

Senate File 297

SENATE FILE _____
BY COMMITTEE ON TRANSPORTATION
(SUCCESSOR TO SF 153)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the regulation of snowmobiles and all-terrain
2 vehicles, establishing fees, providing penalties, and
3 providing an applicability date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 SF 297
6 dea/cc/26

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1 1 Section 1. Section 321G.1, subsection 1, Code 2003, is
1 2 amended by striking the subsection and inserting in lieu
1 3 thereof the following:
1 4 1. "All-terrain vehicle" means the same as defined in
1 5 section 321I.1.
1 6 Sec. 2. Section 321G.1, subsections 4, 7, 10, 11, 12, 15,
1 7 17, and 19, Code 2003, are amended to read as follows:
1 8 4. "Dealer" means a person engaged in the business of
1 9 buying, selling, or exchanging ~~all-terrain vehicles or~~
1 10 snowmobiles required to be registered under this chapter and
1 11 who has an established place of business for that purpose in
1 12 this state.
1 13 7. "Manufacturer" means a person engaged in the business
1 14 of constructing or assembling ~~all-terrain vehicles or~~
1 15 snowmobiles required to be registered under this chapter and
1 16 who has an established place of business for that purpose in
1 17 this state.
1 18 10. "Operate" means to ride in or on, other than as a
1 19 passenger, use, or control the operation of ~~an all-terrain~~
1 20 ~~vehicle or a snowmobile~~ in any manner, whether or not the ~~all-~~
1 21 ~~terrain vehicle or snowmobile~~ is moving.
1 22 11. "Operator" means a person who operates or is in actual
1 23 physical control of ~~an all-terrain vehicle or a snowmobile~~.
1 24 12. "Owner" means a person, other than a lienholder,
1 25 having the property right in or title to ~~an all-terrain~~
1 26 ~~vehicle or a snowmobile~~. The term includes a person entitled
1 27 to the use or possession of ~~an all-terrain vehicle or a~~
1 28 snowmobile subject to an interest in another person, reserved
1 29 or created by agreement and securing payment or performance of
1 30 an obligation, but the term excludes a lessee under a lease
1 31 not intended as security.
1 32 15. "Railroad right-of-way" ~~shall mean~~ means the full
1 33 width of property owned, leased, or subject to easement for
1 34 railroad purposes and ~~shall not be~~ is not limited to those
1 35 areas on which tracks are located.
2 1 17. "Safety certificate" means ~~an all-terrain vehicle or a~~
2 2 snowmobile safety certificate issued, approved by the
2 3 commission, issued to a qualified applicant who is twelve
2 4 years of age or more older.
2 5 19. "Special event" means an organized race, exhibition,
2 6 or demonstration of limited duration which is conducted on
2 7 public land or ice under the jurisdiction of the commission
2 8 according to a prearranged schedule and in which general
2 9 public interest is manifested.
2 10 Sec. 3. Section 321G.2, Code 2003, is amended to read as
2 11 follows:
2 12 321G.2 RULES.
2 13 The commission may adopt rules for the following purposes:
2 14 1. Registration and titling of ~~all-terrain vehicles and~~
2 15 snowmobiles.
2 16 2. Use of ~~all-terrain vehicles and~~ snowmobiles as far as
2 17 game and fish resources or habitats are affected.
2 18 3. Use of ~~all-terrain vehicles and~~ snowmobiles on public
2 19 lands under the jurisdiction of the commission.
2 20 4. Use of ~~all-terrain vehicles and~~ snowmobiles on any
2 21 waters of the state under the jurisdiction of the commission,

2 22 while the waters are frozen.
2 23 5. ~~Establish~~ Establishment of a program of grants,
2 24 subgrants, and contracts to be administered by the department
2 25 for the development and delivery of certified courses of
2 26 instruction for the safe use and operation of ~~all-terrain~~
2 27 ~~vehicles and~~ snowmobiles by political subdivisions and
2 28 incorporated private organizations.
2 29 6. Issuance of safety certificates.
2 30 7. Issuance of competition registrations and the
2 31 participation of ~~all-terrain vehicles and~~ snowmobiles so
2 32 registered in special events.
2 33 The director of transportation may adopt rules not
2 34 inconsistent with this chapter regulating the use of ~~all-~~
2 35 ~~terrain vehicles and~~ snowmobiles on streets and highways.
3 1 Cities may designate streets under the jurisdiction of cities
3 2 within their respective corporate limits which may be used for
3 3 snowmobiling and the sport of driving ~~all-terrain vehicles~~.
3 4 In adopting the rules, consideration shall be given to the
3 5 need to protect the environment and the public health, safety,
3 6 and welfare; to protect private property, public parks, and
3 7 other public lands; to protect wildlife and wildlife habitat;
3 8 and to promote uniformity of rules relating to the use,
3 9 operation, and equipment of ~~all-terrain vehicles and~~
3 10 snowmobiles. The rules shall be in conformance with chapter
3 11 17A.
3 12 Sec. 4. Section 321G.3, Code 2003, is amended to read as
3 13 follows:
3 14 321G.3 REGISTRATION AND NUMBERING REQUIRED.
3 15 1. Each ~~all-terrain vehicle and~~ snowmobile used on public
3 16 land or ice of this state shall be currently registered and
3 17 numbered. A person shall not operate, maintain, or give
3 18 permission for the operation or maintenance of ~~an all-terrain~~
3 19 ~~vehicle or a~~ snowmobile on public land or ice unless the ~~all-~~
3 20 ~~terrain vehicle or~~ snowmobile is numbered in accordance with
3 21 this chapter, or in accordance with applicable federal laws,
3 22 or in accordance with an approved numbering system of another
3 23 state, and unless the identifying number set forth in the
3 24 registration is displayed as prescribed by rules of the
3 25 commission.
3 26 2. A registration number shall be assigned, without
3 27 payment of fee, to ~~all-terrain vehicles and~~ snowmobiles owned
3 28 by the state of Iowa or its political subdivisions upon
3 29 application for the number, and the assigned registration
3 30 number shall be displayed on the ~~all-terrain vehicle or~~
3 31 snowmobile as required under section 321G.5. A registration
3 32 number and certificate shall be assigned, without payment of
3 33 fee, to ~~an all-terrain vehicle or a~~ snowmobile which is exempt
3 34 from registration but is being titled. A decal displaying an
3 35 audit number shall not be issued and the registration shall
4 1 not expire while the ~~all-terrain vehicle or~~ snowmobile is
4 2 exempt. The application for registration shall indicate the
4 3 reason for exemption from the fee. The registration
4 4 certificate shall indicate the reason for exemption.
4 5 Sec. 5. Section 321G.4, Code Supplement 2003, is amended
4 6 to read as follows:
4 7 321G.4 REGISTRATION WITH COUNTY RECORDER == FEE.
4 8 The owner of each ~~all-terrain vehicle or~~ snowmobile
4 9 required to be numbered shall register it ~~every two years~~
4 10 annually with the county recorder of the county in which the
4 11 owner resides or, if the owner is a nonresident, the owner
4 12 shall register it in the county in which the ~~all-terrain~~
4 13 ~~vehicle or~~ snowmobile is principally used. The commission has
4 14 supervisory responsibility over the registration of ~~all-~~
4 15 ~~terrain vehicles and~~ snowmobiles and shall provide each county
4 16 recorder with registration forms and certificates and shall
4 17 allocate registration numbers to each county.
4 18 The owner of the ~~all-terrain vehicle or~~ snowmobile shall
4 19 file an application for registration with the appropriate
4 20 county recorder on forms provided by the commission. The
4 21 application shall be completed and signed by the owner of the
4 22 ~~all-terrain vehicle or snowmobile~~ and shall be accompanied by
4 23 a fee of ~~twenty-five~~ fifteen dollars and a writing fee. ~~An~~
4 24 ~~all-terrain vehicle or a~~ A snowmobile shall not be registered
4 25 by the county recorder until the county recorder is presented
4 26 with receipts, bills of sale, or other satisfactory evidence
4 27 that the sales or use tax has been paid for the purchase of
4 28 the ~~all-terrain vehicle or~~ snowmobile or that the owner is
4 29 exempt from paying the tax. ~~However, an owner of an all-~~
4 30 ~~terrain vehicle, except an all-terrain vehicle purchased new~~
4 31 ~~on or after January 1, 1990, may apply for registration~~
4 32 ~~without proof of sales or use tax paid until one year after~~

~~4 33 January 1, 1990. An all-terrain vehicle or A snowmobile that~~
~~4 34 has an expired registration certificate from another state may~~
~~4 35 be registered in this state upon proper application, payment~~
~~5 1 of all applicable registration and writing fees, and payment~~
~~5 2 of a penalty of five dollars.~~
~~5 3 Upon receipt of the application in approved form~~
~~5 4 accompanied by the required fees, the county recorder shall~~
~~5 5 enter it upon the records and shall issue to the applicant a~~
~~5 6 pocket-size registration certificate. The certificate shall~~
~~5 7 be executed in triplicate, one copy to be delivered to the~~
~~5 8 owner, one copy to the commission, and one copy to be retained~~
~~5 9 on file by the county recorder. The registration certificate~~
~~5 10 shall bear the number awarded to the all-terrain vehicle or~~
~~5 11 snowmobile and the name and address of the owner. The~~
~~5 12 registration certificate shall be carried either in the all-~~
~~5 13 terrain vehicle or snowmobile or on the person of the operator~~
~~5 14 of the machine snowmobile when in use. The operator of an~~
~~5 15 all-terrain vehicle or a snowmobile shall exhibit the~~
~~5 16 registration certificate to a peace officer upon request, to a~~
~~5 17 person injured in an accident involving an all-terrain vehicle~~
~~5 18 or a snowmobile, or to the owner or operator of another all-~~
~~5 19 terrain vehicle or snowmobile or the owner of personal or real~~
~~5 20 property when the all-terrain vehicle or snowmobile is~~
~~5 21 involved in a collision or accident of any nature with another~~
~~5 22 all-terrain vehicle or snowmobile or the property of another~~
~~5 23 person, or to the property owner or tenant when the all-~~
~~5 24 terrain vehicle or snowmobile is being operated on private~~
~~5 25 property without permission from the property owner or tenant.~~
~~5 26 If an all-terrain vehicle or a snowmobile is placed in~~
~~5 27 storage, the owner shall return the current registration~~
~~5 28 certificate to the county recorder with an affidavit stating~~
~~5 29 that the all-terrain vehicle or snowmobile is placed in~~
~~5 30 storage and the effective date of storage. The county~~
~~5 31 recorder shall notify the commission of each all-terrain~~
~~5 32 vehicle or snowmobile placed in storage. When the owner of a~~
~~5 33 stored all-terrain vehicle or snowmobile desires to renew the~~
~~5 34 registration, the owner shall make application to the county~~
~~5 35 recorder and pay the registration and writing fees without~~
~~6 1 penalty. A refund of the registration fee shall not be~~
~~6 2 allowed for a stored all-terrain vehicle or snowmobile.~~
~~6 3 Sec. 6. Section 321G.5, Code 2003, is amended to read as~~
~~6 4 follows:~~
~~6 5 321G.5 DISPLAY OF IDENTIFICATION NUMBERS.~~
~~6 6 The owner shall display the identification number on an~~
~~6 7 all-terrain vehicle or a snowmobile in the manner prescribed~~
~~6 8 by the rules of the commission.~~
~~6 9 Sec. 7. Section 321G.6, Code 2003, is amended to read as~~
~~6 10 follows:~~
~~6 11 321G.6 REGISTRATION == RENEWAL == TRANSFER.~~
~~6 12 1. Every all-terrain vehicle or snowmobile registration~~
~~6 13 certificate and number issued expires at midnight December 31,~~
~~6 14 and renewals expire every two years thereafter unless sooner~~
~~6 15 terminated or discontinued in accordance with this chapter.~~
~~6 16 After the first day of September each even-numbered year, an~~
~~6 17 unregistered all-terrain vehicle or snowmobile and renewals~~
~~6 18 may be registered or a registration may be renewed for the~~
~~6 19 subsequent biennium year beginning January 1. An all-terrain~~
~~6 20 vehicle or snowmobile registered between January 1 and~~
~~6 21 September 1 of even-numbered years shall be registered for a~~
~~6 22 fee of twelve dollars and fifty cents for the remainder of the~~
~~6 23 registration period.~~
~~6 24 After the first day of September in even-numbered years an~~
~~6 25 unregistered all-terrain vehicle or snowmobile may be~~
~~6 26 registered for the remainder of the current registration~~
~~6 27 period and for the subsequent registration period in one~~
~~6 28 transaction. The fee shall be five dollars for the remainder~~
~~6 29 of the current period, in addition to the registration fee of~~
~~6 30 twenty-five dollars for an all-terrain vehicle and twenty-five~~
~~6 31 dollars for a snowmobile for the subsequent biennium beginning~~
~~6 32 January 1, and a writing fee. Registration certificates and~~
~~6 33 numbers may be renewed upon application of the owner in the~~
~~6 34 same manner as provided in securing the original registration.~~
~~6 35 The all-terrain vehicle or snowmobile registration fee is in~~
~~7 1 lieu of personal property tax for each year of the~~
~~7 2 registration.~~
~~7 3 2. An expired all-terrain vehicle or snowmobile~~
~~7 4 registration may be renewed for the same fee as if the owner~~
~~7 5 is securing the original registration plus a penalty of five~~
~~7 6 dollars and a writing fee.~~
~~7 7 All all-terrain vehicles used on public land must be~~
~~7 8 registered within six months following January 1, 1990, unless~~

~~7 9 otherwise exempt.~~

7 10 3. When a person, after registering ~~an all-terrain vehicle~~
~~7 11 or a snowmobile~~, moves from the address shown on the
7 12 registration certificate, the person shall, within ten thirty
7 13 days, notify the county recorder in writing of the move and
7 14 the person's new address.

7 15 4. Upon the transfer of ownership of ~~an all-terrain~~
~~7 16 vehicle or a snowmobile~~, the owner shall complete the form on
7 17 the back of the title, if any, and registration, if any, and
7 18 deliver both to the purchaser or transferee when the ~~all-~~
~~7 19 terrain vehicle or snowmobile~~ is delivered. If the ~~all-~~
~~7 20 terrain vehicle or snowmobile~~ is not titled, the owner shall
7 21 complete the form on the back of the current registration
7 22 certificate and shall deliver the certificate to the purchaser
7 23 or transferee at the time of delivering the ~~all-terrain~~
~~7 24 vehicle or snowmobile~~. If the ~~all-terrain vehicle or~~
7 25 snowmobile has not been titled and has not been registered,
7 26 the owner shall deliver an affidavit for an unregistered and
7 27 untitled ~~all-terrain vehicle or snowmobile~~ to the purchaser or
7 28 transferee. The purchaser or transferee shall, within thirty
7 29 days of transfer, file a new application form with the county
7 30 recorder with a fee of one dollar and the writing fee, and a
7 31 transfer of number shall be awarded in the same manner as
7 32 provided in an original registration. If the purchaser or
7 33 transferee does not file a new application form within thirty
7 34 days of transfer, the transfer of number shall be awarded upon
7 35 payment of all applicable fees plus a penalty of five dollars.

