

Senate Study Bill 1033

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES AND
ENVIRONMENT BILL BY
CHAIRPERSON HOUSER)

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

A BILL FOR

1 An Act relating to all-terrain vehicles and snowmobiles,
2 requiring annual user permits for nonresidents, and making a
3 penalty applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1542SC 80
6 dea/cl/14

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1 1 Section 1. Section 321G.1, subsection 1, unnumbered
1 2 paragraph 2, Code 2003, is amended to read as follows:
1 3 Two-wheeled off-road motorcycles shall be considered all-
1 4 terrain vehicles ~~only~~ for the purpose of titling and
1 5 registration. Two-wheeled off-road motorcycles shall also be
1 6 considered all-terrain vehicles for the purpose of titling if
1 7 a title has not previously been issued pursuant to chapter
1 8 321. An operator of a two-wheeled off-road motorcycle is
1 9 exempt from the safety instruction and certification program
1 10 requirements of sections 321G.23 and 321G.24.
1 11 Sec. 2. Section 321G.1, Code 2003, is amended by adding
1 12 the following new subsections:
1 13 NEW SUBSECTION. 9A. "Nonresident" means a person who is
1 14 not a resident of this state.
1 15 NEW SUBSECTION. 15A. "Resident" means a person who meets
1 16 the requirements for residency described in section 321.1A.
1 17 Sec. 3. Section 321G.2, Code 2003, is amended by adding
1 18 the following new subsection:
1 19 NEW SUBSECTION. 8. Issuance of annual user permits for
1 20 nonresidents and establishment of administrative fees for the
1 21 issuance of the permits.
1 22 Sec. 4. Section 321G.3, subsection 1, Code 2003, is
1 23 amended to read as follows:
1 24 1. Each all-terrain vehicle and snowmobile used by a
1 25 resident on public land or ice of this state shall be
1 26 currently registered and numbered. A nonresident may operate
1 27 an all-terrain vehicle or snowmobile on public land or ice of
1 28 this state pursuant to a valid annual user permit issued by
1 29 the department. A person shall not operate, maintain, or give
1 30 permission for the operation or maintenance of an all-terrain
1 31 vehicle or snowmobile on public land or ice unless the all-
1 32 terrain vehicle or snowmobile is numbered in accordance with
1 33 this chapter, ~~or in accordance with applicable federal laws,~~
1 34 ~~or in accordance with an approved numbering system of another~~
1 35 ~~state, and unless the operator possesses a valid annual user~~
2 1 ~~permit for the all-terrain vehicle or snowmobile.~~ If the all=
2 2 terrain vehicle or snowmobile is required to be registered in
2 3 this state, the identifying number set forth in the
2 4 registration ~~is~~ shall be displayed as prescribed by rules of
2 5 the commission.
2 6 Sec. 5. NEW SECTION. 321G.4A NONRESIDENT USER PERMITS.
2 7 A nonresident wishing to operate an all-terrain vehicle or
2 8 snowmobile, other than an all-terrain vehicle or snowmobile
2 9 owned by a resident and registered pursuant to this chapter,
2 10 on public land or ice of this state shall first obtain a user
2 11 permit from the department. A user permit shall be issued for
2 12 the all-terrain vehicle or snowmobile specified at the time of
2 13 application and is not transferable. A user permit shall be
2 14 valid for the calendar year specified in the permit.
2 15 User permits may be issued by a county recorder or a
2 16 license depository pursuant to rules adopted by the
2 17 commission. The fee for a user permit shall be thirty-five
2 18 dollars plus an administrative fee established by the
2 19 commission. A county recorder shall retain a writing fee of
2 20 one dollar from the sale of each user permit issued by the

2 21 county recorder's office. The writing fees retained by the
2 22 county recorder shall be deposited in the general fund of the
2 23 county. A license depository designated by the director
2 24 pursuant to section 483A.11 shall retain a writing fee of one
2 25 dollar from the sale of each permit issued by the agent.

