

the provisions of this section shall also be published as notice of intended action as provided in section 17A.4.

Sec. 3. EFFECTIVE DATE. Section 2 of this Act, relating to the adoption of emergency rules, being deemed of immediate importance, takes effect upon enactment.

Approved March 28, 2002

CHAPTER 1027

SNOWMOBILES AND ALL-TERRAIN VEHICLES — TITLING, REGISTRATION, AND USE

S.F. 437

AN ACT relating to the registration and titling of all-terrain vehicles and snowmobiles and removing the restriction on the use of an all-terrain vehicle on public land without a measurable snow cover, and subjecting violators to a penalty.

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

Section 1. Section 321G.1, subsection 1, unnumbered paragraph 2, Code 2001, is amended to read as follows:

Two-wheeled off-road motorcycles shall be considered all-terrain vehicles only for the purpose of titling and registration ~~and not for purposes of regulation~~. An operator of a two-wheeled off-road motorcycle is exempt from the safety instruction and certification program requirements of sections 321G.23 and 321G.24.

Sec. 2. Section 321G.2, subsection 1, Code 2001, is amended to read as follows:

1. Registration and titling of all-terrain vehicles and snowmobiles.

Sec. 3. Section 321G.3, Code Supplement 2001, is amended to read as follows:

321G.3 REGISTRATION AND NUMBERING REQUIRED.

1. Each all-terrain vehicle and snowmobile used on public land or ice of this state shall be currently registered and numbered. A person shall not operate, maintain, or give permission for the operation or maintenance of an all-terrain vehicle or snowmobile on public land or ice unless the all-terrain vehicle or snowmobile is numbered in accordance with this chapter, or in accordance with applicable federal laws, or in accordance with an approved numbering system of another state, and unless the identifying number set forth in the registration is displayed on each side of the forward half of the snowmobile and on the rear fender of the all-terrain vehicle as prescribed by rules of the commission.

2. A registration number shall be assigned, without payment of fee, to all-terrain vehicles and snowmobiles owned by the state of Iowa or its political subdivisions upon application for the number, and the assigned registration number shall be displayed on the all-terrain vehicle or snowmobile as required under section 321G.5. A registration number and certificate shall be assigned, without payment of fee, to an all-terrain vehicle or snowmobile which is exempt from registration but is being titled. A decal displaying an audit number shall not be issued and the registration shall not expire while the all-terrain vehicle or snowmobile is exempt. The application for registration shall indicate the reason for exemption from the fee. The registration certificate shall indicate the reason for exemption.

Sec. 4. Section 321G.5, Code Supplement 2001, is amended by striking the section and inserting in lieu thereof the following:

321G.5 DISPLAY OF IDENTIFICATION NUMBERS.

The owner shall display the identification number on an all-terrain vehicle or snowmobile in the manner prescribed by the rules of the commission.

Sec. 5. Section 321G.6, unnumbered paragraph 6, Code 2001, is amended to read as follows:

Upon the transfer of ownership of an all-terrain vehicle or snowmobile, the owner shall complete the form on the back of the title, if any, and registration, if any, and deliver both to the purchaser or transferee when the all-terrain vehicle or snowmobile is delivered. If the all-terrain vehicle or snowmobile is not titled, the owner shall complete the form on the back of the current registration certificate and shall deliver it the certificate to the purchaser or transferee at the time of delivering the all-terrain vehicle or snowmobile. If the all-terrain vehicle or snowmobile has not been titled and has not been registered, the owner shall deliver an affidavit for an unregistered and untitled all-terrain vehicle or snowmobile to the purchaser or transferee. The purchaser or transferee shall, within five thirty days of transfer, file a new application form with the county recorder with a fee of one dollar and the writing fee, and a transfer of number shall be awarded in the same manner as provided in an original registration. If the purchaser or transferee does not file a new application form within five thirty days of transfer, the transfer of number shall be awarded upon payment of all applicable fees plus a penalty of five dollars.

