

Sec. 11. Section 490.1601, subsection 5, unnumbered paragraph 1, Code 2007, is amended to read as follows:

A corporation shall keep a copy of the following records at its principal office:

Sec. 12. Section 490.1601, subsection 5, paragraph a, Code 2007, is amended to read as follows:

a. Its articles or restated articles of incorporation, ~~and all amendments to them currently in effect, and any notices to shareholders referred to in section 490.120, subsection 12, paragraph "e", regarding facts on which a filed document is dependent.~~

Approved May 9, 2007

CHAPTER 141

SNOWMOBILE AND ALL-TERRAIN VEHICLE REGULATION

H.F. 742

AN ACT relating to the regulation of snowmobiles and all-terrain vehicles, and providing fees and penalties.

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

Section 1. Section 321.234A, subsection 3, Code 2007, is amended to read as follows:

3. An all-terrain vehicle that is owned by the owner of land adjacent to a highway, other than an interstate road, may be operated by the owner of the all-terrain vehicle, or by a member of the owner's family, on the portion of the highway right-of-way that is between the shoulder of the roadway, or at least five feet from the edge of the roadway, and the owner's property line. A person operating an all-terrain vehicle within the highway right-of-way under this subsection shall comply with the registration, safety, and age requirements under chapter 321I.

Sec. 2. Section 321G.1, Code 2007, is amended by adding the following new subsections:

NEW SUBSECTION. 5A. "Director" means the director of the department.

NEW SUBSECTION. 5B. "Distributor" means a person, resident or nonresident, who sells or distributes snowmobiles to snowmobile dealers in this state or who maintains distributor representatives.

Sec. 3. Section 321G.2, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 8. Issuance of annual user permits for nonresidents and establishment of administrative fees for issuance of the permits.

Sec. 4. Section 321G.3, Code 2007, is amended to read as follows:

~~321G.3 REGISTRATION AND NUMBERING REQUIRED — PENALTIES.~~

1. Each 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 a snowmobile on public land or ice unless the snowmobile is ~~numbered~~ registered in accordance with this chapter or applicable federal laws, or the snowmobile displays a current annual user permit decal issued for the snowmobile as provided in section 321G.4A. ~~If the snowmobile is required to be registered in this state, the identifying number set forth in the registration shall be displayed as prescribed by rules of the commission.~~

2. A registration number certificate and registration decal shall be assigned, without payment of fee, to snowmobiles owned by the state of Iowa or its political subdivisions upon application for the number, and the assigned registration number. The registration decal shall be displayed on the snowmobile as required under section 321G.5. A registration number and certificate shall be assigned, without payment of a registration fee, to for a snowmobile which is exempt from registration but is being titled, upon payment of a writing fee as provided in section 321G.27 and an administrative fee. A registration decal displaying an audit number shall not be issued and the registration shall not expire while the snowmobile is exempt. The application for registration and the registration certificate shall indicate the reason for exemption from the registration fee. The registration certificate shall indicate the reason for exemption.

3. A violation of subsection 1 or 2 is punishable as a scheduled violation under section 805.8B, subsection 2, paragraph "a". When the scheduled fine is paid, the violator shall submit proof to the department that a valid registration or user permit has been obtained by providing a copy of the registration or user permit to the department within thirty days of the date the fine is paid. A person who violates this subsection is guilty of a simple misdemeanor.

Sec. 5. Section 321G.4, Code 2007, is amended to read as follows:

321G.4 REGISTRATION — FEE.

1. The owner of each snowmobile required to be numbered registered shall register it annually with the department through the a county recorder of the county in which the owner resides or, if the owner is a nonresident, the owner shall register it in the county in which the snowmobile is principally used. The department shall develop and maintain an electronic system for the registration of snowmobiles pursuant to this chapter. The department shall establish forms and procedures as necessary for the registration of snowmobiles.

2. The owner of the snowmobile shall file an application for registration with the department through the appropriate a county recorder in the manner established by the commission. The application shall be completed and signed by the owner and shall be accompanied by a fee of fifteen dollars and a writing fee as provided in section 321G.27. A snowmobile shall not be registered by the county recorder until the county recorder is presented with receipts, bills of sale, or other satisfactory evidence that the sales or use tax has been paid for the purchase of the snowmobile or that the owner is exempt from paying the tax. A snowmobile that has an expired registration certificate from another state may be registered in this state upon proper application, payment of all applicable registration and writing fees, and payment of a penalty of five dollars.

3. Upon receipt of the application in approved form accompanied by the required fees, the county recorder shall register the snowmobile with the department and issue to the applicant a registration certificate and registration decal. The registration certificate shall bear the number awarded to the snowmobile and the name and address of the owner. The registration decal shall be displayed on the snowmobile as provided in section 321G.5. The registration certificate shall be carried either in the snowmobile or on the person of the operator of the snowmobile when in use. The operator of a snowmobile shall exhibit the registration certificate to a peace officer upon request, to a person injured in an accident involving a snowmobile, to the owner or operator of another snowmobile or the owner of personal or real property when the snowmobile is involved in a collision or accident of any nature with another snowmobile or the property of another person, or to the property owner or tenant when the snowmobile is being operated on private property without permission from the property owner or tenant.

