

## CHAPTER 87

## BOAT REGULATIONS

S. F. 451

AN ACT relating to boat registration, navigation regulations and water safety.

*Be It Enacted by the General Assembly of the State of Iowa:*

Chapter one hundred six (106), Code 1958, as amended by chapter one hundred twenty-two (122), Acts of the Fifty-eighth General Assembly, is hereby repealed and the following enacted in lieu thereof:

1 "SECTION 1. Declaration of Policy. It is the policy of this state  
2 to promote safety for persons and property in and connected with  
3 the use, operation and equipment of vessels and to promote uniformity  
4 of laws relating thereto.

1 SEC. 2. Definitions. As used in this Act, unless the context clear-  
2 ly requires a different meaning:

3 1. 'Vessel' means every description of watercraft, other than a  
4 seaplane on the water, used or capable of being used as a means of  
5 transportation on water.

6 2. 'Motorboat' means any vessel propelled by machinery, whether  
7 or not such machinery is the principal source of propulsion, or vessel  
8 propelled attached to another craft which is propelled by machinery.

9 3. 'Owner' means a person, other than a lien holder, having the  
10 property right in or title to a motorboat or vessel. The term includes  
11 a person entitled to the use or possession of a vessel or motorboat  
12 subject to an interest in another person, reserved or created by agree-  
13 ment and securing payment or performance of an obligation, but the  
14 term excludes a lessee under a lease not intended as security.

15 4. 'Waters of this state under the jurisdiction of the state conserva-  
16 tion commission' means any navigable waters within the territorial  
17 limits of this state, and the marginal river areas adjacent to this state,  
18 exempting only farm ponds, privately owned lakes and waters specifi-  
19 cally delegated to local authorities.

20 5. 'Farm pond' means a body of water wholly on the lands of a  
21 single owner, or a group of joint owners, which does not have any  
22 connection with any public waters and which is less than ten surface  
23 acres.

24 6. 'Person' means an individual, partnership, firm, corporation or  
25 association.

26 7. 'Operate' means to navigate or otherwise use a vessel or motor-  
27 boat.

28 8. 'Navigable waters' means all lakes, rivers and streams, which  
29 can support a vessel capable of carrying one or more persons during a  
30 total of six months period in one out of every ten years.

31 9. 'Watercraft' means any vessel which through the buoyance force  
32 of water floats upon the water and is capable of carrying one or more  
33 persons.

34 10. 'Undocumented vessel' means any vessel which is not required  
35 to have, and does not have, a valid marine document issued by the  
36 bureau of customs or a foreign government.

37 11. 'Commission' means state conservation commission.

38 12. 'Privately owned lakes' means any lake, located within the

39 boundaries of this state and not subject to federal control covering  
40 navigation owned by an individual, group of individuals or a non-  
41 profit corporation and which is not open to the use of the general  
42 public but is used exclusively by the owners and their personal guests.

1 **SEC. 3. Powers and Duties of State Conservation Commission.**

2 The state conservation commission is hereby vested with the power  
3 and is charged with the duty of observing, administering and enforcing  
4 the provisions of this Act.

5 The state conservation commission is hereby authorized to adopt,  
6 promulgate and enforce such rules and regulations as may be neces-  
7 sary to carry out the provisions of this Act.

1 **SEC. 4. Operation of Unnumbered Motorboats Prohibited. Every**

2 undocumented motorboat on the waters of this state under the juris-  
3 diction of the state conservation commission and waters specifically  
4 delegated to local authorities shall be numbered. No person shall  
5 operate, maintain or give permission for the operation or mainten-  
6 ance of any such vessel on such waters unless the vessel is numbered  
7 in accordance with this Act or in accordance with applicable federal  
8 laws or in accordance with a federally approved numbering system  
9 of another state and unless the certificate of number awarded to such  
10 vessel is in full force and effect and the identifying number set forth  
11 in the certificate of number is displayed on each side of the bow of  
12 such vessel.

1 **SEC. 5. Registration and Identification Number.**

2 1. The owner of each motorboat requiring numbering by this state  
3 shall be registered every two years with the commission. The owner  
4 of such motorboat shall file an application for registration with the  
5 commission on forms approved by it. The application shall be signed  
6 by the owner of the motorboat and shall be accompanied by a fee of  
7 four dollars. Upon receipt of the application in approved form, the com-  
8 mission shall enter the same upon the records of its office and shall is-  
9 sue to the applicant a pocket size registration certificate. The registra-  
10 tion certificate shall bear thereon the number awarded to such motor-  
11 boat, the passenger capacity of such vessel and the name and address  
12 of the owner. The registration certificate shall be carried either in the  
13 motorboat or on the person of the operator of such vessel when in use.

