

MAR 15 2005
WAYS AND MEANS

HOUSE FILE 756
BY COMMITTEE ON NATURAL RESOURCES

(SUCCESSOR TO HSB 260)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the regulation of all-terrain vehicles,
2 establishing fees, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 756

1 Section 1. Section 321.234A, subsection 1, Code 2005, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. e. The all-terrain vehicle is operated for
4 the purpose of mowing, installing approved trail signs, or
5 providing maintenance on a snowmobile or all-terrain vehicle
6 trail designated by the department of natural resources.

7 Sec. 2. Section 321.234A, subsection 3, Code 2005, is
8 amended to read as follows:

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

19 Sec. 3. Section 321I.1, Code 2005, is amended by adding
20 the following new subsection:

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

25 Sec. 4. Section 321I.4, Code 2005, is amended to read as
26 follows:

27 321I.4 REGISTRATION WITH-COUNTY-RECORDER -- FEE.

28 1. The owner of each all-terrain vehicle required to be
29 numbered shall register it annually with the department
30 through the county recorder of the county in which the owner
31 resides or, if the owner is a nonresident, the owner shall
32 register it in the county in which the all-terrain vehicle is
33 principally used. The department shall develop and maintain
34 an electronic system for the registration of all-terrain
35 vehicles pursuant to this chapter. The commission-has

1 ~~supervisory-responsibility-over~~ department shall establish
2 forms and procedures as necessary for the registration of all-
3 ~~terrain vehicles and-shall-provide-each-county-recorder-with~~
4 ~~registration-forms-and-certificates-and-shall-allocate~~
5 ~~registration-numbers-to-each-county.~~

6 2. The owner of the all-terrain vehicle shall file an
7 application for registration with the department through the
8 appropriate county recorder ~~on-forms-provided in the manner~~
9 established by the commission. The application shall be
10 completed and signed by the owner ~~of-the-all-terrain-vehicle~~
11 and shall be accompanied by a fee of fifteen dollars and a
12 writing fee. An all-terrain vehicle shall not be registered
13 by the county recorder until the county recorder is presented
14 with receipts, bills of sale, or other satisfactory evidence
15 that the sales or use tax has been paid for the purchase of
16 the all-terrain vehicle or that the owner is exempt from
17 paying the tax. An all-terrain vehicle that has an expired
18 registration certificate from another state may be registered
19 in this state upon proper application, payment of all
20 applicable registration and writing fees, and payment of a
21 penalty of five dollars.

22 3. Upon receipt of the application in approved form
23 accompanied by the required fees, the county recorder shall
24 ~~enter-it-upon-the-records~~ register the all-terrain vehicle
25 with the department and shall issue to the applicant a
26 registration certificate. ~~The-certificate-shall-be-executed~~
27 ~~in-triplicate, one-copy-to-be-delivered-to-the-owner, one-copy~~
28 ~~to-the-commission, and one-copy-to-be-retained-on-file-by-the~~
29 ~~county-recorder.~~ The registration certificate shall bear the
30 number awarded to the all-terrain vehicle and the name and
31 address of the owner. The registration certificate shall be
32 carried either in the all-terrain vehicle or on the person of
33 the operator of the all-terrain vehicle when in use. The
34 operator of an all-terrain vehicle shall exhibit the
35 registration certificate to a peace officer upon request, to a

1 person injured in an accident involving an all-terrain
2 vehicle, to the owner or operator of another all-terrain
3 vehicle or the owner of personal or real property when the
4 all-terrain vehicle is involved in a collision or accident of
5 any nature with another all-terrain vehicle or the property of
6 another person, or to the property owner or tenant when the
7 all-terrain vehicle is being operated on private property
8 without permission from the property owner or tenant.

