

**House File 140 - Introduced**

HOUSE FILE 140

BY KERR

**A BILL FOR**

1 An Act relating to all-terrain vehicles, including financial  
2 liability coverage for, registration of, and parks  
3 and trails designated for use by all-terrain vehicles,  
4 making penalties applicable, and including effective date  
5 provisions.

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

1 Section 1. Section 321.1, subsection 4, Code 2021, is  
2 amended to read as follows:

3 4. *"All-terrain vehicle"* means a motor vehicle designed to  
4 travel on ~~three~~ four or more wheels and designed primarily for  
5 off-road recreational use, and also includes off-road utility  
6 vehicles and off-road motorcycles required to register under  
7 chapter 321I. "All-terrain vehicle" includes off-road utility  
8 ~~vehicles, but~~ does not include farm tractors or equipment,  
9 construction equipment, forestry vehicles, or lawn and grounds  
10 maintenance vehicles.

11 Sec. 2. Section 321.1, subsection 47A, Code 2021, is amended  
12 by striking the subsection.

13 Sec. 3. Section 321.234A, subsections 2 and 4, Code 2021,  
14 are amended to read as follows:

15 2. A person operating an all-terrain vehicle on a highway  
16 shall have a valid driver's license and the vehicle shall be  
17 operated at speeds of thirty-five miles per hour or less. A  
18 person shall not operate an all-terrain vehicle on a highway,  
19 other than for purposes of crossing the highway pursuant to  
20 section 321I.10, subsection 5, unless financial liability  
21 coverage is in effect for the all-terrain vehicle and unless  
22 the person has proof of financial liability coverage for the  
23 all-terrain vehicle as provided in section 321.20B.

24 4. A person convicted of a violation of this section other  
25 than a violation relating to financial liability coverage  
26 is guilty of a simple misdemeanor punishable as a scheduled  
27 violation under section 805.8A, subsection 3. A violation of  
28 this section relating to financial liability coverage shall be  
29 considered a violation of section 321.20B, and the violation  
30 shall be dealt with in accordance with that section.

31 Sec. 4. Section 321I.1, subsection 1, Code 2021, is amended  
32 to read as follows:

33 1. ~~a.~~ *"All-terrain vehicle"* means a motorized vehicle  
34 with not less than ~~three~~ four and not more than six nonhighway  
35 tires that is limited in engine displacement to less than one

1 thousand cubic centimeters and in total dry weight to less than  
2 one thousand two hundred pounds and that has a seat or saddle  
3 designed to be straddled by the operator and handlebars for  
4 steering control.

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

14 Sec. 5. Section 321I.1, subsection 17, paragraph b, Code  
15 2021, is amended by striking the paragraph.

16 Sec. 6. NEW SECTION. 321I.1A **Applicability of chapter to**  
17 **off-road motorcycles and off-road utility vehicles.**

18 1. *Off-road motorcycles.* Off-road motorcycles shall  
19 be considered all-terrain vehicles for the purpose of  
20 registration. Off-road motorcycles shall also be considered  
21 all-terrain vehicles for the purpose of titling if a title  
22 has not previously been issued pursuant to chapter 321. The  
23 operator of an off-road motorcycle is subject to provisions  
24 governing the operation of all-terrain vehicles in section  
25 321.234A, this chapter, and administrative rules, but is exempt  
26 from the education instruction and certification program  
27 requirements of sections 321I.25 and 321I.26.

28 2. *Off-road utility vehicles.* The operator of an off-road  
29 utility vehicle is subject to provisions governing the  
30 operation of all-terrain vehicles in section 321.234A, this  
31 chapter, and administrative rules, but is exempt from the  
32 education instruction and certification program requirements  
33 of sections 321I.25 and 321I.26. An operator of an off-road  
34 utility vehicle shall not operate the vehicle on a designated  
35 riding area or designated riding trail unless the department

1 has posted signage indicating the riding area or trail is  
2 open to the operation of off-road utility vehicles. Off-road  
3 utility vehicles are subject to the registration and titling  
4 requirements of this chapter, including those related to  
5 dealers. However, a motorized vehicle that was previously  
6 titled or is currently titled under chapter 321 shall not be  
7 registered or operated as an off-road utility vehicle.

8 Sec. 7. Section 321I.4, Code 2021, is amended to read as  
9 follows:

10 **321I.4 Registration — fee.**

11 1. The owner of each all-terrain vehicle required to be  
12 registered shall register it annually with the department  
13 either through the department's internet site or through a  
14 county recorder. The department shall develop and maintain an  
15 electronic system for the registration of all-terrain vehicles  
16 pursuant to [this chapter](#). The department shall establish forms  
17 and procedures as necessary for the registration of all-terrain  
18 vehicles and shall ensure all registration and renewal  
19 applications and payment of associated fees may be completed  
20 and submitted through the department's internet site.

