

# House Study Bill 218

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 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 1411DP 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 312G.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 231I.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 on public land or ice unless the one of the following~~  
23 26 ~~applies:~~

23 27 1. ~~The person is taking a prescribed safety training~~  
23 28 ~~course and the operation is under the direct supervision of a~~  
23 29 ~~certified all-terrain vehicle safety instructor, and a~~

23 30 2. ~~The operation is under the direct supervision of a~~  
23 31 ~~responsible parent or guardian of at least eighteen years of~~  
23 32 ~~age who is experienced in all-terrain vehicle operation or~~  
23 33 ~~off-road motorcycle operation and who possesses a valid~~  
23 34 ~~driver's license as defined in section 321.1.~~

23 35 Sec. 41. Section 321I.22, subsection 2, Code 2007, is  
24 1 amended to read as follows:

24 2 2. ~~Any Every~~ manufacturer, distributor, or dealer ~~may,~~  
24 3 ~~upon payment of a fee of fifteen dollars, make shall register~~  
24 4 ~~with the department by making application to the commission,~~  
24 5 ~~upon forms prescribed by the commission, for a special~~  
24 6 ~~registration certificate containing a general identification~~  
24 7 ~~number and for one or more duplicate special registration~~  
24 8 ~~certificates. The applicant shall pay a registration fee of~~  
24 9 ~~fifteen dollars and submit reasonable proof of the applicant's~~  
24 10 ~~status as a bona fide manufacturer, distributor, or dealer as~~  
24 11 ~~may be required by the commission.~~

24 12 Sec. 42. Section 321I.22, subsections 6 and 8, Code 2007,  
24 13 are amended by striking the subsections.

24 14 Sec. 43. Section 321I.22, subsection 9, Code 2007, is  
24 15 amended to read as follows:

24 16 9. ~~If the purchaser or transferee of an all-terrain~~  
24 17 ~~vehicle is a dealer who holds the same for resale and operates~~  
24 18 ~~the all-terrain vehicle only for purposes incidental to a~~  
24 19 ~~resale and displays the special dealer's certificate, or does~~  
24 20 ~~not operate the all-terrain vehicle or permit it to be~~  
24 21 ~~operated, the transferee is not required to obtain a new~~  
24 22 ~~registration certificate but upon transferring title or~~  
24 23 ~~interest to another person shall sign the reverse side of the~~  
24 24 ~~title, if any, and the registration certificate of the~~  
24 25 ~~all-terrain vehicle indicating the name and address of the new~~  
24 26 ~~purchaser. A dealer shall make application and pay all~~  
24 27 ~~registration and title fees if applicable on behalf of the~~  
24 28 ~~purchaser of an all-terrain vehicle. The recorder shall award~~  
24 29 ~~a transfer of the registration number. If the registration~~  
24 30 ~~has expired while in the dealer's possession, the purchaser~~  
24 31 ~~may renew the registration for the same fee and writing fee as~~  
24 32 ~~if the purchaser is securing the original registration.~~

24 33 Sec. 44. Section 321I.22, subsection 10, Code 2007, is  
24 34 amended by striking the subsection.

24 35 Sec. 45. Section 321I.22, Code 2007, is amended by adding  
25 1 the following new subsection:

25 2 NEW SUBSECTION. 12. The department may adopt rules  
25 3 consistent with this chapter establishing minimum requirements  
25 4 for dealers. In adopting such rules, the department shall  
25 5 consider the need to protect persons, property, and the  
25 6 environment and to promote uniformity of practices relating to  
25 7 the sale and use of all-terrain vehicles.

25 8 Sec. 46. Section 321I.25, subsection 1, Code 2007, is  
25 9 amended to read as follows:

25 10 1. The commission shall provide, by rules adopted pursuant  
25 11 to section 321I.2, for the establishment of certified courses  
25 12 of instruction to be conducted throughout the state for the  
25 13 safe use and operation of all-terrain vehicles. The  
25 14 curriculum shall include instruction in the lawful and safe  
25 15 use, operation, and equipping of all-terrain vehicles  
25 16 consistent with this chapter and rules adopted by the  
25 17 commission and the director of transportation and other  
25 18 matters the commission deems pertinent for a qualified  
25 19 all-terrain vehicle operator. The commission may establish a  
25 20 fee for the course which shall not exceed the actual cost of  
25 21 instruction minus moneys received by the department from  
25 22 safety certificate fees under section 321I.26.