9 4. If an all-terrain vehicle is placed in storage, the
10 owner shall return the current registration certificate to the
11 county recorder with an affidavit stating that the all-terrain
12 vehicle is placed in storage and the effective date of
13 storage. The county recorder shall notify the commission
14 department of each all-terrain vehicle placed in storage.
15 When the owner of a stored all-terrain vehicle desires to
16 renew the registration, the owner shall make application to
17 through the county recorder and pay the registration and
18 writing fees without penalty. A refund of the registration
19 fee shall not be allowed for a stored all-terrain vehicle.

20 Sec. 5. Section 321I.5, Code 2005, is amended to read as
21 follows:

22 321I.5 NONRESIDENT USER PERMITS.

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

31 User permits may be issued by a county recorder or a
32 license depository agent pursuant to rules adopted by the
33 commission. The fee for a user permit shall be fifteen
34 dollars plus an administrative fee established by the
35 commission. A county recorder shall retain a writing fee of

1 one dollar from the sale of each user permit issued by the
2 county recorder's office. The writing fees retained by the
3 county recorder shall be deposited in the general fund of the
4 county. A license depository agent designated by the director
5 pursuant to section 483A.11 shall retain a writing fee of one
6 dollar from the sale of each permit issued by the agent.

7 Sec. 6. Section 321I.7, Code 2005, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. 7. The department shall develop and
10 maintain an electronic system for residents to renew all-
11 terrain vehicle registrations pursuant to this section. A
12 county recorder or license agent may issue all-terrain vehicle
13 registration renewals electronically pursuant to rules adopted
14 by the commission. The fee for a registration renewal issued
15 using an electronic system is fifteen dollars plus an
16 administrative fee established by the commission. A county
17 recorder or license agent designated by the director pursuant
18 to section 483A.11 shall retain a writing fee of one dollar
19 for each registration renewal issued. The writing fees
20 retained by the county recorder shall be deposited in the
21 general fund of the county.

22 Sec. 7. Section 321I.9, subsection 3, Code 2005, is
23 amended to read as follows:

24 3. All-terrain vehicles covered by a valid license or
25 registration of another state and which have not been within
26 this state for more than twenty consecutive days, for use on
27 public ice.

28 Sec. 8. Section 321I.14, subsection 1, paragraph g, Code
29 2005, is amended by striking the paragraph and inserting in
30 lieu thereof the following:

31 g. In any park, wildlife area, preserve, refuge, game
32 management area, or any portion of a meandered stream, or any
33 portion of the bed of a nonmeandered stream which has been
34 identified as a navigable stream or river by rule adopted by
35 the department and which is covered by water, except on

1 designated all-terrain vehicle trails.

2 This paragraph does not prohibit the use of ford crossings
3 of public roads or any other ford crossing when used for
4 agricultural purposes; the operation of construction vehicles
5 engaged in lawful construction, repair, or maintenance in a
6 streambed; or the operation of all-terrain vehicles on ice.

7 Sec. 9. Section 321I.14, subsection 1, Code 2005, is
8 amended by adding the following new paragraph:

9 NEW PARAGRAPH. i. On any public riding area or designated
10 trail system without wearing a helmet that meets standards
11 established by the United States department of transportation.

12 Sec. 10. Section 321I.16, Code 2005, is amended to read as
13 follows:

14 321I.16 OPERATION PENDING REGISTRATION.

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

27 Sec. 11. Section 321I.22, subsection 2, Code 2005, is
28 amended to read as follows:

29 2. Any Every manufacturer, distributor, or dealer may
30 shall register with the department and, upon payment of a fee
31 of fifteen dollars, make application to the commission, upon
32 forms prescribed by the commission, for a special registration
33 certificate containing a general identification number and for
34 one or more duplicate special registration certificates. The
35 applicant shall submit reasonable proof of the applicant's

1 status as a bona fide manufacturer, distributor, or dealer as
2 may be required by the commission.

