

CHAPTER 1077

SNOWMOBILES

H. F. 711

AN ACT relating to liability arising out of the use of snowmobiles, to registration and safety regulations for snowmobiles and providing a penalty for the violation thereof.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. **Declaration of policy.** It is the policy of this state to
2 promote safety for persons, property, and the environment relating
3 to the use, operation and equipment of snowmobiles and to promote
4 uniformity of laws and rules relating thereto.

1 SEC. 2. Section three hundred twenty-one G point one (321G.1),
2 Code 1971, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **321G.1 Definitions.** As used in this Act, unless the context other-
5 wise requires:

6 1. "Commission" means the state conservation commission.

7 2. "Snowmobiles" means any self-propelled vehicle weighing less
8 than one thousand pounds which utilizes wheels with low pressure
9 tires and is designed to operate on land or ice or is equipped with
10 sled-type runners or skis, endless belt-type tread, or any combina-
11 tion thereof, and is designed for travel upon snow, land or ice, except
12 any vehicle registered as a motor vehicle under chapter three hundred
13 twenty-one (321) of the Code.

14 3. "Person" means an individual, partnership, firm, corporation,
15 association, and the state, its agencies, and political subdivisions.

16 4. "Owner" means a person, other than a lien holder, having the
17 property right in or title to a snowmobile. The term includes a
18 person entitled to the use or possession of a snowmobile subject
19 to an interest in another person, reserved or created by agreement
20 and securing payment or performance of an obligation, but the term
21 excludes a lessee under a lease not intended as security.

22 5. "Operate" means to ride in or on, other than as a passenger,
23 use or control the operation of a snowmobile in any manner, whether
24 or not the snowmobile is moving.

25 6. "Operator" means every person who operates or is in actual
26 physical control of a snowmobile.

27 7. "Dealer" means every person engaged in the business of buying,
28 selling, or exchanging snowmobiles required to be registered under
29 this Act and who has an established place of business for that
30 purpose in this state.

31 8. "Manufacturer" means every person engaged in the business
32 of constructing or assembling snowmobiles required to be registered
33 under this Act and who has an established place of business for that
34 purpose in this state.

35 9. "Established place of business" means the place actually occu-
36 pied either continuously or at regular periods by a dealer or manu-
37 facturer where his books and records are kept and his business is
38 primarily transacted.

39 10. "Special event" means an organized race, exhibition, or
40 demonstration of limited duration which is conducted according to

41 a prearranged schedule and in which general public interest is mani-
42 fested.

43 11. "Roadway" means that portion of a highway improved,
44 designed, or ordinarily used for vehicular travel.

45 12. "Street" or "highway" means the entire width between prop-
46 erty lines of every way or place of whatever nature when any part
47 thereof is open to the use of the public, as a matter of right, for
48 purposes of vehicular travel, except in public areas in which the
49 boundary shall be thirty-three feet each side of the center line of
50 the roadway.

51 13. "Railroad right-of-way" shall mean the full width of property
52 owned, leased or subject to easement for railroad purposes and shall
53 not be limited to those areas on which tracks are located.

54 14. "'A' scale" means the physical scale marked "A" graduated
55 in decibels on a sound level meter which meets the requirements of
56 the American national standards institute, incorporated, publication
57 S1.4-1961, general purpose sound level meters.

1 SEC. 3. Section three hundred twenty-one G point two (321G.2),
2 Code 1971, is amended by adding the following new paragraph:

3 "In the promulgation of such rules and regulations, consideration
4 shall be given to the need to protect the environment and the public
5 health, safety and welfare; to protect private property, public parks
6 and other public lands; to protect wildlife and the habitat thereof;
7 and to promote uniformity of rules relating to the use, operation
8 and equipment of snowmobiles. Such rules shall be in conformance
9 with chapter seventeen A (17A) of the Code."