14 The owner shall cause the identification number to be painted on or  
15 attached to each side of the bow of the motorboat in such size and  
16 manner as may be prescribed by the rules and regulations of the com-  
17 mission and shall be maintained in a legible condition at all times.

18 No number, other than the number awarded to a vessel under the  
19 provisions of this Act or granted reciprocity pursuant to this Act,  
20 shall be painted, attached or otherwise displayed on either side of the  
21 bow of such vessel.

22 The owner of each vessel must display and maintain, in a legible  
23 manner and in a prominent spot on the exterior of such vessel, other  
24 than the bow, the passenger capacity of the vessel which must con-  
25 form with the passenger capacity designated on the registration  
26 certificate.

27 2. The commission may issue a certificate to dealers and manu-  
28 facturers which may be used on different vessels at different times,  
29 when such vessels are used as demonstrators or experimental craft.

30 The word 'manufacturer' or 'dealer' shall be plainly marked on each  
31 such certificate. The manufacturer or dealer shall have the number  
32 so awarded printed upon or attached to a removable sign or signs to  
33 be temporarily but firmly mounted upon or attached to the vessel  
34 being demonstrated or tested and the display must meet the require-  
35 ments of this Act and the rules and regulations of the commission.

36 3. The owner of any vessel already covered by a number in full  
37 force and effect, which has been awarded to it pursuant to then oper-  
38 ating federal law, shall not be required to register such vessel under  
39 the provisions of this Act for one year from the date of approval of  
40 such numbering system by the United States coast guard unless such  
41 number expires prior to that time.

42 4. Upon transfer of ownership of any motorboat, the owner shall  
43 within five days surrender the registration certificate to the commis-  
44 sion and report the name and address of the purchaser and the date  
45 of transfer. Within five days the purchaser shall file a new applica-  
46 tion form with the commission with a fee of one dollar and a transfer  
47 of number shall be awarded in the same manner as provided for in an  
48 original registration.

49 5. All fees collected for the registration of vessels shall be for-  
50 warded by the commission to the treasurer of the state, who shall  
51 place such money in a conservation fund. The money so collected shall  
52 be appropriated by the legislature to the commission solely for the  
53 administration and enforcement of navigation laws and water safety.

54 6. When an agency of the United States government shall have in  
55 force an over-all system of identification numbering for motorboats,  
56 the numbering system prescribed by the commission pursuant to this  
57 Act, shall be in conformity therewith.

58 7. Every registration certificate and number issued hereunder shall  
59 expire at midnight July 3, 1963 and every two years thereafter unless  
60 sooner terminated or discontinued in accordance with the provisions  
61 of this Act. Registration certificates and numbers may be renewed  
62 upon application of the owner in the same manner as provided for in  
63 securing the original registration.

64 8. Whenever any person, after registering a vessel, moves from  
65 the address shown on the registration certificate, he shall, within ten  
66 days, notify the commission in writing of his old and new address.

67 Whenever the name of any person, who has registered a vessel, is  
68 thereafter changed by marriage or otherwise, he shall, within ten  
69 days, notify the commission of such former and new name.

70 If a registration certificate is lost, mutilated or becomes illegible,  
71 the owner shall immediately make application for and obtain a dupli-  
72 cate registration certificate by furnishing information satisfactory  
73 to the commission.

74 A fee of one dollar shall be paid to the commission for a duplicate  
75 registration certificate.

76 If a vessel, registered under the provisions of this Act, is destroyed  
77 or abandoned, such destruction or abandonment shall be reported to  
78 the commission and the registration certificate shall be forwarded to  
79 the office of the commission within ten days after such destruction  
80 or abandonment.

81 9. All records of the commission, made or kept pursuant to this  
82 Act, shall be public records.

