

# Senate File 300

SENATE FILE \_\_\_\_\_  
BY REHBERG

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the registration and regulation of off-highway  
2 vehicles, providing fees, and making penalties applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 2548SS 80  
5 dea/cf/24

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1 1 Section 1. NEW SECTION. 321N.1 DEFINITIONS.  
1 2 As used in this chapter, unless the context otherwise  
1 3 requires:  
1 4 1. "All-terrain vehicle" means the same as defined in  
1 5 section 321G.1.  
1 6 2. "Commission" means the natural resource commission of  
1 7 the department.  
1 8 3. "Dealer" means a person engaged in the business of  
1 9 buying, selling, or exchanging off-highway vehicles required  
1 10 to be registered under this chapter and who has an established  
1 11 place of business for that purpose in this state.  
1 12 4. "Department" means the department of natural resources.  
1 13 5. "Established place of business" means the place  
1 14 actually occupied either continuously or at regular periods by  
1 15 a dealer or manufacturer where the books and records are kept  
1 16 and the dealer's or manufacturer's business is primarily  
1 17 transacted.  
1 18 6. "Manufacturer" means a person engaged in the business  
1 19 of constructing or assembling off-highway vehicles required to  
1 20 be registered under this chapter and who has an established  
1 21 place of business for that purpose in this state.  
1 22 7. "Nonambulatory person" means an individual with  
1 23 paralysis of the lower half of the body with the involvement  
1 24 of both legs, usually caused by disease of or injury to the  
1 25 spinal cord, or caused by the loss of both legs or the loss of  
1 26 a part of both legs.  
1 27 8. "Nonresident" means a person who is not a resident of  
1 28 this state.  
1 29 9. "Off-highway vehicle" means a motor vehicle, as defined  
1 30 in section 321.1, which is designed to travel on wheels or  
1 31 tracks in contact with the ground and which is designed for  
1 32 and generally and commonly used to transport persons for  
1 33 recreational purposes off of public roadways. "Off-highway  
1 34 vehicle" does not include any of the following:  
1 35 a. A snowmobile.  
2 1 b. An all-terrain vehicle.  
2 2 c. A military vehicle.  
2 3 10. "Operate" means to ride in or on, other than as a  
2 4 passenger, use, or control the operation of an off-highway  
2 5 vehicle in any manner, whether or not the off-highway vehicle  
2 6 is moving.  
2 7 11. "Operator" means a person who operates or is in actual  
2 8 physical control of an off-highway vehicle.  
2 9 12. "Owner" means a person, other than a lienholder,  
2 10 having the property right in or title to an off-highway  
2 11 vehicle. The term includes a person entitled to the use or  
2 12 possession of an off-highway vehicle subject to an interest in  
2 13 another person, reserved or created by agreement and securing  
2 14 payment or performance of an obligation, but the term excludes  
2 15 a lessee under a lease not intended as security.  
2 16 13. "Person" means an individual, partnership, firm,  
2 17 corporation, association, and the state, its agencies, and  
2 18 political subdivisions.  
2 19 14. "Public land" means land owned by the federal  
2 20 government, the state, or political subdivisions of the state  
2 21 and land acquired or developed for public recreation pursuant  
2 22 to section 321N.5.  
2 23 15. "Railroad right-of-way" means the full width of  
2 24 property owned, leased, or subject to easement for railroad

2 25 purposes and is not limited to those areas on which tracks are  
2 26 located.

2 27 16. "Resident" means a person who meets the requirements  
2 28 for residency described in section 321.1A.

2 29 17. "Roadway" means that portion of a highway improved,  
2 30 designed, or ordinarily used for vehicular travel.

2 31 18. "Safety certificate" means an off-highway vehicle  
2 32 safety certificate, approved by the commission, issued to a  
2 33 qualified applicant.

2 34 19. "Snowmobile" means the same as defined in section  
2 35 321G.1.

3 1 20. "Special event" means an organized race, exhibition,  
3 2 or demonstration of limited duration which is conducted  
3 3 according to a prearranged schedule and in which general  
3 4 public interest is manifested.

3 5 21. "Street" or "highway" means the entire width between  
3 6 property lines of every way or place of whatever nature when  
3 7 any part thereof is open to the use of the public, as a matter  
3 8 of right, for purposes of vehicular travel, except in public  
3 9 areas in which the boundary shall be thirty-three feet each  
3 10 side of the center line of the roadway.

3 11 Sec. 2. NEW SECTION. 321N.2 RULES.

3 12 The commission may adopt rules for the following purposes:

3 13 1. Registration and titling of off-highway vehicles.

3 14 2. Use of off-highway vehicles as far as game and fish  
3 15 resources or habitats are affected.

3 16 3. Use of off-highway vehicles on public lands under the  
3 17 jurisdiction of the commission.

3 18 4. Use of off-highway vehicles on any waters of the state  
3 19 under the jurisdiction of the commission, while the waters are  
3 20 frozen.

3 21 5. Establishment of a program of grants, subgrants, and  
3 22 contracts to be administered by the department for the  
3 23 development and delivery of certified courses of instruction  
3 24 for the safe use and operation of off-highway vehicles by  
3 25 political subdivisions and incorporated private organizations.

3 26 6. Issuance of safety certificates.

3 27 7. Issuance of competition registrations and the  
3 28 participation of off-highway vehicles so registered in special  
3 29 events.

3 30 The director of transportation may adopt rules not  
3 31 inconsistent with this chapter regulating the use of off=  
3 32 highway vehicles registered under this chapter on streets and  
3 33 highways. Cities may designate streets under the jurisdiction  
3 34 of cities within their respective corporate limits which may  
3 35 be used for the sport of driving off-highway vehicles.

4 1 In adopting the rules, consideration shall be given to the  
4 2 need to protect the environment and the public health, safety,  
4 3 and welfare; to protect private property, public parks, and  
4 4 other public lands; to protect wildlife and wildlife habitat;  
4 5 and to promote uniformity of rules relating to the use,  
4 6 operation, and equipment of off-highway vehicles. The  
4 7 commission shall consult with the Iowa association of four=  
4 8 wheel drive clubs in adopting rules. The rules shall be in  
4 9 conformance with chapter 17A.

4 10 Sec. 3. NEW SECTION. 321N.3 REGISTRATION OF OFF-HIGHWAY  
4 11 VEHICLES == DAY PASSES == FEE.

