

House File 619 - Introduced

HOUSE FILE 619

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 507)

(SUCCESSOR TO HF 263)

A BILL FOR

1 An Act relating to the operation of all-terrain vehicles
2 on highways upon registration with the department of
3 transportation, providing a registration fee, and providing
4 penalties.

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

1 Section 1. Section 321.1, subsection 32, Code 2013, is
2 amended to read as follows:

3 32. *"Implement of husbandry"* means a vehicle or special
4 mobile equipment manufactured, designed, or reconstructed
5 for agricultural purposes and, except for incidental uses,
6 exclusively used in the conduct of agricultural operations.
7 *"Implements of husbandry"* includes all-terrain vehicles operated
8 in compliance with section 321.234A, subsection 1, paragraph
9 *"a"*, but not registered for operation upon a highway pursuant
10 to section 321.118, fence-line feeders, and vehicles used
11 exclusively for the application of organic or inorganic plant
12 food materials, organic agricultural limestone, or agricultural
13 chemicals. To be considered an implement of husbandry, a
14 self-propelled implement of husbandry must be operated at
15 speeds of thirty-five miles per hour or less.

16 a. *"Reconstructed"* as used in this subsection means
17 materially altered from the original construction by the
18 removal, addition, or substitution of essential parts, new or
19 used.

20 b. A vehicle covered under this subsection, if it otherwise
21 qualifies, may be operated as special mobile equipment
22 and under such circumstances this subsection shall not be
23 applicable to such vehicle, and such vehicle shall not be
24 required to comply with sections 321.384 through 321.423, when
25 such vehicle is moved during daylight hours; however, the
26 provisions of section 321.383 shall remain applicable to such
27 vehicle.

28 Sec. 2. Section 321.1, subsection 47A, Code 2013, is amended
29 to read as follows:

30 47A. *"Off-road utility vehicle"* means a motorized
31 flotation-tire vehicle with not less than four and not more
32 than eight low-pressure tires that is limited in engine
33 displacement to less than one thousand five hundred cubic
34 centimeters and in total dry weight to not more than ~~one~~ two
35 thousand ~~eight hundred~~ pounds and that has a seat that is of

1 bucket or bench design, not intended to be straddled by the
2 operator, and a steering wheel or control levers for control.
3 "Off-road utility vehicle" does not include dune buggies, golf
4 carts, go-carts, or minitrucks.

5 Sec. 3. Section 321.105A, subsection 2, paragraph c, Code
6 2013, is amended by adding the following new subparagraph:

7 NEW SUBPARAGRAPH. (31) An all-terrain vehicle which is
8 exempt from the sales tax pursuant to section 423.3, subsection
9 8, or for which the applicant has paid the sales tax in this
10 state or has paid to another state a state sales, use, or
11 occupational tax.

12 Sec. 4. Section 321.109, subsection 1, paragraph a, Code
13 2013, is amended to read as follows:

14 a. The annual fee for all motor vehicles including vehicles
15 designated by manufacturers as station wagons, 1993 and
16 subsequent model year multipurpose vehicles, and 2010 and
17 subsequent model year motor trucks with an unladen weight of
18 ten thousand pounds or less, except motor trucks registered
19 under section 321.122, business-trade trucks, special trucks,
20 motor homes, ambulances, hearses, all-terrain vehicles,
21 motorcycles, motorized bicycles, and 1992 and older model year
22 multipurpose vehicles, shall be equal to one percent of the
23 value as fixed by the department plus forty cents for each one
24 hundred pounds or fraction thereof of weight of vehicle, as
25 fixed by the department. The weight of a motor vehicle, fixed
26 by the department for registration purposes, shall include
27 the weight of a battery, heater, bumpers, spare tire, and
28 wheel. Provided, however, that for any new vehicle purchased
29 in this state by a nonresident for removal to the nonresident's
30 state of residence the purchaser may make application to the
31 county treasurer in the county of purchase for a transit plate
32 for which a fee of ten dollars shall be paid. And provided,
33 however, that for any used vehicle held by a registered dealer
34 and not currently registered in this state, or for any vehicle
35 held by an individual and currently registered in this state,