**1 SEC. 6. Exemption from Registration Provisions of this Act.****2 A vessel shall not be required to be registered if it is:****3 1. Covered by a number in full force and effect which has been**  
**4 awarded to it pursuant to federal law or a federally-approved num-**  
**5 bering system of another state if such vessel shall not have been with-**  
**6 in this state for a period in excess of ninety days within one calendar**  
**7 year.****8 2. Foreign vessels temporarily using the navigable waters of the**  
**9 United States and of this state.****10 3. A public vessel of the United States, a state or subdivision**  
**11 thereof.****12 4. A vessel which has a valid marine document issued by the bureau**  
**13 of customs of the United States government or any federal agency**  
**14 successor thereto.****15 5. A ship's lifeboat.****16 6. A type of vessel which has been exempted from registration by**  
**17 the commission after said commission has found that the registration**  
**18 or numbering of such vessel will not materially aid in their identifi-**  
**19 cation and such vessel would be exempt from numbering if it were**  
**20 subject to federal law.****1 SEC. 7. Collisions, Accidents and Casualties.****2 1. The operator of a vessel involved in a collision, accident or other**  
**3 casualty shall, so far as possible without serious danger to his own**  
**4 vessel, crew or passengers, render to other persons affected by the**  
**5 collision, accident or casualty, such assistance as may be practicable**  
**6 and necessary to save them from or minimize any danger caused by**  
**7 the collision, accident or other casualty. He shall also give his name,**  
**8 address and identification of his vessel in writing to any person in-**  
**9 jured and to the owner of any property damaged in the collision, acci-**  
**10 dent or other casualty.****11 2. Whenever any vessel numbered under this Act is involved in a**  
**12 collision, accident or casualty which results in loss of life, injury re-**  
**13 quiring medical attention, or property damage in excess of one hun-**  
**14 dred dollars, the operator of such vessel shall file with the commission**  
**15 a report of the occurrence, in writing, and containing such informa-**  
**16 tion as the commission may, by regulation, require. Said report shall**  
**17 be submitted within forty-eight hours in death cases and within five**  
**18 days in other cases.****1 SEC. 8. Transmittal of Information. When any request is duly**  
**2 made by an authorized official or agency of the United States, any**  
**3 information compiled or otherwise available to the commission under**  
**4 this Act, such information shall be transmitted to said official or**  
**5 agency.****1 SEC. 9. If any provision of this Act is declared unconstitutional**  
**2 or the applicability thereof is invalid, the constitutionality of the**  
**3 remainder of the Act shall not be affected.****1 SEC. 10. Classification and Required Equipment.****2 1. Vessels subject to the provisions of this Act shall be divided into**  
**3 four classes as follows:****4 Class I. Less than sixteen feet in length.****5 Class II. Sixteen feet or over and less than twenty-six feet in length.**

6 Class III. Twenty-six feet or over and less than forty feet in length.

7 Class IV. Forty feet or over.

8 2. Every vessel, in all weathers, from sunset to sunrise, shall carry  
9 and exhibit the following lights when under way, and during such  
10 time shall exhibit no other lights which may be mistaken for those  
11 required.

12 a. Every motorboat of class I and II shall carry the following  
13 lights:

14 (1) A bright white light aft to show all around the horizon.

15 (2) A combined lantern in the fore part of the vessel and lower  
16 than the white light aft, showing green to starboard and red to port,  
17 so fixed as to throw the light from right ahead to two points abaft  
18 the beam on their respective sides.

19 b. Every motorboat of classes III and IV shall carry the following  
20 lights:

21 (1) A bright white light in the fore part of the vessel as near the  
22 bow as practicable, so constructed as to show an unbroken light over  
23 an arc of the horizon of twenty points of the compass, so fixed as to  
24 throw the light ten points on each side of the vessel; namely, from  
25 right ahead to two points abaft the beam on either side.

26 (2) A bright white light aft to show all around the horizon and  
27 higher than the white light forward.

28 (3) A green light on the starboard side so constructed as to show  
29 an unbroken light over an arc of the horizon of ten points of the com-  
30 pass, so fixed as to throw the light from right ahead to two points  
31 abaft the beam on the starboard side. A red light on the port side,  
32 so constructed as to show an unbroken light over an arc of the hori-  
33 zon of ten points of the compass so fixed as to throw the light from  
34 right ahead to two points abaft the beam on the port side. The said  
35 side lights shall be fitted with inboard screens of sufficient height so  
36 set as to prevent these lights from being seen across the bow.

37 c. Vessels of class I and II, when propelled by sail alone, shall  
38 carry the combined lantern, but not the white light aft prescribed by  
39 this section. Vessels of classes III and IV when so propelled, shall  
40 carry the colored side lights, suitably screened, but not the white lights  
41 required by this section.

42 d. Vessels of all classes, other than motorboats and sailboats, shall  
43 carry ready at hand a lantern or flashlight showing a white light  
44 which shall be exhibited in sufficient time to avert collision.

45 e. Every white light required by this section shall be of such char-  
46 acter as to be visible at a distance of at least two miles. Every colored  
47 light required by this section shall be of such character as to be visible  
48 at a distance of at least one mile. The term 'visible' in this section,  
49 when applied to lights, shall mean visible on a dark night with clear  
50 atmosphere.

51 f. When propelled by sail and machinery, such motorboat shall  
52 carry the lights required by this section for a motorboat propelled by  
53 machinery only.

54 3. Every vessel shall carry and exhibit such other lights required  
55 by the rules and regulations of the commission.

