

MAR 2 2006
Place On Calendar

HOUSE FILE 2612
BY COMMITTEE ON NATURAL RESOURCES

(SUCCESSOR TO HF 2249)

CORRECTED 3-6-06

Passed House, Date 3-8-06 Passed Senate, Date _____
Vote: Ayes 92 Nays 6 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing criminal penalties for the failure of a vessel
2 operator to offer assistance and information at the scene of a
3 collision, accident, or casualty.

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

Conference Comm. Rpt.

adopted 4-25-06
91-2

adopted 4-26-06
48-0

HF 2612

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1 Section 1. Section 462A.7, subsection 5, Code 2005, is
2 amended to read as follows:

3 5. Failure of the operator of any vessel involved in a
4 collision, ~~reportable~~ accident, or other casualty, to offer
5 assistance and aid to other persons affected by such
6 collision, accident, or casualty, as set forth in this
7 chapter, ~~shall constitute a serious misdemeanor or to~~
8 otherwise comply with the requirements of subsection 1, is
9 punishable as follows:

10 a. In the event of a collision, accident, or other
11 casualty resulting only in property damage, the operator is
12 guilty upon conviction of a serious misdemeanor.

13 b. In the event of a collision, accident, or other
14 casualty resulting in an injury to a person, the operator is
15 guilty upon conviction of an aggravated misdemeanor.

16 c. In the event of a collision, accident, or other
17 casualty resulting in the death of a person, the operator is
18 guilty upon conviction of a class "D" felony.

19 EXPLANATION

20 This bill provides criminal penalties for the failure of a
21 vessel operator to offer assistance and information at the
22 scene of a collision, accident, or casualty involving the
23 vessel.

24 Under Code section 462A.7, an operator of a vessel that is
25 involved in a collision, accident, or other casualty is
26 required to, so far as is possible without serious danger to
27 the operator's own vessel, crew, or passengers, render such
28 assistance to other persons affected by the incident as is
29 practicable and necessary, and to give the operator's name,
30 address, and identification of the operator's vessel to any
31 person injured and to the owner of any property damaged in the
32 incident.

33 The bill provides for increasingly severe penalties based
34 upon what damage or injury results from the collision,
35 accident, or casualty.

1 If the vessel operator fails to offer assistance and
2 information when the incident results only in property damage,
3 the operator is guilty upon conviction of a serious
4 misdemeanor. A serious misdemeanor is punishable by
5 confinement for no more than one year and a fine of at least
6 \$250 but not more than \$1,500.

7 If the vessel operator fails to offer assistance and
8 information when the incident results in an injury to a
9 person, the operator is guilty upon conviction of an
10 aggravated misdemeanor. An aggravated misdemeanor is
11 punishable by confinement for no more than two years and a
12 fine of at least \$500 but not more than \$5,000.

13 If the vessel operator fails to offer assistance and
14 information when the incident results in the death of a
15 person, the operator is guilty upon conviction of a class "D"
16 felony. A class "D" felony is punishable by confinement for
17 no more than five years and a fine of at least \$750 but not
18 more than \$7,500.

19 Currently, the operator of any vessel involved in a
20 collision, reportable accident (property damage exceeding
21 \$500), or other casualty, who fails to offer assistance and
22 aid to other persons affected by such collision, accident, or
23 casualty, is guilty upon conviction of a serious misdemeanor.

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HOUSE FILE 2612

H-8136

- 1 Amend House File 2612 as follows:
2 1. Page 1, line 12, by striking the word
3 "serious" and inserting the following: "simple".
4 2. Page 1, line 15, by striking the word
5 "aggravated" and inserting the following: "serious".
6 3. Page 1, by inserting after line 15, the
7 following:
8 ". In the event of a collision, accident, or
9 other casualty resulting in a serious injury to a
10 person, the operator is guilty upon conviction of an
11 aggravated misdemeanor."
12 4. By relettering as necessary.

By HEDDENS of Story
MAY of Dickinson
BELL of Jasper

H-8136 FILED MARCH 7, 2006

Fiscal Services Division
Legislative Services Agency
Fiscal Note

HF 2612 - Collisions, Accidents & Casualties (LSB 5885 HV)
Analyst: Debra Kozel (Phone: (515) 281-6767) (deb.kozel@legis.state.ia.us)
Fiscal Note Version - New

Description

House File 2612 changes the penalties for boat operators leaving the scene of a boating accident from a simple misdemeanor to the following:

1. If there is property damage, the boat operator will be convicted of a serious misdemeanor.
2. If there is injury to a person, the boat operator will be convicted of an aggravated misdemeanor.
3. If the accident results in the death of a person, the boat operator will be convicted of a Class D felony.

