

House File 742 - Introduced

HOUSE FILE _____
BY COMMITTEE ON NATURAL
RESOURCES

(SUCCESSOR TO HSB 218)

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 and all-terrain
2 vehicles, and providing fees and penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1411HV 82
5 dea/es/88

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1 1 Section 1. Section 321.234A, subsection 3, Code 2007, is
1 2 amended to read as follows:
1 3 3. An all-terrain vehicle that is owned by the owner of
1 4 land adjacent to a highway, other than an interstate road, may
1 5 be operated by the owner of the all-terrain vehicle, or by a
1 6 member of the owner's family, on the portion of the highway
1 7 right-of-way that is between the shoulder of the roadway, or
1 8 at least five feet from the edge of the roadway, and the
1 9 owner's property line. A person operating an all-terrain
1 10 vehicle within the highway right-of-way under this subsection
1 11 shall comply with the registration, safety, and age
1 12 requirements under chapter 321I.

1 13 Sec. 2. Section 321G.1, Code 2007, is amended by adding
1 14 the following new subsections:
1 15 NEW SUBSECTION. 5A. "Director" means the director of the
1 16 department.

1 17 NEW SUBSECTION. 5B. "Distributor" means a person,
1 18 resident or nonresident, who sells or distributes snowmobiles
1 19 to snowmobile dealers in this state or who maintains
1 20 distributor representatives.

1 21 Sec. 3. Section 321G.2, Code 2007, is amended by adding
1 22 the following new subsection:

1 23 NEW SUBSECTION. 8. Issuance of annual user permits for
1 24 nonresidents and establishment of administrative fees for
1 25 issuance of the permits.

1 26 Sec. 4. Section 321G.3, Code 2007, is amended to read as
1 27 follows:

1 28 321G.3 REGISTRATION ~~AND NUMBERING~~ REQUIRED == PENALTIES.

1 29 1. Each snowmobile used on public land or ice of this
1 30 state shall be currently registered ~~and numbered~~. A person
1 31 shall not operate, maintain, or give permission for the
1 32 operation or maintenance of a snowmobile on public land or ice
1 33 unless the snowmobile is ~~numbered~~ registered in accordance
1 34 with this chapter or applicable federal laws, or the
1 35 snowmobile displays a current annual user permit decal issued
2 1 for the snowmobile as provided in section 321G.4A. ~~If the~~
2 2 ~~snowmobile is required to be registered in this state, the~~
2 3 ~~identifying number set forth in the registration shall be~~
2 4 ~~displayed as prescribed by rules of the commission.~~

2 5 2. A registration ~~number certificate and registration~~
2 6 ~~decal~~ shall be assigned, without payment of fee, to
2 7 snowmobiles owned by the state of Iowa or its political
2 8 subdivisions ~~upon application for the number, and the assigned~~
2 9 ~~registration number~~. The registration decal shall be
2 10 displayed on the snowmobile as required under section 321G.5.
2 11 A registration number and certificate shall be assigned,
2 12 without payment of a registration fee, to for a snowmobile
2 13 which is exempt from registration but is being titled, upon
2 14 payment of a writing fee as provided in section 321G.27 and an
2 15 administrative fee. A registration decal displaying an audit
2 16 ~~number~~ shall not be issued and the registration shall not
2 17 expire while the snowmobile is exempt. The application for

2 18 registration and the registration certificate shall indicate
2 19 the reason for exemption from the registration fee. The
~~2 20 registration certificate shall indicate the reason for~~
~~2 21 exemption.~~

2 22 3. A violation of subsection 1 or 2 is punishable as a
2 23 scheduled violation under section 805.8B, subsection 2,
2 24 paragraph "a". When the scheduled fine is paid, the violator
2 25 shall submit proof to the department that a valid registration
2 26 or user permit has been obtained by providing a copy of the
2 27 registration or user permit to the department within thirty
2 28 days of the date the fine is paid. A person who violates this
2 29 subsection is guilty of a simple misdemeanor.

2 30 Sec. 5. Section 321G.4, Code 2007, is amended to read as
2 31 follows:

2 32 321G.4 REGISTRATION == FEE.

2 33 1. The owner of each snowmobile required to be numbered
2 34 registered shall register it annually with the department
2 35 through ~~the a~~ county recorder ~~of the county in which the owner~~
~~3 1 resides or, if the owner is a nonresident, the owner shall~~
~~3 2 register it in the county in which the snowmobile is~~
~~3 3 principally used.~~ The department shall develop and maintain
3 4 an electronic system for the registration of snowmobiles
3 5 pursuant to this chapter. The department shall establish
3 6 forms and procedures as necessary for the registration of
3 7 snowmobiles.

3 8 2. The owner of the snowmobile shall file an application
3 9 for registration with the department through ~~the appropriate a~~
3 10 county recorder in the manner established by the commission.
3 11 The application shall be completed ~~and signed~~ by the owner and
3 12 shall be accompanied by a fee of fifteen dollars and a writing
3 13 fee as provided in section 321G.27. A snowmobile shall not be
3 14 registered by the county recorder until the county recorder is
3 15 presented with receipts, bills of sale, or other satisfactory
3 16 evidence that the sales or use tax has been paid for the
3 17 purchase of the snowmobile or that the owner is exempt from
3 18 paying the tax. A snowmobile that has an expired registration
3 19 certificate from another state may be registered in this state
3 20 upon proper application, payment of all applicable
3 21 registration and writing fees, and payment of a penalty of
3 22 five dollars.

3 23 3. Upon receipt of the application in approved form
3 24 accompanied by the required fees, the county recorder shall
3 25 ~~register the snowmobile with the department and issue to the~~
3 26 applicant a registration certificate and registration decal.
3 27 ~~The registration certificate shall bear the number awarded to~~
~~3 28 the snowmobile and the name and address of the owner. The~~
3 29 registration decal shall be displayed on the snowmobile as
3 30 provided in section 321G.5. The registration certificate
3 31 shall be carried either in the snowmobile or on the person of
3 32 the operator of the snowmobile when in use. The operator of a
3 33 snowmobile shall exhibit the registration certificate to a
3 34 peace officer upon request, to a person injured in an accident
3 35 involving a snowmobile, to the owner or operator of another
4 1 snowmobile or the owner of personal or real property when the
4 2 snowmobile is involved in a collision or accident of any
4 3 nature with another snowmobile or the property of another
4 4 person, or to the property owner or tenant when the snowmobile
4 5 is being operated on private property without permission from
4 6 the property owner or tenant.

~~4 7 4. If a snowmobile is placed in storage, the owner shall~~
~~4 8 return the current registration certificate to the county~~
~~4 9 recorder with an affidavit stating that the snowmobile is~~
~~4 10 placed in storage and the effective date of storage. The~~
~~4 11 county recorder shall notify the department of each snowmobile~~
~~4 12 placed in storage. When the owner of a stored snowmobile~~
~~4 13 desires to renew the registration, the owner shall make~~
~~4 14 application through the county recorder and pay the~~
~~4 15 registration and writing fees without penalty. A refund of~~
~~4 16 the registration fee shall not be allowed for a stored~~
~~4 17 snowmobile.~~

4 18 ~~5. 4.~~ Notwithstanding subsections 1 and 2, a snowmobile
4 19 that is more than thirty years old may be registered for a
4 20 one-time fee of twenty-five dollars, which shall exempt the
4 21 owner from annual registration and fee requirements for that
4 22 snowmobile. However, if ownership of such a snowmobile is
4 23 transferred, the new owner shall register the snowmobile and
4 24 pay the one-time fee as required under this subsection.

4 25 Sec. 6. Section 321G.4A, Code 2007, is amended to read as
4 26 follows:

4 27 321G.4A NONRESIDENT USER PERMITS.

4 28 1. A nonresident wishing to operate a snowmobile, other

4 29 than a snowmobile registered pursuant to this chapter, on
4 30 public land or ice of this state shall first obtain a user
4 31 permit from the department. A user permit shall be issued for
4 32 the snowmobile specified at the time of application and is not
4 33 transferable. A user permit shall be valid for the calendar
4 34 year or time period specified in the permit.

4 35 ~~2. User permits may be issued by a A county recorder or a
5 1 license agent pursuant to rules adopted by the commission
5 2 designated by the director pursuant to section 483A.11 may
5 3 issue user permits. The fee for a user permit shall be
5 4 fifteen dollars plus an administrative fee established by the
5 5 commission. A county recorder or a license agent shall retain
5 6 a writing fee of one dollar from the sale of each user permit
5 7 issued by the county recorder's office as provided in section
5 8 321G.27. The writing fees retained by the county recorder
5 9 shall be deposited in the general fund of the county. A
5 10 license agent designated by the director pursuant to section
5 11 483A.11 shall retain a writing fee of one dollar from the sale
5 12 of each permit issued by the agent.~~

5 13 Sec. 7. Section 321G.5, Code 2007, is amended to read as
5 14 follows:

5 15 321G.5 DISPLAY OF ~~IDENTIFICATION NUMBERS~~ REGISTRATION AND
5 16 USER PERMIT DECALS.

