

House File 799 - Introduced

HOUSE FILE _____
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HF 431)

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

A BILL FOR

1 An Act providing for the operation of certain off=road vehicles
2 on noninterstate highways and providing registration fees and
3 a penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1713HV 83
6 dea/nh/8

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1 1 Section 1. Section 321.1, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 47A. "Off=road vehicle" means a motor
1 4 vehicle with at least four but not more than six wheels, a
1 5 steering wheel for control, and a bench seat or side=by=side
1 6 bucket seats for the operator and passengers that is designed
1 7 primarily for off=road use and commonly used to transport
1 8 persons, cargo, or equipment for recreational or utility
1 9 purposes over rough terrain. "Off=road vehicle" includes but
1 10 is not limited to off=road utility vehicles as defined in
1 11 section 321I.1, minitrucks sold for off=road use in farm and
1 12 construction operations, and vehicles known as side=by=side
1 13 all=terrain vehicles. "Off=road vehicle" does not include an
1 14 all=terrain vehicle as defined in section 321I.1.
1 15 Sec. 2. Section 321.20B, subsection 6, Code 2009, is
1 16 amended to read as follows:
1 17 6. This section does not apply to a snowmobile or
1 18 all=terrain vehicle, unless the all=terrain vehicle is
1 19 operated as an off=road vehicle under this chapter, or to a
1 20 motor vehicle identified in section 321.18, subsections 1
1 21 through 6, and subsection 8.
1 22 Sec. 3. Section 321.105A, subsection 2, paragraph c, Code
1 23 2009, is amended by adding the following new subparagraph:
1 24 NEW SUBPARAGRAPH. (31) An off=road vehicle, if the
1 25 applicant for registration has paid sales tax for the vehicle
1 26 in this state.
1 27 Sec. 4. Section 321.109, subsection 1, paragraph a, Code
1 28 2009, is amended to read as follows:
1 29 a. The annual fee for all motor vehicles including
1 30 vehicles designated by manufacturers as station wagons, 1993
1 31 and subsequent model year multipurpose vehicles, and 2010 and
1 32 subsequent model year motor trucks with an unladen weight of
1 33 ten thousand pounds or less, except motor trucks registered
1 34 under section 321.122, business=trade trucks, special trucks,
1 35 motor homes, ambulances, hearses, motorcycles, motorized
2 1 bicycles, off=road vehicles, and 1992 and older model year
2 2 multipurpose vehicles, shall be equal to one percent of the
2 3 value as fixed by the department plus forty cents for each one
2 4 hundred pounds or fraction thereof of weight of vehicle, as
2 5 fixed by the department. The weight of a motor vehicle, fixed
2 6 by the department for registration purposes, shall include the
2 7 weight of a battery, heater, bumpers, spare tire, and wheel.
2 8 Provided, however, that for any new vehicle purchased in this
2 9 state by a nonresident for removal to the nonresident's state
2 10 of residence the purchaser may make application to the county
2 11 treasurer in the county of purchase for a transit plate for
2 12 which a fee of ten dollars shall be paid. And provided,
2 13 however, that for any used vehicle held by a registered dealer
2 14 and not currently registered in this state, or for any vehicle
2 15 held by an individual and currently registered in this state,
2 16 when purchased in this state by a nonresident for removal to
2 17 the nonresident's state of residence, the purchaser may make

2 18 application to the county treasurer in the county of purchase
2 19 for a transit plate for which a fee of three dollars shall be
2 20 paid. The county treasurer shall issue a nontransferable
2 21 certificate of registration for which no refund shall be
2 22 allowed; and the transit plates shall be void thirty days
2 23 after issuance. Such purchaser may apply for a certificate of
2 24 title by surrendering the manufacturer's or importer's
2 25 certificate or certificate of title, duly assigned as provided
2 26 in this chapter. In this event, the treasurer in the county
2 27 of purchase shall, when satisfied with the genuineness and
2 28 regularity of the application, and upon payment of a fee of
2 29 twenty dollars, issue a certificate of title in the name and
2 30 address of the nonresident purchaser delivering the title to
2 31 the owner. If there is a security interest noted on the
2 32 title, the county treasurer shall mail to the secured party an
2 33 acknowledgment of the notation of the security interest. The
2 34 county treasurer shall not release a security interest that
2 35 has been noted on a title issued to a nonresident purchaser as
3 1 provided in this paragraph. The application requirements of
3 2 section 321.20 apply to a title issued as provided in this
3 3 subsection, except that a natural person who applies for a
3 4 certificate of title shall provide either the person's social
3 5 security number, passport number, or driver's license number,
3 6 whether the license was issued by this state, another state,
3 7 or another country. The provisions of this subsection
3 8 relating to multipurpose vehicles are effective for all 1993
3 9 and subsequent model years. The annual registration fee for
3 10 multipurpose vehicles that are 1992 model years and older
3 11 shall be in accordance with section 321.124.