21 2. a. The owner of the all-terrain vehicle shall file an  
22 application for registration or renewal with the department  
23 either through the department's internet site or through the  
24 county recorder of the county of residence, or in the case  
25 of a nonresident owner, in the county of primary use, in the  
26 manner established by the commission. The application shall  
27 be completed by the owner and shall be accompanied by a fee  
28 of fifteen dollars, and a writing fee as provided in section  
29 321I.29 if filed with a county recorder. An all-terrain  
30 vehicle shall not be registered ~~by the county recorder~~ until  
31 ~~the county recorder is presented with~~ the owner presents proof  
32 that the sales or use tax has been paid for the purchase of  
33 the all-terrain vehicle or that the owner is exempt from  
34 paying the tax. Such proof may include but is not limited to  
35 receipts, bills of sale, or other satisfactory evidence ~~that~~

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

7     *b.* If the owner of the all-terrain vehicle is unable to  
8 present satisfactory evidence that the sales or use tax has  
9 been paid or the owner is exempt from the tax, the department  
10 of natural resources or the county recorder, as applicable,  
11 shall collect the tax. On or before the tenth day of each  
12 month, the department of natural resources or the county  
13 recorder, as applicable, shall remit to the department of  
14 revenue the amount of the taxes collected during the preceding  
15 month, together with an itemized statement on forms furnished  
16 by the department of revenue showing the name of each taxpayer,  
17 the make and purchase price of each all-terrain vehicle,  
18 the amount of tax paid, and such other information as the  
19 department of revenue requires.

20     3. Upon receipt of the application in approved form  
21 accompanied by the required fees, the department or county  
22 recorder, as applicable, shall issue to the applicant a  
23 registration certificate and registration decal. The  
24 registration decal shall be displayed on the all-terrain  
25 vehicle as provided in [section 321I.6](#). The registration  
26 certificate shall be carried either in the all-terrain vehicle  
27 or on the person of the operator of the all-terrain vehicle  
28 when in use. The operator of an all-terrain vehicle shall  
29 exhibit the registration certificate to a peace officer upon  
30 request, to a person injured in an accident involving an  
31 all-terrain vehicle, to the owner or operator of another  
32 all-terrain vehicle or the owner of personal or real property  
33 when the all-terrain vehicle is involved in a collision or  
34 accident of any nature with another all-terrain vehicle or the  
35 property of another person, or to the property owner or tenant

1 when the all-terrain vehicle is being operated on private  
2 property without permission from the property owner or tenant.

3 Sec. 8. Section 321I.7, subsection 1, paragraph b, Code  
4 2021, is amended to read as follows:

5 b. After the first day of September an unregistered  
6 all-terrain vehicle may be registered for the remainder of the  
7 current registration year and for the subsequent registration  
8 year in one transaction. The fee shall be five dollars for the  
9 remainder of the current year, in addition to the registration  
10 fee of fifteen dollars for the subsequent year beginning  
11 January 1, and a writing fee as provided in section 321I.29 if  
12 filed with a county recorder.

13 Sec. 9. Section 321I.7, subsections 2, 3, and 5, Code 2021,  
14 are amended to read as follows:

15 2. An expired all-terrain vehicle registration may be  
16 renewed for the same fee as if the owner is securing the  
17 original registration plus a penalty of five dollars, and a  
18 writing fee as provided in [section 321I.29](#) if filed with a  
19 county recorder.

20 3. Duplicate registrations may be issued by a county  
21 recorder or a license agent upon the payment of a ~~five-dollar~~  
22 five-dollar fee, plus a writing fee as provided in section  
23 321I.29 if filed with a county recorder.

24 5. A county recorder or a license agent designated by the  
25 director pursuant to [section 483A.11](#) may issue all-terrain  
26 vehicle registration renewals electronically pursuant to rules  
27 adopted by the commission. The fee for a registration renewal  
28 issued using an electronic system is fifteen dollars plus an  
29 administrative fee established by the commission ~~and a writing~~  
30 ~~fee as provided in [section 321I.29](#).~~

31 Sec. 10. NEW SECTION. 321I.10A **Public access to all-terrain**  
32 **vehicle parks and trails — information.**

33 1. The department shall create, maintain, and publish on  
34 its internet site a database of parks and trails where members  
35 of the public are allowed to operate all-terrain vehicles as

1 designated by the department.

2 2. An all-terrain vehicle displaying a valid registration  
3 decal is allowed to operate in department-designated  
4 all-terrain vehicle parks and on department-designated  
5 all-terrain vehicle trails.