8 1 All registrations must be valid for the current
8 2 registration period prior to the transfer of any registration,
8 3 including assignment to a dealer.

8 4 5. Duplicate registrations may be issued upon application
8 5 ~~therefore to the county recorder~~ and the payment of the same
8 6 fees collected for the transfer of registrations.

8 7 A motorcycle, as defined in section 321.1, subsection 40,
~~8 8 paragraph "a", may be registered as an all-terrain vehicle as~~
~~8 9 provided in this section. A motorcycle registered as an all-~~
~~8 10 terrain vehicle may participate in all programs established~~
~~8 11 for all-terrain vehicles under this chapter except for the~~
~~8 12 safety instruction and certification program.~~

8 13 Sec. 8. Section 321G.7, Code 2003, is amended to read as
8 14 follows:

8 15 321G.7 FEES REMITTED TO COMMISSION == APPROPRIATION.

8 16 Within ten days after the end of each month, a county
8 17 recorder shall remit to the commission the ~~all-terrain vehicle~~
~~8 18 and snowmobile~~ fees collected by the recorder during the
8 19 previous month. Before January 10 of ~~odd-numbered years~~ each
~~8 20 year~~, a recorder shall remit to the commission unused license
8 21 forms from the previous ~~biennium to the commission year~~.

8 22 The department shall remit the fees to the treasurer of
8 23 state, who shall place the money in a special ~~conservation~~
8 24 ~~snowmobile~~ fund. The money is appropriated to the department
8 25 for the ~~all-terrain vehicle and snowmobile~~ programs of the
8 26 state. ~~All-terrain vehicle fees shall be used only for all-~~
~~8 27 terrain vehicle programs and snowmobile fees shall be used~~
~~8 28 only for snowmobile programs. Joint programs shall be~~
~~8 29 supported from both types of fees on a usage basis. The all-~~
~~8 30 terrain vehicle and snowmobile~~ programs shall include grants,
8 31 subgrants, contracts, or cost-sharing of ~~all-terrain vehicle~~
~~8 32 and snowmobile~~ programs with political subdivisions or
8 33 incorporated private organizations or both in accordance with
8 34 rules adopted by the commission. ~~All all-terrain vehicle~~
~~8 35 programs using cost-sharing, grants, subgrants, or contracts~~
~~9 1 shall establish and implement a safety instruction program~~
~~9 2 either singly or in cooperation with other all-terrain vehicle~~
~~9 3 programs. Snowmobile fees may be used to support snowmobile~~
~~9 4 programs on a usage basis. At least fifty percent of the~~
9 5 special fund shall be available for political subdivisions or
9 6 incorporated private organizations or both. Moneys from the
9 7 special fund not used by the political subdivisions or
9 8 incorporated private organizations or both shall remain in the
9 9 ~~all-terrain vehicle or snowmobile~~ accounts. ~~The fund and may~~
~~9 10 be used by the department may use funds from these accounts~~
9 11 for the administration of the ~~all-terrain vehicle and~~
9 12 ~~snowmobile~~ programs. Notwithstanding section 8.33, moneys in
9 13 the special fund shall not revert to the general fund of the
9 14 state at the end of a fiscal year. Notwithstanding section
9 15 12C.7, subsection 2, interest or earnings on moneys in the
9 16 special fund shall remain in the fund.

9 17 Sec. 9. Section 321G.8, Code 2003, is amended to read as
9 18 follows:

9 19 321G.8 EXEMPT VEHICLES.

9 20 Registration shall not be required for the following
9 21 described ~~all-terrain vehicles and~~ snowmobiles:
9 22 1. ~~All-terrain vehicles and snowmobiles~~ Snowmobiles owned
9 23 and used by the United States, another state, or a political
9 24 subdivision of another state.
9 25 2. ~~All-terrain vehicles and snowmobiles~~ Snowmobiles
9 26 registered in a country other than the United States used
9 27 within this state for not more than twenty consecutive days.
9 28 3. ~~All-terrain vehicles and snowmobiles~~ Snowmobiles
9 29 covered by a valid license of another state and which have not
9 30 been within this state for more than twenty consecutive days.
9 31 4. ~~All-terrain vehicles and snowmobiles~~ Snowmobiles not
9 32 registered or licensed in another state or country being used
9 33 in this state while engaged in a special event and not
9 34 remaining in the state for a period of more than ten days.
9 35 5. ~~All-terrain vehicles used in accordance with section~~
10 1 ~~321.234A.~~
10 2 6. ~~5.~~ Snowmobiles and all-terrain vehicles used
10 3 exclusively as farm implements.
10 4 Sec. 10. Section 321G.9, unnumbered paragraph 1, Code
10 5 2003, is amended to read as follows:
10 6 A person shall not operate ~~an all-terrain vehicle or a~~
10 7 snowmobile upon roadways or highways, as defined in section
10 8 321.1, except as provided in ~~section 321.234A and this~~
10 9 chapter.
10 10 Sec. 11. Section 321G.9, subsections 1, 2, and 3, Code
10 11 2003, are amended to read as follows:
10 12 1. ~~An all-terrain vehicle or~~ A snowmobile shall not be
10 13 operated at any time within the ~~right-of-way~~ right-of-way of
10 14 any interstate highway or freeway within this state except
10 15 ~~under either of the following circumstances:~~
10 16 ~~a. As provided in section 321.234A.~~
10 17 ~~b. When when~~ using an underpass located on an interstate
10 18 highway or freeway if all of the following apply:
10 19 ~~(1) a.~~ The underpass has been abandoned and is no longer
10 20 being used by motor vehicles or trains.
10 21 ~~(2) b.~~ Use of the underpass is the only alternative to the
10 22 use of a traveled roadway.
10 23 ~~(3) c.~~ Notwithstanding the provisions of chapter 321, use
10 24 of the underpass does not conflict with any rules or
10 25 regulations adopted by a federal governmental entity or this
10 26 state or a political subdivision of this state.
10 27 2. ~~An all-terrain vehicle or~~ A snowmobile may make a
10 28 direct crossing of a street or highway provided all of the
10 29 following occur:
10 30 a. The crossing is made at an angle of approximately
10 31 ninety degrees to the direction of the highway and at a place
10 32 where no obstruction prevents a quick and safe crossing, ~~and,~~
10 33 b. The ~~all-terrain vehicle or~~ snowmobile is brought to a
10 34 complete stop before crossing the shoulder or main traveled
10 35 way of the highway, ~~and,~~
11 1 c. The driver yields the ~~right-of-way~~ right-of-way to all
11 2 oncoming traffic which constitutes an immediate hazard, ~~and,~~
11 3 d. In crossing a divided highway, the crossing is made
11 4 only at an intersection of such highway with another public
11 5 street or highway.
11 6 3. ~~An all-terrain vehicle or~~ A snowmobile shall not be
11 7 operated on public highways under any of the following
11 8 conditions:
11 9 a. On the roadway portion of a highway and adjacent
11 10 shoulder, or at least five feet on either side of the roadway,
11 11 except as provided in subsection 4 ~~of this section, and,~~
11 12 b. On limited access highways and approaches, ~~and,~~
11 13 c. For racing any moving object, ~~and,~~
11 14 d. Abreast with one or more other ~~all-terrain vehicles or~~
11 15 snowmobiles on a city highway.
11 16 Sec. 12. Section 321G.9, subsection 4, unnumbered
11 17 paragraph 1, Code 2003, is amended to read as follows:
11 18 A registered ~~all-terrain vehicle or~~ snowmobile may be
11 19 operated under the following conditions:
11 20 Sec. 13. Section 321G.9, subsection 4, paragraph d, Code
11 21 2003, is amended to read as follows:
11 22 d. On the roadways of that portion of county highways
11 23 designated by the county board of supervisors for such use
11 24 during a specified period. The county board of supervisors
11 25 shall evaluate the traffic conditions on all county highways
11 26 and designate roadways on which ~~all-terrain vehicles or~~
11 27 snowmobiles may be operated for the specified period without
11 28 unduly interfering with or constituting an undue hazard to
11 29 conventional motor vehicle traffic. Signs warning of the
11 30 operation of ~~all-terrain vehicles or~~ snowmobiles on the

11 31 roadway shall be placed and maintained on the portions of
11 32 highway thus designated during the period specified for the
11 33 operation.

11 34 Sec. 14. Section 321G.9, subsection 4, paragraph f, Code
11 35 2003, is amended by striking the paragraph.

12 1 Sec. 15. Section 321G.9, subsections 6 and 7, Code 2003,
12 2 are amended to read as follows:

12 3 6. a. ~~An all-terrain vehicle or~~ A snowmobile shall not be
12 4 operated on or across a public highway by a person under
12 5 sixteen years of age who does not have in the person's
12 6 possession a safety certificate issued to the person pursuant
12 7 to this chapter.

12 8 b. A person twelve to fifteen years of age and possessing
12 9 a valid safety certificate must be under the direct
12 10 supervision of a parent, guardian, or another adult authorized
12 11 by the parent or guardian, who is experienced in ~~all-terrain~~
~~vehicle or~~ snowmobile operation, and who possesses a valid
12 13 driver's license as defined in section 321.1, or a safety
12 14 certificate issued under this chapter.

12 15 7. ~~An all-terrain vehicle or~~ A snowmobile shall not be
12 16 operated within the ~~right-of-way~~ ~~right-of-way~~ of a primary
12 17 highway between the hours of sunset and sunrise except on the
12 18 right-hand side of the ~~right-of-way~~ ~~right-of-way~~ and in the
12 19 same direction as the motor vehicular traffic on the nearest
12 20 lane of traveled portion of the ~~right-of-way~~ ~~right-of-way~~.

12 21 Sec. 16. Section 321G.10, Code 2003, is amended to read as
12 22 follows:

12 23 321G.10 ACCIDENT REPORTS.

12 24 If ~~an all-terrain vehicle or~~ a snowmobile is involved in an
12 25 accident resulting in injury or death to anyone or property
12 26 damage amounting to ~~two hundred~~ one thousand dollars or more,
12 27 either the operator or someone acting for the operator shall
12 28 immediately notify the county sheriff or another law
12 29 enforcement agency in the state. ~~The~~ If the accident occurred
on public land or ice under the jurisdiction of the
commission, the operator shall file with the commission a
12 32 report of the accident, within ~~forty-eight~~ seventy-two hours,
12 33 containing information as the commission may require. All
12 34 other accidents shall be reported as required under section
12 35 321.266.

13 1 Sec. 17. Section 321G.11, subsections 1 and 2, Code 2003,
13 2 are amended to read as follows:

13 3 1. ~~An all-terrain vehicle or~~ A snowmobile shall not be
13 4 operated without suitable and effective muffling devices which
13 5 limit engine noise to not more than eighty=six decibels as
13 6 measured on the "A" scale at a distance of fifty feet; and a
13 7 snowmobile, manufactured after July 1, 1973, which is sold,
13 8 offered for sale, or used in this state, except in an
13 9 authorized special event, shall have a muffler system that
13 10 limits engine noise to not more than eighty=two decibels as
13 11 measured on the "A" scale at a distance of fifty feet.

13 12 2. The commission may adopt rules with respect to the
13 13 inspection of ~~all-terrain vehicles and~~ snowmobiles and testing
13 14 of ~~their~~ snowmobile mufflers.

13 15 Sec. 18. Section 321G.12, Code 2003, is amended to read as
13 16 follows:

13 17 321G.12 ~~HEAD LAMP~~ HEADLAMP == TAIL LAMP == BRAKES.

13 18 ~~Every all-terrain vehicle operated during the hours of~~
~~darkness shall display a lighted head lamp and tail lamp.~~
13 20 Every snowmobile shall be equipped with at least one ~~head lamp~~
13 21 headlamp and one tail lamp. ~~Every all-terrain vehicle and~~
13 22 snowmobile shall be equipped with brakes.

13 23 Sec. 19. Section 321G.13, subsection 1, unnumbered
13 24 paragraph 1, Code 2003, is amended to read as follows:

13 25 A person shall not drive or operate ~~an all-terrain vehicle~~
~~or a snowmobile:~~

13 27 Sec. 20. Section 321G.13, subsection 1, paragraphs g and
13 28 h, Code 2003, are amended to read as follows:

13 29 g. In or on any park or fish and game areas except on
13 30 designated ~~all-terrain vehicle or~~ snowmobile trails.

13 31 h. Upon an operating railroad right-of-way. ~~An all-~~
~~terrain vehicle or~~ A snowmobile may be driven directly across
13 33 a railroad right-of-way only at an established crossing and,
13 34 notwithstanding any other provisions of law, may, if
13 35 necessary, use the improved portion of the established
14 1 crossing after yielding to all oncoming traffic. This
14 2 paragraph does not apply to a law enforcement officer or
14 3 railroad employee in the lawful discharge of the officer's or
14 4 employee's duties or to an employee of a utility with
14 5 authority to enter upon the railroad right-of-way in the
14 6 lawful performance of the employee's duties.

14 7 Sec. 21. Section 321G.13, subsection 2, Code 2003, is
14 8 amended to read as follows:

14 9 2. A person shall not operate or ride ~~in an all-terrain~~
~~14 10 vehicle or a snowmobile~~ with a firearm in the person's
14 11 possession unless it is unloaded and enclosed in a carrying
14 12 case. However, a nonambulatory person may carry an uncased
14 13 and unloaded firearm while operating or riding ~~an all-terrain~~
~~14 14 vehicle or a snowmobile.~~

14 15 Sec. 22. Section 321G.13, subsection 3, Code 2003, is
14 16 amended by striking the subsection.

14 17 Sec. 23. Section 321G.14, Code 2003, is amended to read as
14 18 follows:

14 19 321G.14 PENALTY.

14 20 ~~Any~~ A person who ~~shall violate any provision of~~ violates
14 21 this chapter or ~~any regulation a rule~~ of the commission or
14 22 director of transportation ~~shall be~~ is guilty of a simple
14 23 misdemeanor.

14 24 Chapter 232 shall have no application in the prosecution of
14 25 offenses which are committed in violation of this chapter, and
14 26 which constitute simple misdemeanors.

14 27 Sec. 24. Section 321G.15, Code 2003, is amended to read as
14 28 follows:

14 29 321G.15 OPERATION PENDING REGISTRATION.

14 30 The commission shall furnish snowmobile ~~and all-terrain~~
~~14 31 vehicle~~ dealers with pasteboard cards bearing the words
14 32 "registration applied for" and space for the date of purchase.
14 33 An unregistered ~~all-terrain vehicle or~~ snowmobile sold by a
14 34 dealer shall bear one of these cards which entitles the
14 35 purchaser to operate it for ten days immediately following the
15 1 purchase. The purchaser of a registered ~~all-terrain vehicle~~
~~15 2 or snowmobile~~ may operate it for ten days immediately
15 3 following the purchase, without having completed a transfer of
15 4 registration. A snowmobile ~~or all-terrain vehicle~~ dealer
15 5 shall make application and pay all registration and title fees
15 6 if applicable on behalf of the purchaser of a snowmobile ~~or~~
~~15 7 all-terrain vehicle.~~

15 8 Sec. 25. Section 321G.16, Code 2003, is amended to read as
15 9 follows:

15 10 321G.16 SPECIAL EVENTS.

