

**House File 367 - Introduced**

HOUSE FILE 367

BY CHAMBERS

**A BILL FOR**

1 An Act relating to the operation of all-terrain vehicles in  
2 cities of a certain size, providing registration fees, and  
3 making penalties applicable.

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

1 Section 1. Section 321.20B, subsection 6, Code 2011, is  
2 amended to read as follows:

3 6. This section does not apply to a snowmobile or  
4 all-terrain vehicle, except an all-terrain vehicle operated  
5 as provided in section 321.234A, subsection 2, or to a motor  
6 vehicle identified in section 321.18, subsections 1 through 6,  
7 and subsection 8.

8 Sec. 2. Section 321.105A, subsection 2, paragraph c, Code  
9 2011, is amended by adding the following new subparagraph:

10 NEW SUBPARAGRAPH. (31) An all-terrain vehicle, if sales  
11 tax on the all-terrain vehicle was paid by the owner when the  
12 all-terrain vehicle was purchased.

13 Sec. 3. Section 321.109, subsection 1, paragraph a, Code  
14 2011, is amended to read as follows:

15 a. The annual fee for all motor vehicles including vehicles  
16 designated by manufacturers as station wagons, 1993 and  
17 subsequent model year multipurpose vehicles, and 2010 and  
18 subsequent model year motor trucks with an unladen weight of  
19 ten thousand pounds or less, except motor trucks registered  
20 under section 321.122, business-trade trucks, special trucks,  
21 motor homes, ambulances, hearses, motorcycles, all-terrain  
22 vehicles, motorized bicycles, and 1992 and older model year  
23 multipurpose vehicles, shall be equal to one percent of the  
24 value as fixed by the department plus forty cents for each one  
25 hundred pounds or fraction thereof of weight of vehicle, as  
26 fixed by the department. The weight of a motor vehicle, fixed  
27 by the department for registration purposes, shall include  
28 the weight of a battery, heater, bumpers, spare tire, and  
29 wheel. Provided, however, that for any new vehicle purchased  
30 in this state by a nonresident for removal to the nonresident's  
31 state of residence the purchaser may make application to the  
32 county treasurer in the county of purchase for a transit plate  
33 for which a fee of ten dollars shall be paid. And provided,  
34 however, that for any used vehicle held by a registered dealer  
35 and not currently registered in this state, or for any vehicle

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

33 Sec. 4. Section 321.117, Code 2011, is amended to read as  
34 follows:

35 **321.117 Motorcycle, all-terrain vehicle, ambulance, and**

1 **hearse fees.**

2 For all motorcycles the annual registration fee ~~shall be~~  
3 is twenty dollars. For all motorized bicycles the annual  
4 registration fee ~~shall be~~ is seven dollars. When ~~the a~~  
5 motorcycle is more than five model years old, the annual  
6 registration fee ~~shall be~~ is ten dollars. The annual  
7 registration fee for all-terrain vehicles operated under  
8 section 321.234A, subsection 2, is twenty dollars. The annual  
9 registration fee for ambulances and hearses ~~shall be~~ is fifty  
10 dollars. Passenger car plates shall be issued for ambulances  
11 and hearses.

12 Sec. 5. Section 321.166, subsection 1, paragraph a, Code  
13 2011, is amended to read as follows:

14 a. Registration plates shall be of metal and of a size  
15 not to exceed six inches by twelve inches, except that the  
16 size of plates issued for use on all-terrain vehicles operated  
17 under section 321.234A, subsection 2, motorized bicycles,  
18 motorcycles, motorcycle trailers, and trailers with an empty  
19 weight of two thousand pounds or less shall be established by  
20 the department.

21 Sec. 6. Section 321.166, subsections 3 and 4, Code 2011, are  
22 amended to read as follows:

23 3. The registration plate number shall be displayed in  
24 characters which shall not exceed a height of four inches nor a  
25 stroke width exceeding five-eighths of an inch. Special plates  
26 issued to dealers shall display the alphabetical character  
27 "D", which shall be of the same size as the characters in the  
28 registration plate. The registration plate number issued  
29 for all-terrain vehicles operated under section 321.234A,  
30 subsection 2, motorized bicycles, motorcycles, trailers with  
31 an empty weight of two thousand pounds or less, and motorcycle  
32 trailers shall be a size prescribed by the department.

