapter 321G, 321I, 456A, 456B, 457A, 461A, 462A, 462B, 464A, 465C, 481A, 481B, 483A, 484A, or 484B.

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

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

Sec. 91. Section 456A.14, Code 2003, is amended to read as follows:

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

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

Sec. 92. Section 456A.24, subsection 12, Code 2003, is amended to read as follows:

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

Sec. 93. Section 805.8B, subsection 2, Code 2003, is amended to read as follows:

2. SNOWMOBILE AND ALL-TERRAIN VEHICLE VIOLATIONS.

a. For registration or user permit violations under section sections 321G.3 and 321I.3, the scheduled fine is twenty dollars. When the scheduled fine is paid, the violator shall submit sufficient proof that a valid registration or user permit has been obtained.

b. For operating violations under section 321G.9, subsections 1, 2, 3, 4, 5, and 7, sections 321G.11, and 321G.13, subsection 1, paragraph "d", sections 321I.10,

321I.12, and 321I.14, subsection 1, paragraph "d", the scheduled fine is twenty dollars.

c. For improper or defective equipment under section sections 321G.12 and 321I.13, the scheduled fine is ten twenty dollars.

d. For violations of section sections 321G.19 and 321I.20, the scheduled fine is fifteen twenty dollars.

e. For identification violations under section sections 321G.5 and 321I.6, the scheduled fine is ten twenty dollars.

Sec. 94. Section 805.16, subsection 1, Code 2003, is amended to read as follows:

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

Sec. 95. Section 903.1, subsection 3, Code 2003, is amended to read as follows:

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

Sec. 96. Section 321G.22A, Code Supplement 2003, is repealed.

Sec. 97. APPLICABILITY -- NEW REGISTRATIONS AND RENEWALS. The annual registration fees required for snowmobiles and all-terrain vehicles pursuant to this Act apply to new

registrations and renewals effective for years beginning on or after January 1, 2005.

JEFFREY M. LAMBERTI
President of the Senate

CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 297, Eightieth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2004

THOMAS J. VILSACK
Governor