4 12 1. The owner of an off-highway vehicle used on public land  
4 13 of this state shall register the off-highway vehicle under  
4 14 this section, unless the off-highway vehicle is registered and  
4 15 titled as a motor vehicle under chapter 321 and is not used  
4 16 off public roadways other than for incidental purposes. The  
4 17 owner shall register the off-highway vehicle every year with  
4 18 the county recorder of the county in which the owner resides  
4 19 or, if the owner is a nonresident, the owner shall register  
4 20 the off-highway vehicle in the county in which the off-highway  
4 21 vehicle is principally used. The commission has supervisory  
4 22 responsibility over the registration of off-highway vehicles  
4 23 and shall provide each county recorder with registration  
4 24 forms, certificates, and stickers.

4 25 2. The owner of the off-highway vehicle shall file an  
4 26 application for registration with the appropriate county  
4 27 recorder on forms provided by the commission. The owner of  
4 28 the off-highway vehicle shall complete and sign the  
4 29 application and pay a fee of twenty dollars and a writing fee.

4 30 3. If an off-highway vehicle is registered and titled as a  
4 31 motor vehicle under chapter 321, the owner of the off-highway  
4 32 vehicle shall present the registration receipt for the vehicle  
4 33 to the county recorder upon application for registration under  
4 34 this section. If an off-highway vehicle is not registered and  
4 35 titled as a motor vehicle under chapter 321, the owner shall

5 1 present to the county recorder receipts, bills of sale, or  
5 2 other satisfactory evidence that the sales or use tax has been  
5 3 paid for the purchase of the off-highway vehicle or that the  
5 4 owner is exempt from paying the tax.

5 5 4. Upon receipt of an application in approved form  
5 6 accompanied by the required fees, the county recorder shall  
5 7 enter the application upon the records and issue to the  
5 8 applicant a registration certificate and a numbered  
5 9 registration sticker. The registration certificate shall be  
5 10 executed in triplicate, one copy to be delivered to the owner,  
5 11 one copy to the commission, and one to be retained on file by  
5 12 the county recorder. The certificate shall be carried either  
5 13 in the off-highway vehicle or on the person of the operator of  
5 14 the off-highway vehicle when in use. The operator of an off=  
5 15 highway vehicle shall exhibit the registration certificate to  
5 16 a peace officer upon request, to a person injured in an  
5 17 accident involving the off-highway vehicle, to the owner or  
5 18 operator of another off-highway vehicle or the owner of  
5 19 personal or real property when the off-highway vehicle is  
5 20 involved in a collision or accident of any nature with another  
5 21 off-highway vehicle or the property of another person, or to  
5 22 the property owner or tenant when the off-highway vehicle is  
5 23 being operated on private property without permission from the  
5 24 property owner or tenant.

5 25 5. The owner of the off-highway vehicle shall affix the  
5 26 registration sticker on the lower right corner of the rear  
5 27 license plate if the off-highway vehicle is registered and  
5 28 titled as a motor vehicle under chapter 321. If the off=  
5 29 highway vehicle is not registered and titled under chapter  
5 30 321, the owner shall provide a plate not less than four inches  
5 31 high and seven and a half inches wide. The plate must be  
5 32 attached to the rear of the vehicle at least twelve inches  
5 33 from the ground. The sticker shall be affixed on the lower  
5 34 right corner of the plate. Plates and registration stickers  
5 35 shall be maintained in a clean and legible condition.

6 1 6. If an off-highway vehicle is placed in storage, the  
6 2 owner shall return the current registration certificate to the  
6 3 county recorder with an affidavit stating that the off-highway  
6 4 vehicle is placed in storage and the effective date of  
6 5 storage. The county recorder shall notify the commission of  
6 6 each off-highway vehicle placed in storage. When the owner of  
6 7 a stored off-highway vehicle desires to renew the  
6 8 registration, the owner shall make application to the county  
6 9 recorder and pay the registration fee without penalty. A  
6 10 refund of the registration fee shall not be allowed for a  
6 11 stored off-highway vehicle.

6 12 7. An owner of an off-highway vehicle not registered under  
6 13 this section may apply to the county recorder for a day pass  
6 14 authorizing the vehicle's operation in this state for off=  
6 15 highway purposes for up to three days. The off-highway  
6 16 vehicle must meet the equipment, operation, and other  
6 17 requirements for day pass applicants adopted by the commission  
6 18 by rule. A person operating an off-highway vehicle for which  
6 19 a day pass has been issued under this subsection shall carry  
6 20 the pass with the operator and shall comply with all off=  
6 21 highway vehicle operation and use provisions of this chapter.

6 22 Sec. 4. NEW SECTION. 321N.4 REGISTRATION == RENEWAL ==  
6 23 TRANSFER.

6 24 1. a. Every off-highway vehicle registration certificate  
6 25 and sticker issued expires at midnight December 31 unless  
6 26 sooner terminated or discontinued in accordance with this  
6 27 chapter. After the first day of September each year, an  
6 28 unregistered off-highway vehicle may be registered or a  
6 29 registration may be renewed for the subsequent year beginning  
6 30 January 1.

6 31 b. After the first day of September an unregistered off=  
6 32 highway vehicle may be registered for the remainder of the  
6 33 current registration year and for the subsequent registration  
6 34 year in one transaction. The fee for the remainder of the  
6 35 current year shall be set by the commission, in addition to  
7 1 the full registration fee and a writing fee for the subsequent  
7 2 year beginning January 1. Registration certificates and  
7 3 stickers may be renewed upon application of the owner in the  
7 4 same manner as provided in securing the original registration.  
7 5 The off-highway vehicle registration fee is in lieu of  
7 6 personal property tax for each year of the registration.

7 7 2. An expired off-highway vehicle registration may be  
7 8 renewed for the same fee as if the owner is securing the  
7 9 original registration plus a penalty of five dollars and a  
7 10 writing fee.

7 11 3. When a person, after registering an off-highway

7 12 vehicle, moves from the address shown on the registration  
7 13 certificate, the person shall, within thirty days, notify the  
7 14 county recorder in writing of the move and the person's new  
7 15 address.

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

8 1 All registrations must be valid for the current  
8 2 registration year 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 to the county recorder and the payment of the same fees  
8 6 collected for the transfer of registrations.