4. If a snowmobile is placed in storage, the owner shall return the current registration certificate to the county recorder with an affidavit stating that the snowmobile is placed in storage and the effective date of storage. The county recorder shall notify the department of each snowmobile placed in storage. When the owner of a stored snowmobile desires to renew the registration, the owner shall make application through the county recorder and pay the registration and writing fees without penalty. A refund of the registration fee shall not be allowed for a stored snowmobile.

~~5.~~ 4. Notwithstanding subsections 1 and 2, a snowmobile that is more than thirty years old may be registered for a one-time fee of twenty-five dollars, which shall exempt the owner from annual registration and fee requirements for that snowmobile. However, if ownership of such a snowmobile is transferred, the new owner shall register the snowmobile and pay the one-time fee as required under this subsection.

Sec. 6. Section 321G.4A, Code 2007, is amended to read as follows:
321G.4A NONRESIDENT USER PERMITS.

1. A nonresident wishing to operate a snowmobile, other than a snowmobile registered pursuant to this chapter, on public land or ice of this state shall first obtain a user permit from the department. A user permit shall be issued for the snowmobile specified at the time of application and is not transferable. A user permit shall be valid for the calendar year or time period specified in the permit.

2. ~~User permits may be issued by a~~ A county recorder or a license agent ~~pursuant to rules adopted by the commission designated by the director pursuant to section 483A.11 may issue user permits.~~ The fee for a user permit shall be fifteen dollars plus an administrative fee established by the commission. A county recorder or a license agent shall retain a writing fee of ~~one dollar from the sale of each user permit issued by the county recorder's office as provided in section 321G.27.~~ The writing fees retained by the county recorder shall be deposited in the general fund of the county. ~~A license agent designated by the director pursuant to section 483A.11 shall retain a writing fee of one dollar from the sale of each permit issued by the agent.~~

Sec. 7. Section 321G.5, Code 2007, is amended to read as follows:

321G.5 DISPLAY OF IDENTIFICATION NUMBERS REGISTRATION AND USER PERMIT DECALS.

The owner shall display the ~~identification number~~ registration decal or nonresident user permit decal on a snowmobile in the manner prescribed by the rules of the commission.

Sec. 8. Section 321G.6, Code 2007, is amended to read as follows:

321G.6 REGISTRATION — RENEWAL — TRANSFER.

1. Every snowmobile registration certificate and ~~number~~ registration decal issued expires at midnight December 31 unless sooner terminated or discontinued in accordance with this chapter or rules of the commission. After the first day of September each year, an unregistered snowmobile may be registered and a registration may be renewed in one transaction. The fee is five dollars for the remainder of the current year, in addition to the registration fee of fifteen dollars for the subsequent year beginning January 1, and a writing fee as provided in section 321G.27.

2. An expired registration may be renewed for the same fee as if the owner is securing the original registration plus a penalty of five dollars and a writing fee as provided in section 321G.27.

~~3. When a person, after registering a snowmobile, moves from the address shown on the registration certificate, the person shall, within thirty days, notify the county recorder in writing of the move and the person's new address.~~

4. Upon the transfer of ownership of a 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 snowmobile is delivered. If the snowmobile is not titled, the owner shall ~~complete the form on the back of the current registration certificate and shall deliver the certificate to the purchaser or transferee at the time of delivering the snowmobile.~~ If the snowmobile has not been titled and has not been registered, the owner shall deliver an affidavit for an unregistered and untitled snowmobile to the purchaser or transferee. ~~The purchaser or transferee shall, within 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 thirty days of transfer, the transfer of number shall be awarded upon payment of all applicable fees plus a penalty of five dollars.~~

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

~~5.~~ 3. Duplicate registrations may be issued upon application to the county recorder and the payment of the same fees collected for the transfer of registrations a five dollar fee plus a writing fee as provided in section 321G.27.

~~6.~~ 4. The department shall develop and maintain an electronic system for residents to renew snowmobile registrations pursuant to this section. A county recorder or a license agent designated by the director pursuant to section 483A.11 may issue snowmobile registration renewals electronically pursuant to rules adopted by the commission. The fee for a registration renewal issued using an electronic system is fifteen dollars plus an administrative fee established by the commission and a writing fee as provided in section 321G.27. A county recorder shall retain a writing fee of one dollar and twenty-five cents for each registration renewal issued by the county recorder's office. The writing fees retained by the county recorder shall be deposited in the general fund of the county. A license agent designated by the director pursuant to section 483A.11 shall retain a writing fee of one dollar for each registration renewal issued.

Sec. 9. Section 321G.7, unnumbered paragraph 1, Code 2007, is amended to read as follows:

~~Within ten days after the end of each month, a~~ A county recorder shall remit to the commission the snowmobile fees collected by the recorder ~~during the previous month in the manner and time prescribed by the department.~~ Before January 10 of each year, a recorder shall remit to the commission unused license forms from the previous year.

Sec. 10. Section 321G.8, subsections 2 and 3, Code 2007, are amended by striking the subsections.

Sec. 11. Section 321G.15, Code 2007, is amended to read as follows:
321G.15 OPERATION PENDING REGISTRATION.

The commission shall furnish snowmobile dealers with pasteboard cards bearing the words "registration applied for" and space for the date of purchase. An unregistered snowmobile sold by a dealer shall bear one of these cards which entitles the purchaser to operate it for ~~ten~~ forty-five days immediately following the purchase. The purchaser of a registered snowmobile may operate it for ~~ten~~ forty-five days immediately following the purchase, without having completed a transfer of registration. A snowmobile dealer shall make application and pay all registration and title fees if applicable on behalf of the purchaser of a snowmobile.

