

JAN 3 1 2005
NATURAL RESOURCES

HOUSE FILE 149
BY MAY

(COMPANION TO 1475SS
BY JOHNSON)

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

A BILL FOR

1 An Act relating to the regulation and registration of certain
2 vessels, the operation of certain vessels by minors,
3 inspections of certain vessels, the operation of vessels for
4 hire or commercial vessels, providing for penalties, and
5 appropriating the moneys collected from certain registration
6 fee increases to the state fish and game protection fund.

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

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HF 149

TLSB 1475HH 81
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1 Section 1. Section 462A.5, subsection 1, unnumbered
2 paragraph 1, Code 2005, is amended to read as follows:

3 The owner of each vessel required to be numbered by this
4 state shall register it every ~~two~~ three years with the county
5 recorder of the county in which the owner resides, or, if the
6 owner is a nonresident, the owner shall register it in the
7 county in which such vessel is principally used. The
8 commission shall have supervisory responsibility over the
9 registration of all vessels and shall provide each county
10 recorder with registration forms and certificates and shall
11 allocate identification numbers to each county.

12 Sec. 2. Section 462A.5, subsection 1, Code 2005, is
13 amended by adding the following unnumbered paragraph after
14 unnumbered paragraph 2:

15 NEW UNNUMBERED PARAGRAPH. A vessel that has an expired
16 registration certificate from another state may be registered
17 in this state upon proper application, payment of all
18 applicable registration and writing fees, and payment of a
19 penalty of five dollars.

20 Sec. 3. Section 462A.5, subsection 3, Code 2005, is
21 amended to read as follows:

22 3. The registration fees for vessels subject to this
23 chapter are as follows:

24 a. For vessels of any length without motor or sail, ~~five~~
25 twelve dollars.

26 b. For motorboats or sailboats less than ~~twelve~~ sixteen
27 feet in length, ~~eight~~ twenty-two dollars and fifty cents.

28 c. For motorboats or sailboats ~~twelve~~ sixteen feet or
29 more, but less than ~~fifteen~~ twenty-six feet in length, ~~ten~~
30 thirty-seven dollars and fifty cents.

31 ~~d.--For-motorboats-or-sailboats-fifteen-feet-or-more,-but~~
32 ~~less-than-eighteen-feet-in-length,-twelve-dollars-~~

33 ~~e.--For-motorboats-or-sailboats-eighteen--feet-or-more,-but~~
34 ~~less-than-twenty-five-feet-in-length,-eighteen-dollars-~~

35 ~~f-~~ d. For motorboats or sailboats ~~twenty-five~~ twenty-six

1 feet ~~in-length~~ or more, twenty-eight but less than forty feet
2 in length, sixty dollars.

3 e. For motorboats or sailboats forty feet in length or
4 more, one hundred twelve dollars and fifty cents.

5 f. For all personal watercraft, forty-five dollars.

6 Every registration certificate and number issued becomes
7 delinquent at midnight April 30 of odd-numbered-years the last
8 calendar year of the registration period unless terminated or
9 discontinued in accordance with this chapter. After January 1
10 in-odd-numbered-years, 2007, an unregistered vessel and a
11 renewal of registration may be registered for the two-year
12 three-year registration period beginning May 1 of that year.
13 After When unregistered vessels are registered after January 1
14 in-even-numbered-years, of the year succeeding the beginning
15 of the three-year registration period, such unregistered
16 vessels may be registered for the remainder of the current
17 registration period at fifty-percent a prorated amount of the
18 appropriate registration fee.

19 If a timely application for renewal is made, the applicant
20 shall receive the same registration number allocated to the
21 applicant for the previous registration period. If the
22 application for registration for the biennium three-year
23 registration period is not made before May 1 of each-odd-
24 numbered the last calendar year of the registration period,
25 the applicant shall be charged a penalty of five dollars.