8 7 Sec. 5. NEW SECTION. 321N.5 FEES REMITTED TO COMMISSION  
8 8 == APPROPRIATION.

8 9 Within ten days after the end of each month, a county  
8 10 recorder shall remit to the commission the off-highway vehicle  
8 11 fees collected by the recorder during the previous month.  
8 12 Before January 10 of each year, a recorder shall remit to the  
8 13 commission unused license forms from the previous year.

8 14 The department shall remit the fees, including registration  
8 15 and day pass fees collected pursuant to section 321N.3, to the  
8 16 treasurer of state, who shall place the money in a special  
8 17 off-highway vehicle fund. The money is appropriated to the  
8 18 department for the off-highway vehicle programs of the state.  
8 19 The programs shall include grants, subgrants, contracts, or  
8 20 cost-sharing of off-highway vehicle programs with political  
8 21 subdivisions or incorporated private organizations or both in  
8 22 accordance with rules adopted by the commission. All programs  
8 23 using cost-sharing, grants, subgrants, or contracts shall  
8 24 establish and implement a safety instruction program either  
8 25 singly or in cooperation with other off-highway vehicle  
8 26 programs. Off-highway vehicle fees may be used to support  
8 27 off-highway vehicle programs on a usage basis. At least fifty  
8 28 percent of the special fund shall be available for political  
8 29 subdivisions or incorporated private organizations or both.  
8 30 Moneys from the special fund not used by the political  
8 31 subdivisions or incorporated private organizations or both  
8 32 shall remain in the fund and may be used by the department for  
8 33 the administration of the off-highway vehicle programs.  
8 34 Notwithstanding section 8.33, moneys in the special fund shall  
8 35 not revert to the general fund of the state at the end of a  
9 1 fiscal year. Notwithstanding section 12C.7, subsection 2,  
9 2 interest or earnings on moneys in the special fund shall  
9 3 remain in the fund.

9 4 Sec. 6. NEW SECTION. 321N.6 EXEMPT VEHICLES.  
9 5 Registration shall not be required for off-highway vehicles  
9 6 owned and used by the United States, another state, or a  
9 7 political subdivision of another state.

9 8 Sec. 7. NEW SECTION. 321N.7 APPLICABILITY TO OFF-HIGHWAY  
9 9 VEHICLES.

9 10 The provisions in this chapter relating to the operation or  
9 11 use of off-highway vehicles shall only apply to off-highway  
9 12 vehicles that are not registered and titled as motor vehicles  
9 13 under chapter 321 and to off-highway vehicles that are  
9 14 registered and titled as motor vehicles under chapter 321  
9 15 while they are in use primarily for off-road purposes. The  
9 16 provisions in sections 321N.25 through 321N.29 shall only  
9 17 apply to off-highway vehicles that are not registered and  
9 18 titled as motor vehicles under chapter 321.

9 19 Sec. 8. NEW SECTION. 321N.8 OPERATION ON ROADWAYS AND  
9 20 HIGHWAYS == TRAILS.

9 21 1. A person shall not operate an off-highway vehicle not  
9 22 registered and titled under chapter 321 upon roadways or

9 23 highways except as provided in this chapter or by rule.  
9 24 2. A registered off-highway vehicle may be operated on the  
9 25 roadways of that portion of county highways designated by the  
9 26 county board of supervisors for such use during a specified  
9 27 period. The county board of supervisors shall evaluate the  
9 28 traffic conditions on all county highways and designate  
9 29 roadways on which off-highway vehicles may be operated for the  
9 30 specified period without unduly interfering with or  
9 31 constituting an undue hazard to conventional motor vehicle  
9 32 traffic. Signs warning of the operation of off-highway  
9 33 vehicles on the roadway shall be placed and maintained on the  
9 34 portions of highway thus designated during the period  
9 35 specified for the operation.

10 1 3. Off-highway vehicles shall not be operated on  
10 2 snowmobile trails or all-terrain vehicle trails except where  
10 3 designated by the controlling authority and the primary trail  
10 4 sponsor.

10 5 Sec. 9. NEW SECTION. 321N.9 ACCIDENT REPORTS.

10 6 If an off-highway vehicle is involved in an accident  
10 7 resulting in injury or death to anyone or property damage  
10 8 amounting to one thousand dollars or more, either the operator  
10 9 or someone acting for the operator shall immediately notify  
10 10 the county sheriff or another law enforcement agency in the  
10 11 state. If the accident occurred on public land under the  
10 12 jurisdiction of the commission, the operator shall file with  
10 13 the commission a report of the accident, within seventy-two  
10 14 hours, containing information as the commission may require.  
10 15 All other accidents shall be reported as required in section  
10 16 321.266.

10 17 Sec. 10. NEW SECTION. 321N.10 MUFFLERS REQUIRED ==  
10 18 INSPECTIONS.

10 19 An off-highway vehicle shall not be operated pursuant to  
10 20 this chapter without a muffler that meets the requirements of  
10 21 section 321.436 and rules adopted under that section. The  
10 22 commission may adopt rules with respect to the inspection of  
10 23 off-highway vehicles and testing of their mufflers.

10 24 Sec. 11. NEW SECTION. 321N.11 UNLAWFUL OPERATION.

10 25 1. A person shall not drive or operate an off-highway  
10 26 vehicle:

10 27 a. At a rate of speed greater than reasonable or proper  
10 28 under all existing circumstances.

10 29 b. In a careless, reckless, or negligent manner so as to  
10 30 endanger the person or property of another or to cause injury  
10 31 or damage thereto.

10 32 c. While under the influence of intoxicating liquor or  
10 33 narcotics or habit-forming drugs.

10 34 d. In any tree nursery or planting in a manner which  
10 35 damages or destroys growing stock.

11 1 e. On any public land, ice, or snow, in violation of  
11 2 official signs of the commission prohibiting such operation in  
11 3 the interest of safety for persons, property, or the  
11 4 environment. Any officer appointed by the commission may post  
11 5 an official sign in an emergency for the protection of  
11 6 persons, property, or the environment.

11 7 f. In or on any park or fish and game areas except on  
11 8 designated off-highway vehicle trails.