25 23 Sec. 47. Section 321I.26, subsections 1 and 2, Code 2007,  
25 24 are amended to read as follows:

25 25 1. A person ~~under twelve years of age or older but less~~  
25 26 ~~than~~ eighteen years of age shall not operate an all-terrain  
25 27 vehicle on public land or ice or land purchased with  
25 28 all-terrain vehicle registration funds in this state without  
25 29 obtaining a valid safety certificate issued by the department  
25 30 and having the certificate in the person's possession.

25 31 2. Upon application and payment of a fee of five dollars,  
25 32 a qualified applicant shall be issued a safety certificate  
25 33 which is valid until the certificate is suspended or revoked  
25 34 ~~by the director for a violation of a provision of this chapter~~  
25 35 ~~or a rule of the commission or the director of transportation~~  
26 1 ~~adopted pursuant to this chapter.~~ The application shall be  
26 2 made on forms issued by the commission and shall contain  
26 3 information as the commission may reasonably require.

26 4 Sec. 48. Section 321I.29, Code 2007, is amended to read as  
26 5 follows:

26 6 321I.29 WRITING FEES.

26 7 1. a. The county recorder shall collect a writing fee of  
26 8 one dollar and twenty-five cents for an all-terrain vehicle  
26 9 registration ~~or for renewal of a registration by the county~~  
26 10 ~~recorder's office.~~

26 11 b. ~~The county recorder shall retain a writing fee of one~~  
26 12 ~~dollar and twenty-five cents from the sale of each user permit~~  
26 13 ~~issued by the county recorder's office.~~

26 14 c. ~~Writing fees collected or retained by the county~~  
26 15 ~~recorder under this chapter shall be deposited in the general~~  
26 16 ~~fund of the county.~~

26 17 2. a. ~~A license agent shall collect a writing fee of one~~  
26 18 ~~dollar for an all-terrain vehicle registration or for renewal~~  
26 19 ~~of a registration issued by the license agent.~~

26 20 b. ~~A license agent shall retain a writing fee of one~~  
26 21 ~~dollar from the sale of each user permit issued by the license~~  
26 22 ~~agent.~~

26 23 Sec. 49. Section 321I.31, subsections 4 and 7, Code 2007,  
26 24 are amended to read as follows:

26 25 4. If a dealer buys or acquires an all-terrain vehicle for  
26 26 resale, the dealer ~~shall report the acquisition to the county~~  
26 27 ~~recorder on forms provided by the department and may apply for~~  
26 28 ~~and obtain a certificate of title as provided in this chapter.~~  
26 29 If a dealer buys or acquires a used all-terrain vehicle, the  
26 30 dealer may apply for a certificate of title in the dealer's  
26 31 name within thirty days. If a dealer buys or acquires a new  
26 32 all-terrain vehicle for resale, the dealer may apply for a  
26 33 certificate of title in the dealer's name.

26 34 7. The county recorder shall maintain a record of any  
26 35 certificate of title which the county recorder issues and  
27 1 shall keep each certificate of title on record until the  
27 2 certificate of title has been inactive for five years. When  
27 3 issuing a title for a new all-terrain vehicle, the county  
27 4 recorder shall obtain and keep on file a copy of the  
27 5 certificate of origin. When issuing a title and registration  
27 6 for a used all-terrain vehicle for which there is no title or  
27 7 registration, the county recorder shall obtain and keep on  
27 8 file the affidavit for the unregistered and untitled  
27 9 all-terrain vehicle.

27 10 Sec. 50. Section 321I.31, subsection 10, Code 2007, is  
27 11 amended by striking the subsection.