1 SEC. 4. Section three hundred twenty-one G point three
2 (321G.3), Code 1971, is amended by adding the following new para-
3 graph:

4 "A registration number shall be assigned, without payment of
5 fee, to snowmobiles owned by the state of Iowa or its political sub-
6 divisions upon application therefor, and the assigned registration
7 number shall be displayed on the snowmobile as required under
8 section three hundred twenty-one G point five (321G.5) of the Code."

1 SEC. 5. Section three hundred twenty-one G point five (321G.5),
2 Code 1971, is amended by adding the following new paragraph:

3 "The owner of any snowmobile which is used as a watercraft
4 and is required to be numbered as a watercraft may display the
5 watercraft number on the forward half of the snowmobile in lieu of
6 the snowmobile identification number, but the current snowmobile
7 registration decal shall also be affixed aft of the current watercraft
8 registration decal."

1 SEC. 6. Section three hundred twenty-one G point six (321G.6),
2 unnumbered paragraphs one (1), two (2) and three (3), Code 1971,
3 are amended to read as follows:

4 Every registration certificate and number issued shall expire at
5 midnight ~~April 30~~ *December 31*, unless sooner terminated or dis-
6 continued in accordance with the provisions of this chapter. *Provided*
7 *that registration of any snowmobile prior to the effective date of*
8 *this Act shall be valid for the time specified on that registration.*
9 After the first day of ~~January~~ *September* each year, any unregis-

10 tered snowmobile and renewals of registration may be so registered
11 for the subsequent year beginning ~~May~~ *January* 1.

12 After the first day of ~~January~~ *September* any unregistered snow-
13 mobile may be registered for the remainder of the current registra-
14 tion period and for the subsequent registration period in one trans-
15 action. The fee shall be three dollars for the remainder of the cur-
16 rent period, in addition to the registration fee of six dollars for
17 the subsequent year beginning ~~May~~ *January* 1, and a writing fee
18 of fifty cents. Registration certificates and numbers may be re-
19 newed upon application of the owner in the same manner as provided
20 for in securing the original registration. *The snowmobile registra-*
21 *tion fee shall be in lieu of personal property tax for the calendar year*
22 *of said registration.*

23 If the application for registration for the subsequent year is not
24 made before ~~May~~ *January* 1 of each year the applicant shall be
25 charged a penalty of one dollar for each six month's delinquency,
26 or any portion thereof.

1 SEC. 7. Section three hundred twenty-one G point eight (321G.8),
2 subsection four (4), Code 1971, is amended as follows:

3 Snowmobiles not registered or licensed in another state or country
4 being used in this state ~~during an organized race or exhibition while~~
5 *engaged in a special event* and not remaining in the state for a
6 period of more than ten days.

1 SEC. 8. Section three hundred twenty-one G point eleven
2 (321G.11), Code 1971, is amended by striking the section and insert-
3 ing in lieu thereof the following:

4 **321G.11 Mufflers.** On or after July 1, 1972, a snowmobile shall
5 not be operated without suitable and effective muffling devices which
6 limit engine noise to not more than eighty-six decibels as measured
7 on the "A" scale at a distance of fifty feet; and a snowmobile,
8 manufactured after July 1, 1973, which is sold, offered for sale or
9 used in this state, except in an authorized special event, shall have
10 a muffler system that limits engine noise to not more than eighty-two
11 decibels as measured on the "A" scale at a distance of fifty feet.

12 The commission may adopt rules and regulations with respect
13 to the inspection of snowmobiles and the testing of snowmobile
14 mufflers.

15 On or after July 1, 1972, a separate placard shall be affixed, per-
16 manently and conspicuously, to any new snowmobile sold or offered
17 for sale in this state that does not meet the muffler requirements
18 as stated above. The placard shall designate each snowmobile which
19 does not meet the muffler requirements.

1 SEC. 9. Section three hundred twenty-one G point thirteen
2 (321G.13), Code 1971, is amended by striking subsection six (6)
3 and inserting in lieu thereof the following new subsections:

4 6. On any public land, ice, or snow, in violation of official signs
5 of the commission prohibiting such operation in the interest of
6 safety for persons, property, or the environment. Any officer ap-
7 pointed by the commission may post an official sign in an emergency
8 for the protection of persons, property, or the environment.

