

MAR 7 2006
Place On Calendar

HOUSE FILE 2664
BY COMMITTEE ON NATURAL RESOURCES

(SUCCESSOR TO HSB 622)

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, and
2 providing penalties.

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

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HF 2664

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. 01. "All-terrain utility vehicle" means a
22 motorized flotation-tire vehicle with not less than four and
23 not more than six low-pressure tires, that is limited in
24 engine displacement to less than one thousand five hundred
25 cubic centimeters and in total dry weight to not more than one
26 thousand eight hundred pounds and that has a seat that is of
27 bench design, not intended to be straddled by the operator,
28 and a steering wheel for control.

29 Sec. 4. Section 321I.1, subsection 1, Code 2005, is
30 amended to read as follows:

31 1. a. "All-terrain vehicle" means a motorized flotation-
32 tire vehicle with not less than three ~~low-pressure-tires,~~ but
33 and not more than six low-pressure tires, or a two-wheeled
34 off-road motorcycle, that is limited in engine displacement to
35 less than eight hundred cubic centimeters and in total dry

1 weight to less than eight hundred fifty pounds and that has a
2 seat or saddle designed to be straddled by the operator and
3 handlebars for steering control.

4 b. Two-wheeled off-road motorcycles shall be considered
5 all-terrain vehicles for the purpose of registration. Two-
6 wheeled off-road motorcycles shall also be considered all-
7 terrain vehicles for the purpose of titling if a title has not
8 previously been issued pursuant to chapter 321. An operator
9 of a two-wheeled off-road motorcycle is exempt from the safety
10 instruction and certification program requirements of sections
11 321I.25 and 321I.26.

12 c. All-terrain utility vehicles shall be considered all-
13 terrain vehicles for the purpose of registration, but are
14 exempt from the titling requirements of this chapter. An
15 operator of an all-terrain utility vehicle is subject to
16 provisions governing the operation of all-terrain vehicles in
17 section 321.234A and this chapter, but is exempt from the
18 safety instruction and certification program requirements of
19 sections 321I.25 and 321I.26. A motorized vehicle that was
20 previously titled or is currently titled under chapter 321
21 shall not be registered or operated as an all-terrain utility
22 vehicle.

23 Sec. 5. Section 321I.1, Code 2005, is amended by adding
24 the following new subsections:

25 NEW SUBSECTION. 5A. "Designated riding area" means an
26 all-terrain vehicle riding area on any public land or ice
27 under the jurisdiction of the department that has been
28 designated by the department for all-terrain vehicle use.

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

33 NEW SUBSECTION. 5C. "Distributor" means a person,
34 resident or nonresident, who sells or distributes all-terrain
35 vehicles to all-terrain vehicle dealers in this state, or who

1 maintains distributor representatives.

2 Sec. 6. Section 321I.4, Code 2005, is amended to read as
3 follows:

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

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

18 2. The owner of the all-terrain vehicle shall file an
19 application for registration with the department through the
20 appropriate county recorder ~~on-forms-provided~~ in the manner
21 established by the commission. The application shall be
22 completed and signed by the owner ~~of-the-all-terrain-vehicle~~
23 and shall be accompanied by a fee of fifteen dollars and a
24 writing fee. An all-terrain vehicle shall not be registered
25 by the county recorder until the county recorder is presented
26 with receipts, bills of sale, or other satisfactory evidence
27 that the sales or use tax has been paid for the purchase of
28 the all-terrain vehicle or that the owner is exempt from
29 paying the tax. An all-terrain vehicle that has an expired
30 registration certificate from another state may be registered
31 in this state upon proper application, payment of all
32 applicable registration and writing fees, and payment of a
33 penalty of five dollars.

34 3. Upon receipt of the application in approved form
35 accompanied by the required fees, the county recorder shall

1 ~~enter-it-upon-the-records~~ register the all-terrain vehicle
2 with the department and shall issue to the applicant a
3 registration certificate. ~~The-certificate-shall-be-executed~~
4 ~~in-triplicate,-one-copy-to-be-delivered-to-the-owner,-one-copy~~
5 ~~to-the-commission,-and-one-copy-to-be-retained-on-file-by-the~~
6 ~~county-recorder.~~ The registration certificate shall bear the
7 number awarded to the all-terrain vehicle and the name and
8 address of the owner. The registration certificate shall be
9 carried either in the all-terrain vehicle or on the person of
10 the operator of the all-terrain vehicle when in use. The
11 operator of an all-terrain vehicle shall exhibit the
12 registration certificate to a peace officer upon request, to a
13 person injured in an accident involving an all-terrain
14 vehicle, to the owner or operator of another all-terrain
15 vehicle or the owner of personal or real property when the
16 all-terrain vehicle is involved in a collision or accident of
17 any nature with another all-terrain vehicle or the property of
18 another person, or to the property owner or tenant when the
19 all-terrain vehicle is being operated on private property
20 without permission from the property owner or tenant.