15 11 The department may authorize the holding of organized
15 12 special events as defined in this chapter within this state.
15 13 The department shall adopt rules relating to the conduct of
15 14 special events held under department permits and designating
15 15 the equipment and facilities necessary for safe operation of
15 16 ~~all-terrain vehicles and~~ snowmobiles or for the safety of
15 17 operators, participants, and observers in the special events.
15 18 ~~A special event for all-terrain vehicles may include~~
~~15 19 motorcycles upon payment of an entrance fee set by the~~
~~15 20 organizer of the special event. The department may require~~
~~15 21 that part of the motorcycle entrance fee be credited to pay~~
~~15 22 costs of all-terrain vehicle programs authorized pursuant to~~
~~15 23 section 321G.7.~~ At least thirty days before the scheduled
15 24 date of a special event in this state, an application shall be
15 25 filed with the department for authorization to conduct the
15 26 special event. The application shall set forth the date,
15 27 time, and location of the proposed special event and any other
15 28 information the department requires. The special event shall
15 29 not be conducted without written authorization of the
15 30 department. Copies of the rules shall be furnished by the
15 31 department to any person making an application.

15 32 Sec. 26. Section 321G.17, Code 2003, is amended to read as
15 33 follows:

15 34 321G.17 VIOLATION OF ~~"STOP"~~ STOP SIGNAL.

15 35 A person, after having received a visual or audible signal
16 1 from a peace officer to come to a stop, shall not operate ~~an~~
~~16 2 all-terrain vehicle or a~~ snowmobile in willful or wanton
16 3 disregard of the signal or interfere with or endanger the
16 4 officer or any other person or vehicle, or increase speed or
16 5 attempt to flee or elude the officer.

16 6 Sec. 27. Section 321G.18, Code 2003, is amended to read as
16 7 follows:

16 8 321G.18 NEGLIGENCE.

16 9 The owner and operator of ~~an all-terrain vehicle or a~~
16 10 snowmobile are liable for any injury or damage occasioned by
16 11 the negligent operation of the ~~all-terrain vehicle or~~
16 12 snowmobile. The owner of ~~an all-terrain vehicle or a~~
16 13 snowmobile shall be liable for any such injury or damage only
16 14 if the owner was the operator of the ~~all-terrain vehicle or~~
16 15 snowmobile at the time the injury or damage occurred or if the
16 16 operator had the owner's consent to operate the ~~all-terrain~~
~~16 17 vehicle or~~ snowmobile at the time the injury or damage

16 18 occurred.

16 19 Sec. 28. Section 321G.19, Code Supplement 2003, is amended
16 20 to read as follows:

16 21 321G.19 RENTED SNOWMOBILES ~~AND ALL-TERRAIN VEHICLES~~.

16 22 1. The owner of a rented ~~all-terrain vehicle~~ or snowmobile
16 23 shall keep a record of the name and address of each person
16 24 renting the ~~all-terrain vehicle~~ or snowmobile, its
16 25 registration number, the departure date and time, and the
16 26 expected time of return. The records shall be preserved for
16 27 six months.

16 28 2. The owner of ~~an all-terrain vehicle~~ or a snowmobile
16 29 operated for hire shall not permit the use or operation of a
16 30 rented ~~all-terrain vehicle~~ or snowmobile unless it has been
16 31 provided with all equipment required by this chapter or rules
16 32 of the commission or the director of transportation, properly
16 33 installed and in good working order.

16 34 Sec. 29. Section 321G.20, unnumbered paragraph 2, Code
16 35 2003, is amended by striking the unnumbered paragraph.

17 1 Sec. 30. Section 321G.21, subsections 1, 3, 6, 8, 9, and
17 2 10, Code 2003, are amended to read as follows:

17 3 1. A manufacturer, distributor, or dealer owning ~~any all-~~
17 4 ~~terrain vehicle~~ or a snowmobile required to be registered
17 5 under this chapter may operate the ~~all-terrain vehicle~~ or
17 6 snowmobile for purposes of transporting, testing,
17 7 demonstrating, or selling it without the ~~all-terrain vehicle~~
17 8 ~~or snowmobile~~ being registered, except that a special
17 9 identification number issued to the owner as provided in this
17 10 chapter shall be displayed on the ~~all-terrain vehicle~~ or
17 11 snowmobile. The special identification number shall not be
17 12 used on ~~an all-terrain vehicle~~ or a snowmobile offered for
17 13 hire or for any work or service performed by a manufacturer,
17 14 distributor, or dealer.

17 15 3. The commission, upon granting an application, shall
17 16 issue to the applicant a special registration certificate
17 17 containing the applicant's name and address, the general
17 18 identification number assigned to the applicant, the word
17 19 "manufacturer", "dealer", or "distributor", and other
17 20 information the commission prescribes. The manufacturer,
17 21 distributor, or dealer shall have the assigned number printed
17 22 upon or attached to a removable sign or signs which may be
17 23 temporarily but firmly mounted or attached to the ~~all-terrain~~
17 24 ~~vehicle~~ or snowmobile being used. The display shall meet the
17 25 requirements of this chapter and the rules of the commission.

17 26 6. Every manufacturer, distributor, or dealer shall keep a
17 27 written record of the ~~all-terrain vehicles~~ and snowmobiles
17 28 upon which special registration certificates are used, which
17 29 record shall be open to inspection by any law enforcement
17 30 officer or any officer or employee of the commission.

17 31 8. Dealers using special certificates under this chapter
17 32 shall, before January 10 of each year, furnish the commission
17 33 with a list of all used ~~all-terrain vehicles~~ and snowmobiles
17 34 held by them for sale or trade, and upon which the
17 35 registration fee for the current year has not been paid,
18 1 giving the previous registration number, name of previous
18 2 owner at the time the ~~all-terrain vehicle~~ or snowmobile was
18 3 transferred to the dealer, and other information the
18 4 commission requires.

18 5 9. If the purchaser or transferee of ~~an all-terrain~~
18 6 ~~vehicle~~ or a snowmobile is a dealer who holds the same for
18 7 resale and operates the ~~all-terrain vehicle~~ or snowmobile only
18 8 for purposes incidental to a resale and displays the special
18 9 dealer's certificate, or does not operate the ~~all-terrain~~
18 10 ~~vehicle~~ or snowmobile or permit it to be operated, the
18 11 transferee is not required to obtain a new registration
18 12 certificate but upon transferring title or interest to another
18 13 person shall sign the reverse side of the title, if any, and
18 14 the registration certificate of the ~~all-terrain vehicle~~ or
18 15 snowmobile indicating the name and address of the new
18 16 purchaser. A dealer shall make application and pay all
18 17 registration and title fees if applicable on behalf of the
18 18 purchaser of ~~an all-terrain vehicle~~ or a snowmobile. The
18 19 recorder shall award a transfer of the registration number.
18 20 If the registration has expired while in the dealer's
18 21 possession, the purchaser may renew the registration for the
18 22 same fee and writing fee as if the purchaser is securing the
18 23 original registration.

18 24 10. When a dealer purchases or otherwise acquires ~~an all-~~
18 25 ~~terrain vehicle~~ or a snowmobile registered in this state, the
18 26 dealer shall issue a signed receipt to the previous owner,
18 27 indicating the date of purchase or acquisition, the name and
18 28 address of the previous owner, and the registration number of

18 29 the ~~all-terrain vehicle~~ or snowmobile purchased or acquired.
18 30 The original receipt shall be delivered to the previous owner
18 31 and one copy shall be mailed or delivered by the dealer to the
18 32 county recorder of the county in which the ~~all-terrain vehicle~~
~~18 33 or snowmobile~~ is registered, and one copy shall be delivered
18 34 to the commission within forty-eight hours.

18 35 Sec. 31. Section 321G.22, Code 2003, is amended to read as
19 1 follows:

19 2 321G.22 LIMITATION OF LIABILITY BY PUBLIC BODIES AND
19 3 ADJOINING OWNERS.

19 4 The state, its political subdivisions, and the owners or
19 5 tenants of property adjoining public lands or the ~~right of way~~
19 6 ~~right-of-way~~ of a public highway and their agents and
19 7 employees owe no duty of care to keep the public lands,
19 8 ditches, or land contiguous to a highway or roadway under the
19 9 control of the state or a political subdivision safe for entry
19 10 or use by persons operating ~~an all-terrain vehicle or a~~
19 11 snowmobile, or to give any warning of a dangerous condition,
19 12 use, structure, or activity on the premises to persons
19 13 entering for such purposes, except in the case of willful or
19 14 malicious failure to guard or warn against a dangerous
19 15 condition, use, structure, or activity. The state, its
19 16 political subdivisions, and the owners or tenants of property
19 17 adjoining public lands or the ~~right of way~~ ~~right-of-way~~ of a
19 18 public highway, and their agents and employees are not liable
19 19 for actions taken to allow or facilitate the use of public
19 20 lands, ditches, or land contiguous to a highway or roadway
19 21 except in the case of a willful or malicious failure to guard
19 22 or warn against a dangerous condition, use, structure, or
19 23 activity.

19 24 This section does not create a duty of care or ground of
19 25 liability on behalf of the state, its political subdivisions,
19 26 or the owners or tenants of property adjoining public lands or
19 27 the ~~right of way~~ ~~right-of-way~~ of a public highway and their
19 28 agents and employees for injury to persons or property in the
19 29 operation of ~~all-terrain vehicles or snowmobiles~~ in a ditch or
19 30 on land contiguous to a highway or roadway under the control
19 31 of the state or a political subdivision. The state, its
19 32 political subdivisions, and the owners or tenants of property
19 33 adjoining public lands or the ~~right of way~~ ~~right-of-way~~ of a
19 34 public highway and their agents and employees are not liable
19 35 for the operation of ~~an all-terrain vehicle or a~~ snowmobile in
20 1 violation of this chapter.

20 2 Sec. 32. Section 321G.23, subsections 1 and 4, Code 2003,
20 3 are amended to read as follows:

20 4 1. The commission shall provide, by rules adopted pursuant
20 5 to section 321G.2, for the establishment of certified courses
20 6 of instruction to be conducted throughout the state for the
20 7 safe use and operation of ~~all-terrain vehicles and~~
20 8 snowmobiles. The curriculum shall include instruction in the
20 9 lawful and safe use, operation, and equipping of ~~all-terrain~~
~~20 10 vehicles and~~ snowmobiles consistent with this chapter and
20 11 rules adopted by the commission and the director of
20 12 transportation and other matters the commission deems
20 13 pertinent for a qualified ~~all-terrain vehicle or~~ snowmobile
20 14 operator.

20 15 4. The commission shall provide safety material relating
20 16 to the operation of ~~all-terrain vehicles and~~ snowmobiles for
20 17 the use of nonpublic or public elementary and secondary
20 18 schools in this state.

20 19 Sec. 33. Section 321G.24, subsections 1, 2, 4, and 5, Code
20 20 2003, are amended to read as follows:

20 21 1. A person under eighteen years of age shall not operate
20 22 a snowmobile on public land ~~or ice~~ or land purchased with
20 23 snowmobile registration funds in this state without obtaining
20 24 a valid safety certificate issued by the department and having
20 25 the certificate in the person's possession, unless the person
20 26 is accompanied on the same snowmobile by a responsible person
20 27 of at least eighteen years of age who is experienced in
20 28 snowmobile operation and possesses a valid driver's license,
20 29 as defined in section 321.1, or a safety certificate issued
20 30 under this chapter. ~~A person under eighteen years of age~~
~~20 31 shall not operate an all-terrain vehicle on public land or~~
~~20 32 land purchased with all-terrain vehicle registration funds in~~
~~20 33 this state without obtaining a valid safety certificate issued~~
~~20 34 by the department and having the certificate in the person's~~
~~20 35 possession.~~

21 1 2. Upon application and payment of a fee of ~~three~~ five
21 2 dollars, a qualified applicant shall be issued a safety
21 3 certificate which is valid until the certificate is suspended
21 4 or revoked for a violation of a provision of this chapter or a

21 5 rule of the commission or the director of transportation. The
21 6 application shall be made on forms issued by the commission
21 7 and shall contain information as the commission may reasonably
21 8 require.

21 9 4. The permit fees collected under this section shall be
21 10 credited to the ~~state conservation special snowmobile~~ fund
21 11 ~~created under section 321G.7~~ and shall be used for safety and
21 12 educational programs.

21 13 5. A valid ~~all-terrain vehicle or~~ snowmobile safety
21 14 certificate or license issued to a nonresident by a
21 15 governmental authority of another state shall be considered a
21 16 valid certificate or license in this state if the permit or
21 17 license requirements of the governmental authority, excluding
21 18 fees, are substantially the same as the requirements of this
21 19 chapter as determined by the commission.

21 20 Sec. 34. Section 321G.25, Code 2003, is amended to read as
21 21 follows:

21 22 321G.25 STOPPING AND INSPECTING == WARNINGS.

21 23 A peace officer may stop and inspect ~~an all-terrain vehicle~~
21 24 ~~or a snowmobile~~ operated, parked, or stored on public streets,
21 25 highways, public lands, or frozen waters of the state to
21 26 determine if the ~~all-terrain vehicle or~~ snowmobile is
21 27 registered, numbered, or equipped as required by this chapter
21 28 and commission rules. The officer shall not inspect an area
21 29 that is not essential to determine compliance with the
21 30 requirements. If the officer determines that the ~~all-terrain~~
21 31 ~~vehicle or~~ snowmobile is not in compliance, the officer may
21 32 issue a warning memorandum to the operator and forward a copy
21 33 to the commission. The warning memorandum shall indicate the
21 34 items found not in compliance and shall direct the owner or
21 35 operator of the ~~all-terrain vehicle or~~ snowmobile to have the
22 1 ~~all-terrain vehicle or~~ snowmobile in compliance and return a
22 2 copy of the warning memorandum with the proof of compliance to
22 3 the commission within fourteen days. If the proof of
22 4 compliance is not provided within fourteen days, the owner or
22 5 operator is in violation of this chapter.

22 6 Sec. 35. Section 321G.26, Code 2003, is amended to read as
22 7 follows:

22 8 321G.26 TERMINATION OF USE.

22 9 A person who receives a warning memorandum for ~~an all-~~
22 10 ~~terrain vehicle or a~~ snowmobile shall stop using the ~~all-~~
22 11 ~~terrain vehicle or~~ snowmobile as soon as possible and shall
22 12 not operate it on public streets, highways, public lands, or
22 13 frozen waters of the state until the ~~all-terrain vehicle or~~
22 14 snowmobile is in compliance.

22 15 Sec. 36. Section 321G.27, Code 2003, is amended to read as
22 16 follows:

22 17 321G.27 WRITING FEES.

22 18 The county recorder shall collect a writing fee of one
22 19 dollar ~~and twenty-five cents~~ for ~~an all-terrain vehicle or a~~
22 20 snowmobile registration.