9 7. In or on any park or fish and game areas except on designated
10 snowmobile trails.

11 8. Upon an operating railroad right-of-way. A snowmobile may
12 be driven directly across a railroad right-of-way only at an estab-
13 lished crossing and, notwithstanding any other provisions of law,
14 may, where necessary, use the improved portion of such established
15 crossing after yielding to all oncoming traffic. The provisions of
16 this subsection shall not apply to any law enforcement officer or
17 railroad employee in the lawful discharge of his duties.

1 SEC. 10. Section three hundred twenty-one G point fourteen
2 (321G.14), Code 1971, is amended as follows:

3 321G.14 Penalty. Any person who shall violate any provision of
4 this chapter or any regulation of the commission or commissioner
5 of public safety shall be guilty of a misdemeanor and punished by
6 a fine of not more than one hundred dollars, or by imprisonment
7 for not more than ~~ninety~~ thirty days.

8 *Chapter two hundred thirty-two (232) of the Code shall have no*
9 *application in the prosecution of offenses which are committed in*
10 *violation of this chapter, and which are punishable by a fine of not*
11 *more than one hundred dollars or by imprisonment for not more*
12 *than thirty days.*

1 SEC. 11. Chapter three hundred twenty-one G (321G), Code 1971,
2 is amended by adding the following new sections:

3 1. The commission may authorize the holding of organized special
4 events as defined in this chapter within this state. The commission
5 shall adopt and may amend rules and regulations relating to the
6 conduct of special events held under commission permits and desig-
7 nating the equipment and facilities necessary for safe operation of
8 snowmobiles or for the safety of operators, participants, and
9 observers in the special events. At least thirty days before the
10 scheduled date of a special event in this state, an application shall
11 be filed with the commission for authorization to conduct the special
12 event. The application shall set forth the date, time and location of
13 the proposed special event and any other information as the com-
14 mission may require. The special event shall not be conducted with-
15 out written authorization of the commission. Copies of such rules
16 and regulations shall be furnished by the commission to any person
17 making an application therefor.

18 2. It shall be unlawful for any person, after having received a
19 visual or audible signal from any officer to come to a stop, to operate
20 a snowmobile in willful or wanton disregard of such signal or inter-
21 fere with or endanger the officer or any other person or vehicle, or
22 increase his speed or attempt to flee or elude the officer.

23 3. The owner and operator of any snowmobile shall be liable for
24 any injury or damage occasioned by the negligent operation of
25 such snowmobile.

26 4. a. The owner of any rented snowmobile shall keep a record of
27 the name and address of each person renting the snowmobile, its
28 identification number, the departure date and time, and the expected
29 time of return. The records shall be preserved for six months.

30 b. The owner of a snowmobile operated for hire shall not permit
31 the use or operation of a rented snowmobile unless it shall have been

32 provided with all equipment required by this chapter or rules of
33 the commission or the commissioner of public safety, properly in-
34 stalled and in good working order.

35 5. No owner or operator of any snowmobile having an engine
36 rating of three hundred cubic centimeters or more shall permit any
37 person under twelve years of age to operate the snowmobile except
38 when accompanied by a responsible person of at least eighteen years
39 of age who is experienced in snowmobile operation.

40 6. a. A manufacturer, distributor, or dealer owning any snow-
41 mobile required to be registered under this chapter may operate
42 the snowmobile for purposes of transporting, testing, demonstrating,
43 or selling it without the snowmobile being registered, except that a
44 special identification number issued to the owner as provided in
45 this chapter shall be displayed on the snowmobile. The special
46 identification number may not be used on any snowmobile offered
47 for hire or for any work or service performed by a manufacturer,
48 distributor, or dealer.

49 b. Any manufacturer, distributor, or dealer may, upon payment
50 of a fee of fifteen dollars, make application to the commission, upon
51 forms prescribed by the commission, for a special registration cer-
52 tificate containing a general identification number and for one or
53 more duplicate special registration certificates. The applicant shall
54 submit reasonable proof of his status as a bona fide manufacturer,
55 distributor or dealer as may be required by the commission.