Sec. 12. Section 321G.19, subsection 1, Code 2007, is amended to read as follows:

1. The owner of a rented snowmobile shall keep a record of the name and address of each person renting the snowmobile, its registration number certificate, the departure date and time, and the expected time of return. The records shall be preserved for six months.

Sec. 13. Section 321G.21, subsection 2, Code 2007, is amended to read as follows:

2. ~~Any~~ Every manufacturer, distributor, or dealer ~~may, upon payment of a fee of fifteen dollars, make~~ shall register with the department by making application to the commission, upon forms prescribed by the commission, for a special registration certificate containing a general identification number and for one or more duplicate special registration certificates. The applicant shall pay a registration fee of fifteen dollars and submit reasonable proof of the applicant's status as a bona fide manufacturer, distributor, or dealer as may be required by the commission.

Sec. 14. Section 321G.21, subsections 6 and 8, Code 2007, are amended by striking the subsections.

Sec. 15. Section 321G.21, subsection 9, Code 2007, is amended to read as follows:

9. ~~If the purchaser or transferee of a snowmobile is a dealer who holds the same for resale~~

~~and operates the snowmobile only for purposes incidental to a resale and displays the special dealer's certificate, or does not operate the 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 snowmobile indicating the name and address of the new purchaser. A dealer shall make application and pay all registration and title fees if applicable on behalf of the purchaser of a 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. 16. Section 321G.21, subsection 10, Code 2007, is amended by striking the subsection.

Sec. 17. Section 321G.21, Code 2007, is amended by adding the following new subsection:
NEW SUBSECTION. 12. The department may adopt rules consistent with this chapter establishing minimum requirements for dealers. In adopting such rules, the department shall consider the need to protect persons, property, and the environment and to promote uniformity of practices relating to the sale and use of snowmobiles.

Sec. 18. Section 321G.23, subsection 1, Code 2007, is amended to read as follows:

1. The commission shall provide, by rules adopted pursuant to section 321G.2, for the establishment of certified courses of instruction to be conducted throughout the state for the safe use and operation of snowmobiles. The curriculum shall include instruction in the lawful and safe use, operation, and equipping of snowmobiles consistent with this chapter and rules adopted by the commission and the director of transportation and other matters the commission deems pertinent for a qualified snowmobile operator. The commission may establish a fee for the course which shall not exceed the actual cost of instruction minus moneys received by the department from safety certificate fees under section 321G.24.

Sec. 19. Section 321G.24, subsection 2, Code 2007, is amended to read as follows:

2. Upon application and payment of a fee of five dollars, a qualified applicant shall be issued a safety certificate which is valid until the certificate is suspended or revoked by the director for a violation of a provision of this chapter or a rule of the commission or the director of transportation adopted pursuant to this chapter. The application shall be made on forms issued by the commission and shall contain information as the commission may reasonably require.

Sec. 20. Section 321G.27, Code 2007, is amended to read as follows:

321G.27 WRITING FEES.

1. a. The county recorder shall collect a writing fee of one dollar and twenty-five cents for a snowmobile registration or for renewal of a registration by the county recorder's office.

b. The county recorder shall retain a writing fee of one dollar and twenty-five cents from the sale of each user permit issued by the county recorder's office.

c. Writing fees collected or retained by the county recorder under this chapter shall be deposited in the general fund of the county.

2. a. A license agent shall collect a writing fee of one dollar for a snowmobile registration or for renewal of a registration by the license agent.

b. A license agent shall retain a writing fee of one dollar from the sale of each user permit issued by the license agent.

Sec. 21. Section 321G.29, subsections 1, 4, and 7, Code 2007, are amended to read as follows:

1. The owner of a snowmobile acquired on or after January 1, 1998, other than a snowmobile used exclusively as a farm implement or a snowmobile more than thirty years old registered as provided in section 321G.4, subsection 5, shall apply to the county recorder of the county in which the owner resides for a certificate of title for the snowmobile. The owner of a snowmobile used exclusively as a farm implement may obtain a certificate of title. A person who owns

a snowmobile that is not required to have a certificate of title may apply for and receive a certificate of title for the snowmobile and, subsequently, the snowmobile shall be subject to the requirements of this chapter as if the snowmobile were required to be titled. All snowmobiles that are titled shall be registered.

4. If a dealer buys or acquires a snowmobile 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, the dealer may apply for a certificate of title in the dealer's name within thirty days. If a dealer buys or acquires a new snowmobile 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, the county recorder shall obtain and keep on file a copy of the certificate of origin. When issuing a title and registration for a used snowmobile 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.

Sec. 22. Section 321G.29, subsection 10, Code 2007, is amended by striking the subsection.

Sec. 23. Section 321G.30, subsections 2 and 4, Code 2007, are amended to read as follows:

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

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

Sec. 24. Section 321G.32, subsection 3, Code 2007, is amended by striking the subsection and inserting in lieu thereof the following:

3. When a security interest is discharged, the secured party shall note the cancellation of the security interest on the face of the certificate of title and send the title by first class mail to the office of the county recorder where the title was issued. If the title has been lost or destroyed, the secured party may discharge the security interest by sending a signed, notarized statement to the office of the county recorder where the title was issued. The county recorder shall note the release of the security interest in the county records and attach the statement to the certificate of title as evidence of the release of the security interest.