56 4. Every motorboat of class II, III or IV shall be provided with an  
57 efficient whistle or other sound producing appliance.

58 5. Every motorboat of class III or IV shall be provided with an  
59 efficient bell.

60 6. Every vessel shall carry at least one life preserver, life belt, ring  
61 buoy or other device, of the sort prescribed by the regulations of the  
62 commission, for each person on board, so placed as to be readily  
63 accessible.

64 7. Every motorboat shall be provided with such number, size and  
65 type of fire extinguishers capable of promptly and effectually extin-  
66 guishing burning gasoline, as may be prescribed by the regulations  
67 of the commission. Such fire extinguishers shall, at all times, be  
68 kept in condition for immediate and effective use and shall be so  
69 placed as to be readily accessible.

70 8. The provisions of subsections four (4), five (5) and seven (7)  
71 of this section shall not apply to motorboats while competing in any  
72 race conducted pursuant to section seventeen (17) of this Act or, if  
73 such boats are designed and used solely for racing, while engaged in  
74 such navigation as is incidental to the tuning up of the boats and  
75 engines for the race.

76 The operator of a motorboat, while engaged in such race, must  
77 wear a crash helmet and life preserver.

78 9. Every motorboat shall have the carburetor or carburetors of  
79 every engine therein, except outboard motors, using a liquid of a  
80 volatile nature as fuel, equipped with such efficient flame arrestor,  
81 backfire trap or other similar device as may be prescribed by the rules  
82 and regulations of the commission.

83 10. Every motorboat, except open boats, using any liquid of a vola-  
84 tile nature as fuel, shall be provided with such means as may be pre-  
85 scribed by the rules and regulations of the commission for properly  
86 and efficiently ventilating the bilges of the engines and fuel tank  
87 compartments so as to remove any explosive or inflammable gases.

88 11. The commission is hereby authorized to make rules and regu-  
89 lations modifying the equipment requirements contained in this sec-  
90 tion to the extent necessary for the safety of operators and passengers.

91 12. The commission is hereby authorized to establish such pilot  
92 rules as may be necessary for the safe operation of vessels on the  
93 waters of this state under the jurisdiction of the commission.

94 13. No person shall operate or give permission for the operation  
95 of a vessel which is not equipped as required by this section or modi-  
96 fication thereof.

1 **SEC. 11. Boat Liveries.**

2 1. The owner of a boat livery shall cause to be kept a record of the  
3 name and address of the person or persons hiring any vessel which  
4 is designed or permitted by him to be operated for hire, the identi-  
5 fication number thereof, the departure date and time and the expected  
6 time of return. The records shall be preserved for six months.

7 2. The owner of a boat livery shall not permit any of his vessels,  
8 operated for hire, to depart from his premises unless it shall have  
9 been provided, either by the owner or renter, with the equipment re-  
10 quired by the commission.

1 **SEC. 12. Muffling Devices.** The exhaust of every internal com-  
2 bustion engine used on any motorboat shall be effectively muffled  
3 by equipment so constructed and used as to muffle the noise of the  
4 exhaust in a reasonable manner. The use of cutouts is prohibited,  
5 except for motorboats competing in a regatta or boat race approved

6 as provided in section seventeen (17) of this Act and for such motor-  
7 boats while on trial run during a period not to exceed forty-eight  
8 hours immediately preceding such regatta or race and for such motor-  
9 boats while competing in official trials for speed records during a  
10 period not to exceed forty-eight hours immediately following such  
11 regatta or race.

1 **SEC. 13. Prohibited Operation.**

2 1. No person shall operate any vessel, or manipulate any water  
3 skis, surfboard or similar device in a careless, reckless or negligent  
4 manner so as to endanger the life, limb or property of any person.

5 2. No person shall operate any vessel, or manipulate any water  
6 skis, surfboard or similar device while intoxicated or under the in-  
7 fluence of any narcotic drug, barbiturate or marijuana.

1 **SEC. 14. Penalty.** Any person violating any of the provisions of  
2 this Act, for which another penalty is not otherwise specifically pro-  
3 vided, shall, upon conviction or a plea of guilty, be fined not to exceed  
4 one hundred dollars or be imprisoned in the county jail not to exceed  
5 thirty days.

