

Senate File 2370 - Introduced

SENATE FILE 2370

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 2296)

(SUCCESSOR TO SSB 3119)

A BILL FOR

1 An Act relating to various conservation and recreation
2 activities under the purview of the department of natural
3 resources, and making penalties applicable.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321G.1, Code 2009, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 5A. "*Designated snowmobile trail*" means
4 a snowmobile riding trail on any public land, private land,
5 or public ice that has been designated by the department,
6 a political subdivision, or a controlling authority for
7 snowmobile use.

8 NEW SUBSECTION. 5B. "*Direct supervision*" means to provide
9 supervision of another person while maintaining visual and
10 verbal contact at all times.

11 Sec. 2. Section 321G.1, subsection 19, Code 2009, is amended
12 to read as follows:

13 19. "*Safety Education certificate*" means a snowmobile
14 ~~safety~~ education certificate, approved by the commission, which
15 is issued to a qualified applicant who is twelve years of age
16 or older.

17 Sec. 3. Section 321G.2, subsection 1, paragraphs c, e, and
18 f, Code Supplement 2009, are amended to read as follows:

19 c. Use of snowmobiles on designated snowmobile trails
20 and public lands under the jurisdiction of the commission.

21 e. Establishment of a program of grants, subgrants,
22 and contracts to be administered by the department for the
23 development, maintenance, signing, and operation of designated
24 snowmobile trails and the operation of grooming equipment by
25 political subdivisions and incorporated private organizations.

26 f. Issuance of ~~safety~~ education certificates.

27 Sec. 4. Section 321G.2, subsection 1, Code Supplement 2009,
28 is amended by adding the following new paragraph:

29 NEW PARAGRAPH. 1. Maintenance, signing, and operation of
30 designated snowmobile trails.

31 Sec. 5. Section 321G.3, subsection 2, Code 2009, is amended
32 by striking the subsection.

33 Sec. 6. Section 321G.3, subsection 3, Code 2009, is amended
34 to read as follows:

35 ~~3.~~ 2. A violation of subsection 1 ~~or~~ 2 is punishable as

1 a scheduled violation under section 805.8B, subsection 2,
2 paragraph "a". When the scheduled fine is paid, the violator
3 shall submit proof to the department that a valid registration
4 or user permit has been obtained by providing a copy of the
5 registration or user permit to the department within thirty
6 days of the date the fine is paid. A person who violates this
7 subsection is guilty of a simple misdemeanor.

8 Sec. 7. Section 321G.4, subsection 2, Code 2009, is amended
9 to read as follows:

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

25 Sec. 8. Section 321G.6, subsection 3, Code 2009, is amended
26 to read as follows:

27 3. Duplicate registrations may be issued ~~upon application~~
28 ~~to the~~ by a county recorder and or a license agent upon the
29 payment of a five dollar fee plus a writing fee as provided in
30 section 321G.27.

31 Sec. 9. Section 321G.7, subsection 1, Code 2009, is amended
32 to read as follows:

33 1. A county recorder or license agent shall remit to the
34 commission the snowmobile fees collected by the recorder
35 or license agent in the manner and time prescribed by the

1 department.

2 Sec. 10. Section 321G.8, subsection 1, Code 2009, is amended
3 to read as follows:

4 1. Snowmobiles owned and used by the United States,
5 ~~another~~ this state, or a political subdivision of
6 ~~another~~ this state.

7 Sec. 11. Section 321G.9, subsection 6, Code 2009, is amended
8 by striking the subsection.

9 Sec. 12. Section 321G.12, Code 2009, is amended to read as
10 follows:

11 **321G.12 ~~Headlamp — tail lamp~~ Headlight — taillight —**
12 **brakes.**

13 Every snowmobile shall be equipped with at least one
14 ~~headlamp~~ headlight and one ~~tail lamp~~ taillight. Every
15 snowmobile shall be equipped with brakes.

16 Sec. 13. Section 321G.17, Code 2009, is amended to read as
17 follows:

18 **321G.17 Violation of stop signal.**

19 A person, ~~after having~~ who has received a visual or audible
20 signal from a peace officer to come to a stop, shall not
21 operate a snowmobile in willful or wanton disregard of the
22 signal, ~~or~~ interfere with or endanger the officer or any other
23 person or vehicle, or increase speed, or attempt to flee or
24 elude the officer.

25 Sec. 14. Section 321G.20, Code 2009, is amended to read as
26 follows:

27 **321G.20 Minors under ~~twelve sixteen~~ — supervision**
28 **requirements.**

29 1. An owner or operator of a snowmobile shall not permit
30 a person under twelve years of age to operate and a person
31 less than twelve years of age shall not operate, a snowmobile
32 on a designated snowmobile trail, public land, or public
33 ice except when accompanied on the same snowmobile by a
34 responsible person of at least eighteen years of age who is
35 experienced in snowmobile operation and who possesses a valid

1 driver's license, as defined in section 321.1, or a ~~safety~~ an
2 education certificate issued under this chapter.

3 2. While operating a snowmobile on a designated snowmobile
4 trail, public land, or public ice, a person twelve to fifteen
5 years of age and possessing a valid education certificate
6 must be under the direct supervision of a parent, guardian,
7 or another adult authorized by the parent or guardian, who is
8 experienced in snowmobile operation, and who possesses a valid
9 driver's license, as defined in section 321.1, or an education
10 certificate issued under this chapter.

11 3. A person under sixteen years of age shall not operate a
12 snowmobile on or across a public highway unless the person has
13 in the person's possession an education certificate issued to
14 the person pursuant to this chapter.

15 Sec. 15. Section 321G.21, subsections 1 through 5, Code
16 Supplement 2009, are amended to read as follows:

17 1. A manufacturer, distributor, or dealer owning a
18 snowmobile required to be registered under this chapter
19 may operate the snowmobile for purposes of transporting,
20 testing, demonstrating, or selling it without the snowmobile
21 being registered, except that a special ~~identification~~
22 ~~number~~ registration decal issued to the owner as provided
23 in this chapter shall be displayed on the snowmobile in the
24 manner prescribed by rules of the commission. The special
25 ~~identification number~~ registration decal shall not be used
26 on a snowmobile offered for hire or for any work or service
27 performed by a manufacturer, distributor, or dealer.

28 2. Every manufacturer, distributor, or dealer shall
29 register with the department by making application to the
30 commission, upon forms prescribed by the commission, for
31 a special registration certificate ~~containing a general~~
32 ~~identification number and for one or more duplicate special~~
33 ~~registration certificates and decal.~~ The applicant shall pay
34 a registration fee of ~~fifteen~~ forty-five dollars and submit
35 reasonable proof of the applicant's status as a bona fide

1 manufacturer, distributor, or dealer as may be required by the
2 commission.

