

House File 2468 - Introduced

HOUSE FILE 2468

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 617)

A BILL FOR

- 1 An Act relating to the operation of off-road utility vehicles
- 2 on highways and making a penalty applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.1, subsection 4, Code Supplement
2 2009, is amended to read as follows:

3 4. "*All-terrain vehicle*" means a motor vehicle designed
4 to travel on three or more wheels and designed primarily for
5 off-road recreational use ~~but not including~~. "*All-terrain*
6 *vehicle*" includes off-road utility vehicles as defined
7 in section 321I.1, but does not include farm tractors or
8 equipment, construction equipment, forestry vehicles, or lawn
9 and grounds maintenance vehicles.

10 Sec. 2. Section 321.234A, subsection 1, Code 2009, is
11 amended by adding the following new paragraph:

12 NEW PARAGRAPH. f. The all-terrain vehicle is operated on a
13 county roadway in accordance with section 321I.10, subsection
14 2, or a city street in accordance with section 321I.10,
15 subsection 3.

16 Sec. 3. Section 321I.10, subsections 1, 2, and 3, Code
17 Supplement 2009, are amended to read as follows:

18 1. A person shall not operate an all-terrain vehicle or
19 off-road utility vehicle upon roadways or highways except as
20 provided in section 321.234A and this section.

21 2. A registered all-terrain vehicle or off-road utility
22 vehicle may be operated on the roadways of that portion of
23 county highways designated by the county board of supervisors
24 for such use during a specified period. The county board of
25 supervisors shall evaluate the traffic conditions on all county
26 highways and designate roadways on which all-terrain vehicles
27 or off-road utility vehicles may be operated for the specified
28 period without unduly interfering with or constituting an undue
29 hazard to conventional motor vehicle traffic. In designating
30 such roadways, the board may authorize all-terrain vehicles
31 and off-road utility vehicles to stop at service stations
32 or convenience stores along a designated roadway. Counties
33 authorizing the use of roadways by all-terrain vehicles or
34 off-road utility vehicles shall be exempt from liability for
35 such use causing injury or damage to persons or property.

1 3. Cities may designate streets under the jurisdiction
2 of cities within their respective corporate limits
3 which may be used for the ~~sport of driving~~ operation of
4 registered all-terrain vehicles or registered off-road utility
5 vehicles. In designating such streets, the city may authorize
6 all-terrain vehicles and off-road utility vehicles to stop
7 at service stations or convenience stores along a designated
8 street. Cities authorizing the use of streets by all-terrain
9 vehicles or off-road utility vehicles shall be exempt from
10 liability for such use causing injury or damage to persons or
11 property.

12 Sec. 4. Section 322D.1, subsection 1, Code 2009, is amended
13 to read as follows:

14 1. *"All-terrain vehicle"* ~~means the same as defined in~~
15 section 321I.1 a motor vehicle designed to travel on three or
16 more wheels and designed primarily for off-road recreational
17 use but not including farm tractors or equipment, construction
18 equipment, forestry vehicles, or lawn and grounds maintenance
19 vehicles.

20 EXPLANATION

21 This bill addresses the use of all-terrain vehicles and
22 off-road utility vehicles on highways.

23 Under current law, for purposes of Code chapter 321,
24 "all-terrain vehicle" is defined as a motor vehicle designed
25 to travel on three or more wheels and designed primarily for
26 off-road recreational use but not including farm tractors
27 or equipment, construction equipment, forestry vehicles, or
28 lawn and grounds maintenance vehicles. The bill amends that
29 definition to include "off-road utility vehicles", which are
30 regulated by the department of natural resources under Code
31 chapter 321I. Off-road utility vehicles have at least four and
32 not more than eight wheels, are limited in engine displacement
33 to less than 1,500 cubic centimeters and in total dry weight to
34 not more than 1,800 pounds, and have a bucket or bench seat.

35 This change allows off-road utility vehicles to be operated

1 on highways pursuant to Code section 321.234A at speeds of
2 35 miles per hour or less under the following conditions
3 as provided for all-terrain vehicles: between sunrise and
4 sunset for agricultural purposes; by a licensed engineer
5 or land surveyor for the purpose of land surveying; by an
6 employee or agent of a political subdivision for the purpose of
7 construction; by an employee or agent of a public agency for
8 the purpose of providing emergency services or rescue; or for
9 mowing, installing trail signs, or providing maintenance on
10 designated snowmobile and all-terrain vehicle trails.

11 Currently, pursuant to Code section 321I.10, a county
12 board of supervisors may designate certain roadways for use
13 by all-terrain vehicles during a specified period, and a city
14 may designate streets within the city's corporate limits which
15 may be used for the sport of driving all-terrain vehicles.

16 The bill strikes the reference to "sport" to authorize a city
17 to allow the use of all-terrain vehicles on city streets for
18 nonsporting purposes. Because "all-terrain vehicle" and
19 "off-road utility vehicle" are defined differently under Code
20 chapter 321I, the designation of a roadway or street for use
21 by all-terrain vehicles does not currently apply to off-road
22 vehicles. The bill changes that, by authorizing counties and
23 cities to make such designations for the use of roadways or
24 streets by all-terrain vehicles or off-road utility vehicles.
25 In addition, a county or city may allow all-terrain vehicles
26 to stop at service stations and convenience stores along a
27 designated roadway or street. The bill states that a county
28 or city that authorizes the use of roadways or streets by
29 all-terrain vehicles or off-road utility vehicles is exempt
30 from liability for such use causing injury or damage to person
31 or property.

32 A person operating an all-terrain vehicle or off-road
33 utility vehicle on a highway is required to have a valid
34 driver's license, whether operating under the provisions of
35 Code section 321.234A or as authorized by a county or city

1 pursuant to Code section 321I.10.

2 Under existing law, the penalty for unlawful operation of
3 an all-terrain vehicle on a highway is a simple misdemeanor
4 punishable by a scheduled fine of \$50. That same penalty
5 applies to a similar violation by the operator of an off-road
6 utility vehicle under the bill.

7 Because the definition of "all-terrain vehicle" in Code
8 chapter 321 is referred to in Code chapter 322D, the bill makes
9 a conforming amendment to Code section 322D.1 to preserve the
10 current definition of "all-terrain vehicle" applicable for
11 provisions relating to vehicle franchises.