

4 writing for a jury trial has not been made and filed with the clerk of
 5 the court to which the appeal is taken, within five days before the
 6 case is assigned for hearing, it shall be conclusively presumed that
 7 the party entitled thereto has waived a jury trial, and in such case
 8 the hearing of the case and appeals to the supreme court of Iowa shall,
 9 in all respects, be governed by the rules of law and procedure ap-
 10 plicable to workmen's compensation cases to which sections 1479,
 11 1480 and 1481 do not apply.

1 SEC. 4. When the case is tried with a jury, an appeal may be taken
 2 to the supreme court of Iowa on alleged errors of law upon the same
 3 grounds and governed by the law and procedure as provided for civil
 4 cases triable with a jury.

Senate File No. 178. Approved April 13, 1933.

CHAPTER 28

WORKMEN'S COMPENSATION. FAILURE TO INSURE

S. F. 179

AN ACT to amend the law as the same appears in line fifteen (15), section 1479, of the code, 1931, relating to workmen's compensation.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. That the law in section 1479 of the code, 1931, be and
 2 the same is hereby amended by striking out the words, "this chap-
 3 ter", as the same appears in line fifteen and insert in lieu thereof the
 4 words, "chapters 70, 71 and 72".

Senate File No. 179. Approved April 13, 1933.

CHAPTER 29

BOARD OF CONSERVATION. LICENSING BOATS AND PILOTS

H. F. 341

AN ACT to repeal the law as it appears in chapter eighty-five (85), code, 1931, relating to inspection of passenger boats, and to enact a substitute therefor relating to inspection of boats, licensing of pilots and engineers, and regulating the operation of boats on inland Iowa lakes and streams, and providing a penalty for the violation of the provisions of this act.

Be it enacted by the General Assembly of the State of Iowa:

That the law as it appears in chapter eighty-five (85), code, 1931, and all amendments thereto are herewith repealed and the following enacted in lieu thereof:

1 "SECTION 1. The board of conservation shall appoint one or more
 2 qualified persons as inspectors of passenger boats. He shall hold
 3 office at the will of the board, make such reports as the board may
 4 require, and receive such compensation as the board may determine.
 5 He shall be required to give bond for the faithful performance of his
 6 duties in the sum of two thousand dollars (\$2,000).

7 The board is herewith empowered and authorized to employ such
8 number of qualified persons as it may deem advisable to serve as lake
9 custodians.

10 Boat inspectors and lake custodians are herewith vested with the
11 powers, and charged with the duties of peace officers, in enforcing the
12 provisions of this act.

1 "SEC. 2. Any person having upon the inland waters of the state
2 any boat, operated by machinery used for hire or offered for hire,
3 must have his craft and all its appurtenances annually inspected and
4 licensed before it is so used.

5 Every such owner shall file in the office of the secretary of the
6 board of conservation an application for inspection of boats and
7 licensing thereof, on a blank to be furnished by the board for that
8 purpose.

9 The boat inspector shall have the power and authority to determine
10 whether the boat is safe for the transportation of passengers and
11 upon what waters it may be used, to determine and designate the
12 number of passengers, including crew, that may be carried, to deter-
13 mine whether the machinery, equipment and all appurtenances are
14 such as to make said boat seaworthy where used and equipped as
15 provided herein, and such other matters as are pertinent.

16 After said boat has been inspected and licensed as provided herein,
17 the license shall be kept posted in a conspicuous place upon or in said
18 boat and shall be so maintained at all times by the owner of said boat.

19 Any license issued for the operation of a boat shall be in effect only
20 for the calendar year in which such license is issued.

21 The owner of all boats used for hire is held responsible for the
22 proper equipping and licensing thereof, as provided in this act.

1 "SEC. 3. No motor boat shall be operated for hire by a pilot or
2 engineer upon the inland waters of the state, without his first having
3 obtained an annual engineer's and/or pilot's license hereby required
4 for all operators, who have charge of the steering or directing of the
5 boat's course, or who do steer or direct the boat's course. An engi-
6 neer's license is required for all operators, who have charge of or
7 operate the equipment by which the boat is propelled. If one person
8 acts in a dual or alternate capacity, he shall first obtain both an engi-
9 neer's and pilot's license.

10 Any person desiring a pilot's or engineer's license shall file with
11 the board of conservation an application therefor upon forms prepared
12 and furnished by the board. Such license may be issued by the boat
13 inspector or inspectors aforesaid. Before the boat inspector shall
14 issue such license, he shall investigate the competency of the appli-
15 cant, his acquaintance with and experience in boat work, his habits
16 as to sobriety, his mental and physical qualifications for the work,
17 his acquaintance with the waters for which application to operate
18 upon is made, his familiarity with the laws and regulations pertaining
19 to boat operation, and all other pertinent matters. Such license shall
20 not be issued to any one under the age of eighteen (18) years.

21 Any license issued for operating as a pilot or as an engineer shall
22 be in effect only for the calendar year in which such license is issued.

1 "SEC. 4. The annual fee for the inspection and licensing of
2 boats operated for hire shall be based upon the passenger car-

3 rying capacity, including crew, for which said boat is licensed to
4 operate.