3 12 Sec. 5. Section 321.117, Code 2009, is amended to read as
3 13 follows:

3 14 321.117 MOTORCYCLE, OFF=ROAD VEHICLE, AMBULANCE, AND
3 15 HEARSE FEES.

3 16 For all motorcycles the annual registration fee ~~shall be is~~
3 17 twenty dollars. For all motorized bicycles the annual
3 18 registration fee ~~shall be is~~ seven dollars. When the
3 19 motorcycle is more than five model years old, the annual
3 20 registration fee ~~shall be is~~ ten dollars. The annual
3 21 registration fee for off=road vehicles is forty dollars. The
3 22 annual registration fee for ambulances and hearses ~~shall be is~~
3 23 fifty dollars. Passenger car plates shall be issued for
3 24 ambulances and hearses.

3 25 Sec. 6. Section 321.166, subsections 1, 3, and 4, Code
3 26 2009, are amended to read as follows:

3 27 1. Registration plates shall be of metal and of a size not
3 28 to exceed six inches by twelve inches, except that the size of
3 29 plates issued for use on off=road vehicles, motorized
3 30 bicycles, motorcycles, motorcycle trailers, and trailers with
3 31 an empty weight of two thousand pounds or less shall be
3 32 established by the department.

3 33 ~~Trailers with empty weights of two thousand pounds or less~~
3 34 ~~may, upon request, be licensed with regular-sized license~~
3 35 ~~plates.~~

4 1 3. The registration plate number shall be displayed in
4 2 characters which shall not exceed a height of four inches nor
4 3 a stroke width exceeding five-eighths of an inch. Special
4 4 plates issued to dealers shall display the alphabetical
4 5 character "D", which shall be of the same size as the
4 6 characters in the registration plate. The registration plate
4 7 number issued for off=road vehicles, motorized bicycles,
4 8 motorcycles, trailers with an empty weight of two thousand
4 9 pounds or less, and motorcycle trailers shall be a size
4 10 prescribed by the department.

4 11 4. The registration plate number, except on an off=road
4 12 vehicle, motorized bicycle, motorcycle, motorcycle trailer,
4 13 and trailers with an empty weight of two thousand pounds or
4 14 less shall be of sufficient size to be readable from a
4 15 distance of one hundred feet during daylight.

4 16 Sec. 7. Section 321.234A, Code 2009, is amended by adding
4 17 the following new subsection:

4 18 NEW SUBSECTION. 3A. This section does not apply to a
4 19 vehicle registered as an off=road vehicle under this chapter.

4 20 Sec. 8. NEW SECTION. 321.234B OFF=ROAD VEHICLES ==
4 21 HIGHWAY USE.

4 22 1. An off=road vehicle may be operated on a highway other
4 23 than an interstate highway, provided all of the following
4 24 conditions are met:

4 25 a. The off=road vehicle is registered as a motor vehicle
4 26 under this chapter and bears the registration plates required
4 27 under section 321.166.

4 28 b. The operator of the off=road vehicle is at least

4 29 eighteen years of age and possesses a valid driver's license.
4 30 c. The operator of the off=road vehicle is covered by an
4 31 owner's policy of liability insurance or other financial
4 32 liability coverage, as defined in section 321.1, in effect for
4 33 the off=road vehicle being operated.

4 34 d. The off=road vehicle is equipped with two headlamps as
4 35 described in section 321.385, directional signal devices as
5 1 described in section 321.317, rear lamps and brake lights as
5 2 described in sections 321.387 and 321.404, and safety belts or
5 3 safety harnesses for the operator and passengers.

5 4 2. A person convicted of a violation of subsection 1
5 5 commits a simple misdemeanor punishable as a scheduled
5 6 violation under section 805.8A, subsection 3, paragraph "f".

5 7 3. The motor vehicle laws and penalties applicable to
5 8 operators of motor vehicles pursuant to this chapter and
5 9 chapter 321J apply to a person operating an off=road vehicle
5 10 on a highway, to the extent practicably applicable.

