

House Study Bill 260

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES BILL BY
CHAIRPERSON FREEMAN)

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

A BILL FOR

1 An Act relating to the regulation of all-terrain vehicles,
2 establishing fees, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 3079YC 81
5 dea/pj/5

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1 1 Section 1. Section 321.234A, subsection 1, Code 2005, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. e. The all-terrain vehicle is operated for
4 the purpose of mowing, installing approved trail signs, or
5 providing maintenance on a snowmobile or all-terrain vehicle
6 trail designated by the department of natural resources.

1 7 Sec. 2. Section 321.234A, subsection 3, Code 2005, is
1 8 amended to read as follows:

1 9 3. An all-terrain vehicle that is owned by the owner of
1 10 land adjacent to a highway, other than an interstate road, may
1 11 be operated by the owner of the all-terrain vehicle, or by a
1 12 member of the owner's family, on the portion of the highway
1 13 right-of-way that is between the shoulder of the roadway, or
1 14 at least five feet from the edge of the roadway, and the
1 15 owner's property line. A person operating an all-terrain
1 16 vehicle within the highway right-of-way under this subsection
1 17 shall comply with the registration, safety, and age
1 18 requirements under chapter 321I.

1 19 Sec. 3. Section 321I.1, Code 2005, is amended by adding
1 20 the following new subsection:

1 21 NEW SUBSECTION. 5A. "Distributor" means a person,
1 22 resident or nonresident, who sells or distributes all-terrain
1 23 vehicles to all-terrain vehicle dealers in this state, or who
1 24 maintains distributor representatives.

1 25 Sec. 4. Section 321I.4, Code 2005, is amended to read as
1 26 follows:

1 27 ~~321I.4 REGISTRATION WITH COUNTY RECORDER == FEE.~~

1 28 1. The owner of each all-terrain vehicle required to be
1 29 numbered shall register it annually with the department
1 30 through the county recorder of the county in which the owner
1 31 resides or, if the owner is a nonresident, the owner shall
1 32 register it in the county in which the all-terrain vehicle is
1 33 principally used. The department shall develop and maintain
1 34 an electronic system for the registration of all-terrain
1 35 vehicles pursuant to this chapter. The commission has

~~2 1 supervisory responsibility over department shall establish~~
~~2 2 forms and procedures as necessary for the registration of all-~~
~~2 3 terrain vehicles and shall provide each county recorder with~~
~~2 4 registration forms and certificates and shall allocate~~
~~2 5 registration numbers to each county.~~

2 6 2. The owner of the all-terrain vehicle shall file an
2 7 application for registration with the department through the
2 8 appropriate county recorder on forms provided in the manner
2 9 established by the commission. The application shall be
2 10 completed and signed by the owner of the all-terrain vehicle
2 11 and shall be accompanied by a fee of fifteen dollars and a
2 12 writing fee. An all-terrain vehicle shall not be registered
2 13 by the county recorder until the county recorder is presented
2 14 with receipts, bills of sale, or other satisfactory evidence
2 15 that the sales or use tax has been paid for the purchase of
2 16 the all-terrain vehicle or that the owner is exempt from
2 17 paying the tax. An all-terrain vehicle that has an expired
2 18 registration certificate from another state may be registered

2 19 in this state upon proper application, payment of all
2 20 applicable registration and writing fees, and payment of a
2 21 penalty of five dollars.

2 22 3. Upon receipt of the application in approved form
2 23 accompanied by the required fees, the county recorder shall
2 24 ~~enter it upon the records register the all-terrain vehicle~~
2 25 ~~with the department and shall issue to the applicant a~~
2 26 ~~registration certificate. The certificate shall be executed~~
2 27 ~~in triplicate, one copy to be delivered to the owner, one copy~~
2 28 ~~to the commission, and one copy to be retained on file by the~~
2 29 ~~county recorder.~~ The registration certificate shall bear the
2 30 number awarded to the all-terrain vehicle and the name and
2 31 address of the owner. The registration certificate shall be
2 32 carried either in the all-terrain vehicle or on the person of
2 33 the operator of the all-terrain vehicle when in use. The
2 34 operator of an all-terrain vehicle shall exhibit the
2 35 registration certificate to a peace officer upon request, to a
3 1 person injured in an accident involving an all-terrain
3 2 vehicle, to the owner or operator of another all-terrain
3 3 vehicle or the owner of personal or real property when the
3 4 all-terrain vehicle is involved in a collision or accident of
3 5 any nature with another all-terrain vehicle or the property of
3 6 another person, or to the property owner or tenant when the
3 7 all-terrain vehicle is being operated on private property
3 8 without permission from the property owner or tenant.