Assumptions

1. During FY 2005, there were two convictions for boat operators leaving the scene of a boating accident.
2. The average State costs for one serious misdemeanor conviction ranges from \$105 (court costs) to \$4,000 (court costs, jury trial, indigent defense, and prison).
3. The average State costs for one aggravated misdemeanor conviction ranges from \$1,600 (court costs and probation) to \$6,100 (court costs, jury trial, indigent defense, prison, and parole).
4. The average State costs for one Class D felony conviction ranges from \$3,100 (court costs, probation, and indigent defense) to \$12,100 (court costs, jury trial, indigent defense, prison, and parole).

Correctional Impact

The correctional impact of HF 2612 is expected to be minimal.

Fiscal Impact

The fiscal impact of HF 2612 is expected to be minimal.

Sources

Department of Human Rights – Criminal and Juvenile Justice Planning Division
Department of Natural Resources
Indigent Defense
Judicial Branch

/s/ Holly M. Lyons

March 7, 2006

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

HOUSE FILE 2612
BY COMMITTEE ON NATURAL RESOURCES

(SUCCESSOR TO HF 2249)

(As Amended and Passed by the House March 8, 2006)

Passed House, Date _____ Passed Senate, Date 3-16-06
Vote: Ayes _____ Nays _____ Vote: Ayes 48 Nays 0
Approved _____

A BILL FOR

1 An Act providing criminal penalties for the failure of a vessel
2 operator to offer assistance and information at the scene of a
3 collision, accident, or casualty.

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

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House Amendments _____

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1 Section 1. Section 462A.7, subsection 5, Code 2005, is
2 amended to read as follows:

3 5. Failure of the operator of any vessel involved in a
4 collision, ~~reportable~~ accident, or other casualty, to offer
5 assistance and aid to other persons affected by such
6 collision, accident, or casualty, as set forth in this
7 chapter, ~~shall constitute a serious misdemeanor~~ or to
8 otherwise comply with the requirements of subsection 1, is
9 punishable as follows:

10 a. In the event of a collision, accident, or other
11 casualty resulting only in property damage, the operator is
12 guilty upon conviction of a simple misdemeanor.

13 b. In the event of a collision, accident, or other
14 casualty resulting in an injury to a person, the operator is
15 guilty upon conviction of a serious misdemeanor.

16 c. In the event of a collision, accident, or other
17 casualty resulting in a serious injury to a person, the
18 operator is guilty upon conviction of an aggravated
19 misdemeanor.

20 d. In the event of a collision, accident, or other
21 casualty resulting in the death of a person, the operator is
22 guilty upon conviction of a class "D" felony.

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HOUSE FILE 2612

S-5060

1 Amend House File 2612, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 22 the
4 following:

5 "Sec. _____. Section 462A.26, Code 2005, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 4. Failure of the operator of any
8 vessel involved in a collision, accident, or other
9 casualty, to comply with the requirements of this
10 section, is punishable as follows:

11 a. In the event of a collision, accident, or other
12 casualty resulting only in property damage, the
13 operator is guilty upon conviction of a simple
14 misdemeanor.

15 b. In the event of a collision, accident, or other
16 casualty resulting in an injury to a person, the
17 operator is guilty upon conviction of a serious
18 misdemeanor.

19 c. In the event of a collision, accident, or other
20 casualty resulting in a serious injury to a person,
21 the operator is guilty upon conviction of an
22 aggravated misdemeanor.

23 d. In the event of a collision, accident, or other
24 casualty resulting in the death of a person, the
25 operator is guilty upon conviction of a class "D"
26 felony."

27 2. Title page, line 3, by inserting after the
28 word "casualty" the following: ", and for a violation
29 of certain operating rules for vessels involved in a
30 collision, accident, or other casualty".

31 3. By renumbering as necessary.