56 c. The commission, upon granting an application, shall issue to
57 the applicant a special registration certificate containing the appli-
58 cant's name and address, the general identification number assigned
59 to the applicant, the word "manufacturer", "dealer" or "distributor",
60 and such other information as the commission may prescribe. The
61 manufacturer, distributor, or dealer shall have the assigned number
62 printed upon or attached to a removable sign or signs which may be
63 temporarily but firmly mounted or attached to the snowmobile being
64 used. The display shall meet the requirements of this chapter and
65 the rules and regulations of the commission.

66 d. The commission shall also issue duplicate special registration
67 certificates which shall have displayed thereon the general identifi-
68 cation number assigned to the applicant. Each duplicate registra-
69 tion certificate so issued shall contain a number or symbol identify-
70 ing it from every other duplicate special registration certificate
71 bearing the same general identification number. The fee for each
72 additional duplicate special registration certificate shall be two dol-
73 lars.

74 e. Each special registration certificate issued hereunder shall ex-
75 pire on December 31 of each year, and a new special registration
76 certificate for the ensuing twelve months may be obtained upon
77 application to the commission and payment of the fee provided by
78 law.

79 f. Every manufacturer, distributor, or dealer shall keep a written
80 record of the snowmobiles upon which special registration certificates
81 are used, which record shall be open to inspection by any law-enforce-
82 ment officer or any officer or employee of the commission.

83 g. If a manufacturer, distributor, or dealer has an established
84 place of business in more than one location, he shall secure a separate

85 and distinct special registration certificate and general identification
86 number for each place of business.

87 7. The state, its political subdivisions, and the owners of property
88 adjoining the right-of-way of a public highway and their agents and
89 employees owe no duty of care to keep the ditches or land contiguous
90 to a highway or roadway under the control of the state or a political
91 subdivision safe for entry or use by persons operating a snowmobile,
92 or to give any warning of a dangerous condition, use, structure, or
93 activity on such premises to persons entering for such purposes
94 except in the case of willful or malicious failure to guard or warn
95 against a dangerous condition, use, structure, or activity. This
96 section shall not be construed to create a duty of care or ground
97 of liability on behalf of the state, its political subdivisions, or the
98 owners of property adjoining the right-of-way of a public highway
99 and their agents and employees for injury to persons or property in
100 the operation of snowmobiles in a ditch or on land contiguous to a
101 highway or roadway under the control of the state or a political
102 subdivision. The state, its political subdivisions and the owners of
103 property adjoining the right-of-way of a public highway and their
104 agents and employees shall, in no event, be liable for the operation
105 of a snowmobile in violation of the provisions of this chapter.

Approved April 21, 1972.

CHAPTER 1078

MOTOR FUEL TAX LAW ENFORCEMENT

H. F. 684

AN ACT relating to enforcement of the motor fuel tax laws.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section three hundred twenty-four point seventy-six
2 (324.76), Code 1971, is amended as follows:

3 324.76 **Enforcement authority.** Authority is hereby given to the
4 department of revenue to enforce the provisions of this chapter *except*
5 *sections three hundred twenty-four point fourteen (324.14) and*
6 *three hundred twenty-four point fifty-two (324.52) of the Code and*
7 *employees.* Employees of the department of revenue designated as
8 enforcement officers shall have the power of peace officers in the
9 performance of such duties.

10 *Authority to enforce sections three hundred twenty-four point*
11 *fourteen (324.14) and three hundred twenty-four point fifty-two*
12 *(324.52) of the Code, is given to the state highway commission.*
13 *Employees of the commission designated enforcement officers shall*
14 *have the power of peace officers in the performance of their duties;*
15 *however, they shall not be considered members of the Iowa highway*
16 *safety patrol. The commission shall furnish enforcement officers with*
17 *necessary equipment and supplies in the same manner as provided in*
18 *section eighty point eighteen (80.18) of the Code, including uniforms*