3 Sec. 12. Section 321I.26, subsection 2, Code 2005, is
4 amended to read as follows:

5 2. Upon application and payment of a fee of five twenty
6 dollars, a qualified applicant shall be issued a safety
7 certificate which is valid until the certificate is suspended
8 or revoked for a violation of a provision of this chapter or a
9 rule of the commission or the director of transportation. The
10 application shall be made on forms issued by the commission
11 and shall contain information as the commission may reasonably
12 require.

13 Sec. 13. Section 805.8B, subsection 2, Code 2005, is
14 amended to read as follows:

15 2. SNOWMOBILE AND-ALL-TERRAIN-VEHICLE VIOLATIONS.

16 a. For registration ~~or-user-permit~~ violations under
17 ~~sections section~~ section 321G.3 and-321H-3, the scheduled fine is
18 twenty dollars. When the scheduled fine is paid, the violator
19 shall submit sufficient proof that a valid registration ~~or~~
20 ~~user-permit~~ has been obtained.

21 b. For operating violations under section 321G.9,
22 subsections 1, 2, 3, 4, 5, and 7, sections 321G.11, and
23 321G.13, subsection 1, paragraph "d", ~~sections-321H-10,~~
24 ~~321H-127-and-321H-147-subsection-17-paragraph-"d"~~, the
25 scheduled fine is twenty dollars.

26 c. For improper or defective equipment under ~~sections~~
27 section 321G.12 and-321H-13, the scheduled fine is twenty
28 dollars.

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

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

33 Sec. 14. Section 805.8B, Code 2005, is amended by adding
34 the following new subsection:

35 NEW SUBSECTION. 2A. ALL-TERRAIN VEHICLE VIOLATIONS.

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

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

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

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

15 c. For improper or defective equipment under section
16 321I.13, the scheduled fine is twenty dollars.

17 d. For violations of section 321I.20, the scheduled fine
18 is twenty dollars.

19 e. For identification violations under section 321I.6, the
20 scheduled fine is twenty dollars.

21 f. For stop signal violations under section 321I.18, the
22 scheduled fine is one hundred dollars.

23 g. For safety certificate violations under section
24 321I.26, subsection 1, the scheduled fine is fifty dollars.

25 Sec. 15. PENALTY PROVISIONS -- CODE EDITOR DIRECTIVE. The
26 sections of this Act amending section 805.8B, subsection 2,
27 and enacting section 805.8B, subsection 2A, are intended to
28 codify the penalty provisions relating to all-terrain vehicle
29 violations, as amended in this Act, in a separate subsection
30 from the penalty provisions relating to snowmobile violations.
31 If penalties relating to snowmobile violations are amended in
32 another Act of the general assembly during the 2005
33 legislative session, the Code editor shall harmonize the
34 provisions so as to give effect to the amendments to the
35 snowmobile penalties in the other Act.

EXPLANATION

1
2 This bill makes numerous changes to provisions relating to
3 the ownership and use of all-terrain vehicles, as regulated by
4 the department of natural resources.

5 The bill amends Code section 321.234A to allow the
6 operation of an all-terrain vehicle on a highway when the
7 vehicle is operated for the purpose of mowing, installing
8 trail signs, or providing maintenance of designated trails.
9 In addition, the bill specifies that the owner of an all-
10 terrain vehicle or member of the owner's family who operates
11 the all-terrain vehicle within the area between the shoulder
12 of the roadway and the owner's property line must comply with
13 the registration, safety, and age requirements applicable to
14 operators on public land.

15 The bill amends Code section 321I.4 to provide for
16 electronic registration of all-terrain vehicles through county
17 recorders.

18 Code section 321I.7 is amended to require the department to
19 develop and maintain an electronic system for renewal of all-
20 terrain vehicle registrations by license agents. Electronic
21 registration renewals could be issued by county recorders or
22 license agents for the annual fee of \$15, plus an
23 administrative fee to be established by the natural resource
24 commission, plus a \$1 writing fee.

25 Code section 321I.9 is amended to restrict the registration
26 exemption for nonresidents' all-terrain vehicles to those
27 vehicles which are licensed or registered in another state and
28 are in this state for not more than 20 days for operation on
29 public ice.