21 4. If an all-terrain vehicle is placed in storage, the
22 owner shall return the current registration certificate to the
23 county recorder with an affidavit stating that the all-terrain
24 vehicle is placed in storage and the effective date of
25 storage. The county recorder shall notify the commission
26 department of each all-terrain vehicle placed in storage.
27 When the owner of a stored all-terrain vehicle desires to
28 renew the registration, the owner shall make application to
29 through the county recorder and pay the registration and
30 writing fees without penalty. A refund of the registration
31 fee shall not be allowed for a stored all-terrain vehicle.

32 Sec. 7. Section 321I.5, unnumbered paragraph 2, Code 2005,
33 is amended to read as follows:

34 User permits may be issued by a county recorder or a
35 license depository agent pursuant to rules adopted by the

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

10 Sec. 8. Section 321I.7, subsection 4, unnumbered paragraph
11 1, Code 2005, is amended to read as follows:

12 Upon the transfer of ownership of an all-terrain vehicle,
13 the owner shall complete the form on the back of the title, if
14 any, and registration, if any, and deliver both to the
15 purchaser or transferee when the all-terrain vehicle is
16 delivered. If the all-terrain vehicle is not titled, the
17 owner shall complete the form on the back of the current
18 registration certificate and shall deliver the certificate to
19 the purchaser or transferee at the time of delivering the all-
20 terrain vehicle. If the all-terrain vehicle has not been
21 titled and has not been registered, the owner shall deliver an
22 affidavit for an unregistered and untitled all-terrain vehicle
23 to the purchaser or transferee. The purchaser or transferee
24 shall, within thirty days of transfer, file a new application
25 form with the county recorder with a fee of one dollar and the
26 writing fee, and a transfer of number shall be awarded in the
27 same manner as provided in for an original registration. If
28 the purchaser or transferee does not file a new application
29 form within thirty days of transfer, the transfer of number
30 shall be awarded upon payment of all applicable fees plus a
31 penalty of five dollars. If the all-terrain vehicle has an
32 expired registration at the time of transfer, the purchaser or
33 transferee shall pay all applicable fees for the current
34 registration period, plus a penalty of five dollars and the
35 appropriate writing fee, and a transfer of number shall be

1 awarded in the same manner as provided for an original
2 registration.

3 Sec. 9. Section 321I.7, Code 2005, is amended by adding
4 the following new subsection:

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

20 Sec. 10. Section 321I.9, subsection 3, Code 2005, is
21 amended by striking the subsection.

22 Sec. 11. Section 321I.14, subsection 1, paragraph g, Code
23 2005, is amended by striking the paragraph and inserting in
24 lieu thereof the following:

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

1 Sec. 12. Section 321I.14, subsection 1, Code 2005, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. i. On any designated riding area or
4 designated riding trail without wearing the safety equipment
5 required by department rules.

6 Sec. 13. Section 321I.14, Code 2005, is amended by adding
7 the following new subsections:

8 NEW SUBSECTION. 4. A person shall not operate an all-
9 terrain utility vehicle on a designated riding area or
10 designated riding trail unless the riding area or trail is
11 signed by the department as open to all-terrain utility
12 vehicle operation.

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

17 Sec. 14. Section 321I.16, Code 2005, is amended to read as
18 follows:

19 321I.16 OPERATION PENDING REGISTRATION.

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

32 Sec. 15. Section 321I.21, Code 2005, is amended to read as
33 follows:

34 321I.21 MINORS-UNDER-TWELVE OPERATION BY MINORS --
35 SUPERVISION.

1 1. A person under twelve years of age shall not operate an
2 all-terrain vehicle on public lands unless the person is
3 taking a prescribed safety training course under the direct
4 supervision of a certified all-terrain vehicle safety
5 instructor and a parent or guardian.

6 2. A person at least twelve years of age but under sixteen
7 years of age shall not operate an all-terrain vehicle on a
8 designated riding area or designated riding trail except when
9 under the direct supervision of a responsible person of at
10 least eighteen years of age who is experienced in all-terrain
11 vehicle operation and who possesses a valid driver's license,
12 as defined in section 321.1, or a safety certificate issued
13 under this chapter.

14 3. A person under the age of sixteen shall not operate an
15 off-road motorcycle on a designated riding area or designated
16 riding trail except when under the direct supervision of a
17 responsible person of at least eighteen years of age who is
18 experienced in off-road motorcycle operation and who possesses
19 a valid driver's license, as defined in section 321.1, or a
20 safety certificate issued under this chapter.

21 Sec. 16. Section 321I.22, subsection 2, Code 2005, is
22 amended to read as follows:

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

32 Sec. 17. Section 321I.26, subsection 2, Code 2005, is
33 amended to read as follows:

34 2. Upon application and payment of a fee of ~~five~~ twenty
35 dollars, a qualified applicant shall be issued a safety

1 certificate which is valid until the certificate is suspended
2 or revoked for a violation of a provision of this chapter or a
3 rule of the commission or the director of transportation. The
4 application shall be made on forms issued by the commission
5 and shall contain information as the commission may reasonably
6 require.