26 Sec. 4. Section 462A.5, subsection 6, Code 2005, is
27 amended to read as follows:

28 6. The owner of each vessel which has a valid marine
29 document issued by the bureau of customs of the United States
30 government or any federal agency successor thereto shall
31 register it every two three years with the county recorder in
32 the same manner prescribed for undocumented vessels and shall
33 cause the registration validation decal to be placed on the
34 vessel in the manner prescribed by the rules of the
35 commission. When the vessel bears the identification required

1 in the documentation, it is exempt from the placement of the
2 identification numbers as required on undocumented vessels.
3 The fee for such registration is twenty-five dollars plus a
4 writing fee.

5 Sec. 5. Section 462A.12, subsection 6, Code 2005, is
6 amended to read as follows:

7 6. An owner or operator of a vessel propelled by a motor
8 of more than ten horsepower shall not permit any person under
9 twelve years of age to operate the ~~personal-watercraft~~ vessel
10 unless accompanied in or on the same ~~personal-watercraft~~
11 vessel by a responsible person of at least eighteen years of
12 age who is experienced in motorboat operation. ~~Commencing~~
13 ~~January-17-2003,~~ ~~a~~ A person who is twelve years of age or
14 older but less than eighteen years of age shall not operate
15 any ~~personal-watercraft~~ vessel propelled by a motor of more
16 than ten horsepower unless the person has successfully
17 completed a department-approved watercraft safety course and
18 obtained a watercraft safety certificate or is accompanied in
19 or on the same vessel by a responsible person of at least
20 eighteen years of age who is experienced in motorboat
21 operation. A person required to have a watercraft safety
22 certificate shall carry and shall exhibit or make available
23 the certificate upon request of an officer of the department.
24 A violation of this subsection is a simple misdemeanor as
25 provided in section 462A.13. However, a person charged with
26 violating this subsection shall not be convicted if the person
27 produces in court, within a reasonable time, a department-
28 approved certificate. The cost of a department certificate,
29 or any duplicate, shall not exceed five dollars.

30 Sec. 6. Section 462A.20, Code 2005, is amended to read as
31 follows:

32 462A.20 BOAT INSPECTION.

33 ~~Any-person-having,~~ A vessel either for hire or offered for
34 hire upon any waters of this state under the jurisdiction of
35 the commission~~, any vessel, either for hire or offered for~~

1 ~~hire, must have such vessel and all its appurtenances annually~~
2 may be inspected at any time by representatives of the
3 commission or by any peace officer who is trained in
4 enforcing, and who in the regular course of duty enforces,
5 boating and navigation laws.

6 ~~Every such owner shall file in the office of the~~
7 ~~commission, an application for inspection of such vessels on a~~
8 ~~blank furnished by the commission for that purpose.~~

9 Officers appointed by the commission or any peace officer
10 who is trained in enforcing, and who in the regular course of
11 duty enforces, boating and navigation laws shall have the
12 power and authority to determine whether such vessel is safe
13 for the transportation of passengers or cargo and upon what
14 waters it may be used. They may determine and designate the
15 number of passengers or cargo, including crew, that may be
16 carried and determine whether the machinery, equipment and all
17 appurtenances are such as to make ~~said vessels~~ the vessel
18 seaworthy, where used, and such other matters as are
19 pertinent.

20 ~~After such vessels have been inspected as provided herein,~~
21 ~~a current inspection seal or tag shall be issued by the~~
22 ~~commission and shall be kept posted in a conspicuous place~~
23 ~~upon or in such vessel. Any inspection seal or tag shall be~~
24 ~~in effect only for the calendar year for which the inspection~~
25 ~~seal or tag is issued.~~

26 Private vessels may also be inspected to determine their
27 seaworthiness at any time by representatives of the commission
28 or by any peace officer who is trained in enforcing, and who
29 in the regular course of duty enforces, boating and navigation
30 laws.

31 Sec. 7. Section 462A.23, subsection 1, Code 2005, is
32 amended to read as follows:

33 1. Any officer appointed by the commission may, for cause,
34 temporarily suspend the registration certificate of any vessel
35 ~~and the license of a pilot or engineer,~~ that has been issued

1 under this chapter, and the commission, after a due hearing on
2 the matter at its next session, shall make final determination
3 in the matter.