3 3. The commission, upon granting an application,
4 shall issue to the applicant a special registration
5 certificate ~~containing~~ and decal. The special registration
6 certificate shall contain the applicant's name, and address,
7 the and general identification number; ~~assigned to~~
8 ~~the applicant,~~ the word "manufacturer", "dealer", or
9 "distributor"; and other information the commission
10 prescribes. ~~The manufacturer, distributor, or dealer shall~~
11 ~~have the assigned number printed upon or attached to a~~
12 ~~removable sign or signs which may be temporarily but firmly~~
13 ~~mounted or attached to the snowmobile being used. The display~~
14 ~~shall meet the requirements of this chapter and the rules of~~
15 ~~the commission.~~

16 4. The commission shall also issue duplicate special
17 registration certificates and decals which shall have displayed
18 thereon the general identification number assigned to the
19 applicant. ~~Each duplicate registration certificate so issued~~
20 ~~shall contain a number or symbol identifying it from every~~
21 ~~other duplicate special registration certificate bearing~~
22 ~~the same general identification number.~~ The fee for each
23 additional duplicate special registration certificate and
24 decal shall be ~~two~~ five dollars.

25 5. Each special registration certificate issued
26 ~~hereunder~~ under this section shall be for a period of three
27 years and shall expire on December 31 of each the renewal year,
28 ~~and a.~~ A new special registration certificate for the ensuing
29 ~~twelve months~~ three-year renewal period may be obtained upon
30 application to the commission and payment of the fee provided
31 by law.

32 Sec. 16. Section 321G.23, Code 2009, is amended to read as
33 follows:

34 **321G.23 Course of instruction.**

35 1. The commission shall provide, by rules adopted pursuant

1 to section 321G.2, for the establishment of certified courses
2 of instruction to be conducted throughout the state for the
3 safe use and operation of snowmobiles. The curriculum shall
4 include instruction in the lawful and safe use, operation, and
5 equipping of snowmobiles consistent with this chapter and rules
6 adopted by the commission and the director of transportation
7 and other matters the commission deems pertinent for a
8 qualified snowmobile operator. The commission may establish
9 a fee for the course which shall not exceed the actual cost
10 of instruction minus moneys received by the department from
11 safety education certificate fees under section 321G.24.

12 2. The commission may certify any experienced, qualified
13 operator to be an instructor of a class established under
14 subsection 1. Each instructor shall be at least eighteen years
15 of age.

16 3. Upon completion of the course of instruction, the
17 commission shall provide for the administration of a written
18 test to any student who wishes to qualify for a ~~safety~~ an
19 education certificate.

20 4. The commission shall provide safety education material
21 relating to the operation of snowmobiles for the use of
22 nonpublic or public elementary and secondary schools in this
23 state.

24 5. The department may develop requirements and standards
25 for online education offerings. Only vendors who have entered
26 into a memorandum of understanding with the department
27 shall be permitted to offer an online course that results
28 in the issuance of an education certificate approved by the
29 commission. Vendors may charge for their courses and collect
30 the education certificate fee required under section 321G.24,
31 subsection 2, on behalf of the department as agreed to in the
32 memorandum of understanding.

33 Sec. 17. Section 321G.24, Code Supplement 2009, is amended
34 to read as follows:

35 **321G.24 Safety Education certificate — fee.**

1 1. A person under eighteen years of age shall not operate a
2 snowmobile on public land or public ice or land purchased with
3 snowmobile registration funds in this state without obtaining a
4 valid ~~safety~~ education certificate issued by the department and
5 having the certificate in the person's possession, unless the
6 person is accompanied on the same snowmobile by a responsible
7 person of at least eighteen years of age who is experienced in
8 snowmobile operation and possesses a valid driver's license, as
9 defined in section 321.1, or a ~~safety~~ an education certificate
10 issued under this chapter.

11 2. Upon ~~application~~ successful completion of the course and
12 payment of a fee of five dollars, a qualified applicant
13 shall be issued a ~~safety~~ an education certificate which is
14 valid until the certificate is suspended or revoked by the
15 director for a violation of a provision of this chapter or a
16 rule adopted pursuant to this chapter. ~~The application shall~~
17 ~~be made on forms issued by the commission and shall contain~~
18 ~~information as the commission may reasonably require.~~

19 3. Any person who is required to have a ~~safety~~ an
20 education certificate under this chapter and who has completed
21 a course of instruction established under section 321G.2,
22 subsection 1, paragraph "j", including the successful passage
23 of an examination which includes a written test relating to
24 such course of instruction, shall be considered qualified to
25 receive a ~~safety~~ an education certificate.

26 4. The ~~permit~~ certificate fees collected under this section
27 shall be credited to the special snowmobile fund created under
28 section 321G.7 and shall be used for safety and educational
29 programs.

30 5. A valid snowmobile ~~safety~~ or education certificate or
31 license issued to a nonresident by a governmental authority
32 of another state shall be considered a valid certificate
33 or license in this state if the ~~permit~~ certification or
34 ~~license~~ licensing requirements of the governmental authority,
35 ~~excluding fees,~~ are substantially the same as the requirements

1 of this chapter as determined by the commission.

2 Sec. 18. Section 321G.29, subsection 8, Code 2009, is
3 amended to read as follows:

4 8. Once titled, a person shall not sell or transfer
5 ownership of a snowmobile without delivering to the purchaser
6 or transferee a certificate of title with an assignment on it
7 showing title in the ~~purchaser or transferee~~ purchaser's or
8 transferee's name. A person shall not purchase or otherwise
9 acquire a snowmobile without obtaining a certificate of title
10 for it in that person's name.

11 Sec. 19. Section 321G.31, subsection 1, Code 2009, is
12 amended to read as follows:

13 1. If ownership of a snowmobile is transferred by
14 operation of law, such as by inheritance, order in bankruptcy,
15 insolvency, replevin, or execution sale, the transferee, within
16 thirty days after acquiring the right to possession of the
17 snowmobile, shall mail or deliver to the county recorder of
18 the transferee's county of residence satisfactory proof of
19 ownership as the county recorder requires, together with an
20 application for a new certificate of title, and the required
21 fee.

22 Sec. 20. Section 321G.33, subsections 1 and 3, Code 2009,
23 are amended to read as follows:

24 1. The department may assign a distinguishing number to
25 a snowmobile when the serial number on the snowmobile is
26 destroyed or obliterated and issue to the owner a special
27 ~~plate~~ decal bearing the distinguishing number which shall be
28 affixed to the snowmobile in a position to be determined by
29 the department. The snowmobile shall be registered and titled
30 under the distinguishing number in lieu of the former serial
31 number. Every snowmobile shall have a vehicle identification
32 number assigned and affixed as required by the department.

33 3. A person shall not destroy, remove, alter, cover, or
34 deface the manufacturer's vehicle identification number, the
35 ~~plate~~ or decal bearing it, or any vehicle identification number

1 the department assigns to a snowmobile without the department's
2 permission.