27 12 Sec. 51. Section 321I.32, subsections 2 and 4, Code 2007,  
27 13 are amended to read as follows:

27 14 2. If a certificate of title is lost, stolen, mutilated,  
27 15 destroyed, or becomes illegible, the first lienholder or, if  
27 16 there is none, the owner named in the certificate, as shown by  
27 17 the county recorder's records, shall within thirty days obtain  
27 18 a duplicate by applying to the county recorder. The applicant  
27 19 shall furnish information the department requires concerning  
27 20 the original certificate and the circumstances of its loss,  
27 21 mutilation, or destruction. ~~Mutilated or illegible~~  
27 22 ~~certificates shall be returned to the department with the~~  
27 23 ~~application for a duplicate.~~

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

27 28 Sec. 52. Section 321I.34, subsection 3, Code 2007, is  
27 29 amended by striking the subsection and inserting in lieu  
27 30 thereof the following:

27 31 3. When a security interest is discharged, the secured  
27 32 party shall note the cancellation of the security interest on  
27 33 the face of the certificate of title and send the title by

27 34 first class mail to the office of the county recorder where  
27 35 the title was issued. If the title has been lost or  
28 1 destroyed, the secured party may discharge the security  
28 2 interest by sending a signed, notarized statement to the  
28 3 office of the county recorder where the title was issued. The  
28 4 county recorder shall note the release of the security  
28 5 interest in the county records and attach the statement to the  
28 6 certificate of title as evidence of the release of the  
28 7 security interest.

28 8 Sec. 53. NEW SECTION. 321I.36 REPEAT OFFENDER ==  
28 9 RECORDS, ENFORCEMENT, AND PENALTIES.

28 10 1. The commission shall establish by rule a recordkeeping  
28 11 system and other administrative procedures necessary to  
28 12 administer this section.

28 13 2. A person who pleads guilty to or is convicted of a  
28 14 violation of any provision of this chapter while the person's  
28 15 registration privilege is suspended or revoked under  
28 16 administrative procedures is guilty of a simple misdemeanor if  
28 17 the person had no other violations within the previous three  
28 18 years which occurred while the person's registration privilege  
28 19 was suspended or revoked.

28 20 3. A person who pleads guilty to or is convicted of a  
28 21 violation of any provision of this chapter while the person's  
28 22 registration privilege is suspended or revoked under  
28 23 administrative procedures is guilty of a serious misdemeanor  
28 24 if the person had one other violation within the previous  
28 25 three years which occurred while the person's registration  
28 26 privilege was suspended or revoked.

28 27 4. A person who pleads guilty to or is convicted of a  
28 28 violation of any provision of this chapter while the person's  
28 29 registration privilege is suspended or revoked under  
28 30 administrative procedures is guilty of an aggravated  
28 31 misdemeanor if the person had two or more convictions within  
28 32 the previous three years which occurred while the person's  
28 33 registration privilege was suspended or revoked.

28 34 5. a. Upon the conviction of a person of any violation of  
28 35 this chapter or a rule adopted under this chapter, the court,  
29 1 as a part of the judgment, may suspend or revoke one or more  
29 2 all-terrain vehicle registration or user permit privileges of  
29 3 the person for any definite period.

29 4 b. The court shall revoke all of the person's all-terrain  
29 5 vehicle registrations or user permits and suspend the  
29 6 privilege of procuring a registration or user permit for a  
29 7 period of one year for any person who has been convicted twice  
29 8 within one year of trespassing while operating an all-terrain  
29 9 vehicle. A person shall not be issued a registration or user  
29 10 permit during the period of suspension or revocation.

29 11 Sec. 54. Section 805.8B, subsection 2, Code 2007, is  
29 12 amended to read as follows:

29 13 2. ~~SNOWMOBILE AND ALL-TERRAIN VEHICLE VIOLATIONS.~~

29 14 a. For registration or user permit violations under  
29 15 ~~sections section 321G.3 and 321I.3, subsections 1 and 2, the~~  
29 16 ~~scheduled fine is twenty fifty dollars. When the scheduled~~  
29 17 ~~fine is paid, the violator shall submit sufficient proof that~~  
29 18 ~~a valid registration or user permit has been obtained.~~

29 19 b. (1) For operating violations under section 321G.9,  
29 20 subsections 1, 2, 3, 4, 5, and 7, sections the scheduled fine  
29 21 is fifty dollars.

