

Senate Study Bill 3205

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

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

A BILL FOR

1 An Act relating to the regulation of all-terrain vehicles, and
2 providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5456DP 81
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1 1 Section 1. Section 321.234A, subsection 1, Code 2005, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. e. The all-terrain vehicle is operated for
1 4 the purpose of mowing, installing approved trail signs, or
1 5 providing maintenance on a snowmobile or all-terrain vehicle
1 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. 01. "All-terrain utility vehicle" means a
1 22 motorized flotation-tire vehicle with not less than four and
1 23 not more than six low-pressure tires, that is limited in
1 24 engine displacement to less than one thousand five hundred
1 25 cubic centimeters and in total dry weight to not more than one
1 26 thousand eight hundred pounds and that has a seat that is of
1 27 bench design, not intended to be straddled by the operator,
1 28 and a steering wheel for control.

1 29 Sec. 4. Section 321I.1, subsection 1, Code 2005, is
1 30 amended to read as follows:

1 31 1. a. "All-terrain vehicle" means a motorized flotation=
1 32 tire vehicle with not less than three ~~low-pressure tires, but~~
1 33 ~~and~~ not more than six low-pressure tires, or a two-wheeled
1 34 off-road motorcycle, that is limited in engine displacement to
1 35 less than eight hundred cubic centimeters and in total dry
2 1 weight to less than eight hundred fifty pounds and that has a
2 2 seat or saddle designed to be straddled by the operator and
2 3 handlebars for steering control.

2 4 b. Two-wheeled off-road motorcycles shall be considered
2 5 all-terrain vehicles for the purpose of registration. Two=
2 6 wheeled off-road motorcycles shall also be considered all=
2 7 terrain vehicles for the purpose of titling if a title has not
2 8 previously been issued pursuant to chapter 321. An operator
2 9 of a two-wheeled off-road motorcycle is exempt from the safety
2 10 instruction and certification program requirements of sections
2 11 321I.25 and 321I.26.

2 12 c. All-terrain utility vehicles shall be considered all=
2 13 terrain vehicles for the purpose of registration, but are
2 14 exempt from the titling requirements of this chapter. An
2 15 operator of an all-terrain utility vehicle is subject to
2 16 provisions governing the operation of all-terrain vehicles in
2 17 section 321.234A and this chapter, but is exempt from the

2 18 safety instruction and certification program requirements of
2 19 sections 321I.25 and 321I.26. A motorized vehicle that was
2 20 previously titled or is currently titled under chapter 321
2 21 shall not be registered or operated as an all-terrain utility
2 22 vehicle.

2 23 Sec. 5. Section 321I.1, Code 2005, is amended by adding
2 24 the following new subsections:

2 25 NEW SUBSECTION. 5A. "Designated riding area" means an
2 26 all-terrain vehicle riding area on any public land or ice
2 27 under the jurisdiction of the department that has been
2 28 designated by the department for all-terrain vehicle use.

2 29 NEW SUBSECTION. 5B. "Designated riding trail" means an
2 30 all-terrain vehicle riding trail on any public land or ice
2 31 under the jurisdiction of the department that has been
2 32 designated by the department for all-terrain vehicle use.

2 33 NEW SUBSECTION. 5C. "Distributor" means a person,
2 34 resident or nonresident, who sells or distributes all-terrain
2 35 vehicles to all-terrain vehicle dealers in this state, or who
3 1 maintains distributor representatives.

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

3 4 321I.4 REGISTRATION WITH COUNTY RECORDER == FEE.

3 5 1. The owner of each all-terrain vehicle required to be
3 6 numbered shall register it annually with the department
3 7 through the county recorder of the county in which the owner
3 8 resides or, if the owner is a nonresident, the owner shall
3 9 register it in the county in which the all-terrain vehicle is
3 10 principally used. The department shall develop and maintain
3 11 an electronic system for the registration of all-terrain
3 12 vehicles pursuant to this chapter. The commission has
3 13 supervisory responsibility over department shall establish
3 14 forms and procedures as necessary for the registration of all-
3 15 terrain vehicles and shall provide each county recorder with
3 16 registration forms and certificates and shall allocate
3 17 registration numbers to each county.

