House File 2395 - Introduced

HOUSE FILE 2395
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 662)

A BILL FOR

1 An Act relating to the operation of all-terrain vehicles on
2 highways, and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 321.1, subsection 32, Code 2014, is amended to read as follows:

32. *"Implement of husbandry"* means a vehicle or special mobile equipment manufactured, designed, or reconstructed for agricultural purposes and, except for incidental uses, exclusively used in the conduct of agricultural operations. *"Implements of husbandry"* includes all-terrain vehicles operated in compliance with section 321.234A, subsection 1, paragraph *"a"*, subparagraph (1), fence-line feeders, and vehicles used exclusively for the application of organic or inorganic plant food materials, organic agricultural limestone, or agricultural chemicals. To be considered an implement of husbandry, a self-propelled implement of husbandry must be operated at speeds of thirty-five miles per hour or less.

a. *"Reconstructed"* as used in this subsection means materially altered from the original construction by the removal, addition, or substitution of essential parts, new or used.

b. A vehicle covered under this subsection, if it otherwise qualifies, may be operated as special mobile equipment and under such circumstances this subsection shall not be applicable to such vehicle, and such vehicle shall not be required to comply with sections 321.384 through 321.423, when such vehicle is moved during daylight hours; however, the provisions of section 321.383 shall remain applicable to such vehicle.

Sec. 2. Section 321.1, subsection 47A, Code 2014, is amended by striking the subsection and inserting in lieu thereof the following:

47A. *"Off-road utility vehicle"* means as defined in section 321I.1, but does not include vehicles with rubberized tracks. *"Off-road utility vehicle"* does not include dune buggies, golf carts, go-carts, or minitrucks.

Sec. 3. Section 321.234A, Code 2014, is amended to read as follows:

321.234A All-terrain vehicles — highway use.

An all-terrain vehicle shall not be operated on a highway except as provided in this section.

1. *a.* ~~All-terrain vehicles shall not~~ An all-terrain vehicle may be operated on a highway ~~unless~~ if one or more of the following conditions apply:

~~*a.*~~ (1) The operation is between sunrise and sunset and is incidental to the vehicle's use for agricultural purposes. For purposes of this ~~paragraph~~ subparagraph, *"incidental to the vehicle's use for agricultural purposes"* includes stopping in the course of agricultural use to obtain fuel for the all-terrain vehicle or to obtain food or a nonalcoholic beverage for the operator.

~~*b.*~~ (2) The operation is incidental to the vehicle's use for the purpose of surveying by a licensed engineer or land surveyor.

~~*c.*~~ (3) The all-terrain vehicle is operated by an employee or agent of a political subdivision or public utility for the purpose of construction or maintenance on or adjacent to the highway.

~~*d.*~~ (4) The all-terrain vehicle is operated by an employee or agent of a public agency as defined in section 34.1 for the purpose of providing emergency services or rescue.

~~*e.*~~ (5) The all-terrain vehicle is operated for the purpose of mowing, installing approved trail signs, or providing maintenance on a snowmobile or all-terrain vehicle trail designated by the department of natural resources.

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

~~2.~~ *b.* A person operating an all-terrain vehicle on a highway under this subsection shall have a valid driver's license ~~and the vehicle shall be operated at speeds of thirty-five miles per hour or less~~.

2. *a.* An all-terrain vehicle that is designed to travel on

four or more wheels and is registered under chapter 321I may be operated on a highway as follows:

(1) An all-terrain vehicle may be operated on secondary roads unless the county has adopted an ordinance prohibiting such operation pursuant to section 321.236, subsection 14B.

(2) A person shall not operate an all-terrain vehicle on a primary highway except to cross a primary highway; however, the provisions of section 321I.10 govern the crossing of a primary highway when the all-terrain vehicle is being operated on a designated all-terrain vehicle trail.

(3) A person shall not operate an all-terrain vehicle on a highway within the corporate limits of a city except on a nonprimary highway where such operation is authorized by ordinance pursuant to section 321.236, subsection 14A.

b. The motor vehicle laws, including but not limited to the provisions of sections 321.20B, 321.285, 321.317, 321.385, and 321.387, apply to the operation of all-terrain vehicles on highways under this subsection, except for those provisions relating to required equipment which by their nature can have no practical application.

c. A person shall not operate an all-terrain vehicle on a highway under this subsection unless the person is sixteen years of age or older and possesses a valid driver's license other than a license valid only for the operation of a motorized bicycle.

3. An all-terrain vehicle shall not be operated on a highway at a speed exceeding thirty-five miles per hour.

~~3.~~ 4. An all-terrain vehicle that is owned by the owner of land adjacent to a highway, other than an interstate road, may be operated by the owner of the all-terrain vehicle, or by a member of the owner's family, on the portion of the highway right-of-way that is between the shoulder of the roadway, or at least five feet from the edge of the roadway, and the owner's property line. A person operating an all-terrain vehicle within the highway right-of-way under this subsection shall

comply with the registration, safety, and age requirements under chapter 321I.