3 9 4. If an all-terrain vehicle is placed in storage, the
3 10 owner shall return the current registration certificate to the
3 11 county recorder with an affidavit stating that the all-terrain
3 12 vehicle is placed in storage and the effective date of
3 13 storage. The county recorder shall notify the ~~commission~~
3 14 ~~department~~ of each all-terrain vehicle placed in storage.
3 15 When the owner of a stored all-terrain vehicle desires to
3 16 renew the registration, the owner shall make application ~~to~~
3 17 ~~through~~ the county recorder and pay the registration and
3 18 writing fees without penalty. A refund of the registration
3 19 fee shall not be allowed for a stored all-terrain vehicle.

3 20 Sec. 5. Section 321I.5, Code 2005, is amended to read as
3 21 follows:

3 22 321I.5 NONRESIDENT USER PERMITS.

3 23 A nonresident wishing to operate an all-terrain vehicle,
3 24 other than an all-terrain vehicle owned by a resident and
3 25 registered pursuant to this chapter, on public land or ice of
3 26 this state shall first obtain a user permit from the
3 27 department. A user permit shall be issued for the all-terrain
3 28 vehicle specified at the time of application and is not
3 29 transferable. A user permit shall be valid for the calendar
3 30 year specified in the permit.

3 31 User permits may be issued by a county recorder or a
3 32 license ~~depository agent~~ pursuant to rules adopted by the
3 33 commission. The fee for a user permit shall be fifteen
3 34 dollars plus an administrative fee established by the
3 35 commission. A county recorder shall retain a writing fee of
4 1 one dollar from the sale of each user permit issued by the
4 2 county recorder's office. The writing fees retained by the
4 3 county recorder shall be deposited in the general fund of the
4 4 county. A license ~~depository agent~~ designated by the director
4 5 pursuant to section 483A.11 shall retain a writing fee of one
4 6 dollar from the sale of each permit issued by the agent.

4 7 Sec. 6. Section 321I.7, Code 2005, is amended by adding
4 8 the following new subsection:

4 9 NEW SUBSECTION. 7. The department shall develop and
4 10 maintain an electronic system for residents to renew all=
4 11 terrain vehicle registrations pursuant to this section. A
4 12 county recorder or license agent may issue all-terrain vehicle
4 13 registration renewals electronically pursuant to rules adopted
4 14 by the commission. The fee for a registration renewal issued
4 15 using an electronic system is fifteen dollars plus an
4 16 administrative fee established by the commission. A county
4 17 recorder or license agent designated by the director pursuant
4 18 to section 483A.11 shall retain a writing fee of one dollar
4 19 for each registration renewal issued. The writing fees
4 20 retained by the county recorder shall be deposited in the
4 21 general fund of the county.

4 22 Sec. 7. Section 321I.9, subsection 3, Code 2005, is
4 23 amended to read as follows:

4 24 3. All-terrain vehicles covered by a valid license or
4 25 registration of another state and which have not been within
4 26 this state for more than twenty consecutive days, for use on
4 27 public ice.

4 28 Sec. 8. Section 321I.14, subsection 1, paragraph g, Code
4 29 2005, is amended by striking the paragraph and inserting in

4 30 lieu thereof the following:

4 31 g. In any park, wildlife area, preserve, refuge, game
4 32 management area, or any portion of a meandered stream, or any
4 33 portion of the bed of a nonmeandered stream which has been
4 34 identified as a navigable stream or river by rule adopted by
4 35 the department and which is covered by water, except on
5 1 designated all-terrain vehicle trails.

5 2 This paragraph does not prohibit the use of ford crossings
5 3 of public roads or any other ford crossing when used for
5 4 agricultural purposes; the operation of construction vehicles
5 5 engaged in lawful construction, repair, or maintenance in a
5 6 streambed; or the operation of all-terrain vehicles on ice.

5 7 Sec. 9. Section 321I.14, subsection 1, Code 2005, is
5 8 amended by adding the following new paragraph:

5 9 NEW PARAGRAPH. i. On any public riding area or designated
5 10 trail system without wearing a helmet approved by the state
5 11 department of transportation.

5 12 Sec. 10. Section 321I.16, Code 2005, is amended to read as
5 13 follows:

5 14 321I.16 OPERATION PENDING REGISTRATION.