4 Sec. 8. Section 462A.23, subsection 2, unnumbered
5 paragraph 1, Code 2005, is amended to read as follows:

6 The commission shall forthwith revoke the registration
7 certificate of any vessel and the ~~pilot's-or-engineer's~~
8 ~~license-of-the-operator-of-such-vessel~~ owner's or operator's
9 privilege to operate a vessel for hire or commercial vessel,
10 upon receiving a record of such owner or operator's conviction
11 of any of the following offenses, when such conviction has
12 become final:

13 Sec. 9. Section 462A.23, subsection 3, Code 2005, is
14 amended to read as follows:

15 3. The commission is hereby authorized to suspend the
16 registration certificate of any vessel and the ~~pilot's-or~~
17 ~~engineer's-license-of-an-operator~~ owner's or operator's
18 privilege to operate a vessel for hire or commercial vessel
19 upon a showing by its records that the owner or operator:

20 a. Has committed an offense for which mandatory revocation
21 of the registration certificate or ~~pilot's-or-engineer's~~
22 ~~license of the privilege to operate a vessel for hire or~~
23 commercial vessel is required upon conviction.

24 b. Is a habitual reckless or negligent operator of a
25 vessel for hire or commercial vessel.

26 c. Is incompetent to operate a vessel for hire or
27 commercial vessel.

28 d. Has permitted an unlawful or fraudulent use of such
29 registration certificate ~~or-pilot's-or-engineer's-license.~~

30 Sec. 10. Section 462A.25, Code 2005, is amended by
31 striking the section and inserting in lieu thereof the
32 following:

33 462A.25 PENALTY.

34 If an owner or operator of a vessel for hire or commercial
35 vessel operated upon the waters of this state under the

1 jurisdiction of the commission permits such vessel to be
2 occupied by more passengers and crew than the registration
3 capacity allows or if a person continues to operate a vessel
4 for hire or commercial vessel after the person's privilege to
5 operate the vessel has been revoked, the person shall be
6 guilty of a serious misdemeanor. The provisions of this
7 section shall not apply to vessels registered or numbered by
8 authority of the United States.

9 Sec. 11. Section 462A.39, Code 2005, is amended to read as
10 follows:

11 462A.39 EXPIRATION DATE.

12 Each special certificate issued hereunder shall expire at
13 midnight on April 30 of ~~each-odd-numbered~~ the last calendar
14 year of the registration period, and a new special certificate
15 for the ensuing biennium registration period may be obtained
16 upon application to the commission and payment of the fee
17 provided by law.

18 Sec. 12. Section 462A.52, Code 2005, is amended to read as
19 follows:

20 462A.52 FEES REMITTED TO COMMISSION.

21 1. Within ten days after the end of each month, a county
22 recorder shall remit to the commission all fees collected by
23 the recorder during the previous month. Before May 10 ~~in-odd-~~
24 numbered-years of the registration period beginning May 1 of
25 that year, a county recorder shall remit to the commission all
26 unused license blanks for the previous biennium registration
27 period. All fees collected for the registration of vessels
28 shall be forwarded by the commission to the treasurer of the
29 state, who shall place the money in ~~a-special-conservation~~ the
30 state fish and game protection fund. The money so collected
31 is appropriated to the commission solely for the
32 administration and enforcement of navigation laws and water
33 safety.

34 2. Notwithstanding subsection 1, any increase in revenues
35 received on or after July 1, 2007, but on or before June 30,

1 2013, pursuant to this section as a result of fee increases
2 pursuant to this Act, shall be used by the commission only for
3 the administration and enforcement of programs to control
4 aquatic invasive species and for the administration and
5 enforcement of navigation laws and water safety upon the
6 inland waters of this state.

7 Sec. 13. Section 462A.53, Code 2005, is amended to read as
8 follows:

9 462A.53 AMOUNT OF WRITING FEES.