3 18 2. The owner of the all-terrain vehicle shall file an
3 19 application for registration with the department through the
3 20 appropriate county recorder on forms provided in the manner
3 21 established by the commission. The application shall be
3 22 completed and signed by the owner of the all-terrain vehicle
3 23 and shall be accompanied by a fee of fifteen dollars and a
3 24 writing fee. An all-terrain vehicle shall not be registered
3 25 by the county recorder until the county recorder is presented
3 26 with receipts, bills of sale, or other satisfactory evidence
3 27 that the sales or use tax has been paid for the purchase of
3 28 the all-terrain vehicle or that the owner is exempt from
3 29 paying the tax. An all-terrain vehicle that has an expired
3 30 registration certificate from another state may be registered
3 31 in this state upon proper application, payment of all
3 32 applicable registration and writing fees, and payment of a
3 33 penalty of five dollars.

3 34 3. Upon receipt of the application in approved form
3 35 accompanied by the required fees, the county recorder shall
4 1 enter it upon the records register the all-terrain vehicle
4 2 with the department and shall issue to the applicant a
4 3 registration certificate. The certificate shall be executed
4 4 in triplicate, one copy to be delivered to the owner, one copy
4 5 to the commission, and one copy to be retained on file by the
4 6 county recorder. The registration certificate shall bear the
4 7 number awarded to the all-terrain vehicle and the name and
4 8 address of the owner. The registration certificate shall be
4 9 carried either in the all-terrain vehicle or on the person of
4 10 the operator of the all-terrain vehicle when in use. The
4 11 operator of an all-terrain vehicle shall exhibit the
4 12 registration certificate to a peace officer upon request, to a
4 13 person injured in an accident involving an all-terrain
4 14 vehicle, to the owner or operator of another all-terrain
4 15 vehicle or the owner of personal or real property when the
4 16 all-terrain vehicle is involved in a collision or accident of
4 17 any nature with another all-terrain vehicle or the property of
4 18 another person, or to the property owner or tenant when the
4 19 all-terrain vehicle is being operated on private property
4 20 without permission from the property owner or tenant.

4 21 4. If an all-terrain vehicle is placed in storage, the
4 22 owner shall return the current registration certificate to the
4 23 county recorder with an affidavit stating that the all-terrain
4 24 vehicle is placed in storage and the effective date of
4 25 storage. The county recorder shall notify the commission
4 26 department of each all-terrain vehicle placed in storage.
4 27 When the owner of a stored all-terrain vehicle desires to
4 28 renew the registration, the owner shall make application to

4 29 through the county recorder and pay the registration and
4 30 writing fees without penalty. A refund of the registration
4 31 fee shall not be allowed for a stored all-terrain vehicle.
4 32 Sec. 7. Section 321I.5, unnumbered paragraph 2, Code 2005,
4 33 is amended to read as follows:

4 34 User permits may be issued by a county recorder or a
4 35 license ~~depository agent~~ pursuant to rules adopted by the
5 1 commission. The fee for a user permit shall be fifteen
5 2 dollars plus an administrative fee established by the
5 3 commission. A county recorder shall retain a writing fee of
5 4 one dollar from the sale of each user permit issued by the
5 5 county recorder's office. The writing fees retained by the
5 6 county recorder shall be deposited in the general fund of the
5 7 county. A license ~~depository agent~~ designated by the director
5 8 pursuant to section 483A.11 shall retain a writing fee of one
5 9 dollar from the sale of each permit issued by the agent.

5 10 Sec. 8. Section 321I.7, subsection 4, unnumbered paragraph
5 11 1, Code 2005, is amended to read as follows:

5 12 Upon the transfer of ownership of an all-terrain vehicle,
5 13 the owner shall complete the form on the back of the title, if
5 14 any, and registration, if any, and deliver both to the
5 15 purchaser or transferee when the all-terrain vehicle is
5 16 delivered. If the all-terrain vehicle is not titled, the
5 17 owner shall complete the form on the back of the ~~current~~
5 18 registration certificate and shall deliver the certificate to
5 19 the purchaser or transferee at the time of delivering the all-
5 20 terrain vehicle. If the all-terrain vehicle has not been
5 21 titled and has not been registered, the owner shall deliver an
5 22 affidavit for an unregistered and untitled all-terrain vehicle
5 23 to the purchaser or transferee. The purchaser or transferee
5 24 shall, within thirty days of transfer, file a new application
5 25 form with the county recorder with a fee of one dollar and the
5 26 writing fee, and a transfer of number shall be awarded in the
5 27 same manner as provided ~~in~~ for an original registration. If
5 28 the purchaser or transferee does not file a new application
5 29 form within thirty days of transfer, the transfer of number
5 30 shall be awarded upon payment of all applicable fees plus a
5 31 penalty of five dollars. If the all-terrain vehicle has an
5 32 expired registration at the time of transfer, the purchaser or
5 33 transferee shall pay all applicable fees for the current
5 34 registration period, plus a penalty of five dollars and the
5 35 appropriate writing fee, and a transfer of number shall be
6 1 awarded in the same manner as provided for an original
6 2 registration.