Sec. 25. NEW SECTION. 321G.34 REPEAT OFFENDER — RECORDS, ENFORCEMENT, AND PENALTIES.

1. The commission shall establish by rule a recordkeeping system and other administrative procedures necessary to administer this section.

2. A person who pleads guilty to or is convicted of a violation of any provision of this chapter while the person's registration privilege is suspended or revoked under administrative procedures is guilty of a simple misdemeanor if the person had no other violations within the previous three years which occurred while the person's registration privilege was suspended or revoked.

3. A person who pleads guilty to or is convicted of a violation of any provision of this chapter while the person's registration privilege is suspended or revoked under administrative procedures is guilty of a serious misdemeanor if the person had one other violation within the previous three years which occurred while the person's registration privilege was suspended or revoked.

4. A person who pleads guilty to or is convicted of a violation of any provision of this chapter while the person's registration privilege is suspended or revoked under administrative procedures is guilty of an aggravated misdemeanor if the person had two or more convictions within the previous three years which occurred while the person's registration privilege was suspended or revoked.

5. a. Upon the conviction of a person of any violation of this chapter or a rule adopted under this chapter, the court, as a part of the judgment, may suspend or revoke one or more snowmobile registration or user permit privileges of the person for any definite period.

b. The court shall revoke all of the person's snowmobile registrations or user permits and suspend the privilege of procuring a registration or user permit for a period of one year for any person who has been convicted twice within one year of trespassing while operating a snowmobile. A person shall not be issued a registration or user permit during the period of suspension or revocation.

Sec. 26. Section 321I.1, subsection 1, Code 2007, is amended to read as follows:

1. a. ~~"All-terrain vehicle" means a motorized flotation-tire vehicle with not less than three low-pressure tires, but and not more than six low-pressure tires, or a two-wheeled off-road motorcycle, that is limited in engine displacement to less than eight hundred one thousand cubic centimeters and in total dry weight to less than eight hundred fifty one thousand pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.~~

~~b. Two-wheeled off-road Off-road motorcycles shall be considered all-terrain vehicles for the purpose of registration. Two-wheeled off-road Off-road motorcycles shall also be considered all-terrain vehicles for the purpose of titling if a title has not previously been issued pursuant to chapter 321. An operator of a two-wheeled an off-road motorcycle is subject to provisions governing the operation of all-terrain vehicles in this chapter, but is exempt from the safety instruction and certification program requirements of sections 321I.25 and 321I.26.~~

~~c. Off-road utility vehicles shall be considered all-terrain vehicles for the purpose of registration, but are exempt from the dealer registration requirements and the titling requirements of this chapter. An operator of an off-road utility vehicle is subject to provisions governing the operation of all-terrain vehicles in section 321.234A and this chapter, but is exempt from the safety instruction and certification program requirements of sections 321I.25 and 321I.26. A motorized vehicle that was previously titled or is currently titled under chapter 321 shall not be registered or operated as an off-road utility vehicle.~~

Sec. 27. Section 321I.1, Code 2007, is amended by adding the following new subsections:
NEW SUBSECTION. 5A. "Designated riding area" means an all-terrain vehicle riding area on any public land or ice under the jurisdiction of the department that has been designated by the department for all-terrain vehicle use.

NEW SUBSECTION. 5B. "Designated riding trail" means an all-terrain vehicle riding trail on any public land or ice under the jurisdiction of the department that has been designated by the department for all-terrain vehicle use.

NEW SUBSECTION. 5C. "Director" means the director of the department.

NEW SUBSECTION. 5D. "Direct supervision" means to provide supervision of another person while maintaining visual and verbal contact at all times.

NEW SUBSECTION. 5E. "Distributor" means a person, resident or nonresident, who sells or distributes all-terrain vehicles to all-terrain vehicle dealers in this state or who maintains distributor representatives.

NEW SUBSECTION. 9A. "Off-road motorcycle" means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. "Off-road motorcycle" includes a motorcycle that was originally issued a certificate of title and registered for highway use under chapter 321, but which contains design features that enable operation over natural terrain.

NEW SUBSECTION. 9B. “Off-road utility vehicle” means a motorized flotation-tire vehicle with not less than four and not more than six low-pressure tires that is limited in engine displacement to less than one thousand five hundred cubic centimeters and in total dry weight to not more than one thousand eight hundred pounds and that has a seat that is of bench design, not intended to be straddled by the operator, and a steering wheel for control.

Sec. 28. Section 321I.3, Code 2007, is amended to read as follows:

321I.3 REGISTRATION AND NUMBERING REQUIRED — PENALTIES.

1. Each all-terrain vehicle 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 on public land or ice unless the all-terrain vehicle is ~~numbered~~ registered in accordance with this chapter or applicable federal laws, or unless the all-terrain vehicle displays a current annual user permit decal issued for the all-terrain vehicle as provided in section 321I.5. ~~If the all-terrain vehicle is required to be registered in this state, the identifying number set forth in the registration shall be displayed as prescribed by rules of the commission.~~

2. A registration number certificate and registration decal shall be assigned, without payment of fee, to all-terrain vehicles owned by the state of Iowa or its political subdivisions ~~upon application for the number, and the assigned registration number.~~ The registration decal shall be displayed on the all-terrain vehicle as required under section 321I.6. A registration number and certificate shall be assigned, without payment of a registration fee, ~~to for an all-terrain vehicle which is exempt from registration but is being titled, upon payment of a writing fee as provided in section 321I.29 and an administrative fee.~~ A registration decal displaying an audit number shall not be issued and the registration shall not expire while the all-terrain vehicle is exempt. The application for registration and the registration certificate shall indicate the reason for exemption from the registration fee. The registration certificate shall indicate the reason for exemption.