5 17 The owner shall display the identification number
5 18 registration decal or nonresident user permit decal on a
5 19 snowmobile in the manner prescribed by the rules of the
5 20 commission.

5 21 Sec. 8. Section 321G.6, Code 2007, is amended to read as
5 22 follows:

5 23 321G.6 REGISTRATION == RENEWAL, == TRANSFER.

5 24 1. Every snowmobile registration certificate and number
5 25 registration decal issued expires at midnight December 31
5 26 unless sooner terminated or discontinued in accordance with
5 27 this chapter or rules of the commission. After the first day
5 28 of September each year, an unregistered snowmobile may be
5 29 registered and a registration may be renewed in one
5 30 transaction. The fee is five dollars for the remainder of the
5 31 current year, in addition to the registration fee of fifteen
5 32 dollars for the subsequent year beginning January 1, and a
5 33 writing fee as provided in section 321G.27.

5 34 2. An expired registration may be renewed for the same fee
5 35 as if the owner is securing the original registration plus a
6 1 penalty of five dollars and a writing fee as provided in
6 2 section 321G.27.

6 3 3. ~~When a person, after registering a snowmobile, moves
6 4 from the address shown on the registration certificate, the
6 5 person shall, within thirty days, notify the county recorder
6 6 in writing of the move and the person's new address.~~

6 7 4. ~~Upon the transfer of ownership of a snowmobile, the
6 8 owner shall complete the form on the back of the title, if
6 9 any, and registration, if any, and deliver both to the
6 10 purchaser or transferee when the snowmobile is delivered. If
6 11 the snowmobile is not titled, the owner shall complete the
6 12 form on the back of the current registration certificate and
6 13 shall deliver the certificate to the purchaser or transferee
6 14 at the time of delivering the snowmobile. If the snowmobile
6 15 has not been titled and has not been registered, the owner
6 16 shall deliver an affidavit for an unregistered and untitled
6 17 snowmobile to the purchaser or transferee. The purchaser or
6 18 transferee shall, within thirty days of transfer, file a new
6 19 application form with the county recorder with a fee of one
6 20 dollar and the writing fee, and a transfer of number shall be
6 21 awarded in the same manner as provided in an original
6 22 registration. If the purchaser or transferee does not file a
6 23 new application form within thirty days of transfer, the
6 24 transfer of number shall be awarded upon payment of all
6 25 applicable fees plus a penalty of five dollars.~~

6 26 ~~All registrations must be valid for the current
6 27 registration period prior to the transfer of any registration,
6 28 including assignment to a dealer.~~

6 29 ~~5. 3. Duplicate registrations may be issued upon
6 30 application to the county recorder and the payment of the same
6 31 fees collected for the transfer of registrations a five dollar
6 32 fee plus a writing fee as provided in section 321G.27.~~

6 33 ~~6. 4. The department shall develop and maintain an
6 34 electronic system for residents to renew snowmobile
6 35 registrations pursuant to this section. A county recorder or
7 1 a license agent designated by the director pursuant to section
7 2 483A.11 may issue snowmobile registration renewals
7 3 electronically pursuant to rules adopted by the commission.
7 4 The fee for a registration renewal issued using an electronic~~

7 5 system is fifteen dollars plus an administrative fee
7 6 established by the commission and a writing fee as provided in
7 7 section 321G.27. A county recorder shall retain a writing fee
7 8 of one dollar and twenty-five cents for each registration
7 9 renewal issued by the county recorder's office. The writing
7 10 fees retained by the county recorder shall be deposited in the
7 11 general fund of the county. A license agent designated by the
7 12 director pursuant to section 483A.11 shall retain a writing
7 13 fee of one dollar for each registration renewal issued.

7 14 Sec. 9. Section 321G.7, unnumbered paragraph 1, Code 2007,
7 15 is amended to read as follows:

7 16 ~~Within ten days after the end of each month, a~~ A county
7 17 recorder shall remit to the commission the snowmobile fees
7 18 collected by the recorder ~~during the previous month in the~~
7 19 ~~manner and time prescribed by the department. Before January~~
7 20 ~~10 of each year, a recorder shall remit to the commission~~
7 21 ~~unused license forms from the previous year.~~

7 22 Sec. 10. Section 321G.8, subsections 2 and 3, Code 2007,
7 23 are amended by striking the subsections.

7 24 Sec. 11. Section 321G.15, Code 2007, is amended to read as
7 25 follows:

7 26 321G.15 OPERATION PENDING REGISTRATION.

7 27 The commission shall furnish snowmobile dealers with
7 28 pasteboard cards bearing the words "registration applied for"
7 29 and space for the date of purchase. An unregistered
7 30 snowmobile sold by a dealer shall bear one of these cards
7 31 which entitles the purchaser to operate it for ~~ten forty=five~~
7 32 days immediately following the purchase. The purchaser of a
7 33 registered snowmobile may operate it for ~~ten forty=five~~ days
7 34 immediately following the purchase, without having completed a
7 35 transfer of registration. A snowmobile dealer shall make
8 1 application and pay all registration and title fees if

8 2 applicable on behalf of the purchaser of a snowmobile.

8 3 Sec. 12. Section 321G.19, subsection 1, Code 2007, is
8 4 amended to read as follows:

8 5 1. The owner of a rented snowmobile shall keep a record of
8 6 the name and address of each person renting the snowmobile,
8 7 its registration ~~number certificate~~, the departure date and
8 8 time, and the expected time of return. The records shall be
8 9 preserved for six months.

8 10 Sec. 13. Section 321G.21, subsection 2, Code 2007, is
8 11 amended to read as follows:

8 12 2. ~~Any Every~~ manufacturer, distributor, or dealer ~~may,~~
8 13 ~~upon payment of a fee of fifteen dollars, make shall register~~
8 14 ~~with the department by making~~ application to the commission,
8 15 upon forms prescribed by the commission, for a special
8 16 registration certificate containing a general identification
8 17 number and for one or more duplicate special registration
8 18 certificates. The applicant shall pay a registration fee of
8 19 fifteen dollars and submit reasonable proof of the applicant's
8 20 status as a bona fide manufacturer, distributor, or dealer as
8 21 may be required by the commission.

8 22 Sec. 14. Section 321G.21, subsections 6 and 8, Code 2007,
8 23 are amended by striking the subsections.

8 24 Sec. 15. Section 321G.21, subsection 9, Code 2007, is
8 25 amended to read as follows:

8 26 9. ~~If the purchaser or transferee of a snowmobile is a~~
8 27 ~~dealer who holds the same for resale and operates the~~
8 28 ~~snowmobile only for purposes incidental to a resale and~~
8 29 ~~displays the special dealer's certificate, or does not operate~~
8 30 ~~the snowmobile or permit it to be operated, the transferee is~~
8 31 ~~not required to obtain a new registration certificate but upon~~
8 32 ~~transferring title or interest to another person shall sign~~
8 33 ~~the reverse side of the title, if any, and the registration~~
8 34 ~~certificate of the snowmobile indicating the name and address~~
8 35 ~~of the new purchaser.~~ A dealer shall make application and pay
9 1 all registration and title fees if applicable on behalf of the
9 2 purchaser of a snowmobile. ~~The recorder shall award a~~
9 3 ~~transfer of the registration number.~~ If the registration has
9 4 expired while in the dealer's possession, the purchaser may
9 5 renew the registration for the same fee and writing fee as if
9 6 the purchaser is securing the original registration.

9 7 Sec. 16. Section 321G.21, subsection 10, Code 2007, is
9 8 amended by striking the subsection.