11 9 g. Upon an operating railroad right-of-way. An off-  
11 10 highway vehicle may be driven directly across a railroad  
11 11 right-of-way only at an established crossing and,  
11 12 notwithstanding any other provisions of law, may, if  
11 13 necessary, use the improved portion of the established  
11 14 crossing after yielding to all oncoming traffic. This  
11 15 paragraph does not apply to a law enforcement officer or  
11 16 railroad employee in the lawful discharge of the officer's or  
11 17 employee's duties or to an employee of a utility with  
11 18 authority to enter upon the railroad right-of-way in the  
11 19 lawful performance of the employee's duties.

11 20 2. A person shall not operate an off-highway vehicle  
11 21 between sunset and sunrise unless the vehicle's headlights and  
11 22 taillights are lighted and only when participating in a  
11 23 special event authorized by the department under section  
11 24 321N.13. A person shall not operate an off-highway vehicle  
11 25 without lighted headlights and taillights when conditions  
11 26 provide insufficient lighting to render clearly discernible  
11 27 persons and vehicles at a distance of five hundred feet ahead.

11 28 3. A person shall not operate or ride in an off-highway  
11 29 vehicle with a firearm in the person's possession unless it is  
11 30 unloaded and enclosed in a carrying case. However, a  
11 31 nonambulatory person may carry an uncased and unloaded firearm  
11 32 while operating or riding an off-highway vehicle.

11 33 Sec. 12. NEW SECTION. 321N.12 PENALTY.

11 34 Any person who violates this chapter or a rule of the  
11 35 commission or director of transportation for which another  
12 1 penalty is not provided is guilty of a simple misdemeanor.  
12 2 Chapter 232 shall have no application in the prosecution of  
12 3 offenses which are committed in violation of this chapter, and  
12 4 which constitute simple misdemeanors.

12 5 Sec. 13. NEW SECTION. 321N.13 SPECIAL EVENTS.  
12 6 The department may authorize the holding of organized  
12 7 special events as defined in this chapter within this state.  
12 8 The department shall adopt rules relating to the conduct of  
12 9 special events held under department permits and designating  
12 10 the equipment and facilities necessary for safe operation of  
12 11 off-highway vehicles or for the safety of operators,  
12 12 participants, and observers in the special events. At least  
12 13 thirty days before the scheduled date of a special event in  
12 14 this state, an application shall be filed with the department  
12 15 for authorization to conduct the special event. The  
12 16 application shall set forth the date, time, and location of  
12 17 the proposed special event and any other information the  
12 18 department requires. The special event shall not be conducted  
12 19 without written authorization of the department. Copies of  
12 20 the rules shall be furnished by the department to any person  
12 21 making an application. The department shall issue its  
12 22 response to an application for authorization to conduct a  
12 23 special event no later than seven days from receipt of the  
12 24 application.

12 25 Sec. 14. NEW SECTION. 321N.14 VIOLATION OF STOP SIGNAL.  
12 26 A person, after having received a visual or audible signal  
12 27 from a peace officer to come to a stop, shall not operate an  
12 28 off-highway vehicle in willful or wanton disregard of the  
12 29 signal or interfere with or endanger the officer or any other  
12 30 person or vehicle, or increase speed or attempt to flee or  
12 31 elude the officer.

12 32 Sec. 15. NEW SECTION. 321N.15 NEGLIGENCE.  
12 33 The owner and operator of an off-highway vehicle are liable  
12 34 for any injury or damage occasioned by the negligent operation  
12 35 of the off-highway vehicle. The owner of an off-highway  
13 1 vehicle shall be liable for any such injury or damage only if  
13 2 the owner was the operator of the off-highway vehicle at the  
13 3 time the injury or damage occurred or if the operator had the  
13 4 owner's consent to operate the off-highway vehicle at the time  
13 5 the injury or damage occurred.

13 6 Sec. 16. NEW SECTION. 321N.16 RENTED OFF-HIGHWAY  
13 7 VEHICLES.  
13 8 1. The owner of a rented off-highway vehicle shall keep a  
13 9 record of the name and address of each person renting the off=  
13 10 highway vehicle, its registration number, the departure date  
13 11 and time, and the expected time of return. The records shall  
13 12 be preserved for six months.  
13 13 2. The owner of an off-highway vehicle operated for hire  
13 14 shall not permit the use or operation of a rented off-highway  
13 15 vehicle unless it has been provided with all equipment  
13 16 required by this chapter or rules of the commission or the  
13 17 director of transportation, properly installed and in good  
13 18 working order.

13 19 Sec. 17. NEW SECTION. 321N.17 SAFETY CERTIFICATES ==  
13 20 DRIVER'S LICENSES.  
13 21 A person shall not operate an off-highway vehicle unless  
13 22 the person possesses a valid driver's license, as defined in  
13 23 section 321.1.

13 24 Sec. 18. NEW SECTION. 321N.19 COURSE OF INSTRUCTION.  
13 25 1. The commission shall provide, by rules adopted pursuant  
13 26 to section 321N.2, for the establishment of certified courses  
13 27 of instruction to be conducted throughout the state for the  
13 28 safe use and operation of off-highway vehicles. The  
13 29 curriculum shall include instruction in the lawful and safe  
13 30 use, operation, and equipping of off-highway vehicles  
13 31 consistent with this chapter and rules adopted by the  
13 32 commission and the director of transportation and other  
13 33 matters the commission deems pertinent for a qualified off=  
13 34 highway vehicle operator.  
13 35 2. The commission shall certify any experienced, qualified  
14 1 operator who applies for certification to be an instructor of  
14 2 a class established under subsection 1. Each instructor shall  
14 3 be at least eighteen years of age.  
14 4 3. Upon completion of the course of instruction, the  
14 5 commission shall provide for the administration of a written  
14 6 test to any student who wishes to qualify for a safety  
14 7 certificate.

14 8 Sec. 19. NEW SECTION. 321N.20 SAFETY CERTIFICATE == FEE.  
14 9 1. A person shall not operate an off-highway vehicle on

14 10 public land or land purchased with off-highway vehicle  
14 11 registration funds in this state without obtaining a valid  
14 12 safety certificate issued by the department and having the  
14 13 certificate in the person's possession.  
14 14 2. Upon application and payment of a fee of five dollars,  
14 15 a qualified applicant shall be issued a safety certificate  
14 16 which is valid until the certificate is suspended or revoked  
14 17 for a violation of a provision of this chapter or a rule of  
14 18 the commission or the director of transportation. The  
14 19 application shall be made on forms issued by the commission  
14 20 and shall contain information as the commission may reasonably  
14 21 require.

