

# House Study Bill 267

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 snowmobiles, establishing  
2 fees, and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 2757HC 81  
5 dea/gg/14

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1 1 Section 1. Section 321G.1, subsection 18, Code 2005, is  
1 2 amended to read as follows:  
1 3 18. "Snowmobile" means a motorized vehicle weighing less  
1 4 than one thousand pounds which uses sled-type runners or skis,  
1 5 endless belt-type tread with a width of forty-eight inches or  
1 6 less, or any combination of runners, skis, or tread, and is  
1 7 designed for travel on snow or ice. "Snowmobile" does not  
1 8 include an all-terrain vehicle, as defined in section 321I.1,  
1 9 which has been altered or equipped with runners, skis, belt-  
1 10 type tracks, or treads.

1 11 Sec. 2. Section 321G.3, subsection 1, Code 2005, is  
1 12 amended to read as follows:  
1 13 1. Each snowmobile used on public land or ice of this  
1 14 state shall be currently registered and numbered. A person  
1 15 shall not operate, maintain, or give permission for the  
1 16 operation or maintenance of a snowmobile on public land or ice  
1 17 unless the snowmobile is numbered in accordance with this  
1 18 chapter, ~~or applicable federal laws, or an approved numbering~~  
1 19 ~~system of another state, and unless the snowmobile displays a~~  
1 20 ~~current annual user permit for the snowmobile. If the~~  
1 21 ~~snowmobile is required to be registered in this state, the~~  
1 22 identifying number set forth in the registration ~~is~~ shall be  
1 23 displayed as prescribed by rules of the commission.

1 24 Sec. 3. Section 321G.4, Code 2005, is amended to read as  
1 25 follows:

1 26 321G.4 REGISTRATION WITH COUNTY RECORDER == FEE.  
1 27 1. The owner of each snowmobile required to be numbered  
1 28 shall register it annually with the department through the  
1 29 county recorder of the county in which the owner resides or,  
1 30 if the owner is a nonresident, the owner shall register it in  
1 31 the county in which the snowmobile is principally used. The  
1 32 department shall develop and maintain an electronic system for  
1 33 the registration of snowmobiles pursuant to this chapter. The  
1 34 commission has supervisory responsibility over department  
1 35 shall establish forms and procedures as necessary for the  
2 1 registration of snowmobiles ~~and shall provide each county~~  
2 2 ~~recorder with registration forms and certificates and shall~~  
2 3 ~~allocate registration numbers to each county.~~

2 4 2. The owner of the snowmobile shall file an application  
2 5 for registration with the department through the appropriate  
2 6 county recorder ~~on forms provided in the manner established by~~  
2 7 the commission. The application shall be completed and signed  
2 8 by the owner and shall be accompanied by a fee of fifteen  
2 9 dollars and a writing fee. A snowmobile shall not be  
2 10 registered by the county recorder until the county recorder is  
2 11 presented with receipts, bills of sale, or other satisfactory  
2 12 evidence that the sales or use tax has been paid for the  
2 13 purchase of the snowmobile or that the owner is exempt from  
2 14 paying the tax. A snowmobile that has an expired registration  
2 15 certificate from another state may be registered in this state  
2 16 upon proper application, payment of all applicable  
2 17 registration and writing fees, and payment of a penalty of  
2 18 five dollars.

2 19 3. Upon receipt of the application in approved form  
2 20 accompanied by the required fees, the county recorder shall  
2 21 ~~enter it upon the records register the snowmobile with the~~  
2 22 ~~department and shall issue to the applicant a registration~~  
2 23 ~~certificate. The certificate shall be executed in triplicate,~~  
2 24 ~~one copy to be delivered to the owner, one copy to the~~  
2 25 ~~commission, and one copy to be retained on file by the county~~  
2 26 ~~recorder.~~ The registration certificate shall bear the number  
2 27 awarded to the snowmobile and the name and address of the  
2 28 owner. The registration certificate shall be carried either  
2 29 in the snowmobile or on the person of the operator of the  
2 30 snowmobile when in use. The operator of a snowmobile shall  
2 31 exhibit the registration certificate to a peace officer upon  
2 32 request, to a person injured in an accident involving a  
2 33 snowmobile, to the owner or operator of another snowmobile or  
2 34 the owner of personal or real property when the snowmobile is  
2 35 involved in a collision or accident of any nature with another  
3 1 snowmobile or the property of another person, or to the  
3 2 property owner or tenant when the snowmobile is being operated  
3 3 on private property without permission from the property owner  
3 4 or tenant.