6 3 Sec. 9. Section 321I.7, Code 2005, is amended by adding
6 4 the following new subsection:

6 5 NEW SUBSECTION. 7. The department shall develop and
6 6 maintain an electronic system for residents to renew all-
6 7 terrain vehicle registrations pursuant to this section. A
6 8 county recorder or license agent may issue all-terrain vehicle
6 9 registration renewals electronically pursuant to rules adopted
6 10 by the commission. The fee for a registration renewal issued
6 11 using an electronic system is fifteen dollars plus an
6 12 administrative fee established by the commission. A county
6 13 recorder shall retain a writing fee of one dollar and twenty=
6 14 five cents for each registration renewal issued by the county
6 15 recorder's office. The writing fees retained by the county
6 16 recorder shall be deposited in the general fund of the county.
6 17 A license agent designated by the director pursuant to section
6 18 483A.11 shall retain a writing fee of one dollar for each
6 19 registration renewal issued.

6 20 Sec. 10. Section 321I.9, subsection 3, Code 2005, is
6 21 amended by striking the subsection.

6 22 Sec. 11. Section 321I.14, subsection 1, paragraph g, Code
6 23 2005, is amended by striking the paragraph and inserting in
6 24 lieu thereof the following:

6 25 g. In any park, wildlife area, preserve, refuge, game
6 26 management area, or any portion of a meandered stream, or any
6 27 portion of the bed of a nonmeandered stream which has been
6 28 identified as a navigable stream or river by rule adopted by
6 29 the department and which is covered by water, except on
6 30 designated riding areas and designated riding trails. This
6 31 paragraph does not prohibit the use of ford crossings of
6 32 public roads or any other ford crossing when used for
6 33 agricultural purposes; the operation of construction vehicles
6 34 engaged in lawful construction, repair, or maintenance in a
6 35 streambed; or the operation of all-terrain vehicles on ice.

7 1 Sec. 12. Section 321I.14, subsection 1, Code 2005, is
7 2 amended by adding the following new paragraph:

7 3 NEW PARAGRAPH. i. On any designated riding area or
7 4 designated riding trail without wearing the safety equipment

7 5 required by department rules.
7 6 Sec. 13. Section 321I.14, Code 2005, is amended by adding
7 7 the following new subsections:

7 8 NEW SUBSECTION. 4. A person shall not operate an all=
7 9 terrain utility vehicle on a designated riding area or
7 10 designated riding trail unless the riding area or trail is
7 11 signed by the department as open to all-terrain utility
7 12 vehicle operation.

7 13 NEW SUBSECTION. 5. A person shall not operate a vehicle
7 14 other than an all-terrain vehicle on a designated riding area
7 15 or designated riding trail unless the riding area or trail is
7 16 signed by the department as open to such other use.

7 17 Sec. 14. Section 321I.16, Code 2005, is amended to read as
7 18 follows:

7 19 321I.16 OPERATION PENDING REGISTRATION.

7 20 The commission shall furnish all-terrain vehicle dealers
7 21 with pasteboard cards bearing the words "registration applied
7 22 for" and space for the date of purchase. An unregistered all=
7 23 terrain vehicle sold by a dealer shall bear one of these cards
7 24 which entitles the purchaser to operate it for ~~ten~~ forty=
7 25 five days immediately following the purchase. The purchaser of a
7 26 registered all-terrain vehicle may operate it for ~~ten~~ forty=
7 27 five days immediately following the purchase, without having
7 28 completed a transfer of registration. An all-terrain vehicle
7 29 dealer shall make application and pay all registration and
7 30 title fees if applicable on behalf of the purchaser of an all=
7 31 terrain vehicle.

7 32 Sec. 15. Section 321I.21, Code 2005, is amended to read as
7 33 follows:

7 34 321I.21 MINORS UNDER TWELVE OPERATION BY MINORS ==
7 35 SUPERVISION.

8 1 1. A person under twelve years of age shall not operate an
8 2 all-terrain vehicle on public lands unless the person is
8 3 taking a prescribed safety training course under the direct
8 4 supervision of a certified all-terrain vehicle safety
8 5 instructor and a parent or guardian.