Sec. 6. Section 321G.8, Code 2001, is amended by adding the following new subsection:
NEW SUBSECTION. 6. Snowmobiles and all-terrain vehicles used exclusively as farm implements.

Sec. 7. Section 321G.13, subsection 10, Code Supplement 2001, is amended by striking the subsection.

Sec. 8. Section 321G.13, Code Supplement 2001, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A person shall not drive or operate a snowmobile on public land without a measurable snow cover.

Sec. 9. Section 321G.21, subsection 9, Code 2001, is amended to read as follows:

9. If the purchaser or transferee of an all-terrain vehicle or snowmobile is a dealer who holds the same for resale and operates the all-terrain vehicle or snowmobile only for purposes incidental to a resale and displays the special dealer's certificate, or does not operate the all-terrain vehicle or snowmobile or permit it to be operated, the transferee is not required to obtain a new registration certificate but upon transferring title or interest to another person shall sign the reverse side of the title, if any, and the registration certificate of the all-terrain vehicle or snowmobile indicating the name and address of the new purchaser. The purchaser may take the registration certificate to the county recorder and file a new application form with a fee of one dollar for transfer and the writing fee. A dealer shall make application and pay all registration and title fees if applicable on behalf of the purchaser of an all-terrain vehicle or snowmobile. The recorder shall award a transfer of the registration number. If the registration has expired while in the dealer's possession, the purchaser may renew the registration for the same fee and writing fee as if the purchaser is securing the original registration.

Sec. 10. Section 321G.29, subsections 1, 4, and 7, Code 2001, are amended to read as follows:

1. The owner of a snowmobile acquired on or after January 1, 1998, or an all-terrain vehicle acquired on or after January 1, 2000, other than a snowmobile or all-terrain vehicle used exclusively as a farm implement, shall apply to the county recorder of the county in which the owner resides for a certificate of title for the snowmobile or all-terrain vehicle. The owner of a snowmobile or all-terrain vehicle used exclusively as a farm implement may obtain a certificate of title. A person who owns a snowmobile or all-terrain vehicle that is not required to have a certificate of title may apply for and receive a certificate of title for the snowmobile or all-terrain vehicle and, subsequently, the snowmobile or all-terrain vehicle shall be subject to the requirements of this chapter as if the snowmobile or all-terrain vehicle were required to be titled. All snowmobiles or all-terrain vehicles that are titled shall be registered.

4. If a dealer buys or acquires a snowmobile or all-terrain vehicle for resale, the dealer shall report the acquisition to the county recorder on forms provided by the department and may apply for and obtain a certificate of title as provided in this chapter. If a dealer buys or acquires a used snowmobile or all-terrain vehicle, the dealer may apply for a certificate of title in the dealer's name within ~~fifteen~~ thirty days. If a dealer buys or acquires a new snowmobile or all-terrain vehicle for resale, the dealer may apply for a certificate of title in the dealer's name.

7. The county recorder shall maintain a record of any certificate of title which the county recorder issues and shall keep each certificate of title on record until the certificate of title has been inactive for five years. When issuing a title for a new snowmobile or new all-terrain vehicle, the county recorder shall obtain and keep on file the certificate of origin. When issuing a title and registration for a used snowmobile or all-terrain vehicle for which there is no title or registration, the county recorder shall obtain and keep on file the affidavit for the unregistered and untitled snowmobile or all-terrain vehicle.

Sec. 11. NEW SECTION. 321G.33 VEHICLE IDENTIFICATION NUMBER.

1. The department may assign a distinguishing number to an all-terrain vehicle or snowmobile when the serial number on the all-terrain vehicle or snowmobile is destroyed or obliterated and issue to the owner a special plate bearing the distinguishing number which shall be affixed to the all-terrain vehicle or snowmobile in a position to be determined by the department. The all-terrain vehicle or snowmobile shall be registered and titled under the distinguishing number in lieu of the former serial number. Every all-terrain vehicle or snowmobile shall have an 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 an identification number for homebuilt all-terrain vehicles or snowmobiles.

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 or snowmobile without the department's permission.

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

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