10 A writing fee of one dollar and twenty-five cents for each
11 transaction shall be collected by the county recorder. If two
12 or more functions are transacted for the same vessel at one
13 time, the writing fee is limited to one dollar and twenty-
14 five cents.

15 Sec. 14. Section 462A.66, Code 2005, is amended to read as
16 follows:

17 462A.66 INSPECTION AUTHORITY.

18 An officer of the commission or any peace officer who is
19 trained in enforcing, and who in the regular course of duty
20 enforces, boating and navigation laws may stop and inspect a
21 vessel being launched, being operated, or being moored on the
22 waters of this state under the jurisdiction of the commission
23 to determine whether the vessel is properly registered,
24 numbered, and equipped as provided under this chapter and
25 rules of the commission. An officer may board a vessel in the
26 course of an inspection if the operator is unable to supply
27 visual evidence that the vessel is properly registered and
28 equipped as required by this chapter and rules of the
29 commission. The inspection shall not include an inspection of
30 an area that is not essential to determine compliance with the
31 provisions of this chapter and rules of the commission.

32 Sec. 15. Section 462A.77, subsection 1, Code 2005, is
33 amended to read as follows:

34 1. Except as provided in subsection 3, an owner of a
35 vessel seventeen feet or longer in length principally used on

1 the waters of the state and to be numbered pursuant to section
2 462A.4 shall apply to the county recorder of the county in
3 which the owner resides for a certificate of title for the
4 vessel. The requirement of a certificate of title does not
5 apply to canoes, kayaks, or inflatable vessels regardless of
6 length.

7 Sec. 16. Sections 462A.21 and 462A.22, Code 2005, are
8 repealed.

9 EXPLANATION

10 This bill relates to various water navigation regulations.

11 The bill changes the registration period for a vessel from
12 two years to three years for vessels registered after January
13 1, 2007. The bill provides that every registration
14 certificate and number issued becomes delinquent at midnight
15 on April 30 of the last calendar year of the registration
16 period and that if an application for the three-year
17 registration period is not made before May 1 of the last
18 calendar year of the registration period, the applicant shall
19 be charged a penalty of \$5. The bill also provides that an
20 unregistered vessel that is registered after January 1 of the
21 year succeeding the beginning of the three-year registration
22 period may be registered for the remainder of the current
23 registration period at a prorated amount of the appropriate
24 registration fee. The bill also changes the registration
25 period for a vessel with a valid marine document issued by the
26 bureau of customs of the United States government or any
27 federal agency successor thereto or for a special certificate
28 from two to three years.

29 Code section 462A.5 is amended to provide that a vessel
30 that has an expired registration certificate from another
31 state may be registered in this state upon proper application,
32 payment of all applicable registration and writing fees, and
33 payment of a penalty of \$5.

34 Code section 462A.5 is also amended by increasing the
35 registration fees for vessels, creating a new registration

1 category for motorboats or sailboats 26 feet or more but less
2 than 40 feet in length, with a registration fee of \$60, and
3 creating a new category for motorboats or sailboats 40 feet in
4 length or more, with a registration fee of \$112.50. The bill
5 also provides that there is a separate registration fee for
6 all personal watercraft of \$45.

7 Code section 462A.12 is amended to provide that an owner or
8 operator of a vessel propelled by a motor of more than 10
9 horsepower shall not permit any person under 12 years of age
10 to operate the vessel unless accompanied in or on the same
11 vessel by a responsible person of at least 18 years of age who
12 is experienced in motorboat operation. The bill also provides
13 that a person who is 12 years of age or older but less than 18
14 years of age shall not operate any vessel propelled by a motor
15 of more than 10 horsepower unless the person has successfully
16 completed a department-approved watercraft safety course and
17 obtained a watercraft safety certificate or is accompanied in
18 or on the same vessel by a responsible person of at least 18
19 years of age who is experienced in motorboat operation. A
20 person who is required to have a watercraft safety certificate
21 must carry and exhibit or make the certificate available upon
22 request of an officer of the department. A violation of this
23 provision is a simple misdemeanor, except that a person
24 charged with a violation of this requirement shall not be
25 convicted if the person produces the certificate in court
26 within a reasonable time. The bill provides that the cost of
27 the certificate shall not exceed \$5. Previously these
28 provisions only applied to persons under 12 years of age or 12
29 to 18 years of age who operated a personal watercraft.