8 6 2. A person at least twelve years of age but under sixteen
8 7 years of age shall not operate an all-terrain vehicle on a
8 8 designated riding area or designated riding trail except when
8 9 under the direct supervision of a responsible person of at
8 10 least eighteen years of age who is experienced in all-terrain
8 11 vehicle operation and who possesses a valid driver's license,
8 12 as defined in section 321.1, or a safety certificate issued
8 13 under this chapter.

8 14 3. A person under the age of sixteen shall not operate an
8 15 off-road motorcycle on a designated riding area or designated
8 16 riding trail except when under the direct supervision of a
8 17 responsible person of at least eighteen years of age who is
8 18 experienced in off-road motorcycle operation and who possesses
8 19 a valid driver's license, as defined in section 321.1, or a
8 20 safety certificate issued under this chapter.

8 21 Sec. 16. Section 321I.22, subsection 2, Code 2005, is
8 22 amended to read as follows:

8 23 2. ~~Any~~ Every manufacturer, distributor, or dealer ~~may~~
8 24 shall register with the department and, upon payment of a fee
8 25 of fifteen dollars, make application to the commission, upon
8 26 forms prescribed by the commission, for a special registration
8 27 certificate containing a general identification number and for
8 28 one or more duplicate special registration certificates. The
8 29 applicant shall submit reasonable proof of the applicant's
8 30 status as a bona fide manufacturer, distributor, or dealer as
8 31 may be required by the commission.

8 32 Sec. 17. Section 321I.26, subsection 2, Code 2005, is
8 33 amended to read as follows:

8 34 2. Upon application and payment of a fee of ~~five~~ twenty
8 35 dollars, a qualified applicant shall be issued a safety
9 1 certificate which is valid until the certificate is suspended
9 2 or revoked for a violation of a provision of this chapter or a
9 3 rule of the commission or the director of transportation. The
9 4 application shall be made on forms issued by the commission
9 5 and shall contain information as the commission may reasonably
9 6 require.

9 7 Sec. 18. NEW SECTION. 321I.36 REPEAT OFFENDER ==
9 8 RECORDS, ENFORCEMENT, AND PENALTIES.

9 9 1. The commission shall establish by rule a recordkeeping
9 10 system and other administrative procedures necessary to
9 11 administer this section.

9 12 2. A person who pleads guilty or is convicted of a
9 13 violation of any provision of this chapter while the person's
9 14 registration privilege is suspended or revoked under
9 15 administrative procedures is guilty of a simple misdemeanor if

9 16 the person had no other violations within the previous three
9 17 years which occurred while the person's registration privilege
9 18 was suspended or revoked.

9 19 3. A person who pleads guilty or is convicted of a
9 20 violation of any provision of this chapter while the person's
9 21 registration privilege is suspended or revoked under
9 22 administrative procedures is guilty of a serious misdemeanor
9 23 if the person had one other violation within the previous
9 24 three years which occurred while the person's registration
9 25 privilege was suspended or revoked.

9 26 4. A person who pleads guilty or is convicted of a
9 27 violation of any provision of this chapter while the person's
9 28 registration privilege is suspended or revoked under
9 29 administrative procedures is guilty of an aggravated
9 30 misdemeanor if the person had two or more convictions within
9 31 the previous three years which occurred while the person's
9 32 registration privilege was suspended or revoked.

9 33 Sec. 19. Section 805.8B, subsection 2, Code 2005, is
9 34 amended to read as follows:

9 35 2. SNOWMOBILE AND ALL-TERRAIN VEHICLE VIOLATIONS.

10 1 a. For registration or user permit violations under
10 2 ~~sections section~~ section 321G.3 and ~~321I.3~~, the scheduled fine is
10 3 twenty dollars. When the scheduled fine is paid, the violator
10 4 shall submit sufficient proof that a valid registration or
10 5 user permit has been obtained.

10 6 b. For operating violations under section 321G.9,
10 7 subsections 1, 2, 3, 4, 5, and 7, sections 321G.11, and
10 8 321G.13, subsection 1, paragraph "d", ~~sections 321I.10,~~
10 9 ~~321I.12, and 321I.14, subsection 1, paragraph "d",~~ the
10 10 scheduled fine is twenty dollars.

10 11 c. For improper or defective equipment under ~~sections~~
10 12 ~~section~~ section 321G.12 and ~~321I.13~~, the scheduled fine is twenty
10 13 dollars.