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

Sec. 4. Section 321.236, Code 2014, is amended by adding the following new subsections:

NEW SUBSECTION. 14A. Authorizing the operation of all-terrain vehicles on highways under the jurisdiction of a city, other than municipal extensions of primary highways, in accordance with section 321.234A, subsection 2.

NEW SUBSECTION. 14B. Prohibiting the operation of all-terrain vehicles on secondary roads under the jurisdiction of a county, in accordance with section 321.234A, subsection 2.

Sec. 5. Section 321I.9, unnumbered paragraph 1, Code 2014, is amended to read as follows:

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

Sec. 6. Section 321I.9, subsection 2, Code 2014, is amended to read as follows:

2. All-terrain vehicles used in accordance with section 321.234A, subsection 1, paragraph *"a"*, subparagraph (1).

Sec. 7. Section 321I.10, subsections 2 and 3, Code 2014, are amended by striking the subsections.

Sec. 8. Section 321I.31, subsection 1, Code 2014, is amended to read as follows:

1. The owner of an all-terrain vehicle acquired on or after January 1, 2000, other than an all-terrain vehicle used exclusively as a farm implement or a motorcycle previously issued a title pursuant to chapter 321, shall apply to the county recorder of the county in which the owner resides for a certificate of title for the all-terrain vehicle. The owner of an all-terrain vehicle used exclusively as a farm implement may obtain a certificate of title. A person who owns an all-terrain vehicle that is not required to have a certificate

of title may apply for and receive a certificate of title for the all-terrain vehicle and, subsequently, the all-terrain vehicle shall be subject to the requirements of this chapter as if the all-terrain vehicle were required to be titled. All all-terrain vehicles that are titled shall be registered under this chapter.

Sec. 9. Section 331.362, subsection 9, Code 2014, is amended to read as follows:

9. A county may regulate traffic on and use of the secondary roads, in accordance with sections 321.236 to 321.250, 321.254, 321.255, 321.285, subsection 4, sections 321.352, 321.471 to 321.473, and other applicable provisions of chapter 321, chapter 321E, and sections 321G.9~~, 321I.10,~~ and 327G.15.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

This bill provides for expanded highway use of all-terrain vehicles.

Currently, the operation of all-terrain vehicles on highways is permitted if the operation is between sunrise and sunset and is incidental to the vehicle's use for agricultural purposes; if the operation is incidental to land surveying; if the operation is by an employee or agent of a political subdivision or public utility for the purpose of construction or maintenance on or adjacent to the highway; or if the operation is for the purpose of mowing, installing approved trail signs, or providing maintenance on a designated snowmobile or all-terrain vehicle trail. The operator is required to have a valid driver's license, and a 35-mile-per-hour speed restriction applies. These provisions for the operation of all-terrain vehicles on a highway for limited purposes are not changed under the bill.

The bill provides that an all-terrain vehicle designed to travel on four or more wheels may be operated on secondary roads, but not on primary highways, except to cross over a

primary highway, and not on highways within the corporate limits of a city except where all-terrain vehicles are permitted by ordinance. A county may, by ordinance, prohibit the use of all-terrain vehicles on county roads, and a city may authorize the operation of all-terrain vehicles on highways under the city's jurisdiction other than municipal extensions of primary highways. The bill strikes current provisions in Code chapter 321I that allow cities and counties to designate roads under their jurisdiction for the operation of all-terrain vehicles.

The bill states that a person who operates an all-terrain vehicle on a highway under the new provisions must be at least 16 years of age and have a valid driver's license other than a license valid only for the operation of a motorized bicycle. The all-terrain vehicle must be registered with the department of natural resources. Iowa motor vehicle laws apply to the operation of all-terrain vehicles on highways except those equipment provisions which by their nature can have no practical application. The bill specifies that the operator of an all-terrain vehicle must carry proof of motor vehicle financial liability coverage, and the all-terrain vehicle must meet requirements for headlamps, rear lamps, and turn signals. Current speed limits apply to all-terrain vehicles operated on a highway, except that an all-terrain vehicle may not be operated at a speed exceeding 35 miles per hour.

Pursuant to current law, a violation of restrictions on the operation of all-terrain vehicles on a highway is a simple misdemeanor punishable by a scheduled fine of $50.

The definition of "all-terrain vehicle", for purposes of Code chapter 321, includes off-road utility vehicles. The bill revises the definition of "off-road utility vehicle", for purposes of Code chapter 321, to match the definition under Code chapter 321I, which encompasses larger vehicles. However, the bill specifies that for purposes of Code chapter 321, "off-road utility vehicle" does not include vehicles with

1 rubberized tracks, dune buggies, golf carts, go-carts, or
2 minitrucks.