3 Sec. 21. Section 321I.1, subsection 1, paragraph b, Code
4 Supplement 2009, is amended to read as follows:

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

14 Sec. 22. Section 321I.1, subsection 16, paragraph b, Code
15 Supplement 2009, is amended to read as follows:

16 b. An owner of an off-road utility vehicle may register
17 or title an off-road utility vehicle in order to legally
18 operate the off-road vehicle on public ice, a designated
19 riding area, or a designated riding trail. The operator of an
20 off-road utility vehicle is subject to provisions governing the
21 operation of all-terrain vehicles in section 321.234A and this
22 chapter, but is exempt from the ~~safety~~ education instruction
23 and certification program requirements of sections 321I.25 and
24 321I.26. An operator of an off-road utility vehicle shall not
25 operate the vehicle on a designated riding area or designated
26 riding trail unless the department has posted signage
27 indicating the riding area or trail is open to the operation
28 of off-road utility vehicles. Off-road utility vehicles are
29 exempt from the dealer registration and titling requirements
30 of this chapter. A motorized vehicle that was previously
31 titled or is currently titled under chapter 321 shall not be
32 registered or operated as an off-road utility vehicle.

33 Sec. 23. Section 321I.1, subsection 25, Code Supplement
34 2009, is amended to read as follows:

35 25. ~~Safety~~ Education certificate means an all-terrain

1 vehicle ~~safety~~ safety education certificate, approved by the
2 commission, which is issued to a qualified applicant who is
3 twelve years of age or older.

4 Sec. 24. Section 321I.2, subsection 1, paragraph f, Code
5 Supplement 2009, is amended to read as follows:

6 f. Issuance of safety education certificates.

7 Sec. 25. Section 321I.3, subsection 2, Code 2009, is amended
8 by striking the subsection.

9 Sec. 26. Section 321I.3, subsection 3, Code 2009, is amended
10 to read as follows:

11 ~~3-~~ 2. A violation of subsection 1 ~~or~~ 2 is punishable as
12 a scheduled violation under section 805.8B, subsection 2A,
13 paragraph "a". When the scheduled fine is paid, the violator
14 shall submit proof to the department that a valid registration
15 or user permit has been obtained by providing a copy of the
16 registration or user permit to the department within thirty
17 days of the date the fine is paid. A person who violates this
18 subsection is guilty of a simple misdemeanor.

19 Sec. 27. Section 321I.4, subsection 2, Code 2009, is amended
20 to read as follows:

21 2. The owner of the all-terrain vehicle shall file an
22 application for registration with the department through
23 a the county recorder of the county of residence in the
24 manner established by the commission. The application shall
25 be completed by the owner and shall be accompanied by a fee
26 of fifteen dollars and a writing fee as provided in section
27 321I.29. An all-terrain vehicle shall not be registered by the
28 county recorder until the county recorder is presented with
29 receipts, bills of sale, or other satisfactory evidence that
30 the sales or use tax has been paid for the purchase of the
31 all-terrain vehicle or that the owner is exempt from paying the
32 tax. An all-terrain vehicle that has an expired registration
33 certificate from another state may be registered in this state
34 upon proper application, payment of all applicable registration
35 and writing fees, and payment of a penalty of five dollars.

1 Sec. 28. Section 321I.7, subsections 3 and 4, Code 2009, are
2 amended to read as follows:

3 3. Duplicate registrations may be issued ~~upon application~~
4 ~~to the~~ by a county recorder or a license agent and the payment
5 of a five dollar fee plus a writing fee as provided in section
6 321I.29.

7 4. A motorcycle, as defined in section 321.1, subsection
8 40, paragraph "a", may be registered as an all-terrain vehicle
9 as provided in this section. A motorcycle registered as an
10 all-terrain vehicle may participate in all programs established
11 for all-terrain vehicles under this chapter except for the
12 safety education instruction and certification program.

13 Sec. 29. Section 321I.8, Code 2009, is amended to read as
14 follows:

15 **321I.8 Fees remitted to commission — appropriation.**

16 1. A county recorder or license agent shall remit to the
17 commission the all-terrain vehicle fees collected by the
18 recorder or license agent in the manner and time prescribed by
19 the department.

20 2. The department shall remit the fees, including user
21 fees collected pursuant to section 321I.5, to the treasurer
22 of state, who shall place the money in a special all-terrain
23 vehicle fund. The money is appropriated to the department for
24 the all-terrain vehicle programs of the state. The programs
25 shall include grants, subgrants, contracts, or cost-sharing
26 of all-terrain vehicle programs with political subdivisions
27 or incorporated private organizations or both in accordance
28 with rules adopted by the commission. All-terrain vehicle fees
29 may be used for the establishment, maintenance, and operation
30 of all-terrain vehicle recreational riding areas through the
31 awarding of grants administered by the department. All-terrain
32 vehicle recreational riding areas established, maintained, or
33 operated by the use of such grants shall not be operated for
34 profit. All programs using cost-sharing, grants, subgrants,
35 or contracts shall establish and implement a safety an

1 education instruction program either singly or in cooperation
2 with other all-terrain vehicle programs. All-terrain vehicle
3 fees may be used to support all-terrain vehicle programs on
4 a usage basis. At least fifty percent of the special fund
5 shall be available for political subdivisions or incorporated
6 private organizations or both. Moneys from the special fund
7 not used by the political subdivisions or incorporated private
8 organizations or both shall remain in the fund and may be used
9 by the department for the administration of the all-terrain
10 vehicle programs. Notwithstanding section 8.33, moneys in the
11 special fund shall not revert to the general fund of the state
12 at the end of a fiscal year. Notwithstanding section 12C.7,
13 subsection 2, interest or earnings on moneys in the special
14 fund shall remain in the fund.

15 Sec. 30. Section 321I.9, subsection 1, Code 2009, is amended
16 to read as follows:

17 1. All-terrain vehicles owned and used by the United
18 States, ~~another~~ this state, or a political subdivision of
19 ~~another~~ this state.

20 Sec. 31. Section 321I.13, Code 2009, is amended to read as
21 follows:

22 **321I.13 ~~Headlamp — tail lamp~~ Headlight — taillight —**
23 **brakes.**

24 Every all-terrain vehicle operated during the hours of
25 darkness shall display a lighted ~~headlamp~~ headlight and ~~tail~~
26 ~~lamp~~ taillight. Every all-terrain vehicle shall be equipped
27 with brakes.

