

FEB 14 2002

NATURAL RESOURCES

HOUSE FILE 2353  
BY MASCHER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the operation, regulation, and equipment of  
2 watercraft, establishing watercraft safety courses, and making  
3 penalties applicable.

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

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HF 2353

1 Section 1. Section 462A.2, Code 2001, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 16A. "Lanyard" means a cord, rope, or  
4 wire that connects an operator to a motorboat or motorized  
5 vessel and is designed to stop the motor when disconnected.

6 NEW SUBSECTION. 27A. "Personal watercraft" means a  
7 vessel, less than sixteen feet in length, that is propelled by  
8 a water jet pump or similar machinery as its primary source of  
9 motor propulsion and is designed to be operated by a person  
10 sitting, standing, or kneeling on the vessel rather than being  
11 operated by a person sitting, standing, or kneeling inside the  
12 vessel.

13 Sec. 2. Section 462A.6A, subsection 4, Code 2001, is  
14 amended to read as follows:

15 4. A sailboard. ~~However, the registration decal shall be~~  
16 ~~attached to the bottom surface of the bow.~~

17 Sec. 3. Section 462A.9, subsection 6, Code Supplement  
18 2001, is amended to read as follows:

19 6. a. Every The owner or operator of a vessel shall  
20 provide that the vessel carry at least one life preserver,  
21 life belt, ring buoy, or other device, of the sort as  
22 prescribed by the rules of the commission, for each passenger,  
23 so placed as to be readily accessible. This does not apply to  
24 a vessel which is a racing shell used in the sport of sculling  
25 or to a sailboard while used for windsurfing.

26 b. A person shall not operate a personal watercraft unless  
27 each person aboard the personal watercraft is wearing an  
28 approved personal flotation device as prescribed by rule of  
29 the commission.

30 Sec. 4. Section 462A.9, Code Supplement 2001, is amended  
31 by adding the following new subsection:

32 NEW SUBSECTION. 6A. The owner of a personal watercraft  
33 registered in the state shall affix a proper operation decal  
34 on the personal watercraft in a location that is clearly  
35 visible to a person sitting in the position of the operator.

1 The department shall provide proper operation decals to county  
2 recorders. The county recorders shall provide a proper  
3 operation decal to each owner of a personal watercraft when  
4 the watercraft is registered and assigned an identification  
5 number. If the proper operation decal is lost, mutilated, or  
6 becomes illegible, the owner shall obtain a new decal as soon  
7 as possible from a county recorder or the department.

8 Sec. 5. NEW SECTION. 462A.9A WATERCRAFT SAFETY COURSES  
9 -- CERTIFICATION REQUIRED.

10 The department shall establish a watercraft safety course  
11 approved by the commission not later than January 15, 2003.  
12 The watercraft safety course shall be administered by the  
13 department. The department may use other organizations and  
14 volunteers for assistance in designing and implementing the  
15 watercraft safety course. The watercraft safety course shall  
16 address all watercraft including personal watercraft in its  
17 curriculum. Each person who successfully completes an  
18 approved watercraft safety course shall be issued a watercraft  
19 safety certificate. However, a person under eighteen years of  
20 age shall not be issued a certificate of completion without  
21 the consent of a parent or guardian. A person who is eleven  
22 years of age or older may enroll in an approved watercraft  
23 safety course, but a person who is eleven years of age and who  
24 has successfully completed the course shall only be issued a  
25 certificate of completion which becomes valid on the person's  
26 twelfth birthday if the person has received consent from the  
27 person's parent or guardian. The initial watercraft safety  
28 certificate shall be issued without a fee. A duplicate  
29 watercraft safety certificate shall be issued upon request and  
30 payment of a fee of five dollars.

31 Sec. 6. Section 462A.12, subsection 1, Code Supplement  
32 2001, is amended to read as follows:

33 1. No A person shall not operate any a vessel, or  
34 manipulate any water skis, a surfboard, or a similar device in  
35 a careless, reckless, or negligent manner so as to endanger

1 the life, limb, or property of any person. A person shall not  
2 operate a personal watercraft in a manner that causes the  
3 personal watercraft to become airborne while the personal  
4 watercraft crosses the wake of another vessel within one  
5 hundred feet of the other vessel.

6 Sec. 7. Section 462A.12, subsection 6, Code Supplement  
7 2001, is amended by striking the subsection and inserting in  
8 lieu thereof the following:

9 6. a. (1) As used in this paragraph "a", the term  
10 "vessel" does not include "personal watercraft".

11 (2) Except as provided in paragraph "b", an owner or  
12 operator of a vessel propelled by a motor of more than ten  
13 horsepower, including an owner of a boat livery, shall not  
14 permit a person under twelve years of age to operate the  
15 vessel unless accompanied in or on the vessel by a responsible  
16 person of at least eighteen years of age. However, commencing  
17 January 1, 2005, a person who is twelve years of age or older  
18 but less than eighteen years of age shall not operate a vessel  
19 propelled by a motor of more than ten horsepower unless the  
20 person has successfully completed an approved watercraft  
21 safety course and has a watercraft safety certificate in  
22 immediate possession or is accompanied in or on the vessel by  
23 a responsible person of at least eighteen years of age.