5 15 The commission shall furnish all-terrain vehicle dealers
5 16 with pasteboard cards bearing the words "registration applied
5 17 for" and space for the date of purchase. An unregistered all-
5 18 terrain vehicle sold by a dealer shall bear one of these cards
5 19 which entitles the purchaser to operate it for ~~ten forty=~~five
5 20 days immediately following the purchase. The purchaser of a
5 21 registered all-terrain vehicle may operate it for ~~ten forty=~~
5 22 five days immediately following the purchase, without having
5 23 completed a transfer of registration. An all-terrain vehicle
5 24 dealer shall make application and pay all registration and
5 25 title fees if applicable on behalf of the purchaser of an all-
5 26 terrain vehicle.

5 27 Sec. 11. Section 321I.22, subsection 2, Code 2005, is
5 28 amended to read as follows:

5 29 2. ~~Any Every~~ manufacturer, distributor, or dealer ~~may~~
5 30 shall register with the department and, upon payment of a fee
5 31 of fifteen dollars, make application to the commission, upon
5 32 forms prescribed by the commission, for a special registration
5 33 certificate containing a general identification number and for
5 34 one or more duplicate special registration certificates. The
5 35 applicant shall submit reasonable proof of the applicant's
6 1 status as a bona fide manufacturer, distributor, or dealer as
6 2 may be required by the commission.

6 3 Sec. 12. Section 321I.26, subsection 2, Code 2005, is
6 4 amended to read as follows:

6 5 2. Upon application and payment of a fee of ~~five twenty~~
6 6 dollars, a qualified applicant shall be issued a safety
6 7 certificate which is valid until the certificate is suspended
6 8 or revoked for a violation of a provision of this chapter or a
6 9 rule of the commission or the director of transportation. The
6 10 application shall be made on forms issued by the commission
6 11 and shall contain information as the commission may reasonably
6 12 require.

6 13 Sec. 13. Section 805.8B, subsection 2, Code 2005, is
6 14 amended to read as follows:

6 15 2. SNOWMOBILE AND ALL-TERRAIN VEHICLE VIOLATIONS.

6 16 a. For registration ~~or user permit~~ violations under
6 17 ~~sections section~~ 321G.3 ~~and 321I.3~~, the scheduled fine is
6 18 twenty dollars. When the scheduled fine is paid, the violator
6 19 shall submit sufficient proof that a valid registration ~~or~~
6 20 ~~user permit~~ has been obtained.

6 21 b. For operating violations under section 321G.9,
6 22 subsections 1, 2, 3, 4, 5, and 7, sections 321G.11, ~~and~~
6 23 321G.13, subsection 1, paragraph "d", ~~sections 321I.10,~~
6 24 ~~321I.12, and 321I.14, subsection 1, paragraph "d"~~, the
6 25 scheduled fine is twenty dollars.

6 26 c. For improper or defective equipment under ~~sections~~
6 27 ~~section~~ 321G.12 ~~and 321I.13~~, the scheduled fine is twenty
6 28 dollars.

6 29 d. For violations of ~~sections section~~ 321G.19 ~~and 321I.20~~,
6 30 the scheduled fine is twenty dollars.

6 31 e. For identification violations under ~~sections section~~
6 32 321G.5 ~~and 321I.6~~, the scheduled fine is twenty dollars.

6 33 Sec. 14. Section 805.8B, Code 2005, is amended by adding
6 34 the following new subsection:

6 35 NEW SUBSECTION. 2A. ALL-TERRAIN VEHICLE VIOLATIONS.

7 1 a. For registration or user permit violations under
7 2 section 321I.3, the scheduled fine is fifty dollars. When the
7 3 scheduled fine is paid, the violator shall submit sufficient
7 4 proof that a valid registration or user permit has been
7 5 obtained.

7 6 b. (1) For operating violations under sections 321I.12,
7 7 and 321I.14, subsection 1, paragraphs "d" and "i", the
7 8 scheduled fine is twenty dollars.
7 9 (2) For operating violations under section 321I.10,
7 10 subsections 1 and 4, the scheduled fine is fifty dollars.
7 11 (3) For operating violations under section 321I.14,
7 12 subsection 1, paragraphs "a", "b", "e", "f", "g", and "h", and
7 13 subsections 2 and 3, the scheduled fine is one hundred
7 14 dollars.
7 15 c. For improper or defective equipment under section
7 16 321I.13, the scheduled fine is twenty dollars.
7 17 d. For violations of section 321I.20, the scheduled fine
7 18 is twenty dollars.
7 19 e. For identification violations under section 321I.6, the
7 20 scheduled fine is twenty dollars.
7 21 f. For stop signal violations under section 321I.18, the
7 22 scheduled fine is one hundred dollars.
7 23 g. For safety certificate violations under section
7 24 321I.26, subsection 1, the scheduled fine is fifty dollars.
7 25 Sec. 15. PENALTY PROVISIONS == CODE EDITOR DIRECTIVE. The
7 26 sections of this Act amending section 805.8B, subsection 2,
7 27 and enacting section 805.8B, subsection 2A, are intended to
7 28 codify the penalty provisions relating to all-terrain vehicle
7 29 violations, as amended in this Act, in a separate subsection
7 30 from the penalty provisions relating to snowmobile violations.
7 31 If penalties relating to snowmobile violations are amended in
7 32 another Act of the general assembly during the 2005
7 33 legislative session, the Code editor shall harmonize the
7 34 provisions so as to give effect to the amendments to the
7 35 snowmobile penalties in the other Act.