28 Sec. 32. Section 321I.17, Code 2009, is amended to read as
29 follows:

30 **321I.17 Special events.**

31 The department may authorize the holding of organized
32 special events as defined in this chapter within this state.
33 The department shall adopt rules relating to the conduct of
34 special events held under department permits and designating
35 the equipment and facilities necessary for the safe operation

1 of all-terrain vehicles ~~or~~, off-road motorcycles, and off-road
2 utility vehicles and for the safety of operators, participants,
3 and observers in the special events. ~~A special event for~~
4 ~~all-terrain vehicles may include motorcycles upon payment of~~
5 ~~an entrance fee set by the organizer of the special event. The~~
6 ~~department may require that part of the motorcycle entrance~~
7 ~~fee be credited to pay costs of all-terrain vehicle programs~~
8 ~~authorized pursuant to section 321I.8. At least thirty~~
9 days before the scheduled date of a special event in this
10 state, an application shall be filed with the department for
11 authorization to conduct the special event. The application
12 shall set forth the date, time, and location of the proposed
13 special event and any other information the department
14 requires. The special event shall not be conducted without
15 written authorization of the department. ~~Copies of the rules~~
16 ~~shall be furnished by the department to any person making an~~
17 ~~application.~~

18 Sec. 33. Section 321I.18, Code 2009, is amended to read as
19 follows:

20 **321I.18 Violation of stop signal.**

21 A person, ~~after having~~ who has received a visual or audible
22 signal from a peace officer to come to a stop, shall not
23 operate an all-terrain vehicle in willful or wanton disregard
24 of the signal, ~~or~~ interfere with or endanger the officer or any
25 other person or vehicle, ~~or~~ increase speed, or attempt to flee
26 or elude the officer.

27 Sec. 34. Section 321I.21, subsection 1, Code 2009, is
28 amended to read as follows:

29 1. The person is taking a prescribed safety education
30 training course and the operation is under the direct
31 supervision of a certified all-terrain vehicle safety
32 education instructor.

33 Sec. 35. Section 321I.22, subsections 1 through 5, Code
34 Supplement 2009, are amended to read as follows:

35 1. A manufacturer, distributor, or dealer owning an

1 all-terrain vehicle required to be registered under this
2 chapter may operate the all-terrain vehicle for purposes of
3 transporting, testing, demonstrating, or selling it without the
4 all-terrain vehicle being registered, except that a special
5 ~~identification number~~ registration decal issued to the owner as
6 provided in this chapter shall be displayed on the all-terrain
7 vehicle in the manner prescribed by rules of the commission.
8 The special ~~identification number~~ registration decal shall not
9 be used on an all-terrain vehicle offered for hire or for any
10 work or service performed by a manufacturer, distributor, or
11 dealer.

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

22 3. The commission, upon granting an application,
23 shall issue to the applicant a special registration
24 certificate ~~containing~~ and decal. The special registration
25 certificate shall contain the applicant's name, and address,
26 ~~the and~~ general identification number; ~~assigned to~~
27 ~~the applicant,~~ the word "manufacturer", "dealer", or
28 "distributor"; and other information the commission
29 prescribes. ~~The manufacturer, distributor, or dealer shall~~
30 ~~have the assigned number printed upon or attached to a~~
31 ~~removable sign or signs which may be temporarily but firmly~~
32 ~~mounted or attached to the all-terrain vehicle being used. The~~
33 ~~display shall meet the requirements of this chapter and the~~
34 ~~rules of the commission.~~

35 4. The commission shall also issue duplicate special

1 registration certificates and decals which shall have displayed
2 thereon the general identification number assigned to the
3 applicant. ~~Each duplicate registration certificate so issued~~
4 ~~shall contain a number or symbol identifying it from every~~
5 ~~other duplicate special registration certificate bearing~~
6 ~~the same general identification number.~~ The fee for each
7 additional duplicate special registration certificate and
8 decals shall be ~~two~~ five dollars.

9 5. Each special registration certificate issued
10 ~~hereunder~~ under this section shall be for a period of three
11 years and shall expire on December 31 of each the renewal year,
12 ~~and a.~~ A new special registration certificate for the ensuing
13 ~~twelve months~~ three-year renewal period may be obtained upon
14 application to the commission and payment of the fee provided
15 by law.

16 Sec. 36. Section 321I.25, Code 2009, is amended to read as
17 follows:

18 **321I.25 Course of instruction.**

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

32 2. The commission may certify any experienced, qualified
33 operator to be an instructor of a class established under
34 subsection 1. Each instructor shall be at least eighteen years
35 of age.

1 3. Upon completion of the course of instruction, the
2 commission shall provide for the administration of either a
3 written test or the demonstration of adequate riding skills
4 to any student who wishes to qualify for ~~a safety an~~
5 education certificate.

6 4. The commission shall provide safety education material
7 relating to the operation of all-terrain vehicles for the use
8 of nonpublic or public elementary and secondary schools in this
9 state.

10 5. The department may develop requirements and standards
11 for online education offerings. Only vendors who have entered
12 into a memorandum of understanding with the department
13 shall be permitted to offer an online course that results
14 in the issuance of an education certificate approved by the
15 commission. Vendors may charge for their courses and collect
16 the education certificate fee required under section 321I.26,
17 subsection 2, on behalf of the department as agreed to in the
18 memorandum of understanding.

19 Sec. 37. Section 321I.26, Code Supplement 2009, is amended
20 to read as follows:

21 **321I.26 Safety Education certificate — fee.**

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

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

1 3. Any person who is required to have a ~~safety an~~
2 education certificate under this chapter and who has completed
3 a course of instruction established under section 321I.2,
4 subsection 1, paragraph "i", including the successful passage
5 of an examination which includes either a written test relating
6 to such course of instruction or the demonstration of adequate
7 riding skills, shall be considered qualified to receive a
8 ~~safety an~~ education certificate.

9 4. The ~~permit~~ certificate fees collected under this section
10 shall be credited to the special all-terrain vehicle fund and
11 shall be used for ~~safety and~~ educational programs.

12 5. A valid all-terrain vehicle safety or education
13 certificate or license issued to a nonresident by a
14 governmental authority of another state shall be considered
15 a valid certificate or license in this state if the
16 ~~permit~~ certification or ~~license~~ licensing requirements of the
17 governmental authority, ~~excluding fees~~, are substantially the
18 same as the requirements of this chapter as determined by the
19 commission.

20 Sec. 38. Section 321I.31, subsection 8, Code 2009, is
21 amended to read as follows:

22 8. Once titled, a person shall not sell or transfer
23 ownership of an all-terrain vehicle without delivering to
24 the purchaser or transferee a certificate of title with
25 an assignment on it showing title in the ~~purchaser or~~
26 transferee purchaser's or transferee's name. A person shall
27 not purchase or otherwise acquire an all-terrain vehicle
28 without obtaining a certificate of title for it in that
29 person's name.

30 Sec. 39. Section 321I.33, subsection 1, Code 2009, is
31 amended to read as follows:

32 1. If ownership of an all-terrain vehicle is transferred by
33 operation of law, such as by inheritance, order in bankruptcy,
34 insolvency, replevin, or execution sale, the transferee,
35 within thirty days after acquiring the right to possession of

1 the all-terrain vehicle, shall mail or deliver to the county
2 recorder of the transferee's county of residence satisfactory
3 proof of ownership as the county recorder requires, together
4 with an application for a new certificate of title, and the
5 required fee.