3 5 4. If a snowmobile is placed in storage, the owner shall  
3 6 return the current registration certificate to the county  
3 7 recorder with an affidavit stating that the snowmobile is  
3 8 placed in storage and the effective date of storage. The  
3 9 county recorder shall notify the ~~commission~~ department of each  
3 10 snowmobile placed in storage. When the owner of a stored  
3 11 snowmobile desires to renew the registration, the owner shall  
3 12 make application ~~to~~ through the county recorder and pay the  
3 13 registration and writing fees without penalty. A refund of  
3 14 the registration fee shall not be allowed for a stored  
3 15 snowmobile.

3 16 5. Notwithstanding subsections 1 and 2, a snowmobile that  
3 17 is more than thirty years old may be registered for a one-time  
3 18 fee of twenty-five dollars, which shall exempt the owner from  
3 19 annual registration and fee requirements for that snowmobile.  
3 20 However, if ownership of such a snowmobile is transferred, the  
3 21 new owner shall register the snowmobile and pay the one-time  
3 22 fee as required under this subsection.

3 23 Sec. 4. NEW SECTION. 321G.4A NONRESIDENT USER PERMITS.

3 24 1. A nonresident wishing to operate a snowmobile, other  
3 25 than a snowmobile registered pursuant to this chapter, on  
3 26 public land or ice of this state shall first obtain a user  
3 27 permit from the department. A user permit shall be issued for  
3 28 the snowmobile 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 2. User permits may be issued by a county recorder or a  
3 32 license agent pursuant to rules adopted by the commission.  
3 33 The fee for a user permit shall be fifteen dollars plus an  
3 34 administrative fee established by the commission. A county  
3 35 recorder shall retain a writing fee of one dollar from the  
4 1 sale of each user permit issued by the county recorder's  
4 2 office. The writing fees retained by the county recorder  
4 3 shall be deposited in the general fund of the county. A  
4 4 license agent designated by the director pursuant to section  
4 5 483A.11 shall retain a writing fee of one dollar from the sale  
4 6 of each permit issued by the agent.

4 7 Sec. 5. Section 321G.6, subsection 1, Code 2005, is  
4 8 amended to read as follows:

4 9 1. Every snowmobile registration certificate and number  
4 10 issued expires at midnight December 31 unless sooner  
4 11 terminated or discontinued in accordance with this chapter.  
4 12 After the first day of September each year, an unregistered  
4 13 snowmobile may be registered ~~or~~ and a registration may be  
4 14 renewed in one transaction. The fee is five dollars for the  
4 15 remainder of the current year, in addition to the registration  
4 16 fee of fifteen dollars for the subsequent year beginning  
4 17 January 1, and a writing fee.

4 18 Sec. 6. Section 321G.6, Code 2005, is amended by adding  
4 19 the following new subsection:

4 20 NEW SUBSECTION. 6. The department shall develop and  
4 21 maintain an electronic system for residents to renew  
4 22 snowmobile registrations pursuant to this section. A county  
4 23 recorder or license agent may issue snowmobile registration  
4 24 renewals electronically pursuant to rules adopted by the  
4 25 commission. The fee for a registration renewal issued using  
4 26 an electronic system is fifteen dollars plus an administrative  
4 27 fee established by the commission. A county recorder or  
4 28 license agent designated by the director pursuant to section  
4 29 483A.11 shall retain a writing fee of one dollar for each

4 30 registration renewal issued. The writing fees retained by the  
4 31 county recorder shall be deposited in the general fund of the  
4 32 county.

4 33 Sec. 7. Section 321G.7, unnumbered paragraph 2, Code 2005,  
4 34 is amended to read as follows:

4 35 The department shall remit the fees, including user permit  
5 1 fees collected pursuant to section 321G.4A, to the treasurer  
5 2 of state, who shall place the money in a special snowmobile  
5 3 fund. The money is appropriated to the department for the  
5 4 snowmobile programs of the state. The programs shall include  
5 5 grants, subgrants, contracts, or cost-sharing of snowmobile  
5 6 programs with political subdivisions or incorporated private  
5 7 organizations or both in accordance with rules adopted by the  
5 8 commission. Snowmobile fees may be used to support snowmobile  
5 9 programs on a usage basis. At least fifty percent of the  
5 10 special fund shall be available for political subdivisions or  
5 11 incorporated private organizations or both. Moneys from the  
5 12 special fund not used by the political subdivisions or  
5 13 incorporated private organizations or both shall remain in the  
5 14 fund and may be used by the department for the administration  
5 15 of the snowmobile programs. Notwithstanding section 8.33,  
5 16 moneys in the special fund shall not revert to the general  
5 17 fund of the state at the end of a fiscal year.  
5 18 Notwithstanding section 12C.7, subsection 2, interest or  
5 19 earnings on moneys in the special fund shall remain in the  
5 20 fund.