22 21 Sec. 37. Section 321G.28, Code 2003, is amended to read as
22 22 follows:

22 23 321G.28 CONSISTENT LOCAL LAWS == SPECIAL LOCAL RULES.

22 24 1. This chapter and other applicable laws of this state
22 25 shall govern the operation, equipment, numbering, and all
22 26 other matters relating to ~~an all-terrain vehicle or a~~
22 27 snowmobile when the ~~all-terrain vehicle or~~ snowmobile is
22 28 operated or maintained in this state. However, this chapter
22 29 does not prevent the adoption of an ordinance or local law
22 30 relating to the operation of or equipment of ~~all-terrain~~
22 31 ~~vehicles or~~ snowmobiles. The ordinances or local laws are
22 32 operative only so long as they are not inconsistent with this
22 33 chapter or the rules adopted by the commission.

22 34 2. A subdivision of this state, after public notice by
22 35 publication in a newspaper having a general circulation in the
23 1 subdivision, may make formal application to the commission for
23 2 special rules concerning the operation of ~~all-terrain vehicles~~
23 3 ~~or~~ snowmobiles within the territorial limits of the
23 4 subdivision and shall provide the commission with the reasons
23 5 the special rules are necessary.

23 6 3. The commission, upon application by local authorities
23 7 and in conformity with this chapter, may make special rules
23 8 concerning the operation of ~~all-terrain vehicles or~~
23 9 snowmobiles within the territorial limits of a subdivision of
23 10 this state.

23 11 Sec. 38. Section 321G.29, Code 2003, is amended to read as
23 12 follows:

23 13 321G.29 OWNER'S CERTIFICATE OF TITLE == IN GENERAL.

23 14 1. The owner of a snowmobile acquired on or after January
23 15 1, 1998, ~~or an all-terrain vehicle acquired on or after~~

~~23 16 January 1, 2000, other than a snowmobile or all-terrain~~
~~23 17 vehicle~~ used exclusively as a farm implement, shall apply to
23 18 the county recorder of the county in which the owner resides
23 19 for a certificate of title for the snowmobile ~~or all-terrain~~
~~23 20 vehicle~~. The owner of a snowmobile ~~or all-terrain vehicle~~
23 21 used exclusively as a farm implement may obtain a certificate
23 22 of title. A person who owns a snowmobile ~~or all-terrain~~
~~23 23 vehicle~~ that is not required to have a certificate of title
23 24 may apply for and receive a certificate of title for the
23 25 snowmobile ~~or all-terrain vehicle~~ and, subsequently, the
23 26 snowmobile ~~or all-terrain vehicle~~ shall be subject to the
23 27 requirements of this chapter as if the snowmobile ~~or all-~~
~~23 28 terrain vehicle~~ were required to be titled. All snowmobiles
23 29 ~~or all-terrain vehicles~~ that are titled shall be registered.
23 30 2. A certificate of title shall contain the information
23 31 and shall be issued on a form the department prescribes.
23 32 3. An owner of a snowmobile ~~or all-terrain vehicle~~ shall
23 33 apply to the county recorder for issuance of a certificate of
23 34 title within thirty days after acquisition. The application
23 35 shall be on forms the department prescribes and accompanied by
24 1 the required fee. The application shall be signed and sworn
24 2 to before a notary public or other person who administers
24 3 oaths, or shall include a certification signed in writing
24 4 containing substantially the representation that statements
24 5 made are true and correct to the best of the applicant's
24 6 knowledge, information, and belief, under penalty of perjury.
24 7 The application shall contain the date of sale and gross price
24 8 of the snowmobile ~~or all-terrain vehicle~~ or the fair market
24 9 value if no sale immediately preceded the transfer and any
24 10 additional information the department requires. If the
24 11 application is made for a snowmobile ~~or all-terrain vehicle~~
24 12 last previously registered or titled in another state or
24 13 foreign country, the application shall contain this
24 14 information and any other information the department requires.
24 15 4. If a dealer buys or acquires a snowmobile ~~or all-~~
~~24 16 terrain vehicle~~ for resale, the dealer shall report the
24 17 acquisition to the county recorder on forms provided by the
24 18 department and may apply for and obtain a certificate of title
24 19 as provided in this chapter. If a dealer buys or acquires a
24 20 used snowmobile ~~or all-terrain vehicle~~, the dealer may apply
24 21 for a certificate of title in the dealer's name within thirty
24 22 days. If a dealer buys or acquires a new snowmobile ~~or all-~~
~~24 23 terrain vehicle~~ for resale, the dealer may apply for a
24 24 certificate of title in the dealer's name.
24 25 5. A manufacturer or dealer shall not transfer ownership
24 26 of a new snowmobile ~~or new all-terrain vehicle~~ without
24 27 supplying the transferee with the manufacturer's or importer's
24 28 certificate of origin signed by the manufacturer's or
24 29 importer's authorized agent. The certificate shall contain
24 30 information the department requires. The department may adopt
24 31 rules providing for the issuance of a certificate of origin
24 32 for a snowmobile ~~or all-terrain vehicle~~ by the department upon
24 33 good cause shown by the owner.
24 34 6. A dealer transferring ownership of a snowmobile ~~or all-~~
~~24 35 terrain vehicle~~ under this chapter shall assign the title to
25 1 the new owner, or in the case of a new snowmobile ~~or new all-~~
~~25 2 terrain vehicle~~, assign the certificate of origin. Within
25 3 fifteen days the dealer shall forward all moneys and
25 4 applications to the county recorder.
25 5 7. The county recorder shall maintain a record of any
25 6 certificate of title which the county recorder issues and
25 7 shall keep each certificate of title on record until the
25 8 certificate of title has been inactive for five years. When
25 9 issuing a title for a new snowmobile ~~or new all-terrain~~
~~25 10 vehicle~~, the county recorder shall obtain and keep on file the
25 11 certificate of origin. When issuing a title and registration
25 12 for a used snowmobile ~~or all-terrain vehicle~~ for which there
25 13 is no title or registration, the county recorder shall obtain
25 14 and keep on file the affidavit for the unregistered and
25 15 untitled snowmobile ~~or all-terrain vehicle~~.
25 16 8. Once titled, a person shall not sell or transfer
25 17 ownership of a snowmobile ~~or all-terrain vehicle~~ without
25 18 delivering to the purchaser or transferee a certificate of
25 19 title with an assignment on it showing title in the purchaser
25 20 or transferee. A person shall not purchase or otherwise
25 21 acquire a snowmobile ~~or all-terrain vehicle~~ without obtaining
25 22 a certificate of title for it in that person's name.
25 23 9. If the county recorder is not satisfied as to the
25 24 ownership of the snowmobile ~~or all-terrain vehicle~~ or that
25 25 there are no undisclosed security interests in the snowmobile
25 26 ~~or all-terrain vehicle~~, the county recorder may issue a

25 27 certificate of title for the snowmobile ~~or all-terrain vehicle~~
25 28 but, as a condition of such issuance, may require the
25 29 applicant to file with the department a bond in the form
25 30 prescribed by the department and executed by the applicant,
25 31 and also executed by a person authorized to conduct a surety
25 32 business in this state. The form and amount of the bond shall
25 33 be established by rule of the department. The bond shall be
25 34 conditioned to indemnify any prior owner and secured party and
25 35 any subsequent purchaser of the snowmobile or ~~all-terrain~~
26 1 ~~vehicle or~~ person acquiring any security interest in the
26 2 snowmobile ~~or all-terrain vehicle~~, and their respective
26 3 successors in interest, against any expense, loss, or damage,
26 4 including reasonable attorney fees, by reason of the issuance
26 5 of the certificate of title of the snowmobile ~~or all-terrain~~
26 6 ~~vehicle or~~ on account of any defect in or undisclosed security
26 7 interest upon the right, title, and interest of the applicant
26 8 in and to the snowmobile ~~or all-terrain vehicle~~. Any such
26 9 interested person has a right of action to recover on the bond
26 10 for any breach of its conditions, but the aggregate liability
26 11 of the surety to all persons shall not exceed the amount of
26 12 the bond. The bond shall be returned at the end of three
26 13 years or prior thereto if the snowmobile ~~or all-terrain~~
26 14 ~~vehicle~~ is no longer registered in this state and the
26 15 certificate of title is surrendered to the department, unless
26 16 the department has been notified of the pendency of an action
26 17 to recover on the bond.
26 18 10. The county recorder shall transmit a copy of the
26 19 certificate of title to the department, which shall be the
26 20 central repository of title information for snowmobiles ~~and~~
26 21 ~~all-terrain vehicles~~.
26 22 Sec. 39. Section 321G.30, subsection 5, Code 2003, is
26 23 amended to read as follows:
26 24 5. Five dollars of the certificate of title fees collected
26 25 under this section shall be remitted by the county recorder to
26 26 the treasurer of state for deposit in the special ~~conservation~~
26 27 snowmobile fund created under section 321G.7. The remaining
26 28 five dollars shall be retained by the county and deposited
26 29 into the general fund of the county.
26 30 Sec. 40. Section 321G.31, Code 2003, is amended to read as
26 31 follows:
26 32 321G.31 TRANSFER OR REPOSSESSION OF ~~SNOWMOBILE OR ALL-~~
26 33 ~~TERRAIN VEHICLE~~ BY OPERATION OF LAW.
26 34 1. If ownership of a snowmobile ~~or all-terrain vehicle~~ is
26 35 transferred by operation of law, such as by inheritance, order
27 1 in bankruptcy, insolvency, replevin, or execution sale, the
27 2 transferee, within thirty days after acquiring the right to
27 3 possession of the snowmobile ~~or all-terrain vehicle~~, shall
27 4 mail or deliver to the county recorder satisfactory proof of
27 5 ownership as the county recorder requires, together with an
27 6 application for a new certificate of title, and the required
27 7 fee.
27 8 2. If a lienholder repossesses a snowmobile ~~or all-terrain~~
27 9 ~~vehicle~~ by operation of law and holds it for resale, the
27 10 lienholder shall secure a new certificate of title and shall
27 11 pay the required fee.
27 12 Sec. 41. Section 321G.32, subsection 1, unnumbered
27 13 paragraph 1, Code 2003, is amended to read as follows:
27 14 A security interest created in this state in a snowmobile
27 15 ~~or all-terrain vehicle~~ is not perfected until the security
27 16 interest is noted on the certificate of title.
27 17 Sec. 42. Section 321G.32, subsection 1, paragraph b, Code
27 18 2003, is amended to read as follows:
27 19 b. The application fee for a security interest is ten
27 20 dollars. Five dollars of the fee shall be credited to the
27 21 special ~~conservation~~ snowmobile fund created under section
27 22 321G.7. The remaining five dollars shall be retained by the
27 23 county and deposited into the general fund of the county.
27 24 Sec. 43. Section 321G.33, Code Supplement 2003, is amended
27 25 to read as follows:
27 26 321G.33 VEHICLE IDENTIFICATION NUMBER.
27 27 1. The department may assign a distinguishing number to ~~an~~
27 28 ~~all-terrain vehicle or~~ a snowmobile when the serial number on
27 29 the ~~all-terrain vehicle or~~ snowmobile is destroyed or
27 30 obliterated and issue to the owner a special plate bearing the
27 31 distinguishing number which shall be affixed to the ~~all-~~
27 32 ~~terrain vehicle or~~ snowmobile in a position to be determined
27 33 by the department. The ~~all-terrain vehicle or~~ snowmobile
27 34 shall be registered and titled under the distinguishing number
27 35 in lieu of the former serial number. Every ~~all-terrain~~
28 1 ~~vehicle or~~ snowmobile shall have a vehicle identification
28 2 number assigned and affixed as required by the department.

28 3 2. The commission shall adopt, by rule, the procedures for
28 4 application and for issuance of a vehicle identification
28 5 number for homebuilt ~~all-terrain vehicles or~~ snowmobiles.
28 6 3. A person shall not destroy, remove, alter, cover, or
28 7 deface the manufacturer's vehicle identification number, the
28 8 plate bearing it, or any vehicle identification number the
28 9 department assigns to an ~~all-terrain vehicle or a~~ snowmobile
28 10 without the department's permission.
28 11 4. A person other than a manufacturer who constructs or
28 12 rebuilds an ~~all-terrain vehicle or a~~ snowmobile for which
28 13 there is no legible vehicle identification number shall submit
28 14 to the department an affidavit which describes the ~~all-terrain~~
28 15 ~~vehicle or~~ snowmobile. In cooperation with the county
28 16 recorder, the department shall assign a vehicle identification
28 17 number to the ~~all-terrain vehicle or~~ snowmobile. The
28 18 applicant shall permanently affix the vehicle identification
28 19 number to the ~~all-terrain vehicle or~~ snowmobile in a manner
28 20 that such alteration, removal, or replacement of the vehicle
28 21 identification number would be obvious.
28 22 Sec. 44. NEW SECTION. 321I.1 DEFINITIONS.
28 23 As used in this chapter, unless the context otherwise
28 24 requires:
28 25 1. "All-terrain vehicle" means a motorized flotation=tire
28 26 vehicle with not less than three low-pressure tires, but not
28 27 more than six low-pressure tires, or a two-wheeled off-road
28 28 motorcycle, that is limited in engine displacement to less
28 29 than eight hundred cubic centimeters and in total dry weight
28 30 to less than eight hundred fifty pounds and that has a seat or
28 31 saddle designed to be straddled by the operator and handlebars
28 32 for steering control.
28 33 Two-wheeled off-road motorcycles shall be considered all=
28 34 terrain vehicles for the purpose of registration. Two-wheeled
28 35 off-road motorcycles shall also be considered all-terrain
29 1 vehicles for the purpose of titling if a title has not
29 2 previously been issued pursuant to chapter 321. An operator
29 3 of a two-wheeled off-road motorcycle is exempt from the safety
29 4 instruction and certification program requirements of sections
29 5 321I.24 and 321I.25.
29 6 2. "'A" scale" means the physical scale marked "A"
29 7 graduated in decibels on a sound level meter which meets the
29 8 requirements of the American national standards institute,
29 9 incorporated, publication S1.4=1961, general purpose sound
29 10 level meters.
29 11 3. "Commission" means the natural resource commission of
29 12 the department.
29 13 4. "Dealer" means a person engaged in the business of
29 14 buying, selling, or exchanging all-terrain vehicles required
29 15 to be registered under this chapter and who has an established
29 16 place of business for that purpose in this state.
29 17 5. "Department" means the department of natural resources.
29 18 6. "Established place of business" means the place
29 19 actually occupied either continuously or at regular periods by
29 20 a dealer or manufacturer where the books and records are kept
29 21 and the dealer's or manufacturer's business is primarily
29 22 transacted.
29 23 7. "Manufacturer" means a person engaged in the business
29 24 of constructing or assembling all-terrain vehicles required to
29 25 be registered under this chapter and who has an established
29 26 place of business for that purpose in this state.
29 27 8. "Nonambulatory person" means an individual with
29 28 paralysis of the lower half of the body with the involvement
29 29 of both legs, usually caused by disease of or injury to the
29 30 spinal cord, or caused by the loss of both legs or the loss of
29 31 a part of both legs.
29 32 9. "Nonresident" means a person who is not a resident of
29 33 this state.
29 34 10. "Operate" means to ride in or on, other than as a
29 35 passenger, use, or control the operation of an all-terrain
30 1 vehicle in any manner, whether or not the all-terrain vehicle
30 2 is moving.
30 3 11. "Operator" means a person who operates or is in actual
30 4 physical control of an all-terrain vehicle.
30 5 12. "Owner" means a person, other than a lienholder,
30 6 having the property right in or title to an all-terrain
30 7 vehicle. The term includes a person entitled to the use or
30 8 possession of an all-terrain vehicle subject to an interest in
30 9 another person, reserved or created by agreement and securing
30 10 payment or performance of an obligation, but the term excludes
30 11 a lessee under a lease not intended as security.
30 12 13. "Person" means an individual, partnership, firm,
30 13 corporation, association, and the state, its agencies, and