8 1 EXPLANATION

8 2 This bill makes numerous changes to provisions relating to
8 3 the ownership and use of all-terrain vehicles, as regulated by
8 4 the department of natural resources.

8 5 The bill amends Code section 321.234A to allow the
8 6 operation of an all-terrain vehicle on a highway when the
8 7 vehicle is operated for the purpose of mowing, installing
8 8 trail signs, or providing maintenance of designated trails.
8 9 In addition, the bill specifies that the owner of an all-
8 10 terrain vehicle or member of the owner's family who operates
8 11 the all-terrain vehicle within the area between the shoulder
8 12 of the roadway and the owner's property line must comply with
8 13 the registration, safety, and age requirements applicable to
8 14 operators on public land.

8 15 The bill amends Code section 321I.4 to provide for
8 16 electronic registration of all-terrain vehicles through county
8 17 recorders.

8 18 Code section 321I.7 is amended to require the department to
8 19 develop and maintain an electronic system for renewal of all-
8 20 terrain vehicle registrations by license agents. Electronic
8 21 registration renewals could be issued by county recorders or
8 22 license agents for the annual fee of \$15, plus an
8 23 administrative fee to be established by the natural resource
8 24 commission, plus a \$1 writing fee.

8 25 Code section 321I.9 is amended to restrict the registration
8 26 exemption for nonresidents' all-terrain vehicles to those
8 27 vehicles which are licensed or registered in another state and
8 28 are in this state for not more than 20 days for operation on
8 29 public ice.

8 30 The bill amends Code section 321I.14 by expanding the
8 31 description of the types of public areas that are off-limits
8 32 for snowmobile operators.

8 33 The bill adds a new provision in Code section 321I.14 to
8 34 prohibit a person from operating an all-terrain vehicle on a
8 35 public riding area or designated trail without wearing a
9 1 helmet approved by the state department of transportation. A
9 2 violation of the requirement is a simple misdemeanor subject
9 3 to a scheduled fine of \$20.

9 4 Code section 321I.16 is amended to extend, from 10 to 45
9 5 days, the period of time a purchaser of a new or used all-
9 6 terrain vehicle may operate the vehicle pending registration.

9 7 The bill amends Code section 321I.22 to require that every
9 8 all-terrain vehicle manufacturer, distributor, or dealer
9 9 register annually with the department for a fee of \$15, which
9 10 qualifies the registrant to be issued a special registration
9 11 certificate with a general identification number. Additional
9 12 duplicate certificates may be issued for \$2 each. All-terrain
9 13 vehicles may be operated temporarily under such registration.
9 14 Current law provides for such registration on a voluntary
9 15 basis.

9 16 The bill increases the fee for issuance of a safety

9 17 certificate in Code section 321I.26 from \$5 to \$20.
9 18 The bill revises penalties for certain violations by all=
9 19 terrain vehicle operators. For a violation of registration or
9 20 user permit requirements in Code section 321I.3, the scheduled
9 21 fine is increased from \$20 to \$50. For operating an all=
9 22 terrain vehicle on a highway or snowmobile trail in violation
9 23 of Code section 321I.10, the scheduled fine is increased from
9 24 \$20 to \$50. For unlawful operation violations under Code
9 25 section 321I.14, other than operating while intoxicated and
9 26 headlight and taillight violations, and for disregarding a
9 27 peace officer's signal to stop or eluding a peace officer
9 28 under Code section 321I.18, the penalty is changed from a
9 29 simple misdemeanor to a simple misdemeanor punishable as a
9 30 scheduled violation, subject to a \$100 fine. The penalty for
9 31 a violation of safety certificate requirements under Code
9 32 section 321I.26 is changed from a simple misdemeanor to a
9 33 simple misdemeanor punishable as a scheduled violation,
9 34 subject to a fine of \$50.
9 35 LSB 3079YC 81
10 1 dea:nh/pj/5