5 21 Sec. 8. Section 321G.8, subsection 3, Code 2005, is  
5 22 amended by striking the subsection.

5 23 Sec. 9. Section 321G.13, subsection 1, paragraph g, Code  
5 24 2005, is amended by striking the paragraph and inserting in  
5 25 lieu thereof the following:

5 26 g. In any park, wildlife area, preserve, refuge, game  
5 27 management area, or any portion of a meandered stream, or any  
5 28 portion of the bed of a nonmeandered stream which has been  
5 29 identified as a navigable stream or river by rule adopted by  
5 30 the department and which is covered by water, except on  
5 31 designated snowmobile trails.

5 32 This paragraph does not prohibit the use of ford crossings  
5 33 of public or private roads or any other ford crossing when  
5 34 used for agricultural purposes; the operation of construction  
5 35 vehicles engaged in lawful construction, repair, or  
6 1 maintenance in a streambed; or the operation of snowmobiles on  
6 2 ice.

6 3 Sec. 10. Section 331.602, subsection 16, Code 2005, is  
6 4 amended to read as follows:

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

6 8 Sec. 11. Section 805.8B, subsection 2, Code 2005, is  
6 9 amended to read as follows:

6 10 2. ~~SNOWMOBILE AND ALL-TERRAIN VEHICLE VIOLATIONS.~~

6 11 a. For registration or user permit violations under  
6 12 ~~sections section~~ 321G.3 and ~~321I.3,~~ the scheduled fine is  
6 13 ~~twenty~~ fifty dollars. When the scheduled fine is paid, the  
6 14 violator shall submit sufficient proof that a valid  
6 15 registration or user permit has been obtained.

6 16 b. (1) For operating violations under section 321G.9,  
6 17 subsections 1, 2, 3, 4, 5, 6, and 7, ~~sections the scheduled~~  
6 18 ~~fine is fifty dollars.~~

6 19 (2) For operating violations under sections 321G.11, and  
6 20 321G.13, subsection 1, paragraph "d", ~~sections 321I.10,~~  
6 21 ~~321I.12, and 321I.14, subsection 1, paragraph "d",~~ the  
6 22 scheduled fine is twenty dollars.

6 23 (3) For operating violations under section 321G.13,  
6 24 subsection 1, paragraphs "a", "b", "e", "f", "g", and "h", and  
6 25 subsections 2 and 3, the scheduled fine is one hundred  
6 26 dollars.

6 27 c. For improper or defective equipment under ~~sections~~  
6 28 section 321G.12 and ~~321I.13,~~ the scheduled fine is twenty  
6 29 dollars.

6 30 d. For violations of ~~sections section~~ 321G.19 and ~~321I.20,~~  
6 31 the scheduled fine is twenty dollars.

6 32 e. For identification violations under ~~sections section~~  
6 33 321G.5 and 321I.6, the scheduled fine is twenty dollars.

6 34 f. For stop signal violations under section 321G.17, the  
6 35 scheduled fine is one hundred dollars.

7 1 g. For violations of section 321G.20, the scheduled fine  
7 2 is fifty dollars.

7 3 Sec. 12. Section 805.8B, Code 2005, is amended by adding  
7 4 the following new subsection:

7 5 NEW SUBSECTION. 2A. ALL-TERRAIN VEHICLE VIOLATIONS.