3. A violation of subsection 1 or 2 is punishable as a scheduled violation under section 805.8B, subsection 2A, paragraph “a”. When the scheduled fine is paid, the violator shall submit proof to the department that a valid registration or user permit has been obtained by providing a copy of the registration or user permit to the department within thirty days of the date the fine is paid. A person who violates this subsection is guilty of a simple misdemeanor.

Sec. 29. Section 321I.4, Code 2007, is amended to read as follows:

321I.4 REGISTRATION WITH COUNTY RECORDER — FEE.

1. The owner of each all-terrain vehicle required to be ~~numbered~~ registered shall register it annually with the department through a county recorder of the county in which the owner resides or, if the owner is a nonresident, the owner shall register it in the county in which the all-terrain vehicle is principally used. ~~The department shall develop and maintain an electronic system for the registration of all-terrain vehicles pursuant to this chapter. The commission has supervisory responsibility over department shall establish forms and procedures as necessary for the registration of all-terrain vehicles and shall provide each county recorder with registration forms and certificates and shall allocate registration numbers to each county.~~

2. The owner of the all-terrain vehicle shall file an application for registration with the appropriate department through a county recorder on forms provided in the manner established by the commission. The application shall be completed and signed by the owner of the all-terrain vehicle and shall be accompanied by a fee of fifteen dollars and a writing fee as provided in section 321I.29. An all-terrain vehicle shall not be registered by the county recorder until the county recorder is presented with receipts, bills of sale, or other satisfactory evidence that the sales or use tax has been paid for the purchase of the all-terrain vehicle or that the owner is exempt from paying the tax. An all-terrain vehicle that has an expired registration certificate from another state may be registered in this state upon proper application, payment of all applicable registration and writing fees, and payment of a penalty of five dollars.

3. Upon receipt of the application in approved form accompanied by the required fees, the

county recorder shall enter it upon the records and shall issue to the applicant a registration certificate and registration decal. ~~The certificate shall be executed in triplicate, one copy to be delivered to the owner, one copy to the commission, and one copy to be retained on file by the county recorder. The registration certificate shall bear the number awarded to the all-terrain vehicle and the name and address of the owner. The registration decal shall be displayed on the all-terrain vehicle as provided in section 321I.6.~~ The registration certificate shall be carried either in the all-terrain vehicle or on the person of the operator of the all-terrain vehicle when in use. The operator of an all-terrain vehicle shall exhibit the registration certificate to a peace officer upon request, to a person injured in an accident involving an all-terrain vehicle, to the owner or operator of another all-terrain vehicle or the owner of personal or real property when the all-terrain vehicle is involved in a collision or accident of any nature with another all-terrain vehicle or the property of another person, or to the property owner or tenant when the all-terrain vehicle is being operated on private property without permission from the property owner or tenant.

~~4. If an all-terrain vehicle is placed in storage, the owner shall return the current registration certificate to the county recorder with an affidavit stating that the all-terrain vehicle is placed in storage and the effective date of storage. The county recorder shall notify the commission of each all-terrain vehicle placed in storage. When the owner of a stored all-terrain vehicle desires to renew the registration, the owner shall make application to the county recorder and pay the registration and writing fees without penalty. A refund of the registration fee shall not be allowed for a stored all-terrain vehicle.~~

Sec. 30. Section 321I.5, Code 2007, is amended to read as follows:

321I.5 NONRESIDENT USER PERMITS.

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

~~2. User permits may be issued by a Δ county recorder or a license depository pursuant to rules adopted by the commission agent designated by the director pursuant to section 483A.11 may issue user permits.~~ The fee for a user permit shall be fifteen dollars plus an administrative fee established by the commission. A county recorder or a license agent shall retain a writing fee of one dollar from the sale of each user permit issued by the county recorder's office as provided in section 321I.29. The writing fees retained by the county recorder shall be deposited in the general fund of the county. ~~A license depository designated by the director pursuant to section 483A.11 shall retain a writing fee of one dollar from the sale of each permit issued by the agent.~~

Sec. 31. Section 321I.6, Code 2007, is amended to read as follows:

321I.6 DISPLAY OF IDENTIFICATION NUMBERS REGISTRATION AND USER PERMIT DECALS.

The owner shall display the identification number registration decal or nonresident user permit decal on an all-terrain vehicle in the manner prescribed by rules of the commission.

Sec. 32. Section 321I.7, Code 2007, is amended to read as follows:

321I.7 REGISTRATION — RENEWAL — TRANSFER.