30 Code section 462A.20 is amended to provide that a vessel,
31 either for hire or offered for hire, is subject to inspection
32 at any time, rather than an annual mandatory inspection, by
33 representatives of the natural resource commission or by any
34 peace officer who is trained in enforcing, and who in the
35 regular course of duty enforces, boating and navigation laws.

1 The bill also eliminates the requirement that the owner of a
2 vessel file an application for inspection of such vessels with
3 the commission. The bill provides that an officer of the
4 commission or any peace officer who is trained in enforcing,
5 and who in the regular course of duty enforces, boating and
6 navigation laws has the power to determine whether a vessel
7 for hire is safe and upon what waters it may be used and the
8 power to determine the seaworthiness of any private vessel.
9 The bill eliminates the requirement that vessels that have
10 been inspected be issued a current inspection seal that must
11 be posted in a conspicuous place and is valid for the calendar
12 year in which the inspection occurred.

13 Code section 462A.21, which relates to inspections and
14 annual fees for inspections of vessels operated for hire, and
15 Code section 462A.22, which relates to engineer or pilot
16 licenses for operators of vessels for hire, are stricken.
17 Code section 462A.23 is amended to remove references to
18 suspension or revocation of a person's pilot's or engineer's
19 license under specified circumstances and instead applies to
20 suspension or revocation of a person's privilege to operate a
21 vessel for hire or commercial vessel under specified
22 circumstances.

23 Code section 462A.25 concerning penalties applicable to
24 certain persons holding a pilot's or engineer's license is
25 stricken and rewritten. New Code section 462A.25 provides
26 that if an owner or operator of a vessel for hire or
27 commercial vessel permits such vessel to be occupied by more
28 passengers and crew than the registration capacity allows or
29 continues to operate such a vessel after the person's
30 privilege to operate the vessel has been revoked, the person
31 is guilty of a serious misdemeanor. A serious misdemeanor is
32 punishable by confinement for no more than one year and a fine
33 of at least \$250 but not more than \$1,500.

34 Code section 462A.52 is amended to provide that fees
35 collected by a county recorder for the registration of vessels

1 shall be forwarded to the state treasurer to be placed in the
2 state fish and game protection fund, instead of a special
3 conservation fund. The bill provides that this money is
4 appropriated to the commission solely for the administration
5 and enforcement of navigation laws and water safety. The bill
6 also provides that, notwithstanding these provisions, any
7 increase in revenues received on or after July 1, 2007,
8 pursuant to this Code section as a result of fee increases
9 pursuant to the bill, shall be used by the commission for the
10 fiscal period beginning July 1, 2007, and ending June 30,
11 2013, only for the administration and enforcement of programs
12 to control aquatic invasive species and for the administration
13 and enforcement of navigation laws and water safety upon the
14 inland waters of this state. Beginning July 1, 2013, the
15 moneys collected can be used only for the administration and
16 enforcement of navigation laws and water safety.

17 Code section 462A.53 is amended to increase the writing fee
18 paid to the recorder for transactions under Code chapter 462A
19 from \$1 to \$1.25.

20 Code section 462A.66 is amended to provide that any peace
21 officer, as well as an officer of the natural resource
22 commission, may stop and inspect a vessel being launched,
23 operated, or moored upon the waters of this state to determine
24 whether the vessel is properly registered, numbered, and
25 equipped and may board a vessel if the operator is unable to
26 supply visual evidence that the vessel is properly registered
27 and equipped, so long as the inspection does not include an
28 inspection of an area that is not essential to determine
29 compliance with these provisions.

30 Code section 462A.77 is amended to provide that owners of
31 kayaks are not required to apply for a certificate of title.

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