30 14 political subdivisions.
30 15 14. "Public land" means land owned by the federal
30 16 government, the state, or political subdivisions of the state
30 17 and land acquired or developed for public recreation pursuant
30 18 to section 321I.8.
30 19 15. "Railroad right-of-way" means the full width of
30 20 property owned, leased, or subject to easement for railroad
30 21 purposes and is not limited to those areas on which tracks are
30 22 located.
30 23 16. "Resident" means a person who meets the requirements
30 24 for residency described in section 321.1A.
30 25 17. "Roadway" means that portion of a highway improved,
30 26 designed, or ordinarily used for vehicular travel.
30 27 18. "Safety certificate" means an all-terrain vehicle
30 28 safety certificate, approved by the commission, issued to a
30 29 qualified applicant who is twelve years of age or older.
30 30 19. "Snowmobile" means the same as defined in section
30 31 321G.1.
30 32 20. "Special event" means an organized race, exhibition,
30 33 or demonstration of limited duration which is conducted on
30 34 public land or ice under the jurisdiction of the commission
30 35 according to a prearranged schedule and in which general
31 1 public interest is manifested.
31 2 21. "Street" or "highway" means the entire width between
31 3 property lines of every way or place of whatever nature when
31 4 any part thereof is open to the use of the public, as a matter
31 5 of right, for purposes of vehicular travel, except in public
31 6 areas in which the boundary shall be thirty-three feet each
31 7 side of the center line of the roadway.
31 8 Sec. 45. NEW SECTION. 321I.2 RULES.
31 9 The commission may adopt rules for the following purposes:
31 10 1. Registration and titling of all-terrain vehicles.
31 11 2. Use of all-terrain vehicles as far as game and fish
31 12 resources or habitats are affected.
31 13 3. Use of all-terrain vehicles on public lands under the
31 14 jurisdiction of the commission.
31 15 4. Use of all-terrain vehicles on any waters of the state
31 16 under the jurisdiction of the commission, while the waters are
31 17 frozen.
31 18 5. Establishment of a program of grants, subgrants, and
31 19 contracts to be administered by the department for the
31 20 development and delivery of certified courses of instruction
31 21 for the safe use and operation of all-terrain vehicles by
31 22 political subdivisions and incorporated private organizations.
31 23 6. Issuance of safety certificates.
31 24 7. Issuance of competition registrations and the
31 25 participation of all-terrain vehicles so registered in special
31 26 events.
31 27 8. Issuance of annual user permits for nonresidents and
31 28 establishment of administrative fees for the issuance of the
31 29 permits.
31 30 The director of transportation may adopt rules not
31 31 inconsistent with this chapter regulating the use of all-
31 32 terrain vehicles on streets and highways. Cities may
31 33 designate streets under the jurisdiction of cities within
31 34 their respective corporate limits which may be used for the
31 35 sport of driving all-terrain vehicles.
32 1 In adopting the rules, consideration shall be given to the
32 2 need to protect the environment and the public health, safety,
32 3 and welfare; to protect private property, public parks, and
32 4 other public lands; to protect wildlife and wildlife habitat;
32 5 and to promote uniformity of rules relating to the use,
32 6 operation, and equipment of all-terrain vehicles. The rules
32 7 shall be in conformance with chapter 17A.
32 8 Sec. 46. NEW SECTION. 321I.3 REGISTRATION AND NUMBERING
32 9 REQUIRED.
32 10 1. Each all-terrain vehicle used on public land or ice of
32 11 this state shall be currently registered and numbered. A
32 12 person shall not operate, maintain, or give permission for the
32 13 operation or maintenance of an all-terrain vehicle on public
32 14 land or ice unless the all-terrain vehicle is numbered in
32 15 accordance with this chapter or applicable federal laws, or
32 16 unless the all-terrain vehicle displays a current annual user
32 17 permit for the all-terrain vehicle. If the all-terrain
32 18 vehicle is required to be registered in this state, the
32 19 identifying number set forth in the registration shall be
32 20 displayed as prescribed by rules of the commission.
32 21 2. A registration number shall be assigned, without
32 22 payment of fee, to all-terrain vehicles owned by the state of
32 23 Iowa or its political subdivisions upon application for the
32 24 number, and the assigned registration number shall be

32 25 displayed on the all-terrain vehicle as required under section
32 26 321I.6. A registration number and certificate shall be
32 27 assigned, without payment of fee, to an all-terrain vehicle
32 28 which is exempt from registration but is being titled. A
32 29 decal displaying an audit number shall not be issued and the
32 30 registration shall not expire while the all-terrain vehicle is
32 31 exempt. The application for registration shall indicate the
32 32 reason for exemption from the fee. The registration
32 33 certificate shall indicate the reason for exemption.

32 34 Sec. 47. NEW SECTION. 321I.4 REGISTRATION WITH COUNTY
32 35 RECORDER == FEE.

33 1 The owner of each all-terrain vehicle required to be
33 2 numbered shall register it annually with the county recorder
33 3 of the county in which the owner resides or, if the owner is a
33 4 nonresident, the owner shall register it in the county in
33 5 which the all-terrain vehicle is principally used. The
33 6 commission has supervisory responsibility over the
33 7 registration of all-terrain vehicles and shall provide each
33 8 county recorder with registration forms and certificates and
33 9 shall allocate registration numbers to each county.

33 10 The owner of the all-terrain vehicle shall file an
33 11 application for registration with the appropriate county
33 12 recorder on forms provided by the commission. The application
33 13 shall be completed and signed by the owner of the all-terrain
33 14 vehicle and shall be accompanied by a fee of fifteen dollars
33 15 and a writing fee. An all-terrain vehicle shall not be
33 16 registered by the county recorder until the county recorder is
33 17 presented with receipts, bills of sale, or other satisfactory
33 18 evidence that the sales or use tax has been paid for the
33 19 purchase of the all-terrain vehicle or that the owner is
33 20 exempt from paying the tax. An all-terrain vehicle that has
33 21 an expired registration certificate from another state may be
33 22 registered in this state upon proper application, payment of
33 23 all applicable registration and writing fees, and payment of a
33 24 penalty of five dollars.

33 25 Upon receipt of the application in approved form
33 26 accompanied by the required fees, the county recorder shall
33 27 enter it upon the records and shall issue to the applicant a
33 28 registration certificate. The certificate shall be executed
33 29 in triplicate, one copy to be delivered to the owner, one copy
33 30 to the commission, and one copy to be retained on file by the
33 31 county recorder. The registration certificate shall bear the
33 32 number awarded to the all-terrain vehicle and the name and
33 33 address of the owner. The registration certificate shall be
33 34 carried either in the all-terrain vehicle or on the person of
33 35 the operator of the all-terrain vehicle when in use. The
34 1 operator of an all-terrain vehicle shall exhibit the
34 2 registration certificate to a peace officer upon request, to a
34 3 person injured in an accident involving an all-terrain
34 4 vehicle, to the owner or operator of another all-terrain
34 5 vehicle or the owner of personal or real property when the
34 6 all-terrain vehicle is involved in a collision or accident of
34 7 any nature with another all-terrain vehicle or the property of
34 8 another person, or to the property owner or tenant when the
34 9 all-terrain vehicle is being operated on private property
34 10 without permission from the property owner or tenant.

34 11 If an all-terrain vehicle is placed in storage, the owner
34 12 shall return the current registration certificate to the
34 13 county recorder with an affidavit stating that the all-terrain
34 14 vehicle is placed in storage and the effective date of
34 15 storage. The county recorder shall notify the commission of
34 16 each all-terrain vehicle placed in storage. When the owner of
34 17 a stored all-terrain vehicle desires to renew the
34 18 registration, the owner shall make application to the county
34 19 recorder and pay the registration and writing fees without
34 20 penalty. A refund of the registration fee shall not be
34 21 allowed for a stored all-terrain vehicle.

34 22 Sec. 48. NEW SECTION. 321I.5 NONRESIDENT USER PERMITS.

34 23 A nonresident wishing to operate an all-terrain vehicle,
34 24 other than an all-terrain vehicle owned by a resident and
34 25 registered pursuant to this chapter, on public land or ice of
34 26 this state shall first obtain a user permit from the
34 27 department. A user permit shall be issued for the all-terrain
34 28 vehicle specified at the time of application and is not
34 29 transferable. A user permit shall be valid for the calendar
34 30 year specified in the permit.

34 31 User permits may be issued by a county recorder or a
34 32 license depositary pursuant to rules adopted by the
34 33 commission. The fee for a user permit shall be fifteen
34 34 dollars plus an administrative fee established by the
34 35 commission. A county recorder shall retain a writing fee of

35 1 one dollar from the sale of each user permit issued by the
35 2 county recorder's office. The writing fees retained by the
35 3 county recorder shall be deposited in the general fund of the
35 4 county. A license depository designated by the director
35 5 pursuant to section 483A.11 shall retain a writing fee of one
35 6 dollar from the sale of each permit issued by the agent.

35 7 Sec. 49. NEW SECTION. 321I.6 DISPLAY OF IDENTIFICATION
35 8 NUMBERS.

35 9 The owner shall display the identification number on an
35 10 all-terrain vehicle in the manner prescribed by rules of the
35 11 commission.

35 12 Sec. 50. NEW SECTION. 321I.7 REGISTRATION == RENEWAL ==
35 13 TRANSFER.

35 14 1. a. Every all-terrain vehicle registration certificate
35 15 and number issued expires at midnight December 31 unless
35 16 sooner terminated or discontinued in accordance with this
35 17 chapter. After the first day of September each year, an
35 18 unregistered all-terrain vehicle may be registered or a
35 19 registration may be renewed for the subsequent year beginning
35 20 January 1.

35 21 b. After the first day of September an unregistered all-
35 22 terrain vehicle may be registered for the remainder of the
35 23 current registration year and for the subsequent registration
35 24 year in one transaction. The fee shall be five dollars for
35 25 the remainder of the current year, in addition to the
35 26 registration fee of fifteen dollars for the subsequent year
35 27 beginning January 1, and a writing fee. Registration
35 28 certificates and numbers may be renewed upon application of
35 29 the owner in the same manner as provided in securing the
35 30 original registration. The all-terrain vehicle registration
35 31 fee is in lieu of personal property tax for each year of the
35 32 registration.

35 33 2. An expired all-terrain vehicle registration may be
35 34 renewed for the same fee as if the owner is securing the
35 35 original registration plus a penalty of five dollars and a
36 1 writing fee.

36 2 3. When a person, after registering an all-terrain
36 3 vehicle, moves from the address shown on the registration
36 4 certificate, the person shall, within thirty days, notify the
36 5 county recorder in writing of the move and the person's new
36 6 address.

36 7 4. Upon the transfer of ownership of an all-terrain
36 8 vehicle, the owner shall complete the form on the back of the
36 9 title, if any, and registration, if any, and deliver both to
36 10 the purchaser or transferee when the all-terrain vehicle is
36 11 delivered. If the all-terrain vehicle is not titled, the
36 12 owner shall complete the form on the back of the current
36 13 registration certificate and shall deliver the certificate to
36 14 the purchaser or transferee at the time of delivering the all-
36 15 terrain vehicle. If the all-terrain vehicle has not been
36 16 titled and has not been registered, the owner shall deliver an
36 17 affidavit for an unregistered and untitled all-terrain vehicle
36 18 to the purchaser or transferee. The purchaser or transferee
36 19 shall, within thirty days of transfer, file a new application
36 20 form with the county recorder with a fee of one dollar and the
36 21 writing fee, and a transfer of number shall be awarded in the
36 22 same manner as provided in an original registration. If the
36 23 purchaser or transferee does not file a new application form
36 24 within thirty days of transfer, the transfer of number shall
36 25 be awarded upon payment of all applicable fees plus a penalty
36 26 of five dollars.

36 27 All registrations must be valid for the current
36 28 registration period prior to the transfer of any registration,
36 29 including assignment to a dealer.

36 30 5. Duplicate registrations may be issued upon application
36 31 to the county recorder and the payment of the same fees
36 32 collected for the transfer of registrations.

36 33 6. A motorcycle, as defined in section 321.1, subsection
36 34 40, paragraph "a", may be registered as an all-terrain vehicle
36 35 as provided in this section. A motorcycle registered as an
37 1 all-terrain vehicle may participate in all programs
37 2 established for all-terrain vehicles under this chapter except
37 3 for the safety instruction and certification program.

37 4 Sec. 51. NEW SECTION. 321I.8 FEES REMITTED TO COMMISSION
37 5 == APPROPRIATION.

37 6 Within ten days after the end of each month, a county
37 7 recorder shall remit to the commission the all-terrain vehicle
37 8 fees collected by the recorder during the previous month.
37 9 Before January 10 of each year, a recorder shall remit to the
37 10 commission unused license forms from the previous year.

37 11 The department shall remit the fees, including user fees

37 12 collected pursuant to section 321I.5, to the treasurer of
37 13 state, who shall place the money in a special all-terrain
37 14 vehicle fund. The money is appropriated to the department for
37 15 the all-terrain vehicle programs of the state. The programs
37 16 shall include grants, subgrants, contracts, or cost-sharing of
37 17 all-terrain vehicle programs with political subdivisions or
37 18 incorporated private organizations or both in accordance with
37 19 rules adopted by the commission. All-terrain vehicle fees may
37 20 be used for the establishment, maintenance, and operation of
37 21 all-terrain vehicle recreational riding areas through the
37 22 awarding of grants administered by the department. All=
37 23 terrain vehicle recreational riding areas established,
37 24 maintained, or operated by the use of such grants shall not be
37 25 operated for profit. All programs using cost-sharing, grants,
37 26 subgrants, or contracts shall establish and implement a safety
37 27 instruction program either singly or in cooperation with other
37 28 all-terrain vehicle programs. All-terrain vehicle fees may be
37 29 used to support all-terrain vehicle programs on a usage basis.
37 30 At least fifty percent of the special fund shall be available
37 31 for political subdivisions or incorporated private
37 32 organizations or both. Moneys from the special fund not used
37 33 by the political subdivisions or incorporated private
37 34 organizations or both shall remain in the fund and may be used
37 35 by the department for the administration of the all-terrain
38 1 vehicle programs. Notwithstanding section 8.33, moneys in the
38 2 special fund shall not revert to the general fund of the state
38 3 at the end of a fiscal year. Notwithstanding section 12C.7,
38 4 subsection 2, interest or earnings on moneys in the special
38 5 fund shall remain in the fund.