1. a. Every all-terrain vehicle registration certificate and ~~number~~ registration decal issued expires at midnight December 31 unless sooner terminated or discontinued in accordance with this chapter or rules of the commission. After the first day of September each year, an unregistered all-terrain vehicle may be registered or a registration may be renewed for the subsequent year beginning January 1.

b. After the first day of September an unregistered all-terrain vehicle may be registered for the remainder of the current registration year and for the subsequent registration year in one transaction. The fee shall be five dollars for the remainder of the current year, in addition to

the registration fee of fifteen dollars for the subsequent year beginning January 1, and a writing fee ~~as provided in section 321I.29. Registration certificates and numbers may be renewed upon application of the owner in the same manner as provided in securing the original registration. The all-terrain vehicle registration fee is in lieu of personal property tax for each year of the registration.~~

2. An expired all-terrain vehicle registration may be renewed for the same fee as if the owner is securing the original registration plus a penalty of five dollars and a writing fee as provided in section 321I.29.

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

4. Upon the transfer of ownership of an all-terrain vehicle, ~~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 is delivered. If the all-terrain vehicle is not titled, the owner shall complete the form on the back of the current registration certificate and shall deliver the certificate to the purchaser or transferee at the time of delivering the all-terrain vehicle. If the all-terrain vehicle has not been titled and has not been registered, the owner shall deliver an affidavit for an unregistered and untitled all-terrain vehicle to the purchaser or transferee. The purchaser or transferee shall, within 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 thirty days of transfer, the transfer of number shall be awarded upon payment of all applicable fees plus a penalty of five dollars.~~

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

~~5.~~ 3. Duplicate registrations may be issued upon application to the county recorder and the payment of the same fees collected for the transfer of registrations a five dollar fee plus a writing fee as provided in section 321I.29.

~~6.~~ 4. A motorcycle, as defined in section 321.1, subsection 40, paragraph "a", may be registered as an all-terrain vehicle as provided in this section. A motorcycle registered as an all-terrain vehicle may participate in all programs established for all-terrain vehicles under this chapter except for the safety instruction and certification program.

5. A county recorder or a license agent designated by the director pursuant to section 483A.11 may issue all-terrain vehicle registration renewals electronically pursuant to rules adopted by the commission. The fee for a registration renewal issued using an electronic system is fifteen dollars plus an administrative fee established by the commission and a writing fee as provided in section 321I.29.

Sec. 33. Section 321I.8, unnumbered paragraph 1, Code 2007, is amended to read as follows:

~~Within ten days after the end of each month, a county recorder shall remit to the commission the all-terrain vehicle fees collected by the recorder during the previous month in the manner and time prescribed by the department. Before January 10 of each year, a recorder shall remit to the commission unused license forms from the previous year.~~

Sec. 34. Section 321I.9, subsections 2, 3, and 4, Code 2007, are amended by striking the subsections.

Sec. 35. Section 321I.12, subsection 1, Code 2007, is amended to read as follows:

1. An all-terrain vehicle shall not be operated without suitable and effective muffling devices ~~which limit engine noise to not more than eighty-six decibels as measured on the "A" scale at a distance of fifty feet. An all-terrain vehicle shall comply with the sound level standards and testing procedures established by the society of automotive engineers under SAE J1287.~~

Sec. 36. Section 321I.14, subsection 1, paragraph g, Code 2007, is amended by striking the paragraph and inserting in lieu thereof the following:

g. In any park, wildlife area, preserve, refuge, game management area, or any portion of a meandered stream, or any portion of the bed of a nonmeandered stream which has been identified as a navigable stream or river by rule adopted by the department and which is covered by water, except on designated riding areas and designated riding trails. This paragraph does not prohibit the use of ford crossings of public roads or any other ford crossing when used for agricultural purposes; the operation of construction vehicles engaged in lawful construction, repair, or maintenance in a streambed; or the operation of all-terrain vehicles on ice.

Sec. 37. Section 321I.14, Code 2007, is amended by adding the following new subsections:
NEW SUBSECTION. 4. A person shall not operate an off-road utility vehicle on a designated riding area or designated riding trail unless the riding area or trail is signed by the department as open to off-road utility vehicle operation.

NEW SUBSECTION. 5. A person shall not operate a vehicle other than an all-terrain vehicle on a designated riding area or designated riding trail unless the riding area or trail is signed by the department as open to such other use.

Sec. 38. Section 321I.16, Code 2007, is amended to read as follows:

321I.16 OPERATION PENDING REGISTRATION.

The commission shall furnish all-terrain vehicle dealers with pasteboard cards bearing the words "registration applied for" and space for the date of purchase. An unregistered all-terrain vehicle sold by a dealer shall bear one of these cards which entitles the purchaser to operate it for ~~ten~~ forty-five days immediately following the purchase. The purchaser of a registered all-terrain vehicle may operate it for ~~ten~~ forty-five days immediately following the purchase, without having completed a transfer of registration. An all-terrain vehicle dealer shall make application and pay all registration and title fees if applicable on behalf of the purchaser of an all-terrain vehicle.

Sec. 39. Section 321I.20, subsection 1, Code 2007, is amended to read as follows:

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

Sec. 40. Section 321I.21, Code 2007, is amended to read as follows:

321I.21 MINORS UNDER TWELVE — SUPERVISION.

A person under twelve years of age shall not operate an all-terrain vehicle ~~on public lands, including an off-road motorcycle, on a designated riding area or designated riding trail or on ice unless the one of the following applies:~~

1. The person is taking a prescribed safety training course and the operation is under the direct supervision of a certified all-terrain vehicle safety instructor, and a

2. The operation is under the direct supervision of a responsible parent or guardian of at least eighteen years of age who is experienced in all-terrain vehicle operation or off-road motorcycle operation and who possesses a valid driver's license as defined in section 321.1.