1 **SEC. 15. Operating Vessel While Intoxicated or Under Influence**  
2 **of Drugs.** Whoever, while in an intoxicated condition or under in-  
3 fluence of narcotic drugs, operates a vessel or manipulates any water  
4 skis, surfboard or similar device upon the public waters of this state,  
5 shall, upon conviction or a plea of guilty be punished, for the first  
6 offense by a fine of not less than three hundred dollars nor more than  
7 one thousand dollars, or by imprisonment in the county jail for a  
8 period of not to exceed one year, or by both such fine and imprison-  
9 ment; for the second offense by a fine of not less than five hundred  
10 dollars, nor more than one thousand dollars, or by imprisonment in  
11 the penitentiary for a period of not to exceed one year, or by both such  
12 fine and imprisonment; and for a third offense and each offense there-  
13 after, by imprisonment in the penitentiary for a period not to exceed  
14 three years.

15 The court shall also, in pronouncing sentence, provide for the revo-  
16 cation of the pilot's and engineer's license of the defendant, if any,  
17 and the immediate surrender of the defendant's liquor permit issued  
18 under chapter one hundred twenty-three (123). The clerk of court  
19 shall immediately certify to the commission a true copy of the judg-  
20 ment sentencing the defendant under this Act.

21 The court, in pronouncing sentence, may provide as to the period  
22 during which a pilot's and engineer's license shall not be issued or  
23 reissued to the defendant, provided said period shall be not less than  
24 sixty days nor more than one year from the date of sentence or revo-  
25 cation. If the court does not so provide, the commission may issue or  
26 reissue such license only upon application by the defendant after the  
27 expiration of a sixty day period following the date of sentencing.

28 The liquor control commission shall not issue the defendant a new  
29 liquor permit until such time as the court or judge of the court having  
30 original jurisdiction of the defendant, for good cause shown, shall so  
31 certify to the liquor control commission.

1 **SEC. 16. Water Skis and Surfboards.**

2 1. No person shall operate a vessel on any waters of this state under

3 the jurisdiction of the commission for towing a person or persons on  
4 water skis, surfboard or similar device unless there is in such vessel  
5 a responsible person, in addition to the operator, in a position to ob-  
6 serve the progress of the person or persons being towed.

7 2. No person shall operate a vessel on any waters of this state under  
8 the jurisdiction of the commission, towing a person or persons on  
9 water skis, surfboard or similar device, nor shall any person engage  
10 in water skiing, surfboarding or similar activity at any time between  
11 the hours from one hour after sunset to one hour before sunrise.

12 3. The provisions of subsections one (1) and two (2) of this sec-  
13 tion do not apply to a performer engaged in a professional exhibition  
14 or a person or persons engaged in a professional exhibition or a person  
15 or persons engaged in an activity authorized under section seventeen  
16 (17) of this Act.

#### 1 SEC. 17. Regattas, Races, Marine Parades, Tournaments or 2 Exhibitions.

3 1. The commission may authorize the holding of regattas, motor-  
4 boat or other boat races, marine parades, tournaments or exhibitions  
5 on any waters of this state under the jurisdiction of the commission.  
6 The commission shall adopt and may, from time to time, amend regu-  
7 lations concerning the safety of vessels and persons, either observers  
8 or participants. If a regatta, motorboat or other boat race, marine  
9 parade, tournament or exhibition is proposed to be held, the person  
10 in charge thereof shall file an application with the commission for  
11 permission to hold such regatta, motorboat or other boat race, marine  
12 parade, tournament or exhibition. The application shall set forth  
13 the date, time and location where it is proposed to hold such regatta,  
14 motorboat or other boat race, marine parade, tournament or exhibition  
15 and it shall not be conducted without written authorization of the  
16 commission.

17 2. The provisions of this section shall not exempt any person from  
18 compliance with applicable federal law or regulation, but nothing  
19 contained herein shall be construed to require the securing of a state  
20 permit under this section if a permit therefor has been obtained from  
21 an authorized agency having jurisdiction of the waters where such  
22 regatta, race, marine parade, tournament or exhibition is being con-  
23 ducted.

#### 1 SEC. 18. Local Regulations Prohibited.

2 1. The provisions of this Act and other applicable laws of this state  
3 shall govern the operation, equipment, numbering and all other mat-  
4 ters relating thereto of any vessel whenever such vessel is operated  
5 or maintained on the waters of this state under the jurisdiction of  
6 the commission, but nothing in this Act shall be construed to prevent  
7 the adoption of any ordinance or local law relating to the oper-  
8 ation of equipment of vessels. Such ordinances or local law shall  
9 be operative only so long as they are not inconsistent with the pro-  
10 visions of this Act or the rules and regulations adopted by the  
11 commission.

12 2. Any subdivision of this state may, but only after public notice  
13 thereof by publication in a newspaper having a general circulation in  
14 such subdivision, make formal application to the commission for  
15 special rules and regulations concerning the operation of vessels on  
16 any waters within its territorial limits and shall set forth therein the



17 reasons which make such special rules or regulations necessary or  
18 appropriate.