9 9 Sec. 17. Section 321G.21, Code 2007, is amended by adding
9 10 the following new subsection:

9 11 NEW SUBSECTION. 12. The department may adopt rules
9 12 consistent with this chapter establishing minimum requirements
9 13 for dealers. In adopting such rules, the department shall
9 14 consider the need to protect persons, property, and the
9 15 environment and to promote uniformity of practices relating to

9 16 the sale and use of snowmobiles.
9 17 Sec. 18. Section 321G.23, subsection 1, Code 2007, is
9 18 amended to read as follows:
9 19 1. The commission shall provide, by rules adopted pursuant
9 20 to section 321G.2, for the establishment of certified courses
9 21 of instruction to be conducted throughout the state for the
9 22 safe use and operation of snowmobiles. The curriculum shall
9 23 include instruction in the lawful and safe use, operation, and
9 24 equipping of snowmobiles consistent with this chapter and
9 25 rules adopted by the commission and the director of
9 26 transportation and other matters the commission deems
9 27 pertinent for a qualified snowmobile operator. The commission
9 28 may establish a fee for the course which shall not exceed the
9 29 actual cost of instruction minus moneys received by the
9 30 department from safety certificate fees under section 321G.24.
9 31 Sec. 19. Section 321G.24, subsection 2, Code 2007, is
9 32 amended to read as follows:
9 33 2. Upon application and payment of a fee of five dollars,
9 34 a qualified applicant shall be issued a safety certificate
9 35 which is valid until the certificate is suspended or revoked
10 1 by the director for a violation of a provision of this chapter
10 2 or a rule of the commission or the director of transportation
10 3 adopted pursuant to this chapter. The application shall be
10 4 made on forms issued by the commission and shall contain
10 5 information as the commission may reasonably require.
10 6 Sec. 20. Section 321G.27, Code 2007, is amended to read as
10 7 follows:
10 8 321G.27 WRITING FEES.
10 9 1. a. The county recorder shall collect a writing fee of
10 10 one dollar and twenty-five cents for a snowmobile registration
10 11 or for renewal of a registration by the county recorder's
10 12 office.
10 13 b. The county recorder shall retain a writing fee of one
10 14 dollar and twenty-five cents from the sale of each user permit
10 15 issued by the county recorder's office.
10 16 c. Writing fees collected or retained by the county
10 17 recorder under this chapter shall be deposited in the general
10 18 fund of the county.
10 19 2. a. A license agent shall collect a writing fee of one
10 20 dollar for a snowmobile registration or for renewal of a
10 21 registration by the license agent.
10 22 b. A license agent shall retain a writing fee of one
10 23 dollar from the sale of each user permit issued by the license
10 24 agent.
10 25 Sec. 21. Section 321G.29, subsections 1, 4, and 7, Code
10 26 2007, are amended to read as follows:
10 27 1. The owner of a snowmobile acquired on or after January
10 28 1, 1998, other than a snowmobile used exclusively as a farm
10 29 implement or a snowmobile more than thirty years old
10 30 registered as provided in section 321G.4, subsection 5, shall
10 31 apply to the county recorder of the county in which the owner
10 32 resides for a certificate of title for the snowmobile. The
10 33 owner of a snowmobile used exclusively as a farm implement may
10 34 obtain a certificate of title. A person who owns a snowmobile
10 35 that is not required to have a certificate of title may apply
11 1 for and receive a certificate of title for the snowmobile and,
11 2 subsequently, the snowmobile shall be subject to the
11 3 requirements of this chapter as if the snowmobile were
11 4 required to be titled. All snowmobiles that are titled shall
11 5 be registered.
11 6 4. If a dealer buys or acquires a snowmobile for resale,
11 7 the dealer ~~shall report the acquisition to the county recorder~~
11 8 ~~on forms provided by the department and may apply for and~~
11 9 obtain a certificate of title as provided in this chapter. If
11 10 a dealer buys or acquires a used snowmobile, the dealer may
11 11 apply for a certificate of title in the dealer's name within
11 12 thirty days. If a dealer buys or acquires a new snowmobile
11 13 for resale, the dealer may apply for a certificate of title in
11 14 the dealer's name.
11 15 7. The county recorder shall maintain a record of any
11 16 certificate of title which the county recorder issues and
11 17 shall keep each certificate of title on record until the
11 18 certificate of title has been inactive for five years. When
11 19 issuing a title for a new snowmobile, the county recorder
11 20 shall obtain and keep on file a copy of the certificate of
11 21 origin. When issuing a title and registration for a used
11 22 snowmobile for which there is no title or registration, the
11 23 county recorder shall obtain and keep on file the affidavit
11 24 for the unregistered and untitled snowmobile.
11 25 Sec. 22. Section 321G.29, subsection 10, Code 2007, is
11 26 amended by striking the subsection.

11 27 Sec. 23. Section 321G.30, subsections 2 and 4, Code 2007,
11 28 are amended to read as follows:

11 29 2. If a certificate of title is lost, stolen, mutilated,
11 30 destroyed, or becomes illegible, the first lienholder or, if
11 31 there is none, the owner named in the certificate, as shown by
11 32 the county recorder's records, shall within thirty days obtain
11 33 a duplicate by applying to the county recorder. The applicant
11 34 shall furnish information the department requires concerning
11 35 the original certificate and the circumstances of its loss,
12 1 mutilation, or destruction. ~~Mutilated or illegible~~

~~12 2 certificates shall be returned to the department with the
12 3 application for a duplicate.~~

12 4 4. If a lost or stolen original certificate of title for
12 5 which a duplicate has been issued is recovered, the original
12 6 shall be surrendered promptly to the ~~department~~ county
12 7 recorder for cancellation.

12 8 Sec. 24. Section 321G.32, subsection 3, Code 2007, is
12 9 amended by striking the subsection and inserting in lieu
12 10 thereof the following:

12 11 3. When a security interest is discharged, the secured
12 12 party shall note the cancellation of the security interest on
12 13 the face of the certificate of title and send the title by
12 14 first class mail to the office of the county recorder where
12 15 the title was issued. If the title has been lost or
12 16 destroyed, the secured party may discharge the security
12 17 interest by sending a signed, notarized statement to the
12 18 office of the county recorder where the title was issued. The
12 19 county recorder shall note the release of the security
12 20 interest in the county records and attach the statement to the
12 21 certificate of title as evidence of the release of the
12 22 security interest.

12 23 Sec. 25. NEW SECTION. 321G.34 REPEAT OFFENDER ==
12 24 RECORDS, ENFORCEMENT, AND PENALTIES.

12 25 1. The commission shall establish by rule a recordkeeping
12 26 system and other administrative procedures necessary to
12 27 administer this section.

12 28 2. A person who pleads guilty to or is convicted of a
12 29 violation of any provision of this chapter while the person's
12 30 registration privilege is suspended or revoked under
12 31 administrative procedures is guilty of a simple misdemeanor if
12 32 the person had no other violations within the previous three
12 33 years which occurred while the person's registration privilege
12 34 was suspended or revoked.

13 35 3. A person who pleads guilty to or is convicted of a
13 1 violation of any provision of this chapter while the person's
13 2 registration privilege is suspended or revoked under
13 3 administrative procedures is guilty of a serious misdemeanor
13 4 if the person had one other violation within the previous
13 5 three years which occurred while the person's registration
13 6 privilege was suspended or revoked.

13 7 4. A person who pleads guilty to or is convicted of a
13 8 violation of any provision of this chapter while the person's
13 9 registration privilege is suspended or revoked under
13 10 administrative procedures is guilty of an aggravated
13 11 misdemeanor if the person had two or more convictions within
13 12 the previous three years which occurred while the person's
13 13 registration privilege was suspended or revoked.

13 14 5. a. Upon the conviction of a person of any violation of
13 15 this chapter or a rule adopted under this chapter, the court,
13 16 as a part of the judgment, may suspend or revoke one or more
13 17 snowmobile registration or user permit privileges of the
13 18 person for any definite period.

13 19 b. The court shall revoke all of the person's snowmobile
13 20 registrations or user permits and suspend the privilege of
13 21 procuring a registration or user permit for a period of one
13 22 year for any person who has been convicted twice within one
13 23 year of trespassing while operating a snowmobile. A person
13 24 shall not be issued a registration or user permit during the
13 25 period of suspension or revocation.

13 26 Sec. 26. Section 321I.1, subsection 1, Code 2007, is
13 27 amended to read as follows:

13 28 1. a. "All-terrain vehicle" means a motorized
13 29 flotation-tire vehicle with not less than three ~~low-pressure~~
~~13 30 tires, but and~~ not more than six low-pressure tires, ~~or a~~
~~13 31 two-wheeled off-road motorcycle,~~ that is limited in engine
13 32 displacement to less than ~~eight hundred~~ one thousand cubic
13 33 centimeters and in total dry weight to less than ~~eight hundred~~
~~13 34 fifty one thousand~~ pounds and that has a seat or saddle
13 35 designed to be straddled by the operator and handlebars for
14 1 steering control.

14 2 b. ~~Two-wheeled off-road~~ Off-road motorcycles shall be

14 3 considered all-terrain vehicles for the purpose of
14 4 registration. ~~Two-wheeled off-road~~ Off-road motorcycles shall
14 5 also be considered all-terrain vehicles for the purpose of
14 6 titling if a title has not previously been issued pursuant to
14 7 chapter 321. An operator of ~~a two-wheeled an~~ off-road
14 8 motorcycle is subject to provisions governing the operation of
14 9 all-terrain vehicles in this chapter, but is exempt from the
14 10 safety instruction and certification program requirements of
14 11 sections 321I.25 and 321I.26.

14 12 c. Off-road utility vehicles shall be considered all-
14 13 terrain vehicles for the purpose of registration, but are
14 14 exempt from the dealer registration requirements and the
14 15 titling requirements of this chapter. An operator of an
14 16 off-road utility vehicle is subject to provisions governing
14 17 the operation of all-terrain vehicles in section 321.234A and
14 18 this chapter, but is exempt from the safety instruction and
14 19 certification program requirements of sections 321I.25 and
14 20 321I.26. A motorized vehicle that was previously titled or is
14 21 currently titled under chapter 321 shall not be registered or
14 22 operated as an off-road utility vehicle.