10 14 d. For violations of ~~sections section~~ section 321G.19 and ~~321I.20~~,
10 15 the scheduled fine is twenty dollars.

10 16 e. For identification violations under ~~sections section~~
10 17 321G.5 and ~~321I.6~~, the scheduled fine is twenty dollars.

10 18 Sec. 20. Section 805.8B, Code 2005, is amended by adding
10 19 the following new subsection:

10 20 NEW SUBSECTION. 2A. ALL-TERRAIN VEHICLE VIOLATIONS.

10 21 a. For registration or user permit violations under
10 22 section 321I.3, the scheduled fine is fifty dollars. When the
10 23 scheduled fine is paid, the violator shall submit sufficient
10 24 proof that a valid registration or user permit has been
10 25 obtained.

10 26 b. (1) For operating violations under sections 321I.12,
10 27 and 321I.14, subsection 1, paragraphs "d" and "i", the
10 28 scheduled fine is twenty dollars.

10 29 (2) For operating violations under section 321I.10,
10 30 subsections 1 and 4, and section 321I.21, the scheduled fine
10 31 is fifty dollars.

10 32 (3) For operating violations under section 321I.14,
10 33 subsection 1, paragraphs "a", "e", "f", "g", and "h", and
10 34 subsections 2, 3, 4, and 5, the scheduled fine is one hundred
10 35 dollars.

11 1 c. For improper or defective equipment under section
11 2 321I.13, the scheduled fine is twenty dollars.

11 3 d. For violations of section 321I.20, the scheduled fine
11 4 is twenty dollars.

11 5 e. For identification violations under section 321I.6, the
11 6 scheduled fine is twenty dollars.

11 7 f. For stop signal violations under section 321I.18, the
11 8 scheduled fine is one hundred dollars.

11 9 g. For safety certificate violations under section
11 10 321I.26, subsection 1, the scheduled fine is fifty dollars.

11 11 h. For violations of section 321I.22, the scheduled fine
11 12 is one hundred dollars.

11 13 Sec. 21. PENALTY PROVISIONS == CODE EDITOR DIRECTIVE. The
11 14 sections of this Act amending section 805.8B, subsection 2,
11 15 and enacting section 805.8B, subsection 2A, are intended to
11 16 codify the penalty provisions relating to all-terrain vehicle
11 17 violations, as amended in this Act, in a separate subsection
11 18 from the penalty provisions relating to snowmobile violations.
11 19 If penalties relating to snowmobile violations are amended in
11 20 another Act of the general assembly during the 2006
11 21 legislative session, the Code editor shall harmonize the
11 22 provisions so as to give effect to the amendments to the
11 23 snowmobile penalties in the other Act.

11 24 EXPLANATION

11 25 This bill makes numerous changes to provisions relating to
11 26 the ownership and use of all-terrain vehicles, as regulated by

11 27 the department of natural resources.

11 28 The bill amends Code section 321.234A to allow the
11 29 operation of an all-terrain vehicle on a highway when the
11 30 vehicle is operated for the purpose of mowing, installing
11 31 trail signs, or providing maintenance of designated trails.
11 32 In addition, the bill specifies that the owner of an all-
11 33 terrain vehicle or member of the owner's family who operates
11 34 the all-terrain vehicle within the area between the shoulder
11 35 of the roadway and the owner's property line must comply with
12 1 the registration, safety, and age requirements applicable to
12 2 operators on public land.

12 3 The bill defines "all-terrain utility vehicles", which are
12 4 larger vehicles with at least four wheels and outfitted with a
12 5 bench seat. The bill subjects such vehicles to the
12 6 registration requirements, but not the titling requirements,
12 7 applicable to all-terrain vehicles, and specifies where they
12 8 may be operated. The terms "designated riding area" and
12 9 "designated riding trail" are defined as those areas and
12 10 trails designated by the department for all-terrain vehicle
12 11 use.

12 12 The bill provides for electronic registration of all-
12 13 terrain vehicles through county recorders and requires the
12 14 department to develop and maintain an electronic system for
12 15 renewal of all-terrain vehicle registrations by license
12 16 agents. Electronic registration renewals are subject to the
12 17 current annual registration fee of \$15, plus an administrative
12 18 fee to be established by the natural resource commission, and
12 19 a \$1 writing fee for license agents or a \$1.25 writing fee for
12 20 county recorders.

12 21 The bill provides that when an all-terrain vehicle with
12 22 expired registration transfers ownership, the purchaser or
12 23 transferee shall pay the fees for the current registration
12 24 period, plus a \$5 penalty and a writing fee.