30 The bill amends Code section 321I.14 by expanding the
31 description of the types of public areas that are off-limits
32 for snowmobile operators.

33 The bill adds a new provision in Code section 321I.14 to
34 prohibit a person from operating an all-terrain vehicle on a
35 public riding area or designated trail without wearing a

1 helmet that meets federal standards. A violation of the
2 requirement is a simple misdemeanor subject to a scheduled
3 fine of \$20.

4 Code section 321I.16 is amended to extend, from 10 to 45
5 days, the period of time a purchaser of a new or used all-
6 terrain vehicle may operate the vehicle pending registration.

7 The bill amends Code section 321I.22 to require that every
8 all-terrain vehicle manufacturer, distributor, or dealer
9 register annually with the department for a fee of \$15, which
10 qualifies the registrant to be issued a special registration
11 certificate with a general identification number. Additional
12 duplicate certificates may be issued for \$2 each. All-terrain
13 vehicles may be operated temporarily under such registration.
14 Current law provides for such registration on a voluntary
15 basis.

16 The bill increases the fee for issuance of a safety
17 certificate in Code section 321I.26 from \$5 to \$20.

18 The bill revises penalties for certain violations by all-
19 terrain vehicle operators. For a violation of registration or
20 user permit requirements in Code section 321I.3, the scheduled
21 fine is increased from \$20 to \$50. For operating an all-
22 terrain vehicle on a highway or snowmobile trail in violation
23 of Code section 321I.10, the scheduled fine is increased from
24 \$20 to \$50. For unlawful operation violations under Code
25 section 321I.14, other than operating while intoxicated and
26 headlight and taillight violations, and for disregarding a
27 peace officer's signal to stop or eluding a peace officer
28 under Code section 321I.18, the penalty is changed from a
29 simple misdemeanor to a simple misdemeanor punishable as a
30 scheduled violation, subject to a \$100 fine. The penalty for
31 a violation of safety certificate requirements under Code
32 section 321I.26 is changed from a simple misdemeanor to a
33 simple misdemeanor punishable as a scheduled violation,
34 subject to a fine of \$50.

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TJ EPKES
LUKAN
FREVERT

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led By

HSB 260
NATURAL RESOURCES

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES BILL BY
CHAIRPERSON FREEMAN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the regulation of all-terrain vehicles,
2 establishing fees, and providing penalties.

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

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1 Section 1. Section 321.234A, subsection 1, Code 2005, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. e. The all-terrain vehicle is operated for
4 the purpose of mowing, installing approved trail signs, or
5 providing maintenance on a snowmobile or all-terrain vehicle
6 trail designated by the department of natural resources.

7 Sec. 2. Section 321.234A, subsection 3, Code 2005, is
8 amended to read as follows:

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

19 Sec. 3. Section 321I.1, Code 2005, is amended by adding
20 the following new subsection:

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

25 Sec. 4. Section 321I.4, Code 2005, is amended to read as
26 follows:

27 321I.4 REGISTRATION WITH-COUNTY-RECORDER -- FEE.

28 1. The owner of each all-terrain vehicle required to be
29 numbered shall register it annually with the department
30 through the county recorder of the county in which the owner
31 resides or, if the owner is a nonresident, the owner shall
32 register it in the county in which the all-terrain vehicle is
33 principally used. The department shall develop and maintain
34 an electronic system for the registration of all-terrain
35 vehicles pursuant to this chapter. The commission-has

1 ~~supervisory-responsibility-over~~ department shall establish
2 forms and procedures as necessary for the registration of all-
3 terrain vehicles ~~and-shall-provide-each-county-recorder-with~~
4 ~~registration-forms-and-certificates-and-shall-allocate~~
5 ~~registration-numbers-to-each-county.~~

