

FEB 23 2005
TRANSPORTATION

HOUSE FILE 412
BY MERTZ and CHAMBERS

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

A BILL FOR

1 An Act relating to the operation of all-terrain vehicles in
2 cities of a certain size, providing a fee, and making
3 penalties applicable.

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

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HF 412

1 Section 1. Section 321.20B, subsection 6, Code 2005, is
2 amended to read as follows:

3 6. This section does not apply to a snowmobile or all-
4 terrain vehicle, except an all-terrain vehicle operated as
5 provided in section 321.234A, subsection 2, or to a motor
6 vehicle identified in section 321.18, subsections 1 through 6,
7 and subsection 8.

8 Sec. 2. Section 321.109, subsection 1, unnumbered
9 paragraph 1, Code 2005, is amended to read as follows:

10 The annual fee for all motor vehicles including vehicles
11 designated by manufacturers as station wagons, and 1993 and
12 subsequent model years for multipurpose vehicles, except motor
13 trucks, motor homes, ambulances, hearses, motorcycles, motor
14 bicycles, all-terrain vehicles, and 1992 and older model years
15 for multipurpose vehicles, shall be equal to one percent of
16 the value as fixed by the department plus forty cents for each
17 one hundred pounds or fraction thereof of weight of vehicle,
18 as fixed by the department. The weight of a motor vehicle,
19 fixed by the department for registration purposes, shall
20 include the weight of a battery, heater, bumpers, spare tire,
21 and wheel. Provided, however, that for any new vehicle
22 purchased in this state by a nonresident for removal to the
23 nonresident's state of residence the purchaser may make
24 application to the county treasurer in the county of purchase
25 for a transit plate for which a fee of ten dollars shall be
26 paid. And provided, however, that for any used vehicle held
27 by a registered dealer and not currently registered in this
28 state, or for any vehicle held by an individual and currently
29 registered in this state, when purchased in this state by a
30 nonresident for removal to the nonresident's state of
31 residence, the purchaser may make application to the county
32 treasurer in the county of purchase for a transit plate for
33 which a fee of three dollars shall be paid. The county
34 treasurer shall issue a nontransferable certificate of
35 registration for which no refund shall be allowed; and the

1 transit plates shall be void thirty days after issuance. Such
2 purchaser may apply for a certificate of title by surrendering
3 the manufacturer's or importer's certificate or certificate of
4 title, duly assigned as provided in this chapter. In this
5 event, the treasurer in the county of purchase shall, when
6 satisfied with the genuineness and regularity of the
7 application, and upon payment of a fee of ten dollars, issue a
8 certificate of title in the name and address of the
9 nonresident purchaser delivering the same to the person
10 entitled to the title as provided in this chapter. The
11 application requirements of section 321.20 apply to a title
12 issued as provided in this subsection, except that a natural
13 person who applies for a certificate of title shall provide
14 either the person's social security number, passport number,
15 or driver's license number, whether the license was issued by
16 this state, another state, or another country. The provisions
17 of this subsection relating to multipurpose vehicles are
18 effective January 1, 1993, for all 1993 and subsequent model
19 years. The annual registration fee for multipurpose vehicles
20 that are 1992 model years and older shall be in accordance
21 with section 321.124.

22 Sec. 3. Section 321.117, Code 2005, is amended to read as
23 follows:

24 321.117 MOTORCYCLE, ALL-TERRAIN VEHICLE, AMBULANCE, AND
25 HEARSE FEES.

26 For all motorcycles the annual registration fee ~~shall be~~ is
27 twenty dollars. For all motorized bicycles the annual
28 registration fee ~~shall be~~ is seven dollars. When ~~the a~~
29 motorcycle is more than five model years old, the annual
30 registration fee ~~shall be~~ is ten dollars. The annual
31 registration fee for all-terrain vehicles operated under
32 section 321.234A, subsection 2, is twenty dollars. The annual
33 registration fee for ambulances and hearses ~~shall be~~ is fifty
34 dollars. Passenger car plates shall be issued for ambulances
35 and hearses.

1 Sec. 4. Section 321.166, subsection 1, unnumbered
2 paragraph 1, Code 2005, is amended to read as follows:

3 Registration plates shall be of metal and of a size not to
4 exceed six inches by twelve inches, except that the size of
5 plates issued for use on all-terrain vehicles operated under
6 section 321.234A, subsection 2, motorized bicycles,
7 motorcycles, motorcycle trailers, and trailers with an empty
8 weight of two thousand pounds or less shall be established by
9 the department.

10 Sec. 5. Section 321.166, subsections 3 and 4, Code 2005,
11 are amended to read as follows:

12 3. The registration plate number shall be displayed in
13 characters which shall not exceed a height of four inches nor
14 a stroke width exceeding five-eighths of an inch. Special
15 plates issued to dealers shall display the alphabetical
16 character "D", which shall be of the same size as the
17 characters in the registration plate. The registration plate
18 number issued for all-terrain vehicles operated under section
19 321.234A, subsection 2, motorized bicycles, motorcycles,
20 trailers with an empty weight of two thousand pounds or less,
21 and motorcycle trailers shall be a size prescribed by the
22 department.