6 Sec. 40. Section 321I.35, subsections 1 and 3, Code 2009,
7 are amended to read as follows:

8 1. The department may assign a distinguishing number to an
9 all-terrain vehicle when the serial number on the all-terrain
10 vehicle is destroyed or obliterated and issue to the owner a
11 special plate decal bearing the distinguishing number which
12 shall be affixed to the all-terrain vehicle in a position to be
13 determined by the department. The all-terrain vehicle shall be
14 registered and titled under the distinguishing number in lieu
15 of the former serial number. Every all-terrain vehicle shall
16 have a vehicle identification number assigned and affixed as
17 required by the department.

18 3. A person shall not destroy, remove, alter, cover, or
19 deface the manufacturer's vehicle identification number, the
20 plate or decal bearing it, or any vehicle identification number
21 the department assigns to an all-terrain vehicle without the
22 department's permission.

23 Sec. 41. Section 455A.13, Code 2009, is amended to read as
24 follows:

25 **455A.13 State nurseries.**

26 1. Notwithstanding section 17A.2, subsection 11,
27 paragraph "g", the department of natural resources shall adopt
28 administrative rules establishing a range of prices of plant
29 material grown at the state forest nurseries to cover all
30 expenses related to the growing of the plants. The department
31 is authorized to sell plant material in other states.

32 ~~1.~~ 2. The department shall develop programs to encourage
33 the wise management and preservation of existing woodlands
34 and shall continue its efforts to encourage forestation and
35 reforestation on private and public lands in the state.

1 ~~2.~~ 3. The department shall encourage a cooperative
2 relationship between the state forest nurseries and private
3 nurseries in the state in order to achieve these goals.

4 Sec. 42. Section 461C.2, subsection 5, Code 2009, is amended
5 to read as follows:

6 5. "*Recreational purpose*" means the following or any
7 combination thereof: Hunting, trapping, horseback riding,
8 fishing, swimming, boating, camping, picnicking, hiking,
9 pleasure driving, motorcycling, all-terrain vehicle
10 riding, nature study, water skiing, snowmobiling, other
11 summer and winter sports, and viewing or enjoying historical,
12 archaeological, scenic, or scientific sites while going to and
13 from or actually engaged therein.

14 Sec. 43. Section 462A.2, Code 2009, is amended by adding the
15 following new subsection:

16 NEW SUBSECTION. 43A. "*Watercraft education certificate*"
17 means a certificate, approved by the commission, which is
18 issued to a qualified applicant who is twelve years of age or
19 older but less than eighteen years of age who has successfully
20 completed a watercraft education course approved by the
21 department.

22 Sec. 44. Section 462A.12, subsection 6, Code 2009, is
23 amended to read as follows:

24 6. An owner or operator of a vessel propelled by a motor
25 of more than ten horsepower shall not permit any person
26 under twelve years of age to operate the vessel unless
27 accompanied in or on the same vessel by a responsible person
28 of at least eighteen years of age who is experienced in
29 motorboat operation. A person who is twelve years of age
30 or older but less than eighteen years of age shall not
31 operate any vessel propelled by a motor of more than ten
32 horsepower unless the person has successfully completed a
33 department-approved watercraft safety education course and
34 obtained a watercraft safety education certificate or is
35 accompanied in or on the same vessel by a responsible person

1 of at least eighteen years of age who is experienced in
2 motorboat operation. A person required to have a watercraft
3 ~~safety~~ education certificate shall carry and shall exhibit or
4 make available the certificate upon request of an officer of
5 the department. A violation of this subsection is a simple
6 misdemeanor as provided in section 462A.13. However, a person
7 charged with violating this subsection shall not be convicted
8 if the person produces in court, within a reasonable time, a
9 ~~department-approved~~ watercraft education certificate. The
10 cost of a ~~department~~ watercraft education certificate, or any
11 duplicate, shall not exceed five dollars.

12 Sec. 45. NEW SECTION. 462A.12A Online watercraft education
13 courses.

14 1. The department shall develop requirements and standards
15 for online watercraft education courses. Only vendors who have
16 entered into a memorandum of understanding with the department
17 shall be approved by the department to offer an online
18 watercraft education course that upon successful completion is
19 sufficient to result in the issuance of a watercraft education
20 certificate to the person who completes the course.

21 2. A vendor approved to offer an online watercraft education
22 course as provided in subsection 1 may charge a fee for the
23 course as agreed to in the memorandum of understanding with
24 the department and may also collect the watercraft education
25 certificate fee on behalf of the department as agreed to in the
26 memorandum of understanding.

27 Sec. 46. Section 462A.36, Code 2009, is amended to read as
28 follows:

29 462A.36 Fee for special certificate — minimum requirements
30 for issuance.

31 1. Any manufacturer or dealer may, upon payment of a fee of
32 fifteen dollars, make application to the commission, upon such
33 forms as the commission prescribes, for a special certificate
34 containing a general distinguishing number and for one or more
35 duplicate special certificates. The applicant shall submit

1 such reasonable proof of the applicant's status as a bona fide
2 manufacturer or dealer as the commission may require.

3 2. The commission may adopt rules consistent with this
4 chapter establishing minimum requirements for a dealer or
5 manufacturer to be issued a special certificate. In adopting
6 such rules the department shall consider the need to protect
7 persons, property, and the environment, and to promote uniform
8 practices relating to the sale and use of vessels. The
9 commission may also adopt rules providing for the suspension or
10 revocation of a dealer's or manufacturer's special certificate
11 issued pursuant to this section.

12 Sec. 47. Section 462A.38, Code 2009, is amended to read as
13 follows:

14 **462A.38 ~~Duplicates~~ Duplicate special certificates.**

15 The commission shall also issue duplicate special
16 certificates as applied for which shall have displayed
17 thereon the general distinguishing number assigned to the
18 applicant. ~~Each duplicate special certificate so issued shall~~
19 ~~contain a number or symbol identifying the same from every~~
20 ~~other duplicate special certificate bearing the same general~~
21 ~~distinguishing number.~~ The fee for each additional duplicate
22 special certificate shall be two dollars.

23 Sec. 48. Section 462A.39, Code 2009, is amended to read as
24 follows:

25 **462A.39 Expiration date.**

26 Each special certificate issued ~~hereunder~~ under this
27 chapter shall be for a period of three years and shall expire
28 at midnight on April 30 of the last calendar year of the
29 registration period, and a new special certificate may be
30 renewed for the ensuing registration another three-year period
31 ~~may be obtained~~ upon application to the commission and payment
32 of the fee provided by law.