6 3. An entity who owns or controls a park or trail where  
7 members of the public are allowed to operate all-terrain  
8 vehicles but that is not designated by the department may  
9 submit information about the park or trail, including but not  
10 limited to rules of operation, allowable operating hours,  
11 permit requirements and fees, current conditions of the  
12 trails, and any other information the department may require  
13 by rule, to the department and the department shall publish  
14 the information in the database required by subsection 1  
15 in a manner that distinguishes the park or trail from a  
16 department-designated park or trail.

17 Sec. 11. EFFECTIVE DATE. This Act takes effect January 1,  
18 2022.

19 EXPLANATION

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

22 CODE CHAPTER 321. This bill redefines all-terrain vehicle  
23 (ATV) under Code chapter 321 (motor vehicles and law of the  
24 road) to mean a motor vehicle designed to travel on four,  
25 instead of three, or more wheels and designed primarily for  
26 off-road recreational use, and to include off-road utility  
27 vehicles and off-road motorcycles required to register under  
28 Code chapter 321I (ATVs). Under Code chapter 321, ATVs are  
29 subject to certain provisions relating to the conditions under  
30 which an ATV can be operated on a highway, driver's license and  
31 speed restrictions, and the conditions under which an ATV is  
32 considered an implement of husbandry (Code sections 321.1(32)  
33 and 321.234A).

34 The bill clarifies that a person is prohibited from  
35 operating an ATV, off-road motorcycle, or off-road utility

1 vehicle on a highway, other than for purposes of crossing the  
2 highway, unless financial liability coverage is in effect  
3 for the vehicle and unless the person has proof of financial  
4 liability coverage while operating the vehicle. Under current  
5 law, proof of financial liability coverage may be produced  
6 in paper or electronic format, including electronic images  
7 displayed on a cellular telephone. Financial liability  
8 coverage generally requires coverage in the amount of \$20,000  
9 because of bodily injury to or death of one person in any one  
10 accident, \$40,000 because of bodily injury to or death of  
11 two or more persons in any one accident, and \$15,000 because  
12 of injury to or destruction of property of others in any one  
13 accident.

14 A person convicted of violating the financial liability  
15 coverage requirements in connection with a motor vehicle  
16 accident is guilty of a simple misdemeanor punishable by a  
17 scheduled fine of \$645. A person otherwise convicted of  
18 violating the financial liability coverage requirements is  
19 guilty of a simple misdemeanor punishable by a scheduled fine  
20 of \$325. The person may also be subject to removal of the  
21 vehicle's registration decal and impoundment of the vehicle.  
22 However, the citation may be dismissed if the person later  
23 presents proof that coverage was in effect.

24 Other violations of Code section 321.234A are punishable by  
25 a scheduled fine of \$70.

26 CODE CHAPTER 321I. Under Code chapter 321I, the bill  
27 redefines ATV to mean a motorized vehicle with not less than  
28 four, instead of three, and not more than six nonhighway tires  
29 that is limited in engine displacement and that has a seat or  
30 saddle designed to be straddled by the operator and handlebars  
31 for steering control. As a result, three-wheel vehicles are  
32 no longer subject to the registration requirements under Code  
33 chapter 321I for off-road use and may be required to register  
34 as a motorcycle or motorized bicycle for on-road use under Code  
35 chapter 321.



1 The bill strikes certain substantive provisions from  
2 definitions and reenacts them with certain conforming changes  
3 in new Code section 321I.1A.

4 Current law requires the owner of an ATV required to be  
5 registered to register the ATV annually with the department of  
6 natural resources (DNR). The registration application must  
7 be filed with the DNR through the county recorder's office in  
8 the applicant's county of residence, or for a nonresident ATV  
9 owner, the county in which the ATV is primarily used.

10 The bill requires the DNR to allow an applicant to register,  
11 renew, and pay associated fees for an ATV registration  
12 through its internet site. Depending on how the registration  
13 application is filed, the DNR or county recorder is required  
14 to issue to the applicant a registration certificate and  
15 registration decal.

16 The bill requires the DNR to create, maintain, and publish  
17 on its internet site a database of parks and trails designated  
18 by the DNR for use by ATVs operated by the public. The bill  
19 clarifies that all ATVs displaying a valid registration decal  
20 shall be allowed to be operated at DNR-designated ATV parks and  
21 on DNR-designated ATV trails.

22 The bill allows ATV parks and trails that are available to  
23 the public but not designated as such by the DNR to submit  
24 certain information about the park or trail, including but  
25 not limited to rules of operation, allowable operating hours,  
26 permit requirements and fees, current conditions of the trails,  
27 and any other information the DNR may require by rule, to the  
28 DNR and the DNR shall publish the information received in the  
29 database in a manner that distinguishes the park or trail from  
30 a DNR-designated park or trail.

31 The bill takes effect January 1, 2022.