19 3. The commission is hereby authorized upon application of local  
20 authorities to make special rules and regulations, in conformity with  
21 this Act, concerning the operation of vessels on any waters of this  
22 state under the jurisdiction of the commission within the territorial  
23 limits of any subdivision of this state.

1 SEC. 19. **Owner's Civil Liability.** The owner and operator of any  
2 undocumented vessel shall be liable for any injury or damage occa-  
3 sioned by the negligent operation of such vessel.

1 SEC. 20. **Inspectors, Water Safety Patrolmen and Conservation**  
2 **Officers.** The commission shall appoint one or more qualified persons  
3 as boat inspectors and water safety patrolmen.

4 Boat inspectors, water safety patrolmen and conservation officers  
5 are herewith vested with the powers and charged with the duties of  
6 peace officers in enforcing the provisions of this Act.

1 SEC. 21. **Boat Inspection.** Any person having, upon any waters  
2 of this state under the jurisdiction of the commission, any vessel,  
3 either for hire or offered for hire, must have such vessel and all its  
4 appurtenances annually inspected.

5 Every such owner shall file in the office of the commission, an appli-  
6 cation for inspection of such vessels on a blank furnished by the  
7 commission for that purpose.

8 Boat inspectors, conservation officers and water safety patrolmen  
9 shall have the power and authority to determine whether such vessel  
10 is safe for the transportation of passengers or cargo and upon what  
11 waters it may be used. They may determine and designate the num-  
12 ber of passengers or cargo, including crew, that may be carried and  
13 determine whether the machinery, equipment and all appurtenances  
14 are such as to make said vessels seaworthy, where used, and such  
15 other matters as are pertinent.

16 After such vessels have been inspected as provided herein, a cur-  
17 rent inspection seal or tag shall be issued by the commission and shall  
18 be kept posted in a conspicuous place upon or in such vessel. Any  
19 inspection seal or tag shall be in effect only for the calendar year for  
20 which the inspection seal or tag is issued.

21 Private vessels may also be inspected to determine their seaworthi-  
22 ness at any time by representatives of the commission.

1 SEC. 22. **Fees.** The annual fee for the inspection of vessels oper-  
2 ated for hire shall be based upon the passenger-carrying capacity,  
3 including crew, for which such vessel is registered.

4 Such fee shall be computed at the rate of fifty cents per person ca-  
5 pacity, except rowboats, but shall be not less than one dollar and shall  
6 not exceed the maximum of twenty dollars. The fee for inspecting  
7 rowboats shall be one dollar per boat.

8 The annual fee for pilot's license is one dollar.

9 The annual fee for engineer's license is two dollars.

10 The provisions of this section shall be applicable to all vessels which  
11 are rented to the public for hire, including vessels furnished with  
12 leased cottages. If such vessels are found to be in satisfactory con-  
13 dition, the boat inspector shall attach thereto a small plate or inspec-

14 tion seal, indicating the date of inspection and the passenger-carrying  
15 capacity. The owner of such vessel shall not offer it for hire or allow  
16 it to be so used until such inspection has been made and the vessel  
17 found to be in satisfactory condition.

18 There shall be no fee charged for the inspection of private vessels  
19 not used for hire.

20 The boat inspector or conservation officer shall collect all inspection  
21 fees and forward them to the commission.

22 All fees collected shall be forwarded by the commission to the  
23 treasurer of the state, who shall place such money in a conservation  
24 fund. The money so collected shall be appropriated by the legislature  
25 to the commission solely for the administration and enforcement of  
26 navigation laws and water safety.

1 SEC. 23. **Engineer or Pilot License.** No vessel shall be operated  
2 for hire by a pilot or engineer upon the waters of this state under the  
3 jurisdiction of the commission unless he first obtains an engineer's  
4 or pilot's license. A pilot's license is required for any person who  
5 has charge of the steering or directing of the vessel's course or who  
6 does the steering or directs the vessel's course. An engineer's license  
7 is required for all operators who have charge of or operate the equip-  
8 ment by which the boat is propelled. If one person acts in a dual or  
9 alternate capacity, he shall first obtain both an engineer's and pilot's  
10 license.

11 Any person desiring a pilot's or engineer's license shall file an appli-  
12 cation with the commission upon forms prepared and furnished by  
13 the commission. Such license may be issued by the commission only  
14 upon recommendation of a boat inspector, water safety patrolman or  
15 conservation officer duly authorized by the commission. Before the  
16 boat inspector, water safety patrolman or conservation officer recom-  
17 mends such a license, he shall investigate the competency of the appli-  
18 cant, his acquaintance with and experience in boat work, his habits  
19 as to sobriety, his mental and physical qualifications for the work, his  
20 acquaintance with the waters for which application to operate upon  
21 is made, his familiarity with the laws and regulations pertaining to  
22 the vessel operation and all other pertinent matters. Such license  
23 shall not be issued to anyone under eighteen years of age.