33 Sec. 49. Section 462A.46, Code 2009, is amended to read as
34 follows:

35 **462A.46 Purchase of registered vessel by dealer.**

1 Whenever a dealer purchases or otherwise acquires a
2 vessel registered in this state, the dealer shall issue a
3 signed receipt to the previous owner, indicating the date of
4 purchase or acquisition, the name and address of such previous
5 owner, and the registration number of the vessel purchased
6 or acquired. ~~The original receipt shall be delivered to the~~
7 ~~previous owner and one copy shall be mailed or delivered by~~
8 ~~the dealer to the county recorder of the county in which the~~
9 ~~vessel is registered, and one copy shall be delivered to the~~
10 ~~commission within forty-eight hours.~~

11 Sec. 50. Section 462A.52, subsections 2 and 3, Code 2009,
12 are amended to read as follows:

13 2. Notwithstanding subsection 1, any increase in revenues
14 received on or after July 1, ~~2007~~ 2010, but on or before June
15 30, 2013, pursuant to this section as a result of fee increases
16 pursuant to 2005 Acts, ch. 137, shall be used by the commission
17 only for the administration and enforcement of programs to
18 control aquatic invasive species and for the administration and
19 enforcement of navigation laws and water safety ~~upon the inland~~
20 ~~waters of this state~~ and shall be used in addition to funds
21 already being expended by the commission each year for these
22 purposes. The commission shall not reduce the amount of other
23 funds being expended on an annual basis for these purposes
24 as of July 1, 2005, during the period of the appropriation
25 provided for in this subsection.

26 3. The commission shall submit a written report to the
27 general assembly by December 31, ~~2007~~ 2010, and by December 31
28 of each year thereafter through December 31, 2013, summarizing
29 the activities of the department in administering and enforcing
30 programs to control aquatic invasive species and administering
31 and enforcing navigation laws and water safety ~~upon the inland~~
32 ~~waters of the state~~. The report shall include information
33 concerning the amount of revenues collected pursuant to this
34 section as a result of fee increases pursuant to 2005 Acts,
35 ch. 137, and how the revenues were expended. The report shall

1 also include information concerning the amount and source of
2 all other funds expended by the commission during the year for
3 the purposes of administering and enforcing programs to control
4 aquatic invasive species and administering and enforcing
5 navigation laws and water safety ~~upon the inland waters of the~~
6 ~~state~~ and how the funds were expended.

7 Sec. 51. Section 481A.22, Code 2009, is amended to read as
8 follows:

9 **481A.22 Field and retriever meets or trials — permit**
10 **required.**

11 1. All officially sanctioned field meets or trials
12 and retriever meets or trials where the skill of dogs is
13 demonstrated in pointing, retrieving, trailing, or chasing any
14 game bird, game animal, or fur-bearing animal shall require a
15 field meet or trial permit. Except as otherwise provided by
16 law, it shall be unlawful to kill any wildlife in such events.

17 2. Notwithstanding the provisions of section 481A.21 it
18 shall be lawful to hold field meets or trials and retriever
19 meets or trials where dogs are permitted to work in exhibition
20 or contest whereby the skill of dogs is demonstrated by
21 retrieving dead or wounded game birds which have been
22 propagated by licensed game breeders within the state or
23 secured from lawful sources outside the state and lawfully
24 brought into the state. All such birds must be released on
25 the day of the meets or trials on premises where the meets
26 or trials are held.

27 3. a. ~~Such birds~~ Birds released pursuant to subsection
28 2 may be shot by official guns after having secured a permit as
29 herein provided.

30 b. Such permits may be issued by the director of the
31 department upon proper application and the payment of a fee
32 of ~~two~~ twenty-five dollars for each meet or trial held, with
33 the exception of meets or trials held for raccoon hunting, for
34 which the fee shall be eight dollars.

35 4. A representative of the department shall attend all such

1 meets or trials and enforce the laws and regulations governing
2 ~~same~~ the meets or trials.

3 5. The person or persons designated by the committee in
4 charge to do the shooting for such meets or trials shall be
5 known as the official guns, and no other person shall be
6 permitted to kill or attempt to kill any of the birds released
7 for such meets or trials.

8 6. Before any birds are released under this section,
9 they ~~must~~ shall each have attached a tag provided by the
10 department and attached by a representative of the department
11 at a cost of not more than ten cents for each tag. All tags
12 ~~are to~~ shall remain attached to birds until prepared for
13 consumption.

14 7. It is unlawful for any person to hold, conduct, or to
15 participate in a field or retriever meet or trial before the
16 permit required by this section has been secured or for any
17 person to possess or remove from the meet or trial grounds any
18 birds which have not been tagged as herein required.

19 Sec. 52. NEW SECTION. 481A.41 **Feeding or baiting of**
20 **wildlife prohibited.**

21 1. As used in this section, unless the context otherwise
22 requires:

23 a. "*Baited area*" means any area where any feed is
24 intentionally placed, deposited, distributed, or scattered
25 so as to lure, attract, or entice wildlife to, on, or over a
26 specific location. An area shall remain a baited area for
27 thirty days following complete removal of all feed.

28 b. "*Feed*" means any grain, fruit, vegetable, nut, hay,
29 salt, mineral, or any other natural food material, commercial
30 products containing natural food materials or by-products of
31 such materials, or other food material that is capable of
32 luring, attracting, or enticing wildlife. Scents or lures used
33 to mask human odor or attract wildlife by the sense of smell
34 are not considered feed.

35 c. "*Wildlife*" means any wild bird or wild animal, except

1 fish or turtles, residing in or migrating through the state of
2 Iowa.

3 2. Except as provided in subsection 3, feeding or baiting
4 of wildlife is unlawful. A person shall not place, deposit,
5 distribute, or scatter feed for wildlife on any public or
6 private property, or knowingly allow another person to place,
7 deposit, distribute, or scatter feed for wildlife on private
8 property under the person's ownership or lease in the state.
9 It shall be unlawful to hunt, take, or attempt to take any
10 wildlife on or in a baited area.

11 3. The prohibitions contained in subsection 2 are not
12 applicable to the following:

13 a. Feed that is used to attract wildlife for viewing and
14 observation if the feed is placed within fifty yards of a
15 residence, dwelling, or other structure inhabited by a person.
16 However, such an area shall be considered a baited area for the
17 purpose of hunting, taking, or attempting to take wildlife in
18 or on that area.

19 b. Feed that is present solely as a result of normal
20 agricultural, forest management, orchard management, wildlife
21 food planting, or other similar land management practices.

22 c. Feed that is placed for agricultural or livestock
23 purposes if one or more of the following conditions apply:

24 (1) The feed is placed for domestic livestock that are
25 present and actively consuming the feed on a regular basis.

26 (2) The feed is stored in a manner consistent with the
27 person's normal agricultural practices.

28 d. Feed that is placed for purposes such as including
29 but not limited to population control, capture and handling
30 of wildlife, or other specific purposes under written
31 authorization from the director or the director's designee,
32 or as otherwise provided by law. This section shall not be
33 construed to limit employees of state or county agencies,
34 the United States, or local animal control officers in the
35 performance of their official duties related to education,

1 public health, wildlife management, or wildlife removal.

2 e. Feed that is placed for the purpose of luring fur-bearing
3 animals for hunting or trapping as permitted by law.

4 f. Feed that is placed within the confines of a whitetail
5 deer hunting preserve that is licensed by the department
6 pursuant to chapter 484C.

7 g. Recreational feeding of waterfowl at federal, state,
8 county, or city parks or refuges if not otherwise prohibited by
9 the managing agency or municipality of such parks or refuges.