2 26 Sec. 6. Section 321G.7, unnumbered paragraph 2, Code 2003,
2 27 is amended to read as follows:

2 28 The department shall remit the fees, including fees
2 29 collected pursuant to section 321G.4 and user fees collected
2 30 pursuant to section 321G.4A, to the treasurer of state, who

2 31 shall place the money in a special conservation fund. The
2 32 money is appropriated to the department for the all-terrain
2 33 vehicle and snowmobile programs of the state. All-terrain
2 34 vehicle fees shall be used only for all-terrain vehicle
2 35 programs and snowmobile fees shall be used only for snowmobile
3 1 programs. Joint programs shall be supported from both types
3 2 of fees on a usage basis. The all-terrain vehicle and
3 3 snowmobile programs shall include grants, subgrants,
3 4 contracts, or cost-sharing of all-terrain vehicle and
3 5 snowmobile programs with political subdivisions or
3 6 incorporated private organizations or both in accordance with
3 7 rules adopted by the commission. All all-terrain vehicle
3 8 programs using cost-sharing, grants, subgrants, or contracts
3 9 shall establish and implement a safety instruction program
3 10 either singly or in cooperation with other all-terrain vehicle
3 11 programs. At least fifty percent of the special fund shall be
3 12 available for political subdivisions or incorporated private
3 13 organizations or both. Moneys from the special fund not used
3 14 by the political subdivisions or incorporated private
3 15 organizations or both shall remain in the all-terrain vehicle
3 16 or snowmobile accounts. The department may use funds from
3 17 these accounts for the administration of the all-terrain
3 18 vehicle and snowmobile programs.

3 19 Sec. 7. Section 321G.8, subsection 5, Code 2003, is
3 20 amended by striking the subsection.

3 21 Sec. 8. Section 321G.29, subsection 1, Code 2003, is
3 22 amended to read as follows:

3 23 1. The owner of a snowmobile acquired on or after January
3 24 1, 1998, or an all-terrain vehicle acquired on or after
3 25 January 1, 2000, other than a snowmobile or all-terrain
3 26 vehicle used exclusively as a farm implement or a motorcycle
3 27 previously issued a title pursuant to chapter 321, shall apply

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

4 5 Sec. 9. Section 321G.29, Code 2003, is amended by adding
4 6 the following new subsection:

4 7 NEW SUBSECTION. 11. A motorcycle that has been issued a
4 8 certificate of title pursuant to this section may be issued a
4 9 title pursuant to chapter 321 upon proper application and
4 10 surrender of the existing title. Upon issuance of a title
4 11 pursuant to chapter 321, the certificate of title previously
4 12 issued pursuant to this section shall be returned to the
4 13 issuing county recorder.

4 14 Sec. 10. Section 331.605, subsection 4, Code 2003, is
4 15 amended to read as follows:

4 16 4. For the issuance of all-terrain vehicle and snowmobile
4 17 registrations and user permits, the fees specified in section
4 18 sections 321G.4 and 321G.4A.

4 19 Sec. 11. Section 805.8B, subsection 2, paragraph a, Code
4 20 2003, is amended to read as follows:

4 21 a. For registration or user permit violations under
4 22 section 321G.3, the scheduled fine is twenty dollars. When
4 23 the scheduled fine is paid, the violator shall submit
4 24 sufficient proof that a valid registration or user permit has
4 25 been obtained.

4 26 EXPLANATION

4 27 This bill makes several changes to current law relating to
4 28 the operation of all-terrain vehicles and snowmobiles. The
4 29 bill provides that a two-wheeled off-road motorcycle shall be
4 30 considered an all-terrain vehicle for the purpose of titling
4 31 only if the motorcycle has not previously been issued a motor

4 32 vehicle title. A motorcycle that has been issued a title as
4 33 an all-terrain vehicle can apply for and be issued a motor
4 34 vehicle title upon surrender of the existing title. Two=
4 35 wheeled off-road motorcycles continue to be considered all=
5 1 terrain vehicles for the purpose of registration.
5 2 The bill requires that in order to operate an all-terrain
5 3 vehicle or snowmobile on public land or ice of this state, a
5 4 nonresident must obtain a user permit from the department of
5 5 natural resources. User permits are valid for the calendar
5 6 year specified in the permit and are nontransferable. The
5 7 permits may be issued by county recorders or license
5 8 depositaries designated by the department in a manner similar
5 9 to the issuance of hunting and fishing licenses. The fee for
5 10 an annual user permit is \$35 plus an administrative fee.
5 11 County recorders and depositaries shall also charge a \$1
5 12 writing fee.
5 13 A person who violates the requirement to obtain a user
5 14 permit is subject to a fine of \$20, and is required to submit
5 15 proof that a valid permit has been obtained upon payment of
5 16 the fine.
5 17 The bill makes a corrective amendment to Code section
5 18 321G.8 by eliminating all-terrain vehicles operated on
5 19 highways incidental to the vehicle's use for agricultural
5 20 purposes from the list of vehicles exempt from registration
5 21 under Code chapter 321G.
5 22 LSB 1542SC 80
5 23 dea/cl/14