5 Such fee shall be computed at the rate of fifty cents (50¢) per
6 person capacity, but shall not exceed the maximum of twenty dollars
7 (\$20.00).

8 The fee for inspecting and licensing each sail boat operated for hire
9 shall be not less than one dollar (\$1.00).

10 The annual fee for pilot's license is one dollar (\$1.00).

11 The annual fee for an engineer's license is two dollars (\$2.00).

12 The provisions for this section shall not apply to rowboats pro-
13 pelled by outboard motors, except that all rowboats whether with or
14 without outboard motors, which are rented to the public for hire, and
15 including boats furnished with leased cottages, shall be subject to
16 annual inspection by the boat inspector. For such inspection, a fee
17 of twenty-five cents (25¢) per boat shall be charged. If such boat or
18 boats are found to be in satisfactory condition, the boat inspector
19 shall attach thereto a small metal plate—said plate giving the date
20 of inspection and the passenger carrying capacity. The responsibility
21 for requesting such inspection with sufficient notice is upon the owner
22 of the boat or boats, and no such rowboat or boats offered or used for
23 hire shall be so used until such inspection has been made and the craft
24 or crafts found to be in satisfactory condition.

25 The boat inspector shall collect all license fees, and these shall be
26 turned over to the general treasury and be available for the use of the
27 board of conservation.

1 "SEC. 5. The boat inspector or inspectors may for cause tem-
2 porarily suspend or revoke the license of any boat, pilot, or engineer
3 that has been issued under this act, and the board of conservation,
4 after a due hearing in the matter at its next session, shall make final
5 determination in the matter. Any license issued upon an application,
6 or a statement which is untrue as to any material facts, shall be void
7 from date of issue. Any license which is revoked or found void shall
8 forthwith be returned to the board.

1 "SEC. 6. If any owner, agent or master of any boat, plying the
2 inland waters of the state, shall hire or offer to hire, such boat for
3 the carrying of a person or persons thereon, without first obtaining
4 annually, before operating such boat in service, a license as in this
5 chapter required, or if such owner, agent or master, having obtained
6 such license, shall permit or receive for carriage on such boat a
7 greater number of persons than authorized therein, or if any person
8 shall act as pilot or engineer on any boat mentioned for which inspec-
9 tion and license are herein required, without first obtaining a license
10 therefor, or if having such license he continues to follow such avoca-
11 tion after the same has been revoked or has expired, he shall be fined
12 in the sum of not to exceed one thousand dollars (\$1,000) or imprison-
13 ment in the county jail not to exceed one (1) year or punished by
14 both fine and imprisonment; but the provisions of this chapter shall
15 not apply to vessels licensed by authority of the United States.

1 "SEC. 7. Every licensed motor boat operated for hire shall have
2 visible, upon both sides of the bow, a block number corresponding to

3 the license number, plainly marked in figures not less than four (4)
4 inches in height. Such number shall be in color contrasting with the
5 color of the boat.

6 All machinery propelled boats, not operated for hire and capable of
7 a speed of eight (8) miles or more per hour, shall be registered with
8 the board of conservation. No fee shall be required for such registra-
9 tion. The registry number shall be plainly marked, upon both sides
10 of the bow, in block figures not less than four (4) inches in height.
11 Such number shall be in color contrasting with the color of the boat.

1 "SEC. 8. The board of conservation shall adopt and enforce
2 such rules and regulations as it may deem advisable, pertaining
3 to the operation and equipment of all boats used for hire upon the
4 inland waters of the state, and the time of operation, lights, equip-
5 ment, signals and passing of all other craft, operating upon the lakes
6 and waters under its jurisdiction, and such other matters as may
7 be pertinent to the general welfare, safety and convenience of the
8 public.

9 All rules and regulations of the board shall have the effect of law
10 and shall be published in at least two newspapers of general circula-
11 tion in the territory to be affected, at least two weeks prior to the
12 time the rules and regulations become effective, except in case of an
13 emergency when the board shall give such advance notice as it may
14 deem advisable.

1 "SEC. 9. The provisions of this chapter shall be severable, and
2 if any of its provisions shall be held to be unconstitutional the deci-
3 sion of the court shall not affect the validity of the remaining provi-
4 sions of this chapter. It is hereby declared as a legislative intent
5 that this chapter would have been adopted by the general assembly
6 had such unconstitutional provisions not been included therein.

1 "SEC. 10. Any person violating any of the provisions of this act
2 shall, upon conviction, be fined not to exceed one hundred dollars
3 (\$100) or be imprisoned in the county jail not to exceed thirty (30)
4 days, or both.

1 "SEC. 11. All laws, or parts of laws, in conflict with any or all of
2 the above are hereby repealed."

1 SEC. 12. This act being deemed of immediate importance shall
2 take effect and be in force from and after its publication in
3, a newspaper published at, Iowa,
4 and, a newspaper published at, Iowa.

House File No. 341. Approved April 14, 1933.

I hereby certify that the foregoing act was published in the Cascade Pioneer April 20, 1933, and the Pella Press April 19, 1933.

MRS. ALEX MILLER, *Secretary of State.*

Note: Cascade Pioneer and Pella Press selected in accordance with section fifty-five (55), code, 1931.