33 4. The registration plate number, except on all-terrain  
34 vehicles operated under section 321.234A, subsection 2,  
35 motorized bicycles, motorcycles, motorcycle trailers, and

1 trailers with an empty weight of two thousand pounds or less,  
2 shall be of sufficient size to be readable from a distance of  
3 one hundred feet during daylight.

4 Sec. 7. Section 321.234A, Code 2011, is amended to read as  
5 follows:

6 **321.234A All-terrain vehicles — highway use — operation in**  
7 **cities.**

8 1. ~~All-terrain vehicles~~ Except as provided in subsection  
9 2, an all-terrain vehicle shall not be operated on a highway  
10 unless one or more of the following conditions apply:

11 a. The operation is between sunrise and sunset and is  
12 incidental to the vehicle's use for agricultural purposes. For  
13 purposes of this paragraph, "*incidental to the vehicle's use*  
14 *for agricultural purposes*" includes stopping in the course of  
15 agricultural use to obtain fuel for the all-terrain vehicle or  
16 to obtain food or a nonalcoholic beverage for the operator.

17 b. The operation is incidental to the vehicle's use for the  
18 purpose of surveying by a licensed engineer or land surveyor.

19 c. The all-terrain vehicle is operated by an employee or  
20 agent of a political subdivision or public utility for the  
21 purpose of construction or maintenance on or adjacent to the  
22 highway.

23 d. The all-terrain vehicle is operated by an employee or  
24 agent of a public agency as defined in section 34.1 for the  
25 purpose of providing emergency services or rescue.

26 e. The all-terrain vehicle is operated for the purpose  
27 of mowing, installing approved trail signs, or providing  
28 maintenance on a snowmobile trail or all-terrain vehicle trail  
29 designated by the department of natural resources.

30 f. The all-terrain vehicle is operated on a county roadway  
31 in accordance with section 321I.10, subsection 2, or a city  
32 street in accordance with section 321I.10, subsection 3.

33 2. a. An all-terrain vehicle may be operated on a highway  
34 within a city with a population of ten thousand or less that  
35 has authorized such operation pursuant to section 321.246,

1 provided all of the following conditions are met:

2 (1) The all-terrain vehicle is registered as a motor vehicle  
3 under this chapter and bears the license plates required under  
4 section 321.166.

5 (2) The operator of the all-terrain vehicle is at least  
6 eighteen years of age and possesses a valid driver's license.

7 (3) The operator of the all-terrain vehicle is covered by  
8 an owner's policy of liability insurance or other financial  
9 liability coverage, as defined in section 321.1, in effect for  
10 the all-terrain vehicle being operated.

11 (4) The all-terrain vehicle is equipped with rear lamps  
12 and brake lights as described in sections 321.387 and 321.404,  
13 directional signal devices or lights as described in section  
14 321.317, and two headlamps that comply with the requirements of  
15 this chapter.

16 b. The motor vehicle laws and penalties applicable to motor  
17 vehicle operators apply to a person operating an all-terrain  
18 vehicle registered under this subsection, to the extent  
19 practically applicable. A violation of a provision of this  
20 subsection not otherwise punishable under this chapter is  
21 punishable as a scheduled violation as provided in subsection  
22 5.

23 c. Registration and operation of an all-terrain vehicle  
24 under this subsection does not constitute an exemption from the  
25 provisions of chapter 321I.

26 ~~2.~~ 3. A person operating an all-terrain vehicle on a  
27 highway shall have a valid driver's license and the vehicle  
28 shall be operated at speeds of thirty-five miles per hour or  
29 less.

30 ~~3.~~ 4. An all-terrain vehicle that is owned by the owner  
31 of land adjacent to a highway, other than an interstate road,  
32 may be operated by the owner of the all-terrain vehicle, or by  
33 a member of the owner's family, on the portion of the highway  
34 right-of-way that is between the shoulder of the roadway, or at  
35 least five feet from the edge of the roadway, and the owner's

1 property line. A person operating an all-terrain vehicle  
2 within the highway right-of-way under this subsection shall  
3 comply with the registration, safety, and age requirements  
4 under chapter 321I.

