

Senate File 2382 - Introduced

SENATE FILE 2382
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 3131)

A BILL FOR

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

unofficial

1 Section 1. Section 321.20B, Code 2026, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 8A. This section does not apply to an
4 all-terrain vehicle operated on a highway incidental to the
5 vehicle's use for agricultural purposes pursuant to section
6 321.234A, subsection 1, paragraph "a".

7 Sec. 2. Section 321.234A, subsection 1, unnumbered paragraph
8 1, Code 2026, is amended to read as follows:

9 ~~All-terrain vehicles~~ A person shall not be operated operate an
10 unregistered all-terrain vehicle on a highway unless one or more
11 of the following conditions apply:

12 Sec. 3. Section 321.234A, subsection 1, paragraphs a and g,
13 Code 2026, are amended to read as follows:

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

20 g. The all-terrain vehicle is making a direct crossing the of
21 a highway pursuant to section 321I.10, subsection 7 that is not
22 part of the interstate road system, provided all of the following
23 occur:

24 (1) The crossing is made at an angle of approximately ninety
25 degrees to the direction of the highway and at a place where no
26 obstruction prevents a quick and safe crossing.

27 (2) The all-terrain vehicle is brought to a complete stop
28 before crossing the shoulder or main traveled way of the highway.

29 (3) The driver yields the right-of-way to all oncoming
30 traffic which constitutes an immediate hazard.

31 (4) In crossing a divided highway, the crossing is made only
32 at an intersection of such highway with another public street or
33 highway.

34 (5) The crossing is made from a street, roadway, or highway
35 on which the all-terrain vehicle is authorized to operate to a

1 street, roadway, or highway on which an all-terrain vehicle is
2 authorized to operate.

3 Sec. 4. Section 321.234A, subsection 1, paragraph f, Code
4 2026, is amended by striking the paragraph.

5 Sec. 5. Section 321.234A, Code 2026, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. 1A. Except as provided in this subsection, a
8 person shall not operate an all-terrain vehicle registered under
9 chapter 321I on a highway.

10 a. A person may operate a registered all-terrain vehicle on
11 an undivided primary road that is not part of the interstate
12 road system and on a paved, undivided secondary road over the
13 most direct and accessible route between any of the following
14 locations:

15 (1) An all-terrain vehicle park or trail.

16 (2) A secondary road on which such vehicles are authorized to
17 operate under paragraph "b".

18 (3) A city street on which such vehicles are authorized to
19 operate under paragraph "c".

20 (4) The vehicle operator's residence.

21 b. (1) A person may operate a registered all-terrain vehicle
22 on any of the following secondary roads:

23 (a) An unpaved secondary road.

24 (b) A paved, undivided secondary road or segment thereof,
25 if authorized by the county board of supervisors. The board
26 shall evaluate the traffic conditions on all such secondary
27 roads under its jurisdiction and designate roadways on which
28 all-terrain vehicles may be operated without unduly interfering
29 with or constituting an undue hazard to conventional motor
30 vehicle traffic. In designating such roadways, the board may
31 authorize all-terrain vehicles to stop at service stations or
32 convenience stores along a designated roadway.

33 (2) Notwithstanding subparagraph (1), a county may prohibit
34 the operation of all-terrain vehicles on a secondary road or
35 segment thereof under its jurisdiction as follows:

1 (a) When the secondary road or segment thereof is closed to
2 motor vehicle traffic pursuant to section 306.41.

3 (b) When the secondary road or segment thereof is designated
4 as a detour route pursuant to section 306.41.

5 (c) For any other secondary road or segment thereof, for no
6 more than seven consecutive days and no more than thirty days
7 in a calendar year when the prohibited days are established by
8 ordinance.

9 c. On a municipal street system if authorized by the city.
10 A city may designate streets under the jurisdiction of the city
11 within its corporate limits, and undivided primary and secondary
12 road extensions in the city, which may be used for the operation
13 of all-terrain vehicles. In designating such streets, the city
14 may authorize all-terrain vehicles to stop at service stations or
15 convenience stores along a designated street.

16 Sec. 6. Section 321.234A, subsection 2, Code 2026, is amended
17 by striking the subsection and inserting in lieu thereof the
18 following:

19 2. A person shall not operate an all-terrain vehicle on a
20 highway in excess of thirty-five miles per hour. A person under
21 the age of eighteen years old shall not operate an all-terrain
22 vehicle on a highway unless the person is operating pursuant to
23 subsection 1, paragraph "a".

24 Sec. 7. Section 321.234A, subsection 3, Code 2026, is amended
25 to read as follows:

26 3. As provided in section 321.1, an all-terrain vehicle is
27 a motor vehicle for purposes of this chapter. Therefore, an
28 all-terrain vehicle operated on a highway shall be equipped with
29 the ~~parts, lamps, and other~~ equipment in proper condition and
30 adjustment as required under this chapter for motor vehicles,
31 ~~including but not limited to the parts, lamps, and equipment~~
32 ~~required under sections 321.386, 321.387, 321.404, 321.432, and~~
33 ~~321.437~~ except those provisions which by their nature can have no
34 application.

35 Sec. 8. Section 321.234A, Code 2026, is amended by adding the

1 following new subsection:

2 NEW SUBSECTION. 4A. A city or county shall not charge a fee
3 to operate a registered all-terrain vehicle on roads or streets
4 under the jurisdiction of the city or county, as applicable.