1 when purchased in this state by a nonresident for removal to
2 the nonresident's state of residence, the purchaser may make
3 application to the county treasurer in the county of purchase
4 for a transit plate for which a fee of three dollars shall
5 be paid. The county treasurer shall issue a nontransferable
6 certificate of registration for which no refund shall be
7 allowed; and the transit plates shall be void thirty days
8 after issuance. Such purchaser may apply for a certificate
9 of title by surrendering the manufacturer's or importer's
10 certificate or certificate of title, duly assigned as provided
11 in this chapter. In this event, the treasurer in the county
12 of purchase shall, when satisfied with the genuineness and
13 regularity of the application, and upon payment of a fee of
14 twenty dollars, issue a certificate of title in the name and
15 address of the nonresident purchaser delivering the title
16 to the owner. If there is a security interest noted on the
17 title, the county treasurer shall mail to the secured party an
18 acknowledgment of the notation of the security interest. The
19 county treasurer shall not release a security interest that
20 has been noted on a title issued to a nonresident purchaser
21 as provided in this paragraph. The application requirements
22 of section 321.20 apply to a title issued as provided in this
23 subsection, except that a natural person who applies for a
24 certificate of title shall provide either the person's social
25 security number, passport number, or driver's license number,
26 whether the license was issued by this state, another state, or
27 another country. The provisions of this subsection relating to
28 multipurpose vehicles are effective for all 1993 and subsequent
29 model years. The annual registration fee for multipurpose
30 vehicles that are 1992 model years and older shall be in
31 accordance with section 321.124.

32 **Sec. 5. NEW SECTION. 321.118 All-terrain vehicles.**

33 1. An all-terrain vehicle designed to travel on four or
34 more wheels may be registered under this chapter for operation
35 on secondary roads and on city streets where authorized, as

1 provided in this chapter, for an annual fee of fifty dollars.
2 However, all-terrain vehicles registered under this section
3 are not subject to the titling provisions of this chapter or
4 to the manufacturer's label requirement under section 321.30,
5 subsection 2, paragraph "a". Registration under this section
6 is in addition to the titling and registration requirements of
7 chapter 321I. An applicant for registration of an all-terrain
8 vehicle under this section shall submit, along with the
9 application, a copy of the registration certificate issued for
10 the vehicle pursuant to section 321I.4 containing a description
11 of the vehicle and identifying the applicant as the owner of
12 the vehicle.

13 2. This section shall not be construed to include
14 all-terrain vehicles within the meaning of the term "*motor*
15 *vehicle subject to registration*" or "*vehicle subject to*
16 *registration*" as that term applies to the regulation of motor
17 vehicle dealers, manufacturers, or distributors or to the sale,
18 rental, lease, transfer, or disposition of motor vehicles.

19 Sec. 6. Section 321.166, subsection 1, paragraph a, Code
20 2013, is amended to read as follows:

21 a. Registration plates shall be of metal and of a size not
22 to exceed six inches by twelve inches, except that the size
23 of plates issued for use on all-terrain vehicles, motorized
24 bicycles, motorcycles, motorcycle trailers, and trailers
25 with an empty weight of two thousand pounds or less shall be
26 established by the department.

27 Sec. 7. Section 321.166, subsection 4, Code 2013, is amended
28 to read as follows:

29 4. The registration plate number, except on all-terrain
30 vehicles, motorized bicycles, motorcycles, motorcycle trailers,
31 and trailers with an empty weight of two thousand pounds
32 or less, shall be of sufficient size to be readable from a
33 distance of one hundred feet during daylight.

34 Sec. 8. Section 321.234A, subsection 1, paragraph f, Code
35 2013, is amended by striking the paragraph.

1 Sec. 9. Section 321.234A, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5. The provisions of this section do
4 not apply to an all-terrain vehicle registered under section
5 321.118 and operated on a highway in accordance with section
6 321.234B.