10 4. A person who violates any provision of this section
11 is guilty of a simple misdemeanor punishable as a scheduled
12 violation under section 805.8B, subsection 3, paragraph "e".

13 5. In addition to any other penalties imposed under this
14 section, a person charged with unlawful feeding or baiting
15 of wildlife shall immediately remove all feed from the
16 baited area. Failure to do so shall constitute an additional
17 violation of this section for each day that the feed remains.

18 6. During the twelve-month period beginning July 1,
19 2010, and ending June 30, 2011, peace officers shall issue
20 only warning citations for violations of this section. This
21 subsection is repealed July 1, 2011.

22 Sec. 53. Section 483A.1, subsection 2, paragraph s, Code
23 Supplement 2009, is amended by striking the paragraph.

24 Sec. 54. Section 805.8B, subsection 2, paragraphs a and g,
25 Code Supplement 2009, are amended to read as follows:

26 a. For registration or user permit violations under section
27 321G.3, ~~subsections~~ subsection 1 and 2, the scheduled fine is
28 fifty dollars.

29 g. For violations of section 321G.20 and for
30 ~~safety~~ education certificate violations under section
31 321G.24, subsection 1, the scheduled fine is fifty dollars.

32 Sec. 55. Section 805.8B, subsection 2A, paragraphs a and g,
33 Code Supplement 2009, are amended to read as follows:

34 a. For registration or user permit violations under section
35 321I.3, ~~subsections~~ subsection 1 and 2, the scheduled fine is

1 fifty dollars.

2 *g.* For violations of section 321I.21 and for
3 ~~safety~~ education certificate violations under section
4 321I.26, subsection 1, the scheduled fine is fifty dollars.

5 Sec. 56. Section 805.8B, subsection 3, paragraph e, Code
6 Supplement 2009, is amended to read as follows:

7 *e.* For violations of sections 481A.41, 481A.57, 481A.85,
8 481A.93, 481A.95, 481A.120, 481A.137, 481B.5, 482.3, 482.9,
9 482.15, and 483A.42, the scheduled fine is one hundred dollars.

10 Sec. 57. Section 805.8B, subsection 6, paragraph c, Code
11 Supplement 2009, is amended to read as follows:

12 *c.* For violations of ~~section~~ sections 461A.35, 461A.42,
13 and 461A.44, the scheduled fine is fifty dollars.

14 Sec. 58. REPEAL. Sections 462A.40 and 462A.42, Code 2009,
15 are repealed.

16 Sec. 59. REPEAL. Chapter 568, Code 2009, is repealed.

17 EXPLANATION

18 This bill relates to various conservation and recreation
19 activities under the purview of the department of natural
20 resources, and makes penalties applicable.

21 SNOWMOBILE REGULATION. The bill makes numerous revisions
22 to Code chapter 321G, which provides for the regulation
23 of snowmobiles by the department. The bill specifies that
24 the natural resource commission may adopt rules for the
25 use of snowmobiles on designated snowmobile trails and for
26 maintenance, signing, and operation of the trails. The scope
27 of grant programs and contracts administered by the department
28 is expanded to include the signage of designated snowmobile
29 trails. "Designated snowmobile trail" is defined to mean a
30 snowmobile riding trail on any public land, private land, or
31 public ice that is designated by the department, a political
32 subdivision, or a controlling authority for snowmobile use.

33 The bill specifies that the original application for
34 registration of a snowmobile must be filed with the county
35 recorder of the owner's county of residence. If a transfer

1 of ownership occurs by operation of law, the application must
2 be filed in the transferee's county of residence. Duplicate
3 registrations and registration renewals may be accomplished
4 through a county recorder or a license agent and fees collected
5 by a county recorder or license agent are to be remitted
6 directly to the commission.

7 The bill revises the list of exemptions from snowmobile
8 registration requirements by removing snowmobiles owned by
9 another state or a political subdivision of another state
10 and by adding snowmobiles owned by this state or a political
11 subdivision of this state. Current provisions for the
12 issuance of registration certificates and registration decals
13 for snowmobiles owned by the state of Iowa or its political
14 subdivisions is stricken.

15 The bill makes a technical change requiring every snowmobile
16 to be equipped with a headlight and a taillight, rather than a
17 headlamp and a tail lamp.

18 The bill increases the fee for a special registration
19 certificate from \$15 to \$45 for snowmobile manufacturers,
20 distributors, and dealers and extends the registration
21 period from one year to three years. The bill provides
22 for the issuance of a special registration decal along with
23 the special registration certificate. The decal is to be
24 displayed on a snowmobile when it is being operated for
25 purposes of transporting, testing, demonstrating, or selling
26 the snowmobile. Duplicate registration certificates and decals
27 may be issued for a fee of \$5.

28 Pursuant to current law, a safety certificate is required
29 for operation of a snowmobile by a person under 16 years of
30 age, and a person 12 to 15 years of age must be under the direct
31 supervision of a parent, guardian, or another adult authorized
32 by the parent or guardian when operating a snowmobile. The
33 bill makes a terminology change by replacing the existing
34 "safety certificate" with an "education certificate" throughout
35 Code chapter 321G. In addition, the bill defines "direct

1 supervision" to mean providing supervision of another person
2 while maintaining visual and verbal contact at all times.

3 The bill authorizes the department to develop requirements
4 and standards for the provision of online education resulting
5 in the issuance of education certificates. A vendor must
6 enter into a memorandum of understanding with the department
7 to conduct such a course. Pursuant to the memorandum of
8 understanding, a vendor may charge a fee for the online course
9 and collect the education certificate fee on behalf of the
10 department.

11 The bill provides that when a serial number on a snowmobile
12 is destroyed or obliterated and the department assigns a
13 distinguishing number to the snowmobile, the department may
14 issue a special decal, rather than a plate, to be affixed to
15 the snowmobile and bearing the distinguishing number.

16 ALL-TERRAIN VEHICLE REGULATION. The bill makes numerous
17 revisions to Code chapter 321I, which provides for the
18 regulation of all-terrain vehicles by the department. The bill
19 specifies that the original application for registration of an
20 all-terrain vehicle must be filed with the county recorder of
21 the county of residence. If a transfer of ownership occurs
22 by operation of law, the application must be filed in the
23 transferee's county of residence. Duplicate registrations and
24 registration renewals may be accomplished through a county
25 recorder or a license agent, and fees collected by a county
26 recorder or license agent are to be remitted directly to the
27 commission. The bill revises the list of exemptions from
28 registration requirements by removing all-terrain vehicles
29 owned by another state or a political subdivision of another
30 state and by adding all-terrain vehicles owned by this state
31 or a political subdivision of this state. Current provisions
32 for the issuance of registration certificates and registration
33 decals for all-terrain vehicles owned by the state of Iowa or
34 its political subdivisions is stricken.

35 The bill makes a technical change requiring every

1 all-terrain vehicle to be equipped with a headlight and a
2 taillight, rather than a headlamp and a tail lamp.