5 Sec. 9. Section 321I.10, subsections 1, 2, 4, 5, and 7, Code
6 2026, are amended by striking the subsections.

7 Sec. 10. Section 321I.10, subsection 6, Code 2026, is amended
8 to read as follows:

9 ~~6. All-terrain vehicles~~ A person shall not be operated
10 operate an all-terrain vehicle or off-road utility vehicle on
11 snowmobile trails except where designated by the controlling
12 authority and the primary snowmobile trail sponsor.

13 Sec. 11. Section 331.362, subsection 9, Code 2026, is amended
14 to read as follows:

15 9. A county may regulate traffic on and use of the secondary
16 roads, in accordance with sections 321.234A, 321.236 through
17 321.239, 321.241, 321.247 through 321.250, 321.254, 321.255,
18 section 321.285, subsection 4, sections 321.352, 321.471 through
19 321.473, and other applicable provisions of chapter 321, chapter
20 321E, and sections 321G.9, ~~321I.10~~, and 327G.15.

21 Sec. 12. Section 805.8B, subsection 2A, paragraph b,
22 subparagraph (2), Code 2026, is amended to read as follows:

23 (2) For operating violations under section 321I.10,
24 ~~subsections 1 and~~ subsection 6, the scheduled fine is seventy
25 dollars.

26 EXPLANATION

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

29 Under current law, all-terrain vehicles (ATVs), including
30 off-road utility vehicles, are generally prohibited from being
31 operated on a highway. Exceptions to this general prohibition
32 exist, including under Code section 321.234A, for ATVs operated
33 incidental to the ATV's use for agricultural purposes, incidental
34 to the ATV's use for the purpose of surveying by a licensed
35 engineer or land surveyor, by an employee or agent of a political

1 subdivision or public utility for the purpose of construction
2 or maintenance on or adjacent to the highway, by an employee or
3 agent of a public agency for the purpose of providing emergency
4 services or rescue, for the purpose of mowing, installing
5 approved trail signs, or providing maintenance on a snowmobile
6 or ATV trail designated by the department of natural resources
7 (DNR), in accordance with Code section 321I.10, and to cross
8 a highway. A person operating an ATV on a highway must
9 have a valid driver's license and cannot exceed 35 miles per
10 hour (MPH). In addition, unless a person is operating the ATV
11 incidental to the ATV's use for agricultural purposes, the person
12 must be at least 18 years old, have financial liability coverage
13 (insurance) for the ATV, and carry proof of the insurance. Code
14 section 321I.10 also provides certain exceptions and authorizes a
15 person to operate an ATV, so long as it is registered under Code
16 chapter 321I, on undivided two-lane primary highways that are not
17 part of the interstate road system and paved secondary roads, but
18 only between locations where ATVs are otherwise authorized to be
19 operated, on state park road systems, unpaved secondary roads,
20 and paved, undivided secondary roads if authorized by the county
21 board of supervisors. A city may regulate the operation of
22 registered ATVs and may designate streets under the jurisdiction
23 of the city within its corporate limits, and two-lane primary
24 and secondary road extensions in the city, which may be used
25 for the operation of such ATVs. Because an ATV is limited
26 to highway speeds not greater than 35 MPH, when operated on
27 a highway, an ATV must be identified with a reflective device
28 in accordance with the standards of the American society of
29 agricultural engineers pursuant to Code section 321.383(2).

30 This bill strikes provisions relating to the operation of
31 ATVs on highways, other than provisions regulating the operation
32 of ATVs on state park road systems, from Code section 321I.10
33 and moves the provisions to Code section 321.234A. The bill
34 strikes the requirement that an unregistered ATV may be operated
35 incidental to the ATV's use for agricultural purposes only from

1 sunrise to sunset. In accordance with current law, an ATV is
2 a motor vehicle and therefore must be equipped with the parts,
3 lamps, and other equipment in proper condition and adjustment
4 as required under Code chapter 321 for motor vehicles. Current
5 law specifies certain Code sections for which this applies,
6 including Code sections 321.386, 321.387, 321.404, 321.432,
7 and 321.437. The bill strikes these specific Code section
8 references. Striking these references does not eliminate the
9 requirement for an ATV to be properly equipped by law. However,
10 the bill provides an exception for requirements which by their
11 nature cannot apply to ATVs. Similar exceptions exist under
12 current law for bicycles and animal-drawn vehicles.

13 Under current law, a city is prohibited from charging a fee
14 to operate a registered ATV within the city. The bill retains
15 this prohibition and also prohibits counties from charging a fee
16 to operate a registered ATV within the county.

17 A person who operates an ATV on a highway in violation of the
18 bill commits a simple misdemeanor punishable by a \$70 scheduled
19 fine.

20 The bill modifies the current prohibition against operating
21 an ATV on snowmobile trails under Code section 321I.10 by
22 expanding the prohibition to off-road utility vehicles and
23 modifying the exception for snowmobile trails designated by the
24 controlling authority and the primary snowmobile sponsor, rather
25 than designated by the controlling authority and the primary
26 snowmobile trail sponsor.

27 The bill makes conforming changes.

28 The bill does not amend provisions requiring a person to
29 register an ATV with the DNR through a country recorder to
30 operate on certain highways, and on public land, public ice, and
31 designated riding trails.