14 22 3. Any person who is required to have a safety certificate  
14 23 under this chapter and who has completed a course of  
14 24 instruction established under section 321N.2, subsection 5,  
14 25 including the successful passage of an examination which  
14 26 includes a written test relating to such course of  
14 27 instruction, shall be considered qualified to apply for a  
14 28 safety certificate. The commission may waive the requirement  
14 29 of completing such course of instruction if the person  
14 30 successfully passes a written test based on such course of  
14 31 instruction.

14 32 4. The permit fees collected under this section shall be  
14 33 credited to the special off-highway vehicle fund and shall be  
14 34 used for safety and educational programs.

14 35 5. A valid off-highway vehicle safety certificate or  
15 1 license issued to a nonresident by a governmental authority of  
15 2 another state shall be considered a valid certificate or  
15 3 license in this state if the permit or license requirements of  
15 4 the governmental authority, excluding fees, are substantially  
15 5 the same as the requirements of this chapter as determined by  
15 6 the commission.

15 7 Sec. 20. NEW SECTION. 321N.21 STOPPING AND INSPECTING ==  
15 8 WARNINGS.

15 9 A peace officer may stop and inspect an off-highway vehicle  
15 10 operated, parked, or stored on public streets, highways,  
15 11 public lands, or frozen waters of the state to determine if  
15 12 the off-highway vehicle is registered, numbered, or equipped  
15 13 as required by this chapter and commission rules. The officer  
15 14 shall not inspect an area that is not essential to determine  
15 15 compliance with the requirements. If the officer determines  
15 16 that the off-highway vehicle is not in compliance, the officer  
15 17 may issue a warning memorandum to the operator and forward a  
15 18 copy to the commission. The warning memorandum shall indicate  
15 19 the items found not in compliance and shall direct the owner  
15 20 or operator of the off-highway vehicle to have the off-highway  
15 21 vehicle in compliance and return a copy of the warning  
15 22 memorandum with the proof of compliance to the commission  
15 23 within fourteen days. If the proof of compliance is not  
15 24 provided within fourteen days, the owner or operator is in  
15 25 violation of this chapter.

15 26 Sec. 21. NEW SECTION. 321N.22 TERMINATION OF USE.

15 27 A person who receives a warning memorandum for an off=  
15 28 highway vehicle shall stop using the off-highway vehicle as  
15 29 soon as possible and shall not operate it on public streets,  
15 30 highways, public lands, or frozen waters of the state until  
15 31 the off-highway vehicle is in compliance.

15 32 Sec. 22. NEW SECTION. 321N.23 WRITING FEES.

15 33 The county recorder shall collect a writing fee of one  
15 34 dollar and twenty-five cents for an off-highway vehicle  
15 35 registration.

16 1 Sec. 23. NEW SECTION. 321N.24 CONSISTENT LOCAL LAWS ==  
16 2 SPECIAL LOCAL RULES.

16 3 1. This chapter and other applicable laws of this state  
16 4 shall govern the operation, equipment, numbering, and all  
16 5 other matters relating to an off-highway vehicle when the off=  
16 6 highway vehicle is operated or maintained in this state.  
16 7 However, this chapter does not prevent the adoption of an  
16 8 ordinance or local law relating to the operation or equipment  
16 9 of off-highway vehicles. The ordinances or local laws are  
16 10 operative only so long as they are not inconsistent with this  
16 11 chapter or the rules adopted by the commission.

16 12 2. A subdivision of this state, after public notice by  
16 13 publication in a newspaper having a general circulation in the  
16 14 subdivision, may make formal application to the commission for  
16 15 special rules concerning the operation of off-highway vehicles  
16 16 within the territorial limits of the subdivision and shall  
16 17 provide the commission with the reasons the special rules are  
16 18 necessary.

16 19 3. The commission, upon application by local authorities  
16 20 and in conformity with this chapter, may make special rules

16 21 concerning the operation of off-highway vehicles within the  
16 22 territorial limits of a subdivision of this state.

16 23 Sec. 24. NEW SECTION. 321N.25 OWNER'S CERTIFICATE OF  
16 24 TITLE == IN GENERAL.

16 25 1. The owner of an off-highway vehicle acquired on or  
16 26 after July 1, 2003, shall apply to the county recorder of the  
16 27 county in which the owner resides for a certificate of title  
16 28 for the off-highway vehicle if the vehicle is not registered  
16 29 and titled as a motor vehicle under chapter 321. A person who  
16 30 owns an off-highway vehicle that is not required to have a  
16 31 certificate of title may apply for and receive a certificate  
16 32 of title for the off-highway vehicle and, subsequently, the  
16 33 off-highway vehicle shall be subject to the requirements of  
16 34 this chapter as if the off-highway vehicle were required to be  
16 35 titled. All off-highway vehicles that are titled pursuant to  
17 1 this section shall be registered.

17 2 2. A certificate of title shall contain the information  
17 3 and shall be issued on a form the department prescribes.

17 4 3. An owner of an off-highway vehicle shall apply to the  
17 5 county recorder for issuance of a certificate of title within  
17 6 thirty days after acquisition. The application shall be on  
17 7 forms the department prescribes and accompanied by the  
17 8 required fee. The application shall be signed and sworn to  
17 9 before a notary public or other person who administers oaths,  
17 10 or shall include a certification signed in writing containing  
17 11 substantially the representation that statements made are true  
17 12 and correct to the best of the applicant's knowledge,  
17 13 information, and belief, under penalty of perjury. The  
17 14 application shall contain the date of sale and gross price of  
17 15 the off-highway vehicle or the fair market value if no sale  
17 16 immediately preceded the transfer and any additional  
17 17 information the department requires. If the application is  
17 18 made for an off-highway vehicle last previously registered or  
17 19 titled in another state or foreign country, the application  
17 20 shall contain this information and any other information the  
17 21 department requires.

17 22 4. If a person dealing in the sale of used off-highway  
17 23 vehicles acquires a used off-highway vehicle for resale, the  
17 24 person shall comply with rules adopted by the commission, in  
17 25 consultation with the state department of transportation, for  
17 26 the titling of the vehicle.

