

## **462A.2 Definitions.**

As used in this chapter, unless the context clearly requires a different meaning:

1. "*Alcohol concentration*" means the number of grams of alcohol per any of the following:
  - a. One hundred milliliters of blood.
  - b. Two hundred ten liters of breath.
  - c. Sixty-seven milliliters of urine.
2. "*Alcoholic beverage*" includes alcohol, wine, spirits, beer, or any other beverage which contains ethyl alcohol and is fit for human consumption.
3. "*Authorized emergency vessel*" means any vessel which is designated or authorized by the commission for use in law enforcement, search and rescue, and disaster work.
4. "*Boat livery*" means a person who holds a vessel for hire, renting, leasing, or chartering including hotels, motels, or resorts which furnish a vessel to guests as part of the services of the business.
5. "*Certificate*" means a certificate of title.
6. "*Chemical test*" means an analysis of a person's blood, breath, urine, or other bodily substance for the determination of the presence of alcohol, a controlled substance, or a drug.
7. "*Commission*" means the natural resource commission.
8. "*Controlled substance*" means any drug, substance, or compound that is regulated under chapter 124, including any counterfeit substance or simulated controlled substance, as well as any metabolite or derivative of the drug, substance, or compound.
9. "*Cut-off switch*" means an operable factory-installed or dealer-installed emergency cut-off engine stop switch that is installed on a personal watercraft.
10. "*Cut-off switch lanyard*" means the cord used to attach the person of the operator of a personal watercraft to the cut-off switch.
11. "*Dealer*" means a person who engages in whole or in part in the business of buying, selling, or exchanging vessels either outright or on conditional sale, bailment, lease, security interest, or otherwise, and who has an established place of business for sale, trade, and display of vessels. A yacht broker is a dealer.
12. "*Department*" means the department of natural resources.
13. "*Director*" means the director of the department or the director's designee.
14. "*Established place of business*" means the place actually occupied either continuously or at regular periods by a dealer or manufacturer where the dealer's or manufacturer's books and records are kept and a large share of the dealer's or manufacturer's business is transacted.
15. "*Farm pond*" means a body of water wholly on the lands of a single owner, or a group of joint owners, which does not have any connection with any public waters and which is less than ten surface acres.

16. *"Inboard"* means a vessel in which the engine is located internally, the propulsion system is rigidly attached to the engine, and the propulsion mechanism is within the confines of the vessel's extreme length and beam.
17. *"Inboard-outdrive"* means a vessel in which the power plant or engine is located inside of the vessel and the propulsion mechanism is located outside of the transom.
18. *"Inflatable vessel"* means a vessel which achieves and maintains its intended shape and buoyancy by inflation.
19. *"Lienholder"* means a person holding a security interest.
20. *"Manufacturer"* means a person engaged in the business of manufacturing or importing new and unused vessels, or new and unused outboard motors, for the purpose of sale or trade.
21. *"Motorboat"* means any vessel propelled by an inboard, inboard-outdrive, or outboard engine, whether or not such engine is the principal source of propulsion.
22. *"Navigable waters"* means all lakes, rivers, and streams, which can support a vessel capable of carrying one or more persons during a total of six months period in one out of every ten years.
23. *"Nonresident"* means every person who is not a resident of this state.
24. *"Operate"* means to navigate or otherwise use a vessel or motorboat.
25. *"Operator"* means a person who operates or is in actual physical control of a vessel.
26. *"Owner"* means a person, other than a lienholder, having the property right in or title to a motorboat or vessel. The term includes a person entitled to the use or possession of a vessel or motorboat subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.
27. *"Passenger"* means a person carried on board a vessel, including the operator, and anyone towed by a vessel on water skis, surfboards, inner tubes, or similar devices.
28. *"Peace officer"* means:
  - a. A member of the state patrol.
  - b. A police officer under civil service as provided in chapter 400.
  - c. A sheriff.
  - d. A regular deputy sheriff who has had formal police training.
  - e. Any other certified law enforcement officer as defined in section 80B.3, who has satisfactorily completed an approved course relating to operating while intoxicated, either at the Iowa law enforcement academy or in a law enforcement training program approved by the department of public safety.
29. *"Person"* means an individual, partnership, firm, corporation, or association.
30. *"Personal watercraft"* means a vessel, less than sixteen feet in length, which is propelled by a water jet pump or similar machinery as its primary source of motor propulsion and is designed to be operated by a

person sitting, standing, or kneeling on the vessel rather than being operated by a person sitting, standing, or kneeling inside the vessel.

31. "*Privately owned lake*" means any lake, located within the boundaries of this state and not subject to federal control covering navigation owned by an individual, group of individuals, or a nonprofit corporation and which is not open to the use of the general public but is used exclusively by the owners and their personal guests.

32. "*Proceeds*" includes whatever is received when collateral or proceeds are sold, exchanged, collected, or otherwise disposed of. The term also includes the account arising when the right to payment is earned under a contract right. Money, checks, and the like are cash "*proceeds*". All other proceeds are "*noncash proceeds*".

33. "*Sailboard*" means a windsurfing vessel with a mount for a sail, a daggerboard, and a small skeg.

34. "*Sailboat*" means any watercraft operated with a sail.

35. "*Security interest*" means an interest which is reserved or created by an agreement which secures payment or performance of an obligation and is valid against third parties generally.

36. "*Serious injury*" means a bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes protracted loss or impairment of the function of any bodily organ or major bodily member, or which causes the loss of any bodily member.

37. "*State of principal use*" means the state on whose waters a vessel is used or to be used most during a calendar year.

38. "*Undocumented vessel*" means any vessel which is not required to have, and does not have, a valid marine document issued by the bureau of customs or a foreign government.

39. "*Use*" means to operate, navigate, or employ a vessel. A vessel is in use whenever it is upon the water.

40. "*Vessel*" means every description of watercraft, other than a seaplane, used or capable of being used as a means of transportation on water or ice. Ice boats are watercraft.

41. "*Vessel for hire or commercial vessel*" means a vessel for the use of which a fee of any nature is imposed, including vessels furnished as a part of lodge, hotel, or resort services.

42. "*Wake*" means any movement of water created by a vessel which adversely affects the activities of another person who is involved in activities approved for that area or which may adversely affect the natural features of the shoreline.

43. "*Watercraft*" means any vessel which through the buoyance force of water floats upon the water and is capable of carrying one or more persons.

44. "*Waters of this state under the jurisdiction of the commission*" means any navigable waters within the territorial limits of this state, and the marginal river areas adjacent to this state, exempting only farm ponds and privately owned lakes.

45. "*Writing fee*" means the amount paid by the boat owner to the county recorder for handling the transaction.

[C97, § 2511; C24, 27, 31, § 1691; C35, § 1703-e1; C39, § **1703.01, 1703.09, 1703.10**; C46, 50, 54, 58, § 106.1, 106.9, 106.10; C62, 66, 71, 73, 75, 77, 79, 81, § 106.2; 82 Acts, ch 1028, § 2, 3]

86 Acts, ch 1245, § 18231826; 87 Acts, ch 134, § 1, 2; 88 Acts, ch 1008, § 1; 88 Acts, ch 1134, § 24; 92 Acts, ch 1131, §1

C93, § 462A.2

2000 Acts, ch 1099, §1; 2002 Acts, ch 1133, §1; 2005 Acts, ch 35, §31; 2007 Acts, ch 28, §2