14 23 Sec. 27. Section 321I.1, Code 2007, is amended by adding
14 24 the following new subsections:

14 25 NEW SUBSECTION. 5A. "Designated riding area" means an
14 26 all-terrain vehicle riding area on any public land or ice
14 27 under the jurisdiction of the department that has been
14 28 designated by the department for all-terrain vehicle use.

14 29 NEW SUBSECTION. 5B. "Designated riding trail" means an
14 30 all-terrain vehicle riding trail on any public land or ice
14 31 under the jurisdiction of the department that has been
14 32 designated by the department for all-terrain vehicle use.

14 33 NEW SUBSECTION. 5C. "Director" means the director of the
14 34 department.

14 35 NEW SUBSECTION. 5D. "Direct supervision" means to provide
15 1 supervision of another person while maintaining visual and
15 2 verbal contact at all times.

15 3 NEW SUBSECTION. 5E. "Distributor" means a person,
15 4 resident or nonresident, who sells or distributes all-terrain
15 5 vehicles to all-terrain vehicle dealers in this state or who
15 6 maintains distributor representatives.

15 7 NEW SUBSECTION. 9A. "Off-road motorcycle" means a
15 8 two-wheeled motor vehicle that has a seat or saddle designed
15 9 to be straddled by the operator and handlebars for steering
15 10 control and that is intended by the manufacturer for use on
15 11 natural terrain. "Off-road motorcycle" includes a motorcycle
15 12 that was originally issued a certificate of title and
15 13 registered for highway use under chapter 321, but which
15 14 contains design features that enable operation over natural
15 15 terrain.

15 16 NEW SUBSECTION. 9B. "Off-road utility vehicle" means a
15 17 motorized flotation-tire vehicle with not less than four and
15 18 not more than six low-pressure tires that is limited in engine
15 19 displacement to less than one thousand five hundred cubic
15 20 centimeters and in total dry weight to not more than one
15 21 thousand eight hundred pounds and that has a seat that is of
15 22 bench design, not intended to be straddled by the operator,
15 23 and a steering wheel for control.

15 24 Sec. 28. Section 321I.3, Code 2007, is amended to read as
15 25 follows:

15 26 321I.3 REGISTRATION AND NUMBERING REQUIRED == PENALTIES.

15 27 1. Each all-terrain vehicle used on public land or ice of
15 28 this state shall be currently registered ~~and numbered~~. A
15 29 person shall not operate, maintain, or give permission for the
15 30 operation or maintenance of an all-terrain vehicle on public
15 31 land or ice unless the all-terrain vehicle is ~~numbered~~
15 32 registered in accordance with this chapter or applicable
15 33 federal laws, or ~~unless~~ the all-terrain vehicle displays a
15 34 current annual user permit decal issued for the all-terrain
15 35 vehicle as provided in section 321I.5. ~~If the all-terrain~~
16 1 ~~vehicle is required to be registered in this state, the~~
16 2 ~~identifying number set forth in the registration shall be~~
16 3 ~~displayed as prescribed by rules of the commission.~~

16 4 2. A registration ~~number certificate and registration~~
16 5 decal shall be assigned, without payment of fee, to
16 6 all-terrain vehicles owned by the state of Iowa or its
16 7 political subdivisions ~~upon application for the number, and~~
16 8 ~~the assigned registration number. The registration decal~~
16 9 shall be displayed on the all-terrain vehicle as required
16 10 under section 321I.6. A registration ~~number and~~ certificate
16 11 shall be assigned, without payment of a registration fee, to
16 12 for an all-terrain vehicle which is exempt from registration
16 13 but is being titled, upon payment of a writing fee as provided

16 14 in section 321I.29 and an administrative fee. A registration
16 15 decal displaying an audit number shall not be issued and the
16 16 registration shall not expire while the all-terrain vehicle is
16 17 exempt. The application for registration and the registration
16 18 certificate shall indicate the reason for exemption from the
16 19 registration fee. The registration certificate shall indicate
16 20 the reason for exemption.

16 21 3. A violation of subsection 1 or 2 is punishable as a
16 22 scheduled violation under section 805.8B, subsection 2A,
16 23 paragraph "a". When the scheduled fine is paid, the violator
16 24 shall submit proof to the department that a valid registration
16 25 or user permit has been obtained by providing a copy of the
16 26 registration or user permit to the department within thirty
16 27 days of the date the fine is paid. A person who violates this
16 28 subsection is guilty of a simple misdemeanor.

16 29 Sec. 29. Section 321I.4, Code 2007, is amended to read as
16 30 follows:

16 31 321I.4 REGISTRATION WITH COUNTY RECORDER == FEE.

16 32 1. The owner of each all-terrain vehicle required to be
16 33 numbered registered shall register it annually with the
16 34 department through a county recorder of the county in which
16 35 the owner resides or, if the owner is a nonresident, the owner
17 1 shall register it in the county in which the all-terrain
17 2 vehicle is principally used. The department shall develop and
17 3 maintain an electronic system for the registration of
17 4 all-terrain vehicles pursuant to this chapter. The commission
17 5 has supervisory responsibility over department shall establish
17 6 forms and procedures as necessary for the registration of
17 7 all-terrain vehicles and shall provide each county recorder
17 8 with registration forms and certificates and shall allocate
17 9 registration numbers to each county.

17 10 2. The owner of the all-terrain vehicle shall file an
17 11 application for registration with the appropriate department
17 12 through a county recorder on forms provided in the manner
17 13 established by the commission. The application shall be
17 14 completed and signed by the owner of the all-terrain vehicle
17 15 and shall be accompanied by a fee of fifteen dollars and a
17 16 writing fee as provided in section 321I.29. An all-terrain
17 17 vehicle shall not be registered by the county recorder until
17 18 the county recorder is presented with receipts, bills of sale,
17 19 or other satisfactory evidence that the sales or use tax has
17 20 been paid for the purchase of the all-terrain vehicle or that
17 21 the owner is exempt from paying the tax. An all-terrain
17 22 vehicle that has an expired registration certificate from
17 23 another state may be registered in this state upon proper
17 24 application, payment of all applicable registration and
17 25 writing fees, and payment of a penalty of five dollars.

17 26 3. Upon receipt of the application in approved form
17 27 accompanied by the required fees, the county recorder shall
17 28 enter it upon the records and shall issue to the applicant a
17 29 registration certificate and registration decal. The
17 30 certificate shall be executed in triplicate, one copy to be
17 31 delivered to the owner, one copy to the commission, and one
17 32 copy to be retained on file by the county recorder. The
17 33 registration certificate shall bear the number awarded to the
17 34 all-terrain vehicle and the name and address of the owner.
17 35 The registration decal shall be displayed on the all-terrain
18 1 vehicle as provided in section 321I.6. The registration

18 2 certificate shall be carried either in the all-terrain vehicle
18 3 or on the person of the operator of the all-terrain vehicle
18 4 when in use. The operator of an all-terrain vehicle shall
18 5 exhibit the registration certificate to a peace officer upon
18 6 request, to a person injured in an accident involving an
18 7 all-terrain vehicle, to the owner or operator of another
18 8 all-terrain vehicle or the owner of personal or real property
18 9 when the all-terrain vehicle is involved in a collision or
18 10 accident of any nature with another all-terrain vehicle or the
18 11 property of another person, or to the property owner or tenant
18 12 when the all-terrain vehicle is being operated on private
18 13 property without permission from the property owner or tenant.

18 14 4. If an all-terrain vehicle is placed in storage, the
18 15 owner shall return the current registration certificate to the
18 16 county recorder with an affidavit stating that the all-terrain
18 17 vehicle is placed in storage and the effective date of
18 18 storage. The county recorder shall notify the commission of
18 19 each all-terrain vehicle placed in storage. When the owner of
18 20 a stored all-terrain vehicle desires to renew the
18 21 registration, the owner shall make application to the county
18 22 recorder and pay the registration and writing fees without
18 23 penalty. A refund of the registration fee shall not be
18 24 allowed for a stored all-terrain vehicle.

18 25 Sec. 30. Section 321I.5, Code 2007, is amended to read as
18 26 follows:

18 27 321I.5 NONRESIDENT USER PERMITS.

18 28 1. A nonresident wishing to operate an all-terrain
18 29 vehicle, other than an all-terrain vehicle owned by a resident
18 30 and registered pursuant to this chapter, on public land or ice
18 31 of this state shall first obtain a user permit from the
18 32 department. A user permit shall be issued for the all-terrain
18 33 vehicle specified at the time of application and is not
18 34 transferable. A user permit shall be valid for the calendar
18 35 year or time period specified in the permit.