38 6 Sec. 52. NEW SECTION. 321I.9 EXEMPT VEHICLES.
38 7 Registration shall not be required for the following
38 8 described all-terrain vehicles:
38 9 1. All-terrain vehicles owned and used by the United
38 10 States, another state, or a political subdivision of another
38 11 state.
38 12 2. All-terrain vehicles registered in a country other than
38 13 the United States used within this state for not more than
38 14 twenty consecutive days.
38 15 3. All-terrain vehicles covered by a valid license of
38 16 another state and which have not been within this state for
38 17 more than twenty consecutive days.
38 18 4. All-terrain vehicles not registered or licensed in
38 19 another state or country being used in this state while
38 20 engaged in a special event and not remaining in the state for
38 21 a period of more than ten days.
38 22 5. All-terrain vehicles used in accordance with section
38 23 321.234A, subsection 1, paragraph "a".
38 24 6. All-terrain vehicles used exclusively as farm
38 25 implements.

38 26 Sec. 53. NEW SECTION. 321I.10 OPERATION ON ROADWAYS AND
38 27 HIGHWAYS == SNOWMOBILE TRAILS.
38 28 1. A person shall not operate an all-terrain vehicle upon
38 29 roadways or highways except as provided in section 321.234A
38 30 and this section.
38 31 2. A registered all-terrain vehicle may be operated on the
38 32 roadways of that portion of county highways designated by the
38 33 county board of supervisors for such use during a specified
38 34 period. The county board of supervisors shall evaluate the
38 35 traffic conditions on all county highways and designate
39 1 roadways on which all-terrain vehicles may be operated for the
39 2 specified period without unduly interfering with or
39 3 constituting an undue hazard to conventional motor vehicle
39 4 traffic. Signs warning of the operation of all-terrain
39 5 vehicles on the roadway shall be placed and maintained on the
39 6 portions of highway thus designated during the period
39 7 specified for the operation.
39 8 3. All-terrain vehicles shall not be operated on
39 9 snowmobile trails except where designated by the controlling
39 10 authority and the primary snowmobile trail sponsor.

39 11 Sec. 54. NEW SECTION. 321I.11 ACCIDENT REPORTS.
39 12 If an all-terrain vehicle is involved in an accident
39 13 resulting in injury or death to anyone or property damage
39 14 amounting to one thousand dollars or more, either the operator
39 15 or someone acting for the operator shall immediately notify
39 16 the county sheriff or another law enforcement agency in the
39 17 state. If the accident occurred on public land or ice under
39 18 the jurisdiction of the commission, the operator shall file
39 19 with the commission a report of the accident, within seventy=
39 20 two hours, containing information as the commission may
39 21 require. All other accidents shall be reported as required in
39 22 section 321.266.

39 23 Sec. 55. NEW SECTION. 321I.12 MUFFLERS REQUIRED ==
39 24 INSPECTIONS.
39 25 1. An all-terrain vehicle shall not be operated without
39 26 suitable and effective muffling devices which limit engine
39 27 noise to not more than eighty-six decibels as measured on the
39 28 "A" scale at a distance of fifty feet.
39 29 2. The commission may adopt rules with respect to the
39 30 inspection of all-terrain vehicles and testing of their
39 31 mufflers.
39 32 Sec. 56. NEW SECTION. 321I.13 HEADLAMP == TAIL LAMP ==
39 33 BRAKES.
39 34 Every all-terrain vehicle operated during the hours of
39 35 darkness shall display a lighted headlamp and tail lamp.
40 1 Every all-terrain vehicle shall be equipped with brakes.
40 2 Sec. 57. NEW SECTION. 321I.14 UNLAWFUL OPERATION.
40 3 1. A person shall not drive or operate an all-terrain
40 4 vehicle:
40 5 a. At a rate of speed greater than reasonable or proper
40 6 under all existing circumstances.
40 7 b. In a careless, reckless, or negligent manner so as to
40 8 endanger the person or property of another or to cause injury
40 9 or damage thereto.
40 10 c. While under the influence of intoxicating liquor or
40 11 narcotics or habit-forming drugs.
40 12 d. Without a lighted headlight and taillight from sunset
40 13 to sunrise and at such other times when conditions provide
40 14 insufficient lighting to render clearly discernible persons
40 15 and vehicles at a distance of five hundred feet ahead.
40 16 e. In any tree nursery or planting in a manner which
40 17 damages or destroys growing stock.
40 18 f. On any public land, ice, or snow, in violation of
40 19 official signs of the commission prohibiting such operation in
40 20 the interest of safety for persons, property, or the
40 21 environment. Any officer appointed by the commission may post
40 22 an official sign in an emergency for the protection of
40 23 persons, property, or the environment.
40 24 g. In or on any park or fish and game areas except on
40 25 designated all-terrain vehicle trails.
40 26 h. Upon an operating railroad right-of-way. An all-
40 27 terrain vehicle may be driven directly across a railroad
40 28 right-of-way only at an established crossing and,
40 29 notwithstanding any other provisions of law, may, if
40 30 necessary, use the improved portion of the established
40 31 crossing after yielding to all oncoming traffic. This
40 32 paragraph does not apply to a law enforcement officer or
40 33 railroad employee in the lawful discharge of the officer's or
40 34 employee's duties or to an employee of a utility with
40 35 authority to enter upon the railroad right-of-way in the
41 1 lawful performance of the employee's duties.
41 2 2. A person shall not operate or ride an all-terrain
41 3 vehicle with a firearm in the person's possession unless it is
41 4 unloaded and enclosed in a carrying case. However, a
41 5 nonambulatory person may carry an uncased and unloaded firearm
41 6 while operating or riding an all-terrain vehicle.
41 7 3. A person shall not operate an all-terrain vehicle with
41 8 more persons on the vehicle than it was designed to carry.
41 9 Sec. 58. NEW SECTION. 321I.15 PENALTY.
41 10 A person who violates this chapter or a rule of the
41 11 commission or director of transportation is guilty of a simple
41 12 misdemeanor.
41 13 Chapter 232 shall have no application in the prosecution of
41 14 offenses which are committed in violation of this chapter, and
41 15 which constitute simple misdemeanors.
41 16 Sec. 59. NEW SECTION. 321I.16 OPERATION PENDING
41 17 REGISTRATION.
41 18 The commission shall furnish all-terrain vehicle dealers
41 19 with pasteboard cards bearing the words "registration applied
41 20 for" and space for the date of purchase. An unregistered all-
41 21 terrain vehicle sold by a dealer shall bear one of these cards
41 22 which entitles the purchaser to operate it for ten days
41 23 immediately following the purchase. The purchaser of a
41 24 registered all-terrain vehicle may operate it for ten days
41 25 immediately following the purchase, without having completed a
41 26 transfer of registration. An all-terrain vehicle dealer shall
41 27 make application and pay all registration and title fees if
41 28 applicable on behalf of the purchaser of an all-terrain
41 29 vehicle.
41 30 Sec. 60. NEW SECTION. 321I.17 SPECIAL EVENTS.
41 31 The department may authorize the holding of organized
41 32 special events as defined in this chapter within this state.
41 33 The department shall adopt rules relating to the conduct of

41 34 special events held under department permits and designating
41 35 the equipment and facilities necessary for safe operation of
42 1 all-terrain vehicles or for the safety of operators,
42 2 participants, and observers in the special events. A special
42 3 event for all-terrain vehicles may include motorcycles upon
42 4 payment of an entrance fee set by the organizer of the special
42 5 event. The department may require that part of the motorcycle
42 6 entrance fee be credited to pay costs of all-terrain vehicle
42 7 programs authorized pursuant to section 321I.8. At least
42 8 thirty days before the scheduled date of a special event in
42 9 this state, an application shall be filed with the department
42 10 for authorization to conduct the special event. The
42 11 application shall set forth the date, time, and location of
42 12 the proposed special event and any other information the
42 13 department requires. The special event shall not be conducted
42 14 without written authorization of the department. Copies of
42 15 the rules shall be furnished by the department to any person
42 16 making an application.

42 17 Sec. 61. NEW SECTION. 321I.18 VIOLATION OF STOP SIGNAL.

42 18 A person, after having received a visual or audible signal
42 19 from a peace officer to come to a stop, shall not operate an
42 20 all-terrain vehicle in willful or wanton disregard of the
42 21 signal or interfere with or endanger the officer or any other
42 22 person or vehicle, or increase speed or attempt to flee or
42 23 elude the officer.

42 24 Sec. 62. NEW SECTION. 321I.19 NEGLIGENCE.

42 25 The owner and operator of an all-terrain vehicle are liable
42 26 for any injury or damage occasioned by the negligent operation
42 27 of the all-terrain vehicle. The owner of an all-terrain
42 28 vehicle shall be liable for any such injury or damage only if
42 29 the owner was the operator of the all-terrain vehicle at the
42 30 time the injury or damage occurred or if the operator had the
42 31 owner's consent to operate the all-terrain vehicle at the time
42 32 the injury or damage occurred.

42 33 Sec. 63. NEW SECTION. 321I.20 RENTED ALL-TERRAIN
42 34 VEHICLES.

42 35 1. The owner of a rented all-terrain vehicle shall keep a
43 1 record of the name and address of each person renting the all-
43 2 terrain vehicle, its registration number, the departure date
43 3 and time, and the expected time of return. The records shall
43 4 be preserved for six months.

43 5 2. The owner of an all-terrain vehicle operated for hire
43 6 shall not permit the use or operation of a rented all-terrain
43 7 vehicle unless it has been provided with all equipment
43 8 required by this chapter or rules of the commission or the
43 9 director of transportation, properly installed and in good
43 10 working order.

43 11 Sec. 64. NEW SECTION. 321I.21 MINORS UNDER TWELVE.

43 12 A person under twelve years of age shall not operate an
43 13 all-terrain vehicle on public lands unless the person is
43 14 taking a prescribed safety training course under the direct
43 15 supervision of a certified all-terrain vehicle safety
43 16 instructor and a parent or guardian.

43 17 Sec. 65. NEW SECTION. 321I.22 MANUFACTURER, DISTRIBUTOR,
43 18 OR DEALER == SPECIAL REGISTRATION.

43 19 1. A manufacturer, distributor, or dealer owning an all-
43 20 terrain vehicle required to be registered under this chapter
43 21 may operate the all-terrain vehicle for purposes of
43 22 transporting, testing, demonstrating, or selling it without
43 23 the all-terrain vehicle being registered, except that a
43 24 special identification number issued to the owner as provided
43 25 in this chapter shall be displayed on the all-terrain vehicle.
43 26 The special identification number shall not be used on an all-
43 27 terrain vehicle offered for hire or for any work or service
43 28 performed by a manufacturer, distributor, or dealer.

43 29 2. Any manufacturer, distributor, or dealer may, upon
43 30 payment of a fee of fifteen dollars, make application to the
43 31 commission, upon forms prescribed by the commission, for a
43 32 special registration certificate containing a general
43 33 identification number and for one or more duplicate special
43 34 registration certificates. The applicant shall submit
43 35 reasonable proof of the applicant's status as a bona fide
44 1 manufacturer, distributor, or dealer as may be required by the
44 2 commission.

44 3 3. The commission, upon granting an application, shall
44 4 issue to the applicant a special registration certificate
44 5 containing the applicant's name and address, the general
44 6 identification number assigned to the applicant, the word
44 7 "manufacturer", "dealer", or "distributor", and other
44 8 information the commission prescribes. The manufacturer,
44 9 distributor, or dealer shall have the assigned number printed

44 10 upon or attached to a removable sign or signs which may be
44 11 temporarily but firmly mounted or attached to the all-terrain
44 12 vehicle being used. The display shall meet the requirements
44 13 of this chapter and the rules of the commission.

44 14 4. The commission shall also issue duplicate special
44 15 registration certificates which shall have displayed thereon
44 16 the general identification number assigned to the applicant.
44 17 Each duplicate registration certificate so issued shall
44 18 contain a number or symbol identifying it from every other
44 19 duplicate special registration certificate bearing the same
44 20 general identification number. The fee for each additional
44 21 duplicate special registration certificate shall be two
44 22 dollars.

44 23 5. Each special registration certificate issued hereunder
44 24 shall expire on December 31 of each year, and a new special
44 25 registration certificate for the ensuing twelve months may be
44 26 obtained upon application to the commission and payment of the
44 27 fee provided by law.

44 28 6. Every manufacturer, distributor, or dealer shall keep a
44 29 written record of the all-terrain vehicles upon which special
44 30 registration certificates are used, which record shall be open
44 31 to inspection by any law enforcement officer or any officer or
44 32 employee of the commission.

44 33 7. If a manufacturer, distributor, or dealer has an
44 34 established place of business in more than one location, the
44 35 manufacturer, distributor, or dealer shall secure a separate
45 1 and distinct special registration certificate and general
45 2 identification number for each place of business.

45 3 8. Dealers using special certificates under this chapter
45 4 shall, before January 10 of each year, furnish the commission
45 5 with a list of all used all-terrain vehicles held by them for
45 6 sale or trade, and upon which the registration fee for the
45 7 current year has not been paid, giving the previous
45 8 registration number, name of previous owner at the time the
45 9 all-terrain vehicle was transferred to the dealer, and other
45 10 information the commission requires.

45 11 9. If the purchaser or transferee of an all-terrain
45 12 vehicle is a dealer who holds the same for resale and operates
45 13 the all-terrain vehicle only for purposes incidental to a
45 14 resale and displays the special dealer's certificate, or does
45 15 not operate the all-terrain vehicle or permit it to be
45 16 operated, the transferee is not required to obtain a new
45 17 registration certificate but upon transferring title or
45 18 interest to another person shall sign the reverse side of the
45 19 title, if any, and the registration certificate of the all-
45 20 terrain vehicle indicating the name and address of the new
45 21 purchaser. A dealer shall make application and pay all
45 22 registration and title fees if applicable on behalf of the
45 23 purchaser of an all-terrain vehicle. The recorder shall award
45 24 a transfer of the registration number. If the registration
45 25 has expired while in the dealer's possession, the purchaser
45 26 may renew the registration for the same fee and writing fee as
45 27 if the purchaser is securing the original registration.

45 28 10. When a dealer purchases or otherwise acquires an all-
45 29 terrain vehicle registered in this state, the dealer shall
45 30 issue a signed receipt to the previous owner, indicating the
45 31 date of purchase or acquisition, the name and address of the
45 32 previous owner, and the registration number of the all-terrain
45 33 vehicle purchased or acquired. The original receipt shall be
45 34 delivered to the previous owner and one copy shall be mailed
45 35 or delivered by the dealer to the county recorder of the
46 1 county in which the all-terrain vehicle is registered, and one
46 2 copy shall be delivered to the commission within forty-eight
46 3 hours.

46 4 11. Nothing in this section shall prohibit a dealer from
46 5 obtaining a new registration and transfer of registration in
46 6 the same manner as other purchasers.