24 Engineer's and pilot's licenses shall be in effect only for the cal-  
25 endar year in which such license is issued.

1 SEC. 24. **Suspension or Revocation.**

2 1. The boat inspector, water safety patrolman or conservation  
3 officer may, for cause, temporarily suspend the registration certificate  
4 of any vessel and the license of a pilot or engineer, that has been issued  
5 under this Act, and the commission, after a due hearing on the matter  
6 at its next session, shall make final determination in the matter.

7 2. The commission shall forthwith revoke the registration certifi-  
8 cate of any vessel and the pilot's or engineer's license of the operator  
9 of such vessel upon receiving a record of such owner or operator's  
10 conviction of any of the following offenses, when such conviction has  
11 become final.

12 a. Manslaughter resulting from the operation of a vessel.

13 b. Operating a vessel or manipulating water skis, surfboard or  
14 similar device while in an intoxicated condition or under influence of  
15 a narcotic drug.

16 c. Failure to stop and render aid as required by this Act when a  
17 collision, accident or other casualty results in the death or personal  
18 injury of another.

19 d. Perjury or the making of a false affidavit or statement under  
20 oath to the commission under this Act relating to the ownership or  
21 operation of a vessel.

22 3. The commission is hereby authorized to suspend the registration  
23 certificate of any vessel and the pilot's or engineer's license of an  
24 operator upon a showing by its records that the owner or operator:

25 a. Has committed an offense for which mandatory revocation of  
26 registration certificate or pilot's or engineer's license is required upon  
27 conviction.

28 b. Is a habitual reckless or negligent operator of a vessel.

29 c. Is incompetent to operate a vessel.

30 d. Has permitted an unlawful or fraudulent use of such registration  
31 certificate or pilot's or engineer's license.

1 SEC. 25. **Overloading of Vessels.** No person owning or operating  
2 a vessel shall permit said vessel to be occupied by more passengers  
3 and crew than the registration capacity permits.

1 SEC. 26. **Penalty.** If any owner, agent or master of any vessel,  
2 plying the waters of this state, shall hire or offer for hire, such vessel  
3 for the carrying of a person or persons thereon, without first obtain-  
4 ing annually, a permit as in this Act required, and before operating  
5 such vessel in such service; or if the owner, agent or master, having  
6 obtained such permit, receives for carriage or permits carriage on  
7 such vessel a greater number of persons than authorized therein, or  
8 if any person acts as pilot or engineer on any vessel, for which inspec-  
9 tion and registration are required, without first obtaining a permit  
10 therefor; or if such pilot or engineer continues to follow such avoca-  
11 tion after the same has been revoked or expired, he shall be fined in  
12 a sum not to exceed one thousand (1000) dollars or imprisoned in the  
13 county jail not to exceed one year or punished by both such fine and  
14 imprisonment. The provisions of this section shall not apply to  
15 vessels registered or numbered by authority of the United States.

1 SEC. 27. **Right-of-way Rules.** Vessel traffic shall be governed  
2 by the following rules:

3 1. Passing from rear—keep to the operator's left.

4 2. Passing headon—keep to the operator's right.

5 3. Passing at right angles—vessel at the right has the right-of-way.

6 4. Manually propelled vessels have the right-of-way over all other  
7 vessels.

8 5. Sailboats have the right-of-way over all motor driven vessels.  
9 Motorboats, when meeting or overtaking sailboats, shall always pass  
10 on the leeward side.

11 6. Any vessel backing from a landing has the right-of-way over  
12 incoming vessels.

13 7. The commission is authorized to promulgate further rules and  
14 regulations governing vessel traffic.

1 SEC. 28. **Removal of Non-permanent Structures.** Every vessel  
2 or structure, not considered a permanent structure by the commission  
3 or excepted by the regulations of the commission, shall be removed

4 from the waters of this state under the jurisdiction of the commission  
5 on or before December fifteen of each year.

1 **SEC. 29. Unworthy Vessels Drydocked.** No person shall place or  
2 allow to remain in the waters of this state under the jurisdiction of  
3 the commission, any vessel which has failed to pass inspection.

1 **SEC. 30. Official Duty Exempted.** Members of the commission,  
2 its deputies, agents and employees shall not be deemed violating the  
3 provisions of this Act while on emergency duty and acting within  
4 the scope of their employment.