7 Sec. 18. NEW SECTION. 321I.36 REPEAT OFFENDER --
8 RECORDS, ENFORCEMENT, AND PENALTIES.

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

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

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

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

33 Sec. 19. Section 805.8B, subsection 2, Code 2005, is
34 amended to read as follows:

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

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

6 b. For operating violations under section 321G.9,
7 subsections 1, 2, 3, 4, 5, and 7, sections 321G.11, and
8 321G.13, subsection 1, paragraph "d", ~~sections-321F-107~~
9 ~~321F-127-and-321F-147-subsection-17-paragraph-"d"~~, the
10 scheduled fine is twenty dollars.

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

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

16 e. For identification violations under ~~sections~~ section
17 321G.5 ~~and-321F-6~~, the scheduled fine is twenty dollars.

18 Sec. 20. Section 805.8B, Code 2005, is amended by adding
19 the following new subsection:

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

21 a. For registration or user permit violations under
22 section 321I.3, the scheduled fine is fifty dollars. When the
23 scheduled fine is paid, the violator shall submit sufficient
24 proof that a valid registration or user permit has been
25 obtained.

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

29 (2) For operating violations under section 321I.10,
30 subsections 1 and 4, and section 321I.21, the scheduled fine
31 is fifty dollars.

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

1 c. For improper or defective equipment under section
2 321I.13, the scheduled fine is twenty dollars.

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

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

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

9 g. For safety certificate violations under section
10 321I.26, subsection 1, the scheduled fine is fifty dollars.

11 h. For violations of section 321I.22, the scheduled fine
12 is one hundred dollars.

13 Sec. 21. PENALTY PROVISIONS -- CODE EDITOR DIRECTIVE. The
14 sections of this Act amending section 805.8B, subsection 2,
15 and enacting section 805.8B, subsection 2A, are intended to
16 codify the penalty provisions relating to all-terrain vehicle
17 violations, as amended in this Act, in a separate subsection
18 from the penalty provisions relating to snowmobile violations.
19 If penalties relating to snowmobile violations are amended in
20 another Act of the general assembly during the 2006
21 legislative session, the Code editor shall harmonize the
22 provisions so as to give effect to the amendments to the
23 snowmobile penalties in the other Act.

24 EXPLANATION

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

28 The bill amends Code section 321.234A to allow the
29 operation of an all-terrain vehicle on a highway when the
30 vehicle is operated for the purpose of mowing, installing
31 trail signs, or providing maintenance of designated trails.
32 In addition, the bill specifies that the owner of an all-
33 terrain vehicle or member of the owner's family who operates
34 the all-terrain vehicle within the area between the shoulder
35 of the roadway and the owner's property line must comply with

1 the registration, safety, and age requirements applicable to
2 operators on public land.

3 The bill defines "all-terrain utility vehicles", which are
4 larger vehicles with at least four wheels and outfitted with a
5 bench seat. The bill subjects such vehicles to the
6 registration requirements, but not the titling requirements,
7 applicable to all-terrain vehicles, and specifies where they
8 may be operated. The terms "designated riding area" and
9 "designated riding trail" are defined as those areas and
10 trails designated by the department for all-terrain vehicle
11 use.

12 The bill provides for electronic registration of all-
13 terrain vehicles through county recorders and requires the
14 department to develop and maintain an electronic system for
15 renewal of all-terrain vehicle registrations by license
16 agents. Electronic registration renewals are subject to the
17 current annual registration fee of \$15, plus an administrative
18 fee to be established by the natural resource commission, and
19 a \$1 writing fee for license agents or a \$1.25 writing fee for
20 county recorders.

21 The bill provides that when an all-terrain vehicle with
22 expired registration transfers ownership, the purchaser or
23 transferee shall pay the fees for the current registration
24 period, plus a \$5 penalty and a writing fee.

25 The bill strikes the current registration exemption for
26 nonresidents' all-terrain vehicles that are licensed or
27 registered in another state and are in this state for not more
28 than 20 days.

29 The bill expands the description of the types of public
30 areas that are off-limits for all-terrain vehicle operators.

31 The bill adds a new provision relating to the use of safety
32 equipment required by department rules by a person operating
33 an all-terrain vehicle on a designated riding area or trail.
34 A violation of the requirement is a simple misdemeanor subject
35 to a scheduled fine of \$20.

1 The bill prohibits all-terrain utility vehicle operation on
2 designated riding areas or trails unless the department has
3 signed the area or trail for such use. The bill provides a
4 similar prohibition against operating any other type of
5 vehicle on an area or trail designated for all-terrain
6 vehicles. A violation of either provision is a simple
7 misdemeanor punishable by a scheduled fine of \$100.

8 The bill extends, from 10 to 45 days, the period of time a
9 purchaser of a new or used all-terrain vehicle may operate the
10 vehicle pending registration.