46 7 Sec. 66. NEW SECTION. 321I.23 LIMITATION OF LIABILITY BY
46 8 PUBLIC BODIES AND ADJOINING OWNERS.

46 9 The state, its political subdivisions, and the owners or
46 10 tenants of property adjoining public lands or the right-of-way
46 11 of a public highway and their agents and employees owe no duty
46 12 of care to keep the public lands, ditches, or land contiguous
46 13 to a highway or roadway under the control of the state or a
46 14 political subdivision safe for entry or use by persons
46 15 operating an all-terrain vehicle, or to give any warning of a
46 16 dangerous condition, use, structure, or activity on the
46 17 premises to persons entering for such purposes, except in the
46 18 case of willful or malicious failure to guard or warn against
46 19 a dangerous condition, use, structure, or activity. The
46 20 state, its political subdivisions, and the owners or tenants

46 21 of property adjoining public lands or the right-of-way of a
46 22 public highway and their agents and employees are not liable
46 23 for actions taken to allow or facilitate the use of public
46 24 lands, ditches, or land contiguous to a highway or roadway
46 25 except in the case of a willful or malicious failure to guard
46 26 or warn against a dangerous condition, use, structure, or
46 27 activity.

46 28 This section does not create a duty of care or ground of
46 29 liability on behalf of the state, its political subdivisions,
46 30 or the owners or tenants of property adjoining public lands or
46 31 the right-of-way of a public highway and their agents and
46 32 employees for injury to persons or property in the operation
46 33 of all-terrain vehicles in a ditch or on land contiguous to a
46 34 highway or roadway under the control of the state or a
46 35 political subdivision. The state, its political subdivisions,
47 1 and the owners or tenants of property adjoining public lands
47 2 or the right-of-way of a public highway and their agents and
47 3 employees are not liable for the operation of an all-terrain
47 4 vehicle in violation of this chapter.

47 5 Sec. 67. NEW SECTION. 321I.23A RECREATIONAL RIDING AREA
47 6 == LIMITATION OF LIABILITY OF PRIOR LANDOWNERS.

47 7 Prior owners of land on which an all-terrain vehicle
47 8 recreational riding area is established, maintained, or
47 9 operated owe no duty of care to keep the land safe for entry
47 10 or use by persons operating an all-terrain vehicle or to give
47 11 any warning of a dangerous condition, use, structure, or
47 12 activity on such premises that would make the land unsafe for
47 13 all-terrain vehicle usage.

47 14 Sec. 68. NEW SECTION. 321I.24 COURSE OF INSTRUCTION.

47 15 1. The commission shall provide, by rules adopted pursuant
47 16 to section 321I.2, for the establishment of certified courses
47 17 of instruction to be conducted throughout the state for the
47 18 safe use and operation of all-terrain vehicles. The
47 19 curriculum shall include instruction in the lawful and safe
47 20 use, operation, and equipping of all-terrain vehicles
47 21 consistent with this chapter and rules adopted by the
47 22 commission and the director of transportation and other
47 23 matters the commission deems pertinent for a qualified all-
47 24 terrain vehicle operator.

47 25 2. The commission may certify any experienced, qualified
47 26 operator to be an instructor of a class established under
47 27 subsection 1. Each instructor shall be at least eighteen
47 28 years of age.

47 29 3. Upon completion of the course of instruction, the
47 30 commission shall provide for the administration of a written
47 31 test to any student who wishes to qualify for a safety
47 32 certificate.

47 33 4. The commission shall provide safety material relating
47 34 to the operation of all-terrain vehicles for the use of
47 35 nonpublic or public elementary and secondary schools in this
48 1 state.

48 2 Sec. 69. NEW SECTION. 321I.25 SAFETY CERTIFICATE == FEE.

48 3 1. A person under eighteen years of age shall not operate
48 4 an all-terrain vehicle on public land or ice or land purchased
48 5 with all-terrain vehicle registration funds in this state
48 6 without obtaining a valid safety certificate issued by the
48 7 department and having the certificate in the person's
48 8 possession.

48 9 2. Upon application and payment of a fee of five dollars,
48 10 a qualified applicant shall be issued a safety certificate
48 11 which is valid until the certificate is suspended or revoked
48 12 for a violation of a provision of this chapter or a rule of
48 13 the commission or the director of transportation. The
48 14 application shall be made on forms issued by the commission
48 15 and shall contain information as the commission may reasonably
48 16 require.

48 17 3. Any person who is required to have a safety certificate
48 18 under this chapter and who has completed a course of
48 19 instruction established under section 321I.2, subsection 5,
48 20 including the successful passage of an examination which
48 21 includes a written test relating to such course of
48 22 instruction, shall be considered qualified to apply for a
48 23 safety certificate. The commission may waive the requirement
48 24 of completing such course of instruction if such person
48 25 successfully passes a written test based on such course of
48 26 instruction.

48 27 4. The permit fees collected under this section shall be
48 28 credited to the special all-terrain vehicle fund and shall be
48 29 used for safety and educational programs.

48 30 5. A valid all-terrain vehicle safety certificate or
48 31 license issued to a nonresident by a governmental authority of

48 32 another state shall be considered a valid certificate or
48 33 license in this state if the permit or license requirements of
48 34 the governmental authority, excluding fees, are substantially
48 35 the same as the requirements of this chapter as determined by
49 1 the commission.

49 2 Sec. 70. NEW SECTION. 321I.26 STOPPING AND INSPECTING ==
49 3 WARNINGS.

49 4 A peace officer may stop and inspect an all-terrain vehicle
49 5 operated, parked, or stored on public streets, highways,
49 6 public lands, or frozen waters of the state to determine if
49 7 the all-terrain vehicle is registered, numbered, or equipped
49 8 as required by this chapter and commission rules. The officer
49 9 shall not inspect an area that is not essential to determine
49 10 compliance with the requirements. If the officer determines
49 11 that the all-terrain vehicle is not in compliance, the officer
49 12 may issue a warning memorandum to the operator and forward a
49 13 copy to the commission. The warning memorandum shall indicate
49 14 the items found not in compliance and shall direct the owner
49 15 or operator of the all-terrain vehicle to have the all-terrain
49 16 vehicle in compliance and return a copy of the warning
49 17 memorandum with the proof of compliance to the commission
49 18 within fourteen days. If the proof of compliance is not
49 19 provided within fourteen days, the owner or operator is in
49 20 violation of this chapter.

49 21 Sec. 71. NEW SECTION. 321I.27 TERMINATION OF USE.

49 22 A person who receives a warning memorandum for an all-
49 23 terrain vehicle shall stop using the all-terrain vehicle as
49 24 soon as possible and shall not operate it on public streets,
49 25 highways, public lands, or frozen waters of the state until
49 26 the all-terrain vehicle is in compliance.

49 27 Sec. 72. NEW SECTION. 321I.28 WRITING FEES.

49 28 The county recorder shall collect a writing fee of one
49 29 dollar and twenty-five cents for an all-terrain vehicle
49 30 registration.

49 31 Sec. 73. NEW SECTION. 321I.29 CONSISTENT LOCAL LAWS ==
49 32 SPECIAL LOCAL RULES.

49 33 1. This chapter and other applicable laws of this state
49 34 shall govern the operation, equipment, numbering, and all
49 35 other matters relating to an all-terrain vehicle when the all-
50 1 terrain vehicle is operated or maintained in this state.
50 2 However, this chapter does not prevent the adoption of an
50 3 ordinance or local law relating to the operation or equipment
50 4 of all-terrain vehicles. The ordinances or local laws are
50 5 operative only so long as they are not inconsistent with this
50 6 chapter or the rules adopted by the commission.

50 7 2. A subdivision of this state, after public notice by
50 8 publication in a newspaper having a general circulation in the
50 9 subdivision, may make formal application to the commission for
50 10 special rules concerning the operation of all-terrain vehicles
50 11 within the territorial limits of the subdivision and shall
50 12 provide the commission with the reasons the special rules are
50 13 necessary.

50 14 3. The commission, upon application by local authorities
50 15 and in conformity with this chapter, may make special rules
50 16 concerning the operation of all-terrain vehicles within the
50 17 territorial limits of a subdivision of this state.

50 18 Sec. 74. NEW SECTION. 321I.30 OWNER'S CERTIFICATE OF
50 19 TITLE == IN GENERAL.

50 20 1. The owner of an all-terrain vehicle acquired on or
50 21 after January 1, 2000, other than an all-terrain vehicle used
50 22 exclusively as a farm implement or a motorcycle previously
50 23 issued a title pursuant to chapter 321, shall apply to the
50 24 county recorder of the county in which the owner resides for a
50 25 certificate of title for the all-terrain vehicle. The owner
50 26 of an all-terrain vehicle used exclusively as a farm implement
50 27 may obtain a certificate of title. A person who owns an all-
50 28 terrain vehicle that is not required to have a certificate of
50 29 title may apply for and receive a certificate of title for the
50 30 all-terrain vehicle and, subsequently, the all-terrain vehicle
50 31 shall be subject to the requirements of this chapter as if the
50 32 all-terrain vehicle were required to be titled. All all-
50 33 terrain vehicles that are titled shall be registered.

50 34 2. A certificate of title shall contain the information
50 35 and shall be issued on a form the department prescribes.

51 1 3. An owner of an all-terrain vehicle shall apply to the
51 2 county recorder for issuance of a certificate of title within
51 3 thirty days after acquisition. The application shall be on
51 4 forms the department prescribes and accompanied by the
51 5 required fee. The application shall be signed and sworn to
51 6 before a notary public or other person who administers oaths,
51 7 or shall include a certification signed in writing containing

51 8 substantially the representation that statements made are true
51 9 and correct to the best of the applicant's knowledge,
51 10 information, and belief, under penalty of perjury. The
51 11 application shall contain the date of sale and gross price of
51 12 the all-terrain vehicle or the fair market value if no sale
51 13 immediately preceded the transfer and any additional
51 14 information the department requires. If the application is
51 15 made for an all-terrain vehicle last previously registered or
51 16 titled in another state or foreign country, the application
51 17 shall contain this information and any other information the
51 18 department requires.

51 19 4. If a dealer buys or acquires an all-terrain vehicle for
51 20 resale, the dealer shall report the acquisition to the county
51 21 recorder on forms provided by the department and may apply for
51 22 and obtain a certificate of title as provided in this chapter.
51 23 If a dealer buys or acquires a used all-terrain vehicle, the
51 24 dealer may apply for a certificate of title in the dealer's
51 25 name within thirty days. If a dealer buys or acquires a new
51 26 all-terrain vehicle for resale, the dealer may apply for a
51 27 certificate of title in the dealer's name.

51 28 5. A manufacturer or dealer shall not transfer ownership
51 29 of a new all-terrain vehicle without supplying the transferee
51 30 with the manufacturer's or importer's certificate of origin
51 31 signed by the manufacturer's or importer's authorized agent.
51 32 The certificate shall contain information the department
51 33 requires. The department may adopt rules providing for the
51 34 issuance of a certificate of origin for an all-terrain vehicle
51 35 by the department upon good cause shown by the owner.

52 1 6. A dealer transferring ownership of an all-terrain
52 2 vehicle under this chapter shall assign the title to the new
52 3 owner, or in the case of a new all-terrain vehicle, assign the
52 4 certificate of origin. Within fifteen days the dealer shall
52 5 forward all moneys and applications to the county recorder.

52 6 7. The county recorder shall maintain a record of any
52 7 certificate of title which the county recorder issues and
52 8 shall keep each certificate of title on record until the
52 9 certificate of title has been inactive for five years. When
52 10 issuing a title for a new all-terrain vehicle, the county
52 11 recorder shall obtain and keep on file the certificate of
52 12 origin. When issuing a title and registration for a used all-
52 13 terrain vehicle for which there is no title or registration,
52 14 the county recorder shall obtain and keep on file the
52 15 affidavit for the unregistered and untitled all-terrain
52 16 vehicle.

52 17 8. Once titled, a person shall not sell or transfer
52 18 ownership of an all-terrain vehicle without delivering to the
52 19 purchaser or transferee a certificate of title with an
52 20 assignment on it showing title in the purchaser or transferee.
52 21 A person shall not purchase or otherwise acquire an all-
52 22 terrain vehicle without obtaining a certificate of title for
52 23 it in that person's name.

52 24 9. If the county recorder is not satisfied as to the
52 25 ownership of the all-terrain vehicle or that there are no
52 26 undisclosed security interests in the all-terrain vehicle, the
52 27 county recorder may issue a certificate of title for the all-
52 28 terrain vehicle but, as a condition of such issuance, may
52 29 require the applicant to file with the department a bond in
52 30 the form prescribed by the department and executed by the
52 31 applicant, and also executed by a person authorized to conduct
52 32 a surety business in this state. The form and amount of the
52 33 bond shall be established by rule of the department. The bond
52 34 shall be conditioned to indemnify any prior owner and secured
52 35 party and any subsequent purchaser of the all-terrain vehicle
53 1 or person acquiring any security interest in the all-terrain
53 2 vehicle, and their respective successors in interest, against
53 3 any expense, loss, or damage, including reasonable attorney
53 4 fees, by reason of the issuance of the certificate of title of
53 5 the all-terrain vehicle or on account of any defect in or
53 6 undisclosed security interest upon the right, title, and
53 7 interest of the applicant in and to the all-terrain vehicle.
53 8 Any such interested person has a right of action to recover on
53 9 the bond for any breach of its conditions, but the aggregate
53 10 liability of the surety to all persons shall not exceed the
53 11 amount of the bond. The bond shall be returned at the end of
53 12 three years or prior thereto if the all-terrain vehicle is no
53 13 longer registered in this state and the certificate of title
53 14 is surrendered to the department, unless the department has
53 15 been notified of the pendency of an action to recover on the
53 16 bond.

53 17 10. The county recorder shall transmit a copy of the
53 18 certificate of title to the department, which shall be the

53 19 central repository of title information for all=terrain
53 20 vehicles.

53 21 11. A motorcycle that has been issued a certificate of
53 22 title pursuant to this section may be issued a title pursuant
53 23 to chapter 321 upon proper application and surrender of the
53 24 existing title. Upon issuance of a title pursuant to chapter
53 25 321, the certificate of title previously issued pursuant to
53 26 this section shall be returned to the issuing county recorder.

53 27 Sec. 75. NEW SECTION. 321I.31 FEES == DUPLICATES.

53 28 1. The county recorder shall charge a ten dollar fee to
53 29 issue a certificate of title, a transfer of title, a
53 30 duplicate, or a corrected certificate of title.

53 31 2. If a certificate of title is lost, stolen, mutilated,
53 32 destroyed, or becomes illegible, the first lienholder or, if
53 33 there is none, the owner named in the certificate, as shown by
53 34 the county recorder's records, shall within thirty days obtain
53 35 a duplicate by applying to the county recorder. The applicant
54 1 shall furnish information the department requires concerning
54 2 the original certificate and the circumstances of its loss,
54 3 mutilation, or destruction. Mutilated or illegible
54 4 certificates shall be returned to the department with the
54 5 application for a duplicate.