12 25 The bill strikes the current registration exemption for
12 26 nonresidents' all-terrain vehicles that are licensed or
12 27 registered in another state and are in this state for not more
12 28 than 20 days.

12 29 The bill expands the description of the types of public
12 30 areas that are off-limits for all-terrain vehicle operators.

12 31 The bill adds a new provision relating to the use of safety
12 32 equipment required by department rules by a person operating
12 33 an all-terrain vehicle on a designated riding area or trail.
12 34 A violation of the requirement is a simple misdemeanor subject
12 35 to a scheduled fine of \$20.

13 1 The bill prohibits all-terrain utility vehicle operation on
13 2 designated riding areas or trails unless the department has
13 3 signed the area or trail for such use. The bill provides a
13 4 similar prohibition against operating any other type of
13 5 vehicle on an area or trail designated for all-terrain
13 6 vehicles. A violation of either provision is a simple
13 7 misdemeanor punishable by a scheduled fine of \$100.

13 8 The bill extends, from 10 to 45 days, the period of time a
13 9 purchaser of a new or used all-terrain vehicle may operate the
13 10 vehicle pending registration.

13 11 The bill imposes new requirements for the supervision of
13 12 children operating vehicles on designated riding areas or
13 13 trails. Under current law, a person under age 12 may not
13 14 operate an all-terrain vehicle except while taking a safety
13 15 course under the direct supervision of a certified instructor
13 16 and a parent or guardian. The bill requires that a person who
13 17 is at least 12 but under 16 years of age must be supervised by
13 18 a responsible person at least 18 years of age when operating
13 19 an all-terrain vehicle, and a person who is under 16 years of
13 20 age must be supervised by a responsible person at least 18
13 21 years of age when operating an off-road motorcycle. The
13 22 supervising adult must be experienced in the vehicle's
13 23 operation and possess a valid driver's license or an all-
13 24 terrain vehicle safety certificate. A person who violates any
13 25 of the requirements for operators under age 16 is subject to a
13 26 scheduled fine of \$50.

13 27 The bill requires every all-terrain vehicle manufacturer,
13 28 distributor, or dealer to register annually with the
13 29 department for a fee of \$15, which qualifies the registrant to
13 30 be issued a special registration certificate with a general
13 31 identification number. Additional duplicate certificates are
13 32 issued for \$2 each. All-terrain vehicles may be operated
13 33 temporarily under such registration. Current law provides for
13 34 annual registration upon payment of the \$15 fee on a voluntary
13 35 basis. The bill provides that violations of requirements
14 1 relating to registration by manufacturers, distributors, and
14 2 dealers are punishable by a scheduled fine of \$100.

14 3 The bill increases the fee for issuance of a safety
14 4 certificate from \$5 to \$20.

14 5 The bill revises existing penalties for certain violations
14 6 by all-terrain vehicle operators. For a violation of
14 7 registration or user permit requirements in Code section
14 8 321I.3, the scheduled fine is increased from \$20 to \$50. For
14 9 operating an all-terrain vehicle on a highway or snowmobile
14 10 trail in violation of Code section 321I.10, the scheduled fine
14 11 is increased from \$20 to \$50. For unlawful operation
14 12 violations under Code section 321I.14, other than careless
14 13 operation, operating while intoxicated, and headlight and
14 14 taillight violations, and for disregarding a peace officer's
14 15 signal to stop or eluding a peace officer under Code section
14 16 321I.18, the penalty is changed from a simple misdemeanor to a
14 17 simple misdemeanor punishable as a scheduled violation,
14 18 subject to a \$100 fine. The penalty for a violation of safety
14 19 certificate requirements under Code section 321I.26 is changed
14 20 from a simple misdemeanor to a simple misdemeanor punishable
14 21 as a scheduled violation, subject to a fine of \$50.

14 22 The bill requires the natural resource commission to
14 23 administer a repeat offender system, with escalating penalties
14 24 for all-terrain vehicle violations committed by a person whose
14 25 registration privileges have been suspended or revoked under
14 26 administrative procedures. For the first such offense
14 27 committed within a three-year period, the penalty is a simple
14 28 misdemeanor; for the second such violation, the penalty is a
14 29 serious misdemeanor; for the third and subsequent violations,
14 30 the penalty is an aggravated misdemeanor. This system mirrors
14 31 the penalty schedule for repeated violations of hunting and
14 32 fishing laws.

14 33 LSB 5456DP 81

14 34 dea:nh/sh/8