19 1 ~~2. User permits may be issued by a A county recorder or a~~
19 2 ~~license depositary pursuant to rules adopted by the commission~~
19 3 ~~agent designated by the director pursuant to section 483A.11~~
19 4 ~~may issue user permits. The fee for a user permit shall be~~
19 5 ~~fifteen dollars plus an administrative fee established by the~~
19 6 ~~commission. A county recorder or a license agent shall retain~~
19 7 ~~a writing fee of one dollar from the sale of each user permit~~
19 8 ~~issued by the county recorder's office as provided in section~~
19 9 ~~321I.29. The writing fees retained by the county recorder~~
19 10 ~~shall be deposited in the general fund of the county. A~~
19 11 ~~license depositary designated by the director pursuant to~~
19 12 ~~section 483A.11 shall retain a writing fee of one dollar from~~
19 13 ~~the sale of each permit issued by the agent.~~

19 14 Sec. 31. Section 321I.6, Code 2007, is amended to read as
19 15 follows:

19 16 321I.6 DISPLAY OF ~~IDENTIFICATION NUMBERS~~ REGISTRATION AND
19 17 USER PERMIT DECALS.

19 18 The owner shall display the ~~identification number~~
19 19 registration decal or nonresident user permit decal on an
19 20 all-terrain vehicle in the manner prescribed by rules of the
19 21 commission.

19 22 Sec. 32. Section 321I.7, Code 2007, is amended to read as
19 23 follows:

19 24 321I.7 REGISTRATION == RENEWAL == TRANSFER.

19 25 1. a. Every all-terrain vehicle registration certificate
19 26 and ~~number~~ registration decal issued expires at midnight
19 27 December 31 unless sooner terminated or discontinued in
19 28 accordance with this chapter or rules of the commission.
19 29 After the first day of September each year, an unregistered
19 30 all-terrain vehicle may be registered or a registration may be
19 31 renewed for the subsequent year beginning January 1.

19 32 b. After the first day of September an unregistered
19 33 all-terrain vehicle may be registered for the remainder of the
19 34 current registration year and for the subsequent registration
19 35 year in one transaction. The fee shall be five dollars for
20 1 the remainder of the current year, in addition to the
20 2 registration fee of fifteen dollars for the subsequent year
20 3 beginning January 1, and a writing fee as provided in section
20 4 321I.29. Registration certificates and numbers may be renewed

~~20 5 upon application of the owner in the same manner as provided~~
~~20 6 in securing the original registration. The all-terrain~~
~~20 7 vehicle registration fee is in lieu of personal property tax~~
~~20 8 for each year of the registration.~~

20 9 2. An expired all-terrain vehicle registration may be
20 10 renewed for the same fee as if the owner is securing the
20 11 original registration plus a penalty of five dollars and a
20 12 writing fee as provided in section 321I.29.

20 13 3. ~~When a person, after registering an all-terrain~~
~~20 14 vehicle, moves from the address shown on the registration~~
~~20 15 certificate, the person shall, within thirty days, notify the~~
~~20 16 county recorder in writing of the move and the person's new~~
~~20 17 address.~~

20 18 4. ~~Upon the transfer of ownership of an all-terrain~~
~~20 19 vehicle, the owner shall complete the form on the back of the~~
~~20 20 title, if any, and registration, if any, and deliver both to~~
~~20 21 the purchaser or transferee when the all-terrain vehicle is~~
~~20 22 delivered. If the all-terrain vehicle is not titled, the~~
~~20 23 owner shall complete the form on the back of the current~~
~~20 24 registration certificate and shall deliver the certificate to~~
~~20 25 the purchaser or transferee at the time of delivering the~~
~~20 26 all-terrain vehicle. If the all-terrain vehicle has not been~~
~~20 27 titled and has not been registered, the owner shall deliver an~~
~~20 28 affidavit for an unregistered and untitled all-terrain vehicle~~
~~20 29 to the purchaser or transferee. The purchaser or transferee~~
~~20 30 shall, within thirty days of transfer, file a new application~~
~~20 31 form with the county recorder with a fee of one dollar and the~~
~~20 32 writing fee, and a transfer of number shall be awarded in the~~
~~20 33 same manner as provided in an original registration. If the~~
~~20 34 purchaser or transferee does not file a new application form~~
~~20 35 within thirty days of transfer, the transfer of number shall~~

~~21 1 be awarded upon payment of all applicable fees plus a penalty~~
~~21 2 of five dollars.~~

~~21 3 All registrations must be valid for the current~~
~~21 4 registration period prior to the transfer of any registration,~~
~~21 5 including assignment to a dealer.~~

~~21 6 5. 3. Duplicate registrations may be issued upon~~
~~21 7 application to the county recorder and the payment of the same~~
~~21 8 fees collected for the transfer of registrations a five dollar~~
~~21 9 fee plus a writing fee as provided in section 321I.29.~~

~~21 10 6. 4. A motorcycle, as defined in section 321.1,~~
~~21 11 subsection 40, paragraph "a", may be registered as an~~
~~21 12 all-terrain vehicle as provided in this section. A motorcycle~~
~~21 13 registered as an all-terrain vehicle may participate in all~~
~~21 14 programs established for all-terrain vehicles under this~~
~~21 15 chapter except for the safety instruction and certification~~
~~21 16 program.~~

~~21 17 5. A county recorder or a license agent designated by the~~
~~21 18 director pursuant to section 483A.11 may issue all-terrain~~
~~21 19 vehicle registration renewals electronically pursuant to rules~~
~~21 20 adopted by the commission. The fee for a registration renewal~~
~~21 21 issued using an electronic system is fifteen dollars plus an~~
~~21 22 administrative fee established by the commission and a writing~~
~~21 23 fee as provided in section 321I.29.~~

~~21 24 Sec. 33. Section 321I.8, unnumbered paragraph 1, Code~~
~~21 25 2007, is amended to read as follows:~~

~~21 26 Within ten days after the end of each month, a A county~~
~~21 27 recorder shall remit to the commission the all-terrain vehicle~~
~~21 28 fees collected by the recorder during the previous month in~~
~~21 29 the manner and time prescribed by the department. Before~~
~~21 30 January 10 of each year, a recorder shall remit to the~~
~~21 31 commission unused license forms from the previous year.~~

~~21 32 Sec. 34. Section 321I.9, subsections 2, 3, and 4, Code~~
~~21 33 2007, are amended by striking the subsections.~~

~~21 34 Sec. 35. Section 321I.12, subsection 1, Code 2007, is~~
~~21 35 amended to read as follows:~~

~~22 1 1. An all-terrain vehicle shall not be operated without~~
~~22 2 suitable and effective muffling devices which limit engine~~
~~22 3 noise to not more than eighty-six decibels as measured on the~~
~~22 4 "A" scale at a distance of fifty feet. An all-terrain vehicle~~
~~22 5 shall comply with the sound level standards and testing~~
~~22 6 procedures established by the society of automotive engineers~~
~~22 7 under SAE J1287.~~

~~22 8 Sec. 36. Section 321I.14, subsection 1, paragraph g, Code~~
~~22 9 2007, is amended by striking the paragraph and inserting in~~
~~22 10 lieu thereof the following:~~

~~22 11 g. In any park, wildlife area, preserve, refuge, game~~
~~22 12 management area, or any portion of a meandered stream, or any~~
~~22 13 portion of the bed of a nonmeandered stream which has been~~
~~22 14 identified as a navigable stream or river by rule adopted by~~
~~22 15 the department and which is covered by water, except on~~
~~22 16 designated riding areas and designated riding trails. This~~
~~22 17 paragraph does not prohibit the use of ford crossings of~~
~~22 18 public roads or any other ford crossing when used for~~
~~22 19 agricultural purposes; the operation of construction vehicles~~
~~22 20 engaged in lawful construction, repair, or maintenance in a~~
~~22 21 streambed; or the operation of all-terrain vehicles on ice.~~

~~22 22 Sec. 37. Section 321I.14, Code 2007, is amended by adding~~
~~22 23 the following new subsections:~~

~~22 24 NEW SUBSECTION. 4. A person shall not operate an off-road~~
~~22 25 utility vehicle on a designated riding area or designated~~
~~22 26 riding trail unless the riding area or trail is signed by the~~
~~22 27 department as open to off-road utility vehicle operation.~~

~~22 28 NEW SUBSECTION. 5. A person shall not operate a vehicle~~
~~22 29 other than an all-terrain vehicle on a designated riding area~~
~~22 30 or designated riding trail unless the riding area or trail is~~
~~22 31 signed by the department as open to such other use.~~

~~22 32 Sec. 38. Section 321I.16, Code 2007, is amended to read as~~
~~22 33 follows:~~

~~22 34 321I.16 OPERATION PENDING REGISTRATION.~~

~~22 35 The commission shall furnish all-terrain vehicle dealers~~
~~23 1 with pasteboard cards bearing the words "registration applied~~
~~23 2 for" and space for the date of purchase. An unregistered~~
~~23 3 all-terrain vehicle sold by a dealer shall bear one of these~~
~~23 4 cards which entitles the purchaser to operate it for ~~ten~~~~
~~23 5 forty-five days immediately following the purchase. The~~
~~23 6 purchaser of a registered all-terrain vehicle may operate it~~
~~23 7 for ~~ten~~ forty-five days immediately following the purchase,~~
~~23 8 without having completed a transfer of registration. An~~
~~23 9 all-terrain vehicle dealer shall make application and pay all~~
~~23 10 registration and title fees if applicable on behalf of the~~
~~23 11 purchaser of an all-terrain vehicle.~~

23 12 Sec. 39. Section 321I.20, subsection 1, Code 2007, is
23 13 amended to read as follows:

23 14 1. The owner of a rented all-terrain vehicle shall keep a
23 15 record of the name and address of each person renting the
23 16 all-terrain vehicle, its registration ~~number certificate~~, the
23 17 departure date and time, and the expected time of return. The
23 18 records shall be preserved for six months.