7 6 a. For registration or user permit violations under  
7 7 section 321I.3, the scheduled fine is twenty dollars. When  
7 8 the scheduled fine is paid, the violator shall submit  
7 9 sufficient proof that a valid registration or user permit has  
7 10 been obtained.  
7 11 b. For operating violations under sections 321I.10,  
7 12 321I.12, and 321I.14, subsection 1, paragraph "d", the  
7 13 scheduled fine is twenty dollars.  
7 14 c. For improper or defective equipment under section  
7 15 321I.13, the scheduled fine is twenty dollars.  
7 16 d. For violations of section 321I.20, the scheduled fine  
7 17 is twenty dollars.  
7 18 e. For identification violations under section 321I.6, the  
7 19 scheduled fine is twenty dollars.  
7 20 Sec. 13. PENALTY PROVISIONS == CODE EDITOR DIRECTIVE. The  
7 21 sections of this Act amending section 805.8B, subsection 2,  
7 22 and enacting section 805.8B, subsection 2A, are intended to  
7 23 codify the penalty provisions relating to snowmobile  
7 24 violations, as amended in this Act, in a separate subsection  
7 25 from the penalty provisions relating to all-terrain vehicle  
7 26 violations. If penalties relating to all-terrain vehicle  
7 27 violations are amended in another Act of the general assembly  
7 28 during the 2005 legislative session, the Code editor shall  
7 29 harmonize the provisions so as to give effect to the  
7 30 amendments to the all-terrain vehicle penalties in the other  
7 31 Act.

#### 7 32 EXPLANATION

7 33 This bill makes numerous changes to provisions relating to  
7 34 the ownership and use of snowmobiles, as regulated by the  
7 35 department of natural resources.  
8 1 The bill amends the definition of snowmobile in Code  
8 2 section 321G.1 to exclude all-terrain vehicles which have been  
8 3 altered or equipped with skis, belt-type tracks, or treads.  
8 4 The amended definition also specifies that an endless belt=  
8 5 type tread on a snowmobile may not be wider than 48 inches.  
8 6 The bill amends Code section 321G.4 to provide for  
8 7 electronic registration of snowmobiles through county  
8 8 recorders and to allow lifetime registration of snowmobiles  
8 9 that are more than 30 years old for a one-time fee of \$25.  
8 10 The bill amends Code section 321G.8 and creates new Code  
8 11 section 321G.4A, which requires a nonresident to obtain a user  
8 12 permit to operate a snowmobile in this state. The permit  
8 13 applies only to the snowmobile for which it is issued, is not  
8 14 transferable, and is valid for the calendar year. The user  
8 15 permit may be obtained from a county recorder or license  
8 16 depository for a fee of \$15, plus an administrative fee  
8 17 established by the natural resource commission, plus a \$1  
8 18 writing fee to be retained by the recorder or depository.  
8 19 User permit fees are to be deposited in the special snowmobile  
8 20 fund along with snowmobile registration fees.  
8 21 The bill makes a corrective amendment to Code section  
8 22 321G.6 to allow for registration of a snowmobile for the  
8 23 remainder of the year plus the following year in one  
8 24 transaction, upon payment of a combined fee of \$20 plus a  
8 25 writing fee.  
8 26 Code section 321G.6 is also amended to require the  
8 27 department to develop and maintain an electronic system for  
8 28 renewal of snowmobile registrations by license agents.  
8 29 Electronic registration renewals could be issued by county  
8 30 recorders or license agents for the annual fee of \$15, plus an  
8 31 administrative fee to be established by the natural resource  
8 32 commission, plus a \$1 writing fee.  
8 33 The bill amends Code section 321G.13 by expanding the  
8 34 description of the types of public areas that are off-limits  
8 35 for snowmobile operators.  
9 1 The bill revises penalties for certain violations by  
9 2 snowmobile operators. For a violation of registration or user  
9 3 permit requirements in Code section 321G.3, the scheduled fine  
9 4 is increased from \$20 to \$50. For a violation of operating  
9 5 restrictions on highways in Code section 321G.9, the scheduled  
9 6 fine is increased from \$20 to \$50. For unlawful operation  
9 7 violations under Code section 321G.13, other than operating  
9 8 while intoxicated and headlight and taillight violations, and  
9 9 for disregarding a peace officer's signal to stop or eluding a  
9 10 peace officer under Code section 321G.17, the penalty is  
9 11 changed from a simple misdemeanor to a simple misdemeanor  
9 12 punishable as a scheduled violation, subject to a \$100 fine.  
9 13 The bill provides that an owner or operator who permits a  
9 14 person under 12 years of age to operate a snowmobile or a  
9 15 person under 12 years of age who unlawfully operates a  
9 16 snowmobile under Code section 321G.20 commits a simple

9 17 misdemeanor subject to a scheduled fine of \$50.  
9 18 LSB 2757HC 81  
9 19 dea:nh/gg/14