7 Sec. 10. NEW SECTION. **321.234B Registered all-terrain**
8 **vehicles — operation on highways.**

9 An all-terrain vehicle which is registered pursuant to
10 section 321.118 may be operated on a highway subject to all of
11 the following:

12 1. *Persons who may operate.* A person shall not operate an
13 all-terrain vehicle on a highway unless the person is sixteen
14 years of age or older and has a valid driver's license other
15 than a license valid only for operation of a motorized bicycle.

16 2. *Operation on certain highways only.* All-terrain vehicles
17 registered under section 321.118 may be operated on secondary
18 roads, but shall not be operated on primary highways or on
19 highways within the corporate limits of a city except as
20 follows:

21 a. A person shall not operate an all-terrain vehicle
22 registered under section 321.118 on a primary highway except
23 to cross a primary highway; however, the provisions of section
24 321I.10 govern the crossing of a primary highway when the
25 all-terrain vehicle is being operated on an all-terrain vehicle
26 trail.

27 b. A person shall not operate an all-terrain vehicle
28 registered under section 321.118 on a highway within the
29 corporate limits of a city except on a nonprimary highway where
30 such operation is authorized by ordinance pursuant to section
31 321.236, subsection 14A.

32 3. *Motor vehicle laws applicable.* The motor vehicle
33 laws, including but not limited to the provisions of sections
34 321.20B, 321.285, 321.317, 321.385, and 321.387, apply to the
35 operation of all-terrain vehicles registered for operation on

1 highways, except for those provisions relating to required
2 equipment which by their nature can have no practical
3 application.

4 4. *Penalties.* A person convicted of a violation of
5 subsection 1 or 2 is guilty of a simple misdemeanor punishable
6 as a scheduled violation under section 805.8A, subsection 6.

7 Sec. 11. Section 321.236, Code 2013, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. 14A. Authorizing the operation of
10 all-terrain vehicles registered under section 321.118 on
11 highways under the jurisdiction of a city, other than municipal
12 extensions of primary highways.

13 Sec. 12. Section 321.285, Code 2013, is amended by adding
14 the following new subsection:

15 NEW SUBSECTION. 6A. Notwithstanding any other speed
16 restrictions allowing for speed in excess of forty-five miles
17 per hour, a person shall not operate an all-terrain vehicle on
18 a highway at a speed in excess of forty-five miles per hour.

19 Sec. 13. Section 321F.1, subsection 7, Code 2013, is amended
20 to read as follows:

21 7. "*Motor vehicle*" means every vehicle which is
22 self-propelled and subject to registration under the laws of
23 this state, other than an all-terrain vehicle as defined in
24 section 321.1.

25 Sec. 14. Section 321H.2, subsection 10, Code 2013, is
26 amended to read as follows:

27 10. "*Vehicle subject to registration*" means any vehicle
28 that is of a type required to be registered under chapter 321
29 when operated on a public highway, including but not limited
30 to a vehicle that is inoperable, salvage, or rebuilt, but not
31 including an all-terrain vehicle as defined in section 321.1.

32 Sec. 15. Section 321I.9, unnumbered paragraph 1, Code 2013,
33 is amended to read as follows:

34 Registration under this chapter shall not be required for
35 the following described all-terrain vehicles:

1 Sec. 16. Section 321I.10, subsection 1, Code 2013, is
2 amended to read as follows:

3 1. A person shall not operate an all-terrain vehicle or
4 off-road utility vehicle upon roadways or highways except as
5 provided in ~~section~~ sections 321.234A and 321.234B and this
6 section.