6 2. The owner of the all-terrain vehicle shall file an
7 application for registration with the department through the
8 appropriate county recorder ~~on-forms-provided~~ in the manner
9 established by the commission. The application shall be
10 completed and signed by the owner ~~of-the-all-terrain-vehicle~~
11 and shall be accompanied by a fee of fifteen dollars and a
12 writing fee. An all-terrain vehicle shall not be registered
13 by the county recorder until the county recorder is presented
14 with receipts, bills of sale, or other satisfactory evidence
15 that the sales or use tax has been paid for the purchase of
16 the all-terrain vehicle or that the owner is exempt from
17 paying the tax. An all-terrain vehicle that has an expired
18 registration certificate from another state may be registered
19 in this state upon proper application, payment of all
20 applicable registration and writing fees, and payment of a
21 penalty of five dollars.

22 3. Upon receipt of the application in approved form
23 accompanied by the required fees, the county recorder shall
24 ~~enter-it-upon-the-records~~ register the all-terrain vehicle
25 with the department and shall issue to the applicant a
26 registration certificate. ~~The-certificate-shall-be-executed~~
27 ~~in-triplicate, one-copy-to-be-delivered-to-the-owner, one-copy~~
28 ~~to-the-commission, and one-copy-to-be-retained-on-file-by-the~~
29 ~~county-recorder.~~ The registration certificate shall bear the
30 number awarded to the all-terrain vehicle and the name and
31 address of the owner. The registration certificate shall be
32 carried either in the all-terrain vehicle or on the person of
33 the operator of the all-terrain vehicle when in use. The
34 operator of an all-terrain vehicle shall exhibit the
35 registration certificate to a peace officer upon request, to a

1 person injured in an accident involving an all-terrain
2 vehicle, to the owner or operator of another all-terrain
3 vehicle or the owner of personal or real property when the
4 all-terrain vehicle is involved in a collision or accident of
5 any nature with another all-terrain vehicle or the property of
6 another person, or to the property owner or tenant when the
7 all-terrain vehicle is being operated on private property
8 without permission from the property owner or tenant.

9 4. If an all-terrain vehicle is placed in storage, the
10 owner shall return the current registration certificate to the
11 county recorder with an affidavit stating that the all-terrain
12 vehicle is placed in storage and the effective date of
13 storage. The county recorder shall notify the commission
14 department of each all-terrain vehicle placed in storage.
15 When the owner of a stored all-terrain vehicle desires to
16 renew the registration, the owner shall make application to
17 through the county recorder and pay the registration and
18 writing fees without penalty. A refund of the registration
19 fee shall not be allowed for a stored all-terrain vehicle.

20 Sec. 5. Section 321I.5, Code 2005, is amended to read as
21 follows:

22 321I.5 NONRESIDENT USER PERMITS.

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

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32 license depository agent pursuant to rules adopted by the
33 commission. The fee for a user permit shall be fifteen
34 dollars plus an administrative fee established by the
35 commission. A county recorder shall retain a writing fee of

1 one dollar from the sale of each user permit issued by the
2 county recorder's office. The writing fees retained by the
3 county recorder shall be deposited in the general fund of the
4 county. A license depository agent designated by the director
5 pursuant to section 483A.11 shall retain a writing fee of one
6 dollar from the sale of each permit issued by the agent.

7 Sec. 6. Section 321I.7, Code 2005, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. 7. The department shall develop and
10 maintain an electronic system for residents to renew all-
11 terrain vehicle registrations pursuant to this section. A
12 county recorder or license agent may issue all-terrain vehicle
13 registration renewals electronically pursuant to rules adopted
14 by the commission. The fee for a registration renewal issued
15 using an electronic system is fifteen dollars plus an
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19 for each registration renewal issued. The writing fees
20 retained by the county recorder shall be deposited in the
21 general fund of the county.

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23 amended to read as follows:

24 3. All-terrain vehicles covered by a valid license or
25 registration of another state and which have not been within
26 this state for more than twenty consecutive days, for use on
27 public ice.