3 The bill provides for the inclusion of motorcycles and
4 off-road utility vehicles in special events and strikes a
5 requirement for the crediting of motorcycle entrance fees for
6 such events. Also, the requirement that the department furnish
7 a copy of the rules for a special event to an applicant for the
8 event is stricken in the bill.

9 The bill makes technical changes to clarify language
10 relating to a person who violates a stop signal from a peace
11 officer.

12 The bill increases the fee for a special registration
13 certificate from \$15 to \$45 for all-terrain vehicle
14 manufacturers, distributors, and dealers and extends the
15 registration period from one year to three years. The bill
16 provides for the issuance of a special registration decal
17 along with the special registration certificate. The decal
18 is to be displayed on an all-terrain vehicle when it is being
19 operated for purposes of transporting, testing, demonstrating,
20 or selling the vehicle. Duplicate registration certificates
21 and decals may be issued for a fee of \$5.

22 Pursuant to current law, a safety certificate is required
23 for operation of an all-terrain vehicle on public land or ice
24 by a person between 12 and 18 years of age. The bill replaces
25 the "safety certificate" with an "education certificate"
26 throughout Code chapter 321I. The bill authorizes the
27 department to develop requirements and standards for the
28 provision of online education resulting in the issuance of
29 education certificates. A vendor must enter into a memorandum
30 of understanding with the department to conduct such a course.
31 Pursuant to the memorandum of understanding, a vendor may
32 charge a fee for the online course and collect the education
33 certificate fee on behalf of the department.

34 The bill provides that when a serial number on an all-terrain
35 vehicle is destroyed or obliterated and the department assigns

1 a distinguishing number to the all-terrain vehicle, the
2 department may issue a special decal, rather than a plate,
3 to be affixed to the all-terrain vehicle and bearing the
4 distinguishing number.

5 STATE NURSERIES. Code section 455A.13 is amended to require
6 the department to continue to develop programs to encourage
7 the wise management and preservation of existing woodlands and
8 reforestation on private and public land in Iowa and to allow
9 the department to sell plant material in other states.

10 PUBLIC USE OF PRIVATE LANDS AND WATERS. Code section
11 461C.2(5) is amended to include all-terrain vehicle riding
12 among the public recreational purposes to be encouraged on
13 private land in the state.

14 WATERCRAFT EDUCATION COURSES AND CERTIFICATES. Code section
15 462A.2 is amended to include a definition of "watercraft
16 education certificate" that is issued to a qualified applicant
17 12 to 17 years of age. Code section 462A.12(6) is amended to
18 change the nomenclature for the requirements that must be met
19 by a 12 to 17 year old to operate certain watercraft without an
20 adult in the watercraft. Such a person is required to complete
21 a department-approved watercraft education, instead of safety,
22 course and obtain a watercraft education, instead of safety,
23 certificate.

24 New Code section 462A.12A requires the department to
25 develop requirements and standards for vendors to offer online
26 watercraft education courses. Approved vendors may charge a
27 fee for the course as provided in a memorandum of understanding
28 with the department and must also collect the watercraft
29 education certificate fee on behalf of the department if the
30 course is offered independently of a required field day or
31 other curriculum requirements.

32 SPECIAL CERTIFICATES FOR WATERCRAFT DEALERS AND
33 MANUFACTURERS. Code section 462A.36 is amended to require the
34 natural resource commission to adopt rules establishing minimum
35 requirements for special certificates to be issued, suspended,

1 or revoked for vessel dealers or manufacturers, instead
2 of registrations, considering the need to protect persons,
3 property, and the environment, and to promote uniform practices
4 relating to the sale and use of vessels.

5 Code section 462A.38 is amended to delete a requirement that
6 duplicate special certificates issued contain unique numbers
7 or symbols.

8 Code section 462A.39 is amended to provide that each special
9 certificate is issued for three years, expires on April 30 of
10 the last calendar year of the registration period, and may be
11 renewed for another three-year period upon application and
12 payment of a fee.

13 Code section 462A.40, requiring manufacturers or dealers
14 to keep written records of the vessels upon which special
15 certificates are used, and Code section 462A.42, requiring
16 dealers to furnish a list to the commission each year of all
17 used vessels held by them and for which registration has not
18 been paid, are repealed.

19 Code section 462A.46 is amended to delete a requirement that
20 when a dealer purchases or acquires a registered vessel, the
21 dealer must mail or deliver a copy of the original receipt
22 issued to the county recorder of the county where the vessel
23 is registered and to the natural resource commission within 48
24 hours.

25 CONTROL OF AQUATIC INVASIVE SPECIES. Code section 462A.52
26 is amended to provide that the natural resource commission is
27 not limited to using increases in revenue received on or after
28 July 1, 2010, resulting from boat registration fee increases
29 enacted in 2005, for the administration and enforcement
30 of programs to control aquatic invasive species and to the
31 administration and enforcement of navigation laws and water
32 safety only upon the inland waters of the state.

33 WILDLIFE CONSERVATION. Code section 481A.22 is amended to
34 provide that permits allowing birds released at an officially
35 sanctioned field or retriever meet or trial to be shot by

1 designated persons, may be issued by the director of the
2 department of natural resources upon application and payment of
3 a fee of \$25 for each meet or trial held, except for meets or
4 trials for raccoon hunting, for which the fee is \$8.

5 New Code section 481A.41 prohibits the feeding or baiting of
6 wild birds or animals, except fish or turtles, by intentionally
7 placing, depositing, distributing, or scattering feed to lure
8 or attract such wildlife to a specific location. The provision
9 also prohibits hunting, taking, or attempting to take wildlife
10 in such an area. There are a number of specific exceptions
11 to the prohibition against feeding or baiting wildlife. A
12 violation of the Code section is a simple misdemeanor and is
13 punishable with a scheduled fine of \$100 under Code section
14 805.8B(3)(e). A person charged with a violation of the Code
15 section is required to immediately remove all feed from the
16 baited area. Each day that the feed remains in that area
17 constitutes an additional violation. Peace officers shall
18 issue warning citations only for a violation of the new
19 provision from July 1, 2010, through June 30, 2011.

20 FALCONRY LICENSE. Code section 483A.1(2)(s) allowing for
21 the sale of falconry licenses to nonresidents, is stricken.

22 ISLANDS AND ABANDONED RIVER CHANNELS. Code chapter 568
23 concerning the sale and disposal of abandoned channels of
24 navigable streams and unsurveyed or unplatted bars or islands
25 in the channels of navigable streams in Iowa, is repealed.

26 PUBLIC LANDS AND WATERS — PENALTIES. Code section
27 805.8B(6)(c) is amended to provide that a violation of Code
28 section 461A.35 prohibiting destructive acts on public lands
29 and waters, and Code section 461A.42 prohibiting the use of
30 firearms, explosives, weapons, and fireworks in state parks and
31 preserves with some exceptions, is punishable as a scheduled
32 violation with a fine of \$50. Currently, a person who violates
33 one of these Code sections is guilty of a simple misdemeanor.