7 Sec. 17. Section 321I.10, subsections 2 and 3, Code 2013,
8 are amended by striking the subsections.

9 Sec. 18. Section 321I.31, subsection 1, Code 2013, is
10 amended to read as follows:

11 1. The owner of an all-terrain vehicle acquired on or
12 after January 1, 2000, other than an all-terrain vehicle used
13 exclusively as a farm implement or a motorcycle previously
14 issued a title pursuant to chapter 321, shall apply to the
15 county recorder of the county in which the owner resides for a
16 certificate of title for the all-terrain vehicle. The owner
17 of an all-terrain vehicle used exclusively as a farm implement
18 may obtain a certificate of title. A person who owns an
19 all-terrain vehicle that is not required to have a certificate
20 of title may apply for and receive a certificate of title for
21 the all-terrain vehicle and, subsequently, the all-terrain
22 vehicle shall be subject to the requirements of this chapter
23 as if the all-terrain vehicle were required to be titled. All
24 all-terrain vehicles that are titled shall be registered under
25 this chapter.

26 Sec. 19. Section 322.2, subsections 13 and 23, Code 2013,
27 are amended to read as follows:

28 13. "*Motor vehicle*" means any self-propelled vehicle subject
29 to registration under chapter 321, other than an all-terrain
30 vehicle as defined in section 321.1.

31 23. "*Used motor vehicle*" or "*second-hand motor vehicle*" means
32 any motor vehicle of a type subject to registration under the
33 laws of this state, except an all-terrain vehicle as defined
34 in section 321.1, which has been sold "at retail" as defined
35 in this chapter and previously registered in this or any other

1 state.

2 Sec. 20. Section 322A.1, subsection 8, Code 2013, is amended
3 to read as follows:

4 8. "*Motor vehicle*" means a "*motor ~~vehicles~~ vehicle*" as
5 defined in chapter 321 which ~~are~~ is subject to registration
6 pursuant to the provisions thereof, other than an all-terrain
7 vehicle as defined in section 321.1.

8 Sec. 21. Section 331.362, subsection 9, Code 2013, is
9 amended to read as follows:

10 9. A county may regulate traffic on and use of the secondary
11 roads, in accordance with sections 321.236 to 321.250, 321.254,
12 321.255, 321.285, subsection 4, sections 321.352, 321.471 to
13 321.473, and other applicable provisions of chapter 321, and
14 sections 321G.9, ~~321H.10~~, and 327G.15.

15 Sec. 22. Section 423.1, subsection 66, Code 2013, is amended
16 to read as follows:

17 66. "*Vehicles subject to registration*" means any vehicle
18 subject to registration pursuant to section 321.18, other than
19 an all-terrain vehicle or off-road utility vehicle registered
20 pursuant to section 321.118.

21 Sec. 23. Section 516E.1, subsection 6, Code 2013, is amended
22 to read as follows:

23 6. "*Motor vehicle*" means any self-propelled vehicle subject
24 to registration under chapter 321, other than an all-terrain
25 vehicle as defined in section 321.1.

26 Sec. 24. Section 537B.2, subsection 2, Code 2013, is amended
27 to read as follows:

28 2. "*Motor vehicle*" means a motor vehicle as defined in
29 section 321.1 which is subject to registration. However,
30 "*motor vehicle*" does not include a motor vehicle, as defined in
31 section 321.1, with a gross vehicle weight rating of more than
32 twelve thousand pounds, or an all-terrain vehicle as defined
33 in section 321.1.

34 Sec. 25. Section 805.8A, subsection 6, Code 2013, is amended
35 by adding the following new paragraph:

1 NEW PARAGRAPH. *0a.* Section 321.234B, subsection 1
2 or 2.....\$50.

3 EXPLANATION

4 This bill provides for the registration of all-terrain
5 vehicles for operation on certain Iowa roads.

6 Code section 321.1 defines "all-terrain vehicle" as a motor
7 vehicle designed to travel on three or more wheels and designed
8 primarily for off-road recreational use. The definition
9 includes off-road utility vehicles, but excludes farm tractors
10 or equipment, construction equipment, forestry vehicles,
11 and lawn and grounds maintenance vehicles. Currently, the
12 department of natural resources regulates all-terrain vehicles
13 for purposes of off-road recreational use. All-terrain
14 vehicles are not permitted on Iowa roads, except under limited
15 circumstances.