By TOM HANCOCK

S-5060 FILED MARCH 13, 2006

SENATE AMENDMENT TO
HOUSE FILE 2612

H-8303

1 Amend House File 2612, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 22 the
4 following:

5 "Sec. ____ . Section 462A.26, Code 2005, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 4. Failure of the operator of any
8 vessel involved in a collision, accident, or other
9 casualty, to comply with the requirements of this
10 section, is punishable as follows:

11 a. In the event of a collision, accident, or other
12 casualty resulting only in property damage, the
13 operator is guilty upon conviction of a simple
14 misdemeanor.

15 b. In the event of a collision, accident, or other
16 casualty resulting in an injury to a person, the
17 operator is guilty upon conviction of a serious
18 misdemeanor.

19 c. In the event of a collision, accident, or other
20 casualty resulting in a serious injury to a person,
21 the operator is guilty upon conviction of an
22 aggravated misdemeanor.

23 d. In the event of a collision, accident, or other
24 casualty resulting in the death of a person, the
25 operator is guilty upon conviction of a class "D"
26 felony."

27 2. Title page, line 3, by inserting after the
28 word "casualty" the following: ", and for a violation
29 of certain operating rules for vessels involved in a
30 collision, accident, or other casualty".

31 3. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-8303 FILED MARCH 16, 2006

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 2612

To the Speaker of the House of Representatives and the
President of the Senate:

We, the undersigned members of the conference committee
appointed to resolve the differences between the House of
Representatives and the Senate on House File 2612, a bill for
an Act providing criminal penalties for the failure of a
vessel operator to offer assistance and information at the
scene of a collision, accident, or casualty, respectfully make
the following report:

1. That the Senate recedes from its amendment, H-8303.

ON THE PART OF THE HOUSE:

MIKE MAY, CHAIRPERSON
CLEL BAUDLER
PAUL A. BELL
MARY LOU FREEMAN
LISA K. HEDDENS

ON THE PART OF THE SENATE:

HUBERT HOUSER, CO-CHAIRPERSON
FRANK B. WOOD, CO-CHAIRPERSON
E. THURMAN GASKILL
DAVID JOHNSON
KEITH KREIMAN

CCR 2612 FILED APRIL 25, 2006

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 2612

To the Speaker of the House of Representatives and the
President of the Senate:

We, the undersigned members of the conference committee
appointed to resolve the differences between the House of
Representatives and the Senate on House File 2612, a bill for
an Act providing criminal penalties for the failure of a
vessel operator to offer assistance and information at the
scene of a collision, accident, or casualty, respectfully make
the following report:

1. That the Senate recedes from its amendment, H-8303.

ON THE PART OF THE HOUSE:

MIKE MAY, CHAIRPERSON
CLEL BAUDLER
PAUL A. BELL
MARY LOU FREEMAN
LISA K. HEDDENS

ON THE PART OF THE SENATE:

HUBERT HOUSER, CO-CHAIRPERSON
FRANK B. WOOD, CO-CHAIRPERSON
E. THURMAN GASKILL
DAVID JOHNSON
KEITH KREIMAN

CCR 2612 FILED APRIL 25, 2006

d. In the event of a collision, accident, or other casualty resulting in the death of a person, the operator is guilty upon conviction of a class "D" felony.

HOUSE FILE 2612

AN ACT

PROVIDING CRIMINAL PENALTIES FOR THE FAILURE OF A VESSEL OPERATOR TO OFFER ASSISTANCE AND INFORMATION AT THE SCENE OF A COLLISION, ACCIDENT, OR CASUALTY.

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

Section 1. Section 462A.7, subsection 5, Code 2005, is amended to read as follows:

5. Failure of the operator of any vessel involved in a collision, reportable accident, or other casualty, to offer assistance and aid to other persons affected by such collision, accident, or casualty, as set forth in this chapter, ~~shall constitute a serious misdemeanor or to otherwise comply with the requirements of subsection 1, is punishable as follows:~~

a. In the event of a collision, accident, or other casualty resulting only in property damage, the operator is guilty upon conviction of a simple misdemeanor.

b. In the event of a collision, accident, or other casualty resulting in an injury to a person, the operator is guilty upon conviction of a serious misdemeanor.

c. In the event of a collision, accident, or other casualty resulting in a serious injury to a person, the operator is guilty upon conviction of an aggravated misdemeanor.

CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2612, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2006

THOMAS J. VILSACK
Governor