29 22 (2) For operating violations under sections 321G.11, and  
29 23 321G.13, subsection 1, paragraph "d", sections 321I.10,  
29 24 321I.12, and 321I.14, subsection 1, paragraph "d", the  
29 25 scheduled fine is twenty dollars.

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

29 30 c. For improper or defective equipment under ~~sections~~  
29 31 section 321G.12 and 321I.13, the scheduled fine is twenty  
29 32 dollars.

29 33 d. For violations of ~~sections section 321G.19 and 321I.20,~~  
29 34 the scheduled fine is twenty dollars.

29 35 e. For identification violations under ~~sections section~~  
30 1 321G.5 and 321I.6, the scheduled fine is twenty dollars.

30 2 f. For stop signal violations under section 321G.17, the  
30 3 scheduled fine is one hundred dollars.

30 4 g. For violations of section 321G.20 and for safety  
30 5 certificate violations under section 321G.24, subsection 1,  
30 6 the scheduled fine is fifty dollars.

30 7 h. For violations of section 321G.21, the scheduled fine  
30 8 is one hundred dollars.

30 9 Sec. 55. Section 805.8B, Code 2007, is amended by adding

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

#### 31 2 EXPLANATION

31 3 This bill makes changes to the regulation of snowmobiles  
31 4 and all-terrain vehicles by the department of natural  
31 5 resources, including technical changes to Code chapter 321G,  
31 6 relating to snowmobiles, and Code chapter 321I, relating to  
31 7 all-terrain vehicles, to align the language in provisions  
31 8 common to both Code chapters. Both Code chapters are also  
31 9 amended to consolidate specific language about writing fees  
31 10 associated with the issuance of user permits, vehicle  
31 11 registrations, and registration renewals into a single section  
31 12 in each Code chapter.

31 13 The bill specifies that the owner of an all-terrain vehicle  
31 14 or member of the owner's family who operates the all-terrain  
31 15 vehicle within the area between the shoulder of the roadway  
31 16 and the owner's property line must comply with the  
31 17 registration, safety, and age requirements applicable to  
31 18 operators on public land.

31 19 The bill defines "off-road utility vehicles", which are  
31 20 larger vehicles with at least four wheels and outfitted with a  
31 21 bench seat. The bill subjects such vehicles to the  
31 22 registration requirements, but not the dealer registration  
31 23 requirements or the titling requirements, applicable to  
31 24 all-terrain vehicles, and specifies where they may be  
31 25 operated. The bill defines "off-road motorcycles", which are  
31 26 motorcycles intended for use on natural terrain, including  
31 27 dual-sport motorcycles originally titled and registered for  
31 28 highway use under Code chapter 321. Off-road motorcycles  
31 29 continue to be regulated as all-terrain vehicles, but are  
31 30 exempt from safety instruction and certification program  
31 31 requirements and are exempt from titling requirements if  
31 32 already titled under Code chapter 321. The terms "designated  
31 33 riding area" and "designated riding trail" are defined as  
31 34 those areas and trails designated by the department for  
31 35 all-terrain vehicle use.

32 1 The bill strikes obsolete provisions to streamline the  
32 2 process for registration of snowmobiles and all-terrain  
32 3 vehicles including provisions relating to stored vehicles and  
32 4 transfer of ownership. The existing practice of issuing a  
32 5 registration number is replaced with the issuance of a  
32 6 registration decal to be displayed on the vehicle. The bill  
32 7 provides for electronic registration of snowmobiles and  
32 8 all-terrain vehicles, permits registration through any county  
32 9 recorder, and provides for renewal through county recorders  
32 10 and license agents. Electronic registration renewals are  
32 11 subject to the current annual registration fee of \$15, plus an  
32 12 administrative fee to be established by the natural resource  
32 13 commission, and a \$1 writing fee for license agents or a \$1.25  
32 14 writing fee for county recorders. The bill provides that the  
32 15 registration of a snowmobile or all-terrain vehicle, other  
32 16 than a government vehicle, that is exempt from annual  
32 17 registration fees is subject to an administrative fee and a  
32 18 writing fee at the time of registration.