5 11 Sec. 9. Section 321I.1, subsection 1, paragraph c, Code
5 12 2009, is amended to read as follows:

5 13 c. Off=road utility vehicles shall be considered
5 14 all=terrain vehicles for the purpose of registration, but are
5 15 exempt from the dealer registration requirements and the
5 16 titling requirements of this chapter. An operator of an
5 17 off=road utility vehicle is subject to provisions governing
5 18 the operation of all=terrain vehicles in section 321.234A or
5 19 the operation of off=road vehicles in section 321.234B, as
5 20 applicable, and this chapter, but is exempt from the safety
5 21 instruction and certification program requirements of sections
5 22 321I.25 and 321I.26. A motorized vehicle that was previously
5 23 titled or is currently titled under chapter 321 shall not be
5 24 registered or operated as an off=road utility vehicle.

5 25 Sec. 10. Section 321I.4, subsection 2, Code 2009, is
5 26 amended to read as follows:

5 27 2. The owner of the all=terrain vehicle shall file an
5 28 application for registration with the department through a
5 29 county recorder in the manner established by the commission.
5 30 The application shall be completed by the owner and shall be
5 31 accompanied by a fee of fifteen dollars and a writing fee as
5 32 provided in section 321I.29. An all=terrain vehicle shall not
5 33 be registered by the county recorder until the county recorder
5 34 is presented with receipts, bills of sale, or other
5 35 satisfactory evidence that the sales or use tax or the fee for
6 1 new registration under section 321.105A has been paid for the

6 2 purchase of the all=terrain vehicle or that the owner is
6 3 exempt from paying the tax or fee. An all=terrain vehicle
6 4 that has an expired registration certificate from another
6 5 state may be registered in this state upon proper application,
6 6 payment of all applicable registration and writing fees, and
6 7 payment of a penalty of five dollars.

6 8 Sec. 11. Section 805.8A, subsection 3, paragraph f, Code
6 9 2009, is amended to read as follows:

6 10 f. For violations under sections 321.234A, 321.234B,
6 11 321.247, 321.381, and 321.381A, the scheduled fine is fifty
6 12 dollars.

6 13 EXPLANATION

6 14 This bill permits the operation of a variety of off=road
6 15 vehicles on noninterstate highways in the state. The bill
6 16 defines "off=road vehicle" as a motor vehicle with at least
6 17 four but not more than six wheels, a steering wheel, and a
6 18 bench seat or side=by=side bucket seats that is designed
6 19 primarily for off=road use and commonly used to transport
6 20 persons, cargo, or equipment for recreational or utility
6 21 purposes over rough terrain. The definition includes off=road
6 22 utility vehicles, minitrucks, and side=by=side all=terrain
6 23 vehicles.

6 24 The bill requires that in order for an off=road vehicle to
6 25 be operated on a highway, the vehicle must be registered as a
6 26 motor vehicle, the person operating the off=road vehicle must
6 27 be a licensed driver at least 18 years of age, and the
6 28 operator must be covered by liability insurance or other
6 29 financial liability coverage in effect for the operator and
6 30 the off=road vehicle. In addition, the off=road vehicle must
6 31 be equipped with headlamps, turn signals, rear lamps, brake
6 32 lights, and seat belts. Under the bill, a person operating an
6 33 off=road vehicle on a highway is subject to the same laws and
6 34 penalties that apply to drivers of other motor vehicles, to
6 35 the extent practicably applicable.

7 1 The bill establishes an annual registration fee of \$40 for
7 2 off=road vehicles intended to be operated on highways and
7 3 requires a registered off=road vehicle to display registration
7 4 plates of a size and design to be established by the

7 5 department of transportation. Pursuant to current law, all
7 6 vehicles subject to registration are also subject to a fee for
7 7 new registration imposed at the time of purchase in lieu of
7 8 sales and use taxes imposed on most other tangible personal
7 9 property. Under the bill, an off=road utility vehicle
7 10 registered for operation on highways would not be subject to
7 11 the fee for new registration if the owner paid sales tax upon
7 12 purchase of the vehicle.

7 13 Registration of an off=road utility vehicle as an off=road
7 14 vehicle for the purpose of operating it on a noninterstate
7 15 highway would not exempt the owner from applicable all=terrain
7 16 vehicle registration requirements and regulations administered
7 17 by the department of natural resources.

7 18 A person who operates an off=road vehicle on a highway in
7 19 violation of the requirements of the bill commits a simple
7 20 misdemeanor punishable by a scheduled fine of \$50.

7 21 LSB 1713HV 83

7 22 dea/nh/8