28 Sec. 8. Section 321I.14, subsection 1, paragraph g, Code
29 2005, is amended by striking the paragraph and inserting in
30 lieu thereof the following:

31 g. In any park, wildlife area, preserve, refuge, game
32 management area, or any portion of a meandered stream, or any
33 portion of the bed of a nonmeandered stream which has been
34 identified as a navigable stream or river by rule adopted by
35 the department and which is covered by water, except on

1 designated all-terrain vehicle trails.

2 This paragraph does not prohibit the use of ford crossings
3 of public roads or any other ford crossing when used for
4 agricultural purposes; the operation of construction vehicles
5 engaged in lawful construction, repair, or maintenance in a
6 streambed; or the operation of all-terrain vehicles on ice.

7 Sec. 9. Section 321I.14, subsection 1, Code 2005, is
8 amended by adding the following new paragraph:

9 NEW PARAGRAPH. i. On any public riding area or designated
10 trail system without wearing a helmet approved by the state
11 department of transportation.

12 Sec. 10. Section 321I.16, Code 2005, is amended to read as
13 follows:

14 321I.16 OPERATION PENDING REGISTRATION.

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

27 Sec. 11. Section 321I.22, subsection 2, Code 2005, is
28 amended to read as follows:

29 2. Any Every manufacturer, distributor, or dealer may
30 shall register with the department and, upon payment of a fee
31 of fifteen dollars, make application to the commission, upon
32 forms prescribed by the commission, for a special registration
33 certificate containing a general identification number and for
34 one or more duplicate special registration certificates. The
35 applicant shall submit reasonable proof of the applicant's

1 status as a bona fide manufacturer, distributor, or dealer as
2 may be required by the commission.

3 Sec. 12. Section 321I.26, subsection 2, Code 2005, is
4 amended to read as follows:

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

13 Sec. 13. Section 805.8B, subsection 2, Code 2005, is
14 amended to read as follows:

15 2. SNOWMOBILE ~~AND-ALL-TERRAIN-VEHICLE~~ VIOLATIONS.

16 a. For registration ~~or-user-permit~~ violations under
17 ~~sections~~ section 321G.3 ~~and-321F-3~~, the scheduled fine is
18 twenty dollars. When the scheduled fine is paid, the violator
19 shall submit sufficient proof that a valid registration ~~or~~
20 ~~user-permit~~ has been obtained.

21 b. For operating violations under section 321G.9,
22 subsections 1, 2, 3, 4, 5, and 7, sections 321G.11, and
23 321G.13, subsection 1, paragraph "d", ~~sections-321F-107~~
24 ~~321F-127-and-321F-147-subsection-17-paragraph-"d"~~, the
25 scheduled fine is twenty dollars.

26 c. For improper or defective equipment under ~~sections~~
27 section 321G.12 ~~and-321F-13~~, the scheduled fine is twenty
28 dollars.

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

31 e. For identification violations under ~~sections~~ section
32 321G.5 ~~and-321F-6~~, the scheduled fine is twenty dollars.

33 Sec. 14. Section 805.8B, Code 2005, is amended by adding
34 the following new subsection:

35 NEW SUBSECTION. 2A. ALL-TERRAIN VEHICLE VIOLATIONS.

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

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

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

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

15 c. For improper or defective equipment under section
16 321I.13, the scheduled fine is twenty dollars.

17 d. For violations of section 321I.20, the scheduled fine
18 is twenty dollars.

19 e. For identification violations under section 321I.6, the
20 scheduled fine is twenty dollars.

21 f. For stop signal violations under section 321I.18, the
22 scheduled fine is one hundred dollars.

23 g. For safety certificate violations under section
24 321I.26, subsection 1, the scheduled fine is fifty dollars.