24 b. An owner or operator of a personal watercraft,  
25 including an owner of a boat livery, shall not permit a person  
26 under fourteen years of age to operate the personal watercraft  
27 unless accompanied in or on the personal watercraft by a  
28 responsible person of at least eighteen years of age.  
29 However, commencing January 1, 2005, a person who is fourteen  
30 years of age or older but less than eighteen years of age  
31 shall not operate a personal watercraft unless the person has  
32 successfully completed an approved watercraft safety course  
33 and has a watercraft safety certificate in immediate  
34 possession or is accompanied in or on the personal watercraft  
35 by a responsible person of at least eighteen years of age.

1 c. Watercraft safety certificates from an approved course  
2 in another state or foreign nation shall meet the requirements  
3 of this section. A person required to have a watercraft  
4 safety certificate shall carry the certificate and shall  
5 exhibit the certificate upon request of an officer of the  
6 department.

7 Sec. 8. Section 462A.12, Code Supplement 2001, is amended  
8 by adding the following new subsections:

9 NEW SUBSECTION. 12. A person operating a personal  
10 watercraft equipped by the manufacturer with a lanyard-type  
11 engine cutoff switch shall attach the lanyard to the person's  
12 body, clothing, or personal flotation device as appropriate  
13 for the specific personal watercraft.

14 NEW SUBSECTION. 13. A person shall not operate a personal  
15 watercraft at any time between sunset and eight a.m.

16 NEW SUBSECTION. 14. A person shall not chase or harass  
17 wild animals as defined in section 481A.1, while operating a  
18 personal watercraft.

19 EXPLANATION

20 This bill includes the following requirements and  
21 restrictions regarding the operation of various types of  
22 vessels:

23 1. A personal watercraft is defined as a vessel, under 16  
24 feet in length, that is propelled by a water jet pump or  
25 similar machinery and is designed to be operated by a person  
26 sitting, standing, or kneeling on the vessel.

27 2. The operator of a personal watercraft is required to  
28 wear an approved personal flotation device.

29 3. The department of natural resources is required to make  
30 proper operation decals for all personal watercraft and the  
31 owner is responsible for affixing the decal on the personal  
32 watercraft where it is clearly visible to the operator. The  
33 county recorders are responsible for distributing the decals  
34 when the personal watercraft is registered.

35 4. The department of natural resources shall establish a

1 watercraft safety course which shall include personal  
2 watercraft curriculum not later than January 15, 2003. A  
3 watercraft safety certificate shall be issued without fee upon  
4 successful completion of the course. A \$5 fee shall be  
5 charged for a duplicate certificate.

6 5. A person under 12 years of age shall not operate a  
7 vessel propelled by a motor of more than 10 horsepower unless  
8 accompanied by a responsible person of at least 18 years of  
9 age. However, commencing July 1, 2005, a person who is at  
10 least 12 years of age but less than 18 years of age shall not  
11 operate a vessel which is propelled by a motor of more than 10  
12 horsepower unless accompanied by a responsible person of at  
13 least 18 years of age or unless the person under 18 years of  
14 age has successfully completed an approved watercraft safety  
15 course and has a watercraft safety certificate in the person's  
16 immediate possession.

17 6. An owner or operator of a personal watercraft,  
18 including the owner of a boat livery, shall not permit a  
19 person under 14 years of age to operate a personal watercraft  
20 unless accompanied by a responsible person of at least 18  
21 years of age. On or after July 1, 2005, a person who is 14  
22 years of age or older but less than 18 years of age shall not  
23 operate a personal watercraft unless the person has  
24 successfully completed an approved watercraft safety course  
25 and has a watercraft safety certificate in the person's  
26 immediate possession, or unless the person is accompanied on  
27 the vessel by a responsible person of at least 18 years of  
28 age.

29 7. The owner or operator of a vessel shall provide that  
30 the vessel carry at least one life preserver, life belt, ring  
31 buoy, or other device as prescribed by rules of the natural  
32 resource commission for each passenger, which is placed to be  
33 readily accessible. This requirement does not apply to a  
34 racing shell or sailboard used for wind surfing.

35 8. The registration and capacity numbers are no longer

1 required to be displayed on the bottom surface of a sailboat  
2 bow.

3 9. Personal watercraft shall not be operated in a manner  
4 which will cause the personal watercraft to become airborne  
5 while crossing the wake of another vessel within 100 feet of  
6 the other vessel.

7 10. "Lanyard" is defined as a cord, rope, or wire that  
8 connects an operator with a motorized vessel and is designed  
9 to stop the motor when disconnected.

10 11. A person operating a personal watercraft equipped by  
11 the manufacturer with a lanyard-type engine cutoff is required  
12 to attach the lanyard to the operator's body, clothing, or  
13 personal flotation device as appropriate.

14 12. A person shall not operate a personal watercraft at  
15 any time after sunset and before eight a.m. of the following  
16 day.

17 13. A person shall not chase or harass wild animals as  
18 defined in section 481A.1 while operating a personal  
19 watercraft.

20 A violation of this bill is a simple misdemeanor punishable  
21 by a fine of not less than \$50 but not more than \$500. The  
22 court may also order imprisonment of not more than 30 days in  
23 lieu of or in addition to a fine.

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