11 The bill imposes new requirements for the supervision of
12 children operating vehicles on designated riding areas or
13 trails. Under current law, a person under age 12 may not
14 operate an all-terrain vehicle except while taking a safety
15 course under the direct supervision of a certified instructor
16 and a parent or guardian. The bill requires that a person who
17 is at least 12 but under 16 years of age must be supervised by
18 a responsible person at least 18 years of age when operating
19 an all-terrain vehicle, and a person who is under 16 years of
20 age must be supervised by a responsible person at least 18
21 years of age when operating an off-road motorcycle. The
22 supervising adult must be experienced in the vehicle's
23 operation and possess a valid driver's license or an all-
24 terrain vehicle safety certificate. A person who violates any
25 of the requirements for operators under age 16 is subject to a
26 scheduled fine of \$50.

27 The bill requires every all-terrain vehicle manufacturer,
28 distributor, or dealer to register annually with the
29 department for a fee of \$15, which qualifies the registrant to
30 be issued a special registration certificate with a general
31 identification number. Additional duplicate certificates are
32 issued for \$2 each. All-terrain vehicles may be operated
33 temporarily under such registration. Current law provides for
34 annual registration upon payment of the \$15 fee on a voluntary
35 basis. The bill provides that violations of requirements

1 relating to registration by manufacturers, distributors, and
2 dealers are punishable by a scheduled fine of \$100.

3 The bill increases the fee for issuance of a safety
4 certificate from \$5 to \$20.

5 The bill revises existing penalties for certain violations
6 by all-terrain vehicle operators. For a violation of
7 registration or user permit requirements in Code section
8 321I.3, the scheduled fine is increased from \$20 to \$50. For
9 operating an all-terrain vehicle on a highway or snowmobile
10 trail in violation of Code section 321I.10, the scheduled fine
11 is increased from \$20 to \$50. For unlawful operation
12 violations under Code section 321I.14, other than careless
13 operation, operating while intoxicated, and headlight and
14 taillight violations, and for disregarding a peace officer's
15 signal to stop or eluding a peace officer under Code section
16 321I.18, the penalty is changed from a simple misdemeanor to a
17 simple misdemeanor punishable as a scheduled violation,
18 subject to a \$100 fine. The penalty for a violation of safety
19 certificate requirements under Code section 321I.26 is changed
20 from a simple misdemeanor to a simple misdemeanor punishable
21 as a scheduled violation, subject to a fine of \$50.

22 The bill requires the natural resource commission to
23 administer a repeat offender system, with escalating penalties
24 for all-terrain vehicle violations committed by a person whose
25 registration privileges have been suspended or revoked under
26 administrative procedures. For the first such offense
27 committed within a three-year period, the penalty is a simple
28 misdemeanor; for the second such violation, the penalty is a
29 serious misdemeanor; for the third and subsequent violations,
30 the penalty is an aggravated misdemeanor. This system mirrors
31 the penalty schedule for repeated violations of hunting and
32 fishing laws.

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HOUSE FILE 2664

H-8230

1 Amend House File 2664 as follows:

2 1. Page 1, by inserting after line 18 the
3 following:

4 "Sec. _____. Section 321G.1, subsection 9, Code
5 Supplement 2005, is amended to read as follows:

6 9. "Nonambulatory person" means an individual with
7 paralysis of the lower half of the body with the
8 involvement of both legs, usually caused by disease of
9 or injury to the spinal cord, or ~~caused by an~~
10 individual who has suffered the loss of one or both
11 legs or the loss of a part of both legs thereof.

12 Sec. _____. Section 321G.13, subsection 2, Code
13 Supplement 2005, is amended to read as follows:

14 2. A person shall not operate or ride a snowmobile
15 with a firearm in the person's possession unless it is
16 unloaded and enclosed in a carrying case. However, a
17 nonambulatory person may carry an uncased and loaded
18 or unloaded firearm while operating or riding a
19 snowmobile."

20 2. Page 3, by inserting after line 1 the
21 following:

22 "Sec. _____. Section 321I.1, subsection 8, Code
23 2005, is amended to read as follows:

24 8. "Nonambulatory person" means an individual with
25 paralysis of the lower half of the body with the
26 involvement of both legs, usually caused by disease of
27 or injury to the spinal cord, or ~~caused by an~~
28 individual who has suffered the loss of one or both
29 legs or the loss of a part of both legs thereof."

30 3. Page 7, by inserting after line 5 the
31 following:

32 "Sec. _____. Section 321I.14, subsection 2, Code
33 2005, is amended to read as follows:

34 2. A person shall not operate or ride an all-
35 terrain vehicle with a firearm in the person's
36 possession unless it is unloaded and enclosed in a
37 carrying case. However, a nonambulatory person may
38 carry an uncased and loaded or unloaded firearm while
39 operating or riding an all-terrain vehicle."

40 4. Page 9, by inserting after line 32 the
41 following:

42 "Sec. _____, Section 481A.120, Code 2005, is amended
43 by striking the section and inserting in lieu thereof
44 the following:

45 481A.120 HUNTING FROM MOTORIZED VEHICLES OR
46 AIRCRAFT PROHIBITED -- EXCEPTION.