Sec. 41. Section 321I.22, subsection 2, Code 2007, is amended to read as follows:

2. ~~Any~~ Every manufacturer, distributor, or dealer may, upon payment of a fee of fifteen dollars, ~~make~~ shall register with the department by making application to the commission, upon forms prescribed by the commission, for a special registration certificate containing a general identification number and for one or more duplicate special registration certificates. The applicant shall ~~pay a registration fee of fifteen dollars and~~ submit reasonable proof of the applicant's status as a bona fide manufacturer, distributor, or dealer as may be required by the commission.

Sec. 42. Section 321I.22, subsections 6 and 8, Code 2007, are amended by striking the subsections.

Sec. 43. Section 321I.22, subsection 9, Code 2007, is amended to read as follows:

~~9. If the purchaser or transferee of an all-terrain vehicle is a dealer who holds the same for resale and operates the all-terrain vehicle only for purposes incidental to a resale and displays the special dealer's certificate, or does not operate the all-terrain vehicle 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 indicating the name and address of the new purchaser. A dealer shall make application and pay all registration and title fees if applicable on behalf of the purchaser of an all-terrain vehicle. 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. 44. Section 321I.22, subsection 10, Code 2007, is amended by striking the subsection.

Sec. 45. Section 321I.22, Code 2007, is amended by adding the following new subsection:
NEW SUBSECTION. 12. The department may adopt rules consistent with this chapter establishing minimum requirements for dealers. In adopting such rules, the department shall consider the need to protect persons, property, and the environment and to promote uniformity of practices relating to the sale and use of all-terrain vehicles.

Sec. 46. Section 321I.25, subsection 1, Code 2007, is amended to read as follows:

1. The commission shall provide, by rules adopted pursuant to section 321I.2, for the establishment of certified courses of instruction to be conducted throughout the state for the safe use and operation of all-terrain vehicles. The curriculum shall include instruction in the lawful and safe use, operation, and equipping of all-terrain vehicles consistent with this chapter and rules adopted by the commission and the director of transportation and other matters the commission deems pertinent for a qualified all-terrain vehicle operator. The commission may establish a fee for the course which shall not exceed the actual cost of instruction minus moneys received by the department from safety certificate fees under section 321I.26.

Sec. 47. Section 321I.26, subsections 1 and 2, Code 2007, are amended to read as follows:

1. A person ~~under twelve years of age or older but less than~~ eighteen years of age shall not operate an all-terrain vehicle on public land or ice or land purchased with all-terrain vehicle registration funds in this state without obtaining a valid safety certificate issued by the department and having the certificate in the person's possession.

2. Upon application and payment of a fee of five dollars, a qualified applicant shall be issued a safety certificate which is valid until the certificate is suspended or revoked ~~by the director for a violation of a provision of this chapter or a rule of the commission or the director of transportation adopted pursuant to this chapter.~~ by the director for a violation of a provision of this chapter or a rule of the commission or the director of transportation adopted pursuant to this chapter. The application shall be made on forms issued by the commission and shall contain information as the commission may reasonably require.

Sec. 48. Section 321I.29, Code 2007, is amended to read as follows:

321I.29 WRITING FEES.

1. a. The county recorder shall collect a writing fee of one dollar and twenty-five cents for an all-terrain vehicle registration or for renewal of a registration by the county recorder's office.

b. The county recorder shall retain a writing fee of one dollar and twenty-five cents from the sale of each user permit issued by the county recorder's office.

c. Writing fees collected or retained by the county recorder under this chapter shall be deposited in the general fund of the county.

2. a. A license agent shall collect a writing fee of one dollar for an all-terrain vehicle registration or for renewal of a registration issued by the license agent.

b. A license agent shall retain a writing fee of one dollar from the sale of each user permit issued by the license agent.

Sec. 49. Section 3211.31, subsections 4 and 7, Code 2007, are amended to read as follows:

4. If a dealer buys or acquires an 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 all-terrain vehicle, the dealer may apply for a certificate of title in the dealer's name within thirty days. If a dealer buys or acquires a new 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 all-terrain vehicle, the county recorder shall obtain and keep on file a copy of the certificate of origin. When issuing a title and registration for a used 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 all-terrain vehicle.

Sec. 50. Section 3211.31, subsection 10, Code 2007, is amended by striking the subsection.

Sec. 51. Section 3211.32, subsections 2 and 4, Code 2007, are amended to read as follows:

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

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

Sec. 52. Section 3211.34, subsection 3, Code 2007, is amended by striking the subsection and inserting in lieu thereof the following:

3. When a security interest is discharged, the secured party shall note the cancellation of the security interest on the face of the certificate of title and send the title by first class mail to the office of the county recorder where the title was issued. If the title has been lost or destroyed, the secured party may discharge the security interest by sending a signed, notarized statement to the office of the county recorder where the title was issued. The county recorder shall note the release of the security interest in the county records and attach the statement to the certificate of title as evidence of the release of the security interest.

Sec. 53. NEW SECTION. 3211.36 REPEAT OFFENDER — RECORDS, ENFORCEMENT, AND PENALTIES.

1. The commission shall establish by rule a recordkeeping system and other administrative procedures necessary to administer this section.