16 Under the bill, the owner of an all-terrain vehicle designed
17 to travel on four or more wheels may register the vehicle
18 with the department of transportation through the county
19 treasurer. The annual registration fee is \$50. The size
20 of license plates to be issued for all-terrain vehicles will
21 be determined by the department of transportation. Because
22 all-terrain vehicles are currently subject to sales tax,
23 the bill provides that all-terrain vehicles are exempt from
24 the fee for new registration imposed on vehicles subject to
25 registration, so long as the owner has paid the Iowa sales
26 tax or the appropriate tax in another state at the time of
27 purchase. If an all-terrain vehicle is exempt from sales tax,
28 the vehicle is also exempt from the fee for new registration.
29 Registration with the department of transportation does not
30 exempt the owner from the current requirement to register the
31 all-terrain vehicle with the department of natural resources,
32 and the department of natural resources will continue to
33 issue certificates of title for all-terrain vehicles. The
34 bill requires an applicant for registration of an all-terrain
35 vehicle with the department of transportation to present a

1 copy of the registration receipt issued by the department of
2 natural resources containing a description of the vehicle and
3 identifying the applicant as the owner of the vehicle. The
4 bill specifies that a manufacturer's label certifying that the
5 vehicle meets federal motor vehicle safety standards is not
6 required for registration of an all-terrain vehicle with the
7 department of transportation, and current provisions under
8 the purview of the department of transportation relating to
9 the regulation of motor vehicle dealers, manufacturers, and
10 distributors or to the sale, rental, lease, transfer, or
11 disposition of motor vehicles do not apply to all-terrain
12 vehicles.

13 The bill provides that an all-terrain vehicle registered
14 with the department of transportation may be operated on
15 secondary roads, but not on primary highways, except to
16 cross over a primary highway, and not on highways within the
17 corporate limits of a city except where all-terrain vehicles
18 are permitted by ordinance. Under the bill, a city may
19 authorize the operation of all-terrain vehicles registered
20 with the department of transportation on highways under the
21 city's jurisdiction other than municipal extensions of primary
22 highways. The bill strikes current provisions in Code chapter
23 321I that allow cities and counties to designate roads under
24 their jurisdiction for the operation of all-terrain vehicles
25 registered with the department of natural resources.

26 The bill states that a person who operates an all-terrain
27 vehicle on a highway must be at least 16 years of age and have
28 a valid driver's license other than a license valid only for
29 the operation of a motorized bicycle. Iowa motor vehicle laws
30 apply to the operation of all-terrain vehicles on highways
31 except those equipment provisions which by their nature can
32 have no practical application. The bill specifies that the
33 operator of an all-terrain vehicle must carry proof of motor
34 vehicle financial liability coverage, and the all-terrain
35 vehicle must meet requirements for headlamps, rear lamps,

1 and turn signals. Current speed limits apply to all-terrain
2 vehicles operated on a highway, except that an all-terrain
3 vehicle may not be operated at a speed exceeding 45 miles per
4 hour.

5 The bill amends the definition of "vehicles subject to
6 registration" for purposes of the exemption from the sales and
7 use tax, to exclude all-terrain vehicles and off-road utility
8 vehicles registered for operation on highways, in order to
9 continue the applicability of the sales tax to those vehicles.

10 Under current law, a person who operates an all-terrain
11 vehicle on a highway in violation of current restrictions
12 commits a simple misdemeanor punishable by a scheduled fine
13 of \$50. The bill establishes the same penalty for a person
14 who operates a registered all-terrain vehicle in violation of
15 minimum age and licensing requirements or on a highway where
16 all-terrain vehicle operation is not authorized.

17 The bill makes conforming amendments to Code chapter
18 321I, relating to the regulation of all-terrain vehicles by
19 the department of natural resources. The bill also amends
20 definitions in Code chapters applicable to motor vehicle
21 dealers, motor vehicle franchisers, the leasing and renting
22 of motor vehicles, vehicle recyclers, motor vehicle service
23 contracts, and motor vehicle service trade practices, to
24 continue to exclude all-terrain vehicles from those provisions.