47 1. A person, either singly or as one of a group of
48 persons, shall not intentionally kill or wound,
49 attempt to kill or wound, or pursue any animal, fowl,
50 or fish from or with an aircraft of any kind or a

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Page 2

1 motor-driven land conveyance on public or private
2 land.

3 2. Notwithstanding subsection 1, a nonambulatory
4 person may hunt game on public or private land from a
5 stationary motor-driven land conveyance, as provided
6 by the commission by rules adopted pursuant to chapter
7 17A. For the purposes of this subsection,
8 "nonambulatory person" means an individual with
9 paralysis of the lower half of the body with the
10 involvement of both legs, usually caused by disease of
11 or injury to the spinal cord, or an individual who has
12 suffered the loss of one or both legs or part thereof.

13 3. For the purposes of this section, a "motor-
14 driven land conveyance" includes but is not limited to
15 a motor vehicle as defined in section 321.1, an all-
16 terrain vehicle as defined in section 321I.1, and a
17 snowmobile as defined in section 321G.1."

18 5. Title page, line 1, by striking the words "of
19 all-terrain" and inserting the following: "and use of
20 certain".

21 6. Title page, line 1, by inserting after the
22 word "vehicles," the following: "including the
23 possession of and use of firearms while riding on
24 certain motorized vehicles,".

25 7. By renumbering as necessary.

By BAUDLER of Adair

H-8230 FILED MARCH 14, 2006

H-8442

1 Amend House File 2664 as follows:

2 1. Page 10, by striking lines 1 through 17, and
3 inserting the following:

4 "a. For registration or user permit violations
5 under ~~sections~~ section 321G.3 and 321I.3, the
6 scheduled fine is ~~twenty~~ fifty dollars. When the
7 scheduled fine is paid, the violator shall submit
8 sufficient proof that a valid registration or user
9 permit has been obtained.

10 b. (1) For operating violations under section
11 321G.9, subsections 1, 2, 3, 4, 5, 6, and 7, ~~sections~~
12 the scheduled fine is fifty dollars.

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

17 (3) For operating violations under section
18 321G.13, subsection 1, paragraphs "a", "b", "e", "f",
19 "g", and "h", and subsections 2 and 3, the scheduled
20 fine is one hundred dollars.

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

24 d. For violations of ~~sections~~ section 321G.19 and
25 321I.20, the scheduled fine is twenty dollars.

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

29 f. For stop signal violations under section
30 321G.17, the scheduled fine is one hundred dollars.

31 g. For violations of section 321G.20, the
32 scheduled fine is fifty dollars."

33 2. Page 11, by striking lines 13 through 23.

34 3. Title page, line 2, by inserting after the
35 word "penalties" the following: "for violations
36 committed by snowmobile or all-terrain vehicle
37 operators".

38 4. By renumbering as necessary.

By TJEPKES of Webster

H-8442 FILED MARCH 30, 2006

Jepkes-CH
Davitt
Lukan

HSB 622
NATURAL RESOURCES

SENATE/HOUSE FILE led By 2664
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

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

A BILL FOR

1 An Act relating to the regulation of all-terrain vehicles, and
2 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. 01. "All-terrain utility vehicle" means a
22 motorized flotation-tire vehicle with not less than four and
23 not more than six low-pressure tires, that is limited in
24 engine displacement to less than one thousand five hundred
25 cubic centimeters and in total dry weight to not more than one
26 thousand eight hundred pounds and that has a seat that is of
27 bench design, not intended to be straddled by the operator,
28 and a steering wheel for control.

29 Sec. 4. Section 321I.1, subsection 1, Code 2005, is
30 amended to read as follows:

31 1. a. "All-terrain vehicle" means a motorized flotation-
32 tire vehicle with not less than three ~~low-pressure-tires,~~ but
33 and not more than six low-pressure tires, or a two-wheeled
34 off-road motorcycle, that is limited in engine displacement to
35 less than eight hundred cubic centimeters and in total dry

1 weight to less than eight hundred fifty pounds and that has a
2 seat or saddle designed to be straddled by the operator and
3 handlebars for steering control.

4 b. Two-wheeled off-road motorcycles shall be considered
5 all-terrain vehicles for the purpose of registration. Two-
6 wheeled off-road motorcycles shall also be considered all-
7 terrain vehicles for the purpose of titling if a title has not
8 previously been issued pursuant to chapter 321. An operator
9 of a two-wheeled off-road motorcycle is exempt from the safety
10 instruction and certification program requirements of sections
11 321I.25 and 321I.26.

12 c. All-terrain utility vehicles shall be considered all-
13 terrain vehicles for the purpose of registration, but are
14 exempt from the titling requirements of this chapter. An
15 operator of an all-terrain utility vehicle is subject to
16 provisions governing the operation of all-terrain vehicles in
17 section 321.234A and this chapter, but is exempt from the
18 safety instruction and certification program requirements of
19 sections 321I.25 and 321I.26. A motorized vehicle that was
20 previously titled or is currently titled under chapter 321
21 shall not be registered or operated as an all-terrain utility
22 vehicle.