23 19 Sec. 40. Section 321I.21, Code 2007, is amended to read as
23 20 follows:

23 21 321I.21 MINORS UNDER TWELVE == SUPERVISION.

23 22 A person under twelve years of age shall not operate an
23 23 all-terrain vehicle ~~on public lands, including an off-road~~
23 24 ~~motorcycle, on a designated riding area or designated riding~~
23 25 ~~trail or on ice unless the one of the following applies:~~

23 26 1. ~~The person is taking a prescribed safety training~~
23 27 ~~course and the operation is under the direct supervision of a~~
23 28 ~~certified all-terrain vehicle safety instructor, and a~~

23 29 2. ~~The operation is under the direct supervision of a~~
23 30 ~~responsible parent or guardian of at least eighteen years of~~
23 31 ~~age who is experienced in all-terrain vehicle operation or~~
23 32 ~~off-road motorcycle operation and who possesses a valid~~
23 33 ~~driver's license as defined in section 321.1.~~

23 34 Sec. 41. Section 321I.22, subsection 2, Code 2007, is
23 35 amended to read as follows:

24 1 2. ~~Any Every~~ manufacturer, distributor, or dealer ~~may,~~
24 2 ~~upon payment of a fee of fifteen dollars, make shall register~~
24 3 ~~with the department by making application to the commission,~~
24 4 ~~upon forms prescribed by the commission, for a special~~
24 5 ~~registration certificate containing a general identification~~
24 6 ~~number and for one or more duplicate special registration~~
24 7 ~~certificates. The applicant shall pay a registration fee of~~
24 8 ~~fifteen dollars and submit reasonable proof of the applicant's~~
24 9 ~~status as a bona fide manufacturer, distributor, or dealer as~~
24 10 ~~may be required by the commission.~~

24 11 Sec. 42. Section 321I.22, subsections 6 and 8, Code 2007,
24 12 are amended by striking the subsections.

24 13 Sec. 43. Section 321I.22, subsection 9, Code 2007, is
24 14 amended to read as follows:

24 15 9. ~~If the purchaser or transferee of an all-terrain~~
24 16 ~~vehicle is a dealer who holds the same for resale and operates~~
24 17 ~~the all-terrain vehicle only for purposes incidental to a~~
24 18 ~~resale and displays the special dealer's certificate, or does~~
24 19 ~~not operate the all-terrain vehicle or permit it to be~~
24 20 ~~operated, the transferee is not required to obtain a new~~
24 21 ~~registration certificate but upon transferring title or~~
24 22 ~~interest to another person shall sign the reverse side of the~~
24 23 ~~title, if any, and the registration certificate of the~~
24 24 ~~all-terrain vehicle indicating the name and address of the new~~
24 25 ~~purchaser. A dealer shall make application and pay all~~
24 26 ~~registration and title fees if applicable on behalf of the~~
24 27 ~~purchaser of an all-terrain vehicle. The recorder shall award~~
24 28 ~~a transfer of the registration number. If the registration~~
24 29 ~~has expired while in the dealer's possession, the purchaser~~
24 30 ~~may renew the registration for the same fee and writing fee as~~
24 31 ~~if the purchaser is securing the original registration.~~

24 32 Sec. 44. Section 321I.22, subsection 10, Code 2007, is
24 33 amended by striking the subsection.

24 34 Sec. 45. Section 321I.22, Code 2007, is amended by adding
24 35 the following new subsection:

25 1 NEW SUBSECTION. 12. The department may adopt rules
25 2 consistent with this chapter establishing minimum requirements
25 3 for dealers. In adopting such rules, the department shall
25 4 consider the need to protect persons, property, and the
25 5 environment and to promote uniformity of practices relating to
25 6 the sale and use of all-terrain vehicles.

25 7 Sec. 46. Section 321I.25, subsection 1, Code 2007, is
25 8 amended to read as follows:

25 9 1. The commission shall provide, by rules adopted pursuant
25 10 to section 321I.2, for the establishment of certified courses
25 11 of instruction to be conducted throughout the state for the
25 12 safe use and operation of all-terrain vehicles. The
25 13 curriculum shall include instruction in the lawful and safe
25 14 use, operation, and equipping of all-terrain vehicles
25 15 consistent with this chapter and rules adopted by the
25 16 commission and the director of transportation and other
25 17 matters the commission deems pertinent for a qualified
25 18 all-terrain vehicle operator. The commission may establish a
25 19 fee for the course which shall not exceed the actual cost of
25 20 instruction minus moneys received by the department from
25 21 safety certificate fees under section 321I.26.

25 22 Sec. 47. Section 321I.26, subsections 1 and 2, Code 2007,

25 23 are amended to read as follows:

25 24 1. A person ~~under twelve years of age or older but less~~
25 25 ~~than~~ eighteen years of age shall not operate an all-terrain
25 26 vehicle on public land or ice or land purchased with
25 27 all-terrain vehicle registration funds in this state without
25 28 obtaining a valid safety certificate issued by the department
25 29 and having the certificate in the person's possession.

25 30 2. Upon application and payment of a fee of five dollars,
25 31 a qualified applicant shall be issued a safety certificate
25 32 which is valid until the certificate is suspended or revoked
25 33 ~~by the director for a violation of a provision of this chapter~~
25 34 ~~or a rule of the commission or the director of transportation~~
25 35 ~~adopted pursuant to this chapter.~~ The application shall be
26 1 made on forms issued by the commission and shall contain
26 2 information as the commission may reasonably require.

26 3 Sec. 48. Section 321I.29, Code 2007, is amended to read as
26 4 follows:

26 5 321I.29 WRITING FEES.

26 6 1. a. The county recorder shall collect a writing fee of
26 7 one dollar and twenty-five cents for an all-terrain vehicle
26 8 registration ~~or for renewal of a registration by the county~~
26 9 ~~recorder's office.~~

26 10 b. ~~The county recorder shall retain a writing fee of one~~
26 11 ~~dollar and twenty-five cents from the sale of each user permit~~
26 12 ~~issued by the county recorder's office.~~

26 13 c. ~~Writing fees collected or retained by the county~~
26 14 ~~recorder under this chapter shall be deposited in the general~~
26 15 ~~fund of the county.~~

26 16 2. a. A license agent shall collect a writing fee of one
26 17 dollar for an all-terrain vehicle registration or for renewal
26 18 of a registration issued by the license agent.

26 19 b. A license agent shall retain a writing fee of one
26 20 dollar from the sale of each user permit issued by the license
26 21 agent.

26 22 Sec. 49. Section 321I.31, subsections 4 and 7, Code 2007,
26 23 are amended to read as follows:

26 24 4. If a dealer buys or acquires an all-terrain vehicle for
26 25 resale, the dealer ~~shall report the acquisition to the county~~
26 26 ~~recorder on forms provided by the department and may apply for~~
26 27 ~~and obtain a certificate of title as provided in this chapter.~~
26 28 If a dealer buys or acquires a used all-terrain vehicle, the
26 29 dealer may apply for a certificate of title in the dealer's
26 30 name within thirty days. If a dealer buys or acquires a new
26 31 all-terrain vehicle for resale, the dealer may apply for a
26 32 certificate of title in the dealer's name.

26 33 7. The county recorder shall maintain a record of any
26 34 certificate of title which the county recorder issues and
26 35 shall keep each certificate of title on record until the
27 1 certificate of title has been inactive for five years. When
27 2 issuing a title for a new all-terrain vehicle, the county
27 3 recorder shall obtain and keep on file a copy of the
27 4 certificate of origin. When issuing a title and registration
27 5 for a used all-terrain vehicle for which there is no title or
27 6 registration, the county recorder shall obtain and keep on
27 7 file the affidavit for the unregistered and untitled
27 8 all-terrain vehicle.

27 9 Sec. 50. Section 321I.31, subsection 10, Code 2007, is
27 10 amended by striking the subsection.