2. A person who pleads guilty to or is convicted of a violation of any provision of this chapter while the person's registration privilege is suspended or revoked under administrative procedures is guilty of a simple misdemeanor if the person had no other violations within the previous three years which occurred while the person's registration privilege was suspended or revoked.

3. A person who pleads guilty to or is convicted of a violation of any provision of this chapter while the person's registration privilege is suspended or revoked under administrative proce-

dures is guilty of a serious misdemeanor if the person had one other violation within the previous three years which occurred while the person's registration privilege was suspended or revoked.

4. A person who pleads guilty to or is convicted of a violation of any provision of this chapter while the person's registration privilege is suspended or revoked under administrative procedures is guilty of an aggravated misdemeanor if the person had two or more convictions within the previous three years which occurred while the person's registration privilege was suspended or revoked.

5. a. Upon the conviction of a person of any violation of this chapter or a rule adopted under this chapter, the court, as a part of the judgment, may suspend or revoke one or more all-terrain vehicle registration or user permit privileges of the person for any definite period.

b. The court shall revoke all of the person's all-terrain vehicle registrations or user permits and suspend the privilege of procuring a registration or user permit for a period of one year for any person who has been convicted twice within one year of trespassing while operating an all-terrain vehicle. A person shall not be issued a registration or user permit during the period of suspension or revocation.

Sec. 54. Section 805.8B, subsection 2, Code 2007, is amended to read as follows:

2. SNOWMOBILE AND ALL-TERRAIN VEHICLE VIOLATIONS.

a. For registration or user permit violations under ~~sections section 321G.3 and 321I.3, subsections 1 and 2,~~ the scheduled fine is ~~twenty fifty~~ fifty dollars. ~~When the scheduled fine is paid, the violator shall submit sufficient proof that a valid registration or user permit has been obtained.~~

b. (1) For operating violations under section 321G.9, ~~subsections 1, 2, 3, 4, 5, and 7,~~ sections the scheduled fine is fifty dollars.

(2) For operating violations under sections 321G.11, and 321G.13, subsection 1, paragraph "d", sections 321I.10, 321I.12, and 321I.14, subsection 1, paragraph "d", the scheduled fine is twenty dollars.

(3) For operating violations under section 321G.13, subsection 1, paragraphs "a", "b", "e", "f", "g", and "h", and subsections 2 and 3, the scheduled fine is one hundred dollars.

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

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

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

f. For stop signal violations under section 321G.17, the scheduled fine is one hundred dollars.

g. For violations of section 321G.20 and for safety certificate violations under section 321G.24, subsection 1, the scheduled fine is fifty dollars.

h. For violations of section 321G.21, the scheduled fine is one hundred dollars.

Sec. 55. Section 805.8B, Code 2007, is amended by adding the following new subsection: NEW SUBSECTION. 2A. ALL-TERRAIN VEHICLE VIOLATIONS.

a. For registration or user permit violations under section 321I.3, subsections 1 and 2, the scheduled fine is fifty dollars.

b. (1) For operating violations under sections 321I.12 and 321I.14, subsection 1, paragraph "d", the scheduled fine is twenty dollars.

(2) For operating violations under section 321I.10, subsections 1 and 4, the scheduled fine is fifty dollars.

(3) For operating violations under section 321I.14, subsection 1, paragraphs "a", "e", "f", "g", and "h", and subsections 2, 3, 4, and 5, the scheduled fine is one hundred dollars.

c. For improper or defective equipment under section 321I.13, the scheduled fine is twenty dollars.

- d. For violations of section 321I.20, the scheduled fine is twenty dollars.
- e. For identification violations under section 321I.6, the scheduled fine is twenty dollars.
- f. For stop signal violations under section 321I.18, the scheduled fine is one hundred dollars.
- g. For violations of section 321I.21 and for safety certificate violations under section 321I.26, subsection 1, the scheduled fine is fifty dollars.
- h. For violations of section 321I.22, the scheduled fine is one hundred dollars.

Approved May 9, 2007

CHAPTER 142

INJURED VETERANS GRANT PROGRAM ELIGIBILITY

H.F. 767

AN ACT relating to eligible veterans for purposes of the injured veterans grant program.

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

Section 1. Section 35A.14, subsection 1, Code 2007, is amended to read as follows:

1. For the purposes of this section, "veteran" means a **any of the following:**

a. A resident of this state who is or was a member of the national guard, reserve, or regular component of the armed forces of the United States who has served on active duty at any time after September 11, 2001, and, if discharged, was discharged under honorable conditions.

b. A nonresident of this state who is or was a member of a national guard unit located in this state prior to alert for mobilization who has served on active duty at any time after September 11, 2001, was injured while serving in the national guard unit located in this state, is not eligible to receive a similar grant from another state for that injury, and, if discharged, was discharged under honorable conditions.

Sec. 2. Section 35A.14, subsection 5, paragraph a, Code 2007, is amended to read as follows:

a. Grants shall be paid in increments of two thousand five hundred dollars, up to a maximum of ten thousand dollars upon proof that the veteran has been evacuated from the operational theater in which the veteran was injured to a military hospital for an injury received in the line of duty and shall continue to be paid, at thirty-day intervals, up to the maximum amount, so long as the veteran is hospitalized or receiving medical care or rehabilitation services authorized by the military ~~and the presence or assistance of family members is necessary.~~

Approved May 9, 2007