23 Sec. 5. Section 321I.1, Code 2005, is amended by adding
24 the following new subsections:

25 NEW SUBSECTION. 5A. "Designated riding area" means an
26 all-terrain vehicle riding area on any public land or ice
27 under the jurisdiction of the department that has been
28 designated by the department for all-terrain vehicle use.

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

33 NEW SUBSECTION. 5C. "Distributor" means a person,
34 resident or nonresident, who sells or distributes all-terrain
35 vehicles to all-terrain vehicle dealers in this state, or who

1 maintains distributor representatives.

2 Sec. 6. Section 321I.4, Code 2005, is amended to read as
3 follows:

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

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

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

34 3. Upon receipt of the application in approved form
35 accompanied by the required fees, the county recorder shall

1 ~~enter-it-upon-the-records~~ register the all-terrain vehicle
2 with the department and shall issue to the applicant a
3 registration certificate. ~~The-certificate-shall-be-executed~~
4 ~~in-triplicate,-one-copy-to-be-delivered-to-the-owner,-one-copy~~
5 ~~to-the-commission,-and-one-copy-to-be-retained-on-file-by-the~~
6 ~~county-recorder.~~ The registration certificate shall bear the
7 number awarded to the all-terrain vehicle and the name and
8 address of the owner. The registration certificate shall be
9 carried either in the all-terrain vehicle or on the person of
10 the operator of the all-terrain vehicle when in use. The
11 operator of an all-terrain vehicle shall exhibit the
12 registration certificate to a peace officer upon request, to a
13 person injured in an accident involving an all-terrain
14 vehicle, to the owner or operator of another all-terrain
15 vehicle or the owner of personal or real property when the
16 all-terrain vehicle is involved in a collision or accident of
17 any nature with another all-terrain vehicle or the property of
18 another person, or to the property owner or tenant when the
19 all-terrain vehicle is being operated on private property
20 without permission from the property owner or tenant.

21 4. If an all-terrain vehicle is placed in storage, the
22 owner shall return the current registration certificate to the
23 county recorder with an affidavit stating that the all-terrain
24 vehicle is placed in storage and the effective date of
25 storage. The county recorder shall notify the commission
26 department of each all-terrain vehicle placed in storage.
27 When the owner of a stored all-terrain vehicle desires to
28 renew the registration, the owner shall make application to
29 through the county recorder and pay the registration and
30 writing fees without penalty. A refund of the registration
31 fee shall not be allowed for a stored all-terrain vehicle.

32 Sec. 7. Section 321I.5, unnumbered paragraph 2, Code 2005,
33 is amended to read as follows:

34 User permits may be issued by a county recorder or a
35 license depository agent pursuant to rules adopted by the

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

10 Sec. 8. Section 321I.7, subsection 4, unnumbered paragraph
11 1, Code 2005, is amended to read as follows:

12 Upon the transfer of ownership of an all-terrain vehicle,
13 the owner shall complete the form on the back of the title, if
14 any, and registration, if any, and deliver both to the
15 purchaser or transferee when the all-terrain vehicle is
16 delivered. If the all-terrain vehicle is not titled, the
17 owner shall complete the form on the back of the current
18 registration certificate and shall deliver the certificate to
19 the purchaser or transferee at the time of delivering the all-
20 terrain vehicle. If the all-terrain vehicle has not been
21 titled and has not been registered, the owner shall deliver an
22 affidavit for an unregistered and untitled all-terrain vehicle
23 to the purchaser or transferee. The purchaser or transferee
24 shall, within thirty days of transfer, file a new application
25 form with the county recorder with a fee of one dollar and the
26 writing fee, and a transfer of number shall be awarded in the
27 same manner as provided in for an original registration. If
28 the purchaser or transferee does not file a new application
29 form within thirty days of transfer, the transfer of number
30 shall be awarded upon payment of all applicable fees plus a
31 penalty of five dollars. If the all-terrain vehicle has an
32 expired registration at the time of transfer, the purchaser or
33 transferee shall pay all applicable fees for the current
34 registration period, plus a penalty of five dollars and the
35 appropriate writing fee, and a transfer of number shall be

1 awarded in the same manner as provided for an original
2 registration.

3 Sec. 9. Section 321I.7, Code 2005, is amended by adding
4 the following new subsection:

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

20 Sec. 10. Section 321I.9, subsection 3, Code 2005, is
21 amended by striking the subsection.

22 Sec. 11. Section 321I.14, subsection 1, paragraph g, Code
23 2005, is amended by striking the paragraph and inserting in
24 lieu thereof the following:

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

1 Sec. 12. Section 321I.14, subsection 1, Code 2005, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. i. On any designated riding area or
4 designated riding trail without wearing the safety equipment
5 required by department rules.

6 Sec. 13. Section 321I.14, Code 2005, is amended by adding
7 the following new subsections:

8 NEW SUBSECTION. 4. A person shall not operate an all-
9 terrain utility vehicle on a designated riding area or
10 designated riding trail unless the riding area or trail is
11 signed by the department as open to all-terrain utility
12 vehicle operation.

