

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:

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
8 paragraph 1, Code 2026, is amended to read as follows:

9 ~~All-terrain vehicles~~ A person shall not be operated operate
10 an unregistered all-terrain vehicle on a highway unless one or
11 more 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
21 of a highway pursuant to ~~section 321.10, subsection 7~~ that is
22 not part of the interstate road system, provided all of the
23 following 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
29 highway.

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

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

35 (5) The crossing is made from a street, roadway, or highway

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

4 Sec. 4. Section 321.234A, subsection 1, paragraph f, Code
5 2026, is amended by striking the paragraph.

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

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

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

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

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

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

21 (4) The vehicle operator's residence.

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

24 (a) An unpaved secondary road.

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

34 (2) Notwithstanding subparagraph (1), a county may prohibit
35 the operation of all-terrain vehicles on a secondary road or

1 segment thereof under its jurisdiction as follows:

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

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

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

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

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

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

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

28 3. As provided in [section 321.1](#), an all-terrain vehicle is
29 a motor vehicle for purposes of [this chapter](#). Therefore, an
30 all-terrain vehicle operated on a highway shall be equipped
31 with the ~~parts, lamps, and other~~ equipment in proper condition
32 and adjustment as required under [this chapter](#) for motor
33 vehicles, ~~including but not limited to the parts, lamps, and~~
34 ~~equipment required under [sections 321.386](#), [321.387](#), [321.404](#),
35 [321.432](#), and [321.437](#) except those provisions which by their~~

1 nature can have no application.

2 Sec. 8. Section 321.234A, Code 2026, is amended by adding
3 the following new subsection:

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

7 Sec. 9. Section 321I.10, subsections 1, 2, 4, 5, and 7, Code
8 2026, are amended by striking the subsections.

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

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

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

17 9. A county may regulate traffic on and use of the secondary
18 roads, in accordance with sections 321.234A, 321.236 through
19 321.239, 321.241, 321.247 through 321.250, 321.254, 321.255,
20 section 321.285, subsection 4, sections 321.352, 321.471
21 through 321.473, and other applicable provisions of chapter
22 321, chapter 321E, and sections 321G.9, 321H.10, and 327G.15.

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

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

28 EXPLANATION

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

31 Under current law, all-terrain vehicles (ATVs), including
32 off-road utility vehicles, are generally prohibited from being
33 operated on a highway. Exceptions to this general prohibition
34 exist, including under Code section 321.234A, for ATVs
35 operated incidental to the ATV's use for agricultural purposes,

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

34 This bill strikes provisions relating to the operation
35 of ATVs on highways, other than provisions regulating the

1 operation of ATVs on state park road systems, from Code section
2 321I.10 and moves the provisions to Code section 321.234A. The
3 bill strikes the requirement that an unregistered ATV may be
4 operated incidental to the ATV's use for agricultural purposes
5 only from sunrise to sunset. In accordance with current law,
6 an ATV is a motor vehicle and therefore must be equipped with
7 the parts, lamps, and other equipment in proper condition
8 and adjustment as required under Code chapter 321 for motor
9 vehicles. Current law specifies certain Code sections for
10 which this applies, including Code sections 321.386, 321.387,
11 321.404, 321.432, and 321.437. The bill strikes these specific
12 Code section references. Striking these references does not
13 eliminate the requirement for an ATV to be properly equipped by
14 law. However, the bill provides an exception for requirements
15 which by their nature cannot apply to ATVs. Similar exceptions
16 exist under current law for bicycles and animal-drawn vehicles.

17 Under current law, a city is prohibited from charging a fee
18 to operate a registered ATV within the city. The bill retains
19 this prohibition and also prohibits counties from charging a
20 fee to operate a registered ATV within the county.

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

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

31 The bill makes conforming changes.

32 The bill does not amend provisions requiring a person to
33 register an ATV with the DNR through a county recorder to
34 operate on certain highways, and on public land, public ice,
35 and designated riding trails.