54 6 3. The duplicate certificate of title shall be marked
54 7 plainly "duplicate" across its face and mailed or delivered to
54 8 the applicant.

54 9 4. If a lost or stolen original certificate of title for
54 10 which a duplicate has been issued is recovered, the original
54 11 shall be surrendered promptly to the department for
54 12 cancellation.

54 13 5. Five dollars of the certificate of title fees collected
54 14 under this section shall be remitted by the county recorder to
54 15 the treasurer of state for deposit in the special all=terrain
54 16 vehicle fund created under section 321I.8. The remaining five
54 17 dollars shall be retained by the county and deposited into the
54 18 general fund of the county.

54 19 Sec. 76. NEW SECTION. 321I.32 TRANSFER OR REPOSSESSION
54 20 BY OPERATION OF LAW.

54 21 1. If ownership of an all=terrain vehicle is transferred
54 22 by operation of law, such as by inheritance, order in
54 23 bankruptcy, insolvency, replevin, or execution sale, the
54 24 transferee, within thirty days after acquiring the right to
54 25 possession of the all=terrain vehicle, shall mail or deliver
54 26 to the county recorder satisfactory proof of ownership as the
54 27 county recorder requires, together with an application for a
54 28 new certificate of title, and the required fee.

54 29 2. If a lienholder repossesses an all=terrain vehicle by
54 30 operation of law and holds it for resale, the lienholder shall
54 31 secure a new certificate of title and shall pay the required
54 32 fee.

54 33 Sec. 77. NEW SECTION. 321I.33 SECURITY INTEREST ==
54 34 PERFECTION AND TITLES == FEE.

54 35 1. A security interest created in this state in an all=
55 1 terrain vehicle is not perfected until the security interest
55 2 is noted on the certificate of title.

55 3 a. To perfect the security interest, an application for
55 4 security interest must be presented along with the original
55 5 title. The county recorder shall note the security interest
55 6 on the face of the title and on the copy in the recorder's
55 7 office.

55 8 b. The application fee for a security interest is ten
55 9 dollars. Five dollars of the fee shall be credited to the
55 10 special all=terrain vehicle fund created under section 321I.8.
55 11 The remaining five dollars shall be retained by the county and
55 12 deposited into the general fund of the county.

55 13 2. The certificate of title shall be presented to the
55 14 county recorder when the application for security interest or
55 15 for assignment of the security interest is presented and a new
55 16 or endorsed certificate of title shall be issued to the
55 17 secured party with the name and address of the secured party
55 18 upon it.

55 19 3. The secured party shall present the certificate of
55 20 title to the county recorder when a release statement is filed
55 21 and a new or endorsed certificate shall be issued to the
55 22 owner.

55 23 Sec. 78. NEW SECTION. 321I.34 VEHICLE IDENTIFICATION
55 24 NUMBER.

55 25 1. The department may assign a distinguishing number to an
55 26 all=terrain vehicle when the serial number on the all=terrain
55 27 vehicle is destroyed or obliterated and issue to the owner a
55 28 special plate bearing the distinguishing number which shall be
55 29 affixed to the all=terrain vehicle in a position to be

determined by the department. The all-terrain vehicle shall be registered and titled under the distinguishing number in lieu of the former serial number. Every all-terrain vehicle shall have a vehicle identification number assigned and affixed as required by the department.

2. The commission shall adopt, by rule, the procedures for application and for issuance of a vehicle identification number for homebuilt all-terrain vehicles.

3. A person shall not destroy, remove, alter, cover, or deface the manufacturer's vehicle identification number, the plate bearing it, or any vehicle identification number the department assigns to an all-terrain vehicle without the department's permission.

4. A person other than a manufacturer who constructs or rebuilds an all-terrain vehicle for which there is no legible vehicle identification number shall submit to the department an affidavit which describes the all-terrain vehicle. In cooperation with the county recorder, the department shall assign a vehicle identification number to the all-terrain vehicle. The applicant shall permanently affix the vehicle identification number to the all-terrain vehicle in a manner that such alteration, removal, or replacement of the vehicle identification number would be obvious.

Sec. 79. Section 232.8, subsection 1, paragraph b, Code 2003, is amended to read as follows:

b. Violations by a child of provisions of chapter 321, 321G, 321I, 453A, 461A, 461B, 462A, 481A, 481B, 483A, 484A, or 484B, which would be simple misdemeanors if committed by an adult, and violations by a child of county or municipal curfew or traffic ordinances, are excluded from the jurisdiction of the juvenile court and shall be prosecuted as simple misdemeanors as provided by law. A child convicted of a violation excluded from the jurisdiction of the juvenile court under this paragraph shall be sentenced pursuant to section 805.8, where applicable, and pursuant to section 903.1, subsection 3, for all other violations.

Sec. 80. Section 321.1, subsection 32, unnumbered paragraph 1, Code Supplement 2003, is amended to read as follows:

"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", 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. "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.

Sec. 81. Section 321.234A, Code 2003, is amended to read as follows:

321.234A ALL-TERRAIN VEHICLES == HIGHWAY USE.

1. All-terrain vehicles shall not be operated on a highway only unless one or more of the following conditions apply:

a. The operation is between sunrise and sunset and only when the operation on the highway is incidental to the vehicle's use for agricultural purposes.

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

c. 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. 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.

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

3. 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

58 6 owner's property line.

58 7 ~~2. 4.~~ A person convicted of a violation of this section is
58 8 guilty of a simple misdemeanor punishable as a scheduled
58 9 violation under section 805.8A, subsection 3, paragraph "f".

58 10 Sec. 82. Section 322D.1, subsection 1, Code Supplement
58 11 2003, is amended to read as follows:

58 12 1. "All-terrain vehicle" means the same as defined in
58 13 section ~~321G.1~~ 321I.1.

58 14 Sec. 83. Section 322F.1, subsection 2, Code Supplement
58 15 2003, is amended to read as follows:

58 16 2. "All-terrain vehicle" means the same as defined in
58 17 section ~~321G.1~~ 321I.1.

58 18 Sec. 84. Section 331.362, subsection 9, Code Supplement
58 19 2003, is amended to read as follows:

58 20 9. A county may regulate traffic on and use of the
58 21 secondary roads, in accordance with sections 321.236 to
58 22 321.250, 321.254, 321.255, 321.285, subsection 5, sections
58 23 321.352, 321.471 to 321.473, and other applicable provisions
58 24 of chapter 321, and sections 321G.9, 321I.10, and 327G.15.

58 25 Sec. 85. Section 331.427, subsection 1, unnumbered
58 26 paragraph 1, Code Supplement 2003, is amended to read as
58 27 follows:

58 28 Except as otherwise provided by state law, county revenues
58 29 from taxes and other sources for general county services shall
58 30 be credited to the general fund of the county, including
58 31 revenues received under sections 91.11, 101A.3, 101A.7,
58 32 123.36, 123.143, 142B.6, 176A.8, 321.105, 321.152, 321G.7,
58 33 321I.8, section 331.554, subsection 6, sections 341A.20,
58 34 364.3, 368.21, 422A.2, 428A.8, 430A.3, 433.15, 434.19, 445.57,
58 35 453A.35, 458A.21, 483A.12, 533.24, 556B.1, 583.6, 602.8108,
59 1 904.908, and 906.17, and the following:

59 2 Sec. 86. Section 331.602, subsection 16, Code Supplement
59 3 2003, is amended to read as follows:

59 4 16. Issue snowmobile registrations and all-terrain vehicle
59 5 registrations and user permits as provided in sections 321G.4,
59 6 321G.6, ~~and~~ 321G.21, 321I.4, 321I.5, 321I.7, and 321I.22.

59 7 Sec. 87. Section 331.605, Code 2003, is amended by adding
59 8 the following new subsection:

59 9 NEW SUBSECTION. 4A. For the issuance of all-terrain
59 10 vehicle registrations and user permits, the fees specified in
59 11 sections 321I.4 and 321I.5.

59 12 Sec. 88. Section 350.5, Code 2003, is amended to read as
59 13 follows:

59 14 350.5 REGULATIONS == PENALTY == OFFICERS.

59 15 The county conservation board may make, alter, amend or
59 16 repeal regulations for the protection, regulation, and control
59 17 of all museums, parks, preserves, parkways, playgrounds,
59 18 recreation centers, and other property under its control. The
59 19 regulations shall not be contrary to, or inconsistent with,
59 20 the laws of this state. The regulations shall not take effect
59 21 until ten days after their adoption by the board and after
59 22 their publication as provided in section 331.305 and after a
59 23 copy of the regulations has been posted near each gate or
59 24 principal entrance to the public ground to which they apply.
59 25 After the publication and posting, a person violating a
59 26 provision of the regulations which are then in effect is
59 27 guilty of a simple misdemeanor. The board may designate the
59 28 director and those employees as the director may designate as
59 29 police officers who shall have all the powers conferred by law
59 30 on police officers, peace officers, or sheriffs in the
59 31 enforcement of the laws of this state and the apprehension of
59 32 violators upon all property under its control within and
59 33 without the county. The board may grant the director and
59 34 those employees of the board designated as police officers the
59 35 authority to enforce the provisions of chapters 321G, 321I,
60 1 461A, 462A, 481A, and 483A on land not under the control of
60 2 the board within the county.

60 3 Sec. 89. Section 455A.4, subsection 1, paragraph b, Code
60 4 Supplement 2003, is amended to read as follows:

60 5 b. Provide overall supervision, direction, and
60 6 coordination of functions to be administered by the
60 7 administrators under chapters 321G, 321I, 455B, 455C, 456,
60 8 456A, 456B, 457A, 458A, 459, subchapters I, II, III, IV, and
60 9 VI, chapters 461A, 462A, 462B, 464A, 465C, 473, 481A, 481B,
60 10 483A, 484A, and 484B.

60 11 Sec. 90. Section 455A.5, subsection 6, paragraphs a, b,
60 12 and d, Code 2003, are amended to read as follows:

60 13 a. Establish policy and adopt rules, pursuant to chapter
60 14 17A, necessary to provide for the effective administration of
60 15 chapter 321G, 321I, 456A, 456B, 457A, 461A, 462A, 462B, 464A,
60 16 465C, 481A, 481B, 483A, 484A, or 484B.

60 17 b. Hear appeals in contested cases pursuant to chapter 17A
60 18 on matters relating to actions taken by the director under
60 19 chapter 321G, 321I, 456A, 456B, 457A, 461A, 462A, 462B, 464A,
60 20 465C, 481A, 481B, 483A, 484A, or 484B.

60 21 d. Approve the budget request prepared by the director for
60 22 the programs authorized by chapters 321G, 321I, 456A, 456B,
60 23 457A, 461A, 462A, 462B, 464A, 481A, 481B, 483A, 484A, and
60 24 484B. The commission may increase, decrease, or strike any
60 25 item within the department budget request for the specified
60 26 programs before granting approval.

60 27 Sec. 91. Section 456A.14, Code 2003, is amended to read as
60 28 follows:

60 29 456A.14 TEMPORARY APPOINTMENTS == PEACE OFFICER STATUS.
60 30 The director may appoint temporary officers for a period
60 31 not to exceed six months and may adopt minimum physical,
60 32 educational, mental, and moral requirements for the temporary
60 33 officers. Chapter 80B does not apply to the temporary
60 34 officers. Temporary officers have all the powers of peace
60 35 officers in the enforcement of this chapter and chapters 321G,
61 1 321I, 456B, 461A, 461B, 462A, 462B, 463B, 465C, 481A, 481B,
61 2 482, 483A, 484A, and 484B, and the trespass laws.

61 3 Sec. 92. Section 456A.24, subsection 12, Code 2003, is
61 4 amended to read as follows:

61 5 12. Adopt rules authorizing officers and employees of the
61 6 department who are peace officers to issue warning citations
61 7 for violations of this chapter and chapters 321G, 321I, 350,
61 8 456B, 457A, 461A through 461C, 462A, 462B, 463B, 464A, 465A
61 9 through 465C, 481A, 481B, 482, 483A, 484A, and 484B.

61 10 Sec. 93. Section 805.8B, subsection 2, Code 2003, is
61 11 amended to read as follows:

61 12 2. SNOWMOBILE AND ALL-TERRAIN VEHICLE VIOLATIONS.

61 13 a. For registration ~~or user permit~~ violations under
61 14 ~~section sections~~ 321G.3 ~~and 321I.3~~, the scheduled fine is
61 15 twenty dollars. When the scheduled fine is paid, the violator
61 16 shall submit sufficient proof that a valid registration ~~or~~
61 17 ~~user permit~~ has been obtained.

61 18 b. For operating violations under section 321G.9,
61 19 subsections 1, 2, 3, 4, 5, and 7, sections 321G.11, ~~and~~
61 20 321G.13, subsection 1, paragraph "d", ~~sections 321I.10,~~
61 21 ~~321I.12, and 321I.14, subsection 1, paragraph "d",~~ the
61 22 scheduled fine is twenty dollars.

61 23 c. For improper or defective equipment under ~~section~~
61 24 ~~sections~~ 321G.12 ~~and 321I.13~~, the scheduled fine is ~~ten~~ twenty
61 25 dollars.

61 26 d. For violations of ~~section sections~~ 321G.19 ~~and 321I.20~~,
61 27 the scheduled fine is ~~fifteen~~ twenty dollars.

61 28 e. For identification violations under ~~section sections~~
61 29 321G.5 ~~and 321I.6~~, the scheduled fine is ~~ten~~ twenty dollars.

61 30 Sec. 94. Section 805.16, subsection 1, Code 2003, is
61 31 amended to read as follows:

61 32 1. Except as provided in subsection 2 of this section, a
61 33 peace officer shall issue a police citation or uniform
61 34 citation and complaint, in lieu of making a warrantless
61 35 arrest, to a person under eighteen years of age accused of
62 1 committing a simple misdemeanor under chapter 321, 321G, 321I,
62 2 461A, 461B, 462A, 481A, 481B, 483A, 484A, 484B, or a local
62 3 ordinance not subject to the jurisdiction of the juvenile
62 4 court, and shall not detain or confine the person in a
62 5 facility regulated under chapter 356 or 356A.

62 6 Sec. 95. Section 903.1, subsection 3, Code 2003, is
62 7 amended to read as follows:

62 8 3. A person under eighteen years of age convicted of a
62 9 simple misdemeanor under chapter 321, 321G, 321I, 453A, 461A,
62 10 461B, 462A, 481A, 481B, 483A, 484A, or 484B, or a violation of
62 11 a county or municipal curfew or traffic ordinance, except for
62 12 an offense subject to section 805.8, may be required to pay a
62 13 fine, not to exceed one hundred dollars, as fixed by the
62 14 court, or may be required to perform community service as
62 15 ordered by the court.

62 16 Sec. 96. Section 321G.22A, Code Supplement 2003, is
62 17 repealed.

62 18 Sec. 97. APPLICABILITY == NEW REGISTRATIONS AND RENEWALS.
62 19 The annual registration fees required for snowmobiles and all=
62 20 terrain vehicles pursuant to this Act apply to new
62 21 registrations and renewals effective for years beginning on or
62 22 after January 1, 2005.

62 23 SF 297
62 24 dea/cc/26