17 27 5. The county recorder shall maintain a record of any  
17 28 certificate of title which the county recorder issues and  
17 29 shall keep each certificate of title on record until the  
17 30 certificate of title has been inactive for five years.

17 31 6. Once titled, a person shall not sell or transfer  
17 32 ownership of an off-highway vehicle without delivering to the  
17 33 purchaser or transferee a certificate of title with an  
17 34 assignment on it showing title in the purchaser or transferee.  
17 35 A person shall not purchase or otherwise acquire an off-  
18 1 highway vehicle without obtaining a certificate of title for  
18 2 it in that person's name.

18 3 7. If the county recorder is not satisfied as to the  
18 4 ownership of the off-highway vehicle or that there are no  
18 5 undisclosed security interests in the off-highway vehicle, the  
18 6 county recorder may issue a certificate of title for the off-  
18 7 highway vehicle but, as a condition of such issuance, may  
18 8 require the applicant to file with the department a bond in  
18 9 the form prescribed by the department and executed by the  
18 10 applicant, and also executed by a person authorized to conduct  
18 11 a surety business in this state. The form and amount of the  
18 12 bond shall be established by rule of the department. The bond  
18 13 shall be conditioned to indemnify any prior owner and secured  
18 14 party and any subsequent purchaser of the off-highway vehicle  
18 15 or person acquiring any security interest in the off-highway  
18 16 vehicle, and their respective successors in interest, against  
18 17 any expense, loss, or damage, including reasonable attorney  
18 18 fees, by reason of the issuance of the certificate of title of  
18 19 the off-highway vehicle or on account of any defect in or  
18 20 undisclosed security interest upon the right, title, and  
18 21 interest of the applicant in and to the off-highway vehicle.  
18 22 Any such interested person has a right of action to recover on  
18 23 the bond for any breach of its conditions, but the aggregate  
18 24 liability of the surety to all persons shall not exceed the  
18 25 amount of the bond. The bond shall be returned at the end of  
18 26 three years or prior thereto if the off-highway vehicle is no  
18 27 longer registered in this state and the certificate of title  
18 28 is surrendered to the department, unless the department has  
18 29 been notified of the pendency of an action to recover on the  
18 30 bond.

18 31 8. The county recorder shall transmit a copy of the



18 32 certificate of title to the department, which shall be the  
18 33 central repository of title information for off-highway  
18 34 vehicles.

18 35 Sec. 25. NEW SECTION. 321N.26 FEES == DUPLICATES.

19 1 1. The county recorder shall charge a ten dollar fee to  
19 2 issue a certificate of title, a transfer of title, a  
19 3 duplicate, or a corrected certificate of title.

19 4 2. If a certificate of title is lost, stolen, mutilated,  
19 5 destroyed, or becomes illegible, the first lienholder or, if  
19 6 there is none, the owner named in the certificate, as shown by  
19 7 the county recorder's records, shall within thirty days obtain  
19 8 a duplicate by applying to the county recorder. The applicant  
19 9 shall furnish information the department requires concerning  
19 10 the original certificate and the circumstances of its loss,  
19 11 mutilation, or destruction. Mutilated or illegible  
19 12 certificates shall be returned to the department with the  
19 13 application for a duplicate.

19 14 3. The duplicate certificate of title shall be marked  
19 15 plainly "duplicate" across its face and mailed or delivered to  
19 16 the applicant.

19 17 4. If a lost or stolen original certificate of title for  
19 18 which a duplicate has been issued is recovered, the original  
19 19 shall be surrendered promptly to the department for  
19 20 cancellation.

19 21 5. Five dollars of the certificate of title fees collected  
19 22 under this section shall be remitted by the county recorder to  
19 23 the treasurer of state for deposit in the special off-highway  
19 24 vehicle fund created under section 321N.5. The remaining five  
19 25 dollars shall be retained by the county and deposited into the  
19 26 general fund of the county.

19 27 Sec. 26. NEW SECTION. 321N.27 TRANSFER OR REPOSSESSION  
19 28 BY OPERATION OF LAW.

19 29 1. If ownership of an off-highway vehicle is transferred  
19 30 by operation of law, such as by inheritance, order in  
19 31 bankruptcy, insolvency, replevin, or execution sale, the  
19 32 transferee, within thirty days after acquiring the right to  
19 33 possession of the off-highway vehicle, shall mail or deliver  
19 34 to the county recorder satisfactory proof of ownership as the  
19 35 county recorder requires, together with an application for a  
20 1 new certificate of title, and the required fee.

20 2 2. If a lienholder repossesses an off-highway vehicle by  
20 3 operation of law and holds it for resale, the lienholder shall  
20 4 secure a new certificate of title and shall pay the required  
20 5 fee.

20 6 Sec. 27. NEW SECTION. 321N.28 SECURITY INTEREST ==  
20 7 PERFECTION AND TITLES == FEE.

20 8 1. A security interest created in this state in an off-  
20 9 highway vehicle is not perfected until the security interest  
20 10 is noted on the certificate of title.

20 11 a. To perfect the security interest, an application for  
20 12 security interest must be presented along with the original  
20 13 title. The county recorder shall note the security interest  
20 14 on the face of the title and on the copy in the recorder's  
20 15 office.

20 16 b. The application fee for a security interest is ten  
20 17 dollars. Five dollars of the fee shall be credited to the  
20 18 special off-highway vehicle fund created under section 321N.5.  
20 19 The remaining five dollars shall be retained by the county and  
20 20 deposited into the general fund of the county.

20 21 2. The certificate of title shall be presented to the  
20 22 county recorder when the application for security interest or  
20 23 for assignment of the security interest is presented and a new  
20 24 or endorsed certificate of title shall be issued to the  
20 25 secured party with the name and address of the secured party  
20 26 upon it.

20 27 3. The secured party shall present the certificate of  
20 28 title to the county recorder when a release statement is filed  
20 29 and a new or endorsed certificate shall be issued to the  
20 30 owner.

20 31 Sec. 28. NEW SECTION. 321N.29 VEHICLE IDENTIFICATION  
20 32 NUMBER.

20 33 1. The department may assign a distinguishing number to an  
20 34 off-highway vehicle when the serial number on the off-highway  
20 35 vehicle is destroyed or obliterated and issue to the owner a  
21 1 special plate bearing the distinguishing number which shall be  
21 2 affixed to the off-highway vehicle in a position to be  
21 3 determined by the department. The off-highway vehicle shall  
21 4 be registered and titled under the distinguishing number in  
21 5 lieu of the former serial number. Every off-highway vehicle  
21 6 shall have a vehicle identification number assigned and  
21 7 affixed as required by the department.