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

17 Sec. 14. Section 321I.16, Code 2005, is amended to read as
18 follows:

19 321I.16 OPERATION PENDING REGISTRATION.

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

32 Sec. 15. Section 321I.21, Code 2005, is amended to read as
33 follows:

34 321I.21 MINORS-UNDER-TWELVE OPERATION BY MINORS --
35 SUPERVISION.

1 1. A person under twelve years of age shall not operate an
2 all-terrain vehicle on public lands unless the person is
3 taking a prescribed safety training course under the direct
4 supervision of a certified all-terrain vehicle safety
5 instructor and a parent or guardian.

6 2. A person at least twelve years of age but under sixteen
7 years of age shall not operate an all-terrain vehicle on a
8 designated riding area or designated riding trail except when
9 under the direct supervision of a responsible person of at
10 least eighteen years of age who is experienced in all-terrain
11 vehicle operation and who possesses a valid driver's license,
12 as defined in section 321.1, or a safety certificate issued
13 under this chapter.

14 3. A person under the age of sixteen shall not operate an
15 off-road motorcycle on a designated riding area or designated
16 riding trail except when under the direct supervision of a
17 responsible person of at least eighteen years of age who is
18 experienced in off-road motorcycle operation and who possesses
19 a valid driver's license, as defined in section 321.1, or a
20 safety certificate issued under this chapter.

21 Sec. 16. Section 321I.22, subsection 2, Code 2005, is
22 amended to read as follows:

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

32 Sec. 17. Section 321I.26, subsection 2, Code 2005, is
33 amended to read as follows:

34 2. Upon application and payment of a fee of five twenty
35 dollars, a qualified applicant shall be issued a safety

1 certificate which is valid until the certificate is suspended
2 or revoked for a violation of a provision of this chapter or a
3 rule of the commission or the director of transportation. The
4 application shall be made on forms issued by the commission
5 and shall contain information as the commission may reasonably
6 require.

7 Sec. 18. NEW SECTION. 321I.36 REPEAT OFFENDER --
8 RECORDS, ENFORCEMENT, AND PENALTIES.

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

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

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

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

33 Sec. 19. Section 805.8B, subsection 2, Code 2005, is
34 amended to read as follows:

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

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

6 b. For operating violations under section 321G.9,
7 subsections 1, 2, 3, 4, 5, and 7, sections 321G.11, and
8 321G.13, subsection 1, paragraph "d", ~~sections-321F.10,~~
9 ~~321F.12, and-321F.14, -subsection-1, -paragraph-"d",~~ the
10 scheduled fine is twenty dollars.

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

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

16 e. For identification violations under sections section
17 321G.5 and ~~321F.6~~, the scheduled fine is twenty dollars.

18 Sec. 20. Section 805.8B, Code 2005, is amended by adding
19 the following new subsection:

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

21 a. For registration or user permit violations under
22 section 321I.3, the scheduled fine is fifty dollars. When the
23 scheduled fine is paid, the violator shall submit sufficient
24 proof that a valid registration or user permit has been
25 obtained.

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

29 (2) For operating violations under section 321I.10,
30 subsections 1 and 4, and section 321I.21, the scheduled fine
31 is fifty dollars.

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

1 the registration, safety, and age requirements applicable to
2 operators on public land.

3 The bill defines "all-terrain utility vehicles", which are
4 larger vehicles with at least four wheels and outfitted with a
5 bench seat. The bill subjects such vehicles to the
6 registration requirements, but not the titling requirements,
7 applicable to all-terrain vehicles, and specifies where they
8 may be operated. The terms "designated riding area" and
9 "designated riding trail" are defined as those areas and
10 trails designated by the department for all-terrain vehicle
11 use.

12 The bill provides for electronic registration of all-
13 terrain vehicles through county recorders and requires the
14 department to develop and maintain an electronic system for
15 renewal of all-terrain vehicle registrations by license
16 agents. Electronic registration renewals are subject to the
17 current annual registration fee of \$15, plus an administrative
18 fee to be established by the natural resource commission, and
19 a \$1 writing fee for license agents or a \$1.25 writing fee for
20 county recorders.

21 The bill provides that when an all-terrain vehicle with
22 expired registration transfers ownership, the purchaser or
23 transferee shall pay the fees for the current registration
24 period, plus a \$5 penalty and a writing fee.

25 The bill strikes the current registration exemption for
26 nonresidents' all-terrain vehicles that are licensed or
27 registered in another state and are in this state for not more
28 than 20 days.

29 The bill expands the description of the types of public
30 areas that are off-limits for all-terrain vehicle operators.

31 The bill adds a new provision relating to the use of safety
32 equipment required by department rules by a person operating
33 an all-terrain vehicle on a designated riding area or trail.
34 A violation of the requirement is a simple misdemeanor subject
35 to a scheduled fine of \$20.