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

32 21 may operate the vehicle pending registration.

32 22 The bill strikes the current registration exemptions for  
32 23 nonresidents' all-terrain vehicles or snowmobiles that are in  
32 24 this state for special events or for not more than 20 days.

32 25 The bill exempts snowmobiles more than 30 years old from  
32 26 titling requirements applicable to most other snowmobiles.

32 27 The bill expands the description of the types of public  
32 28 areas that are off-limits for all-terrain vehicle operators.

32 29 The bill prohibits off-road utility vehicle operation on  
32 30 designated riding areas or trails unless the department has  
32 31 signed the area or trail for such use. The bill provides a  
32 32 similar prohibition against operating any other type of  
32 33 vehicle on an area or trail designated for all-terrain  
32 34 vehicles. A violation of either provision is a simple  
32 35 misdemeanor punishable by a scheduled fine of \$100.

33 1 The bill defines "distributor" for purposes of the Code  
33 2 chapter on snowmobiles and the Code chapter on all-terrain  
33 3 vehicles. The bill requires every snowmobile or all-terrain  
33 4 vehicle manufacturer, distributor, or dealer to register  
33 5 annually with the department for a fee of \$15, which qualifies  
33 6 the registrant to be issued a special registration certificate  
33 7 with a general identification number. Additional duplicate  
33 8 certificates are issued for \$2 each. Vehicles may be operated  
33 9 temporarily under such registration. Current law provides for  
33 10 annual registration upon payment of the \$15 fee on a voluntary  
33 11 basis. The bill eliminates requirements for dealers relating  
33 12 to inventory records, incidental sales of used vehicles, and  
33 13 dealer purchases.

33 14 The bill authorizes the department to establish minimum  
33 15 requirements for snowmobile and all-terrain vehicle dealers by  
33 16 rule.

33 17 The bill authorizes the department to establish a fee for  
33 18 snowmobile and all-terrain vehicle safety courses that,  
33 19 combined with the \$5 fee charged for safety certificates,  
33 20 covers the cost of the course of instruction. The bill also  
33 21 clarifies that the director of the department has the  
33 22 authority to suspend or revoke safety certificates.

33 23 The bill clarifies that a person under 12 years of age  
33 24 shall not operate an all-terrain vehicle on any designated  
33 25 riding area or trail on public land or ice unless the person  
33 26 is under the direct supervision of a responsible parent or  
33 27 guardian at least 18 years of age who is a licensed driver  
33 28 with experience in all-terrain vehicle operation or the person  
33 29 is taking a safety training course and is under the direct  
33 30 supervision of a safety training instructor. If the  
33 31 all-terrain vehicle operated by the person under 12 is an  
33 32 off-road motorcycle, the supervising adult must have  
33 33 experience in off-road motorcycle operation. The bill defines  
33 34 "direct supervision" as supervision while maintaining visual  
33 35 and verbal contact. The bill further clarifies that a person  
34 1 12 years of age or older but less than 18 years of age is  
34 2 required to have a safety certificate for operation of an  
34 3 all-terrain vehicle on public land or ice.

34 4 The bill requires all-terrain vehicles to comply with the  
34 5 sound level standards and testing procedures established for  
34 6 such vehicles by the society of automotive engineers.