21 8 2. The commission shall adopt, by rule, the procedures for  
21 9 application and for issuance of a vehicle identification  
21 10 number for homebuilt off-highway vehicles.

21 11 3. A person shall not destroy, remove, alter, cover, or  
21 12 deface the manufacturer's vehicle identification number, the  
21 13 plate bearing it, or any vehicle identification number the  
21 14 department assigns to an off-highway vehicle without the  
21 15 department's permission.

21 16 4. A person other than a manufacturer who constructs or  
21 17 rebuilds an off-highway vehicle for which there is no legible  
21 18 vehicle identification number shall submit to the department  
21 19 an affidavit which describes the off-highway vehicle. In  
21 20 cooperation with the county recorder, the department shall  
21 21 assign a vehicle identification number to the off-highway  
21 22 vehicle. The applicant shall permanently affix the vehicle  
21 23 identification number to the off-highway vehicle in a manner  
21 24 that such alteration, removal, or replacement of the vehicle  
21 25 identification number would be obvious.

21 26 Sec. 29. Section 232.8, subsection 1, paragraph b, Code  
21 27 2003, is amended to read as follows:

21 28 b. Violations by a child of provisions of chapter 321,  
21 29 321G, 321N, 453A, 461A, 461B, 462A, 481A, 481B, 483A, 484A, or  
21 30 484B, which would be simple misdemeanors if committed by an  
21 31 adult, and violations by a child of county or municipal curfew  
21 32 or traffic ordinances, are excluded from the jurisdiction of  
21 33 the juvenile court and shall be prosecuted as simple  
21 34 misdemeanors as provided by law. A child convicted of a  
21 35 violation excluded from the jurisdiction of the juvenile court  
22 1 under this paragraph shall be sentenced pursuant to section  
22 2 805.8, where applicable, and pursuant to section 903.1,  
22 3 subsection 3, for all other violations.

22 4 Sec. 30. Section 331.362, subsection 9, Code 2003, is  
22 5 amended to read as follows:

22 6 9. A county may regulate traffic on and use of the  
22 7 secondary roads, in accordance with sections 321.236 to  
22 8 321.250, 321.254, 321.255, 321.285, subsection 5, sections  
22 9 321.352, 321.471 to 321.473, and other applicable provisions  
22 10 of chapter 321, and sections 321G.9, 321N.8, and 327G.15.

22 11 Sec. 31. Section 331.427, subsection 1, unnumbered  
22 12 paragraph 1, Code 2003, is amended to read as follows:

22 13 Except as otherwise provided by state law, county revenues  
22 14 from taxes and other sources for general county services shall  
22 15 be credited to the general fund of the county, including  
22 16 revenues received under sections 91.11, 101A.3, 101A.7,  
22 17 123.36, 123.143, 142B.6, 176A.8, 321.105, 321.152, 321G.7,  
22 18 321N.5, section 331.554, subsection 6, sections 341A.20,  
22 19 364.3, 368.21, 422A.2, 428A.8, 430A.3, 433.15, 434.19, 445.57,  
22 20 453A.35, 458A.21, 483A.12, 533.24, 556B.1, 583.6, 602.8108,  
22 21 904.908, and 906.17, and chapter 405A, and the following:

22 22 Sec. 32. Section 331.602, subsection 16, Code 2003, is  
22 23 amended to read as follows:

22 24 16. Issue snowmobile, all-terrain vehicle, and off-highway  
22 25 vehicle registrations as provided in sections 321G.4, 321G.6,  
22 26 and 321G.21, 321N.3, and 321N.4.

22 27 Sec. 33. Section 331.605, Code 2003, is amended by adding  
22 28 the following new subsection:

22 29 NEW SUBSECTION. 4A. For the issuance of off-highway  
22 30 vehicle registrations, the fees specified in section 321N.3.

22 31 Sec. 34. Section 350.5, Code 2003, is amended to read as  
22 32 follows:

22 33 350.5 REGULATIONS == PENALTY == OFFICERS.

22 34 The county conservation board may make, alter, amend or  
22 35 repeal regulations for the protection, regulation, and control  
23 1 of all museums, parks, preserves, parkways, playgrounds,  
23 2 recreation centers, and other property under its control. The  
23 3 regulations shall not be contrary to, or inconsistent with,  
23 4 the laws of this state. The regulations shall not take effect  
23 5 until ten days after their adoption by the board and after  
23 6 their publication as provided in section 331.305 and after a  
23 7 copy of the regulations has been posted near each gate or  
23 8 principal entrance to the public ground to which they apply.  
23 9 After the publication and posting, a person violating a  
23 10 provision of the regulations which are then in effect is  
23 11 guilty of a simple misdemeanor. The board may designate the  
23 12 director and those employees as the director may designate as  
23 13 police officers who shall have all the powers conferred by law  
23 14 on police officers, peace officers, or sheriffs in the  
23 15 enforcement of the laws of this state and the apprehension of  
23 16 violators upon all property under its control within and  
23 17 without the county. The board may grant the director and  
23 18 those employees of the board designated as police officers the

23 19 authority to enforce the provisions of chapters 321G, 321N,  
23 20 461A, 462A, 481A, and 483A on land not under the control of  
23 21 the board within the county.

23 22 Sec. 35. Section 455A.4, subsection 1, paragraph b, Code  
23 23 2003, is amended to read as follows:  
23 24 b. Provide overall supervision, direction, and  
23 25 coordination of functions to be administered by the  
23 26 administrators under chapters 321G, 321N, 455B, 455C, 456,  
23 27 456A, 456B, 457A, 458A, 459, subchapters I, II, III, IV, and  
23 28 VI, chapters 461A, 462A, 462B, 464A, 465C, 473, 481A, 481B,  
23 29 483A, 484A, and 484B.

23 30 Sec. 36. Section 455A.5, subsection 6, paragraphs a, b,  
23 31 and d, Code 2003, are amended to read as follows:  
23 32 a. Establish policy and adopt rules, pursuant to chapter  
23 33 17A, necessary to provide for the effective administration of  
23 34 chapter 321G, 321N, 456A, 456B, 457A, 461A, 462A, 462B, 464A,  
23 35 465C, 481A, 481B, 483A, 484A, or 484B.