23 4. The registration plate number, except on all-terrain
24 vehicles operated under section 321.234A, subsection 2,
25 motorized ~~bicycle~~ bicycles, ~~motorcycle~~ motorcycles, motorcycle
26 ~~trailer~~ trailers, and trailers with an empty weight of two
27 thousand pounds or less shall be of sufficient size to be
28 readable from a distance of one hundred feet during daylight.

29 Sec. 6. Section 321.234A, Code 2005, is amended to read as
30 follows:

31 321.234A ALL-TERRAIN VEHICLES -- HIGHWAY USE -- OPERATION
32 IN CITIES.

33 1. All-terrain Except as provided in subsection 2,
34 vehicles shall not be operated on a highway unless one or more
35 of the following conditions apply:

1 a. The operation is between sunrise and sunset and is
2 incidental to the vehicle's use for agricultural purposes.

3 b. The operation is incidental to the vehicle's use for
4 the purpose of surveying by a licensed engineer or land
5 surveyor.

6 c. The all-terrain vehicle is operated by an employee or
7 agent of a political subdivision or public utility for the
8 purpose of construction or maintenance on or adjacent to the
9 highway.

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

13 2. An all-terrain vehicle may be operated on a highway
14 within a city with a population of less than two thousand,
15 provided all of the following conditions are met:

16 a. The all-terrain vehicle is registered as a motor
17 vehicle under chapter 321 and bears the license plates
18 required under section 321.166.

19 b. The operator of the all-terrain vehicle is at least
20 eighteen years of age and possesses a valid driver's license.

21 c. The operator of the all-terrain vehicle is covered by
22 an owner's policy of liability insurance or other financial
23 liability coverage, as defined in section 321.1, in effect for
24 the all-terrain vehicle being operated.

25 d. The all-terrain vehicle is equipped with rear lamps and
26 brake lights as described in sections 321.387 and 321.404, and
27 if operating during the times specified in section 321.384,
28 with two headlamps as described in section 321.385.

29 The motor vehicle laws and penalties applicable to
30 operators of motor vehicles pursuant to this chapter apply to
31 a person operating, on a public highway, an all-terrain
32 vehicle registered as a motor vehicle, to the extent
33 practicably applicable. A violation of a provision of this
34 subsection not otherwise punishable under this chapter is
35 punishable as a scheduled violation as provided in subsection

1 5.

2 Registration and operation of an all-terrain vehicle under
3 this subsection does not constitute an exemption from the
4 provisions of chapter 321I.

5 ~~2-~~ 3. A person operating an all-terrain vehicle on a
6 highway shall have a valid driver's license and the vehicle
7 shall be operated at speeds of thirty-five miles per hour or
8 less.

9 ~~3-~~ 4. An all-terrain vehicle that is owned by the owner
10 of land adjacent to a highway, other than an interstate road,
11 may be operated by the owner of the all-terrain vehicle, or by
12 a member of the owner's family, on the portion of the highway
13 right-of-way that is between the shoulder of the roadway, or
14 at least five feet from the edge of the roadway, and the
15 owner's property line.

16 ~~4-~~ 5. A person convicted of a violation of this section
17 is guilty of a simple misdemeanor punishable as a scheduled
18 violation under section 805.8A, subsection 3, paragraph "f".

19 Sec. 7. Section 321I.9, unnumbered paragraph 1, Code 2005,
20 is amended to read as follows:

21 Registration under this chapter shall not be required for
22 the following described all-terrain vehicles:

23 EXPLANATION

24 This bill modifies the prohibition on operation of all-
25 terrain vehicles on public highways by authorizing their
26 operation in cities with a population of less than 2,000 under
27 certain conditions. The person operating an all-terrain
28 vehicle in such a city must be at least 18 years of age and
29 licensed as a motor vehicle driver. The operator must be
30 covered by liability insurance or other financial liability
31 coverage in effect for the vehicle being operated.

32 The all-terrain vehicle must be equipped with rear lamps
33 and brake lights, and with two headlamps if conditions
34 warrant. The vehicle is required to be registered as a motor
35 vehicle under Code chapter 321. The all-terrain vehicle must

1 display registration plates of a size and design to be
2 established by the state department of transportation. The
3 annual fee for registration of an all-terrain vehicle as a
4 motor vehicle is \$20.

5 A person operating an all-terrain vehicle registered as a
6 motor vehicle on city streets would be subject to the same
7 laws and penalties, including scheduled fines, that apply to
8 drivers of other motor vehicles, to the extent practicably
9 applicable. A violation of a provision of law uniquely
10 applicable to an all-terrain vehicle being operated as a motor
11 vehicle, not otherwise punishable as a motor vehicle offense,
12 would be a simple misdemeanor punishable by a scheduled fine
13 of \$50.

14 Registration of an all-terrain vehicle for the purpose of
15 operating it on city streets would not exempt the owner from
16 the registration and regulation requirements administered by
17 the department of natural resources.

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