27 11 Sec. 51. Section 321I.32, subsections 2 and 4, Code 2007,
27 12 are amended to read as follows:

27 13 2. If a certificate of title is lost, stolen, mutilated,
27 14 destroyed, or becomes illegible, the first lienholder or, if
27 15 there is none, the owner named in the certificate, as shown by
27 16 the county recorder's records, shall within thirty days obtain
27 17 a duplicate by applying to the county recorder. The applicant
27 18 shall furnish information the department requires concerning
27 19 the original certificate and the circumstances of its loss,
27 20 mutilation, or destruction. ~~Mutilated or illegible~~
27 21 ~~certificates shall be returned to the department with the~~
27 22 ~~application for a duplicate.~~

27 23 4. If a lost or stolen original certificate of title for
27 24 which a duplicate has been issued is recovered, the original
27 25 shall be surrendered promptly to the ~~department~~ county
27 26 recorder for cancellation.

27 27 Sec. 52. Section 321I.34, subsection 3, Code 2007, is
27 28 amended by striking the subsection and inserting in lieu
27 29 thereof the following:

27 30 3. When a security interest is discharged, the secured
27 31 party shall note the cancellation of the security interest on
27 32 the face of the certificate of title and send the title by
27 33 first class mail to the office of the county recorder where

27 34 the title was issued. If the title has been lost or
27 35 destroyed, the secured party may discharge the security
28 1 interest by sending a signed, notarized statement to the
28 2 office of the county recorder where the title was issued. The
28 3 county recorder shall note the release of the security
28 4 interest in the county records and attach the statement to the
28 5 certificate of title as evidence of the release of the
28 6 security interest.

28 7 Sec. 53. NEW SECTION. 321I.36 REPEAT OFFENDER ==
28 8 RECORDS, ENFORCEMENT, AND PENALTIES.

28 9 1. The commission shall establish by rule a recordkeeping
28 10 system and other administrative procedures necessary to
28 11 administer this section.

28 12 2. A person who pleads guilty to or is convicted of a
28 13 violation of any provision of this chapter while the person's
28 14 registration privilege is suspended or revoked under
28 15 administrative procedures is guilty of a simple misdemeanor if
28 16 the person had no other violations within the previous three
28 17 years which occurred while the person's registration privilege
28 18 was suspended or revoked.

28 19 3. A person who pleads guilty to or is convicted of a
28 20 violation of any provision of this chapter while the person's
28 21 registration privilege is suspended or revoked under
28 22 administrative procedures is guilty of a serious misdemeanor
28 23 if the person had one other violation within the previous
28 24 three years which occurred while the person's registration
28 25 privilege was suspended or revoked.

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

28 33 5. a. Upon the conviction of a person of any violation of
28 34 this chapter or a rule adopted under this chapter, the court,
28 35 as a part of the judgment, may suspend or revoke one or more
29 1 all-terrain vehicle registration or user permit privileges of
29 2 the person for any definite period.

29 3 b. The court shall revoke all of the person's all-terrain
29 4 vehicle registrations or user permits and suspend the
29 5 privilege of procuring a registration or user permit for a
29 6 period of one year for any person who has been convicted twice
29 7 within one year of trespassing while operating an all-terrain
29 8 vehicle. A person shall not be issued a registration or user
29 9 permit during the period of suspension or revocation.

29 10 Sec. 54. Section 805.8B, subsection 2, Code 2007, is
29 11 amended to read as follows:

29 12 2. ~~SNOWMOBILE AND ALL-TERRAIN VEHICLE VIOLATIONS.~~

29 13 a. For registration or user permit violations under
29 14 ~~sections section 321G.3 and 321I.3, subsections 1 and 2, the~~
29 15 ~~scheduled fine is twenty fifty dollars. When the scheduled~~
29 16 ~~fine is paid, the violator shall submit sufficient proof that~~
29 17 ~~a valid registration or user permit has been obtained.~~

29 18 b. (1) For operating violations under section 321G.9,
29 19 ~~subsections 1, 2, 3, 4, 5, and 7, sections the scheduled fine~~
29 20 ~~is fifty dollars.~~

29 21 (2) ~~For operating violations under sections 321G.11, and~~
29 22 ~~321G.13, subsection 1, paragraph "d", sections 321I.10,~~
29 23 ~~321I.12, and 321I.14, subsection 1, paragraph "d", the~~
29 24 ~~scheduled fine is twenty dollars.~~

29 25 (3) ~~For operating violations under section 321G.13,~~
29 26 ~~subsection 1, paragraphs "a", "b", "e", "f", "g", and "h", and~~
29 27 ~~subsections 2 and 3, the scheduled fine is one hundred~~
29 28 ~~dollars.~~

29 29 c. For improper or defective equipment under ~~sections~~
29 30 ~~section 321G.12 and 321I.13, the scheduled fine is twenty~~
29 31 ~~dollars.~~

29 32 d. For violations of ~~sections section 321G.19 and 321I.20,~~
29 33 ~~the scheduled fine is twenty dollars.~~

29 34 e. For identification violations under ~~sections section~~
29 35 ~~321G.5 and 321I.6, the scheduled fine is twenty dollars.~~

30 1 f. ~~For stop signal violations under section 321G.17, the~~
30 2 ~~scheduled fine is one hundred dollars.~~

30 3 g. ~~For violations of section 321G.20 and for safety~~
30 4 ~~certificate violations under section 321G.24, subsection 1,~~
30 5 ~~the scheduled fine is fifty dollars.~~

30 6 h. ~~For violations of section 321G.21, the scheduled fine~~
30 7 ~~is one hundred dollars.~~

30 8 Sec. 55. Section 805.8B, Code 2007, is amended by adding
30 9 the following new subsection:

30 10 NEW SUBSECTION. 2A. ALL=TERRAIN VEHICLE VIOLATIONS.
30 11 a. For registration or user permit violations under
30 12 section 321I.3, subsections 1 and 2, the scheduled fine is
30 13 fifty dollars.
30 14 b. (1) For operating violations under sections 321I.12
30 15 and 321I.14, subsection 1, paragraph "d", the scheduled fine
30 16 is twenty dollars.
30 17 (2) For operating violations under section 321I.10,
30 18 subsections 1 and 4, the scheduled fine is fifty dollars.
30 19 (3) For operating violations under section 321I.14,
30 20 subsection 1, paragraphs "a", "e", "f", "g", and "h", and
30 21 subsections 2, 3, 4, and 5, the scheduled fine is one hundred
30 22 dollars.
30 23 c. For improper or defective equipment under section
30 24 321I.13, the scheduled fine is twenty dollars.
30 25 d. For violations of section 321I.20, the scheduled fine
30 26 is twenty dollars.
30 27 e. For identification violations under section 321I.6, the
30 28 scheduled fine is twenty dollars.
30 29 f. For stop signal violations under section 321I.18, the
30 30 scheduled fine is one hundred dollars.
30 31 g. For violations of section 321I.21 and for safety
30 32 certificate violations under section 321I.26, subsection 1,
30 33 the scheduled fine is fifty dollars.
30 34 h. For violations of section 321I.22, the scheduled fine
30 35 is one hundred dollars.

31 1 EXPLANATION

31 2 This bill makes changes to the regulation of snowmobiles
31 3 and all-terrain vehicles by the department of natural
31 4 resources, including technical changes to Code chapter 321G,
31 5 relating to snowmobiles, and Code chapter 321I, relating to
31 6 all-terrain vehicles, to align the language in provisions
31 7 common to both Code chapters. Both Code chapters are also
31 8 amended to consolidate specific language about writing fees
31 9 associated with the issuance of user permits, vehicle
31 10 registrations, and registration renewals into a single section
31 11 in each Code chapter.

31 12 The bill specifies that the owner of an all-terrain vehicle
31 13 or member of the owner's family who operates the all-terrain
31 14 vehicle within the area between the shoulder of the roadway
31 15 and the owner's property line must comply with the
31 16 registration, safety, and age requirements applicable to
31 17 operators on public land.

31 18 The bill defines "off-road utility vehicles", which are
31 19 larger vehicles with at least four wheels and outfitted with a
31 20 bench seat. The bill subjects such vehicles to the
31 21 registration requirements, but not the dealer registration
31 22 requirements or the titling requirements, applicable to
31 23 all-terrain vehicles, and specifies where they may be
31 24 operated. The bill defines "off-road motorcycles", which are
31 25 motorcycles intended for use on natural terrain, including
31 26 dual-sport motorcycles originally titled and registered for
31 27 highway use under Code chapter 321. Off-road motorcycles
31 28 continue to be regulated as all-terrain vehicles, but are
31 29 exempt from safety instruction and certification program
31 30 requirements and are exempt from titling requirements if
31 31 already titled under Code chapter 321. The terms "designated
31 32 riding area" and "designated riding trail" are defined as
31 33 those areas and trails designated by the department for
31 34 all-terrain vehicle use.