1 The bill prohibits all-terrain utility vehicle operation on
2 designated riding areas or trails unless the department has
3 signed the area or trail for such use. The bill provides a
4 similar prohibition against operating any other type of
5 vehicle on an area or trail designated for all-terrain
6 vehicles. A violation of either provision is a simple
7 misdemeanor punishable by a scheduled fine of \$100.

8 The bill extends, from 10 to 45 days, the period of time a
9 purchaser of a new or used all-terrain vehicle may operate the
10 vehicle pending registration.

11 The bill imposes new requirements for the supervision of
12 children operating vehicles on designated riding areas or
13 trails. Under current law, a person under age 12 may not
14 operate an all-terrain vehicle except while taking a safety
15 course under the direct supervision of a certified instructor
16 and a parent or guardian. The bill requires that a person who
17 is at least 12 but under 16 years of age must be supervised by
18 a responsible person at least 18 years of age when operating
19 an all-terrain vehicle, and a person who is under 16 years of
20 age must be supervised by a responsible person at least 18
21 years of age when operating an off-road motorcycle. The
22 supervising adult must be experienced in the vehicle's
23 operation and possess a valid driver's license or an all-
24 terrain vehicle safety certificate. A person who violates any
25 of the requirements for operators under age 16 is subject to a
26 scheduled fine of \$50.

27 The bill requires every all-terrain vehicle manufacturer,
28 distributor, or dealer to register annually with the
29 department for a fee of \$15, which qualifies the registrant to
30 be issued a special registration certificate with a general
31 identification number. Additional duplicate certificates are
32 issued for \$2 each. All-terrain vehicles may be operated
33 temporarily under such registration. Current law provides for
34 annual registration upon payment of the \$15 fee on a voluntary
35 basis. The bill provides that violations of requirements

1 relating to registration by manufacturers, distributors, and
2 dealers are punishable by a scheduled fine of \$100.

3 The bill increases the fee for issuance of a safety
4 certificate from \$5 to \$20.

5 The bill revises existing penalties for certain violations
6 by all-terrain vehicle operators. For a violation of
7 registration or user permit requirements in Code section
8 321I.3, the scheduled fine is increased from \$20 to \$50. For
9 operating an all-terrain vehicle on a highway or snowmobile
10 trail in violation of Code section 321I.10, the scheduled fine
11 is increased from \$20 to \$50. For unlawful operation
12 violations under Code section 321I.14, other than careless
13 operation, operating while intoxicated, and headlight and
14 taillight violations, and for disregarding a peace officer's
15 signal to stop or eluding a peace officer under Code section
16 321I.18, the penalty is changed from a simple misdemeanor to a
17 simple misdemeanor punishable as a scheduled violation,
18 subject to a \$100 fine. The penalty for a violation of safety
19 certificate requirements under Code section 321I.26 is changed
20 from a simple misdemeanor to a simple misdemeanor punishable
21 as a scheduled violation, subject to a fine of \$50.

22 The bill requires the natural resource commission to
23 administer a repeat offender system, with escalating penalties
24 for all-terrain vehicle violations committed by a person whose
25 registration privileges have been suspended or revoked under
26 administrative procedures. For the first such offense
27 committed within a three-year period, the penalty is a simple
28 misdemeanor; for the second such violation, the penalty is a
29 serious misdemeanor; for the third and subsequent violations,
30 the penalty is an aggravated misdemeanor. This system mirrors
31 the penalty schedule for repeated violations of hunting and
32 fishing laws.

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35



STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
JEFFREY R. VONK, DIRECTOR

To: General Assembly
From: Jeffrey R. Vonk, Director *Jeffrey R. Vonk*
Iowa Department of Natural Resources
Date: January 20, 2006
Re: ATV Safety and Registration Improvements

The proposed bill will make it easier for residents to register all-terrain vehicles for use on the state designated riding areas and improve rider safety by making the following changes:

- Establish an electronic registration system for residents, similar to the current nonresident registration system, and improve the process for the registration of used all-terrain vehicles by allowing either the seller or purchaser of an all-terrain vehicle to bring the registration to current status.
- Require adult supervision on state designated riding areas for riders less than sixteen years of age.
- Provide clarification that all-terrain vehicle operation by adjacent land owners on public right-of-way areas requires operators meet the safety and registration requirements of the chapter.
- Establish repeat offender record keeping system and administrative process, similar to the system used to track repeat violators of fish and game statutes.
- Define all-terrain utility vehicles (Gators, Mules, Rhinos) and provide clarification on their use, including user permits for use on designated public property.
- Provide for all-terrain vehicle use to mow or maintain a designated trail system as defined by this chapter.
- Strengthen penalties for illegal all-terrain vehicle operation from \$20 to \$50 for safety equipment requirements, \$100 plus cost for illegal operation.

The current penalties for illegal all-terrain vehicle operation have not been changed since 1974 and are far below neighboring states. This proposed legislation has been developed in a cooperative effort by the Iowa Motorized Recreation Advisory Committee, ABATE, Iowa State Snowmobile Association, Iowa Motorcycle Dealers Association and the Iowa Motor Sports Coalition.