

**House File 2017 - Introduced**

HOUSE FILE 2017

BY WINDSCHITL

**A BILL FOR**

1 An Act relating to the operation of all-terrain vehicles on  
2 noninterstate highways and making penalties applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.1, subsection 32, unnumbered  
2 paragraph 1, Code Supplement 2011, is amended to read as  
3 follows:

4 *“Implement of husbandry”* means a vehicle or special  
5 mobile equipment manufactured, designed, or reconstructed  
6 for agricultural purposes and, except for incidental uses,  
7 exclusively used in the conduct of agricultural operations.  
8 *“Implements of husbandry”* includes all-terrain vehicles  
9 operated in compliance with section 321.234A, subsection  
10 ~~1, paragraph “a”~~ 2, 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. *“Reconstructed”*  
16 as used in this subsection means materially altered from the  
17 original construction by the removal, addition, or substitution  
18 of essential parts, new or used.

19 Sec. 2. Section 321.234A, Code 2011, is amended to read as  
20 follows:

21 **321.234A All-terrain vehicles — highway use.**

22 ~~1. All-terrain vehicles shall not be operated on a highway  
23 unless one or more of the following conditions apply:~~

24 ~~a. The operation is between sunrise and sunset and is  
25 incidental to the vehicle’s use for agricultural purposes. For  
26 purposes of this paragraph, *“incidental to the vehicle’s use  
27 for agricultural purposes”* includes stopping in the course of  
28 agricultural use to obtain fuel for the all-terrain vehicle or  
29 to obtain food or a nonalcoholic beverage for the operator.~~

30 Except as provided in subsection 2, a person shall not operate  
31 an all-terrain vehicle on a highway unless one or more of the  
32 following conditions apply:

33 a. The operation is between sunrise and sunset.

34 b. The operation is incidental to the vehicle’s use for the  
35 purpose of surveying by a licensed engineer or land surveyor.

1 c. The all-terrain vehicle is operated by an employee or  
2 agent of a political subdivision or public utility for the  
3 purpose of construction or maintenance on or adjacent to the  
4 highway.

5 d. The all-terrain vehicle is operated by an employee or  
6 agent of a public agency as defined in section 34.1 for the  
7 purpose of providing emergency services or rescue.

8 e. The all-terrain vehicle is operated for the purpose  
9 of mowing, installing approved trail signs, or providing  
10 maintenance on a snowmobile or all-terrain vehicle trail  
11 designated by the department of natural resources.

12 ~~f. The all-terrain vehicle is operated on a county roadway  
13 in accordance with section 321I.10, subsection 2, or a city  
14 street in accordance with section 321I.10, subsection 3.~~

15 2. An all-terrain vehicle which is an implement of husbandry  
16 shall not be operated on a highway unless the operation  
17 is between sunrise and sunset and is incidental to the  
18 vehicle's use for agricultural purposes. For purposes of this  
19 subsection, "incidental to the vehicle's use for agricultural  
20 purposes" includes stopping in the course of agricultural use to  
21 obtain fuel for the all-terrain vehicle or to obtain food or a  
22 nonalcoholic beverage for the operator.

23 ~~2.~~ 3. A person operating an all-terrain vehicle on a  
24 highway shall have a valid driver's license, and the vehicle  
25 shall be operated at speeds of thirty-five miles per hour or  
26 less.

27 4. A person shall not operate an all-terrain vehicle on an  
28 interstate highway.

29 ~~3.~~ 5. An all-terrain vehicle that is owned by the owner  
30 of land adjacent to a highway, other than an interstate road,  
31 may be operated by the owner of the all-terrain vehicle, or by  
32 a member of the owner's family, on the portion of the highway  
33 right-of-way that is between the shoulder of the roadway, or at  
34 least five feet from the edge of the roadway, and the owner's  
35 property line. A person operating an all-terrain vehicle

1 within the highway right-of-way under this subsection shall  
2 comply with the registration, safety, and age requirements  
3 under chapter 321I.

4 ~~4.~~ 6. A person convicted of a violation of this section  
5 is guilty of a simple misdemeanor punishable as a scheduled  
6 violation under section 805.8A, subsection 3.

7 Sec. 3. Section 321I.9, subsection 2, Code 2011, is amended  
8 to read as follows:

9 2. All-terrain vehicles used only in accordance with  
10 section 321.234A, subsection 1, ~~paragraph "a"~~ or 2.

11 Sec. 4. Section 321I.10, subsections 2 and 3, Code 2011, are  
12 amended by striking the subsections.

13 Sec. 5. Section 331.362, subsection 9, Code 2011, is amended  
14 to read as follows:

15 9. A county may regulate traffic on and use of the secondary  
16 roads, in accordance with sections 321.236 to 321.250, 321.254,  
17 321.255, 321.285, subsection 4, sections 321.352, 321.471 to  
18 321.473, and other applicable provisions of chapter 321, and  
19 sections 321G.9, ~~321I.10,~~ and 327G.15.

20 EXPLANATION

21 This bill provides for the operation of all-terrain vehicles  
22 on highways, subject to certain restrictions.

23 Under current law, all-terrain vehicles are registered  
24 by the department of natural resources for recreational use  
25 on public land or ice. In general, registered all-terrain  
26 vehicles may not be used on roadways or within a highway  
27 right-of-way, but a city or county has the authority to  
28 allow all-terrain vehicles on local roads under specified  
29 circumstances. All-terrain vehicles which are used for  
30 agricultural purposes are exempt from registration requirements  
31 and are permitted on highways between the hours of sunrise  
32 and sunset if the operation is incidental to the vehicle's  
33 use for agricultural purposes, including stopping for fuel  
34 or for food or a beverage for the operator. In addition,  
35 all-terrain vehicles are permitted on a highway when operated

1 for purposes of land surveying by a licensed engineer or land  
2 surveyor; by an employee or agent of a political subdivision  
3 or public utility for purposes of construction or maintenance  
4 adjacent to the highway; by an employee or agent of a public  
5 agency providing emergency rescue or services; and for mowing,  
6 installing signs, or providing maintenance on a designated  
7 snowmobile trail or all-terrain vehicle riding trail.

8 The bill allows any person with a valid driver's license  
9 to operate an all-terrain vehicle on a noninterstate highway  
10 between the hours of sunrise and sunset. The daytime  
11 restriction does not apply to highway use which is currently  
12 permitted for limited purposes. Current restrictions which  
13 apply to all-terrain vehicles used for agricultural purposes  
14 and considered implements of husbandry are not changed under  
15 the bill.

16 Pursuant to current law, a person who operates an  
17 all-terrain vehicle on a highway must have a valid driver's  
18 license, and the vehicle must be operated at speeds of 35  
19 miles per hour or less. Because an all-terrain vehicle is  
20 principally designed for use off the highway, and because  
21 of the 35 mile per hour speed restriction, an all-terrain  
22 vehicle is required to display a reflective device visible  
23 from the rear when operated on a highway, pursuant to current  
24 requirements for slow vehicles. A violation of restrictions on  
25 the operation of all-terrain vehicles on a highway is a simple  
26 misdemeanor, punishable by a scheduled fine of \$50. Failure to  
27 display a reflective device is a simple misdemeanor punishable  
28 by a scheduled fine of \$30.

29 The bill provides that all-terrain vehicles which are used  
30 only on highways, and not on public lands, are not subject to  
31 registration by the department of natural resources. The bill  
32 strikes current provisions authorizing cities and counties to  
33 allow operation of all-terrain vehicles on local roads.