25 Sec. 15. PENALTY PROVISIONS -- CODE EDITOR DIRECTIVE. The
26 sections of this Act amending section 805.8B, subsection 2,
27 and enacting section 805.8B, subsection 2A, are intended to
28 codify the penalty provisions relating to all-terrain vehicle
29 violations, as amended in this Act, in a separate subsection
30 from the penalty provisions relating to snowmobile violations.
31 If penalties relating to snowmobile violations are amended in
32 another Act of the general assembly during the 2005
33 legislative session, the Code editor shall harmonize the
34 provisions so as to give effect to the amendments to the
35 snowmobile penalties in the other Act.

1 EXPLANATION

2 This bill makes numerous changes to provisions relating to
3 the ownership and use of all-terrain vehicles, as regulated by
4 the department of natural resources.

5 The bill amends Code section 321.234A to allow the
6 operation of an all-terrain vehicle on a highway when the
7 vehicle is operated for the purpose of mowing, installing
8 trail signs, or providing maintenance of designated trails.
9 In addition, the bill specifies that the owner of an all-
10 terrain vehicle or member of the owner's family who operates
11 the all-terrain vehicle within the area between the shoulder
12 of the roadway and the owner's property line must comply with
13 the registration, safety, and age requirements applicable to
14 operators on public land.

15 The bill amends Code section 321I.4 to provide for
16 electronic registration of all-terrain vehicles through county
17 recorders.

18 Code section 321I.7 is amended to require the department to
19 develop and maintain an electronic system for renewal of all-
20 terrain vehicle registrations by license agents. Electronic
21 registration renewals could be issued by county recorders or
22 license agents for the annual fee of \$15, plus an
23 administrative fee to be established by the natural resource
24 commission, plus a \$1 writing fee.

25 Code section 321I.9 is amended to restrict the registration
26 exemption for nonresidents' all-terrain vehicles to those
27 vehicles which are licensed or registered in another state and
28 are in this state for not more than 20 days for operation on
29 public ice.

30 The bill amends Code section 321I.14 by expanding the
31 description of the types of public areas that are off-limits
32 for snowmobile operators.

33 The bill adds a new provision in Code section 321I.14 to
34 prohibit a person from operating an all-terrain vehicle on a
35 public riding area or designated trail without wearing a

1 helmet approved by the state department of transportation. A
2 violation of the requirement is a simple misdemeanor subject
3 to a scheduled fine of \$20.

4 Code section 321I.16 is amended to extend, from 10 to 45
5 days, the period of time a purchaser of a new or used all-
6 terrain vehicle may operate the vehicle pending registration.

7 The bill amends Code section 321I.22 to require that every
8 all-terrain vehicle manufacturer, distributor, or dealer
9 register annually with the department for a fee of \$15, which
10 qualifies the registrant to be issued a special registration
11 certificate with a general identification number. Additional
12 duplicate certificates may be issued for \$2 each. All-terrain
13 vehicles may be operated temporarily under such registration.
14 Current law provides for such registration on a voluntary
15 basis.

16 The bill increases the fee for issuance of a safety
17 certificate in Code section 321I.26 from \$5 to \$20.

18 The bill revises penalties for certain violations by all-
19 terrain vehicle operators. For a violation of registration or
20 user permit requirements in Code section 321I.3, the scheduled
21 fine is increased from \$20 to \$50. For operating an all-
22 terrain vehicle on a highway or snowmobile trail in violation
23 of Code section 321I.10, the scheduled fine is increased from
24 \$20 to \$50. For unlawful operation violations under Code
25 section 321I.14, other than operating while intoxicated and
26 headlight and taillight violations, and for disregarding a
27 peace officer's signal to stop or eluding a peace officer
28 under Code section 321I.18, the penalty is changed from a
29 simple misdemeanor to a simple misdemeanor punishable as a
30 scheduled violation, subject to a \$100 fine. The penalty for
31 a violation of safety certificate requirements under Code
32 section 321I.26 is changed from a simple misdemeanor to a
33 simple misdemeanor punishable as a scheduled violation,
34 subject to a fine of \$50.

35