34 7 The bill provides a new mechanism for processing the  
34 8 cancellation of a security interest in a snowmobile or  
34 9 all-terrain vehicle. Currently, the secured party is required  
34 10 to present the certificate of title to the county recorder  
34 11 upon filing a release statement, and a new or endorsed  
34 12 certificate is issued to the owner. Under the bill, the  
34 13 secured party shall note the cancellation of the security  
34 14 interest on the title and mail it to the county recorder. If  
34 15 the certificate of title has been lost or destroyed, the  
34 16 secured party may send a signed, notarized statement  
34 17 discharging the security interest. The county recorder shall  
34 18 note the release in the county records and attach the  
34 19 statement to the certificate of title as evidence of the  
34 20 release of the security interest.

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

34 32 other than careless operation, operating while intoxicated,  
34 33 and headlight and taillight violations, and for disregarding a  
34 34 peace officer's signal to stop or eluding a peace officer  
34 35 under Code section 321I.18, the penalty is changed from a  
35 1 simple misdemeanor to a simple misdemeanor punishable as a  
35 2 scheduled violation, subject to a \$100 fine. The penalty for  
35 3 a violation of requirements for operators under 12 years of  
35 4 age under Code section 321I.21 and for a violation of safety  
35 5 certificate requirements under Code section 321I.26 is changed  
35 6 from a simple misdemeanor to a simple misdemeanor punishable  
35 7 as a scheduled violation, subject to a fine of \$50. The  
35 8 penalty for violations by manufacturers, dealers, or  
35 9 distributors is changed from a simple misdemeanor to a simple  
35 10 misdemeanor punishable by a scheduled fine of \$100.

35 11 The bill revises penalties for certain violations by  
35 12 snowmobile operators. For a violation of registration or user  
35 13 permit requirements in Code section 321G.3, the scheduled fine  
35 14 is increased from \$20 to \$50. The violator is also required  
35 15 to obtain a valid registration or user permit and provide a  
35 16 copy to the department within 30 days of paying the fine. A  
35 17 violation of this requirement is a simple misdemeanor. For a  
35 18 violation of operating restrictions on highways in Code  
35 19 section 321G.9, the scheduled fine is increased from \$20 to  
35 20 \$50. For unlawful operation violations under Code section  
35 21 321G.13, other than operating while intoxicated and headlight  
35 22 and taillight violations, and for disregarding a peace  
35 23 officer's signal to stop or eluding a peace officer under Code  
35 24 section 321G.17, the penalty is changed from a simple  
35 25 misdemeanor to a simple misdemeanor punishable as a scheduled  
35 26 violation, subject to a \$100 fine. The penalty for a  
35 27 violation of requirements for operators under 12 years of age  
35 28 under Code section 321I.21 and for a violation of safety  
35 29 certificate requirements under Code section 321G.24 is changed  
35 30 from a simple misdemeanor to a simple misdemeanor punishable  
35 31 by a scheduled fine of \$50. The penalty for violations by  
35 32 manufacturers, dealers, or distributors under Code section  
35 33 312G.21 is changed from a simple misdemeanor to a simple  
35 34 misdemeanor punishable by a scheduled fine of \$100.

35 35 The bill requires the natural resource commission to  
36 1 administer repeat offender systems for snowmobile operators  
36 2 and all-terrain vehicle operators, with escalating penalties  
36 3 for violations committed by a person whose registration  
36 4 privileges have been suspended or revoked under administrative  
36 5 procedures. For the first such offense committed within a  
36 6 three-year period, the penalty is a simple misdemeanor; for  
36 7 the second such violation, the penalty is a serious  
36 8 misdemeanor; for the third and subsequent violations, the  
36 9 penalty is an aggravated misdemeanor. Upon conviction of a  
36 10 violation of snowmobile laws or all-terrain vehicle laws, the  
36 11 court has the option of suspending or revoking the violator's  
36 12 registration or permit privileges for any period. If a person  
36 13 is convicted of trespassing while operating twice in one year,  
36 14 the person's registration or permit shall be revoked for one  
36 15 year and the privilege of purchasing a registration or permit  
36 16 shall be suspended for one year. These systems mirror the  
36 17 penalty schedule for repeated violations of hunting and  
36 18 fishing laws.

36 19 LSB 1411DP 82  
36 20 dea:nh/es/88.2