24 1 b. Hear appeals in contested cases pursuant to chapter 17A  
24 2 on matters relating to actions taken by the director under  
24 3 chapter 321G, 321N, 456A, 456B, 457A, 461A, 462A, 462B, 464A,  
24 4 465C, 481A, 481B, 483A, 484A, or 484B.

24 5 d. Approve the budget request prepared by the director for  
24 6 the programs authorized by chapters 321G, 321N, 456A, 456B,  
24 7 457A, 461A, 462A, 462B, 464A, 481A, 481B, 483A, 484A, and  
24 8 484B. The commission may increase, decrease, or strike any  
24 9 item within the department budget request for the specified  
24 10 programs before granting approval.

24 11 Sec. 37. Section 456A.14, Code 2003, is amended to read as  
24 12 follows:  
24 13 456A.14 TEMPORARY APPOINTMENTS == PEACE OFFICER STATUS.  
24 14 The director may appoint temporary officers for a period  
24 15 not to exceed six months and may adopt minimum physical,  
24 16 educational, mental, and moral requirements for the temporary  
24 17 officers. Chapter 80B does not apply to the temporary  
24 18 officers. Temporary officers have all the powers of peace  
24 19 officers in the enforcement of this chapter and chapters 321G,  
24 20 321N, 456B, 461A, 461B, 462A, 462B, 463B, 465C, 481A, 481B,  
24 21 482, 483A, 484A, and 484B, and the trespass laws.

24 22 Sec. 38. Section 456A.24, subsection 12, Code 2003, is  
24 23 amended to read as follows:  
24 24 12. Adopt rules authorizing officers and employees of the  
24 25 department who are peace officers to issue warning citations  
24 26 for violations of this chapter and chapters 321G, 321N, 350,  
24 27 456B, 457A, 461A through 461C, 462A, 462B, 463B, 464A, 465A  
24 28 through 465C, 481A, 481B, 482, 483A, 484A, and 484B.

24 29 Sec. 39. Section 805.8B, subsection 2, paragraphs a, b,  
24 30 and d, Code 2003, are amended to read as follows:  
24 31 a. For registration violations under ~~section~~ sections  
24 32 321G.3 and 321N.3, the scheduled fine is twenty dollars. When  
24 33 the scheduled fine is paid, the violator shall submit  
24 34 sufficient proof that a valid registration has been obtained.

24 35 b. For operating violations under section 321G.9,  
25 1 subsections 1, 2, 3, 4, 5, and 7, sections 321G.11, ~~and~~  
25 2 321G.13, subsection 1, paragraph "d", sections 321N.8,  
25 3 321N.10, and 321N.11, subsection 2, the scheduled fine is  
25 4 twenty dollars.

25 5 d. For violations of ~~section~~ sections 321G.19 and 321N.16,  
25 6 the scheduled fine is fifteen dollars.

25 7 Sec. 40. Section 805.16, subsection 1, Code 2003, is  
25 8 amended to read as follows:  
25 9 1. Except as provided in subsection 2 of this section, a  
25 10 peace officer shall issue a police citation or uniform  
25 11 citation and complaint, in lieu of making a warrantless  
25 12 arrest, to a person under eighteen years of age accused of  
25 13 committing a simple misdemeanor under chapter 321, 321G, 321N,  
25 14 461A, 461B, 462A, 481A, 481B, 483A, 484A, 484B, or a local  
25 15 ordinance not subject to the jurisdiction of the juvenile  
25 16 court, and shall not detain or confine the person in a  
25 17 facility regulated under chapter 356 or 356A.

25 18 Sec. 41. Section 903.1, subsection 3, Code 2003, is  
25 19 amended to read as follows:  
25 20 3. A person under eighteen years of age convicted of a  
25 21 simple misdemeanor under chapter 321, 321G, 321N, 453A, 461A,  
25 22 461B, 462A, 481A, 481B, 483A, 484A, or 484B, or a violation of  
25 23 a county or municipal curfew or traffic ordinance, except for  
25 24 an offense subject to section 805.8, may be required to pay a  
25 25 fine, not to exceed one hundred dollars, as fixed by the  
25 26 court, or may be required to perform community service as  
25 27 ordered by the court.

25 28 Sec. 42. PROGRAM PLAN, FUNDING, AND OPERATION. The  
25 29 department of natural resources is not required to begin

25 30 operation of the off-highway vehicle program until the Iowa  
25 31 association of four wheel drive clubs develops and presents  
25 32 for the department's approval a revenue-neutral five-year plan  
25 33 for operation of the program. The plan shall include an  
25 34 analysis of the number of off-highway vehicles expected to be  
25 35 registered prior to the establishment of an off-highway  
26 1 vehicle recreation area and the number of registrations  
26 2 expected after the establishment of such a facility. The plan  
26 3 shall also include optimum locations for an off-highway  
26 4 vehicle recreation area, estimated costs, if any, for  
26 5 maintenance of the area, and any other issues the department  
26 6 and the association deem to be of importance in the planning  
26 7 process. The plan shall be completed and available for  
26 8 approval by the department no later than January 1, 2004.

26 9 The department shall not begin registration of off-highway  
26 10 vehicles until a five-year plan has been developed and  
26 11 approved. Notwithstanding the provisions of chapter 321N, as  
26 12 enacted in this Act, fees collected by the department from the  
26 13 registration of off-highway vehicles, as required in this Act,  
26 14 shall be deposited in the off-highway vehicle fund created in  
26 15 section 321N.5 and allowed to accumulate without expenditure,  
26 16 other than for the department's expenses for administration of  
26 17 the fund, until the department begins operation of the state's  
26 18 off-highway vehicle program. When revenues in the fund are  
26 19 sufficient to cover the operational costs of the off-highway  
26 20 vehicle program, the department shall begin operation of the  
26 21 program. For purposes of this section, "operation of the  
26 22 program" includes, but is not limited to, the purchasing of  
26 23 land for use by off-highway vehicles, initiating a safety  
26 24 certificate program, and employing part-time or full-time  
26 25 employees to administer the off-highway program.

26 26 Sec. 43. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
26 27 3, shall not apply to this Act.

26 28 SF 300  
26 29 dea/cc/26