1 **SEC. 31. Aircraft Restriction.** It shall be unlawful for any air-  
2 craft to make use of the inland lakes of the state, except in the trans-  
3 portation of persons or property between points separated by a dis-  
4 tance of thirty miles or more. Nothing herein shall prohibit the use  
5 of such waters by any aircraft in danger or distress or the use of such  
6 waters by the operators of private aircraft, not operated for hire.  
7 The foregoing provisions notwithstanding, the commission may, on  
8 the recommendation of the Iowa aeronautics commission, designate  
9 certain areas on inland lakes of the state where seaplane flight in-  
10 struction may be conducted under such conditions as may be adopted  
11 by the commission and the Iowa aeronautics commission.

1 **SEC. 32. Artificial Lakes.**

2 1. No motorboats with inboard motors; motorboats of plane or  
3 gliding type, including combination plane and displacement types,  
4 propelled by an outboard motor; rowboats of displacement type with  
5 outboard motor, shall be permitted on any artificial lake under the  
6 jurisdiction of the commission except that rowboats or motorboats  
7 equipped with an outboard motor, not to exceed six horsepower shall be  
8 permitted upon any artificial lake of one hundred acres or more in size.

9 2. No person shall operate any sailboat on any artificial lake under  
10 the jurisdiction of the commission except those lakes specifically des-  
11 ignated by the commission. All sailboats, so operated, must be of a  
12 type and size approved by the commission.

13 3. All privately-owned boats on artificial lakes under the juria-  
14 diction of the commission shall be kept at locations designated by the  
15 commission.

16 4. All privately-owned rowboats, used on or kept at the artificial  
17 lakes under the jurisdiction of the commission, shall be seaworthy  
18 for the waters where they are kept and used. All such boats shall be  
19 removed from state property whenever ordered by the commission,  
20 and, in any event, shall be removed from such property not later than  
21 December fifteen of each year.

1 **SEC. 33. Regulations for Buoys.**

2 1. No private buoy shall be maintained in the waters of this state  
3 under the jurisdiction of the commission except as specified by the  
4 rules and regulations of the commission.

5 2. No other obstruction of any kind shall be maintained in the  
6 waters of this state under the jurisdiction of the commission without  
7 first receiving permission from the commission to maintain such  
8 obstruction.

9 3. It shall be unlawful to tamper with, move or attempt to move  
10 any state-owned buoy.

11 4. No boat shall be anchored away from the shore and left un-  
12 guarded unless it is attached to a legal buoy.

1 SEC. 34. Driving over Ice. No craft or vehicle operating on the  
2 surface of ice on the inland lakes and streams of this state and pro-  
3 pelled by machinery in whole or in part, except ice-cutting machinery,  
4 automobiles, motorcycles and trucks when such are used without  
5 endangering public safety, shall be operated without a permit issued,  
6 by the commission, for such operation. Any such permit issued may  
7 be revoked by the commission if such craft or vehicle is operated in a  
8 careless manner as endangers others."

Approved April 26, 1961.

## CHAPTER 88

### NONRESIDENT WATERCRAFT

H. F. 23

AN ACT relating to the use, operation or maintenance of watercraft in the waters of this state by nonresidents.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. The use, operation or maintenance by any nonresident  
2 of watercraft in the waters of this state, shall be deemed an appoint-  
3 ment by such nonresident of the secretary of state as his true and  
4 lawful attorney upon whom may be served all original notices of suit  
5 growing out of such use, operation or maintenance or resulting in  
6 damage or loss to person or property and said use, operation or main-  
7 tenance shall be deemed an agreement by such nonresident that any  
8 original notice of suit so served shall be of the same legal force and  
9 validity as if personally served on him in this state.

1 SEC. 2. The term "person" as used in this Act means:  
2 1. The owner of watercraft whether it is being used and operated  
3 personally by said owner or by his agent.  
4 2. An agent using and operating the watercraft for his principal.  
5 3. Any person who is in charge of the watercraft and of the use  
6 and operation thereof with the express or implied consent of the  
7 owner.

1 SEC. 3. The original notice of suit filed with the secretary of state  
2 shall be in form and substance the same as now provided in suits  
3 against residents of this state, except that the part of said notice  
4 pertaining to the return day shall be in substantially the following  
5 form, to wit:  
6 "and unless you appear thereto and defend in the district court of  
7 Iowa in and for.....county at the courthouse in.....,  
8 Iowa before noon of the sixtieth day following the filing of this notice  
9 with the secretary of state, default will be entered and judgment  
10 rendered against you."

1 SEC. 4. Plaintiff in any such action shall cause the original notice  
2 of suit to be served as follows: