HOUSE FILE 2130
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HF 800)
(SUCCESSOR TO HSB 245)

(As Amended and Passed by the House March 14, 2022)

[ = New Language by the House
* = Language Stricken by the House

## A BILL FOR

An Act relating to registered all-terrain vehicles and off-road utility [vehicles, and making penalties applicable].

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

Section 1. Section 321.234A, subsection 1, paragraph f, Code 2022, is amended to read as follows:

*f.* The all-terrain vehicle is operated on a noninterstate primary highway, a ~~county roadway in accordance with section 321I.10, subsection 2~~ secondary road, or a city street, in accordance with section 321I.10, subsection 1A, 2, or 3.

[Sec. 2. Section 321.234A, subsection 2, Code 2022, is amended to read as follows:

2. A person operating an all-terrain vehicle on a highway shall be at least eighteen years of age, have a valid driver's license, have financial liability coverage in effect for the vehicle and carry proof of such financial liability coverage in accordance with section 321.20B, and ~~the vehicle shall be operated~~ operate the vehicle at speeds of thirty-five miles per hour or less.

Sec. 3. Section 321.234A, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. As provided in section 321.1, an all-terrain vehicle is a motor vehicle for purposes of this chapter. Therefore, an all-terrain vehicle operated on a highway shall be equipped with the parts, lamps, and other equipment in proper condition and adjustment as required under this chapter for motor vehicles, including but not limited to the parts, lamps, and equipment required under sections 321.386, 321.387, 321.404, 321.432, and 321.437.

Sec. 4. Section 321.384, subsection 1, Code 2022, is amended to read as follows:

1. Every motor vehicle upon a highway within the state, at any time from sunset to sunrise, and at such other times when conditions such as fog, snow, sleet, or rain provide insufficient lighting to render clearly discernible persons and vehicles on the highway at a distance of five hundred feet ahead, shall display lighted headlamps as provided in section 321.415, subject to exceptions with respect to parked vehicles as provided in this chapter. However, an all-terrain vehicle

shall display lighted headlamps as provided in section 321.415 at all times while the vehicle is operated on a highway.

Sec. 5. Section 321.385, Code 2022, is amended to read as follows:

**321.385 Headlamps on motor vehicles.**

Every motor vehicle other than a motorcycle, ~~or~~ motorized bicycle, or all-terrain vehicle shall be equipped with at least two headlamps with at least one on each side of the front of the motor vehicle, which headlamps shall comply with the requirements and limitations set forth in this chapter.

Sec. 6. Section 321.386, Code 2022, is amended to read as follows:

**321.386 Headlamps on motorcycles, ~~and~~ motorized bicycles, and all-terrain vehicles.**

Every motorcycle, ~~and~~ motorized bicycle, and all-terrain vehicle shall be equipped with at least one and not more than two headlamps which shall comply with the requirements and limitations of this chapter.

Sec. 7. Section 321I.8, subsection 2, Code 2022, is amended to read as follows:

2. The department shall remit the fees, including user fees collected pursuant to section 321I.5, to the treasurer of state, who shall place the money in a special all-terrain vehicle fund. The money is appropriated to the department for the all-terrain vehicle programs of the state. The programs shall include grants, subgrants, contracts, or cost-sharing of all-terrain vehicle programs with political subdivisions or incorporated private organizations or both in accordance with rules adopted by the commission. All-terrain vehicle fees may be used for the establishment, maintenance, and operation of all-terrain vehicle recreational riding areas through the awarding of grants administered by the department, but shall not be used for law enforcement purposes outside of a designated off-highway vehicle recreational riding area or for purchasing, installing, or maintaining signs along a highway

outside of a designated off-highway vehicle recreational riding area. All-terrain vehicle recreational riding areas established, maintained, or operated by the use of such grants shall not be operated for profit. All programs using cost-sharing, grants, subgrants, or contracts shall establish and implement an education instruction program either singly or in cooperation with other all-terrain vehicle programs. All-terrain vehicle fees may be used to support all-terrain vehicle programs on a usage basis. At least fifty percent of the special fund shall be available for political subdivisions or incorporated private organizations or both. Moneys from the special fund not used by the political subdivisions or incorporated private organizations or both shall remain in the fund and may be used by the department for the administration of the all-terrain vehicle programs. Notwithstanding section 8.33, moneys in the special fund shall not revert to the general fund of the state at the end of a fiscal year. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the special fund shall remain in the fund.]

Sec. 8. Section 321I.10, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. A registered all-terrain vehicle or off-road utility vehicle may be operated on a primary highway that is not part of the interstate road system over the most direct and accessible route between an all-terrain vehicle park or trail, a secondary road designated under subsection 2, and a city street designated under subsection 3.

* Sec. 9. [Section 321I.10, subsections 2 and 3, Code 2022, are] amended to read as follows:

2. A registered all-terrain vehicle or off-road utility vehicle may be operated on ~~the roadways of that portion of county highways designated by the county board of supervisors for such use during a specified period~~ secondary roads. ~~The county board of supervisors shall evaluate the traffic~~

~~conditions on all county highways and designate roadways on which all-terrain vehicles or off-road utility vehicles may be operated for the specified period without unduly interfering with or constituting an undue hazard to conventional motor vehicle traffic. In designating such roadways, the board may authorize all-terrain vehicles and off-road utility vehicles to stop at service stations or convenience stores along a designated roadway.~~ [However, a county may prohibit the operation of all-terrain vehicles and off-road utility vehicles on a segment of a road under its jurisdiction pursuant to an agreement with a local all-terrain vehicle or off-road utility vehicle club or organization. Such an agreement shall be in writing and shall be valid for not more than five years unless renewed. Such an agreement may be renewed any number of times, with each renewal valid for not more than five years.]

[3. Cities may regulate the operation of registered all-terrain vehicles and registered off-road utility vehicles and may designate streets under the jurisdiction of cities within their respective corporate limits which may be used for the operation of ~~registered all-terrain vehicles or registered off-road utility~~ such vehicles. In designating such streets, the city may authorize all-terrain vehicles and off-road utility vehicles to stop at service stations or convenience stores along a designated street. However, a city shall not charge a fee to operate a registered all-terrain vehicle or registered off-road utility vehicle within the city.]

Sec. 10. Section 331.301, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 21. A county shall not adopt an ordinance, motion, resolution, or amendment, or use any other means, that prohibits or regulates the operation of registered all-terrain vehicles or off-road utility vehicles on secondary roads within its jurisdiction, unless otherwise authorized by state law. [However, an] ordinance, motion, resolution, or amendment adopted prior to [January 1, 2022, that authorizes and regulates the

operation of all-terrain vehicles or off-road utility vehicles on secondary roads shall remain in effect and is enforceable on and after the effective date of this Act. Any modification to such a provision after the effective date of this Act shall comply with state law.]