5 ~~4.~~ 5. A person convicted of a violation of this section  
6 is guilty of a simple misdemeanor punishable as a scheduled  
7 violation under section 805.8A, subsection 3.

8 Sec. 8. NEW SECTION. **321.246 All-terrain vehicle operation**  
9 **in cities.**

10 A city with a population of ten thousand or less may  
11 authorize and regulate the operation of all-terrain vehicles on  
12 streets and highways within the corporate limits of the city,  
13 subject to the provisions of section 321.234A, subsection 2,  
14 and consistent with the provisions of this chapter.

15 Sec. 9. Section 321.423, subsection 2, paragraph i, Code  
16 2011, is amended to read as follows:

17 *i.* Modulating headlamps in conformance with 49 C.F.R.  
18 § 571.108 S7.9.4. are permitted on a motorcycle or on an  
19 all-terrain vehicle operated pursuant to section 321.234A.

20 Sec. 10. Section 321I.9, unnumbered paragraph 1, Code 2011,  
21 is amended to read as follows:

22 Registration under this chapter shall not be required for  
23 the following described all-terrain vehicles:

24 Sec. 11. Section 321I.10, subsection 3, Code 2011, is  
25 amended to read as follows:

26 ~~3. Cities~~ A city with a population of more than ten thousand  
27 may designate streets under the jurisdiction of cities the city  
28 within their respective the city's corporate limits which may  
29 be used for the operation of registered all-terrain vehicles  
30 or registered off-road utility vehicles. In designating  
31 such streets, the city may authorize all-terrain vehicles  
32 and off-road utility vehicles to stop at service stations or  
33 convenience stores along a designated street.

34 EXPLANATION

35 This bill modifies the general prohibition on operation of

1 all-terrain vehicles on public highways by allowing a city with  
2 a population of 10,000 or less to authorize and regulate the  
3 operation of all-terrain vehicles within its corporate limits.  
4 The person operating an all-terrain vehicle in such a city must  
5 be at least 18 years of age and licensed as a motor vehicle  
6 driver. The operator must be covered by liability insurance or  
7 other financial liability coverage in effect for the vehicle  
8 being operated.

9 The all-terrain vehicle must be equipped with turn signals,  
10 headlamps, rear lamps, and brake lights. The headlamps may be  
11 modulating headlamps similar to those permitted on motorcycles.  
12 The vehicle is required to be registered as a motor vehicle  
13 under Code chapter 321. The all-terrain vehicle must display  
14 registration plates of a size and design to be established by  
15 the state department of transportation. The annual fee for  
16 registration of an all-terrain vehicle as a motor vehicle is  
17 \$20.

18 A person operating an all-terrain vehicle registered as a  
19 motor vehicle would be subject to the same laws and penalties,  
20 including scheduled fines, that apply to drivers of other  
21 motor vehicles. A violation of a provision of law uniquely  
22 applicable to an all-terrain vehicle registered as a motor  
23 vehicle, not otherwise punishable as a motor vehicle offense,  
24 would be a simple misdemeanor punishable by a scheduled fine  
25 of \$50.

26 Registration of an all-terrain vehicle for the purpose of  
27 operating it on city streets would not exempt the owner from  
28 the registration and regulation requirements administered by  
29 the department of natural resources.

30 Under current law, counties and cities may designate streets  
31 under their respective jurisdictions for the operation of  
32 all-terrain vehicles registered by the department of natural  
33 resources. The bill retains that authority for counties, but  
34 modifies the authority for cities by limiting it to cities with  
35 a population of more than 10,000.



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1 All vehicles subject to registration are subject to a fee  
2 for new registration in an amount equal to 5 percent of the  
3 purchase price, which is due when the owner registers the  
4 vehicle for the first time. The amount is equivalent to the  
5 amount of sales tax which currently applies for all-terrain  
6 vehicles. The bill creates an exemption from the fee for new  
7 registration for an all-terrain vehicle being registered by  
8 the owner as a motor vehicle if the owner has already paid the  
9 sales tax for the vehicle.