31 35 The bill strikes obsolete provisions to streamline the
32 1 process for registration of snowmobiles and all-terrain
32 2 vehicles including provisions relating to stored vehicles and
32 3 transfer of ownership. The existing practice of issuing a
32 4 registration number is replaced with the issuance of a
32 5 registration decal to be displayed on the vehicle. The bill
32 6 provides for electronic registration of snowmobiles and
32 7 all-terrain vehicles, permits registration through any county
32 8 recorder, and provides for renewal through county recorders
32 9 and license agents. Electronic registration renewals are
32 10 subject to the current annual registration fee of \$15, plus an
32 11 administrative fee to be established by the natural resource
32 12 commission, and a \$1 writing fee for license agents or a \$1.25
32 13 writing fee for county recorders. The bill provides that the
32 14 registration of a snowmobile or all-terrain vehicle, other
32 15 than a government vehicle, that is exempt from annual
32 16 registration fees is subject to an administrative fee and a
32 17 writing fee at the time of registration.

32 18 The bill extends, from 10 to 45 days, the period of time a
32 19 purchaser of a new or used snowmobile or all-terrain vehicle
32 20 may operate the vehicle pending registration.

32 21 The bill strikes the current registration exemptions for
32 22 nonresidents' all-terrain vehicles or snowmobiles that are in
32 23 this state for special events or for not more than 20 days.

32 24 The bill exempts snowmobiles more than 30 years old from
32 25 titling requirements applicable to most other snowmobiles.

32 26 The bill expands the description of the types of public
32 27 areas that are off-limits for all-terrain vehicle operators.

32 28 The bill prohibits off-road utility vehicle operation on
32 29 designated riding areas or trails unless the department has
32 30 signed the area or trail for such use. The bill provides a
32 31 similar prohibition against operating any other type of
32 32 vehicle on an area or trail designated for all-terrain
32 33 vehicles. A violation of either provision is a simple
32 34 misdemeanor punishable by a scheduled fine of \$100.

32 35 The bill defines "distributor" for purposes of the Code
33 1 chapter on snowmobiles and the Code chapter on all-terrain
33 2 vehicles. The bill requires every snowmobile or all-terrain
33 3 vehicle manufacturer, distributor, or dealer to register
33 4 annually with the department for a fee of \$15, which qualifies
33 5 the registrant to be issued a special registration certificate
33 6 with a general identification number. Additional duplicate
33 7 certificates are issued for \$2 each. Vehicles may be operated
33 8 temporarily under such registration. Current law provides for
33 9 annual registration upon payment of the \$15 fee on a voluntary
33 10 basis. The bill eliminates requirements for dealers relating
33 11 to inventory records, incidental sales of used vehicles, and
33 12 dealer purchases.

33 13 The bill authorizes the department to establish minimum
33 14 requirements for snowmobile and all-terrain vehicle dealers by
33 15 rule.

33 16 The bill authorizes the department to establish a fee for
33 17 snowmobile and all-terrain vehicle safety courses that,
33 18 combined with the \$5 fee charged for safety certificates,
33 19 covers the cost of the course of instruction. The bill also
33 20 clarifies that the director of the department has the
33 21 authority to suspend or revoke safety certificates.

33 22 The bill clarifies that a person under 12 years of age
33 23 shall not operate an all-terrain vehicle on any designated
33 24 riding area or trail or on ice unless the person is under the
33 25 direct supervision of a responsible parent or guardian at
33 26 least 18 years of age who is a licensed driver with experience
33 27 in all-terrain vehicle operation or the person is taking a
33 28 safety training course and is under the direct supervision of
33 29 a safety training instructor. If the all-terrain vehicle
33 30 operated by the person under 12 is an off-road motorcycle, the
33 31 supervising adult must have experience in off-road motorcycle
33 32 operation. The bill defines "direct supervision" as
33 33 supervision while maintaining visual and verbal contact. The
33 34 bill further clarifies that a person 12 years of age or older
33 35 but less than 18 years of age is required to have a safety
34 1 certificate for operation of an all-terrain vehicle on public
34 2 land or ice.

34 3 The bill requires all-terrain vehicles to comply with the
34 4 sound level standards and testing procedures established for
34 5 such vehicles by the society of automotive engineers.

34 6 The bill provides a new mechanism for processing the
34 7 cancellation of a security interest in a snowmobile or
34 8 all-terrain vehicle. Currently, the secured party is required
34 9 to present the certificate of title to the county recorder
34 10 upon filing a release statement, and a new or endorsed
34 11 certificate is issued to the owner. Under the bill, the
34 12 secured party shall note the cancellation of the security
34 13 interest on the title and mail it to the county recorder. If
34 14 the certificate of title has been lost or destroyed, the
34 15 secured party may send a signed, notarized statement
34 16 discharging the security interest. The county recorder shall
34 17 note the release in the county records and attach the
34 18 statement to the certificate of title as evidence of the
34 19 release of the security interest.

34 20 The bill revises existing penalties for certain violations
34 21 by all-terrain vehicle operators. For a violation of
34 22 registration or user permit requirements in Code section
34 23 321I.3, the scheduled fine is increased from \$20 to \$50. The
34 24 violator is also required to obtain a valid registration or
34 25 user permit and provide a copy to the department within 30
34 26 days of paying the fine. A violation of this requirement is a
34 27 simple misdemeanor. For operating an all-terrain vehicle on a
34 28 highway or snowmobile trail in violation of Code section
34 29 321I.10, the scheduled fine is increased from \$20 to \$50. For
34 30 unlawful operation violations under Code section 321I.14,
34 31 other than careless operation, operating while intoxicated,

34 32 and headlight and taillight violations, and for disregarding a
34 33 peace officer's signal to stop or eluding a peace officer
34 34 under Code section 321I.18, the penalty is changed from a
34 35 simple misdemeanor to a simple misdemeanor punishable as a
35 1 scheduled violation, subject to a \$100 fine. The penalty for
35 2 a violation of requirements for operators under 12 years of
35 3 age under Code section 321I.21 and for a violation of safety
35 4 certificate requirements under Code section 321I.26 is changed
35 5 from a simple misdemeanor to a simple misdemeanor punishable
35 6 as a scheduled violation, subject to a fine of \$50. The
35 7 penalty for violations by manufacturers, dealers, or
35 8 distributors is changed from a simple misdemeanor to a simple
35 9 misdemeanor punishable by a scheduled fine of \$100.

35 10 The bill revises penalties for certain violations by
35 11 snowmobile operators. For a violation of registration or user
35 12 permit requirements in Code section 321G.3, the scheduled fine
35 13 is increased from \$20 to \$50. The violator is also required
35 14 to obtain a valid registration or user permit and provide a
35 15 copy to the department within 30 days of paying the fine. A
35 16 violation of this requirement is a simple misdemeanor. For a
35 17 violation of operating restrictions on highways in Code
35 18 section 321G.9, the scheduled fine is increased from \$20 to
35 19 \$50. For unlawful operation violations under Code section
35 20 321G.13, other than operating while intoxicated and headlight
35 21 and taillight violations, and for disregarding a peace
35 22 officer's signal to stop or eluding a peace officer under Code
35 23 section 321G.17, the penalty is changed from a simple
35 24 misdemeanor to a simple misdemeanor punishable as a scheduled
35 25 violation, subject to a \$100 fine. The penalty for a
35 26 violation of requirements for operators under 12 years of age
35 27 under Code section 321I.21 and for a violation of safety
35 28 certificate requirements under Code section 321G.24 is changed
35 29 from a simple misdemeanor to a simple misdemeanor punishable
35 30 by a scheduled fine of \$50. The penalty for violations by
35 31 manufacturers, dealers, or distributors under Code section
35 32 312G.21 is changed from a simple misdemeanor to a simple
35 33 misdemeanor punishable by a scheduled fine of \$100.

35 34 The bill requires the natural resource commission to
35 35 administer repeat offender systems for snowmobile operators
36 1 and all-terrain vehicle operators, with escalating penalties
36 2 for violations committed by a person whose registration
36 3 privileges have been suspended or revoked under administrative
36 4 procedures. For the first such offense committed within a
36 5 three-year period, the penalty is a simple misdemeanor; for
36 6 the second such violation, the penalty is a serious
36 7 misdemeanor; for the third and subsequent violations, the
36 8 penalty is an aggravated misdemeanor. Upon conviction of a
36 9 violation of snowmobile laws or all-terrain vehicle laws, the
36 10 court has the option of suspending or revoking the violator's
36 11 registration or permit privileges for any period. If a person
36 12 is convicted of trespassing while operating twice in one year,
36 13 the person's registration or permit shall be revoked for one
36 14 year and the privilege of purchasing a registration or permit
36 15 shall be suspended for one year. These systems mirror the
36 16 penalty schedule for repeated violations of hunting and
36 17 fishing laws.

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